

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



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

**Final Agenda
City of Fayetteville Arkansas
City Council Meeting
March 21, 2006**

A meeting of the Fayetteville City Council will be held on March 21, 2006 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**

Nominating Committee Report:

**APPROVED APPOINTMENTS FOR THE FOLLOWING BOARDS, COMMITTEES
AND COMMISSIONS:**

**Advertising & Promotion Commission
Board of Adjustments
Civil Service Commission
Construction Board of Adjustments & Appeals
Environmental Concerns Committee
Telecommunications Board
Tree & Landscape Advisory Board
Youth Activities Committee**

**PLANNING COMMISSION APPOINTEES WERE NOT APPROVED. THEY WILL BE
CONSIDERED AT A SPECIAL CITY COUNCIL MEETING MARCH 28, 2006.**

A. CONSENT:

- 1. Approval of the February 28, 2006 Special City Council meeting minutes.**

APPROVED.

2. **Landers/McClarty of Bentonville – Two F550 Dump Trucks and One E250 Panel Van:** A resolution awarding Bids #06-10 & #06-18 to Landers/McClarty of Bentonville for the purchase of two (2) F550 dump trucks and one (1) E250 panel van in the amount of \$103,919.44 for use by the Transportation Division and the Water & Sewer Division respectively.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 41-06.

3. **Landers Chevrolet of Benton – Nine ½ Ton Pickup Trucks:** A resolution awarding Bid #06-12, item 1 and Bid #06-19 to Landers Chevrolet of Benton for the purchase of nine (9) ½ ton pickup trucks in the amount of \$116,144.12 for use by the Fleet, Meter, Parks and Utility Management Divisions.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 42-06.

4. **Landers Chevrolet of Benton – Two ½ Ton Pickup Trucks:** A resolution awarding Bid #06-12, item 2, to Landers Chevrolet of Benton for the purchase of two (2) ½-ton pickup trucks in the amount of \$30,520.00 for use by the Water & Sewer Improvement Project; and approving a Budget Adjustment transferring funds to the Fleet Expense account.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 43-06.

5. **Landers Ford of Little Rock – Two Taurus Sedans:** A resolution awarding Bid # 06-14 to Landers Ford of Little Rock for the purchase of two (2) Taurus Sedans in the amount of \$26,429.20 for the use by the Airport and Fleet Divisions.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 44-06.

6. **Landers Ford of Little Rock –Five F150 Pickup Trucks:** A resolution awarding Bid # 06-12 to Landers Ford of Little Rock for the purchase of five (5) F150 pickup trucks in the amount of \$91,923.00 for use by the Engineering Division, OMI and the Building Services Division.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 45-06.

7. **Landers Ford of Little Rock – One Taurus Sedan:** A resolution awarding Bid #06-14 to Landers Ford of Little Rock for the purchase of one (1) Taurus Sedan in the amount of \$13,214.60 for use by the Police Department.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 46-06.

8. **Lewis Ford of Fayetteville – Two Explorers:** A resolution awarding Bid #06-11 to Lewis Ford for the purchase of two (2) Explorers in the amount of \$40,243.20 for use by the Fire and Water & Sewer Divisions.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 47-06.

9. **Lewis Ford of Fayetteville – One Ford 500 Sedan:** A resolution awarding Bid #06-15 to Lewis Ford for the purchase of one (1) Ford 500 Sedan in the amount of \$18,257.60 for use by the Fire Department.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 48-06.

- 10. Lewis Ford of Fayetteville – One F350 Flatbed Truck:** A resolution awarding Bid #06-17 to Lewis Ford for the purchase of one (1) F350 flatbed truck in the amount of \$24,580.00 for use by the Water & Sewer Division.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 49-06.

- 11. Teague Ford Lincoln Mercury El Dorado – One Ford Expedition:** A resolution awarding Bid #06-20 to Teague Ford Lincoln Mercury of El Dorado for the purchase of one (1) Expedition in the amount of \$24,495.00 for use by the Police Department K-9 Unit.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 50-06.

- 12. Fayetteville Honda – Three Honda Elements:** A resolution awarding Bid #06-16 to Fayetteville Honda for the purchase of three (3) Honda Elements in the amount of \$53,085.00 for use by the Community Resources and Planning Divisions.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 51-06.

- 13. Bulk Construction Materials Purchase:** A resolution awarding Bids #06-21 - #06-27 for and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville in the estimated amount of \$2,307,054.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 52-06.

- 14. Department of Homeland Security Fire Grant:** A resolution authorizing the Fayetteville Fire Department to apply for and accept a Department of Homeland Security Fire Grant for approximately \$500,000.00 to implement mobile data terminals with related software in all fire apparatus and command vehicles.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 53-06.

- 15. Washington Regional Medical Center Tree Preservation:** A resolution approving a request by Washington Regional Medical Center to modify the geographic extent and location of certain Tree Preservation Areas pursuant to §167.04 (L) (2), Tree Preservation and Protection, Unified Development Code, Code of Fayetteville.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 54-06.

- 16. McClelland Consulting Engineers – Improvements to Kings Drive:** A resolution approving Amendment #1 to the contract with McClelland Consulting Engineers, Inc. in an amount not to exceed \$65,375.30 for the final design; bidding, construction administration, and resident services during construction for improvements to Kings Drive.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 55-06.

B. UNFINISHED BUSINESS:

1. **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. This ordinance was Tabled at the February 21, 2006 City Council Meeting to the March 7, 2006 City Council Meeting. This ordinance was Tabled at the March 7, 2006 City Council Meeting to the March 21, 2006 City Council Meeting.*

THIS ITEM WAS LEFT ON THE SECOND READING OF THE ORDINANCE AND TABLED TO THE APRIL 4, 2006 CITY COUNCIL MEETING.

2. **R-PZD 06-1883 Abshier Heights:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-1883, Abshier Heights, located south of Evelyn Hills Shopping Center on Abshier and Hillcrest, containing approximately 4.11 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 March 7, 2006 City Council meeting.*

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

3. **Amend § 163.14; Wireless Communication Facilities:** An ordinance to amend §163.14 Wireless Communication Facilities of the Unified Development Code. *This ordinance was left on the First Reading at the March 7, 2006 City Council meeting.*

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

C. NEW BUSINESS:

1. **T-G Excavating, Inc – Sanitary Sewer Main Replacement:** A resolution approving a construction contract with T-G Excavating, Inc. in the amount of \$2,223,022.00 for sanitary sewer main replacement and rehabilitation city-wide; and approving a 5% project contingency in the amount of \$111,151.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 56-06.

2. **Oscar Renda Contracting -WSIP Sewer Main Construction, Line WL-1 and 3:** A resolution approving a construction contract with Oscar Renda Contracting in the amount of \$7,014,948.00 for construction of gravity sewer lines from Old Wire Road to Gregg and Porter Road to the Hamestring Lift Station, WL-1 & WL-3; and approving a 4% project contingency in the amount of \$280,000.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 57-06.

3. **Oscar Renda Contracting -WSIP Sewer Main Construction, Line WL-4:** A resolution approving a construction contract with Oscar Renda Contracting in the amount of \$10,441,319.20 for construction of gravity sewer lines from Gregg Avenue to

Hamestring Lift Station, WL-4; and approving a 4% project contingency in the amount of \$418,000.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 58-06.

4. **ADM 06-1976 Paradise Point:** An ordinance to amend the approved Residential Planned Zoning District titled R-PZD 05-1734, Paradise Point, located west of Crossover, south of Joyce Boulevard, containing approximately 1.55 acres.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4846.

5. **ANX 06-1933 Nock-Broyles:** An ordinance annexing that property described in Annexation Petition ANX 06-1933 (CC2005-47), for property located at 2390 South Dead Horse Mountain Road, containing approximately 6.55 acres.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4847.

6. **Aspen Ridge Planned Zoning District Expiration:** An ordinance to waive § 166.20 expiration of approved plans and permits for R-PZD 04-1307 (Aspen Ridge).

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4848.

7. **ANX 06-1935 Fletcher Williams Appeal:** An ordinance annexing that property described in Annexation Petition ANX 06-1935 (CC2005-54), for property located at 354 and 370 Double Springs Road, containing approximately 9.70 acres.

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

8. **RZN 06-1936 Fletcher Williams Appeal:** An ordinance rezoning that property described in Rezoning Petition RZN 06-1936, for approximately 9.70 acres, located at 354 and 370 Double Springs Road, from R-A, Residential Agricultural to RMF-6 Residential Multi-Family, 6 units per acre, subject to a Bill of Assurance.

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

9. **Beaver Water District Agreement:** A resolution approving an agreement between the City of Fayetteville and the Beaver Water District for protection of the Beaver Lake watershed.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 59-06.

D. INFORMATIONAL:

City Council Tour: March 20, 2006 - 4:30 PM

Meeting adjourned at 7:50 p.m.

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

7-0

Subject: Nominating Committee Report					
Motion To:		Approve all but Planning Commission			
Motion By:		Jordan			
Seconded:		Lucas			
Approved all but Planning Commission Planning Commission will be on the next agenda	Cook	✓			
	Marr	Absent			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	N			
	Mayor Coody				

6-1

Subject:	Consent				
Motion To:		Approve			
Motion By:		Jordan			
Seconded:					
<i>passed</i> <i>Res.</i> <i>41-06</i> <i>to</i> <i>55-06</i>	Cook	✓			
	Marr	Absent			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Mayor Coody				
	7-0				

Subject:	R Z N 06-1868 Chambers				
Motion To:		Table until 4/4/06			
Motion By:		Cook			
Seconded:		Thiel			
<i>B.I.</i> <i>Unfinished</i> <i>Tabled</i> <i>to</i> <i>4/4/06</i> <i>Left on the</i> <i>Second Reading</i>	Cook	✓			
	Marr	Absent			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Mayor Coody				

7-0

Subject: R-PZD 06-1883 Abshier Heights					
Motion To:		2nd read			
Motion By:		Cook			
Seconded:		Ferrell			
B.2. Unfinished Left on the Second Reading	Cook	✓			
	Marr	Absent	absent	absent	
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Mayor Coody				
7-0					

Subject: Amend 163.14 Wireless Communication Facilities					
Motion To:		2nd read			
Motion By:		Reynolds			
Seconded:		Ferrell			
B.3. Unfinished Left on the Second Reading	Cook	✓			
	Marr	Absent			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Mayor Coody				

Subject: T-G. Excavating, Inc.					
Motion To:		Approve.			
Motion By:		Jordan			
Seconded:		Ferrell			
C.1. New Business passed 56-06	Cook	✓			
	Marr	absent			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Mayor Coody				
7-0					

Subject: Oscar Renda Contracting WSIP Rite					
Motion To:		Approve			1 & 3
Motion By:		Cook			
Seconded:		Jordan			
C.2. New Business passed 57-06	Cook	✓			
	Marr	absent			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Mayor Coody				
7-0					

Subject:

Oscar Renda Contracting WSIP

Motion To:		Approve			Line -4
Motion By:		Cook			
Seconded:		Jordan			
C.3. New Business <u>Passed</u> 58-06	Cook	✓			
	Marr	absent			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Mayor Coody				

7-0

Subject:

ADM 06-1976 Paradise Point

Motion To:		2nd read	3rd read	Pass	
Motion By:		Ferrell	Ferrell		
Seconded:		Rhoads	Rhoads		
C.4. New Business <u>Passed</u> 4846	Cook	✓	✓	✓	
	Marr	absent	absent	absent	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Reynolds	✓	✓	✓	
	Thiel	✓	✓	✓	
	Mayor Coody				

7-0

7-0

7-0

Subject: ANX - 06 - 1933 Nock - Biayles					
Motion To:		2nd read	3rd read	Pass	
Motion By:		Reynolds	Jorda		
Seconded:		Ferrell	Ferrell		
C.5. New Business <u>Passed</u> 4847	Cook	✓	✓	N	
	Marr	absent	absent	absent	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Reynolds	✓	✓	✓	
	Thiel	✓	✓	✓	
	Mayor Coody				
		7-0	7-0	6-1	

Subject: Aspen Ridge Planned Zoning District Expirat					
Motion To:		2nd read	3rd read	Pass	
Motion By:		Reynolds	Reynolds		
Seconded:		Ferrell	Jordan		
C.6. New Business <u>Passed</u> 4848	Cook	✓	✓	✓	
	Marr	absent	absent	absent	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Reynolds	✓	✓	✓	
	Thiel	✓	✓	✓	
	Mayor Coody				
		7-0	7-0	7-0	

Subject: ANX-06-1935 Fletcher Williams Appeal					
Motion To:		2nd reading			
Motion By:		Jordan			
Seconded:		Lucas			
C. 17. New Business Left on the Second Reading	Cook	✓			
	Marr	Absent			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Mayor Coody				
7-0					

Subject: RZN 06-1936 Fletcher Williams Appeal.					
Motion To:		2nd read			
Motion By:		Jordan			
Seconded:		Lucas			
C. 18. New Business Left on the Second Reading	Cook	Absent during the vote			
	Marr	Absent			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Mayor Coody				
6-0					

Subject: Beaver Water District Agreement					
Motion To:					
Motion By:		Cook			
Seconded:		Jordan			
C. 9. New Business <u>Passed</u> 59-06	Cook	✓			
	Marr	Absent			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Mayor Coody				
7-0					

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Cook				
	Marr				
	Rhoads				
	Ferrell				
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**Final Agenda
City of Fayetteville Arkansas
City Council Meeting
March 21, 2006**

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

Nominating Committee Report

A. CONSENT:

- 1. Approval of the February 28, 2006 Special City Council meeting minutes.**
- 2. Landers/McClarty of Bentonville – Two F550 Dump Trucks and One E250 Panel Van:** A resolution awarding Bids #06-10 & #06-18 to Landers/McClarty of Bentonville for the purchase of two (2) F550 dump trucks and one (1) E250 panel van in the amount of \$103,919.44 for use by the Transportation Division and the Water & Sewer Division respectively.
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D. INFORMATIONAL:

City Council Tour: March 20, 2006 - 4:30 PM

● Tentative Agenda ● Session
3/14/06

Aldermen

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City Attorney Kit Williams
City Clerk Sondra Smith



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City Council Tour: March 20, 2006 - 4:30 PM - Will be a tour

Add

C.9

Beaver Water District Agreement

Agenda Setting Mtg. 3/8/06

Aldermen

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith



Ward 1 Position 1 - Robert Reynolds
Ward 1 Position 2 - Brenda Thiel
Ward 2 Position 1 - Kyle B. Cook
Ward 2 Position 2 - Don Marr
Ward 3 Position 1 - Robert K. Rhoads
Ward 3 Position 2 - Robert Ferrell
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City of Fayetteville Arkansas
City Council Meeting
March 21, 2006**

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

A. CONSENT:

1. **Approval of the February 28, 2006 Special City Council meeting minutes and the March 7, 2006 City Council meeting minutes.**
2. **Landers/McClarty of Bentonville – Two F550 Dump Trucks and One E250 Panel Van:** A resolution awarding Bids #06-10 & #06-18 to Landers/McClarty of Bentonville for the purchase of two (2) F550 dump trucks and one (1) E250 panel van in the amount of \$103,919.44 for use by the Transportation Division and the Water & Sewer Division respectively.
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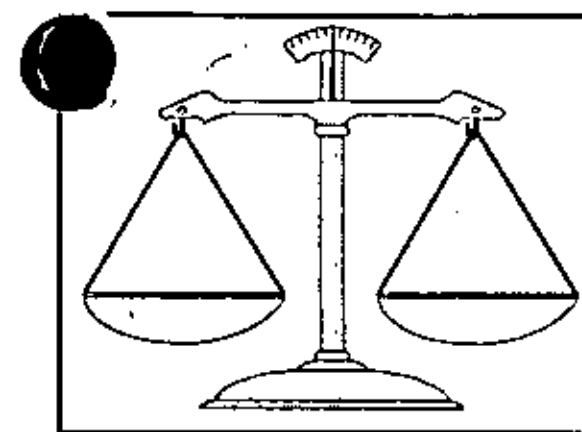
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City Council Tour: March 20, 2006 - 4:30 PM. ~~Police Department Tour~~

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**

DATE: **March 22, 2006**

RE: **Passed Ordinances and Resolutions from City Council meeting
of March 21, 2006**

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NORTHWEST ARKANSAS EDITION
Arkansas Democrat Gazette

AFFIDAVIT OF PUBLICATION

I, Erin Emis, do solemnly swear that I am the Legal Clerk of the Arkansas Democrat-Gazette/Northwest Arkansas Times newspaper, printed and published in Lowell, Arkansas, and that from my own personal knowledge and reference to the files of said publication, that advertisement of:

Final Agenda
March 20, 2006 was inserted in the regular editions on _____.

PO# _____

** Publication Charge: \$ 344.93

Subscribed and sworn to before me this

20 day of March, 2006.


Notary Public

Shariene D. Williams
Notary Public
State of Arkansas

My Commission Expires: _____ My Commission Expires
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MAR 22 2006

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

**FINAL AGENDA
CITY OF FAYETTEVILLE ARKANSAS
CITY COUNCIL MEETING
MARCH 21, 2006**



A meeting of the Fayetteville City Council will be held on March 21, 2006 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

Nominating Committee Report

A. CONSENT:

1. Approval of the February 28, 2006 Special City Council meeting minutes.

2. Landers/McClarty of Bentonville - Two F550 Dump Trucks and One E250 Panel Van: A resolution awarding Bids #06-10 & #06-18 to Landers/McClarty of Bentonville for the purchase of two (2) F550 dump trucks and one (1) E250 panel van in the amount of \$103,919.44 for use by the Transportation Division and the Water & Sewer Division respectively.

3. Landers Chevrolet of Benton - Nine 7-Ton Pickup Trucks: A resolution awarding Bid #06-12, item 1 and Bid #06-19 to Landers Chevrolet of Benton for the purchase of nine (9) 7-ton pickup trucks in the amount of \$116,144.12 for use by the Fleet, Meter, Parks and Utility Management Divisions.

4. Landers Chevrolet of Benton - Two 7-Ton Pickup Trucks: A resolution awarding Bid #06-12, item 2, to Landers Chevrolet of Benton for the purchase of two (2) 7-ton pickup trucks in the amount of \$30,520.00 for use by the Water & Sewer Improvement Project; and approving a Budget Adjustment transferring funds to the Fleet Expense account.

5. Landers Ford of Little Rock - Two Taurus Sedans: A resolution awarding Bid #06-14 to Landers Ford of Little Rock for the purchase of two (2) Taurus Sedans in the amount of \$26,429.20 for the use by the Airport and Fleet Divisions.

6. Landers Ford of Little Rock - Five F150 Pickup Trucks: A resolution awarding Bid #06-12 to Landers Ford of Little Rock for the purchase of five (5) F150 pickup trucks in the amount of \$91,923.00 for use by the Engineering Division, OMI and the Building Services Division.

7. Landers Ford of Little Rock - One Taurus Sedan: A resolution awarding Bid #06-14 to Landers Ford of Little Rock for the purchase of one (1) Taurus Sedan in the amount of \$13,214.60 for use by the Police Department.

8. Lewis Ford of Fayetteville - Two Explorers: A resolution awarding Bid #06-11 to Lewis Ford for the purchase of two (2) Explorers in the amount of \$40,243.20 for use by the Fire and Water & Sewer Divisions.

9. Lewis Ford of Fayetteville - One Ford 500 Sedan: A resolution awarding Bid #06-15 to Lewis Ford for the purchase of one (1) Ford 500 Sedan in the amount of \$18,257.60 for use by the Fire Department.

10. Lewis Ford of Fayetteville - One F350 Flatbed Truck: A resolution awarding Bid #06-17 to Lewis Ford for the purchase of one (1) F350 flatbed truck in the amount of \$24,580.00 for use by the Water & Sewer Division.

11. Teague Ford Lincoln Mercury El Dorado - One Ford Expedition: A resolution awarding Bid #06-20 to Teague Ford Lincoln Mercury of El Dorado for the purchase of one (1) Expedition in the amount of \$24,495.00 for use by the Police Department K-9 Unit.

12. Fayetteville Honda - Three Honda Elements: A resolution awarding Bid #06-16 to Fayetteville Honda for the purchase of three (3) Honda Elements in the amount of \$53,085.00 for use by the Community Resources and Planning Divisions.

13. Bulk Construction Materials Purchase: A resolution awarding Bids #06-21 - #06-27 for and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville in the estimated amount of \$2,307,054.00.

14. Department of Homeland Security Fire Grant: A resolution authorizing the Fayetteville Fire Department to apply for and accept a Department of Homeland Security Fire Grant for approximately \$500,000.00 to implement mobile data terminals with related software in all fire apparatus and command vehicles.

15. Washington Regional Medical Center Tree Preservation: A resolution approving a request by Washington Regional Medical Center to modify the geographic extent and location of certain Tree Preservation Areas pursuant to §167.04 (L) (2), Tree Preservation and Protection, Unified Development Code, Code of Fayetteville.

16. McClelland Consulting Engineers - Improvements to Kings Drive: A resolution approving Amendment #1 to the contract with McClelland Consulting Engineers, Inc. in an amount not to exceed \$65,375.30 for the final design; bidding, construction administration, and resident services during construction for improvements to Kings Drive.

B. UNFINISHED BUSINESS:

1. 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. This ordinance was Tabled at the February 21, 2006 City Council Meeting to the March 7, 2006 City Council Meeting. This ordinance was Tabled at the March 7, 2006 City Council Meeting to the March 21, 2006 City Council Meeting.

2. R-PZD 06-1883 Abshier Heights: An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-1883, Abshier Heights, located south of Evelyn Hills Shopping Center on Abshier and Hillcrest, containing approximately 4.11 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 March 7, 2006 City Council meeting.

3. Amend §163.14; Wireless Communication Facilities: An ordinance to amend §163.14 Wireless Communication Facilities of the Unified Development Code. This ordinance was left on the First Reading at the March 7, 2006 City Council meeting.

C. NEW BUSINESS:

1. T-G Excavating, Inc - Sanitary Sewer Main Replacement: A resolution approving a construction contract with T-G Excavating, Inc. in the amount of \$2,223,022.00 for sanitary sewer main replacement and rehabilitation city-wide; and approving a 5% project contingency in the amount of \$111,151.00.

2. Oscar Renda Contracting -WSIP Sewer Main Construction, Line WL-1 and 3: A resolution approving a construction contract with Oscar Renda Contracting in the amount of \$7,014,948.00 for construction of gravity sewer lines from Old Wire Road to Gregg and Porter Road to the Hamestrung Lift Station, WL-1 & WL-3; and approving a 4% project contingency in the amount of \$280,000.00.

3. Oscar Renda Contracting -WSIP Sewer Main Construction, Line WL-4: A resolution approving a construction contract with Oscar Renda Contracting in the amount of \$10,441,319.20 for construction of gravity sewer lines from Gregg Avenue to Hamestrung Lift Station, WL-4; and approving a 4% project contingency in the amount of \$418,000.00.

4. ADM 06-1976 Paradise Point: An ordinance to amend the approved Residential Planned Zoning District titled R-PZD 05-1734, Paradise Point, located west of Crossover, south of Joyce Boulevard, containing approximately 1.55 acres.

5. ANX 06-1933 Nock-Broyles: An ordinance annexing that property described in Annexation Petition ANX 06-1933 (CC2005-47), for property located at 2390 South Dead Horse Mountain Road, containing approximately 6.55 acres.

6. Aspen Ridge Planned Zoning District Expiration: An ordinance to waive §166.20 expiration of approved plans and permits for R-PZD 04-1307 (Aspen Ridge).

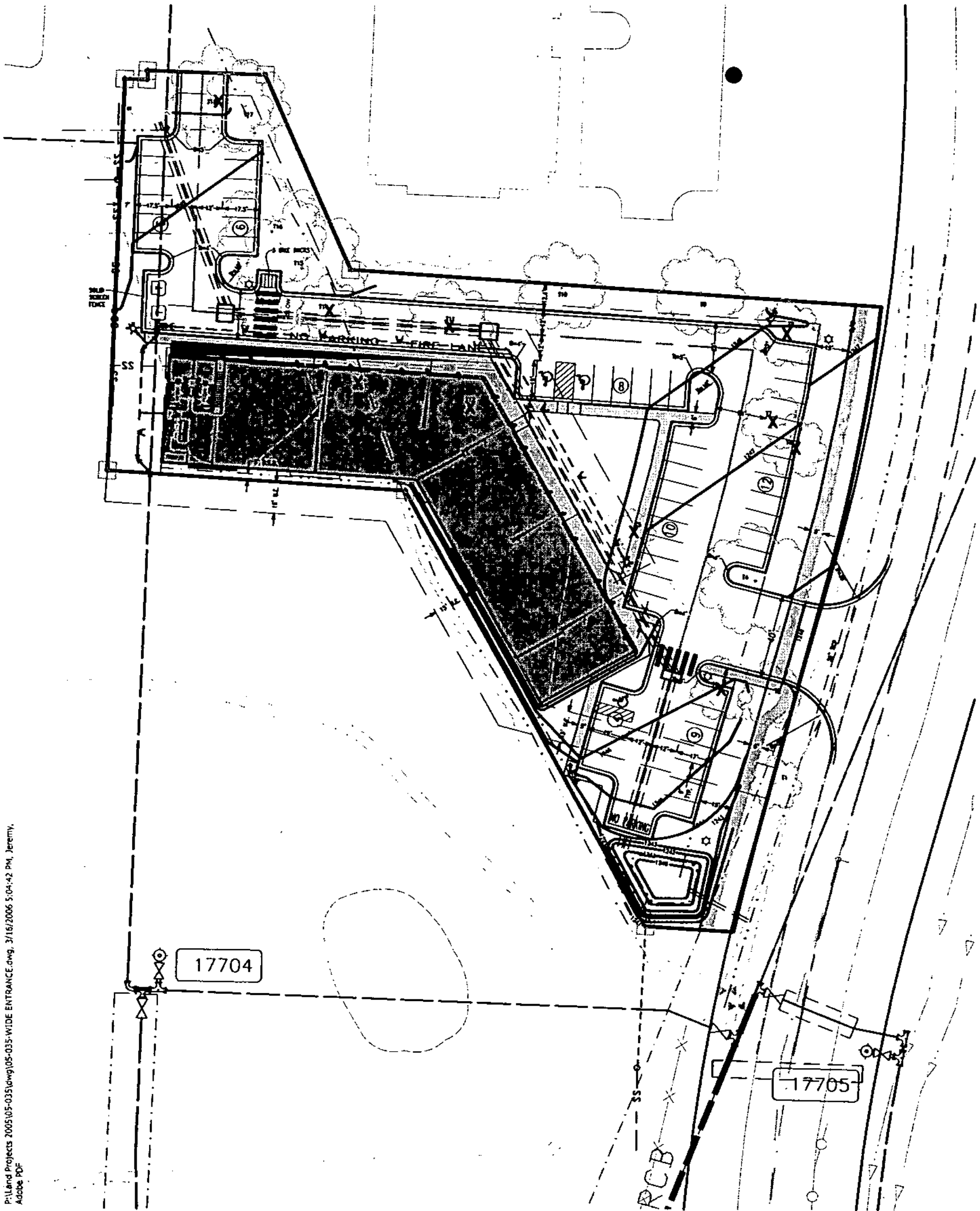
7. ANX 06-1935 Fletcher Williams Appeal: An ordinance annexing that property described in Annexation Petition ANX 06-1935 (CC2005-54), for property located at 354 and 370 Double Springs Road, containing approximately 9.70 acres.

8. RZN 06-1936 Fletcher Williams Appeal: An ordinance rezoning that property described in Rezoning Petition RZN 06-1936, for approximately 9.70 acres, located at 354 and 370 Double Springs Road, from R-A, Residential Agricultural to RMF-6 Residential Multi-Family, 6 units per acre, subject to a Bill of Assurance.

9. Beaver Water District Agreement: A resolution approving an agreement between the City of Fayetteville and the Beaver Water District for protection of the Beaver Lake watershed.

D. INFORMATIONAL:

City Council Tour: March 20, 2006 - 4:30 PM



ADM 06-1976
Paradise Point

**ZONING CHRONOLOGY OF 150 FOOT WIDE STRIP, BOUNDING THE WESTERN
EDGE OF HILLCREST AVENUE RUNNING NORTH FROM ITS INTERSECTION
WITH ABSHIER**

(Based on documentation provided by Fayetteville Planning Staff)

6/27/62: T. I. Abshier and Evelyn Hills, Inc., petition Planning Commission, City Board, and Mayor to re-zone approximately 3 ½ acres on West side of Hillcrest drive from R-1A to C-2. The strip is 150 feet wide along Hillcrest and runs 1,030 feet northward from Hillcrest's intersection with Abshier. Proposes a protective covenant that no commercial building will be constructed on the East 75 feet which would extend above street level of Hillcrest avenue.

Exhibit 1

7/5/62: Public notice to all persons concerned of public hearing by Planning Commission to reconsider Abshier petition for re-zoning, date of hearing 7/24/62 **Exhibit 2**

7/23/62 Objections filed to proposed re-zoning **Exhibit 3**

7/24/62: Public hearing, Planning Commission certifies to City Board recommendation that re-zoning occur except for east 20 feet thereof as buffer and on condition that petitioner's restrictive covenants dated 8/11/62, with revisions suggested by planning commission, be filed. **Exhibits 4 and 5**

8/27/62 Ordinance 1314 passed re-zoning west 130 feet to C-2 and requiring certain other requirements in Restrictive covenants to be filed in favor of and enforceable by neighbors **Exhibits 4 and 5**

8/31/62: date of Restrictive Covenants which were filed of record by Evelyn Hills Shopping Center, Inc. and Mr. and Mrs. T.I. Abshier on 9/18/62 at Vol 580, p214 : Recites 130 feet converted to C-2, and "if it is re-zoned" to benefit owners along Hillcrest, no commercial building which extends above Hillcrest Street level shall be placed on 80 feet west of 20 foot buffer, egress is limited to present driveway; nothing built w/in 20 feet of Hillcrest, and within 12 months after passage of re-zoning ordinance, 6 foot high fence built along west 20 feet and area shall be beautified. Covenants run with the land for 20 years after recorded, extended automatically for 5 year period unless all neighbors agree to change. Inure to benefit of any person on Hillcrest Avenue. **Exhibit 6**

11/26/62: drawing of area, w/ handwritten notes "Special election on Ordinance no 1314: For 471, against, 682, The ordinance was defeated by 212 votes. City Council minutes of 11/26/62, Book "G" Page 177, Referendum petition." Also noted Planning Commission administrative sheet showing history of progress of Ordinance 1314 through Planning Commission and City board, "3/1/91, according to my research, the re-zoning was brought to public vote by referendum, the re-zoning was overturn. BB" **Exhibit 7 and 8**

8/15/67 Minutes of Planning Commission meeting, attorney E.J. Ball petitions in behalf of owners that the property west of Hillcrest be re-zoned for R-1A to C-2. Lewis Jones represented

41 opponents. The minutes note the prior 1962 Planning Commission and City Board action and that, "this issue was presented for public vote later that year and the voters decided the property should be left as a residential zone." The matter was not voted on for lack of a quorum, and was scheduled for action on 8/22/67. **Exhibit 9**

8/22/67 Minutes of a Planning Commission meeting, request to re-zone this same property from R-1 to C-2 unanimously denied. **Exhibit 10**

10/17/67 Letter from City manager to attorney Lewis Jones, who represented the Hillcrest Street neighbors, noting that appeal of the Planning Commission decision on re-zoning this property to the City Board has been is scheduled for rehearing on 11/6/67. **Exhibit 11**

11/67 City Board rehears the appeal, recommends the applicant work out a compromise with neighborhood, table then matter for 120 days, referring it to the Planing Commission. (City zoning history memo)

2/68 Planning Commission indefinitely tables the re-zoning petition, never acted upon it. (City zoning history memo)

6/70 City wide re-zoning confirms that this strip remains R-1. (City zoning history memo, also Exhibit 12 -June 1970 official zoning map, and Exhibit 13- crayon map used by zoning office)

11/27/72: plat map reflecting "Appeal 72-40 Osage Oil and Transportation 1600 N. College Board of Adjustment 11/27/72", shows that all property between Evelyn Hills and Hillcrest is R-1. **Exhibit 14**

6/24/91 Planning Commission minutes, request by Charles Sloan for conditional use for duplexes within R-1 on West side of Hillcrest. Sloan had contract to purchase contingent upon approval of conditional use. Motion tabled. **Exhibit 15**

722/91 Planning Commission minutes, motion to deny Sloan motion for conditional use of duplexes within R-1 denied by 7-1 vote. **Exhibit 16**

1970-1999 A review of all actions since 1970 requesting re-zoning within one mile of this site shows that on 19 separate occasions, occurring almost every other year, the planning staff shows this property as R-1 **Exhibit 17 - list of zoning matters, and Exhibits 18 and 19, - exemplar maps for planning applications dated 7/18/88 and 6/18/90**

1999 The first, and only time, that the planning staff has not been consistent in holding all property from the western edge of Hillcrest, to the eastern edge of the Evelyn Hills shopping center was not all R-1, was on a 1999 application by Weingarten, then owner or manager of Evelyn Hills, for parking expansion. The "One Mile Diameter" map prepared by the planning department shows that the R-1 zoning continues west from Hillcrest to a point approximately

halfway between Hillcrest Avenue, and the Evelyn Hills building lines. The "Close Up" map prepared by the planning department does not even show any line of separation between the R-1 running west from Hillcrest Street and the C-2 of the shopping center proper. Thus, even those documents are confusing and ambiguous, and certainly no basis for re-zoning this area from R-1 to C-2 **Exhibits 20 and 21**

7/15/03 For reasons completely unknown to the Fayetteville City Board or to the Mayor, or to the Planning Commission, or to any of the City Planning staff, when the City adopted the new Zoning Map effective 7/15/013, it showed, for the first time in Fayetteville City Planning history, this 1030 X 150 foot strip of space as C-2. There was no public notice, no public hearings, no discussions, no chance for the neighbors to be heard, and in fact, no awareness on this Board's part, much less the neighborhood, that the City had re-zoned property which had been successfully defended as R-1 3 different times over 40 years: successfully defended at the Planning Board, at the City Board, and when those failed, by public referendum. **Exhibit 22**

Now it is proposed that an unknown drafter's mistake resolve the issue.



THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: File
FROM: Jeremy Pate, Director of Current Planning
DATE: February 10, 2006

Planning Staff has researched Planning Commission meeting minutes, rezoning files and City Clerk records of City Council/Board of Directors meeting minutes and ordinances in an attempt to locate the ordinance that zoned the approximately 150' strip of property between Evelyn Hills Shopping Center and Hillcrest Avenue, in conjunction with the Abshier Heights Planned Zoning District Proposal. The following represent the best timeline that we have been able to establish:

Zoning History – Evelyn Hills/Abshier Heights PZD

- 1960 Evelyn Hills rezoned to C-2 (excluding 150' strip adjacent to Hillcrest)
- August, 1962 City Council approved rezoning to C-2 with restrictive covenants (Ordinance 1314)
- November, 1962 Referendum vote (election) defeated Ordinance 1314, 682 to 471. Property remains zoned R1-A.
- August, 1967 Planning Commission recommends denial of rezoning to C-2
- September, 1967 Applicant appealed to Board of Directors
- October, 1967 Board of Directors review of appeal, applicant not present; no action taken
- November, 1967 Board of Directors rehear appeal, recommend applicant work out compromise with neighborhood; tabled 120 days, referred to Planning Commission
- February, 1968 Planning Commission table indefinitely the rezoning consideration
- June, 1970 City-wide rezoning affirmed C-2 zoning for Evelyn Hills; Zoning exhibit excludes the 150' wide portion adjacent to Hillcrest
- July, 1991 Request to rezone property from C-2 to R-1.5 withdrawn; Conditional Use to allow duplexes on the property (noted as being zoned R-1) denied
- 1991-1999 Projects in area reviewed for zoning maps; all reference R-1, until 1999, when the property is indicated as zoned C-2 on the 1-mile maps associated with a parking lot expansion for Weingarten (Evelyn Hills)

- June, 2003

Unified Development Code adopted through Ordinance No. 4489, codified through Ordinance 4789; Ordinance # 4503 city-wide rezoning; property zoned C-2 to Hillcrest, as noted in the official Zoning Map of the City of Fayetteville

To date, staff has been unable to locate a formal action by the Planning Commission or the Board of Directors regarding any request on the property after its indefinite tabling in February, 1968 and the city-wide rezoning in 1970. Furthermore, the 1970 city-wide rezoning indicates that the subject property was not zoned C-2; rather, it remained at that time R-1 (see attached). The city-wide rezoning in 2003, however, as officially adopted by the City Council, indicates the property as zoned C-2, therefore staff is processing this project as being zoned C-2 currently.



Inspector's office
June 27, 1962.
P.D.P.

PETITION TO THE FAYETTEVILLE CITY PLANNING
COMMISSION, THE MAYOR AND THE CITY COUNCIL OF
FAYETTEVILLE, ARKANSAS

Comes now, T. I. Abshier, an individual, and EVELYN HILLS
SHOPPING CENTER, INC., a corporation, and for cause state:

I

That they are the owners and in possession of the following
described real estate situated in Fayetteville, Washington County,
Arkansas, to-wit:

A strip of land one hundred fifty (150) feet deep lo-
cated on and abutting the West boundary of Hillcrest
Avenue, beginning at Abshier Drive, and running, thence
North three hundred seventy (370) feet.

A strip of land one hundred fifty (150) feet deep lo-
cated on and abutting the West boundary of Hillcrest
Avenue, beginning three hundred seventy (370) feet
North of Abshier Drive, and running, thence North six
hundred sixty (660) feet.

Exhibit A attached hereto is a plat of the area which
discloses the area to be rezoned.

The aforesaid real estate is presently zoned as R-1A Residential
District.

Petitioners propose to construct a parking lot on the aforesaid
real estate for the use and benefit of EVELYN HILLS SHOPPING CENTER,
INC. which shopping center adjoins said real estate on the west, but
before Petitioners can procure authorization to construct said parking
lot it will be necessary to have said premises rezoned to C-2 Commerci-
al District.

It is to the best interest of the City of Fayetteville and the
people therein that the above described real estate to be rezoned from
R-1A Residential District to C-2 Commercial District.

The rezoning of the aforesaid real estate will not unreasonably
conflict with the surrounding land uses since the entire area west of
the aforesaid real estate to the United States Highway No. 71 is C-2

Commercial District and comprises the main area of the Evelyn Hills Shopping Center which is located in a valley with all buildings being below the existing Hillcrest Avenue street level, and the entire area to the East of Hillcrest Avenue and the aforesaid real estate is zoned as R-1A Residential District situated directly on the top of the high hill overlooking the Evelyn Hills Shopping Center. The residents in the area to the east of the aforesaid real estate will receive additional protection by placing of record a protective covenant that no commercial building will be constructed upon the East 75 feet of said area which extends above the street level of Hillcrest Avenue as it now exists.

WHEREFORE, premises considered, petitioners pray that the Fayetteville City Planning Commission fix a time and place for a public hearing setting forth a time, place and purpose thereof to be published in the Northwest Arkansas Times more than fifteen (15) days prior to said public hearing, and that the Fayetteville City Planning Commission recommend to the City Council of the City of Fayetteville that said City Council pass an Ordinance rezoning the above described premises from R-1A Residential District to C-2 Commercial District.

Respectfully submitted,

T. I. Abshier and
EVELYN HILLS SHOPPING CENTER, INC.

By: E. J. Ball
E. J. Ball, Their Attorney

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN TO ALL PERSONS CONCERNED OF A PUBLIC HEARING TO BE HELD BY THE FAYETTEVILLE PLANNING COMMISSION.

DATE: TUESDAY, JULY 24, 1962
TIME: 3:30 P. M.
PLACE: CITY COUNCIL ROOM, CITY ADMINISTRATION BUILDING, FAYETTEVILLE, ARKANSAS

PURPOSE OF HEARING AND LOCATION OF PROPERTY:

TO CONSIDER THE REZONING OF THAT PORTION OF REAL ESTATE FIRST HEREINAFTER DESCRIBED AND TO REZONE FROM "R-1A SINGLE FAMILY RESIDENTIAL DISTRICT" TO "C-2 THOROUGHFARE COMMERCIAL DISTRICT" THE FOLLOWING DESCRIBED REAL ESTATE, TO-WIT:

A STRIP OF LAND ONE HUNDRED FIFTY (150) FEET DEEP LOCATED ON AND ABUTTING THE WEST BOUNDARY OF HILLCREST AVENUE, BEGINNING AT ARSHIER DRIVE, AND RUNNING, THENCE NORTH THREE HUNDRED SEVENTY (370) FEET.

A STRIP OF LAND ONE HUNDRED FIFTY (150) FEET DEEP LOCATED ON AND ABUTTING THE WEST BOUNDARY OF HILLCREST AVENUE, BEGINNING THREE HUNDRED SEVENTY (370) FEET NORTH OF ARSHIER DRIVE, AND RUNNING, THENCE NORTH SIX HUNDRED SIXTY (660) FEET.

THE REZONING OF AFORESAID REAL ESTATE WILL NOT UNREASONABLY CONFLICT WITH THE SURROUNDING LAND USES SINCE THE ENTIRE AREA WEST OF THE AFORESAID REAL ESTATE TO THE UNITED STATES HIGHWAY NO. 71 IS C-2 COMMERCIAL DISTRICT AND COMPRISES THE MAIN AREA OF THE EVELYN HILLS SHOPPING CENTER WHICH IS LOCATED IN A VALLEY WITH ALL BUILDINGS BEING BELOW THE EXISTING HILLCREST AVENUE STREET LEVEL, AND THE ENTIRE AREA TO THE EAST OF HILLCREST AVENUE AND THE AFORESAID REAL ESTATE IS ZONED AS R-1A RESIDENTIAL DISTRICT SITUATED DIRECTLY ON THE TOP OF THE HIGH HILL OVERLOOKING THE EVELYN HILLS SHOPPING CENTER. THE RESIDENTS IN THE AREA TO THE EAST OF THE AFORESAID REAL ESTATE WILL RECEIVE ADDITIONAL PROTECTION BY PLACING OF RECORD A PROTECTIVE COVENANT THAT NO COMMERCIAL BUILDING WILL BE CONSTRUCTED UPON THE EAST 75 FEET OF SAID AREA WHICH EXTENDS ABOVE THE STREET LEVEL OF HILLCREST AVENUE AS IT NOW EXISTS.

A COPY OF THE PETITIONS FOR AMENDMENT, THE FAYETTEVILLE ZONING ORDINANCE AND ZONING DISTRICT MAP, AND THE ARKANSAS PLANNING ACT 186 OF 1957 ARE AVAILABLE FOR PUBLIC INSPECTION IN THE OFFICE OF THE CITY BUILDING INSPECTOR IN THE CITY ADMINISTRATION BUILDING.

DATED THIS 5 DAY OF July, 1962.

FAYETTEVILLE PLANNING COMMISSION



Suzanne Lighton
SUZANNE LIGHTON, SECRETARY

Published 11-7H/62

*Filed in City Inspector
office on July 23, 1962*

TO THE MAYOR, THE CITY COUNCIL, AND THE PLANNING COMMISSION
OF THE CITY OF FAYETTEVILLE, ARKANSAS

Comes now the undersigned petitioners and respectfully petition the Planning Commission to recommend to the City Council and the City Council to disapprove the petition filed on the 27th day of June, 1962, by T. I. Abshier and the Evelyn Hills Shopping Center, Inc. for the rezoning from R-1A residential district to



Minutes from
1962
Zoning to C-2

Rezoning of
property near
Evelyn Hills
Shopping Center.

Ordinance No.
1314.

The City Council of Fayetteville, Arkansas, met in regular session on Monday, August 27, 1962, at 7:30 P.M. Present: Mayor Guy E. Brown, City Clerk George J. Davis, City Controller Albert J. Jones, City Attorney Bass Trumbo, City Engineer W. C. Smith, Chief of Police Hollis Spencer, Fire Chief Burl Skelton, and Aldermen: Heflin, Christie, Standley, Wheeler, Thomas, Burgin, Faucette, and Short. Absent: None.

The minutes of the regular meeting on Monday, August 13, 1962, and of the special meeting on Tuesday, August 21, 1962, a copy of these having been mailed to each of the Aldermen prior to this meeting, were approved as written.

A large group of property owners appeared before the Council protesting the rezoning of a strip of land 150 feet deep located on and abutting the West boundary of Hillcrest Avenue, beginning at Abshier Drive, and running, thence North 370 feet; a strip of land 150 feet deep located on and abutting the West boundary of Hillcrest Avenue, beginning 370 feet North of Abshier Drive, and running, thence North 660 feet from R-1A Residential District to C-2 Commercial District. This is located near the Evelyn Hills Shopping Center and was discussed at the last regular meeting of the Council on Monday, August 13, 1962.

After a long discussion, the City Attorney introduced a proposed ordinance entitled, "AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1239, PASSED AND APPROVED JUNE 13, 1960, AND REVISED ZONING DISTRICT MAP OF FAYETTEVILLE, ARKANSAS, APPROVED MAY 28, 1962, TO REZONE CERTAIN REAL ESTATE FROM R-1A SINGLE FAMILY RESIDENTIAL DISTRICT TO C-2 THOROUGHFARE COMMERCIAL DISTRICT".

Alderman Burgin moved to place the proposed ordinance on the first reading.

The motion was seconded by Alderman Heflin and passed unanimously, whereupon the City Attorney read the ordinance in its entirety for the first time.

Alderman Wheeler moved that the proposed zoning ordinance be amended to require Evelyn Hills Shopping Center, Inc., to construct and maintain a six foot fence between the one hundred thirty foot strip of land on the West and the twenty foot strip of land on the East, of the property in question.

The motion was seconded by Alderman Heflin and upon roll call the following vote was recorded, "Aye" Heflin, Standley, Wheeler, Thomas, and Faucette.

"Nay" Christie, Burgin, and Short.

There being five "Ayes" and only three "Nays", the Mayor declared the motion passed.

The City Attorney recommended that this requirement be added to the restrictive covenants previously executed by Evelyn Hills Shopping Center, Inc., in order that the covenant could be recorded in the Circuit Clerk's Office with the Deed Records of the County thereby causing it to have the legal effects desired.

The City Attorney suggested that the Council could vote on the ordinance in its original form provided the Mayor would not sign and approve the ordinance, nor have it published, until the above mentioned condition was fulfilled.

Alderman Burgin then moved that the ordinance pass. The motion was seconded by Alderman Christie and upon roll call the following vote was recorded, "Aye" Heflin, Christie, Standley, Wheeler, Thomas, Burgin, and Short. "Nay" Faucette.

There being seven "Ayes" and one "Nay", the ordinance failed to pass on one reading for lack of a unanimous vote.

Alderman Burgin then moved that the rule be suspended and the ordinance placed on the second reading.

The motion was seconded by Alderman Heflin and upon roll call the following vote was recorded, "Aye" Heflin, Christie, Standley, Wheeler, Thomas, Burgin, and Short. "Nay" Faucette.

There being seven "Ayes" and only one "Nay", the Mayor declared the motion passed.

The ordinance was then read for the second time.

Alderman Burgin then moved that the rule be further suspended and that the ordinance be placed on the third and final reading.

The motion was seconded by Alderman Christie and upon roll call the following vote was recorded, "Aye" Heflin, Christie, Standley, Wheeler, Thomas, Burgin, and Short. "Nay" Faucette.

There being seven "Ayes" and only one "Nay", the Mayor declared the motion passed.

The ordinance was then read for the third and last time.

The Mayor then declared the ordinance open for discussion. There being no further discussion, the Mayor asked the question, "Shall the Ordinance pass?"

Upon roll call the following vote was recorded, "Aye" Heflin, Christie, Standley, Wheeler, Thomas, Burgin, and Short. "Nay" Faucette.

There being seven "Ayes" and only one "Nay", the Mayor declared the Ordinance passed.

ORDINANCE NO. 1314

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1239, PASSED AND APPROVED JUNE 13, 1960, AND REVISED ZONING DISTRICT MAP OF FAYETTEVILLE, ARKANSAS, APPROVED MAY 28, 1962, TO REZONE CERTAIN REAL ESTATE FROM R-1A SINGLE FAMILY RESIDENTIAL DISTRICT TO C-2 THOROUGHFARE COMMERCIAL DISTRICT.

WHEREAS, a public hearing was held before the Planning Commission of the City of Fayetteville, Arkansas, on July 24, 1962, on the petition of Evelyn Hills Shopping Center, Inc., a corporation, and T. I. Abshier and Grace E. Abshier, his wife, requesting that said Planning Commission recommend to the City Council of the City of Fayetteville, Arkansas, that said City Council enact an ordinance rezoning the property described as follows, to-wit:

A strip of land 150 feet deep located on and abutting the West boundary of Hillcrest Avenue, beginning at Abshier Drive, and running, thence North 370 feet; a strip of land 150 feet deep located on and abutting the West boundary of Hillcrest Avenue, beginning 370 feet North of Abshier Drive, and running, thence North 660 feet,

from R-1A Single Family Residential District to C-2 Thoroughfare Commercial District, and

WHEREAS, notice of said public hearing, setting forth the date, time, place and purposes of hearing, and location of property was published in the Northwest Arkansas Times, a newspaper of general circulation in said City more than 15 days prior to said public hearing, and

WHEREAS, following said public hearing, said Planning Commission certified to the City Council of the City of Fayetteville, Arkansas, its recommendation that an ordinance be adopted rezoning the west 130 feet of the above-described property from R-1A Single Family Residential District to C-2 Thoroughfare Commercial District, and that the east 20 feet thereof remain zoned R-1A Residential District as a bufferzone between the C-2 Thoroughfare Commercial District and the existing R-1A Single Family Residential District east of the above-mentioned 150 foot strip; the recommendation from the Planning Commission having been made on condition that the Evelyn Hills Shopping Center, Inc., and T. I. Abshier and Grace E. Abshier, his wife, file for record their restrictive covenants dated August 11, 1962, affecting the property, which covenants incorporate revisions suggested by the Planning Commission.

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

EXHIBIT

4

Section 1. That the west 130 foot strip of the above-mentioned property be rezoned from R-1A Single Family Residential District to C-2 Thoroughfare Commercial District.

Section 2. That all ordinances or parts of ordinances in conflict herewith are hereby repealed, and this ordinance shall be in full force and effect from and after its passage, approval, and publication.

PASSED AND APPROVED THIS 27th day of August, 1962.

ATTEST:

George J. Davis
GEORGE J. DAVIS, CITY CLERK

APPROVED:

Guy E. Brown
GUY E. BROWN, MAYOR

No action
on appeal
from the
Board of
Adjustment.

The City Attorney reported that, in his opinion, the Council could take no action on an appeal from the Board of Adjustment but any appeal would have to be made to a Court of Record. This was in reference to the rezoning of certain property on Highway No. 62 West by Ted Williams and on rezoning certain property on East 6th Street to permit the Church of Christ (COLORED) to use a building located at 331 East 6th Street for Church Services.

Plat for
Elmwood
Addition
accepted:

The Building Inspector presented a Final Plat for a subdivision by Pat Watkins to be known as Elmwood Addition to the City of Fayetteville, Arkansas, which had been approved by the Planning Commission. After a brief discussion, Alderman Short moved that the plat be accepted and filed. The motion was seconded by Alderman Wheeler and passed unanimously. The City Clerk then read a proposed ordinance entitled, "AN ORDINANCE TO ACCEPT AND CONFIRM THE DEDICATION OF ALL STREETS, ALLEYS, AND EASEMENTS IN ELMWOOD ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS". Alderman Wheeler moved that the Ordinance be passed. The motion was seconded by Alderman Short and passed unanimously, whereupon the Mayor declared the Ordinance passed.

ORDINANCE NO. 1315

Ordinance
No. 1315

AN ORDINANCE TO ACCEPT AND CONFIRM THE DEDICATION OF ALL STREETS, ALLEYS, AND EASEMENTS IN ELMWOOD ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS.

WHEREAS, there has been duly presented to the City Council of the City of Fayetteville, Arkansas, a plat dated August, 1962, known as the Elmwood Addition to the City of Fayetteville, Arkansas, and being a part of the West Half (W 1/2) of the West Half (W 1/2) of Section 2 and part of the East Half (E 1/2) of Section 3, Township 16 North, Range 30 West, located in Washington County, Arkansas, by which the owners of the platted real estate have dedicated for the public use the streets, alleys and easements shown upon said plat, and

WHEREAS, the City Planning Commission of the City of Fayetteville, Arkansas, has recommended the acceptance of said plat.

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

SECTION 1. That the City of Fayetteville, Arkansas, hereby accepts and confirms the dedication of all streets, alleys, and easements dedicated in Elmwood Addition to the City of Fayetteville, Arkansas, and hereby declares said streets, alleys and easements, to be public streets, alleys, and easements, and the said City Council hereby assumes the care, control, and jurisdiction of the same.

SECTION 2. That this Ordinance shall take effect and be in force and effect from and after its passage, approval, and publication.

DATED THIS 27th day of August, 1962.

ATTEST:

George J. Davis
GEORGE J. DAVIS, CITY CLERK

APPROVED:

Guy E. Brown
GUY E. BROWN, MAYOR

Authorize
Subdivider's
Contract
Elmwood
Addition

Alderman Wheeler moved that the Mayor and/or City Clerk be and he is hereby authorized to execute a Subdivider's Contract with the owner, Pat Watkins, of the Elmwood Addition and that the City Clerk be further authorized to cause the Subdivider's Contract to be recorded in the Circuit Clerk's Office of Washington County, Arkansas, with the Deed Records of the County. The motion was seconded by Alderman Burgin and passed unanimously.

Fiscal
Agent bids.

Alderman Short reported that it would be necessary to employ a Fiscal Agent for the City for the proposed Bond Issue which the City was contemplating for a new Police Station, Fire Stations and that the City Controller had contacted several companies who had sent representatives to this meeting. Alderman Short suggested that the agents be interviewed, one at a time to make their offers, and the Company and bids are as follows:

Hill, Crawford, and Langford
Waldorf & Lindsay

Cost
90 cents per \$1000.00 bond and the City pay all other expenses.

Raucher, Pierce, Fenner, & Beane

\$5.50 per \$1000.00 bond and pay all expenses.

T. J. Raney & Sons, Inc.

\$0.35 per \$1000.00 bond and the City pay all expenses
or \$4.50 " " " " pay all expenses.

Dabbs Sullivan, & Co.

1% of bond issue and pay all expenses and he explained that 1/2 mill would be sufficient taxation to vote extra, provided the City would refund the original 1959 Library & Airport Bonds, as the interest rate would be much lower.

(This offer was later reduced to \$7.00
per \$1000.00 bond)

Villareal & Co.

\$3.50 per \$1000.00 bond and pay all expenses.

Fiscal
Agent
employed.

After a long discussion, Alderman Faucette moved to employ Dabbs Sullivan, & Co. as the City's Fiscal Agent for the Bond Issue at a cost not to exceed 1% of the total bond issue with Dabbs Sullivan, & Co. paying all necessary expenses pertaining thereto provided they will include in their contract a guarantee to reduce the interest rate below the present rate and that the Mayor and City Clerk be and they are hereby authorized to execute a contract under these conditions. The motion was seconded by Alderman Heflin and passed unanimously.

(See Page 161)

Section 2. A copy of the ordinance duly certified by the City Clerk shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 3. This Ordinance shall take effect and be in force from and after its passage, approval, and publication.

PASSED AND APPROVED THIS 22nd day of October, 1962.

ATTEST:

George J. Davis
GEORGE J. DAVIS, CITY CLERK

APPROVED:

Guy E. Brown
GUY E. BROWN, MAYOR

Resolution
18-62
Special Election
or Referendum.

The City Attorney read a proposed resolution for a special election on a Referendum vote on City Ordinance No. 1314.

Alderman Eurgin moved that the resolution be adopted and that the date of the special election be on Tuesday, November 20, 1962.

The motion was seconded by Alderman Thomas and upon roll call the following vote was recorded, "Aye" Heflin, Christie, Standley, Wheeler, Thomas, Eurgin, and Faucette.

"Nay" Short.

There being seven "Ayes" and only one "Nay", the Mayor declared the Resolution adopted.

RESOLUTION 18-62

WHEREAS, on the 20th day of September, 1962, there was filed with the City Clerk of the City of Fayetteville, Arkansas, a petition requesting a referendum election on Ordinance No. 1314 of the City of Fayetteville, Arkansas; said ordinance having been passed by the City Council of the City of Fayetteville, Arkansas, on the 27th day of August, 1962, and

WHEREAS, said petitions have been certified to the City Council by the City Clerk as containing the requisite number of signatures to call for a referendum election pursuant to the Constitution of the State of Arkansas, and

WHEREAS, the City published its notice setting a date for a special meeting of the City Council on the 10th day of October, 1962, to determine the sufficiency of said petitions, pursuant to the Constitution of the State of Arkansas, and Ordinance Number 588 of the City of Fayetteville, Arkansas, and

WHEREAS, at the special council meeting held on the 10th day of October, 1962, the Council determined that the petitions are in the proper order and contain the signatures of more than 15% of the number of persons voting for the office of Mayor in the last general election held for said office in the City of Fayetteville, Arkansas, and

WHEREAS, the Constitution of the State of Arkansas, requires that an election be held referring to a vote of the people, whether or not said Ordinance Number 1314 shall pass, and Ordinance Number 588 requiring that a special election be called by the City under these circumstances.

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

SECTION 1. That the petitions filed with the City of Fayetteville, Arkansas, for a referendum election be and the same are hereby found to be in substantial compliance with the Constitution of the State of Arkansas, and the laws of the City of Fayetteville, Arkansas, and are found to contain sufficient number of signatures of qualified electors in the City of Fayetteville, Arkansas, to mandate a special election.

SECTION 2. That a special election be and the same is hereby called to ascertain whether or not Ordinance No. 1314 shall be affirmed or repealed. That said special election shall be held on the 20th day of November, 1962. (Tuesday)

SECTION 3. That the City Clerk of the City of Fayetteville, Arkansas, is hereby directed to certify to the County of Washington election board, the following proposed ballot form for the said referendum election, to-wit:

AN ORDINANCE TO REZONE CERTAIN REAL ESTATE ADJOINING THE EVELYN HILLS SHOPPING CENTER, FROM R-1A SINGLE FAMILY RESIDENTIAL DISTRICT TO C-3 THOROUGHFARE COMMERCIAL DISTRICT.

ORDINANCE NO. 1314

For Ordinance No. 1314

☐

Against Ordinance No. 1314

☐

PASSED AND APPROVED THIS 22nd day of October, 1962.

ATTEST:

George J. Davis
GEORGE J. DAVIS, CITY CLERK

APPROVED:

Guy E. Brown
GUY E. BROWN, MAYOR

Tax Levy for
1962.

Alderman Short reported that it was necessary that the 1962 Property Tax Levy be made at this time in order to clarify the proposed bond program.

Alderman Short then moved that the tax levy for 1962 be and the same is hereby set at 14 mills and that the distribution of the 14 mill levy be made at the first regular council meeting following the general election on Tuesday, November 6, 1962.

The motion was seconded by Alderman Faucette and passed unanimously.

Letters read from
the power companies
read.

The City Clerk read two letters, one from the Ozarks Electric Corporation and one from the Southwestern Electric Power Co. offering to purchase approximately 3 1/2 miles of power line running from the City Limits to Lake Sequoyah and owned by the City of Fayetteville.
No action was taken at this time.

Ordinance to
change street left
first reading.

The City Attorney introduced and, at the request of the Council, read a proposed ordinance entitled,
"AN ORDINANCE CHANGING THE NAME OF A STREET WITHIN THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE,
ARKANSAS".

No further action was taken and the ordinance was left on the first reading.

Authorize Mayor
to execute
assignment of
lease on parking
lot.

Alderman Thomas moved that the Mayor be and he is hereby authorized and directed to execute an assignment
of a lease on an off-street parking lot known as the Lewis-Brown Parking Lot or Parking Lot No. 7.
The motion was seconded by Alderman Wheeler and passed unanimously.

City Housing
property sold
(West of Hwy 71)

Alderman Bargin reported that bids had been received and opened for the City Housing Project Building
located at the Southeast corner of the intersection of South Street and Church Avenue and lying west of
Highway No. 71 Bypass.

He reported that only two bids were received which were by Wade Fincher & Chester House for \$7,050.00
and one by Bert Rogers for \$6151.00 and that the Building Committee recommended the acceptance of the bid
by Fincher & House.

Alderman Bargin then moved to accept the high bid of Wade Fincher and Chester House and sell the property
for \$7,050.00 and that the Mayor and City Clerk be and they are hereby authorized to execute the necessary
papers to complete the sale.

The motion was seconded by Alderman Christie and passed unanimously.

Alderman Bargin
excused.

Alderman Bargin was excused at this time.

Authorize City Eng.
procure bids
for welding
machines.

Alderman Wheeler reported that the City Engineer had requested that the City purchase a welding machine
which was badly needed by the Water & Sewer Department.

After a brief discussion, Alderman Wheeler moved that the City Engineer procure bids on a gasoline driven
600 Ampere Welding Machine mounted on a four wheel trailer with the necessary accessories to use for
welding or thawing underground water mains.

The motion was seconded by Alderman Thomas and passed unanimously.

Tax Distribution for
1962.

Alderman Short reported that the Finance Committee had recommended that the Tax Distribution for the year
of 1962 be as follows:

Identification	Mills
General Government	5.00
General Obligation Bonds	4.00
Fire Protection	3.7
Police Pension Fund	0.5
Fire Pension Fund	0.5
Park Maintenance Fund	0.3
Total Mills	14.0

Alderman Short then moved to adopt the recommendation of the Finance Committee and allocate the Tax
Levy for the year of 1962 as outlined above making a total of 14 mills.

The motion was seconded by Alderman Thomas and passed unanimously.

City Clerk
read results of
Special
Election
on Ordinance
No. 1314

The City Clerk read the Certification from the Board of Election Commissioners on the Special Election
held in Fayetteville on November 20, 1962, on Ordinance No. 1314 of the Fayetteville Ordinances which was
"AN ORDINANCE TO REZONE CERTAIN REAL ESTATE ADJACENT TO THE EVELYN HILLS SHOPPING CENTER, FROM R-1A SINGLE
FAMILY RESIDENTIAL DISTRICT TO C-2 THOROUGHFARE COMMERCIAL DISTRICT".

The results were:

FOR ORDINANCE NO. 1314	471
AGAINST ORDINANCE NO. 1314	682

Therefore the Ordinance was defeated by 211 votes.

Donate \$650. for
Christmas Decorations.

Alderman Wheeler moved to donate the sum of \$650.00 to the Chamber of Commerce for Christmas Decorations
as was done in the year of 1961.

The motion was seconded by Alderman Thomas and passed unanimously.

Purchase of new
uniforms for
Police Dept.

Alderman Faucette reported that the Police Committee and the Chief of Police had recommended a different
type of uniform for the City Police and that the City purchase one complete uniform for each patrolman
which would cost the City a total sum of approximately \$2,700.00.

After a long discussion, Alderman Faucette moved to accept the recommendation of the Police Committee and
the Chief of Police and purchase one complete uniform (new) for each policeman and that each policeman
would hereafter purchase his uniforms through the Police Department.

The motion was seconded by Alderman Wheeler and passed unanimously.

Borrow \$25,000.
Inter-Departmental
for Public Works
Fund.

Alderman Short moved to increase the appropriation for the Public Work Fund by \$25,000.00 and
he further moved that an Inter-Departmental Transfer of \$25,000.00 be made from the General Fund to the
Public Works Fund with the stipulation that this amount be repaid from collection of Street Department
Revenues.

The motion was seconded by Alderman Heflin and passed unanimously.

There being no further business, Alderman Wheeler moved to adjourn. The motion was seconded by Alderman
Thomas and passed unanimously, whereupon the Mayor declared the meeting adjourned.

ATTEST: George J. Davis
GEORGE J. DAVIS, CITY CLERK

APPROVED: Guy E. Brown
GUY E. BROWN, MAYOR

ORDINANCE NO. 1314

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1239, PASSED AND APPROVED JUNE 13, 1960, AND REVISED ZONING DISTRICT MAP OF FAYETTEVILLE, ARKANSAS, APPROVED MAY 28, 1962, TO REZONE CERTAIN REAL ESTATE FROM R-1A SINGLE FAMILY RESIDENTIAL DISTRICT TO C-2 THOROUGHFARE COMMERCIAL DISTRICT.

WHEREAS, a public hearing was held before the Planning Commission of the City of Fayetteville, Arkansas, on July 24, 1962, on the petition of Evelyn Hills Shopping Center, Inc., a corporation, and T. I. Abshier and Grace E. Abshier, his wife, requesting that said Planning Commission recommend to the City Council of the City of Fayetteville, Arkansas, that said City Council enact an ordinance rezoning the property described as follows, to-wit:

A strip of land 150 feet deep, located on and abutting the West boundary of Hillcrest Avenue, beginning at Abshier Drive, and running thence North 370 feet; a strip of land 150 feet deep, located on and abutting the West boundary of Hillcrest Avenue, beginning 370 feet North of Abshier Drive, and running thence North 660 feet.

from R-1A Single Family Residential District to C-2 Thoroughfare Commercial District, and

WHEREAS, notice of said public hearing, setting forth the date, time, place, and purposes of hearing, and location of property was published in the Northwest Arkansas Times, a newspaper of general circulation in said City more than 15 days prior to said public hearing, and

WHEREAS, following said public hearing, said Planning Commission certified to the City Council of the City of Fayetteville, its recommendation that an ordinance be adopted rezoning the west 130 feet of the above-described property from R-1A Single Family Residential District to C-2 Thoroughfare Commercial District, and that the east 20 feet hereof remain zoned R-1A Residential District as a buffer zone between the C-2 Thoroughfare Commercial District, and the existing R-1A Single Family Residential District east of the above-mentioned 150 foot strip; the recommendation from the Planning Commission having been made on condition that the Evelyn Hills Shopping Center, Inc., and T. I. Abshier and Grace E. Abshier, his wife, file for record their restrictive covenants, dated August 11, 1962, affecting the property, which covenants incorporate revisions suggested by the Planning Commission.

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

SECTION 1. That the west 130 foot strip of the above-described property be rezoned from R-1A Single Family Residential District to C-2 Thoroughfare Commercial District.

SECTION 2. That all ordinances or parts of ordinances in conflict herewith are hereby repealed, and this Ordinance shall be in full force and effect from and after its passage, approval, and publication.

PASSED AND APPROVED THIS 27th day of August, 1962.

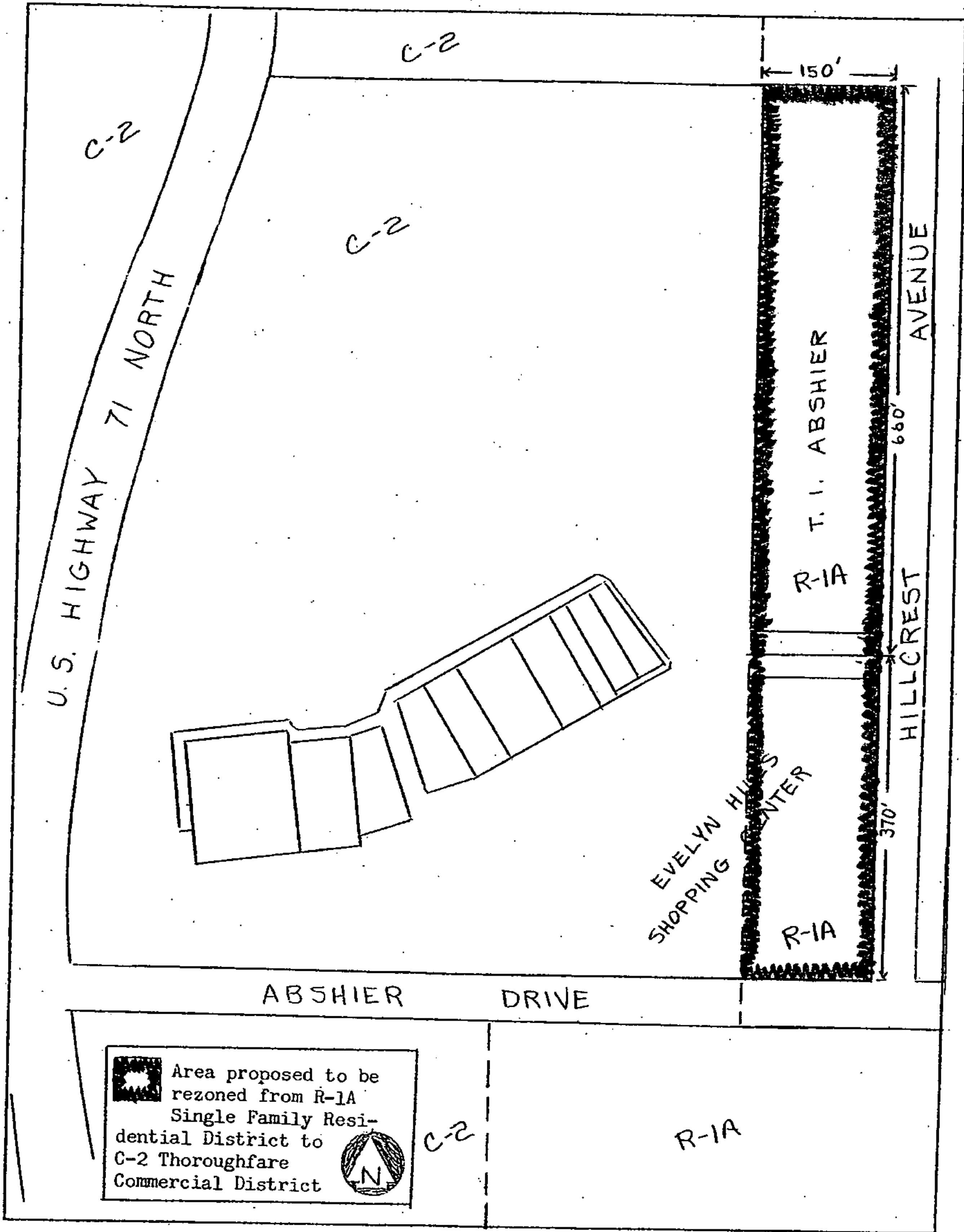
APPROVED:


GUY E. BROWN, MAYOR

ATTEST:


GEORGE J. DAVIS, CITY CLERK





ORDINANCE NO. 1314

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1239, PASSED AND APPROVED JUNE 13, 1960, AND REVISED ZONING DISTRICT MAP OF FAYETTEVILLE, ARKANSAS, APPROVED MAY 28, 1962, TO REZONE CERTAIN REAL ESTATE FROM R-1A SINGLE FAMILY RESIDENTIAL DISTRICT TO C-2 THOROUGHFARE COMMERCIAL DISTRICT.

WHEREAS, a public hearing was held before the Planning Commission of the City of Fayetteville, Arkansas, on July 24, 1962, on the petition of Evelyn Hills Shopping Center, Inc., a corporation, and T. I. Abshier and Grace E. Abshier, his wife, requesting that said Planning Commission recommend to the City Council of the City of Fayetteville, Arkansas, that said City Council enact an ordinance rezoning the property described as follows, to-wit:

A strip of land 150 feet deep, located on and abutting the West boundary of Hillcrest Avenue, beginning at Abshier Drive, and running thence North 370 feet; a strip of land 150 feet deep, located on and abutting the West boundary of Hillcrest Avenue, beginning 370 feet North of Abshier Drive, and running thence North 660 feet.

from R-1A Single Family Residential District to C-2 Thoroughfare Commercial District, and

WHEREAS, notice of said public hearing, setting forth the date, time, place, and purposes of hearing, and location of property was published in the Northwest Arkansas Times, a newspaper of general circulation in said City more than 15 days prior to said public hearing, and

WHEREAS, following said public hearing, said Planning Commission certified to the City Council of the City of Fayetteville, its recommendation that an ordinance be adopted rezoning the west 130 feet of the above-described property from R-1A Single Family Residential District to C-2 Thoroughfare Commercial District, and that the east 20 feet thereof remain zoned R-1A Residential District as a buffer zone between the C-2 Thoroughfare Commercial District, and the existing R-1A Single Family Residential District east of the above-mentioned 150 foot strip; the recommendation from the Planning Commission having been made on condition that the Evelyn Hills Shopping Center, Inc., and T. I. Abshier and Grace E. Abshier, his wife, file for record their restrictive covenants, dated August 11, 1962, affecting the property, which covenants incorporate revisions suggested by the Planning Commission.

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

SECTION 1. That the west 130 foot strip of the above-described property be rezoned from R-1A Single Family Residential District to C-2 Thoroughfare Commercial District.

SECTION 2. That all ordinances or parts of ordinances in conflict herewith are hereby repealed, and this Ordinance shall be in full force and effect from and after its passage, approval, and publication.

PASSED AND APPROVED THIS 27th day of August, 1962.

APPROVED:


GUY E. BROWN, MAYOR

ATTEST:


GEORGE J. DAVIS, CITY CLERK

Shelly Thonits
City Clerk
3rd Floor

RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, EVELYN HILLS SHOPPING CENTER, INC., a corporation and T.I. Abshier and Grace E. Abshier, husband and wife (hereinafter called OWNERS), are the record owners of the following described real estate situated in Fayetteville, Washington County, Arkansas, to-wit:

A parcel of land lying in the NW $\frac{1}{4}$ Section 10, Township 16, North Range 30 West, within the corporate limits of the City of Fayetteville, and more particularly described as follows: Beginning at a point which is S 89 deg. 30" W 184.35 feet from the NE corner of said S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10, thence South 660 feet, thence South 0 degrees 08' W 370.0 feet; thence S 89 deg. 55' 30" W 916.5 feet to the East right of way of U.S. Hwy. No. 71; thence Northeasterly along said right of way more or less 1034.5 feet to an iron pin which is S. 89 degrees 55' 30" W 734 feet from the point of beginning; thence N. 89 degrees 55' 30" E. 734 feet to the point of beginning, containing 20.2 acres, more or less.

WHEREAS, the aforesaid real estate abuts the West boundary of Hillcrest Avenue, Fayetteville, Arkansas, beginning at the North boundary line of Abshier Drive in the City of Fayetteville, Arkansas, and continuing North for a distance of 1,030 feet; and:

WHEREAS, the OWNERS filed a petition with the Planning Commission of Fayetteville, Arkansas, seeking to re-zone from R-1A Residential District to C-2 Commercial District the following described premises, situated in Fayetteville, Washington County, Arkansas, to-wit:

A Strip of land 150 feet deep located on and abutting the West boundary of Hillcrest Avenue, beginning at Abshier Drive, and running, thence North 370 feet; a strip of land 150 feet deep located on and abutting the West boundary of Hillcrest Avenue, beginning 370 feet North of Abshier Drive, and running thence North 660 feet, and

as a result of which the Planning Commission has recommended that the West 130 feet thereof be rezoned to C-2 Commercial District, and that the East 20 feet thereof remain zoned R-1A Residential District as a buffer zone between

EXHIBIT

tabbier

6

GREER ABSTRACT COMPANY

RELIABLE ABSTRACTS

FAYETTEVILLE-SPRINGDALE, ARKANSAS

SHEET No. 56

the C-2 area and the Residential District East of the 150 foot strip of land; and,

WHEREAS THE EVELYN HILLS SHOPPING CENTER, INC., is now developing the Evelyn Hills Shopping Center on a part of the real estate first hereinabove described and desires to include said 150 foot East-West strip of real estate in the Shopping Center area; and,

WHEREAS, the OWNERS have agreed with the planning Commission, the Fayetteville City Council and the owners of the real estate abutting the East boundary of Hillcrest Avenue, Fayetteville, Arkansas, that they will place of record the restrictive covenants set out below if the West 130 feet of said 150 foot strip of real estate is re-zoned from R-1A Residential District to C-2 Commercial District with the East 20 feet of said 150 foot strip to remain zoned R-1A Residential District as a buffer zone; and,

WHEREAS, the restrictive covenants set out below shall benefit the owners of the real estate situated in Fayetteville, Arkansas, which abuts on the East boundary of Hillcrest Avenue in said City and which is located due East of the 1,030 feet of real estate first described hereinabove; now,

THEREFORE, in consideration of the premises set out herein and for the purposes hereinabove mentioned, the said Evelyn Hills Shopping Center, Inc., and T.I. Abshier and Grace E. Abshier, husband and wife, hereby covenant:

1. That no commercial building which extends above the street level of Hillcrest Avenue as it now exists shall be constructed or placed upon a strip of land 80 feet by 1,030 feet which strip of land lies 20 feet West of Hillcrest Avenue and abuts the North boundary of Abshier Drive, Fayetteville, Arkansas, which strip of land is described as follows:

A parcel of land lying in the NW $\frac{1}{4}$ of Section 10, Township 16 North Range 30 West, more particularly described as follows: Beginning at a point which is South 89 degrees 55' 30" West 204 feet from the Northeast corner of the S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 10, thence South 660 feet, thence South 0 degrees 08' West 370 feet, thence South 89 degrees 55' 30" West 80 feet thence North 1,030 feet, more or less, to a point 80 feet due West of the beginning point, thence East 80 feet to the place of beginning.

2. That no means of ingress or egress to and from the aforesaid real estate described in paragraph 1 hereinabove from Hillcrest Avenue, Fayetteville, Arkansas shall be permitted to exist, except that the present means of ingress and egress to and from said real estate from the said Hillcrest Avenue Fayette-

ville, Arkansas, located about 350 feet North of Abshier Drive, Fayetteville, Arkansas, and the North 50 feet of the real estate described in paragraph 1 hereinabove shall constitute and continue to be the means of ingress and egress to and from said real estate described in paragraph 1 hereinabove from Hillcrest Avenue Fayetteville, Arkansas .

3. That no building, parking lot or any structure of any kind except retaining walls and railings shall be placed upon said real estate described in paragraph 1 hereinabove nearer than 20 feet to the present West boundary line of Hillcrest Avenue, Fayetteville, Arkansas.

4. That the base of any motor vehicle parking lot placed and/or maintained upon the real estate described in paragraph 1 hereinabove shall be at least 8 feet below the present street level of Hillcrest Avenue, Fayetteville, Arkansas, except that this covenant shall not apply to the North 100 feet of said strip of land.

5. Within 12 months from the date of the passage of an ordinance re-zoning the aforesaid 130 foot strip of land to C-2 Commercial District, and subject to the provisions of paragraph 2 hereinabove, Evelyn Hills, Shopping Center, Inc. shall construct a fence along the West bounday of the aforesaid 20 foot strip of land which remains R-1A Residential District, which fence shall be at least six feet in height.

6. That within 12 months from the date of the passage of an ordinance re-zoning said 130 foot strip of land to C-2 Commercial District , the Evelyn Hills Shopping Center, Inc., shall landscape and beautify the 20 foot strip lying immediately east of said 130 foot strip (which 20 foot strip also lies immediately west of Hill crest Avenue), which is the strip retained in R-1A Residential District as a buffer zone. That this beautification shall include the planting and permanent maintenance at grass and shrubs. That if this beautification is not done and maintained by the Evelyn Hills Shopping Center, Inc., the City of Fayetteville may do the beautification and maintenance at the expense of the Evelyn Hills Shopping Center.

7. These covenants shall run with the land and shall be binding on all parties and all persons claiming under Evelyn Hills Shopping Center, Inc. and T.I. Abshier and Grace E. Abshier, husband and wife, for a period of twenty (20) years from the date that these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of five (5)

years unless an instrument signed by owners of a majority of the separate tracts of property fronting on both the East and West side of Hillcrest Avenue, Fayetteville, Arkansas, for the 1,030 feet as set out in the legal description hereinabove, releasing said covenants, or any part thereof, is placed of record.

8. These covenants shall inure to the benefit of any persona owning any of the real estate which abuts the East and West boundary lines of Hillcrest Avenue for the distance of 1,030 feet as set out in the legal description hereinabove, and any such property owner is hereby granted the authority to enforce such covenants.

In Witness Whereof, the parties hereto have hereunto caused this instrument to be executed on this 31 day of August, 1962.

EVELYN HILLS SHOPPING CENTER, INC.

BY John D. Askew, President

ATTEST: John Maguire, Secretary

T.I. Abshier

Grace E. Abshier

ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF WASHINGTON

On this 31 day of August, 1962, before the undersigned, a Notary Public, duly commissioned, qualified and acting, within and for the said county and state, appeared in person the within named John D. Askew and John Maguire to me personally known, who stated that they were the President and Secretary of Evelyn Hills Shopping Center, Inc., a corporation, and were duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said corporation, and further stated and acknowledged that they had so signed, executed and delivered said instrument for this consideration, uses and purposes therein mentioned and set forth.

In Testimony Whereof, I have hereunto set my hand and official seal this 31 day of August, 1962.

Jane R. Horne, Notary Public.

ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF WASHINGTON

Be it remembered that on this day came before me the undersigned, a Notary

Public, within and for the county aforesaid, duly commissioned, and acting,
T.I. Abshier and Grace E. Abshier, husband and wife, to me well known as parties
in the foregoing covenants, and stated that they had executed the same for the
consideration and purposes therein mentioned and set forth.

Witness my hand and seal as such Notary Public this 31 day of August, 1962.

Jane R. Horne, Notary Public.

Filed for Record Sept. 18, 1962 10:06 A.M. Recorded in Volume 580 page 214

C-2

C-2

Special Election on
Ordinance No. 1314

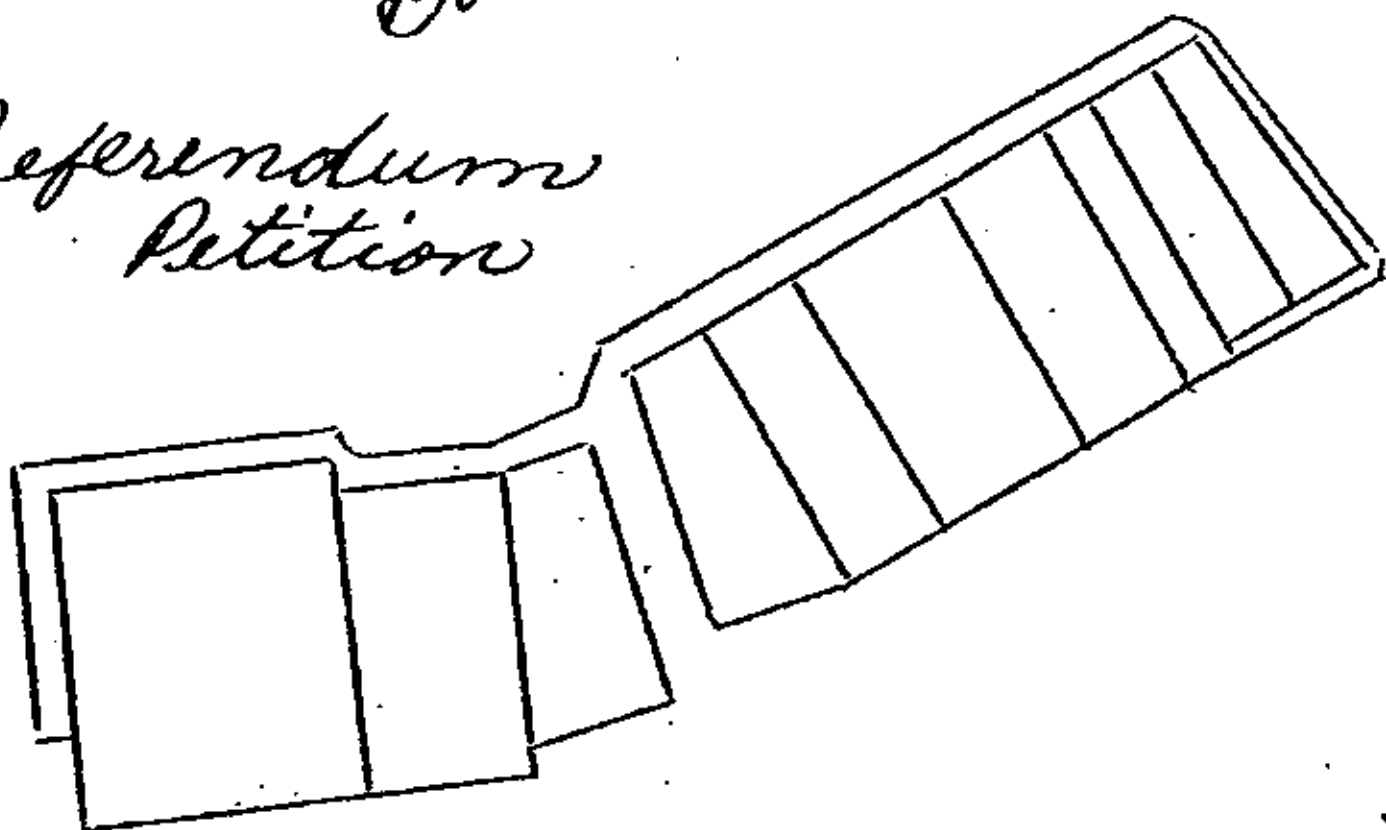
C-2

For - - - - 471
Against - - - 682

The Ordinance was defeated
by 211 Votes.

City Council Minutes
of November 26, 1962
Book "G" Page 177

Referendum
Petition



U.S. HIGHWAY 71 NORTH

150'

AVENUE

T. I. ABSHIER

R-1A

HILLCREST

370'

EVELYN HILL'S
SHOPPING CENTER

R-1A

ABSHIER DRIVE

 Area proposed to be
rezoned from R-1A
Single Family Resi-
dential District to
C-2 Thoroughfare
Commercial District



C-2

R-1A

EXHIBIT

7

tabbles

PLANNING COMMISSION

Amendment to Zoning Map or Regulations

PETITIONER T. I. Abshier and EVELYN HILLS SHOPPING CENTER, INC.

DATE June 27, 1962 FEE PAID \$25.00 CASHIER B-9192

I PROPERTY DESCRIPTION

A strip of land 150 feet deep located on and abutting the west boundary of Hillcrest Avenue, beginning at Abshier Drive, and running, thence North 370 feet.

A strip of land 150 feet deep located on and abutting the West boundary of Hillcrest Avenue, beginning 370 feet North of Abshier Drive, and running, thence North 660 feet.

X SKETCH OF PROPERTY ATTACHED

PROPOSED ZONING CHANGE FROM R-1A Single Family Residential District

TO C-2 Thoroughfare Commercial District

REASON FOR REQUEST

DATE OF PUBLIC HEARING Tuesday, July 24, 1962, 3:30 P.M.

PLANNING COMMISSION ACTION

CITY COUNCIL ACTION

ORDINANCE NO. 1314 PASSED AND APPROVED August 27, 1962

- (X) PETITION
(X) SIGN NOTICE
() NEWSPAPER NOTICE
() RESOLUTION
(X) ORDINANCE
(X) OTHER INFORMATION

3/6/61 According to my research, this rezoning was brought to a public vote by referendum. The rezoning was overturned. TTB



Donette Thompson
Secretary

MINUTES OF A CITY PLANNING COMMISSION MEETING

The City Planning Commission met in a regular meeting at 4:00 P.M., Tuesday, August 15, 1967, in the City Directors Room of the City Administration Building.

Members present: Ernest Jacks, Allen Gilbert, James Mashburn, Roy Clinton, and Henry Shreve.

Members absent: Clark McClinton, Suzanne Lighton, Wade Fincher, and Byron Boyd.

Others present: Jim Vizzier, Harold Lieberenz, John Maguire, E.J. Ball, Lewis Jones, Bass Trumbo, Mr. and Mrs. Donald Bunting, Mr. Austin Parish, Clay Yoe, Mr. Harold E. Duggar, Vine Blumenberg, and twenty four interested parties.

The meeting was called to order by Acting Chairman, Ernest Jacks.

The first petition on the agenda was that of Evelyn Hills Shopping Center, Incorporated.

Mr. E.J. Ball represented the petitioner who is asking that the property, located west of and adjoining Hillcrest Avenue situated in the unplatted portion of Evelyn Hills Addition to the City of Fayetteville, be rezoned from R-1A, Single Family Residential District, to C-2, Thoroughfare Commercial District.

Mr. Ball explained that the intended use of the property, if the rezoning is approved, is parking space for customers and tenants of the shopping center. Mr. Ball pointed out that the area would be landscaped and largely blacktopped. In his opinion the equities would require that the commission approve this rezoning.

Mr. Lewis Jones represented the opponents and presented a petition signed by 41 persons protesting any rezoning of this property.

Mr. Jones pointed out that this case actually started in 1960, when rezoning was proposed for the area in question along with the property now occupied by the shopping center. A public hearing was held and the rezoning was approved with the exception of the 150' strip now in question. This area was left as a buffer zone between the commercial and residential districts.

In 1962, T.I. Abshier and Evelyn Hills Shopping Center, Inc., again asked for rezoning of the 150' strip. The Planning Commission and the City Council approved rezoning to a commercial district 130' of the property leaving the remaining 20' strip residential to serve as a buffer zone, however, this issue was presented for public vote later that year and the voters decided the property should be left as a residential zone.

Under the City Ordinance a petition for rezoning which has not been approved may be resubmitted after one year if the conditions or circumstances have changed.

The proponents changed the surface of said property, grading it and



spreading gravel on it making it unuseable for residential property and at some later date used it for parking.

The circumstances have changed, but only to the effect the need is greater for the buffer zone to be held. The residents of the area feel it would be detrimental to the residential district if this rezoning were approved. The history of this property would militate most strongly that this is not good planning.

Mr. Jones asked that Dr. Mashburn refrain from voting on the petition as he had previously expressed his preference for this property to be rezoned for commercial use.

Mr. Walter Brown spoke in behalf of Mrs. Richart who owns the property at 1516 Hillcrest. Mrs. Richart was unable to attend the hearing. Mr. Brown said that the property owners on Hillcrest had constantly been harrassed by trucks, and on occasion elephants, parked on the residential property in question. This use of the lot had been protested to the City Manager and the City Building Inspector. Mr. Brown said nothing has been done to landscape or beautify the property and the residents of the area have been told that the City cannot force the owners of shopping centers to landscape. A rezoning to commercial use would further detract from the desireability of the neighborhood.

Phylis Johnson spoke in behalf of Mr. J. Glenn Mitchell who resides at 1314 Hillcrest, she expressed the opinion that if the property were rezoned for commercial use, the petitioner could build a laundry or some other commercial building on the lot.

Mr. Jacks, Acting Chairman, asked if anyone else desired to be heard against the petition. There were none.

Mr. E.J. Ball presented his rebuttal by saying, in effect, that Evelyn Hills Shopping Center, Inc., had purchased this property after the first rezoning in 1960 had been approved and that he had no knowledge of any agreements which might have been made by the former owners.

Any agreement made to keep the buffer zone was a verbal agreement and would not be legally binding.

He pointed out that at the time the shopping center was built there were not any commercial buildings on the east or west side of highway 71 in this vicinity. Since that time all of this property has been commercially developed.

The building permit for the residence at 1516 Hillcrest was obtained May 25, 1962, which was after the shopping center was built. The large residence at 1440 Hillcrest has about 6 students living in it.

Mr. Ball pointed out that the petitioners have not broken the law, have never sanctioned parking in the area in question and have taken action to correct the situation when it has been brought to their attention.

Those present had nothing further to add; therefore the Acting Chairman closed the discussion of the rezoning petition filed by Evelyn Hills Shopping Center, Inc.

Public hearing on the petition of Mr. and Mrs. Donald Bunting was next.

Mr. Bass Trumbo represented the petitioners who are asking for rezoning from R-3, Multi-family Residential District to R-4, Multi-family Residential and Dormitory District, of lot 1, in Block 7 of I.W. Duncan's Addition to the City of Fayetteville.

Mr. Trumbo explained that Mr. Bunting is planning to construct multi-family apartments on the property in question. He pointed out that there are only slight differences in the two zones but with the R-4 classification Mr. Bunting will be able to construct two (2) more units than would be permitted in the R-3 zone. The property immediately north of Center Street has units similar to those Mr. Bunting desires to erect.

Mr. Jack Krie - 3 South Duncan - explained that he was not objecting to the rezoning but was unfamiliar with the ordinances and was interested in whether this rezoning would effect the parking regulations.

Mr. Lieberenz explained the parking regulations are the same for both of the zones.

Mr. Jacks asked if anyone else desired to be heard on the petition.

The next petition to be heard was that of Mr. Vine Blumenberg who is asking for rezoning from R-2, Two Family Residential District, to R-3, Multi-family Residential District, of the property located on the west side of Leverett Street with the north property line on Lawson Street.

Mr. Blumenberg said he was asking for the property ^{to} be rezoned for apartments. He pointed out the zoning of property to the south is I-1A, Light Industrial and feels apartments would be more desirable in this neighborhood than industry.

Mr. Jacks asked about the location, in relation to Mr. Blumenberg's property, of the apartments which are presently being built on Leverett Street.

Mr. Blumenberg answered that this is in the first block south of his property.

Mr. Jacks asked if there were opponents who wished to speak.

Mr. James Mitchell - 910 Lawson - said he was opposed to R-3, he feels R-2 is a satisfactory zoning for this neighborhood. He is opposed to apartments of the size that would probably be erected on this property if the rezoning is approved.

Margaret Thurman - 1500 North Oakland - pointed out the rejection, by the Planning Commission, of the rezoning request for property adjacent to that of Mr. Blumenberg. She said the property owners in this neighborhood are for the most part elderly people who appreciate the peace and quiet of the neighborhood.

Mr. Blumenberg replied that the petition for rezoning which was turned down was on a small lot and was rejected because it was considered spot zoning.

(4)

Mr. and Mrs. Clay Yoe's petition was next on the agenda, they have requested rezoning from O-1, Open Land District, to C-2, Thoroughfare Commercial District, of property located on the southeast corner of Highway 45 and Highway 265.

Mr. Yoe explained that he had purchased this property 13 years ago with commercial use in mind. The area in question is at the intersection of two state highways and is well located to serve as a shopping area for this part of the city.

Mr. Yoe presented a statement from Mr. Richard Walden, who owns property to the south, to the effect that he has no objections to the rezoning.

Mr. Yoe said he had, with the help of the Federal Government, built this highway (#265) and plans are to continue it north to Springdale to intersect with Highway 264.

Mr. Roy Clinton asked the total area of the property in question.

Mr. Yoe replied that there is approximately 44 acres, and expressed the belief that commercial use of this property would enhance the value of the surrounding area.

There were no opponents present.

The next petition on the agenda was that of Mr. and Mrs. J. Austin Parish who have requested the rezoning from R-2, Two family Residential, to C-1, Neighborhood Commercial District, of one lot 80' x 150' located on the east side of State Highway 112 and being the first property north of the entrance drive to Oak Plaza Shopping Center.

Mr. Parish said the lot in question faces onto the presently zoned C-1 area of the shopping center. He explained that the intended use of the lot is for a movie theater. His plans are to ask for permission from the Board of Adjustment to erect a movie theater in the C-1, Neighborhood Commercial Zone. He also explained that the title to the property is vested in Oak Plaza Enterprises, Inc. which he and Mrs. Parish own.

There were no opponents to this petition present at the hearing.

Mr. Harold E. Duggar's petition for rezoning of property located on the east side of Green Acres Road between Gibson's Discount Center and Poplar Street was next on the agenda.

Mr. Duggar explained that the property is owned by his mother, Mrs. Frona Duggar, the areas north, south and east are zoned commercial. The property in question is the only area on the east side of Green Acres Road not already zoned C-2.

There were no opponents to the petition.

Dr. Mashburn was called out of the meeting on an emergency, there no

(5)

longer being a quorum present the meeting was adjourned by Acting Chairman, Ernest Jacks. A special meeting will be held August 22, 1967, to act on the petitions heard in todays meeting.

Respectfully submitted,

Secretary

Approved:

Chairman

Date:

MINUTES OF THE PLANNING COMMISSION MEETING

The Planning Commission met in a special meeting Tuesday, August 22, 1967 at 4:00 P.M., in the Directors Room of the City Administration Building, Fayetteville, Arkansas.

Members Present: Roy Clinton, Ernest Jacks, Byron Boyd, Henry Shreve and James Mashburn.

Members Absent: Allen Gilbert, Clark McClinton, Suzanne Lighton, and Wade Fincher.

Others Present: Jim Vizzier, Harold Lieberenz, and 12 interested persons.

The meeting was called to order by Acting Chairman, Ernest Jacks. The Acting Chairman said the purpose of the special meeting was to act on the six petitions for rezoning for which public hearing was held on August 15, approve minutes of meetings of July 11 and August 15 and consider the preliminary plat of Harris Addition subdivision.

The petition of Evelyn Hills Shopping Center, Inc., was first on the agenda.

Mr. Jacks asked for discussion on this petition.

Roy Clinton, Planning Commission member asked Mr. Lewis Jones, attorney for the opponents of this petition, if any attempts at arbitration had been made between the opponents and proponents to perhaps divide the 150' strip of property in question to provide parking space for the shopping center and leave a buffer zone between the commercial and residential properties.

Mr. Lewis Jones said it would not be ethical for the opponents to comment on this since the proponents were not present, but that any attempts which may have been made in this behalf had been unsuccessful.

James Mashburn, Planning Commission member said he would abstain from voting on the petition as he had previously stated that he would like for the property to be rezoned for commercial use. He expressed the opinion that commercial use would be better than having smaller, less desirable residences constructed on the property.

On motion by Henry Shreve, seconded by Roy Clinton, the Planning Commission unanimously voted to deny the petition of Evelyn Hills Shopping Center Inc. for rezoning from R-1A, Single Family Residential District, to C-2, Thoroughfare Commercial District, property described as:

A part of the South half of the Northwest Quarter of the Northwest Quarter of Section ten (10) in Township sixteen (16) North of Range thirty (30) West, described as follows: Beginning at a point three hundred fifty two and nine-tenths (352.9) feet West and twenty-five (25) feet North of the Southeast corner of said twenty acre tract, and running, thence North six hundred thirty-five (635) feet; thence East one hundred fifty (150) feet, more or less to the West side of the extension of Walnut Avenue in the City



(2)

of Fayetteville, thence South six hundred thirty five (635) feet; thence West one hundred fifty (150) feet to the place of beginning, containing two and nineteen hundredths (2.19) acres, more or less. Situated in the unplatted portion of Evelyn Hills Addition to the City of Fayetteville.

RESOLUTION PC 20-67

WHEREAS, a public hearing was held by the City Planning Commission, Tuesday, August 15, 1967 fifteen (15) days after a sign was erected on the property and after a notice was published in the Northwest Arkansas Times, a newspaper of general circulation; and

WHEREAS, after the public hearing, a quorum for the Planning Commission was present and the Planning Commission voted to make a recommendation to the Board of Directors on the petition of Evelyn Hills Shopping Center, Inc., for rezoning;

NOW THEREFORE, BE IT RECOMMENDED BY THE CITY PLANNING COMMISSION TO THE BOARD OF DIRECTORS OF THE CITY OF FAYETTEVILLE, ARKANSAS.

SECTION 1. That the petition requesting the rezoning of property described as follows from R-1A, Single Family Residential District, to C-2, Thoroughfare Commercial District, be denied.

A part of the South half of the Northwest quarter of the Northwest quarter of Section ten (10) in Township Sixteen (16) North of Range Thirty (30) West, described as follows: Beginning at a point three hundred fifty two and nine-tenths (352.9) feet west and twenty-five (25) feet North of the Southeast corner of said twenty acre tract, and running, thence North six hundred thirty five (635) feet; thence East one hundred fifty (150) feet more or less to the West side of the extension of Walnut Avenue in the City of Fayetteville, thence South six hundred thirty five (635) feet; thence West one hundred fifty (150) feet to the place of beginning, containing two and nineteen hundredths (2.19) acres, more or less, situated in the unplatted portion of Evelyn Hills Addition to the City of Fayetteville.

SECTION 2. That the rezoning of the above described real estate would not presently be desirable.

PASSED AND APPROVED this 22nd day of August, 1967.

ATTEST:

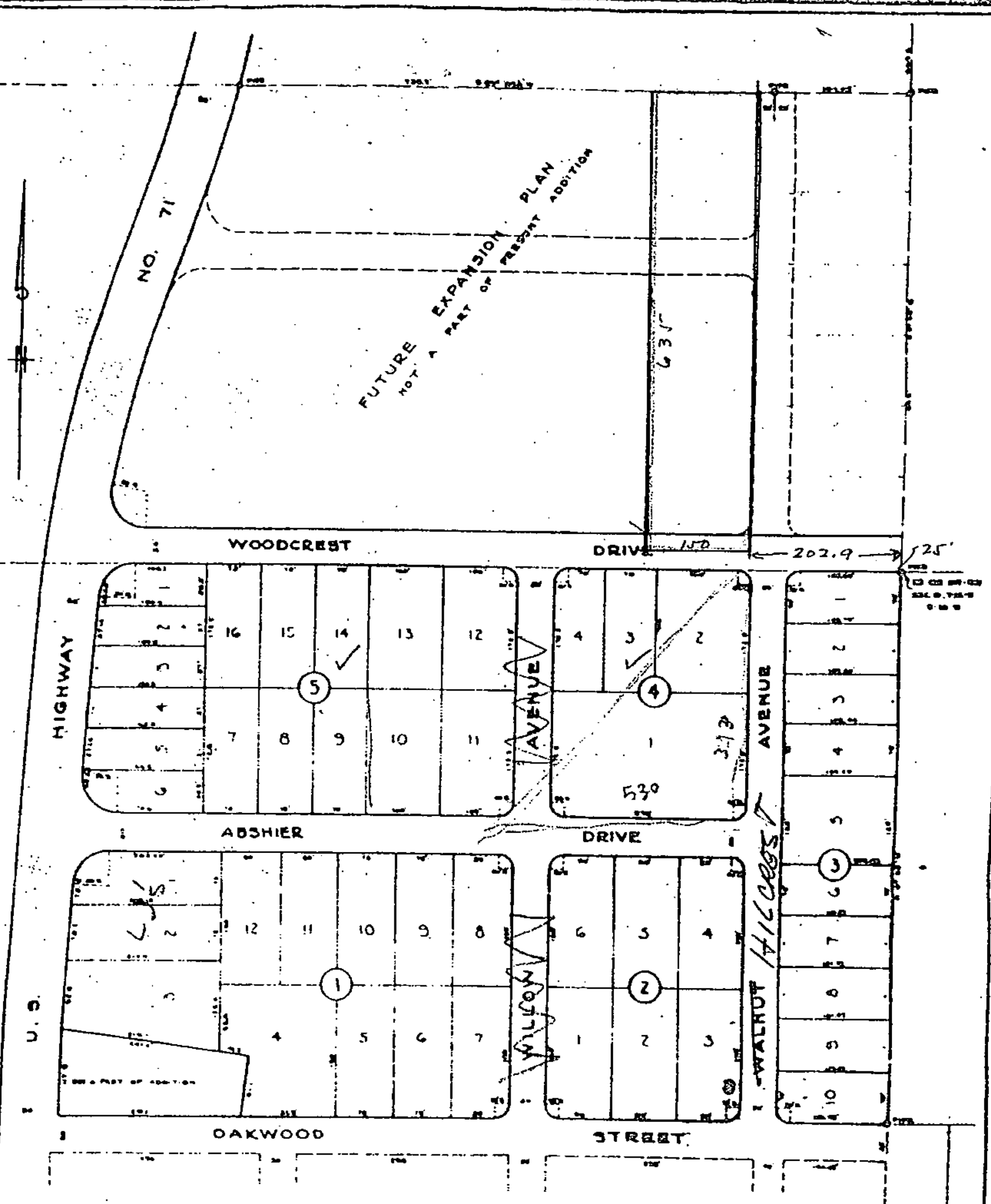
APPROVED:

ERNEST JACKS, SECRETARY

CLARK McCLINTON, CHAIRMAN

The petition of Donald and Norma Bunting was next.

After discussion, James Mashburn moved that the Planning Commission recommend to the Board of Directors the rezoning from R-3, Multi-family Residential District, to R-4, Multi-family Residential and Dormitory District, property described as:



EVELYN HILLS

FAYETTEVILLE ARK.

SCALE 1"=100'

W.C. SMITH, ENGINEER

SEP 28 1947

Filed for record October 29, 1947 at 11:43 AM. Recorded in Plat Book 2 Page 61

CITY OF FAYETTEVILLE

October 17, 1967

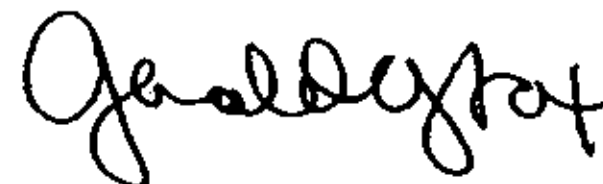
Mr. Lewis Jones
Attorney at Law
13 1/2 East Center
Fayetteville, Arkansas

Re: Evelyn Hills Shopping Center, Inc.
Appeal of Planning Commission
Decision to Board of Directors

Dear Mr. Jones:

The above referenced matter has been scheduled for rehearing at the regular meeting of the City Board of Directors on Monday, November 6, 1967 beginning at 7:30 p.m. This decision for rehearing was made due to the proponents not being contacted as to the original hearing on October 2, 1967.

Very truly yours,



Gerald G. Fox
City Manager

GGF:jm

cc Planning Administrator

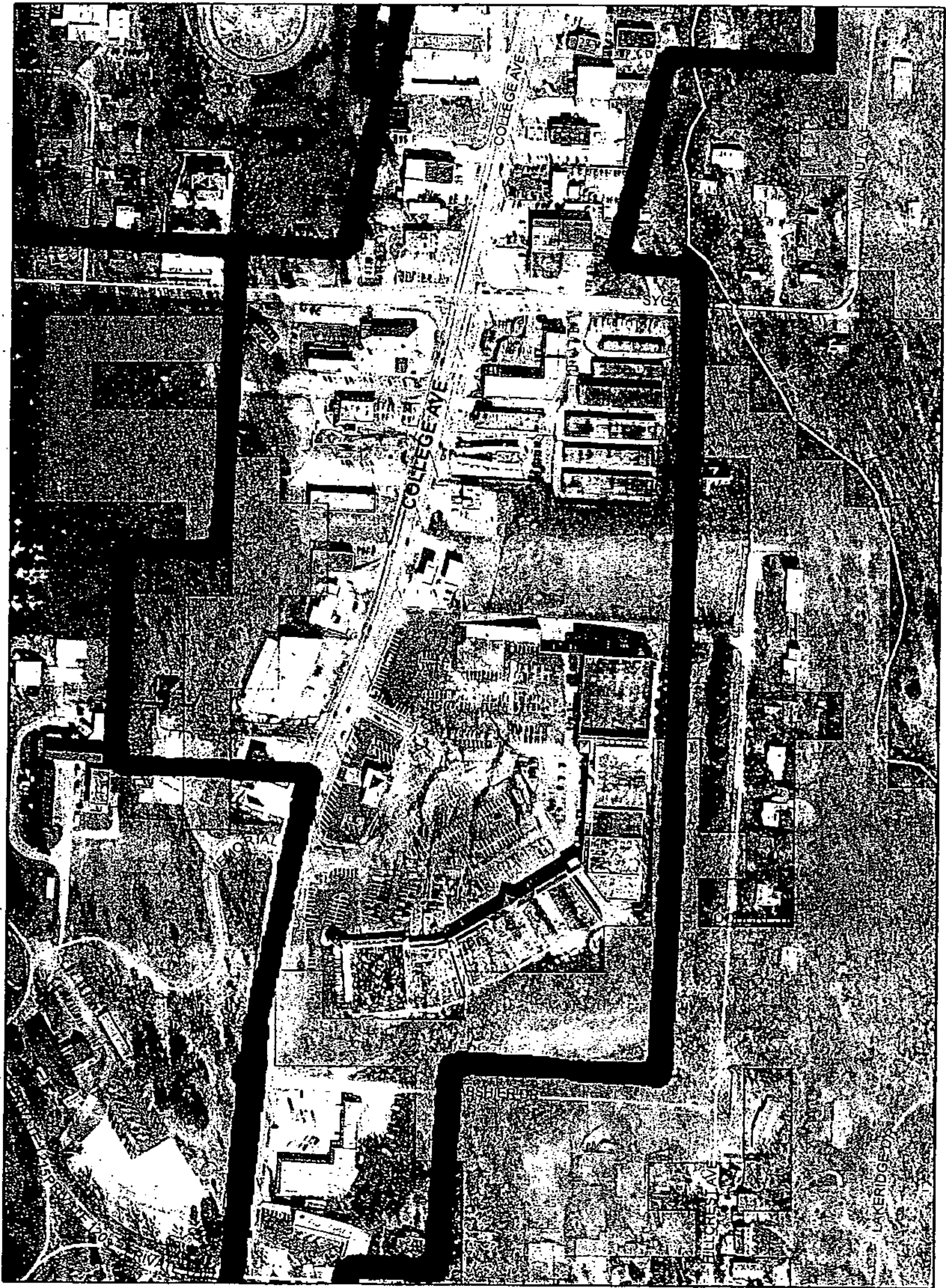
EXHIBIT

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11

June 1970 Zoning Map / Code Adoption.

02-00-06 38



EXHIBIT

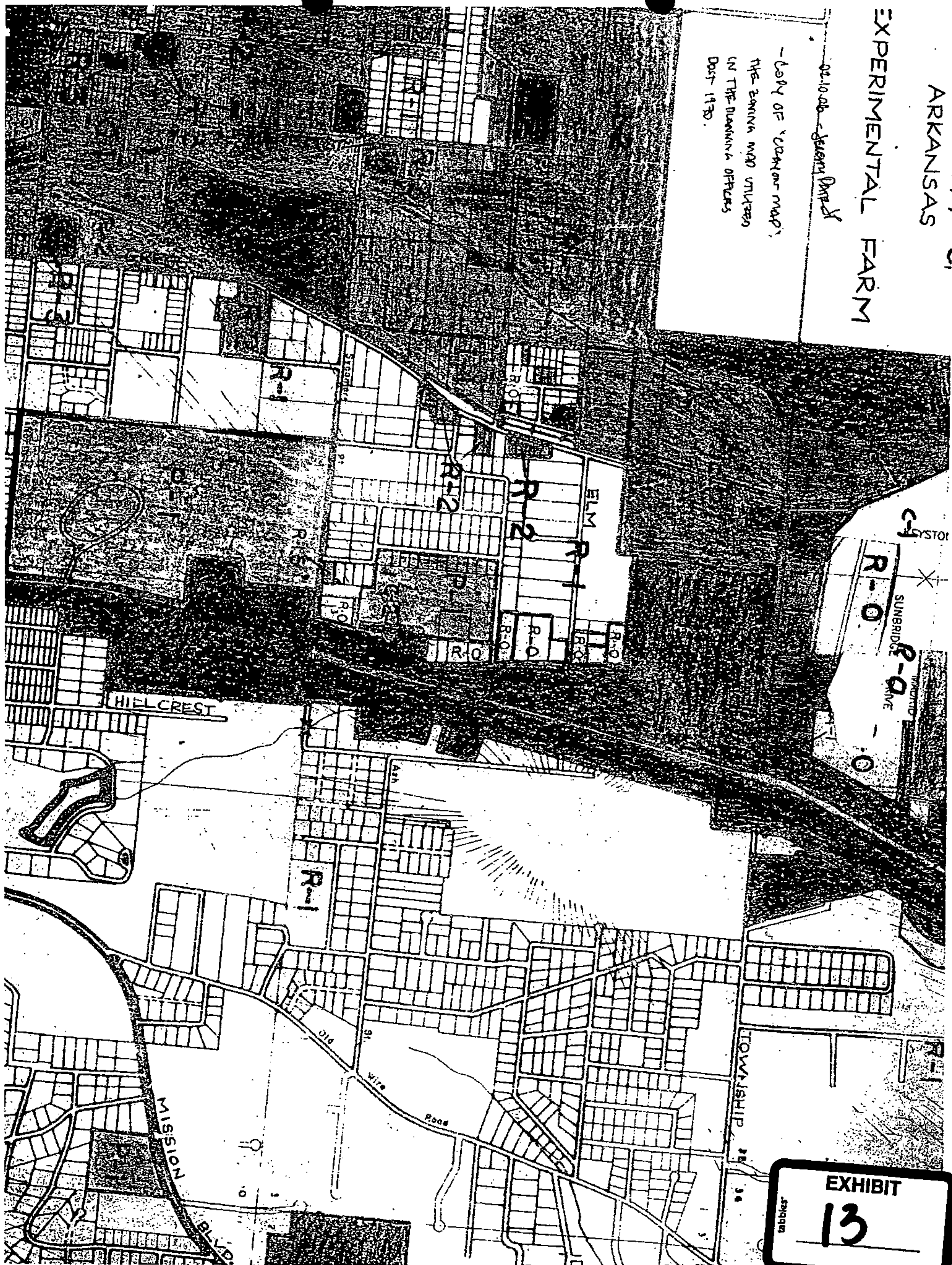
12

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ARKANSAS
EXPERIMENTAL FARM

02.10.20 - Jeremy Dainton

- Copy of 'Creation map',
the zoning map utilized
in the planning offices
Dart 1970.



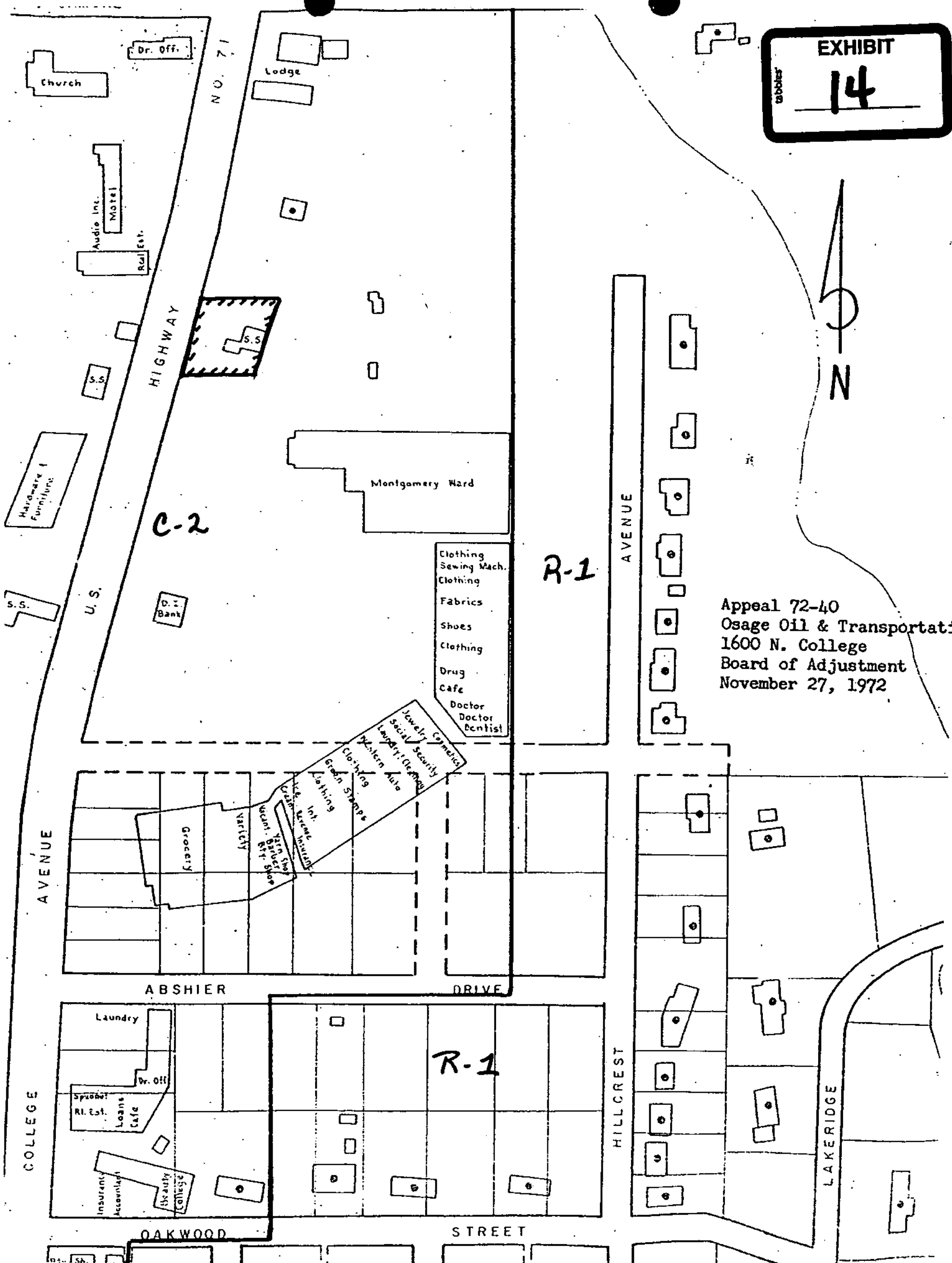
EXHIBIT

14

tabbles

N

Appeal 72-40
Osage Oil & Transportat:
1600 N. College
Board of Adjustment
November 27, 1972



~~Mr. Tarvin stated he really would not think a double driveway would cause that much drainage problem.~~

~~Ms. Britton stated she did not believe there was enough room on the site for a double driveway, that the entire parking lot would have to access the street.~~

~~Mr. Perry stated the parking lot would not be a big one, he would only need space for five cars.~~

MOTION

~~Mr. Springborn stated he believed the downside risk and effect on the neighborhood was too great. He moved the rezoning be denied.~~

~~Ms. Britten seconded the motion.~~

~~The motion passed 8-0-0.~~

CONDITIONAL USE CU91-14 - DUPLEXES
CHARLES SLOAN - W OF HILLCREST, N OF ABSHIER DR.

The fifth item on the agenda was a conditional use request for duplexes in an R-1 area submitted by Charles Sloan for property located on the west side of Hillcrest Avenue, north of Abshier Drive.

Mr. Merrell explained the subject property was a narrow strip (146' x 660') behind Evelyn Hills. He pointed out the property had a long and controversial history. He stated previous owners had attempted to rezone the tract to commercial several times. In 1962 the property was successfully rezoned; however, a year later the issue was presented for public vote, and voters decided the property should be left as a residential zone. He explained some of the neighbors contended that the property was designated greenspace, but staff had been unable to locate any such agreements or other legal documents to that effect. Mr. Merrell explained that Askew Enterprises recently sold Evelyn Hills Shopping Center and now had a contract to sell the subject tract to Charles Sloan contingent upon the conditional use.

Mr. Merrell stated Mr. Sloan had originally requested a rezoning to construct seven duplexes however staff had pointed out to him he could construct the duplexes in R-1 with a conditional use. He further explained Mr. Sloan proposed to retain all the trees along Hillcrest and construct a private drive along the west property line for access. He stated Mr. Sloan proposed to develop with the lay of the land, excavating only where necessary to drop the building height so as not to infringe upon his neighbors' views.

Mr. Merrell pointed out there were five possible uses of the subject property: (1) apartments, (2) offices, (3) single family residential, (4) greenspace, and (5) duplexes. He stated that, considering the established, high-quality surrounding residential properties, offices and apartments did not appear to be a desirable development course. He pointed out that considering the domineering presence of Evelyn Hills to the east, single family residential did not appear to be feasible. He further explained that the subject property did not offer much that would merit its purchase for a public park and, further, Mr. Askew could not be required to retain the property as private greenspace. He pointed out the only other development route was duplexes.

Mr. Merrell explained staff was only recommending this item be considered for approval provided that Mr. Sloan assure that every tree along Hillcrest Avenue be preserved, that there be no access through the trees, and that whatever access drive was constructed be constructed on the west side of the property. He stated



Mr. Merrell explained that the R-O zoning allowed five different use units by right including single and two family dwellings, Use Unit 12 and Use Unit 25 which defined offices, studios and professional offices. Mr. Merrell then read those items under both use unit 12 and 25.

Mr. Merrell suggested one possible way this matter could be resolved would to have Mr. Taylor offer a Bill of Assurance that would guarantee that he would only use the property for an office. He stated this was a very close call for the Planning Commission with K-Mart and the fire station in the immediate vicinity.

Mr. Springborn expressed concern regarding the entire commercial strip to the south. He explained that, while there was nothing of a commercial nature to the north, granting of the rezoning request would open the door to the growth of the commercial strip.

In response to a question from Mr. Allred regarding the effect widening Stubblefield would have on the area, Mr. Merrell stated he did not know if the Traffic Division had done any projections regarding increase in traffic. He further stated he believed it would have a relatively insignificant impact in this area.

Mr. Hanna explained there were covenants in the subdivision prohibiting rezoning. He stated he believed they owed it to the residents of the subdivision to uphold the covenants. He further stated granting the rezoning would encroach on the integrity of the neighborhood; that unless the entire block, rather than one lot, was to be rezoned, it was truly spot zoning.

Mr. Tarvin stated that, while he did in part agree with Mr. Hanna, the property in the area was rental property, and he believed the rezoning would help the area. He pointed out the property was across the street from commercial property, it was adjacent to other commercially zoned property, there was no buffer between the R-1 and commercial property. He stated that an office, built to look like a house with protective covenants, could make the property look better in the future. He further explained that a business such as the one proposed would probably be quieter than a residence. He further stated he would not consider rezoning beyond this property but, in this instance, the property could be considered a buffer between the R-1 and C-2.

Ms. Jackman asked, if in the future someone else should purchase the property, whether more parking spaces might be required.

Mr. Merrell explained that once the property was rezoned to R-O it would remain R-O and there was the possibility that additional parking would be required, depending upon the type of business that owned the property. He stated all of the parking would be off-street parking.

Mr. Tarvin stated they had granted conditional zoning before. He suggested rezoning the property with the condition that, should the applicant sell the property, it would revert to R-1.

Ms. Britton expressed concern regarding the drainage in the area. She pointed out there were ditches down both perimeters of the property that handle the stormwater drainage at this time. She questioned disposition of that water should the property be graded and a parking lot constructed.

Mr. Allred asked if there was data available concerning when to start replacing rental property in order to keep the area from "bottoming out".

Mr. Merrell stated he did not believe there was a rule of thumb. He further stated he believed this area was still highly residential.

staff believed the duplexes would be a buffer between the single family dwellings and the shopping center.

Mr. Hanna stated that, since the property was zoned R-1, one of the alternatives would be dividing the tract into 8 or 9 lots, with 8 or 9 driveways exiting onto Hillcrest and removing of several of the trees.

Mr. Merrell agreed that, should the property be divided into separate lots they would probably lose a number of trees along Hillcrest.

Mr. Tarvin stated the garages could come in from the back of the house.

Mr. Allred asked if the subject property had been previously dedicated as a greenspace, why it would not have been zoned P-1 at that time.

Mr. Merrell explained staff could find no records relating to the area being designated a greenspace.

Mr. Harry Gray, representing Charles Sloan, explained this was a unique piece of property and the terrain did limit development. He further explained the property had been rezoned in 1962 with covenants attached to the rezoning.

Mr. Merrell explained staff had found information regarding the property being zoned C-2 but the rezoning was rescinded by referendum.

Ms. Britton asked if the developer was proposing a single, common drive for the consideration of the property owners. She explained she saw that as a problem.

Mr. Gray explained that at this point they were just asking for the conditional use and would have to come back on the actual construction of the duplexes. He further stated they did propose to have a private drive at the rear of the property and would not have access to Hillcrest. He explained they did not want to remove any of the trees along Hillcrest. He stated they were willing to sign a Bill of Assurance that there would be no existing trees removed.

Mr. Springborn asked if there was room for more than a 12 foot one-way street.

Mr. Allred stated subdivision committee could require no on-street parking if this item were approved.

Ms. Donna Copeland, 1502 N. Hillcrest, appeared before the Commission and gave some history of the property. She explained that, at the time Evelyn Hills Shopping Center was built, a promise was made to plant a barrier of trees between the houses and shopping center and never to build on the land between Evelyn Hills and Hillcrest. She asked the Commission to consider the impact the conditional use would make on the neighborhood. Ms. Copeland stated that when Mr. Abshier dedicated the street to the city, he included the possibility of a reverter. If it ceased to be used for a street, the land would revert to the abutting landowners. She explained that not all of the strip of land was used for a street, and the adjoining property owners had taken care of the street right-of-way on both sides. She further stated many of the property owners had purchased their homes along Hillcrest, because it was a dead-end street without a lot of traffic or noise.

Ms. Copeland explained that citizens relied on the city to control growth not developers. She stated, if the city planned properly, zoning would stabilize property values and there would be some predictability about what location could be used for what purpose. She further pointed out, if the conditional use was granted, there would be 14 residences across the street from six single family homes. The new residences would be approximately 1,300 square feet as opposed

to 2,600 square foot homes currently existing. She pointed out there would be an increase in traffic, noise and reduced safety. She also suggested there may be a problem with the drainage in the area if the subject tract was built over. She requested the conditional use be denied. She presented a petition protesting the conditional use with approximately 40 signatures.

Mr. Paul Bailey, 1532 Hillcrest, appeared before the Commission and stated he believed the subject property was too small to construct 7 duplexes. He further stated he thought it would be a very poor place to live. He pointed out that in the winter when the weather was bad the road would be impassible. He suggested the residents could join together to keep the property mowed.

E. Fay Jones, 1330 Hillcrest, stated construction of the duplexes would change the environment of the neighborhood which had always been single-family homes. He also mentioned an increase in traffic. He requested the conditional use be denied.

Mr. Dick Oliver, 1440 Hillcrest, appeared before the Commission and stated that, when he purchased his property in 1972, the realtor had told him the subject property was to be used as greenspace, providing a buffer between the residential area and the shopping center. He explained the company that purchased the shopping center had not purchased the subject tract of land because it was greenspace. He also pointed out that any construction would have to destroy some of the trees. He stated the noise from the shopping center was a problem, even with the trees. He further stated there would be no view for any building constructed on the subject property. He mentioned additional traffic, impassibility when ice was on the roadway, and noise as some of his concerns should duplexes be constructed. He suggested the Planning Commission should make the area a permanent greenspace.

Ms. Trina Oliver, 1440 Hillcrest, appeared before the Commission, and strongly urged the Commission to not approve the conditional use. She stated the property had always be intended for and used as a greenspace.

Mr. Gray explained, when the property had been rezoned in 1962, there had been restrictive covenants, but after the referendum revoked the zoning, all restrictive covenants were voided.

Mr. Allred asked if there was room for 8 or 9 lots should the property develop as single family homes.

Mr. Gray stated they would be able to get 8 lots under R-1 zoning.

Mr. Harold Copeland, 1502 Hillcrest, appeared before the Commission and stated they had chosen the property because it was single-family residences. He further stated the realtor had assured them that, should the subject property ever be developed, it too would be single-family residences.

Mr. Gerald Davis, 1516 Hillcrest, appeared before the Commission and expressed his concern over the proposed conditional use.

Mr. Allred stated he would be in favor of tabling this item to allow everyone to diligently search for any documentation regarding the greenspace. He explained that unless documentation could be found, the property was zoned R-1 with no restrictions.

MOTION

Ms. Britton moved to table the item for further research.

Mr. Hanna seconded the motion.

The motion and second were amended to table the item until the second meeting in July.

The motion passed 8-0-0.

Mr. Allred suggested the property owners get with the staff and work together to search for any documentation. He explained that a verbal contract regarding real estate was non-binding. He stated he wanted to see something in writing, if anything existed.

PRELIMINARY PLAT - TIMBER CREST SUBDIVISION
MEL MILHOLLAND, N OF MISSION BLVD., E OF CROSSOVER RD

The sixth item on the agenda was a preliminary plat for Timber Crest Subdivision submitted by Mel Milholland on behalf of Mike Pennington. The property is located on the north side of Mission Blvd., east of Crossover Road. The property is zoned R-1, Low Density Residential and contains 27.52 acres with 58 lots.

Mr. Bunn had left the meeting and, therefore, Mr. Merrell gave the Engineer's report. He explained the property was annexed into the city and rezoned from A-1 to R-1 approximately two weeks earlier by the Board of Directors. He stated the development consists of 58 lots located on 27.5 acres. He stated that water and sewer were available to the site. He further stated there had been some question as to whether the sewer would have to be provided by a pump station or by gravity. The preliminary plat indicated the construction of a pump station; however, it has not been shown that a gravity sewer was impractical.

Mr. Milholland reminded the Commission that at the last meeting they had questioned stormwater drainage runoff and deposits of silt during construction. He explained he had talked with Don Bunn regarding the storm drainage. Mr. Bunn felt the proposed drainage plan was adequate. He stated they would be willing to install catch ponds for the silt if that was the Commission's desire.

At Ms. Britton's request, Mr. Milholland explained the highway department had come up with a design for discharge of stormwater. He explained the design would slow the water down but still drain by placing concrete blocks in the apron. He explained this would slow the water down and make a wider path with less velocity.

Ms. Britton asked if Mr. Milholland would be giving a bill of assurance that he would build the silt ponds to contain the silt during construction.

Mr. Milholland stated he would.

Mr. Tarvin stated they could not contain silt during construction. When it rains, muddy water would wash silt out. He stated he believed the Commission needed to be careful that they did not impose any conditions that were out of the ordinary with development in the city.

Mr. Cleghorn asked if Mr. Bunn had felt the catch ponds were necessary.

Mr. Milholland stated they had not discussed them.

Mr. Merrell pointed out the excavation and grading ordinance would become effective in the middle of July and this development would have to abide by the ordinance. He further stated he would like to see an effort made to reduce and control silt, but he agreed with Mr. Tarvin silt could not be totally contained.

Mr. Milholland explained he would be making an effort to reduce the silt, but he never intended to give the impression that there would not be muddy water.

Mr. Springborn stated he would not personally require a bill of assurance, but he would be happy with the assurance they had received from Mr. Milholland. He explained at the last meeting he had not felt the problem had been addressed but now he felt it had been.

Mr. Tarvin asked what was different about this subdivision that warranted them taking this type of stand that they had not done in the past.

Mr. Merrell explained that he believed there was concern regarding this property because it bordered a stream and needed to be handled carefully. He pointed out the land was relatively level. He stated the Planning Commission always needed to be careful to not single out anyone.

Mr. Mike Pennington, the developer of the property, stated it was his intent to develop the property so as to please the City of Fayetteville. He stated he believed the Commission's questions were valid.

MOTION

Mr. Springborn moved to approve the plat subject to plat review comments and Commission comments.

Mr. Hanna seconded the motion.

In response to a question from Mr. Tarvin, it was determined that the preliminary plat was being approved with Mr. Milholland making an effort to stabilize the silt by constructing catch ponds during construction of the subdivision.

The motion passed 8-0-0.

PRELIMINARY PLAT - WEDINGTON HEIGHTS ADDITION, PHASE I, II, III & IV MARK MARQUESS FOR BMP DEVELOPMENT - W OF SALEM RD., N OF WEDINGTON DR.

The seventh item on the agenda was a preliminary plat for Wedington Heights Addition, Phases I, II, III, and IV submitted by Mark Marquess for BMP Development and represented by Harry Gray. The property is located west of Salem Road, north of Wedington Drive. The property is zoned R-1.5, Moderate Density Residential and contains 34 acres with 151 lots.

Mr. Merrell stated a portion of this property would be developed for affordable housing. He explained the development consisted of four phases with a total of 151 lots on approximately 34 acres. He pointed out that Perry Franklin of the Traffic Department had expressed some concern about the additional traffic that would be generated at Highway 16 due to the development; however, any new development would generate additional traffic.

Mr. Merrell stated both water and sewer are readily available to the site and the general drainage plan appears to be control drainage. He stated Mr. Bunn recommended approval subject to the plat review comments; submittal of approval of detailed plans and specifications for water, sewer, streets, and drainage; the tying of Anne Street through to an existing street in Giles Addition with the construction of any phase after Phase I; the platting of a 50 foot right-of-way for future street construction north from the intersection of "E" Street and "H" Street; construction of sidewalks per city ordinance; and payment of parks fees per city ordinance.

10-16-30

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

A meeting of the Fayetteville Planning Commission was held on Monday, July 22, 1991 in the Board of Directors Room on the second floor of the City Administration Building, 113 West Mountain Street, Fayetteville, Arkansas.

MEMBERS PRESENT: Jack Cleghorn, Fred Hanna, J. E. Springborn, Jerry Allred, Joe Tarvin, Mark Robertson, Charles Nickle, and Jett Cato

MEMBERS ABSENT: Jana Lynn Britton

OTHERS PRESENT: Becky Bryant, Don Bunn, Sharon Langley, members of the press and others

MINUTES

The minutes of the July 9, 1991 meeting were approved as distributed.

CONDITIONAL USE CU91-14

CHARLIE SLOAN - W SIDE OF HILLCREST, N OF ABSHIER

The second item on the agenda was a request for a conditional use in order to construct duplexes in R-1, Low Density Residential submitted by Charlie Sloan and represented by Harry Gray. The property is located on the west side of Hillcrest Avenue, north of Abshier Drive.

Becky Bryant reminded the Commission that, at the June 24, 1991 meeting, this item had been tabled in order to allow staff to further investigation the allegations that the subject 2.2 acres had been designated greenspace. She stated that previously the Abshiers had offered to place restrictive covenants on the property in exchange for C-2 zoning. The covenants were executed and filed. She explained the rezoning had been brought to a public vote and citizens had voted down the rezoning. She further explained that revoking the zoning had the legal effect of also revoking the covenants. She stated she had discussed this matter with the Assistant City Attorney who agreed the covenants were no longer binding nor valid.

Ms. Bryant further pointed out the original covenants had only affected the east 20 feet of the property. She stated the City had a 30 foot easement along the east property line so there would be no building in that area anyway. She further stated Mr. Sloan was willing to give a Bill of Assurance for tree protection along the street. She explained staff believed this was a high quality development which would not significantly impact the neighborhood.

Ms. Bryant suggested the Commission could apply conditions on the development. She pointed out that, should the conditional use be denied, Mr. Sloan or any other party could remove the trees on Hillcrest and construct a single family affordable housing project over which the city would have little control. She stated the only solid legal ground on which the Planning Commission could deny the conditional use was by finding that the request was incompatible with adjacent properties. She explained, however, that one of the planning principles used to encourage buffering of single family residential from commercial was the use of an intermediate type of zoning.

Ms. Bryant stated Commissioner Britton had raised a question about access to the property. She stated both drives on the north and south ends were included in the legal description of the property which Mr. Sloan hoped to purchase. She stated, if the conditional use were granted, the development would then go



Planning Commission
July 22, 1991
Page 2

through the large scale development process. She suggested any further concerns about access be addressed at that time.

In response to a question from Mr. Tarvin, Ms. Bryant explained the property could be used for an affordable housing development without rezoning. She stated the Commission had some control over the property with a conditional use but, without a conditional use, the Commission had very little control.

Mr. Tarvin asked if they could add a provision to the conditional use a provision denying parking and access by pedestrians along Hillcrest.

Ms. Bryant stated the Commission could impose any reasonable condition as long as the condition was not arbitrary or capricious.

In response to a question from Mr. Hanna, Ms. Bryant stated a 30-foot easement along Hillcrest had been executed by the developer. She explained nothing could be built in the easement but an easement did not restrict the developer from clearing the area.

In response to a question from Mr. Tarvin, Mr. Gray explained that, should the property be developed as single family homes, he believed the property would be split into eight lots all fronting on Hillcrest with drives onto Hillcrest. He further explained it would be much more difficult to develop single family homes with private drives. He stated the terrain dictated the type of construction.

Mr. Tarvin asked if the difference was because the duplexes would all be owned by one person.

Mr. Gray stated the current plan was that Mr. Sloan would own all of them. He stated eventually they could be sold. He explained there would be covenants set up to cover the private drive.

Mr. Tarvin asked if the covenants could not be set up for private homes.

Mr. Gray explained they could but, due to the terrain, he did not see the development being a quality single family development. He stated covenants were normally tied to property owners associations which cover the maintenance of the drives, etc. He further stated he could see some problems with covenants on single family development on this property.

In response to a question from Mr. Allred, Mr. Gray explained the duplexes would face Hillcrest shielding the parked cars from view. He further explained the apartment plan was for two-story duplexes with the lower floor being below the level of Hillcrest and the upper floor extending slightly above it. He stated the plan was to construct a wooden bridge to extend from Hillcrest to the upper level of the duplexes in order to provide pedestrian access.

Dick Oliver, 1440 Hillcrest, appeared before the Commission and spoke in opposition to the conditional use. He explained the construction of duplexes would triple the number of people and traffic; that the residents of the duplex and visitors to the duplexes would park on Hillcrest; there was only 120 feet of flat land on the subject property which made it undesirable to build on; the trees and shrubbery provided a buffer between Hillcrest and the shopping center; water pressure was already poor in the area, additional residences would cause more water problems; and the duplexes would lower property values in the neighborhood. He stated they had a nice quiet neighborhood and the residents believed it should be left as R-1 with no conditional use.

Mr. Tarvin asked if Mr. Oliver had his choice to leave the zoning R-1 without the conditional use and have it constructed into single family houses facing onto

Hillcrest and possibly removing some of the trees versus the duplexes which would he prefer.

Mr. Oliver stated he had seen in the newspaper that the property was going to be rezoned R-1.5 for low rent housing. He explained that, if the property were developed as single family housing similar to those already in the neighborhood, he would not be opposed.

In response to a question from Mr. Allred, Ms. Bryant stated there was not an application to rezone this property to R-1.5.

Mr. Tarvin explained that the property could be developed into single family housing without the lot size and house size being comparable to those existing in the neighborhood. He asked Mr. Oliver his preference between R-1 with a conditional use for duplexes with protective restrictions regarding the trees and parking versus R-1 single family with 70 foot frontages.

Mr. Allred explained that should the conditional use be granted the Planning Commission would have some control, but if the conditional use were denied, they would have no control over any single family development.

Mr. Oliver stated he would prefer the property remaining as it was, but since that was not possible, he would opt for the conditional use for duplexes with the conditions that all of the trees remain as a buffer and that there was no access to Hillcrest from the duplex.

Mr. Allred pointed out the duplexes were to be large and rather expensive, designed toward executive-type families which would be compatible with the neighborhood. He further pointed out, should the property be developed as affordable housing, the residents might not blend into the neighborhood. He explained that would have more of a negative social impact.

Mr. Paul Bailey, a resident of the area, appeared before the Commission and asked where the development would get its water. He explained there was only a 4-inch line serving the neighborhood. He stated the city had recently put in an 8-inch line in the area and he wanted to be sure the new development would tap off the 8-inch line.

Mr. Bunn stated he had not seen a proposal but would have to make sure the elevations were such that the development could use the 8-inch line. He explained the 8-inch line was on a main pressure plain and the 4-inch line was on a high pressure plain.

Mr. Gray pointed out that should the conditional use be granted, the developer would still have to present a large scale development plat or subdivision plat which would cover water, streets, sewers, etc. He explained the residents would be notified of the hearing at that time.

Mr. Bailey stated he believed the property should be developed in congruence with existing properties. He stated he wanted to be sure if the duplexes were built that there would be no access on Hillcrest.

Mr. Cato asked Mr. Bailey, if the property were to be developed as proposed into seven duplexes accessing a private road on the west side of the property and preserving the trees versus developing the property into seven or eight lots with probable access onto Hillcrest, which he would prefer.

Mr. Bailey stated he would prefer no ingress or egress onto Hillcrest nor any trees or bushes destroyed on Hillcrest.

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Mr. Allred asked the residents in the audience if they preferred the duplexes with the requirement that the trees be preserved and no access to Hillcrest. It appeared the majority of the residents preferred the duplexes with those conditions.

Mr. Allred explained that the Commission was trying to determine what was best for the neighborhood. He agreed that the most ideal use for the neighborhood was to leave it like it was. He explained they did not have that type of control so they were trying to determine what the next best alternative.

Ms. Dawn Copeland, 1502 Hillcrest, appeared before the Commission and stated she was not in favor of the duplexes, that she would prefer single family housing. She questioned the size of the tract, stating she did not believe it was a large enough tract to construct seven or eight houses.

She stated she had reviewed the city ordinance covering conditional use applications, Section 160.195. She explained the Planning Commission would not grant a conditional use unless certain requirements were met, including making written findings certifying compliance with eight areas of concern.

Ms. Copeland stated the first two concerns were ingress and egress to the property and off-street parking. She showed the Commission a drawing of the area pointing out the subject property in comparison to the surrounding property. She explained there was a private driveway coming out of Evelyn Hills Shopping Center leading into a narrow alley with a retaining wall. She further explained the developer was proposing to put a driveway at the top of the retaining wall, which would have to go north (she stated the street would not be wide enough to go both ways), and then feed back into Hillcrest to go south. She stated this area would not be conducive to good traffic flow. She further stated there was the possibility of a fire hazard since the fire trucks would have difficulty in negotiating the street. She also pointed out the trash collectors would also have difficulty in negotiating the street for pickup.

Ms. Copeland stated another concern was location and availability of utilities. She explained the water pressure diminished as it went downhill. She stated the residents had been told the new 8-inch line was strictly for the purposes of fire hydrants and would not have any residential service. She pointed out the existing gas line along the tree line.

She explained the builder had offered to buffer the area by leaving the trees on the west side of Hillcrest but there would be no yard or open space since it would be filled with buildings. She further stated that by filling the area with buildings, it would create drainage problems with runoff going into the back of the shops in Evelyn Hills.

Mr. Allred explained the drainage would be addressed in the large scale development and the city engineer would be looking at the plan.

Ms. Copeland stated she was confused because they were telling her this was just proposals that the developer was making and that it had to go before another board to decide on the streets, gutters, etc. She stated the ordinance read "...Before any conditional use shall be issued the Planning Commission shall make written findings, certifying compliance with the specific rules governing individual conditional uses and that satisfactory provision and engagement has been made concerning the following..."

Mr. Allred explained the Planning Commission delegated their authority to the planning office and city engineering staff. He further explained there were other ordinances requiring that any development had to have the city engineer's approval.

Ms. Bryant concurred with Ms. Copeland that the Planning Commission should make findings or reference staff findings.

Ms. Copeland stated other concerns were the signs they would have on the duplexes and security lighting which would add to the glare. She stated the final consideration was the compatibility and harmony with adjacent property. She pointed out this was a density problem, that building duplexes would result in too many people being crammed into too small an area in a quiet neighborhood composed of single family dwellings.

Ms. Copeland stated she did not think preserving the trees would make up for building duplexes. She asked the Commission to deny the conditional use.

Mr. Springborn pointed out, should the subject property be subdivided into minimum size city lots, the new property owners would have the same rights as the existing property owners and their driveways could also enter from Hillcrest.

Ms. Copeland stated she understood that.

Mr. Nickle pointed out neither the easements nor the setbacks entered into the calculation of the lot size.

In response to a question from Mr. Tarvin, Mr. Gray explained the west edge of driveway would be thirty feet east of the retaining wall. He stated the depth of the lot, from the retaining wall to the right-of-way of Hillcrest was 146 feet.

Mr. Gray stated the proposal was that the duplex would be approximately 40 feet in width.

Ms. Trena Oliver appeared before the Commission and stated it bothered her that they were trying to put too many people in a small area. She stated she was in favor of single family housing with only 7 or 8 families.

In response to a question from Mr. Tarvin regarding access to Hillcrest, Mr. Gray explained he had not looked at access to Hillcrest from a single family standpoint.

Mr. Cleghorn stated he did not see a need for a change when the neighborhood had existed for many years and the change was for a business venture.

Mr. Nickle agreed with Mr. Cleghorn. He stated he did not feel access was sufficient - that a one-way street 12 feet wide, going across 600 feet, was not in the best interest of the city. He further stated he was opposed to the conditional use.

MOTION

Mr. Springborn stated he normally voted in favor of the neighborhood, even though as a Commissioner he felt like as far as the city was concerned, that the application was a good one. He moved to deny the application.

Mr. Cleghorn seconded the motion.

The motion passed 7-0-1 with Commissioners Cleghorn, Hanna, Springborn, Allred, Tarvin, Cato and Nickle voting "yes" and Commissioner Robertson voting "no".

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LARGE SCALE DEVELOPMENT - THE SPORTS PARK
RICK COLLINS - S OF WEDINGTON DR., W OF BETTY JO DR.

The third item on the agenda was a request for a large scale development for The Sports Park submitted by Rick Collins for property located on the south side of Wedington Drive, west of Betty Jo Drive. The property is zoned A-1, Agricultural.

Mr. Don Bunn, City Engineer, explained the large scale development consisted of a recreational area on 76.35 acres. Activities include a golf driving range, batting cages, putting green, and pro shop. He explained future phases would include a restaurant, a retail garden shop, and a par three golf course. He stated there were no significant problems identified at the Plat Review meeting or the Subdivision Committee meeting. He stated there was some discussion about the drainage plans and it had been suggested at the subdivision committee meeting that the drainage plan be available for the planning commission. He explained there was also a question about the location of an easement where there were several large trees. He recommended the large scale development be approved subject to plat review and subdivision committee comments; approval of drainage plans by the City Engineer; resolution of the location of the 15 foot utility easement; construction of a sidewalk along Wedington Drive; and conformance with the terms of the conditional use granted earlier by the Planning Commission.

MOTION

Mr. Tarvin moved to accept the Large Scale Development of The Sports Park subject to staff comments, plat review and subdivision committee comments.

Mr. Hanna seconded the motion.

The motion carried 8-0-0.

WAVIER OF SUBDIVISION REGULATIONS - LOT SPLIT #1
BERT RAKES - N OF DICKSON ST., E OF WEST AVE.

The fourth item on the agenda was a request by Bert Rakes, City of Fayetteville Land Agent, on behalf of Robert Lewis and Nancy Witt Lewis for a lot split on property located north of Dickson Street and east of West Avenue. The property is zoned C-3, Central Business Commercial.

Commissioner Robertson stated he would be abstaining from discussion and voting on this item since Mr. and Mrs. Lewis were his clients.

Mr. Rakes explained the subject property was a portion of the Walton Arts Center parking and, to fulfill their obligation, the city had to furnish parking spaces. He further explained this property contained 1.41 acres, extending from West Avenue to Campbell. He stated the split was in order to allow Jose's Restaurant to retain their parking. He further stated the City would be buying 0.79 acres.

MOTION

Mr. Hanna moved to grant the lot split as requested.

Mr. Springborn seconded the motion.

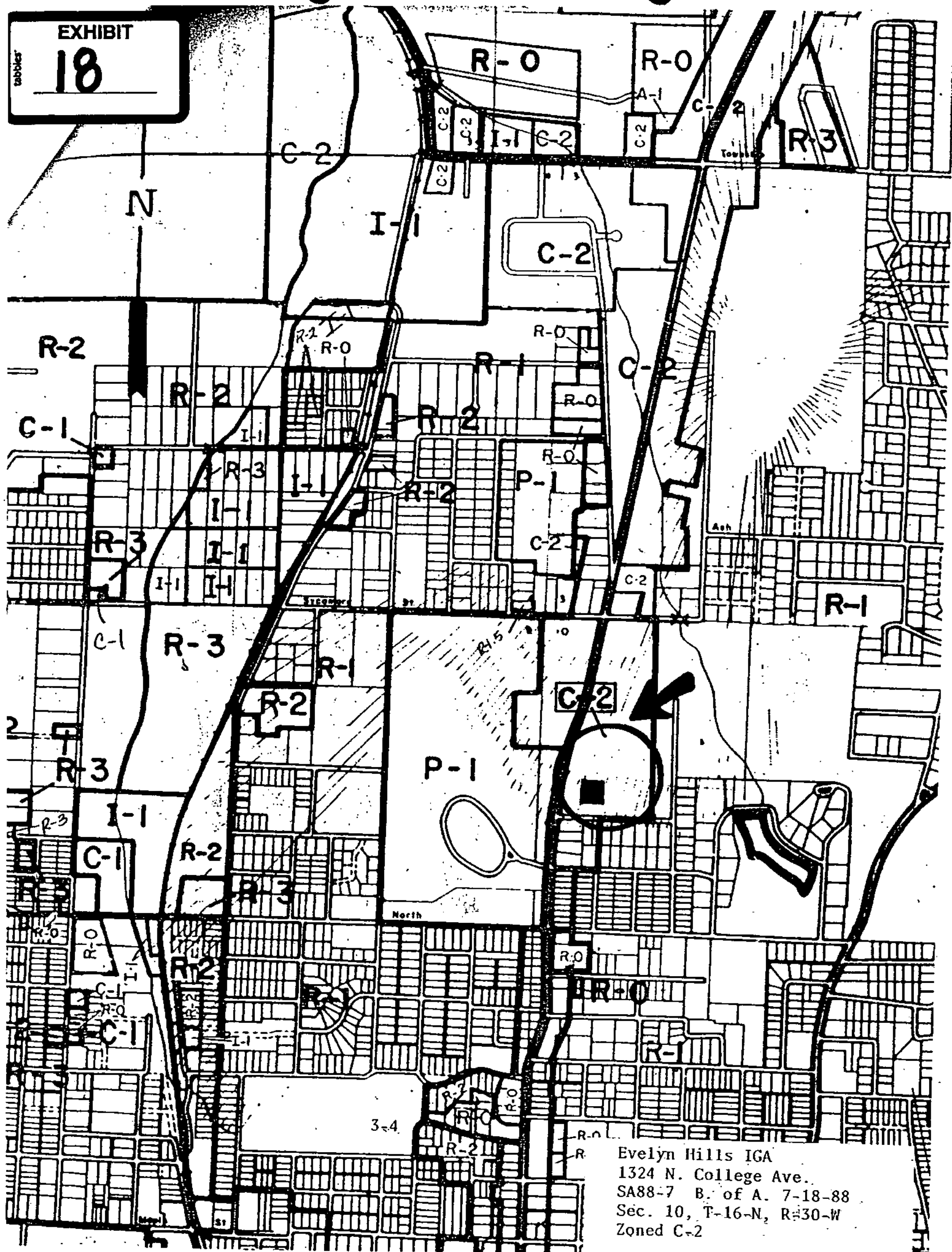
The motion passed 7-1-0 with Mr. Robertson abstaining.

Review of files in Plot Page #407 - Have (1 mile zoning maps)

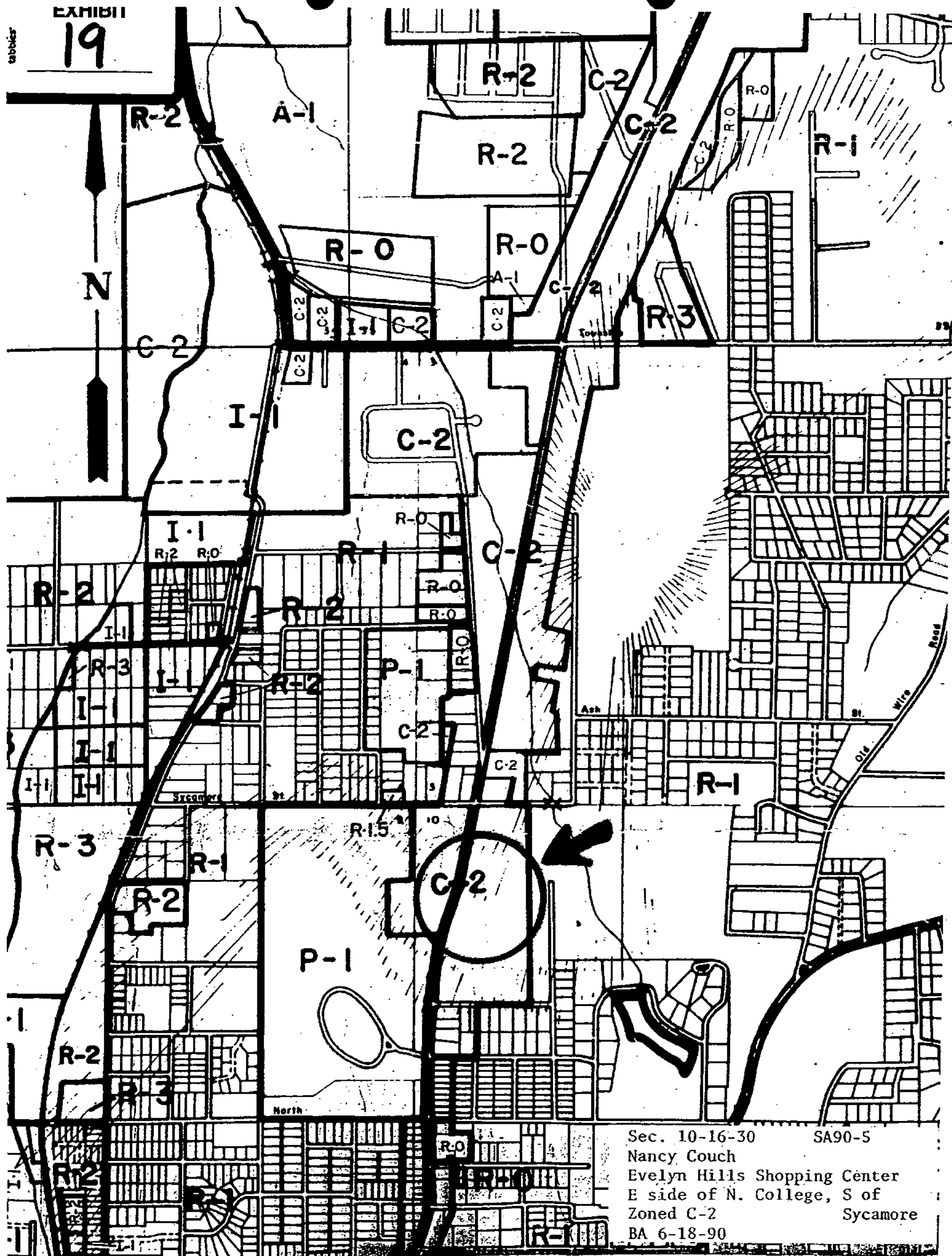
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1972 - (R-1)	1980 (R-1)	1990 (R-1)
1975 - (R-1)	1983 (R-1)	1990 (R-1)
1976 - (R-1)	1983 (R-1)	1992 (R-1)
1976 - (R-1)	1983 (R-1)	1993 (R-1)
1979 - (R-1)	1984 (R-1)	1999 (C-2)
1979 - (R-1)	1988 (R-1)	
	1988 (R-1)	
	1989 (R-1)	
	1989 (R-1)	



EXHIBIT
18



Evelyn Hills IGA
1324 N. College Ave.
SA88-7 B. of A. 7-18-88
Sec. 10, T-16-N, R-30-W
Zoned C-2



SA90-5

Evelyn Hills Shopping Center

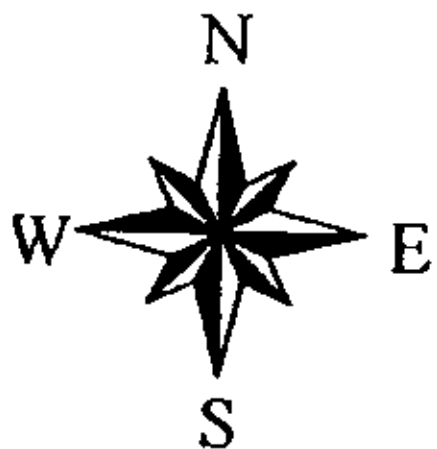
E side of N. College, S of

Zoned C-2

BA 6-18-90

Sycamore

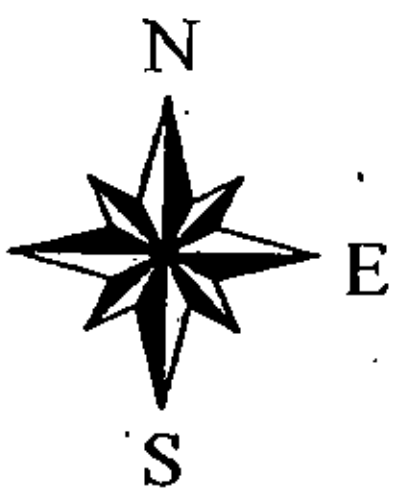
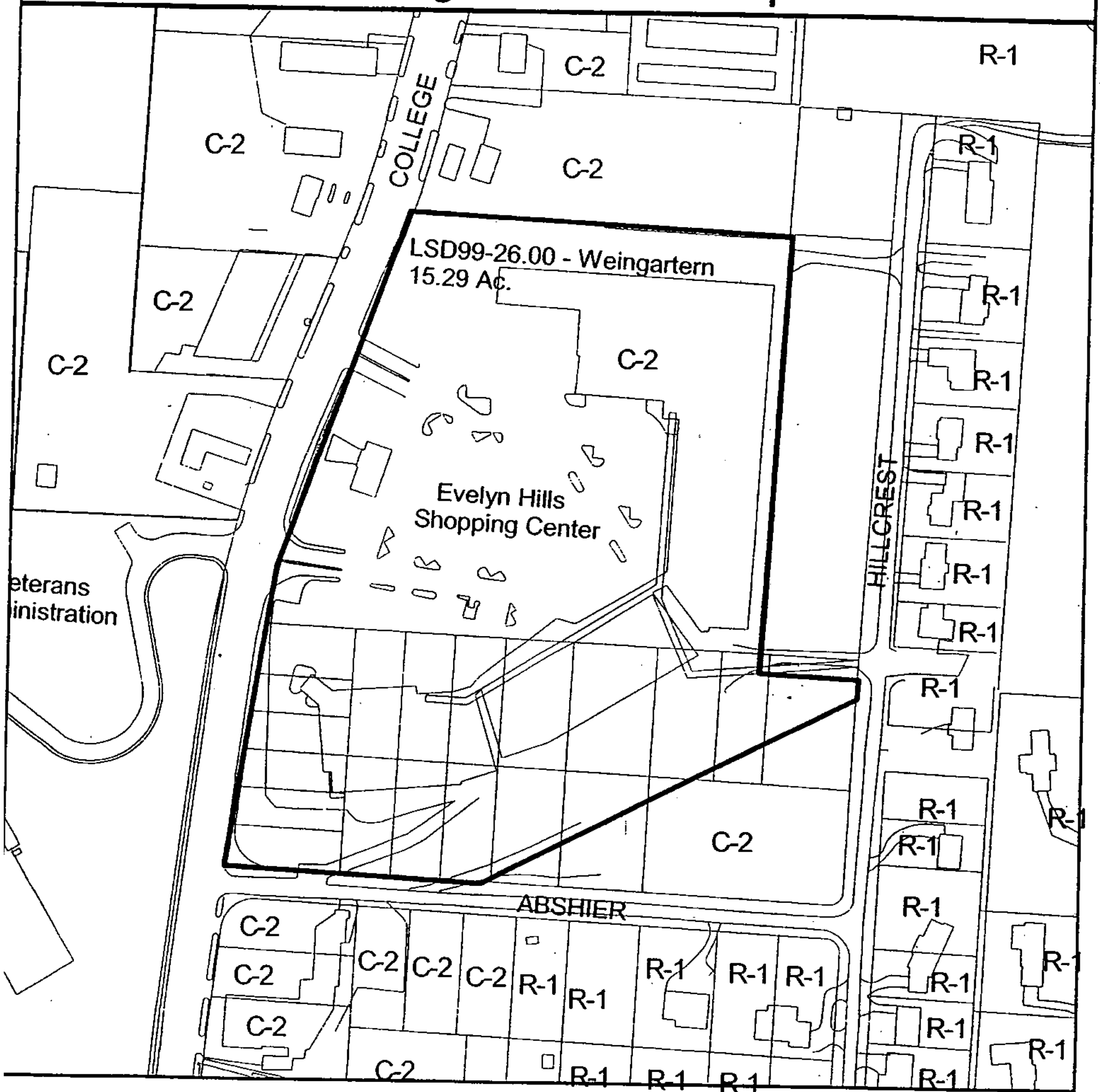
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20

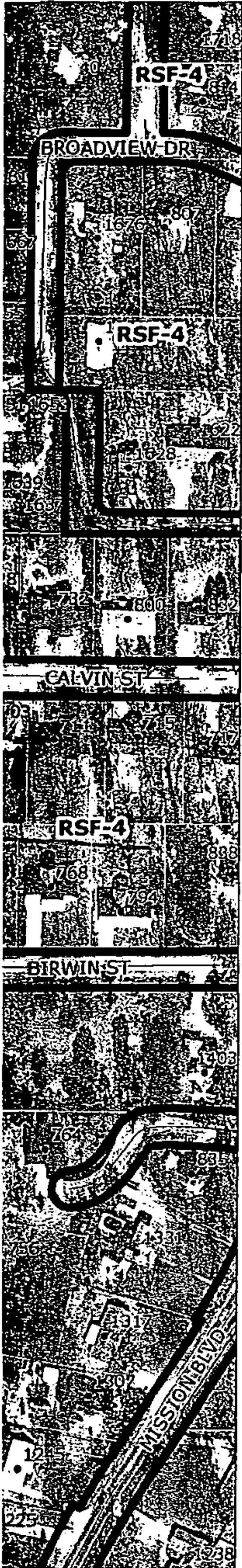
subtitles

LSD99-26.00 - Weingarten - Close Up



200 0 200 Feet





City of Fayetteville, Arkansas Zoning Map Official Atlas Sheet



This is to certify that this is the
official zoning map referred to in
Section 1 of Ordinance # 4503
of the City of Fayetteville.

SP
02.10.06

Adopted by the Fayetteville City Council
Ordinance # 4503 Date: 7-15-03

Mayor

Dan Cody

City Clerk

Dendra Smith

Legend

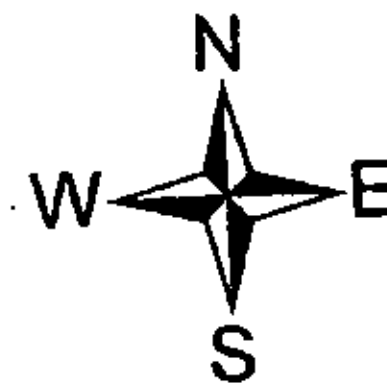
----- Design Overlay District Boundary

★ Bill of Assurance

 Zoning

1" represents 200'

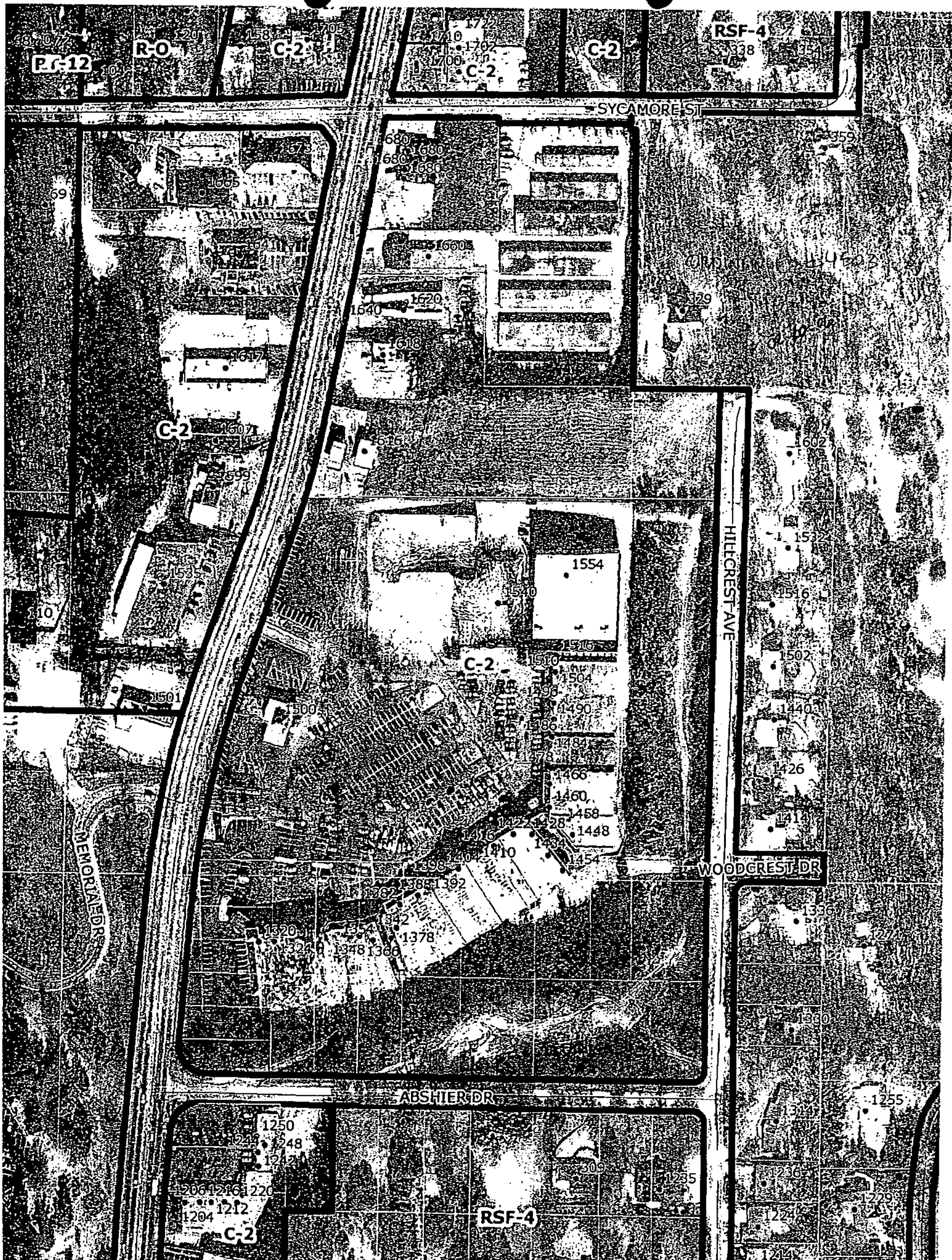
1:2,400



	329	330	
367	368	369	

EXHIBIT

22



TITLE XV UNIFIED DEVELOPMENT CODE

CHAPTER 160: ZONING DISTRICTS

160.01 Establishment Of Districts

The following zoning districts are hereby established:

ZONING DISTRICTS

R-A	Residential - Agricultural
RSF-.5	Residential Single-family - One Half Unit per Acre
RSF-1	Residential Single-family - One Unit per Acre
RSF-2	Residential Single-family - Two Units per Acre
RSF-4	Residential Single-family - Four Units per Acre
RSF-7	Residential Single-family - Seven Units per Acre
RT-12	Residential Two and Three-family
RMF-6	Residential Multi-family - Six Units per Acre
RMF-12	Residential Multi-family - Twelve Units per Acre
RMF-18	Residential Multi-family - Eighteen Units per Acre
RMF-24	Residential Multi-family - Twenty-Four Units per Acre
RMF-40	Residential Multi-family - Forty Units per Acre
R-O	Residential-Office
C-1	Neighborhood Commercial
C-2	Thoroughfare Commercial
C-3	Central Business Commercial
C-4	Downtown
I-1	Heavy Commercial and Light Industrial
I-2	General Industrial
P-1	Institutional
E-1	Extraction
DOD	Design Overlay District
R-PZD	Residential Planned Zoning District
C-PZD	Commercial Planned Zoning District
I-PZD	Industrial Planned Zoning District

(Code 1965, App. A., Art. 5; Ord. No. 1747, 6-29-70; Ord. No. 3115, 9-3-85; Ord. No. 3128, 10-1-85; Code 1991, §§160.015, 160.048; Ord. No. 3792, §1, 5-17-94; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4325, 7-3-01)

160.02 Official Zoning Map

(A) *Map.* The city is hereby divided into zones, or districts, as shown on the official zoning map, which together with all explanatory matter whereon, is hereby adopted by reference and declared to be a part of this chapter.

(B) *Signature/seal.* The official zoning map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the city under the following words:

"This is to certify that this is the Official Zoning Map referred to in Section 1. of Ordinance No. _____ of the City of Fayetteville," together with the date of the adoption of the ordinance.

(C) *Location.* The official zoning map shall be located in the office of City Planning. A conformed copy of the official zoning map shall be located in the office of the City Clerk.

(D) *Changes.*

(1) *Entry on map.* If in accordance with the provisions of the state law, changes are made in the district boundaries or other matter portrayed on the official zoning map such changes shall be entered on the official zoning map as promptly as is possible after the amendment has been approved by the City Council, with an entry on the official zoning map as follows:

"Amended to _____ by Ordinance No. _____."

(2) *Effective date.* Amendments to this ordinance which involve matters portrayed on the official zoning map shall be effective upon the passage, approval, and publication of the amended ordinance.

(3) *Changes/unauthorized.* No changes of any nature shall be made in the official zoning map or matter shown except in conformity with the procedures set forth in this chapter.

(E) *Damaged/destroyed.* In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such corrections shall have the effect of amending the original official zoning map or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the city under the following words:

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of Ordinance No. _____ of the City of Fayetteville."

(F) *Preservation.* Unless the prior official zoning map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

(Code 1965, App. A., Art. 1; Ord. No. 1765, 10-19-70; Code 1991, §160.018; Ord. No. 4100, §2, (Ex. A), 6-16-98)

Cross reference(s)--Enforcement. Ch. 153.

R.W.



THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: File
 FROM: Jeremy Pate, Director of Current Planning ✕
 DATE: February 10, 2006

Planning Staff has researched Planning Commission meeting minutes, rezoning files and City Clerk records of City Council/Board of Directors meeting minutes and ordinances in an attempt to locate the ordinance that zoned the approximately 150' strip of property between Evelyn Hills Shopping Center and Hillcrest Avenue, in conjunction with the Abshier Heights Planned Zoning District Proposal. The following represent the best timeline that we have been able to establish:

Zoning History – Evelyn Hills/Abshier Heights PZD

- 1960 Evelyn Hills rezoned to C-2 (excluding 150' strip adjacent to Hillcrest)
- August, 1962 City Council approved rezoning to C-2 with restrictive covenants (Ordinance 1314)
- November, 1962 Referendum vote (election) defeated Ordinance 1314, 682 to 471. Property remains zoned R1-A.
- August, 1967 Planning Commission recommends denial of rezoning to C-2
- September, 1967 Applicant appealed to Board of Directors
- October, 1967 Board of Directors review of appeal, applicant not present; no action taken
- November, 1967 Board of Directors rehear appeal, recommend applicant work out compromise with neighborhood; tabled 120 days, referred to Planning Commission
- February, 1968 Planning Commission table indefinitely the rezoning consideration
- June, 1970 City-wide rezoning affirmed C-2 zoning for Evelyn Hills; Zoning exhibit excludes the 150' wide portion adjacent to Hillcrest
- July, 1991 Request to rezone property from C-2 to R-1.5 withdrawn; Conditional Use to allow duplexes on the property (noted as being zoned R-1) denied
- 1991-1999 Projects in area reviewed for zoning maps; all reference R-1, until 1999, when the property is indicated as zoned C-2 on the 1-mile maps associated with a parking lot expansion for Weingarten (Evelyn Hills)

- June, 2003 Unified Development Code adopted through Ordinance No. 4489, codified through Ordinance 4789; Ordinance # 4503 city-wide rezoning; property zoned C-2 to Hillcrest, as noted in the official Zoning Map of the City of Fayetteville

To date, staff has been unable to locate a formal action by the Planning Commission or the Board of Directors regarding any request on the property after its indefinite tabling in February, 1968 and the city-wide rezoning in 1970. Furthermore, the 1970 city-wide rezoning indicates that the subject property was not zoned C-2; rather, it remained at that time R-1 (see attached). The city-wide rezoning in 2003, however, as officially adopted by the City Council, indicates the property as zoned C-2, therefore staff is processing this project as being zoned C-2 currently.

Askew Enterprises
Hillcrest Avenue

BILL OF ASSURANCE

This declaration of a Bill of Assurance made this 19th day of FEBRUARY, 1991, by the undersigned, owners of the following real estate described in Exhibit "A" attached hereto and made a part hereof located in the City of Fayetteville, Washington County, Arkansas.

WHEREAS, the aforesaid owners of the real property described in said Exhibit "A" have secured from the Fayetteville Board of Directors a temporary waiver of the requirement prescribed by § 18-31 of the Fayetteville Code of Ordinances to install a sidewalk across said real property; and

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

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

I.

Upon receipt of written notice from the City of Fayetteville, owners shall construct to City Specifications and at owners' expense, a sidewalk across the entire EAST side of the above described property. The exact location of said sidewalk shall be specified by the City. Should owners fail to properly construct said sidewalk within 30 days from receipt of said written notice, the City shall have the right to construct the sidewalk and charge the cost thereof to owners. Said cost shall constitute a lien on the property described in Exhibit "A", and the City shall have the right of foreclosure by public sale without the necessity of court proceedings.

WITNESS our hands this 19th day of FEBRUARY, 1991.

John B. Askew Jr.
* Successor in Interest To Askew Enterprises, Inc.
Michael D. [Signature]
By Valid P.O. Airtel 3/4/90

* Askew Enterprises, Inc. Liquidated on 12-31-90

1404 PAGE 282

Fayetteville City Clerk

FILED
RECORD
91 FEB 26 3 PM 2 07
WASHINGTON CO AR
A. J. EVER

STATE OF ARKANSAS)
) ss
COUNTY OF WASHINGTON)

BE IT REMEMBERED, that on this day came before the undersigned, a Notary Public, duly qualified, commissioned and acting within and for the aforesaid County and State, appeared in person the within named MICHAEL D. JENN and President and Secretary of Inc. 12, to me well known, who stated that they were the duly authorized to execute the foregoing instrument, for and in the name and behalf of said corporation, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes herein mentioned and set forth.

WITNESS my hand and seal as such Notary Public on this 19th day of FEBRUARY, 1991.

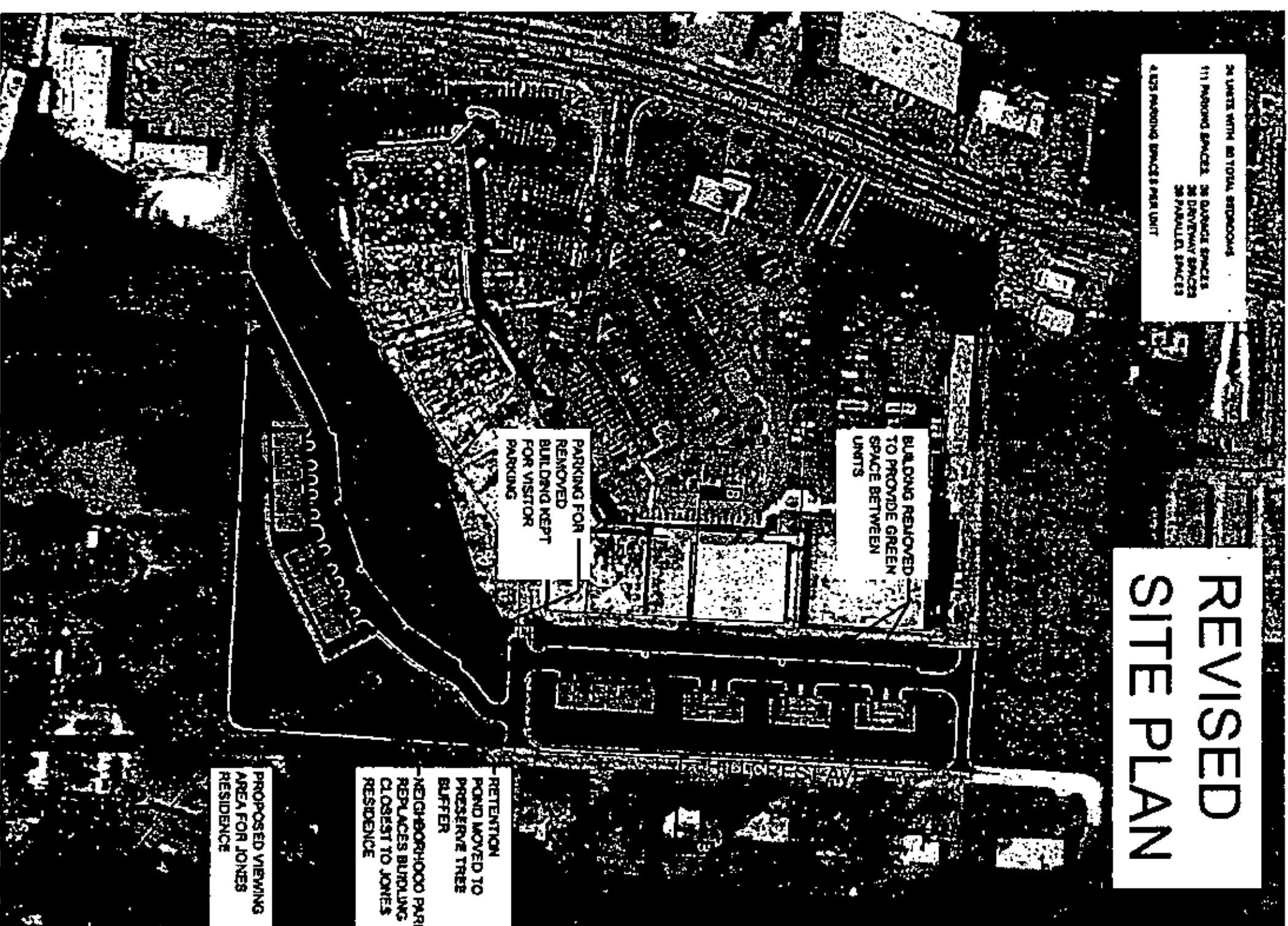


Nancy O. Conrad
Notary Public

Exhibit "A":

LEGAL DESCRIPTION OF PINCH SPILT OFF: Part of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section 10, Township 16 North, Range 30 West of the Fifth Principal Meridian, Washington County, Arkansas, being more particularly described as follows, to-wit: Beginning at a point that is S 88°15'49" W, 204.03 feet and N 0°46'36" W, 50 feet from the Southeast Corner of said Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4), said point being on the west right-of-way of Hillcrest Avenue; thence along said right-of-way, N 0°46'36" W, 610 feet; thence leaving said right-of-way, S 89°08'54" W, 145 feet; thence S 0°46'36" E, 610 feet; thence N 89°08'54" E, 145 feet to the point of beginning, containing 2.04 acres, more or less.

1404 PAGE 284



ABSHIER HEIGHTS REVISION SUMMARY:

24 units on 4.11 acres = 5.8 units per acre

Existing Canopy = 32,085 s.f.

Site Area = 179,032 s.f.

Existing Canopy % of Site = 17.9%

Previous Removed Canopy = 1730 s.f.

New Removed Canopy = 1083 s.f.

Previous Preserved Canopy = 17.0%

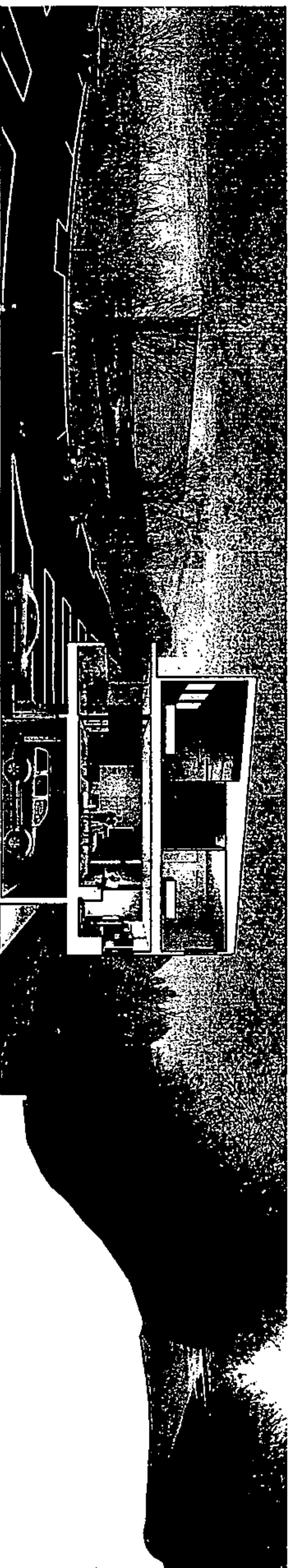
New Preserved Canopy = 17.3%

Previous % of Site Covered by building = 17.0%

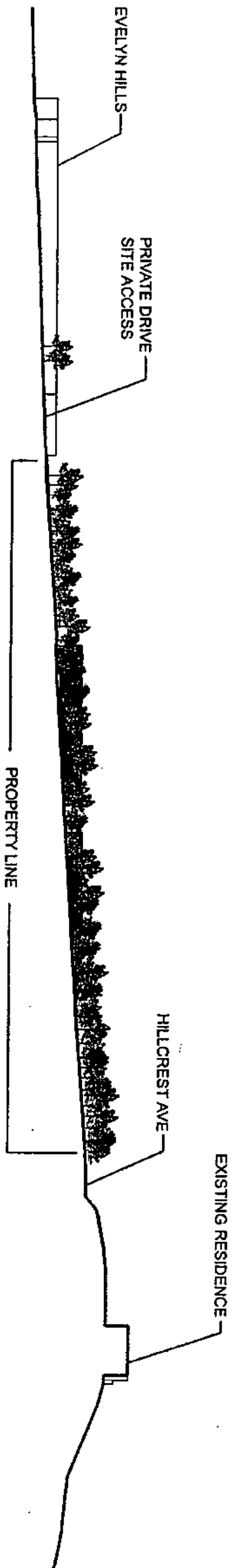
New % of Site Covered by building = 13.5%

Additional features:

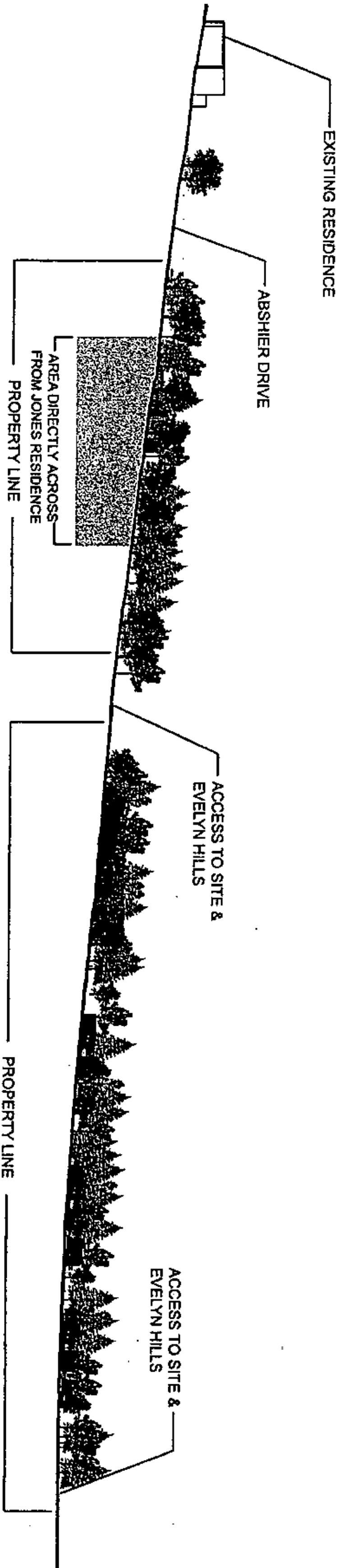
- POA maintained neighborhood park
- Additional parking provided for visitors
- Interior sidewalks where necessary to preserve tree canopy
- Increased green space between structures
- Central retention pond moved to preserve tree buffer



SITE SECTION



ABSHIER STREETSCAPE



HILLCREST STREETSCAPE

ABSHIER HEIGHTS

Cooper Architects

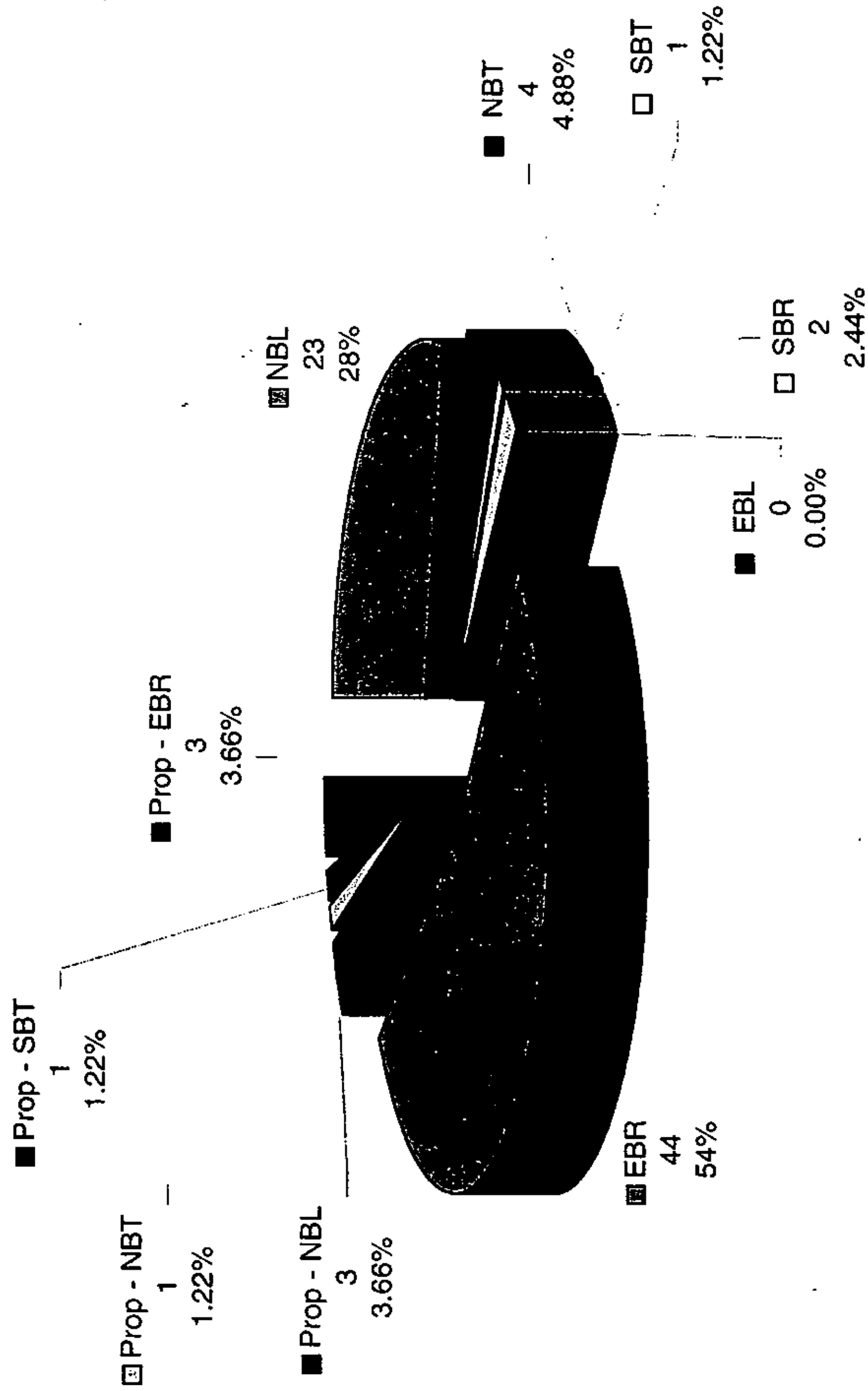


SITE ACCESS STUDY – ABSHIER HEIGHTS

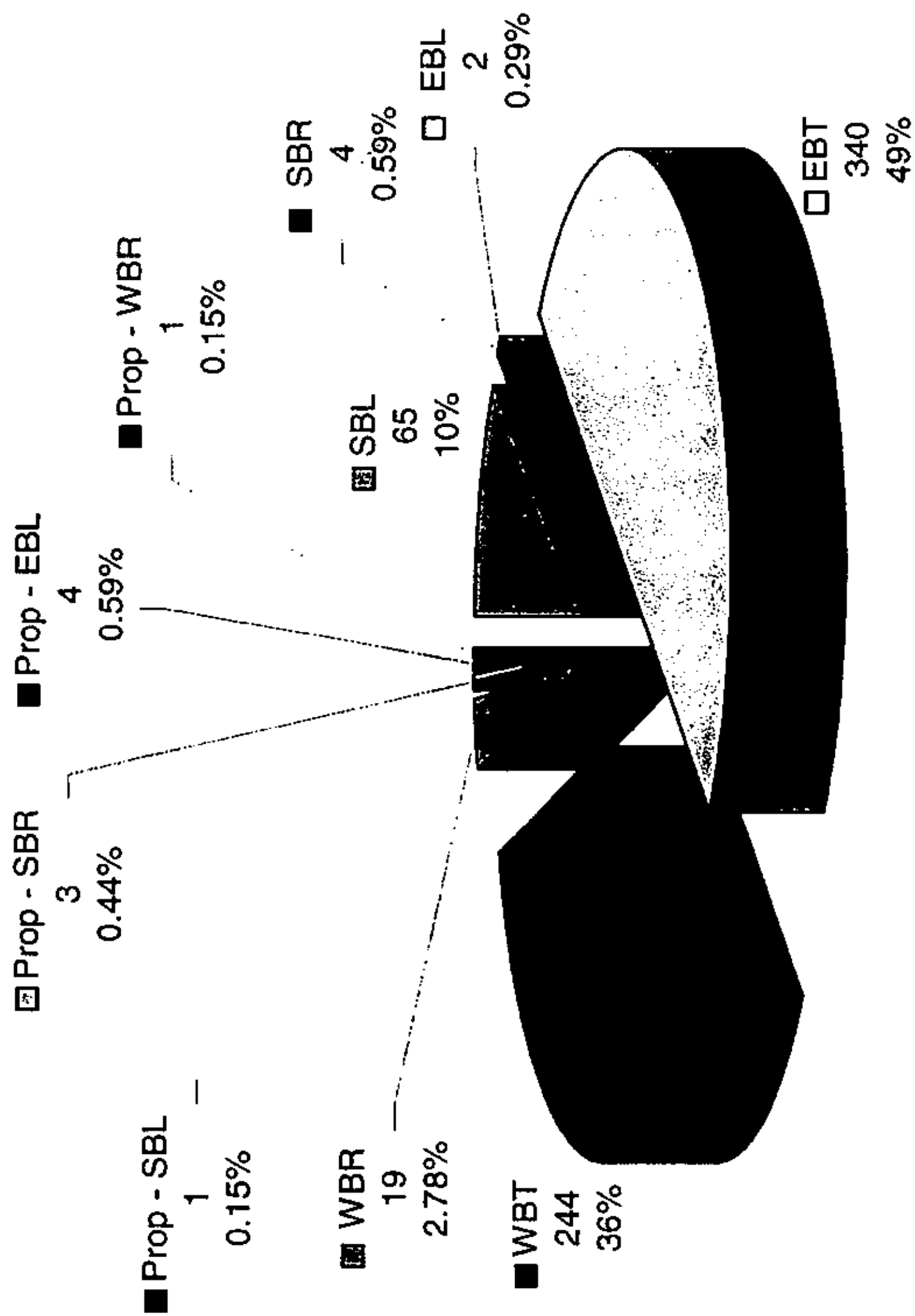
SUMMARY OF STUDY

- Development – 24 High Quality Condominiums (Study analyzes 30 Condos)
- The Level of Service (LOS) remains the same for existing and proposed
- Abshier – 24 hour traffic volume – 330
- Hillcrest (north of Abshier) – 24 hour traffic volume – 629
- Hillcrest (south of Abshier) – 24 hour traffic volume – 837
- North – 24 hour traffic volume – 6353
- College Ave. – 24 hour traffic volume – 29649
- Development – 24 hour traffic volume – 176 (ITE Trip Generation Handbook)

Proposed Hillcrest/South Driveway

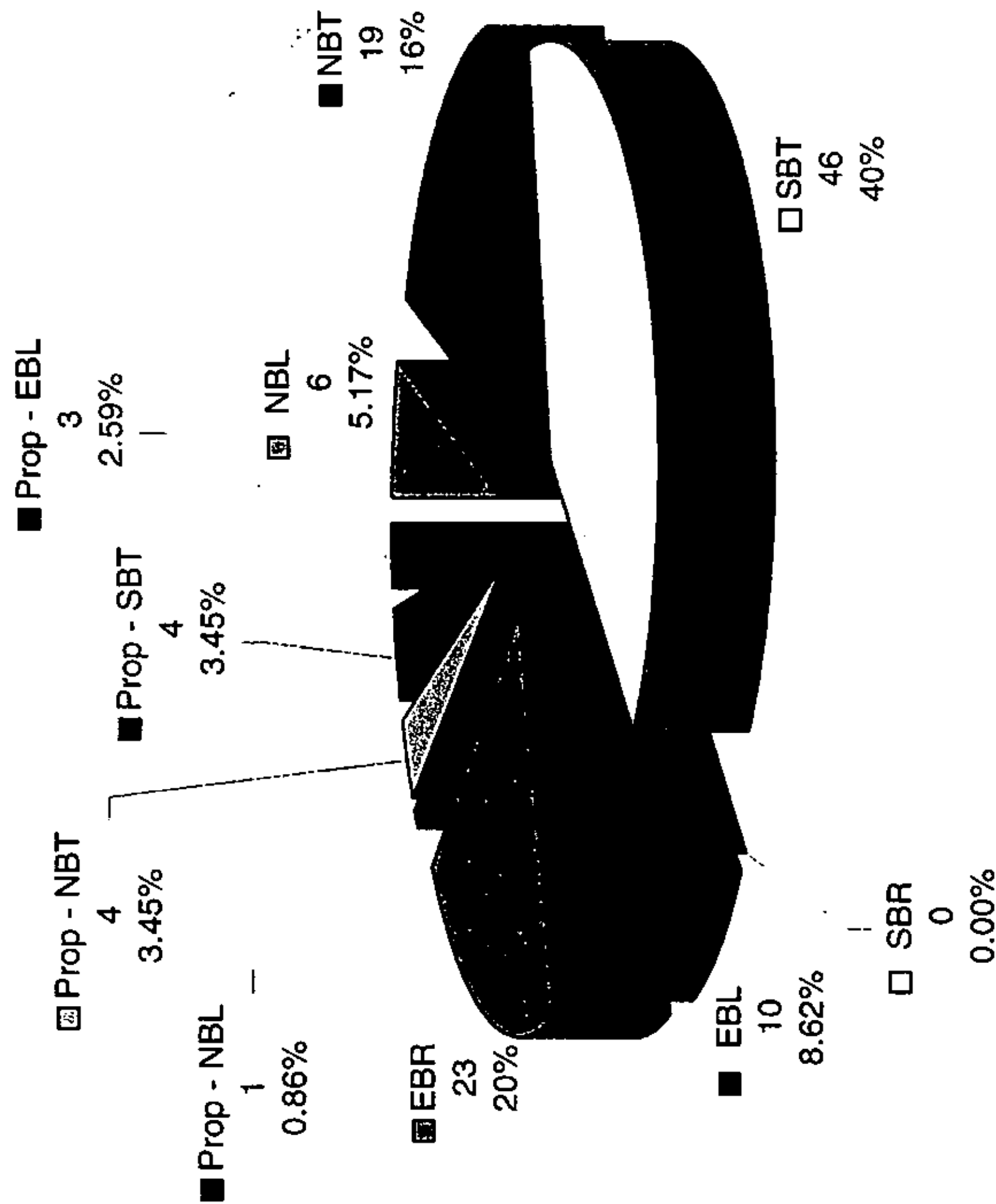


Proposed Hillcrest/North



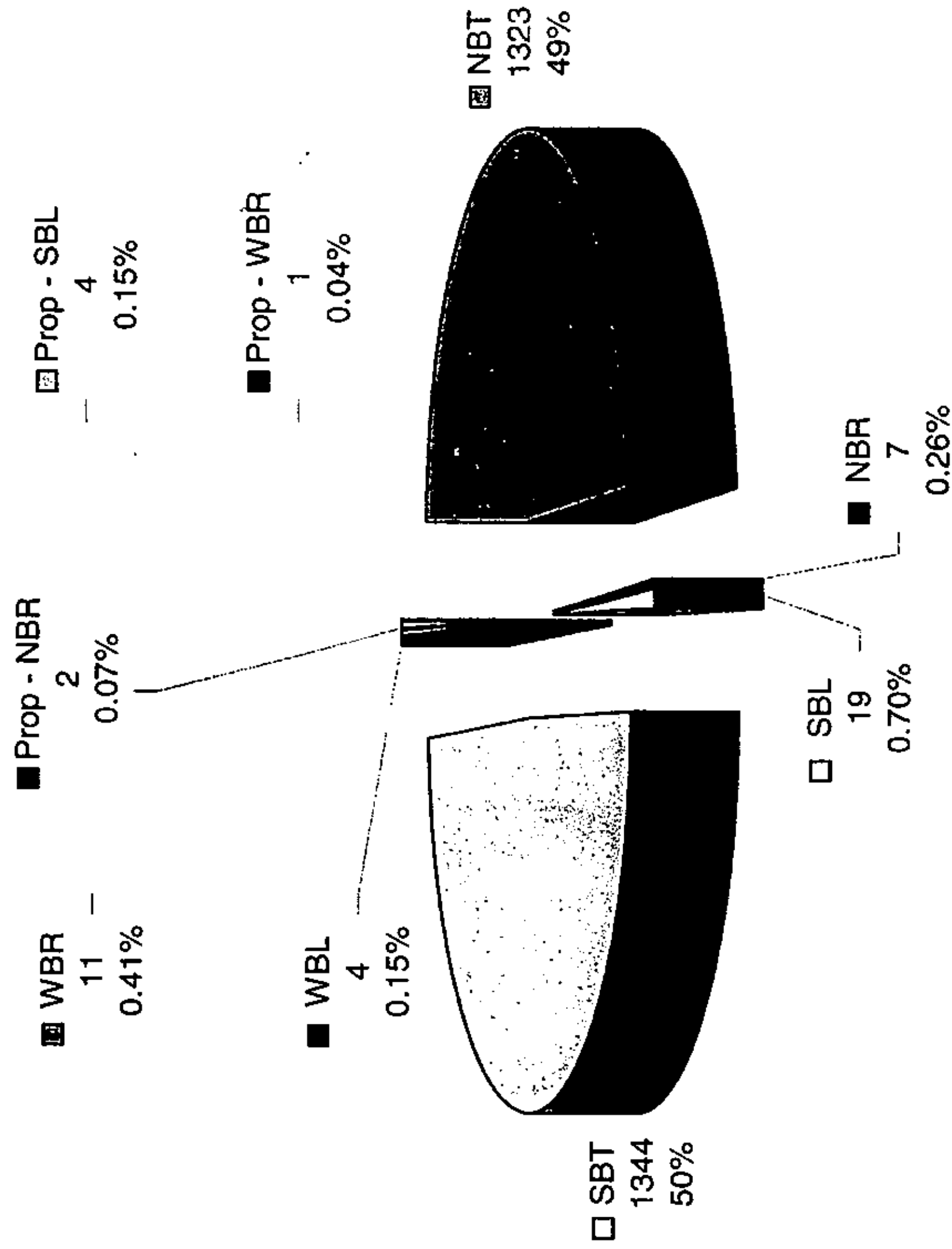
■ SBL
■ SBR
□ EBL
□ EBT
■ WBT
■ WBR
■ Prop - SBL
□ Prop - SBR
■ Prop - EBL
■ Prop - WBR

Proposed Hillcrest/Abshier



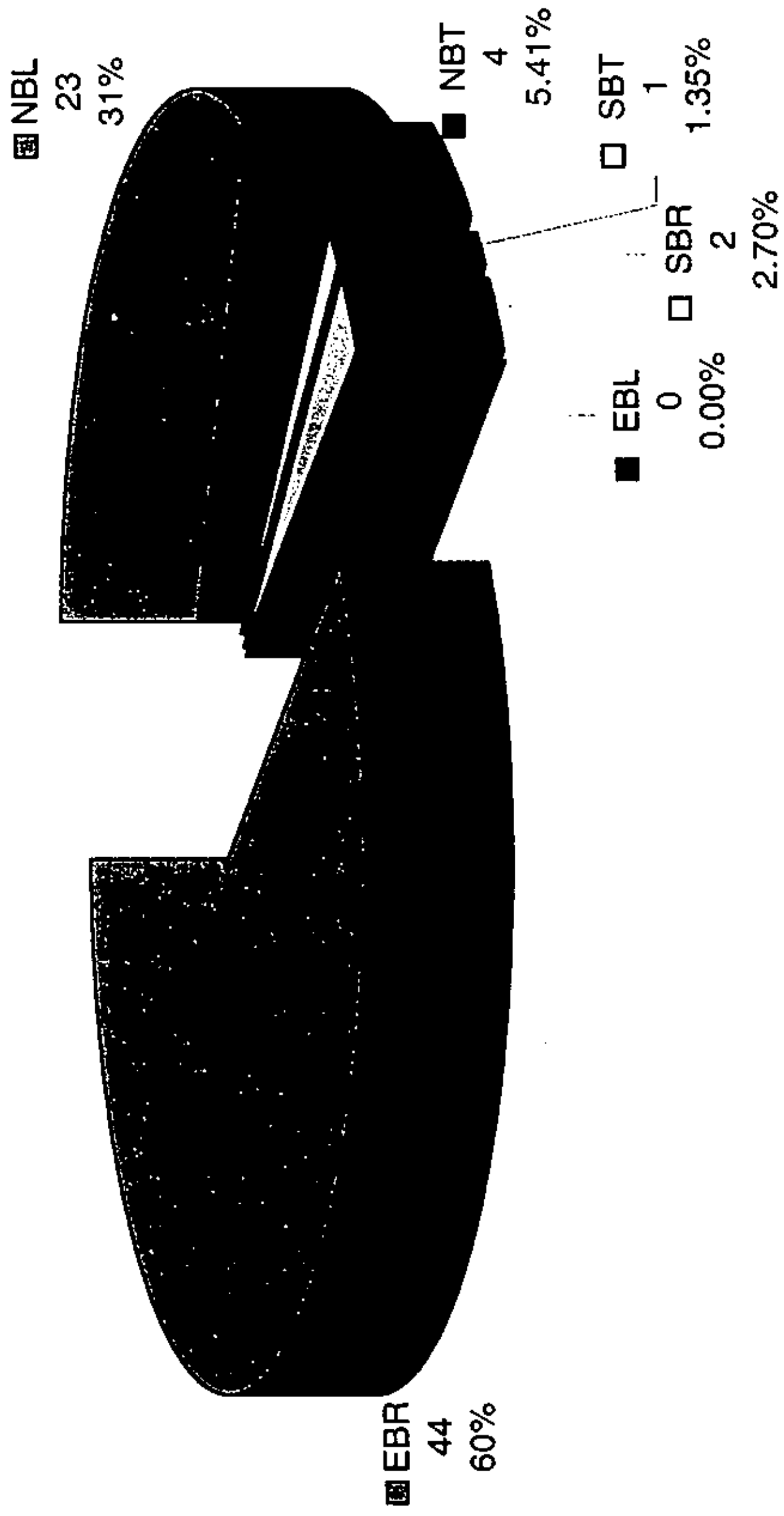
- NBL
- NBT
- SBT
- SBR
- EBL
- EBR
- Prop - NBL
- Prop - NBT
- Prop - SBT
- Prop - EBL

Proposed College/Abshier



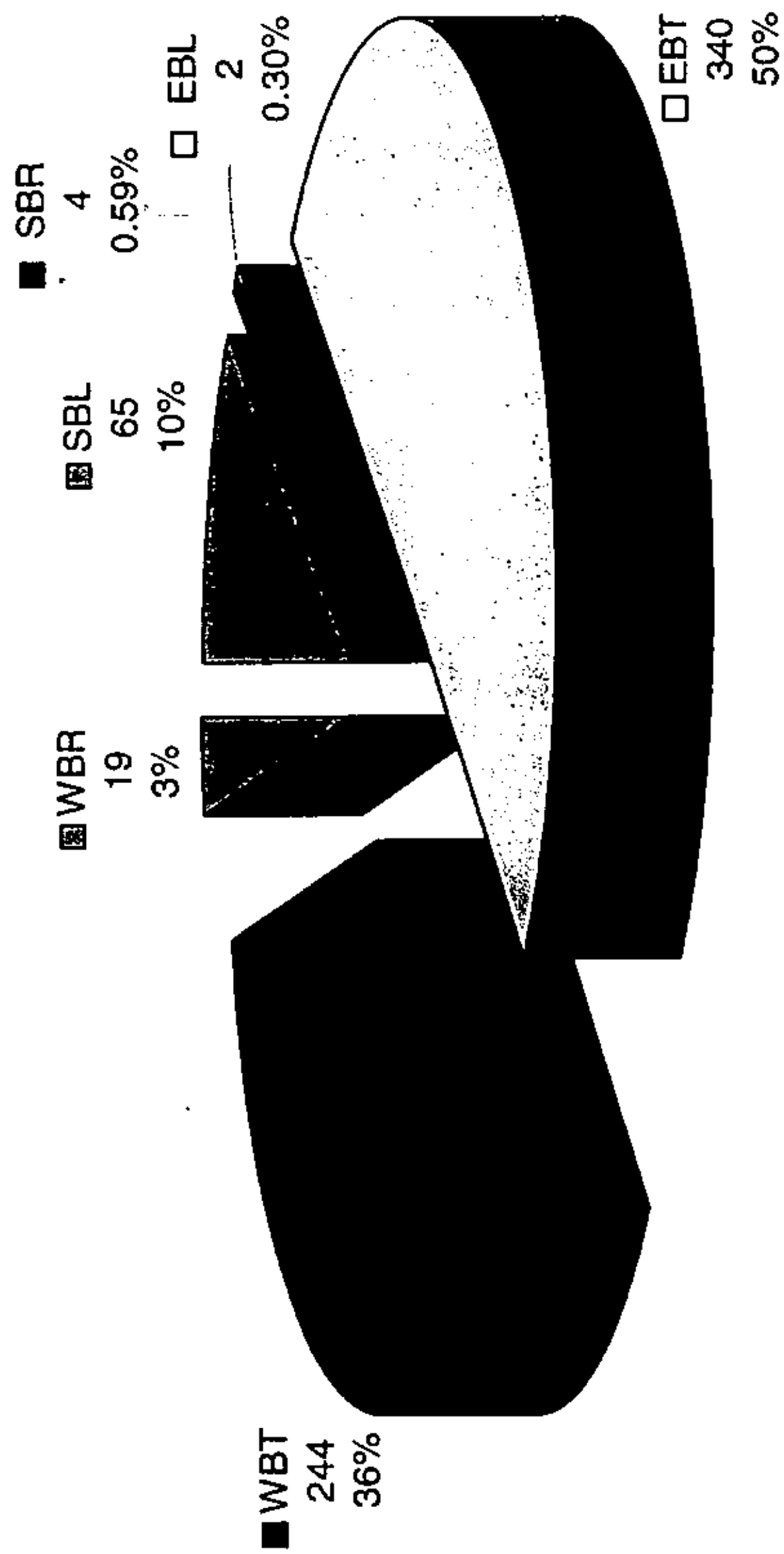
■ NBT
■ NBR
□ SBL
□ SBT
■ WBL
■ WBR
■ Prop - NBR
■ Prop - SBL
■ Prop - WBR

Existing - Hillcrest/South Drive



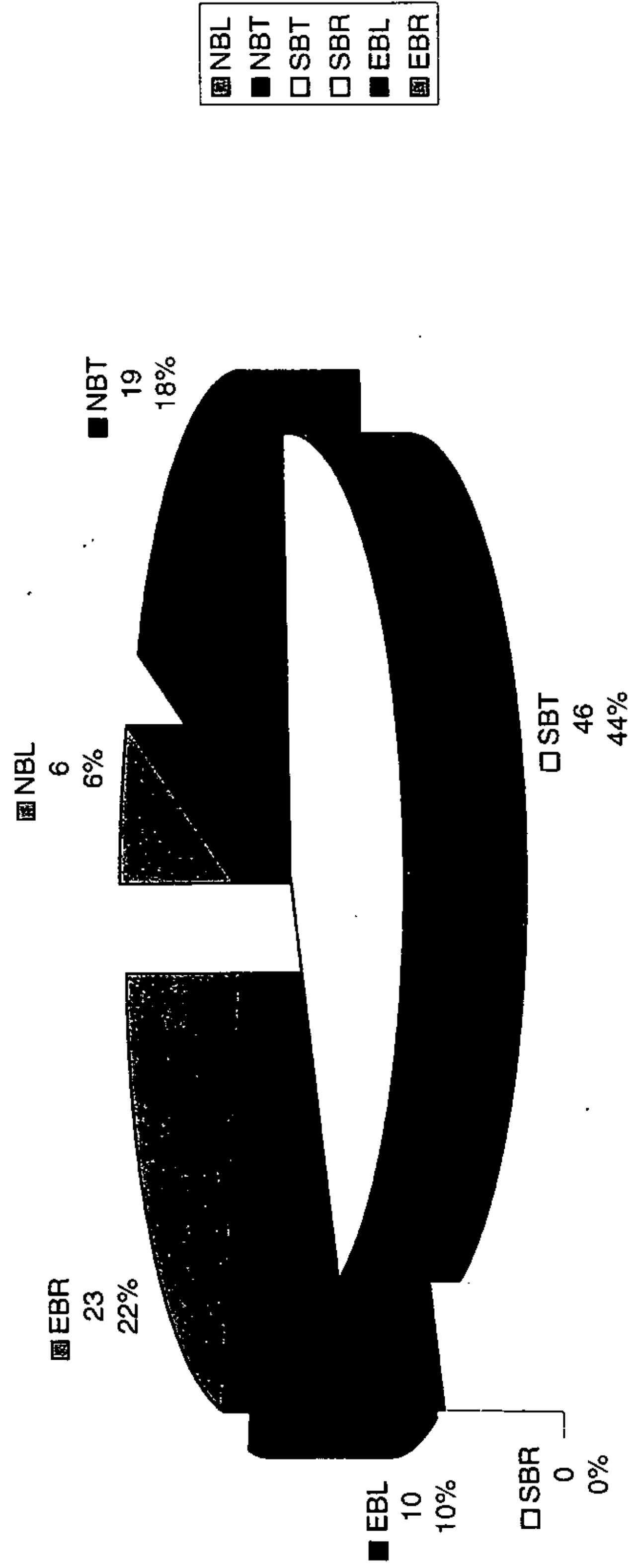
EBR	EBL	SBR	SBT	NBT	NBL
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Existing - Hillcrest/North

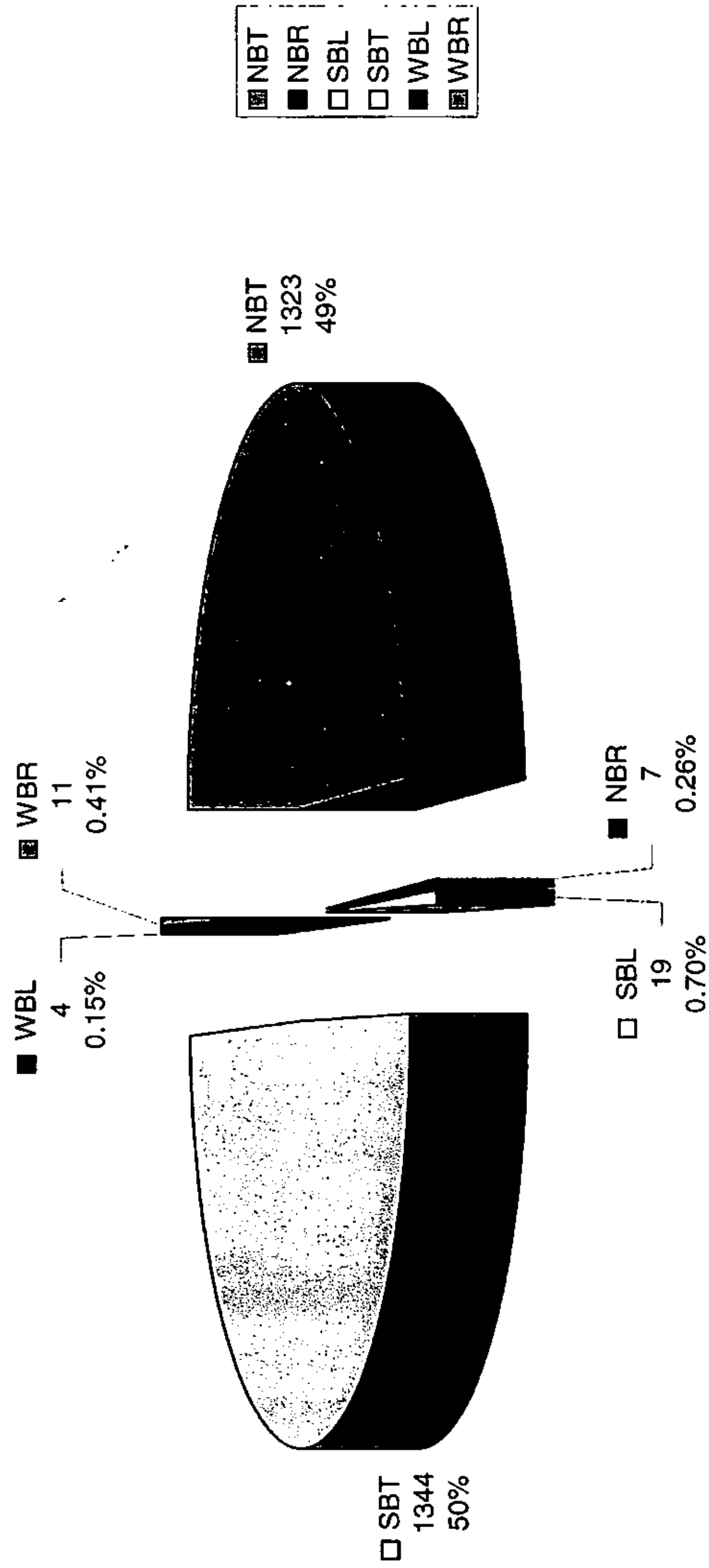


■ SBL
 ■ SBR
 □ EBL
 □ EBT
 ■ WBT
 ■ WBR

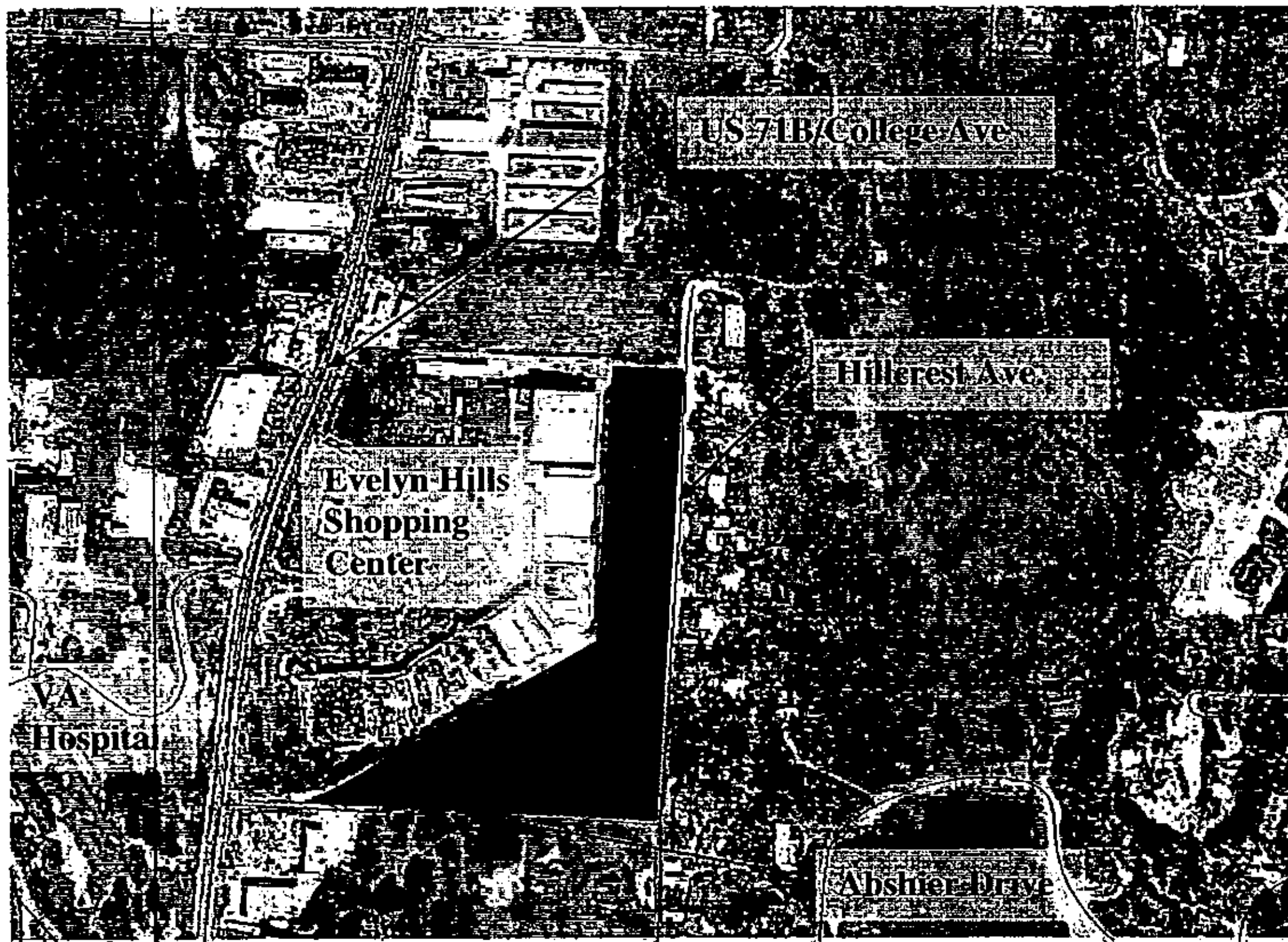
Existing - Hillcrest/Abshier



Existing - College/Abshier



**SITE ACCESS STUDY
FOR
ABSHIER HEIGHTS
(AT ABSHIER/HILLCREST)
Fayetteville, Arkansas**



February 2006
For



Carter=Burgess

SITE ACCESS STUDY – ABSHIER HEIGHTS

INTRODUCTION AND BACKGROUND

The intent of this site access study is to determine the impacts of the Abshier Heights on Abshier Drive from US 71B to Hill Crest Avenue, Hillcrest Avenue from the north end to Abshier Drive, the intersection of Abshier/US 71B (College Avenue) and the intersection of Hillcrest/North Street. The development is located on the west side of Hillcrest Avenue, north of Abshier Drive. The study area is shown below in Figure 1.

Abshier Drive and Hillcrest Avenue are 20' wide streets with open ditches and no shoulders or curb and gutter.

Abshier Heights is a development of 30 high quality condos, situated between a residential area and a commercial shopping center. The topography of the site slopes from Abshier and Hillcrest down to the Evelyn Hills Shopping Center.



Figure 1. Study Area

SITE ACCESS STUDY - ABSHIER HEIGHTS

The site will have access from four different entry points. The first entry point is on Abshier, the second is from Hillcrest and the third and fourth entry points are from the Evelyn Hills Shopping Center.

U.S. 71B is west of the development and serves as a major north/south arterial in the state highway system carrying approximately 31,000 Average Annual Daily Traffic (AADT).

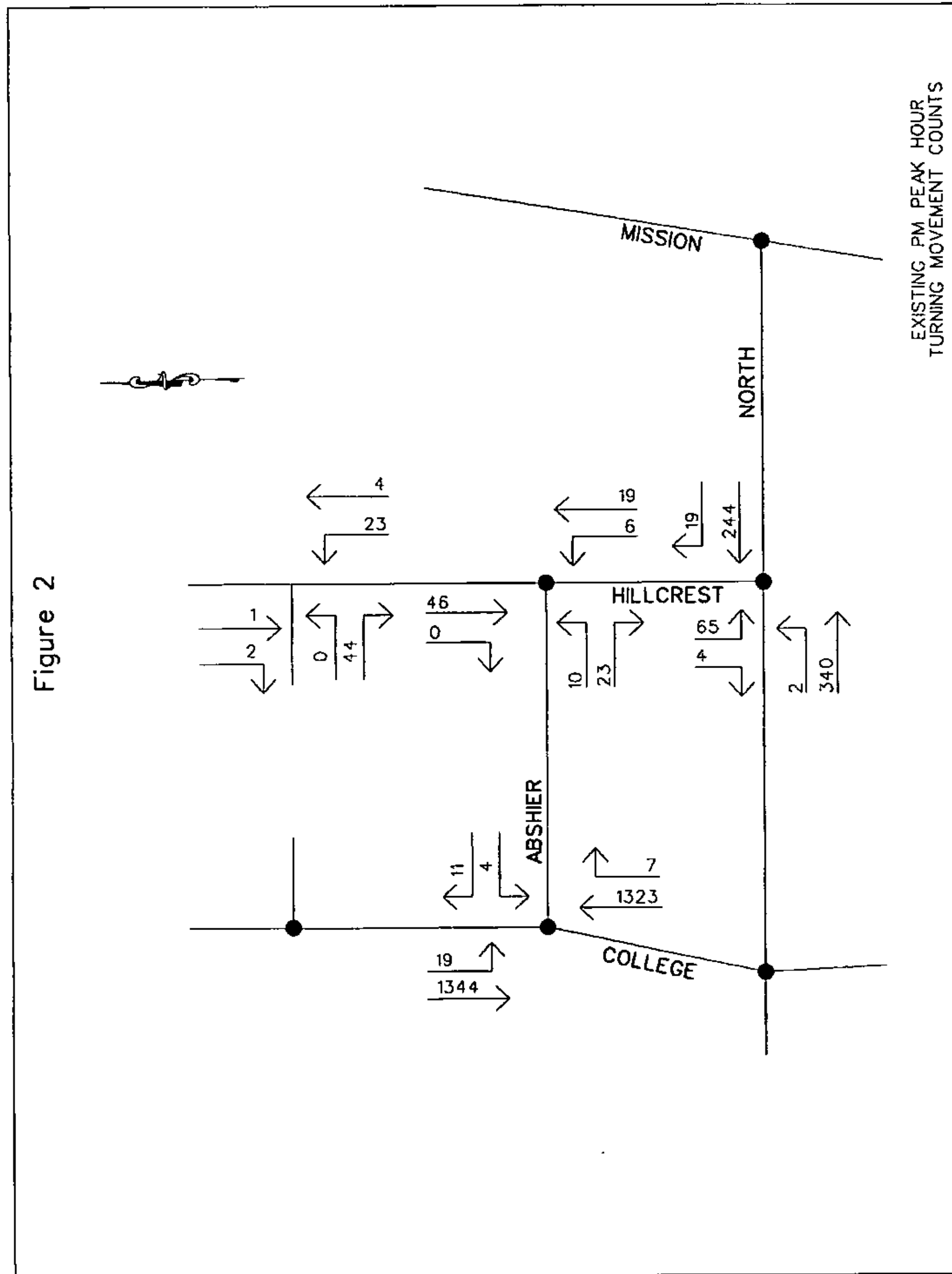
EXISTING PEAK HOUR TRAFFIC

24 Hour traffic counts were taken on College Avenue, Abshier, Hillcrest and North Street. Turning movement counts were conducted at Abshier & College, Abshier & Hillcrest, Hillcrest & Evelyn Hill South Driveway and Hillcrest & North. Table 1 shows a summary of the 24 hour traffic counts and Figure 2 shows the turning movements for the PM peak hour at each intersection.

**TABLE 1
SUMMARY OF 24 COUNT VOLUMES**

Location	College Ave.		Abshier		Hillcrest				North St.	
Description	At Abshier		Bwtn. College/Hillcrest		N. of Abshier		S. of Abshier		At Hillcrest	
Time	NB	SB	EB	WB	NB	SB	NB	SB	EB	WB
1100	863	844	8	6	15	12	31	16	108	191
1200	1120	997	4	6	18	19	17	19	162	209
1300	1193	1164	10	6	18	28	23	32	163	201
1400	1039	1105	7	7	17	19	18	33	185	171
1500	1045	1068	11	5	27	30	27	35	193	190
1600	1193	1138	23	16	30	25	38	42	226	231
1700	1183	1246	28	2	28	38	21	58	314	216
1800	1216	1365	31	19	23	35	26	57	337	237
1900	849	985	7	1	23	41	23	49	254	232
2000	629	687	5	0	8	16	8	22	155	132
2100	591	633	3	6	7	16	11	19	129	162
2200	321	432	0	0	6	7	8	7	87	118
2300	203	278	1	0	2	2	2	3	58	64
2400	158	165	2	0	0	1	0	2	34	30
100	92	67	0	0	1	2	0	2	21	5
200	79	50	0	0	0	0	0	0	17	12
300	53	44	0	0	0	0	0	0	13	12
400	40	43	1	1	0	1	0	2	10	5
500	37	42	0	1	2	1	4	1	13	17
600	112	124	0	6	8	1	10	0	9	39
700	255	298	7	20	9	5	20	6	50	115
800	729	890	11	27	18	7	34	18	150	342
900	774	780	12	19	17	9	31	16	140	270
1000	738	692	4	7	24	13	32	14	115	209
24 Hour Totals	14512	15137	175	155	301	328	384	453	2943	3410

SITE ACCESS STUDY - ABSHIER HEIGHTS



SITE ACCESS STUDY - ABSHIER HEIGHTS

Peak Hour Traffic. The peak hour analyzed for this study is the PM Peak. The Saturday Peak is higher for the shopping centers, but should not add additional traffic along Abshier and Hillcrest in the study area.

Average Daily Traffic (ADT). The ADT analyzed for this study is the 24 hour two-way traffic volumes from the traffic counts taken on College, Abshier, Hillcrest and North. The City of Fayetteville Traffic and Transportation Study (CFTTS) defines Abshier Road and Hillcrest Avenue as Local Streets. The study also sets up guidelines for traffic volumes of

- Residential Street carry less than 300 vehicles per day and
- Local Streets carry less than 2000 vehicles per day.

The 24 hour traffic counts fall within the guidelines of local streets and are at or below the threshold for residential streets.

Intersection Level of Service. Level of Service (LOS) is a qualitative measure describing operational conditions within a traffic stream, based on service measures such as speed and travel time, freedom to maneuver, traffic interruptions, comfort, and convenience as defined by the Highway Capacity Manual. The LOS for a stop controlled intersection is determined by the computed or measured control delay and is defined for each minor movement. LOS is not defined for the intersection as a whole. LOS Criteria are defined in Table 3.

**TABLE 2
LEVEL OF SERVICE CRITERIA - UNSIGNALIZED**

LOS	Avg. Control Delay (s/veh)
A	0-10
B	>10-15
C	>15-25
D	>25-35
E	>35-50
F	>50

The intersections of Abshier & Hillcrest, Abshier & College, South Drive & Hillcrest and North & Hillcrest were analyzed to determine the existing LOS using the Highway Capacity Software (HCS). The results of the analysis are summarized in Table 3. Due to the high volume of traffic along College Avenue, westbound traffic on Abshier is at a LOS of D for the analysis period.

The intersection of North and Hillcrest has some geometric issues. The intersection is just north of the crest of a vertical curve limiting the stopping sight distance for westbound traffic. Currently the intersection operates with eastbound having right-of-way and westbound and southbound traffic are stop sign controlled. The HCS results do not consider the stop control for the westbound traffic.

SITE ACCESS STUDY – ABSHIER HEIGHTS

TABLE 3
Existing Level of Service

PM Peak Hour

HCS	Abshier & Hillcrest		Abshier & College		S. Drive & Hillcrest		North & Hillcrest	
Movement	EBL & R	NBL	SBL	WBL & R	NBL	EBL & R	EBL	SBL & R
Lane LOS	A	A	B	D	A	A	A	B
Control Delay	8.8	7.3	11.3	32.7	7.3	8.5	7.8	13.6
Approach LOS	A			D		A		B

OFF-SITE FUTURE DEVELOPMENT PEAK HOUR TRAFFIC

The study area is developed with commercial and residential development. The undeveloped area is Abshier Heights. No off-site future development traffic was looked at for this study. The Master Street plan for the City of Fayetteville shown in the CFTTS does not show either Abshier or Hillcrest moving up in classification. The zoning maps for the City of Fayetteville do not show any zoning differing from what is now outside of the Abshier Heights Development.

SITE DEVELOPMENT PEAK HOUR TRAFFIC

Abshier Heights is a high-quality condo development with 30 units. Using ITE's Trip Generation Rates, the traffic was developed. Table 4 shows the land use type, 24 hour two way volume and PM peak hour entering and exiting volumes. Pass-By trips and internal trip capture were not used with this development. All trips for the development will be new trips. Figure 3 shows the layout and distribution of the different land uses by percentages and corresponding traffic volumes to be added to the existing traffic volumes.

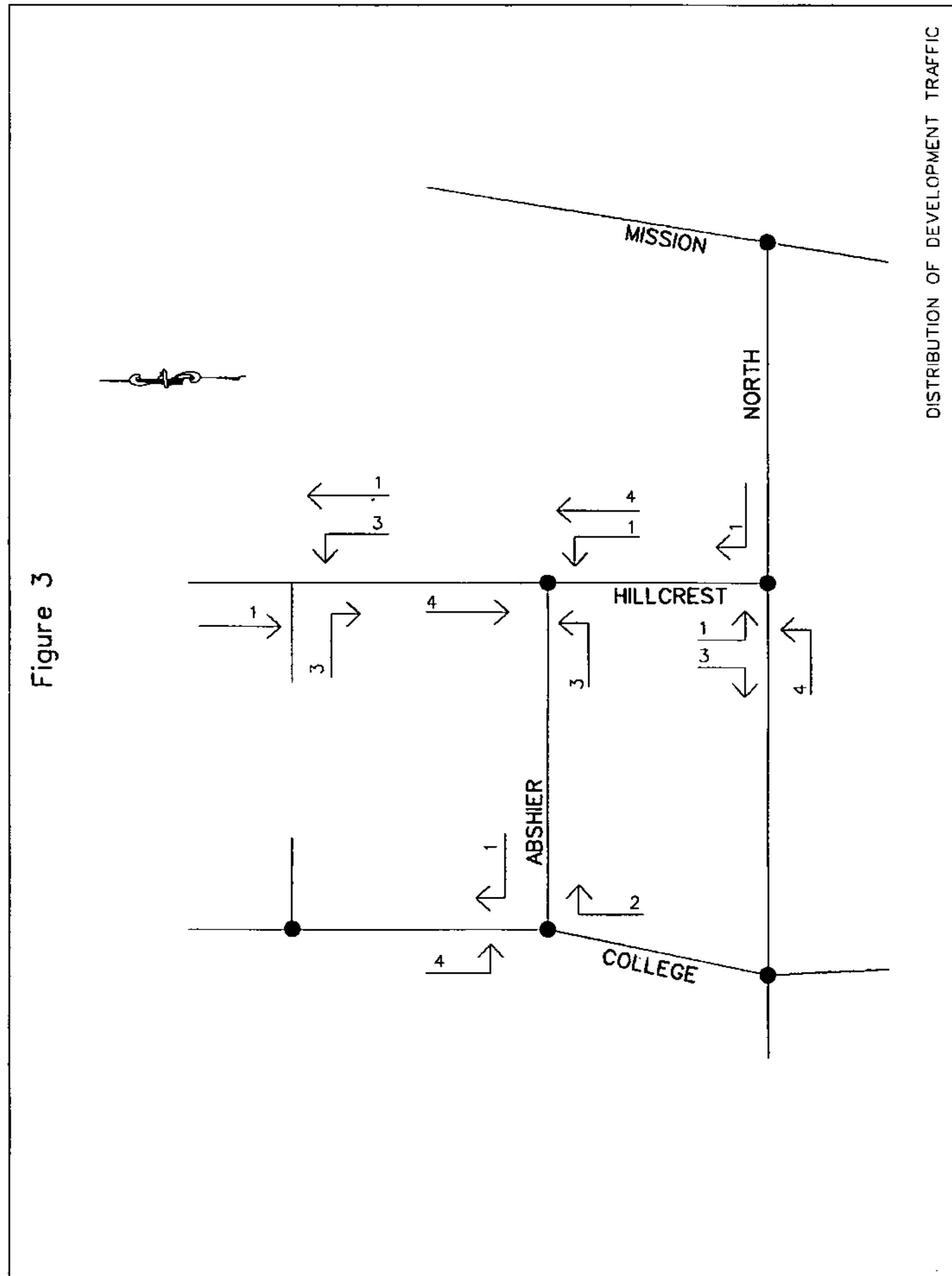
TABLE 4
Summary of Trip Generation for Abshier Heights

Land Use	Size	Units	24 Hr 2-Way Vol.	PM Pk Hour	
				Enter	Exit
High-Quality Condos	30	Dwellings	176	11	5
Totals			176	11	5

Land Use	Size	Units	Saturday			Sunday		
			24 Hr 2-Way Vol.	Peak Hour		24 Hr 2-Way Vol.	Peak Hour	
				Enter	Exit		Enter	Exit
High-Quality Condos	30	Dwellings	170	8	7	145	7	7
Totals			170	8	7	145	7	7

Note: A zero indicates no data available.

SITE ACCESS STUDY - ABSHIER HEIGHTS



EXISTING PEAK HOUR TRAFFIC WITH DEVELOPED SITE

3/17/2006

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SITE ACCESS STUDY - ABSHIER HEIGHTS

The combination of existing traffic with the proposed traffic from the development is shown in Figure 4. The results of the intersection analysis from HCS are summarized in Table 5.

TABLE 5
Existing with Proposed Level of Service

PM Peak Hour

HCS	Abshier & Hillcrest		Abshier & College		S. Drive & Hillcrest		North & Hillcrest	
Movement	EBL & R	NBL	SBL	WBL & R	NBL	EBL & R	EBL	SBL & R
Lane LOS	A	A	B	D	A	A	A	B
Control Delay	8.9	7.3	11.3	31.3	7.3	8.5	7.8	13.8
Approach LOS	A			D		A		B

The impacts of the development on the intersections of Abshier & Hillcrest, Abshier & College, South Drive & Hillcrest and North & Hillcrest are negligible. More traffic will use the intersections; however the overall traffic volumes and the development traffic volumes are small enough to keep the delays low and allow the intersection to operate at a LOS of A.

SITE TOPOGRAPHY REGARDING ACCESS



The topography of the site slopes from Abshier and Hillcrest down to the Evelyn Hills Shopping Center.

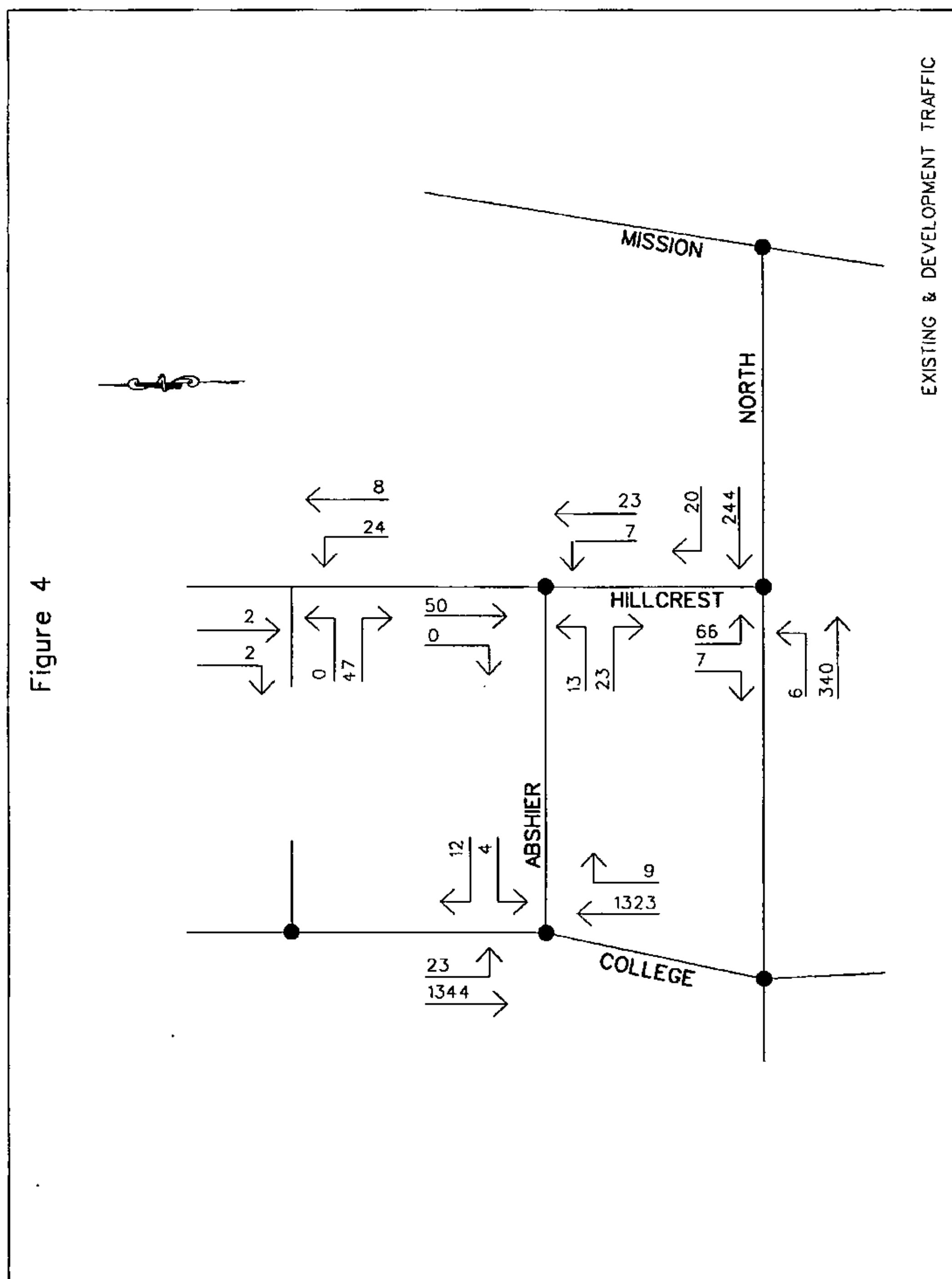
Existing Slopes. Hillcrest slopes up from north to south with an average grade of 5% from the north end to Woodcrest and 10.8% from Woodcrest to Abshier. Abshier slopes up from US 71B to Hillcrest with an average slope of 5.2%.

Proposed Drives and Improvements.

The access drives into the Evelyn Hills Shopping Center having maximum slopes of 14.85% on the southern drive and 13.20% on the northern drive. The north drive within the development has a maximum proposed slope of 5.38% and the south drive within the development has a maximum proposed slope of 5.43%.



SITE ACCESS STUDY - ABSHIER HEIGHTS



RECOMMENDATIONS

3/17/2006

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SITE ACCESS STUDY – ABSHIER HEIGHTS

Site access during inclement weather should be accomplished using the interior drives of the development and Abshier Drive if trips have to be made. The proposed grading within the site will allow a safer route for accessing the existing residences on Hillcrest north of Abshier than before the development.

No improvements are recommended along Abshier, Hillcrest or at the intersections of Abshier & Hillcrest, Abshier & College, Hillcrest & South Drive and Hillcrest & North for traffic operations. The traffic generated by the development has insignificant impacts to the existing roadways and intersections. However, both streets are substandard according to the City of Fayetteville's Traffic and Transportation Study with a narrow cross section and open ditches. Therefore, it is recommended the development improve Abshier and Hillcrest along the street frontage of the property for the north half and west half respectively of the existing streets.

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

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

**Final Agenda
City of Fayetteville Arkansas
City Council Meeting
March 21, 2006**

A meeting of the Fayetteville City Council will be held on March 21, 2006 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**

Nominating Committee Report

A. CONSENT:

- 1. Approval of the February 28, 2006 Special City Council meeting minutes.**
- 2. Landers/McClarty of Bentonville – Two F550 Dump Trucks and One E250 Panel Van:** A resolution awarding Bids #06-10 & #06-18 to Landers/McClarty of Bentonville for the purchase of two (2) F550 dump trucks and one (1) E250 panel van in the amount of \$103,919.44 for use by the Transportation Division and the Water & Sewer Division respectively.
- 3. Landers Chevrolet of Benton – Nine ½ Ton Pickup Trucks:** A resolution awarding Bid #06-12, item 1 and Bid #06-19 to Landers Chevrolet of Benton for the purchase of nine (9) ½ ton pickup trucks in the amount of \$116,144.12 for use by the Fleet, Meter, Parks and Utility Management Divisions.
- 4. Landers Chevrolet of Benton – Two ½ Ton Pickup Trucks:** A resolution awarding Bid #06-12, item 2, to Landers Chevrolet of Benton for the purchase of two (2) ½-ton pickup trucks in the amount of \$30,520.00 for use by the Water & Sewer Improvement Project; and approving a Budget Adjustment transferring funds to the Fleet Expense account.

5. **Landers Ford of Little Rock – Two Taurus Sedans:** A resolution awarding Bid # 06-14 to Landers Ford of Little Rock for the purchase of two (2) Taurus Sedans in the amount of \$26,429.20 for the use by the Airport and Fleet Divisions.
6. **Landers Ford of Little Rock –Five F150 Pickup Trucks:** A resolution awarding Bid # 06-12 to Landers Ford of Little Rock for the purchase of five (5) F150 pickup trucks in the amount of \$91,923.00 for use by the Engineering Division, OMI and the Building Services Division.
7. **Landers Ford of Little Rock – One Taurus Sedan:** A resolution awarding Bid #06-14 to Landers Ford of Little Rock for the purchase of one (1) Taurus Sedan in the amount of \$13,214.60 for use by the Police Department.
8. **Lewis Ford of Fayetteville – Two Explorers:** A resolution awarding Bid #06-11 to Lewis Ford for the purchase of two (2) Explorers in the amount of \$40,243.20 for use by the Fire and Water & Sewer Divisions.
9. **Lewis Ford of Fayetteville – One Ford 500 Sedan:** A resolution awarding Bid #06-15 to Lewis Ford for the purchase of one (1) Ford 500 Sedan in the amount of \$18,257.60 for use by the Fire Department.
10. **Lewis Ford of Fayetteville – One F350 Flatbed Truck:** A resolution awarding Bid #06-17 to Lewis Ford for the purchase of one (1) F350 flatbed truck in the amount of \$24,580.00 for use by the Water & Sewer Division.
11. **Teague Ford Lincoln Mercury El Dorado – One Ford Expedition:** A resolution awarding Bid #06-20 to Teague Ford Lincoln Mercury of El Dorado for the purchase of one (1) Expedition in the amount of \$24,495.00 for use by the Police Department K-9 Unit.
12. **Fayetteville Honda – Three Honda Elements:** A resolution awarding Bid #06-16 to Fayetteville Honda for the purchase of three (3) Honda Elements in the amount of \$53,085.00 for use by the Community Resources and Planning Divisions.
13. **Bulk Construction Materials Purchase:** A resolution awarding Bids #06-21 - #06-27 for and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville in the estimated amount of \$2,307,054.00.
14. **Department of Homeland Security Fire Grant:** A resolution authorizing the Fayetteville Fire Department to apply for and accept a Department of Homeland Security Fire Grant for approximately \$500,000.00 to implement mobile data terminals with related software in all fire apparatus and command vehicles.
15. **Washington Regional Medical Center Tree Preservation:** A resolution approving a request by Washington Regional Medical Center to modify the geographic extent and location of certain Tree Preservation Areas pursuant to §167.04 (L) (2), Tree Preservation and Protection, Unified Development Code, Code of Fayetteville.

16. **McClelland Consulting Engineers – Improvements to Kings Drive:** A resolution approving Amendment #1 to the contract with McClelland Consulting Engineers, Inc. in an amount not to exceed \$65,375.30 for the final design; bidding, construction administration, and resident services during construction for improvements to Kings Drive.

B. UNFINISHED BUSINESS:

1. **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. This ordinance was Tabled at the February 21, 2006 City Council Meeting to the March 7, 2006 City Council Meeting. This ordinance was Tabled at the March 7, 2006 City Council Meeting to the March 21, 2006 City Council Meeting.*
2. **R-PZD 06-1883 Abshier Heights:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-1883, Abshier Heights, located south of Evelyn Hills Shopping Center on Abshier and Hillcrest, containing approximately 4.11 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 March 7, 2006 City Council meeting.*
3. **Amend §163.14; Wireless Communication Facilities:** An ordinance to amend §163.14 Wireless Communication Facilities of the Unified Development Code. *This ordinance was left on the First Reading at the March 7, 2006 City Council meeting.*

C. NEW BUSINESS:

1. **T-G Excavating, Inc – Sanitary Sewer Main Replacement:** A resolution approving a construction contract with T-G Excavating, Inc. in the amount of \$2,223,022.00 for sanitary sewer main replacement and rehabilitation city-wide; and approving a 5% project contingency in the amount of \$111,151.00.
2. **Oscar Renda Contracting -WSIP Sewer Main Construction, Line WL-1 and 3:** A resolution approving a construction contract with Oscar Renda Contracting in the amount of \$7,014,948.00 for construction of gravity sewer lines from Old Wire Road to Gregg and Porter Road to the Hamstring Lift Station, WL-1 & WL-3; and approving a 4% project contingency in the amount of \$280,000.00.
3. **Oscar Renda Contracting -WSIP Sewer Main Construction, Line WL-4:** A resolution approving a construction contract with Oscar Renda Contracting in the amount of \$10,441,319.20 for construction of gravity sewer lines from Gregg Avenue to Hamstring Lift Station, WL-4; and approving a 4% project contingency in the amount of \$418,000.00.
4. **ADM 06-1976 Paradise Point:** An ordinance to amend the approved Residential Planned Zoning District titled R-PZD 05-1734, Paradise Point, located west of Crossover, south of Joyce Boulevard, containing approximately 1.55 acres.

5. **ANX 06-1933 Nock-Broyles:** An ordinance annexing that property described in Annexation Petition ANX 06-1933 (CC2005-47), for property located at 2390 South Dead Horse Mountain Road, containing approximately 6.55 acres.
6. **Aspen Ridge Planned Zoning District Expiration:** An ordinance to waive \$166.20 expiration of approved plans and permits for R-PZD 04-1307 (Aspen Ridge).
7. **ANX 06-1935 Fletcher Williams Appeal:** An ordinance annexing that property described in Annexation Petition ANX 06-1935 (CC2005-54), for property located at 354 and 370 Double Springs Road, containing approximately 9.70 acres.
8. **RZN 06-1936 Fletcher Williams Appeal:** An ordinance rezoning that property described in Rezoning Petition RZN 06-1936, for approximately 9.70 acres, located at 354 and 370 Double Springs Road, from R-A, Residential Agricultural to RMF-6 Residential Multi-Family, 6 units per acre, subject to a Bill of Assurance.
9. **Beaver Water District Agreement:** A resolution approving an agreement between the City of Fayetteville and the Beaver Water District for protection of the Beaver Lake watershed.

D. INFORMATIONAL:

City Council Tour: March 20, 2006 - 4:30 PM

City Council Agenda Memorandum

To: Mayor Coody and City Council

Thru: Steve Davis, Finance Administrator

From: Tony Johnson, Fire Chief *T.J.*

Subject: Request for Resolution approving the 2006 Homeland Security/Fire Grant Submission

Date: March 8, 2006

RECOMMENDATION

As fire chief, I recommend the approval of the 2006 Department of Homeland Security/Fire Grant request for the fire department. If awarded, the grant will allow for enhanced communications, data management and transmission for the response crews, and an integrated record and data management system for the administrative staff. If funded to the full amount of the request, the grant will allow for the purchase of 14 mobile data terminals (laptops), the associated electronics and mounting equipment, software that is interoperable with the currently used system, and the license and support for 20 fixed site workstations.

BACKGROUND

Since 2001, the Department of Homeland Security (DHS) and its predecessor, the Federal Emergency Management Agency (FEMA) has been awarding grants to fire departments in an effort to support a community's first line of defense from fire and other catastrophic events. In 2002 and 2003, the Fayetteville Fire Department received grants totaling \$252,000 for exercise equipment and personal protective gear respectively. Last year's request for funding for mobile data terminals was not approved. I am resubmitting last year's request with the addition of software to our 2006 request. This year's request is for \$400,000.

DISCUSSION

As the City of Fayetteville prepares to meet the needs of the projected population growth and the associated development that will accompany, the fire department will need to expand its operations, improve its communications/information delivery systems, and the technology components of its emergency response program. This proposed upgrade for the fire department dovetails with the City's guiding principles of keeping a well maintained infrastructure and facilities, and maintaining our reputation as a "safe community." In addition, it is instrumental in our approach to the planned and managed growth of the City.

Request for Resolution for DHS/Fire Grant
Page 2 of 2
March 8, 2006

DISCUSSION CONTINUED

According to the corporate technicians that work with the New World software, this program is not capable of meeting the data transmission needs for the fire departments emergency response. However, all is not lost, the data that is currently stored in New World's memory files can be accessed by the proposed software (Fire Vision). In conclusion, the fire department will be designating an employee to act as the in-house IT person to work with the new system and to act as a liaison with the City's IT division, thus, not increasing their workload.

BUDGET IMPACT

If the grant is awarded, it will not require any funding from the general fund in order to meet the 20 percent (\$80,000) match that is required by DHS. The plan is to use Act 833 State turn back money to cover our share. The following is a breakdown of the revenue that will be available by the time the grant is awarded:

2005 encumbered Act 833 money	\$32,000
2006 projection Act 833 money	\$55,000
2007 first quarter projection for Act 833	\$15,000
Total amount available	\$102,000

With this earmarking of Act 833 funds, I believe that we will be able to meet the department's support equipment needs through the end of year 2007. Our highest priority after building fire stations and adding personnel is the mobile data program.

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

21-Mar-06
City Council Meeting Date

David Jurgens
Submitted By

Water/Wastewater
Division

Water/Wastewater
Department

Action Required:

Approval of an agreement between the City of Fayetteville and Beaver Water District pertaining to protection of and nutrient reduction in the Beaver Lake Watershed.

\$200,000.00
Cost of this request
4480-9480-5315.00
Account Number
02133-0001
Project Number

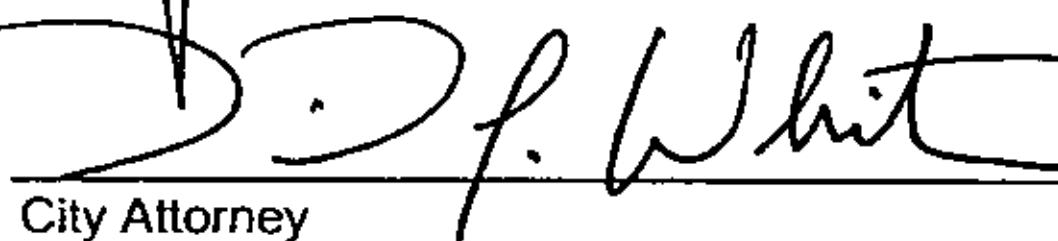
\$ 105,920,694.00
Category/Project Budget
\$ 101,151,046.20
Funds Used to Date
\$ 4,769,647.80
Remaining Balance

Wastewater System Imp Project
Program Category / Project Name
Water and Wastewater
Program / Project Category Name
Water/Sewer
Fund Name

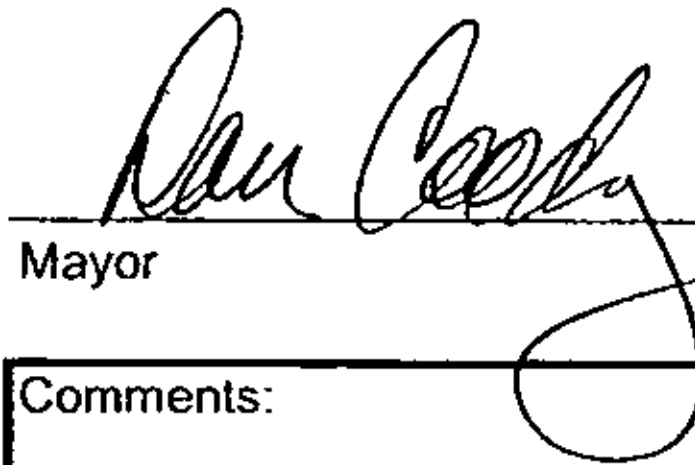
Budgeted Item ☒

Budget Adjustment Attached ☐


Department Director 9/MAR 06
Date


City Attorney 3/10/06
Date


Finance and Internal Service Director 3/10/06
Date


Mayor 3/10/06
Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office
ENTERED 3/10/06

Received in Mayor's Office
ENTERED 3/10/06

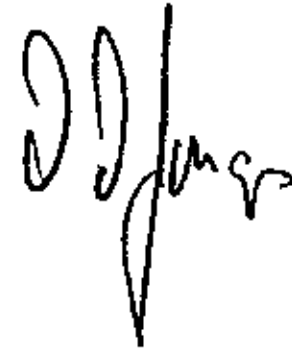
Comments:

CITY COUNCIL AGENDA MEMO

To: Fayetteville City Council

Thru: Mayor Dan Coody
Fayetteville Sewer Committee

From: David Jurgens, Water and Wastewater Director



Date: March 8, 2006

Subject: Approval of an agreement between the City of Fayetteville and Beaver Water District pertaining to protection of and nutrient reduction in the Beaver Lake Watershed.

RECOMMENDATION

Fayetteville City Administration recommends approval of an agreement between the City of Fayetteville and Beaver Water District (BWD) pertaining to protection of and nutrient reduction in the Beaver Lake Watershed.

BACKGROUND

Because it is the sole source of drinking water for all of Northwest Arkansas, the City and BWD recognize that protecting the water quality in Beaver Lake is extremely important. The purpose of this agreement is to achieve a net reduction of the load of Total Phosphorus (TP) into the Lake. The City has for several years taken a proactive role in minimizing the discharge of pollutants, especially phosphorus, into both the White and the Illinois Rivers. BWD has implemented a proactive source water protection program emphasizing reducing the nutrient and sediment loads. Recognizing that there are both point and nonpoint sources within the watershed, both parties agree that there are substantial opportunities to protect Beaver Lake through nonpoint source pollution reduction projects.

DISCUSSION

The modifications underway to the City's wastewater system could result, over time, in a doubling of the discharge of treated effluent into the White River. Due to concerns over the potential increases in nutrient loading into Beaver Lake, the Arkansas Department of Environmental Quality has proposed reducing the City's NPDES Permit discharge limit for TP from 1.0 to 0.5 mg/l. Recognizing the City has a track record of maintaining the concentration of treated effluent below 0.5 mg/l, and that the more stringent limit of 0.5 mg/l would cause significant additional costs to the City while providing minimal benefits to water quality, this agreement proposes a series of actions that will allow the City to maintain its current NPDES discharge limit of 1 mg/l TP in exchange for partnering with BWD to reduce nonpoint sources of TP within the watershed. In essence, the agreement demonstrates the City's and BWD's commitment to show reductions of TP from nonpoint sources sufficient to offset the increased loading from the treatment plant allowed by the more liberal NPDES limit.

BUDGET IMPACT

The agreement commits the City to use \$200,000 per year for implementing nonpoint source reduction projects, 75% of which will be new funding or existing funding modified to address nonpoint source TP reduction. Any expenditures under this agreement will be subject to the City's normal purchasing approval process. The first year's expenditures are recommended to be made under the WSIP budget; following years expenditures shall be included in the stormwater program budget.

RESOLUTION NO. _____

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE
CITY OF FAYETTEVILLE AND THE BEAVER WATER DISTRICT
FOR PROTECTION OF THE BEAVER LAKE WATERSHED.

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 an Agreement between the City of Fayetteville and the Beaver Water District for protection of the Beaver Lake watershed. A copy of the Agreement, marked Exhibit "A," is attached hereto and made a part hereof.

PASSED and APPROVED this 21st day of March, 2006.

APPROVED:

By: DAN COODY, Mayor

ATTEST:

By: SONDRA SMITH, City Clerk

DRAFT

Agreement between
Beaver Water District and the City of Fayetteville
for the
Protection of the Beaver Lake Watershed

The City of Fayetteville (the City), and Beaver Water District (BWD) both recognize that protection of the region's water supply is of extreme importance to Northwest Arkansas. The purpose of this agreement is to achieve a net reduction of the load of Total Phosphorus (TP) into Beaver Lake. The City has for several years taken a proactive role in minimizing discharge of pollutants, especially phosphorus, into both the White and the Illinois Rivers. Because it is the sole source of drinking water for all of Northwest Arkansas, the City recognizes that the quality of water in this resource must be protected. Also recognizing the need to protect the source water for the region, BWD has implemented a proactive source water protection program emphasizing reduction of the load of nutrients and sediments into the Lake. Recognizing that there are both point sources and nonpoint sources within the watershed both parties agree that there are substantial opportunities to protect Beaver Lake through nonpoint source pollution reduction projects.

The City of Fayetteville has proposed modifications to the Noland Wastewater Treatment Plant. These modifications will result in a doubling over time of the discharge of treated effluent into the White River, a tributary of Beaver Lake. Because of concerns over increases in nutrient loading into Beaver Lake the Arkansas Department of Environmental Quality has proposed a discharge limit for total phosphorus on the City's NPDES Permit of 0.5 mg/l, a reduction from the City's current limit of 1 mg/l. Recognizing that the City has a track record of maintaining the concentration of treated effluent below 0.5 mg/l and that the more stringent limit of 0.5 mg/l would cause significant additional costs to the city, BWD and the City have proposed a series of actions that will allow the City to maintain its current NPDES discharge limit of 1 mg/l TP in exchange for the City conducting a program to reduce nonpoint source loadings of TP within the watershed. In essence, the agreement is based on the City's and BWD's commitment to show reductions of TP from nonpoint sources sufficient to offset the increased loading from the treatment plant allowed by the more liberal NPDES limit.

In order to accomplish the stated objective, the following actions have been agreed to by both parties.

- Both parties have agreed that the hiring of a nationally recognized consultant for the express purpose of preparing a nutrient reduction plan for the city will be the first task to be accomplished within 180 days of the effective date of this agreement. The nutrient reduction plan will evaluate sources of phosphorus within the Beaver Lake watershed and the City of Fayetteville including both point and nonpoint sources. The plan will then identify actions that may be taken to reduce the TP load from nonpoint sources, the potential TP load reductions from those actions, and methods for documenting that the reduction is achieved through modeling or monitoring. Finally, the plan will evaluate the potential of

successfully meeting the stated goal of this agreement on watershed protection through nonpoint source TP management. The consultant contract will be the responsibility of the City. A representative of Beaver Water District will be appointed to serve on the City's selection committee for the consultant.

- The City will optimize operation of the Noland Treatment Plant to achieve effluent discharge at or below 0.5 mg/l TP on an annual average.
- The allowable annual load of TP discharged to the White River should be no more than 9.13 tons.
- The allow load of TP from July 1 – October 31 of each year will be no more than 2.85 tons.
- The average daily load of TP from July 1 – October 31 will be no more than 46.7 lbs. The maximum daily load of TP from the plant during the July 1 – October 31 period will be no more than 93.4 lbs (11.2 MGD*1mg/l*8.34 lbs/gal).
- The City, in concert with its consultant, will review city codes and ordinances for opportunities to improve nonpoint source controls. Examples of revisions that may be possible are requiring dedication of FEMA floodway as riparian buffer easement, encouraging use of riparian areas in fulfillment of greenspace requirements, requiring storm-water treatment facilities, and requiring pervious pavement in critical areas.
- The City will report monthly to BWD the discharged loads of TP from the Noland Treatment Plant.
- The City initially agrees to use \$200,000 per year for implementing nonpoint source reduction projects. This figure will be renegotiated after completion of the consultants report on potential actions and reductions.
- No less than seventy-five percent of the funds expended toward this agreement will be new funding or existing funding modified to address nonpoint source TP reduction. "In-kind" contributions will not be counted toward the total, unless those contributions directly address nonpoint source TP reduction and are above and beyond current activities of the City.
- Both parties are encouraged to seek other sources of funding to leverage the expenditures made in implementing this agreement.
- BWD is currently expending in excess of \$200,000 annually in its watershed protection program through watershed and in-lake monitoring and modeling, public awareness, information/education, land acquisition, and policy development. BWD will continue to fund its source water protection program at a minimum of the current level for the life of this agreement.
- BWD will formally request the City create a stormwater management utility under existing state law. Said stormwater utility shall put in place a fee-based system that will be used as appropriate to fund projects to reduce nonpoint source pollution within the city.
- BWD will continue to work with other jurisdictions within the Beaver Lake watershed with the intent of implementing a watershed wide comprehensive source water protection plan. The City and BWD will meet quarterly to review progress made by both parties in achieving the goals of this agreement.

Both parties recognize that, at certain times extreme environmental conditions will make it impossible to meet some or all of the agreements stipulated in the agreement.

This agreement shall be in effect for a period of five years from the effective date of the agreement.

While it is not the intent of this document to specify actions that are to be taken in fulfillment of the agreement, the following are examples of projects that may be undertaken:

- Secure developmental control of riparian buffers in the City along the White River and tributaries. Such control may be through conservation easements or fee simple ownership.
- Restoration of degraded stream reaches within the City of Fayetteville area in the White River watershed.
- Protection of native wetlands within the City of Fayetteville located within the White River watershed.
- Upgrade storm-water facilities in existing developments with post development practices including storm-water retrofits and elimination of illicit discharges.
- Require repair of failing septic systems or connection to publicly owned treatment works when legally accessible.
- Sponsoring group specific information/education programs for homeowners, commercial property owners, engineers, contractors, developers, builders, landscape contractors etc. on reduction of nonpoint source pollution with an emphasis on nutrient control.

Dan Coody:	Date	John Lewis:	Date
_____ Mayor, City of Fayetteville	_____	_____ President, Beaver Water District Board	_____
Sondra Smith:		David Short:	
_____ City Clerk, City of Fayetteville	_____	_____ Secretary, Beaver Water District Board	_____



**COUNCIL
ON AGING, Inc.**

Meals on Wheels
Senior Activity Centers
Community Adult Center

RECEIVED

MAR 01 2006

**CITY OF FAYETTEVILLE
MAYOR'S OFFICE**

February 28, 2006

Mayor Dan Coody
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Dear Mayor Coody:

The Council on Aging would like to be placed on the March 14, 2006 agenda to inform the City of Fayetteville of possible contract changes to our organization in the County.

Please let me know if I can address this issue on this date. Thank you for your support and I look forward to speaking to you on March 14th.

Sincerely,

Janet Linebaugh
Executive Director

CC: Sondra Smith

*Called Janet Linebaugh
3/6/06 to let her
know she will be
on the agenda
for Agenda Session
on March
14, 2006*

agenda session only

cc. Sondra Smith

4507 Johnson Rd.
Springdale, AR 72762
(479) 750-3188 Fax (479) 756-5881



**COUNCIL
ON AGING, Inc.**

Meals on Wheels
Senior Activity Centers
Community Adult Center

*Agenda
Session
Only*

Per Mayor

February 28, 2006

Mayor Dan Coody
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Dear Mayor Coody:

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Sincerely,

Janet Linebaugh
Executive Director

CC: Sondra Smith

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Sondra Smith, City Clerk

FROM: Frank Johnson, Chief of Police 

DATE: February 15, 2006

RE: Request for Council Tours at Police Department

The Police Department is requesting a Council Tour on March 6th and March 20th, 2006. On March 6th we would like to present the Council with our 2006 Goals and Objectives, Strategic Plans and Management Agenda. We would also like to demonstrate our current space needs by giving the members a tour of the building. During the March 20th tour, we would like to give council members a chance to ride along with an officer while answering calls for service in their respective wards. This will give Council Members a first hand perspective on the types of calls for service in their wards as well as the impact of annexation and rezoning as it relates to increased service delivery area and an increased number of calls for police service.

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

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

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
March 21, 2006**

A meeting of the Fayetteville City Council will be held on March 21, 2006 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**

A. CONSENT:

- 1. Approval of the February 28, 2006 Special City Council meeting minutes and the March 7, 2006 City Council meeting minutes.**
- 2. Landers/McClarty of Bentonville – Two F550 Dump Trucks and One E250 Panel Van:** A resolution awarding Bids #06-10 & #06-18 to Landers/McClarty of Bentonville for the purchase of two (2) F550 dump trucks and one (1) E250 panel van in the amount of \$103,919.44 for use by the Transportation Division and the Water & Sewer Division respectively.
- 3. Landers Chevrolet of Benton – Nine ½ Ton Pickup Trucks:** A resolution awarding Bid #06-12, item 1 and Bid #06-19 to Landers Chevrolet of Benton for the purchase of nine (9) ½ ton pickup trucks in the amount of \$116,144.12 for use by the Fleet, Meter, Parks and Utility Management Divisions.
- 4. Landers Chevrolet of Benton – Two ½ Ton Pickup Trucks:** A resolution awarding Bid #06-12, item 2, to Landers Chevrolet of Benton for the purchase of two (2) ½-ton pickup trucks in the amount of \$30,520.00 for use by the Water & Sewer Improvement Project; and approving a Budget Adjustment transferring funds to the Fleet Expense account.

5. **Landers Ford of Little Rock – Two Taurus Sedans:** A resolution awarding Bid # 06-14 to Landers Ford of Little Rock for the purchase of two (2) Taurus Sedans in the amount of \$26,429.20 for the use by the Airport and Fleet Divisions.
6. **Landers Ford of Little Rock – Five F150 Pickup Trucks:** A resolution awarding Bid # 06-12 to Landers Ford of Little Rock for the purchase of five (5) F150 pickup trucks in the amount of \$91,923.00 for use by the Engineering Division, OMI and the Building Services Division.
7. **Landers Ford of Little Rock – One Taurus Sedan:** A resolution awarding Bid #06-14 to Landers Ford of Little Rock for the purchase of one (1) Taurus Sedan in the amount of \$13,214.60 for use by the Police Department.
8. **Lewis Ford of Fayetteville – Two Explorers:** A resolution awarding Bid #06-11 to Lewis Ford for the purchase of two (2) Explorers in the amount of \$40,243.20 for use by the Fire and Water & Sewer Divisions.
9. **Lewis Ford of Fayetteville – One Ford 500 Sedan:** A resolution awarding Bid #06-15 to Lewis Ford for the purchase of one (1) Ford 500 Sedan in the amount of \$18,257.60 for use by the Fire Department.
10. **Lewis Ford of Fayetteville – One F350 Flatbed Truck:** A resolution awarding Bid #06-17 to Lewis Ford for the purchase of one (1) F350 flatbed truck in the amount of \$24,580.00 for use by the Water & Sewer Division.
11. **Teague Ford Lincoln Mercury El Dorado – One Ford Expedition:** A resolution awarding Bid #06-20 to Teague Ford Lincoln Mercury of El Dorado for the purchase of one (1) Expedition in the amount of \$24,495.00 for use by the Police Department K-9 Unit.
12. **Fayetteville Honda – Three Honda Elements:** A resolution awarding Bid #06-16 to Fayetteville Honda for the purchase of three (3) Honda Elements in the amount of \$53,085.00 for use by the Community Resources and Planning Divisions.
13. **Bulk Construction Materials Purchase:** A resolution awarding Bids #06-21 - #06-27 for and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville in the estimated amount of \$2,307,054.00.
14. **Department of Homeland Security Fire Grant:** A resolution authorizing the Fayetteville Fire Department to apply for and accept a Department of Homeland Security Fire Grant for approximately \$500,000.00 to implement mobile data terminals with related software in all fire apparatus and command vehicles.
15. **Washington Regional Medical Center Tree Preservation:** A resolution approving a request by Washington Regional Medical Center to modify the geographic extent and location of certain Tree Preservation Areas pursuant to §167.04 (L) (2), Tree Preservation and Protection, Unified Development Code, Code of Fayetteville.

- 16. McClelland Consulting Engineers – Improvements to Kings Drive:** A resolution approving Amendment #1 to the contract with McClelland Consulting Engineers, Inc. in an amount not to exceed \$65,375.30 for the final design; bidding, construction administration, and resident services during construction for improvements to Kings Drive.

B. UNFINISHED BUSINESS:

- 1. 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. This ordinance was Tabled at the February 21, 2006 City Council Meeting to the March 7, 2006 City Council Meeting. This ordinance was Tabled at the March 7, 2006 City Council Meeting to the March 21, 2006 City Council Meeting.*
- 2. R-PZD 06-1883 Abshier Heights:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-1883, Abshier Heights, located south of Evelyn Hills Shopping Center on Abshier and Hillcrest, containing approximately 4.11 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 March 7, 2006 City Council meeting.*
- 3. Amend §163.14; Wireless Communication Facilities:** An ordinance to amend §163.14 Wireless Communication Facilities of the Unified Development Code. *This ordinance was left on the First Reading at the March 7, 2006 City Council meeting.*

C. NEW BUSINESS:

- 1. T-G Excavating, Inc – Sanitary Sewer Main Replacement:** A resolution approving a construction contract with T-G Excavating, Inc. in the amount of \$2,223,022.00 for sanitary sewer main replacement and rehabilitation city-wide; and approving a 5% project contingency in the amount of \$111,151.00.
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8. **RZN 06-1936 Fletcher Williams Appeal:** An ordinance rezoning that property described in Rezoning Petition RZN 06-1936, for approximately 9.70 acres, located at 354 and 370 Double Springs Road, from R-A, Residential Agricultural to RMF-6 Residential Multi-Family, 6 units per acre, subject to a Bill of Assurance.

D. INFORMATIONAL:

The Council on Aging will present information regarding possible contract changes - Agenda Session only.

City Council Tour: March 20, 2006 - 4:30 PM

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

Landers/McClarty of Bentonville-
Two F550 Dump Trucks and One E250 Panel Van
Page 1 of 6

21-Mar-06

City Council Meeting Date

David Bragg

Submitted By

Fleet Operations

Division

Operations

Department

Action Required:

A resolution awarding Bid #06-10 and Bid #06-18 to Landers/McClarty of Bentonville, Arkansas in the amount of \$103,919.44 for the purchase of two F550 Dump trucks for use by Transportation Division and one E250 Panel van for use by Water & Sewer Division.

\$103,919.00

Cost of this request

\$ 556,000.00

Category/Project Budget

Light/Medium Trucks

Program Category / Project Name

9700.1920.5802.00

Account Number

\$ 330,099.00

Funds Used to Date

Vehicles and Equipment

Program / Project Category Name

02078.1

Project Number

\$ 225,901.00

Remaining Balance

Shop Fund

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

Department Director

Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

City Attorney

Date

Received in City Clerk's Office

ENTERED

3/1/06

Steph... Finance

3-3-06

Mayor

Date

Received in Mayor's Office

ENTERED

3/2/06

Comments:



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

A. 2
Landers/McClarty of Bentonville-
Two F-550 Dump Trucks and One E-250 Panel Van
Page 2 of 6

Interdepartmental Correspondence

To: Mayor/City Council
Thru: Gary Dumas, Director of Operations
From: David Bragg, Fleet Operations Superintendent
Date: March 3, 2006
Subject: Landers - McLarty Ford Vehicle Purchases

RECOMMENDATION: That City Council approve the purchase of two Ford F-550 dump trucks and one Ford E-250 work van in the amount of \$103,919.44.

BACKGROUND: Bid #06-10 was opened on February 14, 2006 for two crew cab four wheel drive dump trucks. Three bid responses were received. A detailed tabulation sheet is attached.

The lowest bid of \$43,828.36 per unit from Landers-McLarty Ford of Bentonville meets all specifications.

I recommend acceptance of the lowest bid from Landers-McLarty Ford in the amount of \$87,656.72.

These vehicles are to replace unit numbers 732 and 733 in the Transportation Division. These dedicated salt spreaders have reached their expected life and are no longer dependable nor economically feasible to repair. The replacement dump trucks will serve multiple functions, applying brine solution in winter and support maintenance crews the remainder of the year.

Bid #06-18 was opened on February 15, 2006 for one cargo work van. Four bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from Landers Ford and second lowest bid from Landers Chevrolet did not meet specifications. Rear air conditioner was not included as specified. The third lowest bid of \$16,262.72 from Landers-McLarty Ford meets all specifications.

I recommend acceptance of the bid from Landers-McLarty Ford in the amount of \$16,262.72.

This vehicle is to replace unit number 248 in the Water and Sewer Division. This unit has reached its expected life and is no longer dependable for daily service.

Funds for replacement were budgeted in the 2006 Fleet Replacement Special Project Account 9700.1920.5802.00 – 02078 Replacement – Light/Medium Trucks.

The purchase of these replacements was approved as to vehicle type and quantity by the Equipment Committee on February 16, 2006.

RESOLUTION NO. _____

A RESOLUTION AWARDING BIDS #06-10 & #06-18 TO LANDERS/MCCLARTY OF BENTONVILLE FOR THE PURCHASE OF TWO (2) F550 DUMP TRUCKS AND ONE (1) E250 PANEL VAN IN THE AMOUNT OF \$103,919.44 FOR USE BY THE TRANSPORTATION DIVISION AND THE WATER & SEWER DIVISION RESPECTIVELY.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bids #06-10 & #06-18 to Landers/McClarty of Bentonville for the purchase of two (2) F550 dump trucks and one (1) E250 panel van in the amount of \$103,919.44 for use by the Transportation Division and the Water & Sewer Divisions respectively.

PASSED and APPROVED this 21st day of March, 2006

APPROVED

By

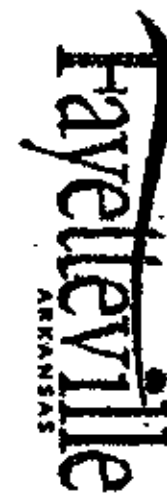
DAN GOODY, Mayor

ATTEST

By:

SONDRA SMITH, City Clerk

BID: 06-10
DATE: 2/14/06
TIME: 2:00 PM
CITY OF FAYETTEVILLE



Bid 06-10, Crew Cab 4x4 Dump Truck

1 Casco Truck Body

Item	Manufacturer	Model	Unit Price	Total Price	Actual Bid Price
Item 1	Ford	F550	\$38,259.00	\$76,518.00	
Item 2	Mabar	DB091809	\$10,600.75	\$21,201.25	

\$97,719.25

2 Landers McClarty Ford Jeep

Item 1	Ford	F550 4x4 SD Crewcab	\$35,238.36	\$70,516.72	
Item 2	Davis	TA 3-9	\$8,590.00	\$17,180.00	

\$87,696.72

3 Landers Ford

Item 1	Ford	2007 F550	\$36,104.00	\$72,208.00	
Item 2	Davis	Davis TA 3-9	\$8,590.00	\$17,180.00	

\$89,388.00

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: P. Vice P. VICE PURCH MGR
WITNESS: A. Bowen DATE: 2/14/06

BID: 06-18
 DATE: 2/15/06
 TIME: 2:00 PM
 CITY OF FAYETTEVILLE



Bid 06-18, Cargo Van

BIDDER		Manufacturer	Model	Unit Price	Total
1	Landers Chevrolet of Benton	Chevrolet	Express 2500	\$15,291.43	\$15,291.43
2	Landers Ford of Benton	Ford	Econoline E250	\$14,999.72	\$14,999.72
3	Landers McClarty Ford Jeep	Ford	E250	\$16,262.72	\$16,262.72 ✓
4	Lewis Ford Sales	Ford	E250 Super Cargo Van	\$16,597.72	\$16,597.72

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: P. Vice P. VICE PURCH MGR
A. Fleen WITNESS
 DATE 2/15/06

City Of Fayetteville
(Not a Purchase Order)

Vendor #

14257

Vendor Name: LANDER'S MCCLARTY FORD

Address:

City:

BENTONVILLE

State: AR

Fob Point:

Zip Code

Ship to code: 050

Mail Yes: __ No: XX

Taxable Yes: XX No: __

Division Head Approval

Quotes Attached Yes: __ No: __

Requester BARBARA OLSEN

Requester's Employee # 1940

Extension: 485

Item Description

Quantity

Unit of Issue

Unit Cost

Extended Cost

Account Numbers

Project/Subproject #

Inventory #

Fixed Asset #

1 PER BID #06-10 F550 DUMP TRUCKS

2

EA

\$43,828.36

\$87,656.72

9700.1920.5802.00

02078.1

2 CREW CAB 4WD, TO BE UNITS

EA

\$0.00

\$0.00

3 2104, FA #702104

EA

\$0.00

\$0.00

4 2105, FA #702105

EA

\$0.00

\$0.00

5 PER BID #06-18, E250 3/4 TON

1

EA

\$16,262.72

\$16,262.72

9700.1920.5802.00

02078.1

6 PANEL VAN TO BE UNIT

EA

\$0.00

\$0.00

7 2106, FA #702106

EA

\$0.00

\$0.00

8

EA

\$0.00

\$0.00

9

EA

\$0.00

\$0.00

10

EA

\$0.00

\$0.00

Shipping/Handling

Lot

\$0.00

\$0.00

Special Instructions:

Subtotal: 103,919.44

Tax: EXEMPT

Total: 103,919.44

Approvals:

Mayor:

Department Director:

Purchasing Manager:

Finance & Internal Services Director:

Budget Manager:

IT Manager:

Dispatch Manager:

Utilities Manager:

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

A. 3
Landers Chevrolet of Benton-
Nine 1/2 Ton Pickup Trucks
Page 1 of 6

21-Mar-06
City Council Meeting Date

David Bragg Submitted By Fleet Operations Division Operations Department

Action Required:

A resolution awarding Bid #06-12, Item 1 and Bid #06-19 to Landers Chevrolet of Benton, Arkansas in the amount of \$116,144.12 for the purchase of nine 1/2 ton pickup trucks for use by Fleet, Meter, Parks, and Utility Management.

\$116,144.00 Cost of this request	\$ 556,000.00 Category/Project Budget	Light/Medium Trucks Program Category / Project Name
9700.1920.5802.00 Account Number	\$ 122,032.00 Funds Used to Date	Vehicles and Equipment Program / Project Category Name
02078.1 Project Number	\$ 433,968.00 Remaining Balance	Shop Fund Fund Name

Budgeted Item ☒ Budget Adjustment Attached ☐


Department Director 3-1-06
Date

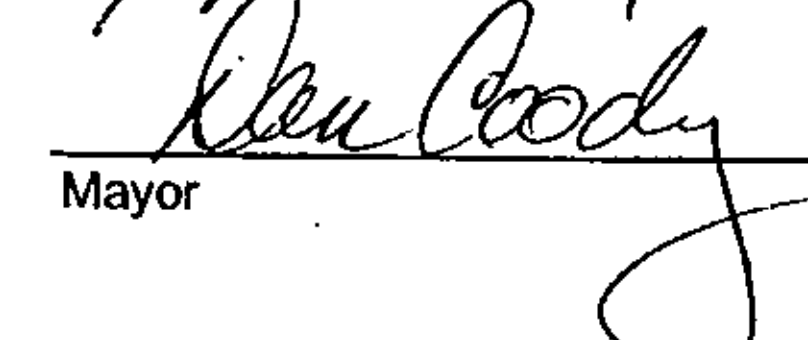
Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a


City Attorney 3/2/06
Date


Finance 3-3-06


Mayor 3/6/06
Date

Received in City Clerk's Office
ENTERED 3/1/06

Received in Mayor's Office
ENTERED 3/2/06

Comments:



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

A. 3
Landers Chevrolet of Benton-
Nine 12 Ton Pickup Trucks
Page 2 of 6

Interdepartmental Correspondence

To: Mayor/City Council
Thru: Gary Dumas, Director of Operations
From: David Bragg, Fleet Operations Superintendent
Date: March 3, 2006
Subject: Purchase of Replacement Pickup Trucks

RECOMMENDATION: That City Council approve the purchase of nine (9) pickup trucks for various divisions in the amount of \$116,144.12.

BACKGROUND: Bid #06-12 was opened on February 14, 2006 for three configurations of pickup trucks. Bid #06-19 was opened on February 15, 2006 for two additional configurations of pickup trucks. Six bid responses were received for each. Detailed tabulation sheets are attached.

Landers Chevrolet of Benton submitted the lowest bid on two configurations. (1 – 2WD crew cab, 8- 2WD regular cab) These low bids meet all specifications.

I recommend acceptance of the lowest bids from Landers Chevrolet in the amount of \$116,144.12.

Nine vehicles are to replace units in the Fleet, Meter, Parks, and Utility Management Divisions that have exceeded their expected life and are no longer dependable or economical to keep in service.

Funds for replacement were budgeted in the 2006 Fleet Replacement Special Project Account 9700.1920.5802.00 – 02078 Light/Medium Utility Vehicles.

The purchase of these nine vehicles was approved as to vehicle type and quantity by the Equipment Committee on February 16, 2006.

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #06-12, ITEM 1 AND BID #06-19 TO LANDERS CHEVROLET OF BENTON FOR THE PURCHASE OF NINE (9) 1/2 TON PICKUP TRUCKS IN THE AMOUNT OF \$116,144.12 FOR USE BY THE FLEET, METER, PARKS AND UTILITY MANAGEMENT DIVISIONS.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #06-12, Item 1 and Bid #06-19 to Landers Chevrolet of Benton for the purchase of Nine (9) 1/2 Ton pickup trucks in the amount of \$116,144.12 for use by the Fleet, Meter, Parks and Utility Management Divisions.

PASSED and APPROVED this 21st day of March, 2006.

APPROVED

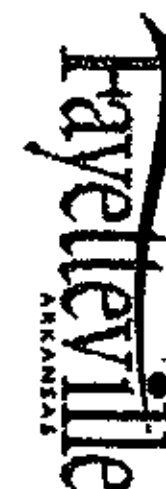
By: _____
DAN GOODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

BID: 06-12
DATE: 2/14/06
TIME: 2:00 PM
CITY OF FAYETTEVILLE

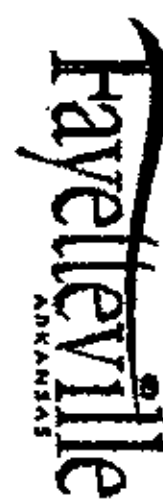


Bid 06-12, Full Size Pickup Truck

BIDDER		Manufacturer		Model		Unit Price		Total	
1	George Nunnally Chevrolet, Inc.	Chevrolet	CK15543			\$22,229.00		\$22,229.00	
		Chevrolet	CK15903			\$15,350.00		\$61,400.00	
		Chevrolet	CK15753			\$19,050.00		\$152,400.00	
								\$236,029.00	
2	Landers Chevrolet	Chevrolet	Silverado 1500 Crewcab			\$19,094.28		\$19,094.28	
		Chevrolet	Silverado 1500			\$15,260.00		\$61,040.00	
		Chevrolet	Silverado Excab 1500			\$19,058.83		\$152,470.64	
								\$232,604.92	
3	Landers Ford	Ford	F150 Supercrew with V12			\$20,255.00		\$20,255.00	
		Ford	F150 F14			\$17,139.60		\$68,558.40	
		Ford	F150 Supercab X14			\$18,384.60		\$147,076.80	
								\$235,890.20	
4	Landers McLarty Ford Jeep	Ford	F150 Supercrew 2WD			\$20,966.60		\$20,966.60	
		Ford	Reg. cab 4x4 8' box			\$20,422.60		\$81,690.40	
		Ford	F150 Ext. cab 4x4			\$22,025.60		\$176,204.80	
								\$278,861.80	
5	Lewis Ford	No Bid							
		Ford	F150 Reg. Cab 4x4 XL			\$16,711.60		\$66,846.40	
		Ford	F150 Super cab 4x4 XL			\$18,584.60		\$148,676.80	
								\$215,523.20	
6	Teague Film	Ford	F150			\$20,849.10		\$20,849.10	
		Ford	F150			\$17,234.10		\$68,936.40	
		Ford	F150			\$18,979.50		\$151,836.00	
								\$241,621.50	

CERTIFIED: P. Vice P. VICE PURCH MGR
A. Zeman WITNESS
 DATE: 2/16/06

BID: 06-19
DATE: 2/15/06
TIME: 2:00 PM
CITY OF FAYETTEVILLE



Bid 06-19, Full Size 2WD Pickup Truck

BIDDER	Manufacturer	Model	Unit Price	Total
1 George Nunnally Chevrolet	Chevrolet	CC15903	\$12,199.00	\$24,398.00
	Chevrolet	CC15753	\$15,064.00	\$30,128.00
				\$54,526.00
2 Landers Chevrolet of Benton	Chevrolet	Silverado 1500 Reg. cab	\$12,131.23	\$24,262.46
	Chevrolet	Silverado 1500 Excab	\$14,986.78	\$29,993.56
				\$54,256.02
3 Landers Ford of Benton	Ford	F150 Reg. cab F-12	\$12,934.60	\$25,869.20
	Ford	F150 Supercab X12	\$14,604.60	\$29,209.20
				\$55,078.40
4 Landers McLarty Ford Jeep	Ford	F150 2WD	\$13,216.60	\$26,433.20
	Ford	F150 Extended cab	\$14,886.60	\$29,773.20
				\$56,206.40
6 Lewis Ford Sales	Ford	F150 Reg. cab	\$12,634.60	\$25,269.20
	Ford	F150 Super cab	\$14,304.60	\$28,609.20
				\$53,878.40
6 Teague Ford	Ford	F150	\$12,162.10	\$24,324.20
	Ford	F150	\$14,808.10	\$29,616.20
				\$53,940.40

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: P. Vice P. VICE PURCH MGR
A. Turner WITNESS
 DATE 2/15/06

City Of Fayetteville

(Not a Purchase Order)

Vendor # _____ Vendor Name: **LANDER'S CHEVROLET** Mail Yes: ☐ No: ☒ XX

Address: _____ Fob Point: Taxable Yes: ☒ No: ☐ XX

City: **BENTON** State: **AR** Zip Code: _____ Ship to code: **050** Division Head Approval Yes: ☐ No: ☐

Requester: **BARBARA OLSEN** Requester's Employee # **1940** Extension: **485** Quotes Attached Yes: ☐ No: ☐

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	PER BID 06-12, ITEM #1 CHEVY	1	EA	\$19,094.28	\$19,094.28	9700.1920.5802.00	02078.1		
2	SILVERADO 1/2 TON CREW CAB		EA		\$0.00				
3	TO BE #2088, FA#702088		EA		\$0.00				
4	PER BID #06-19 CHEVY SILVERADO	8	EA	\$12,131.23	\$97,049.84	9700.1920.5802.00	02078.1		
5	1/2 TON 2WD, REG CAB, TO BE:		EA		\$0.00				
6	#2091, FA#702091; #2092, FA#702092		EA		\$0.00				
7	2093, FA#702093; 2094, FA #702094		EA		\$0.00				
8	2095, FA#702095; 2096, FA #702096		EA		\$0.00				
9	2097, FA#702097; 2098, FA#702098		EA		\$0.00				
10			EA		\$0.00				
	Shipping/Handling		Lot		\$0.00				

Special Instructions:

Subtotal: **116,144.12** Tax: **EXEMPT** Total: **116,144.12**

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

Requisition No. _____ Date: **2/28/2006**
P.O Number _____ Expected Delivery Date: _____

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

A. 4
Landers Chevrolet of Benton-
Two 1/2 Ton Pickup Trucks
Page 1 of 6

21-Mar-06

City Council Meeting Date

David Bragg

Submitted By

Fleet Operations

Division

Operations

Department

Action Required:

A resolution awarding Bid #06-12, Item 2 to Landers Chevrolet of Benton, Arkansas in the amount of \$30,520.00 for the purchase of two 1/2 ton pickup trucks for use by Water & Sewer Improvement Project, and approval of a Budget Adjustment to move funds to the Fleet Expense account.

\$30,520.00

Cost of this request

\$ -

Category/Project Budget

Light/Medium Trucks - Expansion

Program Category / Project Name

9700.1920.5802.00

Account Number

\$ -

Funds Used to Date

Vehicles and Equipment

Program / Project Category Name

06014.1

Project Number

\$ -

Remaining Balance

Shop Fund

Fund Name

Budgeted Item

Budget Adjustment Attached

X

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Department Director

Date

City Attorney

Date

Mayor

Date

Received in City Clerk's Office

ENTERED

3/3/06

Received in Mayor's Office

ENTERED

3/3/06

BEP

Comments:



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

A. 4
Landers Chevrolet of Benton-
Two 2006 Pickup Trucks
Page 2 of 6

Interdepartmental Correspondence

To: Mayor/City Council
Thru: Gary Dumas, Director of Operations
From: David Bragg, Fleet Operations Superintendent
Date: March 3, 2006
Subject: Purchase of Expansion Pickup Trucks

RECOMMENDATION: That City Council approve the purchase of two (2) pickup trucks for Water & Sewer Improvement Project in the amount of \$30,520.00, and approval of a budget adjustment to move funds to the Fleet expense account.

BACKGROUND: Bid #06-12 was opened on February 14, 2006 for three configurations of pickup trucks. Six bid responses were received. A detailed tabulation sheet is attached.

Landers Chevrolet of Benton submitted the lowest bid of \$15,260.00 on 4WD regular cab. This low bid meets all specifications.

I recommend acceptance of the lowest bid from Landers Chevrolet in the amount of \$30,520.00.

These two units are to provide transportation for sewer plant project managers for the duration of the project. These are not scheduled or budgeted for future replacement.

A budget adjustment of \$30,520.00 is attached to transfer funds into the fleet expense account for vehicle purchase.

The purchase of these two vehicles was approved as to vehicle type and quantity by the Equipment Committee on February 16, 2006.

Note:
Residual value of these units will need to be paid for by
other monies outside of bond proceeds.

[Signature]
3-6-06

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #06-12, ITEM 2, TO LANDERS CHEVROLET OF BENTON FOR THE PURCHASE OF TWO (2) 1/2-TON PICKUP TRUCKS IN THE AMOUNT OF \$30,520.00 FOR USE BY THE WATER & SEWER IMPROVEMENT PROJECT; AND APPROVING A BUDGET ADJUSTMENT TRANSFERRING FUNDS TO THE FLEET EXPENSE ACCOUNT.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #06-12, Item 2, to Landers Chevrolet of Benton for the purchase of two (2) 1/2-Ton Pickup Trucks in the amount of \$30,520.00 for use by the Water & Sewer Improvement Project.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a Budget Adjustment transferring funds to the Fleet Expense account.

PASSED and APPROVED this 21st day of March, 2006.

APPROVED

By

DAN COODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk

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

A. 4
Landers Chevrolet of Benton-
Two 1/2 Ton Pickup Trucks
Adjustment Number Page 4 of 6

Budget Year 2006	Department: Sewer Plant Const Expense Division: Program:	Date Requested 3/2/2006	
--------------------------------	--	---------------------------------------	--

Project or Item Requested: \$30,520 is requested in the Transfer to Shop account of the Wastewater System Improvements Project. \$30,520 is requested in the Vehicles & Equipment account of the Light/Medium Trucks - Expansion capital project.	Project or Item Deleted: \$30,520 in the Contract Services account of the Wastewater System Improvements Project. \$30,520 in the Transfer from Wastewater Treatment Improvements account of the Light/Medium Trucks - Expansion capital project.
--	--

Justification of this Increase: Funding is needed for the purchase of two pick-up trucks for the WSIP.	Justification of this Decrease: Project budget in the Wastewater System Improvements Project, funds are being moved within categories. Revenue is being recognized due to a Transfer from WSIP for the purchase of two vehicles.
--	---

Increase Budget (Decrease Revenue)							
Account Name		Account Number				Amount	Project Number
Transfer to Shop		4480	9480	7602	70	30,520	02133 0304
Vehicles and equipment		9700	1920	5802	00	30,520	06014 1

Decrease Budget (Increase Revenue)							
Account Name		Account Number				Amount	Project Number
Contract services		4480	9480	5315	00	30,520	02133 1
Transfer from WWT Imp		9700	0970	6602	48	30,520	06014 1

Approval Signatures <u>B. Olsen</u> Requested By <u>3-2-6</u> Date <u>[Signature]</u> Budget Manager <u>3-2-06</u> Date <u>[Signature]</u> Department Director <u>3-3-06</u> Date <u>[Signature]</u> Finance & Internal Services Director <u>3-6-06</u> Date <u>[Signature]</u> Mayor <u>3/6/06</u> Date	Budget Office Use Only Type: A B C D <u>E</u> Date of Approval _____ Initial _____ Date _____ Initial _____ Date _____ Initial _____ Date _____ Initial _____ Date _____
--	---

POSTED TO GENERAL FUND
POSTED TO PROJECT ACCOUNTING
ENTERED IN CATEGORY LOG
HERE SIGN

City Of Fayetteville

(Not a Purchase Order)

Vendor # _____ Vendor Name: **LANDER'S CHEVROLET** Mail Yes: ☐ No: ☒ XX

Address: _____ Fob Point: _____ Taxable Yes: ☒ No: ☐ XX

City: **BENTON** State: **AR** Zip Code: _____ Ship to code: **050** Division Head Approval Yes: ☐ No: ☐

Requester: **BARBARA OLSEN** Requester's Employee # **1940** Extension: **485** Project/Subproject # _____ Inventory # _____ Fixed Asset # _____

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	PER BID #6-12, ITEM 2	2	EA	\$15,260.00	\$30,520.00	9700.1920.5802.00	06014.1		
2	1/2 TON CHEVY SILVERADO,		EA		\$0.00				
3	REGULAR CAB 4WD, TO BE UNITS:		EA		\$0.00				
4	#2089, FIXED ASSET #702089		EA		\$0.00	9700.1920.5802.00			
5	#2090, FIXED ASSET #702090		EA		\$0.00				
6			EA		\$0.00				
7			EA		\$0.00				
8			EA		\$0.00				
9			EA		\$0.00				
10			EA		\$0.00				
	Shipping/Handling		Lot		\$0.00				

Special Instructions:

Approvals:

Mayor: _____

Finance & Internal Services Director: _____

Dispatch Manager: _____

Department Director: _____

Budget Manager: _____

Utilities Manager: _____

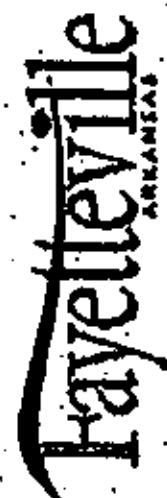
Purchasing Manager: _____

IT Manager: _____

Subtotal: **30,520.00**
Tax: **EXEMPT**
Total: **30,520.00**

Requisition No. _____ Date: **3/3/2006**
P.O Number _____ Expected Delivery Date: _____

BID: 06-12
 DATE: 2/14/06
 TIME: 2:00 PM
 CITY OF FAYETTEVILLE



Bld 06-12, Full Size Pickup Truck

BIDDER	Manufacturer	Model	Unit Price	Total
1 George Nunnally Chevrolet, Inc.	Chevrolet	CK15543	\$22,229.00	\$22,229.00
	Chevrolet	CK15903	\$15,350.00	\$61,400.00
	Chevrolet	CK15753	\$19,050.00	\$152,400.00
				\$236,029.00
2 Landers Chevrolet	Chevrolet	Silverado 1500 Crewcab	\$19,094.28	\$19,094.28
	Chevrolet	Silverado 1500	\$15,260.00	\$61,040.00 ✓
	Chevrolet	Silverado Excab 1500	\$19,058.83	\$152,470.64
				\$232,604.92
3 Landers Ford	Ford	F150 Supercrew with W12	\$20,255.00	\$20,255.00
	Ford	F150 F14	\$17,139.60	\$68,558.40
	Ford	F150 Supercab X14	\$18,384.60	\$147,076.80
				\$235,890.20
4 Landers McLarty Ford Jeep	Ford	F150 Supercrew 2WD	\$20,966.60	\$20,966.60
	Ford	Reg. cab 4x4 8' box	\$20,422.60	\$81,690.40
	Ford	F150 Ext. cab 4x4	\$22,025.60	\$176,204.80
				\$278,861.80
5 Lewis Ford	No Bid			
	Ford	F150 Reg. Cab 4x4 XL	\$16,711.60	\$66,846.40
	Ford	F150 Super cab 4x4 XL	\$18,584.60	\$148,676.80
				\$215,523.20
6 Teague Flm	Ford	F150	\$20,849.10	\$20,849.10
	Ford	F150	\$17,234.10	\$68,936.40
	Ford	F150	\$18,979.50	\$151,836.00
				\$241,621.50

CERTIFIED: P. Vice
 P. VICE PURCH MGR

A. Zelen
 WITNESS

2/16/06
 DATE

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

A. 5
Landers Ford of Little Rock-
Two Taurus Sedans
Page 1 of 6

21-Mar-06

City Council Meeting Date

David Bragg

Submitted By

Fleet Operations

Division

Operations

Department

Action Required:

A resolution awarding Bid #06-14 to Landers Ford of Little Rock, Arkansas in the amount of \$26,429.20 for the purchase of two Tauruses for use by Airport and Fleet Divisions.

\$26,429.00

Cost of this request

\$

330,000.00

Category/Project Budget

Police/Passenger Vehicles

Program Category / Project Name

9700.1920.5802.00

Account Number

\$

264,913.00

Funds Used to Date

Vehicles and Equipment

Program / Project Category Name

02081.1

Project Number

\$

65,087.00

Remaining Balance

Shop Fund

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Department Director

Date

City Attorney

Date

Mayor

Date

Received in City Clerk's Office

ENTERED

3/3/06

Received in Mayor's Office

ENTERED

3/3/06

BER

Comments:



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

A. 5
Landers Ford of Little Rock-
Two Taurus Sedans
Page 2 of 6

Interdepartmental Correspondence

To: Mayor/City Council
Thru: Gary Dumas, Director of Operations
From: David Bragg, Fleet Operations Superintendent
Date: March 3, 2006
Subject: Landers Ford Passenger Vehicle Purchases

RECOMMENDATION: That City Council approve the purchase of two Ford Taurus sedans in the amount of \$26,429.20.

Bid #06-14 was opened on February 14, 2006 for mid size four door sedans. Six bid responses were received. A detailed tabulation sheet is attached.

The two lowest bids from Lewis Ford and Landers-McLarty Ford were for 2006 models that are no longer available to order.

The third lowest bid of \$13,214.60 per unit from Landers Ford of Little Rock is for 2007 models available for current order and meets all specifications.

I recommend acceptance of the lowest valid bid from Landers Ford in the amount of \$26,429.20.

These vehicles are to replace unit number 1002 in the Airport/Economic Development Division and unit number 1023 in the Fleet Division Rental Pool. These units have reached their expected life and are no longer dependable for daily service in these assignments. Both will be retained and transferred to a lower utilization assignment in another division to replace an older unit.

Funds for replacement were budgeted in the 2006 Fleet Replacement Special Project Account 9700.1920.5802.00 – 02081 Police and Passenger Vehicles.

The purchase of these replacements was approved as to vehicle type and quantity by the Equipment Committee on February 16, 2006.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #06-14 TO LANDERS FORD OF LITTLE ROCK FOR THE PURCHASE OF TWO (2) TAURUS SEDANS IN THE AMOUNT OF \$26,429.20 FOR USE BY THE AIRPORT AND FLEET DIVISIONS.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #06-14 to Landers Ford of Little Rock for the purchase of two (2) Taurus Sedans in the amount of \$26,429.20 for use by the Airport and Fleet Divisions.

PASSED and APPROVED this 21st day of March, 2006.

APPROVED

By:

DAN GOODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk

DRAFT

BID: 06-14
DATE: 2/15/06
TIME: 2:00 PM
CITY OF FAYETTEVILLE



Bid 06-14, Mid Size Sedan

BIDDER	Manufacturer	Model	Unit Price	Total
1 Landers McLarty Ford Jeep	Ford	Taurus SE	\$12,849.60	\$63,248.00
2 George Nunnally Chevrolet	Chevrolet	Malibu	\$13,396.00	\$66,980.00
3 Honda of Fayetteville	Honda	Accord LX	\$19,299.00	\$96,495.00
4 Landers Ford	Ford	Taurus SE P53	\$13,214.60	\$66,073.00 ✓
5 Lewis Ford Sales	Ford	Taurus	\$12,154.46	\$60,772.30
6 United Ford	Ford	Taurus	\$13,287.60	\$66,438.00

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: P. Vice P. VICE PURCH MGR
A. J. J. J. WITNESS
 DATE 2/15/06

City Of Fayetteville

(Not a Purchase Order)

Vendor # **7582** Vendor Name: **LANDER'S FORD** Mail Yes: ☐ No: ☒ **XX**

Address: **7582** Fob Point: **LANDER'S FORD** Taxable Yes: ☒ No: ☐ **XX**

City: **LITTLE ROCK** State: **AR** Zip Code: **72201** Ship to code: **050** Division Head Approval: **Yes** Quotes Attached: **No**

Requester: **BARBARA OLSEN** Requester's Employee #: **1940** Extension: **485**

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	PER BID #06-14, 2007 FORD	2	EA	\$13,214.60	\$26,429.20	9700.1920.5802.00	02081.1		
2	TAURUSES		EA		\$0.00				
3	TO BE #1161, FA#701161		EA		\$0.00				
4	#1162, FA #701162		EA		\$0.00				
5			EA		\$0.00				
6			EA		\$0.00				
7			EA		\$0.00				
8			EA		\$0.00				
9			EA		\$0.00				
10			EA		\$0.00				
	Shipping/Handling		Lot		\$0.00				

Special Instructions:

Approvals: Subtotal: **26,429.20** Tax: **EXEMPT** Total: **26,429.20**

Mayor: _____ Department Director: _____ Purchasing Manager: _____

Finance & Internal Services Director: _____ Budget Manager: _____ IT Manager: _____

Dispatch Manager: _____ Utilities Manager: _____

3

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

21-Mar-06
City Council Meeting Date

David Bragg
Submitted By

Fleet Operations
Division

Operations
Department

Action Required:

A resolution awarding Bid #06-12 item 3 for Landers Ford of Little Rock in the amount of \$91,923 for the purchase of five F150 pickup trucks for use by Engineering, OMI and Building Services.

\$91,923.00 Cost of this request	\$ 556,000.00 Category/Project Budget	Light/Medium Trucks Program Category / Project Name
9700.1920.5802.00 Account Number	\$ 238,176.00 Funds Used to Date	Vehicles and Equipment Program / Project Category Name
02078.1 Project Number	\$ 317,824.00 Remaining Balance	Shop Fund Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐


Department Director

3-1-06
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a


City Attorney

3/2/06
Date


Finance

3-3-06
Date


Mayor

3/6/06
Date

Received in City Clerk's Office


Received in Mayor's Office


Comments:



A. 6
Landers Ford of Little Rock-
Pickup Trucks
Page 2 of 6

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

Interdepartmental Correspondence

To: Mayor/City Council

Thru: Gary Dumas, Director of Operations

From: David Bragg, Fleet Operations Superintendent

Date: March 3, 2006

Subject: Purchase of Five Pickup Trucks

RECOMMENDATION: That City Council approve the purchase of five (5) pickup trucks for various divisions in the amount of \$91,923.00.

BACKGROUND: Bid #06-12 was opened on February 14, 2006 for three configurations of pickup trucks. Six bid responses were received. A detailed tabulation sheet is attached.

Landers Ford of Little Rock submitted the lowest bid on the 4WD extended cab configuration. This low bid meets all specifications.

I recommend acceptance of the lowest bid from Landers Ford in the amount of \$91,923.00.

These five vehicles are to replace units in the Building Services, Engineering, and Wastewater Treatment Divisions that have exceeded their expected life and are no longer dependable or economical to keep in service.

Funds for replacement were budgeted in the 2006 Fleet Replacement Special Project Account 9700.1920.5802.00 – 02078 Light/Medium Utility Vehicles.

The purchase of these five vehicles was approved as to vehicle type and quantity by the Equipment Committee on February 16, 2006.

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #06-12 TO LANDERS FORD OF LITTLE ROCK FOR THE PURCHASE OF FIVE (5) F150 PICKUP TRUCKS IN THE AMOUNT OF \$91,923.00 FOR USE BY THE ENGINEERING DIVISION, OMI AND THE BUILDING SERVICES DIVISION.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #06-12 to Landers Ford of Little Rock for the purchase of five (5) F150 pickup trucks in the amount of \$91,923.00 for use by the ENGINEERING Division, OMI and the Building Services Division.

PASSED and APPROVED this 21st day of March, 2006.

APPROVED

By:

DAN GOODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk

DRAFT

BID: 06-12
DATE: 2/14/06
TIME: 2:00 PM
CITY OF FAYETTEVILLE



Bidder: Landers Ford of Little Rock
Model: F150
Unit Price: \$22,229.00
Model: F150

Bid 06-12, Full Size Pickup Truck

1	George Nunnally Chevrolet, Inc.	Chevrolet	CK15543	\$22,229.00	\$22,229.00
		Chevrolet	CK15903	\$15,350.00	\$61,400.00
		Chevrolet	CK15753	\$19,050.00	\$152,400.00
					\$236,029.00
2	Landers Chevrolet	Chevrolet	Silverado 1500 Crewcab	\$19,094.28	\$19,094.28
		Chevrolet	Silverado 1500	\$15,260.00	\$61,040.00
		Chevrolet	Silverado Excab 1500	\$19,058.83	\$152,470.64
					\$232,604.92
3	Landers Ford	Ford	F150 Supercrew with V12	\$20,255.00	\$20,255.00
		Ford	F150 F14	\$17,139.60	\$68,558.40
		Ford	F150 Supercab X14	\$18,384.60	\$147,076.80
					\$235,890.20
4	Landers McLarty Ford Jeep	Ford	F150 Supercrew 2WD	\$20,966.60	\$20,966.60
		Ford	Reg. cab 4x4 8' box	\$20,422.60	\$81,690.40
		Ford	F150 Ext. cab 4x4	\$22,025.60	\$176,204.80
					\$278,861.80
5	Lewis Ford	No Bid			
		Ford	F150 Reg. Cab 4x4 XL	\$16,711.60	\$66,846.40
		Ford	F150 Super cab 4x4 XL	\$18,584.60	\$148,676.80
					\$215,523.20
6	Teague Film	Ford	F150	\$20,849.10	\$20,849.10
		Ford	F150	\$17,234.10	\$68,936.40
		Ford	F150	\$18,979.50	\$151,836.00
					\$241,621.50

CERTIFIED: *P. Vice*
P. VICE PURCH MGR
A. Jones
WITNESS
DATE: 2/16/06

City Of Fayetteville

(Not a Purchase Order)

Requisition No. _____ Date: **2/27/2006**
P.O Number _____ Expected Delivery Date: _____

Vendor # **7582** Vendor Name: **LANDER'S FORD**

Address:

City:

LITTLE ROCK

State: **AR**

Fob Point:

Zip Code **050**

Mail Yes: ☐ No: ☒ XX
Taxable Yes: ☒ No: ☐ XX

Division Head Approval Yes: ☐ No: ☐

Requester **BARBARA OLSEN**

Requester's Employee # **1940**

Extension: **485**

Item Description

Quantity

Unit of Issue

Unit Cost

Extended Cost

Account Numbers

Project/Subproject #

Inventory #

Fixed Asset #

1 PER BID #06-12, ITEM 3: 1/2 TON

5

EA

\$18,384.60

\$91,923.00

9700.1920.5802.00

02078.1

2 PICKUP TRUCK, F150, EXTENDED

EA

\$0.00

3 CAB, 4WD. To be units:

EA

\$0.00

4 2099, FIXED ASSET #702099

EA

\$0.00

5 2100, FIXED ASSET #702100

EA

\$0.00

6 2101, FIXED ASSET #702101

EA

\$0.00

7 2102, FIXED ASSET #702102

EA

\$0.00

8 2103, FIXED ASSET #702103

EA

\$0.00

9

EA

\$0.00

10

EA

\$0.00

Shipping/Handling

Lot

\$0.00

Special Instructions:

Subtotal: **91,923.00**

Tax: **EXEMPT**

Total: **91,923.00**

Approvals:

Mayor: _____

Department Director: _____

Purchasing Manager: _____

Finance & Internal Services Director: _____

Budget Manager: _____

IT Manager: _____

Dispatch Manager: _____

Utilities Manager: _____

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

A. 7
Landers Ford of Little Rock-
One Taurus Sedan
Page 1 of 6

21-Mar-06

City Council Meeting Date

David Bragg

Submitted By

Fleet Operations

Division

Operations

Department

Action Required:

A resolution awarding Bid #06-14 to Landers Ford of Little Rock, Arkansas in the amount of \$13,214.60 for the purchase of one Taurus for use by Police Division.

\$13,215.00

Cost of this request

\$

55,000.00

Category/Project Budget

Police/Passenger Vehicles

Program Category / Project Name

9700.1920.5802.00

Account Number

\$

18,258.00

Funds Used to Date

Vehicles and Equipment

Program / Project Category Name

05024.1

Project Number

\$

36,742.00

Remaining Balance

Shop Fund

Fund Name

Budgeted Item

☒

Budget Adjustment Attached



Department Director

Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a



City Attorney

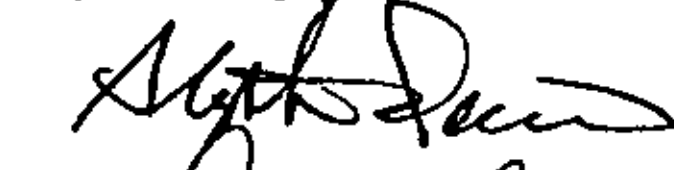
3/5/06

Date

Received in City Clerk's Office

ENTERED

3/3/06



Mayor

3/6/06

Date

Received in Mayor's Office

ENTERED

3/3/06

Comments:



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

A. 7
Landers Ford of Little Rock-
One Taurus Sedan
Page 2 of 6

Interdepartmental Correspondence

To: Mayor/City Council
Thru: Gary Dumas, Director of Operations
From: David Bragg, Fleet Operations Superintendent
Date: March 3, 2006
Subject: Landers Ford Expansion Vehicle Purchases

RECOMMENDATION: That City Council approve the purchase of one Ford Taurus sedan in the amount of \$13,214.60.

BACKGROUND: Bid #06-14 was opened on February 14, 2006 for mid size four door sedans. Six bid responses were received. A detailed tabulation sheet is attached.

The two lowest bids from Lewis Ford and Landers-McLarty Ford were for 2006 models that are no longer available to order.

The third lowest bid of \$13,214.60 per unit from Landers Ford of Little Rock is for 2007 models available for current order and meets all specifications.

I recommend acceptance of the lowest valid bid from Landers Ford in the amount of \$13,214.60.

This vehicle is an expansion unit for the Police Department, Detective Division approved in the 2006 budget.

Funds were budgeted in the 2006 Fleet Special Project Account 9700.1920.5802.00 – 05024 Expansion - Police and Passenger Vehicles.

The purchase of these vehicles was approved as to vehicle type and quantity by the Equipment Committee on February 16, 2006.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #06-14 TO LANDERS FORD OF LITTLE ROCK FOR THE PURCHASE OF ONE (1) TAURUS SEDAN IN THE AMOUNT OF \$13,214.60 FOR USE BY THE POLICE DEPARTMENT.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #06-14 to Landers Ford of Little Rock for the purchase of one (1) Ford Taurus sedan in the amount of \$13,214.60 for use by the Police Department.

PASSED and APPROVED this 21st day of March, 2006.

APPROVED

By: _____

DAN COODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk

DRAFT

BID: 06-14
DATE: 2/15/06
TIME: 2:00 PM
CITY OF FAYETTEVILLE



Bid 06-14, Mid Size Sedan

BIDDER	Manufacturer	Model	Unit Price	Total
1 Landers McLarty Ford Jeep	Ford	Taurus SE	\$12,649.60	\$63,248.00
2 George Nunnally Chevrolet	Chevrolet	Malibu	\$13,396.00	\$66,980.00
3 Honda of Fayetteville	Honda	Accord LX	\$19,299.00	\$96,495.00
4 Landers Ford	Ford	Taurus SE P53	\$13,214.60	\$66,073.00 ✓
5 Lewis Ford Sales	Ford	Taurus	\$12,154.46	\$60,772.30
6 United Ford	Ford	Taurus	\$13,287.60	\$66,438.00

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: P. Vice
P. VICE PURCH MGR
WITNESS: A. Town
DATE: 2/15/06

City Of Fayetteville

(Not a Purchase Order)

Vendor #		7582		Vendor Name:		LANDER'S FORD		Requisition No.		Date:	
Address:				Fob Point:				P.O Number		Expected Delivery Date:	
City:		LITTLE ROCK		State:		AR		Taxable		Yes: ☐ No: ☐	
Requester		BARBARA OLSEN		Zip Code		050		Division Head Approval		Quotes Attached	
Requester's Employee #		1940		Ship to code:		050		Extension:		Yes: ☐ No: ☐	
Item Description		Quantity		Unit of Issue		Unit Cost		Extended Cost		Account Numbers	
1 PER BID #06-14, 2007 FORD		1		EA		\$13,214.60		\$13,214.60		9700.1920.5802.00	
2 TAURUS				EA				\$0.00			
3 TO BE #1163, FA #701163				EA				\$0.00			
4				EA				\$0.00			
5				EA				\$0.00			
6				EA				\$0.00			
7				EA				\$0.00			
8				EA				\$0.00			
9				EA				\$0.00			
10				EA				\$0.00			
Shipping/Handling				Lot				\$0.00			
Special Instructions:										Subtotal: 13,214.60	
										Tax: EXEMPT	
Approvals:										Total: 13,214.60	
Mayor: _____				Department Director: _____				Purchasing Manager: _____			
Finance & Internal Services Director: _____				Budget Manager: _____				IT Manager: _____			
Dispatch Manager: _____				Utilities Manager: _____							

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

A. 8
Lewis Ford of Fayetteville-
Two Explorers
Page 1 of 6

21-Mar-06

City Council Meeting Date

David Bragg

Submitted By

Fleet Operations

Division

Operations

Department

Action Required:

A resolution awarding Bid #06-11 to Lewis Ford of Fayetteville, Arkansas in the amount of \$40,243.20 for the purchase of two Explorers for use by Fire and Water & Sewer Divisions.

\$40,243.

Cost of this request

\$

330,000.00

Category/Project Budget

Police/Passenger Vehicles

Program Category / Project Name

9700.1920.5802.00

Account Number

\$

200,175.00

Funds Used to Date

Vehicles and Equipment

Program / Project Category Name

02081.1

Project Number

\$

129,825.00

Remaining Balance

Shop Fund

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Department Director

Date

City Attorney

Date

Mayor

Date

Received in City Clerk's Office

ENTERED

3/3/06

Received in Mayor's Office

ENTERED

3/3/06

BRP

Comments:



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

A. 8
Lewis Ford of Fayetteville-
Two Explorers
Page 2 of 6

Interdepartmental Correspondence

To: Mayor/City Council
Thru: Gary Dumas, Director of Operations
From: David Bragg, Fleet Operations Superintendent
Date: March 3, 2006
Subject: Lewis Ford Passenger Vehicle Purchases

RECOMMENDATION: That City Council approve the purchase of two Ford Explorer utility vehicles in the amount of \$40,243.20.

BACKGROUND: Bid #06-11 was opened on February 14, 2006 for two mid size four wheel drive sport utility vehicles. Five bid responses were received. A detailed tabulation sheet is attached.

The lowest bid of \$20,121.60 per unit from Lewis Ford of Fayetteville meets all specifications.

I recommend acceptance of the lowest bid from Lewis Ford in the amount of \$40,243.20.

These vehicles are to replace unit number 1049 in the Fire Department and unit number 118 in Water and Sewer Division. These units have reached their expected life and are no longer dependable for daily service in these assignments. Both will be retained and transferred to a lower utilization assignment in another division to replace an older unit.

Funds for replacement were budgeted in the 2006 Fleet Replacement Special Project Account 9700.1920.5802.00 – 02081 Police and Passenger Vehicles.

The purchase of these replacements was approved as to vehicle type and quantity by the Equipment Committee on February 16, 2006.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #06-11 TO LEWIS FORD FOR THE PURCHASE OF TWO (2) EXPLORERS IN THE AMOUNT OF \$40,243.20 FOR USE BY THE FIRE AND WATER & SEWER DIVISIONS.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #06-11 to Lewis Ford for the purchase of two (2) Explorers in the amount of \$40,243.20 for use by the Fire and Water & Sewer Divisions.

PASSED and APPROVED this 21st day of March, 2006.

APPROVED:

By:

DAN GOODY, Mayor

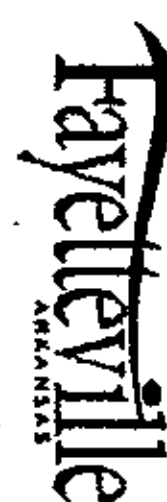
ATTEST:

By:

SONDRA SMITH, City Clerk

DRAFT

BID: 06-11
DATE: 2/14/06
TIME: 2:00 PM
CITY OF FAYETTEVILLE



Bid 06-11, Mid Size Sport Utility Vehicle

BIDDER				Model		Unit Price	Total
1	Landers McLardy Ford Jeep	Ford	Explorer 4x4 XLS	\$20,861.60		\$41,723.20	
2	Landers Ford (of Benton)	Ford	Explorer XLS 4WD U72	\$22,188.00		\$44,376.00	
3	Teague Ford Lincoln Mercury	Ford	Explorer	\$20,516.10		\$41,032.20	
4	United Ford Fleet & Commercial Center	Ford	Explorer	\$20,621.00		\$41,242.00	
5	Lewis Ford Sales, Inc.	Ford	Explorer 4DR XLS	\$20,121.60		\$40,243.20	✓

CERTIFIED: P. Vice P. VICE PURCH MGR
H. Jordan WITNESS
 DATE 2/15/06

City Of Fayetteville

(Not a Purchase Order)

Vendor #

7040

Vendor Name:
LEWIS FORD

Address:

Fob Point:

City:

State:
AR

Zip Code

Ship to code:
050

Division Head Approval

Quotes Attached
Yes: No:Requester
BARBARA OLSENRequester's Employee #
1940Extension:
485

Inventory #

Fixed Asset #

Item Description

Quantity

Unit of Issue

Unit Cost

Extended Cost

Account Numbers

Project/Subproject #

Inventory #

Fixed Asset #

1 PER BID 06-11, FORD EXPLORERS

2

EA

\$20,121.60

\$40,243.20

9700.1920.5802.00

02081.1

2 4WD, V-8, TO BE #1159, FA #701159

EA

\$0.00

3 1160, FA #701160

EA

\$0.00

4

EA

\$0.00

5

EA

\$0.00

6

EA

\$0.00

7

EA

\$0.00

8

EA

\$0.00

9

EA

\$0.00

10

EA

\$0.00

Shipping/Handling

Lot

\$0.00

Special Instructions:

Subtotal: 40,243.20

Tax: EXEMPT

Approvals:

Total: 40,243.20

Mayor:

Department Director:

Purchasing Manager:

Finance & Internal Services Director:

Budget Manager:

IT Manager:

Dispatch Manager:

Utilities Manager:

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

A. 9
Lewis Ford of Fayetteville-
One Ford 500 Sedan
Page 1 of 6

21-Mar-06

City Council Meeting Date

David Bragg

Submitted By

Fleet Operations

Division

Operations

Department

Action Required:

A resolution awarding Bid #06-15 to Lewis Ford of Fayetteville, Arkansas in the amount of \$18,257.60 for the purchase of one Ford 500 Sedan for use by Fire Division.

\$18,258.00

Cost of this request

\$

55,000.00

Category/Project Budget

Police/Passenger Expansion Vehicles

Program Category / Project Name

9700.1920.5802.00

Account Number

\$

-

Funds Used to Date

Vehicles and Equipment

Program / Project Category Name

05024.1

Project Number

\$

55,000.00

Remaining Balance

Shop Fund

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Department Director

Date

City Attorney

Date

Mayor

Date

Received in City Clerk's Office

ENTERED
3/3/06

Received in Mayor's Office

ENTERED
3/3/06 BACP

Comments:



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

A. 9
Lewis Ford of Fayetteville-
Ford 500 Sedan
Page 2 of 6

Interdepartmental Correspondence

To: Mayor/City Council
Thru: Gary Dumas, Director of Operations
From: David Bragg, Fleet Operations Superintendent
Date: March 3, 2006
Subject: Lewis Ford Expansion Vehicle Purchases

RECOMMENDATION: That City Council approve the purchase of one Ford Five Hundred sedan in the amount of \$18,257.60.

Bid #06-15 was opened on February 14, 2006 for a full size four door sedan. Six bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from Nunnally Chevrolet on a Chevrolet Impala does not meet specifications. The second lowest bid of \$18,257.60 per unit from Lewis Ford of Fayetteville meets all specifications.

I recommend acceptance of the bid from Lewis Ford in the amount of \$18,257.60.

This vehicle is an expansion unit for the Fire Department, approved in the 2006 budget.

Funds were budgeted in the 2006 Fleet Special Project Account 9700.1920.5802.00 – 05024 Expansion - Police and Passenger Vehicles.

The purchase of these vehicles was approved as to vehicle type and quantity by the Equipment Committee on February 16, 2006.

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #06-15 TO LEWIS FORD FOR
THE PURCHASE OF ONE (1) FORD 500 SEDAN IN THE
AMOUNT OF \$18,257.60 FOR USE BY THE FIRE DEPARTMENT.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas
hereby awards Bid #06-15 to Lewis Ford for the purchase of one (1) Ford 500
sedan in the amount of \$18,257.60 for use by the Fire Department.

PASSED and APPROVED this 21st day of March, 2006.

APPROVED:

By: _____

DAN GOODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk

DRAFT

BID: 06-15
DATE: 2/15/06
TIME: 2:00 PM
CITY OF FAYETTEVILLE



Bid 06-15, Full Size Sedan

BIDDER				MODEL				UNIT PRICE				TOTAL			
1	George Nunnally Chevrolet	Chevrolet	Impala 1WB19					\$16,494.00				\$15,494.00			
2	Landers Ford	Ford	Five Hundred P23					\$18,508.00				\$18,508.00			
3	Landers McLarty Ford Jeep	Ford	500 SE					\$18,563.00				\$18,563.00			
4	Lewis Ford Sales	Ford	Five Hundred					\$18,257.60				\$18,257.60			✓
5	Teague Ford	Ford	Five Hundred					\$18,652.10				\$18,652.10			
6	Unked Ford	Ford	Five Hundred (500)					\$18,557.60				\$18,557.60			

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: P. Vice P. VICE PURCH MGR
A. Green WITNESS
2/15/06 DATE

City Of Fayetteville

(Not a Purchase Order)

Vendor # 7040 Vendor Name: LEWIS FORD

Address:

City: FAYETTEVILLE

State: AR

Fob Point:

Zip Code 050

Shipment to code: 050

Division Head Approval

Quotes Attached Yes: No:

Requester BARBARA OLSEN

Requester's Employee # 1940

Extension: 485

Project/Subproject #

Inventory # Fixed Asset #

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Requisition No.	Date:
1	PER BID 06-15, FORD 500 SEDAN	1	EA	\$18,257.60	\$18,257.60	9700.1920.5802.00	05024.1	3/3/2006
2	TO BE #1164, FA #701164		EA		\$0.00			Expected Delivery Date:
3			EA		\$0.00			
4			EA		\$0.00			
5			EA		\$0.00			
6			EA		\$0.00			
7			EA		\$0.00			
8			EA		\$0.00			
9			EA		\$0.00			
10			EA		\$0.00			
	Shipping/Handling		Lot		\$0.00			

Special Instructions:

Subtotal: 18,257.60

Tax: EXEMPT

Total: 18,257.60

Approvals:

Mayor:

Department Director:

Purchasing Manager:

Finance & Internal Services Director:

Budget Manager:

IT Manager:

Dispatch Manager:

Utilities Manager:

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

A. 10
Lewis Ford of Fayetteville
One F350 Flatbed Truck
Page 1 of 6

21-Mar-06
City Council Meeting Date

David Bragg
Submitted By

Fleet Operations
Division

Operations
Department

Action Required:

A resolution awarding Bid #06-17 to Lewis Ford of Fayetteville, Arkansas in the amount of \$24,580.36 for the purchase of one F350 Flatbed truck for use by Water and Sewer Division.

\$24,580.00 Cost of this request	\$ 556,000.00 Category/Project Budget	Light/Medium Trucks Program Category / Project Name
9700.1920.5802.00 Account Number	\$ 434,018.00 Funds Used to Date	Vehicles and Equipment Program / Project Category Name
02078.1 Project Number	\$ 121,982.00 Remaining Balance	Shop Fund Fund Name

Budgeted Item ☒ Budget Adjustment Attached ☐


Department Director

3-1-06
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a


City Attorney

3/2/06
Date

Received in City Clerk's Office
ENTERED
3/1/06


Finance Director

3-3-06
Date


Mayor

3/6/06
Date

Received in Mayor's Office
ENTERED
3/2/06
P/H

Comments:



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

A. 10
Lewis Ford of Fayetteville
One (1) Flatbed Truck
Page 2 of 6

Interdepartmental Correspondence

To: Mayor/City Council
Thru: Gary Dumas, Director of Operations
From: David Bragg, Fleet Operations Superintendent
Date: March 3, 2006
Subject: Lewis Ford Truck Purchase

RECOMMENDATION: That City Council approve the purchase of one Ford F-350 4x4 cab and chassis in the amount of \$24,580.36.

BACKGROUND: Bid #06-17 was opened on February 15, 2006 for a four wheel drive cab and chassis. Four bid responses were received. A detailed tabulation sheet is attached.

The lowest bid of \$24,580.36 per unit from Lewis Ford of Fayetteville meets all specifications.

I recommend acceptance of the lowest bid from Lewis Ford in the amount of \$24,580.36.

This vehicle is to replace unit number 2025 in the Water & Sewer Division. This unit has exceeded its expected life and is no longer dependable or economical to keep in service.

Funds for replacement were budgeted in the 2006 Fleet Replacement Special Project Account 9700.1920.5802.00 – 02078 Light/Medium Utility Vehicles.

The purchase of this vehicle was approved as to vehicle type and quantity by the Equipment Committee on February 16, 2006.

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #06-17 TO LEWIS FORD FOR THE PURCHASE OF ONE (1) F350 FLATBED TRUCK IN THE AMOUNT OF \$24,580.00 FOR USE BY THE WATER & SEWER DIVISION.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #06-17 to Lewis Ford for the purchase of one (1) F350 flatbed truck in the amount of \$24,580.00 for use by the Water & Sewer Division.

PASSED and APPROVED this 21st day of March, 2006.

APPROVED

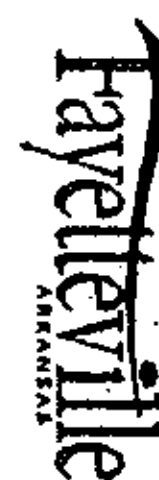
By: DAN COODY, Mayor

ATTEST:

By: SONDRA SMITH, City Clerk

DRAFT

BID: 06-17
DATE: 2/15/06
TIME: 2:00 PM
CITY OF FAYETTEVILLE



Bid 06-17, Cab and Chassis 4x4

BIDDER				Manufacturer		Model		Unit Price		Total	
1	Landers Chevrolet of Benton			Chevrolet		Silverado 3500 4x4		\$25,240.00		\$25,240.00	
2	Landers Ford of Benton			Ford - 2007		F350 F37		\$26,281.00		\$26,281.00	
4	Landers McLarty Ford Jeep			Ford		F350 SD 4x4		\$25,779.36		\$25,779.36	
3	Lewis Ford Sales			Ford		F350 4x4 Chassis cab		\$24,580.36		\$24,580.36	✓

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: P. Vice
P. VICE PURCH MGR
WITNESS: A. Green
DATE: 2/15/06

City Of Fayetteville

(Not a Purchase Order)

Vendor # 7040 Vendor Name: LEWIS FORD

Address:

City: State: AR

Requester: BARBARA OLSEN

Requester's Employee # 1940

Item Description

Quantity

Unit of Issue

Unit Cost

Extended Cost

Account Numbers

Project/Subproject #

Inventory #

Fixed Asset #

1 PER BID 06-17, 1 EA \$24,580.36 \$24,580.36 9700.1920.5802.00 02078.1

2 FORD F350 FLATBED 4X4 TRUCK EA \$0.00

3 TO BE #2107, FA #702107 EA \$0.00

4 EA \$0.00

5 EA \$0.00

6 EA \$0.00

7 EA \$0.00

8 EA \$0.00

9 EA \$0.00

10 EA \$0.00

Shipping/Handling Lot \$0.00

Special Instructions:

Subtotal: 24,580.36

Tax: EXEMPT

Total: 24,580.36

Approvals:

Mayor:

Department Director:

Finance & Internal Services Director:

Budget Manager:

Dispatch Manager:

Utilities Manager:

Purchasing Manager:

IT Manager:

Requisition No. Date: 2/27/2006

P.O Number Expected Delivery Date:

Mail Yes: No: XX

Taxable Yes: XX No:

Division Head Approval Quotes Attached Yes: No:

Extension: 485

Requester's Employee # 1940

Zip Code 050 Ship to code:

Fob Point:

Project/Subproject #

Inventory #

Fixed Asset #

02078.1

9700.1920.5802.00

\$0.00

\$0.00

\$0.00

\$0.00

\$0.00

\$0.00

\$0.00

\$0.00

\$0.00

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\$0.00

\$0.00

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

21-Mar-06

City Council Meeting Date

David Bragg

Submitted By

Fleet Operations

Division

Operations

Department

Action Required:

A resolution awarding Bid #06-20 to Teague Ford Lincoln Mercury of El Dorado, Arkansas in the amount of \$24,495.46 for the purchase of one Expedition for use by Police Department K-9 unit.

\$24,495.00

Cost of this request

\$

330,000.00

Category/Project Budget

240,418.40

Police/Passenger Vehicles

Program Category / Project Name

9700.1920.5802.00

Account Number

\$

264,727.00

Funds Used to Date

89,541.40

Vehicles and Equipment

Program / Project Category Name

02081.1

Project Number

\$

65,273.00

Remaining Balance

Shop Fund

Fund Name

Budgeted Item

☒

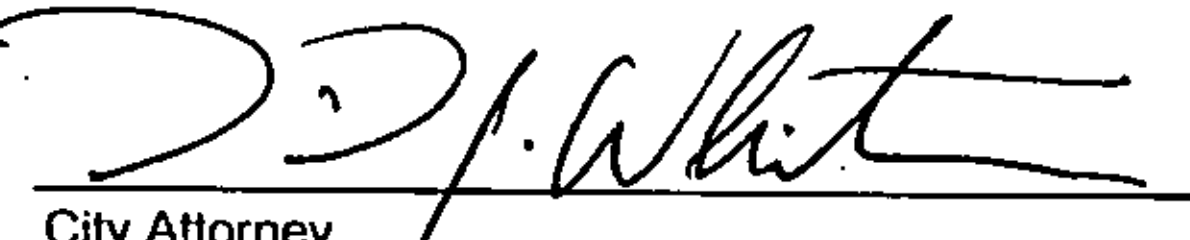
Budget Adjustment Attached

 3-1-06
Department Director Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

 3/2/06
City Attorney Date

 3-3-06
Finance Date

 3/6/06
Mayor Date

Received in City Clerk's Office

ENTERED

3/1/06

Received in Mayor's Office

ENTERED

3/2/06

Comments:



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

A. 11
Teague Ford Lincoln Mercury
El Dorado-One Ford Expedition
Page 2 of 6

Interdepartmental Correspondence

To: Mayor/City Council
Thru: Gary Dumas, Director of Operations
From: David Bragg, Fleet Operations Superintendent
Date: March 3, 2006
Subject: Purchase of Full Size Sport Utility Vehicle (K-9)

RECOMMENDATION: That City Council approve the purchase of one Ford Expedition utility vehicle for Police Department K-9 unit in the amount of \$24,495.46.

BACKGROUND: Bid #06-20 was opened on February 15, 2006 for one full size four wheel drive sport utility vehicle. Four bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from Teague Ford Lincoln Mercury of El Dorado meets all specifications.

I recommend acceptance of the lowest bid from Teague Ford Lincoln Mercury in the amount of \$24,495.46.

This vehicle is to replace unit number 1048 in the Police Department. This unit has reached its expected life and is no longer dependable for daily K-9 Police service. Unit 1048 will be retained and transferred to a lower utilization assignment in another division to replace an older unit.

Funds for replacement were budgeted in the 2006 Fleet Replacement Special Project Account 9700.1920.5802.00 – 02081 Police and Passenger Vehicles.

The purchase of this replacement was approved as to vehicle type and quantity by the Equipment Committee on February 16, 2006.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #06-20 TO TEAGUE FORD LINCOLN MERCURY OF EL DORADO FOR THE PURCHASE OF ONE (1) EXPEDITION IN THE AMOUNT OF \$24,495.00 FOR USE BY THE POLICE DEPARTMENT K-9 UNIT.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #06-20 to Teague Ford Lincoln Mercury of El Dorado for the purchase of one (1) Expedition in the amount of \$24,495.00 for use by the Police Department K-9 Unit.

PASSED and APPROVED this 21st day of March, 2006.

APPROVED

By:

DAN GOODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk

DRAFT

BID: 06-20
 DATE: 2/15/06
 TIME: 2:00 PM
 CITY OF FAYETTEVILLE



Bid 06-20, Full Size Sport Utility Vehicle

BIDDER		Model	UNIT PRICE	TOTAL
1	Landers Ford of Little Rock	Ford 2006 Expedition	\$25,869.96	\$25,869.96
2	Landers McLarty Ford Jeep	Ford Expedition SSV	\$25,534.96	\$25,534.96
3	Lewis Ford Sales	Ford Expedition 4x4 XLT	\$24,631.96	\$24,631.96
4	Teague Ford	Ford Expedition	\$24,495.46	\$24,495.46 ✓

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: *P. Vice*
 P. VICE PURCH MGR
A. Boen WITNESS
 DATE *2/15/06*

City Of Fayetteville

(Not a Purchase Order)

Vendor # _____ Vendor Name: **TEAGUE FORD LINCOLN MERCURY** Requisition No. _____ Date: **2/27/2006**

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

City: _____ State: **AR** Zip Code _____ Ship to code: **050** Division Head Approval _____ Quotes Attached Yes: _____ No: _____

Requester: **BARBARA OLSEN** Requester's Employee # **1940** Extension: **485**

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	RE BID 06-20,	1	EA	\$24,495.46	\$24,495.46	9700.1920.5802.00	02081.1		
2	FORD EXPEDITION, 4WD, V-8		EA		\$0.00				
3	TO BE #1165, FA#701165		EA		\$0.00				
4			EA		\$0.00				
5			EA		\$0.00				
6			EA		\$0.00				
7			EA		\$0.00				
8			EA		\$0.00				
9			EA		\$0.00				
10			EA		\$0.00				
	Shipping/Handling		Lot		\$0.00				

Special Instructions:

Subtotal: **24,495.46** Tax: **EXEMPT** Total: **24,495.46**

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

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

A. 12
Fayetteville Honda
Three Honda Elements
Page 1 of 6

21-Mar-06

City Council Meeting Date

David Bragg

Submitted By

Fleet Operations

Division

Operations

Department

Action Required:

A resolution awarding Bid #06-16 to Fayetteville Honda in the amount of \$53,085.00 for the purchase of three Honda Elements for use by Community Resources and Planning Divisions.

\$53,085.00

Cost of this request

\$ 330,000.00

Category/Project Budget

Police/Passenger Vehicles

Program Category / Project Name

9700.1920.5802.00

Account Number

\$ 147,090.00

Funds Used to Date

Vehicles and Equipment

Program / Project Category Name

02081.1

Project Number

\$ 182,910.00

Remaining Balance

Shop Fund

Fund Name

Budgeted Item

X

Budget Adjustment Attached

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Department Director

Date

City Attorney

Date

Mayor

Date

Received in City Clerk's Office

Received in Mayor's Office

Comments:



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

A. 12
Fayetteville Honda
Three Honda Elements
Page 2 of 6

Interdepartmental Correspondence

To: Mayor/City Council
Thru: Gary Dumas, Director of Operations
From: David Bragg, Fleet Operations Superintendent
Date: March 3, 2006
Subject: Purchase of Three Honda Element Utility Vehicles

RECOMMENDATION: That City Council approve the purchase of three Honda Element utility vehicles for Community Resources and Planning Divisions in the amount of \$53,085.00.

BACKGROUND: Bid #06-16 was opened on February 15, 2006 for three compact sport utility vehicles. Two Bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from Lewis Ford of Fayetteville does not meet specifications in several areas. (No LEV certification, floor covering, rear access doors, cargo cubic capacity) The second lowest bid from Honda of Fayetteville meets all specifications.

I recommend acceptance of the second lowest bid from Honda of Fayetteville in the amount of \$53,085.00.

These vehicles are to replace unit numbers 234 and 1009 in the Community Resources Division and unit 215 in the Planning Division. These units have exceeded their expected life and are no longer dependable or economical to keep in service.

Funds for replacement were budgeted in the 2006 Fleet Replacement Special Project Account 9700.1920.5802.00 – 02081 Police and Passenger Vehicles.

The purchase of these replacements was approved as to vehicle type and quantity by the Equipment Committee on February 16, 2006.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #06-16 TO FAYETTEVILLE HONDA FOR THE PURCHASE OF THREE (3) HONDA ELEMENTS IN THE AMOUNT OF \$53,085.00 FOR USE BY THE COMMUNITY RESOURCES AND PLANNING DIVISIONS.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #06-16 to Fayetteville Honda for the purchase of three (3) Honda Elements in the amount of \$53,085.00 for use by the Community Resources and Planning Divisions.

PASSED and APPROVED this 21st day of March, 2006.

APPROVED

By: _____

DAN GOODY, Mayor

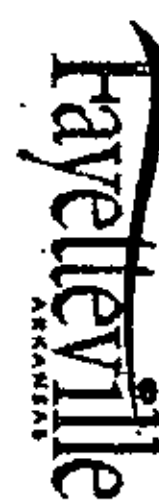
ATTEST:

By: _____

SONDRA SMITH, City Clerk

DRAFT

BID: 06-16
 DATE: 2/15/06
 TIME: 2:00 PM
 CITY OF FAYETTEVILLE



Bid 06-16, Compact Sport Utility Vehicle

BIDDER				Model		Unit Price	Total
1	Honda of Fayetteville	Honda	Element LX 2WD	\$17,695.00	\$53,085.00	✓	
2	Lewis Ford Sales	Ford	Escape XLS FWD	\$15,470.36	\$46,411.08		

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: P. Vice P. VICE PURCH MGR
A. J. J. J. WITNESS
 DATE 2/15/06

City Of Fayetteville

(Not a Purchase Order)

Vendor #

Vendor Name:
HONDA OF FAYETTEVILLE

Address:

City:

FAYETTEVILLE

State:
AR

Fob Point:

Zip Code: **050**
Ship to code:

Requester
BARBARA OLSEN

Requester's Employee #
1940

Extension:
485

Division Head Approval
Yes: No: **XX**

Quotes Attached
Yes: No:

Requisition No.

Date:

2/27/2006

P.O Number

Expected Delivery Date:

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	PER BID 06-16,	3	EA	\$17,695.00	\$53,085.00	9700.1920.5802.00	02081.1		
2	HONDA ELEMENT, 2WD		EA		\$0.00				
3	TO BE #1156, FA #701156		EA		\$0.00				
4	#1157, FA #701157		EA		\$0.00				
5	#1158, FA #701158		EA		\$0.00				
6			EA		\$0.00				
7			EA		\$0.00				
8			EA		\$0.00				
9			EA		\$0.00				
10			EA		\$0.00				
	Shipping/Handling		Lot		\$0.00				

Special Instructions:

Subtotal: **53,085.00**

Tax: **EXEMPT**

Total: **53,085.00**

Approvals:

Mayor: _____

Department Director: _____

Purchasing Manager: _____

Finance & Internal Services Director: _____

Budget Manager: _____

IT Manager: _____

Dispatch Manager: _____

Utilities Manager: _____

City of Fayetteville
Staff Review Form
City Council Agenda Items

March 21, 2006
City Council Meeting Date

Terry Gulley Transportation Operations
Submitted By Division Department

Action Required:

Staff requests a resolution approving the 2006 formal bids for bulk construction materials and services (Bid #06-21 - Bid #06-27) to be used for multiple Capital Projects and Transportation Division Programs for an estimated total purchase amount of \$2,307,054.00.

\$	701,313.00
\$	1,075,741.00
\$	530,000.00

Cost of this request

\$	1,575,300.00	✓
\$	1,450,000.00	✓
\$	660,000.00	✓

Category/Project Budget

Trail Development
In-House Pavement Improvements
Sidewalk Improvements

Program Category / Project Name

4470.9470.5814.05
4470.9470.5417.00
4470.9470.5814.00

Account Number

\$	75,859.90
\$	206,809.42
\$	38,502.32

Funds Used to Date

Transportation Improvements
Transportation Improvements
Transportation Improvements

Program / Project Category Name

02016 / 1
02052 / 1
02053 / 1

Project Number

\$	1,499,440.10
\$	1,243,190.58
\$	621,497.68

Remaining Balance

Capital Improvement Const
Capital Improvement Const
Capital Improvement Const

Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐

[Signature] 3.2.06
Department Director Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

[Signature] 3/2/06
City Attorney Date

Received in City Clerk's Office
ENTERED
3/2/06

[Signature] 3-3-06
Finance Date

Received in Mayor's Office
ENTERED
3/2/06

Comments:



City Council Agenda Item

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Terry Gulley, Transportation Manager

Date: March 3, 2006

Subject: Request for a resolution approving the 2006 formal bids for bulk construction materials and services used for multiple Capital Projects and Transportation Division Programs.

Recommendation: Transportation Division staff recommends a resolution approving Bid #06-21 – Bid #06-27 for the purchase of various bulk construction materials and services in the amount of \$2,307,054.00.

Background: The purchase of bulk construction materials and services is necessary to maintain the City's current infrastructure and to implement the Capital Improvement Projects outlined in the 2006 Annual Budget & Work Program.

Discussion: Sealed formal bids for concrete, reflectorized paint markings, topsoil, curb and gutter, hillside gravel, thermal striping, asphalt and aggregate materials were publicly read and the results are attached to this memo. Staff recommends awarding the concrete bid to Beaver Lake Concrete, as a primary supplier, with Central Redi-Mix, LLC. as the secondary supplier, for use on an "as needed" basis in the event that Beaver Lake Concrete cannot provide the necessary materials in the time frame required to complete a project. Staff recommends awarding the reflectorized paint markings bid to Asphalt Striping Service, the topsoil bid to B Brothers Enterprises, Inc., the curb and gutter bid to Sweetser Construction, Inc., the hillside gravel bid to Big Red Dirt Farm, LLC., the thermal striping bid to Time Striping, Inc., and the asphalt and aggregate materials bid to Gilbert Central Corp. (asphalt) and NWA Quarries, LLC. (aggregate) as primary suppliers, with Hutchens Construction as the secondary supplier, for use on an "as needed" basis, in the event that Gilbert Central Corp. cannot supply the necessary materials in the time frame required to complete a project.

Budget Impact: Funds for the acquisition of these materials and services have been budgeted in the Trail Development, In-House Pavement Improvements, and Sidewalk Improvements Capital Projects. Sufficient funds are available for the 2006 purchases.

Attached: Bid 06-21 Concrete Specifications and Conditions
Bid 06-22 Reflectorized Paint Marking
Bid 06-23 Topsoil
Bid 06-24 Curb and Gutter
Bid 06-25 Hillside Gravel
Bid 06-26 Thermal Striping
Bid 06-27 Asphalt and Aggregate

RESOLUTION NO. _____

A RESOLUTION AWARDING BIDS #06-21 - #06-27 FOR AND APPROVING THE PURCHASE OF BULK CONSTRUCTION MATERIALS AND SERVICES UTILIZED BY VARIOUS DIVISIONS OF THE CITY OF FAYETTEVILLE IN THE ESTIMATED AMOUNT OF \$2,307,054.00.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bids #06-21 - #06-27 for and approves the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville in the estimated amount of \$2,307,054.00.

PASSED and APPROVED this 21st day of March, 2006

APPROVED:

By

DAN COODY, Mayor

ATTEST:

By

SONDRA SMITH, City Clerk

BID: 06-21
DATE: 2/24/06
TIME: 2:00 PM
CITY OF FAYETTEVILLE



Bid 06-21, Concrete Specifications and Conditions

Item	Description	Est Qty (cubic yards)	Beaver Lake Concrete		Central Redi Mix, LLC		Stone Concrete	
			Per Item	Extended	Per Item	Extended	Per Item	Extended
1	3000 PSI 1 1/4" Max. Aggregate Size, 4" Slump	0	\$61.00	\$0.00	\$68.00	\$0.00	\$72.00	\$0.00
2	3500 PSI 1 1/4" Max. Aggregate Size, 4" Slump	500	\$62.25	\$31,125.00	\$70.00	\$35,000.00	\$75.00	\$37,500.00
3	4000 PSI 1 1/4" Max. Aggregate Size, 4" Slump	2500	\$63.50	\$158,750.00	\$72.00	\$180,000.00	\$78.00	\$195,000.00
4	5000 PSI 1 1/4" Max. Aggregate Size, 4" Slump	100	\$67.00	\$6,700.00	\$76.00	\$7,600.00	\$87.50	\$8,750.00
5	1% Calcium Chloride Admixture	100	\$2.50	\$250.00	\$2.00	\$200.00	\$3.00	\$300.00
6	2% Calcium Chloride Admixture	60	\$5.00	\$300.00	\$4.00	\$240.00	\$6.00	\$360.00
7	Air Entraining Admixture	2500	N/C	----	N/C	----	\$0.50	\$1,250.00
8	Hot Water	500	\$2.50	\$1,250.00	\$2.00	\$1,000.00	\$4.00	\$2,000.00
9	3/4" Rock	3000	\$1.50	\$4,500.00	\$2.00	\$6,000.00	\$2.00	\$6,000.00
10	Exposed Aggregate	50	\$12.00	\$600.00	\$8.00	\$400.00	\$12.00	\$600.00
11	Flowable Fill	50	\$57.50	\$2,875.00	\$58.00	\$2,900.00	\$66.00	\$3,300.00
12	Lightweight Concrete	50	\$84.50	\$4,225.00	\$98.00	\$4,900.00	\$97.00	\$4,850.00
Est Qty (per ton)			Per Item	Extended	Per Item	Extended	Per Item	Extended
13	Type I Portland Cement	100	N/A	----	N/A	----	\$125.00	\$12,500.00
14	Concrete Sand	100	\$16.00	\$1,600.00	\$25.00	\$2,500.00	\$20.00	\$2,000.00
15	Masonry Sand	50	\$20.00	\$1,000.00	NO BID	NO BID	\$20.00	\$1,000.00
TOTAL BID			\$213,175.00		\$240,740.00		TOTAL BID \$275,410.00	

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: P. Vice
P. VICE - PURCHASING MANAGER

A. Zorn
WITNESS

2/28/06
DATE

BID: 06-22
 DATE: 2/24/06
 TIME: 2:00 PM
 CITY OF FAYETTEVILLE



Bid 06-22, Reflectorized Paint Marking

Item	Description	Est Qty (Linear foot)	Advanced Workzone Services		Asphalt Stripping Service		Time Stripping, Inc.	
			Per Item	Extended	Per Item	Extended	Per Item	Extended
1	Reflectorized Paint Marking <u>White</u> (4")	30,000	\$0.120	\$3,600.00	\$0.049	\$1,470.00	\$0.06	\$1,800.00
2	Reflectorized Paint Marking <u>Yellow</u> (4")	550,000	\$0.120	\$66,000.00	\$0.049	\$26,950.00	\$0.06	\$33,000.00
3	Reflectorized Paint Marking Arrows	Per each	\$30.00	\$4,500.00	\$85.00	\$12,750.00	\$80.00	\$12,000.00
4	Reflectorized Paint Marking (Words only: Lane, etc.)	20	\$125.00	\$2,500.00	\$90.00	\$1,800.00	\$100.00	\$2,000.00
5	Reflectorized Paint Marking (Symbols only: Bike, ADA, etc.)	30	\$150.00	\$4,500.00	\$60.00	\$1,800.00	\$110.00	\$3,300.00
TOTAL BID			\$81,100.00		\$44,770.00		\$52,100.00	

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: P. Vice
 P. VICE - PURCHASING MANAGER

A. Foreman
 WITNESS

2/29/06
 DATE



BID: 06-23
DATE: 2/24/06
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 06-23, Topsoil

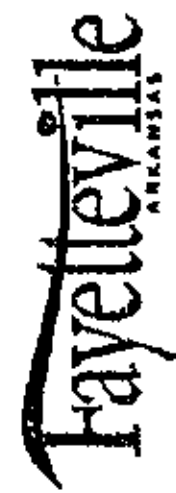
Item	Description	Est Qty (per cubic yard)	B Brothers Enterprises, Inc.			Big Red Dirt Farm, LLC			Central Red Mix, LLC		
			Per Item	Total		Per Item	Total		Per Item	Total	
1	Top Soil - Per cubic yard for top dressings and landscape projects. All topsoil to be screened to remove large rocks, roots, and other debris.	2,500	\$8.09	\$20,225.00		\$12.00	\$30,000.00		\$10.55	\$26,375.00	

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: P. Vice
P. VICE - PURCHASING MANAGER

A. Foran
WITNESS

2/27/06
DATE



BID: 06-24
DATE: 2/24/06
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 06-24, Curb and Gutter

Item #	Description	Estimated Qty	Sweiser Construction, Inc.	
			Unit Price	TOTAL
1	Hand Formed "Type A" Curb and Gutter (per attached specifications)	2,000	\$8.75 Per linear foot	\$17,500.00
2	Hand Formed "Type D" Curb and Gutter (per attached specifications)	2,000	\$12.00 Per linear foot	\$24,000.00
3	Sidewalk - 4" Thick	3,000	\$4.10 Per square foot	\$12,300.00
4	Driveway Approach - 6" Thick	1,000	\$5.00 Per square foot	\$5,000.00
5	Street Repair - 8" Thick	1,000	\$6.00 Per square foot	\$6,000.00
Total Bid Based on Estimates =				\$64,800.00

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED:

P. VICE PURCH MGR

WITNESS

DATE



BID: 06-25
DATE: 2/24/06
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 06-25, Hillside Gravel

Item	Description	Estimated Qty	Big Red Dirt Farm, LLC		NWA Quarries, LLC	
			Price	TOTAL	Price	TOTAL
1	Red Hillside Gravel Per Cubic Yard (Pickup)	1,500.00	\$1.50	\$2,250.00	\$1.50	\$2,250.00
2	Red Hillside Gravel Per Cubic Yard (Delivery Price)	1,500.00	\$4.00	\$6,000.00	\$5.00	\$7,500.00
Total Bid Based on Estimates =				\$8,250.00		\$9,750.00

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: P. Vice A. Jones 2/27/06
P. VICE PURCH MGR WITNESS DATE

BID: 06-26
 DATE: 2/24/06
 TIME: 2:00 PM
 CITY OF FAYETTEVILLE



Bid 06-26, Thermal Striping

Item	Description	Estimated Qty	Unit Price	TOTAL
1	Hot Truck Applied Thermoplastic White Or Yellow (4") - Per Linear Foot	15000 LF	\$0.34	\$5,100.00
2	Hot Applied Thermoplastic Arrows - Each	6 EA	\$125.00	\$750.00
3	Hot Applied Thermoplastic Words - Each	6 EA	\$150.00	\$900.00
4	Hot Applied Thermoplastic Railroad Emblems - Each	1 EA	\$750.00	\$750.00
5	Hot Applied Thermoplastic Handicap Emblems - Each (Blue Background With White Emblem)	2 EA	\$100.00	\$200.00
6	Hot 4" Hand Applied Thermoplastic For Parking Spaces - Per Linear Foot	100 LF	\$0.50	\$50.00
7	Hot 12" Hand Applied Thermoplastic Stop Bars - Per Linear Foot	100 LF	\$6.00	\$600.00
Total Bid Based on Estimates =				\$8,350.00

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: P. Vice P. VICE PURCH MGR
 WITNESS: A. Zeman DATE: 2/27/06

DATE: 2/24/08

DATE: 2/24/08

TIME: 2:00 PM

CITY OF FAYETTEVILLE

Fayetteville

Bid 05-27, Asphalt and Aggregate

1	Asphalt Concrete Hot Mix Surface Course Type 2 (3/4" max stone)	10,000
2	Asphalt Concrete Hot Mix Surface Course Type 3 (1/2" max stone)	10,000
3	Asphalt Concrete Superpave Surface Course (12.5mm max stone)	5,000
4	Asphalt Concrete Hot Mix Binder (1.5" max stone)	1,000
5	Asphalt Concrete Cold Plant Mix (1/2" max stone)	500
6	Delivery of Asphalt materials to job site	10,000
7	Class 7 Base (SB-2) - includes wet and dry	10,000
8	Concrete Aggregate - 1.5"	500
9	Concrete Aggregate - 3/4"	500
10	"B" Stone	500
11	Abrasives / Grit (1/4" chips, washed)	500
12	Shot Rock	500
13	Delivery of Aggregate materials to job site	2,000

NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

Plant Location	Zone #	Asphalt Haul Price	Aggregate Haul Price
Hindsville	1	\$3.90	\$5.40
	2	\$4.80	\$4.40
	3	\$5.45	\$5.00
	4	\$5.15	\$4.70
Sharps	1	\$2.65	\$2.40
	2	\$4.05	\$3.75
	3	\$2.90	\$2.80
	4	\$2.95	\$2.70
Westfork	1	\$3.30	N/A
	2	\$4.50	N/A
	3	\$2.60	N/A

VICE PRESIDENT

W

2/28/06

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

A. 14
Department of Homeland
Security Fire Grant
Page 1 of 54

3/21/2006
City Council Meeting Date

Tony Johnson
Submitted By

Fire
Division

Fire
Department

Action Required:

The Fayetteville Fire Dept seeks authorization to apply for and accept (if awarded) a grant from the Department of Homeland Security Fire Grant program. The grant application will be approximately \$500,000 to implement mobile data terminals with related software in all fire apparatus and command vehicles.

\$ 100,000.00 Cost of this request	\$ - Category / Project Budget	Mobile Data Terminals Program Category / Project Name
1010.3020.5801.00 Account Number	\$ - Funds Used to Date	Fixed Assets Program / Project Category Name
 Project Number	\$ - Remaining Balance	General Fund Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☐

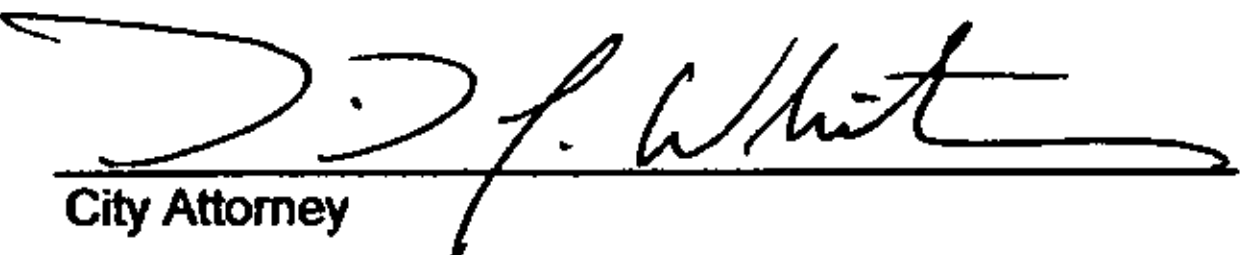

Department Director

3-3-06
Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____


City Attorney

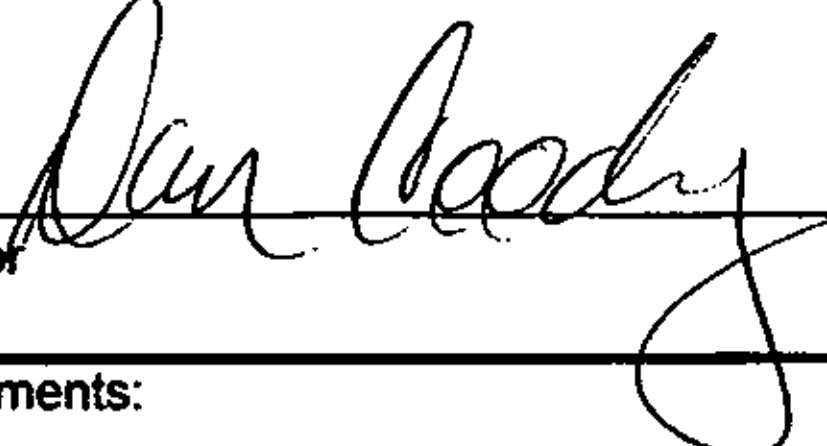
3/3/06
Date

Received in City Clerk's Office
ENTERED
3/3/06


Finance and Internal Service Director

3-6-06
Date

Received in Mayor's Office
ENTERED
3/3/06 BCP


Mayor

3/3/06
Date

Comments:

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE FAYETTEVILLE FIRE DEPARTMENT TO APPLY FOR AND ACCEPT A DEPARTMENT OF HOMELAND SECURITY FIRE GRANT FOR APPROXIMATELY \$500,000.00 TO IMPLEMENT MOBILE DATA TERMINALS WITH RELATED SOFTWARE IN ALL FIRE APPARATUS AND COMMAND VEHICLES.

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 Fire Department to apply for and accept a Department of Homeland Security FIRE Grant for approximately \$500,000.00 to implement mobile data terminals with related software in all fire apparatus and command vehicles.

PASSED and APPROVED this 21st day of March, 2006.

APPROVED

By DAN COODY, Mayor

ATTEST:

By SONDRA SMITH, City Clerk

2006 Program Guidance for the Assistance to Firefighters Grant Program

February 2006

The Assistance to Firefighters Grant Program is administered by the Department of Homeland Security's Office of Grants and Training. This document details the 2006 Assistance to Firefighters Grant (AFG) Program's priorities. It explains what items can be requested, how to apply, and how applications will be evaluated. Please read this program guidance carefully, as well as the Final Rule and answers to frequently asked questions (FAQs). Each document provides detailed insight into the AFG program. These documents will be posted on the grant program's Web site. Together, these documents will provide you with the information you need to understand the AFG program and enable you to complete the online application. The online application will be available at www.firegrantsupport.com on or about March 6, 2006.



Prepared by the Office of Grants and Training and the U.S. Fire Administration

PROGRAM GUIDANCE FOR THE **2006 ASSISTANCE TO FIREFIGHTERS GRANT** **PROGRAM**

Background

The purpose of the Assistance to Firefighters Grant (AFG) program is to award one-year grants directly to fire departments and nonaffiliated emergency medical services (EMS) organizations in order to enhance their abilities with respect to fire and fire-related hazards. Our primary goal is to provide assistance to meet fire departments' and nonaffiliated EMS organizations' firefighting and emergency response needs. This program seeks to support organizations that lack the tools and resources necessary to more effectively protect the health and safety of the public and their emergency response personnel with respect to fire and all other hazards.

The authority of this program is derived from the Federal Fire Protection and Control Act of 1974 (15 U.S.C. §§ 2229 et seq.), as amended. In fiscal year 2006, Congress reauthorized the AFG and appropriated a total of \$539,550,000 to the Department of Homeland Security (DHS), Office of Grants and Training to carry out the activities of the AFG program. Congress also authorized the use of up to five percent (5%) of the appropriated funds for administering the grant program. Also, no less than five percent (5%) of the appropriated funds must be made available to make grants for fire prevention activities. The appropriated funds are available until September 30, 2007.

The AFG program for fiscal year 2006 generally mirrors previous years' programs except for a change with regard to Regional Projects (see page 9 for more detail on the changes in Regional Projects). As in 2005, nonaffiliated EMS organizations (i.e., EMS organizations that are not fire-based and that are not affiliated with a hospital) are eligible applicants. DHS may award up to two percent (2%) of the appropriated funds to nonaffiliated EMS organizations. DHS will also continue the segregation of the Fire Prevention and Safety (FP&S) grants from the AFG, and we will have a separate application period devoted solely to FP&S grants. It is the intention of DHS to have this application period in the fall of 2006, and it will be open to fire departments as in the past. Please monitor the AFG Web site (www.firegrantsupport.com) for updated information on FP&S grants. Be advised eligibility for FP&S grants will be different from AFG. For example, nonaffiliated EMS organizations will not be eligible.

Eligibility

Eligible applicants for the AFG program are limited to fire departments and nonaffiliated EMS organizations. Fire departments or nonaffiliated EMS organizations that are operating in any of the 50 states plus the District of Columbia, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, or Puerto Rico are eligible for funding.

A "fire department" is defined as an agency or organization that has a formally recognized arrangement with a state, territory, local, or tribal authority (city, county, parish, fire district, township, town, or other governing body) to provide fire suppression to a population within a fixed geographical area on a first-due basis.

A "nonaffiliated EMS organization" is defined as a public or private nonprofit emergency medical services organization that provides direct emergency medical services, including medical transport, to a specific geographic area on a first-due basis but is not affiliated with a hospital and does not serve a geographic area where emergency medical services are adequately provided by a fire department.

In making the determination regarding "adequately provided," DHS will conclude that any nonaffiliated EMS organizations would be eligible if they are "adequately providing" direct emergency medical services at the time of application and are in good standing with the community, i.e., licensed and/or chartered to provide EMS services to the community. Rescue squads that provide direct emergency medical services, including medical transport, to the community they serve are included in this category of eligibility.

By "affiliated" we mean receiving any kind of direct support from a hospital in the form of funding, facilities, staff, equipment or apparatus. Contracting with a hospital on a fee-for-service basis would not constitute an "affiliation" in the context of this program. Also, for the purposes of this program, a "hospital" is defined as an organization, clinic, medical center, medical college or university, infirmary, surgery center, or any other institution, association, or foundation that provides medical, surgical, or psychiatric care and treatment for the sick or the injured.

A municipality (such as a fire district) may submit an application on behalf of a fire or EMS organization when the organization, defined as fire department or nonaffiliated EMS organization, lacks the legal status to do so, e.g., when the organization falls within the auspices of the municipality or district. When a municipality submits an application on behalf of an organization, the organization is precluded from submitting an additional application on its own. The Alaska Village Initiative, a nonprofit organization incorporated in the State of Alaska, will also be considered

eligible for purposes of receiving assistance under this program on behalf of Alaska Native villages. Each eligible applicant is limited to one application per program year.

For the purposes of this program, we consider two or more separate fire departments or nonaffiliated EMS organizations that share facilities as being one organization. This determination is designed to assist the grants program office in its fiscal oversight of the program by avoiding or eliminating duplication of benefits. For example, it would not be cost-beneficial to purchase two firefighting vehicles for two fire departments that share a facility to serve the same community when so many other communities need new apparatus; nor would it be cost-beneficial to buy two sets of equipment – one rural, one city – for the same firefighters. We believe that two or more organizations that share facilities should be able to satisfy all of their operational needs with one application. If two or more organizations that share facilities submit more than one application, we will deem all of the applications ineligible.

A fire department can apply for assistance for its emergency medical services (EMS) unit, provided the unit falls organizationally under the auspices of the fire department. Fire departments may NOT apply for assistance as an “unaffiliated EMS organization” under the AFG program. Fire departments whose applications are submitted as a nonaffiliated EMS organization will have their application deemed ineligible. Likewise, a nonaffiliated EMS organization may NOT apply for assistance as a fire department. If a nonaffiliated EMS organization submits an application as a fire department, we will deem that application to be ineligible as well.

Non-Federal airport and/or port authority fire or EMS organizations are eligible only if they have a formally recognized arrangement with the local jurisdiction to provide fire suppression or emergency medical services on a first-due basis outside the confines of the airport or port facilities. Airport or port authority fire and EMS organizations whose sole responsibility is suppression of fires or EMS response on the airport grounds or port facilities are not eligible for this grant program.

Fire departments that are Federal or contracted by the Federal government and are solely responsible under their formally recognized arrangement for suppression of fires on Federal installations or land are not eligible for this grant program. Fire stations that are not independent entities, but are rather part of, controlled by, or are under the day-to-day operational direction of a larger fire department or agency, are not eligible. Fire departments that are for-profit departments (i.e., do not have specific nonprofit status or are not municipally based) are not eligible to apply for assistance under this program. Also not eligible for this program are auxiliaries, fire service organizations or associations, and state/local agencies such as a forest service, fire marshals, hospitals, and training offices. Dive teams and search and rescue teams or any similar organizations that do not provide medical transport are not eligible for EMS assistance as nonaffiliated EMS organizations.

Criteria Development Process

Each year, the grants program office conducts a criteria development meeting to develop the program's priorities for the coming year. DHS brings together a panel of fire service professionals representing the nine major fire service organizations. The organizations that are represented include the International Association of Fire Chiefs (IAFC), the International Association of Firefighters (IAFF), the National Volunteer Fire Council (NVFC), the National Fire Protection Association (NFPA), the National Association of State Fire Marshals (NASFM), the International Association of Arson Investigators (IAAI), the North American Fire Training Directors (NAFTD), and the Congressional Fire Service Institute (CFSI).

The criteria development panel is charged with making recommendations to the grants program office regarding the creation and/or modification of previously established program priorities as well as developing criteria for awarding grants and proposing any necessary changes to the administration of the grant program. The content of this document reflects our implementation of the criteria development panel's recommendations with respect to the priorities, direction, and criteria for awarding grants as they relate to the Assistance to Firefighters Grant Program.

Automated Application and Tutorial for 2006

The application will be accessible from the grant program office's Web site (www.firegrantsupport.com), the U.S. Fire Administration's (USFA) Web site (www.usfa.fema.gov), and grants.gov Web site (www.grants.gov). We have designed the automated application with many built-in "help screens" and "drop-down menus" to assist you throughout the application process. The application can be saved and retrieved as many times as you need while you complete it, up to the application deadline or the submittal of your application. *Once you have submitted your application, you cannot change it.* The automated system will not allow you to submit an incomplete application, i.e., the system will alert you if you have not provided required information. You will be automatically notified via e-mail that we have received your application after submission.

An applicant tutorial will be available on the Internet at www.firegrantsupport.com. The tutorial explains the AFG program, helps applicants use the online grant application, provides tips for navigating the application screens and summarizes the changes in the grant program for fiscal year 2006. The tutorial also provides a review of the lessons learned from previous years under the grant program.

You may decide to hire or engage a grant writer to assist you in the application process. However, as the applicant, you are responsible for the information contained in your application. By submitting the application, you are certifying that all of the

information contained therein is true and an accurate reflection of your organization. Therefore, prior to submission, please review all work produced by grant writers or other third parties on your behalf. Applicants that falsify their applications or misrepresent their organizations in any material manner will have their applications deemed ineligible by the AFG program office and referred to the DHS Office of Inspector General for further action, as appropriate.

Paper applications will be accepted but are discouraged due to the inherent delays associated with processing them. Also, if awarded, applicants who submit paper applications must continue to manage their grants via paper, including payment requests, requests for modifications, reporting, etc.; whereas, electronic applicants can perform all of these functions online. In addition, paper applications do not have the built in help that is available to online applicants. Finally, there is no assurance that your paper application is complete when submitted. If you do not have access to the Internet, contact us directly (1-866-274-0960) to request a paper copy of the application via mail. We will not send the paper applications via overnight delivery, nor by fax or e-mail.

The only eligible paper application is the application that we send you – do not use any paper application that you did not receive directly from us. Do not print the screens from this year's online application and submit it. Do not use a previous year's application. Any paper application that is not in the correct format will be deemed ineligible.

We will begin accepting completed applications for the 2006 program on or about March 6, 2006. Monitor the AFG and USFA Web sites for up-to-date information on the application period. Completed applications must be submitted electronically or received by us on or before the close of business (5:00 p.m. EDT) on the last day of the application period, currently projected for April 7, 2006. Applications submitted by mail must be postmarked no later than four calendar days prior to the end of the application period. Assuming an April 7, 2006, due date, we will not accept applications postmarked after April 4, 2006, unless we receive them prior to the end of the application period. Applications not submitted electronically must be mailed to:

FIRE Grant Program Technical Assistance Center
U.S. Fire Administration, Room I-207
16825 South Seton Avenue
Emmitsburg, Maryland 21727-8998

We will not be responsible for applications mailed to any address other than the address listed above. No late, incomplete, or faxed applications will be accepted. No electronically submitted applications other than those submitted online via the automated grant application system will be accepted.

Project Development

In 2006, we have continued our practice of allowing you to formulate a very comprehensive grant proposal. Depending on the program area for which you apply, we are allowing your grant proposal to include a number of related "activities" to address all of your needs within a programmatic or functional area. This approach provides you with the opportunity to develop a more comprehensive grant project that addresses a broader range of your fire department's needs. Be advised that your application should include only activities that can be completed within the one-year grant period. You may submit only one application per application period, and your application is further limited to only one of the program areas listed below (i.e., Operations and Safety or Vehicle Acquisition). If multiple applications are submitted on behalf of one entity, either intentionally or unintentionally, we will deem all applications ineligible.

Fire Departments

You may submit an application for one of two program areas, and you may include as many activities within the selected program area as necessary to meet your needs. You may submit *only one application per application period*, and your application is further limited to only one of the program areas listed below. If multiple applications are submitted on behalf of one entity, either intentionally or unintentionally, we will deem all applications ineligible. The program areas and associated activities eligible in this year's AFG are as follows:

1. Operations and Firefighter Safety Program Area. Eligible activities for fire departments under this program area are limited to training, equipment, personal protective equipment, wellness and fitness, and modifications to fire stations and facilities. Please note fire departments may submit requests for emergency medical services training and equipment for their department's emergency medical services (EMS) unit under the appropriate functional area (i.e., training or equipment, respectively) if the EMS unit falls organizationally under the auspices of the fire department. Additionally, requests for equipment, personal protective equipment, and training to prepare for response to incidents involving chemical, biological, radiological, nuclear or explosive agents (CBRNE) are eligible under the appropriate activities in this program area. Applicants should strive to ensure all projects applied for under the AFG program are consistent with national standards and address interoperability.

2. Firefighting Vehicle Acquisition Program Area. Eligible apparatus available to fire departments under this program area include, but are not limited to, pumpers, brush trucks, tankers/tenders, rescue vehicles, ambulances, quints, aerials, foam units, and fireboats. You may apply for only one vehicle per year. Applicants requesting more than one vehicle on an application will have their application deemed ineligible.

Previous AFG vehicle grant recipients are not eligible to receive a vehicle grant in this year's program.

As stated above, this year you may submit only one application for assistance in only one of these two program areas. Within your selected program area, you may develop a comprehensive project to address all of your needs by applying for as many of the eligible activities that you determine are necessary. For example, if you determine that your needs are in the area of Operations and Firefighter Safety, you could apply for any one of the activities under that program area, or any combination of activities, or all of the activities listed within that area. If you need a vehicle, you must apply under the Firefighting Vehicle Acquisition program area. You may not apply for any vehicles under the Operations and Firefighter Safety program area.

Nonaffiliated EMS Organizations

Nonaffiliated EMS organizations are eligible to apply for assistance during the 2006 AFG application period. The nonaffiliated EMS portion of the AFG mirrors what is available to fire departments in that applicants will have the option to apply for assistance under either the EMS Operations and Safety program area or the EMS Vehicle Acquisition program area. The EMS Operations and Safety area provides you with a range of eligible activities so you can formulate a very comprehensive grant proposal to meet all of your operational needs. The EMS Vehicle Acquisition area allows you to apply for a vehicle to enhance your emergency response capabilities and may include operator training as necessary.

Remember, you may submit *only one application per application period*, and your application is further limited to only one of the two program areas listed below. If multiple applications are submitted on behalf of one entity, either intentionally or unintentionally, we will deem all applications ineligible. Be advised that your application should include only activities that can be completed within the one-year grant period. The program areas and associated activities eligible in this year's AFG are as follows:

1. EMS Operations and Safety Program Area. Eligible activities available to nonaffiliated EMS organizations under this function are limited to EMS training, EMS equipment including personal protective equipment, wellness and fitness, and modifications to stations and facilities. Also, note requests for equipment, personal protective equipment, and training to prepare for response to incidents involving CBRNE are available under the appropriate activities in this program area. Applicants should strive to ensure all projects applied for under the grant program are consistent with national standards and address interoperability.

2. EMS Vehicle Acquisition Program Area. Eligible apparatus available to nonaffiliated EMS organizations under this area include, but are not limited to

ambulances, transport units and rescue squads. Small specialty access vehicles such as ATVs, snowmobiles, and gators are not considered vehicles; rather, they are considered "equipment" and should be applied for under the EMS equipment activity under the EMS Operations and Safety program area. You may apply for only one vehicle per year. Applications requesting more than one vehicle will be deemed ineligible. Previous AFG vehicle grant recipients are not eligible to receive a vehicle grant in subsequent grant years.

Regional Projects

Any eligible applicant, whether a fire department or a nonaffiliated EMS organization, may act as a "host applicant" and apply for large-scale or regional projects on behalf of itself and any number of organizations in neighboring jurisdictions. A regional project is one in which multiple organizations serving more than one local jurisdiction benefit directly from the activities implemented with the grant funds. A county fire department applying for a county-wide communication system is NOT a regional project because it does not benefit multiple seats-of-government. Regional projects are designed to facilitate interoperability and efficiency among the participating jurisdictions. As such, the only activities available for application under a regional project are training, equipment acquisition and personal protective equipment acquisition. Wellness and fitness, modification to facilities, and vehicle acquisition activities are not eligible as a regional project.

Regional projects require one eligible applicant to act as the "host" for the project. In 2006, host applicants MAY NOT apply for additional needs beyond the scope of the regional project. *Please note: This is a change from last year's Program Guidance.* The "host" will be responsible for fulfilling all grant requirements such as reporting to NFIRS, control of and accounting for the funds, and distribution and control of the property.

In general, equipment purchased as a result of a regional project will be physically distributed to all the departments that are beneficiaries of the project. This physical distribution of the equipment to other first-responder organizations is the single characteristic that distinguishes regional projects from non-regional requests that have an impact on a region via mutual aid. For example, a non-regional project would be application for an air compressor or a HAZMAT vehicle that would be awarded and physically located in the awardee's department but shared with the neighboring departments with which a mutual or automatic aid agreement exists.

Examples of viable regional projects would be a multi-jurisdictional communications system or standardization of breathing apparatus. Generally, these types of projects are designed to address issues of interoperability among multiple jurisdictions. In order to apply for such a project, the applicant must: 1) be an eligible

applicant, i.e., either a fire department or a nonaffiliated EMS organization (a county, county association, or a city could not apply for a regional project) and 2) agree, if awarded, to be responsible for all aspects of the grant, including, but not limited to, accountability for the assets and all reporting requirements.

In the application, the host organization will be required to provide the characteristics of the entire region that will be affected by the project (i.e., the population of the affected region – not the applicant's first-due population). *Please note: This is a change from last year's Program Guidance where only the applicant's characteristics were declared.* The applicant must provide detailed information in the project narrative describing the effect of the project. In addition, the applicant must include a list of each of the participating organizations that will benefit from the regional project if the project is approved. These organizations, i.e., either fire departments or nonaffiliated EMS organizations, which will be the beneficiaries of the project, may also apply for funding under the AFG as long as they are not requesting the same items as the host applicant's regional project. In the example where a host applicant is applying for a multi-jurisdictional communications project, a participating organization that will receive some of the communications equipment can apply for other needs as long as they do not apply for duplicative communications equipment. Host applicants MAY NOT apply for other needs beyond the regional project nor may a host applicant submit a second application for other, non-regional needs.

When evaluating the benefits of any regional project, we will take into account the other partners that will be involved in the project, whether they are other fire departments and/or nonaffiliated EMS organizations or other public service organizations. We will also take into consideration the extent to which the non-fire/EMS partners will contribute to the overall costs of the regional project.

Application Procedure

Eligible applicants can apply for the AFG program online via the "e-grants" application. The system will allow one authorized representative of an applicant to log in and create a username and password for the applicant. If your organization submitted an application in previous years, it is advised that you use the same username and password used for previous applications. The selection of the authorized representative is at the discretion of each applicant. The application includes general questions about your organization and community, as well as questions specific to the proposed project.

DUNS Number

Effective October 1, 2003, all Federal grant applicants must obtain a DUNS number, a unique nine-character identification number provided by the commercial

company Dun & Bradstreet. The Federal government will use the DUNS number to better identify related organizations that receive funding under grants and cooperative agreements and to provide consistent name and address data for electronic grant applications. Additional information about DUNS numbers can be found on the Dun & Bradstreet Web site (<https://eupdate.dnb.com/requestoptions/government/ccrreg/>).

There is no charge to obtain a DUNS number, and it is the applicant's responsibility to obtain one. Applicants are encouraged to apply for a DUNS number well in advance of the application period because it may take two to three weeks or more to obtain the number online. It is recommended that applicants request a DUNS number as soon as possible by calling 1-866-705-5711. When completing the grant application, there is a special data field for entering the DUNS number. This number is required for all Federal grant applications, and extensions may not be granted for applicants who were unable to obtain their number prior to the end of the application period.

Application

As in previous years, you will be required to answer a series of questions designed to provide general information about your organization and community. The answers provided to these questions may be used in the evaluation of your application. We will also use some of the information to determine whether an organization serves an urban, suburban, or rural community. We believe characteristics such as population, water supply, land use, number of stations, number of inhabitable structures over four stories tall in the jurisdiction, and call volume are indicators of the type of community served. We will allow you to designate the type of community you serve; however, we will also use these characteristics to assist us in determining a designation of the type of community that is served. If your declaration and our determination differ, you will be prompted to justify your designation in the narrative section of the application.

This designation is important because we have established different funding priorities in some of the activity areas depending on the type of community served. These funding priorities are delineated in each program area below, if applicable. The community designation (i.e., urban, suburban, or rural) may affect the ranking of your application depending on the program area or activity for which you are applying. This is why you must justify your designation in the narrative of the application if your designation is different from ours.

After completing the general questions, you will be asked a series of activity-specific questions relative to the program area selected and the activities for which you plan to apply. Answer the questions for each of the activities that support your project.

Lastly, you will be required to provide a written narrative describing the planned project. The narrative portion of the application should provide the details of activities

proposed to be funded, including budget details for each activity. The narrative should also describe the financial need of your organization and elaborate on the benefits your community and/or organization will gain from the expenditure of the grant funds, particularly noting the benefits that would be realized due to your department's responsibilities for protection of critical infrastructure. Finally, the narrative should explain the extent to which the grant would enhance your daily operations and/or how the grant will positively impact your ability to protect life and property.

We recommend you type your narrative offline in any word processing software, such as Word, Word Perfect, or Notepad. Once the narrative is complete, you can copy it or "cut-and-paste" it from the word-processing document into the narrative block of the application. Space for the narrative is limited, so it should not exceed five pages. Do NOT type the narrative using only capital letters. For more specific information regarding the application and its narrative, we advise you to review the applicant tutorial that is available on the grant program's Web site (www.firegrantsupport.com).

Evaluation Process

We will rank all complete and eligible applications based on the substance of the application relative to the established funding priorities for the type of community served. (As explained earlier, the funding priorities and the criteria for evaluating applications are established based on recommendations from the criteria development panel.) The answers to the activity-specific questions provide us with information that we use to determine your application's ranking relative to the stated priorities.

If you apply for more than one activity in your selected project, each activity will be scored separately. Then the scores will be prorated based on the individual activities' funding-level compared to the total requested funding amount in your application. For example, if you are applying under the Operations and Safety area, and are applying for \$9,000 in training and \$1,000 in equipment, the training portion of the proposal will represent 90 percent of the score and the equipment will represent 10 percent of the score. The number of activities included in the application will not provide any advantage or disadvantage with respect to its evaluation.

Applications that best address the grant funding priorities (as outlined below) will score higher than those applications that are not directed toward the priorities. The applications scoring the highest will be determined to be within the "competitive range." A panel of at least three technical evaluation specialists will further evaluate the applications in the competitive range (i.e., the highest-ranked applications). These panelists will evaluate the application using the project narrative along with the answers to the general questions and the activity-specific questions. During the panel review

process, the panelists will provide a subjective but qualitative judgment on the merits of each request.

Applications that include requests for equipment and/or training will be evaluated by the panelists relative to the critical infrastructure within the applicant's area of first-due response. Critical infrastructure includes any system or asset that if attacked or impacted by a hazardous event would result in catastrophic loss of life or catastrophic economic loss. Critical infrastructure also includes the following: public water or power systems, major business centers, chemical facilities, nuclear power plants, major rail and highway bridges, petroleum and natural gas transmission pipelines or storage facilities, telecommunications facilities, or facilities that support large public gatherings such as sporting events or concerts. Panelists will be instructed to assess such infrastructure and the hazards confronting the community as explained in the narrative in order to determine the benefits that will be realized from a grant to the applicant.

The panelists will evaluate and score: 1) the clarity of your proposed project, including your project's budget detail; 2) the financial need of your organization; 3) the benefits that would result should you be awarded the grant; and, 4) the extent to which the grant would enhance your daily operations and/or how the grant will positively impact your ability to protect life and property. These four elements carry equal weight when factored into the panelists' scores (i.e., one-fourth).

Each application will be judged on its own merits – not against other applications. The panelists will consider all expenses budgeted, including administrative and/or indirect costs, as part of the cost-benefit review. An applicant may demonstrate cost-benefit by describing, as applicable, how the grant award will do the following: 1) fit in with a regional approach, i.e., is consistent with current capabilities and requests of neighboring organizations or otherwise benefits other organizations in the region; 2) implement interoperability of equipment/technology with other organizations and local, state, and Federal first-responders; and/or, 3) allow the first responder organizations to respond to all hazards including incidents involving seismic (earthquake), atmospheric (tornadoes, hurricanes), or technological (hazardous materials or nuclear) events, or incidents involving CBRNE, as well as fire prevention/suppression. The panelists will review each application in its entirety and rate the application against established evaluation criteria.

Keep in mind we will use the answers to the activity-specific questions when conducting our initial assessment. The answers to these questions are the primary basis for determining whether an application warrants further evaluation. Applicants whose answers indicate their project is consistent with our established priorities (as outlined below) will have a better chance of reaching the competitive range and the second level of review than those applicants whose projects do not reflect the established priorities. Applicants that falsify their applications or misrepresent their organizations in any

material manner will have their applications deemed ineligible by the AFG program office and referred to the Office of Inspector General for further action as appropriate.

State Technical Review

Following our preliminary determination of award (i.e., after the panel process is complete) but prior to award, we will involve the state's homeland security office in a technical review of any application seeking equipment and/or training for preparation for incidents involving CBRNE. In addition, we will seek the state's comment on the extent to which any communications equipment conforms to the state's interoperability requirements or plans. Each state will be asked to provide the AFG program office with a representative to carry out this technical review of applications from the state that include CBRNE-related and interoperable communications equipment requests and that have the potential to be funded. During the technical review, the state representative will attest to and certify that such requests are consistent with the state's homeland security strategies and that the requests do not duplicate assistance already provided or imminent. If a state representative determines that an application is either inconsistent with the state plan or duplicates the state's assistance, that portion of the AFG application will not be funded.

AFG Programs and Program Funding Priorities

The program funding priorities differ for fire departments and for nonaffiliated EMS organizations. Please read the guidance document with this in mind and make sure you are researching the appropriate sections for your organization. A "fire department" is defined as an agency or organization that has a formally recognized arrangement with a state, territory, local, or tribal authority (city, county, parish, fire district, township, town, or other governing body) to provide fire suppression to a population within a fixed geographical area on a first-due basis.

A "nonaffiliated EMS organization" is defined as a public or private nonprofit emergency medical services organization that provides direct emergency medical services to a specific geographic area on a first-due basis but is not affiliated with a hospital and does not serve a geographic area in which DHS finds that emergency medical services are adequately provided by a fire department. In making the determination regarding "adequately provided," DHS will conclude that any nonaffiliated EMS organization will be eligible under this definition if the organization is providing direct emergency medical services at the time of application and is in good standing with the community, i.e., licensed and/or chartered to provide EMS services to the community. Included in this category of eligibility are rescue squads that are trained to provide emergency medical services to the community they serve. By "affiliated" we mean receiving any kind of direct support from a hospital in the form of funding, facilities,

staff, or apparatus. Contracting with a hospital on a fee-for-service basis would not constitute an "affiliation" in the context of the AFG.

Fire Department Priorities

As indicated previously in this program guidance, each year the grants program office conducts a criteria development meeting to develop the program's funding priorities for the coming year. A panel of fire service professionals representing the nine major fire service organizations is charged with making recommendations regarding the creation and/or modification of previously established funding priorities as well as developing criteria for awarding grants and proposing any necessary changes to the administration of the grant program.

Specific rating criteria and funding priorities for the AFG FY2006 grant activities are provided below following the descriptions of this year's eligible program areas. The rating criteria, in conjunction with the program area description, will provide you with an understanding of what information we are seeking about your proposed projects.

(1) Fire Operations and Firefighter Safety Program Area

There are five different fundable activities included in this program area: training, equipment, personal protective equipment, wellness and fitness, and modifications to facilities. You may apply for as many of the activities within this program area as you deem necessary. There are no bonuses or penalties for applying for only one activity or for multiple activities. Please note that fire-based emergency medical services (EMS) training and equipment are available under the appropriate activity in this program area.

Requests in this program area should be consistent with any applicable national standards and have the intent and/or goal of solving applicable interoperability or compatibility problems.¹ Therefore, the applicant should describe in the narrative section how the purchase of equipment will comply with standards and/or facilitate solving interoperability or compatibility problems.

a) Training activities:

DHS may make grants for the purpose of training firefighting personnel. Examples of training activities include, but are not limited to, firefighter I and II certifications; first-responder EMS; driver/operator; fire officer; hazardous materials response; incident command; supervision and safety; CBRNE awareness, performance,

¹ The Responder Knowledge Base (RKB), which can be accessed at <http://www.rkb.mipt.org/>, includes relevant information on first responder standards and allows "guest users" to answer any questions they may have on applicable standards.

planning and management; or train-the-trainer courses in any of these areas. The program priorities described in this section have been developed by a panel of representatives from the nation's fire service leadership and supported by DHS for the AFG.

For the AFG in FY2006 the most benefit is derived from training that is instructor-led, hands-on, and leads to a nationally sanctioned or state certification. Training requests that include Web-based home study or distance learning and the purchase of training materials, equipment, or props are a lower priority. Therefore, applications focused on national or state certification training, including train-the-trainer initiatives, will receive a higher competitive rating. Training that utilizes instructors where the students must demonstrate their grasp of knowledge of the training material via testing and is integral to a certification will receive a high competitive rating, but not as high a rating as training that would lead to national certification. Training that is instructor-led, but does not lead to a certification, or any self-taught courses, are of low benefit, and will not be afforded a high priority.

A high competitive advantage is provided to those proposed training projects benefiting the highest percentage of applicable personnel within a fire department or those proposed training projects that will be open to other departments in the region. Training that brings the department into statutory (or Occupational Safety and Health Administration (OSHA)) compliance or compliance with federally mandated initiatives (such as knowledge and understanding of the National Incident Management System and/or incident command systems) would provide the highest benefit relative to training that is not required. Therefore, requests to meet OSHA or other federally mandated compliance will receive the highest consideration. Training that brings a department into voluntary compliance with national standards will also receive a high competitive rating, but is secondary to training that leads to departments meeting statutory compliance. Training that does not have statutory compliance or voluntary compliance with a national standard will receive a low competitive rating. Training designated to enhance multi-jurisdictional capabilities will be afforded a slightly higher rating.

Due to the inherent differences among urban, suburban, and rural firefighting characteristics, there are different priorities in the training activity for departments servicing the different types of communities. Therefore, the AFG is focused on bringing all departments up to a level of basic capability. Any department requesting funding to address basic capabilities will receive the highest consideration regardless of the type of community served. CBRNE awareness training is considered basic; therefore it has a high benefit and will receive the highest consideration regardless of the type of community served.

For departments serving rural communities, AFG support to basic, operational-level firefighting, safety officer training, operational-level rescue, driver training, or first-

responder EMS, EMT-B, and EMT-I, (i.e., training in basic firefighting or EMS duties) has greater benefit than funding officer training or airport rescue and firefighting (ARFF). In rural communities, after basic training, officer training and ARFF will receive a slightly lower cost-benefit rating but a rating that is higher than the rating for other specialized types of training such as mass-casualty, HAZMAT, advance rescue and EMT, or inspector training.

With respect to AFG support to departments serving urban or suburban communities, the recommendations of criteria development have been that in addition to the high benefit to be gained from obtaining basic capabilities, there is a high benefit to be gained by funding specialized training, such as mass casualty, HAZMAT, advance rescue and EMS, or inspector training. These basic training and specialized training priorities would provide a department with a higher benefit than the funding of officer training, safety officer training, or operations training activities.

For AFG FY2006, eligible uses of training funds include but are not limited to tuition, exam and course fees, certification and/or re-certification expenses, purchase of training curricula, training equipment (including trailers and simulators), training props, training services (such as instructors), and attendance at formal training forums. Tow vehicles or other means of transport may be eligible as a transportation expense under this activity if adequately justified. However, we will limit transportation expenses to \$6,000 per year per application. Compensation to volunteer firefighters for wages lost because of attending training under this activity is an eligible expense if justified in the proposal. Overtime expenses paid to career firefighters to attend training, or overtime expenses paid to firefighters to cover for colleagues while the colleagues are in training, are eligible expenses if justified in the proposal. Even though compensation is an eligible expense, proposals that contain such compensation expenses may be less favorably scored than similar proposals without compensation expenses due to the cost-benefit element in the evaluation process.

Ineligible activities in this area include construction of facilities, such as classrooms, buildings, towers, etc. Firefighting equipment or personnel protective equipment that is used in training exercises, such as self-contained breathing apparatus (SCBA), should be requested under the appropriate activity – not in this training activity area. Modular training units that are not trailer-mounted or are otherwise immobile are not eligible. Grant funds cannot be used for modular training units if the units are to be permanently fastened to the ground. No grant funding can go toward site preparation to accommodate any training activity, facility, or prop. The purchase or lease of real estate is also not eligible. The necessary remodeling of an existing facility to accomplish training activities is allowable if the remodeling is minor in nature (e.g., limited to minor interior alterations costing less than \$10,000), justified in the proposal, and integral to the completion of the training activities. Remodeling that is not directly related to other

grant activities is not eligible. Remodeling expenses should be included in the application as an "Other" line-item expense and clearly explained in the narrative.

DHS offers a variety of CBRNE training courses free of charge; visit the DHS Web site for details (www.ojp.usdoj.gov/odp/docs/coursecatalog.pdf) or call the DHS Helpline at 1-800-368-6498.

b) Equipment Acquisition Activity:

DHS may make grants for acquiring additional equipment, including equipment for fire suppression, to enhance the safety or effectiveness of firefighting, rescue, and fire-based EMS functions. Additionally, DHS may make grants for equipment necessary for response to CBRNE incidents.

The stated purpose of the AFG is to protect the health and safety of the public and firefighters from fire and fire-related hazards. As such, this grant program will achieve the greatest benefits by providing funds to fire departments purchasing basic firefighting equipment before any other non-firefighting equipment. Equipment that has a direct effect on firefighters' health and safety will receive a high competitive rating over equipment that has no such effect. Equipment promoting interoperability with neighboring jurisdictions may receive additional consideration in the cost-benefit assessment if the application ranks within the competitive range.

This grant program will achieve the greatest benefits if it provides funds to fire departments for the first-time purchase of basic firefighting, rescue, EMS, and CBRNE preparedness equipment, or to replace used or obsolete firefighting equipment. Our second priority will be to fund departments seeking to expand their functional capabilities within their existing mission areas. The lowest priority is funding equipment to increase an applicant's available supply (reserve equipment) or to expand an applicant's services into new mission areas; therefore, those applications will receive the lowest competitive rating along with applications seeking reserve equipment.

For the FY2006 AFG, the purchase of equipment that brings the department into statutory or OSHA compliance will provide the highest benefit and therefore will receive the highest consideration. The purchase of equipment that brings a department into voluntary compliance with national standards will also receive a high competitive rating, but secondary to the training that leads to a department's statutory compliance. Equipment that does not have an effect on statutory compliance or voluntary compliance with a national standard will receive a lower competitive rating. Applicants should designate which compliance standards would be achieved with this activity. Additionally, among departments serving similar types of communities, those having high call volumes will be afforded a higher competitive rating than those having low call volumes.

Small boats (13 feet or less in length), personal watercraft, all-terrain vehicles (ATVs), and appropriate trailers may be considered under this activity if properly justified in the narrative section of the application. Other vehicles are not eligible under this activity but would be eligible under the Firefighting Vehicle Acquisition program area.

Eligible expenses include those expenses necessary to acquire equipment, including communications and monitoring equipment. Compressor systems, cascade systems, or similar SCBA-refill systems are eligible expenditures in this area. Remodeling or renovations to an existing facility to accommodate equipment purchased with grant funds are allowable if justified in the narrative and if the remodeling or renovation is minor in nature (i.e., limited to minor interior changes costing less than \$10,000). Remodeling that is not directly related to other grant activities is not eligible. Traffic signal preemption systems are eligible. The costs of shipping equipment purchased under this program and applicable sales tax are also an eligible expense. Warranties and maintenance agreements are NOT eligible. Sirens or other outdoor warning devices are not eligible.

Individual communications equipment (portable radios) and mobile communications equipment (including mobile repeaters) are eligible but telephones, cell phones, and satellite phones are not eligible. Under the AFG, DHS will limit funding for portable radios to the number of seated positions based on the applicant's firefighting vehicle fleet unless otherwise justified in the narrative and only fund the number of mobile radios required to equip the vehicle inventory listed in the application. We will not fund mobile radios for personally owned vehicles with the exception of the chief fire officer's personal vehicle if adequately justified in the application. Mobile data systems (MDTs) are eligible. Integrated communications systems such as base stations, computer-aided dispatch, fixed-site repeaters, wireless and broadband mobile data systems, are eligible under this activity. The purchase of any communications systems or equipment under this activity should have the intent or goal of solving interoperability problems, as applicable. Note that each state will have the opportunity to review requests for communications equipment, with respect to interoperability and the state's homeland security strategy. Any applicant seeking funding for eligible equipment should provide details in the narrative section of the application regarding their local plan to enable or enhance interoperability for the jurisdiction.

Equipment used in response to CBRNE incidents is also eligible. Equipment exclusively designed for use in CBRNE incidents is eligible this year and includes special monitoring equipment (biological, radioactive, etc.) and CBRNE-related pharmaceuticals for first-responders, such as auto injectors. AFG program funds cannot be used for equipment to support CBRNE activities if the funding would duplicate benefits provided through other Federal programs.

Requests for emergency medical services (EMS) equipment are eligible under this equipment acquisition activity. Eligible expenses for EMS equipment in this activity may include, but are not limited to, defibrillators, basic and advanced life support equipment, universal precaution supplies (i.e., personal protective equipment), computers, and infectious disease control and decontamination systems.

No grant funds may be used to construct facilities such as buildings, sheds, or towers to house communications equipment. Telephones, cell phones, and satellite phones are not eligible. Bomb disposal equipment and robots are not eligible. Vehicles, medications, disposable or otherwise expendable supplies (such as gloves, syringes, and cervical collars) are not eligible expenses. Personal protective equipment, including clothing for structural and wildland fire suppression, such as "turnout gear" or "bunker gear" (including boots, pants, coats, gloves, hoods, goggles, vests, helmets, coveralls, and fire shelters), SCBAs, spare cylinders, and personal alert safety systems, are not eligible under this activity; however, they are eligible under the Personal Protective Equipment Acquisition activity detailed below.

c) Personal Protective Equipment (PPE) Acquisition Activity:

DHS may make grants for acquiring PPE required for active firefighting personnel by OSHA and other PPE for firefighting personnel.

One of the stated purposes of AFG is to protect the health and safety of the public and of firefighters. To achieve this goal and maximize the benefit to the firefighting community, the AFG in FY2006 will prioritize funding to those applicants needing to provide PPE to a high percentage of their personnel. In concurring with the recommendations of the criteria development panel for AFG in FY2006, we will give the highest competitive rating in this activity to fire departments where a large percentage of their active firefighting staff does not have any PPE. We will also give a high competitive rating to departments wanting to purchase enough PPE to equip 100 percent of their active firefighting staff. We will also give a high competitive rating to departments that are purchasing the equipment for the first time as opposed to departments replacing obsolete or substandard equipment (e.g., equipment that does not meet current NFPA and OSHA standards), or purchasing equipment for a new mission or purchasing equipment to have extra equipment on-hand in the event it is needed. For those departments replacing obsolete or substandard equipment, the condition of the equipment to be replaced will be factored into the score with a higher priority given to replacing equipment that is damaged, torn, or contaminated over equipment that is worn but usable.

For departments replacing old or damaged equipment, departments with the oldest equipment will get the highest priority and departments with the newest equipment will get the lowest priority. Finally, the number of fire response calls that your department

makes in a year will be considered. The higher priority will go to departments with higher call volumes, while applications from departments with low call volumes will be afforded lower competitive ratings. The call volume of rural departments will be compared only to other rural departments, suburban departments will be compared only to other suburban departments, and urban departments will be compared only to other urban departments.

Application requests for personal alert safety system (PASS) devices will only be considered if the equipment requested meets current national standards, i.e., integrated and/or automatic or auto-on PASS. This is because of the safety benefits afforded firefighters with automated PASS devices. Eligible PPE includes clothing for structural or wildland fire suppression, such as "turnout gear" or "bunker gear" (including boots, pants, coats, gloves, hoods, goggles, retro-reflective highway apparel, vests, helmets, coveralls, and fire shelters), SCBAs, spare cylinders, and PASS (within the limits noted above). We will limit funding for SCBAs to the number of seated positions based on the applicant's firefighting vehicle fleet unless otherwise justified in the narrative. Each SCBA request will be limited to one spare cylinder unless the applicant can adequately justify more than one spare per unit. Protective clothing for response to hazardous materials incidents and other specialized incidents is eligible under this activity. Protective clothing designed for EMS activities or for response to CBRNE incidents is also eligible in this activity. Eligible PPE for CBRNE incidents includes SCBAs that have been certified for use in CBRNE atmospheres and PPE that is nationally certified for use in CBRNE incidents. (It is not necessary for every SCBA request to be CBRNE-certified.) We will fund CBRNE-certified SCBA if such a request is adequately justified in the narrative and directly related to the state's homeland security plan. Eligible PPE for EMS activities includes PPE ensembles (coats and trousers) that afford universal precautions against exposure to infectious diseases, etc.

The purchase of three-quarter length rubber boots is an ineligible expenditure under this activity. Bomb disposal suits are not eligible. Uniforms (formal/parade or station/duty) and uniform items (hats, badges, etc.) are also ineligible expenditures under this activity. Personal communications equipment such as radios and pagers are not eligible under this activity but are eligible under the Equipment Acquisition activity.

d) Wellness and Fitness Activities:

The governing statute for AFG establishes that the program may make grants for the purpose of establishing or expanding wellness and fitness initiatives for firefighting personnel. Pursuant to appropriations to the program for FY2006, these activities are eligible for this year. The funding priorities described in this section have been recommended by a panel of representatives from the Nation's fire service leadership and have been accepted by DHS for the AFG.

Accordingly, for the FY2006 AFG, the most effective wellness/fitness activities of fire departments must offer 1) periodic health screenings, 2) entry physical examinations, and 3) an immunization program. Applicants for grants in this activity must currently offer, or plan to use grant funds to provide, all three benefits to receive consideration and funding for any other initiatives under this activity. After entry-level physicals, annual physicals, and immunizations, high priority is given to formal fitness and injury prevention projects. Lower priority is given to stress management, injury/illness rehabilitation, and employee assistance.

In accordance with the recommendations of the criteria development panel, the greatest benefit will be realized by supporting new wellness and fitness projects and higher competitive ratings will be provided to those applicants lacking wellness/fitness activities over those applicants that already employ a wellness/fitness activity. Applicants that already provide the three requisite benefits and wish to expand their wellness and fitness activity will receive a slightly lower consideration than departments that are seeking to initiate a wellness and fitness activity. Finally, since participation is critical to achieving any benefits from a wellness or fitness activity, we will give higher competitive ratings to departments whose wellness and fitness activities mandate participation and are open to all personnel.

Eligible expenditures in a wellness and fitness activity for firefighting personnel may include the procurement of medical services to ensure the firefighting personnel are physically able to carry out their duties. The purchase of medical equipment is not eligible expenditure under this category. Eligible expenditures to carry out wellness and fitness activities may include costs for personnel, physicals, physical fitness equipment (including shipping charges and sales tax as applicable), supplies, or other related contract services (e.g., health-care consultants, trainers, and nutritionists) directly associated with the implementation of the proposed activity. Examples of eligible incentives would be T-shirts or hats of nominal value, vouchers to local businesses (movies, restaurants, etc.) or time-off.

Transportation expenses and fitness club memberships for the firefighters or their families are not eligible under the wellness and fitness activity. Cash incentives are not eligible. Other ineligible expenses in this area include construction of facilities to house a fitness activity, such as exercise or fitness rooms, showers, etc. The purchase of real estate is also not eligible. Minor remodeling or renovations to an existing facility are allowable if justified in the narrative, if minor in nature (i.e., limited to minor interior alterations costing less than \$10,000), and integral to the completion of the wellness and fitness activity. Remodeling that is not directly related to other grant activities is not eligible. Remodeling expenses should be included in the budget as an "Other" line-item expense and explained in the narrative.

e) Modifications to Fire Stations and Facilities:

Under the governing statute, DHS may make grants to modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel. Pursuant to appropriations to the program for FY2006, these activities are eligible for this year. The funding priorities described in this section have been recommended by a panel of representatives from the Nation's fire service leadership and have been accepted by DHS for the AFG.

Please note that activities involving modifications to facilities are subject to all applicable environmental and historic preservation requirements. Applicants seeking assistance to modify their facilities may undergo additional screening in order for their application to be considered for award. Specifically, DHS is required to ascertain to what degree the proposed modifications to fire stations or facilities might affect an applicant's structures relative to the National Historic Preservation Act of 1966 and National Flood Insurance Program regulations. DHS must assess the effect, if any, and approve the project prior to any implementation. No project can proceed – except for planning – prior to formal DHS approval. Noncompliance with this provision (i.e., proceeding with a project, other than planning, prior to formal approval) may jeopardize an applicant's award and subsequent funding.

The stated purpose of the AFG is to protect the health and safety of the public and firefighters. As such, eligible projects under this activity are those in which the activities specifically have a direct effect on the health and safety of firefighters. Therefore, eligible measures under this activity are limited and focused on promoting fire and life safety in fire stations and facilities. The eligible activities, if incorporated, would make any facility safer for firefighters.

Initiatives eligible for funding in this area are the installation of sprinkler systems, vehicle exhaust extraction systems, smoke and fire alarm notification systems, and emergency facility generators. We will NOT fund any requests for modifications other than the initiatives listed herein. Any vehicle exhaust extraction system funded under this activity should be either extensive enough to extract all toxic vapors and particulates emitted from internal combustion engines and meet all applicable Federal, state, and local standards or be a part of a larger comprehensive system that does. Some exhaust extraction systems may meet standards for removal of certain carcinogens, but not others; therefore, it may be necessary to utilize more than one system or employ complementary systems to fully protect your firefighters.

The grant funds are to be used to retrofit existing structures that do not have the eligible safety features or to upgrade facilities whose features are dated. The funds may not be used to supplement new construction.

For the FY2006 AFG, more benefit would be derived from modifying fire stations than from modifying fire-training facilities or other fire department facilities. Requests involving facilities that would be open for broad usage and have a high occupancy capacity will receive a higher competitive rating than those involving facilities that have limited use or low occupancy capacity. The frequency of use would also have a bearing on the benefits to be derived from grant funds. In addition, the frequency and duration of a facility's occupancy have a direct relationship to the benefits to be realized from funding in this activity. As such, facilities occupied or otherwise in use 24-hours-per-day, 7-days-per-week will receive a higher competitive rating than facilities used on an irregular or part-time basis.

We will not fund any requests for modifications other than the initiatives listed above, specifically, vehicle exhaust extraction systems, smoke/fire alarm systems, sprinkler systems, and emergency generators. There are no monetary limits on the individual initiatives under this activity whether it is a vehicle exhaust system, a sprinkler system, or a smoke/fire alarm system, but no applicant can request more than \$100,000 in funding per fire station under their authority. You may request funding for modifications for each station if you have multiple stations up to the \$100,000 per station limit as long as the entire request does not exceed the Federal share limit.

(2) Firefighting Vehicle Acquisition Program Area

DHS may make grants for acquiring new firefighting vehicles, used fire apparatus, or refurbished apparatus. The funds may also be used to refurbish a vehicle the department currently owns. New vehicles purchased with AFG program funds must be compliant with current National Fire Protection Association (NFPA) standards, specifically, NFPA 1901 or 1906 standards. Used apparatus must be compliant with NFPA 1901 or 1906 standards for the year the vehicle was manufactured. Refurbished apparatus must meet NFPA 1912 standards. Applicants may apply for only one vehicle per year under this program. Applications where more than one vehicle is requested will be deemed ineligible. Applicants awarded vehicle grants from the AFG program in previous years are not eligible for another vehicle award in this program year.

Vehicle awardees for FY 2006 will be required to include a performance bond as part of the contract with the vehicle manufacturer. Extensions to a grant's period of performance may not be considered if a performance bond is not included in the purchase contract. Note: This is a new requirement for this program year.

Due to the inherent differences among urban, suburban, and rural firefighting conventions, we have different priorities in the vehicle program area for departments that service different types of communities. Due to the competitive nature of this program and the imposed limits of funding available, it is unlikely we will fund any vehicles that are not listed as a Priority One.

The following chart delineates the funding priorities for this program area by each type of community.

Firefighting Vehicle Program Priorities			
Priority	Urban Communities	Suburban Communities	Rural Communities
Priority One	Pumper Aerial Quint (Aerial < 76') Quint (Aerial > 76') Rescue	Pumper Aerial Quint (Aerial < 76') Quint (Aerial > 76') Brush/Attack	Pumper Brush/Attack Tanker/Tender Quint (Aerial < 76')
Priority Two	Command HAZMAT Light/Air Rehab	Command HAZMAT Rescue Tanker/Tender	HAZMAT Rescue Light/Air Aerial Quint (Aerial > 76')
Priority Three	Foam Truck ARFFV Brush/Attack Fire Boat Tanker/Tender Ambulance	Foam Truck ARFFV Rehab Light/Air Fire Boat Ambulance	Foam Truck ARFFV Command Rehab Fire Boat Ambulance

Regardless of the type of community served, there is more benefit to be realized by funding fire departments owning few or no vehicles of the type they are seeking than there would be by providing vehicle funding to a department that owned numerous vehicles of the type being requested. When we assess the number of vehicles a department has within a particular class, we will include all vehicles with similar functions. For example, we will consider the following to be classified in the "pumper" category: pumpers, engines, pumper/tankers, rescue-pumpers, quints (with aerials less than 76 feet in length), and urban interface vehicles such as Type I, II or III. Applicants must include in their vehicle inventory any vehicle that is on order if the department or its sponsoring municipality has signed a contract or otherwise committed to purchase said vehicle.

As with other activities eligible under the AFG, one of the goals in the vehicle acquisition program is the safety of firefighters. Applicants with unsafe vehicle characteristics will receive the higher consideration than applicants seeking to replace vehicles that already have safety features. The highest consideration is provided to applicants wanting to replace vehicles that have been converted to use as firefighting

vehicles but were not originally designed for firefighting. We will give high consideration to applicants with firefighting vehicles that have an "open-cab" configuration² as well as vehicles that did not include seatbelts in their original design. Applicants with these unsafe vehicle characteristics will receive higher consideration over applicants seeking to replace vehicles having these safety features. However, applicants wanting to benefit from this consideration must certify the unsafe vehicle will be permanently removed from service if awarded a grant.

This grant program will achieve the greatest benefits if we provide vehicles to fire departments purchasing basic firefighting apparatus (categorized above in priority order) that they have never owned. The greatest benefits would also be realized by departments seeking to replace used or obsolete apparatus. A secondary priority will be to fund departments seeking to add more vehicles to their existing fleet within their existing mission areas. The lowest priority is funding of new apparatus to expand an applicant's services into new mission areas.

A higher competitive rating in the apparatus program area is given to fire departments owning few or no firefighting vehicles relative to other departments serving similar types of communities. A higher competitive rating is given to departments that have an aged fleet of firefighting vehicles. A higher competitive rating is also provided to departments that respond to a significant number of incidents relative to other departments servicing similar communities. Finally, due to the inherent safety benefits to be realized in departments using a comprehensive driver-training program meeting NFPA 1002 or equivalent, we will provide a competitive advantage to requests where the applicant has a comprehensive driver-training program in place. Applicants seeking driver training with their vehicle request will receive a slightly lower competitive advantage than departments with a comprehensive driver-training program already in place. Applicants without a comprehensive driver-training program and who are not seeking funding for driver training in this application will *NOT* be considered for a vehicle award.

No competitive advantage has been assigned to the purchase of standard model commercial vehicles versus custom vehicles or the purchase of used vehicles versus new vehicles in the preliminary evaluation of applications. It has been our experience that depending on the type and size of department, the technical evaluation panelists often prefer low-cost vehicles when reviewing the cost-benefit section of the project narratives. Panelists may be provided with guidance for use in their evaluation of the reasonableness of vehicle costs. We also reserve the right to impose funding limits on requests for

² We consider "open-cab" to be any vehicle without a roof or no sides above the door. A three-sided cab (one that has a roof and sides from floor to roof but with an open jump seat area) is NOT considered an "open-cab."

vehicles whose costs we deem excessive or otherwise not in the best interest of the program.

Eligible expenditures under this program would include the cost of the vehicle and associated equipment necessary to conform to applicable national standards (NFPA 1901 or 1906). New, used, or refurbished vehicles are eligible; however, any used or refurbished vehicles must conform to the national standards that were in effect the year the vehicle was manufactured. An allowance for transportation to inspect a vehicle under consideration or during a vehicle's production would be eligible if reasonable and justified in the grant proposal. Also eligible would be the additional costs associated with the purchase and installation of a vehicle-mounted exhaust filtration system for any vehicle purchased with grant funds. Operator training may be eligible for any vehicle award if justified in the narrative.

As stated above, previous AFG vehicle award recipients are ineligible for another vehicle award in this program year. Applicants will not be allowed to modify the scope of work of a vehicle award (i.e., change the type of vehicle requested after award). Vehicles contracted for or otherwise purchased prior to the end of the established application period are not eligible for funding. Aircraft, bulldozers, and construction-related equipment are not eligible.

Nonaffiliated EMS Organization Priorities

DHS may make grants to enhance the provision of emergency medical services for nonaffiliated EMS organizations. Funding for these organizations is limited to no more than two percent (2%) of the appropriated amount. In accordance with the recommendations of the criteria development panel, it is more cost-effective to enhance or expand an existing emergency medical service organization by providing training or equipment than it would be to create a new service. As such, communities that do not currently offer emergency medical services but are attempting to initiate this service will receive the lowest competitive rating. This is because there is not sufficient benefit to be derived from an investment in communities that do not currently support such a service.

As indicated previously in this program guidance, each year the grants program office conducts a criteria development meeting to develop the program's funding priorities for the coming year. A panel of fire service professionals representing the nine major fire service organizations is charged with making recommendations regarding the creation and/or modification of previously established funding priorities as well as developing criteria for awarding grants and proposing any necessary changes to the administration of the grant program.

Specific rating criteria and funding priorities for the AFG FY2006 grant activities are provided below following the descriptions of this year's eligible program areas. The

rating criteria, in conjunction with the program area description, will provide you with an understanding of what information we are seeking about your proposed projects.

(1) EMS Operations and Safety Program Area

There are five different activities available for funding under this program area: EMS training, EMS equipment, personal protective equipment, wellness and fitness, and modifications to facilities. Please note that requests for equipment and training to prepare for response to incidents involving CBRNE are available under the applicable equipment and training activities. Applicants should strive to ensure all projects applied for under the grant program are consistent with national standards and address interoperability.

If you opt to apply under the EMS Operations and Safety Program area, you may request assistance for as many of the activities as you deem necessary. There are no bonuses or penalties for applying for only one activity or for multiple activities.

a) EMS Training Activity:

DHS may make grants for the purpose of training emergency medical personnel. Examples of training activities include, but are not limited to first-responder, EMT-Basic, EMT-Paramedic, HAZMAT Operations, or Rescue Operations. The program priorities described in this section have been developed by a panel of representatives from the Nation's fire service leadership and are supported by DHS for the AFG.

The most benefit would be realized by upgrading a service that currently meets a basic life support capacity to a higher level of life support. Therefore, a higher competitive rating will be given to nonaffiliated EMS organizations that are planning to upgrade services from first responder to EMT-B level. Since training is a pre-requisite to the effective use of EMS equipment, organizations whose requests are more focused on the training activities will receive a higher competitive rating than those organizations whose requests are more focused on equipment. Our second priority is to elevate emergency responders' capabilities from EMT-B to EMT-I or higher.

Eligible uses of training funds include but are not limited to tuition, exam and course fees, certification /or re-certification expenses, purchase of training curricula, training equipment (including trailers and simulators), training props, training services (such as instructors), and attendance at formal training forums or conferences that provide continuing-education credits. EMS equipment or personnel protective equipment used in training exercises should be requested in the appropriate activity (i.e., EMS equipment acquisition or personnel protective equipment acquisition) – not under this training activity. Tow vehicles or other means of transport may be eligible as a transportation expense under this activity if adequately justified in the grant proposal, but we will limit transportation expenses to \$6,000 per year per application. Compensation

to volunteer emergency responders for wages lost because of attending training under this activity is an eligible expense if reasonable and justified in the grant proposal. Overtime expenses paid to emergency responders in order for them to attend training, or overtime expenses paid to emergency responders to cover for colleagues while the colleagues are in training, are eligible expenses if reasonable and justified in the grant proposal. Even though compensation is an eligible expense, proposals containing such compensation expenses may be ranked less favorably than similar proposals without compensation expenses due to the cost-benefit element in the evaluation process.

Ineligible activities in this area include construction of facilities, such as classrooms, buildings, and towers. Modular training units that are not trailer-mounted or are otherwise immobile are not eligible. Grant funds cannot be used for modular training units if the units are to be permanently fastened to the ground. No grant funding can go toward site-preparation to accommodate any training activity, facility, or prop. The purchase or lease of real estate is also not eligible. The necessary remodeling of an existing facility to accomplish training activities funded by the grant is allowable if the remodeling is minor in nature (e.g., limited to minor interior alterations costing less than \$10,000), justified in the proposal, and integral to the completion of the training activities funded by the grant. Remodeling that is not directly related to other grant activities is not eligible under this program. Remodeling expenses should be included in the application as an "Other" line-item expense and clearly explained in the narrative.

DHS offers a variety of CBRNE training courses free of charge; visit the DHS Web site for details (www.ojp.usdoj.gov/odp/docs/coursecatalog.pdf) or call the DHS Helpline at 1-800-368-6498.

b) EMS Equipment Acquisition:

Because training is a pre-requisite to the effective use of EMS equipment, organizations whose requests are more focused on the training activities will receive a higher competitive rating than organizations whose requests are more focused on equipment. Organizations that request equipment to the EMT-B level and request the basic support equipment will receive a higher priority. Requests seeking assistance to purchase equipment to support advance level EMS services are a secondary priority. Items that are eligible but a lower priority include tents, shelters, generators, lights, and heating and cooling units.

Eligible expenses for equipment acquisition in this program could include basic and advanced life support equipment to support EMT-B through EMT-P with higher priority given to organizations requesting equipment to support service at the EMT-B level. Examples of eligible items available under this section include but are not limited to the following items: basic life-support (BLS) equipment, advanced life-support (ALS) equipment, rescue tools, small specialty access vehicles (all-terrain vehicles, rescue boats

under 13 feet, personal watercraft, gators, snow mobiles, etc.), communications equipment (mobile and portable radios), and HAZMAT and decontamination equipment. Other eligible items include computers, automated external defibrillators (AEDs), and infectious disease control and decontamination systems. Protective clothing is NOT eligible under this equipment category; however, it is available under the personal protective equipment acquisition activity below.

For the AFG in FY2006, individual communications equipment (portable radios) and/or mobile communications equipment (including mobile repeaters) are eligible but telephones, cell phones, satellite phones, and sirens or other outdoor warning devices are not eligible. We will only fund the number of mobile radios required to equip the vehicle inventory listed in the application. We will not fund mobile radios for personally owned vehicles under EMS. Mobile data systems are eligible. Integrated communications systems such as base stations, computer-aided dispatch, fixed-site repeaters, and wireless and broadband mobile data systems are eligible under this activity. The purchase of any communications systems or equipment under this activity should have the intent or goal of solving interoperability problems. Note that each state will have the opportunity to review requests for communications equipment, with respect to interoperability and the state's homeland security strategy. Any applicant seeking funding for equipment under this activity should provide details in the narrative section of the application regarding their local plan to enable interoperability for the jurisdiction.

Any equipment requested under this section, particularly decontamination and HAZMAT equipment, is fundable to the current level of your capabilities (i.e., we will not fund level-A equipment for organizations only trained to the HAZMAT operation level unless the application also includes a request for training compatible with the equipment request). Not eligible in this program are vehicles (such as ambulances), equipment used for firefighting purposes, medications, disposable or otherwise expendable supplies (such as gloves, syringes, and cervical collars), body armor, uniforms, and new construction such as communications towers or facilities. The costs of shipping equipment purchased under this program and applicable sales tax are also an eligible expense. However, warranties and maintenance agreements are NOT eligible.

c) Personal Protective Equipment (PPE) Acquisition:

DHS may make grants for acquiring PPE required for active EMS first-responder personnel by OSHA and other PPE for EMS personnel.

One of the stated purposes of this grant program is to protect the health and safety of the public and of first-responders. To achieve this goal and maximize the benefit to the EMS community, we must fund those applicants needing to provide PPE to a high percentage of their personnel. Accordingly, the highest competitive rating in this activity is given to organizations where a large percentage of active EMS staff does not have

adequate PPE. We also give a high competitive rating to organizations wanting to purchase enough PPE to equip 100 percent of their active EMS staff. We also give a high competitive rating to organizations purchasing the PPE for the first time as opposed to organizations replacing obsolete or substandard equipment (e.g., equipment that does not meet current NFPA and OSHA standards), or purchasing equipment for a new mission. For those organizations replacing obsolete or substandard equipment, the condition of the equipment to be replaced will be factored into the score with a higher priority given to replacing equipment that is damaged, torn, and/or contaminated.

The number of EMS response calls your organization makes in a year will be considered with the higher priority going to organizations with higher call volumes. Applications from organizations with low call volumes will be given lower competitive ratings. We will not provide any advantage or disadvantage for different types of communities (i.e., urban, suburban, or rural) with respect to call volume.

Examples of eligible clothing would be EMS turnout gear, non-disposable universal precautionary supplies (i.e., medical PPE), extrication jumpsuits, helmets, gloves, and boots. Protective clothing must meet national standards or local EMS protocols. The purchase of SCBA may also be eligible if the organization has a formally adopted standard operating procedure that requires SCBA availability. If you are applying for funding for SCBA, we may require you to submit documentation to support the eligibility of SCBA.

Any equipment requested under this section, particularly decontamination and HAZMAT suits are fundable to the current level of your training (i.e., we will not fund level-A suits for organizations only trained to the HAZMAT operation level unless the application also includes a request for training compatible with the equipment request). Uniforms (formal/parade or station/duty) and uniform items (hats, badges, etc.) are not eligible expenses under this activity. Nonaffiliated EMS organizations also may not apply for non-EMS PPE such as body armor, wildland firefighting gear, and firefighting turnout gear. Personal communications equipment such as radios and pagers are not eligible under this activity but are eligible under the Equipment Acquisition activity.

d) Wellness and Fitness Activities:

The governing statute for AFG authorizes the program to make grants for to establish or expand wellness and fitness initiatives for firefighting personnel. Pursuant to appropriations to the program for FY2006, these activities are eligible for this year. The funding priorities described in this section have been recommended by a panel of representatives from the Nation's fire service leadership and have been accepted by DHS for the AFG.

Accordingly, for the FY2006 AFG, an effective wellness/fitness activity of a nonaffiliated EMS organization must offer 1) periodic health screenings, 2) entry physical examinations, and 3) an immunization program. Applicants for grants in this activity must currently offer, or plan to use grant funds to provide, all three benefits to receive consideration and funding for any other initiatives under this activity. After entry-level physicals, annual physicals, and immunizations, high priority is given to formal fitness and injury prevention programs. Lower priority is given to stress management, injury/illness rehabilitation, and employee assistance.

The greatest benefit will be realized by supporting new wellness and fitness programs, and therefore, we will afford higher competitive ratings to those applicants lacking wellness/fitness programs over those applicants that already employ a wellness/fitness program. Applicants already providing the three requisite benefits that wish to expand their wellness and fitness program will receive a slightly lower consideration than departments seeking to initiate a wellness and fitness program. Finally, since participation is critical to achieving any benefits from a wellness or fitness program, we will give higher competitive ratings to departments whose wellness and fitness programs mandate participation and are open to all personnel.

Eligible expenditures in a wellness and fitness activity for EMS personnel may include the procurement of medical services to ensure the EMS personnel are physically able to carry out their duties. The purchase of medical equipment is not an eligible expenditure under this category. Eligible expenditures to carry out wellness and fitness activities may include costs for personnel physicals, physical fitness equipment (including shipping charges and sales tax as applicable), supplies, or other related contract services (e.g., health-care consultants, trainers, and nutritionists) directly associated with the implementation of the proposed activity. Examples of eligible incentives for participation in a wellness and fitness program would be T-shirts or hats of nominal value, vouchers to local businesses (movie theaters, restaurants, etc.), or time-off awards.

Transportation expenses and fitness club memberships for EMS personnel and their families are not eligible under the wellness and fitness activity. Cash incentives are not eligible. Other ineligible expenses in this area include construction of facilities to house a fitness program, such as exercise or fitness rooms, showers, etc. The purchase of real estate is also not eligible. Minor remodeling or renovations to an existing facility are allowable if justified in the narrative, if the remodeling is only minor in nature (i.e., limited to minor interior alterations costing less than \$10,000), and if the remodeling is integral to the completion of the wellness and fitness activities funded by the grant. Remodeling that is not directly related to other grant activities is not eligible. Remodeling expenses should be included in the budget as an "Other" line-item expense and explained in the narrative.

e) Modifications to EMS Stations and Facilities:

Under the governing statute, DHS may make grants to modify EMS stations, EMS training facilities, and other facilities to protect the health and safety of first-responder personnel. Pursuant to appropriations to the program for FY2006, these activities are eligible for this year. The funding priorities described in this section have been recommended by a panel of representatives from the Nation's fire service leadership and have been accepted by DHS for the AFG.

Please note that activities involving modifications to facilities are subject to all applicable environmental and historic preservation requirements. Applicants seeking assistance to modify their facilities may undergo additional screening in order for their application to be considered for award. Specifically, DHS is required to ascertain to what degree the proposed modifications to fire stations or facilities might affect an applicant's structures relative to the National Historic Preservation Act of 1966 and National Flood Insurance Program regulations. DHS must assess the effect, if any, and approve the project prior to any project implementation. No project can proceed – except for planning – prior to formal DHS approval. Noncompliance with this provision (i.e., proceeding with a project, other than planning, prior to formal approval) may jeopardize an applicant's award and subsequent funding.

The stated purpose of the AFG is to protect the health and safety of the public and our nation's first responders. As such, eligible projects under this activity are those in which the activities specifically have a direct effect on the health and safety of first responders. Therefore, eligible safety measures eligible for funding under this activity are limited and focused on promoting fire and life safety in EMS stations and facilities. We believe each of the eligible measures, if incorporated, would make any facility safer for first responders.

Measures eligible for funding are the installation of sprinkler systems, vehicle exhaust extraction systems, smoke or fire alarm notification systems, and emergency facility generators. We will NOT fund any other requests for modifications than the initiatives listed herein. Any vehicle exhaust extraction system funded under this activity should be either extensive enough to extract all toxic vapors and particulates emitted from internal combustion engines and meet all applicable Federal, state, and local standards or be a part of a larger comprehensive system that does. Some exhaust extraction systems may meet standards for removal of certain carcinogens, but not others; therefore, it may be necessary to utilize more than one system or employ redundancies to fully protect your first-responders.

The grant funds are to be used to retrofit existing structures that do not have the eligible safety features or to upgrade facilities whose features are dated. The funds may

not to be used to supplement new construction. Many of these modifications may require environmental or historic review, which may delay an award.

More benefit would be derived from modifying an EMS station than by modifying an EMS-training facility or other EMS facility. Requests involving facilities that would be open for broad usage and have a high occupancy capacity will receive a higher competitive rating than those involving facilities having limited use or low occupancy capacity. The frequency of use will also impact the benefits to be derived from the grant funds. The frequency and duration of a facility's occupancy have a direct relationship to the benefits to be realized from funding in this activity. As such, facilities that are occupied or otherwise in use 24-hours-per-day, 7-days-per-week will receive a higher competitive rating than facilities used on an irregular or part-time basis.

As stated above, we will not fund any other requests for modifications other than the initiatives listed herein (specifically, vehicle exhaust extraction systems, smoke/fire alarm systems, sprinkler systems, or emergency generators). There are no monetary limits on the individual initiatives under this activity whether it is a vehicle exhaust system, a sprinkler system, or a smoke/fire alarm system. However, no applicant may request more than \$100,000 in the modifications per station under their authority. You may request funding for modifications for each station if you have multiple stations up to this \$100,000 per station limit as long as the entire request does not exceed the Federal share limit.

(2) EMS Vehicle Acquisition Program Area

DHS may make grants for acquiring new, used or refurbished EMS vehicles. The funds may also be used to refurbish a vehicle the organization currently owns. New vehicles purchased with AFG program funds must be compliant with current General Services Administration standards, specifically KKK-A-1822E (<http://apps.fss.gsa.gov/vehiclestandards/assocDocs.cfm#>). Used apparatus must be compliant with Federal or industry standards for the year the vehicle was manufactured. Refurbished apparatus must also meet applicable standards. Applicants may apply for only one vehicle per year under this program.

Due to the inherent benefits of an ambulance or any transport vehicle to an EMS service provider, these types of vehicles are the highest priority. Due to the costs associated with obtaining and outfitting non-transport rescue vehicles, we believe non-transport rescue vehicles should have a lower competitive rating than transport vehicles. Vehicles having a limited function, such as aircraft, boats, and all-terrain vehicles, will receive the lowest competitive rating. Because of the very limited funding for EMS vehicle awards, we anticipate this program will be very competitive. As such, it is unlikely we would fund any vehicles not listed as a "Priority One" this year. The following chart delineates our priorities in this program area for each type of community.

EMS Vehicle Priorities

Priority One	Priority Two	Priority Three
• Ambulance or transport unit to support EMT-B needs and functions	• First responder non-transport vehicles • Special operations vehicles	• Command vehicles • Rescue boats (over 13 feet in length) • Hovercraft • Other special access vehicles

While there are many inherent differences among urban, suburban, and rural communities, we have not differentiated priorities in this year's EMS vehicle program for different types of communities.

As with other activities eligible under the AFG, one of our priorities in the vehicle acquisition program is the safety of first-responders. As such, it is our objective to give a competitive advantage to applicants seeking to replace unsafe vehicles. We will give the highest consideration to applicants wanting to replace vehicles that have been converted to use as EMS vehicles but were not originally designed for EMS services, as well as vehicles that did not include seatbelts in their original design. Applicants with these unsafe vehicle characteristics will receive this higher consideration over applicants seeking to replace vehicles having these safety features. However, applicants wanting to benefit from this consideration must certify that the unsafe vehicle will be permanently removed from service if awarded a grant.

Along with the priorities illustrated above, there is more benefit to be realized by funding applicants owning few or no vehicles of the type they are seeking than there would be by providing vehicle funding to an organization with numerous vehicles of the type they are seeking. When we assess the number of vehicles an organization has within a particular class, we will include all vehicles with similar functions. For example, we would include transport vehicles within the same class as ambulances. We will also give higher competitive ratings to applicants that have an aged fleet of emergency vehicles. In addition, we will also provide a higher competitive rating to applicants that respond to a significant number of incidents relative to other organizations servicing similar communities.

This grant program will achieve the greatest benefits if it provides vehicles to EMS organizations purchasing basic response vehicles as a first-time purchase (categorized above in priority order) or to replace used or obsolete apparatus. Secondary

to that, we will fund organizations seeking to add more vehicles to their existing fleet within their existing mission areas. The lowest priority is funding of new response vehicles to expand an applicant's services into new mission areas.

Finally, due to the inherent safety benefits to be realized in organizations that utilize a comprehensive driver-training program, we provide a high competitive advantage for applicants who have an established comprehensive driver-training program. Applicants seeking driver training with their vehicle request will receive a slightly lower competitive advantage. Applicants without a comprehensive driver-training program and who are not seeking funding for driver training in this application will **NOT** be considered for a vehicle award.

No competitive advantage has been assigned to the purchase of standard model commercial vehicles versus custom vehicles, or the purchase of used vehicles versus new vehicles in the preliminary evaluation of applications. It has been our experience that the technical evaluation panelists often prefer low-cost vehicles when evaluating the cost-benefit section of the project narratives. We also reserve the right to impose funding limits on requests for vehicles whose costs we deem excessive or otherwise not in the best interest of the program.

Eligible expenses under this program would include **ONLY** the cost of the vehicle and requested driver training. We will **NOT** provide funding for associated equipment. New, used, or refurbished vehicles are eligible; however, any used or refurbished vehicles must conform to the national standards that were in effect the year the vehicle was manufactured. ATVs, gators, and similar equipment are considered to be "EMS equipment" **NOT** vehicles and, therefore, are not eligible under this category. An allowance for transportation to inspect a vehicle under consideration or during a vehicle's production would be eligible if reasonable and justified in the grant proposal. Additionally, operator training may be eligible for any vehicle award if justified in the narrative.

Applicants will not be allowed to modify the scope of work of a vehicle award, i.e., change the type of vehicle requested after award. Vehicles contracted for, or otherwise purchased, prior to the end of the established application period are not eligible for funding. Aircraft, bulldozers, and construction-related equipment are not eligible.

Other Eligible Costs

(1) Administrative Costs: Administrative costs are allowable under any of the program areas listed above in accordance with OMB Circular A-87, Cost Principles for State, Local and Indian Tribal Governments, or OMB Circular A-122, Cost Principles for Nonprofit Organizations, as applicable. (For more information about Circulars, go to

www.whitehouse.gov/omb/circulars.) Applicants may apply for administrative costs if the costs are directly related to the implementation of the program for which they are applying. Administrative costs are identifiable costs directly associated with the implementation and management of the grant, and cannot exceed five percent (5%) of the award.

If you are requesting administrative expenses, you must list the costs under the "Other" category in the budget and explain the purpose for the administrative costs in your project narrative. The administrative costs should be based on actual expenses, not a percentage of the overall grant. We will reimburse actual expenses only. Examples of eligible administrative costs would include shipping, office supplies, and computers associated with the NFIRS reporting requirements. Grant funds may not be used for maintenance agreements, product warranties, insurance, Internet service provider fees, or any similar monthly service fees. The cost of a grant writer (if specifically listed on your application) is eligible and can be charged to the grant as administrative costs in accordance with the provisions outlined below [see (7) below]. We will assess the reasonableness of the administrative costs requested in each application and determine if they are reasonable and in the best interest of the program.

(2) Indirect Costs: Indirect costs are those incurred for common or joint objectives and cannot be readily identified with a particular final cost objective. A cost may not be allocated to an award as an indirect cost if any other cost incurred for the same purpose, in like circumstances, has been assigned to an award as a direct cost. Typical examples of indirect costs may include depreciation or use allowances on buildings and equipment, the costs of operating and maintaining facilities, general administration, and other general expenses such as the salaries and expenses of executive officers, personnel administration, and accounting.

If you have an approved indirect cost rate, you may charge indirect costs to the grant. If you are charging indirect costs to the grant, you must submit the documentation supporting the indirect cost rate to us for review prior to submitting any claims for reimbursement of indirect costs. The appropriate documentation for an approved indirect rate is a federally approved indirect cost rate agreement. We will allow the rate to be applied as long as it is consistent with its established terms. For example, some indirect cost rates may not apply to capital procurements; in these cases, indirect cost rates would not be applicable for an equipment or vehicle grant.

(3) Audit Costs: Grantees must comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Locals Governments, and Non-Profit Organizations, which states recipients of Federal funding that expend more than \$500,000 in Federal funds (from all Federal sources) in their fiscal year are required to have a single audit. (For more information about the Circulars, go to

www.whitehouse.gov/omb/circulars.) If a single audit is required, a portion of the audit costs would be allowable if included in the application budget. We will allow you to charge a prorated share of the costs of the single audit to the grant. For example, if you expend \$100,000 from the AFG program and \$400,000 from the Forestry Service during your fiscal year, we will allow you to charge one-fifth of the audit costs to the AFG program grant should you receive this award. We do not require any other audits; therefore, you cannot charge any other audit expenses to the grant.

(4) *Remodeling or Renovation Costs:* Remodeling or renovations to an existing facility are allowable only if minor in nature (i.e., limited to minor interior alterations costing less than \$10,000). To be eligible, the remodeling must be essential to the successful completion of the grant's scope of work. Construction costs are not eligible under the AFG program nor are costs for the purchase of real estate. Construction includes major alterations to a building and/or changes to the profile or footprint of the structure. Enhancements to existing structures such as the installation of apparatus bay ventilation systems and retrofitting fire stations with sprinkler systems are eligible for application under the Modifications to Fire Stations and Facilities activity.

(5) *Pre-award Costs:* Generally, grantees cannot use grant funds to pay for products and services contracted for, or purchased prior to, the effective date of the grant. However, expenses incurred after the application deadline but prior to award may be eligible for reimbursement if the expenses were justified, unavoidable, consistent with the grant's scope of work, and specifically approved by us. We will consider requests for reimbursement for pre-award costs on a case-by-case basis.

(6) *Pre-application Costs:* Expenses, obligations, commitments, or contracts incurred or entered into prior to the application deadline are not eligible to be included as a grant expense with the exception of grant preparation costs [see (7) below].

(7) *Grant Writer Fees:* Fees for grant writers may be included as a pre-award or pre-application expenditure. Fees payable on a contingency basis are not an eligible expense that can be charged to the grant. For grant writer fees to be eligible as a pre-award expenditure, the fees must be specifically identified and listed in the application and the fees must have been paid prior to any contact with grants management staff or award, i.e., paid within 30 days of the end of the application period. Applicants may be required to provide documentation to support these pre-award expenditures.

The hiring of a grant writer or use of any other third-parties in the preparation of the application does not eliminate the applicant's responsibilities for assuring the information contained in the application is true and correct. Applicants that falsify their applications or misrepresent their organizations in any material manner will have their applications deemed ineligible by the AFG program office and referred to the Office of Inspector General for further action as appropriate.

(8) Pre-payments: A grantee may not use grant funds to prepay for any products or services in advance of delivery of the products or the rendering of services. A down payment for the purchase of vehicle is allowable if required in the purchase contract, but we will only allow up to 25 percent of the Federal share to be drawn for this purpose. The grantee may use grant funds to pay for the purchase of any vehicle's chassis if the chassis is being supplied by a third-party vendor (i.e., a company other than the vehicle manufacturer). Documentation to support the independence of the third-party vendor may be required prior to our approval of any payments for any chassis. Federal funds may not be used for any other periodic or progress payments except the final payment, which should not be requested until after the vehicle is received, inspected, and accepted by the grantee.

Reasonableness of a Request

The panelists will review all of the applications in the competitive range and judge each application on its own merits. The panelists will consider all expenses budgeted, including administrative and indirect, as part of the cost-benefit determination and may recommend appropriate adjustments. Regardless of the eligibility of any costs requested, we reserve the right to reduce any requests for assistance, in whole or in part, that we deem to be excessive or otherwise contrary to the best interests of this program.

Applications that include requests for CBRNE equipment or training will be evaluated by the panelists relative to the critical infrastructure the applicant protects. Critical infrastructure includes any system or asset that if attacked would result in catastrophic loss of life or catastrophic economic loss. Critical infrastructure also includes the following: Public water and power systems, major business centers, chemical facilities, nuclear power plants, major rail and highway bridges, petroleum and/or natural gas transmission pipelines and storage facilities, telecommunications facilities, and facilities that support large public gatherings such as sporting events or concerts.

Applicants who falsify their applications or misrepresent their organizations in any material manner will have their applications deemed ineligible by the AFG program office and referred to the Office of Inspector General for further action as appropriate.

Award Procedure

Awards will be made on a competitive basis using rank order as the primary basis for our decisions, regardless of program. However, there are some exceptions to this process. The legislation authorizing the AFG program restricts how the funds may be used. Grant awards for vehicles may not exceed 25 percent (25%) of the total

appropriated funding, and nonaffiliated EMS organizations may not receive more than two percent (2%) of the appropriated funding. Once we reach these limits, it will then be necessary for us to deviate from rank order with respect to the remaining vehicle requests or nonaffiliated EMS requests.

Throughout the process, career organizations will be competing against other career organizations for up to 45 percent (45%) of the available funding. Volunteer and combination organizations will compete among each other for at least 55 percent (55%) of the available funding. Historically, less than 10 percent (10%) of the applications we receive for AFG program funding are from career organizations. Therefore, the funding levels may not reach the 45 percent (45%) ceiling for career organizations.

To fulfill our obligations under the law, we may also make funding decisions using the size and nature of the community served (urban, suburban, or rural), the type of organization (career, combination, or volunteer), and the geographic location of the organization. In these instances where we are making decisions based on geographic location, we will use states as the basic geographic unit. The geographic location of an applicant will be used primarily as a final discriminator, e.g., in cases where applicants have similar qualifications, we may use the geographic location of the applicants to maximize the diversity of the awardees.

Fire departments that have received funding under the AFG program in previous years are eligible to apply for funding in the current year. However, due to our responsibilities under this program to assure adequate distribution of awards among certain types of organizations (career, combination and volunteer) and certain types of communities (urban, suburban or rural) as well as an equitable geographic distribution, we reserve the right to fund or not to fund previous grant recipients under this program in order to fulfill our responsibilities. We may also take into account an applicant's performance on prior grants when making funding decisions on current applications.

As stated earlier, each application will be evaluated based on the answers to the activity-specific questions. The applications that best address the program's established priorities will be deemed to be in the "competitive range" and subject to a second level of review. This second level of review is conducted via a panel of technical reviewers who will assess the application's merits with respect to the detail provided in the narrative on the activity, the applicant's financial need, and the purported benefit to be derived for the cost. The panel evaluators will independently score each application, discuss the merits and shortcomings of the application, and reconcile any major discrepancies if necessary. A consensus is allowed but not required.

Once every application in the competitive range has been through the panel review, the applications will be ranked according to the average score awarded by the panel. The ranking will be summarized in a Technical Report prepared by the AFG

program office. The AFG program office will then make award recommendations to the Grants Management Branch of the Financial and Acquisition Management Division at FEMA. The Grants Management Branch will then contact the applicant to discuss and/or negotiate the content of the application before making final award decisions.

We will select a sufficient number of awardees from this one application period to obligate all of the funding available this year. Awards will be announced over several months as the decisions are made. Awards will not be made in any specified order, i.e., not by state, by program, or any other characteristic.

Award amounts are limited based on the population of the jurisdiction. Specifically, an applicant that serves a jurisdiction with a population of 500,000 people or less may not receive grants in excess of \$1.0 million in any fiscal year. An applicant that serves a jurisdiction with more than 500,000 but not more than one million people may not receive grants in excess of \$1.75 million. Finally, an applicant that serves a jurisdiction of more than one million people may not receive grants in excess of \$2.75 million in any fiscal year.

Grantees' Responsibilities

Recipients (grantees) must agree to:

(1) Perform the tasks (scope of work) as outlined in the grantee's application and approved by the AFG program office in accordance with the Articles of Agreement.

(2) Share in the costs of the projects funded under this grant program. Fire departments and nonaffiliated EMS organizations serving populations of over 50,000 must match the Federal grant funds with an amount of non-Federal funds equal to 20 percent (20%) of the total project costs. Fire departments and nonaffiliated EMS organizations serving populations of 50,000 or fewer must agree to match the Federal grant funds with an amount of non-Federal funds equal to 10 percent (10%) of the total project cost. Fire departments and nonaffiliated EMS organizations serving areas with a population 20,000 or fewer, must match the Federal grant funds with an amount of non-Federal funds equal to 5 percent (5%) of the total project cost. All non-Federal match funds must be in cash; in-kind contributions are not acceptable. No waivers of this requirement will be granted except for applicants located in Insular Areas as provided for in 48 U.S.C. § 1469a.

The grantee is not required to have the cash match in hand at the time of application nor at the time of award. But, before a grant is awarded, we will ascertain that the grantee either has the funding in hand or has a viable plan to obtain the funding necessary to fulfill the matching requirement.

(3) Maintain operating expenditures for the one-year grant period in the areas funded by this grant activity at a level equal to or greater than the average of their operating expenditures in the two years preceding the year in which this assistance is received. This program is meant to supplement rather than replace an organization's funding.

(4) Retain grant files and supporting documentation for three years after the conclusion and closeout of the grant or any audit subsequent to closeout.

(5) Ensure all procurement actions are conducted in a manner that provides, to the maximum extent possible, open and free competition. In doing so, the grantee must follow its established procurement processes when purchasing vehicles, equipment, and services with the grant funds. If the grantee has no established procedures, it should obtain at least two quotes/bids for the items being procured and document in the grant files the process used. Sole-source purchasing is not an acceptable procurement method except in unusual circumstances.

(6) Submit a Performance Report to us after six months. At grant closeout, the grantee needs to report how the grant funding was used and the benefits realized from the award in a detailed final report. An accounting of the funds must also be included.

(7) Make grant files, books, and records available if requested for inspection to ensure compliance with any requirement of the grant program.

(8) Agree to provide information, through established reporting channels, to the U.S. Fire Administration's National Fire Incident Reporting System (NFIRS) for the period covered by the assistance if the grantee is a fire department. Nonaffiliated EMS organizations do not have to comply with the NFIRS reporting requirement. If fire department grantees do not currently participate in the incident reporting system and do not have the capacity to report at the time of the award, that grantee must agree to provide information to the NFIRS system for a 12-month period commencing as soon as they develop the capacity to report. We expect non-reporting grantees to pursue the capacity to report immediately after notification of award and for these non-reporting grantees to be actively reporting to NFIRS within the approved period of performance. AFG program grantees from previous years will not be allowed to close out their grants until they demonstrate they are complying with this requirement. Failure to close out previous years' grants may affect the consideration of future awards.

(9) Following the audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-profit Organizations, grantees who expend \$500,000 or more in Federal funds in their year (from all Federal sources) must have a single audit performed in accordance with the Circular. (For more information about the Circulars, go to www.whitehouse.gov/omb/circulars.)

(10) Comply with Homeland Security Presidential Directive-5 (HSPD-5). Starting October 1, 2004, HSPD-5 requires all recipients of Federal preparedness funding – including recipients of Federal grants and contracts – to adopt the National Incident Management System (NIMS) as a condition for receipt of the Federal funds. Recipients of FY2006 AFG funds must comply with this directive (see Appendix). AFG recipients will be considered in compliance with this NIMS requirement if the grantee: 1) has an operational knowledge of the Incident Command System (ICS); 2) has an understanding of NIMS' principles and policies; and 3) agrees to adopt and/or comply with all directives, ordinances, rules, orders, edicts, etc., passed down by the local or state authorities with respect to incident management. Organizations already trained in ICS do not need re-training if the previous training was consistent with DHS standards. In order for us to document compliance, grantees will be required to certify their recognition of NIMS/ICS as part of their grant closeout process.

DHS offers ICS and NIMS training for those organizations that have not implemented the Incident Command System or those that are unfamiliar with the principles and policies of NIMS. For example, the Federal Emergency Management Agency (FEMA) offers ICS training from introductory courses to advanced ICS training. For more information regarding ICS and NIMS training, visit the NIMS Web site at www.fema.gov/nims. For more information about ICS training, contact the DHS Centralized Scheduling and Information Desk (CSID) at 1-800-368-6498, or visit the Web site of the DHS Emergency Management Institute (EMI) and the National Fire Academy (NFA) at www.usfa.fema.gov. Your state emergency management training office may also be a source of information in this regard.

Excess Funds

Occasionally, due to successful competitive bid processes, some grantees have funds remaining after the completion of their obligations outlined above. Fire department grantees that complete the approved scope of work prior to the end of the performance period and still have grant funds available have three options for the use of the excess funds:

(1) Grantees may use as much as \$5,000 to continue or expand the activities for which they received the award. For example, if a grantee has funds remaining after completion of the activities listed in their grant agreement, the grantee may use up to \$5,000 of the excess funds to purchase other eligible items without seeking our approval.

(2) Grantees may use excess funds to create or expand a fire prevention program. In order to use excess funds for fire prevention, it will be necessary for grantees to submit an amendment to their grant. In the amendment request, it will be necessary to explain the following:

- i) What fire prevention efforts are you currently engaged in?
- ii) Where the use of excess funds would fit within your existing efforts, if applicable.
- iii) Who is the target audience for your fire prevention project and how did you identify this audience?
- iv) How will you evaluate the effectiveness of the requested fire prevention project?

Excess funds over \$5,000 must be used for fire prevention or option number three (3) below.

(3) Grantees may return excess funds to the AFG program office. To exercise this option, a grantee must close out their award and state in the final performance report the remaining funds are not necessary for the fulfillment of the grant obligations. The grantee must also indicate they understand the funds will be deobligated and unavailable for future expenses. The deobligation of the excess funds will affect (decrease) the Federal portion of the grant and the amount of the grantee's match.

Fire department grantees that complete the approved scope of work prior to the end of the performance period and still have grant funds available may also use excess funds in a combination of activities from Options 1 and 2. Nonaffiliated EMS organizations that have excess funds may use the funds only for options one and three above (i.e., nonaffiliated EMS organizations may spend up to \$5,000 to expand the scope of their award or return the excess funds to us) as they are not eligible to expend grant funds for fire prevention activities.

Any use of excess funds has to be disclosed as part of your reports, i.e., mid-term performance report and final closeout.

APPENDIX

Applicants to the Assistance to Firefighters Grant program should be aware of a number of key national preparedness initiatives and priority focus areas. Applicants for the AFG program are encouraged to closely review the language in this Appendix in order to stay abreast of significant initiatives being highlighted by the Department of Homeland Security (DHS) and to be aware of the program requirements should they become a recipient of AFG financial assistance.

An important requirement for 2006 recipients is compliance with the National Incident Management System (NIMS) and responsibilities of recipients in support of established national goals for the Nation's first responders. Requirements for NIMS and requirements connected to interoperable communications are also included in this Appendix for those interested in broad communications projects.

In addition, Homeland Security Presidential Directive-8 (HSPD-8) directs the grant program office to assure that Federal resources are directed toward ensuring the Nation is prepared to prevent, respond, and recover from major events, especially the prevention and response to terrorists' attacks. It is our belief that funding any fire departments through the AFG is consistent with HSPD-8 and will ensure that first-responders are prepared to respond to major events. As in prior years' programs, equipment and training for preparing for and responding to events that involve chemical, biological, radiological, nuclear, or explosive devices (CBRNE) are eligible this year.

NATIONAL INITIATIVES

This section provides background information on key national preparedness initiatives and priority focus areas. Applicants for Assistance to Firefighters Grants (AFG) are encouraged to review closely the language in these sections in order to stay abreast of significant initiatives being highlighted by DHS and to be aware of the program requirements that will be associated with their grant, if they become a recipient of AFG financial assistance.

A. National Incident Management System (NIMS)

Issued on March 1, 2004, NIMS is a nationwide approach for Federal, state, territorial, tribal, and local governments to work effectively and efficiently together to prepare for, prevent, respond to, and recover from domestic incidents, regardless of cause, size, or complexity.

On September 8, 2004, DHS issued a letter to governors outlining the requirements for implementing NIMS in FY05 and beyond. The NIMS Integration Center (NIC) is working with Federal departments and agencies to ensure that they develop a plan to adopt NIMS and that all FY06 Federal preparedness assistance program documents begin the process of addressing state, territorial, tribal, and local NIMS implementation.

Implementation of and compliance with NIMS is critical to ensuring full and robust preparedness across our nation. Homeland Security Presidential Directive 5 (HSPD-5) established ambitious deadlines for NIMS adoption and implementation. FY05 was the start-up year for NIMS implementation. Because FY06 is a critical year for NIMS adoption, grantees must certify they will comply with all edicts involving NIMS.

States and Territories

- Incorporate NIMS into existing training programs and exercises;
- Ensure Federal preparedness funding supports state, local and tribal NIMS implementation;
- Incorporate NIMS into Emergency Operations Plans;
- Promote intrastate mutual aid agreements;
- Coordinate and provide NIMS technical assistance to local entities; and
- Institutionalize the use of the Incident Command System.

State, Territorial, Local and Tribal Jurisdictions

- Complete the NIMS Awareness Course: "National Incident Management System (NIMS), An Introduction" IS 700. This independent study course developed by the Emergency Management Institute (EMI) explains the purpose, principles, key components and benefits of NIMS. The course is available on the EMI Web page at: <http://training.fema.gov/EMIWeb/IS/is700.asp>.
- Formally recognize NIMS and adopt NIMS principles and policies. States, territories, tribes and local entities should establish legislation, executive orders, resolutions, or ordinances to formally adopt NIMS. Go to <http://www.fema.gov/nims> and see NIMS Resources for examples.
- Determine which NIMS requirements already have been met. Clearly, state, territorial, tribal, and local entities have already implemented many of the concepts and protocols identified in NIMS. However, as gaps in compliance with NIMS are identified, states, territories, tribes and local entities should use existing initiatives,

such as the Homeland Security Grant Programs, to develop strategies for addressing those gaps.

- Develop a strategy and timeframe for full NIMS implementation. States, territories, tribes, and local entities were encouraged to achieve full NIMS implementation during FY 2005. To the extent that full implementation was not possible during FY 2005, Federal preparedness assistance must be leveraged to complete NIMS implementation during FY 2006. By FY 2007, Federal preparedness assistance will be conditioned by full compliance with NIMS. States should work with tribal and local governments to develop a strategy for statewide compliance with NIMS.
- Institutionalize the use of the Incident Command System (ICS). All Federal, state, territory, tribal and local jurisdictions are required to adopt ICS in order to be compliant with NIMS. See NIMS and the Incident Command System at <http://www.fema.gov/nims> under NIMS Resources.

FY 2006 and FY 2007 Requirements

In order to receive FY 2006 preparedness funding, applicants must certify as part of their FY 2006 grant applications that they have met or will meet the FY 2005 NIMS requirements. The NIMS Integration Center Web page, <http://www.fema.gov/nims>, is updated regularly with NIMS information and implementation guidance.

B. HSPD-8: National Preparedness

HSPD-8 establishes policies to strengthen the preparedness of the United States to prevent and respond to threatened or actual domestic terrorist attacks, major disasters and other emergencies by requiring a National Preparedness Goal, establishing mechanisms for improved delivery of Federal preparedness assistance to state and local governments, and outlining actions to strengthen preparedness capabilities of Federal, state, and local entities. Statewide all-hazards preparedness strategies should be consistent with the National Preparedness Goal, assess the most effective ways to enhance preparedness, address areas facing higher risk especially to terrorism, and address local government concerns and Citizen Corps efforts.

The National Preparedness Goal aims for Federal, state, local, and tribal entities to achieve and sustain nationally accepted risk-based target levels of capability for prevention, preparedness, response, and recovery for major events, especially terrorism. The target levels of capability are based upon National Planning Scenarios, a Universal Task list (UTL), and a Target Capabilities List. These tools are being developed with input from the homeland security community at all levels and will continue to be updated over time. States should have taken steps in FY05 to review and incorporate these tools in their preparedness efforts in preparation for full implementation of HSPD-8 in FY06.

The National Planning Scenarios illustrate the scope and magnitude of major, catastrophic events for which the nation needs to be prepared. They include 12 terrorist attacks (including chemical, biological, radiological, nuclear, explosive, and cyber), two natural disasters, and pandemic influenza. The scenarios provide the detail in terms of casualties, property damage, and economic losses needed to project capability requirements for prevention, preparedness, response and recovery. Summaries of the National Planning Scenarios are available on the Secure Portal located at <https://odp.esportals.com>. The National Planning Scenarios will be made available as soon as they are finalized.

The UTL defines the essential tasks that need to be performed from the incident scene to the national level for major events illustrated by the National Planning Scenarios. Federal, state, local, and tribal entities select the appropriate tasks that apply to their assigned missions. The UTL also includes information on operating conditions and standards needed to develop quantifiable performance measures for planning, equipment, training, and exercises. The UTL is available on the Secure Portal located at <https://odp.esportals.com>.

The Target Capabilities List identifies the capabilities needed to perform the tasks identified in the UTL for the major events illustrated by the National Planning Scenarios. A capability consists of properly planned, organized, equipped, trained, and exercised personnel needed to perform a task. The Target Capabilities List will include tiers to account for reasonable differences in capability levels among entities based on population density, critical infrastructure, and other risk factors. Entities are preparedness organizations established by levels of government with participation from the private and nonprofit sector, as described in NIMS. The Target Capabilities List will also include performance metrics. The Target Capabilities List is available on the Secure Portal located at <https://odp.esportals.com>.

DHS has developed detailed National Planning Guidance (due by March 31, 2005) in coordination with Federal, state, local, and tribal entities that describes the National Preparedness Goal, the target levels of capability, and how to apply them in the development and update of preparedness assessments and strategies. The current variety of assessments, surveys, and data calls will be realigned over time to support the Goal. As necessary, Federal regulatory requirements will be modified to support the National Preparedness Goal, to the extent permitted by law. DHS will provide information about changes in preparedness assessments and strategies in upcoming information bulletins and various forums.

C. National Response Plan (NRP)

The NRP is an all-discipline, all-hazards plan released publicly in January 2005 that established a single, comprehensive framework for the management of domestic

incidents. It provides the structure and mechanisms for the coordination of Federal support to state, local, and tribal incident managers and for exercising direct Federal authorities and responsibilities. The NRP assists in the important homeland security mission of preventing terrorist attacks within the United States; reducing the vulnerability to all natural and manmade hazards; and minimizing the damage and assisting in the recovery from any type of incident that occurs.

As part of NRP implementation, state, territorial, local, and tribal governments and non-governmental organizations (NGOs) are requested to:

- Utilize established incident reporting protocols to notify local and regional Joint Terrorism Task Forces and the Homeland Security Operations Center (HSOC), as appropriate.
- Coordinate with the HSOC regarding procedures for establishing connectivity for domestic incident management purposes. Local government procedures should be coordinated with the respective state government and/or EMA.
- Modify existing incident management and EOPs within 120 days (or no later than the next major plan maintenance cycle) to ensure proper alignment with NRP coordinating structures, processes, and protocols.

D. Public Safety Communications and Interoperability Guidance

In May 2004, DHS adopted SAFECOM developed language for grant guidance in an effort to ensure interoperability through the various layers of Federal, state, and local government. (See DHS Information Bulletin #113). SAFECOM developed this general grant criteria in concert with representatives of the public safety community in an effort to coordinate the way in which funding is allocated and to maximize the prospects for interoperable communications.

The intent of the SAFECOM grant guidance is to ensure that the communications equipment being procured will lead to improved multi-disciplinary and/or multi-jurisdictional interoperable public safety communications. The grant guidance provides a list of questions to be answered in order to demonstrate how the applicant's proposed project would enhance interoperability. The guidance also encourages that, where appropriate, applicants purchase equipment that meets standards that have been developed and adopted by the public safety communications community—American National Standards Institute (ANSI)/TIA/EIAA-102 Phase 1 (Project 25) suite of standards. This recommendation is intended for government-owned or -leased land mobile public safety radio equipment. Its purpose is to make sure that such equipment or systems are capable of interoperability with other public safety land mobile equipment or systems. It is not intended to apply to commercial services that offer other types of interoperability solutions and does not exclude any application if it demonstrates that the

system or equipment being proposed will lead to enhanced interoperability. The grant guidance does not propose to preclude funding of non-Project 25 equipment when there are compelling reasons for using other solutions. Absent these compelling reasons, DHS intends that Project 25 equipment will be preferred for digital systems to which the standard applies.

The SAFECOM interoperable communications guidance addresses the following issues:

- Criteria
 - o Personnel Involved with Public Safety Communications Interoperability
 - o Lifecycle of Public Safety Communications Projects
 - o Common Public Safety Communications Goals
 - o Common Criteria for All Grant Applicants
 - o Standards
 - o Governance
- Criteria for Public Safety Communications Equipment Grants
 - o Building, Upgrading, Enhancing, Replacing and Maintaining Public Safety Communications Systems and Equipment
- Supplemental Criteria for Public Safety Equipment Grants
 - o Planning for Public Safety Communication Systems
 - o Training Public Safety Staff on Issues Related to Emergency Response Communications
 - o Managing Public Safety Communications Projects
 - o Generic Examples of Linking Disparate Public Safety Communications Systems

The SAFECOM grant guidance materials are available in their entirety on the SAFECOM Web site (<http://www.safecomprogram.gov>) in the electronic library. They can also be accessed through DHS Information Bulletin #113, posted at <http://www.ojp.usdoj.gov/odp/docs/bulletins.htm>, which draws links between AFG and other G&T Programs.

E. Office of Grants and Training

In an effort to streamline and effectively coordinate funding to the states and territories, DHS established the Office of Grants and Training (G&T) within the Preparedness Directorate, which is tasked with preparing the nation for acts of terrorism,

natural disasters and other catastrophic events. G&T manages a national program to enhance the capacity of state and local agencies to respond to incidents of terrorism, particularly those involving chemical, biological, radiological, nuclear, and explosive incidents, as well as natural disasters, through coordinated training, exercises, equipment acquisition, and technical assistance.

G&T is charged with coordinating the implementation of HSPD-8, which establishes national policies to prevent and respond to threatened or actual domestic terrorist attacks, major disasters, and other emergencies by creating a national domestic all-hazards preparedness goal; providing mechanisms for improved delivery of Federal preparedness assistance to state and local governments; and outlining actions to strengthen the preparedness capabilities of Federal, state, and local entities.

DHS has responded to numerous requests from state and local homeland security officials by creating in G&T a one-stop shop for homeland security grant funding. G&T distributes grants to states and local homeland security stakeholders through a number of assistance programs:

- **Assistance to Firefighters Grant Program:** The Assistance to Firefighters Grant Program helps local fire departments purchase firefighting equipment, fund firefighter health and safety programs, enhance emergency medical services programs, and conduct fire education and prevention programs.
- **Homeland Security Grant Program (HSGP):** Provides funding for planning, equipment, training, exercises, and program management and administration for emergency prevention, preparedness, and response personnel in support of efforts to implement state and Urban Area Homeland Security Strategies. Six programs are combined into a single application kit and set of program guidelines under the HSGP:
 - o State Homeland Security Program (SHSP): Provides financial assistance directly to each of the states and territories to prevent, respond to, and recover from acts of terrorism. SHSP supports the implementation of the State Homeland Security Strategy to address the identified planning, equipment, training, and exercise needs.
 - o Urban Areas Security Initiative (UASI): Addresses the unique equipment, training, planning and exercise needs of large high-threat urban areas.
 - o Law Enforcement Terrorism Prevention Program: Provides law enforcement communities with funds to support prevention activities such as: information sharing to preempt terrorist attacks; target hardening to reduce vulnerability of selected high value targets; recognition and mapping of potential or developing

threats; counterterrorism and security planning; interoperable communications; and, interdiction of terrorists before they can execute a threat or intervention activities that prevent terrorists from executing a threat.

- o Citizen Corps Program: DHS grassroots initiative that encourages citizens to play a role in hometown security through personal preparedness. Citizen Corps provides local opportunities to channel citizen action through preparedness, training, and volunteer service opportunities coordinated by over 1,200 local Citizen Corps Councils nationwide.

- o Emergency Management Performance Grants: Supports comprehensive emergency management at the state and local levels and encourages the improvement of mitigation, preparedness, response, and recovery capabilities for all hazards.

- o Metropolitan Medical Response System: Provides funding to 124 designated jurisdictions to write plans, develop training, purchase equipment and pharmaceuticals, and conduct exercises related to catastrophic incidents. The program enhances local capability to respond to all-hazard, mass casualty events.

- Transportation and Interoperability Grants: These grants provide funding to enhance security at port and transit facilities, as well as interoperability communications.
- Competitive Training Grants Program: Provides funding for training initiatives to further DHS's mission of preparing the nation in the event of a terrorist incident.

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

A. 15
Washington Regional Medical Center
Tree Preservation
Page 1 of 6

3/21/2006
City Council Meeting Date

Sarah K. Patterson
Submitted By

Parks and Recreation
Division

Operations
Department

Action Required:

City Council approval of the relocation of Tree Preservation Areas of Lots 1,4, and 7; and the approval of minor modifications to Tree Preservation Area of Lot 2 and the Preservation Area adjacent to Scull Creek for the expansions of Washington Regional Medical Center.

N/A
Cost of this request

N/A
Category / Project Budget

N/A
Program Category / Project Name

N/A
Account Number

N/A
Funds Used to Date

N/A
Program / Project Category Name

N/A
Project Number

N/A
Remaining Balance

N/A
Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☐

[Signature] 3.3.06
Department Director Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

[Signature] 3/7/06
City Attorney Date

[Signature] 3/7/06
Finance and Internal Service Director Date

Received in City Clerk's Office
ENTERED
3/21/06

[Signature] 3/7/06
Mayor Date

Received in Mayor's Office
ENTERED
3/21/06

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Dan Coody and City Council

Thru: Gary Dumas, Operations Director
Connie Edmontson, Parks and Recreation Director

From: Sarah K. Patterson, Urban Forester

Date: March 2, 2006

Subject: Washington Regional Medical Center Tree Preservation Easement
Relocation and Modification

RECOMMENDATION

The proposed Washington Regional expansion project requires the City Council to consider the relocation of Tree Preservation Areas of Lots 1, 4, and 7; and the approval of minor modifications to Tree Preservation Area of Lot 2 and the tract adjacent to Scull Creek. The following conditions must be met:

1. On-site mitigation will be required to replace the 37,271 square feet of canopy lost while 246,422 square feet will be maintained. Mitigation will require 86 (2) inch caliper large species trees located on-site in areas where their health and longevity can be guaranteed.
2. Washington Regional Medical Center shall dedicate to the City of Fayetteville a Tree Preservation Area and Scull Creek Trail Easement in excess of 40,000 square feet when or before the land develops on the Western bounds of Scull Creek also giving access to Futrall Drive. However, the Tree Preservation Area and Trail Easement to the City of Fayetteville will require a 50-foot Access and Utility Easement to allow Washington Regional to have unrestricted access to adjoin both properties on the West bounds and East bounds of Skull Creek.

BACKGROUND

Under the Tree Preservation and Protection Code Chapter 167 (L)(2) The geographic extent and location of tree preservation areas, once recorded, may only be modified, or abolished with the express approval of the City Council. Applicants requesting such action shall bear the burden of proving to the City Council's satisfaction that such modification or abolition is in the best interest of the City of Fayetteville. Such requests shall be submitted to the Landscape Administrator, who shall ask the city clerk to place it on the agenda of the next regularly scheduled City Council meeting.

The (LSD) Washington Regional Medical Center was approved in 2002 to preserve 158,393 square feet (6.98%) of canopy within protected Tree Preservation Areas. Since this time approximately 125,300 square feet of additional canopy has been added with

Agenda Item Number

numerous tree plantings around the entire 52-acre site. Currently Washington Regional Medical Center has 283,693 square feet of canopy and/or 12.51% on-site.

Expansion of the Washington Regional Medical Center is proposed. Two Large Scale Developments have been submitted to the Planning Division for a Senior Center, Emergency Room expansion, parking garage, and a new Administrative Services Building. Washington Regional states the reason for the expansion of these areas is to mitigate their Emergency Room from being closed eight percent (8%) of the time (29 days) throughout the year. In addition, they need to improve access to Primary Care Services for the elderly. Washington Regional's existing medical staff has to treat an inordinately high percentage of Medicare patients, which decreases their ability to see new patients. Finally, this expansion will allow Washington Regional to improve delivery of vital ancillary services, thus improving quality, timeliness, and consistency of food services and supplies for patients.

The relocation and modifications requested on behalf of Washington Regional Medical Center will reduce the Tree Preservation Areas and canopy on-site to 244,329 square feet (10.78%). This reduction will require on-site mitigation in the amount of 86 (2) inch caliper large species trees to bring the overall percentage back to the original 12.51%. These trees should be located in areas where their health and longevity can be assured.

The Tree Preservation Areas proposed for modification and relocation will allow Washington Regional the ability to develop these sites while the City of Fayetteville will gain a Tree Preservation Area and Scull Creek Trail Easement along a riparian buffer of the Illionis River watershed

A full Staff Report is included and should be referred to for further detail.

DISCUSSION

City Council approval of modification of the Tree Preservation Easement found on Lot 2 and easement along Scull Creek is required. City Council approval of reloation of the Tree Preservation Easement found on Lots 1, 4, and 7 is required.

BUDGET IMPACT

None

Attachments:

Site maps
Staff Report

RESOLUTION NO. _____

A RESOLUTION APPROVING A REQUEST BY WASHINGTON REGIONAL MEDICAL CENTER TO MODIFY THE GEOGRAPHIC EXTENT AND LOCATION OF CERTAIN TREE PRESERVATION AREAS PURSUANT TO §167.04 (L) (2), TREE PRESERVATION AND PROTECTION, UNIFIED DEVELOPMENT CODE, CODE OF FAYETTEVILLE.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the request by Washington Regional Medical Center to modify the location of the Tree Preservation Areas on Lots 1, 4 and 7, and to modify the geographic extent of the Tree Preservation Area on Lot 2, and the tract adjacent to Scull Creek, pursuant to §167.04 (L) (2), Tree Preservation and Protection, Unified Development Code, Code of Fayetteville, subject to the following conditions:

1. Washington Regional Medical Center shall dedicate to the City of Fayetteville a Tree Preservation Area and Scull Creek Trail Easement in excess of 40,000 square feet at or before the development of the land on the Western bounds of Scull Creek, and giving access to Futrall Drive. However, the Tree Preservation Area and Trail Easement to the City of Fayetteville shall require a 50-foot Access and Utility Easement to allow Washington Regional to have unrestricted access to adjoin both properties on the West bounds and East bounds of Skull Creek.
2. On-site mitigation shall be required to replace the 37,271 square feet of canopy lost, while 246,422 square feet will be maintained. The Mitigation Plan shall require the applicant to plant 86 (2) inch-caliper large species trees located on-site in areas where their health and longevity can be guaranteed.

PASSED and APPROVED this 21st day of March, 2006.

APPROVED:

ATTEST:

By

DAN COODY, Mayor

By:

SONDRA SMITH, City Clerk



City Council Meeting of March 21, 2006

THE CITY OF FAYETTEVILLE, ARKANSAS

PARKS AND RECREATION DIVISION CORRESPONDENCE

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 444-3471

To: Mayor Dan Coody and
City Council

From: Sarah K. Patterson, Urban Forester

Date: March 2, 2006

Subject: Relocation and Modification of Tree Preservation Area for
Washington Regional

STAFF REPORT

FINDINGS

-The Tree Preservation Area on Lot 1 (19,256 SQ ft) is found along the drainage channel on the corner of Appleby and Northhills. Trees in this area are a combination of oaks, bois d arc, and locust. The area as a whole has a wide mix of species including the ones mentioned with additional elms, hackberry, and hickory. The proposed Large Scale Development for the Senior Center will require a portion of the drainage to be piped and covered. Although Washington Regional is requesting to relocate this entire easement, it is the intent to preserve as many of the trees as possible during the construction process.

-The Tree Preservation Area on Lot 4 (6,666 SQ ft) is also found along a drainage channel. The trees in this area are volunteer and less desirable species covered in vines and underbrush. The location of this Area, as it is currently recorded, inhibits the flexibility of design for any future projects.

-Tree Preservation Area located on Lot 7 (6,019 SQ ft) is between utility easements along Appleby Road. The area contains only two significant trees that fall within the easement area. Many trees are found in the vicinity of this easement but are either under the size qualifications for significance or are found just outside the area in question. This area has several hickory's, oaks, ash, and elm. This small tract is split and surrounded by existing utility easements dedicated with the original Large Scale Development approval in 2002. The proposed Administrative Services Building will require relocation of public utilities found in these easements and the removal of tree canopy for construction of the facility.

-The long Tract of Tree Preservation Area along Scull Creek will be modified slightly to allow a 50-foot Access and Utility Easement between this and the adjoining property. This will remove 4,768 square feet of canopy and split the existing Tree Preservation Area into two separate Areas.

-Modification of the Tree Preservation Area on Lot 2 is required for the construction of a new parking lot. This lot will be completed prior to the start of construction of the other Large Scale Developments and will add additional parking while the new parking garage is completed. This modification will not remove any trees but will allow the parking lot to be constructed under the tree canopy. Approximately 562 square feet will be removed from the current 29,380

RECOMMENDATION

Staff recommends the relocation of Tree Preservation Areas of Lots 1, 4, and 7; and the approval of minor modifications to Tree Preservation Area of Lot 2 and the tract adjacent to Scull Creek. The following conditions must be met:

1. On-site mitigation will be required to replace the 37,271 square feet of canopy lost while 246,422 square feet will be maintained. Mitigation will require 86 (2) inch caliper large species trees located on-site in areas where their health and longevity can be guaranteed.
2. Washington Regional Medical Center shall dedicate to the City of Fayetteville a Tree Preservation Area and Scull Creek Trail Easement in excess of 40,000 square feet when or before the land develops on the Western bounds of Scull Creek also giving access to Futrall Drive. However, the Tree Preservation Area and Trail Easement to the City of Fayetteville will require a 50-foot Access and Utility Easement to allow Washington Regional to have unrestricted access to adjoin both properties on the West bounds and East bounds of Skull Creek.

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

March 21, 2006
City Council Meeting Date

Ron Petrie Engineering Operations
Submitted By Division Department

Action Required:

A resolution approving Amendment #1 to the contract with McClelland Consulting Engineers, Inc. in an amount not to exceed \$65,375.30 for final design, bidding, construction administration, and resident services during construction for improvements to Kings Drive.

\$ 65,375.30	\$ 535,000.00 ✓	Kings Drive-Lakeside to Columbus
Cost of this request	Category / Project Budget	Program Category / Project Name
4470.9470.5809.00	\$ 30,680.00	Street Improvements
Account Number	Funds Used to Date	Program / Project Category Name
05030	\$ 504,320.00	Sales Tax-Capital Improvements
Project Number	Remaining Balance	Fund Name

Budgeted Item ☒ Budget Adjustment Attached ☐

 3-3-06
Department Director Date

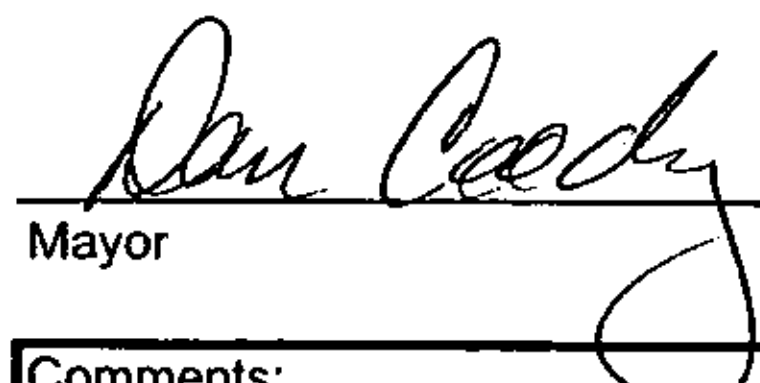
Previous Ordinance or Resolution # 52-05

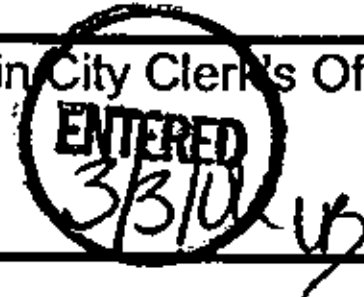
Original Contract Date: 3/15/2006

Original Contract Number: _____

 3/3/06
City Attorney Date

 3-3-06
Finance and Internal Service Director Date

 3/6/06
Mayor Date

Received in City Clerk's Office


Received in Mayor's Office


Comments:



Date: March 2, 2006

To: Fayetteville City Council

Thru: Dan Coody, Mayor
Gary Dumas, Director of Operations 

From: Ron Petrie, City Engineer 

Subject: **Kings Drive Improvements**
Contract Amendment for Design and Construction Phase Services

RECOMMENDATION:

Staff recommends approval of Contract Amendment No. 1 with McClelland Consulting Engineers in an amount not to exceed \$65,375.30 for design, bid, and construction phase services for improvements to Kings Drive.

BACKGROUND:

In 2001, the City contracted with Grubbs, Hoskyn, Barton, and Wyatt to perform a geotechnical investigation of the Kings Drive area and provide recommendations. The study recommended a complex set of concrete piers and a hybrid retaining wall/pinning system. At the time, the preliminary cost of these improvements was estimated to be in excess of \$1,000,000, and the project was determined to be unfeasible.

In May, 2004, the City approved a contract with the geotechnical firm of Terracon, Inc. to study flood damages caused by April rainfall events. A portion of that contract was to again study Kings Drive that was damaged during the April flooding. The study prepared by Terracon recommended installing a drilled pier retaining wall system on the downhill side of the road. The cost for these recommended improvements was estimated to be \$325,000 plus the cost to rebuild the street.

In March, 2005, the City approved a contract with McClelland Consulting Engineers for additional study of the Kings Drive area and to provide recommendations and cost estimates for alternative solutions for the street. The study has been completed and was presented to the Street Committee on February 13th of this year. The Committee accepted the recommendations, and voted to proceed with final design and construction of the recommended improvements.

DISCUSSION:

In order to proceed with the design and construction on the project, a Contract Amendment to the Contract with McClelland Consulting Engineers is needed. The scope of work to be accomplished by McClelland under this Amendment is summarized as follows:

- Provide preliminary and final design services necessary for preparation of Plans and Specifications for the proposed improvements.
- Provide bid phase services.
- Provide construction and post-construction phase services, including construction observation services.

The total fee for these services is proposed to be an amount not to exceed \$65,375.30

BUDGET IMPACT:

Funding in the amount of \$500,000 is available in the 2006 CIP Budget for Kings Drive Improvements. This contract will be paid from those funds.

RESOLUTION NO. _____

A RESOLUTION APPROVING AMENDMENT #1 TO THE CONTRACT WITH McCLELLAND CONSULTING ENGINEERS, INC. IN AN AMOUNT NOT TO EXCEED \$65,375.30 FOR FINAL DESIGN, BIDDING, CONSTRUCTION ADMINISTRATION, AND RESIDENT SERVICES DURING CONSTRUCTION FOR IMPROVEMENTS TO KINGS DRIVE.

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 Amendment #1 to the contract with McClelland Consulting Engineers, Inc. in an amount not to exceed \$65,375.30 for final design, bidding, construction administration, and resident services during construction for improvements to Kings Drive. A copy of Amendment #1, marked Exhibit "A" is attached hereto and made a part hereof.

PASSED and APPROVED this 21st day of March, 2006.

APPROVED

DAN COODY, Mayor

ATTEST:

By

SONDRA SMITH, City Clerk

AMENDMENT NO. 1
TO
AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES
KINGS DRIVE STABILIZATION and RECONSTRUCTION
DESIGN, BIDDING, AND CONSTRUCTION PHASE SERVICES

The Agreement for Professional Engineering Services executed on March 15, 2005 for the Study and Analysis of Street Failure Along Kings Drive in Fayetteville, Arkansas is hereby amended. This Amendment entered into and executed on the date indicated beneath the signature blocks, by and between the City of Fayetteville (hereinafter "City of Fayetteville") and McClelland Consulting Engineers, Inc. (hereinafter "McClelland") changes the authorized Scope of the Project, and the Fees and Payments, due to the requested increase in scope of services on the Kings Drive project. The scope of the improvements is to include the installation of a Stone Shear Key along a distance of 600 feet of street with an outlet underdrain extending to Lakeside Drive, the reconstruction of 480 feet more or less, the milling and overlaying of 670 feet of street either side of the reconstruction area, and the relocation of 530 feet of 8-inch water line.

The Agreement lists the Scope of Services for:

1. Preliminary Design Phase Services
2. Final Design Phase Services
3. Bidding Phase Services
4. Construction Phase Services
5. Post-Construction Phase Services
6. Resident Services During Construction

However, only the Study and Analysis of the Street Failure Along Kings Drive was authorized for completion in the basic Agreement and was covered in Section 6, Payments to McClelland.

The purpose of this Amendment No. 1 is to authorize McClelland to complete the Preliminary and Final Design, Bidding, Construction, Post-Construction and Resident Services During Construction as defined in the Agreement and hereinafter, and to establish compensation for these services.

SECTION 2 – BASIC SERVICES OF MCCLELLAND

McClelland is hereby authorized to complete Design Phase, Bidding, Construction, Post-Construction and Resident Services as defined under Section 2.3 of the Agreement, to include the installation of a Stone Shear Key along a distance of 600 feet of street with an outlet underdrain extending to Lakeside Drive, the reconstruction of 480 feet more or less, the milling and overlaying of 670 feet of street either side of the reconstruction area, and the relocation of 530 feet of 8-inch water line. as defined under Section 2. McClelland is hereby authorized to complete Design Phase, Bidding, Construction, Post-Construction and Resident Services as defined under Section 2 of the Agreement.

McClelland is hereby authorized to complete Construction Phase Services to include:

1. Review of submittals.
2. Processing monthly pay requests.
3. Scheduling and attending progress meetings, as needed.
4. Coordination of Construction activities between the Contractor and City of Fayetteville.

McClelland is hereby authorized to complete Post – Construction Phase Services to include:

1. Securing and processing of final documents (Bonds, affidavits, etc.).
2. Preparation and submission of Record Drawings.
3. Coordination of post – construction/clean up activities required of the Contractor.

McClelland is hereby authorized to provide Resident Services During Construction to include:

1. Providing a resident construction observer to be at the project during construction activities related to the Street and water main reconstruction. Resident services shall be on an as needed basis during the construction periods.
2. The resident construction observer shall maintain daily logs of site conditions, work completed, activities relating to property owners, and information/directives received from the City of Fayetteville.

3. The resident construction observer shall not provide superintendence over the Contractor's personnel or over the Contractor's work and safety procedures.

From the time the City of Fayetteville issues the Notice To Proceed (NTP), McClelland. will endeavor to execute the project within the following time periods:

<u>Task</u>	<u>Completion After NTP</u>
A. Additional Topographic Survey	10 calendar days
B. Design Phases:	120 calendar days
C. Advertise for bids:	150 calendar days

SECTION 6 – PAYMENTS TO MCCLELLAND

Compensation for Design, Bidding, Construction, Post-Construction and Resident Services During Construction shall be based upon for Scope of Services indicated above. The estimated manhours and labor rates as applicable for these phases of the project is given on the attached Exhibit "A". The fee shall be based on the Hourly Rates shown on the attached Exhibit "B" and the Total Fee shall be a Not-To-Exceed as follows:

Estimated fee for Each Task	
Topo & Utility Verifications Surveys	<u>\$ 3,160.30</u>
Design Phase	<u>\$ 21,260.00</u>
Bidding Phase:	<u>\$ 2,835.00</u>
Construction and Post – Construction Services:	<u>\$ 5,215.00</u>
Resident Services During Construction: (As Needed Basis)	<u>\$ 31,895.00</u>
Reimbursable Expenses	<u>\$ 980.00</u>
Total (Not-to-Exceed Fee)	<u>\$ 65,375.30</u>

This Amendment No. 1 authorizes an additional Sixty Five Thousand Three Hundred Seventy Five and 0.30 dollars (\$ 65,375.30) to the originally approved Thirty Thousand Six Hundred Eighty dollars (\$ 30,680.00). This amended Contract Amount (\$ 96,055.30) shall not be exceeded without specific written authorization from the City of Fayetteville.

All other provisions and conditions of the original Agreement remain in full force and effect. Final Design and Bidding Services shall be completed to conform to the City of Fayetteville's schedule with the construction contractor.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be duly executed as of the date and year first herein written.

FOR: THE CITY OF FAYETTEVILLE:

By: _____

Attest: _____

Date: _____

FOR: McCLELLAND CONSULTING ENGINEERS, INC.:

By: John C. Quinn

Attest: R. W. [Signature]

Date: 2/28/06

EXHIBIT "A"
BASIS OF FEE PROPOSAL
KINGS DRIVE RECONSTRUCTION, FAYETTEVILLE, ARKANSAS
McCLELLAND CONSULTING ENGINEERS, INC.
February 23, 2008

LINE NO.	TASK DESCRIPTION	HOURS BUDGETED FOR EACH DISCIPLINE											EXTENDED COST
		PROJ. DIR.	PROJ. MGR.	ENGR. I	ENGR. TECH.	REG. SURV.	SURV. CREW	DRFT. SUPV.	DRFTM. II	CONST. OBS III	CONST. OBS II	CLERICAL	
1	KINGS DRIVE RECONSTRUCTION	\$135.00	\$135.00	\$90.00	\$70.00	\$85.00	\$120.00	\$60.00	\$50.00	\$70.00	\$50.00	\$45.00	\$1
2													
3	TOPOGRAPHIC SURVEYS												
4	A. ESTABLISH BASELINE MONUMENTS @ 500' INTERVALS					1.0	2.0					6.0	\$327.40
5	B. LOCATE EXISTING FEATURES NOT NOTED ON EXISTING TOPO		1.0			1.0	4.0					6.0	\$702.40
6	C. PROFILE DRIVEWAYS					1.0	2.0					6.0	\$327.40
7	D. SET TEMPORARY BENCHMARKS AT 1000' CENTERS						2.0					6.0	\$327.40
8													
9	UTILITY SURVEYS AND COORDINATION												
10													
11	A. CONFIRM LOCATION AND SIZE OF EXIST. UTILITIES					0.5	2.0					6.0	\$284.90
12	B. FIELD LOCATE UTILITIES; EXCAVATE WHERE NECESSARY					0.5	2.0					6.0	\$284.90
13	C. PLOT EXISTING UTILITIES ON PLANS				3.0	0.5							\$286.90
14	D. TWO MEETINGS WITH UTILITY COMPANIES		2.0	2.0									\$480.00
15	E. REVIEW UTILITY RELOCATION PLANS WITH CITY AND PLOT ON PLANS		1.0	2.0									\$318.00
16													
17													
18													
19													
20	PRELIMINARY DESIGN PHASE												
21	A. PLAN AND PROFILE DRAWINGS: H=120, V=11.5												\$0.00
22	(1) HORIZONTAL AND VERTICAL ALIGNMENT, C&G, DWT, DRAINAGE		1.0	4.0	10.0								\$1,195.00
23	(2) DESIGN AND PREPARE TYPICAL PAVEMENT SECTIONS		2.0	2.0	8.0								\$740.00
24	(3) PLOT EXISTING CROSS-SECTIONS, INC. DWT & CROSS STREETS			1.0									\$90.00
25	(4) PREPARE PLANS FOR INTERSECTING STREETS, INC. ELEVATIONS			1.0									\$90.00
26	(5) PERFORM DRAINAGE CALCULATIONS												\$0.00
27	(6) IDENTIFY TRAFFIC LANE CONFIGURATIONS			2.0									\$180.00
28	(7) PREPARE PLANS AND DETAILS												\$0.00
29	(8) DEVELOP DETAILS		2.0	8.0				4.0	12.0				\$1,830.00
30	(9) DRAFT NOTES ON PLANS TO DESCRIBE CONSTRUCTION WORK		1.0	6.0					18.0				\$1,476.00
31	(10) PREPARE PRELIMINARY SEQUENCE OF CONSTR. AND DETOURS			4.0					8.0				\$760.00
32	(11) PREPARE PRELIMINARY STORM WATER AND EROSION CONTROL PLANS			4.0					6.0				\$880.00
33	(12) DRAFT PROJECT SPECIFICATIONS		2.0	10.0								16.0	\$1,890.00
34	(13) PREPARE PRELIMINARY CONSTRUCTION COST ESTIMATES		2.0	10.0								4.0	\$1,590.00
35	B. PREPARE PRELIMINARY WATER LINE RELOCATION PLANS		2.0	12.0				2.0	18.0				\$2,370.00
36	C. ATTEND MONTHLY PROGRESS MEETINGS WITH CITY		4.0	4.0									\$900.00
37	D. PROVIDE WRITTEN RESPONSE TO CITY'S REVIEW COMMENTS		1.0	4.0								2.0	\$648.00
38													
39													
40													
41	FINAL DESIGN PHASE												
42	A. PREPARE FINAL DESIGN CALCULATIONS AND PLANS, PROFILES, CROSS SECTIONS, ETC.		1.0	2.0	10.0								\$1,016.00
43	B. PREPARE ALL CONSTRUCTION DETAILS PER CITY STANDARDS		1.0	6.0				2.0	18.0				\$1,898.00
44	C. PREPARE FINAL WATER RELOCATION PLANS		2.0	4.0								8.0	\$330.00
45	D. PREPARE AND SUBMIT FINAL SPECIFICATIONS		2.0	8.0									\$1,580.00
46	E. CALCULATE AND SUBMIT CALCULATIONS OF CONSTRUCTION QUANTITIES		1.0	6.0									\$876.00
47	F. PROVIDE BID PROPOSAL FORM			2.0								4.0	\$360.00
48	G. PROVIDE AN ESTIMATE OF CONSTRUCTION TIME REQUIRED			1.0									\$90.00
49	H. PREPARE OPINION OF PROBABLE COSTS		2.0	4.0								2.0	\$720.00
50	I. ATTEND MONTHLY DESIGN PROGRESS MEETINGS WITH CITY		1.0	1.0								1.0	\$726.00
51	J. PREPARE WRITTEN RESPONSES TO CITY'S REVIEW COMMENTS			2.0									\$226.00
52													
53													

EXHIBIT "A"
BASIS OF FEE PROPOSAL
KINGS DRIVE RECONSTRUCTION, FAYETTEVILLE, ARKANSAS
McCLELLAND CONSULTING ENGINEERS, INC.
 February 23, 2008

LINE NO.	TASK DESCRIPTION	HOURS BUDGETED FOR EACH DISCIPLINE												EXTENDED COST
		PROJ. DIR.	PROJ. MGR.	ENGR. I	ENGR. TECH.	REQ. SURV.	SURV. CREW	DRFT. SUPV.	DRFTM. P	CONST. OBS II	CONST. OBS III	CLERICAL	MILEAGE	
54		\$135.00	\$135.00	\$30.00	\$70.00	\$45.00	\$120.00	\$60.00	\$50.00	\$70.00	\$50.00	\$45.00	\$0.40	\$
55	BIDDING													
56	A. ASSISTANCE WITH BIDDING QUESTIONS		8.0	10.0										\$1,710.00
57	B. RECOMMENDATIONS FOR AWARD OF BID		2.0	2.0								3.0		\$486.00
58	C. PREPARE CONTRACT DOCUMENTS			4.0								4.0		\$440.00
59														
60														
61	CONST. ADMIN. & CONSTRUCTION OBSERVATION SERVICES													
62	A. CONSTRUCTION ADMINISTRATION	2.0	6.0	24.0								18.0		\$3,960.00
63	B. CONSTRUCTION OBSERVATION (3 MONTHS FULL TIME PLAS NEEDED)	1.0	4.0	12.0						30.0	650.0	12.0		\$31,896.00
64	C. RECORD DRAWINGS		1.0	6.0						8.0		4.0		\$1,256.00
65														
66														
67	REIMBURSABLE EXPENSES													
68	A. TWO COPIES OF PREL. PLANS, REPORT, CALCS, ESTIMATE													\$80.00
69	B. ONE COPY OF PRELIMINARY PLANS TO EACH UTILITY COMPANY													\$30.00
70	C. TWO COPIES OF FINAL PLANS, REPORT, CALCS, ESTIMATE, ETC.													\$60.00
71	D. TWO COPIES OF FINAL REVISIONS TO ALL DOCUMENTS													\$60.00
72	E. ONE COPY OF FINAL PLANS TO EACH AFFECTED UTILITY COMPANY													\$30.00
73	F. THREE COPIES OF PLANS AND SPECIFICATIONS TO CONTRACTOR													\$125.00
74	G. TWO COPIES OF R.O.W. PLANS, EASEMENTS, AND ACQUISITION DOCS.													\$40.00
75	H. TWO COPIES OF APPROVED SHOP DRAWINGS AND SUBMITTALS													\$30.00
76	I. HARD COPY OF RECORD DRAWINGS													\$30.00
77	J. ELECTRONIC FILES AS REQUESTED													\$15.00
78	K. ARKANSAS DIVISION OF HEALTH REVIEW FEE													\$500.00
79														
80														
81														
82														
83														
84	TOTAL													

QUALIFYING NOTES:

1. ALL STREET CONSTRUCTION SHALL FOLLOW THE GUIDELINES OF CITY AND THE CITY'S DESIGN STANDARDS.
2. PLANS SHALL BE REDUCIBLE, AND LEGIBLE, TO SCALABLE HALF SIZE ON 11" X 17" SHEETS.
3. RECORD DRAWINGS SHALL BE PROVIDED ON COMPUTER DISK IN AUTOCAD FORMAT IN ADDITION TO REPRODUCIBLE DRAWINGS.
4. ALL LIGHTING DESIGN BY "OTHERS" NOT A PART OF THESE SERVICES.
5. ATTENDANCE AT MEETINGS WITH OWNER AND AGENCIES FOR PLAN REVIEW, PROJECT COORDINATION AND ROW IS INCLUDED.
6. ALL WORK DESCRIBED ON THIS WORKSHEET IS TO BE BID UNDER ONE SET OF CONSTRUCTION CONTRACT DOCUMENTS.
7. THIS PROPOSAL INCLUDES ASSISTANCE IN BIDDING CONSTRUCTION WITH THIS PROPOSAL IS ASSOCIATED WITH SLOPE STABILITY.
8. SUBCONTRACTING WHICH MIGHT BE NEEDED IN CONJUNCTION WITH THIS PROPOSAL IS ASSOCIATED WITH SLOPE STABILITY.
9. ROADWAY WIDTH IS TO BE 2-LANE

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

7-Feb-06
City Council Meeting Date

Jeremy Pate ^{JP}
Submitted By

Planning
Division

Operations
Department

Action Required:

RZN 06-1868 (Chambers, 485): Submitted by Julie and Matthew Chambers for property located at 347 N. Willow Ave. The property is zoned RSF-4, Residential Single-family, 4 Units per Acre and contains approximately 0.20 acres. The request is to rezone the subject property to RSF-8, Residential Single-family, 8 units per acre, in order to bring the property into compliance without utilizing the variance procedure.

\$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	Remaining Balance	Fund Name
	\$ -	

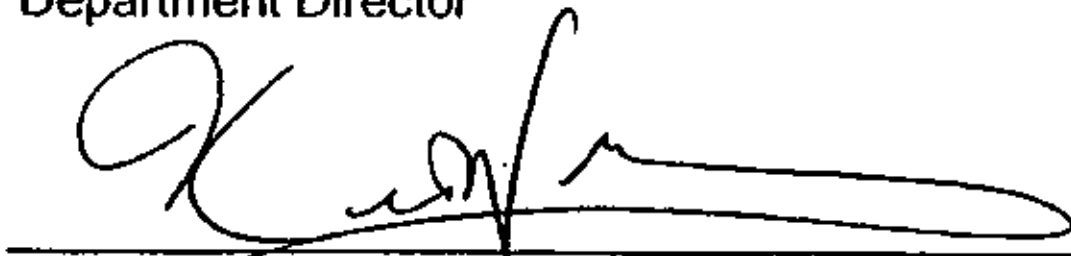
Budgeted Item ☐

Budget Adjustment Attached ☐


Department Director 1-19-06
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a


City Attorney 1-20-06
Date

Original Contract Number: n/a


Finance and Internal Service Director 1-23-06
Date

Received in City Clerk's Office
ENTERED
1-19-06

Mayor _____ Date _____

Received in Mayor's Office
ENTERED
1/23/06

Comments:

Tabled to March 21, 2006 meeting
Tabled to March 7, 2006 meeting
Left on the second hearing 2/7/06

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning^y

Date: January 10, 2006

Subject: Rezoning for Chambers (RZN 06-1868)

RECOMMENDATION

Planning staff recommends approval of the proposed rezoning from RSF-4, Residential Single-family 4 units per acre to RSF-8, Residential Single-family, 8 units per acre, on approximately 0.20 acres located on Willow Avenue.

BACKGROUND

The subject property is located at 347 N. Willow Ave., south of Lafayette St. Surrounding properties are zoned RSF-4, Residential Single Family and RPZD, Residential Planned Zoning District (Lafayette Lofts). An existing nonconforming home and accessory structure were constructed in the 1910's. The applicant has requested the rezoning to bring the property into compliance without utilizing the variance procedure. The City Council adopted the RSF-8 zoning district to allow for existing platted lots that are non-conforming in regards to lot width, lot area, building setbacks, etc. to become conforming, specifically for the historic residential platted areas of the City. This application fits this purpose appropriately (see attached zoning criteria charts).

DISCUSSION

This item was heard at the regular Planning Commission meeting of January 09, 2006, at which the seven members voted to forward this item to the City Council with a recommendation of approval.

BUDGET IMPACT None.

ORDINANCE NO. _____

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.

**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 RSE-8,
Residential Single-Family, 8 units per acre, as shown on Exhibit "A" Attached hereto and
made a part hereof.

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

PASSED and APPROVED this _____ day of _____, 2006.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

EXHIBIT "A"
RZN 06-1868

A PART OF LOT 5, BLOCK 8 OF THE MASONIC ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS AS SET FORTH IN THE WARRANTY DEED 2003-00060207 OF WASHINGTON COUNTY RECORDS, FAYETTEVILLE, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND PIPE SET FOR THE SOUTHWEST CORNER OF LOT 5, BLOCK 8, MASONIC ADDITION;

THENCE NORTH 00°00'49" EAST FOR DISTANCE OF 66.00 FEET TO A POINT;

THENCE SOUTH 89°59'11" EAST FOR DISTANCE OF 130.02 FEET TO A POINT;

THENCE SOUTH 00°00'49" WEST FOR DISTANCE OF 66.00 FEET TO A POINT;

THENCE NORTH 89°59'11" WEST FOR DISTANCE OF 130.02 FEET TO A POINT;

BEGINNING AND CONTAINING 8,581 SQUARE FEET OR .20 ACRES, MORE OR LESS. SUBJECT TO ANY AND ALL EXISTING EASEMENTS, COVENANTS, RESTRICTIONS OR RIGHTS-OF-WAY, WHETHER OF RECORD OR PRESCRIPTION.

DRAFT



PC Meeting of January 9, 2006

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Current Planner
THRU: Jeremy Pate, Director of Current Planning
DATE: December 22, 2005

RZN 06-1868: Rezoning (Chambers, 485): Submitted by JULIE AND MATTHEW CHAMEBRS for property located at 347 N WILLOW AVENUE. The property is zoned RSF-4, RESIDENTIAL-SINGLE FAMILY – 4 UNITS/ACRE and contains approximately 0.20 acres. The request is to rezone the subject property to RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE.

Property Owner: JULIE AND MATTHEW CHAMBERS

Planner: JESSE FULCHER

RECOMMENDATION:

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

Comments: _____

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
		☒ Forwarded	☐ Denied
Date: <u>January 9, 2006</u>		Motion:	<u>Clark</u>
		Second:	<u>Meyers</u>
		Vote:	<u>7-0-0</u>
CITY COUNCIL ACTION:		Required	<u>YES</u>
		☐ Approved	☐ Denied
Date: <u>February 7, 2006 (1st reading if recommended)</u>			

BACKGROUND:

Property description: The subject property is located 347 N. Willow Ave., south of Lafayette St.

Surrounding properties are zoned RSF-4, Residential Single Family and RPZD, Residential Planned Zoning District (Lafayette Lofts). The 0.20-acre tract contains an existing nonconforming home and accessory structure that were constructed in the 1910's.

Proposal: The applicant has requested the rezoning to bring the property into compliance without utilizing the variance procedure. The RSF-8 zoning district was adopted by the City Council to allow for existing platted lots that are non-conforming in regards to lot width, lot area, building setbacks, etc. to become conforming, specifically for the historic residential platted areas of the City. This application fits this purpose appropriately (see attached zoning criteria charts).

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Single Family Home	RSF-4, Residential Single Family
South	Single Family Home	RSF-4, Residential Single Family
East	Condominiums	RPZD, Residential Planned Zoning District (Lafayette Lofts)
West	Single family homes	RSF-4, Residential Single Family

INFRASTRUCTURE:

Streets: The property has frontage along Willow Ave. Further evaluation will be conducted by staff at the time of construction plan submittal for any required improvements.

Water: Public water is adjacent to the site. There is a 6" waterline that runs along Willow St. An evaluation will need to be made at the time of plan submittal of any improvements to the water system that may be required.

Sewer: Sanitary sewer is adjacent to the site. There is a 6" sewer line that runs along Willow St. An evaluation will need to be made at the time of plan submittal of any improvements to the sewer system that may be required.

Fire: The subject property is served by Engine 1 and Ladder 1 at 303 W. Center. It is 0.8 miles from the station with an expected response time of 4 minutes. With such a small parcel the anticipated calls for services was figured at 0. There should be not adverse effects on the call volume or response time to this development.

Police: It is the opinion of the Fayetteville Police Department that this rezoning request will have a negligible impact on both the population density and the traffic congestion for that area.

LAND USE PLAN: The Future Land Use Plan designates this site for Residential. Rezoning this property to RSF-8 is consistent with the land use plan and consistent with historic platted residential areas of the City.

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. The RSF-8 zoning district was created as an alternative solution to variances for existing nonconforming lots within historic areas of the City.

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 nonconforming lot and structure into compliance, rather than applying for multiple variances.

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

Finding: The rezoning would not allow for any additional dwelling units on the subject property, therefore the rezoning would not create or increase traffic danger and congestion.

Police – It is the opinion of the Fayetteville Police Department that this rezoning request will have a negligible impact on both the population density and the traffic congestion for that 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 not alter the population density in the area. Public service providers have responded accordingly:

Police – It is the opinion of the Fayetteville Police Department that this rezoning request will have a negligible impact on both the population density and the traffic congestion for that area.

Fire – The subject property is located 0.8 miles from the Fire Station #1 on Center

St. Fire response time is approximately 4 minutes. There should be no adverse affects on the call volume or response time.

***Engineering* - The property is currently served by a 6" water line on the west side of N. Willow Ave.**

The site is currently served by an 6" sewer main on N. Willow Ave.

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.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99)

161.26 District RSF-8, Residential Single-Family -- 8 Units Per Acre

(A) *Purpose.* The RSF-8 Residential District is designed to bring historic platted development into conformity and to allow for the development of new single family residential areas with similar lot size, density, and land use as the historical neighborhoods in the downtown area.

(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 9	Two-family dwellings
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

	By Right	Conditional Use
Single-family dwelling units per acre	8 or less	--
Two-family dwelling units per acre	--	8

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single-family	50 ft.
Two-family	50 ft.
Townhouse, no more than two attached	25 ft.

(2) *Lot area minimum.*

Single-family	5,000 sq. ft.
Two-family	5,000 sq. ft.
Townhouse, no more than two attached	2,500 sq. ft.

(3) *Land area per dwelling unit.*

Single-family	5,000 sq. ft.
Two-family	5,000 sq. ft.
Townhouse, no more than two attached	2,500 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
15 ft.	5 ft.	5 ft.

(F) *Height regulations.*

Building height maximum	45 ft.
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- (G) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area, except when a detached garage exists or is proposed; then the area occupied by all buildings shall not exceed 60% of the total lot area.

WALES (ANX 06-1867)

Public water is adjacent to the site. There is a 6" waterline that runs along the west and east sides of the property.

Sanitary sewer is adjacent to the site. There is an 8" sewer line that runs along the west and north sides of the property.

The site currently has frontage on Buckley Drive and Fox Hunter Road.

CHAMBERS (RZN 06-1868)

Public water is adjacent to the site. There is a 6" waterline that runs along Willow Street. An evaluation will need to be made at the time of plan submittal of any improvements to the water system that may be required.

Sanitary sewer is adjacent to the site. There is a 6" sewer line that runs along Willow Street. An evaluation will be made by staff at the time of preliminary plat or large scale development. A study of the downstream system shall be conducted by the developer.

The site will have access to Willow Street. Further evaluation will be conducted by staff at the time of construction plan submittal for any required improvements.

Runoff from most of the site flows overland to the south. Standard improvements and requirements for drainage will be required for the development.

NOCK/BROYLES (ANX 06-1853, RZN 06-1854)

Public water is near to the site. Substantial improvements to the water system will be required which includes off-site improvements. An evaluation will be made by staff at the time of preliminary plat or large scale development.

Sanitary sewer is not near to the site. Substantial improvements to the sewer system will be required which includes off-site improvements. This development will be within the sewer assessment area. An evaluation will be made by staff at the time of preliminary plat or large scale development. A study of the downstream system shall be conducted by the developer.

The site has access to Weir, Howard Nickel, and Salem Road. Improvements will be required to surrounding streets which includes off-site improvements. An evaluation will be made by staff at the time of preliminary plat or large scale development.

Runoff from most of the site flows overland to the south. Standard improvements and requirements for drainage will be required for the development.

PADDOCK ROAD PZD (PZD 05-1735)

There is currently a 2" waterline running along Happy Hollow Road. An 8" public water main has been approved to extend near to the site with the Timber Trails Subdivision. Substantial improvements to the water system may be required which includes other off-site improvements. An evaluation will be made by staff at the time of preliminary plat or large scale development.

Sanitary sewer is not currently adjacent to the site. A public main has been approved to extend near to the site with the Timber Trails Subdivision. Improvements to the sewer system may be required which includes off-site improvements. An evaluation will be made by staff at the time of preliminary plat or large scale



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

POLICE DEPARTMENT

January 3, 2006

Jeremy Pate
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Pate,

This document is in response to the request for a determination of whether the proposed Annexation RZN 06-1868 (Chambers, 485) submitted by Julie & Matthew Chambers for property located at 347 N. Willow Avenue would substantially alter the population density and thereby undesirably increase the load on public services or create an appreciable increase in traffic danger and traffic congestion.

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

Sincerely,

A handwritten signature in black ink, appearing to read "WLB", is written over a horizontal line.

Captain William Brown
Fayetteville Police Department



Fayetteville Fire Department

MEMO

To: Suzanne Morgan, Andrew Garner, Jeremy Pate, and Jesse Fulcher
Thru: Chief Tony Johnson
From: Captain Dale Riggins
Date: January 4, 2006
Re: January 3, 2006 Re-zoning Review – Fire Department Comments

~~ANX06-1867 (Wales, 373)~~

~~This 1.42 acres is covered by Engine 5 at 833 N Crossover.~~

~~It is 2.1 miles from the station with an expected response time of 5.5 minutes. When the new station 5 is put in service at Crossover and Old Wire the response time will increase to 6 minutes~~

~~We do not figured projected calls for service on annexations.~~

~~There should be no adverse effects on our call volume or response time to this annexation.~~

~~RZN06-1868 (Chambers, 485)~~

~~This .20 acre is covered by Engine 1 and Ladder 1 at 303 W Center.~~

~~It is 0.8 miles from the station with an expected response time of 4 minutes. With such a small parcel the anticipated calls for service was figured at 0.~~

~~There should be no adverse effects on our call volume or response time to this development.~~

~~RZN06-1852 (Scholar's Inn Apartments, 402)~~

~~These 2.25 acres are covered by Engine 7 at 835 N. Rupple Rd.~~

~~It is 1.4 miles from the station with an expected response time of 3.75 minutes. The Fire Department anticipates 12 (7 EMS - 5 Fire/Other) calls for service per year once the development is completed and maximum build-out has occurred.~~

~~The service impact of this development will typically take eighteen months after the development is started, and the units begin to be occupied, to occur.~~

~~Measured Hydrant Flow in this area is 710 gallons/minute.~~

~~There should be no adverse effects on our call volume or response time to this development.~~

ANX06-1853 (Nock/Broyles Salem Rd, 205/206)

RZN06-1854 (Nock/Broyles Salem Rd, 205/206)

These 19.99 acres are covered by Engine 7 at 835 N Rupple.

It is 3.4 miles from the station with an anticipated response time of 8.75 minutes. This long response time is due to Rupple Road being narrow and curvy. Engine 2, on N Garland, has approximately the same response time. This response time is above our goal of having the first unit on the scene within 6 minutes, 90% of the time, and our goal of assembling all responding units to the scene of a moderate risk assignment within 10 minutes, 90% of the time. It has been proposed (Fayetteville Fire Department: Deployment Study 2003) to build a fire station (Station 9) to cover this northwest part of the city.

The Fire Department anticipates 18 (11 EMS – 7 Fire/Other) calls for service per year once the development is completed and maximum build-out has occurred. The service impact of this type development will typically take eighteen months after the development is started, and the units begin to be occupied, to occur.

Measured hydrant flow in this area is 805 gallons/minute.

There should be no adverse effects on our call volume to this development.

PZD05-1735 (Paddock Road, S/D, 526)

These 10 acres are covered by Engine 5 at 833 N Crossover Rd.

It is 1.3 miles from the station with an anticipated response time of 3.25 minutes. After Station 3 is located at Happy Hollow and E Huntsville, the distance from the station will be reduced to .6 miles with an anticipated response time of 2 minutes. The Fire Department anticipates 13 (8 EMS – 5 Fire/Other) calls for service per year once the development is completed and maximum build-out has occurred.

There should be no adverse effects on our call volume or response time to this development.

R-PZD-1619 (Westbrook Village, 284)

This 1.42 acre is covered by Engine 7 at 835 N Rupple Rd.

It is 2.2 miles from the station with an anticipated response time of 6 minutes. The Fire Department anticipates 2 (1 EMS – 1 Fire/Other) calls for service per year once the development is completed and maximum build-out has occurred.

Measure hydrant flows in this area is 1500 gallons/minute.

There should be no adverse effects on our call volume or response time to this development.

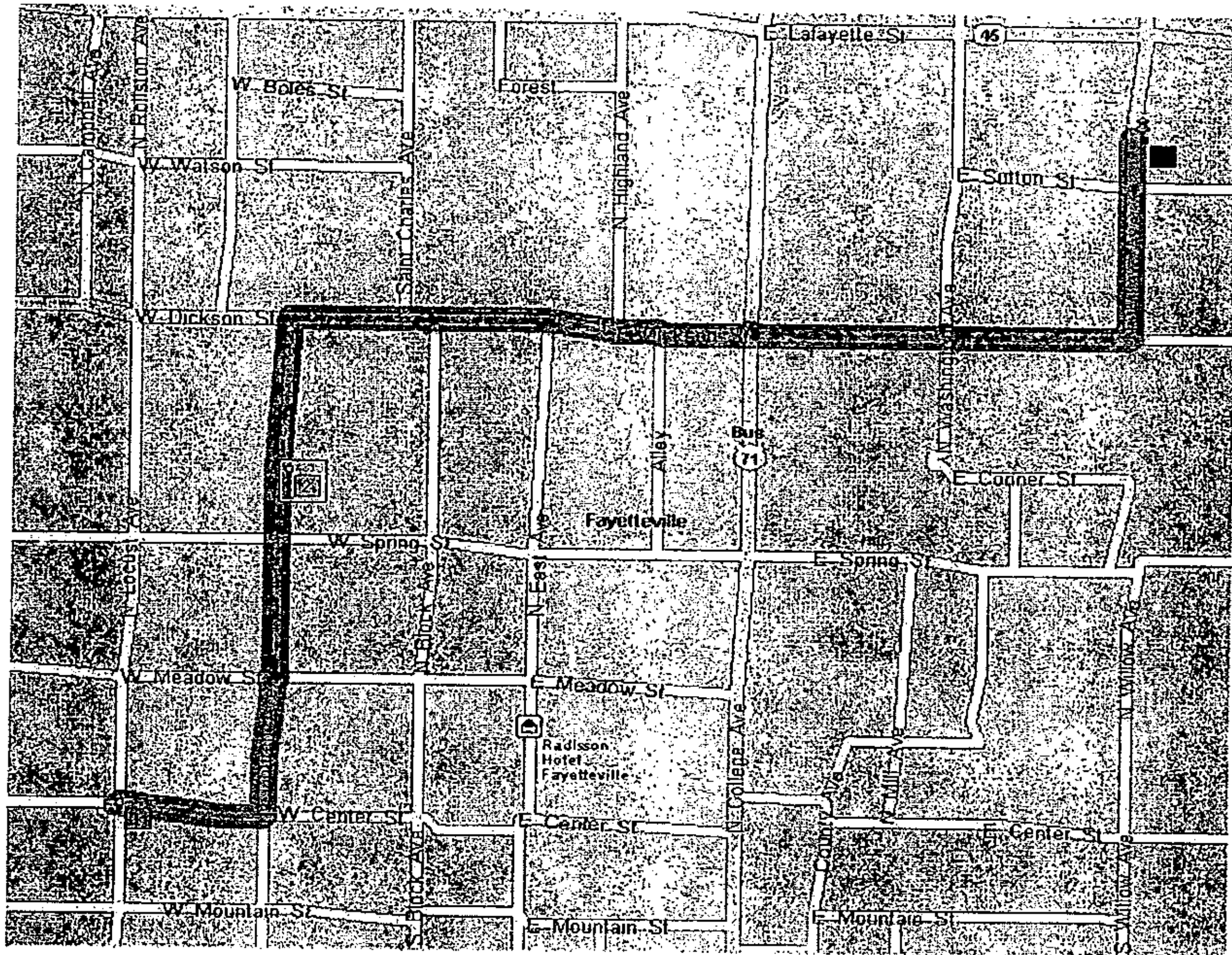
If you have any questions or need additional information don't hesitate to call me at x365

Dale Riggins

Fayetteville Fire Department

Chambers
RZN06-1868

1.8 Miles from Station 1
4 Minute Response Time



Planning Commission
City of Fayetteville, Arkansas

Dear Commissioners et al;

Enclosed are materials required for a rezoning application to our property, as requested by city planners in response to our request described herein. Below we will detail requirements number 6 and 7, as described in the rezoning application materials.

#6.

- a. Matthew and Julie Chambers own the property in question with financing through Countrywide home loans. There are no plans to sell, lease, or otherwise transfer any portion of ownership or rights of this property.
- b. We are requesting this rezone at the request of the City of Fayetteville Planning department as a means to adjust currently zoned setback allotments to those more applicable to other historical properties in Fayetteville and to allow for the reconstruction of the dilapidated garage structure on the property, currently in disrepair.
- c. The property will change little with regard to the surrounding area and neighboring properties. The current garage structure, in such condition when we purchased the property, is in disrepair and is an eyesore to the neighborhood and safety hazard to this family and our neighbors. The new, intended garage would occupy the same space as the current structure and protrude further south and west so as to accommodate two modern automobiles and storage space. The second floor of this proposed structure is intended to become a detached living space for our relatives who currently reside with us in the property's main house many days each week.

This new living structure will be a small, one bedroom apartment capable of subsistence from the property's current utilities systems. We have contracted a licensed and bonded construction contractor to ensure this condition. Furthermore, the addition of one covered parking space on the property will actually alleviate the curb parking dilemma that has developed on Willow Avenue over the past year.

Since taking ownership of this property, we have strived at great expense and personal toil to return this historic home from virtual condemnation to that befitting its beautiful surroundings. This accompanying structure is designed by an AIA licensed architect and will be built to seamlessly accentuate the historical motif and unique design set forth in the property's main home, build by James Volney "Vol" Walker for his sister in approximately 1870. Restoration of the main home has been painstaking, and we intend this accompanying structure to be much more of a compliment to this historic home than the current 'shed', which is a shame to the neighborhood.

There will be no effect upon street or pedestrian traffic, or will there be any signage involved with this rezoning request.

- d. The property is served by a 6" water line and a 6" sewage return.

#7.

- a. The proposed zoning of R-8 is consistent with the City's plan for historic properties. Ours appears to be a perfect consideration for this new zoning request, as the original building and accompanying structures cross existing zone easements on west, north, and east sides. This new zoning will allow for the more dense population common to the older, historic areas of Fayetteville.
- b. This zoning is needed, as the garage structure to be rebuilt is in a state of failure. The roof on the south side of this existing garage is peeling back at the eaves at every rainfall. Ancient termite damage and neglect have corroded the walls so that they cannot even deter a soft wind. The building is structurally unsound and should be replaced. A new garage structure should logically exist in the same place, as the property's driveway extends along the north side of property from Willow Ave. to this point. There is no other safe place for a garage on the property.
- c. This zoning request will have no increased effect on traffic. In fact, it will create the removal of one parked car from Willow Avenue.
- d. The new zoning of this property will not affect population density. The intending building will replace an existing structure. If conditional use is granted, the occupant of the efficiency apartment will be Dr. Carl Chambers for three nights per week, a Veterans Administration physician who currently sleeps in the home's second bedroom. This room will soon become our newborn's room as soon as we are able to move her grandfather to a more suitable location.
- e. The current zoning does not allow for the construction of a garage in its existing location on-site. Because of the small lot size, proximity to neighboring homes, footprint of the property's main home, and location of the property's driveway; there is no other reasonable location for a garage structure. Without a new zoning classification, we are not able to replace the current dangerous and unusable garage.

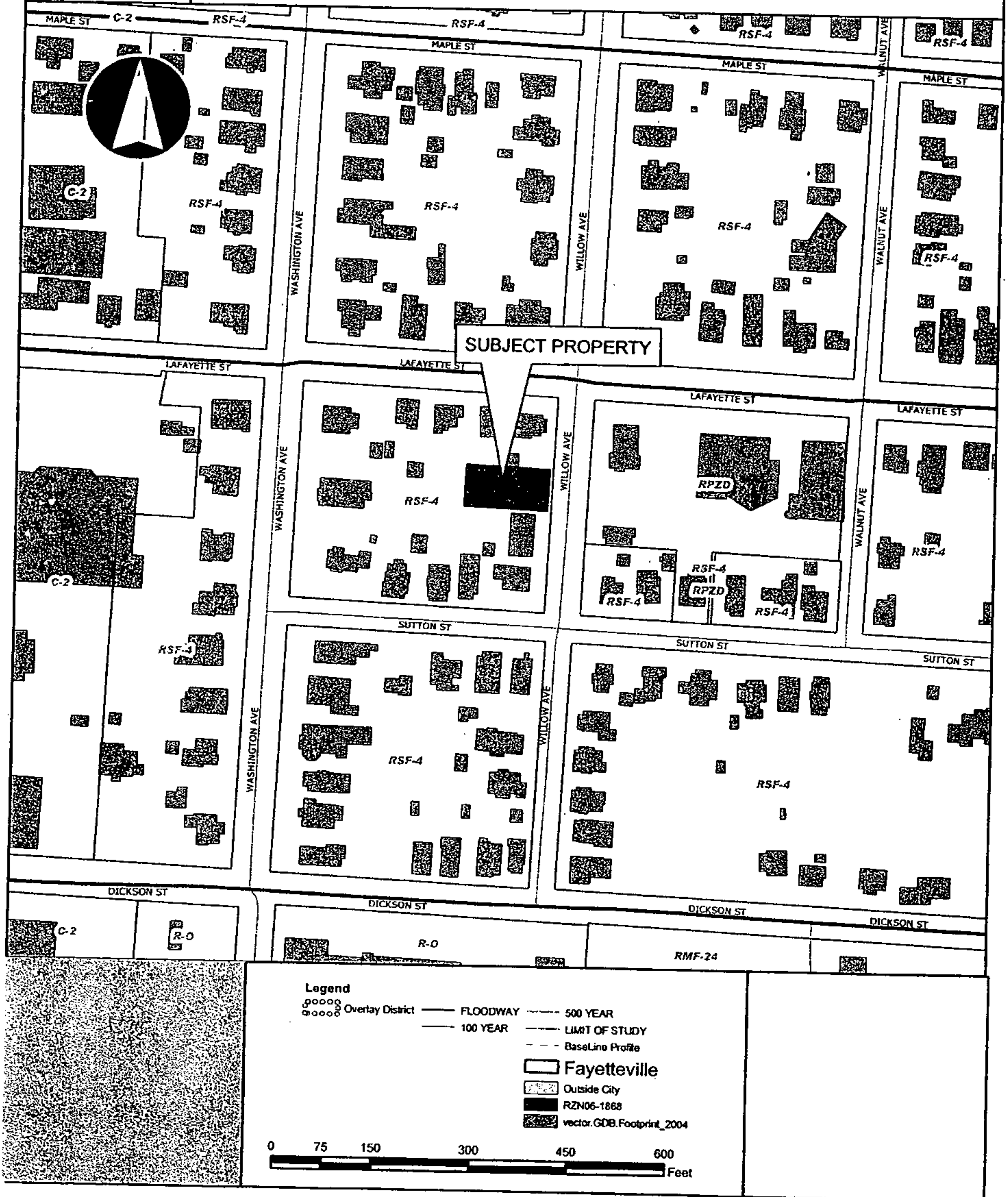
Sincerely,

Matthew Chambers & Julie Chambers

RZN06-1868

Close Up View

CHAMBERS



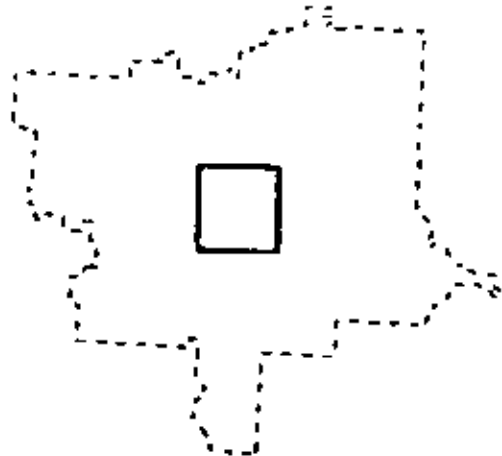
RZN06-1868

One Mile View

CHAMBERS



Overview



Legend

Subject Property

RZN06-1868

Boundary

Planning Area

Overlay District

Outside City

Legend

0 0.125 0.25

0.5

0.75

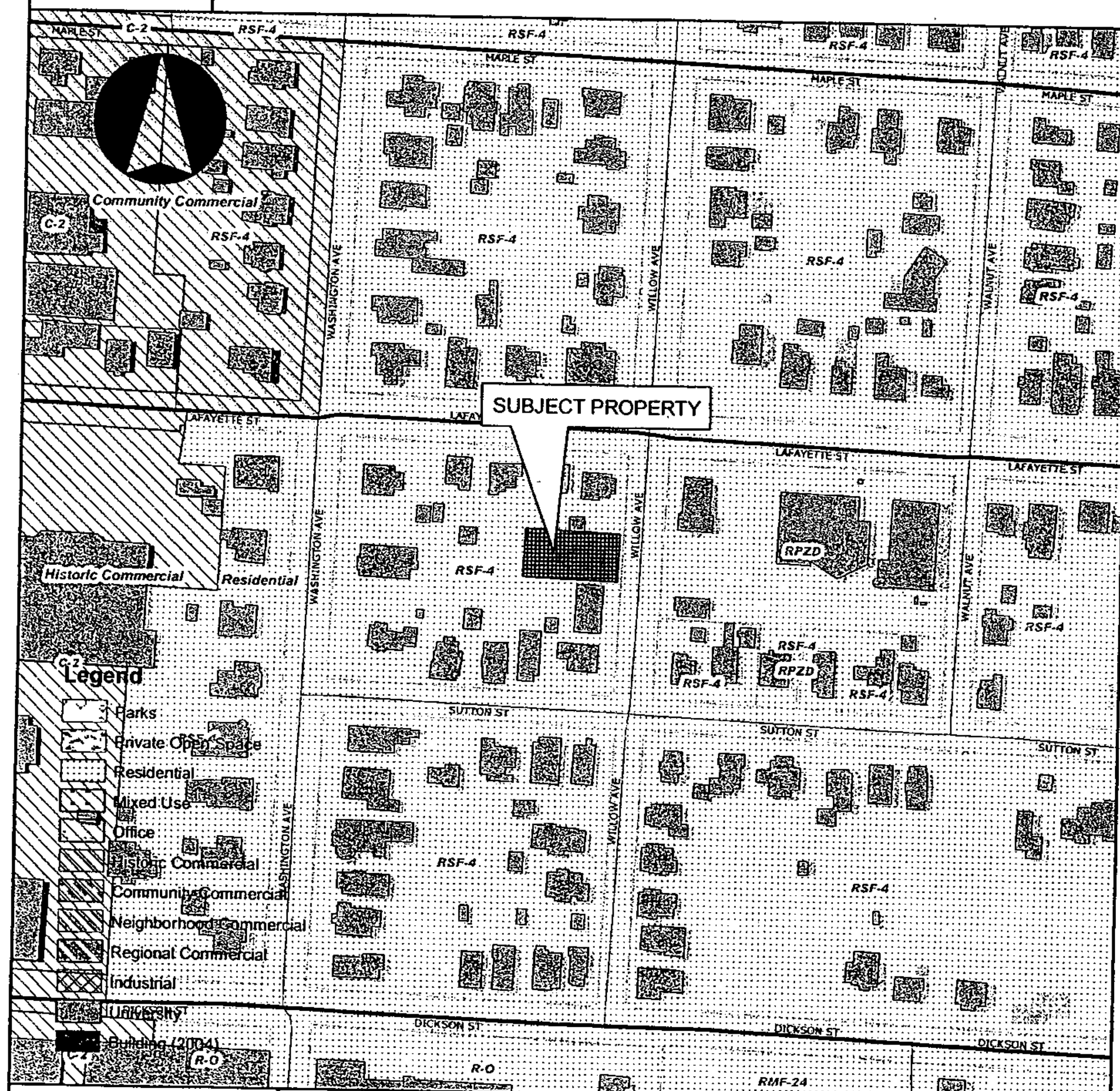
1

Miles

RZN06-1868

Future Land Use

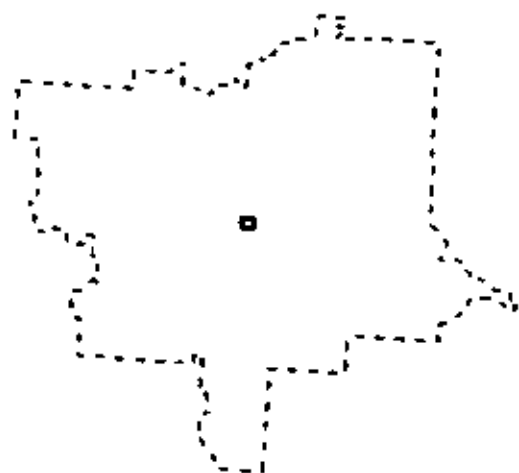
CHAMBERS



Legend

- Parks
- Private Open Space
- Residential
- Mixed Use
- Office
- Historic Commercial
- Community Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- Building (2004)
- R-O

Overview



Legend

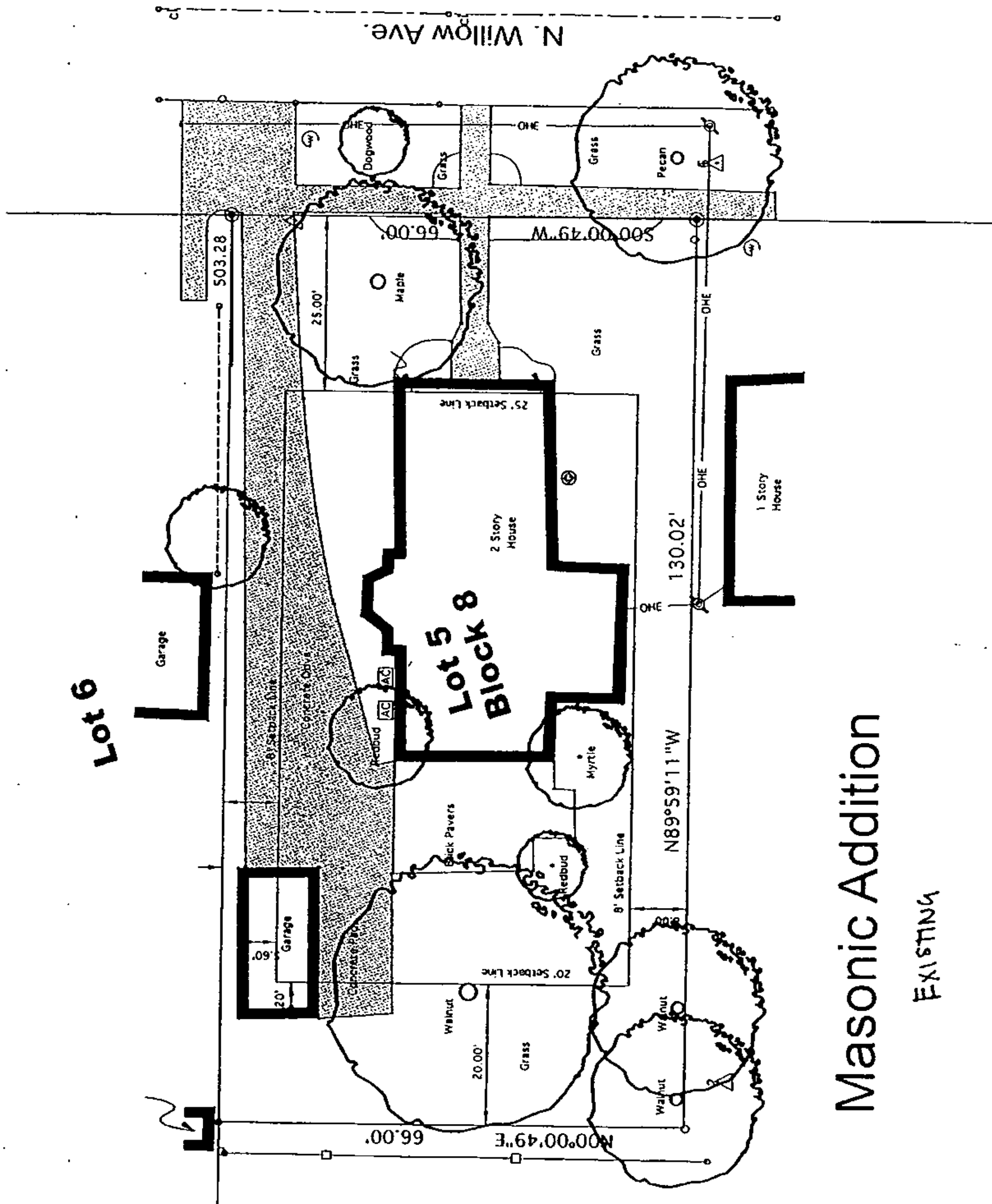
- Subject Property
- RZN06-1868
- Streets
 - Existing
 - Planned
- Boundary
 - Planning Area
 - Overlay District
 - Outside City

Legend



SITE PLANS
RZN 06-1868

*Site plan with existing garage

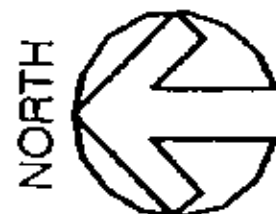


Masonic Addition

EXISTING

Julie Chambers\Users\Julie\Desktop\Chambers\lbbk 1/17/06

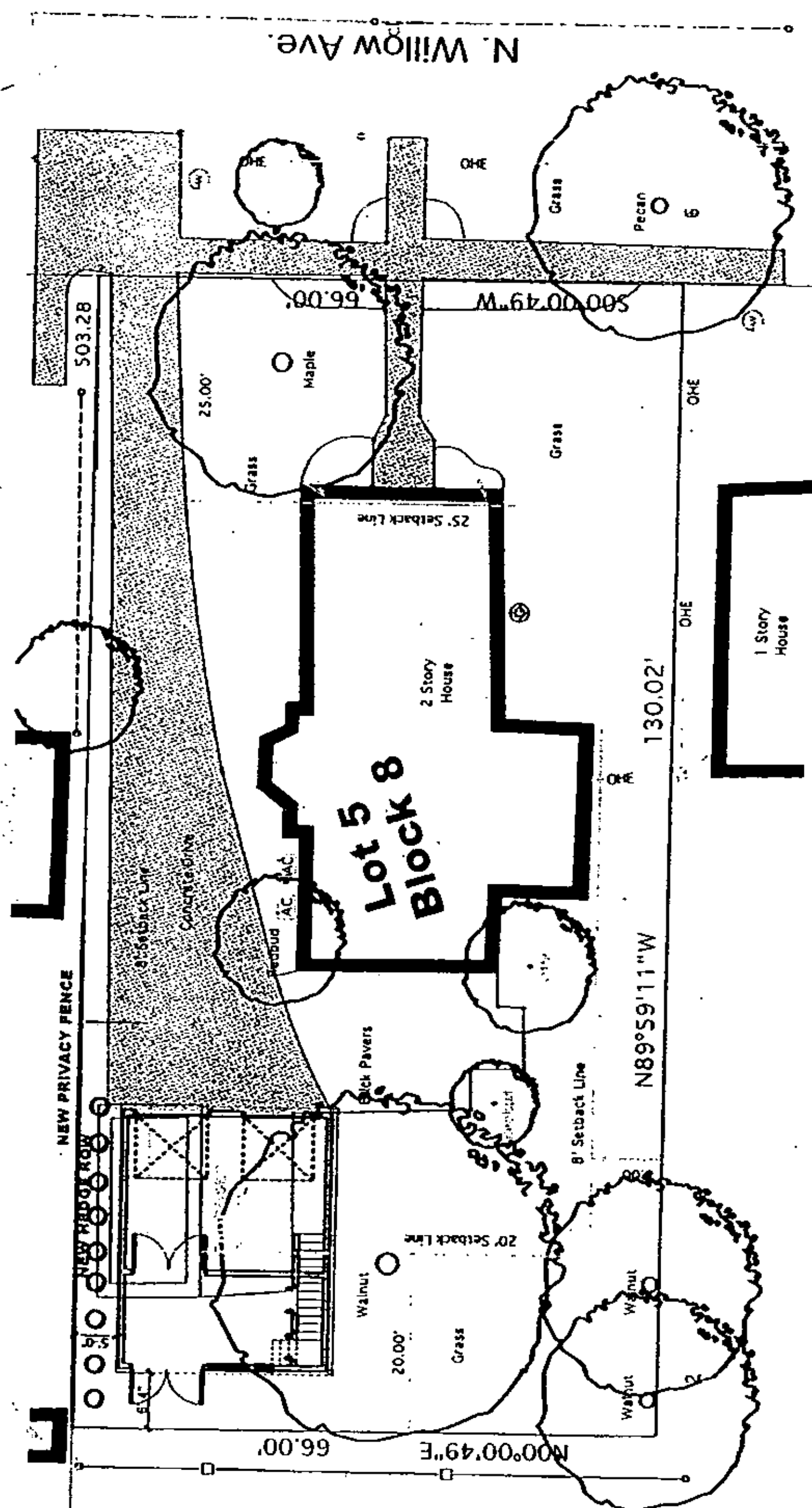
Matthew and Julie Chambers
347 N. Willow Avenue
Fayetteville, Arkansas



EXISTING SITE PLAN
SCALE: 1"=20'
01.16.06

A0.0

*Site plan with proposed detached garage and associated second dwelling unit



Masonic Addition

Proposed

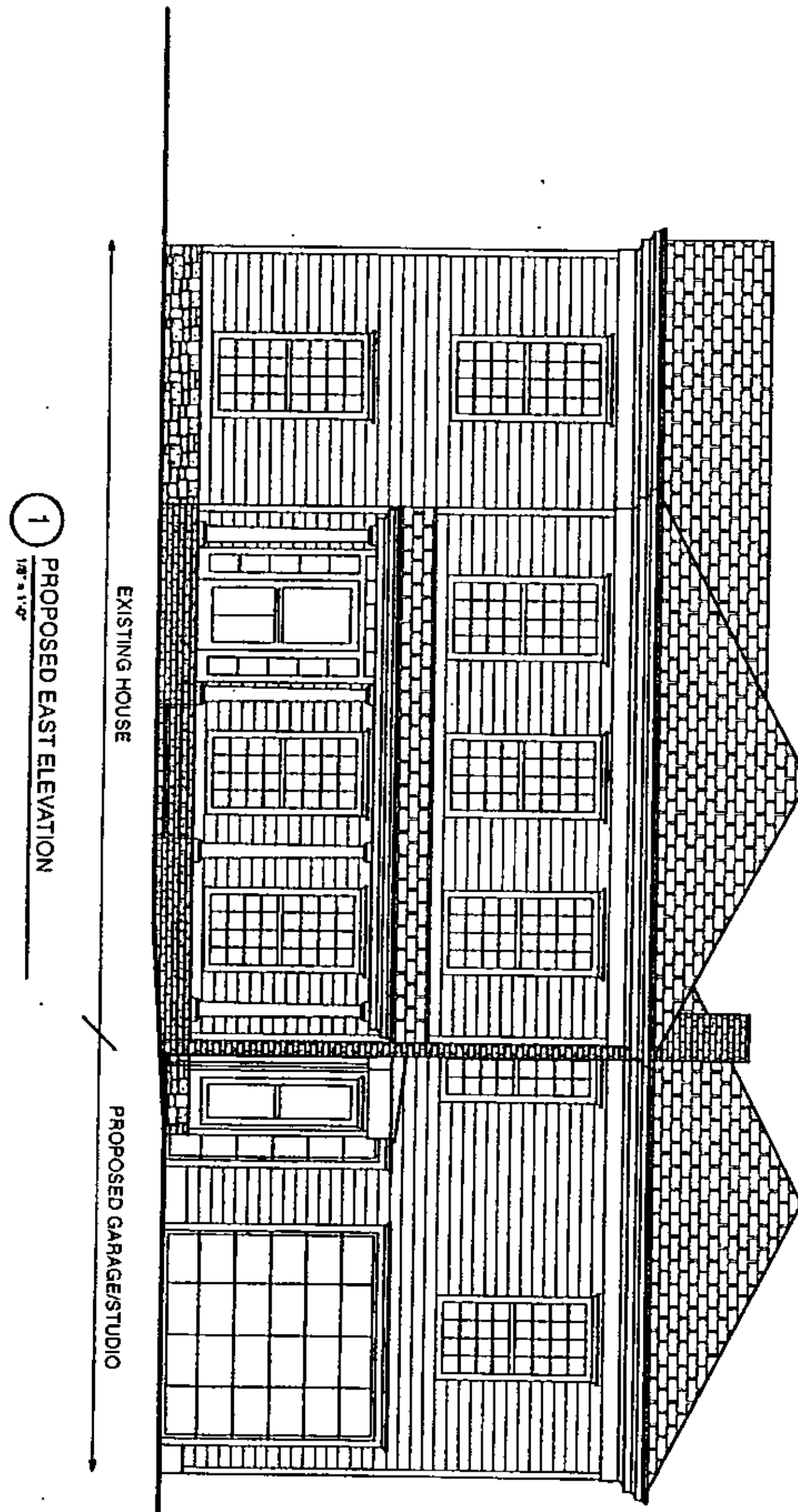
Julie Chambers:User:Julie:Desktop:Chambers.lbx 1/17/06

Matthew and Julie Chambers
347 N. Willow Avenue
Fayetteville, Arkansas



PROPOSED SITE PLAN
SCALE: 1"=20'
01.16.06

A0.1



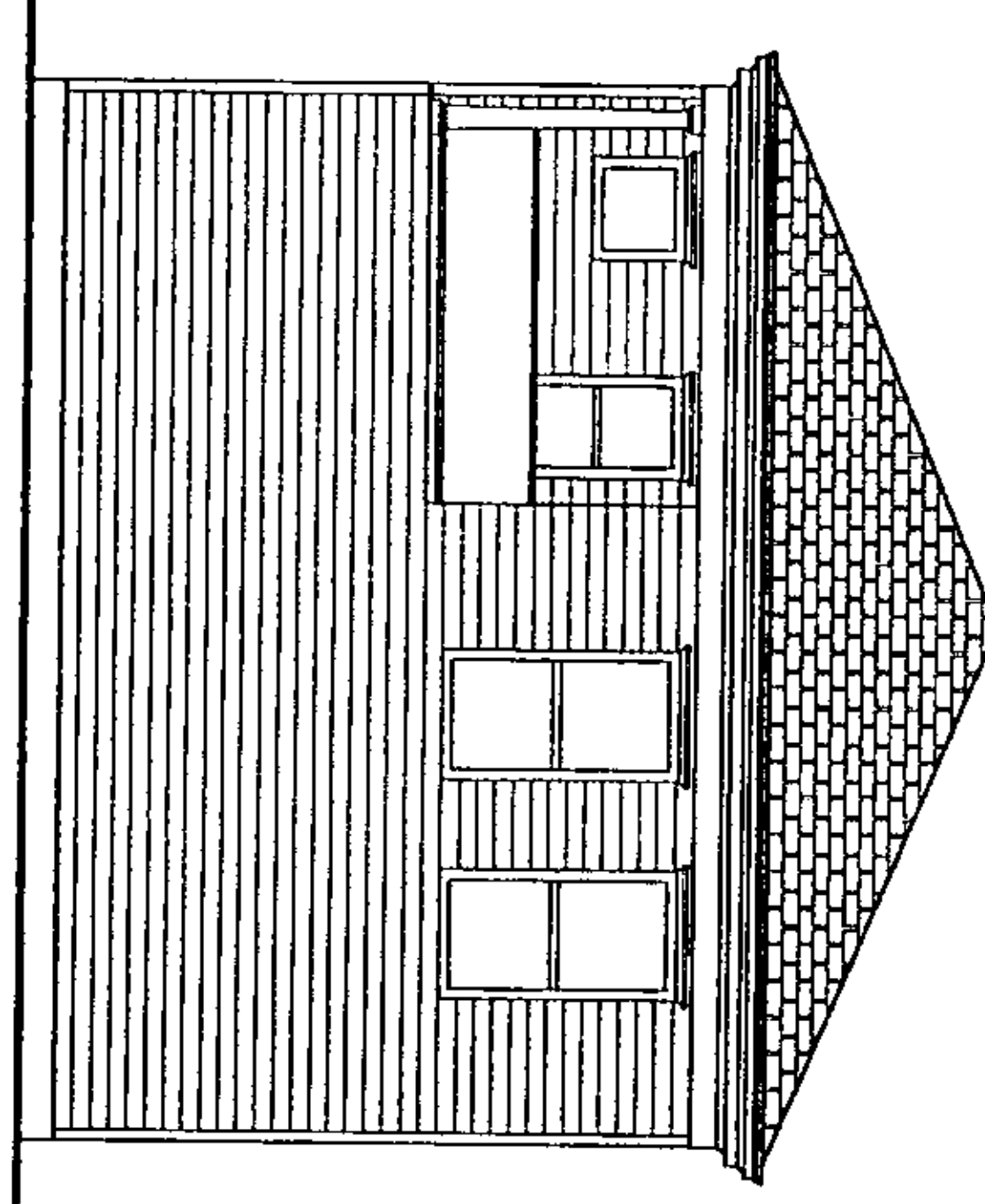
Julie Chambers\Users\Julie\Desktop\Conditional use Chambers\bk 1/18/06

Matthew and Julie Chambers
347 N. Willow Avenue
Fayetteville, Arkansas

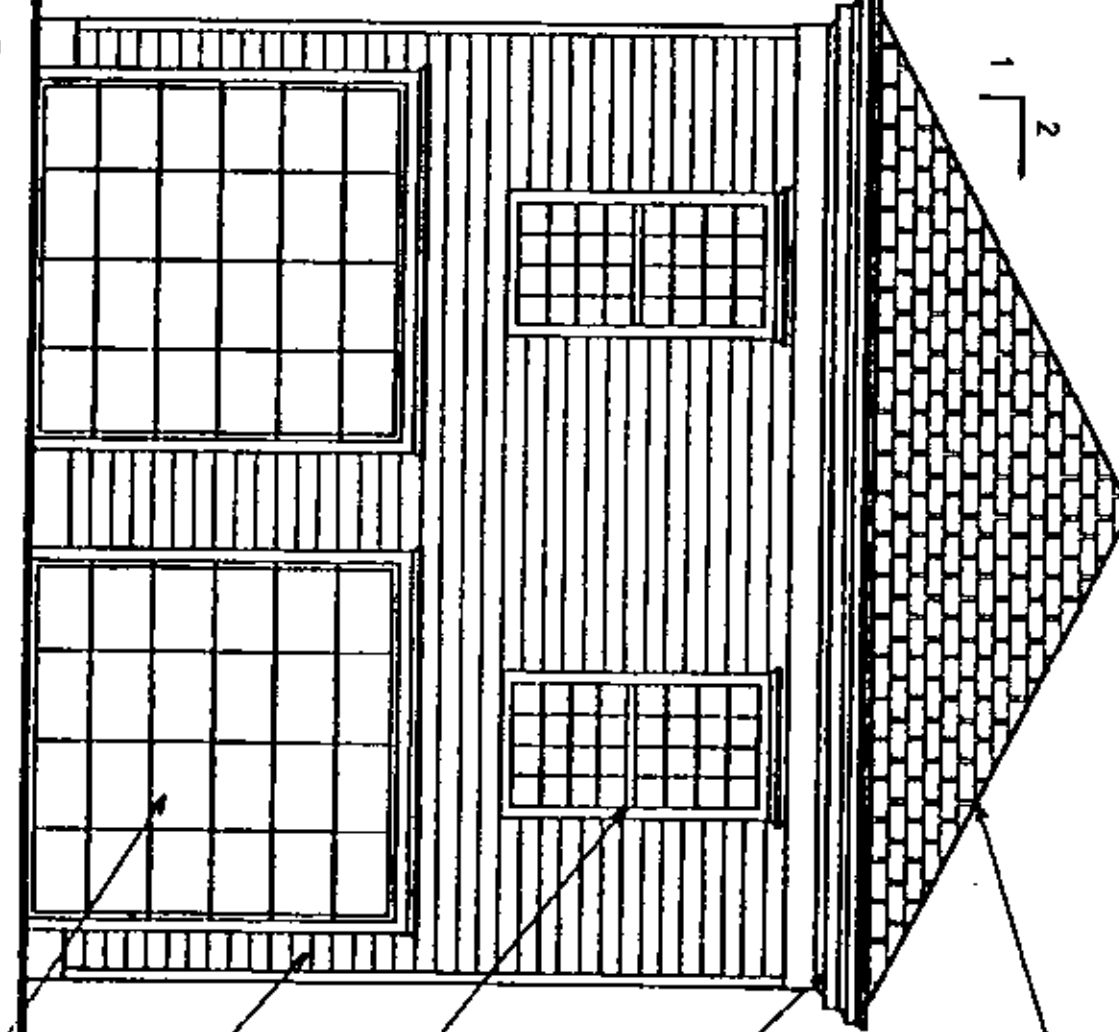
PROPOSED
ELEVATIONS
01.16.06

A1.2

1 SOUTH ELEVATION
1/8" = 1'-0"



2 EAST ELEVATION
1/8" = 1'-0"



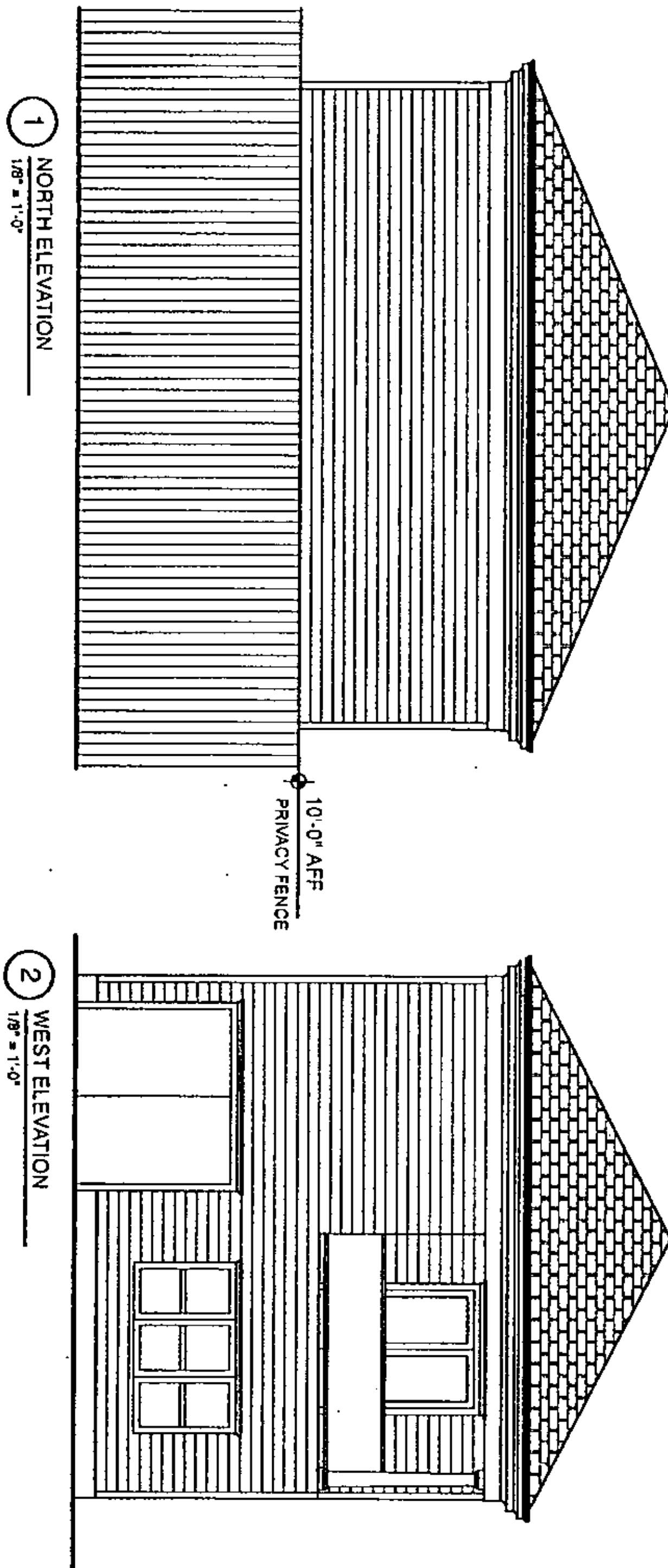
- ASPHALT SHINGLES TO MATCH EXISTING HOUSE
- +/- 18'-6" AFF TO MATCH EXISTING HOUSE
- WHITE SOFFIT, TRIM, AND GUTTER TO MATCH EXISTING HOUSE (ONCE REPAIRS ON EXISTING HOUSE ARE COMPLETED)
- 3'-0" X 6'-0" WHITE ALUM. CLAD WOOD WINDOWS TO MATCH EXISTING HOUSE
- WOOD OR CEMENT BOARD LAP SIDING PAINTED GRAY TO MATCH EXISTING HOUSE
- WHITE PAINTED CARRIAGE-HOUSE TYPE GARAGE DOORS

9/17/11 10:01 AM C:\Users\Julie\Desktop\Chambers\B01.dwg

Matthew and Julie Chambers
347 N. Willow Avenue
Fayetteville, Arkansas

PROPOSED
ELEVATIONS
01.16.06

A1.0

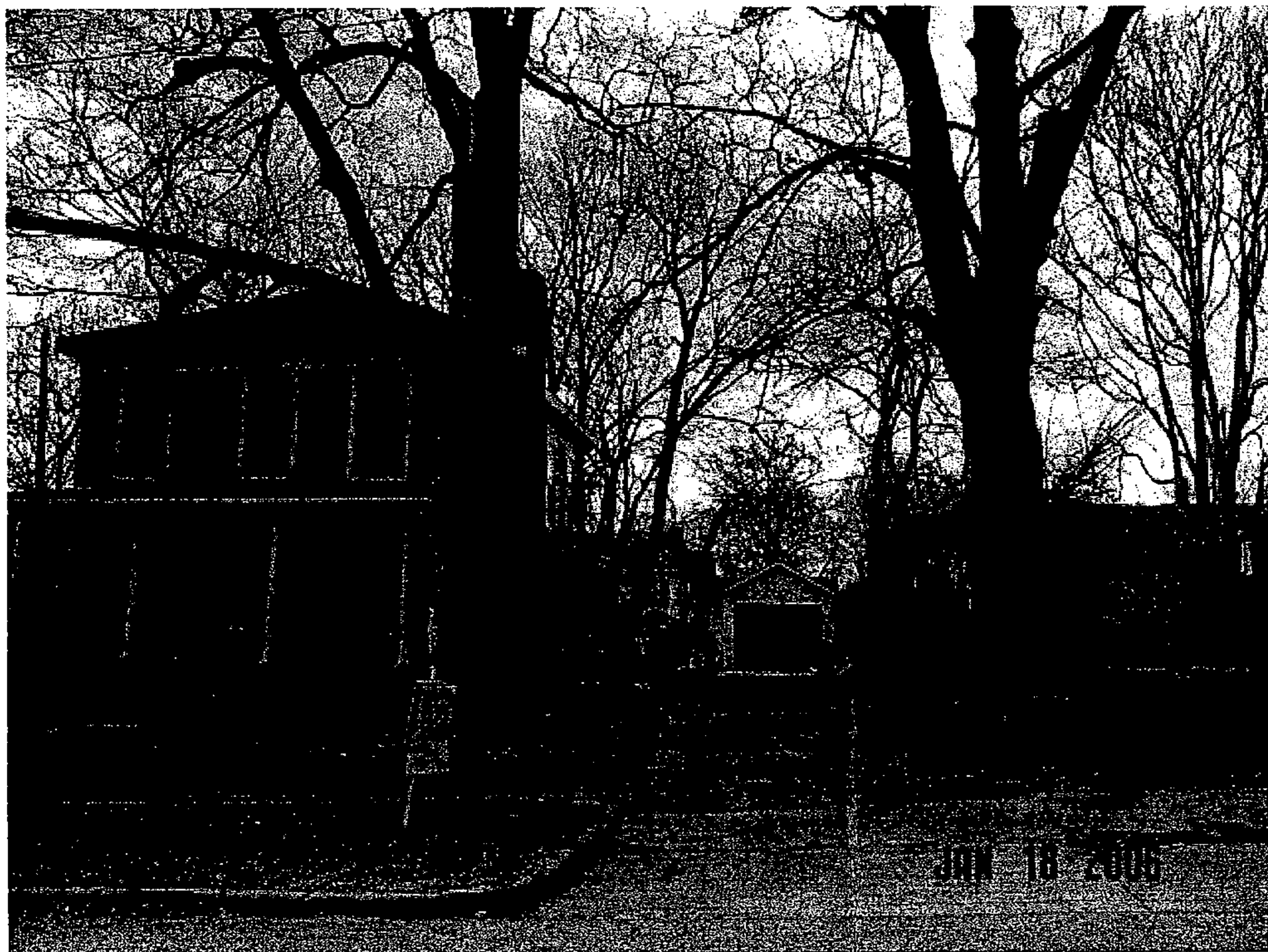


Julie Chambers\Users\Julie\Desktop\Chambers.Bk1 1/17/06

Matthew and Julie Chambers
347 N. Willow Avenue
Fayetteville, Arkansas

PROPOSED
ELEVATIONS
01.16.06

A1.1

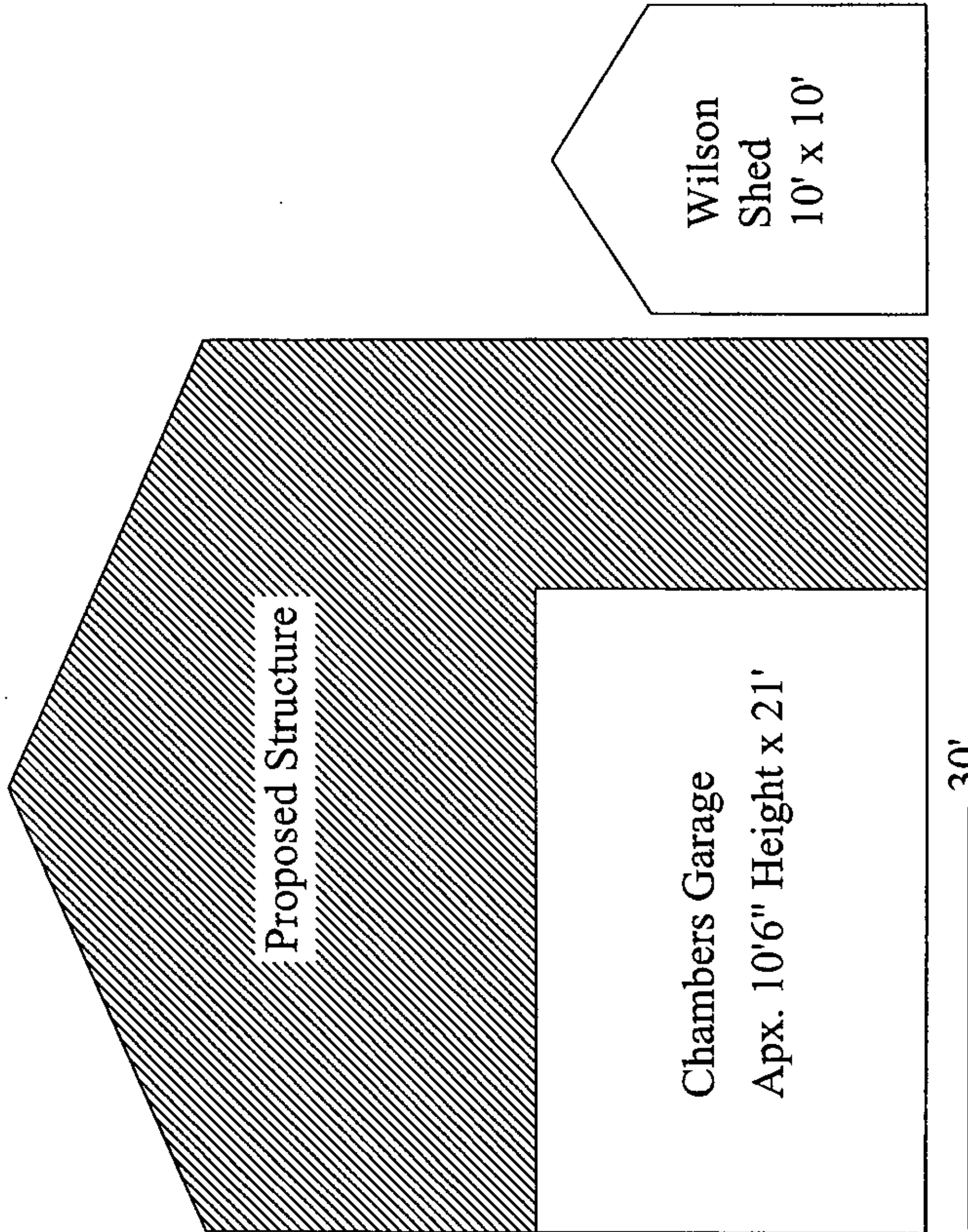


JUN 18 2006

2/21/06

RZN 06-1868
(Chambers)

Apx. 25' Height



Looking South from Wilson Property



- FOUND IRON PIN
- SET IRON PIN

W.O. 89400
FB. 210
pg. 2

By:
Engineering Services, Inc.
1207 S. Old Missouri Road
Springdale, Ar. 72764

Part of Lot Six (6) in Block Eight (8) of the Masonic Addition to the City of Fayetteville, Arkansas, and being more particularly described as follows: Beginning at a found iron pin which is North $89^{\circ}46'55''$ East 63.0 feet from the Northwest corner of said lot; thence North $89^{\circ}46'55''$ East 69.95 feet; thence South $0^{\circ}40'32''$ East 111.45 feet; thence South $89^{\circ}15'02''$ West 70.0 feet; thence North $0^{\circ}23'40''$ West 112.11 feet to the POINT OF BEGINNING.

SURVEYOR'S CERTIFICATION:
I hereby certify that to the best of my professional knowledge and belief the plat shown hereon reflects the results of a survey completed under my supervision on October 11, 1989. This survey is for the sole use of the parties stated hereon.

P.L. Hampton
P.L. Hampton, R.L.S. No. 1078, Arkansas

SURVEYOR'S NOTES:
(1) This property is not within Flood Zones A or B on the Federal Emergency Management Agency Flood Insurance Rate Map dated September 29, 1989.
(2) Any utility lines which may have been installed by previously granted rights-of-way or easements blanketing this property do not touch or cross this property except as shown hereon or except within the right-of-way and easement lines shown hereon.

Feb. 21, 06

To whom it may concern;

We really oppose the building of this tall structure in the back yard of Mr. & Mrs. Chomper. This would block some of my view and feel the structure would fill their yard from line to line, making it more like an apartment complex rather than a home in the historical district. Am opposed to the rezoning of RSF4 to RSF8

Carlos & Millie Gracian
221 E. Lafayette
Fayetteville

2/21/06 City Council Meeting Chambers
RZN -1868

B. 1
RZN 06-1868 Chambers
Page 32 of 32
Tue, Feb 21, 2006 5:47 PM

From: David Johnson <djohnson@sellingnwa.com>
Reply-To: <djohnson@sellingnwa.com>
To: <ward2_pos2@ci.fayettevillear.us>
Cc: <ward2_pos1@ci.fayettevillear.us>
Date: Tuesday, February 21, 2006 4:39 PM
Subject: Lot line adjustment Chambers

Dear Kyle and Don,

I am writing to voice my opposition to the lot line adjustment and conditional use request by the Chambers on Willow St. The proposed structure is very out of character for the neighborhood and would be damaging to surrounding property values. I cannot find any positives in this proposal and would hope you both vote against it.

Thank you for your consideration.

David Johnson

Executive Broker

RE/MAX associates Realtors

4285 N. Shiloh Dr. #205

Fayetteville, AR 72703

Office - 479-684-5750

Cell - 479-644-9099

Fax - 479-684-5755

www.DavidJohnsonSold.com

"TLC given to all your referrals!"

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

7-Mar-06
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

R-PZD 06-1883: (Abshier Heights, 407): Submitted by H2 Engineering for property located south of Evelyn Hills Shopping Center on Abshier and Hillcrest. The property is zoned C-2, Thoroughfare Commercial, and contains approximately 4.11 acres. The request is for a Residential Planned Zoning District with 30 multi-family dwelling units.

\$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	Remaining Balance	Fund Name
	\$ -	

Budgeted Item

☐

Budget Adjustment Attached

☐


Department Director

2-15-06
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a


City Attorney

2-16-06

Original Contract Number: n/a

Finance and Internal Service Director

Date


Mayor

2/21/06
Date

Received in City Clerk's Office

ENTERED

2-16-06

Received in Mayor's Office

ENTERED

2/17/06

Comments:

Left on first reading March 7, 2006

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: February 14, 2006

Subject: Residential Planned Zoning District for Abshier Heights (R-PZD 06-1883)

RECOMMENDATION

Planning Staff recommends approval of an ordinance creating a Residential Planned Zoning District (R-PZD) for Abshier Heights, based on the Master Development Plan, development standards and statement of commitments submitted. This action will establish a unique zoning district for a single-use project on approximately 4.11 acres located at Abshier Drive and Hillcrest Avenue. The 8-building proposal includes 30 residential units, consisting of 22 multi-family units and 8 two-family units. The 8 two-family units will be located in the northern 4 buildings along Hillcrest and the 22 multi-family units will be located in the remaining 4 buildings, three facing greenspace off of Abshier and one on Hillcrest. The overall density is 7.3 units per acre.

BACKGROUND

The property consists of a total of 4.11 acres occupying land with frontage on Abshier Drive and Hillcrest Avenue. Both parcels are undeveloped and are zoned C-2, Thoroughfare Commercial. It is surrounded by single-family homes on the south/east and the Evelyn Hills Shopping Center to the North/west.

The applicant is attempting to create a transition between the commercial shopping center to the north/west and the single-family neighborhood to the south/east. The Planned Zoning District contains one (1) Planning Area. The Planning Area has its own specific density (maximum number of dwellings units allowed), and established bulk and area criteria, setbacks, height, etc. The information is provided both in a booklet form, which describes the intent of the Planning Area along with a drawing of the overall Planning Area boundaries and by way of the larger plat, which gives more engineered information. The applicant requests approval of both the zoning, given the proposed Master Development Plan, statement of commitments, and development standards and approval of the large scale development which would allow the immediate review of construction plans. Proposed setbacks are not close to the street; rather they allow for the development of the flat parts of the site, while preserving the slope and trees along the street.

City Council Meeting of March 7, 2006
Agenda Item Number

DISCUSSION

The Planning Commission voted 6-3-0 in favor of this request on February 13, 2006, with Commissioners Myers, Allen and Clark voting no. Those who voted against the motion discussed their concerns regarding the proposal, including density, traffic, water pressure, and architectural compatibility. Recommended conditions were approved by the Planning Commission and are reflected in the attached staff report.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 06-1883, ABSHIER HEIGHTS, LOCATED SOUTH OF EVELYN HILLS SHOPPING CENTER ON ABSHIER AND HILLCREST, CONTAINING APPROXIMATELY 4.11 ACRES; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE; AND ADOPTING THE ASSOCIATED MASTER DEVELOPMENT PLAN

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

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

From C-2, Thoroughfare Commercial, to R-PZD 06-1883 as shown in Exhibit "A" attached hereto and made a part hereof.

Section 2: That the change in zoning classification is based upon the approved master development plan, development standards, and conditions of approval as submitted, determined appropriate and approved by the City Council.

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

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

PASSED and APPROVED this 7th day of March, 2006.

APPROVED:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk

EXHIBIT "A"
R-PZD 06-1883

TRACT A:

PART OF THE NW ¼ OF THE NW ¼ OF SECTION 10, TOWNSHIP 16 NORTH, RANGE 30 WEST, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SE CORNER OF THE NW ¼ OF THE NW ¼, SAID POINT BEING A FOUND 1" PIPE; THENCE N87°12'10"W 352.90 FEET; THENCE N02°59'53"E 25.00 FEET TO THE POINT OF BEGINNING; THENCE N02°58'47"E 635.03 FEET TO A CHISLED "X"; THENCE S87°00'06"E 149.72 FEET TO A FOUND IRON PIN IN THE WEST RIGHT-OF-WAY LINE OF HILLCREST AVENUE; THENCE ALONG SAID RIGHT-OF-WAY S02°57'25"W 634.95 FEET TO A FOUND PK NAIL IN THE APPROXIMATE CENTER LINE OF WOODCREST DRIVE NOW VACATED BY THE CITY OF FAYETTEVILLE BY ORDINANCE #1205; THENCE ALONG SAID CENTERLINE N87°02'16"W 149.97 FEET TO THE POINT OF BEGINNING, CONTAINING 2.187 ACRES, MORE OR LESS, AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

TRACT B:

PART OF THE SW ¼ OF THE NW ¼ OF SECTION 10, TOWNSHIP 16 NORTH, RANGE 30 WEST, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF SAID SW ¼ OF THE NW ¼; THENCE N87°12'10"W 203.60 FEET; THENCE S02°58'05"W 30.14 FEET TO THE POINT OF BEGINNING, SAID POINT BEING A FOUND IRON PIN IN THE WEST RIGHT OF WAY OF HILLCREST AVENUE; THENCE ALONG SAID RIGHT OF WAY S02°58'12"W 313.56 FEET TO A FOUND IRON PIN IN THE NORTH RIGHT-OF-WAY LINE OF ABSHIER DRIVE; THENCE ALONG SAID RIGHT-OF-WAY LINE N86°36'30"W 537.42 FEET TO A FOUND IRON PIN; THENCE LEAVING SAID RIGHT-OF-WAY N63°01'26"E 620.21 FEET TO THE POINT OF BEGINNING, CONTAINING 1.935 ACRES MORE OR LESS, AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.



PC Meeting of February 13, 2006

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Planning Commission
FROM: Jesse Fulcher, Current Planner
Brent O'Neal, Staff Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: February 8, 2006 Updated February 14, 2006 for City Council

R-PZD 06-1883: Planned Zoning District (ABSHIER HEIGHTS, 407): Submitted by H2 ENGINEERING for property located at S OF EVELYN HILLS SHOPPING CENTER ON ABSHIER AND HILLCREST. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 4.11 acres. The request is for a Residential Planned Zoning District with 30 multi-family dwelling units.

Property Owner: SMITH 2-WAY RADIO
Planner: JESSE FULCHER

Findings:

Property Description: This site is located north of Abshier Drive and west of Hillcrest Avenue, directly behind the Evelyn Hills Shopping Center.

Surrounding Land Use/Zoning:

Direction	Land Use	Zoning
North	Evelyn Hills Shopping Center	C-2
South	Single Family Neighborhood	RSF-4
East	Single Family Neighborhood	RSF-4
West	Evelyn Hills Shopping Center	C-2

Background: Research conducted by staff indicates in 1960 when the Evelyn Hills Shopping Center was rezoned, that a 150' strip was left zoned residential to serve as a buffer strip. In 1962 the City Council approved rezoning of the western 130' of the 150' tract, partly because the owners offered to place a restrictive covenant on the property that limited development on the 20' residual strip along Hillcrest Ave. It should be noted that all structures and land disturbances associated with the proposed structures is further than 20' from Hillcrest Avenue (approximately 45' from the curb). Street improvements to Hillcrest will require construction in this area. However, later in 1962 the rezoning was rescinded after an election was called by referendum. Any covenants that were in place with the rezoning were most likely invalidated when the rezoning was rescinded.

It appears that in 1967 a second request was made to rezone the property to C-2. The request was denied, but was later appealed to the Board of Directors, who then approved the requested rezoning to C-2.

In 1991 a rezoning was requested to rezone the property from C-2 to R-1.5 to allow for the construction of duplexes, which was withdrawn. Pertinent information on the zoning history of this property has been included.

Subdivision Committee Comments: The Subdivision Committee voted 2-1-0 to forward the item to the Planning Commission. A consensus was not reached on the findings. Numerous adjacent property owners attended the meeting with several concerns regarding the proposed project. These concerns included traffic, density, compatibility, trash, aesthetics, drainage and the E. Fay Jones property which is near the site. Included in the staff report are letters from adjacent property owners.

Planning Commission Comments: The Planning Commission voted 6-3-0 to forward the item to the City Council. There was considerable public comment regarding traffic, density, water pressure, architectural compatibility and the E. Fay Jones property. Some of the Planning Commissioners shared some of the same concerns as the neighbors. In addition, the Planning Commissioners had added concerns and questions for staff to address prior to City Council, including Fire Department access, parallel parking on Hillcrest Avenue, water pressure, pedestrian bridges, trash service and building materials.

Proposal: The applicant requests a rezoning, Master Development Plan and Large Scale Development approval for a multi-family development on the property. The 8-building proposal includes 30 residential units, consisting of 22 multi-family units and 8 two-family units. The 8 two-family units will be located in the northern 4 buildings along Hillcrest and the 22 multi-family units will be located in the remaining 4 buildings, three facing greenspace off of Abshier and one on Hillcrest. The overall density is 7.3 units per acre.

The applicant is attempting to create a transition between the commercial shopping center to the north/west and the single-family neighborhood to the south/east. The Planned Zoning District contains one (1) Planning Area. The Planning Area has its own specific density (maximum number of dwellings units allowed), and established bulk and area criteria, setbacks, height, etc. The information is provided both in a booklet form, which describes the intent of the Planning Area along with a drawing of the overall Planning Area boundaries and by way of the larger plat, which gives more engineered information. The applicant requests approval of both the zoning, given the proposed Master Development Plan, statement of commitments, and development standards and approval of the large scale development which would allow the immediate review of construction plans. Proposed setbacks are not close to the street; rather they allow for the development of the flat parts of the site, while preserving the slope and trees along the street.

Process: The purpose of the subject request is for a rezoning and development approval. Approval of the Residential Planned Zoning District would effectively rezone the property based on the engineered plans and information provided.

The following bulk and area regulations are proposed by the applicant:

(A) *Proposed Uses.*

Permitted uses

Use Unit 1	City-wide uses by right
Use Unit 2	City-wide uses by conditional use permit
Use Unit 9	Two-family dwellings
Use Unit 26	Multi-family dwellings

Conditional Uses

Unit 2	City-wide uses by conditional use permit
Unit 24	Home Occupations

(B) *Density.*

Units per acre	7.3
----------------	-----

(C) *Bulk and area regulations.*

Lot minimum width	N/A - Condo units and duplexes
Lot area minimum	N/A
Land area per dwelling unit	5,000 sq. ft.

(E) *Setback requirements.*

Front Building Setbacks: 25'

Rear Building Setback: 15'

Side Building Setback: 8'

(F) *Height.* 35' maximum height

(G) *Building area.* 16.8% of site.

Water: Public water is adjacent to the site. A study of the water system shall be conducted by the developer as directed by the Engineering Division. Substantial improvements to the water system may be required which includes other off-site improvements. Water service will need to be extended within the property at the time of development connecting within the proposed development.

Sewer: Sanitary sewer is currently available to the site. There is a 6" sewer line that runs along Hillcrest Avenue and a 6" sewer line along Abshier Drive, west of the site. A study of the downstream system shall be conducted by the developer. Substantial improvements to the sewer system may be required which includes other off-site improvements. Sewer service will need to be extended within the property at the time of development connecting within the proposed development.

Adjacent Master Street Plan Streets:

East: Hillcrest Ave. (Local Street)
South: Abshier Road (Local Street)

Traffic: Access to the site is provided by way of two private drives from surrounding streets, which will supplement two existing access drives into the Evelyn Hills Shopping Center. The two existing access drives are located behind the shopping center, both of which are accessed from Hillcrest Ave. A private drive will be allowed access from Abshier Dr. and will traverse through the southern tract and intersect with the existing drive into the shopping center. A second private drive will traverse north across the northern tract and connect the two existing access drives. A traffic study was not recommended for the proposed development. However, further evaluation will be conducted by staff at the time of construction plan submittal for any required improvements.

Street Improvements: Staff recommends the following improvements:

- ♦ Improve Abshier Drive to include a 14' wide street section from centerline with curb, gutter, storm drains and 6-foot sidewalk. Street improvements shall extend to College Avenue.
- ♦ Improve Hillcrest Avenue to include a 14' wide street section from centerline with curb, gutter, storm drains and a 6-foot sidewalk.

**Staff recommends that the location of the sidewalks on both Abshier Drive and Hillcrest Avenue be determined by the Sidewalk Coordinator and Urban Forester at the time of development so that existing canopy along the right-of-way can be preserved.*

Tree Preservation: The two sections of property have very different topographies. The triangle shaped, southern tract is very sloped from Abshier Drive down to the proposed building locations, while the building location is very flat. Most of the tract is covered in small saplings and underbrush, with some larger significant trees. This tract contains the trees that will be removed in order to construct a detention pond. The rectangle shaped, northern tract has only a slight slope from Hillcrest Avenue to the proposed building locations. Many mature trees exist on this tract, but are within an existing easement. However, these trees should not be affected by this development.

The applicants have designed the layout of the driveways and buildings so that they are located on the flat portions of the property, while staying away from the outer boundaries of the property. After removal of the tree canopy for the detention pond, the canopy will fall to 17.0% canopy coverage, from 17.9% existing canopy coverage.

Parks: On November 7, 2005 the Parks Recreation Advisory Board recommended accepting money in lieu in the amount of \$13,086 for 22 multi-family homes and 8 single-family homes. These amounts may need to be adjusted if the two-family homes are left on the same lot and not utilized as single-family attached homes.

Public Comment: Staff has received several comments, letters and e-mails from adjacent property owners. Any additional written comments from adjacent property owners will be included in the Planning Commission packet.

Recommendation: Staff recommends forwarding a recommendation of approval of the Residential Planned Zoning District for Abshier Heights (R-PZD 06-1883) to the City Council, with the following conditions:

Conditions to Approval:

1. Planning Commission determination of street improvements, to include the following:
 - a. Installation of a 14' wide street from centerline of Abshier Dr., including 14' pavement, curb, gutter, storm drains, and a 6' sidewalk. Street improvements shall extend off-site to include the intersection of Abshier Drive and College Avenue.
 - b. Installation of a 14' wide street from centerline of Hillcrest Ave., including 14' pavement, curb, gutter, storm drains, and a 6' sidewalk.
 - c. Right-of-way to meet Master Street Plan requirements shall be dedicated prior to building permit.
 - d. Egress from the proposed drive onto Abshier Drive shall be signed/marked to allow a right out only.

**Staff recommends that the location of the sidewalks be determined by the Sidewalk Coordinator and Urban Forester at the time of development so that existing canopy along the right-of-way can be preserved.*

THE PLANNING COMMISSION FOUND IN FAVOR OF THE PROPOSED STREET IMPROVEMENTS, INCLUDING THE LOCATION OF SIDEWALKS TO BE DETERMINED BY THE SIDEWALK COORDINATOR AND THE URBAN FORESTER.

2. All setbacks, protective easements, density, designated uses and other zoning criteria are binding with the approval of the R-PZD. Submitted covenants are likewise binding to the project.
3. Structures shall be constructed as presented in the PZD, meeting the architectural design standards established herein.
4. Parks fees in the amount of \$13,086 for 8 single-family units and 22 multi-family units shall be paid prior to issuance of building permits, or as constructed to meet the parkland dedication fee-in-lieu requirements.
5. If street lights do not exist, they shall be installed with a maximum separation of 300 feet along Abshier Drive and Hillcrest Avenue.
6. The applicant shall submit 15 sets of the plats, project booklets, and elevations along with any other correspondence and information the applicant would request the City Council to review. Please submit half-size drawings for City Council review.
7. Coordination with the Solid Waste Division for centralized trash pick-up. *THE SOLID WASTE DIVISION HAS REQUESTED THAT TWO DUMPSTER PADS BE LOCATED ON THE SITE. IF PLANNING STAFF FINDS THAT THERE IS NOT SUFFICIENT*

ROOM FOR LOCATING A DUMPSTER PAD, OR THAT REQUIRING DUMPSTERS WOULD RESULT IN THE REMOVAL OF EXISTING TREE CANOPY, THE SOLID WASTE DIVISION WILL ALLOW INDIVIDUAL CARTS.

8. The applicant shall be granted one (1) year from the date of Planning Commission approval to receive all permits necessary for development with a one (1) year extension available.
9. All development shall meet applicable building codes and other ordinances of the City of Fayetteville.
10. Prior to City Council consideration, the applicant shall modify the project booklet and Site Plans to reflect any recommended revisions from the Planning Commission.
11. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks.
12. Access easement agreements for the driveways located off-site, shall be provided on the easement plat and filed of record prior to building permit.
13. Manufacturer's cut-sheets shall be required for any outdoor lighting, prior to building permit.
14. Trees are required to be planted every 30 linear feet along the right-of-way, where existing canopy is not currently located. Trees should also be planted every 12 parking spaces. Include these revisions prior to City Council.
15. If after construction, open areas exist along the right-of-way, trees shall be planted within the open areas, to provide a continuous buffer along the right-of-way between the PZD and the existing neighborhood.
16. Two bicycle racks are required and shall be shown on the site plan and legend with revisions prior to City Council.

Standard Conditions of Approval:

17. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.
18. Prior to building permit, a cost estimate for all required public improvements are required to be submitted to Planning Staff for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the

materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy.

19. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code, and shall be subject to signage requirements for residential multi-family development. This shall be reflected in the booklets and on the plats.
20. 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).
21. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
22. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
23. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - b. Separate easement plat for this project that shall include the tree preservation area.
 - c. Project Disk with all final revisions
 - d. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Building Permit.

Planning Commission Action:

Required YES

☒ Forward ☐ Denied ☐ Tabled

Meeting Date: February 13, 2006

Motion: Vaught

Second: Graves

Vote: 6-3-0 Commissioners Clark, Myers and Allen voted no.

Comments:

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

Signature _____

Date _____

CITY COUNCIL ACTION:

Required

YES

City Council Action:

☐ Approved

☐ Denied

☐ Tabled

Motion: _____

Second: _____

Vote: _____

Meeting Date:

March 7, 2006

Comments: _____

Findings associated with MDP R-PZD 06-1883

Sec. 166.06. Planned Zoning Districts (PZD).

(E) Approval or Rejection Criteria for Planned Zoning Districts

The following criteria shall be considered by the Planning Commission and City Council in the review of a planned zoning district application based on the proposed master development plan:

- (1) Whether the application is in compliance with the requirements of the UDC and the General Plan 2020;

FINDING: Staff finds the application to be in compliance with the Master Development Plan Planned Zoning District criteria established by the City Council. In review of the General Plan 2020, the application provides for a single-purpose development while minimizing disruption of the existing natural features, including tree canopy and topography. The General Plan 2020 designates this area as Regional Commercial; however, it is more appropriate to provide a residential transition between a commercial shopping center and an adjoining single-family neighborhood, than permitting the expansion of the regional shopping center, or other similar uses that would not be compatible with the adjacent single-family homes.

- (2) Whether the application is in compliance with all applicable statutory provisions;

FINDING: The application has been reviewed and found to be compliant with applicable statutory provisions.

- (3) Whether the general impact of the rezoning would adversely impact the provision of public facilities and services;

FINDING: The impact of the rezoning and subsequent development would require the provision of public facilities, at the cost of the developer. As indicated in the submittal and the staff report, certain measures are to be taken to ensure adequate infrastructure improvements are made by the developer to ensure the level of service does not decline due to the proposed development. If required, improvements shall be made to the water and sewer system, as well as improvements to Abshier Dr. and Hillcrest Ave. Fire and police have responded accordingly.

- (4) Whether the rezoning is compatible with the surrounding land uses;

FINDING: The rezoning request, combined with the Master Development Plan, creates a single purpose residential use. Staff finds the proposed use to be appropriate in this transitional area. Additionally, the proposed development utilizes the natural features of the site, including topography and tree canopy, to minimize the visual changes to surrounding properties. As noted in the General Plan 2020 and as practiced in many areas of the City, transitions in land use between high intensity commercial uses and low intensity single-family uses are often times medium density multi-family residential uses, which is proposed with this project, at 7.3 dwelling units per acre.

- (5) Whether the subject land is suitable for the intended use and is compatible with the natural environment;

FINDING: The subject property is a remnant tract that was not developed when Evelyn Hills Shopping Center was constructed. Areas near the corner of Abshier Drive and Hillcrest Avenue have significant slope, but should incur minimal grading during development. The sites where building pads and parking is located is very flat and conducive to the proposed development. Most of the existing tree canopy is located along both street frontages and should be preserved during construction. Approximately 17% of the existing 17.9% tree canopy will be preserved with the development of this site. This will require 6 mitigation trees, in addition to trees along the right-of-way and in the parking areas.

- (6) Whether the intended land use would create traffic congestion or burden the existing road network;

FINDING: It is expected that the addition of 30 residential dwelling units will increase the amount of traffic on Abshier Drive and Hillcrest Avenue. However, two (2) access points with options for the direction of travel are available. The developer will be expected to make significant improvements to Abshier Drive and Hillcrest Avenue in order to provide adequate traffic safety. These improvements include a 14' wide street section from centerline with curb, gutter, and storm drains along the projects frontage on Abshier Drive and Hillcrest Avenue. A 6-foot sidewalk is required to be installed along the property's

frontage, however the location of the sidewalk will be evaluated by the Sidewalk Coordinator and Urban Forester to ensure that existing tree canopy is preserved. Improvements need to extend beyond the frontage of the subject property to the intersection of College Avenue and Absbier Drive, to allow for safe and adequate access to the property.

- (7) Whether the planned development provides for unified development control under a unified plan;

FINDING: A plan and project booklet has been submitted, recognizing the zoning and development criteria required of a Master Development Plan submittal. Typical architectural elevations, materials and design standards are called out, in order to describe the appearance of the project once constructed.

- (8) Whether any other recognized zoning consideration would be violated in this PZD.

FINDING: Staff finds that in review of the requested rezoning, the Master Development Plan proposed does not violate recognized zoning considerations, as found below.

(J) 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. At this time, the Master Development Plan sets out the basic guidelines, development and zoning criteria, commitments offered by the applicant and those recommended by staff, and design standards to ensure the proposal will achieve a high level of compatibility with adjacent properties. While a residential use is a significant change from the existing C-2, Thoroughfare Commercial zoning, staff finds that the proposal herein does incorporate an acceptable level of compatibility, and development features further the health, safety, amenity and welfare of the community. The density and maximum dwelling units have been addressed for the planning area; a greater percentage of open space will be retained in comparison to the requirements under the C-2 zoning district. Traffic movement is achieved via public and private streets, with

access onto North Street and College Avenue. The proposed development will work with the natural features and topography of the property and place an emphasis on tree preservation, allowing for a project that enhances the neighborhood.

- (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 at this time; with development of the site, all applicable development criteria will be applied for appropriate landscaping, screening and buffering of parking areas and objectionable uses. The developer shall be required to plant addition trees every 30 linear feet along the right-of-way where existing trees do not fulfill this requirement.

- (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: A traffic study was not required with this proposed development. Ingress and egress to the project will be provided from Abshier Drive, Hillcrest Avenue and through

existing access points through the Evelyn Hills Shopping Center.

- (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: The applicants have proposed additional parking to allow for guests to park within the development. All parking areas shall conform to City of Fayetteville standard specifications, unless approved otherwise by the Planning Commission.

- (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 will retain approximately 94% of the existing tree canopy on the property, for a total of 17.0% of the site area. Additional trees will be planted along the right-of-way, which should provide for a significant natural buffer from the existing neighborhood. Open spaces are indicated to be preserved along the rights-of-way.

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

FINDING: Sidewalks will be evaluated by the Sidewalk Coordinator and Urban Forester at the time of development to ensure that existing tree canopy is preserved.

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

FINDING: Street lights will be required at the time of development.

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

FINDING: Public water will be provided to the project site, pursuant to city code. A study of the water system shall be conducted by the developer as directed by the Engineering Division. Substantial improvements to the water system may be required which includes other off-site improvements.

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

FINDING: Public sewer will be provided to the project site, pursuant to city code. A study of the downstream system shall be conducted by the developer. Substantial improvements to the sewer system may be required which includes other off-site improvements.

- (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 and private streets/drives shall conform to city standards, which have been indicated in the submitted statement of commitments. Public and Private streets shall not be gated, unless permitted by express approval from the City Council.

- (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: Staff recommends approval of the Tree Preservation Plan. Six (2) inch caliper trees will be required for mitigation.

- (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: The applicant has proposed design standards for residential structures.

- (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. However, the buildings have been located, so that in most areas the rooftops and backs of the buildings will not be clearly visible from the residential neighborhood; rather the natural buffer and proposed buildings will screen the commercial area to the west.

(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 proposed Master Development Plan incorporates many of the above

criteria, as indicated by the transition from commercial to condominium to single family detached; the minimal disruption of existing natural features and amenities; utilization of the site special features, such as geographic location, topography, size and shape; creating a community atmosphere near two arterial streets, while providing necessary infrastructure improvements to alleviate any potential impact; and providing a variety of housing types within the same area, allowing for a socio-economic diversity while promoting a community atmosphere in which one can work, live and play.

(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 06-1883, with one (1) unique Planning Area. The development standards, statement of commitments and Master Development 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 proposal is single-use residential development, which is more

appropriate for a PZD application than a general residential rezone. The requested R-PZD provides an effective transition between two different land uses and activities on abutting parcels. Improvements to infrastructure will be required in order to provide adequate traffic safety. By clustering more densely, the natural features of the site and existing tree canopy can be preserved.

(2) *Permitted Uses.* All permitted uses identified within §162 Use Units of the Unified Development Code shall be allowed as permissible uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.

(3) *Conditional Uses.* All conditional uses allowed within (Residential, Commercial, Industrial) zoning Districts established in the Unified Development Code shall be allowed with Planning Commission approval, unless otherwise specified, subject to the code governing Conditional Use requests.

FINDING: See Zoning Criteria Chart within the project booklet provided by the applicant for the uses permitted by right and by conditional use in each Planning Area as proposed by the applicant. This project booklet, if approved, will remain on file in the Planning Division for comparison to future development on the property. Uses proposed have been evaluated and found to be reasonably compatible in adjacency to other uses.

(4) *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 C-2, Thoroughfare Commercial, to MDP R-PZD 06-1883, with the adoption of the associated Master Development Plan.

LAND USE PLAN: The General Plan 2020 Future Land Use Plan designates this site as a Residential Area. Rezoning this property to R-PZD 05-1636, with the associated Master Development Plan, varies this future land use to a mixed use, though the principal use on the property will remain residential. The proposed plan, commitments, design standards and other conditions placed upon the project result in a compatible development with surrounding land uses in the general vicinity, meeting many of the goals of the General Plan 2020 for new development.

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 to a great degree consistent with many of the

principles and policies in place. The policies encouraged by the General Plan 2020 call for mixtures of uses, housing sizes and types, pedestrian-friendly neighborhoods, siting new development adjacent to arterials, schools and other public services, and expanding the public trails and parks system. This project meets many of these goals, and creates an internal transition between land uses.

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 anything other than those uses allowed within the C-2, Thoroughfare Commercial zoning district. The C-2 zoning district does allow for attached and detached residential dwellings as accessory uses. The density limitations are governed by Chapter 161.13 (C), RMF-24, Residential Multi-Family, 24 Units per Acre.

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

Finding: The proposed zoning will certainly result in an increase in vehicle trips, due to the change in use from vacant property to 30 dwelling units. It is necessary that street improvements occur as a result, to be installed with development of the project. With the improvements other users of Abshier Drive and Hillcrest Avenue will likely benefit as well, due to the fact that at this time there is no curb, gutter, storm drains, or sidewalks. 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 an appreciable increase in traffic danger and congestion in the area. Fire Station #1 at 303 W. Center expects a response time of 5.5 minutes with an anticipated 7 calls for service per year once the development is completed and maximum build-out has occurred.

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: Based on findings from public service providers, as outlined below, an undesirable increase in load on public services would not be created.

Engineering: Public water is adjacent to the site. A study of the water system shall be conducted by the developer as directed by the Engineering Division. Substantial improvements to the water system may be required which includes other off-site improvements. Water service will need to be extended within the property at the time of

development connecting within the proposed development.

Sanitary sewer is currently available to the site. There is a 6" sewer line that runs along Hillcrest Avenue and a 6" sewer line along Abshier Drive, west of the site. A study of the downstream system shall be conducted by the developer. Substantial improvements to the sewer system may be required which includes other off-site improvements. Sewer service will need to be extended within the property at the time of development connecting within the proposed development.

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 an appreciable increase in traffic danger and congestion in the area.

Fire: The subject property is located approximately 1.7 miles from the Fire Station No. 1. Response time to the property is 5.5 minutes.

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 February 13, 2006

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 444-3470

TREE PRESERVATION and PROTECTION REPORT

To: Fayetteville Planning Commission

From: Sarah K. Patterson, Urban Forester

Date: February 8, 2006

ITEM #: R-PZD 06-1883: Planned Zoning District (Abshier Heights)

Requirements Submitted:

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

Canopy Measurements:

Total Site Area	
acres	4.11
square feet	179,032
Existing Tree Canopy	
acres	
square feet	32,085
percent of site area	17.9%
Existing Tree Canopy Preserved	
acres	
square feet	30,355
percent of total site area	17%
Percent Minimum Canopy Required	17.9%

FINDINGS:

The desirability of preserving a tree or group of trees by reason of age, location, size or species.

- **This site currently has about 17.9% canopy cover. The area is very sloped and covered mostly with brushy vegetation. Several**

significant trees exist most being oak and pine.

Whether the design incorporates the required tree preservation priorities

- **This design takes into consideration the tree preservation priorities and only reduces the canopy slightly**

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

- **Little tree canopy would be removed with this development. The removal of the brushy vegetation on the site will create some environmental degradation due to the slope of the land.**

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

- **The property is adjacent to the back of a large shopping center and two public roads. Properties across these streets should be minimally affected by the removal of tree canopy.**

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

- **N/A**

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

- **The size, shape, and topography of this lot greatly affects the design.**

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

- **The trees were inventoried by a certified arborist whom found most to be in poor to fair condition.**

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

- **Several utility easements exist on this property. The proposed utilities will utilize the parking area and avoid most trees.**

The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.

- **The trees proposed for removal are found within the detention area and in a proposed drive. Additional canopy could be affected by the replacement or maintenance along Hillcrest Ave but these utilities already exist.**

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

- **The roads and utilities are designed as best possible for this space.**

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

- N/A

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

- **Mitigation will be required to replace 1,730 square feet of removed canopy.**

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

- **This project is proposed as a Residential Planned Zoning District.**

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

- N/A

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

- **Staff is recommending approval of the submitted Tree Preservation Plan with the following conditions.**

Conditions:

1. **Six (2) inch caliper trees will be required for mitigation. These trees will need to be planted and bonded in the amount of \$1,500 before signature of Final Plat. This bond is for a 3-year maintenance and monitoring period. At the end of these 3 years the Urban Forester will inspect these trees for health. If 90% are healthy the bond is returned in full.**

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

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

TO: Jesse Fulcher, Associate Planner

FROM: Alison Jumper, Park Planner

DATE: January 31, 2006

SUBJECT: Parks & Recreation Subdivision Committee Comments

Meeting Date: February 2, 2006
Item: PZD 06-1883 Abshire Heights
Park District: NE
Zoned: PZD
Billing Name & Address: D & P Chance Properties

	<u>Land Dedication Requirement</u>	<u>Money in Lieu</u>
Single Family	_____ @ .024 acre per unit = _____ acres	<u>8</u> @ \$555 per unit = \$ <u>4,440</u>
Multi Family	_____ @ .017 acre per unit = _____ acres	<u>22</u> @ \$393 per unit = \$ <u>8,646</u>
Mobile Home	_____ @ .024 acre per unit = _____ acres	_____ @ \$555 per unit = \$ _____
Lot Split		_____ @ \$555 per unit = \$ _____

COMMENTS:

- PRAB voted to accept money in lieu of land for the park land dedication requirements of this development on November 7, 2005 due to its proximity to Gregory Park.
- Fees are assessed in the amount of \$13,086 for 22 multi-family homes and 8 single family homes.
- Fees are due before signing final plat.

From: Travis Dotson
To: Fulcher, Jesse
Date: 2/1/06 4:58PM
Subject: Subdivision Committee Meeting for Thursday, February 2, 2006

Jesse,

Abshier Heights will be required to have a centralized location for a trash dumpster to service trash needs for this multi - unit dwelling.

Thanks
Travis Dotson



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

B. 2
R-PZD 06-1883
Abshier Heights
Page 32 of 98

POLICE DEPARTMENT

January 17, 2006

Jeremy Pate
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Pate,

This document is in response to the request for a determination of whether the proposed Planned Zoning District R-PZD 06-1883 (Abshier Heights, 407) submitted by H2 Engineering, INC for property located S of Evelyn Hills Shopping Center on Abshier and Hillcrest 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 Zoning 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 congestion in the area.

Sincerely,

A handwritten signature in black ink, appearing to read "William Brown", written over a horizontal line.

Captain William Brown
Fayetteville Police Department



Fayetteville Fire Department

MEMO

To: Suzanne Morgan, Andrew Garner, Jeremy Pate, and Jesse Fulcher
Thru: Chief Tony Johnson
From: Captain Dale Riggins
Date: January 17, 2006
Re: January 17, 2006 Re-zoning Review – Fire Department Comments

R-PZD06-1884 (Westside Village Condos, 439)

These 21.91 acres is covered by Engine 7 at 835 Rupple Road.
It is 0.1 mile from the station with an expected response time of 1 minute (Development is right across the street from the station).
The Fire Department anticipates 83 (50 EMS – 33 Fire/Other) calls for service per year once the development is completed and maximum build-out has occurred.
Measured Hydrant Flow in this area is 1590 gallons/minute.
The service impact of this development will typically take eighteen months after the development is started, and the units begin to be occupied, to occur.
There should be no adverse effects on our call volume or response time to this development.

MDP R-PZD 06-1881 (Skyview Heights, 291)

These 12.85 acres is covered by Engine 4 at 3385 N Plainview.
It is 1.4 miles from the station with an expected response time of 4 minutes.
The Fire Department anticipates 5 (3 EMS – 2 Fire/Other) calls for service per year once the development is completed and maximum build-out has occurred.
Measured Hydrant Flow in this area is 1361 gallons/minute.
The service impact of this development will typically take eighteen months after the development is started, and the units begin to be occupied, to occur.
There should be no adverse effects on our call volume or response time to this development.

R-PZD 06-1883 (Abshier Heights, 407)

These 4.11 acres is covered by Engine 1 and Ladder 1 at 303 W Center.
It is 1.7 miles from the station with an expected response time of 5.5 minutes.
The Fire Department anticipates 7 (4 EMS – 3 Fire/Other) calls for service per year once the development is completed and maximum build-out has occurred.
Our only concern is the hydrant at Hillcrest and Oakwood which flows less than 400 gallon/minute. The other hydrants surrounding this development have adequate flows.
The service impact of this development will typically take eighteen months after the development is started, and the units begin to be occupied, to occur.
There should be no adverse effects on our call volume or response time to this development.

ANX 06-1895 (Broyles, 245)

RZN 06-1896 (Broyles, 245)

These 2.8 acres is covered by Engine 7 at 835 Ruppel Road.
It is 2.9 miles from the station with an expected response time of 8.25 minutes. This response time is above our goal of having the first unit on the scene within 6 minutes, 90% of the time, and our goal of assembling all responding units to the scene of a moderate risk assignment within 10 minutes, 90% of the time. It has been proposed (*Fayetteville Fire Department: Deployment Study 2003*) to build a fire station (*Station 9*) to cover this northwest part of the city. The long response time is due to the narrow and winding Ruppel Road between Wedington Dr and Mt Comfort Rd plus having to cross 2 major cross streets.
The Fire Department anticipates 3 (2 EMS – 1 Fire/Other) calls for service per year once the development is completed and maximum build-out has occurred.
Measured Hydrant Flow in this area is 805 gallons/minute.
The service impact of this development will typically take eighteen months after the development is started, and the units begin to be occupied, to occur.

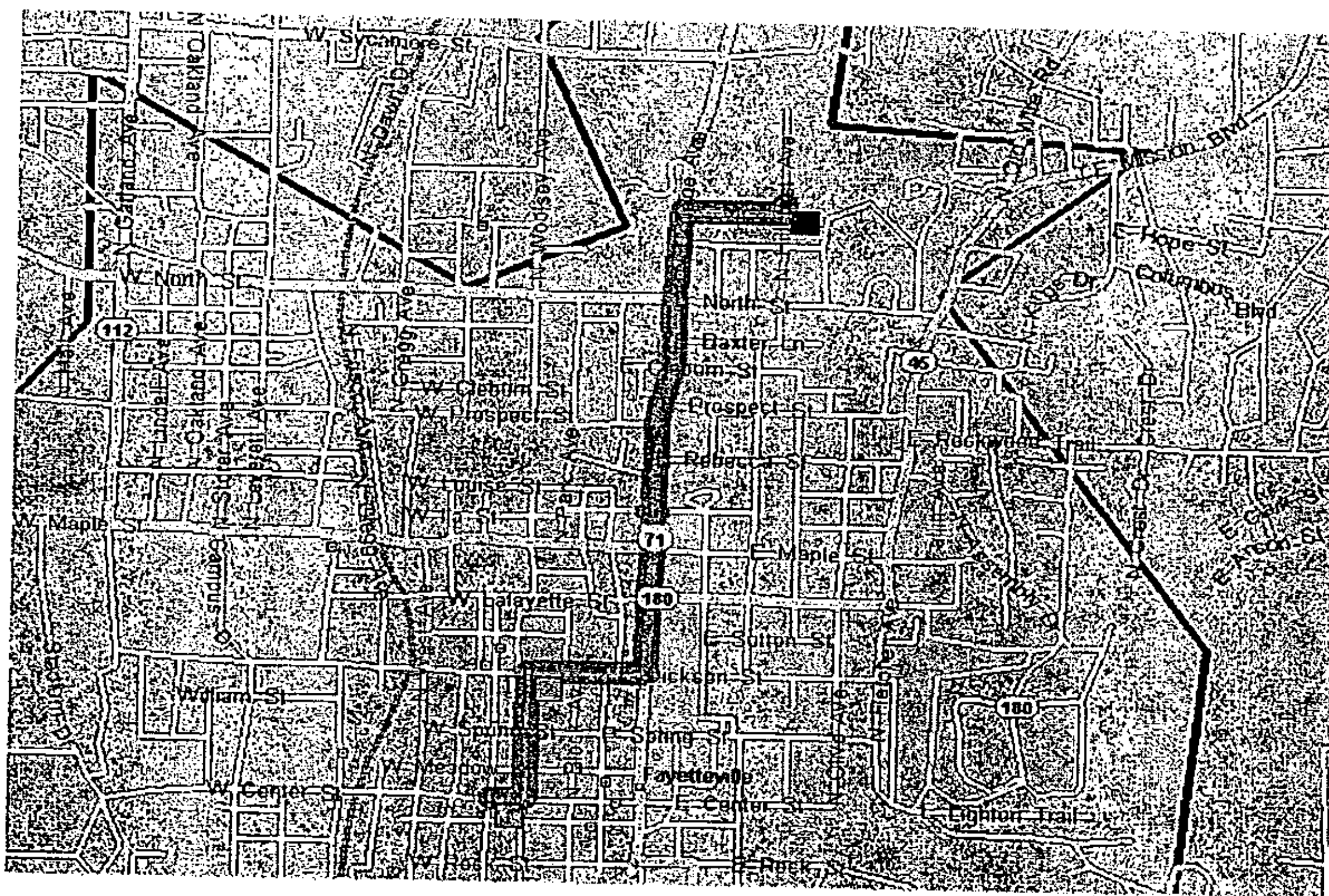
RZN 06-1891 (Shewmaker, 365)

These 1.91 acres is covered by Engine 2 at 700 N Garland.
It is 1.2 miles from the station with an expected response time of 3.75 minutes.
The Fire Department anticipates 5 (3 EMS – 2 Fire/Other) calls for service per year once the development is completed and maximum build-out has occurred.
Measured Hydrant Flow in this area is 1565 gallons/minute.
The service impact of this development will typically take eighteen months after the development is started, and the units begin to be occupied, to occur. There should be no adverse effects on our call volume or response time to this development.

If you have any questions or need additional information don't hesitate to call me at x365

Dale Riggins

Abshier Heights
1.7 Mile Response
5.5 Minute Response Time



Blue Line indicates 6 minute Response Time

WESTSIDE VILLAGE CONDOS (R-PZD 06-1884)

Public water is adjacent to the site. There is a 12" waterline that runs along Ruppel Road. A study of the water system shall be conducted by the developer. Substantial improvements to the water system may be required which includes other off-site improvements. Water service will need to be extended within the property at the time of development connecting within the proposed development.

Sanitary sewer is not adjacent to the site. There is an 8" sewer line near the property. A study of the downstream system shall be conducted by the developer. Sewer service will need to be extended within the property at the time of development connecting within the proposed development.

The site currently has frontage on Ruppel Road.

Standard improvements and requirements for drainage will be required for the development.

SKYVIEW HEIGHTS (MDP R-PZD 06-1881)

Public water is not adjacent to the site. A study of the water system shall be conducted by the developer as directed by the Engineering Division. Substantial improvements to the water system may be required which includes other off-site improvements. Water service will need to be extended within the property at the time of development connecting within the proposed development.

Sanitary sewer is currently available to the site. There is an 8" sewer line that enters the property from the west. A study of the downstream system shall be conducted by the developer. Sewer service will need to be extended within the property at the time of development connecting within the proposed development.

The site will have access to College Avenue by a private street. Further evaluation will be conducted by staff at the time of construction plan submittal for any required improvements.

Runoff from most of the site flows overland to the west. Standard improvements and requirements for drainage will be required for the development.

ABSHIER HEIGHTS (R-PZD 06-1883)

Public water is adjacent to the site. A study of the water system shall be conducted by the developer as directed by the Engineering Division. Substantial improvements to the water system may be required which includes other off-site improvements. Water service will need to be extended within the property at the time of development connecting within the proposed development.

Sanitary sewer is currently available to the site. There is a 6" sewer line that runs along Hillcrest Avenue, and a 6" sewer line along Abshire Drive, west of the site. A study of the downstream system shall be conducted by the developer. Substantial improvements to the sewer system may be required which includes other off-site improvements. Sewer service will need to be extended within the property at the time of development connecting within the proposed development.

The site will have access to Hillcrest and Abshire. Further evaluation will be conducted by staff at the time of construction plan submittal for any required improvements.

Runoff from most of the site flows overland to the west. Standard improvements and requirements for drainage will be required for the development.

BROYLES (RZN 06-1896 and ANX 06-1859)

December 13, 2005

Sarah Patterson
Landscape Coordinator
City of Fayetteville
113 West Mountain St.
Fayetteville, AR 72701

Re: ABSHIER HEIGHTS
TREE PRESERVATION ANALYSIS

Dear Sarah,

We are submitting a preliminary plat for a PZD called Abshier Heights. This project is located in Fayetteville, just behind Evelyn Hills shopping center in the northwest corner of Abshier Drive and Hillcrest Avenue. We will be proposing four duplex units, and 22 town homes for a total of 30 units.

This site is broken up into two pieces of land; one triangular piece to the South, and one rectangular piece to the North. The triangular piece to the south is mainly covered in small saplings, cedars and brush. There are some larger significant trees located on this parcel. This parcel also contains the trees we will have to remove in order to construct a detention pond. These are tree numbers 67-78. Tree number 69 will also be removed; however, it is already dead.

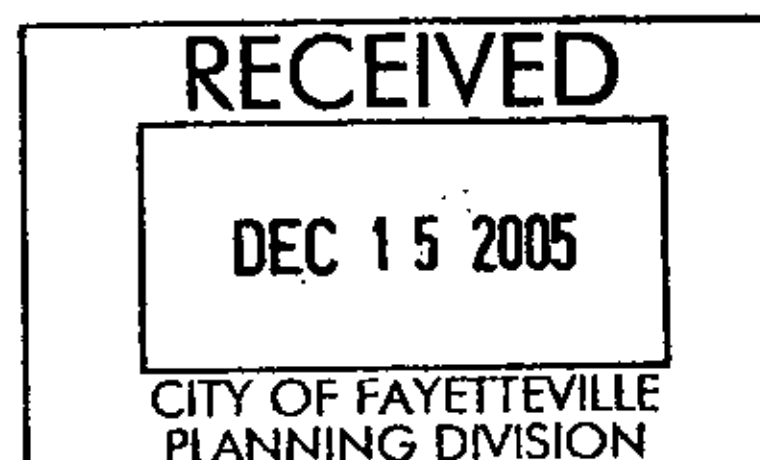
Most of the trees for this project are located on the North rectangular piece are along Hillcrest Avenue. These trees are run along an existing easement line; however, none of these trees should be affected by this development. The majority of the trees in this area are pine, oak, and cedar. There are also other species of trees located on the property that can be found in the tree table on the Tree Preservation Plan.

The layout of the driveways and building units were placed so that we could utilize the flat portion of property we had, while staying away from the trees on the outer boundaries. The existing canopy is 17.9% covered. After removal of the trees for the detention pond, we will have 17.0% canopy cover. We will make up for this in mitigation trees native to the area which include pine trees and oak trees. This development should not entail a significant change to the existing trees in this area. We hope to preserve the beauty of the existing canopy on this site to the best of our ability. Please feel free to call if you have any questions or comments.

Sincerely,



Michelle Montes, E.I.
H2 Engineering, Inc.



Planning Commission Meeting – February 13, 2006

Introduction –

Rob Wicks, University of Arkansas Communication Professor.

- Briefly highlight strong neighborhood opposition
- Ask neighbors opposed to rise
- Briefly note agreed upon speakers for brevity
 - 1:00 to 2:00 minutes

Legal Issues –

Rebecca Haas, Attorney.

- Legal issues and threats as a consequence of zoning, tree ordinance, planning, zoning, etc.
 - 2:00 to 3:00 minutes

Architectural Issues–

Kim Sexton, UA Architecture Professor.

Issues of forcing dumpsters and dwellings to co-exist and the misleading ideas of the space conveyed by the architectural renderings distributed by Cooper architects.

- 2:00 to 3:00 minutes.

Engineering Issues–

Shay Hopper, Woodland Jr. High Journalism Teacher.

Summary of research conducted by Emeritus Professor of Civil Engineering, Robert Alguire and other sources.

Water pressure and sewerage issues, drainage, topography, issues from the Alguire report, addendum and other points.

- 5:00 to 7:00 minutes

Historical Issues –

Gus Jones, Resident since 1956, Green space agreement, architectural and historical significance.

- 3:00 minutes or time as needed.

Conclusion –

Jan Wicks, UA Journalism Professor – summary report.

- 1:00 to 2:00 minutes

Total anticipated presentation time is 14 to 20 minutes

Finally, we ask that all appropriate documents be entered into the record.

309 Abshier Road
Fayetteville, AR 72703
1 February 2006

Office of City Planning
The City of Fayetteville, Arkansas
113 West Mountain
Fayetteville, Arkansas, 72701

City of Fayetteville Planning and Zoning Committees:

My husband and I live across the street from the newly planned development by Cooper Architects at the corner of Hillcrest and Abshier. We have resided at this address for nearly four years. We have three concerns regarding the proposed project: 1). traffic in the area, 2). density of the proposed development, 3). neighborhood continuity or aesthetics.

Abshier Road is currently very narrow, barely allowing two cars to pass one another. The traffic on Abshier is relatively heavy for such a narrow street, being used not only by those living in the neighborhood, but also those avoiding the North Street and College Avenue intersection. Many drivers exceed the speed limit, thus endangering those who are walking their dogs or exercising. Additionally, near the intersection of Abshier Road and College Avenue, those exiting the Rick's Bakery Parking lot at odd viewing angles compound the traffic problem. The limited widening of Abshier Road on the south side of the development will lessen the problem only marginally. However, with thirty proposed units in the development, projecting two cars per residences (or three vehicles, if units are rented), there will be an increase of 60 to 90 vehicles. Thinking that the units will be inhabited by professional people traveling to and from their residence two times a day will increase the traffic on Abshier and Hillcrest by 120 to 180 trips daily. If new residents park on the street, Hillcrest would not allow comfortable passage of two cars, and Abshier would not allow passage of two cars at all. This development is only two miles from the University of Arkansas; it is reasonable to think that students will also inhabit the units. Should this occur, the traffic would increase even more. The related concerns of street widening, parking, and traffic issues need to be resolved further prior to starting construction approval of the development plan.

The second concern is directed at neighborhood density. One of the appealing qualities of this neighborhood is its relative closeness to commercial areas and University of Arkansas while still maintaining a single-family dwelling atmosphere. Frequently, commercial areas such as Evelyn Hills Shopping Center have a buffer zone between themselves and single detached housing. The proposed development could offer such a transition area if the proposed units were all two-story town houses or condominiums. The comparatively quiet nature of the existing neighborhood suggests that two-level units would be more in keeping with the surroundings (all one or one-and-a-half stories) and would modestly lessen the apparent traffic concerns.

The third area of concern is continuity of the neighborhood design and aesthetic. Many of the homes bordering on the proposed development are ranch style or mid-century contemporary. Also included in our neighborhood is the home of Fay Jones. A

nationally celebrated architect, the proposed facades do not integrate themselves into the character already established by Mr. Jones' and the surrounding homes. Diversity keeps a neighborhood interesting when applied with sensitivity. However, the proportion and balance of the proposed buildings, the design of the exaggerated fenestration, and the bunker-like appearance of the buildings are offensive interruptions. The proposed development could and should, become an area of visual interest and emphasis for the neighborhood by investing more attention to the design of the exterior of the buildings.

We are pleased to see this area of the neighborhood being developed as a residential buffer to a more commercial area. While we would prefer a city park dedicated to one of its more famous citizens, Fay Jones, this end-use also fits into our neighborhood. However, resolution of traffic, density, and design factors needs to occur before approving the project.

Respectfully,



Nancy G. Miller



William J. Miller

Shay & David Hopper
1224 N. Hillcrest
Planning Commission Comments 2-13-06 (updated 2-13-06)
R-PZD 06-1883: Planned Zoning District (ABSHIER HEIGHTS, 407)

Commissioners – Thank you for taking the time to listen to our concerns. Certainly, my neighbors and I are not development or planning experts, but we have all made attempts to research this situation thoroughly in hopes of presenting a clear and valid view of our concerns.

In as concise a manner as possible, I will address 11 specific issues that the neighborhood has researched and discussed and then briefly review 4 –5 specific points which Robert T. Alguire, UA Professor emeritus of Civil Engineering; PhD, Univ. of Oklahoma, 1235 N. Hillcrest, asked be brought to your attention, as he could not be here this evening.

1. Water Pressure – or extreme lack thereof. On pages 2, 6 & 7 (of original H2/ D & P Chance proposal), the developer states: “A 6 inch sanitary sewer line as well as an 8” water line are located to the east along Hillcrest Avenue. A 6” waterline tees off the existing 8” water line and turns down the access road in to Evelyn Hills. We will tie our waterline into the 6” waterline and loop it to the north, tying in to the 8” waterline along Hillcrest Avenue.” (pg. 2) ... “a 6 inch water line is located [on] site which we propose to connect to, as well as an 8” to loop the system.” (pg. 7)

For years, water pressure in the neighborhood has been notoriously poor. Many of the residents have had City water department experts review their individual water situations (as have we) and report that nothing can be done unless the entire grid, one of the older grids in the city, can be re-built/re-configured. Obviously, a “connection” of this nature, with 30 new families taxing the already poor water flow, would be a disaster. Will diminished water pressure be an issue if there is a fire?

2. Neighborhood continuity - the architecture/style of the proposed units do not complete the neighborhood and they are multi-family as opposed to single family, detached traditional (from my understanding, neighborhood continuity is an issue in the City Plan 2025). This development is not a true or appropriate extension of our neighborhood. This is a “trashcan vs. trash dumpster” situation - it is not a good fit - urban vs. historic/traditional.

3. The proposed development density is not compatible with our neighborhood. We do support appropriate infill development, as opposed to sprawl, but the neighbors’ hope for a design that supports neighborhood continuity, and the architect’s renderings of this project presented to the neighborhood do not.

9. During the 2-2-06 City of Fayetteville Subdivision Cmte meeting, a Commissioner *Osmer* ~~(Mack)~~ suggested that the architecture firm continue to meet with/communicate with neighbors as this process moved forward. We, as neighbors, have not been invited or afforded any additional opportunities to communicate with developers or architects since the initial 1-26-06 meeting held at Cooper Architecture firm.
10. **Market saturation** – as most citizens are aware, the Fayetteville market currently appears to have a “glut” of condos on the market. Many of these empty condos are in the high-end price range as is being “proposed” for this development. We are concerned about guaranteed market value of these condos, as we are concerned about the properties sitting empty and being subject to vandalism or other hazardous scenarios such as fire and miscellaneous crime.
11. **Historical relevance** – Certainly the issue of the E. Fay Jones home has been, and will be addressed by my neighbors, and as an Arkansas History teacher, I certainly support and reaffirm those comments. On an additional historical note, there was a proposal similar in nature to the current proposal that was denied for many of the same issues we have discussed this evening. We have copies of those minutes available.
12. Due to the steep slope and grade of the land, will a retaining wall (s) need to be developed? Will it be a repeat of the King's Drive situation – costly to the City?
13. Review of Alguire Comments

Thank you for your time and attention. We very much appreciate your consideration.

Robert T. and Mary S. Alguire
1235 N. Hillcrest Ave.
Fayetteville, AR 72703
(479) 521-1728

TO: PLANNING COMMISSION
SUBDIVISION COMMITTEE

REF: R-PZD 06-1883: Planned Zoning District (ABSHIER HEIGHTS, 407)

First and foremost, we would like to express our strong opposition to this proposed Residential Planned Zoning District. It would forever change the low density R-1 nature of our neighborhood. This change would violate the basic rule of zoning that requires a transition from industrial, commercial and high density residential to a neighborhood such as ours. When this shopping center was first planned and developed, the only possible use of this land was a green space. The strips of land are too narrow to allow for any kind of transition to take place. Thirty Residential "condos" in such a tight area, without any green space or any of the amenities usually associated with units of this nature, i.e. swimming pool or recreation facilities or PA requirements, can not be considered an adequate transition.

There are many other reasons that this property should not be used for anything but greenspace and I will try to explain as many as I can.

1. The area in general is not suited for development. It is surrounded by extremely steep slopes due to the step excavation that was done to build the Mall. Slopes of this nature are generally not stable in this area to any kind of load bearing construction or utilization. This will greatly be compounded by the presence of springs in the area. The low muddy area that was created by the four wheelers who love to drive through it, contained water during the whole of this last long dry period. This means there is a water table which is fed by these springs close to the surface in the area where they want to locate the three story units. The combination of this soil and saturated water conditions under the traffic and overburden created by the three story units, will lead to settling of the units causing cracking and misalignments in doors and windows. There will also be an overall settling of the whole area. This water so close to the surface will also cause excess moisture to be immediately under the units floors, These conditions do not reflect good building practices associated with these so called "High Quality Condos".
2. An inspection of Abshier Road will show the longitudinal cracking, especially near the side where the steep slopes drop down into this property, that there is

already some slope instability associated with this property. This condition has come about due to the current traffic that will only greatly increase with the doubling of the density of our neighborhood. This slope will have to be stabilized with retaining walls if traffic increases. It will also require wider streets and sidewalks, because there is no place to walk on Abshier except in the street.

3. Traffic is another one of the concerns of our neighborhood. There is already far too much traffic on Abshier St. and Hillcrest Ave. due to the mall and the congestion at College Ave. and North St. intersection. A great number of people use these streets to bypass this intersection and to shortcut into the back of the mall. The addition of these units will greatly aggravate this situation. The roads in this area are not constructed to handle any more traffic. Nobody in our area park in the street because of the danger associated with the steep grades, narrow streets, excessive speeds and amount of traffic.
4. Another problem associated with the increase in traffic is the steepness of the grades on Hillcrest Ave. and especially the access this developer wants to provide to the narrow and extremely steep access road into the back of the mall. This road is in such poor condition that it will have to be rebuilt to a substandard design because of the extreme grade and the unsafe geometrics of entering the narrow travel way between the mall buildings. The connection of the condo access roadways to a road that is this steep is against all design standards for geometrics and safety. There will be serious sight distance problems associated with these intersections. Slope transition and stopping capabilities are also seriously degraded on this type of incline. If it is raining, snowing or icing then this will become extremely dangerous. When we have winter weather, these conditions on Hillcrest Ave. will be seriously degraded. Vehicles without snow tires and four wheel drive generally cannot make it up the hill. Even four wheel drive vehicles have slid off the road into the property under question when going downhill on ice covered roads. The access road going into the mall is the steepest section of this proposal and if a vehicle going down this slope loses control of his vehicle, the mall building will be in the direct path.
5. The neighborhood is also concerned that the increased traffic will cause the need for putting in curbs and sidewalks as well as widening the road. It would also probably require that a stronger pavement design be put in to handle the increased traffic. This will create some major problems with access driveways, street drainage including into yards, trees, retaining walls and the Fay Jones monument. There would also be a need for a structural retaining wall, with barrier curb and sidewalks, to be built adjacent to Abshier St. and Hillcrest Ave. and the proposed property in order to protect the road, pedestrians and traffic. We feel that any cost incurred by any of these requirements and solutions should be the developers sole responsibilities.
6. Another MAJOR engineering problem is water supply. For years the residents have complained to the city about extremely low water pressure and flow. The

city has come out to the residences to investigate the problem. They have told the people that there is nothing that they can do about it, and we have to live with the problem since we live at the top of hill at the upper end of the supply line. If this is correct, than adding thirty residences to the lower end of this supply line will be disastrous to the residences of this neighborhood. This would mean that the city willingly entered into an arrangement with a developer that deprived the current residences of an adequate water supply as well as fire protection; this would be a liability I do not think the city should even contemplate.

7. The other areas of concern are quite adequately addressed by the letter from Rob and Jan Wicks. I see no need to repeat them here, other than to say that we whole heartedly agree. I would also like to say that we also are highly skeptical of the developers claims that these are high quality and luxury condos.

Robert T Alguire

Mary S. Alguire

Robert T. and Mary S. Alguire
1235 N. Hillcrest Ave.
Fayetteville, AR 72703
(479) 521-1728

ADDENDUM TO PARAGRAPH 4:

The Grade on Hillcrest Ave. is nearly level from North St. to Oakwood St, and then changes to 10% from there to below Abshier St., where it increases to 12 %. This is a fairly steep condition for a residential street. Most vehicles can handle this grade with moderate downshifting in fair road conditions. The problem with safety becomes pronounced in inclement weather, especially in freezing conditions. The critical point in grades under these conditions occurs when a vehicle cannot hold a stopped position. As one approaches this condition, a vehicle will experience a loss in braking ability and an increase in stopping distance. This condition can be as little as 5% on glazed ice to around 10 to 20% on snow packed roads.

This will explain my primary concern about the planned access roads of the condos with the back entrance into the Mall area. This is an extremely steep grade of around 20+ %. This does not look complicated on the planned view shown on their drawings, but in the geometrics of accomplishing this safely, it is not possible. They are trying to join a level road to one that has a very steep grade. This is normally done by providing a level area in the grade at the intersection. This is not possible here because there is no room in the grade for it. That means that each condo road will have to be rotated about its center line to match the grade of the mall access road. This is where the safety issues become acute.

Cars exiting the condo areas will have to stop at the intersection before entering the road. If ice is on the road, they will begin sliding down the hill sideways out of control. If a car tries to enter the condo areas going down this grade, the driver cannot retain control of the vehicle and make the turn. If two vehicles are trying this at the same time, there will be a collision. The drop-off on the North side of this road caused by the retaining walls can add significant danger to this condition. In any of these conditions braking will be minimal, if it even exists.

To: Mr. Jesse Fulcher
From: Dr. Robert and Dr. Jan Wicks, N. 1314 Hillcrest Avenue
Mrs. Gus Jones, N. 1330 Hillcrest Avenue
Dr. Linda Coon and Mr. Eric Coon, 1336 N. Hillcrest
Mr. Boyd and Ms. Trisha Logan, 1426 N. Hillcrest
Dr. Robert Alguire and Ms. Mary Alguire, 1235 N. Hillcrest Avenue
Mr. Jeff Jackson, 1414 N. Hillcrest Avenue
(Additional names will be added upon signature)

Date: January 31, 2006

Re.: Abshier Heights

We object to the Abshier Heights project for the following reasons:

The Fayetteville Planning Commission has confronted requests on this land parcel in the past. The most recent occasion was July 22, 1991, when the Commission voted 7-0-1 to deny conditional use for the purpose of constructing duplexes. We believe that the Commission made the correct decision in 1991 and should deny a rezoning request once again. We will now summarize both the old and new reasons we believe this request should be denied.

1. The late Mr. Fay Jones and Mrs. Gus Jones told me on numerous occasions that the original plans for rezoning the area that is now occupied by Evelyn Hills was granted on the condition that the area abutting Abshier Drive and Hillcrest Avenue will remain buffer or green space in perpetuity. Gus Jones reiterated this recently (within the past three weeks).
2. The minutes from the June 1991 Planning Commission Meeting contain the following regarding a plan to build duplexes on the property in 1991 (<http://nw-ar.com/minutes/1991/fpc062491.html>).

"E. Fay Jones, 1330 Hillcrest, stated construction of the duplexes would change the environment of the neighborhood which had always been single-family homes. He also mentioned an increase in traffic. He requested the conditional use be denied." As an internationally renowned and honored architect, his perspective is valuable in this matter.

3. The proposed project would abut the Jones home which was listed on the National Register of Historic Places on April 28, 2000. As the first Fay Jones residential design to be constructed in 1956, the Jones home is a national and local treasure. The home features a tall lighted entry sculpture designed by Fay Jones. Additional development and traffic would compromise the integrity of this historic landmark.
4. The minutes from the June 1991 Planning Commission meeting contain the following regarding a plan to build duplexes on the property in 1991 (<http://nw-ar.com/minutes/1991/fpc062491.html>). "Mr. Dick Oliver, 1440 Hillcrest,

appeared before the Commission and stated that, when he purchased his property in 1972, the realtor had told him the subject property was to be used as greenspace, providing a buffer between the residential area and the shopping center. He explained the company that purchased the shopping center had not purchased the subject tract of land because it was greenspace. He also pointed out that any construction would have to destroy some of the trees. He stated the noise from the shopping center was a problem, even with the trees. He further stated there would be no view for any building constructed on the subject property. He mentioned additional traffic, impassibility when ice was on the roadway, and noise as some of his concerns should duplexes be constructed. He suggested the Planning Commission should make the area a permanent greenspace."

5. Dr. Oliver told me in a conversation that the property is currently zoned as it is because residents convinced planners in 1991 that residential development runs counter to the original objectives of the property.
6. The proposed plan is not consistent with Fayetteville development. The density is too great to provide comfortable housing. Thus, the property will quickly become littered with excessive cars and eyesores that will change the nature of the neighborhood.

The proposed project is also unsightly and will do little to enhance the quality of life in the neighborhood. Cooper Architects and H2 Engineering report that the units will be sold for approximately \$200 a square foot. This means the average unit (1,750 square feet) would be sold for \$350,000. Neighbors are skeptical that buyers would be willing to pay this much for a property that offers no amenities such as a swimming pool, clubhouse, exercise facility or even any green space.

Furthermore, the front of the units will face the rear end of the aging Evelyn Hills Shopping Center and the garbage dumpsters that are used by merchants. The back of the units on the southern side that constitute more than half of the development will likely face a concrete retaining wall according to project planners. With a frontal view of an aging shopping mall and garbage dumpsters and a rear view of a concrete retaining wall, we are not convinced that these will be "upscale condominiums" as described by project planners on January 26, 2006.

7. The development as planned does not provide a reasonable transition between C-2 and R-1 properties. Under R-1 zoning, the property can accommodate up to eight lots. We believe that this should be the maximum allowed if rezoning should occur. This means, up to eight single homes.
8. Water pressure at present is inadequate to serve the current homeowners. All shower fixtures in the Wicks home have been replaced and the plumbing checked. City engineers have examined the problem and have reported that nothing can be done to improve the situation. An additional 30 units will produce major problems that will require the city to install additional water capacity.

In addition, the city might be unable to adequately respond to or protect the neighborhood from a fire. This is especially troubling given that the historic Fay Jones Home is immediately behind the proposed project.

9. The southwest corner of the proposed development is perpetually wet due to underground caves and springs. During the recent drought, the pools remained. This suggests that development would only aggravate the problem or contribute to current drainage problems in the area.
10. It appears likely that many large trees on Abshier Drive will have to be removed in violation of the Fayetteville tree ordinance to accommodate widening of the street. Widening Hillcrest Avenue and Abshier Drive threatens the aesthetic integrity of the Jones residence and sculpture that is on the National Register.
11. The Tree Protection and Preservation Ordinance Requirements and Procedures state that ordinance requirements apply to "All developments involving the disturbance of existing soil around trees including...All residential construction with 3 units or more" (from the City of Fayetteville Landscape Manual p. 28). Tree preservation high priorities include canopied slopes, and significant trees, while mid-level priorities include use buffers (p. 29). The statement of purpose and list of objectives and principles (p. 25) include:
 - To preserve existing tree canopy.
 - To moderate the harmful effects of sun, wind and temperature changes.
 - To reduce stormwater runoff and the potential damage it may create.
 - To stabilize soil and prevent erosion.
 - To screen incompatible land uses.
 - To protect and enhance property values.

The greenspace behind Evelyn Hills was originally conceived to screen the neighborhood from the shopping center. This screen was to protect and enhance property values of these residences, a purpose still accepted as important by the City of Fayetteville in its tree ordinance. Thus an important criterion for denying a similar development in 1991 on the property is still recognized and followed in at least one City ordinance.

The trees in the greenspace protect the neighborhood from strong winds that blow in off the plains. The area is a hill abutting lower ground to the West. Thus the existing trees moderate the harmful effects of wind and sun thereby protecting and enhancing property values, all priorities still accepted by the City in its ordinance. These protective trees also help to protect the historic Fay Jones residence from weather damage.

The trees in the greenspace help to reduce runoff and prevent erosion in an area that is quite steep. Preventing this development will meet all these tree preservation priorities, as well as preserve existing tree canopy. Finally, it will

"preserve and enhance the natural beauty of Fayetteville," especially one of its most important historical residences and surrounding neighborhood.

12. The access road off Hillcrest Drive is too steep to conform to city standards.
13. Ice problems often make both Abshier Drive and Hillcrest Ave impassible in the winter. Additional traffic will produce more accidents in a neighborhood that has no sidewalks leading to potential injuries of pedestrians and drivers.

For all of these reasons, we request that the Fayetteville Planning Commission to deny the rezoning request.

Sources:

<http://nw-ar.com/minutes/1991/fpc072291.html>

<http://nw-ar.com/minutes/1991/fpc062491.html>

Discussions with Fay and Gus Jones

Discussions with Dick Oliver

ADJOINING PROPERTY OWNERS NOTIFICATION OF UPCOMING PUBLIC HEARING

Today's Date: January 23, 2006 Project Name: Abshire Heights

APPLICANT / REPRESENTATIVE CONTACT INFO:

H2 Engineering, Inc.
479-582-4234

Subdivision Committee Meeting*:

Thursday, February 2, 2006 8:30am
Fayetteville City Administration Building
113 W. Mountain Street, Room 219

Planning Commission Meeting*:

Monday, February 13, 2006 5:30pm
Fayetteville City Administration Building
113 W. Mountain Street, Room 219

PROJECT DESCRIPTION: This is a proposed residential planned zoning district (PZD) project located along Abshier Drive & Hillcrest Avenue just east of Evelyn Hills Shopping Center.

Adjoining Property Address and Parcel Number(s): 765-14127-000 & 765-05203-001

** Please call the City of Fayetteville Planning Office at 575-8263 to verify this meeting's date and time.*

ADJOINING PROPERTY OWNERS COMMENTS

(Return Comments to City of Fayetteville Planning Division in Stamped Enclosed Envelope)

Project Name: Abshire Heights

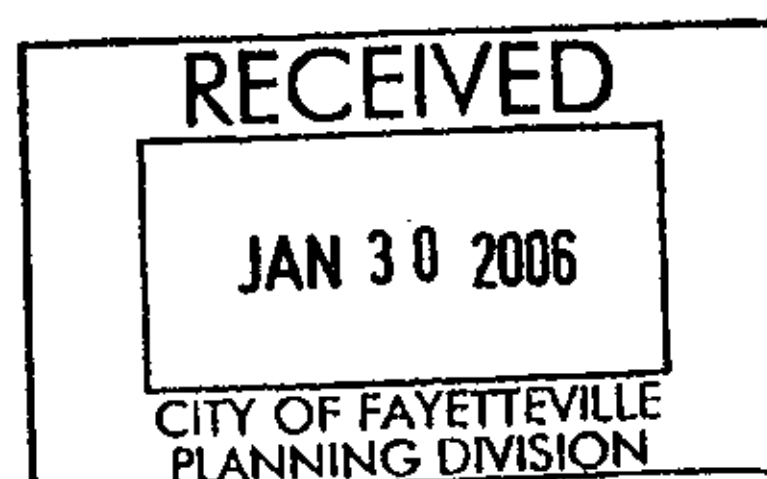
☒ I have been notified of the above meetings for the described project.

☐ I do not object to the project described above.

☒ I do object to the project described above because: see attached document

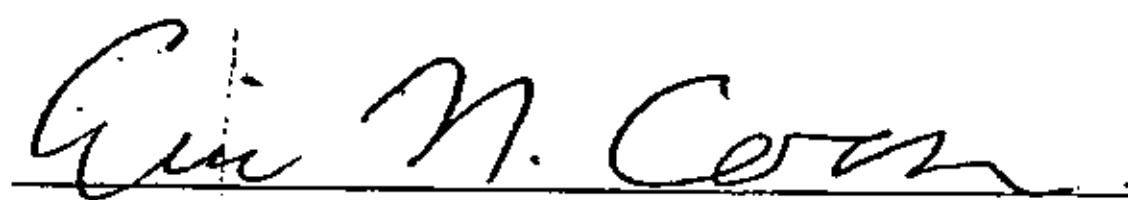
Lynda L. Gorn
Name of Property Owner (printed)

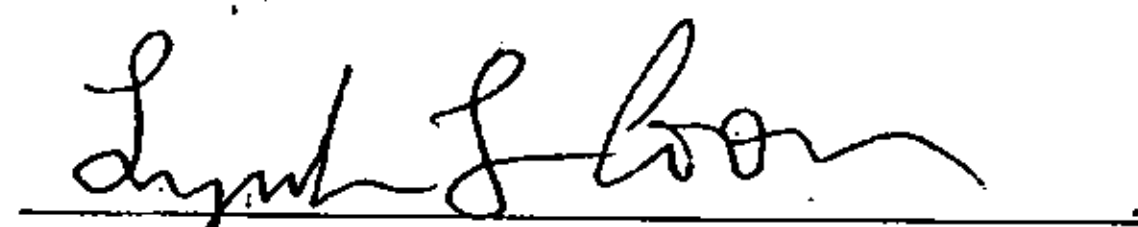
[Signature]
Signature of Property Owner



3 Objections to the Proposed Plan for Abshier Heights

- In a neighborhood already plagued by low water pressure, the plan to add 30, multi-housing units is very problematic and threatens the welfare of the entire district.
- The plan to widen Hillcrest (a 'back road' when compared to its neighboring and burgeoning North Street) is knotty. First and foremost, it would damage the architectural integrity of a house currently listed on the National Park Service's National Register of Historic Residences—the Fay Jones residence on Hillcrest. Secondly, all the houses on Hillcrest and Abshier would be negatively transformed by this proposed road-widening. It strikes us as odd indeed that Hillcrest (a 'back road') would be widened before North (a bustling avenue).
- Finally, the developer in the plan as circulated has not done a traffic study. It is the case that the planners envision 'little or no impact' on traffic in the neighborhood. Their traffic forecasting—based on no empirical data—cannot be correct. 30, multi-unit homes (each with potentially 1.5 cars) would metamorphose a quiet neighborhood—one with some traffic prompted by Evelyn Hills Shopping Center—into a new 'North Street'. There is no reason to justify such a radical transformation of the urban landscape in the vicinity of Hillcrest and Abshier.


Eric N. Coon


Lynda L. Coon

Residents of:
1336 N. Hillcrest
Fayetteville, AR 72703

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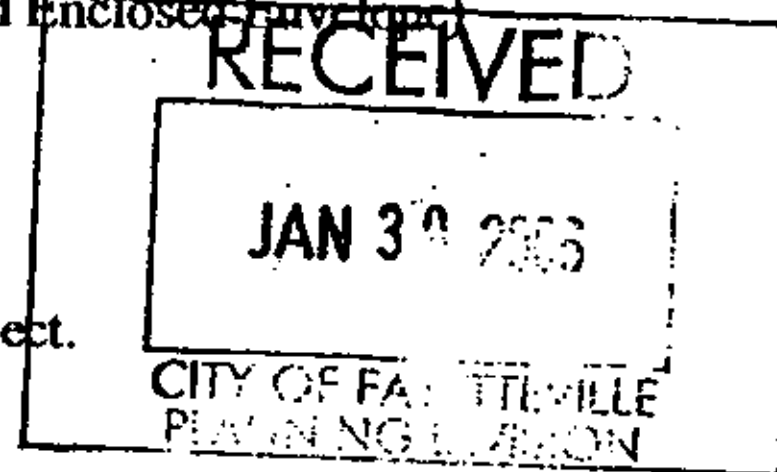
☒ I do object to the project described above because:

*Traffic, condition of Road, steep Grade, Hydrology, springs in the area
Zoning Transition between G2 and Low density R1 should not be*

Name of Property Owner (printed)

Signature of Property Owner

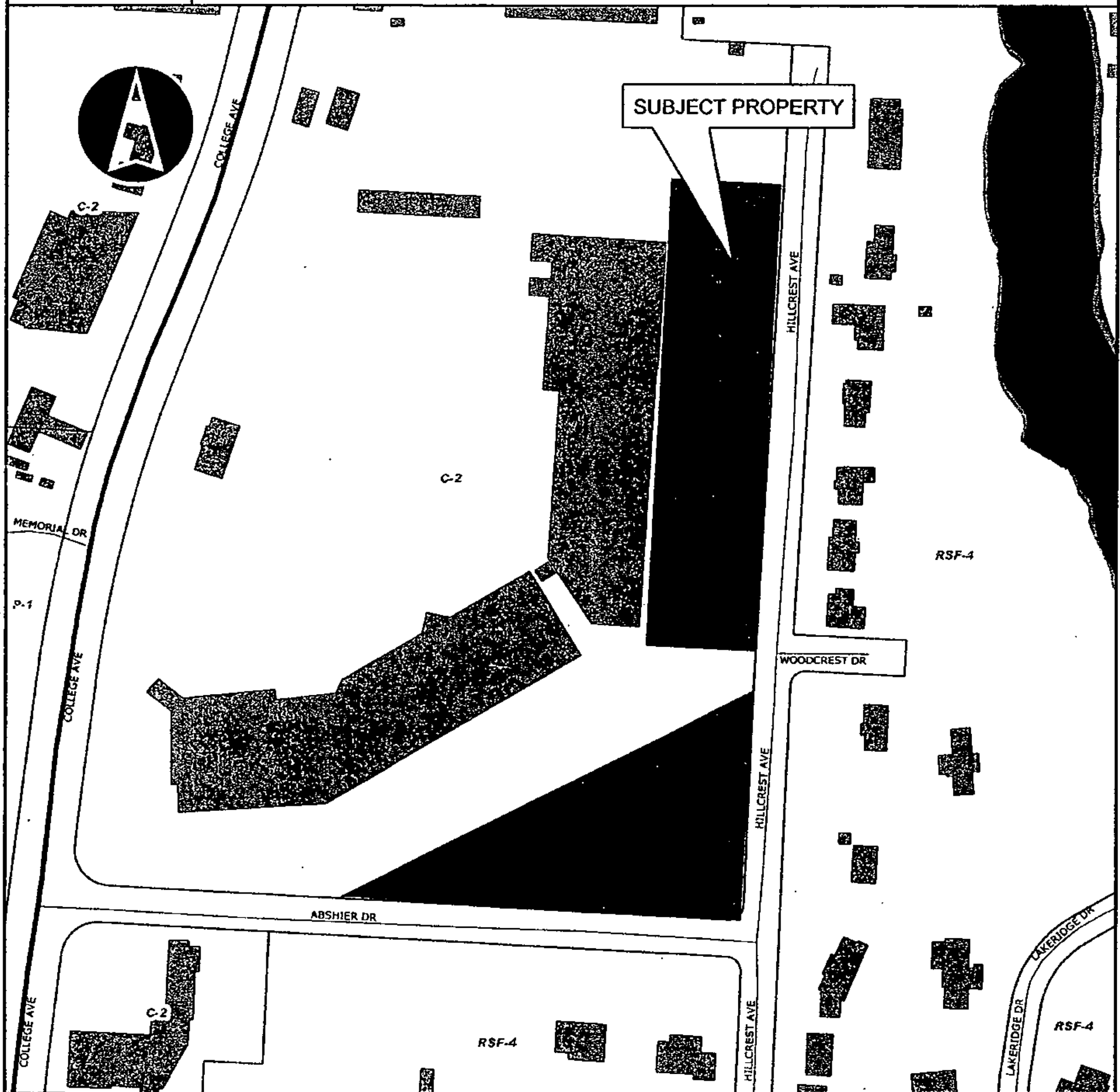
*Condominiums. Original C2 zoning
of Evelyn Hills originally designated
this area a buffer zone, low
water pressure, Area not suited
for 200 to 300 thousand dollar
condos as developer claims etc*



RPZD06-1883

Close Up View

ABSHIER HEIGHTS



Legend

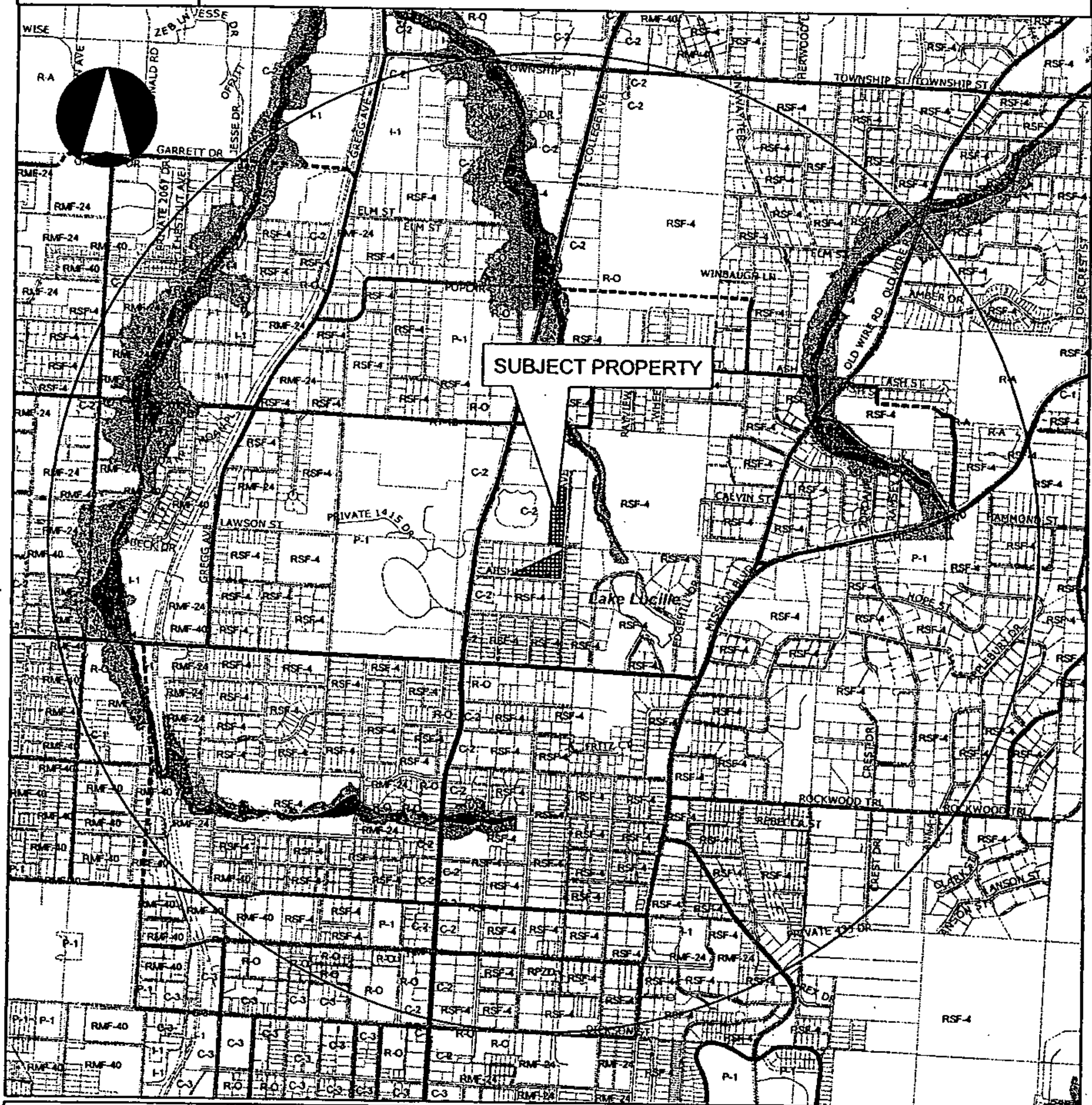
- Overlay District
- FLOODWAY
- 100 YEAR
- 500 YEAR
- LIMIT OF STUDY
- - - BaseLine Profile
- Fayetteville
- Outside City
- RPZD06-1883
- vector.GDB.Footprint_2004

0 75 150 300 450 600 Feet

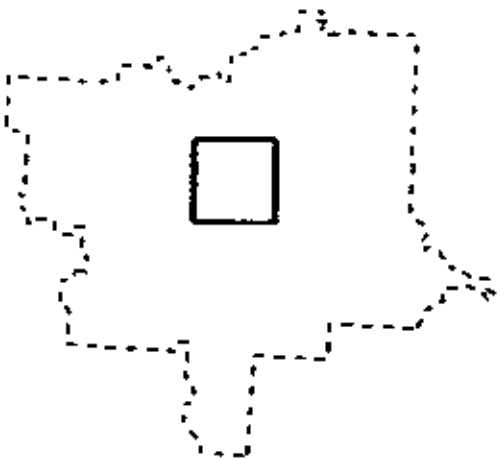
RPZD06-1883

One Mile View

ABSHIER HEIGHTS



Overview



Legend

Subject Property

RPZD06-1883

Boundary

Planning Area

Overlay District

Outside City

Legend

0 0.125 0.25

0.5

0.75

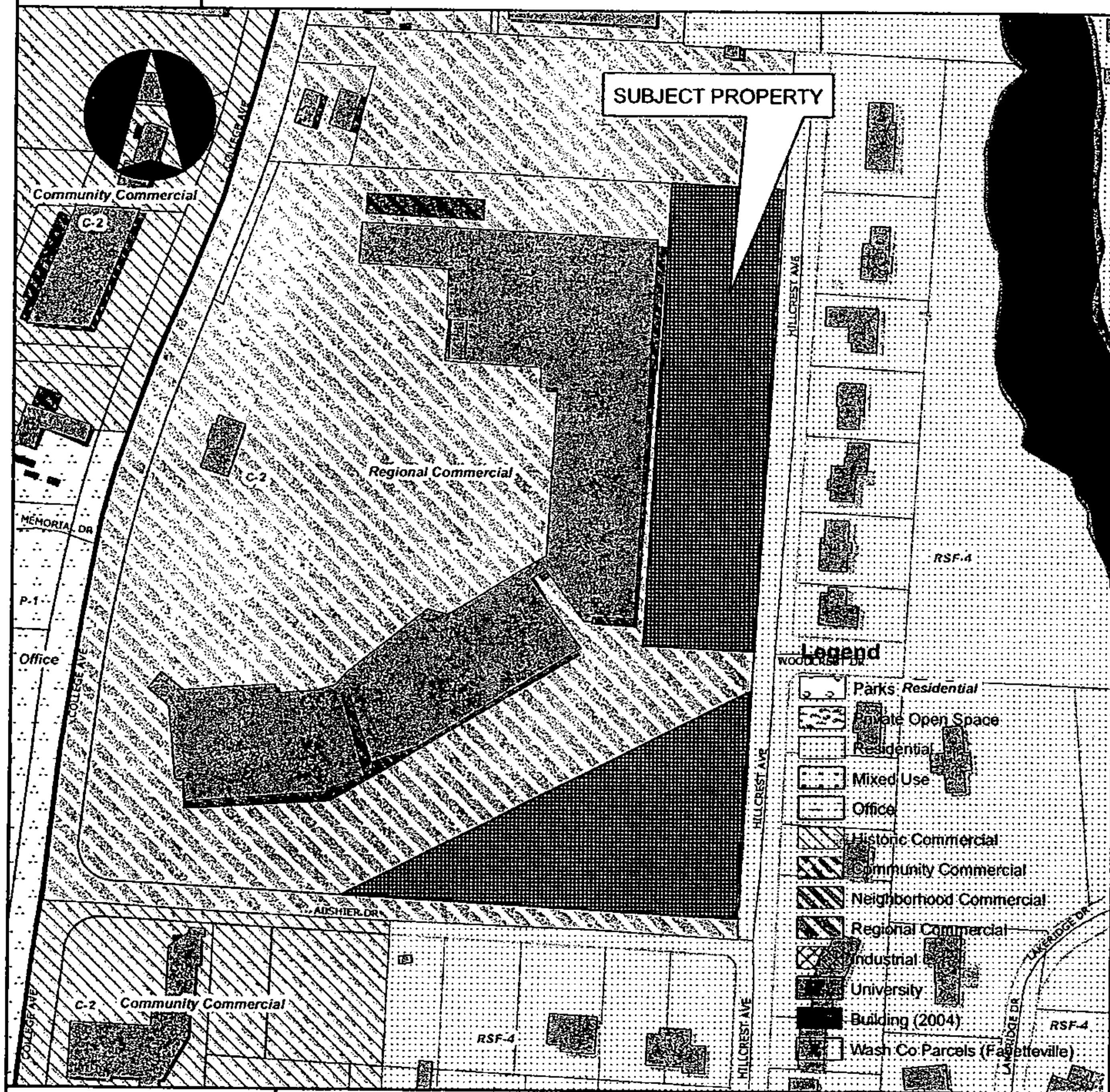
1

Miles

RPZD06-1883

Future Land Use

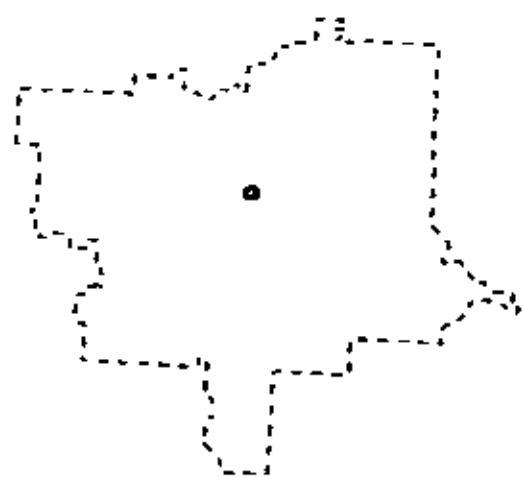
ABSHIER HEIGHTS



Legend

- Parks Residential
- Private Open Space
- Residential
- Mixed Use
- Office
- Historic Commercial
- Community Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- University
- Building (2004)
- Wash Co. Parcels (Fayetteville)

Overview



Legend

- Subject Property
- RPZD06-1883
- Streets**
 - Existing
 - Planned
- Boundary**
 - Planning Area
 - Overlay District
 - Outside City

Legend



From: Jeremy Pate
To: Smith, Sondra
Date: 2/21/06 8:04AM
Subject: Re: Fwd: Appeal of R-PZD 06-1883: Planned Zoning District (ABSHIER HEIGHTS, 407)

Sondra,

A couple of things on this item:

- 1) A PZD can't be appealed to the City Council by a neighborhood; and
- 2) There is no appeal, since the Planning Commission forwarded it to the City Council with a recommendation for approval. With that recommendation, it automatically goes to the City Council. Were it denied, the owner of record or a City Council member could appeal that decision. All of the backup information should be on the agenda with our agenda request submittal.

Please let me know if you need anything more!

Thanks,
Jeremy

>>> Sondra Smith 02/17/06 1:43 PM >>>

Jeremy I have received the attached appeal. It looks like you have submitted an Agenda Item for the March 7, 2006 City Council meeting regarding Abshier Heights. Do we need to leave it on the agenda and place the appeal before it or do we need to leave the PZD off the agenda. I will also need any backup regarding the appeal. Thanks!

Sondra Smith
City Clerk
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701
(479) 575-8323
(479) 718-7695 (Fax)
ssmith@ci.fayetteville.ar.us

From: rwick <rwick@uark.edu>
To: <:ssmith@ci.fayetteville.ar.us>
Date: 2/17/06 12:15PM
Subject: Appeal of R-PZD 06-1883: Planned Zoning District (ABSHIER HEIGHTS, 407)

Dear Ms. Smith,

As per our conversation of this morning, residents of the Hillcrest Avenue and Abshier Road are planning to appeal a decision made Monday, February 13, 2006 by the Fayetteville Planning Commission to approve R-PZD 06-1883: Planned Zoning District (ABSHIER HEIGHTS, 407). As we discussed, this item has been forwarded to you.

Our appeal will be based on a number of issues ranging from infrastructure, restrictive covenants, historic preservation, safety and neighborhood compatibility to name a few. The documents we deliver next week will include a detailed engineering report prepared by an emeritus professor of civil engineering along with a report on the legal aspects of this parcel as they pertain to restrictive covenants. We are also preparing a report on the historic preservation aspects of this parcel. Also, as one of our neighbors helping to develop these materials apparently was hospitalized earlier this week, and another is out of town, we need additional time to handle the appeal. However, we assure you the full appeal will be submitted next week.

With so many issues to confront, residents of our community believe that it would be in the best interest of the City Council to consider the appeal on March 7, 2006 and move the agenda item regarding R-PZD 06-1883: Planned Zoning District (ABSHIER HEIGHTS, 407) to the following city council meeting on March 21, 2006

Respectfully submitted on February 17, 2006.

By Robert H. Wicks and Jan L. Wicks on behalf of themselves and residents of Hillcrest Avenue and Abshier Road.

Rob Wicks
Associate Professor
Department of Communication
Kimpel Hall 417
University of Arkansas
Fayetteville, AR 72701

Office: 479-575-5958
FAX: 479-575-6734

CC: boydlogan <boydlogan@gmail.com>, decovision <decovision@msn.com>, dgray <dgray@uark.edu>, dhopster <dhopster@hotmail.com>, i_markum@yahoo.com>, jcbchivas@arkansas.net>, jjackson <jjackson@nwacc.edu>, jwick <jwick@uark.edu>, ksexton@uark.edu>, llcoon <llcoon@uark.edu>, ngmiller <ngmille@uark.edu>, rebeccaHaas@sbcglobal.net>, rta <rta@engr.uark.edu>, rwick <rwick@uark.edu>, shayhopper <shayhopper@hotmail.com>, shopper <shopper@fayar.net>

RECEIVED

FEB 17 2006

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

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CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE
FEB 17 2006

RECEIVED

RECEIVED

FEB 17 2006
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

From: rwicks <rwicks@uark.edu>
To: ssmith <:ssmith@ci.fayetteville.ar.us>
Date: 2/17/06 4:03PM
Subject: Appeal of R-PZD 06-1883: Planned Zoning District (ABSHIER HEIGHTS, 407)

Attachment enclosed:

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By Robert H. Wicks and Jan L. Wicks on behalf of themselves and residents of Hillcrest Avenue and Abshier Road.

Rob Wicks
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Department of Communication
Kimpel Hall 417
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Fayetteville, AR 72701

Office: 479-575-5958

FAX: 479-575-6734

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Department of Communication
Kimpel Hall 417
University of Arkansas
Fayetteville, AR 72701

Office: 479-575-5958
FAX: 479-575-6734

CC: <rwicks@uark.edu>

To: Mayor Dan Coody
Mr. Robert Reynolds
Ms. Brenda Thiel
Mr. Kyle B. Cook
Mr. Don Marr
Mr. Robert K. Rhoads
Mr. Bobby Ferrell
Ms. Shirley Lucas
Mr. Lioneld Jordan

Copy Ms. Sondra Smith

From: Mr. Robert and Mrs. Jan Wicks, 1314 N. Hillcrest Avenue
Mrs. Gus Jones, 1330 N. Hillcrest Avenue
Ms. Linda Coon and Mr. Eric Coon, 1336 N. Hillcrest Avenue
Mr. Boyd and Ms. Trisha Logan, 1426 N. Hillcrest Avenue
Mr. Robert Alguire and Ms. Mary Alguire, 1235 N. Hillcrest Avenue
Mr. William and Ms. Nancy Miller, 309 E. Abshier Drive
Mr. David and Ms. Shay Hopper, 1224 N. Hillcrest Avenue
Mr. Jeffrey Jackson, 1414 N. Hillcrest Avenue
Ms. Rebecca Hass, 1440 N. Hillcrest Avenue
Mr. Jed and Ms. Irene Markum, 1236 N. Hillcrest Avenue
Mr. David Beauchamp and Mrs. Jimmie Barham Beauchamp, 1516 N. Hillcrest Avenue

Date: February 27, 2006

RE: R-PZD 06-1883: Planned Zoning District (ABSHIER HEIGHTS, 407)

General Statement

The neighborhood and abutting property owners express strong and unified opposition to the proposed Planning Zoning District in Abshier Heights.

The proposed PZD will more than double the density of dwellings on two public residential streets with limited access: Hillcrest Avenue and Abshier Road. It compresses 30 units into a very small crescent shaped area of land that overlooks the roof and dumpsters of Evelyn Hills. It presents significant safety concerns because Abshier empties onto 71-B at a hilly location with a limited line of sight. Hillcrest empties onto North Street at a blind stop sign that motorists often ignore. North is often the first street to be closed during inclement weather. Vehicles regularly are stuck or slide off the road in this neighborhood and around the shopping center. These dangerous intersections are only exacerbated by the additional traffic during all times of the day and night from the proposed PZD. It violates restrictive covenants, adds stress to infrastructure including water pressure and other public facilities and services. The proposed PZD will endanger and significantly degrade the environment and aesthetics of the historic E. Fay Jones residence, the only one of its kind in the world. Thus we ask that the development be denied and the parcels of land in question retain their current zoning status.

RECEIVED

FEB 27 2006

**CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE**

Planning Commission Member Candy Clark, who lived in this neighborhood for about five years, voted against approving the PZD because of how dangerous Hillcrest and Abshier streets are, the lack of honoring the covenant, the lack of compatibility with the neighborhood, the excessive density of the PZD, lack of honoring the covenants, etc. Clark noted the lack of a sufficient transition between the shopping center and existing residences, remarking "You can stand on the front porches and spit on Evelyn Hills...as long as you can stand in a house and see the commercial, I'm not sure that is real transitional." (A complete copy of her comments can be found in the minutes of the February 2, 2006 Subdivision Subcommittee meeting. Excerpts are included at the end of this appeal.)

(Copies of items referenced in this document including the Restrictive Covenants regarding the property from 1962; the Planning Commission Meeting minutes of June 24, 1991; the Planning Commission Meeting minutes of July 22, 1991; and the Bill of Assurance from 1991 are attached to this document.)

Rationales

Our objections include but are not limited to the following rationales listed herein. We have based these objections on the Unified Development Code (UDC).

Rationale 1: Creating and Compounding Dangerous Traffic Conditions

Section 7-d (CDD 166:18-19): A development may be denied or refused because of a dangerous traffic condition, "in which the risk of accidents involving motor vehicles is significant due to factors such as, but not limited to, high traffic volume, topography, or the nature of the traffic pattern."

Page CD 166:26: Traffic Circulation (including but not limited to):

- (a) The adequacy of both the internal and external street systems shall be reviewed in light of projected future traffic volumes.
- (b) The traffic circulation system shall be comprised of a hierarchical scheme of local collector and arterial streets, each designed to accommodate its proper function and in appropriate relationship with one another.

Access to the neighborhood is limited and unsafe even without the addition of a minimum of 60 vehicles. The proposed PZD will only add to an existing traffic pattern that is already dangerous due to volume, topography and nature. The only neighborhood public ingress and egress are Hillcrest Avenue and Abshier Road. Both are already dangerous intersections with limited sight lines on or near steep slopes. Abshier empties onto 71-B, the most dangerous road in Fayetteville, at a heavily-traveled hilly location between Rick's Bakery and the Evelyn Hills Shopping Center light. Abshier Road is often impassible and always slick during periods of heavy rain, snow and ice. The steep grade at the western end of Abshier Road can lead motorists to slide onto 71B making this one of the most dangerous intersections in Fayetteville. Even during clear weather, the intersection remains dangerous because traffic coming from the south on 71B comes over a hill at high speeds that is very close to the intersection. The posted speed is 40 miles per hour, but many (if not most) motorists exceed this speed. The location between heavy traffic in and out of Evelyn Hills, and more importantly to and from Rick's Bakery at that corner, compounds the problem.

In addition motorists use Hillcrest Avenue and Abshier Road to circumvent the traffic light at the corner of North Street and 71B. The addition of 30 units with a minimum of 60 more vehicles in a small area accessed through limited and dangerous intersections will produce an even more dangerous traffic situation. These problems will be further exacerbated by residents or visitors to the proposed development who may park on Hillcrest or Abshier.

Leaving the neighborhood by way of Hillcrest Avenue onto North Street is equally dangerous. Motorists driving east on North Street from Mission Boulevard climb a steep hill that ends at Hillcrest Avenue before continuing downhill to 71B. This is a "blind" stop sign where motorists on Hillcrest cannot see down the hill toward Mission. Motorists coming up Mission cannot see Hillcrest until they are virtually at the intersection. Motorists routinely ignore the stop sign on North Street at Hillcrest Avenue. Motorists on Hillcrest turning either east or west onto North Street are often forced to accelerate to avoid the westbound traffic on North Street. Furthermore, motorists traveling east on North Street and turning north on Hillcrest Avenue must yield to motorists from North Street and Hillcrest Avenue. This intersection presents a confusing dilemma for motorists. The combination of a stop sign on North Street that is often ignored and confusion among motorists as to who has the right of way poses a significant danger. Again, this dangerous condition worsens during inclement weather. North Street is one of the locations in the city closed first during inclement weather. One must expect that access is unavailable at this ingress/egress at times.

The developers are counting Evelyn Hills as an ingress/egress for the development. One must question whether there is sufficient ingress/egress in the area in the first place if the developers must use a shopping center for this purpose. One must also question whether it is appropriate to use private roads as primary ingress/egress.

The proposed primary ingress/egress through private property is a narrow and extremely steep road into the back of the shopping center. There will be serious sight distance problems here as well because motorists are looking down into the shopping center a short distance to a curve that goes under the arch there. Motorists looking up to Hillcrest have a short sight distance as well. Again, these problems are exacerbated during slick or impassable conditions due to rain, snow and/or ice.

In addition, this primary entrance and exit to the proposed PZD is onto a private, narrow road under an arch between the two halves of the shopping center. Between the two halves is a pedestrian crosswalk with a stop sign that is largely ignored. The private access roads also have significant truck traffic making deliveries to and from businesses in Evelyn Hills. Delivery trucks often come barreling up and down Hillcrest and Abshier. Trucks get stuck on the access roads during inclement weather, as happened during the snowstorm in February 2006. One must therefore expect that access will be unavailable at times.

There are serious questions of access for emergency and fire vehicles even without the proposed development. The increased traffic in this small area used frequently by trucks of all sizes and types will only exacerbate the dangerous traffic conditions including steep grades, limited access at already dangerous intersections, and impassability during inclement weather, heavy truck traffic, etc. The additional traffic from the proposed PZD only compounds the existing serious traffic and safety concerns.

Rationale 2: Historical Precedents Dictate Turning Down Duplexes and Similar Developments Abutting Evelyn Hills and the Neighborhood

Historical precedents since the construction of Evelyn Hills turned down developments for the same reasons raised now. The property has not changed, "improved" or overcome any of the reasons for which development was denied in 1991. The difference now is that the reasons have only worsened over time.

The Fayetteville Planning Commission voted 7-0-1 on July 22, 1991 to deny a conditional use for constructing duplexes. Mr. Dick Oliver appeared before the Commission in June 1991 and stated that the property was to be used as a green space to provide a buffer between the residential neighborhood and Evelyn Hills. He explained the company that purchased the shopping center had not purchased the subject tract of land because it was green space. He stated the noise from the shopping center was a problem, there would be no view for any building constructed there, and the impassability and danger due to the slopes was contrary to development. Residents convinced planners in 1991 that development runs counter to the original objectives of the property.

At the June 1991 meeting, E. Fay Jones, 1330 Hillcrest, stated construction of the duplexes would change the environment of the neighborhood which had always been single-family homes. He requested the conditional use be denied. As an internationally renowned and honored architect, his perspective is valuable. Mr. and Mrs. Jones have noted repeatedly that the original plans for rezoning the area for Evelyn Hills was granted on the condition that the area abutting Abshier Drive and Hillcrest Avenue will remain buffer or green space in perpetuity. The neighborhood submitted copies of covenants to the Planning Commission in support.

The abutting property owners and neighborhood object strongly to and are unified in opposition to this development for the same reasons a similar development was turned down in 1991. It is incompatible with the neighborhood and hampers the health, safety, amenity and welfare of the community.

Rationale 3: Issues of Public Services and Facilities and Site Unsuitability for the Large-Scale Project Proposed

From Section 166.05 Large Scale Development (LSD) CD 166-18:

Section 7-b: "The developer may be required to install off-site improvements, where the need for such improvements is created in whole or in part by the proposed large scale development or preliminary plat. For purposes of this section, any off-site improvements shall mean all or any part of, a street, surface drainage system, water system, or sanitary sewer system, which is to be installed on property located outside the proposed large scale development or preliminary plat."

Section 7-c: "Any required off-site improvements shall be installed according to city standards. The developer shall be required to bear that portion of the cost of off-site improvements which bears a rational nexus to the needs created by the large scale development or preliminary plat."

166.06 Planned Zoning District (PZD) Section E - Approval or Rejection Criteria for Planned Zoning Districts, including but not limited to: "(2) Whether the general impact of the rezoning would adversely impact the provision of public facilities and services."

166.06 Planned Zoning District (PZD) E - Approval or Rejection Criteria (CD 166:21)

"Whether the subject land is suitable for the intended use and is compatible with the natural environment."

**166.14 Commercial Design and Development Standards (A) Purposes
(including but not limited to)**

- (2) To address environmental concerns which include, but are not limited to, soil erosion, vegetation preservation, and drainage.**
- (6) To preserve property values of surrounding property.**

166.14 Commercial Design and Development Standards (A) Purposes

- (2) To address environmental concerns which include, but are not limited to, soil erosion, vegetation preservation, and drainage.**

The Planning Commission erred in approving this development because it has not even been adequately considered whether the general impact of the rezoning would adversely impact the provision of public facilities and services to the neighborhood. The neighborhood and abutting property owners are very concerned about the effect on water and sewer pressure, capacity and/or infrastructure from the proposed development. For example, the Fayetteville Fire Department expressed concern that the fire hydrant at Hillcrest Avenue and Oakwood Drive flows at less than 400 gallons per minute. The developers indicated they would tie into the existing 6" sanitary sewer line in two places. The developers note a 6" waterline tees off of the existing 8" water line and turns down the access road into Evelyn Hills. They state they will tie their waterline into the 6" waterline and loop it to the north, tying into the 8" waterline along Hillcrest Avenue.

City water department employees and experts have stated to various neighborhood residents that nothing can be done to improve existing pressure without rebuilding the grid, which is one of the oldest in the city. During the Planning Commission meeting one of its members noted that there was no guarantee the residents would have sufficient water pressure after the development was complete. There are no explicit requirements in the PZD about the type and nature of water pressure, sewer pressure, etc., guaranteed to neighborhood residents if the development were completed. The effect of such problems on the neighborhood was not fully considered. This development will degrade the neighborhood as people will not buy property where they cannot get adequate water pressure, public facilities and/or services. And it would mean the city has willingly entered into an arrangement with a developer that deprived the existing residences of an adequate water supply and other public facilities and services.

In addition there has been discussion of retaining walls or other aspects of the development relating to the topography and steep slopes in the area. The area is surrounded by extremely steep slopes due to the step excavation done to build Evelyn Hills. Slopes of this nature are generally unstable and problematic for load bearing construction or utilization. This is compounded by the presence of springs in the area. The area contained water during the whole dry period over the last year suggesting a water table close to the surface in the area of heaviest proposed density. The combination of the soil and saturated water conditions under the traffic and overburden created by these units will lead to settling, causing cracks and misalignments in doors and windows.

The presence of springs and soil moisture was documented by previous construction in the area. The Jones Residence on 1330 Hillcrest Avenue was redesigned during construction due to the discovery of a spring on its site. The Jones papers indicate springs were found when Evelyn Hills was constructed. Apparently there have been problems with soil moisture recently in the USA Drug construction at Evelyn Hills as well.

Abshier Road already has longitudinal cracking, especially near the side where the steep slopes drop down onto the property, showing there is already some slope instability. Retaining walls will be needed to stabilize the area. Widening Abshier as proposed, 14 feet from center in, would require a retaining wall that could reach about 30 feet tall at certain parts of the streets. This is similar to and in close proximity of the Kings Drive area that is collapsing. Given the existing instability, it appears the city could have a reoccurrence of the crumbling and infrastructure problems found on nearby Kings Drive.

Rationale 4: Covenants and Bills of Assurance Regarding the Property

150.07 Conflicts (CD 150:3): "UDC/private agreements: The UDC is not intended to abrogate any private agreements, deed restrictions, covenants, easements, or other private agreements on the use of land."

166 Section 7-d (CDD 166:18-19): "The Subdivision Committee or Planning Commission may refuse to approve a large scale development or preliminary plat for any of the following reasons" (with reasons i through vi).

- i. The preliminary plat or development plan is not submitted in accordance with the requirements of this chapter.
- ii. The proposed development would violate a city ordinance, a state statute, or a federal statute.

166.06 Planned Zoning District (PZD) Section E - Approval or Rejection Criteria for Planned Zoning Districts, including but not limited to: "(2) Whether the application is in compliance with all applicable statutory provisions"

166.06 Planned Zoning District (PZD) E - Approval or Rejection Criteria (CD 166:21)
"Whether any other recognized zoning consideration would be violated in this PZD."

Copies of covenants and Bills of Assurances were provided to the Planning Commission at the February 13 meeting. They also were discussed at the preceding Subcommittee Meeting of the Planning Commission. The developer's preliminary plat or development plan given to neighborhood residents claimed, "There are no covenants, trust or Homeowner Associations associated with this project." (Found on page 7 of the Abshier Heights Master Development Plan provided to abutting property owners.)

Rationale 5: The rezoning to allow the proposed development is inconsistent with and does not follow the General Plan 2020 Future Land Use Plan.

The Planning Commission Staff Report to the City Council states "The General Plan 2020 Future Land Use Plan designates this site as a Residential Area. Rezoning this property to R-PZD 05-1636, with the associated Master Development Plan, varies this future land use to a mixed use, though the principal use on the property will remain residential."

At the initial Subcommittee Meeting members of the neighborhood noted that approximately seven single-family houses would be the appropriate infill for this site if developed. The General Plan itself notes that this site is designated as a Residential Area. The Planning Commission varies this future land use. We submit that the Planning Commission did not follow the General Plan 2020 Future Land Use Plan and this development should be rejected. In essence, the neighborhood is asking the City to adhere to its own plan.

At present Fayetteville is in the process of developing a new City 2025 Plan. At the City 2025 Plan meetings residents were told to "ignore topography, infrastructure and compatibility" when they placed dots on a city map to suggest where appropriate infill might be developed. Residents (including members of our neighborhood) who took part in these planning sessions were specifically directed to ignore all important considerations that are considered when making development decisions. Therefore the City 2025 Plan is not applicable to this development and neighborhood because the serious concerns regarding topography, safety, incompatibility of the proposed development, etc., were not considered. The City 2025 Plan has not been finalized or officially adopted. In addition, the proposed development is not consistent with the principles of the City 2025 Plan to foster compatible and appropriate infill.

Rationale 6: The rezoning to allow the proposed development is incompatible with the neighborhood and runs counter to historical covenants and precedents.

166.06 Planned Zoning District (PZD) E - Approval or Rejection Criteria (CD 166:21)
"Whether the subject land is suitable for the intended use and is compatible with the natural environment."

166.14 Commercial Design and Development Standards (A) Purposes
(2) To address environmental concerns which include, but are not limited to, soil erosion, vegetation preservation, and drainage.
(6) To preserve property values of surrounding property.

166.06 Planned Zoning District (PZD) E - Approval or Rejection Criteria (CD 166:21)
"Whether the subject land is suitable for the intended use and is compatible with the natural environment."

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Strong and unified opposition to the development from the neighborhood and abutting property owners was voiced at all previous public meetings. The opposition includes objections regarding compatibility, an inadequate transition, and a lack of green space or buffer as intended and required by the original covenants. Again, these are some of the reasons a similar development was denied in 1991.

On page CDD 166:25 it is noted that "Primary emphasis shall be placed upon achieving compatibility between the proposed development and surrounding areas so as to preserve and enhance the neighborhood" and "The Planning Commission shall determine that the specific development features...shall be combined in such a way as to further the health, safety, amenity and welfare of the community." As the abutting property owners and neighborhood object strongly to this development, it is argued that the Planning Commission did not take the welfare of the community into account when making this decision.

The proposed PZD is incompatible because it is an inappropriate transition between Evelyn Hills and the existing neighborhood. First, the green space behind Evelyn Hills was originally conceived to screen the neighborhood from the shopping center, two incompatible land uses. This screen was to protect and enhance these residences and the neighborhood, a purpose still accepted as important by the City of Fayetteville in its Unified Development Code and tree ordinance. Thus an important criterion for denying a similar development in 1991 on the property is still recognized and followed in current City ordinances.

Second, the density of this development is an inappropriate transition between the shopping center and neighborhood. The strips of land are too narrow for an adequate transition. Thirty town homes and duplexes packed in such a tight area without the typical amenities of "luxury condos" (such as a swimming pool, recreation facilities, covenants or agreements for maintaining the buildings and grounds, adequate green space, etc.) are not an adequate transition.

Third, the quality of the proposed town homes and duplexes are incompatible and are not an appropriate transition. Initially the neighbors were told the units will be sold for approximately \$200 per square foot at a meeting hosted by Cooper Architects on January 26, 2006. In the Planning Commission meeting the developers indicated an estimate of \$125 per square foot. A 1,750 unit would sell for \$350,000 based on the \$200 estimate or \$218,750 based on the \$125 estimate. Will families seeking quality residences realistically pay these amounts for dwellings overlooking the roof of Evelyn Hills?

These units also overlook the dumpsters on the access road behind Evelyn Hills, which have an unpleasant odor at various times of the year and attract pests. The development abuts dumpsters from Evelyn Hills on one side and may face dumpsters or trash areas provided for this development on the other. The owners and/or their representatives asked for a variance regarding trash storage and collection which appears to acknowledge yet exacerbate this problem. In addition the proposed private road overlooks the back of a mattress store and Rick's Bakery where it empties onto Abshier Road. Details including the size and nature of the sign and the location of mailboxes or where mail would be delivered are omitted from the master development plan given to the neighbors. It is unclear whether these are 3-bedroom units, which would dictate planning for 90 additional vehicles in the area or one per bedroom.

Assume the units do not sell, or do not sell at the proposed prices. Presumably each unit would require 3 to 4 renters to meet mortgage and upkeep costs. This compounds the aforementioned traffic, safety and infrastructure issues. Units also may sit vacant and be targets for vandalism, crime or become eyesores. If there are no condominium agreements or covenants for maintaining the property and grounds these problems could quickly worsen.

It is reasonable to note that potential buyers who intend to live in the units will not desire to have trash receptacles on both sides of their residence or overlook the unattractive roof or back sides of aging shopping centers. Condos in the old St. Joseph buildings on Lafayette Street and the Oak Park Condos on Sycamore Street behind the old Long John Silver's restaurant remain empty. This suggests the market for this type of unit is already saturated. This development is not the appropriate type or character of residential development for the area and is inconsistent with the existing neighborhood. It is not an appropriate transition between Evelyn Hills, the neighborhood, and the historic Jones residence across the street.

The Restrictive Covenants from 1962 and the 1991 Planning Commission decision to deny a similar development provide intent and historical precedents that the area remain green space. This screen was to protect and enhance the neighborhood and these residences, a purpose still accepted as important by the City of Fayetteville in its Unified Development Code and tree ordinance. The Master Plan designates this area to be a residential area. Therefore the Planning Commission decision violates both the precedents and intent regarding the property and neighborhood.

The neighbors have suggested appropriate development might include seven single-family homes if the site allows. Most appropriate is leaving the property as a green space as it was originally intended. Neighbors regularly see deer, foxes and other wildlife on the property, which is especially a delight for the neighborhood children. The existing green space has added to the natural and intimate character of the neighborhood and fits the architectural and landscape vision of E. Fay Jones and his historic residence across the street.

Finally, residents would be interested in working with the City of Fayetteville to acquire private, federal, state or other financial resources or grants to improve the site to be designated as the E. Fay Jones Park or Natural Preserve. We have researched the E. Fay Jones archives and papers in the Special Collections at Mullins Library. Renderings of possible uses of that space by Jones himself are available in that collection.

Rationale 7: Consideration and Protection of Historically and Culturally Significant Residence or Structure Abutting the Development.

166.06 Planned Zoning District (PZD): "Master development plans may include more restrictive regulations than that which is included in other sections of the UDC, but standards shall not be established that fall below these minimum standards."

166.06 Planned Zoning District (PZD) E - Approval or Rejection Criteria (CD 166:21)
"Whether any other recognized zoning consideration would be violated in this PZD."

166.14 Commercial Design and Development Standards (A) Purposes
(3) To protect and preserve the scenic resources distributed throughout the city which have contributed greatly to its economic development, by attracting tourists, permanent part-time residents, new industries and cultural facilities.

166.14 Commercial Design and Development Standards (A) Purposes
(6) To preserve property values of surrounding property.

In addition to the numerous reasons for denying this proposed PZD, the neighborhood and abutting property owners strongly object to it because it violates the privileged space surrounding the E. Fay Jones residence. According to Mrs. Gus Jones it was the first residence Jones designed and built after he became a registered architect. The residence is a cultural and architectural landmark designed by Jones himself in 1956 and listed on the National Register of Historic Places in 2000. E. Fay Jones, a native of Arkansas and full-time resident of Fayetteville, was among only a handful of distinguished architects worldwide to be awarded the American Institute of Architect's (AIA) Gold Medal.

A good part of the cultural heritage of Fayetteville--and tourism revenue--rests on the fact that Fayetteville was Jones' chosen home. He graced the city and surrounding communities with architectural treasures recognized worldwide. While Eureka Springs has Thorncrown Chapel, Fayetteville has the distinct privilege of being home to the E. Fay Jones residence, one of his first and formative designs and his own home. Thus, approving this project compromises the city's future heritage tourism revenue.

Widening Hillcrest to accommodate the development would dramatically affect the Jones home site landscape. The landscape's relationship to the approach and entry to the home was always a primary concern to Jones -- a signature concern, in fact. Any change to the street would dramatically damage this critical relationship, thus doing severe damage to the overall design, the landscape, and the sculpture. In terms of motorist safety, widening Hillcrest Avenue in front of the Jones residence will certainly make it more likely that someone could crash into the sculpture or stone landscaping, especially during slick or icy conditions.

More important, the proposed development disrespects Jones' legacy in the eyes of neighborhood residents, city residents, and the architectural community worldwide. Few distinguished architects would support a development such as this across the street from their own residences, but the space around Jones' distinguished house merits very special, sensitive, and thoughtful consideration. It does not require professional training in architecture to understand that the delicate balance struck between nature and architecture is Jones' most significant contribution to 20th-century architecture. Anyone with access to the internet quickly learns that Jones' unique appreciation of the site and environment demanded that nature, light, and air be invited to penetrate the building, reinvigorating the inhabitants. The density of the proposed development is most particularly an affront to this exquisite statement of Jones' Ozark style. Because the density of the proposed project is so high, some of the planned units would stand very close to the Jones residence. Others will disturb the peaceful environs through untold and uncalculated traffic volume, and noise and air pollution from 30 units wedged behind Evelyn Hills Shopping Center and Hillcrest Avenue.

Mr. Jones himself was instrumental in establishing the original covenants for the property behind Evelyn Hills and opposing the development that was declined in 1991. Keeping the property in its natural state or as a green space maintains the intent and vision of this noted international architect for the area for future generations and visitors. Thus the significance and nature of his work, as well as his personal views of what is appropriate for the property, oppose the proposed development.

It appeared some members of the Planning Commission did not seem to fully appreciate that the architectural and personal legacy of E. Fay Jones and his historic residence at 1330 Hillcrest have global significance. According to the National Register of Historic Places: "The E. Fay and Gus Jones House is exceptionally significant because with this house Jones expressed the guiding principles of his personal organic design philosophy, including sensitivity to natural setting, honest use of materials, and an appreciation for the interplay of light and space. The construction of this house jump-started Jones' career." Some members seemed not to understand how dependent Jones' designs are on their landscape and surroundings for their architectural resonance. Hence, even if the building itself is not physically damaged by the oversized development, it will, in effect and in fact, be ruined for future generations.

The global significance of his work was very recently reaffirmed when Mrs. Gus Jones accepted the AIA Twenty-five Year Award for Thorncrown Chapel just two days before the Planning Commission voted to approve the Abshier Heights project. The award is given to one building annually for the architectural design that has stood the test of time for 25 years. Mrs. Jones accepted the award in honor of her husband on February 11, 2006, in Washington, D. C. Significantly, the AIA release stated: "Five million people have visited Thorncrown Chapel since it opened in 1980...During certain times of the year, the chapel draws more than 2,000 people per day, and Sunday services draw 300 people...This indicates the popularity and enduring appeal of Jones's work...Jones passed away on August 31, 2004, at his home in Fayetteville, Ark., at the age of 83...He will always be recognized as the man who built Thorncrown Chapel, and remembered as one of the leading architects of the 20th century." (See http://www.aia.org/release_122005_25yrThncrown).

Clearly, E. Fay Jones continues to bring much national and international attention to Fayetteville, a community he called home for many, many years. Thus, for the Planning Commission to approve the proposed Abshier Heights development simply on the grounds that there was no legal reason not to build in front of Jones' residence inadvertently disrespects Jones' legacy and compromises the present and future cultural heritage of the city. The UDC itself states it is important to preserve and protect Fayetteville's scenic resources. Consequently there are grounds upon which the Planning Commission should have denied this development. We ask you to deny this development and protect one of Fayetteville's most important scenic, cultural and historic resources.

ADDENDUM: We concur with the comments of Planning Commissioner Member Candy Clark, a former resident of this neighborhood, made at the February 2, 2006 Subdivision Committee meeting.

- Clark: I cannot support this project as it currently is – can't do it for several reasons.
- First of all, I'm very confused about the issue of the buffer. I've grown up hearing about it. If 1,000 people changed their mind, the neighborhood has been left out and I'm not sure why we honor other promises to neighbors that I can't find in stone anywhere, just a verbal promise, but not these neighbors.
 - Secondly, I think the density is by far too much – 7.3 units in this area are totally out of character with the neighborhood. It is a very nice neighborhood, spread out, larger homes. It dovetails into my third concern which is traffic.

- Abshier and Hillcrest are horribly maintained streets, local streets – no curb, no gutter and they don't go anywhere. Abshier goes to College, that is one of the most deadly intersections trying to pull out from the Rick's Bakery. Hillcrest goes to North Street to a stop sign that I never could figure out when I lived there. Who has the right-of-way? You pray and go. It doesn't go anywhere to the north. I think if you add this much density to those streets, it is going to compound a horrific problem. A lot of people walk in that area because they go down to the pond in the other development. It is a very, very communal area. It doesn't have sidewalks now and the only place you can walk is in the street. And to add this much density there is just a terrible mistake.
- Finally, I think the slope off of Abshier is very steep and I'm going to go review that. I don't know that there is a lot of greenery on that slope either. It's pretty darn severe and that concerns me. I do think this could develop but I think it could develop into single-family homes on larger lots. I would support that. But I cannot support it with the current 7.3 units that are proposed. I think you are going to be making it a horrific traffic situation. I don't think Hillcrest is ever going to go to the north. If you look at the pictures, it kind of stops. As long as you are funneling traffic out into North Street or to College, it is just going to compound a bad situation. And that access [to Hillcrest from behind Evelyn Hills] that we are talking about, come on. That is ill maintained concrete that is riddled with potholes most of the time. I don't know who is in charge of it, but don't call it an access to me unless you are going to go in and gut it, pave it and do what you need to do to it and at that point it is still a significant slope. That was my favorite cut through to get home and I lost a muffler there one time. You kind of compounded this, too, Tim, by saying they can't sell that property behind Evelyn Hills. I wonder if that is tied up in the covenants buffer thing. Right now there are too many unknowns to me and the density is way too high and the bad traffic situation will be compounded...
- I don't think it is compatible with the neighborhood at all with that density. I think it could develop beautifully but not like that.
- Transitional is a little bit more than 50'. You can stand on the front porches and spit on Evelyn Hills. That's not a big transition at all. To me, if it was bigger, if you were talking about on the other side of the street maybe, that could be transitional. To me that is a transitional zone. I don't know if there is a definition for it – it has to be "X" number of square feet, but as long as you can stand in a house and see the commercial, I'm not sure that is real transitional.

Shen Thomas
City Court
3rd Floor

RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, EVELYN HILLS SHOPPING CENTER, INC., a corporation and T.I. Abshier and Grace E. Abshier, husband and wife (hereinafter called OWNERS), are the record owners of the following described real estate situated in Fayetteville, Washington County, Arkansas, to-wit:

A parcel of land lying in the NW $\frac{1}{4}$ Section 10, Township 16, North Range 30 West, within the corporate limits of the City of Fayetteville, and more particularly described as follows: Beginning at a point which is S 89 deg. 30" W 184.35 feet from the NE corner of said S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10, thence South 660 feet, thence South 0 degrees 08' W 370.0 feet; thence S 89 deg. 55' 30" W 916.5 feet to the East right of way of U.S. Hwy. No. 71; thence Northeasterly along said right of way more or less 1034.5 feet to an iron pin which is S. 89 degrees 55' 30" W 734 feet from the point of beginning; thence N. 89 degrees 55' 30" E. 734 feet to the point of beginning, containing 20.2 acres, more or less.

WHEREAS, the aforesaid real estate abuts the West boundary of Hillcrest Avenue, Fayetteville, Arkansas, beginning at the North boundary line of Abshier Drive in the City of Fayetteville, Arkansas, and continuing North for a distance of 1,030 feet; and:

WHEREAS, the OWNERS filed a petition with the Planning Commission of Fayetteville, Arkansas, seeking to re-zone from R-1A Residential District to C-2 Commercial District the following described premises, situated in Fayetteville, Washington County, Arkansas, to-wit:

A Strip of land 150 feet deep located on and abutting the West boundary of Hillcrest Avenue, beginning at Abshier Drive, and running, thence North 370 feet; a strip of land 150 feet deep located on and abutting the West boundary of Hillcrest Avenue, beginning 370 feet North of Abshier Drive, and running thence North 660 feet, and

as a result of which the Planning Commission has recommended that the West 130 feet thereof be rezoned to C-2 Commercial District, and that the East 20 feet thereof remain zoned R-1A Residential District as a buffer zone between

GREER ABSTRACT COMPANY

RELIABLE ABSTRACTS

FAYETTEVILLE - SPRINGDALE, ARKANSAS

SHEET No. 56

the C-2 area and the Residential District East of the 150 foot strip of land; and,

WHEREAS THE EVELYN HILLS SHOPPING CENTER, INC., is now developing the Evelyn Hills Shopping Center on a part of the real estate first hereinabove described and desires to include said 150 foot East-West strip of real estate in the Shopping Center area; and,

WHEREAS, the OWNERS have agreed with the planning Commission, the Fayetteville City Council and the owners of the real estate abutting the East boundary of Hillcrest Avenue, Fayetteville, Arkansas, that they will place of record the restrictive covenants set out below if the West 130 feet of said 150 foot strip of real estate is re-zoned from R-1A Residential District to C-2 Commercial District with the East 20 feet of said 150 foot strip to remain zoned R-1A Residential District as a buffer zone; and,

WHEREAS, the restrictive covenants set out below shall benefit the owners of the real estate situated in Fayetteville, Arkansas, which abuts on the East boundary of Hillcrest Avenue in said City and which is located due East of the 1,030 feet of real estate first described hereinabove; now,

THEREFORE, in consideration of the premises set out herein and for the purposes hereinabove mentioned, the said Evelyn Hills Shopping Center, Inc., and T.I. Abshier and Grace E. Abshier, husband and wife, hereby covenant:

1. That no commercial building which extends above the street level of Hillcrest Avenue as it now exists shall be constructed or placed upon a strip of land 80 feet by 1,030 feet which strip of land lies 20 feet West of Hillcrest Avenue and abuts the North boundary of Abshier Drive, Fayetteville, Arkansas, which strip of land is described as follows:

A parcel of land lying in the NW $\frac{1}{4}$ of Section 10, Township 16 North Range 30 West, more particularly described as follows: Beginning at a point which is South 89 degrees 55' 30" West 204 feet from the Northeast corner of the S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 10, thence South 660 feet, thence South 0 degrees 08' West 370 feet, thence South 89 degrees 55' 30" West 80 feet thence North 1,030 feet, more or less, to a point 80 feet due West of the beginning point, thence East 80 feet to the place of beginning.

2. That no means of ingress or egress to and from the aforesaid real estate described in paragraph 1 hereinabove from Hillcrest Avenue, Fayetteville, Arkansas shall be permitted to exist, except that the present means of ingress and egress to and from said real estate from the said Hillcrest Avenue Fayette-

ville, Arkansas, located about 350 feet North of Abshier Drive, Fayetteville, Arkansas, and the North 50 feet of the real estate described in paragraph 1 hereinabove shall constitute and continue to be the means of ingress and egress to and from said real estate described in paragraph 1 hereinabove from Hillcrest Avenue Fayetteville, Arkansas .

3. That no building, parking lot or any structure of any kind except retaining walls and railings shall be placed upon said real estate described in paragraph 1 hereinabove nearer than 20 feet to the present West boundary line of Hillcrest Avenue, Fayetteville, Arkansas.

4. That the base of any motor vehicle parking lot placed and/or maintained upon the real estate described in paragraph 1 hereinabove shall be at least 8 feet below the present street level of Hillcrest Avenue, Fayetteville, Arkansas, except that this covenant shall not apply to the North 100 feet of said strip of land.

5. Within 12 months from the date of the passage of an ordinance re-zoning the aforesaid 130 foot strip of land to C-2 Commercial District, and subject to the provisions of paragraph 2 hereinabove, Evelyn Hills, Shopping Center, Inc. shall construct a fence along the West bounday of the aforesaid 20 foot strip of land which remains R-1A Residential District, which fence shall be at least six feet in height.

6. That within 12 months from the date of the passage of an ordinance re-zoning said 130 foot strip of land to C-2 Commercial District , the Evelyn Hills Shopping Center, Inc., shall landscape and beautify the 20 foot strip lying immediately east of said 130 foot strip (which 20 foot strip also lies immediately west of Hill crest Avenue), which is the strip retained in R-1A Residential District as a buffer zone. That this beautification shall include the planting and permanent maintenance at grass and shrubs. That if this beautification is not done and maintained by the Evelyn Hills Shopping Center, Inc., the City of Fayetteville may do the beautification and maintenance at the expense of the Evelyn Hills Shopping Center.

7. These covenants shall run with the land and shall be binding on all parties and all persons claiming under Evelyn Hills Shopping Center, Inc. and T.I. Abshier and Grace E. Abshier, husband and wife, for a period of twenty (20) years from the date that these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of five (5)

years unless an instrument signed by owners of a majority of the separate tracts of property fronting on both the East and West side of Hillcrest Avenue, Fayetteville, Arkansas, for the 1,030 feet as set out in the legal description hereinabove, releasing said covenants, or any part thereof, is placed of record.

8. These covenants shall inure to the benefit of any persons owning any of the real estate which abuts the East and West boundary lines of Hillcrest Avenue for the distance of 1,030 feet as set out in the legal description hereinabove, and any such property owner is hereby granted the authority to enforce such covenants.

In Witness Whereof, the parties hereto have hereunto caused this instrument to be executed on this 31 day of August, 1962.

EVELYN HILLS SHOPPING CENTER, INC.

BY John D. Askew, President

ATTEST: John Maguire, Secretary

T.I. Abshier

Grace E. Abshier

ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF WASHINGTON

On this 31 day of August, 1962, before the undersigned, a Notary Public, duly commissioned, qualified and acting, within and for the said county and state, appeared in person the within named John D. Askew and John Maguire to me personally known, who stated that they were the President and Secretary of Evelyn Hills Shopping Center, Inc., a corporation, and were duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said corporation, and further stated and acknowledged that they had so signed, executed and delivered said instrument for this consideration, uses and purposes therein mentioned and set forth.

In Testimony Whereof, I have hereunto set my hand and official seal this 31 day of August, 1962.

Jane R. Horne, Notary Public.

ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF WASHINGTON

Be it remembered that on this day came before me the undersigned, a Notary

Public, within and for the county aforesaid, duly commissioned, and acting,
T.I. Abshier and Grace E. Abshier, husband and wife, to me well known as parties
in the foregoing covenants, and stated that they had executed the same for the
consideration and purposes therein mentioned and set forth.

Witness my hand and seal as such Notary Public this 31 day of August, 1962.

Jane R. Horne, Notary Public.

Filed for Record Sept. 18, 1962 10:06 A.M. Recorded in Volume 580 page 214

Planning Commission
June 24, 1991
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Mr. Merrell explained that the R-O zoning allowed five different use units by right including single and two family dwellings, Use Unit 12 and Use Unit 25, which defined offices, studios and professional offices. Mr. Merrell then read those items under both use unit 12 and 25.

Mr. Merrell suggested one possible way this matter could be resolved would be to have Mr. Taylor offer a Bill of Assurance that would guarantee that he would only use the property for an office. He stated this was a very close call for the Planning Commission with K-Mart and the fire station in the immediate vicinity.

Mr. Springborn expressed concern regarding the entire commercial strip to the south. He explained that, while there was nothing of a commercial nature to the north, granting of the rezoning request would open the door to the growth of the commercial strip.

In response to a question from Mr. Allred regarding the effect widening Stubblefield would have on the area, Mr. Merrell stated he did not know if the Traffic Division had done any projections regarding increase in traffic. He further stated he believed it would have a relatively insignificant impact in this area.

Mr. Hanna explained there were covenants in the subdivision prohibiting rezoning. He stated he believed they owed it to the residents of the subdivision to uphold the covenants. He further stated granting the rezoning would encroach on the integrity of the neighborhood; that unless the entire block, rather than one lot, was to be rezoned, it was truly spot zoning.

Mr. Tarvin stated that, while he did in part agree with Mr. Hanna, the property in the area was rental property, and he believed the rezoning would help the area. He pointed out the property was across the street from commercial property, it was adjacent to other commercially zoned property, there was no buffer between the R-1 and commercial property. He stated that an office, built to look like a house with protective covenants, could make the property look better in the future. He further explained that a business such as the one proposed would probably be quieter than a residence. He further stated he would not consider rezoning beyond this property but, in this instance, the property could be considered a buffer between the R-1 and C-2.

Ms. Jackman asked, if in the future someone else should purchase the property, whether more parking spaces might be required.

Mr. Merrell explained that once the property was rezoned to R-O it would remain R-O and there was the possibility that additional parking would be required, depending upon the type of business that owned the property. He stated all of the parking would be off-street parking.

Mr. Tarvin stated they had granted conditional zoning before. He suggested rezoning the property with the condition that, should the applicant sell the property, it would revert to R-1.

Ms. Britton expressed concern regarding the drainage in the area. She pointed out there were ditches down both perimeters of the property that handle the stormwater drainage at this time. She questioned disposition of that water should the property be graded and a parking lot constructed.

Mr. Allred asked if there was data available concerning when to start replacing rental property in order to keep the area from "bottoming out".

Mr. Merrell stated he did not believe there was a rule of thumb. He further stated he believed this area was still highly residential.

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Mr. Tarvin stated he really would not think a double driveway would cause that much drainage problem.

Ms. Britton stated she did not believe there was enough room on the site for a double driveway, that the entire parking lot would have to access the street.

Mr. Perry stated the parking lot would not be a big one, he would only need space for five cars.

MOTION

Mr. Springborn stated he believed the downside risk and effect on the neighborhood was too great. He moved the rezoning be denied.

Ms. Britten seconded the motion.

The motion passed 8-0-0.

CONDITIONAL USE CU91-14 - DUPLEXES CHARLES SLOAN - W OF HILLCREST, N OF ABSHIER DR.

The fifth item on the agenda was a conditional use request for duplexes in an R-1 area submitted by Charles Sloan for property located on the west side of Hillcrest Avenue, north of Abshier Drive.

Mr. Merrell explained the subject property was a narrow strip (146' x 660') behind Evelyn Hills. He pointed out the property had a long and controversial history. He stated previous owners had attempted to rezone the tract to commercial several times. In 1962 the property was successfully rezoned; however, a year later the issue was presented for public vote, and voters decided the property should be left as a residential zone. He explained some of the neighbors contended that the property was designated greenspace, but staff had been unable to locate any such agreements or other legal documents to that effect. Mr. Merrell explained that Askew Enterprises recently sold Evelyn Hills Shopping Center and now had a contract to sell the subject tract to Charles Sloan contingent upon the conditional use.

Mr. Merrell stated Mr. Sloan had originally requested a rezoning to construct seven duplexes however staff had pointed out to him he could construct the duplexes in R-1 with a conditional use. He further explained Mr. Sloan proposed to retain all the trees along Hillcrest and construct a private drive along the west property line for access. He stated Mr. Sloan proposed to develop with the lay of the land, excavating only where necessary to drop the building height so as not to infringe upon his neighbors' views.

Mr. Merrell pointed out there were five possible uses of the subject property: (1) apartments, (2) offices, (3) single family residential, (4) greenspace, and (5) duplexes. He stated that, considering the established, high-quality surrounding residential properties, offices and apartments did not appear to be a desirable development course. He pointed out that considering the domineering presence of Evelyn Hills to the east, single family residential did not appear to be feasible. He further explained that the subject property did not offer much that would merit its purchase for a public park and, further, Mr. Askew could not be required to retain the property as private greenspace. He pointed out the only other development route was duplexes.

Mr. Merrell explained staff was only recommending this item be considered for approval provided that Mr. Sloan assure that every tree along Hillcrest Avenue be preserved, that there be no access through the trees, and that whatever access drive was constructed be constructed on the west side of the property. He stated

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staff believed the duplexes would be a buffer between the single family dwellings and the shopping center.

Mr. Hanna stated that, since the property was zoned R-1, one of the alternatives would be dividing the tract into 8 or 9 lots, with 8 or 9 driveways exiting onto Hillcrest and removing of several of the trees.

Mr. Merrell agreed that, should the property be divided into separate lots they would probably lose a number of trees along Hillcrest.

Mr. Tarvin stated the garages could come in from the back of the house.

Mr. Allred asked if the subject property had been previously dedicated as a greenspace, why it would not have been zoned P-1 at that time.

Mr. Merrell explained staff could find no records relating to the area being designated a greenspace.

Mr. Harry Gray, representing Charles Sloan, explained this was a unique piece of property and the terrain did limit development. He further explained the property had been rezoned in 1962 with covenants attached to the rezoning.

Mr. Merrell explained staff had found information regarding the property being zoned C-2 but the rezoning was rescinded by referendum.

Ms. Britton asked if the developer was proposing a single, common drive for the consideration of the property owners. She explained she saw that as a problem.

Mr. Gray explained that at this point they were just asking for the conditional use and would have to come back on the actual construction of the duplexes. He further stated they did propose to have a private drive at the rear of the property and would not have access to Hillcrest. He explained they did not want to remove any of the trees along Hillcrest. He stated they were willing to sign a Bill of Assurance that there would be no existing trees removed.

Mr. Springborn asked if there was room for more than a 12 foot one-way street.

Mr. Allred stated subdivision committee could require no on-street parking if this item were approved.

Ms. Donna Copeland, 1502 N. Hillcrest, appeared before the Commission and gave some history of the property. She explained that, at the time Evelyn Hills Shopping Center was built, a promise was made to plant a barrier of trees between the houses and shopping center and never to build on the land between Evelyn Hills and Hillcrest. She asked the Commission to consider the impact the conditional use would make on the neighborhood. Ms. Copeland stated that when Mr. Abshier dedicated the street to the city, he included the possibility of a reverter. If it ceased to be used for a street, the land would revert to the abutting landowners. She explained that not all of the strip of land was used for a street, and the adjoining property owners had taken care of the street right-of-way on both sides. She further stated many of the property owners had purchased their homes along Hillcrest, because it was a dead-end street without a lot of traffic or noise.

Ms. Copeland explained that citizens relied on the city to control growth not developers. She stated, if the city planned properly, zoning would stabilize property values and there would be some predictability about what location could be used for what purpose. She further pointed out, if the conditional use was granted, there would be 14 residences across the street from six single family homes. The new residences would be approximately 1,300 square feet as opposed

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to 2,600 square foot homes currently existing. She pointed out there would be an increase in traffic, noise and reduced safety. She also suggested there may be a problem with the drainage in the area if the subject tract was built over. She requested the conditional use be denied. She presented a petition protesting the conditional use with approximately 40 signatures.

Mr. Paul Bailey, 1532 Hillcrest, appeared before the Commission and stated he believed the subject property was too small to construct 7 duplexes. He further stated he thought it would be a very poor place to live. He pointed out that in the winter when the weather was bad the road would be impassible. He suggested the residents could join together to keep the property mowed.

E. Fay Jones, 1330 Hillcrest, stated construction of the duplexes would change the environment of the neighborhood which had always been single-family homes. He also mentioned an increase in traffic. He requested the conditional use be denied.

Mr. Dick Oliver, 1440 Hillcrest, appeared before the Commission and stated that, when he purchased his property in 1972, the realtor had told him the subject property was to be used as greenspace, providing a buffer between the residential area and the shopping center. He explained the company that purchased the shopping center had not purchased the subject tract of land because it was greenspace. He also pointed out that any construction would have to destroy some of the trees. He stated the noise from the shopping center was a problem, even with the trees. He further stated there would be no view for any building constructed on the subject property. He mentioned additional traffic, impassibility when ice was on the roadway, and noise as some of his concerns should duplexes be constructed. He suggested the Planning Commission should make the area a permanent greenspace.

Ms. Trina Oliver, 1440 Hillcrest, appeared before the Commission, and strongly urged the Commission to not approve the conditional use. She stated the property had always be intended for and used as a greenspace.

Mr. Gray explained, when the property had been rezoned in 1962, there had been restrictive covenants, but after the referendum revoked the zoning, all restrictive covenants were voided.

Mr. Allred asked if there was room for 8 or 9 lots should the property develop as single family homes.

Mr. Gray stated they would be able to get 8 lots under R-1 zoning.

Mr. Harold Copeland, 1502 Hillcrest, appeared before the Commission and stated they had chosen the property because it was single-family residences. He further stated the realtor had assured them that, should the subject property ever be developed, it too would be single-family residences.

Mr. Gerald Davis, 1516 Hillcrest, appeared before the Commission and expressed his concern over the proposed conditional use.

Mr. Allred stated he would be in favor of tabling this item to allow everyone to diligently search for any documentation regarding the greenspace. He explained that unless documentation could be found, the property was zoned R-1 with no restrictions.

MOTION

Ms. Britton moved to table the item for further research.

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Mr. Hanna seconded the motion.

The motion and second were amended to table the item until the second meeting in July.

The motion passed 8-0-0.

Mr. Allred suggested the property owners get with the staff and work together to search for any documentation. He explained that a verbal contract regarding real estate was non-binding. He stated he wanted to see something in writing, if anything existed.

PRELIMINARY PLAT - TIMBER CREST SUBDIVISION
MEL MILHOLLAND, N OF MISSION BLVD., E OF CROSSOVER RD

The sixth item on the agenda was a preliminary plat for Timber Crest Subdivision submitted by Mel Milholland on behalf of Mike Pennington. The property is located on the north side of Mission Blvd., east of Crossover Road. The property is zoned R-1, Low Density Residential and contains 27.52 acres with 58 lots.

Mr. Bunn had left the meeting and, therefore, Mr. Merrell gave the Engineer's report. He explained the property was annexed into the city and rezoned from A-1 to R-1 approximately two weeks earlier by the Board of Directors. He stated the development consists of 58 lots located on 27.5 acres. He stated that water and sewer were available to the site. He further stated there had been some question as to whether the sewer would have to be provided by a pump station or by gravity. The preliminary plat indicated the construction of a pump station; however, it has not been shown that a gravity sewer was impractical.

Mr. Milholland reminded the Commission that at the last meeting they had questioned stormwater drainage runoff and deposits of silt during construction. He explained he had talked with Don Bunn regarding the storm drainage. Mr. Bunn felt the proposed drainage plan was adequate. He stated they would be willing to install catch ponds for the silt if that was the Commission's desire.

At Ms. Britton's request, Mr. Milholland explained the highway department had come up with a design for discharge of stormwater. He explained the design would slow the water down but still drain by placing concrete blocks in the apron. He explained this would slow the water down and make a wider path with less velocity.

Ms. Britton asked if Mr. Milholland would be giving a bill of assurance that he would build the silt ponds to contain the silt during construction.

Mr. Milholland stated he would.

Mr. Tarvin stated they could not contain silt during construction. When it rains, muddy water would wash silt out. He stated he believed the Commission needed to be careful that they did not impose any conditions that were out of the ordinary with development in the city.

Mr. Cleghorn asked if Mr. Bunn had felt the catch ponds were necessary.

Mr. Milholland stated they had not discussed them.

Mr. Merrell pointed out the excavation and grading ordinance would become effective in the middle of July and this development would have to abide by the ordinance. He further stated he would like to see an effort made to reduce and control silt, but he agreed with Mr. Tarvin silt could not be totally contained.

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Mr. Milholland explained he would be making an effort to reduce the silt, but he never intended to give the impression that there would not be muddy water.

Mr. Springborn stated he would not personally require a bill of assurance, but he would be happy with the assurance they had received from Mr. Milholland. He explained at the last meeting he had not felt the problem had been addressed but now he felt it had been.

Mr. Tarvin asked what was different about this subdivision that warranted them taking this type of stand that they had not done in the past.

Mr. Merrell explained that he believed there was concern regarding this property because it bordered a stream and needed to be handled carefully. He pointed out the land was relatively level. He stated the Planning Commission always needed to be careful to not single out anyone.

Mr. Mike Pennington, the developer of the property, stated it was his intent to develop the property so as to please the City of Fayetteville. He stated he believed the Commission's questions were valid.

MOTION

Mr. Springborn moved to approve the plat subject to plat review comments and Commission comments.

Mr. Hanna seconded the motion.

In response to a question from Mr. Tarvin, it was determined that the preliminary plat was being approved with Mr. Milholland making an effort to stabilize the silt by constructing catch ponds during construction of the subdivision.

The motion passed 8-0-0.

PRELIMINARY PLAT - WEDINGTON HEIGHTS ADDITION, PHASE I, II, III & IV MARK MARQUESS FOR BMP DEVELOPMENT - W OF SALEM RD., N OF WEDINGTON DR.

The seventh item on the agenda was a preliminary plat for Wedington Heights Addition, Phases I, II, III, and IV submitted by Mark Marquess for BMP Development and represented by Harry Gray. The property is located west of Salem Road, north of Wedington Drive. The property is zoned R-1.5, Moderate Density Residential and contains 34 acres with 151 lots.

Mr. Merrell stated a portion of this property would be developed for affordable housing. He explained the development consisted of four phases with a total of 151 lots on approximately 34 acres. He pointed out that Perry Franklin of the Traffic Department had expressed some concern about the additional traffic that would be generated at Highway 16 due to the development; however, any new development would generate additional traffic.

Mr. Merrell stated both water and sewer are readily available to the site and the general drainage plan appears to be control drainage. He stated Mr. Bunn recommended approval subject to the plat review comments; submittal of approval of detailed plans and specifications for water, sewer, streets, and drainage; the tying of Anne Street through to an existing street in Giles Addition with the construction of any phase after Phase I; the platting of a 50 foot right-of-way for future street construction north from the intersection of "E" Street and "H" Street; construction of sidewalks per city ordinance; and payment of parks fees per city ordinance.

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

A meeting of the Fayetteville Planning Commission was held on Monday, July 22, 1991 in the Board of Directors Room on the second floor of the City Administration Building, 113 West Mountain Street, Fayetteville, Arkansas.

MEMBERS PRESENT: Jack Cleghorn, Fred Hanna, J. E. Springborn, Jerry Allred, Joe Tarvin, Mark Robertson, Charles Nickle, and Jett Cato

MEMBERS ABSENT: Jana Lynn Britton

OTHERS PRESENT: Becky Bryant, Don Bunn, Sharon Langley, members of the press and others

MINUTES

The minutes of the July 9, 1991 meeting were approved as distributed.

CONDITIONAL USE CU91-14

CHARLIE SLOAN - W SIDE OF HILLCREST, N OF ABSHIER

The second item on the agenda was a request for a conditional use in order to construct duplexes in R-1, Low Density Residential submitted by Charlie Sloan and represented by Harry Gray. The property is located on the west side of Hillcrest Avenue, north of Abshier Drive.

Becky Bryant reminded the Commission that, at the June 24, 1991 meeting, this item had been tabled in order to allow staff to further investigation the allegations that the subject 2.2 acres had been designated greenspace. She stated that previously the Abshiers had offered to place restrictive covenants on the property in exchange for C-2 zoning. The covenants were executed and filed. She explained the rezoning had been brought to a public vote and citizens had voted down the rezoning. She further explained that revoking the zoning had the legal effect of also revoking the covenants. She stated she had discussed this matter with the Assistant City Attorney who agreed the covenants were no longer binding nor valid.

Ms. Bryant further pointed out the original covenants had only affected the east 20 feet of the property. She stated the City had a 30 foot easement along the east property line so there would be no building in that area anyway. She further stated Mr. Sloan was willing to give a Bill of Assurance for tree protection along the street. She explained staff believed this was a high quality development which would not significantly impact the neighborhood.

Ms. Bryant suggested the Commission could apply conditions on the development. She pointed out that, should the conditional use be denied, Mr. Sloan or any other party could remove the trees on Hillcrest and construct a single family affordable housing project over which the city would have little control. She stated the only solid legal ground on which the Planning Commission could deny the conditional use was by finding that the request was incompatible with adjacent properties. She explained, however, that one of the planning principles used to encourage buffering of single family residential from commercial was the use of an intermediate type of zoning.

Ms. Bryant stated Commissioner Britton had raised a question about access to the property. She stated both drives on the north and south ends were included in the legal description of the property which Mr. Sloan hoped to purchase. She stated, if the conditional use were granted, the development would then go

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through the large scale development process. She suggested any further concerns about access be addressed at that time.

In response to a question from Mr. Tarvin, Ms. Bryant explained the property could be used for an affordable housing development without rezoning. She stated the Commission had some control over the property with a conditional use but, without a conditional use, the Commission had very little control.

Mr. Tarvin asked if they could add a provision to the conditional use a provision denying parking and access by pedestrians along Hillcrest.

Ms. Bryant stated the Commission could impose any reasonable condition as long as the condition was not arbitrary or capricious.

In response to a question from Mr. Hanna, Ms. Bryant stated a 30-foot easement along Hillcrest had been executed by the developer. She explained nothing could be built in the easement but an easement did not restrict the developer from clearing the area.

In response to a question from Mr. Tarvin, Mr. Gray explained that, should the property be developed as single family homes, he believed the property would be split into eight lots all fronting on Hillcrest with drives onto Hillcrest. He further explained it would be much more difficult to develop single family homes with private drives. He stated the terrain dictated the type of construction.

Mr. Tarvin asked if the difference was because the duplexes would all be owned by one person.

Mr. Gray stated the current plan was that Mr. Sloan would own all of them. He stated eventually they could be sold. He explained there would be covenants set up to cover the private drive.

Mr. Tarvin asked if the covenants could not be set up for private homes.

Mr. Gray explained they could but, due to the terrain, he did not see the development being a quality single family development. He stated covenants were normally tied to property owners associations which cover the maintenance of the drives, etc. He further stated he could see some problems with covenants on single family development on this property.

In response to a question from Mr. Allred, Mr. Gray explained the duplexes would face Hillcrest shielding the parked cars from view. He further explained the apartment plan was for two-story duplexes with the lower floor being below the level of Hillcrest and the upper floor extending slightly above it. He stated the plan was to construct a wooden bridge to extend from Hillcrest to the upper level of the duplexes in order to provide pedestrian access.

Dick Oliver, 1440 Hillcrest, appeared before the Commission and spoke in opposition to the conditional use. He explained the construction of duplexes would triple the number of people and traffic; that the residents of the duplex and visitors to the duplexes would park on Hillcrest; there was only 120 feet of flat land on the subject property which made it undesirable to build on; the trees and shrubbery provided a buffer between Hillcrest and the shopping center; water pressure was already poor in the area, additional residences would cause more water problems; and the duplexes would lower property values in the neighborhood. He stated they had a nice quiet neighborhood and the residents believed it should be left as R-1 with no conditional use.

Mr. Tarvin asked if Mr. Oliver had his choice to leave the zoning R-1 without the conditional use and have it constructed into single family houses facing onto

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Hillcrest and possibly removing some of the trees versus the duplexes which would he prefer.

Mr. Oliver stated he had seen in the newspaper that the property was going to be rezoned R-1.5 for low rent housing. He explained that, if the property were developed as single family housing similar to those already in the neighborhood, he would not be opposed.

In response to a question from Mr. Allred, Ms. Bryant stated there was not an application to rezone this property to R-1.5.

Mr. Tarvin explained that the property could be developed into single family housing without the lot size and house size being comparable to those existing in the neighborhood. He asked Mr. Oliver his preference between R-1 with a conditional use for duplexes with protective restrictions regarding the trees and parking versus R-1 single family with 70 foot frontages.

Mr. Allred explained that should the conditional use be granted the Planning Commission would have some control, but if the conditional use were denied, they would have no control over any single family development.

Mr. Oliver stated he would prefer the property remaining as it was, but since that was not possible, he would opt for the conditional use for duplexes with the conditions that all of the trees remain as a buffer and that there was no access to Hillcrest from the duplex.

Mr. Allred pointed out the duplexes were to be large and rather expensive, designed toward executive-type families which would be compatible with the neighborhood. He further pointed out, should the property be developed as affordable housing, the residents might not blend into the neighborhood. He explained that would have more of a negative social impact.

Mr. Paul Bailey, a resident of the area, appeared before the Commission and asked where the development would get its water. He explained there was only a 4-inch line serving the neighborhood. He stated the city had recently put in an 8-inch line in the area and he wanted to be sure the new development would tap off the 8-inch line.

Mr. Bunn stated he had not seen a proposal but would have to make sure the elevations were such that the development could use the 8-inch line. He explained the 8-inch line was on a main pressure plain and the 4-inch line was on a high pressure plain.

Mr. Gray pointed out that should the conditional use be granted, the developer would still have to present a large scale development plat or subdivision plat which would cover water, streets, sewers, etc. He explained the residents would be notified of the hearing at that time.

Mr. Bailey stated he believed the property should be developed in congruence with existing properties. He stated he wanted to be sure if the duplexes were built that there would be no access on Hillcrest.

Mr. Cato asked Mr. Bailey, if the property were to be developed as proposed into seven duplexes accessing a private road on the west side of the property and preserving the trees versus developing the property into seven or eight lots with probable access onto Hillcrest, which he would prefer.

Mr. Bailey stated he would prefer no ingress or egress onto Hillcrest nor any trees or bushes destroyed on Hillcrest.

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Mr. Allred asked the residents in the audience if they preferred the duplexes with the requirement that the trees be preserved and no access to Hillcrest. It appeared the majority of the residents preferred the duplexes with those conditions.

Mr. Allred explained that the Commission was trying to determine what was best for the neighborhood. He agreed that the most ideal use for the neighborhood was to leave it like it was. He explained they did not have that type of control so they were trying to determine what the next best alternative.

Ms. Dawn Copeland, 1502 Hillcrest, appeared before the Commission and stated she was not in favor of the duplexes, that she would prefer single family housing. She questioned the size of the tract, stating she did not believe it was a large enough tract to construct seven or eight houses.

She stated she had reviewed the city ordinance covering conditional use applications, Section 160.195. She explained the Planning Commission would not grant a conditional use unless certain requirements were met, including making written findings certifying compliance with eight areas of concern.

Ms. Copeland stated the first two concerns were ingress and egress to the property and off-street parking. She showed the Commission a drawing of the area pointing out the subject property in comparison to the surrounding property. She explained there was a private driveway coming out of Evelyn Hills Shopping Center leading into a narrow alley with a retaining wall. She further explained the developer was proposing to put a driveway at the top of the retaining wall, which would have to go north (she stated the street would not be wide enough to go both ways), and then feed back into Hillcrest to go south. She stated this area would not be conducive to good traffic flow. She further stated there was the possibility of a fire hazard since the fire trucks would have difficulty in negotiating the street. She also pointed out the trash collectors would also have difficulty in negotiating the street for pickup.

Ms. Copeland stated another concern was location and availability of utilities. She explained the water pressure diminished as it went downhill. She stated the residents had been told the new 8-inch line was strictly for the purposes of fire hydrants and would not have any residential service. She pointed out the existing gas line along the tree line.

She explained the builder had offered to buffer the area by leaving the trees on the west side of Hillcrest but there would be no yard or open space since it would be filled with buildings. She further stated that by filling the area with buildings, it would create drainage problems with runoff going into the back of the shops in Evelyn Hills.

Mr. Allred explained the drainage would be addressed in the large scale development and the city engineer would be looking at the plan.

Ms. Copeland stated she was confused because they were telling her this was just proposals that the developer was making and that it had to go before another board to decide on the streets, gutters, etc. She stated the ordinance read "...Before any conditional use shall be issued the Planning Commission shall make written findings, certifying compliance with the specific rules governing individual conditional uses and that satisfactory provision and engagement has been made concerning the following..."

Mr. Allred explained the Planning Commission delegated their authority to the planning office and city engineering staff. He further explained there were other ordinances requiring that any development had to have the city engineer's approval.

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Ms. Bryant concurred with Ms. Copeland that the Planning Commission should make findings or reference staff findings.

Ms. Copeland stated other concerns were the signs they would have on the duplexes and security lighting which would add to the glare. She stated the final consideration was the compatibility and harmony with adjacent property. She pointed out this was a density problem, that building duplexes would result in too many people being crammed into too small an area in a quiet neighborhood composed of single family dwellings.

Ms. Copeland stated she did not think preserving the trees would make up for building duplexes. She asked the Commission to deny the conditional use.

Mr. Springborn pointed out, should the subject property be subdivided into minimum size city lots, the new property owners would have the same rights as the existing property owners and their driveways could also enter from Hillcrest.

Ms. Copeland stated she understood that.

Mr. Nickle pointed out neither the easements nor the setbacks entered into the calculation of the lot size.

In response to a question from Mr. Tarvin, Mr. Gray explained the west edge of driveway would be thirty feet east of the retaining wall. He stated the depth of the lot, from the retaining wall to the right-of-way of Hillcrest was 146 feet.

Mr. Gray stated the proposal was that the duplex would be approximately 40 feet in width.

Ms. Trena Oliver appeared before the Commission and stated it bothered her that they were trying to put too many people in a small area. She stated she was in favor of single family housing with only 7 or 8 families.

In response to a question from Mr. Tarvin regarding access to Hillcrest, Mr. Gray explained he had not looked at access to Hillcrest from a single family standpoint.

Mr. Cleghorn stated he did not see a need for a change when the neighborhood had existed for many years and the change was for a business venture.

Mr. Nickle agreed with Mr. Cleghorn. He stated he did not feel access was sufficient - that a one-way street 12 feet wide, going across 600 feet, was not in the best interest of the city. He further stated he was opposed to the conditional use.

MOTION

Mr. Springborn stated he normally voted in favor of the neighborhood, even though as a Commissioner he felt like as far as the city was concerned, that the application was a good one. He moved to deny the application.

Mr. Cleghorn seconded the motion.

The motion passed 7-0-1 with Commissioners Cleghorn, Hanna, Springborn, Allred, Tarvin, Cato and Nickle voting "yes" and Commissioner Robertson voting "no".

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LARGE SCALE DEVELOPMENT - THE SPORTS PARK
RICK COLLINS - S OF WEDINGTON DR., W OF BETTY JO DR.

The third item on the agenda was a request for a large scale development for The Sports Park submitted by Rick Collins for property located on the south side of Wedington Drive, west of Betty Jo Drive. The property is zoned A-1, Agricultural.

Mr. Don Bunn, City Engineer, explained the large scale development consisted of a recreational area on 76.35 acres. Activities include a golf driving range, batting cages, putting green, and pro shop. He explained future phases would include a restaurant, a retail garden shop, and a par three golf course. He stated there were no significant problems identified at the Plat Review meeting or the Subdivision Committee meeting. He stated there was some discussion about the drainage plans and it had been suggested at the subdivision committee meeting that the drainage plan be available for the planning commission. He explained there was also a question about the location of an easement where there were several large trees. He recommended the large scale development be approved subject to plat review and subdivision committee comments; approval of drainage plans by the City Engineer; resolution of the location of the 15 foot utility easement; construction of a sidewalk along Wedington Drive; and conformance with the terms of the conditional use granted earlier by the Planning Commission.

MOTION

Mr. Tarvin moved to accept the Large Scale Development of The Sports Park subject to staff comments, plat review and subdivision committee comments.

Mr. Hanna seconded the motion.

The motion carried 8-0-0.

WAVIER OF SUBDIVISION REGULATIONS - LOT SPLIT #1
BERT RAKES - N OF DICKSON ST., E OF WEST AVE.

The fourth item on the agenda was a request by Bert Rakes, City of Fayetteville Land Agent, on behalf of Robert Lewis and Nancy Witt Lewis for a lot split on property located north of Dickson Street and east of West Avenue. The property is zoned C-3, Central Business Commercial.

Commissioner Robertson stated he would be abstaining from discussion and voting on this item since Mr. and Mrs. Lewis were his clients.

Mr. Rakes explained the subject property was a portion of the Walton Arts Center parking and, to fulfill their obligation, the city had to furnish parking spaces. He further explained this property contained 1.41 acres, extending from West Avenue to Campbell. He stated the split was in order to allow Jose's Restaurant to retain their parking. He further stated the City would be buying 0.79 acres.

MOTION

Mr. Hanna moved to grant the lot split as requested.

Mr. Springborn seconded the motion.

The motion passed 7-1-0 with Mr. Robertson abstaining.

Asken Enterprises
Hillcrest Avenue

BILL OF ASSURANCE

This declaration of a Bill of Assurance made this 19th day of FEBRUARY, 1991, by the undersigned, owners of the following real estate described in Exhibit "A" attached hereto and made a part hereof located in the City of Fayetteville, Washington County, Arkansas.

WHEREAS, the aforesaid owners of the real property described in said Exhibit "A" have secured from the Fayetteville Board of Directors a temporary waiver of the requirement prescribed by § 18-31 of the Fayetteville Code of Ordinances to install a sidewalk across said real property; and

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

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

I.

Upon receipt of written notice from the City of Fayetteville, owners shall construct to City Specifications and at owners' expense, a sidewalk across the entire EAST side of the above described property. The exact location of said sidewalk shall be specified by the City. Should owners fail to properly construct said sidewalk within 30 days from receipt of said written notice, the City shall have the right to construct the sidewalk and charge the cost thereof to owners. Said cost shall constitute a lien on the property described in Exhibit "A", and the City shall have the right of foreclosure by public sale without the necessity of court proceedings.

WITNESS our hands this 19th day of FEBRUARY, 1991.

John B. Asken
* Successor Interest To Asken Enterprises, Inc.
Michael D. Asken
4/Valid P.O. dated 3/4/90

* Asken Enterprises, Inc. Liquidated on 12-31-90

1404-282

Fayetteville City Clerk

FILED
RECORD
91 FEB 26 PM 2 07
WASHINGTON CO AR
A. J. REYER

STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

BE IT REMEMBERED, that on this day came before the undersigned, a Notary Public, duly qualified, commissioned and acting within and for the aforesaid County and State, appeared in person the within named Michael D. Flynn and , to me well known, ~~who stated that they were the President and Secretary of~~ Inc is, ~~a corporation,~~ and were duly authorized to execute the foregoing instrument ~~for and in the name and behalf of said corporation,~~ and further stated and acknowledged that ~~they~~ had so signed, executed and delivered said instrument for the consideration, uses and purposes herein mentioned and set forth.

WITNESS my hand and seal as such Notary Public on this 19th day of FEBRUARY, 1991.

NOTARY
By Commission Expires:
2000

Ray C. Ornel
Notary Public

Exhibit "A":

LEGAL DESCRIPTION OF PIECE SPLIT OFF: Part of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section 10, Township 16 North, Range 30 West of the Fifth Principal Meridian, Washington County, Arkansas, being more particularly described as follows, to-wit: Beginning at a point that is S 88°15'49" W, 204.05 feet and N 0°46'36" W, 50 feet from the Southeast Corner of said Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4), said point being on the west right-of-way of Hillcrest Avenue; thence along said right-of-way, N 0°46'36" W, 610 feet; thence leaving said right-of-way, S 89°08'54" W, 145 feet; thence S 0°46'36" E, 610 feet; thence N 89°08'54" E, 145 feet to the point of beginning, containing 2.04 acres, more or less.

LIBR 1404 PAGE 284

City Council Meeting – March 7, 2006 – Abshier Heights

Speakers

- 1. Rob Wicks – resident, 1314 Hillcrest Avenue. Overview of the objections to R-PZD 06-1883 Abshier Heights.**
- 2. Professor Jeff Shannon, dean, School of Architecture, University of Arkansas. Architectural significance of E. Fay Jones Home.**
- 3. Robert Alguire – resident, 1235 Hillcrest Avenue. Professor Emeritus, Civil Engineering, University of Arkansas. Safety and infrastructure concerns.**
- 4. Shay Hopper – resident, 1224 Hillcrest Avenue. Development and the 2025 plan.**
- 5. Jimmie Beauchamp – resident, 1516 Hillcrest Avenue. History and tradition.**
- 6. Jan Wicks – resident, 1314 Hillcrest Avenue. The E. Fay Jones legacy and future considerations.**

JOHN G. WILLIAMS, FAIA, Emeritus Professor of Architecture, University of Arkansas
Doctor of Arts and Humane Letters, University of Arkansas

March 3, 2006

Dear Mayor Coody and Members of the City Council:

This letter is written for your consideration regarding the need to protect the area near the residence of the late Fay Jones and Mrs. Fay Jones.

I am including a paragraph from a letter I wrote to the Chairperson and Members of the Planning Commission and Staff of Fayetteville, Arkansas, dated October 9, 1995. I believe this paragraph (5) continues to be relevant to the City of Fayetteville today, especially to the need to protect certain special areas of the city as the one near the Fay Jones residence.

"5. Finally--and a question that many of us see as very important to most of the residents of Fayetteville--Many of us have chosen to move to Fayetteville and continue to live here because we deeply value and appreciate the quality of life the city and the area provide."

"There are many special, tangible elements such as social, economic, educational, and recreational advantages, but the very special quality of life in Fayetteville is largely a combination of both tangible and intangible elements."

"One of the intangible elements is the visual beauty of the city, its neighborhoods and the natural beauty of its setting. Many of us believe that this quality is perhaps Fayetteville's most valuable asset. Many of us have an uneasy concern that this valuable asset is being threatened and destroyed."

The area around the Fay Jones residence is an important example of our city's beauty that must be protected because it is an integral part of the home's setting. The Jones home is a nationally recognized residence of unique architectural value in a natural setting revealing the visual beauty of Fayetteville that no other residence reveals in the same way. If this area is not protected in its natural state, which represents Fay Jones' vision for the area, we have destroyed this valuable asset forever.

Also included are paragraphs from the Foreword to The Curious and the Beautiful: A Memoir History of the Architecture Program at the University of Arkansas, published in 1984, which point out an important contribution to the quality of the architectural design that became especially identified with Fayetteville.

"... John [Williams] and his faculty began and sustained architectural education in Arkansas---forthright friendliness; unassuming, almost naïve trust in unpretentious work and honest of purpose; and easygoing humor. In several visits to the school in Fayetteville over the years, I have found reassuring evidence that wholesomeness combined with a desire for and support of extraordinary design talent have been and remain the hallmark of the school. The sustaining presence of John Williams and Fay Jones, the heritage of Ed Stone, and the influx and outflow of talented faculty and students have left an indelible impression on the community, state, and region."

The Foreword by A. Richard Williams, professor emeritus of architecture at the University of Illinois and an author and lecturer on architecture concludes by reiterating the important legacy of Fay Jones, Edward Stone and those of us involved in establishing the University of Arkansas School of Architecture.

"I believe that Professor John Williams's story of the school's beginnings, struggles, accomplishments, and aspirations is more than a conscientious record of historical facts, though these have great value to the community. It is also of wide significance in the national perspective of architectural education, as future scholars, educators and practitioners look for those unique places in America where the integrity of architecture as one of the highest values in the lives of free men has been understood and quietly practiced."

I concur with Mr. Richard Williams that the significance and influence of the residential designs of Fay Jones are an important part of our city's history. As I expressed on page 38, "After building several houses for Fay, some of these builders were sought out to build other Jones-like houses, and Fay's designs came to have a noticeable influence on residential architecture in Fayetteville and the surrounding area." Frank Lloyd Wright himself recognized the importance of the Fay Jones residence in his lecture at the University of Arkansas on April 15, 1958.

The Fay Jones residence is indeed one of those unique places in America where the integrity of architectural design in a place of natural beauty is exhibited. The area surrounding the residence is integral to the invaluable architectural vision of Fay Jones. If we allow any development in the area, we are destroying an irreplaceable example of the highest architectural value and integrity that is unique to Fayetteville. In essence, we destroy the foremost historic example of that intangible visual beauty and charm that defines us as Fayetteville.

Thanks,



John Williams

Original Message From Roy Reed <royreed@pgtc.com>

March 6-7, 2006

Fay Jones and I sat at his dining room table on 65 Monday mornings and tape-recorded his thoughts and memories for the Arkansas Center for Oral and Visual History. Those interviews are being compressed into a book for the University of Arkansas Press. One of the emphatic themes running through his recollections is his insistence that environment matters. A building that violates the nature of its site is an affront to the environment, he said over and over. The land south of Evelyn Hills was left wild to serve as a buffer between the commercial and residential districts. More than once, Fay sat at the table and mused over the importance of keeping that land in its natural state. He was a modest man. He would never try to persuade the city to build a park and name it for him. But there is no doubt in my mind that he would applaud turning the land into a park. He would probably say, "Just name it John Doe Park." I think the city can do better than that. Here's a Fayetteville citizen who ranks in the world's memory with the likes of J. W. Fulbright and Edward Durrell Stone. Naming a park for him would be entirely appropriate. And what better place for the park than across the street from his house?

Roy

CITY ATTORNEY AGENDA REQUEST

B.3
Amend 163.14
Wireless Communication Facilities
Page 1 of 4

FOR: COUNCIL MEETING OF MARCH 7, 2006

FROM:

KIT WILLIAMS, CITY ATTORNEY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Amend §163.14 Wireless Communication Facilities Of The Unified Development Code

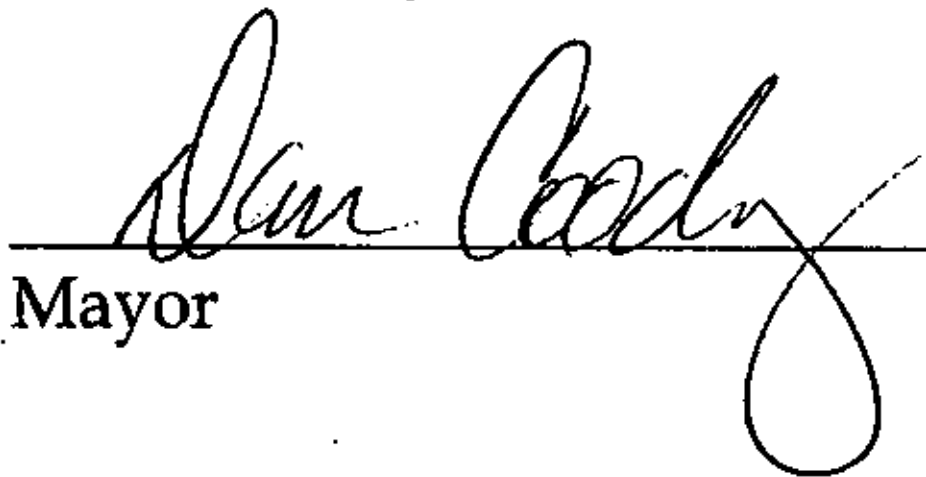
APPROVED FOR AGENDA:



City Attorney

2-14-06

Date



Mayor

2/16/06

Date

Ses 2/14/06
★

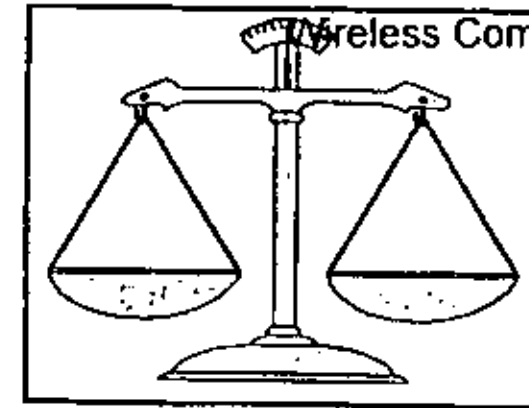
Left on first reading 3/7/06

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY
DAVID WHITAKER, ASST. CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



LEGAL DEPARTMENT

B. 3
Amend 163.14
Page 2 of 4

TO: **Dan Coody, Mayor**
City Council

CC: **Jeremy Pate, Director of Current Planning**

FROM: **Kit Williams, City Attorney**

A handwritten signature in dark ink, appearing to be "Kit Williams", written over a horizontal line.

DATE: **February 14, 2006**

RE: **Clarification of Cell Tower Ordinance**

The Exemption section of the Cell Tower Ordinance needs to be clarified to ensure existing towers with slender antennas are not replaced administratively with a cell tower containing a ten foot cell antenna array.

This problem surfaced after the City Council voted to deny a conditional use for a cell tower near the Washington-Willow Historic District. A news story indicated that the existing data transfer tower/antenna might be able to be replaced administratively with a cell tower. Since this would obviously frustrate the will of the City Council, I drafted the amended language to make it crystal clear that a tower/antenna could not be altered to become a cell tower without going through the conditional use process. I also removed the right to increase a tower's height by twenty feet. Ultimate tower height is usually an important issue that should be decided by the Planning Commission rather than being administratively granted.

The City needs to come up with a comprehensive cell tower location plan **in conjunction with the cell phone companies**. Such a plan should designate whatever new sites the City believes should be allowed for cell towers within Fayetteville and limit cell towers to these co-location sites. Any such plan could obviously be changed in the future, but this location plan should limit some of our recent problems. Such a plan could even remove the conditional use requirement for cell towers to be located in these "pre-approved" locations.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §163.14 WIRELESS
COMMUNICATION FACILITIES OF THE UNIFIED
DEVELOPMENT CODE

**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 repeals §163.14 subsection (E) (3) in its entirety and enacts a replacement subsection (E) (3) as shown below:

“(E) (3) Existing towers.

“(a) All existing towers may be replaced with a monopole tower of the same height and usage as currently exists. Existing towers that do not have cell antennas or arrays may not add such capability without securing a conditional use.

“(b) All replacement towers shall comply with §163.14 (A) and (B).

“(c) An applicant for a replacement tower must secure a demolition permit for the existing tower prior to receiving a building permit for the replacement tower. The tower being replaced must be demolished within 90 days of the date the building permit is issued.

“(d) Antennas may be replaced by similar antennas at the same height and for the same usage as the antennas being replaced.”

PASSED and APPROVED this 7th day of March, 2006.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

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

21 7-Mar-06
City Council Meeting Date

David Jurgens
Submitted By

Water/Wastewater
Division

Water/Wastewater
Department

Action Required:

Approval of a construction contract with T-G Excavating, Inc., as approved by the Sewer Committee, in the amount of \$2,223,022.00, for sanitary sewer main replacement and rehabilitation City-wide, and approve a 5% contingency of \$111,151.00. Funds are available in Fiscal Year 2006 budget.

\$2,334,173.00
Cost of this request
5400-5700-5315.00
Account Number
02017-0401
Project Number

\$ 7,071,008.00 ✓
Category/Project Budget
\$ 792,494.29 ✓
Funds Used to Date
\$ 6,278,513.71
Remaining Balance

Sanitary Sewer Rehabilitation
Program Category / Project Name
Water and Wastewater
Program / Project Category Name
Water/Sewer
Fund Name

Budgeted Item ☒ XX

Budget Adjustment Attached ☐

[Signature] 16 Feb 06
Department Director Date

[Signature] 3/2/06
City Attorney Date

[Signature] 3-3-06
Finance and Internal Service Director Date

[Signature] 3/6/06
Mayor Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office
ENTERED
2/17/06

Received in Mayor's Office
ENTERED
3/2/06

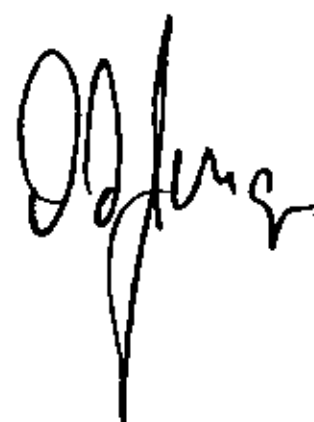
Comments:

CITY COUNCIL AGENDA MEMO

To: Fayetteville City Council

Thru: Mayor Dan Coody

From: Fayetteville Sewer Committee
David Jurgens, Water and Wastewater Director



Date: February 16, 2006

Subject: Approval of a construction contract with T-G Excavating, Inc., as approved by the Sewer Committee, in the amount of \$2,223,022.00, for sanitary sewer main replacement and rehabilitation City-wide, and approve a 5% contingency of \$111,151.00. Funds are available in Fiscal Year 2006 budget.

RECOMMENDATION

Fayetteville Sewer Committee and City Administration recommend approval of a construction contract with Oscar Renda Contracting., in the amount of \$2,223,022.00, for sanitary sewer main replacement and rehabilitation City-wide, and approve a 5% contingency of \$111,151.00.

BACKGROUND

The City received four bids for this project, as follows:

T-G Excavating	\$ 2,223,022.00 (low bid)
Heller Company	3,674,173.00
Kraus Const	4,450,786.00
Engineer's Estimate	2,987,030.00

The project includes replacing 6, 096 linear feet of sewer by open cut, 77 manholes, replacing or enlarging 6,321 linear feet of sewer using trenchless rehabilitation methods, and 31 point repairs.

The majority of the work is in the sewer system which flows into the Gregg Avenue lift station (near Mud Creek just south of Johnson), although some is also being performed in the Mt. Sequoyah south Industrial Park areas as well. No work will be done on lines that are being replaced in conjunction with the Wastewater System Improvement Project.

DISCUSSION

The bid has been reviewed by RJN Group, the Engineer; their letter recommending award is attached. The Arkansas Natural Resources Commission will complete their review prior to contract award.

T-G has completed a number of sewer rehabilitation projects for us in recent years, including our manhole rehabilitation in Farmington.

BUDGET IMPACT

Funds are available in Fiscal Year 2006 budget. This contract will be funded by a combination of Water/Sewer capital and EPA STAG grant funds administered by the Arkansas Natural Resources Commission.

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONSTRUCTION CONTRACT WITH T-G EXCAVATING, INC. IN THE AMOUNT OF \$2,223,022.00 FOR SANITARY SEWER MAIN REPLACEMENT AND REHABILITATION CITY-WIDE; AND APPROVING A 5% PROJECT CONTINGENCY IN THE AMOUNT OF \$111,151.00.

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 contract with T-G EXCAVATING, INC. in the amount of \$2,223,022.00 for sanitary sewer main replacement and rehabilitation city-wide. A copy of the contract, marked Exhibit "A" is attached hereto, and made a part hereof.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a 5% project contingency in the amount of \$111,151.00

PASSED and APPROVED this 21st day of March, 2006

APPROVED:

By: DAN GOODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk

DRAFT



Excellence through Ownership

www.rjn.com

January 24, 2005

Mr. Dave Jurgens, P.E.
City of Fayetteville
Director Water and Wastewater
113 West Mountain Street
Fayetteville, AR 72701

Subject: Bid 06-01
Fayetteville Main Replacement and Rehabilitation
RJN#18195900

Dear Mr. Jurgens:

RJN Group, Inc. has reviewed and processed the Contractor Bids for the above referenced project. Attached is the bid tabulation for each of the bidders. In the table, the bidders are arranged according to bid amount (low to high), and the units costs and extensions evaluated. The low bidder is T-G Excavating, Inc., with a bid amount of \$2,223,022.00. This amount is greater than \$2,222,222.00 as indicated on their signed bid proposal because of an extension error for bid item number 20. The correct extension should be \$40,800.00 instead of \$40,000.00. This does not alter the order of low to high bidder.

T-G Excavating, Inc. is certified to be the low bidder with a total bid amount of two million two hundred twenty three thousand twenty two and no cents (\$2,223,022.00). RJN has checked references supplied by T-G Excavating, Inc. All references checked have stated that T-G's work has been excellent and completed on time. According to submittal documents, T-G Excavating, Inc. has completed projects of a similar nature with a total cost of over \$34 Million, and has completed several projects within the past three years that each exceed \$1 Million.

RJN Group, Inc. is currently in the process of reviewing MBE/WBE, bond and insurance documents and will issue a recommendation concluding our review.

Should you have any further questions, please call me at (972) 437-4300.

RJN Group, Inc.

Thomas A. Harris, P.E.
Senior Project Manager

xc: file

CITY OF FAYETTEVILLE
SANITARY SEWER REPLACEMENT AND REHABILITATION
ILLINOIS RIVER AND WHITE RIVER WATERSHED BASINS
 (1-1-8), 1-10-12, 1-16, 1-17, 1-19, W-2 AND V-2

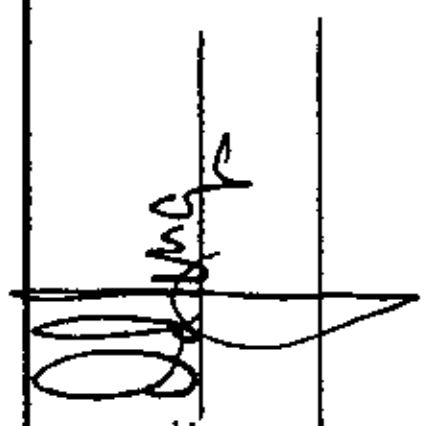
BID OPENING: JANUARY 19, 2008				RJN	T-G EXCAVATING		HELLER CO., INC.		KRAUS CONSTRUCTION CO., LLC	
ITEM	QUANT	UNIT	DESCRIPTION OF ITEM	ESTIMATE	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL
1	59	EA	48" STANDARD MANHOLE, 0'-8" DEEP	177,000.00	1,800.00	\$112,100.00	3,000.00	\$177,000.00	4,800.00	\$271,400.00
2	66	VF	48" STANDARD MANHOLE, EXTRA DEPTH	13,200.00	150.00	\$9,900.00	90.00	\$5,940.00	450.00	\$29,700.00
3	11	EA	48" DROP MANHOLE, 0'-8" DEEP	38,500.00	2,500.00	\$27,500.00	4,000.00	\$44,000.00	8,000.00	\$88,000.00
4	31	VF	48" DROP MANHOLE, EXTRA DEPTH	7,750.00	200.00	\$6,200.00	90.00	\$2,760.00	700.00	\$21,700.00
5	4	EA	48" SHALLOW MANHOLE	9,800.00	2,000.00	\$8,000.00	2,800.00	\$11,200.00	4,600.00	\$18,400.00
6	4	EA	ABANDON EXISTING MANHOLE	4,000.00	1,000.00	\$4,000.00	250.00	\$1,000.00	3,700.00	\$14,800.00
7	42	EA	REMOVE EXISTING MANHOLE	42,000.00	100.00	\$4,200.00	300.00	\$12,600.00	4,700.00	\$19,400.00
8	588	LF	18" SEWER PIPE BY OPEN CUT AND EMBEDMENT	88,200.00	150.00	\$88,200.00	275.00	\$161,700.00	289.00	\$158,172.00
9	25	LF	10" SEWER PIPE BY OPEN CUT AND EMBEDMENT	2,500.00	150.00	\$3,750.00	225.00	\$5,625.00	145.00	\$3,625.00
10	5,300	LF	8" SEWER PIPE BY OPEN CUT AND EMBEDMENT	424,000.00	100.00	\$530,000.00	150.00	\$795,000.00	123.00	\$651,900.00
11	3,616	LF	TRENCH EXCAVATION AND BACKFILL (0-6 FEET)	72,320.00	0.10	\$361.60	2.00	\$7,232.00	30.00	\$108,480.00
12	2,229	LF	TRENCH EXCAVATION AND BACKFILL (6-10 FEET)	55,723.00	0.20	\$445.80	4.00	\$8,916.00	34.00	\$75,786.00
13	5,845	LF	TRENCH SAFETY	17,535.00	1.00	\$5,845.00	1.00	\$5,845.00	8.00	\$46,760.00
14	3,554	LF	8" SEWER PIPE BY TRENCHLESS PIPE ENLARGEMENT, ALL DEPTHS	408,710.00	90.00	\$318,980.00	140.00	\$497,560.00	119.00	\$422,926.00
15	170	LF	8" RESTRAINED JOINT PVC SEWER PIPE BY TRENCHLESS PIPE ENLARGEMENT, ALL DEPTHS	21,250.00	110.00	\$18,700.00	160.00	\$27,200.00	129.00	\$21,930.00
16	120	LF	8" SANITARY SEWER BY BORE (NO CASING)	48,000.00	100.00	\$12,000.00	225.00	\$27,000.00	203.00	\$24,360.00
17	215	LF	8" SANITARY SEWER BY DIRECTIONAL DRILLING	26,873.00	180.00	\$36,700.00	230.00	\$48,450.00	203.00	\$43,645.00
18	2,262	LF	16" SEWER PIPE BY PIPE REAMING, ALL DEPTHS	622,050.00	200.00	\$452,400.00	380.00	\$859,580.00	276.00	\$624,312.00
19	50	EA	4" SERVICE LATERAL FOR LINE OPEN CUT	12,500.00	800.00	\$40,000.00	1,500.00	\$75,000.00	3,000.00	\$150,000.00
20	51	EA	4" SERVICE LATERAL FOR LINE TRENCHLESS PIPE REHABILITATION	51,000.00	800.00	\$40,800.00	1,500.00	\$78,500.00	2,500.00	\$127,500.00
21	242	LF	SERVICE LATERAL EXTENSION (> 4 FEET IN LENGTH)	7,744.00	90.00	\$21,780.00	65.00	\$15,730.00	130.00	\$31,460.00
22	101	EA	4" SERVICE LATERAL CLEANOUT	32,320.00	200.00	\$20,200.00	700.00	\$70,700.00	200.00	\$20,200.00
23	6	EA	CUT AND PLUG EXISTING SEWER	1,200.00	500.00	\$3,000.00	1,200.00	\$7,200.00	400.00	\$2,400.00
24	1	EA	18" TO 12" REDUCER	500.00	800.00	\$800.00	2,000.00	\$2,000.00	1,100.00	\$1,100.00
25	1	LS	CREEK CROSSING (LR216) - INCL. CONCRETE ENCASUREMENT, STEEL ENCASUREMENT, PIERS & ANCHORING	21,600.00	25,000.00	\$25,000.00	64,000.00	\$64,000.00	50,000.00	\$50,000.00
26	4	EA	REMOVE EXISTING CONCRETE PIERS	8,000.00	300.00	\$1,200.00	2,200.00	\$8,800.00	2,000.00	\$8,000.00
27	32	EA	CLAY DAM	20,800.00	200.00	\$8,400.00	190.00	\$8,060.00	500.00	\$16,000.00
28	153	SY	CONCRETE DRIVEWAY REMOVAL AND REPLACEMENT	7,650.00	50.00	\$7,650.00	100.00	\$15,300.00	130.00	\$19,890.00
29	420	LF	CONCRETE CURB & GUTTER REMOVAL AND REPLACEMENT	10,500.00	26.00	\$10,500.00	25.00	\$10,500.00	55.00	\$23,100.00
30	1,319	SY	ASPHALT PAVEMENT REMOVAL/REPLACEMENT	59,355.00	120.00	\$158,280.00	45.00	\$59,355.00	210.00	\$276,990.00
31	25	SY	ASPHALT DRIVEWAY REMOVAL AND REPLACEMENT	1,000.00	50.00	\$1,250.00	100.00	\$2,500.00	220.00	\$5,500.00
32	10	SY	CONCRETE PAVEMENT REMOVAL/REPLACEMENT	600.00	90.00	\$900.00	100.00	\$1,000.00	150.00	\$1,500.00
33	636	SF	CONCRETE SIDEWALK REMOVAL AND REPLACEMENT	5,088.00	10.00	\$6,360.00	15.00	\$9,540.00	10.00	\$6,360.00
34	1	EA	REMOVE AND REPLACE WOOD FOOTBRIDGE	1,000.00	3,000.00	\$3,000.00	4,500.00	\$4,500.00	2,000.00	\$2,000.00
35	142	CY	ROCK RIP RAP (INCLUDING GROUT)	4,260.00	100.00	\$14,200.00	100.00	\$14,200.00	80.00	\$11,360.00
36	20	LF	16" DIRECT BURY STEEL CASING	2,000.00	110.00	\$2,200.00	265.00	\$5,300.00	100.00	\$2,000.00
37	5	CY	6" CONCRETE ENCASUREMENT	500.00	150.00	\$750.00	500.00	\$2,500.00	110.00	\$550.00
38	6	EA	REMOVE AND REPLACE 2'-4" DOGWOOD TREES	1,800.00	400.00	\$2,400.00	1,300.00	\$7,800.00	110.00	\$660.00

CITY OF FAYETTEVILLE
SANITARY SEWER REPLACEMENT AND REHABILITATION
ILLINOIS RIVER AND WHITE RIVER WATERSHED BASINS
1-1-6, 1-10-12, 1-16, 1-17, 1-19, W-2 AND W-2

BID OPENING: JANUARY 19, 2006				RJN	T-G EXCAVATING		HELLER CO., INC.		KRAUS	
				ESTIMATE	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL
ITEM	QUANT	UNIT	DESCRIPTION OF ITEM							
39	7	EA	UTILITY ADJUSTMENTS	7,000.00	600.00	\$4,200.00	800.00	\$5,600.00	3,000.00	\$21,000.00
40	2	EA	REPAIR BOX CULVERT	6,000.00	1,000.00	\$2,000.00	2,700.00	\$5,400.00	9,000.00	\$18,000.00
41	4	EA	REMOVE AND REPLACE EXISTING RCP	4,000.00	2,000.00	\$8,000.00	1,500.00	\$6,000.00	1,700.00	\$6,800.00
42	2	EA	REMOVE AND REPLACE EXISTING CMP	2,000.00	1,500.00	\$3,000.00	1,200.00	\$2,400.00	1,700.00	\$3,400.00
43	1	EA	ECCENTRIC REDUCER	500.00	1,500.00	\$1,500.00	2,400.00	\$2,400.00	1,000.00	\$1,000.00
44	100	LF	POINT REPAIR REMOVAL OF OBSTRUCTIONS OR SAGS	10,000.00	100.00	\$10,000.00	250.00	\$25,000.00	300.00	\$30,000.00
45	1	LS	SURFACE VIDEO DOCUMENTATION	10,000.00	2,000.00	\$2,000.00	75,000.00	\$75,000.00	42,000.00	\$42,000.00
46	1	LS	EROSION CONTROL	14,000.00	3,000.00	\$3,000.00	30,000.00	\$30,000.00	74,000.00	\$74,000.00
47	1	LS	TRAFFIC CONTROL	8,000.00	5,849.60	\$5,849.60	40,000.00	\$40,000.00	100,000.00	\$100,000.00
48	1	LS	TREE PROTECTION AND PRUNING	10,000.00	3,000.00	\$3,000.00	25,000.00	\$25,000.00	26,000.00	\$26,000.00
49	100	LF	SAG REMOVAL	15,000.00	100.00	\$10,000.00	250.00	\$25,000.00	200.00	\$20,000.00
50	5	EA	EXPLORATORY EXCAVATION	5,000.00	1,000.00	\$5,000.00	4,500.00	\$22,500.00	1,300.00	\$6,500.00
51	100	CY	ROCK EXCAVATION	10,000.00	200.00	\$20,000.00	200.00	\$20,000.00	150.00	\$15,000.00
52	1,000	LF	ROOT CUTTING	4,000.00	3.00	\$3,000.00	7.00	\$7,000.00	13.00	\$13,000.00
53	10	EA	OBSTRUCTION REMOVAL	12,000.00	500.00	\$5,000.00	2,500.00	\$25,000.00	1,800.00	\$18,000.00
			SUBTOTAL, CONSTRUCTION	2,446,132.00		\$2,094,382.00		\$3,474,423.00		\$3,974,568.00
A1	232	LF	ALTERNATE BID ITEMS (CONSTRUCTION)	28,000.00	170.00	\$39,440.00	230.00	\$53,360.00	210.00	\$48,720.00
			SUBTOTAL, ALTERNATE BID ITEMS	28,000.00		\$39,440.00		\$63,360.00		\$48,720.00
PR01	1	LS	POINT REPAIRS	\$5,000.00	2,000.00	\$2,000.00	5,500.00	\$5,500.00	10,000.00	\$10,000.00
PR02, 02A	2	LS	6" AC PIPE 0-6' DEEP 10 FEET LONG	\$11,000.00	2,000.00	\$4,000.00	3,800.00	\$7,200.00	10,000.00	\$20,000.00
PR04	1	LS	6" VCP 0-6' DEEP 10 FEET LONG	\$5,000.00	2,000.00	\$2,000.00	2,800.00	\$2,800.00	13,000.00	\$13,000.00
PR06	1	LS	10" VCP 6-10' DEEP 36 FEET LONG	\$18,000.00	3,000.00	\$3,000.00	8,800.00	\$6,800.00	18,000.00	\$18,000.00
PR07	1	LS	8" PVC 6-10' DEEP 10 FEET LONG	\$5,500.00	3,000.00	\$3,000.00	2,800.00	\$2,800.00	8,000.00	\$8,000.00
PR09	1	LS	16" VCP 6-10' DEEP 10 FEET LONG	\$7,500.00	3,000.00	\$3,000.00	5,000.00	\$5,000.00	10,000.00	\$10,000.00
PR10	1	LS	8" PLASTIC TRUSS PIPE 0-6' DEEP 10 FEET LONG	\$5,000.00	2,000.00	\$2,000.00	4,200.00	\$4,200.00	14,000.00	\$14,000.00
PR11	1	LS	15" VCP 6-10' DEEP 15 FEET LONG	\$8,000.00	3,000.00	\$3,000.00	4,800.00	\$4,800.00	15,000.00	\$15,000.00
PR17	1	LS	6" VCP 0-6' DEEP 10 FEET LONG	\$5,000.00	2,000.00	\$2,000.00	2,800.00	\$2,800.00	14,000.00	\$14,000.00
PR21	1	LS	6" VCP 0-6' DEEP REPLACE SERVICE LINE TO PROPERTY	\$5,000.00	2,000.00	\$2,000.00	3,300.00	\$3,300.00	12,000.00	\$12,000.00
PR22	1	LS	8" VCP 0-6' DEEP 18 FEET LONG (TREE PROTECTION REQD)	\$13,000.00	2,000.00	\$2,000.00	4,400.00	\$4,400.00	8,000.00	\$8,000.00
PR24	1	LS	8" VCP 0-6' DEEP 10 FEET LONG	\$5,500.00	2,000.00	\$2,000.00	2,800.00	\$2,800.00	8,000.00	\$8,000.00
PR25	1	LS	8" VCP 0-6' DEEP 10 FEET LONG	\$5,500.00	2,000.00	\$2,000.00	2,800.00	\$2,800.00	8,000.00	\$8,000.00
PR27	1	LS	8" PVC 0-6' DEEP REPLACE SERVICE LINE TO PROPERTY	\$6,000.00	3,000.00	\$3,000.00	3,900.00	\$3,900.00	15,000.00	\$15,000.00
PR28	1	LS	6" VCP 0-6' DEEP 19 FEET LONG WITH 10' LONG CONCRETE PATCH REPLACEMENT	\$10,600.00	3,000.00	\$3,000.00	6,600.00	\$6,600.00	19,000.00	\$19,000.00

CITY OF FAYETTEVILLE
SANITARY SEWER REPLACEMENT AND REHABILITATION
ILLINOIS RIVER AND WHITE RIVER WATERSHED BASINS
I-1-8, I-10-12, I-15, I-17, I-19, W-2 AND W-21

BID OPENING: JANUARY 19, 2006				RJN	T-G EXCAVATING		HELLER CO., INC.		KRAUS CONSTRUCTION CO., LLC	
ITEM	QUANT	UNIT	DESCRIPTION OF ITEM	ESTIMATE	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL
PR30	1	LS	8" PVC 0-6" DEEP REPLACE SERVICE LINE TO PROPERTY	\$5,000.00	3,000.00	\$3,000.00	3,000.00	\$3,000.00	17,000.00	\$17,000.00
PR31	1	LS	6" VCP 0-6" DEEP 10 FEET LONG	\$5,000.00	3,000.00	\$3,000.00	2,800.00	\$2,800.00	19,000.00	\$19,000.00
PR33	1	LS	8" VCP 0-6" DEEP REPLACE SERVICE LINE TO PROPERTY	\$5,000.00	3,000.00	\$3,000.00	2,800.00	\$2,800.00	21,000.00	\$21,000.00
PR37	1	LS	6" VCP 0-6" DEEP 10 FEET LONG	\$5,500.00	2,000.00	\$2,000.00	2,800.00	\$2,800.00	5,000.00	\$5,000.00
PR38	1	LS	8" VCP 0-6" DEEP 10 FEET LONG WITH POSSIBLE GAS MAIN CROSSING	\$6,500.00	2,000.00	\$2,000.00	4,800.00	\$4,800.00	5,000.00	\$5,000.00
PR39	1	LS	8" VCP 0-6" DEEP 10 FEET LONG	\$6,500.00	3,000.00	\$3,000.00	2,900.00	\$2,900.00	5,000.00	\$5,000.00
PR40	1	LS	8" VCP 8-10" DEEP 15 FEET LONG	\$8,000.00	3,000.00	\$3,000.00	4,200.00	\$4,200.00	17,000.00	\$17,000.00
PR40A	1	LS	8" VCP 8-10" DEEP 10 FEET LONG	\$6,500.00	2,000.00	\$2,000.00	4,000.00	\$4,000.00	5,000.00	\$5,000.00
PR41	1	LS	6" VCP 0-6" DEEP 10 FEET LONG (10' DRIVEWAY REPAIR)	\$5,600.00	3,000.00	\$3,000.00	6,300.00	\$6,300.00	13,000.00	\$13,000.00
PR41A	1	LS	6" VCP 0-6" DEEP REPLACE SERVICE LINE TO PROPERTY	\$5,500.00	3,000.00	\$3,000.00	4,200.00	\$4,200.00	14,000.00	\$14,000.00
PR42	1	LS	8" PVC 6-10" DEEP 10 FEET LONG (CONCRETE ENCASMENT IN A CREEK)	\$7,000.00	3,000.00	\$3,000.00	6,500.00	\$6,500.00	12,000.00	\$12,000.00
PR43	1	LS	8" PVC 0-6" DEEP 10 FEET LONG	\$6,000.00	2,000.00	\$2,000.00	2,800.00	\$2,800.00	5,000.00	\$5,000.00
PR45	1	LS	8" VCP 8-10" DEEP 14 FEET LONG WITH MANHOLE REPLACEMENT	\$10,000.00	2,000.00	\$2,000.00	8,900.00	\$8,900.00	28,000.00	\$28,000.00
PR45A	1	LS	8" VCP 8-10" DEEP 30 FEET LONG	\$15,000.00	3,000.00	\$3,000.00	10,000.00	\$10,000.00	26,000.00	\$26,000.00
PR45B	1	LS	8" VCP 0-6" DEEP 10 FEET LONG	\$5,500.00	2,000.00	\$2,000.00	3,500.00	\$3,500.00	26,000.00	\$26,000.00
			SUBTOTAL, POINT REPAIRS	\$216,200.00		\$77,000.00		\$136,000.00		\$408,000.00
A1	20	LF	ALTERNATE BID ITEMS (POINT REPAIRS)	\$2,000.00	300.00	\$6,000.00	225.00	\$4,500.00	200.00	\$4,000.00
A2	31	EA	ADDITIONAL PIPE FOR POINT REPAIRS (AS DIRECTED BY ENGINEER) CLAY DAM	\$20,150.00	200.00	\$6,200.00	190.00	\$5,890.00	500.00	\$15,500.00
			SUBTOTAL, ALTERNATE BID ITEMS	\$22,150.00		\$12,200.00		\$10,390.00		\$19,500.00
			RECAP							
			SUBTOTAL, CONSTRUCTION	\$ 2,446,132.00		\$ 2,094,382.00		\$ 3,474,423.00		\$ 3,974,566.00
			SUBTOTAL, CONSTRUCTION, ALTERNATE BID ITEMS	\$ 28,000.00		\$ 39,440.00		\$ 53,360.00		\$ 48,720.00
			SUBTOTAL POINT REPAIRS	\$ 218,200.00		\$ 77,000.00		\$ 136,000.00		\$ 408,000.00
			SUBTOTAL POINT REPAIRS, ALTERNATE BID ITEMS	\$ 22,150.00		\$ 12,200.00		\$ 10,390.00		\$ 19,500.00
			10% CONTINGENCY	\$ 271,548.00						
			TOTAL	\$ 2,987,030.00		\$ 2,223,022.00		\$ 3,874,173.00		\$ 4,450,786.00

City Of Fayetteville (Not a Purchase Order)										Requisition No.: Date: 2/16/2006 Expected Delivery Date:
Vendor #: 6779 Vendor Name: T-G Excavating, Inc. Address: 26016 East Admiral Place City: Catoosa State: OK Requester: David Jurgens	Fob Point: Zip Code: 74015 Ship to code: 490 Requester's Employee #: 490	Mail Yes: No: Taxable Yes: No: Division Head Approval:	Quotes Attached Yes: No:	Fixed Asset #						
Item Description 1 Sanitary Sewer Main Replacement and 2 Rehabilitation 3 4 5 6 7 8 9 10 Shipping/Handling	Quantity 1 	Unit of Issue EA 	Unit Cost 2,223,022.00 	Extended Cost \$2,223,022.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00	Account Numbers 5400-5700-5315.00	Project/Subproject # 02017-0401	Inventory #	Subtotal: \$2,223,022.00 Tax: \$0.00 Total: \$2,223,022.00		
Special Instructions:									Subtotal: \$2,223,022.00 Tax: \$0.00 Total: \$2,223,022.00	
Approvals:									Sanitary Sewer Main Replacement T-G Excavating, Inc. Page 8	
Mayor: _____ Department Director:  Finance & Internal Services Director: _____ Dispatch Manager: _____ Budget Manager: _____ Utilities Manager: _____ Purchasing Manager: _____ IT Manager: _____ Other: _____									Revised 8/1/01	

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

27 Mar-06
City Council Meeting Date

David Jurgens
Submitted By

Water/Wastewater
Division

Water/Wastewater
Department

Action Required:

Approval of a construction contract with Oscar Renda Contracting, as approved by the Sewer Committee, in the amount of \$7,014,948.00, for construction of the gravity sewer lines from Old Wire Road to Gregg and Porter Road to the Hamestring Lift Station, WL-1 and 3, and approve a 4% contingency of \$280,000.00. Funds are available in Fiscal Year 2006 WSIP budget.

\$7,294,948.00

Cost of this request

4480-9480-5315.00

Account Number

02133.0312

Project Number

\$ 105,920,694.00

Category/Project Budget

\$ 83,414,779.00

Funds Used to Date

\$ 22,505,915.00

Remaining Balance

Wastewater System Imp Project

Program Category / Project Name

Water and Wastewater

Program / Project Category Name

Water/Sewer

Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐

[Signature] 16 Feb 06
Department Director Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

[Signature] 3/3/06
City Attorney

[Signature] 3-6-06
Finance and Internal Service Director Date

[Signature] 3/6/06
Mayor Date

Received in City Clerk's Office

ENTERED

2/17/06

Received in Mayor's Office

ENTERED

3/3/06

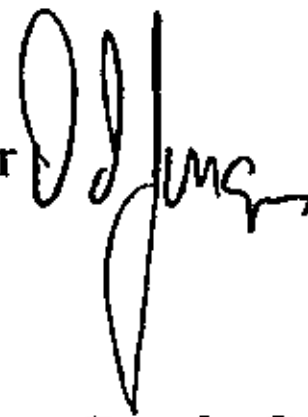
Comments:

CITY COUNCIL AGENDA MEMO

To: Fayetteville City Council

Thru: Mayor Dan Coody

From: Fayetteville Sewer Committee
David Jurgens, Water and Wastewater Director



Date: February 16, 2006

Subject: Approval of a construction contract with Oscar Renda Contracting, as approved by the Sewer Committee, in the amount of \$7,014,948.00, for construction of the gravity sewer lines from Old Wire Road to Gregg and Porter Road to the Hamestring Lift Station, WL-1 and 3, and approve a 4% contingency of \$280,000.00. Funds are available in Fiscal Year 2006 WSIP budget.

RECOMMENDATION

Fayetteville Sewer Committee and City Administration recommend approval of a construction contract with Oscar Renda Contracting., in the amount of \$7,014,948.00, for construction of the gravity sewer lines from Old Wire Road to Gregg and Porter Road to the Hamestring Lift Station, WL-1 and 3, and approve a 4% contingency of \$280,000.00.

BACKGROUND

The City received four bids for this project, as follows:

Oscar Renda	\$ 7,014,948.00 (low bid)
Kraus Const	9,737,357.00
S. J. Lewis	8,169,975.82
Perma Corporation	15,349,406.60
Engineer's Estimate	\$ 8,765,122.00

The project entails installing construction of approximately 30,831' of mostly 21-36" gravity sewer main, 116 new manholes, remove and/or abandon 114 manholes, install 2,015' of 36-48" bore and jack, and related work, along Hamestring Creek and Mud Creek, from the existing Old Wire Road Lift Station to the Gregg Avenue Lift Station, and from the existing Porter Road Lift Station to the new Hamestring Lift Station .

DISCUSSION

The bid has been reviewed by RJN Group, the Engineer; their letter recommending award is attached. The Arkansas Natural Resources Commission will complete their review prior to contract award.

Oscar Renda is out of Arlington Texas. Although they have not performed any work in this area, their references are excellent and we seldom have local projects large enough to attract them.

BUDGET IMPACT

Funds are available in Fiscal Year 2006 budget. This contract will be funded by sales tax bond proceeds or by a sales tax based Revolving Loan Fund loan.

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONSTRUCTION CONTRACT WITH OSCAR RENDA CONTRACTING IN THE AMOUNT OF \$7,014,948.00 FOR CONSTRUCTION OF GRAVITY SEWER LINES FROM OLD WIRE ROAD TO GREGG AND PORTER ROAD TO THE HAMESTRING LIFT STATION, WL-1 & WL-3; AND APPROVING A 4% PROJECT CONTINGENCY IN THE AMOUNT OF \$280,000.00.

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 contract with Oscar Renda Contracting in the amount of \$7,014,948.00 for construction of gravity sewer lines from Gregg and Porter Road to the Hamestring Lift Station, WL-1 & WL-3. A copy of the contract, marked Exhibit "A" is attached hereto, and made a part hereof.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a 4% project contingency in the amount of \$280,000.00.

PASSED and APPROVED this 21st day of March, 2006.

APPROVED

By:

DAN GOODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk



Excellence through Ownership

February 9, 2006

Mr. Dave Jurgens, P.E.
City of Fayetteville
Director Water and Wastewater
113 West Mountain Street
Fayetteville, AR 72701

Subject: Bid 06-05
Fayetteville WL-1/WL-3 Old Wire to Gregg Interceptor and Porter to Hamestring
Interceptor
RJN#18187500

Dear Mr. Jurgens:

RJN has reviewed and processed the Contractor Bids for the above referenced project. All bids are correct as submitted by each contractor. Oscar Renda Contracting, Inc. is certified to be the low bidder with a total bid amount of seven million fourteen thousand nine hundred forty-eight and no cents (\$7,014,948.00).

RJN has checked references supplied by Oscar Renda Contracting, Inc. All references checked have stated that Oscar Renda's work has been excellent and completed on time. Oscar Renda Contracting, Inc. has completed projects of similar in nature, with many projects having a total cost of over \$4 Million, and has completed two projects within the past three years that each exceed \$21 Million.

RJN recommends that the contract for Bid 06-05 in the amount of \$ 7,014,948.00 be awarded to the low bidder, Oscar Renda Contracting, Inc.. Attached are the documents submitted by Oscar Renda Contracting, Inc. that demonstrate a good faith effort in utilizing MBE/WBE firms.

Should you have any further questions, please call me at (972) 437-4300.

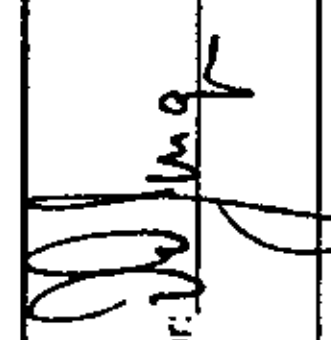
RJN Group, Inc.

Thomas A. Harris, P.E.
Senior Project Manager

xc: file

CITY OF FAYETTEVILLE
OLD WIRE TO GREGG AVENUE INTERCEPTOR / PORTER ROAD TO HAMESTRING LIFT STATION INTERCEPTOR
PROJECT NO. WL-1WL-3

Item No.		Quantity	Unit	Item Description	RJA Group Engineers Estimate		Oscar Renda Contracting		S.J. Louis Construction		Kraus Construction Co., LLC		Perma Corporation	
					Unit Cost	Total Amount	Unit Cost	Total Amount	Unit Cost	Total Amount	Unit Cost	Total Amount	Unit Cost	Total Amount
1		1	LS	Site Preparation, Clearing and Grubbing	\$ 80,000	\$ 80,000	\$ 300,000.00	\$ 300,000.00	\$ 358,000.00	\$ 358,000.00	\$ 1,121,000.00	\$ 1,121,000.00	\$ 2,345,000.00	\$ 2,345,000.00
2		31,823	LF	Construction Staking	\$ 78,558	\$ 2,500,000.00	\$ 5.00	\$ 159,115.00	\$ 2.00	\$ 63,846.00	\$ 1.00	\$ 31,823.00	\$ 0.90	\$ 28,840.70
3		1	EA	Construct 72" Dia. Manhole (All Depths)	\$ 8,400	\$ 8,400	\$ 6,500.00	\$ 6,500.00	\$ 8,800.00	\$ 8,800.00	\$ 12,000.00	\$ 12,000.00	\$ 11,700.00	\$ 11,700.00
4		27	EA	Construct 60" Dia. Manhole	\$ 138,600	\$ 3,748,200.00	\$ 4,800.00	\$ 129,600.00	\$ 7,200.00	\$ 194,400.00	\$ 7,400.00	\$ 199,800.00	\$ 6,200.00	\$ 167,400.00
5		227	VF	Construct 60" Dia. Manhole, Extra Depth	\$ 81,540	\$ 18,708,600.00	\$ 170.00	\$ 38,590.00	\$ 300.00	\$ 68,100.00	\$ 420.00	\$ 95,340.00	\$ 144.00	\$ 32,688.00
6		7	EA	Construct 80" Dia. Drop Manhole	\$ 46,200	\$ 323,400.00	\$ 5,800.00	\$ 40,600.00	\$ 12,100.00	\$ 84,700.00	\$ 15,000.00	\$ 105,000.00	\$ 8,800.00	\$ 60,200.00
7		72	EA	Construct 48" Dia. Manhole	\$ 316,800	\$ 22,809,600.00	\$ 1,500.00	\$ 108,000.00	\$ 5,000.00	\$ 360,000.00	\$ 6,000.00	\$ 432,000.00	\$ 4,600.00	\$ 331,200.00
8		318	VF	Construct 48" Dia. Manhole, Extra Depth	\$ 95,400	\$ 30,358,200.00	\$ 100.00	\$ 31,800.00	\$ 220.00	\$ 69,960.00	\$ 340.00	\$ 108,120.00	\$ 81.00	\$ 25,758.00
9		8	EA	Construct 48" Dia. Drop Manhole	\$ 40,000	\$ 320,000.00	\$ 2,200.00	\$ 17,600.00	\$ 10,300.00	\$ 82,400.00	\$ 12,000.00	\$ 96,000.00	\$ 8,000.00	\$ 64,000.00
10		518	LF	36" Sewer Pipe and embedment	\$ 71,484	\$ 37,128,792.00	\$ 180.00	\$ 98,420.00	\$ 188.00	\$ 97,344.00	\$ 178.00	\$ 92,204.00	\$ 136.00	\$ 70,448.00
11		6,434	LF	30" Sewer Pipe and embedment	\$ 739,910	\$ 4,759,846.00	\$ 140.00	\$ 900,760.00	\$ 149.00	\$ 958,686.00	\$ 145.00	\$ 932,930.00	\$ 108.00	\$ 682,004.00
12		3,340	LF	27" Sewer Pipe and embedment	\$ 340,680	\$ 1,137,828.00	\$ 120.00	\$ 400,800.00	\$ 140.00	\$ 467,600.00	\$ 120.00	\$ 400,800.00	\$ 83.00	\$ 277,220.00
13		17,684	LF	24" Sewer Pipe and embedment	\$ 1,485,456	\$ 26,068,800.00	\$ 110.00	\$ 1,945,240.00	\$ 123.00	\$ 2,175,132.00	\$ 89.00	\$ 1,573,878.00	\$ 62.00	\$ 1,096,408.00
14		2,193	LF	21" Sewer Pipe and embedment	\$ 157,898	\$ 346,242.00	\$ 100.00	\$ 219,300.00	\$ 122.00	\$ 267,548.00	\$ 81.00	\$ 177,633.00	\$ 54.00	\$ 118,422.00
15		302	LF	18" Sewer Pipe and embedment	\$ 18,120	\$ 5,478,240.00	\$ 80.00	\$ 24,160.00	\$ 119.00	\$ 35,938.00	\$ 70.00	\$ 21,140.00	\$ 50.00	\$ 15,100.00
16		14	LF	12" Sewer Pipe and embedment	\$ 756	\$ 10,584.00	\$ 80.00	\$ 1,120.00	\$ 20.00	\$ 280.00	\$ 70.00	\$ 980.00	\$ 30.00	\$ 420.00
17		113	LF	10" Sewer Pipe and embedment	\$ 5,424	\$ 612,864.00	\$ 75.00	\$ 8,475.00	\$ 15.00	\$ 1,695.00	\$ 60.00	\$ 6,780.00	\$ 27.00	\$ 3,051.00
18		233	LF	8" Sewer Pipe and embedment	\$ 9,786	\$ 2,279,838.00	\$ 70.00	\$ 16,310.00	\$ 18.00	\$ 4,194.00	\$ 60.00	\$ 13,980.00	\$ 24.00	\$ 5,592.00
19		13	LF	8" Lined DIP Sewer Pipe	\$ 1,300	\$ 16,902.00	\$ 85.00	\$ 1,105.00	\$ 42.00	\$ 546.00	\$ 150.00	\$ 1,950.00	\$ 50.00	\$ 650.00
20		1	EA	24" Lined DIP Manhole Subout	\$ 1,800	\$ 1,800.00	\$ 900.00	\$ 900.00	\$ 2,500.00	\$ 2,500.00	\$ 3,500.00	\$ 3,500.00	\$ 5,500.00	\$ 5,500.00
21		4,374	LF	Trench Excavation and Backfill (0-8 feet)	\$ 91,854	\$ 401,814.00	\$ 10.00	\$ 43,740.00	\$ 0.01	\$ 43.74	\$ 9.00	\$ 39,366.00	\$ 53.00	\$ 231,822.00
22		17,564	LF	Trench Excavation and Backfill (8-12 feet)	\$ 562,048	\$ 9,858,803.20	\$ 20.00	\$ 351,280.00	\$ 0.01	\$ 175.64	\$ 11.00	\$ 193,204.00	\$ 68.30	\$ 1,199,621.20
23		6,530	LF	Trench Excavation and Backfill (12-16 feet)	\$ 333,030	\$ 2,174,991.00	\$ 30.00	\$ 195,900.00	\$ 0.01	\$ 65.30	\$ 19.00	\$ 124,070.00	\$ 91.00	\$ 594,230.00
24		685	LF	Trench Excavation and Backfill (16-20 feet)	\$ 41,100	\$ 28,163,500.00	\$ 40.00	\$ 27,400.00	\$ 0.01	\$ 6.85	\$ 34.00	\$ 23,290.00	\$ 137.00	\$ 93,845.00
25		60	LF	Trench Excavation and Backfill (20-24 feet)	\$ 4,500	\$ 270,000.00	\$ 100.00	\$ 6,000.00	\$ 0.01	\$ 0.60	\$ 44.00	\$ 2,640.00	\$ 227.00	\$ 13,520.00
26		3,735	CY	Rock Excavation	\$ 373,500	\$ 1,394,475.00	\$ 40.00	\$ 149,400.00	\$ 60.00	\$ 224,100.00	\$ 115.00	\$ 429,525.00	\$ 175.00	\$ 653,625.00
27		461	LF	48" Steel Encasement By Open Cut	\$ 161,350	\$ 74,378,310.00	\$ 220.00	\$ 101,420.00	\$ 360.00	\$ 165,960.00	\$ 260.00	\$ 119,860.00	\$ 1,050.00	\$ 484,050.00
28		675	LF	36" Steel Encasement By Open Cut	\$ 135,000	\$ 91,237,500.00	\$ 145.00	\$ 97,875.00	\$ 288.00	\$ 194,400.00	\$ 230.00	\$ 155,250.00	\$ 725.00	\$ 489,375.00
29		632	LF	48" Steel Encasement By Bore and Jack	\$ 410,800	\$ 260,113,600.00	\$ 700.00	\$ 442,400.00	\$ 775.00	\$ 489,800.00	\$ 830.00	\$ 524,560.00	\$ 2,200.00	\$ 1,390,400.00
30		503	LF	42" Steel Encasement By Bore and Jack	\$ 301,800	\$ 152,005,800.00	\$ 600.00	\$ 301,800.00	\$ 685.00	\$ 344,555.00	\$ 810.00	\$ 407,430.00	\$ 2,150.00	\$ 1,081,450.00
31		880	LF	36" Steel Encasement By Bore and Jack	\$ 484,000	\$ 425,920,000.00	\$ 470.00	\$ 413,800.00	\$ 735.00	\$ 646,800.00	\$ 740.00	\$ 651,200.00	\$ 2,050.00	\$ 1,804,000.00
32		1	LS	Connection to Existing Gregg Lift Station	\$ 18,000	\$ 18,000.00	\$ 7,000.00	\$ 7,000.00	\$ 35,000.00	\$ 35,000.00	\$ 16,000.00	\$ 16,000.00	\$ 65,000.00	\$ 65,000.00
33		14,653	LF	Abandon Existing Sewer	\$ 161,183	\$ 2,371,800.00	\$ 1.00	\$ 14,653.00	\$ 10.00	\$ 146,530.00	\$ 4.00	\$ 58,612.00	\$ 2.50	\$ 36,632.50
34		1	LS	Tree Protection and Pruning	\$ 50,000	\$ 50,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 60,000.00	\$ 60,000.00	\$ 35,000.00	\$ 35,000.00
35		41	EA	Remove Existing Manhole	\$ 41,000	\$ 1,681,000.00	\$ 300.00	\$ 12,300.00	\$ 500.00	\$ 20,500.00	\$ 2,000.00	\$ 82,000.00	\$ 1,000.00	\$ 41,000.00
36		42	EA	Abandon Existing Manhole	\$ 42,000	\$ 1,764,000.00	\$ 200.00	\$ 8,400.00	\$ 1,500.00	\$ 63,000.00	\$ 1,200.00	\$ 50,400.00	\$ 1,300.00	\$ 54,600.00
37		1	EA	Connect Service Lateral	\$ 500	\$ 500.00	\$ 500.00	\$ 500.00	\$ 2,000.00	\$ 2,000.00	\$ 3,600.00	\$ 3,600.00	\$ 2,400.00	\$ 2,400.00
38		10	LF	Extension of Service Lateral	\$ 1,000	\$ 10,000.00	\$ 100.00	\$ 1,000.00	\$ 100.00	\$ 1,000.00	\$ 30.00	\$ 300.00	\$ 40.00	\$ 400.00
39		1	EA	Service Lateral Cleanout	\$ 350	\$ 350.00	\$ 1,000.00	\$ 1,000.00	\$ 100.00	\$ 100.00	\$ 800.00	\$ 800.00	\$ 300.00	\$ 300.00
40		7	EA	Temporary Plug in New Sewer	\$ 1,400	\$ 9,800.00	\$ 300.00	\$ 2,100.00	\$ 500.00	\$ 3,500.00	\$ 1,100.00	\$ 7,700.00	\$ 600.00	\$ 4,200.00
41		605	CY	Trench Foundation Material	\$ 27,225	\$ 16,471,125.00	\$ 7.00	\$ 4,235.00	\$ 25.00	\$ 15,125.00	\$ 34.00	\$ 20,570.00	\$ 33.00	\$ 19,965.00
42		1	LS	Trench Compaction Test	\$ 6,000	\$ 6,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 40,000.00	\$ 40,000.00	\$ 53,000.00	\$ 53,000.00
43		1,816	CY	Rock Rip-Rap	\$ 54,480	\$ 98,716,800.00	\$ 65.00	\$ 118,040.00	\$ 75.00	\$ 136,200.00	\$ 60.00	\$ 108,960.00	\$ 83.00	\$ 150,728.00
44		12	EA	Clay Dam	\$ 5,400	\$ 64,800.00	\$ 100.00	\$ 1,200.00	\$ 750.00	\$ 9,000.00	\$ 2,400.00	\$ 28,800.00	\$ 1,500.00	\$ 18,000.00
45		938	SY	Remove and Replace Asphalt Paving	\$ 60,970	\$ 56,988,600.00	\$ 20.00	\$ 18,760.00	\$ 50.00	\$ 46,900.00	\$ 150.00	\$ 140,700.00	\$ 360.00	\$ 337,680.00
46		3,180	SY	Remove and Replace Asphalt Trails and Paths	\$ 159,000	\$ 504,600.00	\$ 20.00	\$ 63,600.00	\$ 15.00	\$ 47,700.00	\$ 130.00	\$ 413,400.00	\$ 158.00	\$ 496,080.00
47		538	SY	Remove and Replace Concrete Paving	\$ 37,660	\$ 20,240,480.00	\$ 45.00	\$ 24,210.00	\$ 75.00	\$ 40,350.00	\$ 120.00	\$ 64,560.00	\$ 235.00	\$ 126,430.00
48		915	SF	Remove & Replace Concrete Sidewalk	\$ 9,150	\$ 8,372,250.00	\$ 4.00	\$ 3,660.00	\$ 5.00	\$ 4,575.00	\$ 15.00	\$ 13,725.00	\$ 35.00	\$ 32,025.00
49		1,280	SY	Replace Gravel Surfaces	\$ 19,350	\$ 24,758,400.00	\$ 15.00	\$ 19,350.00	\$ 10.00	\$ 12,800.00	\$ 80.00	\$ 103,200.00	\$ 129.00	\$ 166,410.00

City Of Fayetteville (Not a Purchase Order)										Requisition No.:	Date:
Vendor Number:										P.O Number:	Expected Delivery Date:
Vendor Name: Oscar Renda Contracting										Mail Yes: ☐ No: ☒	Quotes Attached No: ☐ Yes: ☐
Address: 522 Benson Lane										Taxable Yes: ☒ No: ☐	Divided Head Approval: ☒
City: Roanoke										Zip Code: 76262	Requester's Employee #: 490
Requester: David Jurgens										Extended Cost	Account Numbers
State: TX										Unit Cost	Quantity
Unit of Issue										EA	1
Description										WSIP WL-1&3 Old Wire to Gregg and Porter to	Extended Cost
Item										1	7,014,948.00
2										Hamstring	\$0.00
3											\$0.00
4											\$0.00
5											\$0.00
6											\$0.00
7											\$0.00
8											\$0.00
9											\$0.00
10											\$0.00
Shipping/Handling										Lot	\$0.00
Special Instructions:											
WSIP Sewer Main Construction, Line WL-1 and										Subtotal:	\$7,014,948.00
										Tax:	\$0.00
										Total:	\$7,014,948.00
Approvals:											
Mayor: 										Purchasing Manager:	
Finance & Internal Services Director: 										IT Manager:	
Dispatch Manager:										Other:	

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

21 Mar-06
City Council Meeting Date

David Jurgens
Submitted By

Water/Wastewater
Division

Water/Wastewater
Department

Action Required:

Approval of a construction contract with Oscar Renda Contracting, as approved by the Sewer Committee, in the amount of \$10,441,319.20, for construction of the gravity sewer lines from Gregg Avenue to the Hamestring Lift Station, WL-4, and approve a 4% contingency of \$418,000.00. Funds are available in Fiscal Year 2006 WSIP budget.

\$10,859,319.20

Cost of this request

4480-9480-5315.00

Account Number

02133.0342

Project Number

\$ 105,920,694.00

Category/Project Budget

\$ 90,709,727.00

Funds Used to Date

\$ 15,210,967.00

Remaining Balance

Wastewater System Imp Project

Program Category / Project Name

Water and Wastewater

Program / Project Category Name

Water/Sewer

Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐

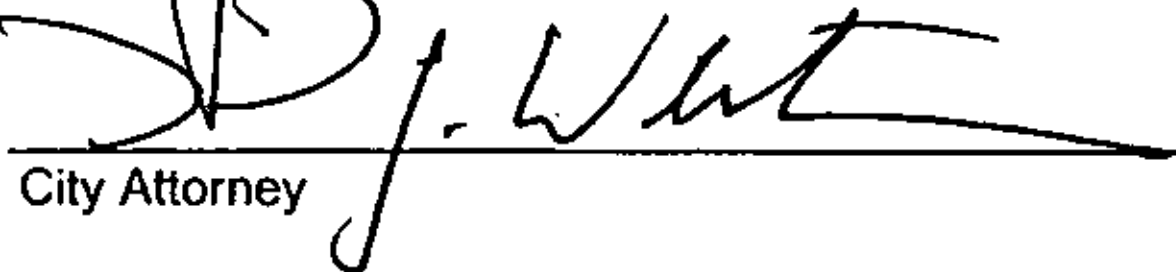

Department Director

16 Feb 06
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

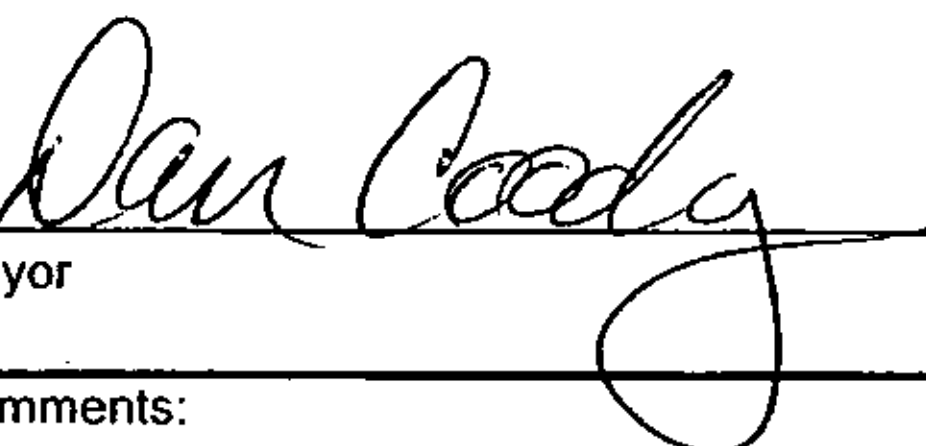

City Attorney

3/3/06
Date


Finance and Internal Service Director

3/6/06
Date

Received in City Clerk's Office


Mayor

3/6/06
Date

Received in Mayor's Office

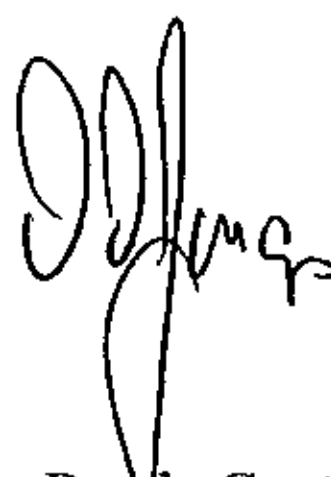
Comments:

CITY COUNCIL AGENDA MEMO

To: Fayetteville City Council

Thru: Mayor Dan Coody

From: Fayetteville Sewer Committee
David Jurgens, Water and Wastewater Director



Date: February 16, 2006

Subject: Approval of a construction contract with Oscar Renda Contracting, as approved by the Sewer Committee, in the amount of \$10,441,319.20, for construction of the gravity sewer lines from Gregg Avenue to the Hamestring Lift Station, WL-4, and approve a 4% contingency of \$418,000.00. Funds are available in Fiscal Year 2006 WSIP budget.

RECOMMENDATION

Fayetteville Sewer Committee and City Administration recommend approval of a construction contract with Oscar Renda Contracting, in the amount of \$10,441,319.20, for construction of the gravity sewer lines from Gregg Avenue to the Hamestring Lift Station, WL-4, and approve a 4% contingency of \$418,000.00.

BACKGROUND

The City received four bids for this project, as follows:

Oscar Renda	\$ 10,441,319.20 (low bid)
S. J. Lewis	10,492,508.82
Kraus Const	11,870,598.00
Garney Companies	12,148,192.50
John Plott Company	14,870,598.00
Engineer's Estimate	\$ 13,503,435.00

The project entails installing construction approximately 24,751' of 8" - 48" gravity sewer main (mostly 48"), 3,876' of 30" force main, 69 new 6' and 5 new 4' diameter manholes, 2,188 of 48 - 72" encasement, and related work along Clabber Creek, from the Gregg Avenue Lift Station to the new Hamestring Lift Station.

DISCUSSION

The bid has been reviewed by RJN Group, the Engineer; their letter recommending award is attached. The Arkansas Natural Resources Commission will complete their review prior to contract award.

Oscar Renda is out of Arlington Texas. Although they have not performed any work in this area, their references are excellent and we seldom have local projects large enough to attract them.

BUDGET IMPACT

Funds are available in Fiscal Year 2006 budget. This contract will be funded by sales tax bond proceeds or by a sales tax based Revolving Loan Fund loan.

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONSTRUCTION CONTRACT WITH OSCAR RENDA CONTRACTING IN THE AMOUNT OF \$10,441,319.20 FOR CONSTRUCTION OF GRAVITY SEWER LINES FROM GREGG AVENUE TO HAMESTRING LIFT STATION, WL-4; AND APPROVING A 4% PROJECT CONTINGENCY IN THE AMOUNT OF \$418,000.00.

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 contract with Oscar Renda Contracting in the amount of \$10,441,319.20 for construction of gravity sewer lines from Gregg Avenue to Hamestring Lift Station, WL-4. A copy of the contract, marked Exhibit "A" is attached hereto, and made a part hereof.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a 4% project contingency in the amount of \$418,000.00.

PASSED and APPROVED this 21st day of March, 2006.

APPROVED

By: DAN COODY, Mayor

ATTEST:

By: SONDRA SMITH, City Clerk

DRAFT



Excellence through Ownership

February 9, 2006

Mr. Dave Jurgens, P.E.
City of Fayetteville
Director Water and Wastewater
113 West Mountain Street
Fayetteville, AR 72701

Subject: Bid 06-06
Fayetteville WL-4 Gregg Avenue Lift Station to Hamestring Lift Station
Interceptor
RJN#18187500

Dear Mr. Jurgens:

RJN has reviewed and processed the Contractor Bids for the above referenced project. All bids are correct as submitted by each contractor. Oscar Renda Contracting, Inc. is certified to be the low bidder with a total bid amount of ten million four hundred forty-one thousand three hundred nineteen and twenty cents (\$10,441,319.20).

RJN has checked references supplied by Oscar Renda Contracting, Inc. All references checked have stated that Oscar Renda's work has been excellent and completed on time. Oscar Renda Contracting, Inc. has completed projects of similar in nature, with many projects having a total cost of over \$4 Million, and has completed two projects within the past three years that each exceed \$21 Million.

RJN recommends that the contract for Bid 06-06 in the amount of \$10,441,319.20 be awarded to the low bidder, Oscar Renda Contracting, Inc.. Attached are the documents submitted by Oscar Renda Contracting, Inc. that demonstrate a good faith effort in utilizing MBE/WBE firms.

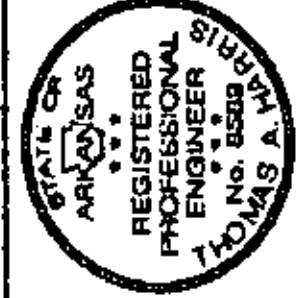
Should you have any further questions, please call me at (972) 437-4300.

RJN Group, Inc.

Thomas A. Harris, P.E.
Senior Project Manager

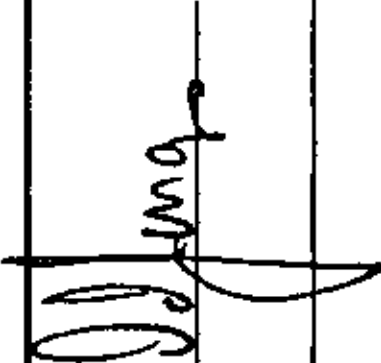
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CITY OF FAYETTEVILLE FAYETTEVILLE WASTEWATER SYSTEM IMPROVEMENT PROJECT GREGG AVENUE LIFT STATION TO HAMESTRING LIFT STATION INTERCEPTOR - CONTRACT WL-4									
Contractors Bidding Project									
Bld Date: January 31, 2008									
Item No.	Quantity	Unit	Item Description	Unit Cost	Total Amount	Unit Cost	Total Amount	Unit Cost	Total Amount
1	1	LS	Site Preparation, Clearing and Grubbing	\$80.00	\$ 80.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00
2	30401	LS	Construction Siding	2.50	\$ 760.25	\$ 1.00	\$ 304.01	\$ 1.00	\$ 304.01
3	64	EA	Construct 72" Dia. Manhole	8,400.00	\$ 537,600	\$ 7,000.00	\$ 448,000	\$ 7,000.00	\$ 448,000
4	3	EA	Construct 72" Dia. Manhole w/ bolted lid	8,500.00	\$ 25,500	\$ 7,500.00	\$ 22,500	\$ 7,500.00	\$ 22,500
5	2	EA	Construct 72" Dia. Drop Manhole	9,000.00	\$ 18,000	\$ 9,000.00	\$ 18,000	\$ 9,000.00	\$ 18,000
6	658	VF	Construct 12" Dia. Manhole, Extra Depth	300.00	\$ 196,800	\$ 400.00	\$ 263,200	\$ 400.00	\$ 263,200
7	6	EA	Construct 48" Dia. Manhole	4,000.00	\$ 24,000	\$ 2,500.00	\$ 15,000	\$ 2,500.00	\$ 15,000
8	1	EA	Construct 48" Deep Dia. Manhole	5,000.00	\$ 5,000	\$ 3,000.00	\$ 3,000	\$ 3,000.00	\$ 3,000
9	51	VF	Construct 48" Dia. Manhole, Extra Depth	200.00	\$ 10,200	\$ 200.00	\$ 10,200	\$ 200.00	\$ 10,200
10	25120	LF	48" Sewer Pipe and Embedment	200.00	\$ 5,145.20	\$ 184.00	\$ 4,523.54	\$ 184.00	\$ 4,523.54
11	180	LF	36" Sewer Pipe and Embedment	190.00	\$ 34,200	\$ 150.00	\$ 27,000	\$ 150.00	\$ 27,000
12	3876	LF	30" Pressure Rated Sewer Pipe and Embedment	150.00	\$ 581,400	\$ 140.00	\$ 542,640	\$ 140.00	\$ 542,640
13	483	LF	10" Sewer Pipe and Embedment	65.00	\$ 31,395	\$ 90.00	\$ 43,470	\$ 90.00	\$ 43,470
14	136	LF	8" Sewer Pipe and Embedment	60.00	\$ 8,160	\$ 60.00	\$ 8,160	\$ 60.00	\$ 8,160
15	3005	LF	Trench Excavation and Backfill (0-8 feet)	21.00	\$ 64,205	\$ 15.00	\$ 45,075	\$ 15.00	\$ 45,075
16	3190	LF	Trench Excavation and Backfill (8-12 feet)	32.00	\$ 102,080	\$ 25.00	\$ 79,750	\$ 25.00	\$ 79,750
17	10459	LF	Trench Excavation and Backfill (12-16 feet)	51.00	\$ 533,409	\$ 35.00	\$ 368,065	\$ 35.00	\$ 368,065
18	5429	LF	Trench Excavation and Backfill (16-20 feet)	60.00	\$ 349,740	\$ 45.00	\$ 262,350	\$ 45.00	\$ 262,350
19	5423	LF	Trench Excavation and Backfill (20-24 feet)	100.00	\$ 542,300	\$ 80.00	\$ 433,840	\$ 80.00	\$ 433,840
20	28608	LF	Trench Safety	2.00	\$ 57,612	\$ 1.00	\$ 28,608	\$ 1.00	\$ 28,608
21	1	LS	Trench Compaction	20,000.00	\$ 20,000	\$ 10,000.00	\$ 10,000	\$ 10,000.00	\$ 10,000
22	12500	CV	Rock Excavation	100.00	\$ 1,250,000	\$ 40.00	\$ 500,000	\$ 40.00	\$ 500,000
23	913	LF	72" Casing by Pipe-Jacking Tunneling Method	1,200.00	\$ 1,085,600	\$ 600.00	\$ 542,700	\$ 600.00	\$ 542,700
24	230	LF	66" Steel Encasement and Embedment by Open Cut	500.00	\$ 115,000	\$ 400.00	\$ 92,000	\$ 400.00	\$ 92,000
25	609	LF	48" Steel Encasement by Dry Auger Bore and Jack Method	800.00	\$ 487,200	\$ 900.00	\$ 548,100	\$ 900.00	\$ 548,100
26	186	LF	48" Steel Encasement by Dry Auger Bore and Jack Method	775.00	\$ 144,150	\$ 700.00	\$ 130,200	\$ 700.00	\$ 130,200
27	300	CV	Concrete Cap for Creek Crossings	700.00	\$ 210,000	\$ 600.00	\$ 180,000	\$ 600.00	\$ 180,000
28	1	LS	Tunnel Shafts	35,000.00	\$ 35,000	\$ 200,000.00	\$ 200,000	\$ 200,000.00	\$ 200,000
29	270	LF	Abandon Existing Sewer	5.00	\$ 1,350	\$ 25.00	\$ 6,750	\$ 25.00	\$ 6,750
30	1	EA	Temporary 48" Diameter Sanitary Sewer Plug	300.00	\$ 300	\$ 1,800.00	\$ 1,800	\$ 1,800.00	\$ 1,800
31	7	EA	Temporary Sanitary Sewer Plug, 8'-12" Diameter	500.00	\$ 3,500	\$ 3,000.00	\$ 21,000	\$ 3,000.00	\$ 21,000
32	3	TN	30" Force Main Fittings	4,500.00	\$ 13,500	\$ 9,000.00	\$ 27,000	\$ 9,000.00	\$ 27,000
33	3	EA	Abandon Existing Manhole	1,200.00	\$ 3,600	\$ 1,000.00	\$ 3,000	\$ 1,000.00	\$ 3,000
34	340	CV	Rock Rep-Rap	60.00	\$ 20,400	\$ 70.00	\$ 23,800	\$ 70.00	\$ 23,800
35	3	EA	Clay Dm	750.00	\$ 2,250	\$ 400.00	\$ 1,200	\$ 400.00	\$ 1,200
36	62	SY	4" Concrete Sidewalk Replacement	65.00	\$ 4,030	\$ 100.00	\$ 6,200	\$ 100.00	\$ 6,200
37	48	SY	Asphaltic Concrete Replacement	10.00	\$ 480	\$ 10.00	\$ 480	\$ 10.00	\$ 480
38	165	SY	Remove & Replace Gravel Surface	15.00	\$ 2,475	\$ 20.00	\$ 3,300	\$ 20.00	\$ 3,300
39	148346	SY	Hydromulch Seeding	2.00	\$ 296,692	\$ 0.20	\$ 29,669	\$ 0.20	\$ 29,669
40	1	LS	Erosion Control and Silttrap	70,000.00	\$ 70,000	\$ 20,000.00	\$ 20,000	\$ 20,000.00	\$ 20,000
41	1	LS	Fence, Gate, and Path for Livestock Wearing	5,000.00	\$ 5,000	\$ 5,000.00	\$ 5,000	\$ 5,000.00	\$ 5,000
42	1	LS	Tree Protection and Pruning	10,000.00	\$ 10,000	\$ 10,000.00	\$ 10,000	\$ 10,000.00	\$ 10,000
43	1	LS	Wetland Topsoil Excavation/Restoration Measures	25,000.00	\$ 25,000	\$ 3,000.00	\$ 3,000	\$ 3,000.00	\$ 3,000
44	1	LS	Traffic Control	20,000.00	\$ 20,000	\$ 5,000.00	\$ 5,000	\$ 5,000.00	\$ 5,000
45	74	EA	Sewer Pipeline Markers	200.00	\$ 14,800	\$ 100.00	\$ 7,400	\$ 100.00	\$ 7,400
46	1	LS	Surface Video Documentation	10,000.00	\$ 10,000	\$ 1,000.00	\$ 1,000	\$ 1,000.00	\$ 1,000
47			Engineer 10% Contingency		\$ 1,227,413.05				
TOTAL PROJECT					\$ 13,501,543.55		\$ 10,441,319.20		\$ 10,492,508.92
							\$ 11,871,598.00		\$ 12,481,927.50
									\$ 14,847,937.50



Engineer Certification:

Thomas A. Harris P.E.
2/3/2008

City Of Fayetteville (Not a Purchase Order)										Requisition No.:		Date: 1/31/2006	
Vendor Number:										P.O. Number:		Expected Delivery Date:	
Vendor Name: Oscar Renda Contracting										Mail Yes: ☐ No: ☒		Quoted Attached No: ☐ Yes: ☒	
Address: 522 Benson Lane Fayetteville										Taxable Yes: ☒ No: ☐		No: ☐	
City: Roanoke										Zip Code: 76262		Ship to code:	
Requester: David Jurgens										Requester's Employee #: 490		Division Head Approval:	
Requester's Employee #: 490										Extension: 330		Inventory #	
Project/Subproject #										02133-0342		Fixed Asset #	
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers							
1	WSIP, WL-4, Gregg to Hamestring	1	EA	\$10,441,319.20	\$10,441,319.20	4480-9480-5315.00							
2					\$0.00								
3					\$0.00								
4					\$0.00								
5					\$0.00								
6					\$0.00								
7					\$0.00								
8					\$0.00								
9					\$0.00								
10					\$0.00								
Shipping/Handling			Lot		\$0.00								
Special Instructions:										Subtotal: \$10,441,319.20		Tax: \$0.00	
										Total: \$10,441,319.20			
WSIP Sewer Main Construction, Line 4													
Oscar Renda Contracting													
Department Director: 										Purchasing Manager: _____			
Budget Manager: _____										IT Manager: _____			
Utilities Manager: _____										Other: _____			
Finance & Internal Services Director: _____													
Dispatch Manager: _____													
Approvals:													
Mayor: _____													

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

21-Mar-06
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

ADM 06-1976: (Paradise Point R-PZD, 177): Submitted by H2 Engineering, Inc. for property located west of Crossover, south of Joyce Boulevard. The property is zoned R-PZD, and contains approximately 1.55 acres. The request is to amend a previously approved Residential Planned Zoning District (Paradise Point R-PZD 05-1734) with 12,065 s.f. of retail space, 12 residential units, and 55 parking spaces. The amendment will allow a second curb cut onto Crossover Road in-lieu of cross-access to the north.

\$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	Remaining Balance	Fund Name
	\$ -	

Budgeted Item ☐

Budget Adjustment Attached ☐

[Signature] 3-2-06
Department Director Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

[Signature] 3-3-06
City Attorney Date

Received in City Clerk's Office
ENTERED
3/2/06

[Signature] 3-3-06
Finance and Internal Service Director Date

Received in Mayor's Office
ENTERED
3/3/06

[Signature] 3/8/06
Mayor Date

Comments:

City Council Meeting of March 21, 2005
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning ^{JP}

Date: March 2, 2006

Subject: Residential Planned Zoning District for Paradise Point (R-PZD 06-1976)

RECOMMENDATION

Planning Staff recommends approval of an ordinance amending Residential Planned Zoning District (R-PZD 05-1734) for Paradise Point. The amendment would permit two curb cuts onto Crossover Road. In addition, staff recommends the construction of a driveway to provide future cross-access from the subject property to the northern property line utilizing the eastern connection as submitted for review at the November 28, 2005 Planning Commission meeting.

BACKGROUND

The subject property consists of approximately 1.55 acres located west of Crossover Road and the UAMS Campus. It is currently zoned R-PZD and surrounded by a golf course to the west and south. On November 28, 2005, the Planning Commission voted 9-0-0 to recommend forwarding a rezoning and large scale development approval for a mixed use development within a unique R-PZD zoning district to the City Council. The City Council approved the R-PZD on January 3, 2006 with all conditions and recommendations made by the Planning Commission.

The applicant was unable to receive authorization from the adjacent property owner for cross-access through the property to the north. Per the conditions of approval, the applicant is required to resubmit to the Planning Commission and City Council for evaluation of safe and adequate means of access and traffic patterns. Instead of removing the cross-access and only providing one access onto Hwy 265 (Crossover Road), the applicant proposes two curb cuts on the Crossover Road.

DISCUSSION

The Planning Commission voted 6-0-0 in favor of this request on February 27, 2006. Recommended conditions were amended and approved by the Planning Commission and are reflected in the attached staff report.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE APPROVED
RESIDENTIAL PLANNED ZONING DISTRICT
TITLED R-PZD 05-1734, PARADISE POINT,
LOCATED WEST OF CROSSOVER, SOUTH OF
JOYCE BOULEVARD, CONTAINING
APPROXIMATELY 1.55 ACRES.

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

Section 1: That condition of approval #3 of the original R-PZD shall be deleted and
the following condition is adopted in its stead:

Two curb cuts shall be permitted onto Crossover
Road as shown on the submitted site plan, subject to
approval by AHTD. In addition, the developer shall
construct a driveway stub-out to provide future
cross-access from the subject property to the
northern property line utilizing the eastern
connection as submitted for review at the November
28, 2005 Planning Commission meeting. An access
easement shall be shown on the site plan, extending
from the right-of-way to the northern property line.
This access easement shall be dedicated prior to
issuance of the building permit. Furthermore, the
applicant shall comply with all other conditions of
the approved R-PZD 05-1734.

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 21st day of March 2006.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk

EXHIBIT "A"
R-PZD 06-1976

LOTS 1 AND 2 OF FINAL PLAT OF SEXTON POINT, PLAT RECORD 13-23, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1
THENCE N02°25'36"E 184.24 FEET;
THENCE S88°07'29"E 10.49 FEET;
THENCE N02°11'58"E 4.23 FEET;
THENCE S87°38'29"E 55.34 FEET;
THENCE S23°38'06"E 99.87 FEET;
THENCE S86°00'07"E 248.30 FEET TO THE WEST RIGHT-OF-WAY OF ARKANSAS HIGHWAY 265;
THENCE ALONG SAID WEST RIGHT-OF-WAY THE FOLLOWING THREE COURSES:
THENCE 134.67 FEET ALONG A CURVE TO THE RIGHT HAVING A 914.93 FOOT RADIUS AND A S10°53'03"W 134.55 FOOT CHORD;
THENCE S15°14'01"W 122.74 FEET;
THENCE 45.11 FEET ALONG A CURVE TO THE LEFT HAVING A 1175.73 FOOT RADIUS AND A S13°38'43"W 45.10 FOOT CHORD;
THENCE LEAVING SAID WEST RIGHT-OF-WAY N86°33'20"W 40.99 FEET;
THENCE N28°47'51"W 234.05 FEET;
THENCE N85°55'23"W 139.87 FEET TO THE POINT OF BEGINNING, CONTAINING 1.55 ACRES, MORE OR LESS.



PC Meeting of February 27, 2006

THE CITY OF FAYETTEVILLE, ARKANSAS

PLANNING DIVISION CORRESPONDENCE

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

TO: Fayetteville Planning Commission
FROM: Suzanne Morgan, Current Planner
THRU: Jeremy Pate, Director of Current Planning
DATE: February 21, 2006

ADM 06-1976: Administrative Item (PARADISE POINT R-PZD, 177): Submitted by Planning Staff to amend the approved Residential Planned Zoning District for a second curb cut on Crossover in lieu of cross access.

Planner: Suzanne Morgan

BACKGROUND

Project Description & Background: The subject property consists of approximately 1.55 acres located west of Crossover Road. It is south of AHEC and surrounded by a golf course to the west and south. On November 28, 2005, the Planning Commission voted 9-0-0 to recommend forwarding a rezoning and large scale development approval for a mixed use development within a unique R-PZD zoning district to the City Council. The City Council approved the R-PZD on January 3, 2006 with all conditions and recommendations made by the Planning Commission.

The third condition of approval required Planning Commission determination of safe and adequate access to the property. The following is the condition of approval and Planning Commission recommendation on this matter:

Planning Commission determination of safe and adequate access to the subject property. The applicant has proposed access to the development from Hwy 265 and an access easement through the U of A Medical Sciences campus to the north. At this time, the applicant has not received approval of the proposed access to the north. Staff recommends that should the applicant not obtain a perpetual access easement to the property to the north prior to the issuance of a building permit, the application shall be resubmitted to the Planning Commission for evaluation of safe and adequate means of access and traffic patterns.

The Planning Commission recommended approval with a second access and the allowance for this second access to the north to be moved west of where currently proposed. The plat has been revised to show a secondary access to the north along the western property line. The addition of parking has also been shown as part of the proposed access to serve the property to the north. Prior to construction of this parking area all necessary permits for construction shall be obtained.

The Planning Commission recommended to move the cross access to the west due to the applicant's request (see Minutes of the 11/28/05 meeting).

Proposal: The applicant was unable to receive authorization from the adjacent property owner for cross-access through the property to the north. Per the conditions of approval, the applicant is required to resubmit to the Planning Commission and City Council for evaluation of safe and adequate means of access and traffic patterns. Instead of removing the cross-access and only providing one access onto Hwy 265 (Crossover Road), the applicant proposes two curb cuts on the Crossover Road.

DISCUSSION

Curb Cuts:

Staff finds that the request to have two curb cuts onto Crossover Road will not create a dangerous traffic situation for the following reasons:

1. There are no curb cuts on the east side of Crossover Rd to conflict with turning movements.
2. There are no curb cuts between the northern curb cut and the intersection of Crossover and Joyce.
3. The distance between these two curb cuts and the street to the south is approximately 200 feet, providing adequate distance between two vehicle turning movements.
4. The throat length of each proposed driveway appears adequate for stacking distance into and out of the property.
5. If the golf course ever develops, it only has access to Crossover Rd just south of Paradise Point. Vehicles may be able to utilize cross access through Paradise Point. This can be reviewed in the future, if and when the golf course develops.

Cross Access:

Staff recommends that the applicant provide an access easement to the northern property line and construct a 24' wide driveway to the property line. This will allow access between the adjacent properties if at some point in the future an agreement can be reached, thereby improving connectivity in this area. The site plan submitted by the applicant does not indicate an access easement or construction of a stub-out to the property line. In reviewing each of the cross access locations proposed by the applicant in relation to the Tree Preservation Plan, the western connection (as requested by the applicant and approved by Planning Commission and City Council) will result in the greatest disturbance of existing greenspace and the removal and disturbance of several significant, high priority trees on the subject property (and possibly the adjacent property, though a survey of tree canopy was not conducted on the adjacent property).

Other Modifications:

The applicant has not reduced the proposed parking numbers from the original request. However, 19 of the 55 parking spaces (35%) were reduced in width to meet compact space requirements. The amount of compact spaces is within the allowance granted by city ordinance. The applicant updated the project booklet to indicate that there will be two points of access onto Crossover Road; the zoning criteria was not modified.

RECOMMENDATION

Staff recommends approval of two curb cuts onto Crossover Road as shown on the submitted site plan. In addition, staff recommends the construction of a driveway to provide future cross-access from the subject property to the northern property line utilizing the eastern connection as submitted for review at the November 28, 2005 Planning Commission meeting. An access easement shall be shown on the site plan, extending from the right-of-way to the northern property line. This access easement shall be dedicated prior to issuance of the building permit. Furthermore, the applicant shall comply with all other conditions of the approved R-PZD 05-1734.

Planning Commission Action: ☒ Forward ☐ Denial
 Motion: Clark
 Second: Allen
 Vote: 6-0-0

Meeting Date: February 27, 2006

Comments: _____

The ■Conditions of Approval■ listed in the report above are accepted in total without exception by the entity requesting approval of this development item.

Signature

Date



THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 444-3470

PARKS AND RECREATION DIVISION

Date: February 21, 2006
From: Sarah K. Patterson, Urban Forester *SKP*
Subject: Paradise Point PZD

With the proposal of the additional ingress/egress onto Highway 265 tree preservation will not be affected. Both curb cuts have been located in areas where there are no existing trees. The stub-out proposed to the north does not extend to the property line. If this was to extend or an access easement added, tree # 18 would have to be removed and mitigated for appropriately. Tree #17 would also be compromised with the extension and would not necessarily require removal but extra precautions would have to be taken such as root pruning. Both of these trees are significant, in good shape, and a high priority for preservation. If the stub-out was moved closer to Highway 265, where the originally cross access was approved, no trees should be lost. The curbs and grading could be located between tree #10 and #9 without compromising the root system of these trees.



City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

February 20, 2006

Attn: Suzanne Morgan

RE: PARADISE POINT RE-SUBMITTAL (R-PZD 05-1734)

Dear Suzanne,

Please review this submittal for the February 27th Planning Commission Meeting. This project has already been approved by Planning Commission and City Council but we have made revisions to the project that will require another review.

In the original submittal and approval, we were proposing 1 entrance to the site from Highway 265 and 1 entrance to the site from the north via a connection to AHEC's parking lot. At that time, the Paradise Point owner was in negotiations with the owner of AHEC for the access easement to connect to the parking lot. The acquisition of this easement was a condition of approval for our original submittal.

Unfortunately, the negotiations for the access easement fell through and we have had to revise the plan to allow for 2 entrances to the site off of Highway 265. The changes that were made to this plan were only associated with the revision from 1 entrance to 2 entrances. We also had to make 19 of the parking spaces compact in order to keep our parking numbers at the level of our original submittal. We have also included a stub-out from the parking lot at the northwest corner to the north property line for a possible future access from the AHEC property line. The only change made to the narrative was on page 6 in the "Traffic and Circulation" section. We removed references to 1 entrance and the connection to the north and replaced it with references to 2 entrances.

Thank you for your consideration in this matter. If you have any questions or comments, please call me at 582-4234.

Sincerely,

A handwritten signature in black ink, appearing to be 'J. Thompson', written over a horizontal line.

Jeremy Thompson, P.E.
Project Engineer
H2 Engineering, Inc.

Planning Commission
November 28, 2005
Page 19

R-PZD 05-1734 for Paradise Point

Commissioner Ostner: The next item is R-PZD 05-1734 for Paradise Point

Ms. Morgan read the staff report. This is a detailed Planned Zoning District Master Development Plan, an application requesting approval for not only the zoning for this property, but also the development approval for a large scale development. The property contains approximately 1.55 acres and is located west of Crossover and south of Joyce Boulevard. The applicant requests a mixed-use development, which will incorporate 12 residential units and 12,065 sf. of retail/office space. The retail/office space is located on the first floor of the development as well as one residential unit. There will be 11 residential units on the second floor. Page 2 on the staff report indicates the permitted and conditional uses as proposed by the applicant. Density on the property currently would allow the development of 24 units per acre; the applicant requests 7.7 units per acre. Setback requirements are a little different than the RMF-24 and C-2 requirements. Fifty-foot front setbacks and three-foot setbacks on the side and rear are proposed. A maximum 35 ft in height and a total building area of 20% is proposed. Access is one of the issues we discussed with this development. Proposed is one access onto Crossover Road and a northern access through the property to the north, through an existing parking lot. At the time of the report, the applicant was coordinating with the property owners to the north for approval for an access easement, which will allow them access onto that property. If those agreements and easements are not obtained by the time building permits are being reviewed, this application would have to come back to the Planning Commission for review to determine whether a single access onto Crossover Road will constitute safe means of access to this development. With regard to tree preservation, there is an existing 23% canopy on the property and the applicant proposes to preserve 13% of that canopy. With the proposal, mitigation would be required by either planting on site or contributing money in lieu. Staff is recommending forwarding this Master Development Plan Planned Zoning District to the City Council for approval with a total of 26 conditions of which are included several determinations, including Planning Commission determination of street improvements. Staff recommends construction of a 6 foot sidewalk along Crossover Road. This portion of Crossover and Hwy 265 is not yet improved and is slated to be improved in the future. Therefore we are not recommending any other improvements than sidewalks at this time. Condition 2 of the Planning Commission determination addresses commercial design standards. The applicant has brought a board representing the proposed elevations as well as a material sample board. Staff finds the proposed elevations are in compliance with commercial design standards. Subdivision committee found in favor of the elevations and support of the modifications of the western facade. Condition 3 regards the determination of safety access discussed. Condition number 5 discusses the approval from any adjoining property owners if grading is proposed 5 feet from the adjoining property line. Typical developments of this nature do not have to address that situation, but as the applicant is proposing to build this structure 3 feet from the property line, it would certainly need to be addressed. In addition to that, there are some offsite easements that will be required. There is an existing easement on the property that

Planning Commission

November 28, 2005

Page 20

will need to be vacated prior to the issuing of building permits. With regard to signs, the applicant proposes all signs in accordance with ordinances, and staff would request a modification to condition 14, to allow Use Unit 17, Trade and Services, as a permitted use, proposed by the developer. With regard to phasing, they would typically have one year, and after that one year, a one-year extension on the timing of their permits. The applicant is requesting five years from City Council approval for all issues of permits for this development. They anticipate breaking ground soon.

Mr. Jeremy Thompson with H2 Engineering represented the applicant. He stated the location and advised that there are two lots with an irregular shape. The architects worked hard to put together this structure to work with the current dimensions. It's a two story structure proposing office retail space on the bottom floor with one residential unit. The second-story contains residential units only. We are in agreement with staff comments. On condition number two, we would like to give an update. Utility easements are in the process of being acquired to the south and west side of the property. We also have verbal agreement on the transfer of that easement but have not obtained signatures. **Also, on the access easement to the north: the plans show access on the east side of the existing building and the property owners are asking us to move it to the west side of their structure. You will notice a parking area on the west side - we are proposing to extend that directly north. This will actually connect perfectly with an existing access off of Joyce Street. That is the direction that easement is going now.** If you have any questions, please feel free to ask, and the architect is here and can answer any questions you have on the structure.

Commissioner Ostner opened the floor to public comment. There was no public comment.

Commissioner Vaught asked staff if this is a Master Development Plan?

Mr. Pate states it is also development-related. Building permits can be issued after City Council approval. He also explained the differences to Commissioner Vaught and advised that staff will always explain which type of application is before the Planning Commission.

Commissioner Vaught noted the differences on the last PZD verses this one.

Commissioner Anthes stated she has two questions. The first is directed to Mr. Kit Williams. Use Unit 17 is requested as a permitted use; is it more appropriate as a conditional use within this zone?

Mr. Williams stated he didn't believe it was required to use all the use units that the applicant requests. You can use your own judgement on that, just like the City Council can. You can also make some permitted or conditional; just like our normal zoning districts do. I don't think you are bound to what they are requesting, even though staff is recommending it now and not intentionally leaving it out.

Planning Commission

November 28, 2005

Page 21

Mr. Pate stated that is correct and the biggest reason for that is often times on Unit Use 17 there are higher intensity uses and one doesn't know the development pattern that will occur. But in this development, we do know where everything is going. There is no question on what is going to be built, we know the footprints, parking space, etc.

Commissioner Anthes asked that if the building configuration would not lend itself to the other uses anyway, then you are not concerned?

Mr. Pate stated that is correct.

Commissioner Anthes stated another issue she would like to discuss is the condition of approval for phasing. That is the required permits of the 5 years being requested. She states she doesn't see any circumstances for this approval. This development is actually smaller than a lot of large scale developments. She would be more inclined to follow the same pattern on this issue, and revise that to a one year approval.

Commissioner Vaught stated that he would like to ask the applicant why they requested the 5 year extension.

Mr. Thompson stated that the owner's intent is to after approval start construction of this project. In the new PZD process, we are allowed to develop a time frame, and to provide the owner with a little extra time, we proposed 5 years. He states he would be willing to back down to 2 to 3 years, since it is allowed in the new PZD and there is some consideration on the Planning Commission's part.

Commissioner Anthes asked Mr. Thompson how this development is any different than any of the other developments or plans coming through under a year?

Mr. Thompson stated that he didn't think that the development was any different than the others but refers to Jeremy Pate on the new PZD that allows the time frame. Since it is allowed, we proposed that.

Commissioner Clark stated that it is odd that it is one phase, one building and it will take 5 years to build it.

Commissioner Trumbo motioned to amend the time requested to 2 years.

Commissioner Myers seconded the motion.

Commissioner Ostner stated the motion is to amend condition number 17 to read 2 years to gain their required permits. He asked if there were further discussion on this. There were no more further comments.

Planning Commission

November 28, 2005

Page 22

Roll was called, and the amendment to condition number 17 was approved by a vote of 8-1-0 with Commissioner Anthes opposing.

Commissioner Clark motioned to forward R-PZD 05-1734 to the City Council with stated conditions, as amended.

Commissioner Myers seconded the motion.

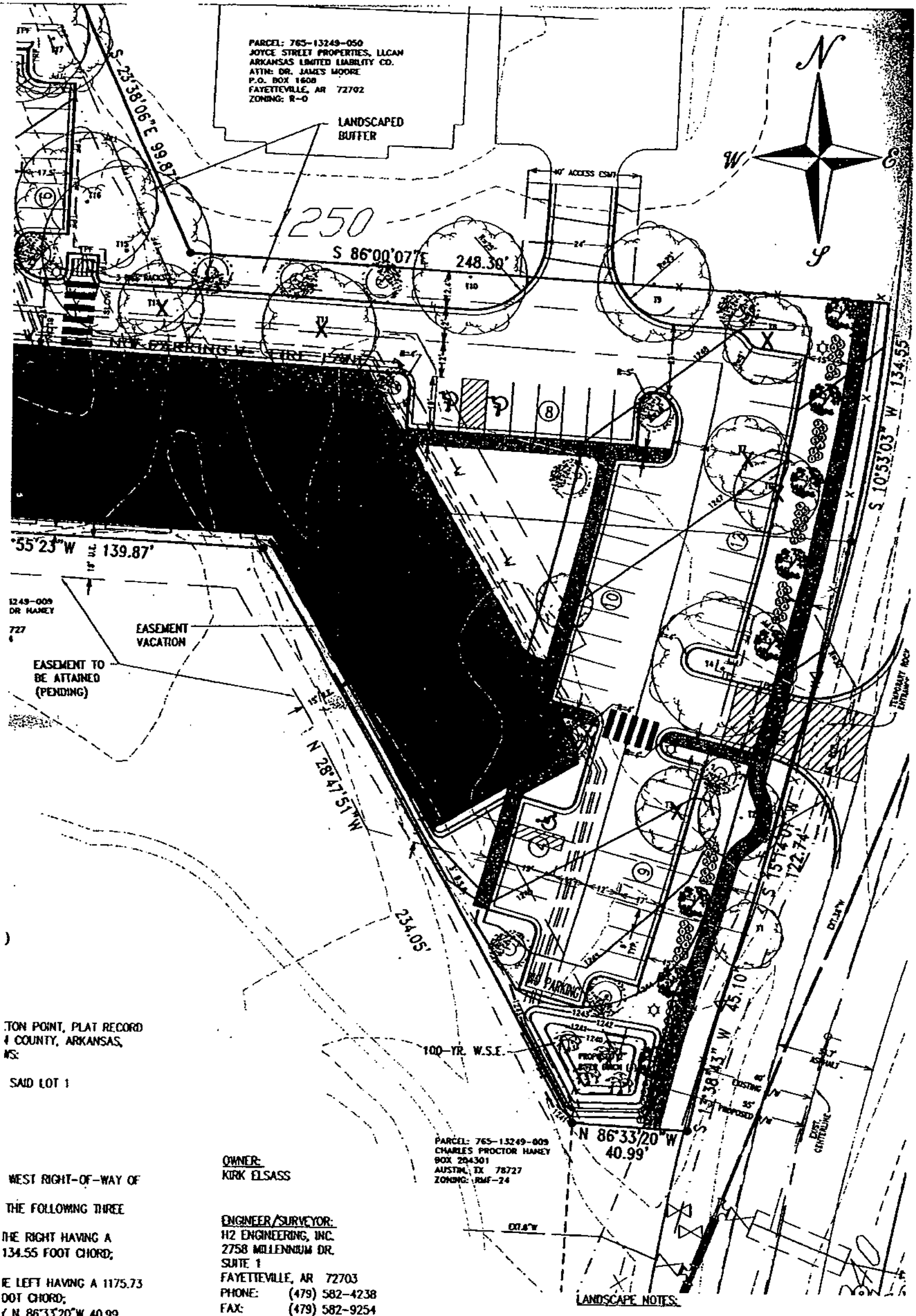
Mr. Pate mentioned that the stub out access shown on the east side on the plat and to be aware of the discussion to move it to the west side.

Commissioner Ostner asked if there was any further discussion.

Roll Call: Upon the completion of roll call the motion to recommend approval of R-PZD 05-1734 to the City Council was approved by a vote of 9-0-0.

Site Plan Submitted to P.C. - 11/28/05

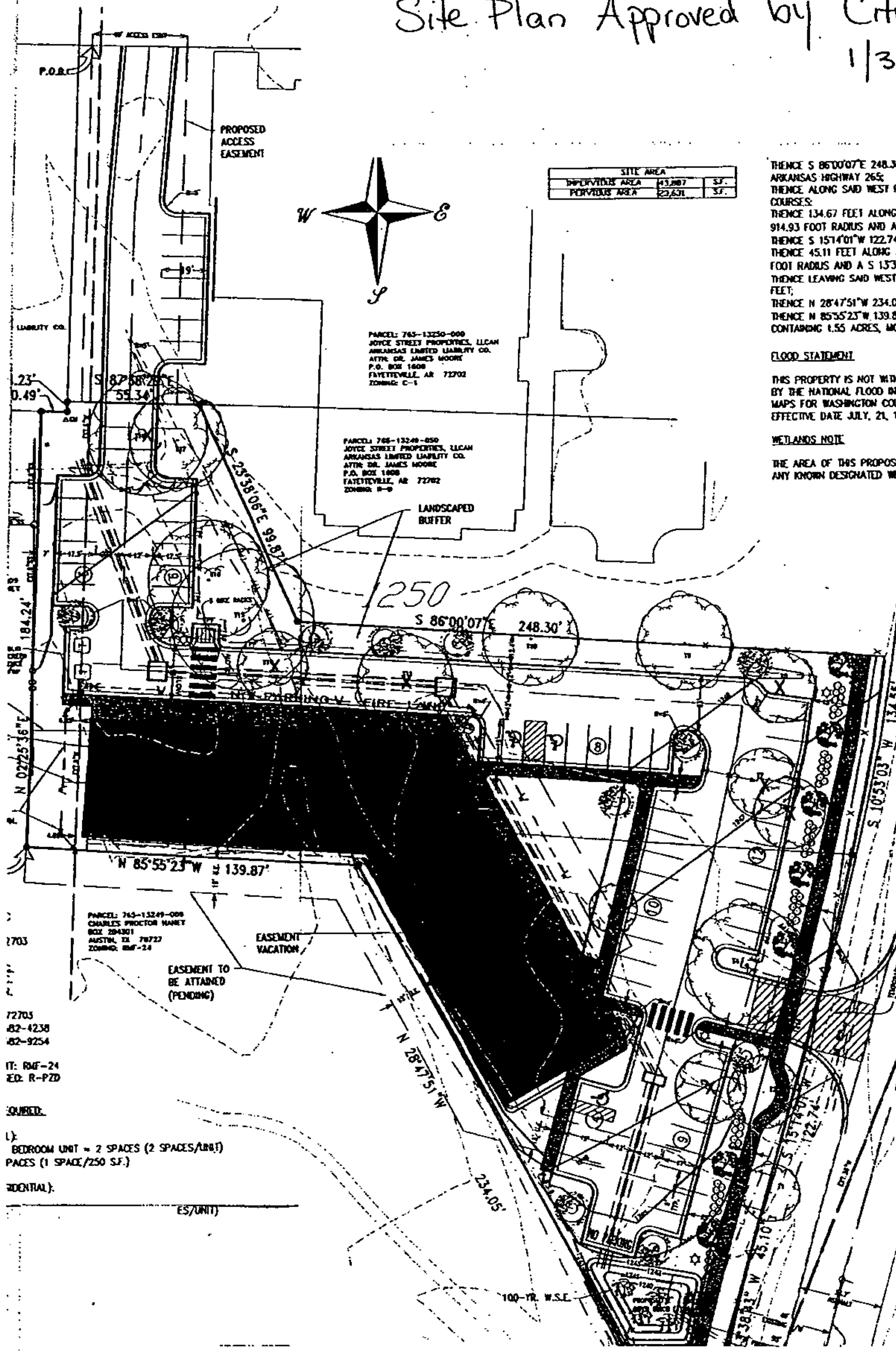
C. 4
ADM 06-1976 Paradise Point
Page 14 of 20



Site Plan Approved by City Council

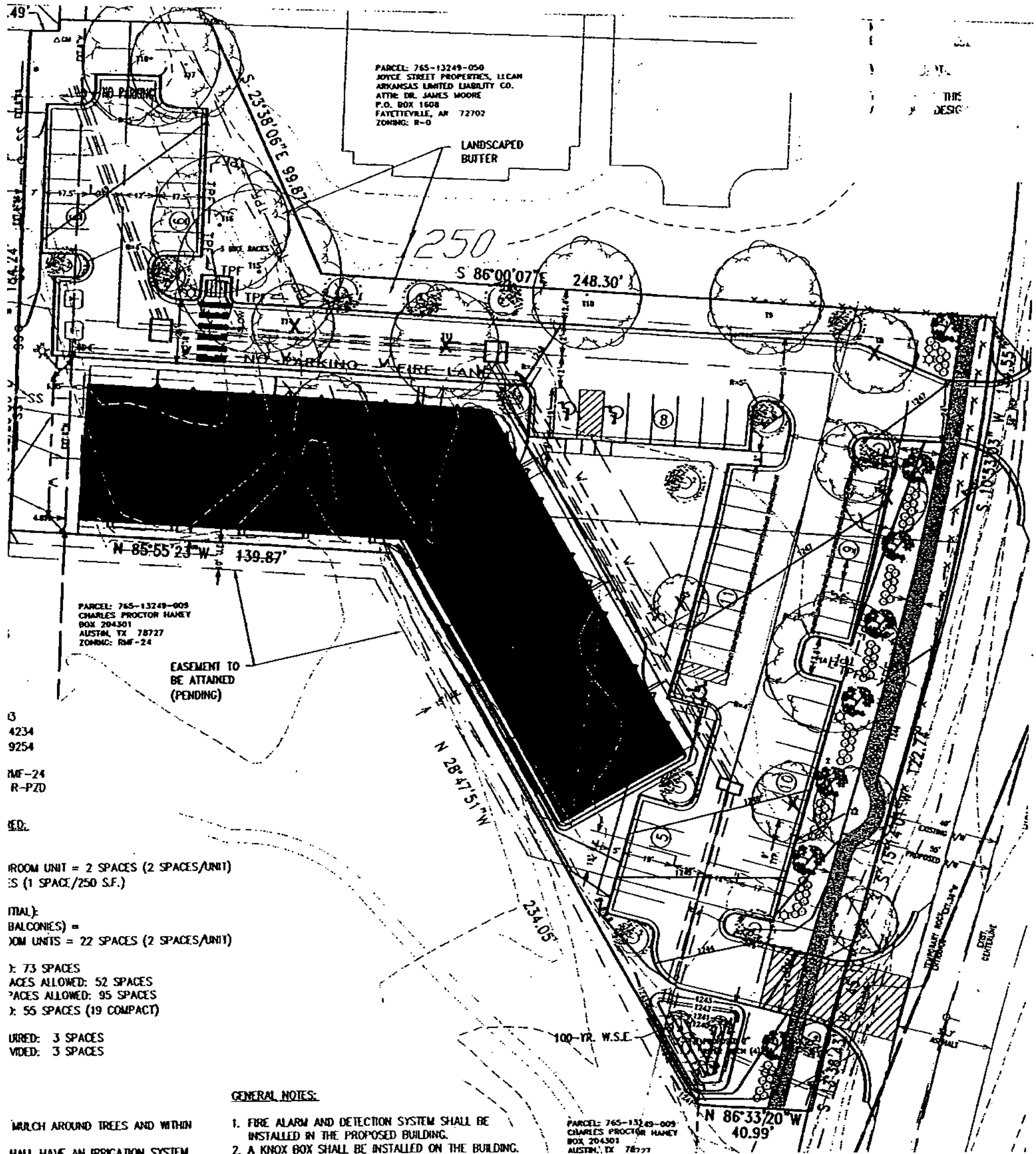
C. 4
ADM 06-1978 Paradise Point
Page 15 of 20

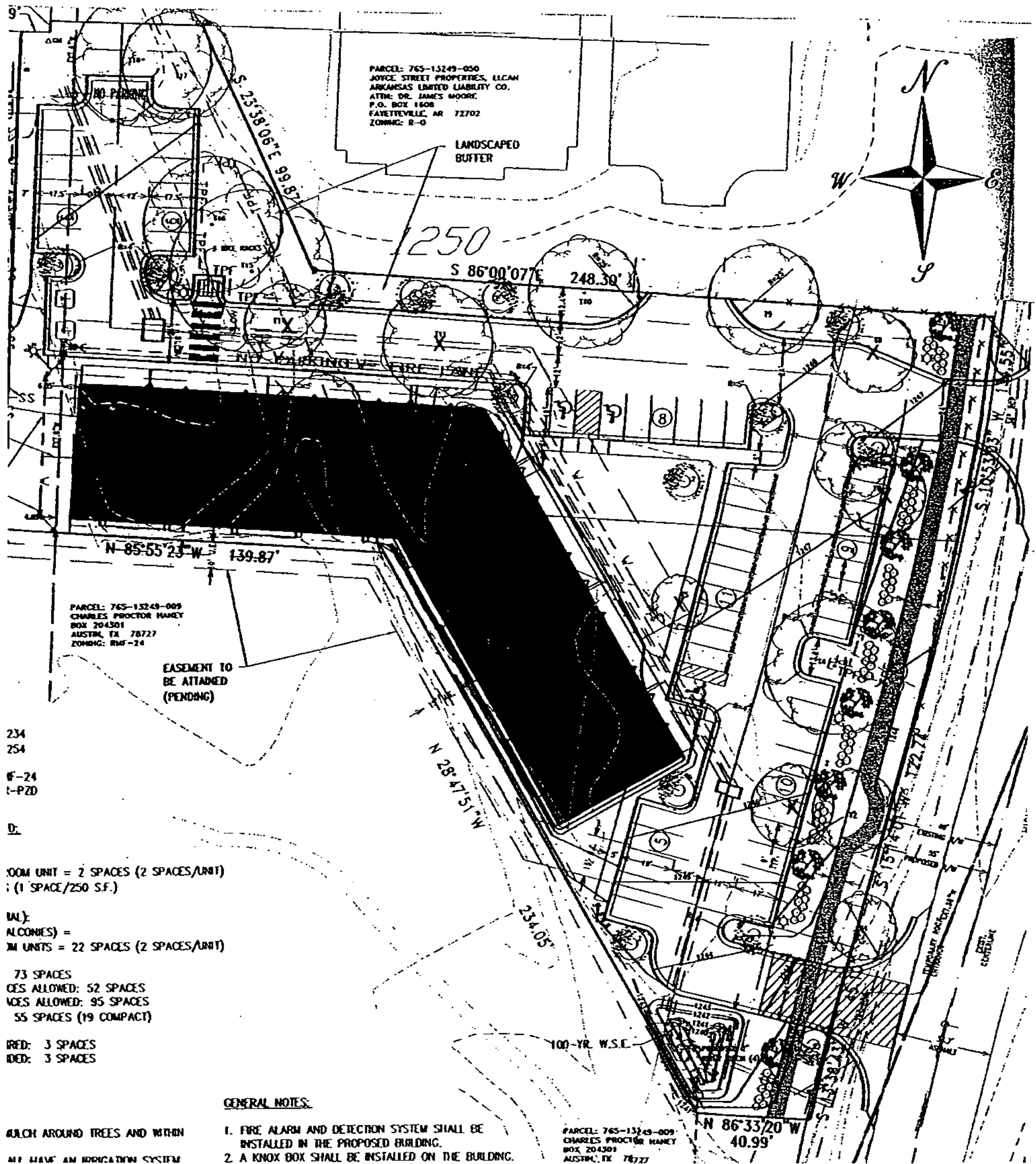
1/3/06



Applicant's Proposed Access - 2/21/06

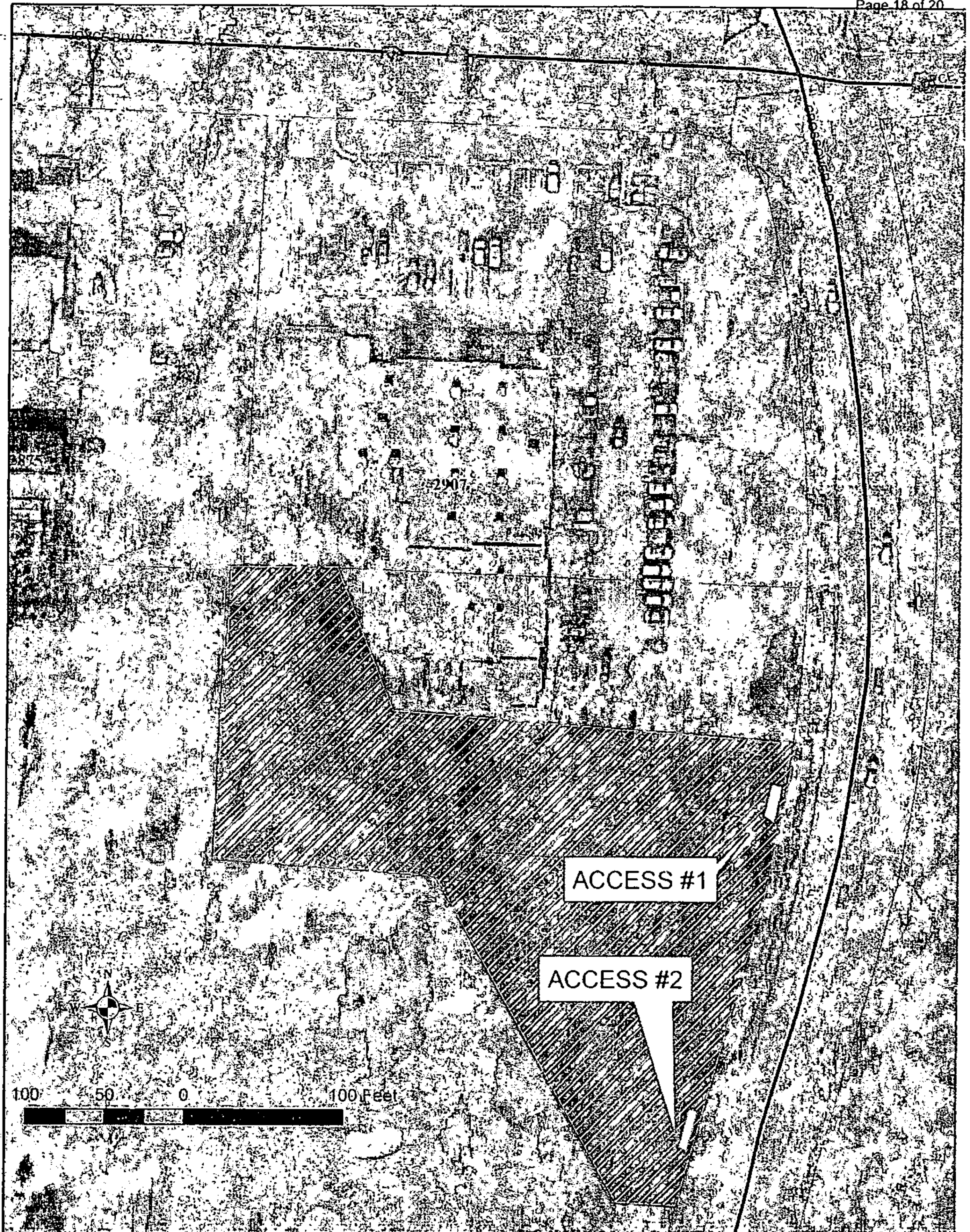
C. 4
ADM 06-1976 Paradise Point
Page 16 of 20





PROPOSED ACCESS FOR PARADISE POINT R-PZD

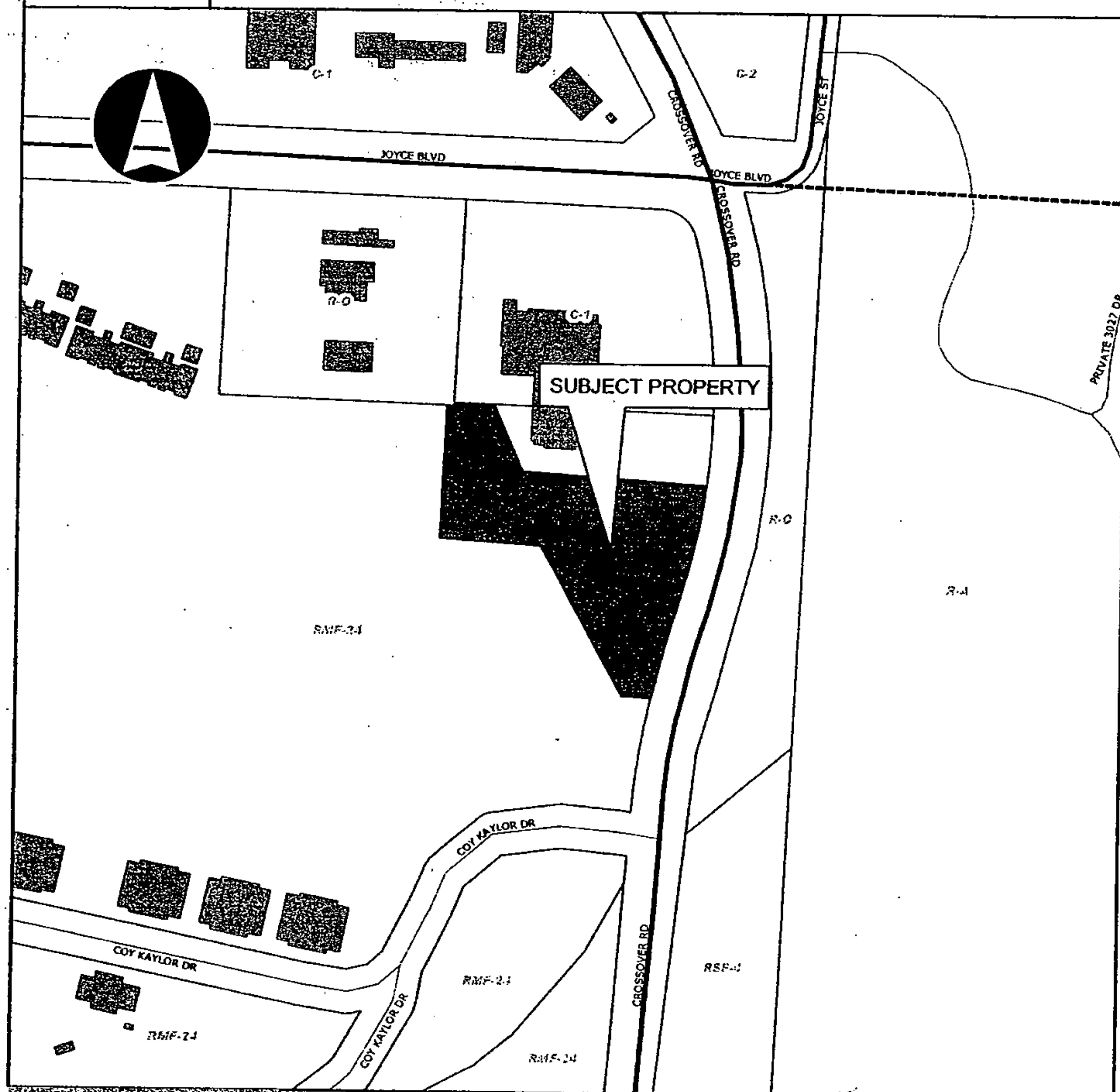
C. 4
ADM 08-1976 Paradise Point
Page 18 of 20



RPZD05-1734

Close Up View

PARADISE POINT



Legend

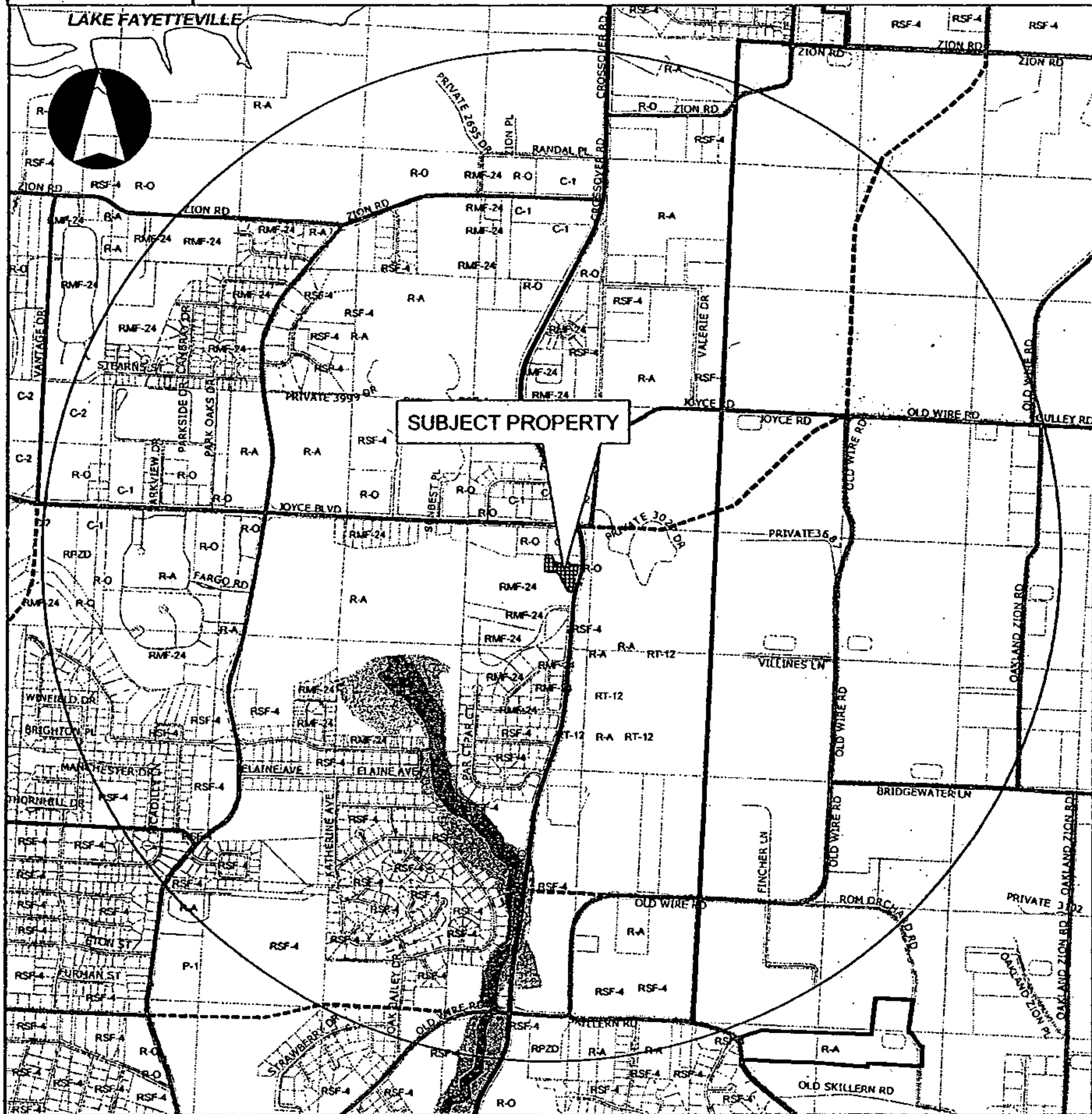
- Overlay District
- FLOODWAY
- 100 YEAR
- 500 YEAR
- LIMIT OF STUDY
- BaseLine Profile
- Fayetteville
- Outside City
- RPZD05-1734
- vector.GDB.Footprint_2004

0 75 150 300 450 600 Feet

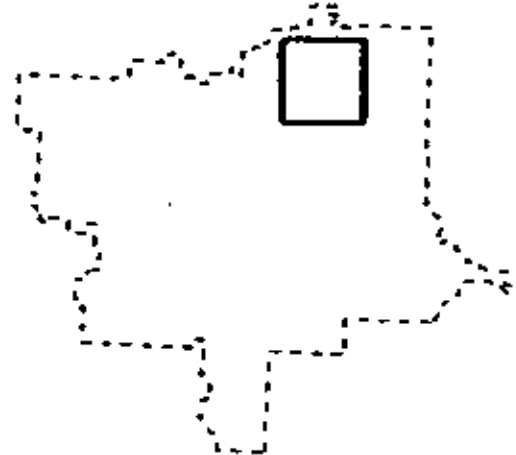
RPZD05-1734

PARADISE POINT

One Mile View



Overview



Legend

Subject Property

RPZD05-1734

Boundary

Planning Area

Overlay District

Outside City

Legend

0 0.125 0.25

0.5

0.75

1

Miles

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

21-Mar-06
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

ANX 06-1933 (Nock-Broyles, 645): Submitted by James Atwood for property located at 2390 south Dead Horse Mountain Road. The property is in the Planning Area and contains approximately 6.55 acres. The request is to annex the subject property into the City of Fayetteville.

\$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	Remaining Balance	Fund Name
	\$ -	

Budgeted Item ☐

Budget Adjustment Attached ☐

[Signature] 3-2-05
Department Director Date

[Signature] 3-2-06
City Attorney Date

[Signature] 3-3-06
Finance and Internal Service Director Date

[Signature] 3/6/06
Mayor Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office
ENTERED 3/2/06

Received in Mayor's Office
ENTERED 3/2/06

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning ^{VP}

Date: February 28, 2006

Subject: Annexation for Nock-Broyles Land Development (ANX 06-1933)

RECOMMENDATION

The Planning Commission recommends approval of the subject annexation request submitted by James Atwood for approximately 6.55 acres of property located on Dead Horse Mountain Road, east of the West Fork of the White River, south of Goff Farm Road. This action will incorporate the 6.55-acres of land within the City of Fayetteville.

BACKGROUND

The subject property contains approximately 6.55 acres. The property is part of an island of unincorporated property, though bordered on three sides by property within the city limits. The island was created by an annexation of property in 2005, where not all property owners agreed to the annexation of their property. Staff advised the applicant to approach the landowner to the south, thereby creating a more desirable city limit boundary in this location. However, at this time, the landowner has not requested annexation in conjunction with the subject request.

DISCUSSION

This item was heard at the regular Planning Commission on February 27, 2006. The Planning Commission voted 6-0-0 to recommend approval of this annexation request to the City Council, finding that it would begin the process of incorporation for this existing island.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE ANNEXING THAT
PROPERTY DESCRIBED IN ANNEXATION
PETITION ANX 06-1933 (CC2005-47), FOR
PROPERTY LOCATED AT 2390 SOUTH DEAD
HORSE MOUNTAIN ROAD, CONTAINING
APPROXIMATELY 6.55 ACRES

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

Section 1: That the City Council hereby confirms the annexation to the City of Fayetteville, Arkansas, of that property described in Exhibit "A" attached hereto and made a part hereof.

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

Section 3: That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to assign the zoning designation of R-A, Residential Agricultural to the subject property.

Section 4: That the above-described property is hereby assigned to Ward No. One.

PASSED and APPROVED this ____ day of _____, 2006.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk

EXHIBIT "A"
ANX 06-1933

A PART OF THE NORTHWEST (NW ¼) QUARTER OF SECTION TWENTY-FIVE (25), IN TOWNSHIP SIXTEEN (16) NORTH, OF RANGE THIRTY (30) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOW, TO-WIT: BEGINNING AT A POINT WHICH IS 407.0' NORTH OF THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER AND RUNNING NORTH A DISTANCE OF 1391.0', THENCE S71°17'00"W A DISTANCE OF 1045.35', THENCE SOUTH A DISTANCE OF 42.23', THENCE N71°17'00"E A DISTANCE OF 819.41', THENCE SOUTH A DISTANCE OF 1276.27', THENCE EAST A DISTANCE OF 214.0' TO THE POINT OF BEGINNING. CONTAINING 6.55 ACRES MORE OR LESS.



PC Meeting of February 27, 2006

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Current Planner
THRU: Jeremy Pate, Director of Current Planning
DATE: February 17, 2006

ANX 06-1933: (NOCK-BROYLES LAND DEVELOPMENT, 645): Submitted by JAMES ATWOOD for property located at 2390 S DEAD HORSE MOUNTAIN ROAD. The property is in the Planning Area and contains approximately 6.55 acres. The request is to annex the subject property into the City of Fayetteville.

Planner: JESSE FULCHER

RECOMMENDATION:

Staff recommends approval of the requested annexation based on the findings included as part of this report with the following condition(s):

BACKGROUND:

PLANNING COMMISSION ACTION:	Required	<u>YES</u>
	☒ Forward	☐ Denied
Date: <u>February 27, 2006</u>	Motion: <u>Anthon</u>	
	Second: <u>Allen</u>	
	Vote: <u>6-0-0</u>	
CITY COUNCIL ACTION:	Required	<u>YES</u>
	☐ Approved	☐ Denied
Date: <u>March 21, 2006 (1st reading if recommended)</u>		

Property description & proposal: The subject property contains approximately 6.55 acres and is located on Dead Horse Mountain Road, east of the West Fork of the White River, south of Goff Farm Road. The property is part of an island of unincorporated property, though bordered on three sides by property within the city limits. The island was created by an annexation of property in 2005, where not all property owners agreed to the annexation of their property.

Background: The subject request for annexation is unique in nature. It was staff's hope that all property owners within the island would petition for annexation, however at this time, only one property owner has requested annexation. Staff advised the applicant to approach the landowner to the south, thereby creating a more reasonable city limit boundary in this location. However, at this time, the landowner has not requested annexation in conjunction with the subject request. As a result

the request to annex the subject property will divide the existing island, creating two separate areas of unincorporated property.

Recommendation: Staff recommends approval of the proposed annexation. Should the annexation request be approved, 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	Single family homes	R-A, Residential Agriculture
South	Single family homes	RSF-4
East	Single family homes	R-A, Residential Agriculture
West	Single family homes/undeveloped pasture	Planning Area/RSF-4

INFRASTRUCTURE:

Streets: Currently the site has access to Dead Horse Mountain Road. At the time of development, this street will need to be brought up to current standards along the property frontage. These improvements may include right-of-way dedication, pavement, curb and gutter, storm drainage and sidewalks. Additionally, development on the subject property has a high likelihood of accessing the substandard bridge on Dead Horse Mountain Road north of the property as its primary means of access toward the center of the city. An assessment for a proportionate share of the cost of this bridge is anticipated at the time of development. Specific street improvements will be evaluated based on the development proposed, to meet ordinance requirements.

Water: Public water is adjacent to the site. There is a 6" main along Dead Horse Mountain Road. A study of the water system shall be conducted by the developer as directed by the Engineering Division. Substantial improvements to the water system may be required which includes other off-site improvements. Water service will need to be extended within the property at the time of development connecting within the proposed development.

Sewer: Sanitary sewer is not available to the site. A study of the downstream system shall be conducted by the developer. Substantial improvements to the sewer system may be required which includes other off-site improvements. Sewer service will need to be extended within the property at the time of development connecting within the proposed development.

Drainage: Standard improvements and requirements for drainage will be required for the development.

Fire: The subject property is located 3.3 miles from Fire Station #5. Normal driving

time is 6.25 minutes. The property is located approximately 2.4 miles from the future Fire Station #3. Normal driving time is 5 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.

LAND USE PLAN: General Plan 2020 identifies the portion of this property within the Planning Area as **Residential**.

FINDINGS:

**11.6 ANNEXATION GUIDING POLICIES
BOUNDARIES**

11.6.a Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.

Finding: The requested annexation will divide an existing island of unincorporated property. As outlined in the information presented in the staff report, staff supports the request to bring this area into the City Limits. The property is almost completely surrounded by incorporated city limits; public service providers and emergency personnel are currently required to access portions of the city by traveling through the county in this area. Not all property owners were willing to annex voluntarily at this time.

11.6.b Proposed annexation area must be adjacent, or contiguous, to city limits.

Finding: The proposed annexation area is adjacent to the city limits along its north, west and east boundaries. The request does not extend the city limit boundary further south than the current limits reach.

11.6.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.

Finding: This area does not divide neighborhoods.

11.6.d Boundaries for annexed areas should follow natural corridors.

Finding: The proposed boundaries follow existing property lines.

11.6.e Timing of services within annexation areas should be considered.

Finding: Current conditions result in a response time of 6.25 minutes for fire protection from Fire Station #5. Extension of water and sewer lines shall

occur at the time of development.

ENVIRONMENTALLY SENSITIVE AREAS

11.6. f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

Finding: The property is mainly cleared pasture land with a few trees. Development regulations within the City will ensure appropriate development and preservation of the existing natural features on the property.

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 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.

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 response and service as other developments in this area.

11.6.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

Finding: These factors were taken into consideration in the responses and recommendations included in this report.

INFRASTRUCTURE AND UTILITIES

11.6.j Areas currently served by utilities and other public services should be annexed.

Finding: Water, fire and police protection are currently provided in this area. The property is almost completely surrounded by city limits, to which utilities and other public service providers already respond.

11.6.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.

Finding: Improvements to sewer and street systems and installation of fire hydrants would be made necessary by the annexation should additional development occur on the subject property. As it exists currently, annexation of the property

would not require the upgrading of utilities, unless and until additional development that increases the demand on public services is proposed.

- 11.6.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

Finding: The proposed annexation is not part of a phased annexation initiated by the City.

INTERGOVERNMENTAL RELATIONS

- 11.6.m Promote long-range planning with adjacent jurisdictions.

Finding: N/A

- 11.6.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

Finding: N/A

ADMINISTRATION OF ANNEXATIONS

- 11.6.o Designate zoning districts for the property during the annexation process.

Finding: Annexations are automatically zoned R-A, Residential Agricultural. The property owners are not requesting a rezoning at this time.

- 11.6.p An annexation study should be completed on all annexation proposals.

Finding: Planning staff has asked the Engineering Division, Fire Department and Police Department to study this annexation request to determine if facilities and services are available to serve this property.

- 11.6.q Development proposals require a separate review from the annexation proposals.

Finding: At the time the owner desires to develop or subdivide this property, the applicant will be required to submit a proposal for review and approval by the Planning Commission.

- 11.6.r Residents should be fully informed of annexation activities.

Finding: Adjoining neighbors have been notified of the annexation request. A legal ad and display have both been submitted with a local newspaper prior to the Planning Commission meeting for which this item is scheduled.

11.6.w Encourage larger annexations to create acceptable boundaries.

Finding: The annexation of this property will begin to incorporate portions of county property located within an island that was created from a previous annexation request. The subject property is bounded on three sides by incorporated property. Additionally, the request does not extend the city limit boundary further south than the current limits reach.

11.6.t Conduct a fiscal impact assessments on large annexations.

Finding: No fiscal impact assessment was conducted for this annexation of 6.55 acres.

From Fayetteville General Plan 2020 – 2002 Revision

11.6 Annexation Guiding Policies

Boundaries

- 11.6.a Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.
- 11.6.b Proposed annexation area must be adjacent, or contiguous, to city limits.
- 11.6.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.
- 11.6.d Boundaries for annexed areas should follow natural corridors.
- 11.6.e Timing of services within annexation areas should be considered.

Environmentally Sensitive Areas

- 11.6.f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

Emergency and Public Services

- 11.6.g Public services must be able to be provided efficiently in newly annexed areas.
- 11.6.h Annexed areas should receive the same level of service of areas already in the city limits.
- 11.6.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

Infrastructure and Utilities

- 11.6.j Areas currently served by utilities and other public services should be annexed.
- 11.6.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.
- 11.6.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

Intergovernmental Relations

- 11.6.m Promote long-range planning with adjacent jurisdictions.
- 11.6.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

Administration of Annexations

- 11.6.o Designate zoning districts for the property during the annexation process.
- 11.6.p An annexation study should be completed on all annexation proposals.
- 11.6.q Development proposals require a separate review from the annexation proposals.
- 11.6.r Residents should be fully informed of annexation activities.
- 11.6.w Encourage larger annexations to create acceptable boundaries.
- 11.6.t Conduct a fiscal impact assessments on large annexations.

IN THE COUNTY COURT OF WASHINGTON COUNTY

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

NO. CC2005-47

ORDER OF ANNEXATION

Now on this 8th day of December, 2005, this cause comes on to be heard, the Petitioner, Nock-Broyles Land Development, LLC, an Arkansas limited liability company, who is represented by James E Atwood, Attorney at Law, P.A., after announcing the hearing of the cause and there being no protests or objections, whereupon, the matter is submitted to the Court upon the Petition filed herein, and the oral and documentary evidence having been adduced, the Court being well and sufficiently advised finds:

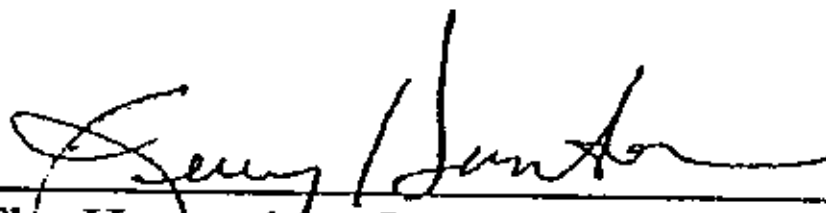
1. The Petition in this cause was filed on the 1st day of November, 2005 at which time this Court fixed the 8th day of December, 2005, at 10:00a.m., as the date and time of hearing for said cause, and that a full notice of this hearing was given as required by law and the proof of publication of said notice is now on file with the County Clerk of this Court and the Court has jurisdiction of this cause.
2. The Court is satisfied that the allegations of the Petition are sustained by the proof, that the limits of the territory to be annexed have been properly filed; that the property owners have freehold interests in the property hereinafter described in the Petition and constitute the real owners of the area affected.
3. The land proposed to be annexed to the City of Fayetteville, Washington County,

Arkansas, in this cause is described on "Exhibit A" attached hereto.

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

IT IS THEREFORE, CONSIDERED, ORDERED AND ADJUDGED that the aforesaid real estate situated in Washington County, Arkansas, is hereby annexed to and made a part of the City of Fayetteville, Arkansas, in accordance with Acct. No. 1 of the Acts of the Legislature of 1875 of the State of Arkansas, and all Acts amendatory thereto, particularly including Act 142 of the Acts of Arkansas for the year 1953, as codified in *Ark. Code Ann.* § 14-40-601, et seq., and this Order shall be duly recorded by the County Clerk of Washington County.

IT IS SO ORDERED this 8th day of December, 2005.



The Honorable Jerry Hunton
Washington County Judge

EXHIBIT A
PLAT MAP AND LEGAL DESCRIPTION

EXISTING LEGAL DESCRIPTION:

A PART OF THE NORTHWEST (NW $\frac{1}{4}$) QUARTER OF SECTION TWENTY-FIVE (25), IN TOWNSHIP SIXTEEN (16) NORTH, OF RANGER THIRTY (30) WEST, BEING MORE PARTICULARLY DESCRIBED AS FLOODWS, TO-WIT: BEGINNING AT A POINT WHICH IS 407.0' NORTH OF THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER AND RUNNING NORTH A DISTANCE OF 1391.0', THENCE S71°17'00"W A DISTANCE OF 1045.35', THENCE SOUTH A DISTANCE OF 42.23', THENCE N71°17'00"E A DISTANCE OF 819.41', THENCE SOUTH A DISTANCE OF 1276.27', THENCE EAST A DISTANCE OF 214.0' TO THE POINT OF BEGINNING. CONTAINING 6.55 ACRES MORE OR LESS.

PROPOSED LEGAL DESCRIPTION - TRACT A:

A PART OF THE NORTHWEST (NW) QUARTER OF SECTION TWENTY-FIVE (25), IN TOWNSHIP SIXTEEN (16) NORTH, OF RANGER THIRTY (30) WEST, BEING MORE PARTICULARLY DESCRIBED AS FLOODWS, TO-WIT: BEGINNING AT A POINT WHICH IS 1406.77' NORTH OF THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER AND RUNNING NORTH A DISTANCE OF 391.23', THENCE S71°17'00"W A DISTANCE OF 1045.35', THENCE SOUTH A DISTANCE OF 42.23', THENCE N71°17'00"E A DISTANCE OF 819.41', THENCE SOUTH A DISTANCE OF 276.5', THENCE EAST A DISTANCE OF 214.0' TO THE POINT OF BEGINNING. CONTAINING 2.5 ACRES MORE OR LESS. SUBJECT TO AND HAVING INGRESS AND EGRESS RIGHTS TO A THIRTY FOOT WIDE DRIVEWAY ACCESS EASEMENT THE CENTERLINE OF WHICH DESCRIBED AS BEGINNING AT A POINT WHICH IS 15.0' EAST OF THE SOUTHWEST CORNER OF HEREIN DESCRIBED TRACT AND RUNNING THENCE NORTH 297.5', THENCE S71°17'00"W 834.41' TO THE COUNTY ROAD.

PROPOSED LEGAL DESCRIPTION - TRACT B:

A PART OF THE NORTHWEST (NW) QUARTER OF SECTION TWENTY-FIVE (25), IN TOWNSHIP SIXTEEN (16) NORTH, OF RANGER THIRTY (30) WEST, BEING MORE PARTICULARLY DESCRIBED AS FLOODWS, TO-WIT: BEGINNING AT A POINT WHICH IS 407.0' NORTH OF THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER AND RUNNING NORTH A DISTANCE OF 999.77', THENCE WEST A DISTANCE OF 214.00', THENCE SOUTH A DISTANCE OF 999.77', THENCE EAST A DISTANCE OF 214.0' TO THE POINT OF BEGINNING. CONTAINING 4.05 ACRES MORE OR LESS. HAVING INGRESS AND EGRESS RIGHTS TO A THIRTY FOOT WIDE DRIVEWAY ACCESS EASEMENT THE CENTERLINE OF WHICH DESCRIBED AS BEGINNING AT A POINT 15' EAST OF THE NORTHWEST CORNER OF HEREIN DESCRIBED TRACT AND RUNNING THENCE NORTH 297.5', THENCE S71°17'00"W 834.41' TO THE COUNTY ROAD.

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS
IN THE MATTER OF THE PETITION OF CERTAIN
REAL PROPERTY FOR ANNEXATION TO THE
CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS

NO. CC 2005-47

FILED
2005 NOV 1 PM 3 34
KAREN COMBS PRITCHARD
CLERK & PROBATE CLERK
WASHINGTON CO. ARK.

PETITION TO ANNEX TERRITORY TO
THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS

The Petitioner, Nock-Broyles Land Development, LLC, an Arkansas limited liability company, hereby submits its Petition to annex certain real property into the City of Fayetteville, Washington, County, Arkansas, pursuant to A.C.A. Section 14-40-601, et. Seq. as follows:

1. That Petitioner owns the real property described on the Plat Map, Exhibit "A", attached hereto and made a part hereof (the "Real Property"), and said Real Property is situated in Washington County, Arkansas, and is contiguous with the City of Fayetteville, Arkansas, and is within the City of Fayetteville, School District.
2. The Petitioner names James Atwood, Attorney at Law, P.A. as the person authorized to act on its behalf with respect to this Petition.
3. The Petitioner desires that the Real Property become part of the City of Fayetteville, Arkansas, and petitions the County Judge for annexation of the Real Property into the City of Fayetteville.
4. A true and correct presentation of the Real Property and how it is contiguous to the City of Fayetteville, Arkansas is shown on the Plat Map, Exhibit "A", attached hereto.
5. The Petitioner herein desires that the Real Property become part of the City of Fayetteville, Washington County, Arkansas, and Petitioner states that it will do any and all legal acts necessary to accomplish the objective set forth herein.

THEREFORE, Petitioner respectfully prays that this Court set a hearing, and after notice of such hearing, that the County Judge sign an Order annexing the above described Real Property into the City of Fayetteville, Washington County, Arkansas, and to order such other relief as is appropriate under applicable law.

Respectfully executed this 1 day of November, 2005.

Hank Broyles
Hank Broyles, Managing Member of
Broyles Commercial Funding, LLC, which
is the Member of Nock-Broyles Land
Development, LLC authorized to execute
this petition

SUBSCRIBED AND SWORN TO before me, a Notary Public, on this the 1 day of
November, 2005.

James Atwood

My Commission Expires:

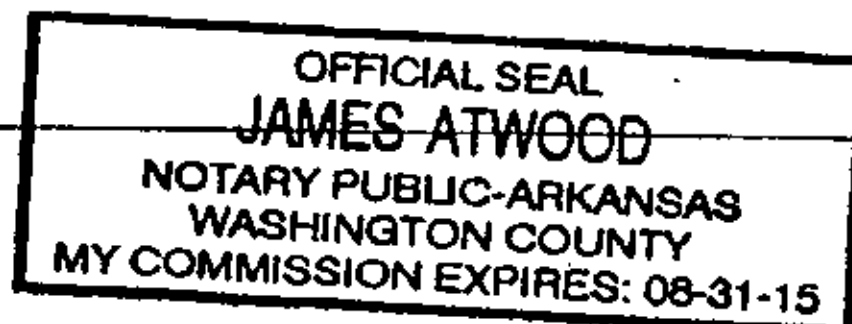


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Addendum to the City of Fayetteville Annexation Application
For Parcel Number 001-11254-000

Parcel 001-11254-000 (the "Parcel") to be annexed hereunder is currently part of an island (comprised of several parcels) that was created by virtue of several annexations of large tracts of land, by developers, during the last 2 years or so. By annexing this parcel, this recently created island will be diminished in size.

Tax parcel 001-11261-000 is contiguous to and directly south of the Parcel. Upon annexation of the Parcel, parcel 001-11261-000 will be separated from the larger island and become an island of its own. However, the annexation of the Parcel will not change the status of this contiguous parcel since it is already part of the island created as described in the paragraph immediately above. Rather, the annexation of the Parcel will decrease the size of the existing island, which is consistent with the City of Fayetteville's policy to avoid or diminish islands.

According to the Washington County property tax records, John K. & Carol S. Baltz are the owners of record of parcel 001-11261-000. The Representative for the Applicant worked with a previous developer in regards to the annexation of property in the Dead Horse Mountain Road area. In the course of this annexation, the previous developer attempted to get the Baltz's to join in the annexation, but was unable to do so.

Also, please note that the legal description provided herewith provides that the parcel is 6.55 acres. The engineer for the applicant has reviewed the legal description (as did the GIS department) and has found the legal description to be accurate; however, the engineer in adding up the acreage has found that the acreage is approximately 7.5 acres



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

C. 5
ANX 06-1933 Nock-Broyles
Page 19 of 26

POLICE DEPARTMENT

February 17, 2006

Jeremy Pate
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Pate,

This document is in response to the request for a determination of whether the proposed Annexation ANX 06-1933 (Nock-Broyles Land Development, 645) submitted by James Atwood for property located at 2390 Dead Horse Mountain 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 will not substantially alter the population density and thereby undesirably increase the load on police services or create an appreciable increase in traffic danger and congestion in the area.

Sincerely,

A handwritten signature in black ink, appearing to read "William Brown", written over a horizontal line.

Captain William Brown
Fayetteville Police Department



Fayetteville Fire Department

MEMO

To: Suzanne Morgan, Andrew Garner, Jeremy Pate, and Jesse Fulcher
Thru: Chief Tony Johnson
From: Captain Dale Riggins
Date: February 17, 2006
Re: February 16, 2006 Zoning Review – Fire Department Comments

~~C-PZD 06-1921 (Lazenby/Phase II, 560)~~

~~This 1.30 acres is covered by Engine 6 at 900 Hollywood.~~

~~It is 1 mile from the station with an expected response time of 2.75 minutes.~~

~~Measured hydrant flow in this area is 1760 gallons per minute.~~

~~We do not anticipate calls for service on commercial buildings but typically this will not affect our call volume or response times.~~

~~R-PZD 06-1922 (Scottswood Place, 558)~~

~~These approximately 5.06 acres are covered by Engine 6 located at 900 S Hollywood.~~

~~It is 1.2 miles from the station with an expected response time of 3.5 minutes.~~

~~The Fire Department anticipates 4 (2 EMS – 2 Fire/Other) calls for service per year once the development is completed and maximum build-out has occurred.~~

~~Measured Hydrant Flow in this area is 1300 gallons per minute.~~

~~The service impact of this development will typically take eighteen months after the development is started, and the units begin to be occupied, to occur.~~

~~There should be no adverse effects on our call volume or response time to this development.~~

ANX 06-1933 (Nock-Broyles Land Development, 645)

These 6.55 acres are covered by Engine 5 located at 833 N Crossover Road.

It is 3.3 miles from the station with an expected response time of 6.25 minutes. When the new Station 3 is in service at Happy Hollow and E Huntsville the distance will be reduced to 2.4 miles with a 5 minute response time.

Only concern we have is the lack of hydrants in the area but that may be resolved when the zoning of the property is addressed.

We can not anticipate calls for service on annexations.

ANX 06-1935 (Fletcher Williams, 474)

RZN 06-1936 (Fletcher Williams, 474)

These 10 acres are covered by Engine 7 located at 835 Ruppel Road.

It is 3 miles from the station with an expected response time of 6 minutes to the entrance of this development.

The Fire Department anticipates 13 (8 EMS – 5 Fire/Other) calls for service per year once the development is completed and maximum build-out has occurred.

Measured Hydrant Flow in this area is 1465 gallons per minute.

The service impact of this development will typically take eighteen months after the development is started, and the units begin to be occupied, to occur.

There should be no adverse effects on our call volume or response time to this development.

RZN 06-1934 (Broyles Commercial Funding, LLC, 438)

These 10.06 acres are covered by Engine 7 located at 835 Ruppel Road.

It is 0.6 miles from the station with an expected response time of 2.25 minutes

The Fire Department anticipates 55(33 EMS – 22 Fire/Other) calls for service per year once the development is completed and maximum build-out has occurred.

The water department did not have a recorded hydrant flow from this area.

The service impact of this development will typically take eighteen months after the development is started, and the units begin to be occupied, to occur.

There should be no adverse effects on our call volume or response time to this development.

If you have any questions, please feel free to call or email me

Dale Riggins

Captain

Fayetteville Fire Department



5 Minute Response from Station 3. (yellow)

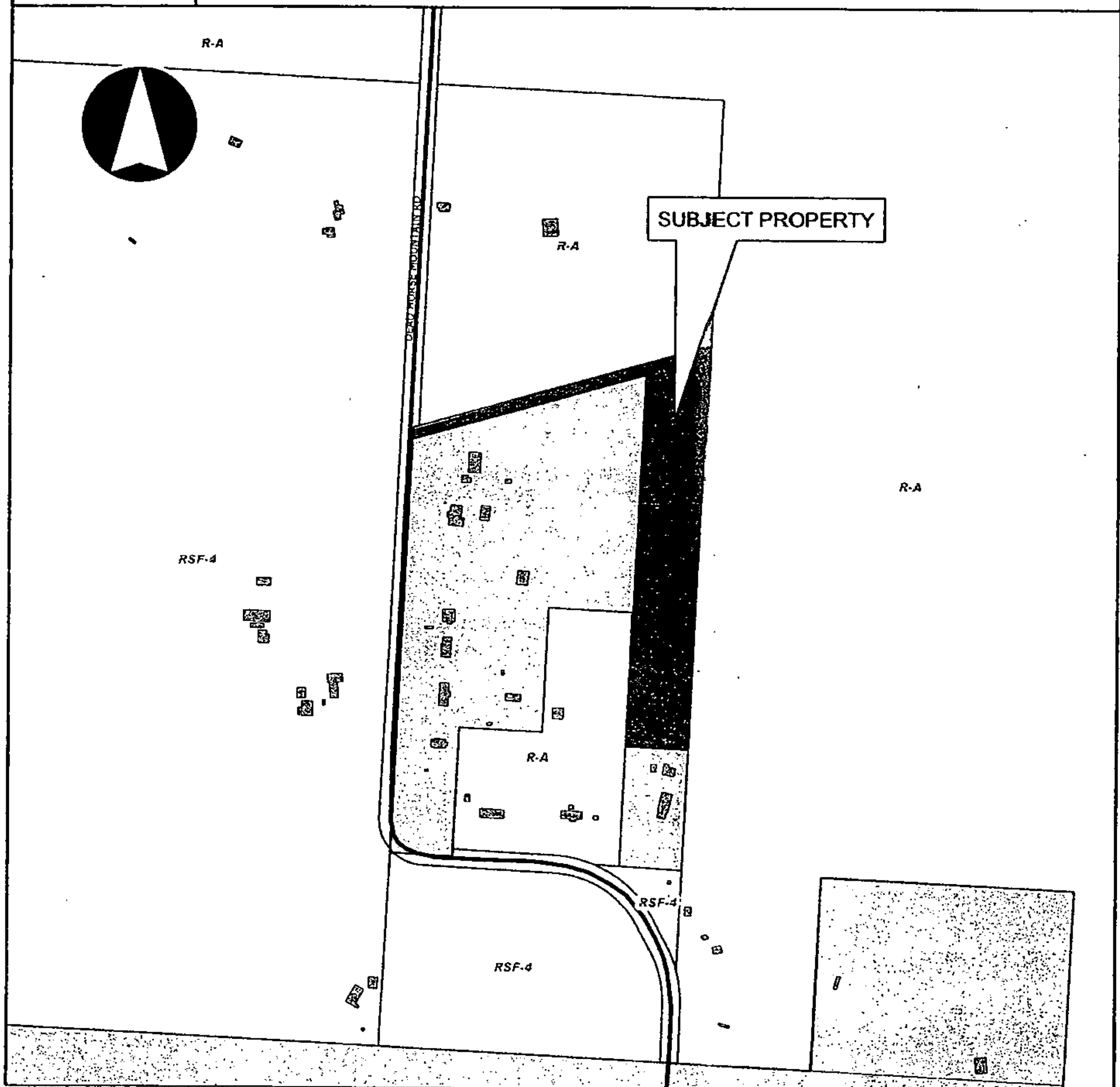


Project Name	Location	Acres	Response
RZN06-1934	Broyles Commercial	10.06 Acres	2.25 Minute Response

ANX06-1933

NOCK-BROYLES LAND DEVELOPMENT

Close Up View



Legend

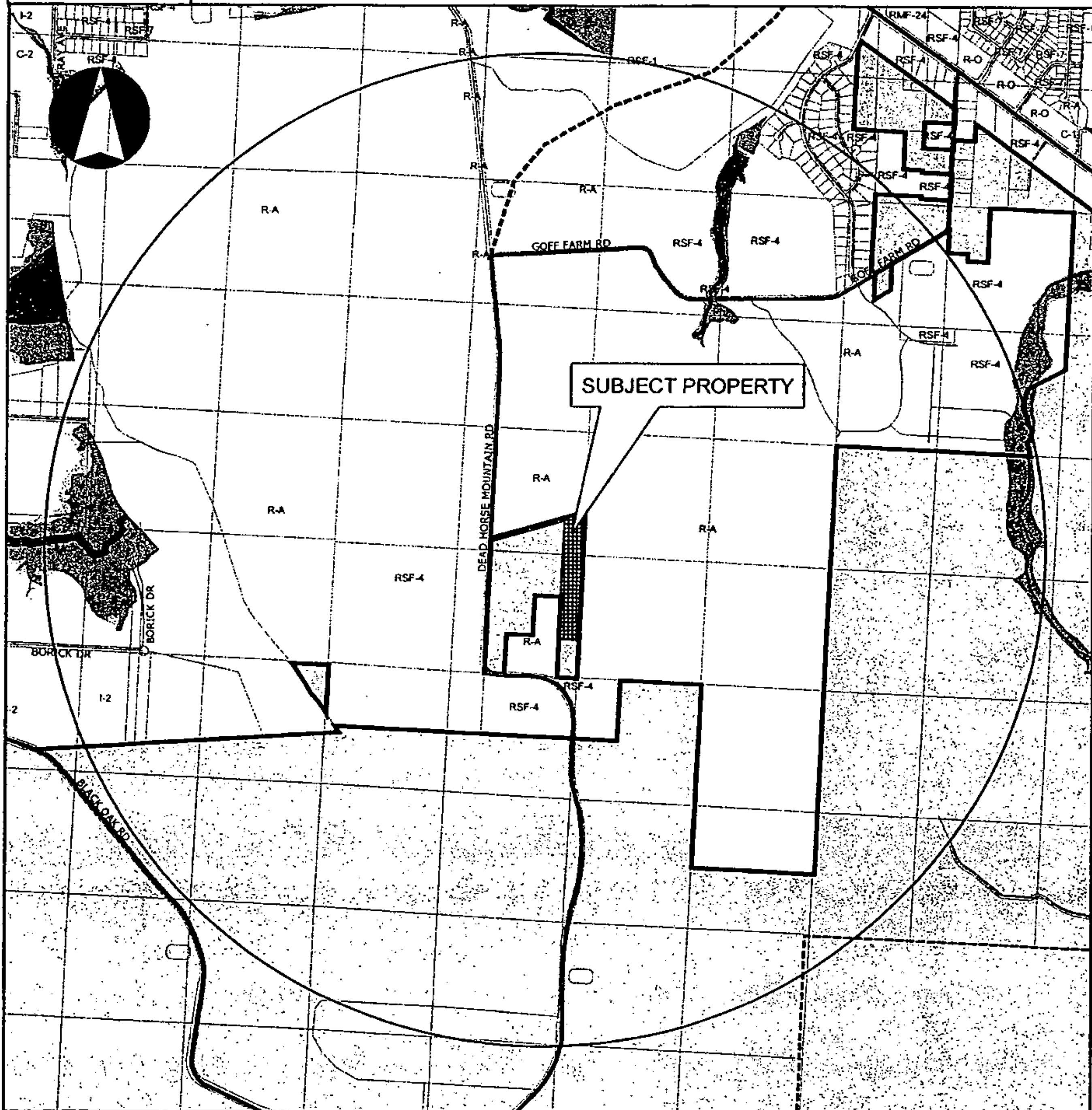
- Overlay District
- FLOODWAY
- 100 YEAR
- 500 YEAR
- LIMIT OF STUDY
- BaseLine Profile
- Fayetteville
- Outside City
- ANX06-1933
- vector.GDB.Footprint_2004

0 175 350 700 1,050 1,400 Feet

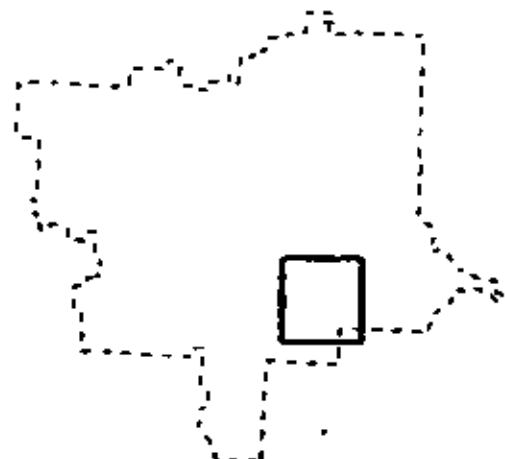
ANX06-1933

NOCK-BROYLES LAND DEVELOPMENT

One Mile View



Overview



Legend

Subject Property

ANX06-1933

Boundary

Planning Area

Overlay District

Outside City

Legend

0 0.125 0.25

0.5

0.75

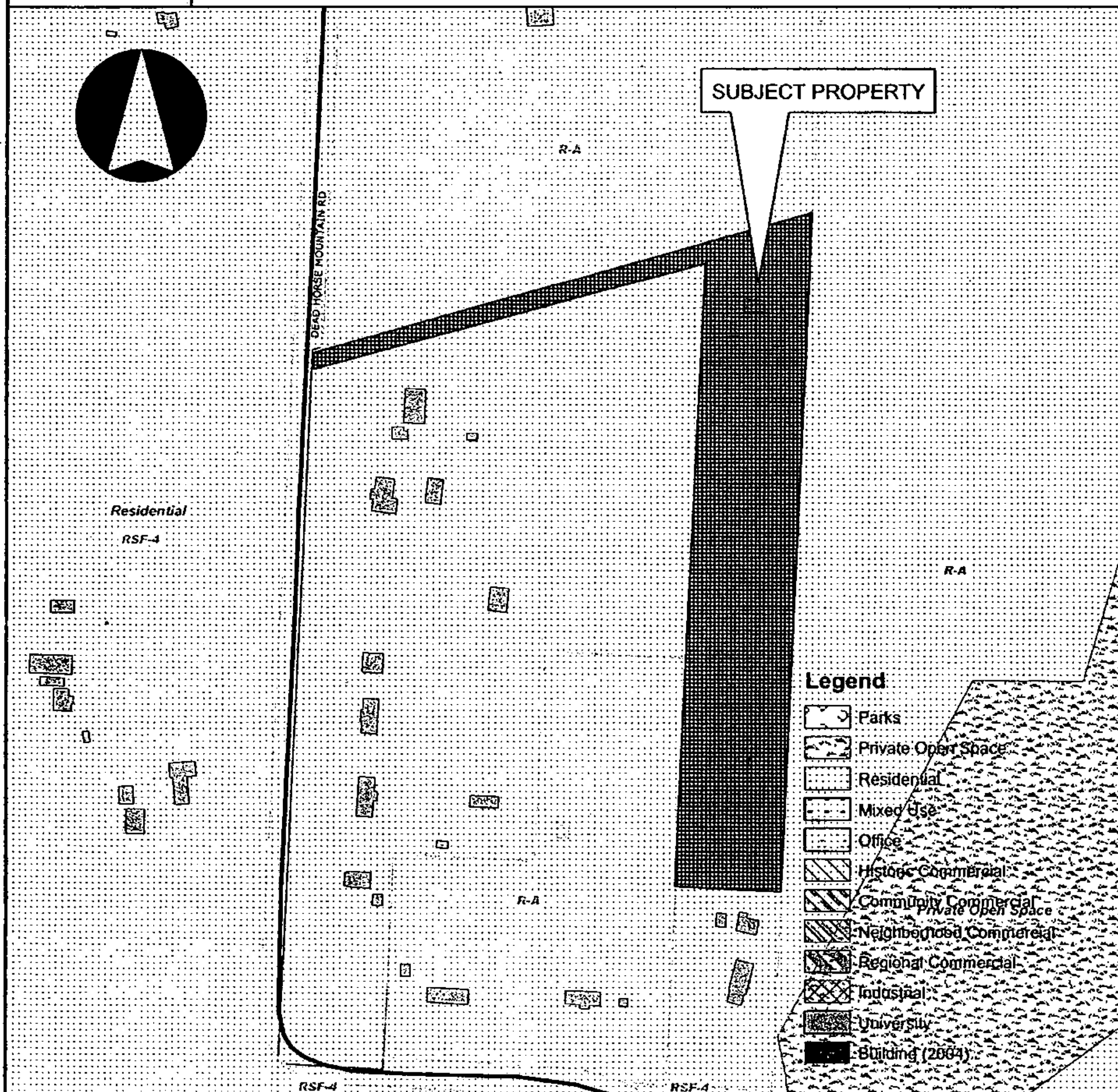
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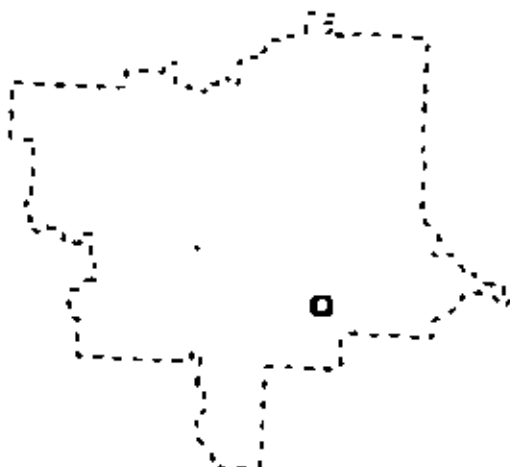
ANX06-1933

NOCK-BROYLES LAND DEVELOPMENT

Future Land Use



Overview



Legend

Subject Property

ANX06-1933

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

Outside City

Legend



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

21-Mar-06
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

Approval of a waiver from the Unified Development Code Ch. 166.20 Expiration of Approved Plans and Permits, to permit an extension for the Aspen Ridge Planned Zoning District until December 31, 2006.

\$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	Remaining Balance	Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

 3-2-06
Department Director Date

Previous Ordinance or Resolution # n/a

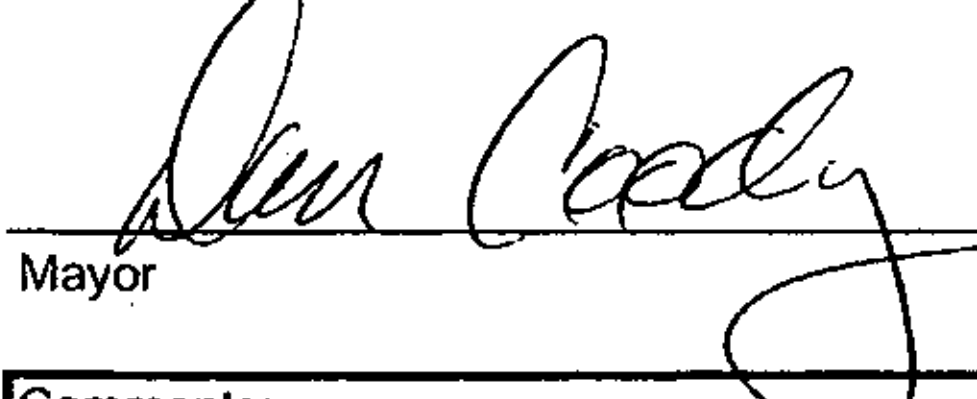
Original Contract Date: n/a

Original Contract Number: n/a

 3-6-06
City Attorney Date

 3-6-06
Finance and Internal Service Director Date

Received in City Clerk's Office
ENTERED
3/2/06

 3/6/06
Mayor Date

Received in Mayor's Office
ENTERED
3/6/06

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning *JP*

Date: March 02, 2006

Subject: Aspen Ridge Planned Zoning District Expiration

RECOMMENDATION

Planning staff recommends approval of a waiver for Aspen Ridge R-PZD from the Unified Development Code, *§166.20 Expiration of Approved Plans and Permits*, with the condition that all building permits shall be obtained by the applicant prior to December 31, 2006 or the project shall return through the Planned Zoning District review process, in accordance with the ordinances in place at the time of submittal.

BACKGROUND

The subject property contains approximately 27.929 acres, located in south Fayetteville, near the intersection of Hill Avenue and 6th Street. The City Council adopted an ordinance granting approval of a Planned Zoning District (R-PZD 04-1307) on the site on January 18, 2005. The combination zoning and development action allowed for the development of 220 condominium units in two phases, along with dedication of 0.86 acres for parkland and 0.36 acres of land for construction of a public trail through an old railroad corridor. A large tree preservation and deed-restricted wetland area along the floodplain of the on-site creek is also integrated with the project.

The subject Planned Zoning District was approved in January of 2005, prior to the adoption of the current Planned Zoning District Ordinance amendments that allow for larger projects to request a more reasonable period of time in which to obtain building permits. When this project was approved, there was in place a blanket one-year time period in which to obtain all building permits associated with the project. While a great deal of earthwork and infrastructure improvements is taking place, the applicant has not yet submitted nor obtained building permits for this project. The approval for this PZD has thus expired. It came to staff's attention while processing an easement plat (one of the requirements to get a building permit) that this project had indeed expired and we can not continue processing building permits for the subject property. Given the large and complicated nature of the project, as well as the additional submittal requirements under the new PZD ordinance, staff would support a waiver from the Unified Development Code to allow for this project to continue in the process of obtaining building permits without having to halt all construction and process a new Planned Zoning District application through the development review process, also meeting all new submittal

requirements. We feel it is evident the applicant/developer is actively pursuing the development of this project, which was the intent of the ordinance adoption, and it is not the applicant's intent to complete the earthwork and let the project sit stagnant. Staff proposes a time limit on the extension of the approval of approximately 10 months, to expire on December 31, 2006. All building permits for Aspen Ridge PZD would have to be obtained for this project by that date, or the approvals would expire without the ability to request renewal by the Planning Commission.

DISCUSSION

None.

BUDGET IMPACT

None.

ORDINANCE NO. _____

**AN ORDINANCE TO WAIVE §166.20 EXPIRATION OF
APPROVED PLANS AND PERMITS FOR R-PZD 04-1307
(ASPEN RIDGE)**

WHEREAS after the Aspen Ridge R-PZD was approved, the City Council amended §166.20 to allow a greater period of time before an approved PZD must have all building permits issued; and

WHEREAS, Aspen Ridge is such a large R-PZD that construction of the streets, water mains, sewer mains, sidewalks, trail and other infrastructure improvements could not be accomplished so that all building permits could be obtained within one year of approval.

**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 waives the one year time limitation of R-PZD 04-1307 (Aspen Ridge) adopted on January 18, 2005 to obtain all building permits and extends that period to December 31, 2006.

PASSED and APPROVED this 7th day of March, 2006.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk



Crafton, Tull & Associates, Inc.

901 N. 47th Street, Suite 200, Rogers, AR 72756 479.636.4838 Fax: 479.631.6224 www.craftull.com

March 2, 2006

Mr. Jeremy Pate
Senior Planner
City of Fayetteville
125 West Mountain Street
Fayetteville, AR 72701

RE: PZD Expiration
Aspen Ridge
CTA Job No. 021111-00

Dear Mr. Pate:

On behalf of Mr. Hal Forsyth (a.k.a. Town Creek Construction & Development LLC), we request the city council's consideration to allow the construction of the Aspen Ridge project to continue. The approval for this project was conditioned on the PZD only being valid for one calendar year, and the approval was granted by the city council on January 18, 2005. The city staff approved the infrastructure construction plans on May 2, 2005 and construction proceeded shortly after that. Construction has continued steadily since that time, with the infrastructure on Phase I now nearing completion and work on the Phase II earthwork, drainage, utilities and streets on-going.

As you know, Aspen Ridge is a large and very complex project. Due to the size and complexity, completion of the project within a year of the PZD approval was not possible. Mr. Forsyth intends to obtain building permits for all of the buildings no later than December 31, 2006.

We appreciate your assistance with this project and ask that the city council look favorably on this request. When completed, we believe Aspen Ridge will be one of the premier housing developments in the region, aiding the city in its goal to revitalize south Fayetteville and setting a high standard for quality in the city.

Sincerely,

Crafton, Tull & Associates, Inc.

Matt Crafton, P.E.
Chief Operating Officer

ORDINANCE NO. 467.2

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 04-1307, ASPEN RIDGE LOCATED SOUTH OF 6TH STREET, WEST OF HILL AVENUE, NORTHEAST OF 11TH STREET ALONG TOWN BRANCH CREEK CONTAINING APPROXIMATELY 27.969 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 RMF-24, Residential Multi Family, 24 units per acre, to R-PZD 04-1307 as shown in Exhibit "A" attached hereto and made a part hereof.

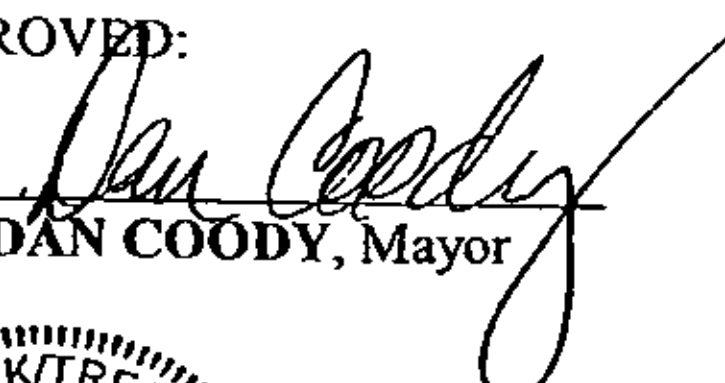
Section 2: That the change in zoning classification is based upon the approved master development plan and development standards as shown on the plat and approved by the Planning Commission on December 13, 2004.

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 18th day of January, 2005.

APPROVED:

By: 
DAN COODY, Mayor

By: 
SONDRA SMITH, City Clerk



EXHIBIT "A"
R-PZD 04-1307

PART OF THE SOUTH ½ OF THE SW ¼ OF SECTION 16, AND A PART OF THE NORTH ½ OF THE NW ¼ OF SECTION 21, T-16-N, R-30-W, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SAID SECTION 21, SAID POINT BEING AN EXISTING IRON PIPE; THENCE S87°04'09"E ALONG THE NORTH LINE OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SAID SECTION 21 A DISTANCE OF 5.92 FEET TO THE POINT OF BEGINNING; THENCE S87°04'09"E 418.49 FEET; THENCE S02°49'04"W 514.14 FEET; THENCE N87°04'09"W 424.40 FEET TO A SET ½" REBAR; THENCE S02°49'04"W 204.82 FEET; THENCE SOUTH 87°04'09"E 139.00 FEET; THENCE S02°48'48"W 293.00 FEET TO A SET ½" IRON REBAR; THENCE N87°05'54"W 183.58 FEET TO AN EXISTING IRON; THENCE S02°48'00"W 181.27 FEET; THENCE S87°04'02"E 84.31 FEET; THENCE S02°40'05"W 79.86 FEET; THENCE S37°07'40"E 39.06 FEET THENCE S07°40'05"W 15.00 FEET; THENCE N87°18'29"W 65.13 FEET THENCE S02°40'17"W 13.01 FEET; THENCE N87°13'13"W 222.57 FEET; THENCE N02°39'07"E 98.08 FEET; THENCE N87°11'50"W 222.77 FEET; THENCE N87°13'26"W 514.88 FEET TO AN EXISTING IRON ON THE EAST RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN RAILROAD; THENCE ALONG THE EAST RIGHT OF WAY LINE OF SAID RAILROAD N35°29'31"E 52.81 FEET; THENCE N32°17'21"E 103.24 FEET; THENCE N28°25'22"E 103.51 FEET; THENCE N24°16'00"E 103.08 FEET; THENCE N21°19'30"E 102.24 FEET; THENCE N18°44'44"E 102.31 FEET; THENCE N17°42'23"E 150.90 FEET; THENCE N19°09'44"E 46.21 FEET; THENCE N19°55'12"E 130.59 FEET; THENCE N24°20'10"E 111.27 FEET; THENCE N28°56'24"E 112.03 FEET; THENCE N33°22'01"E 78.14 FEET; THENCE N36°27'09"E 61.08 FEET; THENCE N40°40'51"E 107.01 FEET; THENCE S86°14'53"E 62.45 FEET TO AN EXISTING IRON ON A 1381.79 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHEASTERLY ALONG SAID RIGHT OF WAY AND CURVE 417.54 FEET, THE CHORD FOR WHICH BEING N51°38'45"E 415.96 FEET, TO AN EXISTING ARKANSAS HIGHWAY COMMISSION RIGHT OF WAY MONUMENT ON THE SOUTH LINE OF ARKANSAS HIGHWAY 180 (WEST 6TH STREET); THENCE ALONG THE SOUTH RIGHT OF WAY LINE OF SAID HIGHWAY S87°41'42"E 40.98 FEET TO AN EXISTING AHC MONUMENT; THENCE S87°40'49"E 26.16 FEET TO AN EXISTING AHC MONUMENT; THENCE S88°18'0"E 3.15 FEET; THENCE LEAVING SAID RIGHT OF WAY S01°44'50"W 153.30 FEET; THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 315.50 FEET AND A DISTANCE OF 81.06 FEET; THENCE S16°28'1"W 8.54 FEET; THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 215.50 FEET A DISTANCE OF 40.68 FEET TO THE POINT OF BEGINNING, CONTAINING 27.969 ACRES, MORE OR LESS, FAYETTEVILLE, ARKANSAS. THE ABOVE DESCRIBED 27.969 ACRE TRACT BEING SUBJECT TO THE RIGHT OF WAY OF DUNCAN AVENUE, ANDERSON PLACE, HILL AVENUE AND ALL EASEMENTS AND/OR RIGHTS OF WAY OF RECORD.

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 - Bobby 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 Council
Meeting Minutes
January 18, 2005**

A meeting of the Fayetteville City Council was held on January 18, 2005 at 6:00 p.m. 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.

Pledge of Allegiance

State of the City Address:

Mayor Dan Coody gave the State of the City Address. A copy of the address is attached.

Election of the Vice Mayor:

Alderman Lucas moved to appoint Alderman Jordan to serve as Vice Mayor. Alderman Marr seconded the motion. Upon roll call the City Council unanimously voted for Alderman Jordan to become Vice Mayor.

Board Appointments by the Fayetteville Housing Authority Board: Robin Ross & Deborah Olsen:

Alderman Marr moved to approve the Housing Authority Board appointments. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.

CONSENT:

Approval of the Minutes: Approval of the December 7, 2004, December 28, 2004, January 4, 2005, and January 6, 2005 City Council meeting minutes.

The January 4, 2005 and the January 6, 2005 meeting minutes were pulled from the agenda.

ESRI, Inc. Annual Maintenance Agreement: A resolution approving the annual maintenance agreement in the amount of \$28,124.72 with ESRI, Inc. for Geographic Information System (GIS) software maintenance and upgrades.

Resolution 09-05 as Recorded in the Office of the City Clerk.

Hansen Technology, Inc. Purchase Request: A resolution approving a purchase request to Hansen Technology, Inc. in the amount of \$55,086.88 for 2005 service and maintenance fees.

Resolution 10-05 as Recorded in the Office of the City Clerk.

Pumping Unit Purchase: A resolution approving the purchase of one (1) portable, hydraulic-powered centrifugal pumping unit from Thompson Pump and Manufacturing Co., Inc. in the amount of \$24,431.50.

Resolution 11-05 as Recorded in the Office of the City Clerk.

McClelland Consulting Engineers, Inc. Contract (Wedington Drive): A resolution approving a contract with McClelland Consulting Engineers, Inc. in an amount not to exceed \$54,000.00 for survey and preliminary design services for water and sewer relocation for highway improvements to Wedington Drive.

Resolution 12-05 as Recorded in the Office of the City Clerk.

McClelland Consulting Engineers, Inc. Contract (Razorback Road): A resolution approving a contract with McClelland Consulting Engineers, Inc. in an amount not to exceed \$22,800.00 for survey and preliminary design services for water and sewer relocation for highway improvements to Razorback Road.

Resolution 13-05 as Recorded in the Office of the City Clerk.

Police Vehicle Purchase: A resolution authorizing the purchase of thirteen (13) Ford Crown Victoria Police Interceptors from the North Point Ford of Little Rock at a total cost of \$261,989.00.

Resolution 14-05 as Recorded in the Office of the City Clerk.

Insituform Technologies, Inc. Contract Renewal: A resolution approving a contract renewal with Insituform Technologies, Inc.; and authorizing the expenditure of an amount not to exceed \$338,250.00 for sanitary sewer lining services.

Resolution 15-05 as Recorded in the Office of the City Clerk.

South Fayetteville Community Development Corporation Fee Waiver: A resolution to waive the building permit fee and other developmental fees for homes to be constructed by the South Fayetteville Community Development Corporation.

Resolution 16-05 as Recorded in the Office of the City Clerk.

Alderman Jordan moved to approve the Consent Agenda with the January 4 and January 6 meeting minutes removed. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.

UNFINISHED BUSINESS:

RZN 04-1330 (Dunnerstock): An ordinance rezoning that property described in Rezoning Petition RZN 04-1330 for property located on the west side of Ruppel Road containing approximately 19.84 acres from RSF-1, Residential Single Family, One Unit per Acre to RSF-4, Residential Single Family, Four Units per Acre. *This ordinance was left on the second reading at the January 4, 2005 City Council Meeting.*

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.

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Rhoads was absent during the vote.

Ordinance 4671 as Recorded in the Office of the City Clerk.

R-PZD 04-1307 (Aspen Ridge): An ordinance establishing a Residential Planned Zoning District titled R-PZD 04-1307, Aspen Ridge located south of 6th Street, west of Hill Avenue, northeast of 11th Street along Town Branch Creek containing approximately 27.969 acres, more or less; amending the Official Zoning Map of the City of Fayetteville; and Development Plan as approved by the Planning Commission. *This ordinance was left on the second reading at the January 4, 2005 City Council Meeting.*

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

Mr. Williams read the ordinance.

Alderman Cook stated he would have to recuse from this vote.

Alderman Thiel: I would like to compliment Mr. Broyles, the owners and the other developers of this project. They have gone out of their way; I think Mr. Broyles has in particularity, visiting with the neighborhood and addressing the impact of the stream. They have also worked with the Audubon representatives on ways they can protect and enhance the water way. I have had and the neighborhood has had a lot of concerns about potential flooding at this project. The more I have visited with Mr. Broyles and looked at this project, we have to depend upon the engineers that they will design this properly. The city has a good staff of engineers that will oversee this project. They have to guarantee that they will not increase the problem; they can't guarantee that they will make it better but they have to guarantee that their project will not increase it. One thing that has been pointed out is that the water way will probably, through this project, stay much cleaner than it has over the past few years. Some of the debris and so forth that gets in this water way contributes to some of the flooding downstream. I think that in itself is valuable that the stream will be kept cleaner. I at this point will probably support this project. I think it will certainly enhance that neighborhood. I am really glad that most of the project is going to be owner occupied; I think that complements that neighborhood.

Mitch Woody: I am all for this project. Most of the residents that live around there feel like it is a lot better to have beautiful town homes than to have what was there before. The Planning Commission, Mayor and city officials have done a lot of hard work to make this project go through. As a former real estate broker from Texas I can appreciate that hard work.

He handed out a packet to the City Council that showed the extension of Brooks Avenue from Phase 2 of Aspen Subdivision. It shows that Brooks Avenue will be built and tie in with Twelfth Street. He said there are 12 families living on Twelfth Street and that they are very happy with the way it is now but progress has to go on. It is a dead end street right now. He is concerned with the possibility of in the future extending Brooks Street all the way to Fifteen Street. Originally when the subdivision was platted to show the street, Brooks Avenue was going all the way to Fifteenth Street, it was vacated back to the property owner in 1993. He said as it stands right now the only options that we have would be to tie it in with Twelfth Street which wouldn't be that bad.

Mr. Woody explained the map that he presented to the City Council and the different routes around this area. He also discussed the traffic study that was completed in this area. He stated he did not feel the numbers were accurate. He stated the engineers are from Little Rock and it is difficult for them to tell what the traffic flow actually is. He stated he is concerned about their numbers.

I am not here to try to put a halt to this. I believe the project should go through rapidly. I just wanted to let everyone know how we feel around the neighborhood. Mayor Coody indicated

today that Mr. Dumas and Mr. Pate were going to try to put together a package for the Mayor so the Mayor could contact Pinnacle at some future date and see if they wouldn't agree to donate a strip of land through there for the street. Of course we couldn't ask the developer to come back and put a street in after everything is already done. Mr. Dumas suggested that the City might later put in a street through a street improvement project. It is really needed. I would like to thank the Mayor for working with us and talking to Pinnacle.

Mayor Coody: I did hear from Pinnacle this afternoon and they said the immediate answer was no but they were going to kick it up the chain of command.

Mitch Woody: Whatever you can do in the future. I would hope that the City Council would agree that that street is needed. Thank you so much. I know it is a lot of hard work and this is a great project.

Aubrey Sheppard a resident of the neighborhood: I agree with most everything everybody said. I was asked the last time I was here who has problems with this. I said a lot of people feel that if they take the trouble to come down they do not think they will be listened to. That is a fact. I talked to one lady and she stated if she comes here and tells people how close that water came to her house three different times last year and she decides to move and sell, she might not be able to sell her home because the water goes almost out to the street without getting in her house. Just a little bit of change in the floodplain up stream could make that difference that is something hard to guarantee. It is close to being dangerous anytime you live in a floodplain or very near one. When these houses were built it wasn't a dangerous situation because we didn't have all the paving on the University campus or a lot of things built up there. Each project that is done from now on and as it has been for years will increase, as it has, the potential of flooding downstream. That is why we spoke with Mr. Broyles many times and with this Council about the significance of being sure that we don't increase it at all if possible. We can't keep a 10 inch rain from coming and we can't guarantee it won't get up a little higher than it ever has even now. It is sort of like the global warming argument even if mankind's acts are not causing it then maybe we still need to be sure that what we do choose to do doesn't aggravate it, if it is occurring naturally. We know it is occurring for come reason.

He showed the Council some photographs of the property and the water that floods the property.

Alderman Rhoads: Are these the same photographs that are on your website?

Aubrey Sheppard: One of these is on the website the other one isn't.

Alderman Rhoads: Mr. Sheppard are you contending that you are very certain that because of this development that all these things are going to happen. That people's homes are going to be flooded or that it is just a possibility.

Aubrey Sheppard: Three times last year the water got very near property.

Alderman Rhoads: Are you contenting it is just a possibility or are you fairly certain that it is going to happen?

Aubrey Sheppard: Well, I don't make it rain so I am not going to make it happen but rain comes and if it should come as it did three times last year and get out of the banks then it's basically a slew parallel to the town branch.

Alderman Rhoads: Have you talked to the developers about this issue?

Aubrey Sheppard: Sure. We talked about it first last April as I recall.

Alderman Rhoads: What did they say?

Aubrey Sheppard: They are hoping their engineers get it right so that it can't happen. What I was pointing out, that I am not sure the engineers concluded, was that the over flow when the creek gets up as it did last year, then the water gets out there. If that doesn't occur, water goes down stream faster.

Mayor Coody: Mr. Sheppard what is your recommendation to the City Council? Are you asking the Council to deny the development?

Aubrey Sheppard: Not at all. I am not sure I am doing anything but maybe talking about the future. When you look at developments and when your engineers get plans in, in a water shed area that may not be identified on a map as an over flow or flood plain area it may not say wet land. The Corp of Engineers and the Department of Environmental Quality get their information from what the engineers give them from the site. I think they are hoping that it will not cause any problems. I don't think that they would willingly create that problem. I would ask them to adjust those plans a little bit to see that as much of the flood plain is there to allow the water to flow as it does now. That could possibility help the situation.

Mayor Coody: I know this development has been in the works for about two years and they have done a lot of changing to the plans. They have worked with our storm water engineers and the neighborhood extensively to make something that would be palatable to pretty much everyone.

Aubrey Sheppard: Some of us in the neighborhood have tried to be available every chance we had to visit with them and look at things with them and they have been very good about that, this is not a complaint about that at all. Planning Commission when this was finally announced put one sign on Sixth Street, that didn't show the people that there was development coming anywhere else down the street or anywhere connected to it. So, people didn't know they should come to comment except when they were told it would affect them. There was one story in one of the newspapers that actually mentioned the limits of this development site. I would say we need to notify more people not just adjacent property owners. Thank you.

Mary Bassett, owner of Bassett Mix Real Estate Company stated she appreciated the opportunity to speak. She said she is very familiar with this property and what it looked like before the developers bought it. She stated none of this property was listed. She represented the developers in acquiring it; they went to each tract of land individually and approached them about selling their property. The majority of them got more financial gain by these developers

buying their property. They gave more than the appraised value for many of these properties to accumulate the property to make it a whole 30 acres that they could develop in a feasible way and to help in the redefining of south Fayetteville. She stated it is going to be a beautiful project and she is very proud to represent them.

Melissa Terry with Audubon Arkansas: The developers have been very good about working with us. Audubon has tried to be a third party to help broker some of this discussion. I think a lot of the tension that has come up is a natural consequence of some of these downtown areas getting infilled. The reason they weren't in the first place is because they were problematic environmentally. Audubon has over the past year and a half worked with the developer and the neighborhood association. We have invested approximately \$200,000 in grant funds along this drainage. We see this as an investment in green infrastructure, a piece of infrastructure that's just as important as the city sewer or cable. This infrastructure has vital long term economic consequences for our community. We will do everything we can to keep working with the parties and I ask for your support as we go along.

Alderman Lucas: You had originally recommended 28 feet for that street with the idea that it would be going on to Fifteenth. Should we go back to 28 feet, does that allow a turn lane or why were you recommending 28 feet?

Jeremy Pate: The initial recommendation for 28 feet would allow on street parking. We were looking initially at the number of traffic that would be generated and the potential for it to get to Fifteenth Street. That would probably become much more of a through connection south to Fifteenth Street. The Planning Commission voted to recommend that go to 24 feet; it is just connecting to Twelfth. As the traffic study indicates only about 4% of the traffic will leave Phase 2 along Brooks and then Twelfth Street to go south. I feel comfortable recommending the 24 foot wide street as the Planning Commission has also indicated.

Alderman Lucas: Does that allow a turn lane later?

Jeremy Pate: It does not.

Larry Smith voiced his concern about the traffic.

Alderman Thiel: We should be very cautious whenever we vacate streets and alleys. This is a good example of no one foreseeing this project. I hope everyone understands that this is not something that we can do without condemning that property and paying money for it. I hope everyone understands that our hands are kind of tied in trying to make this extension.

Alderman Reynolds: Brenda and I have spent a lot of time in this area, we have done a lot of extra clean ups, we have taken tons of trash out of this area. When I heard Mr. Broyles was going to come in and take out these eyesores, which was the worst nightmare this city has ever had, those two parks, I thought it was a blessing for us and for our neighborhoods. For him to take on a project this size, you are not always lucky enough to get a home town guy to do a job like this. I know he is going to do a good job and he is going to do it right. I am going to support the project and I hope the neighbors do too at this point.

Alderman Marr: I want to thank the Audubon, the neighborhood association and the developer for working together because I do believe we need to push infill development in our city. I think it keeps us from annexing and putting in infrastructure outside of the core that cost us a lot more than continuing to invest in areas that are already there. I do realize we are going to have some difficult situations in doing that. I think it takes creativity to get through that, I appreciate the people who have done that. I am thrilled that we are having an infill project in south Fayetteville.

Alderman Jordan: I want to be sure that a 24 foot wide street is going to work. I am a big proponent of planning and what might occur. In your expert opinion we do not need a 28 foot street?

Jeremy Pate: A 28 foot wide street is considered a local street it handles 3,000 to 5,000 vehicle trips per day. That is not something we anticipate in this area. The 24 foot wide street in our Master Street Plan is considered a residential street and is probably more appropriate in this area. Most of the streets are actually a little wider and Twelfth Street is approximately 31 feet wide. It was developed like that to meet our ordinances in the past. The amount of traffic will probably never get to that point. We feel it is an adequate number at this point. It will allow for on street parking. Many of the streets downtown that handle much the same amount of traffic are the same width or narrower.

Alderman Lucas: If we do get the street through to Fifteenth Street will there be room for a turn lane?

Jeremy Pate: Yes that could be accommodated.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Cook recused.

Ordinance 4672 as Recorded in the Office of the City Clerk.

Downtown Master Plan Redevelopment District Number Two Adoption: An ordinance forming the Downtown Master Plan Redevelopment District Number Two pursuant to Amendment 78 of the Arkansas Constitution and authorizing the preparation of a project plan. *This ordinance was left on the first reading at the January 4, 2005 City Council Meeting.*

Mayor Coody: I suspect this will be tabled at this meeting?

Kit Williams: Mr. Mayor I think you are correct on that, at this point until we have some resolution from the legislative or more likely from the courts I think that the TIF Districts, all of them in the State are kind of up in the air. My recommendation would be that you simply move to table this district indefinitely and then if something changes in the future we can bring it back.



PC Meeting of December 13, 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
Brent O'Neal, Staff Engineer
THRU: Dawn Warrick, A.I.C.P., Zoning & Development Administrator
DATE: ~~December 08, 2004~~ Revised 12-16-04

R-PZD 04-1307: Planned Zoning District (ASPEN RIDGE, 522/561): Submitted by MATT CRAFTON CRAFTON, TULL & ASSOC. for property located at THE SW CORNER OF HWY 62, S ON HILL AVENUE AND BORDERED BY 11TH STREET AND THE BURLINGTON NORTHERN RR. The property is zoned RMF-24, MULTI FAMILY - 24 UNITS/ACRE and contains approximately 27.969 acres. The request is to approve a Residential Planned Zoning District with 220 condominiums in two phases proposed.

Property Owner: HANK BROYLES

Planner: JEREMY PATE

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>December 13, 2004</u>	☒ Approved	☐ Denied	
	8-0-0		
CITY COUNCIL ACTION:		Required	<u>YES</u>
	☐ Approved	☐ Denied	
Date: <u>January 04, 2005 (1st reading if recommended)</u>			

Findings:

Property Description: The property consists of a total of 27.969 acres located in south Fayetteville, south of Hwy 62 (6th Street), west of Hill Avenue, east of the Railroad, along Town Branch Creek. The property previously was inhabited by a mobile home park, which was recently removed by the applicant. Several tons of trash, debris, tires, etc. were separated and removed from this property, beginning the cleaning up process. A total of 49 mobile homes and 6 single family homes were removed in an effort to combine the property for development. The applicant has contributed much time and money in an effort to clean this particular site, which is not readily recognized in the development review process. Approximately half of the site is underneath tree canopy, the majority of which is located along College Branch Creek, a stream

K:\Reports\2004\PC Reports\12-13-04\R-PZD 04-1307 (ASPEN RIDGE) REVISED.doc

that bisects the site north and south. This stream, and associated runoff from surrounding development, has been the source of many neighborhood concerns in past years, due to high water, flooding and debris being washed into and down the creek during heavy rainfalls. There are existing wetlands in the area, as well, much of which the developer is proposing to retain or enhance.

Existing Development: The site is currently vacant, with remnants of the previous mobile home park development evident.

Surrounding Land Use/Zoning:

Direction	Land Use	Zoning
North	Hwy 62 – 6 th Street, busy arterial	RMF-24, C-2
South	Pinnacle Foods, Single Family homes, approved MF development	I-2, RMF-24
East	SF homes, Coors, Brenda's Burgers	RMF-24, I-1
West	Burlington-Northern Railroad	RMF-24

Proposal: The applicant requests a rezoning and large scale development approval for a residential development within a unique R-PZD zoning district. The proposed use of the site is for a condominium-style development consisting of 220 attached residential dwelling units. Two separate phases are identified. Phase I consists of 113 units on the east side of College Branch Creek, and Phase II consists of 107 units on the west side of the creek. A future Phase III consisting of mixed-use office/retail/commercial is indicated on the site plans at the corner of 6th Street and Hill Avenue, but is not the subject of this request.

Process: Currently, the project proposal is submitted as one large tract of land, consisting of 27.969 acres. There are several independent parcels that create this tract, all of which are being combined into one for the purposes of development. Plans consist of all proposed buildings, parking, driveways, public and private streets, landscaping, tree preservation and mitigation, wetland mitigation, parkland dedication, trail construction, public utility extensions, etc., typically reviewed with a Large Scale Development. The developer intends to construct the project much as a typical multi-family development, with all structures, public infrastructure and utilities being constructed simultaneously. Though the process by which the request is being reviewed is a Large Scale Development consisting of 220 *condominiums*, the intent is to sell each of the 220 *townhomes* as a single-family residence and plat each townhome as a separate lot once the infrastructure has been constructed and the exact locations of the buildings are set in the field.

To clarify, a condominium and townhome are distinct from one another: **Condo unit owners own the inside of their units. Townhouse owners own the complete unit, including exterior surfaces and the land on which the unit is built.**

Condominium: a multiple-unit complex, the units of which are individually owned, with each owner receiving a deed to the unit purchased . . . and sharing in joint ownership of any common grounds, passageways, etc. (through an established POA/HOA) (*paraphrased from Webster's*

College Dictionary, 1991). This type of dwelling unit typically does not have land attached to its deed, it is merely the unit alone, inside the walls of the structure.

Townhome: a row house on a small lot, which has exterior limits common to other similar units. Title to the unit and its lot is vested in the individual owner with a fractional interest in common areas, if any. (Source: *mortgagewarehousemb.com*) A **townhouse** is a home that is attached to one or more other houses, but which sits directly on a parcel of land that you also own (if you don't own the land, it is a **condominium**).

In order to plat individual lots for the townhomes in the future, an amended Planned Zoning District plat will have to be processed and approved by the Planning Commission and City Council, at that time. This will likely take the form of a Concurrent Plat, if it meets the appropriate criteria. Otherwise, a Preliminary and Final Plat process will be required.

Proposed Land Uses:

- Use Unit 1: City-wide Uses by Right
- Use Unit 8: Single Family Dwellings
- Use Unit 26: Multi-family Dwellings – Townhouse development, more than three attached units.

The total proposed number dwelling units on the 27.969-acre site is 220, therefore the proposed density for the R-PZD is 7.87 DU/acre. The project site is currently zoned RMF-24, allowing for a much higher density of development as a traditional multi-family complex. The potential for a townhouse-style division of land, the inclusion of the public trail system, a public park, a large Tree Preservation and riparian corridor protection area, the challenges presented by existing natural conditions (drainage, slope and railway); all of these contribute to the need to process a Planned Zoning District in order for the best project to result for both the applicant and the city.

Building Setbacks: Building setbacks are proposed as indicated on the plat. Most setbacks are 8' or 10', with an exception at the 6th Street frontage (20 feet) and Duncan/11th Street frontage (25 feet).

Building Height: Maximum building height shall be 40 feet.

Greenspace: 51.6% Impervious (greenspace), 48.4% pervious (streets, buildings, trail, parking)

Wetlands: A small percentage of wetlands on the property are being filled and mitigated for in the riparian corridor along Town Branch Creek. As part of the Corps of Engineers permit to do so, a buffer area is to be deed-restricted for protection from future development. A portion of this area will also serve as the Tree Preservation and mitigation area.

Water & Sewer: Water and sewer lines are being extended to serve the development. The applicant is extending public lines to service each unit individually, in order to legally subdivide the property in the future.

Access: Access is from several streets in the area:

North: 6th Street (one-way entrance and exit, with a right-turn only allowed when exiting)

South: Phase I has no access across the creek.

Phase II : 11th and Duncan

: Brooks Avenue and 12th Street. This separate access point is recommended to provide a safe means of access into Phase II and alleviate potential congestion at the intersection of 11th and Duncan.

East: Phase I access east to Hill Avenue.

Phase II access south and east onto Duncan/11th/12th Streets.

West: No access is available over the railroad.

The ingress/egress to the proposed 113 units in Phase I is from 6th Street and Hill Avenue. Based on a traffic study prepared for this project, a turn lane and widening of the intersection is warranted at Hill and 6th Street due to the increase in number of vehicle trips per day, and plans by the developer have been prepared accordingly. Ingress and egress to Phase II is more difficult, due to the lack of frontage for this particular parcel. Staff has recommended, and the developer consented, to constructing an additional means of access within platted right-of-way known as Brooks Avenue, to connect to the portion of 12th Street that is constructed. The other entrance to this phase is at the corner of 11th and Duncan, which has been reviewed and determined to be satisfactory by the Engineering Division.

Interior to the project, public streets are being provided within a varying right-of-way, with sidewalks on both sides in most cases. Staff recommends that where possible, the sidewalk be located at the right-of-way line, with a minimum distance of six feet from the curb, to meet Master Street Plan requirements.

Adjacent Master Street Plan Streets: 6th Street (Principal Arterial), Hill Avenue, 11th Street, Duncan Avenue (Historic Collector)

Street Improvements: Staff recommends street improvements to surrounding streets to bring them to a safe and adequate level of service for the additional units proposed in this area. A significant number of units are being added to this area, and much of the property being developed has no direct frontage onto adjacent right-of-way. The following are staff's street improvement recommendations for the developer to meet ordinance requirements for this development's proportionate share:

- Repair the broken pavement on 11th Street, directly south of the proposed intersection at the corner of 11th and Duncan, as part of the improvements to this stretch of street.
- Continue the existing sidewalk on the north side of 11th street to connect the proposed sidewalk on Greystone Drive (approximately 20 feet).
- Complete the curb and gutter on the south side of 11th street from the bridge west to the constructed curb/gutter. Minimum street width should be 24 feet, face of curb to face of curb (approximately 240 feet in length).
- Widen the intersection at Hill Avenue and 6th Street, including a turn lane, the cost of relocating traffic signals and any necessary costs to add a left-turn signal to the existing

signal system. (Recommended in traffic study)

- Improve that portion of Hill Avenue adjacent to the subject property where necessary, to conform to City specifications. A six-foot sidewalk is required, at the right-of-way line.
- Relocate the sidewalk along 6th Street to transition from the railroad bridge to the Master Street Plan right-of-way line along the frontage of this project.
- Construct a secondary means of access to Phase II; The applicant proposes to construct a 24-foot wide public street within existing platted right-of-way of Brooks Avenue and turning south to connect to 12th Street. The Master Street Plan calls for a 28-foot wide street in this location, based on the platted right-of-way and number of vehicle trips per day to be generated. The applicant disagrees with this recommendation, stating the Traffic Study indicates only 4% of all traffic from Phase II will utilize Brooks Avenue. Based on this same report, the following is applicable:
 - Phase II will generate approximately 627 vehicle trips per day.
 - Figure 3 of the Traffic Report indicates slightly more vehicles will travel south from Phase II than north (358 vs. 303) in a 24 hour period.

A 24-foot wide Residential Street is designed to serve a range of 300-500 vehicles per day, maximum. Should ½ of the traffic within Phase II of the development travel south, many of them will utilize the Brooks Avenue access. Typical traffic calculations by the City of Fayetteville, when two access points are provided, are based on ½ of the traffic potentially traveling in either direction. This would result in approximately 313 vehicles trips per day accessing the Brooks Avenue access. Additionally, the street to be constructed to provide the only secondary means of access to this site also fronts onto other properties that are vacant and have the potential to develop in the future, thereby increasing their volume. A Local Street, by contrast, is developed with a 28-foot width and can support up to 4,000 vehicles per day, per the Master Street Plan. Staff recommends a 28-foot wide street be constructed, to transition to the existing 31-foot wide 12th Street. This is based on providing a safe and adequate means of access to the proposed development, planning for this development along with potential other developments in the area that may access the street, and Master Street Plan requirements.

<i>Tree Preservation:</i>	Existing:	52.5%
	Preserved:	15.1%
	Mitigation:	On-site mitigation, to 25% minimum

Parks: The Parks and Recreation board recommends a combination of money, land and services to meet park land dedication requirements. This will include 0.36 acres of land on which a 12-foot public trail is to be constructed by the developer, per the City of Fayetteville specifications. In addition, approximately 0.86 acres of land on the southern edge of the property is to be dedicated as a public park. *Credit will be applied to the developer to account for 55 existing inhabited homes that were removed from the property.* If remaining fees are due above and beyond the requirements herein, they will be applied to amenities for the park.

Temporary Office Space: The applicant proposes to operate one (1) temporary office within the development specifically for the purpose of selling townhomes for Aspen Ridge. One of the constructed units in the Phase I area will be used as the location of the sales office, with office hours of Monday through Friday, 8 am to 8 pm, Saturday and Sunday 10:00 am to 6:00 pm.

Once all of the units in the development are sold, the sales office will be closed and sold as a single-family residence.

Neighborhood Involvement: The applicant has met several times with adjoining property owners and neighbors on Duncan, both in groups and individually. Much concern has been voiced regarding the drainage and flooding problems associated with the Town Branch Creek. Many of the homes that are adjacent to this creek are within the 100-year floodplain or floodway. The developer has been involved with his engineers from the beginning of the process to best address these concerns, and others voiced by the neighborhood. Though not all are pleased with all aspects of the proposal, staff has received numerous calls from residents in this area pleased with the clean-up effort, removal of the mobile home park and the efforts to better the drainage situation, along with the proposal for single family attached units, rather than typical multi-family units that are allowed by right on the property.

A draft of the future plat of lots, 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 the Planning Commission forward R-PZD 04-1307 to the City Council with a recommendation of approval for the requested rezoning and associated development plans, with the following conditions of approval:

Conditions of Approval:

1. Allowed uses in this R-PZD shall be restricted to Use Unit 1: City-wide Uses by Right, Use Unit 8: Single Family Dwellings and Use Unit 26: Multi-family Dwellings – Townhouse development, more than three attached units.
2. Planning Commission recommendation for future vacation of portions of existing Duncan Avenue and Anderson Place rights-of-way to facilitate the proposed development. *Staff recommends approval of the vacation of these platted rights-of-way, due to the changes in circulation proposed with the submitted site plans. The connection these two streets make will be in an improved configuration, with a boulevard section that enters into this neighborhood.* PLANNING COMMISSION DETERMINED IN FAVOR OF THE RECOMMENDED FUTURE VACATIONS.
3. No structure shall be permitted that falls into existing platted right-of-way. Formal vacation requests for Duncan Avenue and Anderson Place shall be submitted prior to permitting of affected buildings.
4. Planning Commission determination of the applicant's request for a temporary sales office. *Staff recommends approval, with the following conditions: One (1) dwelling unit shall be permitted to house a temporary sales office for the sole purpose of selling dwelling units within the Aspen Ridge Planned Zoning District. The sales office shall appear in all manners as a dwelling unit, and shall cease operation and revert to its intended use as a single family residence once the remaining units have been sold.*

PLANNING COMMISSION DETERMINED IN FAVOR OF THE REQUESTED OFFICE.

5. Planning Commission determination of appropriate off-site street improvements. *Staff recommends the following improvements for this development:*

- Repair the broken pavement on 11th Street, directly south of the proposed intersection at the corner of 11th and Duncan, as part of the improvements to this street being utilized for primary ingress and egress, to the satisfaction of the Engineering Division.
- Continue the existing sidewalk on the north side of 11th street to connect the proposed sidewalk on Greystone Drive (approximately 20 feet).
- Complete the curb and gutter on the south side of 11th street from the bridge west to the constructed curb/gutter. Minimum street width should be 24 feet, face of curb to face of curb (approximately 240 feet in length).
- Widen the intersection at Hill Avenue and 6th Street, including a turn lane, the cost of relocating traffic signals and any necessary costs to add a left-turn signal to the existing signal system. (Recommended in traffic study)
- Improve that portion of Hill Avenue adjacent to the subject property where necessary, to conform to City specifications. A six-foot sidewalk is required, at the right-of-way line.
- Relocate the sidewalk along 6th Street to transition from the railroad bridge to the Master Street Plan right-of-way line along the frontage of this project.
- Construct a secondary means of access to Phase II; *The applicant proposes to construct a 24-foot wide public street within existing platted right-of-way of Brooks Avenue and turning south to connect to 12th Street. Staff recommends a 28-foot street to meet Master Street Plan requirements for the vehicle trips per day generated by this development.*

PLANNING COMMISSION DETERMINED IN FAVOR OF THE RECOMMENDED STREET IMPROVEMENTS, WITH A 24-FOOT WIDE STREET FOR BROOKS AVENUE.

6. Atypical interior street widths, sidewalk location, etc. shall be reviewed and approved by the Engineering Division at the time of more detailed construction plan review, to ensure emergency service vehicles, public service providers, solid waste, etc. is able to access the proposed development.
7. A combination of land, money and services shall be contributed by the developer to meet parkland dedication requirements, including 0.36 acres for a public trail, construction of said 12-foot wide trail, 0.86 acres land dedication for a park and all remaining fees due in excess of the above requirements for 220 units to be utilized for park amenities. *Credit in the amount of \$30,525 (55 units * \$555/unit) will be applied to the developer to account for 55 existing homes that were removed from the property prior to development.* All fees and deeds for land shall be submitted prior to building permit.

8. The developer shall mitigate for the removal of 115,440 sf of tree canopy to meet Tree

Preservation ordinance requirements. On-site mitigation shall consist of a minimum of 420 trees. If all trees can not be planted on-site, the balance shall be contributed into the Tree Fund, as determined by the Landscape Administrator.

9. Specific location of the on-site mitigation trees shall be coordinated with the Landscape Administrator for approval. Several sites exist on the property where mitigation trees could benefit the overall development and enhance the creek corridor, currently not indicated on the plans.
10. The property line adjustments to create the described 27.969-acre parcel shall be processed, approved and recorded prior to this item appearing before the City Council for consideration.
11. Staff recommends a second pedestrian path be constructed from approximately between buildings 35 and 36 in Phase II to connect to the public trail through an existing creek crossing (see plat). A hard-surface (concrete or asphalt) path is desired. However, at minimum, the path shall be constructed of a 4" minimum depth shredded mulch (or equal) with appropriate edging on both sides. Trail slope, width, location through existing tree canopy and specifications shall be approved by the City prior to construction.
12. Signage for the development shall be limited to one (1) monument sign at each of the three primary entrances to the development. Sign size, location, height, etc. shall be limited to the monument sign restrictions in an RMF zoning district, per city code. (Maximum 16 square feet display surface area, six feet in height, 10 feet from the property line).
13. All dumpsters shall be enclosed on a minimum of three sides with access not visible from the street. Landscape screening as shown shall be required.
14. No structures shall be constructed over public utility easements, per city ordinance (including, but not limited to, trash enclosures).
15. Should the applicant desire to subdivide the land to create townhomes, an amended Planned Zoning District will be required. The development review process will likely be a Concurrent Plat, if all criteria are met. If not, a standard Preliminary and Final Plat will be required to subdivide the property.
16. All comments as itemized in the attached memo from the City Floodplain Administrator shall be addressed at the appropriate time and are considered, by reference, a part of the official Conditions of Approval (see attached).
17. The maximum separation for fire hydrants shall be 500 feet in distance.
18. Entrances into the subject property shall utilize a minimum width of 20 feet clear, to allow for the passage of emergency vehicles.

19. Maximum spacing for public street lights shall be 300 feet, along the proposed and existing public streets.

Standard Conditions of Approval:

20. 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)
21. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
22. Planned Zoning District approval shall be valid for one calendar year, per city ordinance.
23. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
24. Prior to the issuance of a building permit the following is required:
- a. Grading and drainage permits
 - b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - b. Separate easement plat for this project that shall include the tree preservation area.
 - c. Project Disk with all final revisions
 - d. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by §158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

PLANNING COMMISSION ACTION: yes Required

✓ Approved Denied
8-0-0

Date: December 13, 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

Date

March 1, 2006

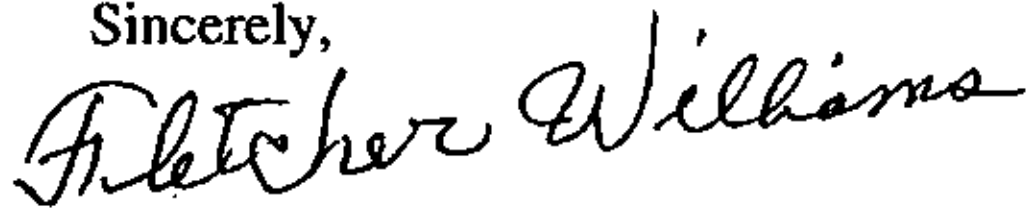
City of Fayetteville-City Clerk's Office
113 W. Mountain St.
Fayetteville, AR. 72701

RE:ANX 06-1935
RZN 06-1936

This is to notify you of my intention to **Appeal** the denial by the City of Fayetteville Planning Commission on Monday, February 27, 2006, on the above mentioned items.

We would like to have these properties rezoned and annexed to build housing for Fayetteville. It is our understanding that the property south of subject property, owned by the Hays family, will be asking to be rezoned and/or annexed also. We feel like this would be a good housing project for Fayetteville.

Sincerely,



Fletcher Williams

RECEIVED

MAR 02 2006

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

City Council Meeting of March 21, 2006
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations 

From: Jeremy C. Pate, Director of Current Planning

Date: February 28, 2006

Subject: Annexation for Fletcher Williams (ANX 06-1935)

RECOMMENDATION

The Planning Commission recommended denial of the subject annexation request for approximately 9.70 acres of property located east of Double Springs Road, south of Persimmon Street. The incorporation of the property would create an island of county property. Planning Staff originally recommended approval of the requested annexation.

BACKGROUND

The subject property contains approximately 9.70 acres and is located on Double Springs Road, south of Persimmon Street. The property is bordered on two sides by property in the city limits, with Silverthorne Subdivision to the west and Legacy Point Phase 4 (under construction) to the east. Two intervening properties lie between the subject property and the city limits to the north (Legacy Point Phase 1). Annexation of the 9.70 acres will create an island of approximately 6.30 acres.

The applicant requests annexation of 9.70 acres into the city limits to allow for residential development of greater density than would be possible otherwise, by utilizing the amenities, such as sanitary sewer, provided when annexing into the city. The applicant has submitted a rezoning request with the annexation petition to rezone the property from R-A to RMF-6, with a Bill of Assurance, should the annexation be approved.

DISCUSSION

This item was heard at the regular Planning Commission on February 27, 2006. The Planning Commission voted 2-4-0 to recommend approval of this annexation request to the City Council, with Commissioner Ostner, Allen, Anthes, and Myres voting no. Therefore, the motion failed, and the application for annexation into the City of Fayetteville was denied.

Those who voted against the motion discussed their concerns regarding a 6 minute emergency response time, that the adjacent property owner to the north had not been informed of the annexation request by the applicant, and the piecemeal annexation would create an island of unincorporated property.

City Council Meeting of March 21, 2006
Agenda Item Number

Planning Staff had recommended approval of the incorporation of this property into the City of Fayetteville. This is the second annexation request processed in recent years that would create an island of unincorporated property. There are two property owners to the north of the property within the Planning Area. Staff met several months ago with the future landowner of the new storage business who expressed his desire to remain within the county in order to utilize his business. Mini-storage is allowed in the I-1 zoning districts. Staff also discussed the potential for multi-family uses on the property; however, the concepts presented at that time could not be approved through our development review process within the county. Several properties south of the property have expressed a desire to annex into the City, though at this time the Planning Division has not received applications for annexation. Staff has repeatedly encouraged the applicant to submit a request for annexation simultaneously with the adjacent property owners to the south so that a larger, more comprehensive land area can be reviewed for incorporation into the city. It was the applicant's wish to proceed forward with the annexation request at this time to establish the development rights on the property as soon as possible and subsequently proceed with preliminary plat approval.

While atypical to recommend an annexation that creates an island, staff finds the applicant has made every attempt to annex this property while complying with city policies. Weighing the potential benefits and costs of creating the island of unincorporated property, staff finds this request meets with the majority of the city's guiding policies, will not further extend the city's incorporated limits, and recommends approval. Staff also continues to recommend that a comprehensive annexation request in this area be submitted, as there is an obvious desire by multiple property owners to be annexed into the City.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE ANNEXING THAT
PROPERTY DESCRIBED IN ANNEXATION
PETITION ANX 06-1935 (CC2005-54), FOR
PROPERTY LOCATED AT 354 AND 370
DOUBLE SPRINGS ROAD, CONTAINING
APPROXIMATELY 9.70 ACRES.

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

Section 1: That the City Council hereby confirms the annexation to the City of Fayetteville, Arkansas, of that property described in Exhibit "A" attached hereto and made a part hereof.

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

Section 3: That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to assign the zoning designation of R-A, Residential Agricultural to the subject property.

Section 4: That the above-described property is hereby assigned to Ward No. Four.

PASSED and APPROVED this ___ day of ___, 2006.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk

EXHIBIT "A"
ANX 06-1936

A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S02°38'25"W 661.08' FROM THE NORTHEAST CORNER OF THE SAID SECTION 15 AND RUNNING THENCE S02°38'25"W 330.92', THENCE N88°16'00"W 1278.75' TO THE EAST RIGHT-OF-WAY OF COUNTY ROAD #27, THENCE ALONG SAID RIGHT-OF-WAY N02°27'01"E 329.38', THENCE S88°20'05"E 1279.86' TO THE POINT OF BEGINNING. CONTAINING 9.70 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.



PC Meeting of February 27, 2006

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Suzanne Morgan, Current Planner
THRU: Jeremy Pate, Director of Current Planning
DATE: February 21, 2006

ANX 06-1935: (FLETCHER WILLIAMS, 474): Submitted by RANDY RITCHEY STEADFAST, INC. for property located at 370 DOUBLE SPRINGS RD. The property is in the Planning Area and contains approximately 9.70 acres. The request is to annex the subject property into the City of Fayetteville.

Planner: Suzanne Morgan

RECOMMENDATION:

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

PLANNING COMMISSION ACTION:	Required <u>YES</u>
	☒ Approved ☐ Denied
Date: <u>February 27, 2006</u>	Motion: Trumbo Vote: 2-4-0 w/ Allen, Anthony, Oster, and Myers voting "no."
	Second: Clark
CITY COUNCIL ACTION:	Required <u>YES</u>
	☐ Approved ☐ Denied
Date: <u>March 21, 2006 (1st reading if recommended)</u>	

BACKGROUND:

Property description: The subject property contains approximately 9.70 acres and is located on Double Springs Road, south of Persimmon Street. The property is bordered on two sides by property in the city limits, with Silverthorne Subdivision to the west and Legacy Point Phase 4 (under construction) to the east. Two intervening properties lie between the subject property and the city limits to the north (Legacy Point Phase 1). Annexation of the 9.70 acres will create an island of approximately 6.30 acres.

Proposal: The applicant requests annexation of 9.70 acres into the city limits to allow for residential development of greater density than would be possible otherwise, by utilizing the amenities provided when annexing into the city (i.e. sewer). The applicant has submitted a rezoning request with the annexation petition to rezone the property from R-A to RMF-6, with a Bill of Assurance, should the annexation be approved.

Recommendation: Staff recommends approval of the proposed annexation. Should the annexation request be approved, 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	Storage Units & 2 Single family homes Single family homes	Planning Area RSF-4 & RMF-6 (Legacy Pt. Ph. 1)
South	Rural Single family homes	Planning Area
East	Vacant (under construction)	RSF-4
West	Silverthorne Subdivision	RSF-4

INFRASTRUCTURE:

Streets: The site has access to Double Springs Road. Improvements will be required to Double Springs Road which may include off-site improvements. An evaluation will be made by staff at the time of preliminary plat or large scale development. Dedication of right-of-way per the Master Street Plan is required.

Adjacent Streets:

North: Persimmon Street (Collector)
South: Dot Tipton Road (Collector)
West: Double Springs Road (Minor Arterial)

Water: Public water is adjacent to the site. There is an 8" water line that runs along Double Springs Road. A study of the water system shall be conducted by the developer. Substantial improvements to the water system may be required which includes other off-site improvements. Water service will need to be extended to and within the property at the time of development connecting within the proposed development.

Sewer: Sanitary sewer is located near the site. Substantial improvements to the sewer system will be required which includes off-site improvements. This development will be within the sewer assessment area. A study of the downstream system shall be conducted by the developer. Sewer service will need to be extended to and within the property at the time of development connecting within the proposed development

Drainage: Standard improvements and requirements for drainage will be required for the development.

Fire: These 9.70 acres are covered by Engine 7 located at 835 Rurple Road. It is 3 miles from the station with an expected response time of 6 minutes to the entrance of this development. The Fire Department anticipates 13 (8 EMS – 5 Fire/Other) calls for service per year once the development is completed and maximum build-out has occurred. Measured Hydrant Flow in this area is 1465 gallons per minute.

The service impact of this development will typically take eighteen months after the development is started, and the units begin to be occupied, to occur. There should be no adverse effects on our call volume or response time to this development.

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.

LAND USE PLAN: General Plan 2020 identifies the portion of this property within the Planning Area as **Residential**.

FINDINGS:

**11.6 ANNEXATION GUIDING POLICIES
BOUNDARIES**

11.6.a Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.

Finding: The requested annexation will create an island of unincorporated property. The property is surrounded by the city limits to the east and west, and the prospective buyer of the property desires to develop the property under City regulations with the ability to access sewer. The two adjacent property owners to the south (Williams and Hays) have expressed interest in annexing into the city. Hays has submitted a Petition to Annex to the County, and according to the applicant Mr. Williams is in the process of submitting a Petition to the County.

There are two property owners to the north of the property within the Planning Area. The immediate property owner to the north is unwilling to annex into the city due to the potential regulations which would be placed on the property and the effect they would have on the land owner's storage business. Staff has met with the landowner of the new storage business who has expressed his desire to remain within the county in order to utilize his business. Mini-storage is allowed in the I-1 zoning districts. While atypical to recommend an annexation that creates an island, staff finds the applicant has made every attempt to annex this property while complying with city policies.

The applicant has met with the City Council members for Ward 4 to discuss the possibility of extending sewer outside the city limits to serve a development on this property. Public services are available to the properties adjacent to the subject property; therefore, the annexation of this property will not create an unnecessary load of calls or extension of service area on emergency services and public facilities.

11.6.b Proposed annexation area must be adjacent, or contiguous, to city limits.

Finding: The proposed annexation area is adjacent to the city limits along its east and west boundaries. The request does not extend the city limit boundary further south than the current limits reach.

11.6.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.

Finding: This area does not divide neighborhoods.

11.6.d Boundaries for annexed areas should follow natural corridors.

Finding: The proposed boundaries follow existing property lines.

11.6.e Timing of services within annexation areas should be considered.

Finding: Current conditions result in a response time of 6 minutes for fire protection from Fire Station #7. Extension of water and sewer lines shall occur at the time of development.

ENVIRONMENTALLY SENSITIVE AREAS

11.6. f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

Finding: The property is mainly cleared pasture with a few trees surrounding the two existing single-family dwellings and a pond. Development regulations within the City will ensure appropriate development and preservation of the existing natural features on the property.

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 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.

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 response and service as other developments in this area.

- 11.6.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

Finding: These factors were taken into consideration in the responses and recommendations included in this report.

INFRASTRUCTURE AND UTILITIES

- 11.6.j Areas currently served by utilities and other public services should be annexed.

Finding: Water, fire and police protection are currently provided in this area. The property is adjacent to city limits, to which utilities and other public service providers already respond.

- 11.6.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.

Finding: Improvements to sewer and street systems and installation of fire hydrants would be made necessary by the annexation should additional development occur on the subject property. As it exists currently, annexation of the property would not require the upgrading of utilities, unless and until additional development that increases the demand on public services is proposed.

- 11.6.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

Finding: The proposed annexation is not part of a phased annexation initiated by the City.

INTERGOVERNMENTAL RELATIONS

- 11.6.m Promote long-range planning with adjacent jurisdictions.

Finding: N/A

- 11.6.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

Finding: N/A

ADMINISTRATION OF ANNEXATIONS

- 11.6.o Designate zoning districts for the property during the annexation process.

Finding: Annexations are automatically zoned R-A, Residential Agricultural. The property owners are requesting a rezoning of RMF-6 to allow for two-family townhome and single-family development similar to the development within the RMF-6 portion of Legacy Point Phase 1.

11.6.p An annexation study should be completed on all annexation proposals.

Finding: Planning staff has asked the Engineering Division, Fire Department and Police Department to study this annexation request to determine if facilities and services are available to serve this property.

11.6.q Development proposals require a separate review from the annexation proposals.

Finding: The applicant submitted a preliminary plat application several months ago to the Planning Division with the intent to utilize city sewer service. Staff informed the applicant that to receive sewer services he must either receive City Council approval to extend sewer to a property within the Planning Area or be annexed into the city. Any request to develop or subdivide this property requires staff review and approval by the Planning Commission.

11.6.r Residents should be fully informed of annexation activities.

Finding: Adjoining neighbors have been notified of the annexation request. A legal ad and display have both been submitted with a local newspaper prior to the Planning Commission meeting for which this item is scheduled. Additionally, the applicant stated that he had a meeting with several adjacent property owners several weeks prior to the scheduled Planning Commission meeting.

11.6.w Encourage larger annexations to create acceptable boundaries.

Finding: The annexation of this property will begin to incorporate portions of county property located between the city limits. The request does not extend the city limit boundary further south than the current limits reach. Staff has repeatedly encouraged the applicant to submit a request for annexation simultaneously with the adjacent property owners to the south so that a larger, more comprehensive land area can be reviewed for incorporation into the city. It was the applicant's wish to proceed forward with the annexation request at this time to establish the development rights on the property as soon as possible and subsequently proceed with preliminary plat approval.

11.6.t Conduct a fiscal impact assessments on large annexations.

Finding: No fiscal impact assessment was conducted for this annexation of 9.70 acres.

From Fayetteville General Plan 2020 – 2002 Revision

11.6 Annexation Guiding Policies

Boundaries

- 11.6.a Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.
- 11.6.b Proposed annexation area must be adjacent, or contiguous, to city limits.
- 11.6.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.
- 11.6.d Boundaries for annexed areas should follow natural corridors.
- 11.6.e Timing of services within annexation areas should be considered.

Environmentally Sensitive Areas

- 11.6. f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

Emergency and Public Services

- 11.6.g Public services must be able to be provided efficiently in newly annexed areas.
- 11.6.h Annexed areas should receive the same level of service of areas already in the city limits.
- 11.6.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

Infrastructure and Utilities

- 11.6.j Areas currently served by utilities and other public services should be annexed.
- 11.6.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.
- 11.6.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

Intergovernmental Relations

- 11.6.m Promote long-range planning with adjacent jurisdictions.
- 11.6.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

Administration of Annexations

- 11.6.o Designate zoning districts for the property during the annexation process.
- 11.6.p An annexation study should be completed on all annexation proposals.
- 11.6.q Development proposals require a separate review from the annexation proposals.
- 11.6.r Residents should be fully informed of annexation activities.
- 11.6.w Encourage larger annexations to create acceptable boundaries.
- 11.6.t Conduct a fiscal impact assessments on large annexations.



Date: 1/3/2006

From: Clyde Randall
GIS Office
444-3431

PLAT REVIEW CHECKLIST:

Re: Anx06-1935

Hansen Number: 1935



Comments: Legal OK. Will create an island in the city limits and a strip of road unannexed.

Items Needed (if checked):

1. ☐ Each plat shall have 2 points on the boundary described in State Plane Coordinates, Arkansas North Zone, North American Datum 1983 (NAD 83).
2. ☐ Written legal descriptions that read clockwise, including area in square feet or acres. This shall be provided on the plat. (Note: If the project covers more than one tract, the legal for each individual tract and a **total** tract description must be provided.)
3. ☐ Boundary survey of the property shown on the plat. The surveyor shall seal, sign and date the survey. The survey shall be tied to State Plane Coordinates (see item #1).
4. ☐ Point-of-Beginning from a permanent well-defined reference point. This POB shall be clearly labeled on the drawing.
5. ☐ Curve data for any street or line which forms a project boundary (preferably radius, length of curve, chord distance and bearing).

Note: Items are taken from application and code requirements.



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

POLICE DEPARTMENT

February 17, 2006

Jeremy Pate
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Pate,

This document is in response to the request for a determination of whether the proposed annexation and rezoning ANX & RZN 06-1935 (Fletcher Williams, 474) submitted by Randy Ritchey Steadfast, Inc for property located at 370 Double Springs Rd. would substantially alter the population density and thereby undesirably increase the load on public services or create an appreciable increase in traffic danger and traffic congestion.

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

Sincerely,


Captain William Brown
Fayetteville Police Department



Fayetteville Fire Department

MEMO

To: Suzanne Morgan, Andrew Garner, Jeremy Pate, and Jesse Fulcher
Thru: Chief Tony Johnson
From: Captain Dale Riggins
Date: February 21, 2006
Re: February 16, 2006 Zoning Review – Fire Department Comments

ANX 06-1935 (Fletcher Williams, 474)

RZN 06-1936 (Fletcher Williams, 474)

These 10 acres are covered by Engine 7 located at 835 Ruppel Road.

It is 3 miles from the station with an expected response time of 6 minutes to the entrance of this development.

The Fire Department anticipates 13 (8 EMS – 5 Fire/Other) calls for service per year once the development is completed and maximum build-out has occurred.

Measured Hydrant Flow in this area is 1465 gallons per minute.

The service impact of this development will typically take eighteen months after the development is started, and the units begin to be occupied, to occur.

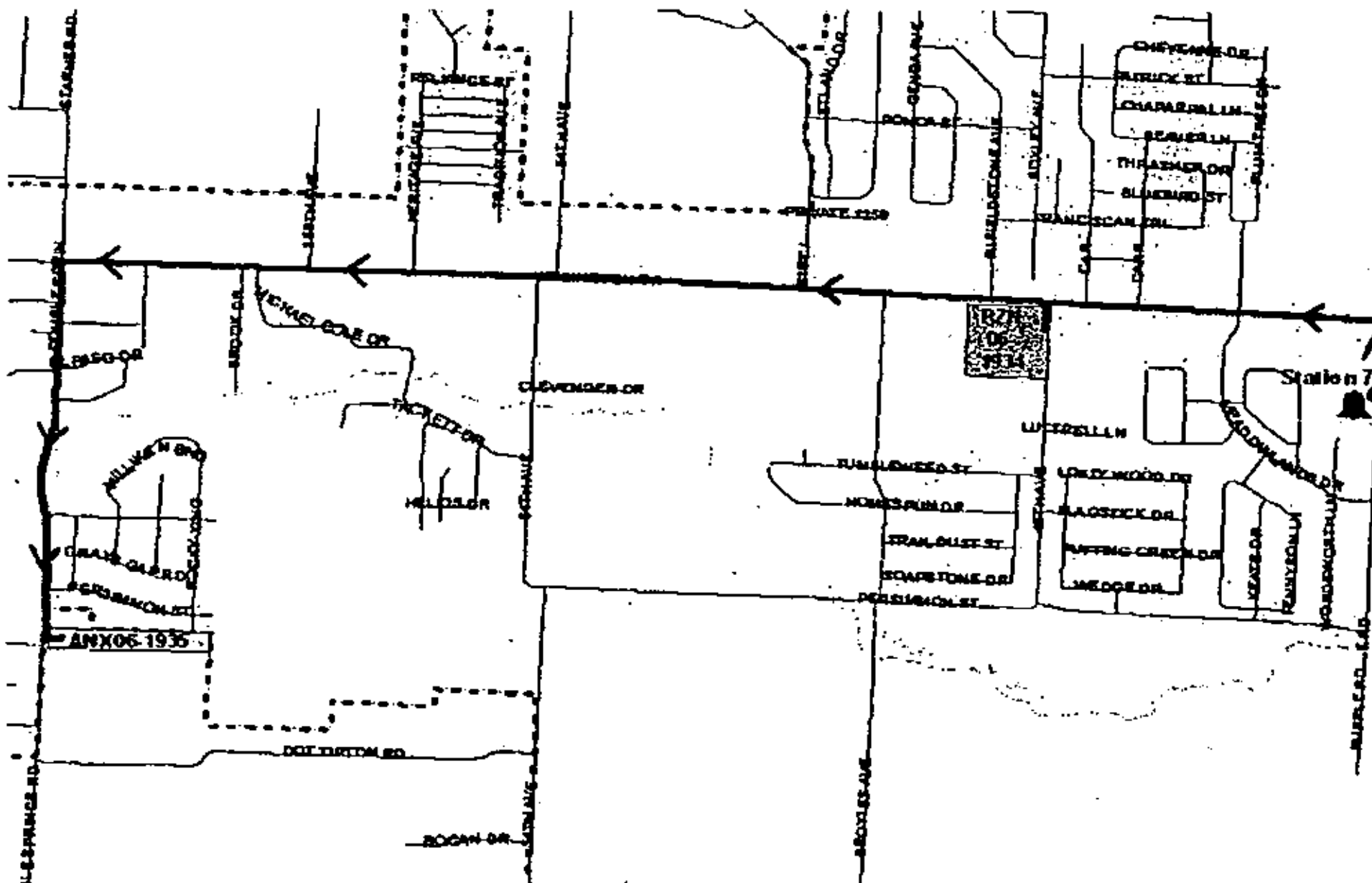
There should be no adverse effects on our call volume or response time to this development.

If you have any questions, please feel free to call or email me

Dale Riggins

Captain

Fayetteville Fire Department



ANX06-1935 RZN06-1936 Fletcher Williams 10 acres 6 Minute Response
 RZN06-1934 Broyles Commercial 10.06 Acres 2.25 Minute Response

Page 17 of 28

**IN THE MATTER OF THE PETITION OF CERTAIN
PROPERTY TO THE CITY OF FAYETTEVILLE,
WASHINGTON COUNTY, ARKANSAS**

NO. CC200

PETITION TO ANNEX TERRITORY TO
THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS

The Petitioners, FLEHER R. + IMOBENE WILLIAMS hereby submit their Petition to annex certain real property into the City of Fayetteville, Washington, County, Arkansas, pursuant to A.C.A. Section 14-40-601, et. Seq. as follows:

1. That Petitioners own the real property described on the Plat Map, Exhibit "A", attached hereto and made a part hereof (the "Real Property"), and said Real Property is situated in Washington County, Arkansas, and is contiguous with the City of Fayetteville, Arkansas.
2. The Petitioners name RANDY RITCHEY as persons authorized to act on their behalf with respect to this Petition.
3. The Petitioners desire that the Real Property become part of the City of Fayetteville, Arkansas, and petitions the County Judge for annexation of the Real Property into the City of Fayetteville.
4. A true and correct presentation of the Real Property and how it is contiguous to the City of Fayetteville, Arkansas, is shown on the Plat Map, Exhibit "A", attached hereto.

5. The Petitioners herein desire that the Real Property become part of the City of Fayetteville, Washington, County, Arkansas, and the Petitioners state that they will do any and all legal acts necessary to accomplish the objective set forth herein.

THEREFORE, Petitioner respectfully prays that this Court set a hearing, and after notice of such hearing, that the County Judge sign an Order annexing the above described real property into the City of Fayetteville, Washington County, Arkansas, and to order such other relief as is appropriate under applicable law.

Respectfully submitted this 19th day of DECEMBER, 2005.

X Fletcher R. Williams
FLETCHER R. WILLIAMS
Imogene Williams
IMOGENE WILLIAMS

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

BE IT REMEMBERED, that on this day came before the undersigned, a Notary Public within and for the State and County aforesaid, duly commissioned and acting,

WITNESS my hand and seal this 19 day of Dec, 2005.

Beverly S. Borum
OFFICIAL PUBLIC
BEVERLY S. BORUM
NOTARY PUBLIC, ARKANSAS
WASHINGTON COUNTY
COMMISSION EXP. 04/15/2012

My Commission Expires:

**IN THE COUNTY COURT OF WASHINGTON
COUNTY, ARKANSAS**

**FLETCHER R. AND IMOGENE WILLIAMS
PETITIONERS:**

NO. CC 2005-54

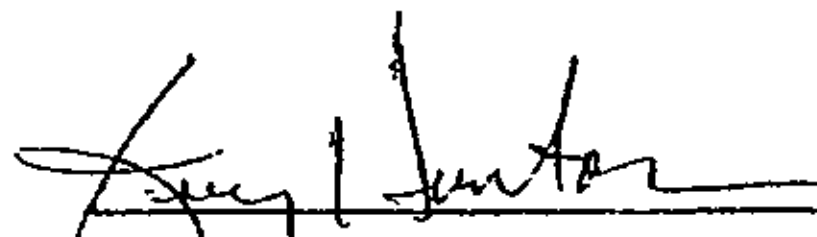
ORDER OF ANNEXATION

On this 18th DAY of JANUARY, 2006, comes on to be heard the petition of the owner of the following described property in Washington County for its annexation to the City of Fayetteville, Arkansas:

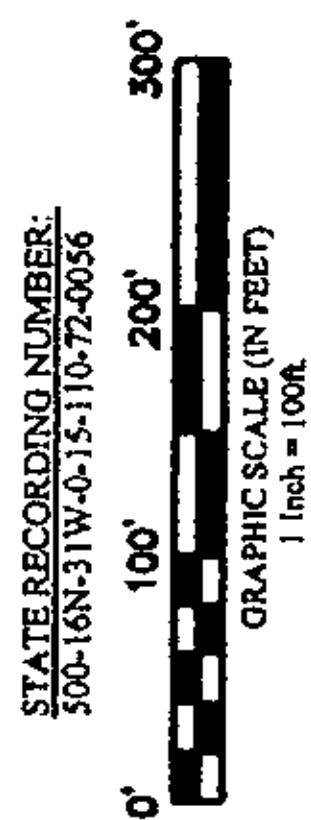
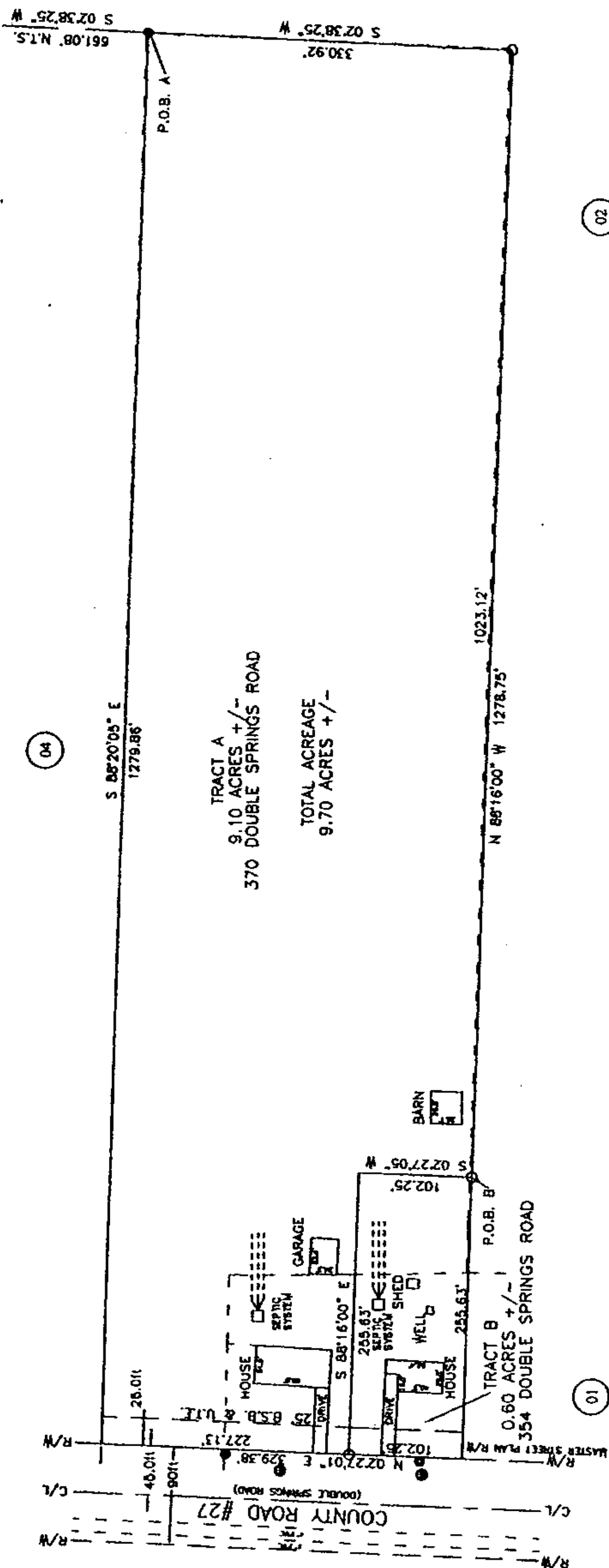
(See Exhibit "A" Enclosure)

and it appearing to the court that notice of this hearing has been given for three consecutive weeks by publication in the Morning News, a newspaper of general circulation in the County, as provided by law; that the territory proposed to be annexed is accurately described in said petition and the plat attached hereto is declared to be the plat of said property and said property should be annexed to the City of Fayetteville, Washington County, Arkansas, as prayed.

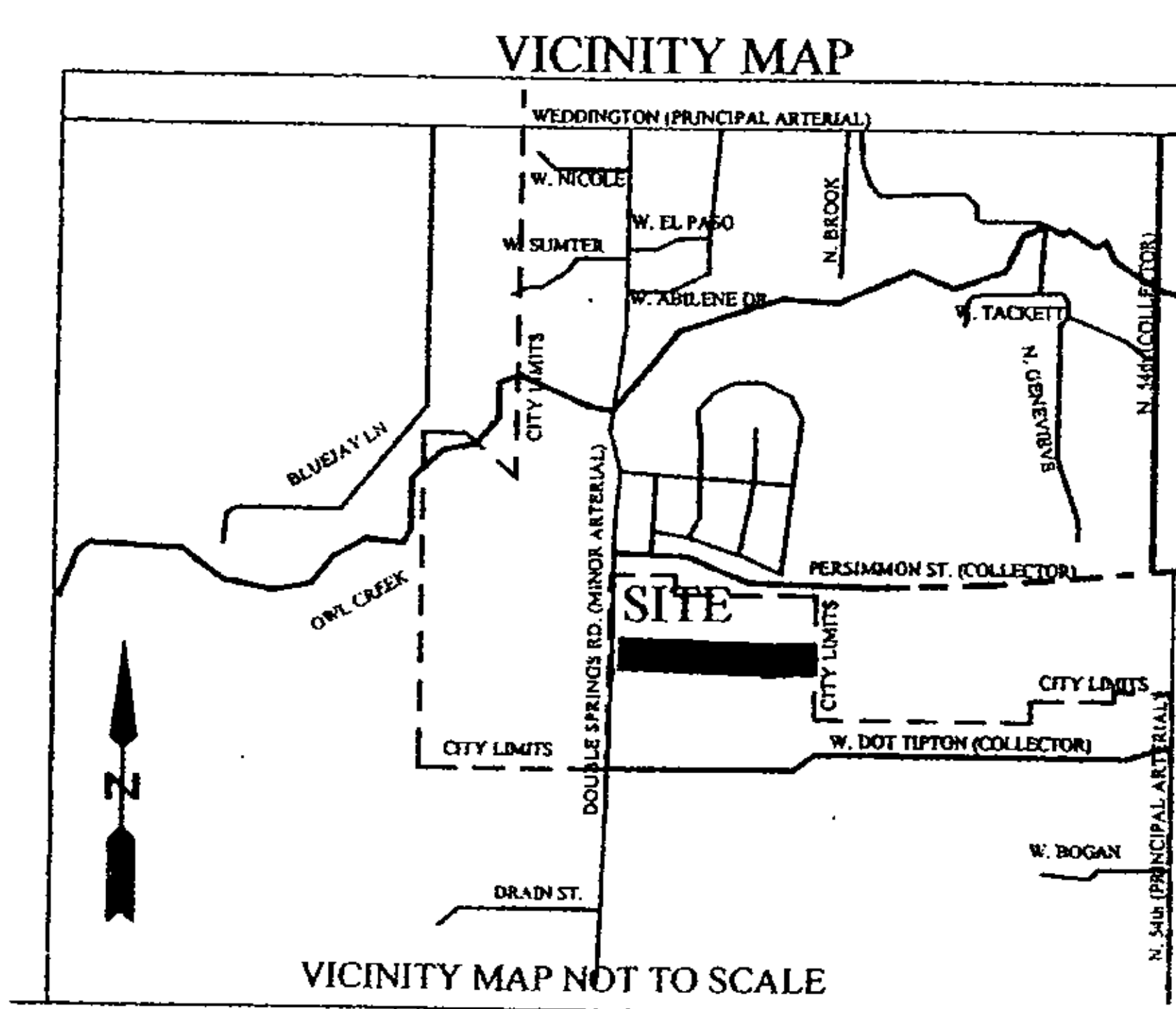
NOW THEREFORE, IT IS BY THE COURT CONSIDERED AND ORDERED that the territory hereinabove described be and is hereby annexed to the City of Fayetteville, Washington County, Arkansas, and that the petitioners pay the cost of this proceeding and that the plat attached hereto is declared to be the plat of the property annexed.


COUNTY JUDGE

FILED
2006 JAN 18 AM 10:01
CLERK OF COURT
WASHINGTON CO. ARK.



A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS $S02^{\circ}38'25''W$ 661.08' FROM THE NORTHEAST CORNER OF THE SAID SECTION 15 AND RUNNING THENCE $S02^{\circ}38'25''W$ 330.92', THENCE $N88^{\circ}16'00''W$ 1278.75' TO THE EAST RIGHT-OF-WAY OF COUNTY ROAD #27, THENCE ALONG SAID RIGHT-OF-WAY $N02^{\circ}27'01''E$ 329.38', THENCE $S88^{\circ}20'05''E$ 1279.86' TO THE POINT OF BEGINNING. CONTAINING 9.70 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.



COPY : HAYS Property.

South of Williams' property

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

**IN THE MATTER OF THE PETITION OF CERTAIN
PROPERTY TO THE CITY OF FAYETTEVILLE,
WASHINGTON COUNTY, ARKANSAS**

NO. CC2006-2

**PETITION TO ANNEX TERRITORY TO
THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS**

The Petitioners, Lloyd and Joan Hays Revocable Trust, Joan C. Hays, Trustee, hereby submit their Petition to annex certain real property into the City of Fayetteville, Washington, County, Arkansas, pursuant to A.C.A. Section 14-40-601, et. Seq. as follows:

1. That Petitioners own the real property described on the Plat Map, Exhibit "A", attached hereto and made a part hereof (the "Real Property"), and said Real Property is situated in Washington County, Arkansas, and is contiguous with the City of Fayetteville, Arkansas.
2. The Petitioners name David W. Hays and Karen S. Hays as persons authorized to act on their behalf with respect to this Petition.
3. The Petitioners desire that the Real Property become part of the City of Fayetteville, Arkansas, and petitions the County Judge for annexation of the Real Property into the City of Fayetteville.
4. A true and correct presentation of the Real Property and how it is contiguous to the City of Fayetteville, Arkansas, is shown on the Plat

Map, Exhibit "A", attached hereto.

5. The Petitioners herein desire that the Real Property become part of the City of Fayetteville, Washington, County, Arkansas, and the Petitioners state that they will do any and all legal acts necessary to accomplish the objective set forth herein.

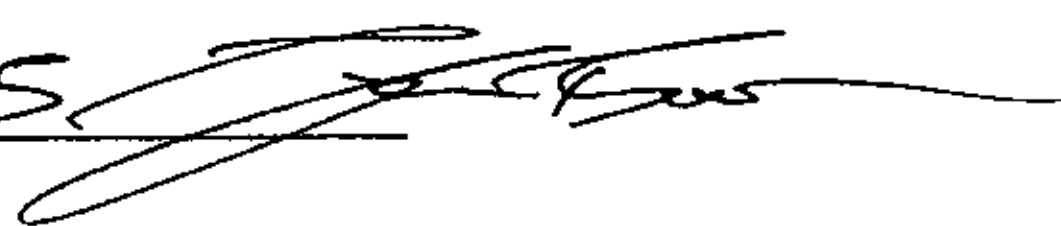
THEREFORE, Petitioner respectfully prays that this Court set a hearing, and after notice of such hearing, that the County Judge sign an Order annexing the above described real property into the City of Fayetteville, Washington County, Arkansas, and to order such other relief as is appropriate under applicable law.



Lloyd & Joan Hays Revocable Trust
Joan C. Hays, Trustee

SUBSCRIBED AND SWORN TO before me, a Notary Public, on this the 25th
day of January, 2006.

My Commission Expires:

5/18/2015 

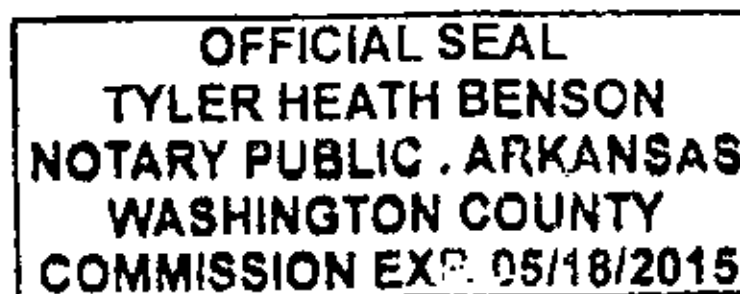
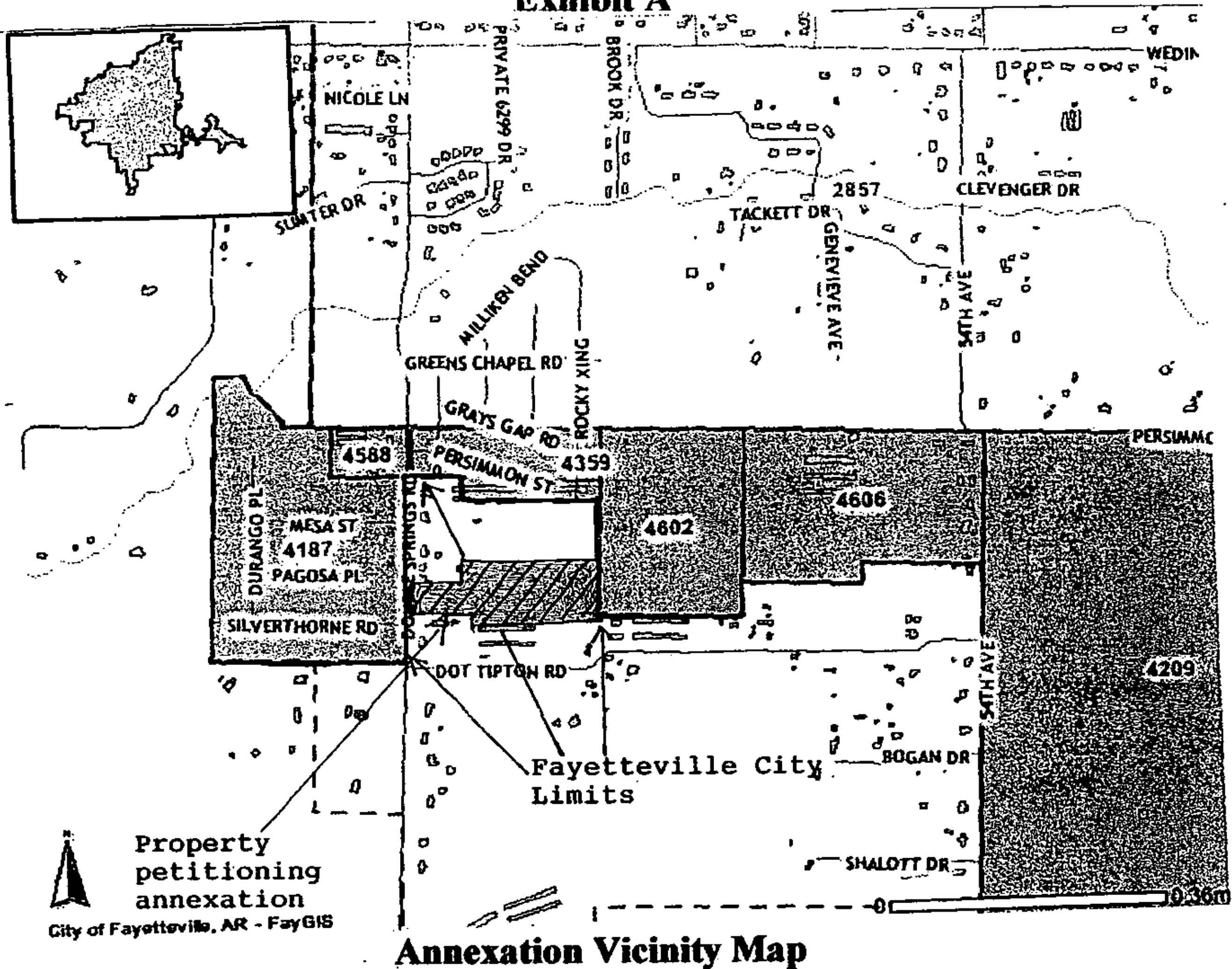
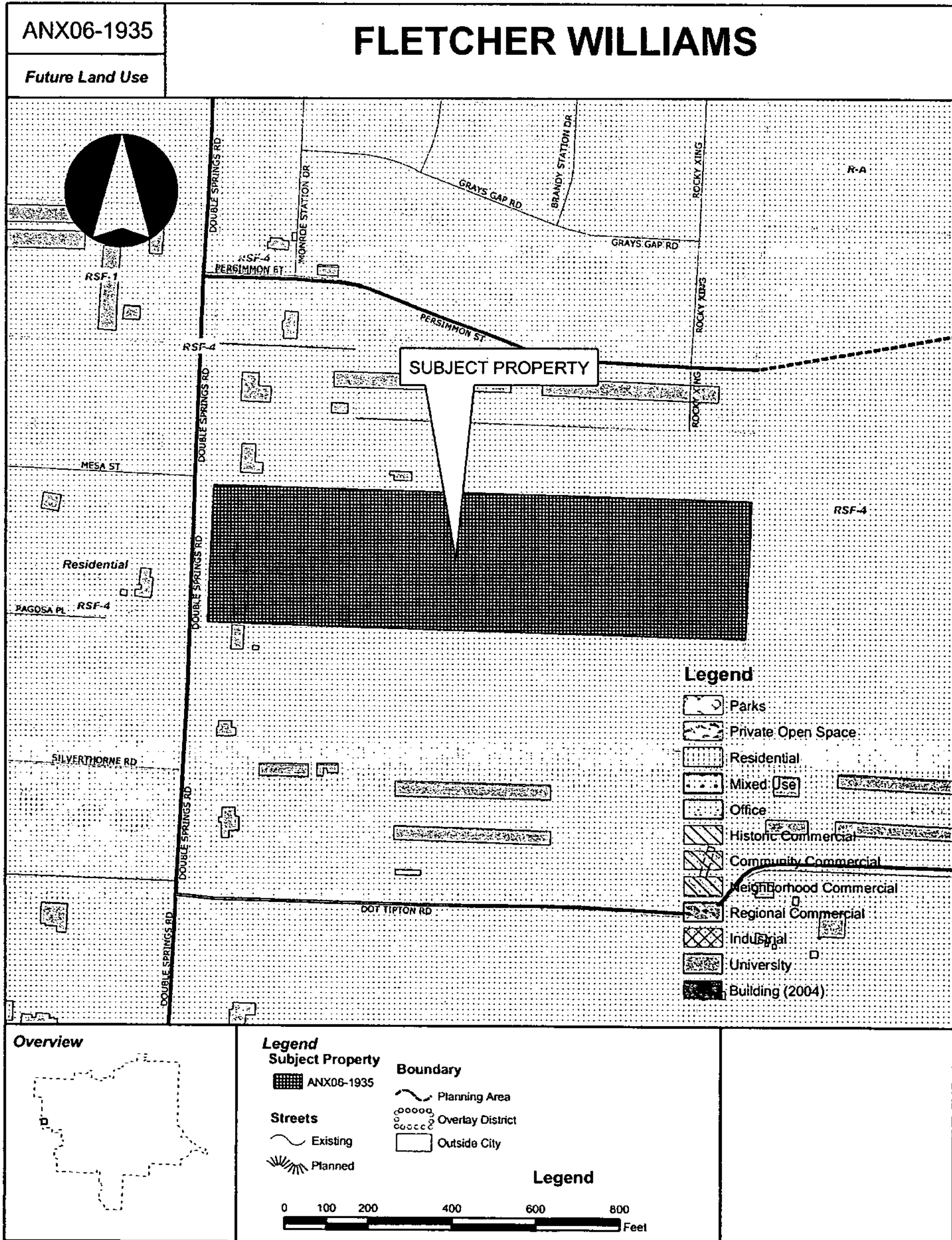


Exhibit A



Annexation Description:

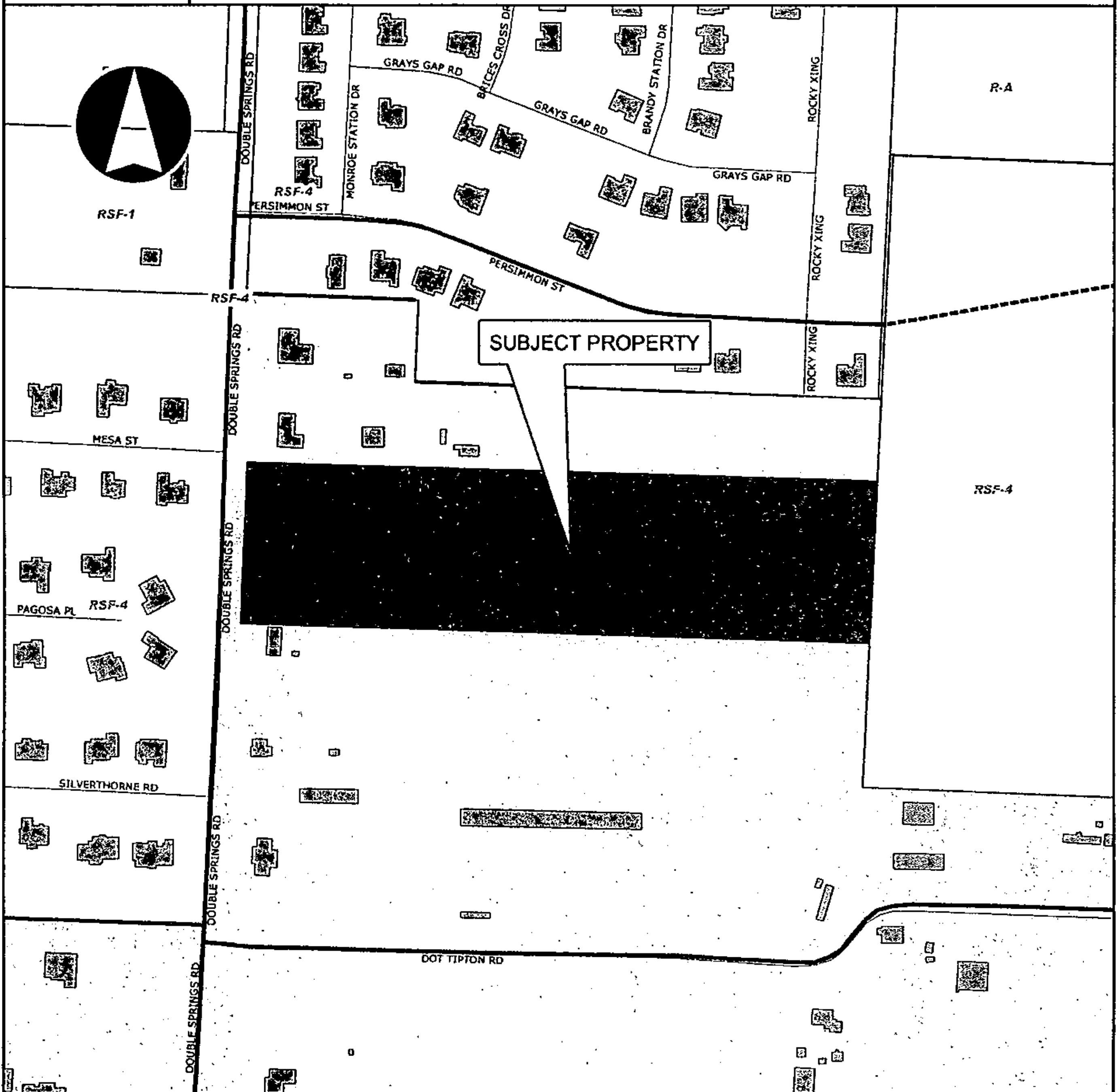
The South Half (S $\frac{1}{2}$) of the South Half (S $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 15, in Township 16 North of Range 31 West of the Fifth Principal Meridian, and containing Ten (10) acres, more or less. LESS AND EXCEPT the following one (1) acre tract, described as beginning at the Northwest corner of said ten (10) acre tract, and running thence East 622.3 feet, thence South 70 feet, thence West 622.3 feet, thence North 70 feet to the place of beginning, and EXCEPT the following one and one-half (1 $\frac{1}{2}$) acre tract, described as commencing at the Southwest corner of said ten (10) acre tract, thence North 135 feet, thence East 484 feet, thence South 135 feet, thence West 484 feet to the point of beginning, and leaving seven and one-half (7 $\frac{1}{2}$) acres, more or less.



ANX06-1935

FLETCHER WILLIAMS

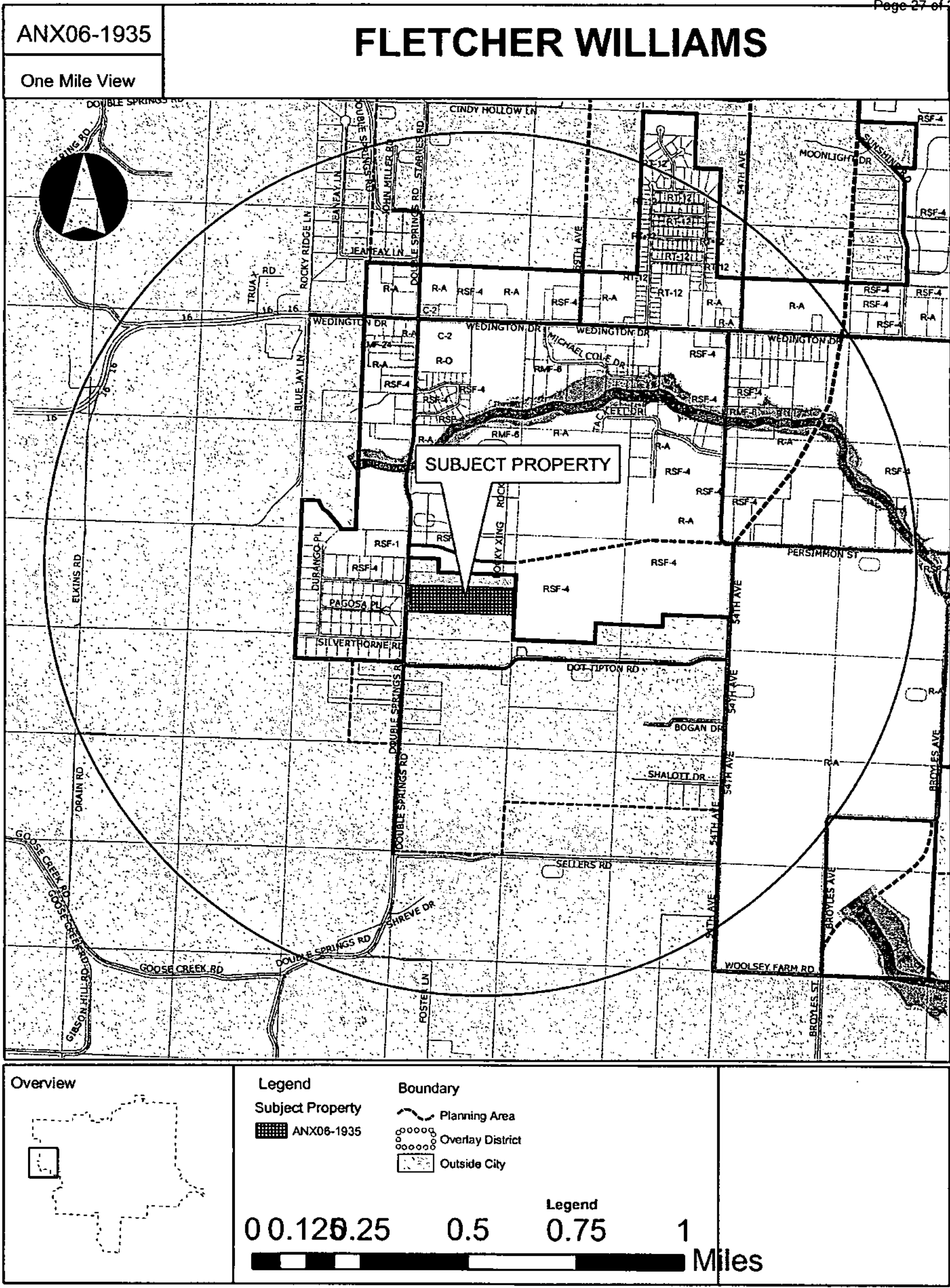
Close Up View



Legend

- ooooo Overlay District
- FLOODWAY
- 100 YEAR
- 500 YEAR
- LIMIT OF STUDY
- - - BaseLine Profile
- Fayetteville
- Outside City
- ANX06-1935
- vector.GDB.Footprint_2004

0 125 250 500 750 1,000 Feet



March 1, 2006

City of Fayetteville-City Clerk's Office
113 W. Mountain St.
Fayetteville, AR. 72701

RE:ANX 06-1935
RZN 06-1936

This is to notify you of my intention to **Appeal** the denial by the City of Fayetteville Planning Commission on Monday, February 27, 2006, on the above mentioned items.

We would like to have these properties rezoned and annexed to build housing for Fayetteville. It is our understanding that the property south of subject property, owned by the Hays family, will be asking to be rezoned and/or annexed also. We feel like this would be a good housing project for Fayetteville.

Sincerely,



Fletcher Williams

RECEIVED

MAR 02 2006

**CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE**

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations 

From: Jeremy C. Pate, Director of Current Planning

Date: February 28, 2006

Subject: Rezoning for Fletcher Williams (RZN 06-1936)

RECOMMENDATION

The Planning Commission recommended denial of the subject rezoning request from R-A to RMF-6 on approximately 9.70 acres of property located east of Double Springs Road, south of Persimmon Street. The applicant had submitted a Bill of Assurance limiting the type of development and maximum number of units allowed on the property. Planning Staff originally recommended approval of the requested rezoning to RMF-6 with the associated Bill of Assurance.

BACKGROUND

The subject property contains approximately 9.70 acres and is located on Double Springs Road, south of Persimmon Street. The property is bordered on two sides by property zoned RSF-4, with Silverthorne Subdivision to the west and Legacy Point Phase 4 (under construction) to the east. Two intervening properties lie between the subject property and the city limits to the north (Legacy Point Phase 1). Initially, these properties were developed for single-family use. In recent months, the adjacent owner north of the property has begun to develop a storage unit business on his property. Legacy Point Phase 1 is zoned both RSF-4 and RMF-6. The 2002 rezoning of 8.74 acres within Legacy Point, in close proximity to the current request, was the first property to be zoned RMF-6 within the City of Fayetteville, with a unanimous vote by the Planning Commission and a majority vote by City Council.

The applicant requests rezoning of 9.70 acres to allow for a two-family townhome and single-family development. The prospective buyer of the property developed several properties within the RMF-6 portion of Legacy Point and would like to duplicate this development on the subject property. The property owner has submitted a Bill of Assurance that limits the development of the property to a maximum 24 two-family townhomes and a minimum 3 single-family lots, with a maximum 54 dwelling units; a maximum 58 units is permitted at 6 units/acre. Additionally, the Bill of Assurance guarantees that single-family dwellings will be located adjacent to the existing RSF-4 zoning districts, that is along the east and west property lines (see attachment).

DISCUSSION

This item was heard at the regular Planning Commission on February 27, 2006. The Planning Commission voted 4-2-0 to recommend approval of this rezoning request to the City Council, with Commissioner Ostner and Anthes voting no. Therefore, the motion failed due to lack of five affirmative votes, and the application for rezoning into the City of Fayetteville was denied.

Those who voted against the motion discussed their concerns regarding zoning only a small parcel without understanding how adjacent properties, currently without zoning, will develop in the future.

Staff recommends approval of the proposed rezoning with the Bill of Assurance. The property is located adjacent to a Minor Arterial street and two nearby Collector streets; therefore, adjacent infrastructure, once improved to Master Street Plan standards, will be able to accommodate a greater traffic volume. Additionally, this property is in close proximity to other property zoned RMF-6.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 06-1936, FOR APPROXIMATELY 9.70 ACRES, LOCATED AT 354 AND 370 DOUBLE SPRINGS ROAD, FROM R-A, RESIDENTIAL AGRICULTURAL TO RMF-6, RESIDENTIAL MULTI-FAMILY, 6 UNITS PER ACRE, SUBJECT TO A BILL OF ASSURANCE.

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

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

Section 3: That the subject property will be subject to a Bill of Assurance attached hereto and made a part hereof as Exhibit "B" limiting the type and location of dwelling units on the property.

PASSED and APPROVED this ___ day of ___, 2006.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk

EXHIBIT "A"
RZN 06-1936

A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S02°38'25"W 661.08' FROM THE NORTHEAST CORNER OF THE SAID SECTION 15 AND RUNNING THENCE S02°38'25"W 330.92', THENCE N88°16'00"W 1278.75' TO THE EAST RIGHT-OF-WAY OF COUNTY ROAD #27, THENCE ALONG SAID RIGHT-OF-WAY N02°27'01"E 329.38', THENCE S88°20'05"E 1279.86' TO THE POINT OF BEGINNING. CONTAINING 9.70 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

EXHIBIT "B"
RZN 06-1936

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") Fletcher Williams and Imogene Williams, 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 the following:
The petitioners assure the City the property will be developed as a residential subdivision, zoned RMF-6 (with approved re-zoning application) and will consist of a combination of single family lots and two-unit townhome lots. The subdivision as a whole will meet or exceed the requirements of RMF-6 zoning. The subdivision will contain between 20 to 24 zero-lot-line townhome structures (2 units each) and between 3 to 6 single family dwellings. The maximum total number of structures will be between 26 to 30 structures totaling 46 to 53 dwelling units. The maximum number of units allowed by RMF-6 for this parcel would be 58. Single family units will be placed adjacent to existing single family developments so as to maintain consistent usage across property lines.

2. 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, Fletcher R. Williams, as the owner, developer or buyer (Petitioner) voluntarily offer all such assurances and sign my name below.

2/15/06
Date

370 Double Springs Rd
Address

Fay AR 72704

Fletcher R. Williams
Printed Name

Fletcher R Williams
Signature

Imogene Williams
Printed Name

Imogene Williams
Signature

NOTARY OATH

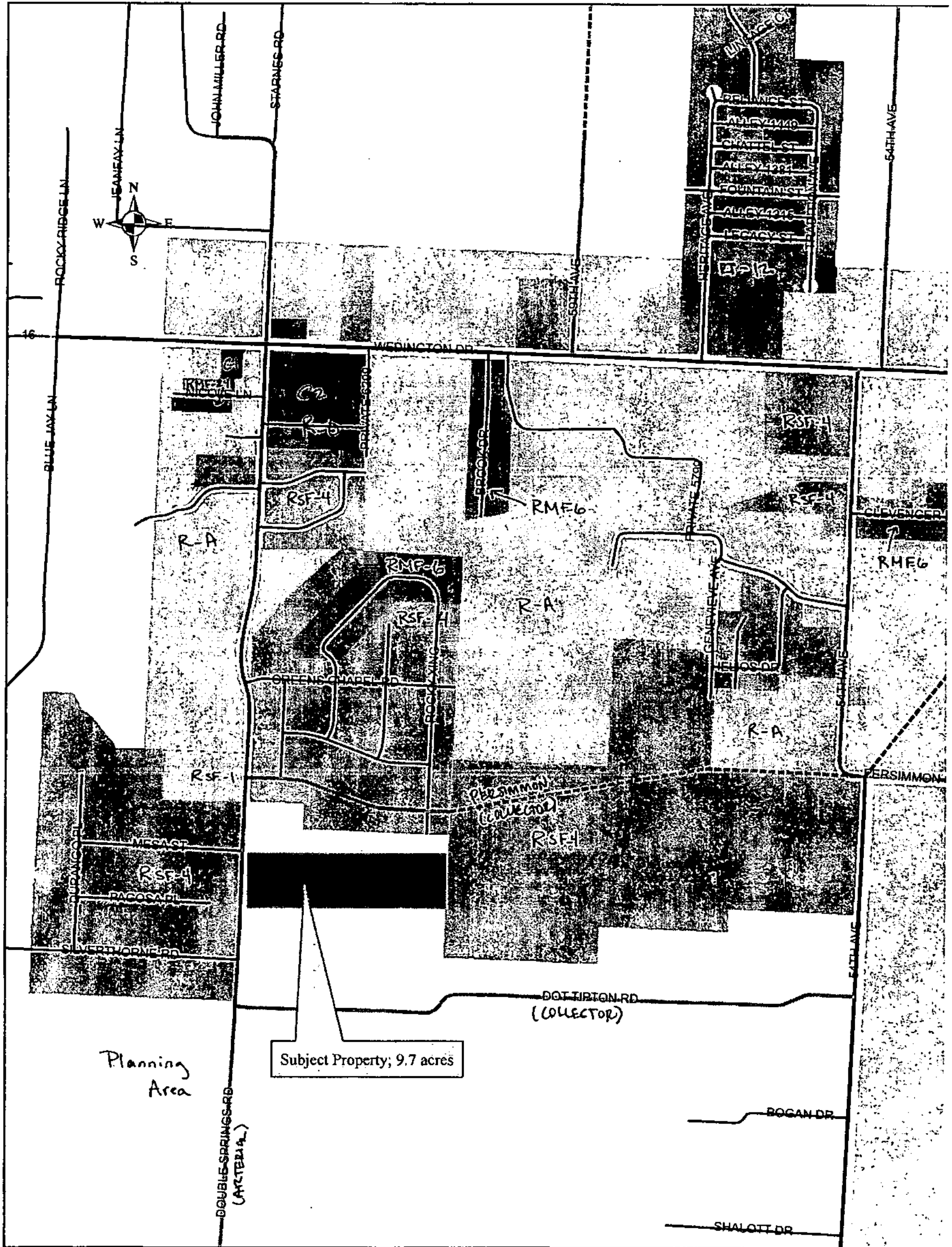
STATE OF ARKANSAS }
COUNTY OF WASHINGTON }

And now on this the 15 day of February, 2006 appeared before me, Fletcher Williams / Imogene Williams 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.

My Commission Expires
June 15/2014



Carolyn Boone
NOTARY PUBLIC





PC Meeting of February 27, 2006

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Suzanne Morgan, Current Planner
THRU: Jeremy Pate, Director of Current Planning
DATE: February 21, 2006

RZN 06-1936: (FLETCHER WILLIAMS, 474): Submitted by RANDY RITCHEY STEADFAST, INC. for property located at 370 DOUBLE SPRINGS RD. The property is zoned R-A, Residential Agricultural, and contains approximately 9.70 acres. The request is to rezone the subject property to RMF-6, Residential Multi-family, 6 units per acre.

Planner: Suzanne Morgan

RECOMMENDATION:

Staff recommends approval of the requested rezoning from R-A to RMF-6 with the Bill of Assurance submitted by the applicant.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
		☐ Forwarded	☒ Denied
Date:	<u>February 27, 2006</u>	Motion to recommend approval if ANX 06-1935 is approved by Allen.	
CITY COUNCIL ACTION:		Second: Myres	Vote: 4-2-0 w/ Amthues & Oatner voting no. Motion fails for lack of 5 affirmative votes.
		Required	<u>YES</u>
		☐ Approved	☐ Denied
Date:	<u>March 21, 2006 (1st reading if recommended)</u>		

Comments: _____

BACKGROUND:

Property description: The subject property contains approximately 9.70 acres and is located on Double Springs Road, south of Persimmon Street. The property is bordered on two sides by property zoned RSF-4, with Silverthorne Subdivision to the west and Legacy Point Phase 4

(under construction) to the east. Two intervening properties lie between the subject property and the city limits to the north (Legacy Point Phase 1). Initially, these properties were developed for single-family use. In recent months, the adjacent owner north of the property has begun to develop a storage unit business on his property. Legacy Point Phase 1 is zoned both RSF-4 and RMF-6. The 2002 rezoning of 8.74 acres within Legacy Point, in close proximity to the current request, was the first property to be zoned RMF-6 within the City of Fayetteville, with a unanimous vote by the Planning Commission and a majority vote by City Council.

Proposal: The applicant requests rezoning of 9.70 acres to allow for a two-family townhome and single-family development. The prospective buyer of the property developed several properties within the RMF-6 portion of Legacy Point and would like to duplicate this development on the subject property (see photos within packet). The property owner has submitted a Bill of Assurance that limits the development of the property to a maximum 24 two-family townhomes and a minimum 3 single-family lots, with a maximum 54 dwelling units; a maximum 58 units is permitted at 6 units/acre. Additionally, the Bill of Assurance guarantees that single-family dwellings will be located adjacent to the existing RSF-4 zoning districts, that is along the east and west property lines (see attachment).

Recommendation: Staff recommends approval of the proposed rezoning with the Bill of Assurance. The development of property at 6 units per acre with single-family lots adjacent to properties zoned RSF-4 will allow for transitional housing and a density of residences similar to nearby developments.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Storage Units & 2 Single family homes Single family homes	Planning Area RSF-4 & RMF-6 (Legacy Pt. Ph. 1)
South	Rural Single family homes	Planning Area
East	Vacant (under construction)	RSF-4
West	Silverthorne Subdivision	RSF-4

INFRASTRUCTURE:

Streets: The site has access to Double Springs Road. Improvements will be required to Double Springs Road which may include off-site improvements. An evaluation will be made by staff at the time of preliminary plat or large scale development. Dedication of right-of-way per the Master Street Plan is required.

Adjacent Streets:

North: Persimmon Street (Collector)
South: Dot Tipton Road (Collector)
West: Double Springs Road (Minor Arterial)

Water: Public water is adjacent to the site. There is an 8" water line that runs along Double Springs Road. A study of the water system shall be conducted by the developer. Substantial improvements to the water system may be required which includes other off-site improvements. Water service will need to be extended to and within the property at the time of development connecting within the proposed development.

Sewer: Sanitary sewer is located near the site. Substantial improvements to the sewer system will be required which includes off-site improvements. This development will be within the sewer assessment area. A study of the downstream system shall be conducted by the developer. Sewer service will need to be extended to and within the property at the time of development connecting within the proposed development

Drainage: Standard improvements and requirements for drainage will be required for the development.

Fire: These 9.70 acres are covered by Engine 7 located at 835 Ruppel Road. It is 3 miles from the station with an expected response time of 6 minutes to the entrance of this development. The Fire Department anticipates 13 (8 EMS – 5 Fire/Other) calls for service per year once the development is completed and maximum build-out has occurred. Measured Hydrant Flow in this area is 1465 gallons per minute. The service impact of this development will typically take eighteen months after the development is started, and the units begin to be occupied, to occur. There should be no adverse effects on our call volume or response time to this development.

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

LAND USE PLAN: General Plan 2020 designates the site as Residential. Rezoning this property to RMF-6 with the proposed Bill of Assurance is compatible with the single-family and townhomes 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 generally consistent with current land use planning objectives and policies for Residential Use in the area as indicated on the Future Land Use plan. The first rezoning of property to RMF-6 occurred

within the subdivision north of the subject property. The increase in density and type of development is compatible to the surrounding developments within the city. Additionally, the applicant proposes to develop single-family lots adjacent to the existing RSF-4 property (Silverthorne Subdivision to the west and Legacy Point Phase 4 (under construction) to the east).

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

Finding: For the property to develop in a manner consistent with adjacent properties, a zoning that would allow density greater than 1 unit per 2 acres (R-A) is required. The RSF-4 zoning is the most common in this area, though nearby property is zoned RMF-6 and property zoned R-O near the corner of Wedington Drive and Double Springs Rd is developed as a duplex subdivision. The applicant proposes an RMF-6 zoning with the intent to develop the property for two-family townhomes and some single-family dwellings. Staff finds that a zoning greater than R-A is justified in this area and an RMF-6 zoning with development subject to the proposed Bill of Assurance will be compatible with the surrounding developments.

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

Finding: It is expected that a rezoning from R-A to RMF-6 would create an increase in traffic compared with that allowed under the existing zoning. The property is situated near two Collector streets and adjacent to a Minor Arterial street. The existing infrastructure will be able to accommodate a 9.70 acre development of 6 units per acre (a maximum 58 units; 580 vehicle trips per day).

Police: It is the opinion of the Fayetteville Police department that an appreciable increase in traffic danger and congestion would not be created by this rezoning.

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

Finding: The proposed zoning will increase population density from the zoning currently in place. The 9.70 acre tract under an R-A zoning designation would allow for a maximum 4 single family residential dwelling units. With the proposed RMF-6 designation, a maximum 58 single family dwelling units would be permitted. Staff finds that increasing the density limitations to 6 units per acre would alter the population density in the immediate vicinity, though not to the degree that it

undesirably increases the load on public services.

Increased load on public services was taken into consideration for the recommendations from Engineering, Police and Fire Department that 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

161.10 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
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(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.

(Ord. No. 4325, 7-3-01)



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

POLICE DEPARTMENT

February 17, 2006

Jeremy Pate
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Pate,

This document is in response to the request for a determination of whether the proposed annexation and rezoning ANX & RZN 06-1935 (Fletcher Williams, 474) submitted by Randy Ritchey Steadfast, Inc for property located at 370 Double Springs Rd. would substantially alter the population density and thereby undesirably increase the load on public services or create an appreciable increase in traffic danger and traffic congestion.

It is the opinion of the Fayetteville Police Department that this 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 dark ink, appearing to read "William Brown".

Captain William Brown
Fayetteville Police Department



Fayetteville Fire Department

MEMO

To: Suzanne Morgan, Andrew Garner, Jeremy Pate, and Jesse Fulcher
Thru: Chief Tony Johnson
From: Captain Dale Riggins
Date: February 21, 2006
Re: February 16, 2006 Zoning Review - Fire Department Comments

ANX 06-1935 (Fletcher Williams, 474)

RZN 06-1936 (Fletcher Williams, 474)

These 10 acres are covered by Engine 7 located at 835 Ruppel Road.

It is 3 miles from the station with an expected response time of 6 minutes to the entrance of this development.

The Fire Department anticipates 13 (8 EMS - 5 Fire/Other) calls for service per year once the development is completed and maximum build-out has occurred.

Measured Hydrant Flow in this area is 1465 gallons per minute.

The service impact of this development will typically take eighteen months after the development is started, and the units begin to be occupied, to occur.

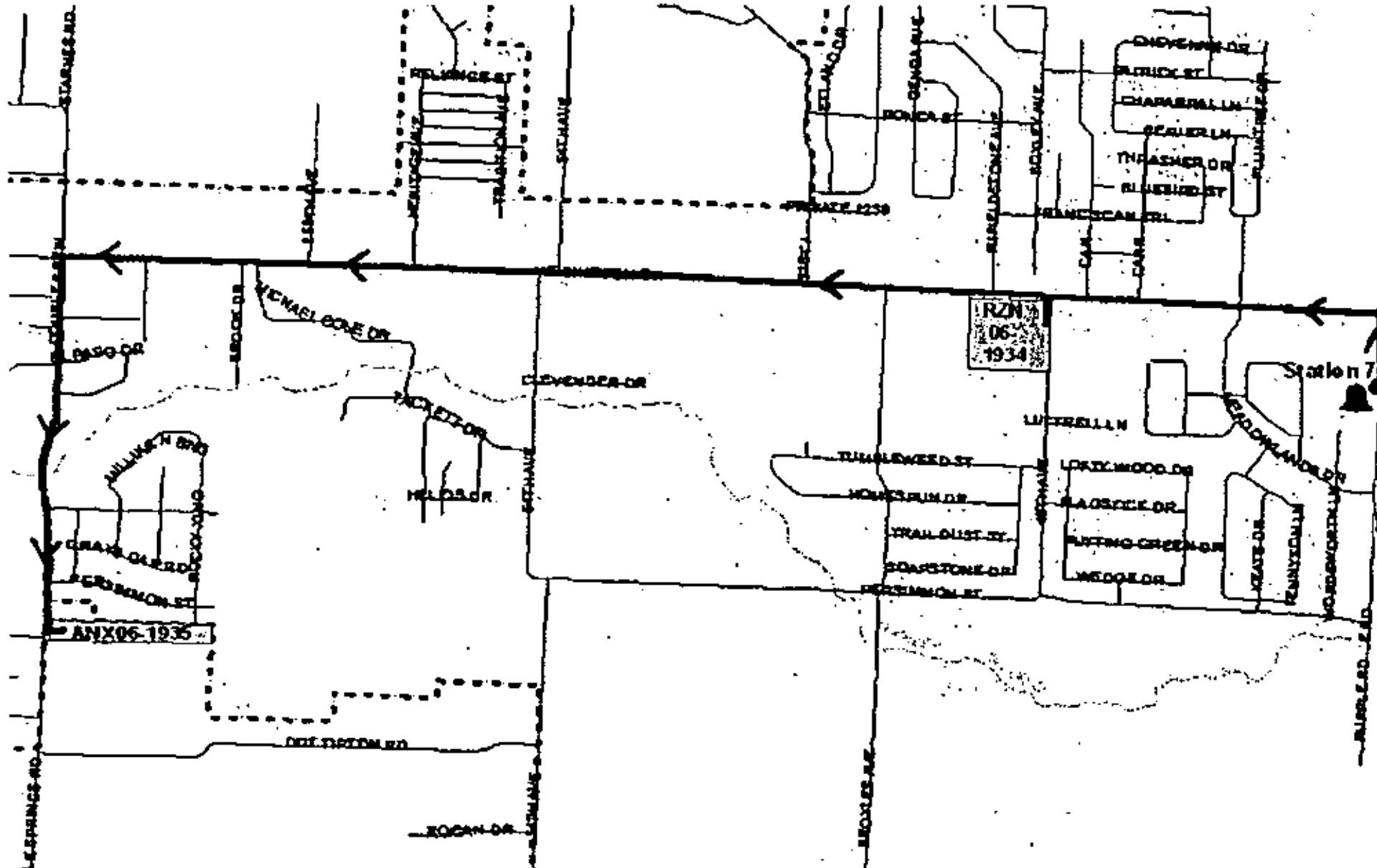
There should be no adverse effects on our call volume or response time to this development.

If you have any questions, please feel free to call or email me

Dale Riggins

Captain

Fayetteville Fire Department



ANX06-1935 RZN06-1936 Fletcher Williams 10 acres 6 Minute Response
RZN06-1934 Broyles Commercial 10.06 Acres 2.25 Minute Response

REQUEST FOR REZONING

1/19/06

To whom it may concern,

Please accept this request for annexation and re-zoning of property situated adjacent to the City of Fayetteville. The property is located at 370 Double Springs Road in Fayetteville, AR 72704 and is owned by Fletcher and Imogene Williams. The property contains 9.70 acres and is contiguous with the City of Fayetteville on 2 sides. Mr. and Mrs. Williams wish to sell their property to Olika Investments, who then intends to develop a residential subdivision on the site.

The annexation and rezoning are requested so that the property can be used according to the RMF-6 zoning to accommodate the construction of townhomes.

The use of the property for townhome construction will be consistent with nearby developments as Legacy point contains a section of townhomes. The current conceptual plan proposes the construction of 26 townhomes, which is a total of 52 living units. We believe this development will not generate enough increased traffic to significantly impact the current traffic patterns. The type and style of construction and entry signage will closely match the existing construction in Legacy Point.

Water is available from an existing 8" water main both on the West and East sides of the property. Sewer is available from an existing 8" gravity main on the West side and a 4" pressure main on the East side.

PLEASE NOTE THAT ALL ADJOINING PROPERTY OWNERS EXCEPT ONE ARE
ALSO PETITIONING FOR ANNEXATION.

REQUEST FOR REZONING

1/19/06

To whom it may concern,

Please accept this request for annexation and re-zoning of property situated adjacent to the City of Fayetteville. The property is located at 370 Double Springs Road in Fayetteville, AR 72704 and is owned by Fletcher and Imogene Williams. The property contains 9.70 acres and is contiguous with the City of Fayetteville on 2 sides. Mr. and Mrs. Williams wish to sell their property to Olika Investments, who then intends to develop a residential subdivision on the site.

The annexation and rezoning are requested so that the property can be used according to the RMF-6 zoning to accommodate the construction of town homes.

The use of the property for town home construction will be consistent with nearby developments as Legacy point contains a section of town homes. The current conceptual plan proposes the construction of 46 to 53 living units. We believe this development will not generate enough increased traffic to significantly impact the current traffic patterns. The type and style of construction and entry signage will closely match the existing construction in Legacy Point.

Water is available from an existing 8" water main both on the West and East sides of the property. Sewer is available from an existing 8" gravity main on the West side and a 4" pressure main on the East side.

The proposed RMF-6 zoning is consistent with current land use planning ordinances and is consistent with current surrounding land use.

The re-zoning is needed because the assigned RA zoning does not allow construction of residential subdivisions as proposed for the property.

While the zoning would allow a maximum of 58 units, we are submitting a Bill of Assurance stating we will not build more than a maximum of 53 units. This is a density of 5 units per acre. We do not believe this subdivision will significantly impact the traffic danger or congestion.

While any development will certainly affect the public services, this development is small in scale and should not add significant strain to the existing public services.

The assigned zoning of RA is impractical for developing the property as a subdivision.

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") Fletcher Williams and Imogene Williams, 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 the following:
The petitioners assure the City the property will be developed as a residential subdivision, zoned RMF-6 (with approved re-zoning application) and will consist of a combination of single family lots and two-unit townhome lots. The subdivision as a whole will meet or exceed the requirements of RMF-6 zoning. The subdivision will contain between 20 to 24 zero-lot-line townhome structures (2 units each) and between 3 to 6 single family dwellings. The maximum total number of structures will be between 26 to 30 structures totaling 46 to 53 dwelling units. The maximum number of units allowed by RMF-6 for this parcel would be 58. Single family units will be placed adjacent to existing single family developments so as to maintain consistent usage across property lines.

2. 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, Fletcher R Williams, as the owner, developer or buyer (Petitioner) voluntarily offer all such assurances and sign my name below.

2/15/06
Date

370 Double Springs Rd
Address

Gay Ar 72704

Fletcher R Williams
Printed Name

Fletcher R Williams
Signature

Imogene Williams
Printed Name

Imogene Williams
Signature

NOTARY OATH

STATE OF ARKANSAS }
COUNTY OF WASHINGTON }

And now on this the 15 day of February, 2006 appeared before me, Fletcher Williams / Imogene Williams 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.

My Commission Expires
June 15/2014



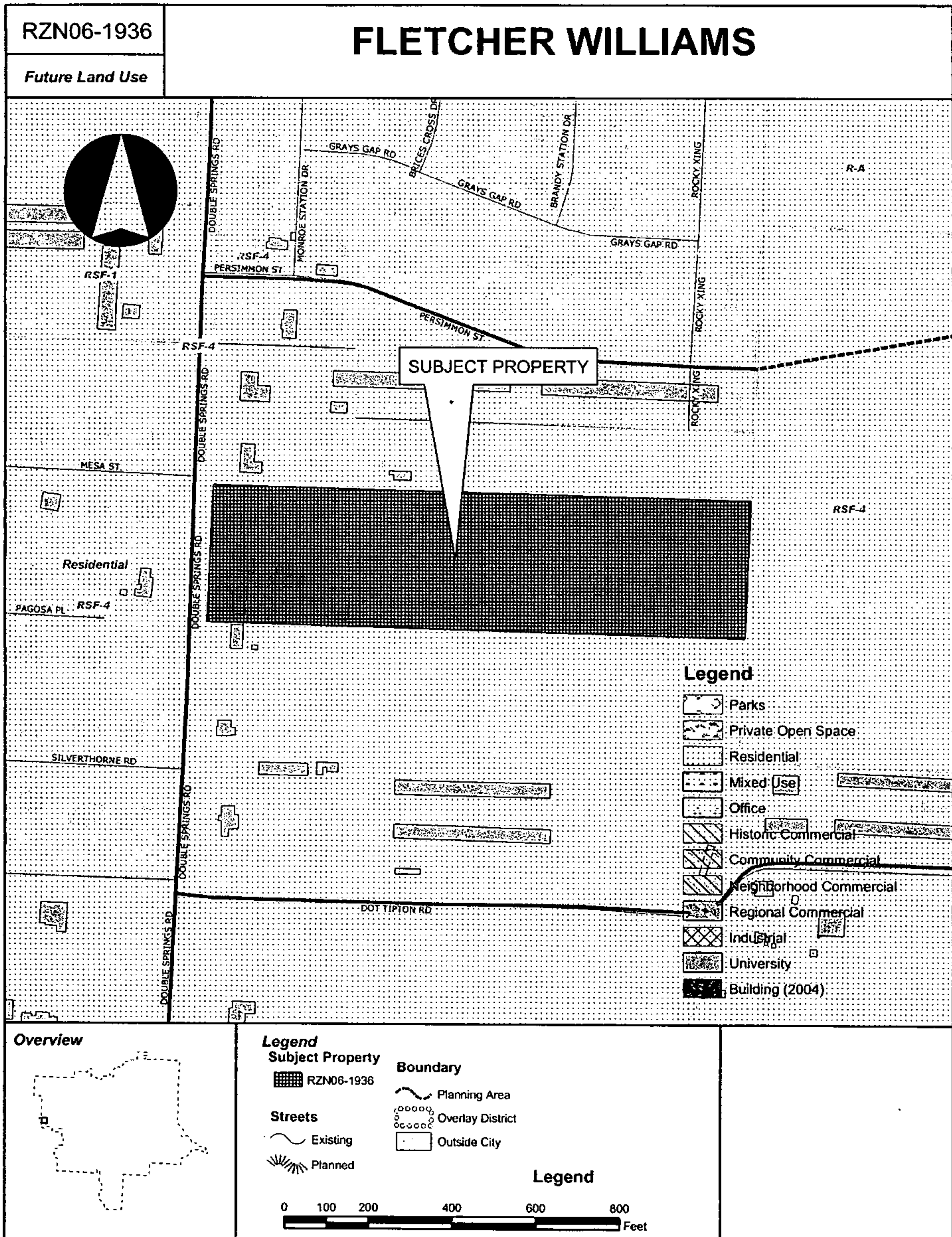
Carolyn Boone
NOTARY PUBLIC

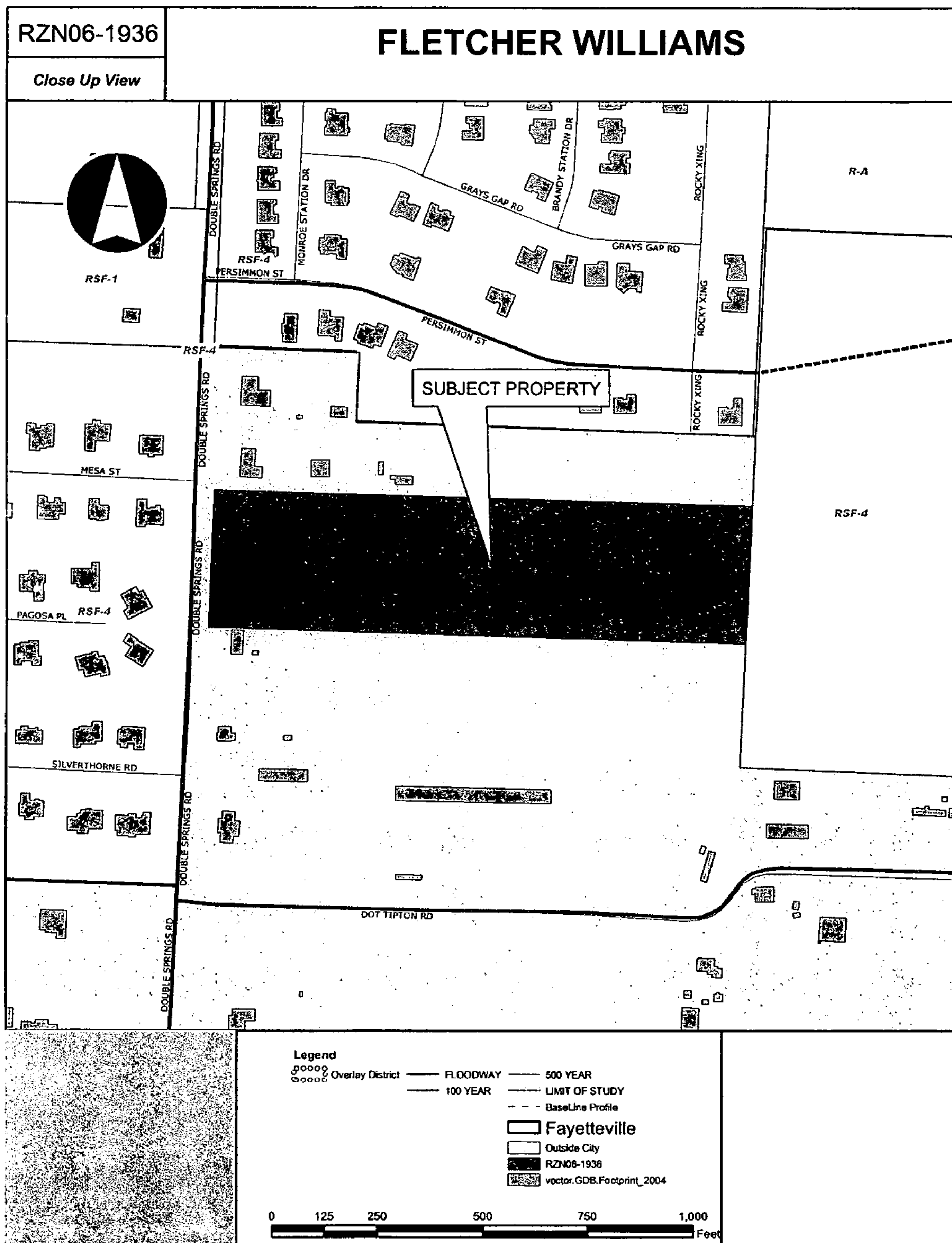
SURVEY DESCRIPTION:

A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S02°38'25"W 661.08' FROM THE NORTHEAST CORNER OF THE SAID SECTION 15 AND RUNNING THENCE S02°38'25"W 330.92', THENCE N88°16'00"W 1278.75' TO THE EAST RIGHT-OF-WAY OF COUNTY ROAD #27, THENCE ALONG SAID RIGHT-OF-WAY N02°27'01"E 329.38', THENCE S88°20'05"E 1279.86' TO THE POINT OF BEGINNING. CONTAINING 9.70 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

PROJECT SUMMARY

Emerald Point subdivision will consist of a combination of single family and 2-unit townhomes. Fletcher Williams' existing single-family home will stay in place fronting Double Springs Road on lot 26. The existing single family home immediately south of Fletcher's home will be demolished and lot 25 will be designated as a single family lot. Lots 12,13,14 (which are adjacent to a single family section of Legacy Pointe subdivision) are also designated as single family lots. Lot 9 is reserved for a detention pond, and all remaining lots are designated for use as 2-unit townhome dwellings. All lots exceed the minimum size requirements as set forth in the City of Fayetteville design criteria.

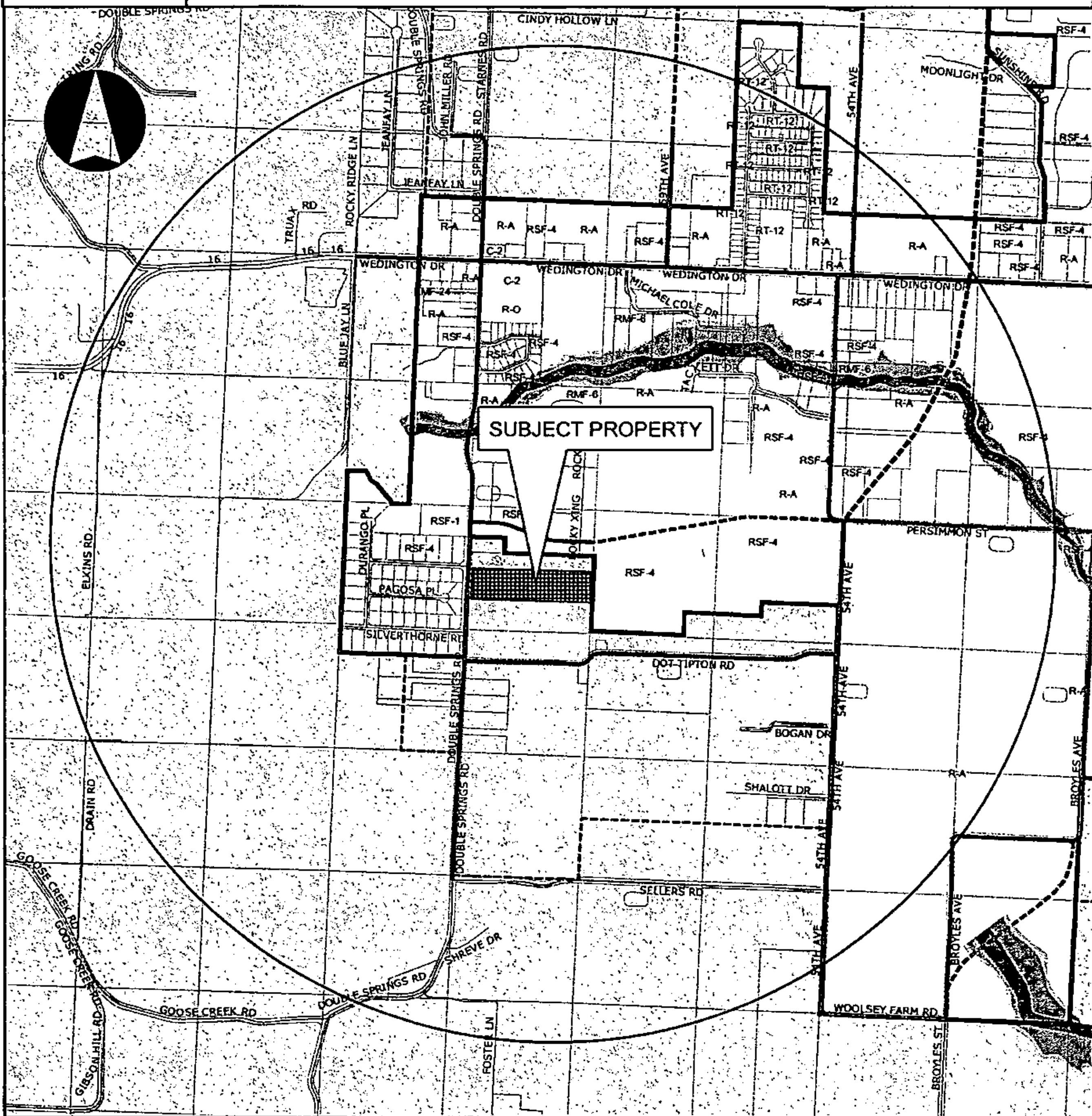




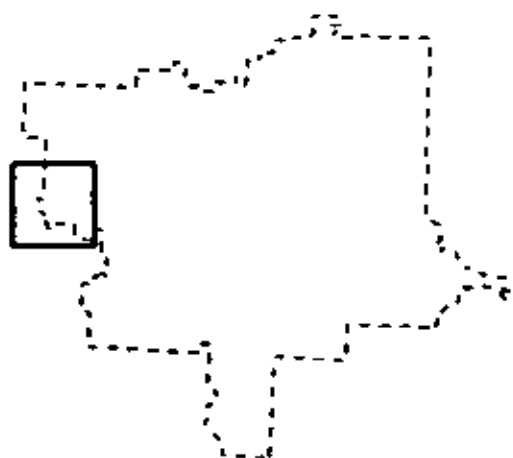
RZN06-1936

FLETCHER WILLIAMS

One Mile View



Overview



Legend

Subject Property
RZN06-1936

Boundary

Planning Area
Overlay District
Outside City

0 0.125 0.25 0.5 0.75 1 Miles