

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



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

**Final Agenda
City of Fayetteville Arkansas
City Council Meeting
November 1, 2004**

A meeting of the Fayetteville City Council will be held on November 1, 2004 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

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

Presentation of Fire Department Service Awards

A. CONSENT:

1. **Approval of the Minutes:** Approval of the October 19, 2004 City Council meeting minutes.

APPROVED.

2. **Professional Engineering Services Agreement with RJN Group Amendment:** A resolution approving Contract Amendment #1 to the June 15, 2004 agreement for professional engineering services with RJN Group, Inc. in the amount of \$175,000.00 to initiate the Farmington sanitary sewer rehabilitation improvements as set forth in the settlement agreement.

APPROVED AND SHALL BE RECORDED AS RESOLUTION NO. 169-04.

3. **FAA Contract Tower Cost Share Program:** A resolution accepting the Federal Aviation Administration (FAA) Benefit/Cost Calculation of .91 for the FAA Contract Tower Cost Share Program; and approving a two-year Cost Sharing Agreement beginning March 1, 2005 with the FAA.

APPROVED AND SHALL BE RECORDED AS RESOLUTION NO. 170-04.

4. **Arkansas Aeronautics Department Grant Amendment T-Hangar "H":** A resolution authorizing the Fayetteville Municipal Airport staff to accept an increase in the grant amount of \$50,000.00 (for a total of \$150,000.00) from the Arkansas Department of Aeronautics for the construction of a new T-Hangar; and approving a budget adjustment recognizing the increased grant revenue.

APPROVED AND SHALL BE RECORDED AS RESOLUTION NO. 171-04.

5. **Vehicle & Maintenance Fueling:** A resolution approving a Budget Adjustment in the amount of \$195,100.00 to various vehicle and machine maintenance fueling accounts, due to unanticipated fuel cost increases.

APPROVED AND SHALL BE RECORDED AS RESOLUTION NO. 172-04.

B. UNFINISHED BUSINESS

1. **Arkansas Blue Cross & USABLE Insurance Benefit Plan Renewal:** A resolution exercising the first of five one-year options to renew employee group policies with USABLE Life to provide life, accidental death and dismemberment, and long term disability insurance coverage, and with Blue Cross/Blue Shield for the group medical plan. *This resolution was tabled at the October 19, 2004 City Council Meeting to the November 1, 2004 City Council Meeting.*

APPROVED AND SHALL BE RECORDED AS RESOLUTION NO. 173-04.

2. **RZN 04-1164 (Clevenger Duplexes):** An ordinance rezoning that property described in rezoning petition RZN 04-1164 as submitted by Melissa Curiel for property located south of Wedington Drive and east of 54th Avenue, containing approximately 4.93 acres from R-A, Residential Agricultural to RMF-6, Residential Multi Family, six units per acre subject to a Bill of Assurance limiting the number and type of structures to duplex and single family use. *This ordinance was left on the first reading at the October 19, 2004 City Council Meeting.*

APPROVED AND SHALL BE RECORDED AS ORDINANCE NO. 4630.

3. **RZN 04-1189 (Jackson/Humphries):** An ordinance rezoning that property described in rezoning petition RZN 04-1189 as submitted by Nick Wilson for property located at the northwest corner of South School Avenue and Sunrise Mountain Road containing approximately 7.91 acres from R-A Residential Agricultural and C-2, Thoroughfare Commercial to I-1 Heavy Commercial, Light Industrial. *This ordinance was left on the first reading at the October 19, 2004 City Council Meeting.*

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

4. **R-PZD 04-1181 (Walnut Crossing):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 04-1181, Walnut Crossing located north of Highway 62, east of Layne Street containing 43.30 acres, more or less; amending the official zoning map of the City of Fayetteville; and adopting the Associated Residential Development

Plan as approved by the Planning Commission. *This ordinance was left on the first reading at the October 19, 2004 City Council Meeting.*

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

5. **ADM 04-1258 (Wilson Street/Walnut Crossing):** A resolution amending the Master Street Plan to relocate Wilson Street, a proposed Collector Street, approximately 600 feet north as apart of R-PZD 1181, Walnut Crossing, as described in the staff report attached hereto and made a part hereof. *This ordinance was tabled at the October 19, 2004 City Council Meeting to the November 1, 2004 City Council Meeting.*

THIS ITEM WAS TABLED TO THE NOVEMBER 16, 2004 MEETING.

C. NEW BUSINESS:

1. **University of Arkansas Campus Transportation Study:** A resolution approving cost-sharing with the University of Arkansas in an amount not to exceed \$30,000.00 to participate in the Campus Transportation Study.

APPROVED AND SHALL BE RECORDED AS RESOLUTION NO. 174-04.

2. **ANX 04-1212 (Harper/Bowen):** An ordinance confirming the annexation to the City of Fayetteville, Arkansas, of certain property located at 5512 George Anderson Road containing approximately 2.68 acres.

APPROVED AND SHALL BE RECORDED AS ORDINANCE NO. 4631.

3. **RZN 04-1213 (Harper/Bowen):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1213 as submitted by Mickey Harrington for property located at 5512 George Anderson Road containing approximately 2.68 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, Four Units Per Acre.

APPROVED AND SHALL BE RECORDED AS ORDINANCE NO. 4632.

4. **RZN 04-1219 (Hancock/Wilson):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1219 as submitted by Project Design Consultants for property located at 2389 Salem Road containing approximately 14.94 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, Four Units Per Acre.

APPROVED AND SHALL BE RECORDED AS ORDINANCE NO. 4633.

5. **RZN 04-1221 (Scott):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1221 as submitted by Ed and Patricia Scott for property located at 3196 Skillern Road containing approximately 2.01 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, Four Units Per Acre.

APPROVED AND SHALL BE RECORDED AS RESOLUTION NO. 4634.

6. **RZN 04-1223 (Hoskins):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1223 as submitted by Tracy Hopkins for property located at 1719 North

Ripple Road containing approximately 11.73 acres from RSF-1, Residential Single Family, One Unit per Acre to RSF-4, Residential Single Family, Four Units per Acre.

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

7. **RZN 04-1225 (Conner):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1225 as submitted by Robert Jeff Conner for property located at 3398 E. Huntsville Road containing approximately 0.78 acres from RSF-4, Residential Single Family, Four Units per Acre to R-O, Residential Office.

APPROVED AND SHALL BE RECORDED AS ORDINANCE NO. 4635.

8. **VAC 04-1226 (Habitat for Humanity):** An ordinance approving VAC 04-1226 submitted by Habitat for Humanity for property located at 222, 224 and 226 East 13th Street as described on the attached map and legal description.

APPROVED AND SHALL BE RECORDED AS ORDINANCE NO. 4636.

9. **VAC 04-1227 (Habitat for Humanity):** An ordinance approving VAC 04-1227 submitted by Habitat for Humanity for property located at 221, 223, and 225 East 13th Street as described on the attached map and legal description.

APPROVED AND SHALL BE RECORDED AS ORDINANCE NO. 4637.

10. **Cost Lien for Raze and Removal at 1905 S. Brower Avenue:** A resolution certifying to the Tax Collector of Washington County the costs of the razing and removal of a dilapidated and unsafe structure upon the property owned by Jonathan M. and Jennifer L. Rich located at 1905 S. Brower Avenue in the City of Fayetteville, Arkansas.

APPROVED AND SHALL BE RECORDED AS RESOLUTION NO. 175.04.

MEETING ADJOURNED AT 7:15 P.M.

Adjourn 7:15

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

Subject:	Consent				
Motion To:		Approve			
Motion By:		Jordan			
Seconded:		Odom			
	Odom	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Mayor Coody				

Consent
Approved
 Res.
 169-04
 to
 172-04

Subject:	Arkansas Blue Cross				
Motion To:					
Motion By:					
Seconded:					
B.I. unfinished	Odom				
	Lucas				
	Jordan				
	Reynolds				
	Thiel				
	Cook				
	Marr				
	Rhoads				
	Mayor Coody				

Subject:	Option A - Maintain Stop Loss				
Motion To:		Approve			Share Cost
Motion By:		Marr			between
Seconded:		Jordan			City & Employee
Passed 173-04	Odom	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Mayor Coody				

Subject:	RZN 04-1164 Cleverger				
Motion To:		2nd read	3rd read	Pass	
Motion By:		Rhoads	Reynolds		
Seconded:		Marr	Jordan		
B. 2. Unfinished Passed Got copy of Bill of Assurance 4630	Odom	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Reynolds	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Mayor Coody				

Subject:	RZN 04-1189 Jackson/Humphries				
Motion To:		2nd read		Amend # of Acres	
Motion By:		Reynolds		Reynolds	
Seconded:		Marr		Thiel	
B. 3. Unfinished Amended and Left on the Second Reading.	Odom	✓		✓	
	Lucas	✓		✓	
	Jordan	✓		✓	
	Reynolds	✓		✓	
	Thiel	✓		✓	
	Cook	✓		✓	
	Marr	✓		✓	
	Rhoads	✓		✓	
	Mayor Coody				

Subject:	R. P20 04-1181 Walnut Crossing				
Motion To:		2nd read			
Motion By:		Lucas			
Seconded:		Thiel			
B.4. Unfinished Left on Second Reading	Odom	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Mayor Coody				

Subject:	ADM 04-1258 Wilson Street Walnut Crossing				
Motion To:		Table until November 16, 2004			
Motion By:		Cook			
Seconded:		Jordan			
B.5. Tabled until 12/16/04	Odom	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Mayor Coody				

Subject:	U of A Campus Transportation Study				
Motion To:		Approve			
Motion By:					
Seconded:					
#1 New Business passed Passed 174-04	Odom	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Mayor Coody				

Subject:	ANX 04-1212 Harper/Bowen				
Motion To:		2nd read	3rd read	Pass	
Motion By:		Reynolds	Jordan		
Seconded:		Rhoads	Lucas		
#2 New Business Passed 4631	Odom	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Reynolds	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Mayor Coody				

Subject:	R Z N 04-1213 Harper / Bowen				
Motion To:		2nd read	3rd read	Pass	
Motion By:			Odom		
Seconded:					
	Odom	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Reynolds	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Mayor Coody				

#3
New
Business
Passed
4632

Subject:	R Z N - 04-1219 Hancock / Wilson				
Motion To:		Amended	2nd read	3rd read	Pass
Motion By:		Odom	Jordan	Jordan	
Seconded:		Jordan	Lucas	Lucas	
	Odom	✓	✓	✓	✓
	Lucas	✓	✓	✓	✓
	Jordan	✓	✓	✓	✓
	Reynolds	✓	✓	✓	✓
	Thiel	✓	✓	✓	✓
	Cook	✓	✓	✓	✓
	Marr	✓	✓	✓	✓
	Rhoads	✓	✓	✓	✓
	Mayor Coody				

#4
New
Business
Passed
as Amended
4633

Subject:	RZN 04-1221 Scott.				
Motion To:		2nd read	3rd read	Pass	
Motion By:		Rhoads	Rhoads		
Seconded:		Marr	Marr		
#5 New Business Passed 4634	Odom	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Reynolds	✓	✓	✓	
	Thiel	absent during vote	✓	✓	
	Cook	✓	✓	✓	
	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Mayor Coody				

Subject:	RZN 04-1223 Hoskins				
Motion To:					
Motion By:					
Seconded:					
#6 New Business Left on the First Reading	Odom				
	Lucas				
	Jordan				
	Reynolds				
	Thiel				
	Cook				
	Marr				
	Rhoads				
	Mayor Coody				

Subject:	RZN 04-1225 Conner				
Motion To:		2nd read	3rd read	Pass	
Motion By:		Odom	Thiel		
Seconded:		Reynolds	Reynolds		
#7 New Business passed 4635	Odom	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Reynolds	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Mayor Coody				

Subject:	VAC 04-1226 Habitat for Humanity				
Motion To:		2nd read	Amend	3rd read	Pass
Motion By:		Odom	Thiel	Odom	
Seconded:		Reynolds	Reynolds	Reynolds	
#8 New Business 6-2 passed 4636	Odom	✓	✓	✓	✓
	Lucas	✓	✓	✓	✓
	Jordan	✓	✓	✓	✓
	Reynolds	✓	✓	✓	✓
	Thiel	✓	✓	✓	✓
	Cook	✓	✓	✓	N
	Marr	✓	✓	✓	N
	Rhoads	✓	✓	✓	✓
	Mayor Coody				

Subject:	VAC 04-1227 Habitat for Humanity				
Motion To:		Amend	2nd read	3rd read	Pass
Motion By:					
Seconded:					
#9 New Business 6-2 passed 4637	Odom	✓	✓	✓	✓
	Lucas	✓	✓	✓	✓
	Jordan	✓	✓	✓	✓
	Reynolds	✓	✓	✓	✓
	Thiel	✓	✓	✓	✓
	Cook	✓	✓	✓	N
	Marr	✓	✓	✓	N
	Rhoads	✓	✓	✓	✓
	Mayor Coody				

Subject:	Cost Lien for Raze & Removal				
Motion To:					
Motion By:		Jordan			
Seconded:		Lucas			
#10 New Business Passed 175-04	Odom	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Mayor Coody				

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B.1
AR BCBS & USABLE
Benefit Plan Renewal

City Council Meeting of November 1, 2004

CITY COUNCIL AGENDA MEMO

TO: Mayor Dan Coody and City Council

THRU: Hugh Earnest, Chief Administrative Officer
Stephen Davis, Finance & Internal Services Director

FROM: Michele Bechhold, Human Resources Director MB

DATE: October 25, 2004

SUBJECT: Additional Information Regarding Group Medical Renewal

Attached is an informational sheet outlining the proposed change to the annual stop loss provision. Included on this page are two optional benefit and funding scenarios. These cost estimates have been updated using the November 2004 group medical census numbers.

Annual out-of-pocket maximum and annual stop loss refer to the same plan provision. Stop loss is used in this example in an effort to avoid confusion with the annual deductible amount.

To summarize the group medical information:

From the City's point-of-view:

2004 Plan Cost \$2,392,272
2005 Proposed Plan Cost \$2,595,030

Other options result in higher costs for the City and/or City and employee.

From the Employees' Point of View:

Deductible Amount	2004	2005	Change
Individual	\$500	\$500	-0-
Family	\$500 x 2	\$500 x 2	-0-
Stop Loss Amount			
Individual	\$1,000	\$2,000	+\$1,000
Family	\$2,000	\$4,000	+\$2,000

For your information, I have also attached a summary of the proposed changes to the dental plan.

Staff is available to answer any questions you may have.

PROPOSED MEDICAL STOP LOSS CHANGES AND PREMIUM PAYMENT OPTIONS

Current Annual Stop Loss

Individual \$1,000 = 20% of \$5,000 in charges
Family \$2,000 = 20% of \$10,000 in charges

Proposed Annual Stop Loss

Individual \$2,000 = 20% of \$10,000 in charges
Family \$4,000 = 20% of \$20,000 in charges

No change is proposed to the \$500 deductible.

Current (2004) BCBS Monthly Premium Amounts

Current Cost to the City – \$2,392,272

Monthly Cost	Individual	Family
City	182.20	408.73
Employee	8.26	54.52

Proposed 2005 Monthly Premiums WITH Increased Stop Loss & All Increase Paid by City

Incremental Cost to the City 7.6% - \$202,758

Monthly Cost	Individual	Family
City	196.67	443.94
Employee	8.26	54.52

Option A: 2005 Monthly Premiums NO Change to the Stop Loss & Increase Shared by City and Employees

Incremental Cost to the City 10.89% – \$260,511

Monthly Cost	Individual	Family
City	202.04	453.24
Employee	9.16	60.46

Option B: Proposed 2005 Monthly Premiums NO Change to the Stop Loss & All Increase Paid by City

Incremental Cost to the City 10.89% – \$290,537

Monthly Cost	Individual	Family
City	202.94	459.18
Employee	8.26	54.52

PROPOSED CHANGES TO THE 2005 DENTAL PLAN

Delta presented the City with a 17% increase to the premium rates for 2005. Below are our current dental premiums and the premium amounts if the City were to accept the 17% rate increase.

Type of Coverage	2004 Monthly Premium	2005 Monthly Premium with 17% Increase & No Benefit Changes
Individual	19.46	22.77
Family	64.28	75.21

A brief history of dental renewal increases and premium rates is outlined below. 2004 premiums reflect a realized increase of 40% on individual rates and 41% on family rates since 2002.

Type of Coverage	2002 Monthly Rates	Renewal Increase for 2003	2003 Monthly Rates	Renewal Increase for 2004	2004 Monthly Rates
Individual	13.90	14%	15.84	23%	19.46
Family	45.84	14%	52.26	23%	64.28

Faced with another double digit increase this renewal period, dental was bid out. Delta offered 0% increase if the City would move to a plan with the much more prevalent 100/80/50 benefit structure. After reviewing the bid options, the Wage & Benefit Committee recommended moving to the 100/80/50 benefit structure, and Staff supported this recommendation. This proposal holds premiums steady for 2005. The chart below outlines the changes to the plan. There will be no change to the \$1,500 annual max per person or to the \$1,000 lifetime max for child orthodontia.

Current Plan Benefit Structure

Coverage Class	2004 Plan % Paid	\$50 Deductible Applies
Preventive	100	No
Basic Restorative	100	No
Major Restorative	50	Yes
Orthodontic	50	Yes

Proposed Plan Benefit Structure

Coverage Class	2005 Plan % Paid	\$50 Deductible Applies
Preventive	100	No
Basic Restorative	80	Yes
Major Restorative	50	Yes
Orthodontic	50	Yes

Listed below is a brief example of some of the most frequently utilized procedures for each class of coverage. This list does not include all procedures.

Preventive

Cleaning
Xrays
Exams

Basic Restorative

Fillings
Root Canals
Oral Surgery
Periodontic

Major Restorative

Crowns
Bridges
Dentures/Denture Repair

MINUTES OF A MEETING OF THE PLANNING COMMISSION

A regular meeting of the Planning Commission was held on Monday, October ²⁵~~11~~, 2004 at 5:30 p.m. in room 219 of the City Administration Building, 113 W. Mountain, Fayetteville, Arkansas.

ITEMS CONSIDERED

ADM 04-1299: (STONEBRIDGE MEADOWS PH. II)

Page 3

CUP 04-1224: (JOHNNY WALKER, 529)

Page 4

RZN 04-1223: Rezoning (TRACY HOSKINS, 361)

Page 6

RZN 04-1221: Rezoning (SCOTT, 255)

Page 9

RZN 04-1219: Rezoning (HANCOCK/WILSON, 323)

Page 11

RZN 04-1225: Rezoning (CONNER LAW FIRM, 529)

Page 13

ANX 04-1212: Annexation (HARPER/BOWEN, 100)

Page 15

RZN 04-1213: Rezoning (HARPER/BOWEN, 100)

Page 17

ACTION TAKEN

Approved

Forwarded

Forwarded

Forwarded

Forwarded

Forwarded

Forwarded

MEMBERS PRESENT

Alan Ostner

Christian Vaught

Sean Trumbo

James Graves

Nancy Allen

Loren Shackelford

Christine Myres

Candy Clark

MEMBERS ABSENT

Jill Anthes

STAFF PRESENT

Dawn Warrick

Suzanne Morgan

Dawn Warrick

Brent O'Neal

Kit Williams

STAFF ABSENT

Renee Thomas

Jeremy Pate

Planning Commission

October 25, 2004

Page 2

Ostner: Good evening. Welcome to the October 25th meeting of your Planning Commission. Could you call the roll Suzanne?

Roll Call: Upon the completion of roll call there were eight commissioners present with Commissioner Anthes being absent.

Approval of the Minutes

Ostner: Thank you. The first item is the approval of the minutes from the October 11th meeting. Do I have a motion for approval?

Shackelford: So moved.

Allen: Second.

Ostner: I have a motion by Mr. Shackelford and a second by Ms. Allen. Are there any comments about the minutes? Could you call the roll?

Roll Call: Upon the completion of roll call the motion to approve the minutes from the October 11th meeting was approved.

ADM 04-1299: Administrative Item (STONEBRIDGE MEADOWS PH. II): The request is to amend the approved PPL 03-17.00 of Stonebridge Meadows Phase II subdivision to create two phases for construction and platting.

Ostner: Thank you. First item on our agenda is the consent agenda. ADM Item 04-1299. It's the ADM item for Stonebridge Meadows Phase II. Would anyone in the audience like to have this removed from the consent agenda? Or would any commissioners like it removed? Seeing none, is there a motion for approval of the consent agenda?

Clark: So moved.

Ostner: A motion by Commissioner Clark. Is there a second?

Myers: Second.

Ostner: A second by Commissioner Myers. Is there discussion?

Roll Call: Upon the completion of roll call the motion to approve the consent agenda was approved 8-0-0.

CUP 04-1224: Conditional Use (JOHNNY WALKER, 529): Submitted by JOHN M. WALKER for property located at 3548 E HUNTSVILLE ROAD. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 0.51 acres. The request is to approve a multi-family use in an R-O. Residential Office, Zoning District.

Ostner: Thank you. Our first item is CUP 04-1224. Conditional Use for Johnny Walker. If we could have the staff report please.

Warwick: This Conditional Use request is for property located at 3548 E. Huntsville Road. It is just under one mile east of Dead Horse Mountain Road. The property consists of just over half an acre. It's currently zoned R-O, Residential Office. And the development on the site currently consists of one duplex, a barbershop, and the foundation of a single family home that recently was destroyed by fire. The applicant proposes to construct one duplex on the subject property to replace the single family home that, as I mentioned, was destroyed. On the property, one duplex is permitted by right. Because there is an existing duplex on the property and the applicant is proposing to construct two additional units, that does put them into the category of multi-family, which can be permitted, but only by Conditional Use approval in the R-O zoning district. Which, of course, is what's being requested, a Conditional Use for Use Unit 26, multi-family dwellings within a R-O zoning district. Staff does find that granting the Conditional Use will not adversely affect the public interest. We are looking at solely adding one additional residence to the existing site. There will be no substantial increase in traffic generated by this proposal. There is existing sufficient ingress and egress. Utilities are existing and provided for the property. Additionally, this use is generally compatible with adjacent residential and multi-family uses and has existed in a similar state for many years without complaint. The allowance of an additional unit along with improvement to existing access and screening of the parking will benefit the neighborhood and other properties within the area. Surrounding land uses are primarily residential, both single family, as well as a mobile home park to the west. There is property that is split zoned, C-1 and R-A to the south, across Huntsville road, and the property to the north, while zoned residential, is currently vacant. Staff is recommending approval of CUP 04-1224 subject to nine conditions of approval. The conditions are listed in your staff report, we believe that they do address the findings required by staff and the Planning Commission. No more than two additional dwelling units will be permitted to allow for the applicant's proposal of a duplex. We have addressed issues with regard to parking, solid waste pickup and screening, and there will be a money in lieu of sidewalk construction. A fee of \$1,782 is recommended by the Sidewalk Administrator. I'll be happy to answer any questions you have.

Ostner: Thank you. Is the applicant present? Would you like to introduce yourself and give us your presentation?

Walker: My name's Johnny Walker, I'm a lifelong resident of Fayetteville.

Ostner: We'll hear from the public and we'll get back with you.

Walker: Okay.

Ostner: At this point, I'll open it up to the public. Would anyone like to speak to the CUP 04-1224? Seeing none, I'll close it to the public and bring it back to the Commission.

MOTION:

Allen: This looks pretty straight forward, so I will move for approval of CUP 04-1224 subject to the nine conditions of approval.

Clark: Second.

Ostner: Thank you, I have a motion for approval from Commissioner Allen, a second from Commissioner Clark. Is there further discussion?

Roll Call: Upon completion of the roll call, the motion to approve CUP 04-1224 was approved by a vote of 8-0-0.

RZN 04-1223: Rezoning (TRACY HOSKINS, 361): Submitted by TRACY K. HOSKINS for property located at 1719 N RUPPLE RD. The property is zoned RSF-1, SINGLE FAMILY - 1 UNIT/ACRE and contains approximately 11.73 acres. The request is to rezone the subject property to RSF-4, Residential Single-family, 4 units per acre.

Ostner: The next item on our agenda is RZN 04-1223 for Tracy Hoskins. If we could have the staff report please.

Warwick: I'd first like to mention that this rezoning was tabled at the last Planning Commission meeting on October 11th in order to allow for additional public comment this evening. Pending the Planning Commission's recommendation, assuming approval, it will be forwarded to the November 1st City Council meeting, and that was a change in date. It was originally scheduled for November 2nd. This request is for property located at 1719 N. Ruppel Road. 11.73 acres is the size of the subject property, and it's currently zoned RSF-1, Residential single family, one unit per acre. This piece of property was annexed as a part of the City Council's decision to annex all island areas within the City's unincorporated properties completely surrounded by the City limits. That action took place in July of this year. Surrounding properties are zoned RSF-4 and RSF-1 and are developed or have been approved for development with single family homes. Bridgeport Subdivision Phase VII is currently under construction to the north and will provide a street stub out into this property along the north boundary. The applicant does propose to rezone the property to a RSF-4 designation. The site currently, as I mentioned, has access to the soon too be constructed New Bridge Road. The property does have access to an eight inch water main, as well as an eight inch sewer line, both through the Bridgeport area. The future land use plan does designate this area as residential. From the service providers, the Fire Department reports that response time from Fire Station 7 is approximately three minutes and the Police Department reports that this rezoning will not substantially alter the population density, and therefore, will not undesirably increase the load on Police services. The proposed rezoning is consistent with land use planning, objectives, principles, and policies. As I mentioned, this area is designated residential on the future land use map. The proposed zoning is justified in order to allow for similar density and lot configuration to those single family neighborhoods that are currently located southwest and north of the subject property. With those findings, staff is recommending in favor of the requested rezoning.

Ostner: Thank you. Is the applicant present?

Hoskins: I'm Tracy Hoskins, the developer. If you've got any questions, I'm here to answer your questions for you.

Ostner: Thank you. At this point, I'll open it up to the public. Would anyone like to speak about this RZN 04-1223? Seeing none, I'll close it to the public and bring it back to the Commission.

MOTION:

Shackelford: As you view this property, RSF-4, which is the requested rezoning, seems to be in line with what's being developed around it. I think that it makes a lot of sense so I'm going to make a motion that we recommend approval and forward to City Council RZN 04-1223.

Ostner: Thank you, I have a motion for approval.

Allen: I'll second.

Ostner: I have a second by Commissioner Allen. I have one question. We all received these packets from a concerned citizen who's not adjacent to this project, but he's nearby. The Bell's Chapel. They're very concerned about drainage, and I wanted to try to address that. It's not really applicable at the rezoning stage, but this land does drain into that direction.

Warrick: And of course, the rezoning is the first step in the process of development, and the applicant, should the rezoning be approved, would be able to then process a Preliminary Plat, or Planned Zoning District, if they chose to take that route, in order to gain approval to develop the property. And we expect that. We expect to see a proposal for a single family subdivision in the future. We've been doing a little research and engineering is going to be able to address this a little bit more completely. The various phases Bridgeport-we're at Phase VII right now. We believe that they began somewhere around 1994-1995, there have been changes in this City's policies, as well as ordinances with regard to grading and drainage and storm-water management. Some of those changes went into effect around 1997-1998, which will certainly apply to any phase of the development that has happened from that time forward, and any development on the subject property. That does include the requirement for on-site detention, which was something that was instituted as a policy around 1997-1998. I'll allow Brent to elaborate on that any further.

O'Neal: At this time, the Engineering Division is investigating some drainage issues in conjunction with the Parks Department in Red Oak Park. Any other issues have not been brought to the Engineering Division's attention. And we are right now investigating those problems within the park itself, but I don't believe it goes any further than the park boundaries. It very likely will expand just for the fact that staff wasn't provided the

information that you got although I have made copies, and have made copies of that information available to the City Engineer and whomever on his staff he's going to assign to address that. So it's not something that we will ignore or just pass off if this rezoning continues throughout the process, it's something that the staff will continue to look at and see if there's any issue that we have the ability to mitigate or resolve.

Ostner: Great. Thank you very much. We have a motion and a second. Is there further discussion about this rezoning? Could you call the roll?

Roll Call: Upon the completion of roll call, the motion to recommend approval of RZN 04-1223 to the City Council was approved by a vote of 8-0-0.

RZN 04-1221: Rezoning (SCOTT, 255): Submitted by ED & PATRICIA SCOTT for property located at 3196 Skillern Road. The property is zoned R-A, Residential Agricultural and contains approximately 2.01 acres. The request is to rezone the subject property to RSF-4, Residential Single-family, four units per acre.

Ostner: The next item is RZN 04-1221 for Scott.

Warrick: This rezoning is for property located at 3196 Skillern Road. The property is zoned R-A, Residential Agricultural and contains approximately 2.01 acres. The request is to rezone the subject property to RSF-4, Residential Single-family, four units per acre. The applicant would like to enhance their development. It's a single family home, they would like to provide a covered parking area, as well as an entrance into their backyard in the form of a pergola type structure. And the setback requirements in the R-A zoning district are 20 foot on the sides, 35 feet in both the front and rear. That's substantially larger of a setback than the RSF-4 district would require, which would be 8 foot side setbacks. This particular property is in an area that immediately adjoins RSF-4 zoning to the west and it is north of the entrance to the Brookbury subdivision which is also zoned RSF-4. It is, we believe that the proposed zoning, which is designated residential in the future land use map, the proposed zoning is consistent with the surrounding areas. It's consistent and appropriate for the existing site. As I mentioned, this would not be a spot zoning as it is adjacent, contiguous with additional area of property that's currently within RSF-4 zoning district. And for those reasons and the findings stated in your report, staff is recommending approval of the Rezoning of this property. All the surrounding land uses are single-family residential under two different zoning designations, as I mentioned, RSF-4 and R-A, Residential Agricultural.

Ostner: Thank you. Is the applicant present? If you'd like to step forward and introduce yourself, give us your presentation.

Scott: Hi there, ladies and gentleman. I'm Ed Scott, and we've checked with all the neighbors, and they're very pleased, they don't see anything detrimental to our proposal. I think the ladies like to call it a pergola; I would call it a drive-through carport. So, anyway, so much for definitions. I'll be glad to address any questions.

Ostner: Thank you. At this point, I'll open it up to the public. Would anyone like to speak to this issue, the rezoning of RZN 04-1221. Seeing none, I'll close it to the public and bring it back to the Commission.

MOTION:

Clark: Call it a pergola, call it a drive-through carport, I'm going to move that we approve RZN 04-1221.

Ostner: Thank you, I have a motion.

Shackelford: Now that I know what a pergola is, I'll second.

Ostner: A second from Commissioner Shackelford. Is there further discussion? Could you call the roll Suzanne?

Roll Call: Upon completion of the roll call, the motion to recommend approval of RZN 04-1221 by the City Council was approved by a vote of 8-0-0.

RZN 04-1219: Rezoning (HANCOCK/WILSON, 323): Submitted by PROJECT DESIGN CONSULTANTS, INC for property located at 2389 SALEM ROAD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL AND RSF-1, RESIDENTIAL SINGLE FAMILY - 1 UNIT PER ACRE, and contains approximately 14.94 acres. The request is to rezone the subject property to RSF-4, Residential Single-family, 4 units per acre.

Ostner: Our next item is a rezoning again, RZN 04-1219, Rezoning for Hancock and Wilson.

Warrick: This property is generally located at 2389 Salem Road. As you can see on the map information towards the back your section, this property spans between Ruppel Road and Salem Road. For context, it is south of the Salem Heights development, which has been approved for Preliminary Plat. That Salem Heights development is south of Salem Village. Salem Village is south of Salem Meadows. So basically working from south to north, you would be looking at the subject property, Salem Heights, Salem Village, Salem Meadows. And I mention that because the three developments to the north are single family residential in zoning as well as land use. Property to the west does contain the Holt Middle School, as well as the Clabber Creek single family development. This subject property contains just under 15 acres. This property, at least a portion of this property was brought into the City limits through the annexation of islands action by the City Council back in July. And the applicant is now requesting to rezone the subject property to RSF-4. The property is designated residential on the future land use map. As I mentioned, surrounding properties are primarily single family in nature. All are currently zoned RSF-4, RSF-1, or R-A, Residential Agricultural with regard to the surrounding properties. There is access to water, the site does have the ability to provide access to sanitary sewer. Response time for fire is between four and five minutes. The Police report that this rezoning would not substantially alter the population density, thereby increasing the land on police services, and I think I mentioned that the property is designated residential on the general plan. We believe that this zoning designation is consistent with land use planning policies as well as surrounding developments. The developments that I mentioned as far as Clabber Creek and Salem Heights, surrounding approved subdivisions, they are also zoned RSF-4, however, the densities that are being developed on those properties range between 2.5 to 2.9 units per acre, which we see is relatively consistent once you install the necessary infrastructure, streets, detention, and other Tree Preservation and areas that are just un-developable. Based on the findings and the staff reports, staff is recommending in favor of this rezoning from RSF-1 and R-A to RSF-4.

Ostner: Thank you. Is the applicant present? If you could introduce yourself and give us your presentation.

Scott: Yes, my name is Brian Scott, I'm with Project Design Consultants. I'm representing the Wilsons. And if you have any questions, I'd be glad to take them.

Ostner: Thank you. At this point, I'll open it up to the public. Would anyone like to speak about this RZN 04-1219. Seeing none, I'll close it to the public and bring it back to the Commission. My first question is for engineering staff. We have a memo in our packet pertaining to a bridge assessment. If you'd like to elaborate about that.

O'Neal: This parcel is in the bridge assessment area for the Ruppel Road Bridge. And the memo is just reflecting what percentage of trips should be assessed to that bridge.

Ostner: Thank you. That's my only comment.

MOTION:

Shackelford: As I look at this, I agree with staff's comments and finding of fact, I think that this is in line with the 2020 plan, so I'm going to make a motion that we forward with request for approval RZN 04-1219.

Ostner: Thank you, I have a motion. Do I have a second?

Trumbo: Second.

Ostner: A motion by Mr. Shackelford, a second by Commissioner Trumbo. Is there further discussion? Could you call the roll?

Roll Call: Upon completion of roll call, the motion to approve RZN 04-1219 was approved by a vote of 8-0-0.

RZN 04-1225: Rezoning (CONNER LAW FIRM, 529): Submitted by ROBERT JEFF CONNER for property located at 3398 E HUNTSVILLE ROAD. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 0.78 acres. The request is to rezone the subject property to R-O, Residential Office.

Ostner: Our next item is a rezoning. RZN 04-1225 for the Conner Law Firm.

Warrick: This is a rezoning request for property located at 3398 E. Huntsville Road. Property contained approximately .78 acres, and the request is to rezone the property from RSF-4 to R-O, Residential Office. The subject property is located north of Huntsville and east of Crossover. It currently is developed as a single family residential unit. It does have adjacent single family dwellings to the south and to the west. There's a manufactured home park containing approximately 62 units, located north and east of the subject property. And that mobile home park is zoned RMF-24. The applicant proposes to improve the existing single family dwelling and to convert it for use as a law office. The general plan does designate this property as residential. We are recommending approval of the requested rezoning to R-O, because we feel that while it is not a solely residential zoning district, it does permit residences and it is an appropriate transitional type zone between the multi-family zoning and the manufactured home park and the single family residential uses that are on the other side of the subject property. This is also a piece of property on Huntsville Road. That's a very heavily traveled street. It's a state highway, and it's not as desirable as it once was for establishing a single family residence with direct access to Huntsville Road. So therefore we feel like a small, professional office that would generate fairly low traffic would be an appropriate conversion for this particular structure. We do feel that is compatible for the reasons that I've stated, and for the reasons based on staff's findings we are recommending in favor of this rezoning to Residential Office.

Ostner: Thank you. Is the applicant present? If you'd like to introduce yourself and give us your presentation.

Conner: Yes, I'm Jeff Conner. I don't have a formal presentation for you, but I would point out that Item #2 on the agenda is trying to be converted from Residential Office to RSF-4. That property is located immediately to the east of my property. We're separated by the mobile home park that they've talked about. So, I think we might add balance to the neighborhood by swapping our properties.

Ostner: Thank you, at this point, I'll open it up to the public. Would anyone like to speak to this RZN 04-1225? Seeing none, I'll close it to the public and bring it back to the Commission for comments.

MOTION:

Clark: Based on the information that's in our packet regarding what Mr. Conner's intent is to do with this very unique building, I think it sounds like an asset to the area, so I will move that we approve the RZN 04-1225.

Allen: I second.

Ostner: Thank you, I have a motion by Commissioner Clark and a second by Commissioner Allen. Is there further discussion? Could you call the roll?

Roll Call: Upon the completion of roll call, the motion to approve RZN 04-1225 was approved by a vote of 8-0-0.

ANX 04-1212: Annexation (HARPER/BOWEN, 100): Submitted by MICHELE, A HARRINGTON for property located at 5512 GEORGE ANDERSON ROAD. The property is in the Planning Area and contains approximately 2.68 acres. The request is to annex the subject property into the City of Fayetteville.

Ostner: The next item is ANX 04-1212, an annexation for Harper/Bowen.

Warrick: This request, and I'll go ahead and address the companion request which is the next item on your agenda, this request is to annex a small piece of property that is basically cut out of the Copper Creek developments at the northeast portion of the city. The subject property contains 2.68 acres. It is surrounded by Fayetteville on the north, south, and the west, and adjoins George Anderson Road on the east. The applicant does propose to annex the property into the city and to develop similarly to the approved subdivisions that are being installed in the area around it, which are all zoned RSF-4 for the development of single family residential units. Staff does find that this meets the City's Annexation Policy. It does create an appropriate boundary and provides for inclusion into this neighborhood. A small piece of property that had been left out for whatever reason in the past. For those reasons, we are recommending the annexation as well as the companion rezoning to RSF-4, which is a compatible zoning district to this surrounding areas.

Ostner: Thank you. Is the applicant present? Is the applicant here for the Harper/Bowen annexation? We'll proceed.

Shackelford: I think they were here at the first meeting and just did not come back. It was tabled of course at the first meeting.

Warrick: I would add that we're moving through the agenda fairly quickly, and Miss Harrington typically watches to see when her items are coming up, so she may be here later, but she was at the meeting representing the applicants two weeks ago, and I've spoken with her, and she will be at the meeting with the City Council November 1st.

Ostner: Okay. Great. At this point, I'll open it up to the public. Would anyone like to speak to this issue of the ANX 04-1212. Seeing none, I'll close it to the public and bring it back to the Commission. Comments and motions?

MOTION:

Shackelford: It may not be an isle and or a peninsula, but it's awful close. If you look at it in proximity to the Fayetteville City limits, I think it makes sense for annexation. Based on the fact that anything we do regarding the annexation or rezoning will have to be ratified or actually approved by

City Council, I think I'm comfortable making a motion to recommend approval at this point even though the applicant's not here. And anybody else might want to speak for or against this will have another venue at City Council. So, a very long explanation, I'm going to make a motion that we recommend approval of ANX 04-1212.

Ostner: Thank you. I have a motion for approval. Do I have a second?

Myers: Second.

Ostner: Second by Commissioner Myers. Is there further discussion? Suzanne?

Roll Call: Upon the completion of roll call, the motion to recommend approval of ANX 04-1212 by the City Council was approved by a vote of 8-0-0.

RZN 04-1213: Rezoning (HARPER/BOWEN, 100): Submitted by MICHELE, A HARRINGTON for property located at 5512 GEORGE ANDERSON ROAD. The property is zoned R-A, Residential Agricultural, and contains approximately 2.68 acres. The request is to rezone the subject property to RSF-4, Residential Single-family, 4 units per acre.

Ostner: A tandem item is RZN 04-1213. We've already heard a staff report. The applicant is not present. Would the public like to speak to this issue of RZN 04-1213 for the same piece of property? I think our applicant has arrived. We've already approved the annexation and we're on to the rezoning.

Harrington: I apologize for being late. If you have any questions on the rezoning, it's going to be the same as everything around it. Ask me if you have any questions.

Ostner: Okay. Do we have a motion and a second? I'd love a motion and a second.

MOTION:

Shackelford: Mr. Chair. Again I'm in agreement of staff findings of fact on this. I know this property, I live in this area, and I'm totally in support of RSF-4 zoning, I think it's a match with what's already there and what the 2020 Plan recommends. So I'm going to make a motion that we forward to City Council with a recommendation for approval RZN 04-1213.

Ostner: Thank you, I have a motion for approval. Is there a second?

Clark: Second.

Ostner: Second by Commissioner Clark. Is there further discussion? Suzanne?

Roll Call: Upon completion of the roll call, the motion to recommend approval of RZN 04-1213 by the City Council was approved by a vote of 8-0-0.

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

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

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
November 1, 2004**

A meeting of the Fayetteville City Council will be held on November 1, 2004 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

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

Presentation at Agenda Session Only: Presentation of the University of Arkansas Transportation Plan by Martin, Alexiou, Bryson consultants.

A. CONSENT:

- 1. Approval of the Minutes:** Approval of the October 19, 2004 City Council meeting minutes.
- 2. Professional Engineering Services Agreement with RJN Group Amendment:** A resolution approving Contract Amendment #1 to the June 15, 2004 agreement for professional engineering services with RJN Group, Inc. in the amount of \$175,000.00 to initiate the Farmington sanitary sewer rehabilitation improvements as set forth in the settlement agreement.
- 3. FAA Contract Tower Cost Share Program:** A resolution accepting the Federal Aviation Administration (FAA) Benefit/Cost Calculation of .91 for the FAA Contract Tower Cost Share Program; and approving a two-year Cost Sharing Agreement beginning March 1, 2005 with the FAA.

4. **Arkansas Aeronautics Department Grant Amendment T-Hangar "H":** A resolution authorizing the Fayetteville Municipal Airport staff to accept an increase in the grant amount of \$50,000.00 (for a total of \$150,000.00) from the Arkansas Department of Aeronautics for the construction of a new T-Hangar; and approving a budget adjustment recognizing the increased grant revenue.
5. **Vehicle & Maintenance Fueling:** A resolution approving a Budget Adjustment in the amount of \$195,100.00 to various vehicle and machine maintenance fueling accounts, due to unanticipated fuel cost increases.

B. UNFINISHED BUSINESS

1. **Arkansas Blue Cross & USABLE Insurance Benefit Plan Renewal:** A resolution exercising the first of five one-year options to renew employee group policies with USABLE Life to provide life, accidental death and dismemberment, and long term disability insurance coverage, and with Blue Cross/Blue Shield for the group medical plan. *This resolution was tabled at the October 19, 2004 City Council Meeting to the November 1, 2004 City Council Meeting.*
2. **RZN 04-1164 (Clevenger Duplexes):** An ordinance rezoning that property described in rezoning petition RZN 04-1164 as submitted by Melissa Curiel for property located south of Wedington Drive and east of 54th Avenue, containing approximately 4.93 acres from R-A, Residential Agricultural to RMF-6, Residential Multi Family, six units per acre subject to a Bill of Assurance limiting the number and type of structures to duplex and single family use. *This ordinance was left on the first reading at the October 19, 2004 City Council Meeting.*
3. **RZN 04-1189 (Jackson/Humphries):** An ordinance rezoning that property described in rezoning petition RZN 04-1189 as submitted by Nick Wilson for property located at the northwest corner of South School Avenue and Sunrise Mountain Road containing approximately 7.91 acres from R-A Residential Agricultural and C-2, Thoroughfare Commercial to I-1 Heavy Commercial, Light Industrial. *This ordinance was left on the first reading at the October 19, 2004 City Council Meeting.*
4. **R-PZD 04-1181 (Walnut Crossing):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 04-1181, Walnut Crossing located north of Highway 62, east of Layne Street containing 43.30 acres, more or less; amending the official zoning map of the City of Fayetteville; and adopting the Associated Residential Development Plan as approved by the Planning Commission. *This ordinance was left on the first reading at the October 19, 2004 City Council Meeting.*
5. **ADM 04-1258 (Wilson Street/Walnut Crossing):** A resolution amending the Master Street Plan to relocate Wilson Street, a proposed Collector Street, approximately 600 feet north as apart of R-PZD 1181, Walnut Crossing, as described in the staff report attached hereto and made a part hereof. *This ordinance was tabled at the October 19, 2004 City Council Meeting to the November 1, 2004 City Council Meeting.*

C. NEW BUSINESS:

1. **University of Arkansas Campus Transportation Study:** A resolution approving cost-sharing with the University of Arkansas in an amount not to exceed \$30,000.00 to participate in the Campus Transportation Study.
2. **ANX 04-1212 (Harper/Bowen):** An ordinance confirming the annexation to the City of Fayetteville, Arkansas, of certain property located at 5512 George Anderson Road containing approximately 2.68 acres.
3. **RZN 04-1213 (Harper/Bowen):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1213 as submitted by Mickey Harrington for property located at 5512 George Anderson Road containing approximately 2.68 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, Four Units Per Acre.
4. **RZN 04-1219 (Hancock/Wilson):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1219 as submitted by Project Design Consultants for property located at 2389 Salem Road containing approximately 14.94 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, Four Units Per Acre.
5. **RZN 04-1221 (Scott):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1221 as submitted by Ed and Patricia Scott for property located at 3196 Skillern Road containing approximately 2.01 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, Four Units Per Acre.
6. **RZN 04-1223 (Hoskins):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1223 as submitted by Tracy Hopkins for property located at 1719 North Ruppel Road containing approximately 11.73 acres from RSF-1, Residential Single Family, One Unit per Acre to RSF-4, Residential Single Family, Four Units per Acre.
7. **RZN 04-1225 (Conner):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1225 as submitted by Robert Jeff Conner for property located at 3398 E. Huntsville Road containing approximately 0.78 acres from RSF-4, Residential Single Family, Four Units per Acre to R-O, Residential Office.
8. **VAC 04-1226 (Habitat for Humanity):** An ordinance approving VAC 04-1226 submitted by Habitat for Humanity for property located at 222, 224 and 226 East 13th Street as described on the attached map and legal description.
9. **VAC 04-1227 (Habitat for Humanity):** An ordinance approving VAC 04-1227 submitted by Habitat for Humanity for property located at 221, 223, and 225 East 13th Street as described on the attached map and legal description.
10. **Cost Lien for Raze and Removal at 1905 S. Brower Avenue:** A resolution certifying to the Tax Collector of Washington County the costs of the razing and removal of a dilapidated and unsafe structure upon the property owned by Jonathan M. and Jennifer L. Rich located at 1905 S. Brower Avenue in the City of Fayetteville, Arkansas.
11. **Community Development Fees:** A resolution to waive the Building Permit fee and other developmental fees for South Fayetteville Community Development Corporation.

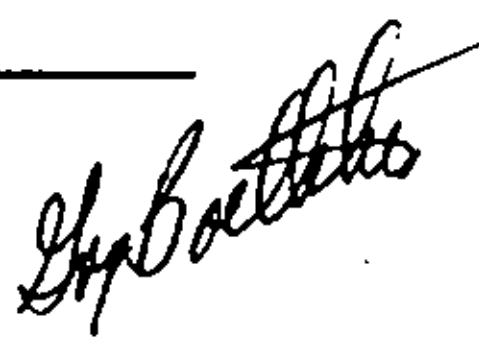


City Council Meeting of November 2, 2004

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Hugh Earnest 
Chief Administrative Officer

From: Greg Boettcher 
Water/Wastewater Director

Date: October 15, 2004

Subject: Resolution authorizing the Mayor to execute Amendment No. 1 to the June 15, 2004 Agreement for Professional Services Between City of Fayetteville, Arkansas and RJN Group.

RECOMMENDATION

Fayetteville City Administration recommends approval of Amendment No. 1 to the June 15, 2004 Agreement for Professional Services Between City of Fayetteville, Arkansas and RJN Group for \$175,000.00, bringing the total contract value to \$401,978.00. This increase in scope initiates the Farmington Sanitary Sewer Rehabilitation Improvements as set forth in the SETTLEMENT AGREEMENT.

BACKGROUND

The SETTLEMENT AGREEMENT (copy attached) between Farmington, Arkansas and Fayetteville, Arkansas emerged from the mediation process, bringing closure to disagreement over sanitary sewer maintenance tasks. Under the terms of this SETTLEMENT AGREEMENT, Fayetteville agrees to promptly commence certain activities relating to the evaluation, repair and rehabilitation of the Farmington Sewer System. To mirror the processes and criterion used by Fayetteville for its own sewer system, the evaluation, investigation and design of Farmington activities is to be performed by Fayetteville's rehabilitation consultant, RJN Group, Inc. With Fayetteville having recently completed a professional selection process for sanitary sewer rehabilitation engineering design services(EPA State and Tribal Assistance Grant Project); it was proper, timely and efficient to negotiate a contract amendment to include the Farmington Sewer Rehabilitation Project under this existing agreement.

DISCUSSION

A copy of Amendment No. 1 and Exhibit "A" EXPANDED SCOPE OF SERVICES is attached to describe the general scope of services to be provided for the Farmington Sewer Rehabilitation Project. Services under this agreement shall be provided on a time and materials basis with a not-to-exceed cost ceiling of \$175,000.00. As work on this project progresses, the nature, extent, costs and elements of the Project will become more accurately defined.

BUDGET IMPACT

The Farmington Sewer Rehabilitation Project's budget includes allowances for these professional services.

RESOLUTION NO. _____

A RESOLUTION APPROVING CONTRACT AMENDMENT #1 TO THE JUNE 15, 2004 AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES WITH RJN GROUP, INC. IN THE AMOUNT OF \$175,000.00 TO INITIATE THE FARMINGTON SANITARY SEWER REHABILITATION IMPROVEMENTS AS SET FORTH IN THE SETTLEMENT AGREEMENT.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves Contract Amendment #1 to the June 15, 2004 Agreement for Professional Engineering Services with RJN Group, Inc. in the amount of \$175,000.00 to initiate the Farmington Sanitary Sewer Rehabilitation Improvements as set forth in the Settlement Agreement. A copy of Amendment #1, marked Exhibit "A," is attached hereto and made a part hereof.

PASSED and APPROVED this 2nd day of November 2004

APPROVED:

By: _____

DAN COODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk

**AMENDMENT NO. 1
TO
AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES
BETWEEN
CITY OF FAYETTEVILLE, ARKANSAS
AND
RJN GROUP, INC., DALLAS, TEXAS**

WHEREAS, On June 15, 2004 the City of Fayetteville, Arkansas (**CITY OF FAYETTEVILLE**) and RJN Group, Inc., of Dallas, Texas (**RJN GROUP, INC.**) entered into an agreement for engineering services in connection with the planning, design, permitting, construction, operation, maintenance, management and financing of the Fayetteville Wastewater System Improvement Project, and in particular the Collection System Improvements related to the United States Environmental Protection Agency (USEPA) State and Tribal Assistance Grant Program (**PROJECT**), and

WHEREAS, **RJN GROUP, INC.** has proceeded with these services in accordance with the scope set forth in the agreement, and

WHEREAS, **CITY OF FAYETTEVILLE** requests that the scope of **RJN GROUP, INC.**'s services be amended and increased to include the Farmington Sewer Rehabilitation Project (**FARMINGTON PROJECT**), the basic nature, extent and schedule for the services being detailed in Attachment Number 1, which forms a part of this amendment; and

WHEREAS, **RJN GROUP, INC.** agrees to provide the amended scope of services for the **FARMINGTON PROJECT** on a cost plus fixed fee basis with an upper limit of costs of one hundred seventy five thousand dollars (\$175,000.00);

NOW THEREFORE, in consideration of the mutual covenants and agreements herein contained, **CITY OF FAYETTEVILLE** and **RJN GROUP, INC.**, the parties hereto, stipulate and agree that the Agreement for Engineering Services dated June 15, 2004, is hereby amended in the following particulars:

SECTION 6-PAYMENTS TO ENGINEER is amended to read as follows:

For the scope of services set forth in the original **PROJECT** agreement for \$226,978.00, plus the additional services set forth for the **FARMINGTON PROJECT** in Amendment No. 1 for \$175,000.00, **CITY OF FAYETTEVILLE** shall authorize **RJN GROUP, INC.** to provide the stipulated scope of services for a not-to-exceed maximum fee of **FOUR HUNDRED ONE THOUSAND, NINE HUNDRED SEVENTY EIGHT UNITED STATES DOLLARS (US \$401,978.00)**.

Because the Scope of Services and quantities of work cannot be fully defined at this time and will evolve as the Project progresses, services as described in Attachment No. 1 will be performed on a cost plus fixed fee basis. The **CITY OF FAYETTEVILLE** and **RJN GROUP, INC.** recognize that the Scope of Services and anticipated fee may need to be modified as the project progresses and the required work items are more fully defined and information on the system is compiled.

For purposes of progress payments and accounting, **RJN GROUP, INC.** shall maintain separate accounting and billing for the original services of the **PROJECT** and for the amended scope of services for the **FARMINGTON PROJECT**.

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

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be duly executed this _____ day of _____, 2004.

CITY OF FAYETTEVILLE ARKANSAS

RJN GROUP, INC.

By: _____
Dan Coody
Mayor

By: Hugh M. Kelso
Hugh M. Kelso
Regional Vice President

ATTEST:

ATTEST:

Sondra Smith
City Clerk

Karen G. Bennett

**ATTACHMENT NO. 1
EXPANDED SCOPE OF SERVICES
Amendment No. 1 to Agreement Dated June 15, 2004
AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN CITY OF FAYETTEVILLE,
ARKANSAS AND RJN GROUP, INC.**

**SEWER SYSTEM STUDY OF THE
CITY OF FARMINGTON WASTEWATER COLLECTION SYSTEM**

The City of Fayetteville and the City of Farmington have entered into an Agreement to complete specific sanitary sewer maintenance activities in the City of Farmington. The specifics of the activities are set forth in the approved Settlement Agreement between Farmington and Fayetteville. The City of Fayetteville retains RJN Group to provide engineering services for the evaluation, planning, design, bidding and construction assistance of applicable sanitary sewer maintenance and rehabilitation activities in the Farmington sewer system, hereinafter referred to as the Project. The nature of the Project cannot be explicitly defined at this time, as definition of scope will evolve as the work progresses. The extent of the Project includes the City of Farmington's System containing approximately 121,000 linear feet of sewer and 540 manholes. Improvements to the Town Branch Interceptor Sewer will be limited in scope to plans for future upgrading/replacement. A study of the collection system was completed in 2002 by Severn Trent and included manhole inspection, smoke testing, and television inspection activities. The report for the study included recommendations for repair of various manhole and sewer line defects identified during the investigation.

This Project will include reviewing the report and all inspection forms and video tapes from the previous study and developing plans and specifications for rehabilitation of the collection system. The project may also include additional field investigations to supplement the data from the previous study. These additional investigations may include manhole inspection, smoke testing, dyed water flooding, television inspection, and flow monitoring. A summary of the tasks that may be included in this Project are included in the Work Plan in the following sections.

Actual quantities for individual work tasks cannot be determined at this time. The quantities for individual work tasks will be determined as the project progresses and information on the system is compiled.

Work Plan

The Work Plan includes all the necessary engineering, planning, and field tasks for developing a Sewer Rehabilitation Plan consistent with the historical practices employed for similar projects in the Fayetteville Sanitary Sewer System..

A. Project Administration

- 1. Mobilize project team.**

2. Meet with CITY staff to develop project strategy, coordinate upcoming work, and receive CITY input.
3. Prepare a final schedule of work activities.
4. Provide general consultation with representative CITY OF FAYETTEVILLE staff and CITY OF FARMINGTON'S ENGINEER on an as-needed basis.
5. Perform internal project control procedures on a monthly basis including schedule and budget control, quality control review, and monthly progress reports.
6. Perform administration and coordination of subconsultants including contract finalization, performance, coordination, and payment requests.
7. Information collected during this Project will be shared with the CITY OF FARMINGTON ENGINEER.

B. Review of Previous Information

1. The ENGINEER shall perform review and analyze the previous study report and all inspection forms and video tapes provided by the CITY.
2. The ENGINEER shall develop recommendations for repair of manholes and sewer lines.
3. The ENGINEER shall determine if additional investigations are necessary to supplement the previous study. The ENGINEER shall submit a recommendation for any additional investigations to the CITY.

C. Public Relations

Public relation activities will be included as necessary to inform the public in the study area of upcoming field work. The primary focus will be on smoke testing activities. Specific tasks will include:

1. Provide door hangers for notification of residents during smoke testing activities, if any required.
3. Coordinate smoke testing activities with representatives of the CITY OF FARMINGTON.

SEWER SYSTEM STUDY

A. Flow Monitoring

Flow monitoring will be conducted at specific locations within the study area. It is anticipated that one (1) City-owned permanent metering station and three (3) RJN temporary meters will be utilized during the study period. RJN staff, in conjunction with CITY staff, will service the meters on a weekly basis for a period of 60 days. RJN will also utilize the CITY's rain gauge network during the study and will install two to three temporary rain gauges to supplement the network.

1. Service the one (1) CITY's permanent flow meter and RJN's three (3) temporary flow meters on a weekly basis for a period of 60 days. Obtain weekly manual depth and velocity profiles to verify the accuracy of the meters.
2. Service rain gauges on a weekly basis.
3. Analyze flow data to determine the following:
 - a. Average daily dry-weather flow and peaking factors.
 - b. Peak infiltration rates if possible.
 - c. Peak inflow rates for selected rainfall events and establish the relationship between peak inflow and rainfall (Q vs I) for each monitoring site.

B. Manhole Inspection

It is anticipated that the manhole inspection data from the previous Severn Trent Study will be utilized to develop manhole rehabilitation schedules and construction bidding documents. The CITY will provide copies of the field inspection forms and any video tapes to RJN for their use in developing manhole rehabilitation construction documents.

As necessary, RJN will perform field inspection to verify the previous inspection data and to collect any additional data necessary to complete the manhole rehabilitation construction documents. Specific field tasks may include the following as necessary:

1. Perform inspection at manholes and record data on computerized data form.
2. Perform computerized analysis of I/I inspection data with quantification of observed defects.

C. Rainfall Simulation

RJN will review the smoke testing data and forms provided by the CITY. The Engineer will select a pilot area to retest utilizing the RJN's methodology. The pilot area will be retested using a dual blower testing technique and the results will be compared to the results of the previous testing program. If the testing identifies a significantly higher number of defects, RJN will proceed to retest the entire collection system after approval is received by the CITY. Dyed water flooding activities will be performed as necessary to further identify inflow sources and provide flow quantifications. The tasks that may be included in the smoke testing and dyed water flooding activities are as follows.

This task will specifically identify sections of sewer lines and sources where excessive infiltration and inflow may be expected to occur during wet-weather periods, including locations of stormwater transfer into the sanitary sewer system. Work may include smoke testing and dyed water flooding using comprehensive testing techniques developed by RJN for such studies. A dual blower intensified smoke technique will be utilized to test sewer lines in the selected areas. This enhanced method uses two smoke blowers for each test segment instead of the conventional technique of one blower, and includes partial plugging of the segment. The objective is to identify connections from typical sources such as catch basins, roof leaders, yard drains, area drains, and detectable main line and lateral defects. Smoke testing will be performed only during dry periods to maximize the effectiveness of the smoke testing program.

Inflow sources may also be identified by means of dyed water flooding of storm sewer sections and suspected overflows, stream sections, ditch sections, and ponding areas that may be contributing to inflow. Some of the test areas are based on results of RJN'S smoke testing program. Positive dye tests are quantified for leakage rate. Field test data are input to the computerized data management system and analyzed.

Specific tasks to be included are the following:

1. Perform dual blower smoke testing with partial plugging on adjacent manholes, secure photographs of defects, and record results on computerized data form.
2. Perform computerized analysis of smoke testing data and select dyed water flooding locations.
3. Perform dyed water flooding at selected locations and record data on computerized data forms and perform computerized analysis of data.
4. Perform computerized data analysis of smoke test and dyed water data with quantification of observed defects.

D. TV Inspection Activities

RJN will review the TV inspection video tapes provided by the CITY from the previous study and will develop recommendations for repair of any I/I or structural defects identified from the previous study.

Where necessary, additional light cleaning and television inspection of selected sewer lines will be provided. All cleaning and television inspection will be provided by a subcontractor to RJN.

E. Data Analysis and Report

RJN will review the report and inspection forms from the previous study performed for the CITY OF FARMINGTON by Severn Trent. RJN will confirm the recommendations contained in the previous report and develop additional recommendations as necessary based on the review of data. RJN will also analyze all inspection data collected by RJN during this study and will make recommendations for repair. Specific tasks that may be included area as follows:

1. Develop rehabilitation and improvement costs for various types of infiltration/inflow defect repairs and sewer improvements including, but not limited to:
 - a. Main Replacement
 - b. Point Repair
 - c. Inversion Lining
 - d. Pipe Bursting
 - e. Manhole Rehabilitation
 - f. Manhole Replacement
2. RJN will assist the CITY in determining the cost sharing of each repair.
3. Develop recommendations for rehabilitation of both public and private I/I sources in priority order, cost estimates by individual rehabilitation type, and estimated I/I reduction as a result of the recommendations.
4. Prepare and submit two (2) copies of a brief draft report which includes results of the I/I investigations, findings, cost estimates, recommended plan to reduce I/I, and a preliminary schedule of implementation for sewer rehabilitation. The draft report will be presented and discussed with CITY staff. After comments are

received, a final brief report will be prepared and submitted to the CITY. RJN will provide three (3) copies of the final report.

FINAL ENGINEERING DESIGN/BIDDING ASSISTANCE

A. Manhole Rehabilitation Design

1. Review reports from the Manhole Inspection Program to determine I/I sources to be rehabilitated.
2. Evaluate site specific manhole repair alternatives including cover type, grade adjustments, sealing techniques, manhole interior repairs, and/or manhole replacement.
3. Using RJN's basic specifications, prepare project specifications which shall include but not be limited to: (1) bidding documents, (2) contractual documents, (3) conditions of the contract, (4) standard project forms, (5) technical specifications, (6) schedule of manhole rehabilitation, (7) location map and (8) general details.
4. Prepare Engineer's Opinion of Probable Construction Cost.
5. Submit two (2) copies of the draft contract documents to the CITY for review.
6. Perform final changes to contract documents based on CITY review.
7. Submit two (2) copies of the final contract documents to the CITY.

B. Sewer Line Rehabilitation

The extent of sewer rehabilitation is not known at this time. The actual quantities of design will be determined after the review of the previous inspection data and any subsequent inspections are performed. Generally, the sewer line design activities will include the following:

1. Review reports for infiltration and inflow sources to be rehabilitated, sewer line maintenance items, and sewer line replacement.
2. Perform sewer profile level survey and site inspections for sewer replacement.
3. Investigate public utility locations.
4. Evaluate pipe repair alternatives including pipe replacement, pipe bursting, and lining options as necessary because of site conditions.

5. Provide the CITY with the technical information for location of the easements, if any, required for construction of the project. Information to include width and general location of the easements, and distances from the property lines. Property line information shall be obtained from existing maps provided by the CITY to the ENGINEER.
6. Prepare contract design drawings for L/I rehabilitation, sewer replacement and/or sewer lining. Drawings shall indicate permanent and temporary easements for construction based on information supplied by CITY. Drawings shall include but not be limited to: (1) title sheet/drawing index, (2) location maps, (3) schedule of manhole rehabilitation, (4) plan and profile of replacement segments, (5) plan of repair line segments, (6) special details, and (7) general details.
7. Using Engineer's basic specifications, prepare project specifications which shall include but not be limited to: (1) bidding documents, (2) contractual documents, (3) conditions of the contract, (4) standard project forms, and (5) technical specifications.
8. Prepare Engineer's Opinion of Probable Construction Cost by major items.
9. Submit two (2) copies of the draft plans and specifications to the CITY for review.
10. Perform final changes to contract documents.
11. Submit five (5) copies of the final project drawings and contract specifications to the CITY for review.
12. Assist the CITY in obtaining permit approvals from regulatory authorities.

C. Additional Services

1. Conduct horizontal and vertical control survey necessary for design of the project.
2. Obtain typical soil boring data for replacement sewer locations, as required.
3. After approval by the CITY, the ENGINEER will prepare, type, and issue legal description of easements. The CITY will secure easements as necessary.
4. Assistance in obtaining permit from Highway Department, Health Department, and any other state permits, if necessary, for sewer construction.

D. Bidding Assistance

It is anticipated that two (2) construction contracts will be bid. The first contract to be completed and bid shall include justified manhole rehabilitation activities and any other

readily confirmed cost-effective maintenance activities. The second contract bid shall include justified sewer line and appurtenant elements, including maintenance, repair, rehabilitation and replacement work. The following bidding assistance services are included for the two contracts.

1. Assist the CITY in advertising, obtaining, and evaluating Bid Proposals for the construction contract and awarding thereof. Provide assistance to the CITY in responding to bidder inquiries during advertisement of the construction contract, and participate in project pre-bid conference. Provide and distribute bidding documents and addendum. Non-refunded bid deposits shall remain the property of RJN for administrative, printing, and handling cost.
2. Assist the CITY in reviewing the bids for completeness and accuracy. Develop bid tabulations and submit a written recommendation of contract award to the CITY along with three (3) copies of the bid tabulations.
3. Consult with and advise the CITY on the responsibility and responsiveness of contractors, the acceptability of subcontractors, substitute materials, and equipment proposed by the project bidders.

RESIDENT ENGINEERING

RJN GROUP, INC. is available to provide resident engineering services under a separate negotiated amendment. These services may include the following:

A. Resident Engineering

1. Provide the successful bidder(s) with three (3) sets of the contract specifications for execution and the insertion of the required insurance certificates. Provide the successful bidder(s) with five (5) sets of the contract documents for construction purposes.
2. Assist the CITY in conducting a pre-construction conference with the Contractors by notifying utilities, governmental agencies, and other interested parties, and answer questions at the conference.
3. Review shop drawings, scheduling, test results, and other submittals which the Contractor is required to submit.
4. Consult with CITY and act as the CITY's engineering representative in dealings with the Contractor. Issue instructions of CITY to Contractor and issue necessary interpretations and clarification of the contract specifications.
5. Provide engineering survey(s) for construction to establish horizontal and vertical reference points which are necessary for the Contractor to construct the work.

Coordinate the taking of preconstruction photos and surface video taping with the Contractor as necessary.

6. Provide resident observation for rehabilitation and sewer replacement construction for general conformance to the contract drawings and contract specifications. Also provide resident observation of acceptance testing and restoration work by the Contractor.
7. Review and respond to complaints received by CITY and report any differences of opinion between the Contractor, ENGINEER and complaining party.
8. Review applications for partial payment with the Contractor for compliance with contract specifications and submit to the CITY a recommendation for payment.
9. Issue field orders to Contractor after consultation with the CITY. Review any change orders proposed by the Contractor and provide recommendations to the CITY.
10. Conduct an on-site review to determine if the projects are substantially complete and submit to the Contractor a list of observed items requiring completion or correction.
11. Conduct a final on-site review, in the company of the CITY and Contractor, to verify the projects are fully complete. Submit a recommendation for final acceptance of the projects to the CITY.
12. Provide the CITY with three (3) sets of black line prints of the record drawings.
13. Provide the CITY with a report that summarizes I/I sources that have been removed and listing of line segments and their attributes that have been added.
14. RJN will not be responsible for the means or sequences of the construction work or the implementation program for safety of the construction contractor and subcontractors and it will be stipulated as such in the contract documents.



**CITY OF FARMINGTON
WASTEWATER COLLECTION SYSTEM
AMENDMENT NO. 1 TO CITY OF FAYETTEVILLE
SCHEDULE**

ID	Task Name	2004				2005				2006			
		NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
1	PROJECT ADMINISTRATION												
2	REVIEW PREVIOUS INFORMATION												
3	PUBLIC RELATIONS												
4	FLOW MONITORING												
5	MANHOLE INSPECTION												
6	RAINFALL SIMULATION												
7	TV INSPECTION												
8	DATA ANALYSIS/REPORT												
9	MANHOLE REHAB DESIGN												
10	SEWER LINE REHAB DESIGN												
11	BIDDING ASSISTANCE												
	MANHOLE												
	SEWER LINE												
PROJECT: FARMINGTON WASTEWATER COLLECTION SYSTEM DATE: 10/15/04		TASK Schedule											

1/ Weather dependent.
2/ Assumes previous inspection data is provided by November 2, 2004
and that all manholes do not require reinspection.

STAFF REVIEW FORM - FINANCIAL OBLIGATION

Professional Engineering Services Agreement with RJN Group Amendment
Page 15 of 16

A. 2

X AGENDA REQUEST
 _____ CONTRACT REVIEW
 _____ GRANT REVIEW

For the Fayetteville City Council Meeting of: November 2, 2004

FROM:

Greg Boettcher Water & Wastewater Water and Wastewater
 Name Division Department

ACTION REQUIRED: Approval of a resolution authorizing the execution of Amendment No. 1 to the June 15, 2004 Agreement for Professional Engineering Services Between City of Fayetteville, Arkansas and RJN Group, Inc. These services are necessary under the terms of the SETTLEMENT AGREEMENT between Farmington and Fayetteville; where under a Farmington Sewer Rehabilitation Project is to be implemented. Amendment No. 1 increases the existing contract by \$175,000.00.

COST TO CITY:

<u>\$175,000.00</u> Cost of this request	<u>\$ 350,000.00</u> Category/Project Budget	<u>Farmington Sewer Rehabilitation</u> Program Category / Project Name
<u>5400.5700.5815.00</u> Account Number	<u>\$ -</u> Funds Used to Date	<u>Use of Fund Reserves</u> Program / Project Category Name
<u>04042</u> Project Number	<u>\$ -</u> Remaining Balance	<u>Water and Sewer</u> Fund Name

BUDGET REVIEW: X Budgeted Item _____ Budget Adjustment Attached

Budget Manager

Date

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager

Date

Internal Auditor

Date

City Attorney

Date

Purchasing Manager

Date

STAFF RECOMMENDATION:

Division Head

Date

Received in Mayor's Office

Date

Department Director

Date

Cross Reference:

Finance & Internal Services Dir.

Date

Previous Ord/Res#:

Chief Administrative Officer

Date

Orig. Contract Date:

Orig. Contract Number:

Mayor

Date

New Item:

Yes

No



CITY COUNCIL AGENDA MEMO

TO: Mayor and City Council

THRU: Staff/Contract Review Committee

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

DATE: October 15, 2004

SUBJECT: Air Traffic Control Tower Cost Share Agreement

RECOMMENDATION: Approve FAA Cost Share Agreement for operation of the Air Traffic Control Tower at the Fayetteville Municipal Airport, Drake Field as determined by a new Benefit/Cost Ratio of .91.

BACKGROUND: Since the Airlines relocated to Northwest Arkansas Regional Airport, the activity at Fayetteville Municipal Airport has steadily increased. The initial B/C analysis was .22. It was later increased to .59. This new rate of .91 reflects the increase in activity at the airport.

DISCUSSION: The FAA will review the Benefit/Cost ratio again in two years.

BUDGET IMPACT: A 9% share of the tower cost for the airport will amount to approximately \$26,000 annually. This reduces the budget for 2005 by \$93,000.00

Attachments: Staff Review Form
Letter from FAA w/response

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



RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE FEDERAL AVIATION ADMINISTRATION (FAA) BENEFIT/COST CALCULATION OF .91 FOR THE FAA CONTRACT TOWER COST SHARE PROGRAM; AND APPROVING A TWO-YEAR COST SHARING AGREEMENT BEGINNING MARCH 1, 2005 WITH THE FAA.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby accepts the Federal Aviation Administration (FAA) Benefit/Cost Calculation of .91 for the FAA Contract Tower Cost Share Program.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a Two-Year Cost Sharing Agreement beginning March 1, 2005 with the FAA.

PASSED and APPROVED this 2nd day of November 2004.

APPROVED:

By: _____

DAN GOODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk



U.S. Department
of Transportation
Federal Aviation
Administration

800 Independence Ave, SW
Washington, DC 20591

22 September 2004

Fayetteville Municipal Airport-Drake Field
4500 South School Ave., Suite F
Airport Terminal Building
Attn: Mr. Ray M. Boudreaux
Fayetteville, AR 72704

Dear Mr. Boudreaux:

Based on the information provided by Fayetteville Municipal Airport - Drake Field, the Federal Aviation Administration (FAA) has reviewed and re-calculated your Benefit/Cost ratio (B/C). The new B/C was based on the additional information that you provided.

We are pleased to inform you as a result of the re-calculations, your B/C is now 0.91. It was previously 0.59. A B/C of 0.91 qualifies Fayetteville Municipal Airport - Drake Field for participation in the FAA Contract Tower (FCT) Cost Share Program. Congress established this program to provide an opportunity for those airports whose B/C dropped below 1.0 to continue in the FCT Program by agreeing to share the cost of providing air traffic control services. Your B/C of 0.91 means the FAA will fund 91% of the cost while the airport will be responsible for the remaining 9%.

If you chose to participate, this cost sharing arrangement will be effective on March 1, 2005. Please notify us of your intentions not later than 30 days from the receipt of this letter.

Airports that decline to participate in cost sharing will be subject to withdrawal of funding March 1, 2005.

If you have any questions or need additional information, please contact James Yancey, FAA Contract Tower Branch at (202) 267-9448.

Sincerely,

Harold E. Thomas
Manager, Contract Tower Branch

1 Attachment
FYV - Tower B/C Model

Cy Board
File
RET

100-1000000
1000 27 2004
0000000000

AIRPORT TRAFFIC CONTROL TOWER BENEFIT-COST MODEL

Model Version: C:\USERDATA\EXCEL\TOWER_MODEL_2004_B.xls]MAIN
Run Date & Time: 27-Aug-04 5:20 PM

Airport LOCID (CAPS) DRAKE FIELD
FAYETTEVILLE, AR

First Year of Operation

Year of Dollar

Analysis Basis Discontinuance

☐ Discontinuance
☐ Establishment

Operations Count Basis Tower Count 100.0%
☐ Not Tower Count 92.5%
☐ Tower Count 100.0%

Efficiency Benefit Basis No FSS On Site 0.00633
☐ FSS On Site 0.00417
☐ No FSS On Site 0.00633

Scheduled Cmcl - Acft & Pass Values Airport Specific FY '03 OAG
☐ Airport Specific FY '03 OAG
☐ FY '01 OAG for <5K Sched Departs
☐ FY '01 National OAG
☐ National AC Aircraft Counts
☐ National AC Aircraft Hours
☐ Override

NonSched Cmcl. - Acft. & Pass. Values National AT Aircraft Hours
☐ National AT Aircraft Counts
☐ National AT Aircraft Hours

Local GA - Acft. & Pass. Values Based Acft & Nat'l GA Acft Hrs
☐ Based Acft & Nat'l GA Acft Hrs
☐ National GA Aircraft Counts
☐ National GA Aircraft Hours

Itinerant GA - Acft. & Pass. Values National GA Aircraft Hours
☐ Local Based Aircraft
☐ National GA Aircraft Counts
☐ National GA Aircraft Hours

Cost Factors

	BASIS YEAR OF COST	YR 2004 INDEXED COST
One-Time Capital Cost	2004	\$ -
Annual Air Traffic Labor Cost	2003	\$ 287,853
Annual Air Facilities Labor Cost (for non-contract towers only)	2004	\$ -
Other Annual Costs	2004	\$ -
Discontinuance costs (for non-contract towers only)	2004	\$ -

DISCOUNTED BENEFITS	DISCOUNTED COSTS	B-C RATIO
\$ 2,541,346	\$ 2,805,262	0.91

YEAR	FYV BENEFITS			ANNUAL SUMS	YEAR 2004 PRESENT VALUES
	AVERTED COLLISIONS	OTHER ACCIDENTS	EFFICIENCY		
2003	\$ 125,147	\$ 32,155	\$ 50,093	\$ 207,395	\$ 207,395
2005	\$ 141,016	\$ 32,539	\$ 51,087	\$ 224,642	\$ 209,946
2006	\$ 146,697	\$ 32,963	\$ 52,172	\$ 231,832	\$ 202,491
2007	\$ 152,493	\$ 33,387	\$ 53,223	\$ 239,103	\$ 195,179
2008	\$ 158,396	\$ 33,810	\$ 54,307	\$ 246,513	\$ 188,064
2009	\$ 164,409	\$ 34,234	\$ 55,358	\$ 254,001	\$ 181,099
2010	\$ 170,544	\$ 34,658	\$ 56,443	\$ 261,645	\$ 174,345
2011	\$ 176,781	\$ 35,082	\$ 57,494	\$ 269,357	\$ 167,742
2012	\$ 183,133	\$ 35,505	\$ 58,578	\$ 277,216	\$ 161,342
2013	\$ 189,591	\$ 35,929	\$ 59,663	\$ 285,183	\$ 155,121
2014	\$ 196,161	\$ 36,353	\$ 60,714	\$ 293,228	\$ 149,062
2015	\$ 202,852	\$ 36,777	\$ 61,798	\$ 301,427	\$ 143,206
2016	\$ 209,644	\$ 37,200	\$ 62,849	\$ 309,693	\$ 137,507
2017	\$ 216,547	\$ 37,624	\$ 63,934	\$ 318,105	\$ 132,002
2018	\$ 223,566	\$ 38,048	\$ 65,018	\$ 326,632	\$ 126,674
15 YR	\$ 2,572,217	\$ 438,215	\$ 644,644	\$ 4,655,080	\$ 3,913,246
ADJUSTED FOR HOURS OF TOWER OPERATION				100.0%	\$ 3,913,246

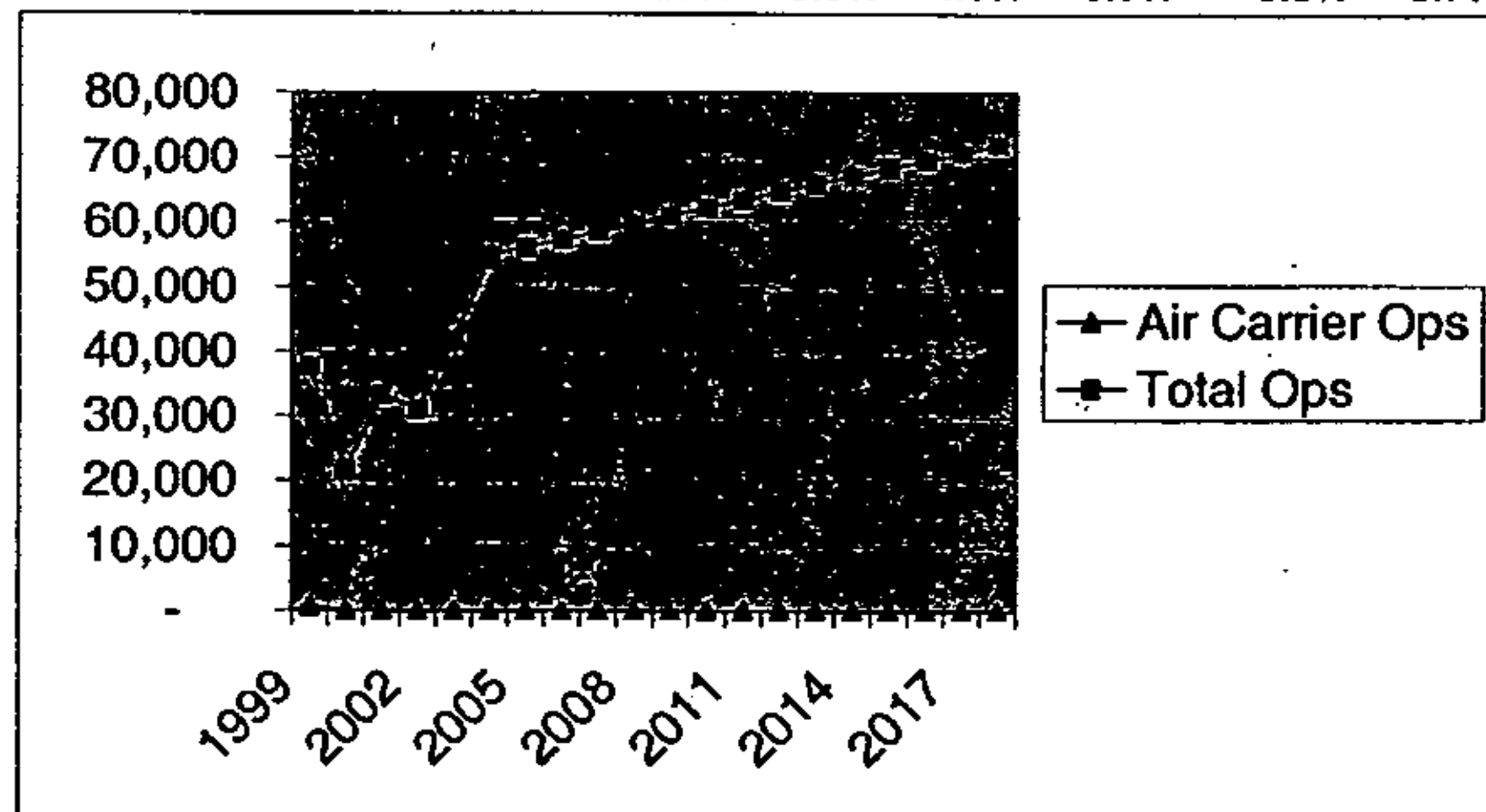
YEAR	FYV COSTS					ANNUAL SUMS	YEAR 2004 PRESENT VALUES
	CAPITAL COSTS	AIR TRAFFIC COSTS	AIR FACILITY COSTS	OTHER ANN COSTS	DISCONT. COSTS		
2003	\$0					\$0	\$ -
2004		\$287,853	\$0	\$0		\$287,853	\$ 269,021
2005		\$287,853	\$0	\$0		\$287,853	\$ 251,422
2006		\$287,853	\$0	\$0		\$287,853	\$ 234,974
2007		\$287,853	\$0	\$0		\$287,853	\$ 219,602
2008		\$287,853	\$0	\$0		\$287,853	\$ 205,235
2009		\$287,853	\$0	\$0		\$287,853	\$ 191,809
2010		\$287,853	\$0	\$0		\$287,853	\$ 179,260
2011		\$287,853	\$0	\$0		\$287,853	\$ 167,533
2012		\$287,853	\$0	\$0		\$287,853	\$ 156,573
2013		\$287,853	\$0	\$0		\$287,853	\$ 146,330
2014		\$287,853	\$0	\$0		\$287,853	\$ 136,757
2015		\$287,853	\$0	\$0		\$287,853	\$ 127,810
2016		\$287,853	\$0	\$0		\$287,853	\$ 119,449
2017		\$287,853	\$0	\$0		\$287,853	\$ 111,634
2018		\$287,853	\$0	\$0		\$287,853	\$ 104,462
15 YR	\$0	\$4,317,795	\$0	\$0	\$0	\$4,317,795	\$ 3,954,652

OPERATIONS FOR FYV

YEAR	SCENARIO	ITINERANT				LOCAL		TOTAL
		AIR CARRIER	COMMUTER & AIR TAXI	GA	MIL	GA	MIL	
1999	0	765	11,714	15,292	289	8,820	824	37,704
2000	0	2	1,199	11,370	145	8,459	524	21,699
2001	0	7	709	16,288	182	15,973	144	33,303
2002	0	2	965	15,734	105	14,046	232	31,084
2003	0	-	908	16,905	116	23,411	504	41,844
2004	1	26	659	21,427	227	31,435	1,096	54,870
2005	1	26	659	21,926	227	32,167	1,096	56,101
2006	1	26	659	22,425	227	32,899	1,096	57,332
2007	1	26	659	22,924	227	33,632	1,096	58,564
2008	1	26	659	23,423	227	34,364	1,096	59,795
2009	1	26	659	23,922	227	35,096	1,096	61,026
2010	1	26	659	24,422	227	35,829	1,096	62,259
2011	1	26	659	24,921	227	36,561	1,096	63,490
2012	1	26	659	25,420	227	37,294	1,096	64,722
2013	1	26	659	25,919	227	38,026	1,096	65,953
2014	1	26	659	26,418	227	38,758	1,096	67,184
2015	1	26	659	26,918	227	39,491	1,096	68,417
2016	1	26	659	27,417	227	40,223	1,096	69,648
2017	1	26	659	27,916	227	40,955	1,096	70,879
2018	1	26	659	28,415	227	41,688	1,096	72,111

ANNUAL
GROWTH

-2.1% 3.5% 4.6% 3.9% 5.3% 3.7%



FAYETTEVILLE

AIRPORT ADMINISTRATION OFFICE
THE CITY OF FAYETTEVILLE, ARKANSAS

September 28, 2004

Harold E. Thomas
Manager, Contract Tower Branch
800 Independence Ave., SW
Washington, DC 20591

Dear Mr. Thomas:

We are in receipt of your letter dated September 22, 2004 regarding the FYV tower. Thank you for your recalculation of our B/C which shows the FAA will pay 91% of the cost and Fayetteville Municipal Airport-Drake Field will be responsible for the remaining 9%.

Please consider this letter as intent for Fayetteville Municipal Airport-Drake Field to continue to operate the Tower. We understand that our cost will be approximately \$26,000.00 annually with payments to begin for the month of March 2005. Please let us know if we will be invoiced or where payments are to be mailed.

Thank you for your work on this matter on behalf of the Citizens of Fayetteville and the numerous aviators that use the Fayetteville Municipal Airport, Drake Field. We will continue to do our part to insure the revenue streams remain healthy so that we are able to support the ATCT contract program and Drake Tower.

Sincerely,



Ray M. Boudreaux, Director
Aviation and Economic Development

CC: Mayor Dan Coody
Airport Board Members

FAA Contract Tower Program Benefit/Cost Guidelines

Fully Funded Towers

FAA's policy office (APO-200) will provide the FCT Program Office by November 15 of every other year the updated benefit/cost (b/c) ratios for all fully funded contract towers.

For regular contract tower airports with revised b/c ratios that continue to be over 1.0, the FAA contract tower program office will advise the airport sponsor of its revised b/c ratio and that the airport's contract tower will continue in the regular program for full funding.

For regular contract tower airports with revised b/c ratios that are below 1.0, the FAA contract tower program office will send each of these airport sponsors a letter with the updated b/c ratio and the back-up data information used for the b/c calculation. Included in the letter will be a request for the airport sponsor, if it so desires, to provide, no later than 60 days after receipt of the letter, to the FAA contract tower program office updated and verifiable data that will be used to calculate the final b/c. The FAA will provide these airport sponsors the final b/c NLT 60 days after the deadline for the receipt of the new data. The airport sponsor's cost-share portion to operate the tower, based on the final b/c, will become effective on October 1.

Cost Share Towers

FAA's policy office (APO-200) will provide the FAA Contract Tower (FCT) Program Office (ATP-140) by May 1 of every other year the updated benefit/cost (b/c) ratios for all cost-share contract towers.

For contract tower cost-share airports with revised b/c ratios that are over 1.0, the FCT Program Office will advise the airport sponsor of its revised b/c ratio and that, effective no later than (NLT) October 1, the airport's contract tower will be in the regular program for full funding.

For contract tower cost-share airports that have revised b/c ratios that have increased but are still below 1.0, the FCT Program Office will advise the airport sponsor of its revised b/c ratio and that the revised cost-share portion for the airport will be effective NLT October 1.

For contract tower cost-share airports with revised b/c ratios that have decreased, the FAA contract tower program office will send each of these airport sponsors a letter with the updated b/c ratio and the back-up data information used for the b/c ratio calculation. Included in the letter will be a request for the airport sponsor, if it so desires, to provide, no later than 60 days after receipt of the letter, to the FCT Program Office updated and verifiable data that will be used to calculate the final b/c ratio. The FAA will provide these airport sponsors the final b/c ratio NLT 30 days after the deadline for the receipt of new data. The airport sponsor's revised cost-share portion to operate the tower, based on the final b/c ratio, will become effective NLT six months after receipt of the initial b/c ratio.

STAFF REVIEW FORM - FINANCIAL OBLIGATION

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

FAA Contract Tower
Cost Share Program

For the Fayetteville City Council Meeting of: November 2, 2004

FROM:

Ray M. Boudreaux

Aviation & Economic Development

General Government

Name

Division

Department

ACTION REQUIRED: A Resolution to accept the Federal Aviation Administration (FAA) Benefit/Cost (B/C) calculation of .91 for the FAA Contract Tower (FCT) Cost Share Program, and approval to enter into a two year Cost Sharing Agreement beginning March 1, 2005 with the FAA.

COST TO CITY:

\$26,000.00
Cost of this request

\$ 330,072 -
Category/Project Budget

Serv/Chgs
Program Category / Project Name

5550.3940.5315.00
Account Number

\$ -
Funds Used to Date

Airport Administration
Program / Project Category Name

NA
Project Number

\$ 330,072 -
Remaining Balance

Airport
Fund Name

BUDGET REVIEW: ☒ Budgeted Item ☐ Budget Adjustment Attached

Budget Manager

Date

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager

Date

Internal Auditor

Date

D. J. White
City Attorney

10/18/04
Date

Purchasing Manager

Date

STAFF RECOMMENDATION:

[Signature]
Division Head

Date

Received in Mayor's Office

10/15/04
Date

[Signature]
Department Director

Date

Cross Reference:

[Signature]
Finance & Internal Services Dir.

Date

Previous Ord/Res#:

[Signature]
Chief Administrative Officer

Date

Orig. Contract Date:

Orig. Contract Number:

[Signature]
Mayor

Date

New Item:

☒ Yes

No

CITY COUNCIL AGENDA MEMO

TO: Mayor and City Council

THRU: Staff/Contract Review Committee

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

DATE: October 15, 2004

SUBJECT: Arkansas Aeronautics Department Grant Amendment T hangar "H"

RECOMMENDATION: Approve Arkansas Department of Aeronautics Grant to increase SAAG #2068-04 by \$50,000.00 for a total grant amount of \$150,000.00 for construction of T Hangar "H".

BACKGROUND: T Hangar "H" was approved for construction by the Airport Board at their February 12, 2004 meeting. Arkansas Department of Aeronautics granted \$100,000.00 to the project. Once the hangar was bid for the second time the Airport Board requested tat we apply for an amendment to the grant to reach the maximum amount of \$150,000.00. Due to the increase in price resulting from the increase in materials and fuel costs, the project was authorized to apply for the increased amount. Staff presented to the Department of Aeronautics for amendment which was approved.

DISCUSSION: T Hangar "H" construction has been awarded to Architectural Contractors, Inc. and a notice to proceed has been issued. This additional \$50,000.00 grant will reduce the amount to be taken from the Airport Fund Balance for completion of the project.

BUDGET IMPACT: The additional \$50,000.00 will be totally applied to the T Hangar "H" construction project.

Attachments: Staff Review Form
Award Letter from Arkansas Department of Aeronautics
Budget Adjustment

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



RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE FAYETTEVILLE MUNICIPAL AIRPORT STAFF TO ACCEPT AN INCREASE IN THE GRANT AMOUNT OF \$50,000.00 (FOR A TOTAL OF \$150,000.00) FROM THE ARKANSAS DEPARTMENT OF AERONAUTICS FOR THE CONSTRUCTION OF A NEW T-HANGAR; AND APPROVING A BUDGET ADJUSTMENT RECOGNIZING THE INCREASED GRANT REVENUE.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Fayetteville Municipal Airport staff to accept an increase in the grant amount of \$50,000.00 (for a total of \$150,000.00) from the Arkansas Department of Aeronautics for the construction of a new T-Hangar.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment recognizing the increased grant revenue.

PASSED and APPROVED this 2nd day of November 2004.

APPROVED:

By:

DAN COODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk

Budget Year 2004	Department: General Government Division: Aviation & Economic Development Program: Airport Revenue	Date Requested 10/15/2004	Adjustment Number
--------------------------------	--	---	--------------------------

Project or Item Requested: \$50,000.00 in the State Grants revenue account	Project or Item Deleted: None. Reduce Use of Fund Balance \$50,000.00
--	---

Justification of this Increase: Will provide additional grant funds for the construction of an 8-bay T-hangar.	Justification of this Decrease: The grant will fund 50% of the construction cost up to \$150,000.
--	---

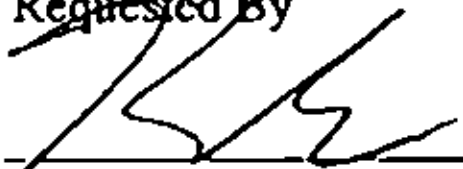
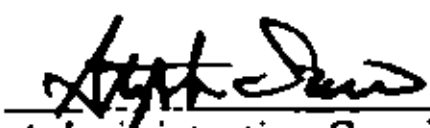
Increase Expense (Decrease Revenue)

Account Name	Account Number				Amount	Project Number	
State grants	5550	0955	6805	00	50,000	03013	1

Decrease Expense (Increase Revenue)

Account Name	Account Number				Amount	Project Number	
Use of fund balance	5550	0955	4999	99	50,000		

Approval Signatures

Requested By 	Date
Budget Manager	Date
Department Director	Date
 Administrative Services Director	10-20-04 Date
Mayor	Date

Budget Office Use Only

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



STATE OF ARKANSAS DEPARTMENT OF AERONAUTICS

Little Rock National Airport • One Airport Drive • 3rd Floor
Little Rock, Arkansas 72202-4402
Telephone: (501) 376-6781 • Fax: (501) 378-0820

MIKE HUCKABEE
GOVERNOR

JOHN K. KNIGHT
DIRECTOR

September 15, 2004

Commissioners

Darryl Riddell
West Helena

Marion Burton
Little Rock

John Sparks
Little Rock

Gary Jackson
Rogers

Linda Crawford
Texarkana

Lindley Smith
Jonesboro

Milton Brunson
Camden

**Mr. Ray M. Boudreaux, Director
Aviation & Economic Development
Fayetteville Municipal Airport
4500 South School Avenue, Suite F
Fayetteville, Arkansas 72701**

Dear Mr. Boudreaux:

The Arkansas Aeronautics Commission in their meeting of September 14, 2004 voted to approve an amendment to state airport aid grant #2068-04 in the amount of \$50,000.00 due to unexpected increase in cost of structural steel for construction of 8-Bay T-Hangar at the Fayetteville Municipal Airport. (Amend from \$100,000.00 to \$150,000.00) (50-50%)

Payment of this grant can be made upon completion of the project, written request for payment and submission of documentation required for payment of the project. Please contact our office if you have any questions about the payment process.

If you have any questions concerning the amendment, please feel free to contact our office.

Sincerely,

John K. Knight
Director

JK/cb

RECEIVED
SEP 16 2004
AIRPORT

STAFF REVIEW FORM - FINANCIAL OBLIGATION

☐ AGENDA REQUEST
☐ CONTRACT REVIEW
☒ GRANT REVIEW

State Aeronautics Grant
 Amend Grant #2068-04 T-Hangar

For the Fayetteville City Council Meeting of: November 2, 2004

FROM:

<u>Ray M. Boudreaux</u>	<u>Aviation & Economic Development</u>	<u>General Government</u>
Name	Division	Department

ACTION REQUIRED: A Resolution to accept an Amendment to the Arkansas Department of Aeronautics Grant #2068-04 to increase the funding amount \$50,000 for a total grant amount of \$150,000 to construct an 8-Bay T-hangar. Approval of the associated Budget Adjustment.

COST TO CITY:

<u>\$50,000 Revenue</u>	<u>\$ 359,695.00</u>	<u>8-Bay T-Hangar</u>
Cost of this request	Category/Project Budget	Program Category / Project Name
<u>5550.0955.6805.00</u>	<u>\$ 344,352.50</u>	<u>Capital</u>
Account Number	Funds Used to Date	Program / Project Category Name
<u>03013-1</u>	<u>\$ 15,342.50</u>	<u>Airport</u>
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: ✓ Budgeted Item X Budget Adjustment Attached

[Signature] 10.12.04
 Budget Manager Date

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager	Date	Internal Auditor	Date
<u>[Signature]</u>	<u>10/19/04</u>		
City Attorney	Date	Purchasing Manager	Date

STAFF RECOMMENDATION:

Division Head	Date	Received in Mayor's Office	Date
<u>[Signature]</u>	<u>Oct 15 2004</u>		<u>10-15-04</u>
Department Director	Date	Cross Reference:	
<u>[Signature]</u>	<u>10-20-04</u>	Previous Ord/Res#:	<u>24-04</u>
Finance & Internal Services Dir.	Date	Orig. Contract Date:	<u>17-Feb-04</u>
<u>[Signature]</u>	<u>10-19-04</u>	Orig. Contract Number:	<u>Grant #2068-04</u>
Chief Administrative Officer	Date	New Item:	Yes No <u>X</u>
<u>[Signature]</u>	<u>10/18/04</u>		
Mayor	Date		

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Dan Coody and Fayetteville City Council

THRU: Hugh Earnest, Chief Administrative Officer
Stephen Davis, Finance & Internal Services Director

FROM: Kevin Springer, Budget Manager

DATE: October 7, 2004

SUBJECT: Budget Adjustment Request – Vehicle & Equipment Fuel

Recommendation:

Staff recommends that City Council approve a budget adjustment for \$195,100 for Vehicle and Machine Fuel & Maintenance costs for 2004.

Background:

For 2004, \$564,942 was budgeted Citywide for Vehicle & Machine Fuel and Maintenance costs. Currently the average fuel cost for 2004 is 24% higher than the average fuel cost in 2003. In addition, there is estimated to be a 4% increase in fuel usage in 2004 over 2003. Due to rising fuel costs throughout the year, it is estimated that the total cost will be \$745,604 by the end of 2004. This increase in fueling costs will require a budget adjustment in the amount of \$195,100.

The table below shows the amount of additional budget needed by each City Department.

	Budgeted 2004	Estimated 2004	Budget Adjustment
City Department:			
Solid Waste & Recycling	112,890	185,290	(72,400)
Police Department	97,518	132,658	(36,000)
Transportation	90,382	108,182	(23,200)
Fire Department	73,400	100,000	(26,600)
Water & Sewer/Meter	95,805	113,180	(20,400)
Other	63,823	71,370	(12,700)
Parks & Recreation	31,124	34,924	(3,800)
	<u>564,942</u>	<u>745,604</u>	<u>(195,100)</u>

Discussion:

City staff is recommending that the budget adjustment be approved in the amount of \$195,100. The funding is required to maintain the current level of operations and the increase in fueling costs are out of the City's control.

Budget Impact:

There is no net budget impact to reserves because the funding will come from increased revenue received in 2004. The funding for the \$195,100 budget adjustment will come from receiving increased Investment Earnings, increased HMR Tax Revenue, and increased Solid Waste Fees.

The additional funding by funding source is shown in the table below:

	Budgeted 2004	Estimated 2004	Budget Adjustment	Additional Funding
<u>Funding Source:</u>				
General Fund	222,661	292,712	(75,400)	Investment Earnings
Street Fund	90,382	108,182	(23,200)	Investment Earnings
C.D.B.G. Fund	300	-	-	
Parks Development Fund	7,000	8,200	(1,200)	HMR Tax Revenue
Water & Sewer Fund	95,805	113,180	(20,400)	Investment Earnings
Solid Waste Fund	112,890	185,290	(72,400)	Solid Waste Fees
Airport Fund	13,300	15,490	(2,500)	Investment Earnings
Shop Fund	22,604	22,550	-	
	<u>564,942</u>	<u>745,604</u>	<u>(195,100)</u>	

Conclusion:

If approved, the \$195,100 will be added to the City's various Vehicle & Machine Maintenance & Fueling accounts. The funds are needed to maintain critical operations in 2004.

If you have any questions concerning this agenda request please contact either myself at 575-8226 or Stephen Davis at 575-8330.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$195,100.00 TO VARIOUS VEHICLE AND MACHINE MAINTENANCE FUELING ACCOUNTS, DUE TO UNANTICIPATED FUEL COST INCREASES.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of \$195,100.00 to various Vehicle and Machine Maintenance Fueling accounts, due to unanticipated fuel cost increases.

PASSED and APPROVED this 2nd day of November 2004.

APPROVED

By: DAN COODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk

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

A. 5
Vehicle & Maintenance Fueling
Page 4 of 6

Budget Year 2004	Department: Various Division: Program:	Date Requested 9/21/2004	Adjustment Number
-------------------------	--	---------------------------------	-------------------

Project or Item Requested: \$195,100 in various Vehicle & Machine Maintenance Fueling accounts.	Project or Item Deleted: None. To recognized revenue in various accounts.
--	--

Justification of this Increase: The funding is needed to cover the increase in fueling costs for 2004.	Justification of this Decrease: Due to increased revenue earnings, there is sufficient funding available to comply with City policy and 2004 objectives.
---	---

Increase Budget (Decrease Revenue)

Account Name	Account Number	Amount	Project Number
See Attached			

Decrease Budget (Increase Revenue)

Account Name	Account Number	Amount	Project Number
See Attached			

Approval Signatures

Requested By	Date
Budget Manager	Date
Department Director	Date
 Finance & Internal Services Director	10-11-04 Date
Mayor	Date

Budget Office Use Only

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

Increase Budget (Decrease Revenue)						
Account Name	Account Number				Amount	Project Number
Vehicle & machine maint	1010	1410	5403	00	2,800	
Vehicle & machine maint	1010	1710	5403	00	400	
Vehicle & machine maint	1010	2710	5403	00	1,800	
Vehicle & machine maint	1010	2940	5403	00	36,000	
Vehicle & machine maint	1010	3010	5403	00	2,900	
Vehicle & machine maint	1010	3020	5403	00	23,700	
Vehicle & machine maint	1010	5220	5403	00	400	
Vehicle & machine maint	1010	5260	5403	00	2,200	
Vehicle & machine maint	1010	6220	5403	00	1,300	
Vehicle & machine maint	1010	6240	5403	00	1,900	
Vehicle & machine maint	1010	6300	5403	00	400	
Vehicle & machine maint	1010	6400	5403	00	1,400	
Vehicle & machine maint	1010	6420	5403	00	200	
Vehicle & machine maint	2100	4100	5403	00	500	
Vehicle & machine maint	2100	4110	5403	00	4,300	
Vehicle & machine maint	2100	4120	5403	00	6,600	
Vehicle & machine maint	2100	5315	5403	00	4,100	
Vehicle & machine maint	2100	5530	5403	00	7,700	
Vehicle & machine maint	2250	9250	5403	00	1,200	
Vehicle & machine maint	5400	1820	5403	00	4,600	
Vehicle & machine maint	5400	4000	5403	00	2,300	
Vehicle & machine maint	5400	4310	5403	00	6,700	
Vehicle & machine maint	5400	4410	5403	00	6,800	
Vehicle & machine maint	5500	5000	5403	00	1,900	
Vehicle & machine maint	5500	5010	5403	00	27,900	
Vehicle & machine maint	5500	5020	5403	00	34,300	
Vehicle & machine maint	5500	5030	5403	00	4,500	
Vehicle & machine maint	5500	5060	5403	00	2,800	
Vehicle & machine maint	5500	5070	5403	00	1,000	
Vehicle & machine maint	5550	3950	5403	00	2,500	

Decrease Budget (Increase Revenue)						
Account Name	Account Number				Amount	Project Number
Interest-investments	1010	0001	4708	00	75,400	
Interest-investments	2100	0910	4708	00	23,200	
HMR tax revenue	2250	0925	4101	00	1,200	
Interest-revenue	5400	0940	6708	07	20,400	
Solid Waste fees	5500	0950	4430	00	72,400	
Interest on investments	5550	0955	6708	00	2,500	

STAFF REVIEW FORM - FINANCIAL OBLIGATION

A. 5
Vehicle & Maintenance Fueling
Page 6 of 6

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council Meeting of: November 2, 2004

FROM:

Kevin Springer	Budget & Research	Finance & Internal Services
Name	Division	Department

ACTION REQUIRED: Staff recommends that City Council approve a budget adjustment in the amount of \$195,100 to various Vehicle & Machine Maintenance Fueling accounts. The increased funding is needed due to increased fuel costs.

COST TO CITY:

\$195,100.00	\$ 564,942.00	Vehicle & Machine Maintenance
Cost of this request	Category/Project Budget	Program Category / Project Name
XXXX.XXXX.5403.00	\$ 471,639.00	Various
Account Number	Funds Used to Date	Program / Project Category Name
	\$ 93,303.00	Various
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: ☒ Budgeted Item ☒ Budget Adjustment Attached

[Signature] 10-7-04
Budget Manager Date

CONTRACT/GRANT/LEASE REVIEW: Resolution Attached.

Accounting Manager	Date	Internal Auditor	Date
<u>[Signature]</u> <u>10/11/04</u>	Date	Purchasing Manager	Date
City Attorney			

STAFF RECOMMENDATION: Staff recommends approving the budget adjustment for fuel costs.

Division Head	Date	Received in Mayor's Office	<u>10/11/04</u> Date <u>PAH</u>
Department Director	Date	Cross Reference:	
<u>[Signature]</u> <u>10-11-04</u>	Date	Previous Ord/Res#:	
Finance & Internal Services Dir.		Orig. Contract Date:	
<u>[Signature]</u> <u>10-11-04</u>	Date	Orig. Contract Number:	
Chief Administrative Officer		New Item:	Yes No
<u>[Signature]</u> <u>10/11/04</u>	Date		
Mayor			



CITY COUNCIL AGENDA MEMO

TO: Mayor Dan Coody and City Council

THRU: Hugh Earnest, Chief Administrative Officer
Stephen Davis, Finance & Internal Services Director *SD*

FROM: Michele Bechhold, Human Resources Director *MB*

DATE: October 1, 2004

SUBJECT: Group Insurance Renewals

RECOMMENDATION:

Staff recommends approval of the renewal for group benefit plans for the year 2005. Council approval will authorize Staff to exercise the 2005 option to renew our current benefit plans with Arkansas Blue Cross Blue Shield and USABLE Life.

BACKGROUND:

In 2003 Council approved the renewal of group benefits and provided for five one-year options to renew the plans with existing carriers. The medical, life and disability plans have continued to operate smoothly. The combination of effective cost controls, favorable claims experience, and aggressive negotiation have been successful in keeping recent medical premium costs below the double digit increases seen throughout the country. The chart below illustrates national increase trends and actual City premium increases.

	Plan Year 2003	Plan Year 2004
National % Increase*	13.9%	11.2%
City's % Increase	11.45% Decrease	9.5%

*Information obtained from the Kaiser Family Foundation's Employer Health Benefits 2004 Summary of Findings.

Ramsey, Krug, Farrell & Lensing, the City's broker of record, facilitated the renewal process for 2005. After negotiations, BCBS has presented a renewal offer to the City for a 7.6% increase which incorporates a change to the benefit plan.

DISCUSSION:

Medical Plan – The initial Blue Cross Blue Shield renewal offer for our current plan came in at a 10.89% increase. The majority of this increase can be attributed to projections for future medical and drug cost trends. BCBS is projecting a trend increase factor of 13% for medical and 14% for drug cost. During the negotiation process, we requested BCBS to quote our plan with a benefit change to increase the out-of-pocket maximum. Currently the individual plan out-of-pocket maximum is \$1,000; family plan out-of-pocket maximum is \$2,000. The family maximum is met when two individuals in the family experience \$1,000 out-of-pocket costs. (The \$500 deductible is not counted towards the out-of-pocket maximum.)

BCBS offered a 7.6% increase to the City if we elect to change our out-of-pocket maximum as stated. They also offered to shave another 1% from this quote if the City moved the dental insurance plan from Delta Dental to BCBS.

This information was presented to the Wage & Benefit Committee. Their recommendation was to accept the benefit change and ask the City to fund the entire increase in exchange for the employees agreeing to expose themselves to additional potential out-of-pocket costs. (Refer to Exhibit 1 for a history of out-of-pocket costs.)

Life & Disability Insurance – USABLE presented a renewal with no change to the rates for Life, Accidental Death & Dismemberment, and Long-term Disability coverage.

Dental Plan – Dental premiums are 100% employee paid. Delta Dental proposed a 17% increase over current rates. As a part of their renewal presentation, Delta suggested that the City change the benefit structure to mirror the market more closely. The City's plan currently provides 100% coverage for Basic Restorative Services; most of the plans that Delta insures cover Basic Restorative services at 80%. Delta offered to hold the current rates steady for 2005 if the City would agree to accept the more prevalent plan design.

Dental was bid out and quotes were received from several companies. This information was presented to the Wage & Benefit Committee. They recommended that the City retain Delta Dental, but move to the suggested 100/80/50 plan design and maintain current premium rates. These rates are below.

	2004/2005 Monthly Dental Rates
Individual	19.46
Family	64.28

Voluntary Vision Plan – Starmount, the current carrier, was selected in 2003. They provided a rate guarantee for 2004 and 2005. There will be no change in the premiums for 2005.

Budget Impact:

The only renewal that carries additional costs to the City for 2005 is the medical plan. Staff supports the recommendation of the Wage and Benefit Committee to incorporate the benefit change and requests Council to approve funding the entire 7.6% increase. The cost to the City of this proposal is \$187,800. The significant elements of this proposal are 1) a benefit change that increases the out-of-pocket maximum, and 2) the City absorbs the entire increase. As you evaluate this option, it is important to consider the following information. If the City accepts the original 10.89% increase and prorates the increase between the City and employees as Council approved last year, the cost to the City would be approximately \$262,000. Based on these numbers, the City can accept a benefit change, maintain current employee premium levels, and fund the entire increase for fewer dollars than rejecting the benefit change and sharing the cost of the increase with employees.

The chart below details the breakout of the 2004 and proposed 2005 medical premium rates.

MEDICAL PREMIUM AMOUNTS – STAFF RECOMMENDED PERCENTAGE SPLIT

	2004 Individual	2004 Family	2005 Individual	2005 Family
City	182.20	408.73	196.67	443.94
Employee	8.26	54.52	8.26	54.52

Staff is available to answer any questions you may have.

EXHIBIT 1

**HISTORY OF OUT-OF-POCKET COSTS
MAJOR MEDICAL PLAN**

	# of Plan Members	# of Plan Members Who Met the \$1,000 Out-of-Pocket Maximum	% of Plan Members Who Met Maximum
1-1-2003 to 12-31-2003	1198	55	4.6%
1-1-2004 to 7-31-2004	1020	37	3.6%

Typically, the percentage of members who meet the out-of-pocket maximum averages about 4%.

RESOLUTION NO. _____

A RESOLUTION EXERCISING THE FIRST OF FIVE ONE-YEAR OPTIONS TO RENEW EMPLOYEE GROUP POLICIES WITH USABLE LIFE TO PROVIDE LIFE, ACCIDENTAL DEATH AND DISMEMBERMENT, AND LONG TERM DISABILITY INSURANCE COVERAGE, AND WITH BLUE CROSS/BLUE SHIELD FOR THE GROUP MEDICAL PLAN.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas, hereby exercises the first of five one-year options to renew employee group policies with USABLE Life to provide Life, Accidental Death and Dismemberment, and Long Term Disability insurance coverage.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby exercises the first of five one-year options to renew the Blue Cross/Blue Shield Group Medical Plan.

PASSED AND APPROVED this 19th day of October 2004.

APPROVED:

By DAN COODY, Mayor

ATTEST:

By SONDRA SMITH, City Clerk

STAFF REVIEW FORM - FINANCIAL OBLIGATION

Arkansas Blue Cross and USABLE Insurance Benefit Plan Renewal
Page 5 of 5

B. 1

XX AGENDA REQUEST
 _____ CONTRACT REVIEW
 _____ GRANT REVIEW

For the Fayetteville City Council Meeting of: October 19, 2004

FROM:

Michele Bechhold Human Resources Finance & Internal Services
 Name Division Department

ACTION REQUIRED: Approve renewal of the City's group benefit plans for 2005. Staff recommends that the City exercise the 2005 option to renew with Arkansas Blue Cross Blue Shield and USABLE for health and life plans.

COST TO CITY:

\$2,659,000.00	\$ -	
Cost of this request	Category/Project Budget	Program Category / Project Name
Various	\$ -	
Account Number	Funds Used to Date	Program / Project Category Name
	\$ -	VARIOUS
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Manager _____ Date _____

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager _____	Date _____	Internal Auditor _____	Date _____
<i>D. J. White</i>	10/5/04		
City Attorney _____	Date _____	Purchasing Manager _____	Date _____

STAFF RECOMMENDATION: Approve contracts with Arkansas BCBS and USABLE Life.

M. Bechhold 10-5-04 Received in Mayor's Office
 Division Head Date

10/6/04
 Date *P.H.*

Department Director _____ Date _____

Steph D... 10-6-04
 Finance & Internal Services Dir. Date

Greg E... 10-6-04
 Chief Administrative Officer Date

Don C... 10/6/04
 Mayor Date

Cross Reference:

Previous Ord/Res#: _____

Orig. Contract Date: _____

Orig. Contract Number: _____

New Item: Yes No

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Tim Conklin, Community Planning and Engineering Services Director

From: Dawn T. Warrick, AICP, Zoning and Development Administrator, *DW*

Date: September 28, 2004

Subject: Rezoning request for Clevenger Drive (RZN 04-1164)

RECOMMENDATION

Planning Staff recommends approval of an ordinance rezoning approximately 4.93 acres of property from R-A, Residential Agricultural to RMF-6, Residential Multi-family, 6 units per acre, with an associated Bill of Assurance limiting the dwelling type to Single Family or Two-family only.

BACKGROUND

Property description: The subject property is located on Clevenger Drive, east of 54th Avenue, south of Wedington Drive. Surrounding properties are zoned RSF-4 and R-A and are developed as single and two-family residential homes or agricultural land. The 4.93-acre tract is fully developed with two-family dwelling units. Development on the property predates the annexation of this area into the City of Fayetteville in the 1980s. At that time, land was primarily zoned R-A, Residential Agricultural by default as it was annexed. The existing ten (10) structures house a total of twenty (20) units, with a density of 4.0 dwelling units per acre. Though two-family dwelling units are permitted by right in the R-A zoning district, density is limited to ½ unit per acre (1 unit per 2 acres). The subject property is developed all on one (1) parcel of 4.93 acres, with frontage onto Clevenger Drive and 54th Avenue. The structures are thus considered nonconforming structures, and may not be replaced if destroyed except in compliance with zoning and development regulations.

Proposal: The applicant proposes a rezoning of the subject property to facilitate the reconstruction of a two-family unit lost to arson in the recent past. Upon application for a building permit to replace the structure, the applicant was informed that the structures were nonconforming, and thus could not be replaced. The intent is to replace the original structure with one that is similar in size and location.

Originally the applicant submitted a rezoning request to RT-12, Residential Two and Three-Family, to change the zoning district to one that would allow rebuilding of the dwelling units. However, staff was not in support of such a change in density on the site, which, with potential redevelopment of the property in the future, could increase the number of units on the property to fifty-nine (59). The applicant has changed the rezoning request, based on discussions with staff, to RMF-6, for a lower density.

Left on 1st reading 10/19/04

City Council Meeting of October 19, 2004
Agenda Item Number

Additionally, the applicant is offering a Bill of Assurance stating that only two-family or single family residences may be constructed on the subject property, thereby eliminating the possibility of apartment-style dwelling units in this area.

Request: The request is to rezone the subject property from R-A, Residential Agricultural to RMF-6, Residential Multi-Family, 6 units per acre, with a Bill of Assurance limiting the type of development to single family and two-family dwelling units.

DISCUSSION

On September 27, 2004, the Planning Commission voted 8-0-0 to forward this item to the City Council with a recommendation for approval of the rezoning.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 04-1164 AS SUBMITTED BY MELISSA CUIEL FOR PROPERTY LOCATED SOUTH OF WEDINGTON DRIVE AND EAST OF 54TH AVENUE, CONTAINING APPROXIMATELY 4.93 ACRES FROM R-A, RESIDENTIAL AGRICULTURAL TO RMF-6, RESIDENTIAL MULTI FAMILY, SIX UNITS PER ACRE SUBJECT TO A BILL OF ASSURANCE LIMITING THE NUMBER AND TYPE OF STRUCTURES TO DUPLEX AND SINGLE FAMILY USE.

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

Section 1: That the zone classification of the following described property is hereby changed as follows:

From R-A, Residential Agricultural to RMF-6, Residential Multi-Family, 6 Units Per Acre as shown in Exhibit "A" attached hereto and made a part hereof.

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

Section 3. That this property is subject to a Bill of Assurance offered by the property owner to carry with the land, limiting the use of the property to two family and single family dwelling units as shown in Exhibit "B" attached hereto and made a part hereof.

PASSED AND APPROVED this _____ day of _____, 2004.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____

EXHIBIT "A"
RZN 04-1164

A PART OF THE NORTHWEST QUARTER (NW ¼) OF THE SOUTHEAST QUARTER (SE ¼) AND A PART OF THE NORTHEAST QUARTER (NE ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION ELEVEN (11). TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY ONE (31) WEST. BEING MORE PARTICULARLY DESCRIBED, TO-WIT: BEGINNING AT A POINT IN THE CENTER OF WEST 54TH STREET WHICH IS NORTH 240.0 FEET AND NORTH 89°54'11" WEST 165.0 FEET FROM THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER, SOUTHEAST QUARTER AND RUNNING THENCE NORTH ALONG THE CENTERLINE OF SAID STREET 150.0 FEET; THENCE NORTH 89°42'30" EAST ALONG THE NORTH SIDE OF A 25 FOOT WIDE DRIVE WAY 480.00 FEET; THENCE NORTH 223.25 FEET; THENCE SOUTH 89°54'11" EAST 346.08 FEET TO AN EXISTING FENCE LINE; THENCE SOUTH 00°24'00" WEST 374.00 FEET; THENCE SOUTH 02°28'51" WEST 91.52 FEET; THENCE NORTH 85°33'36" WEST ALONG AN EXISTING FENCE 126.0 FEET; THENCE SOUTH 45°00' WEST 25.0 FEET; THENCE WEST 20.0 FEET; THENCE NORTH 01°30'52" EAST 91.08 FEET; THENCE NORTH 89°54'11" WEST 664.22 FEET TO THE POINT OF BEGINNING, CONTAINING 4.93 ACRES, MORE OR LESS. SUBJECT TO THAT PORTION IN STREET RIGHT OF WAY ON THE WEST SIDE OF HEREIN DESCRIBED TRACT AND UTILITY EASEMENTS OF RECORD.

DRAFT

BILL OF ASSURANCE FOR THE CITY OF FAYETTEVILLE, ARKANSAS

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

Juan-Leandra Curiel, Candido + Florencio Curiel, Pedro Curiel hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

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

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

1. The use of Petitioner's property shall be limited to _____

2. Other restrictions including number and type of structures upon the property are limited to duplex or single family use.

3. Specific activities will not be allowed upon petitioner's property include _____

4. (Any other terms or conditions) _____

Exhibit "B"

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

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

9-24-04
Date

Juan Curiel /
Leandra Curiel
Printed Name

3631 Tanglewood Dr.
Address
Springdale AR 72764

Juan Curiel
Leandra Curiel
Signature

NOTARY OATH

STATE OF ARKANSAS }
COUNTY OF WASHINGTON }

And now on this the 24th day of September, 2004, appeared before me, Juan Curiel and Leandra Curiel and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

Kathryn D. Scott
NOTARY PUBLIC

My Commission Expires:
11-28-2005





PC Meeting of September 27, 2004

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Jeremy Pate, Senior Planner
Matt Casey, Staff Engineer
THRU: Dawn Warrick, A.I.C.P., Zoning & Development Administrator
DATE: September 21, 2004

RZN 04-1164: Rezoning (CLEVINGER DR. DUPLEXES, 436,437): Submitted by MELISSA CUIEL for property located at CLEVINGER DRIVE, S OF WEDINGTON DRIVE AND EAST OF 54TH. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 4.93 acres. The request is to rezone the subject property from R-A, Residential Agricultural, to RMF-6, Residential Multi-family, 6 units per acre with a Bill of Assurance.

Property Owner: JUAN & LEANDRA CUIEL

Planner: JEREMY PATE

RECOMMENDATION:

Staff recommends approval of the requested rezoning, with its associated bill of assurance, based on the findings included as part of this report.

PLANNING COMMISSION ACTION:	Required <u>YES</u>	☐ Approved	☐ Denied
Date: <u>September 27, 2004</u>			
CITY COUNCIL ACTION:	Required <u>YES</u>	☐ Approved	☐ Denied
Date: <u>October 19, 2004 (1st reading if recommended)</u>			

Comments: _____

BACKGROUND:

Property description: The subject property is located on Clevenger Drive, east of 54th Avenue, south of Wedington Drive. Surrounding properties are zoned RSF-4 and R-A and are developed as single and two-family residential homes or agricultural land. The 4.93-acre tract is fully developed with two-family dwelling units. Development on the property predates the annexation of this area into the City of Fayetteville in the 1980s. At that time, land was primarily zoned R-A, Residential Agricultural by default as it was annexed. The existing ten (10) structures house a total of twenty (20) units, for a current density of 4.0 dwelling units per acre. However, though two-family dwelling units are permitted by right in the R-A zoning district, density is limited to ½ unit per acre (1 unit per 2 acres), with 200 feet of frontage per lot. The subject property is developed all on one (1) parcel of 4.93 acres, with frontage onto Clevenger Drive and 54th Avenue. The structures are thus considered nonconforming structures, and may not be replaced if destroyed except in compliance with zoning and development regulations.

Proposal: The applicant proposes a rezoning of the subject property to facilitate the reconstruction of a two-family unit lost to arson in the recent past. Upon application for a building permit, the applicant was informed that the structures were nonconforming, and thus could not be replaced. The intent is to replace the original structure with one that is similar in size and location.

Originally the applicant submitted a rezoning request to RT-12, Residential Two and Three-Family, to change the zoning district to one that would allow rebuilding of the dwelling units. However, staff was not in support of such a change in density on the site, which, with potential redevelopment of the property in the future, could increase the number of units on the property to (59). The applicant has changed the rezoning request, based on discussions with staff, to RMF-6, for a lower density. Additionally, the applicant is offering a Bill of Assurance stating that only two-family or single family residences may be constructed on the subject property, thereby eliminating the possibility of apartment-style dwelling units in this area.

Request: The request is to rezone the subject property from R-A, Residential Agricultural to RMF-6, Residential Multi-Family, 6 units per acre, with a Bill of Assurance limiting the type of development to single family and two-family dwelling units.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Single family homes, agricultural	RSF-4, Res. Single Family, 4 DU/acre R-A, Residential Agricultural
South	Single family homes, agricultural, two-family home	R-A, Residential Agricultural
East	Agricultural/vacant land	R-A, Residential Agricultural
West	Single family homes, two-family homes	RSF-4, Res. Single Family, 4 DU/acre

INFRASTRUCTURE:

Streets: Currently the site only has access to 54th Street along the west side of the property. If there is redevelopment of the site, 54th Street will need to be improved to current standards along the property frontage.

Water/Sewer: The property currently has access to an 8" water main and a 6" sewer main along 54th Street on the west side of the property. The property is already developed and will not have an additional impact to the water and sewer system in this area. If there is redevelopment of the site, an analysis will need to be performed for the 6" sewer to verify that there is sufficient capacity to serve the new development.

Fire: The subject property is located 1.70 miles from the future Fire Station #7 on Ruppel Road. Fire response time is approximately 4-5 minutes. Projected service calls for the subject property, at maximum build-out, is 3 calls per year.

Police: It is the opinion of the Fayetteville Police Department that this annexation will not substantially alter the population density and thereby undesirably increase the load on police services.

LAND USE PLAN: The Future Land Use Plan designates this site for Residential use. Rezoning this property to RMF-6 is consistent with the land use plan and is 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 rezoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans. Surrounding properties are residential and agricultural in nature. Several two-family units are located nearby, with single family homes on large lots dominating the land use. The Bill of Assurance offered limits the type of development on the property, both now and in the future, to single family and two-family dwelling units, which is compatible with surrounding areas.

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 and needed in order to bring an existing development, which predates annexation of the area into the City of Fayetteville, into conformance. The proposed zoning will allow for the reconstruction of a structure in the short term; in the long term, the proposed zoning, with the offered Bill of Assurance, will limit the site to 6 dwelling units per acre with only single family and two-family dwelling unit types permitted.

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

Finding: The site is currently fully developed. The proposed zoning, with the existing development or redevelopment in the future, would not create or appreciably increase traffic danger and congestion in the area.

Police – It is the opinion of the Fayetteville Police department that an appreciable increase and traffic danger and congestion will not be created by this rezoning request.

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

Finding: The proposed zoning would not substantially alter the population density in

the area. Currently there are 20 units on the 4.93 acres. With the proposed density, maximum of 29 units would be permitted, all single family or two-family in nature. Additionally, future development would potentially require street improvements and shall conform to zoning and development standards of the Unified Development Code. Public service providers have responded accordingly:

Police – This rezoning will not substantially alter the population density thereby undesirably increasing the load on police services.

Fire – Response time to the subject property (actual drive time) is approximately 4-5 minutes (approx. 1.70 miles) from station #7 on Ruppel Road. Projected service calls for the subject property, at maximum build-out, is 3 calls per year.

Engineering – Currently the site only has access to 54th Street along the west side of the property. If there is redevelopment of the site, 54th Street will need to be improved to current standards along the property frontage.

The property currently has access to an 8" water main and a 6" sewer main along 54th Street on the west side of the property. The property is already developed and will not have an additional impact to the water and sewer system in this area. If there is redevelopment of the site, an analysis will need to be performed for the 6" sewer to verify that there is sufficient capacity to serve the new development.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

161.10 District Rmf-6, Residential Multi-Family – Six Units Per Acre

(A) *Purpose.* The RMF-6 Multi-family Residential District is designed to permit and encourage the development of multi-family 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) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 11	Manufactured home park
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	4 to 6
----------------	--------

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three and more	90 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a Manufactured home park	4,200 sq. ft.
Townhouse:	
• Development	10,000 sq. ft.
• Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	7,000 sq. ft.
Three or more	9,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Apartments:	
No bedrooms	1,700 sq. ft.
One bedroom	1,700 sq. ft.
Two or more bedrooms	2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) *Setback requirements.*

Front	Side	Rear
25 ft.	8 ft.	25 ft.

Cross reference(s)—Variances, Ch. 156.

(F) *Height regulations.* Any building which exceeds the height of 20 feet shall be set back from any side boundary line an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* None.

161.03 District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	One-half
----------------	----------

(D) *Bulk and area regulations.*

Lot width minimum	200 ft.
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback requirements.*

Front	Side	Rear
35 ft.	20 ft.	35 ft.

(F) *Height requirements.* There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.

(G) *Building area.* None.

July 28, 2004

To Whom It May Concern:

In 2004 unit number five (5) and six (6) on Clevenger Drive was burned down by arson. The owners, Juan and Leandra Curiel, Candido and Florencia Curiel and Pedro Curiel, contacted their insurance company so they could begin rebuilding the lost unit. The owners are not rebuilding for the purpose of selling the property.

In June 2004 the contractor that was hired came to the City for a permit to begin the building of the new unit. At that time the owners were informed that the existing duplexes were not in the correct zone for the purpose needed. Instead of requesting a variance for only the unit destroyed, it was decided to request re-zoning for the entire property in case anything should ever happen again to another duplex. Without the property being rezoned we would not be able to rebuild the site with an R-A zoning as we do not have the required space.

The new unit to be built is an exact replica of the duplex that was destroyed. The building of this unit will in no way alter the previous amount of land use, traffic or appearance as relates to the other nine (9) units.

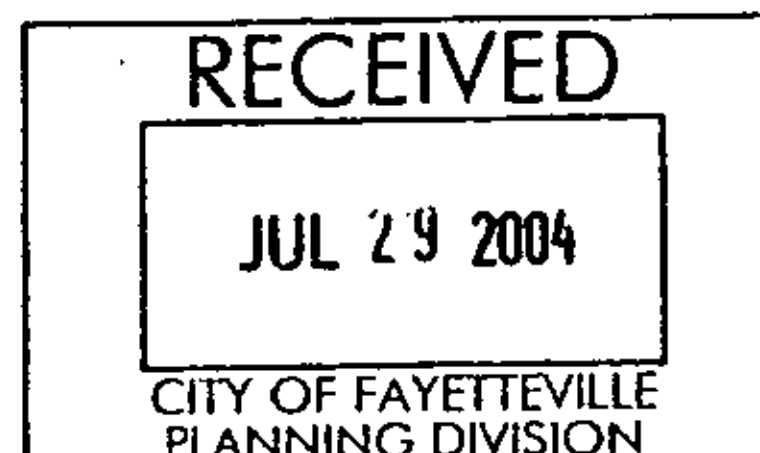
There is water (8") and sewer (6") used at this property coming off of North 54th.

Thank you very much for your consideration.

Sincerely,

Melissa D. Curiel

Melissa D. Curiel



**Legal Description of parcel # 76516198001
Duplexes at Clevenger Drive, Fayetteville**

A part of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) and a part of the Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4) of Section Eleven (11), Township Sixteen (16) North, Range Thirty-one (31) West. Being more particularly described, To-wit: Beginning at a point in the Center of West 54th Street which is North 240.0 feet and North 89°54'11" West 165.0 feet from the Southwest corner of said Northwest Quarter, Southeast Quarter and running thence North along the centerline of said street 150.0 feet; thence North 89° 42'30" East along the North side of a 25 foot wide drive way 480.00 feet; thence North 223.25 feet; thence South 89° 54'11" East 346.08 feet to an existing fence line; thence South 00° 24'00" West 374.00 feet; thence South 02'28"51" West 91.52 feet; thence North 85° 33'36" West along an existing fence 126.0 feet; thence South 45° 00' West 25.0 feet; thence West 20.0 feet; thence North 01° 30'52" East 91.08 feet; thence North 89° 54'11" West 664.22 feet to the point of beginning, Containing 4.93 acres, more or less. Subject to that portion in Street Right-of-way on the West side of herein described tract and utility easements of record.

EXHIBIT "A"
PROPERTY TO BE REZONED
AS SUBMITTED BY THE APPLICANT

Juan Luis Leandra Curiel
Applicant's Signature

RZN 04-1164
8/3/2004
JA

5.86 ft. Joanne Curiel

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

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

9-22-04
Date

620 Paige Blvd.
Address
Lowell, AR 72745

Florencia Curiel
Candido Curiel
Printed Name

Florencia Curiel
Candido Curiel
Signature

NOTARY OATH

STATE OF ARKANSAS }
COUNTY OF WASHINGTON }

And now on this the 22 day of September, 2004, appeared before me, George D. Livermore and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

George D. Livermore
NOTARY PUBLIC

My Commission Expires:
02 April 2012

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

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

9-21-04

Date

Pedro Curiel

Printed Name

1621 Trollman Ave.

Address San Mateo CA 94401

Pedro Curiel

Signature

NOTARY OATH

CALIFORNIA
STATE OF ~~ARKANSAS~~
COUNTY OF ~~WASHINGTON~~ } SAN MATEO

And now on this the 21st day of September, 2004, appeared before me, PEDRO CURIEL and after being placed upon his her oath swore or affirmed that he she agreed with the terms of the above Bill of Assurance and signed his her name above.

[Signature]
NOTARY PUBLIC

My Commission Expires:
July 15, 2008



Item	Subdivision	Annexation	Acres	Closest Fire Station	Distance from Fire Station	Response Time to Proposal area	Projected Response Time to Proposal Area at Maximum Build Out	Projected Calls for Service at Maximum Build Out	Projected Fire/Other Calls for Service at Maximum Build Out	Projected EMS Calls for Service at Maximum Build Out
RZN 04-1164	CLEVENGER			FS 7	1.70 miles	4-5 min.	4-5 min.	3	1	2

Response times will be lower when access to Rupple Rd. is established

Response times will be lower when access to Rupple Rd. is established

RZN 04-1166 SLOAN

FS 7 1.20 miles 4 min. 4-5 min. 21 8 13

RZN 04-1167 McBRYDE
RZN 04-1173 CAR WASH
C-PZD 04-1175 RIVENDELL

FS 7 1.53 miles 4-5 min. 4-6 min. 5 2 3
FS 6 1.1 miles 2-3 min. N/A N/A
FS 1 .20 miles 1 min. 1 min. 3 1 2



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

B. 2
RZN 04-1164 (Clevenger Duplexes)
Page 19 of 28

RECEIVED

SEP 10 2004

PLANNING DIV.

POLICE DEPARTMENT

September 7, 2004

Dawn Warrick
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Warrick,

This document is in response to the request for a determination of whether the proposed **RZN 04-1164 Rezoning (Clevenger Duplexes, pp 436/437)** submitted by Melissa Curiel for property located at Clevenger Drive, South of Wedington Drive and East of 54th would substantially alter the population density and thereby undesirably increase the load on public services or create an appreciable increase in traffic danger and traffic congestion.

It is the opinion of the Fayetteville Police Department that this Planned Rezoning District will not substantially alter the population density and thereby undesirably increase the load on police services or create an appreciable increase in traffic danger and traffic congestion.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Brown".

Lieutenant William Brown
Fayetteville Police Department

From: Planning
To: Conklin, Tim; Morgan, Suzanne; Pate, Jeremy; Warrick, Dawn
Date: 9/27/04 9:36AM
Subject: Fwd: RZN04-1164

>>> <marcella@uark.edu> 09/27/04 09:10AM >>>

To the Planning Staff,

I am writing to voice my strong opposition to the rezoning of the acreage on Clevenger Drive which will add, if I read it right, some 20+ units to the complex. first of all, the Clevenger duplexes were built long before this area was even annexed into the city. As long as the Clevengers owner and operated the complex, it was a good neighbor. Even after the Clevengers sold it, but continued to manage it, it was a good neighbor. However, as the units have aged and the Clevengers are not actively involved, the complex has not been as good a neighbor, as evidenced by the arson fire a few months ago that could have spelled disaster for the entire neighborhood. In the years since annexation, all the building on our street has been single family homes on at least an acre, many on several acres. We have all put a lot of time and money into our homes, including the new one I just finished on my farm. Most of the new subdivisions going in on 16 and Persimmon are single family. We neither want nor need more duplexes. We don't have the infrastructure out here to handle all the new subdivisions, let alone multi-family construction. You turned down the proposed duplexes on Tackett, in part because of infrastructure, in part because of the characteristics of the neighborhood. I would urge you to turn down this rezoning.

I would also urge you to reject any rezoning of the 35 acres the city is selling off the sewer plant acreage. That needs to stay a buffer zone.

thank you,

Marcella Thompson

644 54th

marcella@uark.edu

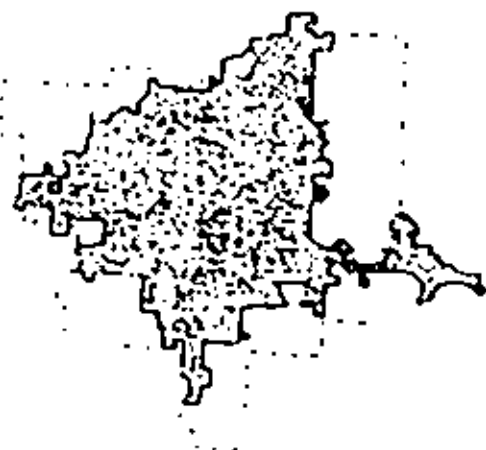
RZN04-1164

Close Up View

CLEVENGER RD. DUPLEXES



Overview



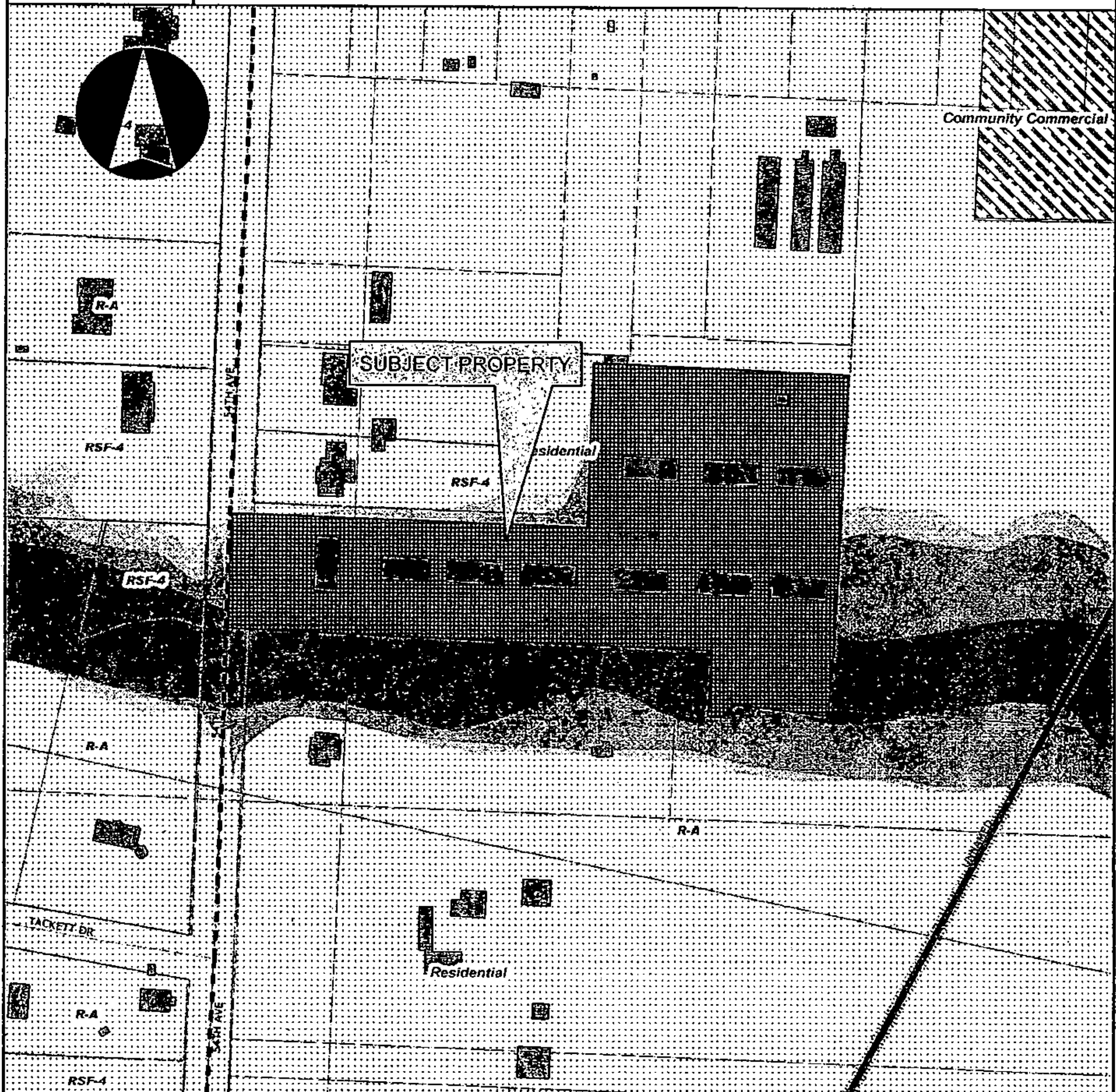
Legend

- | | | |
|----------------------------|----------------------|---------------------|
| ○ ○ ○ ○ ○ Overlay District | — Principal Arterial | — FLOODWAY |
| Master Street Plan | — Minor Arterial | — 100 YEAR |
| Master Street Plan | — Collector | — 500 YEAR |
| Freeway/Expressway | — Historic Collector | — LIMIT OF STUDY |
| | | — Base Line Profile |
| | | ■ RZN04-1164 |
| | | □ Fayetteville |
| | | □ Outside City |
- 0 75 150 300 450 600 Feet

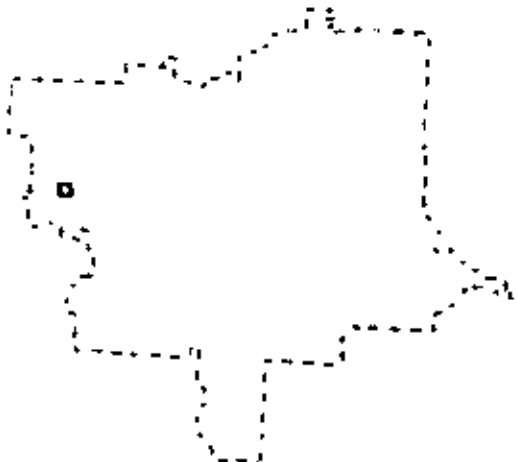
RZN04-1164

Future Land Use

CLEVENGER RD. DUPLEXES



Overview



Legend

Subject Property

RZN04-1164

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

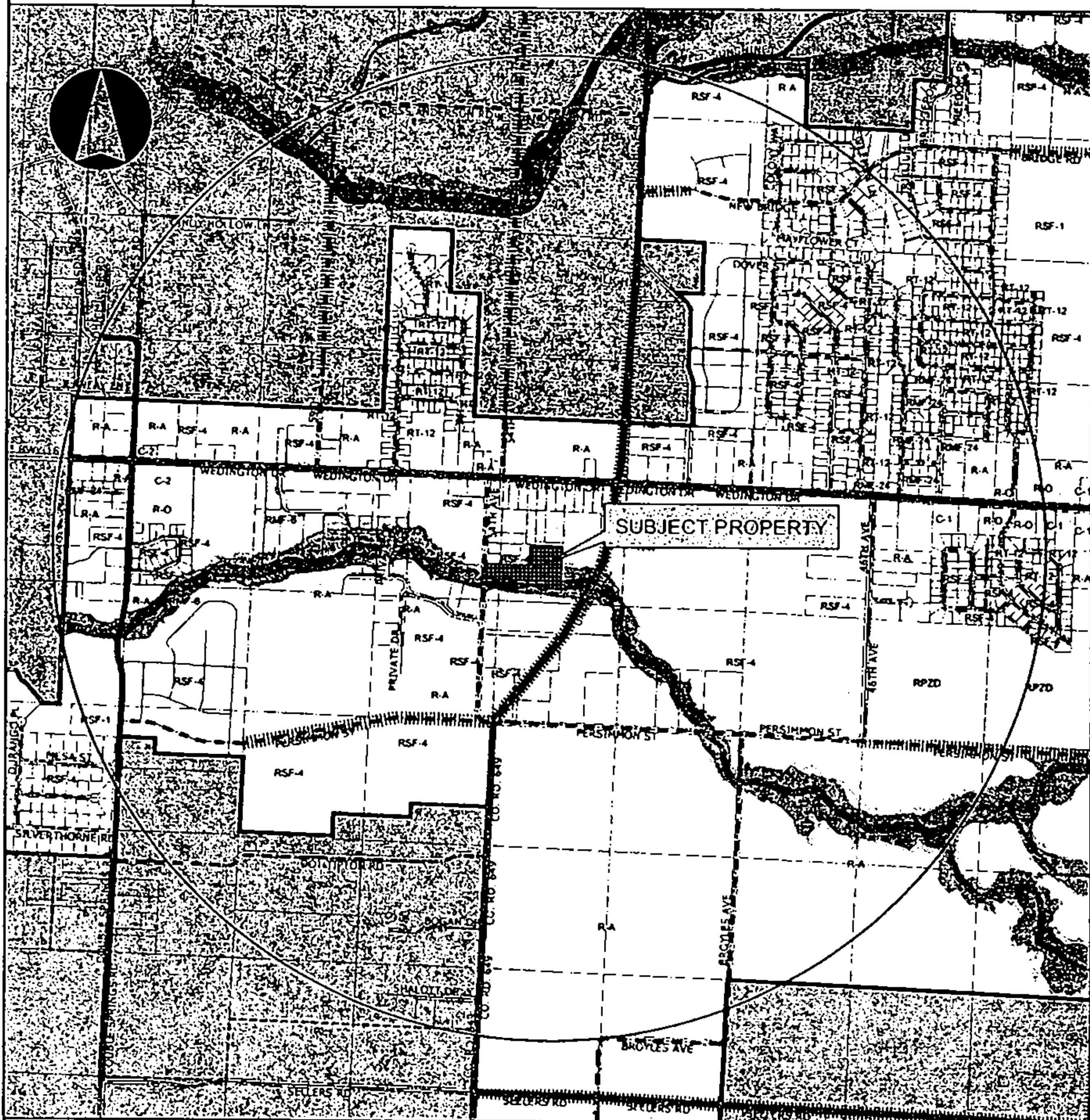
Historic Collector

0 75 150 300 450 600
Feet

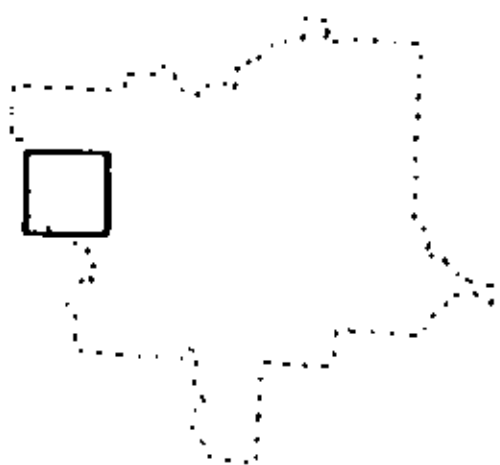
RZN04-1164

CLEVENGER RD. DUPLEXES

One Mile View



Overview



Legend

Subject Property

RZN04-1164

Boundary

Planning Area

Overlay District

Outside City

Streets

Streets

Existing

Planned

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0 0.1 0.2 0.4 0.6 0.8
Miles

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

 x AGENDA REQUEST

For the Fayetteville City Council Meeting of:

October 19, 2004

FROM:

Dawn T. Warrick

Planning

CP&E

Name

Division

Department

ACTION REQUIRED: Ordinance Approval.

SUMMARY EXPLANATION:

RZN 04-1164: Rezoning (Clevenger Duplexes, 436/437) was submitted by Melissa Curiel for property located south of Wedington, east of 54th Avenue. The property is zoned R-A, Residential Agricultural and contains approximately 4.93 acres. The request is to rezone the subject property from R-A, Residential Agricultural, to RMF-6, Residential Multi-family, six units per acre.

STAFF RECOMMENDATION: Approval

Dawn T. Warrick 10/1/04
Division Head Date

[Signature] 10/1/04
City Attorney Date

[Signature] 10-5-04
Department Director Date

[Signature] 10/5/04
Finance & Internal Services Dir. Date

[Signature] 10-5-04
Chief Administrative Officer Date

[Signature] 10/5/04
Mayor Date

Received in Mayor's Office

10/4/04
Date
[Signature]

Cross Reference:

Previous Ord/Res#: _____

Orig. Contract Date: _____

Orig. Contract Number: _____

New Item:

Yes

No



RZN 04-1164
Clevenger Duplexes

Planning Commission
September 27, 2004
Page 74

RZN 04-1164: Rezoning (CLEVINGER DR. DUPLEXES, 436,437): Submitted by MELISSA CURIEL for property located at CLEVINGER DRIVE, S OF WEDINGTON DRIVE AND EAST OF 54TH. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 4.93 acres. The request is to rezone the subject property from R-A, Residential Agricultural, to RMF-6, Residential Multi-family, 6 units per acre, with a Bill of Assurance.

Ostner: The next item is RZN 04-1164 for Clevenger Drive duplexes. If we could have the staff report please.

Pate: This property is located on Clevenger Drive south of Wedington Drive east of 54th Street. The property is currently zoned R-A, Residential Agricultural, and contains approximately 4.93 acres. Surrounding properties are primarily zoned RSF-4 and R-A and are developed as single and two family residential homes and agricultural land. The 4.93 acre tract is fully developed with two family dwelling units. Development on this property pre-dates the annexation of this area into the City of Fayetteville in the 1980's. At that time, land was primarily zoned R-A, Residential Agricultural by default in this particular area as it was annexed. The 10 structures existing on the property house a total of 20 units, for a current density of four dwelling units per acre. However, two family dwelling units are allowed by right in the R-A zoning district, the density is limited to 1/2 unit per acre with 200' of frontage per lot. This essentially, once it was brought into the city created non-conforming structures on this property. The subject property is developed all in one parcel of land with frontage onto Clevenger Drive, which is dedicated right of way and 54th Avenue. The structures, as I mentioned, considered non-conforming structures and may not be replaced if destroyed except in compliance with zoning and development regulations. The applicant proposes a rezoning of the subject property to facilitate the reconstruction of one of the two family units lost to arson in the recent past. Upon application for a building permit for this unit the applicant was informed that the structures were non-conforming and could not be replaced. The intent, as stated by the applicant, in the request to replace the original structure with one that is similar in size and location. Originally the applicant submitted a rezoning request to go to RT-12, Residential two and three family 12 units per acre to change the zoning district to one that would allow rebuilding of these dwelling units. Staff was not in support of such a change in density in this area which with potential redevelopment of the property could increase the number of units to 59 on the subject property. The applicant has changed the rezoning request based on discussions with staff to RMF-6, the lowest multi-family zoning district for a lower density. Additionally, the applicant is offering a Bill of Assurance, I have a copy of which I will pass out in just a moment, stating that only two family or single family residences may be constructed on the subject property thereby eliminating the possibility of apartment style or

Planning Commission
September 27, 2004
Page 75

multi-family dwelling units in this area. With regard to findings, staff finds that the proposed rezoning is consistent with the land use plan objectives in this area. The General Plan calls this out as residential for future land use. Surrounding properties are residential and agricultural in nature including several two family units and single family units. The Bill of Assurance offered also limits the type of development on the property, both now and in the future, to single family and two family dwelling units which is compatible with surrounding areas. In the short term, obviously, the proposed zoning would allow for the reconstruction of the structure lost to arson. In the long term, as I mentioned, with the Bill of Assurance, multi-family units would be prohibited from being developed and it would be essentially limited to single family and two family types of dwelling units. The site is currently fully developed and with the review from public service providers they find that the proposed zoning would not create or appreciably increase traffic danger and congestion in the area. Response times are also included in your staff report. A maximum number of 29 units could be permitted, all single family and two family in nature on this site. With that, staff is recommending approval of the rezoning request to RMF-6. We did receive at least one letter and I will pass that out.

Ostner: Is the applicant present? If you would like to come forward and introduce yourself and give us your presentation.

Creole: I'm Melissa Creole, I'm here on behalf of my family. Our only goal is to rebuild the duplex that was burned down last year. We are losing about \$900 a month in rent from the building that was burned down.

Ostner: Thank you. At this point I am going to open it up to the public. Would anyone like to speak to this issue? Seeing none, I will close it to the public and bring it back to the Commission for discussion.

Clark: Jeremy, is the Bill of Assurance in our packet?

Pate: No, I just passed it around.

Allen: Just for general information, looking at this police report, how far is too far? How many miles away do fire departments consider too far away?

Shackelford: It is based on the response time from what I remember.

Allen: Right, how far is too far though?

Vaught: If the average gets up into the eight to nine minute range I believe our ratings go down.

Planning Commission

September 27, 2004

Page 76

Ostner: The goal, I just read this in the paper, was to have 70% of our response times shorter than seven minutes. Some of them in our outlying areas are creeping up. They would like to lower that with more fire stations.

Allen: Ok, I just wondered as I was reading it what the required amount of time was.

Pate: Additionally, this area is within the city limits and there are areas further out to the west and to the south. We saw a project recently at Tackett and 54th and that was some of the discussion there as well.

MOTION:

Shackelford: As I read this staff is in support of a RMF-6 zoning, which would allow six units per acre on this property. This is our lowest zoning for multi-family, which basically will satisfy the request of the applicant to allow them the proper zoning to match the use as it exists now. On top of that, we have a Bill of Assurance that says that any buildings on this that run with the land will be limited to a duplex or single family use so I anticipate that that density will actually be less than that in reality. Based on that, and based on staff's finding of facts, I am going to make a motion that we recommend approval of RZN 04-1164 to the City Council.

Graves: Second.

Ostner: There is a motion and a second, is there further discussion?

Allen: I had a call from this woman who spent the email today and wondered if the applicant had an opportunity to talk with her or other concerned neighbors.

Creole: No, I haven't talked with anyone who had any concerns. They have contacted me.

Allen: Thank you.

Ostner: Is there further discussion? Could you call the roll please?

Roll Call: Upon the completion of roll call the motion to recommend approval of RZN 04-1164 was approved by a vote of 8-0-0.

Thomas: The motion carries.

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Tim Conklin, Community Planning and Engineering Services Director

From: Dawn T. Warrick, AICP, Zoning and Development Administrator *DW*

Date: September 30, 2004

Subject: Rezoning request for Jackson/Humphries (RZN 04-1189)

RECOMMENDATION

Planning Staff recommends approval of an ordinance rezoning approximately 7.91 acres of property from R-A, Residential Agricultural and C-2, Thoroughfare Commercial to I-1, Heavy Commercial and Light Industrial.

BACKGROUND

The subject property is located north of Sunrise Mountain Road, west of School Avenue. A majority of the vacant 7.91 acre tract is zoned R-A, Residential Agricultural, and approximately 1.41 acres of the southeast corner of the property is zoned C-2. This and surrounding properties adjacent to School Avenue, the Arkansas Missouri Railroad and Drake Field are designated Industrial on the General Plan 2020. Several of the properties within this area are currently zoned I-1 in accordance with the General Plan.

The applicant requested the property be rezoned to I-1, Heavy Commercial and Light Industrial. The applicant, S&J Properties, a division of JJS Digital Communications, intends to develop a structure to house a digital printing business as well as construct multiple self-service storage units.

DISCUSSION

On September 27, 2004, the Planning Commission voted 8-0-0 to forward this item to the City Council with a recommendation for approval to rezone the subject property I-1.

BUDGET IMPACT

None.

Left on the 1st reading 10/19/04

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 04-1189 AS SUBMITTED BY NICK WILSON FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF SOUTH SCHOOL AVENUE AND SUNRISE MOUNTAIN ROAD CONTAINING APPROXIMATELY 7.91 ACRES FROM R-A, RESIDENTIAL AGRICULTURAL AND C-2, THOROUGHFARE COMMERCIAL TO I-1, HEAVY COMMERCIAL, LIGHT INDUSTRIAL.

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

Section 1: That the zone classification of the following described property is hereby changed as follows:

From R-A, Residential Agricultural and C-2, Thoroughfare Commercial to I-1, Heavy Commercial, Light Industrial as shown in Exhibit "A" attached hereto and made a part hereof.

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

PASSED AND APPROVED this _____ day of _____, 2004.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Sondra Smith, City Clerk

EXHIBIT "A"
RZN 04-1189

PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, IN TOWNSHIP 16 NORTH OF RANGE 30 WEST, DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT A POINT IN THE CENTERLINE OF U.S. HIGHWAY NO. 71 WHICH IS 15 CHAINS AND 83 ½ LINKS SOUTH OF THE NORTH LINE OF SAID 40 ACRE TRACT, THENCE WEST 18 CHAINS AND 41 ½ LINKS TO THE EAST LINE OF THE RIGHT OF WAY OF THE ST. LOUIS AND SAN FRANCISCO RAILROAD; THENCE SOUTH BEARING EAST WITH THE EAST LINE OF SAID RAILROAD RIGHT OF WAY 3 CHAINS 54 ½ LINKS TO THE NORTH SIDE OF THE PUBLIC ROAD; THENCE EAST 17 CHAINS AND 77 LINKS TO THE CENTERLINE OF U.S. HIGHWAY NO. 71; THENCE NORTHERLY WITH THE CENTERLINE OF SAID HIGHWAY 3 CHAINS AND 29 LINKS OR TO THE PLACE OF BEGINNING, CONTAINING 5.95 ACRES, MORE OR LESS. ALSO:

PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 16 NORTH OF RANGE 30 WEST, DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHERE THE NORTH LINE OF THE ABOVE DESCRIBED 5.95 ACRE PARCEL INTERSECTS THE WEST RIGHT OF WAY OF U.S. HIGHWAY 71, WHICH POINT IS 974.6 FEET, MORE OR LESS, SOUTH OF THE NORTH LINE OF SAID 40 ACRE TRACT; THENCE NORTH ALONG THE WEST LINE OF SAID HIGHWAY RIGHT OF WAY 71.1 FEET; THENCE WEST 1230.1 FEET, OR TO A POINT ON THE EAST RIGHT OF WAY LINE OF THE ST. LOUIS-SAN FRANCISCO RAILROAD; THENCE SOUTHEASTERLY ALONG THE EAST LINE OF SAID RAILROAD RIGHT OF WAY TO A POINT DUE WEST OF THE POINT OF BEGINNING, THENCE EAST TO THE POINT OF BEGINNING.



PC Meeting of September 27, 2004

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Suzanne Morgan, Associate Planner
THRU: Dawn Warrick, AICP, Zoning & Development Administrator
DATE: September 21, 2004

RZN 04-1189: Rezoning (JACKSON/HUMPHRIES, 717): Submitted by NICK WILSON for property located at NW CORNER OF S SCHOOL AVE AND SUNRISE MOUNTAIN ROAD. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 7.91 acres. The request is to rezone the subject property from R-A, Residential Agricultural, and C-2, Thoroughfare Commercial, to I-1, Heavy Commercial, Light Industrial.

Submitted on behalf of: STAN JACKSON Submitted on behalf of: JOHN HUMPHRIES
Planner: SUZANNE MORGAN

RECOMMENDATION:

Staff recommends rezoning of subject property to I-1, Heavy Commercial and Light Industrial based on findings found herein:

PLANNING COMMISSION ACTION:	Required <u>YES</u>
Date: <u>September 27, 2004</u>	☒ Approved ☐ Denied Shackelford/Graves ² 8-0-0
CITY COUNCIL ACTION:	Required <u>YES</u>
Date: <u>October 19, 2004</u>	☒ Approved ☐ Denied

BACKGROUND:

Property description: The subject property is located north of Sunrise Mountain Road, west of School Avenue. The vacant 7.91 acre tract is zoned C-2, Thoroughfare Commercial, and R-A, Residential Agricultural. Approximately 1.41 acres of the southeast corner of the property is zoned C-2, with the remaining property to the north and west zoned R-A.

Request: The applicant is requesting the property be rezoned from R-A, Residential Agricultural, to I-1, Heavy Commercial and Light Industrial. The applicant, S& J Properties, a division of JJS Digital Communications, intends to develop a structure to house a digital printing business as well as construct multiple self-service storage units.

Recommendation: Staff recommends approval of a rezoning to I-1, Heavy Commercial and Light Industrial based on the findings included herein.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Single family residence Standard Register Company	RSF-4, Res. Single-family, 4 units/acre R-A, Residential Agricultural I-1, Heavy Commercial & Light Industrial
South	Dennis Home Furnishings	R-A, Residential Agricultural C-2, Thoroughfare Commercial
East	Vacant	RSF-4, Res. Single-family, 4 units/acre
West	Vacant fields	R-A, Residential Agricultural

INFRASTRUCTURE:

Streets: Currently the site has access to Sunrise Mountain Road. At the time of development, this street will need to be brought up to current standards along the property frontage. These improvements will include pavement, curb and gutter, storm drainage and sidewalks.

Surrounding Master Street Plan Streets:

North: Shiloh Drive (Collector)

South: Sunrise Mountain Road (Local)

East: School Avenue (Principal Arterial)

West: Railroad

Water: The property has access to an 8" water main along Sunrise Mountain Road along the south side of this property. This main should be sufficient to provide service to most developments that could occur on the site. An extension of the water main will be required to provide water supply and fire protection within any development on this property.

Sewer: The site currently does not have access to sanitary sewer. An off-site sewer main extension will be required to serve this development. The nearest sewer main is an 8" main on the east side of School Avenue.

Fire: The subject property is located 3.0 miles from Fire Station #1. Response time to the subject property currently and at maximum build-out is approximately 6 minutes.

Police: This area is mainly comprised of a mixture of residential and commercial properties. The line of sight looking south from Sunrise Mountain Rd. is

approximately 200 feet and approximately one half mile looking north. This property sets on the lower side of the road and requires added time to merge onto 71 Business. There is a turn lane on this four-lane highway, which aid traffic in entering and exiting the highway. The speed limit is 40 mph. It should be considered that large trucks might find it challenging entering and leaving the roadway in a timely manner. This is the greatest safety consideration we see at this time. We do not anticipate this rezoning request will create a substantial burden on police services nor will it cause a delay in response for police services.

LAND USE PLAN: General Plan 2020 designates the site as **Industrial**.

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 Future Land Use map designates the subject property as **Industrial**. This plan identifies several large areas within the City for industrial use to minimize and concentrate noise, visual, air and water pollution often associated with uses permitted in industrial zones. Those properties identified for industrial use are located within the Fayetteville Industrial Park and adjacent to major rail lines and Drake Field. The subject property is located west of School Avenue, a principal arterial, and east of a railroad line. Surrounding properties to the north and south are zoned and used in compliance with the Future Land Use map. Rezoning the subject property I-1 is consistent with the land use planning objectives, surrounding uses, and will minimize the impact of industrial uses by concentrating them in one area.

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

Finding: The subject property is located adjacent to School Avenue, a Principal Arterial, and is identified as **Industrial** on the Future Land Use map. That the property is identified for more intensive commercial and industrial use, surrounding properties are zoned and used for like uses, and the close proximity to both a rail line and a principal arterial road justify the need for rezoning the property I-1.

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

Finding: Light industries, some of which have the characteristics of offices, generate more traffic during peak hours. Adjacent Master Street Plan streets and

improvements made to Sunshine Mountain Road adjacent to the property at the time of development will facilitate safe traffic movements.

The police department has reviewed this request and found that the line of sight looking south from Sunrise Mountain Rd. is approximately 200 feet and approximately one half mile looking north. This property sets on the lower side of the road and requires added time to merge onto 71 Business. There is a turn lane on this four-lane highway, which aid traffic in entering and exiting the highway. The speed limit is 40 mph. It should be considered that large trucks might find it challenging entering and leaving the roadway in a timely manner. This is the greatest safety consideration we see at this time.

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 approximately 7.91 acre tract is currently vacant and zoned C-2 and R-A. The proposed zoning to I-1 will not alter the population density resulting in an undesirable increase on the load of public services.

The following is a review of available services:

Engineering – The property has access to an 8" water main along Sunrise Mountain Road along the south side of this property. This main should be sufficient to provide service to most developments that could occur on the site. An extension of the water main will be required to provide water supply and fire protection within any development on this property.

The site currently does not have access to sanitary sewer. An off-site sewer main extension will be required to serve this development. The nearest sewer main is an 8" main on the east side of School Avenue.

Currently the site has access to Sunrise Mountain Road. At the time of development, this street will need to be brought up to current standards along the property frontage. These improvements will include pavement, curb and gutter, storm drainage and sidewalks.

Fire - The subject property is located 3.0 miles from Fire Station #1. Response time to the subject property currently and at maximum build-out is approximately 6 minutes.

Police - The police department does not anticipate this rezoning request will create a substantial burden on police services nor will it cause a delay in response for police services.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

161.03 District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	One-half
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(D) *Bulk and area regulations.*

Lot width minimum	200 ft.
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback requirements.*

Front	Side	Rear
35 ft.	20 ft.	35 ft.

(F) *Height requirements.* There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.

(G) *Building area.* None.

161.17 District C-2, Thoroughfare Commercial

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

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
Unit 17	Trades and services
Unit 18	Gasoline service stations & drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 32	Sexually oriented business
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	50 ft.
Side	None
Side, when contiguous to a residential district	15 ft.
Rear	20 ft.

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

- (G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

161.20 District I-1, Heavy Commercial And Light Industrial

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

- (B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 6	Agriculture
Unit 12	Offices, studios and related facilities
Unit 13	Eating places
Unit 17	Trades and services
Unit 18	Gasoline service stations & drive-in restaurants
Unit 21	Warehousing and wholesale
Unit 22	Manufacturing
Unit 25	Professional offices
Unit 27	Wholesale bulk petroleum storage facilities with underground storage tanks

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communications facilities

- (C) *Density.* None.

- (D) *Bulk and area regulations.* None.

- (E) *Setback regulations.*

Front, when adjoining A or R districts	50 ft.
Front, when adjoining C, I, or P districts	25 ft.
Side, when adjoining A or R districts	50 ft.
Side, when adjoining C, I, or P districts	10 ft.
Rear, when adjoining C, I, or P districts	10 ft.

- (F) *Height regulations.* There shall be no maximum height limits in I-1 District, provided, however, that any building which exceeds the height of 25 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 25 feet.

- (G) *Building area.* None.

Fayetteville Fire Department Service Delivery Impact: Zoning Review Sept. 21, 2004										
Item	Subdivision	Annexation	Acres	Closest Fire Station	Distance from Fire Station	Response Time to Proposal area	Projected Response Time to Proposal Area at Maximum Build Out	Projected Calls for Service at Maximum Build Out	Projected Fire/Other Calls for Service at Maximum Build Out	Projected EMS Calls for Service at Maximum Build Out
RZN 04-1188	Housley			FS 4	1.10 miles	4 min.	4 min.	N/A	N/A	N/A
RZN 04-1189	Jackson			FS 1	3.00 miles	6 min.	6 min.	N/A	N/A	N/A
R-PZD 04-1181	Walnut Crossing			FS 6	2.60 miles	4-5 min.	4-6 min.	37	15	22

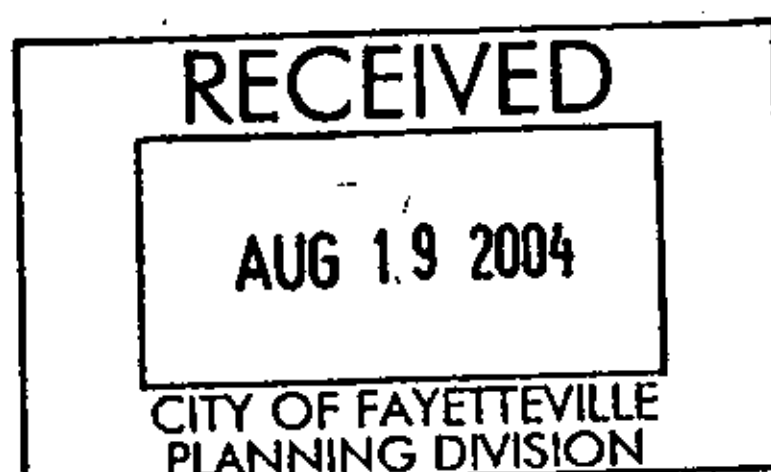
(6a)- This property rezoning request is for 7.8 acres at the nw corner of S. School and Sunrise Mountain Rd. Parcel #765-15510 presently owned by Martha McBride and Camella Morrow Smith.

The property is under contract to be purchased by S & J Properties (Stan Jackson & John Humphries) a division of JJS Digital Communications.

(6b)- We are requesting this change to allow us to construct a building to house our digital printing business as well as construct multiple self service storage units.

(6c)- We believe our development will fit very well with the surrounding properties. There is a significant amount of industry and commercial development on three sides of the property. Our development will produce very little increase in traffic as our printing business is not a retail "walk-in " business. The storage business would increase traffic slightly due to tenants entering and exiting their units.

(6d)- An 8" water line runs along Sunrise Mt. Rd. on the south side directly across the road. A 6" sewer line lies along School Ave. on the east side of the street. Lines would have to be bored under both Sunrise Mt. and School to obtain access.



(7a)- Our request to rezone this parcel I-1 is consistent with the existing developments in the immediate area and with the 2020 Master Plan.

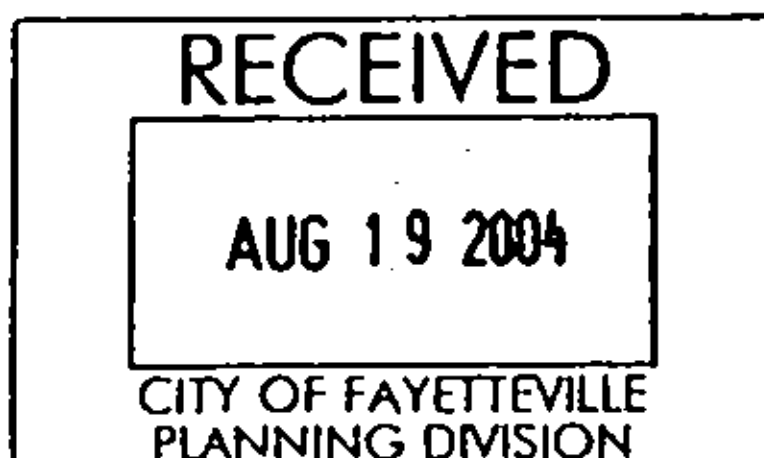
(7b)- We believe this zoning request is justified to allow the type of development we intend to establish and would place the property within the guidelines set forth in the 2020 Masterplan.

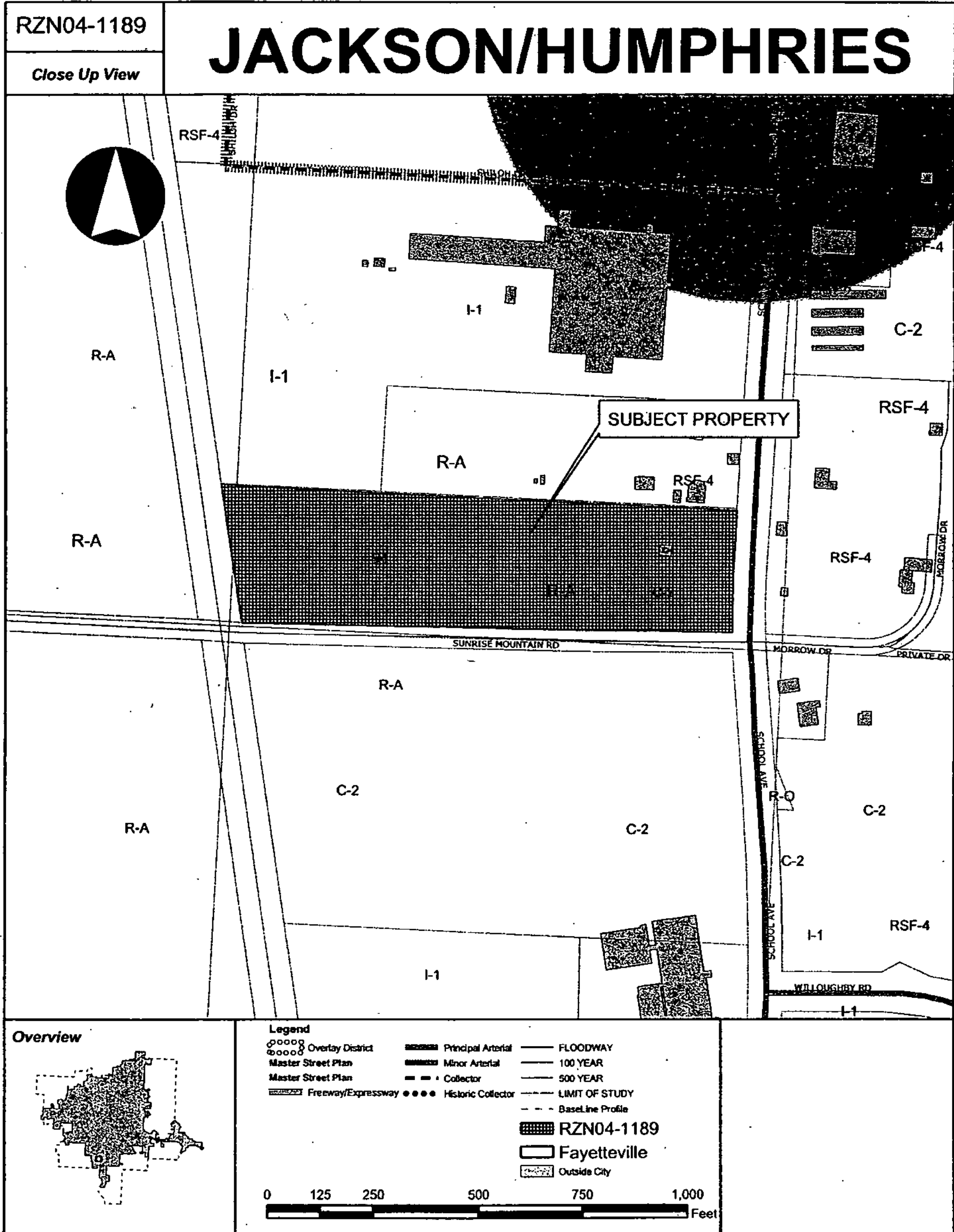
(7c)- The development we intend to establish on this property would not create an excessive increase in traffic. At our present location we may have an average of five clients per week entering our office. This is due to the fact that we deal with corporate clients and do not desire, or have, walk in business.

The self service storage business would create a minimal amount of traffic due to customers coming in to rent units, although the existing infrastructure would easily handle this increase.

(7d)- The two businesses combined will only require a maximum of five employees, so no extensive additional load would be added to public services.

(7e)- Only a small portion of the property is presently zoned C-2 with the remainder zoned R-A. The present zoning would not accommodate the development we intend to establish, nor does it fall within the 2020 Masterplan.

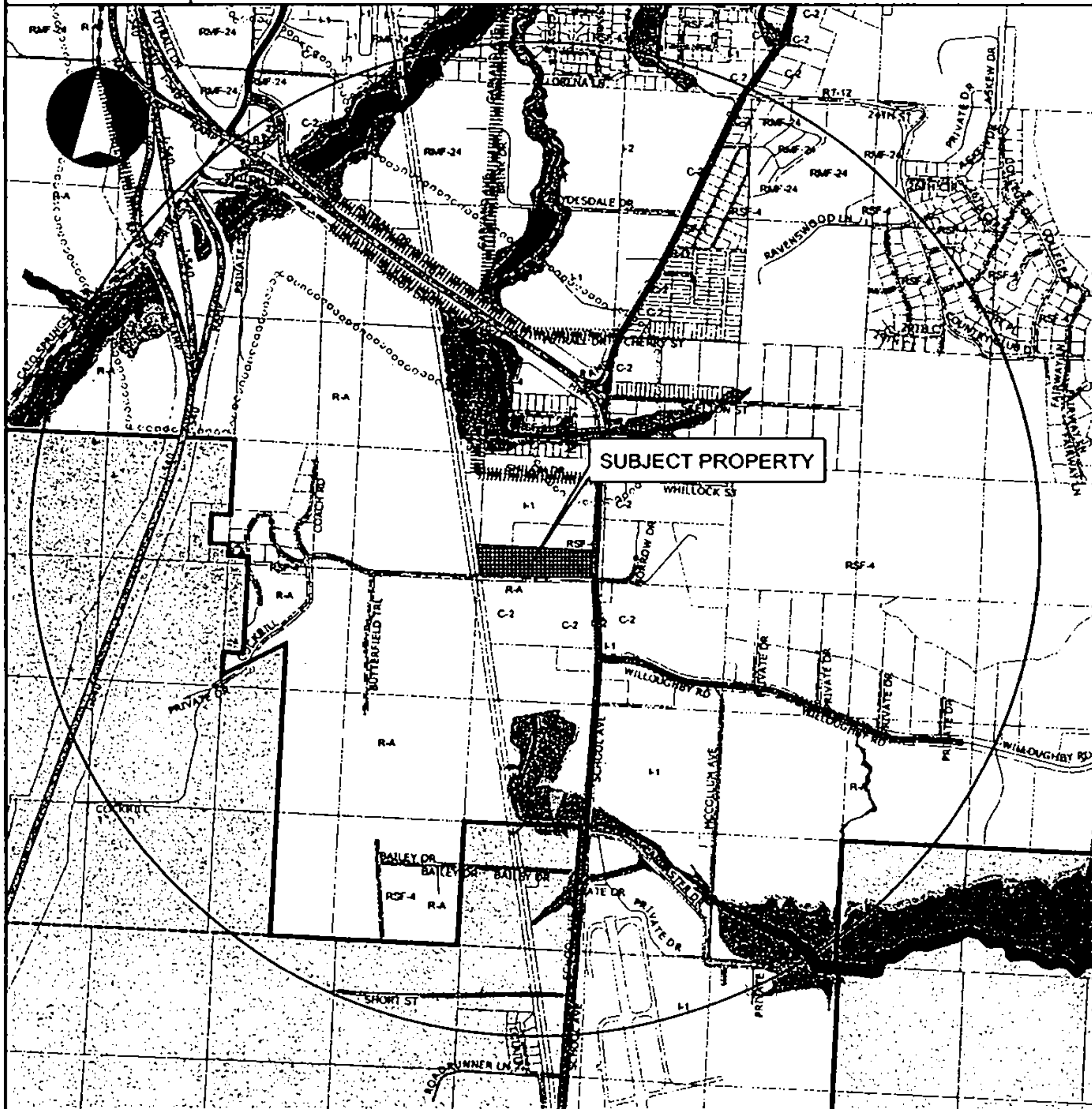




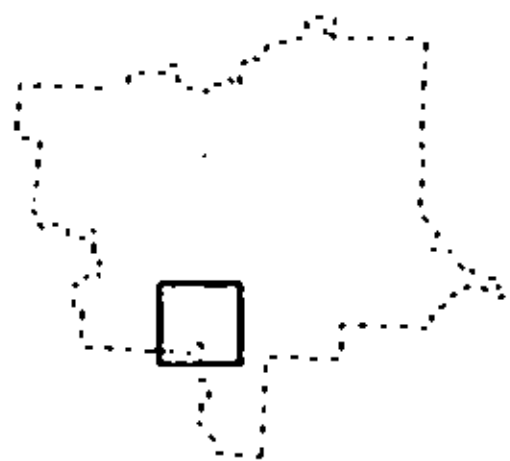
RZN04-1189

One Mile View

JACKSON/HUMPHRIES



Overview



Legend

Subject Property

RZN04-1189

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0 0.1 0.2 0.4 0.6 0.8 Miles

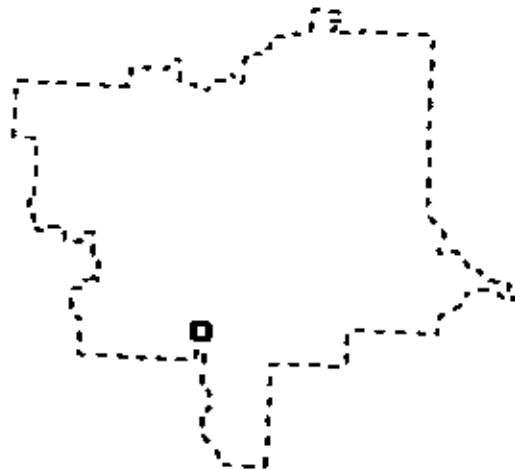
RZN04-1189

Future Land Use

JACKSON/HUMPHRIES



Overview



Legend

Subject Property

RZN04-1189

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0 125 250 500 750 1,000 Feet

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

 x AGENDA REQUEST

For the Fayetteville City Council Meeting of: October 19, 2004

FROM:

<u>Dawn T. Warrick</u>	<u>Planning</u>	<u>CP&E</u>
Name	Division	Department

ACTION REQUIRED: Ordinance Approval.

SUMMARY EXPLANATION:

RZN 04-1189: Rezoning (Jackson/Humphries, pp 717) was submitted by Nick Wilson for property located at the northwest corner of School Avenue and Sunrise Mountain Road. The property is zoned R-A, Residential Agricultural and C-2, Thoroughfare Commercial and contains approximately 7.91 acres. The request is to rezone the subject property to I-1, Heavy Commercial, Light Industrial.

STAFF RECOMMENDATION: Approval

Dawn T. Warrick 10/1/04
Division Head Date

[Signature] 10/1/04
City Attorney Date

[Signature] 10-5-04
Department Director Date

[Signature] 10-5-04
Finance & Internal Services Dir. Date

[Signature] 10-5-04
Chief Administrative Officer Date

[Signature] 10/5/04
Mayor Date

Received in Mayor's Office

10/4/04
Date
PIT

Cross Reference:

Previous Ord/Res#:

Orig. Contract Date:

Orig. Contract Number:

New Item:

Yes

No

ENTERED
cbp
10/11/04

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Tim Conklin, Community Planning and Engineering Services Director

From: Dawn T. Warrick, AICP, Zoning and Development Administrator *DW*

Date: September 28, 2004

Subject: Residential Planned Zoning District for Walnut Crossing (R-PZD 04-1181) ,

RECOMMENDATION

Planning Staff recommends approval of an ordinance creating the Residential Planned Zoning District (R-PZD) for Walnut Crossing. This action will establish a unique zoning district for a residential subdivision on a 43.30 (52.98 total developed) acre tract located in west Fayetteville, north of Hwy 62. The proposal entails a residential subdivision with 136 single family dwelling units and 6.47 acres cluster homes, along with a 5.02 acre park.

BACKGROUND

Property Description: The property consists of a total of 52.98 acres located in west Fayetteville and east Farmington, north of Hwy 62 (6th Street). Of the 52.98 acres in review for the associated Planned Zoning District, only 43.30 acres is within the City of Fayetteville, the remainder of which lies within the City of Farmington. Two legal descriptions, therefore, accompany the proposal: one for the rezoning, from R-A, Residential Agricultural to the unique R-PZD zoning district (43.30 acres); and a second for the Preliminary Plat being processed simultaneously, subdividing property in both jurisdictions (52.98 acres). The City of Farmington has been notified and is in the process of reviewing development plans separately from the City of Fayetteville.

The property is agricultural in nature, with floodplain associated with Farmington Branch creek and several groupings of trees.

Proposal: The applicant requests a rezoning and preliminary plat approval for a residential subdivision within a unique R-PZD zoning district. The proposed use of the site is for a single family and cluster home development consisting of 136 single family lots and 59 cluster homes (units). A 5.02-acre public park is proposed, as well as a large tree preservation area along the floodplain of the creek.

DISCUSSION

The Planning Commission voted 8-0-0 in favor of this request on Monday, September 27, 2004. Approval of a planned zoning district requires City Council approval as it includes zoning (land use) as well as development approval (preliminary plat). Recommended

City Council Meeting of October 19, 2004
Agenda Item Number

conditions were approved by the Planning Commission, which are reflected in the attached staff report.

The intent of the Walnut Crossing development is to provide attainable housing for citizens of Fayetteville, while providing a unique and quality development. Several different types of homes are offered, in the 1100-1600 SF range, within the affordable housing range for median income families of Northwest Arkansas. Smaller lots are proposed, to help with reducing cost, and a larger, community park that acts as the neighborhood's "back yard" is centrally located.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 04-1181, WALNUT CROSSING LOCATED NORTH OF HWY. 62, EAST OF LAYNE STREET CONTAINING 43.30 ACRES, MORE OR LESS; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE; AND ADOPTING THE ASSOCIATED RESIDENTIAL DEVELOPMENT PLAN AS APPROVED BY THE PLANNING COMMISSION.

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

Section 1: That the zone classification of the following described property is hereby changed as follows:

From R-A, Residential Agricultural to R-PZD 04-1181 as shown in Exhibit "A" attached hereto and made a part hereof.

Section 2. That the change in zoning classification is based upon the approved master development plan and development standards as shown on the plat and approved by the Planning Commission on September 27, 2004.

Section 3. That this ordinance shall take effect and be in full force at such time as all of the requirements of the development plan have been met.

Section 4. That the official zoning map of the City of Fayetteville, Arkansas, is hereby amended to reflect the zoning change provided in Section 1 above.

PASSED AND APPROVED this _____ day of _____, 2004.

APPROVED:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk

EXHIBIT "A"
R-PZD 04-1181

A part of the Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4) and a part of the Northeast Quarter (NE1/4) of the Southwest Quarter (SW 1/4), all in section 24, Township 16 North, Range 31 West, Washington County, Arkansas and being more particularly described as follows:

BEGINNING at the Southeast corner of said Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4); thence along the East line of said Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4), South 0°02'50" East - 299.40 feet; thence South 68°42'22" West - 446.64 feet; thence South 56°56'13" West - 43.00 feet; thence South 79°44'13" West - 39.40 feet; thence North 0°16'43" West - 492.58 feet to a point on the South line of said Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4); thence along said South line, North 89°56'29" West - 821.53 feet to the Southwest corner of said Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4); thence along the West line of said Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4), North 0°25'44" West - 1315.86 feet to the Northwest corner of said Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4); thence along the North line of said Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4), South 89°46'28" East - 825.00 feet to an iron pipe; thence South 0°16'43" East - 60.00 feet; thence South 89°46'28" East - 479.02 feet to a point on the East line of said Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4); thence along said East line, South 0°55'25" East - 1252.20 feet to the POINT OF BEGINNING, containing 43.30 acres, more or less.

DRAFT



PC Meeting of September 27, 2004

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Jeremy Pate, Senior Planner
Matt Casey, Staff Engineer
THRU: Dawn Warrick, A.I.C.P., Zoning & Development Administrator
DATE: September 21, 2004

R-PZD 04-1181: Planned Zoning District (WALNUT CROSSING SUBDIVISION):

Submitted by ENGINEERING SERVICES, INC for property located at THE NORTH SIDE OF HWY 62W, EAST OF LAYNE STREET. The property contains approximately 52.98 acres in total. A total of 43.30 is zoned R-A, RESIDENTIAL-AGRICULTURAL; the remaining 9.68 acres lies within the City of Farmington. The request is to approve a Residential Planned Zoning District with 136 single family lots and 6.47 acres of "cluster homes" on the subject property. Property Owner: RAUSCH-COLEMAN HOMES, LLC Planner: JEREMY PATE

Findings:

Property Description: The property consists of a total of 52.98 acres located in west Fayetteville and east Farmington, north of Hwy 62 (6th Street). A property line adjustment and lot split have been filed to create the subject 52.98-acre tract. Of the 52.98 acres in review for development, only 43.30 acres is within the City of Fayetteville, the remainder of which lies within the City of Farmington. Two legal descriptions, therefore, accompany the proposal: one for the rezoning, from R-A, Residential Agricultural to the unique R-PZD zoning district (43.30 acres); and a second for the Preliminary Plat being processed simultaneously, subdividing property in both jurisdictions (52.98 acres). The City of Farmington has been notified and is in the process of reviewing development plans separately from the City of Fayetteville.

The tract consists primarily of agricultural land, with several significant trees and areas of high priority canopy falling along property boundaries old fence lines, within the proposed parkland or along the Farmington Branch creek.

Surrounding Land Use/Zoning:

Direction	Land Use	Zoning
North	Vacant, agricultural	R-A, Residential Agricultural
South	Stapleton S/D, creek/floodplain	Washington County, Farmington
East	Vacant, agricultural	R-A, Residential Agricultural
West	Vacant, agricultural	Washington County

Proposal: The applicant requests a rezoning and preliminary plat approval for a residential subdivision within a unique R-PZD zoning district. The proposed use of the site is for a single family and cluster home development consisting of 136 single family lots and 59 cluster homes (two-family dwelling units). A 5.02-acre public park is proposed, as well as a large tree preservation area along the floodplain of the creek.

Proposed Land Uses:

- Use Unit 1: City-wide Uses by Right
- Use Unit 8: Single Family Dwellings
- Use Unit 9: Two-family Dwellings
- Use Unit 10: Three-Family Dwellings
- Use Unit 26: Multi-Family Dwellings

Proposed Uses: R-PZD, Residential Planned Zoning District

	Proposed Land Use
Lots 1-136	Single Family Residential (Maximum 136 units) Use Unit 8
Lots 137-138	"Cluster Homes" (Maximum 59 total units) Use Unit 9, 10, 26
Lot 139	City Park, 5.02 Acres
Lots 140-141	Tree Preservation Areas
Lots 142-145	Open Space Tree Preservation, Detention, Farmington Branch creek, potential trail system No residential structures permitted

Total proposed dwelling units on the 43.30-acre site requested for rezoning is 195, therefore the proposed density for the R-PZD is **4.50 DU/acre**. *(On the real property, including the acreage within the City of Farmington, acreage equals 52.98 acres, thus real density is 3.68 DU/acre).* The developer proposes a mixture of lot sizes and types. Some of the lots are arranged such that they face onto the public street; others are accessed from rear alleys. Typical lot sizes and proposed setbacks are much smaller than those allowed in standard zoning districts, thus the need for processing a Planned Zoning District. Two of the large lots are proposed for "cluster homes," in two-family units, consisting of a total of 59 cluster homes (units). Both of these lots will require large scale development approval, as final designs have not been formulated. However, the conceptual plans indicated are intended to provide an idea of the development to occur there in the future.

Water & Sewer: Water and sewer lines are being extended to serve the development.

Access/Connectivity: The sole existing access is from Hwy 62 to the south, through the City of Farmington jurisdiction. The applicant has been in contact with the City of Farmington, and will present the project to both the Planning Commission and City Council there prior to final approvals from the City of Fayetteville. The Master Street Plan currently indicates an east-west Collector Street in the area of the proposed development. The proposed development intends to meet this Plan, only moving the connection to a more feasible location, approximately 600 feet

to the north, out of the Farmington Branch area. The proposed Collector Street is aligned to connect to Alberta Street to the west and eventually connect to the future Ruppel Road to the east. Another stub-out is proposed to the north. All interior streets are loop streets within 50 feet of right-of-way, with no dead-ends. The two northern blocks of single family lots are served by private alley-drives. All lots served by alleys are prohibited from having street-front facing garages, and access must be from the provided rear alleys. All alleys are private, to be maintained by the POA. The alleys are 12 feet in width, one-way, within a minimum 20-foot access easement.

Adjacent Master Street Plan Streets: Wilson Drive, Collector

Street Improvements: No off-site street improvements are recommended for this development. The developer will be required to build the access street from Hwy 62, including the creek crossing, to City of Fayetteville standards, as well as all other interior streets. Right-of-way for the future Collector Street will be dedicated.

<i>Tree Preservation:</i>	Existing:	9.95%
	Preserved:	7.58%
	Required:	9.95%
	Mitigation:	On-site mitigation required: (182) 2" caliper trees * see attached report

Parks: The Parks and Recreation board recommends a parkland dedication for the subject development. A total of 5.02 acres is being offered by the developer, which exceeds that required for this project. No banking of excess land, however, is requested. The covenants address fencing/interface with the public park. A four-foot fence split-rail type is to be maintained for those lots 10-33 bordering the public park. No chain link or metal poles are to be allowed.

A draft of protective covenants, as well as the applicant's response to the Planned Zoning District requirements and description of the project have been submitted and are included in the staff report.

Recommendation: Staff recommends approval of R-PZD 04-1181 with the following conditions:

Conditions of Approval:

1. Permitted uses in this R-PZD shall be restricted to Use Unit 1: City-wide Uses by Right, Use Unit 8: Single Family Dwellings, Use Unit 9: Two-Family Dwellings, Use Unit 10: Three-Family Dwellings and Use Unit 26: Multi-family Dwellings, in those locations noted.
2. Planning Commission determination of a Master Street Plan amendment to relocate Wilson Drive, an east-west Collector Street, approximately 600 feet to the north, as presented with the subject development proposal, in order to facilitate a better connection. *Staff is in support of this request, as it meets the intent and purpose of the*

Master Street Plan in this location, eventually connecting east to Ruppel Road.
PLANNING COMMISSION DETERMINED IN FAVOR OF THE MASTER STREET PLAN AMENDMENT.

3. Planning Commission determination of parkland dedication. *The Parks and Recreation Board recommends parkland be dedicated for this project. A deed for the 5.02 acres shall be received prior to Final Plat.* PLANNING COMMISSION DETERMINED IN FAVOR OF THE RECOMMENDED PARKLAND.
4. Planning Commission determination of residential lot access management. *Due to the smaller lot width (50'-55') on those single family lots not accessed from rear alleys, staff finds a coordinated plan sensitive to pedestrian and vehicular safety, general attractiveness and convenience must be presented by the applicant for access to each lot to ensure a dangerous traffic situation is not created. Based on discussion with the applicant and Subdivision Committee, staff recommends a combination of shared driveways and reduced driveway widths for these lots in particular, in order to keep a logical proportion in relation to the lot width. For those lots not utilizing shared driveways, the maximum driveway width shall be 12 feet, constructed per city codes. For shared driveways, a maximum 24-foot driveway may be constructed, with location to be coordinated with city staff. Shared driveways may straddle property lines.* PLANNING COMMISSION DETERMINED IN FAVOR OF STAFF'S RECOMMENDATION FOR A COMBINATION SHARED/REDUCED WIDTH DRIVEWAY PLAN.
5. Planning Commission determination of the required recommendation to the City Council regarding the rezoning of the subject property to the unique district R-PZD 04-1181 with all conditions of approval as determined by the Planning Commission. PLANNING COMMISSION DETERMINED IN FAVOR OF THE REZONING REQUEST.
6. An ordinance creating this R-PZD shall be approved by City Council.
7. All setbacks, protective easements, density, and designated uses are binding with the approval of the R-PZD. Submitted covenants are likewise binding to the project.
8. Future development of Lots 137 and 138, the cluster homes, shall require processing a large scale development, subject to all applicable development ordinances. Building setbacks and density for these lots are reflected on the submitted plans.
9. Residential structures shall not be placed upon Lots 142-145.
10. A detailed street tree planting plan with a minimum of 182 street trees to meet mitigation requirements for the removal of 39,458 SF of tree canopy shall be submitted before final plat as part of the Planned Zoning District requirements.
11. All tree preservation easements shown on the plans shall be filed by way of Final Plat, to ensure continued preservation. Language identifying said easements shall be clearly included in the covenants, and potential homeowners made aware of the protected areas.
12. The developer shall coordinate with Solid Waste to determine the best means of access to

alley-loaded lots.

13. A pedestrian access shall be constructed from Street 2 to the park, to be coordinated with the Landscape Administrator to ensure continued protection of preserved trees.
14. Prior to Fayetteville City Council approval, all approvals necessary shall be obtained from the City of Farmington Planning Commission and City Council to proceed with the project.

Standard Conditions of Approval:

15. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives - AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications)
16. 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, including public streets, water and sewer lines, storm drains, sidewalks and detention facilities shall comply with the City's current requirements.
17. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
18. Street lights shall be installed every 300 feet along all public streets prior to final plat.
19. Preliminary Plat shall be valid for one calendar year.

PLANNING COMMISSION ACTION: yes Required

✓ Approved Denied

Date: September 27, 2004

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

By _____

Title _____

Date _____

Findings associated with R-PZD 04-1181

Sec. 166.06. Planned Zoning Districts (PZD).

(B) Development standards, conditions and review guidelines

- (1) *Generally.* The Planning Commission shall consider a proposed PZD in light of the purpose and intent as set forth in Chapter 161 Zoning Regulations, and the development standards and review guidelines set forth herein. Primary emphasis shall be placed upon achieving compatibility between the proposed development and surrounding areas so as to preserve and enhance the neighborhood. Proper planning shall involve a consideration of tree preservation, water conservation, preservation of natural site amenities, and the protection of watercourses from erosion and siltation. The Planning Commission shall determine that specific development features, including project density, building locations, common usable open space, the vehicular circulation system, parking areas, screening and landscaping, and perimeter treatment shall be combined in such a way as to further the health, safety, amenity and welfare of the community. To these ends, all applications filed pursuant to this ordinance shall be reviewed in accordance with the same general review guidelines as those utilized for zoning and subdivision applications.

FINDING: The proposed Planned Zoning District has been reviewed in light of all applicable development and zoning ordinances. Emphasis on tree preservation has been placed with the development proposal, and appropriate routing of utilities, streets, and protective easements has been achieved. Natural site amenities, including a large stand of trees within the proposed public park and the adjacent Farmington Branch creek, which is being retained as greenspace and concentrated Tree Preservation area, have been maximized, with protection of the watercourse from erosion and siltation a requirement of the development. The proposed density, while higher than immediately surrounding land uses, is a compatible density which also allows for more attainable housing, a primary goal of the applicant. A large public park provides a "back yard" for the community, which is designed with the concept of small lots with residents which utilize shared open spaces. Landscaping, tree preservation and overall public amenities required of the developer, along with the variety of housing types and design of lot layout furthers the health, safety, amenity and welfare of the community as a whole.

- (2) *Screening and landscaping.* In order to enhance the integrity and attractiveness of the development, and when deemed necessary to protect adjacent properties, the Planning Commission shall require landscaping and screening as part of a PZD. The screening and landscaping shall be provided as set forth in §166.09 Buffer Strips and Screening. As part of the development plan, a detailed screening and landscaping plan shall be submitted to the Planning Commission. Landscape plans shall show the general location, type and quality (size and age) of plant material. Screening plans shall include typical details of fences, berms and plant material to be used.

FINDING: Screening is not required as a part of this development. A conceptual street tree planting plan has been presented, locating required mitigation trees. A detailed street

tree planting plan is required prior to final plat approval.

(3) *Traffic circulation.* The following traffic circulation guidelines shall apply:

- (a) The adequacy of both the internal and external street systems shall be reviewed in light of the projected future traffic volumes.
- (b) The traffic circulation system shall be comprised of a hierarchal scheme of local collector and arterial streets, each designed to accommodate its proper function and in appropriate relationship with one another.
- (c) Design of the internal street circulation system must be sensitive to such considerations as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, access to dwelling units and the proper relationship of different land uses.
- (d) Internal collector streets shall be coordinated with the existing external street system, providing for the efficient flow of traffic into and out of the planned zoning development.
- (e) Internal local streets shall be designed to discourage through traffic within the planned zoning development and to adjacent areas.
- (f) Design provisions for ingress and egress for any site along with service drives and interior circulation shall be that required by Chapter 166 Development of this code.

FINDING: Internal streets are comprised of public loop streets within 50 feet of right-of-way, with no dead-ends. An east-west Collector Street is indicated through the property, within a minimum of 70 feet of right-of-way, eventually connecting users to the west to Alberta Street in Farmington and the yet to be constructed Ruppel Road to the east. An additional street stub-out is proposed to the north. The only provided access for the development at the present time is the street from Hwy 62; however, with future development, traffic dispersement will be possible with the presented street stub-outs. A turning lane is provided at the intersection of Street 1 and Hwy 62. Sidewalks are required on all sides of public streets within the development. A majority of the single family lots will be limited to access from rear alleys. For those lots without alley access, due to their narrow width, staff recommends a combination of shared 24-foot driveways and separate 12-foot wide driveways to facilitate a safe, attractive and functional internal street. Pedestrian traffic will thereby be protected from an impractical continuous curb cut, and the overall proportion of lot width to driveway width/paved surface will be more in keeping with typical residential ratios.

(4) *Parking standards.* The off-street parking and loading standards found in Chapter 172 Parking and Loading shall apply to the specific gross usable or leasable floor areas of the

respective use areas.

FINDING: Standard parking ratios for single family and two-family units is enforced.

- (5) *Perimeter treatment.* Notwithstanding any other provisions of a planned zoning district, all uses of land or structures shall meet the open space, buffer or green strip provisions of this chapter of this code.

FINDING: The development exceeds all open space and park land requirements.

- (6) *Sidewalks.* As required by §166.03.

FINDING: Four-foot sidewalks are to be constructed on both sides of all interior streets; six-foot sidewalks are required on both sides of the Collector Street.

- (7) *Street Lights.* As required by §166.03.

FINDING: All street lights installed shall be pursuant to the above-referenced code section, with a maximum of 300 feet spacing.

- (8) *Water.* As required by §166.03.

FINDING: Public water is being provided to the project site, pursuant to city code.

- (9) *Sewer.* As required by §166.03.

FINDING: Public sewer is being provided to the project site, pursuant to city code.

- (10) *Streets and Drainage.* Streets within a residential PZD may be either public or private.

- (a) *Public Streets.* Public streets shall be constructed according to the adopted standards of the City.

- (b) *Private Streets.* Private streets within a residential PZD shall be permitted subject to the following conditions:

- (i) Private streets shall be permitted for only a loop street, or street ending with a cul-de-sac. Any street connecting one or more public streets shall be constructed to existing City standards and shall be dedicated as a public street.

- (ii) Private streets shall be designed and constructed to the same standards as public streets with the exceptions of width and cul-de-sacs as noted below.

- (iii) All grading and drainage within a Planned Zoning District including site drainage and drainage for private streets shall comply with the City's Grading (Physical Alteration of Land) and Drainage (Storm water management) Ordinances. Open drainage systems may be approved by the City Engineer.
- (iv) Maximum density served by a cul-de-sac shall be 40 units. Maximum density served by a loop street shall be 80 units.
- (v) The plat of the planned development shall designate each private street as a "private street."
- (vi) Maintenance of private streets shall be the responsibility of the developer or of a neighborhood property owners association (POA) and shall not be the responsibility of the City. The method for maintenance and a maintenance fund shall be established by the PZD covenants. The covenants shall expressly provide that the City is a third party beneficiary to the covenants and shall have the right to enforce the street maintenance requirements of the covenants irrespective of the vote of the other parties to the covenants.
- (vii) The covenants shall provide that in the event the private streets are not maintained as required by the covenants, the City shall have the right (but shall not be required) to maintain said streets and to charge the cost thereof to the property owners within the PZD on a pro rata basis according to assessed valuation for ad valorem tax purposes and shall have a lien on the real property within the PZD for such cost. The protective covenants shall grant the City the right to use all private streets for purposes of providing fire and police protection, sanitation service and any other of the municipal functions. The protective covenants shall provide that such covenants shall not be amended and shall not terminate without approval of the City Council.
- (viii) The width of private streets may vary according to the density served. The following standard shall be used:

Paving Width

(No On-Street Parking)

Dwelling Units	One-Way	Two-Way
1 - 20	14'	22'
21+	14'	24'

***Note:** If on-street parking is desired, 6 feet must be added to each side where parking is intended.

- (ix) All of the traffic laws prescribed by Title VII shall apply to traffic on private streets within a PZD.
- (x) There shall be no minimum building setback requirement from a private street.
- (xi) The developer shall erect at the entrance of each private street a rectangular sign, not exceeding 24 inches by 12 inches, designating the street a "private street" which shall be clearly visible to motor vehicular traffic.

FINDING: All public streets for the proposed development are indicated to be constructed according to the adopted standards of the City.

- (11) *Construction of nonresidential facilities.* Prior to issuance of more than eight building permits for any residential PZD, all approved nonresidential facilities shall be constructed. In the event the developer proposed to develop the PZD in phases, and the nonresidential facilities are not proposed in the initial phase, the developer shall enter into a contract with the City to guarantee completion of the nonresidential facilities.

FINDING: N/A

- (12) *Tree preservation.* All PZD developments shall comply with the requirements for tree preservation as set forth in Chapter 167 Tree Preservation and Protection. The location of trees shall be considered when planning the common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels.

FINDING: The applicant proposes to preserve several distinct groupings of significant trees, including three areas along the western property boundary, a large area along the Farmington Branch Creek and two groupings that allow for access to the public park (lots 140 and 141). Additionally, the developer has proposed a public park in a location that retains several high priority, large trees (1.43 acres of canopy) though it must be noted that these are not counted toward the preserved total. A large percentage of trees will also be located with protective easements outside of the City of Fayetteville limits, which are also not counted within the preservation calculations.

- (13) *Commercial design standards.* All PZD developments that contain office or commercial structures shall comply with the commercial design standards as set forth in §166.14 Site Development Standards and Construction and Appearance Design Standards for Commercial Structures.

FINDING: N/A

- (14) *View protection.* The Planning Commission shall have the right to establish special height and/or positioning restrictions where scenic views are involved and shall have the right to insure the perpetuation of those views through protective covenant restrictions.

FINDING: Staff finds no specific scenic views to be protected on the subject property.

(E) *Revocation.*

- (1) *Causes for revocation as enforcement action.* The Planning Commission may recommend to the City Council that any PZD approval be revoked and all building or occupancy permits be voided under the following circumstances:

- (a) *Building permit.* If no building permit has been issued within the time allowed.
- (b) *Phased development schedule.* If the applicant does not adhere to the phased development schedule as stated in the approved development plan.
- (c) *Open space and recreational facilities.* If the construction and provision of all common open spaces and public and recreational facilities which are shown on the final plan are proceeding at a substantially slower rate than other project components.

Planning staff shall report the status of each ongoing PZD at the first regular meeting of each quarter, so that the Planning Commission is able to compare the actual development accomplished with the approved development schedule. If the Planning Commission finds that the rate of construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and public recreational facilities have been constructed and provided, then the Planning Commission may initiate revocation action or cease to approve any additional final plans if preceding phases have not been finalized. The city may also issue a stop work order, or discontinue issuance of building or occupancy permits, or revoke those previously issued.

- (2) *Procedures.* Prior to a recommendation of revocation, notice by certified mail shall be sent to the landowner or authorized agent giving notice of the alleged default, setting a time to appear before the Planning Commission to show cause why steps should not be made to totally or partially revoke the PZD. The Planning Commission recommendation shall be forwarded to the City Council for disposition as in original approvals. In the event a PZD is revoked, the City Council shall take the appropriate action in the city clerk's office and the public zoning record duly noted.
- (3) *Effect.* In the event of revocation, any completed portions of the development or those portions for which building permits have been issued shall be treated to be a whole and

effective development. After causes for revocation or enforcement have been corrected, the City Council shall expunge such record as established above and shall authorize continued issuance of building permits.

(F) Covenants, trusts and homeowner associations.

(1) *Legal entities.* The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction, and maintenance of private roads, parking areas, common usable open space, community facilities, recreation areas, building, lighting, security measure and similar common elements in a development. The city encourages the creation of homeowner associations, funded community trusts or other nonprofit organizations implemented by agreements, private improvement district, contracts and covenants. All legal instruments setting forth a plan or manner of permanent care and maintenance of such open space, recreation areas and communally-owned facilities shall be approved by the City Attorney as to legal form and effect, and by the Planning Commission as to the suitability for the proposed use of the open areas. The aforementioned legal instruments shall be provided to the Planning Commission together with the filing of the final plan, except that the Guarantee shall be filed with the preliminary plan or at least in a preliminary form.

(2) *Common areas.* If the common open space is deeded to a homeowner association, the developer shall file with the plat a declaration of covenants and restrictions in the Guarantee that will govern the association with the application for final plan approval. The provisions shall include, but not necessarily be limited to, the following:

- (a) The homeowner's association must be legally established before building permits are granted.
- (b) Membership and fees must be mandatory for each home buyer and successive buyer.
- (c) The open space restrictions must be permanent, rather than for a period of years.
- (d) The association must be responsible for the maintenance of recreational and other common facilities covered by the agreement and for all liability insurance, local taxes and other public assessments.
- (e) Homeowners must pay their pro rata share of the initial cost; the maintenance assessment levied by the association must be stipulated as a potential lien on the property.

FINDING: The applicant shall comply with the above requirements, as part of the Planned Zoning District ordinance.

Sec. 161.25 Planned Zoning District

(A) Purpose. The intent of the Planned Zoning District is to permit and encourage comprehensively planned developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the combination of development and zoning review into a simultaneous process. The rezoning of property to the PZD may be deemed appropriate if the development proposed for the district can accomplish one or more of the following goals.

- (1) Flexibility. Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.
- (2) Compatibility. Providing for compatibility with the surrounding land uses.
- (3) Harmony. Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.
- (4) Variety. Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.
- (5) No negative impact. Does not have a negative effect upon the future development of the area;
- (6) Coordination. Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.
- (7) Open space. Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.
- (8) Natural features. Maximum enhancement and minimal disruption of existing natural features and amenities.
- (9) General Plan. Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the General Plan.
- (10) Special Features. Better utilization of sites characterized by special features of geographic location, topography, size or shape.

FINDING: The proposal best fits the flexibility and variety goals of the intent of the Planned Zoning District, offering an array of housing types, lot arrangements (front loading, alley access, shared drive, park-fronting, cluster homes) and amenities for the

community to enjoy. Open space is proposed with the 5.02-acre park, allowing for residents to utilize the common open space as virtual yards, in lieu of private, individual yards on each lot serving the individual homeowner. Many of the natural features of the site have been incorporated into the design, including the placement of the park, connections to a potential trail system along Farmington Branch Creek from the park, preservation of large boundary/fence row trees and large areas of riparian ecosystem. The proposal is consistent with many of the guiding policies of the General Plan 2020 including:

Residential Areas:

9.8.a Utilize principles of traditional residential urban design to create compatible, livable, and accessible neighborhoods.

9.8.f Site new residential areas accessible to roadways, alternative transportation modes, community amenities, infrastructure, and retail and commercial goods and services.

Environmental Resources:

9.16.a Identify areas of environmental concern and protect and preserve environmental resources.

9.16.b Define and protect areas of significant floodplains, hillsides, trees and other environmental resources through cluster development provisions, density controls, protective easements and other new and existing development standards and regulations.

Community Character:

9.19.g Encourage new residential development to incorporate varying lot sizes, home prices and types of dwelling units.

(B) Rezoning. Property may be rezoned to the Planned Zoning District by the City Council in accordance with the requirements of this chapter and Chapter 166, Development. Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and development standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of a specific master development plan and development standards.

FINDING: The subject described real property is proposed to be rezoned to R-PZD 04-1181. The development standards and plan approved shall be adopted with the rezoning.

(C) R - PZD, Residential Planned Zoning District.

(1) Purpose and intent. The R-PZD is intended to accommodate mixed-use or clustered residential developments and to accommodate single-use residential developments that are determined to be more appropriate for a PZD application than a general residential rezone. The legislative purposes, intent, and application of this district include, but are not limited to, the following:

- (a) To encourage a variety and flexibility in land development and land use for predominately residential areas, consistent with the city's General Plan and the orderly development of the city.
- (b) To provide a framework within which an effective relationship of different land uses and activities within a single development, or when considered with abutting parcels of land, can be planned on a total basis.
- (c) To provide a harmonious relationship with the surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and excessive demands on planned and existing public facilities.
- (d) To provide a means of developing areas with special physical features to enhance natural beauty and other attributes.
- (e) To encourage the efficient use of those public facilities required in connection with new residential development.

FINDING: The proposed Residential Planned Zoning District allows single-family and clustered two, three and multi-family residential uses in a clustered pattern, allowing for more usable common open space and greater preservation of natural amenities. A general rezoning would not allow the type of development the applicant is pursuing, based on the bulk and area requirements of typical zoning districts, therefore a Planned Zoning District is more appropriate for the proposed development. The proposed subdivision allows for a density and land use that is compatible with adjacent properties, yet also allows for a flexible site plan and layout. A harmonious relationship with surrounding developments is achieved, while allowing for a very different style and type of development. Public improvements provided with the development will ensure future street connectivity in the area.

(2) Permitted uses.

- Unit 1 City-wide uses by right
- ~~Unit 2 City-wide uses by conditional use permit~~
- ~~Unit 3 Public protection and utility facilities~~
- ~~Unit 4 Cultural and recreational facilities~~
- ~~Unit 5 Government facilities~~
- Unit 8 Single-family dwellings
- Unit 9 Two-family dwellings
- Unit 10 Three-family dwellings
- ~~Unit 12 Offices, studios and related services~~
- ~~Unit 13 Eating places~~
- ~~Unit 15 Neighborhood shopping~~

~~Unit 19 Commercial recreation, small sites~~
~~Unit 24 Home occupations~~
~~Unit 25 Professional offices~~
Unit 26 Multi-family dwellings

FINDING: The proposed uses are permitted uses within a Residential Planned Zoning District. All other ancillary uses (parks, trails, etc.) are allowed by right.

(3) Condition. In no instance shall the residential use area be less than fifty-one percent (51%) of the gross floor area within the development.

FINDING: The proposed PZD proposed is entirely residential in use.

***Required Findings for Rezoning Request.**

RECOMMENDATION: Staff recommends approval of the rezoning request from R-A, Residential Agricultural, to R-PZD 04-1181, with the adoption of the associated preliminary plat.

LAND USE PLAN: The General Plan 2020 Future Land Use Plan designates this site as a Residential Area. Rezoning this property to R-PZD 04-1181, with associated Preliminary Plat, is consistent with the land use plan and compatible with surrounding land uses in the general vicinity.

FINDINGS OF THE STAFF

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

Finding: The proposed rezoning of the existing R-A property to the proposed PZD development with clustered single and two-family residential use at a density of 4.50 units per acre is consistent with the General Plan 2020 that identifies this area for residential use. The proposed land use is unique to the area with regard to site layout and organization, meeting many of the objectives and principles of the land use plan that promotes traditional urban forms of development.

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

Finding: The proposed zoning is needed in order to develop a subdivision in the manner proposed with the R-PZD site plan.

3. A determination as to whether the proposed zoning would create or appreciably increase

traffic danger and congestion.

Finding: The proposed zoning will not create or appreciably increase traffic danger or congestion surrounding streets. Approximately 1,950 average two-way vehicle trips per day from this development would be created; a Principal Arterial, the primary means of access to the site currently, can accommodate 20,600 vehicles per day at full build-out.

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

Finding: The development proposed would create, on average, 429 future residents in this area, thereby altering the population density in the immediate vicinity. Based on findings from public service providers, as outlined below, an undesirable increase in load on public services would not be created.

Fire - Water supply with fire hydrants is needed to serve development on this site. Fire station #6, approximately 2.6 miles away, will serve this site once it is constructed. Fire response time to the site is approximately 4-5 minutes, with an anticipated 37 calls for service at maximum build-out, based on the Service Delivery Impact report included.

Police - Projects existing in this area already receive police services. The same level of service will be provided to this site as is currently applied to the existing surrounding development. No additional equipment or personnel is needed to provide service to this area. It is the opinion of the Fayetteville Police Department that this Planned Zoning District will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

Engineering - The proposed subdivision has been reviewed for access to public utilities, including water and sewer, and will not undesirably increase the load on public services.

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



PC Meeting of September 27, 2004

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

TREE PRESERVATION and PROTECTION REPORT

To: Fayetteville Planning Commission

From: Jeremy Pate, Landscape Administrator

Date: September 21, 2004

ITEM #: R-PZD 04-1181 (Walnut Crossing S/D)

Requirements Submitted:

✓	Initial Review with the Landscape Administrator
✓	Site Analysis Map Submitted
✓	Site Analysis Written Report Submitted
✓	Complete Tree Preservation Plan Submitted

Canopy Measurements:

Total Site Area	
acres	43.30
square feet	1,886,165
Existing Tree Canopy	
acres	3.81
square feet	165,963
percent of site area	9.95%
Existing Tree Canopy Preserved	
acres	2.90
square feet	126,505
percent of total site area	7.58%
Percent Minimum Canopy Required	9.95%

FINDINGS:

The desirability of preserving a tree or group of trees by reason of age, location, size or species.
The site contains numerous significant trees, and several groups of trees that are highly desirable for preserving, based on all of the above factors. The dominant high-priority species on-site is the

Hackberry, with lesser numbers of American Elm, White Ash, several species of oak and hickory.

Whether the design incorporates the required Tree Preservation Priorities.

The design of the subdivision does incorporate the required Tree Preservation Priorities. Several significant trees have been specifically targeted for preservation, as well as contiguous groupings. The park area contains such a grouping, as does the corridor preserved from the park south to the creek, allowing for a continuous tree canopy. Additionally, easements are to be placed along the western property boundary, in order to protect a stand of rather large Hackberry trees, including a 55" diameter tree.

The extent to which the area would be subject to environmental degradation due to removal of the tree or group of trees.

Removing those trees shown as preserved could potentially degrade any habitat movement along corridor from the creek north. Significant environmental degradation should not occur as a result of the removal of those trees shown by installation of infrastructure.

The impact of the reduction in tree cover on adjacent properties, the surrounding neighborhood and the property on which the tree or group of trees is located.

Impact on adjacent properties would be evident only along the west boundary. Reduction in tree cover along the creek could have potential detrimental environmental impact along the riparian corridor.

Whether alternative construction methods have been proposed to reduce the impact of development on existing trees.

No alternative construction methods are proposed.

Whether the size or shape of the lot reduces the flexibility of the design.

The size and shape of the lot does little to reduce the flexibility of the design. Natural drainage patterns and the existing creek riparian corridor do have an effect on the design development.

The general health and condition of the tree or group of trees, or the presence of any disease, injury or hazard.

The general health of all groups of trees on this site is good.

The placement of the tree or group of trees in relation to utilities, structures, and use of the property.

Most trees shown to be preserved are sited in good relationship to the proposed streets and utilities, to ensure prolonged preservation. The developer has worked with utility companies to site easements sensitive to tree preservation, and has created lot lines that preserved the integrity of the natural canopy corridor. Users of the lots should have ample space in which to build and preserve existing trees, should they choose to do so. The developer has further ensured the long-term protection of certain trees by placing them within protective easements, and including these easements within the covenants, so that future homeowners are aware of their significance.

The need to remove the tree or group of trees for the purpose of installing, repairing, replacing,

or maintaining essential public utilities.

Some trees will need to be removed for the purposes of installing necessary utilities. Where possible, utilities have been routed in a manner so as to avoid unnecessary tree removal. The applicant has worked with utility companies and staff to site utilities along property lines that will necessitate minimal removal of tree canopy.

Whether roads and utilities are designed in relation to the existing topography, and routed, where possible, to avoid damage to existing canopy.

The streets and utilities have been aligned to minimize removal and damage of tree canopy.

Construction requirements for On-Site and Off-Site Alternatives.

N/A

The effects of proposed On-Site Mitigation or Off-Site Alternatives.

On-site mitigation will provide a coordinated street tree planting, eventually adding canopy to this residential development.

The effect other chapters of the UDC, and departmental regulations have on the development design.

N/A

The extent to which development of the site and the enforcement of this chapter are impacted by state and federal regulations:

Federal and state permits may have to be obtained for work within the floodplain; the only area this potentially could involve Tree Preservation is near the proposed creek crossing, which in the City of Farmington.

The impact a substantial modification or rejection of the application would have on the Applicant:

Staff is recommending approval of the submitted Tree Preservation Plan.

Recommendation: Staff recommends approval of the submitted Tree Preservation Plan, with the following conditions:

1. On site mitigation is recommended for the removal of 39,458 square feet of tree canopy. No less than (182) 2-inch caliper trees shall be planted with this project to meet mitigation requirements.
2. A street tree planting plan shall be submitted before final plat as part of requirements toward meeting both mitigation and landscaping goals.

**FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS**

**113 W. Mountain St.
Fayetteville, AR 72701
Telephone: 479-444-3469**

TO: Jeremy Pate, Associate Planner
FROM: Alison Jumper, Park Planner
DATE: September 14, 2004
SUBJECT: Parks & Recreation Subdivision Committee Comments

Meeting Date: September 17, 2004
Item: R-PZD 04-1181 Walnut Crossing Subdivision
Park District: SW
Zoned: R-PZD
Billing Name & Address: Rausch Coleman Homes, LLC

	<u>Land Dedication Requirement</u>	<u>Money in Lieu</u>
Single Family	_____ @ .024 acre per unit = _____ acres	_____ @ \$555 per unit = \$ _____
Multi Family	_____ @ .017 acre per unit = _____ acres	_____ @ \$393 per unit = \$ _____
Mobile Home	_____ @ .024 acre per unit = _____ acres	_____ @ \$555 per unit = \$ _____
Lot Split		_____ @ \$555 per unit = \$ _____

COMMENTS:

- PRAB voted to accept a land dedication of 4.34 acres for 181 single family lots on July 12, 2004. The developer has provided park land in the amount of 5.02, an excess donation of .68 acres. No banking of the additional land has been requested by the developer.

ZONING REVIEW

Fayetteville Police Department

R-PZD 04-1181: Planned Zoning District (Walnut Crossing Subdivision): Located on the north side of Highway 62 W, east of Layne St. The property is zoned R-A, Residential-Agricultural. Rausch-Coleman Homes, LLC requests the property be approved for a residential planned zoning district with 137 single-family lots.

Recommendations: This property is bordered by Highway 62 West and is surrounded by residential and commercial properties. This site adjoins Farmington city limits. The only apparent access to this proposed subdivision will be from Highway 62 West. If this request were to be approved, we do not anticipate a delay in response for police services. This property will be located on our furthest border on Highway 62 West. We do anticipate more calls for service but not so much so that it will overburden our ability to provide services. The biggest concern we have is adding more traffic to an already congested arterial traffic way. The speed limit is 50 mph in both directions on Highway 62 West. There is a turn lane on highway 62 West that will aid motorists wishing to go east however, motorists may find it challenging exiting this subdivision due to the speed and heavy traffic flow.

Fayetteville Fire Department Service Delivery Impact: Zoning Review Sept. 21, 2004

Item	Subdivision	Annexation	Acres	Closest Fire Station	Distance from Fire Station	Response Time to Proposal area	Projected Response Time to Proposal Area at Maximum Build Out	Projected Calls for Service at Maximum Build Out	Projected Fire/Other Calls for Service at Maximum Build Out	Projected EMS Calls for Service at Maximum Build Out
RZN 04-1188	Housley			FS 4	1.10 miles	4 min.	4 min.	N/A	N/A	N/A
RZN 04-1189	Jackson			FS 1	3.00 miles	6 min.	6 min.	N/A	N/A	N/A
R-PZD 04-1181	Walnut Crossing			FS 6	2.60 miles	4-5 min.	4-6 min.	37	15	22

~~R-PZD 04-1181~~ ~~Walnut Crossing~~

09/21/2004 08:45 4797518746

ESI SPRINGDALE

R-PZD 04-1181 (Walnut Crossing) B. 4

09/21/2004 08:01 479-575-8202
09/20/2004 15:47 4797518746

ENGINEERING C.O.F.

PAGE 02

Page 28 of 56

ESI SPRINGDALE

PAGE 02

EXHIBIT A - REZONING
WALNUT CROSSING PZD 04-1181

LEGAL DESCRIPTION:

A part of the Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4) and a part of the Northeast Quarter (NE1/4) of the Southwest Quarter (SW 1/4), all in section 24, Township 16 North, Range 31 West, Washington County, Arkansas and being more particularly described as follows:

BEGINNING at the Southeast corner of said Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4); thence along the East line of said Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4), South 0°02'50" East - 299.40 feet; thence South 68°42'22" West - 445.64 feet; thence South 56°56'13" West - 43.00 feet; thence South 79°44'13" West - 39.40 feet; thence North 0°16'43" West - 492.58 feet to a point on the South line of said Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4); thence along said South line, North 89°56'29" West - 821.53 feet to the Southwest corner of said Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4); thence along the West line of said Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4), North 0°25'44" West - 1315.86 feet to the Northwest corner of said Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4); thence along the North line of said Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4), South 89°46'28" East - 825.00 feet to an iron pipe; thence South 0°16'43" East - 60.00 feet; thence South 89°46'28" East - 479.02 feet to a point on the East line of said Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4); thence along said East line, South 0°55'25" East - 1252.20 feet to the POINT OF BEGINNING, containing 43.30 acres, more or less.

EXHIBIT "A"
PROPERTY TO BE REZONED
AS SUBMITTED BY THE APPLICANT

[Signature]
Applicant's Signature

Submitted as ~~RPZD~~ RPZD04-1181

[Signature] OK

RECEIVED

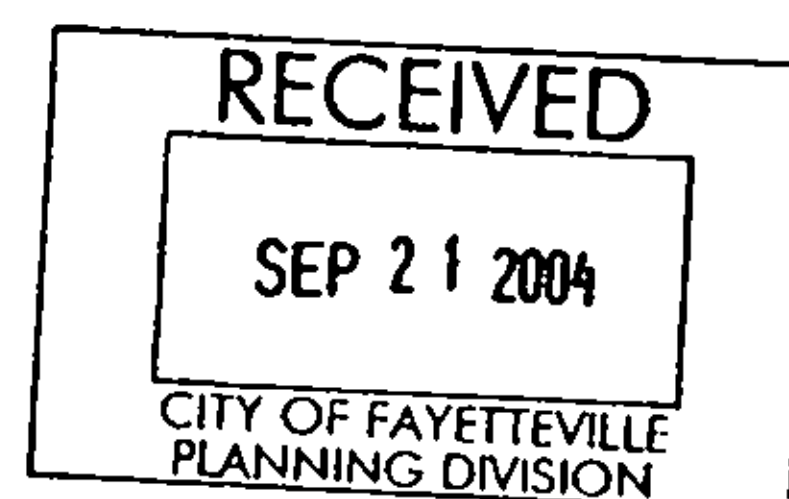
SEP 21 2004

CITY OF FAYETTEVILLE
PLANNING DIVISION

**DEVELOPMENT
WALNUT CROSSING PZD****LEGAL DESCRIPTION:**

A part of the Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4) and a part of the Northeast Quarter (NE1/4) of the Southwest Quarter (SW 1/4), all in section 24, Township 16 North, Range 31 West, Washington County, Arkansas and being more particularly described as follows:

BEGINNING at the Southeast corner of said Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4); thence along the East line of said Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4), South 0°02'50" East - 299.40 feet; thence South 68°42'22" West - 446.64 feet; thence South 56°56'13" West - 43.00 feet; thence South 79°44'13" West - 39.40 feet; thence South 0°21'59" East - 3.19 feet to the Northeast corner of Stapleton Subdivision; thence along the North line of said subdivision, South 65°47'00" West - 131.56 feet; thence along the North line of said subdivision, South 80°36'00" West - 190.41 feet; thence leaving said North line and running North 25.0 feet, more or less, to the centerline of the North Fork of the Farmington Branch; thence Northwesterly along said centerline the following: West 20.0 feet, N46°43'26"W 112.52 feet, N80°00'W 30.0 feet, N40°00'W 50.0 feet, N75°00'W 35.0 feet, S82°00'W 20.00 feet, S61°00'W 55.0 feet, S45°00'W 45.0 feet, S77°50'28"W 160.9 feet, S62°25'57"W 15.12 feet, S62°25'58"W 49.80 feet to a point on the West line of said Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4); thence along said West line, North 0°25'44" West - 552.19 feet to the Northwest corner of said Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4); thence along the West line of said Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4), North 0°25'44" West - 1315.86 feet to the Northwest corner of said Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4); thence along the North line of said Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4), South 89°46'28" East - 825.00 feet to an iron pipe; thence South 0°16'43" East - 60.00 feet; thence South 89°46'28" East - 479.02 feet to a point on the East line of said Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4); thence along said East line, South 0°55'25" East - 1252.20 feet to the POINT OF BEGINNING, containing 52.98 acres, more or less.





September 30, 2004

Fayetteville Planning Department
Jeremy Pate, Planner
113 W. Mountain
Fayetteville, AR 72701

RE: R-PZD 04-1181 Walnut Crossing

Dear Mr. Pate:

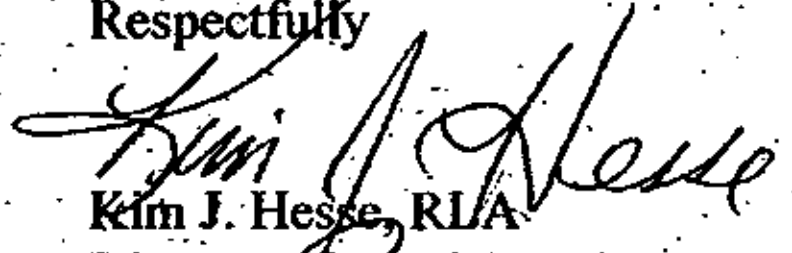
I appreciate the support we received from the Staff and the Planning Commission on Monday, September 27th concerning the Walnut Crossing Residential Planned Zoning District. As was presented, Walnut Crossing is intended to provide affordable housing for the work force sector of our community. This will be a neighborhood of quality built homes accompanied by amenities that are typically afforded by only the higher priced developments.

During the Planning Commission discussions, the definition of affordable housing was requested. Housing is considered affordable if a household pays no more than 30% of their income on rent or mortgage payments. Affordable housing varies based on the income level you are trying to provide for. Walnut Crossing is intended to provide affordable housing for the median income household. Families that fall within the median income level include that of America's work force; our teachers, police and fire personnel, retail and restaurant employees, factory workers and service personnel to name a few.

The average median income in Washington County is approximately \$35,000.00 per household. For an income level of \$35,000, an affordable mortgage payment would equal up to \$875.00 per month. As we presented to the Planning Commission, our homes will range in cost from \$99,000 to \$135,000. Using an amortization table, I calculate that with 6.6% interest, a family borrowing \$99,000.00 would make payments of \$632.27 a month on a 30 year mortgage which falls within that 30%. Based on information gathered by the National Low Income Housing Coalition, the average rent for a two bedroom apartment in Northwest Arkansas is \$547.00 and for a three bedroom apartment the rent averages \$738.00. Based on those figures, we plan to provide home ownership for a lesser monthly payment than offered in the average apartment complex.

We hope this helps to clarify the definition of affordable housing and Rausch Coleman's intentions to provide affordable work force housing within the Walnut Crossing development.

Respectfully


Kim J. Hesse, RLA
Director of Land Development
Rausch Coleman Homes, LLC.

Engineering Services, Inc.

1207 S. Old Missouri Rd. • P.O. Box 282 • Springdale, Arkansas 72765-0282
Phone: 479-751-8733 • Fax: 479-751-8746

August 18, 2004

City of Fayetteville
113 W. Mountain St.
Fayetteville, AR 72701

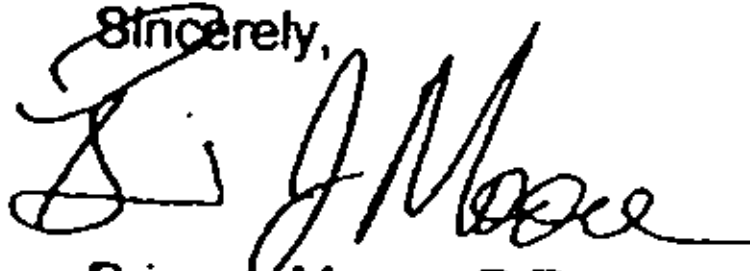
RE: Walnut Crossing Subdivision
Fayetteville, Arkansas

Dear City Staff:

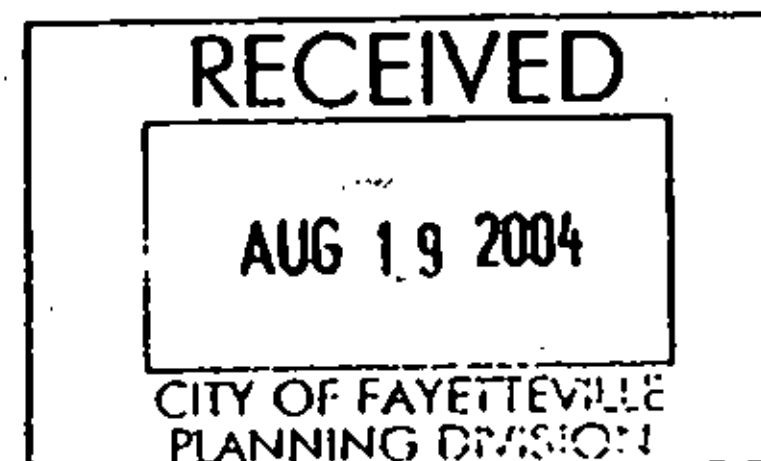
Enclosed please find copies of the Walnut Crossing Subdivision. This development is a residential mixed use development consisting of 137 lots and approximately 6.47 acres of cluster homes. The project is owned by Rausch Coleman Development. The property will relate well with the future land use of the area, which will be residential. Water and sewer are available to the site as shown on the development plan. This proposal fits the intent of the PZD in that it is a clustered residential development.

Please contact me if you have any questions, or if you need additional information.

Sincerely,



Brian J. Moore, P.E.
Secretary/Treasurer



Consulting Engineers and Surveyors

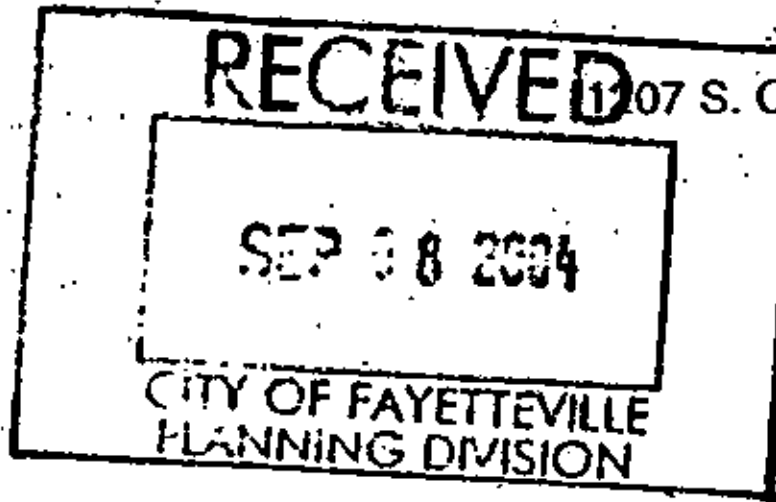
Jerry W. Martin, P.E.
President

E. Walt LeFevre, P.E.
Senior Vice President

Philip C. Hubbard, P.E., P.L.S.
Vice President

Brian J. Moore, P.E.
Secretary / Treasurer

Engineering Services, Inc.



1207 S. Old Missouri Rd. • P.O. Box 282 • Springdale, Arkansas 72765-0282

Phone: 479-751-8733 • Fax: 479-751-8746

September 7, 2004

Planning and Development
City of Fayetteville
113 W. Mountain St.
Fayetteville, AR 72701

RE: Walnut Crossing Subdivision (PZD 04-1181)
Master Street Plan Revision
Fayetteville, Arkansas

To Whom It May Concern:

The City of Fayetteville Master Street Plan calls for an East-West Collector street in the area of the proposed Walnut Crossing Subdivision. The Walnut Crossing Subdivision PZD submitted includes a street (Street 3) which satisfies Fayetteville's minimum requirements for a collector and also satisfies the intent of the Master Street Plan.

The proposed street has a right-of-way of 80 feet, while only seventy feet of right-of-way is required by the city, and it is east-west in direction. The proposed street is approximately 600' further north than the Master Street Plan calls for, but is in the general area required. The street runs across the entire width of the proposed PZD, and is aligned in such a way as to connect to the existing Alberta Street if extended to the West. There are no impediments to the east of the proposed street, using the alignment proposed in the PZD, that would prevent its eventual extension to Ruppel Road, which the Master Street Plan calls to be extended to Highway 62.

I believe the street layout proposed to the city meets the requirements of future traffic in the area and the intent of the Master Street Plan. If you have any questions regarding this development, please do not hesitate to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "B. J. Moore".

Brian J. Moore, P.E.
Secretary/Treasurer



Consulting Engineers and Surveyors

Jerry W. Martin, P.E.
President

E. Walt LeFevre, P.E.
Senior Vice President

Philip C. Humbard, P.E., P.L.S.
Vice President

Brian J. Moore, P.E.
Secretary / Treasurer



CITY OF FARMINGTON

354 West Main Street
P.O. Box 150
Farmington, Arkansas 72730

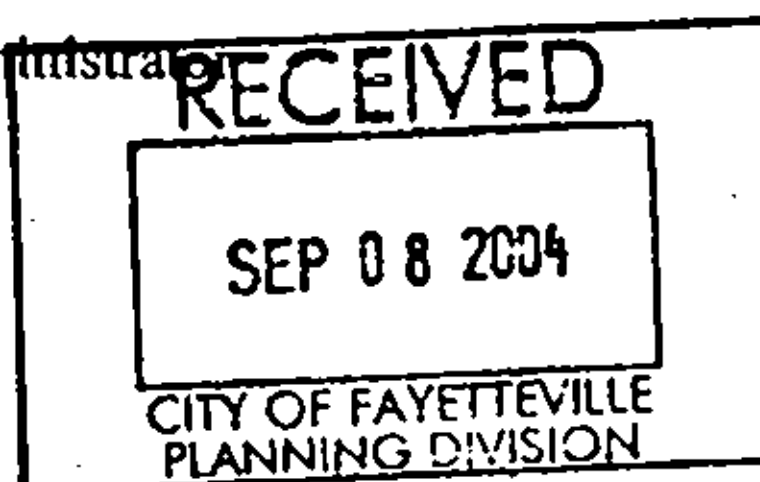
(479) 267-3865
(479) 267-3411
(479) 267-5511(fax)

September 7, 2004

Fayetteville Planning Division
Ms. Dawn Warrick, Zoning and Development Administration
113 W. Mountain
Fayetteville, AR 72701

RE: Walnut Crossing

Ms. Warrick,



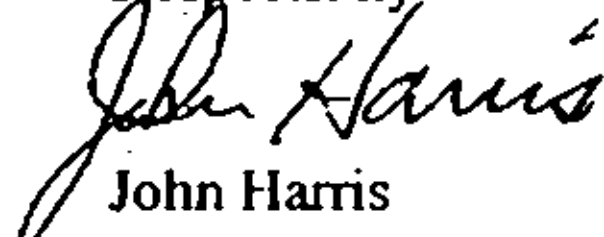
It is my understanding that the Rausch Coleman Development Group is in the process of developing a parcel of land located within both Fayetteville's and Farmington's city limits. It is also my understanding that Phase I of this development will begin inside Fayetteville's jurisdiction.

Rausch Coleman Development Group and Heather Dumas, Farmington Business Manager, has discussed the intention to construct Holland Drive from Highway 62 north to access the Walnut Crossing Subdivision. We understand that Holland Road will initially be constructed to access Walnut Crossing which is primarily within the limits of Fayetteville. It is also our understanding that this road will access the future Walnut Valley subdivision within the Farmington limits and eventually connect to existing Farmington streets in adjacent residential developments to the west. We are aware that the street is to be built to Fayetteville street standards and accepted as a public right of way by the Farmington City Council to be maintained by the City of Farmington.

The Rausch Coleman Development Group also discussed the construction of a detention pond for the purpose of maintaining flood control for the Walnut Crossing development within a portion of the development that falls within Farmington. It is understood that this detention facility will be owned and maintained by the Walnut Crossing Property Owners Association which will be created as the subdivision is completed.

The Farmington City Council will be reviewing Rausch Coleman Development Group proposal at our September 13, 2004 meeting.

Respectfully


John Harris
Mayor

Office of Mayor
John Harris

From: Dawn Warrick
To: Pate, Jeremy
Date: 9/8/04 2:44PM
Subject: Fwd: Walnut Crossing

>>> "Heather Dumas" <HeatherDumas@cityoffarmington-ar.gov> 09/08/04 02:39PM >>>
Dawn,

Earlier today Kim Hesse submitted a letter to you from our Mayor, John Harris. The letter stated that our city council would be considering the item on their September 13 agenda. I have since spoken with our city attorney. It is his opinion that the matter should go before our Planning Commission first.

Please note that the item will be presented to our Planning Commission on September 20, 2004.

If you need anything else, please do not hesitate to call, 267-3865.

Thank you

Heather Dumas

City Business Manager

**WALNUT CROSSING SUBDIVISION, AN ADDITION
TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS
RESTRICTIVE COVENANTS AND BILL OF ASSURANCE**

These Restrictive Covenants and Bill of Assurance ("Covenants") for Walnut Crossing Subdivision, an Addition to the City of Fayetteville and the City of Farmington, Washington County, Arkansas are made by the property owner and developer, Rausch Coleman Homes, LLC who is hereinafter referred to in these Covenants as the Developer.

The Developer hereby imposes the following limitations, restrictions, and uses on Lots 1 through 67 of the Addition, as defined below ("The Residence"), Lots 68 through 136 of the Addition ("The Villa"), and Lots 137 and Lot 138 which is a 5.4 acre tract of real property set aside for 59 town homes or "cluster" type dwellings ("The Commons"). The Residence, The Villa, The Commons, and the Common Areas (as defined below) make up Walnut Crossing Subdivision, an Addition to the City of Fayetteville, Arkansas (the "Addition"), as per the platted subdivision filed of record in Washington County, Arkansas on the _____ day of _____, 2004 in Plat Book _____ at Page _____ (the "Plat"). The legal description for the said Addition is more particularly described on Exhibit "A" attached hereto and the Plat is set out on Exhibit "B" attached hereto. These Covenants shall run with the land for the period of time hereinafter set out and shall be binding upon all purchasers of lots or The Commons in the Addition. These Covenants are for the benefit of and are limitations upon all future owners in the Addition and have been designated as such in order to provide for the orderly development of the Addition and for the purpose of making the Addition desirable, uniform, and suitable for the uses herein specified.

These Covenants shall be binding upon all parties and all persons claiming under them through December 31, 2034, at which time they shall be automatically extended for an additional ten (10) years, unless by vote of at least two-thirds of the then owners of the lots in the Addition (the term "lots" being defined herein), it is agreed that these Covenants should be changed, amended, or terminated in whole or in part.

It shall be lawful for the Developer, Walnut Crossing Property Owners Association, an Arkansas non-profit corporation (hereinafter referred to as the "Association"), the City of Fayetteville, Arkansas (the "City"), or any other person or persons owning a lot in the Addition to initiate proceedings at law or in equity against parties or persons violating or attempting to violate any of these Covenants and to recover damages for such violations. The Association and/or any owner of lots situated in the Addition, either individually or collectively may also exercise any rights reserved hereunder to the Developer. The invalidation of any one or more of these Covenants by a court order shall not invalidate any of the other provisions which shall remain in full force and effect.

ARTICLE I

Concepts and Definitions

The following words, when used in these Covenants or any amendments or supplements thereto (unless the context shall otherwise clearly indicate or prohibit), shall have the respective concepts and meanings set forth below.

"Addition" shall mean and refer to the property described in Exhibit "A" and as reflected on the plat set out on Exhibit "B" and any additions or amendments thereto.

"Association" shall mean and refer to the entity which will have the power, duty, and responsibility for maintaining, administering, and enforcing, these Covenants and collecting and disbursing the assessments and charges hereinafter prescribed. The Association shall be chartered and shall function as a non-profit corporation under the name of "Walnut Crossing Property Owners Association", for the purposes set forth herein.

"Architectural Control Committee" or "Committee" shall mean and refer to the 3 individuals or business entities selected by the Developer until such time as 120 lots (as defined herein) have been sold and at least 100 dwellings have been constructed and are occupied within the Addition at which time the Committee shall resign and 3 members shall be elected by the Association at a specially called meeting held for that purpose. Each member of the Committee shall be generally familiar with residential and community development design matters and knowledgeable about the Developer's concern for a high level of taste and design standards within the Addition. Other matters pertaining to the governments and administration of the Committee is set forth in these Covenants.

"The Residence" shall mean Lots 1 through 67 as shown on the Plat.

"The Villa" shall mean Lots 68 through 136 as shown on the Plat.

"Board" or "Board of Directors" shall mean and refer to the Board of Directors of the Association elected in accordance with the provisions of the articles of incorporation and by-laws of the Association.

"Common Properties" shall include Lots 140-145 as shown on the Plat as well as any and all areas of land together with all improvements located therein within the Addition which are known, described or designated as private roadway easements within The Commons, trails and walkways along the roadways as noted on the Plat, the Conservation Land Use Area, trails and hiking paths as designed on the Plat, and any other real property intended for or devoted to the common use and enjoyment of the members of the

Association. The Association shall hold such title to the Common Properties as shall be consistent with the objectives envisioned herein and subject to the easement rights herein of the members to use and enjoy the Common Properties. The Developer reserves the right to effect minor redesigns or reconfigurations of the Common Properties and execute any open space declarations applicable to the Common Properties.

"The Commons" shall mean and refer to Lots 137 and 138 on the Plat set aside for the construction of townhomes or "cluster" residential units.

"City" shall mean the City of Fayetteville, Washington County, Arkansas or the City of Farmington, Washington County, Arkansas, all as the context may require.

"Common Properties" shall mean and refer to any and all areas of land together with all improvements located therein within the Addition which are known, described, or designated as common areas, community trails, and easements along intended for or devoted to the common use and enjoyment of the members of the Association or which are set aside for the protection of trees (unless located on a platted lot within The Residence or The Villa) or for environmental or wildlife protection and as designated on the Plat. If appropriate, the Association shall hold such title to the Common Properties as shall be consistent with the objectives envisioned herein and subject to the easement rights herein of the members to use and enjoy the Common Properties. The Developer reserves the right to effect minor redesigns or reconfigurations of the Common Properties and execute any open space declarations applicable to the Common Properties.

"Conservation Land Use Area" shall refer to that portion of the Addition set aside for wildlife and eco-system maintenance and which shall be preserved in its natural state and may not be cleared, cut or trimmed without the consent of the City. The Conservation Land Use Area shall be utilized as a detention area for storm water run-off.

"Developer" shall mean and refer to Rausch Coleman Homes, LLC, an Arkansas limited liability company, and its successor(s) and assign(s).

"Lot" or "lot" shall mean and refer to any plot or tract of land which is designated as a lot on the plat which is attached hereto and labeled Exhibit "B". The term "lot" as used in these Covenants shall be deemed to refer to any real property or space reflected on the plat and within which a dwelling unit may be legally constructed.

"Member" or "member" shall mean and refer to each owner of a lot.

"Owner" or "owner" shall mean and refer to each and every person or business

entity who or which is a record owner or subsequently becomes a record owner of a fee or undivided fee interest in any lot in the Addition. If more than one person or entity owns an interest in a lot, then the voting right and membership shall be divided among the parties as they see fit.

ARTICLE II

Membership and Voting Rights in the Association

Section 1. Membership. Every owner of a lot shall automatically be, and must remain, a member of the Association in good standing.

Section 2. Voting Rights. The Association shall have 1 class of membership for purposes of voting. There shall be a total of one hundred ninety-five (195) votes. The owner of each lot (regardless of how many persons or entities own an interest in the lot) shall be entitled to one (1) vote and the owner of each cluster home (regardless of how many persons or entities own an interest in the cluster home shall be entitled to one (1) vote).

Section 3. Quorum, Notice and Voting Requirements. The quorum, notice, and voting requirements of and pertaining to the Association are set forth within the articles of incorporation and by-laws of the Association, as the same may be amended from time to time. Subject to the provisions of Section 2 above and any other provision to the contrary set out in these Covenants, any action by or on behalf of the Association may be taken with the assent given in writing and signed by members who collectively hold or control a majority of the outstanding votes of the Association.

ARTICLE III

Property Rights in the Common Properties

Section 1. Members' Easements of Enjoyment. Subject to the provisions of Section 3 of this Article, every member and each individual within a member's family shall have a non-exclusive right and easement of use, recreation, and enjoyment in and to the Common Properties and such easement shall be appurtenant to and shall pass with the title of each respective lot, PROVIDED, HOWEVER, such easement shall not give such person (excluding the Developer and the Association), the right to make alterations, additions or improvements to the Common Properties. Notwithstanding the foregoing, the Tree Easement noted on the Plat for lots in The Common is not considered to be Common Areas, and the trees located thereon shall be maintained in their current state by the lot owners burdened by this easement and no trees (unless diseased or dead) shall be

removed from those lots.

Section 2. Title to the Common Properties. If appropriate and as permitted by the City, the Association shall hold such title to the Common Properties for an indefinite period of time, subject to the easements set forth in Section 1 of this Article as is necessary to accomplish the purposes and effects of these Covenants. The Association shall have the right to design, redesign, reconfigure, alter, improve, landscape, and maintain the Common Properties.

Section 3. Extent of Members' Easements. The rights and easements created hereby shall be subject to the following provisions:

(A) The Board shall prescribe reasonable regulations and policies governing, and to charge fees and/or deposits related to, the use, operation, and maintenance of the Common Properties and all lots.

(B) The Board, on behalf of the Association, may enter into and execute contracts with any party for the purpose of providing maintenance or such other materials or services consistent with the purposes of the Association and/or these Covenants.

(C) The Board shall suspend the voting rights of any member and suspend the right of any member to use or enjoy any of the Common Properties for any period during which any assessment (including without limitation "fines") against a lot resided upon by such member remains unpaid, and otherwise for any period deemed reasonable by the Board for any infraction of the then existing rules and regulations.

(D) The Board, on behalf of the Association, may dedicate or transfer all or any part of the Common Properties to any municipal corporation, county government, political subdivision, public agency, governmental authority, or utility for such purposes and upon such conditions as may be agreed to by the Board.

ARTICLE IV

Covenants for Assessments

Section 1. Creation of the Lien and Personal Obligation of Assessments. The Developer, for each lot owned by it within the Addition, hereby covenants and agrees, and each owner of any lot, by acceptance of a deed therefor, whether from the Developer or some subsequent grantor, whether or not it shall be so expressed in any such deed or other conveyance, shall be deemed to covenant and agree (and such covenant and agreement shall be deemed to constitute a portion of the purchase money and

consideration for acquisition of the lot), to pay to the Association the following matters:

(A) Regular assessments or charges for maintenance, taxes and insurance on the Common Properties shall be paid by all of the Owners within the Addition on an equal basis. In Addition, Owners of lots within The Commons shall pay additional special assessments and The Commons as may be needed to maintain the common driveways and roadways within The Commons. Owners of Lots within The Villas shall pay special assessments regular maintenance associated with the upkeep of the alleyways within The Villas.

(B) Special group assessments (which may be applied to owners of only one area of the Addition such as The Commons or The Villa) may also be levied for capital improvements or unusual or emergency matters, such assessments to be fixed, established, and collected by the Board from time to time as hereinafter provided.

(C) Special individual assessments levied against individual lot owners to reimburse the Association for extra costs for maintenance and repairs caused by the willful or negligent acts of the individual owner, his or her family, guests or invitees, and not caused by ordinary wear and tear.

(D) Assessments and fines levied against individual lot owners for violation of rules and regulations pertaining to the Association and/or the Common Properties.

The regular, special group, and special individual assessments, together with such late charges, interest and costs of collection thereof as hereinafter provided, shall be a charge on the land and shall be a continuing lien upon each lot against which each such assessment is made and shall also be the continuing personal obligation of the then existing owner of such lot at the time when the assessment fell due.

Section 2. Purpose of Assessments. The assessments levied by the Board on behalf of the Association shall be used exclusively for the purposes of: (i) enhancing the natural environment, appearance, and beauty of the Addition; (ii) promoting the health, recreation, safety, and general welfare of the residents of the Addition; and (iii) repairing, maintaining, and renovating those portions of the Addition set aside on private roadways, sidewalks, or easements.

Section 3. Basis and Amount of Regular Maintenance Assessments.

(A) The Board shall determine the regular base assessments for each of the lots at least annually. Each lot (except with regard to special individual assessments) shall be assessed the same amount and in an equal uniform manner; provided, however, owners of

lots within The Commons – Tract A and The Commons – Tract B may be assessed additional amounts for work or repairs attributable exclusively to the The Commons Areas but only so long as such assessments against lot owners in The Commons - Tract A and The Commons -Tract B are uniform and equal.

(B) The Board shall give notice to all members at least 30 days in advance of the date all regular or special assessments are due. The Board may prescribe from time to time that the regular base assessments are to be collected on an annual, semi-annual, quarterly, or monthly basis, and accordingly, the Board shall prescribe the appropriate due dates. All regular base assessments shall be collected in advance. The due date or dates (if it is to be paid in installments) of any other assessments or special assessment under Sections 3 and 4 hereof, shall be fixed in a resolution by the Board authorizing such assessment.

Section 4. Special Group Assessments. In addition to the regular assessments authorized by Section 3 hereof, the Board may levy in any fiscal year a special assessment, applicable to that year only, for the purpose of defraying, in whole or in part, the cost of any construction or reconstruction, unexpected repair or replacement of a capital improvement in the Addition.

Section 5. Rate of Assessments. Except as noted herein, regular and special group assessments shall be fixed at a uniform rate for all lots owned by members, unless otherwise approved by the Board for work or expenses attributable to the The Commons Areas. Should a special assessment be determined necessary by the Board, the rate of assessment shall be equal for all lots. The failure to pay the assessment by the owner of a lot within the required time period shall constitute a lien only against the lot assessed.

Section 6. Effect of Non-Payment of Assessment; the Personal Obligation of the Owner; the Lien; and Remedies of Association.

(A) If any assessment or fine or any part thereof is not paid on the date(s) when due, then the unpaid amount of such assessment shall be considered delinquent and shall, together with any late charge and interest thereon at the maximum rate allowed under applicable law and costs of collection thereof, thereupon become a continuing debt secured by a self-executing lien on the lot of the non-paying owner which shall bind such lot in the hands of the owner and owner's heirs, executors, administrators, devisees, personal representatives, successors, and assigns. The Board shall have the right to reject partial payments of an unpaid assessment and demand the full payment thereof. The personal obligation of the then-existing owner to pay such assessment, however, shall remain the owner's personal obligation and shall not pass to owner's successors in title unless expressly assumed by them. However, the lien for unpaid assessments shall be

unaffected by any sale or assignment of a lot and shall continue in full force and effect. No owner may waive or otherwise escape liability for any assessment provided herein by non-use of the Common Properties or abandonment of the lot.

(B) The Board may also give written notification to the holder(s) of a mortgage on lot of a non-paying owner of such owner's default in paying any assessment when such default has not been cured within 30 days of the original date due, provided that the Board has, theretofore, been furnished in writing with the correct name and address of the holder(s) of such mortgage and a request to receive such notification.

(C) The Board may, at its election, retain the services of an attorney to review, monitor and/or collect unpaid assessments and delinquent accounts, and there shall also be added to the amount of any unpaid assessment or to any delinquent account any and all attorneys' fees and other costs of collection incurred by the Association.

Section 7. Subordination of the Lien to Mortgages. The lien of the assessments provided for herein shall be subordinate and inferior to the lien of any bona fide first mortgage or deed of trust now or hereafter placed upon the lots subject to assessment.

ARTICLE V

General Powers and Duties of the Board of Directors of the Association

Section 1. Powers and Duties. The affairs of the Association shall be conducted by its Board of Directors (sometimes referred to as the "Board").

(A) The Board, for the benefit of the Association, the Addition, and the owners, may provide and may pay for, out of the assessment fund(s) provided for in Article IV above, any or all of the following:

(1) Care, preservation and maintenance of the Common Properties and the furnishing and upkeep of any desired personal property and fixtures for use in or on the Common Properties;

(2) Private trash and garbage collection service, if any, which pertain to the Common Properties only;

(3) Taxes, insurance and utilities (including, without limitation, electricity, gas, water and sewer charges), if any, which pertain to the Common Properties only;

(4) The services of any person or firm (including the Developer and any affiliates of the Developer) to manage the Association or any separate portion thereof, to the extent deemed advisable by the Board, and the services of such other personnel as the Board shall determine to be necessary or proper for the operation of the Association, whether such personnel are employed directly by the Board or by a manager hired by the Board;

(5) Legal and accounting services; and

(6) Any other materials, supplies, equipment, labor, services, maintenance, repairs, structural alterations, taxes or assessments which the Board is required to obtain or pay for pursuant to the terms of these Covenants or which in its opinion shall be necessary or proper for the operation or protection of the Association and the Addition or for the enforcement of these Covenants.

(B) The Board shall have the following additional rights, powers and duties:

(1) To execute all declarations of ownership for tax assessment purposes with regard to any of the Common Properties owned by the Association;

(2) To enter into contracts, maintain one or more bank accounts and, generally, to have all the powers necessary or incidental to the operation and management of the Association; and

(3) To make reasonable rules and regulations for the operation of the Common Properties and to amend them from time to time.

Section 2. Maintenance Contracts. The Board shall have full power and authority to contract with any owner (including, without limitation, the Developer) for performance, on behalf of the Association, of services which the Association is otherwise required to perform pursuant to the terms hereof, such contracts to be upon such terms and conditions and for such consideration as the Board may deem proper, advisable, and in the best interests of the Association.

Section 3. Liability Limitations. No member or the directors and officers of the Association shall be personally liable for debts contracted for or otherwise incurred by the Association or for any torts committed by or on behalf of the Association or otherwise. The Developer or the Association, its directors, officers, agents, or employees, shall not be liable for any incidental or consequential damages for failure to inspect any premises, improvements, or portion thereof or for failure to repair or maintain the same.

Section 4. Reserve Funds. The Board may establish reserve funds which may be maintained and accounted for separately from other funds maintained for annual operating expenses.

ARTICLE VI

Use and Division of Lots

No lot may be divided or split. The Addition (and each lot situated therein) shall be constructed, developed, occupied and used as follows:

Section 1. Residential Lots. All lots within the Addition shall be used, known and described as residential lots. Only one (1) single family residential dwelling consisting of not less than 1,100 square feet of heated and cooled finished space shall be constructed on each Lot within the Addition. In addition, the customary and usual necessary structures may be constructed on each lot as may be permitted by the City. No building or structure intended for or adopted to business purposes shall be erected, placed, permitted or maintained on any lot. This covenant shall be construed as prohibiting the engaging in or practice of any commerce, industry, business, trade, or profession within the Addition, and/or within any lot. The restrictions on use herein contained shall be cumulative of, and in addition to, such restrictions on usage as may from time to time be applicable under and pursuant to the statutes, rules, regulations, and ordinances of the City or any other governmental authority or political subdivision having jurisdiction over the Addition.

Section 2. Residential Purposes. By acquisition of any lot within the Addition, each owner (excluding bona fide home-builders) covenants with and represents to the Developer and to the Association that the lot is being specifically acquired for the specific and singular purpose of constructing and using a single-family residential dwelling thereon or as a residence for such owner and/or owner's immediate family members.

Section 3. Minimum Square Footage. Each single-family residence constructed on a lot shall contain at least the minimum square footage heated and cooled finished space as set forth in Section 1 above. The decision by the Committee regarding the computation of the amount of square footage a residence contains shall be final.

Section 4. The Villa Lots. The alleyways within The Villa must remain clear at all times. Alleyways may not be utilized for parking or storage purposes and shall be subject to such other rules and regulations as may be promulgated by the Board from time to time.

ARTICLE VII

Easements

Section 1. In General. Other than primary service in the Addition and within platted easements, there shall be no above-ground service for utilities except those lines or poles that shall be approved, in writing by the City of Fayetteville. The owner of each lot shall be responsible for the protection of underground facilities located on his or her lot and shall prevent any alteration of grade or construction activity which may interfere with said utility lines.

Section 2. Utility Easements. Underground service cables to all residences which may be located in the Addition shall run from the nearest service pedestal to the point of use and upon the installation of such service cable to a particular residence, the supplier of service shall thereafter be deemed to have an effective right of way easement covering a 5 foot strip extending 2.5 feet on each side of the service cable from the service transformer to the service entrance to the residence. This easement shall also be available to all of the suppliers of public utilities and quasi-public utilities.

Section 3. Gas Lines. For gas meters and gas lines to the structures in the Addition, all yard lines will be plastic pipe of the size and material approved by the public utility servicing the Addition and an approved tracer wire will be installed in the trench with the plastic pipe and attached to the meter eyes in accordance with the public utility specifications. No yard line will be installed under concrete or asphalt except in a casing approved by the public utility. All gas meters shall be installed within 5 feet of the corner of the residence it services and may not be located in any portion of the front of the residence.

Section 4. Tree Easements. A tree easement[INSERT LANGUAGE FROM CITY OF FAYETTEVILLE TREE ORDINANCE HERE].

Section 5. Approval of Easements. No portion of any lot shall be used for a driveway or passageway or easement of any type to service or benefit property or owners of property adjoining the Walnut Crossing unless such usage is approved by two-thirds (2/3) of the voting members of the Association and the Developer; provided, however, some driveways, as reflected on the plat may be shared or used in common by two lots.

ARTICLE VIII

**Architectural Control Committee - Approval
of Plans, Control of Development Activities**

Section 1. Submission of Plans. In order to maintain a beautiful and pleasing setting in a the Addition, two (2) sets of all building and site improvement plans and specifications must be submitted to the Committee for its approval prior to the commencement of construction. The Committee shall act to enforce the requirements of these Covenants in a reasonable manner. The Committee has the authority to maintain the architectural conformity of the Addition and, in consideration thereof, shall determine that the proposed construction shall not detract from the development and shall enhance the purpose of the development to provide a beautiful and pleasing setting in the Addition. The Committee shall consider such matters as the proposed square footage, location, materials, exterior style and landscaping. No concrete block foundation may be exposed. The Committee will adopt rules or by-laws explaining the mechanics of its operation and providing for a twenty-one (21) day maximum time within which plans must be reviewed and approved or disapproved after submission and, if not approved or disapproved in that period, that the same shall be considered as automatically approved.

Section 2. Diversion of Drainage. All plans or schemes for the diversion of drainage, or construction or reconfiguration of a pond or lagoon, shall be approved by the Committee; provided, however, no reconfiguration of the Conservation Land Use Area shall be allowed.

Section 3. Garage and Detached Structures. All residences constructed in the Addition shall have a private garage to accommodate a minimum of 2 automobiles. No carports are allowed within the Addition. Any detached structure to be built on a lot, such as a covered entertainment area, guest house, pool house, barn, or other structure, shall conform to the basic styling of the dwelling and the plans for any such structures must be submitted to the Committee for approval prior to construction. As set forth in Article VI, Section 4, there shall be no parking on any alleyway within The Villa.

Section 4. Temporary Structures. No trailer, mobile home, tent, construction shack, or other out building shall be erected on any lot in the Addition except for temporary use by construction contractors for a reasonable period of time and only in such location and for such time as may be designated by the Committee. Boats, recreational vehicles, and vehicles used for recreational purposes, shall be stored to the rear of the main residential structure on each lot. Any type of vehicle that has been inoperative for a period of more than three (3) days shall be stored in the garage or at the rear of the main residential structure so as to be obscured from public view and the view of adjacent lots. The Committee shall have authority to establish setback lines consistent with those

reflected on the plat.

Section 5. Fences/Requirement Regarding Public Park. Plans for all fencing, whether on lot lines or surrounding patios, pools, barns or other areas of the lot must be submitted to, and approved by, the Committee prior to the construction thereof. In the approval of the fencing, the Committee shall give consideration to the location, height, material conformity with neighboring areas, and the obstruction of views. No barbed wire, razor wire, or chain link fence will be allowed nor may any fence incorporate or use metal poles in its construction. Notwithstanding the foregoing, a four (4) foot fence shall be maintained along Lots 10-33, Block 1, bordering the 5.0 acre public park.

ARTICLE IX

No Offensive Trade or Activity

No obnoxious or offensive trade or activity including the discharge of firearms or fireworks shall be permitted on any lot, nor shall any activity be undertaken on any lot that shall become an annoyance or nuisance to the neighborhood. Home occupations in which customers or suppliers travel to or from a residence in the Addition are prohibited. The development of minerals of any kind or nature, is prohibited within the Addition.

ARTICLE X

Animals

Section 1. No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot in the Addition for commercial purposes. No animals, livestock, or poultry may be raised, bred, or kept on any lot for any other purpose without the approval of the Board, which approval, when granted, must be renewed in writing by the Board, within 3 years from the date of first approval. If the Board fails to approve the renewal, then the owner must remove the animals, livestock, or poultry within 30 days of the expiration of the approval.

Section 2. Notwithstanding the provisions set forth in Section 1 above, dogs, cats, or other common household pets may be kept or raised on a lot, provided they are not kept, bred, or maintained for commercial purposes, and they are not obnoxious or offensive. In the pen, cage, kennel, shelter, run, track, or other building, structure, or devise directly or indirectly related to animals (including dogs, cats, household pets, or otherwise) which can be seen, heard, or smelled by any other lot owner must be approved by the Committee. Violations of this provision may be brought before the Board, and, after considering the same, the Board may order the violation to cease or be remedied in some

fashion. The failure to heed the Association's directive shall result in a lien being filed against the property and the Board being able to take such other legal and/or equitable action as it deems necessary and proper.

ARTICLE XI

Motorized Recreation Vehicles

Motorized recreational vehicles including, but not limited to, motorbikes, motorcycles, scooters, mopeds, trail bikes and any other similar mechanical device emitting noise, smoke or other environmental pollutants shall not be operated within the Addition except for the sole and exclusive purpose of ingress and egress to and from lots. The roadways within the Addition shall not be used by such vehicles for recreational purposes. The purpose of this restriction is to reduce noise and other pollution so as to permit maximum enjoyment of the surroundings in the Addition. This restriction shall not apply to equipment normally used for lawn or garden maintenance so long as said equipment is operated in the ordinary and usual manner intended.

ARTICLE XII

Signs

Unless approved in writing by the Committee, signs shall be prohibited on all lots except that 1 sign, not exceeding 6 square feet in size, advertising a particular lot for sale shall be permitted.

ARTICLE XIII

Additional Design and Construction Criteria

Section 1. Storage of Construction Materials. Construction materials may only be stored on a lot for thirty (30) days prior to the commencement of construction. Thereafter, construction is to be completed within a reasonable period of time.

Section 2. Garbage; Dumping. Dumping is prohibited in the Addition. All trash, garbage or other waste shall be kept in sanitary containers that shall be located at the rear of each residential unit, but shall be kept out of the alley area. All lots (and adjoining alleys) shall be maintained in a neat and orderly condition at all times.

Section 3. Accessory Buildings. Accessory buildings may only be constructed if the plans are submitted to and approved by the Committee.

Section 4. Antenna, Aerial and Other Devices. All antenna or other types of aerial transmitting or receiving devices (including without limitation, radio or television transmitting or receiving antenna) shall be approved by the Committee. The approval of antenna may be denied if, in the sole discretion of the Committee, the antenna or other receiving device would impede the view or otherwise distract from the overall image of the Addition.

Section 5. Appearance of Lot. All owners shall be required to keep their lot in a clean and sanitary condition whether or not they have constructed a residence on the Lot. All open areas on lots shall be kept mowed to a height of not more than twelve (12) inches. The Board shall promulgate rules and regulations regarding the maintenance of lots and adequate enforcement mechanisms in the event a lot is not properly maintained.

Section 6. Mailboxes. All mailboxes shall be located within 10 feet of the driveway servicing the lot and must be of brick construction or shall be grouped for The Villa and The Commons at a location designated by the Developer.

ARTICLE XIV

Miscellaneous Provisions

Section 1. Enforcement. Enforcement of these Covenants may be by any proceeding at law or in equity against any person or persons violating or attempting to violate them, whether the relief sought is an injunction or recovery of damages, or both, or enforcement of any lien created by these Covenants; but failure by the Association or any owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter. With respect to any litigation hereunder, the prevailing party shall be entitled to recover reasonable attorney's fees from the non-prevailing party.

Section 2. Validity. Violation of or failure to comply with these Covenants and restrictions shall not affect the validity of any mortgage, bona fide lien or other similar security instrument which may be then existing on any lot. Invalidation of any one or more of these covenants and restrictions, or any portions thereof, by a judgment, decree, or court order shall not affect any of the other provisions or covenants herein contained, which shall remain in full force and effect. In the event any portion of these Covenants conflict with any ordinance or regulation promulgated by a governmental authority, then the governmental provisions shall control.

Section 3. Headings. The headings contained in these Covenants are for

reference purposes only and shall not in any way affect the meaning or interpretation of the provisions set out herein. Words of any gender used herein shall be held and construed to include any other gender, and words in the singular shall be held to include the plural and vice versa, unless the context requires otherwise.

Section 4. Notices to Member/Owner. Any notice required to be given to any member or owner shall be deemed to have been properly delivered when deposited in the United States Mail, postage prepaid, addressed to the last known address of the person who appears as the member or owner on the records of the Association at the time of such mailing.

Section 5. Disputes. Matters of dispute or disagreement between owners with respect to interpretation or application of the provisions of these Covenants, the rules of the Committee, the Association's by-laws, or the rules and regulations of the Board shall be determined by the Board of Directors of the Association. These determinations (absent arbitrary and capricious conduct or gross negligence) shall be final and binding upon all owners.

IN WITNESS WHEREOF, Rausch Coleman Homes, LLC, being the Developer herein, has caused this instrument to be executed by its Operating Manager, as of this _____ day of _____, 2004.

"DEVELOPER"

RAUSCH COLEMAN HOMES, LLC

By: _____
Operating Manager

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) §§
COUNTY OF SEBASTIAN)

On this the _____ day of _____, 2004, before me, the undersigned, a Notary Public, duly commissioned, qualified and acting within and for said County and State, appeared in person the within-named _____ and _____ to me personally well known, who stated he was the Operating Manager of Rausch Coleman Homes, LLC, an Arkansas limited liability company and he was duly authorized in this capacity to execute the foregoing instrument for and in the name and behalf of the said company, and further stated and acknowledged that he had so signed, executed, and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal on this _____ day of _____, 2004.

Notary Public

My Commission Expires:

EXHIBIT "A"

Legal Description

(An attachment to and an integral portion
of the Declaration of Covenants,
Conditions and Restrictions for
WALNUT CROSSING
development being more
particularly described as follows:

EXHIBIT "B"

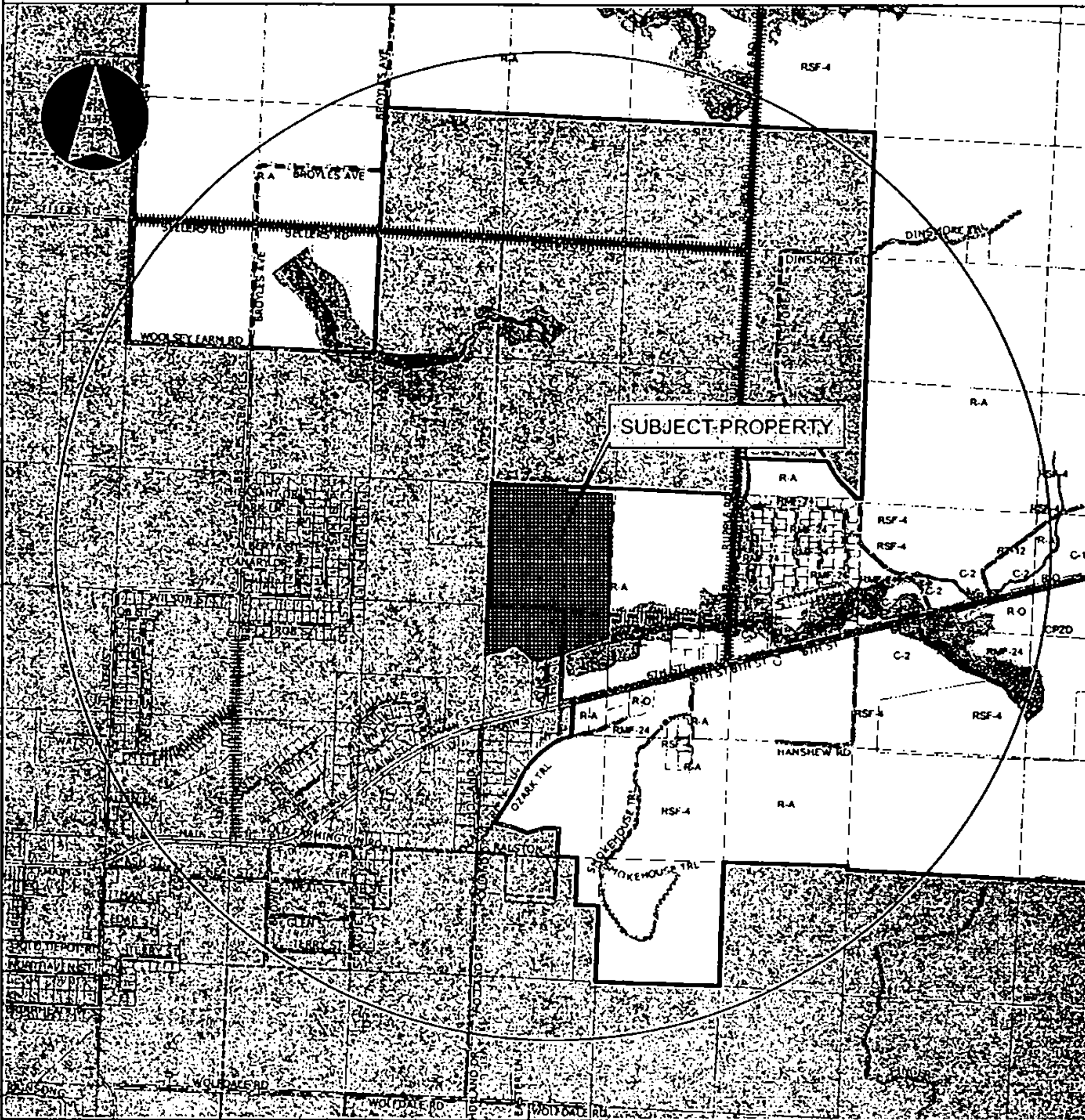
Plat

127350033

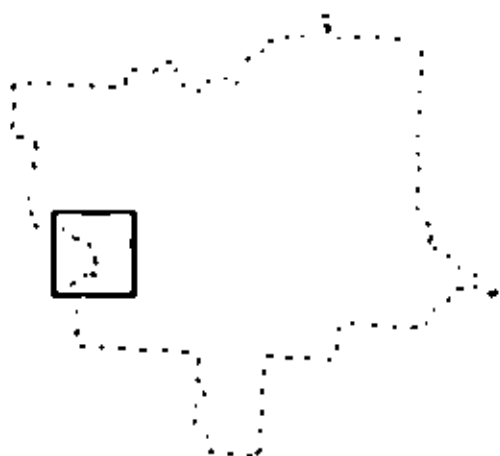
R-PZD04-1181

WALNUT CROSSING SUBDIVISION

One Mile View



Overview



Legend

Streets Streets

- Existing
- ||||| Planned

Subject Property

- RPZD04-1181

Boundary

- Planning Area
- Overlay District
- Outside City

Master Street Plan

- Master Street Plan
- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historic Collector

0 0.1 0.2 0.4 0.6 0.8
Miles

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

 x AGENDA REQUEST

For the Fayetteville City Council Meeting of: October 19, 2004

FROM:

<u>Dawn T. Warrick</u>	<u>Planning</u>	<u>CP&E</u>
Name	Division	Department

ACTION REQUIRED: Ordinance approval.

SUMMARY EXPLANATION:

An ordinance rezoning approximately 43.30 acres located north of Hwy. 62, east of the Farmington City Limits from R-A, Residential Agricultural to R-PZD 04-1181 and adopting the associated development plan for Walnut Crossing as submitted by Kim Hesse on behalf of Rausch Coleman Homes.

STAFF RECOMMENDATION: Approval

Dawn T. Warrick 10/1/04
Division Head Date

[Signature] 10/1/04
City Attorney Date

[Signature] 10-5-04
Department Director Date

[Signature] 10-5-04
Finance & Internal Services Dir. Date

[Signature] 10-5-04
Chief Administrative Officer Date

[Signature] 10/5/04
Mayor Date

Received in Mayor's Office _____
Date

Cross Reference:

Previous Ord/Res#: _____

Orig. Contract Date: _____

Orig. Contract Number: _____

New Item: Yes No



City Council Meeting of October 19, 2004
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Tim Conklin, Community Planning and Engineering Services Director

From: Dawn T. Warrick, AICP, Zoning and Development Administrator *DW*

Date: September 28, 2004

Subject: Master Street Plan amendment for Wilson St. – Walnut Xing (ADM 04-1258)

RECOMMENDATION

Planning Staff recommends approval of a resolution amending the Master Street Plan to relocate Wilson Street, an un-constructed Collector Street, approximately 600 feet to the north as part of the Residential Planned Zoning District for Walnut Crossing, as described and depicted herein.

BACKGROUND

Property Description: The property consists of a total of 52.98 acres located in west Fayetteville and east Farmington, north of Hwy 62 (6th Street). Of the 52.98 acres in review for the associated Planned Zoning District, only 43.30 acres is within the City of Fayetteville, the remainder of which lies within the City of Farmington. Two legal descriptions, therefore, accompanies the proposal: one for the rezoning, from R-A, Residential Agricultural to the unique R-PZD zoning district (43.30 acres); and a second for the Preliminary Plat being processed simultaneously, subdividing property in both jurisdictions (52.98 acres). The City of Farmington has been notified and is in the process of reviewing development plans separately from the City of Fayetteville.

The property is agricultural in nature, with floodplain associated with Farmington Branch creek and several groupings of trees.

Proposal: As part of the development proposal, the applicant plans to dedicate right-of-way for an east-west Collector and construct a street to accomplish the goals of the Master Street Plan. The intended location, however, is approximately 600 feet to the north of planned Wilson Street.

Request: The request is to relocate the planned Collector Street (Wilson St) that traverses the southern boundary of the property approximately 600 feet to the north, as depicted in the Planned Zoning District subdivision plans. The proposed street is aligned in such a way to connect to existing Alberta Street in Farmington to the west and to the planned Ruppel Road extension to the east, with future development. This would allow for a

City Council Meeting of October 19, 2004
Agenda Item Number

north-south arterial connection (Ripple Road), and distance the road from following Farmington Branch creek too closely.

DISCUSSION

The Planning Commission voted 8-0-0 in favor of the associated Planned Zoning District for Walnut Crossing which included consideration of this Master Street Plan amendment as a condition of that approval on Monday, September 27, 2004.

BUDGET IMPACT

None.

RESOLUTION NO. _____

A RESOLUTION AMENDING THE MASTER STREET PLAN TO RELOCATE WILSON STREET, A PROPOSED COLLECTOR STREET, APPROXIMATELY 600 FEET NORTH AS PART OF R-PZD 04-1181, WALNUT CROSSING, AS DESCRIBED IN THE STAFF REPORT ATTACHED HERETO AND MADE A PART HEREOF.

WHEREAS, the relocation of Wilson Street approximately 600' north will allow for this collector to be situated along a large utility easement in an area that is undesirable for residential lot locations; and

WHEREAS, the relocation of this collector street will distance the road from following too closely to the Farmington Branch creek and associated floodway and floodplain areas.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the herein mentioned change as described in the staff report attached hereto and made a part hereof, labeled Exhibit "A".

PASSED and APPROVED this _____ day of October, 2004.

APPROVED:

By: _____
DAN COODY, MAYOR

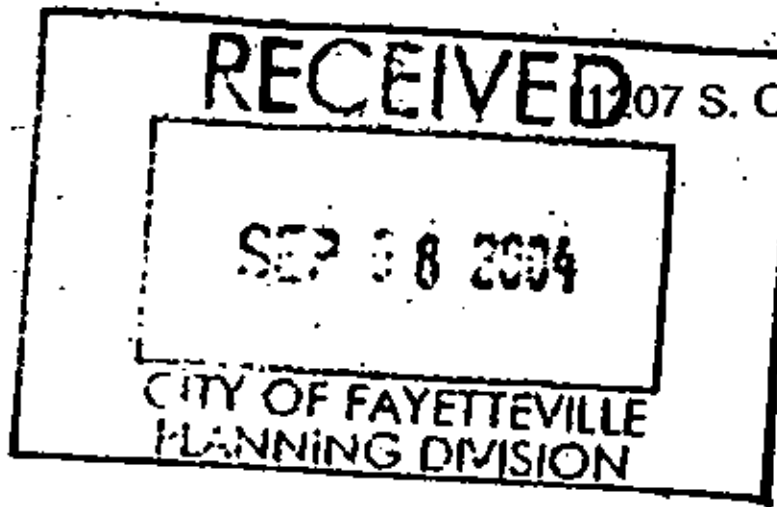
ATTEST:

By: _____
SONDRA SMITH, CITY CLERK

Engineering Services, Inc.

1207 S. Old Missouri Rd. • P.O. Box 282 • Springdale, Arkansas 72765-0282

Phone: 479-751-8733 • Fax: 479-751-8746



September 7, 2004

Planning and Development
City of Fayetteville
113 W. Mountain St.
Fayetteville, AR 72701

RE: Walnut Crossing Subdivision (PZD 04-1181)
Master Street Plan Revision
Fayetteville, Arkansas

To Whom It May Concern:

The City of Fayetteville Master Street Plan calls for an East-West Collector street in the area of the proposed Walnut Crossing Subdivision. The Walnut Crossing Subdivision PZD submitted includes a street (Street 3) which satisfies Fayetteville's minimum requirements for a collector and also satisfies the intent of the Master Street Plan.

The proposed street has a right-of-way of 80 feet, while only seventy feet of right-of-way is required by the city, and it is east-west in direction. The proposed street is approximately 600' further north than the Master Street Plan calls for, but is in the general area required. The street runs across the entire width of the proposed PZD, and is aligned in such a way as to connect to the existing Alberta Street if extended to the West. There are no impediments to the east of the proposed street, using the alignment proposed in the PZD, that would prevent its eventual extension to Ruppel Road, which the Master Street Plan calls to be extended to Highway 62.

I believe the street layout proposed to the city meets the requirements of future traffic in the area and the intent of the Master Street Plan. If you have any questions regarding this development, please do not hesitate to contact me.

Sincerely,

Brian J. Moore, P.E.
Secretary/Treasurer



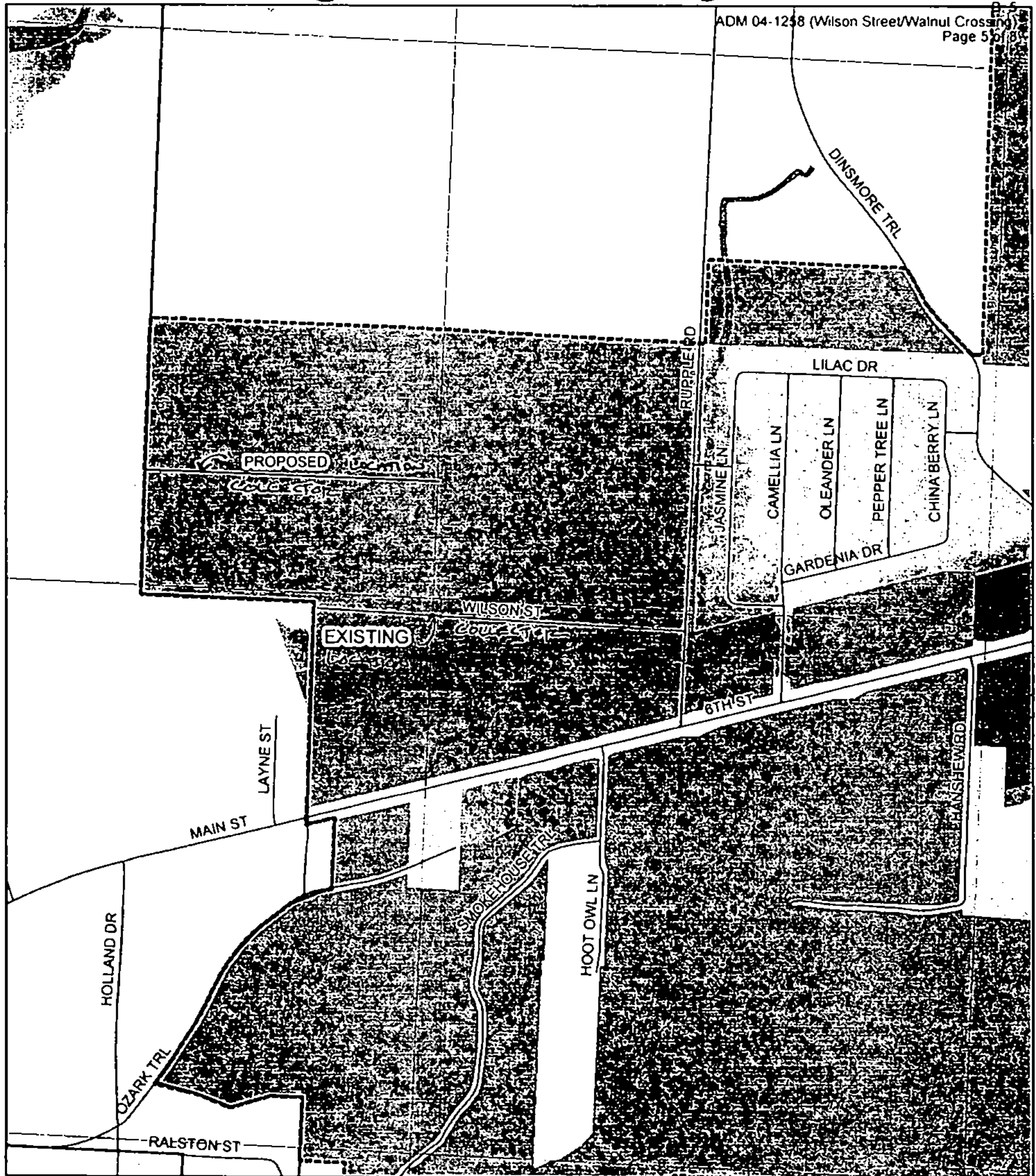
Consulting Engineers and Surveyors

Jerry W. Martin, P.E.
President

E. Walt LeFevre, P.E.
Senior Vice President

Philip C. Humbard, P.E., P.L.S.
Vice President

Brian J. Moore, P.E.
Secretary / Treasurer



Legend

Master Street Plan

UNCLASSIFIED

CLASS, EXIST

COLLECTOR, PLANNED

COLLECTOR, EXISTING

FREEWAY/EXPRESSWAY, PLANNED

FREEWAY/EXPRESSWAY, EXISTING

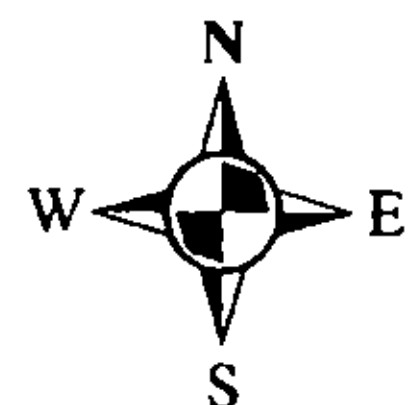
HISTORIC COLLECTOR, EXISTING

MINOR ARTERIAL, PLANNED

MINOR ARTERIAL, EXISTING

PRINCIPAL ARTERIAL, PLANNED

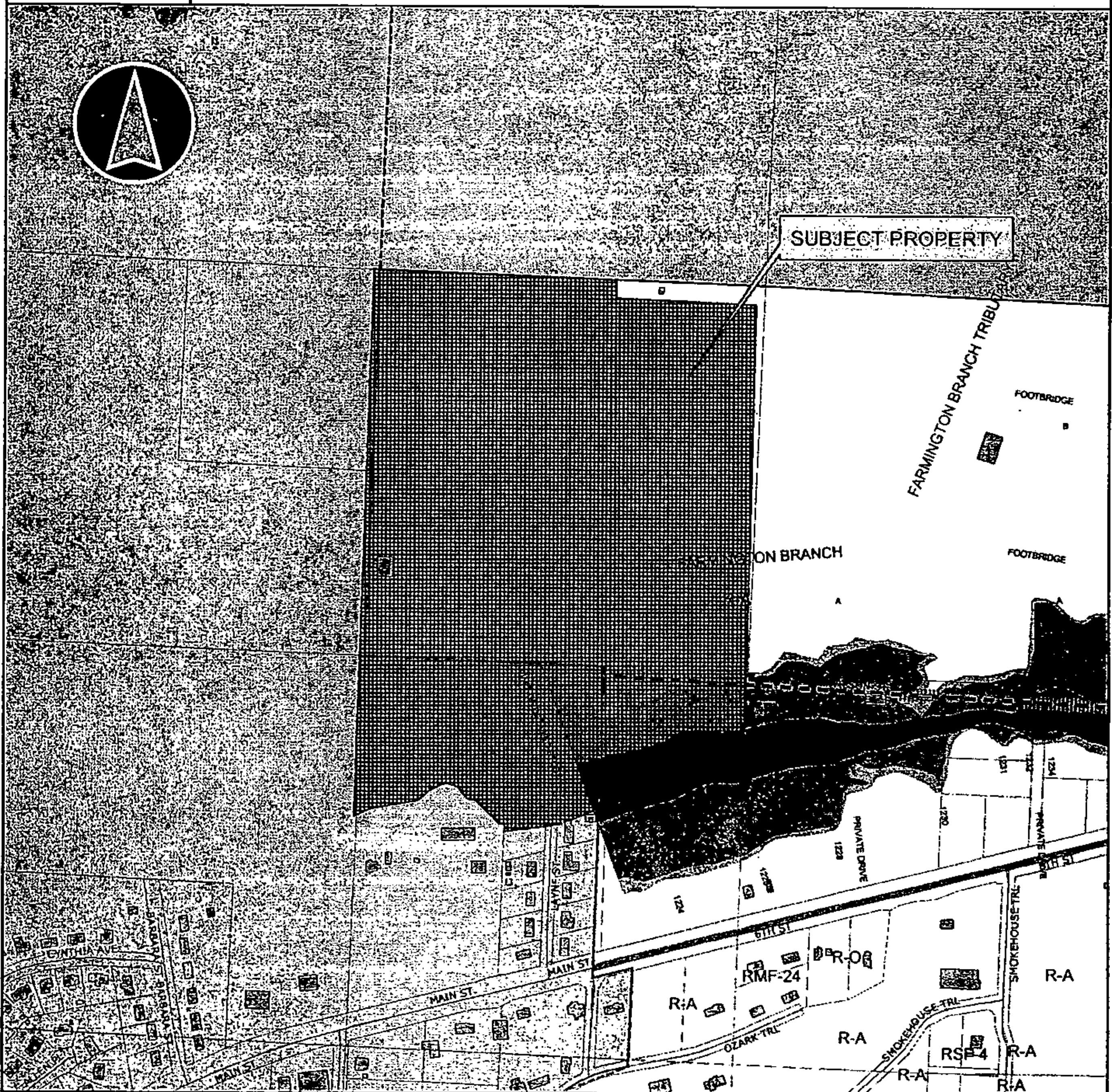
PRINCIPAL ARTERIAL, EXISTING



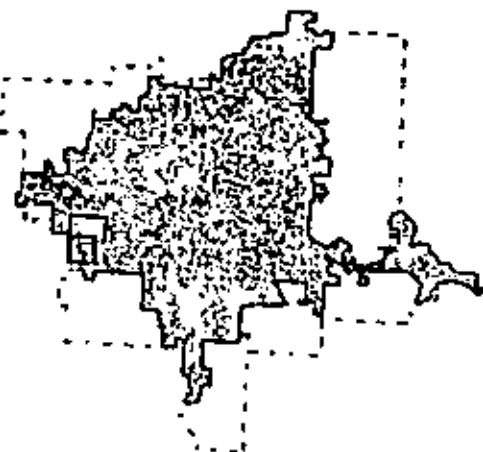
RPZD04-1181

WALNUT CROSSING SUBDIVISION

Close Up View



Overview



Legend

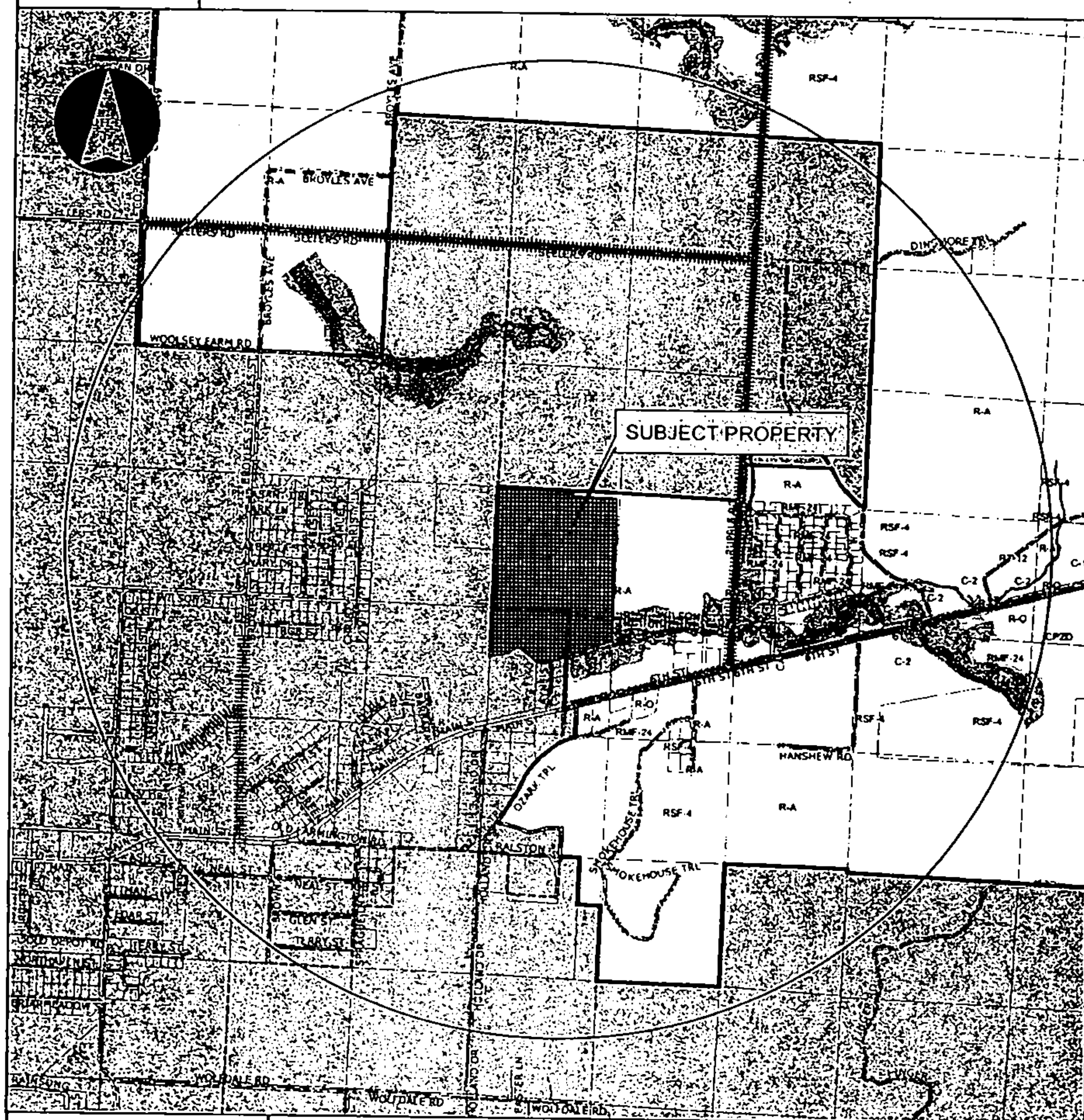
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|----------------------------|----------------------------|--------------------|
| ○ ○ ○ ○ ○ Overlay District | ▬▬▬▬▬ Principal Arterial | — FLOODWAY |
| Master Street Plan | ▬▬▬▬▬ Minor Arterial | — 100 YEAR |
| Master Street Plan | ▬▬▬▬▬ Collector | — 500 YEAR |
| Freeway/Expressway | ● ● ● ● Historic Collector | — LIMIT OF STUDY |
| | | — BaseLine Profile |
| | | ▬▬▬▬▬ RPZD04-1181 |
| | | ▬▬▬▬▬ Fayetteville |
| | | ▬▬▬▬▬ Outside City |

0 212.5 425 850 1,275 1,700 Feet

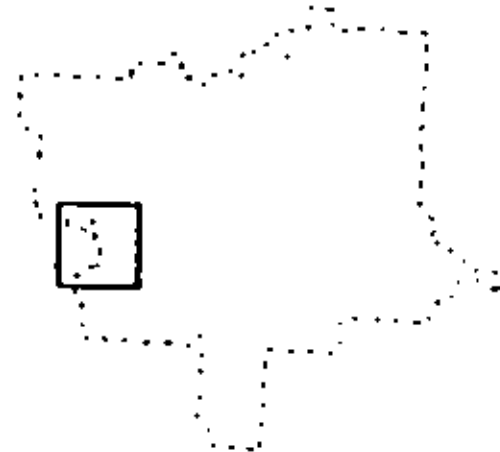
R-PZD04-1181

WALNUT CROSSING SUBDIVISION

One Mile View



Overview



Legend

Streets Streets

- Existing
- ||||| Planned

Subject Property

- RPZD04-1181

Boundary

- Planning Area
- Overlay District
- Outside City

Master Street Plan

Master Street Plan

- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historic Collector

0 0.1 0.2 0.4 0.6 0.8
Miles

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

B. 5
ADM 04-1258 (Wilson Street/Walnut Crossing)
Page 8 of 8 x AGENDA REQUEST

For the Fayetteville City Council Meeting of:

October 19, 2004

FROM:

Dawn T. WarrickPlanningCP&E

Name

Division

Department

ACTION REQUIRED: Resolution Approval.

SUMMARY EXPLANATION:

A resolution to amend the Master Street Plan to relocate a proposed collector street (Wilson Street) approximately 600 feet north.

STAFF RECOMMENDATION: Approval

Dawn T. Warrick
Division Head10/1/04
Date

Received in Mayor's Office

10/4/04
Date *PH**K. Adams*
City Attorney10/1/04
Date*R. Smith*
Department Director10-5-04
Date

Cross Reference:

Stephen Davis
Finance & Internal Services Dir.10/5/04
Date

Previous Ord/Res#:

Doug Everett
Chief Administrative Officer10-5-04
Date

Orig. Contract Date:

Orig. Contract Number:

Don Cook
Mayor10/5/04
Date

New Item:

Yes

No

ENTERED
clp
10/11/04

City Council Meeting of November 2, 2004
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

From: Tim Conklin, Community Planning and Engineering Services Director *T.C.*

Date: October 14, 2004

Subject: Approval of a \$30,000 Cost Share to Participate in the University of Arkansas Campus Transportation Study

RECOMMENDATION

Staff recommends approval of a resolution authorizing the payment of \$30,000 to the University of Arkansas as a cost share for the U of A Campus Transportation Study.

BACKGROUND

The City has opportunity to partner with the U of A to address the ongoing issue of providing adequate and needed parking as both the U of A and City continues to develop. This need is identified in the U of A's project's "understanding and goals" as stated below:

One early manifestation of the University's growth is the need for more buildings and more parking. One parking deck has been constructed, another is under construction and a third deck is being planned for the North Campus. The impacts of these structures must be addressed early in the study and integrated with the possible planning of another deck proposed in the Downtown Master Plan to jointly serve businesses in the Dickson Street corridor and University students. This shared use facility will be the focus an extension of the transportation study and performed in collaboration with the City of Fayetteville.

Martin, Alexiou, and Bryson (MAB), Transportation Planning and Traffic Engineering, have been hired by the U of A to complete the Campus Transportation Study. MAB will be making a 20 minute presentation to the City Council at the Oct. 26th agenda session.

BUDGET IMPACT

Staff has identified existing budgeted capital funding of \$30,000 that may be used to participate in cost sharing with the U of A to study potential joint use parking garages in the downtown area.



RESOLUTION NO. _____

A RESOLUTION APPROVING COST-SHARING WITH THE
UNIVERSITY OF ARKANSAS IN AN AMOUNT NOT TO
EXCEED \$30,000.00 TO PARTICIPATE IN THE CAMPUS
TRANSPORTATION STUDY.

WHEREAS, the City of Fayetteville's Guiding Principles give a high priority to a well-maintained city infrastructure and facilities, and;

WHEREAS, the City of Fayetteville wishes to create greater ease of mobility through an effective transportation system, and;

WHEREAS, the City Council finds that it is in the best interest of the City of Fayetteville to partner with the University of Arkansas to address the transportation and parking needs that confront the citizens of Fayetteville.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves cost-sharing with the University of Arkansas in an amount not to exceed \$30,000.00 to participate in the University of Arkansas Campus Transportation Study.

PASSED AND APPROVED this 2nd day of November 2004.

APPROVED:

By: DAN GOODY, Mayor

ATTEST:

By: SONDRA SMITH, City Clerk

DRAFT

UNIVERSITY OF ARKANSAS

CAMPUS TRANSPORTATION STUDY

PROJECT UNDERSTANDING AND GOALS

The University of Arkansas is experiencing significant growth which is anticipated to continue into the foreseeable future. This growth brings with it pressure on limited land resources and the transportation infrastructure serving the campus. This is further compounded by the campus being located within a region that is expected to almost double its population over the next 20 years, placing unprecedented demands on the region's transportation system and necessitating new approaches to addressing future transportation needs.

The anticipated growth of the flagship campus requires the preparation of a Transportation Master Plan. This will accompany the update of the 1998 Campus Master Plan that will be concurrently undertaken by University staff. The development of the Transportation Master Plan must be undertaken within the context of regional transportation issues, goals, and plans, as well as Campus Master Plan goals.

The City's recent Traffic and Transportation Study, which outlines the City's transportation needs and priorities for the next 20 years, identifies traffic congestion as the highest priority but stresses solutions which increasingly emphasize reducing vehicular traffic, multi-modalism, and smart growth. It also identifies the University as a major travel generator, and highlights the need for close cooperation in developing solutions.

The Transportation Master Plan also must reflect the University's commitment to sustainability principles, and enhancing the pedestrian environment and aesthetics of the campus. The University is seeking forward-thinking, sustainable transportation solutions that not only address mobility but also contribute to the University's mission and vision.

One early manifestation of the University's growth is the need for more buildings and more parking. One parking deck has been constructed, another is under construction and a third deck is being planned for the North Campus. The impacts of these structures must be addressed early in the study and integrated with the possible planning of another deck proposed in the Downtown Master Plan to jointly serve businesses in the Dickson Street corridor and University students. This shared use facility will be the focus of an extension of the transportation study and performed in collaboration with the City of Fayetteville.

The 1998 Campus Master Plan provides a starting point for the Transportation Master Plan. It identified a number of transportation problems and issues, proposed design principles to guide circulation and parking, and offered recommendations, many of which may still be valid today. Several improvements recommended in that plan have been implemented. Several supplemental, narrowly focused, traffic studies have added to the Master Plan but the broader context of this study is needed for adequate planning.

STAKEHOLDER INVOLVEMENT

A critical element is stakeholder involvement to ensure all possible information is factored into the study, all concerns and desires are heard, and the best possible solutions and plan results. All these in turn will help build support and consensus for the transportation plan and recommendations.

Some of the projects that may be proposed by the University have implications for the surrounding neighborhoods and the traveling public, in addition to fulfilling the University's mission.. Community and neighborhood groups have made it clear that they want to be heard and actively participate. The University recognizes that broader participation will help identify and avoid unacceptable impacts, and develop effective mitigation strategies that balance the benefits and impacts of the projects. Moreover, by conducting studies in an open forum, consensus can be reached step-by-step to ensure broad buy-in of the findings and recommendations by all stakeholders.

Committees and public hearings with the consultants will be held over the next year. The process will begin with a series of introductory meetings including the consultants and a core group of stakeholders. We hope to achieve consensus and support for our mission and any additional direction from the Executive Committee. We will also seek approval of the Executive Committee toward the end of the process. A Steering Committee, mostly comprised of deans, has been formed, and they will be the next group to meet with the consultants. A Technical Committee of planners, engineers, public safety, and transit professionals from the University, City, Regional Planning Commission, Mack-Blackwell Rural Transportation Center, UAPD, and AHTD will meet frequently with the consultants. The process will be managed by a core group of University Parking and Transit and Facilities Management staff.

The process will include workshops/charettes with the public, and many stakeholder groups. The Mayor and City Council's involvement and approval is important, and the consultants will meet with them throughout the process. Other critical stakeholders will be Regional Planning, AHTD, Neighborhood Associations, cyclists and trails advocates, Transit providers, Faculty and Staff Senates, ASG, Campus landscape and Grounds and Buildings and Facilities Committees, Campus Design Review Board, Engineering Research Center, Agricultural Research Center, Athletics, Housing, the Student Union, Student Services, Students with Disabilities office, emergency responders (Fire, Police, CEMS), the Fayetteville Planning Commission, Fayetteville Public Schools, Washington County, the Chamber of Commerce, and the Downtown Dickson Partners. Of course all members of the University Community and the general public will have ample opportunity to provide input and comments.

STAFF REVIEW FORM - FINANCIAL OBLIGATION

 X AGENDA REQUEST
 CONTRACT REVIEW
 GRANT REVIEW

For the Fayetteville City Council Meeting of: November 2, 2004

FROM:

Tim Conklin

CPES

CPES

Name

Division

Department

ACTION REQUIRED: Approval of a \$30,000 Cost Share with the University of Arkansas to Participate in the U of A Campus Transportation Study.

COST TO CITY:

<u>\$30,000.00</u>	<u>\$ 30,000.00</u>	
Cost of this request	Category/Project Budget	Program Category / Project Name
<u>2130.9130.5314.00</u>	<u>\$ -</u>	
Account Number	Funds Used to Date	Program / Project Category Name
<u>02041</u>	<u>\$ 30,000.00</u>	<u>Off-Street Parking</u>
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: Budgeted Item Budget Adjustment Attached

Budget Manager

Date

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager

Date

Internal Auditor

Date

City Attorney

Date

Purchasing Manager

Date

STAFF RECOMMENDATION:

Division Head

Date

Received in Mayor's Office

10-15-04
Date fly

Department Director

Date

Cross Reference:

Finance & Internal Services Dir.

Date

Previous Ord/Res#:

Chief Administrative Officer

Date

Orig. Contract Date:

Orig. Contract Number:

Mayor

Date

New Item:

Yes

No

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Tim Conklin, Community Planning and Engineering Services Director *T.C.*

From: Dawn T. Warrick, AICP, Zoning and Development Administrator *DW*

Date: October 11, 2004

Subject: Annexation for Harper/Bowen (ANX 04-1212)

RECOMMENDATION

Planning Staff recommends approval of the requested annexation for Harper/Bowen. This action will incorporate a 2.68-acre tract of land contiguous with the city limits into the City of Fayetteville.

BACKGROUND

The subject property contains a 2.68-acre tract of land. The property is currently developed as a single family residence. It is located east of George Anderson Rd, north of Zion Rd. With the exception of property to the east, all surrounding property is within the City of Fayetteville and zoned RSF-4. Copper Creek Subdivision Phase II, an approved preliminary plat currently under construction, envelopes the subject property west of George Anderson Rd.

The applicant requested annexation of subject property into the City of Fayetteville. A rezoning request has been submitted for this property. The applicant intends to develop a single family residential subdivision within the City of Fayetteville.

Staff recommended approval of the proposed annexation. The incorporation of the subject property is adjacent to the City limits will create an appropriate City boundary, and the future development of single family residential is consistent with adjoining developments.

DISCUSSION

This item was heard at the regular Planning Commission on October 11, 2004. Due to delayed notification, the Planning Commission voted 7-0-0 to table the request to the next regular meeting on October 25, 2004. In order to prevent the applicant from being delayed in the review process, staff forwarded this item to be heard by the City Council on November 02, 2004 with Council materials to be supplemented to include final actions by the Planning Commission.

BUDGET IMPACT

None.



ORDINANCE NO. _____

AN ORDINANCE CONFIRMING THE ANNEXATION TO
THE CITY OF FAYETTEVILLE, ARKANSAS, OF CERTAIN
PROPERTY LOCATED AT 5512 GEORGE ANDERSON ROAD
CONTAINING APPROXIMATELY 2.68 ACRES.

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

Section 1. That the City Council hereby confirms the annexation to the City of Fayetteville, Arkansas, of that property described in Exhibit "A" attached hereto and made a part hereof.

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

Section 3. That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to assign the zoning designation of R-A, Residential Agricultural to the subject property.

Section 4. That the above-described property is hereby assigned to Ward No. Three.

PASSED AND APPROVED this _____ day of _____, 2004..

APPROVED:

By: _____
Dan Coody, Mayor

ATTEST:

By: _____
Sondra Smith, City Clerk

EXHIBIT "A"
ANX 04-1212

A PART OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION NINETEEN (19); TOWNSHIP SEVENTEEN NORTH (17) RANGE TWENTY-NINE (29) WEST OF THE FIFTH PRINCIPAL MERIDIAN IN WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

FROM A FOUND IRON PIN BEING THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SAID SECTION NINETEEN (19); THENCE NORTH 00°18'57" WEST - 205.68 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°01'36" WEST - 429.91 FEET; THENCE NORTH 01°34'41" EAST - 272.45 FEET; THENCE SOUTH 89°30'01" EAST - 420.84 FEET; THENCE SOUTH 00°18'57" EAST - 275.98 FEET TO THE POINT OF BEGINNING, AND CONTAINING 2.68 ACRES, MORE OR LESS, AND SUBJECT TO ANY EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORD IF ANY.



PC Meeting of October 11, 2004

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Suzanne Morgan, Associate Planner
THRU: Dawn Warrick, AICP, Zoning & Development Administrator
DATE: October 05, 2004

ANX 04-1212: Annexation (HARPER/BOWEN, 100): Submitted by MICHELE, A HARRINGTON for property located at 5512 GEORGE ANDERSON ROAD. The property is in the Planning Area and contains approximately 2.68 acres. The request is to annex the subject property into the City of Fayetteville.

Property Owner: CRAIG & KARYN HARPER

Planner: SUZANNE MORGAN

RECOMMENDATION:

Staff recommends approval of the requested annexation based on the findings included as part of this report with the following condition(s):

PLANNING COMMISSION ACTION:	Required <u>YES</u>	☐ Approved	☒ Denied
Date: <u>October 11, 2004</u>			
CITY COUNCIL ACTION:	Required <u>YES</u>	☐ Approved	☐ Denied
Date: <u>November 02, 2004 (1st reading if recommended)</u>			

BACKGROUND:

Property description: The subject property contains a 2.68-acre tract of land within the Planning Area. The property is currently developed as a single family residence. It is located east of George Anderson Rd, north of Zion Rd. With the exception of property to the east, all surrounding property is within the City of Fayetteville and zoned RSF-4. Copper Creek Subdivision Phase II envelopes the subject property west of George Anderson Rd.

Proposal: The applicant proposes annexation of subject property into the City of Fayetteville. A rezoning request has been submitted for this property.

Recommendation: Staff recommends approval of the proposed annexation. The subject property is adjacent to the City limits in all directions but east and is proposed to be developed for single family residential use.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Vacant (Copper Creek Ph. II under construction)	RSF-4, Res. Single Family – 4 units per acre
South	Vacant (Copper Creek Ph. II under construction)	RSF-4, Res. Single Family – 4 units per acre
East	Single-family on large lots and vacant fields	Washington County (no zoning)
West	Vacant (Copper Creek Ph. II under construction)	RSF-4, Res. Single Family – 4 units per acre

INFRASTRUCTURE:

Streets: Currently the site has access to George Anderson Road. Portions of George Anderson Road are currently under design by other local developers for an upcoming construction project. At the time of development, this street will need to be brought up to current standards along the property frontage. These improvements will include pavement, curb and gutter, storm drainage and sidewalks.

Surrounding Master Street Plan Streets:

North: Albright Rd. (no classification)

South: Zion Rd (collector)

East: George Anderson Rd. (collector)

West: Copper Creek Dr. (local)

Water: The site currently does not have access to public water. An off-site water main extension will be required to serve this development. The nearest water main is an 8" main to the west in Copper Creek Subdivision.

Sewer: The site currently does not have access to sanitary sewer. An off-site sewer main extension will be required to serve this development. The nearest sewer main is an 8" main to the west in Copper Creek Subdivision.

Fire: The subject property is located 4.0 miles from the Fire Station #4. Response time to the property is approximately 9-11 minutes and an projected 9-11 minutes response time at maximum build-out.

Police: It is the opinion of the Fayetteville Police Department that this annexation and rezoning will not substantially alter the population density and thereby

undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

NOTE: Individually, each of these annexations and rezonings do not necessarily substantially alter the population density, nor do they create and appreciable increase in traffic danger and congestion. The sum total presented over the years, however, has had a substantial impact on the demand for police services and has caused an appreciable increase in traffic congestion. Without the addition of police patrol personnel, these areas may see a lack of traffic enforcement or may experience situations where officers are delayed in answering many calls for service because of call volume exceeds the number of officers available to respond in a timely manner.

LAND USE PLAN: General Plan 2020 has no designation for this property. The property to the south of this has been identified and zoned **Residential**.

FINDINGS:

11.6 ANNEXATION GUIDING POLICIES
BOUNDARIES

11.6.a Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.

Finding: The requested annexation will not create an island or peninsula. The City limits currently encompasses the subject property and a more uniform City boundary will be created by annexation of the property.

11.6.b Proposed annexation area must be adjacent, or contiguous, to city limits.

Finding: The proposed annexation is adjacent to the city limits to the north, south, and west.

11.6.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.

Finding: This area does not consist of defined subdivisions or neighborhoods.

11.6.d Boundaries for annexed areas should follow natural corridors.

Finding: Proposed boundaries follow property lines.

11.6.e Timing of services within annexation areas should be considered.

Finding: Current conditions result in a response time of 9-11 minutes for fire protection from the Fire Station #4. The site currently does not have access

to water and sewer services. At the time of development, water and sewer mains shall be extended to the subject property.

ENVIRONMENTALLY SENSITIVE AREAS

11.6. f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

Finding: N/A

EMERGENCY AND PUBLIC SERVICES

11.6.g Public services must be able to be provided efficiently in newly annexed areas.

Finding: The police department reports that this annexation will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area. Emergency vehicles currently serve surrounding properties, and projected response time to this property is 9-11 minutes at maximum development.

11.6.h Annexed areas should receive the same level of service of areas already in the city limits.

Finding: Fire and police service shall be provided to this area with the same level of responds and service as other developments in this area.

11.6.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

Finding: These factors were taken into consideration in the responses and recommendations included in this report.

INFRASTRUCTURE AND UTILITIES

11.6.j Areas currently served by utilities and other public services should be annexed.

Finding: Water, fire and police protection are currently provided in this area.

11.6.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.

Finding: Improvements to sewer and street systems would be made necessary by the annexation should additional development occur on the subject property.

11.6.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

Finding: The proposed annexation is not part of a phased annexation initiated by the City.

INTERGOVERNMENTAL RELATIONS

11.6.m Promote long-range planning with adjacent jurisdictions.

Finding: N/A

11.6.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

Finding: N/A

ADMINISTRATION OF ANNEXATIONS

11.6.o Designate zoning districts for the property during the annexation process.

Finding: Annexations are automatically zoned R-A, Residential Agricultural. The applicant is requesting to rezone to RSF-4, Residential single family, 4 units/acre. This zoning designation is compatible with the Residential classification of the adjacent area on the City's adopted Future Land Use Plan.

11.6.p An annexation study should be completed on all annexation proposals.

Finding: Planning staff has asked the Engineering Division, Fire Department and Police Department to study this annexation request to determine if facilities and services are available to serve this request.

11.6.q Development proposals require a separate review from the annexation proposals.

Finding: Development of this property has not been proposed. At the time the applicant desires to develop the property, the applicant will be required to submit project plans for review and approval by the Planning Commission.

11.6.r Residents should be fully informed of annexation activities.

Finding: Due to delayed notification, Staff recommends this item be opened for additional public comment at the regular Planning Commission meeting of October 25, 2004.

11.6.w Encourage larger annexations to create acceptable boundaries.

Finding: This annexation, while minimal in size, will create an acceptable western boundary for the City of Fayetteville.

11.6.t Conduct a fiscal impact assessments on large annexations.

Finding: N/A

From Fayetteville General Plan 2020 – 2002 Revision

11.6 Annexation Guiding Policies

Boundaries

- 11.6.a Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.
- 11.6.b Proposed annexation area must be adjacent, or contiguous, to city limits.
- 11.6.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.
- 11.6.d Boundaries for annexed areas should follow natural corridors.
- 11.6.e Timing of services within annexation areas should be considered.

Environmentally Sensitive Areas

- 11.6.f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

Emergency and Public Services

- 11.6.g Public services must be able to be provided efficiently in newly annexed areas.
- 11.6.h Annexed areas should receive the same level of service of areas already in the city limits.
- 11.6.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

Infrastructure and Utilities

- 11.6.j Areas currently served by utilities and other public services should be annexed.
- 11.6.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.
- 11.6.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

Intergovernmental Relations

- 11.6.m Promote long-range planning with adjacent jurisdictions.
- 11.6.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

Administration of Annexations

- 11.6.o Designate zoning districts for the property during the annexation process.
- 11.6.p An annexation study should be completed on all annexation proposals.
- 11.6.q Development proposals require a separate review from the annexation proposals.
- 11.6.r Residents should be fully informed of annexation activities.
- 11.6.w Encourage larger annexations to create acceptable boundaries.
- 11.6.t Conduct a fiscal impact assessments on large annexations.

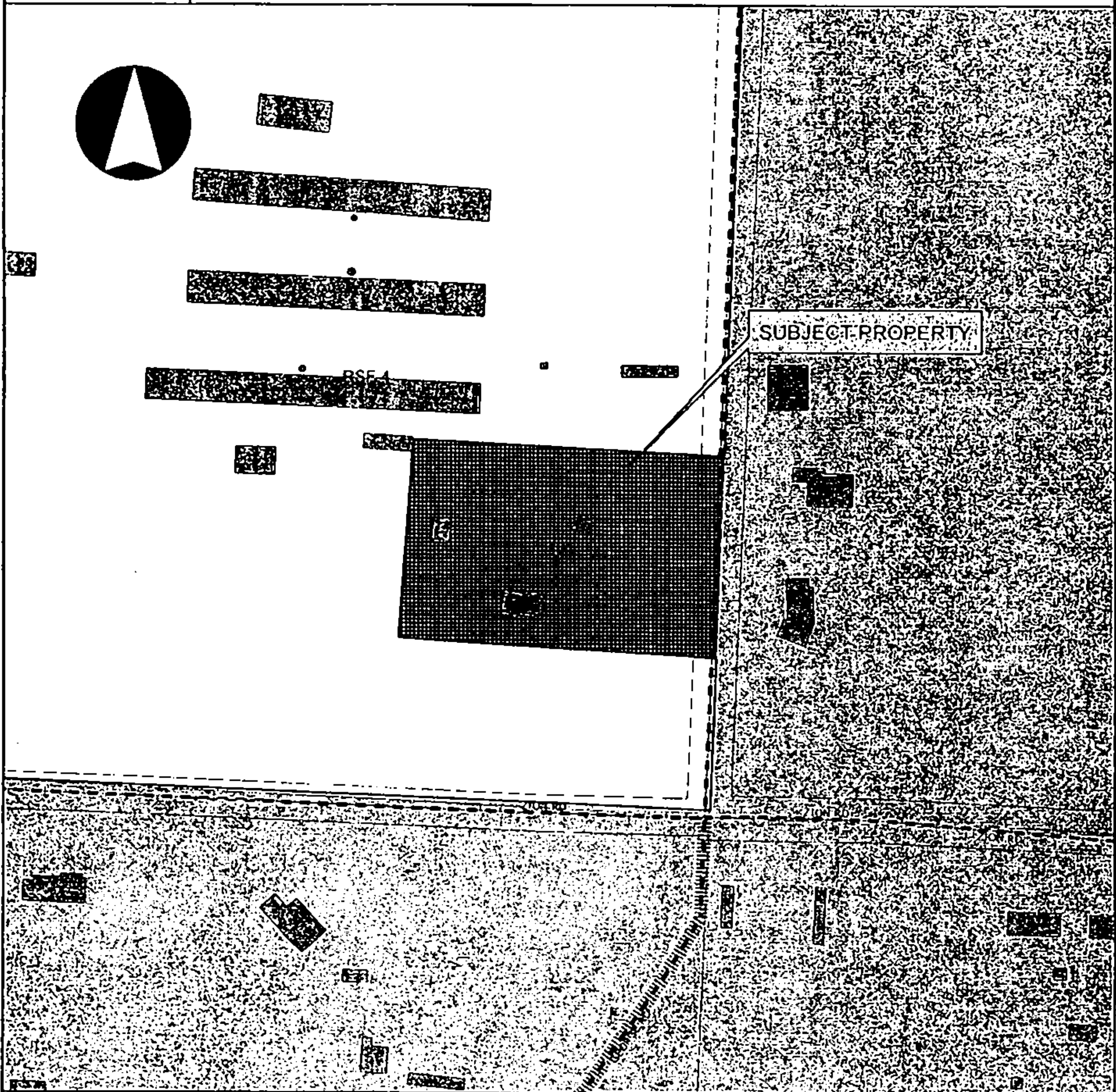
Item	Subdivision	Annexation	Acres	Closest Fire Station	Distance from Fire Station	Response Time to Proposal area	Projected Response Time to Proposal Area at Maximum Build Out	Projected Calls for Service at Maximum Build Out	Projected Fire/Other Calls for Service at Maximum Build Out	Projected EMS Calls for Service at Maximum Build Out
ANX 04-1212	HARPER	YES	2.68	FS 4	4.0 miles	9-11 mins.	9-11 mins.			
RZN 04-1213	HARPER							2	1	1
RZN 04-1219	HANCOCK			FS 7	1.7 miles	4-5 mins.	4-5 mins.	14	6	8
RZN 04-1221	SCOTT			FS 5	2.6 miles	6 mins.	6 mins.	2	1	1
RZN 04-1223	HOSKINS			FS 7	0.8 miles	3 mins.	3 mins.	9	3	6
RZN 04-1225	CONNER			FS 5	2.1 miles	5 mins.	5 mins.	N/A		
RZN 04-1225	CONNER			Proposed FS 3	1.2 miles	2-3 mins.	2-3 mins.	N/A		

★

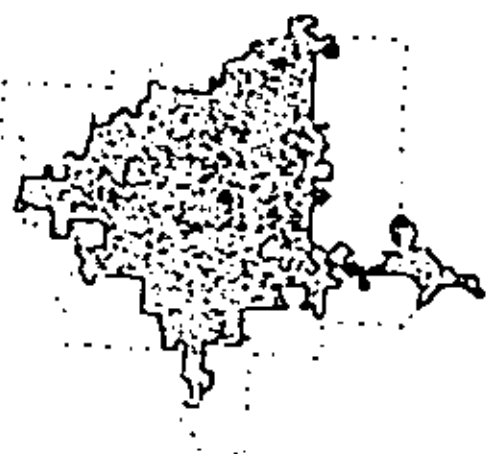
ANX04-1212

Close Up View

HARPER/BOWEN



Overview



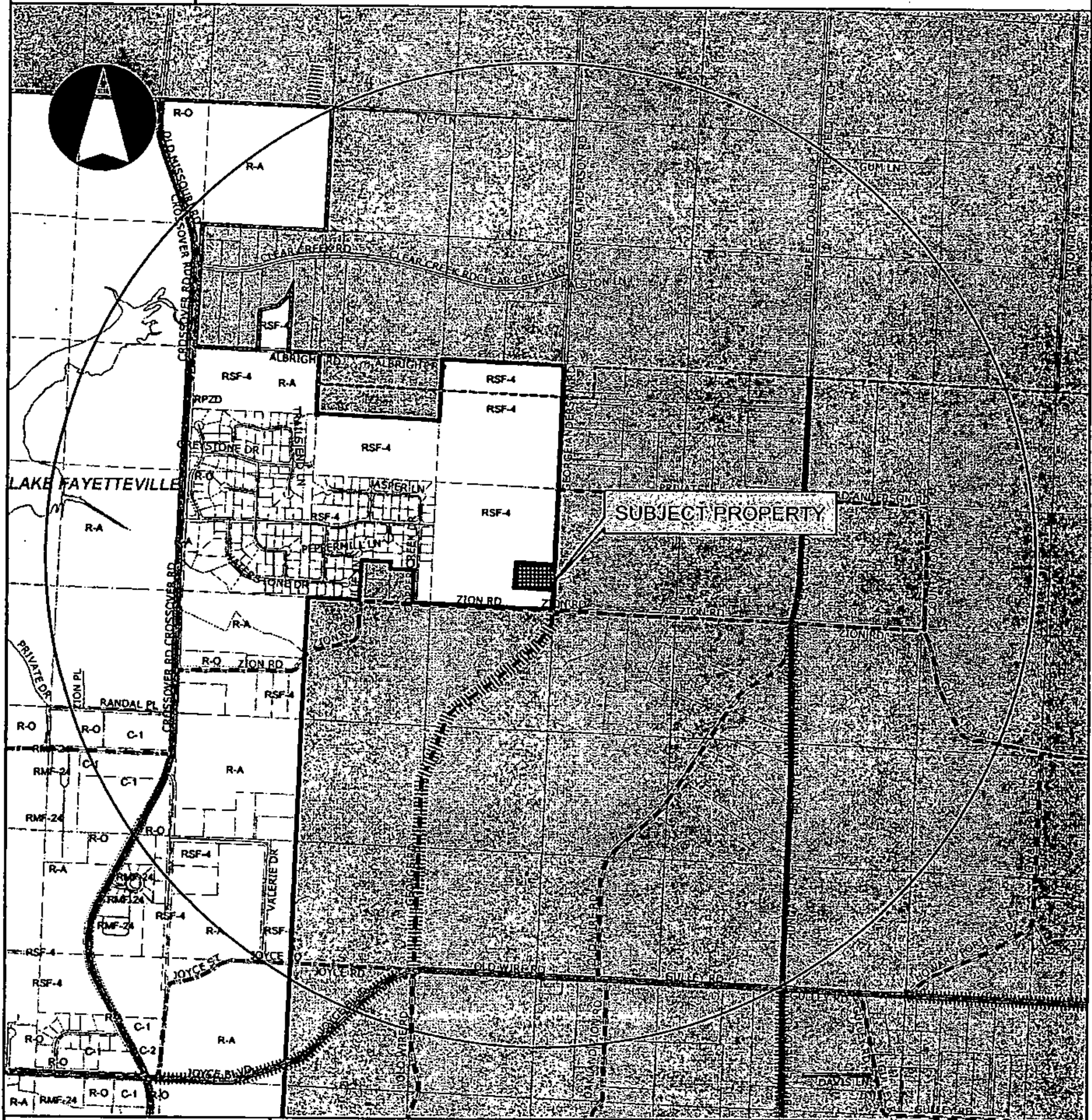
Legend

- | | | |
|--------------------------|--------------------------|--------------------|
| ○○○○○ Overlay District | ▨▨▨▨▨ Principal Arterial | — FLOODWAY |
| Master Street Plan | ▨▨▨▨▨ Minor Arterial | — 100 YEAR |
| Master Street Plan | — · — · — Collector | — 500 YEAR |
| ▨▨▨▨▨ Freeway/Expressway | ●●●●● Historic Collector | — LIMIT OF STUDY |
| | | — BaseLine Profile |
| | ▨▨▨▨▨ ANX04-1212 | |
| | ▨▨▨▨▨ Fayetteville | |
| | ▨▨▨▨▨ Outside City | |
- 0 75 150 300 450 600 Feet

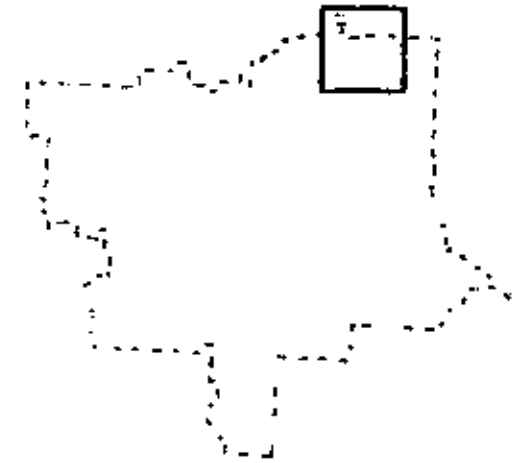
ANX04-1212

One Mile View

HARPER/BOWEN



Overview



Legend

Subject Property

ANX04-1212

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0 0.1 0.2 0.4 0.6 0.8 Miles

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

 x AGENDA REQUEST

For the Fayetteville City Council Meeting of:

November 2, 2004

FROM:

Dawn T. Warrick

Planning

CP&E

Name

Division

Department

ACTION REQUIRED: Ordinance approval.

SUMMARY EXPLANATION:

ANX 04-1212 was submitted by Mickey Harrington for property located at 5512 George Anderson Road containing approximately 2.68 acres, more or less. The request is to annex the subject property to the city limits of the City of Fayetteville.

STAFF RECOMMENDATION: Approval.

Division Head

Date

Received in Mayor's Office

10-15-04 JLM
Date

City Attorney

Date

Department Director

Date

Cross Reference:

Finance & Internal Services Dir.

Date

Previous Ord/Res#:

Chief Administrative Officer

Date

Orig. Contract Date:

Orig. Contract Number:

Mayor

Date

New Item:

Yes

No

City Council Meeting of November 02, 2004
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Tim Conklin, Community Planning and Engineering Services Director *T.C.*

From: Dawn T. Warrick, AICP, Zoning and Development Administrator *DW*

Date: October 11, 2004

Subject: Rezoning request for Harper/Bowen (RZN 04-1213)

RECOMMENDATION

Planning Staff recommends approval of an ordinance rezoning approximately 2.68 acres of property from R-A, Residential Agricultural to RSF-4, Residential Single Family – 4 units per acre.

BACKGROUND

The subject property contains a 2.68-acre tract of land. The property is currently developed as a single family residence. It is located east of George Anderson Rd, north of Zion Rd. With the exception of property to the east, all surrounding property is within the City of Fayetteville and zoned RSF-4. Copper Creek Subdivision Phase II, an approved preliminary plat currently under construction, envelopes the subject property west of George Anderson Rd. The property is designated Residential on the Future Land Use Plan.

The applicant requested the property be rezoned from R-A, Residential Agricultural, to RSF-4, Residential Single Family – 4 units/acre, should the preceding Annexation request be approved. The applicant intends to further develop the property for single-family residential use under the RSF-4 zoning regulations.

Staff recommended approval of a rezoning to RSF-4 for the subject property. Rezoning the property to RSF-4 will increase the density, allowing for more intense residential use of the property and allow for development compatible to surrounding residential subdivisions.

DISCUSSION

This item was heard at the regular Planning Commission on October 11, 2004. Due to delayed notification, the Planning Commission voted 7-0-0 to table the request to the next regular meeting on October 25, 2004. In order to prevent the applicant from being delayed in the review process, staff forwarded this item to be heard by the City Council on November 02, 2004 with Council materials to be supplemented to include final actions by the Planning Commission.

BUDGET IMPACT

None.



ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 04-1213 AS SUBMITTED BY MICKEY HARRINGTON FOR PROPERTY LOCATED AT 5512 GEORGE ANDERSON ROAD CONTAINING APPROXIMATELY 2.68 ACRES FROM R-A, RESIDENTIAL AGRICULTURAL TO RSF-4, RESIDENTIAL SINGLE FAMILY, FOUR UNITS PER ACRE.

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

Section 1: That the zone classification of the following described property is hereby changed as follows:

From R-A, Residential Agricultural to RSF-4, Residential Single-Family, 4 Units Per Acre as shown 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 _____, 2004.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Sondra Smith, City Clerk

EXHIBIT "A"
RZN 04-1213

A PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION THIRTEEN (13). TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, WASHINGTON COUNTY ARKANSAS, DESCRIBED AS FOLLOWS: FROM THE NORTHWEST CORNER OF THE SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER. GO SOUTH $01^{\circ}12'00''$ EAST 514.91 FEET TO THE POINT OF BEGINNING OF TRACT BEING DESCRIBED, THEN GO SOUTH $87^{\circ}16'06''$ EAST 135.00 FEET. SOUTH $00^{\circ}00'47''$ EAST 251.00 FEET TO THE NORTH RIGHT OF WAY OF ARKANSAS STATE HIGHWAY 16. THEN GO ALONG THE RIGHT OF WAY NORTH $87^{\circ}11'48''$ WEST 135.01 FEET, THEN LEAVING RIGHT OF WAY GO NORTH $00^{\circ}00'47''$ WEST 250.83 FEET TO THE POINT OF BEGINNING CONTAINING 0.78 ACRES.

DRAFT



PC Meeting of October 11, 2004

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Suzanne Morgan, Associate Planner
THRU: Dawn Warrick, AICP, Zoning & Development Administrator
DATE: October 06, 2004

RZN 04-1213: Rezoning (HARPER/BOWEN, 100): Submitted by MICHELE, A HARRINGTON for property located at 5512 GEORGE ANDERSON ROAD. The property is in the Planning Area and contains approximately 2.68 acres. The request is to rezone the subject property from R-A, Residential Agricultural, to RSF-4, Residential Single-family, 4 units per acre. Property Owner: CRAIG & KARYN HARPER Planner: SUZANNE MORGAN

RECOMMENDATION:

Staff recommends approval of the requested rezoning based on the findings herein.

PLANNING COMMISSION ACTION:	Required <u>YES</u>
	☐ Approved ☐ Denied
Date:	<u>October 11, 2004</u>
CITY COUNCIL ACTION:	Required <u>YES</u>
	☐ Approved ☐ Denied
Date:	<u>November 02, 2004 (1st reading if recommended)</u>

BACKGROUND:

Property description: The subject property contains a 2.68-acre tract of land within the Planning Area. The property is currently developed as a single family residence. It is located east of George Anderson Rd, north of Zion Rd. With the exception of property to the east, all surrounding property is within the City of Fayetteville and zoned RSF-4. Copper Creek Subdivision Phase II envelopes the subject property west of George Anderson Rd.

Proposal: The applicant intends to develop a single family residential subdivision.

Request: The applicant is requesting the property be rezoned from R-A, Residential Agricultural, to RSF-4, Residential Single Family, 4 Dwelling Units per Acre, should the preceding Annexation request be approved.

Related Issues: When property is annexed into the City, it is annexed as R-A Residential Agricultural. If the annexation is recommended for approval to City Council, the applicant would like to rezone the 2.68 acres to RSF-4, Residential Single Family, 4 Units per Acre. The annexation request, ANX 04-1212, is an accompanying item to this rezoning request.

Recommendation: Staff recommends approval of the rezoning request. Future changes or additional development on this site will be regulated by the city allowing for a more uniform and consistent development pattern.

SURROUNDING LAND USE AND ZONING:

Direction	Land Use	Zoning
North	Vacant (Copper Creek Ph. II under construction)	RSF-4, Res. Single Family – 4 units per acre
South	Vacant (Copper Creek Ph. II under construction)	RSF-4, Res. Single Family – 4 units per acre
East	Single-family on large lots and vacant fields	Washington County (no zoning)
West	Vacant (Copper Creek Ph. II under construction)	RSF-4, Res. Single Family – 4 units per acre

INFRASTRUCTURE:

Streets: Currently the site has access to George Anderson Road. Portions of George Anderson Road are currently under design by other local developers for an upcoming construction project. At the time of development, this street will need to be brought up to current standards along the property frontage. These improvements will include pavement, curb and gutter, storm drainage and sidewalks.

Surrounding Master Street Plan Streets:

North: Albright Rd. (no classification)

South: Zion Rd (collector)

East: George Anderson Rd. (collector)

West: Copper Creek Dr. (local)

Water: The site currently does not have access to public water. An off-site water main extension will be required to serve this development. The nearest water main is an 8" main to the west in Copper Creek Subdivision.

Sewer: The site currently does not have access to sanitary sewer. An off-site sewer main extension will be required to serve this development. The nearest sewer main is an 8" main to the west in Copper Creek Subdivision.

Fire: The subject property is located 4.0 miles from the Fire Station #4. Response time to the property is approximately 9-11 minutes and an projected 9-11 minutes response time at maximum build-out.

Police: It is the opinion of the Fayetteville Police Department that this annexation and rezoning will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

NOTE: Individually, each of these annexations and rezonings do not necessarily substantially alter the population density, nor do they create and appreciable increase in traffic danger and congestion. The sum total presented over the years, however, has had a substantial impact on the demand for police services and has caused an appreciable increase in traffic congestion. Without the addition of police patrol personnel, these areas may see a lack of traffic enforcement or may experience situations where officers are delayed in answering many calls for service because of call volume exceeds the number of officers available to respond in a timely manner.

LAND USE PLAN: General Plan 2020 designates this site **Residential**. Rezoning this property to RSF-4 is consistent with the land use plan and compatible with surrounding land uses in the area.

FINDINGS OF THE STAFF

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

Finding: The proposed zoning for a Single Family residential is compatible with adjacent and nearby single family residential land use. The General Plan designates this area for residential uses, which is compatible with the proposed RSF-4 zoning. Access and provision of adequate services is currently being extended with the development of adjacent properties.

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

Finding: The proposed zoning is justified in order to promote orderly and consistent development patterns making use of existing infrastructure. The rezoning is needed for the development of a single family subdivision as proposed by the applicant. A subdivision with this density in the R-A district could not be developed as it is currently zoned. A higher density than the R-A zoning district allows is appropriate in this area, and would provide compatibility with adjoining developments that are zoned RSF-4 and currently being developed with residential subdivisions.

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

Finding: The proposed zoning will provide additional traffic on George Anderson Rd, the adjacent street. At the time of development, this street will need to be brought up to current standards along the property frontage. The Fayetteville Police Department finds that rezoning this property will not result in an appreciable increase in the level of traffic danger and congestion in the area.

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

Finding: The proposed zoning would increase population density. The 2.68-acre tract under an R-A, Residential Agricultural designation would allow for a maximum of 1 dwelling unit (1 per 2 acres). With the proposed RSF-4 designation, 10 dwelling units would be permitted, with a projected total of 22 future residents in this area. This increases the possible number of residential units, but is consistent with land use and zoning in the immediate vicinity.

Increased load on public services were taken into consideration and recommendations from Engineering, Fire, and Police Departments are included in this report.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

RECEIVED

C. 3
RZN 04-1213 (Harper/Bowen)
Page 8 of 16

OCT 05 2004

PLANNING DIV.

POLICE DEPARTMENT

October 4, 2004

Dawn Warrick
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Warrick,

This document is in response to the request for a determination of whether the proposed Annexation ANX 04-1212 and Rezoning RZN 04-1213 (Harper/Bowen, 100) submitted by Michelle A. Harrington for Property located at 5512 George Anderson Road would substantially alter the population density and thereby undesirably increase the load on public services or create an appreciable increase in traffic danger and traffic congestion.

It is the opinion of the Fayetteville Police Department that this annexation and rezoning will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

NOTE: Individually, each of these annexations and rezonings do not necessarily substantially alter the population density, nor do they create and appreciable increase in traffic danger and congestion. The sum total presented over the years, however, has had a substantial impact on the demand for police services and has caused an appreciable increase in traffic congestion. Without the addition of police patrol personnel, these areas may see a lack of traffic enforcement or may experience situations where officers are delayed in answering many calls for service because of call volume exceeds the number of officers available to respond in a timely manner.

Sincerely,

A handwritten signature in black ink, appearing to read "William Brown".

Lieutenant William Brown
Fayetteville Police Department

161.03 District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	One-half
----------------	----------

(D) *Bulk and area regulations.*

Lot width minimum	200 ft.
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback requirements.*

Front	Side	Rear
35 ft.	20 ft.	35 ft.

(F) *Height requirements.* There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.

(G) *Building area.* None.

K:\Reports\2004PC Reports\10-11-04\RZN 04-1213 (Harper-Bowen).doc

161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq. ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
25 ft.	8 ft.	20 ft.

(F) *Height.* None.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

Item	Subdivision	Annexation	Acres	Closest Fire Station	Distance from Fire Station	Response Time to Proposal area	Projected Response Time to Proposal Area at Maximum Build Out	Projected Calls for Service at Maximum Build Out	Projected Fire/Other Calls for Service at Maximum Build Out	Projected EMS Calls for Service at Maximum Build Out
ANX 04-1212	HARPER	YES	2.68	FS 4	4.0 miles	9-11 mins.	9-11 mins.			
RZN 04-1213	HARPER							2	1	1
RZN 04-1219	HANCOCK			FS 7	1.7 miles	4-5 mins.	4-5 mins.	14	6	8
RZN 04-1221	SCOTT			FS 5	2.6 miles	6 mins.	6 mins.	2	1	1
RZN 04-1223	HOSKINS			FS 7	0.8 miles	3 mins.	3 mins.	9	3	6
RZN 04-1225	CONNER			FS 5	2.1 miles	5 mins.	5 mins.	N/A		
RZN 04-1225	CONNER			Proposed FS 3	1.2 miles	2-3 mins.	2-3 mins.	N/A		

**ANSWERS TO ITEM #5
APPLICATION FOR REZONING**

5. A written description of this request addressing the following items.

- a. Current ownership information and any proposed or pending property sales.

Current owner is G & L Properties, LLC, Craig Harper, Member.

- b. Reason (need) for requesting the zoning change:

The proposed zoning is needed in order to develop this property into RSF-4 single family residential use.

- c. Statement of how the property will relate to surrounding properties in terms of land use, traffic, appearance, and signage:

This development will be similar to the other R-1 development to the North, West and South, Copper Creek Phase III, and will be compatible re land use, traffic, appearance, and signage.

- d. Availability of water and sewer (state size of lines). This information is available from the City Engineering Division:

Currently utilities have not been installed to the subject property, but it is intended that this development will tie onto the 8" water and 8" sewer lines currently existing in Copper Creek Phase III.

**ANSWERS TO ITEM #6
APPLICATION FOR REZONING**

6. The Planning Commission is required to make specific findings with regard to this application. The following are the written statements of the applicant:

- a. The degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

RSF-4 subdivision on this land is consistent with the development in the area and the land use plans and objectives of the City of Fayetteville.

- b. Whether the proposed zoning is justified and/or at the time of the request.

RSF-4 zoning is the same as the surrounding property and compatible with the area, therefore is justified at this time.

- c. Whether the proposed zoning will create or appreciably increase traffic danger and congestion.

Although traffic will be increased slightly, George Anderson Road is or will be sufficient to handle any increase.

- d. Whether the proposed zoning will alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Density will be the same as the other RSF-4 developments in the area and is not expected to undesirably increase the load on public services.

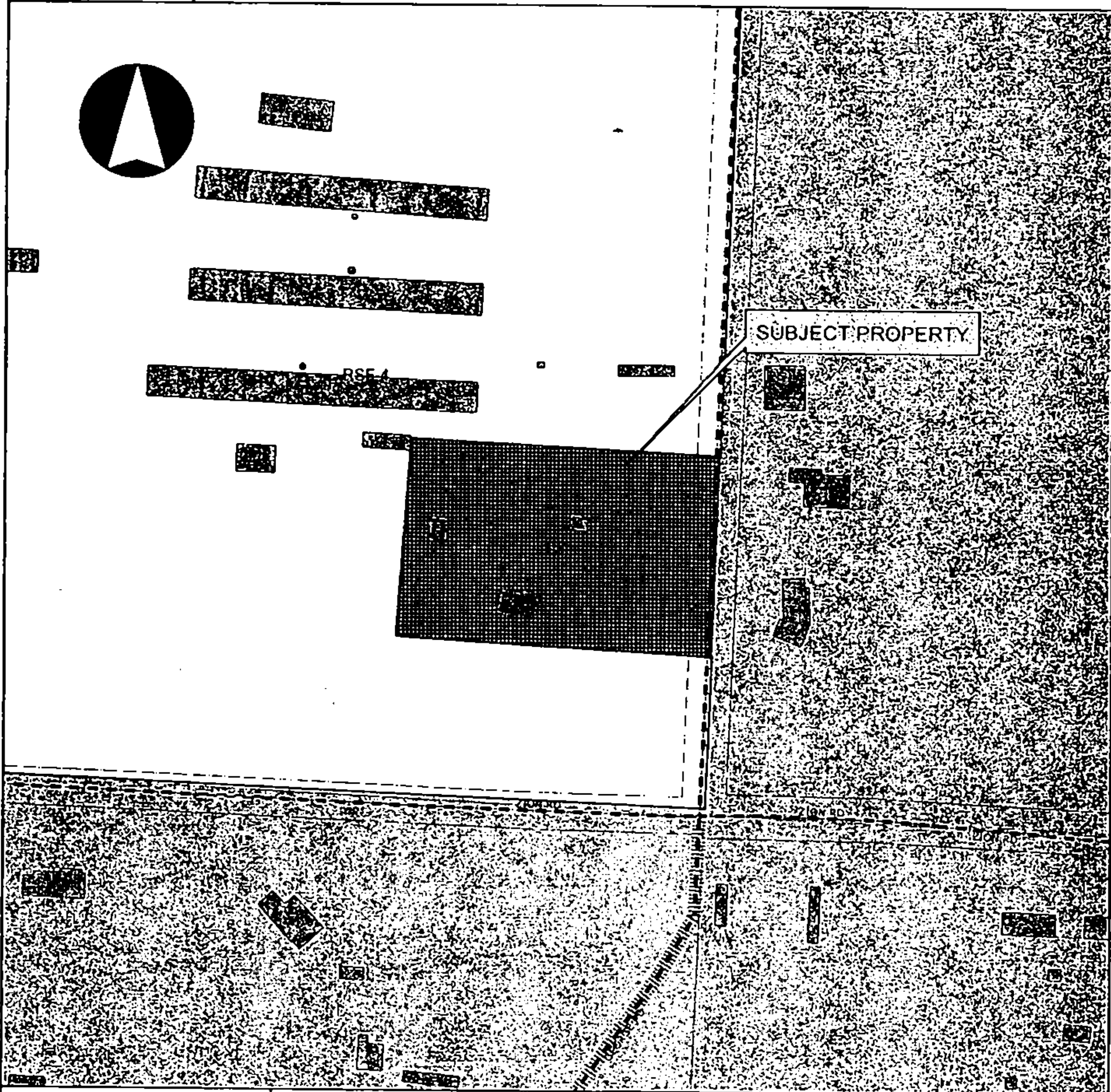
- e. Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification.

The existing zoning of A-1 does not allow for the proposed highest and best use of this land, which is that of RSF-4 residential development.

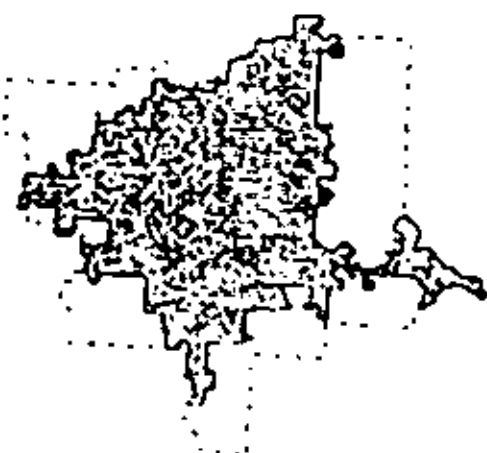
RZN04-1213

Close Up View

HARPER/BOWEN



Overview



Legend

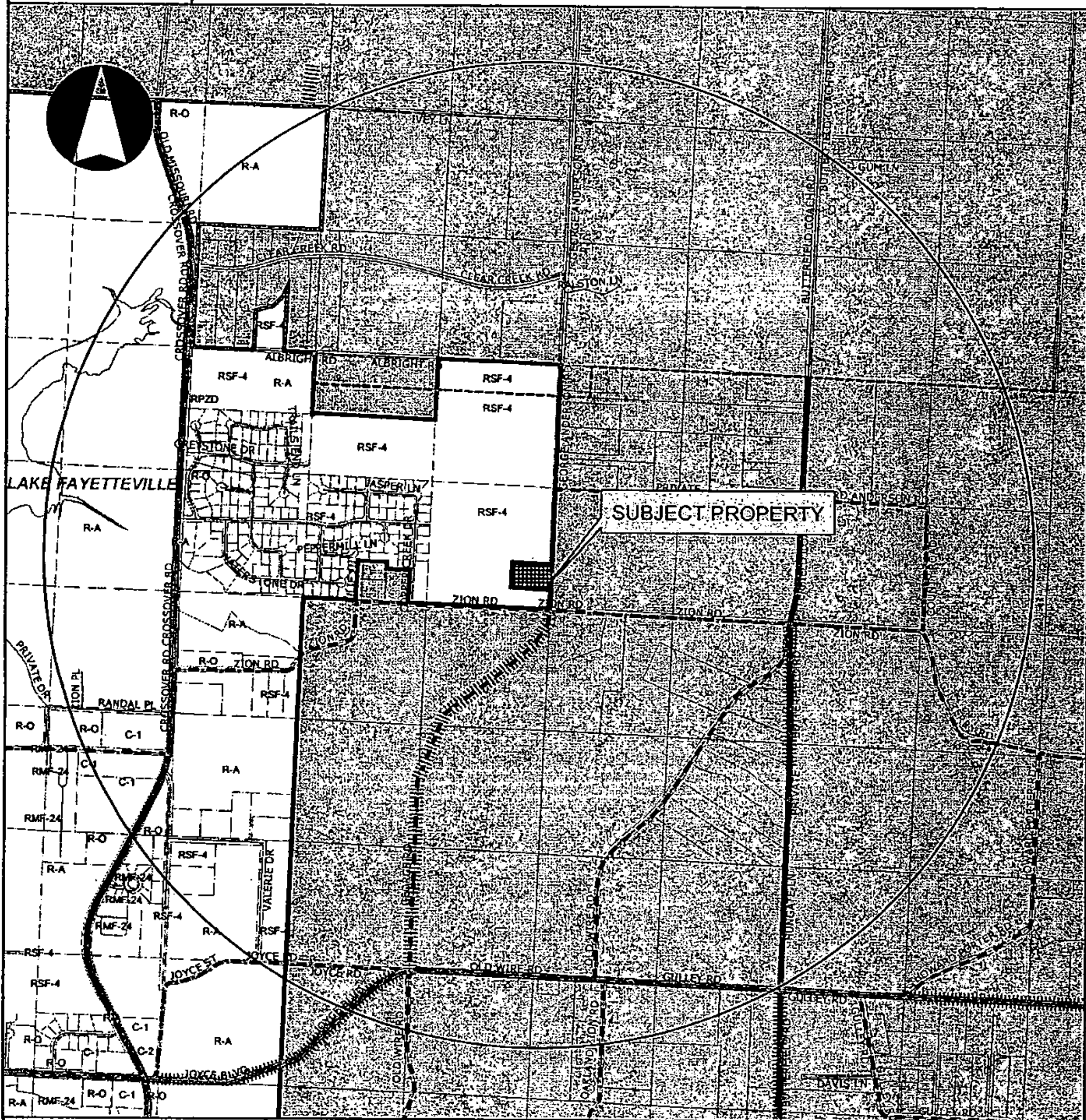
- | | | |
|--------------------------|--------------------------|--------------------|
| ○○○○○ Overlay District | ▨▨▨▨▨ Principal Arterial | — FLOODWAY |
| Master Street Plan | ▨▨▨▨▨ Minor Arterial | — 100 YEAR |
| Master Street Plan | ▨▨▨▨▨ Collector | — 500 YEAR |
| ▨▨▨▨▨ Freeway/Expressway | ●●●●● Historic Collector | — LIMIT OF STUDY |
| | | — Baseline Profile |
| | ▨▨▨▨▨ RZN04-1213 | |
| | ▨▨▨▨▨ Fayetteville | |
| | ▨▨▨▨▨ Outside City | |

0 75 150 300 450 600
Feet

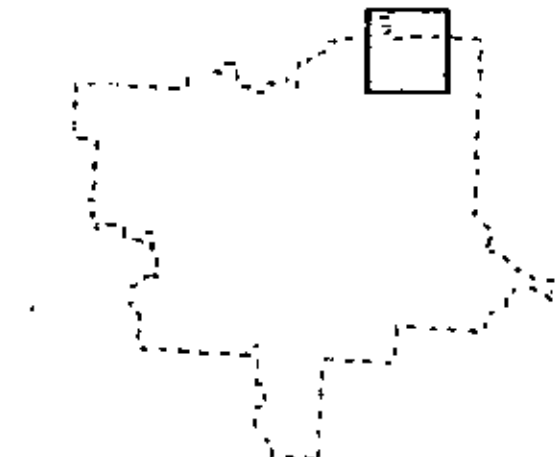
RZN04-1213

One Mile View

HARPER/BOWEN



Overview



Legend

Subject Property

RZN04-1213

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

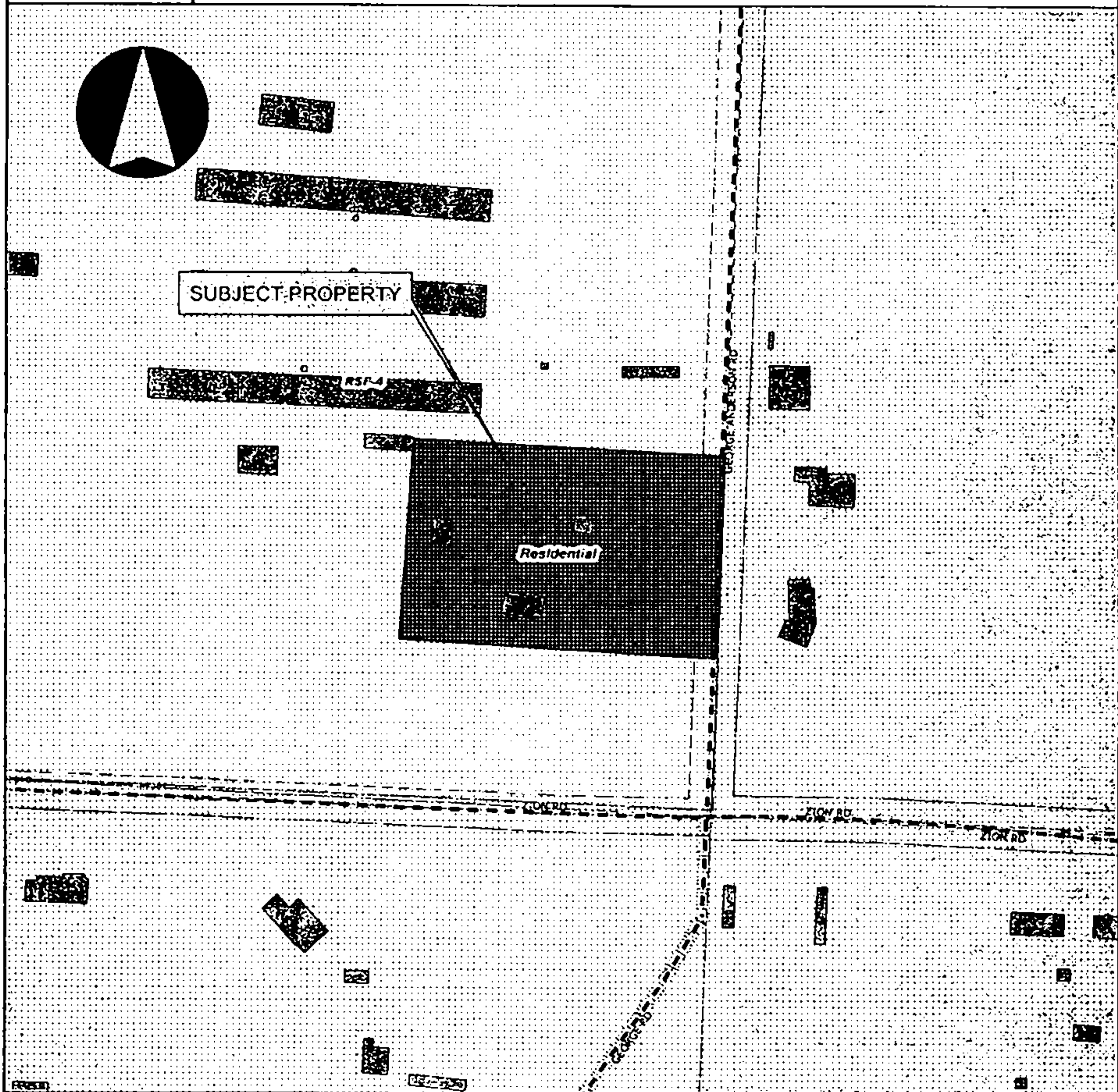
Historic Collector

0 0.1 0.2 0.4 0.6 0.8
Miles

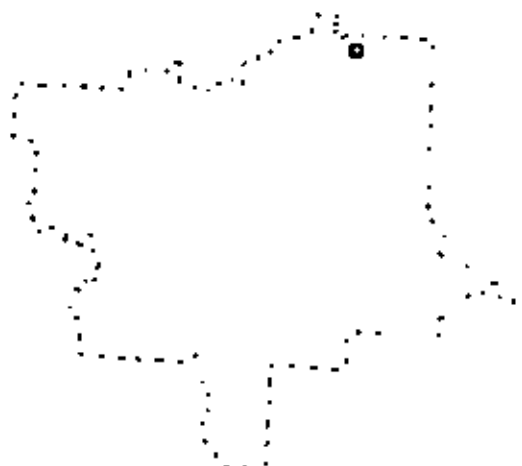
RZN04-1213

Future Land Use

HARPER/BOWEN



Overview



Legend

Subject Property

RZN04-1213

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0 75 150 300 450 600 Feet

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

 x AGENDA REQUEST

For the Fayetteville City Council Meeting of:

November 2, 2004

FROM:

Dawn T. Warrick

Planning

CP&E

Name

Division

Department

ACTION REQUIRED: Ordinance approval.

SUMMARY EXPLANATION:

RZN 04-1213 was submitted by Mickey Harrington for property located at 5512 George Anderson Road containing approximately 2.68 acres, more or less. The request is to rezone the subject property from R-A to RSF-4, Residential Single Family, four units per acre.

STAFF RECOMMENDATION: Approval.

Division Head

Date

Received in Mayor's Office

10-15-04 ZM
Date



10-20-04

City Attorney

Date



10-15-04

Department Director

Date

Cross Reference:



10-20-04

Finance & Internal Services Dir.

Date

Previous Ord/Res#:



10-15-04

Chief Administrative Officer

Date

Orig. Contract Date:

Orig. Contract Number:



10/16/04

Mayor

Date

New Item:

Yes

No

City Council Meeting of November 02, 2004
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Tim Conklin, Community Planning and Engineering Services Director *TC*

From: Dawn T. Warrick, AICP, Zoning and Development Administrator *DW*

Date: October 11, 2004

Subject: Rezoning request for Hancock/Wilson (RZN 04-1219)

RECOMMENDATION

Planning Staff recommends approval of an ordinance rezoning approximately 14.94 acres of property from R-A, Residential Agricultural, and RSF-1, Residential Single Family – 1 unit per acre, to RSF-4, Residential Single Family – 4 units per acre.

BACKGROUND

The 14.94-acre subject property is located between Ruppel Rd. and Salem Rd. A portion of the property was located within an island of County property until August of 2004 at which time the City Council passed an ordinance to incorporate all County islands. In conjunction with annexation of these properties, a majority were zoned RSF-1. As a result, the portion of the subject property annexed by ordinance is zoned RSF-1 and the portion previously existing within the City limits is zoned R-A. The Future Land Use Plan designates this property as Residential.

The applicant is requesting the property be rezoned from R-A and RSF-1 to RSF-4 for future residential development. Surrounding residential subdivisions include Clabber Creek Phase I to the west and Salem Heights (under construction) to the north.

Staff recommended approval of a rezoning to RSF-4 for the subject property. Rezoning the property to RSF-4 will increase the density, allowing for more intense residential use of the property and allow for development compatible to surrounding residential subdivisions.

DISCUSSION

This item was heard at the regular Planning Commission on October 11, 2004. Due to delayed notification, the Planning Commission voted 7-0-0 to table the request to the next regular meeting on October 25, 2004. In order to prevent the applicant from being delayed in the review process, staff forwarded this item to be heard by the City Council on November 02, 2004 with Council materials to be supplemented to include final actions by the Planning Commission.

BUDGET IMPACT

None.



ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED
IN REZONING PETITION RZN 04-1219 AS SUBMITTED BY
PROJECT DESIGN CONSULTANTS FOR PROPERTY LOCATED
AT 2389 SALEM ROAD CONTAINING APPROXIMATELY 14.94
ACRES FROM R-A, RESIDENTIAL AGRICULTURAL TO RSF-
4, RESIDENTIAL SINGLE FAMILY, FOUR UNITS PER ACRE.

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

Section 1: That the zone classification of the following described
property is hereby changed as follows:

From R-A, Residential Agricultural to RSF-4, Residential Single-Family, 4
Units Per Acre as shown 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 _____, 2004.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Sondra Smith, City Clerk

EXHIBIT "A"
RZN 04-1219

PART OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 31, TOWNSHIP 17 NORTH, RANGE 30 WEST; ALSO PART OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 32, TOWNSHIP 17 NORTH, RANGE 30 WEST; ALSO PART OF THE FRACTIONAL NORTHWEST ¼ OF SECTION 6, TOWNSHIP 16 NORTH, RANGE 30 WEST, ALL IN WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 32; THENCE ALONG THE WEST LINE OF SAID SW ¼ OF SECTION 32 N02°00'33"E 88.82 FEET; THENCE DEPARTING SAID WEST LINE N88°35'27"W 39.90 FEET; THENCE N04°18'37"E 320.74 FEET; THENCE S87°51'7"E 27.02 FEET TO SAID WEST LINE OF THE SOUTHWEST ¼ OF SECTION 32; THENCE S87°37'41"E 961.34 FEET; THENCE S02°11'22"W 210.00 FEET; THENCE S87°37'41"E 360.02 FEET TO THE EAST LINE OF SAID SW ¼ OF THE SW ¼ OF SECTION 32; THENCE ALONG SAID EAST LINE S02°11'22"W 118.82 FEET TO THE SOUTHEAST CORNER OF SAID SW ¼ OF THE SW ¼ OF SECTION 32; THENCE ALONG THE SOUTH LINE OF SAID SW ¼ OF THE SW ¼ OF SECTION 32 N87°37'41"W 28.71 FEET; THENCE DEPARTING SAID SOUTH LINE S02°39'25"W 365.34 FEET; THENCE N87°37'41"W 780.43 FEET; THENCE N05°48'27"E 366.00 FEET TO THE SOUTH LINE OF SAID SW ¼ OF THE SW ¼ OF SECTION 32; THENCE ALONG SAID SOUTH LINE N87°37'41"W 531.30 FEET TO THE POINT OF BEGINNING, CONTAINING 14.94 ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.



PC Meeting of October 11, 2004

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Suzanne Morgan, Associate Planner
THRU: Dawn Warrick, AICP, Zoning & Development Administrator
DATE: October 05, 2004

RZN 04-1219: Rezoning (HANCOCK/WILSON, 323): Submitted by PROJECT DESIGN CONSULTANTS, INC for property located at 2389 SALEM ROAD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 14.94 acres. The request is to rezone the subject property to RSF-4, Residential Single-family, 4 units per acre.

Property Owner: H.E. & HYE C. WILSON

Planner: SUZANNE MORGAN

RECOMMENDATION:

Staff recommends rezoning of subject property to RSF-4, Residential Single Family – 4 units per acre, based on findings found herein:

PLANNING COMMISSION ACTION:	Required <u>YES</u>	☐ Approved	☐ Denied
Date: <u>October 11, 2004</u>			
CITY COUNCIL ACTION:	Required <u>YES</u>	☐ Approved	☐ Denied
Date: <u>November 02, 2004 (1st reading if recommended)</u>			

BACKGROUND:

Property description: The 14.94-acre subject property is located between Ruppel Rd. and Salem Rd. with access to each street. A portion of the property was located within an island of County property until August of 2004 at which time the City Council passed an ordinance to incorporate all County islands. In conjunction with annexation of these properties, a majority were zoned RSF-1. As a result, the portion of the subject property annexed by ordinance is zoned RSF-1 and the portion previously existing within the City limits is within the R-A, Residential Agriculture, zoning district.

Request: The applicant is requesting the property be rezoned from R-A, Residential Agricultural, and RSF-1, Residential Single Family – 1 unit per acre, to, Residential Single Family – 4 units per acre.

Recommendation: Staff recommends approval of rezoning the subject property RSF-4 based on the findings included herein.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Salem Heights (under construction) & an existing single family home on a large lot	RSF-4, Res. Single-family, 4 units/acre RSF-1, Res. Single-family, 1 unit/acre
South	Vacant Fields	R-A, Residential Agriculture
East	Single family residential on large lots	R-A, Residential Agriculture
West	Clabber Creek Subdivision Phase 1	RSF-4, Res. Single-family, 4 units/acre P-1, Institutional

INFRASTRUCTURE:

Streets: Currently the site has access to Salem Road. At the time of development, this street will need to be brought up to current standards along the property frontage. These improvements will include pavement, curb and gutter, storm drainage and sidewalks.

Surrounding Master Street Plan Streets:

North: Morning Mist Dr. (Collector)

South: Mount Comfort Rd. (Minor Arterial)

East: Salem Road (Collector)

West: Ruppel Road (Minor Arterial)

Water: The property has access to an 8" water main along Salem Road along the east side of this property. This main should be sufficient to provide service to most developments that could occur on the site. An extension of the water main will be required to provide water supply and fire protection within any development on this property.

Sewer: The site currently has the ability to access sanitary sewer. An off-site sewer main extension will be required to serve this development. The nearest sewer main is an 8" main to the north in Salem Heights Subdivision.

Fire: The subject property is located 1.7 miles from the Fire Station #7. Response time to the property is approximately 4-5 minutes and an estimated 4-5 minutes response time at maximum build-out.

Police: It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

LAND USE PLAN: General Plan 2020 designates the site as **Residential**.

FINDINGS OF THE STAFF

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

Finding: The Future Land Use map designates the subject property as **Residential**. The proposed zoning for a single family residential subdivision is consistent with the future land use map and existing zoning and density of the surrounding subdivisions to the north and west of the subject property. A majority of the lots within Clabber Creek Subdivision Phase I are developed to the west of the property and the development of Salem Heights has been approved to the north of the property. These subdivisions are zoned RSF-4 and approved at 2.68 and 2.9 units per acre respectively. Development of this property at 4 units per acre will be consistent with the development of City property in this area.

Rezoning the property to RSF-4 will increase the density, allowing for more intense residential use of the property and allow for development compatible to surrounding residential subdivisions. Construction or improvement of street infrastructure required by the Master Street Plan and through the site shall be considered at the time of development.

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

Finding: The proposed zoning is justified in order to promote orderly and consistent development patterns making use of existing infrastructure. A higher density than the R-A and RSF-1 zoning districts will allow for development with density appropriate in this area, and would provide compatibility with the adjoining and surrounding developments.

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

Finding: The police department has determined the proposed density will not substantially alter the population density to create an undesirable affect on services.

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 approximately 14.94-acre tract is currently developed for two single-family residential dwellings and associated accessory structures. Rezoning the property to the proposed RSF-4 zoning designation will increase the density of potential development.

The following is a review of available services:

Engineering – The property has access to an 8" water main along Salem Road along the east side of this property and should be sufficient to provide service to most developments that could occur on the site. An extension of the water main will be required to provide water supply and fire protection within any development on this property. There is currently access to sanitary sewer. An off-site sewer main extension will be required to serve this development. The nearest sewer main is an 8" main to the north in Salem Heights Subdivision. Currently the site has access to Salem Road. At the time of development, this street will need to be brought up to current standards along the property frontage. These improvements will include pavement, curb and gutter, storm drainage and sidewalks.

Fire - The subject property is located 1.7 miles from the Fire Station #7. Response time to the property is approximately 4-5 minutes and an estimated 4-5 minutes response time at maximum build-out.

Police - The police department does not feel this rezoning request would undesirably increase the load on police services or create an appreciable increase in traffic danger and congestion in the area.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

161.03 District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	One-half
----------------	----------

(D) *Bulk and area regulations.*

Lot width minimum	200 ft.
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback requirements.*

Front	Side	Rear
35 ft.	20 ft.	35 ft.

(F) *Height requirements.* There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.

(G) *Building area.* None.

161.07 District Rsf-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq. ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
25 ft.	8 ft.	20 ft.

(F) *Height.* None.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

C. 4
RZN 04-1219 (Hancock/Wilson)
Page 9 of 16

RECEIVED

OCT 05 2004

PLANNING DIV.

POLICE DEPARTMENT

October 4, 2004

Dawn Warrick
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Warrick,

This document is in response to the request for a determination of whether the proposed Rezoning RZN 04-1219 (Hancock/Wilson, 323) submitted by Project Design Consultants, INC. for Property located at 2389 Salem Road would substantially alter the population density and thereby undesirably increase the load on public services or create an appreciable increase in traffic danger and traffic congestion.

It is the opinion of the Fayetteville Police Department that this annexation and rezoning will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

NOTE: Individually, each of these annexations and rezonings do not necessarily substantially alter the population density, nor do they create and appreciable increase in traffic danger and congestion. The sum total presented over the years, however, has had a substantial impact on the demand for police services and has caused an appreciable increase in traffic congestion. Without the addition of police patrol personnel, these areas may see a lack of traffic enforcement or may experience situations where officers are delayed in answering many calls for service because of call volume exceeds the number of officers available to respond in a timely manner.

Sincerely,

A handwritten signature in black ink, appearing to read "William Brown".
Lieutenant William Brown
Fayetteville Police Department

Item	Subdivision	Annexation	Acres	Closest Fire Station	Distance from Fire Station	Response Time to Proposal area	Projected Response Time to Proposal Area at Maximum Build Out	Projected Calls for Service at Maximum Build Out	Projected Fire/Other Calls for Service at Maximum Build Out	Projected EMS Calls for Service at Maximum Build Out
ANX 04-1212	HARPER	YES	2.68	FS 4	4.0 miles	9-11 mins.	9-11 mins.			
RZN 04-1213	HARPER							2	1	1
RZN 04-1219	HANCOCK			FS 7	1.7 miles	4-5 mins.	4-5 mins.	14	6	8
RZN 04-1221	SCOTT			FS 5	2.6 miles	6 mins.	6 mins.	2	1	1
RZN 04-1223	HOSKINS			FS 7	0.8 miles	3 mins.	3 mins.	9	3	6
RZN 04-1225	CONNER			FS 5	2.1 miles	5 mins.	5 mins.	N/A		
RZN 04-1225	CONNER			Proposed FS 3	1.2 miles	2-3 mins.	2-3 mins.	N/A		

*

PROJECT DESIGN CONSULTANTS, INC.

September 2, 2004

City of Fayetteville
Planning Department
125 West Mountain
Fayetteville, AR 72701
Attn: Mr. Jeremy Pate

**RE: Rezoning of property located at 2389 Salem Rd,
Fayetteville, AR 72703**

Dear Mr. Pate:

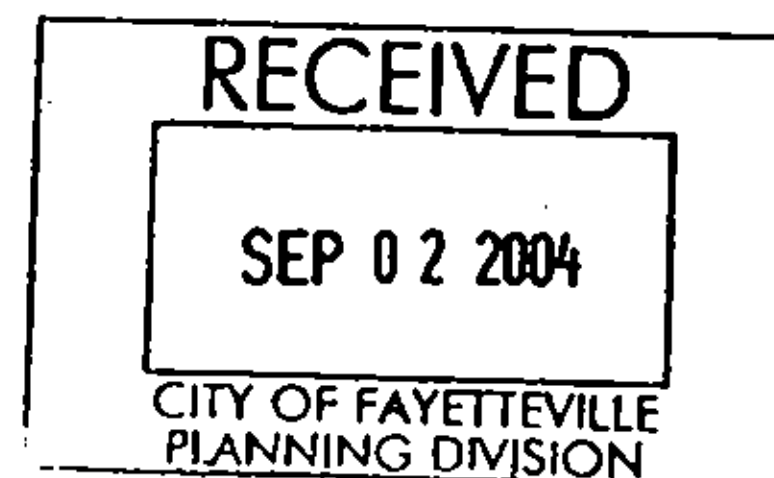
The subject property mentioned above is currently owned by Hugh Ellis & Hye C. Wilson, Jr. The property is being purchased by Mr. Rick Hancock. Currently, the property is zoned RA and RSF-1. We propose to rezone the property to RSF-4. This zoning change will relate better to the surrounding property uses; Clabber Creek Subdivision to the west and multiple subdivisions to the north with the RSF-4 zoning. It will have similar land usage and traffic counts; the appearance will blend better and there is no signage proposed as yet. The availability of water (provided by the City of Fayetteville) is an 8" Water line, located east of the property along Salem Road; the availability of sewer (provided by the City of Fayetteville) is an 8" Sewer Line along the east side of the property along Salem Road.

If you have any further questions, please contact me at 479-248-1161.

Sincerely,



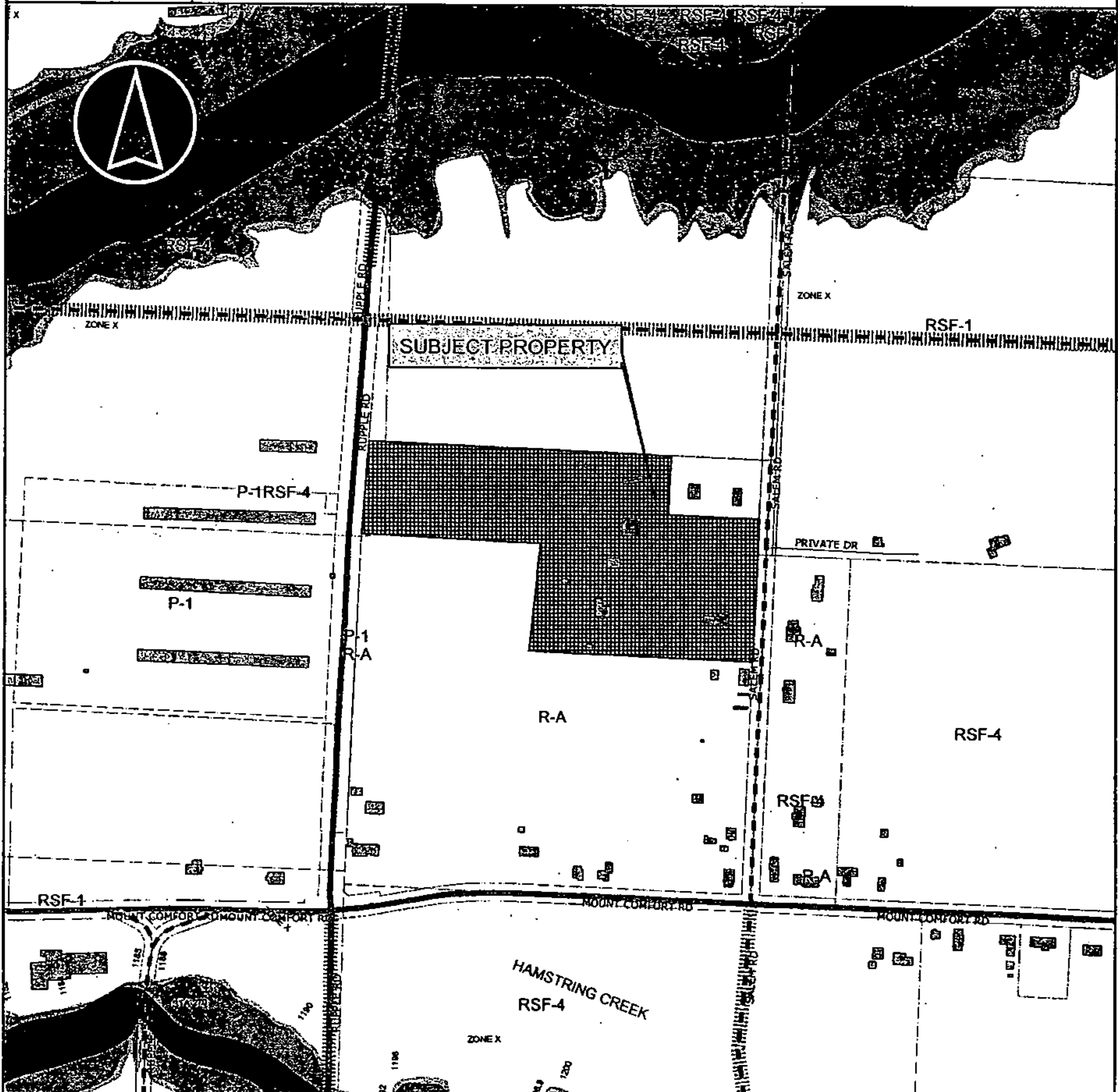
N. Arthur Scott, PE
President



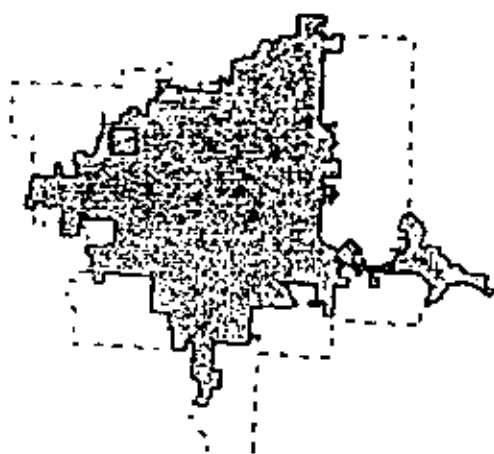
RZN04-1219

Close Up View

HANCOCK/WILSON



Overview



Legend

- | | | |
|------------------------|--------------------|------------------|
| ooooo Overlay District | Principal Arterial | FLOODWAY |
| Master Street Plan | Minor Arterial | 100 YEAR |
| Master Street Plan | Collector | 500 YEAR |
| Freeway/Expressway | Historic Collector | LIMIT OF STUDY |
| | | BaseLine Profile |
| | | RZN04-1219 |
| | | Fayetteville |
| | | Outside City |

0 212.5 425 850 1,275 1,700 Feet

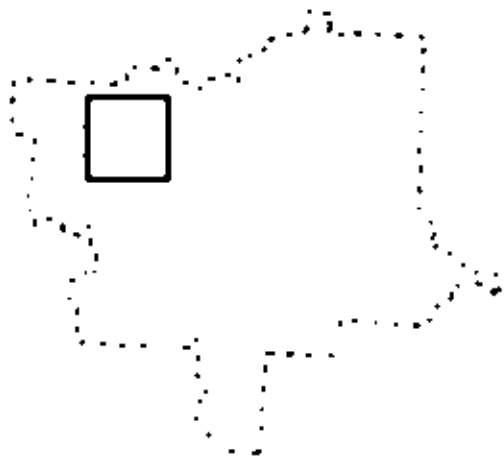
RZN04-1219

One Mile View

HANCOCK/WILSON



Overview



Legend

Streets Streets

— Existing
 {|||||} Planned

Subject Property

RZN04-1219

Boundary

 Planning Area

 Overlay District

 Outside City

Master Street Plan

Master Street Plan

Excluded Freeway/Expressway

Principal Arterial

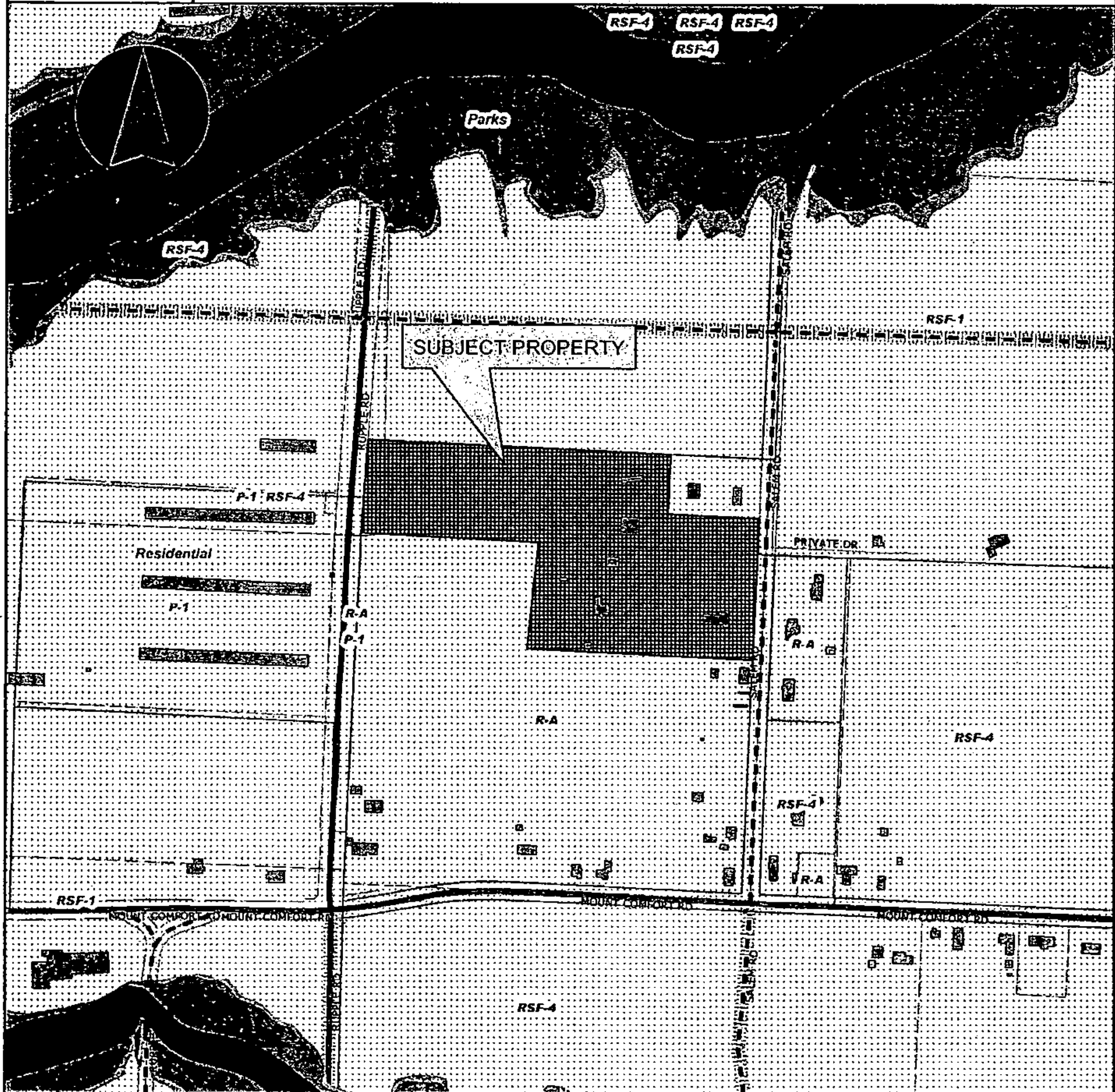
Minor Arts

- == Collector
- Historic Collector

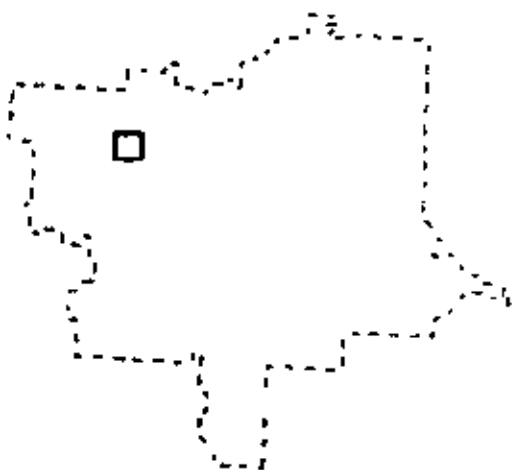
RZN04-1219

Future Land Use

HANCOCK/WILSON



Overview



Legend

Subject Property



RZN04-1219

Streets



Existing



Planned

Boundary



Planning Area



Overlay District



Outside City

Master Street Plan



Freeway/Expressway



Principal Arterial



Minor Arterial



Collector



Historic Collector



STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

 x AGENDA REQUEST

For the Fayetteville City Council Meeting of:

November 2, 2004

FROM:

Dawn T. Warrick

Planning

CP&E

Name

Division

Department

ACTION REQUIRED: Ordinance approval.

SUMMARY EXPLANATION:

RZN 04-1219 was submitted by Project Design Consultants for property located at 2389 Salem Road containing approximately 14.94 acres, more or less. The request is to rezone the subject property from R-A to RSF-4, Residential Single Family, four units per acre.

STAFF RECOMMENDATION: Approval.

Division Head

Date

Received in Mayor's Office

10-15-04
Date


City Attorney

10-20-04
Date


Department Director

10-15-04
Date

Cross Reference:


Finance & Internal Services Dir.

10-20-04
Date

Previous Ord/Res#:

Orig. Contract Date:


Chief Administrative Officer

10-15-04
Date

Orig. Contract Number:


Mayor

10/16/04
Date

New Item:

Yes

No

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Tim Conklin, Community Planning and Engineering Services Director *TC*

From: Dawn T. Warrick, AICP, Zoning and Development Administrator

Date: October 14, 2004

Subject: Rezoning request for Scott (RZN 04-1221)

RECOMMENDATION

Planning Staff recommends approval of an ordinance rezoning approximately 2.01 acres of property located at 3196 E. Skilleen Road from R-A, Residential Agricultural, to RSF-4, Residential Single Family 4 units per acre.

BACKGROUND

The subject property contains approximately 2.01 acres located north of Skilleen Road and east of Crossover Road. The property currently has a single-family residence located on it. The surrounding properties consist of large single family tracts and some agricultural tracts.

DISCUSSION

This item was heard at the regular Planning Commission on October 11, 2004. Due to delayed notification, the Planning Commission voted 7-0-0 to table the request to the next regular meeting on scheduled October 25, 2004. In order to prevent the applicant from being delayed in the review process, staff forwarded this item to be heard by the City Council on November 02, 2004 with Council materials to be supplemented to include final actions by the Planning Commission.

BUDGET IMPACT

None.



ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED
IN REZONING PETITION RZN 04-1221 AS SUBMITTED BY ED
AND PATRICIA SCOTT FOR PROPERTY LOCATED AT 3196
SKILLERN ROAD CONTAINING APPROXIMATELY 2.01
ACRES FROM R-A, RESIDENTIAL AGRICULTURAL TO RSF-
4, RESIDENTIAL SINGLE FAMILY, FOUR UNITS PER ACRE.

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

Section 1: That the zone classification of the following described
property is hereby changed as follows:

From R-A, Residential Agricultural to RSF-4, Residential Single-Family, 4
Units Per Acre as shown 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 _____, 2004.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Sondra Smith, City Clerk

EXHIBIT "A"
RZN 04-1221

PART OF THE EAST HALF (E ½) OF THE FRACTIONAL NORTHWEST QUARTER (FRL.NW ¼) OF SECTION THIRTY ONE (31), TOWNSHIP SEVENTEEN (17) NORTH, RANGE TWENTY NINE (29) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE ¼) OF THE FRACTIONAL NORTHWEST QUARTER (FRL.NW ¼) OF SAID SECTION THIRTY ONE (31); THENCE WEST ALONG THE SOUTH LINE OF SAID 40 ACRE TRACT 375.20 FEET TO THE TRUE POINT OF BEGINNING AND FROM WHICH A REFERENCE IRON SET ON THE NORTH RIGHT OF WAY OF SKILLERN ROAD BEARS N00°00'31"W 30.01 FEET; THENCE LEAVING THE SOUTH LINE OF SAID 40 ACRE TRACT N00°00'31"W 620.80 FEET TO A SET IRON; THENCE WEST 140.80 FEET TO A SET IRON; THENCE S00°00'31"E 620.80 FEET TO THE SOUTH LINE OF SAID 40 ACRE TRACT AND FROM WHICH A REFERENCE IRON SET ON THE NORTH RIGHT OF WAY OF SKILLERN ROAD BEARS N00°00'31"W 28.54 FEET; THENCE EAST 140.80 FEET TO THE POINT OF BEGINNING, CONTAINING 2.01 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of October 11, 2004

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Leif Olson, Associate Planner
THRU: Dawn Warrick, AICP, Zoning & Development Administrator
DATE: October 5, 2004

RZN 04-1221: Rezoning (Scott, 255): Submitted by ED AND PATRICIA SCOTT for property located at 3196 SKILLERN ROAD. The property is zoned R-A, Residential Agriculture, and contains approximately 2.01 acres. The request is to rezone the subject property from R-A, Residential Agricultural, to RSF-4, Residential Single-family, 4 units per acre.
Property Owner: ED AND PATRICIA SCOTT Planner: LEIF OLSON

RECOMMENDATION:

Staff recommends approval of the requested rezoning based on the findings herein.

PLANNING COMMISSION ACTION:	Required	<u>YES</u>	☒ Approved	☐ Denied
Date:	<u>October 11, 2004</u>			
CITY COUNCIL ACTION:	Required	<u>YES</u>	☒ Approved	☐ Denied
Date:	<u>November 02, 2004</u>			

BACKGROUND:

Property description: The subject property contains approximately 2.01 acres located north of Skillern Road and east of Crossover Road. The property currently has a single-family residence located on it. The surrounding properties consist of large single family tracts and some agricultural tracts.

Proposal: The applicant's intent is to build a pergola on the east side of the house. The pergola would provide covered parking for cars and access to the back yard. The house layout, septic tank and lateral field locations to the north and west of the existing dwelling do not allow for the addition of a garage in these locations. Under the current R-A zoning designation the side building setback line on the east side of this property is 20 feet. The applicants proposal to rezone the property RSF-4 would allow for a 8 foot building setback, which would allow for the

K:\Reports\2004\PC Reports\10-11-04\RZN 04-1221 (Scott).doc

construction of the proposed pergola.

Request: The applicant is requesting the property be rezoned from R-A, Residential Agricultural, to RSF-4, Residential Single Family, 4 dwelling units per acre.

Public Comment: Staff has received no comments from nearby property owners concerning this project.

Recommendation: Staff recommends approval of the rezoning request based on the findings included in the staff report. Future development on this site will be regulated by the City to ensure adequate services, infrastructure, connectivity and consistent development within the surrounding area.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Single family residential	R-A, Residential Agriculture
South	Single family residential	R-A, Residential Agriculture
East	Single family residential	R-A, Residential Agriculture
West	Single family residential	RSF-4, Residential Single Family, 4 units/acre

INFRASTRUCTURE:

Streets: Currently the site has access to Highway 265 via Skillern Road/Old Wire Road. At the time of future development, this street will need to be brought up to current standards along the property frontage. These improvements will include pavement, curb and gutter, storm drainage and sidewalks.

Water: The site currently does have access to public water. However, an off-site water main extension will be required to provide water supply and fire protection within any development on this property. The nearest water main is an 8" main to the south in Brookbury Woods Subdivision.

Sewer: The site currently does not have access to sanitary sewer. An off-site sewer main extension will be required at the time of development. The nearest sewer main is an 8" main to the south in Brookbury Woods Subdivision. A capacity analysis may need to be conducted to verify line capacity before the extension will be allowed.

Fire: The subject property is located 2.60 miles from Fire Station #5. Normal driving time is approximately six minutes.

Police: It is the opinion of the Fayetteville Police Department that this annexation will not substantially alter the population density and thereby undesirably increase the

load on police services.

LAND USE PLAN: The General Plan 2020 designates the site as Residential. Rezoning this property to RSF-4 is 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 for RSF-4, Residential single family, four units per acre, is consistent with the future land use map and existing zoning and density of the surrounding properties.

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

Finding: The proposed zoning is justified in order to promote orderly and consistent development patterns making use of existing infrastructure. A higher density than the R-A zoning district allows for development with density appropriate in this area, and would provide compatibility with the adjoining and surrounding approved developments. The R-A zoning district requires more stringent setbacks and a larger lot frontage that would prohibit the requested additions to be erected without a variance on the subject tract.

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

Finding: Rezoning the subject 2.01 acre tract to RSF-4, Residential Single Family, four units per acre would not appreciably increase traffic danger and congestion. Any plans for a new subdivision would be required to provide adequate infrastructure and street improvements at the time of Preliminary Plat.

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 police department has determined the proposed density will not substantially alter the population density and create an undesirable affect on services. The approximately 2.01 acre tract under an R-A, Residential Agricultural designation allows for a maximum of 2 dwelling units (1 per 2 acres). With the proposed RSF-4 designation, 8 dwelling units would be permitted. This increases the possible number of residential units, yet is

consistent with land use and zoning within the City of Fayetteville and developing areas to the east.

Engineering - The property has access to a 4" water main on the south side of this property along (Skillern Road). However, an off-site water main extension will be required to provide water supply and fire protection within any development on this property. The nearest water main is an 8" main to the south in Brookbury Woods Subdivision.

The site currently does not have access to sanitary sewer. An off-site sewer main extension will be required at the time of development. The nearest sewer main is an 8" main to the south in Brookbury Woods Subdivision. A capacity analysis may need to be conducted to verify line capacity before the extension will be allowed.

Currently the site has access to Highway 265 via Skillern Road/Old Wire Road. At the time of development, this street will need to be brought up to current standards along the property frontage. These improvements will include pavement, curb and gutter, storm drainage and sidewalks.

Fire - The subject property is located 2.60 miles from Fire Station #5. Normal driving time is approximately six minutes.

Police - It is the opinion of the Fayetteville Police Department that this annexation will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

161.03 District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	One-half
----------------	----------

(D) *Bulk and area regulations.*

Lot width minimum	200 ft.
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback requirements.*

Front	Side	Rear
35 ft.	20 ft.	35 ft.

(F) *Height requirements.* There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.

(G) *Building area.* None.

161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq. ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
25 ft.	8 ft.	20 ft.

(F) *Height.* None.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99)

161.03 District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	One-half
----------------	----------

(D) *Bulk and area regulations.*

Lot width minimum	200 ft.
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback requirements.*

Front	Side	Rear
35 ft.	20 ft.	35 ft.

(F) *Height requirements.* There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.

(G) *Building area.* None.

161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq. ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
25 ft.	8 ft.	20 ft.

(F) *Height.* None.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99)



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

RECEIVED

OCT 05 2004

PLANNING DIV.

C. 5
RZN 04-1221 (Scott)
Page 12 of 18

POLICE DEPARTMENT

October 4, 2004

Dawn Warrick
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Warrick,

This document is in response to the request for a determination of whether the proposed Rezoning RZN 04-1221 (Scott, 255) submitted by Ed and Patricia Scott for Property located at 3196 Skillern Road would substantially alter the population density and thereby undesirably increase the load on public services or create an appreciable increase in traffic danger and traffic congestion.

It is the opinion of the Fayetteville Police Department that this annexation and rezoning will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

NOTE: Individually, each of these rezonings does not necessarily substantially alter the population density, nor do they create and appreciable increase in traffic danger and congestion. The sum total presented over the years, however, has had a substantial impact on the demand for police services and has caused an appreciable increase in traffic congestion. Without the addition of police patrol personnel, these areas may see a lack of traffic enforcement or may experience situations where officers are delayed in answering many calls for service because of call volume exceeds the number of officers available to respond in a timely manner.

Sincerely,

A handwritten signature in black ink, appearing to read "William Brown".
Lieutenant William Brown
Fayetteville Police Department

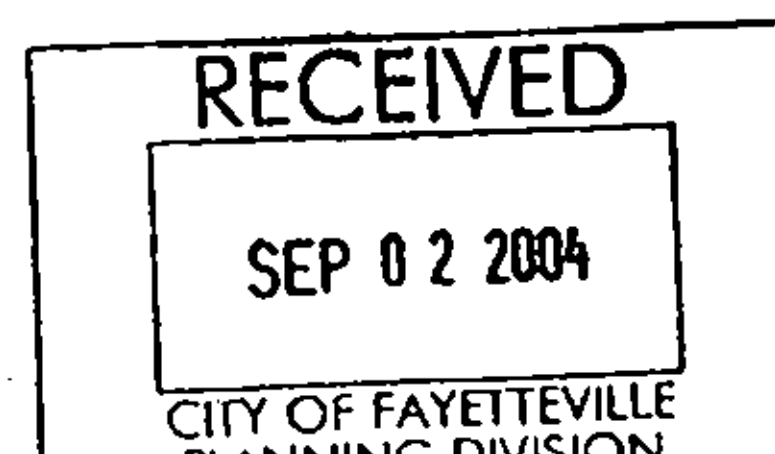
City of Fayetteville, Arkansas
Rezoning request for 3196 E. Skillern Road
Owners: Milton E. Scott and Patricia A. Scott

1. Description of the request for rezoning the property of 3196 E. Skillern Road.

- a. Milton E. and Patricia A. Scott currently own this piece of property and with no intent to sell at this time.**
- b. The reason for the request is to change the zoning in order to build a pergola, a structure with a roof and supports, on the east side of the house. This is to provide covered parking for cars and access to the back yard. The house layout and the septic tank with drain field disallow the addition of a garage on the west or north sides of the house. The current zoning is R-A prohibits a structure being closer than 20 feet to the property line. With the addition to the main structure the property line would be 10 feet away.**
- c. The property to the west is RSF-4; houses to the north, east, and south, there is a subdivision to the southwest; Skillern Road is 2 lanes; the neighboring area north, east, south and west, is made up of single family dwellings on 2 to 5 acres.**
- d. The availability of city water is in the south or front of the house. There is no availability of city sewer. There is a septic tank in the north or back yard.**

2. Specific finding regarding this application:

- a. The degree to which the proposed zoning is consistent with land use, to the west the properties are in the RSF-4 zone. To the north, east and south are in RA zone.**

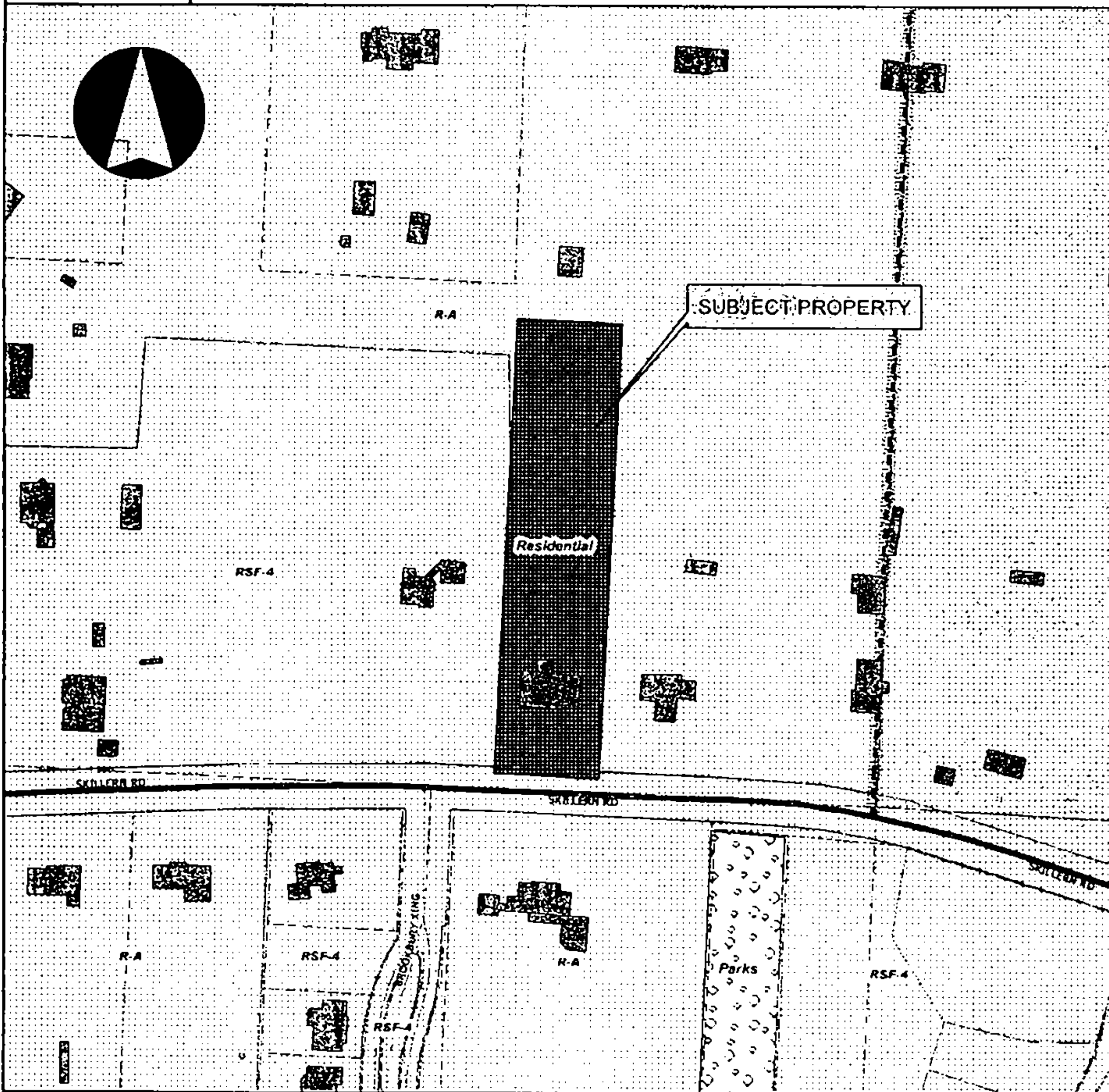


- b. Due to the lack of adequate space, septic system with drain fields, and the positioning of the house on the lot, making additional covered parking is limited.**
- c. The proposed zoning will not create or appreciably increase traffic danger or congestion, due to the fact it is providing a protective covering for a car.**
- d. The proposed zoning will not alter the population density nor increase the load on public services including schools, water, and sewer facilities, it is a open pergola.**
- e. The rezoning to RSF-4 allows a structure to be 8 feet from the property line, in this case the structure would be 10 feet from the property line.**

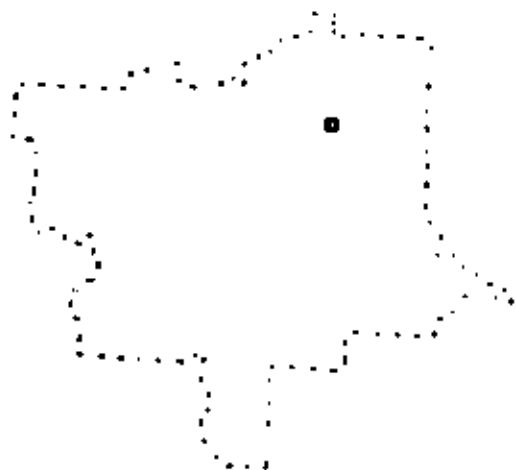
RZN04-1221

Future Land Use

SCOTT



Overview



Legend

Subject Property

RZN04-1221

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

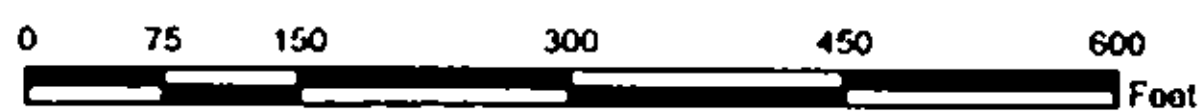
Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector



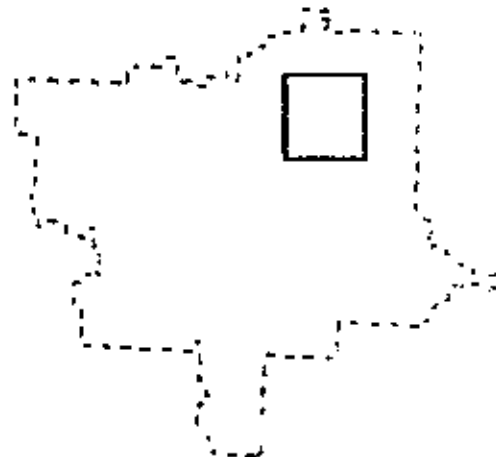
RZN04-1221

One Mile View

SCOTT



Overview



Legend

Streets

- Existing
- Planned

Subject Property

- RZN04-1221

Boundary

- Planning Area
- Overlay District
- Outside City

Master Street Plan

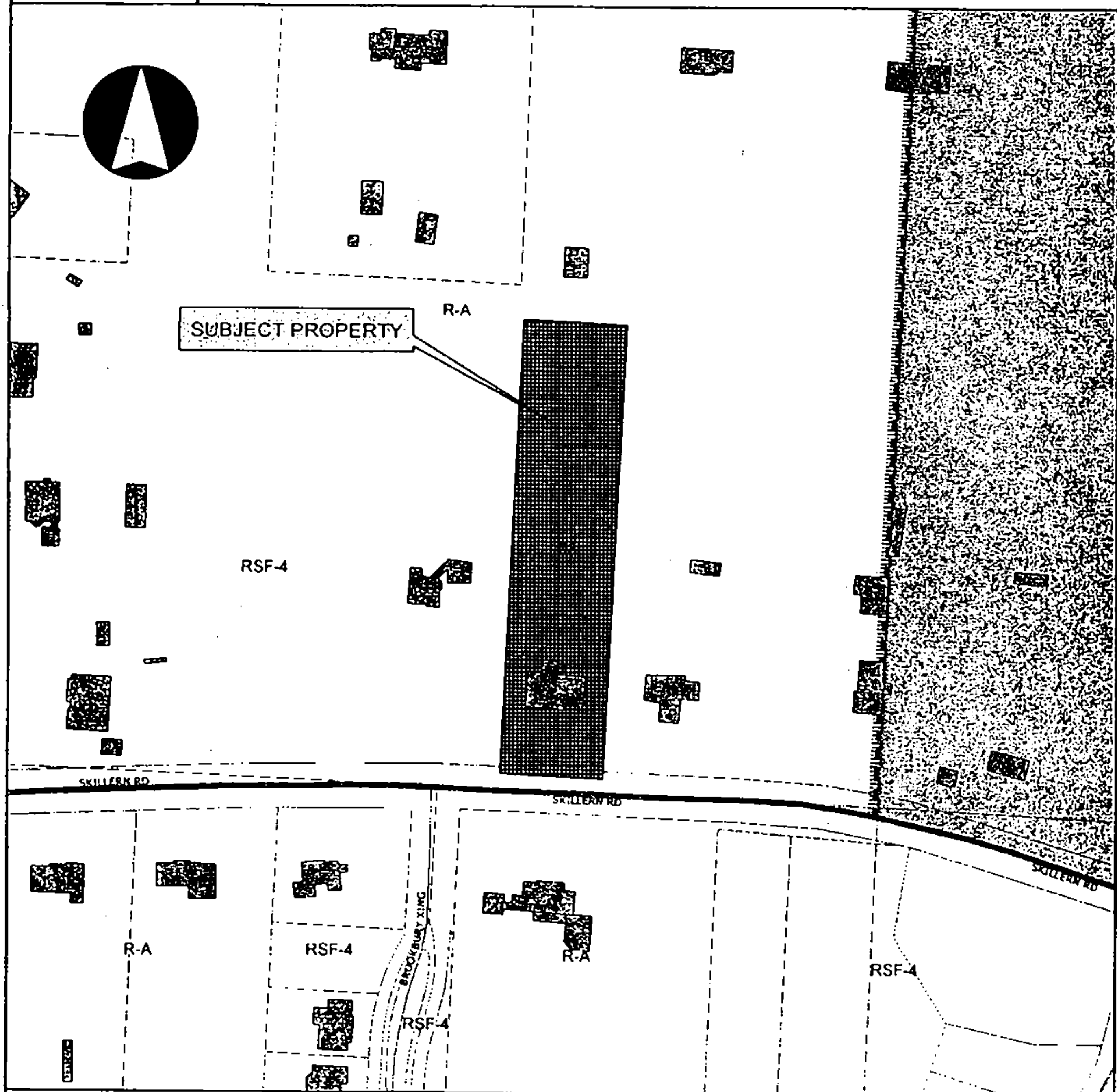
- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historic Collector

0 0.1 0.2 0.4 0.6 0.8 Miles

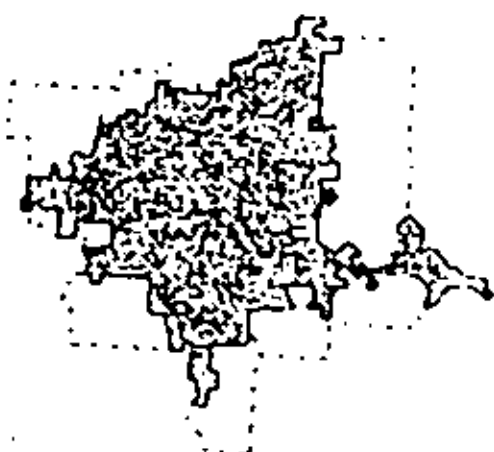
RZN04-1221

Close Up View

SCOTT



Overview



Legend

- | | | |
|-------------------------|-------------------------|---------------------|
| ○○○○○ Overlay District | ▨▨▨▨ Principal Arterial | — FLOODWAY |
| Master Street Plan | ▨▨▨▨ Minor Arterial | — 100 YEAR |
| Master Street Plan | — Collector | — 500 YEAR |
| ▨▨▨▨ Freeway/Expressway | ●●●● Historic Collector | ▨▨▨▨ LIMIT OF STUDY |
| | | — BaseLine Profile |
| | | ▨▨▨▨ RZN04-1221 |
| | | ▨▨▨▨ Fayetteville |
| | | ▨▨▨▨ Outside City |

0 75 150 300 450 600 Feet

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

 x AGENDA REQUEST

For the Fayetteville City Council Meeting of:

November 2, 2004

FROM:

Dawn T. Warrick

Planning

CP&E

Name

Division

Department

ACTION REQUIRED: Ordinance approval.

SUMMARY EXPLANATION:

RZN 04-1221 was submitted by Ed and Patricia Scott for property located at 3196 E. Skillern Road containing approximately 2.01 acres, more or less. The request is to rezone the subject property from R-A to RSF-4, Residential Single Family, four units per acre.

STAFF RECOMMENDATION: Approval.

Division Head

Date

Received in Mayor's Office

10-15-04
Date

City Attorney

Date

Department Director

Date

Cross Reference:

Previous Ord/Res#:

Finance & Internal Services Dir.

Date

Orig. Contract Date:

Chief Administrative Officer

Date

Orig. Contract Number:

Mayor

Date

New Item:

Yes

No

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Tim Conklin, Community Planning and Engineering Services Director (1. C.)

From: Dawn T. Warrick, AICP, Zoning and Development Administrator

Date: October 15, 2004

Subject: Rezoning request for Hoskins (RZN 04-1223)

RECOMMENDATION

Planning Staff recommends approval of an ordinance rezoning approximately 11.73 acres of property from RSF-1, Residential Single Family, 1 unit per acre to RSF-4, Residential Single Family, 4 units per acre.

BACKGROUND

Property description: The subject property consists of approximately 11.73 acres that was recently annexed as part of the City Council's decision to annex all unincorporated areas surrounded by city limits (islands). The subject property was part of a 254-acre unincorporated area along Ruppel Road, north and south of Mt. Comfort Road. At the time of annexation, this area was zoned primarily to RSF-1, Residential Single Family, 1 DU/Acre, the ordinance citing that the highest and best use of the lands in question were not for agricultural or horticultural purposes. A portion of the island was zoned to R-A, Residential Agricultural, primarily that which is still utilized for cattle grazing and other agricultural purposes. The property is located east and south of Bridgeport S/D, north and west of existing large residential lots. Surrounding properties are zoned RSF-4 and RSF-1 and are developed, or being developed, as single residential homes. Bridgeport S/D Phase VII is currently under construction to the north of the subject property, and is constructing a street stub-out to access this property from the north.

Proposal: The applicant proposes a rezoning of the subject property to facilitate the future development of a single family subdivision at a higher density than that allowed within the RSF-1 zoning district.

Request: The request is to rezone the subject property from RSF-1, Residential Single Family, 1 DU/Acre to RSF-4, Residential Single Family, 4 units per acre.

DISCUSSION

This item was heard at the regular Planning Commission on October 11, 2004. Due to delayed notification, the Planning Commission voted 7-0-0 to table the request to the next regular meeting on October 25, 2004. In order to prevent the applicant from being delayed in the review process, staff forwarded this item to be heard by the City Council



on November 02, 2004 with Council materials to be supplemented to include final actions by the Planning Commission.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 04-1223 AS SUBMITTED BY TRACY HOSKINS FOR PROPERTY LOCATED AT 1719 NORTH RUPPLE ROAD CONTAINING APPROXIMATELY 11.73 ACRES FROM RSF-1, RESIDENTIAL SINGLE FAMILY, ONE UNIT PER ACRE TO RSF-4, RESIDENTIAL SINGLE FAMILY, FOUR UNITS PER ACRE.

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

Section 1: That the zone classification of the following described property is hereby changed as follows:

From RSF-1, Residential Single Family, One Unit Per Acre to RSF-4, Residential Single-Family, 4 Units Per Acre as shown in Exhibit "A" attached hereto and made a part hereof.

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

PASSED AND APPROVED this _____ day of _____, 2004.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Sondra Smith, City Clerk

EXHIBIT "A"
RZN 04-1223

A PART OF THE SW $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SECTION 1, T-16-N, R-31-W, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SW CORNER OF SAID 40 ACRE TRACT; THENCE N00°35'50"W, 1074.45 FEET; THENCE EAST 430.20 FEET; THENCE SOUTH 1074.42 FEET; THENCE WEST 419.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 10.473 ACRES MORE OR LESS.

ALSO:

A PART OF THE S $\frac{1}{2}$ OF THE SE $\frac{1}{4}$ OF SECTION 1, T-16-N, R-31-W, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SE CORNER OF THE SW $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SECTION 1, T-16-N, R-31-W; THENCE WEST 901.00 FEET; THENCE NORTH 60.00 FEET; THENCE EAST 925.85 FEET; THENCE S22°30'00"W, 64.94 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.258 ACRES, MORE OR LESS. SUBJECT TO A PERPETUAL RIGHT OF WAY FOR INGRESS AND EGRESS AND UTILITIES.



PC Meeting of October 11, 2004

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Jeremy Pate, Senior Planner
Matt Casey, Staff Engineer
THRU: Dawn Warrick, A.I.C.P., Zoning & Development Administrator
DATE: October 06, 2004

RZN 04-1223: Rezoning (TRACY HOSKINS, 361): Submitted by TRACY K. HOSKINS for property located at 1719 N RUPPLE RD. The property is zoned RSF-1, SINGLE FAMILY - 1 UNIT/ACRE and contains approximately 11.73 acres. The request is to rezone the subject property to RSF-4, Residential Single-family, 4 units per acre.

Property Owner: TRACY K. HOSKINS

Planner: JEREMY PATE

RECOMMENDATION:

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

PLANNING COMMISSION ACTION:	Required <u>YES</u>	☐ Approved	☐ Denied
Date: <u>October 11, 2004</u>			
CITY COUNCIL ACTION:	Required <u>YES</u>	☐ Approved	☐ Denied
Date: <u>November 02, 2004 (1st reading if recommended)</u>			

Comments: _____

BACKGROUND:

Property description: The subject property is currently a large agricultural field with several residential and accessory structures located upon it. The 11.73 acres was recently annexed as part

of the City Council's decision to annex all unincorporated areas surrounded by city limits (islands). The subject property was part of a 254-acre unincorporated area along Ruppel Road, north and south of Mt. Comfort Road. At the time of annexation, this area was zoned primarily to RSF-1, Residential Single Family, 1 DU/Acre, the ordinance citing that the highest and best use of the lands in question were not for agricultural or horticultural purposes. A portion of the island was zoned to R-A, Residential Agricultural, primarily that which is still utilized for cattle grazing and other agricultural purposes. The property is located east and south of Bridgeport S/D, north and west of existing large residential lots. Surrounding properties are zoned RSF-4 and RSF-1 and are developed, or being developed, as single residential homes. Bridgeport S/D Phase VII is currently under construction to the north of the subject property, is constructing a street stub-out to access the property from the north.

Proposal: The applicant proposes a rezoning of the subject property to facilitate the future development of a single family subdivision at a higher density than that allowed within the RSF-1 zoning district.

Request: The request is to rezone the subject property from RSF-1, Residential Single Family, 1 DU/Acre to RSF-4, Residential Single Family, 4 units per acre.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Bridgeport S/D, Phase VII (under construction)	RSF-4, Res. Single Family, 4 DU/acre R-A, Residential Agricultural
South	Agricultural/vacant land, SF homes	RSF-4, Res. Single Family, 4 DU/acre
East	Agricultural/vacant land, SF homes	RSF-1, Res. Single Family, 1 DU/acre
West	Bridgeport S/D (SF homes)	RSF-4, Res. Single Family, 4 DU/acre

INFRASTRUCTURE:

Streets: Currently the site has access to Newbridge Road (with construction of Bridgeport S/D) and Ruppel Road. At the time of development, Ruppel Road will need to be brought up to current standards along the property frontage. These improvements will include pavement, curb and gutter, storm drainage and sidewalks.

Water: The property has access to an 8" water main in the Bridgeport Phase 7 along the north side of this property. This main should be sufficient to provide service to most developments that could occur on the site. An extension of the water main will be required to provide water supply and fire protection within any development on this property.

Sewer: The site currently has access to an 8" sewer line along the north side of this property. A sewer main extension will need to be constructed to provide service to any development on this site. A capacity analysis may need to be conducted to

verify line capacity before the extension will be allowed.

Fire: The subject property is located 0.8 miles from Fire Station #7 on Ruppel Road. Fire response time is approximately 3 minutes. Projected service calls for the subject property, at maximum build-out of 46 dwelling units, is 9 calls per year.

Police: It is the opinion of the Fayetteville Police Department that this annexation will not substantially alter the population density and thereby undesirably increase the load on police services.

LAND USE PLAN: The Future Land Use Plan designates this site for Residential use. Rezoning this property to RMF-4 is consistent with the land use plan and is 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 rezoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans. Surrounding properties are residential and agricultural in nature, and development of new subdivisions is occurring directly to the north, with street stub-outs for connectivity planned. Bordering the property to the west are the backs of lots that within the same zoning district as that requested, creating a compatible and harmonious 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 and needed in order to allow for a similar density and lot configuration as those single family residential neighborhoods developed to the south, west and north.

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

Finding: The site currently has access to Ruppel Road, and a street connection to this arterial will likely be required for development of the subject property to allow for adequate access. Additionally, the property to the north is being developed (Bridgeport Phase VII) and provides a stub-out to the south, allowing for the only other access point for this property. Connectivity in the

form of street stub-outs will be expected in all cardinal directions, where deemed necessary and practical to ensure a safe and adequate means of access, allowing for traffic to disperse in a maximum number of ways.

Police – It is the opinion of the Fayetteville Police department that an appreciable increase and traffic danger and congestion will not be created by this rezoning request.

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

Finding: The proposed zoning would not substantially alter the population density in the area. With the proposed density, maximum of 46 dwellings units would be permitted, with a projected total of 101 future residents in the area. Additionally, future development on the site will require street improvements and shall conform to zoning and development standards of the Unified Development Code. Public service providers have responded accordingly:

Police – Individually, this rezoning will not substantially alter the population density thereby undesirably increasing the load on police services. Cumulatively, development in this area of the City continues to have an increased demand on police services and traffic congestion.

Fire – Response time to the subject property (actual drive time) is approximately 3 minutes (approx. 0.8 miles) from station #7 on Ruppel Road. Projected service calls for the subject property, at maximum build-out, is 9 calls per year.

Engineering – Currently the site has access to Newbridge Road (with construction of Bridgeport S/D) and Ruppel Road. At the time of development, Ruppel Road will need to be brought up to current standards along the property frontage. These improvements will include pavement, curb and gutter, storm drainage and sidewalks.

The property has access to an 8" water main in the Bridgeport Phase 7 along the north side of this property. This main should be sufficient to provide service to most developments that could occur on the site. An extension of the water main will be required to provide water supply and fire protection within any development on this property.

The site currently has access to an 8" sewer line along the north side of this property. A sewer main extension will need to be constructed to provide service to any development on this site. A capacity analysis may need to be conducted to verify line capacity before the extension will be allowed.

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

161.05 District Rsf-1, Residential Single-Family – One Unit Per Acre

(A) *Purpose.* A district having single-family detached residences on lots with a minimum size of one unit per acre. The district is designed to permit and encourage the development of very low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

(C) *Density.*

Units per acre	1
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(D) *Bulk and area regulations.*

Lot width minimum	150 ft.
Lot area minimum	43,560 sq. ft. (1 acre)
Land area per dwelling unit	43,560 sq. ft. (1 acre)

(E) *Setback requirements.*

Front	Side	Rear
35 ft.	20 ft.	35 ft.

(F) *Height regulations.*

Maximum building height	35 ft.
-------------------------	--------

(G) *Building area.* None.

(Code 1965, §160.44; Ord. No. 3792, §4, 5-17-94; Ord. No. 4100, §2 (Ex. A), 6-16-98)

161.07 District Rsf-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq. ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
25 ft.	8 ft.	20 ft.

(F) *Height.* None.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

↑



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

RECEIVED

OCT 05 2004

PLANNING DIV. POLICE DEPARTMENT

October 4, 2004

Dawn Warrick
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Warrick,

This document is in response to the request for a determination of whether the proposed Rezoning RZN 04-1223 (Tracy Hoskins, 361) submitted by Tracy K. and Lori C. Hoskins for Property located at 1719 Ruple Road would substantially alter the population density and thereby undesirably increase the load on public services or create an appreciable increase in traffic danger and traffic congestion.

It is the opinion of the Fayetteville Police Department that this annexation and rezoning will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

Individually, each of these annexations and rezonings do not necessarily substantially alter the population density, nor do they create and appreciable increase in traffic danger and congestion. The sum total presented over the years, however, has had a substantial impact on the demand for police services and has caused an appreciable increase in traffic congestion. Without the addition of police patrol personnel, these areas may see a lack of traffic enforcement or may experience situations where officers are delayed in answering many calls for service because of call volume exceeds the number of officers available to respond in a timely manner.

Sincerely,

A handwritten signature in black ink, appearing to read "William Brown", is written over the typed name.
Lieutenant William Brown
Fayetteville Police Department

**REQUEST FOR REZONING
COUNTY PARCEL NUMBER 001-11401-002
SUBMITTED BY TRACY K HOSKINS**

CURRENT OWNERSHIP

THE PROPERTY IS CURRENTLY OWNED BY FAMILY JEWELS, LLC. TRACY HOSKINS IS THE APPLICANT AND THE MANAGING MEMBER OF FAMILY JEWELS, LLC

REASON FOR REQUESTING ZONING CHANGE

THIS PROPERTY WAS RECENTLY ANNEXED INTO THE CITY OF FAYETTEVILLE AND ASSIGNED A ZONING DESIGNATION OF RSF-1. I WISH TO HAVE THE PROPERTY REZONED TO RSF-4 SO THAT I CAN PROCEED WITH THE SUBMITTAL OF A SMALL INFILL NEIGHBORHOOD.

SURROUNDING PROPERTIES, LAND USE, TRAFFIC, ETC...

THIS PROPERTY IS CURRENTLY BORDER BY THE FOLLOWING:

- NORTH - FUTURE PHASE OF BRIDGEPORT SUBDIVISION ZONED RSF-4
- WEST - BRIDGEPORT SUBDIVISION ZONED RSF-4
- EAST - OTHER PROPERTY RECENTLY ANNEXED AS RSF-1
- SOUTH - OTHER PROPERTY RECENTLY ANNEXED AS RSF-1

THE CITY'S FUTURE LAND USE DESIGNATES THIS PROPERTY TO BE ZONED RSF-4 IN KEEPING WITH THE SURROUNDING NEIGHBORHOODS.

THE PROPERTY WILL HAVE A FUTURE CONNECTION TO THE NORTH BY THE EXTENSION OF NEW BRIDGE ROAD FROM BRIDGEPORT AND CONNECTION WILL BE PROVIDED TO THE SOUTH FOR THE ADJACENT DEVELOPER, MARK FOSTER. RUPPLE ROAD IS LOCATED TO THE EAST OF THE PROPERTY AND MT COMFORT ROAD IS LOCATED TO THE NORTH

AT THIS TIME, THE EXACT APPEARANCE OF THE SUBDIVISION AND SIGNAGE IS NOT DETERMINED.

ACCESSIBILITY TO WATER AND SEWER

A 6 INCH WATER LINE IS LOCATED JUST NORTH OF THE PROPERTY AND WILL BE EASILY ACCESSED WITH THE EXTENSION OF NEW BRIDGE ROAD TO THE EAST. AN 8 INCH SEWER LINE WILL ALSO BECOME ACCESSIBLE WITH THE EXTENSION OF NEW BRIDGE ROAD TO THE EAST. THE DEVELOPERS OF BRIDGEPORT HAVE BEEN REQUIRED TO EXTEND A STREET CONNECTION ALONG WITH WATER AND SEWER TO MY NORTH PROPERTY LINE.

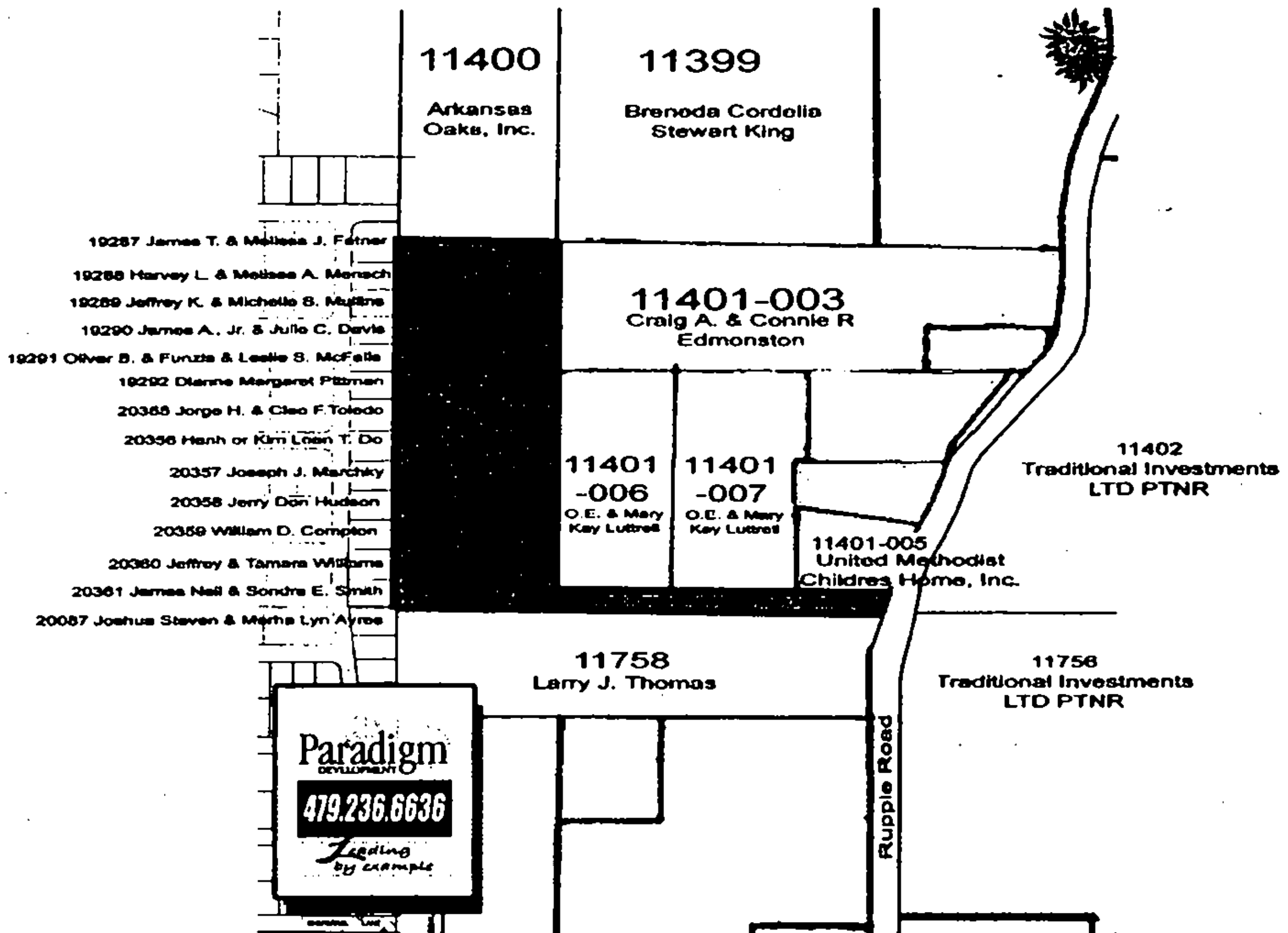
THE PROPOSED ZONING IS CONSISTENT WITH THE LAND USE PLANNING OBJECTIVES, PRINCIPLES AND POLICIES AND WITH LAND USE AND ZONING PLANS.

THE PROPOSED ZONING IS JUSTIFIED, AS THIS IS AN INFILL PROJECT AND SURROUNDED BY THE SAME TYPES OF DEVELOPMENT.

SHOULD THIS PROPERTY BE DEVELOPED TO ITS FULL RSF-4 ZONING, WHICH IS HIGHLY UNLIKELY, 41 ADDITIONAL SINGLE FAMILY LOTS WILL NOT APPRECIABLY INCREASE TRAFFIC DANGER OR CONGESTION.

A CITYWIDE SEWER STUDY HAS RECENTLY DETERMINED THAT THE CITY SEWER SYSTEM HAS AMPLE CAPACITY TO SERVE THIS DEVELOPMENT. AND THAT HOLCOMB AND HOLT SCHOOLS ARE NOT TO CAPACITY.

THIS PROPERTY IS IN AN AREA OF NEIGHBORHOODS OF SMALLER LOTS AND SMALLER HOUSES. IT IS IMPRACTICAL FOR THIS PROPERTY TO BE DEVELOPED AS RSF-1 WHICH TYPICALLY HAS ONE HOUSE PER ACRE; THESE HOUSES BEING LARGER AND TRADITIONALLY MORE EXPENSIVE. RSF-4 IS THE BEST USE FOR THE LAND, IN KEEPING WITH SURROUNDING PROPERTIES AND THE CITY'S FUTURE LAND USE.



Sep 30 2004 1:48PM METRO

(479) 443-3383

09/30/2004 15:02 479-575-8202

ENGINEERING C.O.F.

PAC

Page 3 of 3

File No.: 22002

EXHIBIT A

A part of the SW 1/4 of the SE 1/4 of Section 1, T-16-N, R-31-W, Washington County, Arkansas, being more particularly described as follows: Beginning at the SW corner of said 40 acre tract; thence N 00°35'50" W, 1074.45 feet; thence East 430.20 feet; thence South 1074.42 feet; thence West 419.00 feet to the point of beginning and containing 10.473 acres more or less.

Also:

A part of the SW 1/4 of the SE 1/4 of Section 1, T-16-N, R-31-W, Washington County, Arkansas, more particularly described as follows: Beginning at the SE corner of the SW 1/4 of the SE 1/4 of said Section 1, T-16-N, R-31-W; thence West 901.00 feet; thence North 60.00 feet; thence East 925.85 feet; thence S 22°30'00" W, 64.94 feet to the point of beginning and containing 1.238 acres, more or less. Subject to a perpetual right-of-way for ingress and egress and utilities.

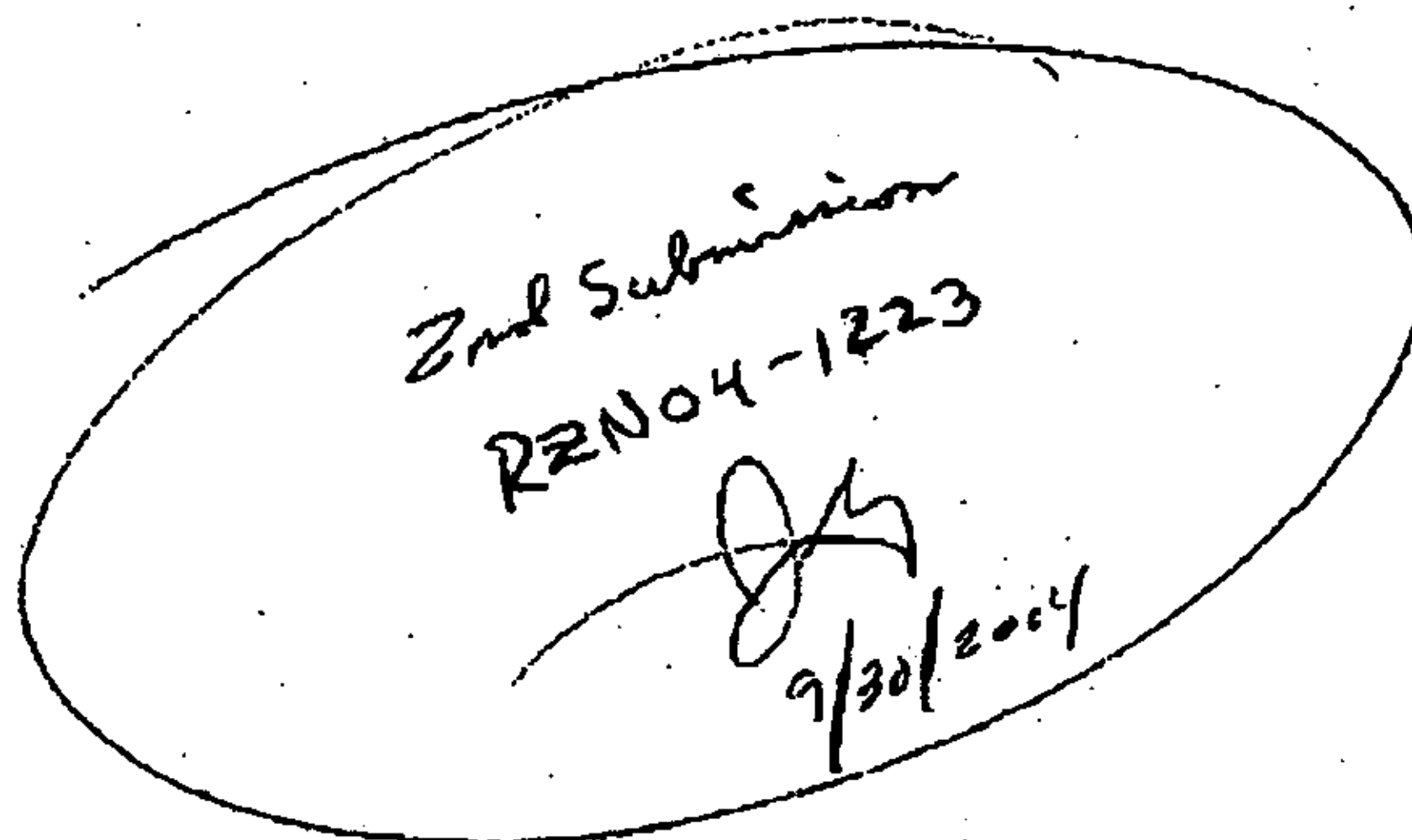


EXHIBIT "A"
PROPERTY TO BE REZONED
AS SUBMITTED BY THE APPLICANT

Applicant's Signature

ORDINANCE NO. 4588

**AN ORDINANCE TO ANNEX INTO THE CITY OF
FAYETTEVILLE, ARKANSAS SEVERAL PARCELS
COMPLETELY SURROUNDED BY THE INCORPORATED
LIMITS OF FAYETTEVILLE**

WHEREAS, the annexation policy of the City of Fayetteville adopted by the City Council is to annex those parcels of land which have become completely surrounded by the incorporated limits of Fayetteville; and

WHEREAS, after annexation into the City of Fayetteville, the inhabitants of those lands will be afforded the same services of police and fire protection and solid waste collection as current citizens of Fayetteville enjoy; and

WHEREAS, all of the lands identified in Exhibit A (map) and Exhibit B (legal descriptions) comply with at least one of the five requirements for annexation stated in A.C.A. §14-40-302; and

WHEREAS, at the time of the adoption of this ordinance, the highest and best use of these lands is NOT for agricultural or horticultural purposes.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby annexes into the City of Fayetteville, Arkansas the lands identified in Exhibit A (map) and Exhibit B (legal description).

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby assigns the zoning of these lands to be RSF-1, Residential Single Family, one unit per acre except for parcels identified as numbers 001-11380-001 and 001-11399-000 which are assigned the zoning of RA, Residential Agricultural.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby assigns the parcels identified as numbers 001-10695-000; 001-10677-002, 001-11176-000, 001-11176-002, 001-11177-000; 001-10757-001, (also: 765-13158-001), 001-10763-000, 001-10764-000, 765-13156-000, and 001-10800-000 to Ward 1.

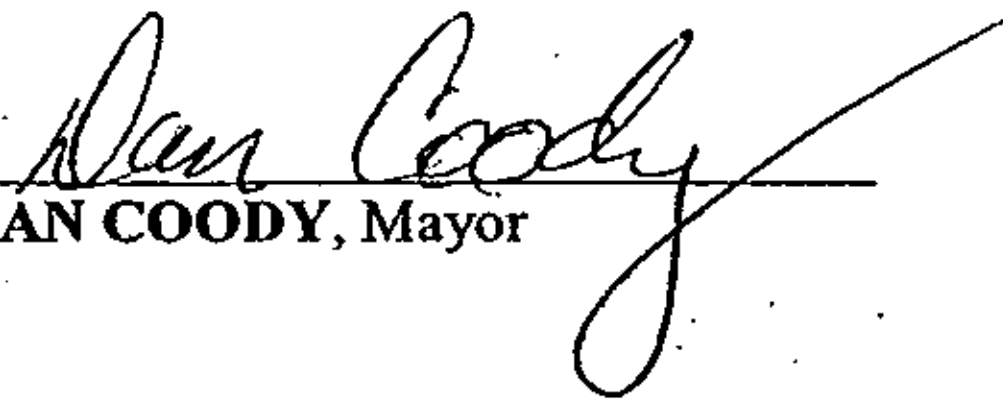
Section 4: That the City Council of the City of Fayetteville, Arkansas hereby assigns the parcels identified as numbers 001-16815-000, 001-16828-000, 765-16658-020, 765-16658-000; 001-16823-000 (also: 765-13599-000), 001-16823-001, 001-16823-002 (also: 765-13599-001), 001-16825-001, 001-16826-000, 001-16826-001; 001-11381-000, 001-11380-002, 001-11380-010, 001-11380-001, 001-11399-000, 001-11380-021, 001-11380-011, (also: 765-13649-010), 001-11380-020, 001-11396-000, 001-11396-010, 001-11394-000, (also: 765-13649-000),



001-11398-000, (also: 765-13648-000), 001-11395-000, 001-11397-000, 001-11401-000, 001-11401-001, 001-11401-002, 001-11401-003, 001-11401-004, 001-11401-005, 001-11401-006, 001-11401-007, 001-11402-000, 001-11756-000, 001-11766-000, 001-11757-000, 001-11758-000, 001-11762-000, 001-11760-001, 001-11765-000, 001-11765-001, 001-11763-000, 001-11764-000, 001-11830-000; 765-16177-001, 765-21425-000 to Ward 4.

PASSED and **APPROVED** this 20th day of July, 2004.

APPROVED:

By: 
DAN COODY, Mayor

ATTEST:

By: 
SONDRA SMITH, City Clerk





Group 3, Description 8

0 295 590 1,180 1,770 2,360 Feet

Date of Imagery: Feb. 14, 2000



Outside City of Fayetteville



Area to be Annexed

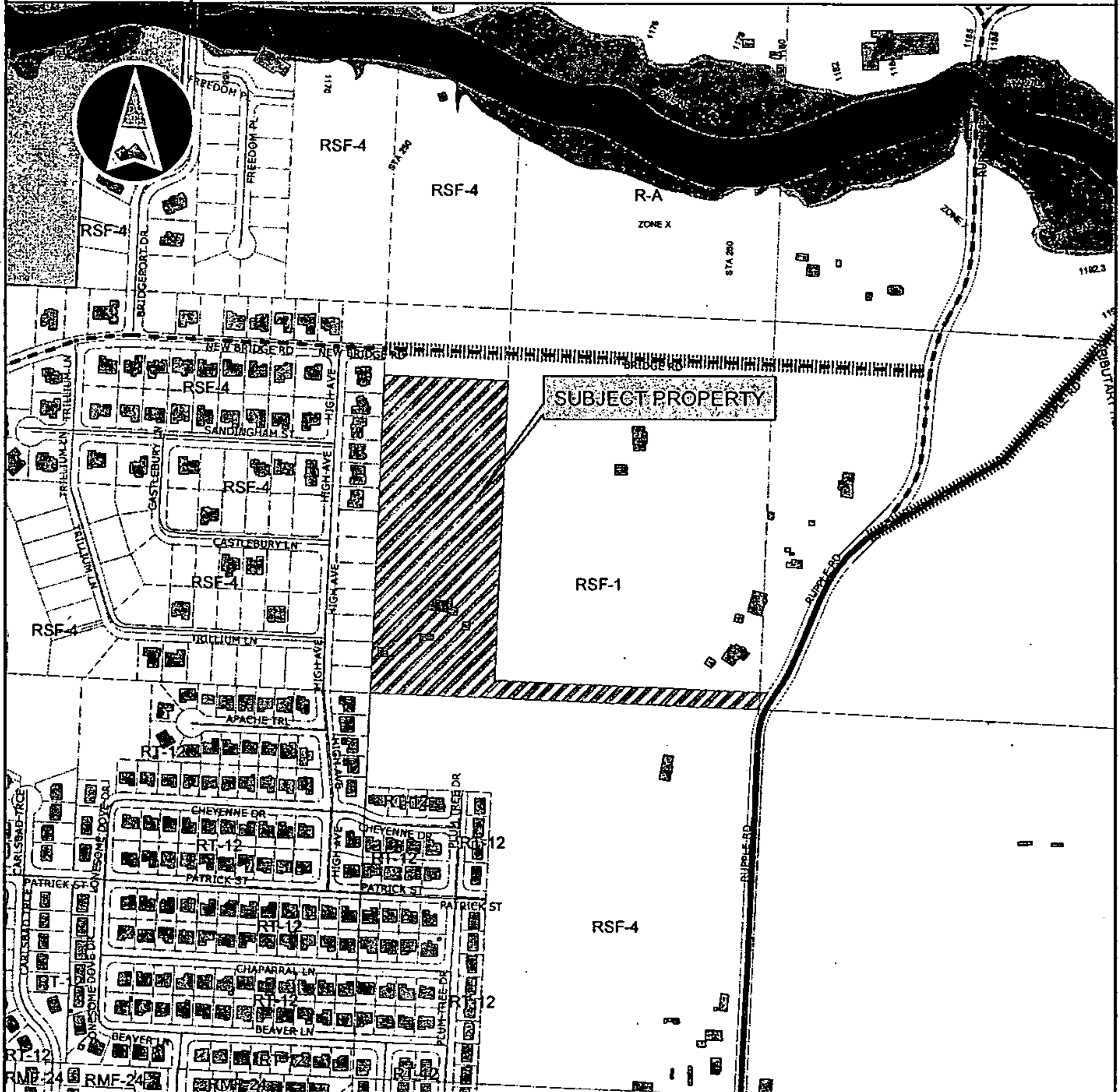
○ City Service

WSS = Water, Sewer, Solid Waste (respectively)
X = NO SERVICE

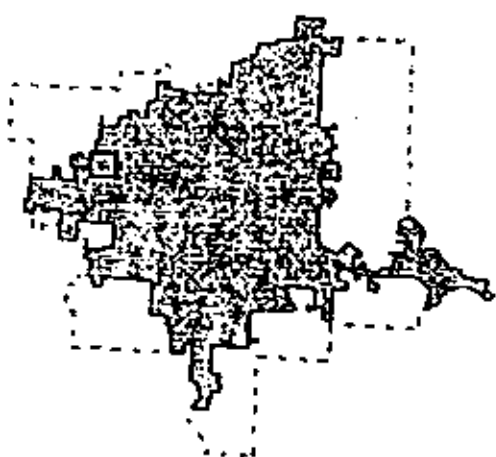
RZN04-1223

Close Up View

TRACY HOSKINS



Overview



Legend

- | | | |
|------------------------|------------------------|---------------------|
| ○○○○○ Overlay District | ▬ Principal Arterial | — FLOODWAY |
| Master Street Plan | ▬ Minor Arterial | — 100 YEAR |
| Master Street Plan | ▬ Collector | — 500 YEAR |
| ▬ Freeway/Expressway | ●●● Historic Collector | — LIMIT OF STUDY |
| | | — Base Line Profile |
| | | ▨ RZN04-1223 |
| | | ▭ Fayetteville |
| | | ▨ Outside City |

0 175 350 700 1,050 1,400 Feet

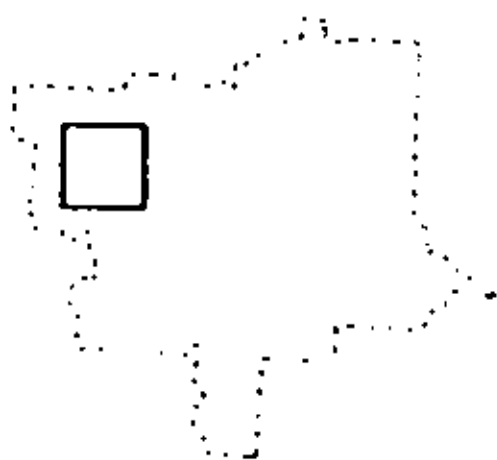
RZN04-1223

One Mile View

TRACY HOSKINS



Overview



Legend

Streets Streets

- Existing
- ||||| Planned

Subject Property

- RZN04-1223

Boundary

- ~ Planning Area
- Overlay District
- Outside City

Master Street Plan

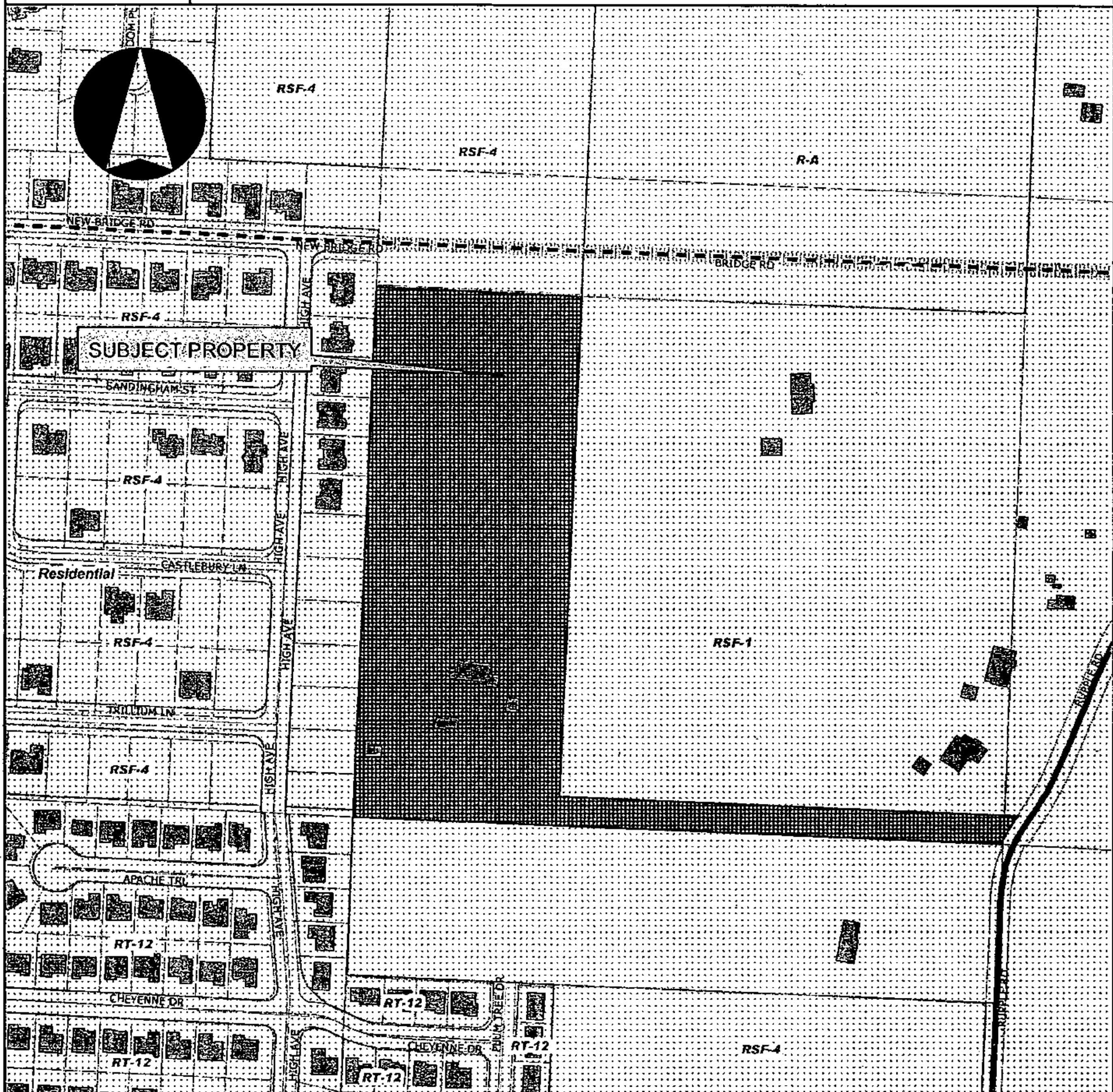
- ▬ Freeway/Expressway
- ▬ Principal Arterial
- ▬ Minor Arterial
- ▬ Collector
- Historic Collector

0 0.1 0.2 0.4 0.6 0.8 Miles

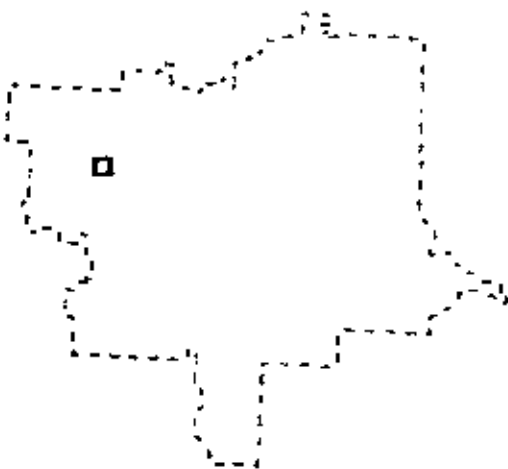
RZN04-1223

Future Land Use

TRACY HOSKINS



Overview



Legend

Subject Property

RZN04-1223

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0 100 200 400 600 800 Feet

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

 x AGENDA REQUEST

For the Fayetteville City Council Meeting of:

November 2, 2004

FROM:

Dawn T. Warrick

Planning

CP&E

Name

Division

Department

ACTION REQUIRED: Ordinance approval.

SUMMARY EXPLANATION:

RZN 04-1223 was submitted by Tracy Hoskins for property located at 1719 N. Ruppel Road containing approximately 11.73 acres, more or less. The request is to rezone the subject property from RSF-1, Residential Single Family, one unit per acre; to RSF-4, Residential Single Family, four units per acre.

STAFF RECOMMENDATION: Approval.

Division Head

Date

[Signature]
City Attorney

10-20-04

Date

Received in Mayor's Office

10-15-04 JLM
Date

Department Director

Date

[Signature]
Department Director

10-15-04

Date

Cross Reference:

Finance & Internal Services Dir.

Date

[Signature]
Finance & Internal Services Dir.

10-20-04

Date

Previous Ord/Res#:

Chief Administrative Officer

Date

[Signature]
Chief Administrative Officer

10-19-04

Date

Orig. Contract Number:

Mayor

Date

[Signature]
Mayor

10/20/04

Date

New Item:

Yes

No

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Tim Conklin, Community Planning and Engineering Services Director *T. C.*

From: Dawn T. Warrick, AICP, Zoning and Development Administrator *DW*

Date: October 11, 2004

Subject: Rezoning request for Conner Law Firm (RZN 04-1225)

RECOMMENDATION

Planning Staff recommends approval of an ordinance rezoning approximately 0.78 acres of property from RSF-4, Residential Single Family – 4 units per acre, to R-O, Residential Office.

BACKGROUND

The 0.78-acre subject property is located north of Huntsville Road at 3398 E. Huntsville Rd, east of Crossover Road. The property zoned RSF-4 and developed for single family residential use. Adjacent properties are developed for residential use, with single family dwellings located to the south and west. A manufactured home park containing approximately 62 units is located to the north and east on property zoned RMF-24. The Future Land Use Plan identifies this area as Residential.

The applicant is requesting the property be rezoned from RSF-4, Residential Single Family – 4 units per acre, to R-O, Residential Office. The applicant proposes improvements to an existing single family dwelling for a law firm practice.

Staff recommends approval of rezoning the subject property R-O. Rezoning the property to R-O is appropriate to allow and even encourage low impact office development in Residential areas.

DISCUSSION

This item was heard at the regular Planning Commission on October 11, 2004. Due to delayed notification, the Planning Commission voted 7-0-0 to table the request to the next regular meeting on October 25, 2004. In order to prevent the applicant from being delayed in the review process, staff forwarded this item to be heard by the City Council on November 02, 2004 with Council materials to be supplemented to include final actions by the Planning Commission.

BUDGET IMPACT

None.



ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED
IN REZONING PETITION RZN 04-1225 AS SUBMITTED BY
ROBERT JEFF CONNER FOR PROPERTY LOCATED AT 3398 E.
HUNTSVILLE ROAD CONTAINING APPROXIMATELY 0.78
ACRES FROM RSF-4, RESIDENTIAL SINGLE FAMILY, FOUR
UNITS PER ACRE TO R-O, RESIDENTIAL OFFICE.

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

Section 1: That the zone classification of the following described
property is hereby changed as follows:

From RSF-4, Residential Single-Family, 4 Units Per Acre to R-O, Residential
Office as shown in Exhibit "A" attached hereto and made a part hereof.

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

PASSED AND APPROVED this _____ day of _____, 2004.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Sondra Smith, City Clerk

EXHIBIT "A"
RZN 04-1225

A PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION THIRTEEN (13). TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, WASHINGTON COUNTY ARKANSAS, DESCRIBED AS FOLLOWS: FROM THE NORTHWEST CORNER OF THE SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER. GO SOUTH 01°12'00" EAST 514.91 FEET TO THE POINT OF BEGINNING OF TRACT BEING DESCRIBED, THEN GO SOUTH 87°16'06" EAST 135.00 FEET. SOUTH 00°00'47" EAST 251.00 FEET TO THE NORTH RIGHT OF WAY OF ARKANSAS STATE HIGHWAY 16. THEN GO ALONG THE RIGHT OF WAY NORTH 87°11'48" WEST 135.01 FEET, THEN LEAVING RIGHT OF WAY GO NORTH 00°00'47" WEST 250.83 FEET TO THE POINT OF BEGINNING CONTAINING 0.78 ACRES.

DRAFT



PC Meeting of October 11, 2004

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Suzanne Morgan, Associate Planner
THRU: Dawn Warrick, AICP, Zoning & Development Administrator
DATE: October 06, 2004

RZN 04-1225: Rezoning (CONNER LAW FIRM, 529): Submitted by ROBERT JEFF CONNER for property located at 3398 E HUNTSVILLE ROAD. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 0.78 acres. The request is to rezone the subject property to R-O, Residential Office. Planner: SUZANNE MORGAN

RECOMMENDATION:

Staff recommends rezoning the subject property to R-O, Residential Office, based on findings found herein:

PLANNING COMMISSION ACTION:	Required <u>YES</u>	☐ Approved	☒ Denied
Date: <u>October 11, 2004</u>			
CITY COUNCIL ACTION:	Required <u>YES</u>	☐ Approved	☒ Denied
Date: <u>November 02, 2004 (1st reading if recommended)</u>			

BACKGROUND:

Property description: The 0.78-acre subject property is located north of Huntsville Road, east of Crossover Road. The property is currently developed for single family residential and is adjacent to single family dwellings to the south and west. A manufactured home park containing approximately 62 units is located to the north and east on property zoned RMF-24.

Request: The applicant is requesting the property be rezoned from RSF-4, Residential Single Family – 4 units per acre, to R-O, Residential Office. The applicant proposes improvements to an existing single family dwelling for a law firm practice.

Recommendation: Staff recommends approval of rezoning the subject property R-O based on the findings included herein.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Manufactured Home Park (62 units)	RMF-24, Res. Multi-family – 24 units/acre
South	Single family dwellings	RSF-4, Res. Single-family – 4 units/acre R-A, Residential Agriculture
East	Manufactured Home Park (62 units)	RMF-24, Res. Multi-family – 24 units/acre
West	Single family dwellings	RSF-4, Res. Single-family – 4 units/acre

INFRASTRUCTURE:

Streets: Currently the site has access to Highway 16. At the time of development, this street will need to be brought up to current standards along the property frontage. These improvements may include pavement, curb and gutter, storm drainage and sidewalks.

Surrounding Master Street Plan Streets:

North: E. Wyman Rd. (Collector)

South: E. Huntsville Rd. (Principal Arterial)

East: None

West: None

Water: The property has access to an 8" water main along the south side of this property. This main should be sufficient to provide service to most developments that could occur on the site. An extension of the water main will be required to provide water supply and fire protection within any development on this property.

Sewer: The site currently has access to 6" sewer lines around the property. A capacity analysis will need to be conducted at the time of development to verify line capacity before the extension will be allowed.

Fire: The subject property is located 2.1 miles from Fire Station #5, with an estimated 5 minute response time. The property is located 1.2 miles and 2-3 minutes from the proposed Fire Station #3.

Police: It is the opinion of the Fayetteville Police Department that this annexation and rezoning will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

LAND USE PLAN: General Plan 2020 designates the site as **Residential**.

FINDINGS OF THE STAFF

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

Finding: The Future Land Use map designates the subject property as Residential. In the past, the use on the property has been consistent with this designation. The proposed zoning for Residential Office will not only permit residential uses, but professional offices and studios as well. It is appropriate to allow and evenly encourage low impact office development in Residential areas as a means of providing necessary services close to an established population base.

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

Finding: The location and potential uses of the property justify rezoning the property R-O at this time. That the subject property is located north of Huntsville Road, a major thoroughfare, and adjacent to property zoned RMF-24 and developed as a manufactured home park creates a unique situation for this site. A Residential Office zoning allows uses transitional and compatible between RMF-24 and RSF-4 uses. The proposed office use will not substantially increase traffic on the adjacent highway, nor will it change the character of the surrounding neighborhood.

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

Finding: The police department has determined the proposed zoning will not substantially alter the population density to create an undesirable affect on services.

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 approximately 0.78-acre tract is currently developed for one single-family residential dwelling. Rezoning the property to the proposed R-O zoning designation will increase the potential density and uses permitted for development.

Increased load on public services were taken into consideration and recommendations from Engineering, Fire, and Police Departments are included in this report.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

161.07 District Rsf-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq. ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
25 ft.	8 ft.	20 ft.

(F) *Height.* None.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

161.15 District R-O, Residential Office

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 11	Manufactured home park
Unit 12	Offices, studios and related services
Unit 25	Professional offices

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 13	Eating places
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Bulk and area regulations.*

(Per dwelling unit for residential structures)

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouses:	
Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	6,500 sq. ft.
Three or more	8,000 sq. ft.
Fraternity or Sorority	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Townhouses & apartments:	
No bedroom	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	1,200 sq. ft.
Fraternity or Sorority	500 sq. ft. per resident

(D) *Density.*

Units per acre	4 to 24
----------------	---------

(E) *Setback regulations.*

Front	30 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	10 ft.
Side, when contiguous to a residential district	15 ft.
Rear, without easement or alley	25 ft.
Rear, from center line of public alley	10 ft.

(F) *Height regulations.* There shall be no maximum height limits in R-O Districts, provided, however, that any building which exceeds the height of 20 feet shall be set back with any boundary line of any RSF or RMF District an additional distance of one foot for each foot of height in excess of 20 feet.

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



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

RECEIVED

C. 7
RZN 04-1225 (Conner)
Page 10 of 20

OCT 05 2004

PLANNING DIV.

POLICE DEPARTMENT

October 4, 2004

Dawn Warrick
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Warrick,

This document is in response to the request for a determination of whether the proposed Rezoning RZN 04-1225 (Conner Law Firm, 529) submitted by Robert Jeff Conner for Property located at 3398 E. Huntsville Road would substantially alter the population density and thereby undesirably increase the load on public services or create an appreciable increase in traffic danger and traffic congestion.

It is the opinion of the Fayetteville Police Department that this annexation and rezoning will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

Sincerely,

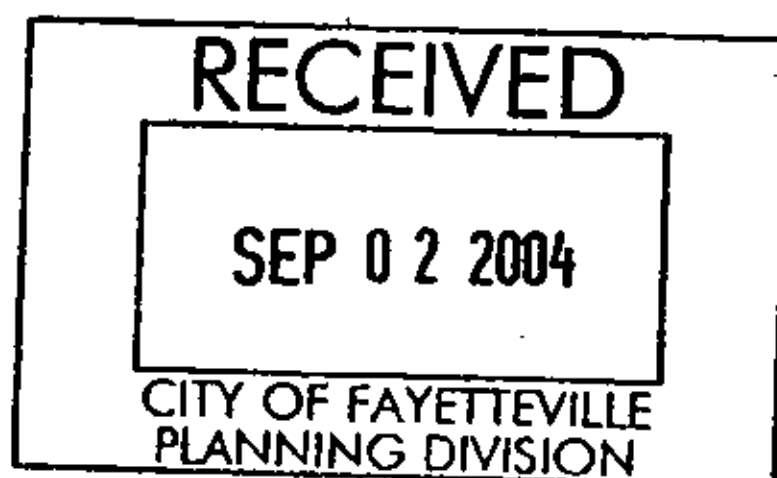
A handwritten signature in black ink, appearing to read "William Brown".
Lieutenant William Brown
Fayetteville Police Department

Item	Subdivision	Annexation	Acres	Closest Fire Station	Distance from Fire Station	Response Time to Proposal area	Projected Response Time to Proposal Area at Maximum Build Out	Projected Calls for Service at Maximum Build Out	Projected Fire/Other Calls for Service at Maximum Build Out	Projected EMS Calls for Service at Maximum Build Out
ANX 04-1212	HARPER	YES	2.68	FS 4	4.0 miles	9-11 mins.	9-11 mins.			
RZN 04-1213	HARPER							2	1	1
RZN 04-1219	HANCOCK			FS 7	1.7 miles	4-5 mins.	4-5 mins.	14	6	8
RZN 04-1221	SCOTT			FS 5	2.6 miles	6 mins.	6 mins.	2	1	1
RZN 04-1223	HOSKINS			FS 7	0.8 miles	3 mins.	3 mins.	9	3	6
RZN 04-1225	CONNER			FS 5	2.1 miles	5 mins.	5 mins.	N/A		
RZN 04-1225	CONNER			Proposed FS 3	1.2 miles	2-3 mins.	2-3 mins.	N/A		

★ ★

WRITTEN DESCRIPTION OF REQUEST FOR REZONING

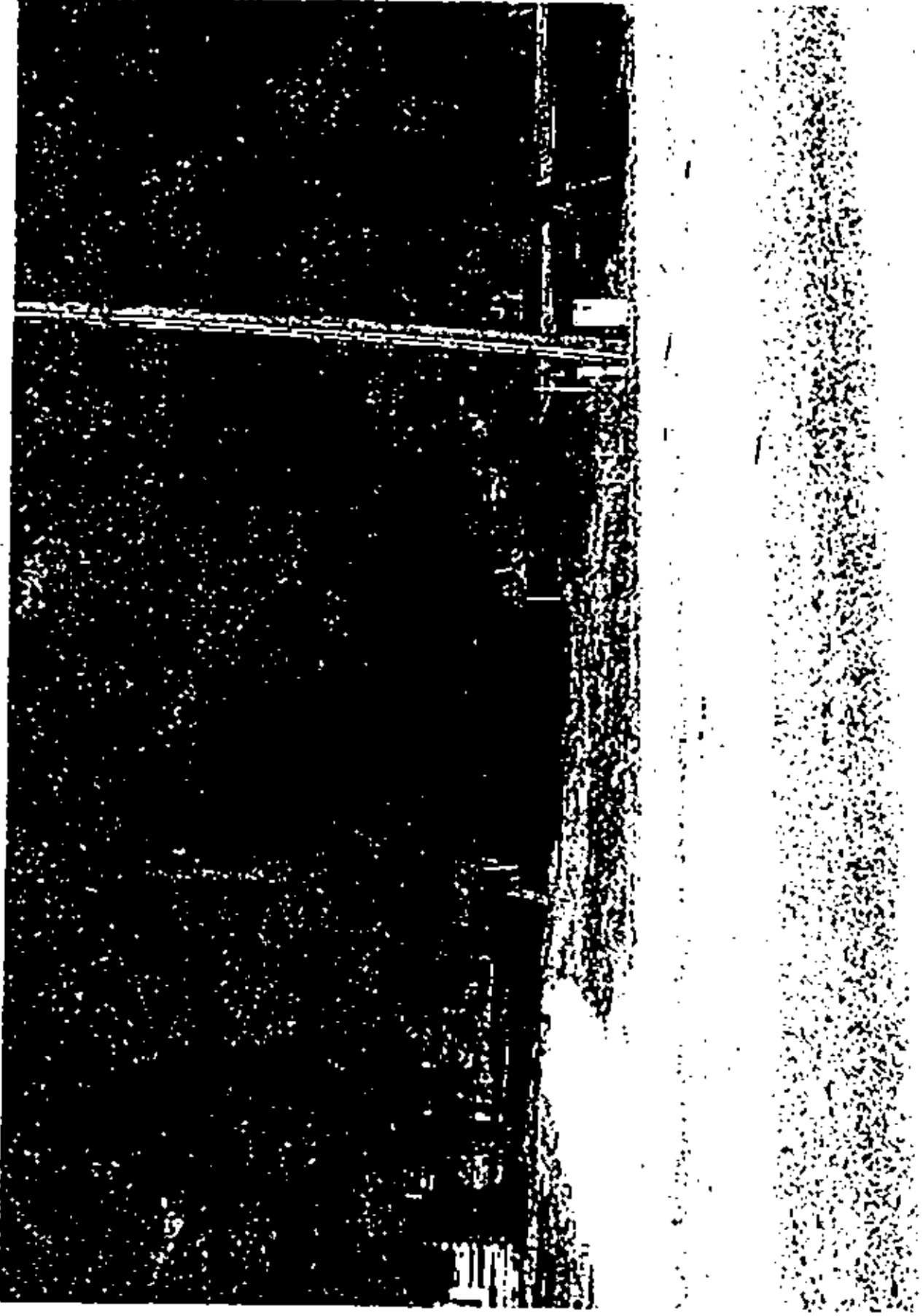
The property in question, which is located at 3398 E. Hunstville Road, also known as 3398 Highway 16 East, is owned by my wife and I, Robert J. and Catherine L. Conner. We purchased this property on August 27, 2004, for the specific purpose of moving my law practice, the Conner Law Firm, into the residential building that exists at this address. (A log cabin reportedly constructed in 1916.) We must have the property rezoned to residential office to permit us to do this. Our use of this property will not substantially change its appearance and/or relationship to the surrounding area. If anything, our occupation of the property should enhance both the appearance and possibly the property values of the neighborhood. The property is bordered to the east and north by a multi-unit mobile home park. A vacant, wooded lot borders the west of the property, and the south side of the property borders highway 16 east. There is a barbershop (Joanne's) located very close to this property on the same side of the highway. There are also flea markets, an automotive body shop, an automotive sales lot, a bait store, Dr's offices and a restaurant all within .8 of one mile in either direction on the same highway. There are only three people who work at the Conner Law Firm, including myself. Being a small office, we seldom have more than a singular client at the office at one time, so I do not believe we will contribute in any significant manner to an increase in traffic in the area. I would think that if the property were actually rented as a residential unit to college students, which would ostensibly be permitted under current zoning, traffic at the property could be greater than what I propose. I think this would be equally true if I moved my family into this property, as I have two children of driving age. Again, I would anticipate that our occupation of the property will not substantially change the use of this land, or change its appearance, other than some minor gardening, maintenance and lawn care we intend to perform. We do intend to submit an application to place a sign at the front of the property, but the sign will be very similar, if not identical, to most "for sale" signs placed on properties by realtors in the area. It will be professionally designed and constructed, and will hopefully be complimentary to the architecture of the antiquated log cabin. Both city water and sewer are located across the front of the property and both are provided through 6" lines. Attached hereto is a diagram from the City Engineering Department, which identifies the sewer and water lines. I personally believe that it would be impractical to use the land for any of the uses permitted under its existing zoning, as the home is located on a rather heavily trafficked major thoroughfare and is practically surrounded by a mobile home park.



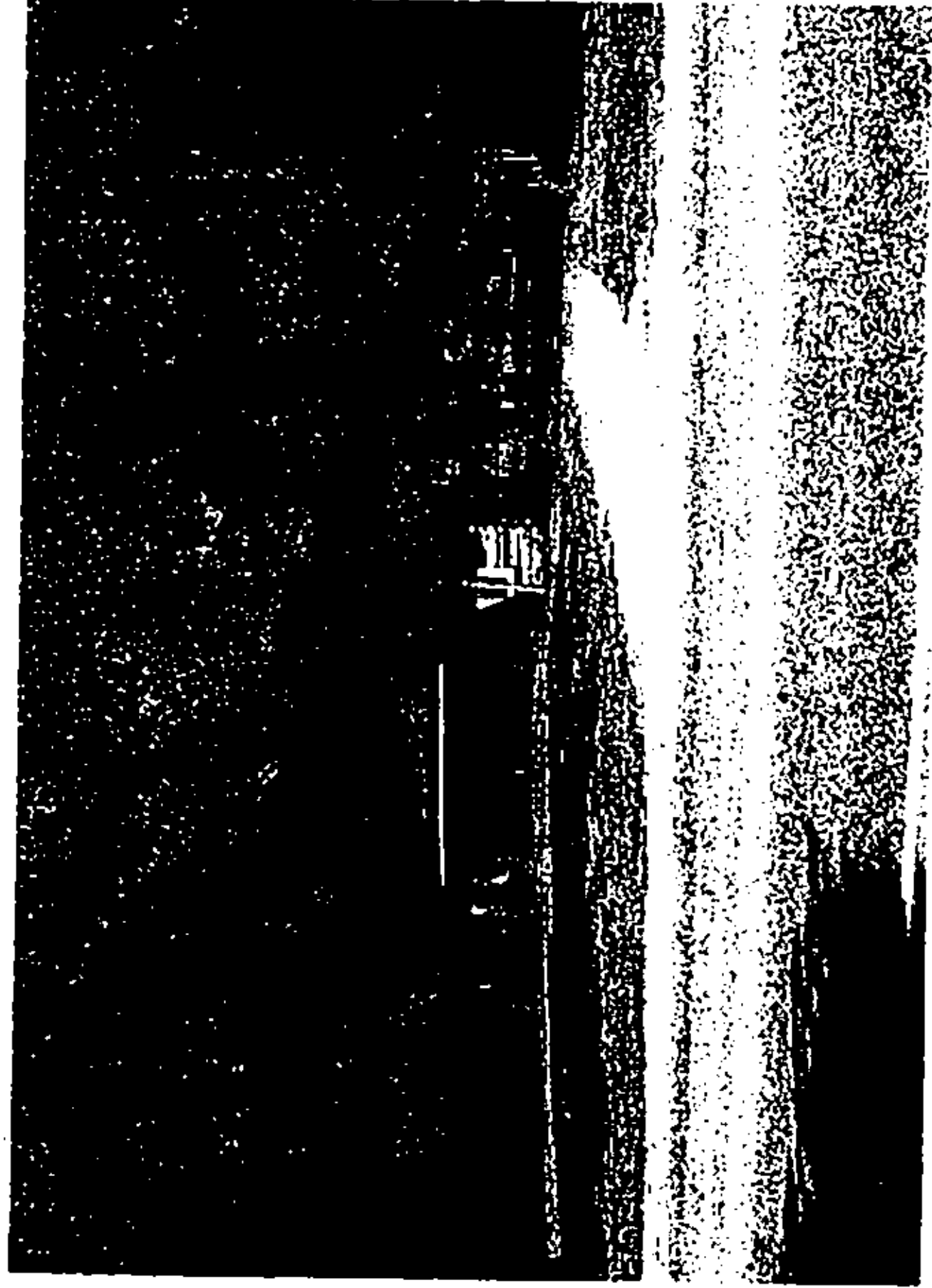
Neighbor due East to 3398



E. property Boundary

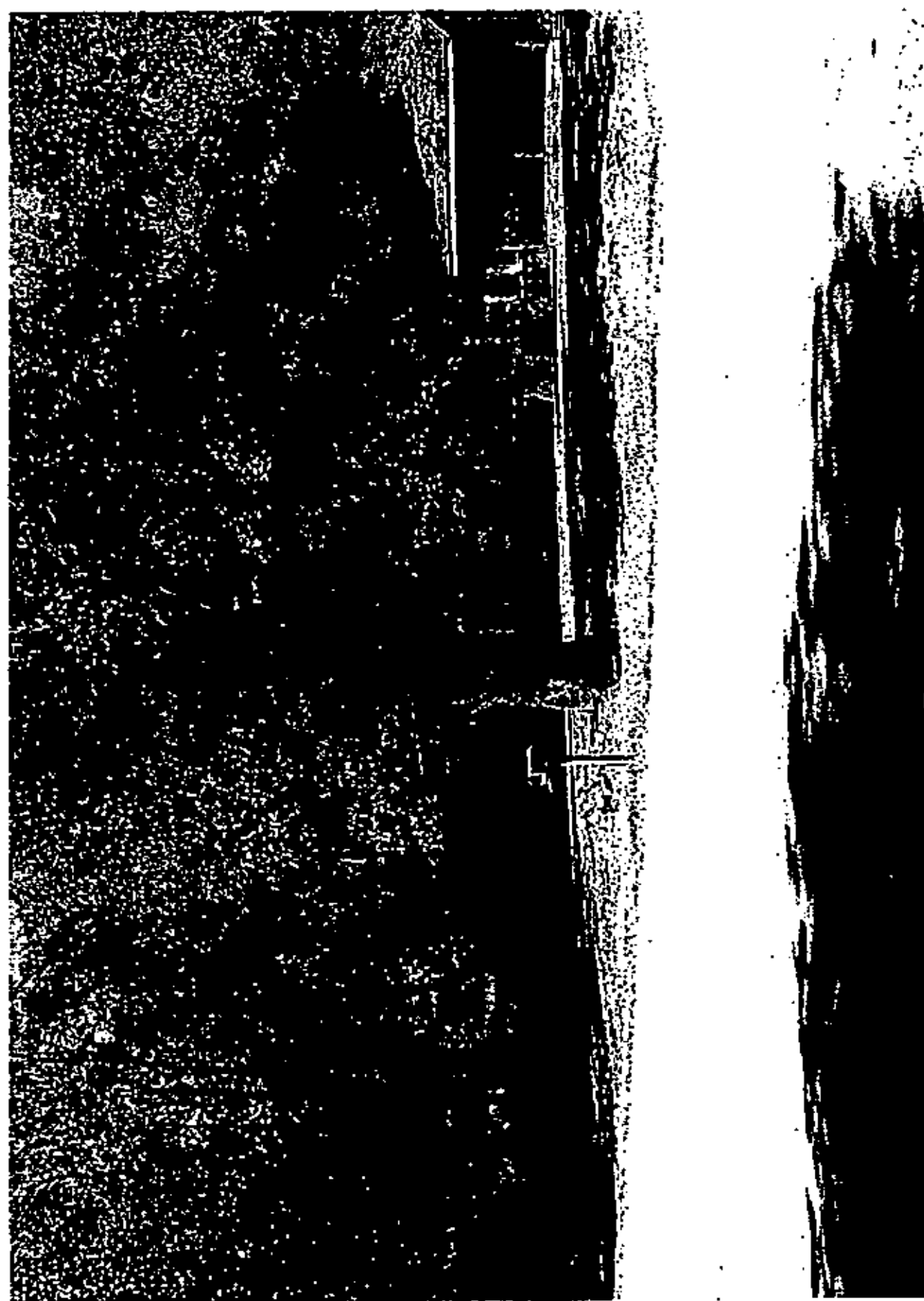


View across street from 3398



3398 E. Huntsville Rd J

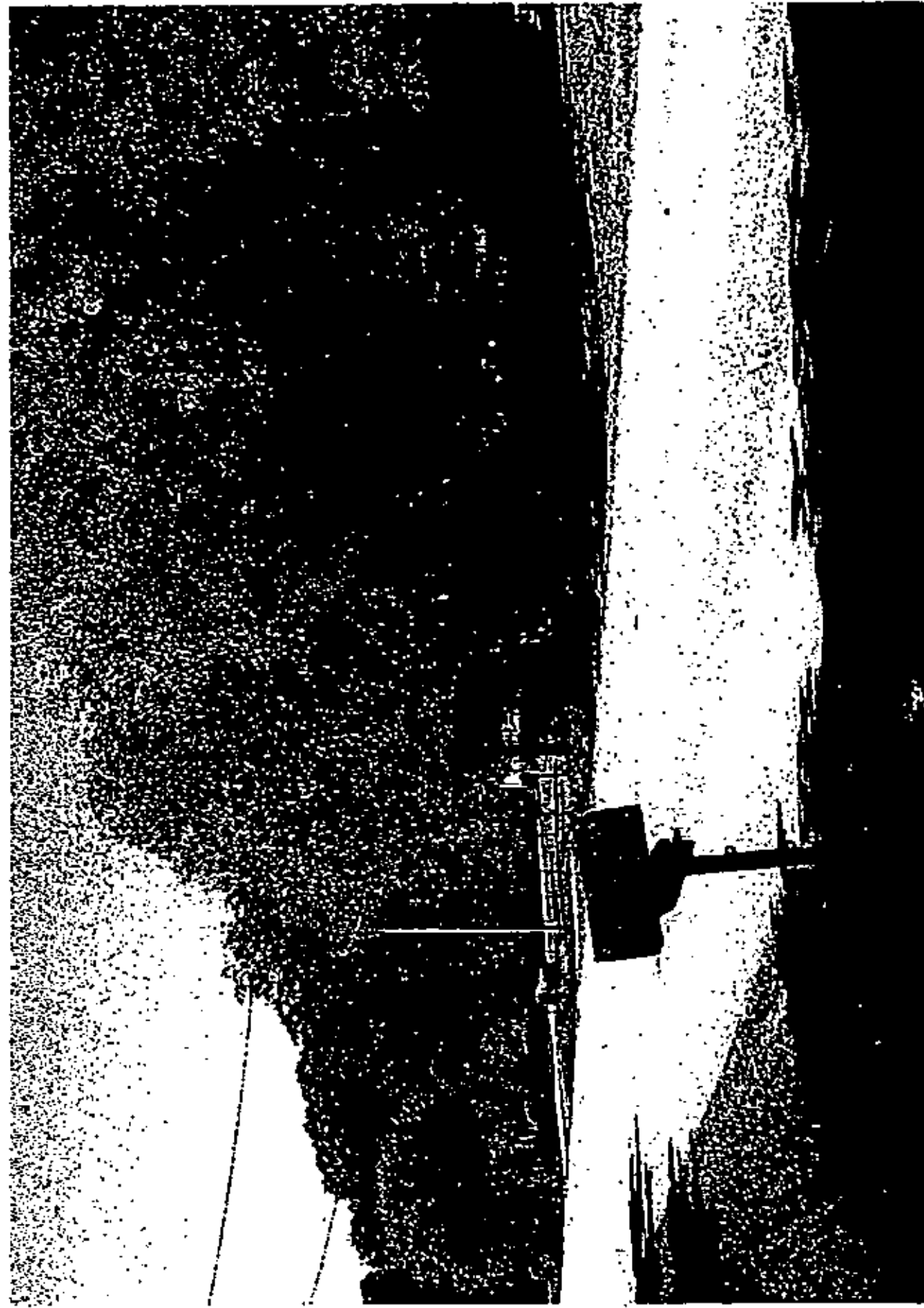
3398 E. Huntsville



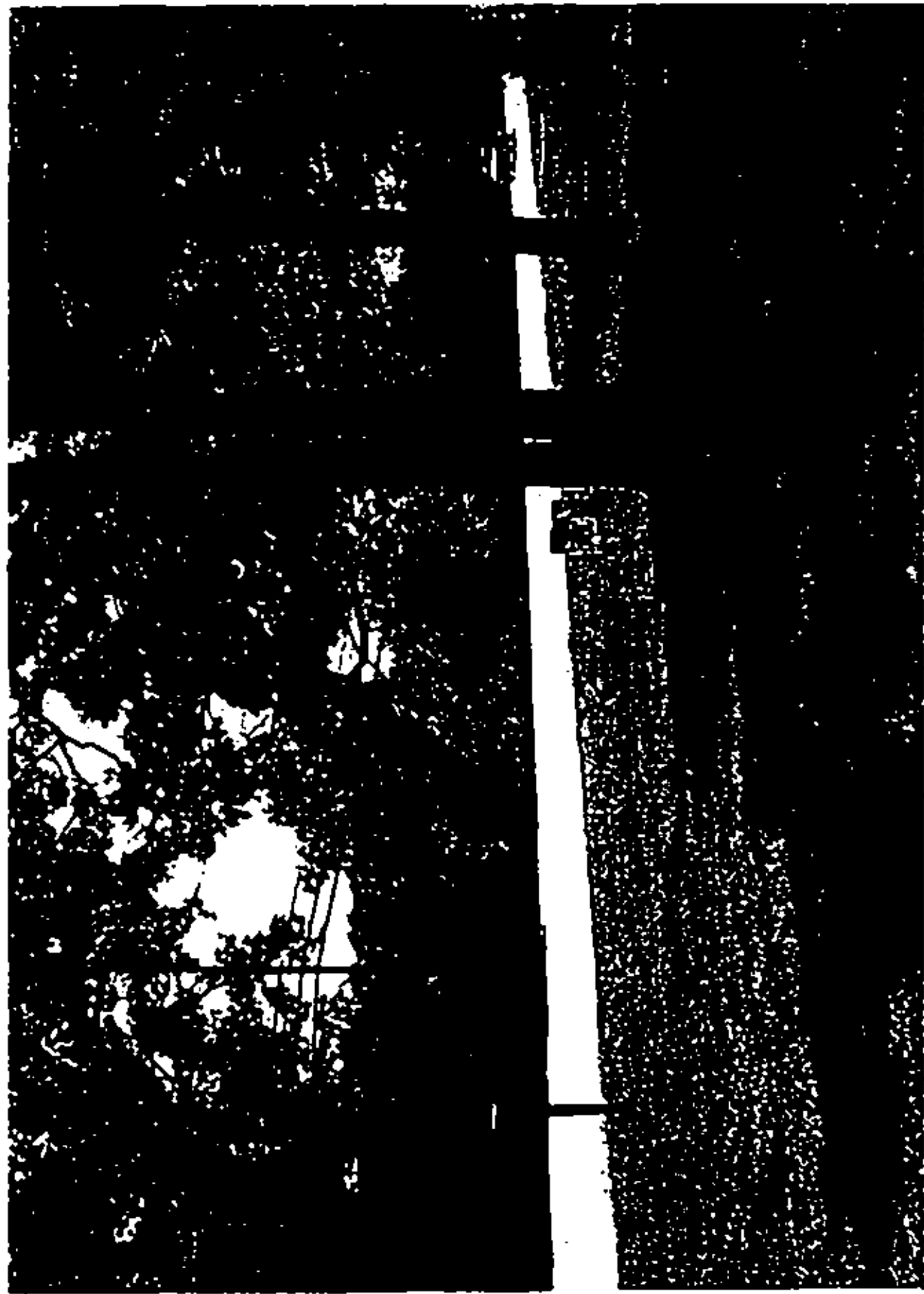
View to West from across st. of 3398



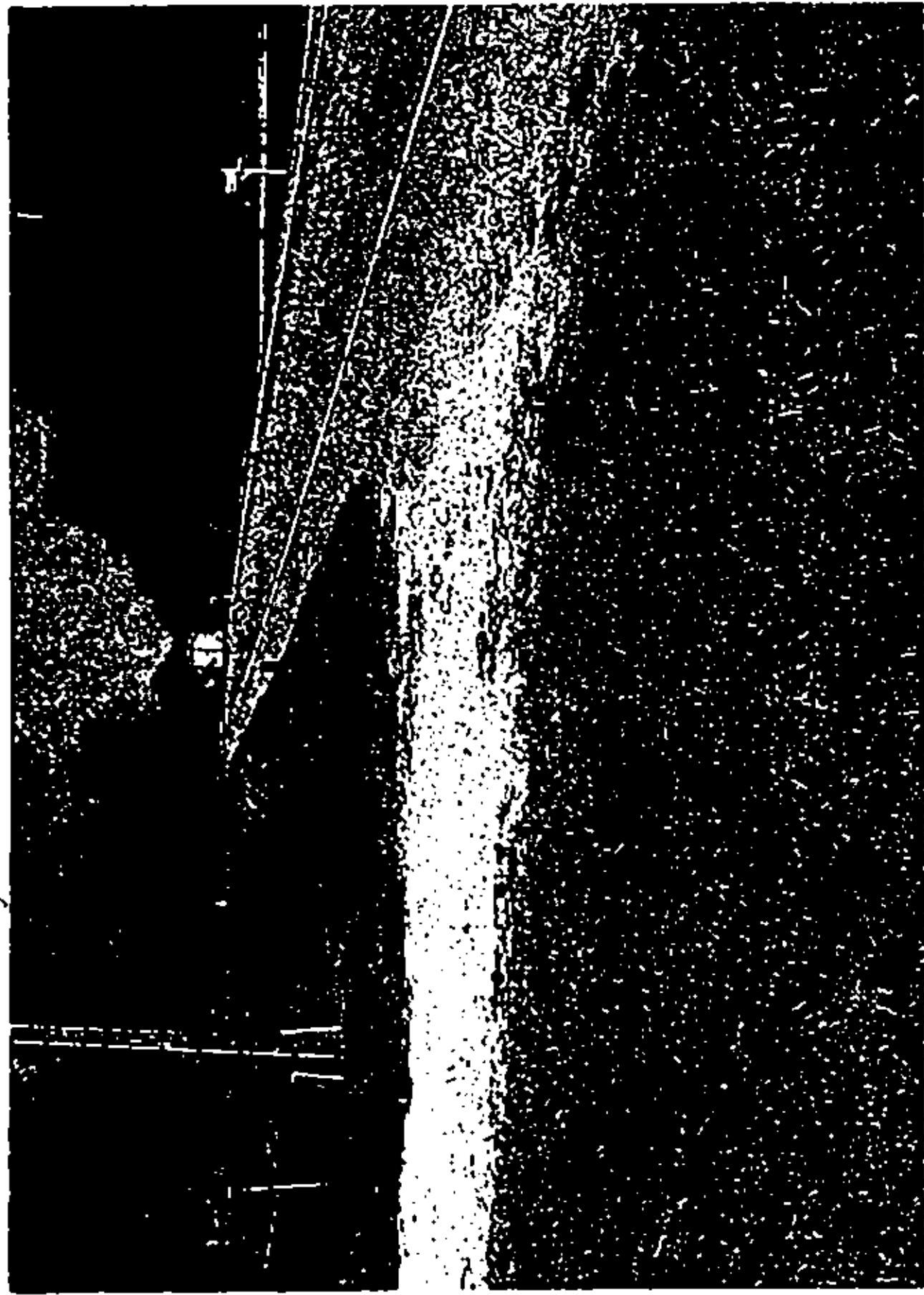
Neighbor to East.



View to West from front of 3398



Viewing East from 3398

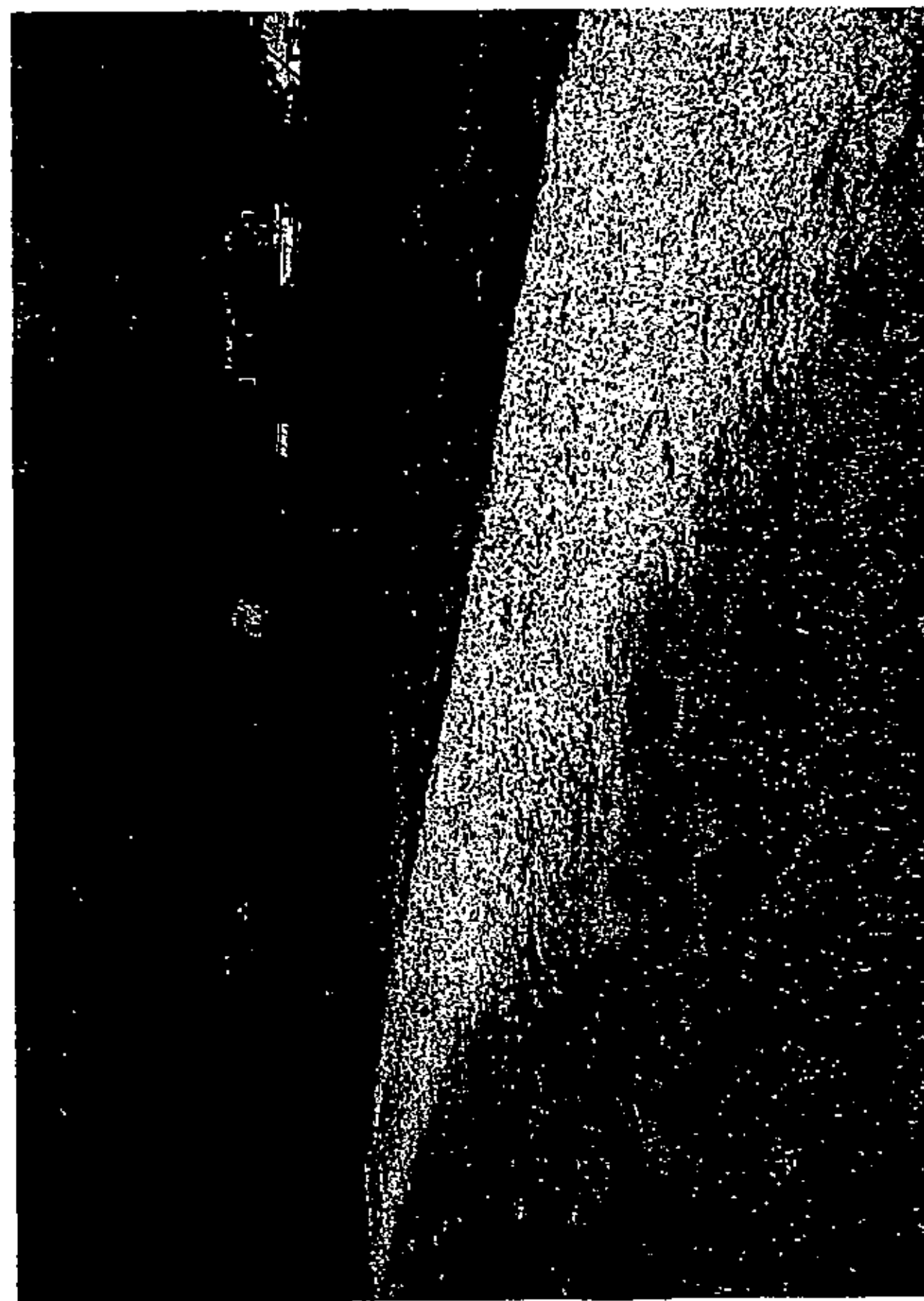


View East from across street of 3398



Across street + to East of 3398

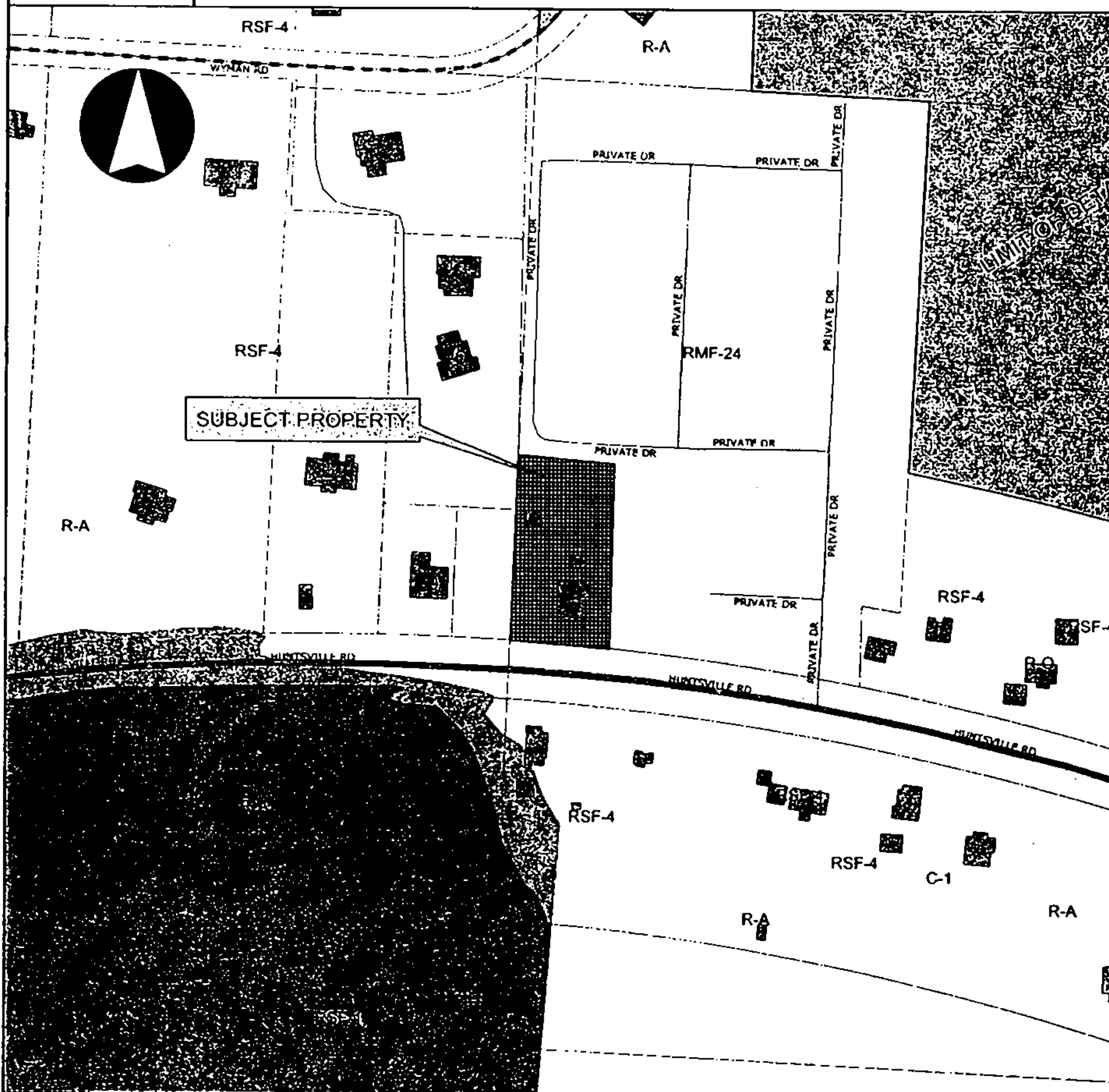
Business located east of 3398 Houtsville Rd.



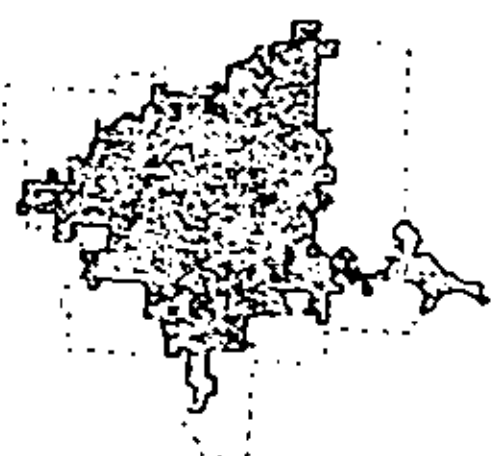
RZN04-1225

Close Up View

CONNER LAW FIRM



Overview



Legend

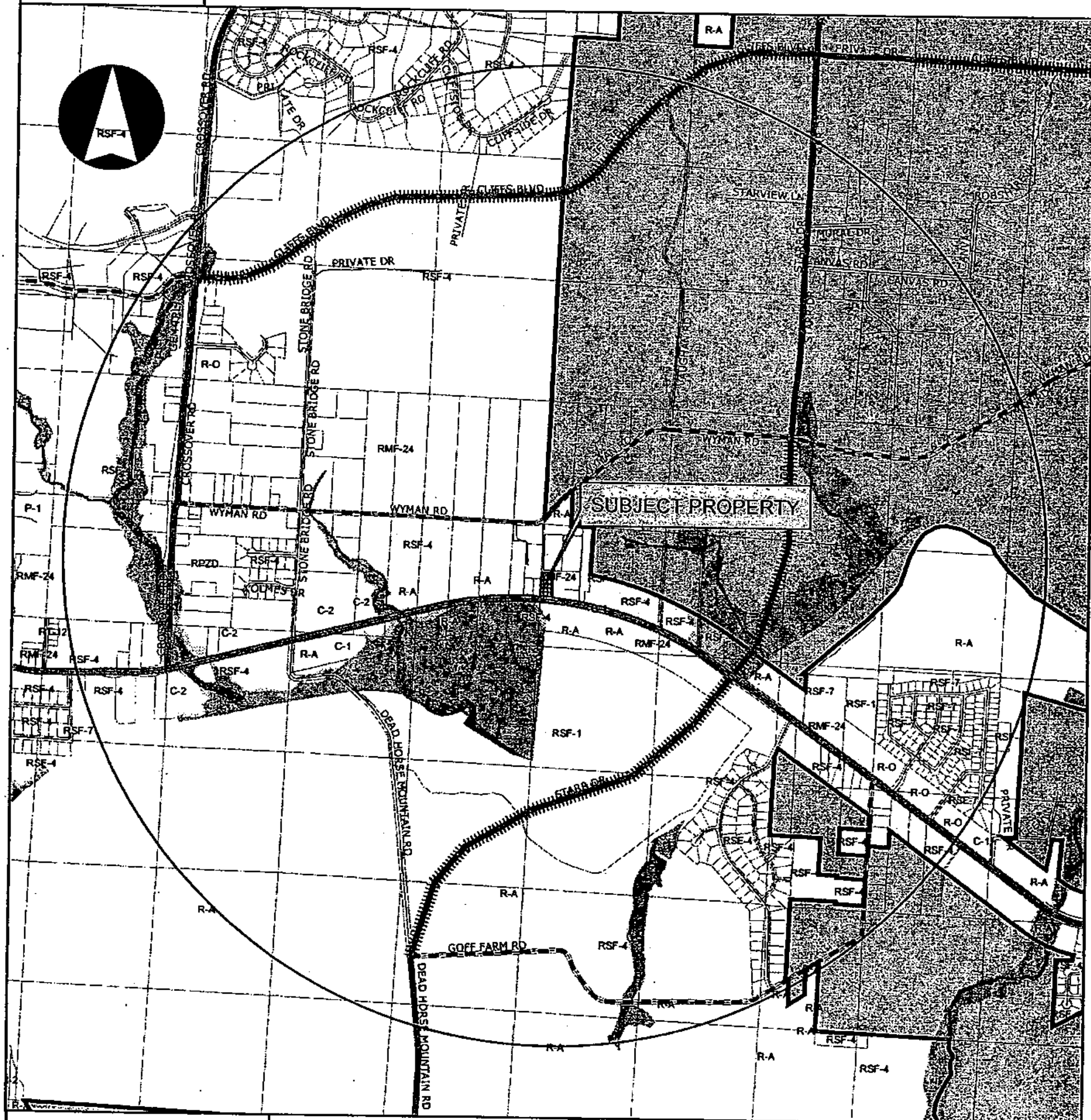
- | | | |
|------------------------------|----------------------|--------------------|
| ○ ○ ○ ○ ○ Overlay District | — Principal Arterial | — FLOODWAY |
| ○ ○ ○ ○ ○ Master Street Plan | — Minor Arterial | — 100 YEAR |
| — — — Master Street Plan | — Collector | — 500 YEAR |
| — — — Freeway/Expressway | — Historic Collector | — LIMIT OF STUDY |
| | | — BaseLine Profile |
| | | ■ RZN04-1225 |
| | | □ Fayetteville |
| | | □ Outside City |

0 75 150 300 450 600 Feet

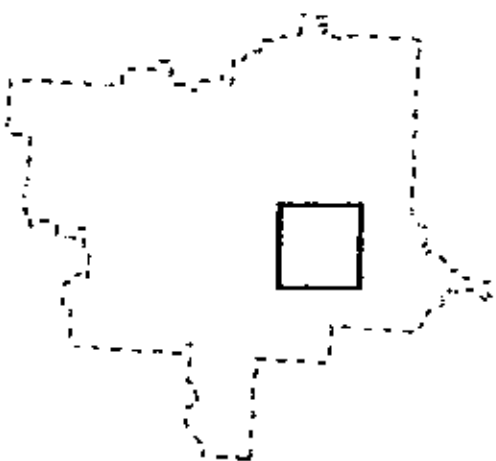
RZN04-1225

One Mile View

CONNER LAW FIRM



Overview



Legend

Streets Streets

 Existing
 Planned

Subject Property

RZN04-1225

Boundary

 Planning Area
 Overlay District
 Outside City

Master Street Plan

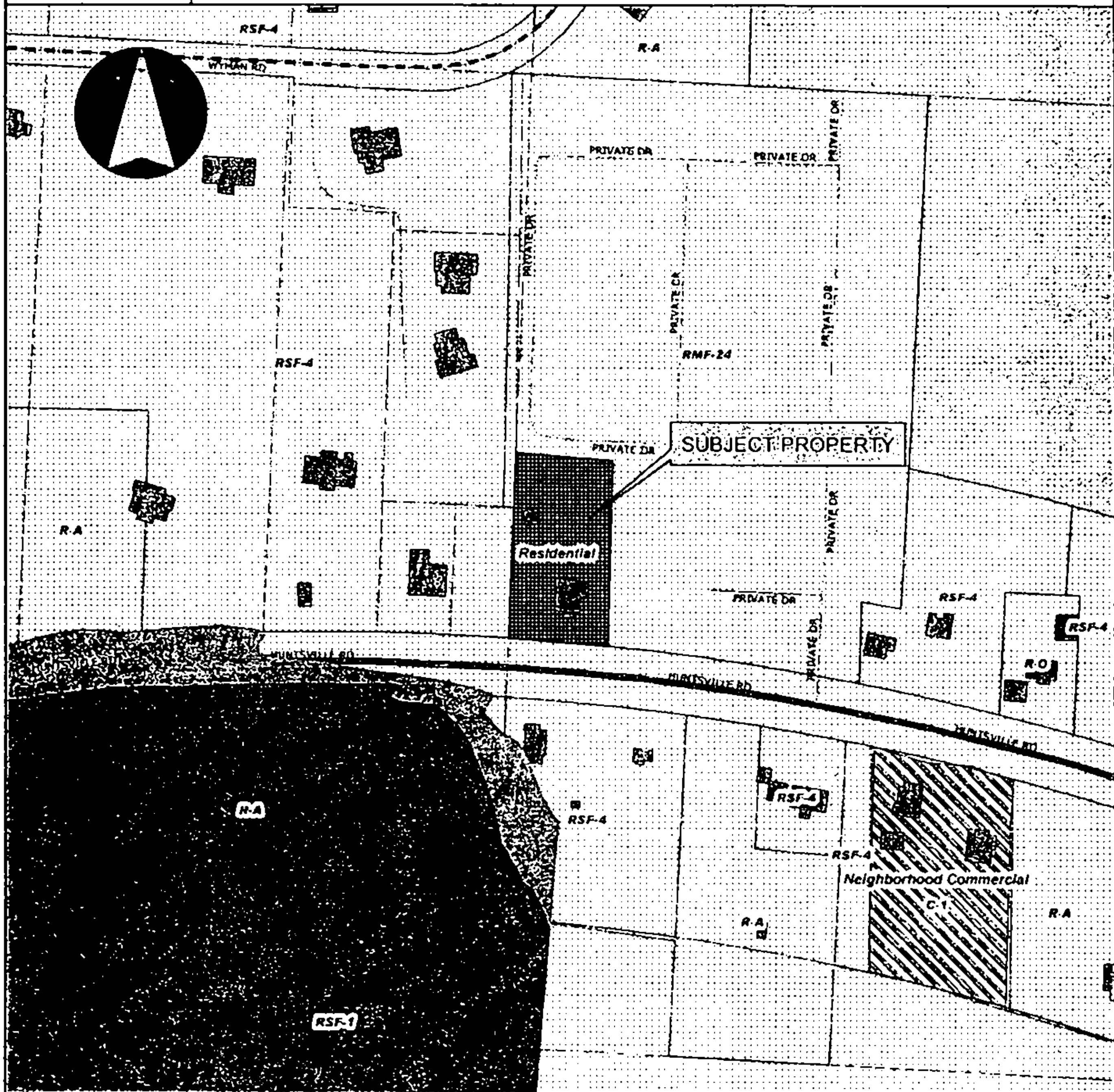
Master Street Plan

 Freeway/Expressway
 Principal Arterial
 Minor Arterial
 Collector
 Historic Collector

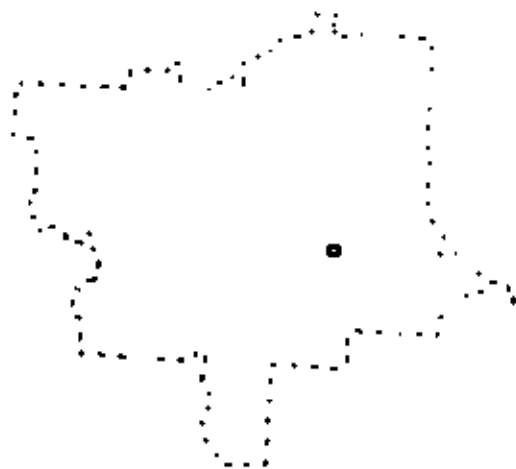
RZN04-1225

Future Land Use

CONNER LAW FIRM



Overview



Legend

Subject Property

RZN04-1225

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector



STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

x AGENDA REQUEST

For the Fayetteville City Council Meeting of:

November 2, 2004

FROM:

Dawn T. Warrick

Planning

CP&E

Name

Division

Department

ACTION REQUIRED: Ordinance approval.

SUMMARY EXPLANATION:

RZN 04-1225 was submitted by Robert Jeff Conner for property located at 3398 E. Huntsville Road containing approximately 0.78 acres, more or less. The request is to rezone the subject property ~~to~~ RSF-4, Residential Single Family, four units per acre. *to R-0, Residential Office. for*

Kit

STAFF RECOMMENDATION: Approval.

Division Head

Date

Received in Mayor's Office

10-15-04 *for*
Date

City Attorney

Date

Department Director

Date

Cross Reference:

Finance & Internal Services Dir.

Date

Previous Ord/Res#:

Chief Administrative Officer

Date

Orig. Contract Date:

Orig. Contract Number:

Mayor

Date

New Item:

Yes

No

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Tim Conklin, Community Planning and Engineering Services Director *CC*

From: Dawn T. Warrick, AICP, Zoning and Development Administrator

Date: October 14, 2004

Subject: Easement Vacation for Habitat For Humanity (VAC 04-1226)

RECOMMENDATION

Planning Staff recommends approval of an ordinance vacating a portion of an existing alley located east of Washington Avenue and north of 13th Street. This portion of alley was platted with the Berl Dodd Addition many years ago.

BACKGROUND

The subject property is located east of Washington Avenue and north of 13th Street. This portion of alley was platted with the Berl Dodd Addition many years ago. The alley was never constructed and does not currently function as an access. Habitat for Humanity currently owns the lots adjacent to this alley and is constructing single family homes.

DISCUSSION

The applicant has submitted the required notification forms to the adjacent property owners. The majority of adjacent property owners consent to this vacation, however, two adjacent property owners did object to the vacation. The primary concerns of these adjacent property owners were regarding drainage. However, staff has found that vacating the subject alley will not affect drainage anymore than leaving it as a public alley way.

The Planning Commission voted 7-1 in favor of this request on Monday, October 11, 2004.

BUDGET IMPACT

None.



ORDINANCE NO. _____

AN ORDINANCE APPROVING VAC 04-1226 SUBMITTED BY HABITAT FOR HUMANITY FOR PROPERTY LOCATED AT 222, 224 AND 226 EAST 13TH STREET AS DESCRIBED ON THE ATTACHED MAP AND LEGAL DESCRIPTION.

WHEREAS, the City Council has the authority under A.C.A. §14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes, and

WHEREAS, the City Council has determined that the following described alley is not required for corporate purposes.

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

Section 1. That the City of Fayetteville, Arkansas hereby vacates and abandons all of its rights together with the rights of the public generally, in and to the following described alley way:

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

Section 2. That a copy of this Ordinance duly certified by the City Clerk along with the map attached hereto and labeled Exhibit "B" shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

PASSED AND APPROVED this _____ day of _____, 2004

APPROVED:

DRAFT

By _____
Dan Coody, Mayor

ATTEST:

By _____
Sondra Smith, City Clerk

EXHIBIT "A"

ALL OF A 10 FOOT ALLEY LYING WEST OF TRACT "A" AND "C" OF THE LOT LINE
ADJUSTMENT OF LOTS 6, 7, 8 AND THE SOUTH 19 FEET OF LOT 9 IN BLOCK 3 OF
BERL DODD ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY,
ARKANSAS.

DESCRIPTION OF ALLEY TO BE VACATED.
ALL OF A 10 FOOT ALLEY LYING WEST OF
TRACT "A" AND "C" OF THE LOT LINE
ADJUSTMENT OF LOTS 6,7,8, AND THE
SOUTH 19 FEET OF LOT 9 IN BLOCK 3 OF
BERL DODD ADDITION TO THE CITY OF
FAYETTEVILLE, WASHINGTON COUNTY,
ARKANSAS.

ELIZABETH J. FLAAGAN
PARCEL 785-15142-000
DEED 94-49420

(NOT CONSTRUCTED AS THIS TIME)

HABITAT FOR HUMANITY
PARCEL 785-03370-000
DEED 2002-189556

HABITAT FOR HUMANITY
PARCEL 785-03370-000
DEED 2002-158956

GARONER LIVING TRUST
PARCEL 765-0385-000
DEED 2000-31817

1

311

FILED

VICINITY MAP
NOT TO SCALE

SUBJECT REQUEST

Exhibit "B"

© 2004

**STREET AND ALLEY EASEMENTS
VACATION PLAT
CITY OF FAYETTEVILLE**

McE
Designed To Serve
McE
McClelland
Consulting
Engineers
Incorporated

Little Rock
100 W. Markham

© 2004

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FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of October 11, 2004

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission Members
FROM: Leif Olson, Associate Planner
Matt Casey P.E. Staff Engineer
THRU: Dawn Warrick, AICP, Zoning & Development Administrator
DATE: October 6, 2004

VAC 04-1226: Vacation (Habitat for Humanity, pp 563) was submitted by Habitat for Humanity for lots 6, 7, and 8 of Block 3 of the Berl Dodd Addition located east of Washington Ave. and north of 13th St.. The property is zoned RMF-24. The request is to vacate the existing 10 foot public alley.

Findings: See the attached maps and legal descriptions for the exact locations of the requested utility easement vacation.

Background: This portion of alley was platted with the Berl Dodd Addition many years ago. The alley was never constructed and does not currently function as an access. Habitat for Humanity currently owns the lots adjacent to this alley and is constructing single family homes.

Request: The applicant requests to vacate this portion of existing alley.

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

UTILITIES

Ozarks Electric

RESPONSE

No Objections

Cox Communications

No Objections

AEP/SWEPCO

No Objections

Arkansas Western Gas

No Objections

SW Bell

No Objections

CITY OF FAYETTEVILLE:

Water/Sewer

RESPONSE

No Objections

Transportation

No Objections

Solid Waste

No Objections

K:\Reports\2004\PC Reports\10-11-04\VAC 04-1226 (Habitat Alley).doc

Engineering

No Objections

Public Comment: The applicant has submitted the required notification forms to the adjacent property owners. The majority of adjacent property owners consent to this vacation, however, two adjacent property owners did object to the vacation. These objections are included in the staff report.

Recommendation: Staff recommends approval of the proposed alley vacation 04-1226.

PLANNING COMMISSION ACTION: yes Required _____ Approved _____ Denied

Date:
October 11, 2004

Comments: _____

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

By

Title

Date

CITY COUNCIL ACTION: yes Required _____ Approved _____ Denied

Date: _____

Habitat for Humanity of Fayetteville, AR.

July 8, 2004

Reason for Request for Vacation:

The Berl Dodd Addition was plated years ago with alleys.

The Alley is not currently being used by the adjacent homeowners as an Alley.

The Alley has fully grown trees and native vegetation covering the area.

Our Proposal is to vacate the Alley and for the land to be maintained by Habitat for Humanity and the adjoining property owners.

We propose to vacate the Alley with the adjoining lot owners.

Petition To Vacate an Alley Located in "Tract A, A part of Lot 6 and Lot 7, Tract B Lot 6 and Lot 7, Tract C Lot 8 and a part of Lot 9 in Block 3 of Beryl Dodd Addition to the City of Fayetteville, Arkansas, City of Fayetteville, Arkansas.

To: The Fayetteville City Planning Commission and
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the Alley hereinafter sought to be abandoned and vacated lying in "Tract A, A part of Lot 6 and Lot 7 in Block 3, Tract B Lot 6 and 7, Tract C Lot 8 and a part of Lot 9 of Burl Dodd Addition, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a Alley which is described as follows: 10 feet that runs west of the above described property, per Plat of lot line adjustment.

That the abutting real estate affected by said abandonment of the alley are "E/2 Lot 6 & Lot 7 Block 6, W/2 lot 6 & W/2 Lot 7 Block 6, Lot 4 Block 6, Lot 3 Block 6, E1/2 Lots 1-2 Block 6, Lots 4-5 Block 3, South 19ft Lot 2 Lot 3 Block 3, Lots 1 & 10 pt Lots 2 & 9 Block 3, NE SW NW 10A, SE SW NW 10A, Burl Dodd Addition, City of Fayetteville used by the public for a period of many years, and that the public interest and welfare would not be adversely, affected by the abandonment of the portion of the above described alley.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easements of the public for use of said alley.

Dated this 30 day of JULY, 2004

PATSY BREWER

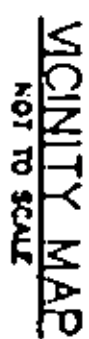
printed name

Patsy S Brewer

signature

printed name

signature



UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: JULY 8, 2004

UTILITY COMPANY: CITY WATER & SEWER SUPERINTENDENT

REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
- ☒ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address: 222, 224, 226 E. 13TH STREET
Willow Ave ROW in front of these three lots (EAST OF THEM).

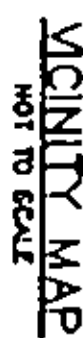
UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above.
- ☒ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

MUST MAINTAIN FULL WIDTH EASEMENT FOR POSSIBLE
FUTURE WATER AND SEWER.

J. J. Jung
Signature of Utility Company Representative

WATER/SEWER MAINT SUPT.
Title



UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: JULY 8, 2004

UTILITY COMPANY: CITY WATER & SEWER SUPERINTENDENT

REQUESTED VACATION (*applicant must check all that apply*):

- ☐ Utility Easement
- ☒ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address: 222, 224, 226 E. 13TH STREET
Willow Ave ROW in front of these three lots (EAST OF THEM).

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above.
- ☒ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

MUST MAINTAIN FULL WIDTH EASEMENT FOR POSSIBLE
FUTURE WATER AND SEWER.

[Signature]
Signature of Utility Company Representative

WATER/SEWER MAINT SUPT.
Title

ADJACENT PROPERTY OWNER NOTIFICATION FORM

FOR RIGHT-OF-WAY, ALLEY, AND EASEMENT VACATION REQUESTS

Date: July 8, 2004

Address / location of vacation: 222, 224, 226 E. 13th St

Adjacent property address: JOHN P. KEARY 257 22ND ST
FAYETTEVILLE, AR 72701

Lot: E/2 6 Block: 6 Subdivision: BERL Dadd
E/2 7

REQUESTED VACATION:

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

See Attached Description

ADJACENT PROPERTY OWNERS COMMENTS:

☐ I have been notified of the requested vacation and decline to comment.

☐ I do not object to the vacation described above.

☒ I do object to the requested vacation because:

LAND MOISTURE DURING RAINS FLOW INTO
LOWER PROPERTIES. MORE PAVEMENT/ROOFS
PUT TOO MUCH WATER INTO OTHERS
PROPERTIES, MORE MOSQUITOS, FLOODED LAND

JOHN KEARY
Name of Property Owner (printed)

[Signature]
Signature of Property Owner

Copy to
City Council

RECEIVED

C. 8
Page 14 of 18

AUG 20 2004

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

ADJACENT PROPERTY OWNER NOTIFICATION FORM

FOR RIGHT-OF-WAY, ALLEY, AND
EASEMENT VACATION REQUESTS

received
8/19/04

Date: July 8, 2004

Address / location of vacation: 222, 224, 226 E. 13th St

Adjacent property address: GARDNER, CAROL A. TRUST 11014 LANCASTER RD
CAROL A. GARDNER LIVING TRUST Rudy, AR 72752

Lot: 1, 2 Block: 6 Subdivision: BELL DODD

REQUESTED VACATION:

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

See Attached Description

ADJACENT PROPERTY OWNERS COMMENTS:

- ☐ I have been notified of the requested vacation and decline to comment.
- ☐ I do not object to the vacation described above.
- ☐ I do object to the requested vacation because:

Is there standing water in the
drainage ditch? Open drainage
without removing trees.

Carol A. Gardner
Name of Property Owner (printed)

Carol A. Gardner
Signature of Property Owner

RECEIVED
AUG 20 2004
CITY OF FAYETTEVILLE
PLANNING DIVISION

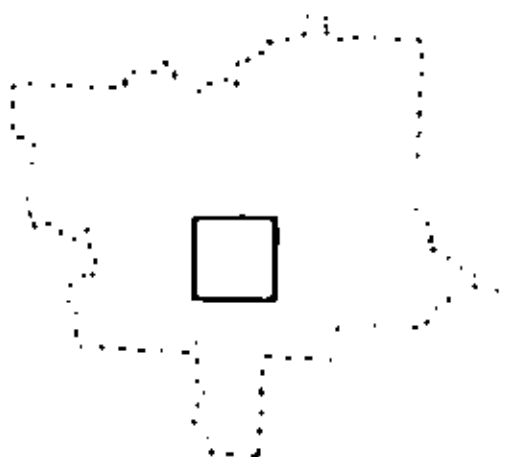
VAC04-1226

One Mile View

HABITAT FOR HUMANITY



Overview

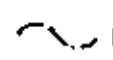


Legend

Subject Property



Streets

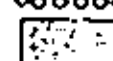


Boundary

Planning Area

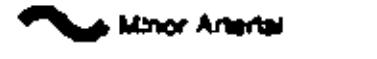
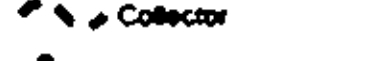


 Overlay District



 Outside City

Master Street Plan

 Principal Arterial Minor Arterial

Collector

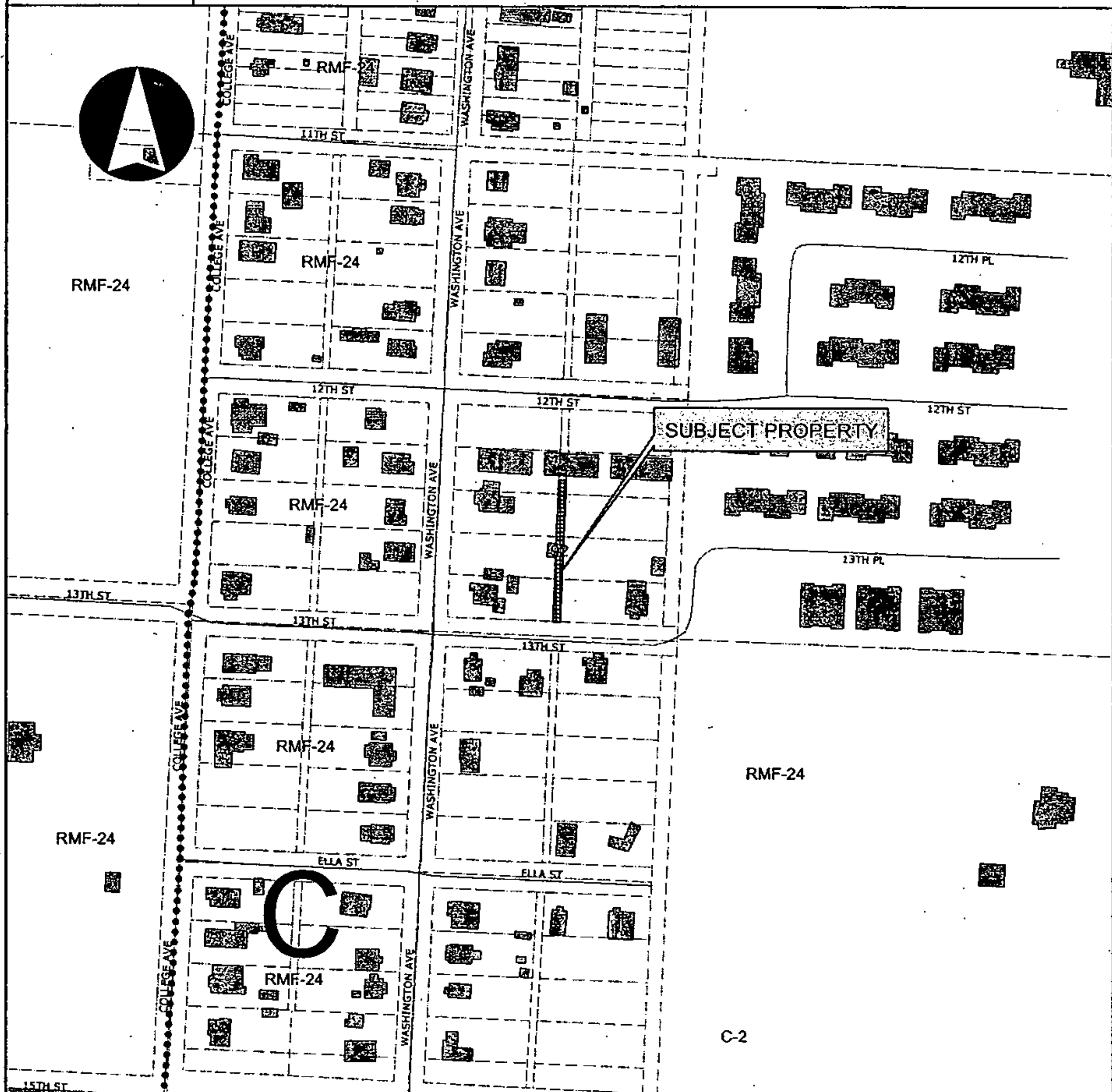


Historic Collector

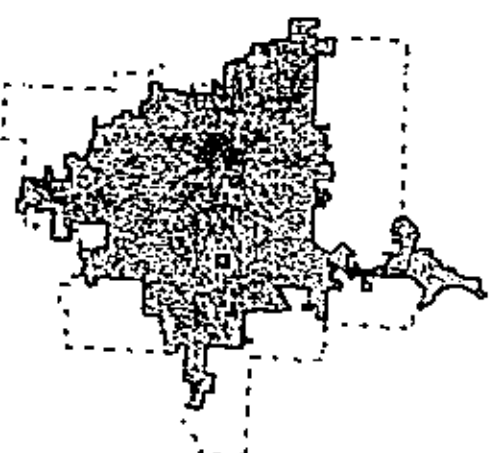
VAC04-1226

Close Up View

HABITAT FOR HUMANITY



Overview



Legend

- ○ ○ ○ ○ Overlay District
 - Master Street Plan
 - Master Street Plan
 - Freeway/Expressway
 - Principal Arterial
 - Minor Arterial
 - Collector
 - Historic Collector
 - FLOODWAY
 - 100 YEAR
 - 500 YEAR
 - LIMIT OF STUDY
 - BaseLine Profile
 - VAC04-1226
 - Fayetteville
 - Outside City
- 0 75 150 300 450 600 Feet

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

 x AGENDA REQUEST

For the Fayetteville City Council Meeting of:

November 2, 2004

FROM:

Dawn T. Warrick

Planning

CP&E

Name

Division

Department

ACTION REQUIRED: Ordinance approval.

SUMMARY EXPLANATION:

VAC 04-1226 was submitted by Habitat For Humanity for property located east of Washington Avenue and north of 13th Street. The request is to vacate a platted, yet never constructed, 10 foot public alley way.

STAFF RECOMMENDATION: Approval.

Division Head

Date

Received in Mayor's Office

10-15-04
Date jm

[Signature]
City Attorney

10-20-04

Date

[Signature]
Department Director

10-15-04

Date

Cross Reference:

[Signature]
Finance & Internal Services Dir.

10-20-04

Date

Previous Ord/Res#:

[Signature]
Chief Administrative Officer

10-15-04

Date

Orig. Contract Date:

Orig. Contract Number:

[Signature]
Mayor

10/20/04

Date

New Item:

Yes

No

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Tim Conklin, Community Planning and Engineering Services Director *TC*

From: Dawn T. Warrick, AICP, Zoning and Development Administrator

Date: October 14, 2004

Subject: Easement Vacation for Habitat For Humanity (VAC 04-1227)

RECOMMENDATION

Planning Staff recommends approval of an ordinance vacating a portion of an existing alley located east of Washington Avenue and south of 13th Street. This portion of alley was platted with the Berl Dodd Addition many years ago.

BACKGROUND

The subject property is located east of Washington Avenue and south of 13th Street. This portion of alley was platted with the Berl Dodd Addition many years ago. The alley was never constructed and does not currently function as an access. Habitat for Humanity currently owns the lots adjacent to this alley and is constructing single family homes.

DISCUSSION

The applicant has submitted the required notification forms to the adjacent property owners. The majority of adjacent property owners consent to this vacation, however, two adjacent property owners did object to the vacation. The primary concerns of these adjacent property owners were regarding drainage. However, staff has found that vacating the subject alley will not affect drainage anymore than leaving it as a public alley way.

The Planning Commission voted 7-1 in favor of this request on Monday, October 11, 2004.

BUDGET IMPACT

None.



ORDINANCE NO. _____

AN ORDINANCE APPROVING VAC 04-1227 SUBMITTED BY HABITAT FOR HUMANITY FOR PROPERTY LOCATED AT 221, 223 AND 225 EAST 13TH STREET AS DESCRIBED ON THE ATTACHED MAP AND LEGAL DESCRIPTION.

WHEREAS, the City Council has the authority under A.C.A. §14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes, and

WHEREAS, the City Council has determined that the following described alley is not required for corporate purposes.

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

Section 1. That the City of Fayetteville, Arkansas hereby vacates and abandons all of its rights together with the rights of the public generally, in and to the following described alley way:

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

Section 2. That a copy of this Ordinance duly certified by the City Clerk along with the map attached hereto and labeled Exhibit "B" shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

PASSED AND APPROVED this _____ day of _____, 2004

APPROVED:

DRAFT

By _____
Dan Coody, Mayor

ATTEST:

By _____
Sondra Smith, City Clerk

EXHIBIT "A"

BEGIN AT THE FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP WHICH MARKS THE NORTHWEST CORNER OF LOT TEN (10) IN BLOCK SIX (6) IN BERL DODD ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS AS SHOWN ON THE PLAT OF SURVEY OF LOTS EIGHT (8), NINE (9), AND TEN (10) IN SAID BLOCK SIX (6) OF SAID BERL DODD ADDITION RECORDED IN LAND TITLE RECORD 2002-180084 OF THE RECORDS OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS AND RUN THENCE SOUTH 00°01'22" EAST ALONG THE WEST LINE OF LOTS EIGHT (8), NINE (9) AND TEN (10) A DISTANCE OF 174.00 FEET TO A FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP WHICH MARKS THE SOUTHWEST CORNER OF LOT EIGHT (8); THENCE SOUTH 89°49'07" WEST A DISTANCE OF 10.00 FEET TO THE SOUTHEAST CORNER OF LOT THREE (3) IN SAID BLOCK SIX (6) OF SAID BERL DODD ADDITION; THENCE NORTH 00°01'22" WEST ALONG THE EAST LINE OF LOTS ONE (1), TWO (2) AND THREE (3) IN SAID BLOCK SIX (6) OF SAID BERL DODD ADDITION A DISTANCE OF 174.00 FEET TO THE NORTHEAST CORNER OF SAID LOT ONE (1) IN SAID BLOCK SIX (6) OF SAID BERL DODD ADDITION; THENCE NORTH 89°49'07" EAST A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1740 SQUARE FEET OR 0.04 ACRES, MORE OR LESS.

VICINITY MAP:

NOT TO SCALE

LEGEND

O - SET 5/8" REBAR WITH CAP

— — — SETBACK LINE (25' FRONT; 8' SIDE; 20' TANDOM LOT)

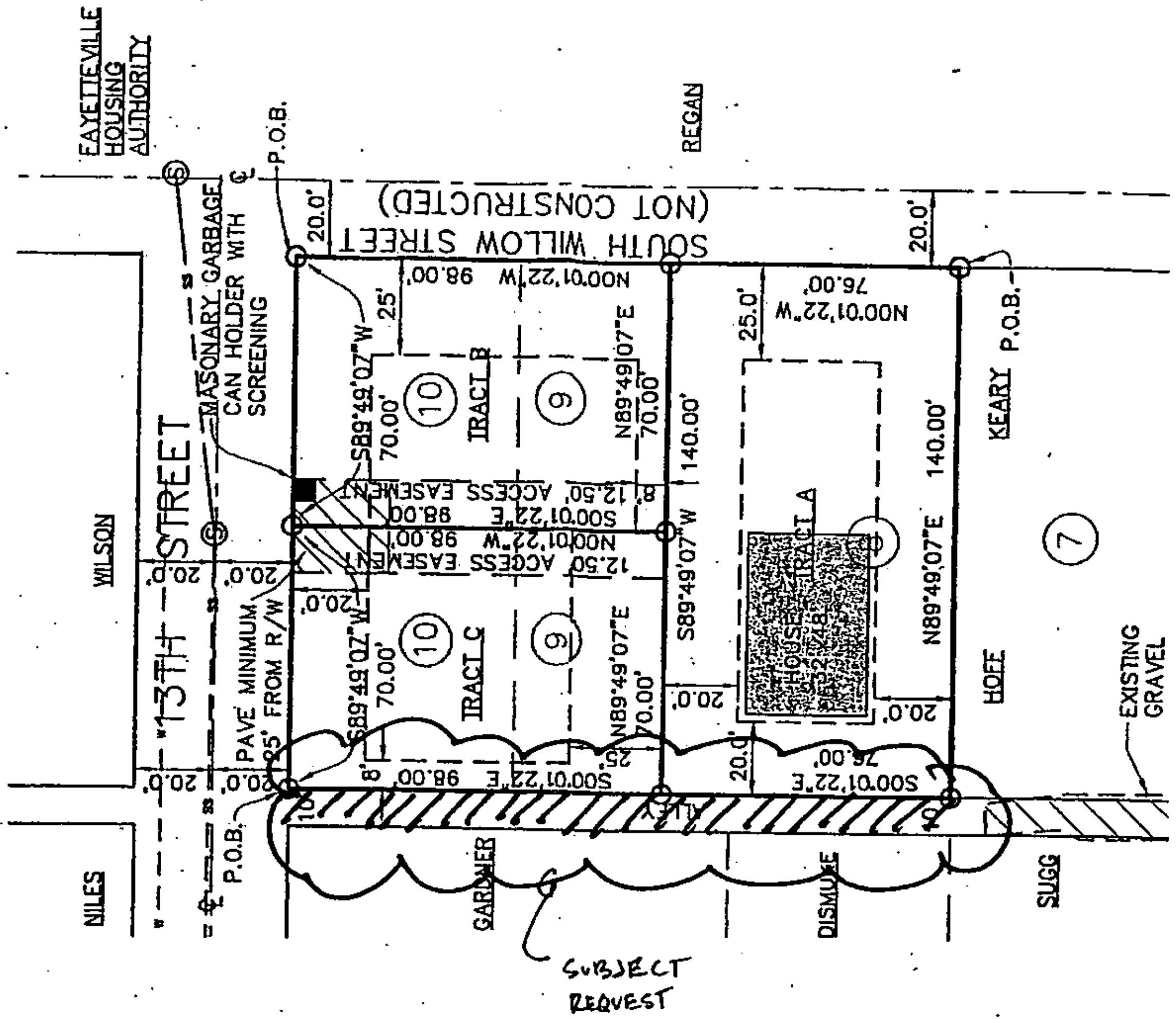


Exhibit "B"

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of October 11, 2004

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission Members
FROM: Leif Olson, Associate Planner
Matt Casey P.E. Staff Engineer
THRU: Dawn Warrick, AICP, Zoning & Development Administrator
DATE: October 11, 2004

VAC 04-1227: Vacation (Habitat for Humanity, pp 563) was submitted by Habitat for Humanity for lots 8, 9, and 10 in Block 6 of the Berl Dodd Addition located east of Washington Ave. and south of 13th St.. The property is zoned RMF-24. The request is to vacate the existing public alley.

Findings: See the attached maps and legal descriptions for the exact locations of the requested utility easement vacation.

Background: This portion of alley was platted with the Berl Dodd Addition many years ago. The alley was never constructed and does not currently function as an access. Habitat for Humanity currently owns the lots adjacent to this alley.

Request: The applicant requests to vacate this portion of existing alley.

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

UTILITIES

RESPONSE

Ozarks Electric	No Objections
Cox Communications	No Objections
AEP/SWEPCO	No Objections
Arkansas Western Gas	No Objections
SW Bell	No Objections

CITY OF FAYETTEVILLE:

RESPONSE

Water/Sewer	No Objections
Transportation	No Objections
Solid Waste	No Objections
Engineering	No Objections

Recommendation: Staff recommends approval of the proposed alley vacation 04-1228.

PLANNING COMMISSION ACTION: yes Required
 Approved Denied

Date:
October 11, 2004

Comments: _____

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

By

Title

Date

CITY COUNCIL ACTION: yes Required
 Approved Denied

Date: November 2, 2004

Petition To Vacate an Alley Located in Lots 8, 9 and 10 Block 6
In Burl Dodd Addition to the City of Fayetteville, Arkansas, City of Fayetteville, Arkansas.

To: The Fayetteville City Planning Commission and
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the Alley hereinafter
sought to be abandoned and vacated lying in Lots 8, 9 and 10 Block 6
in Burl Dodd Addition, City of Fayetteville, Arkansas, a municipal corporation,
petition to vacate a Alley which is described as follows: 10 feet that runs west of the above
described property. Per Plat of lot line adjustment.

That the abutting real estate affected by said abandonment of the alley are "E/2 Lot 6 &
Lot 7 Block 6, W/2 lot 6 & W/2 Lot 7 Block 6, Lot 4 Block 6, Lot 3 Block 6, E1/2 Lots 1-2
Block 6, Lots 4-5 Block 3, South 19ft Lot 2 Lot 3 Block 3, Lots 1 & 10 pt Lots 2 & 9
Block 3, NE SW NW 10A, SE SW NW 10A, Burl Dodd Addition, City of Fayetteville
used by the public for a period of many years, and that the public interest and welfare
would not be adversely, affected by the abandonment of the portion of the above described
alley.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above
described real estate, subject, to the existing utility easements and sewer easements as required,
and that the above described real estate be used for their respective benefit and purpose as now
approved by law.

The petitioners further pray that the above described real estate be vested in the
abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the
City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject
to said utility and sewer easements, and that title to said real estate sought to be abandoned
be vested in the abutting property owners as provided by law, and as to that particular land
the owners be free from the easements of the public for use of said alley.

Dated this 30 day of JULY, 2004

PATSY BREWER
printed name
Patsy L. Brewer
signature

printed name

signature

ADJACENT PROPERTY OWNER NOTIFICATION FORM

FOR RIGHT-OF-WAY, ALLEY, AND EASEMENT VACATION REQUESTS

Date: JULY 8, 2004

Address / location of vacation: 221, 223, 225 E. 13th STREET

Adjacent property address: JOHN P. KEARY 257 22ND STREET

Lot: E/2 - 6 Block: 6 Subdivision: BURL ADD FAY, AR 72701
E/2 - 7 ADDITION

REQUESTED VACATION:

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

See Attached Description

ADJACENT PROPERTY OWNERS COMMENTS:

- ☐ I have been notified of the requested vacation and decline to comment.
- ☐ I do not object to the vacation described above.
- ☒ I do object to the requested vacation because:

THERE IS ENTIRELY TOO MUCH DEVELOPMENT IN THIS
AREA ALREADY. WHEN SUBG CUT THE SIDE TREES
ON THE WEST SD. OF THE ALLEY TO USURP SAID ALLEY
NXT TO HALF PROPERTY THE NEIGHBORHOOD SUFFERED.
MULTI-FAMILY HOUSING CREATES CONGESTION, TRASH-TOYS
ON LAWN & STREET. EXTRA CARS ON THE STREET
NOISE, POLLUTION
& POLICE CALLS.

JOHN KEARY
Name of Property Owner (printed)

[Signature]
Signature of Property Owner

NO!

copy to
city council

VAC 01-1297 (Habitat for Humanity)
Page 9 of 14
RECEIVED
AUG 20 2004
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

ADJACENT PROPERTY OWNER NOTIFICATION FORM

FOR RIGHT-OF-WAY, ALLEY, AND
EASEMENT VACATION REQUESTS

received
8/9/04

Date: July 8, 2004

Address / location of vacation: 221, 223, 225 E. 13th STREET

Adjacent property address: GARDNER, CAROL A. FEE, CAROL A. GARDNER
LIVING TRUST 11014 LANCASTER RD RUDY, AR

Lot: 1, 2 Block: 6 Subdivision: BURL DODD ADDITION 72952

REQUESTED VACATION:

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

See Attached Description

ADJACENT PROPERTY OWNERS COMMENTS:

- ☐ I have been notified of the requested vacation and decline to comment.
- ☐ I do not object to the vacation described above.
- ☐ I do object to the requested vacation because:

This "alley" is a health hazard which the city
has neglected for many years. It is a drainage
ditch with water that is unable to drain
because of debris at the south end. This debris
needs to be removed before turning it over to
property owners. Absolutely NO TREES ARE TO BE

CAROL A GARDNER
Name of Property Owner (printed)

Carol A. Gardner
Signature of Property Owner

REMOVED!

details attached.

RECEIVED
AUG 20 2004
CITY OF FAYETTEVILLE
PLANNING DIVISION

Attachment

This alley is a health hazard. The city has neglected it for many years. This alleyway is a drainage ditch that the city has not maintained. The city should be required to perform maintenance on it before it is turned over to private property owners. There is much debris at the south end preventing the drainage to occur and causing stagnant water and dangerous mosquito breeding. Once it is divided into private ownership, I will not be able to clean the debris from someone else's property.

My fear is that the city will come in with large equipment and destroy trees that are the only things helping the situation right now. I do not want a single tree removed... just clear the stoppage at the south end so we can trench the drainage toward something... I would rather nothing be done than trees destroyed.

If any maintenance is to be performed, please notify me in advance

Carol Le Gardner

thence south 00° 01' 22" east along the west line of said lots 8 and 9, 76.00 feet to a found 5/8" rebar with cap at the southwest corner of said lot 8 as shown said plat of survey of lots 8, 9 and 10 in block 6 in Berl Dodd Addition; thence north 89° 49' 07" east along the south line of said lot 8, 140.00 feet to the point of beginning, containing 10,640 square feet.

Survey Boundary Description Part of Lots 9 and 10 Block 6 Berl Dodd Addition Tract B:

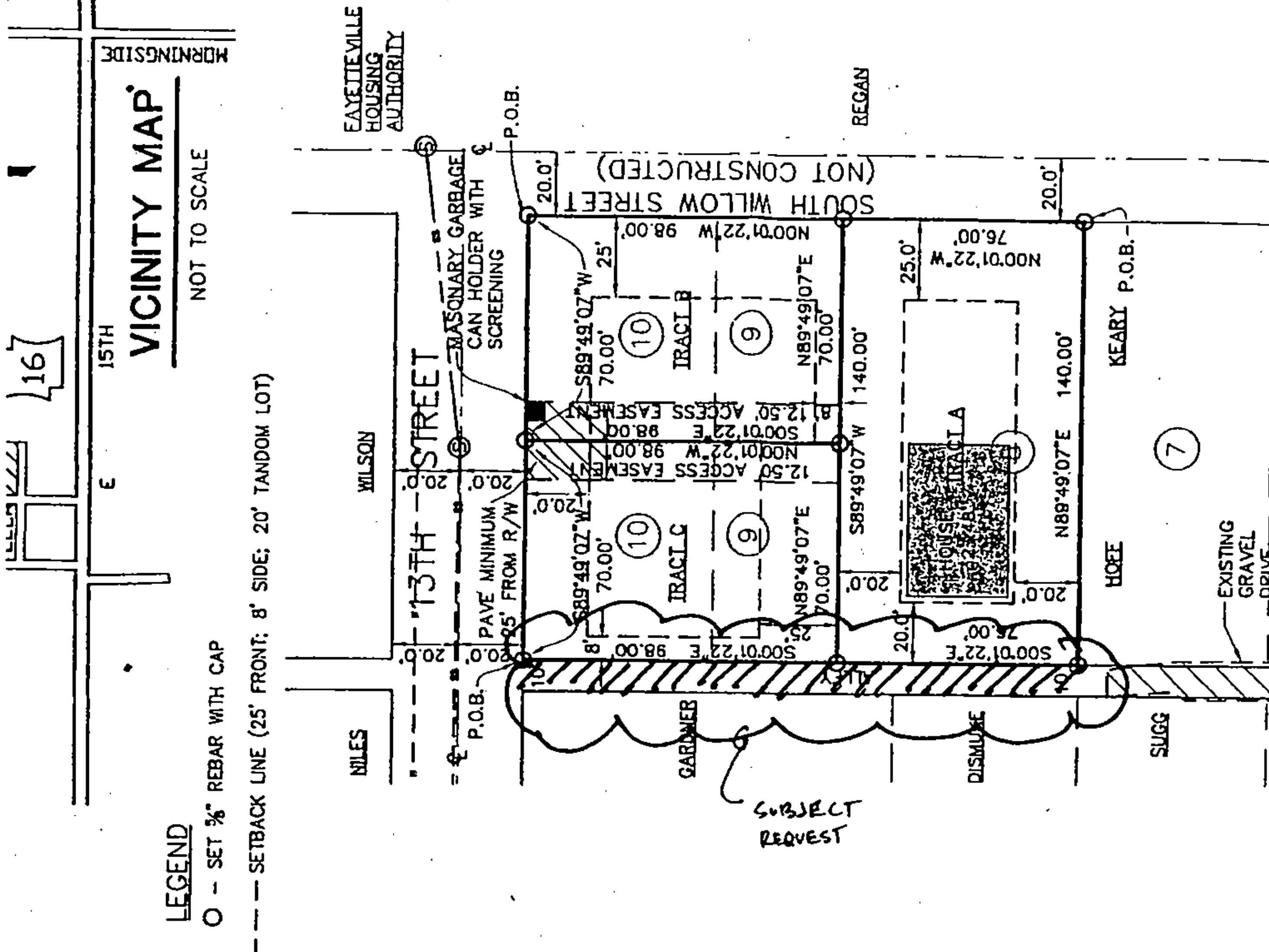
A part of lots 9 and 10 in block 6 in the Berl Dodd addition to the City of Fayetteville, Arkansas, more particularly described as follows to-wit: Beginning at the found 5/8" rebar with cap at the northeast corner of said lot 10 in block 6 in Berl Dodd Addition, as shown on the plat of survey of lots 8, 9 and 10 in block 6 in Berl Dodd Addition recorded in 2002 180084 in the records of the office of the circuit clerk and ex-officio recorder of Washington County, Arkansas and run thence south 89° 49' 07" west along the north line of said lot 10, 70.00 feet to a set 5/8" rebar with a cap; thence south 00° 01' 22" east 98.00 feet to a set 5/8" rebar with cap; thence north 89° 49' 07" east 70.00 feet to a set 5/8" rebar with cap; thence north 00° 01' 22" west along the east line of said lots 9 and 10, 98.00 feet to the point of beginning, containing 6860 square feet.

Permanent Access Easement Description

A 12.50 foot wide permanent access easement across the west side of the above described property being more particularly described as follows to-wit: beginning at the 5/8" rebar with cap at the northwest corner of said above described property and run thence south 00° 01' 22" east 98.00 feet to the 5/8" rebar pin at the southwest corner of said above described property; thence north 89° 49' 07" east along the south line of said above described property 12.50 feet; thence north 00° 01' 22" west 98.00 feet to the north line of said above described property; thence south 89° 49' 07" west along said north line 12.50 feet to the point of beginning, containing 5635 square feet.

Survey Boundary Description Part of the West Half of Lots 9 and 10 Berl Dodd Addition Tract C:

A part of lots 9 and 10 in block 6 in the Berl Dodd addition to the City of Fayetteville, Arkansas, more particularly described as follows to-wit: Beginning at the found 5/8" rebar with cap at the northwest corner of said lot 10 in Block 6 in Berl Dodd Addition as shown on plat of survey of lots 8, 9 and 10 in Block 6 in Berl Dodd Addition recorded in 2002 180084 in the records of the office of the Circuit Clerk and Ex-officio recorder of Washington County, Arkansas and run thence south 00° 01' 22" east along the west line of said lots 10 and 9, 98.00 feet to a set 5/8" rebar with cap; thence north 89° 49' 07" east 70.00 feet to a set 5/8" rebar with cap; thence north 00° 01' 22" west 98.00 feet to a set 5/8" rebar with cap; thence south 89° 49' 07" west along the north line of said lot 10, 70.00 feet to the point of beginning, containing 6860 square feet.



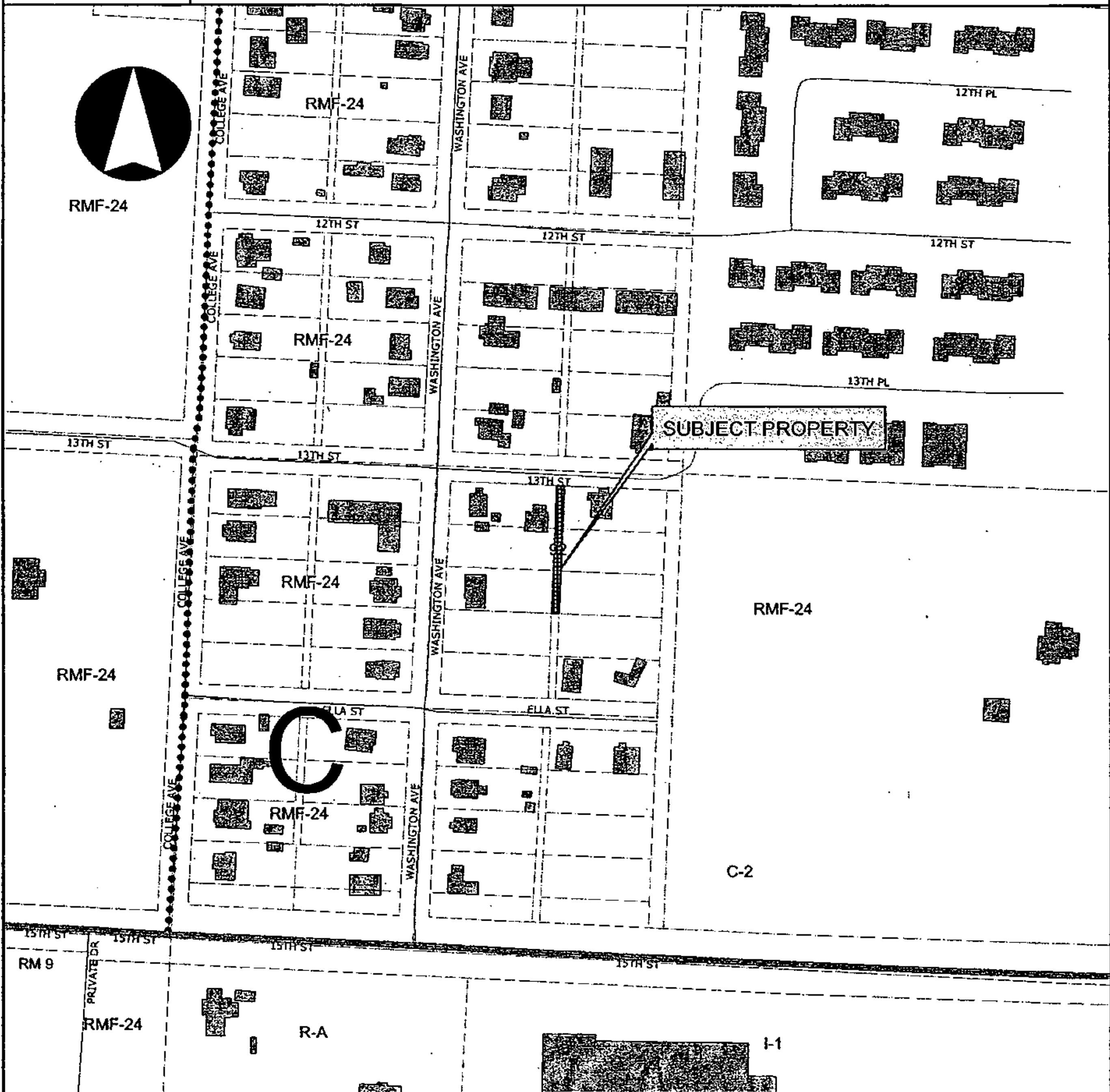
VAC04-1227

Close Up View

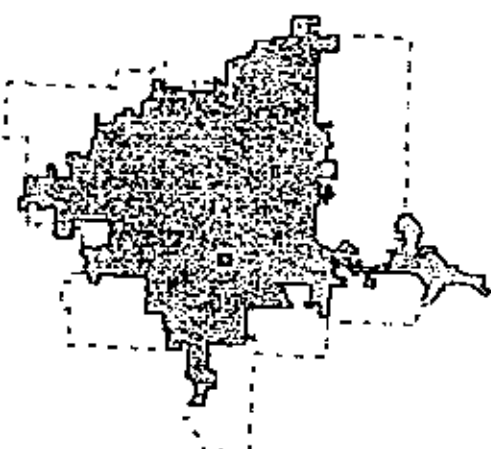
HABITAT FOR HUMANITY



RMF-24



Overview



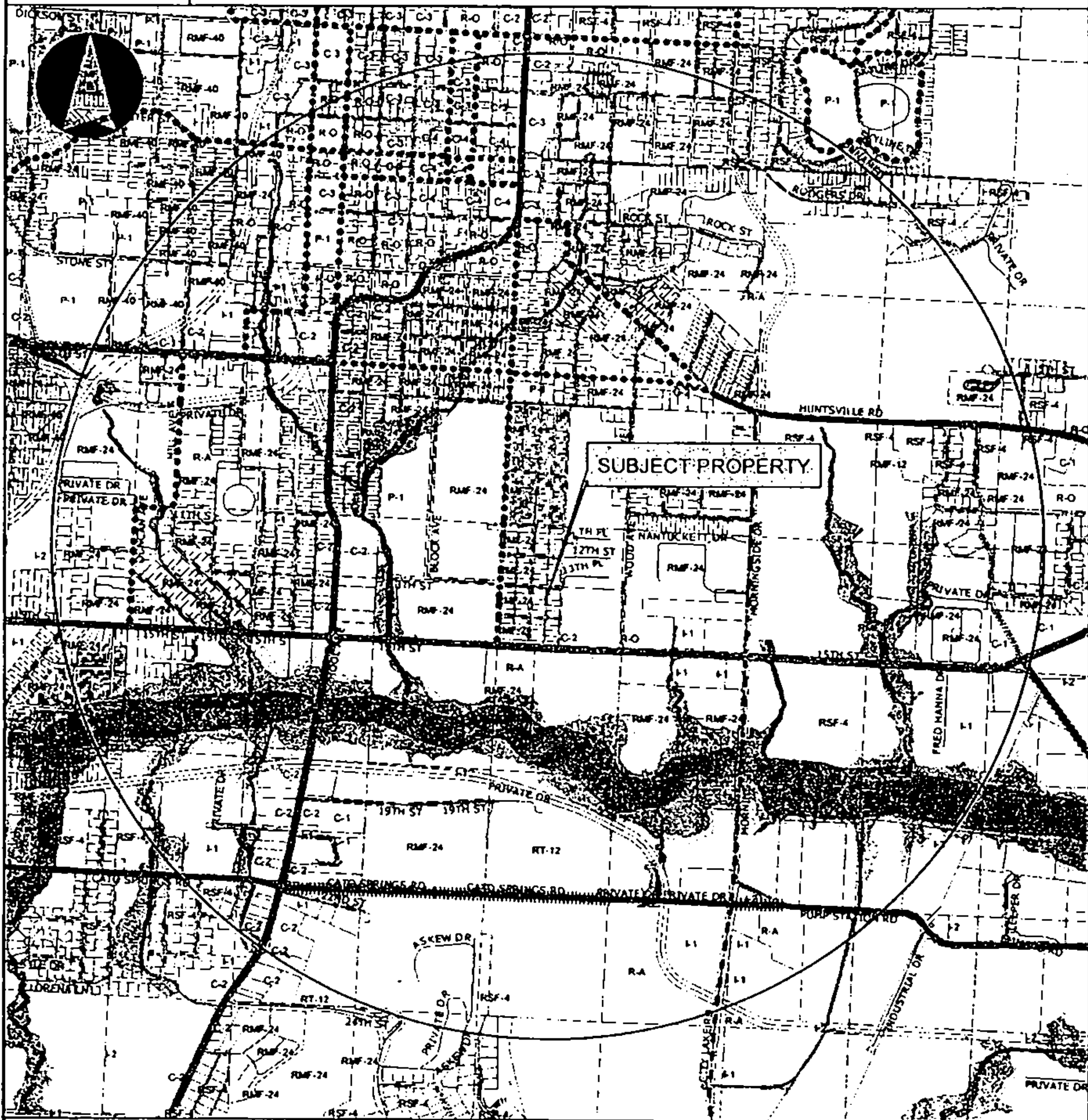
Legend

- ○ ○ ○ ○ Overlay District
 - Master Street Plan
 - Master Street Plan
 - Freeway/Expressway
 - Principal Arterial
 - Minor Arterial
 - Collector
 - Historic Collector
 - FLOODWAY
 - 100 YEAR
 - 500 YEAR
 - LIMIT OF STUDY
 - BaseLine Profile
 - VAC04-1227
 - Fayetteville
 - Outside City
- 0 75 150 300 450 600 Feet

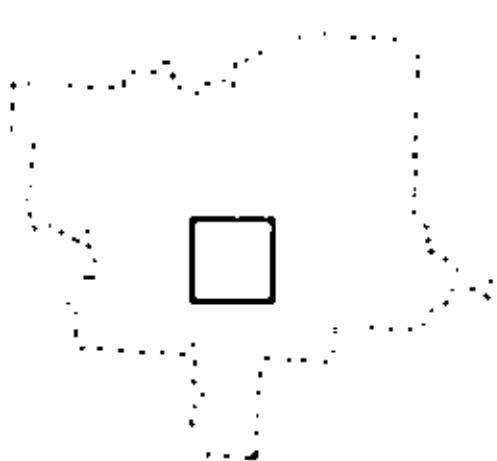
VAC04-1227

One Mile View

HABITAT FOR HUMANITY



Overview



Legend

Subject Property

VAC04-1227

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0 0.1 0.2 0.4 0.6 0.8
Miles

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

 x AGENDA REQUEST

For the Fayetteville City Council Meeting of:

November 2, 2004

FROM:

Dawn T. Warrick

Planning

CP&E

Name

Division

Department

ACTION REQUIRED: Ordinance approval.

SUMMARY EXPLANATION:

VAC 04-1227 was submitted by Habitat For Humanity for property located east of Washington Avenue and north of 13th Street. The request is to vacate a platted, yet never constructed, public alley way.

STAFF RECOMMENDATION: Approval.

Division Head

Date

Received in Mayor's Office

10-15-04 gm
Date

[Signature]
City Attorney

10-20-04

Date

[Signature]
Department Director

10-15-04

Date

Cross Reference:

[Signature]
Finance & Internal Services Dir.

10-20-04

Date

Previous Ord/Res#:

[Signature]
Chief Administrative Officer

10-19-04

Date

Orig. Contract Date:

Orig. Contract Number:

[Signature]
Mayor

10/20/04

Date

New Item:

Yes

No

City Council Meeting of October 19, 2004
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Hugh Earnest, Chief Administrative Officer 

From: Tim Conklin, Community Planning and Engineering Services Director

Date: September 29, 2004

Subject: An Ordinance imposing a lien for costs incurred by the City of Fayetteville in razing and removing an unsafe structure located at 1905 S Brower Avenue.

RECOMMENDATION

Code Compliance recommends imposing a lien against the real property for the amount of \$5,651.71, pursuant to A.C.A. 14-54-904.

BACKGROUND

On December 2, 2003, the City Council of the City of Fayetteville passed Resolution No. 186-03. This is a resolution ordered the razing and removal of a dilapidated and unsafe structure owned by Jonathan M. and Jennifer L. Rich located at 1905 S Brower Avenue in the City of Fayetteville.

On December 12, 2003, Jonathan Rich signed for a certified letter informing the property owner(s) that Resolution No. 186-03 was passed. The letter also stated that our office would begin the Raze and Removal process on January 30, 2004. On March 11, 2004, the raze and removal process was completed.

DISCUSSION

An Accounts Receivable Request was sent to the Accounting Department on April 27, 2004 for the amount of \$5,651.71. The Accounting Department has yet to receive the payment for these services. This account is over 90 days past due.

BUDGET IMPACT

This \$5,651.71 will be imposed as a lien on the property. Once paid, the moneys will return to the General Fund.

RESOLUTION NO. _____

A RESOLUTION CERTIFYING TO THE TAX COLLECTOR OF WASHINGTON COUNTY THE COSTS OF THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE UPON THE PROPERTY OWNED BY JONATHAN M. AND JENNIFER L. RICH LOCATED AT 1905 S. BROWER AVENUE IN THE CITY OF FAYETTEVILLE, ARKANSAS.

WHEREAS, pursuant to the provisions of § 173.08(A)(2), Code of Fayetteville, as authorized by A.C.A. §14-56-203, the City Council of the City of Fayetteville directed the owners of the property located at 1905 S. Brower Avenue (WC Parcel #765-08392-000) to raze and remove forthwith, the dilapidated, unsightly, and unsafe structure located on the aforementioned real property; and,

WHEREAS, Jonathan M. and Jennifer L. Rich, record owners of the property, failed to raze and remove the dilapidated, unsightly, and unsafe structure on their property; and,

WHEREAS, the City of Fayetteville, in accordance with the above-cited ordinances and statutes, entered upon the property and razed and removed the dilapidated, unsightly, and unsafe structure; and,

WHEREAS, by operation of law, the City is given a lien against this real property for the costs of the razing and removal of the dilapidated, unsightly, and unsafe structure; and,

WHEREAS, the City Council of the City of Fayetteville, Arkansas, is required to determine the appropriate amount of the lien, and certify this amount to the Tax Collector of Washington County, Arkansas to be placed upon the tax books as delinquent taxes.

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

Section 1. That, by the authority granted pursuant to A.C.A. §14-56-203 & §14-54-901 et seq., and in accordance with the provisions of § 173.08(A)(2), Code of Fayetteville, the City Council of the City of Fayetteville, Arkansas, hereby determines the appropriate amount of the lien against the property located at 1905 S. Brower Avenue (WC Parcel #765-08392-000) to be \$5,651.71.

Section 2. That the City Council of the City of Fayetteville, Arkansas, hereby certifies this amount to Mr. David Ruff, Tax Collector for Washington County, Arkansas, so that this amount, plus a five percent (5%) penalty for collection, be placed on the tax books as delinquent taxes against the property located at 1905 S. Brower Avenue (WC Parcel #765-08392-000).

PASSED and APPROVED this 19th day of October 2004.

ATTEST:

By:

SONDRA SMITH City Clerk

By:

DAN COODY, Mayor



REDEMPTION DEED NO. 148826

CHARLIE DANIELS
COMMISSIONER OF STATE LANDS
STATE OF ARKANSAS

Issued under the provisions of Act 151 of 1891, Act 626 of 1963 and Act 814 of 1987

FILED FOR RECORD

SEP 25 PM 12 54
WASHINGTON CO AR
K. HARNESS

THE STATE OF ARKANSAS:

To All Whom these Presents Shall Come— GREETINGS:

KNOW YE THAT, WHEREAS: The following described lands situated in the County of Washington in the State of Arkansas, to Wit:

Description: LOT 1 & N12' OF E 30' LOT 2, BLOCK 3

Addition: MEADOWVALE

Acres: 0
City: FAYETTEVILLE

DISTRICT 11

Parcel Number: 765-08392-000

Year Forfeited: 32-8 1997

Receipt #: 110275

were certified to the Commissioner of State Lands, by the County Collector for the non-payment of taxes for the years hereinbelow set forth; and that the taxes, penalties, interest and cost outline below have been paid to the Commissioner of State Lands;

AND WHEREAS JONATHAN M. & JENNIFER L. RICH
722 S. 18TH STREET
FT. SMITH, AR 72901

claiming to be the owner(s) of said real property, filed a petition to redeem duly verified according to the law, showing such ownership.

NOW THEREFORE, I, CHARLIE DANIELS, Commissioner of State Lands within the State of Arkansas, for and in consideration of \$759.49 so paid and by virtue of the authority in me vested by law, do hereby release and quitclaim unto the said JONATHAN M. & JENNIFER L. RICH and their heirs and assigns forever all right, title and interest the State of Arkansas acquired under any forfeiture, sale or condemnation for taxes.

WITNESS MY HAND AND OFFICIAL SEAL September 20, 2000

Taxes	1997 - 1998	\$580.72
Imp. Tax Due		\$0.00
Interest		\$81.70
Penalty		\$58.07
County Costs		\$3.00
Recording Fee		\$6.00
Deed Fee		\$5.00
Commissioner Fee		\$25.00
Municipal Lien		\$0.00
Total Paid:		\$759.49

Charlie Daniels
Charlie Daniels
Commissioner of State Lands
B. Smith
BSMITH
Deputy Commissioner of State Lands

Deed
Mail to: JONATHAN M. & JENNIFER L. RICH
722 S. 18TH STREET
FT. SMITH, AR 72901

2000080398

RESOLUTION NO. 186-03

A RESOLUTION ORDERING THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE OWNED BY JONATHAN M. AND JENNIFER L. RICH LOCATED AT 1905 S. BROWER AVENUE IN THE CITY OF FAYETTEVILLE, ARKANSAS.

WHEREAS, Jonathan M. and Jennifer L. Rich are the record owners of the real property situated at 1905 S. Brower Avenue, City of Fayetteville, Washington County, Arkansas, more particularly described as follows

Lot 1 & N 12 FT of E 30 FT Lot 2, Block 3, Meadowvale Subdivision;
and,

WHEREAS, the City Council has determined that the structure located on said property is dilapidated, unsightly, unsafe, and detrimental to the public welfare; and,

WHEREAS, Jonathan M. and Jennifer L. Rich, having been properly served with a Violation Notice via Certified Mail, and given thirty (30) days to correct said violation, have refused to repair, or raze and remove said dilapidated, unsightly, and unsafe structure.

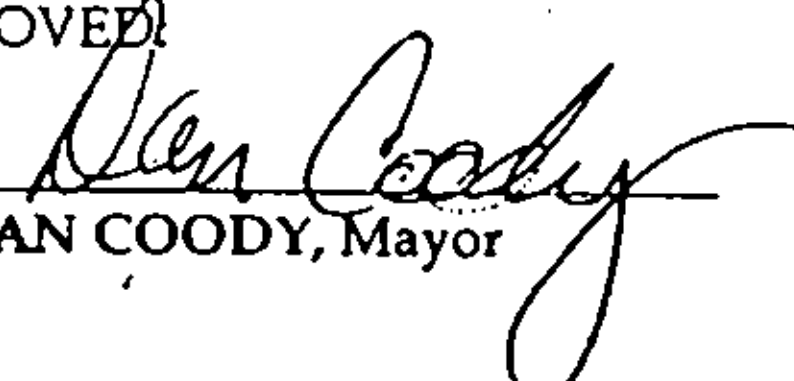
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That, by the authority granted pursuant to A.C.A. §14-56-203, and in accordance with the provisions of Ordinance No. 3948 of 1996, Jonathan M. and Jennifer L. Rich are hereby ordered to raze and remove forthwith, the dilapidated, unsightly, and unsafe structure located on the aforementioned real property. The manner of removing said structure shall be: dismantle by hand or bulldozer, and haul all debris to a landfill.

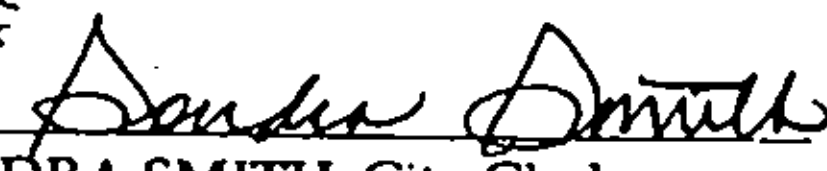
Section 2. That if, Jonathan M. and Jennifer L. Rich do not comply with this order, the Mayor is hereby directed to cause the dilapidated, unsightly, and unsafe structure to be razed and removed; and a lien against the real property shall be granted and given the City, pursuant to A.C.A. §14-54-904, for the costs associated therewith.

PASSED and APPROVED this 2nd day of December, 2003.

APPROVED

By: 
DAN COODY, Mayor




SONDRA SMITH, City Clerk



Record 1 of 1 Last Updated 09/08/04

Parcel Number: 765-08392-000 Prev. Parcel Number: 141894-000-00 Type: RI

Location: 1905 BROWER

Owner Name: RICH, JONATHAN M. & JENNIFER L.

Mailing Address: 722 S 18TH ST FT SMITH AR 72901

Lot:

Block:

S-T-R: 20-16-30

Addition: MEADOWVALE S/D

School District: FAYETTEVILLE SCH, FAY

Tax District: 011

City: FAYETTEVILLE

Legal: LOT 1 & N 12 FT OF E 30 FT LOT 2 BLOCK 3

Current Year A79 Credit Status:

Last Appraised: 2004

	Appraised Value	Taxable Value
Land	15,000	3,000
Improvement	10,800	2,160
Total	25,800	5,160

Tax History

Year	Taxable Value	Ad Valorem Tax	Imp. Dist. Tax	Timber Tax	Voluntary Tax	A79 Credit Status	A79	Net Total Tax	Total Tax Paid	Payment Status
2003	6,730	\$356.42	\$0.00	\$0.00	\$0.00			\$356.42	\$0.00	
2002	6,730	\$349.69	\$0.00	\$0.00	\$0.00			\$349.69	\$349.69	PAID
2001	6,226	\$323.50	\$0.00	\$0.00	\$0.00			\$323.50	\$323.50	PAID
2000	5,660	\$297.15	\$0.00	\$0.00	\$0.00			\$297.15	\$297.15	PAID
1999	5,660	\$289.79	\$0.00	\$0.00	\$0.00			\$289.79	\$289.79	PAID
1998	5,660	\$290.36	\$0.00	\$0.00	\$0.00			\$290.36	\$290.36	PAID
1997	5,660	\$290.36	\$0.00	\$0.00	\$0.00			\$290.36	\$290.36	PAID
1996	5,660	\$290.36	\$0.00	\$0.00	\$0.00			\$344.40	\$344.40	PAID
1995	5,660	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00	\$0.00	PAID

Available Tax Payment Receipt(s)

Year	Receipt #	Payment Date	Ad Valorem Tax	Imp. Dist. Tax	Timber Tax	Voluntary Tax	Penalty Tax	Payment
2002	123958	10/16/2003	\$349.69	\$0.00	\$0.00	\$0.00	\$0.00	\$349.69
2001	66802	9/25/2002	\$323.50	\$0.00	\$0.00	\$0.00	\$0.00	\$323.50
2000	16288	10/17/2001	\$297.15	\$0.00	\$0.00	\$0.00	\$0.00	\$297.15
1999	7341	10/17/2000	\$289.79	\$0.00	\$0.00	\$0.00	\$0.00	\$289.79
1998	19750	9/28/2000	\$290.36	\$0.00	\$0.00	\$0.00	\$0.00	\$290.36
1997	19749	9/28/2000	\$290.36	\$0.00	\$0.00	\$0.00	\$0.00	\$290.36

Deed History

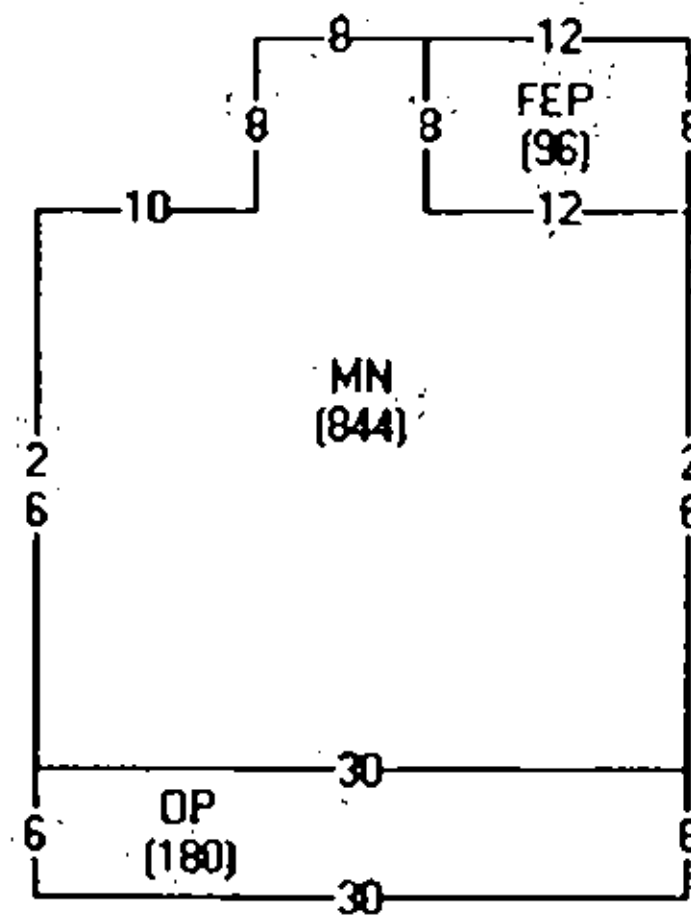
Date	Book	Page	Grantee1	Grantee2	Deed Type	Sale Amount	Revenue Amount
9/20/2000	2000	80398	RICH, JONATHAN M. & JENNIFER L.		RD	0	0.00
LRR 2000-80398 RED DEED #148826							
7/15/1993	93	39470	RICH, JONATHAN M. &	% CAROLYN SCHISLER	WD	25,000	55.00

JENNIFER L.

8/3/1989	1329	441	BATES, DONALD R. JR. & ANITA L.	WD	24,000	52.80
1/1/1985	1114	885	MUYSKENS, KATHRYN I.		0	0.00

Structure Number	Occupancy Type	Construction Type	First Floor Living Area	Total Living Area	Age or Year Constructed	Basement Area
1	SF	MV	844	844	50	

Sketch:



Out Buildings and Yard Improvements

Qty	Description	Size	Quality
1	Outbuilding		
1	Fence, wood 6'	240	

[Next Item](#) | [Previous Item](#) | [Return to Search Results](#) | [Modify Search](#) | [New Search](#)



City of Fayetteville
Code Compliance Division
113 West Mountain Street
Fayetteville, AR 72701
Helping to build a better Community

September 22, 2003

Jonathan M. & Jennifer L. Rich
722 S. 18th Street
Fort Smith, AR 72901

RE: Enforcement of Ordinance 173.08
Arkansas Code Ann. § 14-56-203

NOTICE TO PROPERTY OWNERS

Pursuant to A.C.A. §14-56-203 at 173.08 of the Fayetteville Code, you are placed upon Notice that the Fayetteville City Council will conduct a public hearing to determine if the dwelling located at 1905 Brower (Parcel #765-08392-000), should be Razed and Removed. You are free to appear at this hearing to present any evidence or statements. If you need additional information concerning this process or if you have information that we are not aware of, please call the Code Compliance Office at (479) 444-3430.

The hearing will be part of a regular City Council meeting – probably on October 21, 2003 beginning at 6:00 p.m. at the City Administration Building, 113 W. Mountain St, Fayetteville, AR 72701. It is possible that this hearing may be conducted at a later meeting such as November 4, 2003 or thereafter. The City Council Meetings are advertised in local newspapers and will contain an item concerning this hearing. You may also call the Fayetteville City Clerk's Office (575-8323) for information confirming the date of the public hearing.

Sincerely,

Chad Ball

Code Compliance Administrator

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Jonathan & Jennifer Rich
722 S. 18th Street
Fort Smith, AR 72901

2. Article Number

(Transfer from service label)

7001 1940 0001 4906 0969

PS Form 3811, August 2001

Domestic Return Receipt

AB 1479

102595-01-44-2509

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Erl Christensen*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Erl Christensen

C. Date of Delivery

9/24

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

U.S. Postal Service

CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Postage

\$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$

Postmark
Here

Sent To

Jonathan & Jennifer Rich

Street, Apt. No.,
or PO Box No.

722 S. 18th St.

City, State, ZIP+4

Fort Smith, AR 72901

PS Form 3800, January 2001

See Reverse for Instructions



City of Fayetteville
Code Compliance Program
113 West Mountain Street
Fayetteville, AR 72701
Helping to build a better Community

December 9, 2003

Jonathan M. & Jennifer L. Rich
722 S. 18th Street
Fort Smith, AR 72901

RE: Enforcement of Ordinance 173.08
Arkansas Code Ann. § 14-56-203

NOTICE TO PROPERTY OWNERS

On December 2, 2003, the Fayetteville City Council passed and approved Resolution No. 186-03. The resolution states that, by the authority granted pursuant to A.C.A. §14-56-203, and in accordance with the provisions of Ordinance No. 3948 of 1996, Jonathan M. and Jennifer L. Rich are hereby ordered to raze and remove the dilapidated, unsightly, and unsafe structure located on 1905 Brower (Parcel #765-08392-000). The manner of removing said structure shall be: dismantle by hand or bulldozer, and haul all debris to a landfill.

The resolution also says that if, Jonathan M. and Jennifer L. Rich do not comply with this order, the Mayor is hereby directed to cause the structure to be razed and removed; and a lien against the real property shall be granted and given the City, pursuant to A.C.A. §14-54-904, for the costs associated therewith.

Our office will begin the Raze and Removal process of said property on January 30, 2004. If you plan to remove anything from the structure, make arrangements before our process begins. Please contact the Code Compliance Office at (479) 444-3430 if you have any questions or updates concerning the property.

Sincerely,

Chad Ball
Code Compliance Administrator

Cc:file

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature X <i>Jonathan Rich</i> ☐ Agent ☐ Addressee B. Received by (Printed Name) <i>Jonathan Rich</i> Date of Delivery <i>DEC 12 2001</i> D. Is delivery address different from item 1? ☐ Yes ☒ No If YES, enter delivery address below. 3. Service Type ☐ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes	
1. Article Addressed to: <i>Jonathan & Jennifer Rich</i> <i>722 S. 18th Street</i> <i>Fort Smith, AR 72901</i>			
2. Article Number (Transfer from service label)		7001 1940 0001 4906 0990	

PS Form 3811, August 2001 Domestic Return Receipt *RB* 102505-01-M-2509

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
OFFICIAL USE	
Postage \$	Postmark Here
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
Sent To <i>Jonathan & Jennifer Rich</i>	
Street, Apt. No., or PO Box No. <i>722 S. 18th Street</i>	
City, State, ZIP+4 <i>Fort Smith, AR 72901</i>	
PS Form 3800, January 2001 See Reverse for Instructions	

7001 1940 0001 4906 0990



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

To: Code Enforcement Division

Date: 9-30-03

Ref: Property Assessment
1905 Brower

From: Dennis Ledbetter
Fire Marshal

On 9-30-03 I was assigned to assess the property at 1905 Brower Street. This was a wood frame single family dwelling. The exterior was covered with rock and the roof was covered with composition shingles. There was a considerable amount of trash and debris inside house. The ceiling and walls were deteriorated and some of them were coming down. There is still an electric meter and gas meter to the house.

The owner of this property should consider the cost of repairs verses the cost of the removal. The electric meter and gas meter should be removed until an inspection of the electrical system and plumbing can be conducted by a licensed electrician and plumber. The structure should be secured until a decision is made regarding this property. Permits should be obtained before any work is conducted on the property.



PURCHASE ORDER

C. 10
Cost Lien for Raze and Removal at 1905 S. Brower Avenue
Page 13 of 20

Each Package Must Be Marked
Exactly As Shown Here
City of Fayetteville, Arkansas

PURCHASE ORDER #

04-0001098-001

VENDOR NO. 13333

Barkers Backhoe & Dozer Serv
James Barker
1739 N Center St
Elkins AR 72727

DATE 3/02/04

FOB Fyv

TERMS NET 30 DAY

Qty.	Unit of Issue	Qty. Received	Description and Account Number	Unit Price	TOTALS
1.00	JOB		a) Contract Services, Raze & Remove Structure on 1905 S Brower Ave 1010.6420.5315.00	5600.00 \$5600.00	5600.00

SHIP TO: Community Code Enforcement
CITY OF FAYETTEVILLE
125 W MOUNTAIN ST
FAYETTEVILLE, AR 72701

Ball, Chad

Sales Tax Total:
Purchase Order Total: 5600.00

DEPARTMENT VERIFICATION

RECEIVED
DEPT HEAD APPROVAL
AMOUNT TO PAY

APV VERIFICATION

PURCHASING VERIFICATION
PRICE CHANGE VERIFICATION

RETURN CHECK TO
SEND COPY TO

Chad C.C.

BY [Signature] DATE 3/12/04
3/16/04

ADDITIONAL APPROVAL

CHECK #
DOES NOT MEET PURCHASING POLICY
CONTRACT PAYMENT
OTHER
APPROVED BY

PROJECT #

THIS PAYMENT \$

PREVIOUS PAYMENT(S) \$

TOTAL PYMT(S) \$

BALANCE \$

DEPT. WHEN COMPLETE DELIVER TO ACCTS. PAYABLE

CITY OF FAYETTEVILLE
SOLID WASTE AND RECYCLING DIVISION

21539

4358

cash
check
charge

DATE 3/11/04 2004

REC'D FROM James Barker \$ 1356.32

ADDRESS 1905 Brower

REC'D BY Travis Dotson

In payment of items listed below:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT
	Clean-Up	\$1356.32
		\$
		\$
		\$1356.32

PAID
IN FULL

Accounts Receivable Request

Date 04/27/04

Requested by C Ball

Bill To: Customer Number 2811

Account Name Jonathan M. and Jennifer L. Rich

Attention

Address 722 S. 18th Street

Fl. Smith AR 72901

Is this a change of address: YES NO XX

Description (optional) Case # 1479 Property Location: 1905 S. Brower

<u>Rate Code</u>	<u>Item</u>	<u>Quantity</u>	<u>Per Unit Price</u>	<u>Extended Cost</u>	<u>G/L Account Number</u>
<u>1600</u>	<u>Labor Charges</u>	<u>1</u>	<u>\$4,243.68</u>	<u>\$4,243.68</u>	<u>1010-0001-4490-07</u>
<u>1600</u>	<u>Disposal Fees</u>	<u>1</u>	<u>\$1,356.32</u>	<u>\$1,356.32</u>	<u>1010-0001-4490-07</u>
<u>1601</u>	<u>Admin Fees</u>	<u>1.67</u>	<u>\$18.99</u>	<u>\$31.71</u>	<u>1010-0001-4460-00</u>
<u>1601</u>	<u>Lien Fees</u>	<u>1</u>	<u>\$20.00</u>	<u>\$20.00</u>	<u>1010-0001-4460-00</u>
<u>5</u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>
<u>6</u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>
<u>7</u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>
<u>8</u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>

INVOICE TOTAL \$5,651.71

Description/Message(optional) Return to Code Compliance



CITY OF FAYETTEVILLE

113 WEST MOUNTAIN STREET
FAYETTEVILLE, AR 72701

STATEMENT

RICH, JONATHAN AND JENNIFER
722 S 18TH ST
FORT SMITH AR 72901

CUSTOMER #	STATEMENT DATE	LAST STATEMENT DATE	PREVIOUS BALANCE	BALANCE DUE
2811	8/31/2004	7/04/2004	\$ 5,651.71	\$ 5,651.71

TRAN. DATE	TRAN. TYPE	INVOICE #	INV. TYPE	TRAN. AMT.
------------	------------	-----------	-----------	------------

STATEMENT PERIOD TRANSACTION BALANCE: .00

BALANCE : 5,651.71
=====

OUTSTANDING INVOICES

INVOICE #	INV. TYPE	INV. DATE	DUE DATE	BALANCE AMOUNT
40001136	Misc-CCE	5/05/2004	6/05/2004	5,651.71

OUTSTANDING INVOICE BALANCE : 5,651.71
=====

Please contact (479)444-3430 if you have questions regarding
this statement. Thank you!



City of Fayetteville
Code Compliance Division
113 West Mountain Street
Fayetteville, AR 72701
Helping to build a better Community

September 29, 2004

Jonathan M. & Jennifer L. Rich
722 S. 18th Street
Fort Smith, AR 72901

RE: Enforcement of §173.08, Fayetteville Code of Ordinances
Arkansas Code Annotated § 14-54-904

NOTICE TO PROPERTY OWNERS

Pursuant to A.C.A. §14-54-904 and §173.08 of the Fayetteville Code of Ordinances, you are placed upon Notice that the Fayetteville City Council will conduct a public hearing to determine the amount of the lien for costs associated with the raze and removal of a structure located at 1905 Brower (Parcel #765-08392-000). You are free to appear at this hearing to present evidence or statements relating to the appropriate lien amount. No other issues remain before the City Council.

If you need additional information concerning this process or if you have information that we are not aware of, please call the Code Compliance Office at (479) 444-3430.

The hearing will be part of a regular City Council meeting – probably on November 16, 2004 beginning at 6:00 p.m. at the City Administration Building, 113 W. Mountain St, Fayetteville, AR 72701. It is possible that this hearing may be conducted at a later meeting such as December 7, 2004 or thereafter. The City Council Meetings are advertised in local newspapers and will contain an item concerning this hearing. You may also call the Fayetteville City Clerk's Office (575-8323) for information confirming the date of the public hearing.

Sincerely,

Chad Ball
Code Compliance Administrator

0092 499C 0000 0TTE 0003

U.S. Postal Service_{TM}	
CERTIFIED MAIL_{TM} RECEIPT	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage \$	Postmark Here
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
Sent To <u>Jonathan N. & Jennifer L. Rich</u> Street, Apt. No. or PO Box No. <u>722 S. 18th Street</u> City, State, ZIP+4 <u>Ft. Smith, AR 72901</u>	
PS Form 3800, June 2002 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also, complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece or on the front if space permits.		A. Signature <u>[Signature]</u> Agent ☐ Addressee ☐ B. Received by (Print Name) <u>[Signature]</u> C. Date of Delivery <u>08/06/03</u> D. Is delivery address different from item 1? ☐ Yes ☒ No If YES, enter delivery address below:	
1. Article Addressed to: <u>Jonathan & Jennifer Rich</u> <u>722 S. 18th Street</u> <u>Ft. Smith, AR</u> <u>72901</u>		3. Service Type: ☐ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes	
2. Article Number <u>1111111111</u> (Transfer from Service label)		7003 3110 0000 3664 7630	
PS Form 3811, February 2004 Domestic Return Receipt 102596-02-M-1540			

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

YES AGENDA REQUEST

For the Fayetteville City Council Meeting of:

Nov. 2, 2004
~~October 19, 2004~~

FROM:

Chad Ball

Com Res & Code Com

Com Plan & Engr Services

Name

Division

Department

ACTION REQUIRED: An Ordinance imposing a lien for costs associated with the raze and removal of a structure located at 1905 S. Brower Avenue.

SUMMARY EXPLANATION:

See attached Memo

STAFF RECOMMENDATION: Approval of the lien.

Division Head

Date

[Signature]

10/13/04

City Attorney

Date

[Signature]

10-13-04

Department Director

Date

[Signature]

10-14-04

Finance & Internal Services Dir.

Date

[Signature]

10-13-04

Chief Administrative Officer

Date

[Signature]

10/13/04

Mayor

Date

Received in Mayor's Office

10/13/04
Date [Signature]

Cross Reference:

Previous Ord/Res#:

Orig. Contract Date:

Orig. Contract Number:

New Item:

Yes

No



ALDERMAN AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF NOVEMBER 2, 2004

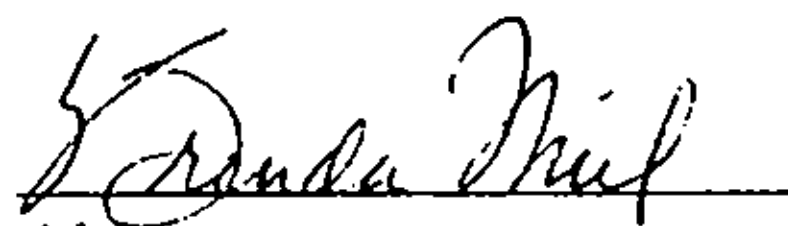
FROM:

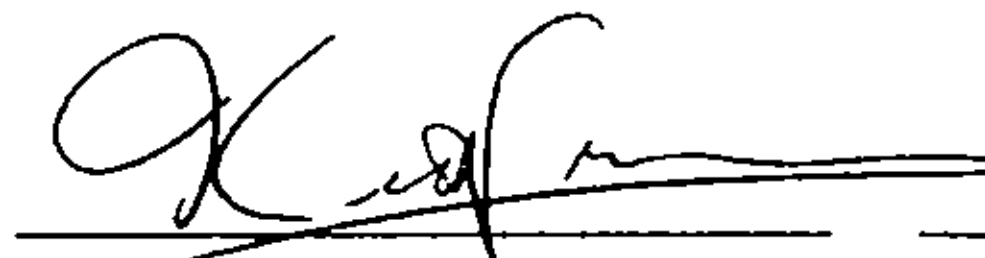
ALDERMAN BRENDA THIEL

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution To Waive The Building Permit Fee And Other Developmental Fees For South Fayetteville
Community Development Corporation

APPROVED FOR AGENDA:


Alderman 10/11/04
Date


City Attorney (as to form) 10/17/04
Date

RESOLUTION NO. _____

A RESOLUTION TO WAIVE THE BUILDING PERMIT
FEE AND OTHER DEVELOPMENTAL FEES FOR SOUTH
FAYETTEVILLE COMMUNITY DEVELOPMENT
CORPORATION

WHEREAS, South Fayetteville Community Development Corporation is a non-profit organization dedicated to assisting lower income people to build and own their own affordable homes; and

WHEREAS, it serves the public interest and is beneficial to the City as a whole that South Fayetteville Community Development Corporation helps to provide such affordable housing in Fayetteville.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby finds that waiving the building permit fee and all other developmental fees normally required by the Unified Development Code for the South Fayetteville Community Development Corporation home construction project serves the public interest and is beneficial to the City as a whole.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby permanently waives the normal building permit fee and all other developmental fees normally required by the Unified Development Code for the South Fayetteville Community Development Corporation home construction projects located in Fayetteville, Arkansas.

PASSED and APPROVED this the 2nd day of November, 2004.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

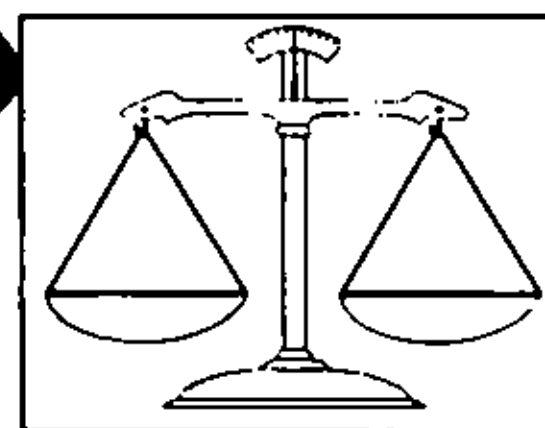
By: _____
SONDRA SMITH, City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY



LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: **Dan Coody, Mayor**

THRU: **Sondra Smith, City Clerk**

FROM: **Kit Williams, City Attorney**

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

DATE: **November 2, 2004**

RE: **Passed Resolutions and Ordinances from City Council meeting of November 1, 2004**

The following Resolutions and Ordinances were passed at last night's regular City Council meeting and are ready for the mayor's signature.

Enclosed are:

1. **Professional Engineering Services Agreement w/RJN Group:** Resolution approving contract Amendment #1 to June 15, 2004 agreement for professional engineering services w/RJN Group, Inc. in amount of \$175,000.00 to initiate the Farmington Sanitary Sewer Rehabilitation Improvements as set forth in the settlement agreement;
2. **FAA Contract Tower Cost Share:** Resolution accepting FAA Benefit/Cost Calculation of .91 for the FAA Contract Tower Cost Share Program and approving a two-year cost sharing agreement beginning March 1, 2005 with FAA;
3. **Arkansas Aeronautics Dept. Grant Amendment T-Hanger "H":** Resolution authorizing Fayetteville Municipal Airport staff to accept an increase in the grant amount of \$50,000.00 (for a total of \$150,000.00) from Arkansas Department of Aeronautics for construction of new T-Hanger and approving budget adjustment recognizing increased grant revenue;
4. **Vehicle & Maintenance Fueling:** Resolution approving budget adjustment in amount of \$195,100.00 to various vehicle and machine maintenance fueling accounts, due to unanticipated fuel cost increases;

5. **AR Blue Cross & USABLE Insurance Benefit Plan Renewal:** Resolution exercising first of five one-year options to renew employee group policies w/USABLE Life to provide life, accidental death and dismemberment, and long term disability insurance coverage, and w/Blue Cross/Blue Shield for group medical plan;

6. **RZN 04-1164:** Ordinance rezoning property described in petition RZN 04-1164 as submitted by Melissa Curiel for property located south of Wedington Drive and East of 54th Avenue, containing approximately 4.93 acres from R-A, Residential Agricultural to RMF-6, Residential Multi-Family, six units per acre subject to a Bill of Assurance limiting the number and type of structures to duplex and single family use;

7. **University of Arkansas Campus Transportation Study:** Resolution approving cost-sharing w/U of A in an amount not to exceed \$30,000.00 to participate in campus transportation study;

8. **ANX 04-1212:** Ordinance confirming annexation to City of Fayetteville of property located at 5512 George Anderson Road containing approximately 2.68 acres;

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10. **RZN 04-1219:** Ordinance rezoning property described in petition RZN 04-1219 as submitted by project design consultants for property located at 2389 Salem Road containing approximately 14.94 acres from R-A, Residential Agricultural and RSF-1, Residential Single Family, one unit per acre, to RSF-4, Residential Single Family, four units per acre;

11. **RZN 04-1221:** Ordinance rezoning property described in petition RZN 04-1221 as submitted by Ed and Patricia Scott for property located at 3196 Skillern Road containing approximately 2.01 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, four units per acre;

12. **RZN 04-1225:** Ordinance rezoning property described in petition RZN 04-1225 as submitted by Robert Jeff Conner for property located at 3398 E. Huntsville Road containing approximately 0.78 acres from RSF-4, Residential Single Family, four units per acre to R-O, Residential Office;

13. **VAC 04-1226:** Ordinance approving VAC 04-1226 submitted by Habitat for Humanity for property located at 22, 224, and 226 E. 13th Street as described on attached map and legal description;

14. **VAC 04-1227:** Ordinance approving VAC 04-1227 submitted by Habitat for Humanity for property located at 221, 223 and 225 E. 13th Street as described on attached map and legal description;

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Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



Ward 1 Position 1 - Robert Reynolds
Ward 1 Position 2 - Brenda Thiel
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Ward 2 Position 2 - Don Marr
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Ward 3 Position 2 - Conrad Odom
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**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
November 1, 2004**

A meeting of the Fayetteville City Council will be held on November 1, 2004 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

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

Presentation at Agenda Session Only: Presentation of the University of Arkansas Transportation Plan by Martin, Alexiou, Bryson consultants.

A. CONSENT:

- 1. Approval of the Minutes:** Approval of the October 19, 2004 City Council meeting minutes.
- 2. Professional Engineering Services Agreement with RJN Group Amendment:** A resolution approving Contract Amendment #1 to the June 15, 2004 agreement for professional engineering services with RJN Group, Inc. in the amount of \$175,000.00 to initiate the Farmington sanitary sewer rehabilitation improvements as set forth in the settlement agreement.
- 3. FAA Contract Tower Cost Share Program:** A resolution accepting the Federal Aviation Administration (FAA) Benefit/Cost Calculation of .91 for the FAA Contract Tower Cost Share Program; and approving a two-year Cost Sharing Agreement beginning March 1, 2005 with the FAA.

4. **Arkansas Aeronautics Department Grant Amendment T-Hangar "H":** A resolution authorizing the Fayetteville Municipal Airport staff to accept an increase in the grant amount of \$50,000.00 (for a total of \$150,000.00) from the Arkansas Department of Aeronautics for the construction of a new T-Hangar; and approving a budget adjustment recognizing the increased grant revenue.
5. **Vehicle & Maintenance Fueling:** A resolution approving a Budget Adjustment in the amount of \$195,100.00 to various vehicle and machine maintenance fueling accounts, due to unanticipated fuel cost increases.

B. UNFINISHED BUSINESS

1. **Arkansas Blue Cross & USABLE Insurance Benefit Plan Renewal:** A resolution exercising the first of five one-year options to renew employee group policies with USABLE Life to provide life, accidental death and dismemberment, and long term disability insurance coverage, and with Blue Cross/Blue Shield for the group medical plan. *This resolution was tabled at the October 19, 2004 City Council Meeting to the November 1, 2004 City Council Meeting.*
2. **RZN 04-1164 (Clevenger Duplexes):** An ordinance rezoning that property described in rezoning petition RZN 04-1164 as submitted by Melissa Curiel for property located south of Wedington Drive and east of 54th Avenue, containing approximately 4.93 acres from R-A, Residential Agricultural to RMF-6, Residential Multi Family, six units per acre subject to a Bill of Assurance limiting the number and type of structures to duplex and single family use. *This ordinance was left on the first reading at the October 19, 2004 City Council Meeting.*
3. **RZN 04-1189 (Jackson/Humphries):** An ordinance rezoning that property described in rezoning petition RZN 04-1189 as submitted by Nick Wilson for property located at the northwest corner of South School Avenue and Sunrise Mountain Road containing approximately 7.91 acres from R-A Residential Agricultural and C-2, Thoroughfare Commercial to I-1 Heavy Commercial, Light Industrial. *This ordinance was left on the first reading at the October 19, 2004 City Council Meeting.*
4. **R-PZD 04-1181 (Walnut Crossing):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 04-1181, Walnut Crossing located north of Highway 62, east of Layne Street containing 43.30 acres, more or less; amending the official zoning map of the City of Fayetteville; and adopting the Associated Residential Development Plan as approved by the Planning Commission. *This ordinance was left on the first reading at the October 19, 2004 City Council Meeting.*
5. **ADM 04-1258 (Wilson Street/Walnut Crossing):** A resolution amending the Master Street Plan to relocate Wilson Street, a proposed Collector Street, approximately 600 feet north as apart of R-PZD 1181, Walnut Crossing, as described in the staff report attached hereto and made a part hereof. *This ordinance was tabled at the October 19, 2004 City Council Meeting to the November 1, 2004 City Council Meeting.*

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Consent (circled around item 15)

~~16. Western Petroleum Company Contract: Approve contracts with Western Petroleum Company to provide aviation fuel, tire meter trucks, and services.~~

~~D. INFORMATIONAL:~~

~~Council Item~~

Aldermen

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Ward 2 Position 1 - Kyle B. Cook
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~~D. INFORMATIONAL:~~

~~Council Four: November 11, 2004 4:30 pm~~

Consent
take
off

NORTHWEST ARKANSAS EDITION
Arkansas Democrat Gazette

AFFIDAVIT OF PUBLICATION

I, Helen Williams, do solemnly swear that I am
Legal Clerk of the Arkansas Democrat-Gazette/Northwest Arkansas
Times newspaper, printed and published in Lowell, Arkansas, and that
from my own personal knowledge and reference to the files of said
publication, that advertisement of:

Local Agenda was inserted in the regular editions on
Nov. 1, 2004.

PO# 04-0003089-001

** Publication Charge: \$ 275.28

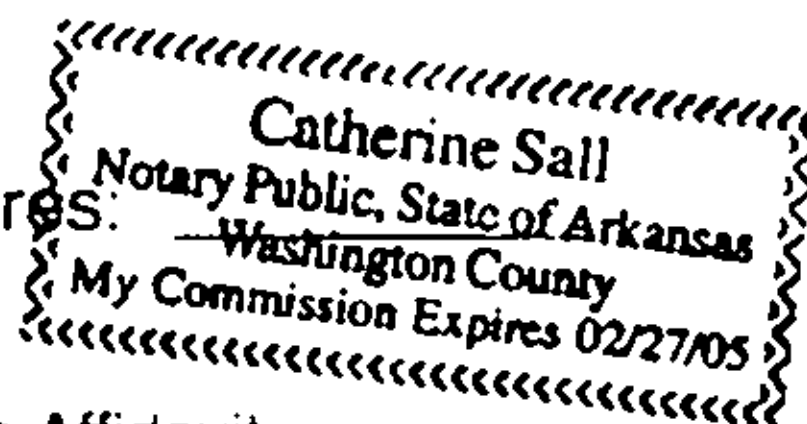
Subscribed and sworn to before me this

1st day of November, 2004.

Catherine Sall

Notary Public

My Commission Expires



** Please do not pay from Affidavit.
An invoice will be sent.

RECEIVED

NOV 03 2004

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

**FINAL AGENDA
CITY OF FAYETTEVILLE ARKANSAS
CITY COUNCIL MEETING
NOVEMBER 1, 2004**



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Pledge of Allegiance

Presentation of Fire Department Service Awards

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5. **RZN 04-1221 (Scott):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1221 as submitted by Ed and Patricia Scott for property located at 3196 Skillem Road containing approximately 2.01 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, Four Units Per Acre.
6. **RZN 04-1223 (Hoskins):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1223 as submitted by Tracy Hopkins for property located at 1719 North Ruppel Road containing approximately 11.73 acres from RSF-1, Residential Single Family, One Unit per Acre to RSF-4, Residential Single Family, Four Units per Acre.
7. **RZN 04-1225 (Conner):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1225 as submitted by Robert Jeff Conner for property located at 3398 E. Huntsville Road containing approximately 0.78 acres from RSF-4, Residential Single Family, Four Units per Acre to R-O, Residential Office.
8. **VAC 04-1226 (Habitat for Humanity):** An ordinance approving VAC 04-1226 submitted by Habitat for Humanity for property located at 222, 224 and 226 East 13th Street as described on the attached map and legal description.
9. **VAC 04-1227 (Habitat for Humanity):** An ordinance approving VAC 04-1227 submitted by Habitat for Humanity for property located at 221, 223, and 225 East 13th Street as described on the attached map and legal description.
10. **Cost Lien for Raze and Removal at 1906 S. Brower Avenue:** A resolution certifying to the Tax Collector of Washington County the costs of the razing and removal of a dilapidated and unsafe structure upon the property owned by Jonathan M. and Jennifer L. Rich located at 1906 S. Brower Avenue in the City of Fayetteville, Arkansas.

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