

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
May 2, 2006**

A meeting of the Fayetteville City Council will be held on May 2, 2006 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

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

Presentation given by the Annexation Task Force:

THE CITY COUNCIL AUTHORIZED THE CITY STAFF TO MOVE FORWARD WITH THE ANNEXATION. NO RESOLUTION NEEDED PER CITY ATTORNEY, KIT WILLIAMS.

A. CONSENT:

- 1. Approval of the April 4, 2006, City Council meeting minutes.**

APPROVED.

- 2. Historic District Commission:** A resolution confirming the Mayor's appointment of seven (7) members to the Historic District Commission.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 78-06.

- 3. MSI Consulting Group, LLC Lease:** A resolution approving two proposals in the amount of \$245,000.00 from MSI Consulting Group, LLC to lease a comprehensive case management system and to provide data conversion services for the Fayetteville District Court; and approving a budget adjustment in the amount of \$145,000.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 79-06.

4. **U of A Technology Corridor Project:** A resolution expressing the willingness of City of Fayetteville to utilize Federal-Aid High Priority Project Funds for the U of A Technology Corridor Project.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 80-06.

5. **Expressway Economic Corridor Project:** A resolution expressing the willingness of City of Fayetteville to utilize Federal-Aid High Priority Project Funds for the Expressway Economic Development Corridor Project.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 81-06.

6. **McClelland Consulting Engineers Task Order # 13:** A resolution approving Task Order No. 13 with McClelland Consulting Engineers in the amount of \$9,650.00 for design of the airfield striping plan, bidding services and project oversight at the Fayetteville Municipal Airport; and approving a Budget Adjustment recognizing \$85,000.00 in grant revenues.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 82-06.

7. **McClelland Consulting Engineers Task Order # 14:** A resolution approving Task Order No. 14 with McClelland Consulting Engineers in the amount of \$105,450.00 for design of two (2) corporate hangars, to provide bidding services and project oversight at the Fayetteville Municipal Airport; and approving a budget adjustment in the amount of \$105,450.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 83-06.

B. UNFINISHED BUSINESS:

1. **Amend § 161.18 District C-3 Central Commercial:** An ordinance to amend § 161.18 District C-3 Central Commercial of the Unified Development Code by including a new subsection (f) restricting height to six stories or 84 feet whichever is less; and amending Chapter 156: Variances. *This ordinance was left on the Second Reading at the April 18, 2006 City Council meeting.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4863.

2. **Arbors at Springwoods Appeal:** An appeal of the Planning Commission's decision regarding a condition of approval for the Arbors at Springwoods Large Scale Development. *This item was Tabled at the April 18, 2006 City Council Meeting to the May 2, 2006 City Council Meeting.*

THIS ITEM WAS TABLED INDEFINITELY.

3. **Amend § 166.03 Park Land Dedication:** An ordinance to amend § 166.03 (K) Park Land Dedication of the Unified Development Code. *This ordinance was left on the First Reading at the April 18, 2006 City Council Meeting.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4864.

C. PUBLIC HEARINGS

1. **Clean-up at 1079 Washington Avenue:** A resolution certifying to the Tax Collector of Washington County the costs of abating unsightly and unsanitary conditions upon the property located at 1079 South Washington Avenue in the City of Fayetteville, Arkansas.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 84-06.

2. **Clean-up at 4005 West 6th Street:** A resolution certifying to the Tax Collector of Washington County the costs of abating unsightly and unsanitary conditions upon the property located at 4005 West 6th Street in the City of Fayetteville, Arkansas.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 85-06.

D. NEW BUSINESS:

1. **Discussion of Lawsuit on Smoking Enforcement.**

THE CITY COUNCIL AUTHORIZED CITY ATTORNEY TO MOVE FORWARD WITH CONSENT ORDER.

2. **Amend § 97.081 Intoxicating Beverages:** An ordinance to amend § 97.081 Intoxicating Beverages of the Code of Fayetteville.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4865.

3. **Improvement District No. 15 - Stonebridge Meadows:** An ordinance to establish and lay off Fayetteville Municipal Property Owner's Improvement District No. 15- Stonebridge Meadows, Phases 4 and 5.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4866.

4. **Mayor's Veto of Portions of the Hillside Ordinance.**

THE MOTION TO OVERTURN MAYOR'S VETO FAILED. NO RESOLUTION OR ORDINANCE NEEDED PER CITY ATTORNEY, KIT WILLIAMS.

5. **Amend Title XV of the UDC - Tree Preservation and Protection:** An ordinance amending Title XV: Unified Development Code to provide amendments to certain provisions concerning Tree Preservation and Protection.

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

6. **ANX 06-2006 Brown:** An ordinance annexing that property described in annexation petition ANX 06-2006 (CC2005-51), for property located east of Township Street, containing approximately 3.38 acres.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4867.

7. **RZN 06-2007 Brown:** An ordinance rezoning that property described in rezoning petition RZN 06-2007, for approximately 3.38 acres located east of Township Street, from R-A, Residential Agricultural to RSF-4, Residential Single Family, 4 units per acre.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4868.

8. **RZN 06-2008 CMN Business Park II, Phase III:** An ordinance rezoning that property described in rezoning petition RZN 06-2008, for approximately 53.93 acres, located at CMN Business Park II Phase III, northwest of Van Asche and Steele Boulevard, from R-O, Residential Office and C-1, Neighborhood Commercial to C-1, Neighborhood Commercial.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4869.

9. **R-PZD 06-1922 Scottswood Place:** An ordinance establishing a Residential Planned Zoning District Titled R-PZD 06-1922, Scottswood Place, located northeast of Old Farmington Road and One Mile Road, containing approximately 5.06 acres, more or less; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4870.

10. **VAC 06-2044 Toyota of Fayetteville:** An ordinance approving VAC 06-2044 submitted by Bryan Smith for property located at 1352 west Showroom Drive, vacating a portion of the utility easement located within the subject property.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4871.

11. **Reserve, LLC:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with Reserve, LLC in the amount of \$70,793.00 for the upsizing of approximately 3,340 feet of 8" water main to 12" water main; and approving a contingency in the amount of \$10,600.00.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4872.

12. **Amend Chapter 50: Garbage and Trash:** An ordinance amending Chapter 50: Garbage and Trash, to eliminate the surcharge for solid waste service outside the city limits.

THIS ITEM FAILED.

E. INFORMATIONAL:

City Council Tour: NONE

Meeting adjourned at 10:20 p.m.

Adjourn 10:20 PM

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

Subject: Move forward with annexation. (NO Resolution)					
Motion To:					<u>Needed</u>
Motion By:		Lucas			per Kit.
Seconded:		Reynolds			
Move forward with the annexation process. Passed	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	N			
	Marr	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Mayor Coody				

Subject: <i>Consent</i>					
Motion To:					
Motion By:		<i>Jordan</i>			
Seconded:		<i>Lucas</i>			
<i>Passed</i> <i>Res. 78-06</i> <i>to</i> <i>83-06</i>	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Mayor Coody				

8-0

Subject: <i>Amend 161.18 District C-3 Central Commercial</i>					
Motion To:		<i>3rd read</i>	<i>Pass</i>		
Motion By:		<i>Jordan</i>			
Seconded:		<i>Cook</i>			
<i>B.I.</i> <i>Unfinished</i> <i>Passed</i> <i>4863</i>	Jordan	✓	✓		
	Reynolds	✓	N		
	Thiel	✓	✓		
	Cook	✓	✓		
	Marr	✓	✓		
	Rhoads	✓	✓		
	Ferrell	✓	N		
	Lucas	✓	✓		
	Mayor Coody				

8-0

6-2

Subject: <i>Arbers at Springwoods Appeal.</i>					
Motion To:		<i>Table Indef.</i>			
Motion By:		<i>Cook</i>			
Seconded:		<i>Marr</i>			
<i>B.2. Table Indef.</i>	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Mayor Coody				

8-0

Subject: <i>Amend 166.03 Park Land Dedication</i>					
Motion To:		<i>2nd reading</i>			
Motion By:		<i>Reynolds</i>			
Seconded:		<i>Cook</i>			
<i>B.2. Unfinished</i>	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Mayor Coody				

8-0

Subject: Amend 166.03 Park Land Dedication					
Motion To:		Amend exclude Section 2			
Motion By:		Thiel			
Seconded:		Ferrell			
B.2. Unfinished	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Mayor Coody				

8-0

Subject: Amend 166.03 Park Land Dedication					
Motion To:		3rd read	Pass		
Motion By:		Marr			
Seconded:		Jordan			
Passed 4864	Jordan	✓	✓		
	Reynolds	✓	✓		
	Thiel	✓	✓		
	Cook	✓	✓		
	Marr	✓	✓		
	Rhoads	✓	✓		
	Ferrell	✓	✓		
	Lucas	✓	✓		
	Mayor Coody				

8-0

8-0

Subject: Clean-up at 1079 Washington Avenue					
Motion To:		Approve		Public Hearing	
Motion By:		Jordan			
Seconded:		Marr			
C. 1. Public Hearing Passed 84-06	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Mayor Coody				

8-0

Subject: Clean-up at 4005 West 6th Street					
Motion To:				Public Hearing	
Motion By:		Jordan			
Seconded:		Marr			
C. 2. Public Hearing 85-06	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Ferrell	absent during vote			
	Lucas	✓			
	Mayor Coody				

7-0

Subject: Add to the Agenda : Discussion of Lawsuit					
Motion To:		Add to the Agenda			on
Motion By:		Rhoads			Smoking
Seconded:		Marr			Enforcement
Added to the Agenda Discussion of Smoking Enforcement Lawsuit	Jordan	✓			Added
	Reynolds	✓			to the
	Thiel	✓			Agenda
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Mayor Coody				

8-0

Subject: Smoking Lawsuit					
Motion To:		Kit move forward with the Consent order.			
Motion By:		Ferrell			
Seconded:		Marr			
Added to Agenda	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Mayor Coody				

Subject: Added to the Agenda: Botanical Gardens					
Motion To:		Add to Agenda			Intoxicating
Motion By:		Rhoads			Beverages
Seconded:		Marr			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Mayor Coody				

8-0

Subject: Botanical Garden Intoxicating Beverages					
Motion To:		2nd read	3rd read	Pass	
Motion By:		Rhoads	Jordan		
Seconded:		Marr	Reynolds		
Passed 4865	Jordan	✓	✓	✓	
	Reynolds	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Mayor Coody				

8-0

8-0

8-0

Subject: Improvement District #15 - Stonebridge Meadows					
Motion To:		2nd read	3rd read	Pass	
Motion By:		Reynolds	Jordan		
Seconded:		Jordan	Reynolds		
D. 1. New Business <u>Passed</u> 4866	Jordan	✓	✓	✓	
	Reynolds	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Mayor Coody		1		
		8-0	8-0	8-0	

Subject: Mayor's Veto of Portions of the Hillside Ordinance					
Motion To:		Overtune Veto			
Motion By:		Marr			Wade Coldwell
Seconded:		Cook			Steve Cattaneo
D. 2. New Business <u>Failed</u> Veto was not over- turned See 4855	Jordan	✓			
	Reynolds	N			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	N			
	Ferrell	N			
	Lucas	✓			
	Mayor Coody				
		5-3			

Subject: Amend Title XV of the UOC - Tree Preservation					
Motion To:		Send to Review	Ordinance		and Protection
Motion By:		Ferrell			
Seconded:		Rhoads			
D.3. New Business Withdrawn	Jordan				
	Reynolds				
	Thiel	Motion Withdrawn			
	Cook				
	Marr				
	Rhoads				
	Ferrell				
	Lucas				
	Mayor Coody				

Subject: Amend Title XV of the UOC - Tree					
Motion To:		Send to Staff for review			Preservation
Motion By:		Ferrell			and
Seconded:		No Second			Protection
D.3. New Business died for lack of Second.	Jordan				
	Reynolds				
	Thiel				
	Cook				
	Marr				
	Rhoads				
	Ferrell				
	Lucas				
	Mayor Coody				

Subject: Amend Title XV of the UDC - Tree					
Motion To:					Preservation
Motion By:					and
Seconded:					Protection
D.3. New Business Left on the first Reading	Jordan				
	Reynolds				
	Thiel				
	Cook				
	Marr				
	Rhoads				
	Ferrell				
	Lucas				
	Mayor Coody				

Subject: ANX - 06-2006 Brown					
Motion To:		2nd read	3rd read	Pass	
Motion By:		Rhoads	Jordan		
Seconded:		Jordan	Lucas		
D.4. New Business Passed 4867	Jordan	✓	✓	✓	
	Reynolds	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	N	
	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Mayor Coody				

8-0

8-0

7-1

Subject: RZN 06-2007 Brown					
Motion To:		2nd read	3rd read	Pass	
Motion By:		Rhoads	Reynolds		
Seconded:		Ferrell	Ferrell		
D. 5. New Business <u>Passed</u> 4868	Jordan	✓	✓	✓	
	Reynolds	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Mayor Coody				
		8-0	8-0	8-0	

Subject: RZN - 06 -2008 CMNI Business Park II Phase III					
Motion To:		2nd read	3rd read	Pass	
Motion By:		Ferrell	Reynolds		
Seconded:		Jordan	Jordan		
D. 6. New Business <u>Passed</u> 4869	Jordan	✓	✓	✓	
	Reynolds	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Marr	✓	✓	N	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Mayor Coody				
		8-0	8-0	7-1	

Subject: R-PZD 06-1922 Scottswood Place.					
Motion To:		2nd read	3rd read	Pass	
Motion By:		Jordan	Jordan		
Seconded:		Lucas	Lucas		
D. 7. New Business <u>Passed</u> 4870	Jordan	✓	✓	✓	
	Reynolds	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Mayor Coody				
		8-0	8-0	8-0	

Subject: VAC 06-2044 Toyota of Fayetteville					
Motion To:		2nd read	3rd read	Pass	
Motion By:		Ferrell	Marr		
Seconded:		Jordan	Thiel		
D. 8. New Business <u>Passed</u> 4871	Jordan	✓	✓	✓	
	Reynolds	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Mayor Coody				
		8-0	8-0	8-0	

Subject: Reserve, LLC					
Motion To:		2nd read	Amend	3rd read	Pass
Motion By:		Jordan Cook	Jordan Reynolds	Jordan Reynolds	
Seconded:					
D. 9. New Business Passed 4872	Jordan	✓	✓	✓	✓
	Reynolds	✓	✓	✓	✓
	Thiel	✓	✓	✓	✓
	Cook	✓	✓	✓	✓
	Marr	✓	✓	✓	✓
	Rhoads	✓	✓	✓	✓
	Ferrell	✓	✓	✓	✓
	Lucas	✓	✓	✓	✓
	Mayor Coody				
		8-0	8-0	8-0	8-0

Subject: Amend Chapter 50: Garbage & Trash					
Motion To:		2nd read	3rd read	Pass	
Motion By:		Marr	J		
Seconded:		Jordan	M		
D. 10 New Business Failed	Jordan	✓	✓	N	
	Reynolds	✓	✓	✓	
	Thiel	✓	✓	N	
	Cook	✓	✓	N	
	Marr	✓	✓	N	
	Rhoads	✓	✓	N	
	Ferrell	✓	✓	N	
	Lucas	✓	✓	N	
	Mayor Coody				
		8-0	8-0	1-7	

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

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
May 2, 2006**

A meeting of the Fayetteville City Council will be held on May 2, 2006 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

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

Presentation given by the Annexation Task Force

A. CONSENT:

1. **Approval of the April 4, 2006 and the April 18, 2006 City Council meeting minutes.**
2. **Historic District Commission:** A resolution confirming the Mayor's appointment of seven (7) members to the Historic District Commission.
3. **MSI Consulting Group, LLC Lease:** A resolution approving two proposals in the amount of \$245,000.00 from MSI Consulting Group, LLC to lease a comprehensive case management system and to provide data conversion services for the Fayetteville District Court; and approving a budget adjustment in the amount of \$145,000.00.
4. **U of A Technology Corridor Project:** A resolution expressing the willingness of City of Fayetteville to utilize Federal-Aid High Priority Project Funds for the U of A Technology Corridor Project.
5. **Expressway Economic Corridor Project:** A resolution expressing the willingness of City of Fayetteville to utilize Federal-Aid High Priority Project Funds for the Expressway Economic Development Corridor Project.

- ✓ **McClelland Consulting Engineers, Inc. Task Order #13:** A resolution approving Task Order No. 13 with McClelland Consulting Engineers in the amount of \$9,650.00 for design of the airfield striping plan, bidding services and project oversight at the Fayetteville Municipal Airport; and approving a Budget Adjustment recognizing \$85,000.00 in grant revenues.

B. UNFINISHED BUSINESS:

- ✓ **Amend §161.18 District C-3 Central Commercial:** An ordinance to amend §161.18 District C-3 Central Commercial of the Unified Development Code by including a new subsection (f) restricting height to six stories or 84 feet whichever is less; and amending Chapter 156: Variances. *This ordinance was left on the Second Reading at the April 18, 2006 City Council meeting.*
- ✓ **Arbors at Springwoods Appeal:** An appeal of the Planning Commission's decision regarding a condition of approval for the Arbors at Springwoods Large Scale Development. *This item was Tabled at the April 18, 2006 City Council Meeting to the May 2, 2006 City Council Meeting.*
- ✓ **Amend §166.03 Park Land Dedication:** An ordinance to amend §166.03 (K) Park Land Dedication of the Unified Development Code. *This ordinance was left on the First Reading at the April 18, 2006 City Council Meeting.*

C. PUBLIC HEARINGS

*Remove
from agenda*

- ✓ ~~1. **Raze and Removal at 50 South School Avenue:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Stephan and Sharon Hoover located at 50 South School Avenue in the City of Fayetteville, Arkansas.~~
- ✓ **2. Clean-up at 1079 Washington Avenue:** A resolution certifying to the Tax Collector of Washington County the costs of abating unsightly and unsanitary conditions upon the property located at 1079 South Washington Avenue in the City of Fayetteville, Arkansas.
- ✓ **3. Clean-up at 4005 West 6th Street:** A resolution certifying to the Tax Collector of Washington County the costs of abating unsightly and unsanitary conditions upon the property located at 4005 West 6th Street in the City of Fayetteville, Arkansas.

D. NEW BUSINESS:

- ✓ **1. ANX 06-2006 Brown:** An ordinance annexing that property described in annexation petition ANX 06-2006 (CC2005-51), for property located east of Township Street, containing approximately 3.38 acres.
- ✓ **2. RZN 06-2007 Brown:** An ordinance rezoning that property described in rezoning petition RZN 06-2007, for approximately 3.38 acres located east of Township Street, from R-A, Residential Agricultural to RSF-4, Residential Single Family, 4 units per acre.

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7. **Amend Chapter 50: Garbage and Trash:** An ordinance amending Chapter 50: Garbage and Trash, to eliminate the surcharge for solid waste service outside the city limits.

8. **Improvement District No. 15 - Stonebridge Meadows:** An ordinance to establish and lay off Fayetteville Municipal Property Owner's Improvement District No. 15- Stonebridge Meadows, Phases 4 and 5.

9. ~~**Compensation Classification Phase I Contract Approval:** More information will be provided.~~

E. INFORMATIONAL:

~~1. Police Station Location Presentation and Discussion - Agenda Session Only~~

~~2. City Council Tour: May 1, 2006 4:30 PM~~ (NONE)

Move to place after ~~Section 1.1.1~~ Mayor's Veto of Portions of Hillside Ordinance

Add: } Amend Title XV of the UDC - Tree Preservation and Protection.

Consent Add: } McClelland Consulting Engineers Task Order # 14.

Add: } Mayor's Veto of Portions of Hillside Ordinance

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

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
May 2, 2006**

A meeting of the Fayetteville City Council will be held on May 2, 2006 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order
Roll Call
Pledge of Allegiance

~~Resolution~~ • Presentation of from Annex Task Force

A. CONSENT:

1. Approval of the April 4, 2006 and the April 18, 2006 City Council meeting minutes.

Public Hearing
NB (2) *Okay Leave on.* Raze and Removal at 50 South School Avenue: A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Stephan and Sharon Hoover located at 50 South School Avenue in the City of Fayetteville, Arkansas.

Public Hearing (3) Clean-up at 1079 Washington Avenue: A resolution certifying to the Tax Collector of Washington County the costs of abating unsightly and unsanitary conditions upon the property located at 1079 South Washington Avenue in the City of Fayetteville, Arkansas.

Public Hearing (4) Clean-up at 4005 West 6th Street: A resolution certifying to the Tax Collector of Washington County the costs of abating unsightly and unsanitary conditions upon the property located at 4005 West 6th Street in the City of Fayetteville, Arkansas.

5. **Historic District Commission:** A resolution confirming the Mayor's appointment of seven (7) members to the Historic District Commission.

B. UNFINISHED BUSINESS:

1. ✓ **Amend §161.18 District C-3 Central Commercial:** An ordinance to amend §161.18 District C-3 Central Commercial of the Unified Development Code by including a new subsection (f) restricting height to six stories or 84 feet whichever is less; and amending Chapter 156: Variances. *This ordinance was left on the Second Reading at the April 18, 2006 City Council meeting.*
2. ✓ **Arbors at Springwoods Appeal:** An appeal of the Planning Commission's decision regarding a condition of approval for the Arbors at Springwoods Large Scale Development. *This item was Tabled at the April 18, 2006 City Council Meeting to the May 2, 2006 City Council Meeting.*
3. ✓ **Amend §166.03 Park Land Dedication:** An ordinance to amend §166.03 (K) Park Land Dedication of the Unified Development Code. *This ordinance was left on the First Reading at the April 18, 2006 City Council Meeting.*

C. NEW BUSINESS:

1. ✓ **ANX 06-2006 Brown:** An ordinance annexing that property described in annexation petition ANX 06-2006 (CC2005-51), for property located east of Township Street, containing approximately 3.38 acres.
2. ✓ **RZN 06-2007 Brown:** An ordinance rezoning that property described in rezoning petition RZN 06-2007, for approximately 3.38 acres located east of Township Street, from R-A, Residential Agricultural to RSF-4, Residential Single Family, 4 units per acre.
3. ✓ **RZN 06-2008 CMN Business Park II, Phase III:** An ordinance rezoning that property described in rezoning petition RZN 06-2008, for approximately 53.93 acres, located at CMN Business Park II Phase III, northwest of Van Asche and Steele Boulevard, from R-O, Residential Office and C-1, Neighborhood Commercial to C-1, Neighborhood Commercial.
4. ✓ **R-PZD 06-1922 Scottswood Place:** An ordinance establishing a Residential Planned Zoning District Titled R-PZD 06-1922, Scottswood Place, located northeast of Old Farmington Road and One Mile Road, containing approximately 5.06 acres, more or less; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan.
5. ✓ **VAC 06-2044 Toyota of Fayetteville:** An ordinance approving VAC 06-2044 submitted by Bryan Smith for property located at 1352 west Showroom Drive, vacating a portion of the utility easement located within the subject property.
6. ✓ **Reserve, LLC:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with Reserve, LLC in the amount of \$70,793.00 for the upsizing of approximately 3340 feet of 8" water main to 12" water main; and approving a contingency in the amount of \$10,600.00.

- ✓ **Amend Chapter 50: Garbage and Trash:** An ordinance amending Chapter 50: Garbage and Trash, to eliminate the surcharge for solid waste service outside the city limits.

Consent **MSI Consulting Group, LLC Lease:** A resolution approving two proposals in the amount of \$245,000.00 from MSI Consulting Group, LLC to lease a comprehensive case management system and to provide data conversion services for the Fayetteville District Court; and approving a budget adjustment in the amount of \$145,000.00.

Consent **U of A Technology Corridor Project:** A resolution expressing the willingness of City of Fayetteville to utilize Federal-Aid High Priority Project Funds for the U of A Technology Corridor Project.

Consent **Expressway Economic Corridor Project:** A resolution expressing the willingness of City of Fayetteville to utilize Federal-Aid High Priority Project Funds for the Expressway Economic Development Corridor Project.

- 11. Improvement District No. 15 - Stonebridge Meadows:** An ordinance to establish and lay off Fayetteville Municipal Property Owner's Improvement District No. 15- Stonebridge Meadows, Phases 4 and 5.

Consent **McClelland Consulting Engineers, Inc. Task Order #13:** A resolution approving Task Order No. 13 with McClelland Consulting Engineers in the amount of \$9,650.00 for design of the airfield striping plan, bidding services and project oversight at the Fayetteville Municipal Airport; and approving a Budget Adjustment recognizing \$85,000.00 in grant revenues.

~~**13. McClelland Consulting Engineers, Inc. Task Order #14:** A resolution approving Task Order No. 14 with McClelland Consulting Engineers in the amount of \$105,450.00 for design of two (2) corporate hangars, to provide bidding services and project oversight at the Fayetteville Municipal Airport; and approving a Budget Adjustment in the amount of \$1,305,450.00.~~

14. Police Station Location: No Information. (Susan Thomas)

D. INFORMATIONAL:

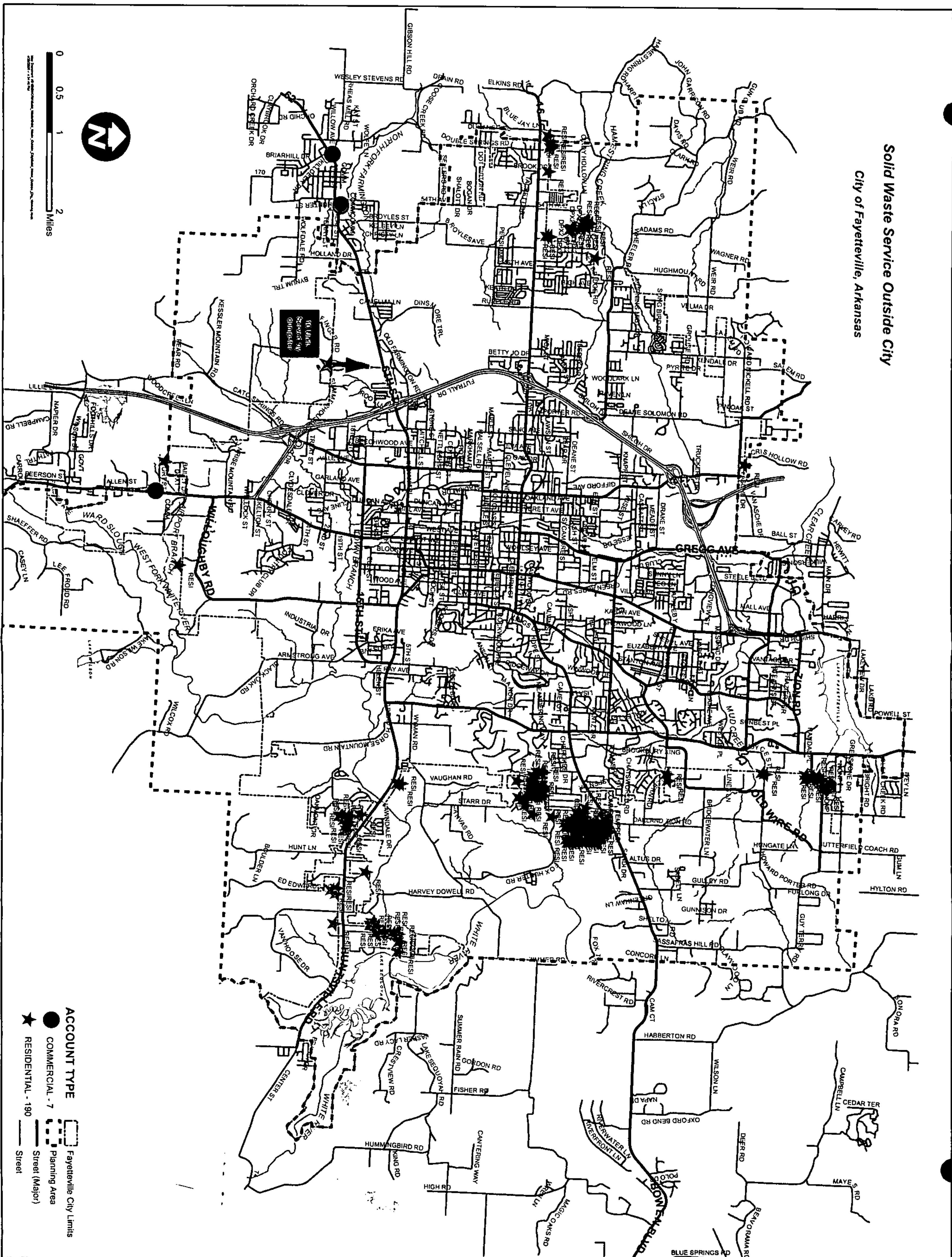
City Council Tour: May 1, 2006 - 4:30 PM

*Information will be handled
out at Agenda Session*

*Presentation & discussion
at Agenda Session*

*13.- Approval of Contract for Compensation
Classifier Phase 1 Contract*

Solid Waste Service Outside City City of Fayetteville, Arkansas



ACCOUNT TYPE

COMMERCIAL - 7

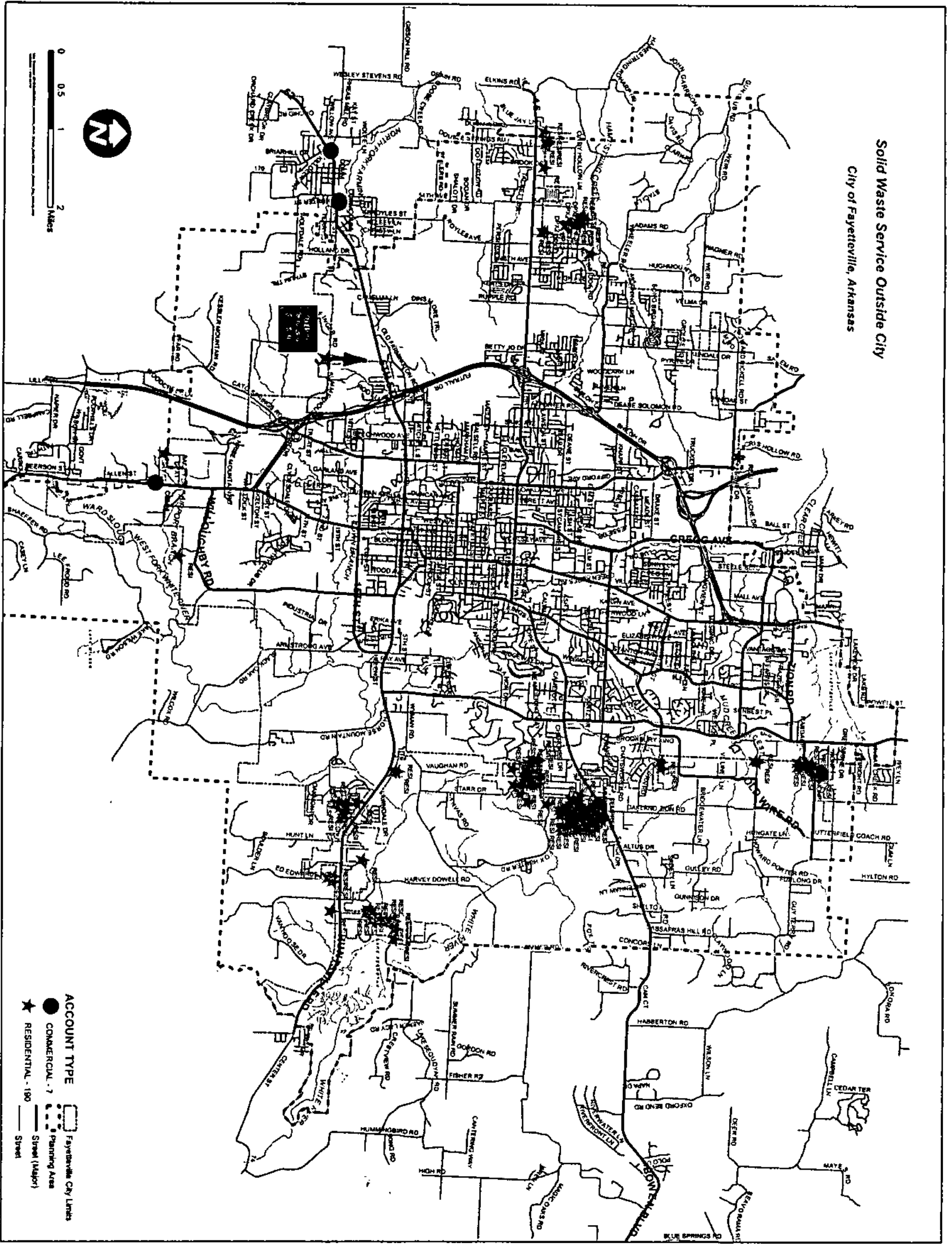
RESIDENTIAL - 190

Fayetteville City Limits

Street (Major)

Street

Solid Waste Service Outside City
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: **May 3, 2006**

RE: **Passed Ordinances and Resolutions from City Council meeting
of May 2, 2006**

1. **Historic District Commission:** Resolution confirming Mayor's appointment of seven members to Historic District Commission;
2. **MSI Consulting Group, LLC Lease:** Resolution approving two proposals in amount of \$245,000.00 from MSI Consulting Group, LLC to lease comprehensive case management system and to provide date conversion services for Fayetteville District Court; and approving budget adjustment in amount of \$145,000.00;
3. **U of A Technology Corridor Project:** Resolution expressing willingness of City of Fayetteville to utilize federal aid, high priority project funds for U of A Technology Corridor Project;
4. **Expressway Economic Corridor Project:** Resolution expressing willingness of City of Fayetteville to utilize federal aid, high priority project funds for Expressway Economic Development Corridor Project;
5. **McClelland Consulting Engineers Task Order #13:** Resolution approving Task Order No. 13 w/McClelland Consulting Engineers in amount of \$9,650.00 for design of airfield striping plan, bidding services and project oversight at Fayetteville Municipal Airport; and approving budget adjustment recognizing \$85,000.00 in grant revenue;

6. **McClelland Consulting Engineers Task Order #14:** Resolution approving Task Order No. 14 w/McClelland Consulting Engineers in amount of \$105,450.00 for design of two corporate hangars, to provide bidding services and project oversight at Fayetteville Municipal Airport; and approving budget adjustment in amount of ;
7. **Amend §161.18 District C-3 Central Commercial:** Ordinance amending §161.18 District C-3 Central Commercial of the UDC by including new subsection (f) Restricting Height to Six Stories or 84 Feet whichever is less; and amending Chapter 156: Variances;
8. **Amend §166.03 Park Land Dedication:** Ordinance amending §166.03 (K) Park Land Dedication of the UDC;
9. **Clean-up at 1079 Washington Ave.:** Resolution certifying to Tax Collector of Washington County the costs of abating unsightly and unsanitary conditions upon property located at 1079 S. Washington Ave., in City of Fayetteville;
10. **Clean-up at 4005 W. 6th Street:** Resolution certifying to Tax Collector of Washington County the costs of abating unsightly and unsanitary conditions upon property located at 4005 W. 6th St., in City of Fayetteville;
11. **Improvement District No. 15 – Stonebridge Meadows:** Ordinance to establish and lay off Fayetteville Municipal Property Owners' Improvement District No. 15 – Stonebridge Meadows, Phases 4 and 5;
12. **ANX 06-2006:** Ordinance annexing property described in ANX 06-2006, for property located east of Township St. containing approximately 3.38 acres;
13. **RZN 06-2007:** Ordinance rezoning property described in RZN 06-2007 for approximately 3.38 acres located east of Township St., from R-A, Residential Agricultural to RSF-4, Residential Single Family, 4 units per acre;
14. **RZN 06-2008:** Ordinance rezoning property described in RZN 06-2008 for approximately 53.93 acres, located at CMS Business Park II, Phase III, northwest of Van Asche and Steele Blvd., from R-O, Residential Office and C-1, Neighborhood Commercial to C-1, Neighborhood Commercial;
15. **R-PZD 06-1922:** Ordinance establishing Residential Planned Zoning District, R-PZD-06-1922, Scottswood Place, located northwest of Old Farmington Road and One Mile Road, containing approximately 5.06 acres, more or less;

amending Official Zoning Map of City of Fayetteville and adopting the Associated Master Development Plan;

16. VAC 06-2044: Ordinance approving VAC 06-2044 submitted by Bryan Smith for property located at 1352 W. Showroom Drive, vacating a portion of utility easement located within subject property;

17. Reserve, LLC: Ordinance waiving requirements of formal competitive bidding and approving cost-share agreement w/Reserve, LLC in amount of \$70,793.00 for upsizing of approximately 3,340 feet of 8" water main to 12" water main and approving contingency in amount of \$10,600.00;

18. Amend §97.081 Intoxicating Beverages: Ordinance amending §97.081 Intoxicating Beverages of the Code of Fayetteville.

Arkansas Democrat Gazette

NORTHWEST ARKANSAS EDITION

Northwest Arkansas Times
Benton County Daily Record

P. O. BOX 1607
FAYETTEVILLE, AR 72702
PHONE: 479-571-6415

AFFIDAVIT OF PUBLICATION

I, Maria Attaway, do solemnly swear that I am Legal Clerk of the Arkansas Democrat Gazette newspaper. Printed and published in Benton County Arkansas, (Lowell) and that from my own personal knowledge and reference to the files of said publication, the advertisement of:

Final Agenda

Was inserted in the Regular Editions:

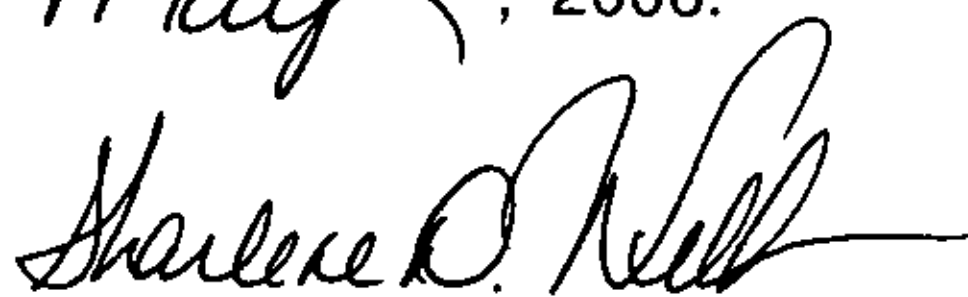
May 1, 2006

Publication Charge: \$268.28

Subscribed and sworn to before me

This 1 day of May, 2006.

Notary Public



Sharlene D. Williams

Notary Public

State of Arkansas

My Commission Expires

October 18, 2014

My Commission Expires:

****NOTE** Please do not pay from Affidavit.**

Invoice will be sent.

RECEIVED

MAY 04 2006

**CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE**

**FINAL AGENDA
CITY OF FAYETTEVILLE ARKANSAS
CITY COUNCIL MEETING
MAY 2, 2006**



A meeting of the Fayetteville City Council will be held on May 2, 2006 at 8:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

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

Presentation given by the Annexation Task Force

A. CONSENT:

- 1. Approval of the April 4, 2006, City Council meeting minutes.**
- 2. Historic District Commission:** A resolution confirming the Mayor's appointment of seven (7) members to the Historic District Commission.
- 3. MSI Consulting Group, LLC Lease:** A resolution approving two proposals in the amount of \$245,000.00 from MSI Consulting Group, LLC to lease a comprehensive case management system and to provide data conversion services for the Fayetteville District Court; and approving a budget adjustment in the amount of \$145,000.00.
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- 7. McClelland Consulting Engineers Task Order # 14:** A resolution approving Task Order No. 14 with McClelland Consulting Engineers in the amount of \$105,450.00 for design of two (2) corporate hangars, to provide bidding services and project oversight at the Fayetteville Municipal Airport; and approving a budget adjustment in the amount of \$015,450.00.

B. UNFINISHED BUSINESS:

- 1. Amend §161.18 District C-3 Central Commercial:** An ordinance to amend §161.18 District C-3 Central Commercial of the Unified Development Code by including a new subsection (f) restricting height to six stories or 84 feet whichever is less; and amending Chapter 158: Variances. This ordinance was left on the Second Reading at the April 18, 2006 City Council meeting.
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- 3. Amend §166.03 Park Land Dedication:** An ordinance to amend §166.03 (K) Park Land Dedication of the Unified Development Code. This ordinance was left on the First Reading at the April 18, 2006 City Council Meeting.

C. PUBLIC HEARINGS

- 1. Clean-up at 1079 Washington Avenue:** A resolution certifying to the Tax Collector of Washington County the costs of abating unsightly and unsanitary conditions upon the property located at 1079 South Washington Avenue in the City of Fayetteville, Arkansas.
- 2. Clean-up at 4005 West 6th Street:** A resolution certifying to the Tax Collector of Washington County the costs of abating unsightly and unsanitary conditions upon the property located at 4005 West 6th Street in the City of Fayetteville, Arkansas.

D. NEW BUSINESS:

- 1. Improvement District No. 15 - Stonebridge Meadows:** An ordinance to establish and lay off Fayetteville Municipal Property Owner's Improvement District No. 15-Stonebridge Meadows, Phases 4 and 5.
- 2. Mayor's Veto of Portions of the Hillside Ordinance.**
- 3. Amend Title XV of the UDC - Tree Preservation and Protection:** An ordinance amending Title XV: Unified Development Code to provide amendments to certain provisions concerning Tree Preservation and Protection.
- 4. ANX 06-2006 Brown:** An ordinance annexing that property described in annexation petition ANX 06-2006 (CC2005-51), for property located east of Township Street, containing approximately 3.38 acres.
- 5. RZN 06-2007 Brown:** An ordinance rezoning that property described in rezoning petition RZN 06-2007, for approximately 3.38 acres located east of Township Street, from R-A, Residential Agricultural to RSF-4, Residential Single Family, 4 units per acre.
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- 10. Amend Chapter 50: Garbage and Trash:** An ordinance amending Chapter 50: Garbage and Trash, to eliminate the surcharge for solid waste service outside the city limits.

**E. INFORMATIONAL:
City Council Tour: NONE**

RECEIVED

MAY 04 2006

**CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE**



Put ● Copy with
the 5/2/06 City
Council Meeting
Minutes.

OPERATIONS DIRECTOR

TO: Mayor and City Council
FROM: Annexation Study Committee
DATE: May 2, 2006
RE: Report #1 Annexation Study Committee and Recommendation
Concerning West Fayetteville

BACKGROUND

As the City Council is aware, the City of Farmington has been discussing annexation of a significant amount of land immediately west of the Fayetteville corporate boundary. In the published discussions of this annexation, the Farmington corporate limits would extend to Highway 16. If this were to occur, the City of Fayetteville would essentially become land-locked between Highway 62 and Highway 16.

There are potential implications if the City of Fayetteville were to become restricted in its ability to continue to grow and annex west along this corridor.

A Study Committee, comprised of one City Council Representative, Shirley Lucas, the Director of Operations, the City Engineer, the Water/Waste Water Director, and the Planning and Development Management Director, were charged with reviewing the implications of not annexing or annexing this area into the City of Fayetteville and reporting to the full Council within four weeks with a recommendation regarding any actions that the City of Fayetteville should undertake.

The Study Committee met numerous times during this four-week period and interviewed representatives of the Police Department and the Fire Department to gain an understanding of any operational issues that may arise with extending the city boundary in this area.

As the annexation discussions continued, it became apparent that there would be little impact upon any City service except for the provision of an adequate water supply for fire protection. The issue of water supply led to preliminary discussions with the Washington County Water Authority (WWA).

In the following section, the various issues are discussed in more detail.

DISCUSSION

Growth is occurring at the edges of Fayetteville and beyond. The attached aerial photography map from 2004 provides an indication of that development. Development has continued at a significant pace since the date of this photography, as any tour through the area will reveal. What is clear from the aerial photography is that the nearer to the City Limits of Fayetteville, the greater the density.

The traffic congestion causing concerns along the Hwy 16 corridor within the corporate limits of Fayetteville will not be affected by a decision to annex or not annex. Recent changes in the methods and techniques for treating liquid wastes from housing and commercial developments will create additional opportunities for urban density and intensity at any location throughout the County as long as a potable water supply is available.

The conversion of rural land to urban growth density and intensity will continue regardless of the actions of the City of Fayetteville. What the City can do, however, is begin a practice of providing opportunities that will encourage development within the City, in order to ensure that as growth occurs, it will provide the amenities and security of investment that only municipal regulation can provide.

These regulations include Land Use and Development Control through the Unified Development Ordinance:

- **Sign Ordinance**
- **Tree Ordinance**
- **Storm Water Ordinance**
- **Zoning**
- **Subdivision Regulation**
- **Fire and Police Impact Fees**
- **Park Fees / Land Dedication**
- **Commercial Design Standards**
- **Code Enforcement**

While no one desires regulation on their own property, most desire to have their neighbors' uses and activities controlled and regulated. In order to provide a rationale to accept the regulation and cost of regulation, the City provides a fully staffed fire service and police service. Additionally, in this area, the City can, in partnership with the Washington Water Authority, provide necessary water system fire flows, rather than the current water tanker system necessitated by the volume of water available through the rural water system. Other City services also become accessible such as sanitary sewer and municipal sanitation services, rather than step or septic systems and private trash haulers.

But the question is: what does the City gain and at what cost?

Gains

- **Management and control of land use density and intensity**
- **Timing of development through zoning**
- **Increased environmental protection**
- **Compatibility in land use and development standards**
- **Less confusion for public safety – city police and fire**
- **Ability to plan and construct future city capital improvements**
- **Ability to require the same level of infrastructure improvements required for new development within these areas as required within the city**
- **Impact fees for fire, police, sewer, and parks**
- **Increased State of Arkansas street turn-back funds**

Costs

- **Incremental costs**
- **Increased service area and response times**
- **Cost of providing General Fund Services – Police, Fire, Code Compliance (additional area and population served at this time would not require additional equipment or staffing)**
- **Potential pressure control valve to WWA to provide fire flows**
- **Continuing cost of additional traffic entering the City**
- **Cost of converting WWA water usage billing for sewer billing**

The following City services (including but not limited to) will be available to the existing and future residences after annexation:

- **Trash service**
- **Police protection**
- **Fire protection (fire department, fire flows where available)**
- **Fire Department as first responders**
- **Sewer service if available- any extensions of public or private lines to serve these areas will be the responsibility of the property owner/developer**
- **Curbside recycling and yard waste pick up**
- **Water and sewer rates inside the city that are lower than rates outside the city**

RECOMMENDATION

1. Annex all areas south of Wedington between Broyles and Double Springs to the current Farmington City Limits (See Exhibit "A.").
 - **This area contains approximately 517.21 acres**
 - **There are 74 addressed structures**
 - **The estimated population is approximately 152 people**
 - **Of the addressed structures, 69 structures are on Fayetteville water.**
 - **There are 5 miles of roads**
2. Annex all areas west of Double Springs 1320' west of Harmon Road including all of Forest Hills Subdivision and potentially south to Goose Creek (See Exhibit "B.").
 - **This area contains approximately 1472.55 acres**
 - **There are 359 addressed structures**
 - **The estimated population is approximately 793 people**
 - **Of the addressed structures, 15 structures are on Fayetteville water**
 - **There are 8 miles of roads**

Arkansas State Code requires that the annexation of an area, which has not been submitted by petition, must be annexed through a voter referendum (See attached A.S.C. 14-40-303.). The Annexation Committee recommends that Fayetteville City Council annex these areas as soon as possible.

At the time of annexation, all property annexed is considered zoned R-A Residential Agricultural pursuant to § 161.01 of the Unified Development Ordinance.

BUDGET IMPACT

Property Tax. The current property tax millage impact of this annexation is an additional 2.1 mils. The County currently has 1 mill for the County library system and the City has 1 mil for the City Library. The impact to residences in the annexed areas would be an additional 2.1 mils. The current millage is .4 mil police pension, .4 mil fire pension, 1 mil City Library, 1.3 mils City General Fund.

- *For Example: Value – Your value is based on 20% of the market value of real estate (subject to limits of Amendment 79). If the fair market value of real estate is \$100,000, it will have a value of $20\% \times \$100,000 = \$20,000$. Multiply \$20,000 by the additional millage and this will equal your additional tax: (Source: Washington County, AR)*

- 1 mil is 1/10 of one cent (\$.001)
- Additional 2.1 mils on a 100,000 home ($\$20,000 \times 0.0021 \text{ mils}$) = \$42.00

Sales Tax. The potential sales tax revenue is limited at this time due to limited commercial activity in the proposed annexed area. The annexation study committee has recommended that future commercial nodes be identified along the Wedington Corridor to capture future sales tax revenue with the proposed annexed area.

General Fund. No additional FTE's are anticipated at this time.

Enterprise Funds (Solid Waste, Water, Sewer, Street). An additional solid waste route would be generated with the 1,472.55 acre annexation and would require the purchase of 1 Truck and an additional 1 FTE. The current population in this area would utilize approximately 20% of the capacity of this vehicle and FTE. The estimated cost for the truck is \$200,000 and \$28,000/year for the FTE.

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

**City of Fayetteville Arkansas
City Council
Meeting Minutes
April 4, 2006**

A meeting of the Fayetteville City Council was held on April 4, 2006 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Coody called the meeting to order.

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

ABSENT: Alderman Rhoads was absent during roll call.

Pledge of Allegiance

CONSENT:

Approval of the March 7, 2006, March 21, 2006 and the March 28, 2006 City Council meeting minutes.

March 7, 2006 minutes were approved.

March 28, 2006 minutes were approved.

The March 21, 2006 meeting minutes were removed from the agenda at the request of Sondra Smith, City Clerk.

Power Curbers, Inc.: A resolution approving the purchase of one (1) Power Curber Model 5700 Super-B Slip Form Paving Machine from Power Curbers, Inc. in the amount of \$176,500.00; and approving a budget adjustment to move the funds to Fleet Expense Account.

Resolution 60-06 as Recorded in the Office of the City Clerk.

Cobblestone Subdivision Park Land Dedication Waiver: A resolution accepting the Parks and Recreation Advisory Board's recommendation to accept \$108,780.00 cash in lieu of the required Park Land Dedication for Cobblestone Subdivision.

Resolution 61-06 as Recorded in the Office of the City Clerk.

Wedington Circle Park Land Dedication Waiver: A resolution accepting the Parks and Recreation Advisory Board's recommendation to accept \$116,328.00 cash in lieu of the required Park Land Dedication for the Wedington Circle Development.

Resolution 62-06 as Recorded in the Office of the City Clerk.

ADM 06-2002 Crossover Road/HWY 265 ROW Variance: A resolution to vary the Master Street Plan's dedication requirements for Highway 265 in connection with the construction of Fire Station #5.

This item was removed from the Consent Agenda for discussion.

Off-Street Parking Development Renewal Lease Agreement: A resolution approving renewal of the Lease Agreement with Off-Street Parking Development District No. 1 for the City of Fayetteville to operate certain off-street parking lots.

Resolution 63-06 as Recorded in the Office of the City Clerk.

Cherokee Nation Contract: A resolution awarding a contract to the Cherokee Nation to provide the combined services of receiving, handling, hauling and disposing of municipal residential and commercial waste at the City of Fayetteville's Transfer Station.

Resolution 64-06 as Recorded in the Office of the City Clerk.

Alderman Jordan moved to accept the Consent Agenda as read with the March 21, 2006 meeting minutes removed from the agenda. Alderman Reynolds seconded.

Alderman Thiel asked that Item #5 be removed from the Consent Agenda for discussion right after the Consent Agenda.

Alderman Jordan and Reynolds withdrew their motion and second to accept.

Alderman Jordan moved to accept the amended Consent Agenda. Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.

The following item was removed from the Consent Agenda for discussion.

ADM 06-2002 Crossover Road/HWY 265 ROW Variance: A resolution to vary the Master Street Plan's dedication requirements for Highway 265 in connection with the construction of Fire Station #5.

Mayor Coody addressed the item with Alderman Thiel.

Alderman Thiel informed the Mayor and City Council that she wanted to give Mr. and Mrs. Ziegenfuss an opportunity to voice their concerns.

Catherine Ziegenfuss, resident, introduced herself and stated that she lives 1/4 of a mile from Ruth Park. She passes Ruth Park very often and it is called a native meadow habitat. She talked about how pretty the park was with all the wildflowers and evergreens. She also spoke of all the development on Crossover. She also stated that she believes we need to keep some of our natural areas and expressed her disbelief that the City is sacrificing park space. She asked that the City help find another location for the new fire station.

Mayor Coody thanked Mrs. Ziegenfuss and asked for other comments.

Bob Ziegenfuss introduced himself and stated that he lives 1/4 of a mile from Ruth Park off of Crossover Road in Ward 3. He stated that he backs up what his wife voiced. He is concerned about the visual pollution that was about to occur at this location and how everything has disappeared from that area. He was concerned about conversation at a Planning Commission meeting regarding a floodplain that was brought to the Commissioner's attention by Jill Anthes, she presented a map and said that the Corp of Engineers had definitely listed this as floodplain. He was also concerned about the lift station on the corner of Township and Crossover and its odor emission. He didn't understand why the new fire station was being designed for that area, it doesn't make any sense to him, and the firemen would breathe the odor. Nobody who is at a park now will have to put up with that. He said we're building a walled highway and no peace for weary and harassed driver. He asked the City Council to reconsider.

Fran Alexander informed the City Council that she had addressed the Planning Commission regarding this and she wanted to point out a couple of things. She mentioned that Ruth Park was not named in the agenda item. She thought it behooves us to address that the city was replacing a park and green space with a fire station. She said she didn't have a problem with the fire station except that she thought that intersection is too busy for the firemen to get out. She also stated that at the stop lights it would be bumper to bumper in both directions several times during the day and felt the traffic situation is much more serious than was being addressed. She believed that this item was going to be voted in and she was not battling for that. She did want the City to call a spade a spade and a park a park. She felt that our parks department does not manage green space as green space and that we should just leave it alone as a beautiful wildlife meadow. She stated there was a lot of philosophy going about green space and parks that she thinks really needs attention.

Mayor Coody asked for any further comments. There was no further discussion and the mayor closed the public comment for this item and asked for comments from Council.

Alderman Rhoads: That's in Ward 3. I have not received any comments, questions, concerns, emails or letters on that at all. I'm not sure if that's one of the crown jewels as I look at the parks across Fayetteville. I think the need for a fire station in my mind out weighs the value of that as a park. I appreciate your comments.

Alderman Ferrell: I want to just second what Robert said. Public safety I think kind of trumps other considerations. I have received no comment, communication or anything else concerning this also.

Alderman Thiel: I think I am one of the biggest proponents of preserving green space. I've argued for several green spaces that we have preserved that were in other enterprise funds within the city that have been transferred to parks. But the reason I did so was because the neighborhoods surrounding those areas really did need a green space, they wanted a green space and they volunteered to work on the green space. In fact in both cases I'm referring to they are doing so, they are helping maintain those green spaces and our parks. In this case I was on the Parks Board whenever we tried to figure out what to do with Ruth Park because we couldn't afford to build and there wasn't a good place or a good way to build a parking area. It was finally decided that they would try to develop the wildflowers and that took several years. During that process I know there was a lot of joking and criticism about how bad it looked during that process. I think it finally has developed into something but I have only heard from a few people that are concerned about it. I know I would love to be able to preserve it. But I feel like the money we would have to spend to go out and buy an equal amount of ground on Highway 265 in that area would far offset the value of this. It's not appreciated by the neighborhood. The other thing I know that there's going to be a trail head, I think that's good, the Parks Department is going to still utilize part of it. I would highly recommend that the City whenever building this fire station that they be mindful of maybe preserving some areas that carry on the tradition that was started with this park and try to preserve as much as green area and trees as possible. I think the City did a fantastic job of doing that in the fire station out by the Boys and Girls Club and I think they will here too. I think that would be important that we try to do as much as we can to keep as much green space as possible and not pave the entire thing.

Alderman Ferrell: Alderwoman Thiel said the neighborhood didn't appreciate that, I think there some people that do but I think they appreciate the immediate need for public safety more which would be the fire station.

Alderman Jordan: I would agree with Alderwoman Thiel's comments on Fire Station #7. It has been a good blend of green space and taking care of safety issues out there. It fits well into that area. We preserved a lot of green space there and trees and things, it's been a fine addition.

Alderman Lucas: I agree with that. It's beautiful actually and people can picnic on the grounds. They feel very comfortable with all the trees and everything around it. That's the trend that the City's doing now. So I'm sure that we will do the same thing with this one.

Mayor Coody: We get clipped for needing to use 1 1/2 acres of green space it is as if the City of Fayetteville is always looking to get rid of green space when in fact we have added just in the last few years we've added I would venture to say probably close to 1,000 acres of green space to Fayetteville's inventory. So I would like to offset the beating that we get for an acre and a half with the good news of the proof that Fayetteville does care and does acquire a lot of green space in perpetuity. So I think sometimes we deserve complements as well. So I'll give us one on that.

Mayor Coody asked for any other comments and a motion to approve.

Alderman Rhoads moved to approve the resolution. Alderman Ferrell seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 65-06 as Recorded in the Office of the City Clerk.

This following item was added to the agenda:

VAC 06-2005 (Alt/Herget): An ordinance submitted by Sheree Alt for property located at Lot 75 of Covington Park Subdivision; vacating a portion of the utility easement along Township Street.

Tim Conklin: We have a vacation request that is not on your agenda. A citizen has requested a vacation of approximately 27 square feet on Township Street and Covington Park Subdivision. The Planning Commission heard this item on March 27th and the Board of Adjustment heard it yesterday on April 3rd. They did vote to approve the request for the vacation and did vote to approve the setback area yesterday. This is holding up their closing. It was our intention to try to piggyback all three of these items to Planning Commission, Board of Adjustments and City Council at one time. However I failed to get this on your agenda. So I'd like to apologize for that. It is a small encroachment and I do believe you have information in front of you this evening if you'd like to add it to your agenda.

Mayor Coody: This is holding up a closing which is holding up yet another closing after that. We've been requested to add this to the agenda and vote on this. And I think that Tim basically tried to get this on the agenda but it fell through the cracks because we just have too much going on. It's just one of those things that should have been on our agenda but wasn't.

Alderman Marr moved to add VAC 06-2005/Alt to the agenda. Alderman Jordan seconded the motion. Upon roll call the motion passed unanimously.

VAC 06-2005 – Alt/Herget: An ordinance approving VAC 06-2005 submitted by Sheree Alt for property located at Lot 75 of Covington Park Subdivision; vacating a portion of the utility easement along Township Street.

City Attorney Kit Williams read the ordinance.

Alderman Thiel: Could I ask Tim or Jeremy why this happened.

Jeremy Pate: It is my understanding that this is not the property owner when the house was constructed. It was constructed prior to this property owner purchasing the property it now for sale and a closing is pending. It is a minor encroachment. I believe just a roof overhang as you can see there in the diagram where it is encroaching; it is approximately less than a foot actually on all cases about 27 square feet. It is likely the footing was placed too close to the property and the overhang encroached more than they thought it would, that's just a conjuncture. I'm not sure how it actually occurred.

Alderman Thiel: Is this something that our Building Safety Division is trying to be more mindful of because this issue came before the Ordinance Review Committee because these sorts of things happen more than they should.

Jeremy Pate: Yes, that's exactly why we brought it before the Ordinance Review Committee to try to find a way to help alleviate some of those issues from coming before both the Board of Adjustment and City Council for vacation and things. Hopefully we're moving in the right direction.

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

City Attorney Kit Williams read the ordinance for the second time.

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

City Attorney Kit Williams read the ordinance for the third and final time.

Alderman Lucas: I'm curious as to how this didn't get picked up when they bought the house.

Jeremy Pate: When you purchase a piece of property a survey is not always required, sometimes it is. When a survey is actually done after a home is constructed that's when those encroachments are picked up. So most likely it was picked up when the survey occurred.

Alderman Marr: Jeremy on the last page. If this structure is encroaching is the fourth structure on the right, is that encroaching also?

Alderman Thiel: That's why it's already been before us.

Jeremy Pate: It could very well. To be honest I'm not sure.

Alderman Marr: Because it looks further into that than this property.

Jeremy Pate: These maps that we generate are based on aerial photography so they're not exactly precise. You can see obviously that where the easement is it is quite a ways away from that house. So these are not the most precise maps it's to just give a general idea where that is.

Alderman Thiel: Well someone might want to check that house out.

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

Ordinance 4849 as Recorded in the Office of the City Clerk.

UNFINISHED BUSINESS:

ADM 05-1841, 05-1842, 05-1879 Hillside Overlay District: An ordinance amending Title XV: Unified Development Code of the City of Fayetteville to amend various sections of the code in order to implement hillside preservation and protection, establish a Hillside Overlay District Zoning Boundary and map, and adopt and Hillside Overlay District Best Management Practices Manual. *This ordinance was left on the First Reading at the February 7, 2006 City Council Meeting. This ordinance was left on the Second Reading at the February 21, 2006 City Council Meeting and was Tabled to the April 4, 2006 City Council Meeting.*

Alderman Marr: I thought that we were waiting on a map in order for this ordinance to move forward.

Alderman Thiel: I thought staff was going to ask us to table it.

Tim Conklin: Mayor and members of Council. The Center for Advance Special Technologies has been working on the map to produce what our City Attorney has recommended with regard to a Hillside Overlay District. That is a map that shows 8% slope above the 15% slope that if rainfall occurred, drainage would occur on that 8% or flow into 15%. We met with Fred Lampke and staff about two weeks ago and they will have that methodology and a map ready for us next Tuesday to hand out. We're going to met with them on this Friday so we request that this item be tabled. Also in addition to creating a methodology and the map that our City Attorney has recommended look at our methodology and refine that. Not change anything but looking at how best to make that as legally defensible as possible too. I really appreciate the University of Arkansas working on that for us and looking at the data sets and testing those data sets out to create that map. At this time we would ask for that to be tabled.

Kit Williams, City Attorney: Before you all vote tonight I hope that you will also look at the memo I handed out tonight. There are still many questions and issues I think that need to be resolved concerning the Hillside Ordinance and I hope that you all would consider them. I agree with Mr. Conklin we cannot pass an ordinance without the map being read, that's a necessary part statutorily for a zoning ordinance like this but there are several issues that you might want to consider at some point in time, if not tonight then I guess in two weeks. I did prepare as best I could what I believe is the currently amended ordinance after your amendments you made on the March meeting. Please look at those and make sure that I correctly interpreted the motions that were made that night. If anyone disagrees or thinks that I misinterpreted that please let know and I can try to work with them and make a note to the rest of the aldermen if there is a change that needs to be made from the ordinance I gave you that says "as amended by the City Council on 3/7/06."

Alderman Thiel: Well I don't have a question for Kit. I'm glad he's clarifying that these are amendments made by the City Council because I think these was some confusion by members of the public that the proposal that you came out with or recommendation a few weeks ago which we've made some amendments by, I think there was some confusion that was actually a whole new version of the ordinance which it's not. We're still working with the original ordinance, those are recommendations, we've made some amendments based on those recommendations and we may or may not make some more amendments based on those recommendations. The

document we're looking at now which I think is important that the public review if they'd like is what you passed out tonight. I'm glad you made that clear.

Alderman Jordan: This is the amended document correct?

Kit Williams: Yes

Mayor Coody asked for public comments and closes public comments.

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

This ordinance was tabled to the April 18, 2006 City Council meeting.

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 ordinance was Tabled at the March 21, 2006 City Council Meeting to the April 4, 2006 City Council Meeting.*

Jeremy Pate: At agenda session I passed out some diagrams and drawings that were presented by the applicant for the City Council's review. As you all are aware this request is for a rezoning of the property. It doesn't technically have anything to do with the garage apartment that was approved by a conditional use by the Planning Commission, however much discussion has centered on the building height as proposed within that conditional use. The applicant has agreed to provide these drawings and re-look at some different alternatives. What I passed out to you, I believe No.1 is the proposal that was approved by the Planning Commission with the elevations. Option No. 2 is a redesign roughly the same site plan I believe but it decreases the height. It still retains a two story but decreases the cell height and it has a maximum of 22' 4". So you can compare those elevations to the ones that were approved by the Planning Commission. The third option in your packets within the final agenda is a one story structure. As you can see though the building height because of the roof pitch is actually several feet higher than a two story structure. I believe the applicant is here to explain some of those options.

Julie Chambers, applicant asked the Council for questions. She wanted to clarify the issue because she was seeing a lot of misinformation within the neighborhood she lived. She explained the home was zoned RSF-4 and this zoning district has 25' front setbacks, 8' side setbacks and 20' rear setback. She discussed the set backs in her neighborhood. She stated within their block, with the RSF-4 setbacks there are only two or three of the homes that actually are in conformance with RSF-4. The RSF-8 zoning district was actually formed to be more like what is actually in their neighborhood. It has 5' side setbacks, 5' rear setback and 15' front setbacks and also has a shorter lot width. She explained that when they brought their lot before Board of Adjustment they were going to have to have an adjustment for the lot width and an adjustment for north, east and west sides as it sits. City Planning asked that they go for a rezone

because the rezone would have only one ordinance to correct there site instead of having four different ordinances to correct their site and that it would be a much cleaner way to proceed. She said they have been receptive to the neighbors' comments and had no opposition until it came to a public forum. She explained that they have tried working with the neighbors and the different proposal was a result.

Mr. Chambers expressed that they also prepared a Bill of Assurance to guarantee that the building will go according to the plan approved by the Council. He explained that the rezone will be set with the current setbacks and an unlimited ceiling as RSF-4 has, so they'd like to do this in compliance with RSF-8.

Mayor Coody: One quick question. You don't have a building height on the new structure or estimated height. Do you know what that would be? Just for information.

Mrs. Chambers responded with the second proposal the new building height would be 22' and says that the second proposal was preferred because they would have to lose any of the programs.

Alderman Thiel: And it's not as tall as the single story is it?

Mrs. Chambers: It's not as tall as the single story one. The program that we're losing is a workshop.

City Attorney Williams: Did you say you were offering a Bill of Assurance with this?

Mrs. Chambers: Yes sir.

City Attorney Williams asked to see the Bill of Assurance.

Mayor Coody: For the record we got some emails from Carrie Wilson who couldn't be here tonight. She wanted us to table this again so she and her son could be here. Did you get those emails as well?

Alderman Reynolds: Carrie also asked about the sewer line. She said the sewer line was at the rear of her house. Do we know where the sewer line is that runs through there Jeremy?

Jeremy Pate: Sorry I do not. I'm not sure where that is.

Mr. Chambers: Our sewer line is on the south side of our property as it connects. It will be very unconventional for her sewer line to actually be under our driveway when she fronts Lafayette.

A discussion followed on the existing sewer line.

Alderman Reynolds: Carrie said that she was delivered this plan. When did you hand this out to the neighbors?

Mrs. Chambers: Sunday.

Alderman Reynolds: She had to leave town. She's worried about the sewer line. It's not my ward but she got in touch with me this morning. She wants us to table it for two more weeks to check on the sewer line and she wants to go over it a little more thoroughly. But it's up to other aldermen.

Mrs. Chambers: She actually has talked to me about where she thinks the sewer line is and she has been told that her sewer line is actually under our driveway.

Mayor Coody: Well I know that we have maps that should show pretty much where that connection is. Anyone else in the public want to address us on this issue tonight?

Karon Reese, president of Washington Neighborhood Association, asked the Council to table this item. She explained that a lot of people were out of town during spring break when this was first heard and that Ms. Wilson worked with the government and was called to New Orleans. She conveyed to the Council that Ms. Wilson received the Chambers' plan on Sunday night and the other opposing neighbors, the Clarks, whose property also adjoins the property, received the plans on Monday night. She also explained that they really haven't had time to review them. They have appointments with architects to have the plans reviewed and explained to them so that they could fully understand the results or what will happen with the new proposed plans. Ms. Reese apologized to the City Council and asked them to table this item for the third time.

Cory Rogers stated he would be the contractor on the job. He expressed to the City Council all the options he and his client had explored to come to a plan that would be suitable for all. He also said that his clients loved their home, neighborhood and didn't want to move. They were a growing family and needed to be allowed to make the adjustments needed. Mr. Rogers also addressed the sewer issue by saying that they would not be doing anything that is not on the Chambers property line. He pointed out there was no easement back there and some issues may have to be addressed. Existing situations would have to be dealt with in terms of split responsibility no matter what zoning or what uses they had. Mr. Rogers reiterated that his client is an architect and that she was doing everything possible to appease the City and still be able to do what she wanted too. He states as property owners we all should be able to do within the perimeters what we wanted. They are eliminating the dilapidated structure that had a tree fall down on it close to the property line. He explained that existing building is actually closer to the line right now than the project's new building. He said he thought the proposal was making the neighborhood look better and invited the Council to go by and look at it as it was right now.

Mayor Coody informed Mr. Rogers that the Council had toured the site.

Cory Rogers explained that they were working on a small lot and the improvements needed to go up and not spread across the lot to preserve the beautiful trees. He told the Council that they talked about how to do a single story and make it work. He said the original proposal was for a full two story structure to exist just a couple of feet away from the new structure. He stated they were trying to do all they could do to make a nice structure to meet everybody's standards and make everyone happy. He said his client needs to do this and he has built high quality structures that he was very proud. He continued tell the Council how they are going to match the structure, use the same type siding as the home. The structure will be a very pretty structure with nice garage doors.

Mayor Coody thanked Mr. Rogers.

Claudette, a resident voice her opinion saying that the Chambers were right, there are many structures in the neighborhood that are closer than 8' to the property line, they existed before any ordinances, or any property lines did. She said that she was contacted by Ms. Wilson regarding the plans but she had not seen the plan as yet. She states that she wanted her contractor to look over them and explain them to her. She addressed the issue of having the right do with your property as you wish and infringement on somebody else's property and how the property owners have the right to protect their property.

Mayor Coody thanked Claudette and asked for further comment. He then closed the public comment and asks for comments from Council.

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

This ordinance was tabled to the April 18, 2006 City Council meeting.

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 ordinance was left on the Second Reading at the March 21, 2006 City Council meeting.***

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

City Attorney Kit Williams read the ordinance.

Jeremy Pate: We received at this meeting I'm assuming it's a draft agreement and worked out a compromise between Dover and some of the neighbors in surrounding neighborhoods and we are asking the applicant to go over those. There's a list of items that I assume needed to be incorporated within the ordinance as well as a site plan that has been passed out to you.

Tim Cooper, architect stated he represented the developer, David Chance. He said that the list and drawings which show before and after rendering shows where they started at Planning Commission. A lot of the issues that are on this list show up in the renderings as changes and so you can kind of reference those issues that were worked out. He stated some of the issues had come up in the last week and they have reached compromises to accomplish this project. He also explained the elevation changes. Mr. Cooper stated the design was real modern and they changed some of the colors to achieve a little more individuality of units. They added stones to the sides to help tie it into the neighborhood. He spoke about the reduction from 30 units to 24 units. He said the developer and the neighborhood would like to see the city install some speed bumps along Hillcrest, Abshier, Lakeridge and Oakwood. He said that the Planning Commission also agreed because it was out of their jurisdiction and they would like the Street Committee to

consider that issue. The neighborhood also wanted to have some involvement in the covenants in the POA setup of the development. The PZD would actually infill the side of the slopes in some of the bare areas to help the canopy to be continuous.

Mayor Coody: Tim I see here that you talked about speed bumps or speed tables that need to be installed on Hillcrest that will be requested of the City. Are there any other requests of the City in here? What's our obligation?

Mr. Cooper: I believe the only other obligation would be possibly the no parking signs on Hillcrest. It's something that seems to be very important to the neighborhood.

Mayor Coody: I suspect that those are both doable.

Mr. Cooper: Other than that that's it. The landscape design, Faye Jones had done a landscape design for a park and we've agreed to is that any opportunity we have for the certain species that he used on the hillside that's what we would try to use in the same situation. We've also agreed that landscaping and buffer will be added along the westside, the long piece behind the shopping center it will be a buffer between that and the C-2 shopping center there. The neighborhood also wanted input on mailbox design and signage that would be on the site, that's no problem as well. He stated they have representatives of the neighborhood that we've been working with.

Mayor Coody: We'll just enter this in with the PZD so this becomes part of the ordinance.

City Attorney Williams: We'll add a Section 5 that will refer to that.

Mr. Cooper: We respectfully request that if this development is not executed, if it is not actually built out that it would actually resort back to a previous zoning of RSF-4 instead of the C-2. It's something that's not a problem for us and I don't know how that can be done legally with it reverting back to RSF-4.

Jeremy Pate: By ordinance when a PZD for instance, is not constructed by its expiration date or does not go forward that property returns to the City Council for rezoning. It's zoned with that development plan, with that master plan in place until such time as someone wants to change that. There is a section in our code when a Planned Zoning District has essentially expired it comes back before the City Council to zone it the way they feel is appropriate. I believe the record would show that RSF-4 is obviously what has been desired at this point.

Alderman Thiel: I think most of these are great except I have some real reservations about the city spending money on speed bumps whenever the justification for that is being created by development. I don't think these aldermen have had a request for speed bumps on this area prior to this development.

Mayor Coody: If we build them will you reimburse us our cost? They are expensive.

Mr. Cooper: The speed bump was an issue in the neighborhood to begin with.

A discussion followed on the speed tables, speed bumps and the cost. Gary Dumas said they were about \$3,000 each.

Mr. Wicks stated the developers have been very cooperative.

Shay Hopper stated the neighbors, staff and developers have worked very hard to come to a compromise that they all feel comfortable with. She stated there are still many neighbors in the neighborhood who disagree with the development completely. However they feel very fortunate that they are working with Mr. Chance and Mr. Cooper on this project. She stated some of the neighbors do support this agreement. They are asking the City that if for some reason this project is not executed that the zoning be reconsidered because of the historical difficulty, issues and the questions that they have addressed at several meetings. We do want that to return to RSF-4. That is very important to all of us.

David Barham stated he has never been in favor of the project and would rather see a park. He stated he really feels like the architect and the builder listened to them more than they ever expected them to. He stated he has come to the conclusion that this project is going to happen anyway and if it is going to happen he would like these developers to have it. He also voiced his concern about the traffic and the speed of traffic. He stated if this project goes through or not they need speed bumps in the neighborhood. He endorsed his support for these builders and the project they proposed.

Bob Alguire voiced his concern about the parking on Abshier. He is also concerned about the steep access to the property. He feels there are some dangerous situations that will come out of this. He voiced his concern about the traffic problems in Fayetteville. He also voiced his concern with the incorrect rezoning that happened to this property and that the City should have corrected it.

Rebecca Hass stated she was pretty mad about this. She stated that she as a neighbor just might have to give a little bit. She stated there are areas that might never need to be developed and this may be one of them and it may not be one of them. She requested a 20 foot buffer and a Bill of Assurance regarding this buffer. She feels this is a true compromise.

Mayor Coody: The 20 foot strip will be reserved and written into the PZD ordinance.

Jeremy Pate: Yes.

Mayor Coody: A PZD ordinance is better than a Bill of Assurance.

Rebecca Hass: These things get changed; a Bill of Assurance will stand unless it is abrogated. A Bill of Assurance is stronger.

Kit Williams: We can not ask for a Bill of Assurance a Bill of Assurance has to be offered voluntarily.

Alderman Marr: I do not see the buffer specifically listed. Is it something you considered to offer?

Mr. Cooper: We found that one of the big deals was that 20 foot buffer. Our buildings are 30' to 40' from the property line. Our tree preservation area is there as well. The entire site tree canopy is 17.9% and we will retain 17.5% tree canopy. That buffer should remain in tact.

Jeremy Pate: I think the buffer is protected with regard to any structures being placed in it. A comment could be added that a 20' green space along Hillcrest shall be preserved without development of any structure.

Mayor Coody: So you are offering a Bill of Assurance on the 20' of green space. Mayor Coody stated he appreciated the compromise between the developer and the neighborhood.

Alderman Thiel: I agree with you. I think the developers tried to work with the neighborhood, I think it is a good infill project and that the density is being cut down to satisfy the neighborhood.

Alderman Jordan: My concern is if we start building speed humps then other neighborhoods are going to request them and fences, etc.

Alderman Marr: I think when development comes forward and we have increased traffic counts and neighborhoods that are going to have cut through traffic and then to say we will come back and visit it later I think is bad planning. I think if we think this is an issue this is the time to ask for it. I think we need to have priorities. I am not comfortable with saying you might get it you might not get it or you can ask for it later. I think if the request is genuine it should be treated that way.

Alderman Marr moved to amend the ordinance to add that speed bumps are to be built and installed on Hillcrest, Abshier, Lakeridge and Oakwood by the City and that there will be a 50/50 cost share with the developer. Alderman Cook seconded the motion. Upon roll call the motion passed 6-2. Alderman Rhoads, Ferrell, Reynolds, Thiel, Cook and Marr voting yes. Alderman Lucas and Jordan voting no.

Alderman Reynolds moved to amend the ordinance to add Section 5. Alderman Ferrell seconded the motion. Upon roll call the motion passed unanimously.

Alderman Lucas: I am glad to see the developers and the neighborhood working together on this project. I do not want us to forget the North Street and Hillcrest intersection. That is not going to be a safe traffic corner and that bothers me. Sometimes there is property that should not be built on and maybe this is one of them. Because of the traffic and the safety issues I don't know that I can support this.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 5-3. Alderman Rhoads, Ferrell, Reynolds, Thiel, and Marr voting yes. Alderman Lucas, Jordan and Cook voting no.

Ordinance 4850 as Recorded in the Office of the City Clerk.

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 ordinance was left on the Second Reading at the March 21, 2006 City Council meeting.*

Kit Williams: On April 11th I am going to meet with numerous representatives of the cell phone industry. I think we will have some changes to this ordinance. I would ask that you table this for two weeks.

Alderman Jordan moved to table the ordinance to the April 18, 2006 City Council meeting. Alderman Marr seconded the motion. Upon roll call the motion passed unanimously.

This ordinance was tabled to the April 18, 2006 City Council meeting.

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 ordinance was left on the Second Reading at the March 21, 2006 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.

City Attorney Kit Williams read the ordinance.

Alderman Jordan stated this was shown at the Ward 4 meeting and at that point in time there was talk about another development going in right behind this. He stated the Ward 4 people did not have a problem with the development and that he and Alderman Lucas had not received any calls.

Jeremy Pate stated they had spoken with property owners to the south and one annexation has been submitted. We are trying to get them together otherwise another island will be created and hopefully we can get all the property owners together and submit them at the same time. We are looking at providing a more comprehensive outlook in this area for growth.

Alderman Jordan stated one of the reasons an island was being created was because an individual has bought property and is building storage buildings to the north of that area and that is the reason they do not want to come into the City limits.

Alderman Lucas wanted to remind everyone that there is City property already west of this property across the street.

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

Ordinance 4851 as Recorded in the Office of the City Clerk.

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 ordinance was left on the Second Reading at the March 21, 2006 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.

City Attorney Kit Williams read the ordinance.

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

Ordinance 4852 as Recorded in the Office of the City Clerk.

NEW BUSINESS:

RZN Abshier Heights: An ordinance rezoning that property located west of Hillcrest Avenue, east of Evelyn Hills Shopping Center and north of Abshier Drive containing approximately 3.5 acres from C-2, thoroughfare commercial to RSF-4, Residential Single Family, 4 units per acre.

Alderman Cook moved to table the ordinance indefinitely. **Alderman Marr** seconded the motion. Upon roll call the motion passed unanimously.

This ordinance was tabled indefinitely.

Upper White River LLC, Cost Share: An ordinance waiving the requirements of formal competitive bidding and approving a cost-share with Upper White River, LLC in an amount not to exceed \$17,909.00 for the upsizing of approximately 1370' of 10" water main to 12" water main; and approving a contingency in the amount of \$2,686.35.

City Attorney Kit Williams read the ordinance.

Ron Petrie, City Engineer distributed handouts to the Council which contained the Ben Estates cost share, Master Water Plan, some ascending maps, and a copy of the development. He wanted to make sure that the questions from agenda session were answered regarding the developer. He stated with development in the City of Goshen we charge the same water impact fee as if they are in the City of Fayetteville and they have paid that since we've passed the impact fee ordinance.

Alderman Thiel asked if the people that lived there paid the same water rates as the rate payers in Fayetteville do.

Alderman Cook stated he believed that they are considered outside the city customers.

Ron Petrie: They do pay a different rate but I do not know what that rate is.

Alderman Thiel asked why we did not require the developer to pay for the 12" line.

Ron Petrie stated this was a 14 lot subdivision, we require a minimum of an 8" waterline. In the City of Goshen we do not require fire protection but we do require an 8" waterline which is more than enough to feed 14 lots so we can't ask for more because we are only serving them as domestic. The City of Goshen required them to put in a 10" line, since they have the ability to require fire protection they required the additional size of 10". So I would say that we would not have the authority to require the 12" unless their demand required it.

Alderman Thiel stated the reason she asked was because she still has not received a response from Mr. Jurgens in regards to whether or not something was worked out with the family that has a home at the end of the line in the city limits of Fayetteville in the vicinity where she and Alderman Reynolds lives. She does not have a confirmation whether or not that cost share has been worked out with them. She asked Mr. Petrie if he knew that.

Ron Petrie stated Mr. Jurgens told him that it would be discussed at the next Water and Sewer Committee meeting.

Alderman Thiel: I understood that it was going to be taken care of, so it hasn't been yet?

Ron Petrie: No, I would not think that it has because it would be a change in our policy to extend lines to

Alderman Thiel: They are in the city limits of Fayetteville but then we're cost sharing for a developer outside the city.

Ron Petrie: That's correct. The house was existing without the water and the house was sold and bought without the water. It would be a change in policy and you might have a very long line of people wanting us to extend water to other residents in the same situations.

Alderman Thiel stated that some may have adequate water and not necessarily want to pay for city water.

Alderman Lucas: What benefit does the City have to increase this to 12"? You said it would benefit the City to cost share with the developer, why is that?

Ron Petrie stated the reason it's going to benefit the City is because we are saving money by putting it in now and using their cost of having to dig a hole and the expensive part of the project. It will benefit us in the long run based on the Master Water Plan. You have an area out there on Sassafrass Hill Rd. that's not in the City of Goshen but they have very low pressure in that area, this will create that loop around to Joyce eventually to help that situation.

Mayor Coody asked if the Master Water Plan said that we should have a 12" line out there.

Ron Petrie: Yes sir.

Alderman Lucas: And that's outside the City?

Ron Petrie stated we serve all the way to the Madison County line.

Alderman Lucas: But we don't serve the rest of the area with fire protection.

Ron Petrie: No we do not.

Alderman Lucas asked if this was a start toward that.

Ron Petrie: I wouldn't say it's a start, it's following our Master Water Plan, which was based on future fire in the area and that hasn't been worked out. We are not conceding to that in any way, we are just following our Master Water Plan.

Mayor Coody: If Goshen had not have required the 10" then we would be upsizing from 8" to a 12".

Ron Petrie: That's right.

Alderman Thiel: The constituent that contacted me with concerns is willing to share the expense. I can't support this until I know that something has been resolved with her situation.

Alderman Marr asked when the last time the Master Water Plan was looked at.

Ron Petrie: The map you have now says 1996. We have a current one that we have not accepted, we have held off accepting a new one because we are just getting a Water and Sewer Engineer to really know what we are getting. He is reviewing it and as a part of that contract we will get the computer model so we can insert new developments etc. The new Master Water Plan has not been adopted today and more than likely we will have some changes before it is. In the next few months we will have a new one submitted to the Water and Sewer Committee for review.

Mayor Coody asked if the new one would be any different in this particular case.

Ron Petrie: No.

Alderman Reynolds stated the lady that lives in our Ward that Alderman Thiel has been talking about just got her road paved last year and she does not want to upgrade her line, she would like to have a line to the City line. I'm not going to support this until we can take care of people that live inside this city.

Mayor Coody asked if it would take a main running to that house.

Ron Petrie: Yes.

Mayor Coody asked how much of a main.

Ron Petrie: I know it was across one lot but I do not know how long the lot was.

Mayor Coody: An 8" main with a fire hydrant at the end?

Ron Petrie: Yes and I believe we've tried to cost share and it's been rejected before. Maybe she has a different opinion but in approximately 1999 or 2000 I was involved with one out there and all the work was done and it was rejected. If she is interested in a cost share I think that makes it much easier to keep our current policy.

Alderman Ferrell asked to table this until after the next Water and Sewer Committee meeting.

Alderman Reynolds: I would be in favor of that until we can get an answer to our problem.

Alderman Jordan: You can just leave it on this reading.

Mayor Coody: Let's just leave it on the First Reading then and we will move along to the next item.

This ordinance was left on the First Reading.

Amend Chapter 161 Zoning Regulations and Chapter 156 Variances: An ordinance amending Chapter 161: Zoning Regulations, Unified Development Code, to provide uniform building height restrictions in Residential Single-Family Zoning Districts; and amending Chapter 156: Variances.

City Attorney Kit Williams read the ordinance.

Alderman Thiel: I brought this forward because it was brought to our attention that RSF-4 does not have a building height requirement and also various single family residential zones have various building heights and I feel like it would be a good thing to have uniformed building heights for all single family residential zones. The reason I proposed 45' is because the Council has recently adopted a new single family residential zone with that height requirement. I would like to make an amendment.

Alderman Thiel moved to amend Section 2 of the ordinance to state *the additional height requested will not adversely affect adjoining or neighboring property owners*. Alderman Marr seconded the motion. Upon roll call the motion passed unanimously.

Alderman Cook asked how we measure the height of the building.

Tim Conklin, Planning and Development Management Director: We do have a height exception under Section 164.11 in our existing UDC in our Zoning Code. With regard to the Hillside the discussion has been measuring from the historic lowest adjacent grade of the structure.

Jeremy Pate explained how height is currently measured under the current zoning ordinances.

A discussion followed on the exemptions covered under this ordinance.

Tom Terminella, a citizen asked for some clarification on what grade or curb line it's being measured by and stated that he needed a better understanding of that. He stated the question he struggles with is in the 2020 Plan, it is encouraging us to have density and to go up when we can't go out. Is 45' the right number, should it be measured in floors, is it reasonable to think somebody should be able to build a three story home that's 48' tall and not have to come to this body for a variance. He stated that he thought that was reasonable. It makes more sense to have taller structures on the side of hills than it does on the flat part. I am not sure 45' is the best number; I think it needs to be approached in floors.

Alderman Ferrell asked Tom Terminella how many feet he would consider a story.

Tom Terminella: It goes back to what is reasonable in a residential application. I think it's reasonable to build a three story residential dwelling anywhere within the city. I don't think it's reasonable to hamper or burden or restrict using footage. There is a lot of individuality that goes into the home building world and if we are diversified then why all the sudden are we saying let's preserve and lower, it just doesn't seem right. He stated that he did concur with being reasonable and not adversely affecting ones neighbor or the adjoiner and in any application three stories is reasonable.

Alderman Ferrell asked Tom Terminella if he supported three stories.

Tom Terminella stated that yes he did but he wouldn't support an arbitrary number based on somebody's opinion.

Alderman Thiel stated the reason I came up with 45' is because that is something that the Council had agreed on recently. The residential zones that we would be making uniformed have a lower height than this. This is increasing the height of the single family residential zones that do have height requirements. I felt like it was fair to go with something that this Council had reviewed and felt comfortable with. This ordinance does make a provision for granting variances and I think that it is important, that if there is justification for granting that variance then that can be considered whether we go with 45' or amend this to 48'. I did look at the stories. She went on to voice her concerns with measuring by stories.

Mayor Coody: Just as a quick calculation here, if you have a 10' wall and a 2' deep floor truss on top of that then the second floor is 9' tall with an 18" floor truss, third floor is 8' tall with an 18" floor truss it's 32' which leaves 13' for the roof to go up there.

Tom Terminella responded by saying that is one's opinion. Somebody could have three floors at 12' or 14'. Not everybody fits in the same template. We do have structures around town that would exceed these limitations but here we are encouraging density and all these things but we're told we can't go up either. Let's preserve a certain percentage of the out parcel and let's limit the height, philosophical differences; I have issues with that.

Mayor Coody: That's why we are going to be leaving it on the first reading for further discussion.

Tim Conklin responded to Alderman Thiel's comments on height limitations. He stated we do have height limitations of 30' in a couple of our zoning districts so that would increase.

Jeremy Pate: RSF-1 and RSF-2 which are also part of this currently have a 35' maximum height level so this would increase them about 10'.

Alderman Ferrell asked how long 35' had been a part of the ordinance.

Jeremy Pate: It has not been changed in quite some time.

This ordinance was left on the First Reading.

Ozark Transit Authority Agreement: An ordinance to approve an Amended Interlocal Agreement so that Lowell can join as a member of the Ozark Transit Authority.

City Attorney Kit Williams read the ordinance.

Alderman Ferrell asked if this cost the City of Fayetteville anything.

Mayor Coody stated it did not.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 4853 as Recorded in the Office of the City Clerk.

RZN 06-1949 Ellis Appeal: An ordinance rezoning that property described in rezoning petition RZN 06-1949 for approximately 6.03 acres located at 4230 Huntsville Road, from RSF-1, Residential Single Family, 1 unit per acre and RSF-4, Residential Single Family, 4 Units per acre to RSF-7, Residential Single Family, 7 units per acre.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the item.

Alderman Thiel stated that this would have benefited everybody if they would have brought this forward as a PZD rather than a rezoning because the neighbors would like to have seen a guarantee that it was going to be developed like this. The concern I have heard from both sides is that they are going to be small rental units and it would have benefited us if we could've seen this as a PZD and I wish they would've brought this forward as that. She stated there was no guarantee that it will be developed out like this and she asked Jeremy if we could hold them to this.

Jeremy Pate stated they could not hold them to a certain development pattern.

Alderman Thiel: So if they come forward with an LSD it could look like this or it could be more lots?

Jeremy Pate: It could be something different.

Alderman Thiel stated that concerns her as well as this many units going in such a narrow area. She asked if they would be required to make improvements to Huntsville Road in the area.

Jeremy Pate stated it would be likely that there would be off site improvements for this development. The more lots there are the more improvement we would like to see and it should be based on the proportionality of that impact on the infrastructure.

Alderman Thiel stated one of the developers came to the Ward 1 meeting and he contacted as many people as he could and let them know that he would be at that meeting. He has made that effort.

Robert Clay, a resident of 4186 Huntsville Rd. stated he would like this to be kept RSF-4 because you have more control over what comes in. He stated that it was hard to get out onto Huntsville Road and the best thing the Council could do for him and the community is to keep it RSF-4.

Tim Gary, a resident of 799 S. Regency stated the property in question is right behind his house and he did not know about it. He stated that he doesn't have a problem with it but he does have a problem with them putting a bunch of cracker boxes behind his house. He stated that they have worked a long time to get the property values up out there and he does not want it to go in that direction.

David Harlic, a resident of 4070 East Huntsville Rd. stated he wanted to make it known that there was an agreement with the developers and he and his wife for some screening in between their two adjacent properties and he wanted to know if he needed to make that known to the Council.

Mayor Coody asked Kit Williams if they would have to present that as a Bill of Assurance to enter it into our records.

Kit Williams: That's not going to be enforceable at this point unless the person seeking rezoning offers a Bill of Assurance to us using the proper form that I've developed. This can be

enforceable as a private agreement between the land owners but that would be something he would have to enforce himself with his own attorney. The City at this point cannot enforce that.

Cameron Bowan, a resident of 816 Regency asked how this was going to be guaranteed that if it is zoned RSF-7 how are you going to stop him from building 42 homes. He voiced his concerns with the RSF-7 zoning.

Andy Caldiero, POA President of the David Lyle Subdivision stated the property was originally developed under R-O. Sometime after the development it was changed and we only found out at this past planning meeting that it was changed to RSF-7. We don't know where, when, why or how but none of the homes in that area were developed as RSF-7, they were all developed as a RSF-4. He also stated that he was not notified about the adjacent property and he felt as POA President that he should have been notified. He stated that if Mr. Ellis would be willing to sign an assurance that his covenants or his property will duplicate the covenants currently enforced in David Lyle Subdivision we will have no problems with it from our POA.

Scott Ellis, the developer stated that he spoke with his partner and they would be more than willing to offer that Bill of Assurance that states that they won't be developing any more than 18 lots. He stated that the only reason they are asking for RSF-7 zoning is because we would like the 60' lot widths. He stated that they wanted to keep the price below \$180,000 which is their intention with this project. The 60' lot width is the only reason we are asking for RSF-7 rather than RSF-4, RSF-4 has a minimum 70' lot width. If that was the case we would be losing two or three lots which we would have to increase the prices of these lots and then the builders would have to build a larger house to get their money back which was not our intention from the start with this project whatsoever. He stated that he has no problem signing a Bill of Assurance.

Mayor Coody suggested he get with Kit Williams and fill out a Bill of Assurance form.

Kit Williams stated the forms for Bill of Assurance are in the Planning Department and he recommended that Mr. Ellis go there and fill it out.

Alderman Marr: I understand you brought this zoning through as a zoning perspective and not as a PZD. RSF-7 doesn't concern me as much because I think about Washington Willow one of the highest property values in the city is built more in this area 7-10 units per acre. You can have high property value and nice homes in high density. It does make me uncomfortable to not know the quality of what you anticipate the subdivision to be. That's why many of us like the PZD process as opposed to a rezoning. The density isn't as much an issue with me as what it's going to be at that density because I can see good density with high property values in my own ward.

Scott Ellis stated that as far as the density, David Lyle Subdivision is right now at 3.67 units per acre and our 18 lots on 6 acres just comes in at 3 units per acre so our proposed density is lower than theirs. He stated that he would be more than happy to put anything in the covenants to try and reduce anyone's concerns about this.

Alderman Thiel stated I would be comfortable with this if you do offer the Bills of Assurances that have been mentioned here tonight. If this ordinance making unformed building heights in residential zones passes then you can build higher than 30'.

Alderman Reynolds: I met with Mr. Ellis, the engineer, the surveyor, Mr. Hart and his wife and we were all out on sight. The surveyor made a mistake and placed the pin in the wrong place and instead of causing a problem Mr. Ellis changed his plat to match the mistake. Mr. Ellis has gone the extra mile. He asked Mr. Ellis if he had met with Paul Wood.

Scott Ellis stated he spoke with him on the phone and he will be meeting with him tomorrow.

Alderman Reynolds stated he wants you to extend the fence on up the road behind his house.

Scott Ellis stated I was going to meet with him and walk the property.

Alderman Reynolds stated if you will work with him he is willing to work with you.

Scott Ellis: I received a message today from one other gentleman who lives at one of the houses on the front. He said that he had no problem with the project going ahead as long as there are no sound problems. He may at some point want to join in instead of having the one driveway along Huntsville Road. He may want a second outlet onto the road that we are planning on putting in so that when he pulls into his house he can pull forward onto our road and then come out and join from there. Again, I would be more than happy to work with everybody on this.

Alderman Reynolds: I thought when I left there that we have a good package now. I don't know if anything's changed with David Harlic, but I would like to hear if he's accepted the pin movement and the Bill of Assurance with Mr. Ellis.

David Harlic: I do own the property directly to the west and it is zoned RMF-24 and R-7 and my land is ready to be developed. All the property along Highway 16 in front of us, we do not own that property, so it may be considered that before development, a PZD may be appropriate since a stub road would allow infill of my property if it were to ever be developed otherwise it could be land locked. He stated that the pin that was in question was the point of beginning every time on his survey. Now that the land has been surveyed there was a dispute over that particular pin and all I know is that I do not move or remove survey pins so I respectfully requested that they not move my pins but if they really had to they could put their new survey pin in my property if it was necessary but otherwise I did not want my property boundaries moved.

Scott Ellis stated the first time he met with Mr. Harlic he did mention to me the possibility of us purchasing his land and adding onto our development. My engineers did look at it and we tried to plat it out and in all honesty the best use and value of that land is for a single family house.

Tracy Brewer, a resident of David Lyle Subdivision stated Mr. Ellis mentioned that there are seven houses being built that's under \$200,000 in Fayetteville, I just wanted to let him know that most of the houses in David Lyle are selling in the \$130,000-\$140,000 range so it's not expensive housing at all and we're not trying to say we want real nice housing we just want it to be compatible with what we already have.

Andy Caldiero asked Mr. Williams under a Bill of Assurance can a developer initiate a covenant that any builder would have to follow the covenant.

Kit Williams stated a Bill of Assurance can basically say whatever the developer who is seeking to get a rezoning wants it to say. He can make all kinds of agreements and covenants but this is something that must be offered by the proposed rezoning owner and not something that the City Council will demand of him.

Andy Caldiero: I told Mr. Ellis in the very beginning that I had no problem if what he was telling me was exactly what he was going to do. We at this point had no assurance other than his verbal commitment. If we can get him to sign a Bill of Assurance as to the number of lots and if he would develop a set of covenants that would duplicate ours then we would be completely satisfied and not opposed at all and would encourage the development of that subdivision.

Mayor Coody stated what you might do is get with Mr. Ellis in the next week or two and this is going to be left on this reading and it will be back before us that will give you a chance to work out the language and Bill of Assurance and get that submitted to the City. Once that's done if the neighborhood is in agreement and the developer is happy then we are off to the races.

This ordinance was left on the First Reading.

Emergency and Non-Emergency Ambulance Service: A resolution to express the City Council's intent to contract exclusively using competitive procurement methods with a single entity for the provision of all emergency medical services and ambulance services for the City of Fayetteville.

Gary Dumas, Director of Operations stated we had a request from the Washington County Administration expressing their concern for the future viability of the current emergency medical service in the county and the city because an additional vendor was coming to the community. As of today we are certain they are here because they requested a Certificate of Zoning Compliance and the issue is that there is going to be a decrease in the available funding for Central EMS for the remainder of this year to provide that emergency medical service. We're at a decision point of whether we wait or if we proactively approach this and begin a process of creating franchise for emergency medical service and non-emergency service. What we are requesting to do is allow the City to participate with the County to begin that process.

Alderman Marr: We currently approved a contract for Central EMS for 2006 what was the price for services for this year.

Gary Dumas: Yes that's \$300,000.00.

Alderman Marr: I just want to make sure I understand from your comment earlier that when we say we will fund the shortfall we have a contract for 2006 for what we agreed to pay. Should we be expecting something different based on the comment you just made?

Gary Dumas: I am assuming that if they do not have the amount of non-emergency service then they will not have the ability to fund the emergency services. In that if they do not have the ability to fund it then I suspect we could be facing a critical issue with the lack of emergency services.

Alderman Marr: So if they can't fulfill their contract then at that point we would be open to look at any provider to fulfill the contract for the remainder of the time period.

Gary Dumas: We would have to have some fall back plan and instead of waiting for that to occur we are proposing a proactive approach that would prevent that.

Alderman Ferrell: If we go into a public utility single provider monopoly mode and something should happen and they couldn't fulfill it, where does that leave us legally?

Gary Dumas: The way it would work is you would have a contract with that provider just like you have right now with CEMS and there will be a public expense in any emergency service provision.

Alderman Ferrell: I was talking about between now and the end of the contract cycle.

Gary Dumas: If you eliminated the competition they should be able to be revenue positive throughout the rest of the year.

Mayor Coody: They would be in a stronger financial position than they are today.

Alderman Ferrell: So there wouldn't be any opposition then to amending this resolution to say that we can pay no more than \$300,000 which we've already budgeted for this year.

Alderman Ferrell made a motion to amend the resolution that the City would not fund anymore than \$300,000 during the 2006 budget year for CEMS.

Gary Dumas: Before you vote on it, we are not proposing that you immediately implement the public utility model or eliminate the competition from the market place at this time. Any reasonable approach you are going to have to give the other providers who are in the area an opportunity to change their business and that's probably six months or so which is the end of the year anyway. With the other providers in place CEMS is going to be in a potential deficit situation so the remainder of this year there is going to be a problem. That's why we are proposing that you begin immediately January 1, 2007 with a new provider in place and a new contract. I think the remainder of this year we are going to have a problem and I wouldn't recommend eliminating the other providers that are in town.

Mayor Coody: So this is saying that the City has the intent which gives everyone a heads up on what we are considering so there wouldn't be a surprise to anyone.

Gary Dumas: We would form the public utility board and they would request proposals for that new provider.

Alderman Ferrell: So what you're saying is the people that are in business now are going to be in business for sometime or until January 1, 2007.

Gary Dumas: Yes, before it is in place and operational. The board that operates it will solicit RFP's for all qualified providers and go forward from that.

Alderman Ferrell withdrew his amendment.

Alderman Reynolds stated he did not understand what was going on with CEMS. We have been going on for years, they have been operating with the money and all of the sudden we've got 20,000 more people living here, surely they are doing a lot more business. Is someone not paying their bills or what's going on with the money from this population explosion that all of the sudden they are short of money that we have to start putting more money in the pot.

Gary Dumas: That is a question that only they can answer but if you look at how much the City of Fayetteville has contributed since 2004 I expect that will continue to increase.

Alderman Reynolds: It looks like to me that is where the problem is because they have got to be doing the business.

Tony Hickerson, Administrator of CEMS stated as far as the funding goes emergency volume has gone up which is the most expensive component of EMS while the non-emergency volume has gone down over the last several years due to competition from other providers. Our collection average is about 55%, that's after write off's and so forth. It's about 18% of net charges but many of our charges won't be paid because the government requires them to be written off.

Alderman Thiel: This resolution doesn't mention CEMS a lot. We're not really discussing CEMS.

Mayor Coody: This is basically the intent that we would go with a single provider.

Alderman Thiel: I understand there is a new one that has moved into the area that is going to be competing for this against EMS and possibly the non-emergency company that we have in Springdale.

Gary Dumas: The only reason CEMS is involved in the conversation is because they are the current emergency service provider but we will solicit proposals from the most qualified for future providers.

Alderman Ferrell stated in a previous agenda packet it talked about that CEMS wanted to be the emergency public utility model starting immediately and then wait until January 1, 2008 to have all the RFP's out and field that. So I think that is where a lot of that confusion came from. He went on to speak about collectible and uncollectible dollars.

Tony Hickerson stated last year we received \$250,000, \$300,000 was allocated, \$50,000 went to the consultant for the study and the contract we just signed for 2006 was also for \$250,000 and not \$300,000.

Mayor Coody: Thank you for the clarification.

Gary Dumas responded to Mr. Ferrell by saying I think you are correct, there will be a public subsidy no matter what the future holds.

Alderman Ferrell: I think there will be more.

Alderman Jordan: So even if we go with the public utility model or not there will be subsidy.

Gary Dumas: I think so.

Mayor Coody: But that would depend on the proposals.

Gary Dumas: All we are trying to do is minimize the public subsidy.

Alderman Marr: What are we paying so that when someone comes to me I know what the gap is. He stated that in the agenda packet it stated that the City budgeted \$300,000 for services. Is it \$250,000 or \$300,000?

Gary Dumas: I don't know what the contract is; I know that the budget is \$300,000.

Tony Hickerson: His contract states \$250,000.

Alderman Marr: Which brings another question, why would you have something budgeted that isn't in the contract?

Mayor Coody stated we will check on that tomorrow. There might be contingency money in there for all I know.

Russ Green, CEO and Administrator of Physicians Surgery Center: My line of business is along the lines of non-emergency transfers and this will impact my business tremendously. He went on to describe services his business provides. He stated their issue is if you do this and you make all emergent and non-emergent one company we're stuck and we can't transfer our patients. He asked the council to please not allow this to happen.

Rick Wilcox stated the big problem he has other than losing his business is the blind assumption that non-emergency transfers are automatically a profitable entity. He went on to describe research that he has conducted and he stated that when you break down the numbers on all of those, none of those indicate that any of the agencies are capable of making money on the transfer end. He responded to Russ Greens comments on the problems with the non-emergency side of the business and he stated they are the same problems on the emergency side of the business.

Sondra Smith, City Clerk stated I have pulled up the resolution that was passed in March and the Central EMS contract is for \$250,000.

Mayor Coody: So the \$300,000 number is wrong?

Gary Dumas: Well that's the budget I didn't look at the contract.

Alderman Thiel: I think the idea behind this is it will not increase as much. Some of the concern of the Council may be because of some of the providers. I am looking at this potential

for a new provider coming into the area that might have the resources available to start this service up doing both non-emergency and emergency. This is just a resolution to express the City Council's intent to contract exclusively I guess that means there will be more discussions about it.

Mayor Coody stated this does not bind us to do anything.

Alderman Thiel moved to approve the resolution. The motion failed for lack of a second.

Alderman Lucas: I think we need to think about this a little more. I would want an assurance that the provider that we get can do transfers. This is a real concern because hospitals and nursing homes are under guidelines that they can keep patients only so long and so this is a real concern. It sounds good, but I wonder if there is some way we can get answers about that before we jump into this.

Alderman Marr: I've heard one thing that Shirley wants to see, are there other items? When I hear a new provider is coming to town, to rush to do this it concerns me because how do we know that's not a potential provider to just negotiate a contract in the same way that we do today to do an RFP versus having to change our model. That's where I do not understand fully that that's the only solution.

Mayor Coody: We are going to solicit people to bid on it if we do this or if we don't.

Alderman Marr: But we are making a commitment that that boundary is a closed boundary and without knowing whether anyone would bid on it in an open boundary and maybe they won't and that's why we're going down this road but in other RFP's we do put it out and if we do not get a response then we change our plan. Before we go to close our boundary we should see if we have any interest in an open boundary.

Alderman Reynolds moved to table the ordinance to the April 18, 2006 City Council meeting. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.

This ordinance was tabled to the April 18, 2006 City Council meeting.

Annexation Study Committee: A resolution establishing an Annexation Study Committee to provide analysis and recommendations for annexation options in West Fayetteville.

Gary Dumas: The purpose of this is there is growing pressure on the western boundary of Fayetteville and we thought it would be appropriate that there be some council discussion on what the impact of that annexation might mean for Fayetteville. The study committee is comprised of one council person and a few members of the city staff with a report back to the council in four weeks.

Alderman Ferrell: If there was a particular reason it was just west Fayetteville. Was it because of the rapid growth out there?

Gary Dumas stated I think the reason it was just west Fayetteville now is because there is annexation discussion by Farmington on the west side reaching all the way from Highway 62 to Highway 16 which would essentially forbid Fayetteville's expansion in that corridor.

Mayor Coody stated we do need to visit the annexation policy city wide but this is on the front burner.

Gary Dumas: Yes, perhaps after this the Council may want to extend the committees scope.

Alderman Lucas: I agree about the city wide thing. The thing that bothers me about this is that we're being reactive instead of proactive and so I hope for the rest of the city we can be proactive if we're interested in annexation in other areas.

Mayor Coody: The City Council person I've asked to be on that committee is Shirley Lucas.

Alderman Marr: Is there information that has already been collected that can speed up the process of what is going to be brought back or are you planning on starting this from a whole new perspective.

Alderman Lucas: I don't anticipate that. We've gathered a lot of information and ultimately it's going to be a Council decision but I think we can look at different aspects of the area out there and see if it's something the City can serve or what the City might want in the city limits and things like that.

Alderman Marr asked is there a time frame or a deadline or an end to this Ad Hoc committee that we are creating.

Gary Dumas: Four weeks.

Alderman Marr moved to amend the resolution to add a deadline of four weeks for the Annexation Study Committee. **Alderman Jordan** seconded the motion. Upon roll call the motion passed unanimously.

Alderman Ferrell moved to approve the resolution. **Alderman Marr** seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 66-06 as Recorded in the Office of the City Clerk.

Waive §166.17 Suspending Issuance of Permits Pending Zoning Amendments: An ordinance to waive §166.17 Suspending Issuance of Permits Pending Zoning Amendments in relation to the proposed Divinity Condos project.

City Attorney Kit Williams read the ordinance.

Alderman Ferrell: I think it is a good idea instead of keeping something dead in the water to move them forward. I support the passage of this.

Alderman Marr: As I said at the agenda session we have different reasons for bringing it forward. My first reason is that I believe that we should be consistent in our application of when something passes the Planning Commission and we decide that it is going to be a 90 day stay as with this ordinance then it should be consistent in our other ordinances. Our Hillside Ordinance also passed the Planning Commission which did not have this stay. The second reason is timing; I think we have a 90 day waiting period of which we are 40 plus days through it. I don't expect based on the number of meetings that I have had with neighborhood associations, just in the last week within my ward, on the downtown code that we will finish the debate at Ordinance Review and get it in front of the Council and have three readings prior to the 43 days remaining in the timeframe. This project will continue to proceed at the end of that time period. So in essence I believe we are pushing something back that is going to take place. The third reason that I did this is maybe it is selfish that I want this debate and I want it while people are engaged and while people are passionate on each side of the issue. In 45 days from now on the second week of May the University lets out and people tend to leave the community and I would rather have the debate today. I think there is a lot of passion in specific discussion about the height and compatibility. I think our current ordinances allow us to evaluate those things at the Planning Commission standpoint. I am not in support of this project at this height. I am in support of getting that debate started now. I think the quicker that we do that, the easier that we make it for people that are reading it every day in the paper; the better it is for our community to have that debate. That is why I support this waiver. I don't think it is going to protect us because I have neighborhoods telling me that they are concerned about many of the things in the downtown code that are being pushed forward in their opinion as a measure to stop this project. That has a longer term impact, about zoning use codes and uses within codes within the downtown area that I don't think it is fair for people who have concerns on that to push it through just because we have one project that has some compatibility issues that we don't like. Those are my reasons.

Mayor Coody: Is there anything that we are pushing through to stop this?

Alderman Ferrell: The 90 day deal.

Mayor Coody: Is the 90 days what you are talking about or are there other items.

Alderman Marr: The fact that we have our Downtown Code and it has gone to the Planning Commission. I have a list of three pages from west Lafayette Neighborhood Historic District, the Dickson Street Neighborhood District, my point being that the items that they are bringing forward are in this same downtown code boundary zoning districts and they feel like that right or wrong that it has been pushed through a public comment meeting without much reaction. Because the Planning Commission isn't a political body, they are not an elected body, they are an appointed body and they are looking forward to that discussion at the Council level where things are more political. When we talk about should an entertainment boundary go between parcels or not, is one area that one neighborhood talks about, whether the process is speedy, whether the historic property listing is correct, whether conditional use for outdoor music should be continued, whether eating places should be allowed in the green zone district and on and on..

Mayor Coody: I misunderstood; I thought there was the idea that the staff was trying to push something through.

Alderman Marr: No. Concerns that the citizens want more feedback on the Downtown Master Plan Code Zoning Districts and they don't want that rushed because in that code is a six story height restriction that would help protect it from this building. I think we can have that debate without rushing our other codes.

Mayor Coody: Yes absolutely. I think the staff probably agrees with that as well.

Alderman Marr moved to amend the ordinance to read between Church and Block. Alderman Jordan seconded the motion. Upon roll call the motion passed unanimously.

Alderman Ferrell: However it comes out it is a tremendous infusion of capital that is planned.

Glen Sowder, a citizen stated it is absolutely delightful that at no expense to the citizens of Fayetteville that we get 300 plus parking spaces on Dickson Street. He suggested the builders and developers stub in utility connections in case the rooms didn't make it as hotel rooms they could be turned into condos or residential rentals.

Mayor Coody asked if Glen had a comment on the 90 day waiver ordinance that is before us.

Glen Sowder: Yes absolutely. Let's move it forward as quickly as possible.

Mayor Coody: So you are in support of the motion on the ordinance.

Glen Sowder: Yes.

Nancy Allen, a citizen of Ward 2: I have real concerns about buildings on Dickson Street and I hope as this comes forward to you in the Downtown Master Plan that you will think long and hard about heights and compatibility. She submitted 124 signatures to the City Council from people who have deep concerns about Dickson Street.

Fran Alexander, a citizen read comments sent by Colleen Gastin. In the letter Colleen stated this is simply to express my support for City Planning and restrictions that ensure the development of our downtown area remains compatible with the areas existing character. Fran went on to ask the Council about a memo she received from Jeremy Pate regarding the Commercial Design Standards on height. She stated she wanted to understand the process that we are going through.

Jeremy Pate: An appeal of a Large Scale Development project would come before the City Council so if the Planning Commission denied a Large Scale Development or Preliminary Plat that appeal comes before the City Council and that is the final say on that matter.

Alderman Marr: If that passes the Planning Commission an Alderman can also appeal that passing to the City Council.

Jeremy Pate: That's correct.

Fran Alexander: So you are saying this isn't the way it would go for this particular Large Scale Development.

Jeremy Pate: The actual Large Scale Development approval or denial appeal would come to the City Council. The interpretation of a section of the code goes to the Board of Adjustments.

Fran Alexander: Would there not be any way to appeal a Board of Adjustment decision.

Jeremy Pate: No, that's Circuit Court.

Fran Alexander: If heights and design standards do not carry the legal weight that this ordinance seems to say it would have I'm afraid we might have the same situation we had with the nine story building. I hope this discussion goes forth with equal weight on the height issue so that it is not simply taken to the Board of Adjustment and dropped there. I hope there is some way we can build in that that this will continue to be before you. I urge you to consider this before we go forward.

Mayor Coody asked Kit Williams if he concurred with Jeremy's interpretation.

Kit Williams stated he did and he went on to explain that according to the Unified Development Code the Zoning Development Administrator is responsible for the interpretations in that section of the Code.

Alderman Marr: In the Planning Commission Subdivision meeting there were three Planning Commissioners, two voted to deny this development at the Subdivision level and one did not. Two sited compatibility as issues and one sited that height could not be considered as compatibility. Since you are our person, it is important to me to understand whether you believe height is a compatibility consideration.

Jeremy Pate: Yes I believe height is an issue that can be considered because of the section in which compatibility is located which is the construction and appearance of nonresidential structures. It is my interpretation that the appearance of a building height does have an effect on the appearance of a structure. In the Subdivision Committee they did vote to forward that action. The applicants requested that it go ahead and be forwarded to the full Planning Commission for that debate to occur with the understanding that 2-1 it would be for denial.

Alderman Ferrell asked Kit Williams if he could repeat his interpretation.

Kit Williams repeated his previous comments regarding the Zoning Development Administrator being responsible for interpretations.

Alderman Marr asked Jeremy Pate so there is nothing in your opinion based on the code that this project could not be appealed by the applicant or by a City Council member based on the Planning Commission's action of approval or denial?

Jeremy Pate: Correct, to appeal approval or denial of that Large Scale Development application.

Alderman Thiel: I just don't want to have the pressure of rushing discussion on the Downtown Master Plan. At the next meeting there is going to be something come forward about height requirements in commercial zones which might address this also. For that reason I would probably go ahead and support this even though I did have some concerns about it.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Mayor Coody stated 95% of the concerns that I've heard about this project aren't about the project itself but about the height of the building.

Karon Reese, a citizen stated our neighborhood is very opposed to a 15 story structure on Dickson Street. I really want to encourage you to consider that infill can be accomplished and I think it's important to think about diversity and if we allow this structure then we aren't encouraging diversity because the incentive is to go vertical. This issue was discussed at the last Washington Willow Neighborhood meeting and 98% of our neighborhood feels very strongly about the height issue and many believe that six stories is too much. The majority of the people that I have talked to everywhere are against this structure.

Irene Pritchard, a resident of 339 N. Gregg Street stated that right now the people that live downtown have very little protection. If we give up the 90 days and it comes back to you all and you approve it we have no recourse. I'm hoping within the next 45 days that you will get the Master Plan done because right now anybody can come in and do anything in our area. We need some protection today before another developer comes in and says we want to build a 20 story building.

Todd Wood, a representative of Barber Group and Barber Properties stated there are practical reasons as to why we are doing what we're attempting to do. To pass this Downtown Master Plan within the next five weeks is a difficult task to say nothing of the benefits of a full discussion with regard to the plan itself. Where we are going to end up is this project must stand or fall on its own merits and that's what allowing this 90 day waiver would allow.

Jo Anne Kvamme, a representative of Root Neighborhood Association stated we need to move very carefully. The City has spent a lot of money to have someone talk to many people in the community to get ideas on what the community wants. I question why would a developer come in and ask for something that is so far out of the realm of what the City has already said and then we have to rush through it. I'm not convinced that that's good for any of us.

Mayor Coody stated I don't believe we're trying to rush through anything. If we were trying to rush through it would have been done already.

Jo Anne Kvamme: I am leery that this is going to go forward too fast and it is so different from everything else.

Mayor Coody: I think the intent was to not get the project approved fast but get the debate going quickly.

Alderman Marr stated I have my own concerns about these fifteen stories but the reality of it is that we can say we're being protected by this code but we aren't. I can tell you the Downtown Code is not going to the Ordinance Review until April 11, 2006. He went on to describe the timeline of the Downtown Master Plan Adoption. He stated why rush to debate something that isn't going to protect us anyway. We're acting like the six story height limit in the code isn't going to be a debated item. This very building alone should tell us it's going to be a debated item. There are other ways to do it instead of rushing this code. We are going to have that debate right now and I'd rather do it before school's out and not be sitting here 46 days later and having the developer saying we're right where I told you we would be. Your code is not done, you made me wait 45 days and now I'm starting. I'd rather say if I don't like your project I'll tell you that now.

Joanne Kvammi: Please remember that then, because this is very distasteful to a lot of people.

Alderman Lucas stated this ordinance that we're suspending was put in for a purpose. I am not opposed to development on Dickson Street. I've gotten emails and people are opposed to the 15 stories and I don't think it's going to make a difference as to discussion. It bothers me to remove this ordinance because it's there for a purpose when we are discussing something to give 90 days so that nothing is rushed in to be achieved before the 90 days are up. That's the reason I am voting against it.

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

Ordinance 4854 as Recorded in the Office of the City Clerk.

Meeting Adjourned at 10:10 PM.

Dan Coody, Mayor

Sondra Smith, City Clerk/Treasurer



OPERATIONS DIRECTOR

TO: Mayor and City Council
FROM: Annexation Study Committee
DATE: May 2, 2006
RE: Report #1 Annexation Study Committee and Recommendation
Concerning West Fayetteville

BACKGROUND

As the City Council is aware, the City of Farmington has been discussing annexation of a significant amount of land immediately west of the Fayetteville corporate boundary. In the published discussions of this annexation, the Farmington corporate limits would extend to Highway 16. If this were to occur, the City of Fayetteville would essentially become land-locked between Highway 62 and Highway 16.

There are potential implications if the City of Fayetteville were to become restricted in its ability to continue to grow and annex west along this corridor.

A Study Committee, comprised of one City Council Representative, Shirley Lucas, the Director of Operations, the City Engineer, the Water/Waste Water Director, and the Planning and Development Management Director, were charged with reviewing the implications of not annexing or annexing this area into the City of Fayetteville and reporting to the full Council within four weeks with a recommendation regarding any actions that the City of Fayetteville should undertake.

The Study Committee met numerous times during this four-week period and interviewed representatives of the Police Department and the Fire Department to gain an understanding of any operational issues that may arise with extending the city boundary in this area.

As the annexation discussions continued, it became apparent that there would be little impact upon any City service except for the provision of an adequate water supply for fire protection. The issue of water supply led to preliminary discussions with the Washington County Water Authority (WWA).

In the following section, the various issues are discussed in more detail.

DISCUSSION

Growth is occurring at the edges of Fayetteville and beyond. The attached aerial photography map from 2004 provides an indication of that development. Development has continued at a significant pace since the date of this photography, as any tour through the area will reveal. What is clear from the aerial photography is that the nearer to the City Limits of Fayetteville, the greater the density.

The traffic congestion causing concerns along the Hwy 16 corridor within the corporate limits of Fayetteville will not be affected by a decision to annex or not annex. Recent changes in the methods and techniques for treating liquid wastes from housing and commercial developments will create additional opportunities for urban density and intensity at any location throughout the County as long as a potable water supply is available.

The conversion of rural land to urban growth density and intensity will continue regardless of the actions of the City of Fayetteville. What the City can do, however, is begin a practice of providing opportunities that will encourage development within the City, in order to ensure that as growth occurs, it will provide the amenities and security of investment that only municipal regulation can provide.

These regulations include Land Use and Development Control through the Unified Development Ordinance:

- **Sign Ordinance**
- **Tree Ordinance**
- **Storm Water Ordinance**
- **Zoning**
- **Subdivision Regulation**
- **Fire and Police Impact Fees**
- **Park Fees / Land Dedication**
- **Commercial Design Standards**
- **Code Enforcement**

While no one desires regulation on their own property, most desire to have their neighbors' uses and activities controlled and regulated. In order to provide a rationale to accept the regulation and cost of regulation, the City provides a fully staffed fire service and police service. Additionally, in this area, the City can, in partnership with the Washington Water Authority, provide necessary water system fire flows, rather than the current water tanker system necessitated by the volume of water available through the rural water system. Other City services also become accessible such as sanitary sewer and municipal sanitation services, rather than septic systems and private trash haulers.

But the question is: what does the City gain and at what cost?

Gains

- **Management and control of land use density and intensity**
- **Timing of development through zoning**
- **Increased environmental protection**
- **Compatibility in land use and development standards**
- **Less confusion for public safety – city police and fire**
- **Ability to plan and construct future city capital improvements**
- **Ability to require the same level of infrastructure improvements required for new development within these areas as required within the city**
- **Impact fees for fire, police, sewer, and parks**
- **Increased State of Arkansas street turn-back funds**

Costs

- **Incremental costs**
- **Increased service area and response times**
- **Cost of providing General Fund Services – Police, Fire, Code Compliance (additional area and population served at this time would not require additional equipment or staffing)**
- **Potential pressure control valve to WWA to provide fire flows**
- **Continuing cost of additional traffic entering the City**
- **Cost of converting WWA water usage billing for sewer billing**

The following City services (including but not limited to) will be available to the existing and future residences after annexation:

- **Trash service**
- **Police protection**
- **Fire protection (fire department, fire flows where available)**
- **Fire Department as first responders**
- **Sewer service if available- any extensions of public or private lines to serve these areas will be the responsibility of the property owner/developer**
- **Curbside recycling and yard waste pick up**
- **Water and sewer rates inside the city that are lower than rates outside the city**

RECOMMENDATION

1. Annex all areas south of Wedington between Broyles and Double Springs to the current Farmington City Limits (See Exhibit "A.").
 - **This area contains approximately 517.21 acres**
 - **There are 74 addressed structures**
 - **The estimated population is approximately 152 people**
 - **Of the addressed structures, 69 structures are on Fayetteville water.**
 - **There are 5 miles of roads**
2. Annex all areas west of Double Springs 1320' west of Harmon Road including all of Forest Hills Subdivision and potentially south to Goose Creek (See Exhibit "B.").
 - **This area contains approximately 1472.55 acres**
 - **There are 359 addressed structures**
 - **The estimated population is approximately 793 people**
 - **Of the addressed structures, 15 structures are on Fayetteville water**
 - **There are 8 miles of roads**

Arkansas State Code requires that the annexation of an area, which has not been submitted by petition, must be annexed through a voter referendum (See attached A.S.C. 14-40-303.). The Annexation Committee recommends that Fayetteville City Council annex these areas as soon as possible.

At the time of annexation, all property annexed is considered zoned R-A Residential Agricultural pursuant to § 161.01 of the Unified Development Ordinance.

BUDGET IMPACT

Property Tax. The current property tax millage impact of this annexation is an additional 2.1 mils. The County currently has 1 mill for the County library system and the City has 1 mil for the City Library. The impact to residences in the annexed areas would be an additional 2.1 mils. The current millage is .4 mil police pension, .4 mil fire pension, 1 mil City Library, 1.3 mils City General Fund.

- *For Example: Value – Your value is based on 20% of the market value of real estate (subject to limits of Amendment 79). If the fair market value of real estate is \$100,000, it will have a value of $20\% \times \$100,000 = \$20,000$. Multiply \$20,000 by the additional millage and this will equal your additional tax: (Source: Washington County, AR)*
 - 1 mil is 1/10 of one cent (\$.001)
 - Additional 2.1 mils on a 100,000 home ($\$20,000 \times 0.0021 \text{ mils}$) = \$42.00

Sales Tax. The potential sales tax revenue is limited at this time due to limited commercial activity in the proposed annexed area. The annexation study committee has recommended that future commercial nodes be identified along the Wedington Corridor to capture future sales tax revenue with the proposed annexed area.

General Fund. No additional FTE's are anticipated at this time.

Enterprise Funds (Solid Waste, Water, Sewer, Street). An additional solid waste route would be generated with the 1,472.55 acre annexation and would require the purchase of 1 Truck and an additional 1 FTE. The current population in this area would utilize approximately 20% of the capacity of this vehicle and FTE. The estimated cost for the truck is \$200,000 and \$28,000/year for the FTE.

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
May 2, 2006**

A meeting of the Fayetteville City Council will be held on May 2, 2006 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

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

Presentation given by the Annexation Task Force

A. CONSENT:

- 1. Approval of the April 4, 2006, City Council meeting minutes.**
- 2. Historic District Commission:** A resolution confirming the Mayor's appointment of seven (7) members to the Historic District Commission.
- 3. MSI Consulting Group, LLC Lease:** A resolution approving two proposals in the amount of \$245,000.00 from MSI Consulting Group, LLC to lease a comprehensive case management system and to provide data conversion services for the Fayetteville District Court; and approving a budget adjustment in the amount of \$145,000.00.
- 4. U of A Technology Corridor Project:** A resolution expressing the willingness of City of Fayetteville to utilize Federal-Aid High Priority Project Funds for the U of A Technology Corridor Project.
- 5. Expressway Economic Corridor Project:** A resolution expressing the willingness of City of Fayetteville to utilize Federal-Aid High Priority Project Funds for the Expressway Economic Development Corridor Project.

6. **McClelland Consulting Engineers Task Order # 13:** A resolution approving Task Order No. 13 with McClelland Consulting Engineers in the amount of \$9,650.00 for design of the airfield striping plan, bidding services and project oversight at the Fayetteville Municipal Airport; and approving a Budget Adjustment recognizing \$85,000.00 in grant revenues.
7. **McClelland Consulting Engineers Task Order # 14:** A resolution approving Task Order No. 14 with McClelland Consulting Engineers in the amount of \$105,450.00 for design of two (2) corporate hangars, to provide bidding services and project oversight at the Fayetteville Municipal Airport; and approving a budget adjustment in the amount of \$015,450.00.

B. UNFINISHED BUSINESS:

1. **Amend §161.18 District C-3 Central Commercial:** An ordinance to amend §161.18 District C-3 Central Commercial of the Unified Development Code by including a new subsection (f) restricting height to six stories or 84 feet whichever is less; and amending Chapter 156: Variances. *This ordinance was left on the Second Reading at the April 18, 2006 City Council meeting.*
2. **Arbors at Springwoods Appeal:** An appeal of the Planning Commission's decision regarding a condition of approval for the Arbors at Springwoods Large Scale Development. *This item was Tabled at the April 18, 2006 City Council Meeting to the May 2, 2006 City Council Meeting.*
3. **Amend §166.03 Park Land Dedication:** An ordinance to amend §166.03 (K) Park Land Dedication of the Unified Development Code. *This ordinance was left on the First Reading at the April 18, 2006 City Council Meeting.*

C. PUBLIC HEARINGS

1. **Clean-up at 1079 Washington Avenue:** A resolution certifying to the Tax Collector of Washington County the costs of abating unsightly and unsanitary conditions upon the property located at 1079 South Washington Avenue in the City of Fayetteville, Arkansas.
2. **Clean-up at 4005 West 6th Street:** A resolution certifying to the Tax Collector of Washington County the costs of abating unsightly and unsanitary conditions upon the property located at 4005 West 6th Street in the City of Fayetteville, Arkansas.

D. NEW BUSINESS:

1. **Improvement District No. 15 - Stonebridge Meadows:** An ordinance to establish and lay off Fayetteville Municipal Property Owner's Improvement District No. 15- Stonebridge Meadows, Phases 4 and 5.
2. **Mayor's Veto of Portions of the Hillside Ordinance.**

3. **Amend Title XV of the UDC - Tree Preservation and Protection:** An ordinance amending Title XV: Unified Development Code to provide amendments to certain provisions concerning Tree Preservation and Protection.
4. **ANX 06-2006 Brown:** An ordinance annexing that property described in annexation petition ANX 06-2006 (CC2005-51), for property located east of Township Street, containing approximately 3.38 acres.
5. **RZN 06-2007 Brown:** An ordinance rezoning that property described in rezoning petition RZN 06-2007, for approximately 3.38 acres located east of Township Street, from R-A, Residential Agricultural to RSF-4, Residential Single Family, 4 units per acre.
6. **RZN 06-2008 CMN Business Park II, Phase III:** An ordinance rezoning that property described in rezoning petition RZN 06-2008, for approximately 53.93 acres, located at CMN Business Park II Phase III, northwest of Van Asche and Steele Boulevard, from R-O, Residential Office and C-1, Neighborhood Commercial to C-1, Neighborhood Commercial.
7. **R-PZD 06-1922 Scottswood Place:** An ordinance establishing a Residential Planned Zoning District Titled R-PZD 06-1922, Scottswood Place, located northeast of Old Farmington Road and One Mile Road, containing approximately 5.06 acres, more or less; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan.
8. **VAC 06-2044 Toyota of Fayetteville:** An ordinance approving VAC 06-2044 submitted by Bryan Smith for property located at 1352 west Showroom Drive, vacating a portion of the utility easement located within the subject property.
9. **Reserve, LLC:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with Reserve, LLC in the amount of \$70,793.00 for the upsizing of approximately 3,340 feet of 8" water main to 12" water main; and approving a contingency in the amount of \$10,600.00.
10. **Amend Chapter 50: Garbage and Trash:** An ordinance amending Chapter 50: Garbage and Trash, to eliminate the surcharge for solid waste service outside the city limits.

E. INFORMATIONAL:

City Council Tour: NONE



OPERATIONS DIRECTOR

TO: Mayor and City Council
FROM: Annexation Study Committee
DATE: May 2, 2006
RE: Report #1 Annexation Study Committee and Recommendation
Concerning West Fayetteville

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As the City Council is aware, the City of Farmington has been discussing annexation of a significant amount of land immediately west of the Fayetteville corporate boundary. In the published discussions of this annexation, the Farmington corporate limits would extend to Highway 16. If this were to occur, the City of Fayetteville would essentially become land-locked between Highway 62 and Highway 16.

There are potential implications if the City of Fayetteville were to become restricted in its ability to continue to grow and annex west along this corridor.

A Study Committee, comprised of one City Council Representative, Shirley Lucas, the Director of Operations, the City Engineer, the Water/Waste Water Director, and the Planning and Development Management Director, were charged with reviewing the implications of not annexing or annexing this area into the City of Fayetteville and reporting to the full Council within four weeks with a recommendation regarding any actions that the City of Fayetteville should undertake.

The Study Committee met numerous times during this four-week period and interviewed representatives of the Police Department and the Fire Department to gain an understanding of any operational issues that may arise with extending the city boundary in this area.

As the annexation discussions continued, it became apparent that there would be little impact upon any City service except for the provision of an adequate water supply for fire protection. The issue of water supply led to preliminary discussions with the Washington County Water Authority (WWA).

In the following section, the various issues are discussed in more detail.

DISCUSSION

Growth is occurring at the edges of Fayetteville and beyond. The attached aerial photography map from 2004 provides an indication of that development. Development has continued at a significant pace since the date of this photography, as any tour through the area will reveal. What is clear from the aerial photography is that the nearer to the City Limits of Fayetteville, the greater the density.

The traffic congestion causing concerns along the Hwy 16 corridor within the corporate limits of Fayetteville will not be affected by a decision to annex or not annex. Recent changes in the methods and techniques for treating liquid wastes from housing and commercial developments will create additional opportunities for urban density and intensity at any location throughout the County as long as a potable water supply is available.

The conversion of rural land to urban growth density and intensity will continue regardless of the actions of the City of Fayetteville. What the City can do, however, is begin a practice of providing opportunities that will encourage development within the City, in order to ensure that as growth occurs, it will provide the amenities and security of investment that only municipal regulation can provide.

These regulations include Land Use and Development Control through the Unified Development Ordinance:

- **Sign Ordinance**
- **Tree Ordinance**
- **Storm Water Ordinance**
- **Zoning**
- **Subdivision Regulation**
- **Fire and Police Impact Fees**
- **Park Fees / Land Dedication**
- **Commercial Design Standards**
- **Code Enforcement**

While no one desires regulation on their own property, most desire to have their neighbors' uses and activities controlled and regulated. In order to provide a rationale to accept the regulation and cost of regulation, the City provides a fully staffed fire service and police service. Additionally, in this area, the City can, in partnership with the Washington Water Authority, provide necessary water system fire flows, rather than the current water tanker system necessitated by the volume of water available through the rural water system. Other City services also become accessible such as sanitary sewer and municipal sanitation services, rather than septic systems and private trash haulers.

But the question is: what does the City gain and at what cost?

Gains.

- **Management and control of land use density and intensity**
- **Timing of development through zoning**
- **Increased environmental protection**
- **Compatibility in land use and development standards**
- **Less confusion for public safety – city police and fire**
- **Ability to plan and construct future city capital improvements**
- **Ability to require the same level of infrastructure improvements required for new development within these areas as required within the city**
- **Impact fees for fire, police, sewer, and parks**
- **Increased State of Arkansas street turn-back funds**

Costs

- **Incremental costs**
- **Increased service area and response times**
- **Cost of providing General Fund Services – Police, Fire, Code Compliance (additional area and population served at this time would not require additional equipment or staffing)**
- **Potential pressure control valve to WWA to provide fire flows**
- **Continuing cost of additional traffic entering the City**
- **Cost of converting WWA water usage billing for sewer billing**

The following City services (including but not limited to) will be available to the existing and future residences after annexation:

- **Trash service**
- **Police protection**
- **Fire protection (fire department, fire flows where available)**
- **Fire Department as first responders**
- **Sewer service if available- any extensions of public or private lines to serve these areas will be the responsibility of the property owner/developer**
- **Curbside recycling and yard waste pick up**
- **Water and sewer rates inside the city that are lower than rates outside the city**

RECOMMENDATION

1. Annex all areas south of Wedington between Broyles and Double Springs to the current Farmington City Limits (See Exhibit "A.").

- **This area contains approximately 517.21 acres**
- **There are 74 addressed structures**
- **The estimated population is approximately 152 people**
- **Of the addressed structures, 69 structures are on Fayetteville water.**
- **There are 5 miles of roads**

2. Annex all areas west of Double Springs 1320' west of Harmon Road including all of Forest Hills Subdivision and potentially south to Goose Creek (See Exhibit "B.").

- **This area contains approximately 1472.55 acres**
- **There are 359 addressed structures**
- **The estimated population is approximately 793 people**
- **Of the addressed structures, 15 structures are on Fayetteville water**
- **There are 8 miles of roads**

Arkansas State Code requires that the annexation of an area, which has not been submitted by petition, must be annexed through a voter referendum (See attached A.S.C. 14-40-303.). The Annexation Committee recommends that Fayetteville City Council annex these areas as soon as possible.

At the time of annexation, all property annexed is considered zoned R-A Residential Agricultural pursuant to § 161.01 of the Unified Development Ordinance.

BUDGET IMPACT

Property Tax. The current property tax millage impact of this annexation is an additional 2.1 mils. The County currently has 1 mill for the County library system and the City has 1 mil for the City Library. The impact to residences in the annexed areas would be an additional 2.1 mils. The current millage is .4 mil police pension, .4 mil fire pension, 1 mil City Library, 1.3 mils City General Fund.

- *For Example: Value – Your value is based on 20% of the market value of real estate (subject to limits of Amendment 79). If the fair market value of real estate is \$100,000, it will have a value of $20\% \times \$100,000 = \$20,000$. Multiply \$20,000 by the additional millage and this will equal your additional tax: (Source: Washington County, AR)*

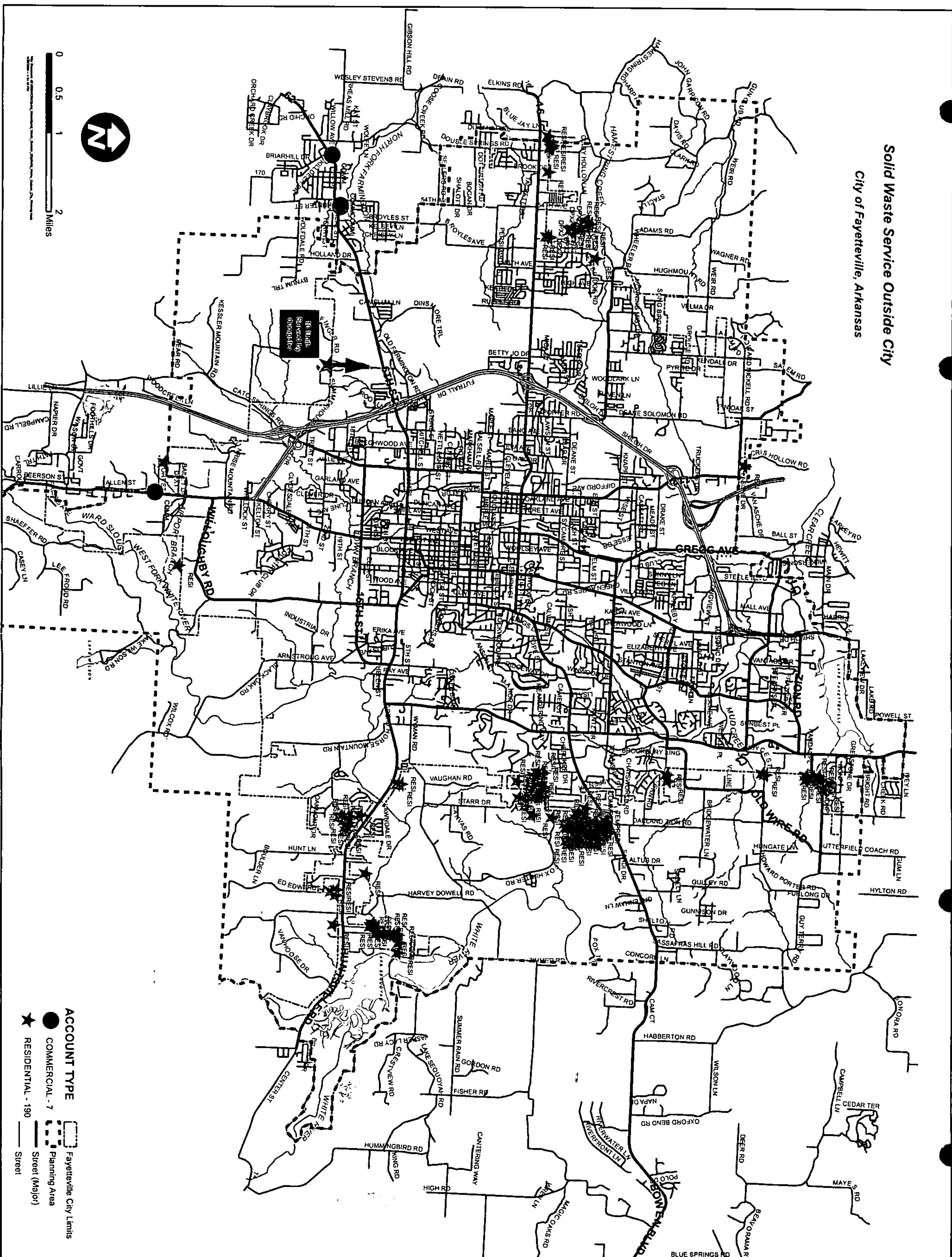
- 1 mil is 1/10 of one cent (\$.001)
- Additional 2.1 mils on a 100,000 home ($\$20,000 \times 0.0021 \text{ mils}$) = \$42.00

Sales Tax. The potential sales tax revenue is limited at this time due to limited commercial activity in the proposed annexed area. The annexation study committee has recommended that future commercial nodes be identified along the Wedington Corridor to capture future sales tax revenue with the proposed annexed area.

General Fund. No additional FTE's are anticipated at this time.

Enterprise Funds (Solid Waste, Water, Sewer, Street). An additional solid waste route would be generated with the 1,472.55 acre annexation and would require the purchase of 1 Truck and an additional 1 FTE. The current population in this area would utilize approximately 20% of the capacity of this vehicle and FTE. The estimated cost for the truck is \$200,000 and \$28,000/year for the FTE.

Solid Waste Service Outside City
City of Fayetteville, Arkansas



0 0.5 1 2
Miles



ACCOUNT TYPE
● COMMERCIAL - 7
★ RESIDENTIAL - 190
Fayetteville City Limits
Planning Area
Street (Major)
Street

A.7 Consent

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

Added at Agenda Session
McClelland Consulting
Engineers Task Order # 14
Page 1 of 24
RECEIVED
4/25/06 APR 20 2006
AIRPORT

2-May

City Council Meeting Date

Ray M. Boudreaux
Submitted By

Aviation & Economic Development
Division

General Government
Department

Action Required:

Approve Task Order #14 to Contract #917 McClelland Consulting Engineers, Inc., PO Box 1229, Fayetteville, AR, 72702-1229, Wayne Jones P.E., Vice President, 479-443-2377 office, 479-443-9241 fax, wjones@mccllelland-engrs.com, in the amount of \$105,450.

\$105,450.00

Cost of this request

5550.3960.5314.00

Account Number

Please Create Project #

Project Number

\$ -

Category/Project Budget

\$ -

Funds Used to Date

\$ -

Remaining Balance

Corporate Hangars (2)

Program Category / Project Name

Airport Capital Improvements

Program / Project Category Name

General Fund / Airport

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☒

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

4/30/2003

Original Contract Number:

917

City Attorney

Finance and Internal Service Director

Date

Received in City Clerk's Office

Received in Mayor's Office

Mayor

Date

Comments:

RESOLUTION NO. _____

A RESOLUTION APPROVING TASK ORDER NO. 14 WITH McCLELLAND CONSULTING ENGINEERS IN THE AMOUNT OF \$105,450.00 FOR DESIGN OF TWO (2) CORPORATE HANGARS, TO PROVIDE BIDDING SERVICES AND PROJECT OVERSIGHT AT THE FAYETTEVILLE MUNICIPAL AIRPORT; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$105,450.00.

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 Task Order No. 14 with McClelland Consulting Engineers in the amount of \$105,450.00 for design of two (2) corporate hangars, to provide bidding services and project oversight at the Fayetteville Municipal Airport. A copy of Task Order No. 14, 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 Budget Adjustment in the amount of \$105,450.00.

PASSED and APPROVED this 24th day of May, 2006.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

CITY COUNCIL AGENDA MEMO/STAFF CONTRACT REVIEW MEMO

TO: Mayor

THRU: Staff/Contract Review Committee

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

DATE: April 14, 2006

SUBJECT: Approve Task Order No. 14 with McClelland Consulting Engineers (MCE) for the design, bidding services and project management to construct two corporate hangars on the new West Side General Aviation Apron. Signature of the Mayor.

RECOMMENDATION: Approve Task Order No. 14 with MCE to design two corporate hangars, to provide bidding services and to oversee the project. Signature of the Mayor.

BACKGROUND: The Airport Board approved this Task Order No. 14 at their April 12, 2006 meeting. A Falcon Jet Maintenance Company, Phoenix Rising Aviation elected to move to Oklahoma to a larger hangar near their home. Spitfire Aviation had asked for the first option on any corporate hangar that might become available. When offered this building he took it. By the end of the week, we had three other offers for the property indicating, dramatically, the need for more corporate hangar buildings. In discussions with the Airport Board, the members unanimously agreed and directed staff to investigate the possibility of constructing hangars to lease to corporate and business aircraft owners and operators.

The Arkansas Department of Aeronautics has a program to match hangar construction and renovation projects that "accommodate aviation business and/or industry. The match is 50/50 up to \$250,000.00 per fiscal year. Once the letters of intent to lease the buildings are obtained and verified, we will apply to the State for the grants. The Arkansas Fiscal Year is July through June. We will apply for one grant in June and the second in July and build the hangars at the same time to hopefully get the very best possible price. No funds will be expended until we are able to find the match money for the State Grant program. The engineering estimate for construction of both buildings is \$1,200,000.00.

DISCUSSION: This Task Order No. 14 is for the design, bidding services and project management. MCE has a fee of less than 8% since we intend to use the same building design as we used for the U of A Hangar. The design will consist of very minor modifications with one building being reversed and site adaptation for both structures.

BUDGET IMPACT: Total Task Order No.14 is \$105,450.00

Attachments: Staff Contract Review Form
Task Order No. 14



A. 7
McClelland Consulting
Engineers Task Order # 14
Page 5 of 24
P.O. Box 1229

Fayetteville, Arkansas 72702-1229
479-443-2377
FAX 479-443-9241

April 12, 2006

RECEIVED
APR 12 2006
AIRPORT

Mr. Ray Boudreaux
Airport Manager,
Fayetteville Municipal Airport
4500 S. School Suite F
Fayetteville, AR 72701

Re: Proposed Task Order No. 14
Two Corporate Hangars
Fayetteville Municipal Airport

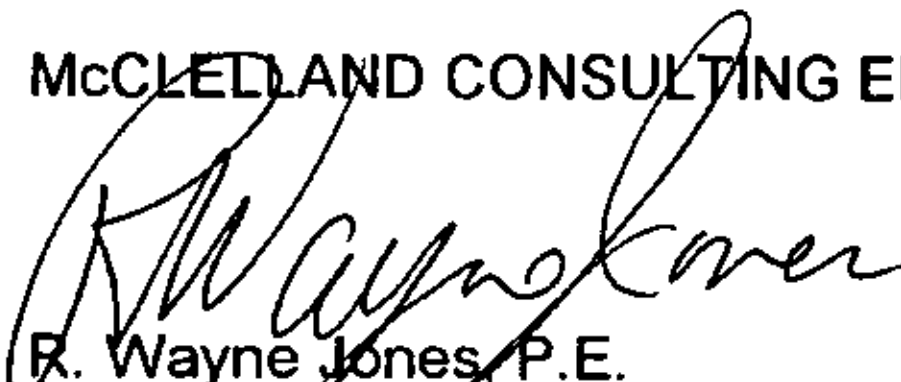
Dear Mr. Boudreaux:

In response to your request, please find three (3) copies of Task Order No. 14 for the two 80 ft. by 120 ft. Corporate Hangars.

Please advise if you need further information regarding this Task Order.

Sincerely,

McCLELLAND CONSULTING ENGINEERS, INC.



R. Wayne Jones, P.E.
Vice President

Enclosure: Task Order No. 14 (3 copies)

TASK ORDER NO. 14

COMMERCIAL HANGAR BUILDINGS

FAYETTEVILLE MUNICIPAL AIRPORT

STATE OF ARKANSAS

COUNTY OF WASHINGTON

This Task Order is written pursuant to the basic agreement entitled CITY OF FAYETTEVILLE, AGREEMENT FOR ENGINEERING SERVICES, executed on April 30, 2003, as amended. The referenced basic agreement pertains to proposed improvements to Drake Field, Fayetteville's Municipal Airport. This Task Order entered into and executed on the date indicated below the signature block, by and between the City of Fayetteville and McClelland Consulting Engineers (MCE) sets forth the project description, project schedule, and engineering fees related to Commercial Hangar Improvements at the Fayetteville Municipal Airport, Drake Field.

SECTION I - PROJECT DESCRIPTION

The project is to consist of: assistance in applying for state funding for the project; the preliminary and final engineering design for two (approximately 120' by 80') Corporate Aircraft Hangar Buildings to be located on the West Side GA Apron; preliminary and final cost estimates; meetings with the City's Airport Department and their Tenants to review various aspects of the project; and engineering services associated with detailed design, bidding, and construction administration/inspection.

SECTION II - PROJECT SCHEDULE

From the time the City of Fayetteville issues the Notice To Proceed (NTP), MCE will endeavor to execute the project as expeditiously as possible to enable the City of Fayetteville to solicit competitive bids for construction as soon as possible (approximately 3 months).

SECTION III - SCOPE OF SERVICES

MCE shall, generally, provide those services listed in the basic agreement which are applicable to this specific Task Order. Specifically, this project is likely to include:

- A. Assisting the City of Fayetteville in making application for a grant from the Arkansas Department of Aeronautics.
- B. Topographic Surveying.
- C. Performing preliminary engineering including Geotechnical Report.
- D. Formulating preliminary and final construction cost estimates and preparation of Large Scale Development Plan.
- E. Meeting with the City of Fayetteville and their Tenant to discuss design criteria, desired features, and schedule.
- F. Performing the detailed design of the construction project as determined by the City of Fayetteville and their Tenant.
- G. Advertising for competitive bids and recommending the award of a construction contract.
- H. Construction administration and inspection.
- I. Construction staking for a baseline and benchmark.
- J. Construction materials testing.

- K. Providing a set of "Record Drawings" at the completion of construction based upon the Contractor's mark-ups.

SECTION IV - FEES AND PAYMENTS

The following fees are to be paid to MCE as compensation for his services:

- | | | |
|--|---|-----------|
| A. Application to State: | a lump sum of | \$650. |
| B. Topographic Survey Update: | a lump sum of | \$950. |
| C. Geotechnical Investigation: | a lump sum of | \$3,500. |
| D. Preliminary Engineering & LSD: | a lump sum of | \$32,800. |
| E. Detailed Design: | a lump sum of | \$28,800. |
| F. Bidding Service: | a lump sum of | \$1,300. |
| G. Construction Administration & Inspection: | hourly rates, estimated to be | \$28,000. |
| H. Baseline & Benchmark Staking: | a lump sum of | \$950. |
| I. Construction materials testing: | hourly rates & unit prices, estimated to be | \$8,500. |

Appendices A, B, C, & D present hourly rates for personnel anticipated to be assigned to this project and the unit prices as well as the basis of payments to be made to the MCE.

SECTION V - BASIC AGREEMENT IN EFFECT:

Except as amended specifically herein, the basic AGREEMENT FOR ENGINEERING SERVICES shall remain in full force as originally approved and executed.

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: _____

Mayor

Attest: _____

Date: _____

FOR McCLELLAND CONSULTING ENGINEERS, INC.:

By: John C. Quinn 4-12-06

Attest: RW Wayne
President
Vice President

APPENDIX "A"
BASIS FOR PAYMENTS TO THE ENGINEER
 TASK ORDER NO. 14
 Two 80' BY 120' CORPORATE HANGARS
 FAYETTEVILLE MUNICIPAL AIRPORT

LINE	TASK DESCRIPTION	PROJECT DIRECTOR \$150.00	PROJECT MANAGER \$130.00	PROJECT ENGINEER \$100.00	ENGINEERING TECHNICIAN \$75.00	CADD OPER. 1 \$85.00	CADD OPER. 2 \$50.00	CADD OPER. 3 \$45.00	LICENSED SURVEYOR \$85.00	SURVEY CREW \$130.00	CLERK TYPIST \$45.00	INSPECTOR \$60.00	MILEAGE \$0.40	SUB.-CONS. FEE	DIRECT EXPENSE	EXTENDED TOTAL
A	APPLICATION TO STATE FOR FUNDING	0	2	1	0.5	0	3	0	0	0	2	0	0	\$0.00	\$12.50	\$650.00
B	SURVEYING															
	TOPOGRAPHIC SURVEY		1		3				2	3			30		\$23.00	\$950
C	GEOTECHNICAL INVESTIGATION		0.5												\$3,435.00	\$3,500
D	PRELIMINARY ENGINEERING															
	SCOPING MEETING	1	2													\$410.00
	PRELIMINARY LAYOUT		1	2			4									\$530.00
	DES. DEVEL.: DRAWING ORGANIZATION			2		4		2								\$550.00
	DES. DEVEL.: GRADING PLAN/SET ELEVATIONS		2	2	2	1	4									\$875.00
	DES. DEVEL.: DRAINAGE PLAN		2	2	4	1	4	6								\$1,295.00
	DES. DEVEL.: UTILITY PLAN/UTILITY SERVICES		2	4	4	2	8									\$1,190.00
	DES. DEVEL.: HANGAR PLAN/STRUCTURAL		2	4	4	2	6	8								\$1,385.00
	DES. DEVEL.: FLOOR/FOUNDATION PLAN		1	4	4	1	4	6								\$1,065.00
	DES. DEVEL.: ARSIDE ACCESS PLAN		12	2	2	1	4	2								\$2,115.00
	DES. DEVEL.: LANDSIDE ACCESS PLAN		2	4	4	2	8	4								\$1,370.00
	DES. DEVEL.: ELECTRICAL/MECHANICAL PLAN	1	2	2	4	4	4				2		30	\$9,000.00		\$10,172.00
	DES. DEVEL.: RESTROOM PLAN	1	4	4	4	4	4						50	\$1,500.00		\$3,050.00
	DES. DEVEL.: PREPARE LSD PLAN		4	4	16	12	24	16			8		30		\$150.00	\$6,142.00
	OUTLINE SPECIFICATIONS	1	1	4							4					\$710.00
	UPDATE COST ESTIMATE		1	4	2						2					\$770.00
	IN-HOUSE QA REVIEWS	1	2			2									\$56.00	\$596.00
	MEETING WITH OWNER	2	2	2							1		30		\$58.00	\$575.00
	SUBTOTAL, PRELIMINARY ENGINEERING	4	42	54	24	35	74	44	0	0	17	0	140	\$10,500.00	\$264.00	\$32,800.00
E	DETAILED PLANS															
	DETAIL DES.: DRAWING ORGANIZATION		1	2		2										\$460.00
	DETAIL DES.: GRADING PLAN & DETAILS		1	4			2	6								\$1,350.00
	DETAIL DES.: DRAINAGE PLAN & DETAILS		1	6	6		2									\$1,280.00
	DETAIL DES.: UTILITY PLAN & DETAILS		2	6		2	4	16								\$1,910.00
	DETAIL DES.: HANGAR PLAN & DETAILS		2	4	4	2	8	12								\$1,730.00
	DETAIL DES.: FLOOR/FOUNDATION PLAN		2	4		1	4	10								\$1,375.00
	DETAIL DES.: ARSIDE ACCESS PLAN DETAILS		1	4		1	2	4								\$875.00
	DETAIL DES.: LANDSIDE ACCESS PLAN DETAILS		2	10		1	4	4								\$1,705.00
	DETAIL DES.: ELECTRICAL PLAN & DETAILS		1	2	2	2	2				1		5	\$8,000.00		\$8,607.00
	DETAIL DES.: RESTROOM PLAN & DETAILS		2	4	4	2	4	4			1		10	\$850.00		\$2,069.00
	SPECIFICATIONS		2	24		2					16				\$200.00	\$3,580.00
	IN-HOUSE REVIEWS	2	2	3		2									\$35.00	\$1,025.00
	FINAL COST ESTIMATE		1	4	2						1		15		\$33.00	\$729.00
	REVIEW MEETING WITH OWNER		3	3			2								\$230.00	\$1,130.00
	REVISIONS TO PLANS & SPECS		1	2		1	2	8			1				\$250.00	\$250.00
	FINAL PLAN PRODUCTION		7	12	2	3	2	8	0	0	20	0	30	\$6,850.00	\$748.00	\$28,800.00
	SUBTOTAL, DETAILED DESIGN	2	7	12												
F	BIDDING	0	3	6	1	0	0	0	0	0	1	0	10	\$150.00	\$36.00	\$1,300.00
G	CONSTR. ADMIN. AND INSPECTION															
	CONSTR. ADMINISTRATION	1	10	30							7					\$4,765.00
	CONSTR. INSPECTION														\$75.00	\$23,235.00
	SUBTOTAL, CONSTRUCTION PHASE	1	10	30	0	0	0	0	0	0	7	386	0		\$75.00	\$28,000.00
H	CONSTRUCTION STAKING	0	0	0.5	0	0	0	0	1	6	0	0	10	\$0.00	\$31.00	\$950.00
I	CONSTRUCTION MTL'S TESTING (Estimated To Be)	0	1	3	0	0	0	0	0	0	0	0	0	\$0.00	\$0,070.00	\$8,500.00
																\$10,450.00
	GRAND TOTAL, ENGINEERING SERVICES	7	65	106.5	27.5	38	79	52	1	6	47	386	190	\$19,500.00	\$9,236.50	\$105,450.00

APPENDIX B
TASK ORDER NO. 14
Hourly Rates for Personnel
Fayetteville Municipal Airport

<u>CATEGORY</u>	<u>BILLABLE HOURLY RATE RANGE</u>
Project Director	\$135 to \$150
Project Manager	\$110 to \$130
Engineer III	\$90 to \$110
Engineer II	\$70 to \$90
Engineer I	\$50 to \$70
Registered Surveyor	\$60 to \$85
Computer Technician	\$50 to \$70
Senior Engineering Technician	\$65 to \$75
Engineering Technician	\$45 to \$65
Survey Crew (2 man)	\$120 to \$130
Clerical Support	\$35 to \$45
CADD Technician III	\$55 to \$65
CADD Technician II	\$45 to \$55
CADD Technician I	\$35 to \$45
Soils Lab Supervisor	\$45 to \$55
Soils Technician II	\$35 to \$45
Soils Technician I	\$30 to \$35

APPENDIX "C" **TASK ORDER NO. 14** **CONSTRUCTION MATERIALS LABORATORY** **FEE SCHEDULE**

GENERAL:

Laboratory Field Technician *	\$ 35.00 per hour
AHTD-Qualified Technician*	40.00 per hour
Engineering Technician *	45.00 per hour
Senior Engineering Technician	75.00 per hour
Lab Supervisor	55.00 per hour
Consultation:	
Lab Supervisor	55.00 per hour
Field Engineer	75.00 per hour
Project Engineer	85.00 per hour
Project Manager	110.00 per hour
Principal Engineer	130.00 per hour
Lab Report Preparation	35.00 per hour

SOILS:

AHTD-Qualified Field Technician	40.00 per hour
Soils Field Technician (1-hour minimum)	35.00 per hour
In-Place Compaction Test-Nuclear Gauge ASTM D 2922	
Sample Pickup	
Nuclear Density Gauge Fee (per project, per day)	15.00 each
Liquid Limit, Plastic Limit, Plasticity Index (3 point) ASTM D 4318	48.00 each
Sieve Analysis-Washed No. 200 (Wet) ASTM D 1140	35.00 per sieve
Sieve Analysis-Dry ASTM D 422	8.00 per sieve
Hydrometer Analysis ASTM D 422	90.00 each
Specific Gravity ASTM D 854	50.00 each
Soils Classification, Unified or AASHTO ASTM D 2487 or AASHTO M 145	110.00 each
Laboratory Maximum Compaction Test ASTM D 698 or AASHTO T 99	120.00 each
Laboratory Maximum Compaction Test ASTM D 1557 or AASHTO T 180	135.00 each
Potential Volume Change-Swell Pressure	100.00 each
California Bearing Ratio-CBR ASTM D 1883 (3 point) (Proctor curve additional)	150.00 each
Shrinkage ASTM D 427	50.00 each
Soil Bearing Capacity (Engineering Tech., 2-hour minimum)	45.00 per hour
Non-ASTM Procedures Available On Request	

CONCRETE:

Concrete Mix Design	Price on Request
Review Concrete Mix Design (Lab Supervisor)	55.00 per hour
Confirm Concrete Mix Design	Price on Request
Concrete Field Technician * (1-hour minimum): [For any of the following 6 items:]	35.00 per hour
• Unit Weight and Yield of Freshly Mixed Concrete ASTM C 138	
• Concrete Cylinder or Beam Molding ASTM C 31	
• Concrete Cylinder or Beam Pickup	
• Concrete Slump Test ASTM C 143	
Concrete Air Content Test ASTM C 231 or C 173	
• Cement Mortar or Group Sampling	
AHTD-Qualified Concrete Technician: [For any of the foregoing 6 items:]	40.00 per hour
Compressive Strength of Concrete Test Cylinders ASTM C 39 (pad cap)	10.00 each
Compressive Strength of Concrete Test Cylinders ASTM C 39 (sulfur capped)	15.00 each
Spare Cylinders Specimens Processed but not Tested	10.00 each
Schmidt Hammer Testing (Engineering Tech, 2-hour minimum)	45.00 per hour

* ACI Grade I Concrete Field Testing Technician

APPENDIX "C"
TASK ORDER NO. 14
CONSTRUCTION MATERIALS LABORATORY
FEE SCHEDULE

CONCRETE (Continued):

Flexural Strength of Concrete Beams ASTM C 78 or C 293	25.00 each
Spare Beam Specimens Processed but not Tested	20.00 each
Compressive Strength of Grout Cubes	20.00 each
Compressive Strength of Cement Mortar Cubes	15.00 each
Concrete Coring (3" or 4"):	
Core Machine & Lab Technician	65.00 per hour
Additional Lab Technician, as required	35.00 per hour
Compressive Strength of Concrete Cores (3" or 4")	30.00 each
Other Core Sizes	Price on Request
Aggregate Sieve Analysis:	
Dry Sieve ASTM C 136	8.00 each
Wet Sieve ASTM C 117	35.00 each
Fineness Modules	25.00 each
Decantation	30.00 each
Deleterious Materials	60.00 each
Specific Gravity and Absorption of Aggregate ASTM C 127 & C 128	85.00 each
Dry Rodded Unit Weight of Aggregate ASTM C 29	50.00 each
Sodium or Magnesium Sulfate Soundness (5 cycles) ASTM C 88	250.00 each
Additional Cycles	50.00 each

ASPHALT:

Asphalt Mix Design	Price on Request
Review Asphalt Mix Design (Lab Supervisor)	55.00 per hour
Asphalt Field Technician	
In-Place Compaction Test-Nuclear Gauge (Lab Technician)	35.00 per hour
Sample Pickup	35.00 per hour
Marshall Test including Stability, Flow, Laboratory Density, Percent Air Voids,	
Percent Voids in Mineral Aggregate (3 specimens per test)	225.00 each
Extraction including percent Bitumen and Aggregate Gradation	170.00 each
Laboratory Density of Cored Plugs including Depth Measurement	25.00 each
Asphalt Coring (3" or 4"):	
Core Machine & Lab Technician	65.00 per hour
Additional Lab Technician, if required	35.00 per hour
Sample Pickup	35.00 per hour

FIREPROOFING:

Unit Weight, Bonding Strength, Thickness and Sampling (actual time required for Lab Technicians)	35.00 per hour/Tech.
Report Preparation (Lab Supervisor)	45.00 per hour

STRUCTURAL STEEL:

Bolt Torque Testing: Lab Technician(s)	35.00 per hour
Field Engineer	85.00 per hour
Pneumatic Torque Wrench Calibration (twice per day)	50.00 each
Visual Weld Inspection Field Engineer	75.00 per hour

Services not Listed are Available on Request

APPENDIX "D"
TASK ORDER NO. 14
GEOTECHNICAL INVESTIGATION
TWO 80' BY 120' CORPORATE HANGARS
DRAKE FIELD, FAYETTEVILLE MUNICIPAL AIRPORT

April 25, 2003

Item No.	Item Description / ASTM Designation	Quantity	Units	Unit Price	Extended
1	Equipment Mobilization and Demobilization (\$2.10/mi each way)	1	LS	\$75.00	\$75.00
				<i>Subtotal</i>	\$75.00
2	Boring Layout	1	HR	\$60.00	\$60.00
	Boring Setup Charges	6	EA	\$35.00	\$210.00
				<i>Subtotal</i>	\$270.00
3	Soil Drilling and Sampling, ASTM D-1586 & ASTM D-1587 Soil Drilling in Apron Area (6 Borings - 15 feet max.)	150	LF	\$8.50	\$1,275.00
				<i>Subtotal</i>	\$1,275.00
4	Soil and Rock Laboratory Testing				
	ASTM D-2216, Moisture Content Determination	32	EA	\$10.00	\$320.00
	ASTM D-4318, Liquid and Plastic Limit of Soils	6	EA	\$55.00	\$330.00
	ASTM D-422, Gradation Analysis of Soils (6 Sieves)	6	EA	\$50.00	\$300.00
	ASTM D-2166, Dry Unit Weight of Soil Specimens	6	EA	\$10.00	\$60.00
	ASTM D-2166, Unconfined Compressive Strength of Soils	4	EA	\$40.00	\$160.00
				<i>Subtotal</i>	\$1,170.00
5	Geotechnical Engineering Report and Recommendations				
	Engineering Supervision (Project Manager)	2	HR	\$105.00	\$210.00
	Engineering Analysis & Recommendations (Project Engr.)	4	HR	\$75.00	\$300.00
	Boring Plot Log Preparation (Senior Draftsman)	2	HR	\$60.00	\$120.00
	Boring Plot Plan Preparation (Draftsman)	1	HR	\$45.00	\$45.00
	Report Preparation (Clerical)	1	HR	\$35.00	\$35.00
				<i>Subtotal</i>	\$710.00
	ESTIMATED GEOTECHNICAL INVESTIGATION				\$3,500.00

TASK ORDER NO. 14

COMMERCIAL HANGAR BUILDINGS

FAYETTEVILLE MUNICIPAL AIRPORT

STATE OF ARKANSAS

COUNTY OF WASHINGTON

This Task Order is written pursuant to the basic agreement entitled CITY OF FAYETTEVILLE, AGREEMENT FOR ENGINEERING SERVICES, executed on April 30, 2003, as amended. The referenced basic agreement pertains to proposed improvements to Drake Field, Fayetteville's Municipal Airport. This Task Order entered into and executed on the date indicated below the signature block, by and between the City of Fayetteville and McClelland Consulting Engineers (MCE) sets forth the project description, project schedule, and engineering fees related to Commercial Hangar Improvements at the Fayetteville Municipal Airport, Drake Field.

SECTION I - PROJECT DESCRIPTION

The project is to consist of: assistance in applying for state funding for the project; the preliminary and final engineering design for two (approximately 120' by 80') Corporate Aircraft Hangar Buildings to be located on the West Side GA Apron; preliminary and final cost estimates; meetings with the City's Airport Department and their Tenants to review various aspects of the project; and engineering services associated with detailed design, bidding, and construction administration/inspection.

SECTION II - PROJECT SCHEDULE

From the time the City of Fayetteville issues the Notice To Proceed (NTP), MCE will endeavor to execute the project as expeditiously as possible to enable the City of Fayetteville to solicit competitive bids for construction as soon as possible (approximately 3 months).

SECTION III - SCOPE OF SERVICES

MCE shall, generally, provide those services listed in the basic agreement which are applicable to this specific Task Order. Specifically, this project is likely to include:

- A. Assisting the City of Fayetteville in making application for a grant from the Arkansas Department of Aeronautics.
- B. Topographic Surveying.
- C. Performing preliminary engineering including Geotechnical Report.
- D. Formulating preliminary and final construction cost estimates and preparation of Large Scale Development Plan.
- E. Meeting with the City of Fayetteville and their Tenant to discuss design criteria, desired features, and schedule.
- F. Performing the detailed design of the construction project as determined by the City of Fayetteville and their Tenant.
- G. Advertising for competitive bids and recommending the award of a construction contract.
- H. Construction administration and inspection.
- I. Construction staking for a baseline and benchmark.
- J. Construction materials testing.

- K. Providing a set of "Record Drawings" at the completion of construction based upon the Contractor's mark-ups.

SECTION IV - FEES AND PAYMENTS

The following fees are to be paid to MCE as compensation for his services:

- | | | |
|--|---|-----------|
| A. Application to State: | a lump sum of | \$650. |
| B. Topographic Survey Update: | a lump sum of | \$950. |
| C. Geotechnical Investigation: | a lump sum of | \$3,500. |
| D. Preliminary Engineering & LSD: | a lump sum of | \$32,800. |
| E. Detailed Design: | a lump sum of | \$28,800. |
| F. Bidding Service: | a lump sum of | \$1,300. |
| G. Construction Administration & Inspection: | hourly rates, estimated to be | \$28,000. |
| H. Baseline & Benchmark Staking: | a lump sum of | \$950. |
| I. Construction materials testing: | hourly rates & unit prices, estimated to be | \$8,500. |

Appendices A, B, C, & D present hourly rates for personnel anticipated to be assigned to this project and the unit prices as well as the basis of payments to be made to the MCE.

SECTION V - BASIC AGREEMENT IN EFFECT:

Except as amended specifically herein, the basic AGREEMENT FOR ENGINEERING SERVICES shall remain in full force as originally approved and executed.

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: _____

Mayor

Attest: _____

Date: _____

FOR McCLELLAND CONSULTING ENGINEERS, INC.:

By: _____ *John C. Quinn* *4-12-06*

President

Attest: _____ *R. Wayne Jones*

Vice President

APPENDIX "A"
BASIS FOR PAYMENTS TO THE ENGINEER
 TASK ORDER NO. 14
 TWO 80' BY 120' CORPORATE HANGARS
 FAYETTEVILLE MUNICIPAL AIRPORT

LINE	TASK DESCRIPTION	PROJECT DIRECTOR \$150.00	PROJECT MANAGER \$130.00	PROJECT ENGINEER \$100.00	ENGINEERING TECHNICIAN \$75.00	CADD OPER. 1 \$65.00	CADD OPER. 2 \$50.00	CADD OPER. 3 \$45.00	LICENSED SURVEYOR \$85.00	SURVEY CREW \$130.00	CLERK TYPIST \$45.00	INSPECTOR \$60.00	MILEAGE \$0.40	SUB-CONS. FEE	DIRECT EXPENSE	EXTENDED TOTAL
A	APPLICATION TO STATE FOR FUNDING	0	2	1	0.5	0	3	0	0	0	2	0	0	\$0.00	\$12.50	\$650.00
B	SURVEYING															
	TOPOGRAPHIC SURVEY		1		3				2	3			30		\$23.00	\$950
C	GEOTECHNICAL INVESTIGATION		0.5												\$3,435.00	\$3,500
D	PRELIMINARY ENGINEERING															
	SCOPING MEETING	1	2													\$410.00
	PRELIMINARY LAYOUT		1	2			4		2							\$530.00
	DES. DEVEL.: DRAWING ORGANIZATION			2		4										\$550.00
	DES. DEVEL.: GRADING PLAN/SET ELEVATIONS		2	2	2	1	4									\$875.00
	DES. DEVEL.: DRAINAGE PLAN		2	2	4	1	4	6								\$1,295.00
	DES. DEVEL.: UTILITY PLAN/UTILITY SERVICES		2	4		2	8									\$1,190.00
	DES. DEVEL.: HANGAR PLAN/STRUCTURAL		2	4		1	6	8								\$1,385.00
	DES. DEVEL.: FLOOR/FOUNDATION PLAN		1	4		1	4	6								\$1,065.00
	DES. DEVEL.: AIRSIDE ACCESS PLAN		12	2	2	1	4	2								\$2,115.00
	DES. DEVEL.: LANDSIDE ACCESS PLAN		2	2	4	2	8	4								\$1,370.00
	DES. DEVEL.: ELECTRICAL/MECHANICAL PLAN	1	2	2	2	4	4				2		30	\$9,000.00		\$10,172.00
	DES. DEVEL.: RESTROOM PLAN	1	4	4	16	4	4	16			8		50	\$1,500.00	\$150.00	\$3,050.00
	DES. DEVEL.: PREPARE LSD PLAN		4	4		4	4				4		30			\$6,142.00
	OUTLINE SPECIFICATIONS		1	4							2					\$710.00
	UPDATE COST ESTIMATE		1	4	2						2					\$770.00
	IN-HOUSE QA REVIEWS	1	2			2									\$58.00	\$596.00
	MEETING WITH OWNER	2	2	2	24	35	74	44	0	0	17	0	140	\$10,500.00	\$58.00	\$575.00
	SUBTOTAL, PRELIMINARY ENGINEERING	4	42	54											\$264.00	\$32,600.00
E	DETAILED PLANS															
	DETAIL DES.: DRAWING ORGANIZATION		1	2		2										\$460.00
	DETAIL DES.: GRADING PLAN & DETAILS		1	4	6	2	2	6								\$1,350.00
	DETAIL DES.: DRAINAGE PLAN & DETAILS		1	6	6	2	2									\$1,280.00
	DETAIL DES.: UTILITY PLAN & DETAILS		2	6		2	4	16								\$1,910.00
	DETAIL DES.: HANGAR PLAN & DETAILS		2	4	4	2	8	12								\$1,730.00
	DETAIL DES.: FLOOR/FOUNDATION PLAN		2	4	4	1	4	10								\$1,375.00
	DETAIL DES.: AIRSIDE ACCESS PLAN DETAILS		1	4		1	2	4								\$875.00
	DETAIL DES.: LANDSIDE ACCESS PLAN DETAILS		2	10	4	1	4	4								\$1,705.00
	DETAIL DES.: ELECTRICAL PLAN & DETAILS		2	2	2	2	2	4			1		5	\$8,000.00		\$8,607.00
	DETAIL DES.: RESTROOM PLAN & DETAILS		2	4	4	2	4	4			1		10	\$850.00		\$2,069.00
	SPECIFICATIONS		2	24							16				\$200.00	\$3,580.00
	IN-HOUSE REVIEWS	2	2	3		2									\$35.00	\$1,025.00
	FINAL COST ESTIMATE		1	4	2						1					\$725.00
	REVIEW MEETING WITH OWNER		3	3											\$33.00	\$729.00
	REVISIONS TO PLANS & SPECS		1	2		1	2	8			1				\$230.00	\$1,130.00
	FINAL PLAN PRODUCTION														\$250.00	\$250.00
	SUBTOTAL, DETAILED DESIGN	2	7	12	2	3	2	8	0	0	20	0	30	\$8,850.00	\$748.00	\$28,800.00
F	BIDDING															
		0	3	6	1	0	0	0	0	0	1	0	10	\$150.00	\$36.00	\$1,300.00
G	CONSTR. ADMIN. AND INSPECTION															
	CONSTR. ADMINISTRATION	1	10	30							7					\$4,765.00
	CONSTR. INSPECTION											386			\$75.00	\$23,235.00
	SUBTOTAL, CONSTRUCTION PHASE	1	10	30	0	0	0	0	0	0	7	386	0		\$75.00	\$28,000.00
H	CONSTRUCTION STAKING															
		0	0	0.5	0	0	0	0	1	6	0	0	10	\$0.00	\$31.00	\$990.00
I	CONSTRUCTION MTL'S TESTING (Estimated To Be)															
		0	1	3	0	0	0	0	0	0	0	0	0	\$0.00	\$9,070.00	\$8,500.00
																\$105,452.00
	GRAND TOTAL, ENGINEERING SERVICES	7	65	106.5	27.5	38	79	52	1	6	47	386	190	\$19,500.00	\$9,236.50	\$105,452.00

McClelland Consulting
 A. 7

APPENDIX B
TASK ORDER NO. 14
Hourly Rates for Personnel
Fayetteville Municipal Airport

<u>CATEGORY</u>	<u>BILLABLE HOURLY RATE RANGE</u>
Project Director	\$135 to \$150
Project Manager	\$110 to \$130
Engineer III	\$90 to \$110
Engineer II	\$70 to \$90
Engineer I	\$50 to \$70
Registered Surveyor	\$60 to \$85
Computer Technician	\$50 to \$70
Senior Engineering Technician	\$65 to \$75
Engineering Technician	\$45 to \$65
Survey Crew (2 man)	\$120 to \$130
Clerical Support	\$35 to \$45
CADD Technician III	\$55 to \$65
CADD Technician II	\$45 to \$55
CADD Technician I	\$35 to \$45
Soils Lab Supervisor	\$45 to \$55
Soils Technician II	\$35 to \$45
Soils Technician I	\$30 to \$35

APPENDIX "C" **TASK ORDER NO. 14** **CONSTRUCTION MATERIALS LABORATORY** **FEE SCHEDULE**

GENERAL:

Laboratory Field Technician *	\$ 35.00 per hour
AHTD-Qualified Technician*	40.00 per hour
Engineering Technician *	45.00 per hour
Senior Engineering Technician	75.00 per hour
Lab Supervisor	55.00 per hour
Consultation:	
Lab Supervisor	55.00 per hour
Field Engineer	75.00 per hour
Project Engineer	85.00 per hour
Project Manager	110.00 per hour
Principal Engineer	130.00 per hour
Lab Report Preparation	35.00 per hour

SOILS:

AHTD-Qualified Field Technician	40.00 per hour
Soils Field Technician (1-hour minimum)	35.00 per hour
In-Place Compaction Test-Nuclear Gauge ASTM D 2922	
Sample Pickup	
Nuclear Density Gauge Fee (per project, per day)	15.00 each
Liquid Limit, Plastic Limit, Plasticity Index (3 point) ASTM D 4318	48.00 each
Sieve Analysis-Washed No. 200 (Wet) ASTM D 1140	35.00 per sieve
Sieve Analysis-Dry ASTM D 422	8.00 per sieve
Hydrometer Analysis ASTM D 422	90.00 each
Specific Gravity ASTM D 854	50.00 each
Soils Classification, Unified or AASHTO ASTM D 2487 or AASHTO M 145	110.00 each
Laboratory Maximum Compaction Test ASTM D 698 or AASHTO T 99	120.00 each
Laboratory Maximum Compaction Test ASTM D 1557 or AASHTO T 180	135.00 each
Potential Volume Change-Swell Pressure	100.00 each
California Bearing Ratio-CBR ASTM D 1883 (3 point) (Proctor curve additional)	150.00 each
Shrinkage ASTM D 427	50.00 each
Soil Bearing Capacity (Engineering Tech., 2-hour minimum)	45.00 per hour
Non-ASTM Procedures Available On Request	

CONCRETE:

Concrete Mix Design	Price on Request
Review Concrete Mix Design (Lab Supervisor)	55.00 per hour
Confirm Concrete Mix Design	Price on Request
Concrete Field Technician * (1-hour minimum): [For any of the following 6 items:]	35.00 per hour
• Unit Weight and Yield of Freshly Mixed Concrete ASTM C 138	
• Concrete Cylinder or Beam Molding ASTM C 31	
• Concrete Cylinder or Beam Pickup	
• Concrete Slump Test ASTM C 143	
Concrete Air Content Test ASTM C 231 or C 173	
• Cement Mortar or Group Sampling	
AHTD-Qualified Concrete Technician: [For any of the foregoing 6 items:]	40.00 per hour
Compressive Strength of Concrete Test Cylinders ASTM C 39 (pad cap)	10.00 each
Compressive Strength of Concrete Test Cylinders ASTM C 39 (sulfur capped)	15.00 each
Spare Cylinders Specimens Processed but not Tested	10.00 each
Schmidt Hammer Testing (Engineering Tech, 2-hour minimum)	45.00 per hour

* ACI Grade I Concrete Field Testing Technician

APPENDIX "C" **TASK ORDER NO. 14** **CONSTRUCTION MATERIALS LABORATORY** **FEE SCHEDULE**

CONCRETE (Continued):

Flexural Strength of Concrete Beams ASTM C 78 or C 293	25.00 each
Spare Beam Specimens Processed but not Tested	20.00 each
Compressive Strength of Grout Cubes	20.00 each
Compressive Strength of Cement Mortar Cubes	15.00 each
Concrete Coring (3" or 4"):	
Core Machine & Lab Technician	65.00 per hour
Additional Lab Technician, as required	35.00 per hour
Compressive Strength of Concrete Cores (3" or 4")	30.00 each
Other Core Sizes	Price on Request
Aggregate Sieve Analysis:	
Dry Sieve ASTM C 136	8.00 each
Wet Sieve ASTM C 117	35.00 each
Fineness Modules	25.00 each
Decantation	30.00 each
Deleterious Materials	60.00 each
Specific Gravity and Absorption of Aggregate ASTM C 127 & C 128	85.00 each
Dry Rodded Unit Weight of Aggregate ASTM C 29	50.00 each
Sodium or Magnesium Sulfate Soundness (5 cycles) ASTM C 88	250.00 each
Additional Cycles	50.00 each

ASPHALT:

Asphalt Mix Design	Price on Request
Review Asphalt Mix Design (Lab Supervisor)	55.00 per hour
Asphalt Field Technician	
In-Place Compaction Test-Nuclear Gauge (Lab Technician)	35.00 per hour
Sample Pickup	35.00 per hour
Marshall Test including Stability, Flow, Laboratory Density, Percent Air Voids,	
Percent Voids in Mineral Aggregate (3 specimens per test)	225.00 each
Extraction including percent Bitumen and Aggregate Gradation	170.00 each
Laboratory Density of Cored Plugs including Depth Measurement	25.00 each
Asphalt Coring (3" or 4"):	
Core Machine & Lab Technician	65.00 per hour
Additional Lab Technician, if required	35.00 per hour
Sample Pickup	35.00 per hour

FIREPROOFING:

Unit Weight, Bonding Strength, Thickness and Sampling	
(actual time required for Lab Technicians)	35.00 per hour/Tech.
Report Preparation (Lab Supervisor)	45.00 per hour

STRUCTURAL STEEL:

Bolt Torque Testing: Lab Technician(s)	35.00 per hour
Field Engineer	85.00 per hour
Pneumatic Torque Wrench Calibration (twice per day)	50.00 each
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Services not Listed are Available on Request

APPENDIX "D"
TASK ORDER NO. 14
GEOTECHNICAL INVESTIGATION
TWO 80' BY 120' CORPORATE HANGARS
DRAKE FIELD, FAYETTEVILLE MUNICIPAL AIRPORT

April 25, 2003

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	Boring Setup Charges	6	EA	\$35.00	\$210.00
				<i>Subtotal</i>	\$270.00
3	Soil Drilling and Sampling, ASTM D-1586 & ASTM D-1587 Soil Drilling in Apron Area (6 Borings - 15 feet max.)	150	LF	\$8.50	\$1,275.00
				<i>Subtotal</i>	\$1,275.00
4	Soil and Rock Laboratory Testing				
	ASTM D-2216, Moisture Content Determination	32	EA	\$10.00	\$320.00
	ASTM D-4318, Liquid and Plastic Limit of Soils	6	EA	\$55.00	\$330.00
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	ASTM D-2166, Dry Unit Weight of Soil Specimens	6	EA	\$10.00	\$60.00
	ASTM D-2166, Unconfined Compressive Strength of Soils	4	EA	\$40.00	\$160.00
				<i>Subtotal</i>	\$1,170.00
5	Geotechnical Engineering Report and Recommendations				
	Engineering Supervision (Project Manager)	2	HR	\$105.00	\$210.00
	Engineering Analysis & Recommendations (Project Engr.)	4	HR	\$75.00	\$300.00
	Boring Plot Log Preparation (Senior Draftsman)	2	HR	\$60.00	\$120.00
	Boring Plot Plan Preparation (Draftsman)	1	HR	\$45.00	\$45.00
	Report Preparation (Clerical)	1	HR	\$35.00	\$35.00
				<i>Subtotal</i>	\$710.00
	ESTIMATED GEOTECHNICAL INVESTIGATION				\$3,500.00



Mayors Veto
Agenda Item

D.2, New Business

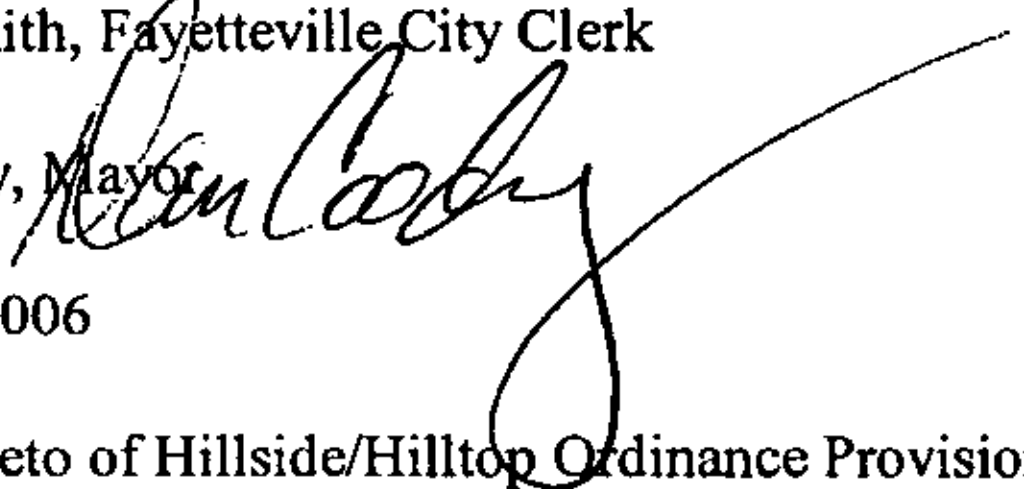
D. 2
Mayor's Veto of Portions of
the Hillside Ordinance
Page 1 of 26

RECEIVED

APR 24 2006

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

DEPARTMENTAL CORRESPONDENCE

To: Sondra Smith, Fayetteville City Clerk
From: Dan Coody, Mayor 
Date: April 24, 2006
Subject: Mayoral Veto of Hillside/Hilltop Ordinance Provisions

Pursuant to my authority as Mayor of the City of Fayetteville, I hereby exercise the Mayor's power to veto subsection (b) *Design requirements for buildings located in the Hillside/Hilltop Overlay District* of Ordinance No. 4855 otherwise known as the Hillside/Hilltop Ordinance.

The attached memo to the Fayetteville City Council dated April 21, 2006 outlines my reasons for this veto.

Please cause this exercise of the veto power of the Mayor to be laid before the next regular meeting of the Fayetteville City Council as required by law.

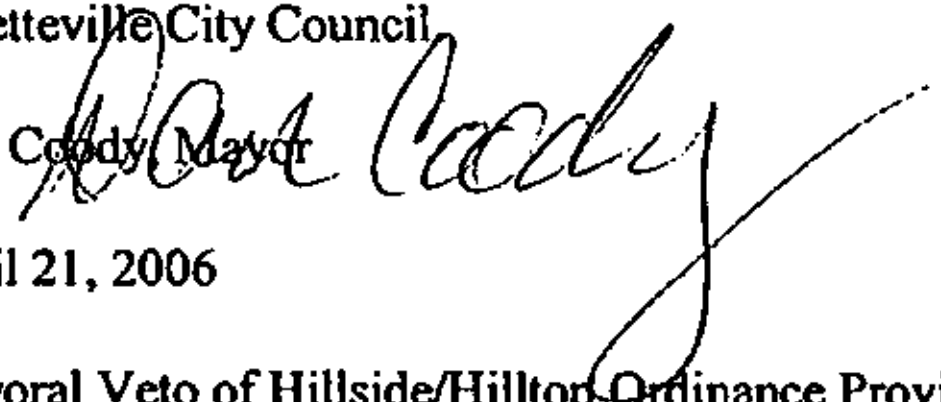
Thank you for your assistance.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

D. 2
Mayor's Veto of Portions of
the Hillside Ordinance
Page 2 of 26

Departmental Correspondence

TO: Fayetteville City Council
FROM: Dan Coody, Mayor 
DATE: April 21, 2006
SUBJECT: Mayoral Veto of Hillside/Hilltop Ordinance Provisions

On March 3, 2006 you received a memorandum from City Attorney Kit Williams and me that proposed various amendments and clarifications to the Hillside/Hilltop Ordinance that would, "make the ordinance more legally defensible, clear up ambiguities, encourage PZD development on hillsides, and remove restrictions on homeowners (not home builders)" (memo attached). On Tuesday April 18, 2006 Council passed the Hillside/Hilltop Ordinance which is overall a very good ordinance that takes significant steps to preserve and protect our natural resources. However, there are a couple of provisions which are contrary to the public interest and therefore require me to exercise my veto power to strike language out of two of these provisions.

First, I must veto a part of Exhibit "F" adopted by Section 6 of the Ordinance. I veto the proposed new subsection (b) *Design requirements for buildings located in the Hillside/Hilltop Overlay District*. A review of two maps provided to you prior to passage of the ordinance (both attached) shows two things. First, there is a large portion of our City that has poor soil suitability, and the poor soil is not restricted to our hillsides and hilltops. Further, our research on local foundation problems indicates that foundation problems are also not limited to hillsides and hilltops. If the Council intends to address soil suitability and increase requirements for foundations, the City Council should examine and address these issues citywide. It is in the public interest to take a citywide rather than localized review of the current problem and provide a measured response after careful analysis.

Vetoed Language

§173.02 (B)(2)(b) Design requirements for buildings located in the Hillside/Hilltop Overlay District. A builder of a single family residence, duplex or other residential, commercial or institutional structure not within a preliminary plat or large scale development that has conducted a Geo Technical analysis of the soil and subsoils shall conduct his own Geo Technical analysis of the soils and subsoils and if necessary have the foundation plans designed, approved and sealed by a professional engineer or architect. Accessory structures are exempt from this foundation requirement.

One of the most valuable aspects of the new ordinance is the extension of the tree preservation requirements to home construction. However, Council should note that the unnecessary tree damage and removal during the construction process is a citywide issue, and our efforts to protect trees during construction should not be limited to hillsides/hilltops. While I fully support the change in the ordinance to apply tree preservation requirements to house construction, I do not support the provision that extends these restrictions to individual homeowners. This restriction is not needed, and it is not in the public interest. When we look around our community, we see trees everywhere not because of tree preservation zones on homeowners' lots, but because our homeowners have voluntarily planted, enjoyed and nurtured their trees for decades. To hold homeowners accountable to a tree preservation policy when those homeowners are not presenting a problem for the City is

overstepping our role as a municipal government and is overly restrictive, and ultimately unfair, to homeowners. Therefore, I veto the following sections of Exhibit "B" of the ordinance: §167.04 (F)(3)(b) and §167.04 (L).

Vetoed Full Section

§167.04 (F)(3)(b) Property owners of parcels or lots located in the Hillside/Hilltop Overlay District shall have the ability to do selective thinning, without the use of off-road equipment, of up to 15% of the tree preservation zone as long as it does not disrupt the overhead tree canopy. No removal of significant trees, as defined by the Landscape Manual, within the tree preservation zone is allowed.

Vetoed Language in strikethrough

§167.04 (L) In order to ensure that an applicant's heirs, successors, assigns, or any subsequent purchasers of the subject property are put on notice as to the existence and extent of an approved tree preservation plan, tree preservation areas shall be clearly depicted on the easement plats for large scale developments and the final plats for nonresidential subdivisions. This shall be accompanied by a narrative statement describing the nature of the protection afforded, and bearing the signature of the landscape administrator. Lots in residential subdivisions are expressly exempt from these requirements ~~unless they are located in the Hillside/Hilltop Overlay District~~. If it is impractical to include the actual depiction of the canopy to be preserved on the easement plat, or final plat itself, a note cross referencing an accompanying document shall suffice.

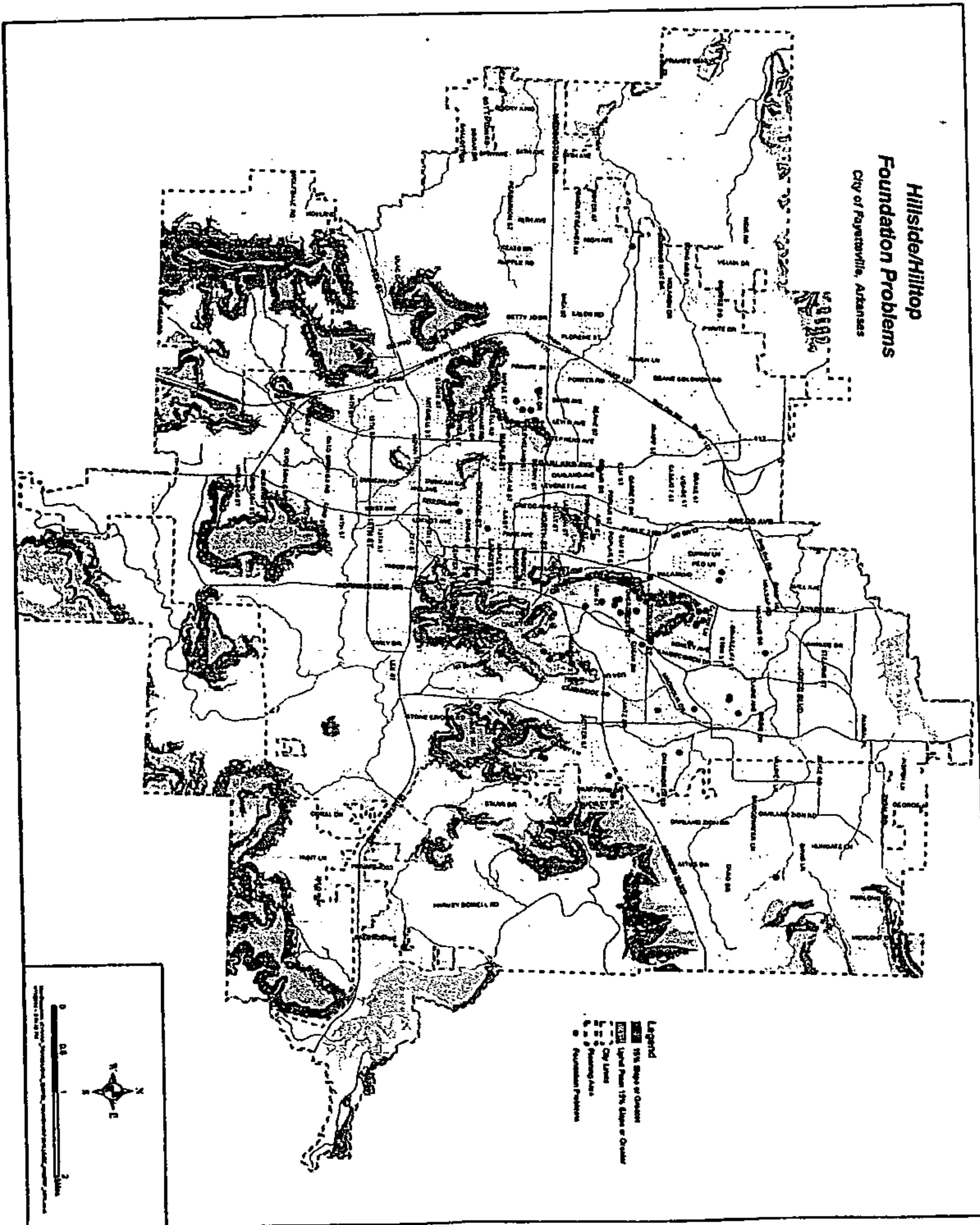
The veto for §167.04 (L) only removed the "unless they are located in the Hillside/Hilltop Overlay District" language. Therefore the remainder of §167.04 (L) remains in full force and effect.

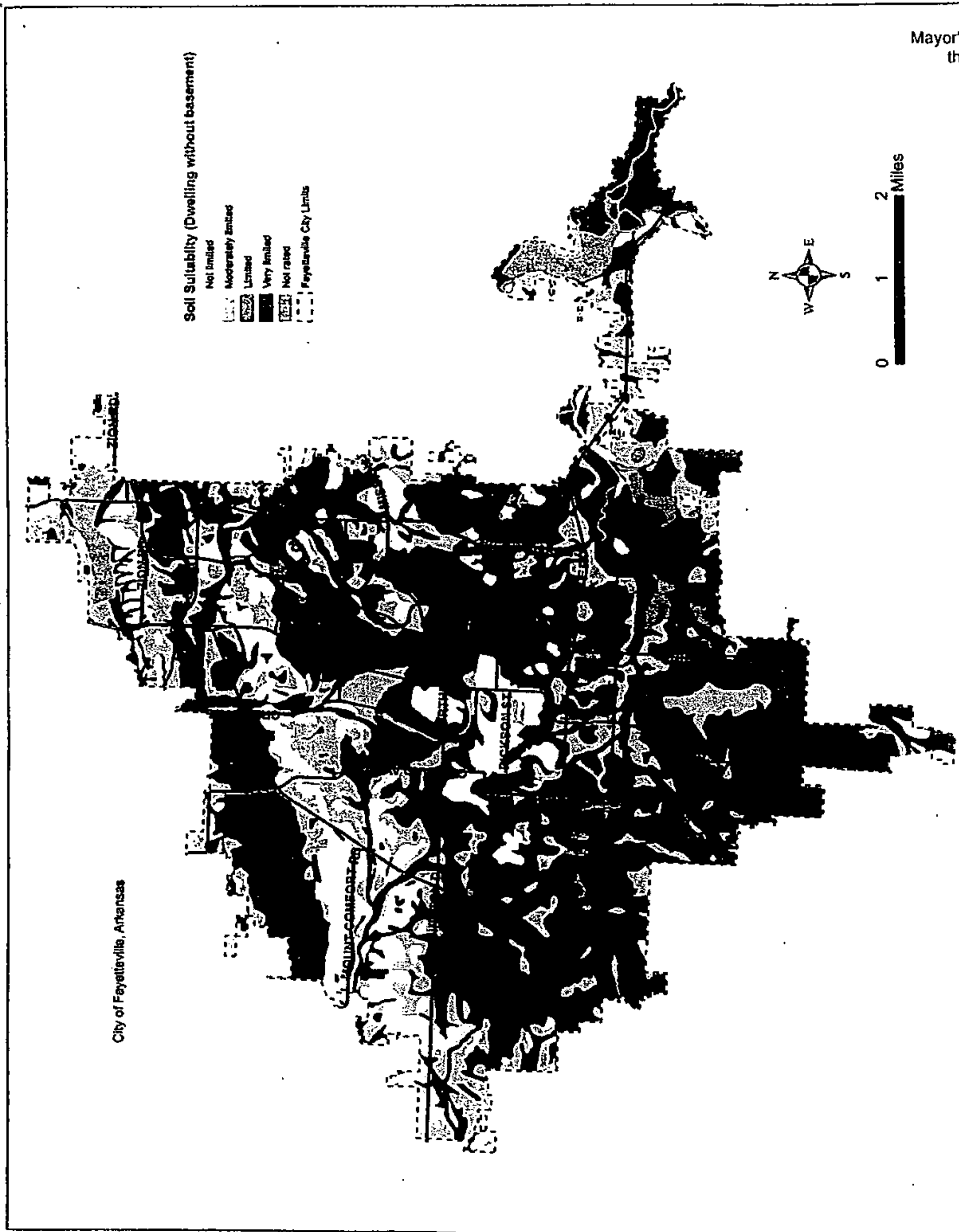
I strongly reiterate our earlier recommendation to the City Council that it adopt the language we proposed on March 3, 2006, to replace the now vetoed §167.04 (F)(3)(b). This proposed language will ensure clarity that the tree preservation area remains viable and protected until the homeowner receives a certificate of occupancy.

Recommended Language

§167.04 (F)(3)(b) Once the City issues a certificate of occupancy to the home owner, individual lot tree preservation areas are not binding upon such homeowner. However, the permanent tree easements established for cluster development shall remain enforceable by the City.

I have signed the Hillside/Hilltop Preservation and Protection Ordinance with the veto sections removed.

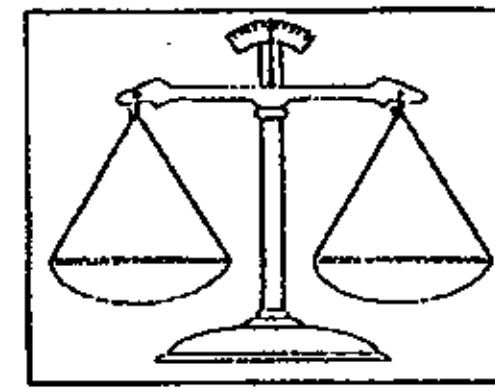




FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY
DAVID WHITAKER, ASST. CITY ATTORNEY



LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: City Council

THROUGH: Mayor Cooder

FROM: Kit Williams, City Attorney

DATE: March 3, 2006

RE: Possible amendments to Hillside Ordinance

Attached please find the Hillside Ordinance with possible amendments that would make the ordinance more legally defensible, clear up ambiguities, encourage PZD development on hillsides, and remove restrictions on home buyers (not home builders).

Proposed Amendments and Clarifications

(1) Title and Whereas Clauses

Amended to make consistent and clear that the Hillside Best Practices Manual is a GUIDE (like the 2020 Plan) rather than an ordinance requirement.

(2) Hillside Overlay District definition

Although "Hilltop" had been defined in the ordinance, it was never again mentioned throughout the ordinance. "Hilltop" was not included within the definition of "Hillside Overlay District". I do not think any regulation of hilltops exists as the ordinance is currently written. Since I am concerned that a Court could reject treating and regulating relatively level land as if it were steep simply because it is near or above steep land, the lack of "Hilltop" regulation in the current ordinance is a legal plus.

However, I know the intent of the Planning Commission (on a 5 to 4 vote) and the Ordinance Review Committee was to regulate "Hilltops". Therefore, I have redrafted Hillside Overlay District definition to include "the adjoining land uphill from the 15% slope that contains at least 8% slope as shown on the Hillside Overlay District map." This language mirrors the language further in the definition that would allow an owner of a parcel within the Hillside Overlay District with an average slope of less than 8% to opt

out of the District. However, if the developer or builder wanted to take advantage of the reduced street widths, right of ways, setbacks, lot widths, bulk and area requirements, etc. of the Hillside Ordinance, the developer/builder could not exempt the less than 8% slope land from the District. The new definition of Hillside Overlay district clearly requires that a land owner with fairly level land must abide by all terms of the ordinance or not to receive any of its beneficial aspects.

This voluntary inclusion by the landowner/developer in order to use more appropriate (and less expensive) hillside development practices removes the legal problems of forcing an owner of relatively level lands to follow all hillside regulations. When the remainder of the ordinance and exhibits refer to lands within the Hillside Overlay District, any land which has been exempted by its owner because it is less than 8% slope shall be excluded from the District and from all provisions of the Hillside Ordinance and must meet all normal development requirements.

(3) Height limitations (Exhibit "A")

Valid points have been made about the need to protect adjoining homes from exceedingly tall residential structures. RSF-4 currently has NO height limitation at all. However, legal considerations favor making height restrictions uniform throughout the city. No matter whether one lives in the valley or on a hill, an eighty foot house next door could block the view, sunlight, air flow and lessen the enjoyment of the home.

Although the Hillside Ordinance had proposed a 60 foot height limitation, that appears too high in many residential situations. I propose a height limitation of 42 feet for residential developments city wide (not including C-3 and C-4 or the Downtown District). Because taller residential buildings could be appropriate in some areas (existing nearby tall buildings, large lots where the tall building could be set back to lessen impact on neighboring structures, etc.), the height restriction could be increased through a conditional use. That way the neighbors could express their opinions and appropriate conditions could be placed to protect neighbors' interests. I also placed a "grandfathering" sentence in so that no existing tall building would be considered a nonconforming use.

*(4) Tree Preservation & Protection, Chapter 167 of the U.D.C.
(Exhibit "B")*

(A) Applicability.

This original section was the "great compromise" reached by the Tree Ordinance Committee between the developers/home builders and the preservationists. The compromise was to exempt a person building "one single-family dwelling unit or duplex, ... from the provisions of this section." Of course, the City Council is not legally bound to honor any previous compromise or agreement if they wish to revise this ordinance. However, the newly proposed language leaves an enterprising home builder a way to finesse the Tree Ordinance.

Let's look at the development that created great controversy and litigation against the City in 2002. That developer bulldozed all the trees off two adjoining half acre lots in preparation to build twelve duplexes. (RMF-24 zoning) Because he was treating the two lots as one, Tim Conklin required he go forward as a large scale development (one acre or more development). He was eventually denied by both the Planning Commission and the City Council. He would likely have won his appeal and been granted the right to build those duplexes, but he dropped his appeal prior to trial.

Because the two lots have been "developed" as that term is broadly defined in the U.D.C., a developer would not have to do a tree preservation plan on one of those half acre lots as long as he chose to build more than one duplex or house. As it now reads, only if he chooses to build a **single** home or duplex would he have to abide by the tree preservation ordinance. I have redrafted this to close that unintended loophole and to exclude land exempt from the Hillside District. Because of the numerous advantages of developing according to the Hillside District's reduced setbacks, lot widths, street right of ways, I doubt that many developers will choose to opt out of the Hillside District even if the land is fairly level.

(1) Hillside Overlay District

Also in Exhibit B is what appears to be the new subsection (A) (1) **Hillside Overlay District**. Apparently it replaces the old (A) (1) since the old language is not reprinted as in the introductory language of (A) immediately above. If so, we have just **removed the applicability of the Tree Ordinance to subdivisions and large scale developments in all non-hillside locations**. This has been remedied by simply renumbering this paragraph "(5)".

With all the litigation I must do, I simply have not had enough time to go through the Planning Department's proposed Hillside Ordinance revision's of the U.D.C. line by line prior to its submission to the City Council to ensure we do not create unintended consequences that could be confusing or even damaging. I urge the City Council continue to undertake a very careful review of every proposed change.

Table 1 Minimum Canopy Requirements

Rather than a blanket 30% level for all Hillside Overlay District land, I recommend a uniform increase of 5% for all districts within the Hillside Overlay District. This would mean that most residential single family zones would be increased to 30%, multifamily to 25% and C-2 to 20%. By increasing all districts by 5%, the City protects significantly more trees, but still recognizes legitimate distinctions between single family, multifamily and commercial zones.

(F) *Tree Preservation Requirements for Proposed Residential and Non-Residential Subdivisions*

3. *Hillside Overlay District.*

The following sentence was removed from subsection (a):

"Pending approval, the proposed pattern of development shall be required to minimize the view of the new development from the valley below with the preservation of tree cover."

I have concerns about Constitutional Equal Protection arguments if this ordinance favors persons in the valleys over persons on hillsides for purely aesthetic, "viewing" purposes. Increasing tree canopy requirements and requiring even single home builders to preserve tree canopy in the Hillside District is properly supported by drainage and stormwater concerns. This additional tree canopy will improve aesthetics without favoring citizens in the valley over citizens on the hills. The sentence that was suggested to be removed is not really necessary and could cause legal problems.

(b) *(Single family home owners)*

Although home builders should have to preserve tree canopy, once the home has been finished and its owner has received the Certificate of Occupancy, the home owners should pretty much be allowed to manage their home's yard as they desire without having to come to City Hall for permission. Grading on 15% slopes (even in someone's backyard) would still require permits, but a homeowner could cut down brush and trees without City Hall approval. PZD tree easements in common greenspace areas would remain permanently enforceable by the City.

§169.06 (I) *Request for on-site mitigation:*

We added "with appropriate tree species" to subsection (C) and removed it from §169.06 (F) Erosion and Sedimentation control.

5. *Physical Alteration of Land (Exhibit "C")*

This proposed amendment makes the City's Landscape Manual and Hillside Overlay District Best Management Practices Manual **mandatory**. It is probably preferable to use "should" rather than "shall" at least initially. If these manuals are ignored with bad development results, then the City Council would have good reasons for amending this to make these manuals mandatory.

Therefore, the proposed amendment changes "shall" in §169.02 (D) and 169.04 (A) and (D) to "should". Only one of the "shall"s in (F) should be changed to "should". The second "shall" requiring meeting all revegetation requirements prior to receiving a Certificate of Occupancy should remain. Similarly the third "shall" regarding replanting trees in Cut and Fill tie-back slopes should also remain.

No change in current ordinance and table had been proposed so these were removed. New requirements for minimum undisturbed land in the Hillside Overlay District for Large Scale Developments and lot development were stated by sentence rather than by the revised table and called for matching the minimum required tree canopy of each zoning district in the Hillside Overlay District.

§169.08 Grading Plan submitted needs to have "Hillside Overlay District" added before "shall" in the new language.

6. Stormwater Management, Drainage and Erosion Control (Exhibit "D")

The newly proposed permit requirements for one single family or duplex construction was removed as unnecessary and very costly on advice of the City Engineer.

7. Building Regulations (Exhibit "F")

§173.02 (B) (2) (b) Design requirements for buildings located within the Hillside Overlay District.

Since there is no (ii), there should be no (i) subsection. The proposed language should be replaced with the following:

"Developers of preliminary plats and large scale developments shall conduct a geotechnical analysis of the soils and subsoils of their property to determine if a typical spread footing foundation is warranted based on the type of soil present on site. If not, a notation on the final plat or easement plat shall be placed requiring all future structures within the development have foundation plans designed, approved and sealed by a professional engineer or Architect. Unoccupied, single story buildings less than 120 square feet are exempt from any foundation requirements".

This requirement allows more efficient use of engineering analysis time as street construction normally requires some geotechnical analysis. If the developer's engineer discovers the "bad soil" conditions where normal foundations would be problematic, a properly engineered foundation would then be required. In those areas without the problem soils, unnecessary (and expensive) engineered foundations would not be required.

Conclusion

There remains the major issue of whether a PZD must follow these new requirements, especially increased tree preservation areas and land disturbance areas. PZDs normally can vary many development criteria, but they have been held to the strictest tree preservation standards. Since the City Council must approve all terms and conditions of any PZD, allowing PZDs to vary all development requirements (including preserving tree canopy and avoiding ground disturbance) would allow the City Council to look at all aspects of a PZD to determine whether it should be approved as a desirable project.

This would be especially important to the SouthPass project since much of its cleared, flat land will be designated as the City's Community Park while much of its residential development must therefore, be relegated to forested hillside. No one suggests that development rules or the Tree Ordinance be disregarded, but minimum percentages (30% for residential development on the Hillside District) might be lessened in light of this new project with hundreds of acres of park land, extensive trails, etc.

If you wish to give yourself the power to approve a PZD even if it does not strictly meet the Hillside District's requirements, I will draft such language.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT CODE OF THE CITY OF FAYETTEVILLE TO AMEND VARIOUS SECTIONS OF THE CODE IN ORDER TO IMPLEMENT HILLSIDE PRESERVATION AND PROTECTION, ESTABLISH A HILLSIDE OVERLAY DISTRICT ZONING BOUNDARY AND MAP, AND APPROVING THE HILLSIDE OVERLAY DISTRICT BEST MANAGEMENT PRACTICES MANUAL AS A GUIDE

WHEREAS, the City of Fayetteville values its unique hillsides; and

WHEREAS, the City of Fayetteville is committed to having appropriate and desirable development occur on the hillsides; and

WHEREAS, developments that are compatible and harmonious with the hillsides, do not have a negative effect upon the City; and

WHEREAS, the hillside best management practices manual will provide a guide for the development on the City's hillsides.

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

Section 1: That Chapter 161: Zoning Districts is amended by inserting Hillside Overlay District regulations in sections; §161.07 RSF-4, §161.13 RMF – 24, and §161.15 R-O, a copy of which marked Exhibit "A" is attached hereto and made a part hereof.

Section 2: That Chapter 167: Tree Preservation and Protection is amended to include Hillside Overlay District regulations in section §167.04, a copy of which marked Exhibit "B" is attached hereto and made a part hereof.

Section 3: That Chapter 169: Physical Alteration of Land is amended to include Hillside Overlay District regulations in sections §169.02, §169.03, §169.04, §169.06, §169.07, §169.08, a copy of which marked Exhibit "C" is attached hereto and made a part hereof.

Section 4: That Chapter 170: Stormwater Management, Drainage and Erosion Control is amended to include Hillside Overlay District regulations in sections §170.01, §170.36, §170.05, §170.10, a copy of which marked Exhibit "D" is attached hereto and made a part hereof.

Section 5: That Chapter 172: Parking and Loading is amended to include Hillside Overlay District regulations in section §172.04, a copy of which marked Exhibit "E" is attached hereto and made a part hereof.

Section 6: That Chapter 173: Building Regulations is amended to include Hillside Overlay District regulations in section §173.02, a copy of which is marked Exhibit "F" is attached hereto and made a part hereof.

Section 7: That Chapter 151: Definitions are amended by adding the following definitions:

Cistern. (Stormwater) Roof water management devices that provide retention storage volume in above or underground storage tanks. They are typically used for water supply. Cisterns are generally larger than rain barrels, with some underground cisterns having the capacity of 10,000 gallons. On-lot storage with later reuse of stormwater also provides an opportunity for water conservation and the possibility of reducing water utility costs.

Green Roof. (Stormwater) Elevated roof surfaces that are entirely covered with a thin soil and vegetation layer.

Height. (Hillside Overlay District) Building height shall be measured from the lowest point of the structure at the historic grade, prior to development, to the highest point of the structure. If the structure is located on a graded pad then the height of the building is measured from the historic grade.

Hillside Development Manual. (Zoning) The best management practices document that supplements the Hillside Overlay District and illustrates desirable hillside development practices.

Hillside Overlay District. (Zoning) Lands located within the City that generally have slopes in excess of 15 % and the adjoining land uphill from the 15% slope that contains at least 8% slope as shown on the Hillside Overlay District map. Parcels located within the Hillside Overlay District with an average slope less than 8% may be exempted by the owner by submitting a written request and a survey acceptable and to be approved by the Engineering Division certifying that the parcel has an average slope of less than 8%. This parcel shall then be shown on the Hillside Overlay District map as removed and exempt. None of the reduced right of way, setbacks, lot width, or other development reductions of the Hillside Overlay District shall be available to an exempted parcel. The development regulations in the Hillside Overlay District supercede the underlying zoning district.

Historic grade. (Zoning) The natural grade of the land prior to any development.

Parking Pad. (Hillside Overlay District) Parking areas for multi-family residential, residential office, and commercial use in the Hillside Overlay District.

Permeable Pavers. (Stormwater) A solid surface that allows natural drainage and migration of water into the earth by permitting water to drain through the surface itself or through spaces between the pavers.

Plinth. (Hillside Overlay District) A foundation or base, usually on the upslope side of the hillside, on which a house is located. Most often a plinth is constructed by erecting a retaining wall at the street with backfill creating a level building pad for the home.

Rain Barrels. (Stormwater) A stormwater containment vessel that captures runoff generated by impervious surfaces such as roofs. Rain barrels usually include a hole at the top to allow water to flow in, a sealed lid, an overflow pipe or hose, and a spigot to dispense water. By holding and reusing rainwater, rain barrels reduce stormwater runoff from sites and conserve potable water.

Rain Garden. (Stormwater) an attractive landscaping feature planted with perennial native plants. It is a bowl-shaped garden, designed to absorb stormwater run-off from impervious surfaces such as roofs and parking lots.

PASSED and APPROVED this 7th day of March, 2006.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk

EXHIBIT "A"

To be inserted in Chapter 161: Zoning Regulations:

§161.07 District RSF-4, Residential Single Family – 4 units/acre.

(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.
HOD Lot minimum width	60 ft.	70 ft.
HOD 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. Single Family Dwellings

FRONT	SIDE	REAR
25 ft.	8 ft.	20 ft.
HOD Front	HOD Side	HOD Rear
15 ft.	5 ft.	15 ft.

(G) Height. Structures are limited to a building height of 42 feet as measured from the lowest point of the structure at the historic grade, prior to development, to the highest point of the structure. If the structure is located on a graded pad then the height of the building is measured from the historic grade. The height of a proposed structure may be increased by Conditional Use. Any existing structures in excess of 42 feet shall be grandfathered in and not considered nonconforming uses.

§161.13 District RMF-24, Residential Multi-Family – Twenty-Four Units Per Acre

(E) Setback requirements.

Front	Side	Rear
25 ft.	8 ft.	25 ft.
HOD Single Family Front	HOD Single Family Side	HOD Single Family Rear
15 ft.	8 ft.	15 ft.

Cross reference(s)--Variance, Ch. 156.

(F) **Height regulations.** The maximum building height is 42 feet as measured from the lowest point of the structure at the historic grade, prior to development, to the highest point of the structure. The height of a proposed structure may be increased by Conditional Use. Any existing structures in excess of 42 feet shall be grandfathered in and not considered nonconforming uses.

§161.15 District R-O, Residential Office

(E) *Setback regulations.*

Front	30 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Front, in HOD	15 ft.
Side	10 ft.
Side, when contiguous to a residential district	15 ft.
Side, in HOD	8 ft.
Rear, without easement or alley	25 ft.
Rear, from center line of public alley	10 ft.
Rear, in HOD	15 ft.

(F) **Height.** Structures are limited to a building height of 42 feet as measured from the lowest point of the structure at the historic grade, prior to development, to the highest point of the structure. If the structure is located on a graded pad then the height of the building is measured from the historic grade. The height of a proposed structure may be increased by Conditional Use. Any existing structures in excess of 42 feet shall be grandfathered in and not considered nonconforming uses.

EXHIBIT "B"

To be inserted in Chapter 167: Tree Preservation and Protection:

§167.04 Tree Preservation And Protection During Development

(A) *Applicability.* The provisions of this section shall apply to proposed subdivisions, and large scale developments required by other chapters of the Unified Development Code to go through the city's permitting process. **If a builder of single family dwellings or duplexes is not otherwise required to file a Preliminary Plat or Large Scale Development, that development is exempt from the provisions of this Chapter unless the development is on land or parcels within the Hillside Overlay District in which case an abbreviated tree preservation plan set forth in §167.04 (H) (3) shall apply.**

(5) *Hillside Overlay District.* Undeveloped, land located within the Hillside Overlay District shall submit a site analysis plan, analysis report, and tree preservation plan with the Preliminary Plat or Large Scale Development site plan. Single and two family residential development shall submit an abbreviated tree preservation and site plan at the time of obtaining a building permit. There shall be no land disturbance, grading, or tree removal until a tree preservation plan has been submitted and approved, and the tree protection measures at the site inspected and approved.

(C) *Canopy area.* In all new Subdivisions, Large Scale Developments, lands located within the Hillside Overlay District, Industrial and Commercial Developments, and all other improvements listed above, trees shall be preserved as outlined in Table 1 under Percent Minimum Canopy, unless the Applicant has been approved for On-Site Mitigation or Off-Site Alternatives as set forth in subsections I. & J. below. The square foot percentage of canopy area required for preservation in new development is based on the total area of the property for which the Applicant is seeking approval, less the right-of-way and park land dedications. An Applicant shall not be required to plant trees in order to reach the Percent Minimum Canopy requirement on land where less than the minimum exists prior to development, unless trees have been removed.

Table 1 Minimum Canopy Requirements

ZONING DESIGNATIONS	PERCENT MINIMUM CANOPY
Hillside Overlay District – All Zoning Designations	Tree canopy requirements are increased by 5% for all districts
RA, Residential Agriculture	25%

RSF-.5, Single-family Residential – One Half Unit per Acre	25%
RSF-1, Single-family Residential – One Unit per Acre	25%
RSF-2, Single-family Residential – Two Units per Acre	20%
RSF-4, Single-family Residential – Four Units per Acre	25%
RSF-7, Single-family Residential – Seven Units per Acre	20%
R-O, Residential –Office	20%
RT-12, Two and Three-family Residential	20%
RMF-6, Multi-family Residential – Six Units per Acre	20%
RMF-12, Multi-family Residential – Twelve Units per Acre	20%
RMF-18, Multi-family Residential – Eighteen Units per Acre	20%
RMF-24, Multi-family Residential – Twenty-Four Units per Acre	20%
RMF-40, Multi-family Residential – Forty Units per Acre	20%
C-1, Neighborhood Commercial	20%
C-2, Thoroughfare Commercial	15%
C-3, Central Business Commercial	15%
C-4, Downtown	10%
I-1, Heavy Commercial and Light Industrial	15%
I-2, General Industrial	15%
P-1, Institutional	25%
PZD, Planned Zoning Districts	Most restrictive shall apply

(F) Tree Preservation Requirements for Proposed Residential and Non-Residential Subdivisions.

(3) Hillside Overlay District. Individual parcels or lots located within the Hillside Overlay District boundary shall submit an abbreviated tree preservation plan as set forth in §167/04 (H) (3) indicating the location of the structure and the preservation of the minimum tree canopy requirement.

(a) Developers shall have the option of doing cluster development, such as a PZD, which would encourage more open space and tree preservation areas. In this pattern of development, the tree preservation zone on each lot can be transferred to a larger open space instead of being required on the individual lots. The open space set aside during cluster development shall be placed in a permanent easement or land trust with all future development rights removed from the property.

(b) Once the City issues a certificate of occupancy to the home owner, individual lot tree preservation areas are not binding upon such home owner. However, the permanent tree easements established for cluster development shall remain enforceable by the City.

(i) Request for on-site mitigation

(c) Tree removal due to the grading work done to create tie backs for roads in the Hillside shall be mitigated by reforesting a minimum of 25% of the tie backs with appropriate tree species pursuant to the landscape manual.

(d) Planting trees in non-canopy areas in order to reach the minimum percent canopy requirements for the site is not allowed in the Hillside Overlay District.

EXHIBIT "C"

To be inserted in Chapter 169: Physical Alteration of Land:

§169.02 General Requirements

- (D) *Restoration.* Land shall be revegetated and restored as close as practically possible to its original conditions to minimize runoff and erosion. Previously forested areas should follow the City's Landscape Manual for mitigation of forested areas.

§169.03 Permits Required/Exceptions

- (A) *Permit required.* No grading, filling, excavation, or land alteration of any kind shall take place without first obtaining:

- (4) A grading permit is required by the City for any development occurring within the Hillside Overlay District boundaries. If a parcel of land is divided by the Hillside Overlay District boundary, then only that portion of land lying within the boundary is subject to the requirements of this chapter.

- (B) *Exceptions where no grading permit is required.* Grading permits are not required for the following:

- (4) *Single-family/duplex.* Construction of one single-family residence, or duplex not located within the 100 year flood plain, the Hillside Overlay District, or on a slope 15 % or greater.

- (C) *Grading permit application and approval.* No grading permit shall be issued until the grading plan, endorsed by a registered architect, landscape architect, or engineer, is approved by the City Engineer. Grading permits may be issued jointly for parcels of land that are contiguous, so long as erosion control measures are in place until project completion. Any application for a required grading permit under this chapter shall be submitted concurrently with the application and calculations for a drainage permit if such a drainage permit is required by §170.03., coordination with Chapter 167. Tree Preservation and Protection is required.

§169.04 Minimal Erosion Control Requirements

If exempt under 169.03, a grading permit is not required. However, exempt as well as non-exempt activities shall be subject to the following minimal erosion and sedimentation control measures.

- (A) *Natural vegetation.* The potential for soil loss shall be minimized by retaining natural vegetation wherever possible. Development in the Hillside Overlay District should comply with the recommendations of the Hillside Overlay District Best Management Practices Manual with regard to the retention of natural vegetation on Hillsides.

(B) *Stabilization.* All graded and otherwise disturbed areas shall be stabilized immediately after the grading or disturbance has been completed. Stabilization methods such as baled straw, filter fabric, ditch checks, diversion ditches, brush barriers, sediment basins, matting, mulches, grasses and groundcover shall be used.

(D) *Excavation material.* Excavation material shall not be deposited in or so near streams and other stormwater drainage systems that it may be washed downstream by high water or runoff. All excavation material shall be stabilized immediately with erosion control measures.

§169.06 Land Alteration Requirements

(C) *Cut or fill slopes.*

(1) *Finish grade.* Cut or fill slopes shall have a finish grade no steeper than 33% (3.00 horizontal to 1 vertical), when approved by the City Engineer. Land located within the Hillside Overlay District may have cut or fill slopes with a finish grade no steeper than 50% (2.00 horizontal to 1 vertical) with approval of the City Engineer.

(4) *Setback requirements.* The following setback requirements shall be reviewed by the City Engineer for purposes of assessing safety, stability, and drainage problems: (See illustrations). Setbacks from property lines may be filled or cut if a grading plan is submitted jointly by the owners of both properties.

(F) *Erosion and sedimentation control.*

(e) *Hillside Overlay District.* Revegetation of lands within the Hillside Overlay District should be planted immediately after the physical alteration of the land with complete and uniform ground cover. Sod, erosion fabric, herbaceous groundcover (in wooded areas), and/or a hydroseed with warm season grasses is required. Re-vegetation requirements shall be met prior to the issuance of a certificate of occupancy. Cut and Fill tie-back slopes shall be re-vegetated.

In §169.06 (G) *Undisturbed land requirements*, after the table add the following:

"In the development of Large Scale Developments and lots within the Hillside Overlay District, the minimum amount of undisturbed land shall equal the percent minimum tree canopy pursuant to Table 1 of §167.04 (C)."

§169.07 Grading Plan Specifications

(A) *Grading plan.* The applicant shall prepare a grading plan as follows:

(2) *Existing grades.* Existing grades shall be shown with dashed line contours and proposed grades with solid line contours. Grading plans shall be required to show both the proposed grade and the undisturbed area. Contour intervals shall be a maximum of two feet. Spot elevations shall be indicated.

§169.08 Grading Plan Submittal

(B) *Final grading plan.* No subdivision may be finalized, nor large scale development plat approved before a final grading plan has been submitted to the City Engineer and approved. The final grading plan and the final plat of land located within the Hillside Overlay District shall have the following plat note stating: "Property and lot owners of lands located within the Hillside Overlay District are strongly encouraged to have a geotechnical analysis of their property prior to any development in order to identify potential geological hazards and determine appropriate techniques to mitigate against hazards such as the swelling and shrinking of soils, slumping, hillside creep, and seeps."

EXHIBIT "D"

To be inserted in Chapter 170 Stormwater Management, Drainage and Erosion Control:

§170.01 Intent

(A) *Intent.* It is the intent of this chapter to protect, maintain, and enhance the health, safety, and general welfare of the citizens of the City of Fayetteville by:

(5) Requiring that erosion control measures are implemented and function on a lot-by-lot basis.

(6) Encouraging the use of storm water best management practices to reduce runoff. These measures would include permeable pavers, green roofs, rain gardens, cisterns and rain barrels for irrigation use.

§170.05 Permit Application

A storm water management, drainage, and erosion control permit application shall be submitted to the City Engineer using appropriate forms as provided by the city. An applicant may apply jointly for contiguous parcels or subdivisions as long as the erosion control measures are in place until project completion. A permit application shall contain sufficient information and plans to allow the City Engineer to determine whether the project complies with the requirements of this chapter. The specific items to be submitted for a permit application shall be in the form and follow the procedures as described in the *Drainage Criteria Manual*, Section 1, Drainage Report Checklist. Submittal information and plans shall include, but not be limited to the following:

§170.10 Environmentally Sensitive Mitigation Methods for Storm water Management

(A) Environmentally conscious measures to reduce the amount of storm water generated by development shall be encouraged, especially in the Hillside Overlay District. Methods may include but, are not limited to, rain gardens, permeable pavement, green roofs, cisterns for the collection and redistribution of storm water for irrigating purposes, etc.

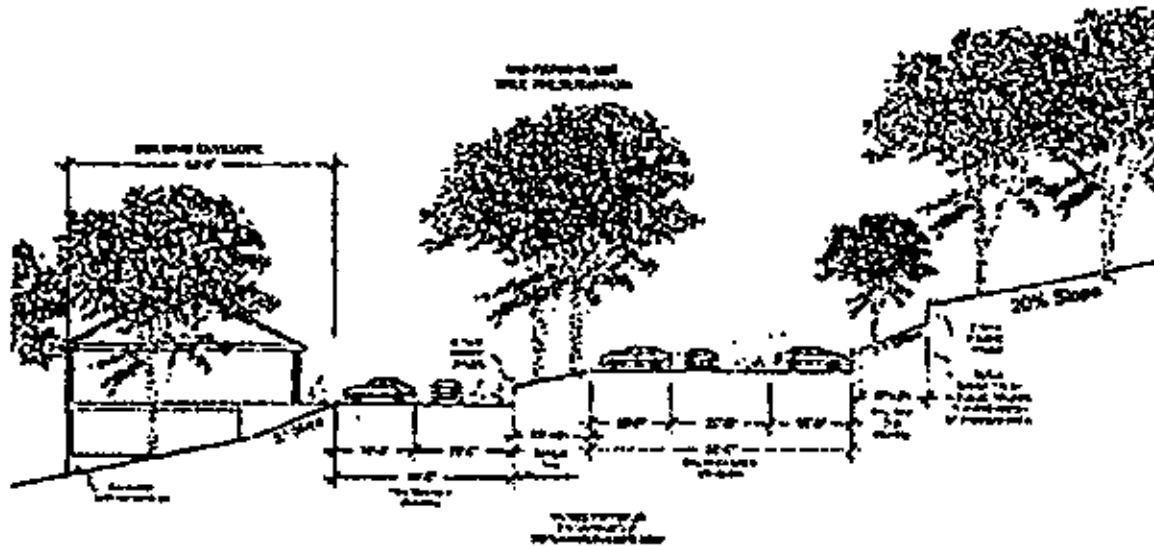
EXHIBIT "E"

To be inserted in Chapter 172: Parking and Loading:

§172.04 Parking Lot Design Standards

(E). Hillside Overlay District.

(1) Separation of Parking Pads in Multi-Family, Office, and Commercial Development. Parking pads shall be separated by a minimum undisturbed area of 15 feet between parking pads. Streets and access drives are permitted to cross this undisturbed area.



(2) Cut and Fill Slopes. Parking pads should be encouraged to utilize cut slopes with retaining walls to minimize disturbance.

(3) Maximum number of spaces per parking lot for multi-family and office use. Parking pads shall have a maximum of 30 spaces per pad.

(4) Parking lot location with multi-family and office structures. When the building is located adjacent to the street the parking shall be located in the rear. When the multi-family structure is located off of the street, a minimum of 35' of undisturbed area shall separate the building from the street.

(5) Developers of multi-family, office, and commercial uses in the Hillside Overlay District are encouraged to refer to the Hillside Overlay District Best Management Practices Manual for guidance and direction in the design of their project.

EXHIBIT "F"

To be inserted in section 173: Building Regulations:

§173.02 Fire Prevention Code/Building Code

(B) *Amendments, additions, and deletions to the Building Code.* The Building Code shall be amended as follows:

(2) *Footings and Foundations.*

Building, structures, and parts thereof shall be designed and constructed in accordance with strength design, load and resistance factor design, allowable stress design, empirical design, or conventional construction methods, as permitted by the applicable material chapters of the Arkansas Fire Prevention Code and this section.

(b) *Design requirements for buildings located within the Hillside Overlay District.*

Developers of preliminary plats and large scale developments shall conduct a geotechnical analysis of the soils and subsoils of their property to determine if a typical spread footing foundation is warranted based on the type of soil present on site. If not, a notation on the final plat or easement plat shall be placed requiring all future structures within the development have foundation plans designed, approved and sealed by a professional engineer or Architect. Unoccupied, single story buildings less than 120 square feet are exempt from any foundation requirements. *Ac 07/21*

Added at Agenda Session
MAYOR'S AGENDA FORM

D. 3
Amend Title XV of the UDC
Tree Preservation and Protection
Page 1 of 4

FOR: City Council Meeting of: May 2, 2006

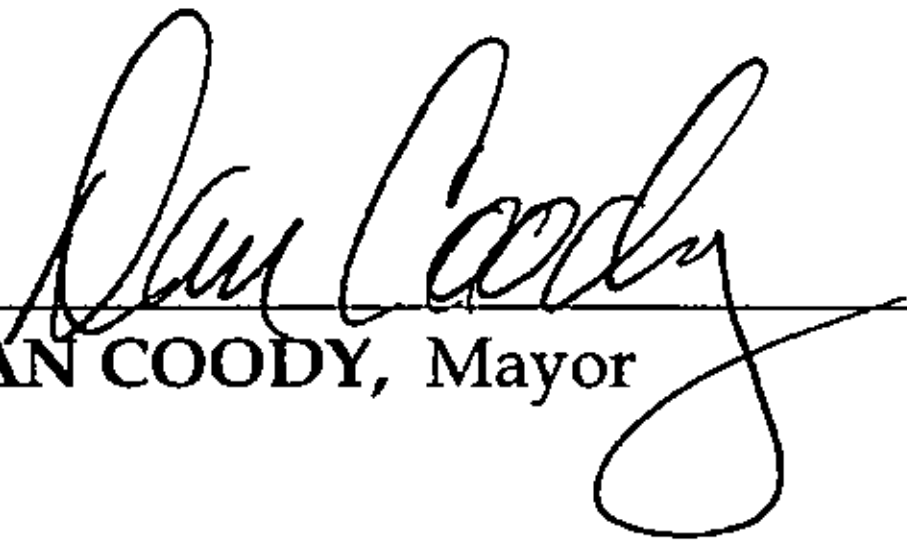
4/25/06
D.3. New Business

FROM: MAYOR DAN COODY

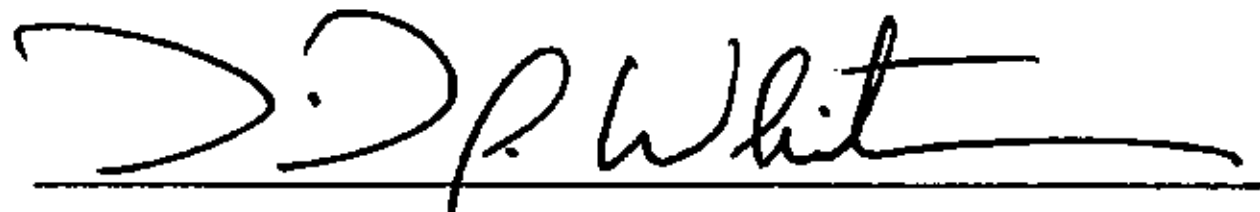
ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance amending Title XV: Unified Development Code, to extend the protections of the Tree Ordinance to the completion of the residential construction process citywide.

APPROVED FOR AGENDA:


DAN COODY, Mayor

4/25/06
Date


DAVID J. WHITAKER,
Assistant City Attorney

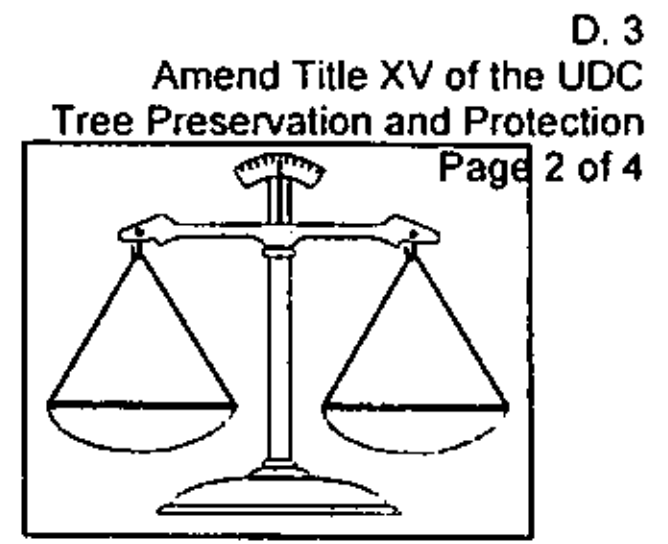
4/25/2006
Date

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY
DAVID WHITAKER, ASST. CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



LEGAL DEPARTMENT

TO: Mayor Coody
CC: City Council
FROM: David J. Whitaker, Assistant City Attorney 
DATE: April 25, 2006
RE: Amendments to Extend Tree Preservation to Residential Builders

Attached is the draft Ordinance that you requested in order to extend the protections of the Tree Ordinance through to the completion of the residential construction process *citywide*, instead of only in the Hillside/Hilltop Overlay District. The new language would require anyone applying for a Building Permit to build or expand the footprint of a residential structure anywhere in the City of Fayetteville to abide by the requirements of Chapter 167, Tree Preservation and Protection. It would not apply to "residential remodeling or renovation projects that do not expand the footprint of an existing structure."

It **does not** regulate a homeowner who may wish to thin, prune, or entirely remove trees from his or her property once the construction process is complete and possession of the property has been transferred to the homeowner. It is important not to lose sight of the fact that Chapter 167 is part of the Unified *Development* Code, and with the exemption contained in §167.04(L), only regulates the development of residential lots, not the subsequent behavior of individual homeowners.

As drafted, the amendments will not substantially add to the administrative burden of residential builders. In addition to the information already required to obtain a Building Permit, the applicant would be allowed to submit the shorter, simplified Abbreviated Tree Preservation Plan set forth in §167.04(H)(3).

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT CODE, TO PROVIDE AMENDMENTS TO CERTAIN PROVISIONS CONCERNING TREE PRESERVATION AND PROTECTION.

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

Section 1. That §167.04(A) is hereby repealed, and the following is inserted in its stead:

(A) **Applicability.** The provisions of this section shall apply to all proposed Subdivisions, Large Scale Developments, and other developments as set forth in Subsections (1) through (5) below. The provisions of this section shall not apply to residential remodeling or renovation projects that do not expand the footprint of an existing structure. Planned Zoning Districts should meet the percent minimum tree canopy based upon their primary use, but may be allowed a lesser tree canopy requirement as part of the overall Master Plan approved by the City Council.

Section 2. That §167.04(A)(3) is hereby repealed, and the following is inserted in its stead:

(3) **Building Permits.** Tree preservation requirements apply to all Building Permit applications, with the exception that residential remodeling or renovation projects that do not expand the footprint of an existing structure are expressly exempt from tree preservation requirements. An Abbreviated Tree Preservation Plan, as set forth in §167.04(H)(3), shall be submitted with the application for Building Permits on projects that are not required to go through the Subdivision or Large Scale Development process. There shall be no land disturbance, grading or tree removal until an Abbreviated Tree Preservation Plan has been submitted and approved, and the tree protection measures at the site inspected.

Section 3. That §167.04(C) is hereby repealed, and the following is inserted in its stead:

(C) *Canopy area.* In all new Subdivisions, Large Scale Developments, Industrial and Commercial Developments, and other developments as set forth in §167.04(A), trees shall be preserved as outlined in Table 1 under Percent Minimum Canopy, unless the Applicant has been approved for On-Site Mitigation or Off-Site Alternatives as set forth in subsections I. & J. below. The square foot percentage of canopy area required for preservation in new development is based on the total area of the property for which the Applicant is seeking approval, less the right-of-way and park land dedications. An Applicant shall not be required to plant trees in order to reach the Percent Minimum Canopy requirement on land where less than the minimum exists prior to development, unless trees have been removed.

PASSED and APPROVED this 2nd day of May, 2006.

APPROVED:

By: DAN GOODY Mayor

ATTEST:

By: SONDRA SMITH, City Clerk

D.7.

4/25/06

SCOTTSWOOD PLACE

March 31, 2006



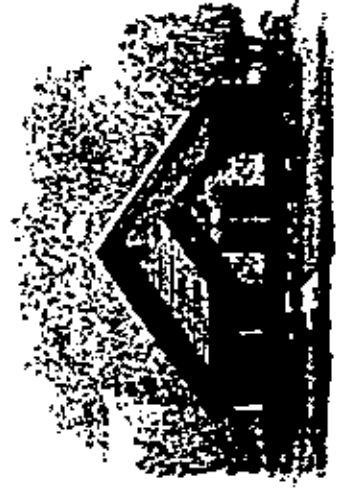
Mt. Royal



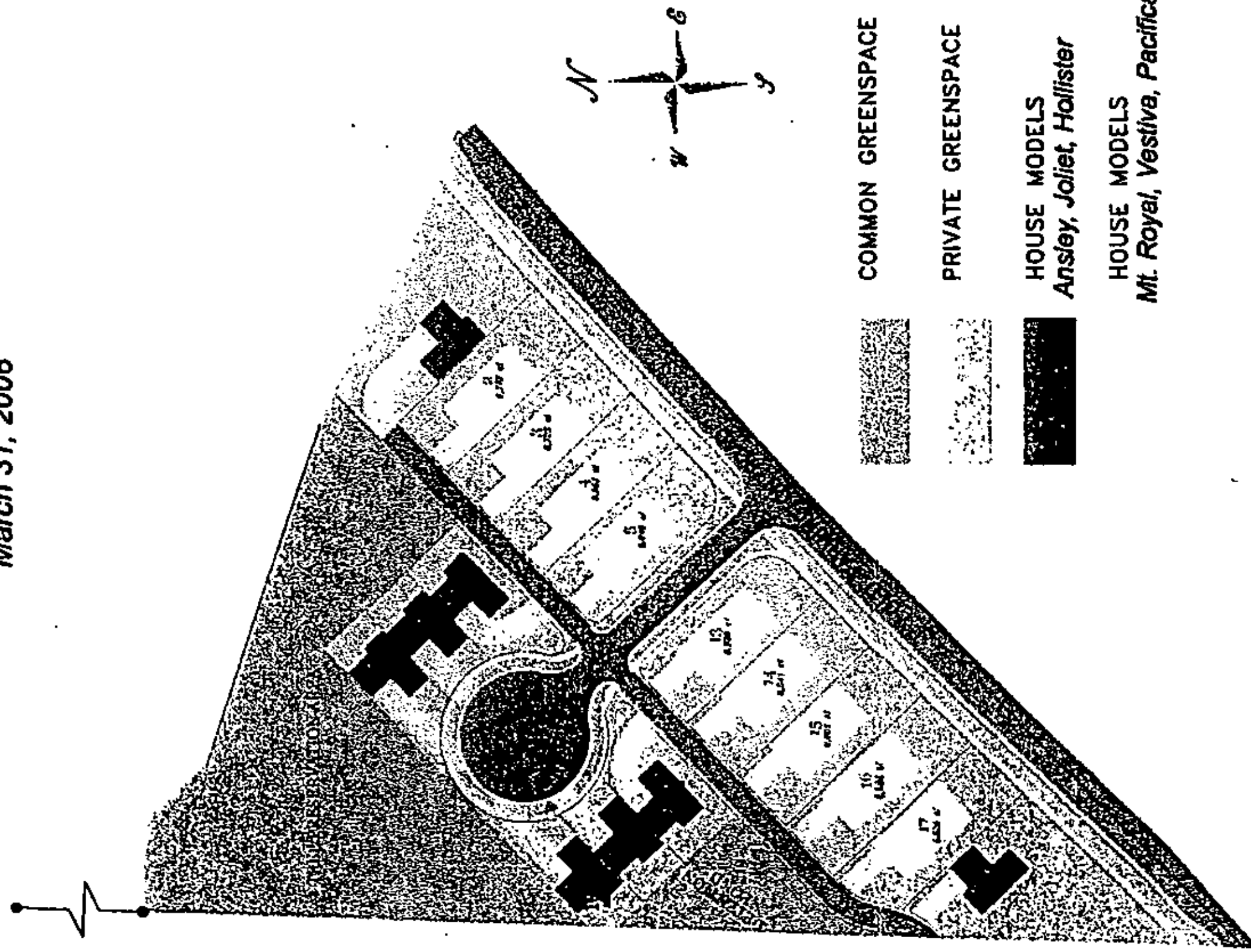
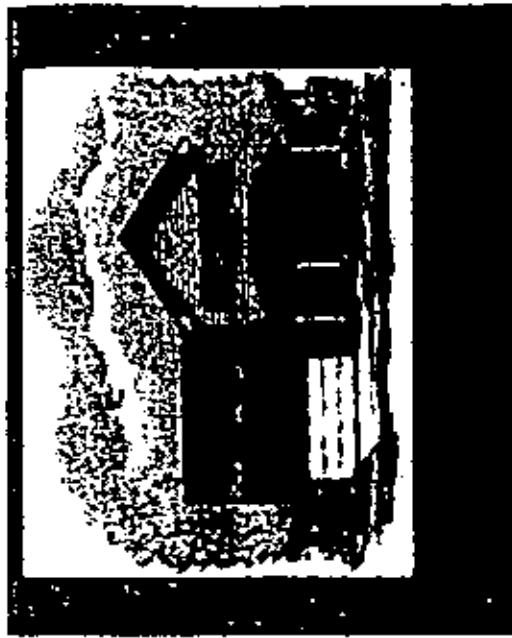
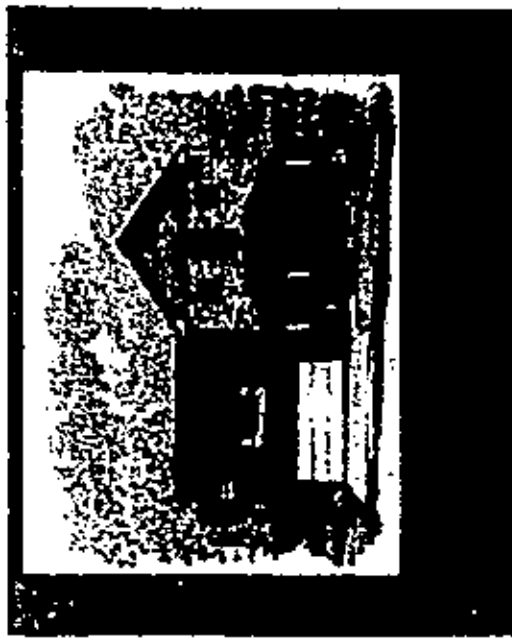
Vestavia



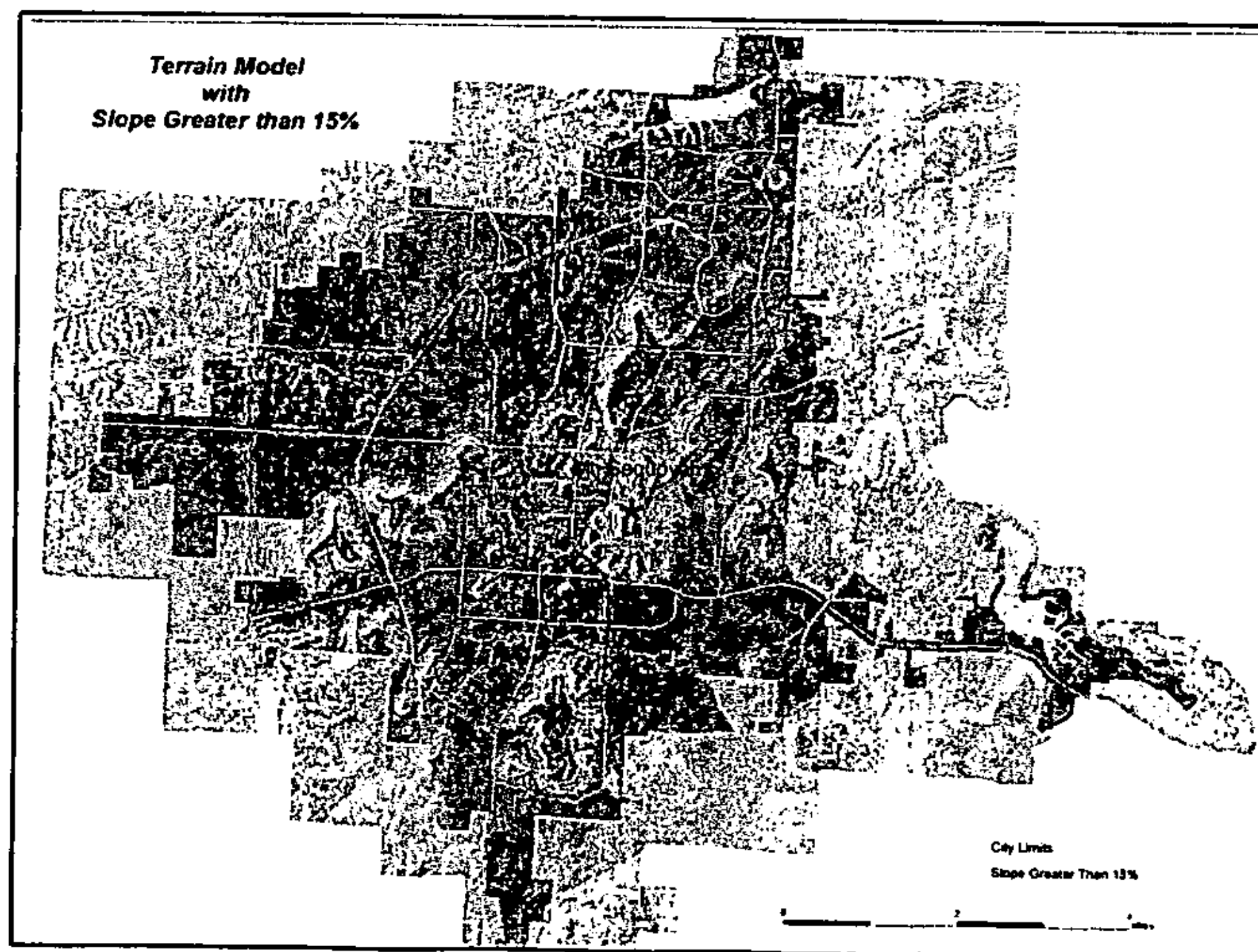
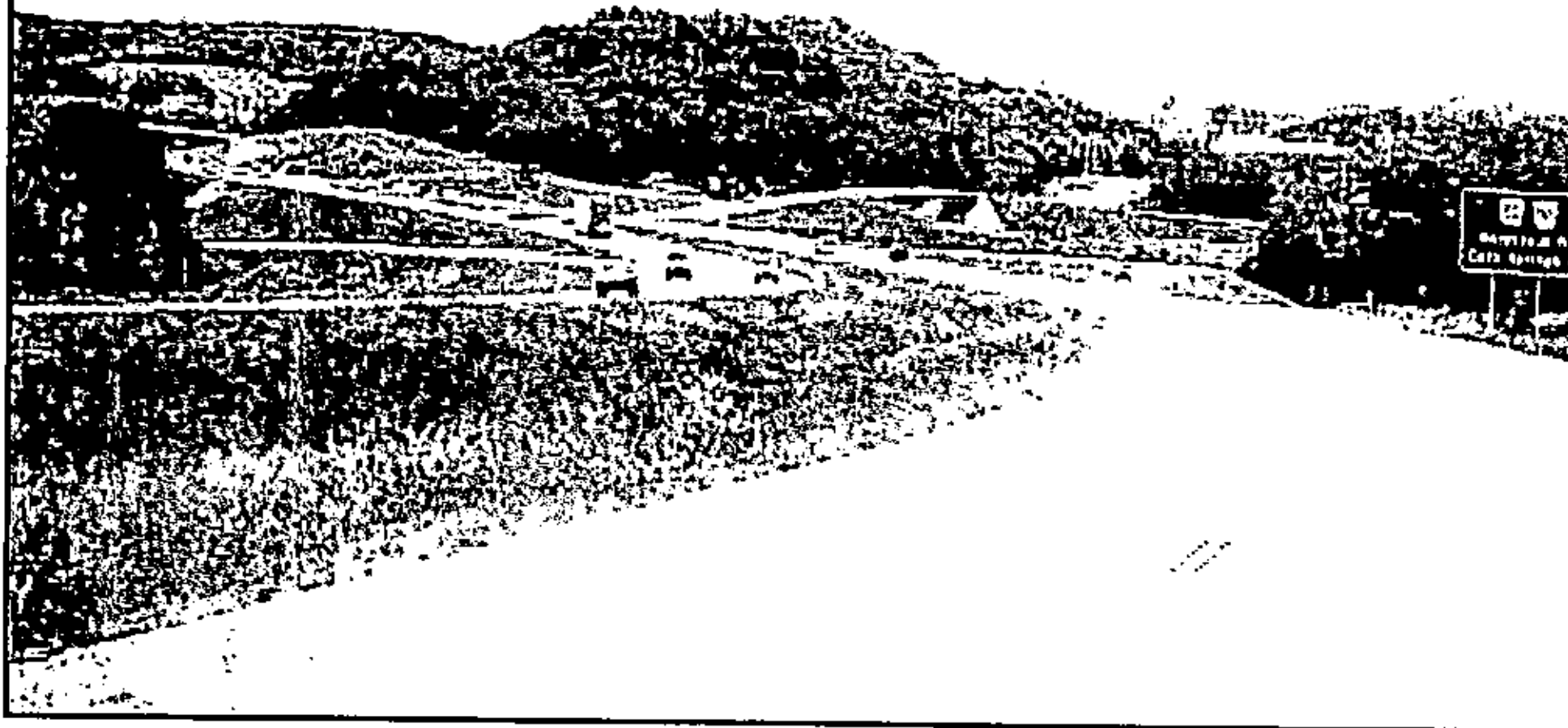
Pacifica

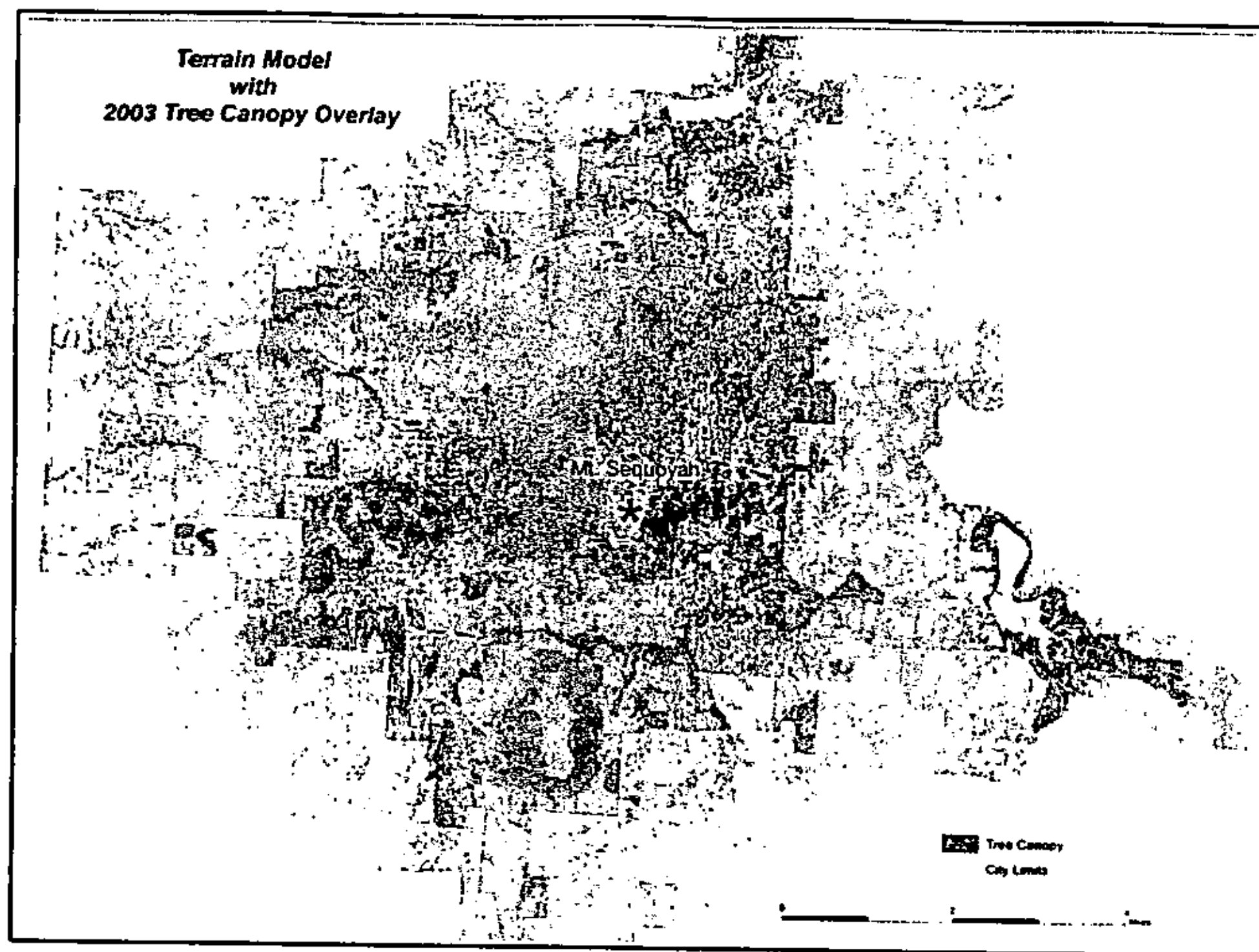


Greenwich



Adopted Hillside/Hilltop Overlay District
City Council May 2, 2006





**Preservation and Protection of Hillsides /
Hilltops Through Minimizing Land
Disturbance During Subdivision
Development and Construction**

Existing

50 feet + 25 ue (100 feet)

40 feet + 25 ue (90 feet)

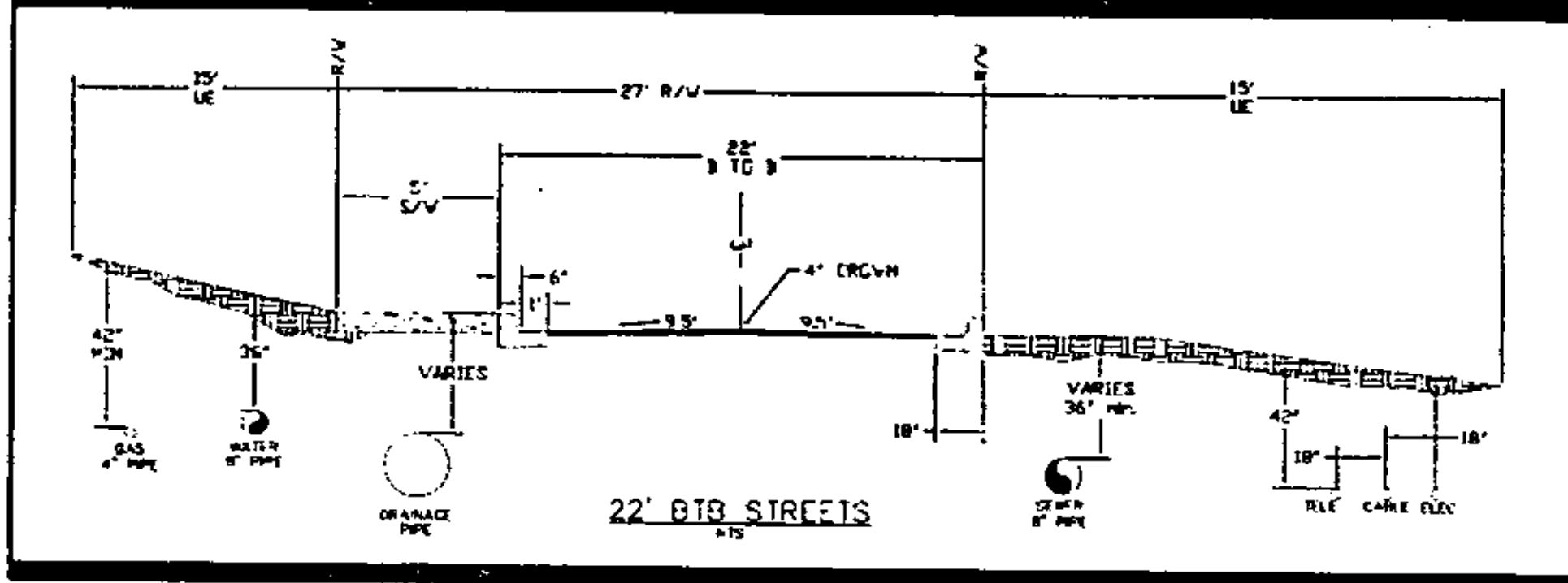
Adopted HOD

33 feet + 15 ue (63 feet)

-37 feet ROW Reduction

27 feet + 15 ue (57 feet)

- 33 feet ROW Reduction



Reduced Right of Way and Street Pavement Cross Sections





RSF-4 Adopted

	Existing	Adopted	
Setbacks			
Front	25 ft	15 ft	-10 ft
Side	8 ft	5 ft	- 3 ft
Rear	20 ft	15 ft	- 5 ft
Lot Width			
	70 Ft	60 ft	-10 ft
Height			
	None	45 ft* Separate Ord.	

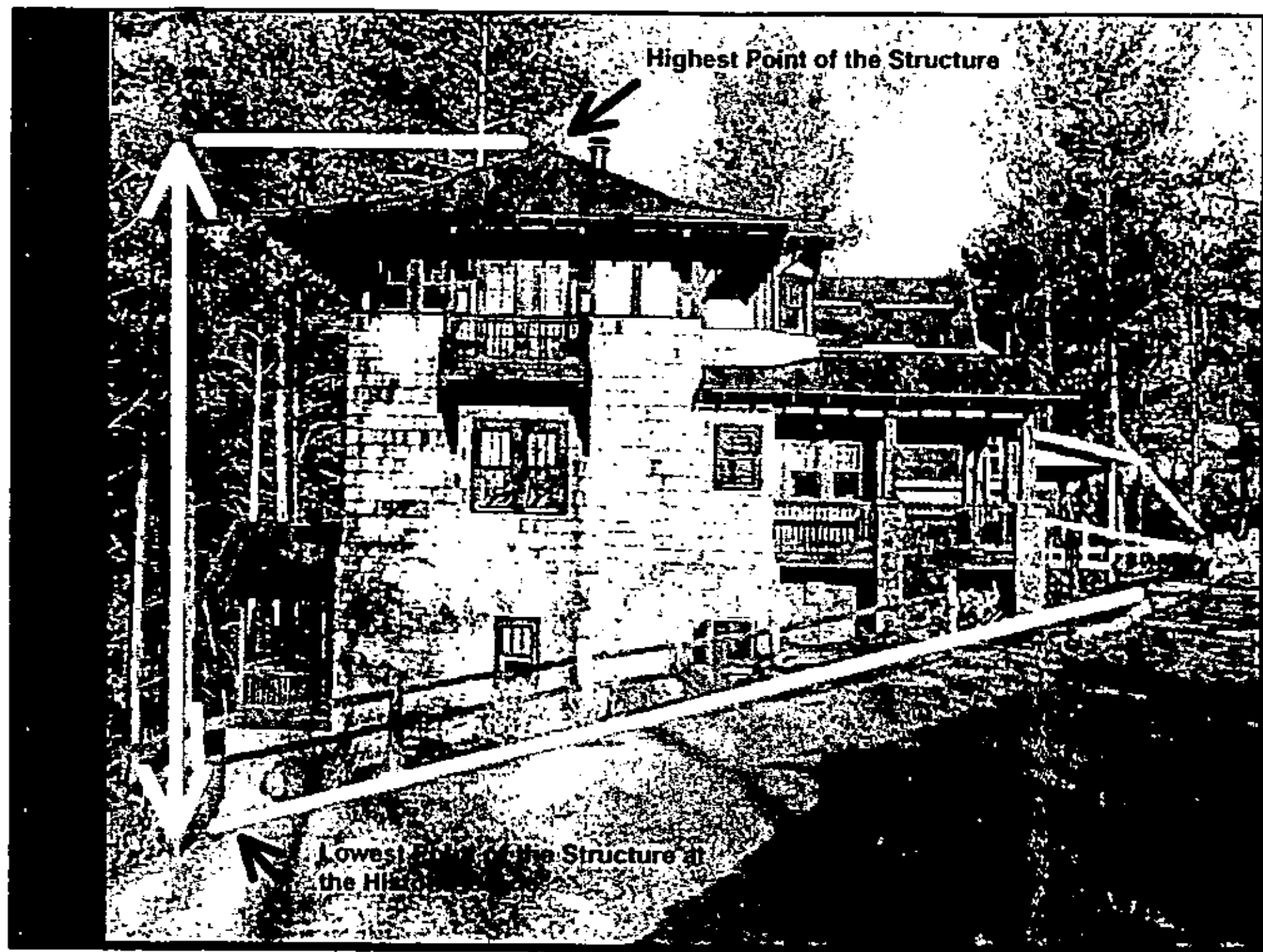
RMF-24 Amendments

	Existing	Adopted	
Setbacks			
Front	25 ft	15 ft	-10 ft
Rear	25 ft	15 ft	-10 ft
Height			
	20 ft + 1 (Side)	60 ft	
		3 stories uphill	
		4 Stories downhill	

R-O Amendments

	Existing	Adopted	
Setbacks			
Front	30/50 ft	15 ft	-10 ft
Side	15 R/10 ft	8 ft	-7/2 ft
Rear	25 ft alley	15 ft	-10 ft
Height			
	20 ft + 1 (Side)	60 ft	
		3 stories uphill	
		4 stories downhill	





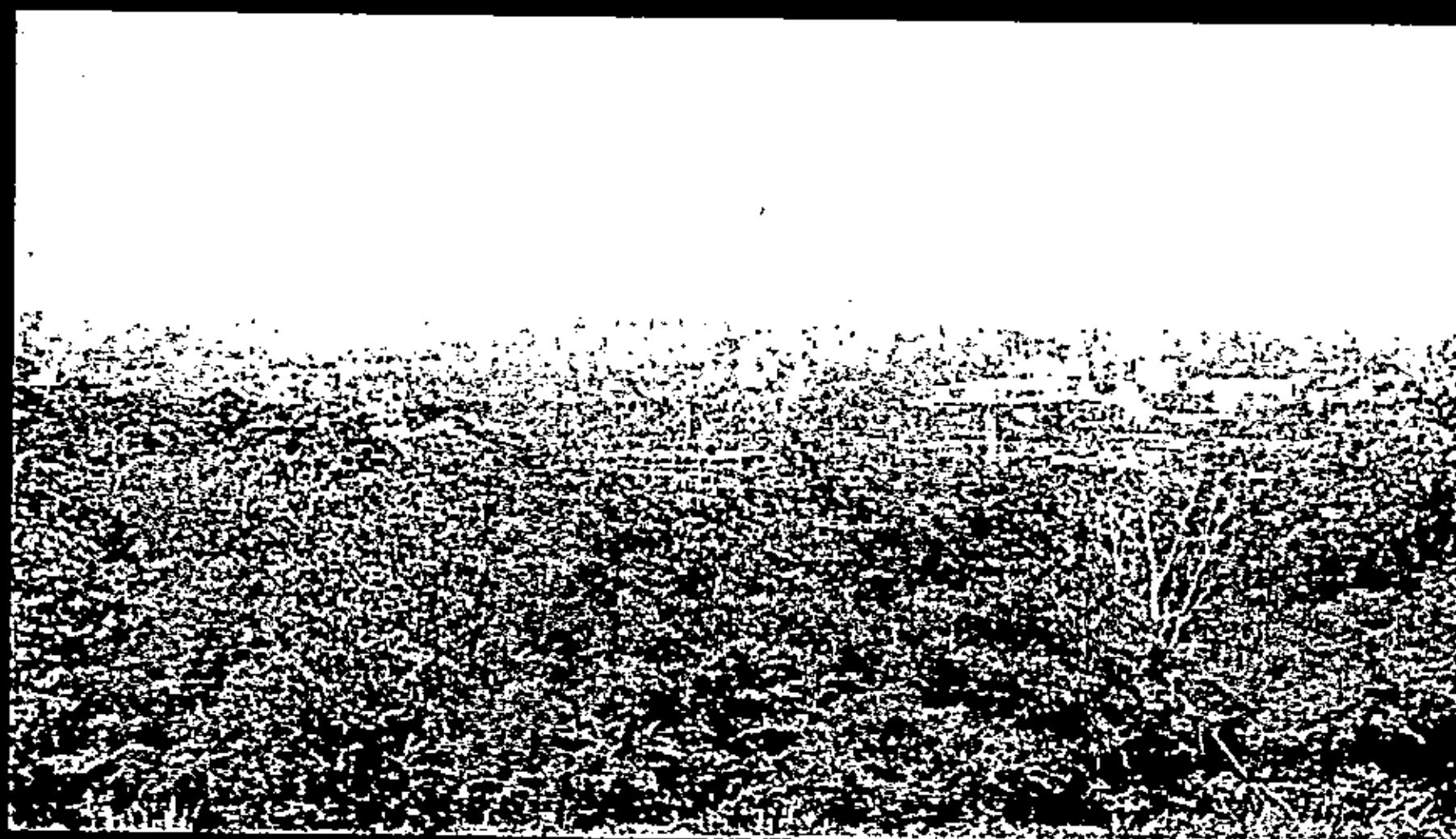
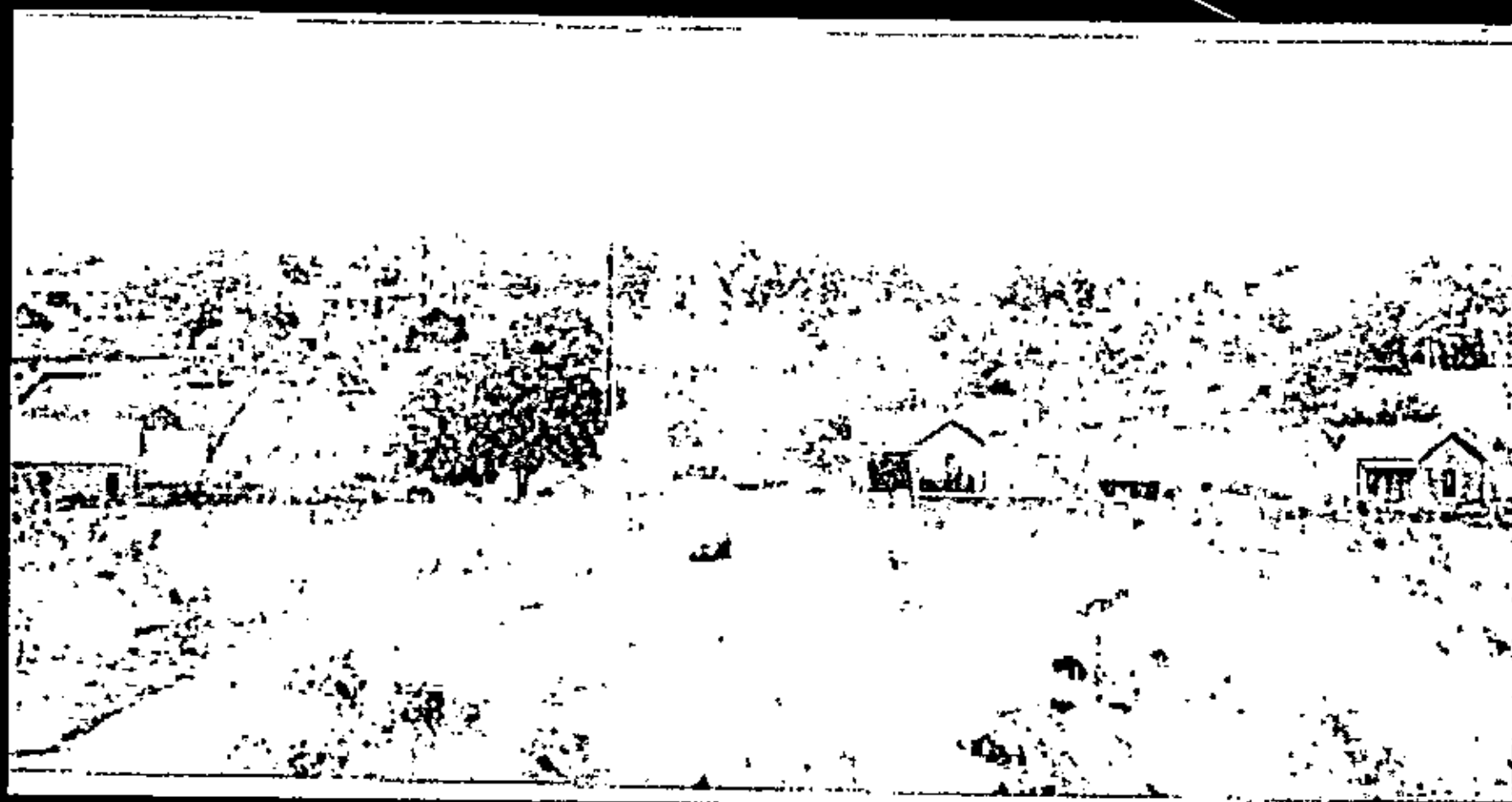


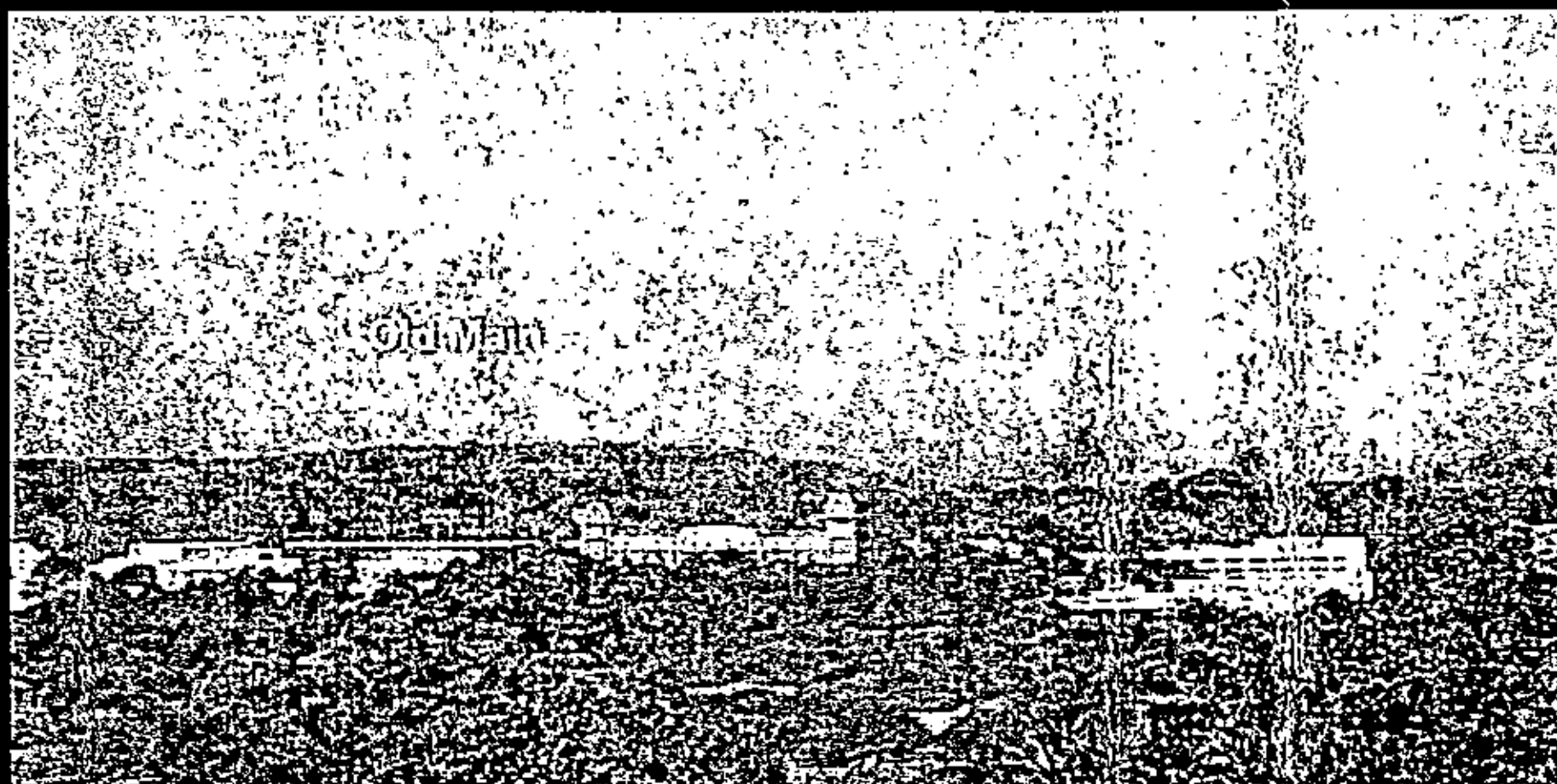
Tree Ordinance

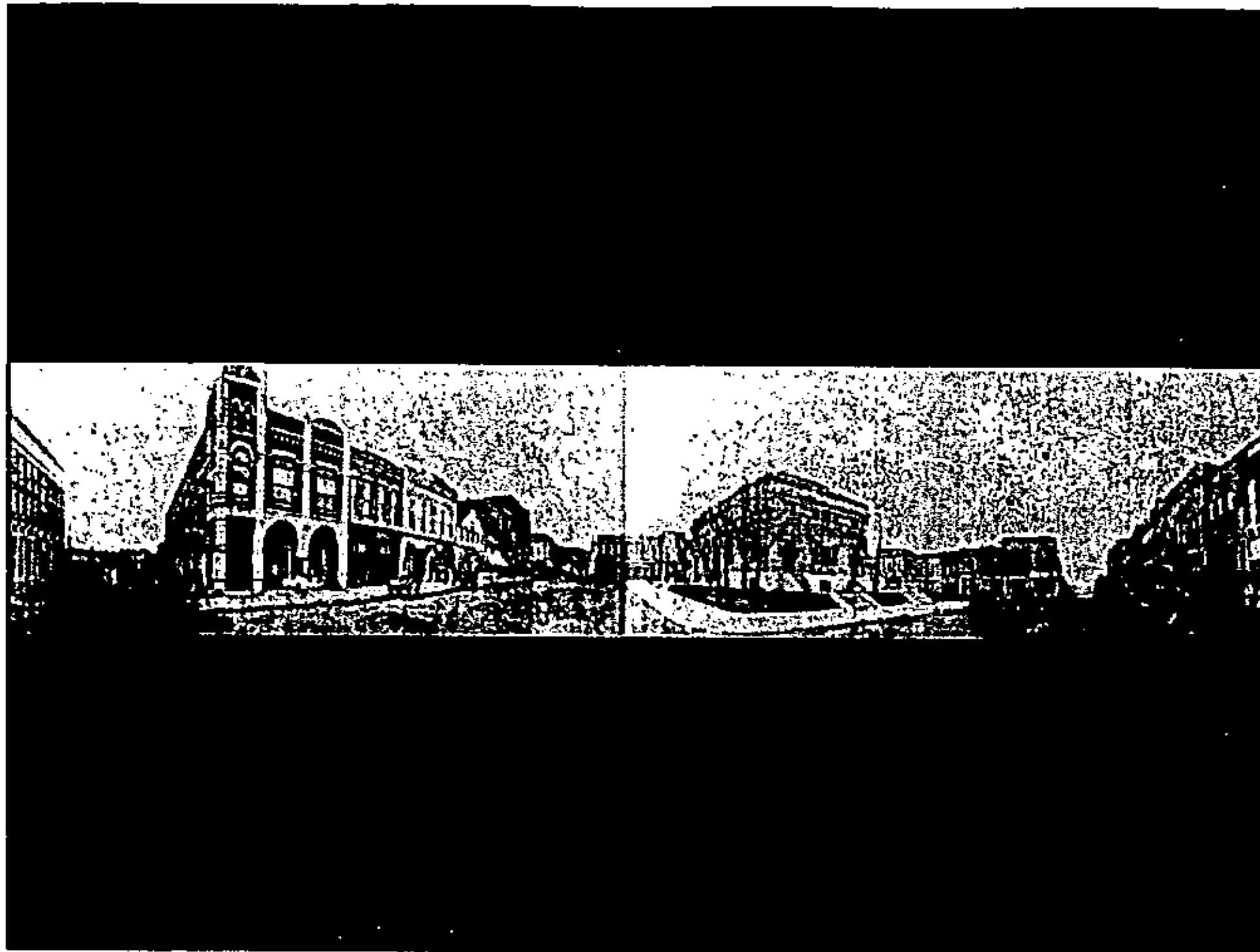
	Existing	Adopted	
RSF-4	25%	30%	+5
RMF-24	20%	25 %	+5
R-O	20%	25 %	+5
C-1	20%	25 %	+5

PZD Determined By City Council Based on
PZD Approval

Old Main







Grading Ord.

Avg. Grade Minimum Undisturbed Area Subdivision

Existing Slope	Min. Undisturbed Area
10-15%	40%
15-20%	50%
>20%	60%

- In the development of large scale development and lots within the Hillside Overlay District, the minimum amount of undisturbed land shall equal the percent minimum tree canopy pursuant to 167.04 (C). Planned zoning districts shall show undisturbed area, but may be approved by the City Council with lesser percentages of undisturbed area than required above.

Grading Ord.

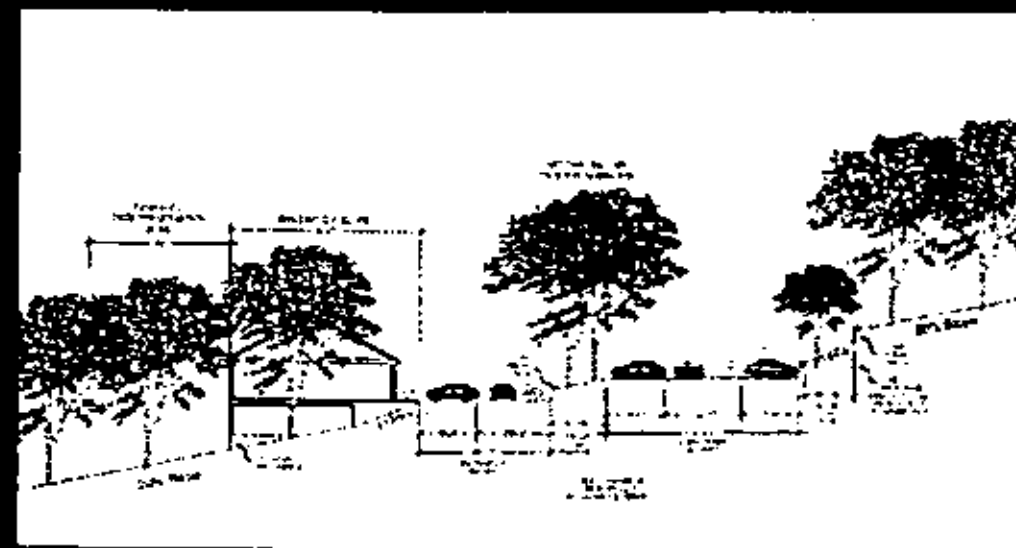
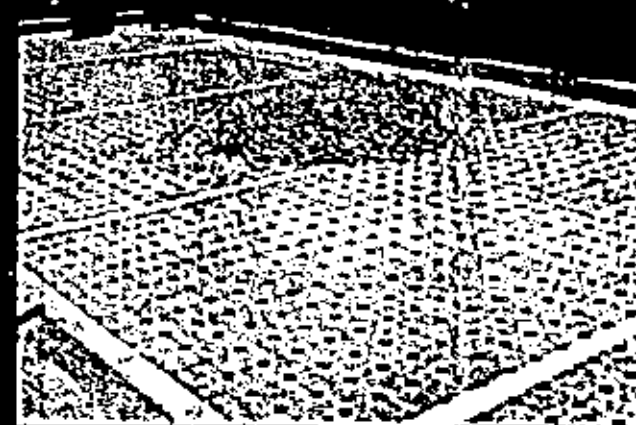
All development in the Hillside Overlay District is required to have a grading permit

Existing Cut and Fill Slope 3:1

Proposed Cut and Fill Slope
with City Engineer Approval 2:1

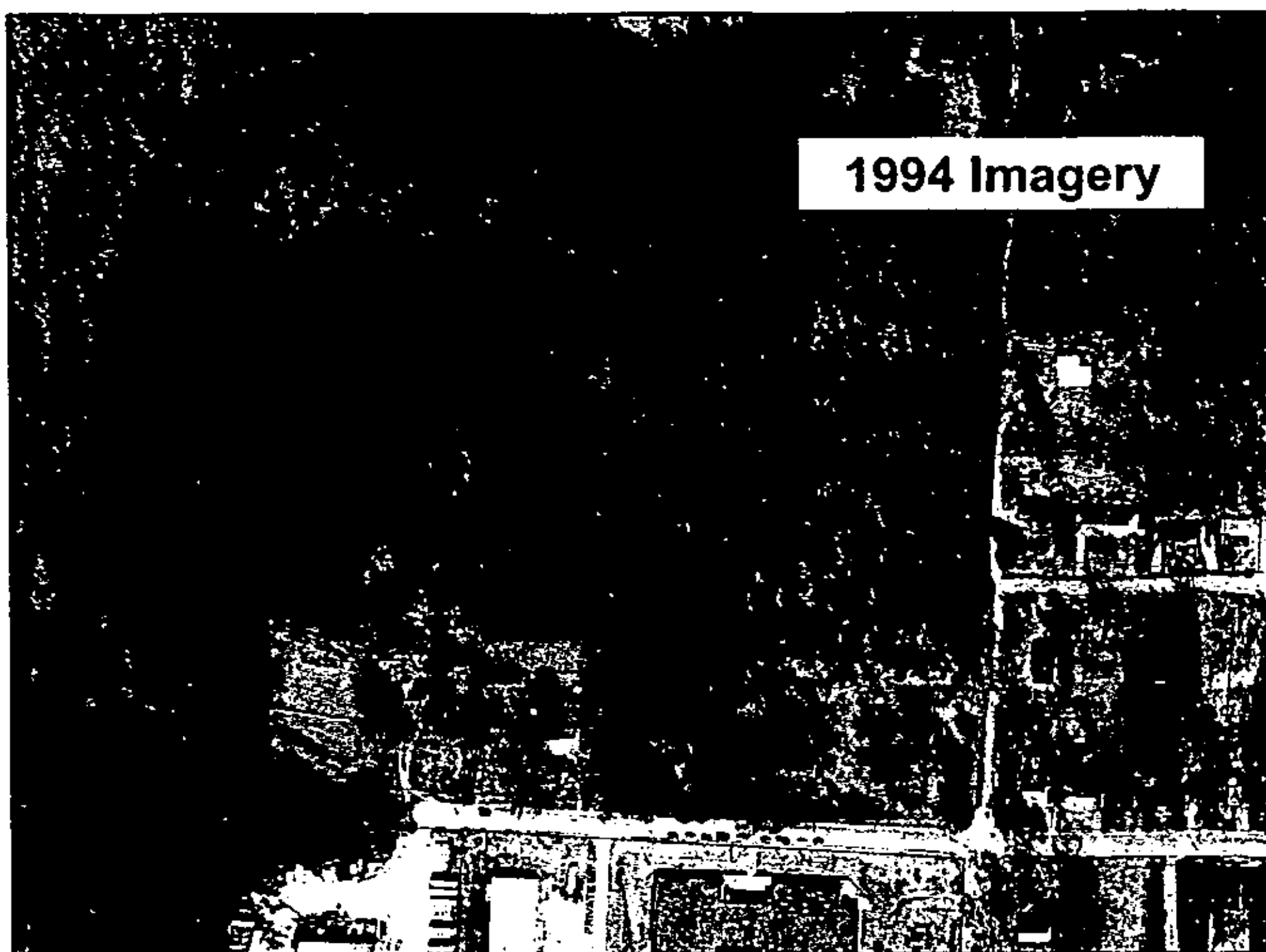
Chapter 172: Parking Lot Design Standards

- Parking pads must be separated by a minimum of 15 feet of undisturbed area
- Parking pads are limited to a maximum of 30 spaces per pad

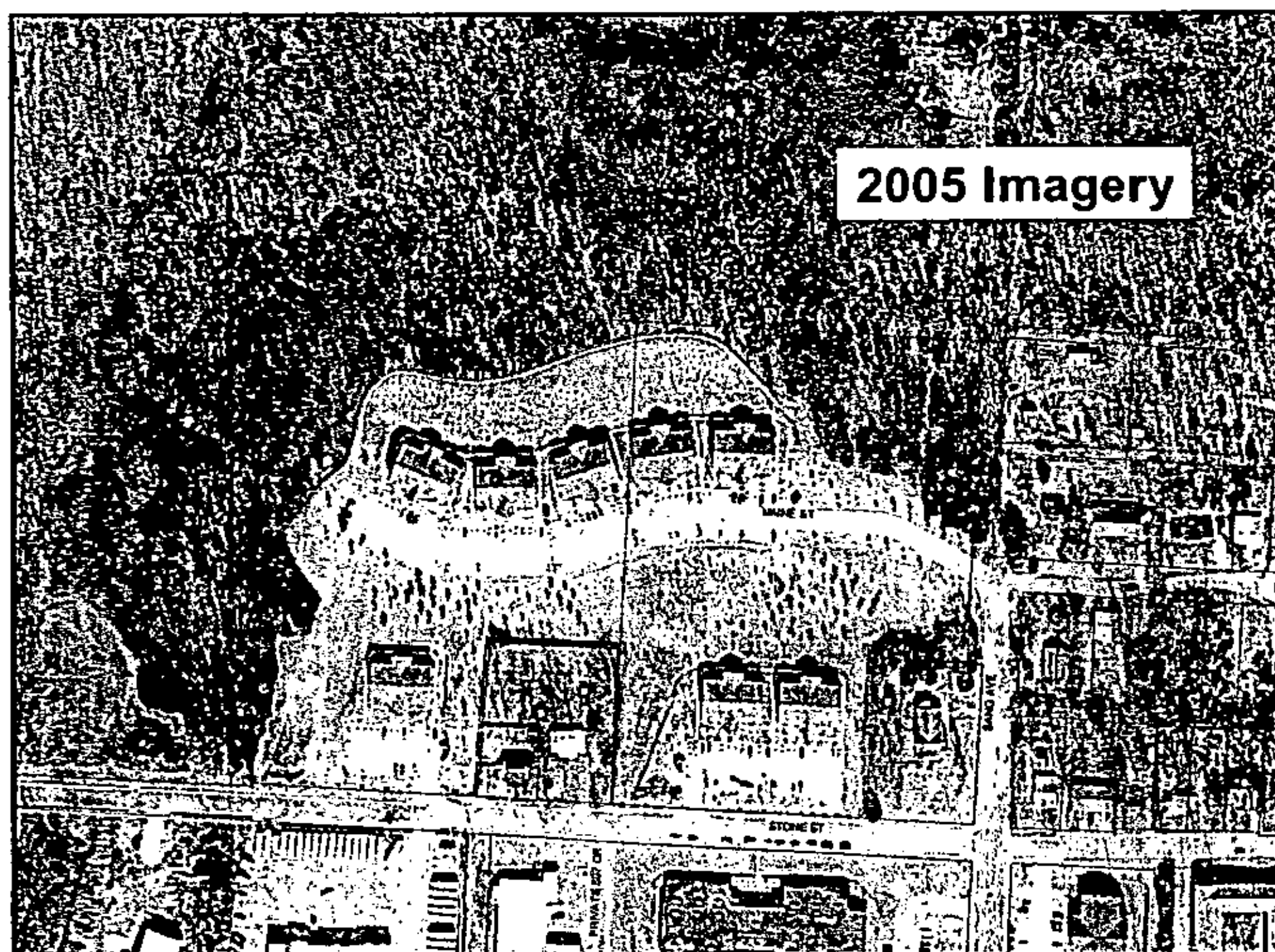




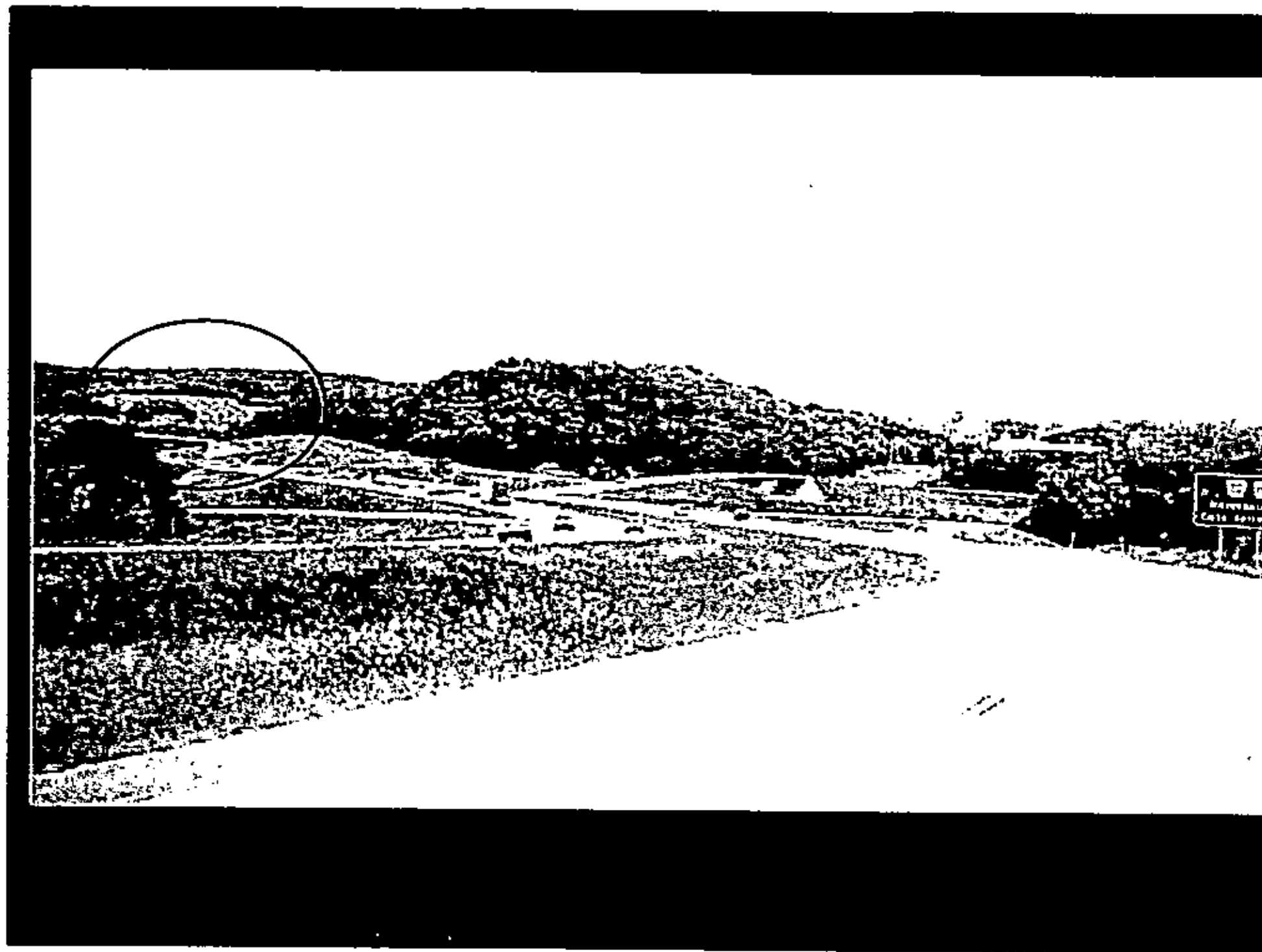




1994 Imagery



2005 Imagery

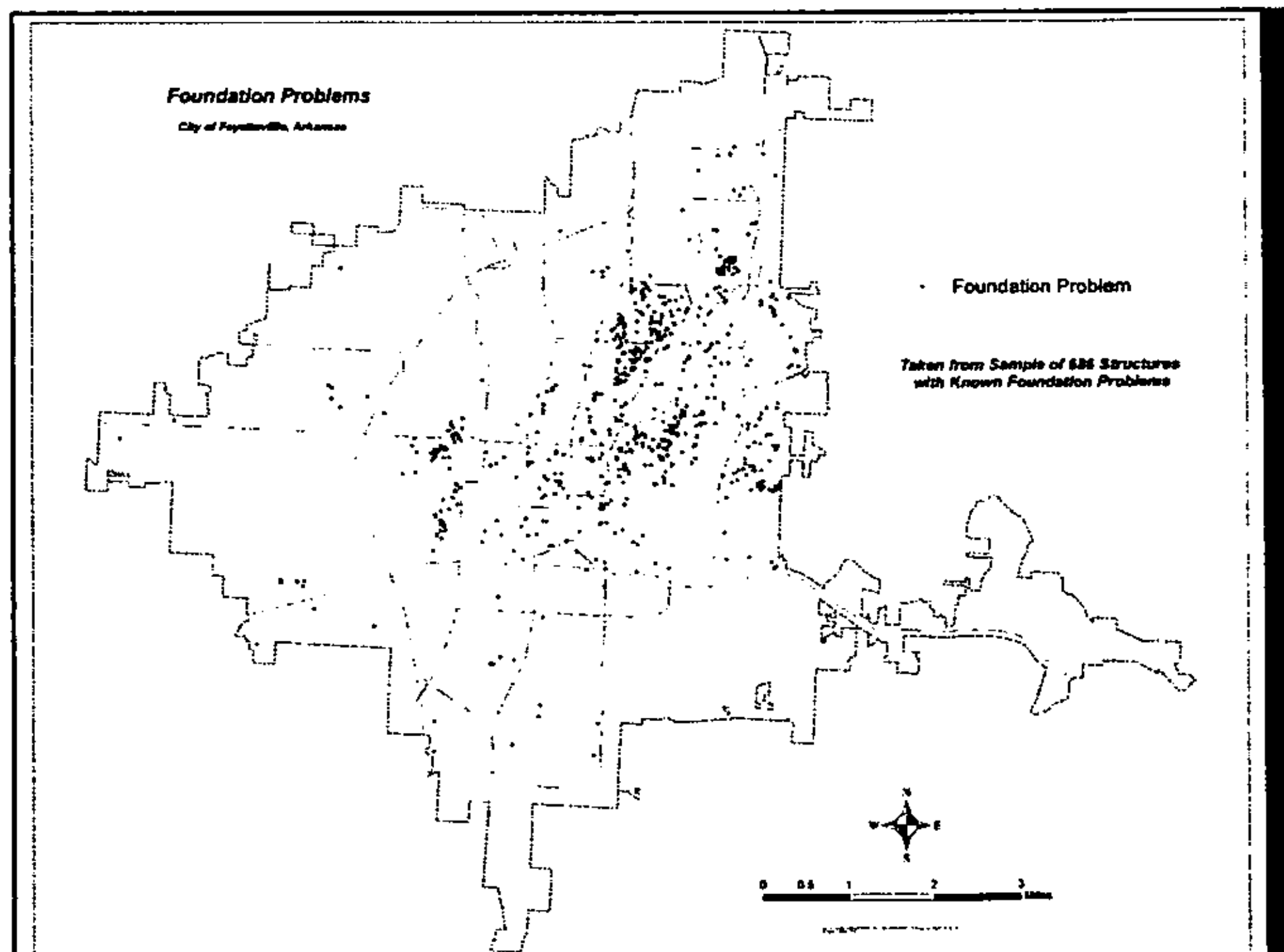


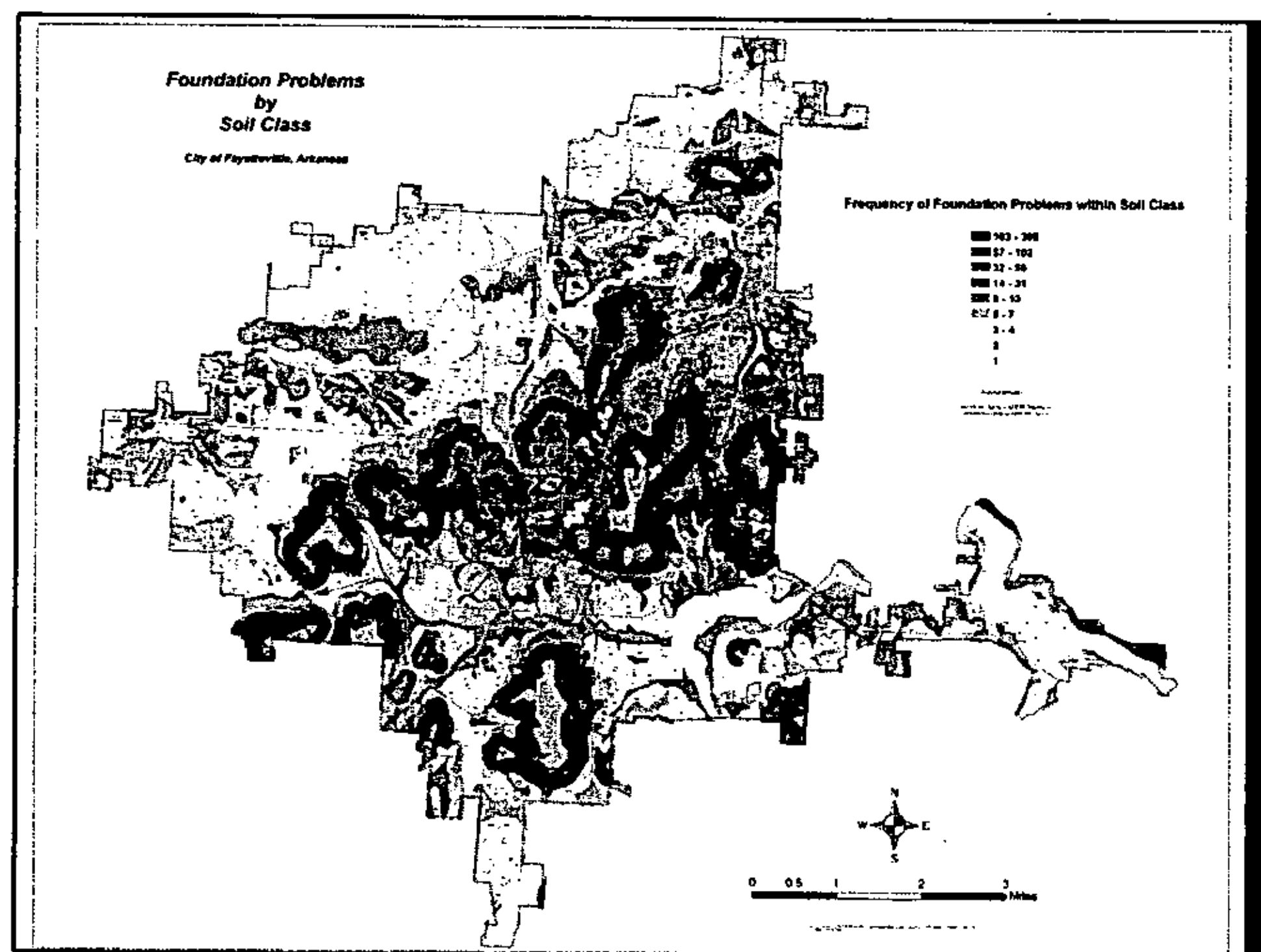
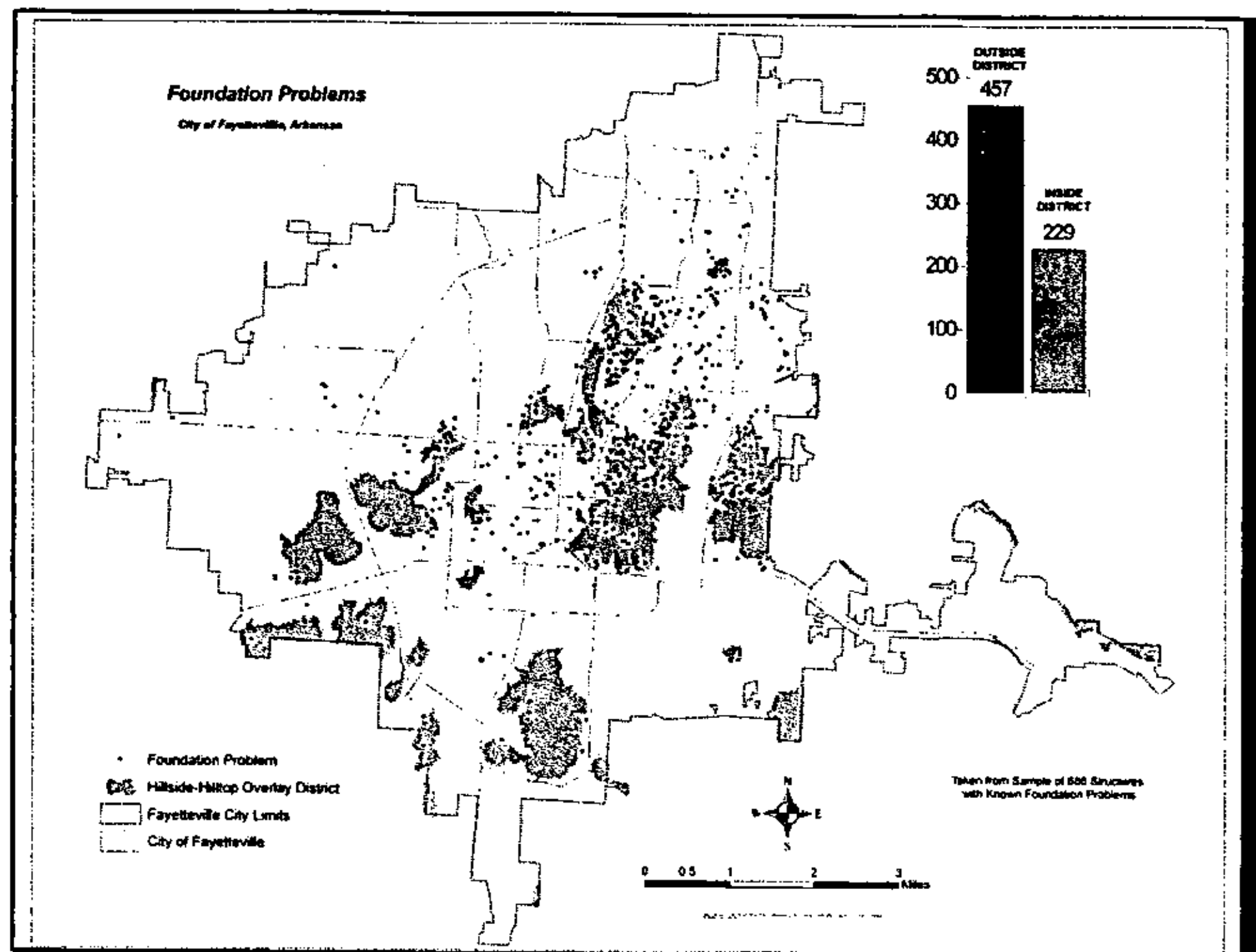
Chapter 173: Building Code

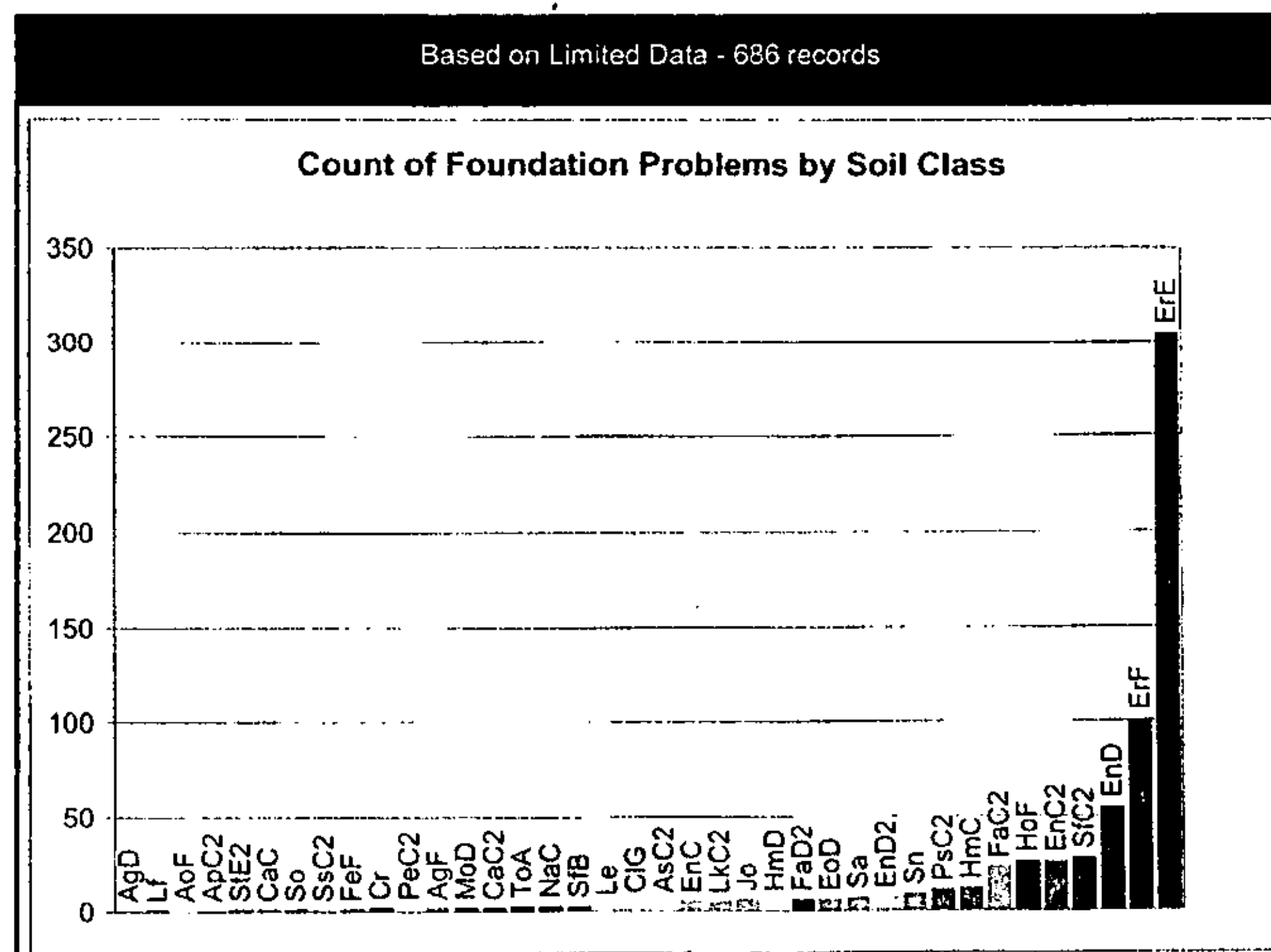
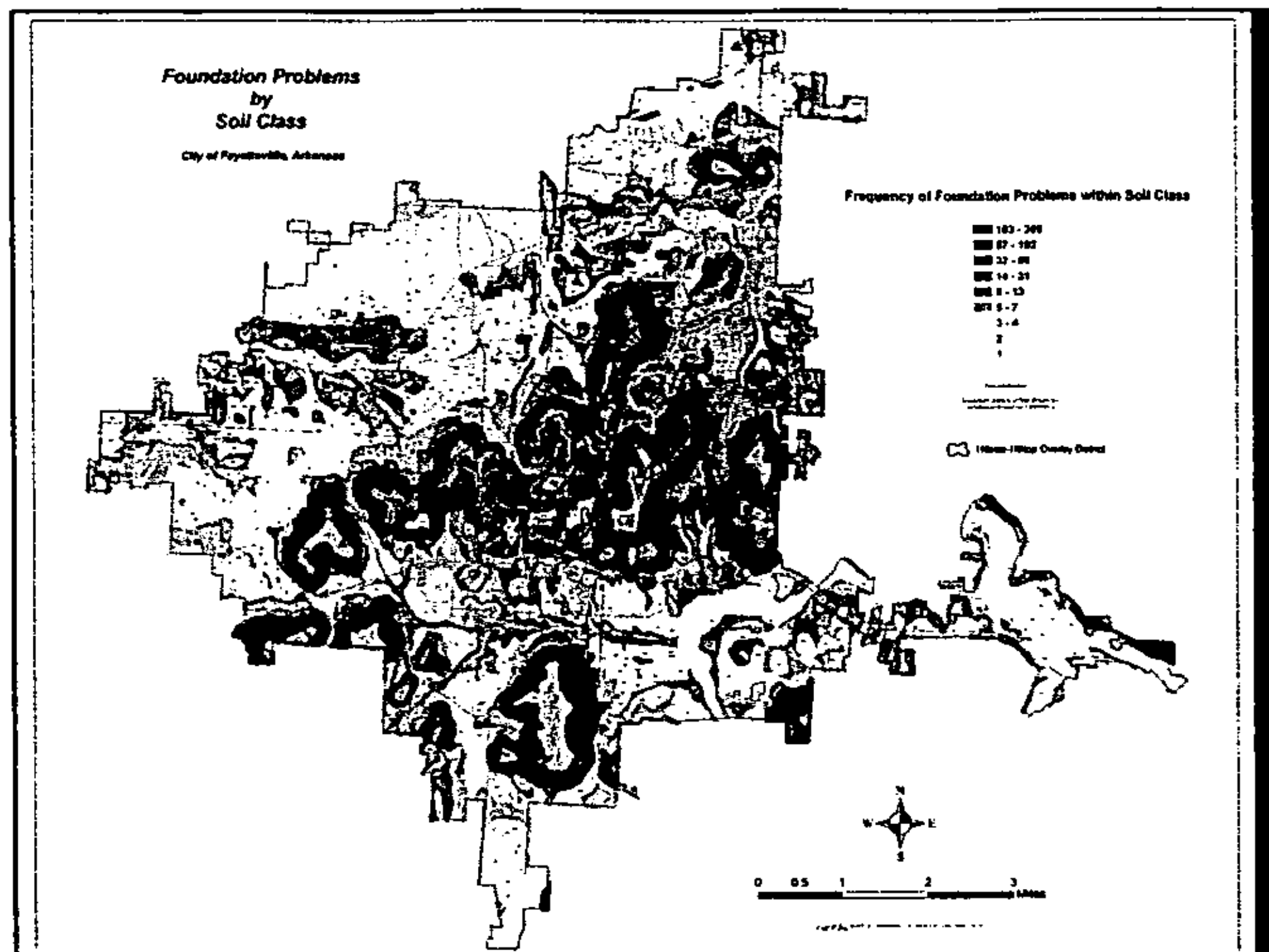
Foundation Requirements Past / Present

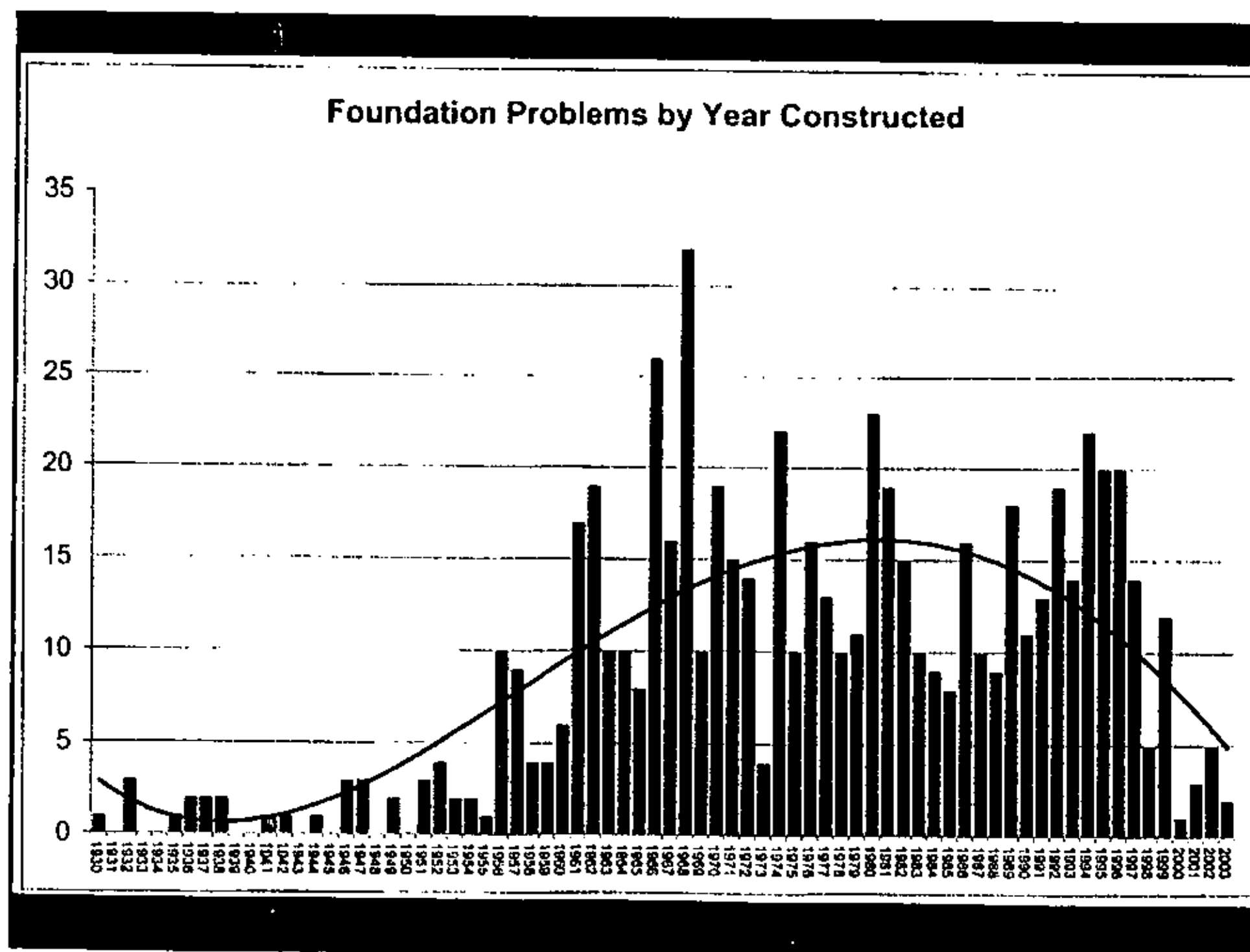
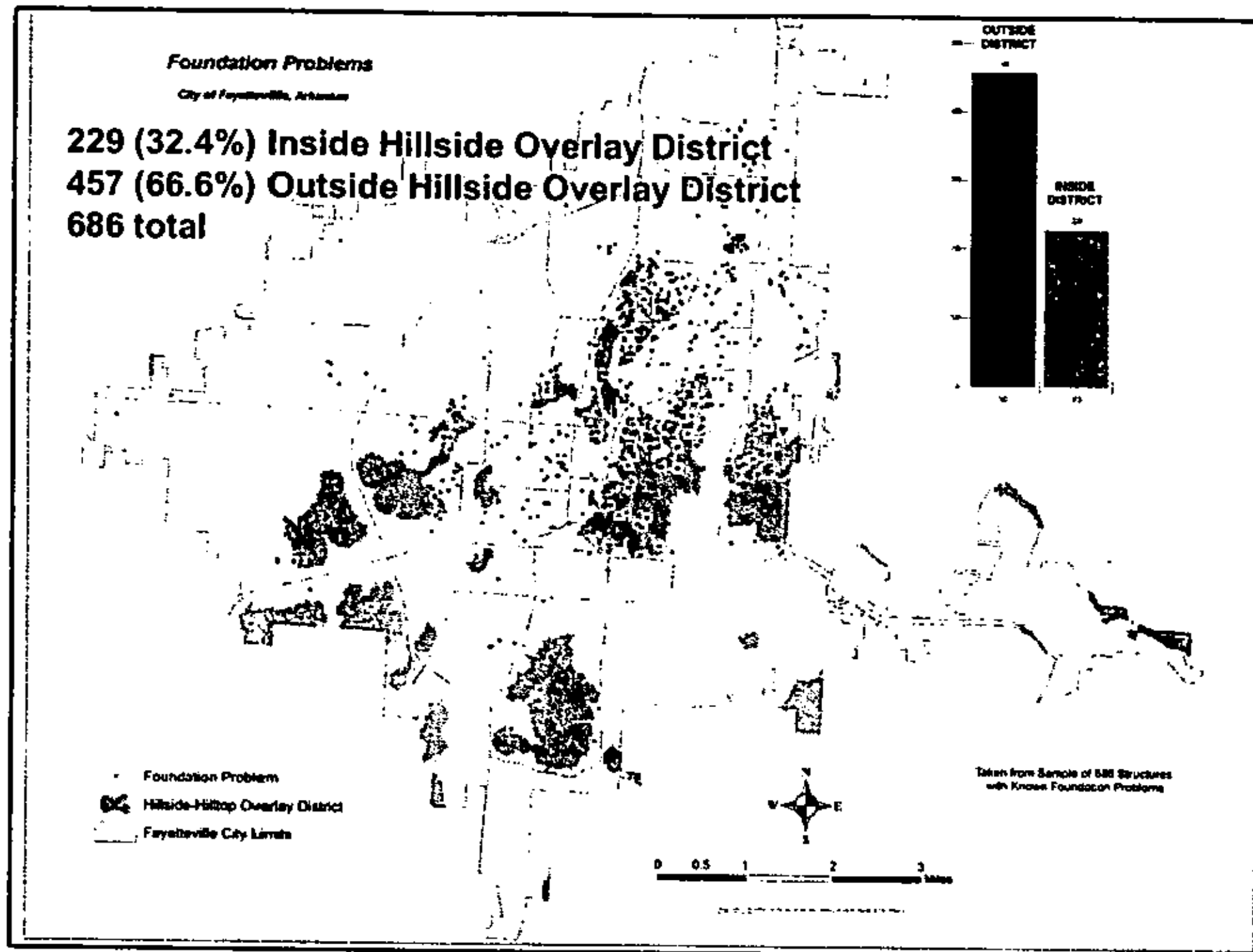
Foundation Failure Rate

Problematic Soils –vs- Hillside / Hilltop District



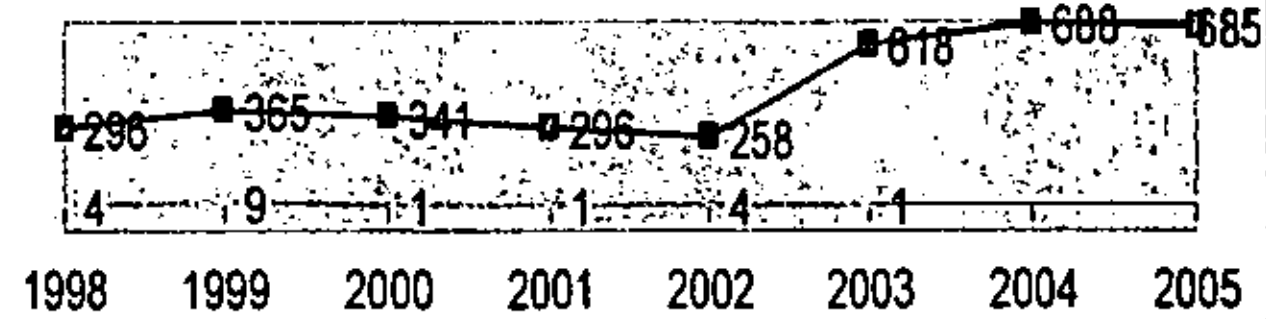






Building Permits vs. Foundation Repairs 1998 thru 2005 (Based on Limited Data)

1 & 2 Family Dwellings
Foundation Repairs
Year Constructed



Summary of Recent Data of Geotechnical Reports and Engineered Foundations

- Strong correlation based on soil class and foundation failure
- Weak correlation based on slope and foundation failure

ALDERMAN AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF May 2, 2006

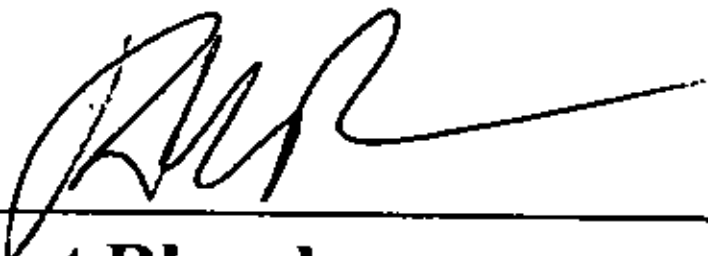
FROM:

ALDERMAN ROBERT RHOADS

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Amend §97.081 Intoxicating Beverages Of The Code Of Fayetteville

APPROVED FOR AGENDA:



Robert Rhoads
Alderman

4/28/06
Date



Kit Williams
City Attorney (as to form)

4-28-06
Date



BOTANICAL GARDEN SOCIETY OF THE OZARKS, INC.

P.O. Box 3079 • Fayetteville, Arkansas 72702-3079 • 479-443-6638 • info@bgso.org

April 27, 2006

Honorable Kit Williams
City Attorney
Fayetteville, Arkansas 72701

This will confirm our telephone conversation today regarding the annual fundraising event at the Botanical Garden on May 11, 2006. We will need a variance on the ordinance prohibiting alcohol in the city parks, to exclude the garden site.

We would also anticipate that alcohol would be served in the future as we begin to rent the event space for weddings, wedding receptions, corporate gatherings, etc.

Robert Rhoads has offered to sponsor this for us, and if I can do anything to help you facilitate this request, please let me know.

You mentioned that Councilman Rhoads would need to make a request to put this variance on the agenda, so it will be considered at the next Council meeting. What is the deadline for that request?

Sincerely,

Cathy Bass

cc: Robert Rhoads
Connie Edmonston

ORDINANCE NO. _____

AN ORDINANCE TO AMEND § 97.081 INTOXICATING
BEVERAGES OF THE CODE OF FAYETTEVILLE

WHEREAS, the Botanical Garden Society of the Ozarks desires to allow alcoholic beverages to be served during its fundraisers, wedding receptions or other special events which would be held on the premises of the Botanical Gardens of the Ozarks.

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 repeals §97.081 in its entirety and enacts a new §97.081 as shown below:

"97.081 Intoxicating Beverages

"(a) No person in a park shall bring into or consume alcoholic beverages within a city park, nor shall any person enter a park when under the influence of intoxicating beverages.

"(b) Notwithstanding the above prohibition, the Botanical Garden Society of the Ozarks may allow alcoholic beverages to be served on the premises they have leased within the Lake Fayetteville park area for fundraisers, wedding receptions and other special events as long as they fully comply with all Alcohol Beverage Control requirements."

PASSED and APPROVED this 2nd day of May, 2006.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

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
May 2, 2006**

A meeting of the Fayetteville City Council will be held on May 2, 2006 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

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

Presentation given by the Annexation Task Force

A. CONSENT:

- 1. Approval of the April 4, 2006 and the April 18, 2006 City Council meeting minutes.**
- 2. Historic District Commission:** A resolution confirming the Mayor's appointment of seven (7) members to the Historic District Commission.
- 3. MSI Consulting Group, LLC Lease:** A resolution approving two proposals in the amount of \$245,000.00 from MSI Consulting Group, LLC to lease a comprehensive case management system and to provide data conversion services for the Fayetteville District Court; and approving a budget adjustment in the amount of \$145,000.00.
- 4. U of A Technology Corridor Project:** A resolution expressing the willingness of City of Fayetteville to utilize Federal-Aid High Priority Project Funds for the U of A Technology Corridor Project.
- 5. Expressway Economic Corridor Project:** A resolution expressing the willingness of City of Fayetteville to utilize Federal-Aid High Priority Project Funds for the Expressway Economic Development Corridor Project.

6. **McClelland Consulting Engineers, Inc. Task Order #13:** A resolution approving Task Order No. 13 with McClelland Consulting Engineers in the amount of \$9,650.00 for design of the airfield striping plan, bidding services and project oversight at the Fayetteville Municipal Airport; and approving a Budget Adjustment recognizing \$85,000.00 in grant revenues.

B. UNFINISHED BUSINESS:

1. **Amend §161.18 District C-3 Central Commercial:** An ordinance to amend §161.18 District C-3 Central Commercial of the Unified Development Code by including a new subsection (f) restricting height to six stories or 84 feet whichever is less; and amending Chapter 156: Variances. *This ordinance was left on the Second Reading at the April 18, 2006 City Council meeting.*
2. **Arbors at Springwoods Appeal:** An appeal of the Planning Commission's decision regarding a condition of approval for the Arbors at Springwoods Large Scale Development. *This item was Tabled at the April 18, 2006 City Council Meeting to the May 2, 2006 City Council Meeting.*
3. **Amend §166.03 Park Land Dedication:** An ordinance to amend §166.03 (K) Park Land Dedication of the Unified Development Code. *This ordinance was left on the First Reading at the April 18, 2006 City Council Meeting.*

C. PUBLIC HEARINGS

1. **Raze and Removal at 50 South School Avenue:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Stephan and Sharon Hoover located at 50 South School Avenue in the City of Fayetteville, Arkansas.
2. **Clean-up at 1079 Washington Avenue:** A resolution certifying to the Tax Collector of Washington County the costs of abating unsightly and unsanitary conditions upon the property located at 1079 South Washington Avenue in the City of Fayetteville, Arkansas.
3. **Clean-up at 4005 West 6th Street:** A resolution certifying to the Tax Collector of Washington County the costs of abating unsightly and unsanitary conditions upon the property located at 4005 West 6th Street in the City of Fayetteville, Arkansas.

D. NEW BUSINESS:

1. **ANX 06-2006 Brown:** An ordinance annexing that property described in annexation petition ANX 06-2006 (CC2005-51), for property located east of Township Street, containing approximately 3.38 acres.
2. **RZN 06-2007 Brown:** An ordinance rezoning that property described in rezoning petition RZN 06-2007, for approximately 3.38 acres located east of Township Street, from R-A, Residential Agricultural to RSF-4, Residential Single Family, 4 units per acre.

3. **RZN 06-2008 CMN Business Park II, Phase III:** An ordinance rezoning that property described in rezoning petition RZN 06-2008, for approximately 53.93 acres, located at CMN Business Park II Phase III, northwest of Van Asche and Steele Boulevard, from R-O, Residential Office and C-1, Neighborhood Commercial to C-1, Neighborhood Commercial.
4. **R-PZD 06-1922 Scottswood Place:** An ordinance establishing a Residential Planned Zoning District Titled R-PZD 06-1922, Scottswood Place, located northeast of Old Farmington Road and One Mile Road, containing approximately 5.06 acres, more or less; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan.
5. **VAC 06-2044 Toyota of Fayetteville:** An ordinance approving VAC 06-2044 submitted by Bryan Smith for property located at 1352 west Showroom Drive, vacating a portion of the utility easement located within the subject property.
6. **Reserve, LLC:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with Reserve, LLC in the amount of \$70,793.00 for the upsizing of approximately 3,340 feet of 8" water main to 12" water main; and approving a contingency in the amount of \$10,600.00.
7. **Amend Chapter 50: Garbage and Trash:** An ordinance amending Chapter 50: Garbage and Trash, to eliminate the surcharge for solid waste service outside the city limits.
8. **Improvement District No. 15 - Stonebridge Meadows:** An ordinance to establish and lay off Fayetteville Municipal Property Owner's Improvement District No. 15- Stonebridge Meadows, Phases 4 and 5.
9. **Compensation Classification Phase I Contract Approval:** More information will be provided.

E. INFORMATIONAL:

1. **Police Station Location Presentation and Discussion – Agenda Session Only**
2. **City Council Tour: May 1, 2006 - 4:30 PM**

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

2-May-06
City Council Meeting Date

Dan Coody
Submitted By

Administration
Division

Administration
Department

Action Required:

Action Required: A Resolution to confirm the Mayor's appointment of a seven-member Historic District Commission.

N/A

Cost of this request

N/A

Account Number

Project Number

Category/Project Budget

\$ -
\$ -

Funds Used to Date

\$ -
\$ -

Remaining Balance

Program Category / Project Name

Program / Project Category Name

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐


Department Director

4-14-06
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:


City Attorney

4/14/06


Finance and Internal Service Director

4-14-06
Date

Received in City Clerk's Office

ENTERED
4/14/06 MB


Mayor

4/14/06
Date

Received in Mayor's Office

ENTERED
4/14/06 BCP

Comments:

CITY COUNCIL AGENDA MEMO

To: Fayetteville City Council
From: Dan Coody, Mayor
Date: May 2, 2006
Subject: Historic District Commission

RECOMMENDATION

The Administration recommends that the City Council approve a seven-member appointed Historic District Commission.

BACKGROUND

Arkansas State Code §14-172-06 provides for the establishment of a Historic District Commission, appointed by the Mayor and subject to confirmation by the governing body of the City. In 1979, the City Council passed a local ordinance that established a historic district commission comprised of seven members (Article X 33.226-33.227), which was disbanded in 2003 because a local ordinance district was not established.

The perceived necessity of a Historic District Commission and a local ordinance district, however, may have changed. In 2004, the City of Fayetteville hired Dover, Kohl and Partners to facilitate the development of a Downtown Master Plan. Over 500 residents participated in the charrette, which resulted in a detailed analysis and Plan for approximately 350 acres. One of the main components of the Plan is a form-based code, which designates four zoning districts within the Downtown, each with separate building height, use, and build-to line requirements. The form-based code is designed to ensure that the Downtown area retains its livability and human-scale, while allowing for an increase in density and economic value. The passage of the form-based code by City Council proposes to allow property owners to develop as-of-right, which means projects that comply with the code will receive administrative approval and not have to go through a public hearing if the development complies with the adopted code.

To provide the community and City Council with additional information that would allow for the possibility of forming of a local ordinance district, Planning Staff is:

- 1) Arranging for the State Historic Preservation Program to survey a third of the Downtown Master Plan area to determine eligibility for a commercial historic district or districts;
- 2) Applying for a Certified Local Government (CLG) grant to provide training for a Historic District Commission; and
- 3) Applying for a CLG grant to conduct a survey of non-commercial structures in the Downtown Master Plan area.

In order to meet the eligibility requirements for a survey of non-commercial structures in the Downtown Master Plan area, the City of Fayetteville must have a working historic district commission.

DISCUSSION

In order to retain eligibility for two Certified Local Government District grants totaling \$17,002, the City Council must approve a Historic District Commission. The Historic District Commission will remain as an advisory committee and not assume authority until a local ordinance district is established.

BUDGET IMPACT

None.

RESOLUTION NO. _____

A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT
OF SEVEN (7) MEMBERS TO THE HISTORIC DISTRICT
COMMISSION.

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 confirms the Mayor's appointment of the following seven (7) members to
the Historic District Commission:

Leslie Belden
Tim Cooper
Cindy Kalke
Rob Sharp
Ethel Goodstein-Murphree
Rob Merryship
Anthony Wappel

PASSED and APPROVED this 2nd day of May, 2006

APPROVED

By: DAN GOODY, Mayor

ATTEST:

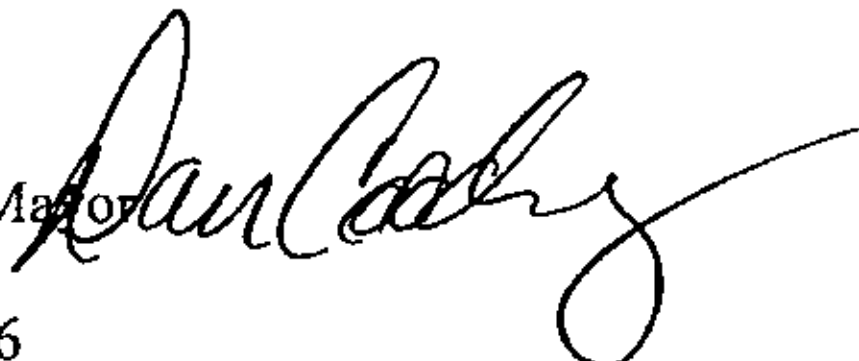
By: SONDRA SMITH, City Clerk

DRAFT



THE CITY OF FAYETTEVILLE, ARKANSAS

CITY COUNCIL MEMO

To: City Council
From: Dan Coody, Mayor 
Date: April 19, 2006
Subject: Historic District Commission Appointees

The following members of the Fayetteville community have been selected as appointees to the Historic District Commission for your approval. Together, they bring a diversity of expertise in historic architecture and preservation.

Leslie Belden, Downtown resident, Board Member, Fayetteville Downtown Partners

Tim Cooper, Architect

Cindy Kalke, Washington-Willow Historic District resident

Rob Sharp, Architect

Ethel Goodstein-Murphree, Professor of Architecture and American Cultural History

Rob Merryship, Alexander, Merryship and Alt Real Estate

Anthony Wappel, Archivist, Washington County



THE CITY OF FAYETTEVILLE, ARKANSAS

INFORMATIONAL MEMO

To: Fayetteville City Council

Through: Dan Cuddy, Mayor
Gary Dumas, Director of Operations
Tim Conklin, Planning and Development Management Director

From: Karen Minkel, Long Range Planner

Date: April 11, 2006

Subject: Historic Preservation Program Grant Applications

The Long Range Planning division is applying for two Certified Local Government grants from the Arkansas Historic Preservation Program. The first grant would provide comprehensive training for a Historic District Commission. Training funds would enable the chair of the commission and a long range staff member to attend a National Alliance of Preservation Commissions' Forum in Baltimore, Maryland and for the full commission and a long range staff member to attend a state training in Hot Springs sponsored by the Historic Preservation Alliance of Arkansas. These conferences provide training in architectural design review, legal issues related to historical preservation, public participation and preservation planning. The total funds requested are \$6,202. A long range planner will provide several hours each week for administrative and research support, which will equal approximately \$4,200 in in-kind support.

The second grant requests funds for hiring four upperclassmen in the School of Architecture to conduct a survey of approximately 800 structures in the Downtown Master Plan Area beginning in January 2007 and concluding in August 2007. This tally excludes current historic districts and the structures that will be surveyed by the state Historical Preservation Program April 19 in efforts to determine the viability of a commercial historic district. The students' findings will be shared with Council, Fayetteville Downtown Partners and property owners in May 2007. The funds requested for this project total \$10,800. Dr. Ethel Goodstein-Murphree, a professor in the School of Architecture at the University of Arkansas will provide an in-kind contribution of \$800 to provide training to the selected student surveyors. Long Range Planning will supervise the project and provide a digital camera, GIS, other miscellaneous materials and staff support, which equals an in-kind match of approximately \$2,380.

Grant applicants will receive award notifications in May 2006.

APPLICATION -- ARKANSAS CLG GRANT 2006

1. City / County of Fayetteville

2. Title of Project(s): Survey of Downtown Historic Structures

3. Building Data: (if applicable)

Address & Historic Name: _____

Year of Construction: _____

NR Status: _____

Owner of Property: _____

4. District / Area Benefiting from Project:

US Congressional District: _____

State House District & Representative(s): _____

State Senate District & Senator: _____

Mayor: _____

County Judge: _____

3rd Congressional District

Districts 88, 92 and 89

Marilyn Edwards, Bill Britchard, Lindley Smith

District 7 Sen. Sue Madison

Dan Coody

Jerry Hinton

5. Project Coordinator: _____

Address: _____

Telephone & Fax: _____

Email: _____

Karen Minkel / Long Range Planning

113 W. Mountain Street Fayetteville, AR 72701

(479) 575-8271 (F) (479) 575-8267

kminkel@ci.fayetteville.ar.us

6. Amount of Funding Requested: _____

City (or other) Match: _____

Total Project Cost: _____

10,800

2,380

13,180

7. Required Attachments:

Project Outline (attach a narrative description of the project)

Budget Form (enclosed)

8. Authorized City Signature*: _____

Name: Dan Coody

Title: Mayor

Date: 4/11/06

* Mayor's / County Judge's signature required for cities not currently participating in the CLG program.

City of Fayetteville Survey of Downtown Historic Structures

Proposal

The City of Fayetteville proposes to complete a thorough survey of Downtown non-commercial historic structures in order to: 1) assess the eligibility of these structures for recognition on the National Registry; and 2) provide property owners with the opportunity to create a locally-recognized historic district that protects the integrity of their property's historical significance.

Need

Downtown Fayetteville offers a vibrant urban environment, providing a mix of residential, institutional and commercial uses. Four active neighborhood associations comprise most of the residential area, including the Town Mountain South, Mill District, Dickson Street and West Lafayette Street Historic Associations. Portions of the Town Branch, Jennings Plus and Washington-Willow Associations are also located in the Downtown area. In addition, the Downtown area offers entertainment, cultural and retail areas predominantly on Dickson Street and the Square as well as several large churches. These structures form an amalgam of architectural styles, shapes and sizes that contribute to a diverse and unique regional attraction.

In 2004, the City of Fayetteville hired Dover, Kohl and Partners to facilitate the development of a Downtown Master Plan. Over 500 residents participated in the charrette, which resulted in a detailed analysis and Plan for approximately 350 acres. One of the main components of the Plan is a form-based code, which designates four zones within the Downtown, each with separate building height, use, and build-to line requirements. The form-based code helps to ensure that the Downtown area retains its livability and human-scale, while allowing for an increase in density and economic value. The passage of the form-based code proposes to allow property owners to develop as-of-right, which means projects that comply with the code will not have to undergo public hearings per staff approval.

The City supports the implementation of the form-based code, but also wants to ensure that structures of historical significance within the Downtown are protected and preserved. The code will likely come before City Council by late 2006. This timing demonstrates the need for completing an intensive survey this year.

While parts of the Mt. Nord and Washington Willow Historic Districts overlap the Downtown area and will not be included in the survey, they represent only a small percentage of the total area. The survey will also not include structures surveyed for the commercial historic district as a survey of these buildings will be completed by the State Historical Preservation Program in May 2006. Attached are maps of the Downtown Master Plan area, the survey boundaries for a Commercial Historic District, the current historical districts of Mt. Nord and Washington Willow and a sampling of historical

buildings in Fayetteville's Downtown that are currently on the National Register or Historical Places or may qualify.

Methodology and Timeline

The City anticipates hiring four upperclassmen who obtained a 3.0 G.P.A. or higher in their Architecture History class from the School of Architecture at the University of Arkansas to complete a survey of approximately 800 structures. Two University of Arkansas Architecture professors, Kim Sexton and Ethel Goodstein-Murphree, have agreed to recruit students from their classes and serve as a resource to the project. The project would begin in January 2007, and the students' final results would be available August 2007 and shared with property owners, the Historic District Commission, Aldermen and Planning Staff.

Surveyors would follow the National Registry Guidelines for documenting the structures, which would include determining the age of the structure, taking an appropriate photograph and sketching the façade of the building. Further, Dr. Goodstein-Murphree, who has supervised similar surveys, will provide a training workshop to the selected students. After receiving notification of a grant allotment, Planning Staff will work with the four surveyors to establish a phasing of the project that accommodates their class schedules and also serves as a systematic means for measuring performance and progress.

**Certified Local Government Grant
Budget Form --- FY 2006**

City / County Fayetteville

Project Name Survey of Downtown Historic Structures

	<u>Grant</u>	<u>Match*</u>	<u>Total</u>
1. Personnel (Name / Rate** x Hrs = Total)			
Four UA			
Architecture students / 9 x 300 =	<u>10,800</u>	<u>—</u>	<u>10,800</u>
Long Range Staff / x =	<u>—</u>	<u>1,280</u>	<u>1,280</u>
2. Travel ***			
Auto -- \$.39/mi x _____ miles	<u>—</u>	<u>—</u>	<u>—</u>
Air/Other -- est. ticket price x _____ passengers	<u>—</u>	<u>—</u>	<u>—</u>
Lodging -- Rate _____ x _____ nights x _____ rooms	<u>—</u>	<u>—</u>	<u>—</u>
Meals -- Rate _____ x _____ days x _____ persons	<u>—</u>	<u>—</u>	<u>—</u>
3. Equipment/Supplies (List each item/category)			
Digital camera, paper, writing equipment,	<u>—</u>	<u>300</u>	<u>300</u>
GIS, plotter	<u>—</u>	<u>—</u>	<u>—</u>
4. Contractual (List each contractor / consultant)			
Dr. Ethel Goodstein-Murphree	<u>—</u>	<u>800</u>	<u>800</u>
	<u>—</u>	<u>—</u>	<u>—</u>
5. Other	<u>—</u>	<u>—</u>	<u>—</u>
6. Total Projected Costs:	<u>10,800</u>	<u>2,380</u>	<u>13,180</u>

Budget Prepared By: Karen Minkel

* List and explain any in-kind funding on separate page.

** If including fringe benefits in hourly rate, explain on separate page.

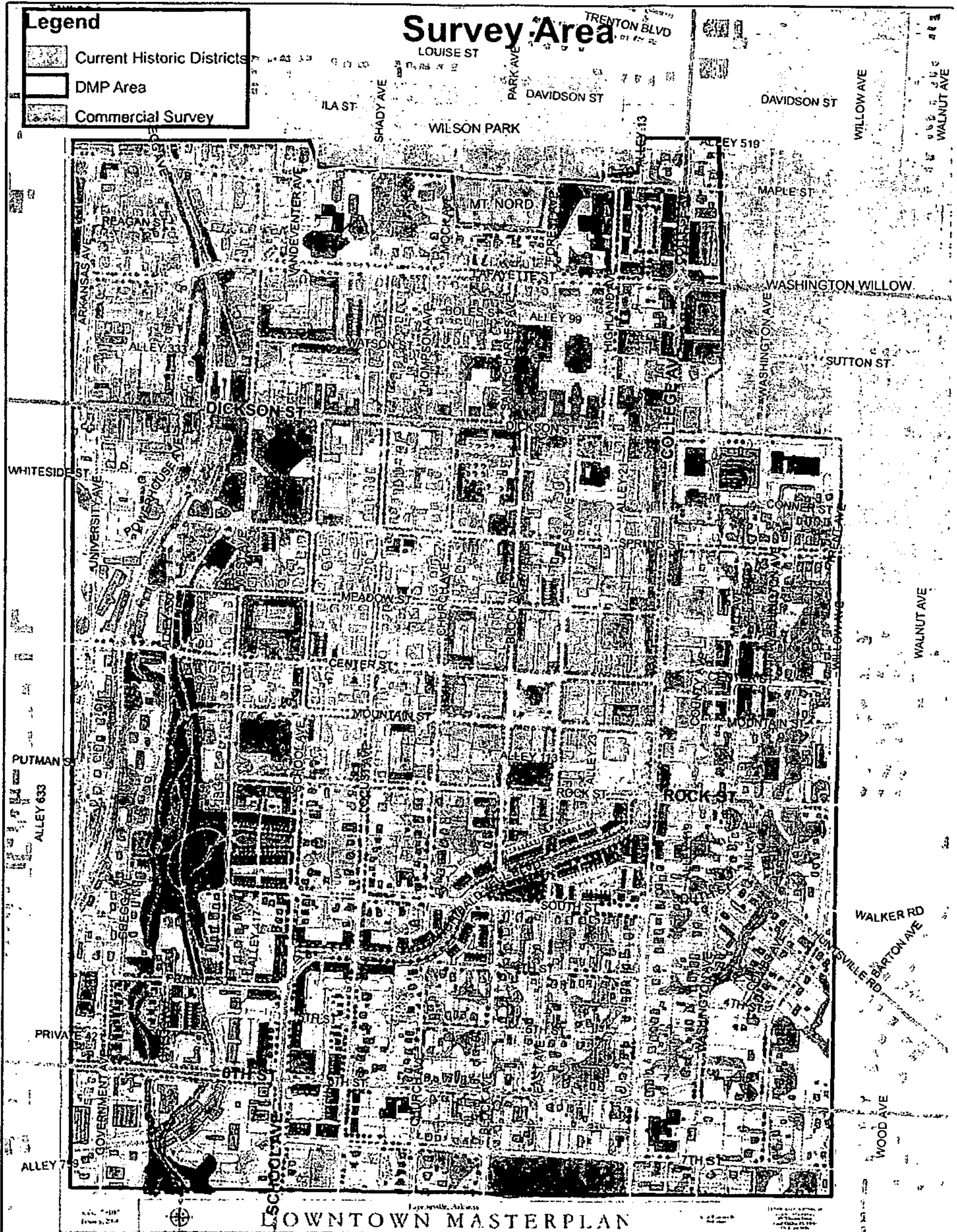
*** Please use current federal travel rates. See www.gsa.gov

NOTE: If necessary, attach additional sheet(s) in order to explain each item/category.

In-Kind Contributions

Dr. Goodstein-Murphree is a professor of Architecture and American Cultural History at the University of Arkansas. She has previously worked as a Historic and Preservation Planning consultant and Architectural Historian to the Arkansas Historical Preservation Program and has agreed to offer a two-day workshop to the four students who are selected to conduct the survey of downtown Fayetteville. The cost of this type of workshop is approximately \$800.

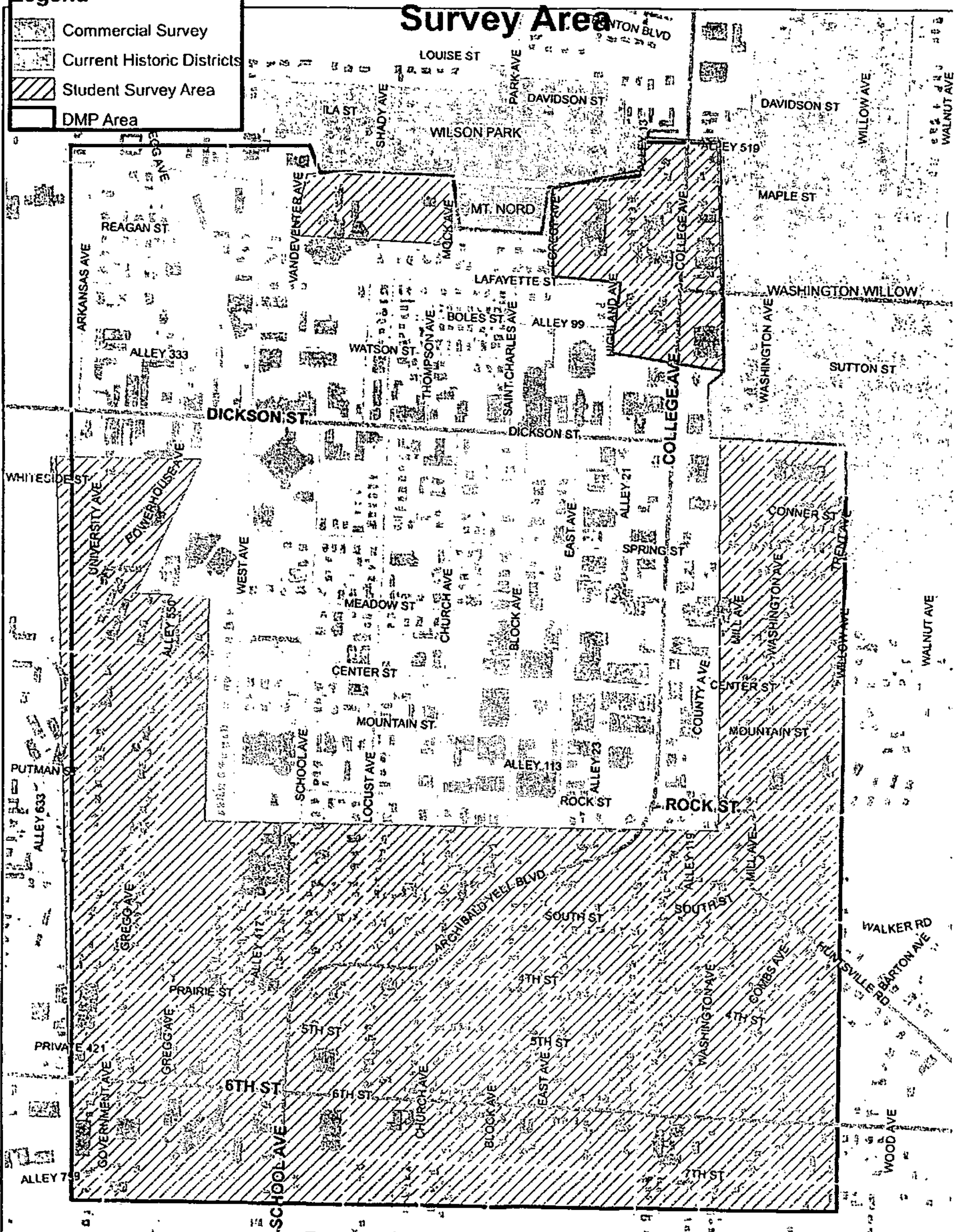
A long range staff member will also supervise the student survey for approximately eight months. The City of Fayetteville's in-kind match for this staff time is approximately \$1,280.



Legend

- Commercial Survey
- Current Historic Districts
- Student Survey Area
- DMP Area

Survey Area



Downtown Fayetteville Historical Resources
Fayetteville Planning Commission
Agenda Session 2-9-06

Lafayette Gregg House

Built in 1871 by Lafayette Gregg
former state representative and
Arkansas State Supreme Court
judge.



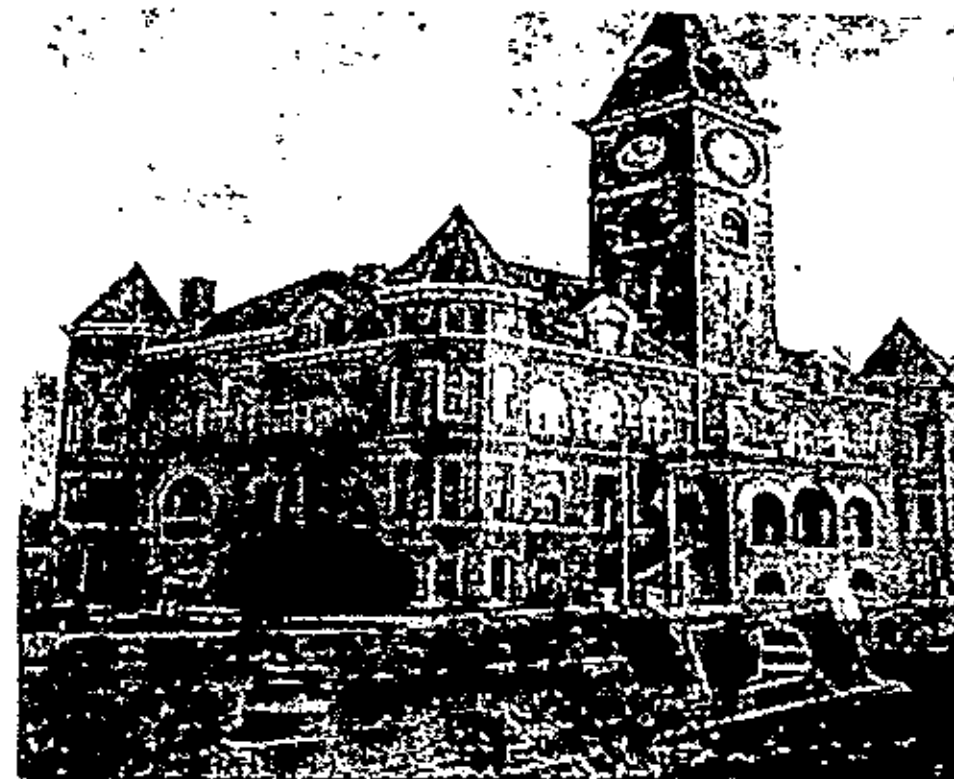
Ozark Theatre Building

Built in 1905 by the Knights of
Pythias it became known as the
Ozark Theatre.



Washington County Courthouse

Built in 1904 the building was
designed by architect Charles
Thompson. Future Arkansas
Governor George Donaghey
served as the contractor.



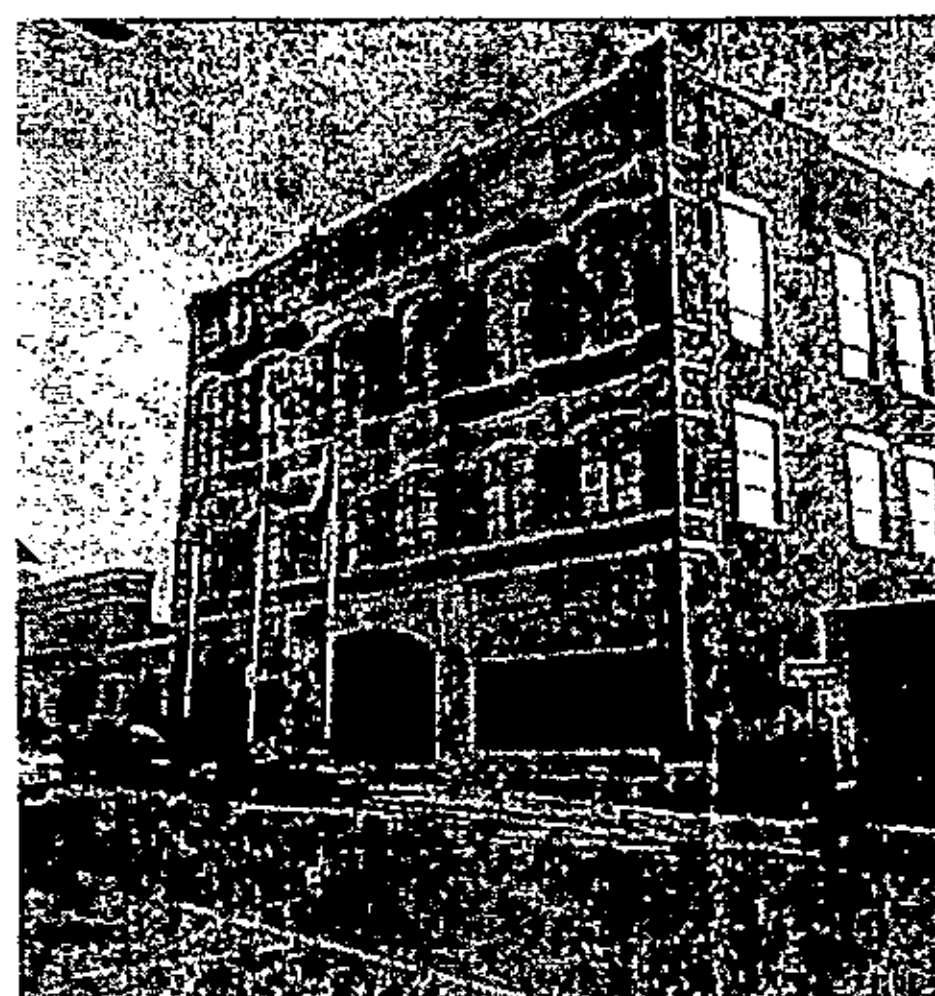
Washington County Jail

Built in 1897 the building boasted 3 foot deep stone floors and the building could accommodate 14 inmates.



A.F. Wolf Building

Originally built by A.F. Wolf the building now houses Fayetteville City Administration offices.



Frisco Depot

The original depot burned in 1897 and the present structure was erected in 1925.



Eason Building

The Bank of Fayetteville and the First National Bank merged in 1915 and were originally housed in the Eason Building.



St. Paul's Episcopal Church

The cornerstone for the St. Paul Episcopal Church was laid in this location in 1872. This church was built by W.Z. Mayes who also built Old Main.



The Ridge House

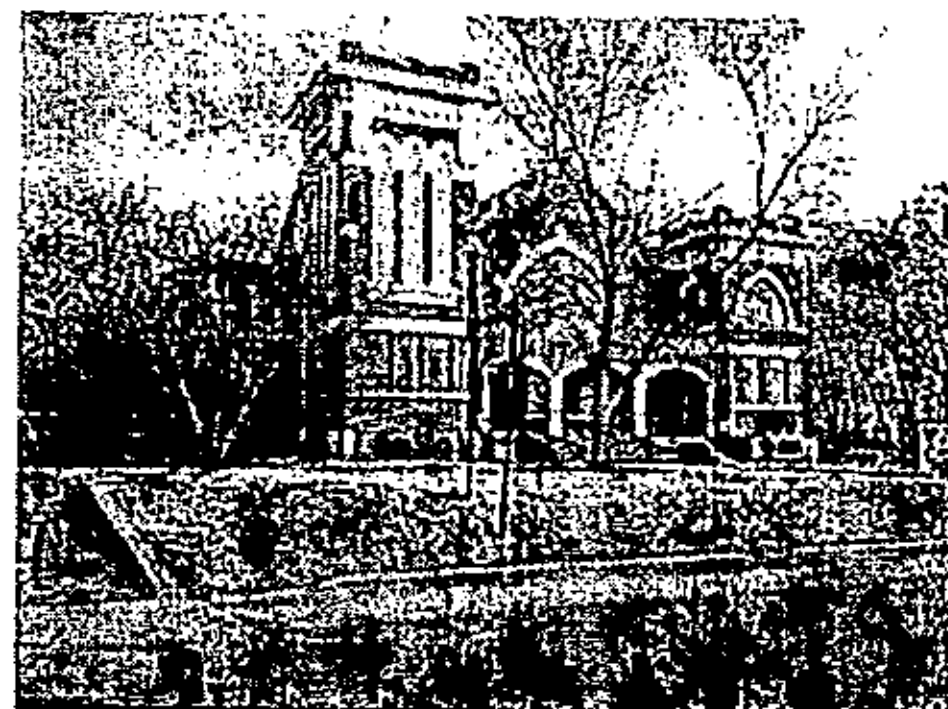
Originally built in 1826 as a log home the Ridge House underwent many renovations and eventually it was rescued from disrepair through private contributions to the Washington County Historical Society.



The Walker / Stone House
Built in 1847 by Judge David
Walker the home was sold to
Stephan Stone in the 1850's.



First Christian Church
Built in 1913, this church occupies
the original site of Arkansas
College.



Guisinger's Music Store

Built in 1886 this building housed Guisinger Music Store from 1925 to 1981. It now houses the Odom and Elliot Law Firm.



Fayetteville Female Seminary

Founded by Miss Sophia Sawyer, a missionary to the Cherokees, the school was established in 1839 with 14 Cherokee girls as students.



Rieff House / Moores Funeral Home

Built in 1857 it is very similar in design to the Walker/Stone House which also uses Federalist Style Architecture.



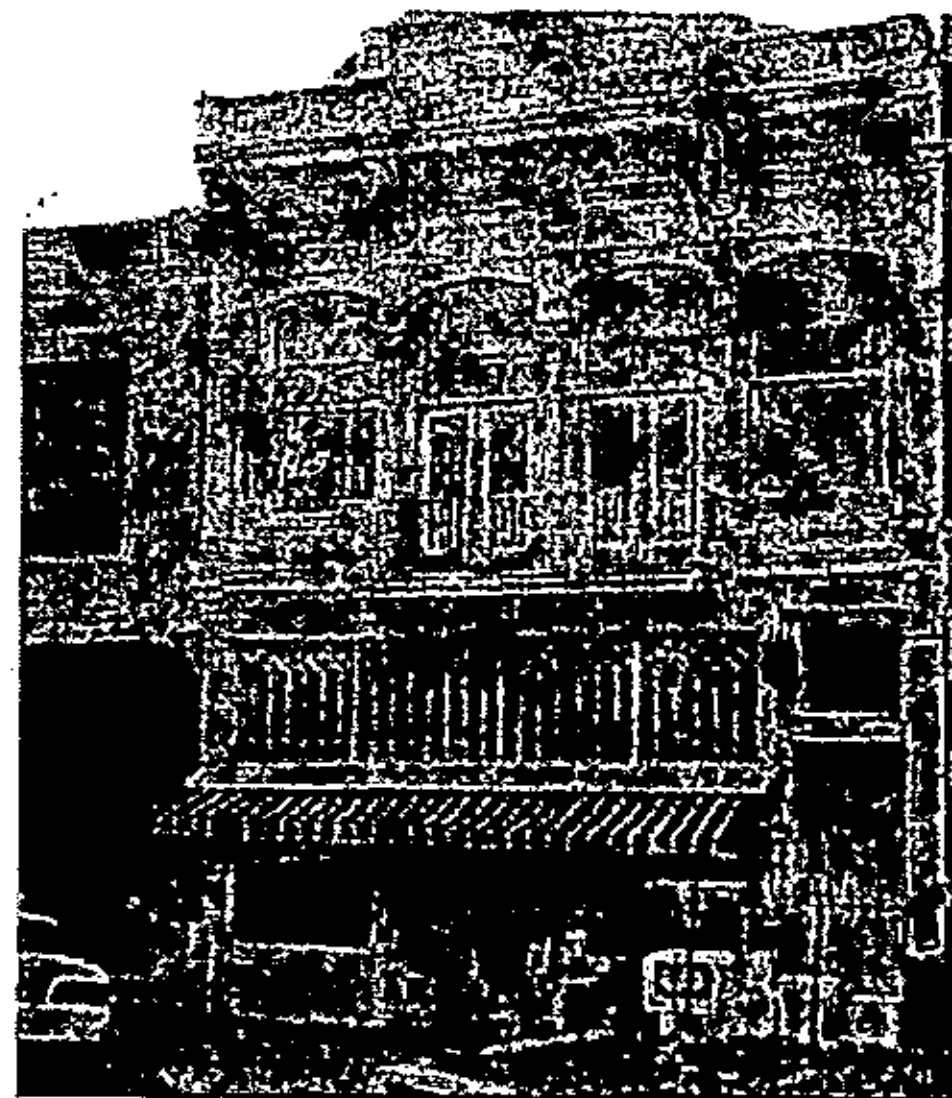
Bank of Fayetteville

This building has been in the Lewis family since 1912 and for many years it housed the Lewis Brothers hardware store. Its exterior was used in the filming of the television series *Evening Shade*.



Mrs. Young Building

Possibly the oldest building on the Square, the façade of the "Mrs. Young 1887" building is typical of the late Victorian era and has undergone little alteration.



APPLICATION – ARKANSAS CLG GRANT 2006

1. City / County of Fayetteville

2. Title of Project(s): Historic District Commission Training

3. Building Data: (if applicable)

Address & Historic Name: _____

Year of Construction: _____

NR Status: _____

Owner of Property: _____

4. District / Area Benefiting from Project:

US Congressional District: _____

State House District & Representative(s): _____

State Senate District & Senator: _____

Mayor: _____

County Judge: _____

3rd Congressional District

Districts 88, 92 and 89

Marilyn Edwards, Bill Pritchard, Lindsay Smith

District 7, Sen. Sue Madison

Dan Coody

Jerry Hinton

5. Project Coordinator: _____

Address: _____

Telephone & Fax: _____

Email: _____

Karen Minkel / Long Range Planning

113 W. Mountain Street Fayetteville, AR 72701

(479) 575-8271 (F) (479) 575-8202

kminkel@ci.fayetteville.ar.us

6. Amount of Funding Requested: 6,202

City (or other) Match: 4,200

Total Project Cost: 10,402

7. Required Attachments:

Project Outline (attach a narrative description of the project)

Budget Form (enclosed)

8. Authorized City Signature*: _____

Name: Dan Coody

Title: Mayor

Date: 4/11/06

* Mayor's / County Judge's signature required for cities not currently participating in the CLG program.

Historic District Commission Training

Proposal

The City of Fayetteville proposes to provide intensive training for a newly appointed Historic District Commission and one planning staff member. This training will ensure that the Commission will serve as a credible and qualified body for reviewing development related to structures in Fayetteville's historic districts. This proposal seeks funding to cover the cost of sending the commission chair and a long range planning staff member to Baltimore, Maryland for the National Alliance of Preservation Conference July 27-30 and seven commissioners and a long range planning staff member to the Historic Preservation Alliance of Arkansas in Hot Springs October 5-7. Commissioners will need and receive training in areas such as architectural design review, legal issues, public participation, and preservation planning.

Need

In 1979, Fayetteville established a Historic District Commission, but the adoption of a local ordinance district that required development review from this Commission did not transpire. In 2003, the Commission was disbanded.

The perceived necessity of a Historic District Commission, however, has changed. In 2004, the City of Fayetteville hired Dover, Kohl and Partners to facilitate the development of a Downtown Master Plan. Over 500 residents participated in the charrette, which resulted in a detailed analysis and Plan for approximately 350 acres. One of the main components of the Plan is a form-based code, which designates four zoning districts within the Downtown, each with separate building height, use, and build-to line requirements. The form-based code is designed to ensure that the Downtown area retains its livability and human-scale, while allowing for an increase in density and economic value. The passage of the form-based code by City Council proposes to allow property owners to develop as-of-right, which means projects that comply with the code will receive administrative approval of the development complies with the adopted code.

Two surveys will provide the community and City Council with information to form local ordinance districts if they so desire. The Historic Preservation Program has volunteered to survey approximately a third of the Downtown Master Plan area for a potential commercial historic district. The City of Fayetteville is also applying for a second CLG grant that would fund a survey of non-commercial structures within the Downtown Master Plan Area; this survey would provide the City with an opportunity to form a local ordinance district in specific areas.

The City anticipates that a petition for a commercial historic district will be submitted to the City Clerk's office during the next two months. The Mayor would then appoint a Historic District Commission in accordance with Arkansas State Code 14-172-203. The members of the Historic District Commission will need comprehensive training to ensure that their design reviews are thorough and maintain the integrity of Fayetteville's historic resources.

**Certified Local Government Grant
Budget Form --- FY 2006**

City / County Fayetteville

Project Name Historic District Commission Training

	<u>Grant</u>	<u>Match*</u>	<u>Total</u>
1. Personnel (Name / Rate** x Hrs = Total)			
Long Range Staff / <u>1</u> x <u>4,200</u> = <u>4,200</u>	<u>4,200</u>	<u>4,200</u>	<u>4,200</u>
<u>1</u> x <u> </u> = <u> </u>	<u> </u>	<u> </u>	<u> </u>
2. Travel ***			
Auto -- \$ ^{.45} .38 /mi x <u>372</u> miles x <u>3</u> cars	<u>502</u>	<u> </u>	<u>502</u>
Air/Other -- est. ticket price x <u>2</u> passengers	<u>600</u>	<u> </u>	<u>600</u>
Lodging -- Rate $\frac{150}{150}$ x $\frac{3}{2}$ nights x $\frac{2}{4}$ rooms	$\frac{900}{1,200}$	<u> </u>	<u>2,100</u>
Meals -- Rate $\frac{59}{39.5}$ x $\frac{4}{3}$ days x $\frac{2}{8}$ persons	$\frac{472}{948}$	<u> </u>	<u>1,420</u>
3. Equipment/Supplies (List each item/category)			
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
4. Contractual (List each contractor / consultant)			
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
5. Other Registration: <u>150 x 8</u>	<u>1,200</u>	<u> </u>	<u>1,580</u>
<u>190 x 2</u>	<u>380</u>	<u> </u>	<u> </u>
6. Total Projected Costs:	<u>6,202</u>	<u>4,200</u>	<u>10,402</u>

Budget Prepared By: Karen Minkel

* List and explain any in-kind funding on separate page.

** If including fringe benefits in hourly rate, explain on separate page.

*** Please use current federal travel rates. See www.gsa.gov

NOTE: If necessary, attach additional sheet(s) in order to explain each item/category.

***In-kind Funding**

A long range planner will be assigned as staff support to the Historic District Commission. Planning staff anticipates that four hours of time each week will provide adequate research and administrative time for the Commission.

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

2-May-06
City Council Meeting Date

Stephen Davis FIS Director Finance & Internal Services
Submitted By Division Department

Action Required:

City Council approval of two proposals submitted by MSI Consulting Group, LLC for leasing of a comprehensive case management system and data conversion services for the Fayetteville District court; approval of a budget adjustment of \$145,000 to fully fund the software lease for 2006, data conversion services, necessary hardware and software, contract project management, sales tax and project contingency.

\$245,000.00	\$ 100,000.00	District Court Software
Cost of this request	Category/Project Budget	Program Category / Project Name
Account Number	Funds Used to Date	Program / Project Category Name
05003	\$ 100,000.00	Sales Tax Capital
Project Number	Remaining Balance	Fund Name

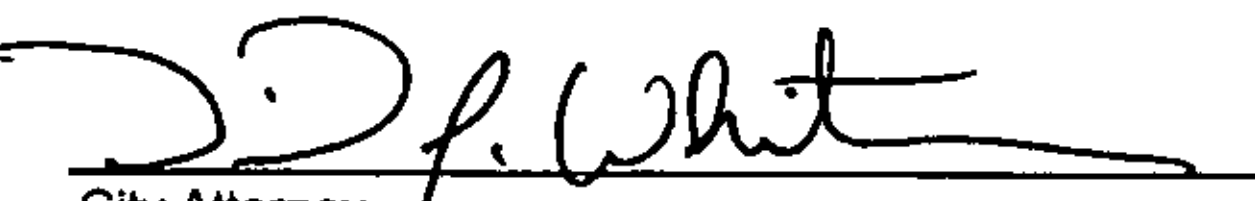
Budgeted Item ☐ Budget Adjustment Attached ☒

Previous Ordinance or Resolution # _____

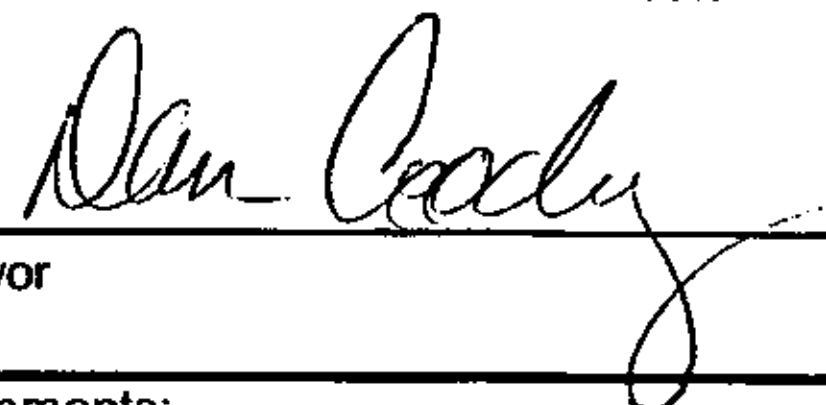
Department Director _____ Date _____

Original Contract Date: _____

Original Contract Number: _____


City Attorney 4/17/06


Finance and Internal Service Director 4-14-06
Date


Mayor 4/11/06
Date

Received in City Clerk's Office
ENTERED
4/17/06

Received in Mayor's Office
ENTERED
4/17/06

Comments:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

A. 3
MSI Consulting
Group, LLC Lease
Page 2 of 10

DEPARTMENTAL CORRESPONDENCE

TO: Fayetteville City Council

THROUGH: Dan Coody, Mayor

FROM: Stephen Davis, Finance & Internal Services Director 

DATE: April 12, 2006

Subject: District Court Software Conversion and Upgrade

Recommendation

Staff recommends City Council approve proposals submitted by MSI Consulting Group, LLC for the City of Fayetteville to lease a comprehensive case management system for Fayetteville District Court bearing the registered trade name Virtual Justice®. Staff also requests approval of the proposal submitted by MSI Consulting Group, LLC to perform data conversion services from the existing City of Fayetteville's case management system to the Virtual Justice® comprehensive case management system. The lease agreement is for fifteen (15) licenses. City Council is requested to authorize the Mayor to execute the necessary documents to implement the agreements and approve a budget adjustment providing additional project funding.

Background

Fayetteville has utilized the existing district court case management system since 1985 and has relied upon computer hardware that was constructed in 1992. In 2002, the City initiated a software conversion project to migrate Fayetteville District Court to the existing public safety software system. This project was abandoned when it became apparent the court package associated with the public safety software was not compatible with court needs as specified by the Administration of Justice Office of the Arkansas Supreme Court. The Virtual Justice® comprehensive case management system meets the standards established by the Administration of Justice Office of the Arkansas Supreme Court and is used by over 95 district, city or municipal courts statewide.

Discussion

This software system has been reviewed by District Court Judge Moore and the Fayetteville District Court's staff. It is their recommendation that the City proceed with this procurement. The Fayetteville Prosecutor's Office and Fayetteville Police Department will have access to this case management system. This project is the first phase of a multi-phased project. The subsequent phases will include development of the electronic interfaces with the City's public safety software and financial software systems. It is expected to take approximately 12 months to fully implement this software and develop all of the necessary interfaces. Future contracts with MSI Consulting Group, LLC will be submitted for approval for each future phase.

The agreements included in this packet will ensure that Fayetteville District Court remains current with the requirements established by the Administration of Justice Office of the Arkansas Supreme Court and changes enacted by the Arkansas Legislature every biennial legislative session.

These agreements provide for comprehensive training and data conversion services.

Budget Impact

This project is predicted to cost approximately \$245,000 to fully implement. This cost is detailed as follows:

Conversion Cost	\$150,000
Software Lease – Initial Set-up	10,800
Monthly Lease Fee – 6 months	6,300
Server, Sequel Software, PC's, Monitors, and Printers	35,000
Contract Project Management, Sales Tax for the Software, Hardware, etc.	35,000
Contingency	<u>7,900</u>
Total	\$245,000
Existing Budget	<u>100,000</u>
Funding Needed	\$145,000

Server hardware and database software are requirements to run the new Virtual Justice® software. PC's, monitors, and printers are needed to upgrade the technology equipment used by the District Court to be more consistent with equipment used elsewhere in the City. Contract project management will provide dedicated project oversight for this critical technology improvement so the City's Information Technology staff can remain focused on technology improvements with citywide applications.

RESOLUTION NO. _____

A RESOLUTION APPROVING TWO PROPOSALS IN THE AMOUNT OF \$245,000.00 FROM MSI CONSULTING GROUP, LLC TO LEASE A COMPREHENSIVE CASE MANAGEMENT SYSTEM AND TO PROVIDE DATA CONVERSION SERVICES FOR THE FAYETTEVILLE DISTRICT COURT; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$145,000.00.

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 two proposals in the amount of \$245,000.00 from MSI Consulting Group, LLC to lease a comprehensive case management system and to provide data conversion services for the Fayetteville District Court.

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a Budget Adjustment in the amount of \$145,000.00.

PASSED and APPROVED this 2nd day of May, 2006

APPROVED:

By

DAN GOODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk

MSI Consulting Group, LLC

2120 S. Waldron, Suite C-312 • Fort Smith, Arkansas 72903 • (479) 452-0560 • Fax: (479) 452-0638 • www.msicg.com

April 12, 2006

Ms. Dena Stockalper
Fayetteville District Court
100 B. West Rock Street
Fayetteville, AR 72701

Dear Dena,

Please accept this proposal for data conversion from your existing court software file structure to the database format used by our comprehensive case management system - **Virtual Justice®**.

Our conversion prices are calculated based on the estimated amount of time and resources that will be needed to complete this process. The process of converting the data files from your existing software product over to VJ can be complicated and very time consuming. We have preliminarily evaluated your current data structure to assist us in determining this proposal amount.

This price is also based on the successful delivery, by the City of Fayetteville IT Department, of your current files - extracted from the PICK array format into an ASCII delimited flat text file format without array fields, along with the file layouts identifying the content of the extracted flat text files.

Please be advised, MSI can only convert electronic data transactions that were entered into your existing court system. MSI cannot process manual transactions (Ex: Manual Money Disbursements & Manual Adjustments) that were not entered into your court system. Furthermore, MSI will not be responsible for any data that is corrupt due to viruses, hardware malfunctions, or other physical acts that has damaged your existing data.

PROPOSAL: FAYETTEVILLE DISTRICT COURT

Data Conversion From Existing Court System: \$150,000.00 (One Time Fee + Tax)

Please contact us at (479) 452-0560, or e-mail at bryan.smith@msicg.com if you have any questions.

Sincerely,

Bryan D. Smith
Vice President

MSI Consulting Group, LLC

2120 S. Waldron, Suite C-312 • Fort Smith, Arkansas 72903 • (479) 452-0560 • Fax: (479) 452-0638 • www.msicg.com

April 12, 2006

Ms. Dena Stockalper
Fayetteville District Court
100 B. West Rock Street
Fayetteville, AR 72701

Dear Dena,

Please accept this proposal for our comprehensive case management system - **Virtual Justice®**.

We look forward to the opportunity to work with the Fayetteville District Court, and all other support agencies, in providing a integrated software solution. We are providing you with a proposal for only the VJ application software and a separate proposal for only the data conversion.

Because you are replacing another computerized court software product, data file conversion is always an issue. The process of converting the data files from your existing software product over to VJ can be complicated and must be evaluated to determine the amount of time needed to complete the data conversion process. The price for data conversion will be quoted separately.

We are very excited about our new pricing structure, giving our customers the option of purchasing or leasing the software. It is our experience that it's easier for most courts to handle a moderate initial fee, with an affordable monthly lease payment, rather than allocate a large amount to purchase the software. Also, our lease option fully complies with state laws concerning lease agreements with city and county governments.

Also, with the passage of Act 1809 of 2001, money has been earmarked specifically for local court automation, thus allowing your new court software to be paid for by these increased special fees.

This proposal details the prices of both the purchase and lease options. The prices include the software (purchased or leased) installation, system setup, configuration, training, on-screen help documentation, and on-screen video training tutorials, but does not include sales tax.

In addition, a phone line and modem, or some alternative remote access method, will be required to allow for remote software support from the MSI offices as needed. Many of our current customers use a pre-existing phone line, a fax line, or a DSL connection for this purpose.

In my conversations with Scott Huddleston, he is looking at server configurations that meet our recommendations. Also, we strongly recommend the use of Windows Terminal Services Remote Desktop usage for this system. This will allow you to keep most of your original PC workstations and use the resources of the new Windows Server 2003. This will allow you to potentially save thousands of dollars on replacing all of your existing PC workstations that may or may not be up to standards for this type of system.

Ms. Dena Stockalper
Fayetteville District Court
City of Fayetteville
April 12, 2006
Page - 2

Listed below is a proposal for a 15 - User System including the Civil Module, which is your most probable configuration. Please find attached a spreadsheet showing all prices for 15 - 20 User Systems that you requested.

PROPOSAL: FAYETTEVILLE DISTRICT COURT
15 - USER SYSTEM WITH BOTH CRIMINAL & CIVIL MODULES

PURCHASE OPTION - Both Criminal & Civil Modules

Virtual Justice® System Setup, Configuration & Installation:	\$ 95,000.00	
Training (40 Hours @ \$75.00 / Hour):	\$ 3,000.00	
Total:	\$ 98,000.00	(One Time Fee + Tax)

Plus

Monthly Software Technical Support Payment (Optional):	\$ 277.08	(Monthly Fee)
--	-----------	---------------

OR

LEASE OPTION - Both Criminal & Civil Modules

Virtual Justice® System Setup, Configuration & Installation:	\$ 7,800.00	
Training (40 Hours @ \$75.00 / Hour):	\$ 3,000.00	
Total:	\$10,800.00	(One Time Fee + Tax)

Plus

Monthly Software Lease Payment:	\$ 1,050.00	(Monthly Fee + Tax)
---------------------------------	-------------	---------------------

(Lease Agreement Is Perpetual For As Long As You Use The Software, But Can Be Terminated By Giving 60 Days Prior Written Notice)

We hope you join the VJ team very soon! Add **Fayetteville District Court** to our large family of satisfied court customers and start receiving the outstanding benefits of the **#1 Choice** in court technology software in Arkansas - Virtual Justice® !!

Please contact us at (479) 452-0560, or e-mail at bryan.smith@msicg.com if you have any questions.

Sincerely,

Bryan D. Smith
Vice President

Enclosures



Consulting Group, LLC

2100 N. Sullivan, Suite C-312 • Fort Smith, Arkansas 72903 • (479) 452-8560 • Fax: (479) 452-8638 • www.msicg.com

ce ® With More On The Way!!!!

Alexander City Court
Alma City Court
Althelmer City Court
District Court of Little River County (Ashdown)
Atkins City Court
Woodruff County District Court (Augusta)
Bald Knob City Court
Bardling City Court
Bauxite City Court
White County District Court (Beebe)
Bethel Heights City Court
Cabot District Court
District Court of Camden & Ouachita County
Centerton City Court APRIL 2006
District Court of Franklin County (Charleston)
Cherry Valley City Court
District Court of Johnson County (Clarksville)
Van Buren County District Court (Clinton)
Coal Hill City Court
Clay County District Court - Corning Division
Ashley County District Court (Crossett)
District Court of Sevier County (DeQueen)
South Arkansas County District Court (DeWitt)
Dumas District Court
Union County District Court (El Dorado)
Elkins District Court
Elm Springs City Court
Eudora District Court
District Court of Eureka Springs
Dallas County District Court (Fordyce)
Dallas County District Court (County)
St. Francis County District Court (Forrest City)
Glenwood City Court
District Court of Lincoln County - Gould Division
Grady City Court
Gravette City Court
Greenland City Court
Ashley County District Court (Hamburg)
Hampton District Court (Hampton)
Hampton District Court (County)
Boone County District Court (Harrison)
Haskell City Court
Hazen District Court
District Court of Cleburne County (Heber Springs)
Helena / West Helena District Court
District Court of Hempstead County (Hope)
Newton County District Court (Jasper)
Lake Village District Court
Lamar District Court
Lafayette County District Court (Lewistown)
Lincoln City Court
Little Flock City Court
London City Court
Lonoke District Court
Lowell City Court
Magnolia District Court
Lee County District Court - City Div (Marianna)
Lee County District Court - County Div (Marianna)
Marion District Court
District Court of Searcy County (Marshall)
Mayflower City Court
Woodruff County District Court (McCrory)
McGehee District Court
District Court of Drew County (Monticello)
Pike County District Court (Murfreesboro)
District Court of Howard County (Nashville)
Newport District Court
North Little Rock District Court 1st Division
North Little Rock District Court 2nd Division
District Court of Franklin County (Ozark)
Palestine City Court
Paris District Court
Parkin City Court
Pea Ridge City Court
Clay County District Court - Piggott Division
Jefferson County Sheriff Dept. (Pine Bluff)

Randolph County District Court (Pocahontas)
Pocaha Municipal Court (Pocaha, OK)
Pottsville City Court
Pulaski County District Court (Little Rock)
Prairie Grove District Court
District Court of Nevada County (Prescott)
Quitman City Court
Russellville District Court
Shannon Hills City Court
Sheridan District Court
District Court of Star City (Star City)
District Court of Star City (County)
Stephens City Court
Stuttgart District Court
Sulphur Springs City Court
District Court of Miller County (Texarkana)
Vilonia City Court
Waldo City Court
Ward District Court
West Fork District Court
Woodburn Municipal Court (Woodburn, OR)
Cross County District Court (Wynne)

95 District, City or Municipal Courts in Arkansas
1 Local Court in Oklahoma
1 Local Court in Oregon

- > We have installed, or are scheduled to install, Virtual Justice® in all of the above listed courts, with more on the way. This included training for all court and support agency personnel, as well as, system setup and configuration.
- > We hope you join the VJ team very soon. Add your court to our large family of satisfied court customers and start receiving the outstanding benefits of the #1 Choice in court technology software - Virtual Justice®!!
- > For More Information Please Contact Us At - (479) 452-0560 or bryan.smith@msicg.com

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

A. 3
MSI Consulting
Group, LLC Lease
Page 10 of 10

Budget Year 2006	Department: Sales Tax Capital Improvements Division: Program:	Date Requested 4/12/2006	Adjustment Number
-------------------------	---	---------------------------------	-------------------

Project or Item Added/Increased: \$145,000 is requested in the Fixed Assets account of the District Court Software Improvements capital project.	Project or Item Deleted/Reduced: None. \$140,000 is proposed from the Use of Fund Balance account in the Sales Tax Capital Improvements Fund.
--	---

Justification of this Increase: Funding is needed to fully implement Virtual Justice, a comprehensive case management system, for the Fayetteville District Court.	Justification of this Decrease: Sufficient funding remains to comply with City policies.
--	--

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Fixed assets	4470	9470	5801	00	145,000	05003	1

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Use of fund balance	4470	0947	4999	99	145,000		

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

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

2-May-06
City Council Meeting Date

Ron Petrie *RP* Submitted By Engineering Division Operations Department

Action Required:

Resolution expressing the willingness of the City of Fayetteville to utilize Federal-Aid High Priority Project Funds for transportation improvements within the Technology Corridor comprised of Cato Springs Road

N/A	N/A	
Cost of this request	Category/Project Budget	Program Category / Project Name
N/A	N/A	
	Funds Used to Date	Program / Project Category Name
N/A	N/A	
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

[Signature] 4-13-06
Department Director Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

[Signature] 4/14/06
City Attorney Date

[Signature] 4-14-06
Finance and Internal Service Director Date

Received in City Clerk's Office
ENTERED 4/13/06

[Signature] 4/13/06
Mayor Date

Received in Mayor's Office
ENTERED 4/14/06 BRP

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations 

From: Ron Petrie, City Engineer

Date: April 13, 2006

Subject: Resolution expressing the willingness of the City of Fayetteville to utilize Federal-aid High Priority Project funds for transportation improvements within the Technology Corridor

RECOMMENDATION

Staff recommends approval of a resolution expressing the willingness of the City of Fayetteville to utilize federal aid monies for transportation improvements within the Technology Corridor.

BACKGROUND

The Fayetteville Technology Corridor consists primarily of improvements to Cato Springs Road between Razorback Road and School Avenue. The street improvements include reconstruction, widening, adding curb & gutter, underground drainage, and sidewalks.

In 2005, the U.S. Congress passed the SAFETEA-LU transportation bill that included a \$3,200,000 federal earmark for this portion of the Technology Corridor.

CURRENT STATUS

The federally earmarked funds will be administered through the Arkansas State Highway & Transportation Department which requires that the City pass a resolution to express the willingness to utilize the available funds.

BUDGET IMPACT

There is no cost associated with this request at this time. However, in the future, the city will be obligated to provide a match in the amount of \$680,876 in order to utilize the federal funds. These matching funds are currently being planned to be paid with the proposed Transportation Improvement Bond Issue. If this bond issue does not proceed or is not successful in an election, an alternate source of funding will need to be identified.

RESOLUTION NO. _____

A RESOLUTION EXPRESSING THE WILLINGNESS OF CITY OF FAYETTEVILLE TO UTILIZE FEDERAL-AID HIGH PRIORITY PROJECT FUNDS FOR THE U OF A TECHNOLOGY CORRIDOR PROJECT.

WHEREAS, the City of Fayetteville understands Federal-aid High Priority Project funds are available for the U of A Technology Corridor project at the following federal participating ratios:

<u>City Street Projects</u>	<u>Work Phase</u>	<u>Federal Share</u>	<u>City Match</u>
Projects programmed	Preliminary engineering	80%	20%
And let to contract	Right-of-Way	80%	20%
	Utilities	80%	20%
	Construction	80%	20%
	Construction Supervision	80%	20%
Projects programmed but not let to contract	All Phases	-0-	100%

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

Section 1. That the City will participate in accordance with its designated responsibilities, including maintenance of this project.

Section 2. That the Mayor, or his designee, is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of this city project.

Section 3. That the City pledges its full support and hereby authorizes the Arkansas State Highway and Transportation Department to initiate action to implement this project.

PASSED and APPROVED this 2nd day of May, 2006.

ATTEST:

By: SONDRA SMITH, City Clerk

APPROVED

By: DAN COODY, Mayor

U of A Technology Corridor Project - Fayetteville

SAFETEA-LU High Priority Project (HPP) Funding Summary

Language in Act:

Construct and rehabilitate University of Arkansas Technology Corridor Enhancement Project

Total Funds in Act:

\$ 3,200,000 (\$1,200,000 HPP #1298 + \$2,000,000 HPP #3758)

Year	20% of Total Each Year	Obligation Limitation	Required Match (20% Local Funds)	Total	Cumulative Total
2005	\$ 640,000	\$ 547,502 ⁽¹⁾	\$ 136,876	\$ 684,378	\$ 684,378
2006	640,000	544,000 ⁽²⁾	136,000	680,000	1,364,378
2007	640,000	544,000 ⁽²⁾	136,000	680,000	2,044,378
2008	640,000	544,000 ⁽²⁾	136,000	680,000	2,724,378
2009	640,000	544,000 ⁽²⁾	136,000	680,000	3,404,378
Total	\$ 3,200,000	\$ 2,723,502	\$ 680,876	\$ 3,404,378	

⁽¹⁾ Based on the 2005 Federal Highway Administration Notice of Obligation Limitation Available for HPP Projects.

⁽²⁾ 85% Obligation Limitation - FHWA is using 85% for planning purposes.

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

2-May-06

City Council Meeting Date

Ron Petrie *RP*

Submitted By

Engineering

Division

Operations

Department

Action Required:

Resolution expressing the willingness of the City of Fayetteville to utilize Federal-Aid High Priority Project Funds for transportation improvements within the Expressway Economic Development Corridor

N/A

Cost of this request

N/A

Project Number

N/A

Category/Project Budget

N/A

Funds Used to Date

N/A

Remaining Balance

Program Category / Project Name

Program / Project Category Name

Fund Name

Budgeted Item

Budget Adjustment Attached

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

Finance and Internal Service Director

Date

Mayor

Date

Received in City Clerk's Office

ENTERED

4/16/06

Received in Mayor's Office

ENTERED

4/14/06

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations 

From: Ron Petrie, City Engineer

Date: April 13, 2006

Subject: Resolution expressing the willingness of the City of Fayetteville to utilize Federal-aid High Priority Project funds for transportation improvements within the Expressway Economic Corridor

RECOMMENDATION

Staff recommends approval of a resolution expressing the willingness of the City of Fayetteville to utilize federal aid monies for transportation improvements within the Expressway Economic Corridor.

BACKGROUND

The Fayetteville Expressway Economic Corridor is comprised of an area that encompasses U.S. 71 Business Highway from Sixth Street to I-540. The first priority that was identified within the corridor was the area surrounding the NWA Mall, CMN Business Park and Washington Regional Medical Center. This area includes I-540 from approximately the City of Johnson Exit to the interchange with the Fulbright Expressway, all of the Fulbright Expressway and a portion of College Avenue from the Fulbright Expressway to Zion Road.

In 2005, the U.S. Congress passed the SAFETEA-LU transportation bill that included a \$9,000,000 federal earmark for the first priority of the Fayetteville Expressway Economic Corridor.

CURRENT STATUS

The federally earmarked funds will be administered through the Arkansas State Highway & Transportation Department which requires that the City pass a resolution to express the willingness to utilize the available funds.

The City is currently advertising for potential transportation engineers to begin the transportation study of the corridor to provide recommendations and cost estimates for improvements within this first priority area.

BUDGET IMPACT

There is no cost associated with this request at this time. However, in the future, the city will be obligated to provide a match in the amount of \$1,914,963 in order to utilize the federal funds. These matching funds are currently being planned to be paid with the proposed Transportation Improvement Bond Issue. If this bond issue does not proceed or is not successful in an election, an alternate source for this funding will need to be identified.

RESOLUTION NO. _____

A RESOLUTION EXPRESSING THE WILLINGNESS OF CITY OF FAYETTEVILLE TO UTILIZE FEDERAL-AID HIGH PRIORITY PROJECT FUNDS FOR THE EXPRESSWAY ECONOMIC DEVELOPMENT CORRIDOR PROJECT.

WHEREAS, the City of Fayetteville understands Federal-aid High Priority Project funds are available for the Expressway Economic Development Corridor project at the following federal participating ratios:

<u>City Street Projects</u>	<u>Work Phase</u>	<u>Federal Share</u>	<u>City Match</u>
Projects programmed	Preliminary engineering	80%	20%
And let to contract	Right-of-Way	80%	20%
	Utilities	80%	20%
	Construction	80%	20%
	Construction Supervision	80%	20%
Projects programmed but not let to contract	All Phases	-0-	100%

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

Section 1. That the City will participate in accordance with its designated responsibilities, including maintenance of this project.

Section 2. That the Mayor, or his designee, is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of this city project.

Section 3. That the City pledges its full support and hereby authorizes the Arkansas State Highway and Transportation Department to initiate action to implement this project.

PASSED and APPROVED this 2nd day of May, 2006.

ATTEST:

By:

SONDRA SMITH, City Clerk

By:

DAN COODY, Mayor

Expressway Economic Development Corridor - Fayetteville

SAFETEA-LU High Priority Project (HPP) Funding Summary

Language in Act:

Construct and rehabilitate Fayetteville Expressway Economic Development Corridor

Total Funds in Act:

\$ 9,000,000 (\$5,000,000 HPP #2816 + \$4,000,000 HPP #3757)

Year	20% of Total Each Year	Obligation Limitation	Required Match (20% Local Funds)	Total	Cumulative Total
2005	\$ 1,800,000	\$ 1,539,850 ⁽¹⁾	\$ 384,963	\$ 1,924,813	\$ 1,924,813
2006	1,800,000	1,530,000 ⁽²⁾	382,500	1,912,500	3,837,313
2007	1,800,000	1,530,000 ⁽²⁾	382,500	1,912,500	5,749,813
2008	1,800,000	1,530,000 ⁽²⁾	382,500	1,912,500	7,662,313
2009	1,800,000	1,530,000 ⁽²⁾	382,500	1,912,500	9,574,813
Total	\$ 9,000,000	\$ 7,659,850	\$ 1,914,963	\$ 9,574,813	

⁽¹⁾ Based on the 2005 Federal Highway Administration Notice of Obligation Limitation Available for HPP Projects.

⁽²⁾ 85% Obligation Limitation - FHWA is using 85% for planning purposes.

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

A. 6
McClelland Consulting Engineers, Inc.
Task Order #13
Page 1 of 10

2-May
City Council Meeting Date

Ray M. Boudreaux
Submitted By

Aviation & Economic Development
Division

General Government
Department

Action Required:

Approve Task Order #13 to Contract #917 McClelland Consulting Engineers, Inc., PO Box 1229, Fayetteville, AR, 72702-1229, Wayne Jones P.E., Vice President, 479-443-2377 office, 479-443-9241 fax, wjones@mcclelland-engrs.com, in the amount of \$9650.00.

\$9,650.00

Cost of this request

5550.3960.7820.35

Account Number

Please Create Project #

Project Number

\$ -

Category/Project Budget

\$ -

Funds Used to Date

\$ -

Remaining Balance

Airfield Re-striping

Program Category / Project Name

Airport Capital Improvements

Program / Project Category Name

General Fund / Airport

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

X


Department Director

4/14/06
Date

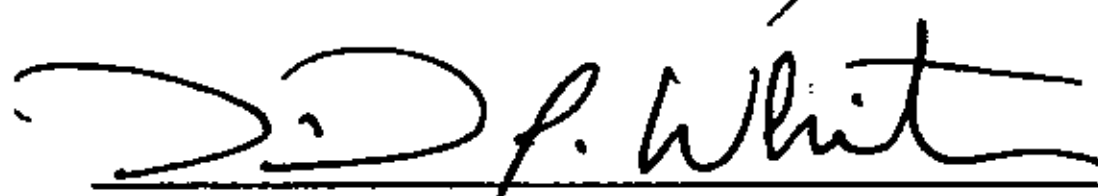
Previous Ordinance or Resolution #

Original Contract Date:

4/30/2003

Original Contract Number:

917


City Attorney

4/14/06

Received in City Clerk's Office




Finance and Internal Service Director

4-14-06
Date

Received in Mayor's Office




Mayor

4/14/06
Date

Comments:

CITY COUNCIL AGENDA MEMO/STAFF CONTRACT REVIEW MEMO

TO: Mayor

THRU: Staff/Contract Review Committee

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

DATE: April 14, 2006

SUBJECT: Approve Task Order No. 13 with McClelland Consulting Engineers (MCE) for the Airfield Striping Plan at Fayetteville Municipal Airport, Drake Field. Signature of the Mayor.

RECOMMENDATION: Approve Task Order No. 13 with MCE to design the airfield striping plan, to provide bidding services and to oversee the project. Signature of the Mayor.

BACKGROUND: The Airport Board approved this Task Order No. 13 at their April 12, 2006 Board Meeting. The FAA requires that the airfield striping be of sufficient clarity and with clear contrast to the surrounding pavements to be easily seen by taxiing aircraft. As the asphalt pavement fades, it becomes necessary to have black outlines painted on either side of the yellow and white striping and thus the cost is significantly more than would be necessary for a single line. During the Certification inspection of 2005, the inspector "suggested" that we would need to schedule striping for 2006 since the pavement is fading and the striping is the first coat of paint since the runway pavement rejuvenator application three years ago. The lines and the pavement have faded and new striping is necessary.

DISCUSSION: This Task Order No. 13 is for the design, bid services and project management only. We will apply for FAA funding for 95% of the project and Arkansas Department of Aeronautics for 5%. Until the money is available, the only expense with this task order will be the expense for the design. Our FAA Program Manager has asked us to get the plans ready so that the project can be put on the street at a moments notice when the money becomes available. Once available, we will bid the project and request award and permission to apply for and accept the grants to complete the project.

<u>BUDGET IMPACT:</u>	Design	\$5,150.00
	Biding Services	650.00
	Project Mgt.	3,850.00
	TOTAL	\$9,650.00

Attachments: Staff Contract Review Form
Task Order No. 13

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

RESOLUTION NO. _____

A RESOLUTION APPROVING TASK ORDER NO. 13 WITH McCLELLAND CONSULTING ENGINEERS IN THE AMOUNT OF \$9,650.00 FOR DESIGN OF THE AIRFIELD STRIPING PLAN, BIDDING SERVICES AND PROJECT OVERSIGHT AT THE FAYETTEVILLE MUNICIPAL AIRPORT; AND APPROVING A BUDGET ADJUSTMENT RECOGNIZING \$85,000.00 IN GRANT REVENUES.

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 Task Order No. 13 with McClelland Consulting Engineers in the amount of \$9,650.00 for design of the airfield striping plan, bidding services and project oversight at the Fayetteville Municipal Airport. A copy of Task Order No. 13, 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 Budget Adjustment recognizing \$85,000.00 in grant revenues.

PASSED and APPROVED this 2nd day of May, 2006.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

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

A. 6
McClelland Consulting Engineers, Inc.
Task Order #13
Page 4 of 10

Budget Year 2006	Department: General Government Division: Aviation & Economic Development Program: Airport Capital Expenditures	Date Requested 4/14/2006	Adjustment Number
--------------------------------	---	--	--------------------------

Project or Item Added/Increased:
\$85,000.00 in the Airfield Re-striping capital project account.

Project or Item Deleted/Reduced:
None. Recognize \$80,750.00 in FAA AIP grant funds, Recognize \$4250.00 in State Department of Aeronautics grant funds

Draft

Justification of this Increase:
Will provide for Re-Striping of the Airfield markings. Mandated by FAA.

Justification of this Decrease:
The project is fully funded by grants. Project will proceed when grants have been awarded.

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number
#N/A	5550	3960	7820	35	85,000	

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number
#N/A	5550	0955	7820	35	80,750	
State grants on Fed proj	5550	0955	6803	00	4,250	

Approval Signatures

Requested By	Date
Budget Manager	Date
Department Director	Date
Finance & Internal Services Director	Date
Mayor	Date

Budget Office Use Only

Type: A B C D E

Posted to General Ledger	Initial	Date
Posted to Project Accounting	Initial	Date
Entered in Category Log	Initial	Date



A. 6
McClelland Consulting Engineers, Inc.
Task Order #13
P.O. Box 1225 of 10

Fayetteville, Arkansas 72702-1229
479-443-2377
FAX 479-443-9241

April 12, 2006

RECEIVED
APR 12 2006
AIRPORT

Mr. Ray Boudreaux
Airport Manager,
Fayetteville Municipal Airport
4500 S. School Suite F
Fayetteville, AR 72701

Re: Proposed Task Order No. 13
Airfield Striping Plan
Fayetteville Municipal Airport

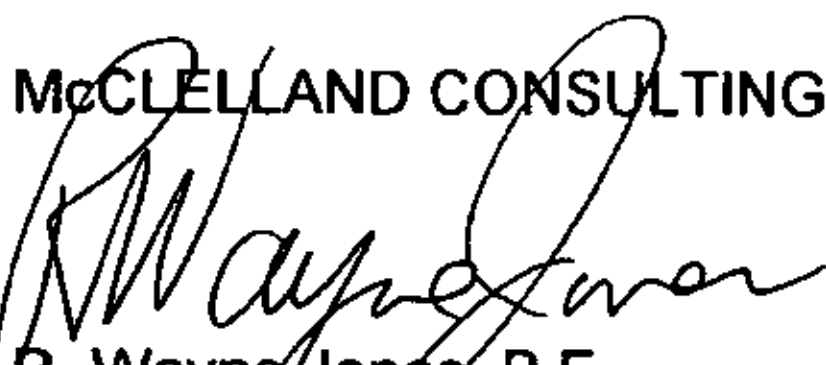
Dear Mr. Boudreaux:

In response to your request, please find three (3) copies of Task Order No. 13 for the Airfield Striping Plan.

Please advise if you need further information regarding this Task Order.

Sincerely,

McCLELLAND CONSULTING ENGINEERS, INC.



R. Wayne Jones, P.E.
Vice President

Enclosure: Task Order No. 13 (3 copies)

**TASK ORDER NO. 13
AIRFIELD RE-STRIPING PLAN**

STATE OF ARKANSAS

COUNTY OF WASHINGTON

This Task Order is written pursuant to the basic agreement entitled CITY OF FAYETTEVILLE, AGREEMENT FOR ENGINEERING SERVICES, executed on April 30, 2003. The referenced basic agreement pertains to proposed improvements to Drake Field, Fayetteville's Municipal Airport. This Task Order entered into and executed on the date indicated below the signature block, by and between the City of Fayetteville and McClelland Consulting Engineers (MCE), sets forth the project description, project schedule, and engineering fees related to the preparation of an Airfield Re-Stripping at Drake Field.

SECTION I - PROJECT DESCRIPTION

The overall project is to consist of the re-striping of the Airfield Pavement, Aprons, Runway and Taxiways. The services to be performed include: Detailed Plans and Specifications, Bidding Services and Construction Administration/Inspection Services.

SECTION II - PROJECT SCHEDULE

From the time the City of Fayetteville issues the Notice To Proceed (NTP), McClelland Consulting Engineers, Inc. will endeavor to execute the project within the following time periods:

<u>Task</u>	<u>Completion After NTP</u>
A. Prepare Airfield Striping Plan and Specifications	25 calendar days

SECTION III - SCOPE OF SERVICES

McClelland Consulting Engineers, Inc. shall, generally, provide those services listed in the basic agreement which are applicable to this specific Task Order. Specifically, the project is likely to include:

- A. Prepare the Airfield Striping Plan, specifications, and Bid Documents.
- B. Prepare Bidding Document and recommendations for award of construction contract.
- C. Construction Administration and Inspection.
- D. Providing three sets of "Record Drawings".

SECTION IV - FEES AND PAYMENTS

The following fees are to be paid to McClelland Consulting Engineers, Inc. as compensation for his services:

A. Detailed Airfield Striping Plans and Specifications	lump sum of	\$ 5,150.00
B. Bidding Service	lump sum of	\$ 650.00
C. Construction, Administration & Inspection	hourly rates estimated to be	\$3,850.00

Appendix A presents hourly rates for personnel anticipated to be assigned to this project by McClelland Consulting Engineers, Inc.

SECTION V - BASIC AGREEMENT IN EFFECT:

Except as amended specifically herein, the basic AGREEMENT FOR ENGINEERING SERVICES shall remain in full force as originally approved and executed.

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: _____
Mayor

Attest: _____

Date: _____

FOR McCLELLAND CONSULTING ENGINEERS, INC.:

By: John C. Quinn
President

Attest: R. Waynes
Vice President

Date: 4/12/06

APPENDIX A
TASK ORDER NO. 13
Hourly Rates for Personnel
Fayetteville Municipal Airport

<u>CATEGORY</u>	<u>BILLABLE HOURLY RATE RANGE</u>
Project Director	\$135 to \$150
Project Manager	\$110 to \$130
Engineer III	\$90 to \$110
Engineer II	\$70 to \$90
Engineer I	\$50 to \$70
Registered Surveyor	\$60 to \$85
Computer Technician	\$50 to \$70
Senior Engineering Technician	\$65 to \$75
Engineering Technician	\$45 to \$65
Survey Crew (2 man)	\$120 to \$130
Clerical Support	\$35 to \$45
CADD Technician III	\$55 to \$65
CADD Technician II	\$45 to \$55
CADD Technician I	\$35 to \$45
Soils Lab Supervisor	\$45 to \$55
Soils Technician II	\$35 to \$45
Soils Technician I	\$30 to \$35

4/18/06 Added At Agenda Session 4/11/06

C.3. Amend 161.18

ALDERMAN AGENDA REQUEST FORM

District C-3
Central Commercial
B.1
Amend 161.18 District C-3
Central Commercial
Page 1 of 4

FOR: COUNCIL MEETING OF APRIL 18, 2006

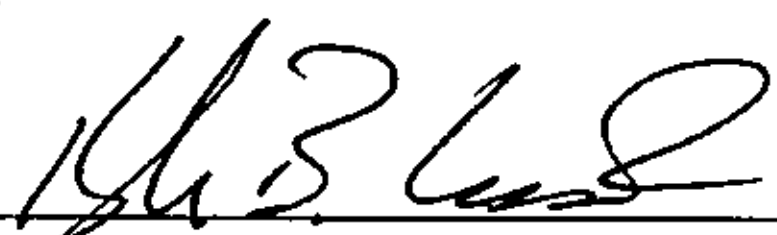
FROM:

ALDERMAN KYLE COOK and ALDERMAN LIONELD JORDAN

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Amend §161.18 District C-3 Central Commercial Of The Unified Development Code By Including A New Subsection (F) Restricting Height To Six Stories Or 84 Feet Whichever Is Less; And Amending Chapter 156: Variances

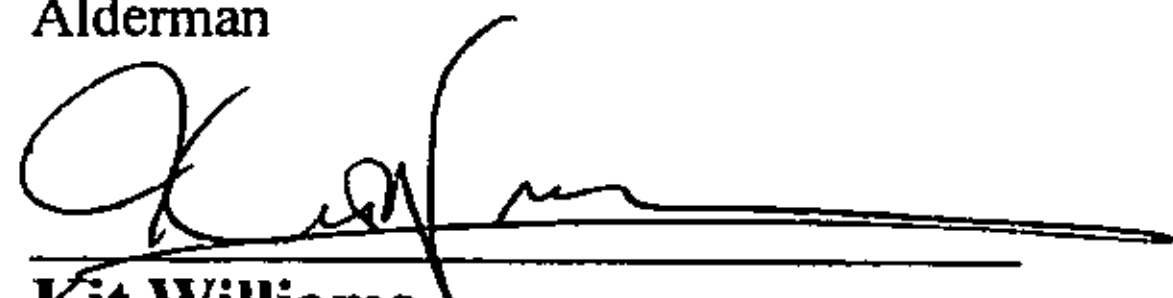
APPROVED FOR AGENDA:


Kyle Cook
Alderman

4/7/06
Date


Lioneld Jordan
Alderman

4/7/06
Date


Kit Williams
City Attorney (as to form)

4-7-06
Date

Left on the Second Reading 4/18/06

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §161.18 DISTRICT C-3 CENTRAL COMMERCIAL OF THE UNIFIED DEVELOPMENT CODE BY INCLUDING A NEW SUBSECTION (f) RESTRICTING HEIGHT TO SIX STORIES OR 84 FEET WHICHEVER IS LESS; AND AMENDING CHAPTER 156: VARIANCES

WHEREAS, the Downtown Master Plan adopted by the City Council and the Downtown Master Plan Zoning Code recommended for approval by the Planning Commission propose a general height limitation for most of the current C-3 district of no more than six stories or 84 feet whichever is less; and

WHEREAS, in Section 9.11 **Historic Downtown Commercial Areas** of the 2020 **Future Land Use Plan** adopted by the Fayetteville City Council states the overriding goal of future development is to encourage commercial development which retains the downtown's historic character; and

WHEREAS, in Section 9.19 **Community Character** of this adopted Future Land Use Plan, the stated goals are: (a) to protect and enhance Fayetteville's appearance, identity and sense of place; (b) to retain the small town character of Fayetteville; and (c) to protect the historical and environmental resources of Fayetteville; and

WHEREAS to preserve the historical character and compatibility within the Downtown area and to protect the beauty of Old Main, Fayetteville's most prominent and important monumental building as well as the historical and monumental church buildings on Dickson Street near East Avenue, new buildings within the Downtown area designed C-3 should be limited to no more than six stories or 84 feet pursuant to powers granted to the City in A.C.A. §§14-56-201, 14-56-303, 14-56-403 and elsewhere.

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 amends §161.18 District C-3 Central Commercial of the Unified Development Code of Fayetteville by inserting a new subsection (f) as follows:

"(f) Height regulations. Maximum height is six stories or 84 feet whichever is less. Above four stories, there shall be a setback of the building's principal façade of at least fifteen feet. The height shall be measured from the mean elevation of the finished grade or sidewalk at the frontage line, whichever is higher, to the eave of the roof or cornice for a building with a parapet.

"Buildings already in existence or for which a Large Scale Development or Planned Zoning District has been fully approved prior to the date of passage of this ordinance shall be grandfathered in and not be considered as nonconforming structures as a result of the passage of this ordinance."

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends §156.02 (B) of the Unified Development Code of Fayetteville by inserting new subsection (6) as shown below:

(6) *Building height variance in the C-3 District.*

(a) The Planning Commission shall have the authority to grant a variance to allow a proposed structure to exceed a height of 84 feet or six stories in the C-3 District in those instances where, owing to special conditions and circumstances, literal enforcement of the building height restrictions would result in unnecessary hardship or the applicant can show that the additional height requested will not adversely affect adjoining or neighboring property owners or impair the beauty of Old Main, the historical churches on Dickson Street near East Avenue, or the historical character of Fayetteville.

PASSED and APPROVED this 18th day of April, 2006.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk



April 3, 2006

City of Fayetteville
City Council
113 West Mountain Street
Fayetteville, AR 72701

RE: THE ARBORS AT SPRINGWOODS

Dear Aldermen,

Please regard this correspondence as an official request to appeal a condition approval for the Arbors at Springwoods Large Scale Development. This development is located at the northeast corner of the intersections of Moore Lane and Deane Solomon Road. The Arbors at Springwoods was approved by the Planning Commission on Monday, March 27, 2006. As part of this approval, as is common with many other developments, improvements to the surrounding infrastructure was made part of the conditions of approval. We feel that the level of improvement required is not appropriate for either the type or the density of this development. The improvements which we believe to be excessive are the off site improvements to Deane Solomon in their entirety and the addition of curb and gutter, storm drainage and sidewalks to the south side of Moore Lane east of the project to Shiloh Drive.

The developer of the Arbors at Springwoods is EPCON Communities of Northwest Arkansas. EPCON is a franchisee of developments geared towards the active adult and the empty nester. The property is currently zoned RMF-18 but is being developed at a density of 4.88 units per acre. This development consists of 33 buildings, 28 quadplexes and 5 duplexes, a total of 122 units. The total amount for improvements both onsite and off site is estimated at \$268,488.00.

We feel that the off site improvements required for this development are excessive due to the low level of traffic generation from the demographic which normally inhabits this type of development. The current

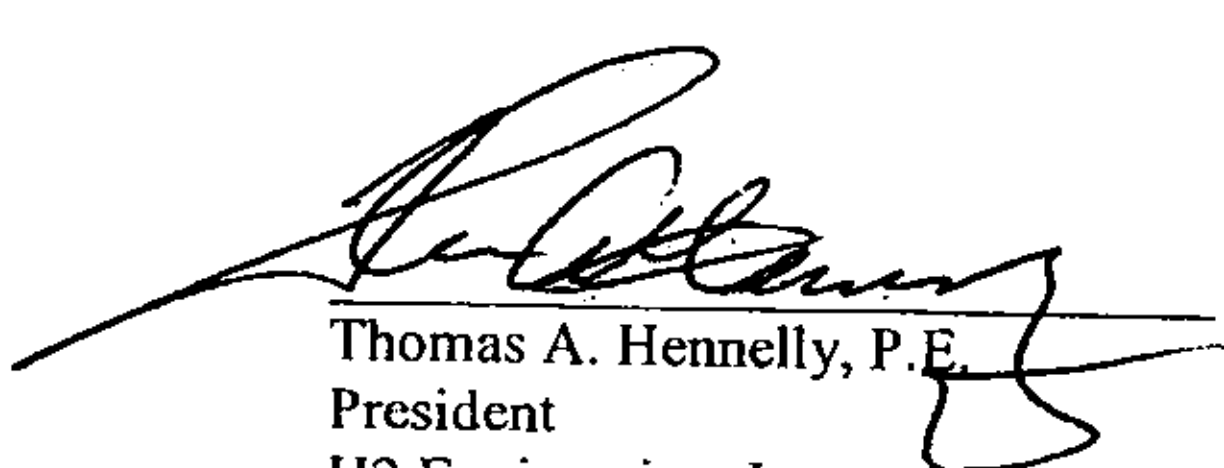
We respectfully request that the City Council adjust the level of improvement to a more reasonable level.

Sincerely,

RECEIVED

APR 03 2006

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE



Thomas A. Hennelly, P.E.
President
H2 Engineering, Inc.

Tabled to 5/2/06 mtg 4/18/06

From: Jeremy Pate
To: Pearman, Clarice
Date: 4.3.06 3:35PM
Subject: Re: Springwoods

Yes, a property owner of record can appeal the Planning Commission's decision to approve or deny a Large Scale Development Plan. It looks like they are appealing the Planning Commission approval, with specific reference to the conditions of approval for street improvements placed upon the project.

Thanks,
Jeremy

>>> Clarice Pearman 04/03/06 11:08 AM >>>

Jeremy,

Attached is a copy of the appeal letter from H2 Engineering. Sondra would like to know if this is appealable before adding to agenda. Please let me know.

Thanks.
Clarice

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations
Tim Conklin, Planning and Development Management Director

From: Jeremy Pate, Director of Current Planning

Date: April 11, 2006

Subject: Appeal of the street improvements associated with Large Scale Development Arbors at Springwoods (LSD 06-1974).

RECOMMENDATION

The Fayetteville Planning Commission and Planning staff recommend approval of LSD 06-1974 (Arbors at Springwoods), a 122-unit multi-family development located on Deane Solomon and Moore Lane. The Planning Commission determined the appropriate off-site street improvements associated with the Arbors at Springwoods Large Scale Development as described herein. The applicant is appealing this decision, finding the assessment does not meet the test of rough proportionality.

BACKGROUND

The subject property is approximately 25.24 acres located in west Fayetteville, north of Moore Lane and east of Deane Solomon Road. The site is identified as Lot 2 of the Springwoods Planned Zoning District subdivision. A Large Scale Development for 122 multi-family dwelling units was approved by the Planning Commission on March 27, 2006 with the following required condition of approval as recommended by staff:

1. Planning Commission determination of street improvements. *Staff recommends the following street improvements:*
 1. *Widen Deane Solomon Road to 14' of pavement from centerline along the project frontage with curb, gutter, storm drainage, and 6' sidewalk, tying in to the existing improved street section to the north improved as part of the Springwoods Subdivision. Continue the street improvements on the east side of Deane Solomon south to the intersection of Moore Lane and Deane Solomon, without sidewalk, so as to not create an incomplete section of unimproved street. (After further evaluation of the existing and surrounding street conditions, this recommendation has been modified to reduce the requirement from an 18' section to a 14' section, decreasing the required improvement by 4' for the length of the improvements to Deane Solomon.)*
 2. *Improve Moore Lane to Master Street Plan standards along the project frontage along the northern side of the road (14' of pavement from centerline along the project frontage with curb, gutter, storm drainage, and 6' sidewalk).*
 3. *Construct Moore Lane to a full 50' right-of-way Master Street Plan street section (28' street) east to Shiloh on both sides of the street with pavement, curb, gutter and storm drains where not improved. Shiloh is currently*

improved 14 feet from centerline on the north side of the street – this improvement would be on the south side for the majority of the length. Old pavement sections to be replaced with new, per the City Engineer.

4. ~~*Improve Moore Lane to complete a minimum 20' pavement-only street section from the southwest corner of the property to Deane Solomon Road, including a westbound left turn lane at the intersection of Deane Solomon and Moore Lane.—This recommendation has changed from the recommendation to the Subdivision Committee after further site visits and evaluation of the street condition. Staff finds that there is not sufficient room for this improvement, and that adding approximately two feet of pavement would not fulfill the intent of the original recommendation. Traffic should be encouraged to utilize Moore Lane exiting to Shiloh Drive, the nearest improved street.*~~

PLANNING COMMISSION FOUND IN FAVOR OF THIS CONDITION AS AMENDED ABOVE (03-27-06).

DISCUSSION

The Planning Commission voted 7-0-0 to approve LSD 06-1974 on March 27, 2006. The applicant described this project as a project for active adults and empty nesters, and presented traffic numbers associated with that use. However, there is no guarantee that this project will be developed for a user group in the retirement category, thereby reducing the traffic generated by this development. It was with this in mind that staff made off-site street improvement recommendations to both Moore Lane and Deane Solomon, based on traffic that would typically be associated with multi-family development. Staff evaluated the existing infrastructure and the vehicle trips generated by this development that would impact that infrastructure. Rather than require improvements to the sub-standard intersection of Deane Solomon and Mt. Comfort as discussed with the original springwoods PZD, staff recommended improvements to Deane Solomon south to Moore Lane, and improvements to Moore Lane to improve this street to an acceptable standard to the nearest improved street (Shiloh Drive).

The applicant has subsequently presented updated traffic numbers, even further reducing the traffic generation anticipated. The Planning Commission voted on its April 10 meeting to reconsider this new information at its regularly scheduled April 24 meeting. Should the Planning Commission or City Council wish to consider the multi-family development as retirement-based, staff has formulated a revised recommendation, essentially eliminating off-site improvements to Deane Solomon (with the exception of the project frontage), and only requiring those improvements to finish Moore Lane to Shiloh, thus encouraging traffic to utilize the more improved streets in the area. A memo from City Engineering is attached explaining this evaluation.

BUDGET IMPACT

None.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.

Fayetteville, AR 72701

Telephone: 479-575-8206

ENGINEERING DIVISION CORRESPONDENCE

TO: Planning Commission Members
FROM: Matt Casey P.E., Assistant City Engineer
DATE: April 10, 2006
SUBJECT: The Arbors at Springwoods LSD 06-1974

At the time of the submittal of this project, staff recommended that the project engineer provide a traffic study for this development that addressed the traffic generated by this development and the impact on the street infrastructure in this area. In response, H2 Engineering submitted a traffic study performed by Carter-Burgess for the development.

The original traffic study showed project traffic volumes of 1,297 (there appears to be a typo in the traffic study that says 12,097) for a 24 hour two way traffic volume. With this volume, staff recommended off-site improvements be required as a part of the large scale development approval. Improvements on the south side of Moore lane from the project site east to Shiloh Drive and improvements to the east side of Deane Soloman Road from the project site south to Moore Lane were recommended.

Since the time of the Planning Commission approval of this development, H2 Engineering has submitted a revised traffic study. This new study assumes that the development will be 100% occupied by elderly home owners. With this change, the projected traffic volumes decrease from the 1297 to 453 for a 24 hour two way traffic volume. This is 35% of the original estimate.

If the Planning Commission decides to accept the new traffic study as presented, then staff will change the recommendation for street improvements. The recommendation is that the development improves the south side of Moore Lane from the project site east to Shiloh Drive. The off-site improvements are in addition to the standard street improvements that are required along the project frontage for both Moore Lane and Deane Soloman Road.



April 3, 2006

City of Fayetteville
City Council
113 West Mountain Street
Fayetteville, AR 72701

RE: THE ARBORS AT SPRINGWOODS

Dear Aldermen,

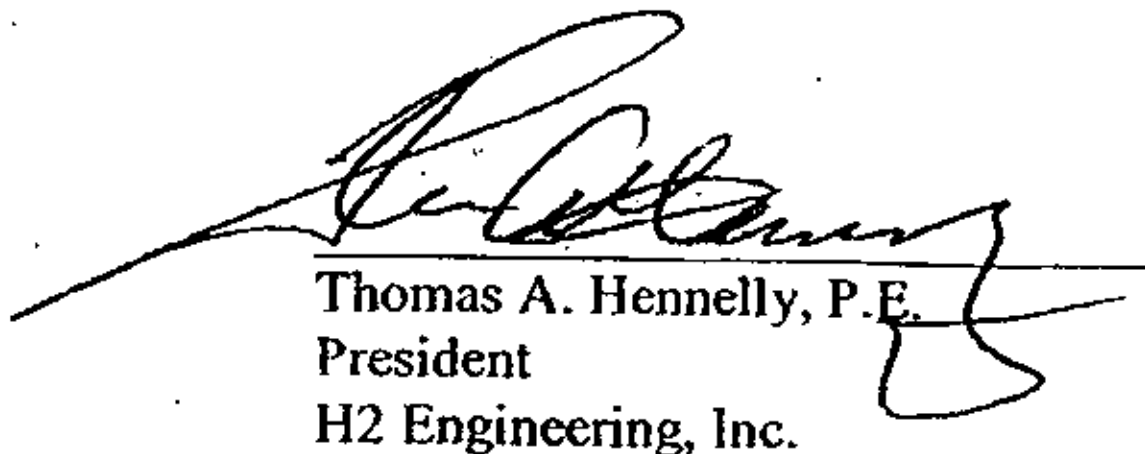
Please regard this correspondence as an official request to appeal a condition approval for the Arbors at Springwoods Large Scale Development. This development is located at the northeast corner of the intersections of Moore Lane and Deane Solomon Road. The Arbors at Springwoods was approved by the Planning Commission on Monday, March 27, 2006. As part of this approval, as is common with many other developments, improvements to the surrounding infrastructure was made part of the conditions of approval. We feel that the level of improvement required is not appropriate for either the type or the density of this development. The improvements which we believe to be excessive are the off site improvements to Deane Solomon in their entirety and the addition of curb and gutter, storm drainage and sidewalks to the south side of Moore Lane east of the project to Shiloh Drive.

The developer of the Arbors at Springwoods is EPCON Communities of Northwest Arkansas. EPCON is a franchisee of developments geared towards the active adult and the empty nester. The property is currently zoned RMF-18 but is being developed at a density of 4.88 units per acre. This development consists of 33 buildings, 28 quadplexes and 5 duplexes, a total of 122 units. The total amount for of improvements both onsite and off site is estimated at \$268,488.00.

We feel that the off site improvements required for this development are excessive due to the low level of traffic generation from the demographic which normally inhabits this type of development. The current

We respectfully request that the City Council adjust the level of improvement to a more reasonable level.

Sincerely,



Thomas A. Hennelly, P.E.
President
H2 Engineering, Inc.

RECEIVED

APR 03 2006

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE



PC Meeting of March 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: Andrew Garner, Senior Planner
Brent O'Neal, Staff Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: ~~March 21, 2006~~ March 28, 2006

LSD 06-1974: Large Scale Development (THE ARBORS AT SPRINGWOODS, 286):
Submitted by H2 ENGINEERING, INC. for property located at LOT 2 OF SPRINGWOODS
PZD. The property is zoned C-PZD 03-08.00 (SPRINGWOODS) and contains approximately
25.24 acres. The request is for 122 multi-family dwelling units.

Property Owner: EPCON COMMUNITIES OF NORTHWEST ARKANSAS
Planner: ANDREW GARNER

Findings:

Property: The subject property is located in west Fayetteville, north of Moore Lane and east of Deane Solomon Road. The site is identified as Lot 2 of the Springwoods Planned Zoning District subdivision. The property is zoned C-PZD 03-08.00, part of the Planned Zoning District for Springwoods development. The zoning criterion for this lot specifies multi-family land uses with a maximum density of 18 units per acre. The property is currently undeveloped pasture with a few scattered trees along the property lines. Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Undeveloped Springwoods Subdivision	C-PZD 03-08.00, Commercial Planned Zoning District
South	Rural Residential; Westark Agricultural Operations	R-A, Residential-Agricultural; C-2, Thoroughfare Commercial
East	Undeveloped Springwoods Subdivision	C- PZD 03-08.00, Commercial Planned Zoning District
West	Undeveloped	RSF-4, Residential Single Family – 4 units/acre

Proposal: The applicant proposes to develop 122 multi-family dwellings. The development would be a patio-home development with either four or two condominium residences into each building, including a two-car attached garage for each unit. The site would also have a

neighborhood swimming pool, putting green, and clubhouse.

Request: The request is for Large Scale Development approval of the submitted site plans for the proposed residential development.

Right-of-way being dedicated: 35' from centerline right-of-way for Deane Solomon Road and 25' from centerline along Moore Lane.

Adjacent Master Street Plan Streets: Deane Solomon Road (a collector street); Moore Lane (a local street).

Water/Sewer: Water and sewer are available to the site and will be extended to the facilities.

Access: The site would be accessed off of a new curb cut onto Moore Lane and a new curb cut onto Deane Solomon Road.

Tree Preservation: Existing Canopy: 1.8%
Preserved Canopy: 1.8%
Required Canopy: 1.8%
Mitigation: Not required.

Parks: On February 6th 2006 Park Recreation Advisory Board reviewed this project and recommended accepting a full land dedication to satisfy the park land dedication ordinance. The dedicated land will be located at Wellsprings PZD and will be used to establish a trail corridor connecting the dedicated park land at Wellsprings to future Hamstring Creek Trail. This decision was based on the projects proximity to the Audubon Society wetland, the 70+ acre site for a future school, and Razorback Golf Course. Additionally the plans for the development include many park amenities to be maintained by the Property Owners Association. These amenities should serve the recreational needs for this neighborhood.

Recommendation: The project was forwarded to the full Planning Commission because there were only two members on the Subdivision Committee for this item. Staff recommends approval LSD 06-1974 with the following conditions of approval:

Conditions of Approval:

1. Planning Commission determination of street improvements. *Staff recommends the following street improvements:*
 - a. *Widen Deane Solomon Road to 14' of pavement from centerline along the project frontage with curb, gutter, storm drainage, and 6' sidewalk, tying in to the existing improved street section to the north improved as part of the Springwoods Subdivision. Continue the street improvements on the east side of Deane Solomon south to the intersection of Moore Lane and Deane Solomon, without sidewalk, so as to not create an incomplete section of unimproved street. (After further evaluation of the existing and surrounding street conditions, this recommendation has been modified from an 18' section to a 14'*

- section, decreasing the required improvement by 4' for the length of the improvements to Deane Solomon.)
- b. Improve Moore Lane to Master Street Plan standards along the project frontage along the northern side of the road (14' of pavement from centerline along the project frontage with curb, gutter, storm drainage, and 6' sidewalk).
 - c. Construct Moore Lane to a full 50' right-of-way Master Street Plan street section (28' street) east to Shiloh on both sides of the street with pavement, curb, gutter and storm drains where not improved. Shiloh is currently improved on the north side of the street – this improvement would be on the south side for the majority of the length. Old pavement sections to be replaced with new, per the City Engineer.
 - d. ~~Improve Moore Lane to complete a minimum 20' pavement-only street section from the southwest corner of the property to Deane Solomon Road, including a westbound left-turn lane at the intersection of Deane Solomon and Moore Lane.~~ This recommendation has changed from the recommendation to the Subdivision Committee after further site visits and evaluation of the street condition. Staff finds that there is not sufficient room for this improvement, and that adding approximately two feet of pavement would not fulfill the intent of the original recommendation. Traffic should be encouraged to utilize Moore Lane exiting to Shiloh Drive, the nearest improved street.

PLANNING COMMISSION FOUND IN FAVOR OF THIS CONDITION (03-27-06).

2. There is an existing sewer line that traverses north-south through some of the proposed structures. This and its easement line shall be vacated prior to issuance of a building permit.
3. A conditional use permit shall be required to be obtained prior to issuance of a building permit for the neighborhood swimming pool/clubhouse.
4. This development is subject to all applicable covenants of the Springwoods Subdivision.
5. Clearly depict building setbacks off of all property lines: 25' setback off of Moore Lane and Deane Solomon frontages, and 8' side setbacks off of other property lines.
6. Right-of-way dedication in the amount of 25' from centerline along Moore Lane (or as necessary to realign the Moore Lane curve) and 35' from centerline along Deane Solomon Road.
7. Indicate the type and size of plant at installation for the proposed plantings. Species shall be selected from the City of Fayetteville's landscape manual list of approved trees, and shall be subject to approval by the Urban Forester.
8. Staff recommends landscape plantings be installed in the median of the divided entrance off of Deane Solomon Road.
9. Prior to building permit, a cost estimate for all required landscaping is to be submitted to the Landscape Administrator 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.

10. Dedication of 2.074 acres of parkland at Wellsprings PZD to the City prior to issuance of a building permit for 122 multi-family units.

Standard Conditions of Approval:

11. All mechanical and utility equipment on the wall and/or on the ground shall be screened. All roof mounted utilities and mechanical equipment shall be screened by incorporating screening to the structure utilizing materials compatible with the supporting building. Smaller ground-mounted equipment may be screened with tall grasses or shrubs. A note shall be added to all construction documents indicating as such.
12. Trash enclosures shall be screened with access not visible from the street. The trash enclosures shall be constructed with materials that are complimentary to and compatible with the proposed building. A detail of the proposed screening shall be submitted and approved by the Planning Division prior to issuance of the building permit. Any additional dumpsters located on site shall be screened from the right-of-way.
13. All freestanding and wall signs shall comply with ordinance specifications for location, size, type, number, etc. Signs are not allowed to be placed in utility easements.
14. All exterior lighting is required to comply with the City's lighting ordinance (single and two-family exterior lighting is exempt from the lighting ordinance). A lighting plan and cut-sheets of the proposed exterior light fixtures shall be required to be approved by Planning Staff prior to building permit.
15. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives: AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications).
16. Provide a CD containing the proposed Large Scale Development drawings in AutoCad or similar digital format.
17. 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.
18. All existing utilities below 12kv shall be relocated underground. All proposed utilities shall be located underground.

19. Large scale development shall be valid for one calendar year.

20. Prior to the issuance of a building permit the following is required:

- a. Grading and drainage permits
- b. 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 and all utility easements.
- c. Project Disk with all final revisions
- d. One copy of final construction drawings showing landscape plans including tree preservation measures submitted to the Landscape Administrator.
- e. 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 Certificate of Occupancy.

Additional conditions:

21. _____

22. _____

Planning Commission Action: ☒ Approval ☐ Denied ☐ Tabled
Motion: Clark
Second: Myres
Vote: 7-0-0
Meeting Date: March 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 _____

Planning Commission Meeting
March 27, 2006



THE CITY OF FAYETTEVILLE, ARKANSAS

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

LANDSCAPE REVIEW FORM

To: Fayetteville Planning Commission

From: Andrew Garner, Senior Planner

Date: March 27, 2006

ITEM #: LSD 06-1974 (Arbors at Springwoods)

Applicable Requirements:

X	Off-Street Parking
X	Commercial Design Standards
X	Buffer and Screening
	14540 Design Overlay

Plan Checklist:

Y = submitted by applicant

N = requested by city

NA = not applicable

Preliminary Submitted	Final Submitted	
		Off-Street Parking and Loading
NA		wheel stops / curbs
NA		irrigation
NA		edged landscape beds indicated
N		species of plant material identified
N		size of plant material at time of installation indicated
NA		interior landscaping
		narrow tree lawn (8' min. width, 17' min. length / 1 tree per 15 spaces)
		tree island (10' min. width / 1 tree per 12 spaces)
Y		perimeter landscaping
		side and rear property lines (5' landscaped)
		adjacent to street R.O.W (15' greenspace exclusive for landscaping / 1 street tree every 30 L.F., a continuous planting of shrubs and ground cover - 50% evergreen)

Planning Commission Meeting
March 27, 2006

Y		soil amendments notes include that soil is amended and sod removed
Y		mulching notes indicate mulching around trees and within landscape beds.
Y		planting details according to Fayetteville's Landscape Manual
Preliminary Submittal	Final Submittal	Commercial Design Standards
NA		greenspace adjacent to street R.O.W. (15' wide)
NA		street trees planted every 30' L.F. along R.O.W.
NA		outdoor storage screened with landscaping
		Buffer Strips and Screening
NA		landscaped area (12' min.)
NA		fence required
NA		outdoor storage screened with landscaping
NA		non-residential landscape screen when adjacent to residential zones
NA		landscape requirement for setback reduction
		Overlay District Requirements
NA		greenspace adjacent to street R.O.W. (25' wide)
NA		street trees planted every 30' L.F. along R.O.W.
NA		25% of total site area left in greenspace (80% landscaped)
NA		parking lots and outdoor storage screened with landscaping

Recommendation: Approval of the landscape plan associated with LSD 06-1974 with the following conditions.

Conditions of Approval:

1. Indicate the type and size of plant at installation for the proposed plantings. Species shall be subject to approval of the City's Urban Forester.
2. Staff recommends landscape plantings be installed in the median of the divided off of Deane Solomon Road.
3. Prior to building permit, a cost estimate for all required landscaping is to be submitted to the Landscape Administrator 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.



THE CITY OF FAYETTEVILLE, ARKANSAS

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

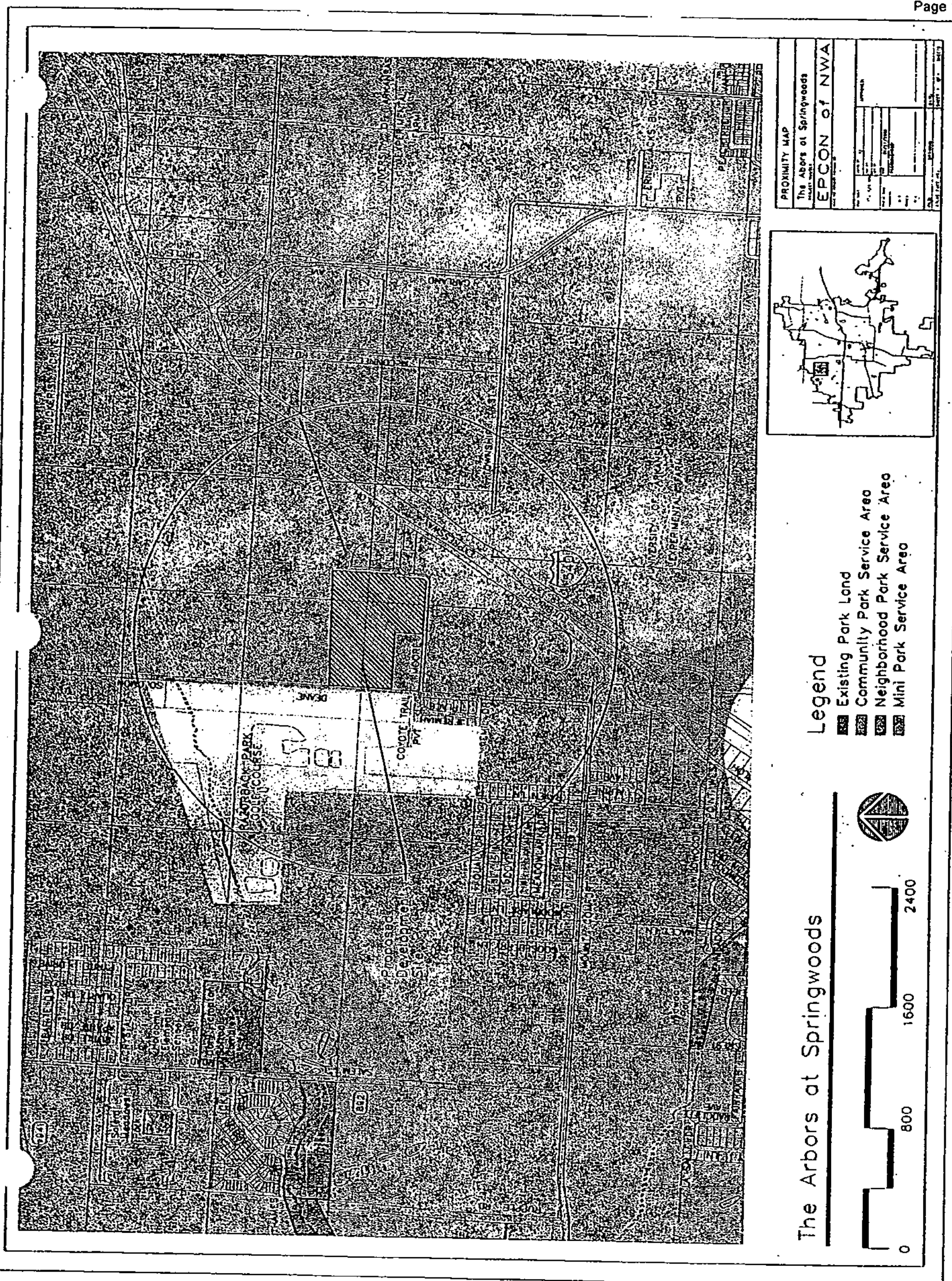
TO: Andrew Garner, Associate Planner
FROM: Alison Jumper, Park Planner
DATE: March 13, 2006
SUBJECT: Parks & Recreation Subdivision Committee Comments

Meeting Date: March 16, 2006
Item: LSD 06-1974 (The Arbors at Springwoods, 286)
Park District: NW
Zoned: RSF-24
Billing Name & Address: H2 Engineering and EPCON of NWA

	<u>Current Land Dedication Requirement</u>	<u>Money in Lieu</u>
Single Family	@ .024 acre per unit = _____ acres	@ \$555 per unit = \$ _____
Multi Family	122 @ .017 acre per unit = 2.074 acres	@ \$393 per unit = \$ _____
Mobile Home	@ .024 acre per unit = _____ acres	@ \$555 per unit = \$ _____
Lot Split		@ \$555 per unit = \$ _____
		Total = \$ _____

COMMENTS:

- On February 6th 2006 PRAB reviewed this project and recommended accepting a full land dedication to satisfy the park land dedication ordinance. The dedicated land will be located at Wellsprings PZD and will be used to establish a trail corridor connecting the dedicated park land at Wellsprings to future Hamstring Creek Trail.
- This decision was based on the project's proximity to the Audubon Society wetland, the 70+ acre site for a future school, and Razorback Golf Course. Additionally the plans for the development include many park amenities to be maintained by the Property Owners Association. These amenities should serve the recreational needs for this neighborhood.
- A deed for 2.074 acres at Wellsprings is due prior to issuance of the building Permits for this project.





PC Meeting of March 27, 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: March 20, 2006

ITEM # LSD 06-1974: Large Scale Development (The Arbors at Springwoods)

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	25.25
square feet	1,099,920
Existing Tree Canopy	
acres	0.46
square feet	19,980
percent of site area	1.81%
Existing Tree Canopy Preserved	
acres	0.46
square feet	19,980
percent of total site area	1.81%
Percent Minimum Canopy Required	1.81%

FINDINGS:

The desirability of preserving a tree or group of trees by reason of age, location, size or species.

- A minimum amount of canopy exists on this site. The canopy to be preserved is found along the east property line and as a single tree

interior to the site. All canopy will be preserved with this development.

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

- **Environmental degradation should not occur on this site.**

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.

- **Canopy removed should not affect the adjacent property owners.**

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.

- **Size and shape of the lot does not reduce flexibility of design.**

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

- **The general health of these trees is fair to good.**

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

- **A utility easement already exists along the east property line but it should not affect the existing trees.**

The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.

- **All trees to be preserved should be unaffected with utilities.**

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

- **The realignment of Moore Lane will remove canopy but found within the existing right of way.**

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

- **N/A**

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

- **Mitigation will not be required on this site.**

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

- **N/A**

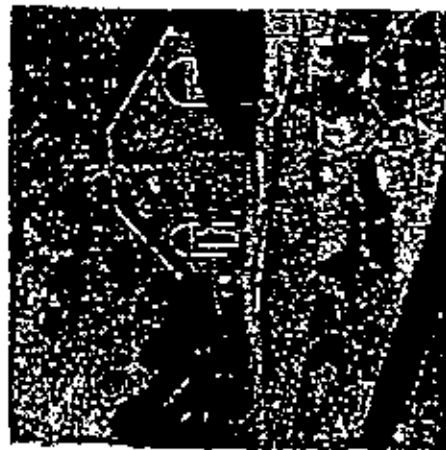
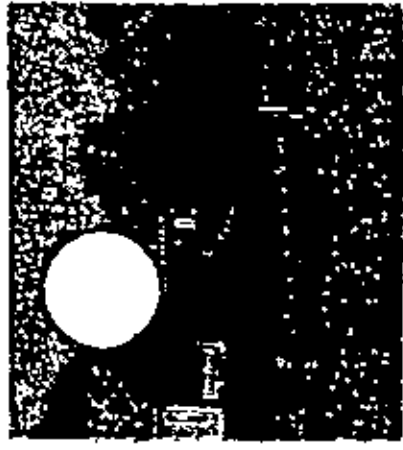
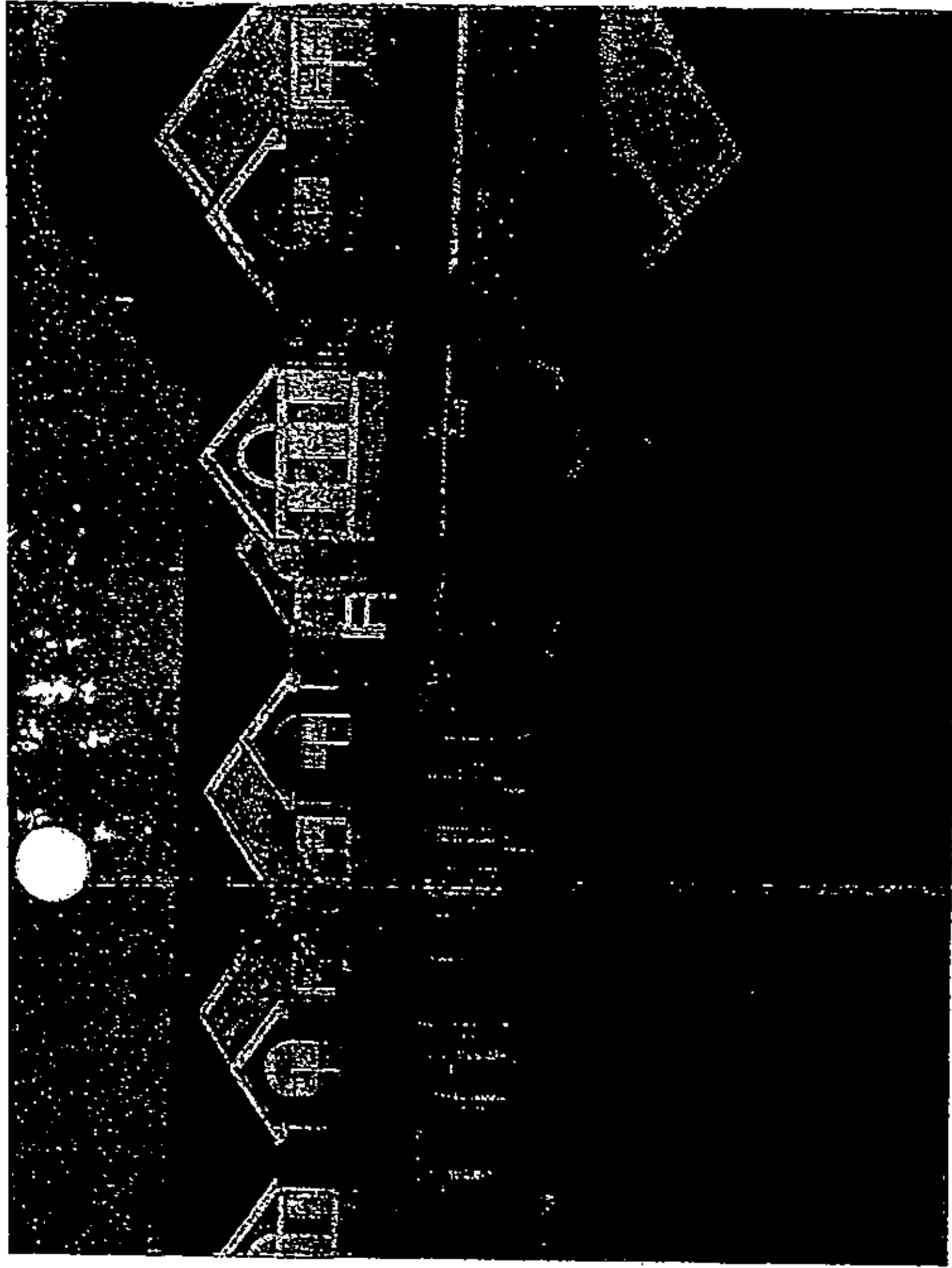
The extent to which development of the site and the enforcement of this chapter are

impacted by state and federal regulations:

- N/A

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

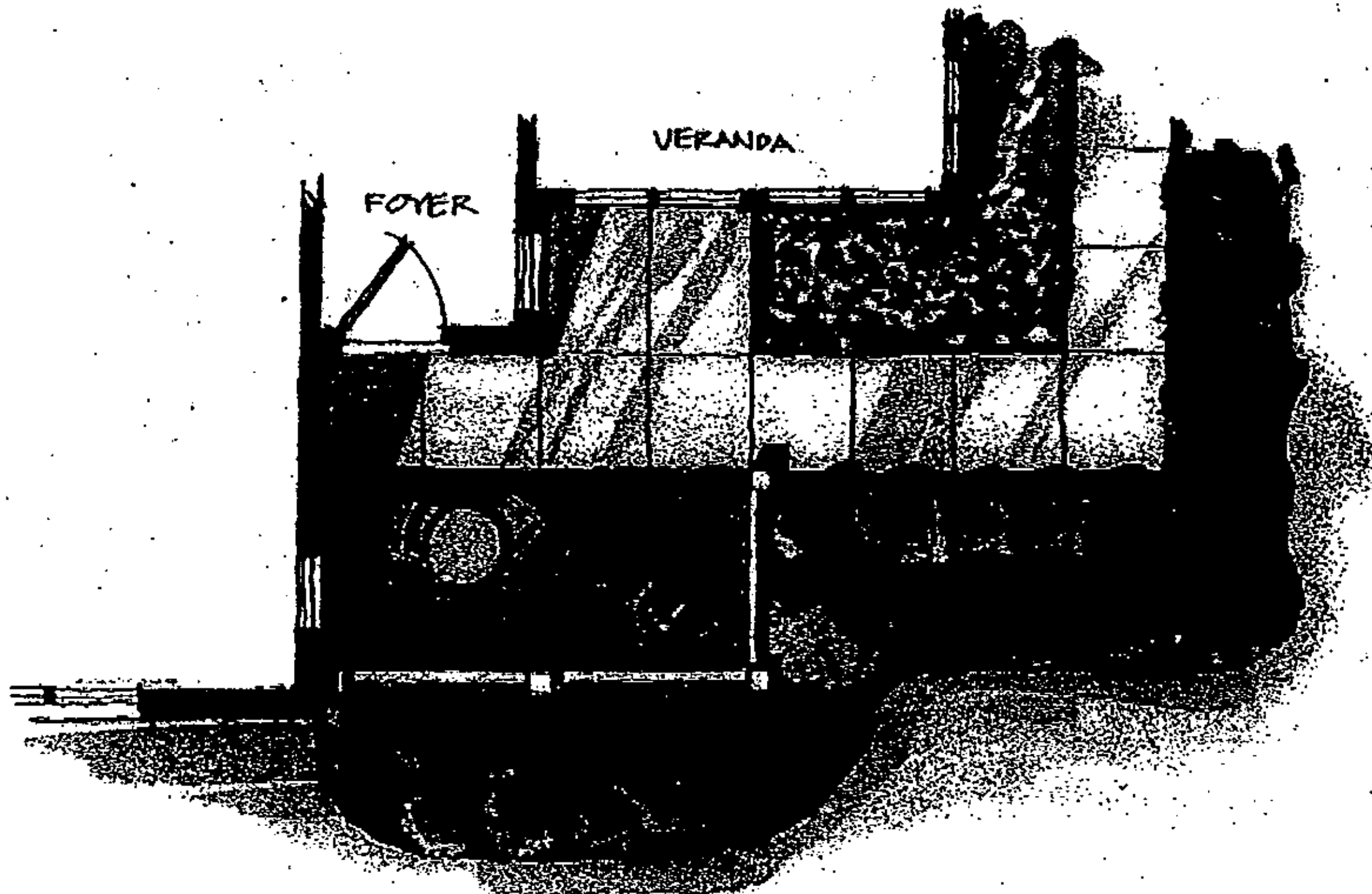
Staff is recommending approval of the submitted Tree Preservation Plan.



Over and above the financial rewards of homeownership and the ease of maintenance-free living that have long attracted condominium buyers, life in our community offers a host of unmatched benefits—by design. Our sophisticated architectural touches create an ambience of uncommon beauty and charm, and our thoughtful floor plans provide stair-free convenience as well as superabundant living and storage space. Our innovative condominium grouping concept individualizes your home and engenders feelings of privacy and security. Yet elegant arched windows heighten the mood of openness, admitting streams of radiant sunlight and affording refreshing views of gracious surrounding landscapes. The extraordinary architecture of our community will convince you that this is not merely a new place to live, but a new way of life.

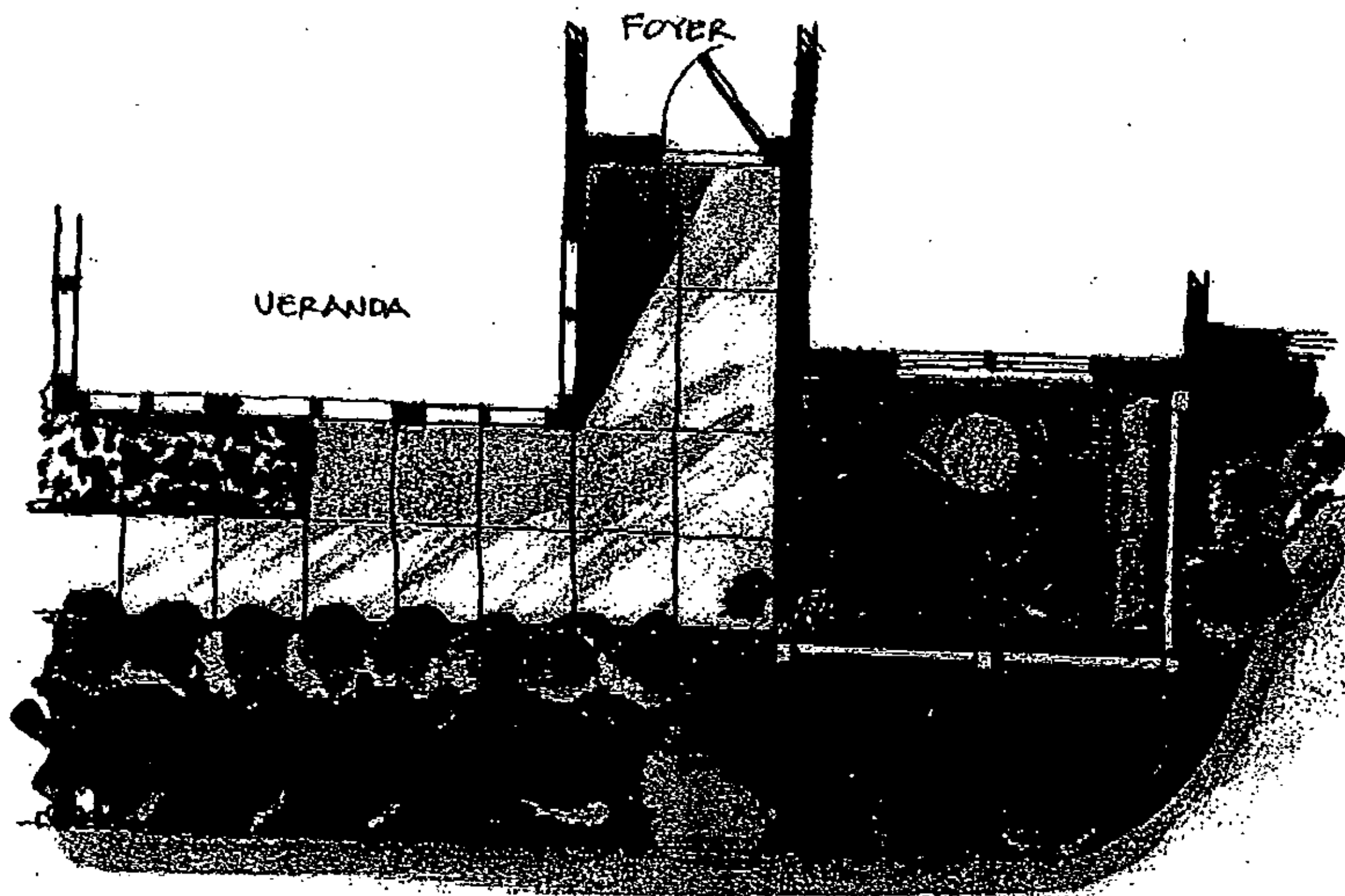


Freedom and ease of single-story living
Four smart floor plans
Your choice of 2 or 3 bedrooms
Cathedral-ceilinged great rooms
Fireplace complete with gas logs
Private entry door
Attached 2-car garage
Community clubhouse
Swimming pool and fitness center
Handsome brick or stone exterior
A full package of condominium services
Private patio or Veranda

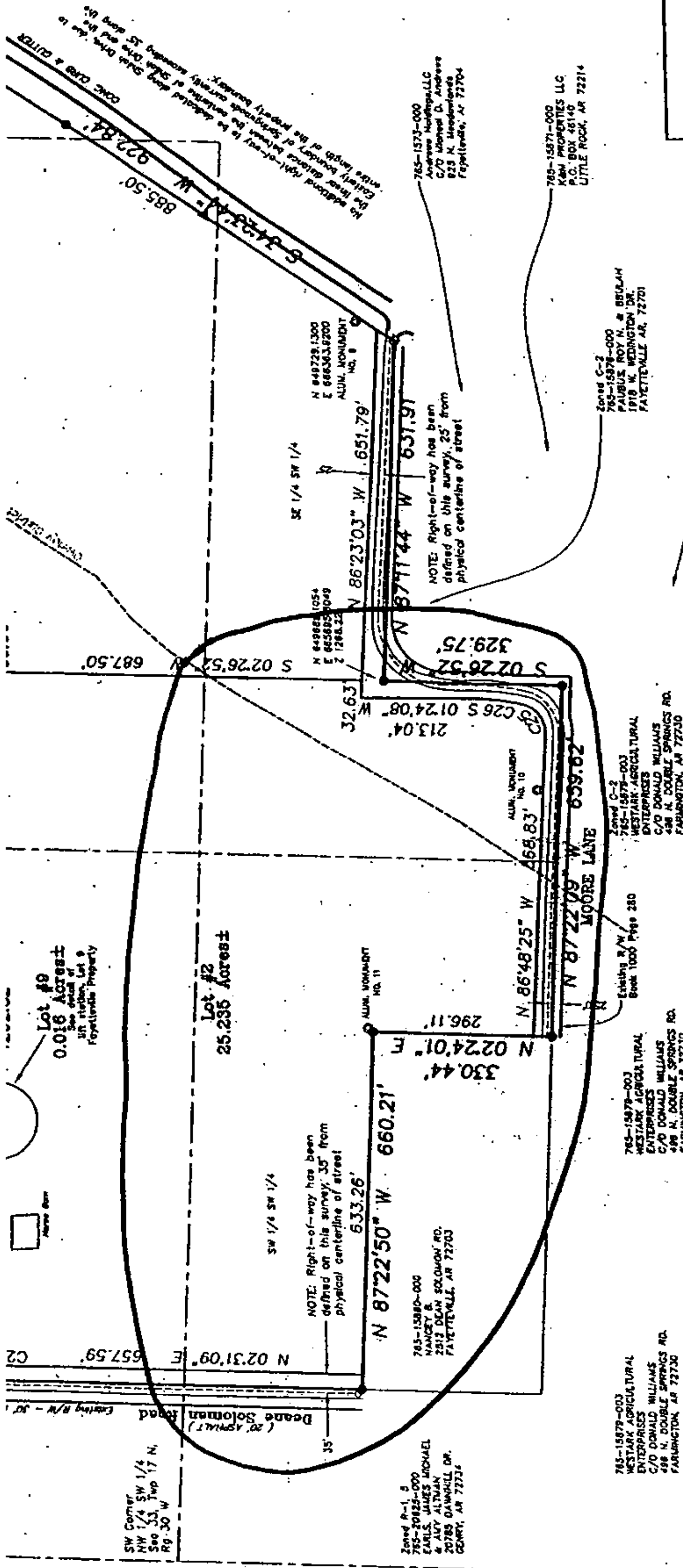


ABBHEY
OPTIONAL PATIO WITH FENCE

file copy
The Arbors at Springwoods



CANTERBURY
OPTIONAL PATIO WITH FENCE



Lot 8 (Adjacent) Users shall be further restricted as described in proposed use of the "Vision Spring Site" as stated by Applicant.

Lot 9 to be retained by the City of Fayetteville for the existing lift station.

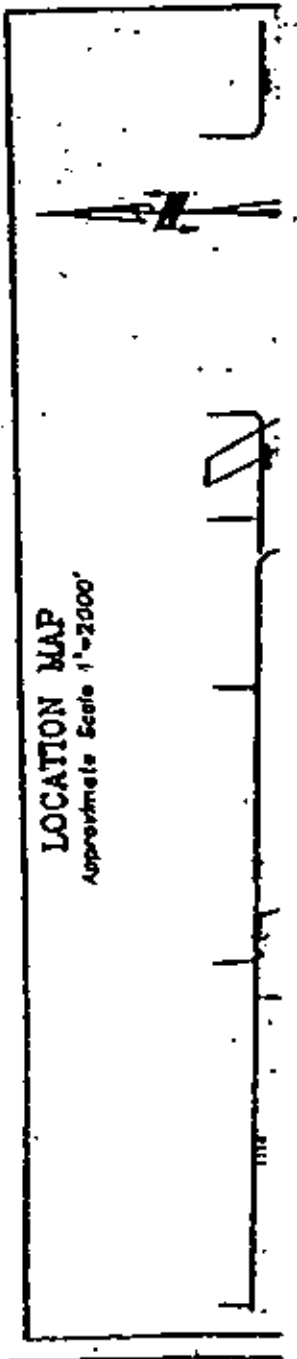
Comments to be filed with the final plat creating the Springwoods Subdivision shall address the use and restrictions associated with these lots.

Setbacks, Height, and Building Area shall be determined and approved by the Fayetteville Planning Commission at the time of large scale development and/or subdivision approval.

These standards shall apply to all lots and development within the individual tracts as shown on this plat.

All requirements as stated within Chapter 188 Development of the Unified Development Code shall apply to all future large scale developments and/or subdivisions within the Springwoods C-22D zoning district.

Resubdivisions provided within the 22D guidelines shall be applied to each development tract (large scale development and/or subdivision) as determined appropriate by the Planning Commission to allow alternative methods of development which it is consistent with the objectives of the Springwoods C-22D zoning district.



Lot No.	Land Use	Use Units	Density	Acres
1	Commercial	12, 13, 14, 15, 16, 17, 23	n/a	47.176
2	Multi-Family	28	18 DU/AC	25.235
3	Single Family	8	2 DU/AC	25.033
4	Multi-Family	28	4 DU/AC	9.587
5	Single Family	8	2 DU/AC	30.778
6	Commercial	12, 13, 14, 15, 16, 17, 23	n/a	18.081
7	Commercial	12, 13, 14, 15, 16, 17, 23	n/a	3.043
8	Preservation Area	1	n/a	121.878
9	Lift Station	3	n/a	0.016

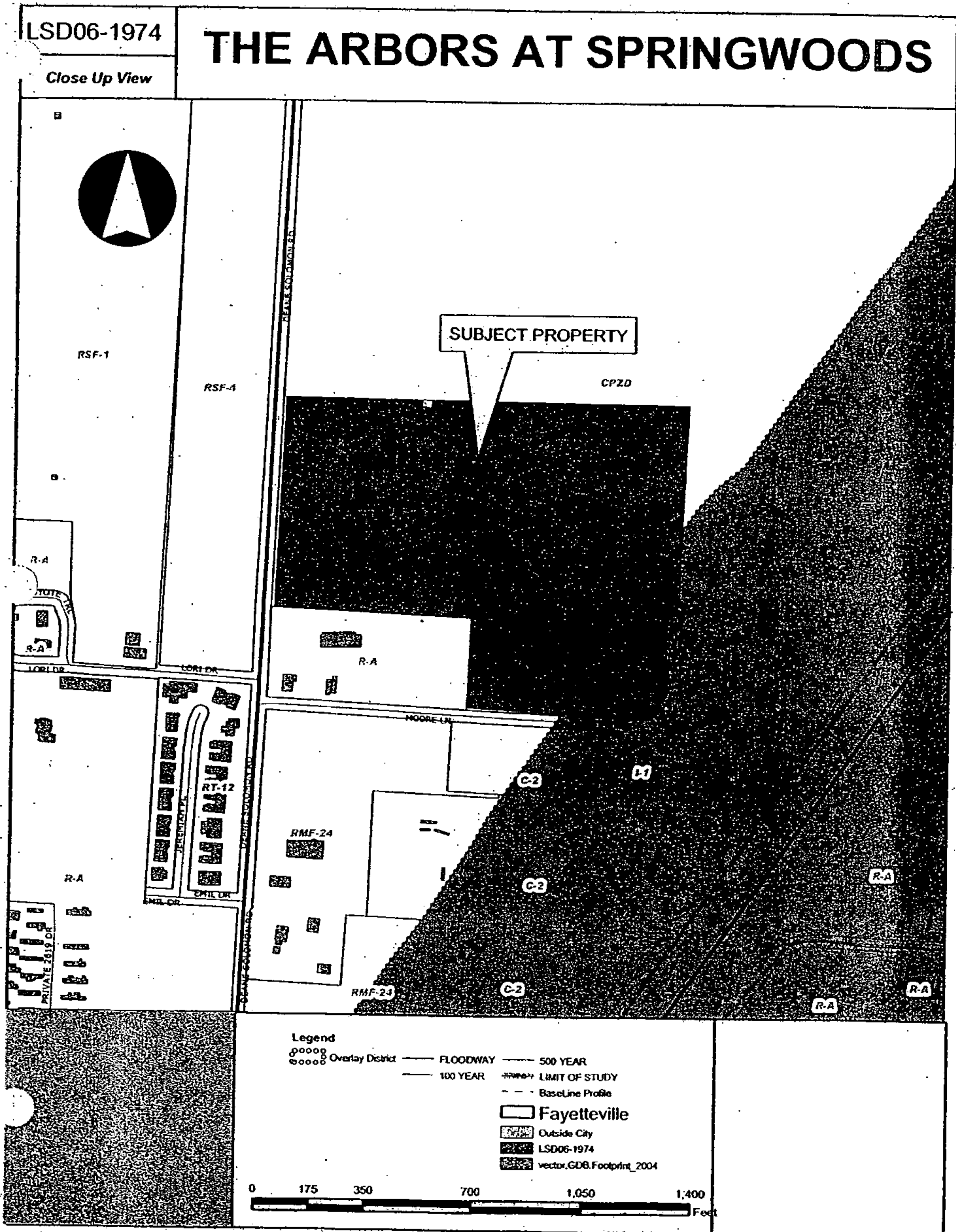
CURVE	DELTA	RADIUS	LENGTH	CHORD	DIRECTION
C1	172°4'00"	175.00'	132.46'	128.41'	S85°45'19" W
C2	272°3'57"	890.00'	347.84'	345.73'	S71°49'00" W
C3	163°3'40"	1,148.72'	1,006.40'	659.97'	N78°20'31" E

Job: Final Plat of
C-PZD03-08 Springwoods
Scale: 1"=200'
Date: 6/03/04
Location: Pt. of Sec 33, Twp 17 N, Rg 30 W

Job Number:
RAMSEY SURVEYING, INC.
479-831-6663 582-4977 Fax 636-4429

Job: RLS #1227 Jim F. Ramsey
1729 West Poplar Street
Rogers, Ar. 72758
surveyjim@sbcglobal.net

Plat Page #248
Sheet #1 of 3
Drawn By: JFR
Rev:



One Mile View

THE ARBORS AT SPRINGWOODS



Overview

Legend

Subject Property

LSD06-1974

Boundary

 Planning Area
Overlay District

☐ Outside City

Legend

0 0.125 0.25

0.5

0.75

1

5 Miles

SITE ACCESS STUDY – THE ARBORS AT SPRINGWOODS

ELDERLY HOUSING

INTRODUCTION AND BACKGROUND

The intent of this site access study is to determine the impacts of the Arbors at Springwoods on Moore Lane from the intersection of Deane Solomon Road and Moore Lane to the intersection of Moore Lane and Shiloh Drive

The Arbors at Springwoods is a development of patio homes (elderly housing – detached). There are 122 homes in the development with all of the homes arranged with shared drives to individual parking areas.

The surrounding area is mainly undeveloped. There is a golf course to the west across Deane Solomon. The surrounding area is zoned residential or commercial.

TABLE 1
SUMMARY OF 24 HOUR COUNT VOLUMES

Location	Deane Solomon Rd.		Moore Ln.	
Discript.	North of Moore Ln.		E. of Deane Solomon	
Time	NB	SB	EB	WB
1000	7	14	8	14
1100	10	14	8	7
1200	16	19	5	7
1300	21	16	3	4
1400	15	16	2	4
1500	14	20	7	7
1600	30	31	7	11
1700	29	47	13	13
1800	27	46	4	11
1900	17	22	2	2
2000	7	7	1	3
2100	7	6	1	0
2200	7	11	2	1
2300	1	6	1	0
2400	0	2	1	1
100	1	3	0	0
200	0	1	0	0
300	0	1	0	0
400	0	1	0	1
500	0	1	0	0
600	3	2	2	1
700	8	15	11	9
800	27	53	8	13
900	18	13	5	8
24 Hr Totals	265	367	91	117

SITE ACCESS STUDY – THE ARBORS AT SPRINGWOODS

Peak Hour for the Study

The peak hour of operation for the traffic developed by the project and the existing traffic is the PM peak hour traffic. This study will be looking at the Level of Service for the intersections of Moore Lane and Deane Solomon and Moore Lane and Shiloh Drive.

EXISTING PEAK HOUR TRAFFIC

24 Hour volume counts were taken along Deane Solomon Road and Moore Lane to help determine the peak hours of operation through the project area. Turning movement counts were performed at the intersections of Deane Solomon Road and Moore Lane and Moore Lane and Shiloh Drive. Table 1 shows a summary of the 24 hour volume counts for the project area. The turning movement counts are shown in the Appendix.

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 2.

**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 Deane Solomon Road and Moore Lane and Moore Lane and Shiloh Drive were analyzed to determine the existing LOS for each intersection using the Synchro. The results of the analysis are summarized in Table 3.

SITE ACCESS STUDY - THE ARBORS AT SPRINGWOODS

TABLE 3
Existing Level of Service

AM

Synchro	Deane Solomon & Moore			Moore & Shiloh		
Movement	WBL	WBR	SBL & T	EBL	EBR	NBL & T
Lane LOS	A	A	A	A	A	A
Control Delay	8.6	8.6	1.2	9.1	9.1	0.3

NOON

Synchro	Deane Solomon & Moore			Moore & Shiloh		
Movement	WBL	WBR	SBL & T	EBL	EBR	NBL
Lane LOS	A	A	A	A	A	A
Control Delay	8.8	8.8	1.8	8.8	8.8	0.9

PM

Synchro	Deane Solomon & Moore			Moore & Shiloh		
Movement	WBL	WBR	SBL & T	EBL	EBR	NBL
Lane LOS	A	A	A	A	A	A
Control Delay	8.8	8.8	0.1	9.3	9.3	0.2

OFF-SITE FUTURE DEVELOPMENT PEAK HOUR TRAFFIC

Figure 1 shows the City of Fayetteville's zoning map for this area. Table 4 shows the land use types, size, 24 hour volumes and AM & PM peak hour entering and existing volumes using ITE's Trip Generation Rates and Trip Generation by Microtrans.

TABLE 4
Summary of Multi-Use Trip Generation (Off-Site)

Land Use	Size	Units	24 Hr 2-Way Vol.	AM Pk Hour		PM Pk Hour	
				Enter	Exit	Enter	Exit
Single Family Residential	40	Acres	1042	26	57	72	37
Multi-Family Residential	400	Units	2688	40	164	160	88
Business Park	88	Acres	13182	1411	249	297	1185
Totals			16912	1477	470	529	1310

Land Use	Size	Units	Saturday			Sunday		
			24 Hr 2-Way Vol.	Peak Hour		24 Hr 2-Way Vol.	Peak Hour	
				Enter	Exit		Enter	Exit
Single Family Residential	40	Acres	1241	64	55	1081	52	52
Multi-Family Residential	400	Units	2556	0	0	199	0	0
Business Park	88	Acres	2870	0	0	2171	0	0
Totals			6667	64	55	3451	52	52

Note: A zero indicates no data available.

SITE ACCESS STUDY – THE ARBORS AT SPRINGWOODS

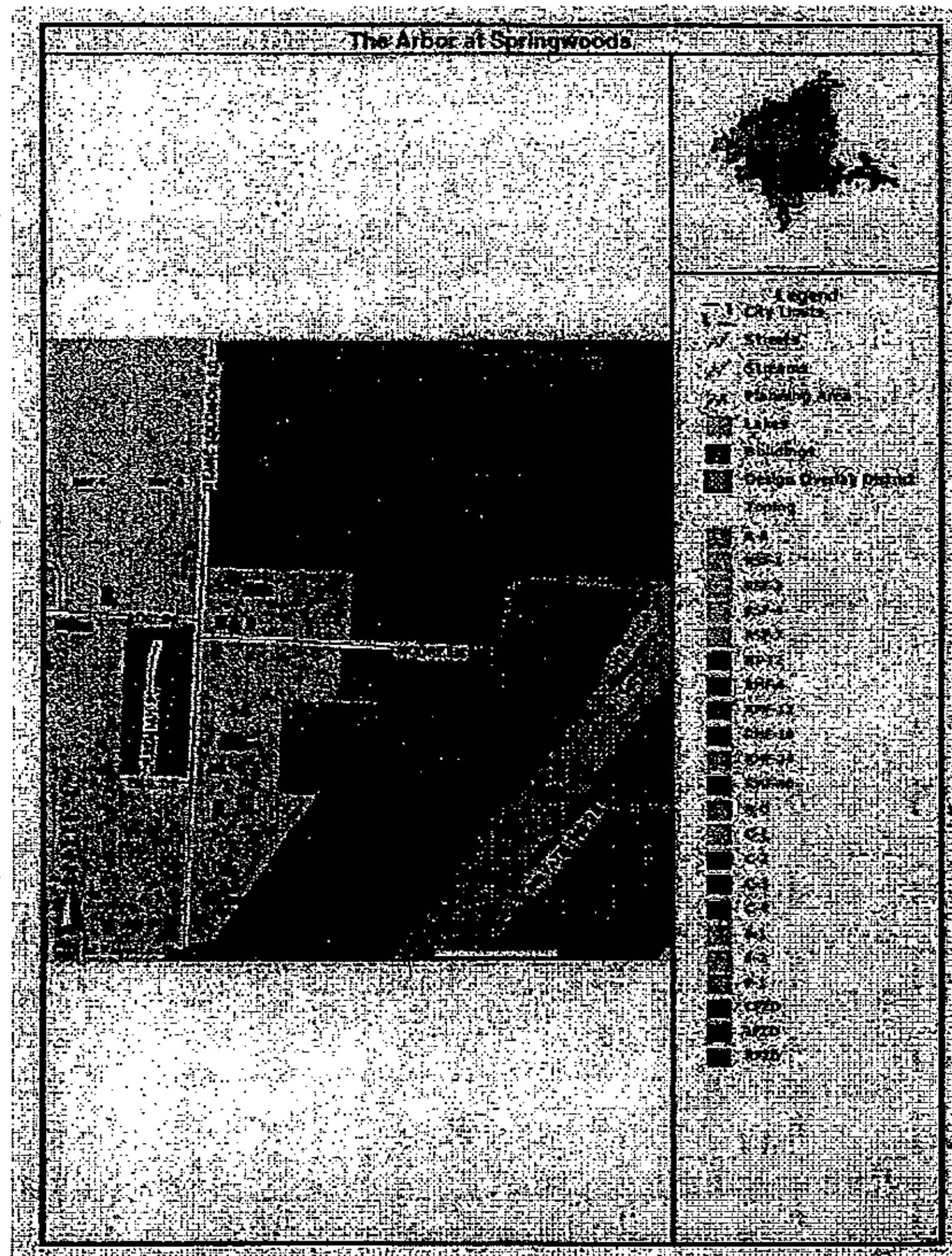


Figure 1. City of Fayetteville Zoning Map

Combining the existing traffic with the generated trips of the off-site future traffic is shown in Figure 3. Pass-By Trips for the off-site traffic were not used based on the types of development. Pass-By Trips are traffic diverted from the existing traffic stream to the traffic generator. Table 5 shows the combined effect of the existing and off-site traffic on the intersections of Deane Solomon & Moore and Shiloh & Moore in terms of control delay and LOS.

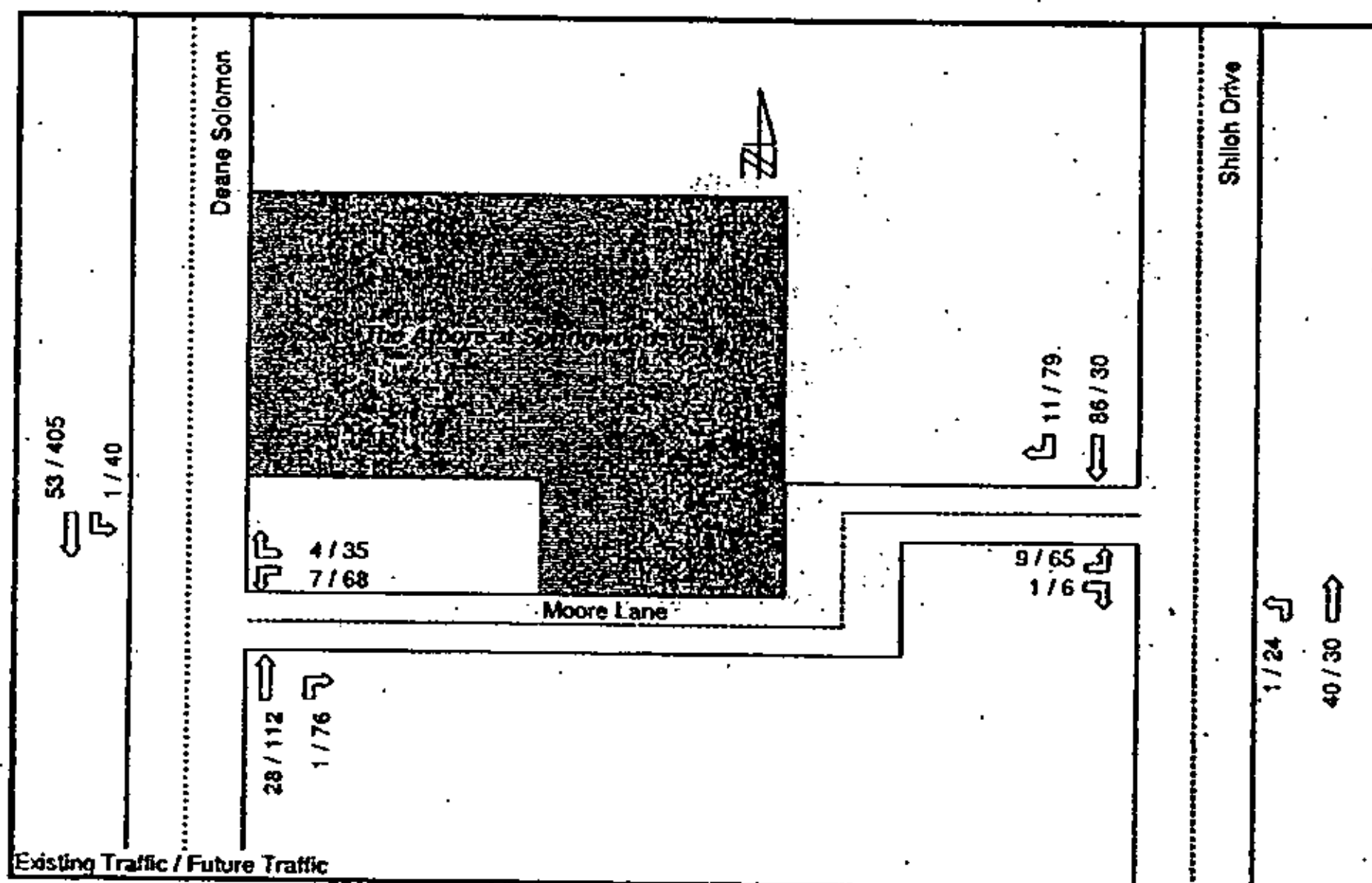
The additional traffic added to the existing traffic flow from the off-site developments increase the Control Delay at the intersections.

SITE ACCESS STUDY – THE ARBORS AT SPRINGWOODS

TABLE 5
Existing + Off Site Level of Service
PM - Peak Hour

Synchro	Deane Solomon & Moore				Shiloh & Moore			
Movement	WBLT	WBRT	SBL	SBT	EBLT	EBRT	NBLT	NBT
Lane LOS	C	C	A	A	B	B	A	A
Control Delay	16.4	16.4	0.4	1	11	11	0.2	2.2

Figure 3. Assignment of Future Traffic with Existing Traffic



SITE DEVELOPMENT PEAK HOUR TRAFFIC

The Arbors at Springwoods is a development of residential patio homes (elderly housing – detached). Table 6 shows the land use type, size, 24 hour two way volume and AM & PM peak hour entering and exiting volumes.

TABLE 6
Summary of Trip Generation

Land Use	Size	Units	24 Hr 2-Way Vol.	PM Pk Hour	
				Enter	Exit
Elderly Housing Detached	122	Dwellings	453	20	12
Totals				20	12

Note: A zero indicates no data available.

4/5/2006

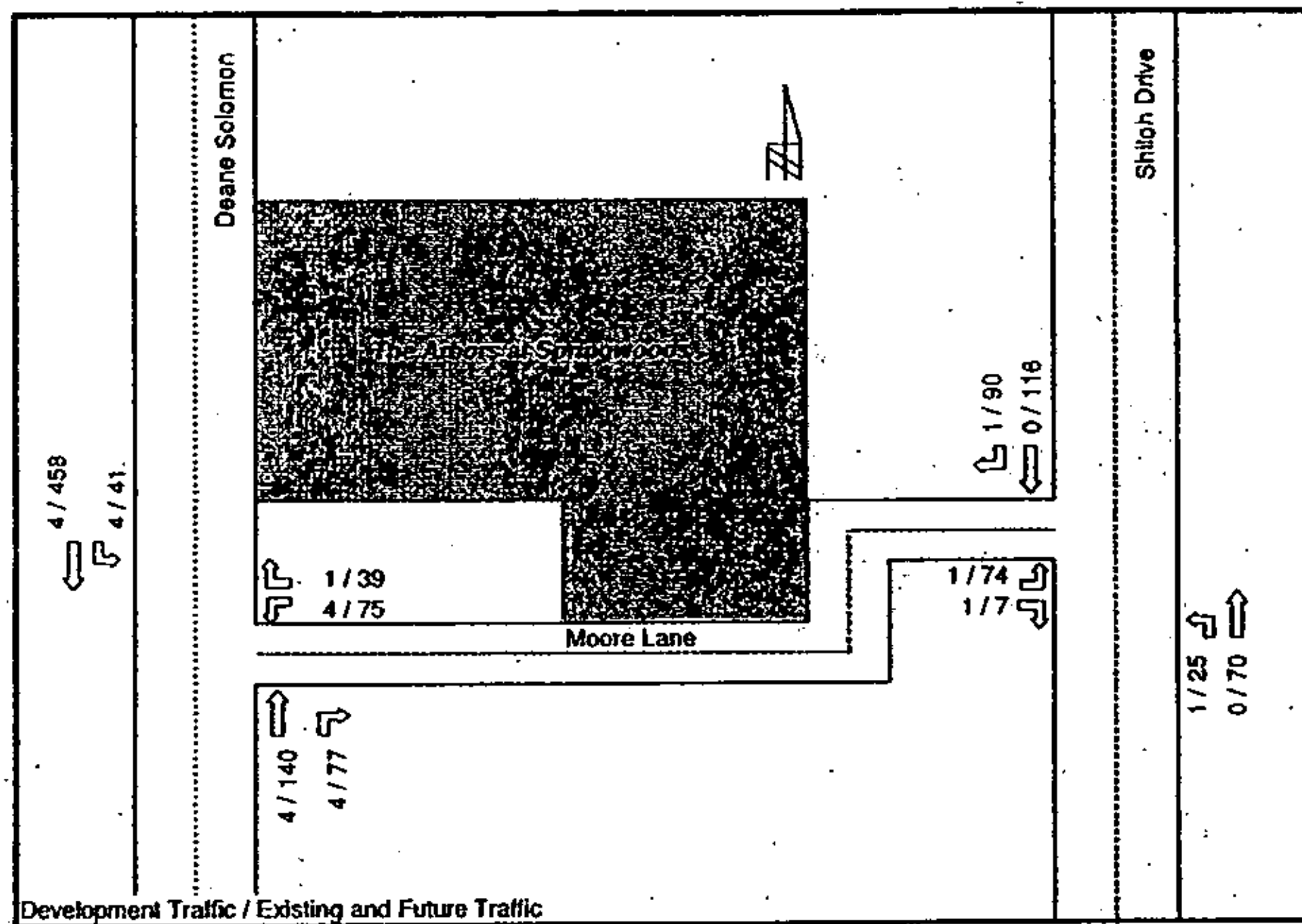
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SITE ACCESS STUDY – THE ARBORS AT SPRINGWOODS

EXISTING PEAK HOUR TRAFFIC WITH SITE DEVELOPED

The design combination of the existing traffic and off-site traffic with the proposed traffic from the development are shown in Figure 4. The results of the traffic model from Synchro and the intersection analysis from HCS are summarized in Table 7. The minor movements for each intersection along Joyce Blvd. are breaking down with LOS of F. This traffic scenario does not work well the existing geometry.

Figure 4. Assignment of Development Traffic with Future and Existing Traffic



SITE ACCESS STUDY – THE ARBORS AT SPRINGWOODS

TABLE 7
Existing/Off Site + Proposed Traffic - LOS
PM - Peak Hour

Synchro	Deane Solomon & Moore				Shiloh & Moore			
	WBLT	WBRT	SBL	SBT	EBLT	EBRT	NBLT	NBT
Movement								
Lane LOS	C	C	A	A	B	B	A	A
Control Delay	17.1	17.1	0.4	1.1	11.1	11.1	0.2	2.2

RECOMMENDATIONS

The following recommendation should help decrease the delay at the intersections of Deane Solomon & Moore.

- Add westbound left turn lane.

SITE ACCESS STUDY – THE ARBORS AT SPRINGWOODS

PATIO HOMES

INTRODUCTION AND BACKGROUND

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SITE ACCESS STUDY – THE ARBORS AT SPRINGWOODS

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SITE ACCESS STUDY – THE ARBORS AT SPRINGWOODS

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NOON

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Lane LOS	A	A	A	A	A	A
Control Delay	8.8	8.8	1.8	8.8	8.8	0.9

PM

Synchro	Deane Solomon & Moore			Moore & Shiloh		
Movement	WBL	WBR	SBL & T	EBL	EBR	NBL
Lane LOS	A	A	A	A	A	A
Control Delay	8.8	8.8	0.1	9.3	9.3	0.2

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SITE ACCESS STUDY – THE ARBORS AT SPRINGWOODS

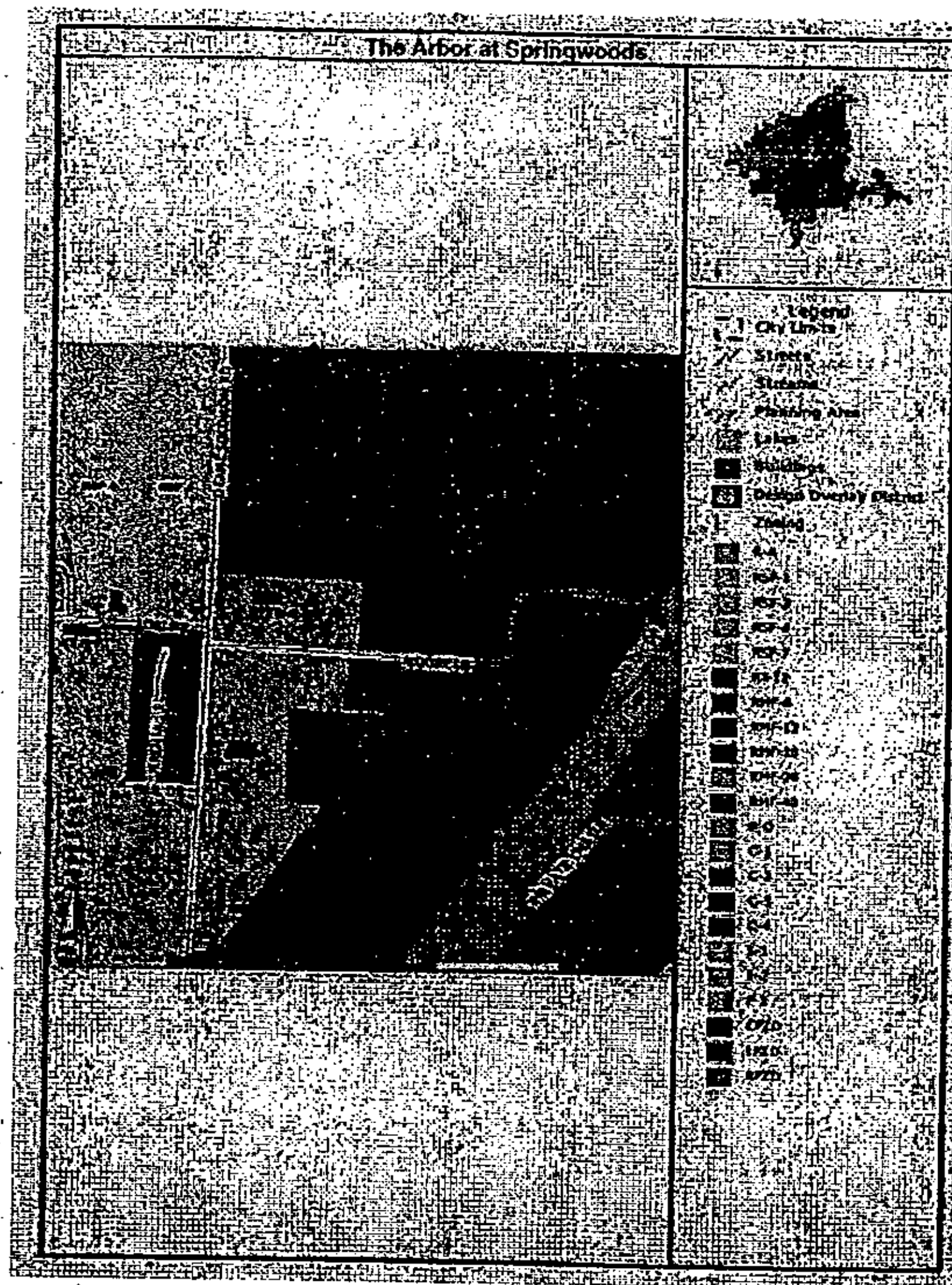


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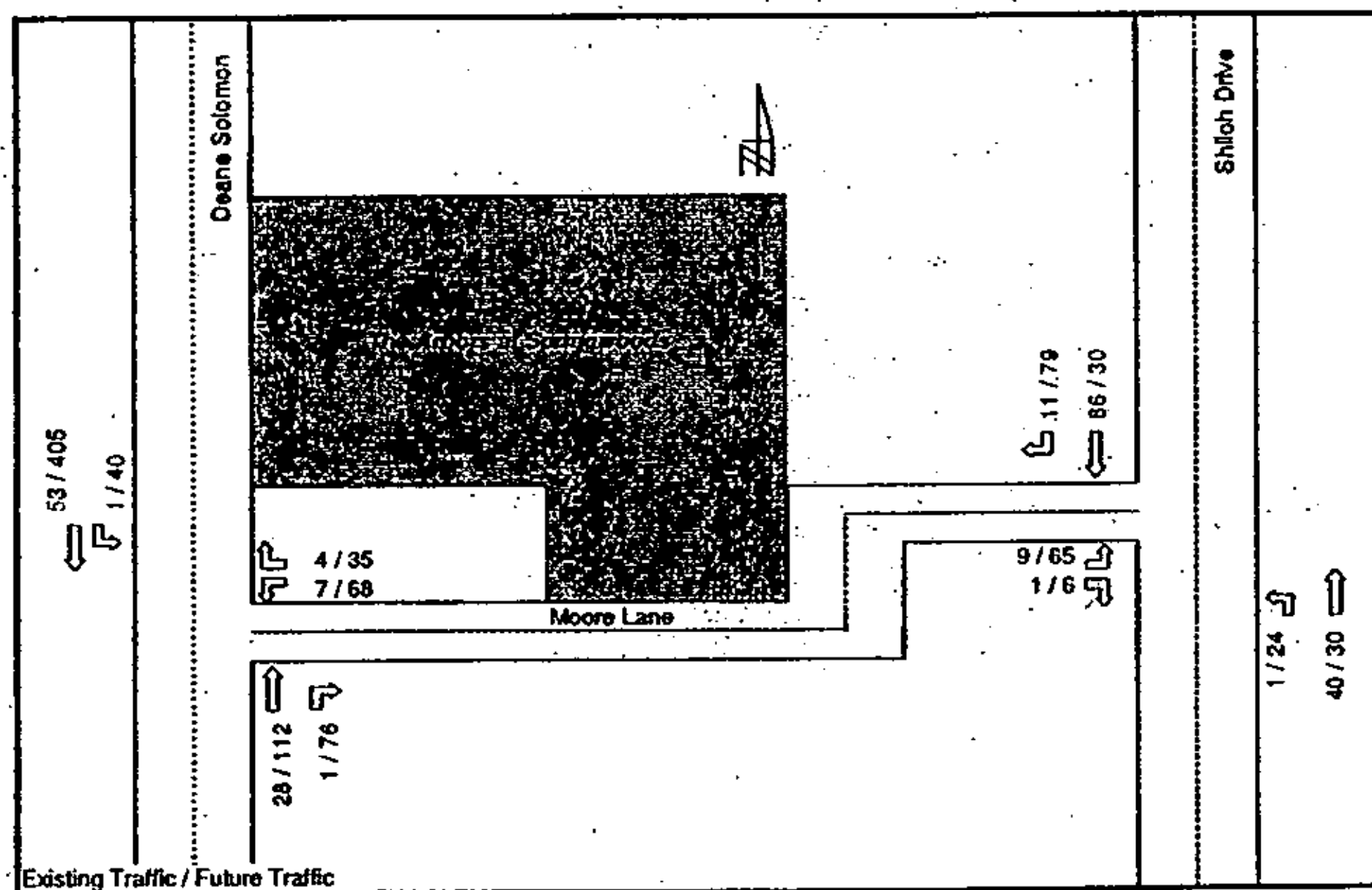
The additional traffic added to the existing traffic flow from the off-site developments increase the Control Delay at the intersections.

SITE ACCESS STUDY – THE ARBORS AT SPRINGWOODS

TABLE 5
Existing + Off Site Level of Service
PM - Peak Hour

Synchro	Deane Solomon & Moore				Shiloh & Moore			
Movement	WBLT	WBRT	SBL	SBT	EBLT	EBRT	NBLT	NBT
Lane LOS	C	C	A	A	B	B	A	A
Control Delay	16.4	16.4	0.4	1	11	11	0.2	2.2

Figure 3. Assignment of Future Traffic with Existing Traffic



SITE DEVELOPMENT PEAK HOUR TRAFFIC

The Arbors at Springwoods is a development of residential patio homes. Table 6 shows the land use type, size, 24 hour two way volume and AM & PM peak hour entering and exiting volumes.

SITE ACCESS STUDY – THE ARBORS AT SPRINGWOODS

TABLE 6
Summary of Trip Generation

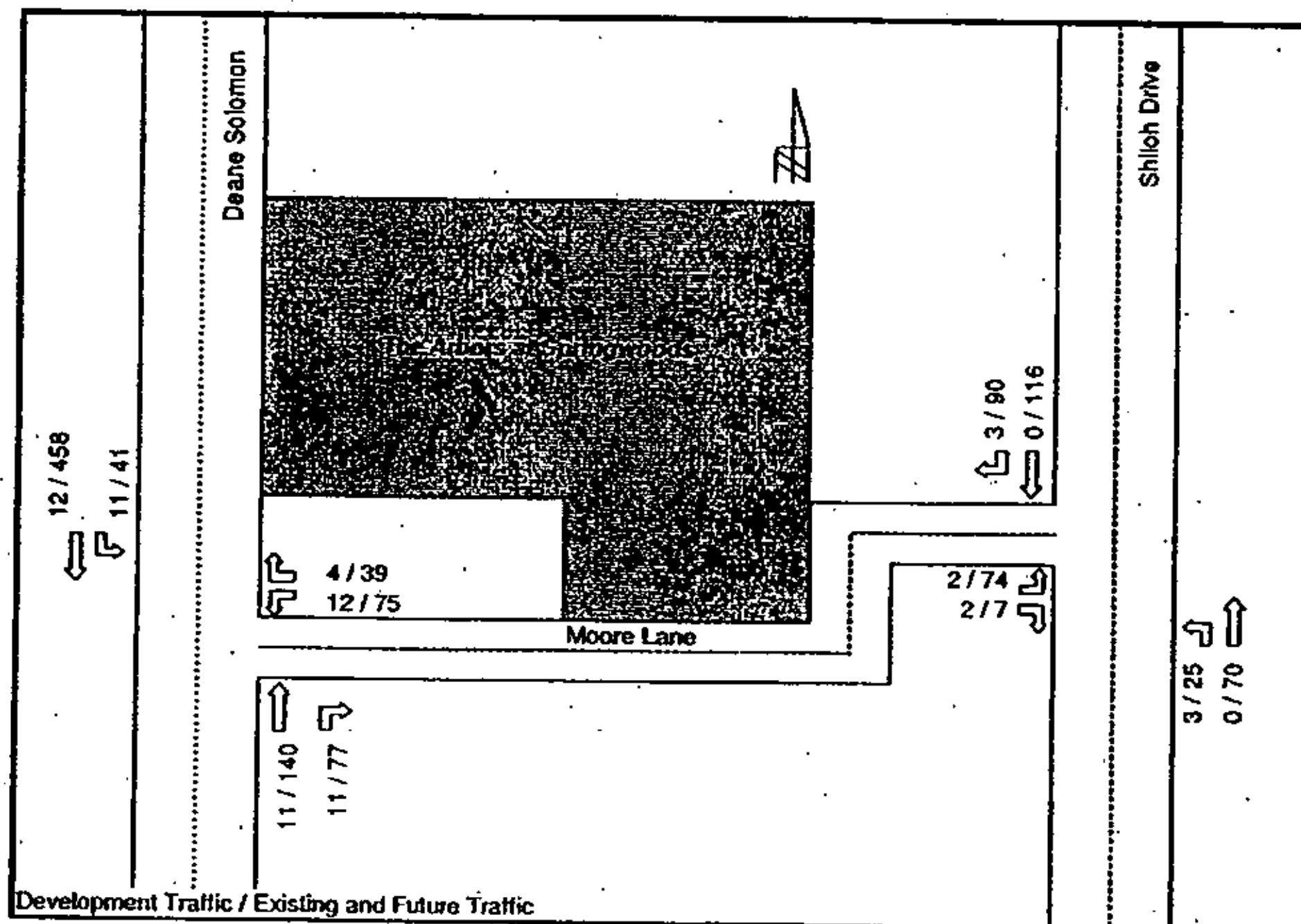
Land Use	Size	Units	24 Hr 2-Way Vol.	PM Pk Hour	
				Enter	Exit
Patio Homes	122	Dwellings	0	55	40
Totals			12097	55	40

Note: A zero indicates no data available.

EXISTING PEAK HOUR TRAFFIC WITH SITE DEVELOPED

The design combination of the existing traffic and off-site traffic with the proposed traffic from the development are shown in Figure 4. The results of the traffic model from Synchro and the intersection analysis from HCS are summarized in Table 7. The minor movements for each intersection along Joyce Blvd. are breaking down with LOS of F. This traffic scenario does not work well the existing geometry.

Figure 4. Assignment of Development Traffic with Future and Existing Traffic



SITE ACCESS STUDY – THE ARBORS AT SPRINGWOODS

TABLE 7
Existing/Off Site + Proposed Traffic - LOS
PM - Peak Hour

Synchro	Deane Solomon & Moore				Shiloh & Moore			
	WBLT	WBRT	SBL	SBT	EBLT	EBRT	NBLT	NBT
Movement								
Lane LOS	C	C	A	A	B	B	A	A
Control Delay	18.6	18.6	0.5	1.2	11.1	11.1	0.2	2.3

RECOMMENDATIONS

The following recommendation should help decrease the delay at the intersections of Deane Solomon & Moore.

- Add westbound left turn lane.

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

4/18/2006
City Council Meeting Date

Connie Edmonston
Submitted By

Parks & Recreation
Division

Operations
Department

Action Required:

Approval of an ordinance amending the Unified Code of Ordinances to modify the Park Land Dedication Ordinance.

<u>N/A</u> Cost of this request	<u>\$ -</u> Category / Project Budget	<u></u> Program Category / Project Name
<u></u> Account Number	<u>\$ -</u> Funds Used to Date	<u></u> Program / Project Category Name
<u></u> Project Number	<u>\$ -</u> Remaining Balance	<u></u> Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☐

[Signature] 3-31-06
Department Director Date

Previous Ordinance or Resolution # 4454

Original Contract Date:

[Signature] 4-4-06
City Attorney Date

Original Contract Number:

[Signature] 4-4-06
Finance and Internal Service Director Date

Received in City Clerk's Office
ENTERED
3-31-06

[Signature] 4/18/06
Mayor Date

Received in Mayor's Office
ENTERED
4/4/06

Comments:

Left on the first reading 4/18/06



THE CITY OF FAYETTEVILLE, ARKANSAS

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

PARKS AND RECREATION DIVISION CORRESPONDENCE

To: Mayor Dan Coody and City Council Members

Thru: Gary Dumas, Director of Operations
Connie Edmonston, Parks and Recreation Director *C.E.*

From: Alison Jumper, Park Planner

Date: March 30, 2006

Subject: Park Land Dedication Ordinance Amendments

**** Parks and Recreation Advisory Board and Planning Commission have forwarded this recommendation to City Council to consider for approval.**

BACKGROUND

The Park Land Ordinance was adopted in 1981 requiring developers to dedicate land for parks or make a reasonable contribution of money in lieu of land dedication. The City has received 33 parcels of park property which combine to create approximately 26 parks, trails and natural areas. Over the past 25 years, approximately \$3.1 million has been accumulated.

Money acquired through the Ordinance can only be used for the acquisition and development of park land and must be spent within three years of the last date of the year in which it was received. The money must also be used in the same park quadrant as the development that made the dedication.

Amounts received in each quadrant since the Ordinance was adopted in 1981 are \$583,198 in the NE quadrant, \$1,174,380 in the NW quadrant, \$646,510 in the SE quadrant and \$741,127 in the SW quadrant. Improvements have been made to 28 parks. Park improvement and development projects utilizing these funds include Walker Skate Park, Lake Fayetteville bridge and trail, Bryce Davis Park, Bundrick Park, Braden Park, Bayarri Park, Gulley Park, Lewis Soccer Complex, Walker Park tennis and basketball renovations, and Greathouse bridge.

As shown in the attachments, Park Land Dedication funds have made a significant difference in the development of new parks as well as renovations and additions to old ones. Additionally, the Ordinance has provided over 157 acres of park land, green space and trails for our park system. The impact this ordinance has made on parks and recreation in the City of Fayetteville is invaluable.

The impact this ordinance has made on parks and recreation in the City of Fayetteville is invaluable.

CURRENT STATUS

The Park Land Dedication Ordinance requires Parks and Recreation to review the contribution formula every two years and make recommendations to the City Council from such review.
UDC166(K)(1)(g)

The fee in lieu formula was last reviewed in 2002 and the Ordinance was updated in January 2003. The average cost per acre increase for the past two reviews has been 23 percent in 2002 and 25 percent in 1999. (See attached document for fee increases.)

Parks and Recreation Staff is recommending the following amendments to the Park Land Dedication Ordinance.

1. Updating the average cost per acre for determining the fees in lieu from \$23,125 to \$40,000. UDC166(K)(1)(g)
2. Requiring residential developments under one acre to be subject to the Park Land Dedication Ordinance. UDC166(K)(3)
 - This would require infill projects less than one acre to meet the requirements of the Park Land Dedication Ordinance as do all other residential developments.
3. Deleting the "manufactured home" designation from the ordinance and including them as single family residences. UDC166(K)(1)(g)
 - Manufactured homes are assessed the same fee as a single family residence.
4. Deleting the "major development" subsections of the ordinance.
UDC166(K)(7)(a)(b)(c) Currently the Ordinance requires a land dedication for developments containing 100 units or more, or 40 acres or more. A resolution by City Council is required to be approved if development is not dedicating the full requirement of land, often adding more time to the review process.
 - All residential developments are evaluated by criteria approved by PRAB regardless of their size.
 - In determining if park land is needed in a development, Park Staff utilizes the Parks and Recreation Master Plan, Fayetteville Alternative Transportation and Trails Master Plan, and current park property service areas.
5. Add the requirement of a written request to bank land for future development.
 - This written request will minimize any confusion when future development is reviewed and banked land is requested.

DISCUSSION

Since our Park Land Dedication was last reviewed in 2003, the cost per acre value has not increased with the market value. With this inequity in value of land versus money in lieu, it is often difficult to obtain park land due to the monetary advantage of the developer paying money in lieu of dedicating land.

In order to develop parks and to increase the recreational value of land and homes around it, the Park Land Dedication formula should maintain parity with current property values and address the impact created from new subdivisions. We strive to enrich the quality of life with parks and recreational opportunities for our citizens. By keeping the formula in balance with the current market, we can create a win-win situation for parks and recreation and the citizens of Fayetteville.

When the Park Land Dedication Ordinance was adopted in 1981, a formula was created to justify the amount of park land required as well as the money in lieu. (See attached formula and explanation.) Parks and Recreation Staff began reviewing the average cost per acre in June 2005. Several methods were researched to determine the most accurate way of determining the average cost per acre.

1. The first method included gathering land sale information from the Washington County Assessor's office on parcels sold within the city limits in 2004. This data was merged with the City's zoning to determine the cost of land for multi-family versus single family zoning. The averages were \$2,052,538 for single family parcels and \$2,200,439 for multi-family parcels. This included parcels that were subdivided into lots with existing infrastructure. Parcels less than one acre were taken out of the equation in order to remove the parcels with infrastructure; however, the averages were still very high. This method was presented to Parks and Recreation Advisory Board (PRAB) for their review and evaluation. Due to the high average cost per acre, a new approach was taken.
2. The second approach considered using the actual sale price of land to determine the fee in lieu amount, making the fees unique to each development. This method was presented at two public meetings in November 2005. After comments from the public and further evaluation of this approach, Staff noticed several downfalls of this method including a cumbersome formula to determine fees, lack of consistency for the developers, and an opportunity for inaccurate sale prices and special land deals to affect fees.
3. Staff recommended using the sale price from the Washington County Assessor to determine the average cost per acre within the city limits. It was determined that using an average cost per acre city wide would be the most equitable method.

An average cost per acre of \$49,082 was presented to PRAB at the December 2005 Board meeting. This number was based on parcels over 5 acres sold within the Fayetteville city limits in 2005. PRAB made the following motion:

In January, the Board lost four members and gained four new members. In an effort to bring new Board members up to date, the history of the update process was presented, as well as the new information. PRAB requested Staff to obtain updated data from Washington County records to provide the most accurate and up to date average. Data was presented at the January PRAB Orientation to determine a firm number for the fee in lieu. Again, the data included parcels of over 5 acres sold within the Fayetteville city limits in 2005. The average increased to \$67,225 an acre.

Staff presented a final recommendation of \$36,250 which was the median of the cost per acre (see *number on data spreadsheet) to PRAB for the fee in lieu amount at the February 6th 2006 PRAB meeting. The average cost per acre of land was \$67,225 per acre. PRAB made the following recommendation:

Langsner moved to keep the \$40,000 fee per acre for park land dedication. Davis seconded the motion. The Board approved with a vote of 8-0-0.

Proposed Updated Formula

Housing Type	Persons/ unit	Acres/ 1,000 Pop.	Acres/ unit	Cost/ acre	Fee in lieu/unit
SINGLE FAMILY	2.39	10	.024	\$40,000	\$960
MULTI FAMILY	1.7	10	.017	\$40,000	\$680

Other ordinance amendments as listed above were approved by PRAB at the December 5th 2005 PRAB meeting. (See attached minutes.)

On February 27th, 2006 Planning Commission forwarded this item to Council with a favorable recommendation. (See attached minutes.)

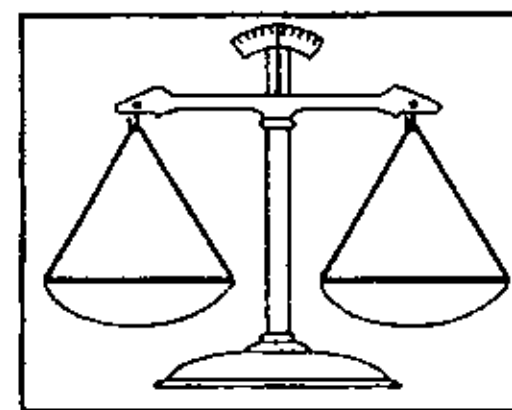
RECOMMENDATION

Parks and Recreation Staff recommends making the above outlined amendments to the Park Land Dedication Ordinance.

attachments: Park Land Ordinance past increases
 Average cost per acre spreadsheet
 February 6, 2006 PRAB minutes
 December 5, 2005 PRAB minutes
 February 27, 2006 Planning Commission minutes
 Park Land Dedication Expenditures
 Park Land Dedication Land and Money in Lieu History
 Park Land Dedication Formula Explanation
 Lands Received Through the Park Land Dedication Ordinance

KIT WILLIAMS, CITY ATTORNEY
DAVID WHITAKER, ASST. CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



LEGAL DEPARTMENT

TO: **Dan Coody, Mayor**
City Council

CC: **Gary Dumas, Director of Operations**
Connie Edmonston, Parks & Recreation Division Head

FROM: **Kit Williams, City Attorney**

A handwritten signature in black ink, appearing to read 'Kit Williams', written over a horizontal line.

DATE: **April 4, 2006**

RE: **Park Land Dedication Ordinance -- §166.03 (K) of the U.D.C.**

The Parks Department and Parks and Recreation Advisory Board have proposed several changes to the long time Park Land Dedication Ordinance. This was the first and only impact fee ordinance for the City of Fayetteville for decades and was initially challenged all the way to the Arkansas Supreme Court. When the legislature decided to enact an impact fee statute (A.C.A. §14-56-103), I was able to convince Senator Bisbee and Representative Ledbetter to "grandfather in" our Park Land Dedication Ordinance in the last subsection of that Act.

"(3) In addition, a municipality with a park land or green space ordinance that has been in existence for ten (10) years on July 16, 2003, and any amendments to the ordinance, which allows the option to pay a fee or to dedicate green space or park land in lieu of a fee, may continue to be administered under the existing ordinance." A.C.A. §14-56-103 (i)(3).

We owe Senator Bisbee and Representative Ledbetter our thanks because without this statutory provision, we might have had to conduct and pay for an expensive impact fee study for a new park land ordinance.

Attached is the ordinance replacing the old §166.03 (K) with a new §166.03 (K) attached as Exhibit A. The new §166.03 (K) updates the fees per dwelling

unit pursuant to a land valuation of \$40,000.00 to **\$960.00 for single family and \$680.00 for multi-family unit**. Subsection (d) is also rewritten to ensure the developer has the option to provide suitable land for park purposes within the developer's subdivision. Thus, no developer would be **required** to pay money in lieu of suitable park land. Subsection (g) incorporates the new fee-in-lieu of land formulas. Subsection (h) was incorporated into subsection (g). Former Subsection (i) is now lettered subsection (h). Subsection (6) was removed as outdated and unneeded.

The Parks Department recommends amending subsection (3) *Applicability* to include in-fill lots rather than applying this only to Large Scale Developments, lot splits and subdivisions. Since a builder of a single house built on an in-fill lot (currently not covered) could not dedicate park land (less than a fiftieth of an acre), the **statutory requirement** of a developer having an option to dedicate land would seem to be lacking. Therefore, for purely legal reasons, I do not recommend changing (3) *Applicability*. The existing language that states the park land "requirements shall not apply to a lot split or replat which does not create one or more vacant lots on which a structure could be erected" conflicts with requiring a park land fee to be imposed on a pre-existing, in-fill lot. If the City Council wishes to try to impose this new park land dedication requirement on existing, small in-fill lots, I shall draft such language. However, such a change may invalidate our Park Land Ordinance.

(7) Major Development.

After seeing large neighborhood subdivisions be approved without a neighborhood park (only monetary fees paid), as an **alderman** I proposed the ordinance which required **City Council** approval if no neighborhood park was proposed in a subdivision of at least 100 homes (which would equate to 2.4 acres of park land). This ordinance became §166.03 (K)(7) *Major Development* which the Parks Department and Parks and Recreation Advisory Board recommend eliminating.

I have drafted the replacement §166.03 (K) without subsection (7) now numbered "(6)", as proposed by the Parks Department with the assumption that the City Council may wish to abandon its automatic review of a decision that a large neighborhood subdivision does not need a neighborhood park. If an alderman believes such a review may still be beneficial, the old subsection may be inserted by amendment. As this is a policy decision, I cannot and will not take any position on the merits of removing or retaining this subsection.

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND §166.03 (K) PARK LAND
DEDICATION OF THE UNIFIED DEVELOPMENT CODE**

**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 repeals
§166.03 (K) **Park land dedication** and enacts a new §166.03 (K) **Park land dedication**
attached as Exhibit "A" in its stead.

PASSED and APPROVED this 18th day of April, 2006.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk

(K) *Park land dedication.*

(1) *Subdivision.*

- (a) *Dedication or fee-in-lieu.* When a proposed subdivision does not provide an area or areas for a public park based on the Fayetteville Parks and Recreation Plan, the developer shall be required to make a reasonable dedication of land for public park facilities, or to make a reasonable equivalent contribution in lieu of dedication of land, such contribution to be used for the acquisition and development of park land that serves the subdivision or development.
- (b) *Parks and Recreation Advisory Board.* Prior to the submittal of a preliminary plat or large scale development plan, the developer shall submit to the Parks and Recreation Advisory Board a concept plat or plan.
- (c) *Planning Commission.* The developer and the Parks and Recreation Advisory Board shall make a joint recommendation to the Planning Commission as to the land dedication or contribution in lieu of dedication. In the event that they are unable to agree, the developer and advisory board shall make separate recommendations to the Planning Commission who shall determine the issue.
- (d) *Decision.* If the developer proposes to dedicate land for a public park which the Planning Commission determines is suitable for park purposes, the proposed dedication shall be accepted. Upon consent and consultation with the developer and the Parks and Recreation Advisory Board, a developer may dedicate a portion of the required park land dedication and make a contribution of money in lieu of land dedication for the remaining park land dedication requirement. With consent of the Parks and Recreation Advisory Board, this monetary contribution may be used to develop the park land in the development or elsewhere within the quadrant.
- (e) *Approval.* The Planning Commission's decision must be incorporated into the developer's preliminary plat or large scale

development plan prior to plat or plan approval.

- (f) *Dedication ratios.* Land shall be dedicated at a ratio of .024 acre of land for each single-family dwelling unit and .017 acre of land for each multi-family dwelling unit.
- (g) *Fee-in-lieu formulas.* A contribution in lieu of land dedication shall be made according to the following formula:

\$960.00 for each single-family unit
\$680.00 for each multi-family unit

based upon actual density. The Parks Department shall review the contribution formula every two (2) years and make recommendations to the City Council following such review.

- (h) *Dedication in excess.* If a developer dedicates park land which exceeds the requirement of this subsection, the Planning Commission may grant the developer a credit equivalent to said excess. Said credit shall be applied toward the developer's obligation under this subsection for any subsequent development located in the same park quadrant.
- (2) *Timing of dedication and/or contribution.* All dedications of land must be made before final plat approval or large scale development approval. A final plat shall not be released for recordation until the deed for a land dedication is received. Deeded land is dedicated public park land and not subject to any right of reversion or refund. A cash contribution in lieu of required land development shall be payable within 30 days of final plat approval or large scale development approval. With the approval of the Planning Commission a developer may pay such contribution in three equal installments to be paid in full within one year of final plat approval. If a developer makes a cash contribution in lieu of land dedication, the developer shall be entitled to a pro rata refund, together with the accrued interest therefrom, in the event actual density is less than the density used as the basis for the developer's contribution;

Exhibit "A"

provided, no refund shall be made unless application therefore is made in writing to the Zoning and Development Administrator within one year from the date of final plat approval. In the event actual density is more than the density used as the basis for a dedication of land or case contribution the developer must make an additional land dedication or contribution in lieu of dedication.

- (3) *Applicability.* The requirements of this subsection shall apply to lot splits, replats of subdivisions and large scale developments; provided, said requirements shall not apply to a lot split or replat which does not create one or more vacant lots on which a structure could be erected under the city's zoning regulations.
- (4) *Zoning Requirements.* Lots created for the purpose of park land dedication shall not be required to meet the standards for lot size, bulk and area within any zoning district.
- (5) *Fee-in-lieu allocation.* All money received under this subsection shall be deposited in an interest bearing account. Said money together with the interest, shall be expended within three calendar years of the last date of the calendar year in which it was received for the acquisition and development of park land that services the subdivision for which a contribution in lieu of dedication has been made. If said money has not been expended within the three-year period, said money, together with the interest thereon, shall be refunded to the developer who made the contribution.

Lands Received Through the Park Land Dedication Ordinance

<u>Developed</u>	<u>Acres</u>
------------------	--------------

Bayyari	2.4
Bundrick	2.5
Dale Clark	8
Craft	4.8
Davis	9.2
Gulley Trail	0.2
Hampton	15.5
Gordon Long	5
Mill District	0.2
Red Oak	8.7
Sweetbriar	0.3
Trammel	0.7
Braden	2.3

<u>Natural Areas</u>	<u>Acres</u>
----------------------	--------------

Rocky Branch	5.7
Wildwood	14

<u>Undeveloped Trails</u>	<u>Acres</u>
---------------------------	--------------

Fairfield	7
Gulley Trail	3.2
Shiloh West	0.5
The Crown	6.9
Clabber Creek	41.5

<u>Undeveloped Parks</u>	<u>Acres</u>	<u>Development Year</u>
--------------------------	--------------	-------------------------

Eagle	5.6	
Friendship	0.4	2006
Lafayette Lofts	.2	2006
Legacy	3.4	2006
Salem Meadows	1.8	2006
Copper Creek	4.5	2007
Fairlane	1.3	

PARKLAND DEDICATION LAND AND MONEY-IN-LIEU HISTORY

	NE				NW				SE				SW				Total by Yr Rev. + Int.	Total by Yr Acres
	Money	Interest	Expenditure	Land	Money	Interest	Expenditure	Land	Money	Interest	Expenditure	Land	Money	Interest	Expenditure	Land		
1981	\$105.00	\$0.00	\$0.00		\$105.00	\$0.00	\$0.00		\$105.00	\$0.00	\$0.00		\$420.00	\$0.00	\$0.00		\$735.00	0
1982	\$8,155.00	\$0.00	\$0.00		\$2,373.00	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00		\$735.00	\$0.00	\$0.00		\$11,263.00	0
1983	\$0.00	\$0.00	\$183.58		\$4,637.00	\$0.00	\$0.00		\$210.00	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00		\$4,847.00	0
1984	\$735.00	\$493.56	\$3,630.79		\$6,338.33	\$754.04	\$0.00		\$0.00	\$13.71	\$0.00		\$655.00	\$109.68	\$0.00		\$9,099.32	0
1985	\$420.00	\$998.43	\$3,699.66		-\$1,175.00	\$1,337.46	\$0.00		\$630.00	\$98.77	\$0.00		\$380.00	\$234.92	\$0.00		\$2,924.58	0
1986	\$1,995.00	\$730.66	\$0.00		\$0.00	\$825.84	\$0.00		\$1,115.00	\$105.84	\$0.00		\$0.00	\$164.40	\$0.00		\$4,936.84	0
1987	\$10,235.00	\$877.11	\$0.00		\$210.00	\$570.55	\$0.00		\$1,470.00	\$127.74	\$0.00		\$420.00	\$127.74	\$0.00		\$14,038.14	0
1988	\$1,995.00	\$1,098.58	\$0.00		\$16,510.00	\$1,347.10	\$0.00	9.2	\$1,050.00	\$182.04	\$0.00		\$945.00	\$186.39	\$0.00		\$23,324.11	9.2
1989	\$23,812.20	\$2,273.16	\$0.00		\$21,793.75	\$2,661.27	\$0.00		\$7,960.76	\$388.10	\$5,118.20		\$489.73	\$221.77	\$0.00		\$59,600.74	0
1990	\$14,840.00	\$4,020.96	\$7,881.60		\$8,660.00	\$3,216.15	\$59,639.48		\$4,095.00	\$715.54	\$8,457.68		\$420.00	\$77.39	\$5,186.47		\$35,845.04	0
1991	\$24,745.00	\$2,499.98	\$57,539.00		\$15,005.00	\$766.26	-\$17.47		\$4,830.00	\$220.79	\$5,621.05		\$630.00	\$43.98	\$0.00		\$48,741.01	0
1992	\$13,330.00	\$802.65	\$15,123.31	0.3	\$31,790.00	\$1,162.64	\$0.00		\$8,220.00	\$142.50	\$4,620.13		\$3,295.00	\$68.24	\$0.00		\$58,611.03	0.3
1993	\$21,450.00	\$874.47	\$5,208.89		\$80,550.00	\$2,027.17	\$11,177.70	5.04	\$29,775.00	\$552.33	\$0.00		\$2,445.00	\$148.47	\$488.84		\$117,822.44	5.04
1994	\$37,900.00	\$1,777.63	\$18,748.00		\$41,605.00	\$4,876.94	\$5,417.21		\$18,815.00	\$1,351.05	\$18,402.08	0.703	\$1,005.00	\$264.91	\$664.68		\$107,595.53	0.703
1995	\$4,455.00	\$4,199.22	\$2,494.47	13.33	\$43,175.00	\$10,321.16	\$49,353.72	40.348	\$54,765.00	\$3,240.06	\$9,019.50		\$3,945.00	\$542.39	\$10,764.24	2.79	\$124,642.83	56.468
1996	\$13,965.00	\$2,802.35	\$55,772.04		\$17,445.00	\$6,154.40	\$129,966.36		\$3,375.00	\$5,081.62	\$16,925.75	2.42	\$54,525.00	\$1,624.91	\$0.00		\$104,873.28	2.42
1997	\$225.00	\$1,207.11	\$16,105.62	0.219	\$17,175.00	\$2,869.40	\$7,632.13	3.59	\$1,200.00	\$4,075.05	\$14,505.78		\$69,060.00	\$5,160.08	\$5,887.09		\$100,971.34	3.809
1998	\$34,725.00	\$1,286.41	\$0.00		\$0.00	\$3,031.82	\$45,420.73		\$20,100.00	\$3,895.82	\$61,104.89		\$6,180.00	\$6,612.95	\$26,105.54		\$75,832.00	0
1999	\$47,415.00	\$2,821.07	\$15,269.71	2.25	\$68,775.00	\$1,500.88	\$0.00		\$96,915.00	\$2,695.25	\$5,339.22		\$675.00	\$5,104.04	\$44,198.43		\$225,901.24	2.25
2000	\$26,630.00	\$6,055.80	\$3,437.98		\$72,867.11	\$5,505.74	\$20,698.69		\$32,998.00	\$8,613.21	\$5,584.97		\$555.00	\$2,094.51	\$66,233.46		\$155,119.17	0
2001	\$80,025.00	\$9,440.77	\$39,189.60	2.64	\$64,874.00	\$9,760.61	\$33,986.26	0.6728	\$1,125.00	\$9,078.56	\$23,655.59		\$27,730.00	\$1,619.60	\$12,690.65	5.59	\$203,653.54	8.9028
2002	\$28,317.00	\$6,711.37	\$46,290.78	1.46	\$61,593.36	\$8,016.60	\$36,608.03		\$160,055.00	\$11,228.29	\$108,212.88		\$76,875.00	\$4,131.03	\$89,197.13	0.464	\$356,927.65	1.924
2003	\$7,020.00	\$6,799.74	\$42,402.58		\$200,791.16	\$17,512.81	\$92,641.03	43.315	\$8,955.00	\$3,854.78	\$186,454.48		\$115,455.00	\$5,342.54	\$461.72	3.42	\$365,731.03	46.735
2004	\$110,658.00	\$9,129.60	\$226,874.05		\$199,525.00	\$16,830.71	\$119,142.94	1.9937	\$39,780.00	\$2,318.39	\$7,903.99		\$55,245.00	\$8,410.98	\$1,172.82		\$441,877.68	1.9937
2005	\$3,000.00	\$513.53	\$20,284.93	3.12	\$71,944.00	\$21,743.22	\$47.56		\$85,423.75	\$4,622.96	\$33,300.30	5.8	\$247,086.00	\$17,872.70	\$4,555.54	6.65	\$452,206.16	15.57
As of March 2006	\$10.00	\$21.89	\$0.04		\$21,225.00	\$3,996.48	\$7.53		\$0.00	\$949.69	\$1.79	1.34	\$8,278.75	\$3,514.00	\$6.64		\$37,995.81	1.34
Total	\$515,962.20	\$87,235.85	\$580,134.63	23.319	\$1,047,591.71	\$126,788.75	\$611,721.92	104.1595	\$582,947.51	\$63,562.19	\$514,228.26	10.263	\$677,449.48	\$63,677.62	\$247,613.25	18.914	\$3,145,215.31	156.6555
	NE	Rev & Int	Remaining	Acres	NW	Rev & Int	Remaining	Acres	SE	Rev & Int	Remaining	Acres	SW	Rev & Int	Remaining	Acres		
		\$583,198.05	\$3,063.42	23.319		\$1,174,380.46	\$562,658.54	104.1595		\$646,509.70	\$132,281.44	10.263		\$741,127.10	\$493,513.85	18.914		

PARK LAND ORDINANCE

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Park Land Dedication
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Proposed Update 2006

SINGLE FAMILY	.024	\$960	BASED ON \$40,000 PER ACRE
MULTI FAMILY	.017	\$680	

Ord # 4454 (January 7, 2003) 2003 – Present
01/07/03

SINGLE FAMILY	.024	\$555	BASED ON \$23,125 PER ACRE
MULTI FAMILY	.017	\$393	
MOBILE HOME	.024	\$555	

Ord # 4199 (November 2, 1999) 1999- 2003

SINGLE FAMILY	.025	\$470	BASED ON \$18,750 PER ACRE
MULTI FAMILY	.020	\$375	
MOBILE HOME	.015	\$280	

Ord # 4068 (November 4, 1997) 1997 to 1999

SINGLE FAMILY	.025	\$375	BASED ON \$15,000 PER ACRE
MULTI FAMILY	.020	\$300	
MOBILE HOME	.015	\$225	

Ord # 3797 (May 17, 1994) 1994 - 1997

SINGLE FAMILY	.025	\$300	BASED ON \$12,000 PER ACRE
MULTI FAMILY	.020	\$240	
MOBILE HOME	.015	\$180	

Ord # 3578 (November 19, 1991) 1991-1994

SINGLE	.025	\$225.00	BASED ON \$9,000 PER ACRE
MULTI	.020	\$180.00	
MOBILE HOME	.015	\$135.00	

Ord # 2695 (January 20, 1981) 1981 – 1991

SINGLE FAMILY	.0125	\$105.00	BASED ON \$8,400 PER ACRE
MULTI FAMILY	.010	\$85.00	BASED ON \$8,500 PER ACRE

40 ACRES OR 100 UNITS CONSIDERED MAJOR DEVELOPMENT

Park Land Dedication Formula Explanation Utilizing Current Fees

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	1	2	3	4	5
Housing Type	Persons/ unit	Acres/ 1,000 Pop.	Acres/ unit	Cost/ acre	Fee in lieu/unit
Single	2.39	10	.024	\$23,125	\$555
Multi-Family	1.7	10	.017	\$23,125	\$393
Mobile	2.38	10	.024	\$23,125	\$555

1. Column #1 represents the average number of persons living in each of the three designated housing types based upon the latest census data available, which is from the year 2000.
2. Column #2 is the standard of park land acres needed per 1,000 people. Fayetteville uses the National Recreation and Parks Association standard of 10 acres of park land per 1,000 population. This standard is adopted in the Parks and Recreation 10 Year Master Plan, which was approved by City Council in 2002.
3. Column #3 is the number of park land acres needed per housing type unit. The number is obtained by multiplying column #1 – persons/unit, by column #2 – and then dividing by 1,000 to obtain the standard park land acres needed for 1,000 population. This number represents the park land requirement. Each development multiplies the corresponding single family or multi-family acres per unit number, by the number of units within the new development to determine the park land acreage requirement.
4. Column #4 is the average cost per acre in the City of Fayetteville. The best methodology for determining the average cost per acre was to utilize the sale price of raw land within the City Limits from the Washington County Assessor's Office.
5. Column #5 determines the money in lieu of land fee for each housing type unit. This number is calculated by multiplying column #3 – the park land acres needed per housing type, by column #4 – the average cost per acre. Column #5 specifies the amount of park land needed as determined by the standard established for our citizens according to the average cost of land within our City. Each development multiplies this number according to the housing type, by the number of units within the new development to determine the money in lieu of land requirement.

In compliance with City Ordinance, this formula is to be reviewed and updated every two years. The formula is updated with the latest census information relating to the number of persons occupying each housing unit type (column #1); the establishment of the standard of the acres of park land preferred for our citizens (column #2 – park acres/1,000 population); and lastly, the average cost of land per acre within our City (column #4). For this review period, the census data and standard of park land required per population remains the same as when evaluated in 2003. The average cost of land per acre is the only figure in the formula that can be updated this year due to the lack of full census data including persons per household.

Average cost per acre base on parcels sold within the city limits over 5 acres

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Parcel Number	Date Sold	Sale Amount	Type	Acres	Price Per Acre
765-15268-100	07/29/2005	\$ 70,333.00	AV	24.70	\$ 2,847
765-15118-000	11/01/2005	\$ 75,000.00	RV	7.00	\$ 10,714
765-15321-000	03/11/2005	\$ 109,000.00	AV	10.00	\$ 10,900
765-13393-000	06/30/2005	\$ 430,000.00	AV	30.50	\$ 14,098
765-08462-000	06/13/2005	\$ 77,000.00	RV	5.04	\$ 15,278
765-13393-000	06/13/2005	\$ 466,000.00	AV	30.50	\$ 15,279
765-08464-000	01/26/2005	\$ 103,000.00	RV	6.01	\$ 17,138
765-15191-000	08/31/2005	\$ 150,000.00	AV	8.08	\$ 18,564
765-15223-000	08/31/2005	\$ 150,000.00	AV	6.40	\$ 23,438
765-15399-000	09/19/2005	\$ 165,000.00	RV	6.51	\$ 25,346
765-15269-202	05/26/2005	\$ 417,000.00	AV	13.89	\$ 30,026
765-13651-000	06/15/2005	\$ 250,000.00	RV	8.00	\$ 31,250
765-13646-000	04/06/2005	\$ 260,000.00	AV	8.16	\$ 31,863
765-13723-000	04/06/2005	\$ 222,000.00	RV	6.00	\$ 37,000
765-13255-000	07/21/2005	\$ 300,000.00	AV	6.83	\$ 43,943
765-15269-101	10/28/2005	\$ 1,596,000.00	AV	33.84	\$ 47,163
765-21240-003	02/28/2005	\$ 322,000.00	AV	5.45	\$ 59,083
765-24076-000	03/18/2005	\$ 342,000.00	AV	5.08	\$ 67,363
765-24075-000	03/18/2005	\$ 342,000.00	AV	5.00	\$ 68,400
765-15810-100	03/25/2005	\$ 2,301,000.00	AV	30.00	\$ 76,700
765-16658-400	11/21/2005	\$ 592,000.00	AV	6.79	\$ 87,187
765-13152-200	07/08/2005	\$ 1,007,667.00	AV	11.20	\$ 89,970
765-21241-100	05/13/2005	\$ 500,000.00	AV	5.06	\$ 98,814
765-15269-701	06/15/2005	\$ 1,513,000.00	AV	10.98	\$ 137,846
765-13152-300	07/08/2005	\$ 1,007,667.00	AV	5.30	\$ 190,126
765-24048-001	12/13/2005	\$ 1,450,000.00	AV	5.45	\$ 266,055
765-15268-451	10/28/2005	\$ 1,596,000.00	AV	5.33	\$ 299,437

Average Price Per Acre	\$ 67,225.12
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PARKS AND RECREATION ADVISORY BOARD

Meeting Minutes February 6, 2006

Opening:

The regular meeting of the Parks and Recreation Advisory Board was called to order by Chairman Wade Colwell at 5:30 P.M. on February 6, 2006 in Room 326 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Present:

Parks and Recreation Advisory Board members Bailey, Harrison, Langsner, Davidson, Davis, Bitler, Burke & Colwell; Park Staff Coles, Mihalevich, Jumper, Wright, Whillock and audience were in attendance.

1. Park Land Dedication Fee and Ordinance Discussion:

Staff recommends using a price per acre of \$36,250 to base the fees in lieu required for single family and multi-family units. This number is the median figure taken from 27 parcels sold in 2005 within the city limits being over 5 acres and being designated as either agricultural or residential by the county.

Langsner asked what is the rationale behind the \$36,250 figure and had there been any more developer response to the increase.

Wright said there has been no further response from developers and said he feels in this case that is a good sign. He explained that getting a figure that was justified was the reason for presenting the \$36,250 for the Board's approval. The \$36,250 was the median sale price per acre for all land sales in the City in 2005.

Davis asked if this is the figure first agreed on by the Board.

Wright said it is not. The first figure was to be no less than \$40,000.

Bitner asked what process was used to arrive at the \$23,125 figure used in 2005 prior to the research for a new amount.

Jumper said it came from calling realtors to find out what the average sale price of land had been.

Wright said this is the first time figures from the courthouse have been used to get a median price amount.

Langsner said it is nice to be able to say we did our homework as opposed to saying a certain figure sounded good.

Davis said he is concerned that we're falling behind by accepting a lesser number.

Jumper said the Board had recommended an annual adjustment to better keep up with the increasing land costs.

Bitler stated he understood the resistance to an increase to \$60,000 but is concerned land will not be available at the amount currently being recommended.

Davis said he believes the \$40,000 approved by the previous Board should be the figure to send to Council.

Langsner said he believes if Parks doesn't buy some land soon there won't be any land available. He explained that a lot of work had gone into the process of selecting a new amount and it was difficult to get a good average due to variances of land values in different parts of the city.

Colwell said he has been told \$75,000 is the per acre average in Fayetteville. He said he feels taking steps to reach a more accurate figure for property value will be the best way to go. He reiterated that future land for parks will be financially out of reach if the land dedication amount doesn't reflect true land costs. He said land can't be purchased for \$40,000 but it's a step in the right direction. He feels the need to look to develop larger parks like Gulley is better than a proliferation of small parks.

Davidson said he believes the \$40,000 figure will change the dynamics that drive the developers decision on land vs. money.

Jumper requested the Board members make an effort to attend the Council meeting when this change request is on their agenda. She reviewed the four proposed changes.

Wright stated it is in the plans to begin the discussion earlier in the process the next time around.

Bitler suggested November would be a good time to begin the process.

Davis stated he would rather stick with the originally recommended figure of \$40,000 and not go down since the price of land is only going up.

PRAB Motion: Langsner moved to keep the \$40,000 fee per acre for park land dedication. Davis seconded the motion. The Board approved with a vote of 8-0-0.

Minutes submitted by Cheryl Whillock

PARKS AND RECREATION ADVISORY BOARD

Meeting Minutes December 5, 2005

Opening:

Mike Hill called the regular meeting of the Parks and Recreation Advisory Board to order at 5:30 P.M. on December 5, 2005 in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Present:

In attendance were Parks and Recreation Advisory Board members Hill, Bailey, Langsner, Marley, Davidson, Mauritson, Pawlik-Holmes and Park Staff Edmonston, Wright, Coles, Jumper, Mihalevich, Whillock and Audience.

1. Park Land Dedication Ordinance Proposal: Alison Jumper & Matt Mihalevich, Park Planners - (power-point presentation slides attached)

Jumper began the presentation by answering a question that had been asked at the public meetings held in November. She said 33 parcels have been dedicated through the Park Land Dedication Ordinance process and of those six remain undeveloped at this time. Also, two are designated as natural areas and five are undeveloped trails.

Ordinance Amendment Proposal #1 – lot splits, replats of subdivisions and large scale developments...

PRAB Motion: Marley moved to accept proposed language. Mauritson seconded the motion. Motion passed 7-0-0 with Harrison absent for the vote.

Ordinance Amendment Proposal #2 - \$555 for each manufactured home unit....

PRAB Motion: Mauritson moved to accept Staff's proposal to omit the manufactured home designation and calculate as single family homes. Pawlik-Holmes seconded the motion. Motion passed 7-0-0 with Harrison absent for the vote.

Ordinance Amendment Proposal #3 – The developer does not have the discretion to pay a cash contribution in lieu of the dedication of land for the establishment of this neighborhood or subdivision park. Staff recommends omitting the section in the ordinance requiring major developments to dedicate land unless approved by City Council.

Hill asked if this passes will the need for these developments to go on to Council be waived?

Pawlik-Holmes asked if the amendment takes away the waver requirement or does it also alter the requirement that land must be taken on developments over 40 acres or 100 units.

Edmonston stated that it does both.

Pawlik-Holmes stated that if it's not an exception to the rule any longer are we just going to review these to the criteria we use already, then it takes away the notice to the Council that here's a big development coming through and we're not accepting land and it also takes away the requirement to accept land in the first place.

Edmonston said we review all requests under the same requirements.

PRAB Motion: Mauritsen moved to accept staff recommendation. Bailey seconded the motion. Motion passed 6-1-0 with Pawlik-Holmes voting 'no' and Harrison absent for the vote.

Ordinance Amendment Proposal #4 – Add the requirement of a written request to the section in the ordinance under 166(K)(1)(i) Dedication in excess. Staff proposes additional language. "The developer must present a written request for banked land for future development to the Parks and Recreation Advisory Board."

PRAB Motion: Mauritsen moved to accept staff proposal for additional language. Pawlik-Holmes seconded the motion. Motion passed 7-0-0 with Harrison absent for the vote.

Land Dedication Formula Two Year Review:

Hill asked if the sample properties in the spread sheet are all vacant land with no improvements.

Jumper replied per the information from Washington County they are either residential vacant or agricultural vacant.

Pawlik-Holmes asked if this study is the most thorough research on this piece of the formula that has been done for several years.

Jumper indicated that is the case.

Pawlik-Holmes asked what other pieces of the formula will change.

Jumper said the land requirement per unit, price of fee in lieu, and, if the decision is made to change it, the 10 acres per thousand population.

Edmonston said the City has requested a full-blown census in 2006 but the data won't be ready till the end of 2006 so it's important the fees be updated at this time.

Hill stated the result of the census doesn't effect the decision on the formula.

Edmonston said the ordinance states the formula shall be reviewed every two years.

Mauritson asked if the consideration of using actual costs of the individual parcels of land to determine the amount has been ruled out.

Jumper stated that it has been reconsidered.

Pawlik-Holmes questioned the equitability of requiring the same fee in all parts of the City. She said it seems like a fairness issue due to costs of land being more or less in different quadrants of the City.

Edmonston said using cost of land would cause an unequal issue for various quadrants and the City Attorney, Kit Williams, said it was to our best interest to go to an average cost of land per acre.

Marley asked how difficult it would be to go with a different formula for each quadrant.

Jumper said that is a possible method.

Pawlik-Holmes reiterated that would raise the concern voiced by the City Attorney.

Mauritson said he'd be interested in what the City Attorney has to say about the equity of a developer having to pay almost twice as much per acre for the park dedication then he actually paid per acre for the land.

Langsner said the value of less expensive land today will most certainly go up in the future so costs will balance out over time.

Pawlik-Holmes asked where the current figure of \$23,000 per acre came from.

Edmonston said the previous method to arrive at the figure for the formula was to call real estate agents and ask what the average price per acre was.

Pawlik-Holmes inquired if that was an average city-wide.

Edmonston said it was. At that time the price range was huge and therefore in today's environment that didn't seem the best way to rethink the formula.

Hill suggested taking the list of properties used in the example to arrive at the \$49,000 figure, take out the two highest and two lowest and refigure for the results. He reminded the Board that the figure they decide on will only be a proposal that will go to the Planning Commission for review and then on to City Council for approval.

Hill opened the floor for public comment while Jumper reworked the average figure with the suggested chart revision.

Tom Terminella introduced himself and complimented the Park Planners and Staff on the good job they are doing for the City. He said his interest falls into several areas. He suggested that not only the parks fee formula but also the various ordinances might need to be reviewed every two years to assure they work in tandem with the developers for the good of the community overall. He said trails, roadways and municipal services could be reviewed in order to be proactive with the growth rather than reactive to the needs of the citizens.

He said he also wants to clarify what is acceptable ground for park dedication. He believes it's especially important on the larger developments to make sure there is land for the trail system connectivity. He said he also needs clarification on other green spaces in developments that are not trail areas. He referred to processes used in Tulsa, OK, and Springfield, MO. He said they are developing the detention areas for public spaces thereby using otherwise wasted space that could actually be used to create assets for the communities.

He stated the formula based on the average overall property values overburden the developer that has done a responsible job of purchasing the land. He said that under the new formula it is creating an unfair situation for those who purchase the land early-on when prices are low but are now developing the area. He said that he had been appointed to speak for the other developers because he lives in Fayetteville and has an office here.

He suggested the most fair way to achieve a figure is to use the revenue stamps. He said they cannot be manipulated because they reflect the sale price recorded at the County Court House. He said the spread of costs of property is great across the area ranging all the way from \$10,000 to \$60,000 and in many cases even more. He agreed that the \$23,500 per acre figure needs adjustment but suggested that more than doubling it in the 24 month period since the last review is excessive. He asked that more consideration be given on the task of picking a dollar figure for the formula. He said he is supporting the department overall but asked for a fair methodology for determining the new figure.

He suggested allowing the use of trail corridors be applied toward the parkland dedication requirements.

Bailey asked if he was recommending the original consideration by the Board of going with the sale price of land to determine the new value.

Terminella stated that he was and regretted not staying current on the discussions. He said he believes market value is a better way to arrive at a figure than blended (average) rates.

Pawlik-Holmes asked how he would suggest dealing with side-by-side tracts of land that have a large sale price difference thereby affecting the parkland dedication amounts for each tract at time of development. She stated though the dedication amounts would be very different, the impact on the citizens of those communities would be the same.

Terminella said perhaps different formulas based on density issues could be utilized.

Pawlik-Holmes stated that from the citizen's perspective the issue of lower priced land in one quadrant compared to higher priced land in another quadrant means that area won't have the quality or quantity of park area that is available in another part of town. The Park Board has to come up with a figure that is fair to all citizens and she asked how that can be reconciled from the developer's standpoint. She said she believed Terminella has suggested a formula that is best for developers but not necessarily the best for citizens.

Terminella reiterated that he doesn't believe the currently suggested formula is fair to the proactive developer. He said the fees currently necessary to build a house are pricing the average family out of the market in the Fayetteville area.

Mauritson asked if it's possible to determine how much land has appreciated in the last two years.

Edmonston said she believes the average can be determined. She said that since she has been with the City, each year the ordinance was reviewed they went extremely low just to promote developers in the area and to help handle the impact of the various fees.

Mauritson clarified the figures on the spread sheet are only for land sold within the city limits and does not include any land outside the city limits.

Hill said he has some concern in passing on the decision at this time and feels a figure needs to be determined because four of the current Board will term-out at the end of December and will be replaced by four new members. Those four new

members will need to get up-to-speed on the issue and that would further delay a decision. Therefore he feels this Board needs to come to a decision.

Pawlik-Holmes asked Jumper what the new figure is after throwing out the two highest sale prices and two lowest sale prices.

Jumper said the figure is \$39,407 per acre.

Davidson said he has always considered the purpose of the ordinance is to either get land or money to buy land and if the money taken in isn't at market value of the acreage in the quadrant there wouldn't be enough to buy additional park land. He said he would like to understand the City Attorney's perspective on the overall fairness/constitutionality issue.

Hill stated the Board needs to come to a decision on a number and send it on to Planning Commission for review. He said there are two ideas – 1) market value per acre and 2) average price per acre.

Pawlik-Holmes says market value doesn't provide equal treatment for all quadrants due to diverse property values. She said the Board knew it was going up substantially but probably didn't know it would go up as much as the figures in the spread sheet indicate is necessary.

Edmonston said she would like the Board to pass to Planning Commission what they believe is best. She volunteered to have the City Attorney meet with Board members to explain his take on the fairness issue.

Mauritson said he agrees the Board needs to put something forward to Planning.

Edmonston said the Park Ordinance had to go before the Arkansas Supreme Court at one time and was upheld by that court. Several changes were made at that time. The way it has been done in the past has been upheld by the Court and so probably the City Attorney is interested in continuing this approach.

Pawlik-Holmes said the figures on the spread sheet can be looked at in many ways.

Hill suggested this is a starting point and simply coming up with a figure to pass on would be the best way to go.

Terminella suggested a \$35,000 figure would be acceptable to him.

Hill closed the floor to public comment and asked for a motion.

PRAB Motion: Davidson moved to send the following motion to Planning Commission – The Parks Board recommends using a market value based

formula unless that process is deemed unconstitutional in which case a fee of not less than \$40,000 per acre be set for Park Land Dedication. Mauritson seconded the motion.

The motion was approved 6-1-0 with Hill, Mauritson, Bailey, Langsner, Davidson, and Marley voting 'yes', Pawlik-Holmes voting 'no', and Harrison absent for the vote.

Minutes submitted by Cheryl Whillock.

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ADM 06-1975: Administrative Item (City of Fayetteville PARKS DIVISION):
Submitted by Parks Division Staff to propose amending the Park Land Dedication Ordinance, amending the fees in lieu and other criteria in Ch. 166.03 of the Unified Development Code of Ordinances.

Pate: I would like to introduce Connie Edmonston, Parks and Recreation Director and she and others with the Parks and Recreation Advisory Board will give a presentation tonight and recommendation, after many months of public meetings and sessions to determine changes to park land dedication ordinance which we have under Chapter 166 development.

Edmonston: Our park land dedication ordinance was created back in 1981 and it pretty much came together with the Planning Commission working cooperatively with the Parks and Recreation Advisory Board that actually drafted this ordinance. As housing additions are constructed in our City, that it was increasing the demand placed upon our Parks and Recreation system. In fact, Ernie Jacks from the Planning Commission back then was very instrumental in helping us to draft this ordinance. Our ordinance does provide a reasonable dedication of park land or money-in-lieu which must be spent for either park land acquisition or park development that does serve the subdivision in that park district. In determining in a subdivision if we should take park land or not, Park Staff utilizes our Park and Recreation ten-year master plan which was adopted and blessed by the Planning Commission as well as the City Council back in 2002, also, the alternative to Transportation and Trails master plan and then our current park property service map. Our park land dedication ordinance has been crucial in helping us develop our progressive park system. In the past 25 years, we have gained over 33 parcels of land; that includes 19 parks, 2 nature trails and 5 pieces of park that we use for a trail corridor. In addition money accumulated through the money-in-lieu has brought over \$2.7 million for park development and land acquisition. I would like to explain to you about our current park land dedication formula. This tells you how we determine how much land and how much money is required through this ordinance. First of all, we take the census data and right now the most current census data we have is the year 2000. As you know, we are in the process of doing a new one in 2006, but that data won't be available to use until the fall. We found out that the number of people per unit in a single family is 2.39 people per unit and a multi family is 1.7 persons per unit, and mobile home is 2.38 persons per unit. We also look at the standard that we set for the amount of park land that is needed for our citizens. We utilized the National Parks and Recreational Association's standard of ten acres per 1,000 people and this was also recommended by the consultants that we hired for our Parks and Recreation master plan. You take the persons per unit times the number of acres, that ten and that gives you the land dedication requirement. So

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for every single family unit that comes in, we need 0.024 acres times the number of units. For multi family, we need 0.017 acres per the number of multi units that come in. Then when we go to look at money into the formula, it is a little bit different. We have to determine the average cost per acre. The last time we did this, the cost per acre in which current fee is, is \$23,125, the average cost per acre. So then you take the acres per unit times the average cost per acre and then you get the fee-in-lieu per unit. So, right now currently, our single family units, for every unit that comes in as a single family unit, we take it times \$555. For every multi family unit that comes in, we take it times \$393. Mobile home is \$555. This formula must be reviewed and updated every two years and that is why we are here with you today. We do have our chairman from our Parks and Recreation Board, Wade Caldwell, who would like to give our recommendation and then we will follow up with our Park Planner, Alison Jumper who is going to visit with you about the methodology – how we came up with these numbers. Are there any questions.

Caldwell: I am Wade Caldwell, Chair of the Parks Board. Tonight we also have from our Parks Board, Jerry Bailey, Jay Davidson and Monroe Harrison, and one of our Park Planners, Alison Jumper. The Parks and Recreation is recommending the following amendments to the Park Land Dedication Ordinance. First, updating the average cost per acre for determining the fee-in-lieu from \$23,125 to \$40,000. This is an increase of approximately 73%. The second item is, requiring residential developments under one acre to be subject to the Park Land Dedication Ordinance. This would require infill projects less than an acre to meet the same requirements of the Park Land Dedication as all the other residential developments do. It had the same as a multi family. Third, deleting the manufactured home designation from the ordinance including the single family residences. We don't have very many of these in our community as this point, as far as new ones being allowed. Manufactured homes are assessed the same fee as a single family residence. Then we would suggest deleting the major development subsection of the ordinance, these developments of course are over 100 units or 40 acres, they are evaluated on their own individual criteria regardless of their size. The fifth item, add the requirement of a written request to bank land for future development. This written request would minimize any confusion when future development is reviewed and banked land is requested. It would give us something to fall back on as far as what was agreed upon earlier. Do you have any questions for me?

Ostner: We might get back with you.

Jumper: I would like to elaborate a little on what Wade has already touched on. First, I'll go through the first ordinance amendments that don't include

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updating the fee. The first one does deal with parcels under one acre. Currently we do not see these under our review and we see an increasing amount of infill in the City and often those are less than an acre in size and they are increasing the impact on our Park system just the same as any other residential development. We would like to add these in our review and require them to meet the requirements of the Park Land Ordinance. The second one is pretty simple. We really don't see manufactured homes that often and when we do, they are considered as single family residences so we would just like to take that language out of the ordinance to clear it up. The third one does deal with major development. I think it was in 2004, the Parks Board adopted criteria that we use to evaluate park land when we review it, when the projects come through. We apply that criteria to every development whether it is five acres or forty acres or five units. We apply the same criteria to every development to evaluate whether we need park land there or not. And things we take into consideration are existing parks in the area, existing recreational opportunities, so whether that project is forty acres or not, to us we evaluate it the same way. The next one deals with banking. Developers are allowed to dedicate park land in excess of their requirement if they want to bank this land. We are asking that they provide us a written request for that, just so that we have record for future developments, that it is clear that they want to bank it. I'll go on to the fee update process now. We have had several meetings on this. We had three public meetings and we then presented to Parks Board in February for final recommendation. We have been viewing this at every direction we could think of. First, we did go back and try to determine an average cost per acre City wide. We looked at parcels that were sold within the City limits in 2004 and then we tried to apply the City zoning to try to differentiate single family from multi family and those prices might be for the fee-in-lieu. When we were doing that, we had hundreds of records from the County. They ran a query for us that gathered all the data that was sold within the City limits in 2004. And we found that the averages were very, very high, as much as \$2 million. You probably have seen that in the paper. And part of the reason for that is that these parcels included lots that had already been subdivided and had existing infrastructure, so that really swayed how those averages were turning out. Then we started thinking, maybe we will take this out, or take that out and not everyone was comfortable with just picking and choosing a number, so we tried to look at it from another angle. So then we said we would try to come up with a fair market value approach. To do this, we again used the County records and used the actual sale price of the lands and plugged it into a pretty complicated formula and I can find it on the Power Point if you need it. We found this very cumbersome; it wasn't predictable for developers. Each development would have a different fee-in-lieu amount using that method, so it was predictable for them to try to figure their own fees. And it didn't take into

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account family land swaps, or land deals. We saw potential for errors in the recordation of the prices. We did present that at two public meetings that were geared towards developers. It was open for everyone, but we made sure developers were invited to those. We took in their comments and took them into consideration and we ended up going back to looking at an average cost per acre City-wide. And again, we looked at all parcels sold within the City limits in 2005, after this some time had gone by and we wanted to get the most recent data. So we presented that to Parks Board in November and came up with an average. They made a recommendation to use the fair market value unless it wasn't deemed appropriate and then to use a number of \$40,000 for the fee-in-lieu. Since that time, we had Parks Board members go off the Board and four new ones come on. We went through this process with the new members at our orientation in January and they asked us to get the most recent data from the County and present that. And we did that in February. The average came out to be \$67,225. That was from parcels sold in 2005 within City limits that were over five acres. We did it over five acres to try to weed out all those parcels that already had existing infrastructure and made those averages go up higher. We felt that number was very high; we presented a median number that was right in the middle and that was \$36,000+. The Parks Board reviewed that and then made a recommendation of the \$40,000 for the fee-in-lieu.

Ostner: What was the first number? \$67,000? And you did more figuring and came at \$37,000.

Jumper: We proposed the median and that was the \$67,225 number. The Board recommended the \$40,000 and that is where we are here. If you have questions, I will be glad to answer them.

Ostner: Sort of a procedural issue, Mr. Pate. Is this sort of an informative item before the council. This doesn't seem to be something we regularly rule on.

Pate: This is an amendment to the Unified Development Code and happens every couple of years by ordinance. I'm sure Ms. Allen has seen this before. The Parks and Recreation Advisory Board makes a recommendation to this Council, just like with every development, they make a recommendation to you and you actually decide. With this case, they are making a recommendation to you as the Planning Commission to then forward a recommendation to the City Council for ultimate adoption. So, yes, you will be voting on a recommendation to go to the City Council.

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- Ostner: If anyone from the public would like to speak to this issue, please step forward and share your comments with us. Seeing none, I will close the public comment and bring it back to the Commission for discussion.
- Clark: I have a couple of questions. How much have we banked money-in-lieu?
- Jumper: In each quadrant?
- Clark: Overall, City-wide? There is a bank account somewhere.
- Pate: The money that is taken in-lieu when the Parks and Recreation Board recommend to you in the Planning Commission decides to take money-in-lieu, that has to be utilized in a certain amount of time period. So that money is going into a capital projects or other projects used annually within that quadrant of the City.
- Clark: But you are not out of money-in-lieu are you?
- Edmonston: No, we still have money-in-lieu. We have three years in which to expend the funds and it must be spent within that park district that the subdivision is located.
- Clark: Do you have any idea what percentage of developments pay as opposed to plant?
- Edmonston: We have taken in 33 parcels of land and we have taken in \$2.7 in the last 25 years. Does that answer your question? Each year it varies because we never know what subdivisions will be coming in.
- Clark: I am reacting to the 73% increase. To me that seems like a big number. I don't fault your rationale; you certainly know what you need, but that is a very large number. My concern is and remains affordable and obtainable housing. The more you put in fees on developers, the more the base cost goes up and I'm afraid we are excluding a percentage of the population at the lower, entry level homes that I don't know exist any more. I am concerned that this may have a negative impact which is certainly not your intent.
- Edmonston: One of the problems we hit now is that with an average of \$23,000 an acre, the developers are not wanting to give the City park land. We need park land in that area, but when the average was \$69,000 an acre and they are going to give it to us for \$23,000 or if we request money-in-lieu, they get the \$23,000 per acre formula, that's one of the problems we had. One of the bases of this ordinance is that we can serve the people coming in.

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The impact is great that the people are bringing upon our park system, either by acquiring new land or by developing the current parks we have.

Clark: So in the recent years, have you had to buy park land?

Edmonston: We have bought very little park land. Most of it has come through our Park Land Ordinance, we have been very blessed in that instance. A lot of times, we are behind, because we get parks and then we have to get the money to develop it. So we wait until we get the park land dedication money to help develop that park. We are getting on that system right now. We have several – Salem Meadows, Legacy, Lafayette Lofts, several of those are developing. Braden Park we just finished.

Clark: Okay, the 73% just makes me stumble. Now if your incentive is to get them to dedicate, to give you park land, that is a great philosophy.

Edmonston: I might let the Parks Board address it. One of the reason we went with the lower figure, they average is \$69,000 and we are only asking for \$40,000 an acre, so we are already below the market value on it. We want them to support our parks system and we thought that was something we could live with.

Bailey: Jerry Bailey with the Parks Board. I would like to point out also is that people are wanting in the neighborhoods are Wilson Parks, they are wanting Gulley Parks. And at \$23,000 or even \$40,000, we don't have much opportunity to do that. And 73% could also be looked at as we have given developers a bargain for quite a while and I don't think that this is going to be too much to swallow considering even in my 15th Street/6th Street neighborhood, my property values have tripled in three years. I don't mean to be too defensive sounding, but I have to because we can't buy good park land at the current value we are getting. And we can't take care of the parks at the current value that we are getting. I think we should look at it that the developers have gotten a good deal for quite a long time, and the increases do look like they are large, just because we haven't been increasing them at the rate we should have been increasing them. We are behind the curve ball on this. They should have been increased quite a while back. We are playing catch up here, and if we don't play catch up now, we are going to have to do it sooner or later. I do not think we are gouging anybody. You can't buy five acres, sixteen acres, twenty acres at what we are getting now.

Ostner: If the point is to basically motivate the landowner to donate land instead of money-in-lieu, which sounds like the best choice right now. I paid so much, if I paid the Parks this much, I come out better. Wouldn't it be great if part of the difference went toward affordable housing. It doesn't

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sound like Parks Board is saying we are dying for more money; we have got to raise these rates. It sounds like we really would prefer land and we have to raise the price in order to make that logic flow. Instead of the entire the 73% going back toward Parks, wouldn't it great if 10-15% of that could go towards affordable housing? It would almost defray the obvious downfall that they would have to charge more per unit but right now, there is no overall plan for affordable housing. There has been a lot of discussion and some rough notes on the shelf that the Council is trying to get to, but it seems like almost a middle ground right there.

Bailey: We can bring up affordable housing – I don't think that aligns with Parks Department issues; we don't handle affordable housing, we handle Parks. And one of the reasons why we can't simply rely on the landowner to give us the lands, because if the land is an area that is not near a lot of other neighborhoods, what good does it do to those children. What we would like to do, and I hope I am not out of line here, is to be able to get enough revenue to where we could buy a premium piece of land that is situated in an area that's accessible to the majority of the people in the neighborhood, as opposed to being an outlying piece of land. We would like to be able to say we are going to go buy a great piece of land for the Parks Department, for the community, not simply rely on a piece of land the developer doesn't want because it is in an out-of-way location. We want to get in there and buy the best parkland we can, not just settling for what they are willing to give us. I may be out of line a little bit there, but that is how I feel. We want to be able to buy the good land, not just settle for the second hand land.

Ostner: I assure you that that has come up at this level before. We have noticed the same time. It is not new.

Bailey: I hope I have gotten across to you that the 73% may seem like a lot, but it is simply because we are playing catch up. I want to emphasize that developers have gotten a deal over the years.

Anthes: Question of Staff. How often is this ordinance reviewed?

Jumper: Every two years.

Anthes: When I look at the amount of what land is selling for, I do think the Parks Board has done a good job of trying to apply an even hand to those who are required to dedicate property versus those who are required to pay money-in-lieu. There was quite a big differential between how you came out, how your bottom line came out, depending on where you happen to have land and whether or not it was deemed to be in a place that Parks wanted it. I think this goes to a level that differential to make it fairer. I

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do have some questions and maybe this is something I could ask you to consider in your next biennium when you are looking at how to rewrite the ordinance in the future. Obviously there is talk about a sliding scale of impact on different kinds of fees that are being charged in the City and addressing some of the other Commissioners' concerns here tonight, there might be an incentive or sliding scale that had to do with Park fees depending on what kind of development was being proposed – whether it was a certain kind of housing or development that met our intention of our City Plan for example, when that is enacted. The other thing I would really like for Parks to consider is public art. We've talked about it in our review of the downtown code, about where might be the most appropriate place for money to be collected and spent for public art. Without a lot of review about that issue, it seemed like that the Commission, in our initial reaction thinking Parks was the right place for that to happen. I wish that we were seeing an ordinance tonight that included a provision for public art. I understand that we are hitting you with it tonight and you have developed this ordinance, but if you could take a comment on that and incorporate it into the future, I think it would be great for the citizens of Fayetteville.

Allen: Connie, could you tell me specifically some ways in which the money-in-lieu has been used in the four quadrants in the last two years?

Edmonston: I think we have a list of projects – Braden Park, we just developed that – it is a small neighborhood over in the Covington Subdivision. We have almost finished out on that project – the playgrounds and trails through there. What we do when these neighborhood parks come in is we meet with the people and ask them what kind of parks do they want us to develop, and that is how we come up with our parks. It helped with the State Parks.

Ostner: May I ask how much Covington Park cost?

Edmonston: Covington Park came to just under \$110,000 for phase one.

Ostner: Is that land and equipment?

Edmonston: That land was given for Park Land Ordinance. This one was kind of unique because we did get \$40,000 grant money from Arkansas Parks and Tourism. So the City only had in \$70,000 or so for this project. And that is normally what we do. That's why the money-in-lieu is very important for those subdivisions that were around Covington and we collect money so we can develop those neighborhood parks. Budrig Park, out on #16 – it was developed with park land dedication ordinance; Red Oak Park – the trail around it and the playground; Lake Fayetteville bridge – some monies

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came from park land dedication along with other funding from sales tax from park land dedication ordinance. This next year we have dedicated money for Salem Village and for Legacy Point and Lafayette Lofts. Walker Skate Park – we put quite a bit of our money in that quadrant. It just depends on which quadrant has the money at that time. We will have a park comes in, but because that quadrant doesn't have a lot of development going on or because we took land in lieu of, there is not a lot of funding, but that is when we tried to subsidize it with our general budget that we get from sales tax and HMR tax. I can provide you with a list of \$2.7 million worth of projects.

Clark: We have a beautiful park system; there is no denying that.

Allen: I wanted to ask is that the only criteria used about the location of the park, is that the money-in-lieu came from that quadrant? It could not be spent in any other quadrant, even if there was a real need for a facility in that area?

Edmonston: That is correct.

Allen: How is that determined?

Edmonston: That was determined by our ordinance.

Williams: That was determined by the Supreme Court when our Park Land Ordinance was on appeal and went to the Supreme Court. You see, it is based upon the fact we can require developers to provide public facilities and one of those things can be park land for their residents and that is why you must have the park close to the residents for them to be able to access it. If you took money from someone that is developing on Dead Horse Mountain Road and you put a park out on Wedington Road – way out, that probably wouldn't serve that development.

Allen: I understand that, it just seemed like it could become very skewed to the quadrants of town that are newer, because there would be less development in the other parts of town.

Edmonston: But one of the things is that the ordinance is an impact. When the numbers of people are coming in there, then we need to provide the park facilities to serve those. It used to be the northeast quadrant had lots of money, but now it has shifted to the southeast then had quite a bit and now the northwest has been flourishing.

Allen: Could you tell me how many City parks there are in each quadrant?

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Edmonston: I have those numbers; I don't have them right in my head. I have the number of acres that were approved by park land dedication ordinance. In 2004 we took in 18.26 acres, in 2005, we took in 41.37 acres and money-in lieu, we received \$418,000 in 2004 and in 2005, almost \$440,000. As to how many parks in each quadrant, I do have those numbers available. We do have 55 parks.

Bailey: Ideally what we would like to have in Fayetteville is parks like Wilson Park and Gulley Park. These are twenty-acre parks and we are seeing this, too, around Lake Fayetteville and now slowly around Lake Sequoyah as well. We found that at these larger parks you have more things going on, our crews can go there and in one day can maintain the whole facility. All these parks can please more people at one time instead of the smaller parks. The neighbors when they come into the subdivisions like to have those small neighborhood parks as well. We are not able to acquire these Gulley Parks, these large pieces of land, even at \$40,000 an acre, you know land doesn't go for \$40,000 an acre. So this would allow us, too, to be able to acquire larger pieces and this is what we are trying to concentrate on in West Fayetteville, where a lot of the development is occurring. With Gulley Park, it was an exception with a very nice gift. I think Ms. Gulley, when we bought it from here, it was at a very reasonable price. Those things don't happen very often at all. But that is what we are trying to counteract.

Allen: Can I presume that is what the survey showed when you were polling people and they wanted the larger parks, rather than the small parks?

Bailey: Number one was the community park and that is what we are trying to do with South Pass. We had a ten-year plan done and that was the number one item. Number two item was neighborhood parks and trails. And now we are trying to connect all these parks and green spaces with trails. Also, I think an item that came out of the most recent plan we had was that people wanted more green space.

Edmonston: Our park land dedication is not only trying to acquire neighborhood parks but trail corridors so we can finish our trail system. We try to take that in. And preservation areas. We have some areas that will never be developed, but it is green space that people can enjoy. We try to incorporate that also. So our park land dedication is really stretched to its limits based on the demands that the citizens are crying for.

Clark: You haven't exactly made this argument in this manner. You are asking for 73% increase, you are using the money-in-lieu currently to support current parks and develop what is given to us, but that does not leave you

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with enough to purchase additional park land in more prime or better locations.

Edmonston: Yes, we try to do all of it. That's all part of it.

Clark: That works for me.

Ostner: I have a question about this survey that we are referring to. You say the number one thing – were people given an either or, or was the question, what's the thing you want? There is a big difference.

Edmonston: That was a survey that was done in 2001 and there was a survey done and we had a meeting that had forty stake holders, people from all aspects of recreation and anybody was welcome to come. We had a one-day session on it. That steering committee came up with the number one need, the community park. The survey that was done was actually, they liked the community park but the big one was trails and greenways. They want more parks like Wilson and Gulley.

Ostner: What I am driving at is if it was phrased a certain way, what is the thing you want most in Fayetteville, people could say yes, I want a neighborhood park and number two, the small playgrounds in our subdivisions are important to me. But if the question was never asked, you can only have one, a community park or your neighborhood playground, that is crucial to me. We all want both and if we have to choose between one or the other, I'm not so sure the community park is hands down what everyone wants. I think if people have to choose, there is only one dollar and it has to go one way or another, I think people want smaller parks. I realized they cost more to maintain, there are more edges to weed eat, there is one trash can for half acre.

Allen: My recall of that is that is was a long list of items that you actually put them one, two three,.....

Edmonston: They prioritized them. When we say we are trying to get larger, if there is a subdivision going in and we know that there is raw land around it and we know someday that land might be coming in as a subdivision, we try to take the land in that corner and hook on and get land in the next subdivision, so instead of having two acres here, we can have four acres, six or add it all in. Red Oak Park is a perfect example. We have three subdivisions that make up that eight acre linear park and it serves all of the people. This park land dedication does go for getting us land for parks, trails, for green space, for connectivity and it gives us money to develop existing parks, new parks or to acquire land. Those are all important.

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Ostner: So the acquisition of trails is something you can use the money for. Trails are parks.

Edmonston: Yes.

Clark: Should I ask about a dog park yet?

Edmonston: This money could help support a dog park and it is on our list.

Anthes: I would ask the Parks Board to understand that if we are now requiring item number two, residential development under one acre be subject to this ordinance, that we are looking for densification issues and infill issues and people choose those places to live and those places to develop might be more interested in having neighborhood parks near those infill potentials. There probably aren't those large parcels available in those infill areas, if you put that into your equation. I would like to move to forward ADM 06-1975 with a positive recommendation.

Clark: I will second.

Ostner: Is there any further discussion?

Roll Call: The motion to forward ADM 06-1975 passes by a vote of 6-0-0.

PARK LAND ORDINANCE EXPENDITURES

NORTHEAST PARK DISTRICT

BRADEN PARK

2002 Braden Park (Diversified Recreation)	\$5,201.24
2002 Braden Park (Emerson)	\$378.69
2002 Braden Park (Schwartz Stone)	\$215.25
2005 Braden Park	\$11,165.00
	\$16,958.18

BUTTERFIELD SCHOOL PARK

1993 Butterfield basketball goal (Diversified)	\$510.20
1993 Butterfield goals/backboard (Diversified)	\$496.91
1993 Butterfield playground apparatus (Iron Mtn Forge)	\$4,199.78
1997 Butterfield School Park, RCP Shelters, 20X36 pine pavilion w/ 20 yr roofing package - matching	\$3,110.05
1997 Butterfield School Park, RCP Shelters, 20X36 pine pavilion w/ 20 yr roofing package - matching	\$6,111.00
	\$8,207.84

CRAFT PARK

1999 Craft Park, Gazebo, Enwood Structures 16' Hexagon	\$6,746.00
1999 Craft Park, Install 2 rail fencing (Modern Fence)	\$2,955.64
1999 Craft Park, misc. lumber for Gazebo (City Lumber)	\$98.60
1999 Craft Park, misc. materials for picnic tables (Home Depot)	\$153.36
1999 Craft Park, purchased and installed 2 grills (Jamestown Products)	\$243.00
1999 Craft Park, purchased materials to build picnic tables, benches and Trash Recepticals (Ozark Steel)	\$317.07
1999 Craft Park, ready mix concrete for sidewalk (Beaver Lake Concrete)	\$500.35
	\$11,014.02

GULLEY PARK

1988 Gulley Park bid ads (NWA Times)	\$37.41
1988 Gulley Park fence (Arkansas Fence Co.)	\$3,593.38
1989 Gulley Park fence (Arkansas Fence Co.)	\$3,699.66
1990 Gulley Park (Miholland Eng)	\$750.00
1990 Gulley Park Bid 90-60&61 ads (NWA Times)	\$104.76
1990 Gulley Park bid documents (MESA-Elnert)	\$5,141.15
1990 Gulley Park Contour Survey (Jorgensen & Assoc.)	\$450.00
1990 Gulley Park Playground (Meeks Lumber)	\$84.97
1990 Gulley Park RFQ (NWA Times)	\$52.38
1990 Gulley Park RFQ (NWA Times)	\$80.00
1990 Gulley Park Sand (J & P Trucking)	\$394.84
1990 Gulley Trail Partial Payment	\$750.00
1991 Gulley Park - secure water line (RJ Keating)	\$1,500.00
1991 Gulley Park Fence & Sign (McClinton-Anchor)	\$17,750.00
1991 Gulley Park Service Drive & Parking Lot (McClinton-Anchor)	\$17,519.00
1991 Gulley Park Trail (McClinton-Anchor)	\$20,000.00
1991 Gulley Trail - Partial Payment (Tomlinson Asphalt)	\$770.00
1992 Gulley Park bridge rails and sand volleyball court (McClinton-Anchor)	\$958.52
1992 Gulley Park Complete Gulley Park trail (Tomlinson Asphalt)	\$13,892.50
1992 Gulley Park Pipe transfer to Street Dept.	\$147.60
1992 Gulley Volleyball standards (City Lumber)	\$124.69
1994 Gulley Park Playground and plans (Lewis Landscaping and MESA)	\$3,600.00
1994 Gulley Park Restroom electricity and lighting	\$1,968.00
1994 Gulley Park Restrooms (SSI Inc.)	\$13,180.00
1999 Gulley Park, 9 Frisbee Golf Baskets (match funds) - Play It Again Sports	\$1,433.69
2002 Gulley Park and VMP Bike Racks (Creative Pipe)	\$539.00
2002 Gulley Park Terrace (Caldwell Stone)	\$20,136.00
2002 Gulley Park Terrace (Home Depot)	\$736.08
2002 Gulley Park Terrace (Huff Enterprises)	\$650.00
2002 Gulley Park Terrace (MidSouth Awards)	\$58.06
2002 Gulley Park Terrace (Schwartz Stone)	\$4,623.08
2002 Gulley Park Terrace (Spring River)	\$422.50
2002 Gulley Park Terrace (Tune Concrete)	\$1,758.47
2002 Gulley Park Terrace (Upchurch Electrical)	\$621.48
2003 Gulley Terrace Fiber Optic Lighting (SpecialT Lighting)	\$2,831.00
	\$140,358.22

LAKE FAYETTEVILLE / VETERANS MEMORIAL PARK

1983 Lake Fayetteville Sand Volleyball Court	\$183.58
1995 Lake Fayetteville Botanical Garden species nameplates (Nameplate Technology)	\$679.47
1996 Lake Fayetteville -Veterans Memorial Park Pavillon J&L Construction	\$51,893.00
1996 Lake Fayetteville Wittenberg, Delony & Davidson LFS Veterans Memorial Pavillon	\$5,694.04
1997 Lake Fayetteville Boat Dock Improvements	\$11,469.05
1999 Veterans Memorial Park, Gate supplies (Ozark Steel)	\$179.98
2000 Veterans Memorial Park, Electrical work for volleyball court lighting (King Electrical)	\$3,280.00
2001 Lake Fayetteville North Shores fencing (Fenceco)	\$7,980.00
2001 Veterans Memorial Park Grills (Modlin Recreation)	\$1,054.22
2001 Veterans Memorial Park, Playground (Arkoma Playground)	\$12,807.74
2001 Veterans Memorial Park, Playground (Miracle Recreation)	\$15,500.00
2001 Veterans Memorial Park, Wood Chips for Playground (Children's Specialties, Inc)	\$1,838.13
2002 Veterans Memorial Park Children Specialties Woodchips	\$195.00
2002 Veterans Memorial Park Drinking Fountains Modlin Recreation	\$387.52
2002 Veterans Memorial Park Playground (Arkoma Playgrounds)	\$3,182.20
2002 Veterans Memorial Park Playground (Miracle Recreation)	\$4,535.00
2002 Veterans Memorial Park Colwell Natural Stone	\$10,147.00
2003 Lake Fayetteville Softball Complex -Install Bike Racks(RJR Enterprises)	\$1,521.80
2003 Lake Fayetteville Spillway Bridge (Carter Burgess)	\$38,029.91
2004 Lake Fayetteville Southern Reprographics	\$682.50
2004 Lake Fayetteville Southern Reprographics	\$628.32
2004 Lake Fayetteville Spillway Bridge and Trail Bid For 04-39	\$307.50
2004 Lake Fayetteville Spillway Bridge	\$225,560.46
2005 Lake Fayetteville Spillway Bridge	\$9,118.81
	\$406,825.23

MUDCREEK TRAIL

2002 Mudcreek Trail (Sweetser)	\$830.71
2002 Mudcreek/Lindsay (Diversified Recreation)	\$1,822.87
	\$2,653.58

SWEETBRIAR PARK

1999 Sweetbriar Park, misc. bolts, washers, and nuts (Fastenal Company)
1999 Sweetbriar Park, misc. materials (Ozark Steel)
1999 Sweetbriar Park, plastic wood (Meeks Building Center)
1999 Sweetbriar Park, plastic wood (Meeks Building Center)
1999 Sweetbriar Park, treated lumber (City Lumber)
2000 Sweetbriar Park, Concrete pads for picnic tables (Tune Concrete)

~~\$135.45~~
\$365.12
\$832.95
\$669.55
\$308.95
\$157.98
\$2,800.00

VANDERGRIF SCHOOL

1997 Vandergriff School playground, Miracle Rec, 2 basketball goals, backboards & poles- Matching Funds

\$1,635.62
\$1,635.62

NORTHWEST PARK DISTRICT

ASBELL PARK

1990 Asbell - Sand and gravel for Asbell play area (J & P)	\$395.06
1990 Asbell - Weed matt for Asbell play area (Jenco)	\$133.46
1990 Asbell play area benches (Diversified)	\$688.75
1990 Asbell Playground apparatus (Diversified)	\$12,152.05
1990 Asbell Playground Bid Advertisement	\$27.16
1990 Asbell soccer field (McClinton & Anchor)	\$18,383.00
1990 Asbell soccer field (Ozark Lawn Care)	\$10,740.00
1990 Asbell soccer field bids (NWA Times)	\$102.82
1990 Asbell soccer field survey (Jorgensen & Assoc.)	\$1,500.00
1990 Asbell -Treated pine for Asbell Play area (Weeks)	\$310.90
1990 Asbell volleyball standards (NRA Gym Sup.)	\$865.50
1990 Asbell water meter (Water & Sewer Fund)	\$600.00
1990 Asbell Weed matt for play area (Jenco)	\$133.46
1992 Asbell Picnic tables and Benches (Diversified) (Wabash)	\$1,118.00
1993 Asbell small playground apparatus (Iron Mtn Forge)	\$2,464.30
1998 Asbell School Park, Miracle Recreation Equip 2 basketball goals	\$1,439.44
2000 Asbell Park, Soccer goals, nets and freight (Prime Stripe)	\$4,132.54
2001 Asbell - Pipe	\$355.80
	\$55,542.24

BUNDRICK PARK

2001 Bundrick Park Entrance Sign (Plastic Lumber Co)	\$573.78
2001 Bundrick Park Grills (Modlin Recreation)	\$336.27
2001 Bundrick Park Playground Structure (Miracle Recreation)	\$20,930.20
2002 Bundrick Park (Sweetser)	\$4,515.50
2002 Bundrick Park Playground (RJR Enterprises)	\$13,793.75
2002 Bundrick Park Playground Installation (RJR Enterprises)	\$6,143.75
	\$46,293.25

DAVIS PARK

1990 Davis Grading plan/bld docs (NW Eng)	\$2,700.00
1990 Davis Park Easement	\$300.00
1990 Davis Park Master Plan (Bob Callens & Assoc.)	\$4,200.00
1990 Davis Park Mobilization, const docs, coordination (Callens) (Master Plan -Davis Park)	\$4,400.00
1990 Davis Park Survey/Topo (NW Eng.)	\$500.00
1994 Davis Park -Trees for dev of Davis Park (Fryer's Tree Farm)	\$822.90
1995 Davis Park benches, grills, receptacles (Modlin)	\$3,429.53
1995 Davis Park Picnic Tables (Diversified Rec)	\$5,548.54
1997 Davis Playground equipment & 1/2 Court Basketball Court	\$5,208.00
1997 Davis Park	\$2,424.13
2000 Davis Park, Ad for swing set (Community Publishers)	\$33.75
2000 Davis Park, Swing set and ground cover (Arkoma Playground)	\$16,532.40
2003 Davis Park Observation Deck Equipment (Hugg & Hall)	\$207.55
2003 Davis Park Observation Deck Equipment (Tune Concrete)	\$282.62
2003 Davis Park Observation Deck Materials (Lowe's)	\$586.15
2003 Davis Park Observation Deck Materials (Weeks)	\$5,253.28
	\$52,428.75

GARY HAMPTON SOFTBALL COMPLEX

1995 Gary Hampton Softball Complex Sign (NWA Sign)	\$506.40
1996 Gary Hampton Softball Complex Red Deer Construction	\$7,540.15
2002 Gary Hampton Bike Rack (Creative Pipe)	\$584.00
2002 Gary Hampton Equipment Shed (Franklin & Sons)	\$2,600.00
2003 Gary Hampton Softball Complex - Install Bike Racks(RJR Enterprises)	\$1,516.00
2003 Gary Hampton Softball Complex - Picnic Tables and Grills (RJR Enterprises)	\$778.00
2004 Gary Hampton Equipment Shed (Franklin & Sons)	\$3,068.00
	\$16,592.55

HOLCOMB SCHOOL PARK

1998 Holcomb School Park, Miracle Recreation Equip 2 basketball goals - matching funds	\$1,439.44
	\$1,439.44

LEWIS SOCCER COMPLEX

1993 Lewis Park Street (Street Dept)	\$6,763.40
1993 Lewis Park Topo (Alan Reid)	\$1,950.00
1995 Lewis Soccer Fields grass seed (Farmer's Coop)	\$388.60
1995 Lewis Soccer fields irrigation (Municipal Pipe)	\$178.67
1995 Lewis Soccer Fields sod (AgraTurf)	\$2,004.50
1995 Lewis Soccer Fields straw (Farmer's Coop)	\$299.48
1995 Lewis Street Soccer field Construction (Street)	\$37,000.00
1996 Lewis Soccer Complex Payless Fence Company, wood fence Installation	\$3,282.50
1996 Lewis Soccer Complex Restroom and Concession Building J&L Construction	\$113,101.00
1996 Lewis Soccer Complex Sanders Nursery, junipers for Horticulturist	\$1,065.00
1996 Lewis Soccer Complex United Fence Company, wood fence materials	\$4,997.71
1996 Lewis Soccer Complex Restroom and Concession Building J&L Construction	\$42,458.85
1998 Lewis Soccer Goals - Wheeler Metal	\$85.80
1998 Lewis Soccer Goals - Wheeler Metal	\$320.00
2001 Lewis additional materials	\$8,085.64
2001 Lewis Sign at Mt Comfort	\$335.72
2001 Lewis Soccer Complex Sidewalk (Tune Concrete)	\$4,153.77
2001 Lewis Soccer Field Sidewalk	\$326.54
	\$224,776.18

MUDCREEK TRAIL

2003 Mudcreek Trail (Sweetser)	\$75,575.33
2003 Mudcreek Trail (Sweetser) Retainage	\$8,397.26
2004 Mudcreek Trail (Sweetser)	\$116,027.41
	\$200,000.00

RED OAK PARK

1994 Red Oak Park - Benches for Bridgeport Subdivision (In house)	\$598.74
1994 Red Oak Park - Picnic Tables for Bridgeport (Game Time)	\$3,997.57
2001 Red Oak Park additional materials	\$102.40
2001 Red Oak Park Playground (Tune Concrete)	\$778.66
2002 Red Oak Park McClinton Anchor	\$8,960.25
	\$14,433.62

SOUTHEAST PARK DISTRICT

BAYYARI PARK

2004 Bayyari Park	\$6,550.00
	\$6,550.00

HAPPY HOLLOW SCHOOL PARK

1992 Happy Hollow Playground (Diversified)	\$3,000.00
1992 Happy Hollow Playground Ad (NW Times)	\$27.27
1996 Happy Hollow School (Rex Playground), Matching Funds, School Installed -6 inground picnic tables (WebCoat)	\$3,321.49
1996 Happy Hollow School Reimbursement for Playground	-\$1,667.00
1997 Happy Hollow Playground Ad for Bid 97-18 NWAT	\$64.80
1997 Happy Hollow School Park, Little Tykes, playground kid village matching funds	\$6,861.71
1997 Happy Hollow School Park, Surface America, poured in place fall safe material, 1,850 sq/ft, matching funds	\$7,168.76
1997 Happy Hollow School, Beaver Lake Concrete, accessible sidewalk to play equip. matching funds, school labor	\$410.51
	\$19,187.54

JEFFERSON SCHOOL PARK

1996 Jefferson School playground equipment (Iron Min Forge/Diversified Rec) Matching Funds, School Installed	\$15,271.26
	\$15,271.26

ROOT SCHOOL PARK

1991 Root Playground bid Advertisement (NWA Times)	\$54.54
1991 Root Playground shared with Root PTO and school maintenance (Diversified Recreation)	\$2,799.24
	\$2,853.78

WALKER PARK

1990 Walker North (Les Rogers) Site preparation	\$3,000.00
1990 Walker North Bid Advertisement for (NWA Times)	\$54.32
1990 Walker North Soccer (Les Rogers) Topsoil	\$3,712.00
1990 Walker Park North Soccer Field survey (Jorgensen & Assoc.)	\$1,480.00
1990 Walker Park sand volleyball court (J&P Trucking)	\$174.59
1991 Walker Park N. Soccer/baseball field topsoil placed and graded (Les Rogers)	\$2,740.00
1991 Walker Park soccer field dirtwork Advertisement (NWA Times)	\$27.27
1992 Walker Park Walk Bridge (MultiCraft)	\$1,582.86
1994 Walker Park Field #7 lighting and intercom speaker project (Multi Craft Contractor)	\$6,500.00
1994 Walker Park Restrooms (SSI Inc.)	\$9,839.00
1994 Walker Park Restrooms Electricity and lighting	\$2,063.08
1995 Walker Fence Field #4 Replace (Modern Fence)	\$9,019.50
1998 Walker Park Parking Lot - J&L Construction	\$23,000.00
1998 Walker Park Parking Lot - J&L Construction	\$29,884.00
1998 Walker Park, AR Democrat Gazette Ad for Playground	\$29.60
1998 Walker Park, AR Democrat Gazette Ads for bids for playgrounds	\$86.40
1998 Walker Park, NWA Times Ad for playground bids	\$44.80
1998 Walker Park, Sturdisteel Co. Bleachers	\$8,060.09
1999 Walker Park, Labor, equipment and materials for 5' sidewalk at 13th and Block (Jerry Sweetser Inc)	\$5,218.50
1999 Walker Park, restripe and paint ADA spaces	\$120.72
2000 Walker Park North, (BMX and Skate Park area) Drinking Fountain (Most Dependable Fountains)	\$1,785.94
2000 Walker Park, Soccer goals, nets and freight 1 set (Prime Stripe)	\$2,068.27
2001 Walker Park Plaque for Chamber of Commerce (Chamber of Commerce)	\$491.97
2001 Walker Park Scoreboard Installation (MultiCraft)	\$4,000.00
2001 Walker Park Skate Park - Purkiss Rose RSI	\$19,155.66
2002 Walker Park Basketball Goal, Post and Rims (Ark Playground)	\$5,651.18
2002 Walker Park Electricity at N. Pavilion for Skate Park and BMX (King Electrical)	\$8,814.00
2002 Walker Park Post, Sleeves, Nets and Ground Anchors for Tennis Courts (Accurate)	\$972.40
2002 Walker Park Skate Park (C-Tec)	\$82,038.52
2002 Walker Park Skate Park mail to C-Tec (Federal Express)	\$35.81
2002 Walker Park Skate Park Project (Southern Reprographics)	\$355.23
2002 Walker Park Skate Park Signage (Snodgrass Signs)	\$288.03
2002 Walker Park Skate Park/Tennis and Basketball Court Resurfacing Ad (Ark Democrat Gazette)	\$382.50
2002 Walker Park Tennis Court Fencing (Modern Fence)	\$9,650.00
2003 Walker Park Skate Park (CTEC)	\$172,449.25
2003 Walker Park Tennis and Basketball Court Renovations (Eckco Inc)	\$13,986.00
2004 Walker Park Mural Project	\$1,348.61
2005 Walker Park Entry - Midland Construction	\$32,237.50
2005 Walker Park Mural Project	\$1,050.16
	\$463,415.78

WHITE RIVER BASEBALL COMPLEX

2000 White River Baseball Complex, Drinking fountain at new concession (Most Dependable Fountains)	\$1,732.76
	\$1,732.76

SOUTHWEST PARK DISTRICT

BATES SCHOOL PARK

1988 Bates School Park (Diversified Recreation) school to install Little Tykes Playground Equipment
 1998 Bates School Park, NWA Times Ad for bids

\$30,439.44
 \$31.05
 \$30,470.49

FINGER PARK

1994 Finger Park Restrooms Electricity

\$575.00
 \$575.00

GREATHOUSE PARK

2000 Greathouse Park, Basketball goal, post, and nets (Miracle Recreation Equipment)
 2000 Greathouse Park, Bridge replacement and construction work (Tomlinson Asphalt) (Shared Cost)
 2001 Greathouse Park Playground System (Little Tykes Comm Play System)
 2002 Greathouse Park Reclass tax po2741

\$933.46
 \$63,000.00
 \$12,688.45
 -\$688.45
 \$75,933.46

LEVERETT SCHOOL PARK

1990 Leverett apparatus bids (NWA Times)
 1990 Leverett playground equip. (Rex Playground)
 1997 Leverett School Park, Foldagol (Gopher Sports) matching funds soccer goal nets
 1997 Leverett School Park, Miracle Recreation, 2 basketball poles, backboards, dbl rim goals - matching funds
 1997 Leverett School Park, one basketball backboard, goal and pole matching funds
 1997 Leverett School Park, Pam Richardson at the school paid for them to buy building supplies for 2 sm. Soccer goals
 1997 Leverett School Park, Rex Playground, Matching Funds 4 Regal Inground pic tables and 1 ADA
 1997 Leverett School Park, Wheeler Metals, 2 large soccer goal materials matching funds
 1997 Leverett School Park, Wheeler Metals, 2 large soccer goal materials matching funds Sales Tax
 1998 Leverett School Park - Credit from School PTO and Playground Company

\$52.38
 \$2,545.00
 \$128.52
 \$1,635.53
 \$832.36
 \$30.25
 \$2,819.95
 \$413.80
 \$26.88
 -\$4,364.85
 \$4,119.52

WILSON PARK

1995 Wilson Drinking Fountain Sales Tax (Most Dependable Ftn)
 1995 Wilson Drinking Fountain (Most Dependable Ftn)
 1995 Wilson Trail Change order (Sweetser Const)
 1999 Wilson Park, Big Toy Poured in Place (Westlin Concrete Inc.)
 1999 Wilson Park, Installation of Pavilion (TNT Const.)
 1999 Wilson Park, NWA Times Ad for bid/ Big Toy
 1999 Wilson Park, NWA Times Ad for bid/ Pavilion
 1999 Wilson Park, Pavilion Install brick floor (Jim Schneider)
 1999 Wilson Park, Pavilion Install brick floor payment from Junior Civic League
 1999 Wilson Park, two 7' Picnic Tables for Pavilion (Diversified Recreation)
 2000 Wilson Park Castle Area, 2 concrete benches (Eugene Sargent)
 2002 Wilson Park Picnic Pads (RJR Enterprises)
 2002 Wilson Park Picnic Tables (Ar Demo Gazette Ad)
 2002 Wilson Park Picnic Tables (Diversified Recreation)
 2002 Wilson Park Sod Arkansas Valley Irrigation
 2002 Wilson Park Sod/Irrigation (Ar Demo Gazette Ad)
 2003 Wilson Park Grills - Modlin Recreation
 2004 Wilson Park Basketball Court Resurfacing Project - McClelland
 2005 Wilson Park Basketball Court

\$89.38
 \$1,375.00
 \$9,299.86
 \$29,145.83
 \$12,000.00
 \$72.90
 \$29.70
 \$2,950.00
 -\$1,016.55
 \$1,016.55
 \$2,300.00
 \$11,800.00
 \$60.00
 \$12,837.67
 \$45,000.00
 \$182.50
 \$449.76
 \$845.00
 \$4,521.00
 \$132,958.60

YOUTH CENTER

1990 Youth Center gravel & Sand
 1990 Youth Center landscape timbers (Meeks)
 1990 Youth Center picnic table (Meeks)
 1990 Youth Center picnic table (Ozark Steel)
 1990 Youth Center playground (Meeks)
 1990 Youth Center slide (Diversified Recreation)
 1993 Youth Center Picnic Table/bench (Miracle Rec)
 1994 Youth Center Shrubbery for dev. of FYC (Fryer's Tree Farm)

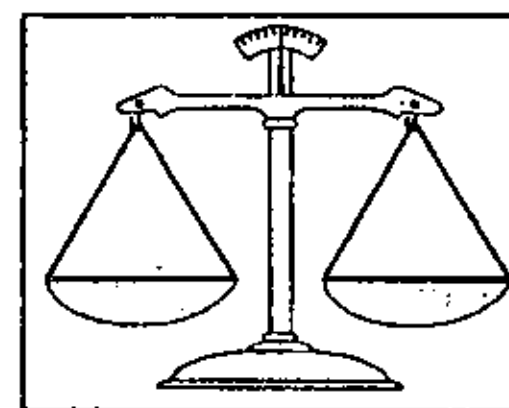
\$414.63
 \$147.58
 \$97.75
 \$148.19
 \$943.41
 \$800.80
 \$488.84
 \$89.68
 \$3,130.86

4/18/06
Added at Agenda Session
4/11/06
C.7,
B.3
Amend 166.03
Park and Dedication
Page 43 of 54
\$166.03
Park Land
Dedication

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY
DAVID WHITAKER, ASST. CITY ATTORNEY



LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: **City Council**
Dan Coody, Mayor

CC: **Gary Dumas, Director of Operations**
Connie Edmonston, Parks & Recreation Division Head

FROM: **Kit Williams, City Attorney**

A handwritten signature of Kit Williams, the City Attorney.

DATE: **April 10, 2006**

RE: **Change in Park Land Dedication Ordinance**

After reviewing my proposed code revision sections partly in accordance with recommendations of the Parks and Recreation Advisory Board, Connie Edmonston sent me the attached memo requesting some further changes. I have incorporated the changes she requested as much as possible.

Because the state impact fee statute requires a developer have a right to choose land dedication rather than being forced to make a monetary payment, subsection (d) *Decision* must provide a developer with this option. Therefore, I did not believe I could legally make all requested changes without endangering the validity of the whole park land ordinance. The changes I made pursuant to Connie's memo are in **bold** on the attached Exhibit "A".

This revised Exhibit "A" {with the included new wording (no longer in bold)} will be what is before the City Council for your meeting.

Although there could be a time when property slightly under an acre in an infill lot could be developed adjoining a proposed trail, the vast majority of residential infill lots are probably way too small for anything but a small house. Therefore, if the City requires all residential infill on lots less than an acre be subject to the park land ordinance, the developer will normally have no choice

about dedicating park land (less than one 40th of an acre per house), but instead would have to pay park land fees. This would violate the state impact fee statute grandfathering in our Park Land Ordinance. Thus, I cannot recommend following this suggestion from the Parks and Recreation Advisory Board (who were not at that time informed about the state statutory requirements).

Please remember that the two biggest changes you are being asked to make in the Park Land Ordinance are:

1. The increase from \$555.00 to \$960.00 for single family house park land fees; and
2. The elimination of the code section incorporating the Neighborhood Park Ordinance (which ensured that the City Council is aware and consents to any 100+ house development that does not want to dedicate land for a neighborhood park within the subdivision).

Exhibit "A"

(K) *Park land dedication.*

(1) *Subdivision.*

- (a) *Dedication or fee-in-lieu.* When a proposed subdivision does not provide an area or areas for a public park based on the Fayetteville Parks and Recreation Plan, the developer shall be required to make a reasonable dedication of land for public park facilities, or to make a reasonable equivalent contribution in lieu of dedication of land, such contribution to be used for the acquisition and development of park land that serves the subdivision or development.
- (b) *Parks and Recreation Advisory Board.* Prior to the submittal of a preliminary plat or large scale development plan, the developer shall submit to the Parks and Recreation Advisory Board a concept plat or plan.
- (c) *Planning Commission.* The developer and the Parks and Recreation Advisory Board shall make a joint recommendation to the Planning Commission as to the land dedication or contribution in lieu of dedication. In the event that they are unable to agree, the developer and advisory board shall make separate recommendations to the Planning Commission who shall determine the issue.
- (d) *Decision.* If the developer proposes to dedicate land for a public park after consultation with the Parks and Recreation Advisory Board which the Planning Commission determines is suitable for park purposes, the proposed dedication shall be accepted. Upon consent and consultation with the developer and the Parks and Recreation Advisory Board, a developer may dedicate a portion of the required park land dedication and make a contribution of money in lieu of land dedication for the remaining park land dedication requirement. With consent of the Parks and Recreation Advisory Board, this monetary contribution may be used to develop the park land in the development or elsewhere within the quadrant consistent with the Fayetteville Parks and Recreation Plan.

- (e) *Approval.* The Planning Commission's decision must be incorporated into the developer's preliminary plat or large scale development plan prior to plat or plan approval.

- (f) *Dedication ratios.* Land shall be dedicated at a ratio of .024 acre of land for each single-family dwelling unit and .017 acre of land for each multi-family dwelling unit.

- (g) *Fee-in-lieu formulas.* A contribution in lieu of land dedication shall be made according to the following formula:

\$960.00 for each single-family unit
\$680.00 for each multi-family unit

based upon actual density. The Parks Department shall review the contribution formula every two (2) years and make recommendations to the City Council following such review.

- (h) *Dedication in excess.* If a developer requests to dedicates park land which exceeds the requirement of this subsection, the Planning Commission may grant the developer a credit equivalent to said excess. Said credit shall be applied toward the developer's obligation under this subsection for any subsequent development located in the same park quadrant.

- (2) *Timing of dedication and/or contribution.* All dedications of land must be made before final plat approval or large scale development approval. A final plat shall not be released for recordation until the deed for a land dedication is received. Deeded land is dedicated public park land and not subject to any right of reversion or refund. A cash contribution in lieu of required land development shall be payable within 30 days of final plat approval or large scale development approval. With the approval of the Planning Commission a developer may pay such contribution in three equal installments to be paid in full within one year of final plat approval. If a developer makes a cash contribution in lieu of land dedication, the developer shall be entitled to

Exhibit "A"

a pro rata refund, together with the accrued interest therefrom, in the event actual density is less than the density used as the basis for the developer's contribution; provided, no refund shall be made unless application therefore is made in writing to the Zoning and Development Administrator within one year from the date of final plat approval. In the event actual density is more than the density used as the basis for a dedication of land or case contribution the developer must make an additional land dedication or contribution in lieu of dedication.

- (3) *Applicability.* The requirements of this subsection shall apply to lot splits, replats of subdivisions and large scale developments; provided, said requirements shall not apply to a lot split or replat which does not create one or more vacant lots on which a structure could be erected under the city's zoning regulations.
- (4) *Zoning Requirements.* Lots created for the purpose of park land dedication shall not be required to meet the standards for lot size, bulk and area within any zoning district.
- (5) *Fee-in-lieu allocation.* All money received under this subsection shall be deposited in an interest bearing account. Said money together with the interest, shall be expended within three calendar years of the last date of the calendar year in which it was received for the acquisition and development of park land that services the subdivision for which a contribution in lieu of dedication has been made. If said money has not been expended within the three-year period, said money, together with the interest thereon, shall be refunded to the developer who made the contribution.



**PARKS &
RECREATION**
1455 S. Happy Hollow Road
Fayetteville, AR 72701

Interdepartmental Correspondence

To: Kit Williams, City Attorney
Thru: Gary Dumas, Operations Director
From: Connie Edmonston, Parks & Recreation Director
Date: April 10, 2006
Subject: Park Land Dedication Ordinance

I have a few concerns I would like to review with you concerning the new drafting of the Park Land Dedication Ordinance. Sorry this is late, but I was unaware of the ordinance being changed to this magnitude until I received the agenda packet.

1. For developments less than 1 acre, I believe the homes are creating an impact on our parks system. The City charges an impact fee for water and sewer, as well as fire and police, for these developments, then why can't Parks charge an impact fee. What if the infill project was a three or four floor high apartment complex that might have room on their lot for a small pocket park or the land is needed for our trails system.
2. K (d) *Decision*. I would feel more comfortable if the first statement adds "after consultation with the Parks and Recreation Advisory Board". Otherwise, I am afraid the developers will try to skip the review process. I also prefer the wording of the old ordinance in describing the word "suitable for park purposes". If at all possible, I would like to leave in the statement of the old ordinance stating, "No land dedication will be accepted as a public park unless it is determined by the Planning Commission, after consultation with the Parks and Recreation Advisory Board, that the physical characteristics of the site, and its surroundings make the site suitable for park purposes and the proposed dedication is consistent with the Fayetteville Parks and Recreation Plan." The term consistent with the Fayetteville Parks and Recreation Plan is important and should remain within this section.
3. K (d) *Decision*. The last sentence under (d) needs to add that the park design and equipment must be approved by the Parks and Recreation Advisory Board. Otherwise, our parks may not be developed to the standard required. We have had developers say they would purchase a playground structure from Lowes, which does not meet the safety standards for public parks.

4. K (h) *Dedication in excess.* Parks and Recreation Advisory Board approved for the developer's request for banked land to be a written request. Because the banked land is for future developments, the written request clarifies our records. One question that might need to be clarified is does the credit for banked land go with the developer for future development in that same quadrant, or can the banked land be sold with the property.



MEMORANDUM

Date: April 17, 2006
To: Mayor Dan Coody and City Council
Thru: Gary Dumas, Operations Director
From: Connie Edmonston, Parks & Recreation Director
Subject: Park Land Dedication Request – City Council Agenda New Business, Item #9

Several amendments to the Park Land Dedication Ordinance were approved by the Parks and Recreation Advisory Board (PRAB) and Planning Commission. Some of these amendment changes differ from the amendments subsequently made by City Attorney, Kit Williams. I would like to explain the recommendations of PRAB and their differences to simplify your review.

1. Updating Average Cost Per Acre U.D.C. 166(K)(1)(g)

Parks & Recreation Advisory Board and Planning Commission Recommendation

PRAB and Planning Commission recommend updating the average cost per acre for determining the fees in lieu from \$23,125 to \$40,000. U.D.C. 166(K)(1)(g) This changed the fees in lieu of a land dedication from \$555 for a single-family unit to \$960; and from \$393 for a multi-family unit to \$680. The sale price from the Washington County Assessor was used to determine the average cost per acre within the city limits. It was determined that using an average cost per acre city wide would be the most equitable method.

City Attorney Recommendation

No change in the recommendation from PRAB and Planning Commission.

Staff Recommendation

Staff recommendation is the same as the PRAB and Planning Commission recommendation.

2. Developments Under One Acre U.D.C. 166(K)(3)

Parks & Recreation Advisory Board and Planning Commission Recommendation

PRAB and Planning Commission recommend requiring residential developments under one acre to be subject to the Park Land Dedication Ordinance. U.D.C. 166(K)(3)

City Attorney Recommendation

This would be in violation of the impact fee statute (A.C.A. §14-56-103 (i)(3) which states:

“(3) In addition, a municipality with a park land or green space ordinance that has been in existence for ten (10) years on July 16, 2003, and any amendments to the ordinance, which allows the option to pay a fee or to dedicate green space or park land in lieu of a fee, may continue to be administered under the existing ordinance.”

Quoted from the City Attorney's April 10, 2006 memo to City Council: "...Because the state impact fee statute requires a developer have a right to choose land dedication rather than being forced to make a monetary payment, subsection (d) *Decision* must provide a developer with this option. Therefore, I did not believe I could legally make all requested changes without endangering the validity of the whole park land ordinance.... Although there could be a time when property slightly under an acre in an infill lot could be developed adjoining a proposed trail, the vast majority of residential infill lots are probably way too small for anything but a small house. Therefore, if the City requires all residential infill on lots less than an acre be subject to the park land ordinance, the developer will normally have no choice about dedicating park land (less than one 40th of an acre per house), but instead would have to pay park land fees. This would violate the state impact fee statute grandfathering in our Park Land Ordinance. Thus, I cannot recommend following this suggestion from the Parks and Recreation Advisory Board (who were not at that time informed about the state statutory requirements)..."

Staff Recommendation

Parks and Recreation Staff, as well as the Planning Director, agree that developments less than one acre must meet the requirements of the Park Land Dedication Ordinance. Infill projects are becoming more common in our City. An infill project may be a two, three, or four story high apartment complex; which might have room on the lot for a small pocket park or an extension of the trails system. These additional homes create an impact on our parks system. The residents of a development less than one acre have the same need for parks as residents of a 100 acre development and should be assessed accordingly.

The City Ordinance currently requires compliance with the Park Land Dedication requirements on all lot splits including those less than an acres, in §166.03 (K) (3)- Applicability of the U.D.C. This may mean dedication or money in lieu of a land dedication. In addition, the City charges an impact fee for water and sewer, as well as fire and police, for developments less than one acre.

3. Deleting the Manufactured Home Designation U.D.C. 166(K)(1)(g)

Parks & Recreation Advisory Board and Planning Commission Recommendation

PRAB and Planning Commission recommend deleting the manufactured home designation and assessing the same fee as a single family residence.

City Attorney Recommendation

No change in the recommendation from PRAB and Planning Commission.

Staff Recommendation

Staff recommendation is the same as the PRAB and Planning Commission recommendation.

4. Deleting the Major Development Section U.D.C. 166(K)(1)(g)

Parks & Recreation Advisory Board and Planning Commission Recommendation

PRAB and Planning Commission recommend deleting the major development section. Currently the Ordinance requires a land dedication for developments containing 100 units or more, or 40 acres or more. A resolution by City Council is required to be approved if a development is not dedicating the full requirement of land. This adds more time to the review process.

- All residential developments are evaluated by criteria approved by PRAB regardless of their size.
- In determining if park land is needed in a development, Park Staff utilizes the Parks and Recreation Master Plan, Fayetteville Alternative Transportation and Trails Master Plan, and current park property service areas.

City Attorney Recommendation

Quoted from the City Attorney's April 10, 2006 memo to City Council: "I have drafted the replacement §166.03 (K) ..., as proposed by the Parks Department with the assumption that the City Council may wish to abandon its automatic review of a decision that a large neighborhood subdivision does not need a neighborhood park. If an alderman believes such a review may still be beneficial, the old subsection may be inserted by amendment. As this is a policy decision, I cannot and will not take any position on the merits of removing or retaining this subsection."

Staff Recommendation

Staff recommendation is the same as the PRAB and Planning Commission recommendation.

5. Requirement of a Written Request to Bank Land for Future Development U.D.C. 166(K)(1)(i)

Parks & Recreation Advisory Board and Planning Commission Recommendation

PRAB and Planning Commission recommend adding the requirement of a written request to bank land for future development. If a developer wishes to dedicate more land than required, he may request to bank the excess land and obtain credit on future developments located within the same park quadrant. A written request will minimize any confusion when future development is reviewed and banked land is requested.

City Attorney Recommendation

The City Attorney's amendment states a developer must make a request to bank land.

Staff Recommendation

PRAB and Planning Commission approved the requirement for a developer to make a written request to bank land for future development. A written request to bank land for future developments clarifies and provides a document of the request. Future land banks can be difficult to keep up with if the bank is not used for a period of time. This is very similar to K (2) Timing of dedication and/or contribution section, in which a request in writing must be obtained within one year if the actual density of the development is less than documented on the final plat.

6. Changes in U.D.C. 166(K)(d) Decision - Suitable Park Land

Parks & Recreation Advisory Board and Planning Commission Recommendation

This change in the Park Land Dedication Ordinance was not discussed by PRAB and Planning Commission.

City Attorney Recommendation

Ordinance was changed to the following under U.D.C. 166(K)(d) Decision:

If a developer proposes to dedicate land for a public park after consultation with the Parks and Recreation Advisory Board which the Planning Commission determines is suitable for park purposes, the proposed dedication shall be accepted.

Staff Recommendation

This section previously stating "No land dedication will be accepted as a public park unless it is determined by the Planning Commission, after consultation with the Parks and Recreation Advisory Board, **that the physical characteristics of the site, and its surroundings make the site suitable for park purposes...**" is a stronger statement. There have been problems with developers wanting to dedicate park land that is unusable for their development, has a major drainage issue, or that is too small for a park. Staff recommends the following language in bold be added to the proposed amendment to help our City continue to acquire usable parks, greenspace areas and trails into our system.

U.D.C. 166(K)(d) Decision. If a developer proposes to dedicate land for a public park, after consultation with the Parks and Recreation Advisory Board, which the Planning Commission determines the physical characteristics of the site, and its surroundings make the site suitable for park purposes and the proposed dedication is consistent with the Fayetteville Parks and Recreation Plan, the proposed dedication shall be accepted.

7. Changes in U.D.C. 166(K)(d) Decision - Development of Park

Parks & Recreation Advisory Board and Planning Commission Recommendation

This change in the Park Land Dedication Ordinance was not discussed by PRAB and Planning Commission.

City Attorney Recommendation

Additions to the Ordinance under U.D.C. 166(K)(d) Decision were made as follows:

Upon consent and consultation with the developer and the Parks and Recreation Advisory Board, a developer may dedicate a portion of the required park land dedication and make a contribution of money in lieu of land dedication for the remaining park land dedication requirement. With consent of the Parks and Recreation Advisory Board, this monetary contribution may be used to develop the park land in the development or elsewhere within the quadrant consistent with the Fayetteville Parks and Recreation Plan.

Staff Recommendation

The above section is a new addition to our existing ordinance. This change was not discussed during the public meeting process or with PRAB. Parks Staff has concerns if the developer will develop the park utilizing the same standards used throughout our parks system. Staff does not want any sub-standard parks for these neighborhoods. These are parks that our City is responsible for and will inherit to maintain; therefore, the new parks must be developed with safety, durability and ease of maintenance in mind. There are many safety regulations and design standards that should be maintained universally throughout our system. Staff recommends for the sentence below in bold be added to the ordinance.

U.D.C. 166(K)(d) Decision. With consent of the Parks and Recreation Advisory Board, this monetary contribution may be used to develop the park land in the development or elsewhere within the quadrant consistent with the Fayetteville Parks and Recreation Plan. **The park design and improvements must be approved by the Parks and Recreation Advisory Board and Parks and Recreation Staff.**

If you have any questions, please contact at 444-3473 or cedmonston@ci.fayetteville.ar.us.

City of Fayetteville
PARKS AND RECREATION DIVISION
113 W. Mountain Street
Fayetteville, Arkansas 72701

Telephone: 479-444-3471

E-mail: 479-521-7714

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

5/2/2006

City Council Meeting Date

Yolanda Fields

Submitted By

Comm Res & Code Compliance

Division

Operations

Department

Action Required:

Public Hearing and Resolution to order the Raze and Removal of the dilapidated structure located at 50 S. School Ave., Fayetteville, AR 72701 (Parcel #765-01912-000)

\$12,000.00

Cost of this request

1010-6420-5315-00

Account Number

Project Number

\$ 25,000.00

Category/Project Budget

\$ 6,750.00

Funds Used to Date

\$ 18,250.00

Remaining Balance

Program Category / Project Name

Program / Project Category Name

Contract Services

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐



Department Director

4-13-06

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:



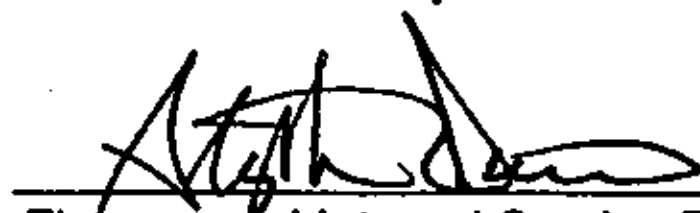
City Attorney

4/14/06

Received in City Clerk's Office

ENTERED

4/13/06



Finance and Internal Service Director

4-14-06

Date

Received in Mayor's Office

ENTERED

4/14/06



Mayor

4/14/06

Date

Comments: Staff recommends the Raze and Removal of the structure. (See Memo)

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council
Thru: Gary Dumas, Director of Operations 
From: Yolanda Fields, CRCC Director
Date: April 13, 2006
Subject: Raze & Removal of structure on 50 S. School Ave

RECOMMENDATION

Staff recommends a resolution to order the raze and removal of the structure.

BACKGROUND

Service Request #30179, Case #4175: Code Compliance responded to a complaint concerning the structure located at 50 S. School Ave. The structure appeared to possibly be in violation of Ordinance 173.08, Unsafe Buildings. The Building Safety Division Director inspected the property and determined that the structure was in violation of Ordinance 173.08, Unsafe Buildings. The Fire Marshal's Office also inspected the structure and submitted a Property Assessment.

An Unsafe Buildings Notice of Violation was sent by Certified Mail to the property owner on November 28, 2005. The property owner signed the Certified Mail receipt on December 2, 2005. By ordinance, the owner were given until January 2, 2006 to acquire a building permit or to demolish and remove the structure.

DISCUSSION

This parcel contains a two story wood frame single family dwelling. The building is secure but has deteriorated to a point where it is no longer safe. There is not a current building permit on this structure.

BUDGET IMPACT

Contracting the raze and removal of the property would cost approximately \$12,000.00. The cost would be billed to the property owner. If payment is not received, the city will place a lien on the property for the amount of the raze and removal.

RESOLUTION NO. _____

**A RESOLUTION ORDERING THE RAZING AND REMOVAL OF A
DILAPIDATED AND UNSAFE STRUCTURE OWNED BY STEPHAN
AND SHARON HOOVER LOCATED AT 50 SOUTH SCHOOL
AVENUE IN THE CITY OF FAYETTEVILLE, ARKANSAS**

WHEREAS, Stephan and Sharon Hoover are the record owners of the real property situated at 50 South School Avenue, City of Fayetteville, Washington County, Arkansas, more particularly described as follows:

WC Parcel Number 765-01912-000; and,

WHEREAS, the City Council has determined that the structure located on said property is dilapidated, unsightly, unsafe, and detrimental to the public welfare; and,

WHEREAS, Stephan and Sharon Hoover, having been properly served with a Violation Notice in hand by the Fayetteville Police Department, and given thirty (30) days to correct said violation, have refused to repair, or raze and remove said dilapidated, unsightly, and unsafe structure.

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

Section 1: That, by the authority granted pursuant to A.C.A. §14-56-203, and in accordance with the provisions of Ordinance No. 3948 of 1996, Stephan and Sharon Hoover are hereby ordered to raze and remove forthwith, the dilapidated, unsightly, and unsafe structure located on the aforementioned real property. The manner of removing said structure shall be: dismantle by hand or bulldozer, and haul all debris to a landfill.

Section 2. That if, Stephan and Sharon Hoover do not comply with this order, the Mayor is hereby directed to cause the dilapidated, unsightly, and unsafe structure to be razed and removed; and a lien against the real property shall be granted and given the City, pursuant to A.C.A. §14-54-904, for the costs associated therewith.

PASSED and APPROVED this 2nd day of May, 2006.

ATTEST:

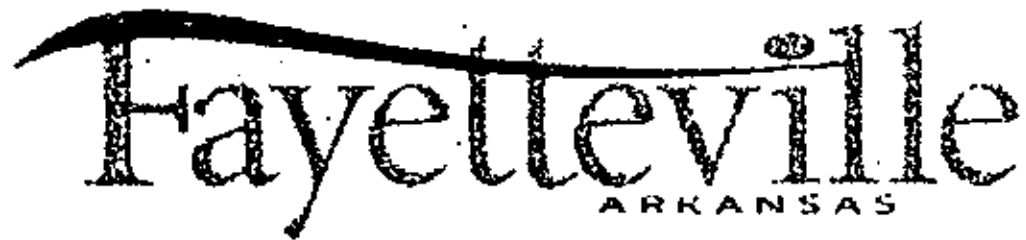
By:

SONDRA SMITH, City Clerk

APPROVED

By:

DAN COODY, Mayor



Community Resources and Code Compliance Unsafe Building Violation Determination

Address / Location: 50 S. School Ave.

WC Parcel # 765-01912-000

I have determined that the structure above has become dilapidated, unsafe, unsanitary, or detrimental to the public welfare.

Pursuant to Ordinance 173.08 of the Fayetteville Code of Ordinances, I am recommending the City Council consider a resolution ordering the raze and removal of the structure.

A handwritten signature in black ink, appearing to be "B. C. C.", written over a horizontal line.

Building Safety Division Director

Date Sent: 2/28/06

Date Received: 2/28/06

RECEIVED

FEB 28 2006

CRCC

A large, stylized handwritten signature in black ink, written over a horizontal line.

CRCC Division Director

Fayetteville
Fire Department
Office of Fire Marshal

To: Chad Ball
Code Enforcement Division

Date: 1-5-05

Ref: Property Assessment
50 South School

From: Dennis Ledbetter
Fire Investigator

I was assigned to conduct a property assessment at 50 South School. This was a two story, wood frame, single family dwelling. This structure was constructed on a pier and beam foundation. The structure appears to be intact from an exterior examination but is unsecured. This structure is sitting between two large wood frame structures and would create an exposure problem to them if a fire occurred in the structure.

The owner of this structure should finish securing the structure. The owner should consider the cost of repairs versus removal. If any repairs are made to the structure, the owner should obtain the proper permits.



City of Fayetteville
Code Compliance
113 West Mountain Street
Fayetteville, Arkansas 72701
Phone 479-444-3430

C. 1
Raze and Removal at
50 South School Avenue
Page 6 of 18

April 3, 2006

COPY

Stephan & Sharon Hoover
12 E. Davidson Street
Fayetteville, AR 72701

RE: Enforcement of Ordinance 173.08
Arkansas Code Ann. 14-56-203

Pursuant to A.C.A. 14-56-203 at 173.08 of the Fayetteville Code, you are placed upon further notice that the Fayetteville City Council will conduct a public hearing to determine if the dwelling located at 50 S School Ave (Parcel #765-01912-000), should be Razed and Removed.

The hearing will be part of a regular City Council meeting on May 2, 2006 beginning at 6:00 p.m. at the City Administration Building, 113 W. Mountain St, Fayetteville, AR 72701.

The City Council meetings are advertised in local newspapers and will contain an item concerning this hearing. You are free to appear at this hearing to present any evidence or statements. If you need additional information concerning this process or if you have information that we are not aware of, please call the Code Compliance Office at (479) 444-3430.

Sincerely,

A handwritten signature in black ink, appearing to read "Chad Ball", written over a horizontal line.

Chad Ball
Code Compliance Administrator

Cc: file

7004 2510 0000 8363 3479

U.S. Postal Service		
CERTIFIED MAIL RECEIPT		
(Domestic Mail Only; No Insurance Coverage Provided)		
For delivery information visit our website at www.usps.com		
OFFICIAL USE		
Postage \$	4-4-06 Postmark Here Final	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total	Stephan & Sharon Hoover	
Sent To	12 E. Davidson Street	
Street or PO	Fayetteville, AR 72701	
City, S		
PS Form	e for Instructions	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. - Print your name and address on the reverse so that we can return the card to you. - Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature X  ☐ Agent ☒ Addressee	
1. Article Addressed to: Stephan & Sharon Hoover 12 E. Davidson Street Fayetteville, AR 72701		B. Received by (Printed Name) C. Date of Delivery 4-5-6	
		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
		4. Restricted Delivery? (Extra Fee) ☐ Yes	
2. Article Number (Transfer from service label)		7004 2510 0000 8363 3479	
PS Form 3811, February 2004		Domestic Return Receipt	

ACB - FINAL

02585-02-M-1540



City of Fayetteville
Code Compliance
113 West Mountain Street
Fayetteville, Arkansas 72701
Phone 479-444-3430

C. 1
Raze and Removal at
50 South School Avenue
Page 8 of 18

February 28, 2006

Stephan & Sharon Hoover
12 E. Davidson Street
Fayetteville, AR 72701

RE: Enforcement of Ordinance 173.08
Arkansas Code Ann. 14-56-203

NOTICE TO PROPERTY OWNERS

Pursuant to A.C.A. 14-56-203 at 173.08 of the Fayetteville Code, you are placed upon Notice that the Fayetteville City Council will conduct a public hearing to determine if the dwelling located at 50 S School Ave (Parcel #765-01912-000), should be Razed and Removed. You are free to appear at this hearing to present any evidence or statements. If you need additional information concerning this process or if you have information that we are not aware of, please call the Code Compliance Office at (479) 444-3430.

The hearing will be part of a regular City Council meeting – probably on April 4, 2006 beginning at 6:00 p.m. at the City Administration Building, 113 W. Mountain St, Fayetteville, AR 72701. It is possible that this hearing may be conducted at a later meeting such as April 18, 2006 or thereafter. The City Council Meetings are advertised in local newspapers and will contain an item concerning this hearing. You may also call the Fayetteville City Clerk's Office (575-8323) for information confirming the date of the public hearing.

Sincerely,

A handwritten signature in black ink, appearing to read "Chad Ball", written over a horizontal line.

Chad Ball
Code Compliance Administrator

Cc: file

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature X <i>[Signature]</i> ☐ Agent ☒ Addressee	
1. Article Addressed to: STEPHAN & SHARON HOOVER 12 E. DAVIDSON ST. FAYETTEVILLE, AR 72701		B. Received by (Printed Name) C. Date of Delivery STEPHAN HOOVER 3-3-06	
		D. Is delivery address different from item 1? ☐ Yes ☒ No If YES, enter delivery address below:	
		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
2. Article Number. (Transfer from service label)		4. Restricted Delivery? (Extra Fee) ☐ Yes	
PS Form 3811, February 2004 PH		7003 0500 0003 3458 3331 Domestic Return Receipt NOTICE TO PROPERTY OWNERS 102585-02-M-1540	

TEEE 954E 0000 0050 E002

7003 0500 0003 3458 3331

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage \$	02/28/06 Postmark Here NOTICE TO PROPERTY OWNERS
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
Sent To STEPHAN & SHARON HOOVER Street, Apt. No., or PO Box No. 12 E. DAVIDSON ST. City, State, ZIP+4 FAY, AR 72701	
PS Form 3800, June 2002 See Reverse for Instructions	



C. 1
Raze and Removal at
50 South School Avenue
City of Fayetteville Page 10 of 18
Office of Code Compliance
113 West Mountain Street
Fayetteville, Arkansas 72701
Phone 479-444-3430
Fax 479-444-3445

VIOLATION NOTICE

November 28, 2005

Owner: STEPHAN & SHARON HOOVER
12 E. DAVIDSON ST.

FAYETTEVILLE, AR 72701

RE: Property @ 50 S SCHOOL AVE, Fayetteville, AR

WC Parcel # 765-01912-000

Case # 4175

Dear Property Owner:

It appears that your property contains a violation of the Fayetteville Unified Development Ordinance. It is our goal to notify and assist property owners to correct violations of city ordinances before taking actual enforcement actions. If you need clarification of this notice or advice on how to correct the problem, please call our office at (479)575-8237.

Suspected Violation That Needs Correction:

§173.08 Unsafe Buildings. No persons, partnership, corporation or association, hereinafter referred to as "owner", shall keep or maintain any house or building within the corporate limits of the City which has become dilapidated, unsafe, unsanitary, or detrimental to the public welfare.

How This Violation Can Be Voluntarily Corrected:

By making repairs as needed or razing the structure and remove all debris from the lot. A building permit may be required, based on review of the Building Safety Director.

Potential Penalties:

If this violation is not corrected within thirty (30) days from the service of this notice, you can be issued a Criminal Citation for the above violation and be summoned to appear in court. Our office can also suggest the structure be razed and removed. The costs shall be charged to the owner(s) of the property and the city shall have a lien against such property for such costs. If you disagree with our conclusion that your property contains a violation of our ordinances, you have the right to appeal to the appropriate City Board, Commission or City Council. Please see Chapter 155 of the Unified Development Code.

If the residence is owner occupied and meets certain income requirements, you may qualify for federal assistance under our Community Development Block Grant. For more information on this program, please call (479) 575-8270 or 575-8260.

Sincerely,

PRESTON HAMMONS
Code Compliance Officer

Cc: file

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
- Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. - Print your name and address on the reverse so that we can return the card to you. - Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature <i>X Stephen D. Hoover</i> ☐ Agent ☐ Addressee B. Received by (Printed Name) <i>STEPHAN D. HOOPER</i> C. Date of Delivery <i>12-2-05</i> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
1. Article Addressed to: <i>Stephen & Sharon Hoover</i> <i>12 E. Davidson St.</i> <i>Fayetteville, AR 72701</i>		3. Service Type ☒ Certified Mail ☐ Registered ☐ Insured Mail ☐ Express Mail ☐ Return Receipt for Merchandise ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes	
2. Article Number (Transfer from service label)		7003 0500 0003 3458 6226	
PS Form 3811, February 2004		Domestic Return Receipt <i>4175 pu</i> 102595-02-M-1540	

7003 0500 0003 3458 6226

9546 0000 0050 6002

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Sent To *Stephen & Sharon Hoover*
 Street, Apt. No.,
 or PO Box No. *12 E. Davidson St.*
 City, State, ZIP+4 *Fayetteville 72701*

PS Form 3800, June 2002 See Reverse for Instructions

Parcel Number: 765-01912-000 Prev. Parcel Number: 135819-000-00 Type: RI
 Location: 350 S SCHOOL
 Owner Name: HOOVER, STEPHAN & SHARON
 Mailing Address: 12 E Davidson St Fayetteville AR 72701-3408
 Lot: Block: S-T-R: 16-16-30
 Addition: FAYETTEVILLE ORIGINAL
 School District: FAYETTEVILLE SCH, FAY Tax District: 011
 City: FAYETTEVILLE
 Legal: PT BLOCK 24 (88/40.6)
 Current Year A79 Credit Status: V
 Last Appraised: 2004

	Appraised Value	Taxable Value
Land	21,250	4,250
Improvement	31,500	6,300
Total	52,750	10,550

Tax History

Year	Taxable Value	Ad Valorem Tax	Imp. Dist. Tax	Timber Tax	Voluntary Tax	A79 Credit	A79 Status	Net Total Tax	Total Tax Paid	Payment Status
2005	10,550	\$555.98	\$0.00	\$0.00	\$0.00		V	\$555.98	\$0.00	
2004	10,550	\$547.12	\$0.00	\$0.00	\$0.00		V	\$602.13	\$602.13	PAID
2003	13,800	\$730.85	\$0.00	\$0.00	\$0.00		V	\$803.94	\$803.94	PAID
2002	13,584	\$705.83	\$0.00	\$0.00	\$0.00			\$705.83	\$705.83	PAID
2001	12,452	\$647.01	\$0.00	\$0.00	\$0.00			\$647.01	\$647.01	PAID
2000	11,320	\$594.30	\$0.00	\$0.00	\$0.00			\$594.30	\$594.30	PAID
1999	11,320	\$579.58	\$0.00	\$0.00	\$0.00			\$579.58	\$579.58	PAID
1998	11,320	\$580.72	\$0.00	\$0.00	\$0.00			\$580.72	\$580.72	PAID
1997	11,320	\$580.72	\$0.00	\$0.00	\$0.00			\$580.72	\$580.72	PAID
1996	11,320	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00	\$0.00	PAID
1995	11,320	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00	\$0.00	PAID

Available Tax Payment Receipt(s)

Year	Receipt #	Payment Date	Ad Valorem Tax	Imp. Dist. Tax	Timber Tax	Voluntary Tax	Penalty Tax	Payment
2004	110647	10/12/2005	\$547.12	\$0.00	\$0.00	\$0.00	\$55.01	\$602.13
2003	125683	10/28/2004	\$730.85	\$0.00	\$0.00	\$0.00	\$73.09	\$803.94
2002	23149	5/6/2003	\$705.83	\$0.00	\$0.00	\$0.00	\$0.00	\$705.83
2001	27214	4/22/2002	\$647.01	\$0.00	\$0.00	\$0.00	\$0.00	\$647.01
2000	9523	5/3/2001	\$594.30	\$0.00	\$0.00	\$0.00	\$0.00	\$594.30
1999	9463	4/12/2000	\$579.58	\$0.00	\$0.00	\$0.00	\$0.00	\$579.58
1998	5948	4/21/1999	\$580.72	\$0.00	\$0.00	\$0.00	\$0.00	\$580.72

Deed History

Date	Book	Page	Grantee1	Grantee2	Deed Type	Sale Amount	Revenue Amount
6/9/2003	2003	31013	HOOVER, STEPHAN D & SHARON		WD	60,000	198.00
			SEM 2003-31013 WD \$198.00 REV (60M)				
6/29/1992	92	42206	PADDOCK, JEROME J., JR		QC	0	0.00
			NO REV.				
4/6/1988	1264	867	PADDOCK, JEROME J.,		WD	43,000	94.60

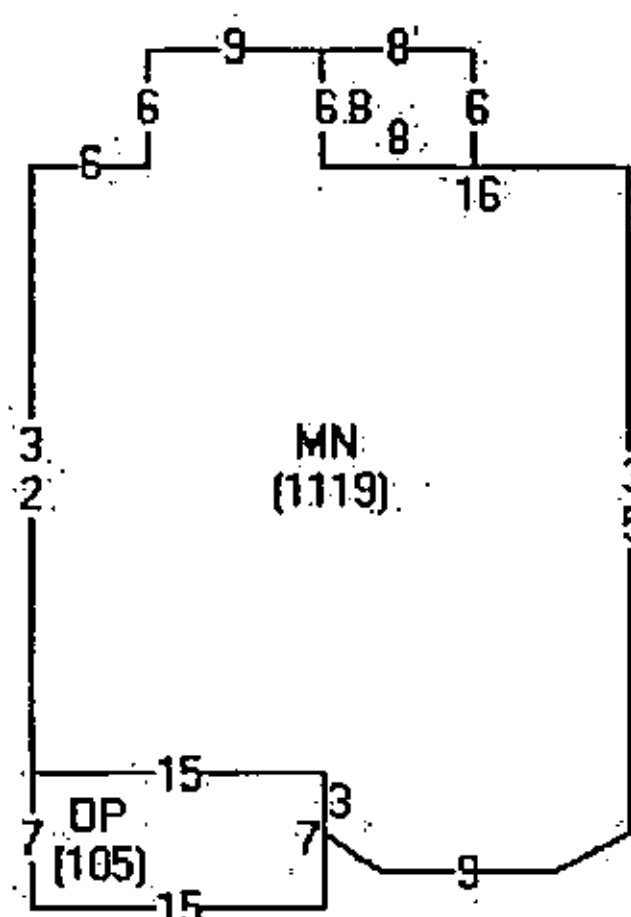
JR & DONNA L

12/15/1987	1262	360	ALLRED, JERRY K. & KAREN K.	WD	0	0.00
NO REV.						
1/1/1985	1087	933	ALLRED, JERRY K. & HARRIS, CLIFF & SUE	WD	0	0.00

Structure Number	Occupancy Type	Construction Type	First Floor Living Area	Total Living Area	Year Constructed	Basement Area
1	DP	FS	1119	2322		

Grade	Condition	Exterior Wall	Fireplace	Year Remodeled	Effective Age
3	A	FS			98

Sketch:



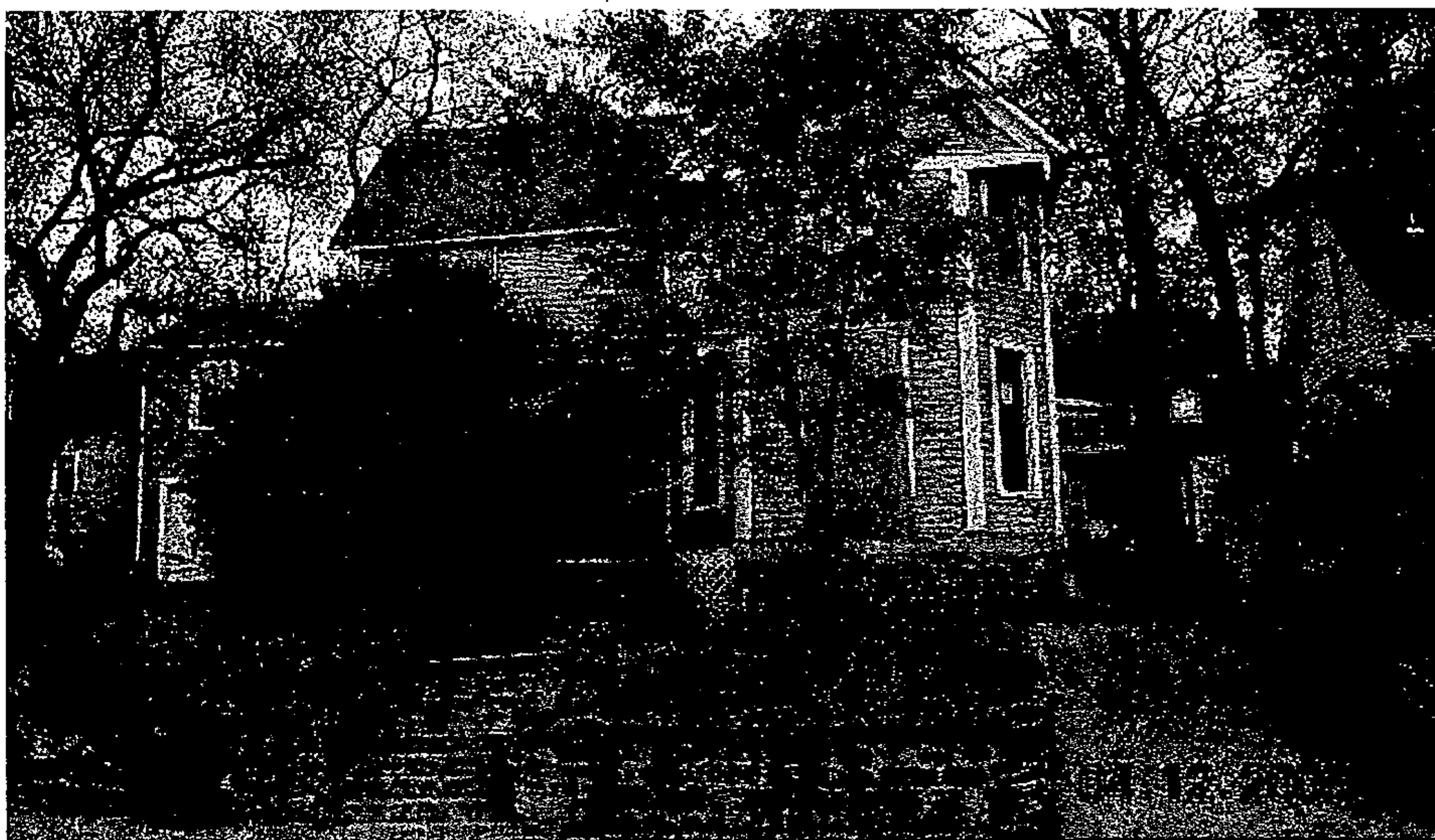
Out Buildings and Yard Improvements

Qty	Description	Size	Quality
1	Driveway, concrete	8x20	
1	Fence, wood 6'	60	

[Next Item](#) |
 [Previous Item](#) |
 [Ledger Card](#) |
 [Prev. Ledger Card](#) |
 [Parcel Map](#) |
 [Return to Search Results](#) |
 [Modify Search](#) |
 [New Search](#)



50 S. School Ave., 11-10-05



50 S. School Ave., 04-12-06, west elevation



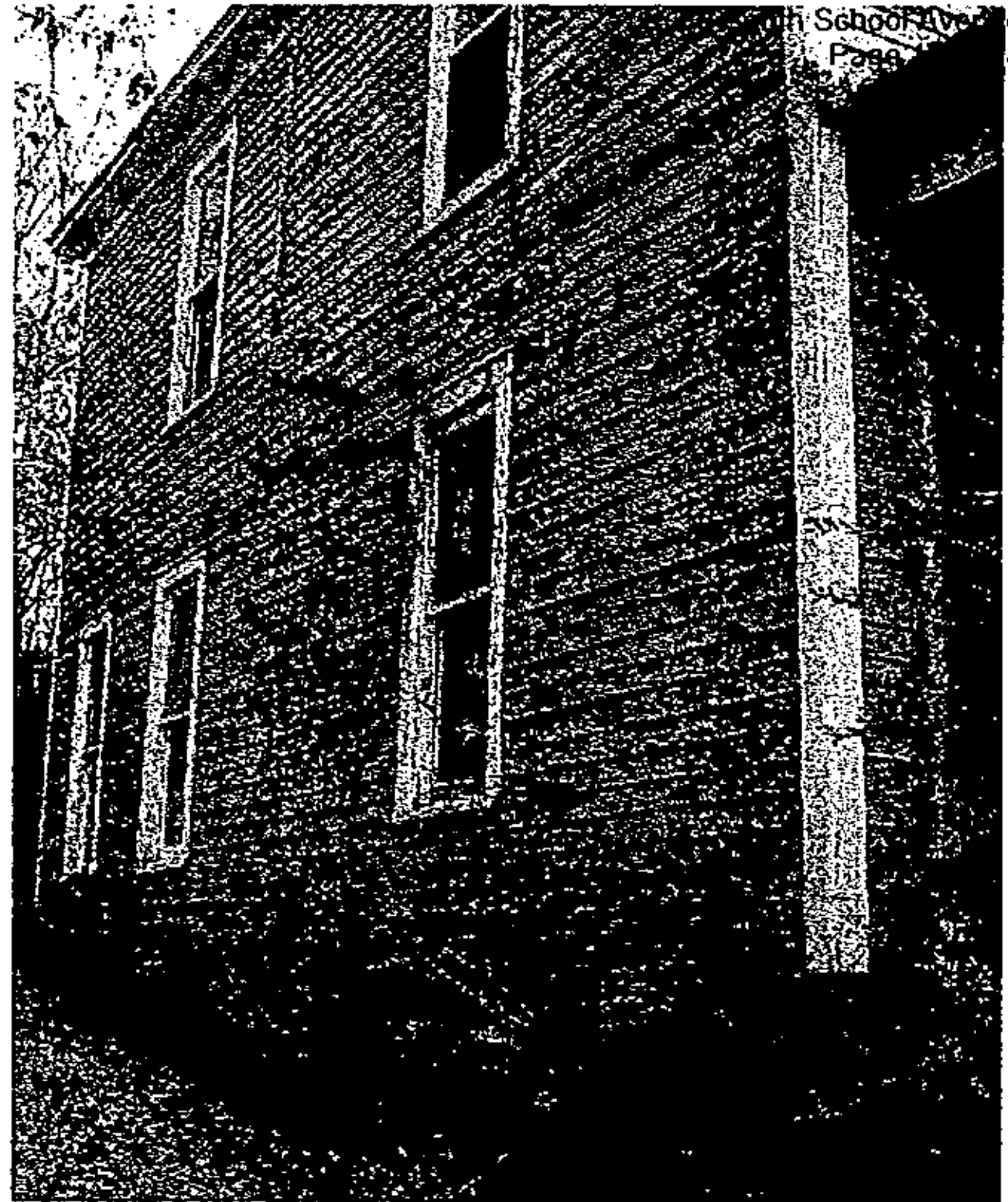
50 S. School Ave., 01-03-06, north elev. & roof



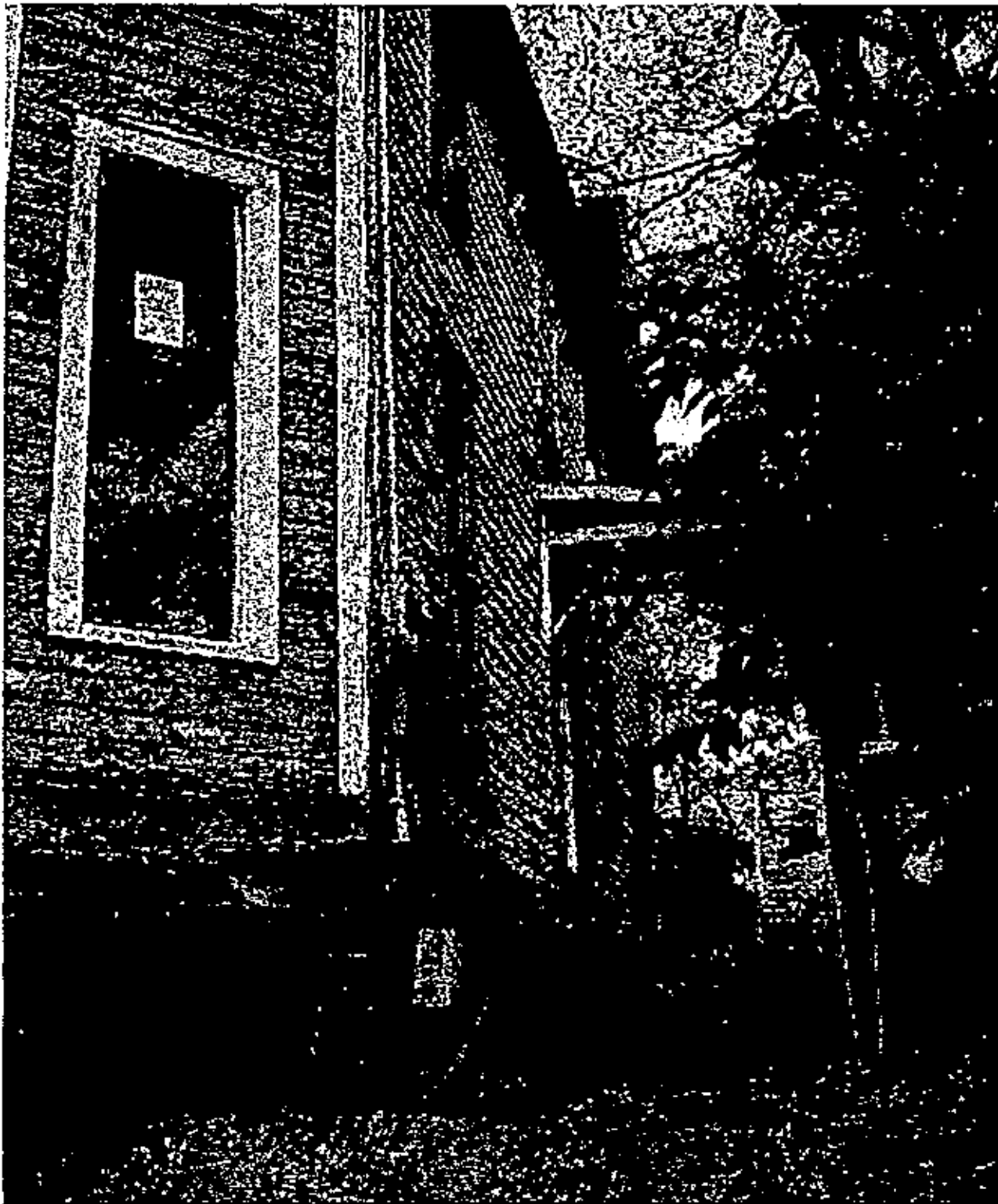
50 S. School Ave., 01-03-06, interior of roof



50 S. School Ave., 04-12-06, front door & porch



50 S. School Ave., 04-12-06, north elevation



50 S. School Ave., 04-12-06, south elevation



50 S. School Ave., 04-12-06, east elevation



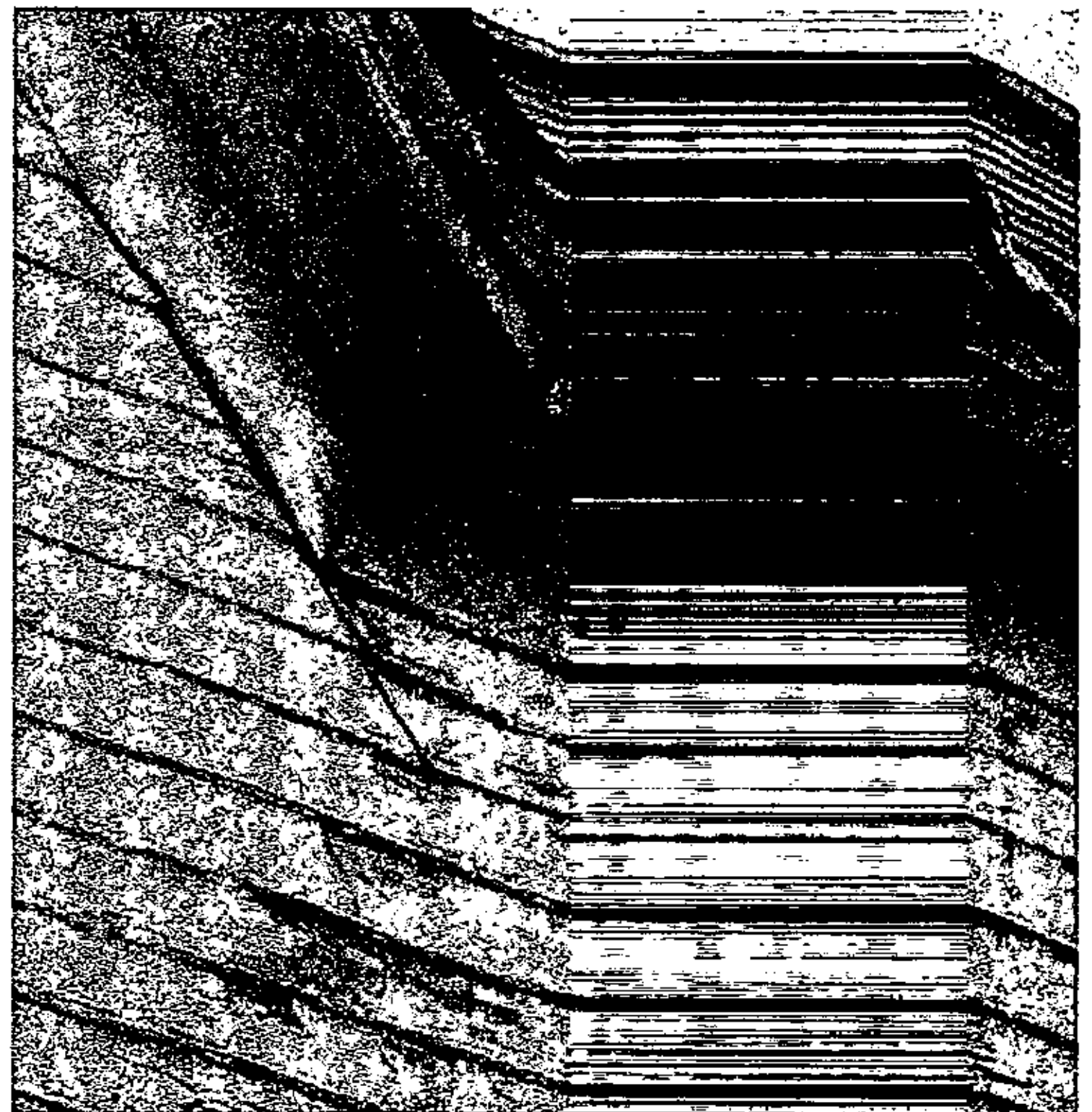
50 S. School Ave., 11-10-05, front porch



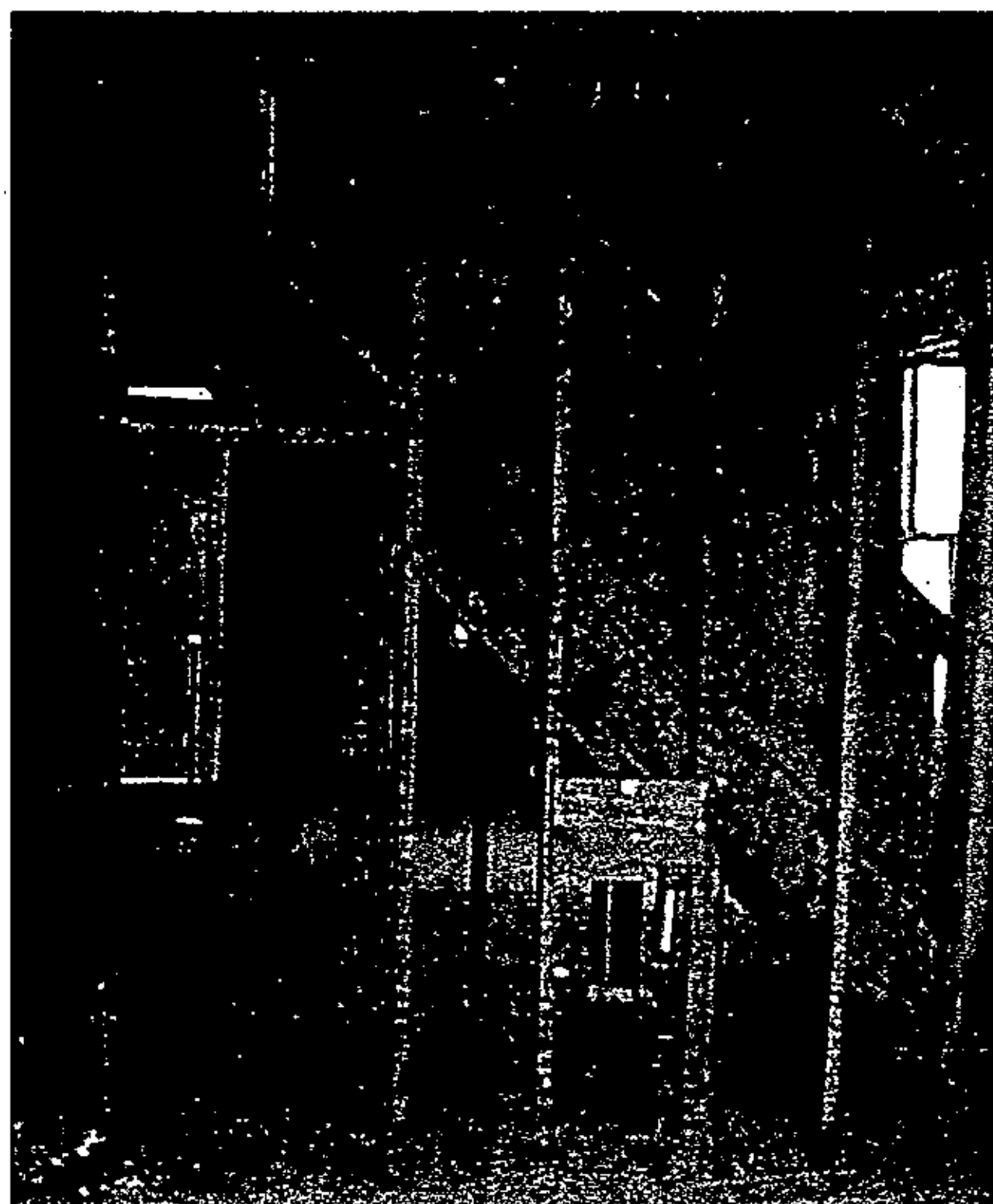
50 S. School Ave., 11-10-05,



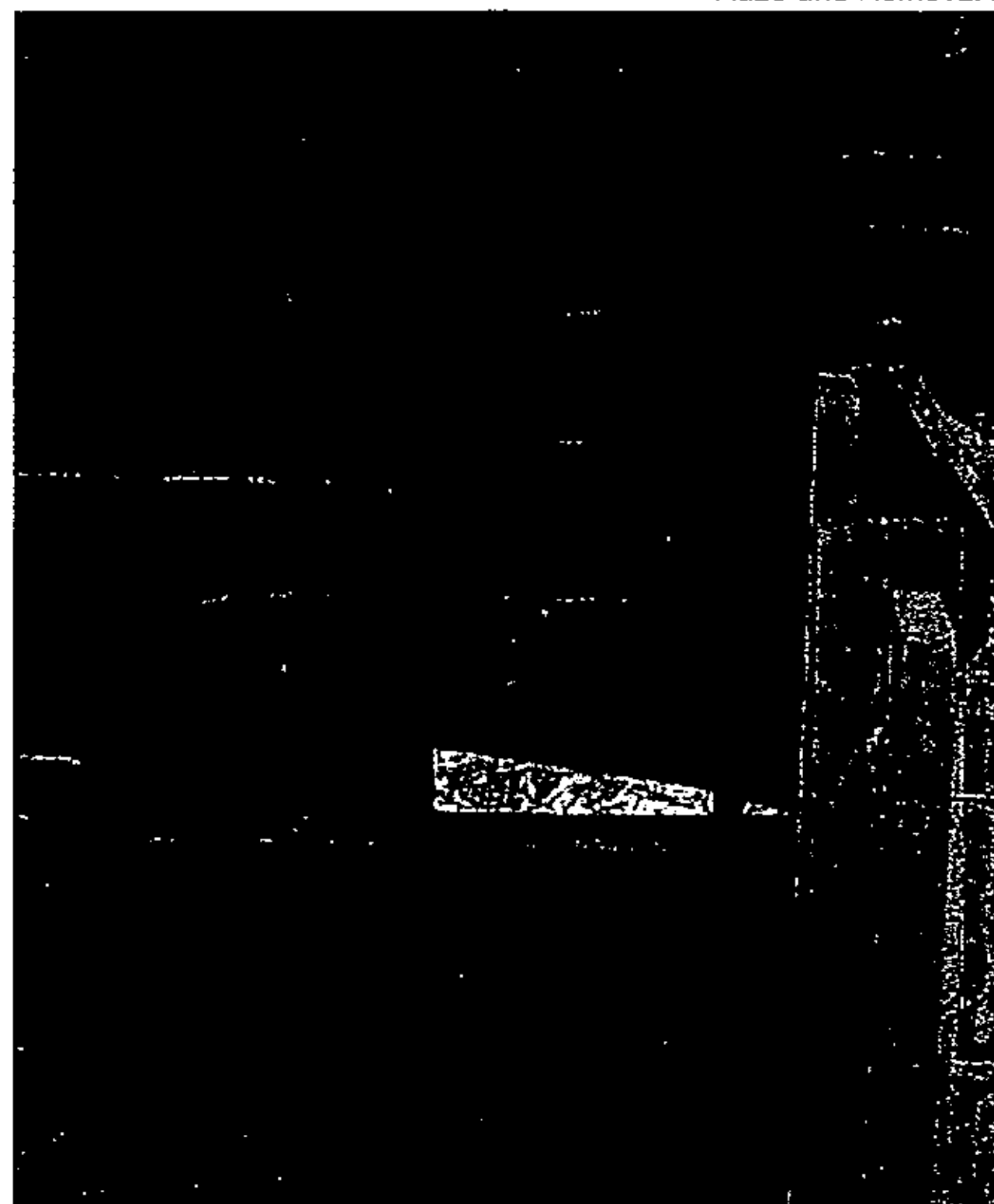
50 S. School Ave., 11-10-05, s.w. corner



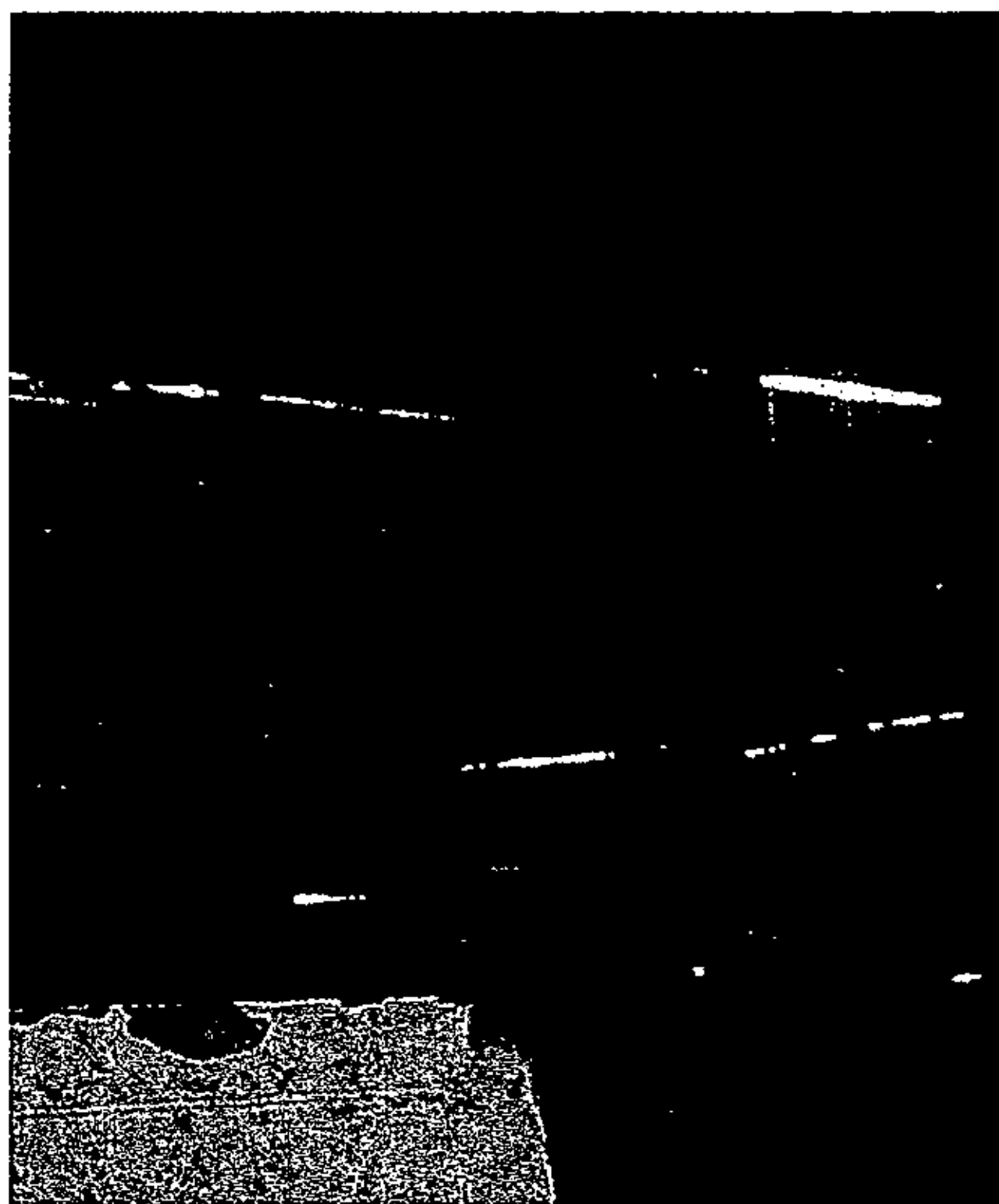
50 S. School Ave., 11-10-05, S. eave



50 S. School Ave., 11-10-05, front to rear



50 S. School Ave., 11-10-05, north wall



50 S. School Ave., 11-10-05, north wall



50 S. School Ave., 11-10-05, bathroom, east side

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

5/2/2006

City Council Meeting Date

Yolanda Fields

Submitted By

Comm Resources & Code Comp

Division

Operations

Department

Action Required:

An Ordinance imposing a lien for the costs associated with the clean-up at 1079 Washington Ave.

Resolution

\$0.00

Cost of this request

Category/Project Budget

Program Category / Project Name

Account Number

Funds Used to Date

Program / Project Category Name

Project Number

\$		-
----	--	---

Remaining Balance

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐


Department Director

4-13-06
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:


City Attorney

4/14/06

Finance and Internal Service Director

4/14/06
Date

Received in City Clerk's Office

ENTERED

4/13/06


Mayor

4/18/06
Date

Received in Mayor's Office

ENTERED

4/14/06 BCP

Comments: See Memo

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council
Thru: Gary Dumas, Director of Operations *GD*
From: Yolanda Fields, CRCC Director
Date: April 12, 2006
Subject: An Ordinance imposing a lien for clean-up costs at 1079 Washington Ave.

RECOMMENDATION

Staff recommends imposing a lien against the real property for the amount of \$1,276.25, pursuant to A.C.A. 14-54-904.

BACKGROUND

Service Request #14457, Case #2697: Code Compliance sent a Notice of Violation for Unsightly Unsanitary Conditions on Real Property owned by Globe CEO, LLC c/o Houssein Kouchehbagh. The Notice of Violation was signed on September 14, 2004. Ownership questions and Police investigations delayed abatement measures. Once vacant, cleanup of the property was immediate. Clean-up concluded 2/16/06.

DISCUSSION

An Accounts Receivable Request was sent to the Accounting Department on 4/4/06 for the amount of \$1,276.25. The Accounting Department has yet to receive the payment for these services.

BUDGET IMPACT

This \$1,276.25 will be imposed as a lien on the property. Once paid, the money will return to General Fund.

RESOLUTION NO. _____

A RESOLUTION CERTIFYING TO THE TAX COLLECTOR OF WASHINGTON COUNTY THE COSTS OF ABATING UNSIGHTLY AND UNSANITARY CONDITIONS UPON THE PROPERTY LOCATED AT 1079 SOUTH WASHINGTON AVENUE IN THE CITY OF FAYETTEVILLE, ARKANSAS.

WHEREAS, pursuant to the provisions of §§ 95.01-95.03, Code of Fayetteville, as authorized by A.C.A. §14-54-901 et seq., the City of Fayetteville directed the owner of the property located at 1079 South Washington Avenue (WC Parcel #765-05685-000) to correct unsightly or unsanitary conditions on the property; and,

WHEREAS, Globe CEO, LLC, record owner of the property, through its Registered Agent, Hossein Kouchehbagh, failed to correct the unsightly or unsanitary conditions on the property within the ten (10) days allotted; and,

WHEREAS, the City of Fayetteville, in accordance with the above-cited ordinances and statutes, entered upon the property and corrected the unsightly or unsanitary conditions; and,

WHEREAS, by operation of law, the City is given a lien against this real property for the costs of correcting the unsightly or unsanitary conditions; and,

WHEREAS, the City Council of the City of Fayetteville, Arkansas, is required to determine the appropriate amount of the lien, and certify this amount to the Tax Collector of Washington County, Arkansas to be placed on the tax books as delinquent taxes.

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

Section 1. That, by the authority granted pursuant to §14-54-901 et seq., and in accordance with the provisions of §§ 95.01-95.03, Code of Fayetteville, the City Council of the City of Fayetteville, Arkansas, hereby determines the appropriate amount of the lien against the property located at 1079 South Washington Avenue (WC Parcel #765-05685-000) to be \$1,276.25.

Section 2. That the City Council of the City of Fayetteville, Arkansas, hereby certifies this amount to Mr. David Ruff, Tax Collector for Washington County, Arkansas, so that this amount, plus ten percent (10%) penalty for

collection, be placed on the tax books as delinquent taxes against the property located at 1079 South Washington Avenue (WC Parcel #765-05685-000).

PASSED and APPROVED this 2nd day of May, 2006.

APPROVED:

By:

DAN COODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk

DRAFT



City of Fayetteville
Code Compliance
113 West Mountain Street
Fayetteville, Arkansas 72701
Phone 479-444-3430

C. 2
Clean-up at
1079 Washington Avenue
Page 5 of 16

March 16, 2006

Globe CEO, LLC c/o Houssein Kauchehbagh
PO Box 8111
Fayetteville, AR 72703

RE: Enforcement of §95.02, Fayetteville Code of Ordinances
Arkansas Code Annotated ▷ 14-54-904

NOTICE TO PROPERTY OWNERS

Pursuant to A.C.A. ▷14-54-904 and §95.02 of the Fayetteville Code of Ordinances, you are placed upon Notice that the Fayetteville City Council will conduct a public hearing to determine the amount of the lien for costs of correcting §95.01 of the Fayetteville Code of Ordinances at: **1079 S. Washington (Parcel #765-05685-000)**.

If you need additional information concerning this process or if you have information that we are not aware of, please call the Code Compliance Office at (479) 444-3430.

The public hearing will be part of a regular City Council meeting – probably on May 2, 2006 beginning at 6:00 p.m. at the City Administration Building, 113 West Mountain St, Fayetteville, AR 72701. It is possible that this hearing may be conducted at a later meeting such as May 16, 2006 or thereafter.

The City Council Meetings are advertised in local newspapers and will contain an item concerning this hearing. You may also call the Fayetteville City Clerk's Office (479-575-8323) for information confirming the date of the public hearing.

Sincerely,

Chad Ball
Code Compliance Administrator

Cc:file

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature X <i>[Signature]</i> ☐ Agent ☐ Addressee	
1. Article Addressed to: Globe CEO, LLC c/o: Houssein Kouchehbagh P.O. Box 8111 Fayetteville, AR 72703		B. Received by (Printed Name) <i>H. Kouchehbagh</i> C. Date of Delivery <i>3/28/06</i>	
2. Article Number (Transfer from service label) 7004 2510 0000 8363 3288		D. Is delivery address different from item 1? ☐ Yes ☒ No If YES, enter delivery address below:	
		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
		4. Restricted Delivery? (Extra Fee) ☐ Yes ☒ No	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540			

7004 2510 0000 8363 3288

U.S. Postal Service	
CERTIFIED MAIL RECEIPT	
<i>(Domestic Mail Only. No Insurance Coverage Provided)</i>	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$ <i>3.16-06</i>
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Sent To <i>Globe CEO, LLC</i> Street, Apt. No., or PO Box No. <i>% H. Kouchehbagh</i> City, State, ZIP+4	
PS Form 3800, June 2002 See Reverse for instructions	

Parcel Number: 765-05685-000 Prev. Parcel Number: 139328-000-00 Type: RI
 Location: 1079 WASHINGTON
 Owner Name: GLOBE CEO, LLC
 Mailing Address: PO Box 8111 Fayetteville AR 72703-0002
 Lot: Block: S-T-R: 22-16-30
 Addition: GLENWOOD PARK
 School District: FAYETTEVILLE SCH, FAY Tax District: 011
 City: FAYETTEVILLE
 Legal: LOT 31-32 BLOCK 2
 Current Year A79 Credit Status:

Last Appraised: 2004	Appraised Value	Taxable Value
Land	15,000	3,000
Improvement	21,550	4,310
Total	36,550	7,310

Tax History

Year	Taxable Value	Ad Valorem Tax	Imp. Dist. Tax	Timber Tax	Voluntary Tax	A79 Credit	A79 Status	Net Total Tax	Total Tax Paid	Payment Status
2005	7,310	\$385.24	\$0.00	\$0.00	\$0.00			\$385.24	\$0.00	
2004	7,069	\$366.60	\$0.00	\$0.00	\$0.00			\$366.60	\$366.60	PAID
2003	6,390	\$338.41	\$0.00	\$0.00	\$0.00			\$338.41	\$338.41	PAID
2002	6,390	\$332.02	\$0.00	\$0.00	\$0.00			\$332.02	\$332.02	PAID
2001	6,390	\$332.02	\$0.00	\$0.00	\$0.00			\$332.02	\$332.02	PAID
2000	5,810	\$305.03	\$0.00	\$0.00	\$0.00			\$305.03	\$305.03	PAID
1999	5,810	\$297.47	\$0.00	\$0.00	\$0.00			\$297.47	\$297.47	PAID
1998	5,810	\$298.05	\$0.00	\$0.00	\$0.00			\$298.05	\$298.05	PAID
1997	5,810	\$298.05	\$0.00	\$0.00	\$0.00			\$298.05	\$298.05	PAID
1996	5,810	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00	\$0.00	PAID
1995	5,810	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00	\$0.00	PAID

Available Tax Payment Receipt(s)

Year	Receipt #	Payment Date	Ad Valorem Tax	Imp. Dist. Tax	Timber Tax	Voluntary Tax	Penalty Tax	Payment
2004	106663	10/11/2005	\$366.60	\$0.00	\$0.00	\$0.00	\$0.00	\$366.60
2003	107674	10/12/2004	\$338.41	\$0.00	\$0.00	\$0.00	\$0.00	\$338.41
2002	109389	10/10/2003	\$332.02	\$0.00	\$0.00	\$0.00	\$0.00	\$332.02
2001	99660	10/15/2002	\$332.02	\$0.00	\$0.00	\$0.00	\$0.00	\$332.02
2000	18832	10/16/2001	\$305.03	\$0.00	\$0.00	\$0.00	\$0.00	\$305.03
1999	15379	10/11/2000	\$297.47	\$0.00	\$0.00	\$0.00	\$0.00	\$297.47
1998	18443	10/15/1999	\$298.05	\$0.00	\$0.00	\$0.00	\$0.00	\$298.05

Deed History

Date	Book	Page	Grantee1	Grantee2	Deed Type	Sale Amount	Revenue Amount
4/16/2001	2001	40147	GLOBE CEO, LLC		QC	0	0.00
FCS 2002: 2001-40147 QCD NO REV INCL OTHER PARCELS							
9/22/1999	99	86451	KOUCHEHBAGH, HOSSEIN Y.;	ZAMANI, VAHIDEN M.	QC	0	0.00
LRR 99-86451 QCD NO REV FROM BOROOJENI & BADIEI							
8/11/1995	95	41471	KOUCHEHBAGH, HOSSEIN Y.;	BOOROOJENI-POODEH, MASOOD	WD	18,000	59.40

1/1/1985 869 890

PHILLIPS, RAGIL
ROSS & JOANNE1079 S.
WASHINGTON

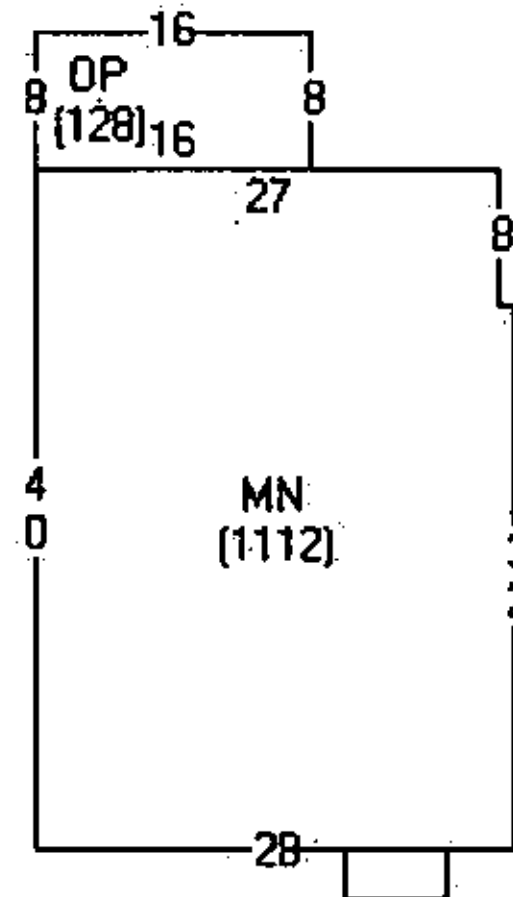
0

0.00

Structure Number	Occupancy Type	Construction Type	First Floor Living Area	Total Living Area	Year Constructed	Basement Area
1	SF	FS	1112	1112		

Grade	Condition	Exterior Wall	Fireplace	Year Remodeled	Effective Age
5	P	FS			78

Sketch:



Out Buildings and Yard Improvements

Qty	Description	Size	Quality
1	Garage - frame unfinished, det	24x36	
1	Carport	16x36	

[Next Item](#) |
 [Previous Item](#) |
 [Ledger Card](#) |
 [Prev. Ledger Card](#) |
 [Parcel Map](#) |
 [Return to Search Results](#) |
 [Modify Search](#) |
 [New Search](#)



C. 2
Clean-up at
1079 Washington Avenue
Office of Code Compliance Page 9 of 16
113 West Mountain Street
Fayetteville, Arkansas 72701
Phone 479-444-3430
Fax 479-444-3445

VIOLATION NOTICE

August 26, 2004

**Owner GLOBE CEO, LLC
P. O. BOX 8111**

FAYETTEVILLE, AR 72703

RE: Property @ 1079 S WASHINGTON AVE, Fayetteville, AR

WC Parcel # 765-05685-000

Case # 2697

Dear Property Owner:

It appears that your property contains a violation of the Fayetteville Unified Development Ordinance. It is our goal to notify and assist property owners to correct violations of city ordinances before taking actual enforcement actions. If you need clarification of this notice or advice on how to correct the problem, please call our office at (479)575-8240.

Suspected Violation That Needs Correction:

§95.01 Unsightly or Unsanitary Conditions on Real Property; order and notice to correct

How This Violation Can Be Voluntarily Corrected

Remove the garbage, trash, rubbish, brush, limbs, furniture, appliances, junk and/or debris from your property, including the right-of-way and utility easement.

Penalties:

If this violation is not corrected within ten (10) days from the service of this notice, our office is authorized to enter upon the property and do whatever is necessary to correct or remove the conditions described above. The costs of correcting said conditions shall be charged to the owner(s) of the property and the city shall have a lien against such property for such costs. You can also be issued a Criminal Citation for the above violation and be summoned to appear in court. If you disagree with our conclusion that your property contains a violation of the ordinance listed above, please contact our office.

Sincerely,

**JUSTIN LINGLE
Code Compliance Officer**

Cc: file

Search Incorporations, Cooperatives, Banks and Insurance Companies

Corporation Name	GLOBE CEO, LLC
Fictitious Names	N/A
Filing #	100171273
Filing Type	Limited Liability Company
Filed under Act	Domestic LLC; 1003 of 1993
Status	Good Standing
Principal Address	
Reg. Agent	HOSSEIN KOUCHEHBAGH
Agent Address	1225 CANTERBURY FAYETTEVILLE, AR 72701
Date Filed	05/18/1999
Officers	HOSSEIN KOUCHEHBAGH, Member VAHIDEH ZAMANI, Member
Foreign Name	N/A
Foreign Address	
State of Origin	N/A

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature X <i>[Signature]</i> ☐ Agent ☒ Addressee	
1. Article Addressed to: Globe CEO, LLC P.O. Box 8111 Fayetteville, AR 72703		B. Received by (Printed Name) <i>[Signature]</i>	C. Date of Delivery 9-14-04
		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☒ No	
		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
		4. Restricted Delivery? (Extra Fee) ☐ Yes	
2. Article Number (Transfer from service label)		7003 1680 0005 1580 6787	
PS Form 3811, August 2001 10-79 (WAS)		Domestic Return Receipt 2696 + 2697 102595-02-M-1540	

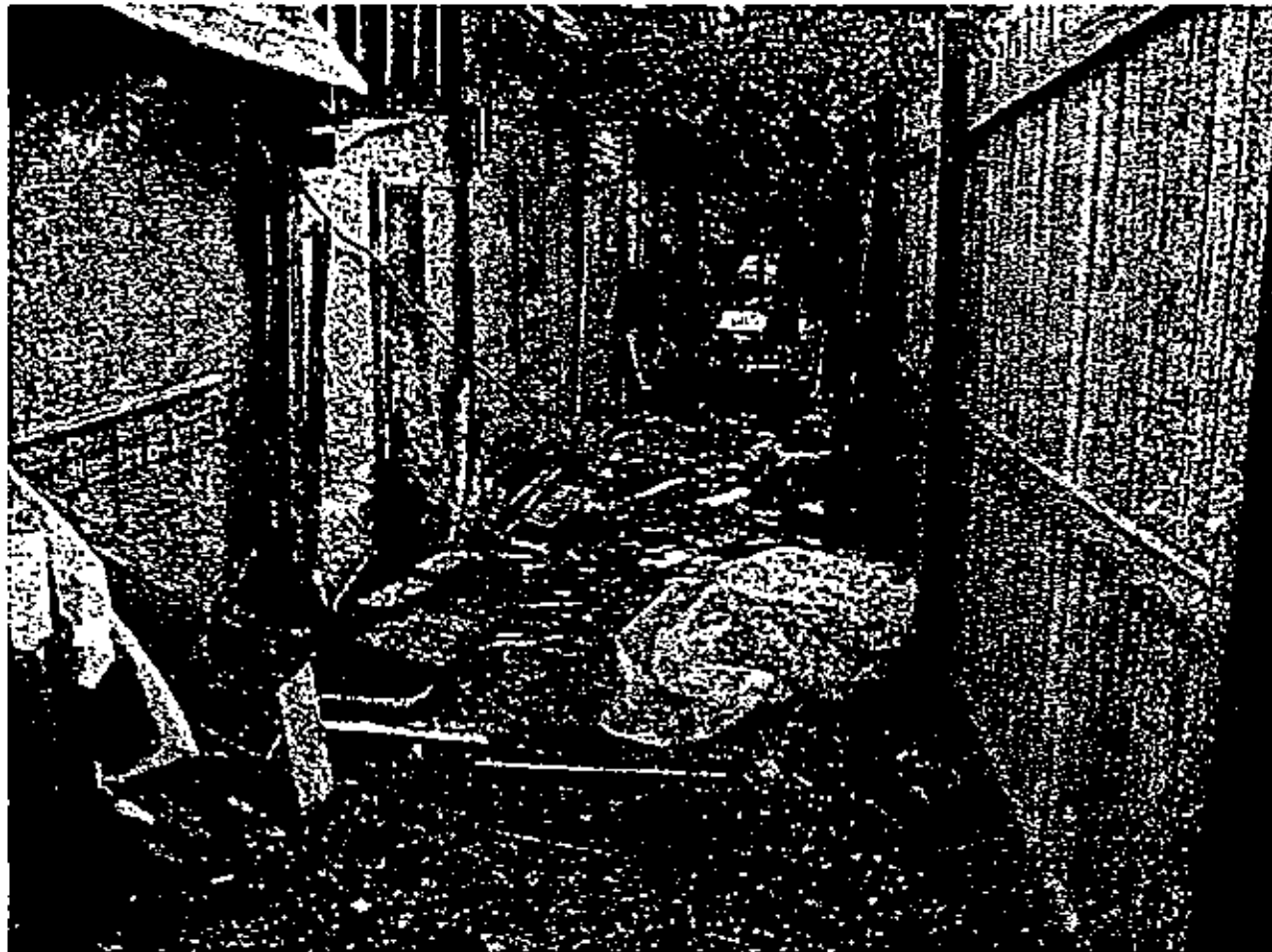
2696 0851 5000 0891 E002

CERTIFIED MAIL™ RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage \$ Certified Fee Return Receipt Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Required) Total Postage & Fees \$	Postmark Here
Sent To <i>Globe CEO, LLC</i> Street, Apt. No., or PO Box No. City, State, ZIP+4	
PS Form 3800, June 2002 See Reverse for Instructions	



1079 S. Washington
Violation 95.01

C. 2
Clean-up at
1079 Washington Avenue
Page 13 of 16



1079 S. Washington
PH

2-15-06
Before Photo



1079 Washington
LW

2-17-06
After Photo



1079 S. Washington
PH

2-15-06
Before Photo



1079 Washington
LW

2-17-06
After Photo



1079 S. Washington
PH

2-15-06
Before Photo



1079 Washington
LW

2-17-06
After Photo



1079 S. Washington
PH

2-15-06
Before Photo



1079 Washington
LW

2-17-06
After Photo



1079 S. Washington
PH

2-15-06
Before Photo



1079 Washington
LW

2-17-06
After Photo



1079 S. Washington
PH

2-15-06
Before Photo



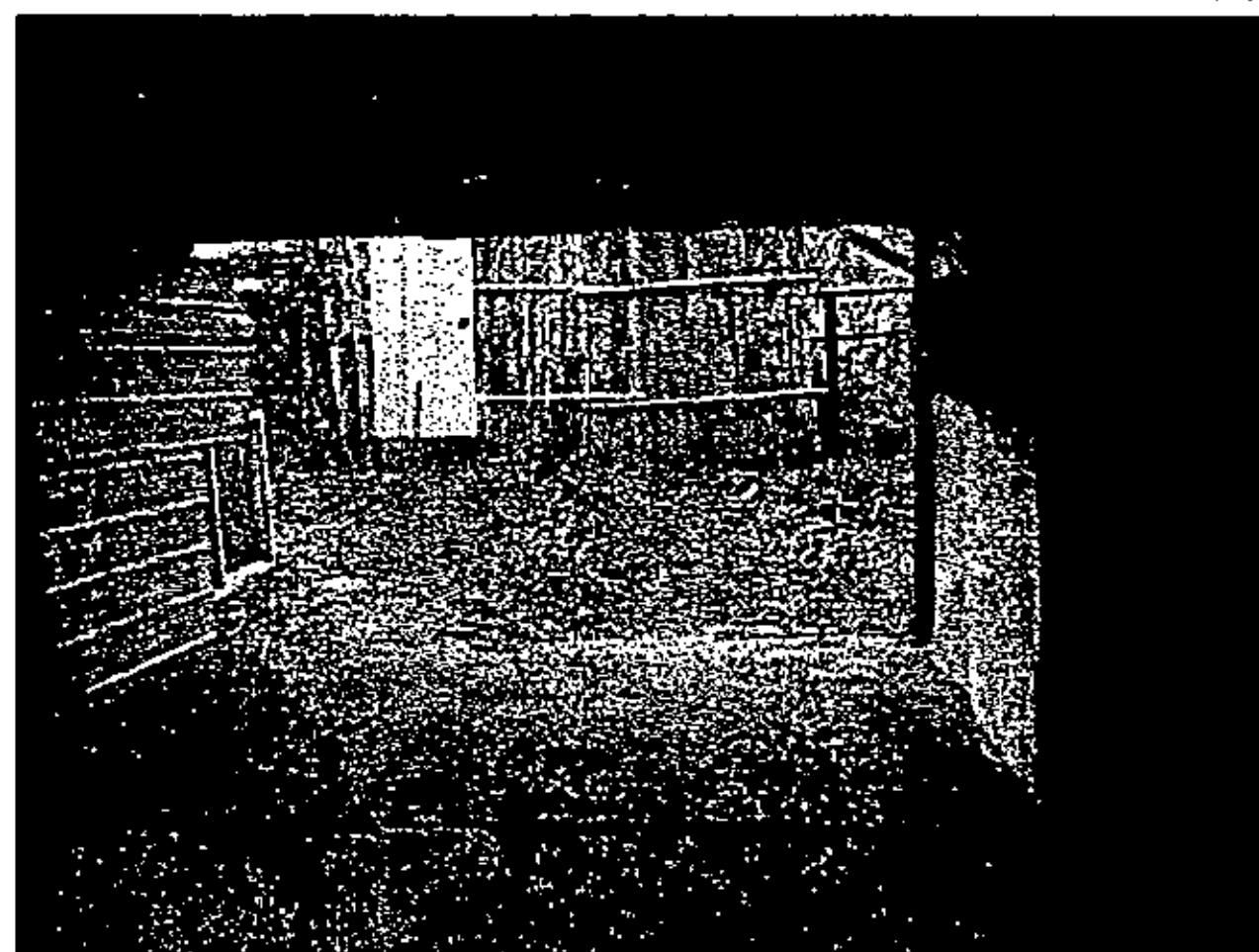
1079 Washington
LW

2-17-06
After Photo



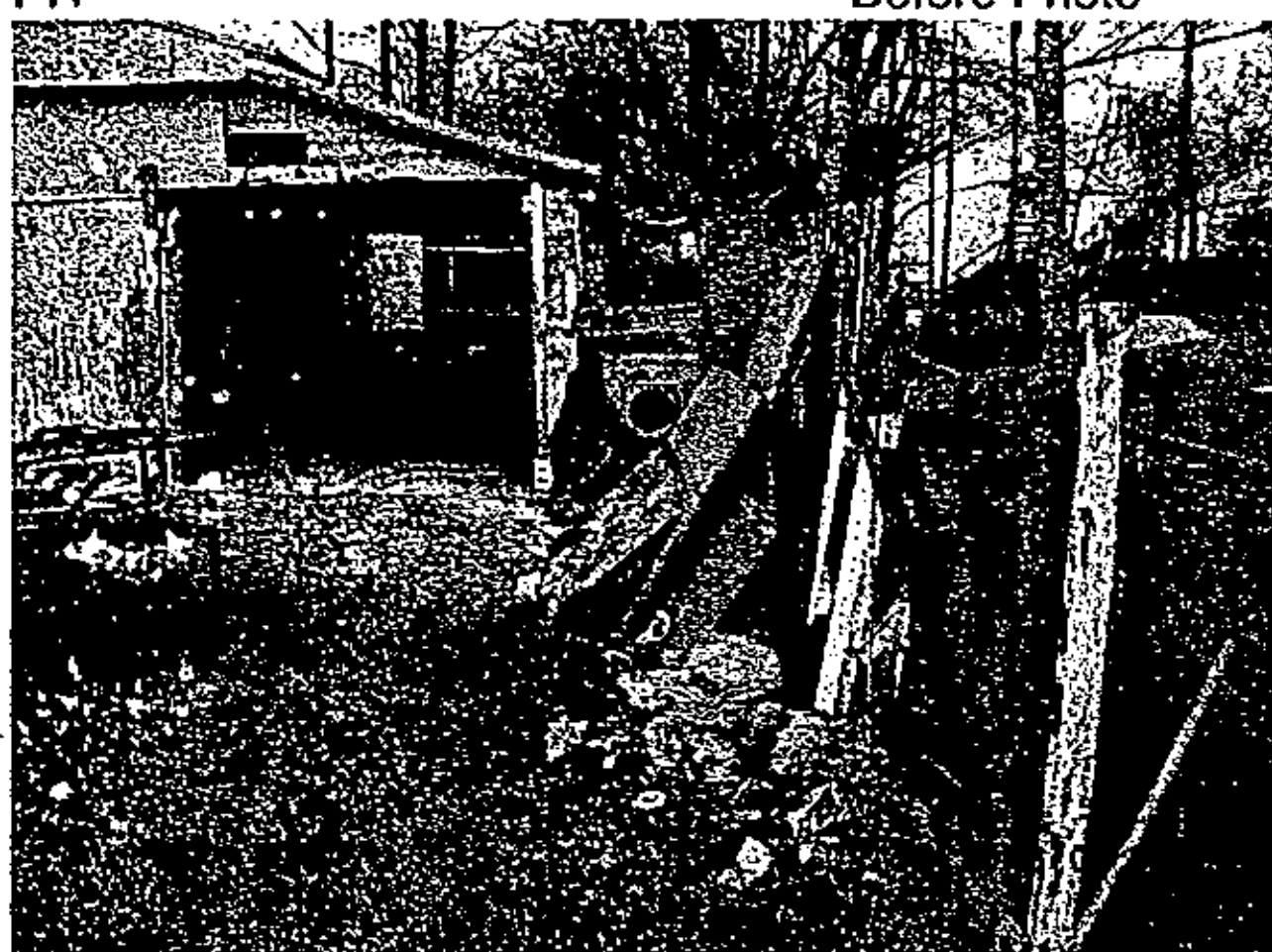
1079 S. Washington
PH

2-15-06
Before Photo



1079 Washington
LW

2-17-06
After Photo



1079 S. Washington
PH

2-15-06
Before Photo



1079 Washington
LW

2-17-06
After Photo

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

5/2/2006

City Council Meeting Date

Yolanda Fields

Submitted By

Comm Resources & Code Comp

Division

Operations

Department

Action Required:

An Ordinance imposing a lien for the costs associated with the clean-up at 4005 W 6th St.

Resolution

\$0.00

Cost of this request

Category/Project Budget

Program Category / Project Name

Account Number

Funds Used to Date

Program / Project Category Name

Project Number

\$

Remaining Balance

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐


Department Director

4-13-06
Date

Previous Ordinance or Resolution #

Original Contract Date:


City Attorney

4/14/06
Date

Original Contract Number:


Finance and Internal Service Director

4-14-06
Date

Received in City Clerk's Office

ENTERED

4/13/06


Mayor

4/18/06
Date

Received in Mayor's Office

ENTERED

4/14/06

Comments: See Memo

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council
Thru: Gary Dumas, Director of Operations 
From: Yolanda Fields, CRCC Director
Date: April 12, 2006
Subject: An Ordinance imposing a lien for clean-up costs at 4005 W 6th

RECOMMENDATION

Staff recommends imposing a lien against the real property for the amount of \$2,277.90, pursuant to A.C.A. 14-54-904.

BACKGROUND

Service Request #6162, Case #1424: Code Compliance sent a Notice of Violation for Unsightly Unsanitary Conditions on real property owned by William A. Lazenby. The Notice of Violation was signed on December 18, 2003.

Progress was made on the front of the property but the south side of the property was still littered with dozens of refrigerators, and other appliances when contractors cleaned the property on 7/15/05.

DISCUSSION

An Accounts Receivable Request was sent to the Accounting Department on 8/17/05 for the amount of \$2,277.90. The Accounting Department has yet to receive the payment for these services.

BUDGET IMPACT

This \$2,277.90 will be imposed as a lien on the property. Once paid, the money will return to General Fund.

RESOLUTION NO. _____

A RESOLUTION CERTIFYING TO THE TAX COLLECTOR OF WASHINGTON COUNTY THE COSTS OF ABATING UNSIGHTLY AND UNSANITARY CONDITIONS UPON THE PROPERTY LOCATED AT 4005 WEST 6TH STREET IN THE CITY OF FAYETTEVILLE, ARKANSAS.

WHEREAS, pursuant to the provisions of §§ 95.01-95.03, Code of Fayetteville, as authorized by A.C.A. §14-54-901 et seq., the City of Fayetteville directed the owner of the property located at 4005 West 6th Street (WC Parcel #765-16280-000) to correct unsightly or unsanitary conditions on the property;

and,
WHEREAS, William A. Lazenby, record owner of the property, failed to correct the unsightly or unsanitary conditions on the property within the ten (10) days allotted; and,

WHEREAS, the City of Fayetteville, in accordance with the above-cited ordinances and statutes, entered upon the property and corrected the unsightly or unsanitary conditions; and,

WHEREAS, by operation of law, the City is given a lien against this real property for the costs of correcting the unsightly or unsanitary conditions; and,

WHEREAS, the City Council of the City of Fayetteville, Arkansas, is required to determine the appropriate amount of the lien, and certify this amount to the Tax Collector of Washington County, Arkansas to be placed on the tax books as delinquent taxes.

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

Section 1. That, by the authority granted pursuant to §14-54-901 et seq., and in accordance with the provisions of §§ 95.01-95.03, Code of Fayetteville, the City Council of the City of Fayetteville, Arkansas, hereby determines the appropriate amount of the lien against the property located at 4005 West 6th Street (WC Parcel #765-16280-000) to be \$2,277.90.

Section 2. That the City Council of the City of Fayetteville, Arkansas, hereby certifies this amount to Mr. David Ruff, Tax Collector for Washington County, Arkansas, so that this amount, plus ten percent (10%) penalty for

collection, be placed on the tax books as delinquent taxes against the property located at 4005 West 6th Street (WC Parcel #765-16280-000).

PASSED and APPROVED this 2nd day of May, 2006.

APPROVED:

By: _____

DAN COODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk

DRAFT



City of Fayetteville
Code Compliance
113 West Mountain Street
Fayetteville, Arkansas 72701
Phone 479-444-3430

March 16, 2006

COPY

William A. Lazenby
1031 N. College Ave
Fayetteville, AR 72701

RE: Enforcement of §95.02, Fayetteville Code of Ordinances
Arkansas Code Annotated ▷ 14-54-904

NOTICE TO PROPERTY OWNERS

Pursuant to A.C.A. ▷14-54-904 and §95.02 of the Fayetteville Code of Ordinances, you are placed upon Notice that the Fayetteville City Council will conduct a public hearing to determine the amount of the lien for costs of correcting §95.01 of the Fayetteville Code of Ordinances at: 4005 W 6th Street (Parcel #765-16280-000).

If you need additional information concerning this process or if you have information that we are not aware of, please call the Code Compliance Office at (479) 444-3430.

The public hearing will be part of a regular City Council meeting – probably on May 2, 2006 beginning at 6:00 p.m. at the City Administration Building, 113 West Mountain St, Fayetteville, AR 72701. It is possible that this hearing may be conducted at a later meeting such as May 16, 2006 or thereafter.

The City Council Meetings are advertised in local newspapers and will contain an item concerning this hearing. You may also call the Fayetteville City Clerk's Office (479-575-8323) for information confirming the date of the public hearing.

Sincerely,

Chad Ball
Code Compliance Administrator

Cc:file

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature: <i>[Signature]</i> ☐ Agent ☒ Addressee	
1. Article Addressed to: William A. Lazenby 1031 N. College Ave. Fayetteville, AR 72701		B. Received by (Printed Name): <i>[Signature]</i> C. Date of Delivery: <i>[Date]</i>	
2. Article Number (Transfer from service label): 7004 2510 0000 8363 3295		D. Is delivery address different from item 1? ☐ Yes ☒ No If YES, enter delivery address below:	
PS Form 381d, February 2004		3. Service Type: ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
Domestic Return Receipt		4. Restricted Delivery? (Extra Fee) ☐ Yes ☒ No	

7004 2510 0000 8363 3295

U.S. Postal Service	
CERTIFIED MAIL RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage \$	3-16-06 Postmark Here
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
Sent To: <i>William Lazenby</i> Street, Apt. No., or PO Box No. City, State, ZIP+4	
PS Form 3800, June 2002 See Reverse for Instructions	

Parcel Number: **765-16280-000** Prev. Parcel Number: **149109-000-00** Type: **RI**
 Location: **4005 W 6TH ST**
 Owner Name: **LAZENBY, WILLIAM A.**
 Mailing Address: **1031 N College Ave Fayetteville AR 72701-2012**
 Lot: Block: S-T-R: **24-16-31**
 Addition: **24-16-31 FAYETTEVILLE OUTLOTS**
 School District: **FAYETTEVILLE SCH, FAY** Tax District: **011**
 City: **FAYETTEVILLE**
 Legal: **PT NW SE 1.82A**
 Current Year A79 Credit Status: **N**

	Appraised Value	Taxable Value
Land	40,300	8,060
Improvement	14,900	2,980
Total	55,200	11,040

Tax History										
Year	Taxable Value	Ad Valorem Tax	Imp. Dist. Tax	Timber Tax	Voluntary Tax	A79 Credit	A79 Status	Net Total Tax	Total Tax Paid	Payment Status
2005	11,040	\$581.81	\$0.00	\$0.00	\$0.00		N	\$581.81	\$0.00	
2004	11,040	\$572.53	\$0.00	\$0.00	\$0.00		N	\$572.53	\$572.53	PAID
2003	5,040	\$266.92	\$0.00	\$0.00	\$0.00	\$266.92	F	\$0.00	\$0.00	PAID
2002	5,040	\$261.88	\$0.00	\$0.00	\$0.00	\$261.88	F	\$0.00	\$0.00	PAID
2001	5,040	\$261.88	\$0.00	\$0.00	\$0.00	\$261.88	F	\$0.00	\$0.00	PAID
2000	5,040	\$0.00	\$0.00	\$0.00	\$0.00		O	\$0.00	\$0.00	PAID
1999	5,040	\$258.05	\$0.00	\$0.00	\$0.00			\$258.05	\$258.05	PAID
1998	5,040	\$258.55	\$0.00	\$0.00	\$0.00			\$258.55	\$258.55	PAID
1997	5,040	\$258.55	\$0.00	\$0.00	\$0.00			\$258.55	\$258.55	PAID
1996	5,040	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00	\$0.00	PAID
1995	5,040	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00	\$0.00	PAID

Available Tax Payment Receipt(s)								
Year	Receipt #	Payment Date	Ad Valorem Tax	Imp. Dist. Tax	Timber Tax	Voluntary Tax	Penalty Tax	Payment
2004	112183	10/13/2005	\$572.53	\$0.00	\$0.00	\$0.00	\$0.00	\$572.53
1999	10528	9/22/2000	\$258.05	\$0.00	\$0.00	\$0.00	\$0.00	\$258.05
1998	15385	10/20/1999	\$258.55	\$0.00	\$0.00	\$0.00	\$0.00	\$258.55

Deed History						
Date	Book	Page	Grantee1	Grantee2	Deed Type	Revenue Amount
12/4/2003	2003	62702	LAZENBY, WILLIAM A.		WD	264.00
CSS 2003-62702 WD \$264.00 REV (80M)						
1/1/1985	94	70334	BROOKS, TROY & OPAL	4005 HWY 62 WEST	WD	26.40
CLEARS CONT.						

Structure Number	Occupancy Type	Construction Type	First Floor Living Area	Total Living Area	Year Constructed	Basement Area
1	SF	FS	1140	1140		

Real Estate Parcel Information

Page 2 of 2

Clean-up at

Effective 005 West 6th Street
Age Page 8 of 12

Page 8 of 12

Grade

6

Condition

P

Exterior Wall

FS

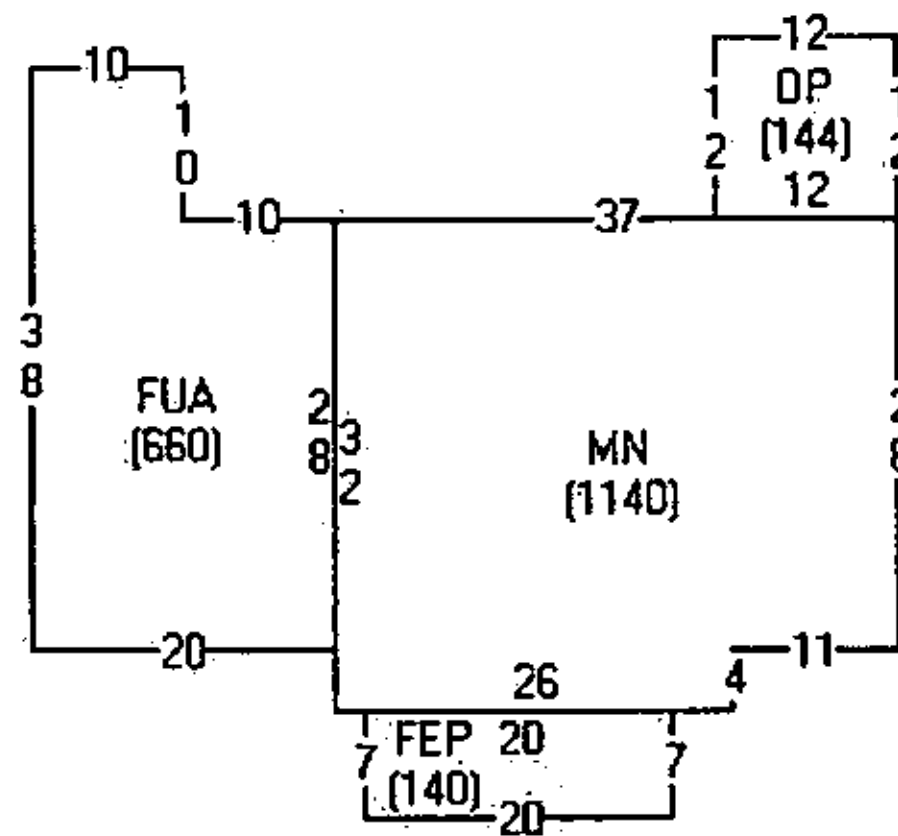
Fireplace

Year Remodeled

Effective
Age

88

Sketch:



Out Buildings and Yard Improvements

Qty	Description	Size	Quality
1	Outbuilding	8x12	
1	Outbuilding	8x12	
1	Outbuilding	8x12	

[Next Item](#) | [Previous Item](#) | [Ledger Card](#) | [Prev. Ledger Card](#) | [Parcel Map](#) | [Return to Search Results](#) | [Modify Search](#) | [New Search](#)



HELPING TO BUILD A BETTER COMMUNITY

C. 3
Clean-up at
4005 West 6th Street
Page 9 of 12
City of Fayetteville
Code Compliance
113 West Mountain Street
Fayetteville, Arkansas 72701
Fax 479-444-3445

VIOLATION NOTICE

December 17, 2003

CASE NO. 01424

Owner: William A. Lazenby
1031 N. College Ave.
Fayetteville, AR 72701

RE: Property @ 4005 W. 6th St., Fayetteville, AR
WC Parcel# 765-16280-000,

Dear Property Owner:

It appears that your property contains a violation of the Fayetteville Code of Ordinances. It is our goal to notify and assist property owners to correct violations of city ordinances before taking actual enforcement actions. Please feel free to call our office at (479) 575-8237 or 444-3430 for clarification of this notice or advice on how to correct the problem.

Suspected Violation That Needs Correction:

§ 95.01 Unsightly or Unsanitary Conditions on Real Property; order and notice to correct

How This Violation Can Be Voluntarily Corrected:

Remove the garbage, trash, rubbish, brush, limbs, junk and/or debris from your property, including the right-of-way and utility easements.

Potential Penalties if not corrected within ten (10) days from the service of this Notice include: The garbage, trash, rubbish, brush, limbs, junk and/or debris may be removed by the City or a contractor hired by the City. The cost of correcting said conditions shall be charged to the property owner.

Sincerely,

Preston Hammons
Code Compliance Officer

U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Sent To William A. Hazenby
Street, Apt. No.,
or PO Box No. 1031 N. College Ave
City, State, ZIP+4 Fayetteville, AR 72701
PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete M item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

William A. Hazenby
1031 N. College Ave.
Fayetteville, AR 72701

COMPLETE THIS SECTION ON DELIVERY

A. Signature Vera Medina ☐ Agent ☒ Addressee

B. Received by (Printed Name) Vera Medina C. Date of Delivery 12-18

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7002 2410 0001 0284 8337

PS Form 3811, August 2001

Domestic Return Receipt

1424 PM

102595-01-M-2509

City of Fayetteville

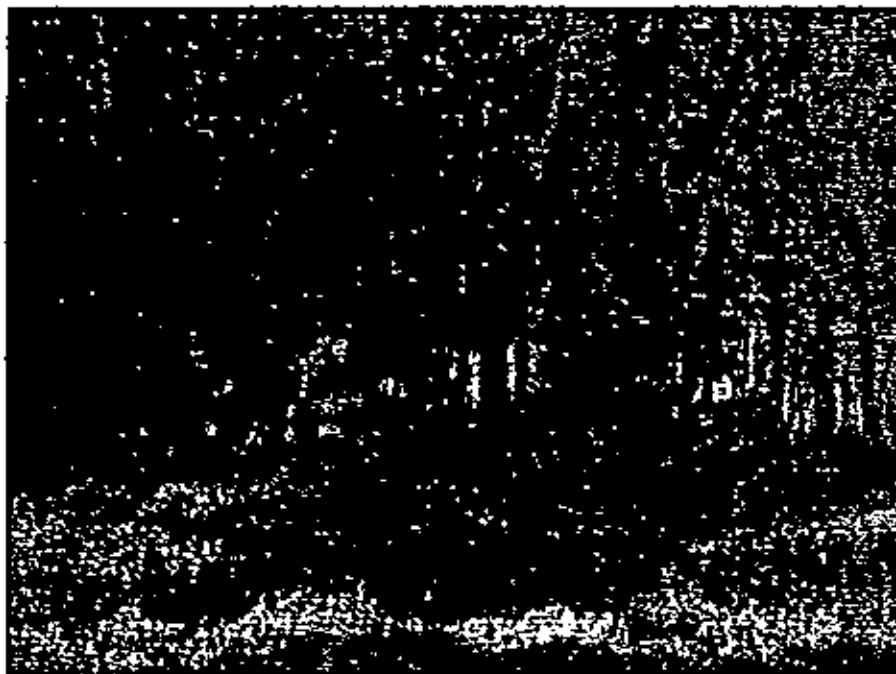
113 West Mountain
Fayetteville, AR 72701
(479)521-7700 Fax (479)575-8316

C. 3
Clean-up at
GWTRASH Case
Page 11 of 12

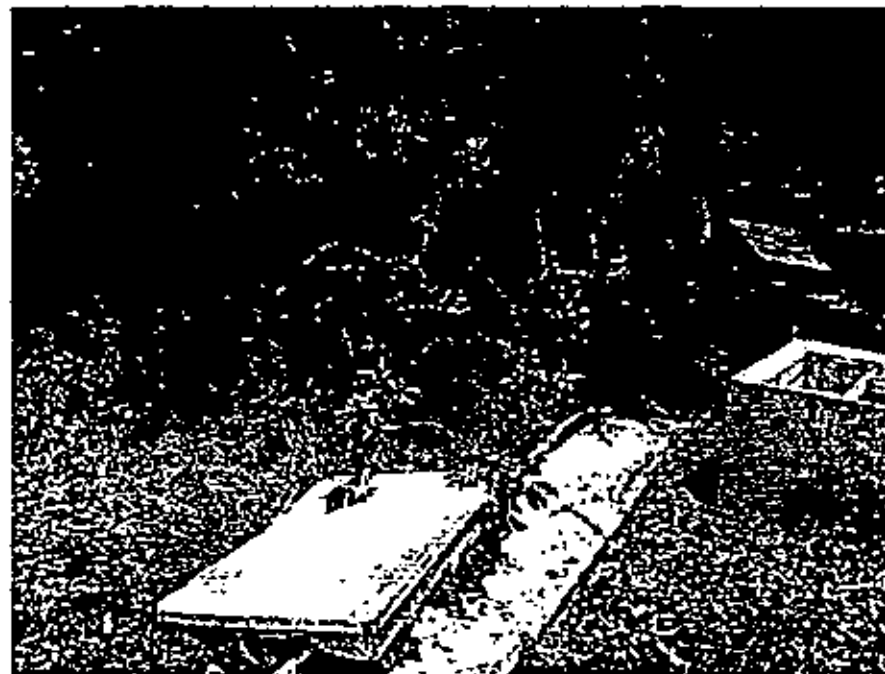
Report Date 07/15/2005 04:36 PM

Submitted By 1489

Page 8



1 2-5-04.JPG: 4005 W. 6TH ST., REAR OF LOT



A 07-12-05BEF.JPG: 4005 W. 6TH ST., REAR OF LOT



A 07-13-05AFT.JPG: 4005 W. 6TH ST., REAR OF LOT



B 07-12-05BEF.JPG: 4005 W. 6TH ST., REAR OF LOT



B 07-13-05AFT.JPG: 4005 W. 6TH ST., REAR OF LOT



C 07-12-05BEF.JPG: 4005 W. 6TH ST., REAR OF LOT



C 07-13-05AFT.JPG: 4005 W. 6TH ST., REAR OF LOT



D 07-12-05BEF.JPG: 4005 W. 6TH ST., REAR OF LOT



E 07-12-05BEF.JPG: 4005 W. 6TH ST., REAR OF LOT

City of Fayetteville

113 West Mountain
Fayetteville, AR 72701
(479)521-7700 Fax (479)575-8316

C. 3
Clean-up at
GWTRASH Case
Page 12 of 12

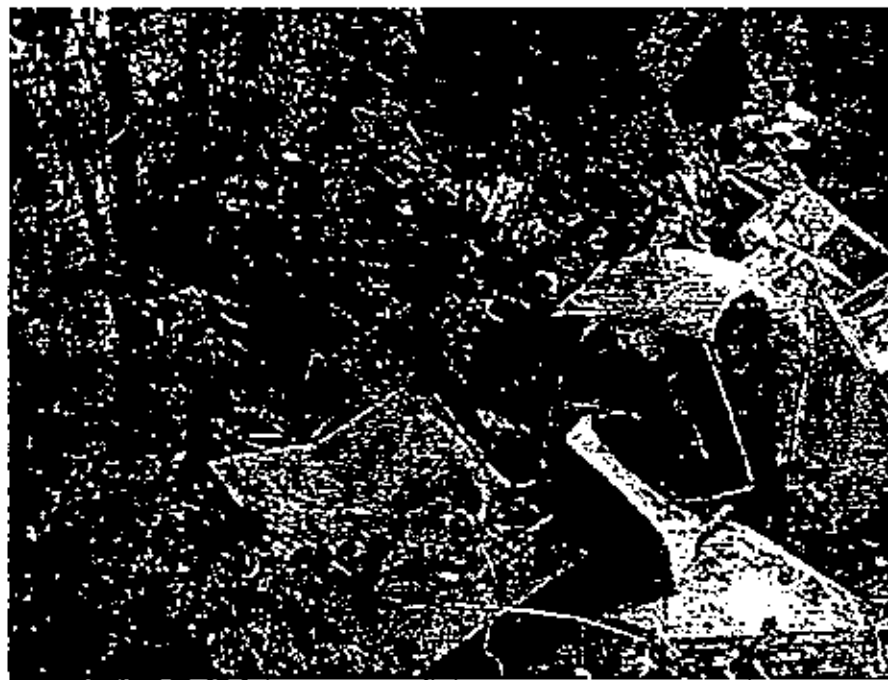
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Submitted By 1489

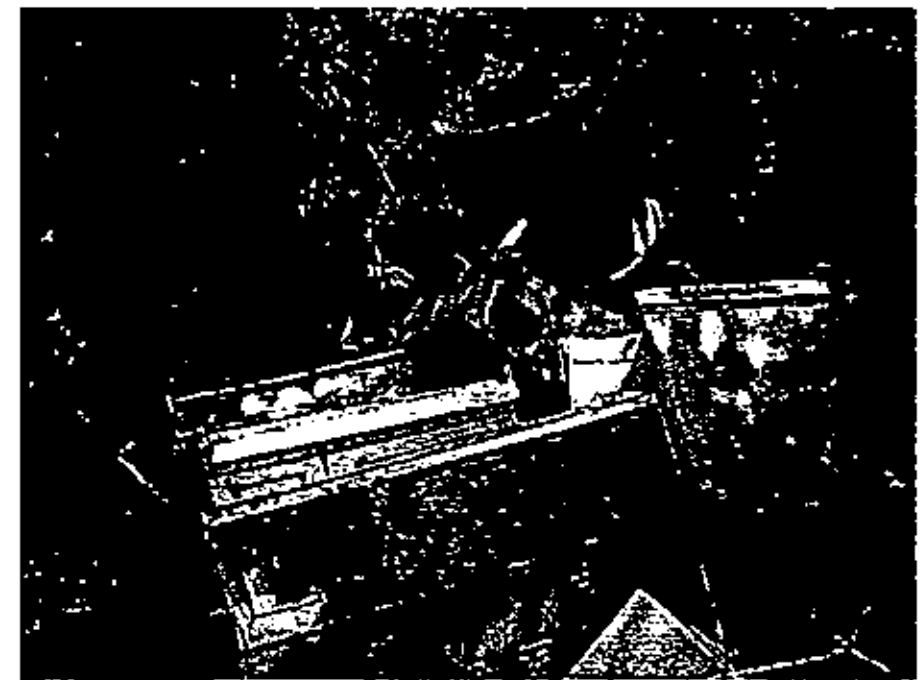
Page 9



F 07-12-05BEF.JPG: 4005 W. 6TH ST., REAR OF LOT



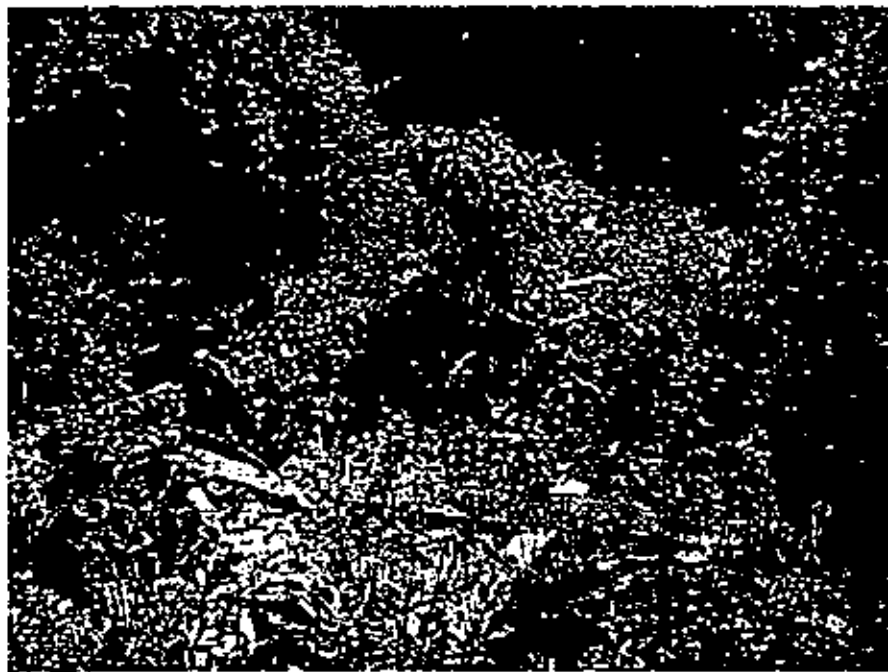
G 07-12-05BEF.JPG: 4005 W. 6TH ST., REAR OF LOT



H 07-12-05BEF.JPG: 4005 W. 6TH ST., REAR OF LOT



I 07-12-05BEF.JPG: 4005 W. 6TH ST., REAR OF LOT



J 07-12-05BEF.JPG: 4005 W. 6TH ST., REAR OF LOT



K 07-12-05BEF.JPG: 4005 W. 6TH ST., REAR OF LOT



L 07-12-05BEF.JPG: 4005 W. 6TH ST., REAR OF LOT



M 07-12-05BEF.JPG: 4005 W. 6TH ST., REAR OF LOT



N 07-12-05BEF.JPG: 4005 W. 6TH ST., REAR OF LOT

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

2-May-06
City Council Meeting Date

Jeremy Pate 
Submitted By

Planning
Division

Operations
Department

Action Required:

ANX 06-2006 (Brown, 295): Submitted by Bill Watkins for property located east of Township Street. The property is in the Planning Area and contains approximately 3.38 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

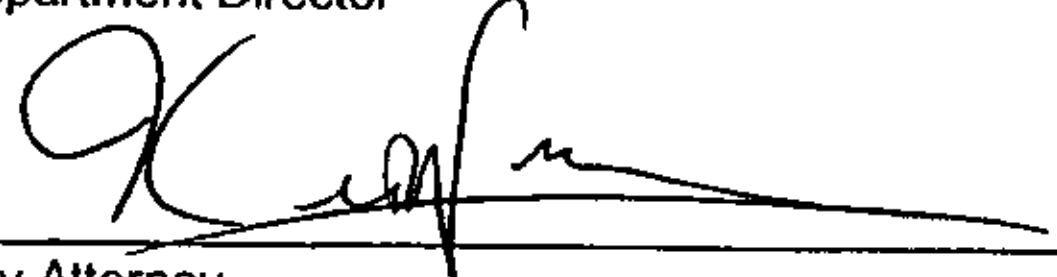
Budgeted Item ☐

Budget Adjustment Attached ☐


Department Director
4-14-06
Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____


City Attorney
4-14-06
Date

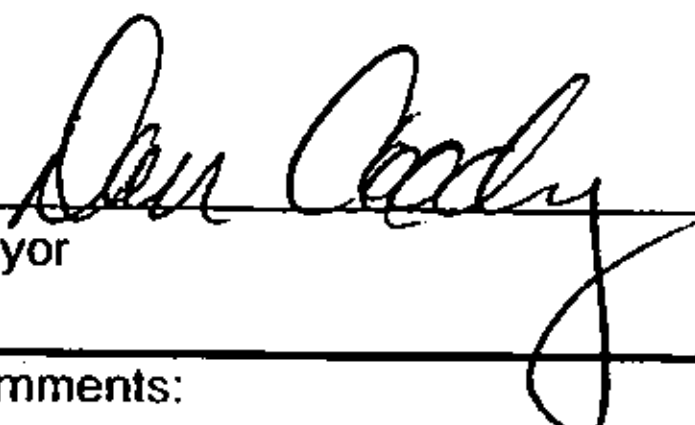
Original Contract Number: _____


Finance and Internal Service Director
4-14-06
Date

Received in City Clerk's Office

ENTERED

4/14/06 VB


Mayor
4/18/06
Date

Received in Mayor's Office

ENTERED

4/14/06 BCP

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: April 13, 2006

Subject: Annexation for Brown (ANX 06-2006)

RECOMMENDATION

The Planning Commission recommends approval of the subject annexation request submitted by Mr. Brown for approximately 3.38 acres of property located at the terminus of Township Street adjacent to the Covington Park Subdivision. This action will incorporate the 3.38-acres of land into the City of Fayetteville.

BACKGROUND

The subject property contains approximately 3.38 acres. The property is located at the terminus of Township Street within the Covington Park Subdivision. It adjoins the city limits to the north and west. Right-of-way for this cul-de-sac street is stubbed-out to the property line and provides access to a 14-acre tract of property, of which this 3.38 acres is a part.

The applicant requests annexation of the property for the development of single-family residential use within the City of Fayetteville and has requested a rezoning to RSF-4. The development of this property will allow the extension of Township Street, not only to this property but also to the adjoining undeveloped property.

DISCUSSION

This item was heard at the regular Planning Commission on April 10, 2006. The Planning Commission voted 8-0-0 to recommend approval of this annexation request to the City Council.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE ANNEXING THAT
PROPERTY DESCRIBED IN ANNEXATION
PETITION ANX 06-2006 (CC2005-51), FOR
PROPERTY LOCATED EAST OF TOWNSHIP
STREET, CONTAINING APPROXIMATELY
3.38 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. Three.

PASSED and APPROVED this ___ day of ___, 2006.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk

EXHIBIT "A"
ANX 06-2006

A PART OF THE SE ¼ OF THE SE ¼ OF SECTION 31, TOWNSHIP 17 NORTH, RANGE 29 WEST, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SE CORNER OF LOT 150 OF COVINGTON PARK PHASE 4 SUBDIVISION THENCE N00°02'58"W 344.65 FEET, THENCE S90°00'00"E 423.71 FEET, THENCE S01°16'59"E 344.91 FEET, THENCE N89°58'35"W 431.14 FEET TO THE POINT OF BEGINNING, CONTAINING 147,346.79 SQUARE FEET OR 3.3826 ACRES MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAYS, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACTS.



PC Meeting of April 10, 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: April 3, 2006

ANX 06-2006: Annexation (BROWN, 295): Submitted by BILL WATKINS for property located at THE EAST END OF TOWNSHIP STREET. The property is in the Planning Area and contains approximately 3.38 acres. The request is to annex the subject property into the City of Fayetteville.

Owner: Joshua T. Brown

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 ☒ YES
	☒ Approved ☐ Denied
Date: <u>April 10, 2006</u>	<u>Office/Date 3-0-0</u>
CITY COUNCIL ACTION:	Required ☒ YES
	☒ Approved ☐ Denied
Date: <u>May 02, 2006 (1st reading if recommended)</u>	

BACKGROUND:

Property description: The subject property contains approximately 3.38 acres. The property is located at the terminus of Township Street within the Covington Park Subdivision. Right-of-way for this cul-de-sac street is stubbed-out to the property line and provides access to a 14-acre tract of property, of which this 3.38 acres is a part. The property owner also owns an 11-acre tract extending north of Mission Blvd and adjoining the overall 14-acre tract of property.

Proposal: The applicant proposes the annexation of 3.38 acres for the development of single-family residential homes. The development of this property will allow the extension of Township Street, not only to this property but also to the adjoining undeveloped property.

Recommendation: Staff recommends approval of the proposed annexation. The subject property is adjacent to the City limits on two sides, which will ensure development of the property that is consistent and compatible to surrounding subdivisions should the property be annexed into the City of Fayetteville. It creates an acceptable boundary, is able to be served adequately by public utilities and service providers, and meets the majority of the Annexation Guiding Policies established by the City Council.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Single family homes (Covington Park SD)	RSF-4, Res. Single-Family – 4 units/acre
South	Single family home on a large lot	Planning Area
East	Vacant fields	Planning Area
West	Single family homes (Covington Park SD)	RSF-4, Res. Single-Family – 4 units/acre

INFRASTRUCTURE:

Streets: The site has access to Township Street. Township is an improved roadway from this site west to Highway 265. Improvements that may be required shall be evaluated by staff as development occurs.

Surrounding Master Street Plan Streets:

West: Township Street (Local; 60' Right-of-Way)

Water: Public water is adjacent to the site. There is an 8" waterline stubbed out to the site on the west side of the property. A study of the water system may be required by the Engineering Division at the time of development. Improvements to the water system may be required dependent upon the demand placed by the future development. Water service will need to be extended within the property at the time of development.

Sewer: Sanitary sewer is available on the site. There is an 8" sewer line stubbed out to the site on the west side of the property. Improvements to the sewer system may be required dependent upon the demand placed by the development. Sewer service will need to be extended within the property at the time of development.

Drainage: Standard improvements and requirements for drainage will be required for the development.

Fire:

- ♦ These 3.3 acres are covered by Engine 5 located at 833 N Crossover.
- ♦ The property is 2.4 miles from the station with an anticipated response time of 5 minutes. When the new Station 5 opens at Old Wire and Crossover, the travel distance will be reduced to 1.6 miles and the response time will be reduced to 4 minutes

- ♦ 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 1320 gallons/minute.
- ♦ The service impact of this development will typically take eighteen months after the development has begun, when the units begin to be occupied.
- ♦ 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 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: Annexation of the property will not create an island of unincorporated property or a peninsula.

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 to the north and west.

11.6.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.

Finding: This area is currently vacant at this time and located south and west of Covington Park Subdivision, zoned RSF-4. The property does not consist of defined subdivisions or neighborhoods; however, the property could develop once annexed into the city. The applicant intends to process a preliminary plat to approve subdivision of this property. Access to this property will be available from Township Street to the west. Annexation of the property to allow for Planning Commission review of development in accordance with City standards is recommended.

11.6.d Boundaries for annexed areas should follow natural corridors.

Finding: The proposed city boundary, should the subject property be annexed, does not follow natural corridors. It encompasses a portion of one parcel of property. A lot split or subdivision of property is required prior to or in conjunction with the development of the 3.38 tract, in order to separate it from the overall property.

11.6.e Timing of services within annexation areas should be considered.

Finding: Current conditions result in a response time of 5 minutes for fire protection from Fire Station #5. When the new fire station at Old Wire Road and Crossover Road opens, the response time will be reduced to 4 minutes. 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. 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 the surrounding areas.

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 the surrounding street systems and installation of fire hydrants would be made necessary by the annexation should additional development occur on the subject property. Water and sewer will be extended to this property with development.

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 request for annexation and request to rezone this property RSF-4, Residential single family - 4 units/acre. This zoning designation is compatible with the Residential classification of the adjacent area on the City's adopted Future Land Use Plan. Staff finds that this zoning designation is compatible with the zoning of Covington Park Subdivision located adjacent the property.

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: Should the owner propose development of this property, as has been indicated in correspondence from the applicant, the development shall be reviewed by the Planning Commission. At this time, the applicant has not submitted a preliminary plat for consideration.

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: Staff finds that the proposed annexation would create an acceptable city boundary. However, the annexation of the entire 25-acres under common ownership, extending from Covington Park Subdivision south to Mission Blvd, would create an even more uniform city boundary and allow for development within the bounds of city regulations.

11.6.t Conduct a fiscal impact assessments on large annexations.

Finding: No fiscal impact assessment was conducted for this annexation of 3.38 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.



Fayetteville Fire Department

MEMO

To: Suzanne Morgan, Andrew Garner, Jeremy Pate, and Jesse Fulcher
Thru: Chief Tony Johnson
From: Captain Dale Riggins
Date: April 3, 2006
Re: April 3, 2006 Zoning Review – Fire Department Comments

ANX06-2006

RZN06-2007 (Brown, 295)

These 3.3 acres are covered by Engine 5 located at 833 N Crossover.

The property is 2.4 miles from the station with an anticipated response time of 5 minutes.

When the new Station 5 opens at Old Wire and Crossover, the travel distance will be reduced to 1.6 miles and the response time will be reduced to 4 minutes

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 1320 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.

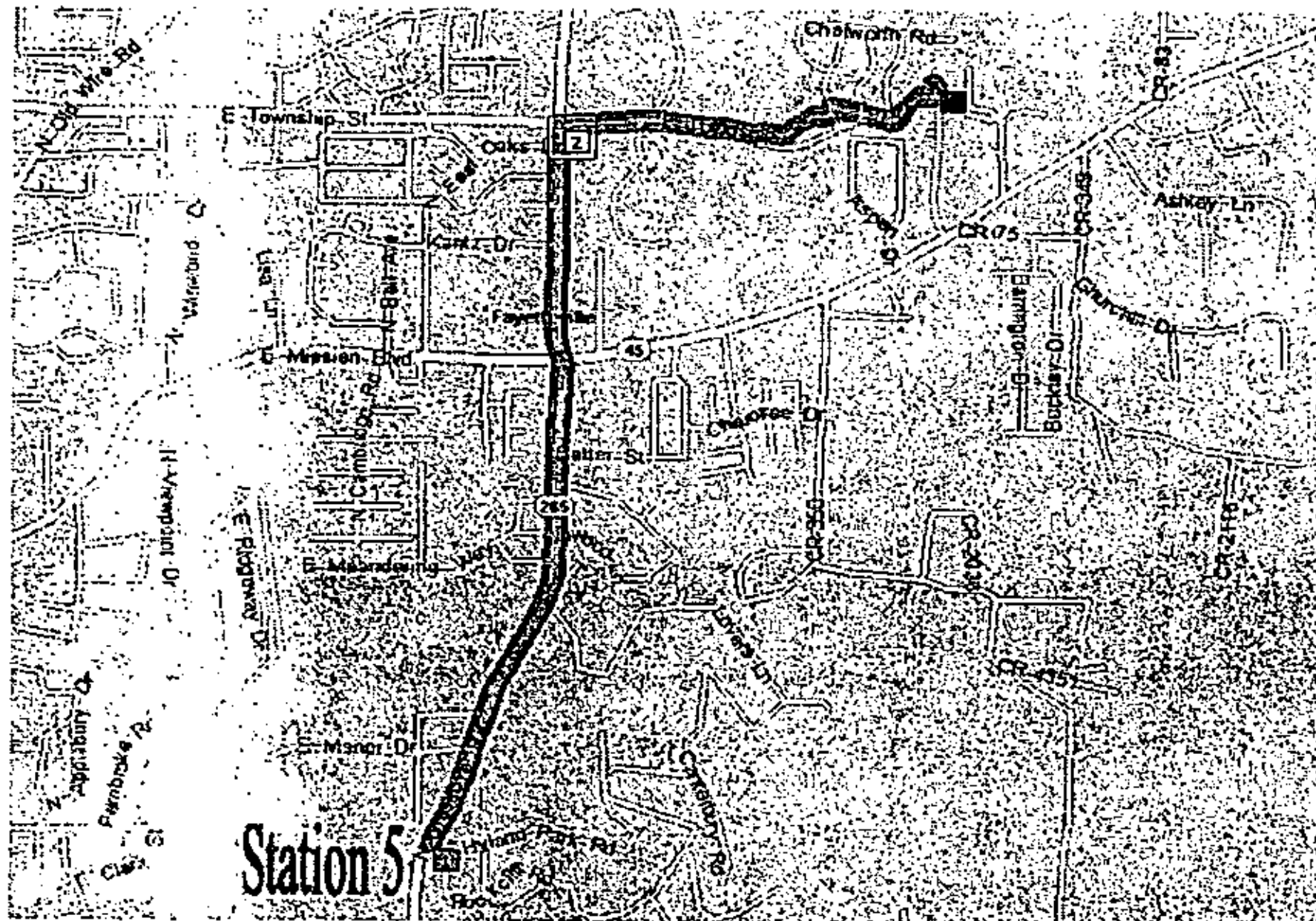
There should be no adverse effects on our call volume or response time to this development.

Please feel free to contact me if you have any questions

Dale Riggins

Dale Riggins

Fayetteville Fire Department



ANX 06-2006 RZN 06-2007
Station 5 to Township
2.4 Miles
5 minutes



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

POLICE DEPARTMENT

April 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 and Rezoning ANX & RZN 06-2007 (Brown, 295) submitted by Bill Watkins for property located at the East end of Township Street would substantially alter the population density and thereby undesirably increase the load on public services or create an appreciable increase in traffic danger and traffic congestion.

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

Sincerely,

A handwritten signature in black ink, appearing to read "WLB", is written over a horizontal line.

Captain William Brown
Fayetteville Police Department

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

CASE NO. CC 2005- 51

IN RE: ANNEXATION OF PROPERTY CONTIGUOUS TO THE CITY OF
FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS

PETITION FOR ANNEXATION OF PROPERTY
CONTIGUOUS TO THE CITY OF FAYETTEVILLE, ARKANSAS

COMES NOW the petitioner, Joshua T. Brown, owner of certain real properties located
Washington County, Arkansas, who petitions the Court as follows:

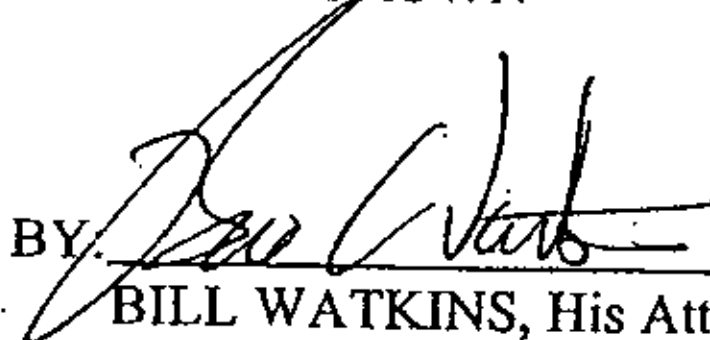
1. That the petitioner is the sole owner of certain real property located in Washington
County, Arkansas, described as:

A Part of the SE ¼ of the SE ¼ of Section 31, Township 17 North, Range 29 West,
Washington County, Arkansas, and being more particularly described as:
Beginning at the SE corner of Lot 150 of Covington Park Phase 4 Subdivision thence N
00° 02' 58"W 344.65 feet, Thence S90°00'00"E 423.71 feet, thence S01°16'59"E 344.91
feet, thence N89°58'35"W 431.14 feet to the point of beginning, containing 147,346.79
square feet or 3.3826 acres more or less, and subject to all rights-of-ways, easements and
restrictive covenants of record or fact.

2. That all of said property is contiguous to and adjoins the City of Fayetteville, Arkansas.
3. The Petitioner respectfully requests that said property be annexed to, added to, and
included within the boundaries of the City of Fayetteville, Arkansas.
4. The Petitioner respectfully requests that this Court set a date certain for a hearing of this
petition.

WHEREFORE, premises considered, the Petitioner prays that this Court set a date certain for its
hearing of this petition; that the Court grant the petition for annexation to the City of Fayetteville,
Arkansas; and for all other reasonable and proper relief to which she may be deemed entitled.

JOSHUA T. BROWN

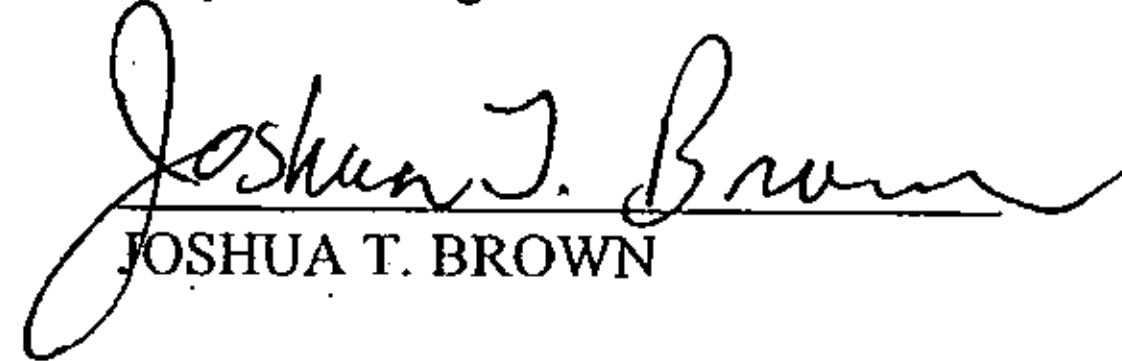
BY 

BILL WATKINS, His Attorney
Arkansas Bar No. 84209
THE WATKINS LAW OFFICE, PLLC
1106 West Poplar,
Rogers, AR 72756
(479) 636-2168

2005 DEC -9 AM 10:55
FILED
CLERK OF COURT
WASHINGTON COUNTY
ARKANSAS

VERIFICATION

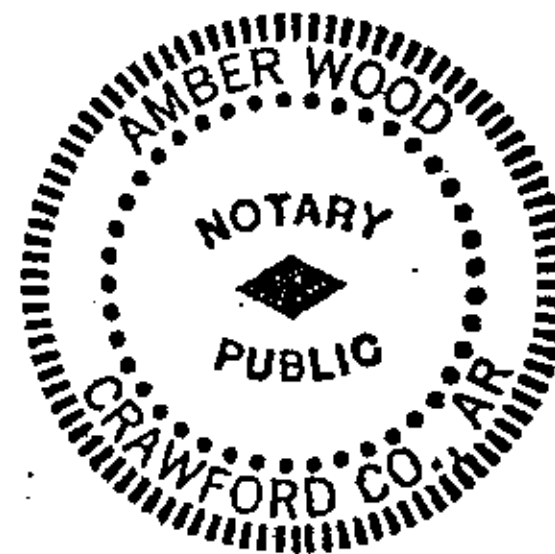
I, Joshua T. Brown , do hereby certify, upon oath, that the statements and averments contained in the foregoing Complaint are true and correct to the best of my knowledge and belief.

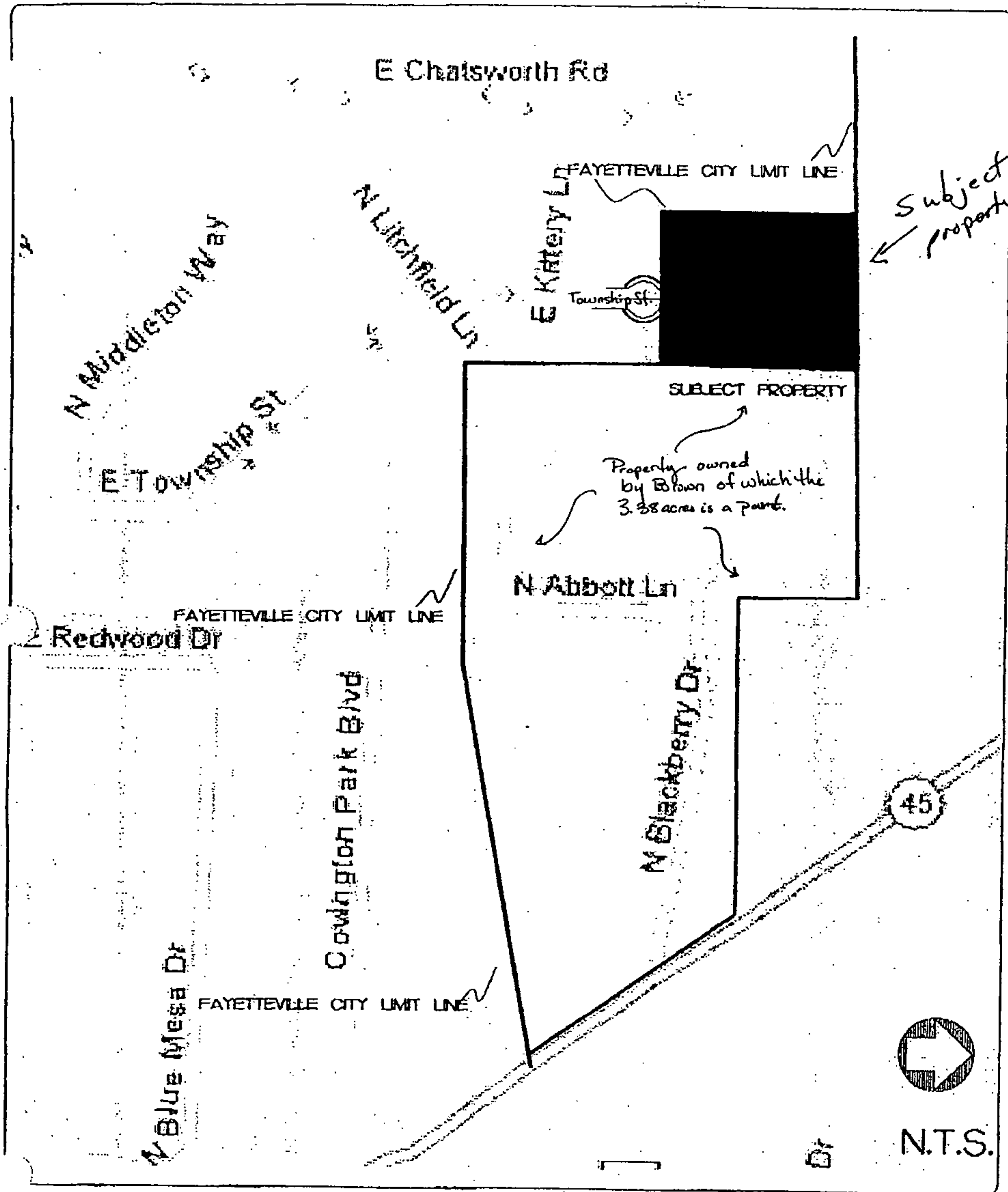

JOSHUA T. BROWN

Subscribed and sworn to before me this 30th day of November 2005.


NOTARY PUBLIC

My Commission Expires: 1-15-2014





9	8	7	6	5	4	3	2	1
1	2	3	4	5	6	7	8	9

ANNEXATION EXHIBIT

J. BROWN PROPERTY
 FAYETTEVILLE WASHINGTON COUNTY, AR

FKF
 Engineers - Landowners & Developers - Land Surveyors
 1700 NORTH COMMERCE DRIVE, SUITE 1
 COVINGTON, AR 72703
 Telephone: 479-427-0100
 Fax: 479-427-0100
 8700 North and Commerce Inc. Covington, AR

FILED

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

CASE NO. CC 2005-51

2006 JAN 23 PM 1:29

IN RE: ANNEXATION OF PROPERTY CONTIGUOUS TO THE CITY OF
FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS

KAREN COMBS PRITCHARD
CLERK OF COURT
WASHINGTON CO. ARK.

ORDER OF ANNEXATION

NOW ON THIS 23rd day of January, 2006, the Petition for Annexation of Property Contiguous to the City of Fayetteville of Joshua T. Brown, comes on for hearing, and the same is submitted to the Court upon said Petition, proof of publication of notice, the testimony before the Court, and other evidence presented, from all of which the Court finds:

1. That the Petition for Annexation of Property Contiguous to the City of Fayetteville was duly filed in the Office of the County Clerk of Washington County, Arkansas, and that an Order was made fixing the time and place for a hearing on the said Petition at this date and time in the County Court of Washington County, Arkansas.
2. That legal notice of the hearing was given as required by law, and such notice of the hearing was published once a week for three consecutive weeks in the Morning News of Northwest Arkansas, a newspaper published in Washington County, Arkansas. Proof of publication has been made and filed with the Clerk of this Court.
3. That the Petitioner is the sole owner of the property to be annexed.
4. That the owner of the proposed annexed area shall derive substantial benefit from the annexation.
5. That the area to be annexed is part of the growth area of the City of Fayetteville, Arkansas, and the extension of the corporate boundaries is a realization of the natural growth of the

JAN 23 2006

City of Fayetteville.

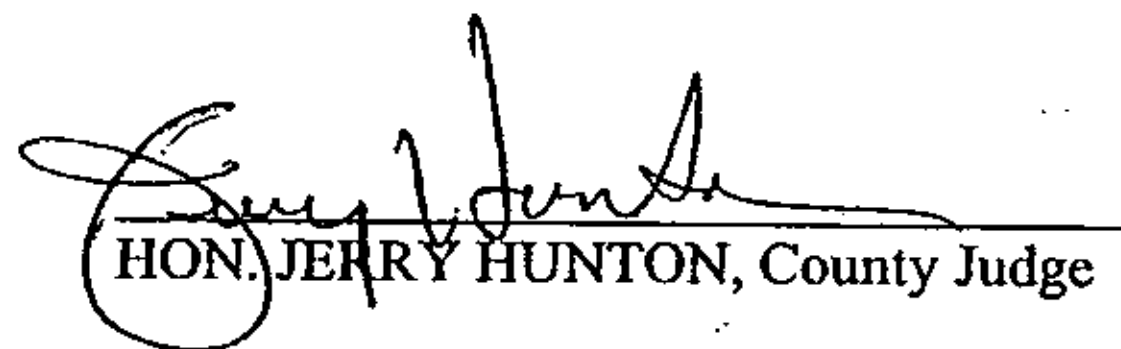
6. That the lands to be annexed are contiguous to and adjoin the City of Fayetteville, Arkansas.

7. That the City Council of the City of Fayetteville, Arkansas, shall, according to the Ark. Code Ann. §14-40-605, accept the annexation by ordinance.

8. That the legal description of the lands to be annexed is that property situated in Washington County, Arkansas, to wit:

A Part of the SE ¼ of the SE ¼ of Section 31, Township 17 North, Range 29 West, Washington County, Arkansas, and being more particularly described as:
Beginning at the SE corner of Lot 150 of Covington Park Phase 4 Subdivision thence N 00° 02' 58"W 344.65 feet, Thence S90°00'00"E 423.71 feet, thence S01°16'59"E 344.91 feet, thence N89°58'35"W 431.14 feet to the point of beginning, containing 147,346.79 square feet or 3.3826 acres more or less, and subject to all rights-of-ways, easements and restrictive covenants of record or fact.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that the above described lands be, and hereby are, annexed to and hereby made a part of the City of Fayetteville, Washington County, Arkansas.


HON. JERRY HUNTON, County Judge

DESCRIPTION:

A PART OF THE SOUTHEAST QUARTER (SE1/4) OF THE
SOUTHEAST QUARTER (SE1/4) OF SECTION 31, TOWNSHIP 17
NORTH, RANGE 29 WEST, WASHINGTON COUNTY, ARKANSAS,
AND BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE SE CORNER OF LOT 150 OF COVINGTON
PARK PHASE 4 SUBDIVISION THENCE N00°02'58"W 344.65 FEET;
THENCE S90°00'00"E 423.71 FEET; THENCE S01°16'59"E 344.91 FEET;
THENCE N89°58'35"W 431.14 FEET TO THE POINT OF BEGINNING,
CONTAINING 147,346.79 SQUARE FEET OR 3.3826 ACRES MORE OR
LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND
RESTRICTIVE COVENANTS OF RECORD OR FACT.

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

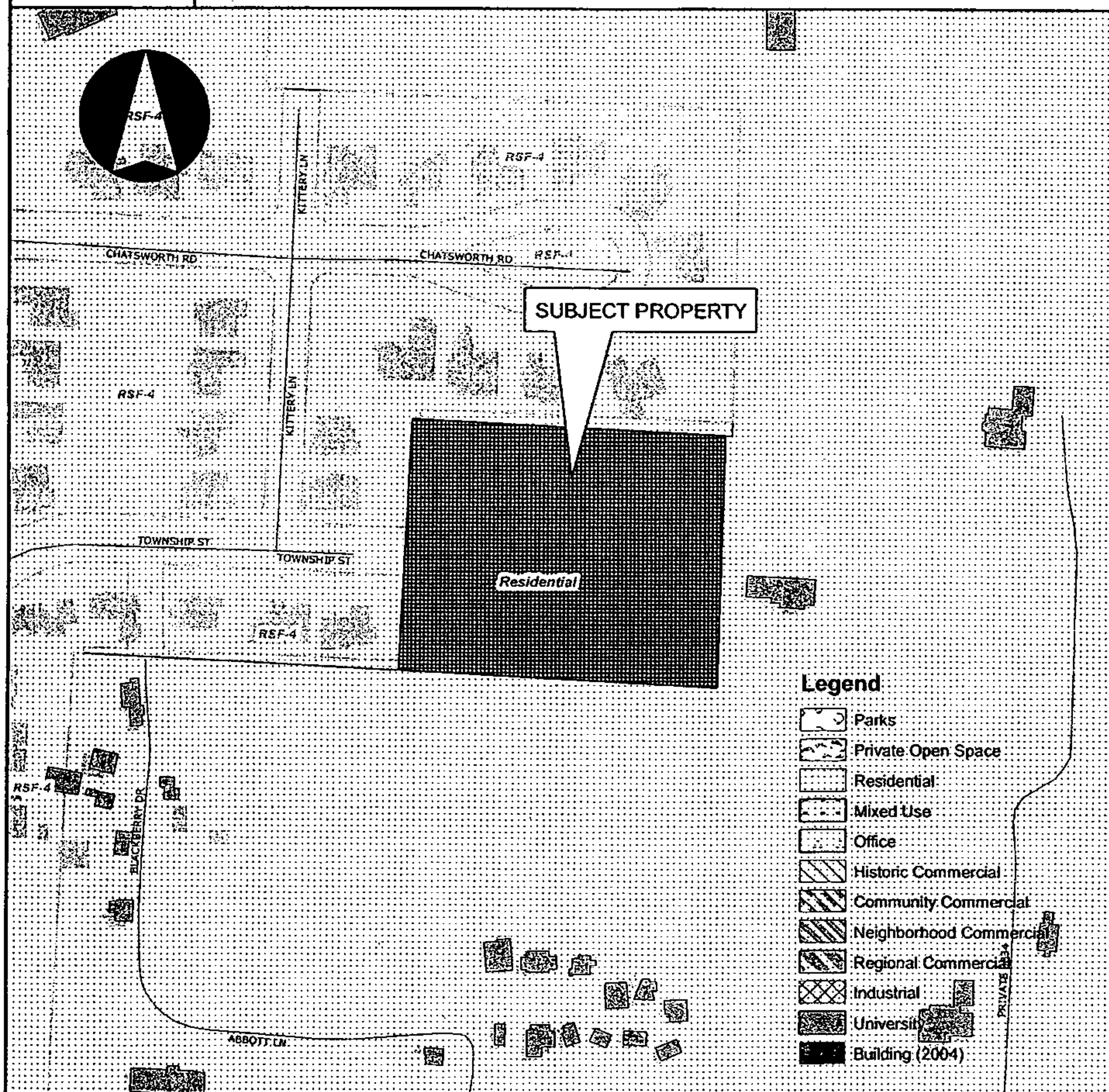
John Noh
Applicant's Signature

First Submittal as:
R20006-2007
closure good
TS
3/07/2006

ANX06-2006

Future Land Use

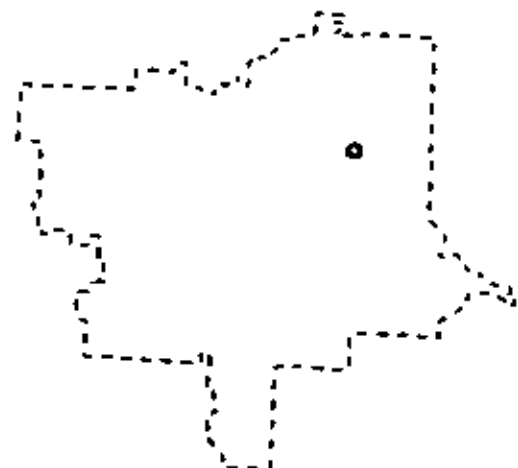
BROWN



Legend

- Parks
- Private Open Space
- Residential
- Mixed Use
- Office
- Historic Commercial
- Community Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- University
- Building (2004)

Overview

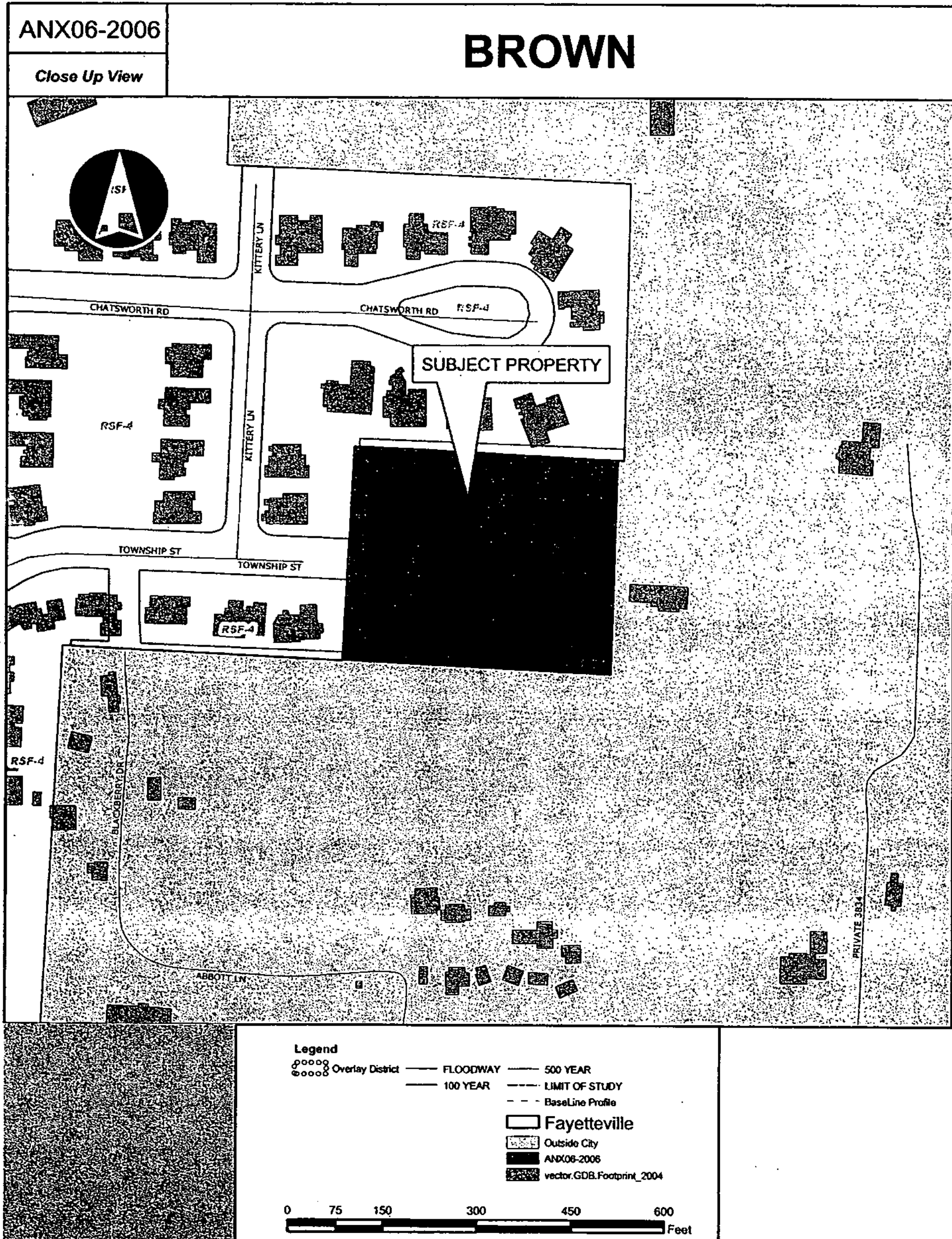


Legend

- Subject Property**
 - ANX06-2006
- Streets**
 - Existing
 - Planned
- Boundary**
 - Planning Area
 - Overlay District
 - Outside City

Legend





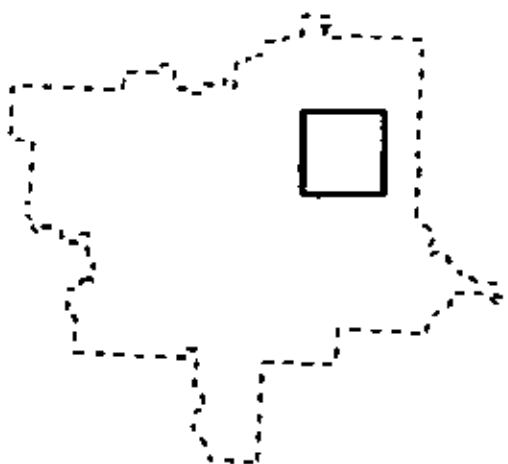
ANX06-2006

One Mile View

BROWN



Overview



Legend

Subject Property



Boundary

 Planning Area

Overlay District

☐ Outside City

Legend

0 0.125 0.25

0.5

0.75

↑

Miles

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

2-May-06
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

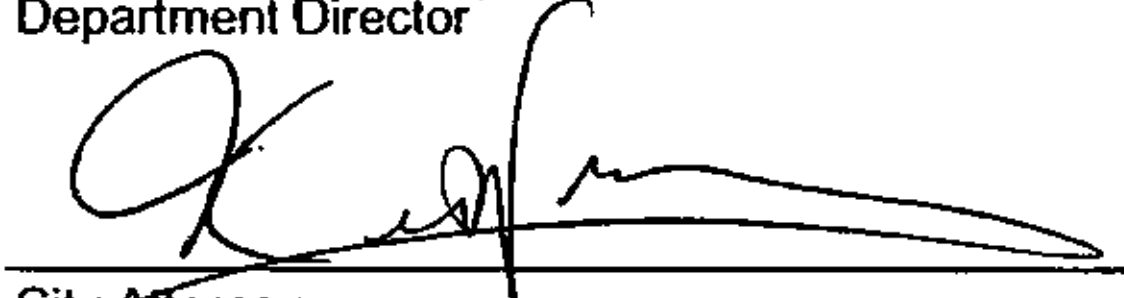
RZN 06-2007 (Brown, 295): Submitted by Bill Watkins for property located east of Township Street. The property is zoned R-A, Residential Agricultural, and contains approximately 3.38 acres. The request is to rezone the subject property to RSF-4, Residential Single Family, 4 units per acre.

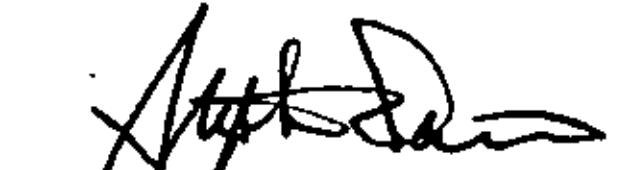
\$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	Remaining Balance	Fund Name

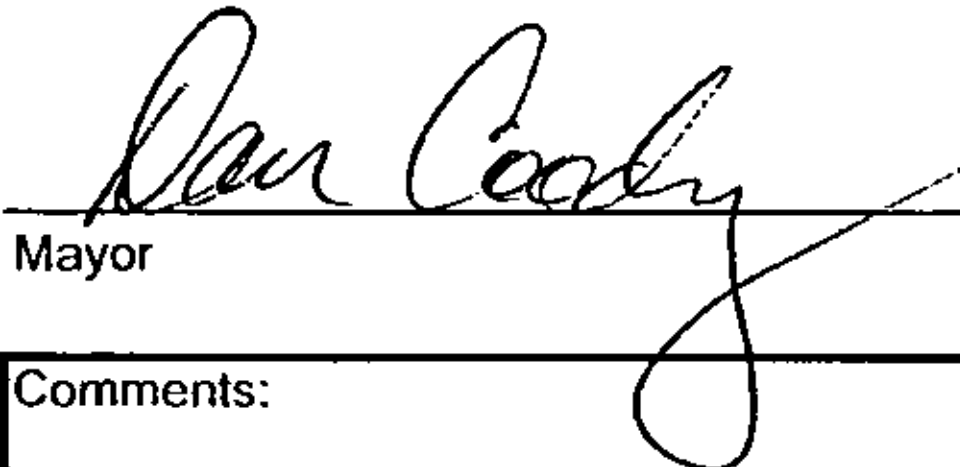
Budgeted Item ☐

Budget Adjustment Attached ☐


Department Director 4-14-06
Date


City Attorney 4-14-06
Date


Finance and Internal Service Director 4-14-06
Date


Mayor 4/18/06
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Received in City Clerk's Office
ENTERED
4/14/06

Received in Mayor's Office
ENTERED
4/14/06 BCP

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: April 13, 2006

Subject: Rezoning for Brown (RZN 06-2007)

RECOMMENDATION

The Planning Commission recommends approval of rezoning the subject 3.38-acre property from R-A to RSF-4. This action would allow the development of a maximum 13 single-family dwellings on the subject property.

BACKGROUND

The property contains approximately 3.38 acres. It is located within the Planning Area and currently undeveloped. The property is adjacent to the City of Fayetteville along its northern and western property lines. Surrounding developments include Covington Park Subdivision.

The applicant requests that this property be rezoned from R-A, Residential Agricultural, to RSF-4, Residential Single Family – 4 units per acre, in order to develop the property in a manner consistent with surrounding subdivisions located within the City of Fayetteville.

DISCUSSION

This item was heard at the regular Planning Commission on April 10, 2006. The Planning Commission voted 8-0-0 to recommend approval of a rezoning to RSF-4 to the City Council.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT
PROPERTY DESCRIBED IN REZONING
PETITION RZN 06-2007, FOR
APPROXIMATELY 3.38 ACRES LOCATED
EAST OF TOWNSHIP STREET, FROM R-A,
RESIDENTIAL AGRICULTURAL TO RSF-4,
RESIDENTIAL SINGLE FAMILY, 4 UNITS PER
ACRE.

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

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

From R-A, Residential Agricultural to RSF-4,
Residential Single Family, 4 units per acre, as
shown 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:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk

EXHIBIT "A"
RZN 06-2007

A PART OF THE SE ¼ OF THE SE ¼ OF SECTION 31, TOWNSHIP 17 NORTH, RANGE 29 WEST, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SE CORNER OF LOT 150 OF COVINGTON PARK PHASE 4 SUBDIVISION THENCE N00°02'58"W 344.65 FEET, THENCE S90°00'00"E 423.71 FEET, THENCE S01°16'59"E 344.91 FEET, THENCE N89°58'35"W 431.14 FEET TO THE POINT OF BEGINNING, CONTAINING 147,346.79 SQUARE FEET OR 3.3826 ACRES MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAYS, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACTS.



PC Meeting of April 10, 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: April 4, 2006

RZN 06-2007: Rezoning (BROWN, 295): Submitted by BILL WATKINS for property located at the EAST END OF TOWNSHIP STREET. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 3.38 acres. The request is to rezone the subject property to RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE.

Owner: Joshua T. Brown

Planner: SUZANNE MORGAN

RECOMMENDATION:

Staff recommends approval of the requested rezoning based on the findings herein.

PLANNING COMMISSION ACTION:	Required <u>YES</u>
	☒ Approved ☐ Denied
Date: <u>April 10, 2006</u>	<u>5-12/2006</u>
CITY COUNCIL ACTION:	Required <u>YES</u>
	☒ Approved ☐ Denied
Date: <u>May 02, 2006</u> (1 st reading if recommended)	

BACKGROUND:

Property description: The subject property contains approximately 3.38 acres. The property is located at the terminus of Township Street within the Covington Park Subdivision. Right-of-way for this cul-de-sac street is stubbed-out to the property line and provides access to a 14-acre tract of property, of which this 3.38 acres is a part. The property owner also owns an 11-acre tract extending north of Mission Blvd and adjoining the overall 14-acre tract of property.

Proposal: The applicant proposes the annexation of 3.38 acres for the development of single-family residential lots (approximately 8 lots proposed). The development of this property will allow the extension of Township Street, not only to this property but also to the adjoining undeveloped property. Therefore, the applicant requests the rezoning of this 3.38 acres from R-A, Residential Agricultural, to RSF-4, Residential Single-Family, 4 Units per Acre, should the preceding annexation request be approved.

Related Issues: When property is annexed into the City, it is annexed as R-A Residential Agricultural. If the annexation is recommended for approval to City Council, the applicant would like to rezone the 3.38 acres to RSF-4, Residential Single Family, 4 Units per Acre. The annexation request, ANX 06-2006, is an accompanying item to this rezoning request.

Recommendation: Staff recommends approval of the rezoning request. Future changes or additional development on this site will be regulated by the city allowing for a uniform and consistent development pattern.

SURROUNDING LAND USE AND ZONING:

Direction	Land Use	Zoning
North	Single family homes (Covington Park SD)	RSF-4, Res. Single-Family – 4 units/acre
South	Single family home on a large lot	Planning Area
East	Vacant fields	Planning Area
West	Single family homes (Covington Park SD)	RSF-4, Res. Single-Family – 4 units/acre

INFRASTRUCTURE:

Streets: The site has access to Township Street. Township is an improved roadway from this site west to Highway 265. Improvements that may be required shall be evaluated by staff as development occurs.

Surrounding Master Street Plan Streets:

West: Township Street (Local; 60' Right-of-Way)

Water: Public water is adjacent to the site. There is an 8" waterline stubbed out to the site on the west side of the property. A study of the water system may be required by the Engineering Division at the time of development. Improvements to the water system may be required dependent upon the demand placed by the future development. Water service will need to be extended within the property at the time of development.

Sewer: Sanitary sewer is available on the site. There is an 8" sewer line stubbed out to the site on the west side of the property. Improvements to the sewer system may be required dependent upon the demand placed by the development. Sewer service will need to be extended within the property at the time of development.

Drainage: Standard improvements and requirements for drainage will be required for the development.

Fire:

- ♦ These 3.3 acres are covered by Engine 5 located at 833 N Crossover.
- ♦ The property is 2.4 miles from the station with an anticipated response time of 5

minutes. When the new Station 5 opens at Old Wire and Crossover, the travel distance will be reduced to 1.6 miles and the response time will be reduced to 4 minutes

- ♦ 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 1320 gallons/minute.
- ♦ The service impact of this development will typically take eighteen months after the development has begun, when the units begin to be occupied.
- ♦ 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 designates this site **Residential**. Rezoning this property to RSF-4 is consistent with the land use plan and compatible with surrounding land uses in the area.

FINDINGS OF THE STAFF

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

Finding: The proposed RSF-4 zoning for a Single family residential use is compatible with adjacent and nearby single family residential land use. The General Plan designates this area for residential use, which is compatible with the proposed RSF-4 zoning.

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

Finding: The proposed zoning is justified in order to promote orderly and consistent development patterns making use of existing infrastructure. A subdivision with density compatible to those surrounding subdivisions within the City could not be developed as it is currently zoned. A higher density than the R-A zoning district is appropriate in this area, and would provide compatibility with adjoining developments that are zoned RSF-4.

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

Finding: The proposed zoning will provide additional traffic on Township Street. The right-of-way for this street was platted such that it could be extended further

to the west. Township Street has direct access to Crossover Road, designated a Principal Arterial. The Fayetteville Police Department finds that rezoning this property will not result in an appreciable increase in the level of traffic danger and congestion in the area.

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

Finding: The proposed zoning would increase population density. Under an R-A, Residential Agricultural designation, the 3.38-acre tract would allow for a maximum of 1 dwelling unit (1 unit / 2 acres). With the proposed RSF-4 designation, 13 dwelling units would be permitted, with a projected 30 future residents in this area. Rezoning the property increases the possible number of residential units and population than that which would be allowed in the R-A zoning district, but is consistent with land use, zoning, and development patterns in the immediate vicinity.

Increased load on public services were taken into consideration and recommendations from Engineering, Fire, and Police Departments are included in this report.

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

Finding: N/A

161.03 District R-A, Residential-Agricultural

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

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

(C) *Density.*

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

(D) *Bulk and area regulations.*

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

(E) *Setback requirements.*

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

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

(G) *Building area.* None.

K:\Reports\2006\PC Reports\04-10-06\RZN 06-2007 (Brown).doc

161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwelling

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two-family dwellings
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq. ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
25 ft.	8 ft.	20 ft.

(F) *Height.* None.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.



Fayetteville Fire Department

MEMO

To: Suzanne Morgan, Andrew Garner, Jeremy Pate, and Jesse Fulcher
Thru: Chief Tony Johnson
From: Captain Dale Riggins
Date: April 3, 2006
Re: April 3, 2006 Zoning Review – Fire Department Comments

ANX06-2006

RZN06-2007 (Brown, 295)

These 3.3 acres are covered by Engine 5 located at 833 N Crossover.

The property is 2.4 miles from the station with an anticipated response time of 5 minutes.

When the new Station 5 opens at Old Wire and Crossover, the travel distance will be reduced to 1.6 miles and the response time will be reduced to 4 minutes.

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 1320 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.

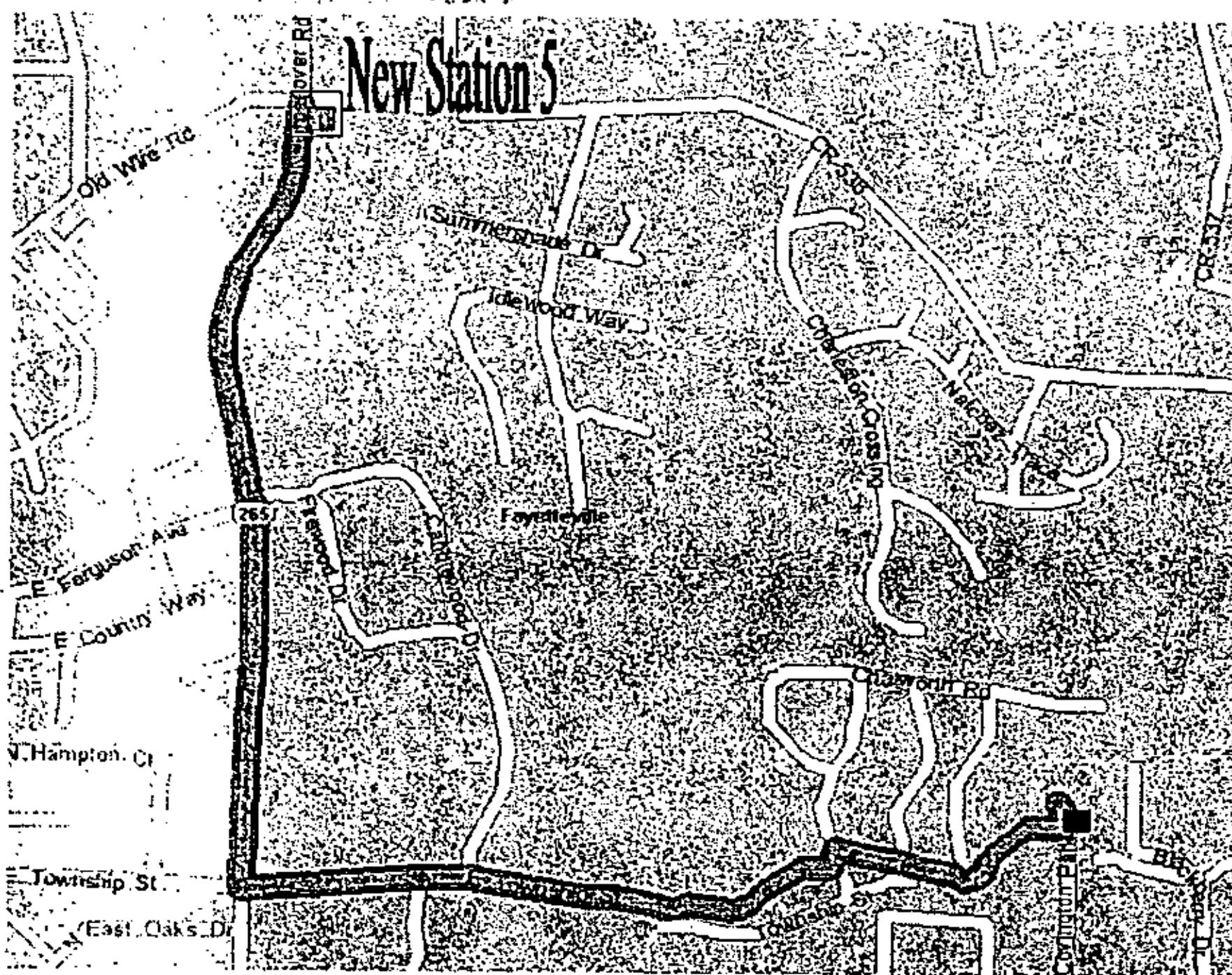
There should be no adverse effects on our call volume or response time to this development.

Please feel free to contact me if you have any questions

Dale Riggins

Dale Riggins

Fayetteville Fire Department



ANX 06-2006 RZN 06-2007

Proposed Station 5
1.6 Miles
4 minutes



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

POLICE DEPARTMENT

April 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 and Rezoning ANX & RZN 06-2007 (Brown, 295) submitted by Bill Watkins for property located at the East end of Township Street 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,

A handwritten signature in dark ink, appearing to read "W. Brown", is written over the typed name.

Captain William Brown
Fayetteville Police Department

February 24, 2006

Mr. Jeremy Pate
Senior Planner
City of Fayetteville
125 W. Mountain
Fayetteville, Arkansas 72701

Re: Driver 3 acre East Township Extension

Rezone for Parcel No. _____

FKF Project No. 05-220

Dear Mr. Pate:

SDSJ Development, LLC, is proposing a 3-acre single-family residential subdivision extension of East Township, an existing cul-de-sac within the Covington development located in East Fayetteville. This letter is prepared on behalf of SDSJ Development Company LLC, in fulfillment of the rezone application requirement for the above referenced parcel of land in Bentonville, Arkansas.

The land is approximately 3.38 acres, and falls within the Fayetteville City limits. SDSJ Development intends to rezone the land R-A to RSF-4 for their proposed usage. The new zoning will be consistent with current adjacent zoning. SDSJ Development intends to construct an attractive, quality neighborhood that will provide an extension of the existing upscale residential area it will abut. Upon approval of the rezone application, the proposed subdivision will be developed to meet the City of Fayetteville Zoning Code in terms of use, traffic, and appearance.

Existing 8-inch water and sanitary sewer mains are located near the terminal cul-de-sac of East Township, and can be extended, along with the street, into the property and provide connectivity to the adjacent southern boundary property. The developer intends to add only 7 homes to the 3-acre tract, matching or surpassing the existing lot sizes of adjacent development. The level of home quality and minimal size variations will be consistent with those of the adjacent development, as well.

We hope that the above is acceptable to you and your department, and look forward to attaining a favorable support for the rezone application at the Planning Commission on July 6, 2004.

If you have any questions or need additional information, please feel free to give me a call at (479) 464-9745.

D.2
05-20-04 Brown
Page 14 of 18

Regards,

Rick Shelton
Project Designer

Cc: File 05-220



February 24, 2006

D. 2
RZN 06-2007 Brown
Page 15 of 18

Planning Commission

City of Fayetteville

Fayetteville, Arkansas 72701

Re: Driver 3 acre East Township Extension

Rezone for Parcel No. _____

FKF Project No. 05-220

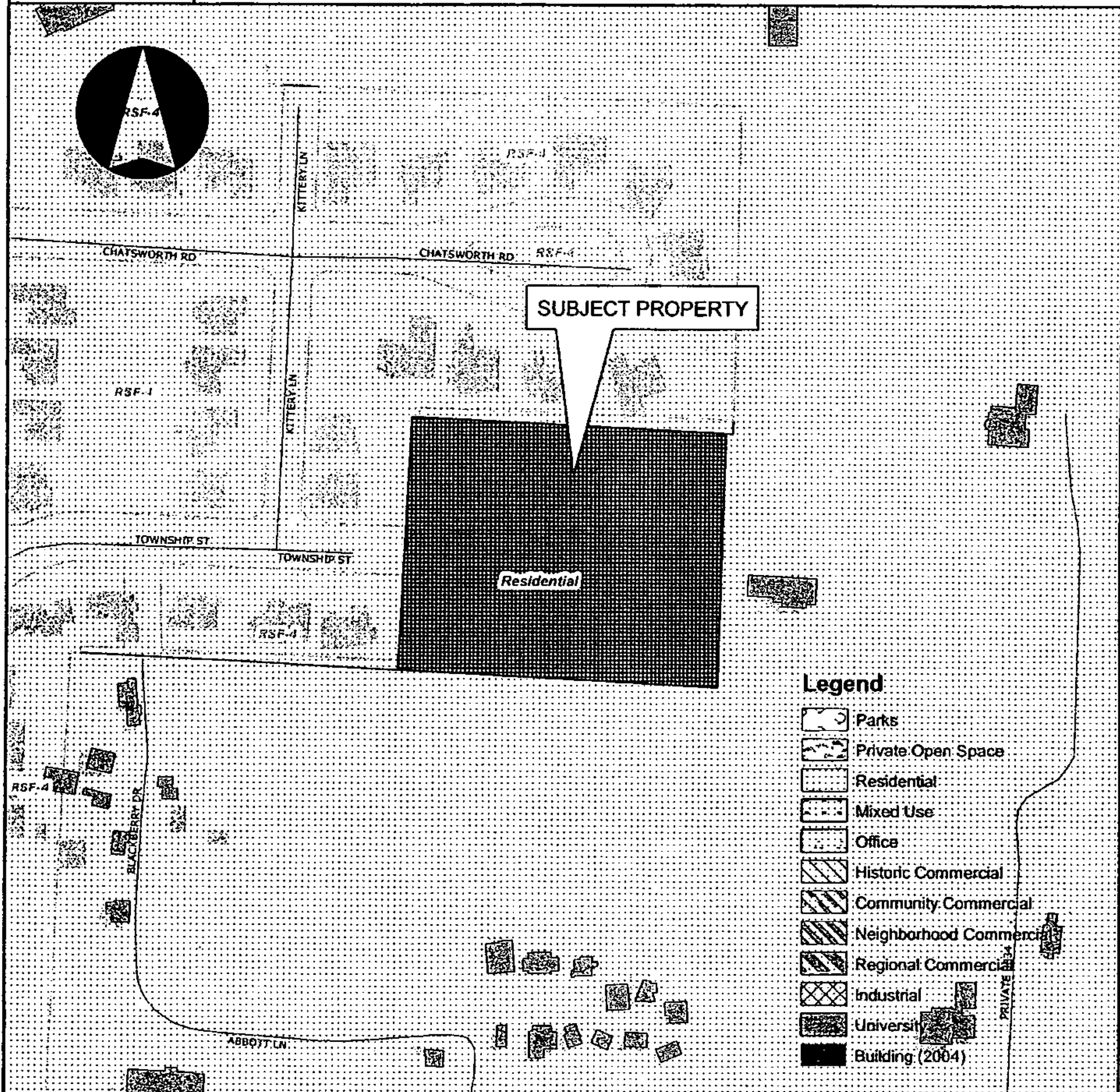
Statements of Justification

1. The rezoning of the subject property is consistent with the zoning of the development it is adjacent to on two sides—Covington Subdivision, and provides an extension of the terminal cul-de-sac of East Township in that location. The parcel development will consist of seven or eight homes with similar character and lot space as the neighboring development.
2. SDSJ Development, LLC, believes this extension to be justified in that it will provide access to the undeveloped southern adjacent parcel of 25 acres, and providing a much-needed continuation of public right-of-way.
3. SDSJ Development does not expect the addition of 7 or 8 homes in the current development to appreciably traffic or congestion as the current cul-de-sac street contains only 2 homes.
4. The size, low density of the acreage as proposed, and the limit of 7 or 8 units on the parcel will have negligible impact on other facilities, including schools and utility services. The existing street terminus right-of-way was dedicated in the original plat to extend to the property line, encouraging the extension of the street into this parcel, as well.
5. Because of the proximity of subdivision development, it would be impractical for this land to retain agricultural uses that would conflict with the living conditions of the current residents.

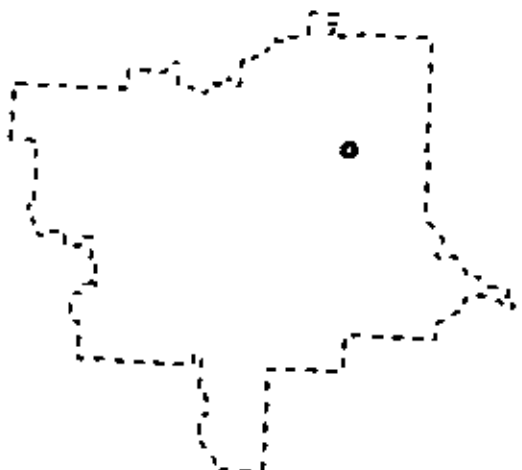
RZN06-2007

Future Land Use

BROWN



Overview



Legend

Subject Property

RZN06-2007

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

Outside City

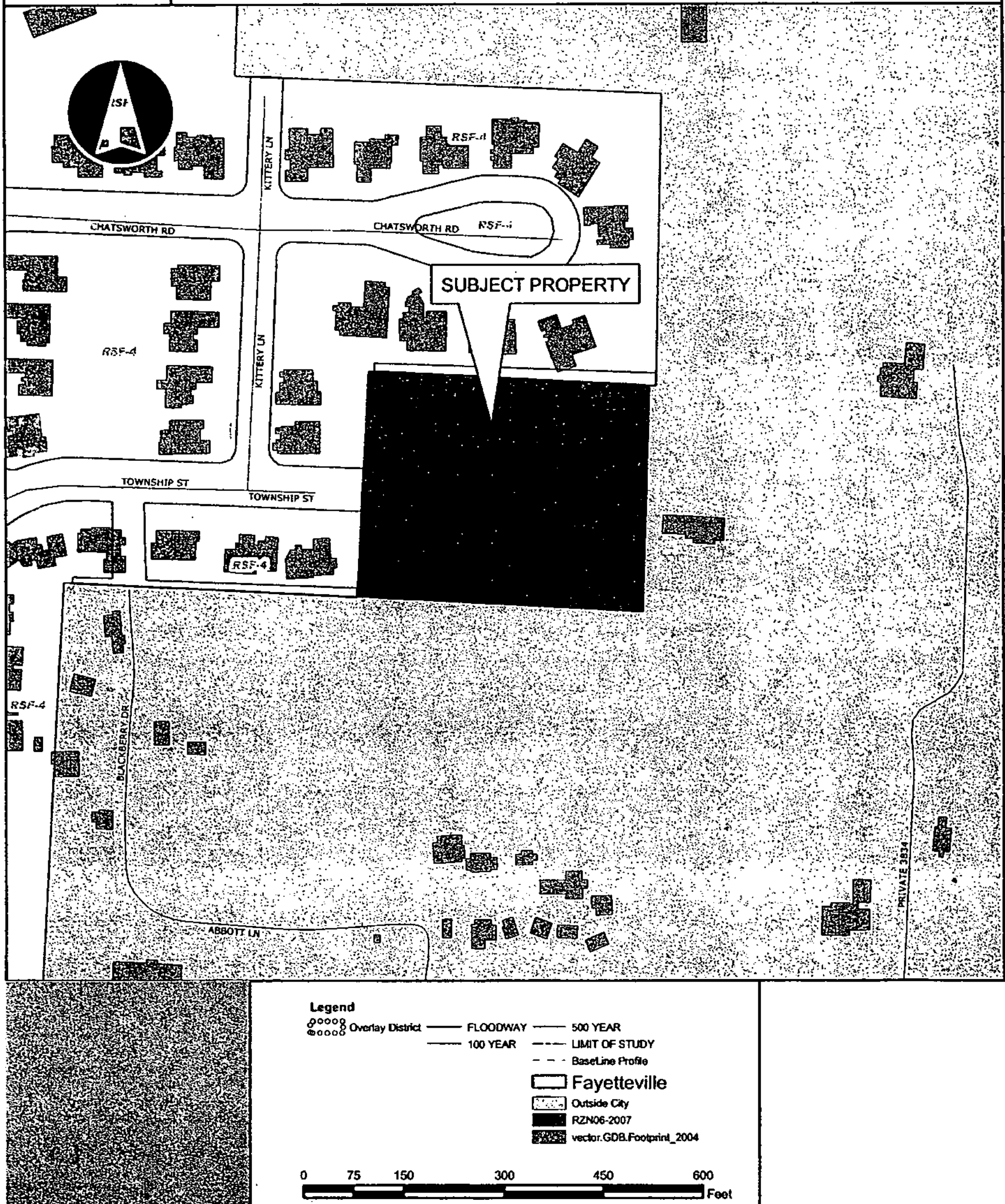
Legend



RZN06-2007

Close Up View

BROWN



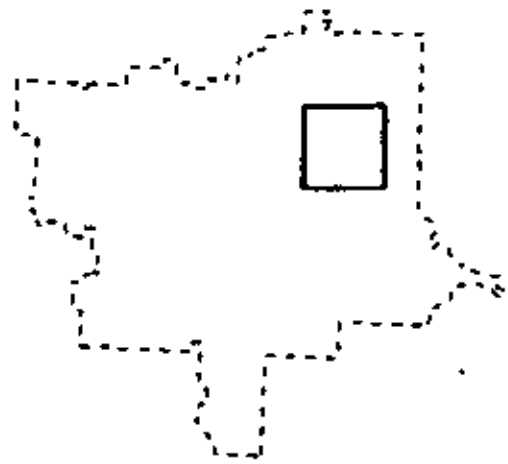
RZN06-2007

One Mile View

BROWN



Overview



Legend

Subject Property

RZN06-2007

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

2-May-06
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

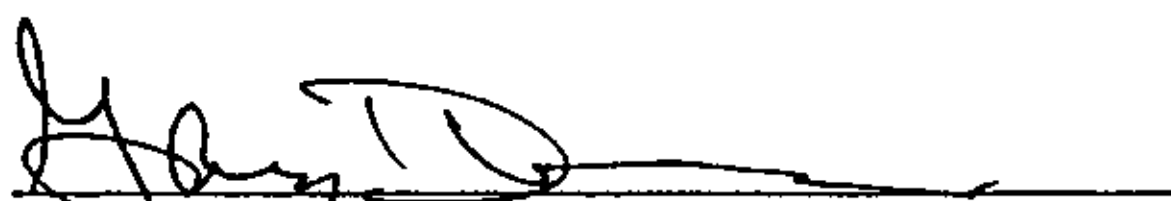
Action Required:

RZN 06-2008 (CMN II, Phase III, 172/211): Submitted by McClelland Consulting Engineers for property located at CMN Business Park II Phase III, northwest of Van Asche and Steele Boulevard. The property is zoned R-O, Residential Office and C-1, Neighborhood Commercial and contains approximately 53.93 acres. The request is to rezone the subject property to C-1, Neighborhood Commercial.

\$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

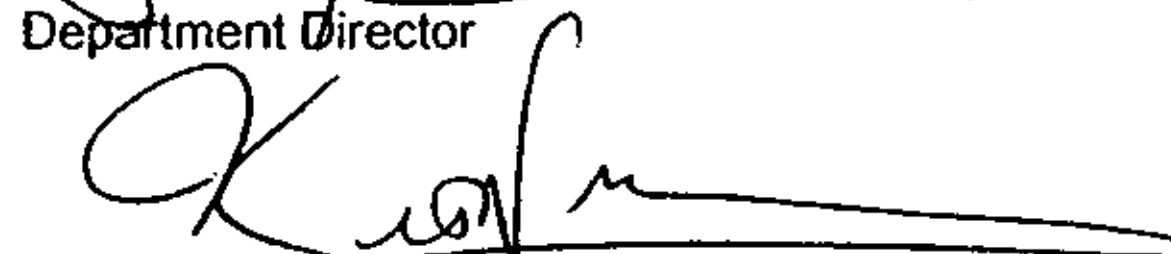
Budgeted Item ☐

Budget Adjustment Attached ☐


Department Director
4-14-06
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a


City Attorney
4-14-06
Date

Original Contract Number: n/a


Finance and Internal Service Director
4-14-06
Date

Received in City Clerk's Office
ENTERED
4/14/06


Mayor
4/18/06
Date

Received in Mayor's Office
ENTERED
4/14/06 BAP

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: April 13, 2006

Subject: Rezoning for CMN II Phase III (RZN 06-2008)

RECOMMENDATION

Planning Staff recommends approval of rezoning the subject 53.93-acre property from R-O to C-1.

BACKGROUND

The subject property contains 53.93 acres known as CMN Business Park II Phase III, located east of Gregg Ave. and north of the proposed extension of Van Asche Dr. The tract consists of both C-1 (16.73 acres) and R-O (37.20 acres) zoning districts. There are various surrounding zoning districts, including RSF-4 to the south, R-A to the west and C-1 to the east. Mud Creek and Skull Creek traverse the site along the eastern and northern property lines.

DISCUSSION

This Planning Commission heard the item on April 10, 2006. The Planning Commission voted 8-0-0 to recommend approval of a rezoning to C-1 to the City Council.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT
PROPERTY DESCRIBED IN REZONING
PETITION RZN 06-2008, FOR
APPROXIMATELY 53.93 ACRES, LOCATED
AT CMN BUSINESS PARK II PHASE III,
NORTHWEST OF VAN ASCHE AND STEELE
BOULEVARD, FROM R-O, RESIDENTIAL
OFFICE AND C-1, NEIGHBORHOOD
COMMERCIAL TO C-1, NEIGHBORHOOD
COMMERCIAL.

**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-O, Residential Office and C-1,
Neighborhood Commercial to C-1, Neighborhood
Commercial, 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:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk

EXHIBIT "A"
RZN 06-2008

PHASE III OF THE CMN BUSINESS PARK II TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS. SAID PHASE III BEING A PART OF THE NE1/4 AND A PART OF THE N1/2 OF THE SE1/4 ALL IN SECTION 27, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON PIN FOUND AT THE NORTHEAST CORNER OF SAID SECTION 27; THENCE ALONG THE EAST LINE OF SAID SECTION 27 S02°28'46"W 1536.46 FEET TO THE POINT OF BEGINNING; THENCE S02°28'46"W 1107.09 FEET TO AN IRON PIN FOUND AT THE EAST QUARTER CORNER OF SAID SECTION 27; THENCE S02°28'46"W 167.56 FEET TO A FOUND IRON PIN; THENCE DEPARTING THE EAST LINE OF SAID SECTION 27 AND ALONG THE NORTH LINE OF CENTERBROOK SUBDIVISION AND ALONG THE NORTH LINE OF JOHNSON ROAD SUBDIVISION N86°54'28"W 1468.14 FEET TO THE EAST RIGHT-OF-WAY LINE OF GREGG AVENUE (VARIABLE WIDTH RW); THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING 5 (FIVE) COURSES: N01°33'44"E 1155.07 FEET; N03°16'50"E 300.17 FEET; N02°24'45"E 275.23 FEET; N16°32'02"E 225.44 FEET; N13°03'47"E 20.81 FEET; THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE S87°13'50"E 355.71 FEET TO THE CENTERLINE OF MUD CREEK; THENCE ALONG SAID CENTERLINE S66°06'23"E 286.59 FEET TO THE INTERSECTION OF THE CENTERLINE OF SCULL CREEK; THENCE ALONG SAID CENTERLINE THE FOLLOWING 4 (FOUR) COURSES: S30°18'15"E 64.39 FEET; S14°36'41"W 279.70 FEET; S41°05'46"E 82.27 FEET; S05°19'16"E 214.00 FEET; THENCE DEPARTING SAID CENTERLINE S87°08'44"E 739.76 FEET TO THE POINT OF BEGINNING, CONTAINING 53.93 ACRES, MORE OR LESS. SUBJECT TO ANY EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.



PC Meeting of April 10, 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: March 24, 2006

RZN 06-2008 (CMN II, Phase III, 172/211): Submitted by MCCLELLAND CONSULTING ENGINEERS for property located at CMN BUSINESS PARK II PHASE III, NW OF VAN ASCHE AND STEELE BLVD. The property is zoned R-O, RESIDENTIAL OFFICE and C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 53.93 acres. The request is to rezone the subject property to C-1, Neighborhood Commercial.

Owner: MSB PROPERTIES/NANCHAR, INC.
Planner: JESSE FULCHER

RECOMMENDATION:

Staff recommends approval of the requested rezoning based on the findings herein.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
		☒ Forwarded	☐ Denied
Date: <u>April 10, 2006</u>			
CITY COUNCIL ACTION:		Required	<u>YES</u>
		☒ Approved	☐ Denied
Date: <u>May 2, 2006 (1st reading if recommended)</u>			

BACKGROUND:

Property description: The subject property contains 53.93 acres known as CMN Business Park II Phase III, located east of Gregg Ave. and north of the proposed extension of Van Asche Dr. The tract consists of both C-1 (16.73 acres) and R-O (37.20 acres) zoning districts. There are various surrounding zoning districts, including RSF-4 to the south, R-A to the west and C-1 to the east. Mud Creek and Skull Creek traverse the site along the eastern and northern property lines.

Proposal: The applicant proposes a rezoning of the subject property to C-1, Neighborhood Commercial.

Recommendation: Staff recommends approval of the rezoning request. This site is designated as Community Commercial and Office on the future land use plan, which is consistent with the C-1 zoning district. This project is within the largest area of commercial development in the City and within the vicinity of major thoroughfares, specifically I-540, Gregg Avenue and Van Asche Drive. The extension of Van Asche Drive west from CMN Business Park to Gregg Avenue in the near future will further connectivity and access in this area.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Residential	Johnson City Limits
South	Residential	RSF-4
East	CMN Business Park II	C-1
West	Industrial	Johnson City Limits

INFRASTRUCTURE:

Streets: The site has access to Gregg Avenue and Van Asche. Gregg is an improved 4-lane roadway at this point. The improvements on Gregg Avenue are scheduled to be extended south to Township this year. Van Asche is currently under design to be extended through this site to connect with Gregg Avenue. A traffic signal is planned at the Van Asche and Gregg intersection.

Water: Public water is adjacent to the site. There is a 12" waterline running along the east side of Gregg Avenue for the northern portion of the site. There is also an 8" main stubbed out at Van Asche on the east side of the property. A study of the water system may be required by the Engineering Division at the time of development. Improvements to the water system may be required dependent upon the demand placed by the future development. Water service will need to be extended within the property at the time of development.

Sewer: Sanitary sewer is available on the site. There are 16" and 18" sewer lines running through the site. The future large diameter gravity transmission mains are also planned to cross the northern part of this site. Sewer service will need to be extended within the property at the time of development.

Drainage: Standard improvements and requirements for drainage will be required for the development. Scull Creek trail is a planned multi-use trail within the drainage way in this corridor.

Fire: These 53.93 acres are covered by Ladder 4 and Engine 4 located at 3385 N Plainview. The property is 1.5 miles from the station with an anticipated response time of 4.75 minutes. Calls for service on commercial re-zonings are not usually calculated, but typically there should be no adverse effects on our call volume or

response time to this development. Measured hydrant flow in the area is 1630 gallons/minute.

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.

LAND USE PLAN: The Future Land Use Plan designates this site for Community Commercial and Office. Rezoning this property to C-1, Neighborhood Commercial is consistent with the land use plan for this area and the proposed use is compatible with surrounding properties that are similarly zoned.

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 current land use planning objectives and policies and is compatible with adjacent properties in the same district. Though the property is adjacent to a single-family residential development to the south, the proposal would only rezone property north of the planned extension of Van Asche Drive. Property directly adjacent to the single-family subdivision to the south is already zoned C-1. The Skull Creek corridor is identified and planned for a trail corridor. Additionally, there are deed restricted areas already in place along much of Skull Creek to protect wetlands and sensitive environments.

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

Finding: The proposed zoning is justified in order to promote orderly and consistent development patterns. The General Plan 2020 identifies the Guiding Policies for Community Commercial areas as follows:

- Provide centers that are accessible and compatible with adjacent residential development.
- Limit uses within community commercial areas to those that primarily serve residents of Fayetteville.

The proposed zoning would be compatible and similar to adjacent land uses to the east with access to both principal arterial and minor arterial roads.

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

Finding: Future development with the proposed zoning would potentially increase traffic accessing onto Gregg Street and Van Asche Avenue (when constructed). However, the roadways in this area have been designed and/or recently constructed to accommodate commercial development and access in this area will be greatly improved with the street extension.

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

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

Finding: The proposed zoning would not substantially alter the population density in the area. Public service providers have responded accordingly:

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

Fire – This rezoning is in close proximity to Fire Station No. 4 and has an adequate response time of approximately five minutes.

Engineering - See Engineering Comments as previously stated in the staff report.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

Fayetteville Unified Development Code

Section 161.15

District R-O, Residential Office

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 11	Manufactured home park
Unit 12	Offices, studios and related services
Unit 25	Professional offices

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 13	Eating places
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Bulk and area regulations.*

(Per dwelling unit for residential structures)

(1) *Lot width minimum.*

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

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouses:	
Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	6,500 sq. ft.

Three or more	8,000 sq. ft.
Fraternity or Sorority	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Townhouses & apartments:	
No bedroom	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	1,200 sq. ft.
Fraternity or Sorority	500 sq. ft. per resident

(D) *Density.*

Units per acre	4 to 24
----------------	---------

(E) *Setback regulations.*

Front	30 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	10 ft.
Side, when contiguous to a residential district	15 ft.
Rear, without easement or alley	25 ft.
Rear, from center line of public alley	10 ft.

(F) *Height regulations.* There shall be no maximum height limits in R-O Districts, provided, however, that any building which exceeds the height of 20 feet shall be set back with any boundary line of any RSF or RMF District an additional distance of one foot for each foot of height in excess of 20 feet.

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

(Code No. 1965, App. A., Art. 5(x); Ord. No. 2414, 2-7-78; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.041; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99)

Fayetteville Unified Development Code

161.16 District C-1, Neighborhood Commercial

(A) *Purpose.* The Neighborhood Commercial District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas.

(B) *Uses.*

(1) *Permitted uses*

Unit 1	City-wide uses by right
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 18	Gasoline service stations and drive-in restaurants
Unit 25	Professional offices

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities

(C) *Density.* None.

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

(E) *Setback regulations.*

Front	50 ft.
Side	None
Side, when contiguous to a residential district	10 ft.
Rear	20 ft.

(F) *Height regulations.* There shall be no maximum height limits in C-1 District, provided, however, that any building which exceeds the height of 10 feet shall be setback from any boundary line of any residential district a distance of one foot for each foot of height in excess of 10 feet.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1965, App. A., Art. 5(V); Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.035; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99)



Fayetteville Fire Department

MEMO

To: Suzanne Morgan, Andrew Garner, Jeremy Pate, and Jesse Fulcher
Thru: Chief Tony Johnson
From: Captain Dale Riggins
Date: April 3, 2006
Re: April 3, 2006 Zoning Review – Fire Department Comments

RZN06-2008

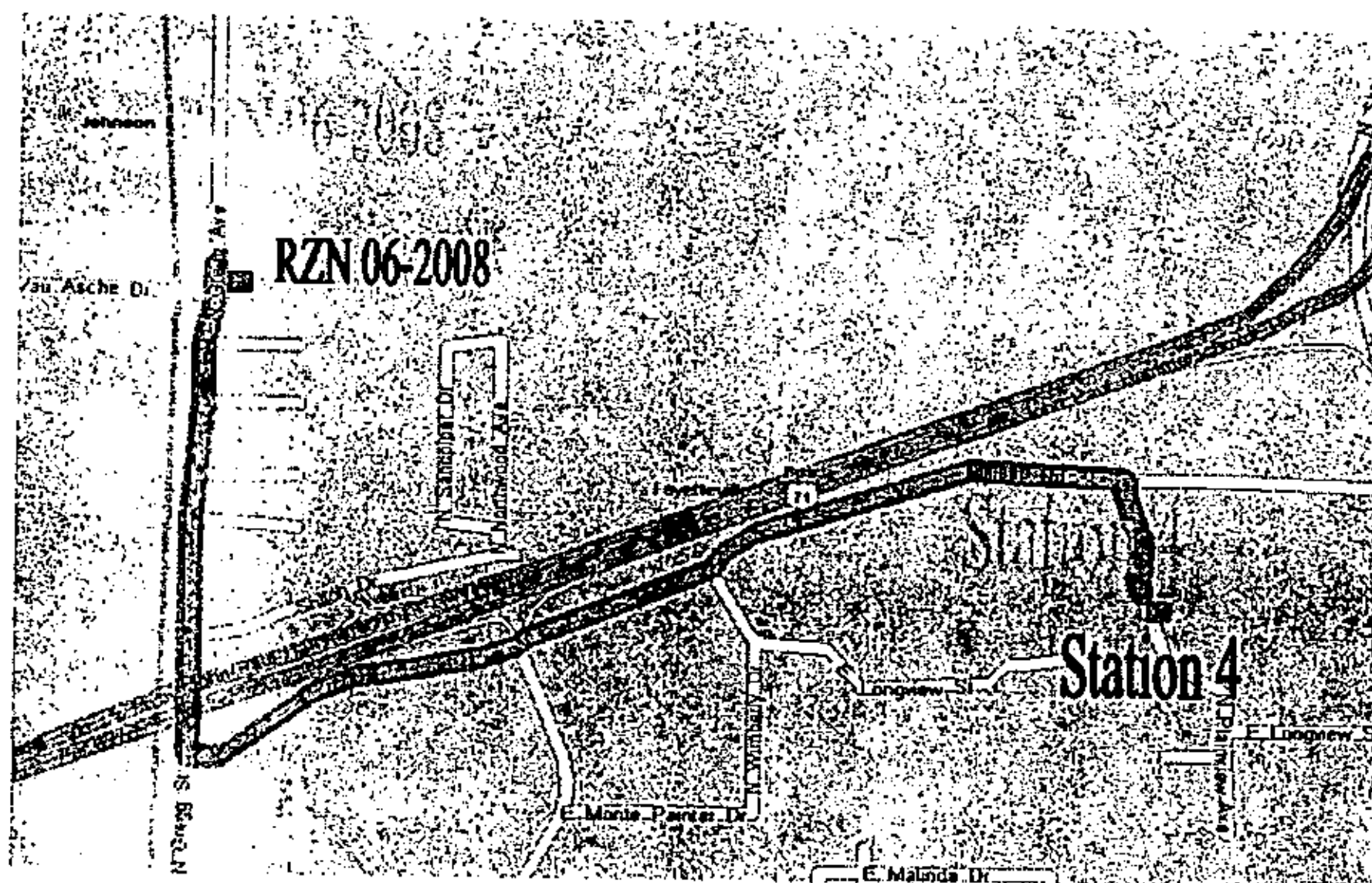
These 53.93 acres are covered by Ladder 4 and Engine 4 located at 3385 N Plainview. The property is 1.5 miles from the station with an anticipated response time of 4.75 minutes

We do not calculate calls for service on commercial re-zonings, but typically there should be no adverse effects on our call volume or response time to this development. Measured hydrant flow in the area is 1630 gallons/minute.

Please feel free to contact me if you have any questions

Dale Riggins

Dale Riggins
Fayetteville Fire Department



RZN 06-2008
Station 4 to Van Ashe
1.5 Miles
4.75 Minutes



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

POLICE DEPARTMENT

April 4, 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 Rezoning RZN 06-2008 (CMN Business Park 562) submitted by McClelland Consulting Engineers for property located at CMN Business Park Phase II Phase III, NW of Van Asche and Steele Blvd. 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 an appreciable increase in traffic danger and congestion in the area.

Sincerely,

A handwritten signature in black ink, appearing to read "William Brown", is written over a horizontal line.

William Brown
Captain - Administration
Fayetteville Police Department

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: 479-575-8267

PLANNING DIVISION CORRESPONDENCE

TO: GIS
FROM: Jan Gambill, Senior Planning Clerk
DATE:
SUBJECT: Legal check for planning project

Project Name: RZN 06-2008 CMN II PR. 3 Return by: ASAP
Parcel: 765-15773-010

Plat Page#: 172-211
Section: 27
Township: 17
Range: 3.0

Current Zoning: C-1, P-0
Proposed Zoning: C-1

Submittal: 1st 2nd 3rd

Closure error / comments:

Closure good; description contains redundant wording

Has the applicant been contacted with requested revisions:

YES

NO

Checked by: TS

Date shape file was created:

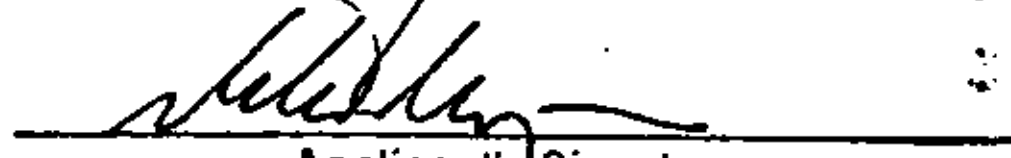
3/24/2006

SURVEY DESCRIPTION OF AREA TO BE REZONED FROM R-O TO C-1:

A PART OF PHASE III OF THE CMN BUSINESS PARK II TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS. SAID PHASE III BEING A PART OF THE NE1/4 OF SECTION 27, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON PIN FOUND AT THE NORTHEAST CORNER OF SAID SECTION 27; THENCE ALONG THE EAST LINE OF SAID SECTION 27 S02°28'46"W 1536.46 FEET TO THE POINT OF BEGINNING; THENCE S02°28'46"W 779.63 FEET; THENCE DEPARTING SAID EAST LINE N86°54'28"W 1476.07 FEET TO THE EAST RIGHT-OF-WAY LINE OF GREGG AVENUE (VARIABLE WIDTH R/W); THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING 5 (FIVE) COURSES: N01°33'44"E 659.91 FEET; N03°16'50"E 300.17 FEET; N02°24'45"E 275.23 FEET; N16°32'02"E 225.44 FEET; N13°03'47"E 20.81 FEET; THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE S87°13'50"E 355.71 FEET TO THE CENTERLINE OF MUD CREEK; THENCE ALONG SAID CENTERLINE S66°06'23"E 286.59 FEET TO THE INTERSECTION OF THE CENTERLINE OF MUD CREEK AND THE CENTERLINE OF SCULL CREEK; THENCE ALONG THE CENTERLINE OF SCULL CREEK THE FOLLOWING THE FOLLOWING 4 (FOUR) COURSES S30°18'15"E 64.39 FEET; S14°36'41"W 279.70 FEET; S41°05'46"E 82.27 FEET; S05°19'16"E 214.00 FEET; THENCE DEPARTING SAID CENTERLINE S87°08'44"E 739.76 FEET TO THE POINT OF BEGINNING, CONTAINING 37.20 ACRES, MORE OR LESS. SUBJECT TO ANY EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.

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


Applicant's Signature

First Submittal as!
RZN 06-2008
closure good
TJ
3/27/2006

To: The City of Fayetteville – Planning Staff

From: McClelland Consulting Engineers

Date: March 03, 2006

Subject: CMN Business Park II Phase III
Request for Rezoning

Submitted for your review is the request for rezoning of the land currently known as CMN Business Park II Phase III. Currently the 53.93 acres of land is split-zoned; consisting of both C-1 (16.73 acres) and R-O (37.20 acres) zones. This request for rezoning would convert the entirety of the property to C-1 Neighborhood Commercial.

The existing property is owned by MSB Properties and Nanchar, Inc (commonly known as the Steele Sisters). The rezoning of the land to Neighborhood Commercial would allow the property to be developed with uses compliant with the Neighborhood Commercial Zoning – with emphasis on Use 15 - Neighborhood Shopping.

District R-O; Residential Office – The purpose of the Residential-Office district is primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

District C-1; Neighborhood Commercial – The purpose of the Neighborhood Commercial District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas.

The regulations of both R-O and C-1 Districts take into consideration both the existing neighborhoods and future potential for similar construction in the area.

This proposed change in zoning has been discussed with City Staff and it is generally understood that the proposed use is compliant with both the surrounding land use and the current and proposed infrastructure in the area (roads, sewer, water, density...).

Please contact me at any time to discuss any questions or concerns that you may have,

Sincerely,



Michael G. Morgan
McClelland Consulting Engineers
479.443.2377
Mmorgan@McClelland-engrs.com

FILED FOR RECORD
'95 NOV 17 PM 2 36
WASHINGTON CO AR
K. HARNESS

D. 3
RZN 06-2008 CMN
Business Park II, Phase III
Page 18 of 30

ORDINANCE NO. 3935

MICROFILMED

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED
IN REZONING PETITION R95-24 FOR A PARCEL
CONTAINING APPROXIMATELY A TOTAL OF 59.48 ACRES
LOCATED EAST OF GREGG, NORTH OF 71 BYPASS, AND
WEST OF 71 BUSINESS, REQUESTED BY MEL
MILHOLLAND ON BEHALF OF MARJORIE S. BROOKS AND
NANCHAR, INC.

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:

R95-24 for the real property described in Exhibit "A" attached hereto and made
a part hereof.

From A-1, Agricultural District and R-1 Low Density Residential District, to R-
O, Residential Office District.

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 7th day of November, 1995.

APPROVED:

By: Fred Hanna

Fred Hanna, Mayor

ATTEST:

By: Traci Paul

Traci Paul, City Clerk



96029068

95062332



FILED FOR RECORD

'96 MAY 10 PM 2 16

WASHINGTON CO AR
K. HARNESS

EXHIBIT "A"
AMENDED
LEGAL DESCRIPTION FOR R95-24 ORB. 3935

A part of the NE 1/4, Section 27, T-17-N, R-30-W, and more particularly described as commencing at a State Monument at the SE corner of said Section 27; Thence along the East boundary of said Section 27, N 02-28-46 E 1385.54 feet to a point on the North Right-of-Way of U.S. 71 bypass, and continuing thence along said Right-of-Way N 69-22-49 E 1.56 feet to a point at the SE corner of Centerbrook Subdivision; Thence along the East boundary of said subdivision N 02-34-19 E 1088.91 feet to a concrete monument at the NE corner of said subdivision; Thence along the North boundary of the Centerbrook and Johnson Road Subdivisions N 86-54-28 W 1549.37 feet to the East Right-of-Way of the Arkansas-Missouri Railroad (St. Louis and San Francisco Railroad); Thence along said railroad Right-of-Way N 01-33-44 E 440.16 feet to the Point of Beginning; Thence N 01-33-44 E 1528.64 feet, Thence leaving said Right-of-Way S 87-19-29 E 509.21 feet to the centerline of Mud Creek; Thence along said creek centerline S 66-06-23 E 286.59 feet to the intersection of the centerline of Skull Creek; Thence along the centerline of Skull Creek S 30-18-15 E 64.39 feet, S 14-36-41 W 279.70 feet, S 41-05-46 E 82.27 feet, and S 05-19-16 E 214.00 feet; Thence leaving said creek S 87-08-44 E 739.76 feet along a fence to the East boundary of Section 27; Thence S 02-28-46 W 834.62 feet, Thence N 86-54-28 W 1553.22 feet to the Point of Beginning, Containing 42.15 acres, more or less.

ALSO

A part of the SE 1/4 of the NW 1/4 and a part of the SW 1/4 of the NE 1/4, all in Section 26, T-17-N, R-30-W, more particularly described as commencing at the State Monument at the Northwest corner of Section 26; Thence S 87-08-25 E 1316.62 feet, Thence S 02-27-52 W 1320.88 feet to the Southeast corner of the NW 1/4 of the NW 1/4 of said Section 26 which is the Point of Beginning; Thence along the South boundary of the Spring Park Subdivision S 87-10-11 E 2349.33 to the Right-of-Way of U.S. 71 Bypass and continuing thence along said Right-of-Way S 02-37-28 E 19.24 feet, Thence N 85-34-53 E 50.00 feet, Thence S 11-20-54 W 89.70 feet, Thence S 15-17-54 W 70.57 feet, Thence leaving said Right-of-Way N 88-22-21 W 899.32 feet, Thence S 30-48-54 W 506.30 feet, Thence N 66-09-46 W 1321.74 feet, Thence N 02-14-59 E 162.63 feet to the Point of Beginning, Containing 17.33 acres, more or less, all in the City of Fayetteville, Washington County, Arkansas.

A total combined 59.48 acres, more or less, all in the City of Fayetteville, Washington County, Arkansas.

5-10-96

LEGAL DESCRIPTION CORRECTED
AND FILED AT COURT HOUSE.

96029069

EXHIBIT "A"

*wrong legal
ord. 3935*

LEGAL DESCRIPTION FOR R95-24

A part of the NE $\frac{1}{4}$, Section 27, T-17-N, R-30-W, and more particularly described as commencing at a State Monument at the SE corner of said Section 27; Thence along the East boundary of said Section 27, N 02°28'46" E 1385.54 feet to a point on the North Right-of-Way of U.S. 71 bypass, and continuing thence along said Right-of-Way N 69°22'49" E 1.56 feet to a point at the SE corner of Centerbrook Subdivision; Thence along the East boundary of said subdivision N 02°34'19" E 1088.91 feet to a concrete monument at the NE corner of said subdivision; Thence along the North boundary of the Centerbrook and Johnson Road Subdivisions N 86°54'28" E 1549.37 feet to the East Right-of-Way of the Arkansas-Missouri Railroad (St. Louis and San Francisco Railroad); Thence along said railroad Right-of-Way N 01°33'44" E 440.16 feet to the Point of Beginning; Thence N 01°33'44" E 1528.64 feet; Thence leaving said Right-of-Way S 87°19'29" E 509.21 feet to the centerline of Mud Creek; Thence along the centerline of Skull Creek S 30°18'15" E 64.39 feet, S 14°36'41" W 279.70 feet, S 41°05'46" E 82.27 feet, and S 05°19'16" E 214.00 feet; Thence leaving said creek S 87°08'44" E 739.76 feet along a fence to the East boundary of Section 27; Thence S 02°28'46" W 834.62 feet, Thence N 86°54'28" W 1553.22 feet to the Point of Beginning, Containing 42.15 acres, more or less.

ALSO:

A part of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and a part of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, all in Section 26, T-17-N, R-30-W, more particularly described as commencing at the State Monument at the Northwest corner of Section 26; Thence S 87°08'25" E 1316.62 feet, Thence S 02°27'52" W 1320.88 feet to the Southeast corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 26 which is the Point of Beginning; Thence along the South boundary of the Spring Park Subdivision S 87°10'11" E 2349.33 feet to the Right-of-Way of U.S. 71 Bypass and continuing thence along said Right-of-Way S 02°37'28" E 19.24 feet, Thence N 87°34'53" E 50.00 feet, Thence S 11°20'54" W 89.70 feet, Thence S 15°17'54" W 70.57 feet, Thence leaving said Right-of-Way N 88°22'21" W 899.32 feet, Thence S 30°48'54" W 506.30 feet, Thence N 66°09'46" W 1321.74 feet, Thence N 02°14'59" E 162.63 feet to the Point of Beginning, Containing 17.33 acres, more or less, all in the City of Fayetteville, Washington County, Arkansas.

A total combined 59.48 acres, more or less, all in the City of Fayetteville, Washington County, Arkansas.

95062333

**MINUTES OF A SPECIAL MEETING OF THE
PLANNING COMMISSION**

A special meeting of the Fayetteville Planning Commission was held on Monday, August 7, 1995, at 1:00 p.m. in the City Administration Building, 113 W. Mountain St., Fayetteville, Arkansas.

MEMBERS PRESENT: Jerry Allred, John Harbison, Phyllis Johnson, Charles Nickle, and Conrad Odom

MEMBERS ABSENT: Jana Lynn Britton, John Forney, Gary Head, Bob Reynolds

STAFF PRESENT: Alett Little, Don Bunn, Mandy Bunch, Perry Franklin, Charles Venable, Beth Sandeen, and Janet Johns

OLD BUSINESS

**REZONING R95-24 - MARJORIE S. BROOKS AND NANCHAR, INC.
MILHOLLAND - E OF GREGG, N OF US 71 BYPASS, W OF SKULL CREEK,
S OF MUD CREEK**

This item was submitted by Milholland Engineering on behalf of Marjorie S. Brooks and NANCHAR, Inc. for property located east of Gregg Street, north of US 71 Bypass, west of Skull Creek, and south of Mud Creek. The request was to rezone 38.10 acres from R-1, Low Density Residential to C-2, Neighborhood Commercial.

**REZONING R95-25 - MARJORIE S. BROOKS AND NANCHAR, INC
MILHOLLAND - E OF SKULL CREEK, N OF 71 BYPASS, W OF US 71B, S OF CLEAR CREEK**

This item was submitted by Milholland Engineering on behalf of Marjorie S. Brooks and NANCHAR, Inc. for property located east of Skull Creek, north of US 71 Bypass, w of US 71B, and south of Clear Creek. The request is to rezone 271.67 acres from A-1, Agricultural to C-2, Thoroughfare Commercial.

Staff asked the Planning Commission to make a determinations as follows:

1. The degree to which the proposed zoning is consistent with land use planning objectives principles, and policies and with land use and zoning plans;
2. Whether the proposed zoning is justified and/or needed at the time the rezoning is proposed;
3. Whether the proposed zoning would create or appreciably increase traffic danger and congestion;
4. Whether the proposed zoning would alter the population density and thereby undesirable increase the load on public facilities including schools, water, and sewer facilities.
5. If there are reasons why the proposed zoning should not be approved in view of considerations above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as would it be impractical to use the land for any of the uses permitted under its existing zoning or are there extenuating circumstances which justify the rezoning.

Regarding R95-24, staff recommended R-O zoning for the subject parcel.

Planning Commission Minutes
August 7, 1995
Page 2

Regarding R95-25, staff recommended that a portion of the tract north of Mud Creek as well as that portion of the tract contained in Section 23 and 26 of Township 17N, Range 30W be rezoned C-2 and the balance of the property be rezoned R-O.

Ms. Johnson stated the meeting was informational and therefore no public comment would be taken.

Ms. Little stated after the July 10, 1995 meeting there were a number of requests for additional information including a traffic study, transition zoning, design standards proposed, justification for changing the 2010 Plan, and whether or not to do a mixed use development, and information on the intensity of the use. She stated Ms. Johnson had requested a map showing the relative location of the parcel with regard to other areas of the city and presented same. Discussion of the map ensued.

Ms. Bunch gave an overview of the Joyce Street extension project. She discussed the mall expansion, development of the Spring Creek Center, and cost share allocations. She stated the Joyce Street project would cost in excess of \$1 million, divided between the City (61%) and developer (39%). Further she stated the Clary and Rouse Company which owns the mall would cost sharing for construction of two lanes of the Joyce Boulevard extension to Gregg Street. Mud Creek bridge will receive 80% federal funds with Rouse and Clary sharing 39% for construction of two lanes. She stated two tracts had been acquired for the extension and other land owners were being contacted for right of way through their property. Discussion ensued. Ms. Bunch stated there would be five lanes at the western boundary of Spring Creek Center which was proposed to extend to the Johnson city limits and at that point Joyce would become a four lane divided boulevard.

Discussion ensued regarding Shephard Lane and Ms. Bunch stated a light would be installed at that location and is being 100% funded by the mall and Northwest Village. Further Ms. Bunch stated there would dual turn lanes at Shephard Lane and at Joyce.

Mr. Franklin stated a joint radio traffic system was being installed which would coordinate the traffic in the subject area including Main Street, Zion Road, Shephard Lane, Joyce Street, and Mall Avenue. Discussion ensued regarding the capabilities of the subject radio traffic light system.

Ms. Johnson inquired regarding a proposed "fly over" south of the mall. Mr. Venable stated this was put under the Transportation Improve Program (TIP) and there were three scenarios. He stated it was included in the City's 5 year program but he was not certain what the Highway Department's position regarding same was. Discussion ensued. Mr. Venable stated dialogue would be pursued regarding same and Ms. Little requested as much information as possible be provided to the Commission prior to the next meeting regarding the subject rezoning.

Mr. Milholland commented he had spoken to the Highway Department and all they had was an aerial photograph with red ink marking the proposed location of the "fly over." Regarding an exit ramp from the "fly over", Mr. Milholland stated the Highway Department stated it was possible but not practical due to elevation.

Ms. Little stated Mall Lane was prohibited from tying in due to the location of the creek.

Ms. Bunch stated there had been a requested to place the Gregg Street widening project as the top priority to get funding for same. She stated cost share would be 80%/20% on construction from 2 lanes to 4 lanes. Mr. Allred stated part of the road at Mud Creek would be relocated. Discussion ensued regarding creeks in the subject area.

Mr. Milholland presented two maps showing the subject tract and phases of proposed development. Discussion ensued regarding creek locations, development phases, percent of land in the flood way; total acreage per phase, and natural buffer dedication between the surrounding residential zones. Regarding cooperation between the adjoining

Planning Commission Minutes
August 7, 1995
Page 3

residential zones and the developers, Mr. Milholland stated they would provide a 20 feet natural buffer on the east side of Centerbrook, north side all the way to Gregg would have a 15 feet buffer, and along the eastern boundary of Lenham Heights there would be a 15 feet buffer. Further he stated, they would provide the required wall on the commercial side of the buffer. Discussion ensued.

Mr. Milholland stated the adjoining property owners were given a line item veto on use units allowed under C-2 zoning. Discussion ensued.

Mr. Irwin stated they had initially approached the Planning Department to coordinate efforts and achieve a consensus regarding the development of the subject area. He further stated construction of the street infrastructure might limit the type of uses they could do and maintain economic feasibility.

Discussion ensued regarding Shiloh Drive and traffic flow and the Master Street Plan.

Mr. Irwin stated the flood way area would be donated to parks and by subtracting additional acreage for roads and buffers there would only be 250 acres for C-2 development. He stated Phase I would contain large retail and hotel uses, Phase II would contain offices and mixed uses, Phases III and IV would be retail. He further stated Phase I would be completed in a 2 year time frame and subsequent phases would be developed in 1995 to 2002 with Phase IV completed by 2005. He stated the developer would be economically limited to office and retail. Discussion ensued and Mr. Irwin stated there would be 2 million square feet of building area in the entire project.

Mr. Peters gave a traffic engineering report. He stated there were opportunities to coordinate with the Highway Department to ensure the best access is provided through the area during development. Further he stated there were several options regarding the "fly over" and ramps which prevented the developer from setting aside land but options could be pursued to dove tail with future improvements. Discussion ensued regarding the various proposed options. He stated that if the fly over were constructed the bridge to Shiloh would not go anywhere but the effect of the Shiloh connection would be taken care of via an alternate route.

Mr. Peters stated the preliminary numbers of traffic in a 1 million square feet mixed use development would be about 40,000 vehicles per day at build out. Mr. Allred inquired when they projected they would reach build out and Mr. Peters stated it would be in 10 to 15 years. Discussion ensued.

Mr. Irwin stated the infrastructure expense to the City would be in the \$4 to \$6 million range which would easily be generated in sale tax base.

Discussion ensued traffic generation and Mr. Peters stated the mall would generate 50% of the traffic and Spring Creek would generate 25% and NANCHAR would generate 25%.

Ms. Little requested that a chart be provided which showed the trip generations compared to usage.

Mr. Nickle inquired if the plans as presented would handle the traffic and Mr. Peters stated those numbers were fluid and a more complete study was in process. Discussion ensued regarding when the complete study would be ready and Mr. Peters stated more information was needed regarding fly over and diamond accesses. He stated he planned to contact Mr. Venable regarding cooperation between the City and the Highway Department for improvements.

Mr. Peters stated the developer was prepared to build what was necessary to handle the traffic problems and provide access to the subject property.

Mr. Irwin urged the Commissioners to reach a consensus regarding a general direction of development for the

Planning Commission Minutes
August 7, 1995
Page 4

subject tract. Mr. Nickle cautioned that at some point in the future the Master Street Plan would need to be amended to reflect the agreed upon deviation from same.

Mr. Irwin stated he would be willing to give the right of way for 5 lanes with 4 lane bridges. Discussion ensued and Mr. Allred stated those were issues to be addressed during the development stage.

Ms. Little delineated the staff recommendations and she stated the 2010 Plan did show about 2/3 of the subject area in residential use and she stressed that residential use included R-O zoning. She stated North Hills Medical Park was developed in R-O. She stated the area south of Spring Creek would be the more limited type development. She urged the Commission to consider whether or not 2 million square feet could be accommodated. Regarding the Lenham Height and Centerbrook agreements, she stated same provided very limited uses. She stated she was comfortable with the C-2 north of Mud Creek and R-O west of Skull Creek. Ms. Little stated C-2 would be required for a large hotel and the "big box" retail buildings.

Ms. Little stated she would provide a chart showing use units and coverage limitations involved with C-2 and R-O. Discussion ensued regarding the agreements with Lenham Heights and Centerbrook and whether those restrictions made the uses more in line with C-1.

Discussion ensued regarding postponing discussion until the August 28, 1995 meeting and Mr. Milholland stated he would voluntarily withdraw same under the condition they be first on the agenda for that meeting.

Ms. Little stated street alignment issues needed to be explored and engineered.

Mr. Nickle requested the staff to compare the use units of C-2, C-1 and R-O.

Mr. Odom requested the developer contact the Park's regarding dedication of the flood way area.
Ms. Little requested information from the developer on a unified design theme.

Meeting adjourned a 2:35 p.m.

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

A meeting of the Fayetteville Planning Commission was held on September 11, 1995 at 5:30 p.m. in the City Administration Building, 113 West Mountain, Room 219, Fayetteville, Arkansas.

MEMBERS PRESENT: Jerry Allred, Jana Lynn Britton, John Forney, John Harbison, Gary Head, Phyllis Johnson, Charles Nickle, Conrad Odom, and Bob Reynolds

STAFF PRESENT: Alett Little, Don Bunn, Janet Johns, and Rich Lane.

APPROVAL OF MINUTES

The minutes of the Planning Commission meeting of August 28, 1995 were amended to reflect Mandy Bunch under staff present. Minutes were approved as corrected.

OLD BUSINESS

**REZONING R95-24 - NANCHAR AND MARJORIE S. BROOKS
E OF GREGG ST, N OF US71 BYPASS, W OF 71 BUSINESS**

The first item on the agenda was the request was to rezone 38.10 acres from R-1, Low Density Residential, to C-2, Thoroughfare Commercial.

**REZONING R95-25 - NANCHAR AND MARJORIE S. BROOKS
E OF GREGG ST, N OF US71 BYPASS, W OF 71 BUSINESS**

In conjunction with R95-24, the next item on the agenda was the request was to rezone 271.67 acres from A-1, Agricultural, to C-2, Thoroughfare Commercial.

The requests were amended as follows:

**REZONING R95-24 - NANCHAR AND MARJORIE S. BROOKS
E OF GREGG ST, N OF US71 BYPASS, W OF 71 BUSINESS**

The amended request was to rezone approximately 59.48 acres from A-1, Agricultural and R-1, Low Density Residential to R-O, Residential Office.

**REZONING R95-25 - NANCHAR AND MARJORIE S. BROOKS
E OF GREGG ST, N OF US71 BYPASS, W OF 71 BUSINESS**

The amended request was to rezone 10.61 acres from A-1 Agricultural to C-1, Neighborhood Commercial and 30.07 acres from A-1, Agricultural and R-1, Low Density Residential to C-1, Neighborhood Commercial with restrictions totaling 40.68 acres.

**REZONING R95-25.1 - NANCHAR AND MARJORIE S. BROOKS
E OF GREGG ST, N OF US71 BYPASS, W OF 71 BUSINESS**

The amended request was to rezone 200.62 acres from A-1, Agricultural to C-2, Thoroughfare Commercial and 8.99 acres from A-1, Agricultural to C-2, Thoroughfare Commercial with restrictions totaling 209.61 acres.

As a result of meetings with the developer's representatives and public hearings, both the developer and staff revised their positions and staff now recommends in favor of the amended requests.

Minutes of Planning Commission Meeting
September 11, 1995
Page 2

Discussion ensued regarding the amount of acreage actually being rezoned.

Ms. Little stated there was 84.04 acres of C-2 north of Mud Creek, 8.09 acres of C-2 with restrictive covenants west of the road, 6.07 acres of C-2 west of the road and north of Mud Creek, 91.28 acres of C-2 south of Mud Creek, 9.17 acres of R-O north of Mud Creek, 8.07 acres of C-1 northwest of the road, 19.75 acres of C-1 southwest of the road, 11.19 acres of R-O west of the road and east of Skull Creek, 24.35 acres of R-O west of Skull Creek, and 8.16 acres of C-1 west of Skull Creek. She stated total flood way within the Fayetteville city limits was 37.72 acres and the balance of the flood way was located in Johnson city limits. Ms. Little stated there was a total of 44 acres of R-O.

Discussion ensued regarding flood way acreage.

Additionally, Ms. Little stated she had received numerous calls from residents of Centerbrook Subdivision as well as Lenham Heights Subdivision expressing interest in the amended request and amended staff recommendation. She stated the callers wanted to make sure the Bills of Assurance and agreements with the developer would be upheld. Ms. Little stated that although one of the areas were changed from a C-2 request to a C-1 request this made uses more restrictive than the negotiated agreements between the residents and developers. She stated the residents requested that neither restaurants nor service stations be allowed adjacent to their properties and those were excluded under the Bills of Assurance.

Ms. Little requested revised traffic information prior to the Council meeting if the subject rezonings were approved.

Ms. Little stated that since no decisions were to be made on street locations, she had requested street alignments be stricken from the chart. She stated the acreage for street right of way had not been taken off because street decisions were not being considered.

Ms. Little stated the area north of Mud Creek and south of Spring Creek Park had access difficulty and now staff recommended an R-O zone allowing large, multi-story office buildings located in a park like setting. To the south, she stated there was a large area of C-2 which had some traffic problems with ingress and egress but was slated to be developed as hotel uses which generated about 1/4 of the traffic that a retail establishment would generate which should be handled at large scale development. She stated the orange area was designated as C-1. She stated staff had recommended R-O in the orange area but with proper street placement, neighborhood commercial could be compatible with the area and would allow for smaller scale retail uses but disallow duplex development which was objected to by the surrounding neighborhood groups. Further she stated R-O would not allow for the large box retail, malls, or hotel type uses. She stated R-O was the remaining balance of the area on the west side of the property which would allow a mix of residential and office uses. She stated since Gregg Street had not been updated the R-O zone with its less intense type uses would be appropriate for the area than a commercial zone. She stated the applicant did not plan to develop as residential. North of Mud Creek was recommended C-2 which is best suited due to the routes of ingress and egress. The area adjoining Lenham Heights had a restrictive Bill of Assurance.

Ms. Little stated the street locations would be addressed at large scale development phase. Discussion ensued regarding proposed street connections and designation of same on the conceptual map.

Discussion ensued regarding a letter submitted by Lois Imhoff who expressed concern regarding the school district boundaries between Fayetteville and Springdale and tax monies generated for county wide taxes and school millages. Ms. Little stated all sales tax goes to the city of Fayetteville.

Discussion ensued regarding the C-2 hotel zone area. Ms. Little stated it was a visible, high profile area which

Minutes of Planning Commission Meeting
September 11, 1995
Page 3

would lend itself to hotel development but there was a problem with limited ingress and egress.

Ms. Britton inquired that if any part of the property to be rezoned to R-O, would housing be a use by right and Ms. Little stated R-O would allow single family residences and duplexes as use by right.

Ms. Johnson inquired regarding Van Asche connecting to the west part of the subject property and Mr. Milholland stated it connected near the middle of the C-1 zone. Ms. Little stated a Van Asche connection was paramount due to the connection at the bypass and it is also the northern most line of the city limits of Fayetteville.

Ms. Britton inquired regarding whether or not there were three rezonings, one for C-2, one for R-O, and one for C-1 and Ms. Little stated they were grouped in that manner for simplicity and to detail total acreage per zone.

Ms. Britton stated she felt this was a too intensive use for the subject area and further stated she would like to see residential development.

MOTION

Mr. Nickle made a motion to approve RZ95-24 rezoning 44.71 acres to R-O.

Mr. Head seconded the motion.

Upon roll call, the motion passed with a vote of 7-2-0. Ms. Britton and Mr. Forney voted against the motion.

MOTION

Mr. Head made a motion to approve RZ95-25 rezoning 36.69 acres to C-1.

Mr. Allred seconded the motion.

Ms. Britton stated she had requested C-1 zoning but configuration of the subject proposal had the potential to contribute to strip development.

Ms. Little stated a Bill of Assurance had been offered and accepted on a portion of the C-1 limiting uses by right.

Upon roll call, the motion passed with a vote of 7-2-0. Ms. Britton and Mr. Forney voted against the motion.

MOTION

Mr. Reynolds made a motion to approve RZ95-25.1 rezoning 190.65 acres to C-2.

Mr. Head seconded the motion.

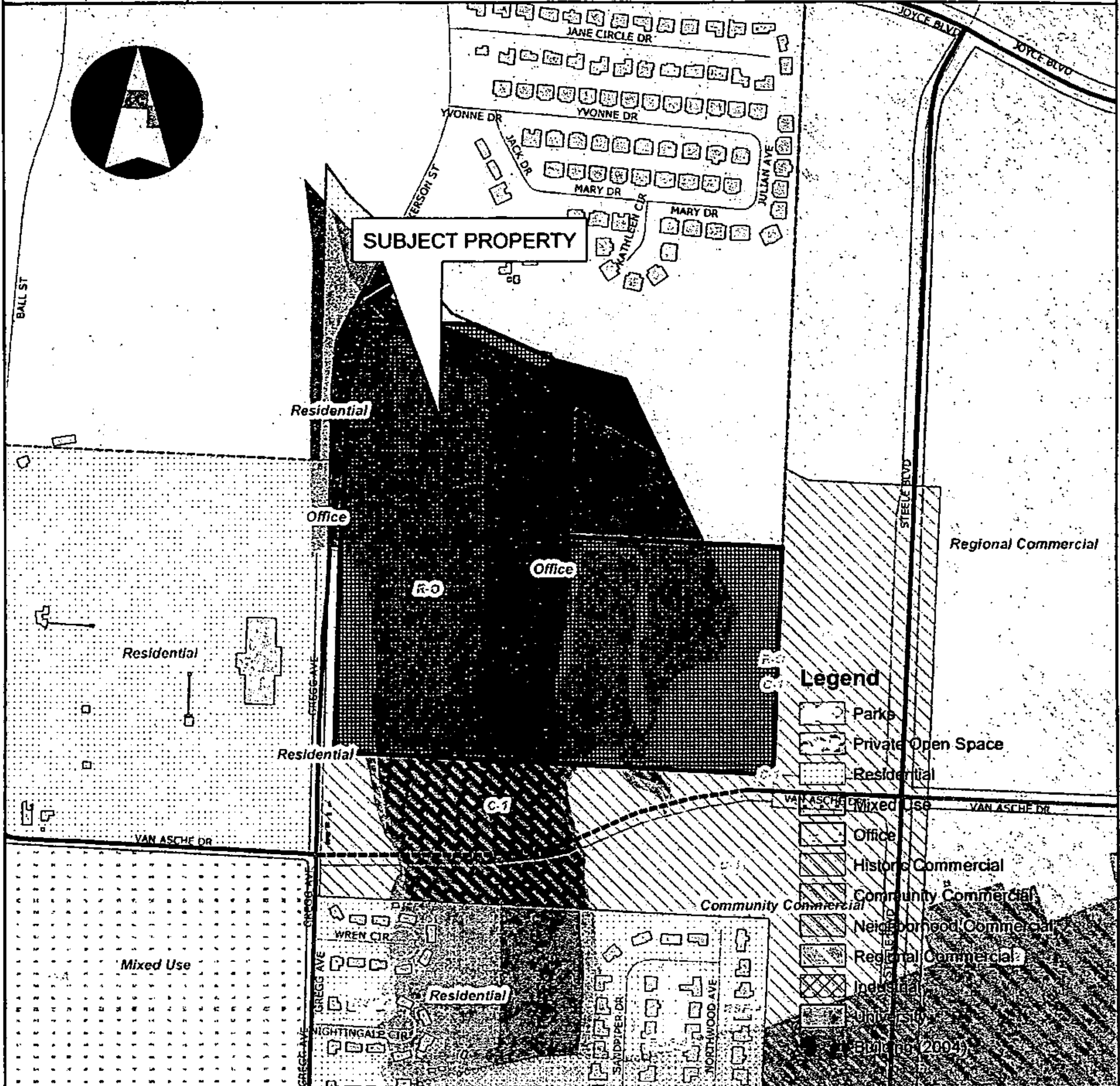
Ms. Little stated a Bill of Assurance had been offered and accepted on a portion of the C-2 limiting uses by right.

Upon roll call, the motion passed with a vote of 6-3-0. Ms. Britton, Mr. Forney, and Mr. Harbison voted against the motion.

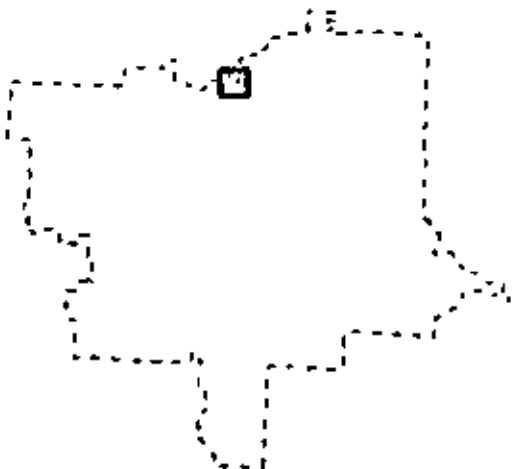
RZN06-2008

CMN PHASE III

Future Land Use



Overview



Legend

Subject Property

RZN06-2008

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

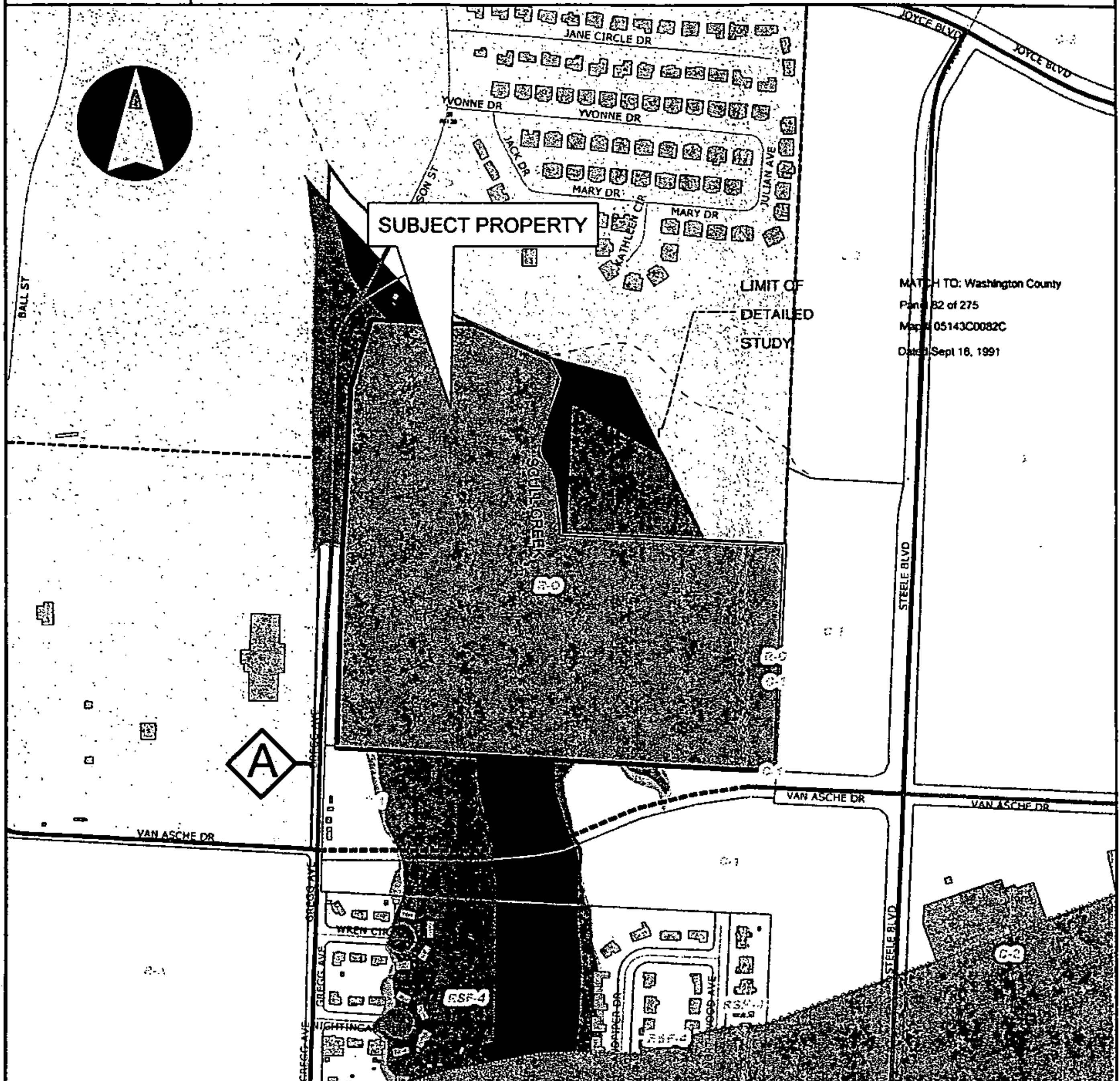
Outside City

Legend

RZN06-2008

Close Up View

CMN PHASE III



MATCH TO: Washington County
Page 82 of 275
Map 05143C0082C
Date: Sept 16, 1991

Legend

- 00000 Overlay District
- 100 YEAR
- 500 YEAR
- LIMIT OF STUDY
- Baseline Profile
- Fayetteville
- Outside City
- RZN06-2008
- vector.GDB.Footprint_2004

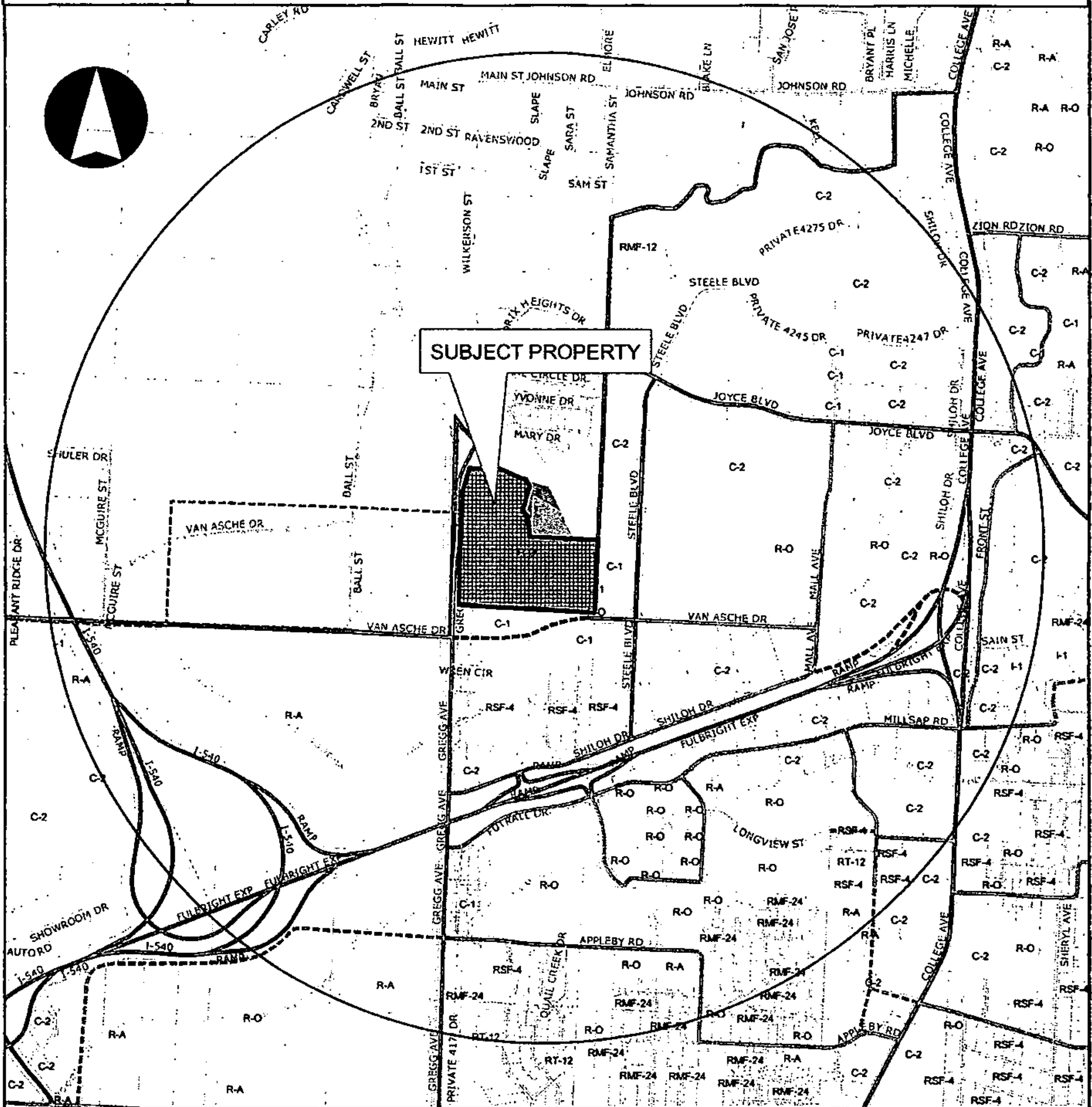
0 200 400 800 1,200 1,600 Feet

RZN06-2008

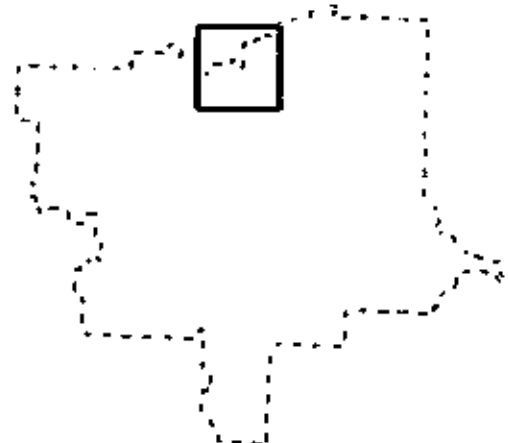
One Mile View

CMN PHASE III

D. 3
RZN 06-2008 CMN
Business Park II, Phase II
Page 30 of 30



Overview



Legend

Subject Property

RZN06-2008

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

2-May-06
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

R-PZD 06-1922: (Scottswood Place, 558): Submitted by H2 Engineering for property located northeast of Old Farmington Road and One Mile Road. The property is zoned R-A, Residential Agricultural and contains approximately 5.06 acres. The request is for a Residential Planned Zoning District with 11 single-family detached units and 6 single-family attached 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

4-14-06

Date

Previous Ordinance or Resolution # n/a

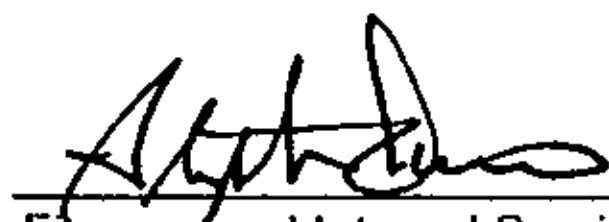
Original Contract Date: n/a

Original Contract Number: n/a



City Attorney

4-14-06



Finance and Internal Service Director

4-14-06

Date

Received in City Clerk's

ENTERED

4/14/06

ser

Received in Mayor's Office

ENTERED

4/14/06

ser



Mayor

4/19/06

Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: April 13, 2006

Subject: Residential Planned Zoning District for Scottswood Place (R-PZD 06-1922)

RECOMMENDATION

Planning Staff recommends approval of an ordinance creating a Residential Planned Zoning District (R-PZD) for Scottswood Place, based on the Master Development Plan, development standards and statement of commitments submitted. This action will establish a unique zoning district for 11 single-family detached dwelling units and 6 single-family attached units on approximately 5.06 acres located northeast of Old Farmington Road and One Mile Road.

BACKGROUND

This site is located northeast of the intersection of Old Farmington Rd. and One Mile Rd. The property has been the subject of numerous code violations in the past for commercial/industrial activities on the agricultural property. The subject request will hopefully eliminate the potential for future violations of this nature, and result in a single family residential neighborhood compatible with those around it.

The applicant is attempting to create a single-family development with a density that is consistent with the RSF-4 zoning district. Through the utilization of smaller lots and setbacks the applicant has preserved a large portion of the existing tree canopy. 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 preliminary plat which would allow a subsequent review of construction plans.

DISCUSSION

The Planning Commission voted 8-0-0 in favor of this request on April 10, 2006. 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 06-1922, SCOTTSWOOD PLACE, LOCATED NORTHEAST OF OLD FARMINGTON ROAD AND ONE MILE ROAD, CONTAINING APPROXIMATELY 5.06 ACRES, MORE OR LESS; 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 R-A, Residential Agricultural, to R-PZD 06-1922 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, statement of commitments and the conditions of approval as submitted, determined appropriate and approved by the City Council indicated in Exhibit "B" attached hereto and made a part hereof.

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 _____ day of _____, 2006.

APPROVED:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk

EXHIBIT "A"
R-PZD 06-1922

A PART OF THE NW ¼ OF THE NE ¼ OF SECTION 19, TOWNSHIP 16 NORTH, RANGE 30 WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:
BEGINNING AT A POINT WHICH IS S02°24'54"W 129.94 FEET FROM THE NORTHWEST CORNER OF SAID 40 ACRE TRACT, RUNNING THENCE S87°57'00"E 64.25 FEET TO THE CENTERLINE OF AN EXISTING ROADWAY, THENCE WITH THE CENTERLINE OF SAID ROADWAY, THE FOLLOWING BEARINGS AND DISTANCES: S42°55'00"E 57.40 FEET, S71°54'00"E 255.09 FEET, S64°29'08"E 229.45 FEET TO THE CENTERLINE OF OLD FARMINGTON ROAD, THENCE WITH THE CENTERLINE OF SAID ROAD FOLLOWING BEARINGS AND DISTANCES: S46°42'54"W 491.05 FEET, S45°27'16"W 310.58 FEET, THENCE LEAVING SAID CENTERLINE AND RUNNING N01°54'55"E 777.40 FEET TO THE POINT OF BEGINNING AND CONTAINING 5.06 ACRES, MORE OR LESS, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS.
SUBJECT TO UTILITY EASEMENTS AND RIGHTS OF WAY OF RECORD.

DRAFT

EXHIBIT "B"
R-PZD 06-1922
Conditions of Approval

1. Planning Commission determination of street improvements, to include the following:
 - a. Installation of an 18' wide street from centerline of Old Farmington Rd., including 18' pavement, curb, gutter, storm drains, and a 6' sidewalk.
 - b. All improvements shall continue west, through the intersection of One Mile Rd. and Old Farmington Rd. to provide a safe transition, to be approved by City Engineering prior to construction.
 - c. Right-of-way to meet Master Street Plan requirements shall be dedicated prior to filing the Final Plat (35 feet from centerline along Old Farmington).
 - d. Street lights are required every 300' along Old Farmington Rd.
 - e. Interior streets shall be constructed to a 24-foot width within a 40' foot right-of-way with 4-foot sidewalks located on both sides.

THE PLANNING COMMISSION FOUND IN FAVOR OF THE PROPOSED STREET IMPROVEMENTS.

2. All setbacks, protective easements, density, designated uses and other zoning criteria submitted on the plat and booklet are binding with the approval of the R-PZD. Submitted covenants are likewise binding to the project.
3. At least one (1) large species tree shall be planted between the right-of-way and the front building setback line on lots 1-5 & 13-18. If possible, locate these trees outside of any utility easements.
4. Structures shall be constructed as presented in the PZD, meeting the architectural design standards and building materials established herein.
5. Parks fees in the amount of \$9,435 for 17 single-family units shall be paid prior to issuance of building permits, or as constructed to meet the parkland dedication fee-in-lieu requirements.
6. The applicant shall coordinate with the Solid Waste Division to determine the most appropriate waste removal method for this development with a mixed-type of residential dwellings.
7. 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.

8. All development shall meet applicable building codes and other ordinances of the City of Fayetteville.
9. No portion of any structure (i.e., porches, roof overhangs, etc.) shall encroach into building setbacks.
10. 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.
11. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code, and shall be subject to signage requirements for residential single-family development. This shall be reflected in the booklets and on the plats.
12. 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).
13. 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.
14. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.



PC Meeting of April 10, 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
Matt Casey, Staff Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: ~~March 31, 2006~~ REVISED APRIL 13, 2006

R-PZD 06-1922: Planned Zoning District (Scottswood Place, 558): Submitted by H2 ENGINEERING for property located at NE OF OLD FARMINGTON RD. AND ONE MILE RD. The property is zoned R-A, RESIDENTIAL AGRICULTURE and contains approximately 5.06 acres. The request is for a Residential Planned Zoning District with 17 single-family lots.

Property Owner: S & M, LLC

Planner: JESSE FULCHER

Findings:

Property Description: This site is located northeast of the intersection of Old Farmington Rd. and One Mile Rd. The property has been the subject of numerous code violations in the past for commercial/industrial activities on the agricultural property. The subject request will hopefully eliminate the potential for future violations of this nature, and result in a single family residential neighborhood compatible with those around it.

Surrounding Land Use/Zoning:

Direction	Land Use	Zoning
North	Single Family Homes	RSF-4
South	Single Family Homes	RSF-4/R-A
East	Single Family Homes	RSF-4
West	Single Family Homes	R-A

Proposal: The applicant requests a rezoning, Master Development Plan and Preliminary Plat approval for a single-family development on the property. The proposal includes a maximum of 17 dwelling units within the proposed subdivision. The development will consist of 11 single family detached dwelling units and 6 single family attached dwelling units.

The applicant is attempting to create a single-family development with a density that is consistent with the RSF-4 zoning district. Through the utilization of smaller lots and setbacks the applicant has preserved a large portion of the existing tree canopy. 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 preliminary plat which would allow a subsequent review of construction plans.

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 8	Single-family dwellings
Use Unit 10	Three-family dwellings

Conditional Uses

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and Recreational Facilities
Unit 24	Home Occupations

(B) Density.

Units per acre	3.36
----------------	------

(C) Bulk and area regulations.

Lot minimum width	40 ft.
Lot area minimum	3,300 sq. ft.
Land area per dwelling unit	3,300 sq. ft.

(E) Setback requirements.

Front Building Setback from Proposed Street:	10 Ft.: Lots 5 & 13 10 Ft.: Lots 6-8 & 10-12
Front Building Setback from Old Farmington:	40 Ft.: Lots 1-5 & 13-18
Side Building Setback between Structures:	6 Ft.: Lots 1-5 & 13-18 0 Ft.: Lots 6-8 & 10-12
Setback from alley:	20 Ft.: Lots 1-5 & 13-18 8 Ft.: Lots 6 & 12
Rear Building Setback	20 Ft.: Lots 6-8 & 10-12

(F) *Height.* None

(G) *Building area.* Maximum 42% of the Lot Area

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. 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:

West: One Mile Rd. (Local Street)

South: Old Farmington Rd. (Collector Street)

Traffic: Access to the site is provided by way of a short cul-de-sac extending north from Old Farmington Road. An alley will extend east and west from the cul-de-sac, paralleling Old Farmington Road. The alley will provide rear access to the units which front Old Farmington Road. Street connectivity is not recommended up the slope through the proposed Tree Preservation area.

Street Improvements: Staff recommends the following improvements:

- Improve Old Farmington Rd. to include a 18' wide street section from centerline with curb, gutter, storm drains and a 6-foot sidewalk at the Master Street Plan right-of-way and street lights every 300'.

**Staff recommends that these improvements continue off-site through the intersection of Old Farmington Rd. and One Mile Rd., so that a dangerous traffic situation is not created by widening only one side of the intersection. The north side improvement would taper west of the intersection of One Mile Rd.*

Tree Preservation: Lot 9 will serve as a permanent tree preservation area, containing approximately 32,956 sq. ft. This will result in 29.28% of the existing 43.92% tree canopy being preserved.

Parks: On January 19, 2006 the Parks Recreation Advisory Board recommended accepting money in lieu in the amount of \$9,435 for 17 single-family homes.

Public Comment: Staff has received comments from an adjacent property owner. The neighbor has concerns regarding density, inadequate infrastructure, condition of Old Farmington Rd., maintenance of the bordering gravel road, sidewalks, lighting and traffic. There has also been a discussion between the developers and the neighbors regarding the existing access easement, which borders the east property line. This access easement is being maintained, and

improvements provided along Old Farmington Road.

Recommendation: Staff recommends approval of Residential Planned Zoning District (R-PZD 06-1922) with the following conditions:

Conditions of Approval:

1. Planning Commission determination of street improvements, to include the following:
 - a. Installation of an 18' wide street from centerline of Old Farmington Rd., including 18' pavement, curb, gutter, storm drains, and a 6' sidewalk.
 - b. All improvements shall continue west, through the intersection of One Mile Rd. and Old Farmington Rd. to provide a safe transition, to be approved by City Engineering prior to construction.
 - c. Right-of-way to meet Master Street Plan requirements shall be dedicated prior to filing the Final Plat (35 feet from centerline along Old Farmington).
 - d. Street lights are required every 300' along Old Farmington Rd.
 - e. Interior streets shall be constructed to a 24-foot width within a 40' foot right-of-way with 4-foot sidewalks located on both sides.

THE PLANNING COMMISSION FOUND IN FAVOR OF THE PROPOSED STREET IMPROVEMENTS.

2. All setbacks, protective easements, density, designated uses and other zoning criteria submitted on the plat and booklet are binding with the approval of the R-PZD. Submitted covenants are likewise binding to the project.
3. At least one (1) large species tree shall be planted between the right-of-way and the front building setback line on lots 1-5 & 13-18. If possible, locate these trees outside of any utility easements.
4. Structures shall be constructed as presented in the PZD, meeting the architectural design standards and building materials established herein.
5. Parks fees in the amount of \$9,435 for 17 single-family units shall be paid prior to issuance of building permits, or as constructed to meet the parkland dedication fee-in-lieu requirements.
6. The applicant shall coordinate with the Solid Waste Division to determine the most appropriate waste removal method for this development with a mixed-type of residential dwellings.
7. 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.
8. All development shall meet applicable building codes and other ordinances of the City of

Fayetteville.

9. No portion of any structure (i.e., porches, roof overhangs, etc.) shall encroach into building setbacks.

Standard Conditions of Approval:

10. 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.
11. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code, and shall be subject to signage requirements for residential single-family development. This shall be reflected in the booklets and on the plats.
12. 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).
13. 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.
14. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.

Planning Commission Action:

Required YES
✓ Forward ☐ Denied ☐ Tabled

Meeting Date: April 10, 2006
Comments:

Motion: Lack
Second: Clark
Vote: 8-0-0

Findings associated with MDP R-PZD 06-1922

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 Residential, which should include traditional neighborhoods containing a mix of different densities, housing types, and lot sizes.

- (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 Old Farmington Rd. 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 residential 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, residential areas should contain a mix of different densities, housing types and lot sizes.

- (5) Whether the subject land is suitable for the intended use and is compatible with the natural environment;

FINDING: The subject property is at the base of a hill with substantial tree canopy located on the northern half of the property. The design takes tree preservation priorities into account, by preserving a large section of canopy within a preservation area. The applicant proposes preservation of no less than 25% tree canopy. A Tree Preservation Plan is presented for this proposal. Specific conditions from the Urban Forester have been included within the staff report.

- (6) Whether the intended land use would create traffic congestion or burden the existing road network;

FINDING: It is expected that the addition of 17 residential dwelling units will increase the amount of traffic on Old Farmington Rd. However, Old Farmington Rd. is a Collector Street, which is intended to collect traffic from local streets and channel it into the arterial system. Vehicles traveling west will be able to access 6th Street (a principal arterial), or east to Shiloh Dr. (a collector street). The developer will be expected to make significant improvements to Old Farmington Rd. in order to provide adequate traffic safety. These improvements include a 18' wide street section from centerline with curb, gutter, storm drains and sidewalk along the projects frontage on Old Farmington Rd. Improvements need to extend beyond the frontage of the subject property through the intersection of Old Farmington Rd. and One Mile Rd., so that a dangerous traffic situation is not created by widening only one side of the intersection.

- (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. Natural site amenities are being retained within a Tree Preservation area. The proposed density, while slightly higher than the existing rural density to the northwest and northeast, is compatible with the RSF-4 density requirements. The proposed subdivision tree preservation and overall public amenities required of the developer, along with the variety of lot sizes furthers the health, safety, amenity and welfare of the community as a whole. 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 as part of this development.

- (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 a short cul-de-sac extending from Old Farmington Rd. with a rear alley providing access to Lots 1-5 and 13-18. The interior street will be a 40 right-of-way with a 4' sidewalk located on both sides. Old Farmington Rd. serves as a collector for local street traffic, channeling the traffic to the arterial system of 6th Street and Shiloh Dr.

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

FINDING: Standard parking ratios for single family units (2 spaces per unit/dwelling) is enforced. Although some of the dwellings within this development may be attached, they are utilized for a single family on a distinct lot and are required to comply with the single family dwelling parking lot requirements.

(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 67% of the existing tree canopy on the property, for a total of 29% of the site area. The development does not provide onsite public parkland and is contributing money in lieu of land for 17 single family units. At least one large species tree shall be planted on Lots 1-5 and 13-18.

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

FINDING: Four-foot sidewalks are to be constructed on both sides of the interior street; a six-foot sidewalk is required on the side of the Collector Street adjacent to the subject property.

(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.

- (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.

(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 minimal disruption of existing natural features and amenities; utilization of the site special features, such as topography, size and shape; creating a community atmosphere near retail, and commercial goods and services, while providing necessary infrastructure improvements to alleviate any potential impact.

The proposal best fits the flexibility and variety goals of the intent of the Planned Zoning District, while also providing a development that is compatible with surrounding residential and undeveloped area. The development will offer attached and detached single family housing types, with alley access to most lots. These development standards will result in the creation of a unique neighborhood in this area. Staff finds that the proposal is consistent with many of the guiding policies of the General Plan 2020 including:

Residential Areas:

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

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

(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 06-1922, 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 proposed Residential Planned Zoning District allows residential development in the form of single-family detached and single-family attached while preserving many of the significant trees on the site. A general rezoning would not allow the type of development the applicant is pursuing, based on the bulk and area requirements of typical zoning districts, therefore a Planned Zoning District is more appropriate for the proposed development. 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 R-A, Residential Agriculture, to MDP R-PZD 06-1992, 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 of the existing R-A property to the proposed R-PZD development with single family attached and detached residential uses at a density of 3.36 units per acre is consistent with the General Plan 2020 that identifies this area for residential use. The proposed land use is unique to the area with regard to lot width and lot size, meeting many of the objectives and principles of the land use plan that promotes unique forms of development.

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

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

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

Finding: The proposed zoning will certainly result in an increase in vehicle trips, due to the change in use from one (1) single-family dwelling unit to 17 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 Old Farmington Road 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.

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. 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 1.2 miles from the Fire Station No. 6. Response time to the property is 3.5 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 April 10, 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: April 4, 2006

ITEM #: R-PZD 06-1922: Planned Zoning District (Scottswood Place)

Requirements Submitted:

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

Canopy Measurements:

Total Site Area	
acres	5.06
square feet	220,414
Existing Tree Canopy	
acres	2.22
square feet	96,796
percent of site area	43.92%
Existing Tree Canopy Preserved	
acres	1.48
square feet	64,545
percent of total site area	29.8%
Percent Minimum Canopy Required	25%

FINDINGS:

The desirability of preserving a tree or group of trees by reason of age, location, size or species.

- **This site is about half covered with tree canopy. The northwest section of the property beings to slope at a 15% rate. The species**

identified were oak and hickory.

Whether the design incorporates the required tree preservation priorities

- **This design takes into consideration the tree preservation priorities. A large section of canopy will be preserved in a Tree Preservation Easement.**

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

- **Slight environmental degradation will occur on the site with this development.**

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.

- **Adjacent properties along the southeast and southwest will be affected by the removal of canopy. All canopy found in the northern section will be preserved.**

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 reduces flexibility of design.**

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

- **The general health of the trees was found to be fair to good.**

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

- **No preservation is proposed for the area where structures and utilities will be. The preservation area on lot 9 will be protected from all utilities and will have no structures on the site.**

The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.

- **A utility easement exists on this site along the boundary of the tree preservation. No disturbance should occur outside of this easement.**

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

- **This development will removal canopy in and around the structures and roads.**

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

- **N/A**

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

- **Mitigation will not be required for this project.**

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

- **NA**

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. Please make sure your canopy calculations factor in the canopy removed for grading on Lot 9 Tree Preservation Area and that the fencing follows these grading lines.**
- 2. Mitigation will not be required unless the canopy value falls below the required 25%.**

PRAB Motion: Langsner moved to accept Staff recommendation of Money-in-lieu. Davis seconded the motion and approval was unanimous with Bailey, Langsner, Harrison, Davidson, Davis, Bitler, Burke, and Colwell voting yes.

7. Park Land Dedication: Matt Mihalevich, Park Planner

Development Name:	Old Farmington Road
Engineer:	H2 Engineering, Inc.
Owner:	S & M LLC
Location:	North of Old Farmington Road, West of I-540
Park District:	SW
Units:	17 Single-family Units
Total Acres:	5.06 acres
Land Dedication Requirement:	.41 acres
Money in Lieu Requirement:	\$9,435
Existing Parks:	Finger Park
Developer's Request:	Money-in-lieu
Staff Recommendation:	Money-in-lieu
Developer's Comments:	None
Justification:	The requirement for this project does not provide adequate acreage for a neighborhood park. Staff is working with the developer of Mountain Ranch to the north of this project to locate potential park land in that development which would serve the residents of Old Farmington development.

PRAB Motion: Langsner moved to accept Staff recommendation of Money-in-lieu. Davis seconded the motion and approval was unanimous with Bailey, Langsner, Harrison, Davidson, Davis, Bitler, Burke, and Colwell voting yes.

8. Community Park Update: Edmonston reported the plans are in the planning phase. A consultant is being selected. She stated that many projects are waiting on the planning process to be completed. She will make a monthly progress report at PRAB meeting.

9. Other Business:

Informational Item: A public meeting to gather input on the development of Lafayette Lofts subdivision park (formerly site of St. Joseph School) consisting of .18 acres will be held on **Thursday, January 12 at 5:30 p.m.** at Washington School Elementary School Cafeteria. Edmonston stated that the plan chosen will be present to PRAB at the February meeting for their approval. Harrison asked what suggested uses were presented at the first public meeting. Some of those were: Amphitheater, terrace seating, private area on the west side where there

are several trees, picnic/grill area, play element such as a climbing boulder. There is a budget of \$15,000.00 for this project.

Colwell reported the Lake Sequoyah trail being constructed by the Boy Scouts is nearly complete. They are requesting to name the trail "King Fisher Trail" and are looking at doing a dedication ceremony. The subject of naming the trail was tabled to the February meeting.

- 10. Adjournment: There was no further business so Bailey moved to adjourn and Langsner seconded the motion at 6:30 p.m.**

Minutes submitted by Cheryl Whillock and Tracie Martin

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

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

TO: Jesse Fulcher, Planner
FROM: Alison Jumper, Park Planner
DATE: January 30, 2006
SUBJECT: Parks & Recreation Tech. Plat Review Comments

Meeting Date: February 1, 2006
Item: R-PZD 06-1922 Scottswood Place
Park District: SW
Zoned: RPZD
Billing Name & Address: S & M LLC

	<u>Current Land Dedication Requirement</u>	<u>Money in Lieu</u>
Single Family	_____ @ .024 acre per unit = _____ acres	17 @ \$555 per unit = \$ 9,435
Multi Family	_____ @ .017 acre per unit = _____ acres	_____ @ \$393 per unit = \$ _____
Mobile Home	_____ @ .024 acre per unit = _____ acres	_____ @ \$555 per unit = \$ _____
Lot Split		_____ @ \$555 per unit = \$ _____

COMMENTS:

- Parks and Recreation Advisory Board made a recommendation of accepting money in lieu to satisfy the park land dedication requirements for the development. This recommendation was based on the project's proximity to potential park land within its service area within another development.
- Fees will be due before final plat.



FAYETTEVILLE

D. 4
R-PZD 06-1922
Scottswood Place
Page 32 of 42

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 Planned Zoning District **R-PZD 06-1922 (Scottswood Place, 558)** submitted by H2 Engineering, Inc. for property located at NE of Old Farmington Road and One Mile 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 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,


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)

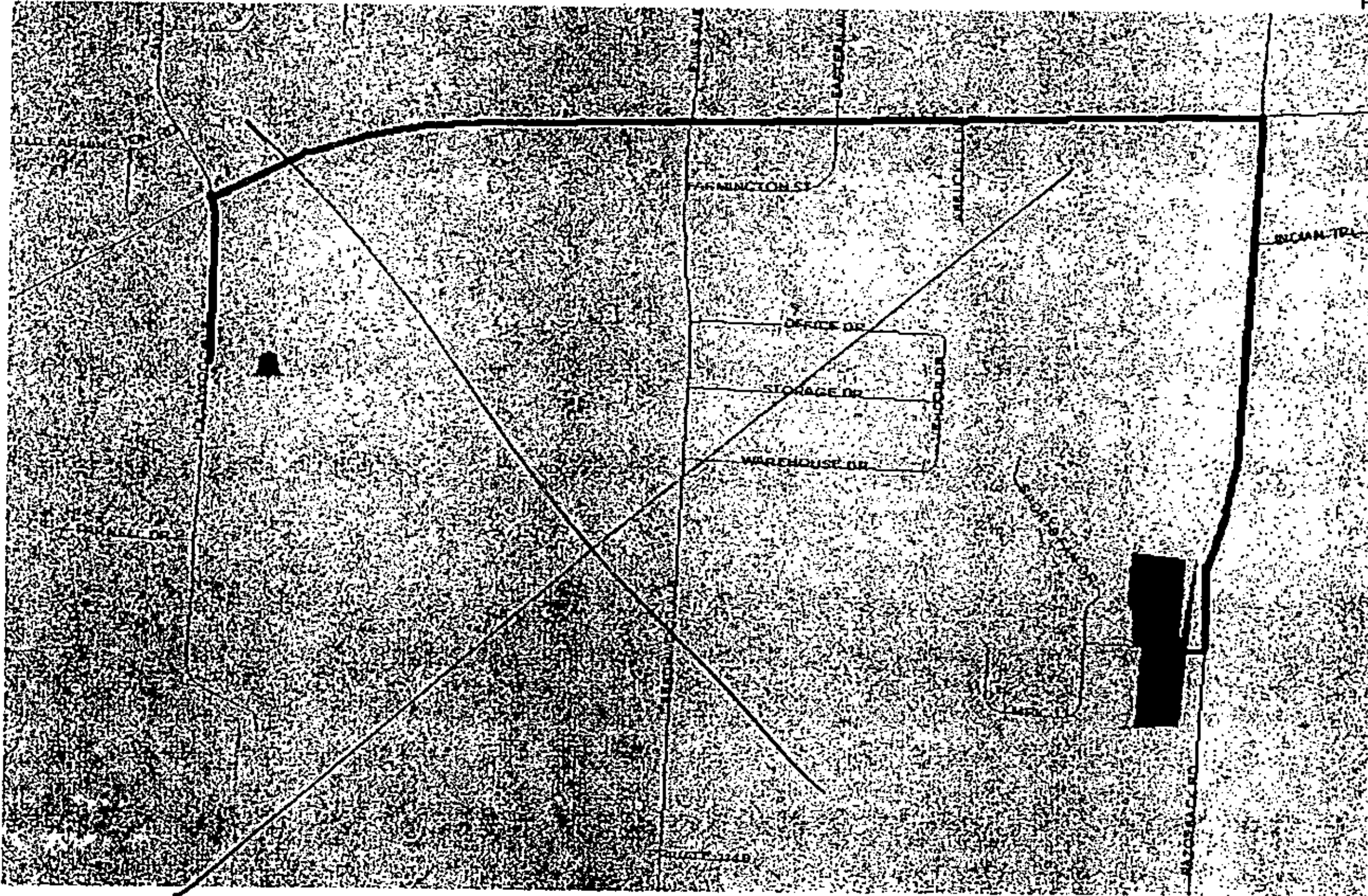
This 1.30 acres is covered by Engine 6 at 900 Hollywood.
It is 1 mile from the station with an expected response time of 2.75 minutes.
Measured hydrant flow in this area is 1760 gallons per minute.
We do not anticipate calls for service on commercial buildings but typically this will not affect our call volume or response times.

R-PZD 06-1922 (Scottswood Place, 558)

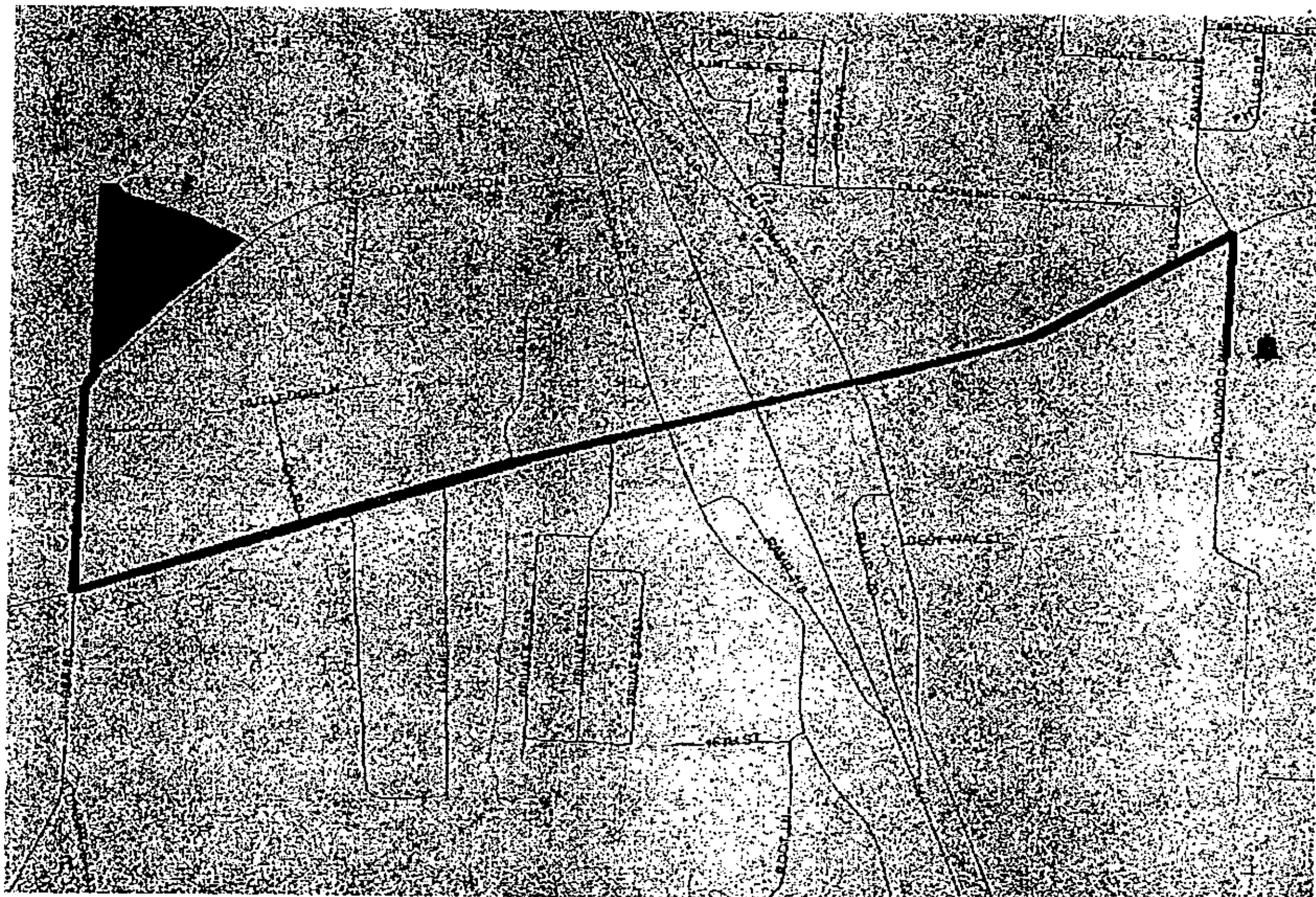
These approximately 5.06 acres are covered by Engine 6 located at 900 S Hollywood.
It is 1.2 miles from the station with an expected response time of 3.5 minutes.
The Fire Department anticipates 4 (2 EMS - 2 Fire/Other) calls for service per year once the development is completed and maximum build-out 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.



CPZD 06-1921 **Lazenby Phase 2** **5.06 Acres**
1 mile **2.75 minute Response**



RPZD 06-1922 **Scottswood Place** **5.06 Acres**
1.2 miles **3.5 minute Response**

ADJOINING PROPERTY OWNERS NOTIFICATION OF UPCOMING PUBLIC HEARING

Today's Date: February 6, 2006 Project Name: Scottswood Place

APPLICANT / REPRESENTATIVE CONTACT INFO:

H2 Engineering, Inc.
479-582-4234

Subdivision Committee Meeting*: Thursday, February 16, 2006 8:30am
Fayetteville City Administration Building
113 W. Mountain Street, Room 219

Planning Commission Meeting*: Monday, February 27, 2006 5:30pm
Fayetteville City Administration Building
113 W. Mountain Street, Room 219

PROJECT DESCRIPTION: A proposed Residential PZD located on Old Farmington Road approximately 0.25 miles west of Shiloh Drive in West Fayetteville

Adjoining Property Address and Parcel Number(s): 765-14696-000

** 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: Scottswood Place

☒ 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: CONDITION, OF EXISTING STREET,
UNKNOWN TRAFFIC FLOW. (OLD FARMINGTON RD)

Billy Bottoms
Name of Property Owner (printed)

Billy Bottoms
Signature of Property Owner

ADJOINING PROPERTY OWNERS NOTIFICATION OF UPCOMING PUBLIC HEARING

Today's Date: February 6, 2006 Project Name: Scottswood Place

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ADJOINING PROPERTY OWNERS COMMENTS

(Return Comments to City of Fayetteville Planning Division in Stamped Enclosed Envelope)

Project Name: Scottswood Place

☒ 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: *the increase in traffic on Old Farmington Road, plus the fact that few people obey the speed limit, has made Old Farmington Road a dangerous thoroughfare. The addition of 97 more family units will aggravate present problems.*

Donna Stewart
Name of Property Owner (printed)

Donna Stewart
Signature of Property Owner

ADJOINING PROPERTY OWNERS COMMENTS
(Return Comments to City of Fayetteville Planning Division in Stamped Enclosed Envelope)

Project Name: Scottswood Place

☒ I have been notified of the above meetings for the described project.

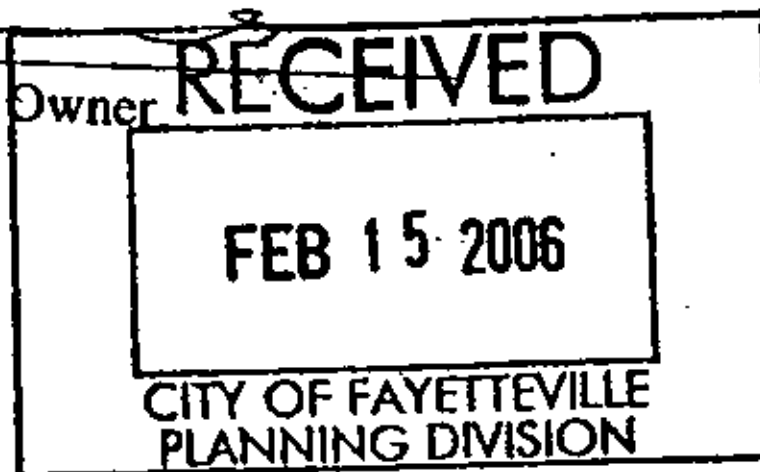
☐ I do not object to the project described above.

☐ I do object to the project^{consistency} described above because: *infrastructure inadequate now:
condition of paved (?) road
frontage
no maintenance of dirt
side boundary road
no sidewalks, lighting,
low projected sewage line,
traffic on OFRd currently,
NOISE!*

DODI NICHOLS

Name of Property Owner (printed)

Dodi Nichols
Signature of Property Owner



February 16, 2006

To: Fayetteville Planning Commission (Subdivision Committee)

From: Jeff Hawkins
2824 W. Old Farmington Road
Fayetteville, AR 72704

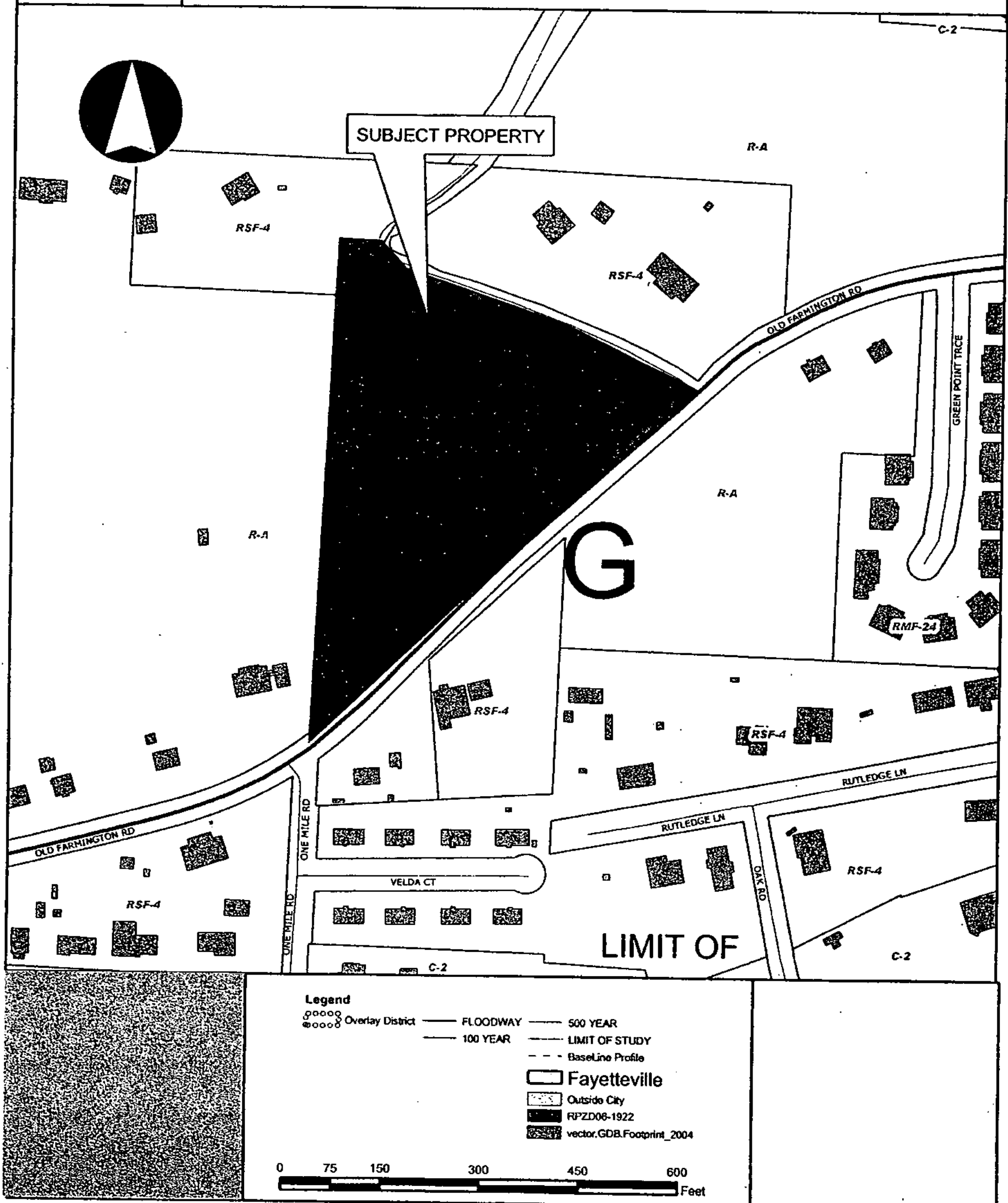
Reference is made to the proposed 5-acre, 17-lot single-family PZD generally located at 2950 W. Old Farmington Road. My home is immediately east of this proposed development, on the other side of the gravel road that separates our respective properties. Over the past 3½ years, the subject property has been used illegally, in violation of the City's zoning regulations, for no less than a half a dozen different business and industrial purposes. There have been dozens of zoning, code enforcement, and nuisance complaints associated with the past uses of this property, and unfortunately the city has done a less than adequate job of administering its land use regulations. These past uses have been a continuing threat to the single-family character and integrity of the area, as well as adversely affecting residential property values.

The proposal before you appears to be consistent with good land use and development principles, and would be in keeping with the single-family character of the area. The density, while probably not inconsistent with other zoning in the area, is a bit higher than what we had hoped. Also, I believe the plan and narrative (which I saw a couple of weeks ago), mentioned a smaller average square footage per home than the sample home models that were included in the application. I could have miss read that portion, but if I didn't, perhaps an explanation would be in order.

While the lot layout is understandable, given the terrain, I would hope that as much tree canopy as possible be preserved. Although no access is planned from the gravel road along the eastern border of the property, we would of course prefer that it be hard surfaced. At a minimum (assuming it doesn't already exist), a 25-foot street right-of-way (west of the center of the road) should be dedicated. If the developer is not required to make improvements to the gravel road, we would urge the city to consider subsequent hard-surfacing of it. Although all adjoining surveys may not show this road as "public" (mine does), it is without question, public-through-prescription. And as I understand it, the city did, several years ago, pave virtually all such similar roads. However, for some reason, possibly through an oversight, this one was not done. In any event, we would appreciate any consideration that may be given in this regard.

In conclusion, this is, in my view, a good proposal. It should eliminate and prevent past problems associated with the use of this property. I appreciate the opportunity to express my views, and I also appreciate your consideration of them. Thank you.....Jeff Hawkins

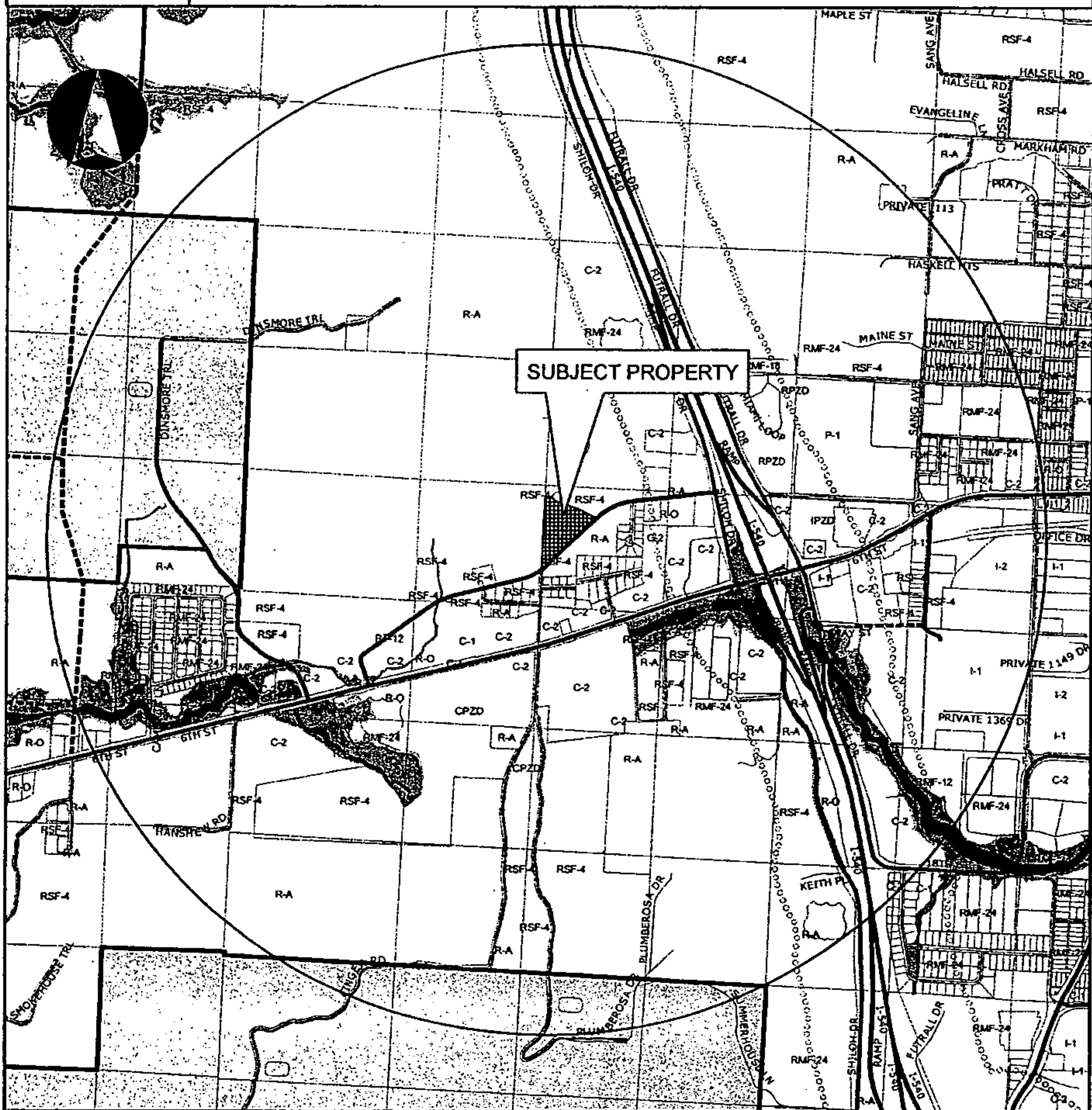
SCOTTSWOOD PLACE



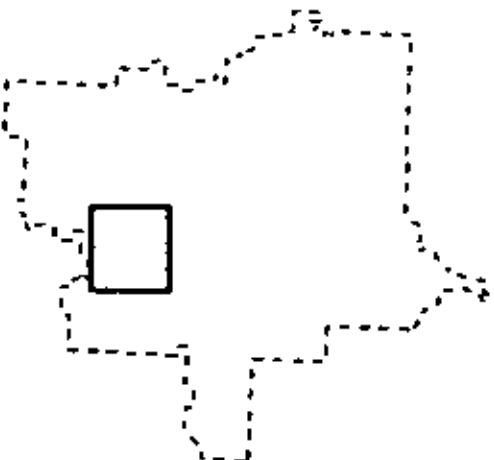
RPZD06-1922

One Mile View

SCOTTSWOOD PLACE



Overview



Legend

Subject Property

RPZD06-1922

Boundary

Planning Area

Overlay District

Outside City

Legend

0 0.125 0.25

0.5

0.75

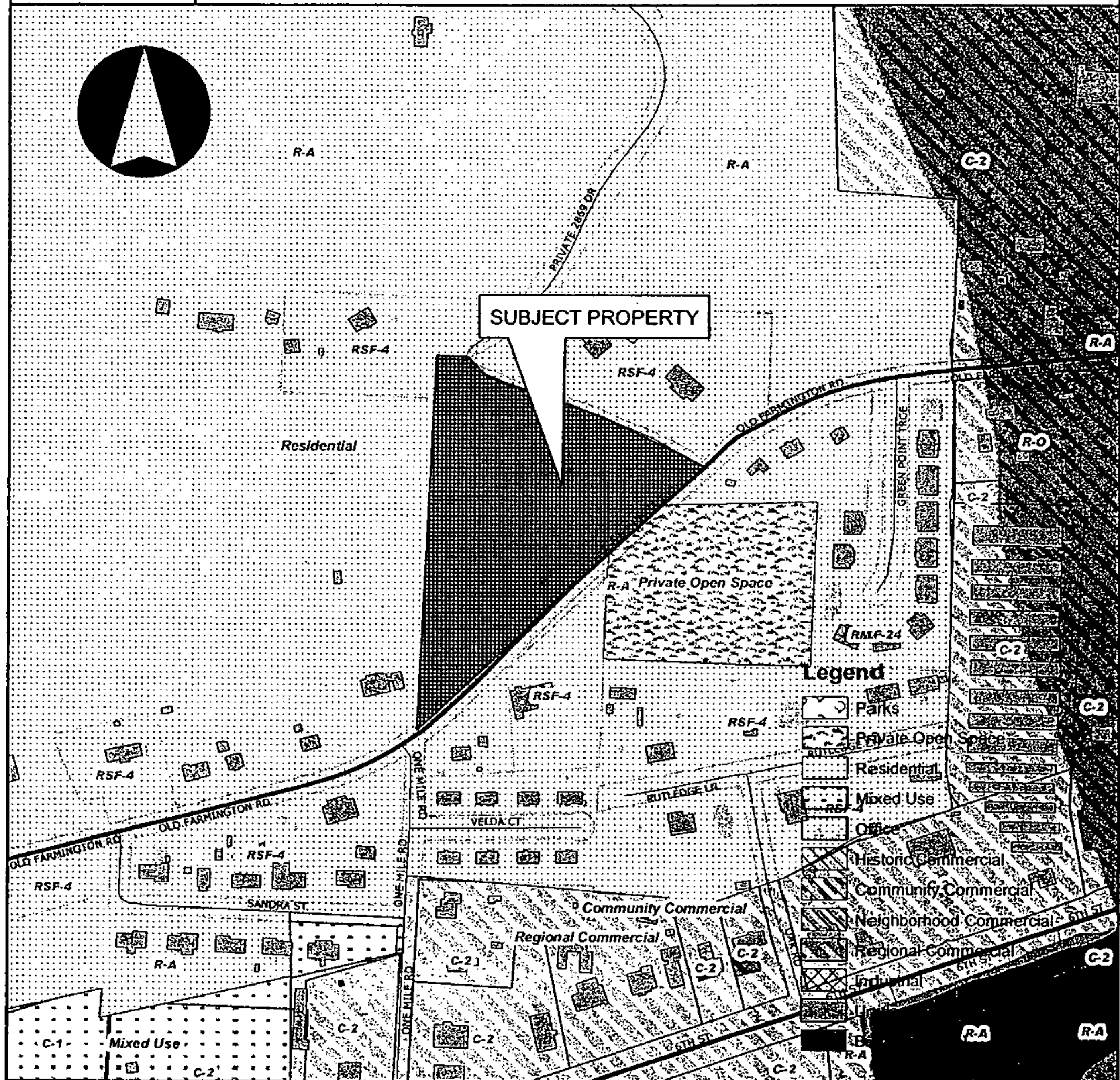
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Miles

RPZD06-1922

Future Land Use

SCOTTWOOD PLACE



Overview



Legend

Subject Property

RPZD06-1922

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

Outside City

Legend



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

2-May-06
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

VAC 06-2044: (Toyota of Fayetteville, 248): Submitted by Bryan Smith for property located at 1352 west Showroom Drive. The property is zoned C-2, Thoroughfare Commercial. The request is to vacate the utility easement located within the subject property.

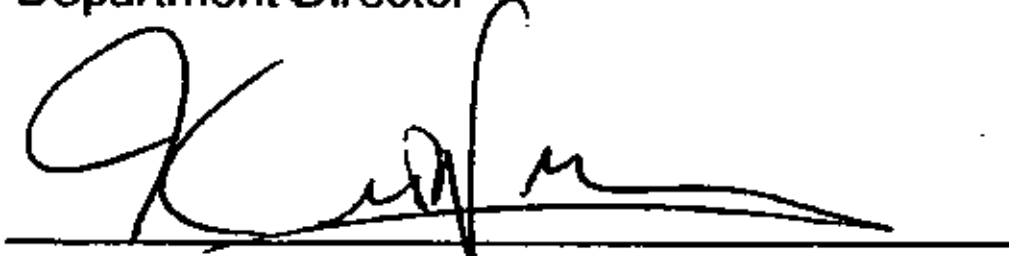
N/A	N/A	N/A
Cost of this request	Category/Project Budget	Program Category / Project Name
N/A	N/A	N/A
Account Number	Funds Used to Date	Program / Project Category Name
N/A	N/A	N/A
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☐


Department Director 4-14-06
Date

Previous Ordinance or Resolution # n/a


City Attorney 4-14-06
Date

Original Contract Date: n/a


Finance and Internal Service Director 4-14-06
Date

Original Contract Number: n/a


Mayor 4/18/06
Date

Received in City Clerk's Office
ENTERED
4/14/06

Received in Mayor's Office
ENTERED
4/14/06

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: April 13, 2006

Subject: Easement Vacation for Toyota of Fayetteville (VAC 06-2044)

RECOMMENDATION

Planning Staff recommends approval of an ordinance vacating a portion of a 30' utility easement (approximately 19' x 64') located at Fayetteville Auto Park, as depicted herein.

BACKGROUND

Background: The 30' access easement is located in the Fayetteville Auto Park (formerly Landers Auto Park), at 1352 Showroom Dr. There is currently a sewer line located in the easement that will be relocated to the west, within a recorded utility easement.

The requested easement vacation is due to a building expansion, which will encroach into the existing easement. The Toyota building expansion was approved by the Fayetteville Planning Commission on April 10, 2006. As a condition of approval, the property owners shall reroute the sewer line per City of Fayetteville and Arkansas Department of Health approval and a new easement and final plat recorded.

DISCUSSION

Notification was provided to all appropriate utility representatives and adjoining property owners. The easement is located entirely within the Fayetteville Auto Park property. The item is scheduled to be heard at the regular Planning Commission on April 24, 2006.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE APPROVING VAC 06-2044 SUBMITTED
BY BRYAN SMITH FOR PROPERTY LOCATED AT 1352 WEST SHOWROOM
DRIVE, VACATING A PORTION OF THE UTILITY EASEMENT LOCATED
WITHIN THE SUBJECT PROPERTY.

WHEREAS, the City Council has the authority under A.C.A. §14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of the platted utility easement is not required for corporate purposes.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following described utility easement:

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

Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached hereto and labeled Exhibit "B" shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 3: That this vacation approval is subject to the conditions of approval listed in the staff report and Planning Commission recommendations for the City of Fayetteville, and shall not be in effect until all conditions are met therein.

PASSED and APPROVED this ___ day of ___, 2006.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

EXHIBIT "A"
VAC 06-2044

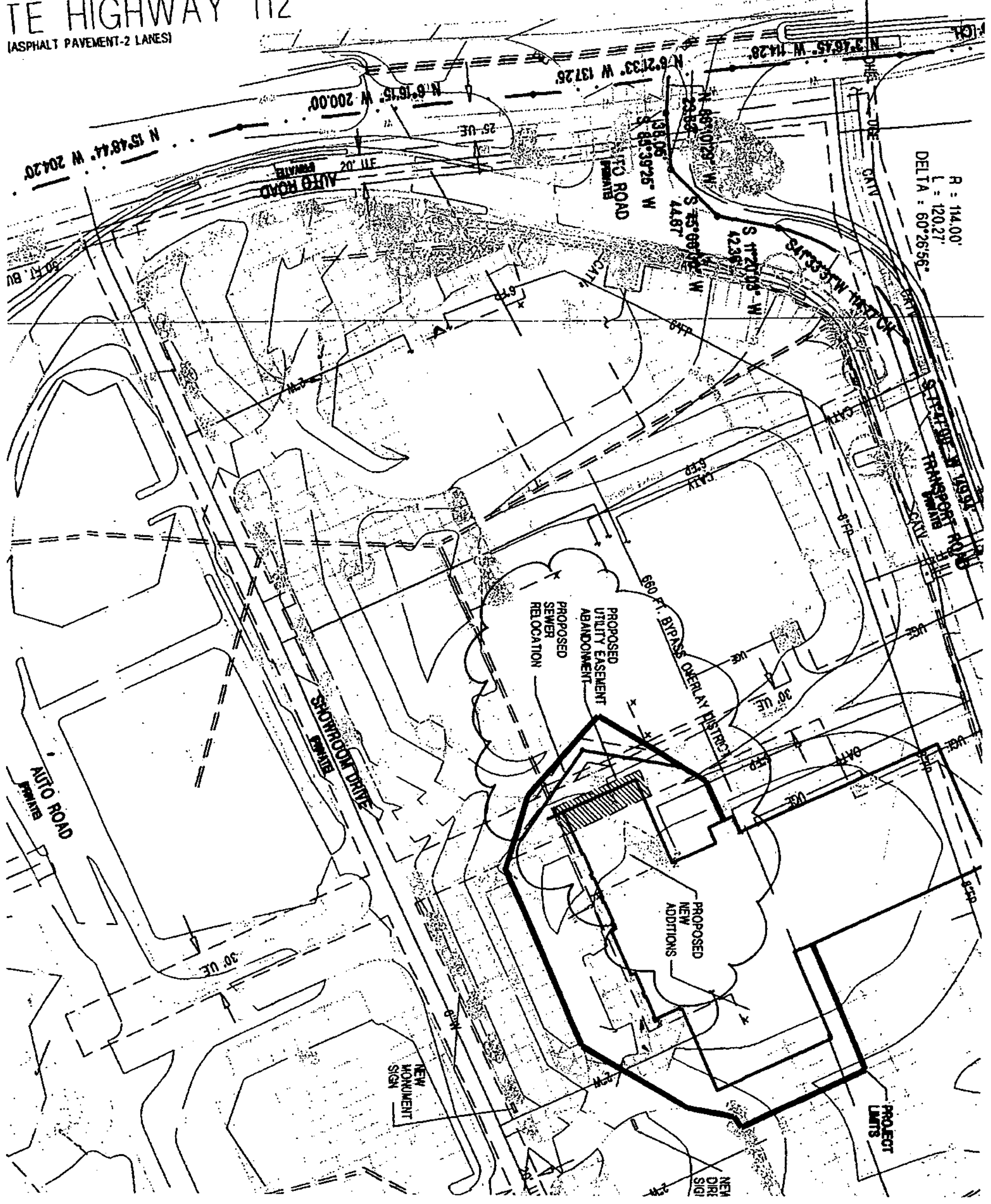
PART OF AN EXISTING 30' UTILITY EASEMENT IN THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWNSHIP 17 NORTH, RANGE 30 WEST IN WASHINGTON COUNTY ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 33, TOWNSHIP 17 NORTH, RANGE 30 WEST; THENCE NORTH 86°-56'-19" WEST ALONG THE NORTH LINE OF SAID SECTION 33 A DISTANCE OF 858.22 FEET; THENCE SOUTH 24°-08'-05" EAST A DISTANCE OF 605.28 FEET TO THE POINT OF BEGINNING OF UTILITY EASEMENT ABANDONMENT; THENCE CONTINUING SOUTH 24°-08'-05" EAST A DISTANCE OF 64.00 FEET; THENCE SOUTH 65°-51'-55" WEST A DISTANCE OF 19.00 FEET; THENCE NORTH 24°-08'-05" WEST DISTANCE OF 64.00 FEET; THENCE NORTH 65°-51'-55" EAST A DISTANCE OF 19.00 FEET RETURNING TO THE POINT OF BEGINNING, CONTAINING 1,216 SQUARE FEET MORE OR LESS.

Exhibit "B"

D. 5
VAC 06-2044
Toyota of Fayetteville
Page 5 of 14

TE HIGHWAY 112
(ASPHALT PAVEMENT-2 LANES)





PC Meeting of April 24, 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, Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate., Director of Current Planning
DATE: April 13, 2006

VAC 06-2044: Vacation (Toyota of Fayetteville, pp 248) was submitted by BLACK, CORLEY AND OWENS for property located at 1352 W. SHOWROOM DR. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 42.82 acres. The request is to vacate a portion of a 30' utility easement (approximately 19' x 64') located at Fayetteville Auto Park.

Findings:

Property description: The subject property is zoned C-2 and is within the Fayetteville Auto Park, located north of I-540 and west of HWY 112. The 30' access easement is located west of the Toyota building, at 1352 Showroom Dr. There is currently a sewer line located in the easement that will be relocated to the west, within a recorded utility easement.

The requested easement vacation is due to a building expansion, which will encroach into the existing easement. The Toyota building expansion was approved by the Fayetteville Planning Commission on April 10, 2006. As a condition of approval, the property owners shall reroute the sewer line per City of Fayetteville and Arkansas Department of Health approval and a new easement and final plat recorded.

Request: The request is to vacate approximately 1,216 sq. ft. (approximately 19' x 64') of the eastern portion of the utility easement.

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

UTILITIES

Ozarks Electric

Cox Communications

AEP/SWEPCO

RESPONSE

No Objections.

No Objections.

No Objections.

No Objections.

No Objections.

CITY OF FAYETTEVILLE:

RESPONSE

No Objections. *See conditions of approval.*

No Objections.

No Objections.
No Objections.

Public Comment: The applicant has submitted the required notification forms to the adjacent property owners. Adjacent property owners had no objections to the proposed vacation.

Recommendation: Staff recommends approval of the proposed utility easement vacation 06-2044.

Conditions of Approval:

1. Only the portion of the easement as depicted herein shall be vacated by this request. The remaining easement shall continue for public utility use. Any relocation of existing utilities shall be at the owner/developer's expense.
2. The property owners shall reroute the sewer line per City of Fayetteville and Arkansas Department of Health approval and a new easement and final plat recorded.

PLANNING COMMISSION ACTION: yes Required
 yes Approved Denied

Date: April 24, 2006

Vote:

Comments: _____

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

By

Title

Date

CITY COUNCIL ACTION: yes **Required**
 Approved **Denied**

Date: _____

PETITION

PETITION TO VACATE AN EASEMENT, LOCATED WITHIN THE FAYETTEVILLE AUTO PARK, CITY OF FAYETTEVILLE, ARKANSAS

**TO: The Fayetteville City Planning Commission and
 The Fayetteville City Council**

We, the undersigned, being all the owners of the real estate abutting the easement hereinafter sought to be abandoned and vacated, lying in Fayetteville Auto Park, City of Fayetteville, Arkansas, a municipal corporation, petition to partially vacate an easement which is described as follows:

Part of an existing 30' Utility Easement in the Northeast 1/4
of the Northeast 1/4 of Section 33, Township 17 North, Range
30 West in Washington County Arkansas, being more particularly
described as follows.

Commencing at the Northeast Corner of said Section 33, Township
17 North, Range 30 West; thence 86° 56' 19" East a distance of
618.91 feet to the Point of Beginning of Utility Easement Abandonment; thence
continuing South 24° 08' 05" East a distance of 64.00 feet; thence South 65° 51'
55" West a distance of 19.00 feet; thence North 24° 08' 05" West a distance of
64.00; thence North 65° 51' 55" East a distance of 19.00 feet returning to the
Point of Beginning, containing 1,216 Square Feet more or less.

That the abutting real estate affected by said abandonment of the alley are Fayetteville Auto Park, City of Fayetteville used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described easement.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate subject, however, to the existing utility easements and sewer easements as required, and that the above described real estate to be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land owners be free from the easements of the public for the use of said alley.

Dated this 14 day of March, 2006.

Don Nelms

printed name



signed

**Black,
Corley &
Owens, P.A.**
architects

principals

Larry A. Black, AIA
John A. Corley, AIA
Leslie A. Owens, AIA

associates

Bryan Smith
Brian Black
Michael Hughes, AIA
Robert Black

March 1, 2006

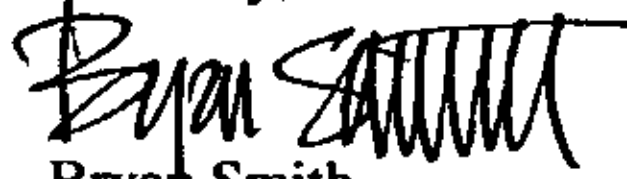
Mr. Jeremy Pate
Director of Planning
City of Fayetteville
125 W. Mountain
Fayetteville, AR 72701

RE: Toyota of Fayetteville
Fayetteville, AR

Mr. Pate,

As a part of the Toyota expansion project, the proposed building extends to the west approximately 3ft over an existing utility easement located within the auto park. I am submitting this application to vacate a portion of the existing easement to allow for the building expansion as currently designed. The area of the easement to be vacated is 8ft 1in wide by 83ft 5 in. long. There is an existing sanitary sewer directly on the eastern edge of the easement that will require relocation. The Mehlburger firm has designed the relocation of the sewer and those drawings are included in the set with the Large Scale Development Application. If you have any questions or comments please do not hesitate to contact me.

Sincerely,


Bryan Smith

219 West South St.
Benton, AR 72015
Tel. 501-315-7686
Fax. 501-315-0487
mail@bcorleyo.com

petition which accurately reflects their specific request.

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 3/3/06

UTILITY COMPANY: Fayetteville Water & Sewer

APPLICANT NAME Toyota of Fayetteville/B. Smith APPLICANT PHONE: (501) 315-7686
REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed)**

** 1352 W. Showroom Dr., Fayetteville, AR, 72704

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above.
- ☒ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

The easement is approved when the following conditions are met:
sewer line must be rerouted per City and ADH approval and a new

No objections provided the following conditions are met:
easement and final plat recorded for the relocated sewer
line

D. George
Signature of Utility Company Representative

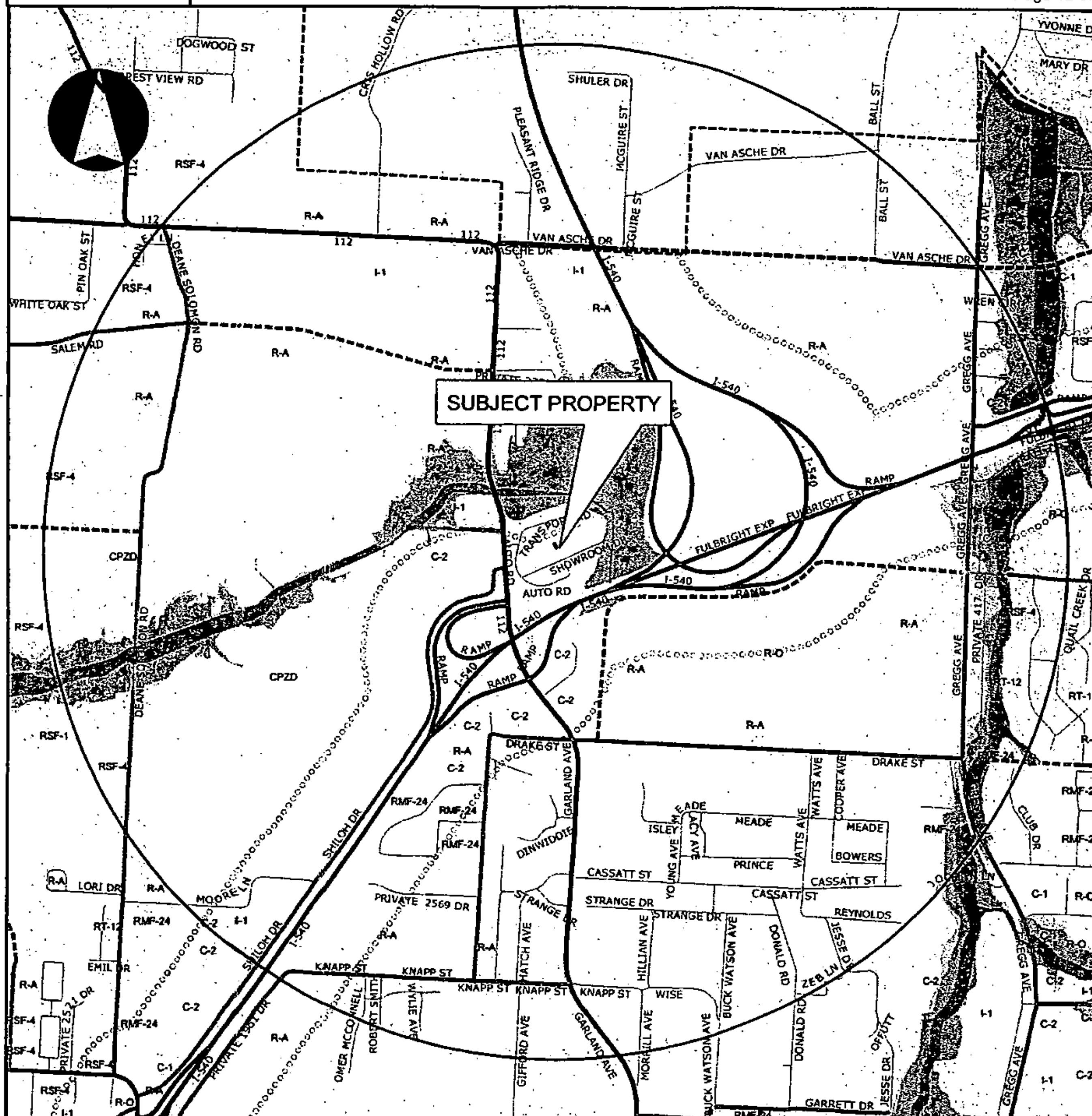
WATER/WASTEWATER DIRECTOR

VAC06-2044

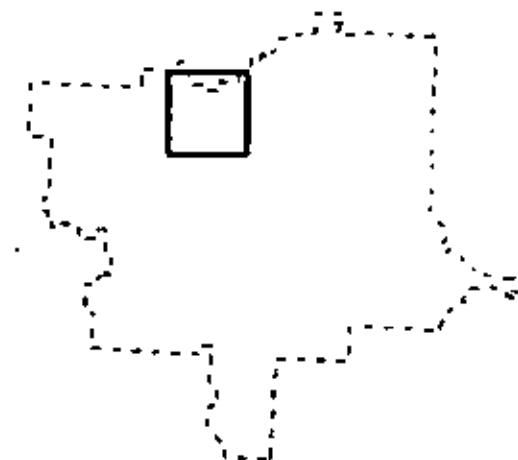
One Mile View

TOYOTA OF FAYETTEVILLE

D. 5
VAC 06-2044
Toyota of Fayetteville
Page 12 of 14



Overview



Legend

Subject Property

VAC06-2044

Boundary

Planning Area

Overlay District

Outside City

Legend

0 0.125 0.25

0.5

0.75

1

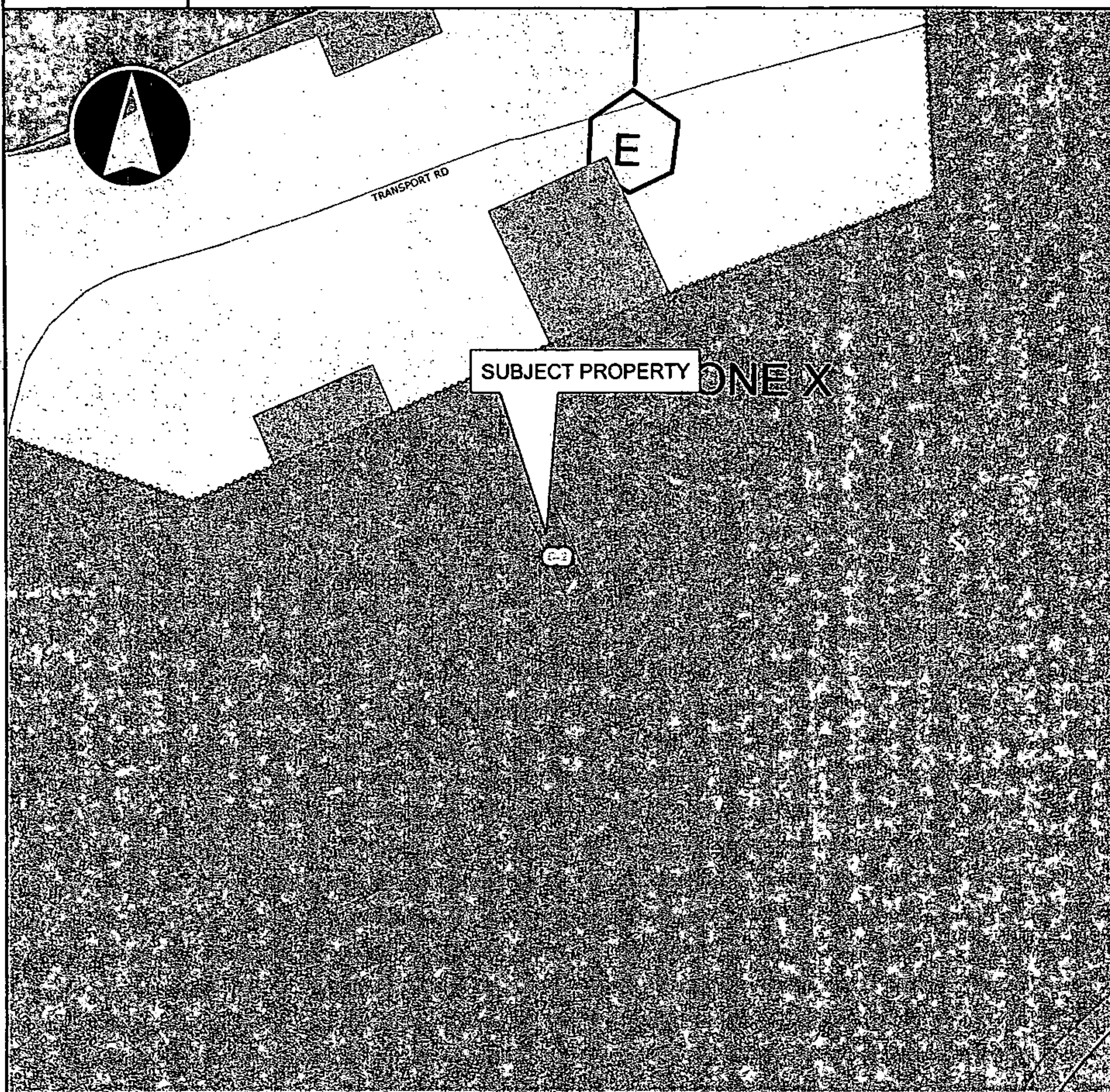
Miles

VAC06-2044

Close Up View

TOYOTA OF FAYETTEVILLE

D. 5
VAC 06-2044
Toyota of Fayetteville
Page 13 of 14



Overview

Legend

- Overlay District
- 100 YEAR
- 500 YEAR
- LIMIT OF STUDY
- Baseline Profile
- Fayetteville
- Outside City
- VAC06-2044
- vector.GDB.Footprint_2004

0 40 80 160 240 320 Feet

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

2-May-06
City Council Meeting Date

Shannon Jones

Submitted By

Engineering

Division

Operations

Department

Action Required:

Approval of a cost-share and bid waiver in the amount of \$70,793.00 with a contingency of \$10,600.00 with Reserve, L.L.C. for the upsizing of approximately 3340' of 8" water main to 12".

\$81,393.00

Cost of this request

5400.5600.5808.00

Account Number

02067

Project Number

\$ 424,740.00

Category/Project Budget

\$ 19,202.00

Funds Used to Date

\$ 405,538.00

Remaining Balance

Water Impact Fee Cost Sharing

Project

Program Category / Project Name

Water and Sewer Improvements

Program / Project Category Name

Water and Sewer Fund

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office

ENTERED

4/13/06

Received in Mayor's Office

ENTERED

4/14/06 BCP

Department Director

Date

City Attorney

Finance and Internal Service Director

Date

Mayor

Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations 

From: Ron Petrie, City Engineer 

Date: April 14, 2006

Subject: Proposed cost-share and bid waiver in the amount of \$70,793.00 with a contingency of \$10,600.00 with Reserve, L.L.C. for the upsizing of approximately 3340' of 8" water main to 12".

RECOMMENDATION

Staff recommends that the City cost-share with Reserve, L.L.C., the developer, to upsize approximately 3340 feet of 8" water main to a 12" main. By participating in the construction of these improvements, the City will be continuing a 12" grid in the water line distribution system in this area as recommended by the Water Master Plan Study.

BACKGROUND

Reserve, L.L.C. is constructing a 117 lot residential subdivision at the intersection of Persimmon Street and Ruppel Road. As a part of this future development, the developer is required to construct a water main extension to provide water service and fire protection to the site.

DISCUSSION

There is existing 12" water main along Ruppel Road that was extended to the Boys and Girls Club site. As a part of recent developments, this 12" main has been extended west along Persimmon to Broyles Road. The proposed development is required to connect to this main at Ruppel Road and extend an 8" main to the east to Betty Jo Drive. This area is identified on the Water Master plan as a corridor for a portion of a 12" grid between Highway 16 and Highway 62. It would benefit the City to cost-share with the developer for the construction of this portion of the planned grid. The City's cost is approximately 38% of the total cost before contingencies. Should the City wait to upgrade the water main, future costs will be significantly higher.

Construction estimates have been provided to the City for these improvements by the Crafton, Tull and Associates as follows:

Developer's Share	\$112,140.00
City's Share	\$ 70,793.00
15% Contingency(City's Share)	<u>\$ 10,600.00</u>
Total	\$193,533.00

BUDGET IMPACT

Based upon the information provided by the Budget & Research Division, there is a remaining balance of \$405,538.00 in the Water and Sewer Cost Sharing Account.

The final costs to the City will be based upon actual costs as documented by Reserve, L.L.C. subject to review by the City and may, or may not exceed the submitted estimate. However, the City's share will not exceed the estimate without additional authorization.

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A COST-SHARE AGREEMENT WITH RESERVE, LLC IN THE AMOUNT OF \$70,793.00 FOR THE UPSIZING OF APPROXIMATELY 3340 FEET OF 8" WATER MAIN TO 12" WATER MAIN; AND APPROVING A CONTINGENCY IN THE AMOUNT OF \$10,600.00.

WHEREAS, the Water Master Plan calls for a 12" water main along Persimmon Street, where Legacy, LLC is developing a residential subdivision; and,

WHEREAS, entering into a cost-share agreement with Reserve, LLC and utilizing their engineer and contractor will avoid the added cost and unnecessary duplication of effort which would arise from the formal competitive bidding process.

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 finds that such circumstances constitute an exceptional situation where competitive bidding is not feasible or practical, and waives the requirements of formal competitive bidding to approve a cost-share agreement with Reserve, LLC in the amount of \$70,793.00 for the upsizing of approximately 3340 feet of 8" water main to 12" water main.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a contingency in the amount of \$10,600.00.

PASSED AND APPROVED this 2nd day of May, 2006.

APPROVED:

By: _____

DAN COODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk



Crafton, Tull & Associates, Inc.

D. 6
Reserve, LLC
Page 5 of 10

901 N. 47th Street, Suite 200, Rogers, AR 72756 479.636.4838 Fax 479.631.6224 www.craftontull.com

March 24, 2006

Mr. Ron Petrie
City Engineer
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Re: Mountain Ranch, Phase I
Request for Cost Participation for Waterline Upgrade

Dear Mr. Petrie:

We are writing on behalf of Reserve, L.L.C. to request participation by the City of Fayetteville for a section of water line to be constructed with the above referenced project.

A proposed 12-inch waterline runs east and west along the future route of Persimmon from Ruppel Road to Betty Jo Drive. A 12-inch water line will contribute to system-wide improvements, but in regards to the referenced project an 8-inch line is sufficient. The cost to upgrade from an 8-inch to a 12-inch waterline is estimated to be \$70,792.40, based on plan quantities and the contractor's unit prices. A spreadsheet that illustrates the quantities and unit prices used to derive the estimated cost is attached to this letter for reference. Reserve, L.L.C. is requesting that the City compensate for this cost based on the system-wide improvements that this waterline will provide. The requested reimbursement would amount to \$70,792.40.

I hope you find this information adequate to evaluate our request, and thank you in advance for your consideration.

Very truly yours,

CRAFTON, TULL & ASSOCIATES, INC.

Nathan Young
Project Manager

Attachment

SUMMARY OF REIMBURSEMENT

UPGRADE FROM 8" TO 12" WATERLINE ALONG PERSIMMON

Length (LF)	12" Unit Price	8" Unit Price	Unit Price Difference	Cost Increase
3340	\$49.86	\$32.00	\$17.86	\$59,652.40
Valves (EA)	12" Butterfly Valve Unit Price	8" Gate Valve Unit Price	Unit Price Difference	Cost Increase
4	\$4,100.00	\$1,315.00	\$2,785.00	\$11,140.00

Notes:

REQUESTED REIMBURSEMENT TOTAL: \$70,792.40

- Waterline cost includes fittings.
- Based on construction costs.

APR 13 2006

ENGINEERING DIV.

CONTRACTUAL AGREEMENT

This Agreement, made and entered into this ____ day of April, 2006, by and between the City of Fayetteville, Arkansas and Reserve, L.L.C., Witnesseth:

WHEREAS, Reserve, L.L.C. is constructing a 117 lot residential subdivision at the intersection of Persimmon Street and Ruppel Road; and

WHEREAS, Reserve, L.L.C. will be extending an 8" main through the project site to provide water service and fire protection to the development; and

WHEREAS, it will benefit the City of Fayetteville to upgrade this 8" water main extension to a 12" main. This upgrade will continue the creation of a 12" water main grid in this area in accordance with the water distribution master plan.

NOW, THEREFORE, the City of Fayetteville and Reserve, L.L.C. agree as follows:

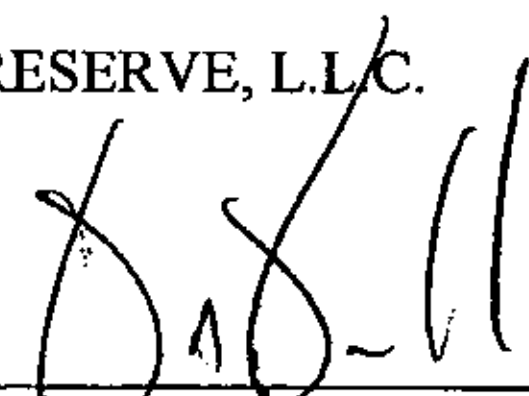
1. Upon the City Council and/or the Mayor approving the Water Main Cost-Share, the City of Fayetteville agrees to:
 - A. Pay for the actual documented construction costs for the upsizing to a 12" water main along Persimmon Road in the amount of \$81,392.40.
 - B. Make all efforts to provide progress payments to Reserve, L.L.C. within thirty (30) days after receipt of the invoice(s) but cannot guarantee the thirty day schedule.
2. Reserve, L.L.C. agrees to:
 - A. Provide the necessary and normal project management, inspection, and testing as necessary for a complete and acceptable water main installation.
 - B. Provide a copy of the invoice(s) from the Contractor and a completed lien waiver executed by the Contractor upon acceptance of the water main installation.
 - C. Not proceed with the proposed construction unless/until the proposed contractual agreement is approved by the City Council and/or the Mayor.
3. It is further understood that the contract for construction is between Reserve, L.L.C. and their Contractor and that the City has no contractual obligation with either the Contractor or the Engineer. The City's only obligation shall be to participate in a contractual agreement in the amount of \$81,392.40 for the water main upgrade.

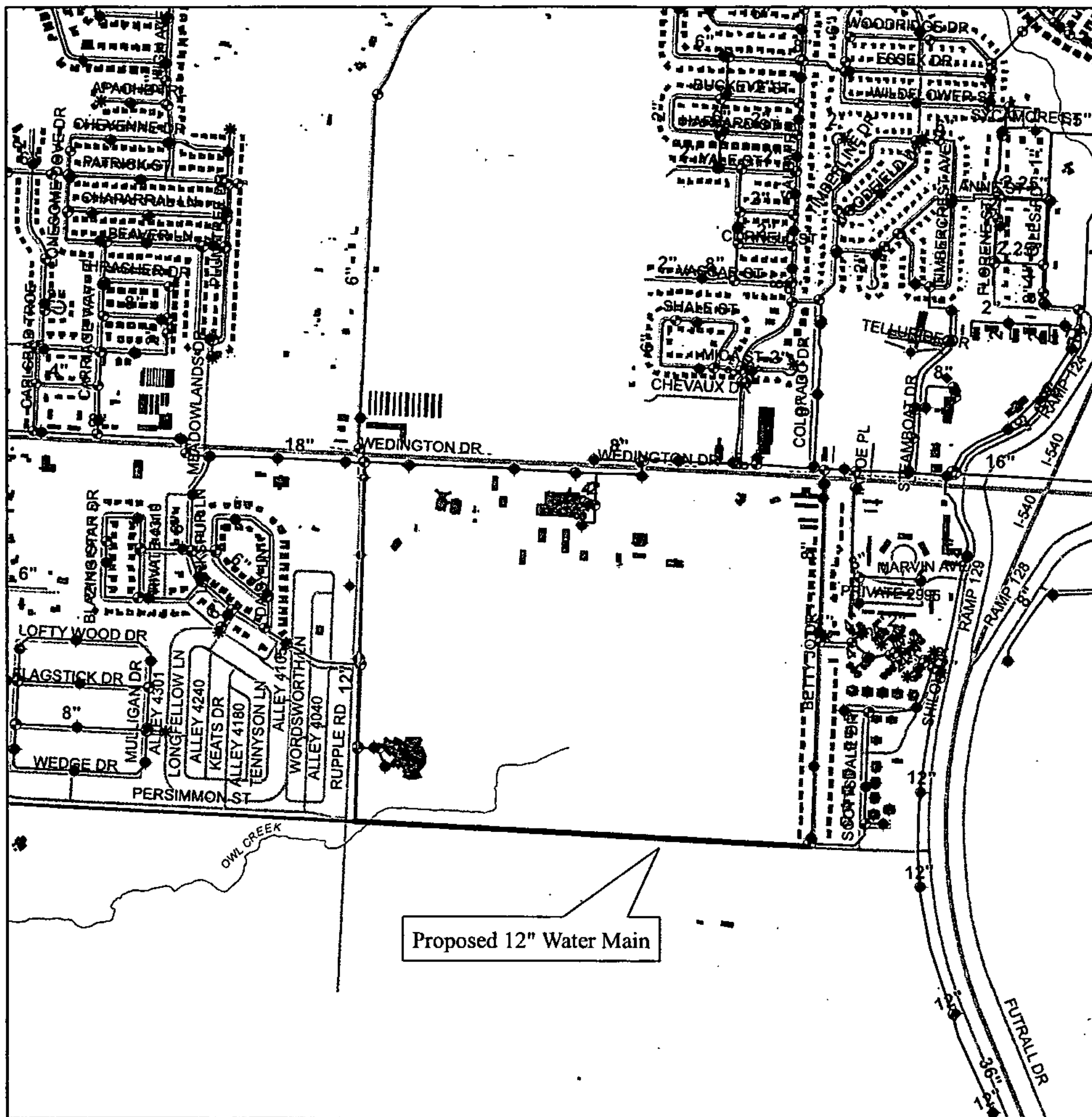
**IN AGREEMENT WITH ALL THE TERMS AND CONDITIONS ABOVE, WE
SIGN BELOW:**

CITY OF FAYETTEVILLE

By: _____
DAN COODY, Mayor

RESERVE, L.L.C.

By:  _____
TOM TERMINELLA, Manager



Proposed 12" Water Main

Proposed Cost Share Water Main Improvements Rupple Road to Betty Jo Drive

0 550 1,100 2,200 3,300 Feet



John Nelson Operations
Submitted By Division Department

An ordinance amending Chapter 50: Garbage and Trash, of the Code of Fayetteville, to authorize the Mayor to apply existing city rates to customers located outside the corporate limits of the city providing such service does not add additional costs.

Budgeted Item	Budget Adjustment Attached

Received in Mayor's Office

Comments:



OPERATIONS DEPARTMENT

Interdepartmental Correspondence

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations *GD*

From: John Nelson, Operations Mgmt. Accounting Coordinator *JN*

Date: April 14, 2006

Subject: An Ordinance Amending Chapter 50: Garbage and Trash of the Code of Fayetteville

Recommendation

Staff recommends an ordinance amending Chapter 50: Garbage and Trash, of the Code of Fayetteville, to authorize the Mayor to apply existing city rates to customers located outside the corporate limits of the city providing such service does not add additional costs.

Background

§50.41 Rates For Service Outside City Limits imposes an additional 50% surcharge for solid waste collection and removal for premises located outside the corporate limits of the city. For several years some service has been provided to growing area outside of the City Limits counter to this Ordinance. In March 2006, out of 27,694 customers, there were 194 customers outside of the corporate boundaries, 186 in Washington County, 5 in Farmington and 3 in Greenland. The first of these were placed in service in 1998. This practice has continued to date.

Discussion

The existing surcharge is a significant disincentive for potential customers just outside city limits. The Solid Waste and Recycling Enterprise Fund relies on revenue generated by its programs to maintain and improve current service levels, to initiate new programs, and to further the mission of the division to provide quality service while being environmentally responsible. Service has historically been provided to those areas on the periphery of the City near existing routes, which could be served easily and safely. This has aided in generating revenue and reducing the overhead costs for the entire system. Not all requests for service have been granted. Those requests that would have extended service to areas not safely accessible (narrow, dirt, winding or steep roads) or to areas not reasonably close (less than one-half mile) to the last in-city service address have not been granted. The geographic distribution of the requests granted has not influenced the need for additional equipment or labor.

Budget Impact

There would be a small positive budget impact with this change. Service to a customer outside the city limits can be provided by simply making an additional stop on an existing route reducing system overhead. Staff would maintain the ability to not serve customers outside the City if the request did not satisfy safety and proximity criteria.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 50: GARBAGE AND TRASH, TO ELIMINATE THE SURCHARGE FOR SOLID WASTE SERVICE OUTSIDE THE CITY LIMITS.

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

Section 1. That § 50.41, Rates For Service Outside City Limits is hereby repealed, and the following is inserted in its stead:

50.41 Rates For Service Outside City Limits

In the event garbage and trash collection and removal service is rendered by the city for buildings, structure or premises located outside the corporate limits of the city, as provided for in §50.28, the monthly charge for such service shall be as prescribed in §50.40(A) and (B).

PASSED and APPROVED this 2nd day of May, 2006.

APPROVED:

By:

DAN GOODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk

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

D. 8
Improvement District No. 15
Stonebridge Meadows
Page 1 of 18

May 2, 2006

City Council Meeting Date

Sondra Smith

Submitted By

City Clerk

Division

City Clerk

Department

Action Required:

An ordinance to establish Fayetteville Municipal Property Owners' Improvement District No. 15 - Stonebridge Meadows, Phase 4 and 5. This petition is being filed under the Arkansas Municipal Property Owners' Improvement District law. Arkansas Code Ann. Sec. 14-94-101 et seq. The petition is being filed by James N. McCord, on behalf of the Improvement District.

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

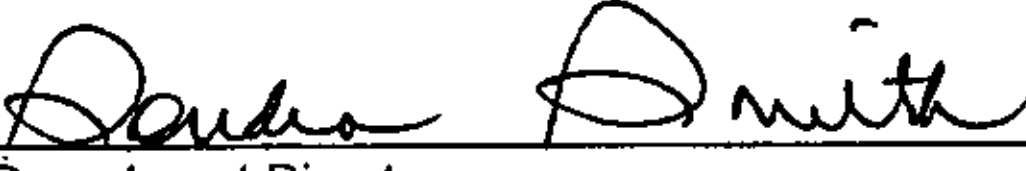
Fund Name

Budgeted Item

N/A

Budget Adjustment Attached

N/A


Department Director

4/17/06
Date

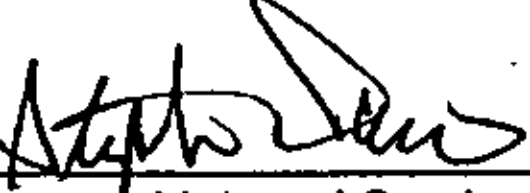
Previous Ordinance or Resolution #

Original Contract Date:

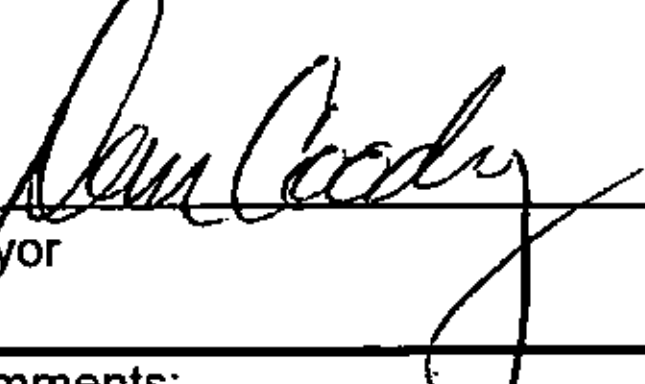
Original Contract Number:


City Attorney

4-18-06
Date


Finance and Internal Service Director

4-18-06
Date


Mayor

4/19/06
Date

Received in City Clerk's Office

ENTERED

4/17/06

Received in Mayor's Office

ENTERED

4/18/06

Comments:



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APR 17 2006

CITY OF FAYETTEVILLE
MAYOR'S OFFICE

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Improvement District No. 15
Stonebridge Meadows
Page 2 of 18

113 West Mountain
Fayetteville, AR 72701
Telephone: (479) 575-8323
Fax: (479) 718-7695
city_clerk@ci.fayetteville.ar.us

City Clerk/Treasurer Division

April 17, 2006

Honorable Dan Coody, Mayor
City Administration Building
113 W. Mountain
Fayetteville, AR 72701

RE: Petition to form Fayetteville Municipal Property Owners'
Improvement District No. 15
Stonebridge Meadows, Phase 4 and 5

Dear Mayor:

Pursuant to Arkansas Code Ann. Sec. 14-94-105 (e)(3), you are hereby notified that the enclosed Petition to form Fayetteville Municipal Property Owners' Improvement District No. 15 – Stonebridge Meadows, Phase 4 and 5 has been filed in the office of the Fayetteville City Clerk. Pursuant to Ark. Code Ann. Sec. 14-94-106 (a)(1), I hereby present you with the Petition.

Sincerely,

Sondra Smith
City Clerk/Treasurer

cc: Kit Williams, City Attorney
James N. McCord

JAMES N. McCORD
Attorney at Law
11 N. WEST AVE.
SUITE #202
FAYETTEVILLE, ARKANSAS 72701

TELEPHONE (479) 695-1134
FACSIMILE (479) 695-1135
jimmccordlaw@alltel.net

D. 8
Improvement District No. 15
Stonebridge Meadows
Page 3 of 18
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APR 14 2006
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

April 14, 2006

Sondra Smith
Fayetteville City Clerk
City Administration Building
113 West Mountain Street
Fayetteville, AR 72701

VIA HAND DELIVERY

Re: Petition to Form Fayetteville Municipal Property Owners' Improvement
District No. 15- Stonebridge Meadows, Phases 4 and 5

Dear Ms. Smith:

Enclosed for filing in the office of the Fayetteville City Clerk are four executed counterparts of a Petition to Form Fayetteville Municipal Property Owners' Improvement District No. 15- Stonebridge Meadows, Phases 4 and 5. Please file mark each Petition, retain one for the City's permanent file, one for presentation to the Mayor, and return the other counterparts to me. The Petition is being filed under the Arkansas Municipal Property Owners' Improvement District law, Ark. Code Ann. Sec. 14-94-101 et seq.

Ark. Code Ann. Sec. 14-94-106 provides:

- (a)(1) Upon the filing of the petition with the clerk, it shall be the duty of the clerk to present the petition to the mayor.
- (2) The mayor shall thereupon set a date and time not later than fifteen (15) days after the date of the presentation of the petition to the mayor, for a hearing before the governing body for consideration of the petition.
- (b)(1) At the hearing, it shall be the duty of the governing body to hear the petition and to ascertain whether those signing the petition constitute all the owners of the real property to be located in the district.

- (2) If the governing body determines that all the owners of the real property to be located in the district have petitioned for the improvements, it shall be its duty by ordinance to establish and lay off the district as defined in the petition and to appoint the commissioners named in the petition.

* * *

- (c) The ordinance establishing the district shall be published within thirty (30) days after its adoption by one (1) insertion in some newspaper of general circulation in the municipality in which the district lies.

Enclosed is a form the Mayor may use to give the City Council notice of the date and time of the hearing on the Petition. Also enclosed, for filing in the office of the City Clerk, is an executed Abstracter's Certificate certifying that the improvement district petition is signed by the owner of the record title to all the real property described in the Petition. I have drafted and enclose an ordinance which would establish the district and name the commissioners.

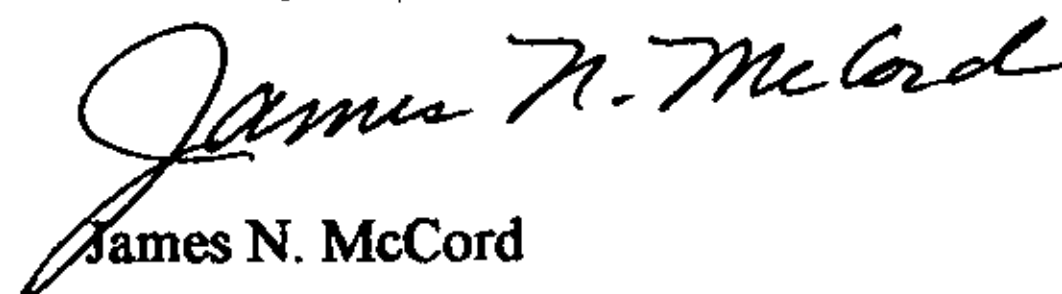
Formation of a municipal property owners' improvement district is merely a financing alternative for the cost of subdivision infrastructure. The developer must comply with all city development ordinances. The completed infrastructure improvements are dedicated to the city.

The improvement district issues special assessment bonds, bond proceeds are used to construct or purchase the improvements, the district levies an annual tax on each lot in the district to pay debt service on the bonds, the annual taxes are collected by the county tax collector and paid to the bond trustee, and the trustee makes debt service payments to the bondholders.

Stonebridge Meadows, Phases 4 and 5 will have 76 lots on 35.85 acres located adjacent to Goff Farm Road and Stonebridge Meadows Golf Course.

Should there be any questions, please contact me.

Sincerely,


James N. McCord

pc: Hon. Dan Coody, Mayor
Kit Williams, City Attorney

TO: Fayetteville City Council
FROM: Mayor Dan Coody
DATE: April ____, 2006
RE: Petition to Form Fayetteville Municipal Property Owners'
Improvement District No. 15- Stonebridge Meadows, Phases 4 and
5

Pursuant to Ark. Code Ann. Sec. 14-94-106(a)(2), I hereby set Tuesday, May 2, 2006, at 6:00 p.m. as the date and time for a hearing before the Fayetteville City Council for consideration of the Petition to Form Fayetteville Municipal Property Owners' Improvement District No. 15 – Stonebridge Meadows, Phases 4 and 5.

Ark. Code Ann. Sec. 14-94-106(b)(1) provides that, at the hearing, it shall be the duty of the governing body to hear the petition and to ascertain whether those signing the petition constitute all the owners of the real property to be located in the district. Ark. code Ann. Sec. 14-94-106(b)(2)(A) provides that if the governing body determines that all the owners of the real property to be located in the district have petitioned for the improvements, it shall be its duty by ordinance to establish and layoff the district as defined in the petition and to appoint the commissioners named in the petition.

cc: Kit Williams, City Attorney
James N. McCord

ORDINANCE NO. _____

**AN ORDINANCE TO ESTABLISH AND LAY OFF
FAYETTEVILLE MUNICIPAL PROPERTY OWNERS'
IMPROVEMENT DISTRICT NO. 15 - STONEBRIDGE
MEADOWS, PHASES 4 AND 5**

WHEREAS, a Petition to form Fayetteville Municipal Property Owners' Improvement District No. 15- Stonebridge Meadows, Phases 4 and 5 has been filed with the Fayetteville City Clerk; and,

WHEREAS, the City Clerk has presented said petition to the Mayor; and,

WHEREAS, the Mayor has set May 2, 2006, at 6:00 p.m. as the date and time for a hearing before the Fayetteville City Council for consideration of said petition; and,

WHEREAS, the Fayetteville City Council has determined from an abstracter's certificate of property ownership that those signing the petition constitute all the owners of the real property to be located in the district; and,

WHEREAS, the Arkansas Municipal Property Owners' Improvement District Law provides at Ark. Code Ann. Sec. 14-94-106(b)(2) that if the governing body determines that all the owners of the record title to the real property to be located in the district have petitioned for the improvements, it shall then be its duty by ordinance to establish and lay off the district as defined in the petition and to appoint the commissioners named in the petition.

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

Section 1: That the real property described in Exhibits "A" and "B" attached hereto and made a part hereof is hereby established and laid off as Fayetteville Municipal Property Owners' Improvement District No. 15- Stonebridge Meadows, Phases 4 and 5 for the purpose of constructing, purchasing, accepting as a gift or maintaining facilities for waterworks, recreation, drainage, gas pipelines, underground trenches and excavations necessary for the installation by public utilities or municipal utilities of electric and telephone distribution systems, sanitary sewers, streets and highways including curbs and gutters, and sidewalks, together with facilities related to any of the foregoing, or for more than one of those purposes.

Section 2: The following three individuals are hereby appointed as commissioners of said improvement district: William N. Meadows, Jack E. Meadows and Susan M. Meadows.

Section 3: The name of said improvement district shall be Fayetteville Municipal Property Owners' Improvement District No. 15- Stonebridge Meadows, Phases 4 and 5.

Section 4: The district shall not cease to exist upon the acquiring, constructing or completion of the improvements, but it shall continue to exist for the purpose of preserving, maintaining, and operating the improvements, replacing equipment, paying salaries to employees, and performing any other functions or services authorized in Ark. Code Ann., Title 14, Chapter 94.

PASSED and APPROVED this 2nd day of May, 2006.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

SONDRA SMITH, City Clerk

EXHIBIT "A"
Phase 4

THE FOLLOWING DESCRIBED PROPERTY IN WASHINGTON COUNTY, ARKANSAS:

A PART OF THE SW 1/4 OF THE SW 1/4 OF SECTION 19, TOWNSHIP 16 NORTH, RANGE 29 WEST; COMMENCING AT THE SOUTHWEST CORNER OF SAID SW 1/4 OF THE SW 1/4, THENCE N89°56'10"E 1116.15 FEET, THENCE NORTH 620.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE EAST BOUNDARY OF STONEBRIDGE MEADOWS PHASE 3; THENCE ALONG SAID EAST BOUNDARY N00°00'00"W 501.49 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF RIVER MEADOWS DRIVE; THENCE ALONG SAID SOUTH RIGHT-OF-WAY S89°58'14"E 59.96 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 75.00 FEET AND A CHORD BEARING AND DISTANCE OF S45°00'53"E 106.09 FEET; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 117.85 FEET; THENCE SOUTH 1.65 FEET; THENCE LEAVING SAID RIGHT-OF-WAY S89°57'06"E 841.44 FEET TO THE CENTER OF CLEVELAND RAVINE; THENCE ALONG SAID CENTERLINE OF RAVINE S00°09'03"W 36.79 FEET, S19°37'32"E 36.79 FEET, S01°46'14"E 36.74 FEET, S31°18'51"W 87.33 FEET, S25°21'06"W 147.48 FEET, S18°35'49"W 113.07 FEET; THENCE LEAVING SAID CENTERLINE OF RAVINE S89°56'10"W 845.24 FEET TO THE POINT OF BEGINNING, CONTAINING 9.24 ACRES, MORE OR LESS.

SUBJECT TO UTILITY EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT "B"
Phase 5

THE FOLLOWING DESCRIBED PROPERTY IN WASHINGTON COUNTY, ARKANSAS:

A PART OF THE N1/2 OF THE SE1/4 AND A PART OF THE SE1/4 OF THE NE1/4 OF SECTION 24, TOWNSHIP 16 NORTH, RANGE 30 WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS NORTH 1849.07 FEET AND WEST 1204.81 FEET FROM THE SOUTHEAST CORNER OF THE SE1/4 OF THE SE1/4 OF SAID SECTION 24 AND RUNNING THENCE N5°29'35"W 427.78 FEET; THENCE N4°31'14"E 519.57 FEET; THENCE N24°40'14"E 163.32 FEET; THENCE S67°47'56"E 383.63 FEET; THENCE S80°50'56"E 115.43 FEET; THENCE S50°56'49"E 87.06 FEET; THENCE S39°20'45"E 299.29 FEET; THENCE S22°34'29"E 407.51 FEET; THENCE S17°53'41"E 435.42 FEET; THENCE S0°28'09"E 112.72 FEET TO THE CENTERLINE OF THE GOFF FARM ROAD; THENCE WESTERLY ALONG SAID CENTERLINE THE FOLLOWING: S86°19'38"W 72.09 FEET, S89°48'17"W 716.41 FEET, S88°41'36"W 495.5 FEET; THENCE LEAVING SAID CENTERLINE AND RUNNING N35°19'50"E 342.18 FEET TO THE POINT OF BEGINNING, CONTAINING 26.61 ACRES, MORE OR LESS, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS.

SUBJECT TO THE GOFF FARM ROAD RIGHT-OF-WAY ALONG THE SOUTH LINE AND ANY OTHER EASEMENTS AND/OR RIGHT-OF-WAYS OF RECORD.

RECEIVED
APR 14 2006
CITY OF FAY.
CITY CLERK'S OFFICE

BEFORE THE CITY COUNCIL OF FAYETTEVILLE, ARKANSAS

**PETITION TO FORM FAYETTEVILLE MUNICIPAL PROPERTY OWNERS'
IMPROVEMENT DISTRICT NO. 15- STONEBRIDGE MEADOWS,
PHASES 4 AND 5**

ABSTRACTER'S CERTIFICATE OF PROPERTY OWNERSHIP

Lenders Title Company hereby certifies that the deed records in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, reflect that the following is the owner of the record title to all of the real property described in Exhibits "A" and "B" to the Petition to Form Fayetteville Municipal Property Owners' Improvement District No. 15 – Stonebridge Meadows, Phases 4 and 5, a copy of which Exhibits "A" and "B" is attached hereto and made a part hereof:

Meadows Enterprises, Inc.

DATED this 14 day of April, 2006.

Lenders Title Company

By: 

AUTHORIZED REPRESENTATIVE

EXHIBIT "A"

THE FOLLOWING DESCRIBED PROPERTY IN WASHINGTON COUNTY,
ARKANSAS:

A PART OF THE SW 1/4 OF THE SW 1/4 OF SECTION 19, TOWNSHIP 16 NORTH,
RANGE 29 WEST; COMMENCING AT THE SOUTHWEST CORNER OF SAID SW
1/4 OF THE SW 1/4, THENCE N89°56'10"E 1116.15 FEET, THENCE NORTH
620.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE EAST
BOUNDARY OF STONEBRIDGE MEADOWS PHASE 3; THENCE ALONG SAID
EAST BOUNDARY N00°00'00"W 501.49 FEET TO A POINT ON THE SOUTH
RIGHT-OF-WAY OF RIVERMEADOWS DRIVE; THENCE ALONG SAID SOUTH
RIGHT-OF-WAY S89°58'14"E 59.96 FEET TO THE P.C. OF A CURVE TO THE
RIGHT HAVING A RADIUS OF 75.00 FEET AND A CHORD BEARING AND
DISTANCE OF S45°00'53"E 106.09 FEET; THENCE ALONG SAID CURVE AN
ARC DISTANCE OF 117.85 FEET; THENCE SOUTH 1.65 FEET; THENCE
LEAVING SAID RIGHT-OF-WAY S89°57'06"E 841.44 FEET TO THE CENTER OF
CLEVELAND RAVINE; THENCE ALONG SAID CENTERLINE OF RAVINE
S00°09'03"W 36.79 FEET, S19°37'32"E 36.79 FEET, S01°46'14"E 36.74 FEET,
S31°18'51"W 87.33 FEET, S25°21'06"W 147.48 FEET, S18°35'49"W 113.07 FEET;
THENCE LEAVING SAID CENTERLINE OF RAVINE S89°56'10"W 845.24 FEET TO
THE POINT OF BEGINNING, CONTAINING 9.24 ACRES, MORE OR LESS.
SUBJECT TO UTILITY EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT "B"

THE FOLLOWING DESCRIBED PROPERTY IN WASHINGTON COUNTY,
ARKANSAS:

A part of the N1/2 of the SE1/4 and a part of the SE1/4 of the NE1/4 of Section 24, Township 16 North, Range 30 West, being more particularly described as follows: Beginning at a point that is North 1849.07 feet and West 1204.81 feet from the Southeast corner of the SE1/4 of the SE1/4 of said Section 24 and running thence N5°29'35"W 427.78 feet; thence N4°31'14"E 519.57 feet; thence N24°40'14"E 163.32 feet; thence S67°47'56"E 383.63 feet; thence S80°50'56"E 115.43 feet; thence S50°56'49"E 87.06 feet; thence S39°20'45"E 299.29 feet; thence S22°34'29"E 407.51 feet; thence S17°53'41"E 435.42 feet; thence S0°28'09"E 112.72 feet to the centerline of the Goff Farm Road; thence Westerly along said centerline the following: S86°19'38"W 72.09 feet, S89°48'17"W 716.41 feet, S88°41'36"W 495.5 feet; thence leaving said centerline and running N35°19'50"E 342.18 feet to the point of beginning, containing 26.61 acres, more or less, City of Fayetteville, Washington County, Arkansas.
Subject to the Goff Farm Road right-of-way along the South line and any other easements and/or right-of-ways of record.

NOTICE

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APR 14 2006

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

D. 8
Improvement District No. 15
Stonebridge Meadows
Page 13 of 18

YOUR SIGNATURE HEREON SHOWS THAT YOU FAVOR THE ESTABLISHMENT OF AN IMPROVEMENT DISTRICT. IF THE DISTRICT IS FORMED, YOU MAY BE CHARGED FOR THE COSTS OF THE IMPROVEMENTS.

BEFORE THE CITY COUNCIL OF FAYETTEVILLE, ARKANSAS

PETITION TO FORM FAYETTEVILLE MUNICIPAL PROPERTY OWNERS'
IMPROVEMENT DISTRICT NO. 15-STONEBRIDGE MEADOWS, PHASES
4 AND 5

For its petition to form Fayetteville Municipal Property Owners' Improvement District No. 15- Stonebridge Meadows, Phases 4 and 5, Meadows Enterprises, Inc. states:

1. Petitioner is the record title owner to all of the real property described in Exhibits "A" and "B" attached hereto and made a part hereof as reflected by the deed records in the office of the Circuit Clerk and Ex-Officio Recorder of Washington, County Arkansas. All of said property is located within the corporate limits of the City of Fayetteville, Arkansas.
2. Petitioner desires that the real property described in Exhibits "A" and "B" attached hereto and made a part hereof be established and laid off into a municipal property owners' improvement district pursuant to Ark. Code Ann. Sec. 14-94-101 et seq. for the purpose of constructing, purchasing, accepting as a gift or maintaining facilities for waterworks, recreation, drainage, gas pipelines, underground trenches and

excavations necessary for the installation by public utilities or municipal utilities of electric and telephone distribution systems, sanitary sewers, streets and highways including curbs and gutters, and sidewalks, together with facilities related to any of the foregoing, or for more than one of those purposes.

3. Petitioner desires that the district shall not cease to exist upon the acquiring, constructing or completion of the improvements, but it shall continue to exist for the purpose of preserving, maintaining, and operating the improvements, replacing equipment, paying salaries to employees, and performing any other functions or services authorized in Ark. Code Ann., Title 14, Chapter 94.

4. Petitioner names the following three individuals, pursuant to Ark. Code Ann. 14-94-105(a)(2)(B), as designated representatives of Petitioner to be appointed as commissioners of the district: William N. Meadows, Jack E. Meadows and Susan M. Meadows.

5. Petitioner proposes that the name of the district be Fayetteville Municipal Property Owners' Improvement District No. 15- Stonebridge Meadows, Phases 4 and 5.

WHEREFORE, Meadows Enterprises, Inc. hereby petitions the City Council of Fayetteville, Arkansas to adopt an ordinance establishing and laying off the real property described in Exhibits "A" and "B" attached hereto and made a part hereof into Fayetteville Municipal Property Owners' Improvement District No. 15- Stonebridge Meadows, Phases 4 and 5 for the purpose of constructing, purchasing, accepting as a gift or maintaining facilities for waterworks recreation, drainage, gas pipelines, underground trenches and excavations necessary for the installation by public utilities or municipal utilities of electricity and telephone distribution systems, sanitary sewers, streets

including curbs and gutters, and sidewalks, together with facilities related to any of the foregoing, or for more than one of those purposes.

DATED this 14th day of April, 2006.

Meadows Enterprises, Inc.
An Arkansas corporation

By: William N. Meadows
William N. Meadows, President

EXHIBIT "A"

THE FOLLOWING DESCRIBED PROPERTY IN WASHINGTON COUNTY,
ARKANSAS:

A PART OF THE SW 1/4 OF THE SW 1/4 OF SECTION 19, TOWNSHIP 16 NORTH, RANGE 29 WEST; COMMENCING AT THE SOUTHWEST CORNER OF SAID SW 1/4 OF THE SW 1/4, THENCE N89°56'10"E 1116.15 FEET, THENCE NORTH 620.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE EAST BOUNDARY OF STONEBRIDGE MEADOWS PHASE 3; THENCE ALONG SAID EAST BOUNDARY N00°00'00"W 501.49 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF RIVERMEADOWS DRIVE; THENCE ALONG SAID SOUTH RIGHT-OF-WAY S89°58'14"E 59.96 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 75.00 FEET AND A CHORD BEARING AND DISTANCE OF S45°00'53"E 106.09 FEET; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 117.85 FEET; THENCE SOUTH 1.65 FEET; THENCE LEAVING SAID RIGHT-OF-WAY S89°57'06"E 841.44 FEET TO THE CENTER OF CLEVELAND RAVINE; THENCE ALONG SAID CENTERLINE OF RAVINE S00°09'03"W 36.79 FEET, S19°37'32"E 36.79 FEET, S01°46'14"E 36.74 FEET, S31°18'51"W 87.33 FEET, S25°21'06"W 147.48 FEET, S18°35'49"W 113.07 FEET; THENCE LEAVING SAID CENTERLINE OF RAVINE S89°56'10"W 845.24 FEET TO THE POINT OF BEGINNING, CONTAINING 9.24 ACRES, MORE OR LESS. SUBJECT TO UTILITY EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT "B"

THE FOLLOWING DESCRIBED PROPERTY IN WASHINGTON COUNTY,
ARKANSAS:

A part of the N1/2 of the SE1/4 and a part of the SE1/4 of the NE1/4 of Section 24, Township 16 North, Range 30 West, being more particularly described as follows: Beginning at a point that is North 1849.07 feet and West 1204.81 feet from the Southeast corner of the SE1/4 of the SE1/4 of said Section 24 and running thence N5°29'35"W 427.78 feet; thence N4°31'14"E 519.57 feet; thence N24°40'14"E 163.32 feet; thence S67°47'56"E 383.63 feet; thence S80°50'56"E 115.43 feet; thence S50°56'49"E 87.06 feet; thence S39°20'45"E 299.29 feet; thence S22°34'29"E 407.51 feet; thence S17°53'41"E 435.42 feet; thence S0°28'09"E 112.72 feet to the centerline of the Goff Farm Road; thence Westerly along said centerline the following: S86°19'38"W 72.09 feet, S89°48'17"W 716.41 feet, S88°41'36"W 495.5 feet; thence leaving said centerline and running N35°19'50"E 342.18 feet to the point of beginning, containing 26.61 acres, more or less, City of Fayetteville, Washington County, Arkansas.
Subject to the Goff Farm Road right-of-way along the South line and any other easements and/or right-of-ways of record.



City Council Meeting of May 2, 2006

CITY COUNCIL AGENDA MEMO

TO: Mayor Dan Coody and the City Council
THRU: Gary Dumas, Operations Director *GD*
FROM: Michele Bechhold, Human Resources *MB*
DATE: April 18, 2006
SUBJECT: Approval of a Contract with _____ for Consulting Services

Recommendation

Staff recommends approval of a contract with _____ in the amount of \$ _____ for the identification of salary survey benchmark jobs and development of updated job descriptions for these positions and all other City positions. Scope of work for this contract also includes a comparative study of the numbers and titles of position descriptions within the City and within other cities offering similar services.

Background

In February, Staff made a recommendation to Council that the City retain a consulting firm to completely rework the classification and compensation program. Through the 2005 salary survey process a number of questions were raised about the City's compensation practices.

- What is the City's compensation philosophy?
- What are the appropriate labor markets to survey?
- Should cost of living or cost of labor adjustment factors be applied to survey data?
- How should the value of benefits be considered?
- Should the voluntary quit rate impact implementation of the salary survey results?

In March, Mayor Coody appointed four Council members to serve on an Ad Hoc Compensation Committee. This Committee is charged with developing a recommendation which offers a citywide compensation philosophy and defines labor markets for the salary survey process for Council consideration. Members of this Committee will also participate in the selection of consulting firms to update the City's entire classification and compensation system.

The Committee has encouraged employees to provide them with feedback about the compensation and benefit plans by email, comment forms and scheduled group meetings. The last employee feedback meeting is scheduled for April 20. The Committee has also requested management's position on key policy components. Following the April 20 meeting, the Committee will begin to formulate its recommendations to City Council.

Discussion

At the March 30 committee meeting the project timeline was discussed. The City's stated goal is to have the consultant's report of implementation costs for the new classification and compensation program by September 15, 2006. The Committee and Staff discussed bidding

the project out in phases in order to keep moving forward while the Committee continues its work on the recommendation to Council. It was determined that this approach would best support the City's timeline. The Committee directed Staff to initiate the professional selection process for a consultant to define the benchmark jobs for the salary survey and update these job descriptions as well as all City job descriptions. The Request for Proposals was issued on April 4 and the bid opening was set for April 19 at 4:00pm.

Procurement Method

This firm was selected following a professional selection method which included the required notification/advertisement process. _____ proposals were received and are listed below.

Budget Impact

The 2006 Human Resources budget contains \$30,000 for the review of the City's compensation plan.

Staff is available to answer any questions you may have.

*Place holder
please enter*

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

5/2/2006
City Council Meeting Date

Susan Thomas

Submitted By

Public Information

Division

General Government

Department

Action Required:

A resolution supporting the proposed location of a new Police Station for the City of Fayetteville Police Department

\$

Cost of this request

\$

Category / Project Budget

Program Category / Project Name

\$

Account Number

Funds Used to Date

Program / Project Category Name

\$

Project Number

Remaining Balance

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

Department Director

Susan Thomas

Date

4/17/06

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

Date

Finance and Internal Service Director

Date

Mayor

Date

Received in City Clerk's Office

Received in Mayor's Office

Comments: