

**Aldermen**

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

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith



**City of Fayetteville Arkansas  
City Council  
Meeting Minutes  
February 21, 2006**

A meeting of the Fayetteville City Council was held on February 21, 2006 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

**Mayor Coody called the meeting to order.**

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

**Alderman Rhoads was absent until 6:35 PM**

**Pledge of Allegiance**

**Alderman Cook:** Representative Lindsley Smith was gracious enough to introduce before the legislature a Bill asking for funding for the Scull Creek Corridor and the legislature obliged. House Bill 1664 was for \$55,000 for design and construction of the Scull Creek Trail Corridor. I want to recognize Lindsley Smith.

**Representative Lindsley Smith:** Thank you Kyle, I know how hard you have been working on trails. So many of you on the City Council as well as the trail committee are so committed to this effort. In 2004 the Fayetteville National Heritage Association came to me and we talked at that time about how we could secure funds for the trail. I want to recognize them and their efforts in initially bringing the idea to me and also Audubon, Melissa Terry, the Sierra Club, Rob Lefler and others so many members and constituents of mine who spoke about the importance of the trail. I was really glad that it was appropriated at \$55,000 and I am happy to present this check to you today. Thank you.

**Kenneth Morton, Board Member of Bikes, Blues and BBQ:** We appreciate your support of Bikes, Blues and BBQ. We gave \$125,000 this year to charity. We wanted to see what affect

this event has on the City and the region. We asked the University to do a study and told them there were no parameters; they could do whatever they wanted to do to find out what effects this has on the community either negative or positive. We were very pleased that less than 10% was negative. Mr. Morton passed out a copy of the report

**Kathy Deck** with the Center for Business & Economic Research gave a report on the financial impact of Bikes, Blues and BBQ.

**Alderman Ferrell:** What was your biggest surprise?

**Kathy Deck:** The level of positive responses.

**Alderman Cook:** On the HMR graph it took four years for it to actually be a noticeable spike.

**Kathy Deck:** Bikes, Blues and BBQ was split between two months. You will see a steady impact.

**Mayor Coody:** Thank you very much for coming tonight.

**Kit Williams, City Attorney:** I suggest that we removed TCA Cable # 5 from the Consent Agenda they have fully paid the debt.

## **CONSENT:**

### **Approval of the February 7, 2006 City Council meeting minutes.**

**Approved**

**Morning Mist Drive Realignment:** A resolution amending the Master Street Plan to realign Morning Mist Drive, a collector street to the south modifying the terminus of the street to create an intersection with Mount Comfort Road in alignment with Bridgeport Drive.

***Resolution 30-06 as Recorded in the Office of the City Clerk.***

**Huntsville Road Right-of-Way:** A resolution designating by Warranty Deed a portion of city-owned property adjacent to Happy Hollow Road and Huntsville Road as right-of-way for the intersection improvement project.

***Resolution 31-06 as Recorded in the Office of the City Clerk.***

**ADM 06-1916 Persimmon MSP Amendment:** A resolution to amend the Master Street Plan by realigning Persimmon Street between Broyles Road and Legacy Point Subdivision south of the current alignment as described and depicted in the attached map.

***Resolution 32-06 as Recorded in the Office of the City Clerk.***

**TCA Cable Partners:** A resolution authorizing the City Attorney to file suit against TCA Cable Partners providing services as Cox Communications seeking payment of reimbursable expenses due and owing under Section XXIII of the Cable Franchise Agreement.

**Alderman Jordan** moved to table Item #5 TCA Cable Partners indefinitely. **Alderman Cook** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Rhoads** was absent.

This resolution was tabled indefinitely

**Alderman Jordan** moved to approve the Consent Agenda with Item #5 TCA Cable Partners removed. **Alderman Reynolds** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Rhoads** was absent.

### **UNFINISHED BUSINESS:**

**BMW Investments, LLC:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with BMW Investments, LLC in an amount not to exceed \$535,934.80 for the widening of Ruppel Road adjacent to the Clabber Creek Subdivision, Phases 3, 4 and 5. *This ordinance was left on the Second Reading at the February 7, 2006 City Council meeting.*

**Alderman Jordan** moved to suspend the rules and go to the third and final reading. **Alderman Reynolds** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Rhoads** was absent.

*City Attorney Kit Williams read the ordinance.*

**Alderman Jordan:** This has been through the Street Committee and a Ward 4 meeting.

**Curt Meredith**, Secretary of the Westbrook Village Property Owners Association voiced his concern as a neighbor and as an adjacent property owner of the proposed Ruppel Road. He is concerned about the road being 8 to 12 feet closer to their homes. He stated this is based solely on an incorrect survey that was done several years ago.

**Lori Barnard** stated that giving the property owners five feet would help them feel better about where they live. She stated they would like to protect the city that they have grown to love while at the same time not impede development.

**Shannon Smith** stated he supported the five feet.

**Cade Pearson** stated he lives in the same neighborhood. He stated that he felt the space between the alleyway and the street would be too narrow for a safe walkway and too narrow for the area to be used for future utilities.

**Cathy McKinney** stated she is concerned about the people that live on the back that joins Ruppel Road.

**Alderman Jordan** said Mr. Scott had contacted him and Alderman Lucas and stated that he had not been able to express himself publicly so he set up a meeting with him and the Street Committee. Part of the driveways are on City property so we could take that property but the Street Committee did not think that was fair so we begin to work on a solution to the problem. He stated three plans were drawn up one was to deviate the whole boulevard five feet, the second one was to take out a left hand turn lane and gain space that way. The Street Committee found that neither of these arguments had merit. The last plan was to leave the alleyway alone, leave the driveways alone and put in a six foot sidewalk and instead of 10 feet of green space they would have 4 feet of green space and the road would be left like it was. That is what the Street Committee agreed upon. Mr. Scott was not able to attend tonight's meeting but some of the neighbors are here. The Street Committee has spent several months on this if anyone has a better recommendation I would be willing to hear from them.

**Alderman Lucas:** I agree with Lioneld. I think by reducing green space it does give them some space and it does preserve their drives, if they wanted to move their alley in a little bit more they could even have more green space. I really think the Street Committee came up with a good option and a good compromise.

**Alderman Thiel:** Have they seen this compromise?

**Alderman Jordan:** Yes, Mr. Scott was there that night.

**Alderman Thiel:** They are asking for 5 more feet somewhere?

**Alderman Jordan:** Which means we would have to shift the whole boulevard over 5 feet.

**Alderman Thiel:** What aggravates me about this is what the developer ended up doing which cost the city money, time, effort and frustration by the people that bought this property. You can't go back and do anything about it now. The houses are there and the driveways are there. I don't know how we could actually move Ruppel.

**Alderman Jordan:** We couldn't figure that one out either.

**Alderman Lucas:** I sympathize with those 4 houses that are affected but I really feel like the city's hands are tied there. They thought they had a bigger back yard than they do because the alley is 5 feet on city property so now the reality is if that alley is moved they will have a smaller back yard. Possibly the developer will be able to help them with a fence or something.

**Alderman Thiel:** Is the developer still building in this area?

**Hank Broyles:** A partner of mine purchased the vacant lots in this development along with the bond issue which was in foreclosure. We paid off the bond issue and out of our pocket we paid to have the alleyways put in. All of the original streets were there and the alleyways had been laid out they had just never been installed. We had no contribution to the location of the alleys, they were there and staked off they just had never been put in. As it turns out in this particular part they were 5 to 6 feet to far to the west. We will be glad to move the alleyway over to where it is suppose to be and we will pay the money up front to do that and exchange back with the POA as a credit against future POA dues that we would be paying.

**Alderman Jordan:** If you do that, isn't that going to narrow the alleyway?

**Hank Broyles:** The alleyway would be approximately the same size, the inside property that doesn't have the alleyway on it is POA property it is not the property of the homeowners. We would actually be moving the alleyway off of the city right of way and back onto the right of way of the alleyway. If that is what you decide to do, we will do it. We will move it back to its intended location. We have made that offer to the POA.

**Alderman Jordan:** I guess we would need to know if that is acceptable to the neighborhood.

**Curt Meredith:** I have not been given authority to okay this deal and personally this is the first I have heard of it. We are not here to keep our 20 foot driveways we are here to make sure that somehow there is room to put a fence to keep our kids, pets and loved ones out of this interstate that is going in our back yards.

**Alderman Lucas:** Well that would do it.

**Curt Meredith:** I can't speak for the capacity of the POA but as a neighbor I think that would be a great idea.

**Alderman Jordan:** That doesn't have anything to do with what we are deciding here today because that is POA property, so that is something that you would have to work out with Mr. Broyles, I would assume.

A discussion followed on the proposed ordinance.

**Alderman Marr:** We went out and toured this and our first request as a Street Committee was to have it out of the city right of way and to have it designed using the land the way that it was. What we heard from the neighbors at that time was they did not want that alleyway any closer to their back yard so that is why we ended up with the design that we have today. Tonight we are getting a different opinion from the neighborhood.

**Alderman Jordan:** If I am not mistaken that would be correct because I believe Mr. Scott was there that night and he did not want to do that.

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

*Ordinance 4831 as Recorded in the Office of the City Clerk.*

**ADM 05-1841, 05-1842, 05-1879 Hillside Overlay District:** An ordinance amending Title XV: Unified Development Code of the City of Fayetteville to amend various sections of the code in order to implement hillside preservation and protection, establish a Hillside Overlay District Zoning Boundary and Map, and adopt the Hillside Overlay District Best Management Practices Manual. *This ordinance was left on the First Reading at the February 7, 2006 City Council Meeting.*

**Mayor Coody:** After having many conversations I think there is a narrowing disparity between what the City Council would like to see and what a lot of folks that have a vested interest in the business and development community would like to see. I am wondering if there is a way that

we can continue to hammer out these narrowing discrepancies to try to come up with something that both the Council and the development community can live with, in order to mitigate as much ~~consonantion~~ as we can. All of us want to pass an ordinance that will accomplish the goals. I think everyone would like to find some middle ground here and I think that is possible.

*consternation*  
**Alderman Thiel:** The staff or administration is having discussions with the business community about changes and concessions but that is not leaving the opportunity for the same concessions to be worked out with some of the stake holders that own property and are concerned about passing something that has been worked on now for 3 ½ years.

**Alderman Marr:** I couldn't agree with you more Brenda; I certainly think that we have beat this thing to death. We don't want to have any excuse that says we pushed this through. We can leave it on this reading and a still have dialogue.

**Mayor Coody:** I think there is some middle ground and what I would rather do than to debate it here tonight and then have all these other meetings is put together something.

**Tim Conklin, Planning & Development Management Director:** The City Attorney and the Planning staff still need to clarify the PZD issue with regard to what is allowed in a PZD. You do not have that language in front of you this evening.

**Alderman Marr:** We are making this effort for the development community that has concerns. I want to make sure that whatever efforts we are making for that are also made to the citizens that don't have a development interest but have a residential interest. So if they want to provide input we will have the same accessibility to them.

**Mayor Coody:** Absolutely.

**Alderman Lucas:** I agree with Brenda and Don. I watched the Hillside Task Force DVD and the Planning Commission DVD and the PZD were explained clearly. If you want to understand it you need to watch the DVD's.

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

*City Attorney Kit Williams read the ordinance.*

**Fran Alexander** voiced her concerns about the private meetings that have been conducted regarding this ordinance. She asked what items were being looked at.

**Mayor Coody:** The 60 foot height limit for residential, the PZD, the requirement of engineered foundations and the hilltop being rated the same as hillside.

**Fran Alexander** asked what the process is.

**Tim Conklin:** With regard to the PZD issue, cluster development is an option that allows flexibility in lot size with development located in areas with the least amount of slope. The developers in the Hillside Overlay District may request through the PZD process a cluster development project; a cluster development pattern shall be utilized. For developers to vest their development rights through a PZD ordinance our course is to use the Hillside Best Management

Practices Manual in order to guide development and encourage development to occur in areas on lands with a slope, encourage more open space and tree preservation, facilitate the transfer of tree preservation requirements for single lots to larger contiguous open space adjacent to the development and to minimize the view of the development from the valley below with the preservation of tree cover within the public open space. So with regard to the PZD it was the staff's intent to allow a PZD to encourage more tree canopy, in talking with our City Attorney that needs to be clarified and codified in the UDC. Other issues will have to be discussed and debated at the City Council.

A discussion followed on the ordinance and changes that might need to be made.

**Fran Alexander** again voiced her concern about the private meetings. She feels everyone should have input. She also thinks public comment needs to be had at the City Council meetings.

**Lois Alward** stated the League of Women Voters has attended many of the meetings. She stated their stand is *The League supports standards that minimize erosion and pollution caused by development on hillsides and along streams in Washington County using the following criteria.* She gave the Council a copy of the 15 items in their criteria. She urged the Council to support the package they have in front of them tonight.

**Frank Sharp** stated he is here to pat the Council on the back. He thanked the Council for funding the Dover Kohl study. He thinks this is a very small part of what the city is going to have to do and what the citizens of this city want.

**Tim Conklin:** I would like to state that the staff has brought forward what the Ordinance Review recommended. At the last City Council meeting there seemed to be some misunderstanding what the Best Management Practices Manual was designed to be used for to manage hillside development, a UDO ordinance amendment, which ones are being made and how those amendments actually create preservation of hillsides and then the boundary. Some of the input that you got was a mix of Hillside Best Practices Manual and ordinance. He thanked the Chamber of Commerce for giving him a chance to explain the ordinance amendments to the development community.

**Harriet Jansma** representing the Mount Sequoyah South Neighborhood Association stated they gathered the original data in 2002. This was then brought to their Alderman, Brenda Thiel. The original study completed a very blunt instrument to change the way we developed hillsides. She stated over this process the ordinance has been refined. These last few steps that we take should involve everyone; it should be a public and participatory process. Our neighborhood association trusts that this is a public process that will have a result that benefits all of us.

**Mayor Coody:** This isn't going to be shutting anybody out; this is basically a way to try to make things work more easily for everyone concerned.

**Joe Robson** stated as you increase the canopy size on each of the lots from 15% to 30% which is a gain and it is also a loss for the developer I suppose if they look at it that way. Since they are on hillsides the cumulative effect of that could be pretty massive on this city because you are really talking about a 70% loss of permeable surfaces. He voiced his concern about erosion control on hillsides.

**Tom Terminella** voiced his concerns about the ordinance. He is concerned about raising the undisturbed area of canopy, the proposal to amend the 15% to 30% he thinks that is over burdensome. He is also concerned about the hilltops being a part of this ordinance. He said he appreciated everyone's efforts.

**Alderman Thiel:** This is a 30% canopy requirement and right now we have a 25%.

**Tom Terminella** said right now there are all sorts of different zoning entitlements and they are all different as I understand. They are all increasing up to 30% collectively across the board for whatever zoning.

**Alderman Thiel:** I would like to understand that if you are going to have meetings with the developers to iron out some of these issues are you going to come back to the Council with amendments?

**Mayor Coody:** If there were any changes there would have to be amendments.

**Alderman Thiel:** And the Mayor can make those amendments?

**Kit Williams:** He can present amendments.

**Alderman Ferrell:** We received a memo from the City Attorney questioning some of these issues and I think it is our due diligence to look at these.

**This ordinance was left on the Second Reading.**

**R-PZD 05-1619 Westbrook Village:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 05-1619, Westbrook Village, located at tracts 1 and 2 of the original Salem Village P.U.D., containing approximately 1.42 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the First Reading at the February 7, 2006 City Council Meeting.*

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

*City Attorney Kit Williams read the ordinance.*

**Jeremy Pate, Director of Current Planning:** The applicants have redesigned that alley access so it will not cross private property; it would come from the existing alleyway and access that existing access easement. Staff is recommending the City Council amend this to incorporate the above stated revisions in the memo that you have. *The proposed alley shall extend sufficiently to provide access to all proposed lots within a dedicated access easement, there shall be no direct vehicular access to Salem Road or Clabber Creek from the alley or lot.*

**Lex Broyles**, partner and homeowner stated they are currently negotiating with the POA on the amount. He stated they did not have any negative feedback from the POA on reducing these two tracts from residential office.

**Curt Meredith** said being a homeowner there he is much more excited about gaining seven new members as a result of this PZD as having a dentist office, liquor store or gas station within the fences of our neighborhood.

**Mary Bassett** stated she is 100% for this rezoning and for this ordinance versus residential office in that neighborhood.

**Alderman Lucas** moved to amend the ordinance to add the new condition of approval as requested by the staff. **Alderman Marr** seconded the motion. Upon roll call the motion passed unanimously.

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

*City Attorney Kit Williams read the ordinance.*

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

*Ordinance 4832 as Recorded in the Office of the City Clerk.*

**RZN 06-1868 Chambers:** An ordinance rezoning that property described in rezoning petition RZN 06-1868 for approximately .20 acres located at 347 North Willow Avenue from RSF-4 Residential Single-Family, 4 units per acre to RSF-8, Residential Single-Family, 8 units per acre. *This ordinance was left on the Second Reading at the February 7, 2006 City Council Meeting.*

**Alderman Marr** stated he would like to tour this therefore he would like to table this ordinance until they can tour the property.

**Carrie Wilson** voiced her concerns about the rezoning of the property to an RSF-8. She is concerned about the height of the proposed building. She is concerned about this project decreasing her property value. She asked the Council to deny this request.

**Joseph Regan** voiced his concern about this rezoning. He does not want any more rental property in this neighborhood.

**Karen Reece** voiced her concern about the rezoning. Many structures in the Washington Willow Neighborhood are non-conforming structures. She said just because their structures were built before ordinances were in place isn't a call for additional structures that do not conform. She stated the integrity of this neighborhood needs to be protected.

**Zack Clark** voiced his concern about the proposed studio apartment and with the traffic and parking in the neighborhood.

**Raymond Jones** said any southern view that comes through there is blocked by minimum height.

**Julie Chambers**, Property Owner stated the reason that they are there tonight is to talk about the rezoning of the property. She stated their house is nonconforming in four instances. She stated

they went to the Board of Adjustments to try to get adjustments. Planning staff recommended that they ask for a rezone. She stated the RSF-8 zoning was developed specifically for the historic district; it has shorter setbacks and lot width. We need to get rezoned to make alterations on the property. She stated they have already acquired a conditional use for the apartment above the garage. We have contacted the neighborhood association and neighbors. She stated they appreciate the Council's time. She wants the Council to realize that this is about the rezoning and not about the conditional use.

**Alderman Thiel:** The garage and the apartment have been approved?

**Julie Chambers:** The apartment above the garage, we were required to have a conditional use permit for that because it is a detached dwelling unit, it has gone before the Planning Commission and has been approved. The setbacks are still nonconforming.

**Matt Chambers** stated he was sorry this has dragged on so long. He presented a PowerPoint showing the rezoning. He stated they are not here to talk about apartments, rental space, the historical merits of the plan or the use of city policy and procedure. He said they are here to talk about rezoning, setbacks, lot size and beautifying the neighborhood and putting a property to its proper and best use. The conditional use application was approved, there is an appeal process and as far as I know an appeal has not been brought forward. He stated they have agreed to a deed restriction that requires them and any subsequent property owner to live on this property. It is not going to become an apartment complex. He stated the multifamily use in this part of the city helps bring the city closer to its strategic planning goal and there are plenty of structures like this in the neighborhood. He stated they are doing this for five reasons; the current structure is an eyesore to his property and the neighborhood, to preserve and complement the current structure, to remove cars from the block on Willow, allow storage on the property and to provide a way to stay in his home while accommodating his family.

**Jack Butt** voiced his concern about the rezoning. He stated when you buy a house in a particular neighborhood that is what you get and you should be careful about what the zoning is, the requirements are and what the setbacks and uses are. With all the things that you can do that are legal that are going to be offensive to the neighborhood I don't understand why the City Council would want to approve something that is illegal and offensive to the neighborhood. Nobody likes change.

**Solomon Jones** voiced his opposition to the rezoning.

**Alderman Marr:** I think we need to see this. I asked the City staff about the zoning today in this neighborhood and it falls between 6 and 10. He stated one of the big issues is the height of this building and the conditional use for an apartment which is not something we are dealing with.

**Alderman Marr** moved to table the ordinance to the March 7, 2006 City Council meeting.

**Alderman Jordan** seconded the motion. Upon roll call the motion passed unanimously.

**This ordinance was left on the second reading and tabled to the March 7, 2006 City Council meeting.**

**ANX 06-1853 Nock/Broyles:** An ordinance annexing that property described in annexation petition ANX 06-1853, for property located north of Weir Road and east of Salem Road and Howard Nickell Road, containing approximately 39.11 acres. *This ordinance was left on the First Reading at the February 7, 2006 City Council Meeting.*

**Alderman Jordan** moved to suspend the rules and go to the second reading. **Alderman Lucas** seconded the motion. Upon roll call the motion passed 6-0. **Alderman Thiel** and **Rhoads** were absent during the vote.

*City Attorney Kit Williams read the ordinance.*

**Hank Broyles:** We met with the members of the community from Ward 4.

**John Nock:** The project was presented to the Ward 4 meeting as proposed. We have proposed an RMF-4 which is consistent with the other housing in the area. He stated there was discussion about fire response times and improving Ruppel Road. I believe the feedback was fairly positive. Our suggestion and request is the same as it was before the Ward 4 meeting to be RSF-4 and be annexed into the City of Fayetteville.

**Alderman Lucas:** We did have a good meeting last night that was also well attended. The consensus of the group was RSF-4 as opposed to RSF-2. They felt it was more in line with what was around this development. The real hang up is the fact that it creates a peninsula. The other side of the coin is that area is going to be developed. These two pieces of property are on either side of Ruppel Road which we want to improve. We will have the impact fees and park land dedication from this property if annexed; it is two blocks from the school. We are concerned about the fire response time but if Ruppel Road is improved that response time is going to improve. I don't believe we had any negatives other than the creation of a peninsula and the response time were the concerns.

**Alderman Jordan:** Why do you prefer the RSF-4 zoning over the RSF-2?

**John Nock:** We believe the impact of the neighborhood schools is an impact for families. There are very few homes on the market for under \$200,000. We believe you would want to build homes that are the size and scope that the average home buyer can afford. If you do RSF-2 and you have two units per acre your land cost increases per unit. It is not economically viable in most places in Fayetteville to build attainable housing. It is an economic and a location issue.

**Alderman Jordan:** On RSF-2 the home cost would be in the \$300,000 plus range is that correct?

**Hank Broyles:** The retail price on the houses would be \$300,000 to \$350,000 for RSF-2.

**John Nock:** Infill and density are two of the recommendations coming back from the consultants on the 2025 Plan, part of the discussion was that annexation should be used only where it is very prudent. I would make the case that walking distance to our elementary school and to our middle school would seem to be appropriate to annex.

**Alderman Jordan:** I know that the fire response time was addressed and we did talk about a fire station in that area for the future.

**Hank Broyles:** We met with Fire Chief Johnson about that.

**Fire Chief Johnson:** We have talked. This annexation fits into the fire station deployment and concept plan. After we complete the current planned stations we will be addressing the addition of a new station to the far northwest which fits into that plan and concept. We are at a point now where we need to be securing the land. We would like to meet with Planning to address all of the issues not just response time, we need to address water flow and the roads. With the extension of Ruppel Road from Fire Station 7 we will decrease that 8.75 minute response time by roughly 1.25 to 1.50 minutes. However we still feel a need that when we maximize the area with proposed annexation that we look at extending service that way because there are other parts of that sector of the community that will be developed. We have an excellent opportunity to address that before the building goes in and to possibility have the land set aside. My ears perked up when I heard donation of land and no land cost. I believe it is time for us to get together to discuss that future expansion to the northwest and to secure that land if at all possible before we reach maximum build out. It is tough to play catch up with expanding your fire service.

**Alderman Jordan:** I have talked to some of the developers and they were willing to work along that line as far as the land goes for the fire station.

**John Nock:** One of the discussions that happened early on was a direct donation for an acre to an acre and a half. Since that time we have had more discussions and my understanding is that at this point the best location may not be where we are looking at it could be other spots. However we certainly are willing to contribute on a monetary basis even if the spot is better picked by the Chief and his crew and the Planning staff if it is somewhere else. We would be willing to help to support that. If we were challenged to help offset some of that cost the idea for developers is to try to be good citizens and so we want to try to do that because that is good for our value both as a community and for our development. We certainly would like to do that.

**Alderman Jordan:** I understand this development would have about \$216,000 in impact fees.

**John Nock:** That is correct, plus the park fees.

**Chief Johnson:** In addition to that we want to discuss the revenue that it would take to operate the fire station not just to build it. We want to discuss all aspects of this.

**Alderman Cook:** One of the things the citizens continually spoke about was the way neighborhoods were built. Dover Kohl said neighborhoods should be compact have meaningful open spaces and preserves, smaller blocks, complete and connectively. As far as annexation if we continue the pattern, that we develop now, then we will need 16,000 acres of annexation but if we change our form of development we would not require that much. John made a good point that if you are going to annex near a school it should be walkable and that is exactly what Dover Kohl talked about. If we allowed denser development around that area we would not be sprawling out like we are now.

I am against annexation but on the rezoning portion if anything I would suggest a denser development than RSF-4. I don't think we need to add any more land within the City of Fayetteville, the land is there we just have to develop it in a different way.

**Alderman Jordan:** Me too.

**Alderman Thiel:** Even though you are asking for the RSF-4 zoning right now do you think at some point later you will come back with a PZD request?

**John Nock:** Historically I have always used a PZD because we design it in its entirety before we know what we are going to do. We don't specifically know what that is going to be yet. My thought would be absolutely. I am a believer in density for what you can do with it. I don't know what we will do. We want to be consistent with the surrounding developments.

**Alderman Thiel:** The last decision of where to locate a fire station it was not the most inexpensive land or finding something the developer would give us it was to find the best area. That is going to be important rather than take land here because it is free, we don't want to do that. We need to find the right location. I think the Chief is right that we need to be look at a plan real quick.

**Alderman Jordan:** I agree with that. What we were trying to get last night was a commitment from the development community to work with us along those lines. To say that is going to be the absolute place we are going to put the fire station I can't do that.

**Alderman Lucas:** One of the things we have talked about is we need to plan and not wait until we need the fire station, if we can plan ahead and get the land as it is being developed we should do that.

**Alderman Marr:** I came into this meeting from the first reading not really being in support of the annexation because of our policies on peninsular and islands. At the 2025 Plan last night I took a little bit of the spin that Mr. Nock talked about having more densely populated areas near our school systems, connecting our trails and greenways into where people with pedestrians will move and now that we have a property tax capturing the benefit of the property tax for the city in these areas that are going to develop. I completely agree with the comment that Kyle made that I think we need to look for higher density in some of these areas that are going to be new hubs or nodes in the city that they talked about in the plan last night.

The Ward that I represent is in the middle of town and even in the densest populated areas. We heard in the presentation from the Washington/Willow neighborhood about not wanting a particular building and not wanting an RSF-8 zoning in that neighborhood and yet that neighborhood is built out at 6 to 10. What that says to me is, if we believe in these concepts that citizens are saying that they want, we need to be able to begin to show and build these in these areas. I think we have so much opposition seeing it done within existing environments because it doesn't matter which neighborhood it comes forward from that neighborhood doesn't want it at that time. At some point we have to have a backbone and say what we are going to want to have or we need to look at a node and say that we are going to develop it under that pattern in this new area. I made a very critical comment not meaning for it to come across the way that it sounded about parts of west Fayetteville to me did not look any different than towns just to the north of us and didn't have the character that I tend to see that we have in central Fayetteville. I would like to see that develop in this kind of area. I am not a fan at all of RSF-2 or RSF-4 in this section.

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

*City Attorney Kit Williams read the ordinance.*

**Alderman Cook:** Some people get nervous when you say density. It is not for density sake, it has been said but I want to repeat it again, it is about the quality of the development and the amenities that go with that density. It is not about stacking people on top of each other.

**Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-1. Alderman Reynolds, Thiel, Marr, Rhoads, Ferrell, Lucas and Jordan voting yes. Alderman Cook voting no.**

*Ordinance 4833 as Recorded in the Office of the City Clerk.*

**RZN 06-1854 Nock/Broyles:** An ordinance rezoning that property described in rezoning petition RZN-06-1854 for approximately 39.11 acres located north of Weir Road and east of Salem Road and Howard Nickell Road from R-A, Residential Agricultural to RSF-2, Residential Single Family, 2 units per acre. *This ordinance was left on the First Reading of the February 7, 2006 City Council Meeting.*

*City Attorney Kit Williams read the ordinance.*

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

**Alderman Jordan moved to amend the ordinance to change the zoning to RSF-4. Alderman Lucas seconded the motion.**

**John Nock:** I would officially request that we go to an RSF-6 or RSF-8.

**Alderman Lucas:** I think that if we do that we need to hold it tonight.

**Alderman Jordan:** We showed this to the neighbors as RSF-4 last night.

**John Nock:** I think that Alderman Cook's comments are right on the money from what we heard last night.

**Alderman Jordan:** I don't mind the RSF-6 or RSF-8 but once I have shown something to the Ward 4 people and then we change it, it may not set too well.

**Alderman Thiel:** I am opposed to going to an RSF-6 or RSF-8. I would rather see a PZD.

**Alderman Cook:** I respect the Aldermen's opinion on that. That is my concern that if we rezone it RSF-4, I want to make sure they bring the PZD forward.

**Alderman Marr:** I am going to vote against that zoning because I think it should be a higher density. I understand the reasons and I look forward to your higher density PZD.

**Upon roll call the motion passed 6-2. Alderman Reynolds, Thiel, Rhoads, Ferrell, Lucas and Jordan voting yes. Alderman Cook and Marr voting no.**

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

*City Attorney Kit Williams read the ordinance.*

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

*Ordinance 4834 as Recorded in the Office of the City Clerk.*

**NEW BUSINESS:**

**CUP 06-1892 Temple Shalom:** An appeal of the Planning Commission's decision regarding the approval of a Conditional Use Permit for the Temple Shalom synagogue on Rockwood Trail.

**Mayor Coody:** This has been a very controversial and emotional issue on both sides of the fence. I understand there may be a move to ask this to be tabled.

**Jeremy Pate:** Jeremy gave a brief description of the project. The Planning Commission voted 6-3 in favor of this request. The Planning staff does recommend approval of the conditional use permit to allow the Temple Shalom to be located within this existing single family home. It was staff's finding that this request would not adversely affect the public interest. The majority of the discussion has been in regards to the parking area. There are 13 conditions of approval recommended by staff and the Planning Commission. Jeremy discussed the conditions of approval and said they found this to be compatible with the neighborhood.

**Joe Ratner,** President of Temple Shalom of Northwest Arkansas gave a brief explanation of the project. He said they have tried to communicate openly throughout this process unfortunately much of what they have said seems to have not been heard. They worked very diligently to come up with a proposal that would address the concerns of the residential look, feel and compatibility. Mr. Ratner asked that the City Council table this until the April 18, 2006 meeting so they can revisit the situation and look at other options.

**Alderman Reynolds moved to table the appeal until the April 18, 2006 City Council meeting. Alderman Ferrell seconded the motion. Upon roll call the motion to table passed unanimously.**

**This appeal was tabled until the April 18, 2006 City Council meeting.**

**Continuing Education Center:** Review the University's request to exercise their purchase of the Continuing Education Center.

**Mayor Coody:** The University has asked us to table this until the next City Council meeting.

**Alderman Ferrell moved to table this item until the March 7, 2006 City Council meeting. Alderman Marr seconded the motion. Upon roll call the motion to table passed 7-0. Alderman Jordan recused.**

**This item was tabled to the March 7, 2006 City Council meeting.**

**Sloan Properties, Inc. Cost-Share:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share with Sloan Properties, Inc. in an amount not to exceed \$21,503.40 for the upsizing of approximately 992' of 8" water main to 12" water main.

*City Attorney Kit Williams read the ordinance.*

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

*City Attorney Kit Williams read the ordinance.*

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

*City Attorney Kit Williams read the ordinance.*

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

***Ordinance 4835 as Recorded in the Office of the City Clerk.***

**ANX 06-1895 Broyles:** An ordinance annexing that property described in Annexation Petition ANX 06-1895, CC2005-48, for property located south of Weir Road and west of Salem Road, containing approximately 3.06 acres.

*City Attorney Kit Williams read the ordinance.*

**Jeremy Pate gave a brief description of the project. He stated Planning Commission and staff is recommending approval.**

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

*City Attorney Kit Williams read the ordinance.*

**This ordinance was left on the second reading.**

**RZN 06-1896 Broyles:** An ordinance rezoning that property described in Rezoning Petition RZN 06-1896 for approximately 3.06 acres located south of Weir Road and west of Salem Road from R-A, Residential Agricultural, to RSF-4, Residential Single Family, 4 units per acre.

*City Attorney Kit Williams read the ordinance.*

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

*City Attorney Kit Williams read the ordinance.*

**This ordinance was left on the second reading.**

**VAC 06-1897 Pettus:** An ordinance approving VAC 06-1897 submitted by H2 Engineering, Inc. for property located south of Dickson, between Block and Church; vacating a portion of an alley on the subject property.

*City Attorney Kit Williams read the ordinance.*

**Alderman Cook:** I love that alley because I use it to walk through. I hope that when they do the development that we can still have passage through there.

A discussion followed on the location of the alley.

**Alderman Thiel:** There will be another alley to replace this one. Normally I would be real concerned about vacating an alley but since they are replacing it and the new one will probably be safer.

**Alderman Marr moved to suspend the rules and go to the second reading. Alderman Thiel seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent during the vote.**

*City Attorney Kit Williams read the ordinance.*

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

*City Attorney Kit Williams read the ordinance.*

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

***Ordinance 4836 as Recorded in the Office of the City Clerk.***

**Amend Chapter 163:** An ordinance to amend Chapter 163: Use Conditions of the Unified Development Code by adding Section 163.15 Revocation or Change of Conditional Use.

*City Attorney Kit Williams read the ordinance.*

**Kit Williams:** I brought this forward because there was comments made at the Planning Commission that there was not a precise procedure to review conditional uses. Even though we have in the past reviewed conditional uses there was not a procedure for that.

**Jeremy Pate:** Mr. Williams did a very good job this is exactly the procedure that we have in place it is just not codified or written down anywhere.

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

*City Attorney Kit Williams read the ordinance.*

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

*City Attorney Kit Williams read the ordinance.*

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

*Ordinance 4837 as Recorded in the Office of the City Clerk.*

**R-PZD 05-1636 Wellspring:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 05-1636, Wellspring, located at Ruppel Road and Wedington Drive, containing approximately 152.2 acres, more or less; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan.

*City Attorney Kit Williams read the ordinance.*

**Jeremy Pate** gave a brief description of the project. Jeremy said there are several conditions of approval. Planning Commission and staff recommend approval.

**Alderman Lucas:** The streets that come out on Ruppel will they line up or join the streets across from Ruppel?

**Jeremy Pate:** I believe one of them does. We will have to look at that.

**Alderman Lucas:** Regarding the public park there was a comment that the Parks Department does not want 19 acres. Have they accepted this?

**Jeremy Pate:** Originally they wanted 19 acres and they recommended 19 acres. The original proposal showed only 16 acres.

**Alderman Lucas:** So the Parks Department has looked at this and accepted it?

**Jeremy Pate:** Yes.

**Alderman Thiel:** Did you say something about phasing?

**Jeremy Pate:** Phasing is proposed to be over the next 4 to 12 years. It is listed by each planning area on how they want to phase. Essentially the major roads will be constructed in Phase I as well as Ruppel Road improvements.

**Kit Williams:** Since this doesn't follow what is currently the Master Street Plan for Ruppel Road does this effectively change the Master Street Plan to move Ruppel back to where it currently is in existence?

**Jeremy Pate:** Our condition states that we need to do a further study to determine where that is. Their project is based on the City Engineering office concept drawings. The location of Ruppel Road is based on that. That would be a full Master Street Plan amendment with a different resolution. We are proposing at the time of development when they actually get into where that road is specifically going to go we would bring back a resolution for a Master Street Plan amendment for Ruppel.

**Alderman Jordan:** I think it is a good development. A lot of work went into this development.

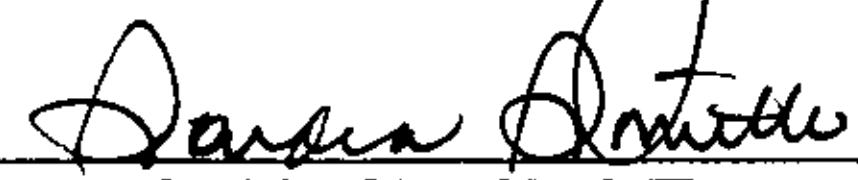
**Alderman Lucas** moved to suspend the rules and go to the second reading. **Alderman Jordan** seconded the motion. Upon roll call the motion passed unanimously.

*City Attorney Kit Williams read the ordinance.*

**This ordinance was left on the second reading.**

**Meeting Adjourned at 9:25 PM.**

  
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Dan Coody, Mayor

  
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Sondra Smith, City Clerk/Treasurer