

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
August 15, 2006**

A meeting of the Fayetteville City Council will be held on August 15, 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**

A. CONSENT:

- 1. Approval of the July 17, 2006 Special City Council meeting minutes and the August 1, 2006 City Council meeting minutes.**

THE JULY 17, 2006 CITY COUNCIL MEETING MINUTES WERE REMOVED FROM THE AGENDA. THE AUGUST 1, 2006 CITY COUNCIL MEETING MINUTES WERE APPROVED.

- 2. Crossland Heavy Contractors, Inc:** A resolution approving a contract with Crossland Heavy Contractors, Inc. in the amount of \$908,710.00 for 24" Water Main Replacement Project (W. Custer Lane/Morningside Drive); approving a project contingency in the amount of \$90,000.00; and approving a Budget Adjustment in the amount of \$214,700.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 134-06.

B. NEW BUSINESS:

1. **Personnel Policy Crisis Leave:** A resolution to amend Human Resources Policy #22.1 to increase a Department Director's discretionary allowance of crisis leave.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 135-06.

2. **Ordinance # 1 Annexation of Island:** An ordinance to annex into the City of Fayetteville, Arkansas a parcel of land completely surrounded by the incorporated limits of Fayetteville and the City of Farmington, Arkansas.

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

3. **Ordinance # 2 Annexation Of Island:** An ordinance to annex into the City of Fayetteville, Arkansas a parcel of land completely surrounded by the incorporated limits of the City of Fayetteville, Arkansas.

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

4. **RZN 06-2172 Dunnerstock:** An ordinance rezoning that property described in rezoning petition RZN 06-2172 for approximately 19.98 acres, located west of Ruppel Road, east of Meadowlands Subdivision, from R-A Residential-Agricultural, RSF-1, Residential Single Family, 1 unit per acre, and C-2 Thoroughfare Commercial to C-1, Neighborhood Commercial, RMF-12, Residential Multi-Family, 12 units per acre, and RSF-7, Residential Single Family, 7 units per acre.

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

5. **The Hamptons, LLC Cost-Share:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share with The Hamptons, LLC in the amount of \$49,243.00 for the upsizing of approximately 1870' of 8" Water Main to 12" Water Main; and approving a project contingency in the amount of \$2,462.00.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4910.

6. **Zion Place, LLC Cost-Share:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share with Zion Place, LLC in the amount of \$128,435.00 for offsite drainage improvements associated with Zion Gardens.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4911.

7. **Amend City Plan 2025 Attainable Housing:** A resolution amending City Plan 2025 to better address attainable housing policy and goals.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 136-06.

8. **Amend Chapter 35, Taxation for Outdoor Vendors:** An ordinance to amend Chapter 35: Taxation of the code of Fayetteville by enacting a provision requiring licenses for outdoor vendors to ensure compliance for zoning and taxation requirements.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4912.

9. **ADM 06-1955, 06-1956; Amend Title XV: Downtown Master Plan Zoning Districts and Map:** An ordinance amending Title XV: Unified Development Ordinance of the Code of Fayetteville to amend various sections of the code in order to implement the Downtown Master Plan Zoning Code and Zoning Map.

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

10. **ADM 06-2164 Sycamore Center Appeal:** An appeal of the Planning Commission's decision to deny ADM 06-2164 Sycamore Center for waiver of landscaping requirements to accommodate additional parking.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 137-06.

11. **Amend §162.01 (U) and (W) Mini-Storage Units and Auto Salvage:** An ordinance to amend §162.01 (U) and (W) to make Mini-Storage Units and Auto Salvage and Junk Yards conditional uses.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4913.

12. **Statement from Alderman Marr.**

NO ACTION WAS TAKEN.

13. **Vacancy for Alderman Ward Two, Position Two:** An ordinance declaring a vacancy to exist in the office of alderman for Ward Two, Position Two, calling and setting a date for the special election to fill that position.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4914.

C. INFORMATIONAL:

City Council Tour: None

Meeting Adjourned at 10:35 PM

Adjourn at: 10:35

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

Subject:					
Motion To:		<i>Approve</i>			
Motion By:		<i>Jordan</i>			
Seconded:		<i>Lucas</i>			
<i>Crisis Leave Moved to new business 7/17/06 minutes removed</i>	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	<i>Absent during the vote</i>			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Mayor Coody				

8/1/06

minutes
approved.

9-0

134-06

Subject: Personnel Policy Crisis Leave					
Motion To:		Amend resolution	Pass as Amended		
Motion By:		Marr	Marr		
Seconded:		Rhoads	Ferrell		
Moved from Consent to NB #1 passed resolution 135-06	Reynolds	✓	✓		
	Thiel	✓	✓		
	Cook	✓	✓		
	Marr	✓	✓		
	Rhoads	✓	✓		
	Ferrell	✓	✓		
	Lucas	✓	✓		
	Jordan	✓	✓		
	Mayor Coody				
		8-0	8-0		

Subject: Add: Island Annexation					
Motion To:	Suspend rules & Add	(2 Ordinances) Add			
Motion By:		Lucas			
Seconded:		Jordan			
Added at Council Meeting passed to add	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Mayor Coody				
		8-0			

Subject: Ordinance #1 Annexation of Island					
Motion To:					
Motion By:					
Seconded:					
Added to the Agenda Get Ord. from Kit. Left on the First Reading.	Reynolds				
	Thiel				
	Cook				
	Marr				
	Rhoads				
	Ferrell				
	Lucas				
	Jordan				
Mayor Coody					

Subject: Ordinance #2 Annexation of Island					
Motion To:					
Motion By:					
Seconded:					
Added to the Agenda Get Ord. from Kit. Left on the First Reading.	Reynolds				
	Thiel				
	Cook				
	Marr				
	Rhoads				
	Ferrell				
	Lucas				
	Jordan				
Mayor Coody					

Subject: RZN 06-2172 Dunnerstock					
Motion To:		2nd read			
Motion By:		Jordan			
Seconded:		Lucas			
B.1. New Business Left on the Second reading	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Mayor Coody				

8-0

Subject: The Hamptons, LLC Cost-Share					
Motion To:		2nd read	3rd read	Pass	
Motion By:		Reynolds	Reynolds		
Seconded:		Ferrell	Marr		
B.2. New Business passed 4910	Reynolds	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Mayor Coody				

8-0

8-0

8-0

Subject: Zion Place, LLC . Cost-Share					
Motion To:		2nd read	3rd read	Pass	
Motion By:		Ferrell	Ferrell		
Seconded:		Marr	Reynolds		
B. 3. New Business <u>Passed</u> 4911	Reynolds	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	N	
	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan		✓	✓	
	Mayor Coody				
		8-0	8-0	7-1	

Subject: Amend City Plan 2025 Attainable Housing					
Motion To:		Reynolds	Amend		Pass
Motion By:		Thiel	Marr		Thiel
Seconded:		Reynolds	Thiel		Jordan
B. 4. New Business <u>Passed</u> 136-06	Reynolds		✓		✓
	Thiel		✓		✓
	Cook		✓		✓
	Marr		✓		✓
	Rhoads		✓		✓
	Ferrell		✓		✓
	Lucas		✓		✓
	Jordan		✓		✓
	Mayor Coody				
			8-0		8-0

Subject: <i>Amend Chapter 35, Taxation for Outdoor</i>					
Motion To:		<i>2nd read</i>	<i>3rd read</i>	<i>Pass</i>	<i>Vendor</i>
Motion By:		<i>Marr</i>	<i>Marr</i>		
Seconded:		<i>Reynolds</i>	<i>Reynolds</i>		
<i>B.5- New Business</i> <i>Passed</i> <i>4912</i>	Reynolds	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Thiel	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Cook	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Marr	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Rhoads	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Ferrell	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Lucas	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Jordan	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Mayor Coody				

8-0

8-0

8-0

Subject: <i>ADM 06-1955, 06-1956 Amend Title</i>					
Motion To:		<i>Amend to</i>	<i>Alderman Thiels Proposed Map</i>	<i>XV</i>	
Motion By:		<i>Thiel</i>			<i>Downtown</i>
Seconded:		<i>Ferrell</i>			<i>Master</i>
<i>B.6. New Business</i> <i>Amendment Failed</i>	Reynolds	<i>✓</i>			<i>Plan</i>
	Thiel	<i>✓</i>			<i>Zoning</i>
	Cook	<i>N</i>			<i>Districts</i>
	Marr	<i>N</i>			
	Rhoads	<i>N</i>			
	Ferrell	<i>✓</i>			
	Lucas	<i>N</i>			
	Jordan	<i>N</i>			
	Mayor Coody				

3-5

Subject: ADM 06-1955, 06-1956 Amend Title XV					
Motion To:		Amend Map as shown at Council Meeting		Amend Map as proposed by Alderman Marr	
Motion By:		Marr		Marr	
Seconded:		Jordan			
B.6. New Business Left on the first reading	Reynolds	✓		✓	
	Thiel	✓		✓	
	Cook	✓		✓	
	Marr	✓		✓	
	Rhoads	✓		✓	
	Ferrell	✓		✓	
	Lucas	✓		✓	
	Jordan	✓		✓	
	Mayor Coody				

8-0

8-0

Subject: ^{res.} ADM 06-2164 Sycamore Center Appeal					
Motion To:		Approve the appeal grant the variance as Proposed #2 Plat-			
Motion By:		Jordan		Work with Side 5	
Seconded:		Reynolds		the landscape Administrator. Jeremy Forte	
B.7. New Business passed 137-06	Reynolds	✓		Administrative. Variance request is on a	
	Thiel	✓			
	Cook	N			case by case basis.
	Marr	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Mayor Coody				

7-1

Subject: Amend 162.01 (u) & (w) Mini-Storage					
Motion To:		Amend as	proposed by	City Attorney.	
Motion By:		Thiel			
Seconded:		Cook			
B.8. New Business Amend Ordinance	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Ferrell	Absent during the vote			
	Lucas	✓			
	Jordan	Absent during the vote			
	Mayor Coody				

6-0

Subject: Amend 162.01 (u) & (w) Mini Storage					
Motion To:		2nd Read	3rd read	Pass	
Motion By:		Thiel	Reynolds		
Seconded:		Reynolds	Thiel		
B.8. New Business <u>passed</u> 4913	Reynolds	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Mayor Coody				

8-0

8-0

8-0

Subject: <i>Statement from Alderman Marr</i>					
Motion To:					
Motion By:					
Seconded:					
<i>B.9. New Business</i>	Reynolds				
	Thiel				
	Cook				
	Marr				
	Rhoads				
	Ferrell				
	Lucas				
	Jordan				
	Mayor Coody				

Subject: <i>Vacancy for Alderman Ward Two, Position Two.</i>					
Motion To:		<i>and read</i>	<i>3rd read</i>	<i>Pass</i>	
Motion By:		<i>Jordan</i>	<i>Jordan</i>		
Seconded:		<i>Lucas</i>	<i>Lucas</i>		
<i>B.10. New Business Passed 4914</i>	Reynolds	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Thiel	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Cook	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Marr	<i>—</i>	<i>—</i>	<i>—</i>	
	Rhoads	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Ferrell	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Lucas	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Jordan	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Mayor Coody				

7-0

7-0

7-0

Aldermen

Mayor Dan Coody
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Ward 1 Position 1 - Robert Reynolds
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Ward 4 Position 2 - Lioneld Jordan

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
August 15, 2006**

A meeting of the Fayetteville City Council will be held on August 15, 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**

off final **Informational Presentation on the Sales Tax Bond Election given by Susan Thomas, Public Information and Policy Advisory – Agenda Session Only.**

off final **Progress Report on Classification and Compensation System Project – Phase II Management Advisory Group. – Agenda Session Only.**

A. CONSENT:

1. **Approval of the July 17, 2006 Special City Council meeting minutes and the August 1, 2006 City Council meeting minutes.**

B. NEW BUSINESS:

- ✓ **RZN 06-2172 Dunnerstock:** An ordinance rezoning that property described in rezoning petition RZN 06-2172 for approximately 19.98 acres, located west of Ruppel Road, east of Meadowlands Subdivision, from R-A Residential-Agricultural, RSF-1, Residential Single Family, 1 unit per acre, and C-2 Thoroughfare Commercial to C-1, Neighborhood Commercial, RMF-12, Residential Multi-Family, 12 units per acre, and RSF-7, Residential Single Family, 7 units per acre.

Consent

- ② **Personnel Policy Crisis Leave:** A resolution amending the City of Fayetteville's Crisis Leave Policy.

3. **The Hamptons, LLC Cost-Share:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share with The Hamptons, LLC in the amount of \$49,243.00 for the upsizing of approximately 1870' of 8" Water Main to 12" Water Main; and approving a project contingency in the amount of \$2,462.00.
4. **Zion Place, LLC Cost-Share:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share with Zion Place, LLC in the amount of \$128,435.00 for offsite drainage improvements associated with Zion Gardens.

Consent

- ⑤ **Crossland Heavy Contractors, Inc:** A resolution approving a contract with Crossland Heavy Contractors, Inc. in the amount of \$908,710.00 for 24" Water Main Replacement Project (W. Custer Lane/Morningside Drive); approving a project contingency in the amount of \$90,000.00; and approving a Budget Adjustment in the amount of \$214,700.00.
6. **Amend City Plan 2025 Attainable Housing:** A resolution amending City Plan 2025 to better address attainable housing policy and goals.
7. **Amend Chapter 35, Taxation for Outdoor Vendors:** An ordinance to amend Chapter 35: Taxation of the code of Fayetteville by enacting a provision requiring licenses for outdoor vendors to ensure compliance for zoning and taxation requirements.
8. **ADM 06-1955, 06-1956; Amend Title XV: Downtown Master Plan Zoning Districts and Map:** An ordinance amending Title XV: Unified Development Ordinance of the Code of Fayetteville to amend various sections of the code in order to implement the Downtown Master Plan Zoning Code and Zoning Map.
9. **ADM 06-2164 Sycamore Center Appeal:** An appeal of the Planning Commission's decision to deny ADM 06-2164 Sycamore Center for waiver of landscaping requirements to accommodate additional parking.
10. **Statement from Alderman Marr.**
11. **Vacancy for Alderman Ward Two, Position Two:** An ordinance declaring a vacancy to exist in the office of alderman for Ward Two, Position Two, calling and setting a date for the special election to fill that position.

C. INFORMATIONAL:

City Council Tour: August 14, 2006 - 4:30 PM

Pre-Agenda Session 8-2-06

Aldermen

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith



Ward 1 Position 1 - Robert Reynolds
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Call to Order

Roll Call

Pledge of Allegiance

Informational Presentation on the Sales Tax Bond Election given by Susan Thomas, Public Information and Policy Advisory – Agenda Session Only.

Progress Report on Classification and Compensation System Project – Phase II Management Advisory Group. – Agenda Session Only.

A. CONSENT:

1. **Approval of the July 17, 2006 Special City Council meeting minutes and the August 1, 2006 City Council meeting minutes.**

take
2. **Digital Motorcycle Video Systems:** A resolution awarding Bid #06-47 and approving the purchase of three (3) digital motorcycle recording systems from Mobilevision Inc. in the amount of \$43,117.36.

take
3. **New World Systems for APS Ticketing and Citations Contract:** A resolution approving the purchase of ten (10) handheld electronic ticketing devices and associated software from New World Systems Corp. in the amount of \$107,274.00; and approving Budget Adjustments in the amounts of \$99,377.00 and \$56,000.00.

- move to up*
4. **Amend City Plan 2025 Attainable Housing:** A resolution amending City Plan 2025 to better address attainable housing policy and goals.

B. NEW BUSINESS:

1. **RZN 06-2172 Dunnerstock:** An ordinance rezoning that property described in rezoning petition RZN 06-2172 for approximately 19.98 acres, located west of Ruppel Road, east of Meadowlands Subdivision, from R-A Residential-Agricultural, RSF-1, Residential Single Family, 1 unit per acre, and C-2 Thoroughfare Commercial to C-1, Neighborhood Commercial, RMF-12, Residential Multi-Family, 12 units per acre, and RSF-7, Residential Single Family, 7 units per acre.
- #8 March*
2. **ADM 06-1955, 06-1956; Amend Title XV: Downtown Master Plan Zoning Districts and Map:** An ordinance amending Title XV: Unified Development Ordinance of the Code of Fayetteville to amend various sections of the code in order to implement the Downtown Master Plan Zoning Code and Zoning Map.
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- Relief Hearing*
#6
4/4/06
6. **Hoskins/City of Fayetteville Trade and Purchase of Land:** A resolution to approve a trade and purchase of land, a Budget Adjustment of \$105,500.00 and the banking of .81 acres for future parkland dedication requirements.
7. **Amend Chapter 35, Taxation for Outdoor Vendors:** An ordinance to amend Chapter 35: Taxation of the code of Fayetteville by enacting a provision requiring licenses for outdoor vendors to ensure compliance for zoning and taxation requirements.
- #2 March*
8. **Personnel Policy Crisis Leave:** A resolution amending the City of Fayetteville's Crisis Leave Policy.
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- #11*
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NB

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- A. 4
2025 Plan
~~6. **Hoskins/City of Fayetteville Trade and Purchase of Land:** A resolution to approve a trade and purchase of land, a Budget Adjustment of \$105,500.00 and the banking of .81 acres for future parkland dedication requirements.~~
7. **Amend Chapter 35, Taxation for Outdoor Vendors:** An ordinance to amend Chapter 35: Taxation of the code of Fayetteville by enacting a provision requiring licenses for outdoor vendors to ensure compliance for zoning and taxation requirements.
- B-2 (8) **Personnel Policy Crisis Leave:** A resolution amending the City of Fayetteville's Crisis Leave Policy.
9. **ADM 06-2164 Sycamore Center Appeal:** An appeal of the Planning Commission's decision to deny ADM 06-2164 Sycamore Center for waiver of landscaping requirements to accommodate additional parking.
Statement from Alderman Marr
- (X) 10. **Vacancy for Alderman Ward Two, Position Two:** An ordinance declaring a vacancy to exist in the office of alderman for Ward Two, Position Two, calling and setting a date for the special election to fill that position.

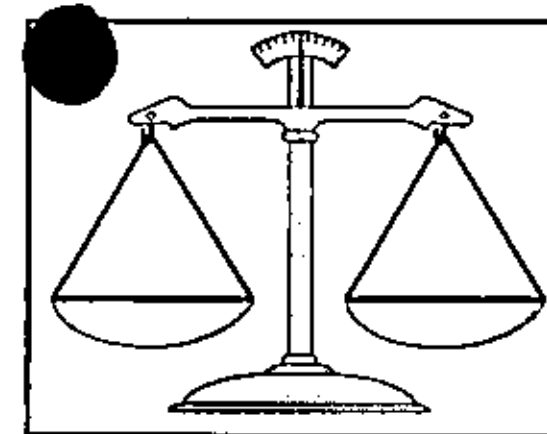
C. INFORMATIONAL:

City Council Tour: August 14, 2006 - 4:30 PM

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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



LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: **Dan Coody, Mayor**

THRU: **Sondra Smith, City Clerk**

FROM: **Kit Williams, City Attorney**

A handwritten signature in dark ink, appearing to read 'Kit Williams', followed by a long horizontal line extending to the right.

DATE: **August 16, 2006**

RE: **Passed Ordinances and Resolutions from City Council meeting
of August 15, 2006**

1. **Personnel Policy Crisis Leave:** Resolution amending Human Resources Policy #22.1 to increase Department Director's discretionary allowance of crisis leave;
2. **Crossland Heavy Contractors, Inc.:** Resolution approving contract w/Crossland Heavy Contractors, Inc. in amount of \$908,710.00 for 24" water main replacement project (W. Custer Lane/Morningside Drive); approving project contingency in amount of \$90,000.00 and approving budget adjustment in amount of \$214,700.00;
3. **The Hamptons, LLC cost share:** Ordinance waiving requirements of formal competitive bidding and approving cost share w/The Hamptons, LLC in amount of \$49,243.00 for upsizing of approximately 1,870' of 8" water main to 12" water main; and approving project contingency in amount of \$2,462.00;
4. **Zion Place, LLC cost share:** Ordinance waiving requirements of formal competitive bidding and approving cost share w/Zion Place, LLC in amount of \$128,435.00 for offsite drainage improvements associated w/Zion Gardens;
5. **Amend City Plan 2025 Attainable Housing:** Resolution amending City Plan 2025 to better address attainable housing policy and goals;
6. **Amend Chapter 35: Taxation for Outdoor Vendors:** Ordinance amending Chapter 35: **Taxation** of the Code of Fayetteville by enacting a provision requiring licenses for outdoor vendors to ensure compliance for zoning and taxation requirements;
7. **ADM 06-2164 Sycamore Center Appeal:** Resolution granting appeal of the Planning Commission's denial of ADM 06-2164 (Sycamore Center), a request for a variance of landscaping requirements;

8. Amend §162.01 (U) and (W) Mini-Storage Units and Auto Salvage: Ordinance amending §162.01 (U) and (W) to make mini-storage units and auto salvage and junk yards conditional uses;

9. Vacancy for Alderman Ward Two, Position Two: Ordinance declaring a vacancy to exist in the office of Alderman for Ward Two, Position Two, calling and setting a date for special election to fill that position.

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, Elizabeth Wax, 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:

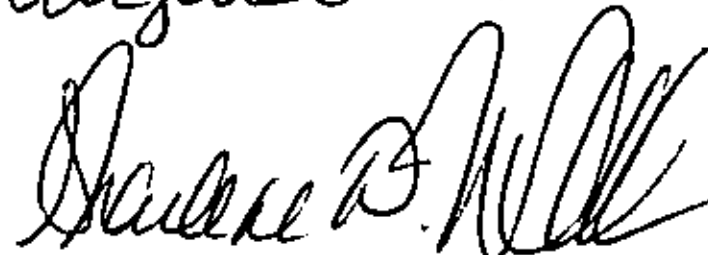
August 14, 2006

Publication Charge: \$168.63

Subscribed and sworn to before me

This 14 day of August, 2006.

Notary Public



My Commission Expires:

Sharlene D. Williams
Notary Public
State of Arkansas
My Commission Expires
October 18, 2014

FINAL AGENDA CITY OF FAYETTEVILLE ARKANSAS CITY COUNCIL MEETING AUGUST 15, 2006	
	
A meeting of the Fayetteville City Council will be held on August 15, 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	
A. CONSENT	
1. Approval of the July 17, 2006 Special City Council meeting minutes and the August 1, 2006 City Council meeting minutes.	
2. Personnel Policy Crisis Leave: A resolution amending the City of Fayetteville's Crisis Leave Policy.	
3. Crossland Heavy Contractors, Inc: A resolution approving a contract with Crossland Heavy Contractors, Inc. in the amount of \$908,710.00 for 24" Water Main Replacement Project (W. Custer Lane/Morningside Drive); approving a project contingency in the amount of \$90,000.00; and approving a Budget Adjustment in the amount of \$214,700.00.	
B. NEW BUSINESS:	
1. RZN 06-2172 Dummerstock: An ordinance rezoning that property described in rezoning petition RZN 06-2172 for approximately 19.98 acres, located west of Ruppel Road, east of Meadowlands Subdivision, from R-A Residential-Agricultural, RSF-1, Residential Single Family, 1 unit per acre, and C-2 Thoroughfare Commercial to C-1, Neighborhood Commercial, RMF-12, Residential Multi-Family, 12 units per acre, and RSF-7, Residential Single Family, 7 units per acre.	
2. The Hamptons, LLC Cost-Share: An ordinance waiving the requirements of formal competitive bidding and approving a cost-share with The Hamptons, LLC in the amount of \$49,243.00 for the upsizing of approximately 1870' of 8" Water Main to 12" Water Main; and approving a project contingency in the amount of \$2,462.00.	
3. Zion Place, LLC Cost-Share: An ordinance waiving the requirements of formal competitive bidding and approving a cost-share with Zion Place, LLC in the amount of \$128,435.00 for offsite drainage improvements associated with Zion Gardens.	
4. Amend City Plan 2025 Attainable Housing: A resolution amending City Plan 2025 to better address attainable housing policy and goals.	
5. Amend Chapter 35, Taxation for Outdoor Vendors: An ordinance to amend Chapter 35: Taxation of the code of Fayetteville by enacting a provision requiring licenses for outdoor vendors to ensure compliance for zoning and taxation requirements.	
6. ADM 06-1955, 06-1956; Amend Title XVI Downtown Master Plan Zoning Districts and Map: An ordinance amending Title XV: Unified Development Ordinance of the Code of Fayetteville to amend various sections of the code in order to implement the Downtown Master Plan Zoning Code and Zoning Map.	
7. ADM 06-2164 Sycamore Center Appeal: An appeal of the Planning Commission's decision to deny ADM 06-2164 Sycamore Center for waiver of landscaping requirements to accommodate additional parking.	
8. Amend §162.01 (U) and (W), Mini-Storage Units and Auto Salvage: An ordinance to amend §162.01 (U) and (W) to make Mini-Storage Units and Auto Salvage and Junk Yards conditional uses.	
9. Statement from Alderman Marr.	
10. Vacancy for Alderman Ward Two, Position Two: An ordinance declaring a vacancy to exist in the office of alderman for Ward Two, Position Two, calling and setting a date for the special election to fill that position.	
C. INFORMATIONAL: City Council Tour: None	

WE APPRECIATE YOUR BUSINESS

Arkansas Democrat-Gazette, NW Ed.
212 N. East Avenue
Fayetteville, AR 72701
479-442-1700

VISA PURCHASE

CARD #*****6514*

EXPIRATION DATE : *****

DATE 08-15-2006 #016693 A

TIME 11:59:44

SALE 168.63

APPROVED 062607

AVS: ADDRESS

CLERK : Ashley Stewart

MERCH ORDER# :

ITEM DESC: _____

X _____

PLEASE IMPRINT CARD

----- THANK YOU -----



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

TO: Mayor and City Council

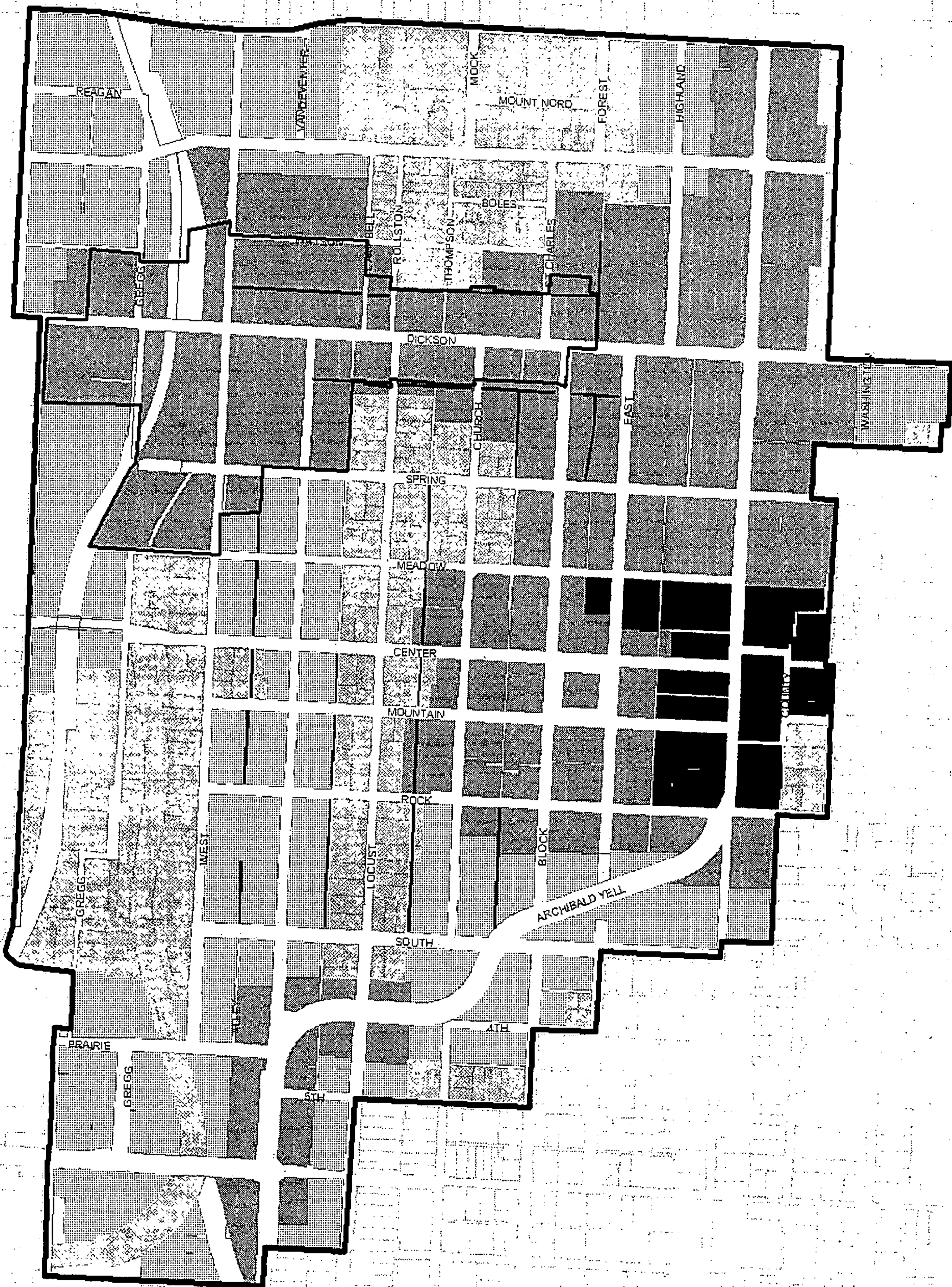
THRU: Tim Conklin, Planning and Development Management Director *T.C.*

FROM: Leif Olson, Long Range Planner

DATE: August 7, 2006

SUBJECT: Dover Kohl Proposed Downtown Master Plan Zoning Map

Planning Staff has received requests to distribute the Dover Kohl proposed DMP zoning map to Aldermen. The attached map is a color version of the original Dover Kohl proposal.



FAYETTEVILLE DOWNTOWN MASTER PLAN

City of Fayetteville, Arkansas

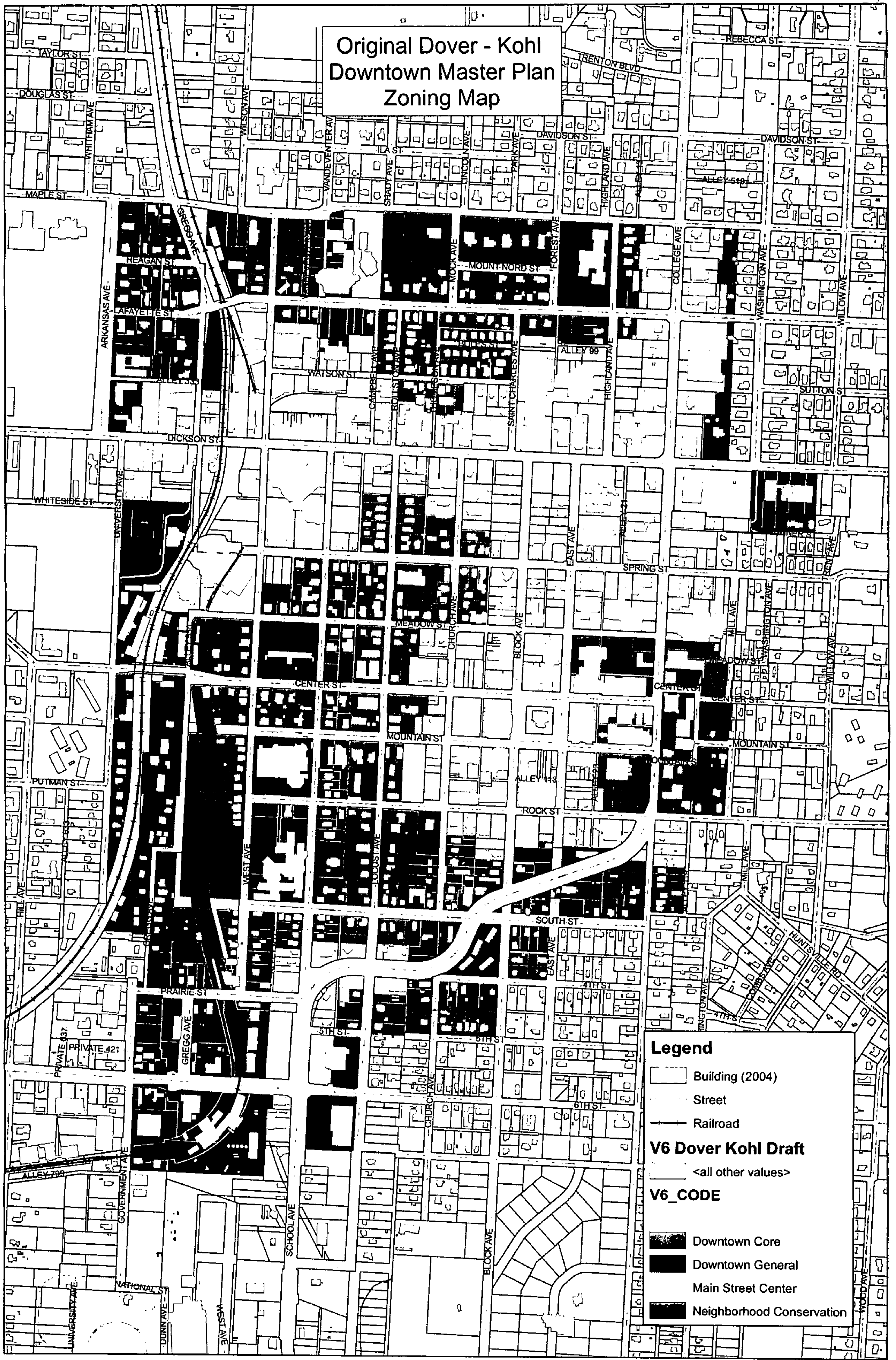
Fayetteville, Arkansas
Downtown District Regulating Plan

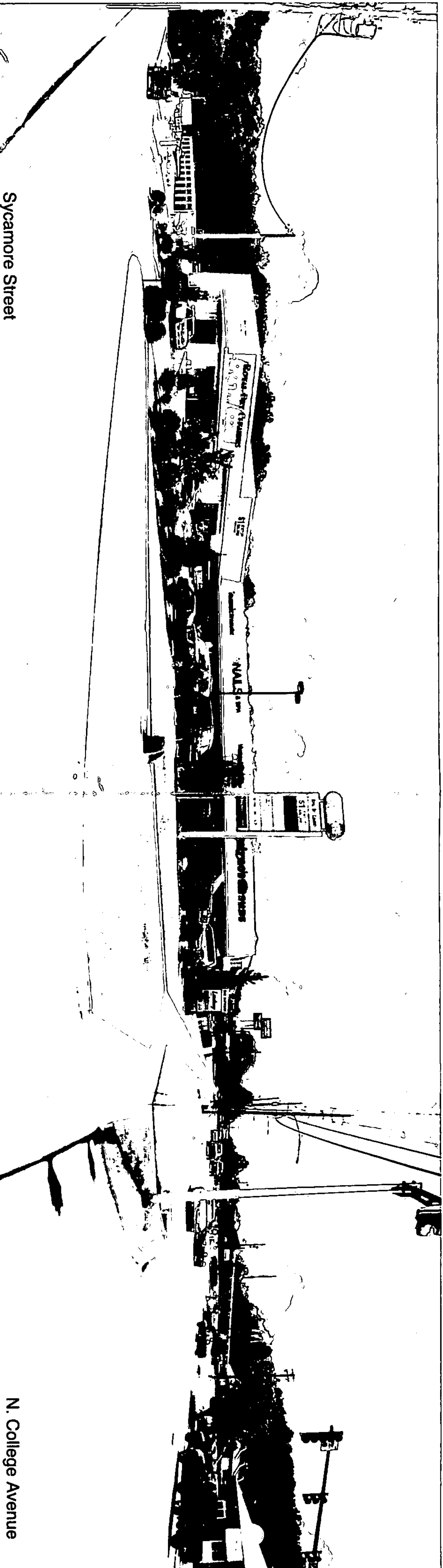
DOVER, KOHL & PARTNERS
urban planning

April 2004

-  Downtown District (D-1)
-  Cultural and Entertainment Overlay District
-  Proposed Alleys
-  Regional Core
-  Main Street / Center
-  Downtown General
-  Neighborhood Conservation

Original Dover - Kohl Downtown Master Plan Zoning Map





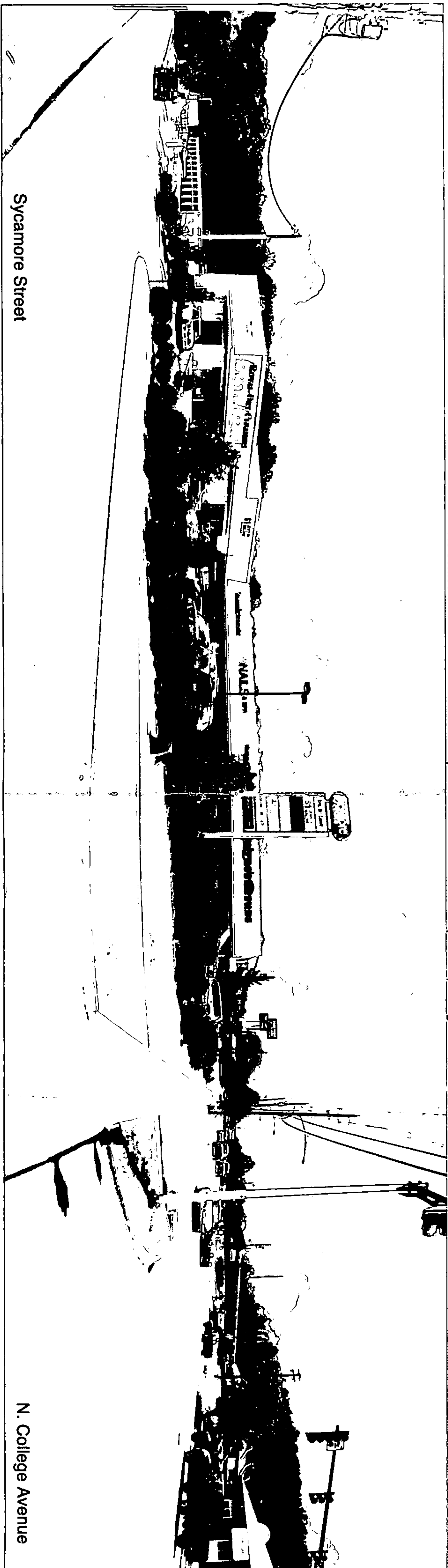
Sycamore Street

N. College Avenue

BEFORE ↓
AFTER ↓

SYCAMORE CENTER - 1680 N. College Avenue
Relocated sidewalk with 15' of landscape between sidewalk and expanded parking lot.

↓ BEFORE
↓ AFTER



Sycamore Street

N. College Avenue



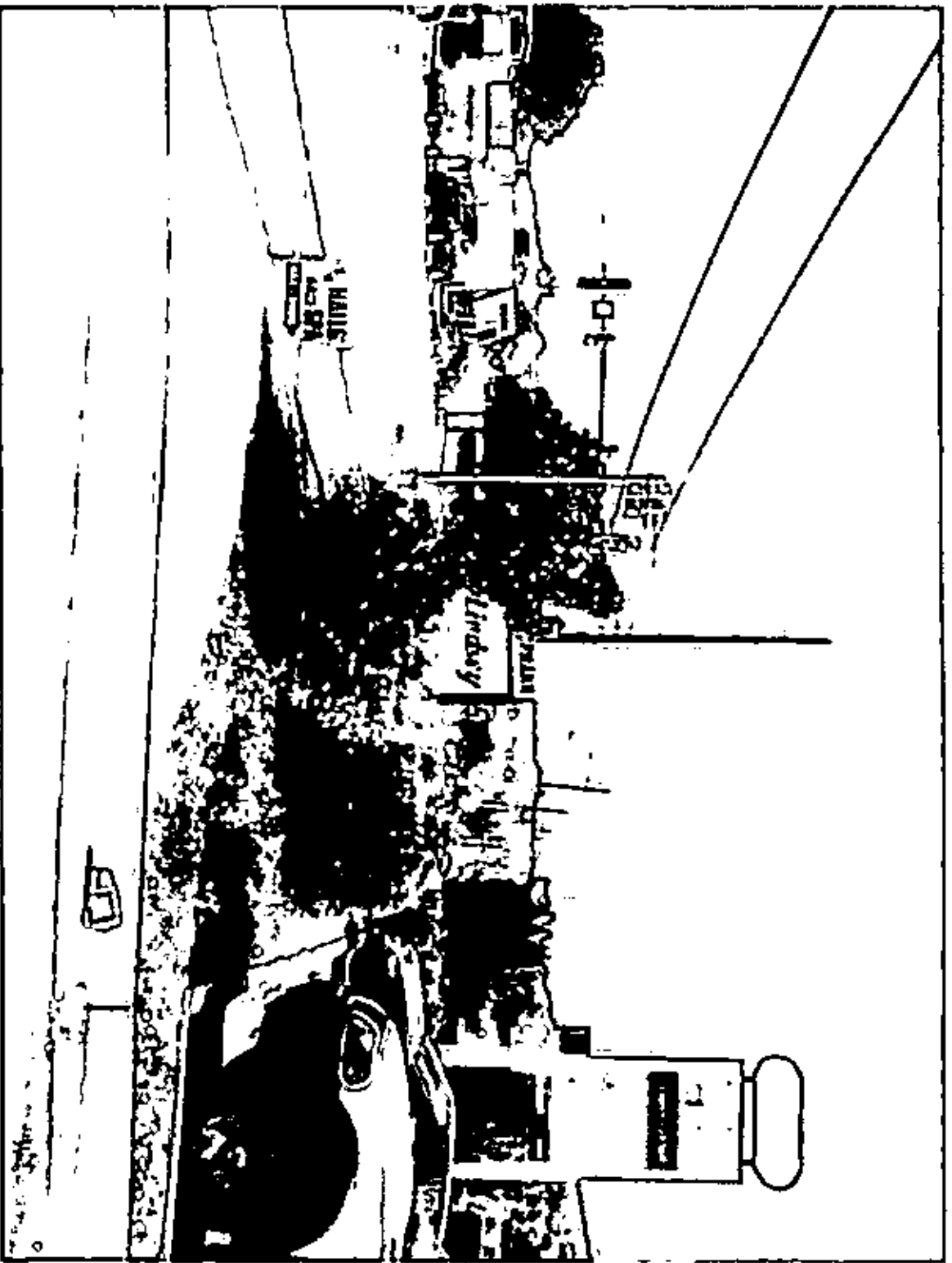
Map created with ArcIMS - Copyright (C) 1992-2006 ESRI Inc.

SHEET EXISTING 01 THESE DRAWINGS AND SPECIFICATIONS MILLER BOSKUS LACK ARCHITECTS, P.A. USE OR REPRODUCTION IS PROHIBITED WITHOUT WRITTEN CONSENT.	SHEET CONTENTS EXISTING COUNTY MAP	REVISIONS	MBL JOB NO. 9827/060042 ISSUE DATE 05-05-06	COMMERCIAL BUILDING SYCAMORE CENTER Fayetteville, Arkansas	Miller Boskus Lack	2397 Green Acres Road Fayetteville, Arkansas 72703 479.443.7121 FAX 479.443.7139 e-mail: info@mbi-arch.com www.mbi-arch.com Architects, P.A.
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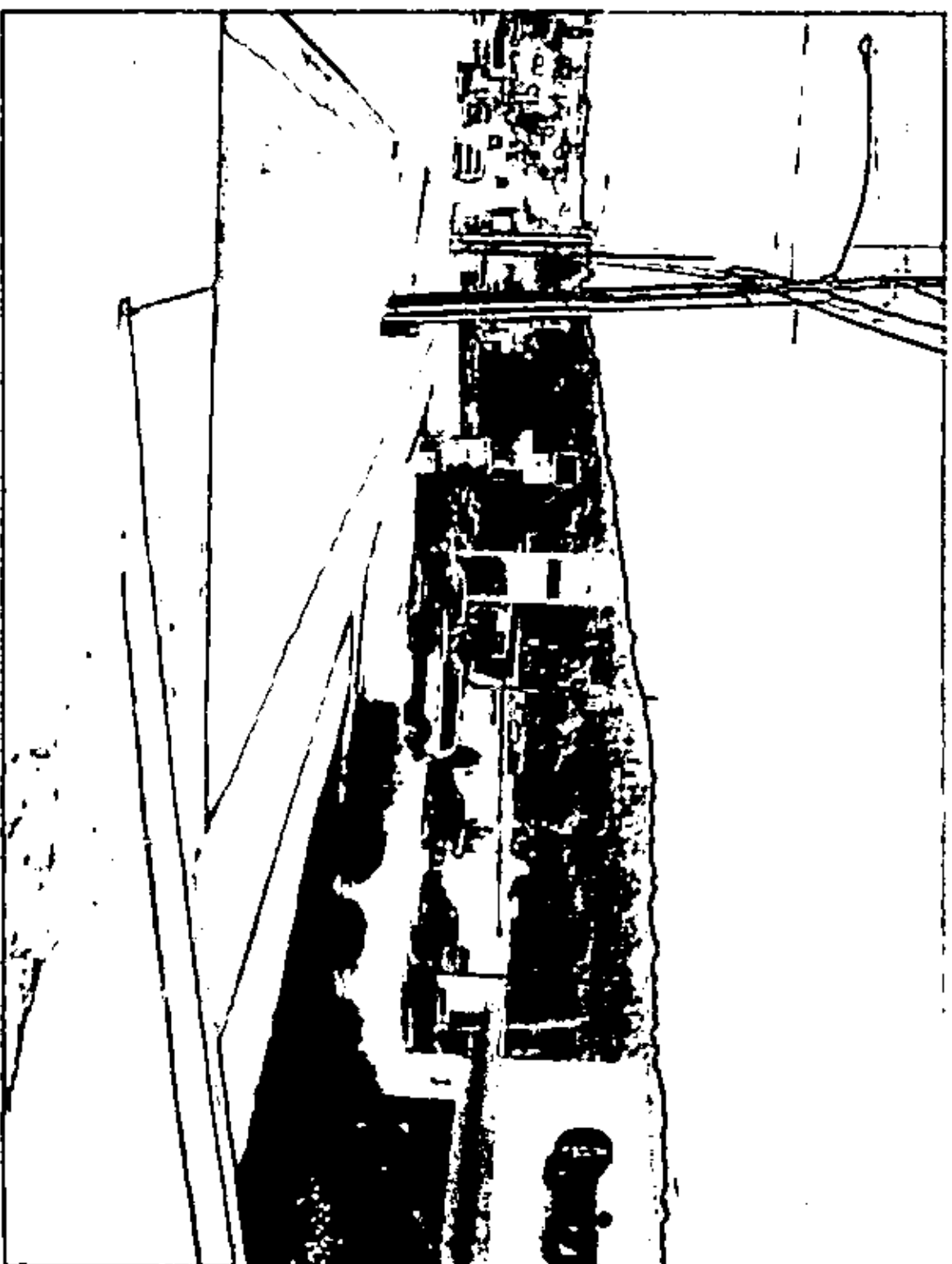


Map created with ArcIMS - Copyright (C) 1992-2006 ESRI Inc.

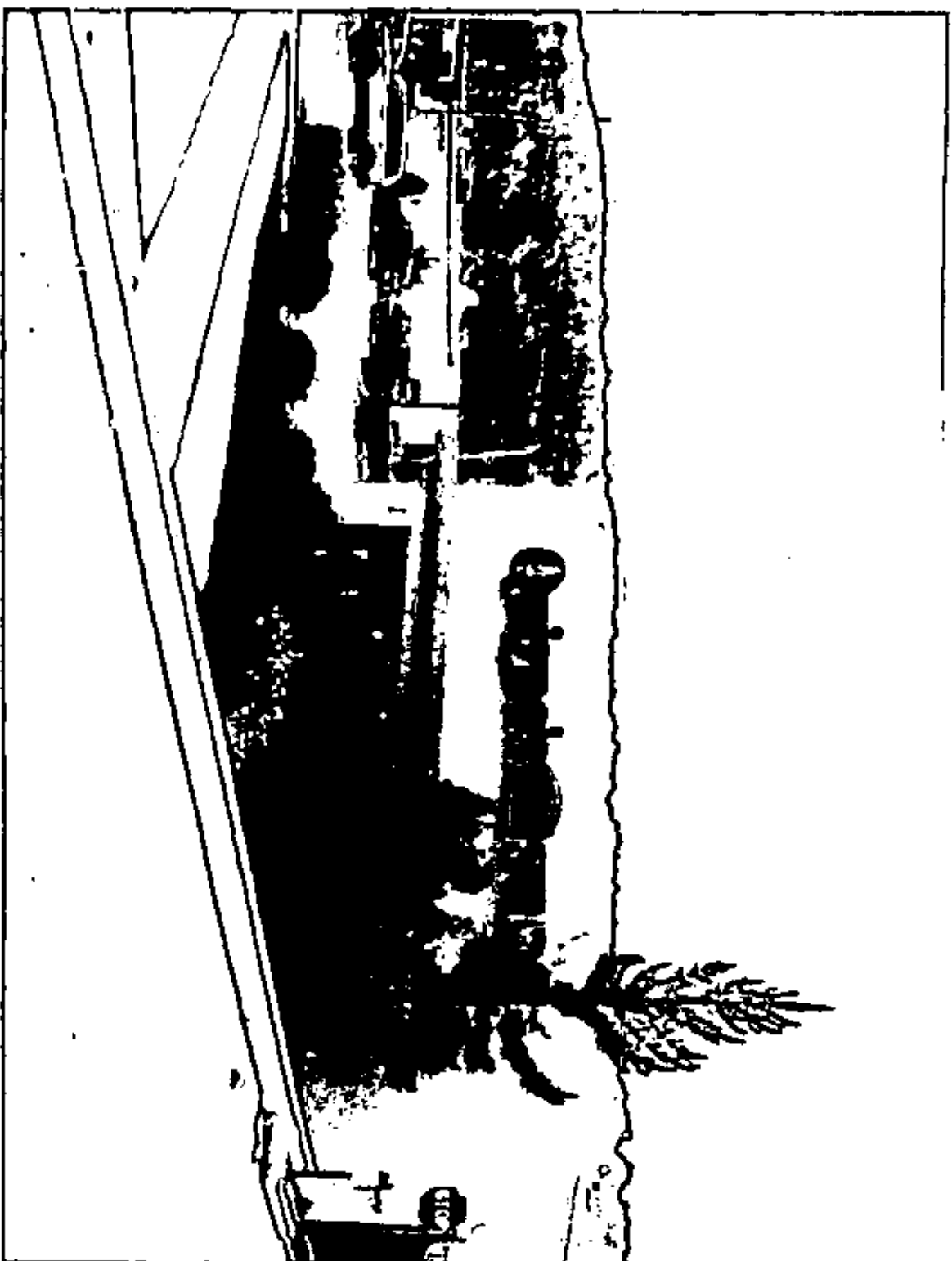
SHEET EXISTING 02	REVISIONS	MBL JOB NO. 9827/060042	COMMERCIAL BUILDING SYCAMORE CENTER Fayetteville, Arkansas	Miller Boskus Lack	2397 Green Acres Road Fayetteville, Arkansas 72703 479.443.7121 FAX 479.443.7139 e-mail: info@mbi-arch.com www.mbi-arch.com
		ISSUE DATE 05-05-06			
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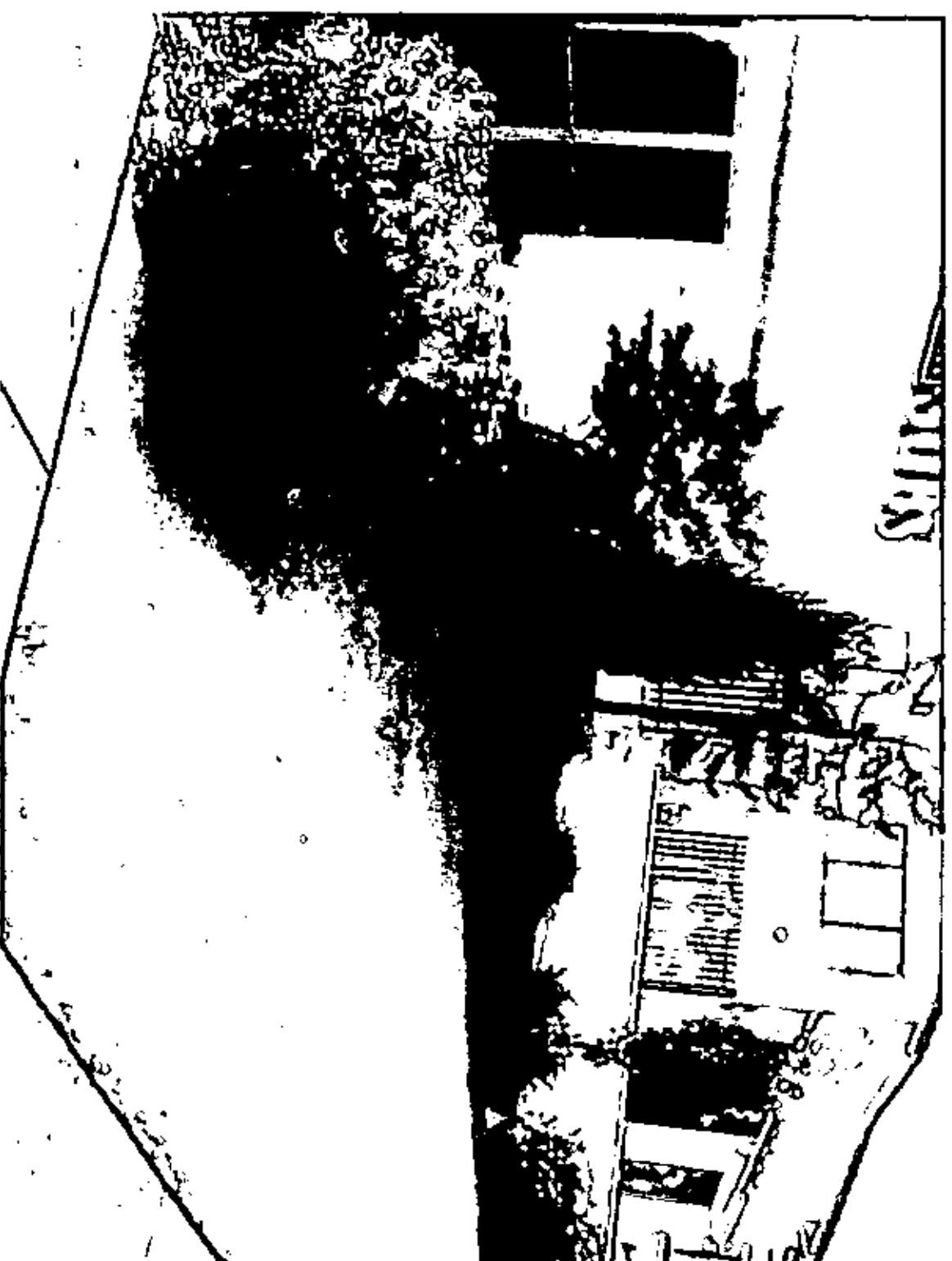
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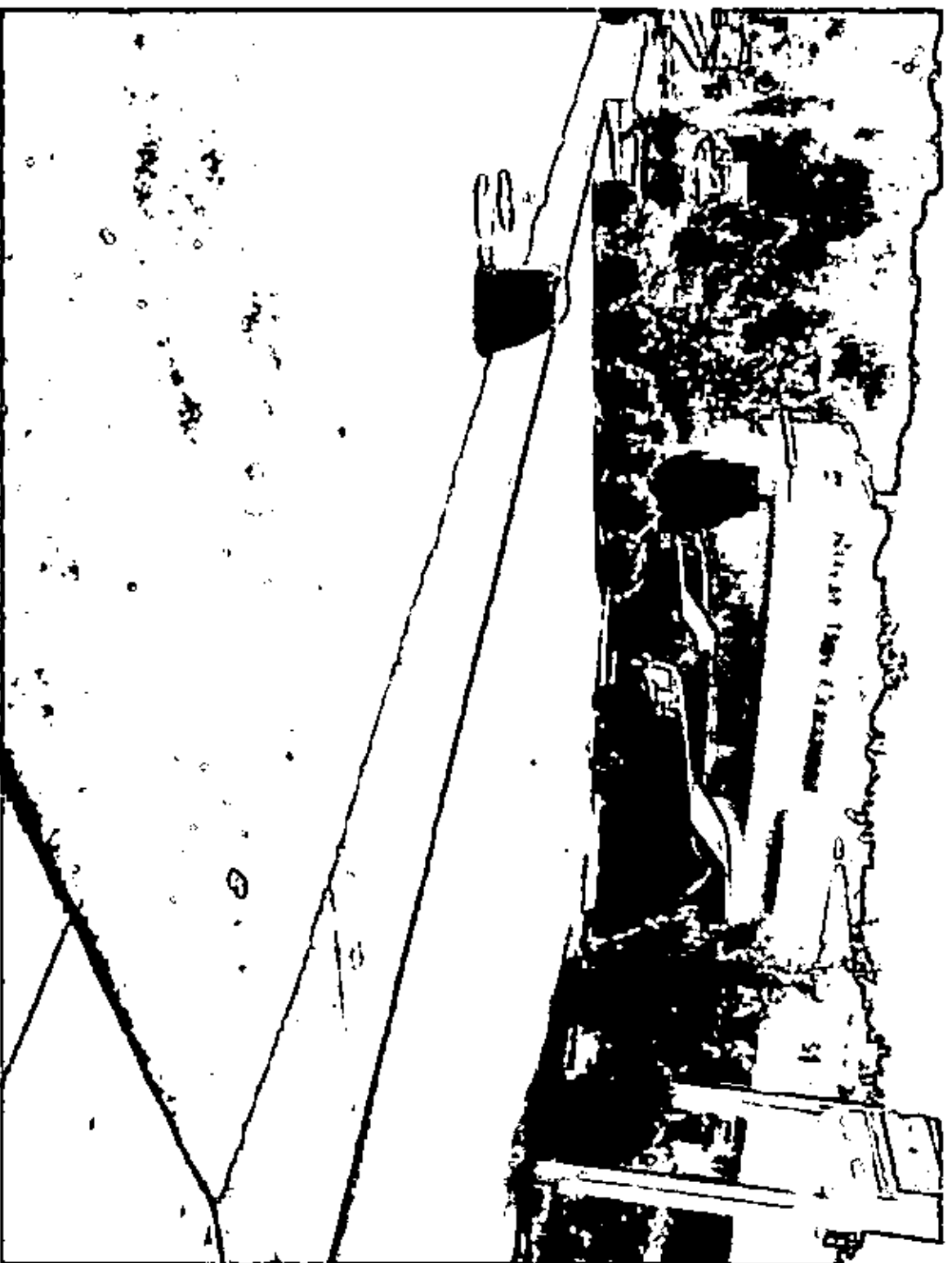
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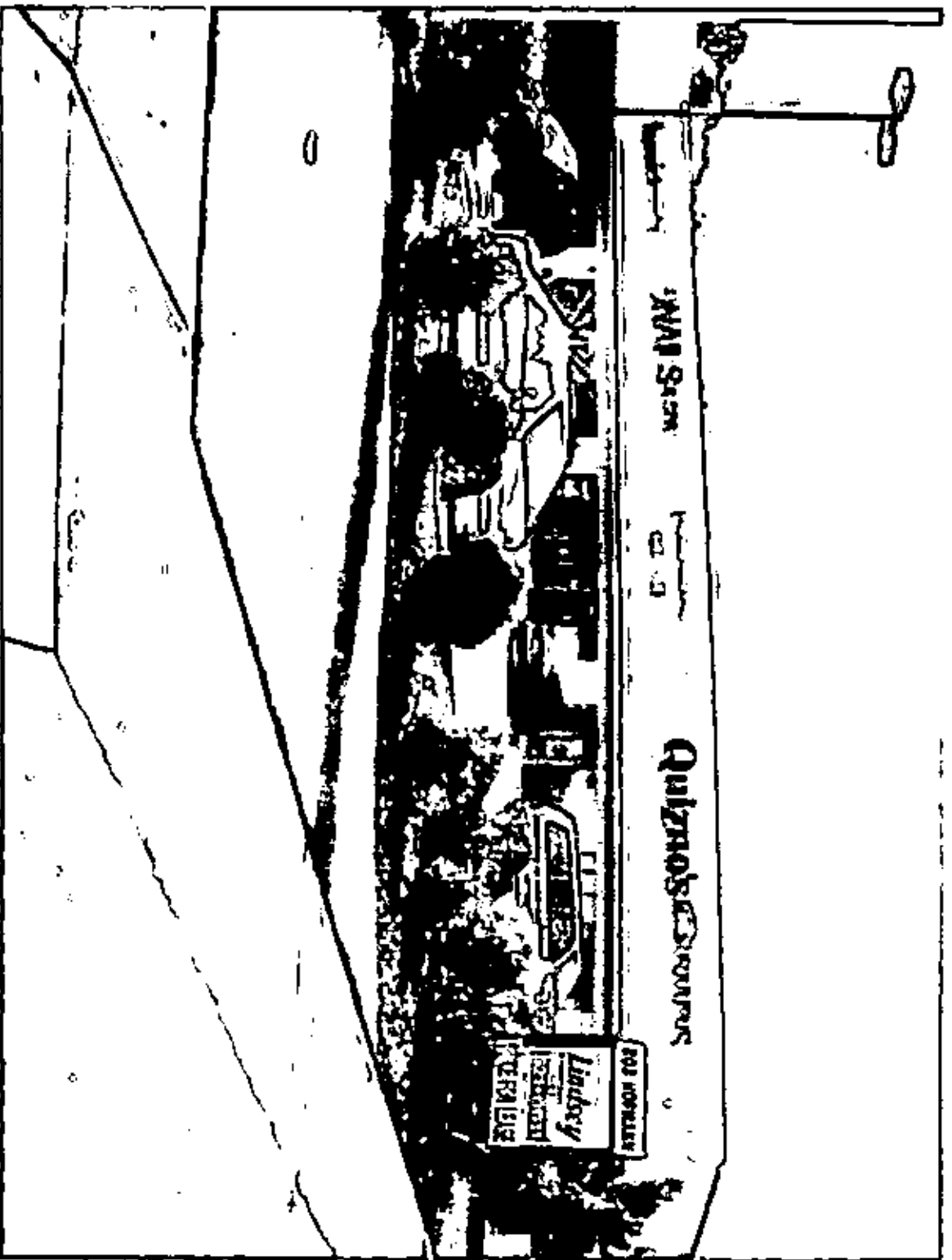
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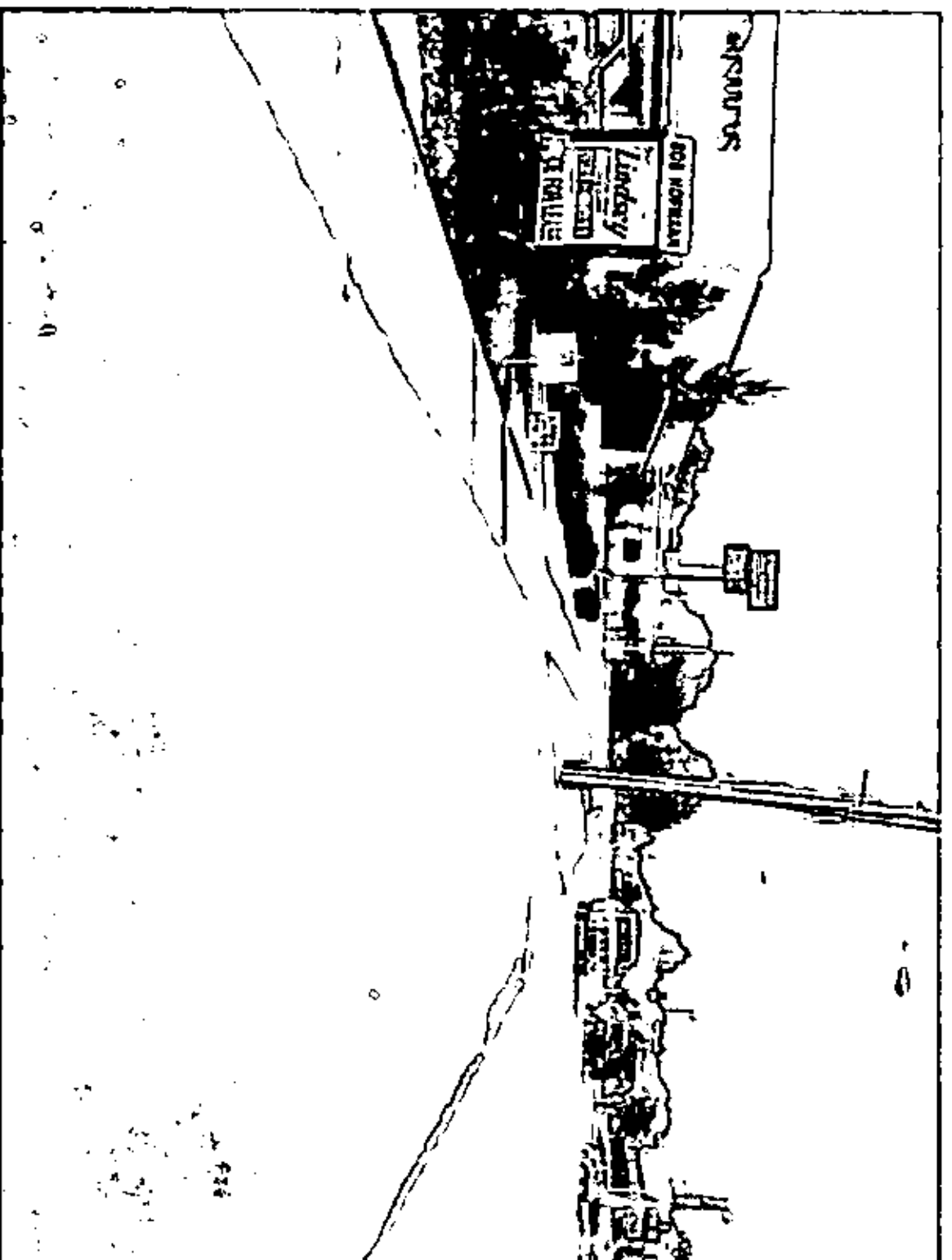
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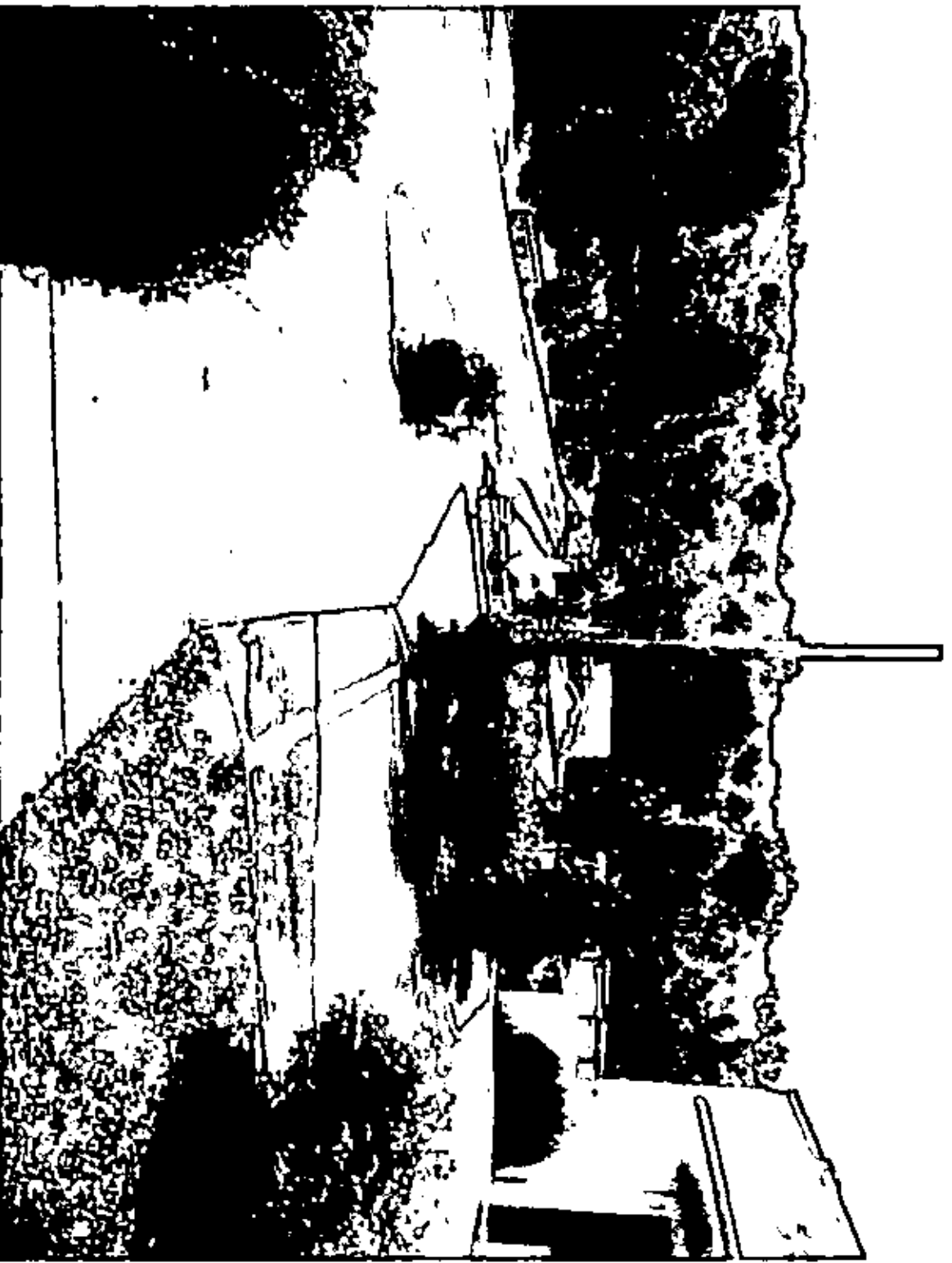
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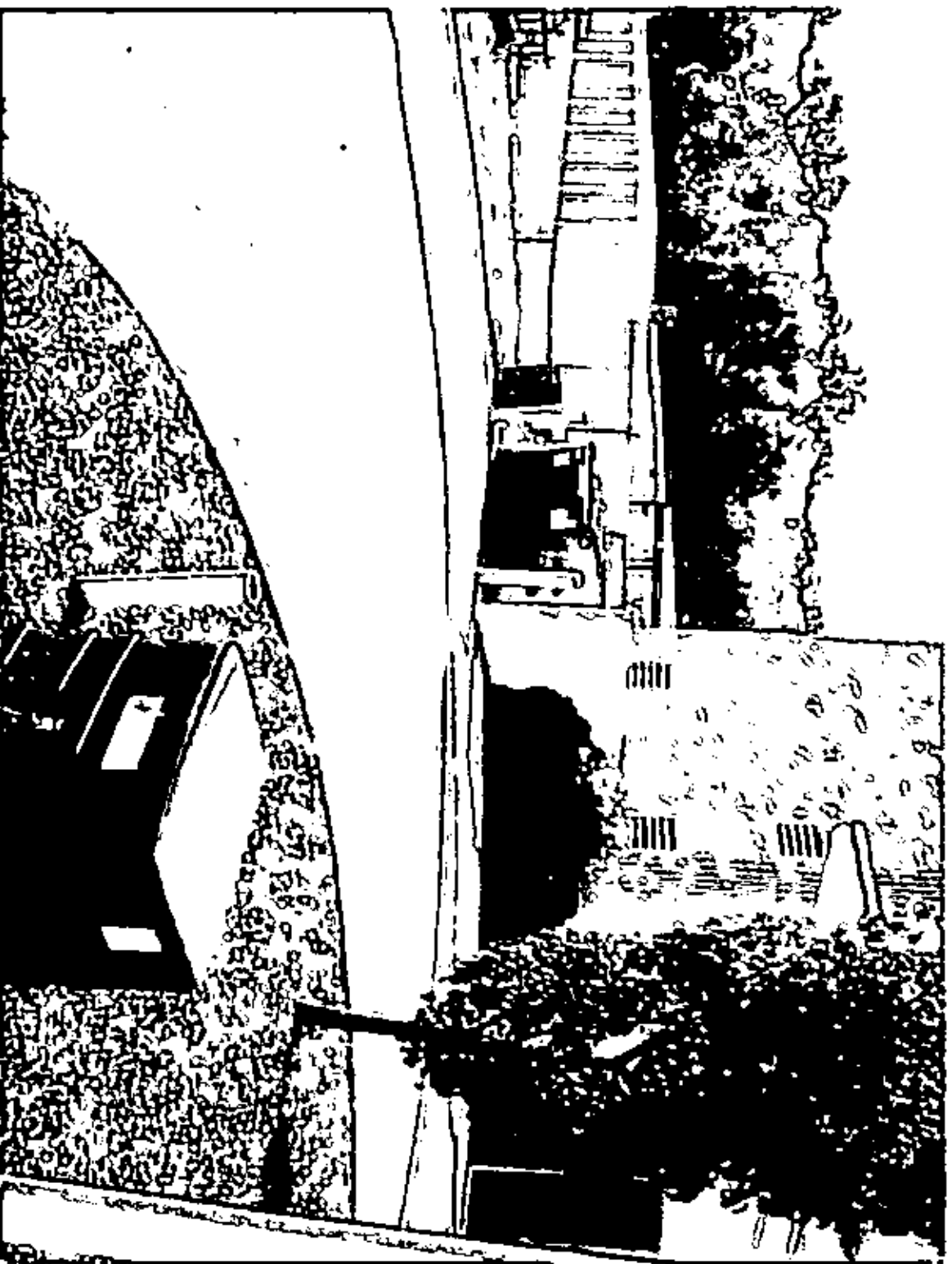
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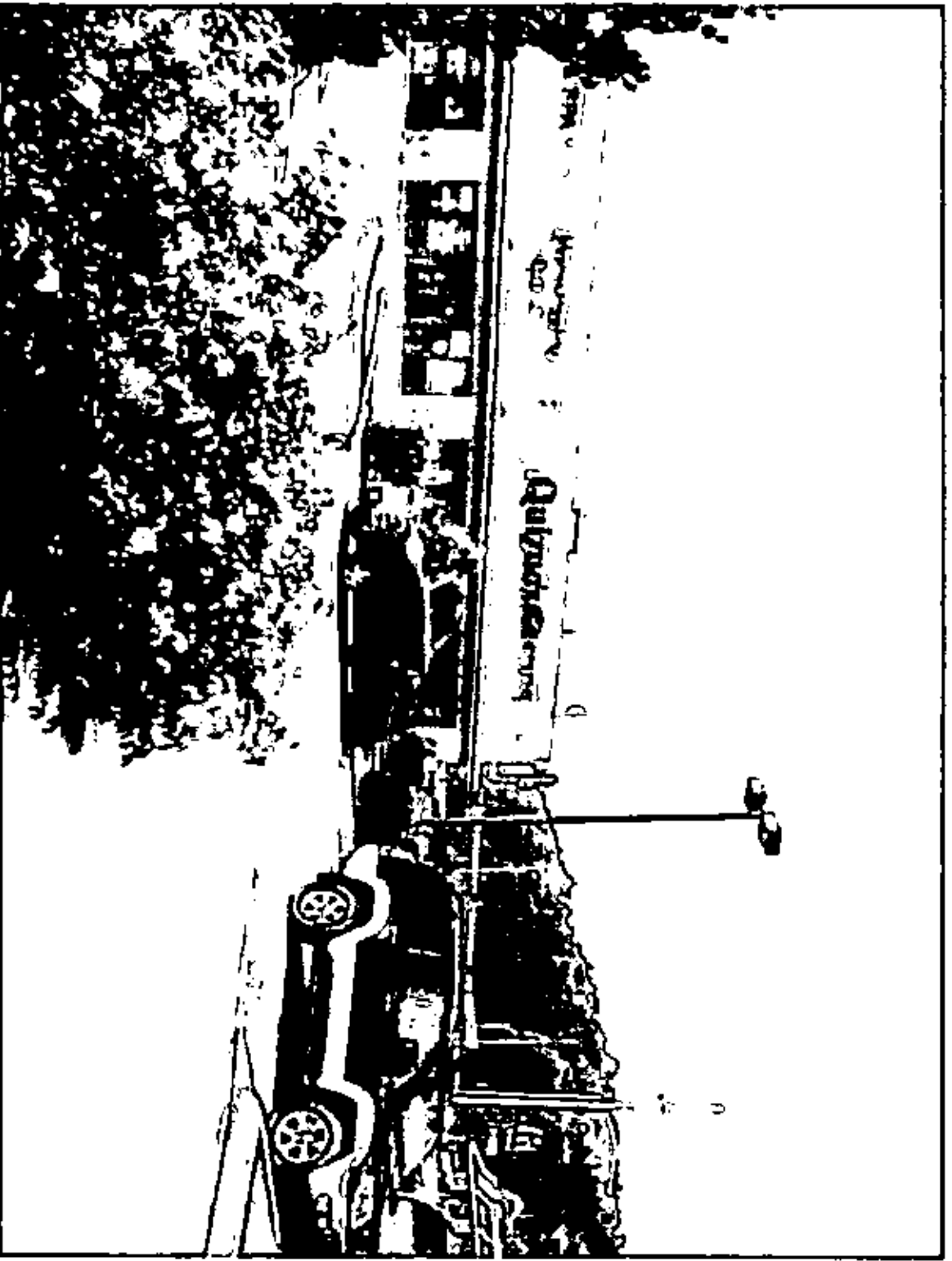
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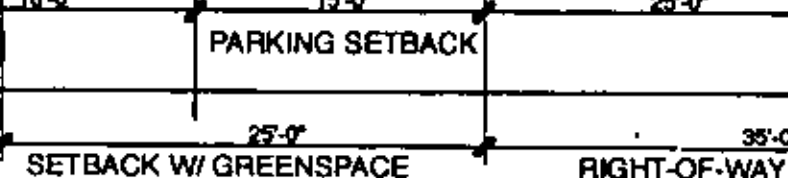
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EXISTING IMAGES - SYCAMORE CENTER - 1680 N. COLLEGE AVENUE

SCALE: 1" = 20'-0"



APPROX. CENTERLINE OF SYCAMORE



SHEET
COLOR 00

REVISIONS

MBL JOB NO.
9827/060042

ISSUE DATE
05-05-06

COMMERCIAL BUILDING

SYCAMORE CENTER

Fayetteville, Arkansas

Miller
Boskus
Lack

2397 Green Acres Road
Fayetteville, Arkansas 72703
479.443.7121 FAX 479.443.7139
e-mail: info@mbi-arch.com
www.mbi-arch.com

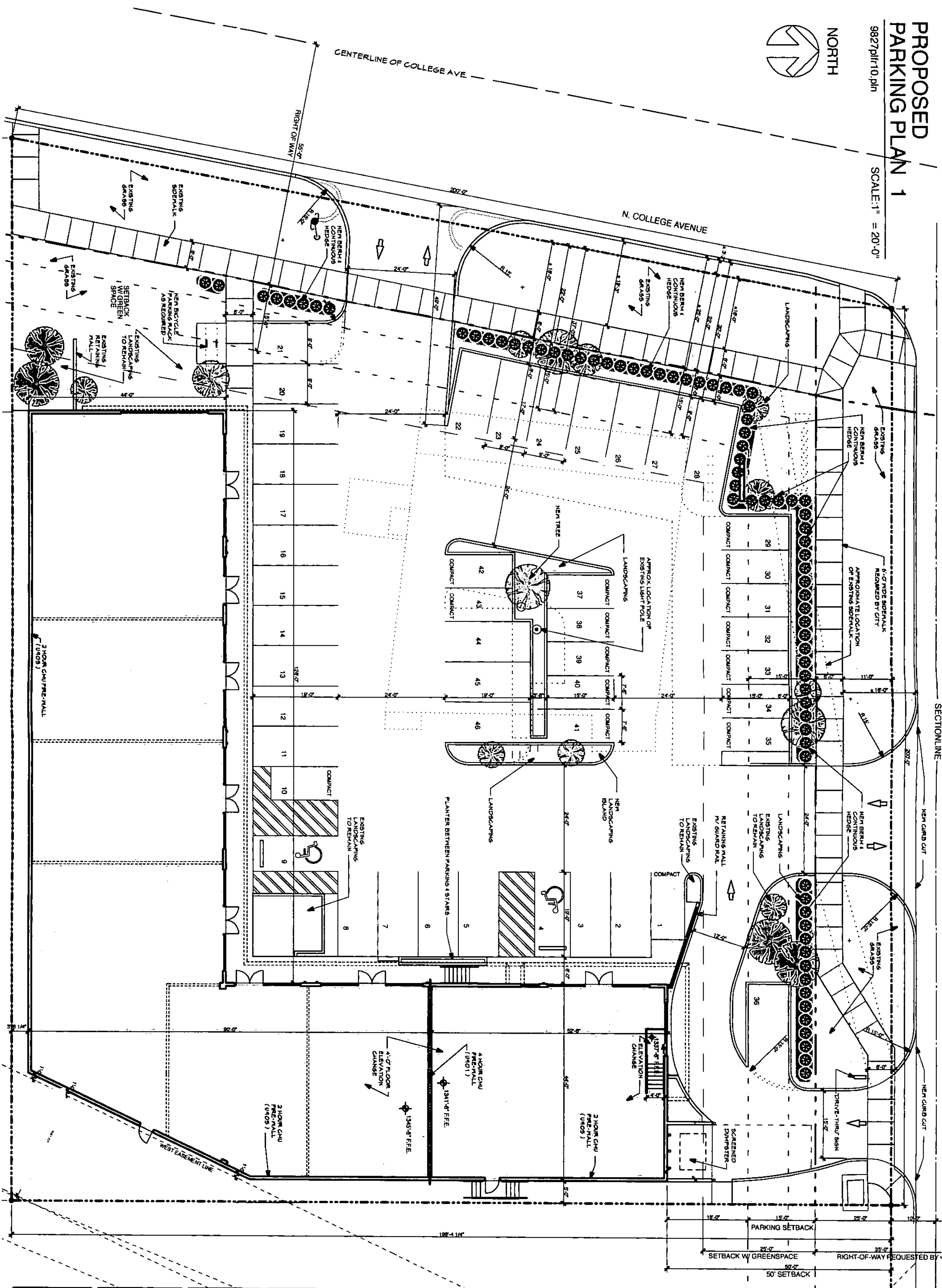
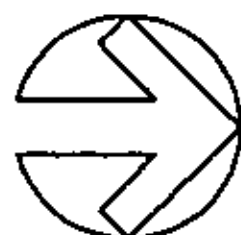
Architects, P.A.

PROPOSED
PARKING PLAN 1

9827.plt10.plt

SCALE: 1" = 20'-0"

NORTH



COMMERCIAL BUILDING

SYCAMORE CENTER

Fayetteville, Arkansas

Miller
Boskus
Lack

2397 Green Acres Road
Fayetteville, Arkansas 72703
479.443.7121 FAX 479.443.7139
e-mail: info@mbi-arch.com
www.mbi-arch.com

Architects, P.A.

MBL JOB NO.

9827/060042

ISSUE DATE

05-05-06

REVISIONS

SHEET
CONTENTS
PROPOSED
COLOR SITE 1

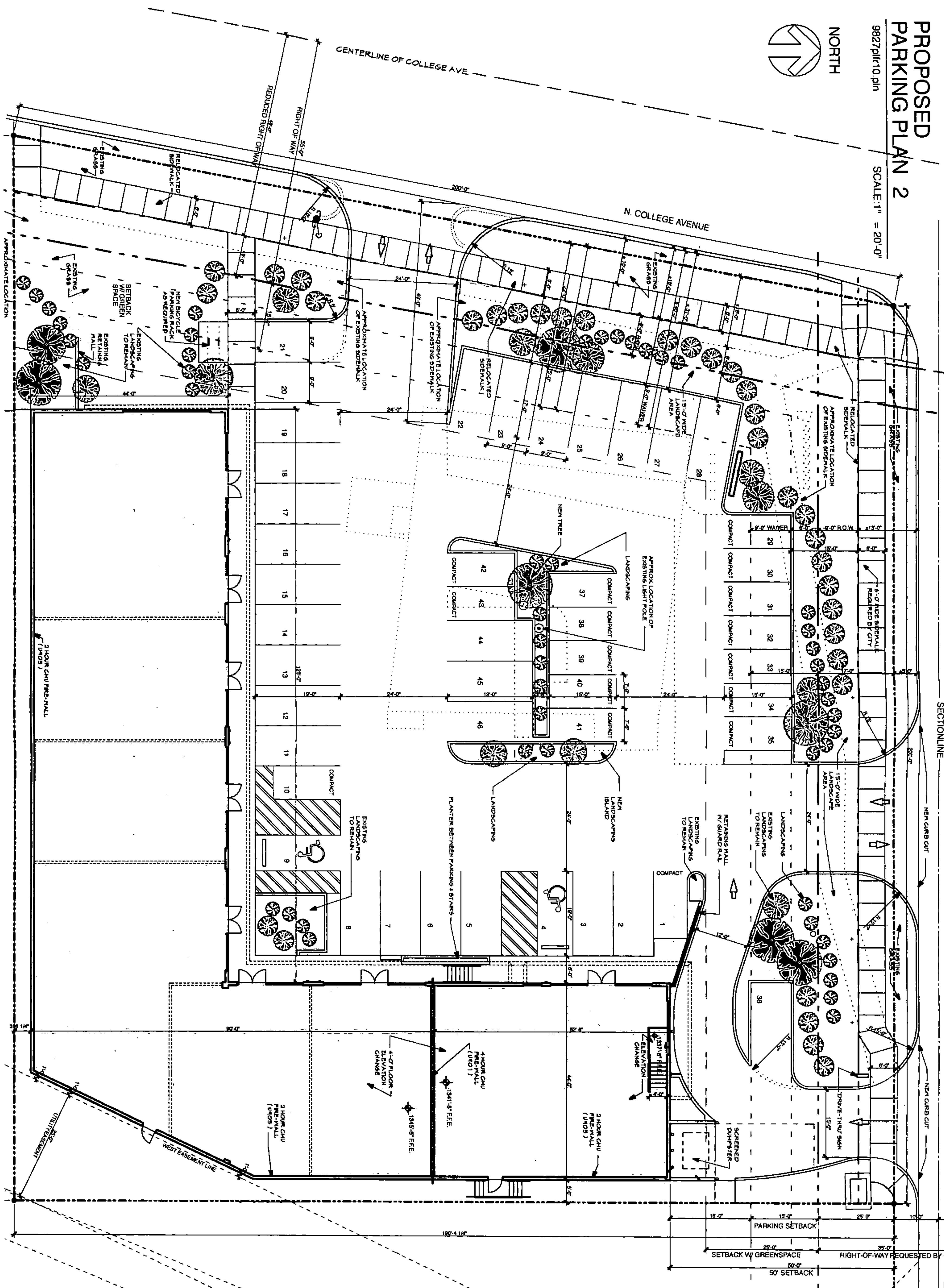
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WRITTEN CONSENT IS PROHIBITED.

SCALE: 1" = 20'-0"



SECTIONLINE



Architects, P.A.

Dear Council Member,

August 16, 2006

I thought I would drop off a copy of the draft I prepared for the council meeting on affordable housing. I do believe that you can have quality and affordability together. I have also enclosed a few pictures of some 1000sq foot houses that still have appeal. If you have any questions feel free to call me at anytime. Thank you for all that you do to protect Fayetteville's future.

Sincerely,
Crystal Goedereis
1760 Starr Dr.
Fayetteville, AR. 72701
1-479-445-4970

AFFORDABLE AND ATTAINABLE HOUSING

It was almost 2 years ago when I stood in front of this council to get what I hoped would be affordable housing in Fayetteville. I saw that we needed to have homes for our workers like our nurses, policeman, fireman, and median income workers like myself. Now with more jobs becoming available to the North we are in a race to get the employment force for Fayetteville built up and keeping it strong. Its not just affordable housing, Centerton proved that, however, Fayetteville has everything else in place; parks, shopping, entertainment, excellent schools, and a great library. The only thing we need is to get affordable and attainable housing. Does this mean we have to give up our green theme, our quaint neighborhoods, and our esteemed parks and trails? No, not if things change and we can all work together. This means sometimes we have to think for ourselves, an example of this would be what Dover-Cole said, and the City adopted, about infill should take greater precedence over new developments on the outskirts of our City. What a great idea if we only needed condominiums, town homes, and 7 figured houses. The cost of the real-estate makes infill only for the wealthy. Is it true or a myth that if a city doesn't provide some nice affordable housing that the work force will decline? I think it is time that everyone realizes that not all people want or will live in an apartment, that not all people will drive 15 or 20 minutes to work when they can find work closer even if it pays a little less. This is a fork in the road for all of us. What happens next will impact every person in Fayetteville because if we do not find away to have affordable housing we will have to pay a much higher price for labor than other cities in our area causing a trickle down effect on all of us in higher prices on everything we buy in Fayetteville.

Affordable housing is a myth in Fayetteville. The question is why? In my opinion, personal experience, and research I have been lead to the following conclusions; The Planning Commission and Planning Department and not fond or likely to approve a RSF 7 zoning. Case in point, I took a RSF 7 in to discuss it with the planning department and their comment was to bring the development in as a PZD. The problem with the PZD is that the planning commission sees fit to always add a lot of extras that bring the cost up per lot and the fact that the PZD process takes so long to get through all the steps. The next realization is that a RSF 4, 7, or whatever does not net those lots per acre, example on a RSF 4 you are lucky to get 2.5 to 3 lots per acre. This once again runs the cost of the lots up. The lot cost is directly related to the house cost because almost all builders figure that they must build a house and sell it for 4 to 5 times the cost of the lot. The next thing that runs up the cost of the lots is the off-site improvements and the city fees such as; tree mitigation, park fees, and fire and police fees. Finally I think everyone acknowledges the fact that in the last two years real-estate cost have doubled, tripled and in some cases quadrupled. This is the one factor that is out of all of our control due to the fact that most of the real-estate in this area has been owned by the same person for along time and they don't have to sell, therefore they will wait until they get what they want. Is there away around all of this? I think if the city and developers would seriously work together we could all achieve our goals and make a better Fayetteville.

In working together I see some possibilities that I think could work. The first would be to address the fact that we need smaller lots. Elkins is the third fastest growing city in Arkansas due in part to the correlation of lots sizes. Elkins has very nice developments but they are affordable. How was this achieved? The city and the developers worked together, the developer brought in developments that were not row developments that had character to them. The city responded by allowing these developments. Everyone won. I think that we need to look at allowing RSF-7 and even some smaller patio homes for first time home buyers and empty nesters. I don't think that we need developments that don't meet Fayetteville's high standards but, isn't that what the planning commission and council is for, to decide what is appropriate. I think if the developers, planners, and commissioners could work together we could see some really neat and appropriate affordable lots come on line soon. I also feel that we developers need a better avenue to change our developments as we see the need to change lot sizes rather than having to re-plat the whole development. These are things that could be worked on without passing new ordinances, saving time, before we miss the boat. City imposed fees are a hot item however, what would the city be like without our parks, trees, fire, and police. There is some room for improvement on these items though. One of the problems for this is that whoever starts developing an area has to absorb the entire off site improvements and then everyone follows. This is not only not fair but it is causing certain areas of our city to be over developed. That is not healthy! I feel that a improvement district could be set up for all sections of the city, the section should have what improvements need to be done to infrastructure and then a percentage should be assed not only to one new development but to all potential development in this section. I understand that the city has no way to no if any more development is going to happen in that area but some sections will be over developed and could easily help with a section that falls short. After all it is in the best interest of the city's and the citizens to have all of the sections infrastructure improved. As for park fees, tree mitigation, and fire and police fees these could and should be paid as the lots sell. Why? If a developer is able to borrow less money, and in some cases these fees can be as high as \$4000.00 per lot on a 60 lot development that is \$240,000.00, then the developer can sell the lot at a lower price due to the fact they are not paying interest on city fees. This could easily be achieved by placing a block on the final plat that all closing agents would know how much a city lot impact fee was for that development. This could also be doubled checked by the building permit division. The permit division would have to see a paid receipt stating that the city lot impact fee was paid for that lot. I know that this would cause a little more paperwork but if it would help to obtain lower lot prices it would be worth it. The next item that must be addressed before we can achieve lower lot prices for affordable housing is that the city fees are based on lots and should really be based on lot sizes or square footage of the houses. Think about small lots. If you take 26 acres and do a RSF-4 you could get 75 lots, but if you do the same 26 acres and do a mix use patio home and RSF-7 you could possibly get 145 lots. The houses would only be 750 to 1250 square feet. This would create less people, less park use, less vehicle trips, due to the fact that most of the houses would only have two drivers. This should equal less per

lot city impact fees, which equals lower lot prices. In closing the fat has been removed from the market for everyone for the time being therefore, it is time for the city and the developers to sit down and truly discuss the real issues and start working toward affordable and attainable housing to make Fayetteville the greatest place to work and live in Northwest Arkansas. Thank-You for your time and allowing me to voice my opinion on a few items.

Sincerely,
Crystal Goedereis



[Close Window](#)



Close Window



[Close Window](#)



Close Window

900 sq ft



[Close Window](#)



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From: Susan Thomas
To: Wood, Amber
Date: 8/2/06 9:16AM
Subject: presentation

Amber -

please add:

Informational Presentation on Sales Tax Bond Election to the August 15 Agenda. This will be for Agenda Session (Aug 8) only. Thanks.

Susan

Susan B. Thomas, Ph.D.
Public Information and Policy Advisor
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701
479-575-8330

From: Michele Bechhold
To: Wood, Amber
Date: 7/26/06 11:22AM
Subject: Agenda Item

Please include the following item on the Council agendas beginning with August 15 meeting date and continuing through September 19 meeting date.

Progress Report on Classification and Compensation System Project - Phase II Management Advisory Group. - Agenda Session Only

Thanks,
Michele

Aldermen

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

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith



**City of Fayetteville Arkansas
City Council
Meeting Minutes
August 1, 2006**

A meeting of the Fayetteville City Council was held on August 1, 2006 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Coody called the meeting to order.

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

ABSENT: Alderman Rhoads.

Pledge of Allegiance

Mayor Coody: I would like to start this meeting by recognizing a group of folks. We have a group of visitors here from Spring International most of them are from Thailand. The City Council welcomed them to Fayetteville.

We also have Mr. Paul Becker who is our new Finance and Internal Services Director here. I would like to introduce him to the Council. Paul comes with an incredible amount of experience. He has hit the ground running. He has spent a lot of time with the budget and talking with the staff. We are really glad to have you here Paul. Welcome.

Paul Becker: I am very glad to be here. I consider this a unique opportunity and I hope I can help provide you with the information to continue to make good decisions in the future.

Mayor Coody: Item # 7 on the agenda which is a rezoning, Tri City Investment's Appeal. An appeal of the Planning Commission's decision to deny a rezoning request on approximately 3 acres of property located northwest of Huntsville Road and Stonebridge Road. They have asked us to table this I believe they want to come back with a PZD and try to make something that everyone can be more comfortable with.

Alderman Thiel: You may need to announce that a little later because I don't see any of the people here. I think they expected this to be later in the agenda.

Mayor Coody: Just remind me of this again. The Ruskin Heights Charette with DPZ has been well attended. I want to remind everyone they are having a closing presentation at the Town Center tomorrow night at 7:00 PM. I would encourage everyone to show up to that.

Alderman Marr: Mayor I have an announcement for the Council. The Compensation Committee will be meeting at 4:00 PM on Tuesday August 15th in Room 326. Allen Johnson who is the Executive Vice President with Management Advisory Group which is the consulting firm for our compensation project will make a presentation about the key elements of the compensation philosophy and we really need to have all Council members participate in that. The meeting will discuss and identify the direction and the compensation philosophy of the City of Fayetteville that the Council wants to take. It is an extremely important meeting. August 24th a time to be determined Carolyn Long who is the CEO of Management Advisory Group will be on sight to facilitate the discussion of compensation philosophy for the City of Fayetteville. The philosophy will be delivered to you for review prior to the meeting on the 24th and the second meeting will be August 29th. The first meeting is August 15th you will get the preliminary documents the 24th then we will actually have a discussion on the philosophy on the 29th.

Mayor Coody: I have asked Don even though he can't be on the committee since he will be resigning his seat, to attend the meetings as a citizen. We have relied on his expertise on this for a long time so we are going to be tagging you with the responsibility to show up even though you are not on the Council so you can continue to be an important part of the conversation. Thanks for that.

CONSENT:

Approval July 18, 2006 City Council Meeting Minutes.

Approved

Arkansas Outdoor Grant Program: A resolution authorizing the Mayor to apply for an Arkansas Parks and Tourism Outdoor Recreation Grant in an amount not to exceed \$125,000.00 for improvements to Sweetbriar Park, Bryce Davis Park and Gulley Park.

Resolution 127-06 as Recorded in the Office of the City Clerk.

Finger Park Playground Contract: A resolution awarding RFP 06-14 and approving a contract with ARKOMA Playgrounds in the amount of \$139,996.94 for the purchase and installation of an ADA accessible playground at Finger Park; and approving a seven percent (7%) contingency in the amount of \$9,843.00.

Resolution 128-06 as Recorded in the Office of the City Clerk.

ADM 06-2178 Growth Group EJ Ball Renovation: A resolution for ADM 06-2178 approving encroachments into the City's right-of-way for the purpose of constructing entrance and dining canopies on the south and west sides of 112 West Center Street, as described and depicted in the attached exhibit.

Resolution 129-06 as Recorded in the Office of the City Clerk.

Don Spann Architects Fire Station #3 Design: A resolution approving a contract with Don Spann Architects in an amount not to exceed \$105,300.00 for design and oversight of the replacement of Fire Station #3.

Resolution 130-06 as Recorded in the Office of the City Clerk.

Arkansas Forestry Grant: A resolution authorizing the Fayetteville Fire Department to apply for and accept an Arkansas Forestry Commission Grant in the amount of \$2,500.00 for the Fayetteville Firewise Mailout; and approving a budget adjustment recognizing the grant revenues.

Resolution 131-06 as Recorded in the Office of the City Clerk.

Alderman Jordan moved to approve the Consent Agenda as read. Alderman Reynolds seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

UNFINISHED BUSINESS:

ANX 06-2125 Dunnerstock/Foster: An ordinance annexing that property described in annexation petition ANX 06-2125 (CC-2006-5), for property located at the north end of 59th Avenue, off Wedington Drive, containing approximately 60.20 acres. This ordinance was left on the Second Reading at the July 18, 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 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

Alderman Jordan: This was presented at the Ward 4 meeting by Mr. McCord. I want to thank him for doing that. We don't seem to have any complaints about it so I am ready to support it.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 6-1. Alderman Cook voting no. Alderman Rhoads was absent.

Ordinance 4902 as Recorded in the Office of the City Clerk.

RZN 06-2126 Dunnerstock/Foster: An ordinance rezoning that property described in rezoning petition RZN 06-2126, for approximately 60.20 acres, located north of Wedington Drive, at the end of 59th, from R-A, Residential Agricultural to RSF-4, Residential Single-Family, 4 units per acre. This ordinance was left on the Second Reading at the July 18, 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 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance 6-1. Alderman Cook voting no. Alderman Rhoads was absent.

Ordinance 4903 as Recorded in the Office of the City Clerk.

NEW BUSINESS:

Improvement District No. 17 – The Villas at Stonebridge: An ordinance to establish and lay off Fayetteville Municipal Property Owners' Improvement District No. 17 – The Villas at Stonebridge.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Rhoads was absent.

Ordinance 4904 as Recorded in the Office of the City Clerk.

Allcom Communications: An ordinance waiving the requirements of formal competitive bidding and approving a month-to-month billing arrangement with Allcom Communications in an annual amount not to exceed \$30,000.00 to provide paging services.

City Attorney Kit Williams read the ordinance.

Alderman Reynolds: I noticed a lot of our employees have pagers and cell phones. What is the reason for that?

Sharon Crosson, Parking and Telecommunications Manager: In 2000 right after we renewed the last contract with our cell phone vendor we did an audit and addressed any of the situations where we had any employee that had both a cell phone and a pager. We are going to be doing another audit of that probably in the next two weeks to make sure that we have very few of those. I don't know the exact count we have of that right now but I can assure you there are not very many of them that have both.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Rhoads was absent.

Ordinance 4905 as Recorded in the Office of the City Clerk.

Alltel Communications: An ordinance waiving the requirements of formal competitive bidding and approving a proposal from Alltel in an annual amount not to exceed \$50,000.00 to provide cellular phone services for a period of 24 months.

City Attorney Kit Williams: When this was originally handed out at agenda session this was not exactly what was handed out so we would need to amend this before we read it. I have drafted a revision that is titled slightly differently so let me read it and see if this is satisfactory to you.

City Attorney Kit Williams read the ordinance.

The primary difference in the ordinance is in the first year they were not suppose to exceed \$36,043.00 and the second year would be not to exceed \$50,000.00 so I added those two together to make it more clear that for this 24 month period that is the maximum amount. If that is satisfactory we would need a motion to amend the ordinance.

Alderman Ferrell moved to amend the ordinance to the new language provided by City Attorney Kit Williams. Alderman Jordan seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Rhoads was absent.

Ordinance 4906 as Recorded in the Office of the City Clerk.

RZN 06-2140 (Washington Regional Medical Center): An ordinance rezoning that property described in Rezoning Petition RZN 06-2140, for approximately 61.5 acres, located east of Gregg Avenue, north of Appleby Road from R-O, Residential Office, and C-1, Neighborhood Commercial, to P-1, Institutional.

City Attorney Kit Williams read the ordinance.

Alderman Marr: In the 2025 Plan that was discussed at the Special City Council meeting, what is this area designated?

Andrew Garner, Senior Planner: I'm not sure what it is. I believe it is designated as institutional.

Tim Conklin, Planning and Development Management Director: Since we didn't make any significant changes to that most likely it is designated as regional, commercial, or institutional. I will have to get back with you on that. We are working on bringing that back to you.

Alderman Marr: In the 2025 Plan what is the recommended zoning for institutional areas. Is it going to maintain a designation of institution?

Tim Conklin: What we have talked about is to base the categories not directly on use but type of development patterns. So if it is a special district like a campus we would identify those like a special district for medical campus or office versus just institutional.

Alderman Marr: I do think it is appropriate that when we start looking at these things now that we have adopted a 2025 Plan and an interim map that we should get some documentation on that. Thank you.

Alderman Ferrell moved to suspend the rules and go to the second reading. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Jerry Holloway, representing WRMC: Mayor and City Council my name is Jerry Holloway and I represent the client, Washington Regional Medical Center. They are actually asking that this be rezoned P-1 so that they can go into some kind of developments whether it is medical offices or parking lots or something like that without doing a conditional use permit. The C-2 is the old trailer park that had 54 trailers in it that have been removed. They have bought that. Thank you.

Mayor Coody: Any questions or comments?

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Rhoads was absent.

Ordinance 4907 as Recorded in the Office of the City Clerk.

VAC 06-2139 (Washington Regional Medical Center): An ordinance approving VAC 06-2139 submitted by Washington Regional Medical Center for property located north of Appleby Road and west of Northhills Boulevard, vacating all utility easements reflected on easement plats filed for record on April 10, 2000 (Book 16, Page 72), November 29, 2001 (Book 17, Page 96) and June 03, 2003 (Book 23A, Page 47) and vacating a portion of Northhills Boulevard right-of-way as described on Exhibit "A".

City Attorney Kit Williams read the ordinance.

Alderman Ferrell moved to suspend the rules and go to the second reading. Alderman Jordan seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Rhoads was absent.

Ordinance 4908 as Recorded in the Office of the City Clerk.

VAC 06-2138 (Corral): An ordinance approving VAC 06-2138 submitted by Alan Reid for property located at 1182 Summersby, vacating a 39 square foot portion of the utility easement located within the subject property.

City Attorney Kit Williams read the ordinance.

Andrew Garner: To answer Alderman Thiel's question from agenda session. The building permit for this house was issued on April 7, 2003; the final certificate of occupancy was issued in August of 2004. I think that was the only outstanding question we had.

Mayor Coody: Did that answer your question?

Alderman Thiel: Yes. The reason I asked the question is because I understand that the building inspector division is trying to change their policies and trying to do a better job of not having this happen again. Hopefully we won't have many more of these because it is unfair to the people that build them properly.

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

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 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Rhoads was absent.

Ordinance 4909 as Recorded in the Office of the City Clerk.

RZN 06-2088 Tri City Investments Appeal: An appeal of the Planning Commission's decision to deny a rezoning request from RSF-4 to C-1 on approximately 2.78 acres of property located northwest of Huntsville Road (Hwy 16) and Stonebridge Road.

Mayor Coody: They have asked us to table this since they will be coming back with a completely different program. I would imagine we will have to table this indefinitely.

Alderman Thiel: I appreciate their move to go ahead and try to do a PZD on this. The neighborhood has really had to work on staying abreast on what is happening. It would have

been nice if they would have considered this at an earlier stage. I certainly appreciate that they are doing this now.

Tim Conklin: The email that we received did not mention a PZD. Did you have a conversation with them about a PZD?

Mayor Coody: Yes.

Alderman Marr: I think it would be appropriate that the staff share with the developers the comments on Council tour about the location of the proposed building as they consider the design of their PZD. There are many people that are concerned about the placement too close to the neighborhood. I think they need to know the lack of support for that placement.

Alderman Ferrell: I concur with what you are saying. On the tour I did not hear anyone say they were opposed to putting a store there, it was just the way they were going to place it.

Alderman Lucas: I think the PZD would make the neighborhood more comfortable.

Alderman Reynolds: I would like to thank the developers for changing their plans and working with the neighborhood and Council.

Alderman Reynolds moved to table the appeal indefinitely. Alderman Thiel seconded the motion. Upon roll call the motion passed. 7-0. Alderman Rhoads was absent.

This appeal was tabled indefinitely.

Annexation of Territory – CC-2006-17: A resolution to accept the territory described by the County Court's Order No. CC-2006-17 annexing the territory into the City of Fayetteville.

Alderman Lucas: This is a piece of property that these owners had petitioned the County in May to be brought into Fayetteville. If we do not bring them in then they will be brought into Farmington and they would have to go through the process of de-annexing. Since they had already started the process I thought it would be appropriate to go ahead and bring this forward and bring them on into Fayetteville since that was their request.

Alderman Cook: As usual I disagree about annexations for the reasons that I have mentioned before.

Raymond Smith, representing the petitioners said he would be glad to answer any questions the Council might have.

Alderman Lucas moved to approve the resolution. Alderman Jordan seconded the motion. Upon roll call the motion passed 6-1. Alderman Cook voting no. Alderman Rhoads was absent.

Resolution 132-06 as Recorded in the Office of the City Clerk.

Hoskins/City of Fayetteville Trade and Purchase of Land: A resolution to approve a trade and purchase of land, a budget adjustment of \$105,500.00 and the banking of 2.64 acres for future parkland dedication requirements.

Mayor Coody: I think that 2.64 acre number has changed.

Gary Dumas, Director of Operations: Mr. Hoskins has asked for all the property the City owns on the north side of Joyce Street. That amounts to about 1.36 acres, the exact amount to be determined by a survey. He wants to trade 3 to 1 for the 7.4 acres that he has on Shiloh. We would then purchase roughly 2.5 acres and he would land bank the rest depending on how much is actually on the Joyce Street frontage. What we would be getting out of this is about 7.5 acres at a cost per acre of about \$14,000 per acre. The 7.4 acres is covered by a blanket drainage easement, that easement could be removed by requesting a vacation of that easement and then consolidating the drainage down along the creek. I do not think that is an encumbrance to his future development if we do not do this deal. There is also a SWEPCO easement and an existing power line along the south line of the 7.4 acres. As a part of the trade Mr. Hoskins has also asked for the median that is currently on Joyce from roughly 300 feet east of Wilkerson to roughly 500 feet of the intersecting street be shortened so that he can get a driveway access to his property at the crest of the hill. Engineering has looked at this and as long as he satisfies the site line distances they do not have a problem with it.

Alderman Cook: The curb cut concerns me. There was a lot of discussion about providing a boulevard in that location. Another concern of mine is making that cut and people trying to turn left.

Gary Dumas: The boulevard is too narrow for a turn lane. I think the current traffic in this area would not justify the need for a turn lane but the City does have significant right of way on the south side of Joyce Street that would allow for widening if a turn lane were to become necessary. I do not anticipate the need for a dedicated left turn lane in the near future.

Alderman Ferrell: What is staff's recommendation on this trade?

Gary Dumas: I think we have a very good deal here. The land the City owns has no value to the City except as a maintenance issue. We would be getting 7.4 acres to extend green network that everyone is interested in and also extend the Skull Creek Trail through this area. I think it is a very good opportunity for the City to acquire this.

Alderman Cook: There is a 25 foot sewer easement.

Gary Dumas: Yes.

Alderman Cook: Is there an opportunity for us to use the sewer easement through there as opposed to buying this whole piece of land?

Gary Dumas: He has indicated to me that his desire is to sell the entire piece.

A discussion followed on the property.

Alderman Marr: I have two concerns on this. I completely support trying to get land for Skull Creek Trail. I like trading Johnson land to get Fayetteville land. Those aspects of this are very positive. My first concern is the .48 acres. It concerns me that we may give away land that at some point in the future we may need. I have a big problem with the curb cut. I really think we need to be careful about creating in median areas these cuts that end up losing the benefit of having a boulevard avenue.

Gary Dumas: The intersection is already a five lane intersection. There might be a possibility where that intersection might need to be widened beyond that. Even if it does there is some significant right of way along the south side.

A discussion followed on the property.

Alderman Marr: I like the first proposal that didn't have the median as a part of the contract.

Alderman Jordan: Me too.

Gary Dumas: Without the median I do not think he is interested in the trade because he can not get access to his property from Joyce Boulevard without the cut.

Alderman Marr: I think we have to be careful about not visioning what it is going to be.

A discussion followed on the property.

Alderman Cook moved to approve the original resolution. Alderman Marr seconded the motion. Upon roll call the motion passed 5-2. Alderman Reynolds and Ferrell voting no. Alderman Rhoads was absent.

Resolution 133-06 as Recorded in the Office of the City Clerk.

Meeting Adjourned at 7:05 PM

Dan Coody, Mayor

Sondra Smith, City Clerk/Treasurer

New Resolution
Handed out at City
Council Meeting 8/15/06
RESOLUTION NO. _____

**A RESOLUTION TO AMEND HUMAN RESOURCES POLICY
#22.1 TO INCREASE A DEPARTMENT DIRECTOR'S
DISCRETIONARY ALLOWANCE OF CRISIS LEAVE**

WHEREAS, crisis leave was established by Resolution No. 5-91 and allowed a department director the discretion to annually grant up to three days of sick leave for crisis leave; and

WHEREAS, the administration wishes to increase the department director's discretion to allow a forty hour a week employee to use up to 40 hours of sick leave for crisis leave annually and to allow firefighters working 24 hour shifts up to 48 hours of sick leave for crisis leave annually.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends Human Resources Policy #22.1 by deleting the last five words of paragraph 5 ("three days per calendar year") and replacing them with the following:

"40 hours annually for employees working a standard 40 hour week
or 48 hours annually for firefighters working 24 hour shifts."

PASSED and APPROVED this 15th day of August, 2006.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

ORDINANCE NO. _____

AN ORDINANCE TO ANNEX INTO THE CITY OF FAYETTEVILLE, ARKANSAS A PARCEL OF LAND COMPLETELY SURROUNDED BY THE INCORPORATED LIMITS OF FAYETTEVILLE AND THE CITY OF FARMINGTON, ARKANSAS

WHEREAS, the annexation policy of the City of Fayetteville adopted by the City Council is to annex those parcels of land which have become completely surrounded by incorporated city limits; and

WHEREAS, pursuant to A.C.A § 14-40-501 (a)(2), because the incorporated limits of Farmington and Fayetteville have completely surrounded the land described in Exhibits A & B and because Fayetteville has the greater distance of city limits adjoining the unincorporated area's perimeter, the City of Fayetteville has the statutory right to annex this land if it complies with one of the five requirements of A.C.A § 14-40-302; and

WHEREAS, after annexation into the City of Fayetteville, the inhabitants of those lands will be afforded the same services of police and fire protection and solid waste collection as current citizens of Fayetteville enjoy; and

WHEREAS, all the lands identified in Exhibit A (map) and Exhibit B (legal description) comply with at least one of the five requirements for annexation stated in A.C.A. § 14-40-302; and

WHEREAS, at the time of the adoption of this ordinance, the highest and best use of these lands is NOT for agricultural or horticultural purposes.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby annexes into the City of Fayetteville, Arkansas the lands identified in Exhibit A (map) and Exhibit B (legal description).

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official map of the City of Fayetteville to reflect the change provided in Section 1 above.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby assigns the zoning of these lands to be RSF-1, Residential Single Family, one unit per acre.

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby assigns these lands to Ward 4.

PASSED and APPROVED this the 19th day of September, 2006.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

ORDINANCE NO. _____

**AN ORDINANCE TO ANNEX INTO THE CITY OF
FAYETTEVILLE, ARKANSAS A PARCEL OF LAND
COMPLETELY SURROUNDED BY THE INCORPORATED
LIMITS OF THE CITY OF FAYETTEVILLE, ARKANSAS**

WHEREAS, the annexation policy of the City of Fayetteville adopted by the City Council is to annex those parcels of land which have become completely surrounded by incorporated city limits; and

WHEREAS, pursuant to A.C.A § 14-40-501 (a)(1), because the incorporated limits of The City of Fayetteville has completely surrounded the land described in Exhibits A & B, the City of Fayetteville has the statutory right to annex this land if it complies with one of the five requirements of A.C.A § 14-40-302; and

WHEREAS, after annexation into the City of Fayetteville, the inhabitants of those lands will be afforded the same services of police and fire protection and solid waste collection as current citizens of Fayetteville enjoy; and

WHEREAS, all the lands identified in Exhibit A (map) and Exhibit B (legal description) comply with at least one of the five requirements for annexation stated in A.C.A. § 14-40-302; and

WHEREAS, at the time of the adoption of this ordinance, the highest and best use of these lands is NOT for agricultural or horticultural purposes.

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

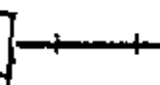
Section 1: That the City Council of the City of Fayetteville, Arkansas hereby annexes into the City of Fayetteville, Arkansas the lands identified in Exhibit A (map) and Exhibit B (legal description).

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official map of the City of Fayetteville to reflect the change provided in Section 1 above.

Alderwoman Thiel's Proposed Downtown Zoning Code

Changed from Downtown General
to Main Street Center

Legend

-  Downtown_Master_Plan_Area
-  Building (2004)
-  Parcel Lines
-  Railroad
-  Street
- Brenda Thiel Draft V8**
-  PZD's and Excluded Parcels
- Zoning Code**
-  Downtown Core
-  Downtown General
-  Main Street Center
-  Neighborhood Conservation

Handed out at
City Council 8/15/06

Proposed Downtown Zoning Code
City Council Meeting
August 15, 2006

Legend

- Downtown_Master_Plan_Area
- Building (2004)
- Parcel Lines
- Railroad
- Street

Downtown Zoning Code V5 CCORD Draft
PZD's and Excluded Parcels

Zoning Code

- Regional Core
- Main Street Center
- Downtown General
- Neighborhood Conservation

Map Document: G:\PLANNING\Map\StDowntownMasterPlan\Map\Transact_Zoning.mxd
7/20/2006

Handed out at
City Council 8/15/00

 Downtown_Master_Plan_Area
 Building (2004)
 Parcel Lines
 Railroad
 Street

PZD's and Excluded Parcels

 Regional Core
 Main Street Center
 Downtown General
 Neighborhood Conservation

Map Document: (G:\PLANNING\MAPS\Downtown Master Plan\Map\Transect_Zoning.mxd)
1/20/2006

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
August 15, 2006**

A meeting of the Fayetteville City Council will be held on August 15, 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**

A. CONSENT:

- 1. Approval of the July 17, 2006 Special City Council meeting minutes and the August 1, 2006 City Council meeting minutes.**
- 2. Personnel Policy Crisis Leave:** A resolution amending the City of Fayetteville's Crisis Leave Policy.
- 3. Crossland Heavy Contractors, Inc:** A resolution approving a contract with Crossland Heavy Contractors, Inc. in the amount of \$908,710.00 for 24" Water Main Replacement Project (W. Custer Lane/Morningside Drive); approving a project contingency in the amount of \$90,000.00; and approving a Budget Adjustment in the amount of \$214,700.00.

B. NEW BUSINESS:

- 1. RZN 06-2172 Dunnerstock:** An ordinance rezoning that property described in rezoning petition RZN 06-2172 for approximately 19.98 acres, located west of Ruppel Road, east of Meadowlands Subdivision, from R-A Residential-Agricultural, RSF-1, Residential

Single Family, 1 unit per acre, and C-2 Thoroughfare Commercial to C-1, Neighborhood Commercial, RMF-12, Residential Multi-Family, 12 units per acre, and RSF-7, Residential Single Family, 7 units per acre.

2. **The Hamptons, LLC Cost-Share:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share with The Hamptons, LLC in the amount of \$49,243.00 for the upsizing of approximately 1870' of 8" Water Main to 12" Water Main; and approving a project contingency in the amount of \$2,462.00.
3. **Zion Place, LLC Cost-Share:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share with Zion Place, LLC in the amount of \$128,435.00 for offsite drainage improvements associated with Zion Gardens.
4. **Amend City Plan 2025 Attainable Housing:** A resolution amending City Plan 2025 to better address attainable housing policy and goals.
5. **Amend Chapter 35, Taxation for Outdoor Vendors:** An ordinance to amend Chapter 35: Taxation of the code of Fayetteville by enacting a provision requiring licenses for outdoor vendors to ensure compliance for zoning and taxation requirements.
6. **ADM 06-1955, 06-1956; Amend Title XV: Downtown Master Plan Zoning Districts and Map:** An ordinance amending Title XV: Unified Development Ordinance of the Code of Fayetteville to amend various sections of the code in order to implement the Downtown Master Plan Zoning Code and Zoning Map.
7. **ADM 06-2164 Sycamore Center Appeal:** An appeal of the Planning Commission's decision to deny ADM 06-2164 Sycamore Center for waiver of landscaping requirements to accommodate additional parking.
8. **Amend §162.01 (U) and (W) Mini-Storage Units and Auto Salvage:** An ordinance to amend §162.01 (U) and (W) to make Mini-Storage Units and Auto Salvage and Junk Yards conditional uses.
9. **Statement from Alderman Marr.**
10. **Vacancy for Alderman Ward Two, Position Two:** An ordinance declaring a vacancy to exist in the office of alderman for Ward Two, Position Two, calling and setting a date for the special election to fill that position.

C. INFORMATIONAL:

City Council Tour: None

ALDERMAN AGENDA REQUEST FORM

Added at
Amend 162.01 (U) and (W)
Mini-Storage Units and Auto Salvage
Agenda Session
8/8/06
B. 8
Page 2 of 2

FOR: COUNCIL MEETING OF AUGUST 15, 2006

FROM: ALDERMAN BRENDA THIEL
ALDERMAN ROBERT REYNOLDS

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Amend §162.01 (U) And (W) To Make Mini-Storage Units And Auto Salvage And Junk Yards Conditional Uses

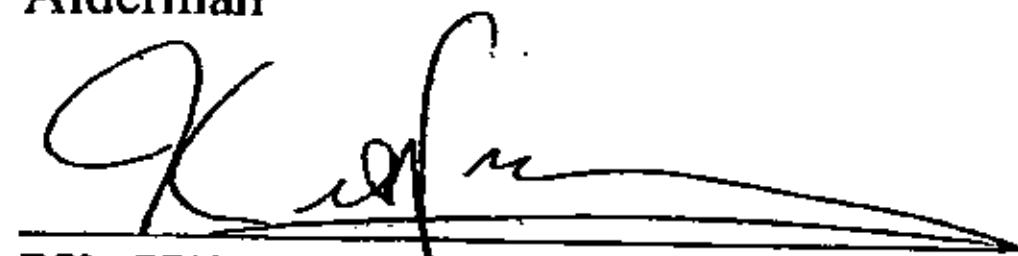
APPROVED FOR AGENDA:


Brenda Thiel
Alderman

8/7/06
Date


Robert Reynolds
Alderman

8/8/06
Date


Kit Williams
City Attorney (as to form)

8/3/06
Date

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §162.01 (U) AND (W) TO MAKE
MINI-STORAGE UNITS AND AUTO SALVAGE AND JUNK
YARDS CONDITIONAL USES

WHEREAS, mini-storage units, auto salvage and junk yards serve important community needs, but can adversely affect nearby property and natural resources without adequate screening, buffering, and other measures that can be required in conditional use permits.

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 deletes "Mini-storage units" from §162.01 (U)(2), deletes "Auto salvage" and "Junk yards" from §162.01 (W)(2), enacts a new subsection: "(LL) Unit 38 *Mini-storage units*" and enacts a new subsection "(MM) Unit 39 *Auto salvage and junk yards*" within §162.01 of the Unified Development Code.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends §161.20 **District I-1, Heavy Commercial and Light Industrial (B)(2) *Conditional Uses*** by adding "Unit 38 *Mini-storage units*" and amends §161.21 **District I-2, General Industrial (B)(2) *Conditional Uses*** by adding "Unit 39 *Auto salvage and junk yards.*"

PASSED and APPROVED this 15th day of August, 2006.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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
August 15, 2006**

A meeting of the Fayetteville City Council will be held on August 15, 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**

Informational Presentation on the Sales Tax Bond Election given by Susan Thomas, Public Information and Policy Advisory – Agenda Session Only.

Progress Report on Classification and Compensation System Project – Phase II Management Advisory Group. – Agenda Session Only.

A. CONSENT:

- 1. Approval of the July 17, 2006 Special City Council meeting minutes and the August 1, 2006 City Council meeting minutes.**

B. NEW BUSINESS:

- 1. RZN 06-2172 Dunnerstock:** An ordinance rezoning that property described in rezoning petition RZN 06-2172 for approximately 19.98 acres, located west of Ruppel Road, east of Meadowlands Subdivision, from R-A Residential-Agricultural, RSF-1, Residential Single Family, 1 unit per acre, and C-2 Thoroughfare Commercial to C-1, Neighborhood Commercial, RMF-12, Residential Multi-Family, 12 units per acre, and RSF-7, Residential Single Family, 7 units per acre.

2. **Personnel Policy Crisis Leave:** A resolution amending the City of Fayetteville's Crisis Leave Policy.
3. **The Hamptons, LLC Cost-Share:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share with The Hamptons, LLC in the amount of \$49,243.00 for the upsizing of approximately 1870' of 8" Water Main to 12" Water Main; and approving a project contingency in the amount of \$2,462.00.
4. **Zion Place, LLC Cost-Share:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share with Zion Place, LLC in the amount of \$128,435.00 for offsite drainage improvements associated with Zion Gardens.
5. **Crossland Heavy Contractors, Inc:** A resolution approving a contract with Crossland Heavy Contractors, Inc. in the amount of \$908,710.00 for 24" Water Main Replacement Project (W. Custer Lane/Morningside Drive); approving a project contingency in the amount of \$90,000.00; and approving a Budget Adjustment in the amount of \$214,700.00.
6. **Amend City Plan 2025 Attainable Housing:** A resolution amending City Plan 2025 to better address attainable housing policy and goals.
7. **Amend Chapter 35, Taxation for Outdoor Vendors:** An ordinance to amend Chapter 35: Taxation of the code of Fayetteville by enacting a provision requiring licenses for outdoor vendors to ensure compliance for zoning and taxation requirements.
8. **ADM 06-1955, 06-1956; Amend Title XV: Downtown Master Plan Zoning Districts and Map:** An ordinance amending Title XV: Unified Development Ordinance of the Code of Fayetteville to amend various sections of the code in order to implement the Downtown Master Plan Zoning Code and Zoning Map.
9. **ADM 06-2164 Sycamore Center Appeal:** An appeal of the Planning Commission's decision to deny ADM 06-2164 Sycamore Center for waiver of landscaping requirements to accommodate additional parking.
10. **Statement from Alderman Marr.**
11. **Vacancy for Alderman Ward Two, Position Two:** An ordinance declaring a vacancy to exist in the office of alderman for Ward Two, Position Two, calling and setting a date for the special election to fill that position.

C. INFORMATIONAL:

City Council Tour: August 14, 2006 - 4:30 PM

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

15-Aug-06
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

RZN 06-2172: (Dunnerstock, 400): Submitted by Jorgensen & Associates for property located west of Ruppel Road, east of Meadowlands Subdivision. The property is zoned RSF-1, Residential Single Family, 1 unit per acre, R-A, Residential-Agricultural, and C-2, Thoroughfare Commercial and contains approximately 19.98 acres. The request is to rezone the subject property to RSF-7, Residential Single Family, 7 units per acre, RMF-12, Residential Multi-Family, 12 units per acre, and 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 ☐

[Signature] 7-26-06
Department Director Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

[Signature] 7-27-06
City Attorney Date

Original Contract Number: n/a

[Signature] 7/27/06
Finance and Internal Service Director Date

Received in City Clerk's Office
ENTERED
7-26-06
[Signature]

[Signature] 7/27/06
Mayor Date

Received in Mayor's Office
ENTERED
7/27/06
[Signature]

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning ^Y

Date: July 25, 2006

Subject: Rezoning for Dunnerstock (RZN 06-2172)

RECOMMENDATION

Planning Staff recommends approval of an ordinance rezoning approximately 20 acres of property from RSF-1, Residential Single Family 1 unit per acre, R-A, Residential-Agricultural, and C-2, Thoroughfare Commercial to RSF-7, Residential Single Family 7 units per acre (6.9 acres), RMF-12, Residential Multi-Family 12 units per acre (8.4 acres), and C-1, Neighborhood Commercial (4.7 acres).

BACKGROUND

On April 24, 2006, the Planning Commission heard a request to rezone the subject property to RSF-4. The Planning Commission voted 4-4-0 to forward the rezoning request with a recommendation for an RSF-4 zoning district, with Commissioners Anthes, Harris, Bryant, and Ostner voting no. Therefore, the motion failed due to lack of five affirmative votes, and the application for rezoning to RSF-4 was denied. Those who voted against the motion discussed their concerns regarding the low single family density of four units per acre in this location. They recommended that property in close proximity to amenities such as the Boys and Girls Club, a school, a fire station and a future mixed use development to the east should be zoned and developed at a density greater than RSF-4 will permit and potentially allow for more commercial uses.

The applicant revised the request to include higher density and commercial uses on the property in accordance to comments from the Planning Commission. In addition, a Bill of Assurance has been provided addressing some of the development issues of the property.

DISCUSSION

This item was heard at the regular Planning Commission July 24, 2006. The Planning Commission voted 6-1-0 to forward this item to the City Council with a recommendation in favor of the rezoning.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 06-2172 FOR APPROXIMATELY 19.98 ACRES, LOCATED WEST OF RUPPLE ROAD, EAST OF MEADOWLANDS SUBDIVISION, FROM R-A, RESIDENTIAL-AGRICULTURAL, RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE, AND C-2 THOROUGHFARE COMMERCIAL TO C-1, NEIGHBORHOOD COMMERCIAL, RMF-12, RESIDENTIAL MULTI-FAMILY, 12 UNITS PER ACRE, AND RSF-7, RESIDENTIAL SINGLE FAMILY, 7 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:

Parcel #1 from RSF-1, Residential Single Family, 1 unit per acre to RSF-7, Residential Single Family, 7 units per acre as shown on Exhibit "A" and Exhibit "D" attached hereto and made a part hereof.

Section 2: That the zone classification of the following described property is hereby changed as follows:

Parcel #2 from RSF-1, Residential Single Family, 1 unit per acre, R-A, Residential-Agricultural, and C-2, Thoroughfare Commercial, to RMF-12, Residential Multi-Family, 12 units per acre as shown on Exhibit "B" and Exhibit "D" attached hereto and made a part hereof.

Section 3: That the zone classification of the following described property is hereby changed as follows:

Parcel #3 from RSF-1, Residential Single Family, 1 unit per acre to C-1, Neighborhood Commercial as shown on Exhibit "C" and Exhibit "D" attached hereto and made a part hereof.

Section 4: That the rezoning is subject to the Bill of Assurance offered by the applicant and shown as Exhibit "E" attached hereto and made a part hereof.

Section 5: That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to reflect the zoning change provided in Section 1 above.

PASSED and APPROVED this ___ day of ___, 2006.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

EXHIBIT "A"
RZN 06-2172 PARCEL 1

PARCEL #1: (TO BE REZONED TO RSF-7)

PART OF THE SW1/4 OF THE NE1/4 OF SECTION 12, T16N, R31W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF SAID SW1/4, NE1/4 THENCE S89°57'48"E 421.61 FEET TO THE P.O.B., THENCE S89°57'48"E 545.43 FEET, THENCE SOUTH 551.01 FEET, THENCE WEST 544.12 FEET, THENCE N00°08'09"W 551.36 FEET TO THE P.O.B.; CONTAINING 6.89 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

EXHIBIT "B"
RZN 06-2172 PARCEL 2

PARCEL #2: (TO BE REZONED TO RMF-12)

PART OF THE SW1/4 OF THE NE1/4 OF SECTION 12, T16N, R31W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF SAID SW1/4, NE1/4 THENCE S89°57'48"E 421.61 FEET, THENCE S00°08'09"E 551.36 FEET TO THE P.O.B., THENCE EAST 840.03 FEET, THENCE S00°04'16"E 437.33 FEET, THENCE N89°50'11"W 839.55. FEET, THENCE N00°08'09"W 434.93 FEET TO THE P.O.B.; CONTAINING 8.41 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

EXHIBIT "C"
RZN 06-2172 PARCEL 3

PARCEL #3: (TO BE REZONED TO C-1)

PART OF THE SW1/4 OF THE NE1/4 AND PART OF THE NW1/4 OF THE NE1/4 OF SECTION 12, T16N, R31W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF SAID SW1/4, NE1/4 THENCE S89°57'48"E 967.04 FEET TO THE P.O.B., THENCE N00°23'09"W 137.75 FEET, THENCE S89°57'48"E 296.73 FEET, THENCE S00°14'12"W 137.71, THENCE S00°04'16"E 550.86 FEET, THENCE WEST 295.91 FEET, THENCE NORTH 551.01 FEET, TO THE P.O.B.; CONTAINING 4.67 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

EXHIBIT "D"

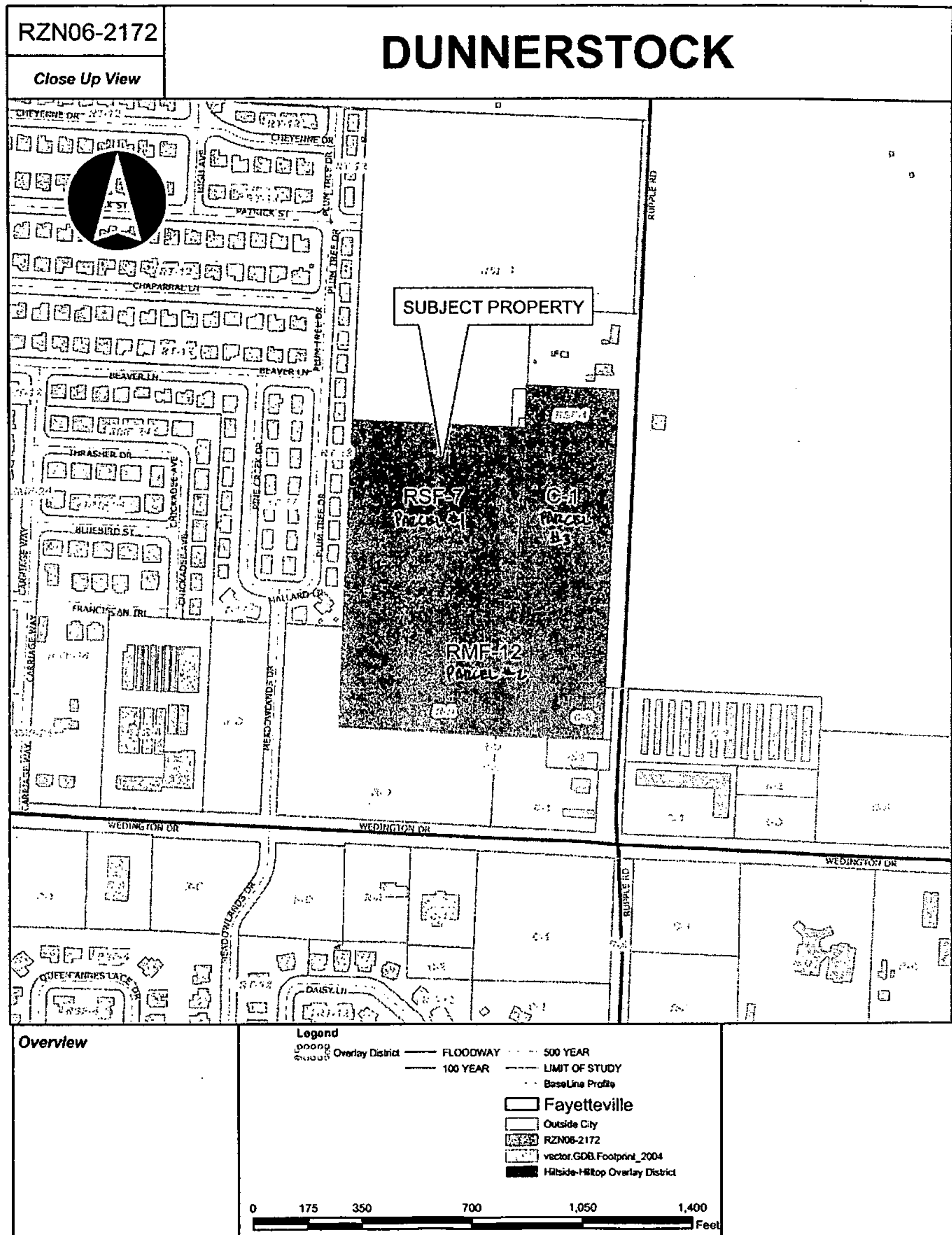


EXHIBIT "E"
Page 1 of 7**BILL OF ASSURANCE
FOR
DUNNERSTOCK REZONING REQUEST**

The owner of the property (said property being located west of Ruppel Road and south of Bellwood Subdivision Phase 1 and being described on Exhibit A) is currently requesting a rezoning of said property and is offering this bill of assurance which shall accompany the rezoning.

The subject property consists of three parcels as follows;

- 1) Parcel #1 to be rezoned from RSF-1 to RSF-7 and contains 6.89 Acres. This RSF-7 rezoning would allow 48 lots but our plan will limit the lots to 17 (single family).
- 2) Parcel #2 to be rezoned from R-A & C-2 to RMF-12 and contains 8.41 Acres. This RMF-12 rezoning would allow 100 units.
- 3) Parcel #3 to be rezoned from RSF-1 to C-1 and contains 4.67 Acres. This C-1 rezoning would allow for neighborhood commercial. More specifically this zoning would allow for a small market district, which would include eating places, shops, professional offices.

Each parcel shall be submitted to the City Planning Division for review after it is rezoned. For Parcel #1 this would be standard preliminary plat/final plat process. For Parcel #1 and #2 this would require a Large Scale Development process.

This Bill of Assurance shall accompany each parcel of land (#1, 2, &3) and shall include the following;

- 1) Access to parcel #1 shall be to the north through Bellwood Subdivision Phase 1 and to Ruppel Road through Parcel #3. The street in Parcel 1 will connect to Parcel #2 for access.
- 2) Parcel #2 shall have public access through the property and shall provide connectivity to the west, south and to Ruppel Road.
- 3) Parcel #2 shall have the buildings arranged to avoid a grid layout or "row" houses. Buildings shall be staggered to help avoid this grid layout.
- 4) Pedestrian access shall be required in all 3 parcels to provide and encourage residents of this community to walk to the market district.
- 5) Waterlines & sewerlines will be extended through Parcel #1 to Parcel #2 and 3. Parcels 2 and 3 will also extend their waterline sewer to Ruppel Road.
- 6) Stormwater will be detained in Parcel #1 and #2 and will be sized for all three parcels.
- 7) Two trees shall be planted on each lot of Parcel #1 by the builder.

EXHIBIT "E"
Page 2 of 7

B. 1
RZN 06-2172 Dunnerstock
Page 10 of 40

- 8) Architectural design shall be reviewed by the Planning Commission for all three parcels. The review shall include type of material, color, arrangement of windows, doors, etc. Each parcel shall be reviewed separately at the time each parcel is developed. (Parcel #1 will be developed first).
- 9) The developer of Parcel #1 will provide improvements to Ruppel Road as required by the City at the time Parcel #1 is developed.
- 10) Each parcel shall be compatible with the Wellspring Community to the east. This compatibility shall include architectural design & building arrangement. The City Planning Dept. shall review each development plan to determine that it is compatible with Wellspring.

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

The Owner hereby voluntarily offers assurances that Owner and Owners property shall be restricted as follows IF Owners rezoning is approved by the Fayetteville City Council.

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

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, Mark Foster, as the owner, voluntarily offer all such assurances and sign below.

7/19/06
Date

MARK FOSTER
Printed Name

PO Box 9087
Address

FAYETTEVILLE, AR 72703

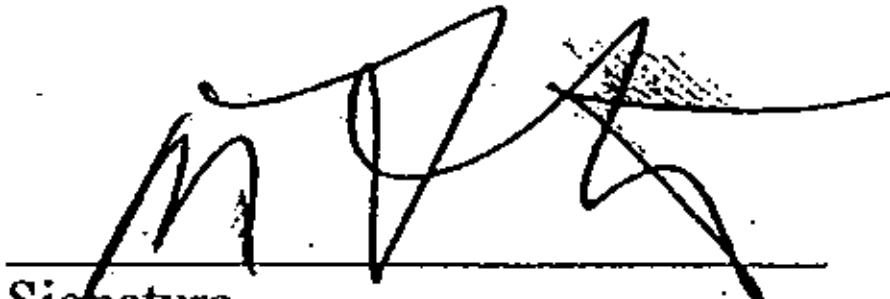

Signature

Exhibit "A"

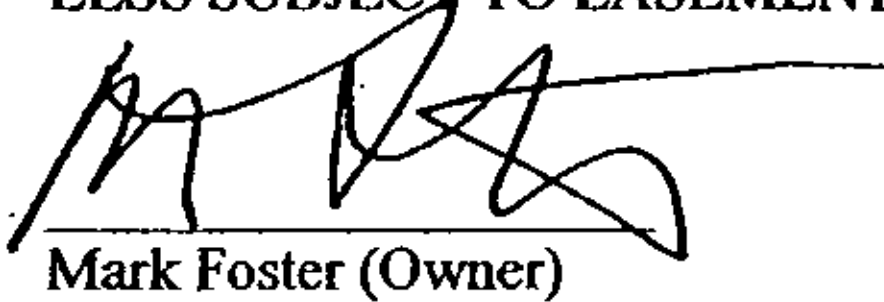
LEGAL DESCRIPTION (ENTIRE TRACT):

PART OF THE SW1/4 OF THE NE1/4 AND PART OF THE NW1/4 OF THE NE1/4 OF SECTION 12, T16N, R31W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF SAID SW1/4, NE1/4 THENCE S89°57'48"E 421.61 FEET TO THE P.O.B., THENCE S89°57'48"E 545.43 FEET, THENCE N00°23'09"W 137.75 FEET, THENCE S89°57'48"E 296.73 FEET, THENCE S00°14'12"W 137.71 FEET, THENCE S00°04'16"E 988.19 FEET, THENCE N89°50'11"W 839.55 FEET, THENCE N00°08'09"W 986.29 FEET TO THE P.O.B.; CONTAINING 19.98 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

Exhibit 1

PARCEL #1: (TO BE REZONED TO RSF-7)

**PART OF THE SW1/4 OF THE NE1/4 OF SECTION 12, T16N, R31W IN
WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS:
COMMENCING AT THE NW CORNER OF SAID SW1/4, NE1/4 THENCE
S89°57'48"E 421.61 FEET TO THE P.O.B., THENCE S89°57'48"E 545.43 FEET,
THENCE SOUTH 551.01 FEET, THENCE WEST 544.12 FEET, THENCE
N00°08'09"W 551.36 FEET TO THE P.O.B.; CONTAINING 6.89 ACRES MORE OR
LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.**

A handwritten signature in black ink, appearing to read 'Mark Foster', is written over a horizontal line.

Mark Foster (Owner)

Exhibit 2

PARCEL #2: (TO BE REZONED TO RMF-12)

PART OF THE SW1/4 OF THE NE1/4 OF SECTION 12, T16N, R31W IN
WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS:
COMMENCING AT THE NW CORNER OF SAID SW1/4, NE1/4 THENCE
S89°57'48"E 421.61 FEET, THENCE S00°08'09"E 551.36 FEET TO THE P.O.B.,
THENCE EAST 840.03 FEET, THENCE S00°04'16"E 437.33 FEET, THENCE
N89°50'11"W 839.55. FEET; THENCE N00°08'09"W 434.93 FEET TO THE P.O.B.;
CONTAINING 8.41 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND
RIGHT OF WAY OF RECORD.

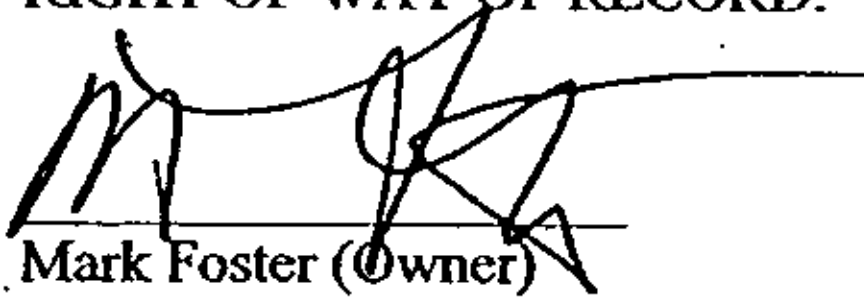

Mark Foster (Owner)

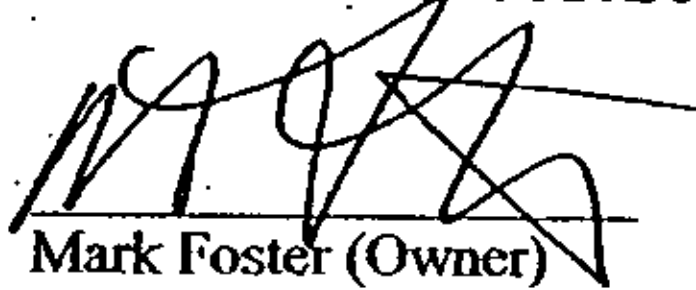
EXHIBIT "E"
Page 6 of 7

B. 1
RZN 06-2172 Dünnerstock
Page 14 of 40

Exhibit 3

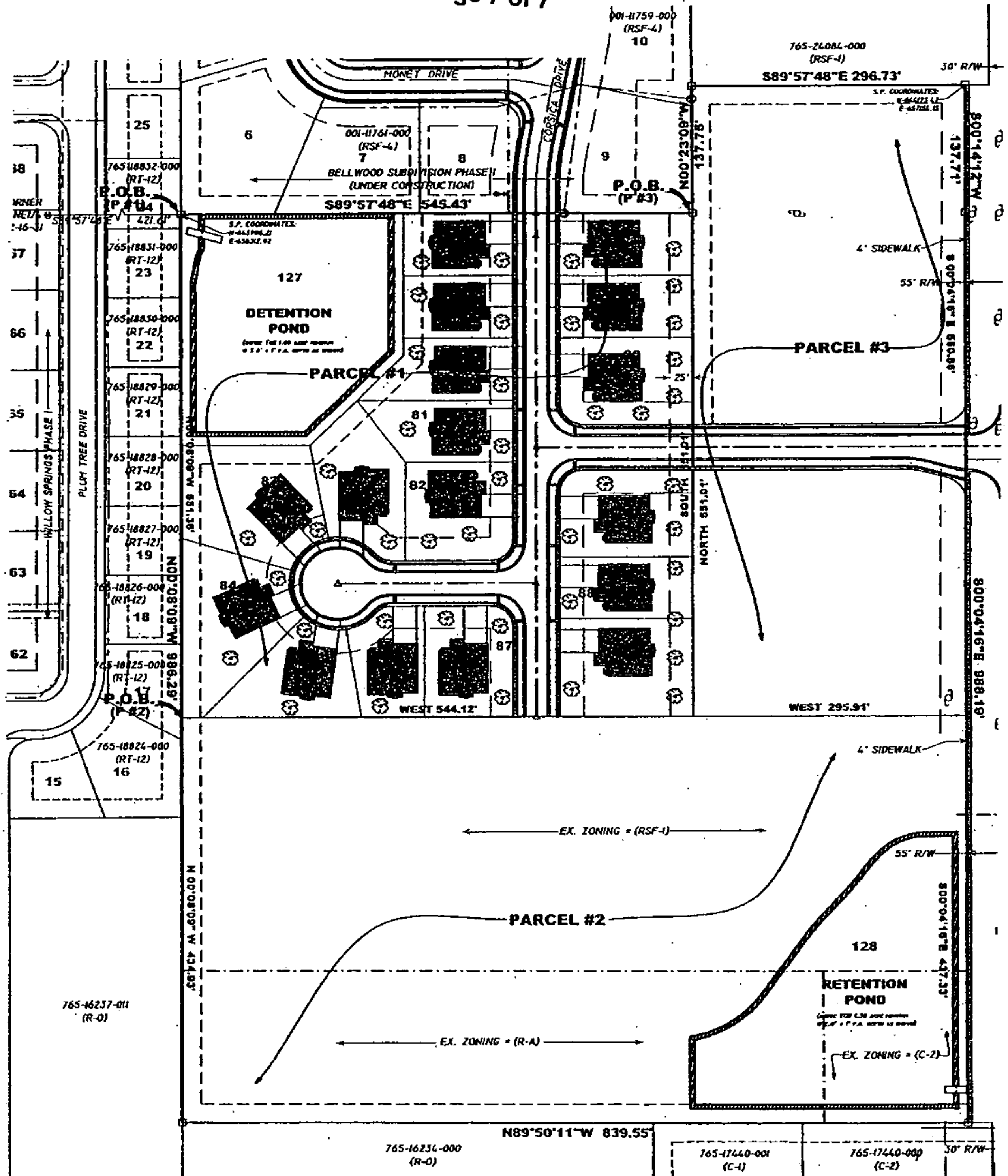
PARCEL #3: (TO BE REZONED TO C-1)

PART OF THE SW1/4 OF THE NE1/4 AND PART OF THE NW1/4 OF THE NE1/4 OF SECTION 12, T16N, R31W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF SAID SW1/4, NE1/4 THENCE S89°57'48"E 967.04 FEET TO THE P.O.B., THENCE N00°23'09"W 137.75 FEET, THENCE S89°57'48"E 296.73 FEET, THENCE S00°14'12"W 137.71, THENCE S00°04'16"E 550.86 FEET, THENCE WEST 295.91 FEET, THENCE NORTH 551.01 FEET, TO THE P.O.B.; CONTAINING 4.67 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.


Mark Foster (Owner)

Page 15 of 40
BILL OF ASSURANCE THAT ACCOMPANIES THIS REZONING REQUEST STATES THAT EACH PLANNING AREA SHALL BE REVIEWED BY THE PLANNING STAFF & PLANNING COMMISSION & SHALL BE COMPATIBLE WITH THE WELLSRING PROJECT TO THE EAST. REFER TO BILL OF ASSURANCE FOR ADDITIONAL DETAILS.

EXHIBIT "E" Page 7 of 7



GRAPHIC SCALE



(IN FEET)

1 inch = 100 ft.



PC Meeting of July 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: Suzanne Morgan, Current Planner
THRU: Jeremy Pate, Director of Current Planning
DATE: ~~July 19, 2006~~ Updated July 25, 2006

RZN 06-2172: Rezoning (DUNNERSTOCK, 400): Submitted by JORGENSEN & ASSOCIATES for property located west of Ruppel Road, east of Meadowlands Subdivision. The property is zoned RSF-1, Res. Single Family - 1 unit/acre, R-A, Res. Agricultural, and C-2, Thoroughfare Commercial and contains approximately 19.98 acres. The request is to rezone the subject property to RSF-7 (6.89 acres), RMF-12 (8.41 acres), and C-1 (4.67 acres).

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
Motion: <u>Graves</u>		
Second: <u>Trumbo</u>		
Vote: <u>6-1</u>		
Date: <u>July 24, 2006</u>		
CITY COUNCIL ACTION:		Required <u>YES</u>
		☐ Approved ☐ Denied
Date: <u>August 15, 2006 (1st reading if recommended)</u>		

BACKGROUND:

Property Description: The subject property contains approximately 19.98 acres. The property is located west of Ruppel Road, north of Wedington Drive. It is zoned R-A (2.62 acres), RSF-1 (16.77 acres), and C-2 (0.59 acres), compliant with the Future Land Use Plan 2020. Development of the property consists of several single-family dwellings, in addition to accessory buildings for the former agricultural use of the property. Much of the surrounding property is currently under development or planned for development in the near future. These projects include Bellwood Subdivision and Oakbrooke Subdivision to the north and Wellsprings Community Master Development Plan to the east.

History: On April 24, 2006, the Planning Commission heard a request to rezone the subject property to RSF-4. The Planning Commission voted 4-4-0 to forward the rezoning request with a recommendation for an RSF-4 zoning district, with Commissioners Anthes, Harris, Bryant, and Ostner voting no. Therefore, the motion failed due to lack of five affirmative votes, and the application for rezoning to RSF-4 was denied.

Those who voted against the motion discussed their concerns regarding the low single family density of four units per acre in this location. They recommended that property in close proximity to amenities such as the Boys and Girls Club, a school, a fire station and a future mixed use development to the east should be zoned and developed at a density greater than RSF-4 will permit and potentially allow for more commercial uses.

The applicant did not appeal the Planning Commission action. Instead, the applicant submitted a Master Development Plan Residential Planned Zoning District application. Staff reviewed the application and found that the proposal lacked adequate detail for a Planned Zoning District. At this time, the owner only intends to develop a portion of the property as single family. Because the remaining property may be sold, the applicant was hesitant to establish fixed development regulations on the property. Since the proposed uses and densities on the PZD mirrored that of the RSF-7, RMF-12 and C-1 zoning districts, the applicant submitted a request to rezone the property to these three zoning districts in accordance with the comments offered by the Planning Commission.

Proposal: The applicant proposes a rezoning of the 19.98-acre property to RSF-7 (6.89 acres), RMF-12 (8.41 acres), and C-1 (4.67 acres). The applicant has also submitted a Bill of Assurance with the rezoning request. The items in the Bill of Assurance primarily address the development of the property. Connectivity, architectural design, compatibility with Wellsprings PZD, improvements to infrastructure, landscaping, and pedestrian connectivity are established by the Bill of Assurance (see attached).

The property zoned RSF-7 is referred to as Parcel #1 and will be adjacent to Willow Springs Phase I, an existing single family residential subdivision, and Bellwood Subdivision, a single family subdivision under construction to the north. Parcel #2 is proposed to be zoned RMF-12. This property is adjacent to a small tract of commercial property and vacant Residential Office property. Parcel #3 is proposed to be zoned C-1 and is located adjacent to Ruppel Road and the commercial area within Wellsprings PZD.

Recommendation: Staff recommends approval of the rezoning request with the proposed Bill of Assurance. The proposed zoning districts are compatible with the existing and future land uses within the area, and the residential population will benefit from the many amenities within walking distance of the property. Additionally, these zonings will allow for a complete neighborhood to be established, connected with living and retail opportunities in a compact area.

SURROUNDING LAND USE AND ZONING:

Direction	Land Use	Zoning
North	Single family (Bellwood SD under construction)	RSF-4
South	Vacant property; Electronic Supply Store	R-O & C-2
East	Vacant property (future Wellsprings Development)	R-PZD
West	Single family subdivision (Willow Springs SD)	RT-12

INFRASTRUCTURE:

Streets: The site has access to Ruppel Road. Ruppel Road is an unimproved 2-lane paved roadway adjacent to this property. Ruppel Road has been identified as a roadway to be improved by the future Transportation Bond Program, though improvements may be required with future development, should it occur prior to the future street improvements.

Surrounding Master Street Plan Streets:
East: Ruppel Road (Principal Arterial)

Water: Public water is adjacent to the site. There is a 6" waterline running along the east side of Ruppel Road. There is also an 8" main located in the adjacent subdivision on the west side of the property. Water service will need to be extended within the property at the time of development.

Sewer: Sanitary sewer is not available on the site. There is an 8" sanitary sewer main located to the south of the project on Ruppel Road. There is also an 8" main located in the adjacent subdivision 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 20.35 acres are covered by Engine 7 located at 835 N Ruppel Road. The property is 0.5 miles from the station with an expected response time of 2 minutes. The Fire Department anticipates 26 (16 EMS – 10 Fire/Other) calls for service per year once the development is completed and maximum build-out has occurred. Measured hydrant flow in the area is 1590 gallons/minute. The service impact of this development will typically take eighteen months after the development is started, and the units begin to be occupied, to occur. There should be no adverse effects on our call volume or response time to this development.

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-7, RMF-12 and C-1 is not strictly compliant with the General Plan 2020, but it will establish land use and density compatible with surrounding uses and approved zoning.

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: In 2004, several hundred acres east and west of Ruppel Road were annexed into the City with the annexation of islands. Therefore, it has only been recently that the properties adjacent to Ruppel Road have begun to develop. These developments include a residential subdivision zoned RSF-4 to the north of the property, as well as two approved Planned Zoning Districts to the north and east of the property (Oakbrooke Subdivision and Wellsprings Community) which will permit mixed-use development. The 20.35-acre tract is currently zoned R-A, RSF-1, and C-2, consistent with the current Land Use Plan. However, the development of this property at a greater density than 0.5 and 1 unit per 1 acre is appropriate in this area and will result in a more efficient use of existing and planned infrastructure, which includes a fire station, new school and the Boys and Girls Club.

Staff initially found that an RSF-4 zoning for single-family residential use was compatible with adjacent and nearby single family residential land use. The request to rezone the property to RSF-4 was denied by the Planning Commission. Those who voted against the RSF-4 zoning identified this area as a prime location for mixed uses and increased residential density. The applicant's proposal for development provides separate areas for single family, multi-family and commercial development rather than having the uses intertwined vertically as with traditional new urban development; nevertheless, these uses, as noted in the submitted Bill of Assurance, will all be connected to one another and the development arranged so as to encourage pedestrian activity. Staff finds that the proposed zoning meets the intent of a mixed development while also providing some compatibility between adjacent zoning and uses.

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

Finding: The proposed zoning is justified in order to promote orderly and consistent development patterns making use of existing infrastructure. A development

with density and commercial uses compatible to surrounding subdivisions and Wellsprings PZD could not be developed as it is currently zoned. The recent approval of the Wellsprings PZD encompasses more than 250,000 square feet of commercial space. The proposed commercial development on the 4.7 acres within this property will support the commercial development in Wellsprings PZD and create a commercial node at the intersection of Ruppel Road and new east-west street to be built with Wellsprings and proposed through Parcel #3. The 117 residential dwelling units will support the commercial development.

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

Finding: The proposed zoning will result in additional traffic on Ruppel Road. The following chart shows the average number of vehicle trips generated by each proposed zoning district:

Zoning District	Average Trips – Weekday	Average Trips – Saturday
RSF-7 (17 units)	163	172
RMF-12 (100 units)	586	567
C-1 (63,000 sq. ft.)*	2,705	3,148

*The amount of commercial space is based off of the amount proposed in the PZD application. Neither the C-1 zoning district regulations or proposed Bill of Assurance will limit any development on the 4.7-acre property to 63,000 square feet.

Ruppel Road is a Principal Arterial street which will be improved to carry large volumes of traffic. A Principal Arterial can serve 17,600 vehicle trips per day and up to 20,600 vehicle trips per day with a left turn bay. The existing traffic signal at Ruppel Road and Wedington Drive will aid in facilitating safe traffic movements adjacent to the subject property. 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 will substantially increase population density. Under the current zoning, approximately 32 units could be constructed on the subject property. Under the proposed RSF-7 and RMF-12 zoning districts, a total 117 units could be erected on the property. Rezoning the property increases the possible number of residential units and population than that which would be allowed in the current zoning districts. It also provides additional housing options in an area that is close to a school, Boys and Girls Club, and several commercial areas, both existing and proposed.

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.

161.05 District Rsf-1, Residential Single-Family – One Unit Per Acre

(A) *Purpose.* A district having single-family detached residences on lots with a minimum size of one unit per acre. The district is designed to permit and encourage the development of very low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	1
----------------	---

(D) *Bulk and area regulations.*

Lot width minimum	150 ft.
Lot area minimum	43,560 sq. ft. (1 acre)
Land area per dwelling unit	43,560 sq. ft. (1 acre)

(E) *Setback requirements.*

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

(F) *Height regulations.*

Maximum building height	35 ft.
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(G) *Building area.* None.

161.08 District Rsf-7, Residential Single-Family – Seven Units Per Acre

(A) *Purpose.* The RSF-7 Residential District is designed to permit and encourage the development of detached dwellings in suitable environments.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two family dwellings
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

	By Right	Conditional Use
Single-family dwelling units per acre	7 or less	8.5
Two-family dwelling units per acre	--	Option: 15% of the lot, maximum

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single-family	60 ft.
Two-family	60 ft.
Townhouse, no more than two attached	30 ft.

(2) *Lot area minimum.*

Single-family	6,000 sq. ft.
Two-family	6,000 sq. ft.
Townhouse, no more than two attached	3,000 sq. ft.

(3) *Land area per dwelling unit.*

Single-family	6,000 sq. ft.
Two-family	3,000 sq. ft.
Townhouse, no more than two attached	3,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
25 ft.	8 ft.	20 ft.

(F) *Height.* Structures in this District are limited to a building height of 45 feet as measured from the lowest point of the structure at the historic grade. The height of a proposed structure may only be increased above 45 feet by obtaining a variance after hearing by the Planning Commission. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses.

(G) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area.

161.11 District Rmf-12, Residential Multi-Family – Twelve Units Per Acre

(A) *Purpose.* The RMF-12 Multi-family Residential District is designed to permit and encourage the development of multi-family residences at a moderate density that is appropriate to the area.

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

(C) *Density.*

Units per acre	4 to 12
----------------	---------

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

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

(2) *Lot area minimum.*

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

(3) *Land area per dwelling unit.*

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

(E) *Setback requirements.*

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

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

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

(G) *Building area.* None.

161.17 District C-2, Thoroughfare Commercial

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

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
Unit 17	Trades and services
Unit 18	Gasoline service stations & drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 25	Professional offices
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store

(2) *Conditional uses.*

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

(C) *Density.* None.

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

(E) *Setback regulations.*

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

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

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

July 19, 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 **RZN 06-2172 (Dunnerstock, 400)** submitted by Dave Jorgensen for property located NW of Ruppel Rd and Hwy 16W Intersection, South of Phase I 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,

William Brown
Captain – Administration
Fayetteville Police Department



Fayetteville Fire Department

MEMO

To: Suzanne Morgan, Andrew Garner, Jeremy Pate, and Jesse Fulcher
Thru: Chief Tony Johnson
Asst. Chief Bud Thompson
From: Captain Dale Riggins
Date: July 19, 2006
Re: Zoning Review – Fire Department Comments

RZN 06-2172 (Dunnerstock)

These 20.35 acres are covered by Engine 7 located at 835 N Ruppel Road.

The property is 0.5 miles from the station with an expected response time of 2 minutes

The Fire Department anticipates 26 (16 EMS – 10 Fire/Other) calls for service per year once the development is completed and maximum build-out has occurred.

Measured hydrant flow in the area is 1590 gallons/minute.

The service impact of this development will typically take eighteen months after the development is started, and the units begin to be occupied, to occur.

There should be no adverse effects on our call volume or response time to this development.

Please feel free to contact me if you have any questions

Captain Dale Riggins
Fayetteville Fire Department

RZN 06-2172 Dunnerstock Station 7



Start

Dunnerstock Rezoning
Summary of Average Vehicle Trip Generation
For 17 Dwelling Units of Single Family Detached Housing
July 19, 2006

	24 Hour Two-Way Volume	7-9 AM Pk Hour		4-6 PM Pk Hour	
		Enter	Exit	Enter	Exit
Average Weekday	163	3	10	11	6

	24 hour Two-Way Volume	Peak Hour	
		Enter	Exit
Saturday	172	9	7
Sunday	149	8	7

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

Bellwood
Summary of Average Vehicle Trip Generation
For 100 Dwelling Units of Residential Condominium / Townhouse
June 06, 2006

	24 Hour Two-Way Volume	7-9 AM Pk Hour Enter	Exit	4-6 PM Pk Hour Enter	Exit
Average Weekday	586	7	37	35	17

	24 hour Two-Way Volume	Peak Hour Enter	Exit
Saturday	567	25	22
Sunday	484	22	23

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

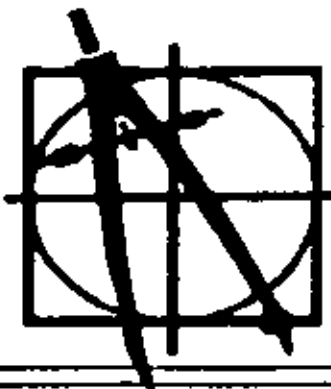
Dunnerstock RZN
Summary of Average Vehicle Trip Generation
For 63 T.G.L.A. of Shopping Center
July 19, 2006

	24 Hour Two-Way Volume	7-9 AM Pk Hour		4-6 PM Pk Hour	
		Enter	Exit	Enter	Exit
Average Weekday	2705	40	25	113	123

	24 hour Two-Way Volume	Peak Hour	
		Enter	Exit
Saturday	3148	163	151
Sunday	1590	96	100

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers ,
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS



JORGENSEN & ASSOCIATES

CIVIL ENGINEERS • SURVEYORS

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807

DAVID L. JORGENSEN, P.E., P.L.S.
CHRISTOPHER B. BRACKETT, P.E.

7/19/06

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Attn: Suzanne Morgan
Re: Dunnerstock Dev. Inc. (Mark Foster)

RECEIVED
JUL 20 2006
PLANNING DIV.

Dear Suzanne;

As you know, we submitted a Master Development Plan for Bellwood Phase 2. After meeting with you and Jeremy and the owner, we would like to proceed as follows;

- 1) Request three separate standard rezonings (RSF-7, RMF-12, C-1)
- 2) Along with this rezoning request, the owner will submit a bill of assurance that states that this rezoning will be compatible with the Wellspring Project to the east. This assurance will be attached to the deed.

The reason for this request is that Mark Foster is the developer of the RSF-7 portion but not the developer of the other 2 parcels. Also, we will submit a preliminary plat for the RSF-7 portion and install all infrastructure as shown on the attached drawing. Future development of the other two areas will require a detailed review by the Planning Staff and Planning Commission when the Large Scale Developments are submitted for these areas. This review would include conformance of these projects with respect to compatibility with Wellspring.

Please review and call concerning any questions you may have.

Thank you.

Sincerely;

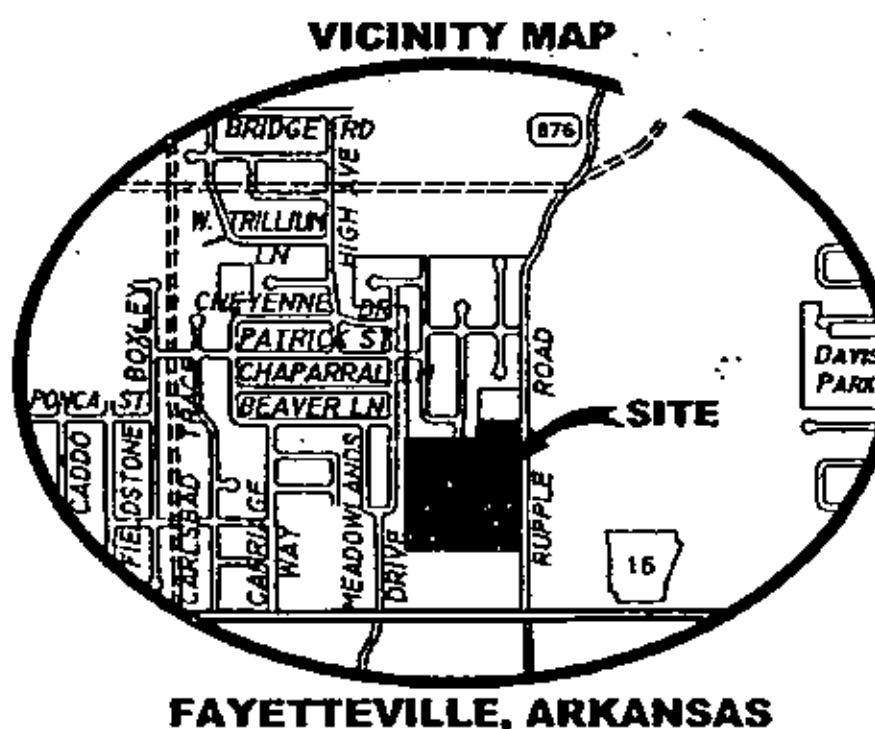

David L. Jorgensen, P.E.

ENGINEER

JORGENSEN & ASSOCIATES
CONSULTING ENGINEERS, INC.
124 WEST SUNBRIDGE SUITE 5
FAYETTEVILLE, AR. 72703
(479) 442-9127

OWNER

DUNNERSTOCK DEVELOPMENT, INC.
MARK FOSTER, PRESIDENT
P.O. BOX 9087
FAYETTEVILLE, AR. 72703
(479) 756-0096



LEGEND

- BOUNDARY CORN.
- ⊙ SEWER MANHOLE
- CENTERLINE ST
- UTILITY EASEM
- BUILDING SETB
- 8" SEWER LIN
- WATERLINE
- DRAINAGE PIP
- ZONING LINE

NOTE: THIS PROPERTY IS NOT AFFECTED BY THE 100 YEAR FLOOD PLAIN AS PER FIRM #05143C0091 D DATED 7-21-99.

LEGAL DESCRIPTION (ENTIRE TRACT):

PART OF THE SW1/4 OF THE NE1/4 AND PART OF THE NW1/4 OF THE NE1/4 OF SECTION 12, T16N, R31W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF SAID SW1/4, NE1/4 THENCE S89°57'48"E 421.61 FEET TO THE P.O.B., THENCE S89°57'48"E 545.43 FEET, THENCE N00°23'09"W 137.75 FEET, THENCE S89°57'48"E 296.73 FEET, THENCE S00°14'12"W 137.71 FEET, THENCE S00°04'16"E 988.19 FEET, THENCE N89°50'11"W 839.55 FEET, THENCE N00°08'09"W 986.29 FEET TO THE P.O.B.; CONTAINING 19.98 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

PARCEL #1: (TO BE REZONED TO RSF-7)

PART OF THE SW1/4 OF THE NE1/4 OF SECTION 12, T16N, R31W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF SAID SW1/4, NE1/4 THENCE S89°57'48"E 421.61 FEET TO THE P.O.B., THENCE S89°57'48"E 545.43 FEET, THENCE SOUTH 551.01 FEET, THENCE WEST 544.12 FEET, THENCE N00°08'09"W 551.36 FEET TO THE P.O.B.; CONTAINING 6.89 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

PARCEL #2: (TO BE REZONED TO RMF-12)

PART OF THE SW1/4 OF THE NE1/4 OF SECTION 12, T16N, R31W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF SAID SW1/4, NE1/4 THENCE S89°57'48"E 421.61 FEET, THENCE S00°08'09"E 551.36 FEET TO THE P.O.B., THENCE EAST 840.03 FEET, THENCE S00°04'16"E 437.33 FEET, THENCE N89°50'11"W 839.55 FEET, THENCE N00°08'09"W 434.93 FEET TO THE P.O.B.; CONTAINING 8.41 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

PARCEL #3: (TO BE REZONED TO C-1)

PART OF THE SW1/4 OF THE NE1/4 AND PART OF THE NW1/4 OF THE NE1/4 OF SECTION 12, T16N, R31W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF SAID SW1/4, NE1/4 THENCE S89°57'48"E 967.04 FEET TO THE P.O.B., THENCE N00°23'09"W 137.75 FEET, THENCE S89°57'48"E 296.73 FEET, THENCE S00°14'12"W 137.71, THENCE S00°04'16"E 550.86 FEET, THENCE WEST 295.91 FEET, THENCE NORTH 551.01 FEET, TO THE P.O.B.; CONTAINING 4.67 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

SURROUNDING PROPERTY OWNERS TABLE

765-24084-000	- WANDA JETER - 1385 N. RUPPLE ROAD - FAYETTEVILLE, AR. 72704
765-24080-000	- NOCK INVESTMENTS - ONE EAST CENTER STREET, SUITE 301 - FAYETTEVILLE, AR. 72701
765-16231-000	- WESTSIDE STORAGE INC. - P.O. BOX 3318 - FAYETTEVILLE, AR. 72702
765-17440-000	- GARY & BARBARA ADAMS - 1163 N. RUPPLE ROAD - FAYETTEVILLE, AR. 72704
765-17440-001	- GARY & BARBARA ADAMS - 760 N. 46TH AVE. - FAYETTEVILLE, AR. 72701
765-16234-000	- ROBIN RAHAT & SHAHRY KHAJEHAJAFI - P.O. BOX 9945 - FAYETTEVILLE, AR. 72703
765-16237-011	- SHAHRY KHAJEHAJAFI & ZHILA TABATABAI - 14366 DELWARE DR. - MOORPARK, CA. 93021
765-18824-000	- ANA LOPEZ - 4219 MALLARD LN. - FAYETTEVILLE, AR. 72703
765-18825-000	- JANE BURGGRAF - 1294 PLUM TREE DR. - FAYETTEVILLE, AR. 72701
765-18826-000	- ELIZABETH & RYAN MCDONALD - 3467 VASSAR ST. - FAYETTEVILLE, AR. 72701
765-18827-000	- ALVIN PERRY - 1326 PLUM TREE DR. - FAYETTEVILLE, AR. 72704
765-18828-000	- MARK & ANITA SILLS - 1342 PLUM TREE DR. - FAYETTEVILLE, AR. 72704
765-18829-000	- NORMA GABBARD - 1358 PLUM TREE DR. - FAYETTEVILLE, AR. 72704
765-18830-000	- MADELYN SKELTON - 1374 PLUM TREE DR. - FAYETTEVILLE, AR. 72704
765-18831-000	- SCOTT RENTALS, INC. - 20981 N. LAKESHORE - SPRINGDALE, AR. 72764
765-18832-000	- KEVIN GARRETT - 1408 N. PLUM TREE DR. - FAYETTEVILLE, AR. 72704
001-11761-000	- DUNNERSTOCK DEVELOPMENT, INC. - 4257 GABLE DR. #F3 - FAYETTEVILLE, AR. 72703
001-11759-000	- DUNNERSTOCK DEVELOPMENT, INC. - 4257 GABLE DR. #F3 - FAYETTEVILLE, AR. 72703

PLAT

JCN

DRAWN BY:

CHECKED BY:

DATE REVISED

SCALE: 1"=100'

RZN-06-2172

Planning Commission
April 24, 2006
Page 120

RZN 06-2018: Rezoning (FOSTER/BELLWOOD II, 400): Submitted by DAVE JORGENSEN for property located at RUPPLE RD. E OF MEADOWLANDS. The property is zoned RSF-1, SINGLE FAMILY - 1 UNIT/ACRE, R-A, RESIDENTIAL AGRICULTURAL, C-2, COMMERCIAL THOROUGHFARE and contains approximately 20.35 acres. The request is to rezone the subject property to RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS/ACRE.

Anthes: May we have the staff report, please?

Morgan: This property is located on Ruppel Road. It is located south of preliminary plat for Bellwood Subdivision. That property is currently under construction. The property to the east of this was recently approved as a PZD for Wellsprings Community. It is a mixed-use community. They will have various types of residential and commercial areas within it. With regard to this property, the applicant requests a rezoning from multiple zoning districts - R-A RSF-1 and C-2 - to an RSF-4 zoning district which would allow development of a residential subdivision compatible with that to the north. There are a variety of zoning districts surrounding this property. Staff finds that the RSF-4 zoning district is compatible and will provide a use which is not necessarily a need to those new subdivisions; however, with the variety of residential type uses in this area we find that RSF-4 will be compatible with regards to density.

Anthes: Thank you, Suzanne. Would any member of the public like to address this rezoning request? Seeing none, I'll close the public comment. Would the applicant like to make a presentation?

Jorgensen: Yes, ma'am. My name is Dave Jorgensen. I am here to answer questions basically.

Anthes: Thank you, Mr. Jorgensen. Commissioners?

Trumbo: Madame Chair.

Anthes: Commissioner Trumbo.

MOTION:

Trumbo: I would like to go ahead and make a motion for approval...

Anthes: Forward?

Trumbo: To forward, yes, RZN 06-2018 in agreement with all of staffs' recommendations.

Planning Commission
April 24, 2006
Page 121

Anthes: Thank you. We have a motion by Commissioner Trumbo. Do I hear a second?

Myres: Second.

Anthes: Second by Commissioner Myres. Is there further discussion?

Ostner: Madame Chair.

Anthes: Commissioner Ostner

Ostner: I would appreciate a little discussion. I know it is late. This property is one small commercial lot on Wedington Drive. It is currently commercial. It's going to face Wellspring, which is a town. It's going to be larger than Elkins and Farmington put together. I'm not so sure this is good to give up commercial zoning. The gas station to the south of it could easily be absorbed. Large commercial lots are scarce within our city limits. I see part of it looks to be R-A, part of it looks to be R-1. We don't have any delineations visible.

Morgan: If you look at the handouts submitted by the applicant in your packet, it should separate the areas of R-1 and...

Ostner: So it's a small, maybe an acre of land.

Pate: About .49 acres.

Ostner: Yeah, okay. So much of it is RSF-1. Is that a "1" or an "P"?

Pate: It's a 1. It's one of the islands that was annexed in 2004 when the island annexation did come in. The piece of commercial property was fought for to be rezoned C-2. It is limited under very strict Bill of Assurance, allowing only one business owner of the property.

Ostner: Is that the electric company?

Pate: Yes.

Ostner: I see with a better map.

Clark: Madame Chair. Were you finished Commissioner Ostner?

Ostner: I guess I'm still concerned that so much homogenous pure 4 units/acre residential gets rezoned so quickly and then everybody wants commercial so lets go out to the county. I guess that's my concern. This is going

Planning Commission
April 24, 2006
Page 122

extremely quickly. When I saw it at the back of our packet, this is all I saw. That's my comment.

Anthes: Commissioner Clark.

Clark: I was initially concerned that this is surrounded by higher density and that we were possibly underzoning this. But since this is across the street from Wellspring, I don't know. We might get a variety of things from PZD to probably a PZD with mixed-use and I would encourage that in this area. I think that Allan makes a very good point about commercial being needed but we can accomplish a very nice mixed development in this area. So I'm not going to and it's late, so if you want RSF-4, you can have it.

Anthes: Is there further discussion?

Ostner: Yes.

Anthes: Commissioner Ostner.

Ostner: That's a good point, however land rights are being distributed tonight not in the future. I will probably have to vote no. I just think as a member on this Commission, it is part of our job to think like the citizen. I think a lot of citizens are looking at commercial development and wondering if there are any more larger tracts other than the mall or Rogers. I know this is not a commercial tract, but it is mostly undeveloped and RSF-1 is a very low zoning district. It is an ideal carrying zoning district like R-A to stay in the city but difficult to develop potential zones. I don't think we will see this again other than a large scale development with a preliminary plat so I think the decision is being made now. So I'm going to vote against it.

Anthes: I would just like to say that I agree with Commissioner Ostner. I feel that the zoning is too low in this area. It is surrounded by a large RT-12 commercial zonings, residential office, C-1 and C-2, and a large PZD that we have seen across the road. With the amount of single-family property that we have rezoned in the west part of Fayetteville I feel like we are missing opportunities for commercial nodes and density in areas so close to other amenities. For that reason, I will also vote to deny this rezoning request. Is there further discussion?

Pate: Madame Chair, I just want to remind the commission, both of you mentioned Wellspring which incorporates almost half a million square feet of commercial space which is quite significant for a community especially with a Harp's and commercial area half a mile, three quarters of a mile from here as well. So, that is a pretty significant development that has already been processed for a preliminary plat.

Planning Commission
April 24, 2006
Page 123

Anthes: I agree. It also puts enough residential property on that acreage to support whatever retail they have proposed. In addition, I'm not saying necessarily that this should be commercial or anything else but I just feel like the RSF-4 zoning is too low. It needs to be higher density or something else that remains to be seen. Is there further discussion?

Ostner: Yes, ma'am.

Anthes: Commissioner Ostner.

Ostner: That's a good point about Wellspring incorporating its own commercial fronts and square footage. The old way to develop commercial land is to buy the dirt and (blanked out on both cassette tape and video tape). Why can't there be a larger grocery store west of Wal-Mart sort of in Farmington because that traffic is backed up so far there aren't any large parcels available. They're all chopped up into tiny pieces. So it's the large parcels that are rare. That's the extent of my comment.

Anthes: Any further comment? Will you call the roll, please?

Roll Call: The motion to forward RZN 06-2018 fails with a vote of 4-4-0.

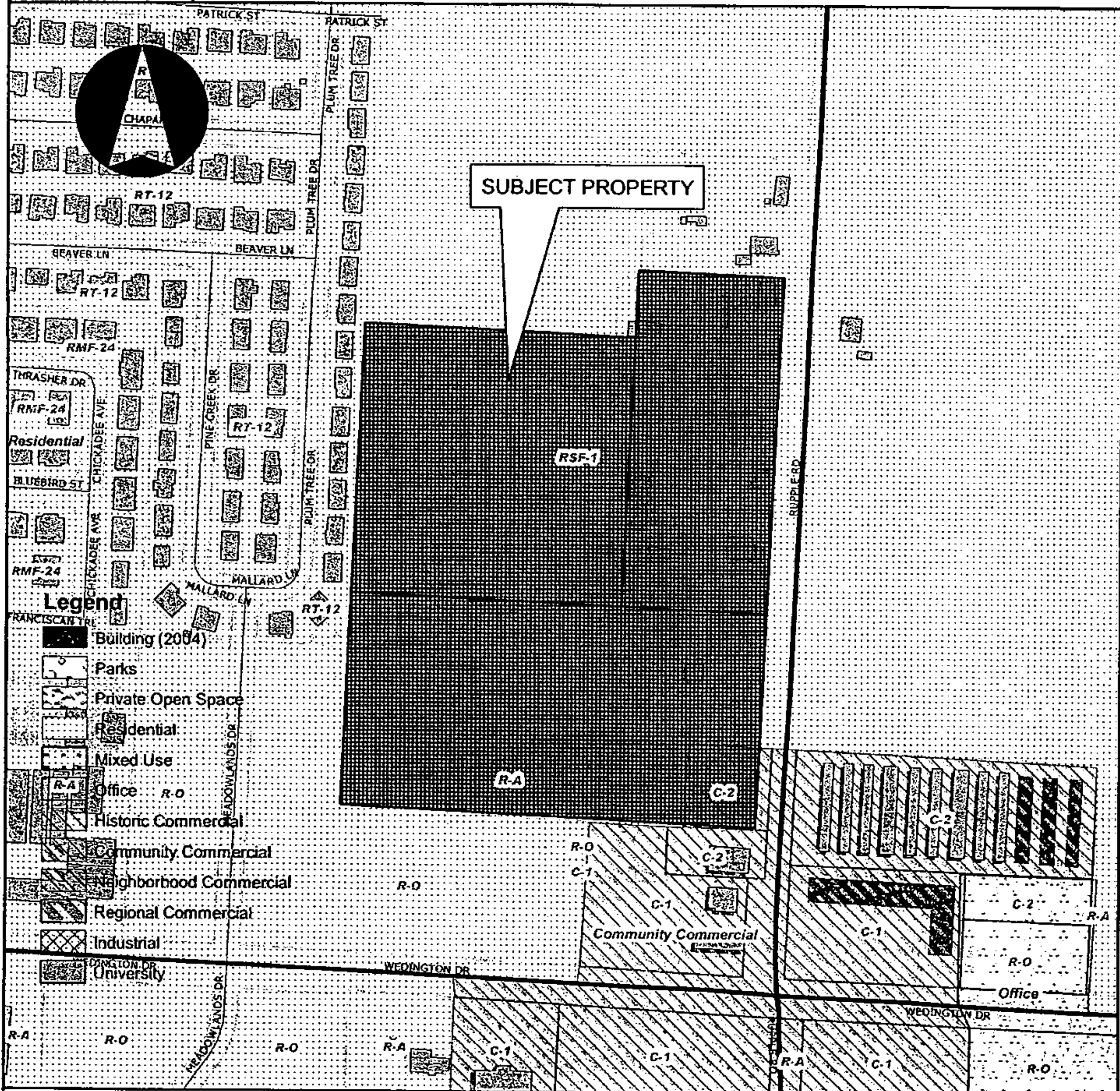
Ostner: For a point of order, can we hear the process for appealing a failed zoning petition?

Pate: The applicant would need to submit a letter of appeal to the City Clerk within 10 business days for this item to be heard.

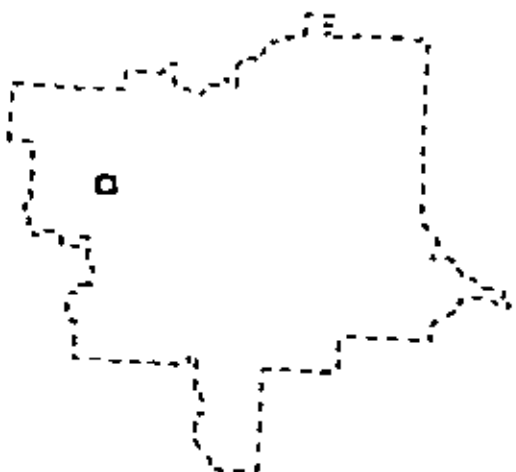
RZN06-2172

DUNNERSTOCK

Future Land Use



Overview



Legend

Subject Property



RZN06-2172

Streets



Existing



Planned

Boundary



Planning Area



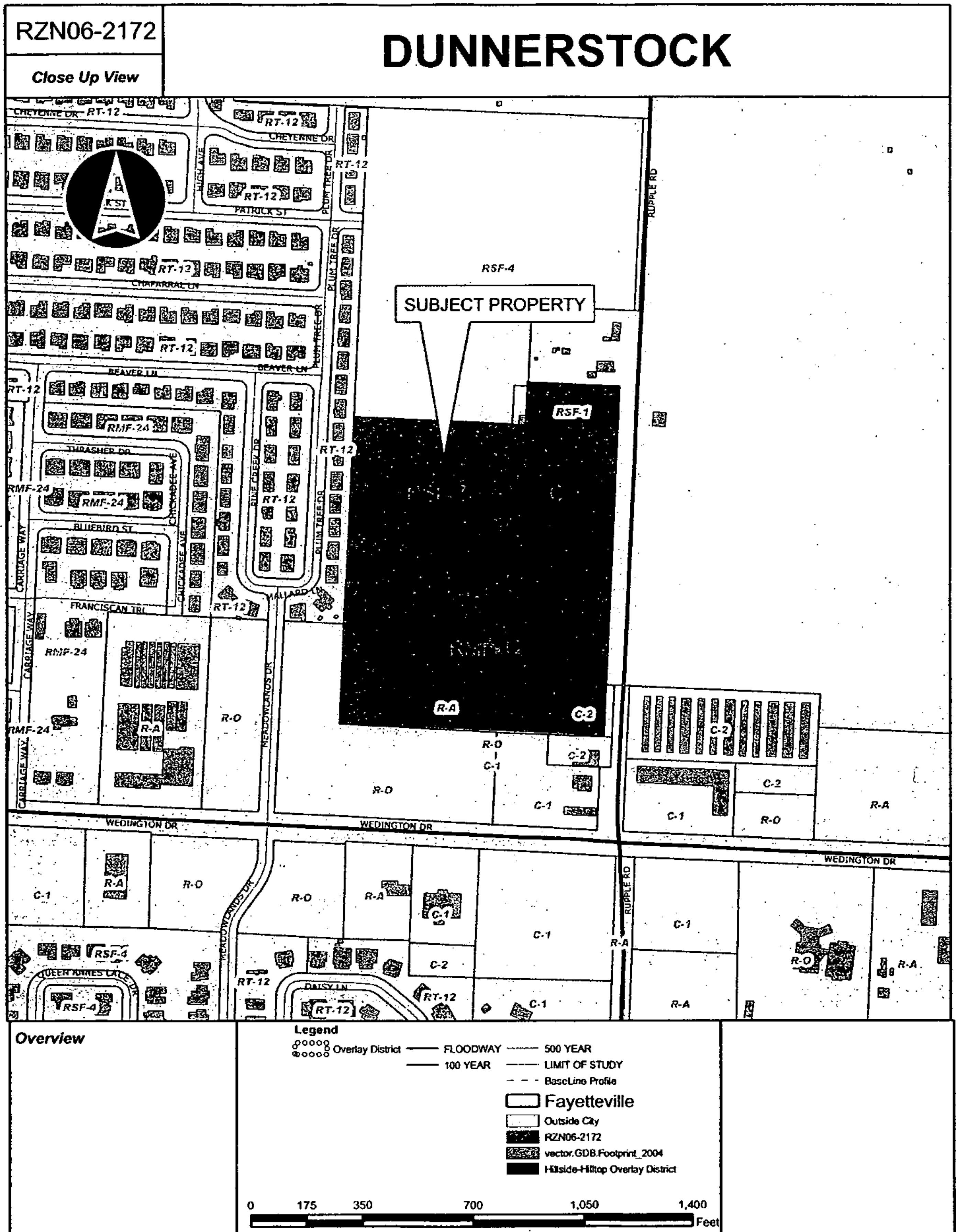
Overlay District

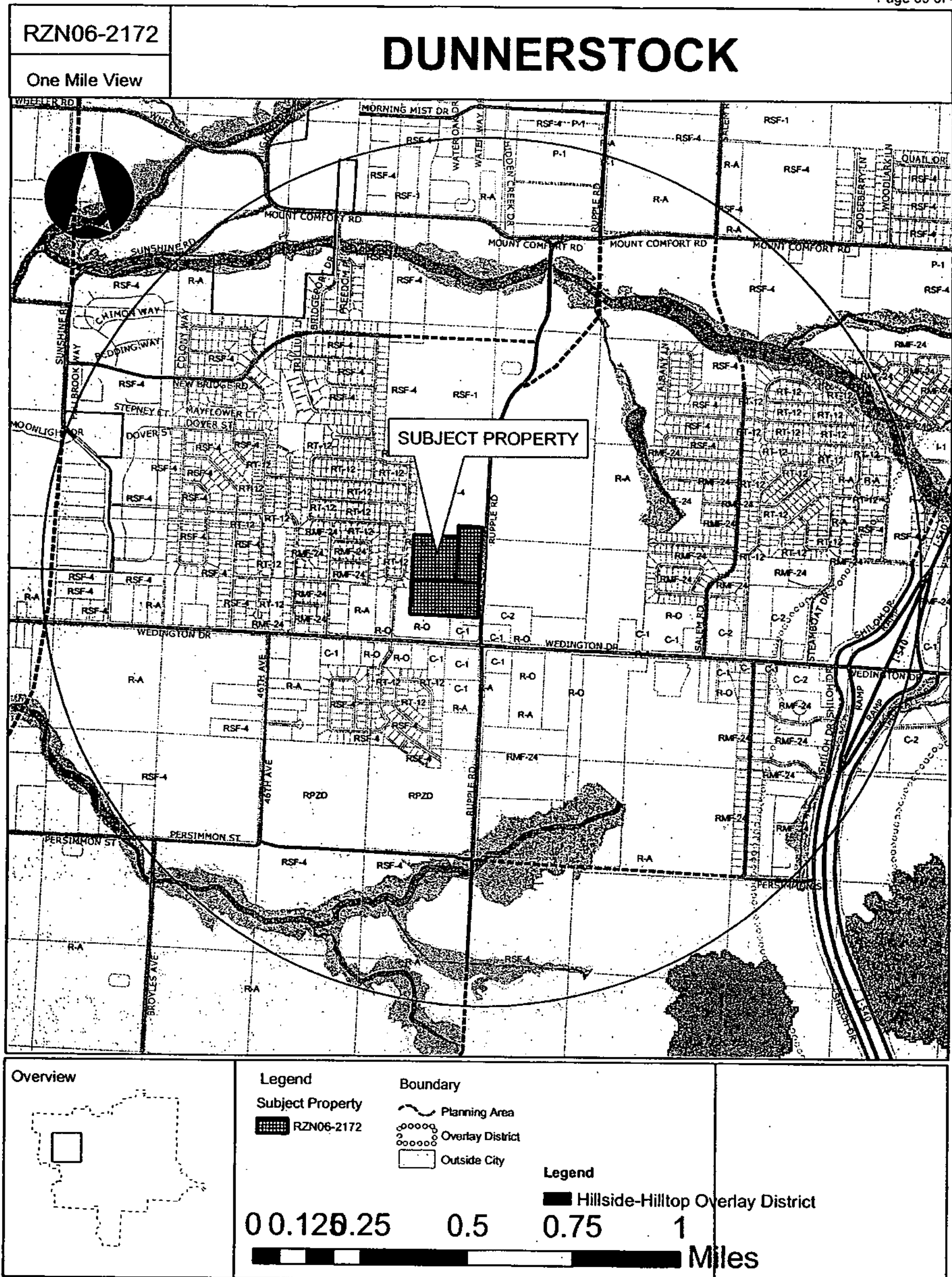


Outside City

Legend







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

8/15/2006
City Council Meeting Date

Gary Dumas
Submitted By

Operations
Department

Action Required:

Approve Resolution Amending Personnel Policy, Crisis Leave

\$ -	\$ -	\$ -
Cost of this request	Category / Project Budget	Program Category / Project Name
0	\$ -	\$ -
Account Number	Funds Used to Date	Program / Project Category Name
0	\$ -	\$ -
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Gary Dumas
Department Director

7/28/2006
Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

D. J. Whit
City Attorney

7/31/06
Date

Paul A. Becker
Finance and Internal Service Director

8-1-06
Date

Received in City Clerk's Office
ENTERED
7/28/06

Received in Mayor's Office
ENTERED
7/31/06

Mayor _____ Date _____

Comments:



OPERATIONS DIRECTOR

To: City Council
From: Gary Dumas
Date: July 27, 2006
Re: Personnel Policy, Crisis Leave

Recommendation

Amend to current policy to increase the available crisis leave from 3 days to 5 days annually.

Background

The current crisis leave policy was established by Council in 1991. It allows employees to use up to 3 days per year to attend to family crisis situations. Crisis leave is taken from an employee's sick leave bank.

The three day limit has been problematic for employees with the extended family outside of the immediate region or in need of assistance for greater than the three days.

Discussion

Crisis leave utilizes the employee's available sick leave. There is no additional cost to the City. By expanding the annual allotment from 3 to 5 days those employees who must make use of crisis leave will have added flexibility as they resolve family crisis situations.

RESOLUTION NO. _____

A RESOLUTION AMENDING THE CITY OF FAYETTEVILLE'S
CRISIS LEAVE POLICY.

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

Section 1. That the Civil Service Personnel Policy Section VI-5 and the
General Employees Personnel Policy Section VI-6 are hereby amended by
increasing the number of days employees may use for Crisis Leave from three (3)
days per calendar year to five (5) days per calendar year.

PASSED and APPROVED this 15th day of August, 2006.

APPROVED

By:

DAN GOODY, Mayor

ATTEST:

By:

SONDRA SMITH City Clerk

RESOLUTION NO. 5-91

A RESOLUTION AMENDING THE CIVIL SERVICE AND GENERAL EMPLOYEE PERSONNEL POLICIES TO PROVIDE EMPLOYEES UP TO THREE DAYS OF SICK LEAVE PER CALENDAR YEAR TO ATTEND TO CRISIS SITUATIONS AFFECTING FAMILY MEMBERS.

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

Section 1. That the Civil Service Personnel Policy Section VI-5 and the General Employees Personnel Policy Section VI-6 be amended by adding the following:

Crisis Leave: An employee may use up to three days of sick leave per calendar year to attend to crisis situations affecting family members. A crisis is defined as imminent death, serious illness, a natural disaster, residence fire or occurrences of equal severity or emotional trauma which require the employees presence. Family members covered by crisis leave are those listed in the funeral leave section of this policy. Crisis leave is to be granted at the discretion of the employee's department director.

PASSED AND APPROVED this 2nd day of January, 1991.

APPROVED:

By: Fred A. Krueger
Mayor

ATTEST:

By: Sherry L. Thomas
City Clerk

CITY OF FAYETTEVILLE, ARKANSAS

POLICY AND PROCEDURE

Subject:	Sick Leave
Policy Number:	HR-22
Original Policy Date:	February 21, 1990
Effective Date of New/Revised Policy:	July 10, 2006
Revision Dates:	June 13, 2005
Submitted By: Employee Name/Division	Michele Bechhold/Human Resources
Mayor's Signature and Date	

HR-22.0 PURPOSE: The purpose of this directive is to establish the sick leave policy for all regular full-time employees of the City.

HR-22.1 POLICY:

Sick leave in this policy is hereby defined to mean compensated leave granted to an employee for the following reasons:

1. Personal illness.
2. Exposure to contagious disease resulting in the quarantine of the employee.
3. Physician or dental appointments that cannot be scheduled other than during the regular work day.
4. Providing care to a member of the employee's immediate family who is ill. Immediate family is defined as a spouse or dependent child of the employee.
5. Attending to a crisis situation affecting family members. A crisis is defined as imminent death, serious illness, natural disaster, residence fire or other occurrences of equal severity or emotional trauma which require the employee's presence. Family members covered by crisis leave include spouse, child, mother, father, sister, brother, guardian, grandparent, grandchild, plus the various combinations of half, step, in-law and adopted relationships that can be derived from those named. Crisis leave is to be granted at the discretion of the employee's Division Head, Department Director or Chief and may not exceed a total of three days per calendar year.

HR-22

Page 2 of 5

Sick leave may not be taken during the first ninety days of employment unless absence is due to a workers' comp injury. Time taken cannot exceed the sick leave balance including the current pay period accrual.

Full sick leave benefits and workers' compensation cannot be paid simultaneously for the same injury or illness. Workers' compensation benefits are primary in the event of a job related accident or illness. After an employee has been off the job for seven days, pro rata sick leave will be paid to make up the difference between the employee's workers' compensation benefit and regular base pay until accumulated sick leave is exhausted.

Upon retirement or termination, accrued unused sick leave up to the stated maximum will be paid at the employee's current base rate, provided the employee has completed six months of service.

Employees classified as temporary or work study are not eligible for sick leave benefits.

General Employees

Sick leave shall be accrued by all full-time employees at the rate of one day for each full calendar month of service with no limit to the number of days that may be accrued. Upon termination of employment or retirement, a maximum of 60 days (480 hours) of accrued unused time will be paid.

Regular part-time employees will become eligible for and commence accruing prorated sick leave upon completing two years of continuous employment. The employee's Division Head is responsible for determining and notifying the Human Resources Division, via a Personnel Action notice, of each part-time employee's sick leave accrual eligibility and proration. This proration fraction is initially calculated by dividing the actual number of hours worked during the employee's second year of employment by 2080 hours. On the employee's anniversary date each subsequent year, a revised calculation should be submitted if a material change has occurred in the work schedule during the prior year. Otherwise the last computed proration fraction will continue in effect.

Sick leave may be granted to full-time employees of the City for three (3) consecutive days without a physician's certificate. However, the Division Head shall have the right to request a physician's certificate after one day of sick leave if this action serves the best interest of the City. Sick leave in excess of three consecutive days will be granted to full-time employees of the City when a physician's certification is furnished.

Uniformed Civil Service Employees

The accrual of sick leave for Police and Fire employees is governed by Arkansas Uniform Sick Leave Statutes and Fayetteville Ordinance #3528.

Police Department

During the first year of employment, Civil Service Police personnel will accrue one day (8 Hours) of sick leave for each full calendar month of service. Civil Service Police personnel, upon death or retirement, will be paid for a maximum of 90 days (720 hours) of accrued unused sick leave at his/her current grade step rate. Upon termination of employment, a maximum unused accrual of 60 days (480 hours) will be paid.

Civil Service Police day personnel accrue 20 days (160 hours) of sick leave per year, beginning one year after the date of employment, with a maximum accumulation of 90 days (720 hours) permitted.

Sick leave may be granted to full-time Civil Service Police personnel for three (3) consecutive days without a physician's certificate. However, the Supervisor shall have the right to request a physician's certificate after one day of sick leave if this action serves the best interest of the City. Sick leave in excess of three consecutive days will be granted to full-time employees of the City when a physician's certification is furnished.

Fire Department

During the first year of employment, Civil Service Fire personnel will accrue one shift (24 hours) of sick leave for each full calendar month of service.

Civil Service Fire personnel accrue 20 twenty-four hour shifts (480 hours) of sick leave per year, beginning one year after the date of employment, with a maximum accumulation of 90 twenty-four hour shifts (2160 hours) permitted.

Civil Service Fire day personnel accrue 12 days (96 hours) of sick leave during the first year of employment. Fire Day personnel accrue 20 days (160 hours) of sick leave per year, beginning one year after the date of employment, with a maximum accumulation of 1440 hours permitted.

Civil Service Fire personnel, upon death or retirement, will be paid for a maximum unused sick leave accrual equivalent to four and one-half months salary at his/her current grade step rate. Upon termination of employment, a maximum unused accrual equivalent to twelve weeks salary will be paid.

Sick leave may be granted to full-time employees for one shift without a physician's certificate. Sick leave in excess of one shift (24 hours) will be granted to full-time Fire Personnel when a physician's certification is furnished.

HR-22.2 PROCEDURE:

1. An employee who is unable to report to work due to illness is normally expected to report the reasons for absence to their supervisor the day of the absence, preferably before they are scheduled to report to work.

HR-22

Page 4 of 5

2. Documentation of sick leave is accomplished by completing the appropriate forms provided by your division head.
3. Absence for a portion of a day that is chargeable to sick leave may be taken in one-half (1/2) hour increments.
4. An employee who is terminated will be paid for eligible, accrued sick leave upon separation if the employee has completed six months of service. However, if the termination is appealed to a jurisdiction having authority in the matter, and a reinstatement is rendered as if the termination never occurred, the employee must refund in full and in a timely manner, the payment in lieu of sick leave received. The employee's sick leave accrual total will be restored.

SICK LEAVE/VACATION ACCRUAL PAYMENT AGREEMENT

I understand that upon termination of my employment with the City of Fayetteville, I will receive payment in full, at my current rate of pay, for any accrued, unused sick leave (up to the maximum payout as prescribed by HR-22) and vacation time.

I agree in the event of an involuntary termination, that if an appeal and subsequent reinstatement occurs by action of the Civil Service Commission or a court of competent jurisdiction, the amounts received are to be repaid to the City in a single lump sum and the accruals restored. Payment must be made no later than 30 days after such reinstatement to active employment.

Signed _____ Date _____

Witness _____ Date _____

CITY OF FAYETTEVILLE, ARKANSAS

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HR-22

Page 4 of 5

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Signed _____ Date _____

Witness _____ Date _____

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

15-Aug-06
City Council Meeting Date

Matt Casey Engineering Operations
Submitted By Division Department

Action Required:

Approval of a cost-share and bid waiver in the amount of \$51,705.00 with The Hamptons, LLC for the upsizing of approximately 1870' of 8" water main to 12".

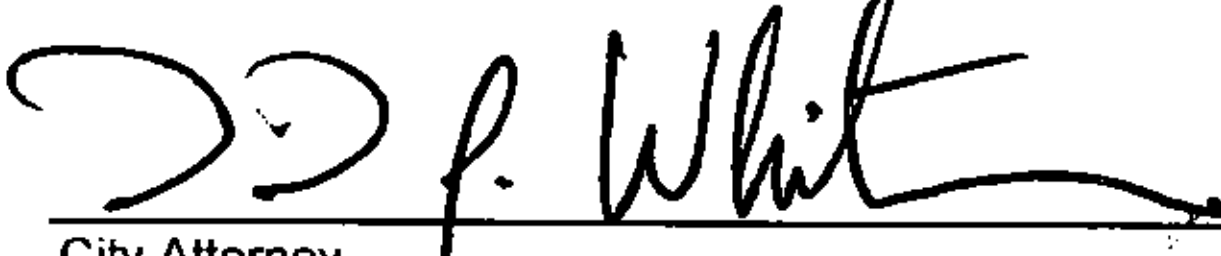
\$51,705.00	\$ 424,740.00	Water and Sewer
Cost of this request	Category/Project Budget	Cost Sharing
5400.5600.5808.00	\$ 77,250.35	Program Category / Project Name
	Funds Used to Date	Water and Sewer Improvements
02067	\$ 347,489.65	Program / Project Category Name
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

 7/26/06
Department Director Date

Previous Ordinance or Resolution # _____

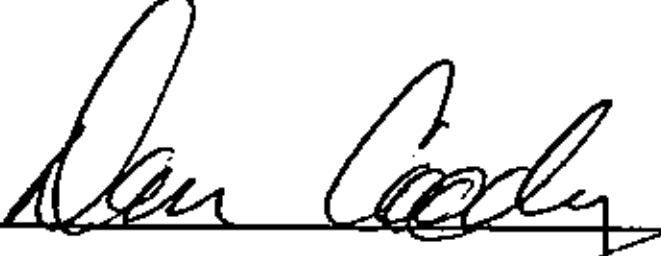
Original Contract Date: _____

 7/26/06
City Attorney Date

Original Contract Number: _____

 7/26/06
Finance and Internal Service Director Date

Received in City Clerk's Office


 7/27/06
Mayor Date

Received in Mayor's Office


Comments:

City Council Meeting of August 15, 2006

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Ron Petrie, City Engineer

Date: July 12, 2006

Subject: Proposed cost-share and bid waiver in the amount of \$49,243.00 with a contingency of \$2,462.00 with The Hamptons, LLC for the upsizing of approximately 1,870' of 8" water main to 12".

RECOMMENDATION

Staff recommends that the City cost-share with The Hamptons, LLC the developer, to upsize approximately 1,870 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 as recommended by the Water Master Plan Study.

BACKGROUND

The Hamptons, LLC is constructing a 138 lot residential subdivision on the south side of Goff Farm Road. As a part of this 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 6" water main along Goff Farm Road. The proposed development is required to connect to this main and extend it to serve the subdivision. It would benefit the City to cost-share with the developer for the construction of a portion of the water line to install a 12" main along Black Canyon Road. This will provide a 12" water line corridor that will serve customers along Hwy. 16 in the future. The City's cost is approximately 42% of the total cost before contingencies. Should the City wait to upgrade the water main, future costs will be significantly higher.

City Council Meeting of August 15, 2006

Construction estimates have been provided to the City for these improvements by Northstar Engineering Consultants as follows:

Developer's Share	\$ 66,916.00
City's Share	\$ 51,705.00
5% Contingency(City's Share)	\$ 2,462.00
Total	\$ 121,083.00

BUDGET IMPACT

Based upon the information provided by the Budget & Research Division, there is a remaining balance of \$389,588.00 in the Water and Sewer Cost Sharing Account.

The final costs to the City will be based upon actual costs as documented by The Hamptons, LLC 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 WITH THE HAMPTONS, LLC IN THE AMOUNT OF \$49,243.00 FOR THE UPSIZING OF APPROXIMATELY 1870' OF 8" WATER MAIN TO 12" WATER MAIN; AND APPROVING A PROJECT CONTINGENCY IN THE AMOUNT OF \$2,462.00.

WHEREAS, the City of Fayetteville's Water Master Plan calls for a portion of the 12" Water Main Grid to run along Black Canyon Road, near the residential development that The Hamptons, LLC is currently developing; and,

WHEREAS, entering into a cost-share agreement with The Hamptons, LLC and utilizing their engineer and contractor to extend the 12" Water Main 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 with The Hamptons, LLC in the amount of \$49,243.00 for the upsizing of approximately 1870' 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 \$2,462.00.

PASSED AND APPROVED this 15th day of August, 2006.

APPROVED:

By: DAN COODY, Mayor

ATTEST:

By: SONDRA SMITH, City Clerk

CONTRACTUAL AGREEMENT

This Agreement, made and entered into this _____, by and between the City of Fayetteville, Arkansas and The Hamptons, LLC, Witnesseth:

WHEREAS, The Hamptons, LLC is constructing a 138 lot residential subdivision on the south side of Goff Farm Road; and

WHEREAS, The Hamptons, LLC 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 accordance with the water distribution master plan.

NOW, THEREFORE, the City of Fayetteville and The Hamptons, LLC 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 100% of the actual documented construction costs for the upsizing to a 12" water main along Black Canyon Street.
 - B. Pay a maximum-not-to-exceed cost of \$51,705.00 for the afore mentioned water main construction as was provided by Northstar Engineering Consultants and made a part of this agreement.
 - C. Reconsider the costs if the future and actual construction prices exceed the maximum-not-to-exceed amount that was furnished by Northstar Engineering Consultants. The contractual agreement shall be required to be reevaluated and re-approved by the Mayor and/or City Council as appropriate prior to proceeding with construction.
 - D. Make all efforts to provide payment to The Hamptons, LLC within thirty (30) days after receipt of the invoice(s) but cannot guarantee the thirty day schedule.
2. The Hamptons, LLC 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 The Hamptons, LLC 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 with a not-to-exceed amount of \$51,705.00 for the water main upgrade.

**IN AGREEMENT WITH ALL THE TERMS AND CONDITIONS ABOVE, WE
SIGN BELOW:**

CITY OF FAYETTEVILLE

The Hamptons, LLC

By: _____
DAN COODY, Mayor

By: _____



**NORTHSTAR
ENGINEERING
CONSULTANTS, INC.**

RECEIVED
JUL 05 2006
ENGINEERING DIV.

B. 3
The Hamptons, LLC Cost-Share
Page 7 of 10

Civil & Environmental Engineering
Landscape Architecture
Geological Services
Land Surveying
Planning

Bentonville, Arkansas

Jonesboro, Arkansas

June 30, 2006

Mr. Matt Casey, PE
Staff Engineer
City of Fayetteville
126 W. Mountain Street
Fayetteville, Arkansas 72702

Via Fax (479) 575-8316
Hard Copy to Follow In Mail

Re: Hamptons Subdivision
Cost Difference between 8" and 12" water mains

Dear Mr. Casey,

The purpose of this letter is to provide you with an estimate of the cost difference between 8" and 12" water mains at Hamptons Subdivision:

1. Change 8" water mains along Black Canyon Street to 12" mains:

1.1: 1,870 LF PVC DR-14 water main:

12" @\$50.70/LF

8" @\$29.30/LF

Difference = \$21.40/LF

\$40,018.00

1.2: 7 valves:

12" @\$1,870.00/Each

8" @\$1,007.00/ Each

Difference = \$863.00/Each

\$6,041.00

1.3: 4 tees:

12" X 12" X 8" Tee @\$770.00/Each

8" X 8" X 8" Tee @\$506.00/Each

Difference = \$264.00/Each

\$1,056.00

\\nseng\sub&isd\455-01\Word\Water Line Cost Difference.doc

207 South Main Street
Bentonville, Arkansas 72712

Phone (479) 271-0906
Fax (479) 271-8144
Email nseng@swbell.net

Mr. Matt Casey, PE
Staff Engineer
City of Fayetteville
June 30, 2006
Page 2 of 2

1.4: 4 Fire Hydrant tees:

12" X 12" X 6" Tee @\$700.00/Each

8" X 8" X 6" Tee @\$448.00/Each

Difference = \$252.00/Each

\$1,008.00

1.5: Mechanical Joint Fittings:

425 Pounds @\$5.60/Pound

225 Pounds @\$5.60/Pound

Difference = 200 Pounds

\$1,120.00

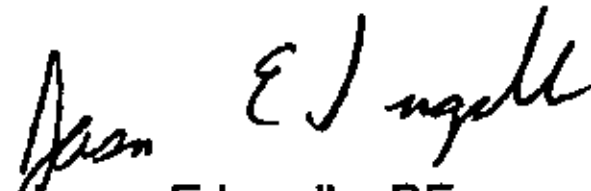
Total Cost

\$49,243.00

I am looking forward to discussing the above with you.

Please call me at 479-271-0906 if you have any questions or need additional information.

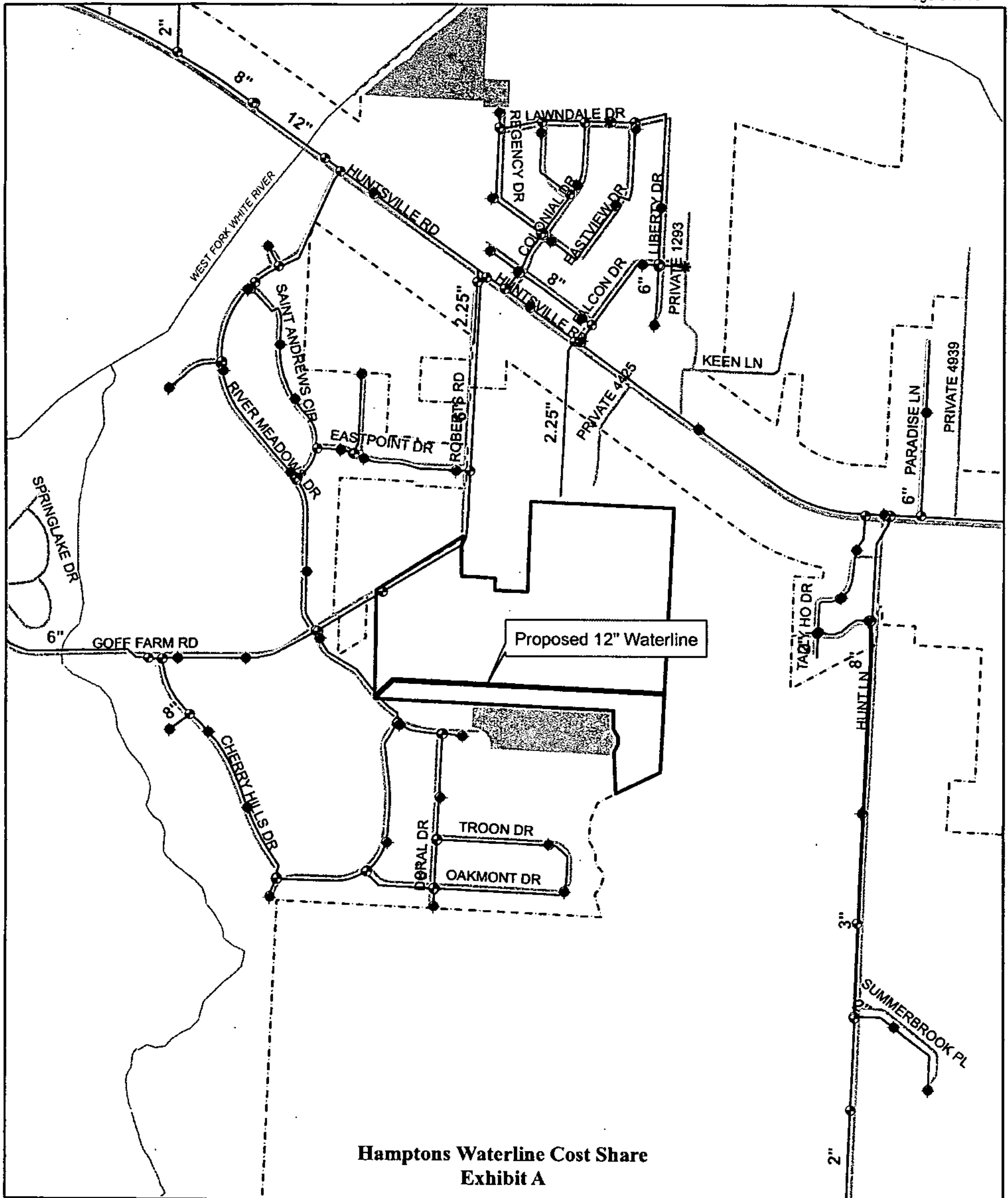
Best Regards,



Jason E Ingalls, PE

Project Manager

CC: The Hamptons, LLC, Owner
File 455-001



Hamptons Waterline Cost Share
Exhibit A

0 395 790 1,580 2,370
Feet



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

15-Aug-06
City Council Meeting Date

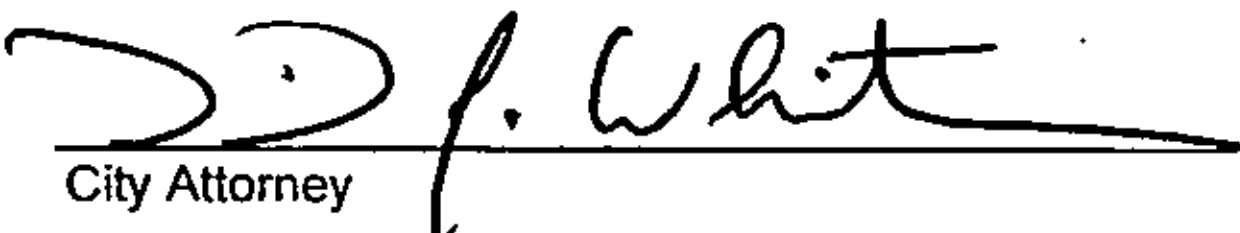
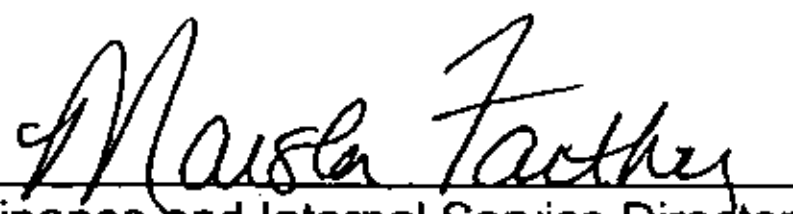
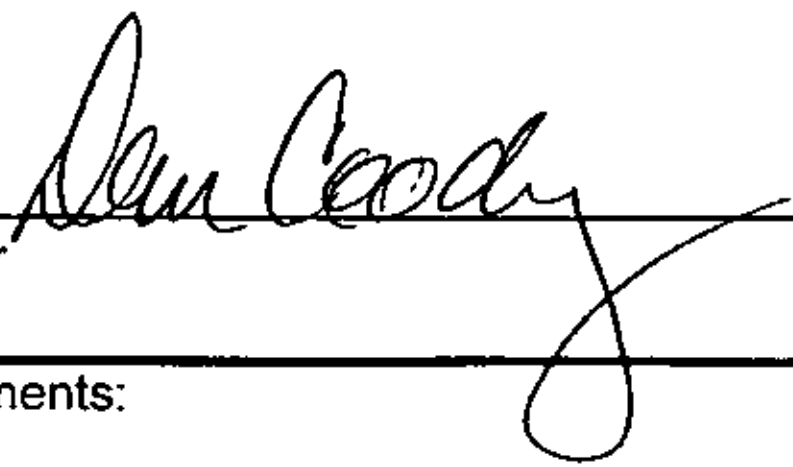
Matt Casey Engineering Operations
Submitted By Division Department

Action Required:

Approval of a cost-share and bid waiver in the amount of \$128,435.00 with Zion Place, LLC for offsite drainage improvements associated with the Zion Gardens development.

\$128,435.00 Cost of this request	\$ 524,135.00 Category/Project Budget	Bridge and Drainage Improvements Program Category / Project Name
4470.9470.5817.00	\$ - Funds Used to Date	Other Drainage Improvements Program / Project Category Name
02108 Project Number	\$ 524,135.00 Remaining Balance	Fund Name

Budgeted Item ☒ Budget Adjustment Attached ☐

 Department Director	7-26-06 Date	Previous Ordinance or Resolution # _____
 City Attorney	7/26/06 Date	Original Contract Date: _____
 Finance and Internal Service Director	7/26/06 Date	Original Contract Number: _____
 Mayor	7/27/06 Date	Received in City Clerk's Office 
		Received in Mayor's Office 

Comments:

City Council Meeting of August 15, 2006

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Ron Petrie, P.E., City Engineer

Date: July 20, 2006

Subject: Proposed Cost Share and bid waiver in the amount of \$128,435.00 with Zion Place, LLC for drainage improvements downstream of the Zion Gardens development.

RECOMMENDATION

Staff recommends that the City cost-share with Zion Place, LLC, the developer, to extend the downstream drainage improvements associated with the Zion Gardens development.

BACKGROUND

The developer is constructing a 95 unit townhouse development on the north side of Zion Road. On August 22, 2005 the Planning Commission forwarded the PZD for Zion Gardens to the City Council with a recommendation for approval. The City Council approved the PZD at the September 20, 2005 meeting.

DISCUSSION

The developer currently has the townhouse development under construction. As a part of the development, they are required to up-size the drainage culvert under Randal and extend a concrete swale to the north to provide adequate drainage for the development. The existing culvert under Randal is undersized and the drainage flows across the adjacent properties to the north causing erosion through their yards. City staff has received drainage complaints in the past due to this problem.

Staff recommends that the City cost-share with the developer to extend the proposed pipes across the property on the north side of Randall. The City would be responsible for the additional cost to change from the proposed channel to the 42" pipe. It is also recommended that the improvements be extended across the next property to the north to take the water to the Lake Fayetteville property. The City would be responsible for the cost of extending the channel across this property. By participating in these improvements, the City will be solving a drainage problem in this area.

City Council Meeting of August 15, 2006

Construction costs have been provided to the City for these improvements by H2 Engineering. as follows:

Developer's Share	\$ 72,623.00
City's Share for John Lea Property	\$ 94,897.50
City's Share for Greg Lee Property	<u>\$ 33,537.50</u>
Total	\$ 201,058.00

BUDGET IMPACT

The funds for this drainage cost-share project will come from "Other Drainage Improvements" project in the Bridge and Drainage Improvements fund. There is currently \$524,135.00 in this project.

The final costs to the City will be based upon actual costs as documented by Zion Place, LLC Inc 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 WITH ZION PLACE, LLC IN THE AMOUNT OF \$128,435.00 FOR OFFSITE DRAINAGE IMPROVEMENTS ASSOCIATED WITH ZION GARDENS.

WHEREAS, the City of Fayetteville has responded to frequent drainage complaints near the Residential Planned Zoning District that Zion Place, LLC is currently developing; and,

WHEREAS, entering into a cost-share agreement with Zion Place, LLC and utilizing their engineer and contractor to construct the needed drainage improvements 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 with Zion Place, LLC in the amount of \$128,435.00 for offsite drainage improvements associated with the Zion Gardens Development.

PASSED AND APPROVED this 15th day of August, 2006.

APPROVED:

ATTEST

By: DAN COODY, Mayor

By: SONDRA SMITH, City Clerk

DRAFT

CONTRACTUAL AGREEMENT

This Agreement made and entered into this _____, by and between the City of Fayetteville, Arkansas and Zion Place, LLC, Witnesseth:

WHEREAS, Zion Place, LLC, will hire a contractor to construct Zion Gardens Subdivision; and

WHEREAS, The proposed subdivision discharges storm water into a culvert that flows under Randal Place; and

WHEREAS, The culvert under Randal Place is undersized and has cause flooding and erosion on the adjacent properties; and

WHEREAS, it would benefit the City of Fayetteville to improve this culvert and to protect these properties from flood damage; and

NOW, THEREFORE, the City of Fayetteville and Zion Place, LLC agree as follows:

1. Upon the City Council approving the Drainage Cost-Share, the City of Fayetteville agrees to:
 - A. Pay for 100% of the actual documented construction costs for changing the proposed drainage channel to a 42" pipe culvert and extending the channel across the Greg Lee property
 - B. Pay a maximum-not-to-exceed cost of \$128,435.00 for the afore mentioned drainage construction as was provided by H2 Engineering, and made a part of this agreement.
 - C. Reconsider the costs if the future and actual construction & inspection prices exceed the maximum-not-to-exceed amount that was furnished by H2 Engineering The contractual agreement shall be required to be reevaluated and re-approved by the Mayor and/or City Council as appropriate prior to proceeding with construction.
 - D. Make all efforts to provide payment to Zion Place, LLC within thirty (30) days after receipt of the invoice(s) but cannot guarantee the thirty day schedule.
2. Zion Place, LLC agrees to:
 - A. Provide the necessary and normal project management, inspection, and testing as necessary for a complete and acceptable storm drain 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 storm drain construction.
 - C. Not to proceed with the proposed construction unless/until the proposed contractual agreement is approved by the City Council and signed by the Mayor.
3. It is further understood that the contract for construction is between Zion Place, LLC and their Contractor & Engineer and that the City of Fayetteville has no contractual obligation with either the Contractor or the Engineer. The City's only obligation shall be to participate in a contractual agreement with a not-to-exceed amount of \$128,435.00 for the storm drainage improvements.

**IN AGREEMENT WITH ALL THE TERMS AND CONDITIONS ABOVE, WE
SIGN BELOW:**

CITY OF FAYETTEVILLE

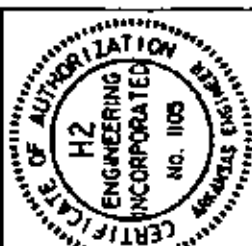
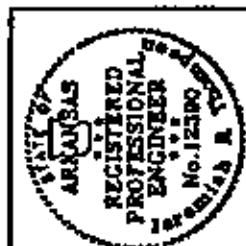
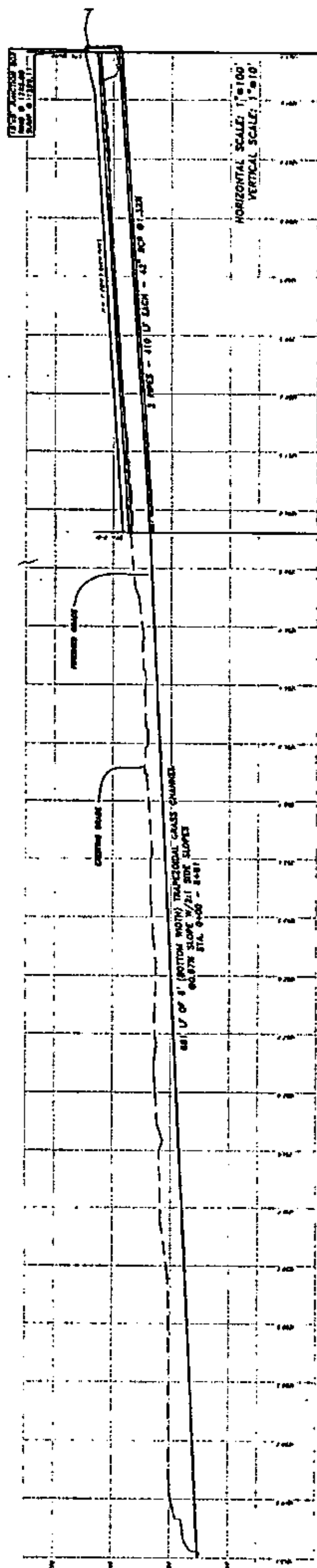
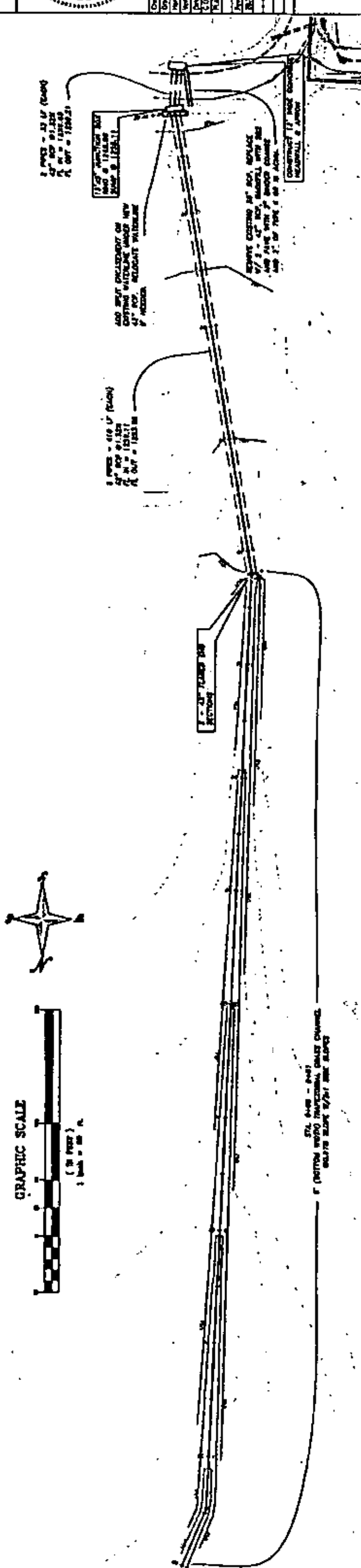
Zion Place, LLC

By: _____
DAN COODY, Mayor

By: _____

ATTEST:

By: _____
City Clerk

[illegible]

Zion Gardens - Offsite Improvements
JOHN LEA AND GREG LEE PROPERTY

ZION GARDENS OFFSITE COST

Description	Bid Quantity	Unit	Unit Price	Bid Amount
8' TRAPEZOIDAL CHANNEL (concrete btm. 3:1 side slopes)	410	LF	\$ 30.00	\$ 12,300.00
SOD	550	SY	\$ 3.75	\$ 2,062.50
24" ARCHED RCP	41	LF	\$ 48.00	\$ 1,968.00
24" ARCHED CMP F.E.S.	1	EA	\$ 550.00	\$ 550.00
REMOVE EXT. CONC. STRUCTURE & 24" CMP & REPAIR ROAD	1	EA	\$ 4,000.00	\$ 4,000.00
REMOVE EXT. 36" RCP & REPAIR ROAD	1	EA	\$ 5,500.00	\$ 5,500.00
CONCRETE HEADWALL & APRON FOR BOX CULVERT	1	EA	\$ 10,000.00	\$ 10,000.00
42" RCP (INSTALL UNDER RANDAL AND REPAIR RANDAL)	66	LF	\$ 180.00	\$ 11,880.00
15'X5' JUNCTION BOX	1	EA	\$ 10,000.00	\$ 10,000.00

Totals \$ 58,260.50

ZION GARDENS COST FOR IMPROVEMENTS TO JOHN LEA PROPERTY

Description	Bid Quantity	Unit	Unit Price	Bid Amount
8' TRAPEZOIDAL CHANNEL (concrete btm. 3:1 side slopes)	410	LF	\$ 30.00	\$ 12,300.00
SOD	550	SY	\$ 3.75	\$ 2,062.50

Totals \$ 14,362.50

TOTAL BID COST FOR IMPROVEMENTS ON JOHN LEA PROPERTY

Description	Bid Quantity	Unit	Unit Price	Bid Amount
42" RCP	820	LF	\$ 118.00	\$ 96,760.00
42" RCP FLARED END SECTION	2	EA	\$ 1,000.00	\$ 2,000.00
SOD	2800	SY	\$ 3.75	\$ 10,500.00

Totals \$ 109,260.00

TOTAL BID COST FOR IMPROVEMENTS ON JOHN LEA PROPERTY \$ 109,260.00
ZION GARDENS COST FOR IMPROVEMENTS ON JOHN LEA PROPERTY \$ 14,362.50

CITY OF FAYETTEVILLE RESPONSIBILITY FOR JOHN LEA PROPERTY \$ 94,897.50

TOTAL BID COST FOR IMPROVEMENTS ON GREG LEE PROPERTY

Description	Bid Quantity	Unit	Unit Price	Bid Amount
6' TRAPEZOIDAL CHANNEL W/ 2:1 SIDE SLOPES	881	LF	\$ 30.00	\$ 26,430.00
ROCK - STORM DRAINAGE	5	CY	\$ 100.00	\$ 500.00
SOD	1762	SY	\$ 3.75	\$ 6,607.50

Totals \$ 33,537.50

CITY OF FAYETTEVILLE RESPONSIBILITY FOR GREG LEE PROPERTY \$ 33,537.50



PC Meeting of August 22, 2005

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Planning Commission
FROM: Andrew Garner, Senior Planner
Brent O'Neal, Staff Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: July 28, 2005

R-PZD 05-1599: RESIDENTIAL PLANNED ZONING DISTRICT (ZION GARDENS, 137): Submitted by H2 ENGINEERING, INC. for property located at NW OF THE INTERSECTION OF RANDAL PLACE AND ZION ROAD. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 13.9 acres. The request is to approve the preliminary plat of a Residential Planned Zoning District with 95 townhomes, attached and detached, on the subject property.

Property Owner: MORRISS & ANN HENRY
Submitted on behalf of: ZION PLACE, LLC
Planner: ANDREW GARNER

Findings:

Property Description: The property consists of a total of 13.9 acres located west of Crossover Road and immediately northwest of the intersection of Randal Place and Zion Road. The property is mainly large open pasture with some mature trees in the southwestern corner of the property and along the property lines. The property is zoned R-O (Residential-Office) and is located adjacent to undeveloped open pasture with some scattered rural single family residences. R-O currently allows for office, studio, single family and duplex housing up to 24 units per acre.

Surrounding Land Use/Zoning:

Direction from Site	Land Use	Zoning
North	Pasture; single family residence	Residential-Agriculture (R-A)
South	Single family residences; open pasture	Residential Single Family Residences (RSF-4); Residential-Agriculture (R-A)
East	Undeveloped disturbed lot; Fayetteville Athletic Club	Residential Multi-Family 24 Units/Acre (RMF-24); Residential-Office (R-O); Neighborhood Commercial (C-1)
West	Open pasture	Residential-Agriculture (R-A)

Proposal: The applicant requests a rezoning and preliminary plat approval for a residential subdivision within a unique R-PZD zoning district. The proposed use of the site is for a single family development with 95 attached and detached townhomes. The project is designed to encourage a "neighborhood feel" by fronting the units to the streets, providing adequate sidewalks, tree-lined streets to be maintained by the property owner's association, and trees on the front and rear of alternating lots. The applicant has submitted a draft Bill of Assurance/Restrictive Covenants with specific restrictions intended to promote a traditional neighborhood including architectural, landscaping, building, and development requirements for each unit.

The applicant proposes 97 lots as follows: 76 lots (lots 1-76) to be detached single-family homes, 18 lots (lots 77-95) in the southeastern portion of the site are to be either detached or attached townhomes, and lots 96-97 will remain undeveloped for easement, open space, and tree preservation. The lots will front on the streets and have access from the rear off 16-foot public alleys (with the exception of lots 66-76 that will front the tree preservation area in the southwest corner of the site). The total density proposed is 7.5 units per acre.

To further clarify "townhome," it is a: a row house on a small lot, which has exterior limits common to other similar units. Title to the unit and its lot is vested in the individual owner with a fractional interest in common areas, if any. A **townhouse** is a home that is attached to one or more other houses, but which sits directly on a parcel of land that you also own; it is considered a single-family dwelling.

(Source: mortgagewarehousemb.com)

The following bulk and area regulations are proposed by the applicant:

ZONING CRITERIA: R-PZD 05-1599 Zion Gardens

(A) Proposed Uses.

LOTS	USE UNIT	ALLOWABLE USES
Lots 1-95	Unit 1	City-wide uses by right
Lots 1-95	Unit 2	City-wide uses by conditional use
Lots 1-95	Unit 8	Single-family dwelling
Lots 1-95	Unit 24	Home Occupations
Lots 77-95	Unit 26	Multi-Family Dwellings
Lots 96-97	No use unit allowed	Tree Preservation, Utilities, and Landscaped Area

All other uses allowed within the R-PZD zoning district shall not be permitted.

(B) Density.

Units for entire Subdivision	Number of Acres	Units Per Acre
95	13.55	7.01

Note: The property is currently zoned Residential-Office (R-O) which allows up to 24 units/acre.

(C) *Bulk and area regulations.*

	Single-family dwellings	Multi-family dwellings	Other uses (Lot 96)	Other uses (Lot 97)
Lot minimum width	20 feet minimum per dwelling/lot	20 feet minimum per dwelling/lot	200 feet minimum	585 feet minimum
Lot area minimum	3,000 SF minimum per dwelling/lot	2,200 SF minimum per dwelling/lot	1,650 SF minimum	2.2 acres
Land area per dwelling unit	Varies. Only one dwelling unit per lot permitted.	Varies. Only one dwelling unit per lot permitted.	1,650 SF minimum (or one lot)	2.2 acres

(D) *Setback requirements.*

Building setbacks vary.

Front Building Setback: 12'

Rear Building Setback: 0'

Side Building Setback: 0'. *All detached or attached townhomes permitted on these lots shall have a separation that meets building code requirements.*

(E) *Height.* Maximum 56.5' height to allow for three-story structures.

(F) *Building area.* Single-Family Attached: 75% maximum built area.

Single-Family Detached: 65 % maximum built area.

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

Access: Access is provided from Zion Road and Randal Place.

North: Stub-out to vacant property

South: From Zion Road, a Collector

East: Randal Place, a Local Street

West: Stub-out to vacant property

Interior to the project, public streets and alleys are being provided. Most are 40' rights-of-way with 24' wide streets, with one 35' right-of-way (River Birch Drive) and one 50-foot right-of-way (Lantana Lane) with a 28' wide street. Alleys are within a 20' right-of-way and are 16' in width. Sidewalks are located on both sides of each public street.

Adjacent Master Street Plan Streets: Zion Road (Collector); Randal Place (Local Street)

Street Improvements: As requested by the City, a traffic study was prepared by the applicant to address potential traffic safety and congestion as a result of the proposed project. The traffic study concluded that if Zion Road and Randal Place are improved to Master Street Plan standards, all study area intersections and roadway segments are calculated to operate at Level of Service (LOS) "D" or better.¹ The traffic study also concluded that sight distance along Zion

¹ LOS refers to the operating characteristics of road segments and intersections, with ratings starting at LOS A for a free flow traffic condition, and LOS F for a gridlock traffic condition. It is general industry standard that LOS D and higher are acceptable, however, the City of Fayetteville does not have a formalized significance threshold.

Road is acceptable. The traffic study did not address the sight distance along Randal Place.

Based on independent review of the traffic study and site visits by Staff, the following street improvements are recommended:

- ◆ Improvements to Zion Road along the project frontage to Master Street Plan standards with 34' of pavement, curb and gutter and storm drainage along the north side of the street, ending at the edge of pavement on the south side of the street, 6' sidewalk at the right-of-way along the project frontage. This creates a collector street width for this frontage, minus the curb and gutter on the south side, which will be installed by adjacent development. Alignment to be approved by City Engineering Staff.
- ◆ Improvements to Randal Road along the project frontage to Master Street Plan standards with 14' from centerline, curb and gutter, 6' sidewalk at the right-of-way, and storm drainage.

Tree Preservation: Existing: 12.3%
Preserved: 6.49%
Mitigation: Required, 137 trees on-site.

Parks: The Parks and Recreation Advisory Board recommended accepting money in lieu of land for 95 Single Family Units on June 6, 2005. The applicant is required to pay \$52,725 prior to final plat approval.

Public Comment: Staff has received comments from two adjacent property owners discussing concerns with excessive storm water increase and an increase in traffic from the project.

Recommendation: Staff recommends **R-PZD 05-1599** be forwarded to City Council with a recommendation of approval with the following conditions:

Conditions of Approval:

1. Planning Commission determination of street improvements. Staff recommends the following improvements:
 - a. Improvements to Zion Road along the project frontage to Master Street Plan standards with 34' of pavement, curb and gutter and storm drainage along the north side of the street, ending at the edge of pavement on the south side of the street, 6' sidewalk at the right-of-way along the project frontage. Alignment to be approved by City Engineering Staff.
 - b. Improvements to Randal Road along the project frontage to Master Street Plan standards with 14' from centerline, curb and gutter, 6' sidewalk at the right-of-way, and storm drainage.

PLANNING COMMISSION DETERMINED IN FAVOR OF THIS CONDITION.

2. Future subdivision signage will be permitted in accordance with standard residential

subdivision signage.

3. All development shall meet applicable building codes for separation and other ordinances of the City of Fayetteville.
4. Interior streets shall be constructed to City of Fayetteville Master Street Plan standards and specifications, with 24-foot and 28-foot wide streets (as indicated on the plat) and four-foot sidewalks on both sides, located at the right-of-way line. The proposed round-a-bout configuration shall reviewed through the construction plan review process by City Engineering to meet their approval.
5. Planning Commission determination of appropriate street width for Frontier Elm Drive that is currently proposed at 40' right-of-way. *Though a through street, staff finds this width to be adequate to allow for safe traffic movement.*

PLANNING COMMISSION DETERMINED IN FAVOR OF THIS CONDITION.

6. Based on current calculations, the developer shall be responsible for on-site mitigation to meet the Tree Preservation ordinance, in the amount of (137) 2-inch caliper large species trees. A final planting plan, maintenance and monitoring plan, and associated three-year bonds to mitigate for the removal of excess tree canopy is required prior to Final Plat. A copy of the regulations regarding on-site mitigation planting plans is included for your information.
7. Covenants and notes on the final plat that ensure the continued health and vitality of the mitigation trees shall be reviewed by the Urban Forester prior to Final Plat recordation.
8. The construction of homes on lots 66-76 shall require the ~~pier/beam~~ pier and above-grade beam foundation system as submitted with the PZD proposal, in order to count these trees as preserved. Appropriate trimming of tree limbs shall be coordinated with the Urban Forester. PLANNING COMMISSION REVISED 08/22/05
9. Street tree plantings shall be planted generally as shown on the Landscape Plan along the frontage of Zion Road and Randal Road, either in the right-of-way or within the open space along the street. Maximum spacing is to be 30 feet apart.
10. All Master Street Plan sidewalks (6') along Zion Road and Randal Place, and the 4' meandering sidewalk through the tree preservation area shall be constructed, not guaranteed, prior to signing the final plat.
11. All interior curb cuts shall be from proposed alleys.
12. The project shall comply with the zoning criteria A-F as set out in this staff report.
13. Payment of Park fees in the amount of \$52,725 shall be submitted prior to the application of signatures to the final plat.

14. Planning Commission determination of placement of retaining walls along intended street stub-outs (Lantana Lane and Frontier Elm Drive). The retaining walls shall be curved at the stub-out extension to make the future street right-of-way apparent. Additionally, signs shall be installed on both sides of the retaining walls at each stub-out indicating these two streets are intended to connect to adjacent property in the future (coordinate with Transportation Division).

PLANNING COMMISSION DETERMINED IN FAVOR OF THIS CONDITION.

15. An assessment ~~in the amount of \$3,162~~ shall be paid for the construction of the street stub-outs to the property line prior to signing the final plat subject to Engineering Division approval. This assessment includes construction costs for subbase, base, pavement, curb/gutter, and sidewalks. PLANNING COMMISSION REVISED 08/22/05
16. Off-site drainage improvements to alleviate flooding on the Lea property to the northeast of the site include the following:
 - a. The applicant shall install a 4' by 8' box culvert under Randal Place ~~with two (2) 24" underground arched pipes~~. PLANNING COMMISSION REVISED 08/22/05
 - b. Staff recommends a cost-share for the incremental cost above the cost of constructing an 8' wide trapezoidal channel with a concrete bottom and grass sides to install two (2) 42" arched pipes in order to avoid having an 8' wide above-ground channel on the Lea's property, to be installed by developer. PLANNING COMMISSION REVISED 08/22/05
17. Confirm with the Fire Department the minimum pavement width and turning radius needed to service Lots 66-76. *The applicant has met with the Fire Department and revised the alleys to a 20' width to accommodate emergency access.*
18. All sidewalk street crossings shall be reviewed and approved by the Sidewalk Administrator at the time of construction plan review.

Standard Conditions of Approval

19. 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).
20. 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.

21. Planned Zoning District approval shall be valid for one calendar year, per city ordinance.

22. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.

ADDITIONAL CONDITION RECOMMENDED BY PLANNING COMMISSION

08/22/05

23. If staff and the applicant agree that the proposed River Birch Drive can be removed from the plans, the plat shall be revised prior to City Council. If not, the plat shall stay as shown. If River Birch Drive is eliminated the Planning Commission recommends the following:

- a. Shift lots 57-65 to the south to provide additional on-street parking on the widened Alley 2 north of River Birch Drive; and

- b. Leave the existing connection between Alley 4 and Cantana Lane.**

PLANNING COMMISSION ACTION: yes Required

 Approved **Denied**

Date: August 22, 2005

Comments:

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

By

Date

Findings associated with R-PZD 05-1599

Sec. 166.06. Planned Zoning Districts (PZD).

(B) Development standards, conditions and review guidelines

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

FINDING: The proposed Planned Zoning District has been reviewed in light of all applicable development and zoning ordinances. Creating a unique subdivision with a mixture of lot sizes, housing types, and pedestrian access that are compatible with the surrounding developments, and preservation of natural features on the property has been achieved. The total density of this development is comparable to the surrounding developments, zoned RSF-4, RSF-24, and R-A; however, several lot sizes within this proposed subdivision are smaller and resemble those subdivisions within and near the downtown area. The proposal has designated all 95 buildable lots to be able to develop as single family dwellings, and 18 lots in the southeastern area near the main roadway frontages have the option of developing as single-family attached dwellings. The streets within this proposed subdivision will allow for connectivity to the currently undeveloped areas to the north and west, with direct access onto Zion Road and Randal Place to the south and west, respectively. The proposed onsite tree preservation area traversed by a meandering pedestrian path, a unique style of housing types, use units, building placement and lot pattern will benefit the health, safety, amenity and welfare of the community as a whole.

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

FINDING: Screening is not required as a part of this development.

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

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

FINDING: Internal streets are comprised of public streets and alleys. Most streets are 40 feet rights-of-way, with one 35 foot right of way (River Birch Drive) and one 50 foot right-of-way (Lantana Lane), with appropriate connectivity proposed. Lots will be accessed from the rear off of one-way public alleys with 20 feet right-of-way. This will be a unique feature among all surrounding developments and within the subdivision itself, emphasizing an older pattern of development typically seen in more traditional neighborhood developments. This feature helps create a streetscape with garages in the rear of the lot, and encourages pedestrian use along the tree-lined streets. There are no existing or planned streets to the north or west of the site. Zion Road (Collector Street) and Randal Place (Local Street) are adjacent to the south and east property lines. All proposed streets meet City design requirements. Staff finds the connectivity proposed from this property to surrounding properties adequate. Most services will access rear alleys, and have reviewed the plans accordingly.

- (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. Additionally, 16 parking spaces are planned for the southwestern corner of the subdivision.

- (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 does not provide onsite public parkland and is contributing money in lieu of land for 95 single family units. However Lot 97 is a tree preservation lot and would be traversed by a meandering sidewalk linking public sidewalks on proposed Lantana Lane and Begonia Lane, thereby providing on-site open space.

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

FINDING: Four-foot sidewalks are to be constructed on both sides of all interior streets and through the tree preservation area. Construction of six-foot sidewalks is required on the project's frontage along Zion Road and Randal Place adjacent to the subject property. Construction of these sidewalks shall be required prior to approval of the final plat.

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

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

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

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

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

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

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

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

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

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

existing City standards and shall be dedicated as a public street.

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

Paving Width
(No On-Street Parking)

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

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

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

FINDING: All public streets for the proposed development are indicated to be constructed according to the adopted standards of the City. The applicant is providing one-way 16-foot public alleys to provide access to garages in the rear of the lots.

- (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, with a total of 6.49% tree canopy preserved; the site currently has 12.3% existing tree canopy and 137 trees are required to be planted on-site for mitigation.

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

FINDING: N/A

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

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

(E) *Revocation.*

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

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

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

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

(3) *Effect.* In the event of revocation, any completed portions of the development or those portions for which building permits have been issued shall be treated to be a whole and effective development. After causes for revocation or enforcement have been corrected, the City Council shall expunge such record as established above and shall authorize continued issuance of building permits.

(F) *Covenants, trusts and homeowner associations.*

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

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

(a) The homeowner's association must be legally established before building permits are granted.

(b) Membership and fees must be mandatory for each home buyer and successive buyer.

(c) The open space restrictions must be permanent, rather than for a period of years.

(d) The association must be responsible for the maintenance of recreational and other common facilities covered by the agreement and for all liability insurance, local taxes and other public assessments.

- (e) Homeowners must pay their pro rata share of the initial cost; the maintenance assessment levied by the association must be stipulated as a potential lien on the property.

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

Sec. 161.25 Planned Zoning District

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

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

(10) Special Features. Better utilization of sites characterized by special features of geographic location, topography, size or shape.

FINDING: The proposal best fits the flexibility and variety goals of the intent of the Planned Zoning District, while also providing a development that is compatible with surrounding residential and undeveloped area, and providing a unique pedestrian access through the tree preservation area in the southwestern portion of the site. The development will offer attached and detached single family housing types, with alley access to all lots, and restrictive subdivision covenants requiring all units to meet development standards including exterior and interior architectural requirements. These development standards will result in the creation of a unique neighborhood in this area. Designated active open space is not provided onsite, however the tree preservation area in the southwest area of the site will be able to be accessed through a meandering sidewalk and available for passive recreation. 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.

Community Character:

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

Neighborhood Commercial Areas:

9.12.d Provide commercial uses that are accessible for the convenience of individuals living in residential districts.

(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 05-1599. The development standards and plan approved shall be adopted with the rezoning.

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

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

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

FINDING: The proposed Residential Planned Zoning District allows residential development in the form of single-family detached and multi-family attached while preserving many of the City-designated significant trees in the southwest corner of the site. This tree preservation area will help ensure that the development will be compatible with the rural residential community character in the vicinity. This preservation area is located along a substantial portion of the project's Zion Road frontage and will remain one of the predominant views of the site as currently seen from this public viewpoint. A general rezoning would not allow the type of development the applicant is pursuing, based on the bulk and area requirements of typical zoning districts, therefore a Planned Zoning District is more appropriate for the proposed development. The proposed subdivision allows for a density and land use that is compatible with adjacent properties, yet also allows for a flexible site plan and layout. A compatible relationship with surrounding development and land uses to the south and east, and potential development to the north and west is achieved, while allowing for a unique style and type of development. Public improvements provided within the development will ensure future street connectivity and extension of public services to adjacent undeveloped properties.

(2) Permitted uses.

- Unit 1 City-wide uses by right
 - Unit 2 City-wide uses by conditional use permit
 - ~~Unit 3 Public protection and utility facilities~~
 - ~~Unit 4 Cultural and recreational facilities~~
 - ~~Unit 5 Government facilities~~
 - Unit 8 Single-family dwellings
 - ~~Unit 9 Two-family dwellings~~
 - ~~Unit 10 Three-family dwellings~~
 - ~~Unit 12 Offices, studios and related services~~
 - ~~Unit 13 Eating places~~
 - ~~Unit 15 Neighborhood shopping~~
 - ~~Unit 19 Commercial recreation, small sites~~
 - Unit 24 Home occupations
 - ~~Unit 25 Professional offices~~
 - Unit 26 Multi-family dwellings*
- * Lots 77-95 only

FINDING: The proposed Use Units are permitted uses within a Residential Planned Zoning District.

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

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

***Required Findings for Rezoning Request.**

RECOMMENDATION: Staff recommends approval of the rezoning request from R-O, to R-PZD 05-1599, with the adoption of the associated preliminary plat.

LAND USE PLAN: The General Plan 2020 Future Land Use Plan designates this site as an Office Area. The area surrounding three sides of the site is designated as Residential Area, with the area immediately east also designated as Office. Rezoning this property to R-PZD 05-1599, with associated Preliminary Plat, is not consistent with the land use plan for the site, however it is compatible with future designated land uses consisting of office and residential uses.

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-O property to the proposed R-PZD development for single family residential use with development of detached/single family and multi-family townhomes at a density of 7.5 units

per acre is not entirely consistent with the General Plan 2020 that identifies this area for Office use. However the proposed residential uses and density are generally compatible with R-O uses intended to provide office and compatible residential uses with an allowed density of 4-24 units/acre. The proposed rezoning would not be a substantial change in the planned character of the community. The applicant also proposes home occupation uses to be allowed on all lots.

The proposed land use is unique to the area with regard to site layout and organization, meeting many of the objectives and principles of the land use plan that promotes unique forms of development. Compatibility with adjacent R-A zoning district to the north and west has been achieved by limiting the smaller multi-family lots to the southeast area of the property, adjacent to Zion Road and Randal Place. As with all new development, the project would introduce a more intense use than currently exists in this mainly undeveloped area. However, the proposed subdivision would be compatible with the density and planned use of the vicinity for Office and Residential use. Services currently being offered in the area, including office, commercial, restaurant and recreation, both support and would be supported by the proposed development. This project would help accommodate planned growth in the City of Fayetteville.

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: Public comment has been received from adjacent property owners discussing a dangerous traffic condition, a blind curve, along Randal Place adjacent to the northeastern exit on the site. In response to that concern, the plan was revised to designate the alley at the northeast portion as an exit only. This limits the potentially dangerous left turn into the subdivision around the Randal Place curve. Additionally, at the City's request a traffic study was conducted by Peters & Associates Engineers, Inc. to analyze traffic danger and congestion and street improvement issues². The traffic study concluded that there is adequate sight distance along Zion Road but did not analyze Randal Place. The traffic study assessed potential street improvements that would be required as a result of this project. The study concluded that with improvements to Zion Road and Randal Place to Master Street Plan standards along the project frontage, traffic generated by this project would

² Peters & Associates Engineers, Inc. 2005. Traffic Study Zion Gardens Residential Subdivision. August 15.

not appreciably increase traffic congestion.

With improvements to Zion Road and Randal Place to Master Street Plan standards, the proposed zoning will not create or appreciable increase traffic danger or congestion on surrounding streets.

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 development would create, on average, 209 future residents in this area, thereby altering the population density in the immediate vicinity. As this area is planned for Office use with a potential density of 4-24 residential units per acre, and the proposed zoning would result in approximately 7 units per acre, the population growth from this site is less than anticipated. Therefore, staff finds that an undesirable increase in load on public services would not be created as a direct result of this proposed development. Public services currently service subdivisions mainly to the south. The closest elementary school in the City of Fayetteville appears to be Butterfield Elementary School located at 3050 Old Missouri Road, approximately 1.5-2.0 miles south of the project site.

Engineering: **Water:** Public water is adjacent to the site. There is a 12" waterline along Zion Road and an 8" waterline along Randal Place. This development shall make water available for future development to the north and west through stub-outs. Water service shall be extended to the property at the time of development. Minimum size of new water mains is 8". No long range improvements to the water distribution system are planned at this time for this area.

Sewer: The site has access to sanitary sewer through an existing 8" sewerline along Zion Road.

Streets: Currently the site has access to Zion Road (a Collector Street) and Randal Place (a Local Street). Road improvements required include:

- (1) Improvements to Zion Road along the project frontage to Master Street Plan standards with 34' of pavement, curb and gutter and storm drainage along the north side of the street, ending at the edge of pavement on the south side of the street, 6' sidewalk at the right-of-way along the project frontage. Alignment to be approved by City Engineering Staff.
- (2) Improvements to Randal Road along the project frontage to Master Street Plan standards with 14' from centerline, curb and gutter, 6' sidewalk at the right-of-way, and storm drainage.

Drainage: Drainage from the site mostly flows overland to the east to a

ditch line, then northward to Lake Fayetteville. Public comment from a property owner immediately east of the site discussed existing problems with storm water runoff that are not related to this development specifically. However, future development on this site would likely exacerbate the problem. The applicant has agreed to help improve the existing storm water runoff problem in coordination with City Engineering staff by replacing the existing culvert at 2770 East Randal Place with an improved drainage system. The City Council will review a cost-share agreement to pay a portion of the cost for these drainage improvements. This will help alleviate a localized drainage problem in this area that would have been aggravated by the proposed development.

Police: It is the opinion of the Fayetteville Police Department that this rezoning would cause additional traffic congestion, based on existing traffic environment and anticipated growth, without improvements to Zion Road. Accordingly, staff is recommending the developer be responsible for constructing a Collector Street at its full width along the property frontage.

Fire: The subject property is located approximately 2.4 miles from the Fire Station No. 4. Response time to the property is 7 minutes with a projected response time at full build-out to be approximately 7.5 minutes with 22 annual calls for service.

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

LAND USE PLAN: General Plan 2020 designates this site Residential. Rezoning this property to R-PZD 04-1307 with multi-family/townhouse dwelling units is consistent with the land use plan and compatible with surrounding land uses and density in the area.

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.

(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.

(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.

(2) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Professional offices
Unit 26	Multi-family dwellings

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

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

15-Aug-06
City Council Meeting Date

Sid Norbash, Staff Engineer
Submitted By

Engineering
Division

Operations
Department

Action Required:

Approval of: (1) The Construction Contract with **Crossland Heavy, Inc.** in the amount of **\$908,710.00** for **24" Water Main Replacement Project (W. Custer Ln. / Morningside Dr.)** (2) A project Contingency in the amount of \$90,000. (3) The related Budget Adjustment in the amount of \$241,700.

\$998,710.00
Cost of this request
5400-5600-5808-00
Account Number
05040
Project Number

\$882,800
Category/Project Budget
\$105,590
Funds Used to Date
\$777,210
Remaining Balance

24" Water Main Replacement Relocation Project
Program Category / Project Name
Water System Improvements
Program / Project Category Name
Water & Sewer
Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☒

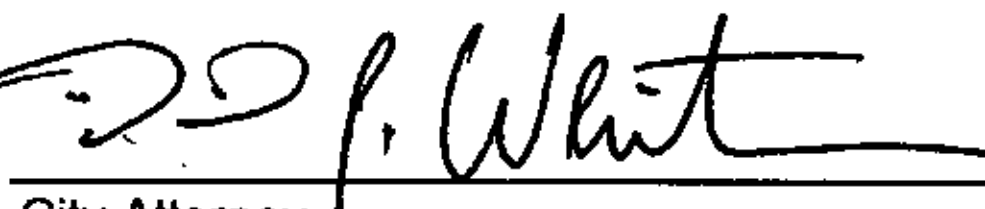

Department Director

7-28-06
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:


City Attorney

7/31/06
Date


Finance and Internal Service Director

7/28/06
Date

Received in City Clerk's Office

ENTERED
7/28/06
abys

Received in Mayor's Office

ENTERED
7/31/06
7/11

Mayor

Date

Comments:



City Council Meeting Date: August 15, 2006

The City of Fayetteville, Arkansas

City Council Agenda Memo

To: CITY COUNCIL

Thru: Mayor Dan Coody
Gary Dumas, Director of Operations
David Jurgens, Water & Wastewater Director
Ron Petrie, City Engineer

From: Sid Norbash, Staff Engineer

Date: July 27, 2006

Subject: 24-inch Water Main Replacement Project (W. Custer Ln. / Morningside Dr.)
Award of Construction Contract

Recommendation:

Approval of a Resolution authorizing the award of the construction contract to Crossland Heavy Contractors, Inc., in the amount of \$908,710.00, for 24-inch Water Main Replacement Project. Also approval of a Project Contingency in the amount of \$90,000 (10%), and the related Budget Adjustment in the amount of \$241,700.

Background:

This project is identified in the 2002-2006 Capital Improvement Program and scheduled for construction in 2006.

This portion of the 24" waterline was installed in 1979. The pipe is unwrapped ductile iron, which has experienced several large leaks, due to external corrosion. Portions of this main are located in close proximity of some homes, which presents risk of flooding. A shed has already been destroyed, along with some minor damages to some residents and yards.

Discussion:

This project was advertised in July 2006, and official bids were received on July 26, 2006.

Five bidders submitted bids and the results are as follows:

Crossland Heavy Contractors, Inc	\$ 908,710.00 (Low Bid)
C-2 Projects, LLC	\$ 926,267.00
Goodwin & Goodwin, Inc	\$ 755,555.00
Kraus Construction Co., LLC	\$1,039,400.00
Franks Construction, Inc.	\$1,140,500.00
McGoodwin, Willams & Yates Est.	\$1,100,000.00

As part of the East side line improvements, a proposed 42" sewer line will cross the existing 24" water main. There is a grade conflict at this point between the water line and the sewer line. Per request of David Jurgens an additional 1000 feet of the existing 24" water line is scheduled to be replaced and installed at a lower elevation to accommodate the new 42" sewer line. This adjustment as part of this contract will simplify construction as well as reduce the cost of the 42" sewer line construction.

Budget Impact:

Budget Division has prepared the following details on budget impact:

The 2006 Capital Improvements Program (CIP) project budget included \$1,074,500 for the 24 Inch Water Line Replacement capital project. The budget contained 2005 existing funds from the Water Lines As Needed project (\$285,500) and was supplemented with 2006 funds (\$789,000).

Project Budget:

- 2006 Project Budget (24 Inch Water Line Replacement)	\$ 789,000
- 2005 Funds (Water Line As Needed)	285,500
Total Project Budget Available	<u>\$ 1,074,500</u>

Estimated Project Cost:

- Engineering	\$ 104,800
- Construction Contract	908,710
- Contingency (10%)	90,000
- Easements	15,000
- Engineering Contra	5,990
Total Estimated Project Cost	<u>\$ 1,124,500</u>

Funds Needed:	\$ 50,000
---------------	-----------

A budget adjustment is attached that will combine the remaining \$191,700 from the Water Lines As Needed capital project and will add the additional \$50,000 from the Sanitary Sewer Rehabilitation capital project. An increase in the project scope was due to improvements that are made to the Sanitary Sewer system.

SN/sn

Attachments: Construction Contract
Vicinity Map
Bid Tabulation Sheets & McGoodwin's Memo
Budget Adjustment

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONTRACT WITH
CROSSLAND HEAVY CONTRACTORS, INC. IN THE AMOUNT
OF \$908,710.00 FOR 24" WATER MAIN REPLACEMENT
PROJECT (W. CUSTER LANE/MORNINGSIDE DRIVE);
APPROVING A PROJECT CONTINGENCY IN THE AMOUNT OF
\$90,000.00; AND APPROVING A BUDGET ADJUSTMENT IN THE
AMOUNT OF \$214,700.00.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas
hereby approves a Contract with Crossland Heavy Contractors, Inc. in the
amount of \$908,710.00 for 24" Water Main Replacement Project (W. Custer
Lane/Morningside Drive). A copy of the Contract, marked Exhibit "A," is
attached hereto and made a part hereof.

Section 2. That the City Council of the City of Fayetteville, Arkansas
hereby approves a Project Contingency in the amount of \$90,000.00.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby
approves a Budget Adjustment in the amount of \$214,700.00.

PASSED and APPROVED this 15th day of August, 2006

ATTEST

By: _____
SONDRA SMITH, City Clerk

APPROVED

By: _____
DAN COODY, Mayor

DRAFT

AGREEMENT

THIS AGREEMENT is dated as of the _____ day of _____
in the year _____ by and between _____ the City of Fayetteville, Arkansas

(hereinafter called OWNER) and
Crossland Heavy Contractors, Inc. of Columbus, Kansas
(hereinafter called CONTRACTOR).

Owner and Contractor, in consideration of the mutual covenants hereinafter set forth,
agree as follows:

Article 1. WORK

Contractor shall complete all Work as specified or indicated in the Contract Documents.
The Work is generally described as follows:

24-Inch Water Main Replacement: West Custer Street and Morningside
Drive Areas, and all associated items of work, which consists of all items as
set out in the Bid, these Specifications and Plans No. Fy-332, dated June
2006, including all work required for a complete installation.

Article 2. ENGINEER

The Project has been designed by McGoodwin, Williams and Yates, Inc., who is
hereinafter called Engineer and who is to act as Owner's representative, assume all
duties and responsibilities and have the rights and authority assigned to Engineer in the
Contract Documents in connection with completion of the Work in accordance with the
Contract Documents.

Article 3. CONTRACT TIMES

3.1 The Work will be substantially completed within ninety (90) days after the date
when the Contract Times commence to run as provided in paragraph 2.3 of the General
Conditions, and completed and ready for final payment in accordance with paragraph
14.13 of the General Conditions within one hundred (100) days after the date when the
Contract Times commence to run. These Contract Times include delays for normal
(average) weather-related events, such as rain, snow, and freezing temperatures which
may affect the progress of the construction in the following amounts on a per-month basis
as hereinafter set out. Only weather-related delays in excess of these amounts will be
considered for time extensions, if requested by the Contractor.

**Days Included in Contract Times
for Normal Weather-Related Events
(On A Monthly Basis)**

January	11
February	9
March	8
April	8
May	8
June	8
July	5
August	6
September	6
October	6
November	6
December	9

The Contractor shall include within the Contract Times the respective number of days (as shown above for each month during the Contract) for normal weather-related events which may cause delays in the progress of the Work, and place a sufficient work force on the project to ensure completion of the Work within the Contract Times.

3.2 Liquidated Damages. Owner and Contractor recognize that time is of the essence of this Agreement and that Owner will suffer financial loss if the Work is not completed within the times specified in paragraph 3.1 above, plus any extensions thereof allowed in accordance with Article 12 of the General Conditions. They also recognize the delays, expense and difficulties involved in proving the actual loss suffered by Owner if the Work is not completed on time. Accordingly, instead of requiring any such proof, Owner and Contractor agree that as liquidated damages for delay (but not as a penalty) Contractor shall pay Owner five hundred dollars (\$500.00) for each day that expires after the time specified in paragraph 3.1 for Substantial Completion until the Work is substantially complete. After Substantial Completion, if Contractor shall neglect, refuse or fail to complete the remaining Work within the time specified in paragraph 3.1 for completion and readiness for final payment or any proper extension thereof granted by Owner, Contractor shall pay Owner five hundred dollars (\$500.00) for each day that expires after the time specified in paragraph 3.1 for completion and readiness for final payment.

Article 4. CONTRACT PRICE

Owner shall pay Contractor for completion of the Work in accordance with the Contract Documents an amount in current funds for the performance of the Contract in accordance with the accepted Bid therefor, subject to additions and deductions, as provided in the Specifications, for unit and lump sum prices in the Bid; the total sum being

Nine Hundred Eight Thousand Seven Hundred Ten and no/100	(\$ 908,710.00)
(use words)	(figures)

As provided in paragraph 11.9 of the General Conditions estimated quantities are not guaranteed, and determinations of actual quantities and classification are to be made by

Engineer as provided in paragraph 9.10 of the General Conditions. Unit prices have been computed as provided in paragraph 11.9.2 of the General Conditions.

Article 5. PAYMENT PROCEDURES

Contractor shall submit Applications for Payment in accordance with Article 14 of the General Conditions. Applications for Payment will be processed by Engineer as provided in the General Conditions.

5.1 Progress Payments; Retainage. Owner shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment as recommended by Engineer, on or about the 15th day of each month during construction as provided in paragraphs 5.1.1 and 5.1.2 below. All such payments will be measured by the schedule of values established in paragraph 2.9 of the General Conditions (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements.

5.1.1 Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in each case, less the aggregate of payments previously made and less such amounts as Engineer shall determine, or Owner may withhold, in accordance with paragraph 14.7 of the General Conditions.

90% of Work completed (with the balance being retainage). If Work has been 50% completed as determined by Engineer, and if the character and progress of the Work have been satisfactory to Owner and Engineer, Owner, on recommendation of Engineer, may determine that as long as the character and progress of the Work remain satisfactory to them, there will be no additional retainage on account of Work completed, in which case the remaining progress payments prior to Substantial Completion will be in an amount equal to 95% of the Work completed.

100% of materials and equipment not incorporated in the Work (but delivered, suitably stored and accompanied by documentation satisfactory to Owner as provided in paragraph 14.2 of the General Conditions).

5.1.2 Upon Substantial Completion, in an amount sufficient to increase total payments to Contractor to 95% of the Contract Price (with the balance being retainage), less such amounts as Engineer shall determine, or Owner may withhold, in accordance with paragraph 14.7 of the General Conditions.

5.2 Final Payment. Upon final completion and acceptance of the Work in accordance with paragraph 14.13 of the General Conditions, Owner shall pay the remainder of the Contract Price as recommended by Engineer as provided in said paragraph 14.13.

Article 6. CONTRACTOR'S REPRESENTATIONS

In order to induce Owner to enter into this Agreement, Contractor makes the following representations:

6.1 Contractor has examined and carefully studied the Contract Documents (including the Addenda listed in paragraph 7 and the other related data identified in the Bidding Documents including "technical data."

6.2 Contractor has visited the site and become familiar with and is satisfied as to the general, local and site conditions that may affect cost, progress, performance or furnishing of the Work.

6.3 Contractor is familiar with and is satisfied as to all federal, state and local Laws and Regulations that may affect cost, progress, performance and furnishing of the Work.

6.4 Contractor has carefully studied all reports of explorations and tests of subsurface conditions at or contiguous to the site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the site (except Underground Facilities) which have been identified in the Supplementary Conditions as provided in paragraph 4.2.1 of the General Conditions. Contractor accepts the determination set forth in paragraph SC-4.2 of the Supplementary Conditions of the extent of the "technical data" contained in such reports and drawings upon which Contractor is entitled to rely as provided in paragraph 4.2 of the General Conditions. Contractor acknowledges that such reports and drawings are not Contract Documents and may not be complete for Contractor's purposes. Contractor acknowledges that Owner and Engineer do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Contract Documents with respect to Underground Facilities at or contiguous to the site. Contractor has obtained and carefully studied (or assumes responsibility for having done so) all such additional supplementary examinations, investigations, explorations, tests, studies and data concerning conditions (surface, subsurface and Underground Facilities) at or contiguous to the site or otherwise which may affect cost, progress, performance or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences and procedures of construction to be employed by Contractor and safety precautions and programs incident thereto. Contractor does not consider that any additional examinations, investigations, explorations, tests, studies or data are necessary for the performance and furnishing of the Work at the Contract Price, within the Contract Times and in accordance with the other terms and conditions of the Contract Documents.

6.5 Contractor is aware of the general nature of Work to be performed by Owner and others at the site that relates to the Work as indicated in the Contract Documents.

6.6 Contractor has correlated the information known to Contractor, information and observations obtained from visits to the site, reports and drawings identified in the Contract Documents and all additional examinations, investigations, explorations, tests, studies and data with the Contract Documents.

6.7 Contractor has given Engineer written notice of all conflicts, errors, ambiguities or discrepancies that Contractor has discovered in the Contract Documents and the written resolution thereof by Engineer is acceptable to Contractor, and the Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

Article 7. CONTRACT DOCUMENTS

The Contract Documents which comprise the entire agreement between Owner and Contractor concerning the Work consist of the following:

- 7.1 This Agreement.
- 7.2 Exhibits to this Agreement.
- 7.3 Performance, Payment and other Bonds.
- 7.4 Notice to Proceed.
- 7.5 General Conditions.
- 7.6 Supplementary Conditions.
- 7.7 Specifications consisting of divisions and sections as listed in the Table of Contents.
- 7.8 Drawings consisting of 15 sheets.
- 7.9 Addenda numbers ____ to 1, inclusive.
- 7.10 Contractor's bid.
- 7.11 Documentation submitted by Contractor prior to Notice of Award.
- 7.12 The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto: All Written Amendments and other documents amending, modifying or supplementing the Contract Documents pursuant to paragraphs 3.5 and 3.6 of the General Conditions.

The documents listed in paragraphs 7.2 et seq. above are attached to this Agreement (except as expressly noted otherwise above).

There are no Contract Documents other than those listed above in this Article. The Contract Documents may only be amended, modified or supplemented as provided in paragraphs 3.5 and 3.6 of the General Conditions.

Article 8. MISCELLANEOUS

8.1 Terms used in this Agreement which are defined in Article 1 of the General Conditions will have the meanings indicated in the General Conditions.

8.2 The Contractor and all Subcontractors shall pay not less than the minimum prevailing hourly wage rates as found by the Arkansas Department of Labor or as determined by the Court on Appeal to all workmen performing work under the Contract.

8.3 No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

8.4 Owner and Contractor each binds itself, its partners, successors, assigns and legal representatives to the other party hereto, its partners, successors, assigns and legal representatives in respect to all covenants, agreements and obligations contained in the Contract Documents.

8.5 Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon Owner and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

IN WITNESS WHEREOF, Owner and Contractor have signed this Agreement. One counterpart each has been delivered to Owner, Contractor and Engineer. All portions of the Contract Documents have been signed, initialed or identified by Owner and Contractor or identified by Engineer on their behalf.

This Agreement will be effective on _____,
(which is the Effective Date of the Agreement).

OWNER:

CITY OF FAYETTEVILLE, ARKANSAS

By: _____

Dan Coody, Mayor
[Corporate Seal]

Attest _____

Sondra Smith, City Clerk
Address for Giving Notices

113 West Mountain

Fayetteville, AR 72701

CONTRACTOR:

CROSSLAND HEAVY CONTRACTORS, INC.

By: _____

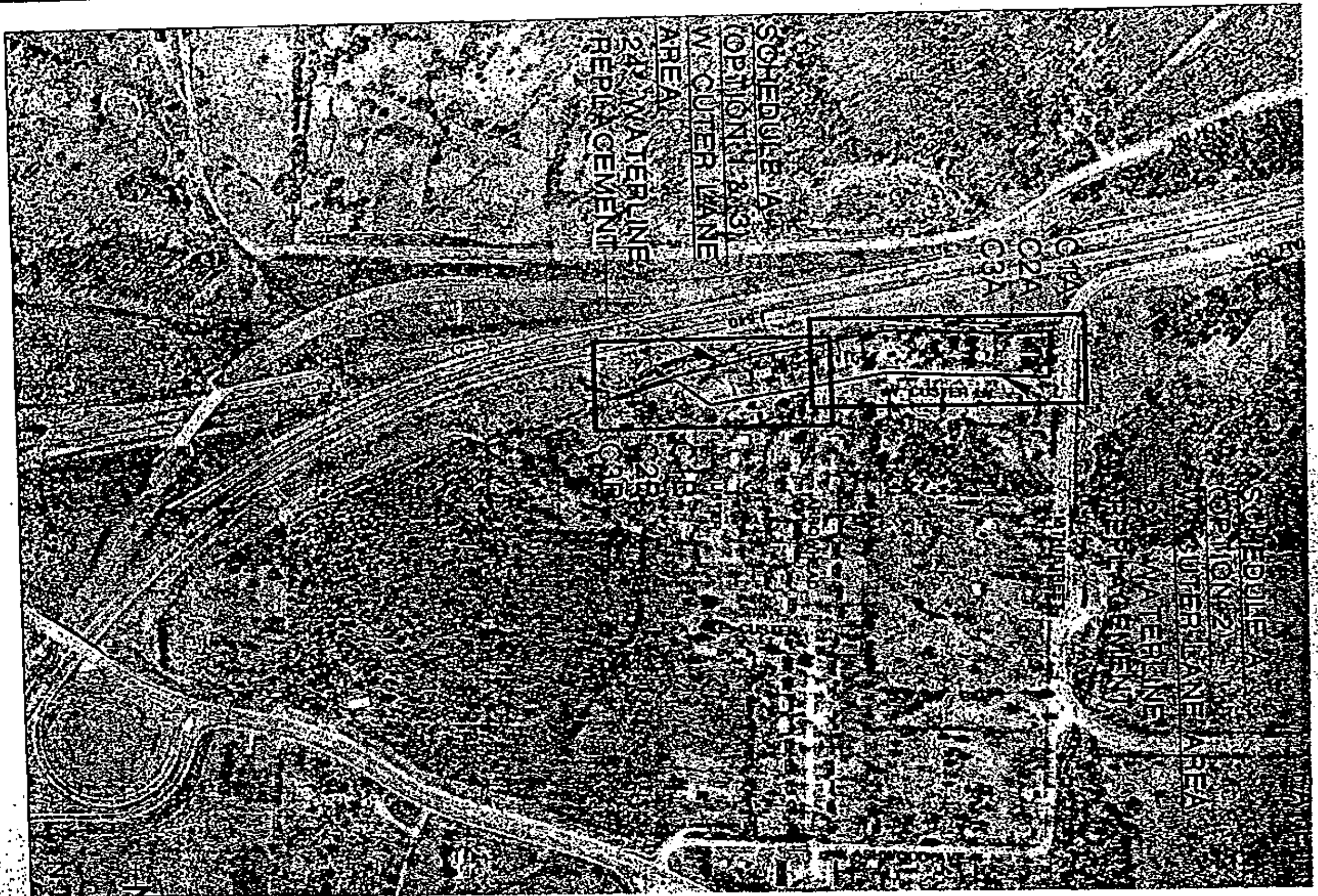
Mark Sell, President
[Corporate Seal]

Attest _____

Address for Giving Notices

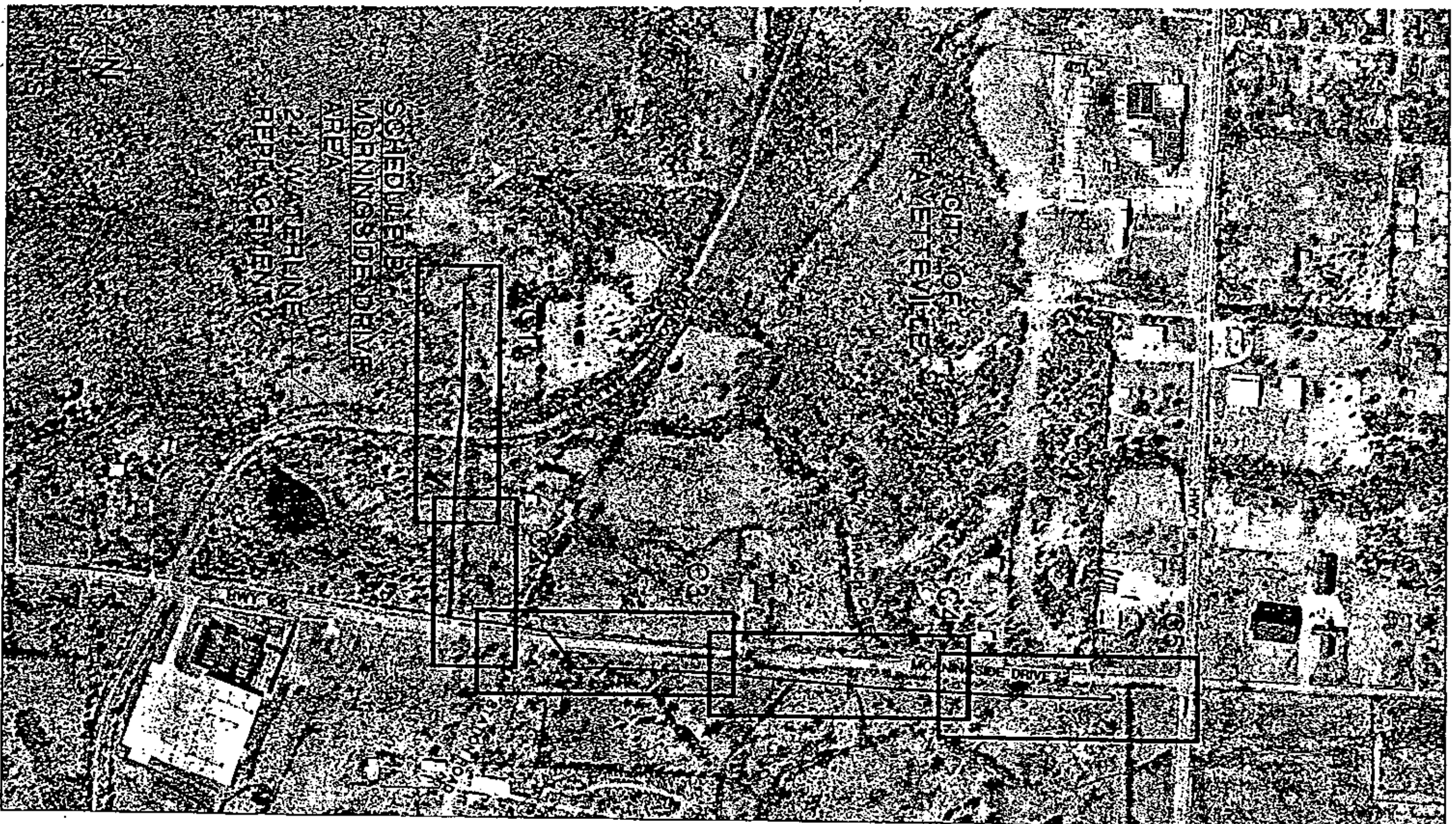
Post Office Box 350

Columbus, KS 66725



LEGEND

- XX GATE VALVE
- XX GATE VALVE
- XX FIRE HYDRANT
- XX WATER METER
- XX OPEN HOLE W/NOON CITY
- XX TIEBACK POLE



CITY OF FAYETTEVILLE, ARKANSAS 2006 - 2010 CAPITAL IMPROVEMENTS PROGRAM PROJECT DETAIL

PROJECT TITLE:	24 Inch Water Line Replacement
REQUESTING DIVISION:	Water & Sewer Maintenance
FUNDING SOURCE:	Water & Sewer Fund
PROJECT CATEGORY:	Water & Sewer Improvements
CATEGORY PRIORITY:	3

<u>PROJECT COST</u>	
2006	\$ 789,000
2007	0
2008	0
2009	0
2010	0
	<u>\$ 789,000</u>

PROJECT TYPE: REPLACEMENT Y EXPANSION _____

PROJECT DESCRIPTION AND JUSTIFICATION:

This project will replace 2,500' of existing 24" water main on West Custer Lane south of 18th Street and 2,500' of existing 24" water main parallel to and running west from Morningside Drive near 15th Street. The existing line has experienced a number of major leaks due to external corrosion and averages six leaks per year. The line runs in backyards, within 20 feet and uphill from some homes. If not replaced, the line presents a risk of flooding these homes. The cost estimate is based on the September 2005 report from McGoodwin, Williams, and Yates.

PROJECT SCHEDULING & STATUS (IF IN PROGRESS):

Preliminary design is complete and the contract for final design has been awarded to McGoodwin, Williams, and Yates. Estimate for all work is \$1,074,000, of which \$285,000 will be funded from the 2005 Water Lines As Needed project (number 04020).

EFFECT OF THE PROJECT ON ANNUAL OPERATIONS:

This project will reduce the number of major water leaks by six per year.



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

B. 5
Crossland Heavy Contractors, Inc
Page 14 of 20

Budget Year 2006	Department: Operations Division: Water & Sewer Maintenance Program: Capital Water Mains	Date Requested 7/28/2006	Adjustment Number
----------------------------	---	------------------------------------	-------------------

Project or Item Added/Increased: \$241,700 is requested in the 24 inch Water Line Replacement capital project.	Project or Item Deleted/Reduced: \$191,700 from the Water Line Projects As Needed capital project. \$50,000 from the Sanitary Sewer Rehabilitation capital project.
--	--

Justification of this Increase: The additional budget is needed to cover the cost of construction for the project.	Justification of this Decrease: The 2006 original project budget stated that funds will be used from the Water Line Projects As Needed capital project. \$161,000 of the contract for the project is related to improvements made to the Sanitary Sewer System.
--	--

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Water line improvements	5400	5600	5808	00	241,700	05040	1

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Water line improvements	5400	5600	5808	00	191,700	04020	1
Sewer improvements	5400	5700	5815	00	50,000	02017	1

Approval Signatures

Budget Office Use Only

Requested By	Date
	7-28-06
Budget Manager	Date
Department Director	Date
	7/28/06
Finance & Internal Services Director	Date
Mayor	Date

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



McGoodwin Williams & Yates
Engineering Confidence

July 27, 2006

Mayor Dan Coody
Members of the City Council
City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701

Re: Recommendation of Award
24-Inch Water Main Replacement
(West Custer Street and Morningside Drive Areas)
Fayetteville, Arkansas
Project No. Fy-332

Dear Mayor Coody and Council:

As you are aware, bids were received July 26, 2006, for the above referenced project. The low bid was submitted by Crossland Heavy Contractors, Inc. of Columbus, Kansas in the amount of \$908,710.00. Five bids were received, and the bid totals are shown below:

	<u>Bid Totals</u>
Crossland Heavy Contractors, Inc.	\$ 908,710.00
C-2 Projects, LLC	\$ 926,267.00
Goodwin & Goodwin, Inc.	\$1,039,400.00
Kraus Construction Co., LLC	\$1,080,370.00
Franks Construction, Inc.	\$1,140,500.00

A copy of the certified bid tabulation is included for your reference, along with a copy of the list of persons attending the bid opening. Our construction cost estimate on this project, for the chosen bid option, prior to receipt of bids was approximately \$1.0 million.

We have reviewed the Statement of Bidders Qualifications submitted by Crossland Heavy Contractors, and based upon the information provided, believe them to be qualified for this project. Crossland Heavy Contractors has been in business for 13 years doing general heavy construction. They list numerous jobs on-hand (primarily in Arkansas and Oklahoma) in the approximate amount of \$53.5 million to be completed in 2006-2007. Recent contracts they have completed which are of similar size to your project include the Wedington Drive Waterline for the City of Fayetteville for \$1.59 million, and the Highway 62 Waterline Replacement project for the Washington Water Authority for \$1.88 million.

While we have no way of verifying the present financial condition of Crossland Heavy Contractors, the contract documents require the furnishing of 100 percent performance and payment bonds prior to authorization of the notice to proceed of construction.

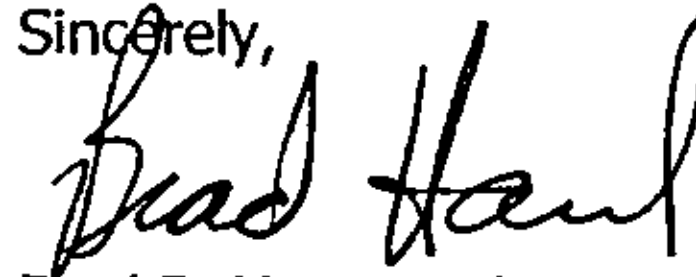
Mayor Dan Coody
Members of the City Council
July 27, 2006
Page 2

Therefore, we recommend that the City Council award this contract to Crossland Heavy Contractors, Inc. in the amount bid of \$908,710.00. We trust the Council will concur in this recommendation.

The contract documents require substantial completion of the project within 90 days and full completion and ready for final payment within 100 calendar days from the date of the issuance of the notice to proceed.

If you have any questions or need any additional information, please let us know.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Hammond", written over the printed name.

Brad B. Hammond, P. E.
President

BBH:sc
Enclosures



McGoodwin Williams & Yates
Engineering Confidence
909 Rolling Hills Drive • Fayetteville, Arkansas • 72703
Phone: (479) 443-3404 • Fax: (479) 443-4340

TABULATION OF BIDS RECEIVED JULY 26, 2006
24-INCH WATER MAIN REPLACEMENT
WEST CUSTER STREET AND MORNINGSIDE DRIVE AREAS
FOR
CITY OF FAYETTEVILLE, ARKANSAS

PLANS NO. Fy-332 PLANS DATED: JUNE 2006

Company		Crossland Heavy Contractors, Inc.		C2 Projects, Inc.		Goodwin & Goodwin, Inc.	
Arkansas License No.		0067301106		0155810407		0016960407	
Address:		P.O. Box 350		334 E. Kearney, PMB 225		3503 Free Ferry Rd.	
City/State:		Columbus, KS 66725		Springfield, MO 65803		Fort Smith, AR 72803	
Item No.	Estimated Quantity	Description		Unit Price	Total Amount	Unit Price	Total Amount
SCHEDULE A - WEST CUSTER STREET AREA							
Option 1 - Removal and Replacement of Existing Waterline							
1.1	Lump Sum	Removal & Replacement of Existing Waterline		0.00	0.00	0.00	0.00
1.2	Lump Sum	Trench or Safety Excavation System		0.00	0.00	0.00	0.00
TOTAL BID - OPTION 1				No Bid	No Bid	No Bid	No Bid
Option 2 - Construct Parallel Waterline							
2.1	Lump Sum	Construct Parallel Waterline		0.00	0.00	255,465.00	255,465.00
2.2	Lump Sum	Trench or Safety Excavation System		0.00	0.00	2,500.00	2,500.00
TOTAL BID - OPTION 2				No Bid	\$257,965.00	No Bid	No Bid
Option 3 - Sliplining and Partial Reconstruction							
3.1	Lump Sum	Sliplining & Reconstruction of Existing Waterline		265,750.00	265,750.00	0.00	214,700.00
3.2	Lump Sum	Trench or Safety Excavation System		3,000.00	3,000.00	0.00	5,000.00
TOTAL BID - OPTION 3				\$268,750.00	No Bid	No Bid	\$219,700.00
SCHEDULE B - MORNINGSIDE DRIVE AREA							
1.	3,720 L.F.	24" Dia. Ductile Iron Pipe Class 200 Water Line		93.00	345,960.00	103.50	385,020.00
2.	8,000 Lbs.	Compact Ductile Iron Pipe Fittings		5.50	44,000.00	5.90	47,200.00
3.	3 Ea.	24" Butterfly Valves		8,000.00	24,000.00	7,500.00	22,500.00
4.	5 Ea.	Fire Hydrant and Valve Assemblies		2,200.00	11,000.00	3,350.00	16,750.00
5.	500 C.Y.	Crushed Stone for Undercut		34.00	17,000.00	6.50	3,250.00
6.	Lump Sum	36" Encasement, State Highway Bore		51,400.00	51,400.00	56,165.00	54,000.00
7.	Lump Sum	36" Encasement, Town Branch Bore		42,000.00	42,000.00	46,000.00	46,000.00
8.	Lump Sum	36" Encasement, Bore under Sewer		26,400.00	26,400.00	30,430.00	30,430.00
9.	300 C.Y.	Rock Excavation		175.00	52,500.00	150.00	45,000.00
10.	Lump Sum	8" Water Line Reconnection		6,000.00	6,000.00	4,687.00	4,687.00
11.	1 Ea.	Connection to Existing System		2,200.00	2,200.00	1,500.00	1,500.00
12.	2 Ea.	Connections to Existing 24" System		6,500.00	13,000.00	2,400.00	4,800.00
13.	Lump Sum	Trench or Safety Excavation System		4,500.00	4,500.00	5,000.00	110,000.00
TOTAL BID, SCHEDULE B				\$639,960.00	\$668,302.00		\$819,700.00
TOTAL BID, SCHEDULES A AND B				\$908,710.00	\$926,267.00		\$1,039,400.00

*Mathematical Error Corrected by Engineer

Company Information			Klaus Construction Corp. LLC			Franks Construction, Inc.		
Arkansas License No.			024810407			0016920407		
Address			P. O. Box 5170			P. O. Box 1049		
City/State			Fort Smith, AR 72913			Mountain View, AR 72560		
Item No.	Estimated Quantity	Description	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
SCHEDULE A - WEST CUSTER STREET AREA								
<i>Option 1 - Removal and Replacement of Existing Waterline</i>								
1.1	Lump Sum	Removal & Replacement of Existing Waterline		280,000.00	0.00	280,000.00	0.00	0.00
1.2	Lump Sum	Trench or Safety Excavation System		1,000.00	1,000.00	1,000.00	0.00	0.00
TOTAL BID - OPTION 1						\$281,000.00		No Bid
<i>Option 2 - Construct Parallel Waterline</i>								
2.1	Lump Sum	Construct Parallel Waterline		0.00	0.00	0.00	596,000.00	596,000.00
2.2	Lump Sum	Trench or Safety Excavation System		0.00	0.00	0.00	500.00	500.00
TOTAL BID - OPTION 2						No Bid		\$596,500.00
<i>Option 3 - Sliplining and Partial Reconstruction</i>								
3.1	Lump Sum	Sliplining & Reconstruction of Existing Waterline		0.00	0.00	0.00	0.00	0.00
3.2	Lump Sum	Trench or Safety Excavation System		0.00	0.00	0.00	0.00	0.00
TOTAL BID - OPTION 3						No Bid		No Bid
SCHEDULE B - MORNINGSIDE DRIVE AREA								
1.	3,720	11", 24" Dia. Ductile Iron Pipe Class 200 Water Line	131.00	487,320.00	75.00	279,000.00		
2.	8,000	Lbs., Compact Ductile Iron Pipe Fittings	4.00	32,000.00	4.50	36,000.00		
3.	3	Ea., 24" Butterfly Valves	9,000.00	27,000.00	7,500.00	22,500.00		
4.	5	Ea., Fire Hydrant and Valve Assemblies	5,000.00	25,000.00	2,800.00	14,000.00		
5.	500	C.Y., Crushed Stone for Undercut	0.10	50.00	25.00	12,500.00		
6.	Lump Sum	36" Encasement, State Highway Bore	63,000.00	63,000.00	53,000.00	53,000.00		
7.	Lump Sum	36" Encasement, Town Branch Bore	53,000.00	53,000.00	47,500.00	47,500.00		
8.	Lump Sum	36" Encasement, Bore under Sewer	36,000.00	36,000.00	30,000.00	30,000.00		
9.	300	C.Y., Rock Excavation	80.00	24,000.00	100.00	30,000.00		
10.	Lump Sum	8" Water Line Reconnection	7,000.00	7,000.00	4,500.00	4,500.00		
11.	1	Ea., Connection to Existing System	5,000.00	5,000.00	3,000.00	3,000.00		
12.	2	Ea., Connections to Existing 24" System	11,000.00	22,000.00	3,500.00	7,000.00		
13.	Lump Sum	Trench or Safety Excavation System	18,000.00	18,000.00	5,000.00	5,000.00		
TOTAL BID, SCHEDULE B						\$799,370.00		\$544,000.00
TOTAL BID, SCHEDULES A AND B						\$1,080,370.00		\$1,140,500.00

Certified Correct:



Brad B. Hammond, P.E., Arkansas No. 9240

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

15-Aug-06
City Council Meeting Date

Karen Minkel
Submitted By

Long Range Planning
Division

Operations
Department

Action Required:

Approval of a resolution to amend City Plan 2025 to include additional text under housing concerns, an additional goal to create attainable housing with related objectives and policy benchmarks.

\$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

Date

7-27-06

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a


City Attorney

7/28/06


Finance and Internal Service Director

Date

7/31/06

Received in City Clerk's Office

ENTERED
7/28/06

Received in Mayor's Office

ENTERED
7/31/06

Mayor

Date

7/31/06

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations *GD*
Tim Conklin, Planning and Development Management Director *T.C.*

From: Karen Minkel, Senior Long Range Planner *K.M.*

Date: July 25, 2006

Subject: City Plan 2025 Attainable Housing Amendment

RECOMMENDATION

Planning Staff recommends approval of a resolution to amend City Plan 2025 to include additional text under housing concerns, creating attainable housing as a sixth goal and related policy benchmarks.

BACKGROUND

City Council adopted City Plan 2025 as a policy document and General Plan and an interim Future Land Use map on July 17, 2006. City Plan 2025 was adopted with an amendment that added creating attainable housing as a sixth goal with appropriate objectives and benchmarks.

DISCUSSION

The text proposed for insertion includes:

- 1) Additional text to be added to housing concerns in Section 4.7;
- 2) An additional goal with accompanying objectives to be added to Chapter 10 after Goal 5;
- 3) Two policy benchmarks to be added to Chapter 10.

BUDGET IMPACT

None.

RESOLUTION NO. _____

A RESOLUTION AMENDING CITY PLAN 2025 TO BETTER
ADDRESS ATTAINABLE HOUSING POLICY AND GOALS.

**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 amends City Plan 2025 as set forth in Exhibits "A," "B," and "C," attached
hereto and made a part hereof.

PASSED and APPROVED this 15th day of August, 2006

APPROVED:

By:

DAN GOODY, Mayor

ATTEST:

By: SONDRA SMITH, City Clerk

DRAFT

TABLE 4.4
SINGLE FAMILY HOUSING CONSTRUCTION COSTS (Fayetteville 2004)

Cost Ranges (in thousands)	Total	Percent of Total	Averages		
			Cost	Square Feet	Cost/Sq. Ft.
\$0-\$49.9	0	0%	NA	NA	NA
\$50-\$74.9	31	4%	\$71,253	1,483	\$49.59
\$75-\$99.9	228	33%	\$89,140	1,823	\$49.16
\$100-\$124.9	97	14%	\$110,024	2,195	\$50.66
\$125-\$149.9	81	12%	\$135,795	2,585	\$53.23
\$150-\$199.9	141	20%	\$173,574	3,135	\$56.19
\$200-\$299.9	99	14%	\$234,206	3,565	\$67.34
\$300-\$399.9	11	2%	\$339,182	4,871	\$71.29
\$400-\$499.9	9	1%	\$434,222	6,331	\$69.18
\$500+	3	0%	\$709,334	7,765	\$200.54
Total	700	100%	\$255,192	3,753	\$74.13

Source: Northwest Arkansas Regional Planning Commission

4.5 Single Family Housing Costs

In the Northwest Arkansas Regional Planning Commission 2004 Summary Issue, cost comparisons for single family housing were provided. A total of 700 single family homes were permitted in 2004. The average construction cost per single family unit was \$130,150 with 2,182 average square feet per unit. The average construction cost per square foot was \$55.10, slightly less than the 2000 cost of \$59.66. Consistent with national trends, the average size of a new home increased from 2,182 square feet to 2,590 square feet.

4.6 Gross Rent

In 2000, the monthly median rent in Fayetteville was \$480 compared to \$490 for all of Washington County and \$453 for the entire State. The City's median rent increased by approximately 37 percent since 1990 whereas median rent increased by 39 percent and 65 percent for the County and State, respectively. In 2000, 6,315, or 46.2 percent, of the total 13,662 renter-occupied units in Fayetteville had rents in the \$300-499 range.

4.7 Housing Concerns

One measure of housing affordability is a comparison of changes in median house value and median household income over time. The percent change in Fayetteville's median house value is greater than the change in median household income, indicating that the values in homes are outpacing increases in household income, which significantly impact the ability of home ownership for many potential home buyers.

TABLE 4.5
HOUSING COST CHANGE

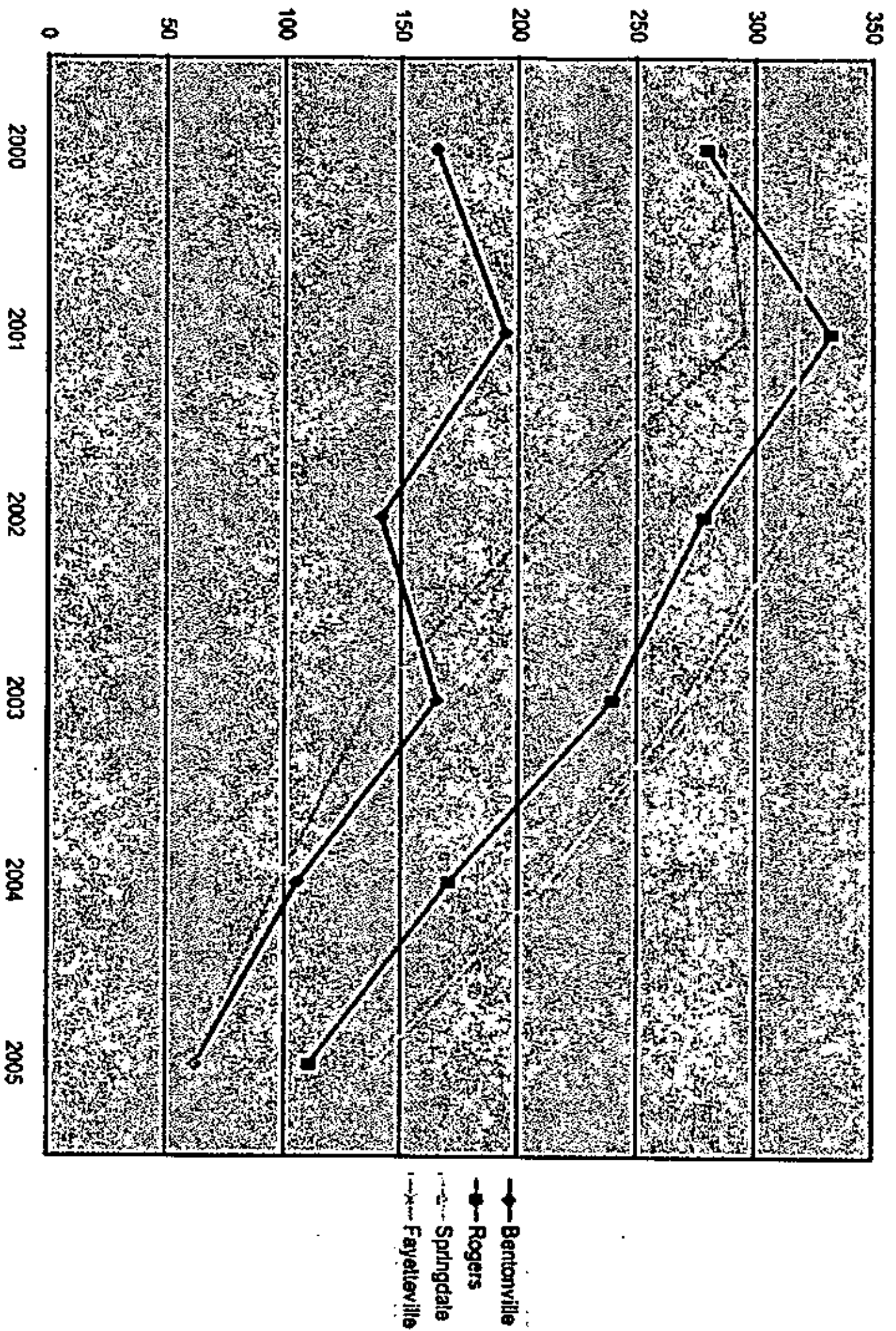
	1990	2000	Difference	Percentage Change
Median House Value	66,200	100,300	34,100	51.50%
Median household Income	21,202	31,345	10,143	47.80%

If I hadn't bought my house 7 years ago, I wouldn't be able to afford it. Which is great—our property values are all going up... [But] only certain people can afford to live here, and it's not single professionals on one salary, young couples starting a family, students, artists...

-Central Fayetteville Resident
Focus Group 2005

**CITY
PLAN
2025**

Homes Sold Between 50K and 89.9K



Additionally, a review of data from the Metro Board of Realtors MLXchange from 2000-2005, indicates that the number of attainable workforce housing units sold in Fayetteville has steadily decreased. In the year 2000, there were approximately 280 homes sold in Fayetteville between \$50,000 and \$89,900. In 2005, there were approximately 60 homes sold in this price range. As the graph indicates, this decrease reflects an overall trend in Northwest Arkansas.

Goal: 6 We will create attainable housing.

Action I: Develop and implement a form-based code that supports traditional neighborhoods. (See Form-based Code, Action Steps Part I.)

Action II: Develop and implement a form-based code that allows for mixed-use development. (See Form-Based Code, Action Steps Part I.)

Action III: Designate future transit areas as "receiving" areas for transfer of development rights. (See Transfer of Development Rights, Actions Part II.)

Action IV: Plan for minimum densities in Complete Neighborhood Plans where appropriate. (See Action Steps Part I.)

Action V: Modify regulations to increase the supply and quality of attainable housing.

Action VI: Establish an inclusionary zoning policy.

Action I: Develop and implement a form-based code that supports traditional neighborhoods.
(See Form-based Code, Action Steps Part I.)

Action II: Develop and implement a form-based code that allows for mixed-use development.
(See Form-Based Code, Action Steps Part I.)

Action III: Designate future transit areas as "receiving" areas for transfer of development rights.
(See Transfer of Development Rights, Actions Part II.)

Action IV: Plan for minimum densities in Complete Neighborhood Plans where appropriate.
(See Action Steps Part I.)

Action V: Modify regulations to increase the supply and quality of attainable housing.
The City should examine its current regulations and modify those that may limit or prohibit the development of attainable housing. These modifications should include: 1) Developing urban residential design standards; 2) Allowing accessory dwelling units by right; 3) Creating a rental registration and inspection program; and 4) Establishing incentives for developers to create attainable housing such as density bonuses.

Action VI: Establish an inclusionary zoning policy.
Inclusionary zoning is a tool that has been used in many rapidly growing communities in the United States. This tool requires that new residential development include a percentage of attainable housing stock. The City generally determines the percentage of housing units to be constructed, the income level being targeted, minimum square footage, materials, integration in the neighborhood, etc. An inclusionary zoning policy would need enabling legislation at the state level in order to avoid legal challenges.

Goal: 6 We will create attainable housing.



Housing is an integral building block of towns and cities. Homes not only provide shelter, they serve as a prominent piece of the landscape, they drive transportation patterns and they serve as investments that can build wealth. Rising land costs, coupled with rapid growth in Northwest Arkansas, has resulted in a gap between the supply of attainable workforce housing and the demand. Attainable housing typically refers to housing needed by those who make more than the income limit established for federal subsidies but still struggle in the current housing market. These households would likely have incomes that fall somewhere between 80 percent and 120 percent of median income. These households include families where a starting teacher, police officer or firefighter is the sole income earner in a household. Ensuring a reasonable supply of housing for Fayetteville's workforce will help to establish a jobs housing balance and accommodate a workforce that significantly impacts the city's growing economy.

Objectives:

a. Preserve and create mixed-income neighborhoods.

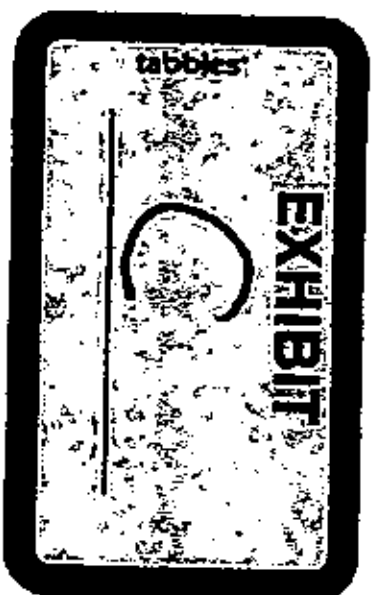
A mixed-income neighborhood offers varied housing types and vibrant communities where attainable housing does not exist in isolation. These neighborhoods reflect traditional urban neighborhoods where households of varying economic means did not live separately from one another. Traditional neighborhood development also results in neighborhoods that are pedestrian-friendly, enabling households to potentially save on transportation costs, which could positively affect their ability to obtain housing.

b. Loosen restrictions on the supply of attainable housing units.

Current zoning regulations prohibit the development of attainable housing. The traditional zoning pattern in the City separates land uses and leads to density that is less than the maximum allowed. For instance, many areas of the City that are zoned Residential Multi-Family are built out at considerably less density than what is actually allowed. Factors that impact the final build out density of a multi-family development include public opposition, building setbacks and height restrictions, utility easements, parking requirements, and landscaping and tree preservation requirements. Another example is the difficulty of gaining approval for an accessory dwelling unit.

c. Establish partnerships with non-profit and private entities to facilitate the development of attainable workforce housing.

Planning tools address a component of an attainable housing solution. A comprehensive approach to increasing the attainable housing available requires multiple partnerships among the public, non-profit and private sectors. For example, an inclusionary housing policy will require enabling legislation at the state level with multiple sectors lobbying for its passage. Likewise, a Rehabilitation Housing Program would also require a partnership among developers, a non-profit organization and the City.



Year	City Staff	Planning Commission/City Council
Fall 2006 - Summer 2007	Develop a comprehensive annexation policy.	Amend and adopt comprehensive annexation policy.
Fall 2007 - Summer 2008	Use annexation policy as a review tool for petition annexations.	Use annexation policy as a tool for petition annexation approval and consideration of city-initiated annexations.
Fall 2008 - Summer 2009		
Fall 2009 - Summer 2010		
Fall 2010 - Summer 2011		



Year	City Staff	Planning Commission/City Council
Fall 2006 - Summer 2007	Draft a residential rental registration and inspection policy.	Allow accessory dwelling units as-of-right.
Fall 2007 - Summer 2008	Draft urban residential design standards. Establish density bonuses for developers in the first complete neighborhood plan.	Amend and approve rental registration and inspection policy with corresponding staff and fiscal needs. Amend and approve urban residential design standards.
Fall 2008 - Summer 2009		
Fall 2009 - Summer 2010		
Fall 2010 - Summer 2011		

Year	City Staff	Planning Commission/City Council
Fall 2006 - Summer 2007		
Fall 2007 - Summer 2008		
Fall 2008 - Summer 2009	Draft enabling state legislation. Create user-friendly materials that explain how inclusionary zoning works.	
Fall 2009 - Summer 2010	Begin building a coalition of Arkansas cities, particularly in Northwest Arkansas, that support inclusionary zoning. Give presentations to elected officials as necessary.	Begin building a coalition of Arkansas cities, particularly in Northwest Arkansas, that support inclusionary zoning.
Fall 2010 - Summer 2011	Lobby the legislature.	Give presentations to elected officials as necessary. Lobby the legislature.

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

8/15/2006
City Council Meeting Date

Gary Dumas
Submitted By
Division
Operations
Department

Action Required:

Sales and Use Tax Collection and Health and Zoning Compliance During Bikes, Blues and BBQ

\$ -	\$ -	NA
Cost of this request	Category / Project Budget	Program Category / Project Name
0	\$ -	NA
Account Number	Funds Used to Date	Program / Project Category Name
0	\$ -	NA
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐


Department Director
7-27-06
Date

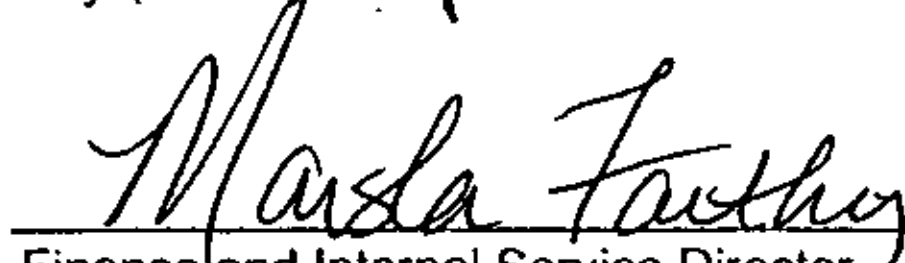
Previous Ordinance or Resolution #

Original Contract Date:

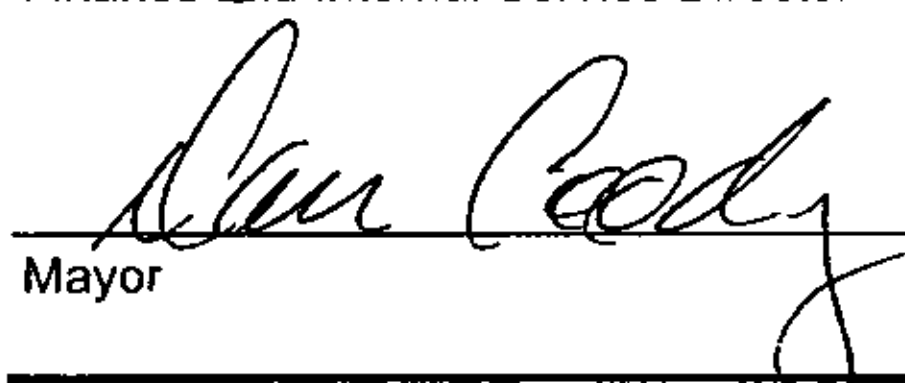
Original Contract Number:


City Attorney
7-27-06
Date

Received in City Clerk's Office
ENTERED
7/27/06


Finance and Internal Service Director
7/27/06
Date

Received in Mayor's Office
ENTERED
7/27/06


Mayor
7/27/06
Date

Comments:



OPERATIONS DIRECTOR

To: City Council
From: Gary Dumas
Date: July 27, 2006
Re: Sales and Use Tax Collection and Health and Zoning Compliance During *Bikes, Blues and BBQ*

Recommendation

Approve Ordinance amendment adding Section 35.40 authorizing the Bikes, Blues and BBQ organization to monitor outdoor vendors during the Bikes, Blues and BBQ event to ensure health and zoning compliance and to ensure that required sales and use taxes are remitted daily to the appropriate governmental entity.

Background

Bikes, Blues and BBQ has hosted their annual event for the past several years. The event is growing annually, and issues with zoning compliance, health permits, and payment of sales and use taxes has been problematic. While all of these issues are important, the one indicator of the success of the event, spikes in sales and use taxes, has not occurred. Other major events in the region and beyond have developed mechanisms to address the issues associated with the influx of vendors for short-term community events.

Discussion

A process of issuing certificates of zoning compliance for the vendors not on BBB controlled property has been in place since the inception of the event. It has improved annually, but with the increasing number of vendors offsite, in various parking lots on College, 6th St., Lafayette, School, and others, it has become increasingly difficult to monitor and maintain the necessary zoning setback and safety requirements.

The proposed process to be implemented is as follows:

1. For vendors on BBB controlled property, BBB will be totally responsible for health and zoning regulations and will collect sales and use taxes daily.
2. For vendors not exempted by the ordinance or a part of a separate City permitted event on City property will be required to obtain a certificate of zoning compliance from the Planning Division. This certificate will be required to be prominently displayed by each vendor. Each vendor will be directed by the Planning Division to contact BBB to obtain at no cost a BBB event permit. This permit too, is to be displayed prominently by each vendor.
3. During work days the Community Resources officer will monitor the vendors and direct them to the Planning Division if they have no certificate of zoning

compliance. If they have a certificate of zoning compliance but no BBB permit, their certificate of zoning compliance will be removed and they will be required to close.

4. Each day BBB will ensure that each vendor remits all required sales and use taxes for that days activity. If the vendor fails to remit the sales and use taxes as required, BBB shall remove the BBB event permit and contact Community Resources during the workweek or the Police Department during the weekend, who shall remove the certificate of zoning compliance and require the vendor to close.
5. BBB will forward all sales and use taxes collected to the appropriate governmental entity.

This process should improve health, safety, and zoning compliance in addition to ensuring that appropriate sales and use taxes are remitted.

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND CHAPTER 35: TAXATION
OF THE CODE OF FAYETTEVILLE BY ENACTING A
PROVISION REQUIRING LICENSES FOR OUTDOOR
VENDORS TO ENSURE COMPLIANCE FOR ZONING AND
TAXATION REQUIREMENTS**

WHEREAS, the City of Fayetteville should work with the Bikes, Blues and Barbeque, Inc. to ensure outdoor vendors for this major annual festival comply with health and zoning laws and sales tax requirements; and

WHEREAS, Bikes, Blues and Barbeque, Inc. has agreed to ensure that vendors have all necessary health department permits and City zoning compliance documents before issuing its permits for all vendors throughout the City during this festival; and

WHEREAS, Bikes, Blues and Barbeque, Inc. has agreed to collect all appropriate taxes each night and forward these taxes to the appropriate governmental entity in a timely fashion; and

WHEREAS, Bikes, Blues and Barbeque, Inc. has agreed to pull its permit from any vendor who fails to properly remit its taxes or otherwise is in violation of the law and provide a list of such unpermitted vendors to the City of Fayetteville.

**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 Chapter 35: **Taxation** by enacting a new section 35.40 as shown below:

**"35.40 Enforcement of tax laws and code compliance for
outdoor vendors during the Bikes, Blues, and Barbeque, Inc.
annual festival.**

**"(a) During the annual Bikes, Blues and Barbeque festival; Bikes,
Blues and Barbeque, Inc. shall ensure that all outdoor vendors have
all necessary health permits and zoning compliance permits prior
to issuing its permit to allow the vendor to operate.**

“(b) Bikes, Blues and Barbeque, Inc. shall require all of its authorized vendors to conspicuously display its authorizing permit during all hours of operation.

“(c) Bikes, Blues and Barbeque, Inc. shall ensure that each authorized vendor shall remit all required sales and use taxes at the end of each day’s operation and shall remove its authorizing permit from any vendor who fails to timely and completely remit these taxes.

“(d) If a vendor attempts to sell goods or services without all the required permits conspicuously displayed, such vendor shall be guilty of a violation and be subject to the penalty provided for in §35.99.

“(e) The above permit requirement shall not be applicable to vendors at the Fayetteville Farmer’s Market, for merchants with an established physical address and building and established record of proper HMR tax remission to the City, or other vendors specifically exempted by state law from such permit requirements.”

PASSED and APPROVED this 15th day of August, 2006.

APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

DEPARTMENTAL CORRESPONDENCE



LEGAL DEPARTMENT

B. 7
Amend Chapter 35,
for Outdoor Vendors
Page 6 of 8

TO: City Council

FROM: Kit Williams, City Attorney

A handwritten signature in black ink, appearing to read "Kit Williams", written over a horizontal line.

DATE: July 27, 2006

RE: Bikes, Blues & Barbeque, Inc.
Proposal and Ordinance

A couple of months ago, representatives of Bikes, Blues and Barbeque, met with Mayor Coody, Gary Dumas and me to present their Proposal to ensure their outdoor vendors would comply with all laws (zoning, health, and tax). I was instructed to draft an ordinance for your consideration which we would hope to be in effect by this year's festival. Attached is that proposed ordinance as well as the original Proposal from Bikes, Blues and Barbeque, Inc.

This ordinance is limited only to the Bikes, Blues, and Barbeque festival for several reasons. This festival dwarfs all other city festivals in number of visitors, number of outdoor vendors, number of days, and amount of sales tax generating commercial activity. Even more important is that Bikes, Blues and Barbeque, Inc. has offered their personnel to ensure vendors have necessary permits and will remit their sales taxes daily.

Unfortunately in the past, much of the sales tax revenue was probably not reported. Without Bikes, Blues and Barbeque, Inc.'s willingness to collect the sales tax revenue daily and to evict any vendor who fails to promptly remit the collected sales tax revenue, many vendors might again avoid their legal duty to collect and remit sales tax properly. This is not only illegal, but unfair competition to law abiding vendors.

BIKES, BLUES & BARBEQUE'S PROPOSAL

1. We will have the complete responsibility of issuing permits to all vendors, regardless of where located in the city. Since we will have the complete responsibility of issuing all permits, then everyone who desires a permit must go through us.
2. Regarding the food vendors, we will obtain all health department permits before we provide them a permit for BBBQ.
3. We will issue color coded permits. Each permit will have a different color, the different permits will be for food and beverage, the show only, hard goods and tax exempt. Each permit will have a physical location listed on the permit. Each said permit shall be valid for that location only.
4. When the permits are distributed we will also require a vendor agreement setting forth all requirements for said permit and their agreement to abide by said requirements.
5. We will be responsible for collecting all hotel motel taxes and sales tax each night. If vendor has not paid all their respective taxes that night, we will pull their permit. All taxes collected will be forwarded to the appropriate agency in a timely manner.
6. We will provide a list of permits pulled to whomever the City of Fayetteville designates to enforce closures located off BBBQ designated areas.
7. We will also provide a list of vendors and the vendor's respective address to the permit office.
8. The above requirements do not apply to the Farmers Market, merchant's own sales on their premises or merchant's sales which are connected to their own premises.

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

B. 8
ADM 06-1955, 06-1956
Amend Title XV: Downtown
Master Plan Zoning Districts and Map
Page 1 of 62

15-Aug-06
City Council Meeting Date

Tim Conklin
Submitted By

Planning & Development Mgmt.
Division

Operations
Department

Action Required:

ADM 06-1955, 06-1956: Administrative Item (DOWNTOWN MASTER PLAN ZONING DISTRICTS AND ZONING DISTRICT MAP): Submitted by Planning Staff to amend Title XV: Unified Development Ordinance of the code of Fayetteville to amend various sections of the code in order to implement the Downtown Master Plan Zoning Code and Zoning Map.

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

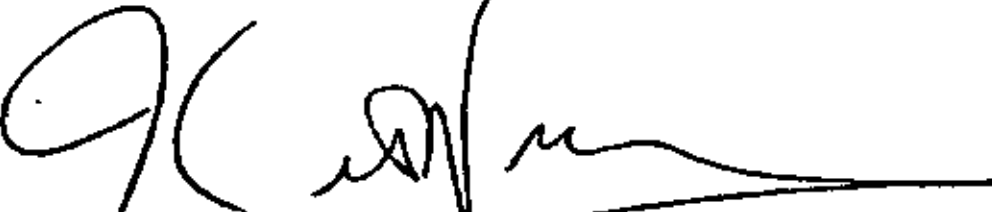
Budgeted Item ☐

Budget Adjustment Attached ☐

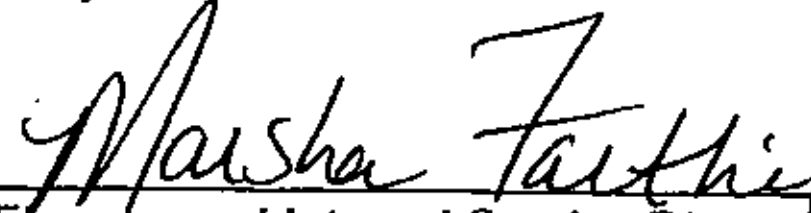

Department Director 7-28-06
Date

Previous Ordinance or Resolution # n/a

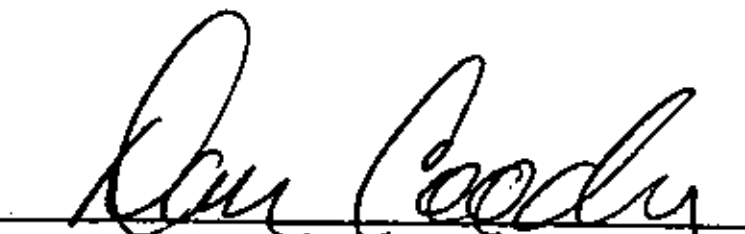
Original Contract Date: n/a


City Attorney 7-28-06
Date

Original Contract Number: n/a


Finance and Internal Service Director 7/31/06
Date

Received in City Clerk's Office
 Logged 7/28/06
AED


Mayor 7/31/06
Date

Received in Mayor's Office


Comments:



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

TO: Mayor and City Council

THRU: Gary Dumas, Operations Director
Tim Conklin, Planning and Development Management Director

FROM: Leif Olson, Long Range Planner

DATE: July 28, 2006

SUBJECT: Downtown Master Plan Zoning Code Amendments to the Unified
Development Code

Planning Staff recommends the following amendments to the Unified Development Code (UDC) in order to clarify language regarding the removal of the C-4 Downtown District and the adoption of the Downtown Master Plan (DMP) zoning districts. Significant changes have been made to Chapter 161 – Zoning Districts, and this chapter should be readopted in its entirety. Staff has proposed amendments to the Neighborhood Conservation Zoning District which would set density limits and remove some of the use units allowed in this district.

Additionally, Staff recommends amending the following chapters which are impacted by the adoption of the DMP zoning districts: 151 – Definitions, 156 – Variances, 160 – Zoning Districts, 162 - Use Units, 164 - Supplementary District Regulations, 166 – Development, 167 – Tree Preservation, 172 - Parking and Loading, and 174 – Signs. Planning Staff also recommends amending the City of Fayetteville's Official Zoning Map by adopting the proposed Downtown Zoning Districts.

In order to clarify the amendments that are proposed this report steps through each chapter and explains what has been added or removed.

Chapter 151 Definitions has been amended to add new definitions that relate to the Downtown Master Plan Zoning Districts.

Chapter 156 Variances has been amended to remove the C-4 Downtown District and replace it with the three DMP Zoning Districts.

Chapter 160 Zoning Districts has been amended to remove the C-4 Downtown District and inserting the DMP Zoning Districts.

Chapter 161 Zoning Regulations has been amended by removing the C-4 Downtown District and inserting the DMP Zoning Districts. Additionally, Staff is recommending that in the Neighborhood Conservation Zoning District that Use Unit 4 is moved from a Use by Right to a Conditional Use and that Use Units 5, 13, and 15 are removed altogether from this Zoning District. Staff also recommends a 10 unit per acre density and a lot area minimum of 4,000 sq. ft. Chapter 161 should be re-adopted in its entirety.

Chapter 162 Use Units has been amended to move detention homes from Use Unit 4 (Cultural and Recreational Facilities) to Use Unit 5 (Government Facilities) and to move Zoo's from use unit 4 (Cultural Recreation Facilities) to Use Unit 20 (Commercial Recreation, large sites). This does not relate specifically to the Downtown Master Plan, however, staff felt that these changes were warranted and now was a good time to propose moving these Use Units.

Chapter 164 Supplementary District Regulations has been amended to add language that enables the City Council to designate structures for preservation. This amendment is necessary to exclude certain civic or cultural structures from the provisions of the Downtown Master Plan.

Chapter 166 Development has been amended to remove the table of commercial districts from the Commercial Design and Development Standards and replace it with language that applies to all commercial and office development.

Chapter 167 Tree Preservation and Protection has been amended to include the Downtown Master Plan Zoning Districts with accompanying tree preservation percentages to the Tree Preservation Percentage table.

Chapter 172 Parking and Loading has been amended to add the DMP Zoning Districts to the standards for the number of spaces by use section.

Chapter 174 Signs has been amended to add the DMP Zoning Districts to the requirements for on-site free standing signs.

Planning Staff welcomes any additional amendments that the City Council might propose. It would be helpful to discuss proposed amendments with Staff and the City Attorney so that appropriate language can be drafted in advance of the meeting.

The Compensation Committee will meet at 4:00pm on Tuesday, August 15th in Room 326. Alan Johnson, Executive Vice President with Management Advisory Group, Inc. will make an informational presentation about the key elements of a compensation philosophy. All Council members are invited to attend this meeting.

At this meeting, Mr. Johnson will initiate a discussion to identify the direction of the compensation philosophy for the City of Fayetteville.

The draft compensation philosophy is scheduled to be delivered to the City on August 24, 2006. Staff will distribute this to all Council members and employees for review. The philosophy statement will be considered for adoption by the full Council on August 29, following the Agenda Session at a Special City Council meeting. Carolyn Long, CEO of Management Advisory Group, Inc. will be on-site to facilitate this process.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT ORDINANCE OF THE CODE OF FAYETTEVILLE TO AMEND VARIOUS SECTIONS OF THE CODE IN ORDER TO IMPLEMENT THE DOWNTOWN MASTER PLAN ZONING CODE AND ZONING MAP.

WHEREAS, the City of Fayetteville recognizes the unique and significant role that the downtown area plays in the vitality of the City and the region; and,

WHEREAS, the City of Fayetteville hired Dover – Kohl and Partners to develop a plan with extensive public input; and

WHEREAS, the City of Fayetteville has determined that development in the downtown area should be compatible with the traditional town form; and

WHEREAS, developments that are compatible with the surrounding area and harmonious with the character of the neighborhood and have a positive effect upon the future development of the area; and

WHEREAS, the Downtown Master Plan has been developed through an extensive process involving the public, elected and appointed officials, and staff;

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

Section 1. That Chapter 151 Definitions is amended by inserting new definitions into Section §151.01 Definitions, a copy of which marked Exhibit "A" is attached hereto and made a part hereof.

Section 2. That Chapter 156 Variances is amended by inserting Downtown Zoning Districts in Section §156.02 Zoning Districts, a copy of which marked Exhibit "B" is attached hereto and made a part hereof.

Section 3. That Chapter 160 Zoning Districts is amended by inserting Downtown Zoning Districts in Section §160.01 Establishment of Districts, a copy of which is marked Exhibit "C" is attached hereto and made a part hereof.

Section 4. That Chapter 161 Zoning Regulations is re-adopted in its entirety, a copy of which is marked Exhibit "D" is attached hereto and made a part hereof.

Section 5. That Chapter 162 Use Units is amended by moving use units in Section §162.01, a copy of which is marked Exhibit "E" is attached hereto and made a part hereof.

Section 6. That Chapter 164 Supplementary District Regulations is amended by inserting Designated Preservation Structures in Section §164.12, a copy of which is marked Exhibit "F" is attached hereto and made a part hereof.

Section 7. That Chapter 166 Development is amended by inserting Downtown Zoning Districts in Section §166.14 Commercial Design and Development Standards, a copy of which is marked Exhibit "G" is attached hereto and made a part hereof.

Section 8. That Chapter 167 Tree Preservation and Protection is amended by inserting Downtown Zoning Districts in Section §167.04 Tree Preservation and Protection During Development, a copy of which is marked Exhibit "H" is attached hereto and made a part hereof.

Section 9. That Chapter 172 Parking and Loading is amended by inserting Downtown Zoning Districts in Section §172.05 Standards for the Number of Spaces by Use, a copy of which is marked Exhibit "I" is attached hereto and made a part hereof.

Section 10. That Chapter 174 Signs is amended by inserting Downtown Zoning Districts in Section §174.10 On Site Free Standing Signs, a copy of which is marked Exhibit "J" is attached hereto and made a part hereof.

Section 11. That the official Zoning Map of the City of Fayetteville is amended to rezone those properties identified in the Downtown Master Plan Zoning Districts, a copy of which is marked Exhibit "K" is attached hereto and made a part hereof.

PASSED and APPROVED this the 15th day of August, 2006.

APPROVED:

By: DAN COODY, Mayor

ATTEST:

By: SONDRA SMITH, City Clerk

EXHIBIT "A"

To be inserted in Chapter 151 Definitions:

§151.01 Definitions.

Block: A combination of building lots, the perimeter of which abuts streets.

Build-to line: A build-to line identifies the precise horizontal distance from a street right-of-way that the building shall be built to, in order to create a uniform line of buildings along the street.

Build-to Zone: A build-to zone is a range of allowable distances from a street right-of-way that the building shall be built to in order to create a moderately uniform line of buildings along the street.

Building frontage: The vertical side of a building which faces the primary space of street and is built to the Build-to line.

Building Height: Building height shall be measured vertically from the existing natural grade to any part of the structure, excluding spires, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof and not intended for human occupancy. To verify whether the height of a proposed structure is below the maximum height allowed, project a parallel plane above the existing natural grade and across the entire parcel. If the structure is below the upper line, then the height limitation has been satisfied.

Civic Building: Structure used primarily for public education, cultural performances, gatherings and displays administered by non-profit cultural, educational, governmental, and religious organizations.

Curb Radius: The curved edge of street paving at an intersection, measured at the inside travel edge of the travel lane.

Dwelling, live/work: A dwelling unit within which an at-home business is encouraged. Businesses are limited to a maximum of two employees that do not reside in the principal or accessory dwelling unit.

Dwelling, rowhouse: An attached single-family dwelling unit located on land owned by the unit owner and situated in a row of two (2) or more similar horizontally attached dwelling units, each unit having its own separate water, sanitary sewer, ventilation and heating system, inclusive of separate utility service lines and meters, and which is separated from attached adjacent dwelling units by a fire-resistant common wall.

Frontage Line: The property line or lines of a lot which coincide with a right-of-way or other public open space.

Habitable Space: Building space whose use involves human presence. Habitable space excludes parking garages, self-service storage facilities, warehouses, and display windows separated from retail activity.

Liner Building: A building built in front of a parking garage, cinema, supermarket etc., to conceal large expanses of blank wall area and to face the street space with a façade that has doors and windows.

Marquee: A permanently roofed architectural projection the sides of which are vertical and are intended for the display of signs and which is supported entirely from an exterior wall of a building.

Parapet: A low guarding wall at the edge of a roof, terrace, or balcony.

Principal Façade (For purposes of placing buildings along build-to lines or build-to zones): The front plane of a building not including stoops, porches, or other attached architectural features.

Rear Access Lane: A publicly or privately owned secondary way that affords access to the side or rear of abutting property.

Storefront: The portion of a building at the first story of a retail frontage that is made available for retail use.

DRAFT

EXHIBIT "B"

Language to be inserted in Chapter 156 Variances:

§156.02 Zoning Regulations

(B)(3)(a) *Number of spaces.* The Planning Commission shall have the authority to vary the number of off-street parking spaces required in the Downtown Core, Main Street Center and Downtown General Districts.

(B)(3)(c) *Conditions.* All waivers shall meet the conditions listed below:

(i) *Downtown Core, Main Street Center, and Downtown General Districts.* Conditions for waivers in Downtown Core, Main Street Center, and Downtown General Districts:

(B)(5) *Building height variance in residential single-family zoning districts.*

(a) The Planning Commission shall have the authority to grant a variance to allow a proposed structure to exceed building height limits in all Zoning Districts 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.

DRAFT

EXHIBIT "C"

Language to be inserted in Chapter 160 Zoning Districts

160.01 Establishment of Districts

The following zoning districts are hereby established:

ZONING DISTRICTS

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

EXHIBIT "D"

This chapter is being re-adopted in its entirety.

**TITLE XV UNIFIED DEVELOPMENT CODE
CHAPTER 161 ZONING REGULATIONS**

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CHAPTER 161: ZONING REGULATIONS

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161.01 Application of District Regulations

Minimum regulations/exceptions. The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly for each class or kind of structure or land, except as hereinafter provided:

- (A) *General.* No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all the regulations herein specified for the district in which it was located.
- (B) *Limitations.* No building or other structure shall hereafter be erected or altered:
 - (1) *Height/bulk.* To exceed the height or bulk;
 - (2) *Number of units.* To accommodate or house a greater number of units;
 - (3) *Lot area.* To occupy a greater percentage of lot area;
 - (4) *Setback/open spaces.* To have narrower or smaller rear setbacks, front setbacks, side setbacks, or other open spaces than herein required; or
 - (5) *Other.* In any other manner contrary to the provisions of this chapter.
- (C) *Independent compliance.* No part of a setback, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter shall be included as part of a setback, open space, or off-street parking or loading space similarly required for any other building.
- (D) *Effective date.* No setback or lot existing on June 29, 1970, shall be reduced in dimension or area below the minimum requirements set forth herein. Setbacks or lots created after June 29, 1970, shall meet at least the minimum requirements established by this chapter.
- (E) *Annexation.* All territory which may hereafter be annexed to the city shall be considered to be in District A-1 until the territory is rezoned as provided herein.
- (F) *Measuring setbacks.*
 - (1) *Front.* Measured from the street right-of-way, or street right-of-way setback as required by the Master Street Plan.
 - (2) *Side.* Measured from the side property line.
 - (3) *Rear.* Measured from the rear property line.
 - (4) *Corner.* A corner lot has two fronts and two sides.
- (G) *Conditional Uses.* These uses are permissible if approved by the Planning Commission. See Chapter 163, Use Conditions.

(Code 1965, App. A., Art. 3; Ord. No. 1747, 6-29-70; Code 1991, §160.016; Ord. No. 4100, §2 (Ex. A), 6-16-98)

161.02 Certificate Of Zoning Compliance

- (A) *Required.* It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered, or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefore by the Zoning and Development Administrator stating that the proposed use of the building or land conforms to the requirements

of this chapter.

- (B) *Nonconforming use/structure.* No non-conforming structure or use shall be renewed, changed, or extended until a certificate of zoning compliance shall have been issued by the Zoning and Development Administrator. The certificate of zoning compliance shall state specifically wherein the nonconforming use differs from the provisions of this chapter. The Zoning and Development Administrator shall maintain a record of all certificates of zoning compliance, and a copy shall be furnished upon request to any person.
- (C) *Authorized construction/use.* Certificates of zoning compliance issued on the basis of plans and applications approved by the Zoning and Development Administrator authorize only the use, arrangements, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction.

(Code 1965, App. A., Art. 9(3), (5); Ord. No. 1747, 6-29-70; Code 1991, §§160.192, 160.194; Ord. No. 4100, §2 (Ex. A), 6-16-98)

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

161.03 District R-A, Residential-Agricultural

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

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

(C) *Density.*

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

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

(E) *Setback requirements.*

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

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

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(1); Ord. No. 1747, 6-29-70; Code 1991, §160.030; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99)

161.04 District Rsf-.5, Residential Single-Family – One Half Unit Per Acre

(A) *Purpose.* A district having single-family detached residences on lots with a minimum size of two acres and a maximum gross density of approximately one-half unit per acre.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

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

Lot width minimum	200 ft.
Lot area minimum	71,438 Sq. Ft.
Land area per dwelling unit	71,438 Sq. Ft.

(D) *Setback requirements.*

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

(F) *Height.* Structures in this District are limited to a building height of 45 feet. The height of a proposed structure may only be increased above 45 feet by obtaining a variance after hearing by the Planning Commission. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses.

(E) *Building area.* None.

(Code 1991, §160.043; Ord. No. 3792, §4, 5-17-94; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06)

161.05 District Rsf-1, Residential Single-Family – One Unit Per Acre

(A) *Purpose.* A district having single-family detached residences on lots with a minimum size of one unit per acre. The district is designed to permit and encourage the development of very low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(F) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings

(G) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(H) *Density.*

Units per acre	1
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(D) *Bulk and area regulations.*

Lot width minimum	150 ft.
Lot area minimum	35,720 Sq. Ft.
Land area per dwelling unit	35,720 Sq. Ft.

100 *Setback requirements.*

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

(F) *Height.* Structures in this District are limited to a building height of 45 feet. The height of a proposed structure may only be increased above 45 feet by obtaining a variance after hearing by the Planning Commission. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses.

100 *Building area.* None.

(Code 1965, §160.44; Ord. No. 3792, §4, 5-17-94; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4858, 4-18-06)

161.06 District Rsf-2, Residential Single-Family – Two Units Per Acre

(A) *Purpose.* To provide a single-family dwelling transition zone between single-family neighborhoods that have developed with larger lot sizes (one acre and over) and areas that have developed with smaller lot sizes (8,000 sq. ft.), and 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.*

100 *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings

100 *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 24	Home occupations
Unit 36	Wireless communications facilities

100 ©Density.

Units per acre	2
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(D) *Bulk and area regulations.*

Lot width minimum	100 ft.
Lot area minimum	17,860 Sq. Ft.
Land area per dwelling unit	17,860 Sq. Ft.

(E) *Setback requirements.*

Front	Side	Rear
30 ft.	15 ft.	30 ft.

(F) *Height.* Structures in this District are limited to a building height of 45 feet. The height of a proposed structure may only be increased above 45 feet by obtaining a variance after hearing by the Planning Commission. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses.

(G) *Building area.* None.

(Code 1991, §160.045; Ord. No. 3792, §4, 5-17-94; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06)

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.
Hillside Overlay District Lot minimum width	60 ft.	70 ft.
Hillside Overlay District 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.
HOD Front	HOD Side	HOD Rear
15 ft.	5 ft.	15 ft.

(F) *Height.* Structures in this District are limited to a building height of 45 feet. The height of a proposed structure may only be increased above 45 feet by obtaining a variance after hearing by the Planning Commission. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06)

161.08 District Rsf-7, Residential Single-Family -- Seven Units Per Acre

(A) *Purpose.* The RSF-7 Residential District is designed to permit and encourage the development of detached dwellings in suitable environments.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two family dwellings
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

	By Right	Conditional Use
Single-family dwelling units per acre	7 or less	8.5
Two-family dwelling units per acre	—	Option: 15% of the lot, maximum

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single-family	60 ft.
Two-family	60 ft.
Townhouse, no more than two attached	30 ft.

(2) *Lot area minimum.*

Single-family	6,000 sq. ft.
Two-family	6,000 sq. ft.
Townhouse, no more than two attached	3,000 sq. ft.

(3) *Land area per dwelling unit.*

Single-family	6,000 sq. ft.
Two-family	3,000 sq. ft.
Townhouse, no more than two attached	3,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
25 ft.	8 ft.	20 ft.

(F) *Height.* Structures in this District are limited to a building height of 45 feet. The height of a proposed structure may only be increased above 45 feet by obtaining a variance after hearing by the Planning Commission. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses.

(G) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area.

(Code 1991, §160.046; Ord. No. 3792, §4, 5-17-94; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06)

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

161.09 District RSF-8, Residential Single-Family – 8 Units Per Acre

(A) *Purpose.* The RSF-8 Residential District is designed to bring historic platted development into conformity and to allow for the development of new single family residential areas with similar lot size, density, and land use as the historical neighborhoods in the downtown area.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two-family dwellings
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

	By Right	Conditional Use
Single-family dwelling units per acre	8 or less	—
Two-family dwelling units per acre	—	8

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single-family	50 ft.
Two-family	50 ft.
Townhouse, no more than two attached	25 ft.

(2) *Lot area minimum.*

Single-family	5,000 sq. ft.
Two-family	5,000 sq. ft.
Townhouse, no more than two attached	2,500 sq. ft.

(3) *Land area per dwelling unit.*

Single-family	5,000 sq. ft.
Two-family	5,000 sq. ft.
Townhouse, no more than two attached	2,500 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
15 ft.	5 ft.	5 ft.

(F) *Height regulations.*

Building height maximum	45 ft.
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- (G) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area, except when a detached garage exists or is proposed; then the area occupied by all buildings shall not exceed 60% of the total lot area.

(Ord. 4783, 10-18-05)

161.10 District RT-12, Residential Two And Three Family

- (A) *Purpose.* The RT-12 Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a development potential between low density and medium density with less impact than medium density development, to encourage the development of areas with existing public facilities and to encourage the development of a greater variety of housing values.

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	12 or less
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(D) *Bulk and area regulations.*

	Single-family	Two-family	Three-family
Lot width minimum	60 ft.	70 ft.	90 ft.
Lot area minimum	6,000 sq. ft.	7,260 sq. ft.	10,890 sq. ft.
Land area per dwelling unit	6,000 sq. ft.	3,630 sq. ft.	3,630 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
25 ft.	8 ft.	20 ft.

(F) *Height regulations.*

Building height maximum	30 ft.
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(G) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area.

(Code 1965, App. A., Art. 5(IIA); Ord. No. 3128, 10-1-85; Code 1991, §160.032; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99)

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

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

(A) *Purpose.* The RMF-6 Multi-family Residential District is designed to permit and encourage the development of multi-family residences at a low density that is appropriate to the area and can serve as a transition between higher densities and single-family residential areas.

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

(C) *Density.*

Units per acre	4 to 6
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(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

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

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a Manufactured home park	4,200 sq. ft.
Townhouse:	

•Development	10,000 sq. ft.
•Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	7,000 sq. ft.
Three or more	9,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) *Land area per dwelling unit.*

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

(E) *Setback requirements.*

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

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

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

(G) *Building area.* None.

(Ord. No. 4325, 7-3-01)

161.12 District Rmf-12, Residential Multi-Family – Twelve Units Per Acre

(A) *Purpose.* The RMF-12 Multi-family Residential District is designed to permit and encourage the development of multi-family residences at a moderate density that is appropriate to the area.

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

(C) *Density.*

Units per acre	4 to 12
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(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

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

(2) *Lot area minimum.*

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

(3) *Land area per dwelling unit.*

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

(E) *Setback requirements.*

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

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

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

(G) *Building area.* None.

(Ord. No. 4325, 7-3-01)

161.13 District Rmf-18, Residential Multi-Family – Eighteen Units Per Acre

(A) *Purpose.* The RMF-18 Multi-family Residential District is designed to permit and encourage the development of multi-family residences at a medium density that is appropriate to the area.

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

(C) *Density.*

Units per acre	4 to 18
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(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

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

(2) *Lot area minimum.*

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

(3) *Land area per dwelling unit.*

Manufactured Home	3,000 sq. ft.
Apartments:	
No bedrooms	1,700 sq. ft.

One bedroom	1,700 sq. ft.
Two or more bedrooms	2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) *Setback requirements.*

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

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

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

(G) *Building area.* None.

(Ord. No. 4325, 7-3-01)

161.14 District Rmf-24, Residential Multi-Family -- Twenty-Four Units Per Acre

(A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

(C) *Density.*

Units per acre	4 to 24
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(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

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

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a mobile 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	7,000 sq. ft.
Three or more	9,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acres

(3) *Land area per dwelling unit.*

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

(E) *Setback requirements.*

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

Cross reference(s)—Variance, Ch. 156.

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

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99)

161.15 District Rmf-40, Residential Multi-Family – Forty Units Per Acre

(A) *Purpose.* The RMF-40 Multi-family Residential District is designated to protect existing high density multi-family development and to encourage additional development of this type where it is desirable.

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

(C) *Density.*

Units per acre	16 to 40
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(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

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

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
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

(E) *Setback requirements.*

Front	Side	Rear
25 ft.	8 ft.	20 ft.

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

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

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(IV); Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81; Ord. No. 1747, 6-29-70; Code 1991, §160.034; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99)

161.16 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 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 11	Manufactured home park
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
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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
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(E) *Setback regulations.*

Front	30 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Front, in the Hillside Overlay District	15 ft.
Side	10 ft.
Side, when contiguous to a residential district	15 ft.
Side, in the Hillside Overlay District	8 ft.
Rear, without easement or alley	25 ft.
Rear, from center line of public alley	10 ft.
Rear, in the Hillside Overlay District	15 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; Ord. 4726, 7-19-05)

161.17 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)

161.18 District C-2, Thoroughfare Commercial

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

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
Unit 17	Trades and services
Unit 18	Gasoline service stations & drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 25	Professional offices
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store

(2) *Conditional uses.*

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

(C) *Density.* None.

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

(E) *Setback regulations.*

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

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

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

(Code 1965, App. A., Art. 5(VI); Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-77; Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.036; Ord. No. 4034, §3, 4, 4-15-97; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4727, 7-19-05)

161.19 District C-3, Central Commercial

(A) *Purpose.* The Central Commercial District is designed to accommodate the commercial and related uses commonly found in the central business district, or regional shopping centers which provide a wide range of retail and personal service uses.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 12	Offices, studios, and related services
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
Unit 18	Gasoline service stations & drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 25	Professional offices
Unit 26	Multi-family dwellings
Unit 34	Liquor stores

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 17	Trades and services

Unit 28	Center for collecting recyclable materials
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and area regulations.* None

(E) *Setback regulations.*

	Central Business District	Shopping Center
Front	5 ft.	25 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.	50 ft.
Side	None	None
Side, when contiguous to a residential district	10 ft.	25 ft.
Rear, without easement or alley	15 ft.	25 ft.
Rear, from center line of a public alley	10 ft.	10 ft.

(F) *Height regulations.* Maximum height is six stories or 84 feet whichever is less. Above four stories, there shall be a stepback 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.

(Code 1965, App. A., Art. 5(VII); Ord. No. 2351, 6-21-77; Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.037; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4727, 7-19-05; 4863, 5-02-06)

161.20 Downtown Core

(a) *Purpose.* Development is most intense, and land use is densest in this zone. The downtown core is designed to accommodate the commercial, office, governmental, and related uses commonly found in the central downtown area which provides a wide range of retail, financial, professional office, and governmental office uses. For the purposes of Chapter 96: Noise Control, the Downtown Core district is a commercial zone.

(b) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings

Unit 10	Three-family dwellings
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
Unit 17	Trades and Services
Unit 19	Commercial recreation, small sites
Unit 25	Professional offices
Unit 26	Multi-family dwellings
Unit 34	Liquor stores

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 24	Home occupations
Unit 29	Dance Halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities

(c) *Density.* None.

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

(e) *Setback regulations.*

Front	The principal façade of a building shall be built within a build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side, facing street	The principal façade of a building shall be built within a build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side, internal	None
Rear, without easement or alley	5 ft.
Rear, from center line of an easement or alley	12 ft.

Note: If the Regulating Plan shows an alley along the rear, side, or across a property line, adjustments to setbacks might be necessary. See Section 161.26(C)(3)-(8).

(f) *Minimum buildable street frontage.* 80% of lot width.

(g) *Height regulations.* Maximum height is 12 stories or 168 feet which ever is less.

(h) *Parking regulations.* No parking lots are allowed to be located in the front or side build-to-zone facing a public right of way.

161.21 Main Street / Center

(a) *Purpose.* A greater range of uses is expected and encouraged in the *Main Street / Center*. The *Center* is more spatially compact and is more likely to have some attached buildings than *Downtown General* or *Neighborhood Conservation*. Multi-story buildings in the *Center* are well-suited to accommodate a mix of uses, such as apartments or offices above shops. Lofts, live/work units, and buildings designed for changing uses over time are appropriate for the *Main Street / Center*. The *Center* is within walking distance of the surrounding, primarily residential areas. For the purposes of Chapter 96: Noise Control, the Main Street Center district is a commercial zone.

(b) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
Unit 17	Trades and services
Unit 19	Commercial recreation, small sites
Unit 25	Professional offices
Unit 26	Multi-family dwellings
Unit 34	Liquor stores

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 18	Gasoline services stations and drive in restaurants
Unit 24	Home occupations

Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities

(c) *Density.* None.

(d) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling (all unit types)	18 ft.
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(2) *Lot area minimum.* None.

(e) *Setback regulations.*

Front	The principal façade of a building shall be built within a build-to-zone that is located between the front property line and a line 25 ft. from the front property line.
Side, facing street	The principal façade of a building shall be built within a build-to-zone that is located between the front property line and a line 25 ft. from the front property line.
Side, internal	None
Rear, without easement or alley	5 ft.
Rear, from center line of an easement or alley	12 ft.

Note: If the Regulating Plan shows an alley along the rear, side, or across a property line, adjustments to setbacks might be necessary. See Section 161.26(C)(3)-(8).

(f) *Minimum buildable street frontage.* 75% of lot width.

(g) *Height regulations.* Maximum height is 6 stories or 84 feet which ever is less. Above four stories there shall be a setback of the building's principal façade of no less than 15 ft.

(h) *Parking regulations.* No parking lots are allowed to be located in the front or side build-to-zone facing a public right of way.

161.22 Downtown General.

- (a) *Purpose.* *Downtown General* is a flexible zone, and it is not limited to the concentrated mix of uses found in the *Downtown Core* or *Main Street / Center*. *Downtown General* includes properties in the neighborhood that are not categorized as identifiable centers, yet are more intense in use than *Neighborhood Conservation*. There is a mixture of single-family homes, rowhouses, apartments, and live/work units. Activities include a flexible and dynamic range of uses, from public open spaces to less intense residential development and businesses. For the purposes of Chapter 96: Noise Control, the *Downtown General* district is a residential zone.

- (b) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 25	Professional offices
Unit 26	Multi-family dwellings

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities

- (c) *Density.* *None*

- (d) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling (all unit types)	18 ft.
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- (2) *Lot area minimum.* *None.*

- (e) *Setback regulations.*

Front	The principal façade of a building shall be built within a build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side, facing street	The principal façade of a building shall be built within a build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side, internal	None
Rear, without easement or alley	5 ft.
Rear, from center line of an easement or alley	12 ft.

Note: If the Regulating Plan shows an alley along the rear, side, or across a property line, adjustments to setbacks might be necessary. See Section 161.26(C)(3)-(8).

(f) *Minimum buildable street frontage.* 50% of lot width.

(g) *Height regulations.* Maximum height is 4 stories or 56 feet which ever is less.

(h) *Parking regulations.* No parking lots are allowed to be located in the front or side build-to-zone facing a public right of way.

161.23 Neighborhood Conservation

(a) *Purpose.* The *Neighborhood Conservation* zone has the least activity and a lower density than the other zones. Although *Neighborhood Conservation* is the most purely residential zone, it can have some mix of uses, such as civic buildings. *Neighborhood Conservation* serves to promote and protect neighborhood character. For the purposes of Chapter 96: Noise Control, the *Neighborhood Conservation* district is a residential zone.

(b) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities

Unit 10	Three-family dwellings
Unit 12	Offices, studios and related services
Unit 24	Home occupations
Unit 25	Professional services
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities

(c) *Density*. 10 Units/Acre

(d) *Bulk and area regulations*.

(1) *Lot width minimum*.

Single Family	40 ft.
Two Family	50 ft.
Three Family	60 ft.

(2) *Lot area minimum*. 4,000 Sq. Ft.

(e) *Setback regulations*.

Front	The principal façade of a building shall be built within a build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side, facing street	The principal façade of a building shall be built within a build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side, internal, if adjoining a similar use unit.	5 ft.
Side, internal, if adjoining a different use unit	5 ft.
Rear, without easement or alley	5 ft.
Rear, from center line of an easement or alley	12 ft.

Note: If the Regulating Plan shows an alley along the rear, side, or across a property line, adjustments to setbacks might be necessary. See Section 161.26(C)(3)-(8).

(f) *Minimum buildable street frontage*. 40% of lot width.

(g) *Height regulations*. Maximum height is 3 stories or 45 feet which ever is less.

161.24 District I-1, Heavy Commercial And Light Industrial

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

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

(C) *Density.* None.

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

(E) *Setback regulations.*

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

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

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(VIII); Ord. No. 2351, 6-2-77; Ord. No. 2430, 3-21-78; Ord. No. 2516, 4-3-79; Ord. No. 1747, 6-29-70; Code 1991, §160.039; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99)

161.25 District I-2, General Industrial

(A) *Purpose.* The General Industrial District is designed to provide areas for manufacturing and industrial activities which may give rise to substantial environment nuisances, which are objectionable to residential and business use.

(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 12	Offices, studios and related services
Unit 18	Gasoline service stations & drive-in restaurants
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 22	Manufacturing
Unit 23	Heavy industrial
Unit 28	Center for collecting recyclable materials

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 31	Facilities emitting odors and facilities handling explosives.
Unit 36	Wireless communications facilities

(C) *Density.* None.

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

(E) *Setback regulations.*

Front, when adjoining A or R districts	100 ft.
Front, when adjoining C, I or P districts	50 ft.
Side, when adjoining A or R districts	50 ft.
Side, when adjoining C, I or P districts	25 ft.
Rear	25 ft.

(F) *Height regulations.* There shall be no maximum height limits in I-2 Districts, provided, however, that any building which exceeds the height of 25 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 25 feet.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(IX); Ord. No. 2351, 6-21-77; Ord. No. 2516, 4-3-79; Ord. No. 1747, 6-29-70; Code 1991, §160.040; Ord. No. 3971, §2, 5-21-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99)

161.26 District P-1, Institutional

(A) *Purpose.* The Institutional District is designed to protect and facilitate use of property owned by larger public institutions and church related organizations.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Density.* None.

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

(E) *Setback regulations.*

Front	30 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	20 ft.
Side, when contiguous to a residential district	25 ft.
Rear	25 ft.
Rear, from center line of public alley	10 ft.

(F) *Height regulations.* There shall be no maximum height limits in P-1 Districts, provided, however, that any building which exceeds the height of 20 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet.

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

(Code 1965, App. A, Art. 5(XI); Ord. No. 2603; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.042; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99)

161.27 District E-1, Extraction

(A) *Purpose.* The Extraction District is designed to provide areas for the commercial removal of natural accumulations of sand, clay, silt, gravel, rock, and any mineral where such removal may cause groundwater problems, noise, dust, traffic problems, erosion, and safety concerns.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 30	Extractive uses

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
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(C) *Density.* None.

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Lot width minimum	The proposed development shall have at least 200 feet of frontage on a state road or other adequate means of access compatible with sound land use planning principles.
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(2) *Lot area minimum.*

Lot area minimum	10 acres
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(E) *Setback regulations.*

From all property lines (including street frontage) when contiguous to all R districts	200 ft.
From all property lines (including street frontage) when contiguous to P, A, C, and I districts	100 ft.

(Code 1991, §160.047; Ord. No. 3546, 4-16-91; Ord. No. 4100, §2 (Ex. A), 6-16-98, Ord. No. 4178, 8-31-99)

161.28 Design Overlay District (I-540 Highway Corridor)

(A) *Purpose.* The purpose of establishing a Design Overlay District for the I-540 Highway Corridor is as follows:

- (1) To protect and enhance the distinctive scenic quality of the I-540 Highway Corridor by providing for nonresidential developments which will maximize preservation and enhancement of the natural, rural, and open character of the terrain and foliage.
- (2) To address the issues of traffic and safety.
- (3) To address environmental concerns which include, but are not limited to, soil erosion, vegetation preservation, drainage and heat islands.
- (4) To preserve and enhance the economic value and viability of property within and near the Overlay District for the I-540 Highway Corridor.

(B) *Overlay District boundaries.* The Overlay District encompasses all lands lying within 660 feet of each side of the right-of-way of I-540 from the intersection of I-540 and State Highway 471 (a/k/a 71B) north to the city limits of Fayetteville, (a/k/a the 71 Bypass and/or John Paul Hammerschmidt Expressway), and also that portion known as State Highway 471S described more fully as that portion of State Highway 471 which connects I-540 to State Highway 471 (a/k/a North College) and all future extensions of I-540 within the City of Fayetteville. Said boundaries are set out on the official plat pages along with a legal description of such boundaries located in the Planning Division.

(C) *Application of Overlay District: Regulations and standards.* The regulations and standards contained herein shall apply to all nonresidential properties, (including, but not limited to new development), located within the

Overlay District boundaries. Such regulations and standards shall be in addition to and shall overlay all other ordinance regulations and standards, including, but not limited to nonresidential zoning district and signage regulations and standards. Should the regulations and standards of the underlying and Overlay District conflict, the Overlay District regulations and standards shall control.

(D) *Nonresidential site design and development standards.*

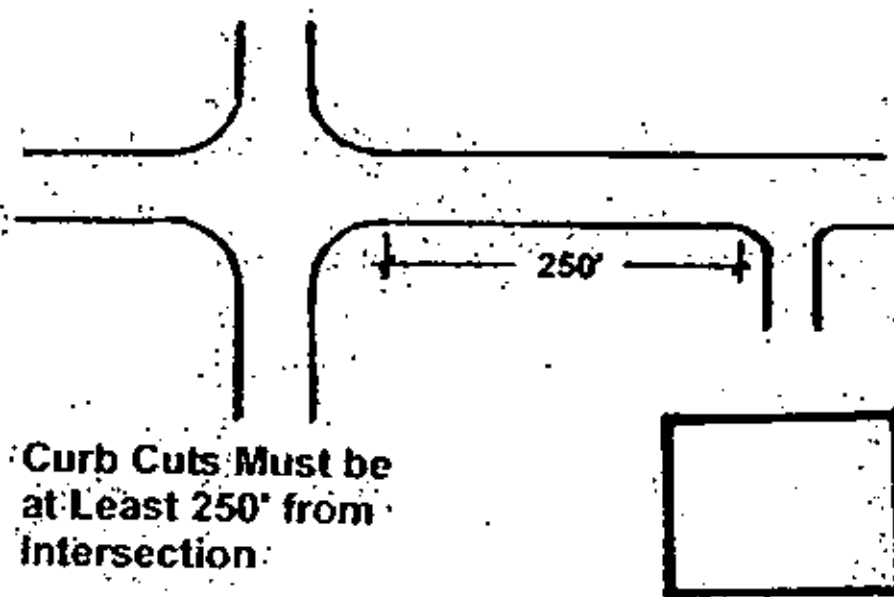
- (1) *Greenspace.* A minimum of 25 feet of landscaped greenspace exclusive of right-of-way shall be provided along the highway right-of-way and any public street to which the development has frontage. Parking lots shall not encroach into the greenspace and shall be screened when abutting a required greenspace area. Trees shall be planted at the interval of one tree per 30 linear feet of greenspace area when practicable.

(2) *Signs*

- (a) The only permitted free standing signs shall be monument signs. Only indirect lighting may be used for illumination of all signs.

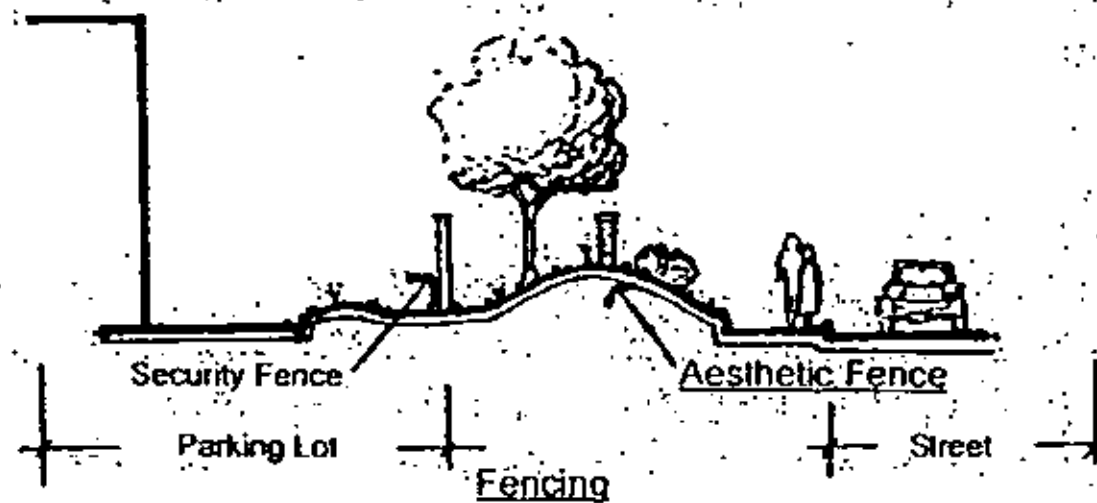
- (b) All signs shall otherwise comply with *Chapter 174 Signs* and any variance shall be considered pursuant to § 156.06 of the *Unified Development Code*.

- (3) *Curb cuts.* One curb shall be allowed per 200 feet of frontage. No curb cuts shall be allowed within 250 feet of any intersection.



- (4) *Exterior appearance.* All structures shall be architecturally designed to have front facades facing all street and highway right-of-way. An elevation drawing shall be submitted for each side of the building that faces a street or highway.
- (5) *Building material.* Buildings shall be constructed of wood, masonry, or natural looking materials. No structures shall be allowed that have metal side walls UNLESS such metal siding is similar in appearance to wood, masonry, or natural looking material.
- (6) *Site coverage.* Twenty-five percent (25%) of the site shall be left in open space. Eighty percent (80%) of the open space shall be landscaped which may include ponds and fountains.
- (7) *Optional fencing.* All fencing shall be constructed of wood, masonry, or natural looking materials. No optional fencing shall be located within the greenspace required by Section (D)(1). No metal fencing shall be allowed except in the following cases:
- (a) Wrought iron fencing.
- (b) If other types of metal fencing are necessary, for security purposes, they may be used if the area is first fenced off with a view obscuring natural or natural looking fencing material. The metal fencing shall be placed inside the view obscuring fencing, and the view obscuring fencing shall be at least the height

of the metal fencing.

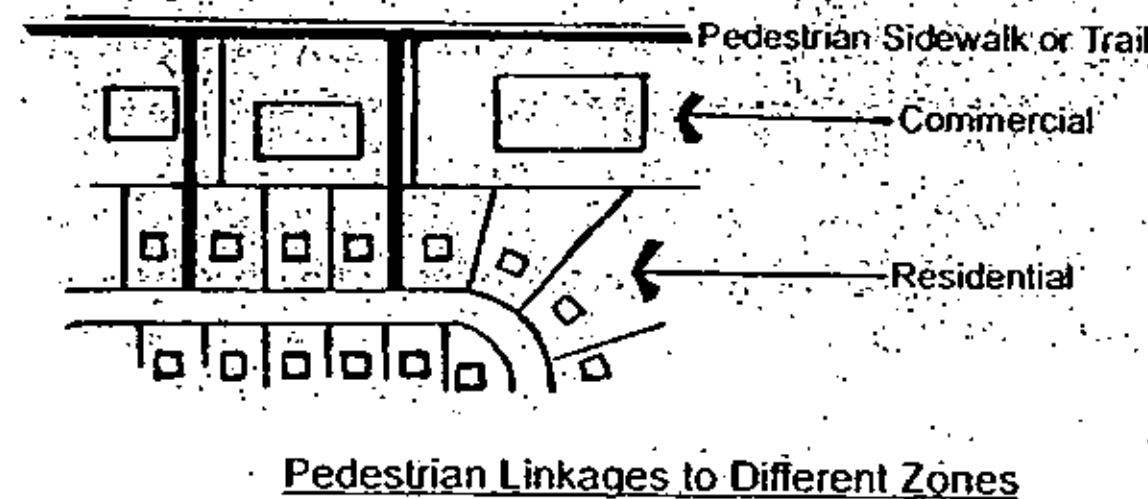
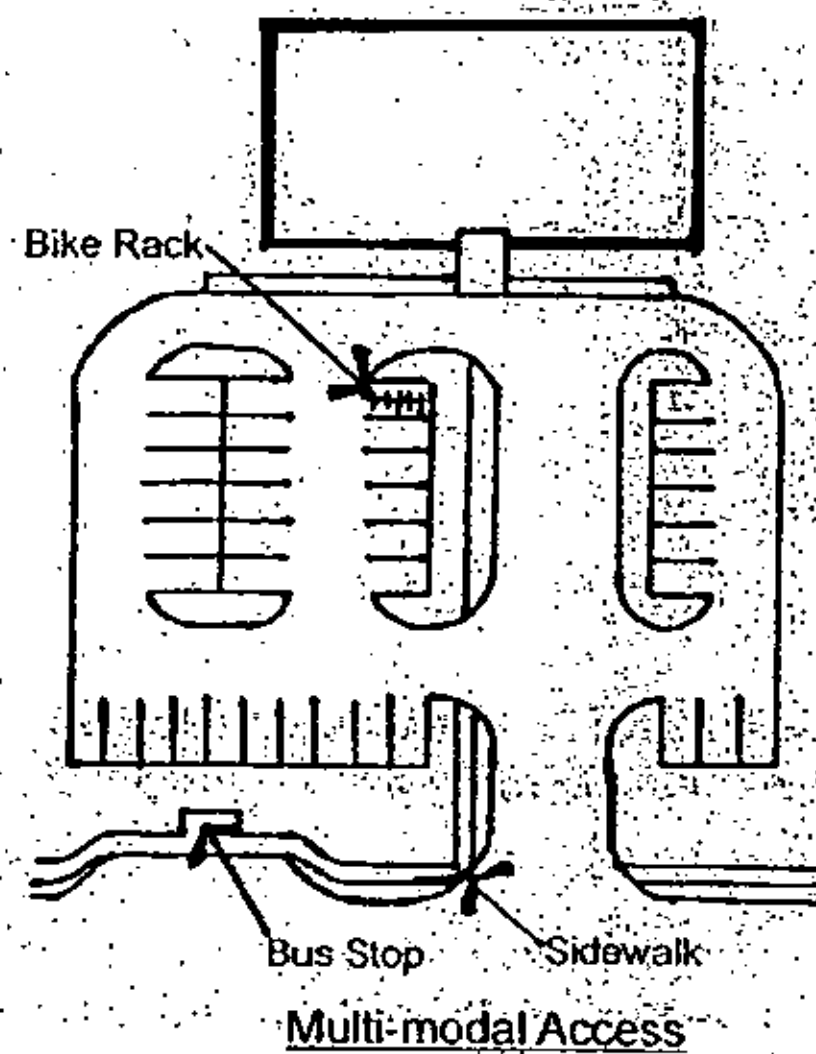


(8) *Outdoor storage of material and equipment.* All outdoor storage of material and equipment shall be screened with natural vegetation.

(9) *Access.*

(a) *Pedestrian.* Pedestrian access shall be provided from the street to the entrance of the structure by way of a designated trail or sidewalk.

(b) *Multi-modal.* Multi-modal access may be required on nonresidential sites within the Design Overlay District. (For example: The provision of bus stops, bicycle racks, parking stalls for car pools, and bicycle and pedestrian walks and trails).



(E) *Nonresidential developments and multiple building sites.* In the case of nonresidential development involving

multiple building sites, whether on one or more platted lots, the above-described regulations shall apply to the development as an entire tract rather than to each platted lot.

(F) *Large scale development.* All nonresidential development within the Design Overlay District shall be reviewed through the large scale development procedure and shall meet all those requirements regulating large scale developments regardless of the size of the tract.

(G) *Exemptions.*

(1) Undeveloped or partially developed lots in nonresidential subdivisions lying within the Design Overlay District for I-540 Highway Corridor which have received preliminary or final approval as nonresidential subdivision prior to June 28, 1994, are hereby exempt from compliance with Ordinance No. 3806 (§161.21).

(2) Owners of lots within nonresidential subdivisions which obtained preliminary or final approval as nonresidential subdivisions prior to June 28, 1994, and not included in the specifically exempted properties may apply for an exemption to the Fayetteville Zoning and Development Administrator. The Zoning and Development Administrator shall respond to the application in writing within 10 working days of the receipt of the application.

(3) Completed development upon property subject to such exemption not in compliance with the standards set forth in Ordinance No. 3806 (§161.21) shall be considered pre-existing conforming structures.

(4) Nothing contained herein shall limit or prohibit property owners from utilizing the variance provisions contained in Ordinance No. 3806 (§161.21).

(Code 1991, §160.048; Ord. No. 3821, §1, 3-5, 8-9-94; Ord. No. 38-06, 6-28-94; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4128, §1, 12-15-98; Ord. 4725, 7-19-05; Ord. 4784, 10-18-05)

Cross reference(s)—Appeals, Ch. 155; Variances, Ch. 156.

161.29 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.
- (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.
- (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.
 - (2) 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) *Condition.* In no instance shall the residential use area be less than fifty-one percent (51%) of the gross floor area within the development.
 - (4) *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.
- (D) *C-PZD, Commercial Planned Zoning District*

- (1) *Purpose and intent.* The C-PZD is intended to accommodate mixed-use developments containing any combination, including multiple combinations of commercial, office or residential uses in a carefully planned configuration in such a manner as to protect and enhance the availability of each independent use. The C-PZD is also intended to accommodate single use commercial developments that are determined to be more appropriate for a PZD application than a general commercial rezoning. The legislative purposes, intent and application of this district include, but are not limited to, the following:
 - (a) To encourage the clustering of commercial and office activities within areas specifically designated to accommodate such uses and to discourage the proliferation of commercial uses along major thoroughfares and noncommercial areas.
 - (b) To provide for orderly development in order to minimize adverse impact on surrounding areas and on the general flow of traffic.
 - (c) To encourage orderly and systematic commercial, office or mixed use development design or a combination thereof, providing for the rational placement of activities, vehicular and pedestrian circulation, access and egress, loading, landscaping and buffering strips.
 - (d) To encourage commercial development which is consistent with the city's General Plan.
 - (e) To accommodate larger scale suburban developments of mixed-uses in a harmonious relationship.
- (2) 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) *Conditions.*
 - (a) In no instance shall the commercial or office use area be less than fifty-one percent (51%) of the gross leasable floor area within the development.
 - (b) Residential uses must be appropriate to the design of the project.
 - (c) Warehousing and light industrial uses shall have a gross area per use that does not exceed five thousand (5,000) square feet and at least twenty percent (20%) of the floor area used for retail sales.
- (4) *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.
- (E) *I-PZD Industrial Planned Zoning District.*
 - (1) *Purpose and intent.* The I-PZD is intended to accommodate industrial parks and single use industrial developments that are determined to be more appropriate for a PZD application than a general industrial rezoning. The legislative purpose, intent and application of this district include, but are not limited to, the following:
 - a. To provide for manufacturing activities in a manner compatible with the surrounding area.
 - b. To encourage the application of sound planning and design principles in the orderly development of industrial activities.
 - c. To maximize manufacturing potential without adversely affecting the living environment of the community.
 - d. To encourage industrial development that is consistent with the city's General Plan.
 - (2) 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.

- (a) In no instance shall the industrial use area be less than fifty-one percent (51%) of the gross leasable floor area within the development.
- (b) Ancillary commercial and office uses shall be compatible with the design and scale of the project.
- (c) Residential uses must be appropriate to the scope and character of the development.
- (4) *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.

(F) *Bulk and area regulations.*

- (1) *Residential density.* Residential densities shall be determined on the basis of the following considerations:
 - 1. The densities of surrounding development;
 - 2. the densities allowed under the current zoning;
 - 3. the urban development goals and other policies of the city's General Plan;
 - 4. the topography and character of the natural environment; and
 - 5. the impact of a given density on the specific site and adjacent properties.
- (2) *Lot area and yard requirements.* Taking into consideration the unique aspects of each project, preliminary development plans for Planned Zoning Districts shall conform as closely as possible to the existing standards for lot area minimums and setback requirements under this chapter.
- (3) *Building height.* There shall be no maximum building height except as may be determined by the Planning Commission during the review of the preliminary development plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. A lesser height may be established by the Planning Commission when it is deemed necessary to provide adequate light and air to adjacent property and to protect the visual quality of the community.
- (4) *Building area.* The Planning Commission shall review specific proposed lot coverages which generally correspond to the guidelines for lot coverage in the respective residential, office, commercial or industrial district which most depicts said development scheme.

(Ord. No. 4434, §1 (Ex. A), 11-19-02; Ord. 4717, 7-5-05; Ord. 4764, 09-20-05)

161.30-161.99 Reserved

EXHIBIT "E"

The following language is to be inserted in Chapter 162 Use Units:

162.01 Establishment/Listing

(D) Unit 4. Cultural and recreational facilities.

(1) Description. Unit 4 consists of cultural and recreational uses to serve the residents of the community.

(2) Included uses.

Auditorium, stadium	
Art gallery, museum	
Cemetery	
Child care center, nursery school *	
Church	
College or university	
Community center	
Crematorium	
Dormitory	
Eldercare	
Hospital	
Mausoleum	
Playfield, playground	
Private club or lodge	
School:	•Elementary •Junior High •Senior High
Swimming pool	
Tennis court	
Theater (legitimate)	

Cross-reference(s)—Parking and Loading, Ch. 172.

(E) Unit 5. Government facilities.

(1) Description. Unit 5 consists of the main facilities of government agencies.

(2) Included uses.

City or county jail
Courts of law
Fire station
Governmental agencies and offices
Library
Police station
Post office
Detention Home

(F) Unit 20. Commercial recreation, large sites.

(1) Description. Unit 20 consists of commercial recreation facilities which are usually conducted out-of-doors, on large sites, and in undeveloped, outlying parts of the city. Uses in this unit have an adverse effect on certain other uses, in that they are often noisy and are large traffic generators.

(2) *Included uses.*

Amusement park *
Drag strip
Drive-in theater
Fairgrounds
Fishing dock
Go-cart track
Golf range, golf course
Miniature golf
Race track
Zoo

EXHIBIT "F"

The following language is to be inserted in Chapter 164 Supplementary District Regulations:

164.12 Nonconforming Uses and Structures

(l) *Designated Preservation Structures.* Significant structures as designated by City Council resolution as worthy of preservation shall be exempted from the provisions of this section.

DRAFT

EXHIBIT "G"

Language to be inserted in Chapter 166 Development:

166.14 Commercial Design And Development Standards

(B) *Applicability.* Commercial design and development standards apply to all commercial and office development.

DRAFT

EXHIBIT "H"

Language to be inserted in Chapter 167 Tree Preservation and Protection:

167.04 Tree Preservation and Protection During Development

(C) *Canopy area.* In all new Subdivisions, Large Scale Developments, 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
R-A, Residential - Agricultural (nonagricultural uses)	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%
RSF-8, Single-family Residential - Eight 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%
DC, Downtown Core	10%

MSC, Main Street Center	10%
DG, Downtown General	10%
NC, Neighborhood Conservation	20%
I-1, Heavy Commercial and Light Industrial	15%
I-2, General Industrial	15%
P-1, Institutional	25%

All residential zoning districts and C-1 districts within the Hillside/Hilltop Overlay District shall have their percent minimum canopy requirements increased by 5% to a total requirement of either 30% or 25%.

DRAFT

EXHIBIT "I"

Language to be inserted in Chapter 172 Parking and Loading:

172.05 Standards For The Number Of Spaces By Use

(A) Off-street parking.

- (2) *Change of use – waiver.* Downtown Core, Main Street Center, and Downtown General zoning districts, parking requirements are waived for any existing structure with a change of use. New construction, razed buildings or enlarged buildings shall conform to the parking requirements of the City of Fayetteville. For enlarged buildings, additional parking spaces will be calculated by the amount of square footage that is added.
- (3) *Building footprint – waiver.* In Downtown Core, Main Street Center and Downtown General zoning districts, parking requirements are waived for the square footage "footprint" of any building which existed and has been removed since October 1, 1995, in order to rebuild.
- (4) *Downtown Core, Main Street Center, and Downtown General Zoning Districts accessory outdoor use areas* - Accessory outdoor patios, balconies, decks, and other similar outdoor use areas for restaurants and bars shall be exempt from meeting off-street parking requirements in the C-3 and C-4 zoning districts.

DRAFT

EXHIBIT "J"

Language to be inserted in Chapter 174 Signs:

174.10 On-Site Freestanding Signs

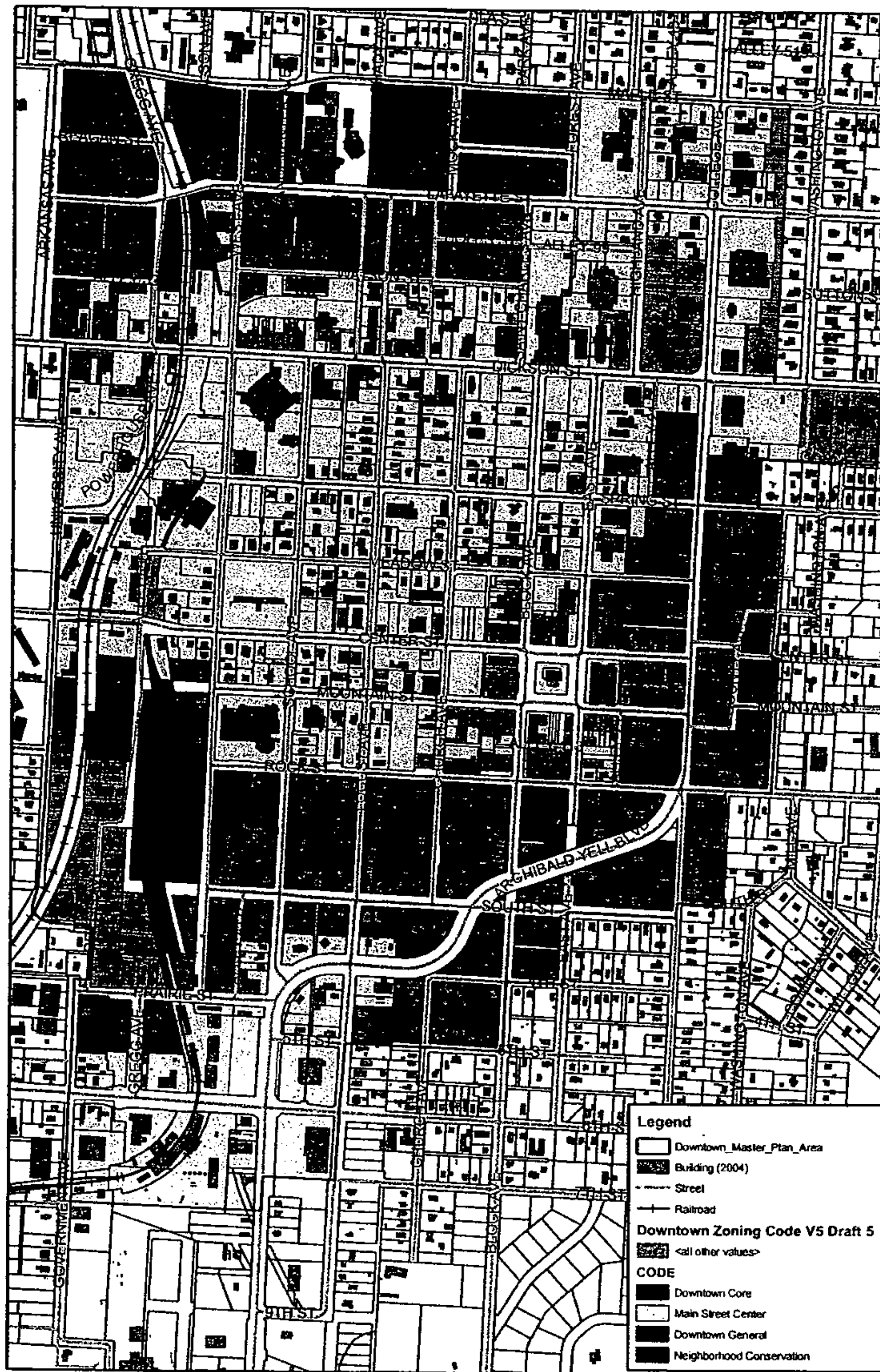
It shall be unlawful to erect any freestanding sign which total height is greater than 30 feet above the level

(D) *C Districts and Downtown Master Plan Zoning Districts (Downtown Core, Main Street Center, Downtown General).*

DRAFT

"Exhibit "K"

B. 8
ADM 06-1955, 06-1956
Amend Title XV: Downtown
Master Plan Zoning Districts and Map
Page 62 of 62



**Miller
Boskus
Lack**

Architects, P.A.

June 27, 2006

City Of Fayetteville
Clerk's Office / City Council
113 W. Mountain St.
Fayetteville, AR 72701

Members of the City Council,

On behalf of the owner of Sycamore Center, Rick Thomas, I would like to appeal the Planning Commission's decision to deny ADM 06-2164: Administrative Item (SYCAMORE CENTER, 407), for waiver of landscaping requirements to accommodate additional parking.

The 11,324 sq.ft. retail building has 36 parking spaces. Due to the limited number of parking spaces, the tenants feel they are losing business during peak hours of the day. With the parking spaces full, people circle the parking lot and then leave. Two of the current tenants have indicated they will be leaving the center if the parking situation is not resolved, which is also causing a hardship on the owner. The center has always had vacancies. The leasing agent has indicated lack of parking as a factor. Granting of this waiver would allow for up to an additional 10 parking spaces to be added to the lot. The parking would also be upgraded to include 2 bicycle parking racks as currently required in the city's ordinances.

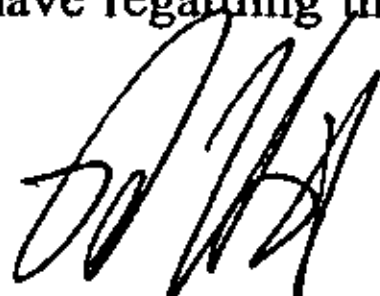
The requested waiver would reduce the 15 foot landscape requirement (adjacent to R.O.W.) along College Avenue and Sycamore by 9 feet. This would change the landscape between the parking and R.O.W. to 6 feet wide. Existing landscaping disturbed by the changes would be relocated on site as needed. Within the new 6 foot buffer, the owner will create a berm to plant a continuous hedge of existing plants and additional bushes, landscaping, and trees. A low wall, landscaping, or additional buffering required for you to permit this waiver request will also be considered.

As a second option, we would like to request a 9' reduction of the right-of-way on both College Avenue and Sycamore Street. The right-of-way is 55' from the centerline of College Avenue and 35' from the centerline of Sycamore Street. It is our understanding that there is no plan to widen college at this location. The owner is willing to relocate the sidewalks to the edge of the new right-of-way. This would still allow for the required 15' of landscaping between the sidewalks and parking area, so no landscape reduction would be needed. Existing landscaping would be relocated on site as needed, and new shrubs and trees would be planted in the new 15' landscape buffer, as well as the enlarged island in the middle of the parking lot.

Recently the Board of Adjustment granted Ball Coffee (formerly Long John Silvers) a 9' building setback variance on Sycamore Street. In 1997/1998 Tune Plaza (across the street from Herman's), was given an administrative reduction in the landscape requirement from 15' to 5' along College Avenue. Sycamore Center was not offered a landscape reduction in 1999, but a reduction of spaces was mentioned as an option we could pursue. A waiver of 10 spaces was granted administratively.

Attached are letters from the owner, the leasing agent, and some of the tenants of Sycamore Center. Thank you for your consideration on this waiver, and please feel free to contact me with any questions you may have regarding the project.

Sincerely,



Philip E. Hadfield

RECEIVED

JUL 28 2006

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

Miller
Boskus
Lack

B. 9
ADM 06-2164 Sycamore
Center Appeal
Page 2 of 38

Architects, P.A.

June 6, 2006

City Of Fayetteville
Planning Division
125 W. Mountain St.
Fayetteville, AR 72701

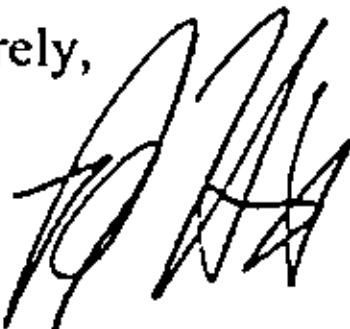
Dear Planning Commission,

On behalf of the owner of 1680 N. College Avenue (Sycamore Center), I would like to request a Development Waiver. The owner requests a reduction of the 15 foot landscape requirement (adjacent to R.O.W.) along College Avenue and Sycamore by 9 feet. This would change the landscape between the parking and R.O.W. to 6 feet wide. Existing landscaping disturbed by the changes would be relocated on site as needed. Within the new 6 foot buffer, the owner will create a berm to plant a continuous hedge of existing plants and additional bushes, landscaping, and trees. The +/- 19 feet of grass between the sidewalk and the street curb on College Avenue would not be altered, and the +/- 16 feet on Sycamore Street would remain as well. A low wall, landscaping, or additional buffering required for you to permit this waiver request will also be considered.

The 11,324 sq.ft. retail building has 36 parking spaces. Due to the limited number of parking spaces, the tenants feel they are losing business during peak hours of the day. With the spaces full, people circle the parking lot and then leave. Granting of this waiver would allow for up to an additional 10 parking spaces to be added to the lot. The parking would also be upgraded to include 2 bicycle parking racks as currently required in the city's ordinances.

Attached are letters from the owner, the leasing agent, and some of the tenants of Sycamore Center. Thank you for your consideration on this waiver, and please feel free to contact me with any questions you may have regarding the project.

Sincerely,



Philip E. Hadfield

Attachments:

Letters from owner, Richard L. Thomas.
Letters from leasing agent and tenants,
(C1.3) Existing landscape plan,
(A1.2) Existing Parking (Roof Plan)
(A1.3) Proposed parking & landscape plan

2397 Green Acres Road Fayetteville, Arkansas 72703
Phone: 479.443.7121 E-mail: phil@mbi-arch.com Fax: 479.443.7139

Richard L. Thomas Trust
1971 W. 190th St., #100
Torrance, Ca 90504
(310)715-1300

June 9, 2006

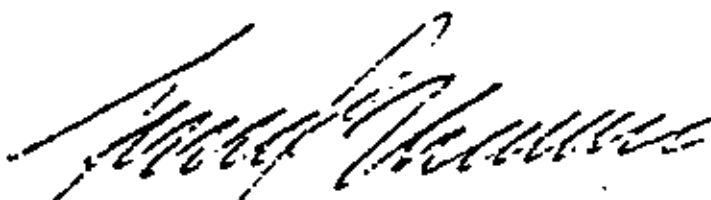
City of Fayetteville
Planning Commission
113 W. Mountain Street
Fayetteville, ARK 72703

Re: Development Waiver for Sycamore Center
Located at 1680 N. College Ave., Fayetteville, ARK

Dear Planning Commission:

I, Richard Thomas, am the owner of the Sycamore Center in Fayetteville. I have asked Mr. Philip Hadfield of Miller Boskus Lack Architects to represent me in my request for a Development Waiver for the Center located at 1680 N. College Ave. in Fayetteville.

Sincerely,


Richard Thomas

Richard L. Thomas Trust
1971 W. 190th St., #100
Torrance, Ca 90504
(310)715-1300

June 9, 2006

City of Fayetteville
Planning Commission
113 W. Mountain St.
Fayetteville, AR 72703

Re: Development Waiver for Sycamore Center located at
1680 N. College Ave., Fayetteville, AR

Dear Planning Commission:

I am the Owner of the Sycamore Center in Fayetteville. I am requesting a Development Waiver for the property to resolve a parking problem which I and the tenants have been dealing with for years.

There is currently 37 feet of landscaping between the parking area and the property line on College Ave. and 40 feet of landscaping between the property line and the parking area on Sycamore Street.

We are requesting a 9 foot reduction in the landscape area to be added to the parking area in order for us to add an additional 10 parking spaces. The remaining 28 feet of space would be heavily landscaped with trees and a hedge planted in front of the parking area.

For years I have been trying to solve the parking dilemma in the Center. I have tried to lease parking spaces, with access from Sycamore Street, from the adjacent Keyport Storage facility. The manager stated that there can be no access from Sycamore Street. I have also on several occasions spoken with the owner of the storage facility about purchasing the parking lot behind my building. The owner was polite but not interested. I have also talked to the owner of the Radio Shack across Sycamore Street regarding

leasing parking spaces, he stated that he had no parking to spare. Also, I talked to the owner of the Acropolis Restaurant property to the south on College Ave., after he talked to his tenant, the restaurant, he stated that the restaurant was unwilling to lease any parking spaces.

Last year I made an offer to purchase part of the vacant land behind and to the east of the Radio Shack. The owners were unwilling to sell a portion of the 1.8 acres on Sycamore Street.

The tenants in the Sycamore Center have been stating for years how they have been losing business because their customers have no place to park. Customers drive around and around the parking area and then leave the Center. One of my tenants, Wireless Hookup, is moving next month because the parking situation is getting worse each year.

It has always been difficult to lease the vacant units due to the parking problems. The center has never been fully occupied. However, the main concern is the existing tenants losing business due to the lack of parking for their customers. Lately there have been collisions in the parking area due to people double parking and cars backing up into those illegally parked cars.

The people that are leasing in this Center are good tenants who would greatly benefit by having 10 additional parking spaces for their customers. I believe this can be accomplished and still have 28 feet of beautifully landscaped area between the parking area and College Avenue and Sycamore Street.

Sincerely,


Rick Thomas

4022



DRY CLEANERS

1680 N. College • Fayetteville, AR 72703 • 501/443-1417

July, 5, 2006

Mr. Rick Thomas
1971 W. 190th St., #100
Torrance, CA 90504

RE: Additional Parking Spaces
Sycamore Center
1680 N. College
Fayetteville, AR 72703

Dear Mr. Thomas,

Please accept this letter as my request to provide additional parking spaces in the Sycamore Center of the above mentioned address. I am the owner of Royal Cleaners located in Suite 1 of the referenced property. I have been a tenant in the building since the year 2002 when I purchased the business.

Since that time parking issues have become a critical concern to the existing tenants within the Center. I also believe this will have an affect on any future tenants being obtained for the property. The majority of the businesses are retail oriented and require ample parking for employees, but most important the general public. Access, parking and location are all key factors in the retail business and play an important role in our success.

I appreciate your attention in this matter. If you have any questions or need to speak to me you can reach me at the Cleaners at 479-443-1417 or my cell phone at 479-601-6820.

Sincerely,

Jim Hanson

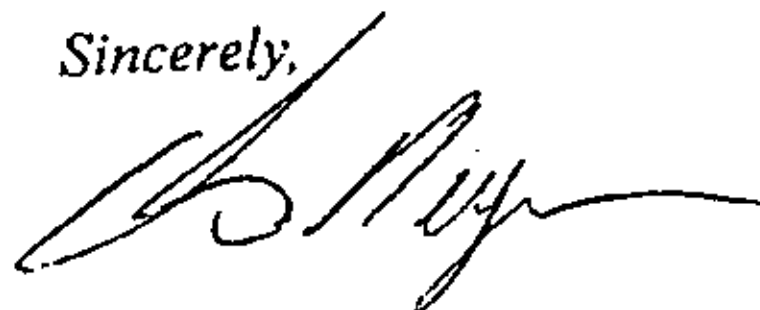
Quizno's

June 9, 2006

City of Fayetteville,

We are asking for a variance to enable us to get our parking lot enlarged to accommodate ten extra spaces. As it stands right now, there is not enough parking to handle the car volume that is there with the tenants that are currently occupying spaces in the strip mall now, and there are still unoccupied spaces. If those unoccupied spaces fill up the parking will become even worse than it already is. As it stands, we are losing approximately 30% of business due to cars coming in and circling the lot and leaving because of no place to park. In addition to this problem there are a lot of accidents in the parking lot due to cars double parking and someone backing out and running into them. Thank you for your help in this matter.

Sincerely,



Chris Meyer

Designer Discount
1680 North College Ave., Suite #2
Fayetteville, AR 72703

July 10, 2006

City of Fayetteville Planning Commission

Dear Planning Commission:

I am currently residing my business at 1680 North College Avenue in Fayetteville, Ar. Due to lack of parking, I am not seeing the full potential of my business. We have had many customer complaints with lack of parking. We have also encountered several cars that have backed into each other while the customers were trying to maneuver thru the double-parked cars in the Parking Lot. I am also one that has had to turn a claim into my auto insurance for this exact reason.

Thank you,

Keith Burkhardt
Keith Burkhardt

City of Fayetteville Planning Commission

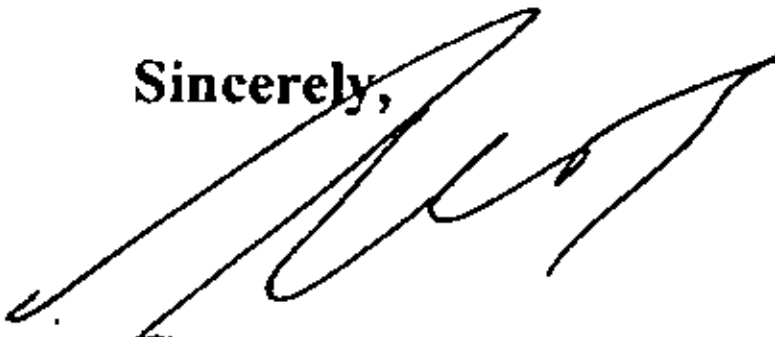
June 23, 2006

Garrett Ward Bartlett
Wireless HookUp (owner)
Sycamore Center
1680 N College #6
Fayetteville, AR 72703

Dear Planning Commission,

Our current lease expires in July 2006 with Mr. Thomas. We (Wireless HookUp) would consider signing a new lease if the parking situation improved. Right now with 6 of 7 suites occupied, customers are unable to find parking at any time during the day. We have been at this location for 5 years and have seen loss of business and many fender benders due to double parking. The businesses had to make signs to restrict parking for their patrons only, so the concept of a convenient shopping strip has been over taken by trees, shrubs, grass and cement curbs. Some of the trees and shrubs have suffered from large trucks running over them. I'll admit the landscape is nice for a city park but not for a small business with minimal parking.

Sincerely,



Garrett Ward Bartlett

5-Star Nails & Spa

1680 N. College Ave, Suite # 5
Fayetteville, AR 72703
(479) 444- 7005

July 14, 2006

City of Fayetteville
Planning Commission

Re: Sycamore Center Parking Dilemma
At 1680 N. College Ave, Fayetteville

Dear Planning Commission:

My business, and the rest of the businesses here, are dealing with a daily dilemma with the current parking situation.

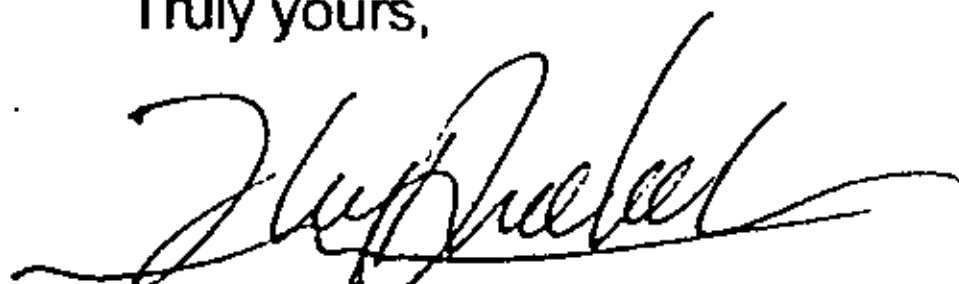
My sales have been suffering due to my customers not being able to find parking spaces in the Center.

I understand that the Owner, Richard Thomas, is trying to obtain a development waiver to add ten additional parking spaces in the Center.

This would be an enormous benefit to my business and the rest of the businesses at our location.

Please grant this Waiver so that our continual parking problem can be resolved.
Thank you very much!

Truly yours,



Hung Duc Bach
Owner of 5-Star Nails and Spa



BOA Meeting of June 5, 2006

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

THE CITY OF FAYETTEVILLE, ARKANSAS

BOARD OF ADJUSTMENT CORRESPONDENCE

TO: Fayetteville Board of Adjustment
FROM: Jesse Fulcher, Current Planner
THRU: Jeremy Pate, Director of Current Planning
DATE: May 25, 2006

BOA 06-2096 (BALL COFFEE STORE, 368): Submitted by MANDY BUNCH for property located at 1705 N COLLEGE AVENUE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 0.44 acres. The requirement is for a 25' front building setback. The request is for a 16' setback (a 9' variance) along Sycamore Street.

Planner: JESSE FULCHER

RECOMMENDATION:

Staff recommends approval of the requested variance as shown on the attached site plan with the following condition(s):

1. The proposed curb-cut from College Avenue shall be limited to a right-out only, designed accordingly with Planning and Engineering approval. This requirement will allow outbound traffic onto College Avenue, while restricting dangerous traffic turning movements out of the site. This requirements is subject to AHTD approval; should it not be approved, the applicant shall work with staff to determine the safest means possible for access to this property. *Staff is recommending this access as part of the development review of this site, regardless of the Board of Adjustment determination, as it is development, not zoning related.*
2. The proposed development shall comply with all development regulations in the C-2 zoning district.
3. The three (3) parallel parking spaces indicated to the west of the drive-thru shall be marked as employee only spaces, due to the difficulty in ingress/egress.
4. A building permit shall be obtained prior to commencement of any construction.
5. Future alterations to the proposed structure shall meet all requirements of the C-2 zoning district.

6. In addition to all other landscape requirements; vegetation having a minimum height of one foot six inches at the time of planting and occupying 10% of the open area shall be installed in the available greenspace between the building and the right-of-way, with the issuance of a building permit, prior to Certificate of Occupancy in accordance with Fayetteville Unified Development Code Section 166.10(C)(4).

Additional Conditions/Comments: _____

BOARD OF ADJUSTMENT ACTION:	☐ Approved	☐ Denied
Motion:		
Second:		
Vote:		
Date:	June 5, 2006	

The "CONDITIONS OF APPROVAL" listed in this report are accepted in total without exception by the entity requesting approval of this variance.	
Name: _____	Date: _____

BACKGROUND:

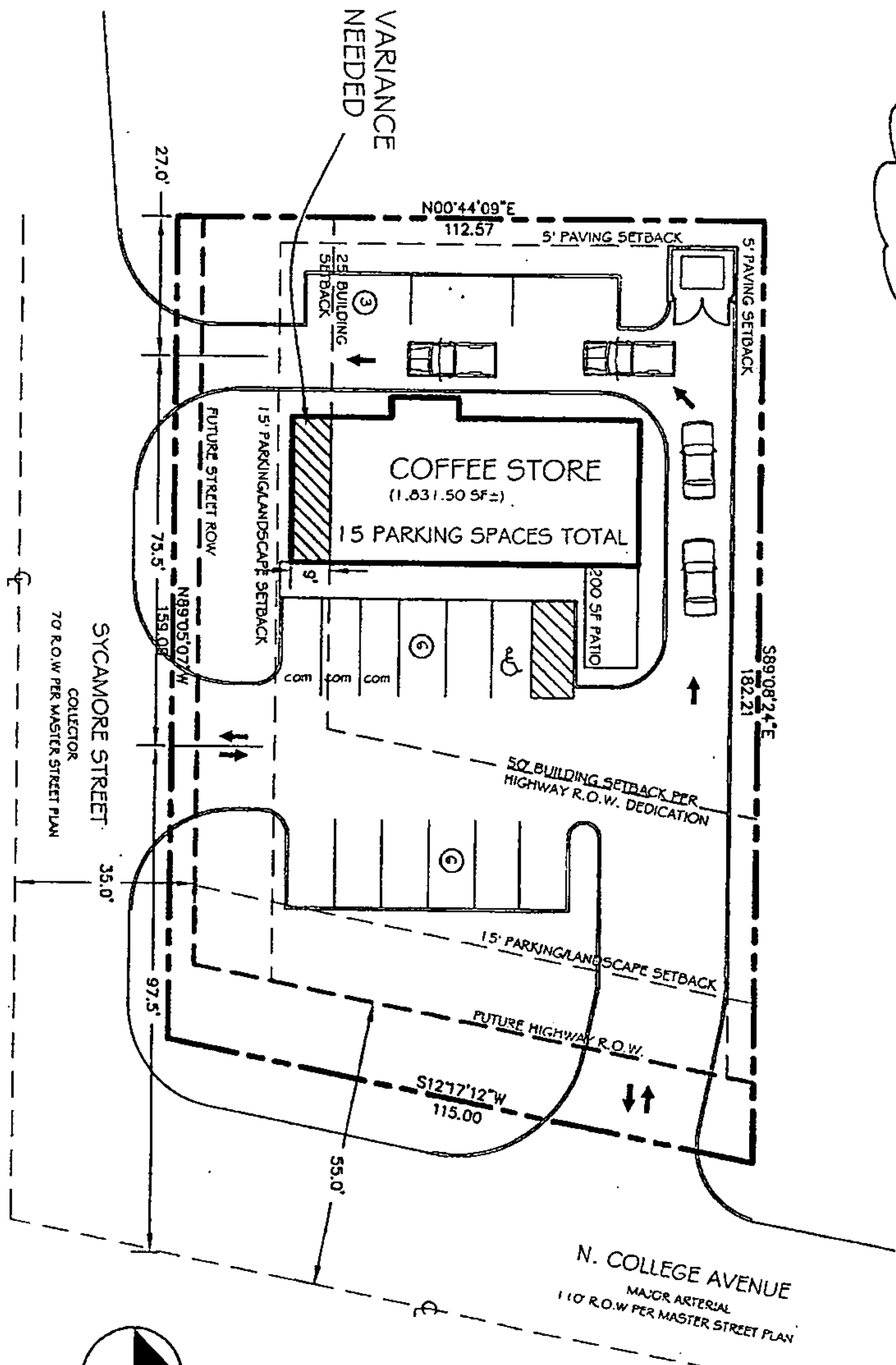
Property Description: The subject property is located at the northwest corner of N. College Ave. and Sycamore St., formerly Long John Silver's. The 1,900 square foot building lies within the C-2 zoning district with 31 parking spaces and two existing curb-cuts. The existing restaurant building, which was constructed in 1972, is currently a nonconforming structure as it encroaches 10' into the required 50' setback from College Ave. Additionally, the existing curb-cut onto College Ave., which is approximately 20' north of the intersection of College and Sycamore does not meet current ordinance requirements for separation from an intersection. This not only creates a dangerous traffic situation, but it also severely limits how the site can be redeveloped.

Proposal: The applicants intend to construct a 1,800 sq. ft. building with a drive-thru and outdoor patio area. As shown in *Table 1*, the applicant is requesting a 9' variance resulting in a 16' front building setback from the Sycamore Street right-of-way, to allow redevelopment of the site.¹

Planning staff and the applicants have reviewed several designs for the site. Three of the designs

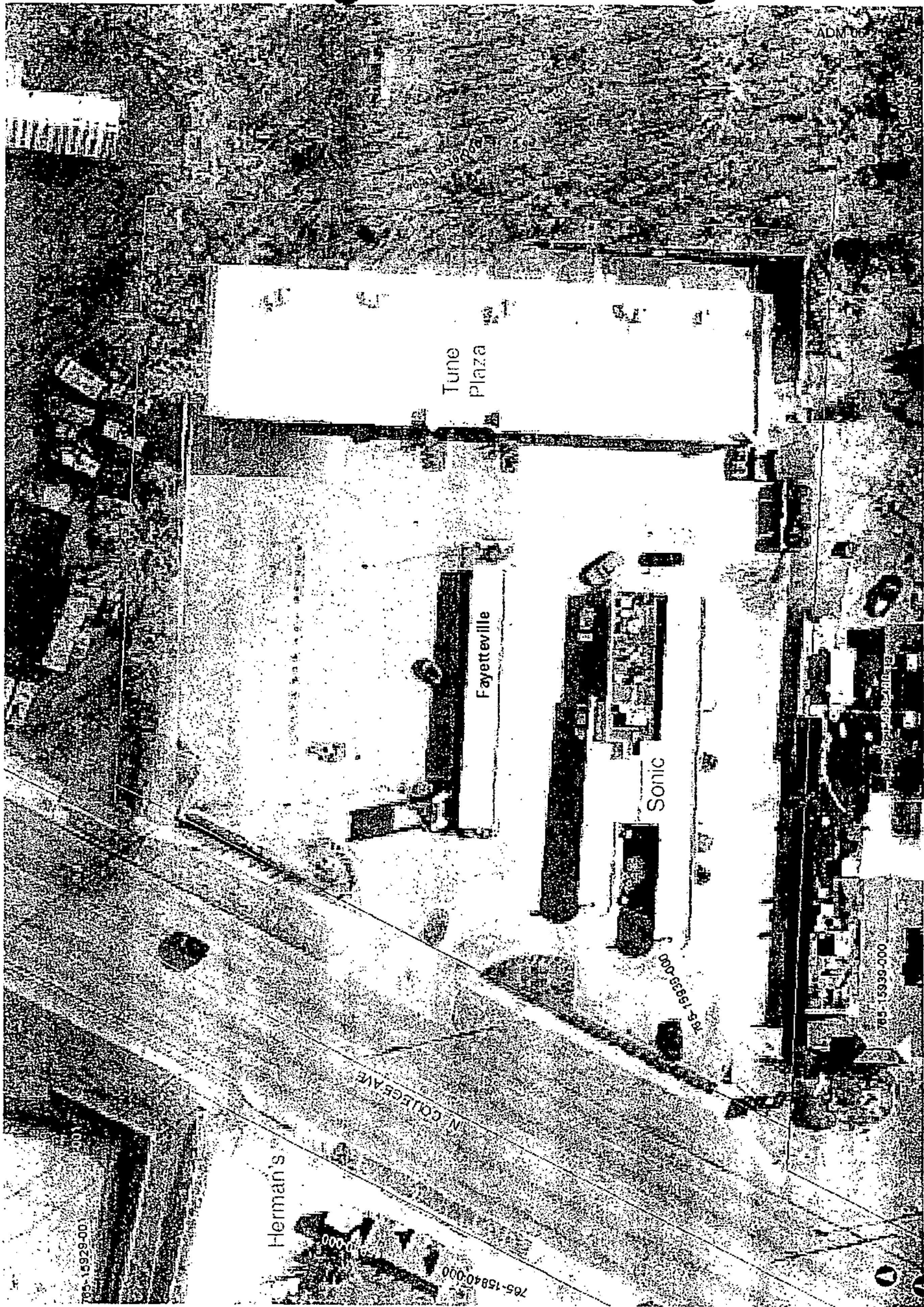
¹ It should be noted that the C-2 zoning district has a required 50' front building setback that may be reduced to 25' with landscaping in the front, and parking in the sides and rear of the lot. The subject property has incorporated this allowed setback reduction.

Proposed

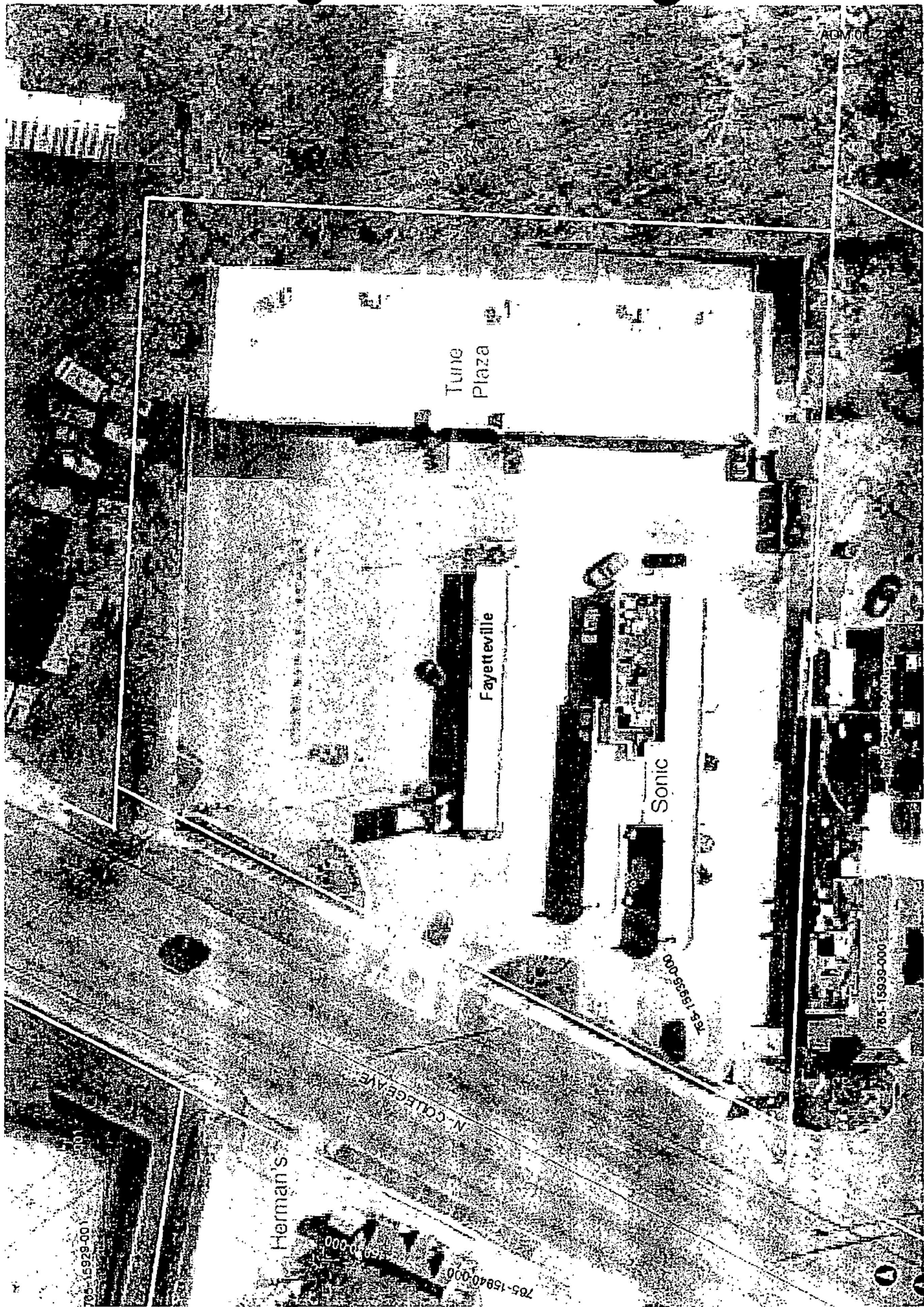


VARIANCE REQUEST
SITE PLAN

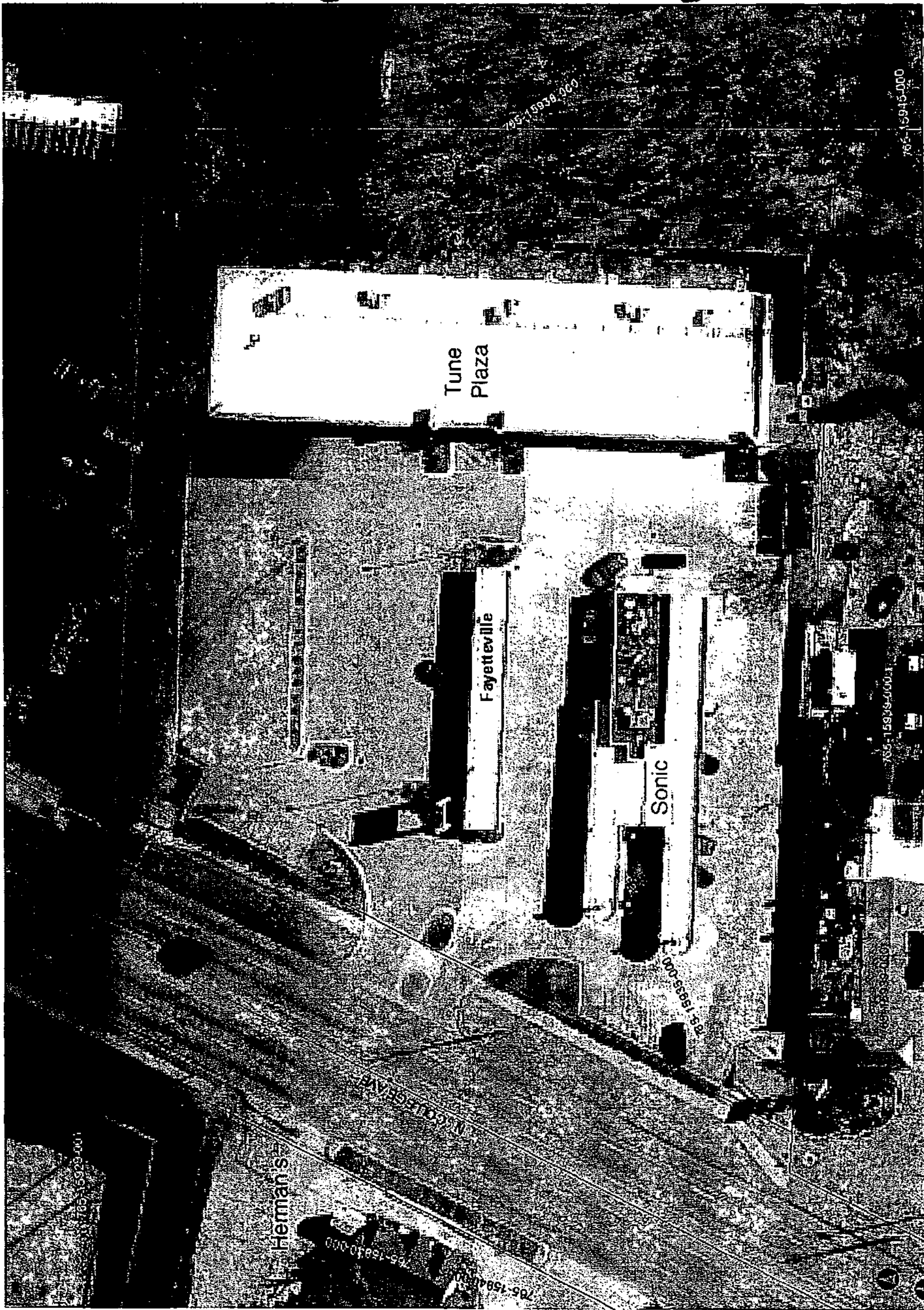
EB LandWorks, Inc.
LANDSCAPE ARCHITECTURE
CIVIL ENGINEERING
P.O. BOX 3432
Fayetteville, Arkansas 72702
Voice 479.444.7769
Fax 479.444.7793



Tune Plaza - Reduction in landscape requirement from 15' to 5' 0



Tune Plaza - Reduction in landscape requirement from 15' to 5' 0



Tune Plaza - Reduction in landscape requirement from 15' to 5'

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: July 31, 2006

Subject: Administrative item for Sycamore Center (ADM 06-2164)

RECOMMENDATION

Planning staff recommends denial of the request for a waiver of landscaping requirements to accommodate additional parking on property located at the southeast corner of N. College Ave. and Sycamore St.

BACKGROUND

The subject property is located at the southeast corner of N. College Avenue and E. Sycamore Street and is zoned C-2, Thoroughfare Commercial. The property was redeveloped in 2001 with an 11,324 sq. ft. retail building with 36 parking spaces. As required by ordinance, the development provided a 15' landscape area between the N. College Ave. and Sycamore St. rights-of-way and the parking lot.

The applicant proposes to reconfigure the parking lot to provide 10 additional parking spaces, for a total of 46. As proposed, the expansion of the parking lot would remove 9 feet of required green space along both College Ave. and Sycamore St., resulting in 6' landscape areas. The property owner and tenants have stated that they are losing business due to the limited number of existing parking spaces.

DISCUSSION

This Planning Commission voted 7-0-0 to deny the request on July 24, 2006.

BUDGET IMPACT

None.



PC Meeting of July 24, 2006

THE CITY OF FAYETTEVILLE, ARKANSAS

PLANNING DIVISION CORRESPONDENCE

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

TO: Planning Commission
FROM: Jesse Fulcher, Current Planner
THRU: Jeremy Pate, Director of Current Planning
DATE: July 17, 2006

ADM 06-2164 (SYCAMORE CENTER, 407): Submitted by MILLER BOSKUS LACK ARCHITECTS for property located at 1680 N. COLLEGE AVENUE. The property is zoned C-2, THOROUGHFARE COMMERCIAL. The request is for a waiver of landscaping requirements to accommodate additional parking.

Planner: JESSE FULCHER

RECOMMENDATION:

Staff recommends denial of the requested landscape waiver based on the findings herein. Also, please see the recommendation of the Urban Forester for this request, which is attached to this report.

Additional Conditions/Comments:

PLANNING COMMISSION ACTION:	☒ Approved	☒ Denied	☐ Tabled
Motion: Ostner			
Second: Clark			
Vote: 7-0-0			
Date: July 24, 2006			

BACKGROUND:

Property description: The subject property is located at the southeast corner of N. College Avenue and E. Sycamore Street and is zoned C-2, Thoroughfare Commercial. The property was redeveloped in 2001 with an 11,324 sq. ft. retail building with 36 parking spaces. As required by ordinance, the development provided a 15' landscape area between the N. College Ave. and Sycamore St. rights-of-way and the parking lot.

Proposal: The applicant proposes to reconfigure the parking lot to provide 10 additional parking spaces, for a total of 46. As proposed, the expansion of the parking lot would

remove 9 feet of required green space along both College Ave. and Sycamore St., resulting in 6' landscape areas. The property owner and tenants have stated that they are losing business due to the limited number of existing parking spaces.

Table 1
Variance Request

Variance Issue	Ordinance Requirement	Applicant's Request
Parking Lot Landscaping (N. College Ave. frontage)	15'	6' (a 9' waiver)
Parking Lot Landscaping (E. Sycamore St. frontage)	15'	6' (a 9' waiver)

Fayetteville Unified Development Code (UDC) Requirements: Parking requirements for the existing 11,324 sq. ft. building are shown below.

Parking Requirements for retail 1/250 sq. ft. (11,324 sq. ft.)

45 parking spaces required

58 parking spaces allowed with 30% increase

32 parking spaces allowed with 30% decrease

SURROUNDING LAND USE AND ZONING:

As depicted in *Table 2*, the site is surrounded by commercial uses.

Table 2
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Retail Shopping Center	C-2, Thoroughfare Commercial
South	Storage Facility	C-2, Thoroughfare Commercial
East	Storage Facility	C-2, Thoroughfare Commercial
West	Restaurant	C-2, Thoroughfare Commercial

GENERAL PLAN DESIGNATION: Regional Commercial

FINDINGS:

CITY OF FAYETTEVILLE UNIFIED DEVELOPMENT CODE
CHAPTER 156: VARIANCES

Section 156.02 Zoning Regulations

Certain variances of the zoning regulations may be applied for as follows:

A. **General Regulations/Application.** A variance shall not be granted unless and until an application demonstrates:

1. **Special Conditions.** That special conditions and circumstances exist

which are peculiar to the land; structure, or building involved and which are not applicable to other lands, structures or buildings in the same district.

Finding: There are no special conditions or circumstances which are peculiar to the property involved with this request. The subject property was redeveloped in 2001 under the current regulations for parking requirements. As permitted by ordinance, the applicants requested a 22% parking reduction, resulting in 36 parking spaces total for this development. The applicant had, at the time, the full ability to provide a greater number of parking spaces for future tenants by decreasing the square footage of the building or limiting the type of tenants in the center.

2. **Deprivation of Rights.** That literal interpretation of the provisions of the zoning regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the zoning regulations.

Finding: Literal interpretation of zoning regulations related to landscaping requirements will not deprive the applicant of any rights enjoyed by surrounding properties. Rather, it would allow for this applicant to create a nonconforming section of landscape area along College Ave. and Sycamore St. The property was recently redeveloped with an 11,324 sq. ft. retail building, which required 45 parking spaces. At the time of development the applicant could have provided up to 58 parking spaces by right. However, the applicant's proposal did not allow for the construction of 58 parking spaces, rather it only allowed for 36, based on the square feet of the proposed building.

3. **Resulting Actions.** That the special conditions and circumstances do not result from the actions of the applicant.

Finding: The request for a landscape variance is a direct result of the actions of the applicant. The condition requiring a variance is a result of the applicants desire to renovate and expand the existing parking lot. Had the original design of the site and building considered the needs of individual tenants, the building design could have been changed, or reduced in size to allow more parking. Instead, an insufficient amount of parking was requested by the applicant. Staff finds there are no special conditions that exist on the property necessitating variances and furthermore finds the City should not be deprived of greenspace along a primary arterial street when the applicant has created a situation entirely controlled by the development of this property. The property owner fully controls the businesses that are provided space in this center; staff works daily with other shopping

centers that have multiple tenants, in an effort to ensure the right mixture of tenants and parking ratio is present.

4. **No Special Privileges.** That granting the variance requested will not confer on the applicant any special privilege that is denied by Zoning, Chapters 160-165, to other lands, structures, or buildings in the same district.

Finding: Granting the requested setback variances would grant special privileges on this applicant which are denied to surrounding properties within the same zoning district. Properties in this district are required to provide 15' of landscaping between parking lots and the Master Street Plan right-of-way. Granting a 9' variance as proposed would confer special privileges on this applicant that are denied to surrounding properties required to provide 15' of landscaping.

Further, staff finds that granting the parking lot landscape variance is not in harmony with the general purpose and intent of zoning regulations or parking lot landscaping regulations.

5. **Nonconforming Uses.** No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

Finding: No nonconformities of surrounding properties were considered as a basis of the findings stated in this staff report, as required by ordinance.

Section 156.03 Development

Certain variances of the development regulations may be applied for as follows:

(A) General requirements.

- (1) **Undue hardship.** If the provisions of Development, Chapter 166, are shown by the developer to cause undue hardship as they apply to this proposed development (including, but not limited to financial, environmental, or regulatory) and that the situation is unique to the subject property, the city Planning Commission may grant a variance, on a temporary or permanent basis, to the development from such provision, so that substantial justice may be done and the public interest secured; provided that the variation will not have the effect of nullifying the intent and purpose of the development regulations. No variance shall be granted for any property which does not have access to an improved street.

Finding: Staff finds that an undue hardship has not been placed on this

property, and that the situation is not unique to the property in question. The applicant requested approval in 2001 for an 11,324 sq. ft. retail building and 36 parking spaces. By right, the applicant could have provided up to 58 parking spaces, but decided to have a larger building rather than adequate parking. The special conditions and circumstances result from the actions of the applicant only providing 5 parking spaces per lease space (7 lease spaces and 36 parking spaces). In addition, one of the tenant spaces is leased by a restaurant, which by ordinance requires a minimum of 14 parking spaces. It would seem that the site has been overbuilt, though compliant with city ordinances. Staff finds that the granting of the variance would not be in harmony with the general purpose and intent of Development Chapters 166 and 172, and recommends that the applicant pursue other measures to remedy the situation.

CITY OF FAYETTEVILLE UNIFIED DEVELOPMENT CODE

Section 172.07 Parking Lot Landscaping Requirements

(D) *Perimeter landscaping requirement.* Parking lots containing five (5) or more spaces shall be landscaped meeting the following requirements:

- (1) *Side and rear property lines.* All parking lots shall have five feet (5') of landscaped area between the property line and parking lot. The two foot (2') vehicle overhang option may be included to meet this requirement. Depending on the use and location, additional area and screening may be required under §166.10. Buffer strips and screening.
- (2) *Property lines adjoining street right-of-way.*
 - (a) *Residential zones.* Except for permitted entrance drives, every parking lot shall be landscaped for an equal and uniform width of 15 feet parallel to the front property line(s) street right-of-way.
 - (b) *Nonresidential zones.* Except for permitted entrance drives, every parking lot shall be landscaped for an equal and uniform width or 10 feet parallel to the front property line(s) street right-of-way.
- (3) *Required plant material.* Landscaping in these areas shall contain one tree every 30 linear feet plus a continuous planting of shrubs along the street right-of-way, exclusive of permitted entrance drives. Trees along the perimeter may be grouped to allow flexibility in design. The requirement for a continuous planting of shrubs is intended to lessen the effect of extensive paving. Groupings of shrubs are encouraged; however, a continuous planting will be required as well. A minimum 50% of shrubs shall be evergreen.

Section 166.14 Commercial Design And Development Standards

- (b) *Landscaping along front property lines.*
 - (i) *Landscaped area required.* A 15 foot wide landscaped area shall be provided along the front property line exclusive of right-of-way. Entrance drives, exit drives, and sidewalks are allowed to cross the 15 foot landscaped area provided the integrity of the landscaped area is maintained. Residential uses and zoning district C-3 and C-4 shall be exempt from this requirement.

161.17 District C-2, Thoroughfare Commercial

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

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
Unit 17	Trades and services
Unit 18	Gasoline service stations & drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 25	Professional offices
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store

(2) *Conditional uses.*

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

(C) *Density.* None.

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

(E) *Setback regulations.*

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

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

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

(Code 1965, App. A., Art. 5(VI); Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-77; Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.036; Ord. No. 4034, §3, 4, 4-15-97; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4727, 7-19-05)



THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 444-3470

PARKS AND RECREATION DIVISION

Date: July 5, 2006
From: Sarah K. Patterson, Urban Forester *SKP*
Subject: Administrative Item for Sycamore Center

Staff does not support the waiver request to minimize the green space along Business 71 or Sycamore Street. It is the intent of the City and this Division to maintain existing green space while encouraging increase along our City streets. Business 71 has been identified as an area that would greatly benefit from increased green space and vegetation. Justifiably this request would conflict with our continuing goal.

**Miller
Boskus
Lack**

Architects, P.A.

June 6, 2006

City Of Fayetteville
Planning Division
125 W. Mountain St.
Fayetteville, AR 72701

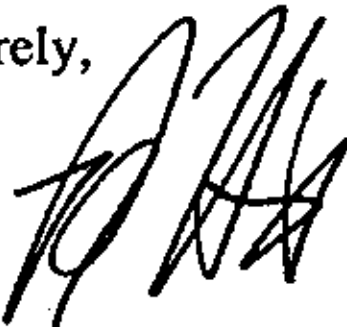
Dear Planning Commission,

On behalf of the owner of 1680 N. College Avenue (Sycamore Center), I would like to request a Development Waiver. The owner requests a reduction of the 15 foot landscape requirement (adjacent to R.O.W.) along College Avenue and Sycamore by 9 feet. This would change the landscape between the parking and R.O.W. to 6 feet wide. Existing landscaping disturbed by the changes would be relocated on site as needed. Within the new 6 foot buffer, the owner will create a berm to plant a continuous hedge of existing plants and additional bushes, landscaping, and trees. The +/- 19 feet of grass between the sidewalk and the street curb on College Avenue would not be altered, and the +/- 16 feet on Sycamore Street would remain as well. A low wall, landscaping, or additional buffering required for you to permit this waiver request will also be considered.

The 11,324 sq.ft. retail building has 36 parking spaces. Due to the limited number of parking spaces, the tenants feel they are losing business during peak hours of the day. With the spaces full, people circle the parking lot and then leave. Granting of this waiver would allow for up to an additional 10 parking spaces to be added to the lot. The parking would also be upgraded to include 2 bicycle parking racks as currently required in the city's ordinances.

Attached are letters from the owner, the leasing agent, and some of the tenants of Sycamore Center. Thank you for your consideration on this waiver, and please feel free to contact me with any questions you may have regarding the project.

Sincerely,



Philip E. Hadfield

Attachments:

Letters from owner, Richard L. Thomas.
Letters from leasing agent and tenants,
(C1.3) Existing landscape plan,
(A1.2) Existing Parking (Roof Plan)
(A1.3) Proposed parking & landscape plan

Richard L. Thomas Trust
1971 W. 190th St., #100
Torrance, Ca 90504
(310)715-1300

June 9, 2006

City of Fayetteville
Planning Commission
113 W. Mountain Street
Fayetteville, ARK 72703

Re: Development Waiver for Sycamore Center
Located at 1680 N. College Ave., Fayetteville, ARK

Dear Planning Commission:

I, Richard Thomas, am the owner of the Sycamore Center in Fayetteville. I have asked Mr. Philip Hadfield of Miller Boskus Lack Architects to represent me in my request for a Development Waiver for the Center located at 1680 N. College Ave. in Fayetteville.

Sincerely,



Richard Thomas

Richard L. Thomas Trust
1971 W. 190th St., #100
Torrance, Ca 90504
(310)715-1300

June 9, 2006

City of Fayetteville
Planning Commission
113 W. Mountain St.
Fayetteville, AR 72703

Re: Development Waiver for Sycamore Center located at
1680 N. College Ave., Fayetteville, AR

Dear Planning Commission:

I am the Owner of the Sycamore Center in Fayetteville. I am requesting a Development Waiver for the property to resolve a parking problem which I and the tenants have been dealing with for years.

There is currently 37 feet of landscaping between the parking area and the property line on College Ave. and 40 feet of landscaping between the property line and the parking area on Sycamore Street.

We are requesting a 9 foot reduction in the landscape area to be added to the parking area in order for us to add an additional 10 parking spaces. The remaining 28 feet of space would be heavily landscaped with trees and a hedge planted in front of the parking area.

For years I have been trying to solve the parking dilemma in the Center. I have tried to lease parking spaces, with access from Sycamore Street, from the adjacent Keyport Storage facility. The manager stated that there can be no access from Sycamore Street. I have also on several occasions spoken with the owner of the storage facility about purchasing the parking lot behind my building. The owner was polite but not interested. I have also talked to the owner of the Radio Shack across Sycamore Street regarding

leasing parking spaces, he stated that he had no parking to spare. Also, I talked to the owner of the Acropolis Restaurant property to the south on College Ave., after he talked to his tenant, the restaurant, he stated that the restaurant was unwilling to lease any parking spaces.

Last year I made an offer to purchase part of the vacant land behind and to the east of the Radio Shack. The owners were unwilling to sell a portion of the 1.8 acres on Sycamore Street.

The tenants in the Sycamore Center have been stating for years how they have been losing business because their customers have no place to park. Customers drive around and around the parking area and then leave the Center. One of my tenants, Wireless Hookup, is moving next month because the parking situation is getting worse each year.

It has always been difficult to lease the vacant units due to the parking problems. The center has never been fully occupied. However, the main concern is the existing tenants losing business due to the lack of parking for their customers. Lately there have been collisions in the parking area due to people double parking and cars backing up into those illegally parked cars.

The people that are leasing in this Center are good tenants who would greatly benefit by having 10 additional parking spaces for their customers. I believe this can be accomplished and still have 28 feet of beautifully landscaped area between the parking area and College Avenue and Sycamore Street.

Sincerely,



Rick Thomas



Designer Discount
1680 North College Ave., Suite #2
Fayetteville, AR 72703

July 10, 2006

City of Fayetteville Planning Commission

Dear Planning Commission:

I am currently residing my business at 1680 North College Avenue in Fayetteville, Ar. Due to lack of parking, I am not seeing the full potential of my business. We have had many customer complaints with lack of parking. We have also encountered several cars that have backed into each other while the customers were trying to maneuver thru the double-parked cars in the Parking Lot. I am also one that has had to turn a claim into my auto insurance for this exact reason.

Thank you,


Keith Burkhardt



1680 N. College • Fayetteville, AR 72703 • 501/443-1417

July, 5, 2006

Mr. Rick Thomas
1971 W. 190th St., #100
Torrance, CA 90504

RE: Additional Parking Spaces
Sycamore Center
1680 N. College
Fayetteville, AR 72703

Dear Mr. Thomas,

Please accept this letter as my request to provide additional parking spaces in the Sycamore Center of the above mentioned address. I am the owner of Royal Cleaners located in Suite 1 of the referenced property. I have been a tenant in the building since the year 2002 when I purchased the business.

Since that time parking issues have become a critical concern to the existing tenants within the Center. I also believe this will have an affect on any future tenants being obtained for the property. The majority of the businesses are retail oriented and require ample parking for employees, but most important the general public. Access, parking and location are all key factors in the retail business and play an important role in our success.

I appreciate your attention in this matter. If you have any questions or need to speak to me you can reach me at the Cleaners at 479-443-1417 or my cell phone at 479-601-6820.

Sincerely,

A handwritten signature in cursive script that reads "Jim Hanson".

Jim Hanson

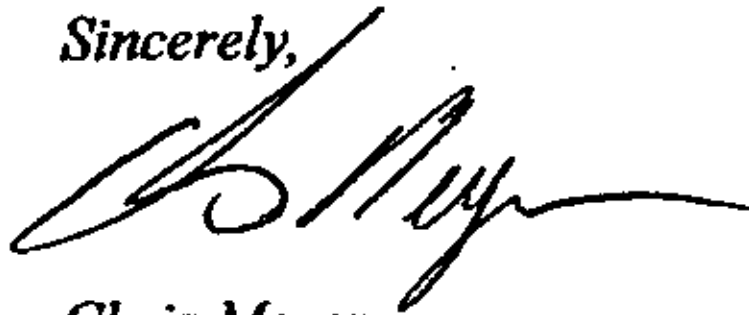
Quigno's
1680 N. College
Suite # 7
Fayetteville, Ar. 72703
Phone (479)442-0515
Fax (479)442-0517

June 9, 2006

City of Fayetteville,

We are asking for a variance to enable us to get our parking lot enlarged to accommodate ten extra spaces. As it stands right now, there is not enough parking to handle the car volume that is there with the tenants that are currently occupying spaces in the strip mall now, and there are still unoccupied spaces. If those unoccupied spaces fill up the parking will become even worse than it already is. As it stands, we are losing approximately 30% of business due to cars coming in and circling the lot and leaving because of no place to park. In addition to this problem there are a lot of accidents in the parking lot due to cars double parking and someone backing out and running into them. Thank you for your help in this matter.

Sincerely,



Chris Meyer

RECEIVED JUN 1 2006

B. 9
ADM 06-2164 Sycamore
Center Appeal
Page 35 of 38

5-Star Nails & Spa

1680 N. College Ave, Suite # 5
Fayetteville, AR 72703
(479) 444- 7005

July 14, 2006

City of Fayetteville
Planning Commission

Re: Sycamore Center Parking Dilemma
At 1680 N. College Ave, Fayetteville

Dear Planning Commission:

My business, and the rest of the businesses here, are dealing with a daily dilemma with the current parking situation.

My sales have been suffering due to my customers not being able to find parking spaces in the Center.

I understand that the Owner, Richard Thomas, is trying to obtain a development waiver to add ten additional parking spaces in the Center.

This would be an enormous benefit to my business and the rest of the businesses at our location.

Please grant this Waiver so that our continual parking problem can be resolved.
Thank you very much!

Truly yours,



Hung Duc Bach
Owner of 5-Star Nails and Spa

City of Fayetteville Planning Commission

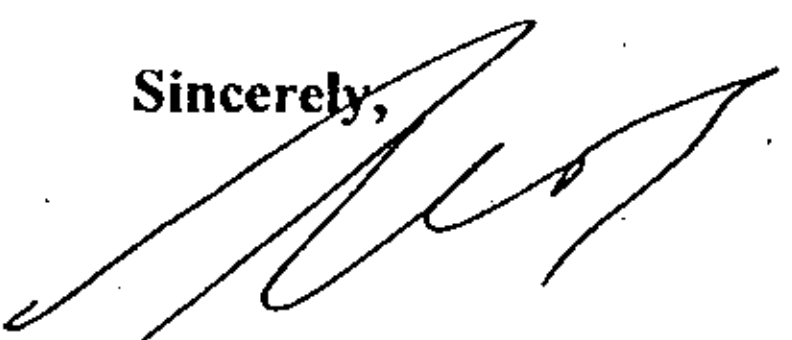
June 23, 2006

Garrett Ward Bartlett
Wireless HookUp (owner)
Sycamore Center
1680 N College #6
Fayetteville, AR 72703

Dear Planning Commission,

Our current lease expires in July 2006 with Mr. Thomas. We (Wireless HookUp) would consider signing a new lease if the parking situation improved. Right now with 6 of 7 suites occupied, customers are unable to find parking at any time during the day. We have been at this location for 5 years and have seen loss of business and many fender benders due to double parking. The businesses had to make signs to restrict parking for their patrons only, so the concept of a convenient shopping strip has been over taken by trees, shrubs, grass and cement curbs. Some of the trees and shrubs have suffered from large trucks running over them. I'll admit the landscape is nice for a city park but not for a small business with minimal parking.

Sincerely,

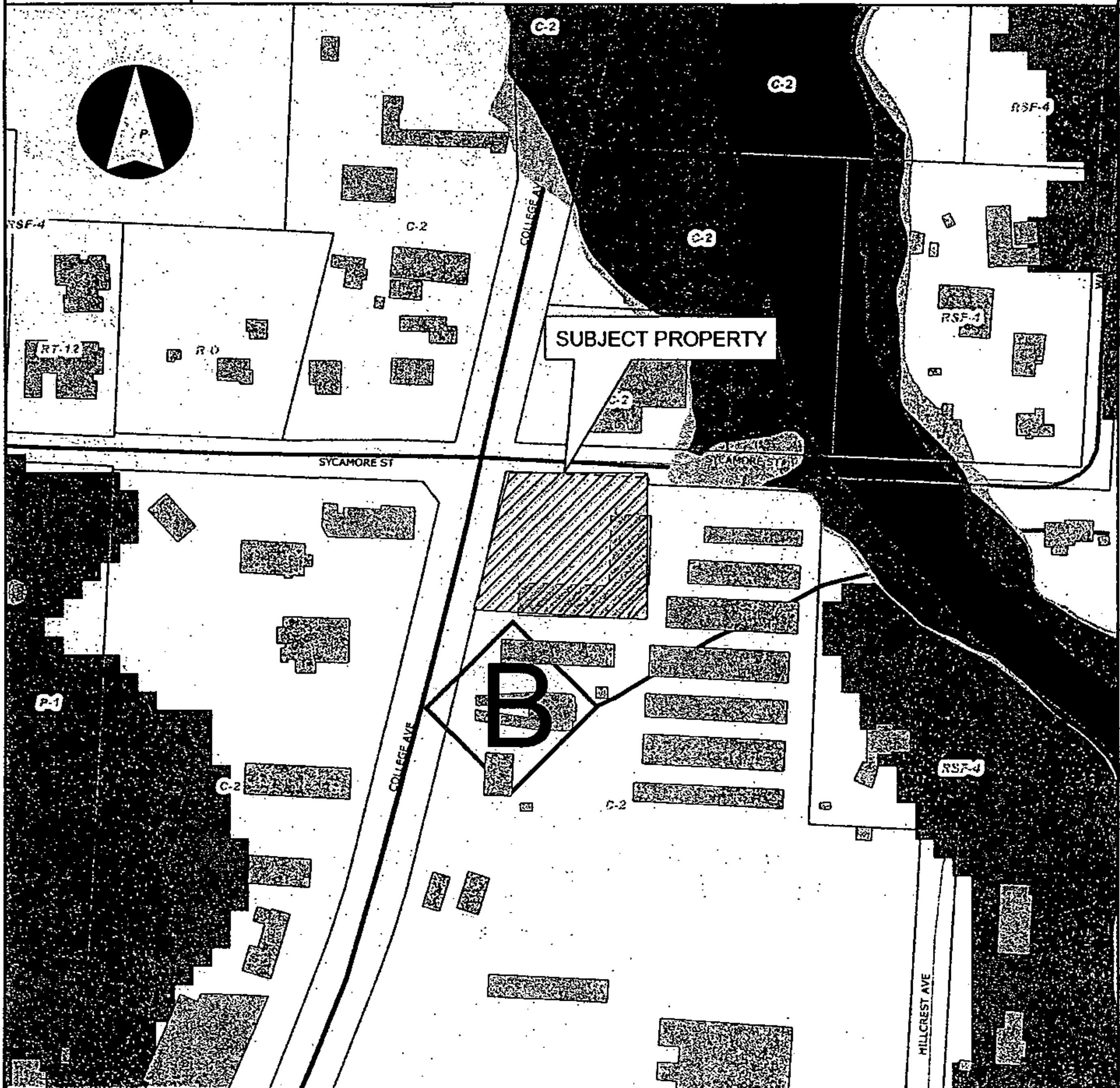


Garrett Ward Bartlett

ADM06-2164

SYCAMORE CENTER

Close Up View



Overview

Legend

- Overlay District
- FLOODWAY
- 500 YEAR
- 100 YEAR
- LIMIT OF STUDY
- BaseLine Profile
- Fayetteville
- Outside City
- ADM06-2164
- vector.GDB.Footprint_2004
- Hillside-Hilltop Overlay District

0 75 150 300 450 600 Feet

CITY ATTORNEY AGENDA REQUEST

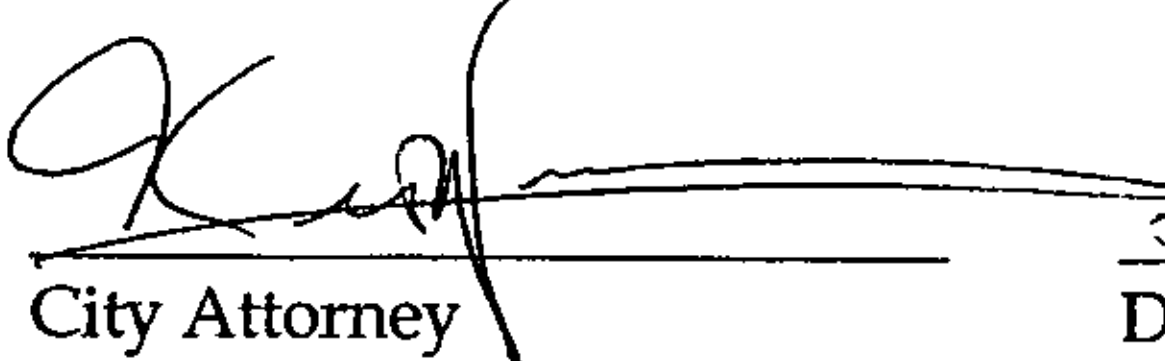
B. 11
Vacancy for Alderman
Ward Two, Position Two
Page 1 of 8

FOR: COUNCIL MEETING OF AUGUST 15, 2006

FROM:
KIT WILLIAMS, CITY ATTORNEY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:
An Ordinance Declaring A Vacancy To Exist In The Office Of Alderman For Ward Two, Position Two, Calling And Setting A Date For The Special Election To Fill That Position

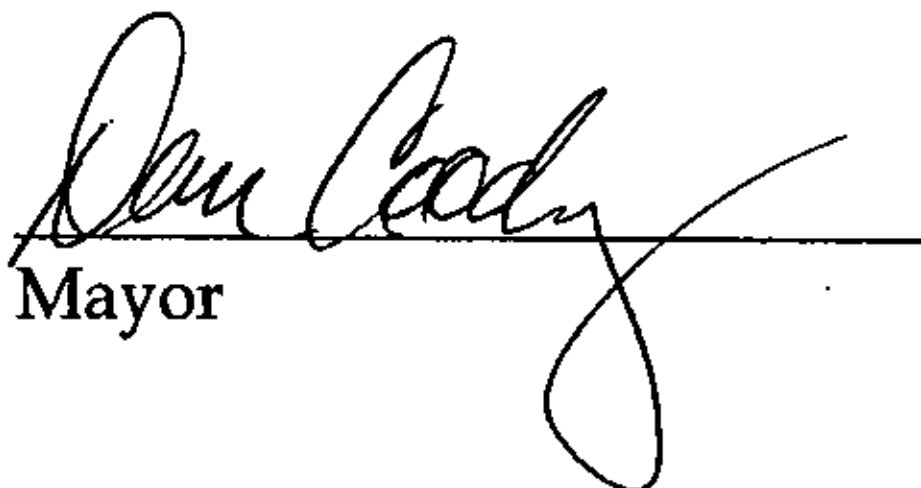
APPROVED FOR AGENDA:



City Attorney July 28, 2006
Date



City Clerk 7/28/06
Date

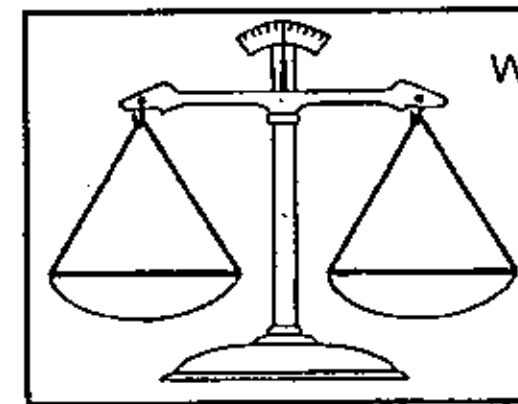


Mayor 7/31/06
Date

ENTERED
7/28/06
LB

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

DEPARTMENTAL CORRESPONDENCE



LEGAL DEPARTMENT

TO: Dan Coody, Mayor
City Council

FROM: Kit Williams, City Attorney

A handwritten signature in dark ink, appearing to read 'Kit Williams', with a long horizontal line extending to the right.

DATE: July 28, 2006

RE: Resignation of Alderman Don Marr
Calling Special Election for his replacement

A.C.A. §14-43-411 (attached) sets forth the specific steps necessary when an alderman vacates his office. Subsection (b) specifically covers our situation since we are a city of the first class "having a population of fifty thousand (50,000) or more"

"(1)(A) If the unexpired portion of the term of the alderman exceeds one (1) year, a successor alderman shall be elected by a vote of the electors of the ward. The city council shall order a special election to be held within ninety (90) days of the date the vacancy occurs."

Assuming Alderman Marr resigns on August 15th, the election could be theoretically held on September 12th, October 10th, or November 7th. Because of early voting requirements, September 12th would be impossible for the Washington County Election Commission. Also A.C.A. §7-5-103 prohibits special elections to fill vacancies "earlier than thirty (30) days following the issuance of the proclamation." Thus, September 12th would not be a legal date for a special election to fill this vacancy.

October 10th would likewise be difficult to achieve although that is the date for the annexation election so there would be little additional cost. The general election date will probably have the greatest turnout and be the easiest for the Election Commission. The general election date would also give candidates more time to file and campaign for office.

“(C) Special elections held in months in which a ...
general election is scheduled to occur shall be held
on the date of the ... general election.”
A.C.A. 14-43-411 (6)(1)(C).

Accordingly, I have drafted the proposed ordinance (attached) declaring Alderman Marr's seat to be vacant on August 15, 2006 and setting the election for his successor for November 7, 2006. This would be the last item of business (after his official resignation and vacation of his position) on August 15, 2006. If someone desires one of the other dates for the election, you would need to amend the ordinance.

LOCAL GOVERNMENT

§ 14-43-411

(4) years on the Tuesday following the first Monday in November 2006 and every four (4) years thereafter.

(2) An incumbent city attorneys shall continue in office until his or her successor is elected and qualified.

(b)(1) If no attorney residing in the city is elected as city attorney, the city council may select a resident attorney to fill the office for the remainder of the unfilled term.

(2)(A) If no resident attorney of the city is willing to serve as city attorney or if no attorney resides within the limits of the city, the mayor and city council may contract with any licensed attorney of this state or the attorney's firm to serve as legal advisor, counselor, or prosecutor until a qualified city attorney is elected or qualified.

(B) The duties of a nonresident attorney under contract shall be prescribed by ordinance.

Acts of 2005, Act 387, § 1, eff. Aug. 12, 2005.

Historical and Statutory Notes

2005 Legislation

Technical changes were made to conform with the official Arkansas Code of 1987 as approved by the Arkansas Code Revision Commission.

SUBCHAPTER 4—OFFICERS AND EMPLOYEES GENERALLY

§ 14-43-411. Aldermen; vacancies

(a)(1) Whenever a vacancy shall occur, for any reason, in the office of alderman in any city of the first class, at any regular meeting after the occurrence of the vacancy, the city council shall proceed to elect by a majority vote of the remaining members elected to the council an alderman to serve for the unexpired term. Provided, however, it is necessary that at least a quorum of the whole number of the city council shall remain in order to fill a vacancy.

(2) The person elected by the council shall be a resident of the ward where the vacancy occurs at the time of the vacancy.

(b) When a vacancy occurs in any position of alderman in a city having a population of fifty thousand (50,000) or more, according to the most recent federal decennial census, and having a mayor-council form of government in which the electors of each ward elect one (1) or more aldermen, a new alderman shall be chosen in the following manner:

(1)(A) If the unexpired portion of the term of alderman exceeds one (1) year, a successor shall be elected by a vote of the electors of the ward. The city council shall order a special election to be held within ninety (90) days of the date the vacancy occurs.

(B) The special election shall occur on the second Tuesday of any month, except as provided in subdivisions (b)(1)(B)-(F) of this section.

(C) Special elections held in months in which a presidential preferential primary election, preferential primary election, general primary election, or general election is scheduled to occur shall be held on the date of the presidential preferential primary election, preferential primary election, general primary election, or general election.

(D)(i) If a special election is held on the date of the presidential preferential primary election, preferential primary election, or general primary election, the issue or issues to be voted upon at the special election shall be included on the ballot of each political party.

(ii) However, separate ballots containing only the issue or issues to be voted upon at the special election shall be prepared and made available to voters requesting a separate ballot.

(E) No voter shall be required to vote in a political party's presidential preferential primary, preferential primary, or general primary in order to be able to vote in the special election.

(F) Special elections scheduled to occur in a month in which the second Tuesday is a legal holiday shall be held on the third Tuesday of the month; or

ORDINANCE NO. _____

AN ORDINANCE DECLARING A VACANCY TO EXIST IN THE OFFICE OF ALDERMAN FOR WARD TWO, POSITION TWO, CALLING AND SETTING A DATE FOR THE SPECIAL ELECTION TO FILL THAT POSITION

WHEREAS, Alderman Don Marr was duly elected to the Fayetteville City Council to serve a four year term beginning January 1, 2005, representing Ward Two, Position Two; and

WHEREAS, Alderman Don Marr has announced he has vacated his Ward Two, Position Two position effective August 15, 2006; and

WHEREAS, A.C.A. §14-43-411(b)(1) requires a successor to be elected by a vote of the electors of the ward in a special election held within ninety (90) days of the date the vacancy occurs.

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 declares that on August 15, 2006, a vacancy in the office of Alderman, Ward Two, Position Two, with more than a year remaining in the unexpired term, has occurred.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby orders that a special election to fill this vacancy and elect Alderman Marr's successor be held on the 7th day of November, 2006, within Ward Two. The filing period for this election shall be from August 16, 2006 until 3:00 P.M. on August 28, 2006.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby directs the City Clerk to do all things necessary so that this special election can be conducted. A copy of this ordinance shall be furnished to the Washington County Board of Election Commissioners.

PASSED and APPROVED this the 15th day of August, 2006.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk

DRAFT

*****PRESS RELEASE*****

By: Don Marr, Alderman, Ward 2, Position 2

Date: Tuesday, July 25, 2006

On Feb 26th, 2002 one of the coldest days that year in Fayetteville, Arkansas, I announced my candidacy for the Fayetteville City Council. I joked at the time that it would be a cold day in hell if I ever decided to run for office, and there I was. It has been a wonderful experience. I have learned tons during this experience, I've met people who will impact my life for ever while making friends for a lifetime, I learned the passion that citizens have for Fayetteville and through this time of service to our community, I feel like I was able to make some positive impacts for the City I love.

Unfortunately, my time to serve the citizens of Fayetteville has come to an end earlier than I intended. I have thought long and hard about this decision, because whenever you make the decision to leave something you love so much, you need to make sure that there is no other alternative and that it is the smoothest and easiest transition with as little impact as possible.

Due to upcoming changes in my workplace, I am unable to continue to serve as Alderman for Ward 2 Position 2. I have the fortunate circumstance of being able to help companies, and individuals living and relocating to Northwest AR with human resource consulting and staffing placement services. The growth of our company has created a need for me to be able to spend more time working in our business. Our company has plans of expanding outside of Northwest AR, which will require more travel, more time away from the city and a greater hardship on my ability to serve the citizens with the level of commitment and time that I feel they deserve. For the last 5 + years, my work team has had to pick up the slack to compensate for this time away. While I fully understood the commitments to serve as Alderman, recent developments with our business growth and new expansion have added a new pressure that is not fair to those I work with and those our company services. As an Alderman, the time commitment is significant, and to do the position correctly, you must have the flexibility to meet with constituents, attend meetings and research items without having a negative impact on your workday. Fortunately, our business is successful and therefore requires as much time or more for this continued success as the time required being a successful alderman.

I am choosing this time to step down in an effort to save the tax payers of the city additional money by not having to pay over \$12,000 to conduct a special election. By making this announcement now, the city council can immediately call for an election and coordinate the filling of this position with those elections already taking place this November during the general election cycle. It allows individuals considering a run for office to solicit signatures during the general election period, and allows the citizens of the city the opportunity to have these individuals participate in all debates and Q&A sessions so that they can clearly evaluate the candidates positions on key legislative issues facing the city now and in the future.

My hope was to announce this resignation now so that those interested in serving could file for election and run for office in the general election as mentioned above. I intended to continue to serve the citizens of Ward 2 until the election took place this November 7th, 2006 and then turn over the reins to the candidate that wins the election in November. This would have allowed Ward 2 to have no gap in representation. However, after visiting with the City Clerk's office and reviewing the State of Arkansas statute it is clear that the law requires that the position be vacated prior to the City Council being able to call for an election, and it is for that reason only that I announce this resignation and my intention to vacate the position effective at the close of the council meeting August 15th, 2006. It is my hopes that the Council will immediately plan to call for a special election to fill my position during the fall General Election scheduled for November 7th, 2006 immediately following my leaving office at the Completion of serving August 2006.

I want to thank my peers on the council for all of their hard work, their friendships and their vision for Fayetteville. I don't believe that citizens truly understand how hard these elected representatives work; and how committed they are to having a great Fayetteville. My admiration for my fellow city council members, whether in agreement or disagreement, is of the highest regard, and they are truly shining examples of the type of leadership I believe is making Fayetteville a wonderful place to live. I fully support each of them in their continued service to this community.

Finally, I want to thank those citizens that believed in me and helped to put me in office through two election cycles. I can't explain how important it is to me to have that base of support out there when you are faced with tough decisions that you hope continue to make the City of Fayetteville the best place to live. No person runs for office with the intentions of doing anything that they believe will harm the city. Yet no one can assure that some vote, or some comment won't have an unintended consequence. It's the people that continue to support you because they understand your intentions and your love for the City that help get you through those tough times. Maybe someday in the future when I have a business that is more mature and does not demand the amount of time that is needed right now or when I am more mature and have the ability to retire from the day to day requirements of the workplace, I can continue to give back to the community through service. Thank you for your support through my time of service. I truly appreciate my supporters and those that have challenged me to be a better elected official.

Respectfully,

Don Marr

