

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 - Nancy Gordon Allen
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
December 5, 2006**

A meeting of the Fayetteville City Council will be held on December 5, 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 November 7, 2006 City Council meeting minutes.**

APPROVED.

2. **Class Action Suit to Recover City Taxes:** A resolution to approve a contingent fee contract with Elliot & Smith to represent the City on an internet hotel broker tax remittance issue.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 202-06.

3. **Westside Village Condominiums:** A resolution approving the Parks and Recreation Advisory Board's recommendation to accept \$138,336.00 in lieu of the required Park Land Dedication for Westside Village Condominiums.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 203-06.

4. **Operations Management International (OMI):** A resolution approving Amendment No. 14 to the contract with Operations Management International (OMI) in the amount of \$6,104,447.88 for the operation and management of Fayetteville Wastewater Treatment Facilities for 2006, and an increase of \$153,000.00 for the cost of services in 2006; and approving a budget adjustment in the amount of \$153,000.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 204-06.

B. UNFINISHED BUSINESS:

1. **R-PZD 06-2191, University Club Tower:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-2191, University Club Tower, located north of Lowe's Home Center, east of College Avenue (Highway 71), containing approximately 10.39 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the First Reading at the November 7, 2006 City Council meeting. This ordinance was left on the Second Reading at the November 21, 2006 City Council meeting.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4954.

2. **R-PZD 06-2256, 932 Garland:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-2256, 932 Garland, located at 932 Garland, between Berry and Hughes Street, containing approximately 0.84 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the First Reading at the November 7, 2006 City Council meeting. This ordinance was left on the Second Reading at the November 21, 2006 City Council meeting.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4955.

3. **Emerald Point ADM 06-2282 Appeal:** An appeal of the Planning Commission's decision regarding ADM 06-2282 (Emerald Point). *This appeal was Tabled at the November 7, 2006 City Council meeting to the November 21, 2006 City Council meeting. This appeal was Tabled at the November 21, 2006 City Council meeting to the December 5, 2006 City Council meeting.*

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 205-06.

4. **Sunbridge Villas R-PZD 06-2213 Appeal:** An ordinance establishing a Residential Planned Zoning District Titled R-PZD 06-2213, Sunbridge Villas, located northwest of Sunbridge Drive and Villa Blvd., containing approximately 20.92 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan.. *This ordinance was left on the First Reading at the November 7, 2006 City Council meeting. This ordinance was left on the Second Reading at the November 21, 2006 City Council meeting.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4956.

5. **R-PZD 06-1884, Westside Village:** An ordinance establishing a Residential Planned Zoning District Titled R-PZD 06-1884, Westside Village, located south of Wedington, east of Ruppel Road, containing approximately 21.63 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the Second Reading at the November 21, 2006 City Council meeting.*

THIS ITEM WAS TABLED TO THE DECEMBER 19, 2006 CITY COUNCIL MEETING.

6. **ADM 06-2252 Future Land Use Map:** A resolution adopting the Future Land Use Map and associated text as part of the City Plan 2025 Comprehensive Land Use Plan for the City of Fayetteville. *This resolution was Tabled at the November 21, 2006 City Council meeting to the December 5, 2006 City Council meeting.*

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 206-06.

7. **Proposed 2007 Annual Budget & Work Program:** A resolution adopting the 2007 Annual Budget and Work Program as approved and amended. *This resolution was Tabled at the November 21, 2006 City Council meeting to the December 5, 2006 City Council meeting.*

THIS ITEM WAS TABLED TO THE DECEMBER 19, 2006 CITY COUNCIL MEETING.

C. NEW BUSINESS:

1. **RZN 06-2320, Garner:** An ordinance rezoning that property described in rezoning petition RZN 06-2320, for approximately 0.75 acres, located at 904 15th Street from RMF-24, Residential Multi-Family, 24 units per acre to C-2, Thoroughfare Commercial with the Associated Bill of Assurance.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4957.

2. **VAC 06-2315, Paul:** An ordinance approving VAC 06-2315 submitted by Alan Reid & Associates for property located at 2753 East Par Court, vacating a portion of the utility easement located within the subject property.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4958.

3. **ADM 06-2322 North Street ROW Dedication Variance:** A resolution reducing the right of way dedication required from North Street centerline from 55 feet to 44 feet accommodating the existing structure and proposed development for property located at 1104 N. College Avenue as described in item ADM 06-2322.

THIS ITEM WAS TABLED TO THE DECEMBER 19, 2006 CITY COUNCIL MEETING.

4. **ADM 06-2354 Garland Avenue ROW Dedication Variance:** A resolution approving a variance of the Unified Development Code Chapter 164.12(F) Nonconforming Uses and Structures, Repairs and Maintenance, and Chapter 166.18 Master Street Plan Setbacks, allowing the existing structure located at 1305 Garland Avenue to remain within the Master Street Plan right of way and to be improved greater than the 10% allowed by code, within the existing limits of the structure.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 207-06.

5. **Sales Tax 2006A Construction Fund:** A resolution approving the creation of a new fund to be called "Sales Tax 2006A Construction Fund;" and approving a budget adjustment in the amount of \$50,788,406.00 for the Wastewater Systems Improvement Project, the Street Improvements Bond Project, and the Trail Improvements Bond Project.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 208-06.

6. **McClelland Consulting Engineers, Inc:** A resolution awarding an engineering contract to McClelland Consulting Engineers, Inc. in an amount not to exceed \$108,111.40 for preliminary design services, surveys, and related services associated with the College Avenue Improvement Project.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO.209-06.

7. **Stadium Centre Cottages Appeal:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-2212, Stadium Centre Cottages, located at Old Farmington Road, west of Sandra Street; containing approximately 2.45 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan.

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

8. **Easement Vacation for Archer (VAC 06-2289) Appeal:** An ordinance approving VAC 06-2289 submitted by Crafton Tull and Associates for property located at the west end of Markham, west of Sang Avenue, vacating a 0.35 acre portion of a right-of-way on the subject property.

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

D. INFORMATIONAL:

City Council Tour: NONE

Meeting adjourned at 10:45 p.m.

Adjourn
10:45 PM

Subject: Roll					
Motion To:					
Motion By:					
Seconded:					
Rhoads Arrived at 6:05 PM	Rhoads	✓			
	Ferrell	Absent			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Mayor Coody	Absent			

7-0

Subject: Consent					
Motion To:					
Motion By:		Cook			
Seconded:		Reynolds			
Passed Res. 202-06 to 204-06	Rhoads	Absent during the vote			
	Ferrell	Absent			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Mayor Coody				

6-0

Subject: R-P2D-06-2191 University Club Tower					
Motion To:		3rd read	Pass		
Motion By:		Reynolds			
Seconded:		Lucas			
B.I, <u>Unfinished</u> <u>Passed</u> 4954	Rhoads	Absent during the vote	✓		
	Ferrell	Absent	Absent		
	Lucas	✓	✓		
	Jordan	✓	✓		
	Reynolds	✓	✓		
	Thiel	✓	✓		
	Cook	✓	✓		
	Allen	✓	✓		
	Mayor Coody				

7-0

Subject:					
R-PZD 06-2254, 932 Garland					
Motion To:		3rd read	Pass		
Motion By:		Lucas			
Seconded:		Thiel			
B.2. <u>Unfinished</u> <u>Passed</u> 4955	Rhoads	✓	✓		
	Ferrell	_____			
	Lucas	✓	✓		
	Jordan	✓	✓		
	Reynolds	✓	✓		
	Thiel	✓	✓		
	Cook	✓	✓		
	Allen	✓	✓		
	Mayor Coody				

7-0

Subject:	<i>Emerald Point ADM 06-2282 Appeal</i>			
Motion To:		<i>Approve Appeal with Condition of Approval and new plat.</i>		
Motion By:		<i>Lucas</i>		
Seconded:		<i>Jordan</i>		
<i>B.I. Unfinished Approved Appeal 205-06</i>	Rhoads	<i>✓</i>		
	Ferrell	_____		
	Lucas	<i>✓</i>		
	Jordan	<i>✓</i>		
	Reynolds	<i>✓</i>		
	Thiel	<i>✓</i>		
	Cook	<i>✓</i>		
	Allen	<i>✓</i>		
	Mayor Coody			

7-0

Subject: Sunbridge Villas R-PZD 06-2213					
Motion To:		3rd read			Amend as requested by
Motion By:		Reynolds			Thiel ^{Allen} _{Thiel}
Seconded:		Thiel			Lucas
B.4. Unfinished	Rhoads	✓			✓
	Ferrell	absent	_____		
	Lucas	✓			✓
	Jordan	✓			✓
	Reynolds	✓			✓
	Thiel	✓			✓
	Cook	✓			✓
	Allen	✓			✓
	Mayor Coody				

70

7-0

Subject:	<i>Sunbridge Villas R-PZO 06-2213</i>					
Motion To:		<i>Pass</i>				
Motion By:						
Seconded:		XXXXXXXXXXXXXXXXXXXX				
<i>B.4 Unfinished Passed 4956</i>	Rhoads	<i>✓</i>				
	Ferrell	<i>Absent</i>				
	Lucas	<i>✓</i>				
	Jordan	<i>✓</i>				
	Reynolds	<i>✓</i>				
	Thiel	<i>✓</i>				
	Cook	<i>✓</i>				
	Allen	<i>✓</i>				
	Mayor Coody					

7-0

Subject:					
R-PZD 06-1884 Westside Village					
Motion To:		3rd read		Tabled to 12/19/06	
Motion By:		Lucas		Thiel	
Seconded:		Reynolds		Lucas	
B.S. Unfinished Tabled to 12/19/06	Rhoads	✓		✓	
	Ferrell	Absent	_____		
	Lucas	✓		✓	
	Jordan	✓		✓	
	Reynolds	✓		✓	
	Thiel	✓		✓	
	Cook	✓		✓	
	Allen	✓		✓	
	Mayor Coody				

7-0

7-0

Subject:		ADM 06-2252 Future Land Use Map			
Motion To:		Amend to reflect Summit Mt. change and Ruskin Heights area.			
Motion By:		Thiel			
Seconded:		Reynolds			
B.L. Unfinished	Rhoads	✓			
	Ferrell	✓	✓	✓	✓
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
Mayor Coody					

7-0

Subject: ADM 06-2252 Future Land Use Map					
Motion To:		Approve			
Motion By:		Thiel			
Seconded:		Reynolds			
B.6. Unfinished <u>Passed</u> 206-06	Rhoads	✓			
	Ferrell				
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Mayor Coody				

7.0

Subject:		Proposed 2007 Annual Budget			
Motion To:		Table to 12/19/06			
Motion By:		Cook			
Seconded:		Rhoads			
B.T. Unfinished Tabled to 12/19/06	Rhoads	✓			
	Ferrell				
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
Mayor Coody					

7-0

[illegible]

7-0

7-0

6-1

Subject: VAC 06-2315 Paul					
Motion To:		2nd read	3rd read	Pass	
Motion By:		Cook	Cook		
Seconded:		Thiel	Rhoads		
C. 2. New Business <u>Passed</u> 4958	Rhoads	✓	✓	✓	
	Ferrell	_____			
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Reynolds	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Mayor Coody				

7-0

7-0

7-0

Subject: ADM 06-23.22 North Street Row Dedication					
Motion To:		Tabbed to 12/19/06			Variance
Motion By:		Lucas			
Seconded:		Cook			
C. 3. New Business Tabbed to 12/19/06	Rhoads	✓			
	Ferrell	_____			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Mayor Coody				

7-0

Subject: ADM 06-2354 Garland Avenue Row Dedication					
Motion To:		Approve			Variance
Motion By:		Lucas			
Seconded:		Jordan			
C.4. New Business <u>Passed</u> 207-06	Rhoads	✓			
	Ferrell				
	Lucas	✓			
	Jordan	✓			
	Reynolds	N			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Mayor Coody				

6-1

Subject: Sales Tax 2006 A Construction Fund					
Motion To:		Approve			
Motion By:		Cook			
Seconded:		Lucas			
C.5. New Business <u>Passed</u> 208-06	Rhoads	✓			
	Ferrell				
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Mayor Coody				

7-0

Subject: <i>McChelland Consulting Engineers, Inc.</i>					
Motion To:		<i>Approve</i>			
Motion By:		<i>Cook</i>			
Seconded:		<i>Lucas</i>			
<i>C.6. New Business Passed 209-06</i>	Rhoads	<i>✓</i>			
	Ferrell	<i>—</i>			
	Lucas	<i>✓</i>			
	Jordan	<i>✓</i>			
	Reynolds	<i>✓</i>			
	Thiel	<i>✓</i>			
	Cook	<i>✓</i>			
	Allen	<i>✓</i>			
	Mayor Coody				

7-0

Subject: <i>Stadium Centre Cottages Appeal</i>					
Motion To:					
Motion By:					
Seconded:					
<i>C.7. New Business Left on the first reading</i>	Rhoads				
	Ferrell				
	Lucas				
	Jordan				
	Reynolds				
	Thiel				
	Cook				
	Allen				
	Mayor Coody				

Subject:		Easement Vacation for Archer (VAC-06-2289)			
Motion To:		2nd read			Appeal
Motion By:		Lucas			
Seconded:		Jordan			
C.8. New Business Left on the Second Reading	Rhoads	✓			
	Ferrell	 	 	 	
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
Mayor Coody					

7-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Rhoads				
	Ferrell				
	Lucas				
	Jordan				
	Reynolds				
	Thiel				
	Cook				
	Allen				
	Mayor Coody				

● Agenda Session
11/28/06 ●

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



Ward 1 Position 1 - Robert Reynolds
Ward 1 Position 2 - Brenda Thiel
Ward 2 Position 1 - Kyle B. Cook
Ward 2 Position 2 - Nancy Gordon Allen
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
December 5, 2006**

A meeting of the Fayetteville City Council will be held on December 5, 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 November 7, 2006 City Council meeting minutes.**
2. **Class Action Suit to Recover City Taxes:** A resolution to approve a contingent fee contract with Elliot & Smith to represent the City on an internet hotel broker tax remittance issue.
3. **Westside Village Condominiums:** A resolution approving the Parks and Recreation Advisory Board's recommendation to accept \$138,336.00 in lieu of the required Park Land Dedication for Westside Village Condominiums.

B. UNFINISHED BUSINESS:

1. **R-PZD 06-2191, University Club Tower:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-2191, University Club Tower, located north of Lowe's Home Center, east of College Avenue (Highway 71), containing approximately 10.39 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the First Reading at the November 7, 2006 City Council meeting. This ordinance was left on the Second Reading at the November 21, 2006 City Council meeting.*

2. ✓ **R-PZD 06-2256, 932 Garland:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-2256, 932 Garland, located at 932 Garland, between Berry and Hughes Street, containing approximately 0.84 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the First Reading at the November 7, 2006 City Council meeting. This ordinance was left on the Second Reading at the November 21, 2006 City Council meeting.*

3. ✓ **Emerald Point ADM 06-2282 Appeal:** An appeal of the Planning Commission's decision regarding ADM 06-2282 (Emerald Point). *This appeal was Tabled at the November 7, 2006 City Council meeting to the November 21, 2006 City Council meeting. This appeal was Tabled at the November 21, 2006 City Council meeting to the December 5, 2006 City Council meeting.*

4. ✓ **Sunbridge Villas R-PZD 06-2213 Appeal:** An ordinance establishing a Residential Planned Zoning District Titled R-PZD 06-2213, Sunbridge Villas, located northwest of Sunbridge Drive and Villa Blvd., containing approximately 20.92 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan.. *This ordinance was left on the First Reading at the November 7, 2006 City Council meeting. This ordinance was left on the Second Reading at the November 21, 2006 City Council meeting.*

5. ✓ **R-PZD 06-1884, Westside Village:** An ordinance establishing a Residential Planned Zoning District Titled R-PZD 06-1884, Westside Village, located south of Wedington, east of Ruppel Road, containing approximately 21.63 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the Second Reading at the November 21, 2006 City Council meeting.*

6. ✓ **ADM 06-2252 Future Land Use Map:** A resolution adopting the Future Land Use Map and associated text as part of the City Plan 2025 Comprehensive Land Use Plan for the City of Fayetteville. *This resolution was Tabled at the November 21, 2006 City Council meeting to the December 5, 2006 City Council meeting.*

Approved
11/28/06
Remove

7. ✓ **RJN Group, Inc:** A resolution approving Contract Amendment #4 to the agreement for Professional Engineering Services with RJN Group, Inc. in the amount of \$953,049.00 to provide design and construction phase services pertaining to technical design, engineering, Corps of Engineers and storm water permit issues for the West Side and Farmington area Wastewater System Improvements Project (subprojects WL-10, WL-11 and WL-12); and approving a contingency in the amount of \$40,000.00. *This resolution was Tabled at the November 21, 2006 City Council meeting to the December 5, 2006 City Council meeting.*

Approved
11/28/06
Remove

8. ✓ **Robinson, Stafford and Rude, Inc:** A resolution approving a contract for Professional Engineering Services with Robinson, Stafford and Rude, Inc. (RSR) in the amount of \$39,844.00 (to be wholly reimbursed by the City of Farmington) to provide value engineering services for the Farmington and West Fayetteville Area Wastewater System Improvement Project engineering design. *This resolution was Tabled at the November 21, 2006 City Council meeting to the December 5, 2006 City Council meeting.*

- ✓ 19. **Proposed 2007 Annual Budget & Work Program:** A resolution adopting the 2007 Annual Budget and Work Program as approved and amended. *This resolution was Tabled at the November 21, 2006 City Council meeting to the December 5, 2006 City Council meeting.*

C. NEW BUSINESS:

- ✓ 1. **RZN 06-2320, Garner:** An ordinance rezoning that property described in rezoning petition RZN 06-2320, for approximately 0.75 acres, located at 904 15th Street from RMF-24, Residential Multi-Family, 24 units per acre to C-2, Thoroughfare Commercial with the Associated Bill of Assurance.
- ✓ 2. **VAC 06-2315, Paul:** An ordinance approving VAC 06-2315 submitted by Alan Reid & Associates for property located at 2753 East Par Court, vacating a portion of the utility easement located within the subject property.
- ✓ 3. **ADM 06-2322 North Street ROW Dedication Variance:** A resolution reducing the right of way dedication required from North Street centerline from 55 feet to 44 feet accommodating the existing structure and proposed development for property located at 1104 N. College Avenue as described in item ADM 06-2322.
- ✓ 4. **ADM 06-2354 Garland Avenue ROW Dedication Variance:** A resolution approving a variance of the Unified Development Code Chapter 164.12(F) Nonconforming Uses and Structures, Repairs and Maintenance, and Chapter 166.18 Master Street Plan Setbacks, allowing the existing structure located at 1305 Garland Avenue to remain within the Master Street Plan right of way and to be improved greater than the 10% allowed by code, within the existing limits of the structure.
- Consent 5. **Operations Management International (OMI):** A resolution approving Amendment No. 14 to the contract with Operations Management International (OMI) in the amount of \$6,104,447.88 for the operation and management of Fayetteville Wastewater Treatment Facilities for 2006, and an increase of \$153,000.00 for the cost of services in 2006; and approving a budget adjustment in the amount of \$153,000.00.
- ✓ 6. **Sales Tax 2006A Construction Fund:** A resolution approving the creation of a new fund to be called "Sales Tax 2006A Construction Fund;" and approving a budget adjustment in the amount of \$50,788,406.00 for the Wastewater Systems Improvement Project, the Street Improvements Bond Project, and the Trail Improvements Bond Project.
- ✓ 7. **McClelland Consulting Engineers, Inc:** A resolution awarding an engineering contract to McClelland Consulting Engineers, Inc. in an amount not to exceed \$108,111.40 for preliminary design services, surveys, and related services associated with the College Avenue Improvement Project.
- ✓ 8. **Stadium Centre Cottages Appeal:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-2212, Stadium Centre Cottages, located at Old Farmington Road, west of Sandra Street; containing approximately 2.45 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan.

Planning
Commission
Minutes

(Check with
Jerry)

Planning
Commission
Minutes
(Check with
Jerry)

9. **Easement Vacation for Archer (VAC 06-2289) Appeal:** An ordinance approving VAC 06-2289 submitted by Crafton Tull and Associates for property located at the west end of Markham, west of Sang Avenue, vacating a 0.35 acre portion of a right-of-way on the subject property.

D. INFORMATIONAL:

~~Budget - Outside Agency Presentations: Agenda Session Only~~

City Council Tour: ~~December 4, 2006 4:30 PM~~ *NONE*

1st January Elect Vice Mayor.

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 - Nancy Gordon Allen
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
December 5, 2006**

A meeting of the Fayetteville City Council will be held on December 5, 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**

Move to December 19, 2006
Discussion Item: Monuments, Art & Memorials on Public Property.

Agenda Session Only.

A. CONSENT:

- ✓ 1. **Approval of the November 7, 2006 City Council meeting minutes.**
- ✓ 2. **Class Action Suit to Recover City Taxes:** A resolution to approve a contingent fee contract with Elliot & Smith to represent the City on an internet hotel broker tax remittance issue.
- ✓ 3. **Westside Village Condominiums:** A resolution approving the Parks and Recreation Advisory Board's recommendation to accept \$138,336.00 in lieu of the required Park Land Dedication for Westside Village Condominiums.

B. UNFINISHED BUSINESS:

1. **Items will be added after the City Council meeting.**

C. NEW BUSINESS:

1. **RZN 06-2320, Garner:** An ordinance rezoning that property described in rezoning petition RZN 06-2320, for approximately 0.75 acres, located at 904 15th Street from RMF-24, Residential Multi-Family, 24 units per acre to C-2, Thoroughfare Commercial with the Associated Bill of Assurance.
2. **VAC 06-2315, Paul:** An ordinance approving VAC 06-2315 submitted by Alan Reid & Associates for property located at 2753 East Par Court, vacating a portion of the utility easement located within the subject property.
3. **ADM 06-2322 North Street ROW Dedication Variance:** A resolution reducing the right of way dedication required from North Street centerline from 55 feet to 44 feet accommodating the existing structure and proposed development for property located at 1104 N. College Avenue as described in item ADM 06-2322.
4. **ADM 06-2354 Garland Avenue ROW Dedication Variance:** A resolution approving a variance of the Unified Development Code Chapter 164.12(F) Nonconforming Uses and Structures, Repairs and Maintenance, and Chapter 166.18 Master Street Plan Setbacks, allowing the existing structure located at 1305 Garland Avenue to remain within the Master Street Plan right-of-way and to be improved greater than the 10% allowed by code, within the existing limits of the structure.
5. **Operations Management International (OMI):** A resolution approving Amendment No. 14 to the contract with Operations Management International (OMI) in the amount of \$6,104,447.88 for the operation and management of Fayetteville Wastewater Treatment Facilities for 2006, and an increase of \$153,000.00 for the cost of services in 2006; and approving a budget adjustment in the amount of \$153,000.00.
6. **Sales Tax 2006A Construction Fund:** A resolution approving the creation of a new fund to be called "Sales Tax 2006A Construction Fund;" and approving a budget adjustment in the amount of \$50,788,406.00 for the Wastewater Systems Improvement Project, the Street Improvements Bond Project, and the Trail Improvements Bond Project.
7. **McClelland Consulting Engineers, Inc:** A resolution awarding an engineering contract to McClelland Consulting Engineers, Inc. in an amount not to exceed \$108,111.40 for preliminary design services, surveys, and related services associated with the College Avenue Improvement Project.
8. **Stadium Centre Cottages Appeal:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-2212, Stadium Centre Cottages, located at Old Farmington Road, west of Sandra Street; containing approximately 2.45 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan.
9. **Easement Vacation for Archer (VAC 06-2289) Appeal:** An ordinance approving VAC 06-2289 submitted by Crafton Tull and Associates for property located at the west end of Markham, west of Sang Avenue, vacating a 0.35 ~~square foot~~ acre portion of a right-of-way on the subject property.

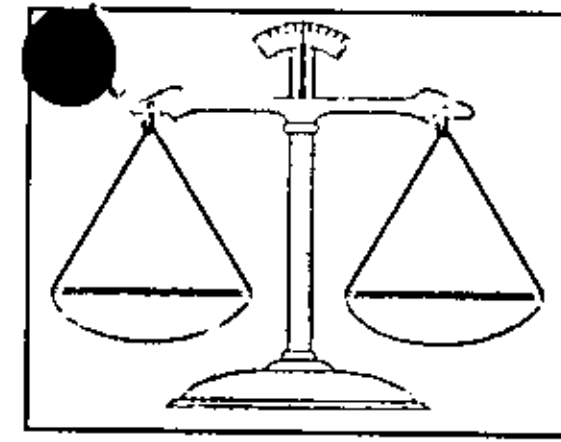
Need new ordinance

D. INFORMATIONAL:

Budget - Outside Agency Presentations: Agenda Session Only

City Council Tour: December 4, 2006 -4:30 PM

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



LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: **Dan Coody, Mayor**

THRU: **Sondra Smith, City Clerk**

FROM: **Kit Williams, City Attorney**

A handwritten signature in black ink, appearing to read 'Kit Williams', written over a horizontal line.

DATE: **December 5, 2006**

RE: **Passed Ordinances and Resolutions from City Council meeting
of December 5, 2006**

1. **Class Action Suit To Recover City Taxes:** Resolution approving contingent fee contract with Elliot & Smith to represent the City on an internet hotel broker tax remittance issue;
2. **Westside Village Condominiums:** Resolution approving Parks & Recreation Advisory Board's recommendation accepting \$138,336.00 in lieu of required Park Land Dedication for Westside Village Condominiums;
3. **OMI:** Resolution approving Amendment No. 14 to contract with Operations Management International in amount of \$6,104,447.88 for operation and management of Fayetteville Wastewater Treatment Facilities for 2006; an increased of \$153,000.00 for the cost of services in 2006; and approving budget adjustment in amount of \$153,000.00;
4. **R-PZD 06-2191:** Ordinance establishing a Residential Planned Zoning District, University Club Tower, located north of Lowe's Home Center, east of College Avenue (Highway 71), containing approximately 10.39 acres; amending Official Zoning Map of City and adopting Associated Master Development Plan;
5. **R-PZD 06-2256:** Ordinance establishing a Residential Planned Zoning District, located at 932 Garland, between Berry and Hughes Streets, containing approximately 0.84 acres; amending Official Zoning Map of City and adopting Associated Master Development Plan;

6. **Emerald Point ADM 06-2282 Appeal:** Resolution approving appeal of ADM 06-2282 (Emerald Point) and approving amended plat with an amended Condition of Approval #1;
7. **Sunbridge Villas R-PZD 06-2213 Appeal:** Ordinance establishing Residential Planned Zoning District, Sunbridge Villas, located northwest of Sunbridge Drive and Villa Blvd., Villa Mobile Home Park, containing approximately 20.92 acres; amending official zoning map of City and adopting Associated Master Development Plan;
8. **ADM 06-2252:** Resolution adopting Future Land Use Map and associated text as part of the City Plan 2025 Comprehensive Land Use Plan for City of Fayetteville;
9. **RZN 06-2320:** Ordinance rezoning property described in RZN 06-2230, for approximately 0.75 acres, located at 904 15th St., from RMF-24, Residential Multi-Family, 24 Units Per Acre to C-2, Thoroughfare commercial with the Associated Bill of Assurance;
10. **VAC 06-2315:** Ordinance approving VAC 06-2315 submitted by Alan Reid & Assoc. for property located at 2753 East Par Court, vacating portion of utility easement located within subject property;
11. **ADM 06-2354 Garland Ave. ROW Dedication Variance:** Resolution approving variance of U.D.O. Chapter 164.12(F) *Nonconforming uses and structures, repairs and maintenance* and Chapter 166.18 *Master Street Plan setbacks* allowing existing structure located at 1305 Garland Ave. to remain within Master Street Plan right-of-way and to be improved greater than the 10% allowed by code, within the existing limits of the structure;
12. **Sales Tax 2006A Construction Fund:** Resolution approving creation of new fund to be called "Sales Tax 2006A Construction Fund"; and approving budget adjustment in amount of \$50,788,406.00 for Wastewater Systems Improvement Project, Street Improvements Bond Project, and Trail Improvement Bond Project;
13. **McClelland Consulting Engineers, Inc.:** Resolution awarding engineering contract to McClelland Consulting Engineers, Inc. in an amount not to exceed \$108,111.40 for preliminary design services, surveys, and related services associated with College Avenue Improvement Project.



THE CITY OF FAYETTEVILLE, ARKANSAS

PLANNING DIVISION CORRESPONDENCE

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

To: City Council, Mayor Dan Coody
From: Jeremy Pate, Director of Current Planning *JP*
Date: December 05, 2006
Subject: Emerald Point ADM 06-2282 Appeal

*Emerald Point
B.B. Unfinished
12/5/06
Handed out at the
City Council Meeting*

The applicant for this project today submitted a revised drawing and letter of agreement in which a stub-out and future street connection is acquired through the two points of ingress/egress to the south: Georgia Trail and Rocky Crossing. The agreement states that the property owner of the property to the south of Georgia Trail will sell the eastern portion of his property to Mr. Zakariadze, who will subsequently dedicate a minimum of 42 feet and build a public street to the southern property line. Subject to rezoning and development requirements, the property to the east of this stub-out may be available for future development.

Based on the letter and drawings submitted by the applicant on December 5, 2006, staff therefore recommends approval of the applicant's appeal of the original terms and conditions of the Emerald Point Preliminary Plat, PPL 06-1773, with the following amended condition of approval Number 1:

1. Planning Commission determination of street connectivity. *The applicant proposes to provide a street stub-out to the north for future connection to an existing street in Legacy Pointe Phase I and three two street connections to the south. The applicant has submitted a letter signed by Mr. Michael Williams, property owner to the south, conveying agreement to a street connection through his property. Staff is recommending the street stub-out continue south the additional 70' in length through Mr. Williams' property to provide a through connection to the Hays property, which is in the process of annexation, zoning, and will be developing in the near future. If the applicant is unable to secure final rights to construct the street across Mr. William's property or the right-of-way cannot be dedicated, the applicant shall construct a temporary cul-de-sac at lot 45/46/47 in accordance with Fire Department regulations. A minimum of 42 feet of right-of-way shall be dedicated and a 24-foot public street shall be constructed approximately 70 feet south of Lot 45/47 to provide for future public access prior to recordation of the Final Plat for Emerald Point Subdivision. The Preliminary Plat shall be amended as generally depicted in Exhibit "A" prior to approval of construction plans.*

City of Fayetteville
Planning Office
Fayetteville, AR 72701

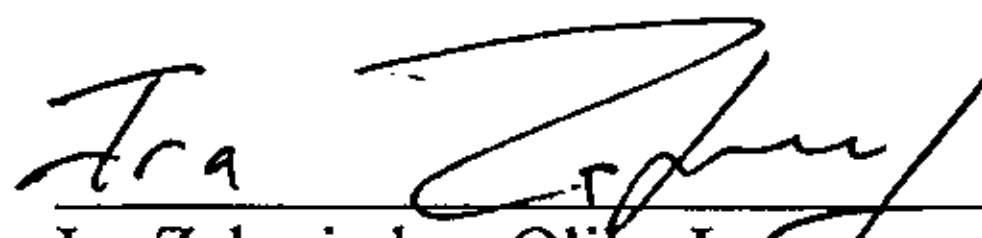
RE: Right of Way through Michael Williams' Property

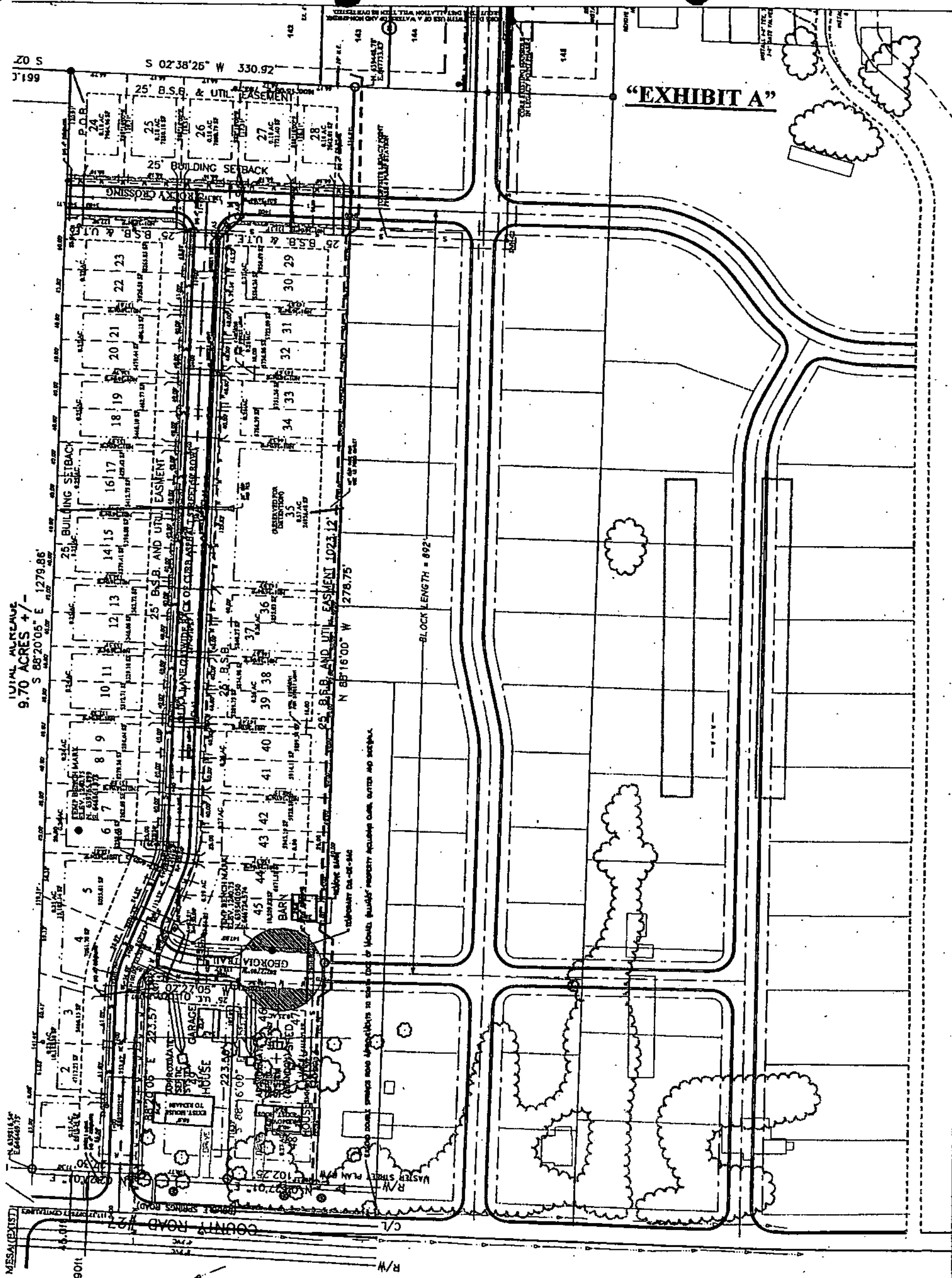
12/04/06

Greetings,

By signing below, I, Michael Williams, do hereby agree to split my property located at 340 Double Springs Road in Fayetteville and sell the resulting eastern portion to Olika Investments. Olika Investments further covenants with the City of Fayetteville to dedicate the western 42' of the resulting lot for right of way to construct the extension of Georgia Trail in Emerald Point Subdivision. The proposed lot split will be configured such that the new lot line will be coincident with the proposed right of way on Georgia Trail as it extends south across the property. Georgia Trail will eventually connect to a proposed subdivision on the property to the south, providing traffic connectivity and circulation. This right of way will be formally dedicated and filed and the street will be constructed across the property before the Emerald Point Subdivision files for Final plat.


Michael Williams


Ira Zakariadze, Olika Investments, LLC





THE CITY OF FAYETTEVILLE, ARKANSAS

PLANNING DIVISION CORRESPONDENCE

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

To: City Council, Mayor Dan Coody
From: Jeremy Pate, Director of Current Planning
Date: December 04, 2006
Subject: Sunbridge Villas Residential Planned Zoning District

The City Council is currently considering a Residential Planned Zoning District proposal under the name of Sunbridge Villas. This project consists of 169 dwelling units and community space area on 20.92 acres. The project is unique in that it falls within an already developed property, currently the Sunbridge Villa Mobile Home Park, which contains 141 mobile home lots. The applicant proposes to utilize the majority of existing infrastructure, making improvements where necessary to bring the properties up to code. Additional improvements will also be added, such as sidewalks and street overlays, as is typical with subdivisions in the City of Fayetteville. As part of the re-development of the site, improvements to the water, sewer and storm sewer systems are also required.

The unique nature of this project – in that it is primarily utilizing existing infrastructure - gives the opportunity for staff to request of the City Council to approve the project as a Concurrent Plat, rather than a Preliminary and Final plat as separate documents. In order to do so, the City Council would have to waive the Unified Development Code Ch. 158.01 *Guarantees in lieu of installed improvements*, in order for the developer to bond for all required improvements serving the public health, safety and welfare. Staff is supportive of this waiver, finding that with a very clear time frame in which the improvements will be constructed, inspected and accepted by the City, along with a bond in the amount of 150% of the construction costs, there are no foreseen complications.

Staff is recommending this project be allowed to be processed as a Concurrent Plat, thereby enabling the applicant to proceed with a document to process, record and begin construction in a more timely fashion. The applicant's engineers have worked with staff to detail the improvements necessary, and these are reflected in the modified exhibit that is attached. This recommendation is subject to the conditions as noted. It should also be noted that all noted improvements are required regardless of whether this project is processed as a Preliminary/Final Plat or a Concurrent Plat; the latter process simply allows a combination of the two applications into one.

Staff recommends an amendment to R-PZD 06-2213, accepting the attached Exhibit "C" with revised conditions of approval.

EXHIBIT "C"

R-PZD 06-2213

Page 1 of 5

Conditions of Approval

1. **City Council determination of street improvements.** *Staff recommends an asphalt overlay on all streets within the project. The overlay shall create, at minimum, a 25' wide street width back of curb to back of curb. Engineering staff shall determine at the time of construction the amount of improvement necessary (milling, depth of overlay, etc.). Street lights shall be installed every 300' along the private streets and at all intersections. In addition, existing sidewalks shown on the plat shall be repaired or reconstructed to meet City standards and shall be maintained by this development.*
2. **City Council determination of a waiver of Chapter 166.06 to allow for more than 80 dwelling units on a private loop street.** *Staff finds in favor of this request, given that surrounding properties are fully developed and the existing neighborhood and street grid layout is being maintained for private two points of ingress and egress.*
3. **City Council determination of a variance to allow residential solid waste cart/recycling to all residential units within the development.** *City Code currently requires the multi-family structures within this development to utilize dumpster service. All other single family units will utilize residential cart service. The applicant requests to utilize residential cart service for all residential units.*
4. **All streets and sidewalks shall be recorded within an access easement.** *Private streets and sidewalks shall be the responsibility of the property owner or property owner's association to maintain according to city standards. Covenants shall provide that in the event the private streets and sidewalks are not maintained as required, 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 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. Said covenants regarding maintenance of private streets shall not be amended and shall not terminate without approval of the City Council (§166.06 (K.10.b.vii)). Appropriate language shall be included on the final plat and approved by the Transportation and Engineering Divisions for such easement.*
5. **Curb cuts shall be limited to a maximum width of 16' measured at the back of the sidewalk or right-of-way where applicable, or at the back of the access easement where sidewalk is not present.** *Typical on-street parking shall be permitted on private streets, as long as no driveways are blocked.*

EXHIBIT "C"

R-PZD 06-2213

Page 2 of 5

6. Driveways shall meet the City's standard driveway requirements with 10' between drives, and a minimum of 5' between the drive and the side property line. Staff recommends utilizing shared driveways where possible. If lots share a driveway, a maximum 24-foot driveway shall be permitted.
7. Plat and booklet revisions to be completed:
 - a. Sheet 3.1. Side and rear elevations for the duplex and single family residences shall be submitted for review.
 - b. Sheet 5.0. Change the title to "Preliminary Plat".
 - c. Street lights shall be installed every 300' along all streets (public and private) where not currently existing and at all intersections. Include the location of new street lights on the plat.
 - d. Clearly indicate on the plat where the building setbacks are measured from, with dimensions. In addition, add notes to the setback chart for all of the zoning criteria clearly explaining where the building setbacks will be measured from. For the purpose of this development, the front building setbacks shall be measured from the edge of the access easement where right-of-way is not present.
 - e. Specify the maximum amount of square feet (intensity) for the existing/proposed clubhouse in the zoning criteria for PA-4.
 - f. If the balconies/decks are not proposed to be installed on the rear of the four-plexes as shown in the submitted photos, the architectural design standards in the zoning criteria should add a statement indicating as such.
8. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements.
9. Project Phasing: This development shall be built in one phase, with all permits for construction required to be issued within one year of City Council approval. A final plat shall be required in order to record the proposed lots and issue building permits.
10. Buildings shall be constructed to be consistent with the photos and concepts depicted in the booklet as specified. Building permits will be based upon the submitted photos and elevations.
11. Park fees credit has been given in the amount of \$135,360 for 141 existing mobile home lots. Parks fees for 133 single family and 36 multi-family homes totaling a net of \$16,800 after credit is given shall be paid prior to recordation of the final plat.

EXHIBIT "C"

R-PZD 06-2213

Page 3 of 5

12. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code, and shall be subject to signage requirements for residential single-family development.
13. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.

Tree Preservation Conditions:

14. Tree protection fencing will be extensive for this project. Please coordinate the installation with the Urban Forester.
15. By ordinance, tree canopy found within the building footprint must be counted as removed. There are several large canopied trees on this site that will not actually have to be removed entirely but possible just pruned for height allowance. Staff recommends working with the Urban Forester throughout the entire project to fence and preserve some of the larger trees that could remain.
16. Mitigation will be required on this site in the amount of 294 (2) inch caliper large species tree. The applicant has requested and been approved for on-site mitigation. A variety of quality tree species have been proposed to be planted back on the site which will ultimately better the city's urban forest as a whole.
17. A 3-year maintenance and monitoring bond, letter of credit, or check in the amount of \$73,500 shall be deposited with the City before the last certificate of occupancy.

Standard Conditions:

18. 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).
19. Trash enclosures shall be screened on three sides with materials compatible with the surrounding structures, with access not visible from the street. Architectural elevations for these structures shall be submitted for review prior to issuance of a building permit.

EXHIBIT "C"

R-PZD 06-2213

Page 4 of 5

20. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
21. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
22. All exterior lighting is required to comply with the City's lighting ordinance. A lighting plan and cut-sheets of the proposed exterior light fixtures, where applicable, shall be required to be approved by Planning Staff prior to building permit.
23. **City Council determination of a variance of Unified Development Code Ch. 158.01, *Guarantees in Lieu of Installed Improvements*. Staff recommends approval of the variance allowing the Sunbridge Villas R-PZD plat without the installation of all required improvements as noted herein at this time. The applicant shall be responsible for depositing with the city a guarantee in lieu of installed improvements in an amount equal to 150% of the estimated cost of the uncompleted improvements, as determined by the City Engineer. Said guarantees shall be provided prior to filing of the final plat for recordation. Sidewalks shall be installed or guaranteed and installed as each home is constructed.**
24. A plat meeting all technical requirements of the Unified Development Code for a Final Plat shall be submitted and reviewed at a Technical Plat Review meeting of the City of Fayetteville. After all utility representatives and staff have commented, revisions shall be submitted to staff for a final review before signatures are applied. All rights-of-way, utility easements, utilities, building setbacks and other zoning criteria shall be placed on the plat for review.
25. Construction plans for all public improvements shall be submitted and approved by the City Engineering Division prior to recordation of the final plat and issuance of any building permits.
26. Streetlights shall be installed or proof of payment for installation provided prior to recordation of the plat.

EXHIBIT "C"

R-PZD 06-2213

Page 5 of 5

27. Drainage improvements are required within the development to meet the current requirements of the City of Fayetteville Drainage Criteria Manual. The proposed storm sewer improvements must safely convey the 100-year storm flow through the site. Minimum finish floor elevations shall be established for each lot adjacent to open channels or swales, and provided at the time of final plat. All drainage improvements shall be completed prior to the issuance of any Certificate of Occupancy.
28. The following water and wastewater system improvements are required for this project, and must be guaranteed in an amount equal to 150% of the estimated cost as approved by the City Engineer, if not completed, prior to final plat recordation. All improvements as follows shall be completed prior to the issuance of any Certificate of Occupancy.
- a. Public sanitary sewer facilities must be extended to each lot to avoid the crossing of lot lines. The sanitary sewer must be constructed and accepted prior to the issuance of building permits for any lot that does not currently have public sewer service in accordance with City of Fayetteville codes.
 - b. All sanitary sewer services shall be replaced and the existing service lines and taps properly abandoned. The City will install all new sewer taps after the proper service tap fee has been paid in full by the developer. The developer shall be responsible for the installation of 100% of the sewer service lines.
 - c. An eight inch (8") public water line shall be installed to create a loop from the six inch (6") water line located along Granada Street to the existing eight inch (8") waterline located west of the development.
 - d. All existing water meters and service lines shall be inspected and replaced if they do not meet current code. All water meters shall be located such that the service lines do not cross lot lines. All costs associated with this requirement shall be at the developer's expense.

B.5. 12/5/06
Westside Village

CONTRACT

Comes now Westside Development Company, LLC, John Nock, Richard Alexander, Rob Merry-Ship, and their heirs and assigns as the owners/developers of Westside Village PZD (hereinafter "Westside Village") and the City of Fayetteville, Arkansas which all agree as follows:

The City of Fayetteville will allow Westside Village not to extend the two platted stubout streets all the way to its eastern border upon the following conditions agreed to by Westside Village:

(1) Westside Village agrees to build both stubout street sections up to one foot of the eastern border of the Westside Village PZD and properly dedicate them as city streets.

(2) Westside Village agrees to construct a barricade at the end of each stubout section to prevent vehicular traffic from crossing the one foot unbuilt section of the stubout street. This barricade will contain an advisement that is large enough to be clearly legible from the adjoining north/south street stating: "This stubout city street shall be extended to the East when that property is redeveloped residentially or commercially."

(3) Westside Village agrees to dedicate to the City the one foot section on both stubout street sections upon request by the City when the property adjoining Westside Village to the East is being redeveloped either residentially, commercially or as a PZD.

(4) Westside Village also agrees to remove or to pay to remove the barricades and to pay (as a cost share with the developers of the eastern

property) the construction costs for these one foot city street sections upon request by the City.

The City of Fayetteville agrees to waive its normal requirements that the stubout streets be fully constructed all the way to the property border and dedicated to the City during the initial construction of Westside Village. Furthermore, the City will attempt to require construction traffic for the redevelopment of the land to the east of Westside Village to access the property from major city streets such as Wedington or Persimmon rather than through Westside Village if practicable.

In Agreement with all the terms and conditions above, we sign our names on this 5th day of December, 2006.

**WESTSIDE
DEVELOPMENT COMPANY, LLC**

By: _____

Printed Name: RICHARD ALEXANDER

Title: MANAGING MEMBER

**Personal guarantees for themselves
and heirs and assigns:**

John Nock
JOHN NOCK

Richard Alexander
RICHARD ALEXANDER

Rob Merry-Ship
ROB MERRY-SHIP

**CITY OF FAYETTEVILLE,
ARKANSAS**

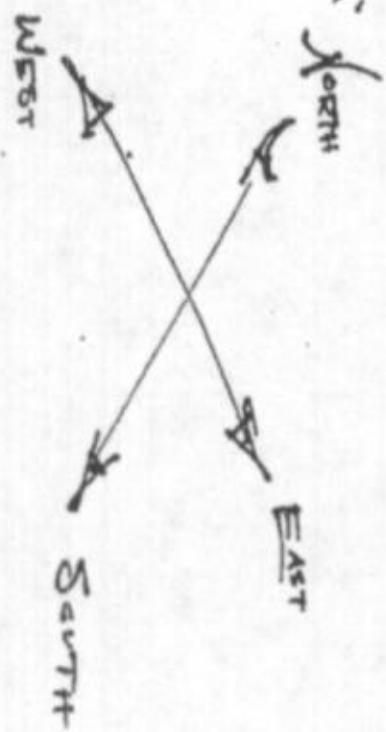
By: _____

DAN COODY, Mayor

Attest:

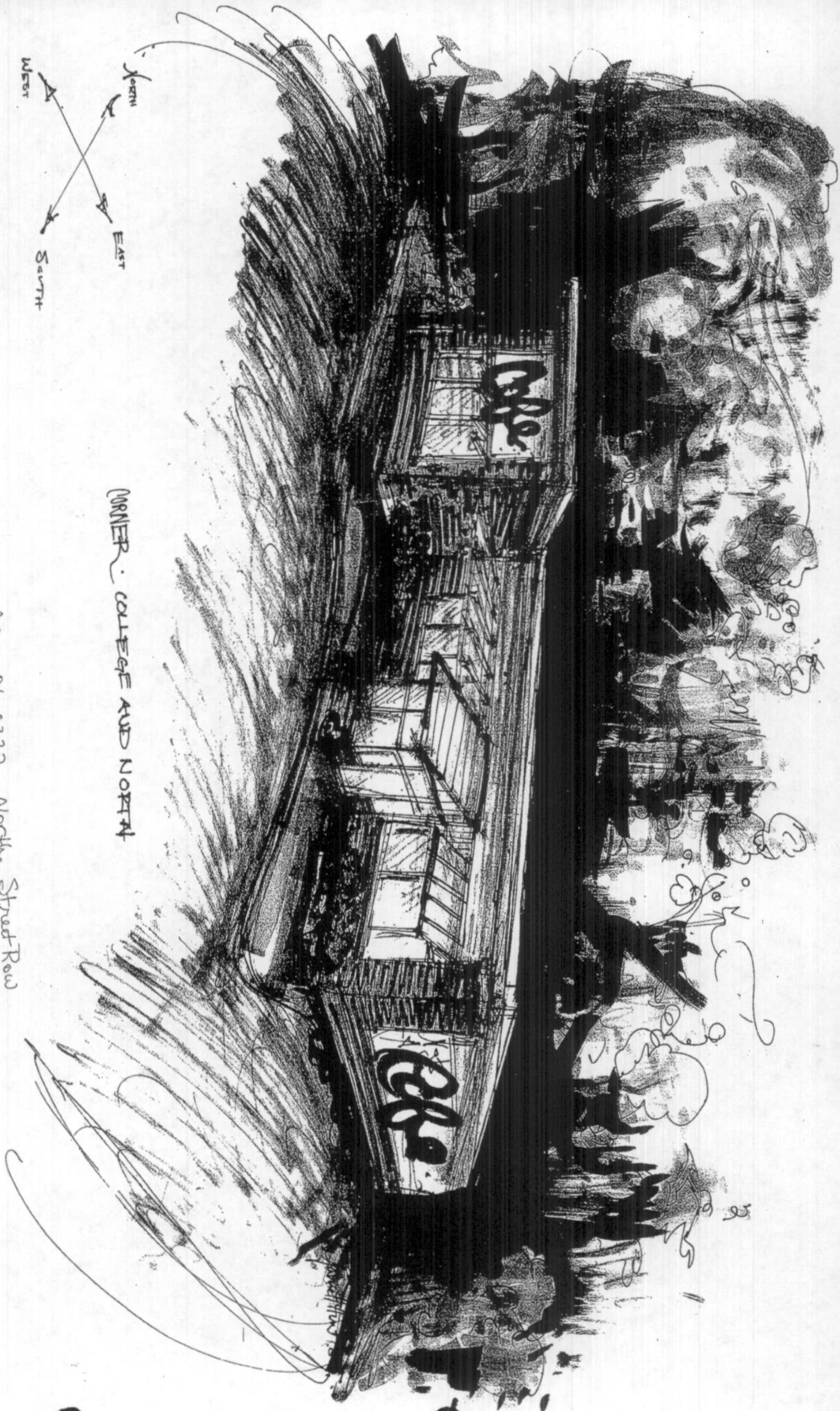
By: _____

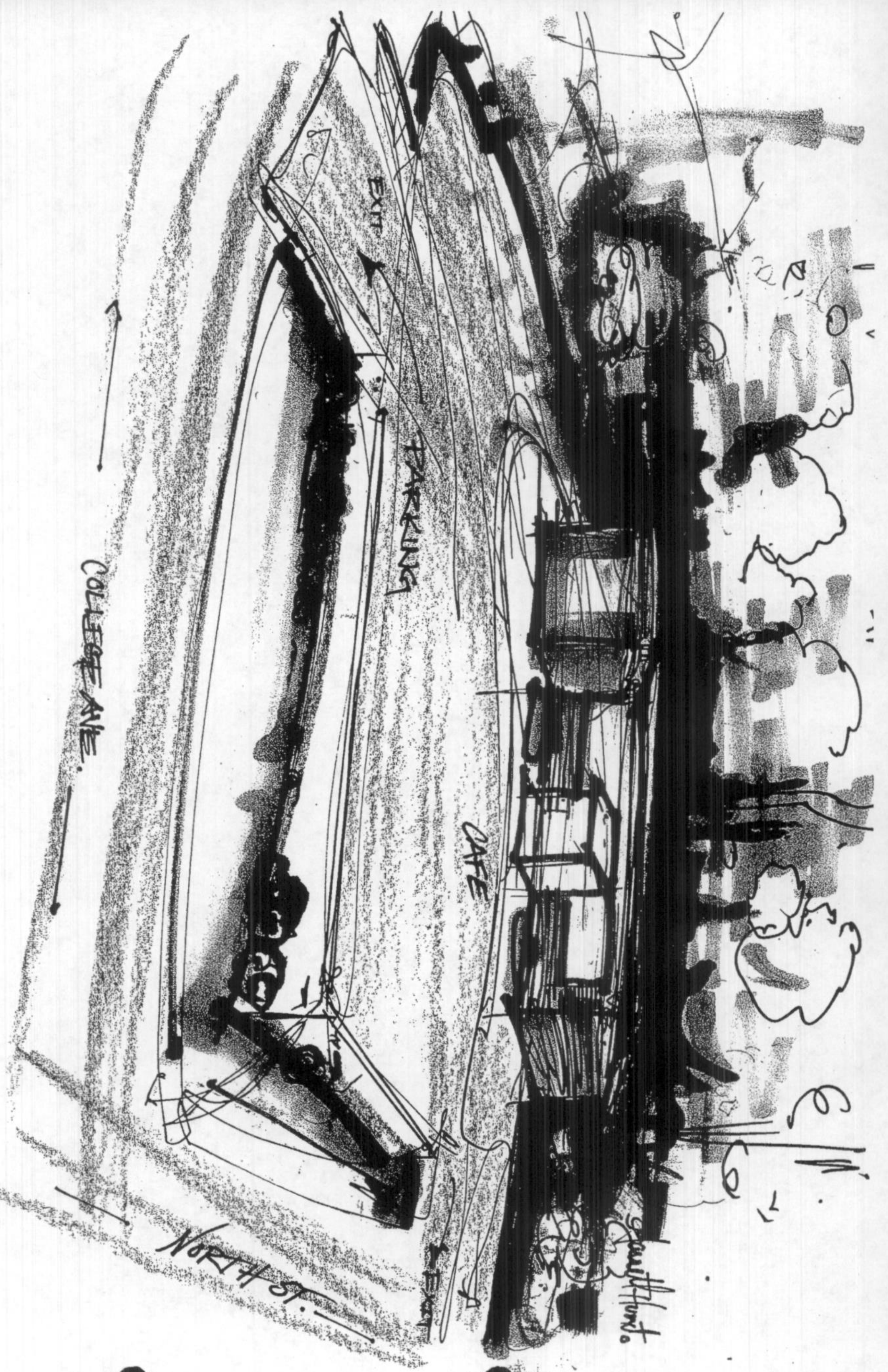
SONDRA SMITH, City Clerk



CORNER: COLLEGE AND NORTH

ADM 06-2322 North Street Row
Dedication Variance





ADM 06-2322
North Street Row Dedication Variance

B.5. 12/5/06
Westside Village

CONTRACT

Comes now Westside Development Company, LLC, John Nock, Richard Alexander, Rob Merry-Ship, and their heirs and assigns as the owners/developers of Westside Village PZD (hereinafter "Westside Village") and the City of Fayetteville, Arkansas which all agree as follows:

The City of Fayetteville will allow Westside Village not to extend the two platted stubout streets all the way to its eastern border upon the following conditions agreed to by Westside Village:

(1) Westside Village agrees to build both stubout street sections up to one foot of the eastern border of the Westside Village PZD and properly dedicate them as city streets.

(2) Westside Village agrees to construct a barricade at the end of each stubout section to prevent vehicular traffic from crossing the one foot unbuilt section of the stubout street. This barricade will contain an advisement that is large enough to be clearly legible from the adjoining north/south street stating: "This stubout city street shall be extended to the East when that property is redeveloped residentially or commercially."

(3) Westside Village agrees to dedicate to the City the one foot section on both stubout street sections upon request by the City when the property adjoining Westside Village to the East is being redeveloped either residentially, commercially or as a PZD.

(4) Westside Village also agrees to remove or to pay to remove the barricades and to pay (as a cost share with the developers of the eastern

property) the construction costs for these one foot city street sections upon request by the City.

The City of Fayetteville agrees to waive its normal requirements that the stubout streets be fully constructed all the way to the property border and dedicated to the City during the initial construction of Westside Village. Furthermore, the City will attempt to require construction traffic for the redevelopment of the land to the east of Westside Village to access the property from major city streets such as Wedington or Persimmon rather than through Westside Village if practicable.

In Agreement with all the terms and conditions above, we sign our names on this 5th day of December, 2006.

**WESTSIDE
DEVELOPMENT COMPANY, LLC**

By: _____

Printed Name: RICHARD ALEXANDER

Title: Managing Member

Personal guarantees for themselves
and heirs and assigns:

John Nock
JOHN NOCK

Richard Alexander
RICHARD ALEXANDER

Rob Merry-Ship
ROB MERRY-SHIP

**CITY OF FAYETTEVILLE,
ARKANSAS**

By: _____

DAN COODY, Mayor

Attest:

By: _____

SONDRA SMITH, City Clerk

C.8. New Business
Easement Vacation
for Archer (VAC 06-2289)
Appeal

Markham Hill
Sang Avenue/Haskell Heights Neighborhood
Fayetteville, AR 72701

December 5, 2006

Fayetteville City Council
113 West Mountain Street
Fayetteville, AR 72701

RE: Easement Vacation for Archer (VAC 06-2289)

Dear Fayetteville City Council,

As residents of Markham Hill, we have concerns about the proposed vacation of the West end of Markham and it becoming a one-way street. In doing so we feel this would lead to both a safety hazard and perpetuate the existing water run-off issue that currently troubles our neighborhood.

SAFETY

The proposal put forth by the Archers takes the traffic one-way—westward—up the hill. Vehicles, including heavy delivery and catering trucks servicing the bed and breakfast and event barn would have to circle around on a sloped gravel road to return to Markham. Our concern is the likelihood, even if rare, of a vehicle especially a large truck using the one-way section unexpectedly the wrong way. Most fearful is when any one person may become accustomed to freely turning left onto Sang off Markham or vice versa expecting NO on coming traffic from the steep hill to the West. We think one can see the potential for a collision. If this passes, this will be a private, secluded section of road making it difficult to be enforced as a one-way street. Catering and event trucks hurrying to make return trips would certainly want to take a more desirable route down the one-way street the WRONG-WAY. Either a fully paved route or a two-way street as proposed by the Planning Commission would hopefully instill more compliance and/or safety.

MAINTENANCE

As residents of this neighborhood, we are all too familiar with the habitual drainage problems at the Southwest corner of Sang and Markham. There is such a large volume of water coupled with tree debris (leaves and limbs) that it prevents the culvert pipe from functioning properly. The newly paved road is eroding and the culvert pipe is evident from so much water that rushes over the road where the two drainage ditches from Sang

and Markham converge. This is a chronic problem due to culvert pipe becoming plugged with debris.

This proposed open ditch system is dependent upon maintenance in order to keep this corner open-storm-drain functioning. Our fear is will this new system be any better than what we have? And if it proves not to function adequately—who will fix it?

We hope the Council can see that this vacation would too closely impact the neighborhood and any visitors. The one-way street has the potential for abuse with its severe consequences. The ditch system and open-storm-drain at the corner closely resembles the existing system. This is the opportune time to bring the street up to city standards as the Planning Commission decided. Let's not impact those of us who live on Sang with an abbreviated version of a less than standard, cheaper and potentially hazardous street design.

Respectfully,

David Campbell Johnson
Susan M. Johnson

Markham Hill

Sang Avenue/Haskell Heights Home Owners

[Signature]

John G. McKenna

Jane M. Stalo

[Signature]

Joyce Feldman

Lynn F. Wade

Elaine Spade

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 - Nancy Gordon Allen
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
December 5, 2006**

A meeting of the Fayetteville City Council will be held on December 5, 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 November 7, 2006 City Council meeting minutes.**
- 2. Class Action Suit to Recover City Taxes:** A resolution to approve a contingent fee contract with Elliot & Smith to represent the City on an internet hotel broker tax remittance issue.
- 3. Westside Village Condominiums:** A resolution approving the Parks and Recreation Advisory Board's recommendation to accept \$138,336.00 in lieu of the required Park Land Dedication for Westside Village Condominiums.
- 4. Operations Management International (OMI):** A resolution approving Amendment No. 14 to the contract with Operations Management International (OMI) in the amount of \$6,104,447.88 for the operation and management of Fayetteville Wastewater Treatment Facilities for 2006, and an increase of \$153,000.00 for the cost of services in 2006; and approving a budget adjustment in the amount of \$153,000.00.

B. UNFINISHED BUSINESS:

1. **R-PZD 06-2191, University Club Tower:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-2191, University Club Tower, located north of Lowe's Home Center, east of College Avenue (Highway 71), containing approximately 10.39 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the First Reading at the November 7, 2006 City Council meeting. This ordinance was left on the Second Reading at the November 21, 2006 City Council meeting.*
2. **R-PZD 06-2256, 932 Garland:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-2256, 932 Garland, located at 932 Garland, between Berry and Hughes Street, containing approximately 0.84 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the First Reading at the November 7, 2006 City Council meeting. This ordinance was left on the Second Reading at the November 21, 2006 City Council meeting.*
3. **Emerald Point ADM 06-2282 Appeal:** An appeal of the Planning Commission's decision regarding ADM 06-2282 (Emerald Point). *This appeal was Tabled at the November 7, 2006 City Council meeting to the November 21, 2006 City Council meeting. This appeal was Tabled at the November 21, 2006 City Council meeting to the December 5, 2006 City Council meeting.*
4. **Sunbridge Villas R-PZD 06-2213 Appeal:** An ordinance establishing a Residential Planned Zoning District Titled R-PZD 06-2213, Sunbridge Villas, located northwest of Sunbridge Drive and Villa Blvd., containing approximately 20.92 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan.. *This ordinance was left on the First Reading at the November 7, 2006 City Council meeting. This ordinance was left on the Second Reading at the November 21, 2006 City Council meeting.*
5. **R-PZD 06-1884, Westside Village:** An ordinance establishing a Residential Planned Zoning District Titled R-PZD 06-1884, Westside Village, located south of Wedington, east of Ruppel Road, containing approximately 21.63 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the Second Reading at the November 21, 2006 City Council meeting.*
6. **ADM 06-2252 Future Land Use Map:** A resolution adopting the Future Land Use Map and associated text as part of the City Plan 2025 Comprehensive Land Use Plan for the City of Fayetteville. *This resolution was Tabled at the November 21, 2006 City Council meeting to the December 5, 2006 City Council meeting.*
7. **Proposed 2007 Annual Budget & Work Program:** A resolution adopting the 2007 Annual Budget and Work Program as approved and amended. *This resolution was Tabled at the November 21, 2006 City Council meeting to the December 5, 2006 City Council meeting.*

C. NEW BUSINESS:

1. **RZN 06-2320, Garner:** An ordinance rezoning that property described in rezoning petition RZN 06-2320, for approximately 0.75 acres, located at 904 15th Street from RMF-24, Residential Multi-Family, 24 units per acre to C-2, Thoroughfare Commercial with the Associated Bill of Assurance.
2. **VAC 06-2315, Paul:** An ordinance approving VAC 06-2315 submitted by Alan Reid & Associates for property located at 2753 East Par Court, vacating a portion of the utility easement located within the subject property.
3. **ADM 06-2322 North Street ROW Dedication Variance:** A resolution reducing the right of way dedication required from North Street centerline from 55 feet to 44 feet accommodating the existing structure and proposed development for property located at 1104 N. College Avenue as described in item ADM 06-2322.
4. **ADM 06-2354 Garland Avenue ROW Dedication Variance:** A resolution approving a variance of the Unified Development Code Chapter 164.12(F) Nonconforming Uses and Structures, Repairs and Maintenance, and Chapter 166.18 Master Street Plan Setbacks, allowing the existing structure located at 1305 Garland Avenue to remain within the Master Street Plan right of way and to be improved greater than the 10% allowed by code, within the existing limits of the structure.
5. **Sales Tax 2006A Construction Fund:** A resolution approving the creation of a new fund to be called "Sales Tax 2006A Construction Fund;" and approving a budget adjustment in the amount of \$50,788,406.00 for the Wastewater Systems Improvement Project, the Street Improvements Bond Project, and the Trail Improvements Bond Project.
6. **McClelland Consulting Engineers, Inc:** A resolution awarding an engineering contract to McClelland Consulting Engineers, Inc. in an amount not to exceed \$108,111.40 for preliminary design services, surveys, and related services associated with the College Avenue Improvement Project.
7. **Stadium Centre Cottages Appeal:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-2212, Stadium Centre Cottages, located at Old Farmington Road, west of Sandra Street; containing approximately 2.45 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan.
8. **Easement Vacation for Archer (VAC 06-2289) Appeal:** An ordinance approving VAC 06-2289 submitted by Crafton Tull and Associates for property located at the west end of Markham, west of Sang Avenue, vacating a 0.35 acre portion of a right-of-way on the subject property.

D. INFORMATIONAL:

City Council Tour: NONE

Aldermen

Ward 1 Position 1 - Robert Reynolds
Ward 1 Position 2 - Brenda Thiel
Ward 2 Position 1 - Kyle B. Cook
Ward 2 Position 2 - Vacant
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
November 7, 2006**

A meeting of the Fayetteville City Council was held on November 7, 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, Rhoads, Ferrell, Lucas, Jordan, Mayor Dan Coody, Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

Alderman Cook announced the Board and Committee vacancies.

CONSENT:

Approval of the September 19, 2006 and October 3, 2006 City Council meeting minutes.

Approved

AB Reprographics, Inc: A resolution approving the purchase of an Oce CS4044 Wide Format Full Color Scanner from AB Reprographics, Inc. in the amount of \$20,753.27 for the Electronic Document Management System.

Resolution 175-06 as Recorded in the Office of the City Clerk.

Cando, Inc: A resolution awarding Bid #06-52 and approving a contract with Cando, Inc. in the amount of \$157,980 for the installation of park amenities for the development of the park in Salem Meadows Subdivision; and approving a 10% project contingency in the amount of \$15,798.

Resolution 176-06 as Recorded in the Office of the City Clerk.

Peyton Properties, LLC: A resolution approving an Offer and Acceptance contract between the City of Fayetteville and Peyton Properties, LLC for the sale of Parcel 20W in the South Industrial Park for \$200,000; approving a budget adjustment; and authorizing the Mayor and City Clerk to execute said agreement.

Resolution 177-06 as Recorded in the Office of the City Clerk.

GN Contractors, LLC: A resolution approving a contract with GN Contractors, LLC in the amount of \$275,571 for construction of improvements to Kings Drive; and approving a project contingency in the amount of \$55,114.

Resolution 178-06 as Recorded in the Office of the City Clerk.

T-G Excavating, Inc: A resolution awarding a construction contract to T-G Excavating, Inc. in the amount of \$4,413,664.50 for construction of the Gregg Avenue interceptor sewer WSIP Subproject WL-2; and approving a 5% project contingency in the amount of \$220,683.

Resolution 179-06 as Recorded in the Office of the City Clerk.

Insituform Technologies, Inc: A resolution approving Change Order #2 to the construction contract with Insituform Technologies, Inc. in the amount of \$323,650 for Sanitary Sewer Lining Services.

Resolution 180-06 as Recorded in the Office of the City Clerk.

Arkansas Democrat Gazette: A resolution approving one-year agreements with the Arkansas Democrat-Gazette – Northwest Edition for display and legal advertising.

Resolution 181-06 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 unanimously.

UNFINISHED BUSINESS:

R-PZD 06-2169 - 6th & Wood: An ordinance establishing a Residential Planned Zoning District Titled R-PZD 06-2169, 6th & Wood, located south of 6th Street near Wood Avenue, containing approximately 1.80 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the First Reading at the October 17, 2006 City Council meeting.*

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

City Attorney Kit Williams read the ordinance.

Alderman Reynolds: Mayor, Brenda and I had a neighborhood meeting in this area and we had a pretty good turnout. It seems like this is going to be a pretty good project and the neighbors were in favor of it. The problem that exists down there is from a past development and I hope that our Engineering Division will follow through on this past construction and make sure that they complete their project before they get finals on them. If they do that this neighborhood will be very happy with this administration.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 4940 as Recorded in the Office of the City Clerk.

RZN 06-2240 Combs: An ordinance approving RZN 06-2240 submitted by H2 Engineering, Inc. for property located at the southeast corner of Morningside Drive and 15th Street, for approximately 61.98 acres, rezoning the subject property from RSF-4, Residential Single Family, 4 units per acre to RMF-6, Residential Multi-family, 6 units per acre and C-1, Neighborhood Commercial. *This ordinance was left on the First Reading at the October 17, 2006 City Council meeting.*

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

City Attorney Kit Williams read the ordinance.

The Petitioner: We attended a Ward 1 Meeting on November 1st. At that meeting it came to light that the neighborhood would like to see this property instead of being zoned RMF-6, they were okay with RSF-8. We are requesting to change the zoning request.

Alderman Thiel: That is definitely what we heard at the meeting and I actually pulled up the map in that area and there's already a good deal of RMF-24 in that area. Do we need to make a motion to make this change tonight?

The Petitioner: Yes ma'am. I am asking that we change the petition from RMF-6 to RSF-8. The same acreage applies and in light of the work that has been done we certainly hope that we could get this passed through in three readings tonight?

Alderman Thiel moved to amend the ordinance to RSF-8. Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.

Laverne Cooper: We have been opposed to apartment houses being put up over there. I think this will be much better for the community and the neighborhood. I appreciate them changing it.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 4941 as Recorded in the Office of the City Clerk.

PUBLIC HEARINGS:

Mayor Coody opened the Public Hearing.

Raze and Removal at 1762 Stirman Avenue: A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Ruby M. Abel and Lynn Edward Abel located at 1762 Stirman Avenue in the City of Fayetteville, Arkansas; and approving a budget adjustment in the amount of \$10,000.

Yolanda Fields, Community Resources Director: There has been no change. We have received the determination from our Building Safety Inspector that this structure needs to be razed and removed. Notification on this violation was issued to the property owner in May of this year and we have had no action on this location so I move for approval of the Raze and Removal and the budget adjustment.

Alderman Cook: One comment that we made at Agenda Session was my concern of the budget adjustment coming out of that ambulance money but we were assured that that money will be reimbursed so I will support that. I do have concerns about that \$10,000.

Mayor Coody: Is this coming out of the \$50,000 that we over budgeted for ambulance?

Alderman Cook: Yes sir.

Alderman Reynolds moved to approve the resolution. Alderman Thiel seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 182-06 as Recorded in the Office of the City Clerk.

Mayor Coody closed the Public Hearing.

Mayor Coody opened the Public Hearing

Buffco Inc. Taxi Service: A resolution granting a Certificate of Public Convenience and Necessity to Buffco Inc. for the operation of four (4) to ten (10) taxicabs within the City of Fayetteville, Arkansas.

Seargent James Harter: There was an issue from Council on the insurance and I was going to see if Danny Buffington was here tonight. He is the new owner and he wishes to change the ownership to his name and also change names of the cab.

Mayor Coody: Is all the paperwork in order?

Sergeant James Harter: There was a question on his insurance and he was expected to be here tonight to demonstrate that the insurance could be in his name.

Mayor Coody: But he is not here?

Sergeant James Harter: Apparently not.

Alderman Rhoads moved to table the resolution to the November 21, 2006 City Council meeting. Alderman Jordan seconded the motion. Upon roll call the motion to table passed unanimously.

This resolution was tabled to the November 21, 2006 City Council meeting.

Mayor Coody closed the Public Hearing.

Mayor Coody opened the Public Hearing

JC Animal Farms Entertainment: A resolution granting a Certificate of Public Convenience and Necessity to JC Animal Farms Entertainment for the operation of a Non-Motorized Transportation Service.

Sergeant James Harter: On behalf of Casey Brown, I have a response to Alderman Thiel on the horse requirements for vaccinations. Under Section 117.87 horses are required to have veterinarian proof of vaccinations for tetanus, rabies and the eastern western encephalitis as well as a coggins negative test. We have done some research on the camels and I spoke with four different people representing the Little Rock Zoo, the Passion Play in Eureka Springs, the Texas Camel Corp. out of Texas and then someone from the Tulsa Zoo. We've provided that to Jill Hatfield, Director of Animal Services and if she is here we are going to defer those questions as far as recommendations to her.

Jill Hatfield, Director of Animal Services: I think we have substantiated that the owners are willing to do everything of the requests at this point.

Alderman Thiel: So they are willing to vaccinate?

Jill Hatfield: Yes.

Sergeant Harter: The only question is what are we going to require?

Alderman Ferrell: If they agree to comply with what Jill say's it seems to me that's all we need.

Mayor Coody: What is your recommendation on this?

Sergeant Harter: If it is left to me I would say we go with a TB and Brucellosis and forgo the rabies based on my research.

Alderman Thiel: I think the rabies is necessary based on what our veterinarian told us at the Agenda Meeting. Horses and camels both can carry rabies even though they don't bite. We are requiring the horses to be vaccinated for rabies

Sergeant Harter: From the people I spoke with, two of them recommended rabies and the other two didn't.

Unknown speaker from the audience: We spoke to one of our friends who has camels in Oklahoma and he stated that he would not ever give his camels a horse rabies shot. He said if he had to do anything it would be a sheep vaccination because they are more close to that type of animal.

Mayor Coody asked the City veterinarian to make a recommendation.

Dr. Amy Kasprisin: As I understand the rabies vaccination is labeled for a horse and also labeled for cattle. I don't know if there is any difference between that however we do have some recommendations as far as what vaccine to use for rabies and it is just a precautionary measure. It's not simply a matter that they should not have rabies they can be vaccinated for rabies and it is recommended in more than one literature. It may be a very low risk that they can carry rabies but if there was a person or a child that was bit then it may alleviate some of the concern. It's not so much that the camel would transmit the rabies.

Mayor Coody: Do you have a recommendation that you could live with so we can get this approved?

Dr. Amy Kasprisin: As I understand there was testing for tuberculosis and brucellosis for these camels. Is that true, was that established?

Mayor Coody: Apparently so yes.

Dr. Amy Kasprisin: Because on the health certificate it said not applicable on brucellosis. May I see a copy of that please?

Mayor Coody: Is there a way that we can get you all to agree to do whatever needs to be done and you can get the doctors approval? Doctor if they do what you think is right then you can approve it and we can go ahead and approve this based on you approving the permits is that right?

Alderman Thiel: That sounds good to me.

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

Resolution 183-06 as Recorded in the Office of the City Clerk.

Mayor Coody closed the Public Hearing.

NEW BUSINESS:

Barloworld Freightliner Repair Unit # 477: An ordinance waiving the requirements of formal competitive bidding and approving a quote from Barloworld Freightliner of Springdale in the amount of \$26,706.34 to repair accident damage to Unit # 477, a front-load refuse collection truck.

City Attorney Kit Williams read the ordinance.

Alderman Reynolds: This item has been approved by the Equipment Committee.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 4942 as Recorded in the Office of the City Clerk.

R-PZD 06-2191, University Club Tower: An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-2191, University Club Tower, located north of Lowe's Home Center, east of College Avenue (Highway 71), containing approximately 10.39 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the item. He stated that staff is recommending approval of this item. The Planning Commission did recommend 8-0 in favor of this proposal. One of the specific items I would ask the City Council to consider is Condition #1 is a determination of standards for the 24 foot street connecting College Avenue and Timberlake Court. This was the item that was discussed primarily with this planned zoning district. The Planning and Engineering Division is recommending that this be a private street that connects Timberlake Court to College Avenue. The applicant is also requesting that this be a private street. The Planning Commission did recommend this street be constructed and dedicated as a public street. We would ask the City Council to consider that waiver request and consider staff's

recommendation and the Planning Commission's recommendation. We would also ask that the City Council leave this on the first or second reading tonight.

Don Pitts, Owner of Lokomotion: I have no opposition to Mr. Chapman building the condos on the hill. We have two parcels of land that takes care of the Lokomotion development. We have approximately seven acres on the south side of the creek that runs just north of the bluff below the property that is being considered for the condos. In addition to the land that we own we have a deeded private road that runs between our south line and the base of the bluff that is our only access to the property. At present we are permitted to build on the road and have no setbacks.

He went on to voice his concerns about a public road being built and the effects it would have on the value and investment of the Lokomotion property.

Mayor Coody: Mr. Pitts, I have not been on the road but I have driven by it. It looks like there is a developed spring that is back in the hill there.

Don Pitts: There is a developed spring on the bluff on the right side as well as one in a spring house on down.

Mayor Coody: That will be preserved I hope?

Don Pitts: Well, that's not on my property. That is on the property where they are proposing the street. I have drainage systems to take care of both those springs as well as the ravine in place.

Mayor Coody: Jeremy, do you have any information on those spring structures?

Jeremy Pate: I do not specifically but that would be part of our engineering review of the construction plan if this gets approved.

Mayor Coody: That is one of those old historic things about Fayetteville and that would be a sad thing to lose. It seems like it would be easy to leave alone, if you could look into that I would appreciate it.

Alderman Thiel asked the applicant and Jeremy Pate if this was the street that would remain private.

Jeremy Pate: That's correct. We would recommend that it would remain private as Mr. Pitts has discussed.

Alderman Ferrell asked Mr. Pitts if he still had a pond in the back of the property.

Don Pitts: We have a large spring that comes out on the east side of the property behind the cabin that runs a 2'x3' stream that goes into that little lake and then there is a spring house that sits at the base there that belongs to Mrs. Blair. We take care of all the water that comes out of that spring house. There is a second springhouse down by the go-kart track that has a building and then the one that you referred to in the bluff. So there are three springs down through there.

This ordinance was left on the First Reading.

R-PZD 06-2256, 932 Garland: An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-2256, 932 Garland, located at 932 Garland, between Berry and Hughes Street, containing approximately 0.84 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the item. He stated that the Planning Commission did vote 8-0 in favor of this project and staff is also recommending approval.

Alderman Cook: I would request that this stay on the first reading if possible and my main reason is after tonight I will have another Ward 2 person sitting next to me. That person at the next meeting will be voting. I know Mr. Mansfield has a presentation tonight but the next person sitting in this seat will probably need to see that presentation all over again. I would request that we hold this off until Ward 2 is completely represented.

Alderman Jordan: It was shown at the Ward 4 Meeting. I know that it is in Ward 2 but we are right across the street and a lot of people from our Ward lives in that area and they didn't seem to have too much trouble with it.

Alderman Lucas: I think it would be good to hear the presentation tonight and at the next meeting. Some people may be watching tonight that can't watch next time and this is a pretty big project. It's very important in that area.

Mayor Coody: Would the architect or whoever the petitioner is like to come up and make the presentation for us.

Alderman Rhoads: If we are going to hear this tonight and if what we hear is all pretty positive is it not possible to approve this on three readings tonight?

Alderman Cook: If you want to approve it on three readings I will vote against it immediately.

Alderman Rhoads: I respect that. Okay.

Yume Rudzinski, Architect with Architects 226: The idea with this project when we approached it was to provide a building that would represent itself as a gateway to the University. We noticed that this neighborhood lacks cohesiveness in that area and we wanted to provide a building that would start to become a signature piece for the entrance into the University and also to the City. In the boulevard that it is on it is one of the premiere boulevards in Fayetteville allowing it for a structure that's taller than the rest of the houses that are around there.

She went on to discuss the project. She stated the idea is to do a truly mixed use building to promote more activity around that area.

Alderman Thiel: There's parking for the residential portion in behind?

Yume Rudzinski: That's correct.

Alderman Thiel: Is there any parking for the proposed commercial there?

Yume Rudzinski: Yes. We have allowed enough parking for the commercial and the offices. There are two levels of parking and we would designate certain areas for the residences and then the rest for commercial and office use. There is enough to accommodate all of that in the two level parking.

Alderman Thiel: But they would have to go around behind?

Yume Rudzinski: They would actually enter in.

She went on to describe where they would enter on the map.

Alderman Reynolds: What is the Material that we are looking at for the exterior?

Yume Rudzinski: On the ground floor we are looking at using stone. Right now we are not sure.

Alderman Reynolds: Is there going to be brick involved in it?

Yume Rudzinski: I don't think so. The stone would be on the bottom and then above on the bar that faces Garland we are hoping to use a really nice non-reflective metal for those units.

Mayor Coody: The plan is not to use E.I.F.S. right?

Yume Rudzinski: No.

Alderman Ferrell: Since you are going to have other commercial buildings and the University on that area is there any way to forecast how many people will walk?

Steve Mansfield, the developer of the project: We don't have specific numbers. Some of our other projects that are very close to campus, we actually have somewhere between 60% and 70% vehicles per bedroom so there is a larger percentage of walkers than we have people using cars on a daily basis. At this site on ball games the pedestrian traffic is quite heavy. One of the things that we have tried to do is try to move the sidewalk closer to the building and create green space between the pedestrians and the street for safety and attractiveness. We have also widened the sidewalk in multiple areas so that it varies from eight feet to as much as sixteen feet so we have outdoor patio seating near cafes and have a pedestrian walkway that people would find attractive.

Alderman Lucas: The traffic on that corner at Harps and the shopping center is horrendous, is that going to be addressed?

Steve Mansfield: We have just recently met about some of the street improvements that will be required in order to alleviate some of that. Some of that work is being done right now.

Alderman Jordan: So when are we going to know something on that?

Jeremy Pate: This same applicant also is doing the Wedington Circle PZD and that project is just kicking off. The subdivision won't generate any traffic but we are looking at what the Street Committee and the Council discussed in closing the eastern portion of Mt. Comfort which we are looking at options of how to do that and the best means to do that. Traffic calming was discussed in that neighborhood and those would likely come as the buildings come in and actual traffic is generated, those would come through. We would likely be working with the Highway Department in terms of the overall widening of Garland and how to reroute James and Mt. Comfort in that area.

Steve Mansfield: I think all this will be resolved in the next 45 days.

Alderman Cook: You mentioned in here that even though a traffic study wasn't required you were working on one. Are we going to see one or is that something that you are not going to provide?

Steve Mansfield: We were not planning on providing it at this time. As Jeremy said we are going to have to come back through. We are asking for a few things that are out of compliance, as of right zoning, so we just wanted to make sure. As with all the developments I have been involved with I think it is very important to get comment from all the neighbors who will be affected by this project. We did have a meeting in Ward 4. We invited local citizens to see the project beforehand and in reality there really was no opposition or negative comments. I feel comfortable that we have designed a building that will be a benefit to the city.

Mayor Coody: It's a nice design.

This ordinance was left on the First Reading.

ADM 06-2294 Amend Chapter 161, Zoning Regulations: An ordinance amending Chapter 161, Zoning Regulations, Section 161.15 B.2 of the Code of Fayetteville, to add Use Unit 15, Neighborhood Shopping Goods as a conditional use to the R-O, Residential Office Zoning District.

Jeremy Pate gave a brief description of the item. He stated the Planning Commission's vote was 8-0.

Mayor Coody: Thanks for bringing this up because I know we've had some people come up that have wanted to have these use units in an R-O zoning but we wouldn't allow them and it seemed perfectly suited for the area and this would be a way to encourage people to walk and have different businesses near by in residential areas that would enhance residential areas that have cracked from it. I appreciate you bringing this forward.

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

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 6-0. **Alderman Rhoads** was absent during the vote.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. **Alderman Rhoads** was absent during the vote.

Ordinance 4943 as Recorded in the Office of the City Clerk.

ADM 06-2324 Amend Title XV: DMP Supplementary District Regulations: 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 Supplementary District Regulations for the Downtown Master Plan Area.

City Attorney Kit Williams read the ordinance.

Tim Conklin, Planning and Program Development Director briefly went through each exhibit with regard to the implementation of part of the Downtown Master Plan.

Alderman Ferrell asked if no banners would be allowed up unless the streets are closed for six hours.

Tim Conklin: And it is a City sanctioned event. That is correct.

City Attorney Kit Williams: There is a reason for that. Even though we've had banners across the street before they've never been allowed under our code. That has been a problem that we've struggled with. In order to ensure that we will not be sued successfully by billboard sign companies that sometimes go around and sue cities we have to be very careful that if we do allow something like this banner that they are restricted in a very rational basis so that if we make it wide open then we don't have any control of what's going to be there. I crafted this language that required a very independent way to decide what banners go up or not and that is with a street closing. Those would be the events that would be allowed to have a banner that would be put up by the city, they would have no commercial content and I think this is probably a safe way to do it.

Alderman Ferrell: So there was a dialogue or discussion with the people associated with the major festivals and things that we have traditionally had banners for?

City Attorney Kit Williams: We talked about it at Ordinance Review; we talked to the Downtown Dickson Partners, so yes there were a lot of discussions.

Alderman Thiel: This was discussed by the Planning Commission and then at the Ordinance Review Committee and we all felt more comfortable following our City Attorney's recommendation when the day was over. The Ordinance Review Committee did forward this to the Council with their recommendation.

Alderman Ferrell: What I'm wondering is if we have a list of the one's that would be sanctioned for the closing. I used to work for the telephone company and they used to call and say hey can you hang this banner for us and we put the banners up. My recollection was there were no streets closed and in my opinion the community benefited from this. If you have to shut a street down for six hours that seems like overkill to me.

City Attorney Kit Williams: The problem you have is that a City Government is not allowed to pick and choose which causes it thinks are worthy of being advertised and which are not. If we decide we like this charity event but not that one that is improper according to the Federal Court and we can't make decisions like that and so if we wanted to have banners without any kind of other restrictions we certainly can do that. The problem is any non-profit anywhere would be able to have that banner up and that is what concerns me.

Alderman Ferrell: You have been very consistent in your sensitivity to the sign ordinance and the liability in the continuing ordinances that come forward in trying to protect us. Was there any thought given to grandfathering some of the ones that we've had in the past that we have not had a problem. Can somebody tell me the ones the streets close for?

City Attorney Kit Williams: You have Autumnfest, Springfest, the Joe Martin Bike Rally and Bikes, Blues and BBQ. One other reason I did that is it would be a notification of the street closings and therefore it helps as a traffic safety justification for this particular banner as opposed to trying to justify which organization we like and which organization we don't like.

Daniel Hintz, Executive Director of Fayetteville Downtown Partners: We have been under contract with the City of Fayetteville to oversee the downtown banner program for the past two years and we have been asking for clarification on this issue so we are glad we are finally able to speak to this issue. In lack of this type of guidance from the City we have implemented somewhat of guiding principals for this program saying the event has to happen in downtown and it has to be a non-profit. This hasn't been official because we did not have any official guidelines so we built those ourselves and ran those past the Planning Staff early on and that's what we've been working on.

Tim Conklin finished describing the exhibits. He asked before you pass this ordinance there are several references in Exhibit E and F that talk about a downtown entertainment district. We did not create an entertainment district as part of the downtown code. I would recommend that we amend those exhibits to state downtown area and that would clarify those ordinances since we do not have an established zone.

Alderman Ferrell moved to amend the ordinance to state "Downtown Master Plan Area."
Alderman Jordan seconded the motion. Upon roll call the motion to amend passed 6-0.
Alderman Rhoads was absent during the vote.

Philip Pumphrey, Executive Director of Ozark Regional Transit expressed his concerns with the ordinance.

Alderman Ferrell asked if there was any chance that they could pull 174.13 (C) out and re-look at that. He stated I understand Kit's concern but it seems to me that we might be able to massage this a little bit and find a way to grandfather some of the one's that we have allowed in the past.

Alderman Ferrell moved to amend the ordinance to delete 174.13 (C) 2.

City Attorney Kit Williams: Subsection "C" is all in one. You can't take out a Subsection 2 because then you have no way to justify or to decide what kind of banners can be put up. You have to do all of "C" if you want to do that. I just want to remind you that this Council has not had to face the appeals to the Supreme Court that the sign ordinance generated. It generated seven or eight appeals to the Arkansas Supreme Court when it was first done. We need to be careful when we are thinking about doing something to the sign ordinance that can be looking like we are creating an exception that is allowing something that is similar to a billboard that the courts might say is functionally equivalent.

Alderman Ferrell: We have never had any court action on a banner have we?

City Attorney Kit Williams: We actually have been sued over signs since I've been here.

Alderman Ferrell withdrew his amendment and asked that this ordinance be left on this reading and see if there is something that can be done with it.

Alderman Thiel: It is easy to leave it on this reading however it's been a long time getting here. Personally I would like to see us pass it tonight and this could be brought back up. I personally will not be able to support a change based on our City Attorney's opinion.

Alderman Ferrell: The way it reads the Mayor would have to be the one that decided which street closed.

City Attorney Kit Williams: The Code might actually indicate somebody else but whoever it was would work for the Mayor. The buck stops up there when it comes to controlling the streets.

Alderman Reynolds: On C.2 you would be taking the teeth out of this. I think let's leave it on the second reading and then come back to it.

Daniel Hintz thanked the staff and Kit Williams and he stated I am glad we are finally here. He stated Fayetteville Downtown Partners conducted the initial research and drafted the early versions of all these ordinances. We presented these findings to the staff at the beginning of the year.

He went on to describe the philosophy behind all the components of their findings of the ordinance and expressed their concerns with the ordinance.

Doug Wallace, Fayetteville Downtown Partners read a statement from two small businesses of the mil district off of 6th Street.

City Attorney Kit Williams: You notice when Tim was talking about sidewalk café's he was saying that they should not be limited only to the downtown entertainment zone. So I would think that in Section 178.01 Purpose Section, we have now already amended the downtown entertainment district to be the downtown Master Plan Area. If you would just put "and elsewhere" in there the Planning Commission won't be confused and think it is only for the Downtown Master Plan area.

Alderman Thiel moved to amend the ordinance to state "and elsewhere." **Alderman Lucas** seconded the motion. Upon roll call the motion to amend passed unanimously.

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

City Attorney Kit Williams read the ordinance.

This ordinance was left on the second reading.

Real Estate Sales Contract with Habitat for Humanity: An ordinance waiving the requirements of §34.27, Code of Fayetteville and approving a Real Estate Sales Contract with Habitat for Humanity of Washington County, Inc. in the amount of \$152,000 for the purchase of eight acres south of Huntsville Road and Seven Hills Transitional Housing; and designating a portion of the remaining acreage south and east of this parcel as passive greenspace or parkland.

City Attorney Kit Williams read the ordinance.

Tim Conklin gave a brief description of the ordinance. He stated that staff was asked to look into what was being done up north and to work with our Washington County Habitat and look at what the University Community Design Center was doing. He discussed their findings.

He handed out a signed agreement between Habitat for Humanity, Seven Hills, and Sage House stating that Habitat for Humanity will connect to the new street that would be constructed by Seven Hills if the Sage House Board agrees to relocate within the commonly planned property.

Alderman Jordan: That was one of the situations that came up in the Street Committee. We are talking about disjointed pieces of property and we did not have a true plan of what we were looking at. I don't think there was anybody on the Street Committee that is not supportive of attainable housing. It's just that we are looking at what streets cost today and we wanted a plan; we just didn't want to say lets just do this or that. I don't want any one to think that we do not support attainable housing in this city because I have and always will.

Tim Conklin: With regard to the actual contract, it is a real estate contract selling approximately eight acres of land for approximately \$19,000 an acre. It does have a 180 day closing date with a 60 day extension. If there does need to be an amendment to the contract in the future with regard to what is worked out as we work together as a city and the three different agencies that can come back before Council.

Alderman Jordan thanked the Mayor for the work that he has done on this.

Jim Culberson, a volunteer land planner for Habitat for Humanity in Washington County stated that Habitat is currently building their 37th house and that puts us on a pace of about five homes per year. He stated that lot acquisition has become a limiting factor for Habitat's performance for us to be able to move on and keep doing what we are doing in this market. It has become obvious to us that if we are going to continue our program we are going to have to develop a neighborhood. We have been looking at this property on Huntsville Road and over the last

several months we have worked out a situation that seems to be mutually beneficial to all parties. Mayor Coody charged us with doing as high of quality as we could. We are delighted with where this process has placed us right now with the possibility of having a wonderful new neighborhood and designs that are exciting.

Aaron Gabriel with the University of Arkansas Community Design Center gave a presentation on the type of neighborhood that Habitat for Humanity is trying to bring.

Mayor Coody: We have this to accomplish too, getting affordable housing here. We all know that Habitat is an excellent planning program and if we accomplish this tonight we will be able to see some homes be built for years to come. It will elevate how Habitat does business in all of Washington County. If there is a way that we can do an exceptionally high energy efficient home I would like to see the City do it; where we get a bunch of City employees out on a Saturday and we can get a lot of work done. This is a good program and I really appreciate everybody working together.

Alderman Cook: So basically it is going to be a city street? We are going to kick in \$53,000 and Habitat is going to tie into this street, am I reading this correct?

City Attorney Kit Williams: That is correct. We need to pass this tonight because for their grant application they need to be able to show that they have an agreement to own this land. We will have to come back in the future because there is going to be some movements around of what parcel they actually own. We will come back with an amended ordinance and contract.

Mayor Coody thanked Aaron Gabriel for his presentation and he stated we appreciate everyone working with us on this. We are going to team up and make this the best project ever and we are very excited about it. For the first time I think we are really going to be bringing our program together and we are going to see some solutions. It's been a long time coming.

Alderman Jordan thanked Alderman Thiel for the work she has done on this project and for working on obtaining affordable housing.

Alderman Reynolds asked how far south this property line goes. How much property is left between this property and 15th Street? Is there going to be a commercial strip through there?

Mayor Coody: At the very south end of our property there is Comb's property. When we designed this I'm sure the Engineering Staff will have stub outs going both south and probably west so we could hook up some activity through there.

Alderman Reynolds: I wondered why they weren't going through.

Mayor Coody: Well, it's not our property but one day that will develop.

Alderman Thiel stated I believe that is RMF-24 south of there, it's not commercial already.

Mayor Coody: But when it does develop, we'll make sure we connect some roads to get people in and out easier. This is going to work out good for everyone.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 4944 as Recorded in the Office of the City Clerk.

Cato Springs Road Properties: An ordinance repealing Section 2 of Ordinance No. 4787; designating the remaining balance of the proceeds from the sale of the Cato Springs Road Properties from General Fund Designated Fund Balance to Sales Tax Designated Fund Balance to fund a portion of the construction costs of a police and court facility.

Mayor Coody: We are trying to build a new police and courts building downtown to give the police some more breathing room. Basically we have a whole police department in 17,000 square feet and that's about one third of what they need. If we build this building this will not satisfy the needs in the long term but it will certainly satisfy our needs for the near term and this is something that will help the police department and the courts and the prosecutor because they are busting the seams down there. We need to find funding from different sources.

City Attorney Kit Williams read the ordinance.

Alderman Jordan suggested that someone talk about the two options that were discussed on Saturday during a strategic planning meeting.

Mayor Coody: I want to make an amendment on the Wilson Springs property I think that everyone can live with.

Susan Thomas explained the two options that were discussed at the strategic planning meeting. She stated we are looking at a total construction cost estimate of \$8.8 million; a detail of that estimate was requested and was placed in your boxes yesterday. One option pulls together \$5.5 million in existing assets with the city to be allocated toward the police facility. Option two pulls together \$4.3 million leaving different amounts to be financed with Amendment 78 bonds. The differences in the money being pulled together and allocated to this project; option one for Wilson Springs uses all of the remaining funds from Wilson Springs \$2.3 million versus option two; leaving part of that amount in there for economic development and only pulling \$1.1 million of that out. Both options are the same. There forward approximately \$900,000 of the Cato Springs money, the money expected from the sale of the Tyson property and the industrial parcel that you dealt with this evening, police impact fees, and part of the 2007 Highway 265 CIP allocation.

Mayor Coody: On the Highway 265 allocation what we did before the bond issue was put to the public, we budgeted some money and because we had obligated ourselves to pay about \$7.7 million, our match of the state funds of the \$15.4 million job, we were going to start building our nest egg where we could match the state's need because we didn't know if the bond issue would pass. Once the bond issue passed, in that bond issue was funding to make that match. Since we had that match made that freed up this money we were saving to do this and other deeply needed infrastructure improvements and facilities for the city.

Alderman Jordan: So you're telling me the money we set aside for Highway 265 for road projects is going to be just put in the capital?

Mayor Coody: Some yes, but not all of it. We are setting \$2 million aside.

Susan Thomas: \$2.1 million. In the 2007 CIP for Highway 265 for the bond project.

Alderman Jordan: But that was set aside for street projects correct?

Mayor Coody: Highway 265 in particular.

Susan Thomas: It was set aside in the event that the Transportation Improvement Bond did not pass. It was set aside to have money available for 265 improvements.

Alderman Jordan: Isn't that some of that maintenance of roads money that we collect every year?

Paul Becker, Finance and Internal Services Director: Next week we are going to go over the budget and the proposed allocation. What this would include is a portion of this would go toward a police judicial facility and the remainder we would push forth for needed programs such as the street outlay program.

Mayor Coody: You've put two increases in the street overlay program lately haven't you?

Paul Becker: Right, and at the last meeting of the Street Committee we discussed the need and I was asked to look at that situation of fully funding what they would need in the street overlay program which we did.

Alderman Jordan: But that's keeping it in the street program.

Paul Becker: That's correct. We will have in excess of \$2 million for the street overlay program in the proposed budget.

Alderman Lucas: How much have we put back for Highway 265?

Paul Becker: We had allocated \$2.1 million. We are talking about using a million for the police facility and we are talking about taking \$1.6 million and programming it into the street overlay program.

Alderman Ferrell: When we talked about this Saturday was this Highway 265?

Susan Thomas: The document that you were given on Saturday was not changed. It was listed as an item on that and it was reported when I read it in the same manner that I just read it to you.

Alderman Jordan: I just didn't catch it.

Alderman Reynolds: We are going to have our matching money in the pot for the 265 project?

Mayor Coody: That was approved in the Bond Issue, yes.

Alderman Reynolds stated we have all met numerous times to try to find money for this facility and we have asked Paul to dig into it to come up with enough to get the architect and get this building started and that's where we are now. Lioneld, this 265 project is not going to be affected by a fund.

Alderman Jordan: I understand that Alderman Reynolds, but I don't want to start taking all the street money. I don't want us to get in a situation where we start taking money from the street program to put in capital projects because that is set up for our street program. I want to go on the record that I am not crazy about doing this kind of stuff and moving stuff around like that. What happens if we get in trouble again, do we just shift more money from the street program. That was set aside for maintenance for roads for this city. When we took it out we said okay we are going to invest our money in 265. That was actually maintenance dollars for our road program and now part of that is being moved somewhere else.

Mayor Coody: First of all let me say we're not in trouble here. We are just trying to make this work to where we can build a new police facility. This was all gone over clearly Saturday and this is no surprise from what was discussed last weekend.

Alderman Jordan: Well I just didn't catch it but I'm not crazy about doing it now that I know.

Mayor Coody asked Susan Thomas if this was the same memo that she sent out earlier.

Susan Thomas stated there was only one memo.

Mayor Coody: But this was in the memo that went out before the Saturday meeting or did we just hand it out Saturday.

Susan Thomas: No this was just a discussion page for Saturday's discussion that we went through. Also, the Amendment 78 short term financing that we do, whether it's the option one or two or some other option, that service payment will have to be made out of the CIP so this is not the only reallocation of CIP dollars that you will be looking at to fund this project. There will be several, you are looking at from \$750,000 to \$1 million or if you decide to do even more than that, that service will have to be reallocated out of the 2008-2012 CIP. I understand that this might make people uncomfortable when we have to look at that document and reallocate that large amount of money but it's not only the 265 project that will have to be reallocated. There will be other debt service payments that will be met out of that same CIP.

Mayor Coody: But the CIP covers more than just roads, it covers a broad range of things that we do. We wouldn't be canceling all of our CIP projects for this.

Susan Thomas: It's a matter of prioritizing and I think that what we need to keep in mind is that this is a financing plan for a project that will come together in a more solid fashion next year when it's time to actually go out and do the financing for it. I know there have been some concerns about taking the economic development money out of the Wilson Springs account or any of it out. On the basis that we have a firm come in here that we want to incentivise to land in Fayetteville and if that comes up before you make your financing decision and perhaps you rework the resolution and put it back into an economic development fund. Your hands are not tied; you have to make the decision on priorities. I think you all are very much in favor of building this building.

Mayor Coody: But we still have \$2.1 million in the overlay program.

Alderman Jordan: So we're still going to be able to pave the 19 miles of roads that we are talking about.

Mayor Coody: 20 miles.

Paul Becker: 2008 would be a time where we would normally look back at this capital program and do an entire reallocation.

Alderman Jordan: So we can look at it again.

A discussion followed on where some of the proceeds were coming from and how much was being allocated.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Ferrell stated this is an ordinance and sequentially we have this ordinance and we have some resolutions coming up which are all geared at taking care of the funding to build the police and courts building.

Mayor Coody explained that the Cato Springs money was a \$2 million piece of property that our old Water and Sewer building was on. We sold it to Bio Based for \$1 million making a contribution for economic development for the City of Fayetteville to bring that company to town. We are about to talk some more about that in just a minute.

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

Ordinance 4945 as Recorded in the Office of the City Clerk.

Wilson Springs Property: A resolution transferring the remaining balance of the proceeds from the sale of the Wilson Springs Property from General Fund Designated Fund Balance to the Sales Tax Designated Fund Balance to fund a portion of the construction costs of a police and court facility.

Mayor Coody asked if the City Council would make the amendment instead of saying resolution transferring the remaining balance that it read "a resolution transferring \$1.1 million of the proceeds" and that would leave \$1.2 million in that fund that we could earmark for economic development.

Alderman Ferrell moved to amend the resolution to state "a resolution transferring \$1.1 million. **Alderman Jordan** seconded the motion. Upon roll the motion to amend passed unanimously.

Alderman Ferrell: We had an ordinance and resolution tied together sequentially to fund this. We talked about holding back some money for economic development but the commitment was made that if we have a project come along we would make funds available to go toward the project if it was a good fit to the City etc. So I just wanted to make that clear.

Steve Rust, Economic Development thanked the Mayor and the City Council for setting aside that economic development money. He stated that it would be an excellent opportunity in the near future to leverage that money and land a big project.

Alderman Jordan moved to approve the resolution. **Alderman Reynolds** seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 184-06 as Recorded in the Office of the City Clerk.

South Industrial Park and the Tyson Site: A resolution directing the proceeds from any future sale of Parcel 20W in South Industrial Park and the Tyson site to the Sales Tax Capital Fund to fund a portion of the construction costs of a police and court facility.

Alderman Cook asked what if we sell this land above and beyond the \$1.1 million that we have listed here. Can anything above that go back to the street money that we borrowed?

Mayor Coody: That is up to the City Council.

Alderman Jordan: I just want to be sure that the same kind of commitment for the overlay program is there as we have for our economic development because that's important too. I want that kind of commitment from this Council that they will be as committed to this street overlay program.

Mayor Coody: I would say the City Council and Administration has showed remarkable support for the street program.

Alderman Jordan: I recognize that. It's just that we made a commitment on the Street Committee that we would continue so we don't get behind and that is why I have been so guarded with this and I do apologize.

Alderman Thiel: Why don't we make an amendment to this that it is a resolution directing \$1.1 million from a portion of the future sale?

Alderman Thiel moved to amend the resolution to state \$1.1 million from the proceeds of the sale. Alderman Cook seconded the motion. Upon roll call the motion to amend passed unanimously.

Alderman Thiel moved to approve the resolution. Alderman Cook seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 185-06 as Recorded in the Office of the City Clerk.

Wilson Estes Police Architects: A resolution to approve a contract in the amount of \$458,661 with Wilson Estes Police Architects, plus up to \$30,000 for reimbursable expenses and to approve a budget adjustment of \$100,000.

Susan Thomas stated that the committee did excellent work and they worked very diligently to do what is in the best interest of the City. Just a reminder that when you did the space needs study you did sign a contract with Wilson Estes for the entire project.

She went on to give a description of the building and the space needs of the departments.

Alderman Jordan moved to approve the resolution. Alderman Reynolds seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 186-06 as Recorded in the Office of the City Clerk.

GCM Building Lease: A resolution to approve a thirty month lease with GCM, LLC for about 3,200 square feet within the GCM Building for \$45,250 the first year and an estimated total cost of \$114,825.

City Attorney Kit Williams handed out a new resolution that more accurately reflects what the lease actually said.

Mayor Coody read the resolution.

City Attorney Kit Williams: This lease has been signed by GCM. Bryan from the City Prosecutors Office who is going to be occupying this space and he helped draft the lease and get it signed so he might want to answer any questions that you all might have about the use of this building by the City Prosecutor. He is here to testify about the crowded conditions of the City Prosecutors office.

Alderman Reynolds moved to amend the resolution Alderman Jordan seconded the motion. Upon roll call the motion to amend passed unanimously.

Alderman Ferrell: Kit, it says about 3200 square feet, what do you mean?

Coy Hurd, Building Services and Project Manager: We talked about 3,200 square feet and there were a couple of offices down at the end of the hall and I said why don't you throw those in as well and he said okay, we'll call it 3,200. It's actually 3,200 plus.

Alderman Ferrell: But the money we are talking about is definitely that amount of money.

Coy Hurd, Building Services and Project Manager: Yes.

Alderman Jordan moved to approve the resolution. Alderman Cook seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 187-06 as Recorded in the Office of the City Clerk.

Mayes Lot Split Appeal: An appeal of the Planning Commission's decision to deny a lot split for Mayes located at 445 N. Canvas Road.

Jeremy Pate gave a brief description of the item. He stated staff and the Planning Commission did not recommend approval of this lot split finding the size and manner in which it is being subdivided did not meet our UDC requirements and was not compatible with the lots immediately adjacent.

Robert Brigg, speaking on behalf of David and Julie Toothaker who own the property immediately to the west of the proposed lot split expressed his views and spoke against the lot split. He stated the lot split is incompatible in size and shape with the adjoining land owners. He suggested that any lot proposal that violates those protective covenants is inconsistent with the land use within the subdivision as the owners expected it to be when they purchased their property.

Alderman Reynolds asked why Mr. Toothaker's name is not on the petition.

Linda Mayes, the applicant stated my husband and I are asking for a tandem lot split on our property. She discussed their plans for the property and clarified any existing confusions. She pointed out on the map the area that is being discussed and she thanked the City Council for coming and touring their property and for making the right decision.

Mayor Coody asked Jeremy Pate are we seeing something different than what the Planning Commission saw?

Jeremy Pate: The Subdivision Committee saw a tandem lot and the Planning Commission saw a flagged lot but as noted in the conditions of approval both were discussed. The two site plans were proposed by the applicant. The Planning Commission had both site plans in front of them, they had either option.

David Toothaker, neighbor of the property: You asked why I have not signed that petition. I am not against development on Canvas Mountain. I wish this lot were a different shape. My wife and I did not feel like that this one lot split should preclude our neighbors who may have a very valuable and viable lot to split from this. My opposition here tonight is about the impact of the further reduction of ground cover and surface soil, the roofline, the foundations, sidewalks, etc. If the grade wasn't so steep I wouldn't be standing in front of you with a drainage concern and that is specifically the thing I wanted to bring back to your attention tonight. The comments you will hear from the opposing land owners tonight are about protecting our neighborhood, not our property.

Mr. Carfagno, property owner to the north of the property expressed his concerns with the lot split. He stated this would be a lot behind a lot and there are no lots behind a lot in Canvas Mountain Subdivision. He stated we don't want to lessen our value of our property by having them split the property in half and most of us are here to oppose lot splits across the top.

Tomas Jandic, neighbor on the southern side of the property stated he was opposed to the lot split. He stated the reason is the subdivision offers privacy and I don't want to see a lot split.

Gary Wiles, a neighbor spoke against the lot split and stated that he was opposed because of the privacy they currently have in the subdivision.

Ruston Cole, resident of Canvas Mountain Neighborhood spoke in favor of the lot split. He stated I see no reason why the request should be denied.

Bryan Bunch, the surveyor on this project stated all the lots in the subdivision are different. He stated a lot split has already been done once in the subdivision and it would seem unfair to not allow Ms. Mayes to do it. He asked the City Council to take that into consideration.

Alderman Reynolds asked Bryan to show them the lot that is already split on the map.

Bryan Bunch pointed out the location on the map.

A discussion followed on tandem lots located within the subdivision and where the drainage issue was located.

An unknown citizen stated that on Lot 4, it may have been a tandem lot but it has access off of Wyman Road and that is how that home was built. It is not like this one where there is a driveway going up an alley way to get to the lot behind it.

Linda Mayes clarified any confusion regarding the tandem lot on Lot 4.

Jeremy Pate stated it looks like those lots were platted when the subdivision was platted with a few tandem lots. We discussed several lot splits at Planning Commission too. Most of those that we could find were never approved so they were illegally split through the County. I have not researched Lot 4 specifically but I have not found any records of the Fayetteville Planning Commission approving any other lot splits in the subdivision thus far.

Alderman Ferrell: The POA allows for lot splits and there are other tandem lots. We received letters from people who are both for and against it. I have received more and more emails over

the last couple of days from people that are pro on this. After visiting out there and seeing the slope and the drainage, I think there has been some remediation action taken down there. Also at the bottom of the hill the Mayes left a buffer strip of trees along there, in addition the hillside is thick with grass vegetation. I've looked at both sides and I think the POA allows it and I would move that we approve it.

Alderman Cook: I am going to go with Planning Commission and staff on this mainly because I don't like tandem lots because it creates very messy situations when it comes to access to these lots. Currently there is no right of way access to the back of this lot. There is a 30 foot utility easement there but no right of way access. So that will have to come back and be requested for later on to get access there. You can look at this map throughout here and there are all kinds of crazy easements to get to these lots that have been divided and if we approve this we are just continuing that.

Alderman Rhoads asked Kit what is it that we are to make our decision on. What are the standards of the guidelines that we have to make our decision on?

City Attorney Kit Williams: I think I would really defer to Jeremy on that.

Jeremy Pate read the restrictions listed in the Unified Development Code. He stated what we look at is do the lots proposed meet the minimum standards. If it does not the applicant has the right to ask for a waiver of those standards from the Planning Commission. The Planning Commission decided not to waive those standards and obviously that appeal has been brought to you for you to decide if it is an appropriate subdivision of land.

Alderman Ferrell asked Jeremy what were the common conditions.

Jeremy Pate: There are eight standard conditions should the lot split be approved.

He read the eight conditions. He stated we provided two site plans that the Planning Commission looked at. You actually only have one in front of you. The applicant is requesting a tandem lot with zero frontage. The waiver request would be a waiver of the minimum lot frontage which is 75 feet.

Alderman Ferrell moved to approve the appeal with the described conditions. **Alderman Reynolds** seconded the motion. Upon roll call the motion passed 6-1. **Alderman Cook** voting no.

Resolution 188-06 as Recorded in the Office of the City Clerk.

Emerald Point ADM 06-2282 Appeal: An appeal of the Planning Commission's decision regarding ADM 06-2282 (Emerald Point).

Jeremy Pate gave a brief description of the appeal. He stated in response to some drainage concerns that were created by property to the north additional detention was required for this property. That required changes to the approved preliminary plat to increase the detention requirements. The applicant has since petitioned for a change to the approved preliminary plat and is requesting to remove the middle stub out on your plats in front of you.

He described the stub outs indicated on the preliminary plat. He stated that staff did not support the request to remove this additional stub out. The Planning Commission supported that recommendation 6-2 to deny that request.

Ira Zakariadze, the developer and petitioner stated this is just a 10 acre piece of land on Double Springs Road adjoining the Legacy Point Subdivision and the small mini-storage piece over there. He stated that Fayetteville City code allows street block length up to 1,400 feet. That means we can build a street up to 1,400 feet long without any intersections. Our main street is only 1,189 feet long and it connects with Double Springs Road. By ordinance requirements if we have this street that long we can have no stub outs at all however, we are currently being asked to put three stub outs which we agree and are willing to do two of them and remove one stub. I would just like to mention that removal of this stub out would ease our problems dealing with the increased drainage problems for this development.

Alderman Thiel: I noticed that you have Lot 36 and 37 that actually face Integrity Way. If that is done away with that is just going to be one big lot so you are going to lose a lot there.

Ira Zakariadze: I am only losing one lot. With the amount of water that comes from the mini-storage property, I am going to lose 3 or 4 lots.

Alderman Thiel: I see you have a detention area that is already taking up three lots; most subdivisions do have to have detention area. You are only going to lose one lot by closing off Integrity Way. If you left Integrity Way you would have to lose Lot 34 to move your detention over.

Ira Zakariadze: I am still hoping to have detention the size that it is now without increasing it.

Alderman Thiel: I thought the whole idea was that you had to increase your detention size and it would have to take Integrity Way.

Ira Zakariadze: I'm looking at some possibility to increasing. This plan was approved four months ago and it is still on the City Engineering table because we don't know what to do with the increasing water flow from the mini storage property. In this case we can maintain that detention pond as it is.

Alderman Thiel: If you can then why do away with Integrity Way?

Alderman Jordan: The thing is if you are going to leave the detention pond the same size, why would you want to take the street out, unless you are going to enlarge the detention pond because of the water.

Ira Zakariadze: Yes, we are going to enlarge the detention pond.

Alderman Reynolds: Jeremy, taking Integrity Way, was that the same thing the Planning Commission looked at or are we changing that here and taking the street away.

Jeremy Pate: That is the same thing.

Alderman Reynolds: So you are going to have a large Lot 36 that is going to run deep because you are going to have to do away with Lot 37 because you are going to do away with the street to enlarge the pond.

Ira Zakariadze: That is exactly right.

Alderman Jordan: And then we lose the connectivity running south because that road won't be there.

Alderman Thiel: But you could extend your pond in Lot 34 and keep Integrity Way.

Ira Zakariadze: We connected with south property owners under City requirements as far as length of and the connectivity size. That is why we are asking to leave this at two stub outs and get rid of the third one.

Alderman Cook asked Jeremy Pate if he knew how much needed to be added to the detention pond.

Ron Petrie: Ira is working on that with the adjacent property owners to see if those effects can be mitigated to be reduced. I have not heard an update lately but he has definitely been affected by that adjacent property owner. A huge reason why you annexed this area is in my opinion for this type of development that occurred and they definitely redirected all the water onto Mr. Ira's property. It was built in the County without any supervision or review by the County or the City.

Alderman Reynolds: So did you buy the property after the mini storage or before?

Ira Zakariadze: About the same time. Of course we cannot start development until we can somehow manage to direct his water ahead of time. This would ease our problems to eliminate that third stub out.

Alderman Thiel questioned the logic behind the Georgia Trail stub out being so close.

Jeremy Pate stated I believe the one to the west is only there to provide frontage for those small lots that he is subdividing.

Alderman Thiel: So it's not connectivity, that's just a driveway. It's a cul-de-sac that provides no connectivity.

Alderman Ferrell asked Ron Petrie how much lot line is left there between his property and the mini storage.

Ron Petrie: They really have no room to correct it and they directed all the water to go south. Once it gets on to Mr. Ira's property it doesn't go anywhere.

Alderman Jordan asked Jeremy Pate what is your recommendation here?

Jeremy Pate: We are recommending the stub out for the preliminary plat that has already been approved, stay as it is, in terms of street layout. Our concern was Mr. Zakariadze was right. It meets our minimum standards; you have a block length of 400-1400 feet. We also have

standards that we can't approve a subdivision that we feel would create or compound a dangerous traffic situation. We felt it was important to have those intersections in adequate spacing.

Ira Zakariadze: 40 something lots is 20 town homes.

Mayor Coody: But it is the number of families and cars so essentially it is 40 residential units.

Alderman Jordan: Do you think there is something you could do different?

Jeremy Pate: The only thing we have discussed in our meetings with Ira and the property owner to the north is if the detention numbers were actually finalized we could come up with what exactly is it that is needed for detention.

Mayor Coody: How long would it take to finalize that?

Ira Zakariadze: The mini storage owner is not cooperative at all. He is not working with us. We are trying to get a survey done to reassess his situation. I am already punished for four or five months.

Alderman Lucas: It seems to me that we've got two things here. I understand your situation with the drainage and everything and you are trying to reserve lots but you would lose one lot if you used 34 now. Is that a possibility of enlarging the pond that way? Is the land inductive to that? Rather than have the street be unsafe we could go ahead and then you could work it out possibly as to how much land there would have to be for the detention pond.

Alderman Jordan: But you are not sure that the 34 lot would work.

Jeremy Pate: Until the detention and drainage is finalized and we understand what is going to happen, that is up in the air for us to make that decision about how much land is needed.

Mayor Coody: How long will it take to get those calculations finalized?

Jeremy Pate: That is something for his engineer to provide.

Mayor Coody: Does that rely or not rely on the owner of the storage units?

Ron Petrie: It depends, if you want to use the worst case scenario that would take a day. If you want to make assumptions on mitigation and find out the answers the gentleman to the north is looking at taking some water to the north through the subdivision to the north. If you want to wait to find those answers to size the pond then now you have a third party trying to get answers so it's very hard to give a day.

Alderman Lucas: I really don't want to eliminate Integrity Way. I wish there was some way to help him with his detention pond and drainage.

Mayor Coody: Ira, I think the City Council is leaning against letting you take out Integrity Way. I think it would benefit you to ask to table this and try hard to get the calculations.

Alderman Jordan: That makes sense. If we table it for a couple of weeks that gives him two weeks to do whatever he needs to do.

Mayor Coody: Do you think you could expedite this and calculate the drainage?

Ira Zakariadze: Thank you for your consideration. We will try to expedite.

Alderman Reynolds: If he would look at keeping Lot 36 and 37 and then taking out Lot 34 to enlarge the detention pond, that would help us and keep that street in there.

Ira Zakariadze: I'm afraid if I am not solving this problem completely I would lose several lots there.

Alderman Jordan moved to table the appeal until the November 21, 2006 City Council meeting. Alderman Lucas seconded the motion. Upon roll call the motion to table passed 6-0. Alderman Cook was absent during the vote.

Sunbridge Villas R-PZD 06-2213 Appeal: An appeal of the Planning Commission's decision regarding R-PZD 06-2213 Sunbridge Villas.

Sunbridge Villas R-PZD 06-2213: An ordinance establishing a Residential Planned Zoning District title R-PZD 06-2213, Sunbridge Villas, located northwest of Sunbridge Drive and Villa Blvd., Villa Mobile Home Park, containing approximately 20.92 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.

Jeremy Pate gave a brief description of the item. He stated this PZD was not forwarded to you because it was a split vote of 4-4 at the Planning Commission meeting and it takes five votes to get to the City Council. Staff did recommend approval of this planned zoning district as a preliminary plat and zoning approval. I would like this project left on this reading. There are some issues we would like to work out and we will be submitting a new Exhibit "C" which is the conditions of approval. One issue that needs to be addressed is there is a request for cart service as opposed to dumpster service which is required for any dwelling unit over single family.

Alderman Thiel: You are not recommending cart service because of the street sizes or what?

Jeremy Pate: The ordinance just simply states that all developments other than single family are required to have a dumpster service.

Alderman Thiel: I would really like to see that come forward because there has always been a move to try to have recycling in apartments and this would just be a start toward looking at ways to do that.

City Attorney Kit Williams read the ordinance.

Alderman Cook: Their statement of commitments mentions the City Water Department stated they would replace existing service lines. I did not know the City replaced any service lines.

Jeremy Pate: It is part of an on going project from our Water and Sewer Division to replace some water lines in this area.

Mayor Coody: Are they mains and not private lines?

Ron Petrie: I believe it is the service line connection

Hugh Earnest: I believe it is a routine replacement process for that area.

Alderman Cook: I just want to make sure we are not running the main line into these lots. When I see service line that's what I think.

This ordinance was left on the First Reading.

The following item was added to the agenda:

Komatsu Jaw Crusher: An ordinance waiving competitive bidding and approving the purchases of a 2002 Komatsu BR380 JG-1 24x42 inch Crawler Primary Jaw Crusher and a 2002 CEC Roadrunner 5x12 Foot Deck Screen Portable Screen Plant through Ritchie Brothers Auctioneers up to a maximum amount of \$318,000, and approving a budget adjustment in the amount of \$318,000.

Alderman Thiel moved to add the Komatsu Jaw Crusher to the agenda. Alderman Cook seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Reynolds: I talked to the Equipment Committee members and they were not excited about putting this on the agenda because it has not been before the Equipment Committee.

Mayor Coody: The trouble is we just found out about this two days ago and the auction is tomorrow. So they have not had a chance to bring it to the Equipment Committee.

Terry Gulley, Transportation Manager: I heard about this Friday and we checked into the ability for us to bid on an auction item. We can bid on this. I know it is late notice and I apologize for that. This is a program that we had looked at initiating, we just had not done it due to financial considerations because we were looking at full price equipment which would be in the neighborhood of \$500,000 plus.

Mr. Gulley gave the Council a brief explanation of the equipment that will be sold at the auction and the condition of the equipment. He stated this is time sensitive due to the auction being tomorrow. He stated he wanted to give the Council the opportunity to look at this and show them the potential savings that he felt they could realize from it. He stated in the packet is information on the cost savings of purchasing the equipment and where the funds would come from to purchase the equipment.

Mayor Coody: One thing that is very interesting to me is that we can recycle concrete this way and we will not have to landfill, haul it or dump it, we will be able to use it again.

Terry Gulley: Our waste material now goes to OMI we have a dump site out there that is rapidly filling up. We looked at this as an environmentally way that we could possibly mine that past dumped concrete out of there and crush it and use that material and hopefully prevent having to buy up to \$150,000 of crushed material every year. They do this on the State highways.

He stated he thought this was a very vital option to save us some money and offset the spending that we do.

Alderman Reynolds: I went and looked at this equipment and I talked to the Equipment Committee and they are not interested.

Mayor Coody: So we need to buy brand new equipment whenever we can buy almost brand new equipment for less.

Alderman Cook: Are we going to continue to have the volume necessary to justify spending this kind of money for this equipment? My concern is the maintenance of the rock crusher.

Terry Gulley: There are masses amount of concrete products at OMI that we can extract and crush. We are going to have to find another site somewhere soon to start dumping this material that we are digging out of ditches. This is a potential to be able to use the OMI site for several more years. Once we crush all the rock we have we still have the option of selling the machine and recovering a portion of our cost. It is not something that we are going to wear out quickly because I anticipate building a stock pile of materials.

Mayor Coody: So we have to buy new material now.

Terry Gulley: We buy \$150,000 a year.

Alderman Rhoads also asked about the maintenance issue.

David Bragg: The maintenance cost that we estimated is in Terry's information. The jaws on the crusher are a normal wear item. We can certainly get the vast majority of our money back if we do not need this in two years.

Mayor Coody: It could pay for itself the first year and a half.

Terry Gully: I am constantly looking at ways to reduce cost and there are many areas where I can not reduce cost but this is an area where I can. We estimated our maintenance and repairs based on another piece of equipment that we have. I feel we can easily make back the money that we are going to spend and then we will be looking at \$150,000 per year that we will not have to spend. Even with the maintenance cost I am looking at paying this back in five years with a \$40,000 profit at the end of the five years.

Alderman Thiel stated this sounds like it will save us money, it also sounds like we will utilize material that we are currently land filling and that we can probably make our money back in a few years on this equipment. Mr. Gulley is the expert on our staff regarding this.

Alderman Rhoads: His rational made good sense to me. It would be great if we had time to take it before the committee but if there is a timing issue to get this then we need to act now. We have a fail safe that if the equipment is not good we can get rid of it in the future.

Alderman Ferrell: I think it is a good idea to look at things that come to us as opportunities. One of the things we need to learn about is a cost benefit analysis. The US military bought this equipment and the maintenance was very high. They basically tear themselves up. Plus you are going to need stationary people to run them. There is cost associated with this.

Alderman Lucas: Will it require more people?

Terry Gulley: No. I can't tell exactly what it is going to require until I run it. We will not be running this every week. It will be set up to where it is run in slack periods of time. We can crush rock in the rain. It is an opportunity we are trying to look at. I am looking at ways to reduce cost and this is one that stands out to me plus the ability to mine waste product. Again I apologize for the short notice. For the last two days David and I have researched this fairly extensively. Both of the pieces of equipment are mobile.

Mayor Coody: We talk big about recycling, we talk big about trying to do the right thing by the environment and we talk big about trying to save money by mining concrete out of a land fill that we are just filling up the earth with and buying new material instead of recycling what we have. We talk big about it but if we do not really support it we might as well quit talking about doing the right thing with recycling or cost effectiveness. If you remove your waste from your processes then you save money and you put that money back into your other programs. The money that we would save would go back into the street program, the material we would gain would go back into the street program and we would make money back on this equipment.

The staff that we have has done a marvelous job being very careful and very smart about how we do business. We will add 10% more people but we will get 200% more work done out of it. We will add one piece of equipment and triple our productivity. If this crew says that with this equipment we can really do some good, I trust them. I trust them 100% because they have a track record nobody else in the state can match.

So if we are serious about recycling, saving money and getting more work done for less cost then we should support this. If they did not think this was serious or an opportunity they would not have brought this to us tonight. They would have gone and bought brand new equipment and gone through the Street Committee when we had plenty of time and paid another \$150,000 or \$200,000, to get essentially the same piece of equipment that we could get tomorrow if the Council approves spending up to and not to exceed the cost out lined in this request.

Terry Gully: \$200,000 should buy this crusher that is as far as we would go if it is more than that we are gone.

A discussion followed on the equipment that is proposed to be purchased and the maintenance.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Ferrell: The Mayor told you why you should buy this. The Equipment Committee did not recommend this. All you are hearing is the good stuff about why they want it. You are not hearing everything. You are not hearing what a cost benefit analysis will give you.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance failed 2-4. Alderman Thiel and Rhoads voting yes. Alderman Cook, Ferrell, Lucas and Jordan voting no. Alderman Reynolds abstained.

The Ordinance Failed.

Meeting adjourned at 10:20 PM

Dan Coody, Mayor

Sondra Smith, City Clerk/Treasurer



THE CITY OF FAYETTEVILLE, ARKANSAS

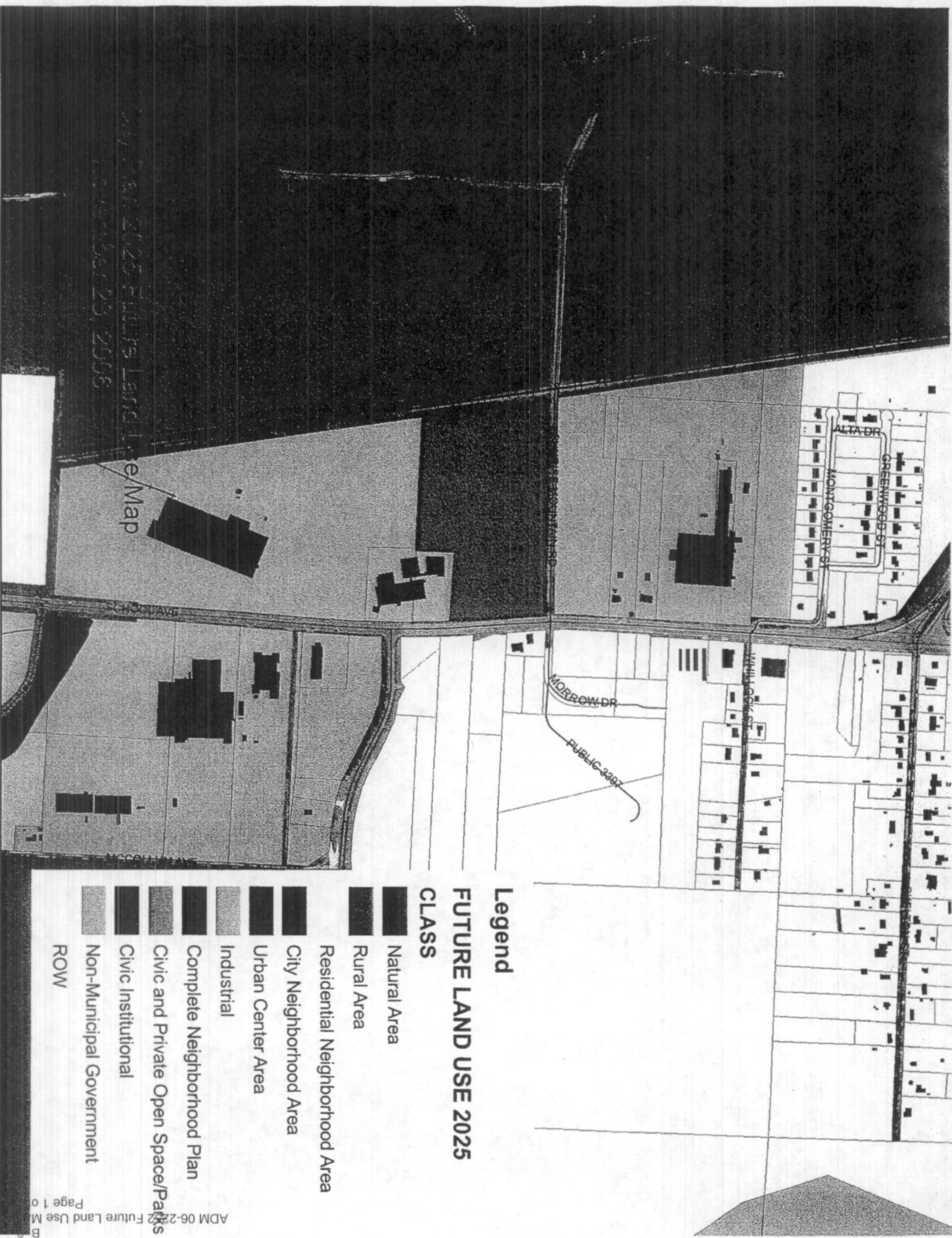
125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

To: City Council, Mayor Dan Coody
From: Jeremy Pate, Director of Current Planning *JP*
Date: November 29, 2006
Subject: Rubble Row R-PZD – Rubble/Persimmon Street improvements

The City Council is currently considering a Residential Planned Zoning District proposal under the name of Westside Village. At the agenda session of November 28, 2006, the City Council requested information regarding the street improvements/assessments required of the development across the street, **Rubble Row Planned Zoning District**, which consists of 182 single family residential dwelling units and 78 two-family dwelling units (a total of 260 dwelling units). Following are the street improvements and assessments that staff recommended and the City required to be dedicated, installed and inspected or submitted to the City for this project:

- 1) Dedication of right-of-way to meet Master Street Plan standards for Rubble Road (Minor Arterial, 45 feet from centerline) and Persimmon Street (Collector, 35 feet from centerline).
- 2) Persimmon Street required to be constructed to a full 28-foot cross-section along the southern boundary of the property, with curb and gutter on both sides, storm drains and 6-foot sidewalks on one side. The 28-foot wide street section tied Rubble Road to Cross Keys PZD (and to 46th Street), with approximately 1300 feet in street length.
- 3) Improvements to approximately ¼ of the intersection of Rubble Road and Persimmon Street, to tie the two streets together. The City cost-shared with this developer to add a turn lane at the intersection, in coordination with other properties developing in the area. A letter of credit from the developer in the amount of \$82,635 for the cost of this intersection improvement was submitted to the City.
- 4) Six-foot sidewalks on one side of Rubble Road.
- 5) Impact fees for Rubble Road pursuant to the WHM contract with the City of Fayetteville were paid as follows:
 - \$30,443.30 in cash
 - \$20,295.70 in letter of credit



R-PZD 06-2212: PLANNED ZONING DISTRICT (STADIUM CENTRE COTTAGES, 557): SUBMITTED BY H2 ENGINEERING, INC. FOR PROPERTY LOCATED AT OLD FARMINGTON ROAD, W OF ONE MILE RD. THE PROPERTY IS ZONED RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE AND R-A, RESIDENTIAL AGRICULTURAL AND CONTAINS APPROXIMATELY 2.45 ACRES. THE REQUEST IS FOR A RESIDENTIAL PLANNED ZONING DISTRICT (ZONING, LAND USE AND DEVELOPMENT APPROVAL) WITH 11 SINGLE FAMILY AND 3 TWO FAMILY DWELLINGS (17 DWELLINGS TOTAL.)

Anthes: Mr. Trumbo

Trumbo: Madam Chair, I am going to recuse from this item

Antes: Alright, we will see you next month. Do we have the staff report please?

Fulcher: Yes ma'am, this is a residential planned zoning district formerly submitted as Stadium Town Homes and known as Stadium Centre Cottages. This is located between Old Farmington Road and 6th street, just west of One Mile Road. It's located on a proximately 2 1/2 acres. This was heard at the previous Planning Commission meeting where it was denied. It was then brought forward for reconsideration based on the new site plan. That was approved and brought forth to this meeting tonight. The changes that have occurred have been fairly significant. The original proposal was for nearly 10 units an acre. Mostly attached units and classified under multi-family dwellings. The current proposal is for 11 single family units and 3 duplexes. Six units total for those. The eleven single family units will be along Old Farmington Road, fronting on Old Farmington Road, with rear access off of an alley type system which will link Sandra Street, to Old Farmington to the North and also connect to a stub-out out from the commercial development to the South. As discussed with the previous development this is proposed as a one way street to try to cut down on the cut through traffic though the existing neighborhood that is on Sandra Street. This will allow one-way traffic to traverse east to west and allow them to exist north onto Old Farmington Rd., which is a collector street and disperse that traffic to the east or west. Also, that will allow traffic to go south into the commercial development for those services to continue on to Sixth Street from that point. As proposed, the overall density would be approximately seven units per acre for the seventeen units on the 2.5 acres. Some of the comments that were brought up with the previous items were the increased traffic. A lot of those comments had to do with the unapproved streets, the traffic, vehicle speed on Old Farmington/One Mile Road and the density proposed at that time. With this development, they

are proposing quite a few improvements to Old Farmington Road. Being a Collector street, it's 18 ft from center line, including curb, gutter, storm drains, and a 6 foot sidewalk along the property frontage, 14 feet from center line on Sandra Steet including curb, gutter, storm drains, & 4 foot sidewalk. Compatibility, both between the existing large lot single family neighborhood to the east and how this was original proposed with a higher density and multi-family land use. Going back, it was staff's original recommendation to have this item tabled. It proceeded on to the Planning Commission, where staff had recommended denial. Again, not finding in favor of compatibility or that an appropriate transition had been provided. With these changes to the site plan, being almost entirely single family with three duplex units, significantly reducing the density, and providing a more compatible type development for the residential neighborhood to the east and appropriate transition from the commercial development to the south, staff is recommending forwarding this item to the City Council with a recommendation for approval. I have gone over the proposed street improvements. That is a determination for the Planning Commission to make under condition number one. Condition number three, that in combination with the elevations in your packet go to some of the comments made by the Planning Commissioner about how the original proposal really did not present a front facade to the street. I think the elevations show that it is the intent, along with the combination of the site plan showing that the alley truly serves as rear access to these properties and their front yard and their front facades are onto Old Farmington Road. Condition number three just goes along to that, I know with some the elevations as they were submitted that the garage is shown in the front of the house, I believe that we've seen that on some other projects in the past where it's a matter of just rotate the garage section to have it face to the rear of the house. But, the elevations shown would be indicative of the units for these lots. I believe all the other conditions are fairly straight forward. There are some minor revisions for the applicant to make under item number four, item number nine refers to a six foot wood board privacy fence along lots 11 and 15 along with some large species trees to serve as a screen between that existing lot on Sandra Street and this proposed development. If you have any specific questions, please ask.

Anthes: Thank you very much, would any member of the public would like to address this R-PZD 06-2212 for Stadium Center Townhomes/Cottages?
Good evening.

Llames: Good Evening. Larry Llames 3047 West Sandra. I'm still against this. I still don't believe this is compatible with the surrounding neighborhood. I talked to Planning Staff, they said ten foot setback between these single

family homes. Does that look compatible with the surrounding neighborhood? Not to me. I have a problem with the notification on this re-submission. The notification went out, it talked about the commercial development on Hwy 62, it did not talk about Stadium Center, single-family homes on Old Farmington Road. Now, you're either going to notify us or your not. Why didn't they just put a pizza coupon in the envelope? That would have been about the same notification.

Clark: Madam Chair, That is out of line, we don't send the notification.

Llames: I realize that, but you require a notification to go out.

Clark: Sir, there is a nice way to say it.

Llames: Well, I talked to planning staff about it, they originally told me that correct notification did not go and that it would not meet this meeting. Then, Jeremy Pate overruled that decision and said that he considered the notification of a commercial development on 62 as ample notification to the neighborhood that Stadium Center was going to go ahead and make the meeting tonight. I don't know how the two are the same. I don't believe the notification requirement was met. I don't believe that the area would be compatible with the surrounding neighborhood. I don't know how that they can enforce the one-way, whether you call it a street or alley, if it's not a City street, how can the City enforce the one-way on it? Does the City enforce traffic laws on private parking lots? I don't know, the last time I had an accident in a parking lot, the police said they could write it up, but they couldn't write a ticket because it wasn't a City right-of-way. So, how can they enforce it, the developer may say it's going to be a one way street or a one way alley or whatever they decide to call it. But, who is gonna enforce it? I think that the traffic will increase on Sandra, because it's going to be one way from Sandra into the area. I don't see any improvements made on Sandra. Sandra is still a narrow City street, no sidewalks, and ditches on both sides of street. I'm sorry about the thing on the pizza thing, but it irritates me when you say we have to be notified and we get a notification that it was a commercial development on 6th street. How does that apply? We have talked about the past consistency; you've told us that one Commission may be different than the other. That's why the City has the problems it has now with zoning, because there has been.

Anthes: Mr. Llames, please address this particular development.

Llames: Well, this development is I think is inconsistent with the surrounding area and I believe it's going to be inconsistent with the City Plan 2025. It does

not help the neighborhood, it just detracts from the present neighborhood that's been there for forty years. Thank you.

Anthes: Thank you.

Searls: My name is Jerry Searls, I live on Sandra Street. I want to touch on, more or less, what Mr. Llamas spoke about. I can not see, how in the world, this one way street into this all these 10, 11, 12 units is gonna help the neighborhood, what so ever. I don't see how these houses being 10 ft apart, or what ever the 10 ft setback means. When we built our homes out there we lived by the rules and regulations but apparently, now they just keep coming back, coming back, until they finally get what they want. If the project is approved, it's not going to improve the 19 foot Old Farmington Road. It's not going to improve the 16 foot One Mile Road. It's not going to improve the ditches. It's not going to help the traffic situation. It's not going to, sometimes the traffic is, well, in the afternoon, I counted 57 vehicles in less than 45 minutes going down Old Farmington Road. That's 57 vehicles. Now, we're talking about putting a possibility of 26 to 30 more vehicles in the area. This is what we call cut through. They are cutting through from the access road to down Old Farmington Road to get to Walmart, Lowes, what ever the business is and back. We also have got motels visitors that come up the One Mile Road. One morning, as I was doing my morning walk, I noticed my neighbor had to get plum up on the one sidewalk that we have in the area, so a school bus could get by on the One Mile Road. I just don't think that this RSF should be changed. Most neighbors down there don't think it should be. Then, one last question is, they got some three duplexes in this project. If they don't sell these cottages, as they call them, are they going to be allowed to rent them? Like they are the duplexes? I just hope and pray that you all can see some benefit on where we're coming from and leave it as RSF-4. Thank you.

Anthes: Thank you Mr. Searls. Would anyone else like to address this item? Seeing none, I'll close the public comment section and as for the applicant to present their presentation.

Hennelly: Yes ma'am, I'm Tom Hennelly with H2 Engineering. I do appreciate you guys revisiting this project. I think we tried to incorporate as many as the neighbors concerns as we could from the previously September 25th meeting as well as, I believe, all or a majority of your concerns with this project at that same meeting. I think we've gone a long way towards accomplishing that with the connection to the commercial development to the south and the reduction in density. The presentation of these buildings along Old Farmington Road and the neighborhood feels quite a bit less of

the multi family look that was presented at the previous meetings. The improvements to One Mile Drive are certainly agreeable to that. There may be, for that size project that were talking about, I think the improvements on Old Farmington Road are significant. And will go a long way towards improving a fairly long stretch of this road, comparatively towards the size of the project. Do you have any other questions, I'll be happy to answer them.

Anthes: Mr. Hennelly, would you address the question about whether these are rental or for sale units. These are for sale?

Hennelly: Ok. Built as spec homes for sale.

Anthes: Ok, thank you. Commissioners?

Harris: Madam Chair. Did we address the issue of the notification?

Anthes: No.

Harris: Could we do that.

Pate: Sure, this item as you remember was denied. I believe at the 25th of September meeting. At the subsequent meeting, the Planning Commission voted to reconsider that. The applicants did not bring in their revisions for the next, but did bring in their revisions for the November 13th meeting, so they made that deadline to bring their item before you. When the motion to reconsider was voted on, it was also basically voted to table until the revisions came in. When an issue or item before you is on the table, it doesn't require re-notification, the applicants have met their notification requirements. They've notified for the Subdivision Committee meeting, actually it's ironic, because staff did not feel that they had notified properly for the Subdivision Committee and we were overruled at that point in time by the Planning Commission and forwarded onto this meeting and Planning Commission felt that it was appropriate notified, as well as the City Attorney. We, in terms of this meeting, there is not a required notification by an applicant. We always tell an applicant that if you are tabled, especially not date specific, kind of like I mentioned tonight, that notification is not required. We always require an applicant, just because our office goes above and beyond on application requirements to require someone to notify. So, that's what we, that's the discussion we had with Mr. Llamas, last week.

Hennelly: If I can add a little more to that, there was a clerical error in the notification that did list the description for the Stadium Center Commercial development and when that error was discovered, we did resend notification as well as hand deliver notifications to all the adjacent property owners, last Thursday as well. With correct packets and plats, I believe that was all that was in that notification.

Harris: Madam Chair. Mr. Hennelly.

Hennelly: Yes, ma'am.

Harris: Over here, are you saying then that the notification was sent out specific to this actually project along with the correct plats, full packet to all the adjacent property owners?

Hennelly: Yes ma'am, it was.

Harris: Ok, and that was again on Thursday.

Hennelly: Yes ma'am.

Harris: Thank you.

Williams: Madam Chair. On the issue on whether or not an alley can be enforced to be one way, an alley is not a private drive. An alley is normally dedicated, just like a street to the City and is therefore, could be enforced. Obviously, the police can't be everywhere in town, but it is legal to enforce an alley if it's supposed to be one way. If it's a public alley, which I'll assume this will be, I better ask Mr. Hennelly to make sure that he is planning on dedicating that to the City and that's not a private drive. As long as it is a public alley, then the police could enforce this one way requirement on it.

Pate: I do want to confirm that, you're showing right-of-way on the plat, but everything we've seen so far discussed as a private alley.

Hennelly: I think at that September 25th meeting, that it was requested that it would be made a public street, which we don't have a problem with and fully expect that to be built public street standards. But will function as an alley with parallel parking. The right-of-way will be dedicated.

Pate: We can modify our conditions to reflect that.

Planning Commission
September 11, 2006
Page 87

Clark: I was not at the meeting that was denied. So, I'm not sure how different this plat is then the one that was presented there. But, from what I'm understanding, you are going to have a one way entrance into street A, from Sandra or coming in this way. Is all of street "A" is going to be one way?

Hennelly: Yes ma'am, from the east to the west.

Clark: So, really there is only one way in and one way out.

Anthes: Pretty much.

Clark: You can only come in here.

Pate: Someone can also go south through the commercial area to get to HWY 62. That's two way there.

Clark: But you can't come into this from the west, can you?

Hennelly: You can not access the homes from the west, that's correct.

Pate: Correct.

Anthes: And that Commissioner Clark is in response to the neighbors to the east not wanting people to be able to travel this way through their street.

Hennelly: Straight down Sandra to One Mile Road was one of the concerns that I was under the impression they had.

Clark: Yet, you're still going to make improvements on Sandra and on intersection at One Mile Road.

Hennelly: The improvements as far as I understand from the conditions of approval are for the off site improvements are limited to One Mile Road intersection with Old Farmington Road and the improvement of the radius there on that south west corner of that intersection.

Clark: Ok, I wrote it down somewhere.

Pate: The adjacent street improvements include Old Farmington and their property frontage onto Sandra, the front half.

Hennelly: Yes.

Clark: Ok, condition number one, going to make Old Farmington 18' curb, gutter, sidewalk. Sandra 14' curb, gutter, storm drains, and sidewalk. Ok, even though you can't get out that way, you're going to be able to get in better that way.

Hennelly: Yes ma'am.

Clark: Ok. Are there any other significant changes that I need to be aware of?

Hennelly: Density went from...

Clark: Where did density go from to?

Hennelly: 24 units down to 17 units. I believe it was 9.8 units per acre down to 6.9 units per acre.

Clark: Ok, all right, thank you Mr. Hennelly.

Pate: For Commissioner Clark, the other three issues, I believe were the primary access and how this accesses one way, the density of the project, and then also the connection to the commercial center. That was a key component. The staff could not agree with the applicant on it at that point in time and recommended denial based on that. They have now configured this so that we feel commercial traffic that might be, or neighborhoods that are utilizing commercial centers, the restaurants, retails, there located just to the south would be able to access that and have connectivity while not providing a cut through to the existing single family residential neighborhood.

Clark: So, straight to the west is the connection, you're talking about?

Pate: Correct.

Clark: Thank you, Jeremy.

Anthes: Mr. Ostner.

Ostner: Madam Chair, I think this is a tough call because this is a difficult area in town. You all are putting up with some incredible traffic. Old Farmington Road is not safe. Something needs to happen on Old Farmington Road. I don't think this project is going to be the straw that broke the camels back to destroy Old Farmington Road. I don't think developing at R-4 would be

any better. The problems on Old Farmington need to be addressed on their own. I think part of the problem with Old Farmington it is a way to get around the log jam. Everyone headed west bound is backed up for ½ mile on 6th. Hopeful, the Arkansas Highway Department, when they improve the on ramp at 540, will alleviate a lot of that. All the traffic engineers agree, that light is a total failure. They are going to move that on-ramp to the north so a lot more traffic can get through there quicker. I think that has a lot to do with what happens on Old Farmington. I disagree with staff, that a 36' section on Old Farmington is part of the solution. A 36' section works on Township, with a heavy volume and lots of curb cuts, back to back, to back. A 36' section is inappropriate on Old Farmington Road. Number one, it will never be striped, it will just be 2-18' lanes. Because we don't stripe our roads after these developers build them. They're not required to stripe them, we're suppose to do it. We take 20 years to get over there, and in the mean time people fly down 18' lanes. I don't see a continuous turning lane on this street being a benefit to anybody. I can see a turning lane at the major intersection. There are maybe four right now. I don't really see that. I think a proper 24', 28' road bed would be a lot safer then a 36' back to back road. I think this is a good project, I would like to vote for it. I would like to change Old Farmington to be a 28' section, however I believe its in our long term plans, and this is a question to you Mr. Pate, are we asking all the developer to go ahead and build this 36' section?

Pate: Yes, I guess that would be my response, that it's not necessarily me that you disagree with, our Master Street Plan calls for this road section as a 36' wide road section. It's a collector street and that's what that standard calls for. We're recommending that it follow the Master Street Plan cross section that's adopted by the City Council.

Ostner: I understand that, and that collector status, that definition has carried over with the new plan?

Pate: Yes

Ostner: Ok

Pate: We have not changed our Master Street Plan yet.

Ostner: Well, I understand the Master Street Plan hasn't changed but the definitions of a lot of these roads have changed with the Dover Kohl. They pretty much did a way with the collector definitions, and replaced them with T-1 and T-2 and all these, that's not correct?

Pate: No, not that I'm aware of.

Ostner: Ok.

Pate: They've changed some designations in the Downtown Master Plan. We actually did a Master Street Plan amendment in the Downtown and there are numerous sections that are referenced by number. ST40, ST36, ST38, there are several different street and road sections in the Downtown Master Plan.

Ostner: Ok, that's apparently what I'm thinking of, cause I think you can call this a collector, I think it ought to be historic collector, there are a lot of historic collectors through downtown that are still two lane and function beautifully. When volume picks up on 6th, due east of Walgreens, just close to here, it slows down and it works and it's a heavy volume. People are driving thirty through a neighborhood and it's working. No one ever thought more volume would make that street slow down. Sorry, I'm going on about one issue, I would really like to see Old Farmington be safer. I'll probably vote for this project.

Hennelly: Can I ask one question? On other projects that we've that were at a high street classification, we're required to dedicate the right-of-way for that street classification and only build 14 feet from center line. If there was anyway we could incorporate that requirement into this, we would certainly appreciate that, because I do agree that going from that narrow section to a 18' wide section that's almost as wide as the total width of the road in that area could be a hazard.

Anthes: Mr. Pate, didn't we approve another development down the road here and how would that street section knit with this?

Pate: All the street section that we've approved including the hotel and other commercial development and another PZD on this project have been required to have 18' from centerline sections. The reason for that, Mr. Hennelly's right, is in standard residential subdivisions that have a collector going through it, we do typical keep the 2 lane road section, because it's primary a single use type of application and in a residential neighborhood that's not usually accessed by traffic other than the residents and small delivery vehicles. In this case, Old Farmington Road functions much more so; I do not anticipate the classification of Old Farmington being decreased. It provides a functioning collector street status by definition connecting Shiloh and 62 along with Old Mile Road. We're seeing numerous

commercial projects in commercial zoning districts along this street being processed through our building permit process and Planning Commission, so I would not anticipate that to be changed.

Anthes: Ok

Hennelly: Could we possibly consider constructing the 14' from center line to being assessed for the difference? That way you will still have the funds available to construct that extra four feet but it would not be necessary to have it constructed at this time?

Anthes: That is certainly something that we can discuss. I think what Mr. Pate is saying though, is that we have projects that are already permitted that are being required to build that section; then if we deviate from that, we have a pinch in the road. Is that what you're saying?

Pate: Yes

Ostner: How many of those other projects, which I can only think of one, how many of those have actually built both sides?

Pate: None of them that I'm aware of.

Ostner: Ok, when you extend one side, like he's been asked to do, the road sort of shifts, which is a traffic calming device by the way for a road that gently goes back and forth. I don't see a problem with that. I'll be in favor of Mr. Hennelly's idea. In fact the difference in money, could be spent installing traffic calming, something. If City staff could approve it, find it somehow, to do some sort of traffic calming on a collector. I think it's a good faith offer.

Anthes: In addition to the PZD that we have seen, are there commercial projects or other projects that were less than an acre that have gone through administrative review that we should be aware of in the area?

Pate: I believe so, they are further east, but the one I remember specifically was a commercial development west of Shiloh. Of course, the banks on One Mile Road, but those more access 6th Street than Old Farmington, until 6th is congested and people utilize Old Farmington Road. That's the ones that I'm aware of.

Williams: It doesn't appear to be very cost effective though, to go back and have to knock out all the curb that is probably fairly new and then bring your

equipment in and just put in a fairly narrow patch of asphalt at a future time. There are some time constraints about how long we can hold money from a developer without using it for that development or giving it back to the developer. We have time constraints within our code, which are reasonable because if we hold money, we shouldn't hold it indefinitely. So, that's some problems with that particular idea. I think that staff's position here for the long term improvement of Farmington is probably is more feasible and more surer that we are going to have the proper road section there as called for by the Master Street Plan.

Anthes: That's a difficult one.

Ostner: We will most like come to 18' lanes. I don't see tearing out curb, I do see a guy building 18' from center line and there is probably 8 or 10 feet on the other side and the road is slightly shifting toward that curb, utilization it fully rather than a perfect street, having something a little bit different. Like this neighborhood, it's not by the book, it's unique. I'm uncomfortable with the role of following the rules when I believe they're making things worst. Not by this applicant's fault.

Anthes: Let's talk about the lot configuration and density and see if we can find common ground here there.

Clark: I have another question; it's along the lines of the configuration. What percentage of this is dedicated green space? Do we have green space? Ms. Anthes circled the detention pond.

Pate: There's not a public dedicated green space on this project for 17 units.

Clark: How about open space, as by our ordinance provision of more useable and suitable located open space recreational areas and other common facilities. That would not otherwise be required under conventional land development regulations. Where is that?

Hennelly: It's not on there. There is, as far as open space is concerned, we did try to utilize the detention pond for tree preservation as well. For both this and the commercial development and there will be some substantial planting of trees in that area. But, outside of that and the attempted preservation of the trees in the right-of-way out along Old Farmington Road that are going to be coordinated with the Tree and Landscape Administrator to try and get the sidewalk into.

Clark: Thank you, Mr. Hennelly and thank you for that very honest answer. When our PZD's first were proposed, I was very excited because they're little communities, or can be little communities within themselves that offer amenities that aren't found otherwise in other large scale developments. I'm seeing some very unique use of setbacks, density etc. in this proposal. So, it's taking advantage of one part of the R-PZD ordinances while overlooking another part that I think is as equally viable. I'm having real trouble with that, it's almost as if you're wrangling the best and leave out the part that is not suitable. R-PZD's usually have a little open space, parks, even trails, or trail attachments. Attachments to trails, we've let folks get by with that as well. Detention ponds are not necessarily some place you want to have community gatherings. So, the trees are a nice aesthetic but I don't think it captures the intent of the ordinance. I'm very concerned with that. It seems like we're trying to take what you want to and leave out what you don't want to do and I don't think that's the intent of the R-PZD. So, I'm having a little bit of a problem with that and a lot of problems with the traffic and density. The rework of the entrance and exit, just kind of tells me there's one way in and one way out. 2 ways in actually, but only one way out and that's kind of problematic to me. Because people don't always follow the rules and unless I'm involved there's never a policeman around when you need one. I'm always on the receiving end of that. I have some trouble with that and I would like to hear the rest of the discussion because I didn't hear the first time that it was debated. I'm not inclined to agree with this for the same reason as the West Fork development we did earlier. You can't. You've got to do infill, infill is good, it needs density but it also needs to have some of the compatibility issues that we have talked about inherent with in our ordinance. That was a big word.

Anthes: Commissioner Lack

Lack: I wanted to ask, first of all, maybe something very simple, the square footages that are listed on the, below the lot number, the house number.

Hennelly: That is a little bit confusing, that is not the square footage of the home, that is the square footage of the lot.

Lack: Ok, I thought I had seen a lot square footage at a different figure, but I just wanted to verify that. I want to say thanks for coming back with something that was basically what I would hope to see. I think that while I agree with Commissioner Ostner in the idea of Old Farmington Road and what that street section should be. I don't know if I should go so far as to deviate from the Master Street Plan and or fill the authority to do that. But, in the

modifications you have made to the plat and the density reduction. The focusing of the fronts to the road, I think you've made great strides. I think that this piece of property is not exactly the same as some of the other pieces of property in the area that are zoned and developed to RSF-4. I think as the wedge of the diagonal running of Old Farmington Road narrows and you end up with less and less property, at the back of the commercial zone it becomes more difficult to do traditional four unit per acre development. More and more appropriate to do more dense more marketable properties. I think that this while is not exactly the same is compatible with those density and those patterns. So, I'll applaud you for that. The connection from the commercial district will function well. I think that having that at the edge of the sight will not create the cut through that was the original concern, I think that will work. I think that this development will not only, not damage the area but I think it will enhance the area with street improvements that will be made and that's beyond the discussion of the appropriates of widths of streets. But, just in the safety factures of creating less dangerous streets with the drainage that is there now, in the street widths that are there now. So, I will plan to support this project in its current form.

Anthes: Thank you Commissioner Lack, is there further discussion? Commissioner Ostner?

Motion:

Ostner: Madam Chair, this is not the first time that this body has gotten cross ways with the Master Street Plan. The Master Street Plan along 71, just a stones throw from this building, was for a long time, and I believe is currently is, much larger than all of our plans and all of our planners recommend. Everyone knows, it's better for downtown for that street to stay a little bit narrower. Downtown Fayetteville is famous; it's near and dear to our hearts. This is not the first time we questioned the Master Street Plan and have attempted to fix it. We can't do that here. But I believe a narrower section historical collector status, it might be a 28 foot back to back curb improved, or just thinking outside the box here, 36' foot back to back with sections having a small medium, an island. Those are very effective traffic calming methods. I would like to make a motion to change condition number one to read in the second sentence, Staff recommends the following: "developers shall improve Old Farmington Road to include 14' wide street section from centerline with curb, gutter, and etc."

Anthes: Motion to amend, is there a second? I'll second it. Is there a discussion?

Newman: Madam Chair, may I speak?

Anthes: Yes.

Newman: Would you give staff the opportunity to review this area overall for the Master Plan for the engineering and to look at the total concept? Not to consider a ruling on a 500' strip, looking at this one residential development here. Give us time to review that and discuss that before we put a condition on this developer to reduce what the overall collector concept was and discussed previously.

Anthes: How will that information get back to us, Mr. Newman?

Newman: In a form of a report, I assume. What would you like, do you have any preference?

Anthes: No, I'm just wondering because sometimes we send these things out and really don't know what happens.

Clark: Are you asking us to table this?

Anthes: No, what you are saying is that you would rather have us construct a condition of approval that doesn't have a specific width, but ask for staff to review the possibility of reducing the street section for Old Farmington Road. Is that what you are asking?

Newman: Yes, ma'am. I'm asking, not recommending tabling by any means, I just would like the opportunity to ask the engineering and planning staff to get together and reevaluate this area before that change is made at this location.

Anthes: That sounds reasonable.

Ostner: I understand your request. However, it's been my experience that the rule book and mathematics always win over policy. We don't create policy here, however here at an R-PZD we are allowed a recommendation to the Council.

Anthes: Would that also include in the assessment for the additional pavement?

Ostner: Thank you, I believe my motion was incomplete. The difference in money between a 14 and an 18 foot wide street section. Help me out here for a second. What's the fairest thing to do with it? I'm not trying to let the

developer out of anything. I just want something better for the neighborhood.

Clark: Shall improve Farmington Road to include 14' wide street section from ect to ect. With the difference between the 18' and the cost of the 14' being paid in money in-lieu by the developer. The part that it asked for future improvements on Farmington Road. Isn't that what you wanted?

Ostner: Well, that helps, I didn't think we could leave it so open ended. I thought it had to go to something.

Pate: It would go to improvements along Old Farmington Road.

Ostner: Well, that sounds great.

Clark: Thank you.

Anthes: I would accept that as a second on the motion.

Ostner: So, basically the developer will have to spend the same amount of money, however he will only build a 14' section. The difference in money will go to other improvements along Old Farmington Road.

Pate: Does that include curb and gutter on that 14' section?

Ostner: Yes, of course, everything except the street section.

Anthes: As the second-er of the motion, I would like to address Mr. Newman by saying, this is a R-PZD it will go forward to City Council, this would be the recommendation if this motion even passes. To amend our recommendation to City Council you would have a time between now and then to review the entire road and make your recommendation to Council whether that works for you or not.

Newman: Thank you.

Ostner: Thank you Madam Chair and in that evaluation I would hope that engineering would consider that this is at a base of a mountain and commercial development require square footage and it is very difficult to develop a mountain side to high density either residential or commercial to fill a street. 100 yards to the south is lots of flat land with a big street in front of it, however there is a hill just climbing straight up and that's part of

my reasoning that I just don't see this being pack with cars and curb cuts in volume.

Anthes: We have a motion to amend condition of approval number one to read the developer should improve Old Farmington Road to include a 14' street section from centerline with curb, gutter, storm drain and a 6' sidewalk. At the Master Street Plan right-of-way, etc. holding the difference between the construction of the 14' and 18' section in escrow. Is there further discussion? Will you call roll.

Roll Call: The motion to change the condition of approval listed above was approved 7-0-0.

Anthes: Is there further discussion on motions on the R-PZD?

Ostner: Has there been a motion?

Anthes: No.

Motion:

Ostner: Madam Chair, I like to move to forward this to City Council with recommendation of approval R-PZD 06-2212.

Lack: Second.

Anthes: Motion to forward by Commissioner Ostner, second by Commissioner Lack. Is there further discussion? My big hang up with this is that this is so far and above a better development than what we saw the first time. Thank you so much for that. I appreciate the two way connection to the commercial property and the way you have been able to kind of segregate it from the neighborhood use. I appreciate that you responded to the neighbors by Sandra by providing the one way connection with parallel parking. I do have some questions about the very thing Commissioner Clark has been talking about. That is the uniqueness of a PZD, that we ask for a green space and some sort of community space. I find these lots to be very tight without hardly a yard for each individual tenant much less community space and I believe that it would be a better knit with the adjacent neighborhood if we actually lost unit number 11, and that was changed into an open space. When I look at units one through ten, I don't know about the total density there but I look at the configuration on the lot and I almost like to see the units moved to a zero lot line condition on the side lot so that the green space for the unit is actually all aggregated on the

one side of the building so there would be useable green space for each unit. Which I think is more in keeping with in the area as well. Right now, if you fence these yards, you would have these narrow strips on either side. I grew up in southern California in a subdivision that had one of those narrow strips next to a house with a fence and there was really nothing to do in that spot. By sliding each of those units left or right and allowing that green space be a side yard, I think it would be much nicer development. I not sure if losing one of those ten units to allow a more generous green space there might be in more keeping with and provide a better transition to the adjoining neighborhood as well. So, those are my comments.
Commissioner Clark.

Clark: Because of what Mr. Williams has told us that we are voting against something we need to say why. I will not be supporting this R-PZD. I don't think meets, it says you gotta meet one or more of the following goals and although I commend you for changing it because everyone seems to think you done a good deal in terms of modifying it, I still don't think it's there. I don't think its harmonious with the area that's being fit into and I think with just a little bit more tinkering and think Ms. Anthes talked about a couple of them. You could certainly achieve a finer development that would work as an R-PZD and work in this particular area so I will not be supporting this in this configuration.

Anthes: Is there further discussion? Commissioner Harris.

Harris: I appreciate Commissioner Clark bring up the spirit of PZD. Because I don't feel as though this completely answers the call of PZD in same areas, especially in terms of open space, green space, and so on. So, I will too, be voting against it in its current configuration.

Anthes: I have a motion to forward by Commissioner Ostner and second by Commissioner Lack, is there further discussion? Commissioner Ostner.

Ostner: I can see those comments. For the reason I think it's worth supporting is that list is not a must, it's a should. How on earth can you have both density and open space, period. It's always a conflict. It's a juggling act. It's a dance. I believe how you finesse it is the answer, not going down the list, did he do this, this, and this. That's why it's phrased in an open way in our ordinance. Try to do at least one of these things. There's not a park here. But, this is a size of a three regular house spots. It's tiny, there're packing in, they're being efficient. They're raising the density because that's what Fayetteville has to have and they got to make their business

plan work. They almost cut it in half, so it's a difficult call. I respect your no votes.

Anthes: Any further discussion? Will you call the roll.

Roll Call: The motion to approve failed 4-3-0.

Pate: Motion failed

Anthes: They do have an appeal right, to City Council in so many days?

Pate: Right.

Anthes: And if that happens, will the neighbors be notified?

Pate: No.

Anthes: Watch your newspapers. I do have some announcements, Planning Commission will be forming four committees. And they will be as follows: Committee Number 1 is the downtown architectural code, this committee will review Dover Kohl recommendation to the downtown master plan and provide commentary and recommendations to bring a draft code forward to Planning Commission and City Council for Downtown Architectural Standards. This Committee will be staffed by Leif Olson, it will be chaired by Commissioner Audy Lack. It will be comprised by the following committee members: Commissioner Allan Ostner, Robert Sharp of Robert Sharp Architects, Sharon Hoover of Allison Architects, Todd Ferguson of the University of Arkansas and I'm waiting to hear back from a potential additional member but should know tomorrow. The Second Committee is the Cultural Arts District Committee, this committee will review and recommend a boundary for Fayetteville's first Cultural Arts District. They will be working with Daniel Hintz of Fayetteville Downtown Partners under contract with the City of Fayetteville as staffed. This committee will be chaired by Commissioner Candy Clark, and will also consist of Commissioner Lois Bryant, De De Peters of De De Pete Gallery, Jodie Bennosca of The Walton Art Center and Julie Gabel with Ceramic Cow Productions. The third Committee is a Landmark Significant Places Committee, this committee will research ordinances that recognize and protect landmark structures in places in other cities. This committee will make recommendations to city staff for frame work of ordinances appropriate to Fayetteville, particularly Downtown. This committee will be staff with by Karen Minkel, will be shared by Commissioner Christine Myres and also consist of Commissioner Hillary Harris, Commissioner

Sean Trumbo, and we will be looking for a representative from the Historical District Commission to serve on the Committee as well. I believe that Ms. Myres has indicated that this is mainly a research committee and may meet via email and phone. The fourth committee is really short. It's a Digital Presentation Committee and they will be asked to develop brief guide lines for applicants wishing to make digital presentations at Planning Commissioning meetings; it probably is a two paragraph recommendation and that will be developed. Staffed by Jeremy Pate and Commissioner James Graves. Are there further announcements?

Pate: We do have Subdivision Committee meeting this Thursday and agenda packets were passed out.

Anthes: Ok, if that is it, we're adjourned.

DRAFT

VAC 06-2289: VACATION (ARCHER, 442): SUBMITTED BY CRAFTON TULL & ASSOCIATES FOR PROPERTY LOCATED AT THE W END OF MARKHAM, W OF SANG. THE PROPERTY IS ZONED C-PZD, COMMERCIAL PLANNED ZONING DISTRICT. THE REQUEST IS TO VACATE A PORTION OF A RIGHT-OF-WAY ON THE SUBJECT PROPERTY.

Garner: This item was heard at the October 23 Planning Commission meeting and it was tabled at that meeting to address concerns of the Planning Commission with traffic and pedestrian safety issues related to the private drive. The subject vacation area on Markham Road becoming a one way driveway unto the property which would require Evangeline Lane to become the primary exit. I won't go over this application in detail. Since that Planning Commission meeting, we have talked to the Solid Waste Division and they have discussed with us that they could use Evangeline Lane to exit the property after collecting trash. A condition of approval has been added per the Solid Waste Division regarding the use of that private drive. I did talk to the Fire Department and they generally indicated they thought in an event of an emergency, they would use the one way drive to come in. They would probably use it to exit as well, as opposed to going on the gravel drive. The applicant has submitted a letter and that was included, I just placed it in your seats before the meeting. They indicated that from the uses that they would access their property, which is the catering company or Rental Company would also use Evangeline Lane and would not have to exit against the flow of one way traffic. Those are the main issues, I think were discussed and those are the updates we have. I would be happy to answer any questions you might have.

Anthes: Thank you Mr. Garner, would any member of the public would like discuss this vacation request 06-229 for Archer? Mrs. Farris.

Farris: My name is Felicia Farris, I reside at 2215 Halsell Heights, just off Sang near the south end. I would like to speak tonight about the safety issues of this one way street as well as the maintenance issues of the shallow ditches. And the promises involved with both of these, but the one way street being strictly a one way street and the issues of the shallow ditches being maintained if they are not in the system of culverts when it comes and meets Sang and Markham and not functioning properly. I believe as we discussed in the last meeting, that we already have a problem with this drainage system not working well. Not only is this one way road a risk of life and limb, if a person casually cheats to use this street the wrong way, such as an employee. As reminders, I understand the Archers do not reside the majority of the time in Fayetteville to police closely the usage of this one way street usage. Be it traffic from one of these long rainy weeks that

devastates this gravel road doesn't bode well for any of these cars that would want to use to gravel road, especially there high priced car. But one of these events puts a lot of pressure on the event staff for these cars, who maybe want to use the street after they leave an event. Especially, after the gravel road would be damaged after some of these rains, especially this fall. But, most realistically it is likely that we would see a catering truck as they are rushing back and forth to try and get a party ready. Not wanting to go the long way around on these gravel roads but wanting to cut quickly down the one way against the one way street back down the hill to go for another quick trip to wherever they need to bring back stuff again back up the hill. As neighbors becoming accustomed to freely turning left with no hesitation of oncoming traffic, due to the one way street posing no threat, in other words, no oncoming traffic from down hill that's suddenly, unrepentantly vehicle, large truck would be disastrous for any one of us living who live on that hill. That's the fear of this promise that it's going to be one way and no traffic ever coming down the hill is the fear that this promise won't be kept. Secondly, the leaves and small limbs, large limbs clogging this storm system. If a person or persons in charge to keep this ditch does a haphazard job, it clogs the system. Promises of this keeping this ditch clean, I fear is not going to happen. By far, in light of the safety issues, the maintenance issues, the Commission's first proposal of curbing the storm drain the full length without the shallow ditch system would seem best. But most importantly, leaving out the one way street with private maintenance with this promises that may not be maintained, I fear, I think it would be best to just leave out the one way issues would service best these neighbors. Evidence of the potentials of these promises not being kept can be seen in the packet that I've handed out to you. The first one that we will start with is the Bill of Assurance that was set up for this barn.

Anthes: Mrs. Farris, I need you to directly address this development proposal or this vacation proposal, if you would.

Farris: Just as one or two speeding tickets don't show a poor driving record several of them show reckless driving history. Just as one or two promises don't necessarily show a poor history of ability to keep promises, several of them show someone's ability incredibility of ability to keep promises.

Anthes: We do not talk about applicants.

Farris: It just shows that the probability or lack of safety issues for us as neighbors. I think you can see here the ability for someone to keep promises. There's an issue here of a violation notice presented to Mr. Archer. It's a whole

series of several parties that went on in that barn after the violation notice was given. This shows here several parties of weddings.

Anthes: I really need to stop your discussion on that matter and redirect you to the vacation request.

Farris: I hope you look closely to the issue, the fact that this is safety issue and that the one way street needs to be strictly enforced. It's going to be a grey area that's not going to be policed there. I think you can see that there are issues here and there's not going to be someone to police it. It's going to be someone that is going to have to over look it and that person needs to be in the situation that's going to be credible. The issues, as far as the ditches, that is as well going to be a situation where the issue is going to have to have credibility in maintaining it. This one last issue, as far as the lighting, when it was discussed before, we talked about the need for it. I would like to make a clarification that the area that's not going to be resurfaced in the ditches that are going to remain open. Just east of Cross, that we may look also, make sure that area maybe addressed because it remains very unsafe and it's a very dark area. Thank you very much for your time.

Anthes: Thank you Mrs. Farris. Would any other member of the public like to address this vacation request for Archer? Seeing none, I will close the public comment section, would the applicant give their presentation.

Archer: Yes, Julian Archer 2115 West Markham. I want to thank you first of all, in taking the time to review this once again. I hope all of you received the letter and plus the attachments that I have sent to you by regular mail, and if you don't have a copy, I believe Jeremy or Andrew have copies already. So, you already have those in hand. Answering all, I hope, the concerns and questions that you had at the previous meeting. There is very little that I can add to what you have in hand. The only thing I can think of, a point that was not emphasized in the letter and to just return to this point. Granting this vacation request will not remove the obligation on us to replace the culvert that goes under Sang or to replace the culvert that goes under Evangeline. That's in addition to replacing the culvert that goes under Cross. So, the drainage question, which was the question from the beginning, that is still going to be address according the size that is prescribed by the Engineer. The mouth of Evangeline Lane would have to be paved back to required distance, which I think is 25 feet. It will have to have a radius curb, standard City radius curb opening up 25 radius curb as well. That same radius curb will also be put on Sang Avenue. So, there are a number of things that were in the original PZD approval that would still be there if you approve this vacation. The ditch on either side of Markham,

west from Sang, thanks to the plan that was presented to us, the illustration, what's done with the Parks service is the kind of fill that we plan to use. It was the one that was originally proposed to use. But, what you do not accept, but that is what we plan to carry through with. We will also, of course, have to widen the road to the standard 20 feet. We understand that obligation goes with it as well. So, those are the only remarks that I have to make.

Anthes: Thank you Mr. Archer.

Archer: Thank you.

Motion:

Anthes: Commissioners? Well, as we know this is the PZD, this is a portion of the PZD that went to City Council first. They sent the large scale development back to us with specific reasoning to work through the street and access, as far as I understand it. Engineering Staff, Planning Staff, the applicant, many members of the public, and this Commission have spent hours, literary hours, working through this section on this particular piece of roadway. This vacation and the petition that goes along with it would alter that section that was a very difficult compromise to reach and one we spent, invested tremendous amount of time and I for one, am not willing to undo those hours of work and for that reason I will make a motion, that we will deny vacation request VAC 06-2289.

Myres: Madam Chair.

Anthes: Commissioner Myres.

Ostner: I'll second it.

Anthes: Ok.

Ostner: Excuse me.

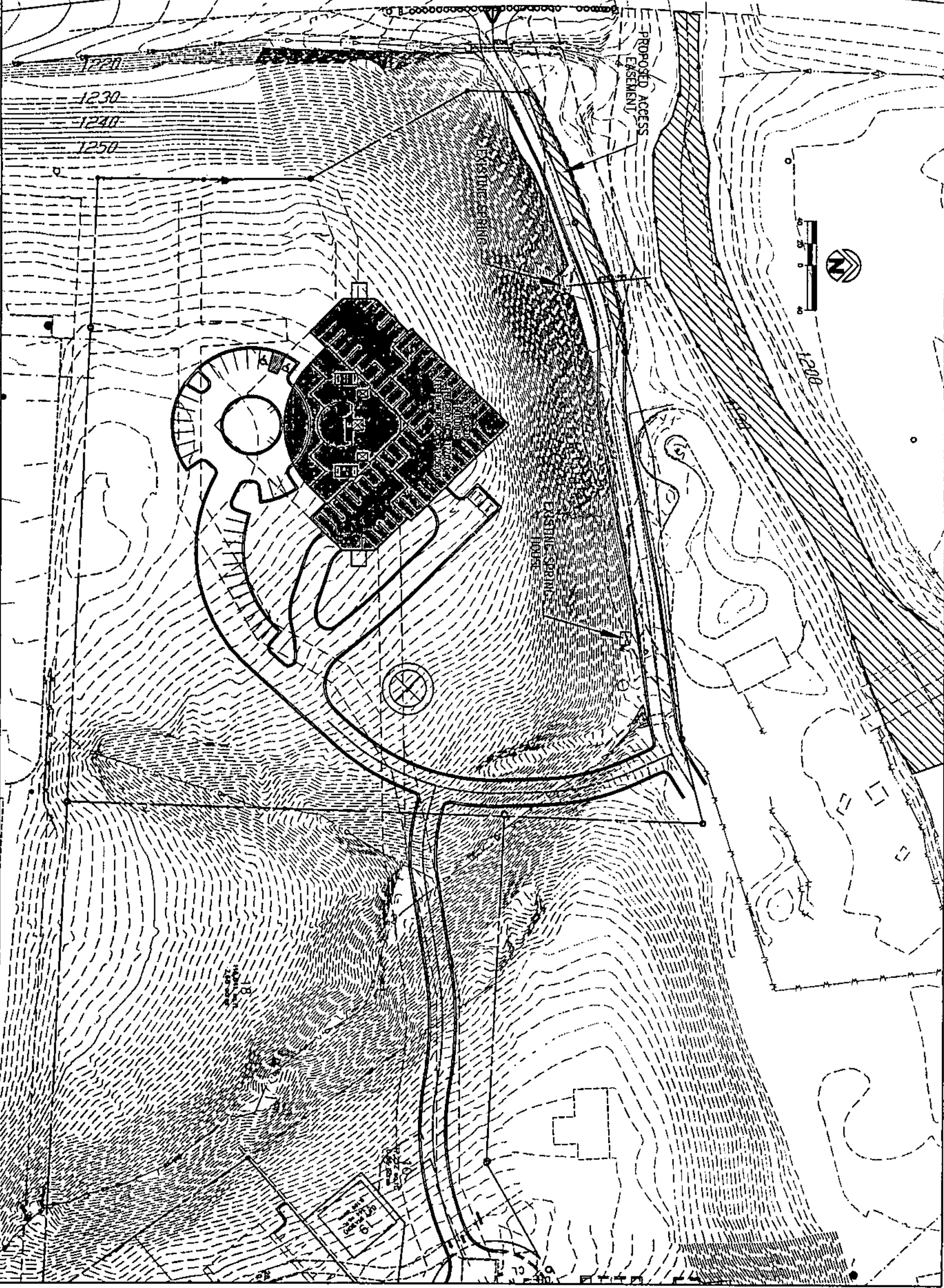
Myres: I have to go along with both of you, assuming you agree, for exactly the reasons that you stated. We spend a lot of time on a lot of projects, but this one seems to be inordinately difficult in terms with reasonable compromise and I, too, am reluctant to set aside that time and effort, which I think was well done. So, I will also vote to deny.

Anthes: Thank you Commissioner Myres. We have a motion to deny by Commissioner Anthers, second by Commissioner Ostner, is there further discussion? Will you call the role.

Roll Call: The VAC 06-2289 for Archer was denied by a vote of 7-1-0.

DRAFT

DRAWING FILE NAME AND LOCATION: S:\01031-00\01031-00.dwg LAYOUT TAB: LAYOUT1
 LAST SAVED BY: DDMAN 12/20/05 2:29:55 PM
 PLOTTED BY: DDMAN DDMAN (ONLY VALID ON HARD COPY)
 © 2005 © Crafton, Tull & Associates, Inc.



12/20/05	Checked by	061031-00
	Drawn by	061031-00
	Plotted by	061031-00
	Reviewed by	061031-00
	Approved by	061031-00
	Submitted by	061031-00
	Submitted date	061031-00
	Submitted time	061031-00
	Submitted location	061031-00
	Submitted status	061031-00
	Submitted notes	061031-00

UNIVERSITY CLUB TOWER
 FAYETTEVILLE, AR
 LSDP

 **Crafton, Tull & Associates, Inc.**
 901 N. 47th Street, Suite 200, Rogers, AR 72768
 479.636.4838 FAX: 479.631.8224 www.craftontull.com
 Architects, Engineers & Surveyors

REN 06-2191

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 - Nancy Gordon Allen
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
December 5, 2006**

A meeting of the Fayetteville City Council will be held on December 5, 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 November 7, 2006 City Council meeting minutes.**
- 2. Class Action Suit to Recover City Taxes:** A resolution to approve a contingent fee contract with Elliot & Smith to represent the City on an internet hotel broker tax remittance issue.
- 3. Westside Village Condominiums:** A resolution approving the Parks and Recreation Advisory Board's recommendation to accept \$138,336.00 in lieu of the required Park Land Dedication for Westside Village Condominiums.

B. UNFINISHED BUSINESS:

- 1. R-PZD 06-2191, University Club Tower:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-2191, University Club Tower, located north of Lowe's Home Center, east of College Avenue (Highway 71), containing approximately 10.39 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the First Reading at the November 7, 2006 City Council meeting. This ordinance was left on the Second Reading at the November 21, 2006 City Council meeting.*

2. **R-PZD 06-2256, 932 Garland:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-2256, 932 Garland, located at 932 Garland, between Berry and Hughes Street, containing approximately 0.84 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the First Reading at the November 7, 2006 City Council meeting. This ordinance was left on the Second Reading at the November 21, 2006 City Council meeting.*
3. **Emerald Point ADM 06-2282 Appeal:** An appeal of the Planning Commission's decision regarding ADM 06-2282 (Emerald Point). *This appeal was Tabled at the November 7, 2006 City Council meeting to the November 21, 2006 City Council meeting. This appeal was Tabled at the November 21, 2006 City Council meeting to the December 5, 2006 City Council meeting.*
4. **Sunbridge Villas R-PZD 06-2213 Appeal:** An ordinance establishing a Residential Planned Zoning District Titled R-PZD 06-2213, Sunbridge Villas, located northwest of Sunbridge Drive and Villa Blvd., containing approximately 20.92 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan.. *This ordinance was left on the First Reading at the November 7, 2006 City Council meeting. This ordinance was left on the Second Reading at the November 21, 2006 City Council meeting.*
5. **R-PZD 06-1884, Westside Village:** An ordinance establishing a Residential Planned Zoning District Titled R-PZD 06-1884, Westside Village, located south of Wedington, east of Ruppel Road, containing approximately 21.63 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the Second Reading at the November 21, 2006 City Council meeting.*
6. **ADM 06-2252 Future Land Use Map:** A resolution adopting the Future Land Use Map and associated text as part of the City Plan 2025 Comprehensive Land Use Plan for the City of Fayetteville. *This resolution was Tabled at the November 21, 2006 City Council meeting to the December 5, 2006 City Council meeting.*
7. **RJN Group, Inc:** A resolution approving Contract Amendment #4 to the agreement for Professional Engineering Services with RJN Group, Inc. in the amount of \$953,049.00 to provide design and construction phase services pertaining to technical design, engineering, Corps of Engineers and storm water permit issues for the West Side and Farmington area Wastewater System Improvements Project (subprojects WL-10, WL-11 and WL-12); and approving a contingency in the amount of \$40,000.00. *This resolution was Tabled at the November 21, 2006 City Council meeting to the December 5, 2006 City Council meeting.*
8. **Robinson, Stafford and Rude, Inc:** A resolution approving a contract for Professional Engineering Services with Robinson, Stafford and Rude, Inc. (RSR) in the amount of \$39,844.00 (to be wholly reimbursed by the City of Farmington) to provide value engineering services for the Farmington and West Fayetteville Area Wastewater System Improvement Project engineering design. *This resolution was Tabled at the November 21, 2006 City Council meeting to the December 5, 2006 City Council meeting.*

9. **Proposed 2007 Annual Budget & Work Program:** A resolution adopting the 2007 Annual Budget and Work Program as approved and amended. *This resolution was Tabled at the November 21, 2006 City Council meeting to the December 5, 2006 City Council meeting.*

C. NEW BUSINESS:

1. **RZN 06-2320, Garner:** An ordinance rezoning that property described in rezoning petition RZN 06-2320, for approximately 0.75 acres, located at 904 15th Street from RMF-24, Residential Multi-Family, 24 units per acre to C-2, Thoroughfare Commercial with the Associated Bill of Assurance.
2. **VAC 06-2315, Paul:** An ordinance approving VAC 06-2315 submitted by Alan Reid & Associates for property located at 2753 East Par Court, vacating a portion of the utility easement located within the subject property.
3. **ADM 06-2322 North Street ROW Dedication Variance:** A resolution reducing the right of way dedication required from North Street centerline from 55 feet to 44 feet accommodating the existing structure and proposed development for property located at 1104 N. College Avenue as described in item ADM 06-2322.
4. **ADM 06-2354 Garland Avenue ROW Dedication Variance:** A resolution approving a variance of the Unified Development Code Chapter 164.12(F) Nonconforming Uses and Structures, Repairs and Maintenance, and Chapter 166.18 Master Street Plan Setbacks, allowing the existing structure located at 1305 Garland Avenue to remain within the Master Street Plan right of way and to be improved greater than the 10% allowed by code, within the existing limits of the structure.
5. **Operations Management International (OMI):** A resolution approving Amendment No. 14 to the contract with Operations Management International (OMI) in the amount of \$6,104,447.88 for the operation and management of Fayetteville Wastewater Treatment Facilities for 2006, and an increase of \$153,000.00 for the cost of services in 2006; and approving a budget adjustment in the amount of \$153,000.00.
6. **Sales Tax 2006A Construction Fund:** A resolution approving the creation of a new fund to be called "Sales Tax 2006A Construction Fund;" and approving a budget adjustment in the amount of \$50,788,406.00 for the Wastewater Systems Improvement Project, the Street Improvements Bond Project, and the Trail Improvements Bond Project.
7. **McClelland Consulting Engineers, Inc:** A resolution awarding an engineering contract to McClelland Consulting Engineers, Inc. in an amount not to exceed \$108,111.40 for preliminary design services, surveys, and related services associated with the College Avenue Improvement Project.
8. **Stadium Centre Cottages Appeal:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-2212, Stadium Centre Cottages, located at Old Farmington Road, west of Sandra Street; containing approximately 2.45 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan.

- 9. Easement Vacation for Archer (VAC 06-2289) Appeal:** An ordinance approving VAC 06-2289 submitted by Crafton Tull and Associates for property located at the west end of Markham, west of Sang Avenue, vacating a 0.35 acre portion of a right-of-way on the subject property.

D. INFORMATIONAL:

Budget - Outside Agency Presentations: Agenda Session Only

City Council Tour: December 4, 2006 -4:30 PM

City of Fayetteville, Arkansas
Discussion of Outside Agency Funding Requests - Agenda

November 28th - approximately 5:15 P.M. (Room 326)

Introduction:

- Outside Agency Service Information.

Outside Agency Presentations: (each presentation not to last more than 10 minutes)

- Arkansas Air Museum
- Boys & Girls Club
- Central Emergency Medical Service (CEMS)
- Community Access Television
- Fayetteville Downtown Partners
- First Night Fayetteville
- NWA Economic Development District
- Ozark Military Air Museum
- Ozark Regional Transit
- Razorback Transit

Questions & Answers

City of Fayetteville

Request for Public Funds

FY 2007



Fayetteville Senior Center Transportation



Fayetteville Senior Center Lunch



Fayetteville Senior Center Arts Class



Hillcrest Towers Lunch



Fayetteville Senior Center Transportation



Fayetteville Senior Center Lunch



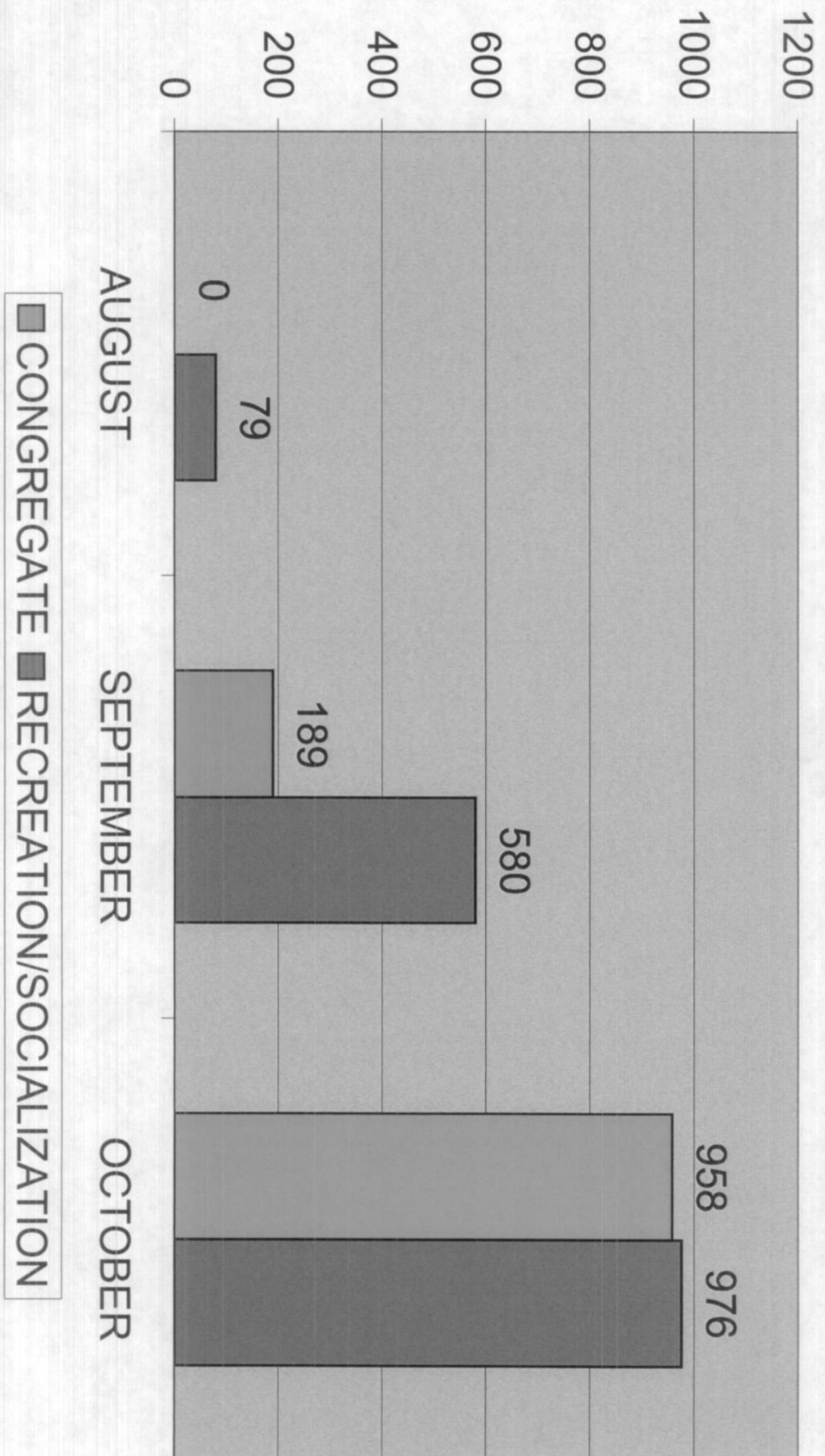
Fayetteville Senior Center Arts Class



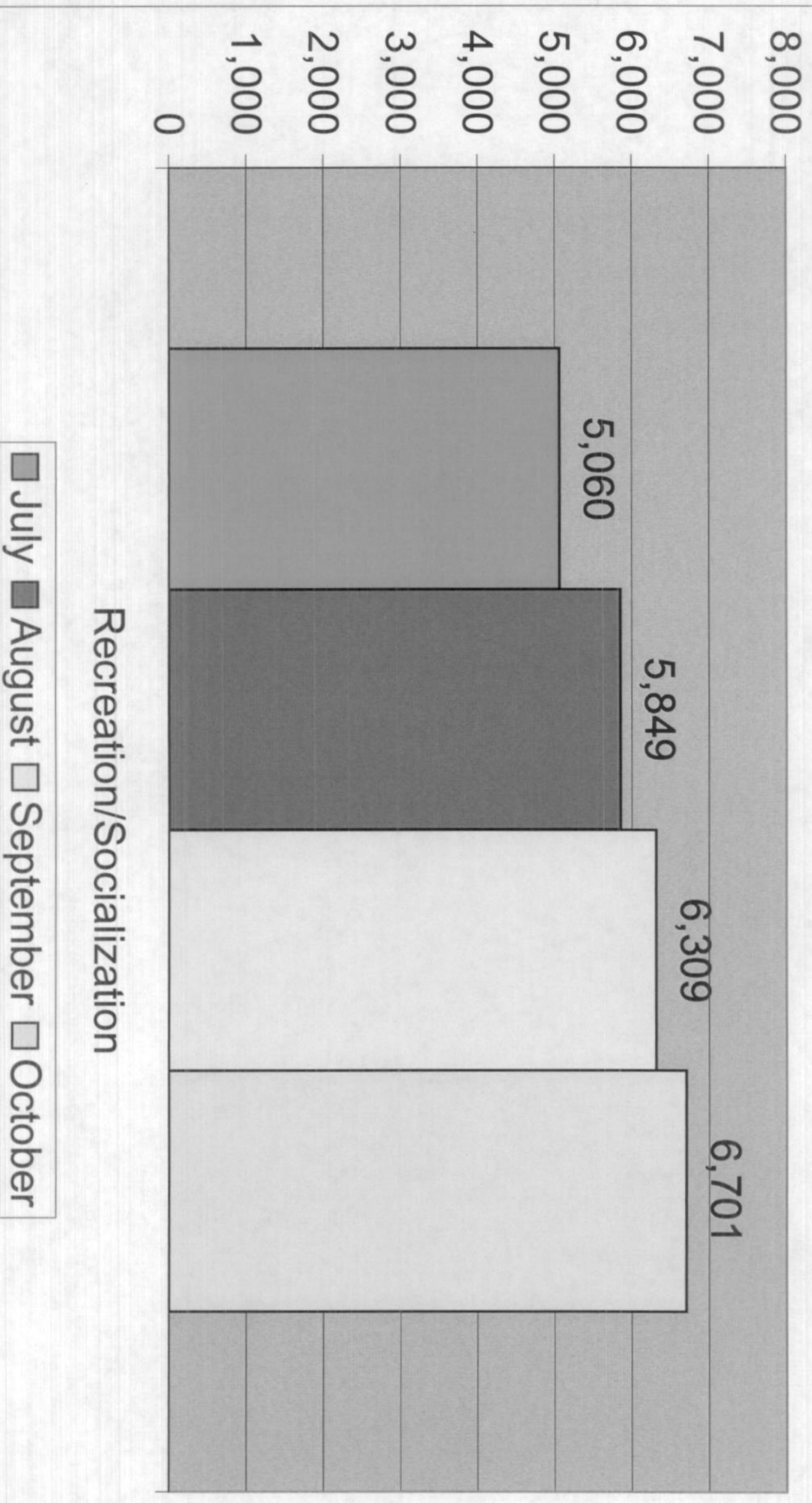
Hillcrest Towers Lunch

Hillcrest Towers Senior Center

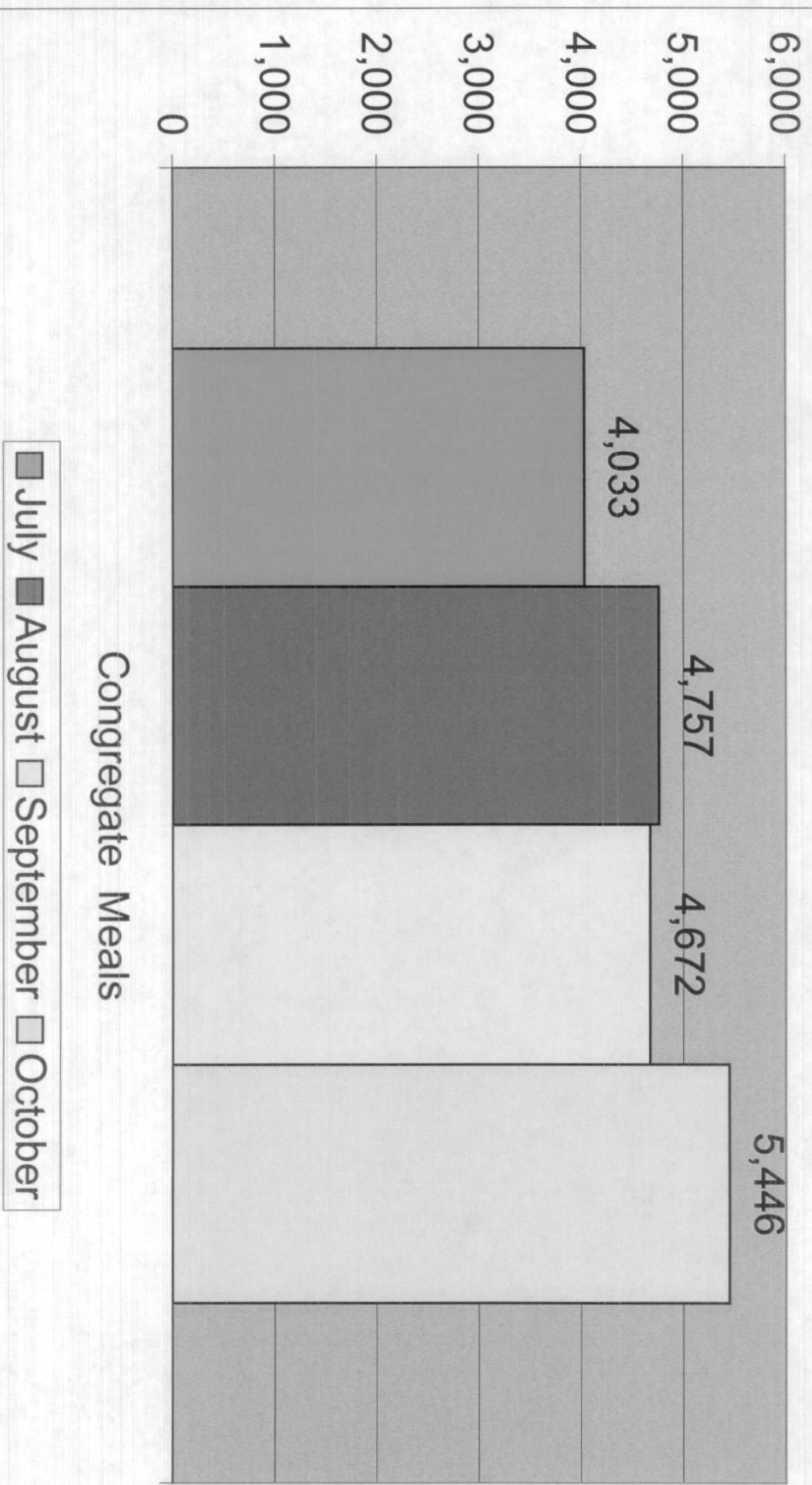
August - October, 2006



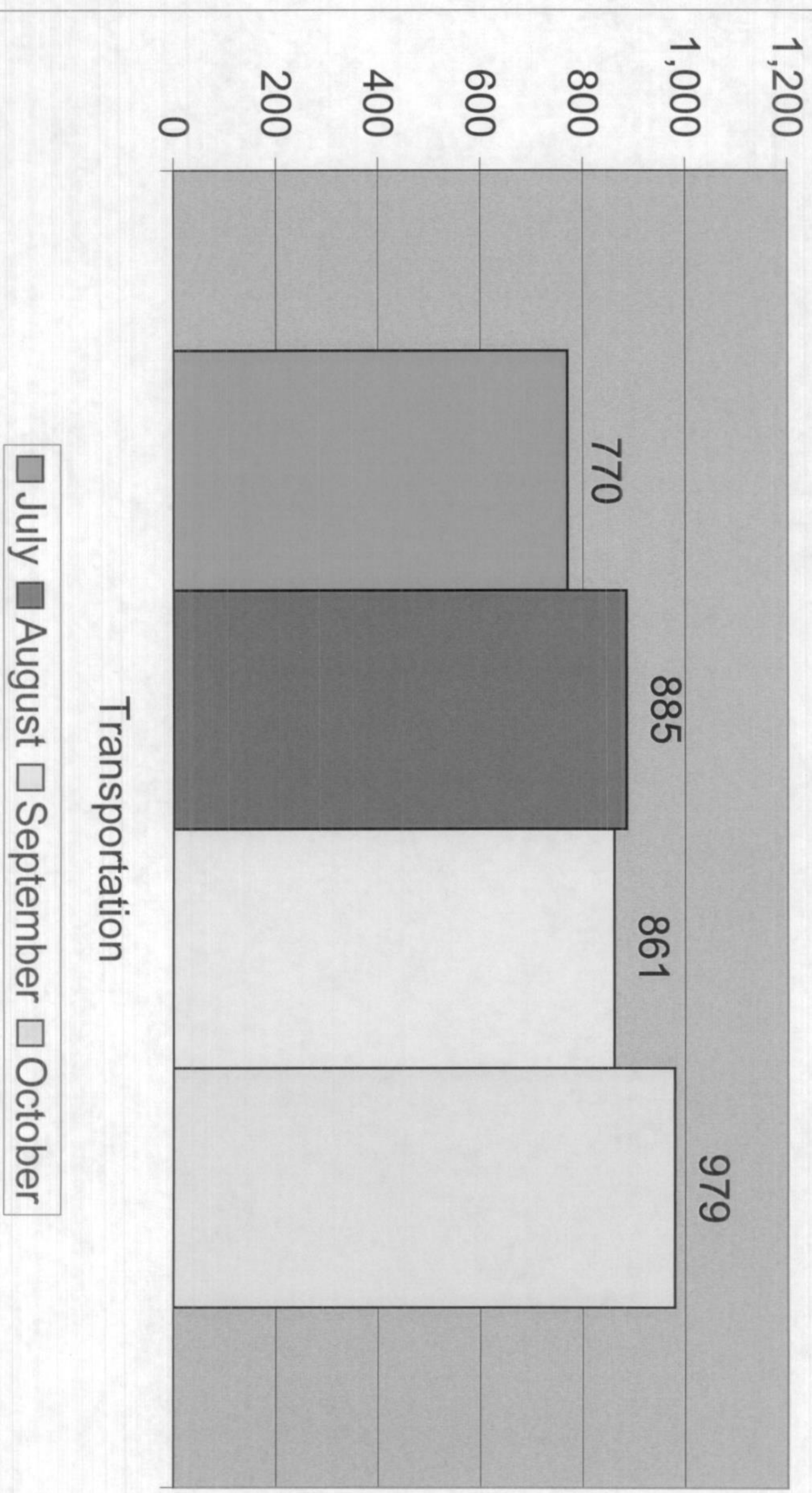
Washington County Senior Centers July-October, 2006



Washington County Senior Centers July-October, 2006



Washington County Senior Centers July-October, 2006



City of Fayetteville – CDBG

Transportation Program – Transit Program History

2002 – City of Fayetteville stops free trolley. ORT provides charter transportation for Hillcrest Towers residents.

2003 – ORT bills City of Fayetteville for 2002 charter service. City Administrator requests CDBG funds for payment. \$4,609.00

City of Fayetteville CDBG funding for transit program has averaged \$10,000 for the last two years. Cost for program – staff time to administer the program, printing and mailing cost for applications and coupons.

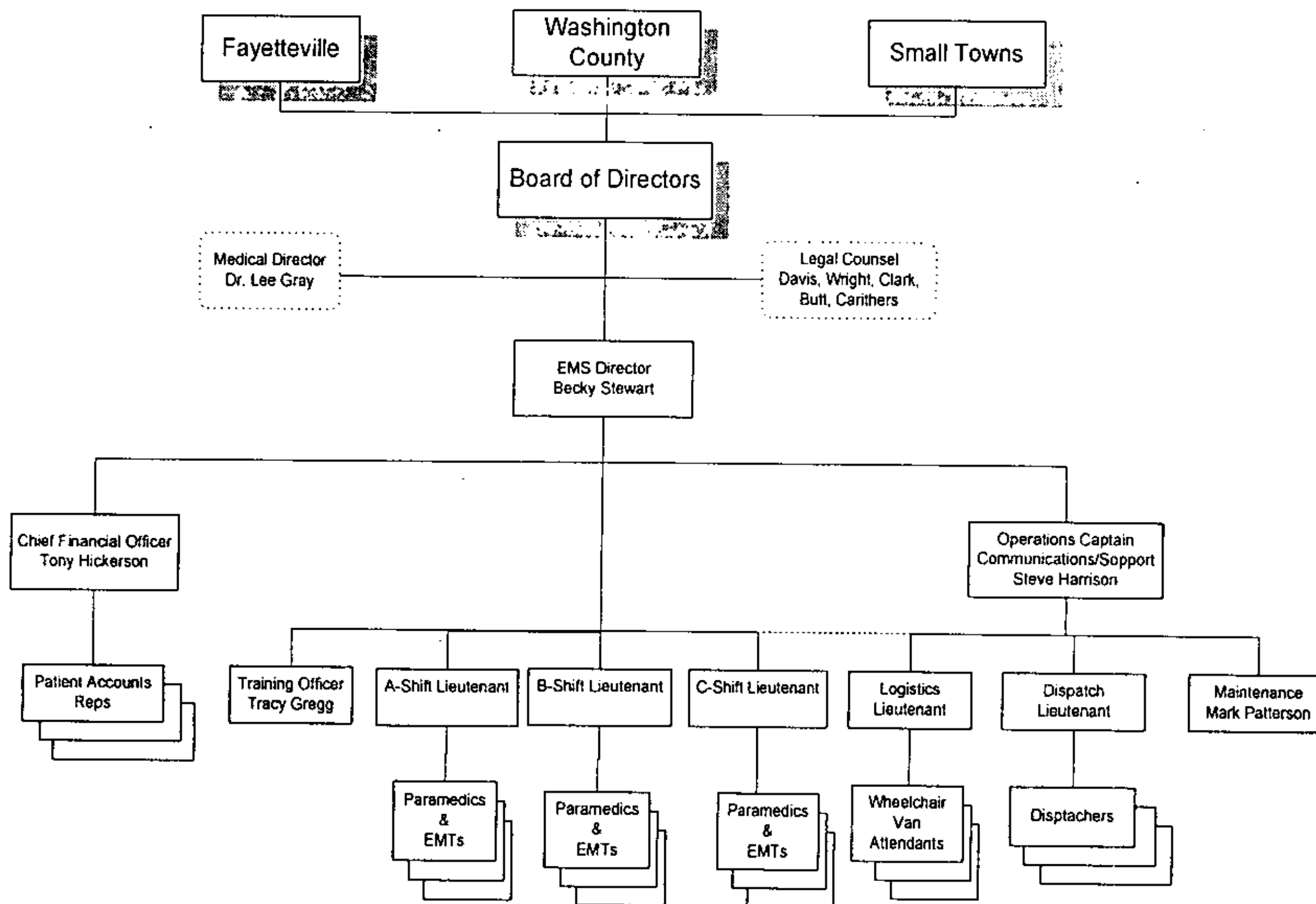
CDBG funding ORT from other cities:

Bentonville - \$0

Springdale - \$0

Rogers (No Taxi Service available in the city)
2005 \$15,000
2006 \$15,000 (\$10,000 for a van)
2007 \$5,000

Central Emergency Medical Service, Inc.



Mission Statement

Committed to the safe and efficient delivery of exceptional patient care, with the highest professional and ethical standards, and to being a part of the team that improves emergency services in the community.

Central Emergency Medical Services Overview

Central EMS operates in the City of Fayetteville and Washington County as the 911 provider of emergency and non-emergency ambulance and medical dispatch. In addition to ambulance service Central EMS also provides ambulance coverage at community events and all school football games including the University of Arkansas. The organization also provides infection control, clinical and medical direction, emergency management activities as well as education for the fire departments in the City of Fayetteville and Washington County. Together with the first responders of the fire departments, Central EMS functions within a regional emergency medical system which provides a cardiac arrest save rate of 36%, well over the national average of 6.4%.

The Central EMS budget is primarily supported by collection of fees for service and supplemented by subsidy from the primary service areas' governing bodies with a rate of 77% of billable services collected. The primary source of reimbursement for service is Medicare (58% of calls), the federal government, which over the last seven years has reduced the rate at which the service is reimbursed by over 35%. This has lead to an expected reduction in revenues without reduction in services as the growth of the service area continues to increase.

The organization has undergone basic budget reductions with careful attention to spending cuts and responsible use of resources. Recently Central EMS has engaged in discussions with the City of Fayetteville, Washington County and the small towns in an effort to secure funding to ensure a continued service level which meets the expectations of the communities served, specifically, to satisfy the current contract with the City of Fayetteville to arrive at the scene of a medical emergency within an average of 8 minutes, 59 seconds. Those discussions led to a decision to develop funding initiatives for communities served at a rate of four dollars per capita based on the most current census and NWA Regional Planning Commission population estimates. For the first time in Central EMS history the small towns will contribute at the same funding level as the City of Fayetteville and Washington County.

The following budget reflects an increase in rates of five percent and an employee wage raise and cost of living totaling five percent. Additionally, three of the twelve ambulances will be replaced which will put the organization two ambulances behind in the vehicle replacement schedule. Vehicle replacement has been delayed due to recent budget constraints as well as superior vehicle performance and maintenance.

Future concerns include system design, funding, contracts and the impact of annexation and growth. Each of the concerns brings specific challenges for Central EMS and the communities in which we serve.

Central Emergency Medical Service**2007 Budget Proposal****Prepared for the City of Fayetteville**

		<u>Revised 2006</u>	<u>2007</u>
<u>Revenue</u>			
Patient Charges			
	Emergency	\$3,434,553	\$3,464,100
	Non Emergency	\$462,032	\$581,000
	Additional Charges	\$358,951	\$370,600
	Mileage	\$725,220	\$760,500
	Wheelchair Charges	\$105,002	\$94,000
	VA Charges	\$524,456	\$502,000
	Standby Charges	\$97,731	\$86,000
	Subtotal	<u>\$5,707,945</u>	<u>\$5,858,200</u>
Mandatory Write Offs-Medicare		<u>(\$1,251,610)</u>	<u>(\$1,297,950)</u>
	Subtotal	<u>\$4,456,335</u>	<u>\$4,560,250</u>
Subsidy			
	Washington County Assistance	\$496,000	\$550,000
	Fayetteville Assistance	\$250,000	\$270,000
	Small Town Assistance	\$0	\$76,000
	Subtotal	<u>\$746,000</u>	<u>\$896,000</u>
Dispatch			
	CMRS	\$56,374	\$92,000
	911 Dispatch Assistance	\$149,882	\$62,000
	Subtotal	<u>\$206,256</u>	<u>\$154,000</u>
Other			
	Bad Debt Recovery	\$37,338	\$41,400
	Miscellaneous Income	\$36,852	\$48,000
	Interest Earned	\$141	\$120
	PAMP Net	\$8,395	\$1,230
	Subtotal	<u>\$82,726</u>	<u>\$90,750</u>
TOTAL Revenue		\$5,491,317	\$5,701,000

Expenses

	<u>Revised 2006</u>	<u>2007</u>
<u>Operating Expense</u>		
Administration	\$ 400,995	\$ 373,450
Operations	\$ 433,592	\$ 443,500
Communications	\$ 58,766	\$ 46,800
Subtotal	\$ 893,353	\$ 863,750
 <u>Personnel Services-Wages and Benefits</u>		
Full Time Scheduled	\$ 2,755,491	\$ 2,337,200
Part Time Scheduled		\$ 89,000
Overtime		\$ 550,000
Fringe Benefits Pay	\$ 238,763	\$ 252,500
401(k)	\$ 177,403	\$ 175,100
Employer Taxes	\$ 226,467	\$ 243,100
Subtotal	\$ 3,398,124	\$ 3,646,900
 <u>Other Expenses</u>		
Bad Debt Expense	\$ 847,540	\$ 853,200
Depreciation Expense	\$ 286,960	\$ 312,000
Lot Lease	\$ 3,000	\$ 3,000
TOTAL Expenses	\$ 5,428,977	\$ 5,678,850
 Total Revenue	\$ 5,491,317	\$ 5,701,000
Total Expenses	\$ 5,428,977	\$ 5,678,850
Gain/Loss	\$62,340	\$ 22,150

Central EMS 2007 Personnel Summary

Full
Time

Department	Position	Authorized		Range	Total Cost
Administration					
	Director	1	\$ 65,000	\$ 80,000	\$ 72,500
	CFO	1	\$ 65,000	\$ 80,000	\$ 72,500
	Patient Acct. Rep.	4	\$ 22,000	\$ 30,000	<u>\$ 104,000</u>
					\$ 249,000
Operations					
	Captain	2	\$ 50,000	\$ 65,000	\$ 115,000
	Lieutenant	3	\$ 45,000	\$ 60,000	\$ 157,500
	EMT	17	\$ 25,000	\$ 39,600	\$ 549,100
	Paramedic	17	\$ 30,000	\$ 49,300	<u>\$ 674,500</u>
					\$ 1,496,100
Support					
	Training Officer	1	\$ 35,000	\$ 50,000	\$ 42,500
	Lieutenant	1	\$ 45,000	\$ 60,000	\$ 52,500
	Emer. Vehicle Tech	1	\$ 35,000	\$ 50,000	\$ 42,500
	EMT	2	\$ 25,000	\$ 39,600	<u>\$ 64,600</u>
					\$ 202,100
Communications					
	Lieutenant	1	\$ 45,000	\$ 60,000	\$ 52,500
	Dispatcher	9	\$ 27,500	\$ 47,500	<u>\$ 337,500</u>
					\$ 390,000
				Total	\$ 2,337,200

Part
Time

Operations	EMT/Paramedic	N/A	N/A	N/A	\$ 89,000
------------	---------------	-----	-----	-----	-----------

Overtime Costs: \$ 550,000

Fringe Benefits Pay: \$ 140,000

401(k): \$ 175,100

Fringe Benefits Other: \$ 253,500

Total \$ 3,544,800

Administration

Under the guidance of the Central EMS Board of Directors, the Management staff directs the organization toward accomplishing the mission and satisfying the contracts for service. Employee insurance, property and vehicle insurance as well as Worker's Compensation plans are secured and managed. Financial responsibility and efficiency are keystones of the operation. The Billing Office makes every effort to collect on services while working with customers as much as is necessary.

It is important to note that Central EMS owns all assets with no outstanding mortgages. An open line of credit is used much like a general fund to manage cash flow and meet the short term financial needs of the organization. The Board of Directors has issued a directive to reduce the amount of the line of credit as much as possible by July 2007.

Program Staff

	<u>Budgeted 2006</u>	<u>Budgeted 2007</u>
Full-Time Equivalent Positions	3.25	5.25
Part-Time Positions	3	0

Program Expenditures

Insurance/Legal/Audit	\$ 271,907	\$ 263,500
Services and Charges-Billing Office	\$ 112,460	\$ 103,350
Travel and Training	\$ 16,628	\$ 6,600
Subtotal	\$ 400,995	\$ 373,450

Personnel Services

	\$ 156,346	\$ 194,625
Total	\$ 557,341	\$ 568,075

Key Result Areas

Collection Rate	77%
-----------------	-----

Operations

Central EMS Operations includes seven ALS (Advanced Life Support) ambulances, five of which are 24/7 and two that are twelve hour shifts during peak daytime hours. Four ambulances are stationed within the City of Fayetteville. For non-emergency transports, 5 additional ambulances are available and staffed primarily by on-call personnel.

The Training Division provides continuing education for all Emergency Medical Technicians and Paramedics, as well as CPR, First Responder and First Aid classes for the fire departments and the community.

The Support Division oversees medical supplies and equipment, vehicle maintenance and wheelchair operations. The Central EMS fleet consists of 12 ALS ambulances, 5 wheelchair vans and one supervisor vehicle. All vehicles fall under a rigorous preventive maintenance and replacement schedule.

<u>Program Staff</u>	<u>Budgeted 2006</u>	<u>Budgeted 2007</u>
Full-Time Equivalent Positions	44.5	44.5
Part-Time Positions	40	40
 <u>Program Expenditures</u>		
Buildings and Facilities	\$ 48,797	\$ 45,600
Medical Supplies and Equipment	\$ 144,721	\$ 151,300
Vehicle Maintenance	\$ 77,845	\$ 71,200
Fuel	\$ 136,343	\$ 150,000
Field Training	\$ 16,191	\$ 13,200
Health & Safety	\$ 9,695	\$ 12,200
Subtotal	\$ 433,592	\$ 443,500
Personnel Services	\$1,657,045	\$ 1,734,450
Total	\$2,090,637	\$ 2,177,950

2006 First Three Quarters

Demand/Workload

Total Calls for Service	12642
Total Calls for Service: Emergency	8035
Emergency Transports	5303
Emergency No Pick Up/Cancelled	2732
Non-Emergency Transports	1049
Wheelchair	2281
VA	1042
Standbys	235

Key Result Areas

	<u>Goal</u>	<u>2006 YTD</u>
Average Response Time	8 minutes	6:14 minutes to emergency calls in Fayetteville
Fractile Response Time Fayetteville	90%	87% in 8:59 minutes or less
Fractile Response Time Small Towns	90%	84% in 12:59 minutes or less
Fractile Response Time Washington County	90%	88% in 20:59 minutes or less
UHU: Unit Hour Utilization-Responses	.20/.22	.17/.24
Out of Chute Time	60 seconds	62 seconds
Turn Around Time at Hospital	15 minutes	14:10 minutes

Communications

The Central EMS communications center receives and processes 911 emergency and non-emergency calls for assistance. In addition to dispatching up to twelve ambulances and five wheelchair vans, the center also dispatches for Washington County Department of Emergency Management, Search and Rescue, Tactical Response Teams, the Coroner, Fire Marshal and seventeen rural fire departments.

Priorities for the center include delivery of pre-arrival instructions and dispatching the appropriate resources to assist the citizens of Fayetteville and Washington County.

<u>Program Staff</u>	<u>Budgeted 2006</u>	<u>Budgeted 2007</u>
Full-Time Equivalent Positions	10.25	10.25
Part-Time Positions	2	2
 <u>Program Expenditures</u>		
Equipment and Supplies	\$ 20,903	\$ 20,200
Maintenance and Service	\$ 23,961	\$ 23,000
Dispatch Training	\$ 13,902	\$ 3,600
Subtotal	\$ 58,766	\$ 46,800
 Personnel Services	 \$ 305,250	 \$ 408,125
Total	\$ 364,016	\$ 454,925

2006 First Three Quarters

Demand/Workload

Total Calls Answered 106,511

Key Result Areas

Emergency Call Processing Time 41.8 seconds

Fractile Answer Time-911 95.2% in <6 seconds

Overall Center EMD Compliance 98%

City of Fayetteville

Request for Public Funds

FY 2007



Fayetteville Senior Center Transportation



Fayetteville Senior Center Arts Class



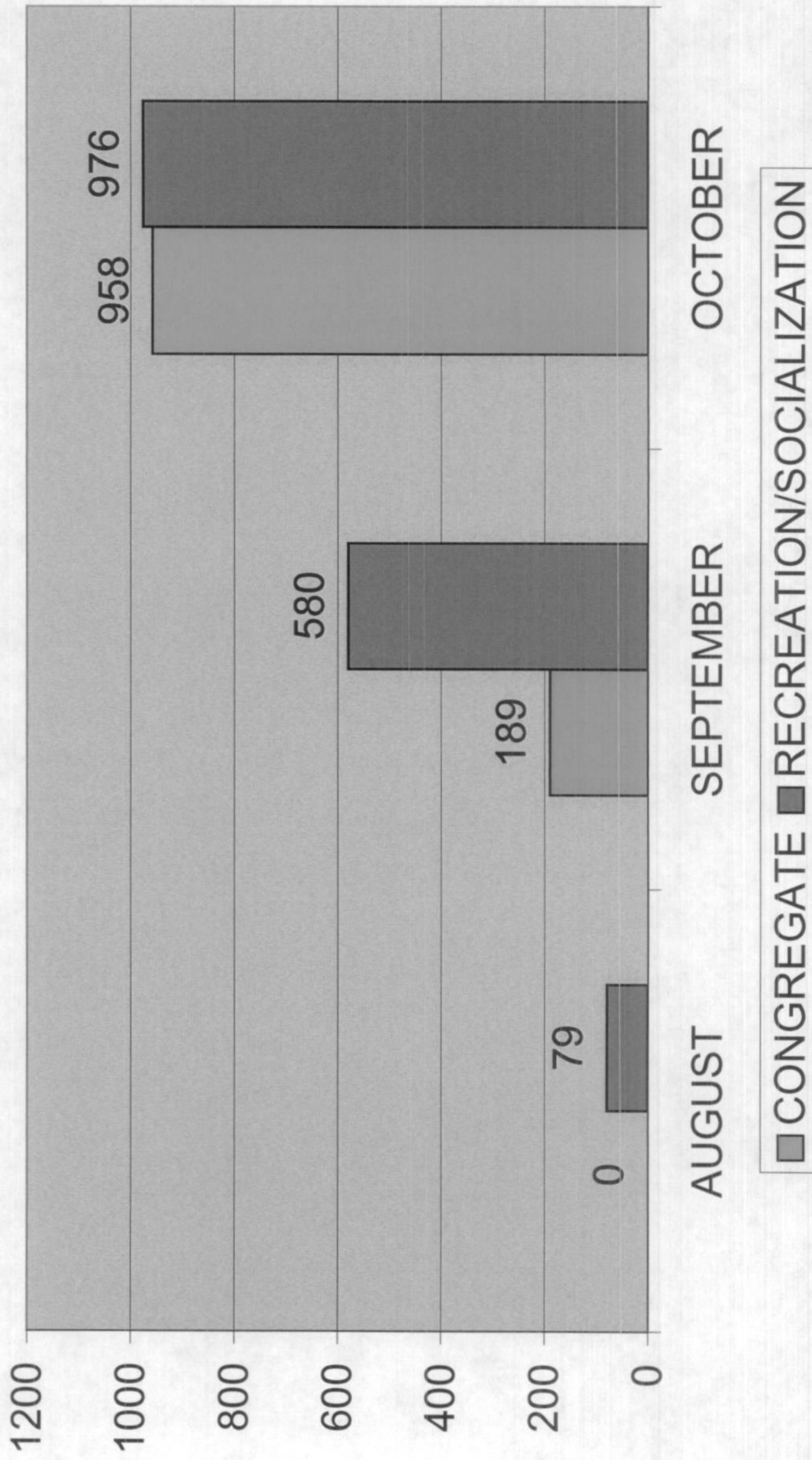
Fayetteville Senior Center Lunch



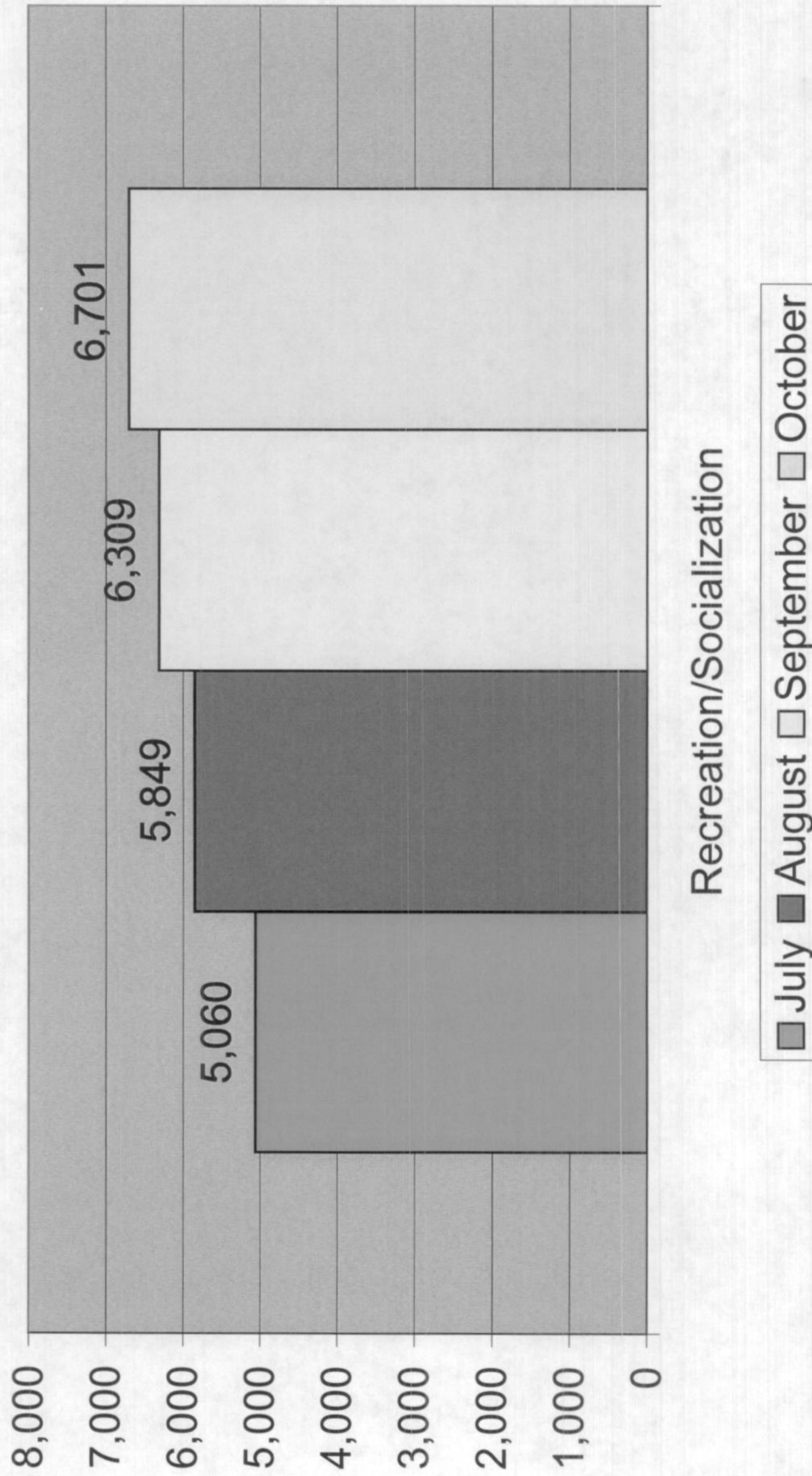
Hillcrest Towers Lunch

Hillcrest Towers Senior Center

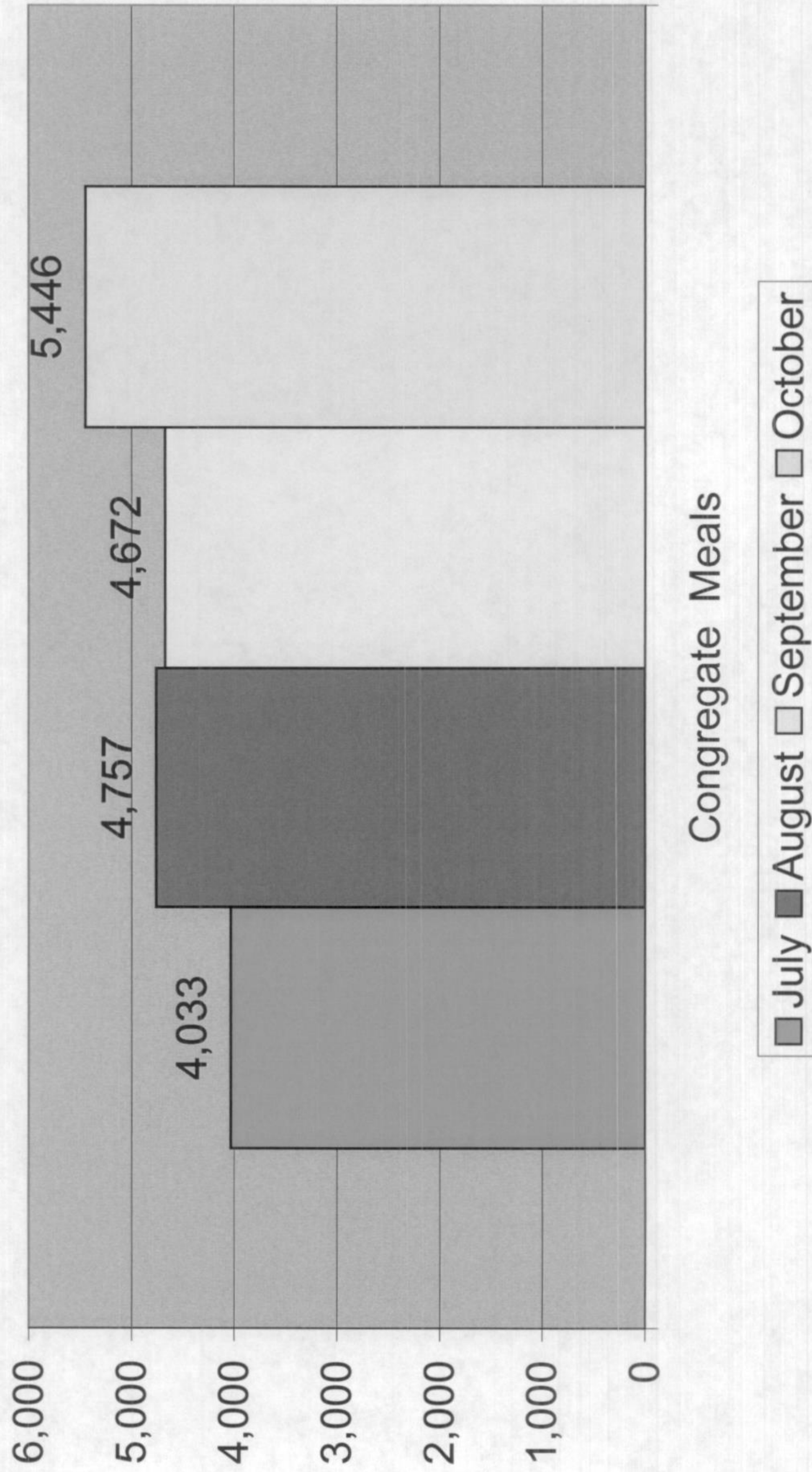
August - October, 2006



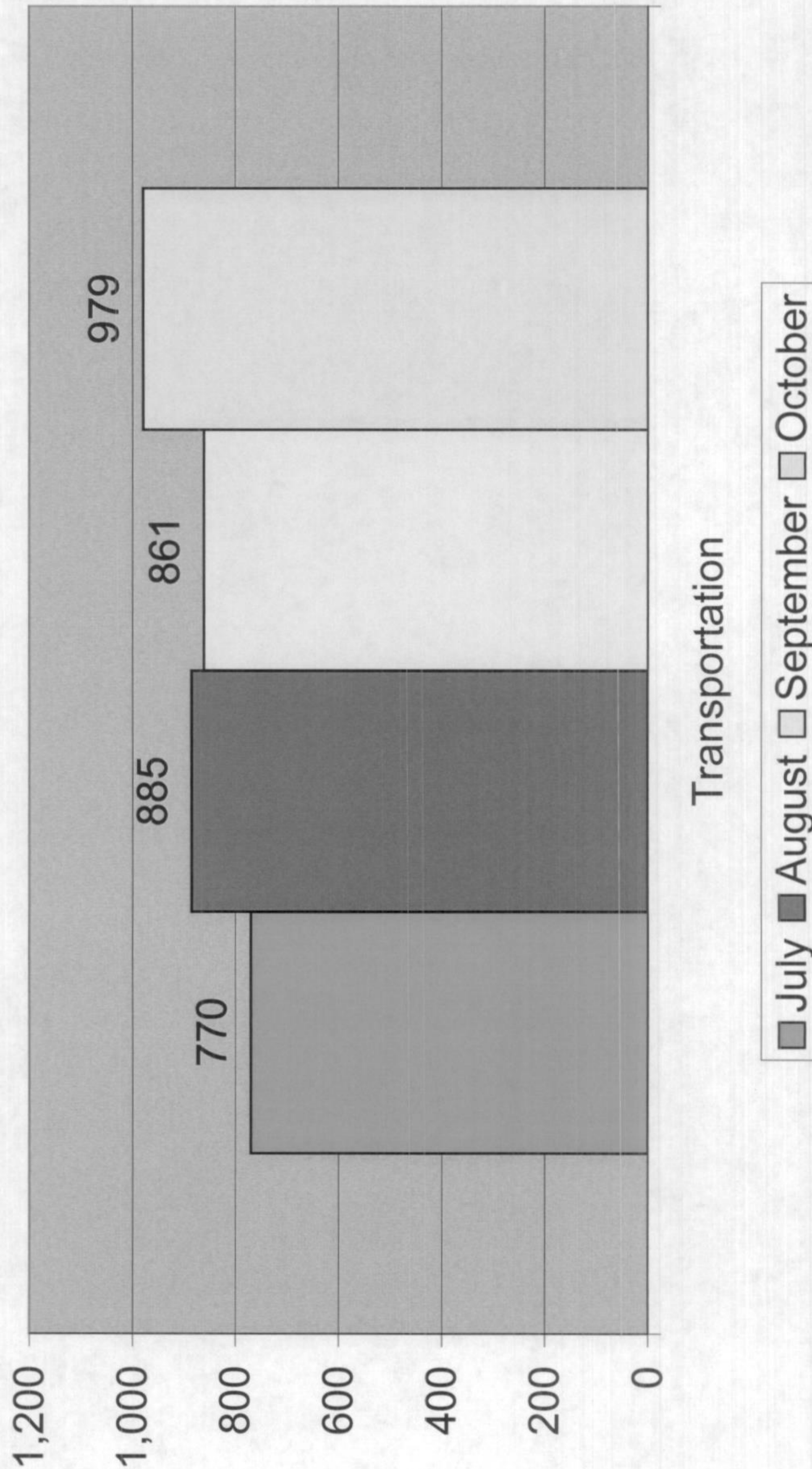
Washington County Senior Centers July-October, 2006



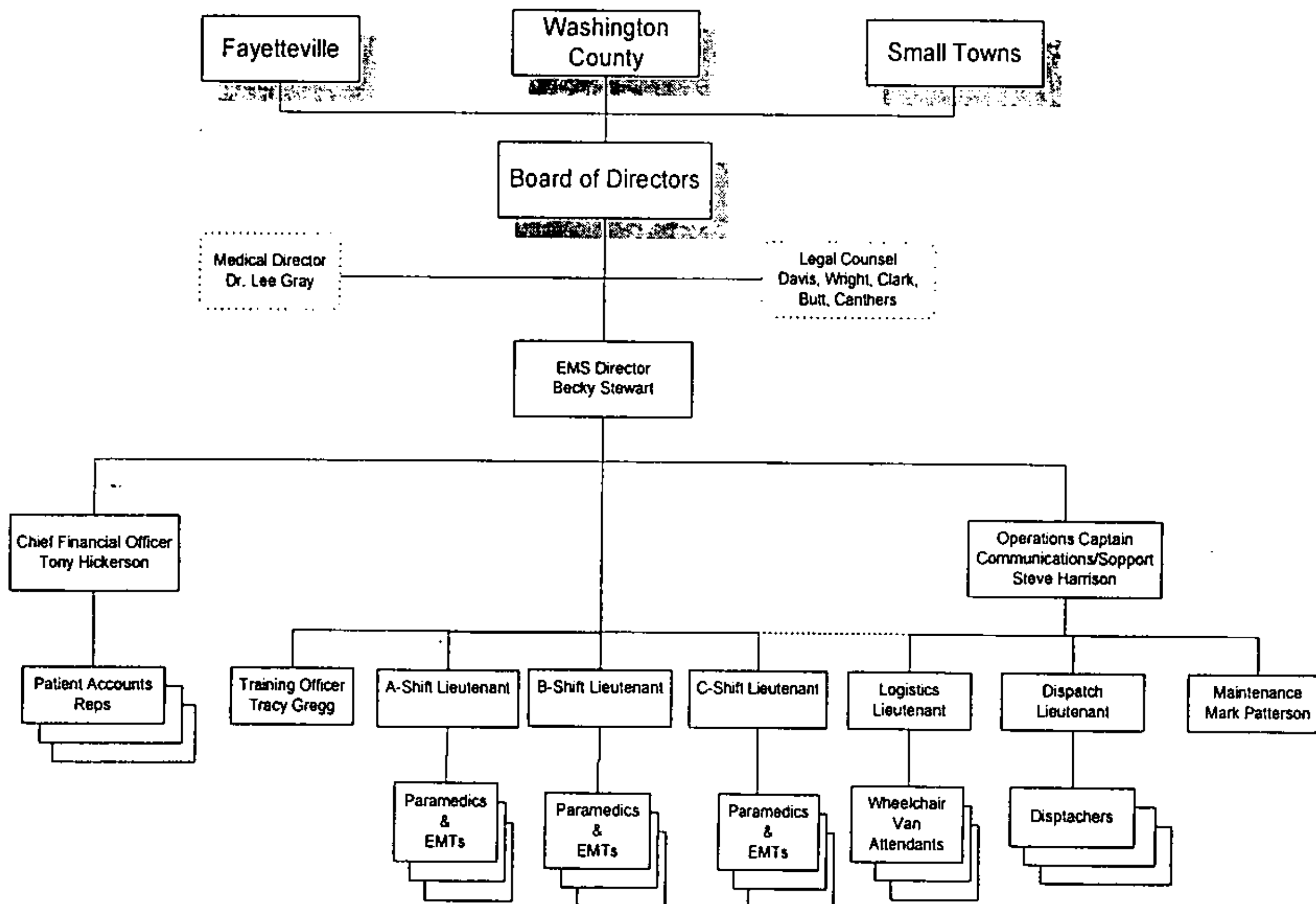
Washington County Senior Centers July-October, 2006



Washington County Senior Centers July-October, 2006



Central Emergency Medical Service, Inc.



Mission Statement

Committed to the safe and efficient delivery of exceptional patient care, with the highest professional and ethical standards, and to being a part of the team that improves emergency services in the community.

Central Emergency Medical Services Overview

Central EMS operates in the City of Fayetteville and Washington County as the 911 provider of emergency and non-emergency ambulance and medical dispatch. In addition to ambulance service Central EMS also provides ambulance coverage at community events and all school football games including the University of Arkansas. The organization also provides infection control, clinical and medical direction, emergency management activities as well as education for the fire departments in the City of Fayetteville and Washington County. Together with the first responders of the fire departments, Central EMS functions within a regional emergency medical system which provides a cardiac arrest save rate of 36%, well over the national average of 6.4%.

The Central EMS budget is primarily supported by collection of fees for service and supplemented by subsidy from the primary service areas' governing bodies with a rate of 77% of billable services collected. The primary source of reimbursement for service is Medicare (58% of calls), the federal government, which over the last seven years has reduced the rate at which the service is reimbursed by over 35%. This has lead to an expected reduction in revenues without reduction in services as the growth of the service area continues to increase.

The organization has undergone basic budget reductions with careful attention to spending cuts and responsible use of resources. Recently Central EMS has engaged in discussions with the City of Fayetteville, Washington County and the small towns in an effort to secure funding to ensure a continued service level which meets the expectations of the communities served, specifically, to satisfy the current contract with the City of Fayetteville to arrive at the scene of a medical emergency within an average of 8 minutes, 59 seconds. Those discussions led to a decision to develop funding initiatives for communities served at a rate of four dollars per capita based on the most current census and NWA Regional Planning Commission population estimates. For the first time in Central EMS history the small towns will contribute at the same funding level as the City of Fayetteville and Washington County.

The following budget reflects an increase in rates of five percent and an employee wage raise and cost of living totaling five percent. Additionally, three of the twelve ambulances will be replaced which will put the organization two ambulances behind in the vehicle replacement schedule. Vehicle replacement has been delayed due to recent budget constraints as well as superior vehicle performance and maintenance.

Future concerns include system design, funding, contracts and the impact of annexation and growth. Each of the concerns brings specific challenges for Central EMS and the communities in which we serve.

Central Emergency Medical Service**2007 Budget Proposal****Prepared for the City of Fayetteville**

		<u>Revised 2006</u>	<u>2007</u>
<u>Revenue</u>			
Patient Charges			
	Emergency	\$3,434,553	\$3,464,100
	Non Emergency	\$462,032	\$581,000
	Additional Charges	\$358,951	\$370,600
	Mileage	\$725,220	\$760,500
	Wheelchair Charges	\$105,002	\$94,000
	VA Charges	\$524,456	\$502,000
	Standby Charges	\$97,731	\$86,000
	Subtotal	\$5,707,945	\$5,858,200
Mandatory Write Offs-Medicare		(\$1,251,610)	(\$1,297,950)
	Subtotal	\$4,456,335	\$4,560,250
Subsidy			
	Washington County Assistance	\$496,000	\$550,000
	Fayetteville Assistance	\$250,000	\$270,000
	Small Town Assistance	\$0	\$76,000
	Subtotal	\$746,000	\$896,000
Dispatch			
	CMRS	\$56,374	\$92,000
	911 Dispatch Assistance	\$149,882	\$62,000
	Subtotal	\$206,256	\$154,000
Other			
	Bad Debt Recovery	\$37,338	\$41,400
	Miscellaneous Income	\$36,852	\$48,000
	Interest Earned	\$141	\$120
	PAMP Net	\$8,395	\$1,230
	Subtotal	\$82,726	\$90,750
TOTAL Revenue		\$5,491,317	\$5,701,000

Expenses

	<u>Revised 2006</u>	<u>2007</u>
<u>Operating Expense</u>		
Administration	\$ 400,995	\$ 373,450
Operations	\$ 433,592	\$ 443,500
Communications	\$ 58,766	\$ 46,800
Subtotal	\$ 893,353	\$ 863,750
 <u>Personnel Services-Wages and Benefits</u>		
Full Time Scheduled	\$ 2,755,491	\$ 2,337,200
Part Time Scheduled		\$ 89,000
Overtime		\$ 550,000
Fringe Benefits Pay	\$ 238,763	\$ 252,500
401(k)	\$ 177,403	\$ 175,100
Employer Taxes	\$ 226,467	\$ 243,100
Subtotal	\$ 3,398,124	\$ 3,646,900
 <u>Other Expenses</u>		
Bad Debt Expense	\$ 847,540	\$ 853,200
Depreciation Expense	\$ 286,960	\$ 312,000
Lot Lease	\$ 3,000	\$ 3,000
TOTAL Expenses	\$ 5,428,977	\$ 5,678,850
 Total Revenue	\$ 5,491,317	\$ 5,701,000
Total Expenses	\$ 5,428,977	\$ 5,678,850
Gain/Loss	\$62,340	\$ 22,150

Central EMS 2007 Personnel Summary

Full
Time

Department	Position	Authorized		Range	Total Cost
Administration					
	Director	1	\$ 65,000	\$ 80,000	\$ 72,500
	CFO	1	\$ 65,000	\$ 80,000	\$ 72,500
	Patient Acct. Rep.	4	\$ 22,000	\$ 30,000	<u>\$ 104,000</u>
					\$ 249,000
Operations					
	Captain	2	\$ 50,000	\$ 65,000	\$ 115,000
	Lieutenant	3	\$ 45,000	\$ 60,000	\$ 157,500
	EMT	17	\$ 25,000	\$ 39,600	\$ 549,100
	Paramedic	17	\$ 30,000	\$ 49,300	<u>\$ 674,500</u>
					\$ 1,496,100
Support					
	Training Officer	1	\$ 35,000	\$ 50,000	\$ 42,500
	Lieutenant	1	\$ 45,000	\$ 60,000	\$ 52,500
	Emer. Vehicle Tech	1	\$ 35,000	\$ 50,000	\$ 42,500
	EMT	2	\$ 25,000	\$ 39,600	<u>\$ 64,600</u>
					\$ 202,100
Communications					
	Lieutenant	1	\$ 45,000	\$ 60,000	\$ 52,500
	Dispatcher	9	\$ 27,500	\$ 47,500	<u>\$ 337,500</u>
					\$ 390,000
				Total	\$ 2,337,200

Part
Time

Operations	EMT/Paramedic	N/A	N/A	N/A	\$ 89,000
------------	---------------	-----	-----	-----	-----------

Overtime Costs: \$ 550,000

Fringe Benefits Pay: \$ 140,000

401(k): \$ 175,100

Fringe Benefits Other: \$ 253,500

Total \$ 3,544,800

Administration

Under the guidance of the Central EMS Board of Directors, the Management staff directs the organization toward accomplishing the mission and satisfying the contracts for service. Employee insurance, property and vehicle insurance as well as Worker's Compensation plans are secured and managed. Financial responsibility and efficiency are keystones of the operation. The Billing Office makes every effort to collect on services while working with customers as much as is necessary.

It is important to note that Central EMS owns all assets with no outstanding mortgages. An open line of credit is used much like a general fund to manage cash flow and meet the short term financial needs of the organization. The Board of Directors has issued a directive to reduce the amount of the line of credit as much as possible by July 2007.

Program Staff

	<u>Budgeted 2006</u>	<u>Budgeted 2007</u>
Full-Time Equivalent Positions	3.25	5.25
Part-Time Positions	3	0

Program Expenditures

Insurance/Legal/Audit	\$ 271,907	\$ 263,500
Services and Charges-Billing Office	\$ 112,460	\$ 103,350
Travel and Training	\$ 16,628	\$ 6,600
Subtotal	\$ 400,995	\$ 373,450

Personnel Services

Total	\$ 156,346	\$ 194,625
	\$ 557,341	\$ 568,075

Key Result Areas

Collection Rate	77%
-----------------	-----

Operations

Central EMS Operations includes seven ALS (Advanced Life Support) ambulances, five of which are 24/7 and two that are twelve hour shifts during peak daytime hours. Four ambulances are stationed within the City of Fayetteville. For non-emergency transports, 5 additional ambulances are available and staffed primarily by on-call personnel.

The Training Division provides continuing education for all Emergency Medical Technicians and Paramedics, as well as CPR, First Responder and First Aid classes for the fire departments and the community.

The Support Division oversees medical supplies and equipment, vehicle maintenance and wheelchair operations. The Central EMS fleet consists of 12 ALS ambulances, 5 wheelchair vans and one supervisor vehicle. All vehicles fall under a rigorous preventive maintenance and replacement schedule.

Program Staff

	<u>Budgeted 2006</u>	<u>Budgeted 2007</u>
Full-Time Equivalent Positions	44.5	44.5
Part-Time Positions	40	40

Program Expenditures

Buildings and Facilities	\$ 48,797	\$ 45,600
Medical Supplies and Equipment	\$ 144,721	\$ 151,300
Vehicle Maintenance	\$ 77,845	\$ 71,200
Fuel	\$ 136,343	\$ 150,000
Field Training	\$ 16,191	\$ 13,200
Health & Safety	\$ 9,695	\$ 12,200
Subtotal	\$ 433,592	\$ 443,500
Personnel Services	\$1,657,045	\$ 1,734,450
Total	\$2,090,637	\$ 2,177,950

2006 First Three Quarters

Demand/Workload

Total Calls for Service	12642
Total Calls for Service: Emergency	8035
Emergency Transports	5303
Emergency No Pick Up/Cancelled	2732
Non-Emergency Transports	1049
Wheelchair	2281
VA	1042
Standbys	235

Key Result Areas

	<u>Goal</u>	<u>2006 YTD</u>
Average Response Time	8 minutes	6:14 minutes to emergency calls in Fayetteville
Fractile Response Time Fayetteville	90%	87% in 8:59 minutes or less
Fractile Response Time Small Towns	90%	84% in 12:59 minutes or less
Fractile Response Time Washington County	90%	88% in 20:59 minutes or less
UHU: Unit Hour Utilization-Responses	.20/.22	.17/.24
Out of Chute Time	60 seconds	62 seconds
Turn Around Time at Hospital	15 minutes	14:10 minutes

Communications

The Central EMS communications center receives and processes 911 emergency and non-emergency calls for assistance. In addition to dispatching up to twelve ambulances and five wheelchair vans, the center also dispatches for Washington County Department of Emergency Management, Search and Rescue, Tactical Response Teams, the Coroner, Fire Marshal and seventeen rural fire departments.

Priorities for the center include delivery of pre-arrival instructions and dispatching the appropriate resources to assist the citizens of Fayetteville and Washington County.

<u>Program Staff</u>	<u>Budgeted 2006</u>	<u>Budgeted 2007</u>
Full-Time Equivalent Positions	10.25	10.25
Part-Time Positions	2	2
 <u>Program Expenditures</u>		
Equipment and Supplies	\$ 20,903	\$ 20,200
Maintenance and Service	\$ 23,961	\$ 23,000
Dispatch Training	\$ 13,902	\$ 3,600
Subtotal	\$ 58,766	\$ 46,800
 Personnel Services	 \$ 305,250	 \$ 408,125
Total	\$ 364,016	\$ 454,925

2006 First Three Quarters

Demand/Workload

Total Calls Answered 106,511

Key Result Areas

Emergency Call Processing Time 41.8 seconds

Fractile Answer Time-911 95.2% in <6 seconds

Overall Center EMD Compliance 98%



Razorback Transit

131 Administrative Services Building
155 Razorback Road
Fayetteville, Arkansas 72701
(479) 575-7615
(479) 575-7128 FAX

City of Fayetteville
City Council

Razorback Transit is proud to present its request for funding to the City of Fayetteville. Each morning buses roll out of our garage to provide quality transportation to all the citizens of the City of Fayetteville. Our routes cover core areas of the city, providing 36 route miles of transit service. Much of that service is centered in our university area but we also cover many other areas as well, providing valuable transportation alternatives to the general public of the City of Fayetteville. We calculate that approximately one in five of our riders are, indeed that general public. This translates to over a quarter of a million rides a year to that public. The cost to provide our service translated to about \$1.54 per ride in FY '06. The subsidy, that we value, provided by the City of Fayetteville equates to about 20 cents of that cost of operation, per general public rider. Without that subsidy, we would be unable to continue to provide the same level of services that we do today.

I have included a breakdown of some facts and figures following this cover letter. I think it shows that Razorback provides valuable, efficient and cost effective service to our community.

Thank you for your consideration.

Very Truly Yours,

Michael J. Seither
Associate Director

Razorback Transit provides:

- 14 bus routes utilizing a fleet of 20 buses
- 5 paratransit vehicles providing service to the elderly and disabled
- 1,322,856 passenger trips provided in FY '06 (all in the city of Fayetteville)
- **Free to the public** providing:
 - Medical Trips
 - Social Service Trips
 - Work Trips
 - Grocery Trips
- Cost to provide transit operations in FY 2006: \$1,998,360
- Miles operated: 296,388
- Hours operated: 28,555

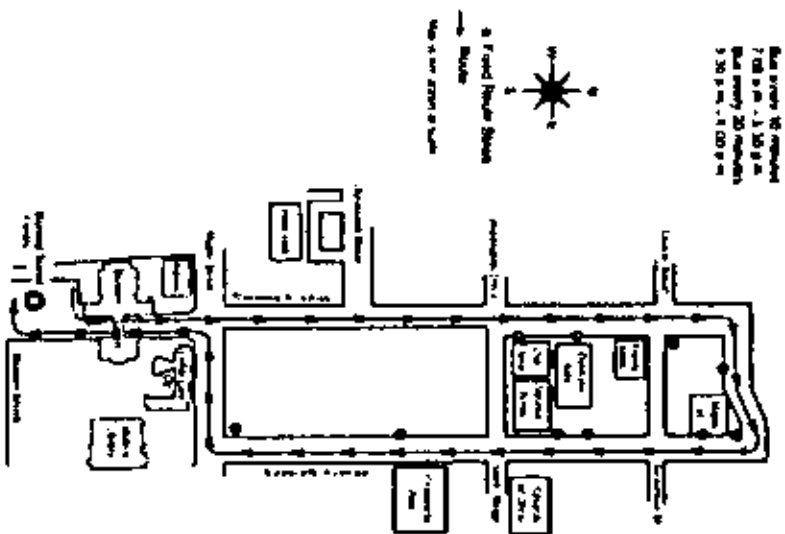
Funds for the operation of the system come from the Federal Transit Administration, the University of Arkansas, the Arkansas State Highway and Transportation Department, and the **City of Fayetteville**, as well as student fees.

Service originates from the Garland Transit Terminal in the middle of campus and covers most residence halls and parking lots with frequent service during core service hours. Buses additionally serve points of interest in the City of Fayetteville, including Dickson Street, the square, several apartment complexes, Washington Regional Medical Center and the Northwest Arkansas Mall. Approximately one in five riders are the general public accessing transit around the City of Fayetteville.

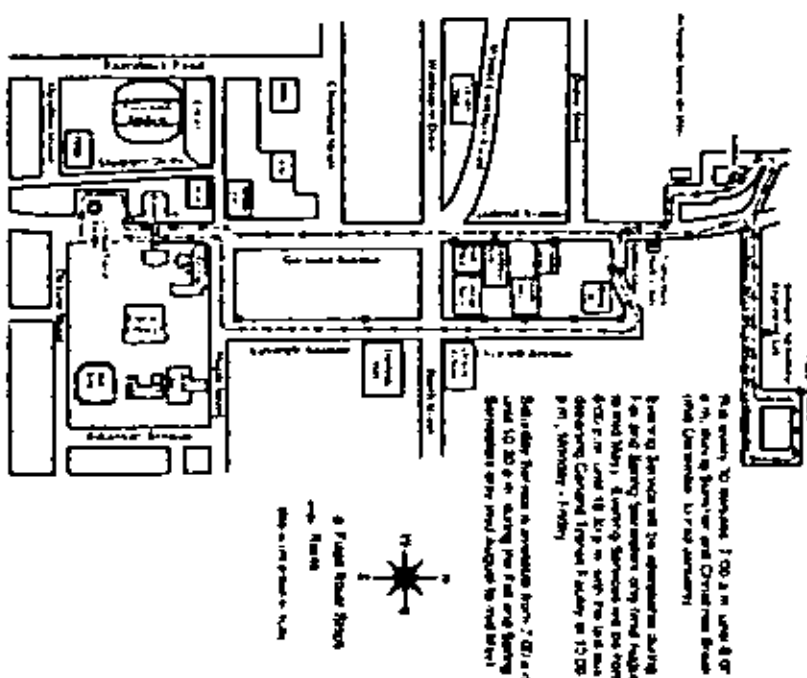
Linkage is provided to Ozark Regional Transit buses at various points, including campus parking Lot 56, Washington Regional Medical Center, Fiesta Square, Northwest Arkansas Mall, Wal-Mart Supercenter, Hillcrest Towers, and School and Center Streets, with overlapping para-transit cooperation for all common areas served.

Again, this valuable public service is provided fare free to the general public. This is only possible because of the support of entities such as the **City of Fayetteville**.

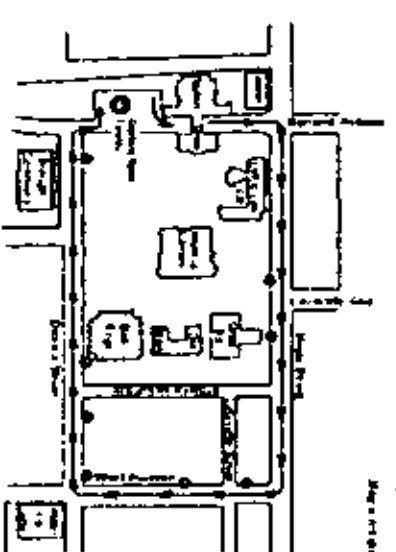
BLUE



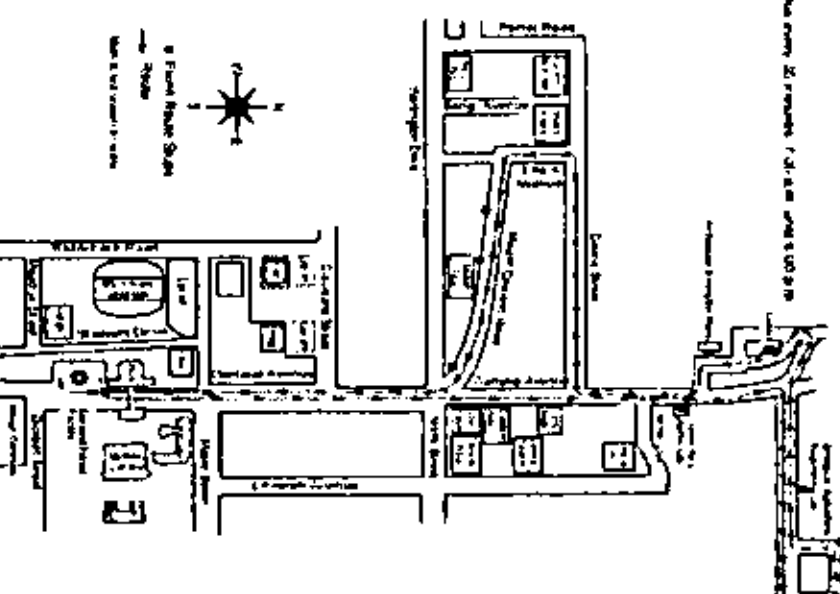
BLUE REDUCED



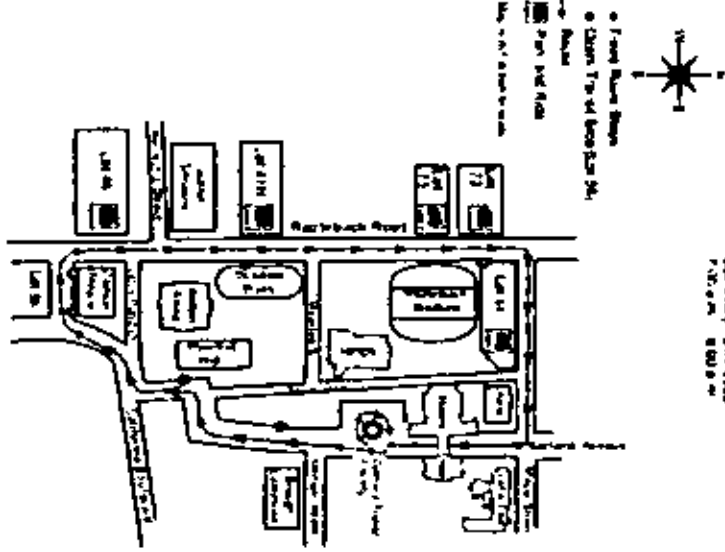
BROWN



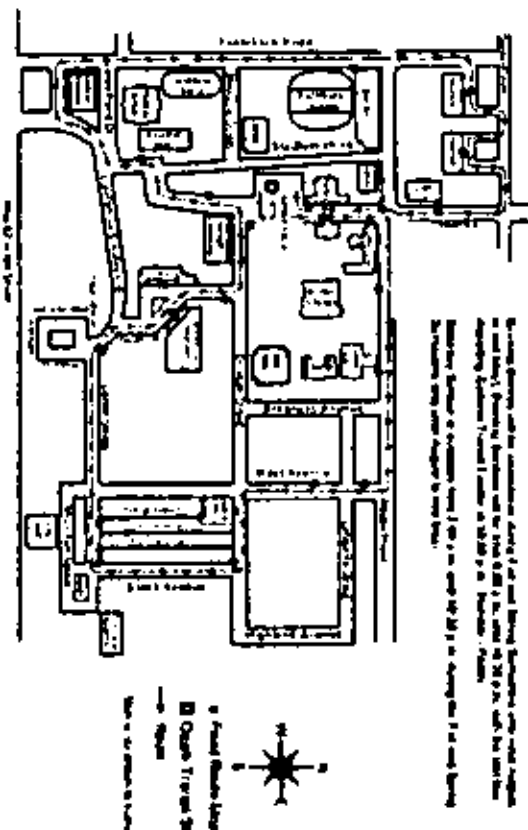
GRAY



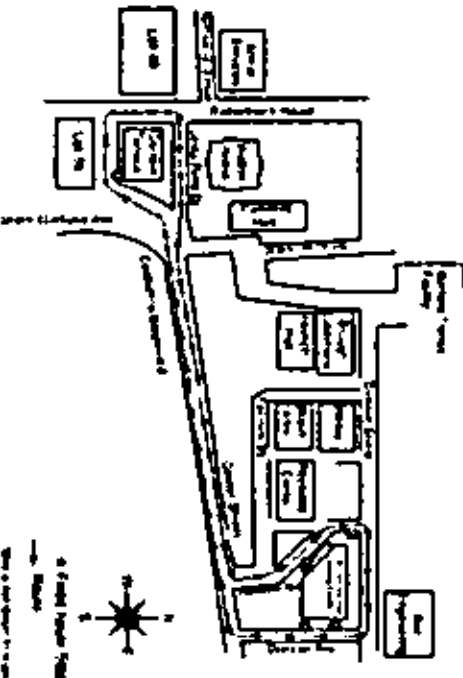
GREEN



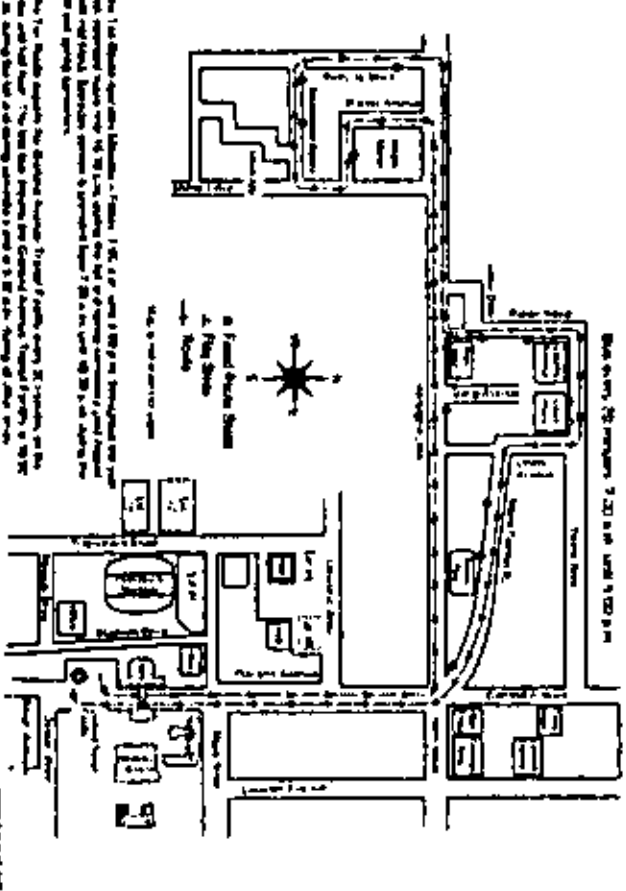
GREEN REDUCED



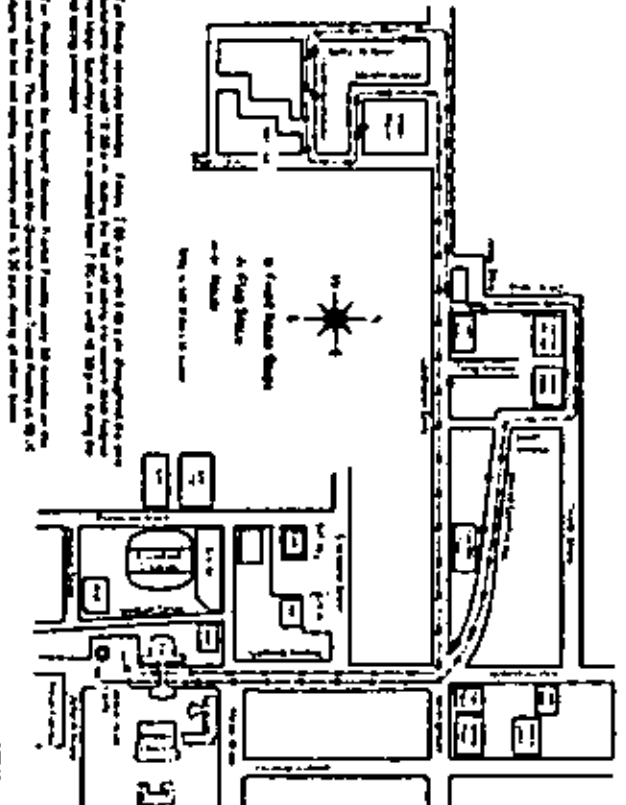
LOT 56



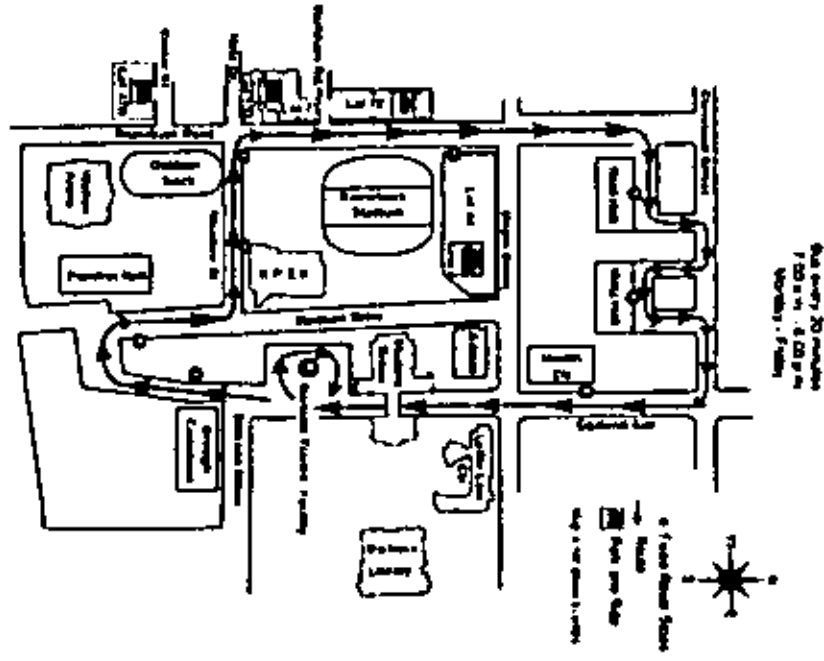
TAN



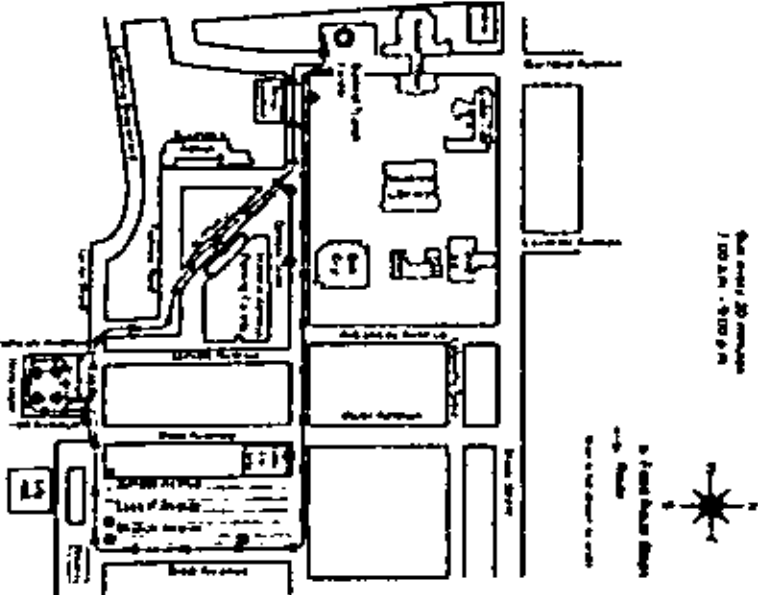
TAN REDUCED



MAPLE HILL



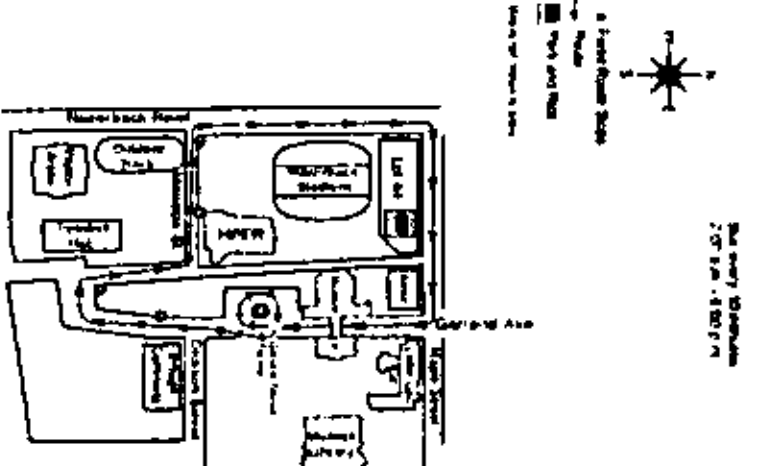
ORANGE



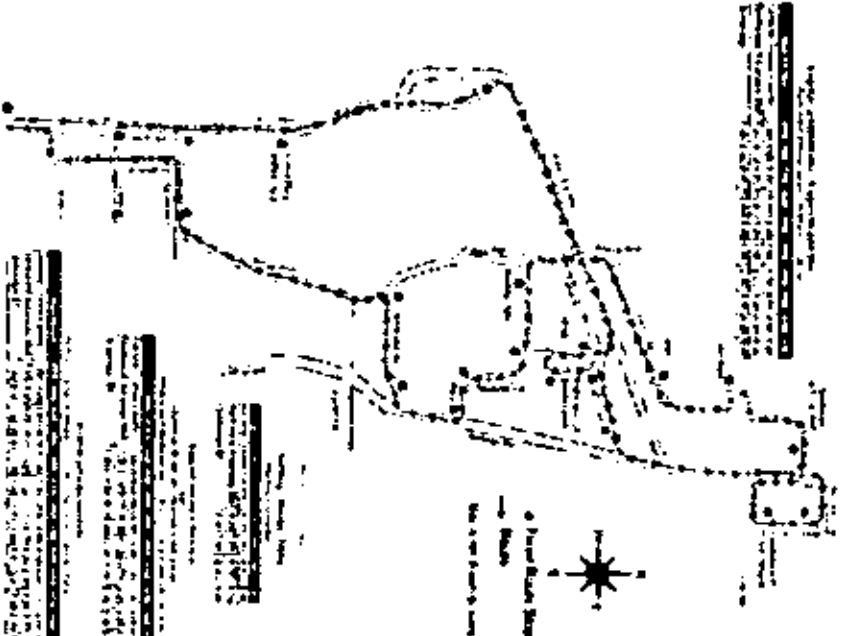
RAZORBACK TRANSIT SERVICE INFORMATION

Transit Service Information for the Razorback Transit System. This information is provided for the convenience of the public. The system is designed to provide efficient and reliable service to the community. The system is operated by the Razorback Transit Authority. The system is designed to provide efficient and reliable service to the community. The system is operated by the Razorback Transit Authority. The system is designed to provide efficient and reliable service to the community. The system is operated by the Razorback Transit Authority.

POMFRET



RED

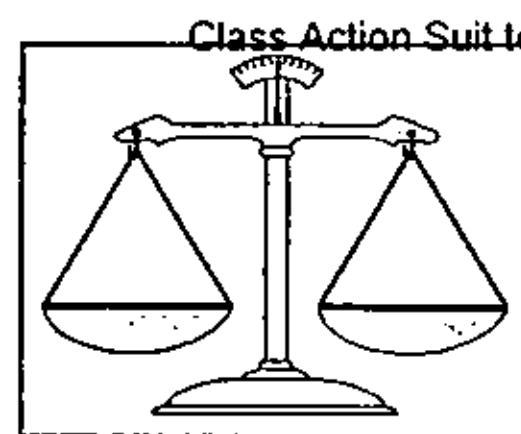


Paul a. Becker 11-15-06
Paul Becker Date

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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



A. 2
Page 2 of 6

LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: **Dan Coody, Mayor**
City Council

FROM: **Kit Williams, City Attorney**

DATE: **November 15, 2006**

RE: **Class Action Suit To Recover City Taxes**

Attorneys Conrad Odom and Don Elliott were selected by a Professional Selection Committee to represent the City in possible litigation against internet hotel room brokers (such as Hotels.com; Expedia.com; Travelocity.com; etc.) which may not have fully paid city sales and use taxes and HMR taxes when selling local hotel rooms.

Attached is a contract from Don Elliott's new firm, Elliott & Smith. Conrad Odom and Don Elliott have severed the old firm of Odom and Elliott and Conrad has agreed to allow Don to handle this litigation.

The attached contract is a pure contingent fee so that the City will owe Elliott & Smith nothing unless they are successful and recover unpaid, but due, taxes. If they do win, they are entitled to one-third contingent fee, plus reimbursement for costs. If this becomes a class action, the court will determine and authorize fees which will still not exceed one-third of the recovery, plus costs.

I recommend you approve this contract so Don Elliott can enter into this litigation and determine whether the City of Fayetteville should receive tax revenue from these internet hotel room brokers.

RESOLUTION NO. _____

**A RESOLUTION TO APPROVE A CONTINGENT FEE
CONTRACT WITH ELLIOTT & SMITH TO REPRESENT
THE CITY ON AN INTERNET HOTEL BROKER TAX
REMITTANCE ISSUE**

WHEREAS, Don Elliott brought to the City's attention an issue of possible underpayment of HMR and sales taxes by internet hotel broker companies; and

WHEREAS, a professional selection committee selected Mr. Elliott and Mr. Odom to represent the City in such matters.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the contingent fee contract with Elliott and Smith attached as Exhibit A in which the City will only pay the law firm's fee and costs if the law firm successfully collects back taxes for the City.

PASSED and APPROVED this 5th day of December, 2006.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

ELLIOTT & SMITH, P.A.
Attorneys at Law

Don R. Elliott, Jr.
delliott@elliottsmithlaw.com

J. Timothy Smith
tsmith@elliottsmithlaw.com

1200 E. Joyce Blvd., Suite 4A
Lindsey Building
Fayetteville, AR 72703

Mailing Address:
P.O. Box 9090
Fayetteville, AR 72703

479-587-8423
Fax: 479-575-0039

ATTORNEY-CLIENT AGREEMENT

The City of Fayetteville retains the firm of Elliott & Smith, P.A. of Fayetteville, Arkansas to represent the City of Fayetteville in a claim against: Hotels.com, L.P.; Hotels.com GP, LLC; Hotwire, Inc.; Cheap Tickets, Inc.; Cendant Travel Distribution Services Group, Inc.; Expedia, Inc.; Internetwork Publishing Corp. d/b/a Lodging.com; Lowest Fare.com, Inc.; Maupintour Holding, LLC; Orbitz, Inc.; Orbitz, LLC; Priceline.com, Inc.; Site 59.com.LLC; Travelocity.com, Inc.; Travelocity.com, LP; Travelweb, LLC; Travelnow.com, Inc.; and any insurance company representing the defendants for: Unjust Enrichment in violation of the City of Fayetteville's Transit Occupancy Tax Ordinance and Sales and Use Tax as a result of an event that occurred in 2004, 2005 & 2006, and hereby give the attorneys the exclusive right to take all legal steps necessary to pursue the claim. NO COMPROMISE OR SETTLEMENT OF THE CLAIM SHALL BE MADE BY ATTORNEYS WITHOUT THE KNOWLEDGE AND CONSENT OF THE CITY OF FAYETTEVILLE.

In consideration of the services rendered by my attorneys, the City of Fayetteville agrees to pay the attorneys, as their compensation, the following:

33 1/3 % of all sums recovered from said claim whether recovery be by suit, settlement, or in any other manner.

IF NO RECOVERY IS MADE, the City of Fayetteville will not be responsible for any attorney fee or litigation expenses. Further the attorney's will advance all expenses in the case such as court costs, expert fees and deposition expenses. The City of Fayetteville agrees to reimburse those expenses out of the City of Fayetteville's portion of any settlement or judgment only in the event of a recovery.

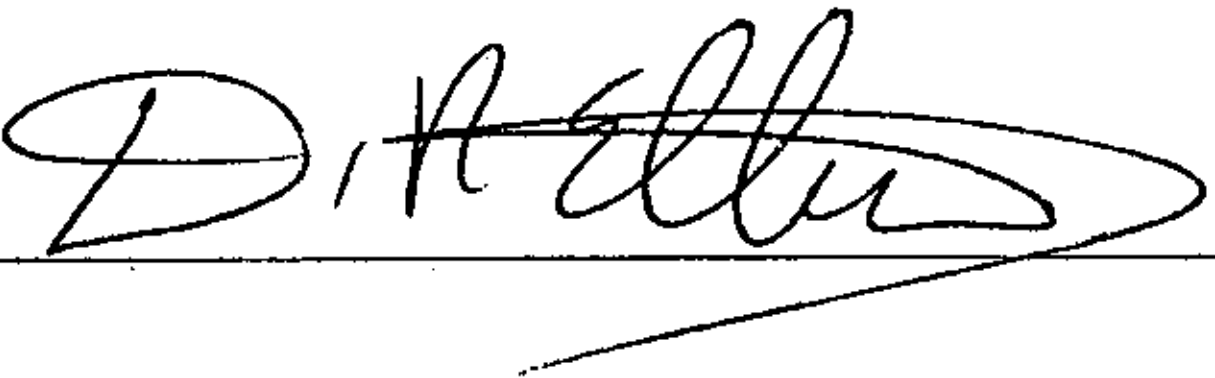
The City of Fayetteville agrees to serve as a class representative on behalf of all cities in the State of Arkansas. In the event the case is certified as a class action and the class obtains a recovery, it is understood that the Court will determine and authorize the award of attorney's fees to be paid by the class members. In no event will the fees to be paid by the City of Fayetteville or its share of the fees exceed 33 1/3 of the recovery to the City of Fayetteville, plus the expenses allocated to the City of Fayetteville.

It is hereby understood, agreed and acknowledged that there will be a sharing of attorney fees by and between the law firms of Elliott & Smith, P.A. and Thomas Thrash Law Firm, Barrett Law Office, P.A. and Murray & Murray Co. L.P.A. and further that the law firms of Thomas Thrash Law Firm, Barrett Law Office, P.A., and Murray & Murray Co., L.P.A. assume joint responsibility with the law firm of Elliott & Smith for the performance of legal services.

EXECUTED at Fayetteville, Arkansas, this _____ day of _____, 2006,

ELLIOTT & SMITH

CITY OF FAYETTEVILLE



A handwritten signature, appearing to read "D. R. Elliott", is written over a horizontal line. The signature is in cursive and includes a long, sweeping underline that extends to the right.

By: _____

ODOM LAW FIRM, P.A.
ATTORNEYS AT LAW

MEMBERS OF THE FIRM

BOBBY LEE ODOM
RUSSELL B. WINBURN
CONRAD T. ODOM
ALAN L. LANE
MATTHEW L. LINDSAYMAILING ADDRESS
P.O. DRAWER 1868
FAYETTEVILLE, AR 72702STREET ADDRESS
1 E. MOUNTAIN
FAYETTEVILLE, AR 72701(479) 442-7575
FAX (479) 442-9008JEFFERY J. DOEN
ADMINISTRATOR

www.odomfirm.com

November 15, 2006

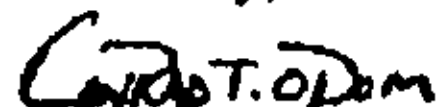
Via Facsimile 575-8315
Kit Williams**Re: Contract**

Dear Kit:

I wanted to let you know that I have visited with Don Elliott about the contract to be entered into with the City. As you know, our law firms have parted ways. However, we continue to work very amicably with Don Elliott and Tim Smith. Don and I have worked out our agreement and therefore please feel free to work directly with Don Elliott on the terms of the contract. It is not necessary that I approve or sign any documents on this law firm's behalf as we will work directly with Don in this matter to simplify things.

Let me know if you have any questions.

Sincerely,


Conrad T. Odom

CTO/amr

Cc: Don Elliott (**Via Facsimile 575-0039**)

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

A. 3
Westside Village Condominiums
Page 1 of 10

12/5/2006

City Council Meeting Date

Alison Jumper

Submitted By

Parks and Recreation

Division

Operations

Department

Action Required:

Approval of a resolution to approve the Parks and Recreation Advisory Board's recommendation of accepting money in lieu to meet the requirements of the Park Land Dedication Ordinance for Westside Village Condominiums.

Cost of this request

\$

Category / Project Budget

Program Category / Project Name

Account Number

\$

Funds Used to Date

Program / Project Category Name

Project Number

\$

Remaining Balance

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

Date

Received in City Attorney's Office

Finance and Internal Service Director

Date

Received in Mayor's Office

Mayor

Date

Comments:



THE CITY OF FAYETTEVILLE, ARKANSAS

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

PARKS AND RECREATION DIVISION CORRESPONDENCE

To: Mayor Dan Coody and City Council Members

Thru: Gary Dumas, Director of Operations
Connie Edmonston, Parks and Recreation Director *CE*

From: Alison Jumper, Park Planner *AJ*

Date: November 15, 2006

Subject: Park Land Dedication Waiver for Westside Village Condominiums

BACKGROUND

The Westside Village Condominium project is located on the south of Hwy. 16 on the east side of Ruppel Road and is north of the Boys and Girls Club. The owner is Westside Development, LLC. and Critical Path Design is the engineer. The development contains 352 multi-family units on 22 acres. The requirement for park land is 7.14 acres and money in lieu is \$138,336. The Boys and Girls Club and Dale Clark park are located within a half mile service area of this development.

This project was approved under the previous Park Land Dedication Ordinance which states if a major development is over 40 acres or 100 units, the requirement is land.

■..However, if the Parks and Recreation Advisory Board determines that a neighborhood park is not feasible or advisable, it may recommend to the City Council that a cash contribution pursuant to our ordinance be accepted in lieu of land dedication. The City Council will either accept the recommendation for a cash contribution or return the subdivision plat to the Parks Board with instructions or further study. • (Unified Development Ordinance No. 166.03K)

The development was presented to the Parks and Recreation Advisory Board on May 2, 2005.

DISCUSSION

The Parks and Recreation Master Plan recommends providing park land within a half mile of every residence. The Boys and Girls Club and Dale Clark park are within a half mile distance of this development and will provide recreational opportunity for this development. Additionally, the developer is providing several small play areas for the residents of this development.

RECOMMENDATION

The Parks and Recreation Staff and PRAB recommend money in lieu of land in the amount of \$138,336 for the Park Land Dedication requirement. This decision is based upon the proximity to existing park land and facilities in the service area and the play areas being provided by the developer. If you have any questions, please call me at 444-3469.

Attachments:

Westside Concept Plan
Park Location Map
PRAB May 2, 2005 Meeting Minutes

RESOLUTION NO. _____

A RESOLUTION APPROVING THE PARKS AND RECREATION
ADVISORY BOARD'S RECOMMENDATION TO ACCEPT
\$138,336.00 IN LIEU OF THE REQUIRED PARK LAND
DEDICATION FOR WESTSIDE VILLAGE CONDOMINIUMS.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas
hereby approves the Parks and Recreation Advisory Board's recommendation to
accept \$138,336.00 in lieu of the required Park Land Dedication for Westside
Village Condominiums.

PASSED and APPROVED this 5th day of December, 2006.

APPROVED:

By: DAN GOODY, Mayor

ATTEST:

By: SONDRA SMITH, City Clerk

DRAFT

PARKS AND RECREATION ADVISORY BOARD

Meeting Minutes May 2, 2005

Opening:

The regular meeting of the Parks and Recreation Advisory Board was called to order at 5:30 p.m. on May 2, 2005 in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas by Mike Hill.

Present:

Parks and Recreation Advisory Board members Hill, Bailey, Langsner, Marley, Davidson, Mauritson, Pawlik-Holmes and Park Staff Hatfield, Edmonston, Jumper, Whillock and Audience.

1. Park Land Dedication: Alison Jumper, Park Planner

Development Name:	Westside Condominiums
Engineer:	Rob Sharp Architect. Inc.
Owner:	West Side Development Company, LLC
Location:	East of Ruppel Rd. and South of Wedington, just north of the Boys and Girls Club.
Park District:	SW
Units:	238 Multi Family and 128 Single Family
Total Acres:	21.65 acres
Land Dedication Requirement:	7.118 acres
Money in Lieu Requirement:	\$164,574
Existing Parks:	Dale Clark Park
Developer's Request:	Money in lieu
Staff Recommendation:	Money in lieu

Developer's Comments:

■...However, if the Parks and Recreation Advisory Board determines that a neighborhood park is not feasible or advisable, it may recommend to the City Council that a cash contribution pursuant to our ordinance be accepted in lieu of land dedication. The City Council will either accept the recommendation for a cash contribution or return the subdivision plat to the Parks Board with instructions or further study. (Unified Development Ordinance No. 166.03K)

**** This recommendation would require a waiver of the Park Land Ordinance to the City Council due to the project including over 100 units.**

Justification: Dale Clark Park is located directly south of the proposed development. The developer is including two small parks within the project to be maintained by the Westside Property Owners Association. Also, there are future plans for a large development named Mountain Ranch to be located just south of the Boys and Girls Club. As a part of this proposed development the owner would like to work with park staff to provide a sizable park.

Steve Hatfield, Parks Landscape Architect, said work is being done with surrounding area developers toward a possible community park.

Rob Sharp representing West Side Development, L.L.C., said the development will also be served by existing open green spaces.

Bailey asked how many acres is being proposed for the park in Mountain Ranch that will be included in the potential community park.

Jumper said the exact amount has not yet been established.

Bailey voiced concern that not knowing how much land was being proposed in Mt. Ranch causes a question of having enough open area for so many proposed homes.

Hatfield said there is opportunity on two large tracts to the south and to the west where the developers are agreeable to working with Parks on a community sized park. Also, Dale Clark Park is directly adjacent as well as the Boys and Girls Club. The proposed community park will be more than 20 acres. He said the developers are agreeable to give all park land on those two developments.

Rob Sharp, representing West Side Development, L.L.C., offered that the development is directly adjacent to the Boys and Girls Club facility and grounds. The developer is planning a more affordable housing product that is less than what is now being provided so it is filling an unmet need. The multi family sections will have the appearance and feel of single family housing rather than the identical buildings with parking all around like apartment complexes. The streets themselves will be like long linear park areas creating green space with medians and grassy areas.

Bailey asked about the width and size of the planned streets.

Sharp said work is being done with City services to size the streets to be adequate for the needs of the sanitation department and fire department. On street parking will serve to slow traffic as well.

Hill stated that though this plan is hanging on the development of the future areas surrounding the proposed development he suggests going forward. The

significant money in Lieu allows the possibility to provide in the future for needed park area.

Edmonston stated that the new school going in on Ruppel will also provide playground and open space for the area children and families.

Hatfield answered Pawlik-Holmes question about Parks involvement in the two small neighborhood parks by stating that Parks will not be involved.

PRAB Motion:

Mauritson moved to accept staff recommendation of money in lieu.

Davidson seconded the motion.

The motion was approved 7-0-0 with Hill, Bailey, Langsner, Marley, Davidson, Mauritson and Pawlik-Holmes voting 'yes', and Harrison absent for the vote.

Meeting was adjourned at 7:00 p.m.

Minutes submitted by: Cheryl Whillock and Connie Edmonston

[illegible]

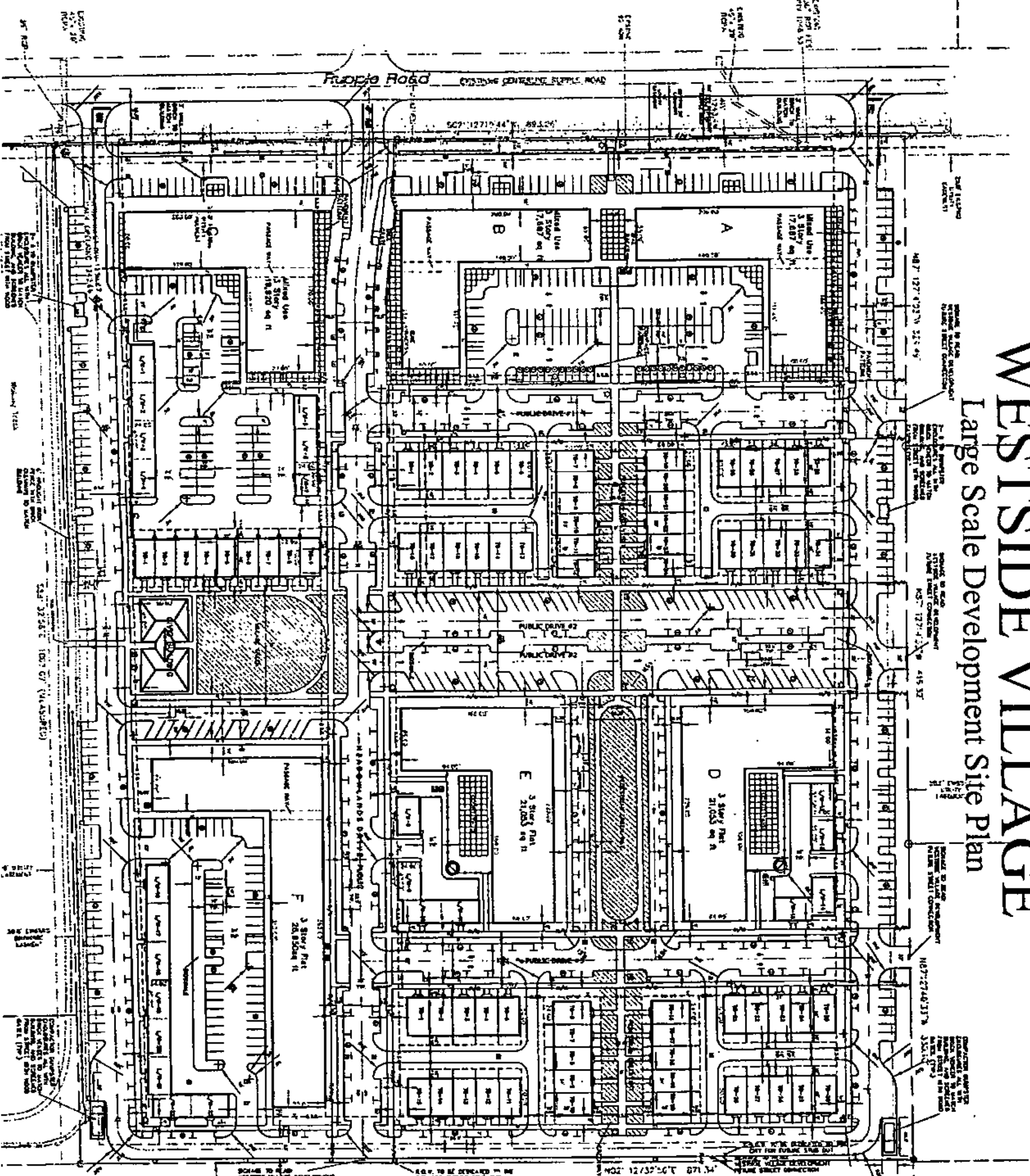
Large Scale Development Site Plan

PROPOSED

14. **SPENDING WITH CREDIT**
15. **NEW/OLD DEBTS**

44.5

Figure 1



the following questions concerning the use of the term "disability":

PROPOSED LOT TYPES

DATE _____ **BY** _____

1

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

B. 1
R-PZD 06-2191, University Club Tower
Page 1 of 60

7-Nov-06
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

R-PZD 06-2191: Residential Planned Zoning District, University Club Tower, submitted by Crafton Tull and Associates, Inc. for property located north of Lowe's Home Center, east of College Avenue (Highway 71). The property is zoned R-O, Residential Office, and C-2, Thoroughfare Commercial, and contains approximately 10.39 acres. The request is for a 13 story/approximately 200' tall building with a maximum 80 dwelling units and both surface and underground parking.

\$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

10-20-06

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a


City Attorney

10-20-06


Finance and Internal Service Director

Date

10-23-06

Received in City Clerk's Office

ENTERED

10/20/06

Received in Mayor's Office

ENTERED

10/20/06

Comments:

Left on the second reading 11/21/07
Left on the first reading 11/7/06

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning &

Date: October 18, 2006

Subject: Residential Planned Zoning District for University Club Tower (R-PZD 06-2191)

RECOMMENDATION

The Planning Commission voted to forward the subject request for an ordinance creating a Residential Planned Zoning District (R-PZD) for University Club Tower. This action would establish a unique zoning district for a residential development on a 10.39-acre tract located on east of College Avenue, north of Lowe's Home Center.

BACKGROUND

The subject property consists of approximately 10.39 acres located on the north side of Zion Road and Lowe's Home Center, east of College Avenue, south of Clear Creek. The site is zoned C-2 (6.85 acres) and R-O (3.54 acres). Although not within the Hillside/Hilltop Overlay District, the property has considerable slope. It is undeveloped at this time and is entirely covered with tree canopy. The portion of property zoned R-O is a proposed lot within the Timberlake Office Park Subdivision, a development recently approved for construction.

The applicant requests rezoning and large scale development approval for a residential development in an R-PZD zoning district. The proposed use of the site is for a single multi-family condominium building with a maximum 80 dwelling units and 144 bedrooms. The structure will be a maximum 13 stories or 200 feet and will offer a pool, health center, and other amenities to the residents. Walking trails are proposed for the use of the residents. This residential structure will provide additional housing in a regional commercial node. It is intentionally vertical to minimize the footprint and preserve natural land and tree canopy. The close proximity to commercial services will be an asset to those who reside in the property and consequently benefit the surrounding commercial businesses. The building has been oriented in a north/south direction to minimize heat gain and the applicant has indicated devices will be installed to reduce cooling loads. Zoning criteria identifying permitted and conditional uses, building setbacks, bulk and area requirements and architectural guidelines are included within the project booklet provided by the applicant.

DISCUSSION

On October 9, 2006, the Planning Commission voted 8-0-0 to forward this request to the City Council. The motion included a requirement that the proposed street between College

Avenue and the proposed Timberlake Court be constructed and dedicated as a public street within a 40 foot right-of-way. The applicant has submitted a plan representing a 24 foot private street through the property. Staff recommends that the 24 foot street be constructed to city standards but remain a private street. (See the attached memo from Engineering Division.) The City Council would need to determine whether the street should be public or private, should the project be approved.

The Planning Commission approved a waiver of landscape requirements for 1 tree per 30 linear feet adjacent to College Avenue right-of-way, finding that due to the grade change between the street and right-of-way line, the installation of trees approximately 40' above street grade will not provide the intended shade and pedestrian streetscape.

No street improvements other than the connection between Timberlake Court and College Avenue were required for this development, finding that those improvements on Zion Road to be installed with the development of Timberlake Office Park are sufficient to provide safe ingress and egress for this development to Zion Road.

The revised plats have been modified since the Planning Commission review to add 13 additional surface parking spaces along the private drive. Either one parking space shall be removed or a landscape island shall be installed in order to satisfy parking lot landscape requirements which allow no greater than a row of 12 parking spaces. The parking requirements are being met with this additional parking, though staff recommended, and the Planning Commission concurred, that additional surface parking was not to be added to the project.

BUDGET IMPACT

None.



October 18, 2006

Ms. Suzanne Morgan
Current Planner
City of Fayetteville
113 W. Mountain St.
Fayetteville, AR 72701

RE: University Club Tower
Waiver Request
CTA Job No. 061031-00

Dear Ms. Morgan:

We are requesting a waiver of the Fayetteville Unified Development Code requiring the street connecting two other public streets to be a public street as well. It is our request that the proposed street that will connect Zion Court and College Avenue remain a private road. We feel that with the existing terrain in the area it will be too difficult to meet the cities standards for public roads. In addition, if the drive were public there would have to be a 50' building setback that could affect future development for the property owner to the north. The University Club Tower will have a property owners association (POA) that will be responsible for the maintenance of the private road.

We appreciate your consideration of this Waiver Request. Should you have any questions or need any further information, please feel free to contact me at (479) 878-2407 or damon.domer@craftontull.com.

Sincerely,

Crafton, Tull & Associates, Inc.

Daniel Ellis, P.E.

Cc: Matt Casey

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.

Fayetteville, AR 72701

Telephone: 479-575-8206

ENGINEERING DIVISION CORRESPONDENCE

TO: City Council
FROM: Matt Casey P.E., Assistant City Engineer
DATE: October 18, 2006
SUBJECT: University Club Condos

On October 9, 2006 the City of Fayetteville Planning Commission discussed the residential planned zoning district for the University Club Condos. With this project, the developer requested a waiver of the Unified Development Code to construct a private drive to connect College Avenue to a proposed street in the Timberlake Subdivision. At the meeting, staff's recommendation was in support of the requested waiver. However, the Planning Commission did not find in favor of this request and made it a condition of their approval that the connection be made as a public street.

The applicant has since made submittals for this item to proceed to the City Council for review of the PZD. With this submittal is the request to again consider the waiver of the requirement to make this access a public street. As before, staff feels that this is a reasonable request. It is our opinion that it would not benefit the City of Fayetteville to take ownership and maintenance responsibility for this roadway. The roadway will need to be cut into the side of the hill below the development and curve up onto the site. There will then be a large amount of fill placed in a ravine for this drive to cross to the east to make the connection to the Timberlake Subdivision. While this drive will be constructed to current City standards, it does not produce the ideal roadway conditions for long-term maintenance responsibilities. It is also our opinion that this roadway will not serve the general public, but will mostly serve the residents and guests of the proposed development.

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 06-2191, UNIVERSITY CLUB TOWER, LOCATED NORTH OF LOWE'S HOME CENTER, EAST OF COLLEGE AVENUE (HIGHWAY 71), CONTAINING APPROXIMATELY 10.39 ACRES; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE; AND ADOPTING THE ASSOCIATED MASTER DEVELOPMENT PLAN.

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

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

From R-O, Residential-Office, and C-2, Thoroughfare Commercial to R-PZD 06-2191 as shown in Exhibit "A" and depicted in Exhibit "B" attached hereto and made a part hereof.

Section 2. That the change in zoning classification is based upon the approved master development plan, development standards, statement of commitments and the conditions of approval as submitted, determined appropriate and approved by the City Council indicated in Exhibit "C" attached hereto and made a part hereof.

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

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

PASSED AND APPROVED this _____ day of _____, 2006.

APPROVED:

By: _____
DAN COODY, Mayor

By: _____
• **SONDRA SMITH, City Clerk**

EXHIBIT "A"
R-PZD 06-2191

COMBINED PROPERTY DESCRIPTION

PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW 1/4 OF THE NE 1/4) AND PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE 1/4 OF THE NE 1/4) OF SECTION TWENTY-THREE (23), TOWNSHIP SEVENTEEN NORTH (TWP 17 N) RANGE THIRTY WEST (RNG 30 W), WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A STEEL PK NAIL THAT MARKS THE SOUTHEAST CORNER OF THE SW 1/4 OF THE NE 1/4 OF SECTION 23, TWP 17 N., RNG 30 W., THENCE N02°42'31"E 37.66 FEET TO A STEEL REBAR PIN; THENCE N87°25'39"W 135.81 FEET TO A STEEL REBAR PIN ON THE EAST RIGHT OF WAY LINE OF ARKANSAS HIGHWAY 71-B, SAID PIN BEING THE POINT OF BEGINNING AND RUN THENCE ALONG SAID RIGHT OF WAY LINE N01°08'00"E 94.41 FEET TO A STEEL REBAR PIN; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE N00°10'10"W 95.42 FEET TO A CONCRETE RIGHT OF WAY MONUMENT; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE N29°40'02"W 160.98 FEET TO A STEEL REBAR PIN; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE N01°33'28"E 53.09 FEET TO A STEEL REBAR PIN; THENCE DEPARTING SAID HIGHWAY RIGHT OF WAY LINE N70°02'03"E 126.32 FEET TO A STEEL REBAR PIN; THENCE N68°57'11"E 124.05 FEET TO A STEEL REBAR PIN; THENCE N75°22'45"E 99.14 FEET TO A CHISELED "X" IN CONCRETE; THENCE N84°01'10"E 255.68 FEET TO A STEEL REBAR PIN; THENCE N75°58'11"E 77.46 FEET TO A STEEL REBAR PIN; THENCE S01°56'00"W 176.92 FEET TO A STEEL REBAR PIN; THENCE S87°20'52"E 311.46 FEET TO A STEEL REBAR PIN; THENCE N60°28'09"E 98.92 FEET TO A STEEL REBAR PIN; THENCE 142.95 FEET ALONG A CURVE TO THE LEFT SAID CURVE HAVING A RADIUS OF 60.00 FEET AND A LONG CHORD OF S25°54'14"E 111.46 FEET TO A STEEL REBAR PIN; THENCE 23.55 FEET ALONG A CURVE TO THE RIGHT SAID CURVE HAVING A RADIUS OF 25.00 FEET AND A LONG CHORD OF S67°10'03"E 22.69 FEET TO A STEEL REBAR PIN; THENCE S40°11'42"E 13.22 FEET TO A STEEL REBAR PIN; THENCE S49°48'18"W 220.73 FEET TO A STEEL REBAR PIN; THENCE S35°21'32"E 223.57 FEET TO A STEEL REBAR PIN; THENCE N87°25'39"W 1014.38 FEET TO THE POINT OF BEGINNING, CONTAINING APPROXIMATELY 452,361 SQ. FT. OR 10.385 ACRES, MORE OR LESS.

EXHIBIT "B"

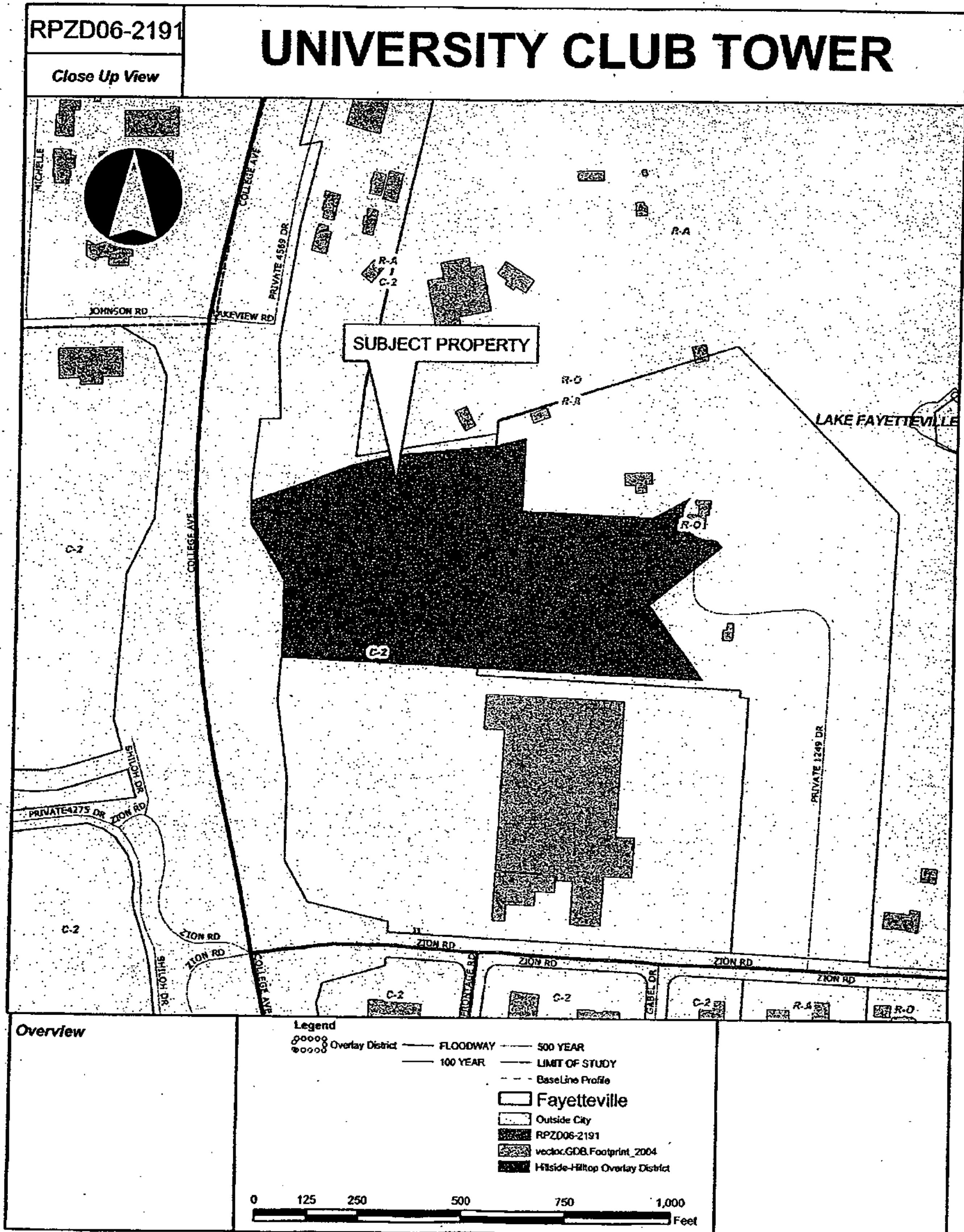


EXHIBIT "C"
R-PZD 06-2191
(Page 1 of 4)

Conditions of Approval

1. City Council determination of standards for the 24' street connecting College Avenue and Timberlake Court. *Staff recommends and the applicant requests the proposed street connecting Timberlake Court and College Avenue remain private with a public access easement allowing for public ingress/egress. The proposed 24'-wide private street shall be constructed to city standards, with regard to curb, gutter, pavement section, etc. Additionally, pedestrian sidewalks/trails shall connect from Timberlake Court to College Avenue. Slopes and sidewalk construction shall be reviewed with construction drawings. The private street option would require a waiver of Ch. 166.06 K.10.b.i., which states that any street connecting one or more public streets shall be dedicated as a public street. Staff's recommendations for the private street are included in an Engineering memo attached. The Planning Commission recommended this street be constructed and dedicated as a public street, thus meeting the above-cited code section. However, to do so, several other waivers for street design standards are necessary, due to the slope at which this street is being constructed.*
2. Planning Commission determination of a waiver of landscape requirements for 1 tree per 30 linear feet adjacent to College Avenue right-of-way. *Staff recommends approval of the requested waiver due to the grade change between the street and right-of-way line, finding that the installation of trees approximately 40' above street grade will not provide the intended shade and pedestrian streetscape. Additionally, significant slope and drainage improvements by the highway department will likely not allow additional street tree plantings in the area of right-of-way. The Planning Commission found in favor of the requested landscape waiver.*
3. Planning Commission determination of street improvements. *Staff finds that the street improvements required for the development of Timberlake Office Park are sufficient to provide safe ingress and egress for this development to Zion Road. Staff recommends that the public street through Timberlake Office Park shall be constructed, inspected, approved and dedicated prior to issuance of a Temporary Certificate of Occupancy for this project. Should Timberlake Office Park development not occur, this PZD may not be permitted or constructed without further Planning Commission consideration. The Planning Commission found in favor of the recommended street improvements.*
4. The street connection onto College Avenue shall be approved by AHTD prior to issuance of building permits. Should AHTD deny the proposed street connection, approvals for the R-PZD are null and void unless the applicant receives approval for a modification of connectivity from the Planning Commission and City Council.
5. The entrance from College Avenue shall be widened to a minimum 20' to comply with Fire Code requirements. The access shall be sufficiently marked with signage to adequately direct the flow of traffic (right in-right out only).

EXHIBIT "C"
R-PZD 06-2191
(Page 2 of 4)

6. Should the proposed street be private, an access easement granting public access from College Avenue to Timberlake Court, covering the entirety of the private street, shall be dedicated by easement plat or separate document prior to issuance of a building permit.
7. Minimum 4' concrete sidewalks and concrete or asphalt pedestrian walkways and trails as shown on the site plan along the private road, public street, and on the property shall be a requirement of the PZD and constructed prior to issuance of a Certificate of Occupancy.
8. Tree protection fencing will be very complex for this project. The developer shall coordinate with the Urban Forester to phase this fencing and where possible revise it to be closer to the limits of disturbance.
9. Parks fees for a maximum of 80 multi-family units are \$54,400. Fees will be based on the actual number of units built and will be due prior to issuance of the building permit.
10. Signs on the property shall be subject to signage requirements for residential multi-family development. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code. The ordinance allows for one on-site freestanding or monument sign with a display area of 4 square feet or 16 square feet, respectively, and one wall sign with a maximum display area of 16 square feet.
11. No reflective glass shall be permitted on the structure, pursuant to the developer's application.
12. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements.
13. The applicant shall be granted one (1) year from the date of Planning Commission approval to receive all building permits necessary for development of the project with a one (1) year extension available pursuant to City ordinances for large scale developments.
14. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.
15. The proposed walking trail is a great asset for the development and shall be routed where possible to avoid trees and disturbance. The developer shall coordinate this route with the Urban Forester to ensure that little to no overhead canopy is removed. All slopes shall be re-vegetated to prevent erosion from this site in accordance with City accepted practices.

EXHIBIT "C"
R-PZD 06-2191
(Page 3 of 4)

16. The proposed site plans and booklet revisions required include the following:
 - a. The applicant shall add State Plane Coordinates to the plat.
 - b. Show the installation of a 6' sidewalk adjacent to the right-of-way for Timberlake Court that extends through the private driveway with no curb and gutter lines through the sidewalk.
 - c. The applicant shall modify the building setback dimension located on Sheet 2 adjacent which states a 50' BSB but points to a 15' BSB.
 - d. Large species, deciduous trees shall be planted adjacent to and within 15' of the Timberlake Court right-of-way and within required landscape islands.
 - e. Landscape Plans L0.03 and L0.04 shall be modified and inserted into the approved set of plans.
 - f. Modify the booklet to replace references to General Plan 2020 with City Plan 2025.
 - g. The sidewalk shall be shown to extend west to College Avenue street, subject to AHTD approval.
 17. The applicant shall provide a walking trail from the development to the south to provide pedestrian connectivity to Lowe's Home Center.
 18. The street shall align as closely as possible to utilize already cleared/disturbed area for Timberlake Office Park detention pond, to minimize tree disturbance, subject to approval by the Urban Forester.
- Standard Conditions of Approval:**
19. Trash enclosures shall be screened on three sides with materials compatible with the surrounding structures, with access not visible from the street. Coordination shall occur between the Solid Waste Division and the Urban Forester regarding pruning or additional tree removal to accommodate the dumpster.
 20. All exterior lighting, including lighting proposed within the parking lot and along the private drive, shall comply with the City's Outdoor Lighting Ordinance. A lighting plan and cut-sheets of the proposed exterior light fixtures shall be required to be approved by Planning Staff prior to building permit.
 21. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
 22. 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).

EXHIBIT "C"
R-PZD 06-2191
(Page 4 of 4)

23. 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.
24. Prior to the issuance of a building permit the following is required:
- a. Grading and drainage permits
 - b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - b. Separate easement plat for this project that shall include the tree preservation area.
 - c. Project Disk with all final revisions
 - d. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.



PC Meeting of October 09, 2006

THE CITY OF FAYETTEVILLE, ARKANSAS

PLANNING DIVISION CORRESPONDENCE

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

TO: Fayetteville Planning Commission
FROM: Suzanne Morgan, Current Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: October 4, 2006 *Updated October 18, 2006*

R-PZD 06-2191: Planned Zoning District (UNIVERSITY CLUB TOWER, 135): Submitted by CRAFTON TULL & ASSOCIATES INC. - ROGERS for property located at N OF LOWE'S, E OF THE NWA MALL. The property is zoned R-O, Residential Office, and C-2, Thoroughfare Commercial, and contains approximately 10.39 acres. The request is for a 13 story/approximately 200' tall building with a maximum 80 dwelling units and both surface and underground parking.

Planner: Suzanne Morgan

Findings:

Background: The Planning Commission considered this R-PZD proposal at its September 11, 2006 meeting. It was tabled at this meeting primarily for the reevaluation of access to the property, based on the fact that the applicant could not provide the points of uninhibited ingress/egress to the proposed development; a looped street is required to provide access to a maximum 80 units within a PZD. The applicant submitted revised plans with the following modifications:

1. Emergency access to Lowe's has been removed in lieu of an access onto College Avenue.
 - ♦ A private street has been extended to College Avenue to allow for a right-in, right-out traffic movement. Therefore, the applicant has provided two uninhibited access points to this project, connecting Zion Court to Hwy 71B (College Avenue).
 - ♦ The private streets will be constructed to city standards with a 24' width; a 4' sidewalk is only proposed on one side of the driveway entrance from Timberlake Court.
 - ♦ The driveway encroaches onto adjacent property to the north. Though verbal agreement to this access is indicated, the applicant shall provide written verification by the adjacent owner that an access easement will be granted to allow this encroachment. The developer shall submit the filed access easement to the city prior to issuance of any building permit.

At the Planning Commission meeting, the applicant submitted a development proposal with the access located entirely on the subject property as he was unable to obtain written permission to build the access on the adjacent property.

2. The overflow parking has been removed, at the recommendation of staff to decrease site disturbance.
3. The site design modifications required revisions to the Tree Preservation numbers. The total percent canopy preserved dropped from 79.87% to 55.8%, to provide for the second access. This still far exceeds the minimum tree canopy required for a PZD.
4. The signage requirement as described in the PA-1 Zoning Criteria has been revised from commercial signage to residential multi-family district requirements.
5. The maximum number of units allowed was revised from 83 to 80.

Property Description: The subject property consists of approximately 10.39 acres located on the north side of Zion Road and Lowe's Home Center, east of College Avenue, south of Clear Creek. The site is zoned C-2 (6.85 acres) and R-O (3.54 acres). Although not within the Hillside/Hilltop Overlay District, the property has considerable slope with a ravine along the east side of the property, adjacent to College Avenue to the west and Clear Creek to the north. The property is undeveloped at this time and is entirely covered with tree canopy. The portion of property zoned R-O is a proposed lot within the Timberlake Office Park Subdivision, a development recently approved for construction.

Surrounding Land Use/Zoning:

Direction from Site	Land Use	Zoning
North	Locomotion Park, Clear Creek	R-A
South	Lowe's Home Center	C-2
East	Undeveloped (Timberlake Office Park)	R-O
West	NWA Mall, College Avenue	C-2

Proposal: The applicant requests rezoning and large scale development approval for a residential development in an R-PZD zoning district. The proposed use of the site is for a single multi-family condominium building with a maximum 80 dwelling units and 144 bedrooms. The structure will be a maximum 13 stories or 200 feet and will offer a pool, health center, and other amenities to the residents. Walking trails are proposed for the use of the residents. This residential structure will provide additional housing in a regional commercial node. It is intentionally vertical to minimize the footprint and preserve natural land and tree canopy. The close proximity to commercial services will be an asset to those who reside in the property and consequently benefit the surrounding commercial businesses. The building has been oriented in a north/south direction to minimize heat gain and the applicant has indicated devices will be installed to reduce cooling loads.

Zoning Criteria: The zoning criteria are provided in duplicate in the project booklet and on the plats. Please reference this provided material for more information. These documents are binding to the zoning of the property.

Access: Access is provided from Zion Road to this development via a local street to be constructed within the Timberlake Office Park Subdivision and connected to College Avenue via a private, 24-foot wide street. The PZD requirements state that any private street connecting two

public streets shall be constructed and dedicated as public right-of-way. The development plan requires a waiver of this ordinance. Staff recommends approval of the proposed waiver, finding that the street will not be able to be constructed to meet all city specifications with sidewalks due to the terrain of the property; however, staff does recommend that the construction of the 24' wide private street meet all city standards with regard to curb, gutter, construction specifications, etc., with the final approval by the City Engineer. The entire private street shall be encompassed by a public access easement.

Parking: Parking is proposed to be provided within two levels of structured parking under the building and a 17-stall parking area at the entrance of the building. The applicant proposes 145 parking spaces for 144 bedrooms. Of these parking spaces, 17 stalls are to be surface parking.

Architectural Review: The applicant has submitted architectural elevations and a material sample board for the Planning Commission to see the character and type of development proposed. The Unified Development Code does not address design standards for residential projects. Staff has made specific findings on this project for Planning Commission consideration as required in the PZD ordinance found in Chapters 161 and 166 (see attached).

Phasing: The applicant proposes to develop the entire project within 12 to 18 months from the date of approval. The standard expiration period of one year with a possible one-year extension for Large Scale Developments is sufficient for this project.

Water & Sewer: Water and sewer lines would be extended to serve the development.

Adjacent Master Street Plan Streets: College Avenue (Principal Arterial)

Street Improvements: It was previously assumed that in evaluating street improvements for the adjacent office park subdivision, the applicant submitted projected traffic numbers for the office park as well as the future residential units on this property. However, this was not the case and the estimated vehicle trips per day for 80 units is 480, for a total 1,552 vehicle trips per day for the residential and office uses. Zion Road will be widened to a minimum 18' from centerline for a total 36' street width (back of curb to back of curb), to include pavement, curb and gutter, storm drainage, and 10' sidewalks for the length of the subject property with the development of the office subdivision. Engineering staff has evaluated the proposed traffic volumes for the residential units and recommends no additional street improvements to Zion Road at this time. Additionally, College Avenue is a divided state highway at the project's entrance; the access shall be designed as a right-in/right-out, and shall be permitted through AHTD.

Parks: On July 10, 2006 PRAB reviewed this project and recommended accepting money in lieu of park land to satisfy the park land dedication ordinance. This decision was based on the project's proximity to Lake Fayetteville Park. Additionally, the plans for the development include a pedestrian trail within the property as well as a link by sidewalk through the adjacent development to the east to Lake Fayetteville Park. Fees for a maximum of 80 multi-family units are \$54,400. Fees will be based on the actual number of units built and will be due prior to issuance of the building permit.

Tree Preservation: Existing Canopy: 98%
Preserved Canopy: 55.84% 52.15%
Required Canopy: 15%
Mitigation: Mitigation will not be required for this project

The above numbers reflect the Tree Preservation Report (see attached), not the applicant's Tree Preservation Plan which did not exclude canopy located in the existing and proposed easements.

Recommendations:

8/17/06 – The Subdivision Committee forwarded R-PZD 06-2191 to the Planning Commission without a recommendation.

9/11/06 – The Planning Commission tabled the project to 9/25/06.

9/25/06 – The Planning Commission tabled the project to 10/09/06.

Staff recommends forwarding **R-PZD 06-2191** to the City Council with a recommendation of approval with the following conditions of approval:

Conditions of Approval:

1. Planning Commission determination of a waiver of landscape requirements for 1 tree per 30 linear feet adjacent to College Avenue right-of-way. *Staff recommends approval of the requested waiver due to the grade change between the street and right-of-way line, finding that the installation of trees approximately 40' above street grade will not provide the intended shade and pedestrian streetscape. Additionally, significant slope and drainage improvements by the highway department will likely not allow additional street tree plantings in the area of right-of-way.*

The Planning Commission found in favor of the requested landscape waiver.

2. Planning Commission determination of street improvements. *Staff finds that the street improvements required for the development of Timberlake Office Park are sufficient to provide safe ingress and egress for this development to Zion Road. Staff recommends that the public street through Timberlake Office Park shall be constructed, inspected, approved and dedicated prior to issuance of a Temporary Certificate of Occupancy for this project. Should Timberlake Office Park development not occur, this PZD may not be permitted or constructed without further Planning Commission consideration.*

The Planning Commission found in favor of the recommended street improvements.

- ~~3. Planning Commission determination of a waiver of the Unified Development Code, Chapter 166.06 B(10)(h)(i), which states, "...Any street connecting one or more public streets shall be constructed to existing City standards and shall be dedicated as a public street." The applicant proposes a private street connection from College Avenue to Timberlake Court for a maximum 80 units. Staff recommends approval of the proposed~~

~~waiver, finding that the street will not be able to be constructed to meet all city specifications due to the terrain of the property.~~

The Planning Commission voted to strike this condition recommending that the developer construct and dedicate a public street to connect College Avenue and the proposed Timberlake Court.

4. Planning Commission determination of construction standards for the 24' private-drive *public street* connecting College Avenue and Timberlake Court. *Staff recommends construction of a 24' wide street meet all city standards with regard to curb, gutter, materials, etc. Additionally, the applicant shall provide a network of sidewalks and trails to connect Timberlake Court and College Avenue. To do so, a sidewalk connection shall be provided from the trail interior to the project to College Avenue. Slopes and sidewalk construction shall be reviewed and approved with construction drawings.*
5. ~~The proposed private street encroaches onto adjacent property to the north. The applicant shall provide written verification by the adjacent owner that an access easement will be granted to allow this encroachment for Planning Commission consideration. The developer shall submit the filed access easement to the city prior to issuance of any building permit.~~
6. The private street connection onto College Avenue shall be approved by AHTD prior to issuance of building permits. Should AHTD deny the proposed street connection, approvals for the R-PZD are null and void unless the applicant receives approval for a modification of connectivity from the Planning Commission and City Council.
7. The entrance from College Avenue shall be widened to a minimum 20' to comply with Fire Code requirements. The access shall be sufficiently marked with signage to adequately direct the flow of traffic.
8. An access easement granting public access from College Avenue to Timberlake Court, covering the entirety of the private street, shall be dedicated by easement plat or separate document prior to issuance of a building permit.
9. Minimum 4' concrete sidewalks and concrete or asphalt pedestrian walkways and trails as shown on the site plan along the private road, public street, and on the property shall be a requirement of the PZD and constructed prior to issuance of a Certificate of Occupancy.
10. Tree protection fencing will be very complex for this project. The developer shall coordinate with the Urban Forester to phase this fencing and where possible revise it to be closer to the limits of disturbance.
11. Parks fees for a maximum of 80 multi-family units are \$54,400. Fees will be based on the actual number of units built and will be due prior to issuance of the building permit.

12. Signs on the property shall be subject to signage requirements for residential multi-family development. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code. The ordinance allows for one on-site freestanding or monument sign with a display area of 4 square feet or 16 square feet, respectively, and one wall sign with a maximum display area of 16 square feet.
13. No reflective glass shall be permitted on the structure, pursuant to the developer's application.
14. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements.
15. The applicant shall be granted one (1) year from the date of Planning Commission approval to receive all building permits necessary for development of the project with a one (1) year extension available pursuant to City ordinances for large scale developments.
16. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.
17. The proposed walking trail is a great asset for the development and shall be routed where possible to avoid trees and disturbance. The developer shall coordinate this route with the Urban Forester to ensure that little to no overhead canopy is removed. All slopes shall be re-vegetated to prevent erosion from this site in accordance with City accepted practices.
18. Site and Landscape Plan, Tree Preservation Plan, and booklet revisions to be completed for the information on record at the City Planning Division:
 - a. The applicant shall add State Plane Coordinates to the plat.
 - b. Show the installation of a 6' sidewalk adjacent to the right-of-way for Timberlake Court that extends through the private driveway with no curb and gutter lines through the sidewalk.
 - c. The applicant shall modify the building setback dimension located on Sheet 2 adjacent which states a 50' BSB but points to a 15' BSB.
 - d. Large species, deciduous trees shall be planted adjacent to and within 15' of the Timberlake Court right-of-way and within required landscape islands.
 - e. Landscape Plans L0.03 and L0.04 shall be modified and inserted into the approved set of plans.
 - f. Change all references to the General Plan 2020 located within the booklet to City Plan 2025.
 - g. The sidewalk shall be shown to extend west to College Avenue street.

19. *The applicant shall provide a walking trail from the development to the south to provide pedestrian connectivity to Lowe's Home Center.*
20. *The street shall align as closely as possible to utilize already cleared/disturbed area for Timberlake Office Park detention pond, to minimize tree disturbance, subject to approval by the Urban Forester.*

Standard Conditions of Approval:

21. Trash enclosures shall be screened on three sides with materials compatible with the surrounding structures, with access not visible from the street. *Coordination shall occur between the Solid Waste Division and the Urban Forester regarding pruning or additional tree removal to accommodate the dumpster.*
22. All exterior lighting, including lighting proposed within the parking lot and along the private drive, shall comply with the City's Outdoor Lighting Ordinance. A lighting plan and cut-sheets of the proposed exterior light fixtures shall be required to be approved by Planning Staff prior to building permit.
23. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
24. 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).
25. 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.
26. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - b. Separate easement plat for this project that shall include the tree preservation area.
 - c. Project Disk with all final revisions
 - d. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

PLANNING COMMISSION ACTION: ☒ Fwd to City Council ☐ Tabled ☐ Denied

Motion: Clark
Second: Graves
Vote: 8-0-0

Meeting Date: October 9, 2006

Comments:

The "Conditions of Approval" listed in the report above are accepted in total without exception by the entity requesting approval of this development item.

Signature

Date

Findings associated with MDP R-PZD 06-2191

Sec. 166.06. Planned Zoning Districts (PZD).

(E) Approval or Rejection Criteria for Planned Zoning Districts

The following criteria shall be considered by the Planning Commission and City Council in the review of a planned zoning district application based on the proposed master development plan:

- (1) Whether the application is in compliance with the requirements of the UDC and the City Plan 2025;

FINDING: Staff finds the application to be in compliance with the Master Development Plan Planned Zoning District criteria established by the City Council. The Interim Future Land Use Plan Map adopted as part of City Plan 2025 designates this site Regional Commercial where zoned C-2 and Mixed Use where zoned R-O. The Sector Map also adopted as part of City Plan 2025 designates this specific area as an Intended Growth Area. Rezoning this property to R-PZD 06-2191 for multi-family dwelling units is consistent with the land use plan and sector map. It will provide residential units in an area that is developed for commercial use and will serve as in fill development in northeast Fayetteville.

- (2) Whether the application is in compliance with all applicable statutory provisions;

FINDING: The application has been reviewed and found to be compliant with applicable statutory provisions.

- (3) Whether the general impact of the rezoning would adversely impact the provision of public facilities and services;

FINDING: The site proposed for development will require the extension of utilities. Right-of-way is to be extended to this property with the development of adjacent Residential Office property. Surrounding properties to the west (the Mall), south (Lowe's) and north (Locomotion) have been developed with public facilities. This site has not been developed due in part to the steep grade from the property to College and lack of accessible street frontage and the creek to the north. Development of this project will require the provision of public facilities, at the cost of the developer. Staff recommends that building permits be issued for this project only after the completion, inspection and dedication of sufficient infrastructure from Zion Road to this property.

- (4) Whether the rezoning is compatible with the surrounding land uses;

FINDING: The rezoning request, combined with the Master Development Plan, would allow multi-family residential uses at a density of 8 units per acre. All of the surrounding properties are zoned and either developed or approved for development of commercial use. The proposed residential use is compatible with the surrounding commercial uses, such as

Northwest Arkansas Mall, a regional shopping area. As evident in the downtown area, the close proximity of residential and commercial use provides a mutually beneficial relationship, when designed appropriately.

- (5) Whether the subject land is suitable for the intended use and is compatible with the natural environment;

FINDING: The subject property is a completely wooded site with floodplain along the northern boarder. The applicant has purposely designed a tall, vertical structure on the property to reduce the footprint of disturbance and reduce the amount of canopy removal. The applicant has removed 16 surface parking spaces to reduce the amount of pavement on the site and potential removal of trees. The removed tree canopy increased, however, due to the private street connection to College Avenue.

- (6) Whether the intended land use would create traffic congestion or burden the existing road network;

FINDING: The intended residential land use will impact the existing traffic conditions. This site will have access to two public streets, one of which is yet to be fully developed. No access is proposed to Lowe's as was shown in previous proposals for this connection could not be adequately coordinated. Allowing two means of access will ease congestion and turning movements at the Timberlake Court/Zion Road intersection by providing an alternate route.

- (7) Whether the planned development provides for unified development control under a unified plan;

FINDING: The booklet and master development plans submitted provide for said unified development control.

- (8) Whether any other recognized zoning consideration would be violated in this PZD.

FINDING: No other zoning considerations are proposed to be violated.

(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 University Club Tower proposes a residential area amidst commercial and future office development. The site has been designed to provide a large percentage of preservation of the significant existing tree canopy, pedestrian trails throughout the property, and preservation of the floodway and floodplain. In order to accomplish these goals, the applicant's design of a 13-story/200' structure is unique within the immediate area. Unlike the approved 16 story residential towers located on Joyce Boulevard, within one mile of this project, the University Club Tower will be more visible because it is situated on a hill; it will be situated amidst mature tree canopy, unlike the project on Joyce Boulevard. However, the proposed design does fulfill many of the goals and purposes of the PZD ordinance.

- (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: The applicant is proposing to retain approximately 55.84% of the existing tree canopy and plant trees and vegetation required by the Landscape Ordinance. The Unified Development Code does not require screening of residential 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: Vehicular circulation throughout the site is accomplished by the installation of private street, as is typical within multi-family developments. The project requires a waiver from Ch. 166.06 B(10)(h)(i) for this street to be private.

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

FINDING: The applicant proposes to comply with the parking requirements set forth in Chapter 172 of the Unified Development Code.

- (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 applicant proposes to retain a green buffer around the site, with the exception of those areas cleared for installation of utilities and the private street.

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

FINDING: The applicant shall install a 6' sidewalk where the property is adjacent to Timberlake Court (along a portion of the cul-de-sac). An internal 4' sidewalk along the private drive and minimum 4' trails will be installed on the property to promote recreational activity on the site.

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

FINDING: Street lights shall be installed along the private driveway at a ratio of one light per 300'.

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

FINDING: Water shall be installed to serve the project.

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

FINDING: Sewer shall be installed to serve the project.

- (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: The applicant proposes access via a private street for 80 units. The ordinance states that such a private street that connects one or more public streets shall be dedicated as a public street and built to meet city street standards. Staff recommends approval of the waiver, finding that the terrain will not allow the construction of a full city street with sidewalks. Staff does recommend that the physical construction of the private street be done in accordance with city requirements and identified "private street" as required by ordinance.

- (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: No non-residential facilities are proposed.

- (12) *Tree preservation.* All PZD developments shall comply with the requirements for tree preservation as set forth in Chapter 167 Tree Preservation and Protection. The location of trees shall be considered when planning the common open space, location of

buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels.

FINDING: The applicant has worked with the Urban Forester to preserve significant tree canopy.

- (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: Commercial design standards are not applicable for a residential development.

- (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: Similar to the location of the NWA Mall, this property is at the peak of a hill, though there are other residential areas to the east at a greater elevation than this site. Staff finds that there are no significant or historical sites or buildings whose view would be obstructed by the development of a 13 story/200' tall building. While taller than structures surrounding the property, residential structures are not subject to commercial design standards, which refer to "compatibility and transition." The applicant will not be installing reflective glass on the structure to reduce the potential glare from the building.

(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. The association must be able to adjust the assessment to meet changing needs.

FINDING: The applicant shall comply with these requirements.

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: Staff finds this proposal meets the intent of many of the parameters of the CityPlan 2025, as well as the above ten criteria, including compatibility and transition of land use, providing creative and harmonious land uses, provision of a residential housing in a commercial area, open spaces, and enhancement and preservation of existing natural features. The following guiding policies within Residential Areas are applicable to this development, and help to achieve the six primary goals of the CityPlan 2025:

Residential Areas:

12.1.4.c Minimize through traffic on minor residential streets, while providing connections between neighborhoods to encourage openness and neighborliness. (Goal 4)

12.1.4.e Utilize more intense development patterns within the infill sector and encourage mixed uses in new developments to promote better community design, maintain human scale, and enhance pedestrian activity. (Goal 1)

12.1.4.f Site new residential areas accessible to roadways, alternative transportation modes, community amenities, infrastructure, and retail and commercial goods and services. (Goals 1g and 3)

12.1.4.j Discourage design elements that prohibit complete, compact, connected neighborhoods such as cul-de-sacs, gated communities, etc. (Goal 3a)

(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 submitted development plats and Master Development Plan booklets, along with the conditions of approval found applicable and appropriate, are binding with the approval of the requested rezoning. Should the Planning Commission forward this item to the City Council, an ordinance will be drafted for consideration of rezoning this property in accordance with the submittal herein.

(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 City 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: Staff is recommending approval of this application with recommended conditions to enhance the project and bring it into better compliance with the intent of the PZD ordinance.

(2) *Permitted Uses.* All permitted uses identified within §162 Use Units of the Unified Development Code shall be allowed as permissible uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.

(3) *Conditional Uses.* All conditional uses allowed within (Residential, Commercial, Industrial) zoning Districts established in the Unified Development Code shall be allowed with Planning Commission approval, unless otherwise specified, subject to the code governing Conditional Use requests.

FINDING: Permitted and Conditional uses are outlined in both the Master Development Plan booklets and plats.

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

FINDING: The proposed development is 100% residential.

(F) *Bulk and area regulations*

- (1) *Residential density.* Residential densities shall be determined on the basis of the following considerations:

- (a) The densities of surrounding development;
- (b) the densities allowed under the current zoning;
- (c) the urban development goals and other policies of the city's General Plan;
- (d) the topography and character of the natural environment; and
- (e) the impact of a given density on the specific site and adjacent properties.

FINDING: The C-2 zoning district will allow for the development of accessory residential units at a density of 24 units per acre and the R-O zoning district permits single family and two-family development at a density of 24 units per acre. Staff finds that the zoning requested is necessary to develop residential units on the property. The current zoning of C-2 on this site that has limited access is justifiably changed. A density of less than 8 units per acre will allow for growth and infill as intended on the City's Sector Map and City Plan 2025. Density will be concentrated on a small footprint by building up on the site, thereby preserving much of the natural topography and character of the natural environment.

- (2) *Lot area and setback 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.

FINDING: The setbacks set forth are compatible to the C-2 zoning district setback requirements.

- (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.

FINDING: The applicant proposes a building height of no more than 13 stories or 200 feet for residential use only. Staff does not find that the height of this building will block or reduce adequate light and air necessary for adjacent properties. No protected or historic views of the community will be blocked by the proposed structure that will negatively impact or harm 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.

FINDING: The Zoning Criteria for this Planning Area states that no more than 40% of the site will be covered by structures/buildings, and the site plan indicates that a total 14% of the site will be impervious (i.e. driveways, parking, buildings, etc.)

***Required Findings for Rezoning Request.**

RECOMMENDATION: Staff recommends approval of the requested zoning modification from C-2 and R-O to R-PZD with the zoning criteria outlined in the project booklet, with modifications requested by Planning Staff.

Land Use Plan: The City Plan designates this site as a Commercial and Mixed Use area. Rezoning this property to R-PZD 06-2191, with the associated Master Development Plan, varies this future land use to a residential use. The proposed plan, commitments, design standards and other conditions placed upon the project result in a compatible development with surrounding land uses in the general vicinity, meeting many of the goals of the City Plan for new development.

FINDINGS OF THE STAFF

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

Finding: Staff finds that the proposed residential zoning will be harmonious with the surrounding commercial uses. The property is identified as an Intended Growth Area on the City's adopted Sector Map. Rezoning the property will allow infill of residential uses in a primarily commercial area; this area was specifically targeted in the CityPlan 2025 for desired residential growth.

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

Finding: Although the C-2 zoning district will allow for the development of accessory residential units at a density of 24 units per acre and the R-O zoning district permits single family and two-family development, it is the applicant's intent

to create a development that is completely residential in nature. The zoning requested is necessary to develop residential units on the property. Staff finds the current zoning of C-2 on this site that has limited access is justifiably changed.

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

Finding: The PZD regulations require that a development of 80 units or less shall have a looped street system. Access is to be provided to Zion Rd and College Ave. The additional vehicle trips from 80 units will not appreciably increase traffic danger and congestion on Zion Road, with the planned improvements.

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: Staff finds that in evaluating this proposal, the population density would undoubtedly be increased. The Police Department has stated that the rezoning for 80 units will create potential traffic hazards in the area. Improvements will be installed at the intersection of Zion Road and Timberlake Drive prior to the issuance of a Temporary Certificate of Occupancy for this project and the City has planned significant improvements of Zion Road that would mitigate any traffic hazards. Therefore, with the improvements recommended for this project, staff finds that the load created on public services will not create a detrimental impact.

Engineering: Public water is adjacent to the site. There is an 8" waterline along College. Water service will need to be extended within the property and east to tie into the Timberlake subdivision at the time of development.

Sanitary sewer is available on the site. There is an 8" sewer main that runs through the Lowe's parking lot. Improvements to the sewer system may be required dependent upon the demand placed by the development. Sewer service will need to be extended to and within the property at the time of development.

The site will have access to the proposed Timberlake Commercial Subdivision. This will be a new 28' wide street. This new street connects to Zion Road. Improvements are being made along Zion as part of the Timberlake project. Should this project never occur, the PZD will have to return for an evaluation of access and street improvements.

Standard improvements and requirements for drainage will be required for the development.

Police: It is the opinion of the Fayetteville Police Department that the zoning of this project will not substantially alter the population density and will not create an undesirable increase on police services. The potential of creating 80 new residences with all vehicular traffic exiting the complex onto an already congested two lane road (Zion), will increase traffic danger and congestion in the area.

Fire: These 16.11 acres is covered by Engine 4 and Ladder 4 at 3385 N Plainview. It is 1.6 miles from the station with an expected response time of 5 minutes. The Fire Department anticipates 19 (12 EMS – 7 Fire/Other) calls for service per year once the development is completed and maximum build-out has occurred. Measured Hydrant Flow in this area is 1500 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 13 story high rise.

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



CC Meeting of November 7, 2006

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 444-3470

TREE PRESERVATION and PROTECTION REPORT

To: Fayetteville City Council

From: Sarah K. Patterson, Urban Forester

Date: October 19, 2006

ITEM # R-PZD 06-2191: Planned Zoning District (University Club Tower)

Requirements Submitted:

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

Canopy Measurements:

Total Site Area	
acres	10.39
square feet	452,588.4
Existing Tree Canopy	
acres	10.20
square feet	444,348
percent of site area	98 %
Existing Tree Canopy Preserved	
acres	5.47
square feet	238,569
percent of total site area	52.71 %
Percent Minimum Canopy Required	15%

FINDINGS:

The desirability of preserving a tree or group of trees by reason of age, location, size or species.

- **This site is completely wooded with a sloping topography. Most if not all the trees found on this project site are a high priority for**

preservation.

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

- **Environmental degradation should be very minimal on this site.**

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

- **An additional ingress/egress is planned for this site along the north boundary. Extensive canopy will have to be removed to get this drive in. Removal may affect adjacent property owners.**

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

- **N/A**

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

- **Size and shape of the lot does not reduce flexibility of design. Topography and connectivity have been a challenge.**

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

- **The general health of the trees is good to fair.**

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

- **Canopy will be removed for the essential roadways, utilities, and structure. Staff does however not approve of the additional canopy removal around the building and parking areas.**

The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.

- **There is an existing water line and easement along the west property line. Service lines for the development will come through several wooded areas. Canopy has been shown as removed for the above calculations.**

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

- **The roads have been routed in most cases taking into consideration the topography. The canopy is 100% and unfortunately can not be avoided.**

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

- **N/A**

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

- **Mitigation will not be required on this site.**

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

- **N/A**

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

- **N/A**

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

- **Staff is recommending approval of the submitted Tree Preservation Plan with the following Conditions of Approval.**

Conditions of Approval:

1. **Tree protection fencing will be very complex for this project. Please coordinate with the Urban Forester to phase this fencing and where possible revise it to be closer to the limits of disturbance.**
2. **The area marked for storage of materials west of the circle drive should be relocated to an area of disturbance. Staff would like to see the fencing to the south and west hug this parking area and protect tree # 200. This should increase the amount of preservation.**
3. **The proposed walking trail should be coordinated with the Urban Forester to insure that little to no overhead canopy is removed.**
4. **Staff is in support of keeping these drives private. If made public, additional right of way may be needed which would increase the amount of canopy that would need to be removed.**



PC Meeting of September 11, 2006

THE CITY OF FAYETTEVILLE, ARKANSAS

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

LANDSCAPE REVIEW FORM

To: Fayetteville Planning Commission
From: Suzanne Morgan, Current Planner
Date: September 7, 2006

ITEM #: R-PZD 06-2191 (University Club Condos)

Applicable Requirements:

✓	Off-Street Parking
✓	Commercial Design Standards
✓	Buffers and Screening
NA	T-540 Design Overlay

Plan Checklist:

- ✓ submitted by applicant
- ✗ requested

Preliminary Submittal	Final Submittal	
		Off-Street Parking and Loading
✗	✓	wheel stops / curbs
✗	✓	irrigation
✗	✓	edged landscape beds indicated
✗	✓	species of plant material identified
✓	✓	size of plant material at time of installation indicated
✗	✓	interior landscaping
		narrow tree lawn (8' min. width, 17' min. length / 1 tree per 15 spaces)
		tree island (10' min. width / 1 tree per 12 spaces)
✗	✗	perimeter landscaping
		side and rear property lines (5' landscaped)
		adjacent to street R.O.W (15' greenspace exclusive for landscaping / 1 street tree every 30 L.F., a continuous planting of shrubs and ground cover - 50% evergreen)
✗	✓	soil amendments notes include that soil is amended and sod removed
✓	✓	mulching notes indicate mulching around trees and within landscape beds.
✓	✓	planting details according to Fayetteville's Landscape Manual
		Commercial Design Standards
✓	✓	greenspace adjacent to street R.O.W. (15' wide)
✗	✗	street trees planted every 30' L.F. along R.O.W.
✓	✓	outdoor storage screened with landscaping

		Buffer Strips and Screening
✓	✓	landscaped area (12' min.)
NA	NA	fence required
NA	NA	outdoor storage screened with landscaping
✓	✓	non-residential landscape screen when adjacent to residential zones
NA	NA	landscape requirement for setback reduction
		Overlay District Requirements
		greenspace adjacent to street R.O.W. (25' wide)
		street trees planted every 30' L.F. along R.O.W.
		25% of total site area left in greenspace (80% landscaped)
		parking lots and outdoor storage screened with landscaping

Please modify the Landscape Plan to address the following:

1. Add one tree to the interior of the overflow parking to break up the row of 15 parking spaces.
2. One large species tree is required every 30' adjacent to the right-of-way. These trees are to be planted within 15' of the right-of-way. A note on the Landscape Plan indicates that there are existing trees along the western and eastern property lines that will fulfill the landscape requirements. If this be the case, update the Landscape Plans to show the location, size and species of the existing trees on the landscape plan. Additional trees may be required if the existing trees are not sufficient to fulfill the requirement.

Standard Requirement:

3. Redbuds, Dogwoods, and the Serviceberry cannot count for the required landscape trees, though they can be planted on the site where trees are not required by ordinance.



B. 1
R-PZD 06-2191, University Club Tower
Page 41 of 60

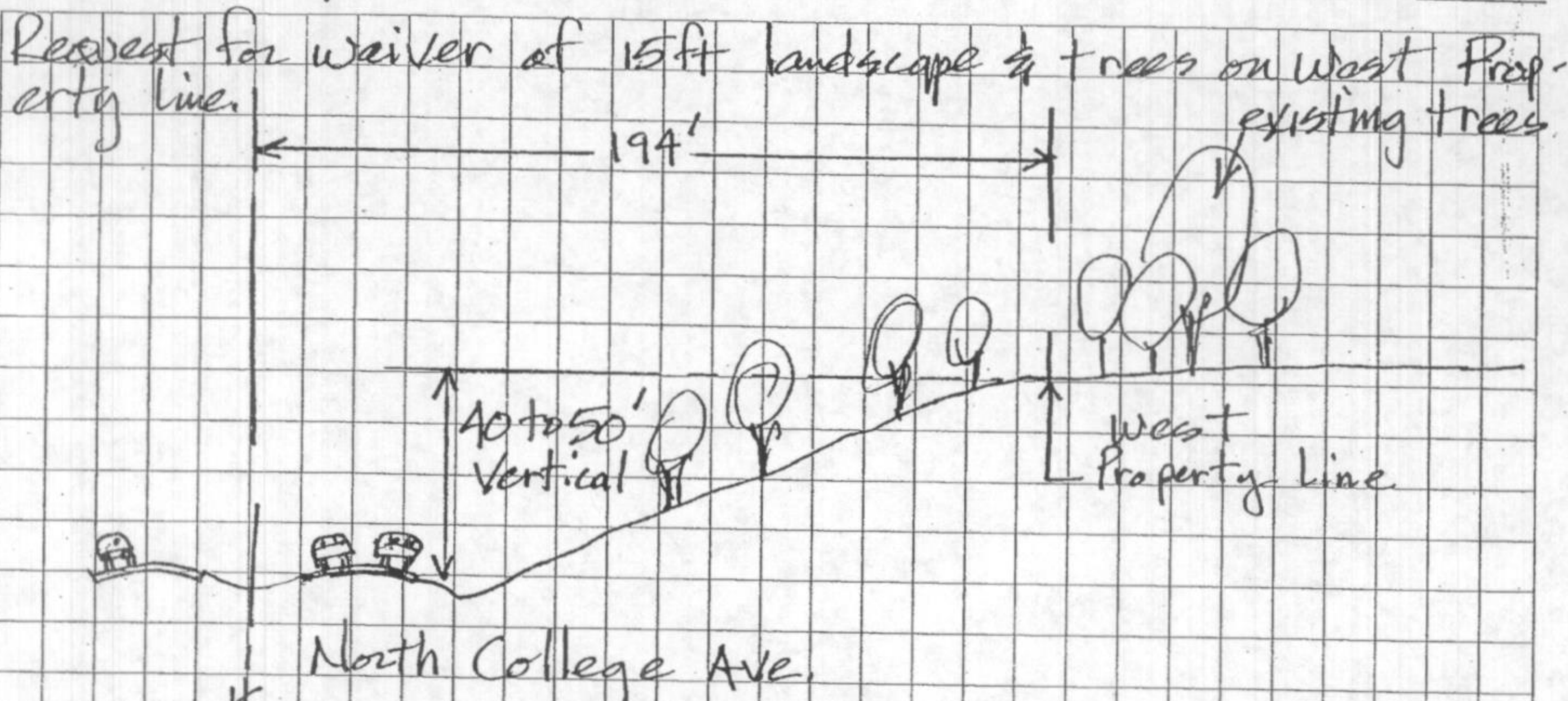
Client: R. Chapman

Project: _____ Scale: _____

Calculated By: C. Guren Date: 9/11/2

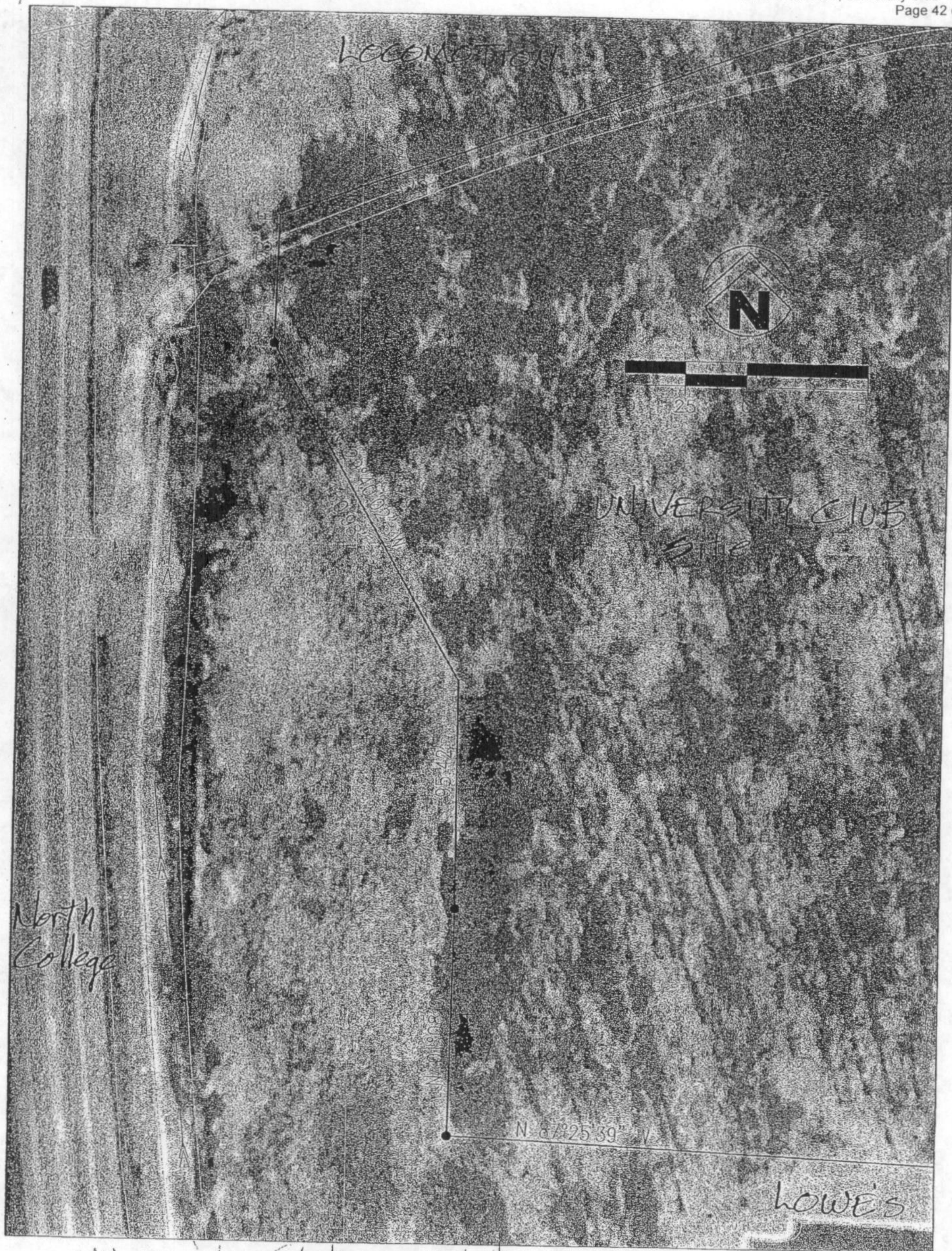
Checked By: _____ Date: _____

Subject University Club Condos



We are asking for a waiver of the perimeter landscape requirement. This is an unusual circumstance because the R.O.W. line is so far removed from the street. Any trees planted along this west perimeter will not appear as street trees & probably will not even be seen by most citizens because they will be over 194 ft. from the road & 40 to 50 ft. above the road.

Also there are many existing trees; oaks, hickories, elms, red buds etc. along this perimeter as evidenced by the Fayetteville GIS aerial photo & site visits.



University Club

CTA # 001031-00

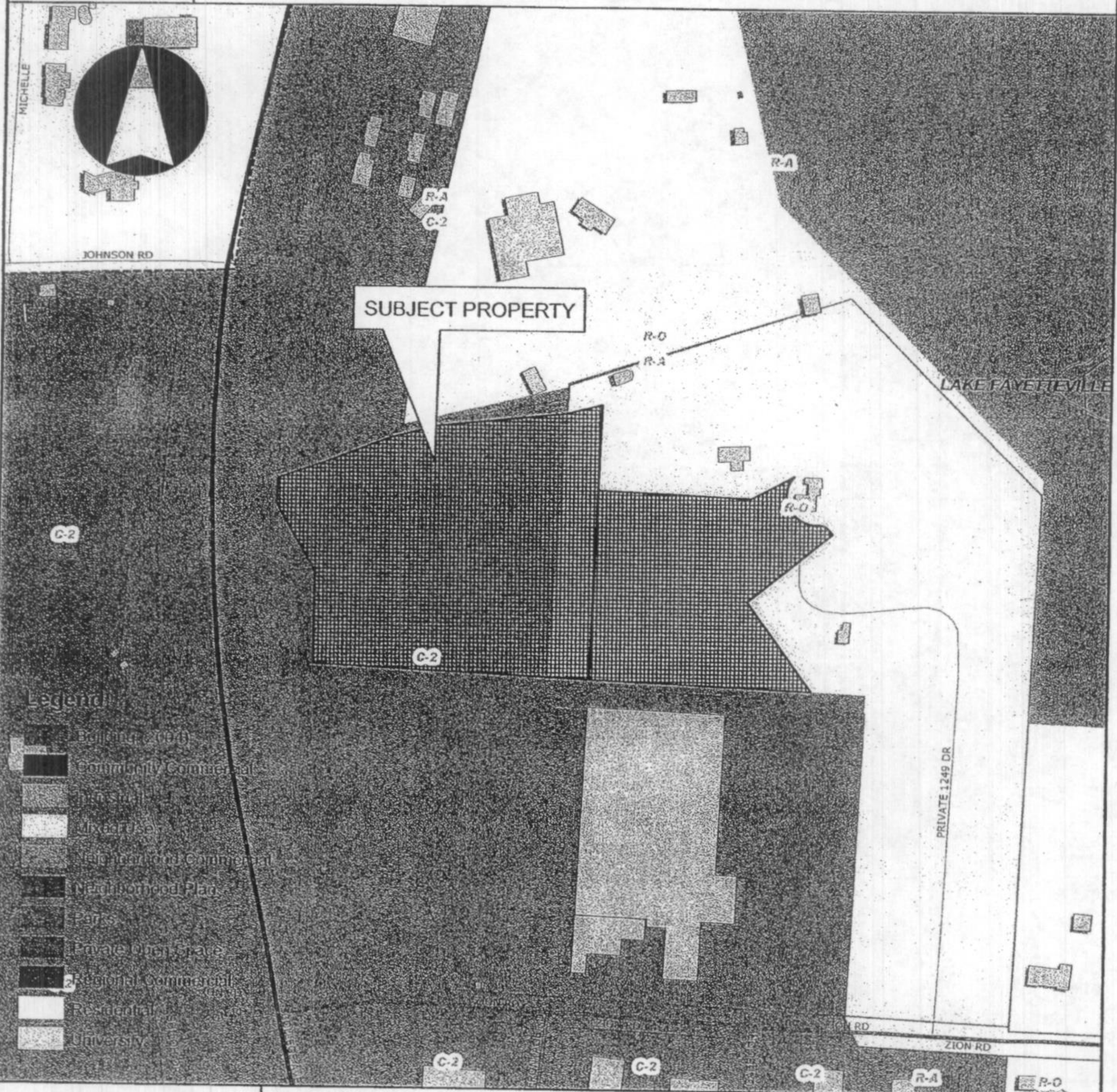
9/11/00

③

RPZD06-2191

Future Land Use

UNIVERSITY CLUB TOWER



Legend

- Building (004)
- Community Commercial
- High Street
- Mixed Use
- Neighborhood Commercial
- Neighborhood Plan
- Parks
- Private Open Space
- Regional Commercial
- Residential
- University

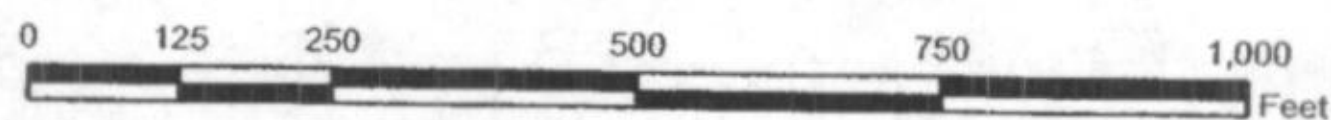
Overview



Legend

- Subject Property**
 - RPZD06-2191
- Streets**
 - Existing
 - Planned
- Boundary**
 - Planning Area
 - Overlay District
 - Outside City

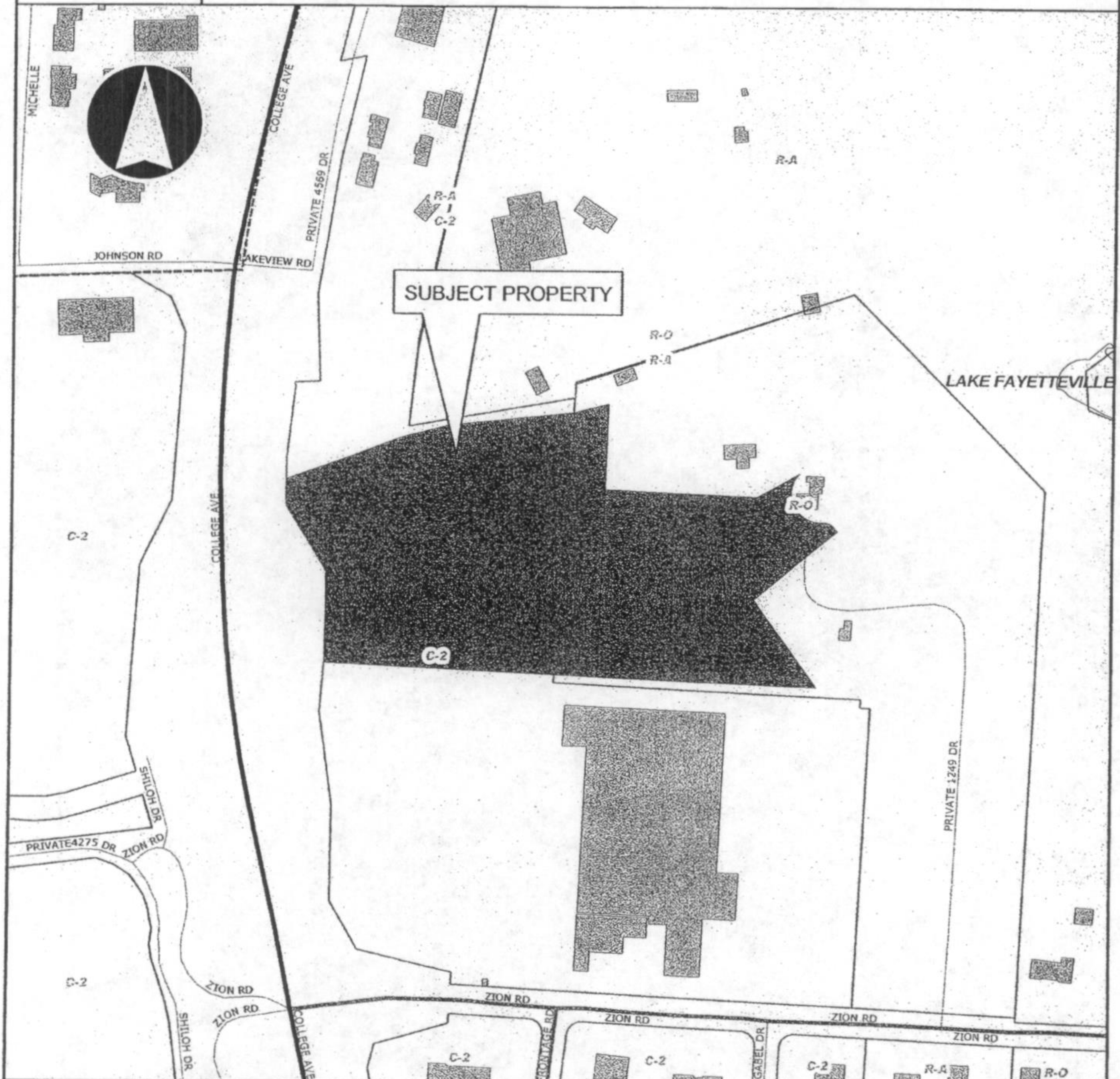
Legend



RPZD06-2191

UNIVERSITY CLUB TOWER

Close Up View



Overview

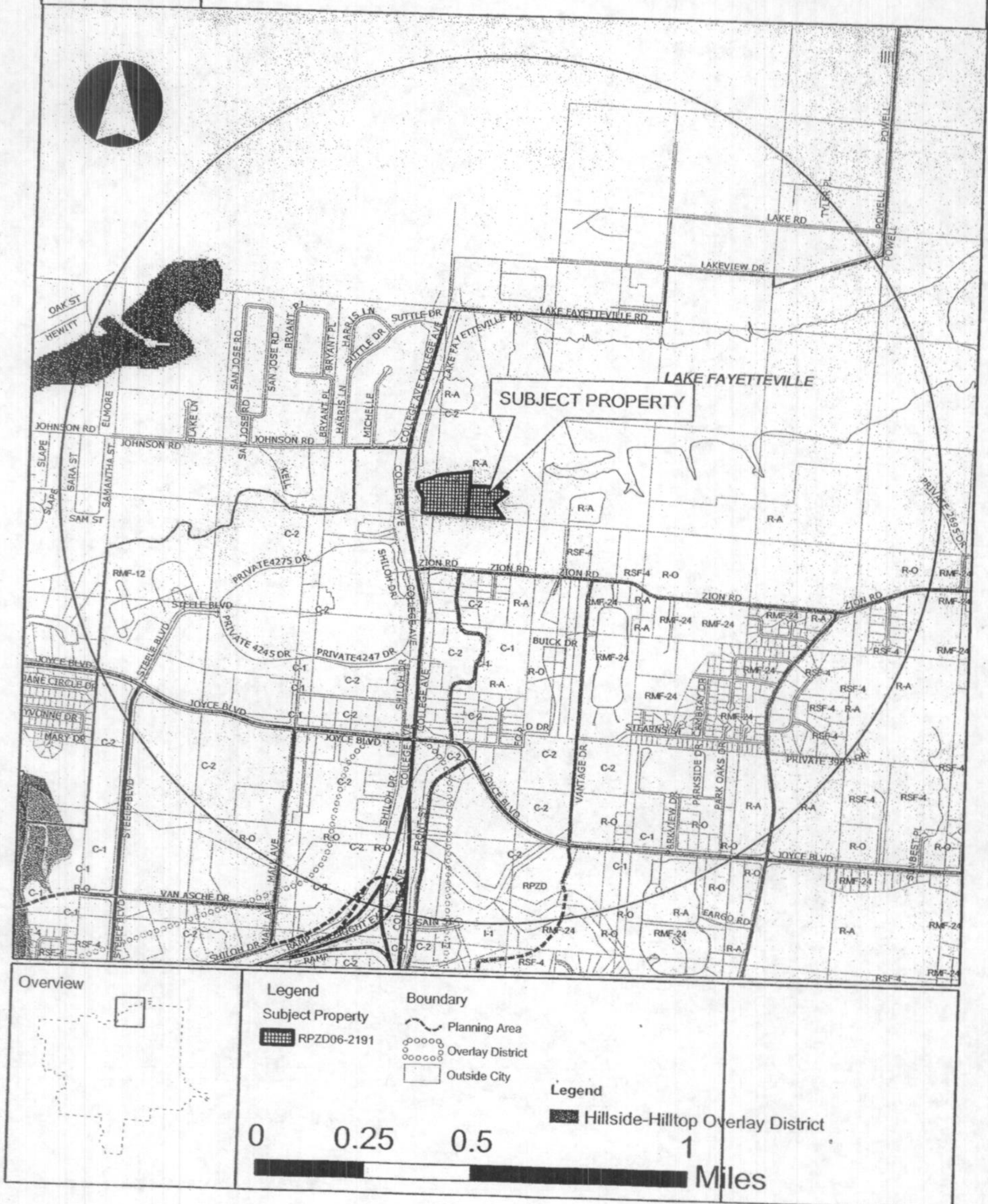
Legend

- ○ ○ ○ ○ Overlay District
- FLOODWAY
- 100 YEAR
- 500 YEAR
- LIMIT OF STUDY
- - - BaseLine Profile
- Fayetteville
- Outside City
- RPZD06-2191
- vector.GDB.Footprint_2004
- Hillside-Hilltop Overlay District

0 125 250 500 750 1,000 Feet

One Mile View

UNIVERSITY CLUB TOWER





CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning *JP*

Date: November 14, 2006

Subject: Residential Planned Zoning District for University Club Tower (R-PZD 06-2191)

BACKGROUND

On November 07, 2006, the City Council left R-PZD 06-2191 University Club Tower on the first reading of the ordinance. The main issues regarding this project concerned the proposed road, whether it should be private or public right-of-way and general compatibility and compliance with the PZD criteria. At the meeting staff informed the City Council that a lift station, which is required for the adjacent Timberlake Office Park development, was to be relocated interior to the 10.39-acre subject property. The applicant has submitted a revised project booklet and revised plats to reflect this modification.

DISCUSSION

The modifications proposed by the developer have resulted in changes to the Tree Preservation Plan. Tree canopy removed for the construction of the lift station will be mitigated as part of the Final Plat for the non-residential subdivision Timberlake Office Park. Attached is the revised Tree Preservation report. Additionally, the applicant has included Use Unit 3 *Public Protection and Utility Facilities* into the Permitted Uses listed within the zoning criteria.

Staff has reviewed the revised project booklet and plats and finds that minor corrections and modifications are required. Exhibit "C" has been updated to reflect the required revisions, and further conditions are attached. Staff recommends approval of the requested revisions.

left on the second reading 11/21/06

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 06-2191, UNIVERSITY CLUB TOWER, LOCATED NORTH OF LOWE'S HOME CENTER, EAST OF COLLEGE AVENUE (HIGHWAY 71), CONTAINING APPROXIMATELY 10.39 ACRES; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE; AND ADOPTING THE ASSOCIATED MASTER DEVELOPMENT PLAN.

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

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

From R-O, Residential-Office, and C-2, Thoroughfare Commercial to R-PZD 06-2191 as shown in Exhibit "A" and depicted in Exhibit "B" attached hereto and made a part hereof.

Section 2. That the change in zoning classification is based upon the approved master development plan, development standards, statement of commitments and the conditions of approval as submitted, determined appropriate and approved by the City Council indicated in Exhibit "C" attached hereto and made a part hereof.

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

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

PASSED AND APPROVED this _____ day of _____, 2006.

APPROVED:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk

EXHIBIT "A"
R-PZD 06-2191

COMBINED PROPERTY DESCRIPTION

PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW 1/4 OF THE NE 1/4) AND PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE 1/4 OF THE NE 1/4) OF SECTION TWENTY-THREE (23), TOWNSHIP SEVENTEEN NORTH (TWP 17 N) RANGE THIRTY WEST (RNG 30 W), WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A STEEL PK NAIL THAT MARKS THE SOUTHEAST CORNER OF THE SW 1/4 OF THE NE 1/4 OF SECTION 23, TWP 17 N., RNG 30 W., THENCE N02°42'31"E 37.66 FEET TO A STEEL REBAR PIN; THENCE N87°25'39"W 135.81 FEET TO A STEEL REBAR PIN ON THE EAST RIGHT OF WAY LINE OF ARKANSAS HIGHWAY 71-B, SAID PIN BEING THE POINT OF BEGINNING AND RUN THENCE ALONG SAID RIGHT OF WAY LINE N01°08'00"E 94.41 FEET TO A STEEL REBAR PIN; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE N00°10'10"W 95.42 FEET TO A CONCRETE RIGHT OF WAY MONUMENT; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE N29°40'02"W 160.98 FEET TO A STEEL REBAR PIN; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE N01°33'28"E 53.09 FEET TO A STEEL REBAR PIN; THENCE DEPARTING SAID HIGHWAY RIGHT OF WAY LINE N70°02'03"E 126.32 FEET TO A STEEL REBAR PIN; THENCE N68°57'11"E 124.05 FEET TO A STEEL REBAR PIN; THENCE N75°22'45"E 99.14 FEET TO A CHISLED "X" IN CONCRETE; THENCE N84°01'10"E 255.68 FEET TO A STEEL REBAR PIN; THENCE N75°58'11"E 77.46 FEET TO A STEEL REBAR PIN; THENCE S01°56'00"W 176.92 FEET TO A STEEL REBAR PIN; THENCE S87°20'52"E 311.46 FEET TO A STEEL REBAR PIN; THENCE N60°28'09"E 98.92 FEET TO A STEEL REBAR PIN; THENCE 142.95 FEET ALONG A CURVE TO THE LEFT SAID CURVE HAVING A RADIUS OF 60.00 FEET AND A LONG CHORD OF S25°54'14"E 111.46 FEET TO A STEEL REBAR PIN; THENCE 23.55 FEET ALONG A CURVE TO THE RIGHT SAID CURVE HAVING A RADIUS OF 25.00 FEET AND A LONG CHORD OF S67°10'03"E 22.69 FEET TO A STEEL REBAR PIN; THENCE S40°11'42"E 13.22 FEET TO A STEEL REBAR PIN; THENCE S49°48'18"W 220.73 FEET TO A STEEL REBAR PIN; THENCE S35°21'32"E 223.57 FEET TO A STEEL REBAR PIN; THENCE N87°25'39"W 1014.38 FEET TO THE POINT OF BEGINNING, CONTAINING APPROXIMATELY 452,361 SQ. FT. OR 10.385 ACRES, MORE OR LESS.

EXHIBIT "B"

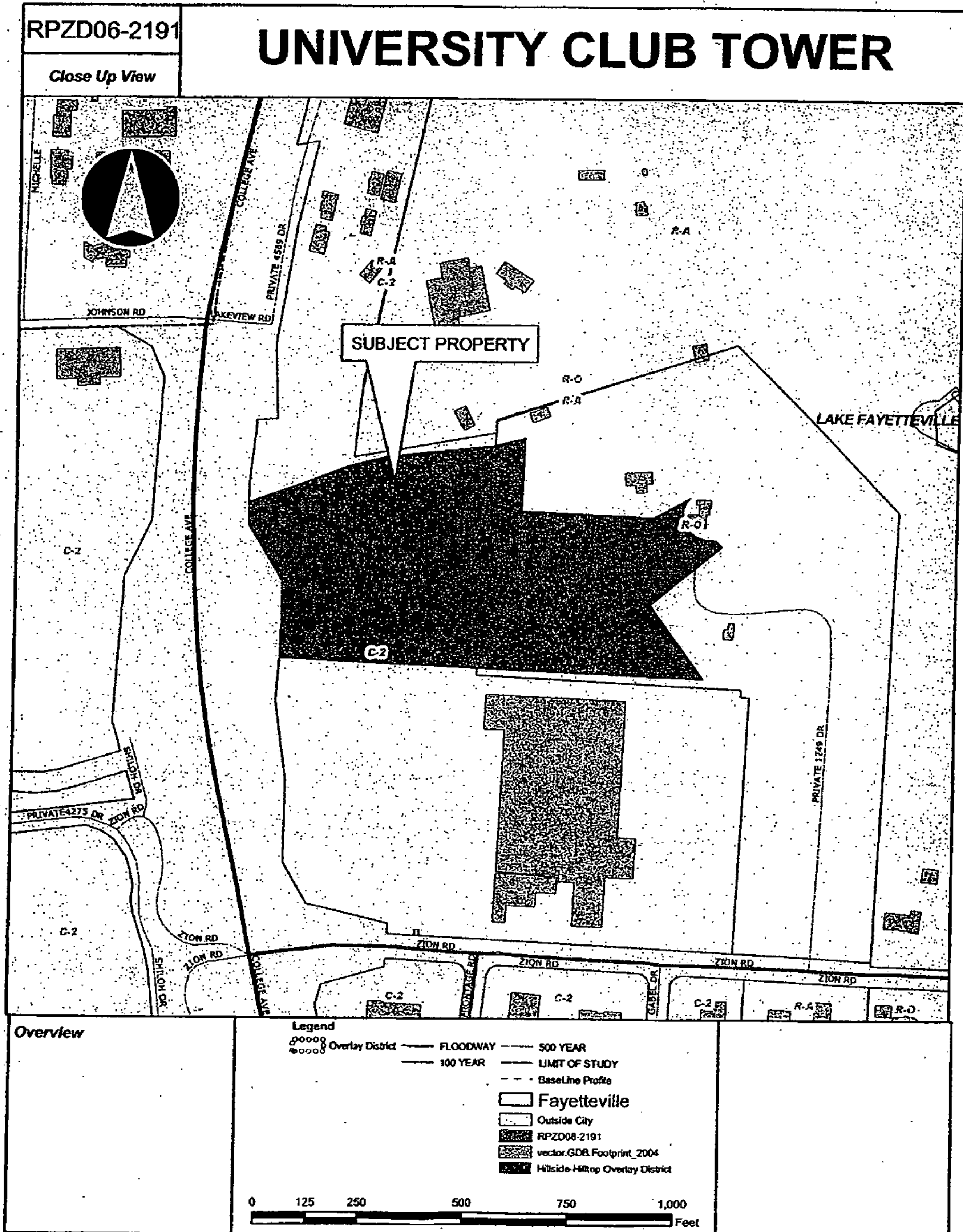


EXHIBIT "C"
R-PZD 06-2191
(Page 1 of 5)

Conditions of Approval:

1. City Council determination of standards for the 24' street connecting College Avenue and Timberlake Court. *Staff recommends and the applicant requests the proposed street connecting Timberlake Court and College Avenue remain private with a public access easement allowing for public ingress/egress. The proposed 24'-wide private street shall be constructed to city standards, with regard to curb, gutter, pavement section, etc. Additionally, pedestrian sidewalks/trails shall connect from Timberlake Court to College Avenue. Slopes and sidewalk construction shall be reviewed with construction drawings. The private street option would require a waiver of Ch. 166.06 K.10.b.i., which states that any street connecting one or more public streets shall be dedicated as a public street. Staff's recommendations for the private street are included in an Engineering memo attached. The Planning Commission recommended this street be constructed and dedicated as a public street, thus meeting the above-cited code section. However, to do so, several other waivers for street design standards are necessary, due to the slope at which this street is being constructed.*
2. Planning Commission determination of a waiver of landscape requirements for 1 tree per 30 linear feet adjacent to College Avenue right-of-way. *Staff recommends approval of the requested waiver due to the grade change between the street and right-of-way line, finding that the installation of trees approximately 40' above street grade will not provide the intended shade and pedestrian streetscape. Additionally, significant slope and drainage improvements by the highway department will likely not allow additional street tree plantings in the area of right-of-way. The Planning Commission found in favor of the requested landscape waiver.*
3. Planning Commission determination of street improvements. *Staff finds that the street improvements required for the development of Timberlake Office Park are sufficient to provide safe ingress and egress for this development to Zion Road. Staff recommends that the public street through Timberlake Office Park shall be constructed, inspected, approved and dedicated prior to issuance of a Temporary Certificate of Occupancy for this project. Should Timberlake Office Park development not occur, this PZD may not be permitted or constructed without further Planning Commission consideration. The Planning Commission found in favor of the recommended street improvements.*
4. The street connection to College Avenue shall be approved by AHTD prior to issuance of building permits. Should AHTD deny the proposed street connection, approvals for the R-PZD are null and void unless the applicant receives approval for a modification of connectivity from the Planning Commission and City Council.
5. The entrance from College Avenue shall be widened to a minimum 20' to comply with Fire Code requirements. The access shall be sufficiently marked with signage to adequately direct the flow of traffic (right in-right out only).

EXHIBIT "C"
R-PZD 06-2191
(Page 2 of 5)

6. Should the proposed street be private, an access easement granting public access from College Avenue to Timberlake Court, covering the entirety of the private street, shall be dedicated by easement plat or separate document prior to issuance of a building permit.
7. The street shall align as closely as possible to utilize already cleared/disturbed area for Timberlake Office Park detention pond, to minimize tree disturbance, subject to approval by the Urban Forester.
8. Minimum 4' concrete sidewalks and concrete or asphalt pedestrian walkways and trails as shown on the site plan along the private road, public street, and on the property shall be a requirement of the PZD and constructed prior to issuance of a Certificate of Occupancy.
9. Tree protection fencing will be very complex for this project. The developer shall coordinate with the Urban Forester to phase this fencing and where possible revise it to be closer to the limits of disturbance. Minimum tree canopy preserved as proposed is 53.37%, after the addition of the lift station. No mitigation is required.
10. Parks fees for a maximum of 80 multi-family units are \$54,400. Fees will be based on the actual number of units built and will be due prior to issuance of the building permit.
11. Signs on the property shall be subject to signage requirements for residential multi-family development. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code. The ordinance allows for one on-site freestanding or monument sign with a display area of 4 square feet or 16 square feet, respectively, and one wall sign with a maximum display area of 16 square feet.
12. No reflective glass shall be permitted on the structure, pursuant to the developer's application.
13. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements.
14. The applicant shall be granted one (1) year from the date of City Council approval to receive all building permits necessary for development of the project with a one (1) year extension available pursuant to City ordinances for large scale developments.
15. The proposed walking trail is a great asset for the development and shall be routed where possible to avoid trees and disturbance. The developer shall coordinate this route with the Urban Forester to ensure that little to no overhead canopy is removed. All slopes shall be re-vegetated to prevent erosion from this site in accordance with City accepted practices.
16. The applicant shall provide a walking trail from the project to the south to provide pedestrian connectivity to Lowe's Home Center.

EXHIBIT "C"
R-PZD 06-2191
(Page 3 of 5)

17. The proposed location of the lot lines for the lift station have not yet been approved by the Engineering Division. The applicant shall deed the required area for the lift station to the city by separate document. Adequate access shall be provided to the property to be contained within the deeded property or a recorded access easement prior to recordation of the Timberlake Office Park Final Plat.
18. Tree canopy removed for the construction of the lift station shall be mitigated at Final Plat for the non-residential subdivision Timberlake Office Park, by the developer of said subdivision.
19. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.
20. All revisions to the PZD books and plats as noted in the attached memo shall be completed prior to issuance of building permits.
21. Trash enclosures shall be screened on three sides with materials compatible with the surrounding structures, with access not visible from the street. Coordination shall occur between the Solid Waste Division and the Urban Forester regarding pruning or additional tree removal to accommodate the dumpster.
22. All exterior lighting, including lighting proposed within the parking lot and along the private drive, shall comply with the City's Outdoor Lighting Ordinance. A lighting plan and cut-sheets of the proposed exterior light fixtures shall be required to be approved by Planning Staff prior to building permit.
23. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
24. 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).
25. 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.

EXHIBIT "C"
R-PZD 06-2191
(Page 5 of 5)

26. Prior to the issuance of a building permit the following is required:
- a. Grading and drainage permits
 - b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - b. Separate easement plat for this project that shall include the tree preservation area.
 - c. Project Disk with all final revisions
 - d. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.



THE CITY OF FAYETTEVILLE, ARKANSAS

PLANNING DIVISION CORRESPONDENCE

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

November 14, 2006

RE: R-PZD 06-2191 (University Club Condos) – Plat/Booklet Revisions

From: Suzanne Morgan, Current Planner

The applicant shall coordinate the following revisions to the PZD booklets and plats with staff, prior to issuance of building permits:

- a. The applicant shall add State Plane Coordinates to the plat.
- b. Show the installation of a 6' sidewalk adjacent to the right-of-way for Timberlake Court that extends through the private driveway with no curb and gutter lines through the sidewalk.
- c. The sidewalk shall be shown to extend west to College Avenue street, subject to AHTD approval.
- d. Change the zoning criteria as shown on Sheet 2 to reflect the zoning criteria listed within the project booklet.
- e. Remove or modify the note on Sheet 3 which states "The Planning Area boundary is defined by the city limits around the site."
- f. Modify the density on Sheets 3 and 4 from 6.5 units per acre to 8 units per acre, and modify the acres from 10.385 to 10.38 to be consistent with the zoning criteria.
- g. The building setbacks shown on Sheet C1.01 shall be modified to show a 15' building setback adjacent to parcel 765-15568-000 and adjacent to the portions of parcel 765-15564-001 zoned for residential use. (Show the location where the zoning changes from R-A to C-2 along the northern property line.) Modify the building setbacks on all plans to reflect the updated setbacks on Sheet C1.01.
- h. On Sheet C0.01, modify the zoning from RPZ-D to R-PZD and change the developed area from 3.66 acres to 10.38 acres.
- i. The landscape plan shall be updated to show planting of large species, deciduous trees adjacent to and within 15' of the Timberlake Court right-of-way and within required landscape islands.
- j. Should the City Council approve the addition of parking north of the private driveway, either one parking space shall be removed or a landscape island shall be installed in order to satisfy parking lot landscape requirements which allow no greater than a row of 12 parking spaces.
- k. The area marked for storage of materials west of the circle drive should be relocated to an area that will require tree removal for the building and/or drives. It is not the intent of the ordinance to remove tree canopy in order to create a space for on-site storage. Staff would like to see the fencing to the south and west hug this parking area and protect tree # 200. This should increase the amount of preservation.
- l. Modify the project booklet to replace references to General Plan 2020 with City Plan 2025.

- m. Page 5 of the project booklet states traffic counts based on a development of 65 units.
 - Please update the information to include traffic counts for an 80 unit development, the maximum allowed by the zoning criteria.
- n. Update Page 8, Item 5 of the project booklet to indicate that sidewalks shall be constructed from Timberlake Office Park right-of-way to College Avenue as permitted by AHTD.
- o. UU3 was added to permitted uses. UU5 is not necessary.



CC Meeting of November 21, 2006

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 444-3470

TREE PRESERVATION and PROTECTION REPORT

To: Fayetteville City Council

From: Sarah K. Patterson, Urban Forester

Date: November 14, 2006

ITEM # R-PZD 06-2191: Planned Zoning District (University Club Tower)

Requirements Submitted:

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

Canopy Measurements:

Total Site Area	
acres	10.22
square feet	445,464
Existing Tree Canopy	
acres	10.22
square feet	445,464
percent of site area	100%
Existing Tree Canopy Preserved	
acres	4.80
square feet	214,019
percent of total site area	53.37 %
Percent Minimum Canopy Required	15%

FINDINGS:

The desirability of preserving a tree or group of trees by reason of age, location, size or species.

- **This site is completely wooded with a sloping topography. Most if not all the trees found on this project site are a high priority for**

preservation.

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

- **Environmental degradation should be very minimal on this site.**

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

- **An additional ingress/egress is planned for this site along the north boundary. Extensive canopy will have to be removed to get this drive in. Removal may affect adjacent property owners.**

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

- **N/A**

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

- **Size and shape of the lot does not reduce flexibility of design. Topography and connectivity have been a challenge.**

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

- **The general health of the trees is good to fair.**

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

- **Canopy will be removed for the essential roadways, utilities, and structure. Staff does however not approve of the additional canopy removal around the building and parking areas.**

The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.

- **There is an existing water line and easement along the west property line. Service lines for the development will come through several wooded areas. Canopy has been shown as removed for the above calculations.**

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

- **The roads have been routed in most cases taking into consideration the topography. The canopy is 100% and unfortunately can not be avoided.**

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

- **N/A**

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

- **Mitigation will not be required on this site.**

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

- **N/A**

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

- **N/A**

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

- **Staff is recommending approval of the submitted Tree Preservation Plan with the following Conditions of Approval.**

Conditions of Approval:

1. **Tree protection fencing will be very complex for this project. Please coordinate with the Urban Forester to phase this fencing and where possible revise it to be closer to the limits of disturbance.**
2. **The area marked for storage of materials west of the circle drive should be relocated to an area that will require tree removal for the building and/or drives. It is not the intent of the ordinance to remove tree canopy in order to create a space for on-site storage. Staff would like to see the fencing to the south and west hug this parking area and protect tree # 200. This should increase the amount of preservation.**
3. **The proposed walking trail should be coordinated with the Urban Forester to insure that little to no overhead canopy is removed.**
4. **Staff is in support of keeping these drives private. If made public, additional right of way may be needed which would increase the amount of canopy that would need to be removed.**
5. **Tree canopy removed for the construction of the lift station will be mitigated at Final Plat for the Non-Residential Subdivision Timberlake Office Park.**

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

7-Nov-06
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

R-PZD 06-2256: Planned Zoning District (932 Garland, 444): Submitted by Architects 226, Inc. for property located at 932 Garland, between Berry and Hughes Street. The property is zoned RMF-40, Residential Multi-Family, 40 units per acre and R-O, Residential Office and contains approximately 0.84 acres. The request is to approve a Master Development Plan - Residential Planned Zoning District with 37 dwelling units and 22,854 s.f. of non-residential use.

\$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

☐

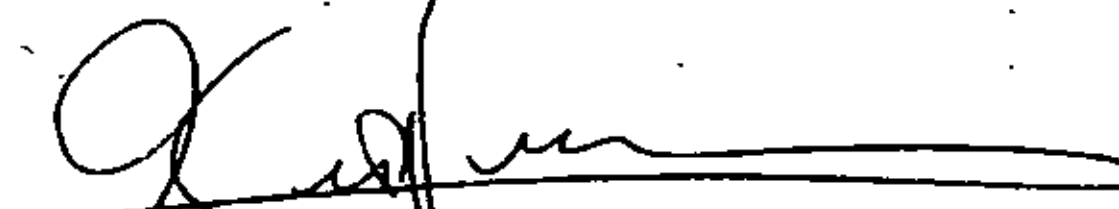
Budget Adjustment Attached

☐


Department Director
10-18-06
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

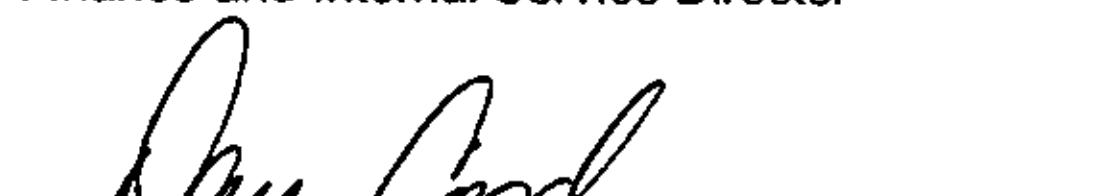

City Attorney
10-18-06
Date

Original Contract Number: n/a

Paul A. Beebe
Finance and Internal Service Director
10-18-06
Date

Received in City Clerk's Office




Mayor
10/19/06
Date

Received in Mayor's Office



Comments:

Left on the second reading 11/21/06
Left on the first reading 11/7/06

City Council Meeting of November 7, 2006
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

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

Date: October 11, 2006

Subject: Master Development Plan-Residential Planned Zoning District for 932 Garland
(RPZD 06-2256)

RECOMMENDATION

Planning Staff recommends approval of an ordinance creating a Master Development Plan - Residential Planned Zoning District (R-PZD 06-2256) for 932 Garland, based on the Master Development Plan, development standards, and statement of commitments submitted. This action will establish a unique zoning district for a mixed-use project on approximately 0.84 acres. Development approval will not be granted with this request.

BACKGROUND

The applicant requests a rezoning and Master Development Plan approval for a mixed-use project on the property within one (1) planning area. The proposal includes street-level retail/restaurant space along Garland Avenue and office space on the second level for a maximum of 22,854 square feet of non-residential space. A maximum of 37 residential condominiums, totaling 66,227 square feet will be provided above the non-residential floors. This results in a total density of 44.04 dwelling units per acre and an intensity of 27,207 SF of nonresidential space per acre over the entire 0.84 acre site. The parking will be accommodated on-site in a two-level parking garage with access from both Hughes and Berry Streets.

DISCUSSION

The Planning Commission voted 8-0-0 in favor of this request on October 9, 2006. A Planned Zoning District requires City Council approval as it includes zoning and land use approval. Recommended conditions were approved by the Planning Commission and are reflected in the attached staff report.

No public comment was received at the Planning Commission meeting. However, the commissioners stated at the time of development they would expect to see more windows and/or doors on the west elevation at street level. In respect to the building height, commissioners stated that the width of Garland Ave. helped balance the height and mass and the building would be good introduction into the university campus. Commissioners had concerns regarding the view of Old Main from Garland being obstructed by the proposed building. However, it was pointed out by the applicants that Old Main was not visible from this particular part of Garland because of the existing topography.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 06-2256, 932 GARLAND, LOCATED AT 932 GARLAND, BETWEEN BERRY AND HUGHES STREET, CONTAINING APPROXIMATELY 0.84 ACRES; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE; AND ADOPTING THE ASSOCIATED MASTER DEVELOPMENT PLAN.

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

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

From RMF-40, Residential Multi-Family, 40 units per acre and R-O, Residential Office, to R-PZD 06-2256 as shown in Exhibit "A" and depicted in Exhibit "B" attached hereto and made a part hereof.

Section 2. That the change in zoning classification is based upon the approved master development plan, development standards, statement of commitments and the conditions of approval as submitted, determined appropriate and approved by the City Council indicated in Exhibit "C" attached hereto and made a part hereof.

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

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

PASSED AND APPROVED this _____ day of _____, 2006.

APPROVED:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk

EXHIBIT "A"
R-PZD 06-2256

A PART OF LOTS NUMBERED SEVEN (7), EIGHT (8), NINE (9), TEN (10), ELEVEN (11), AND TWELVE (12), ALL IN BLOCK NUMBERED FIVE (5) OF ROSE HILL ADDITION, AN ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT SEVEN (7), SAID POINT BEING AN EXISTING IRON REBAR; THENCE N86°50'55"W 109.61 FEET ALONG THE SOUTH LINE OF SAID LOT SEVEN (7) TO A SET 1/2" IRON REBAR ON THE EAST RIGHT-OF-WAY LINE OF ARKANSAS HIGHWAY #112 (GARLAND AVENUE) AS RELOCATED BY THE ARKANSAS HIGHWAY COMMISSION; THENCE N44°02'02"W ALONG SAID RIGHT-OF-WAY LINE 26.93 FEET TO A SET 1/2" IRON REBAR; THENCE N03°48'11"E ALONG SAID RIGHT-OF-WAY LINE 181.10 FEET TO AN EXISTING IRON REBAR; THENCE N12°43'57"E 101.05 FEET TO AN EXISTING IRON REBAR ON THE NORTH LINE OF SAID LOT TWELVE (12); THENCE LEAVING SAID RIGHT-OF-WAY LINE, S86°43'25"E 107.08 FEET TO AN EXISTING IRON REBAR AT THE NORTHEAST CORNER OF SAID LOT TWELVE (12); THENCE S02°30'00"W 298.81 FEET TO THE POINT OF BEGINNING.

EXHIBIT "B"

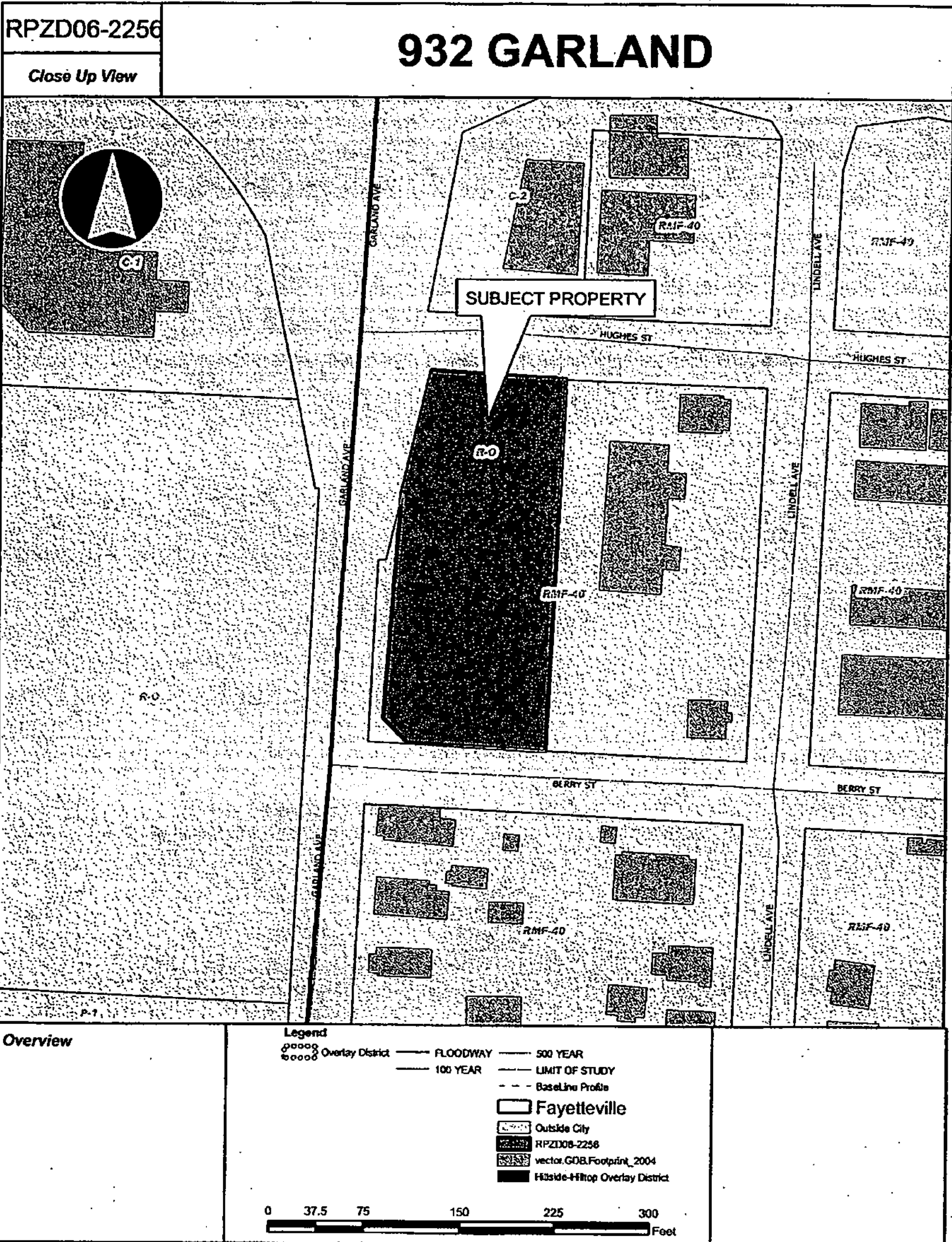


EXHIBIT "C"
R-PZD 06-2256

Conditions of Approval

1. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council, including the statement of commitments and development standards presented in the project booklet, shall also be binding and enforceable by law.
2. Approval of this Master Development Plan – Planned Zoning District shall not be construed as development approval. Pursuant to city ordinance, all development of the property shall be approved by the Planning Commission through the large scale development and/or subdivision review process. The large scale development shall be evaluated based on the zoning and development criteria established with the Master Development Plan. Circulation, landscaping, tree preservation, design standards, connectivity, infrastructure improvements and other city policies and ordinances remain applicable with the development review process. The conceptual designs proposed are to be used as a template from which detailed plans are produced; however, it is expected that certain items will change, in accordance with the Planned Zoning District ordinance.
3. Zoning and development criteria shall be enforced as approved by the City Council, and currently referenced in the 932 Garland project booklets and on the submitted Master Development Plan plats. Flexibility will be allowed in the development criteria listed in the booklet, but Planning Commission approval of development is required. The approved plans, commitments and standards will be kept on file in the Planning Division, and referenced for subsequent development proposed on the property. All density and intensity information provided is maximum totals for the property.
4. **Signage:** All signage within each Phase of the Master Development Plan shall be permitted in accordance with the current sign regulations at the time of development. More stringent regulations may be placed on tenants within 932 Garland to ensure a cohesive sign program; however, the sign ordinance may not be violated in doing so. Commercial tenants within the project shall be permitted to utilize signage in compliance with commercial zoning districts; all commercial signage shall be placed on the portion of the structure utilized for commercial activities. No signage shall be permitted above the 2nd story of the building, as this is residential in use. No pole or pylon signs shall be permitted within the 932 Garland project site.
5. **Phasing:** In order to ensure the proposed Master Development Plan meets all of the goals and criteria set forth, a phasing schedule has been submitted (reference the project booklet). If certain permitting times are not met, the Planned Zoning District approval shall be voided, or extended as allowed by §166 of the UDC. The following development phasing shall be enforced:

EXHIBIT "C"
R-PZD 06-2256

The applicant shall be granted one (1) year from the date of Planning Commission approval of the large scale development to receive all permits necessary for development with a one (1) year extension available.

6. Public water and sewer lines shall be extended as required by city ordinance at the time of development. Detailed analysis of the existing water and sewer systems will be required to be submitted with the development submittal.
7. Future development shall comply with at least the minimum design standards for development in the Unified Development Code as adopted at the time of development, including but not limited to landscaping, parking, access, street design, storm water detention, tree preservation, etc. All structures proposed shall be reviewed to ensure appropriate architectural compatibility, compliance with commercial design standards, and/or conformance with the architectural standards and concepts provided with the subject submittal.
8. Overhead awnings, balconies, stairways, stoops and other appurtenances to the primary structure may not extend within the Master Street Plan right-of-way. Allowances shall be at the discretion of the Planning Commission and City Council to ensure safety measures, clearance and other criteria for zoning and development in the Unified Development Code are not compromised.
9. Street improvements at the time of development shall include those determined necessary by the Planning Commission, based upon the development proposed at the time of submittal. Staff will recommend, at minimum, the following:
 - Install curb and gutter along Hughes and Berry Streets as well as storm drainage along Hughes Street. The alley along the east side of the property will be rehabilitated and paved with asphalt, resulting in a 20' width for two-way traffic movements. Additionally, 8' sidewalks will be constructed along Hughes Street, Garland Avenue and Berry Street. The sidewalk along Garland will be partially located outside of the dedicated right-of-way and therefore will be located within a pedestrian access easement. Additional improvements may be required once development plans have been submitted and reviewed in detail.
10. All sidewalks shall meet applicable City and A.D.A. requirements.
11. All development shall meet applicable building codes and other ordinances of the City of Fayetteville.
12. Street lights shall be installed on all abutting streets with a maximum spacing of 300'.
13. Street trees shall be provided pursuant to Chapter 177, Landscape Regulations, pertaining to the provision of urban tree wells in this location. Subject to sight distance limitations, street trees shall be planted along Berry, Hughes and Garland Avenue.



PC Meeting of October 9, 2006

THE CITY OF FAYETTEVILLE, ARKANSAS

PLANNING DIVISION CORRESPONDENCE

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

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Current Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: October 2, 2006

MDP R-PZD 06-2256: Residential Planned Zoning District (932 GARLAND): Submitted by ARCHITECTS 226, INC. for property located at 932 GARLAND, BETWEEN BERRY AND HUGHES STREET. The property is zoned RMF-40, MULTI FAMILY - 40 UNITS/ACRE and contains approximately 0.84 acres. The request is to review a Master Development Plan for a Residential Planned Zoning District with 37 dwelling units and 22,854 s.f. of commercial space.

Property Owner: MANSFIELD PROPERTY MANAGEMENT, LLC.
Planner: JESSE FULCHER

Findings:

Property Description: The property consists of several parcels totaling 0.84 acres that is currently developed with single-family homes within the RMF-40, Residential Multi-family zoning district. The property is bounded by Hughes Street to the north, Berry Street to the south, Garland Avenue to the west and a 20' public alley to the east. The property is currently zoned R-O and RMF-40.

Surrounding Land Use/Zoning:

Direction	Land Use	Zoning
North	Commercial strip center	C-2
South	Residential	RMF-40
East	Residential	RMF-40
West	Undeveloped	R-O

Proposal: The applicant requests a rezoning and Master Development Plan approval for a mixed-use project on the property within one (1) planning area. The proposal includes street-level retail/restaurant space along Garland Avenue and office space on the second level for a maximum of 22,854 square feet of non-residential space. A maximum of 37 residential condominiums, totaling 66,227 square feet will be provided above the non-residential floors. This results in a total density of 44.04 dwelling units per acre and an intensity of 27,207 SF of

nonresidential space per acre over the entire 0.84 acre site. The parking will be accommodated on-site in a two-level parking garage with access from both Hughes and Berry Streets.

To meet applicable zoning criteria, the proposed Planning Area has to have established bulk and area criteria, setbacks, height, etc. Otherwise the proposal would have to return to the City Council to address these zoning issues with development. The information is provided both in a booklet form, which describes the intent of the Planning Area along with a conceptual drawing, and by way of the larger plat, which gives much of the same technical information, along with the actual Master Development Plan. The building, street, and parking arrangement indicated on the master plan will likely vary somewhat from that which is presented. However, these issues can be resolved with the development review of the project and additional City Council action, if needed. At this step in the process it is important to make the policy decision of whether the zoning is appropriate and compatible to this area, given the proposed Master Development Plan, statement of commitments, and development standards.

Process: The purpose of the subject request is for a rezoning approval in order to secure entitlement for the property with a concept for a variety of uses and infrastructure improvements to support the community. Approval of the Master Development Plan Planned Zoning District would effectively rezone the property based on the conceptual plans and information provided in the booklets. However, it does not give development approval. The applicant is required to return through the large scale development process in order for the Planning Commission to confirm that the development plans presented are compliant with the zoning and Master Development Plans approved by the City Council.

Bulk and area criteria, while usually provided within the staff report, have been provided in duplicate by the applicant. The project booklet provided gives the zoning criteria in detail, as do the Master Development Plans. Please reference this provided material for more information. The booklet and plats presented are binding once approved, by ordinance.

Water & Sewer: Water and sewer lines are currently available in the area, and will be designed and constructed in accordance with city specifications to serve the development.

Access: Access to the site is provided from Garland Avenue, Berry Street, Hughes Street and a mid-block alley. No vehicular access is to be provided directly from Garland Avenue. Sidewalks will be improved in the area to provide pedestrian access.

Adjacent Master Street Plan Streets: Garland Avenue (Principal Arterial), Berry Street (Local Street), Hughes Street (Local Street)

Street Improvements: The developer is proposing to install curb and gutter along Hughes and Berry Streets as well as storm drainage along Hughes Street. The alley along the east side of the property will be rehabilitated and paved with asphalt, resulting in a 20' width for two-way traffic movements. Additionally, the applicant proposes 8' sidewalks along Hughes Street and Garland Avenue and a 4' sidewalk along Berry Street. The sidewalk along Garland will be partially located outside of the dedicated right-of-way and therefore will be located within a pedestrian access easement. Recommendations for additional improvements may be required once

development plans have been submitted and reviewed, based upon the actual development proposal submitted.

Tree Preservation: Tree preservation requirements will be assessed at the time of large scale development. By ordinance, staff will require preservation of tree canopy on-site unless supportive information is provided as to why on-site preservation requirements can not be met. Supportive information could include a tree inventory provided by a certified arborist assessing all existing tree canopy.

Parks: The Parks and Recreation Advisory Board reviewed this project on August 17, 2006 and recommended accepting money-in-lieu to satisfy the Park Land Dedication Ordinance requirement. Based on the number of units proposed at this time (37, less a credit for five existing homes), \$20,360.00 would be required. Actual numbers will be generated at the time of development.

Public Comment: Staff has not received any public opposition to the project. The applicant did present the plans at a Ward 4 meeting with City Council representatives and citizens for input.

Phasing: The development of the 932 Garland project is anticipated to occur over the next 1-4 years. A phasing schedule has been provided within the project booklet, identifying the anticipated construction time frame. Upon Large Scale Development approval, the estimated time frame will be 9-12 months for pre-construction work and 18-20 months for construction. The standard one-year time frame with a one-year extension available for typical large scale developments is adequate, pursuant to City codes.

Recommendation: Staff recommends forwarding a recommendation of approval of the Master Development Plan – Planned Zoning District for 932 Garland (R-PZD 06-2256) to the City Council, with the following conditions:

Conditions of Approval:

1. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council, including the statement of commitments and development standards presented in the project booklet, shall also be binding and enforceable by law.
2. Approval of this Master Development Plan – Planned Zoning District shall not be construed as development approval. Pursuant to city ordinance, all development of the property shall be approved by the Planning Commission through the large scale development and/or subdivision review process. The large scale development shall be evaluated based on the zoning and development criteria established with the Master Development Plan. Circulation, landscaping, tree preservation, design standards, connectivity, infrastructure improvements and other city policies and ordinances remain applicable with the development review process. The conceptual designs proposed are

to be used as a template from which detailed plans are produced; however, it is expected that certain items will change, in accordance with the Planned Zoning District ordinance.

3. Zoning and development criteria shall be enforced as approved by the City Council, and currently referenced in the 932 Garland project booklets and on the submitted Master Development Plan plats. Flexibility will be allowed in the development criteria listed in the booklet, but Planning Commission approval of development is required. The approved plans, commitments and standards will be kept on file in the Planning Division, and referenced for subsequent development proposed on the property. All density and intensity information provided is maximum totals for the property.
4. **Signage:** All signage within each Phase of the Master Development Plan shall be permitted in accordance with the current sign regulations at the time of development. More stringent regulations may be placed on tenants within 932 Garland to ensure a cohesive sign program; however, the sign ordinance may not be violated in doing so. Commercial tenants within the project shall be permitted to utilize signage in compliance with commercial zoning districts; all commercial signage shall be placed on the portion of the structure utilized for commercial activities. No signage shall be permitted above the 2nd story of the building, as this is residential in use. No pole or pylon signs shall be permitted within the 932 Garland project site.
5. **Phasing:** In order to ensure the proposed Master Development Plan meets all of the goals and criteria set forth, a phasing schedule has been submitted (reference the project booklet). If certain permitting times are not met, the Planned Zoning District approval shall be voided, or extended as allowed by §166 of the UDC. The following development phasing shall be enforced:
 - The applicant shall be granted one (1) year from the date of Planning Commission approval of the large scale development to receive all permits necessary for development of the Phase with a one (1) year extension available.
6. Public water and sewer lines shall be extended as required by city ordinance at the time of development. Detailed analysis of the existing water and sewer systems will be required to be submitted with the development submittal.
7. Future development shall comply with at least the minimum design standards for development in the Unified Development Code as adopted at the time of development, including but not limited to landscaping, parking, access, street design, stormwater detention, tree preservation, etc. All structures proposed shall be reviewed to ensure appropriate architectural compatibility, compliance with commercial design standards, and/or conformance with the architectural standards and concepts provided with the subject submittal.
8. Overhead awnings, balconies, stairways, stoops and other appurtenances to the primary structure may not extend within the Master Street Plan right-of-way. Allowances shall

be at the discretion of the Planning Commission and City Council to ensure safety measures, clearance and other criteria for zoning and development in the Unified Development Code are not compromised.

9. Street improvements at the time of development shall include those determined necessary by the Planning Commission, based upon the development proposed at the time of submittal. Staff will recommend, at minimum, the following:
 - Install curb and gutter along Hughes and Berry Streets as well as storm drainage along Hughes Street. The alley along the east side of the property will be rehabilitated and paved with asphalt, resulting in a 20' width for two-way traffic movements. Additionally, 8' sidewalks will be constructed along Hughes Street, Garland Avenue and Berry Street. The sidewalk along Garland will be partially located outside of the dedicated right-of-way and therefore will be located within a pedestrian access easement. Additional improvements may be required once development plans have been submitted and reviewed in detail.
10. All sidewalks shall meet applicable City and A.D.A. requirements.
11. All development shall meet applicable building codes and other ordinances of the City of Fayetteville.
12. Street lights shall be installed on all abutting streets with a maximum spacing of 300'.
13. Street trees shall be provided pursuant to Chapter 177, Landscape Regulations, pertaining to the provision of urban tree wells in this location. Subject to sight distance limitations, street trees shall be planted along Berry, Hughes and Garland Avenue.

PLANNING COMMISSION ACTION: Required YES

Planning Commission Action: ☒ Forwarded ☐ Denied ☐ Tabled
Motion: Graves
Second: Clark
Vote: 8-0-0
Meeting Date: October 9, 2006

Comments: *The Planning Commission made the following comments:*

- *More windows or doors were recommended for the west elevation at street level, to create a more "inviting" experience at the pedestrian level.*
- *The width of Garland helped balance the height of the structure.*
- *Removal of the existing curb-cuts was an improvement to the site.*
- *Recommended utilizing the same tree species as the University used for the boulevard section.*
- *Height at the northeast corner of the property was a concern.*
- *View of Old Main from Garland.*
- *Good introduction into campus.*

CITY COUNCIL ACTION:

Required YES

City Council Action:

☐ Approved ☐ Denied ☐ Tabled

Motion: _____

Second: _____

Vote: _____

Meeting Date: November 7, 2006

Comments: _____

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

By _____

Date _____

Findings associated with MDP R-PZD 06-2256 (932 Garland)

Sec. 166.06. Planned Zoning Districts (PZD).

(E) Approval or Rejection Criteria for Planned Zoning Districts

The following criteria shall be considered by the Planning Commission and City Council in the review of a planned zoning district application based on the proposed master development plan:

- (1) Whether the application is in compliance with the requirements of the UDC and the City Plan 2025;

FINDING: Staff finds the application to be in substantial compliance with the Master Development Plan Planned Zoning District criteria established by the City Council. In review of the City Plan 2025, the application provides for a mixture of residential, office, commercial and mixed uses, which will provide future residents with job opportunities nearby and contribute to transportation goals by reducing dependency on car trips. The proposal is an intense development within an appropriate infill sector of the city, which promotes mixed uses to promote better community design, while maintaining human scale and greatly enhancing pedestrian activity near a center of pedestrian movement, the University of Arkansas.

- (2) Whether the application is in compliance with all applicable statutory provisions;

FINDING: The application has been reviewed and found to be compliant with applicable statutory provisions.

- (3) Whether the general impact of the rezoning would adversely impact the provision of public facilities and services;

FINDING: The impact of the rezoning and subsequent development would require the provision of public facilities, at the cost of the developer. Without improvements to existing infrastructure, the proposal would certainly adversely affect public facilities and services. However, as indicated in the submittal and the staff report, certain measures are to be taken to ensure adequate infrastructure improvements are made by the developer to ensure the level of service does not decline due to the proposed development. Examples of this include requirements for the installation of curb, gutter, sidewalks and storm drainage. Fire and police have responded accordingly.

- (4) Whether the rezoning is compatible with the surrounding land uses;

FINDING: The rezoning request, combined with the Master Development Plan, creates a mixture of commercial, office, retail/restaurant and residential uses. Commercial land uses currently exist to the north and northwest, with undeveloped, Residential Office zoned property to the west across Garland Avenue. Many multi-family dwellings are located to the east of the property. Leverett Elementary School and various structures containing

student housing, offices, health centers, etc. are located nearby, in conjunction with the University of Arkansas. The highest elevations of the building are shifted to the west and north of the site in response to the institutional character of the nearby university buildings and commercial structures located at the intersection of Garland Avenue and Wedington Drive. This enables the scale of the building to step down considerably to the east and south in deference to the residential scale of the adjacent properties. Ultimately, the bulk of the building height is located along the non-residential edge of the site to allow for an appropriate transition between the subject development and the existing multi-family structures to the east.

- (5) Whether the subject land is suitable for the intended use and is compatible with the natural environment;

FINDING: The subject property is comprised of several, developed residential properties with little remaining undisturbed areas. Additionally, the design incorporates the slope and topography of the property to limit the visual impact from surrounding areas, and to create structured parking that works with the existing slope.

- (6) Whether the intended land use would create traffic congestion or burden the existing road network;

FINDING: Based on staff findings and the attached Fayetteville Police Department report, the proposed rezoning would not create or appreciable increase traffic congestion in the area, or burden the existing road network. The property is served by Garland Avenue, a Principal Arterial, along with two other Local Streets, Berry and Hughes, as avenues to disperse traffic. Additionally, with redevelopment of the site, multiple curb-cuts will be removed from the site perimeter. Garland Avenue in the immediate vicinity has recently been improved to a boulevard cross-section, which controls traffic movement in the area.

- (7) Whether the planned development provides for unified development control under a unified plan;

FINDING: A plan and project booklet has been submitted, recognizing the zoning and development criteria required of a Master Development Plan submittal. Typical architectural elevations, materials and design standards are called out, in order to describe the appearance of the community once constructed.

- (8) Whether any other recognized zoning consideration would be violated in this PZD.

FINDING: Staff finds that in review of the requested rezoning, the Master Development Plan proposed does not violate recognized zoning considerations, as found below.

- (J) *Development standards, conditions and review guidelines*

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

FINDING: The proposed Planned Zoning District has been reviewed in light of all applicable development and zoning ordinances. At this time, the Master Development Plan sets out the basic guidelines, development and zoning criteria, commitments offered by the applicant and those recommended by staff, and design standards to ensure the proposal will achieve a high level of compatibility with adjacent properties. While a shift in land uses from its current single use to one of mixed use, staff finds that the proposal herein does incorporate an acceptable level of compatibility, and development features further the health, safety, amenity and welfare of the community. Density, maximum dwelling units and maximum intensity (non-residential square feet) have been addressed for the proposed planning area; circulation is achieved via public streets, with an emphasis on a traditional urban design, allowing pedestrians freedom of movement; parking, screening, signage, and landscaping are all proposed to meet City of Fayetteville standards, allowing for a project that enhances the neighborhood.

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

FINDING: Screening is not required at this time; with development of the site, all applicable development criteria will be applied for appropriate landscaping, screening and buffering of parking areas and objectionable uses. This includes street tree plantings along all public streets, in appropriately sized greenspace areas or within urban tree wells.

- (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: Ingress and egress to the property will be provided via three (3) existing public streets and an alley which will be improved to provide a 20' paved surface. Sidewalks will be constructed along all three public streets, providing areas for pedestrian activity and movement, separate from vehicular traffic. Ingress and egress will be evaluated in detail for all public services at the time of development.

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

FINDING: The project does not comply with the standard minimum parking requirements for the uses proposed. Based on the square footage for office, retail, restaurant and residential, 132 parking spaces will be required with the 30% allowable reduction. The applicants are proposing to provide 128 parking spaces within the mixed use development, and a mixed-use parking chart has been provided in the booklet to demonstrate this shared use.

- (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: Greenspace areas have not been provided pursuant to standard ordinance requirements, however a 25' greenspace is being provided between the proposed sidewalk and Garland Avenue. This greenspace will not only provide a buffer between pedestrians

and vehicular traffic, but also allow "green" zone for public benefit. This project is subject to the requirements of Chapter 177, Landscape Regulations, and shall provide street tree plantings in appropriately sized greenspace areas, or within urban tree wells, subject to approval by the Urban Forester.

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

FINDING: Sidewalks and other pedestrian connections will be evaluated at the time of development to ensure compliance. Wider sidewalks (8'-10') may be required for urban tree well conditions; a minimum width of 6' is required for all sidewalks on this mixed-use project, if the greenspace option is utilized.

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

FINDING: Street lights will be required at the time of development along all public streets (Berry, Hughes, Garland), with a maximum spacing of 300'.

(8) *Water.* As required by §166.03.

FINDING: Public water will be provided to the project site, pursuant to city code and may include looping/connecting to other water lines to adequately maintain the water system in the area.

(9) *Sewer.* As required by §166.03.

FINDING: Public sewer will be 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 and private streets/drives shall conform to city standards, which have been indicated in the submitted statement of commitments. The Planned Zoning District process allows an applicant to propose alternative street cross-sections, sidewalk width and location, etc., all at the discretion and with the approval of the Planning Commission. Public and Private streets shall not be gated, unless permitted by express approval from the City Council.

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

FINDING: N/A

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

FINDING: Tree preservation requirements will be assessed at the time of large scale development. Staff will not support the removal of all on-site canopy unless supportive information is provided as to why on-site preservation requirements can not be met. At the time of development, staff would recommend a tree inventory provided by a certified arborist assessing all existing tree canopy.

- (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: All office and commercial components of the building shall be evaluated as set forth in the code, at the time of development. Though strict adherence is not essential, submitted concept drawings will be utilized as templates for the future buildings.

- (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: The project site sits well below the peak elevation of Rose Hill and therefore no significant views to the south should be affected by the building proposal. Views to the north and west are currently obstructed by existing vegetation and topographical changes. As the area section indicates, Old Main and many university structures are sited well above the project.

(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 subject R-PZD is an adaptive reuse of existing property. The mixed-use components of the project, along with overall architectural and development principles utilized in the site planning, allow for a transition from the commercial nature of North

Street and the primarily residential nature of the Rose Hill neighborhood to the east. Harmony and compatibility are achieved by stepping down the building massing on the east side, respecting the scale of the multi-family apartments nearby, while also providing a greenway along Garland that will compliment the current boulevard landscaping. Additionally, the commercial uses are pushed towards the street edge of Garland Avenue, affording a separation between the existing residential uses to the east. A positive impact on adjoining properties should be achieved, enhancing the health, safety and welfare of the surrounding community. The project is consistent with many of the guiding policies of the City Plan 2025, including a revitalization effort through an infill strategy that discourages urban sprawl, while encouraging traditional urban life and pedestrian activity near centers of immense activity. Current development ordinances, including Tree Preservation, landscaping and design standards, enable more developments to be visually compatible than before.

The following guiding policies within Residential Areas are applicable to this development, and help to achieve the nine primary goals of the City Plan 2025:

Residential Areas:

12.1.4.a Utilize principles of traditional residential urban design to create compatible, livable, and accessible neighborhoods. (Goal 3)

12.1.4.d Manage non-residential development within and adjoining residential neighborhoods to minimize nuisances.

12.1.4.e Utilize more intense development patterns within the infill sector and encourage mixed uses in new developments to promote better community design, maintain human scale, and enhance pedestrian activity. (Goal 1)

12.1.4.f Site new residential areas accessible to roadways, alternative transportation modes, community amenities, infrastructure, and retail and commercial goods and services. (Goals 1g and 3)

12.1.4.g Encourage residential dwellings in appropriate specified Mixed Use Areas. (Goals 1 and 3)

12.1.4.h Encourage a development scale to maintain compatibility and proportionality between nonresidential development and adjacent residential areas. (Goal 3a)

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

FINDING: The subject described real property is proposed to be rezoned to R-PZD 06-2256, with one (1) unique Planning Area. The development standards, statement of commitments and Master Development Plan approved shall be adopted with the rezoning.

(C) *R – PZD, Residential Planned Zoning District.*

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

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

FINDING: The subject R-PZD meets the purpose and intent by providing a mixed-use development on a site that is generally prohibitive for redevelopment in this location, given the parameters of the existing zoning designation and topographical challenges. The project allows for a transition between the commercial development to the north and the residential areas to the east. The extensive development of public facilities to serve this property is not needed, for the project is surrounded by developed property and installed infrastructure. Instead, needed improvements to surrounding infrastructure, including curb and gutter, storm drains, sidewalks, landscaping, and the relocation of overhead lines underground will provide an amenity to the surrounding community.

(2) *Permitted Uses.* All permitted uses identified within §162 Use Units of the Unified Development Code shall be allowed as permissible uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.

(3) *Conditional Uses.* All conditional uses allowed within (Residential, Commercial,

Industrial) zoning Districts established in the Unified Development Code shall be allowed with Planning Commission approval, unless otherwise specified, subject to the code governing Conditional Use requests.

FINDING: See Zoning Criteria Chart within the project booklet provided by the applicant for the uses permitted by right and by conditional use in each Planning Area as proposed by the applicant. This project booklet, if approved, will remain on file in the Planning Division for comparison to future development on the property. Uses proposed have been evaluated and found to be reasonably compatible in adjacency to other uses.

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

FINDING: The majority of development (approximately 75%) within the proposed Master Development Plan is slated for residential use. (66,227 sq. ft. of residential) (22,854 sq. ft. of non-residential)

(F) *Bulk and area regulations*

- (1) *Residential density.* Residential densities shall be determined on the basis of the following considerations:

- (a) The densities of surrounding development;
- (b) the densities allowed under the current zoning;
- (c) the urban development goals and other policies of the city's General Plan;
- (d) the topography and character of the natural environment; and
- (e) the impact of a given density on the specific site and adjacent properties.

FINDING: The property is located at the edge of the Rose Hill neighborhood, which is composed of all types of residential uses within the RMF-40 zoning district; however properties to the north are exclusively commercial. The proposal is for 44 units/acres, which is consistent with adjacent zoning.

- (2) *Lot area and setback 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.

FINDING: Setbacks are varied on this project to allow for the nonresidential uses to be shifted to the north and west of the site, while also allowing the scale of the project to step down to the east and south in deference to the residential scale of the adjacent properties.

- (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.

FINDING: A building height limit of 122' from the lowest point on the site has been established with the proposed R-PZD. Currently there is no height limitation in the RMF-40 zoning district, however any building which exceeds the height of 20' shall be set back from any side boundary line an additional distance of 1' for each 1' of height in excess of 20'. The current height proposal under the RMF-40 zoning district would result in a side setback of 110' from the east property line (not possible on this property). Other than the northern portion of the structure, which faces the commercial properties to the north, the bulk of the building sits approximately 70' from the western edge of the alley. This is accomplished by pushing the building envelop up to the street right-of-way along Garland Avenue, resulting in a significant step down as the building approaches the multi-family development to the east. There are many multi-story structures in the area, both on Garland Avenue and in the surrounding neighborhood. They consist of the University of Arkansas Quad, existing 8-9 story residential dormitories, 3-4 story multi-family structures, etc. Staff finds that adequate light and air are afforded to adjacent properties with this proposal, and that the cohesive design does not denude 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.

FINDING: The lot coverage is comparable to that which is allowed for a large scale development, whether commercial or residential.

***Required Findings for Rezoning Request.**

LAND USE PLAN: The City Plan 2025 Interim Future Land Use Plan designates this site as a Residential Area. Rezoning this property to R-PZD 06-2256, with the associated Master Development Plan, varies this future land use to a mixed use, though the principal use on the property will remain residential. The proposed plan, commitments, design standards and other conditions placed upon the project result in a compatible development with surrounding land uses in the general vicinity, meeting many of the goals of the General Plan 2020 for new development.

FINDINGS OF THE STAFF

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

Finding: The proposed rezoning is to a great degree consistent with many of the principles and policies in place. The policies encouraged by the City Plan 2025 call for new residential areas accessible to roadways, alternative transportation modes, community amenities, schools, infrastructure and retail and commercial goods and services; encourage residential dwellings in appropriate specified mixed use areas, while encouraging development scale to maintain compatibility and proportionality between nonresidential development and adjacent residential areas. This project meets all of these goals, and creates an internal transition of land uses that attempt to address adjacent land uses.

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

Finding: The proposed zoning is needed in order to develop a dense, mixed use, urban project that is in harmony with the guiding policies of the City Plan 2025, yet considerate to the existing residential properties located in the immediate vicinity.

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

Finding: Based on staff findings and the attached Fayetteville Police Department report, the proposed rezoning would not create or appreciable increase traffic danger and congestion in the area. The property is served by Garland Avenue, a Principal Arterial, along with two other Local Streets, Berry and Hughes, as avenues to disperse traffic.

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

Finding: Based on findings from public service providers, as outlined below, an undesirable increase in load on public services would not be created.

Engineering: Public water is adjacent to the site. There is an 8" waterline along both Hughes Street and Garland Avenue. Water service will need to be extended within the property and looped through the development at the time of development.

Sanitary sewer is available on the site. There is an 8" sewer main along the

east property line of this site. 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.

The site has access to Garland Avenue, via Berry and Hughes Streets. Garland is an improved 4-lane boulevard with an 8' sidewalk proposed with this development. Berry and Hughes Streets are two-lane paved roadways with no curb and gutter or storm drains. Sidewalks, curb and gutter and storm drains are proposed with this development.

Police: It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter population density and will not create an undesirable increase on police services.

Fire: The subject property is located approximately 0.25 miles from the Fire Station No. 2. Response time to the property is 1.5 minutes. There are no adverse impacts on call volume or response time anticipated.

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



THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 444-3470

PARKS AND RECREATION DIVISION CORRESPONDENCE

To: HGM Consultants Inc

From: Sarah K. Patterson, Urban Forester

Date: October 4, 2006

Subject: Planning Commission Review Comments

ITEM #: PZD 06-2256: Planned Zoning District (Mansfield)

TREE PRESERVATION PLAN

1. When this PZD enters the process for construction plan approval all requirements of Chapter 167 shall be met. This should include but not be limited to:
 - ❖ Tree Preservation and Grading Plan
 - ❖ Tree inventory of all significant trees include species, diameter at breast height, condition, priority, and canopy spread in square feet
 - ❖ Tree canopy calculations including existing canopy, preserved canopy, and removed canopy.



FAYETTEVILLE

B. 2
R-PZD 06-2256, 932 Garland
Page 31 of 38

THE CITY OF FAYETTEVILLE, ARKANSAS

POLICE DEPARTMENT

October 2, 2006

Jeremy Pate
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville AR, 72701

Dear Director Pate,

This document is in response to the request for a determination of whether the proposed Planned Zoning District R-PZD 06-2256: ~~Planned Zoning District (MANSFIELD, 444)~~: Submitted by YUME AND RUSSELL RUDZINDKI for property located at 932 GARLAND, BETWEEN BERRY AND HUGHES STREET would substantially alter the population density and thereby undesirably increase the load on public services and create an appreciable increase in traffic danger and congestion.

It is the opinion of the Fayetteville Police Department that this planned zoning district will not create an undesirable increase in the load on police services nor will it create an appreciable increase in traffic danger and congestion in the area.

~~In reference to R-PZD 06-2213: Planned Zoning District SUNBRIDGE VILLAS, 200): Submitted by PROJECT DESIGN CONSULTANTS, INC. for property located at NW OF SUNBRIDGE DRIVE AND VILLA BLVD. VILLA MCH PARK~~

It is the opinion of the Fayetteville Police Department that this planned zoning district will not create an undesirable increase in the load on police services nor will it create an appreciable increase in traffic danger and congestion in the area.

Sincerely,

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

Captain William Brown
Fayetteville Police Department



Fayetteville Fire Department

MEMO

To: Suzanne Morgan, Andrew Garner, Jeremy Pate, and Jesse Fulcher
Thru: Chief Tony Johnson
Asst Chief Bud Thompson
From: Captain Dale Riggins
Date: October 4, 2006
Re: October 2, 2006 Zoning Review – Fire Department Comments

R-PZD06-2256 (Mansfield)

These .84 acres are covered by Engine 2 at 708 N Garland.
It is .25 miles from the station with an expected response time of 1.5 minutes.

The Fire Department anticipates 8 (5 EMS – 3 Fire/Other) calls for service per year once the development is completed and maximum build-out has occurred.

Measured Hydrant Flow in this area is at 1760 gpm.

The service impact of the development will typically take eighteen months after the development is started, and the units begin to be occupied, to occur. There should be no adverse effects on our call volume or response time to this development.

R-PZD06-2213 (Sunbridge Estates)

These 20.92 acres are covered by Engine 4 and Ladder 4 at 3385 N Mainview.

It is 2.2 miles from the station with an expected response time of 6 minutes.

The Fire Department anticipates 18 (23 EMS – 15 Fire/Other) calls for service per year once the development is completed and maximum build-out has occurred.

There is no recorded Measured Hydrant Flow in this area.

The service impact of the 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.

Feel free to contact me with any questions you may have about these comments.

**Captain Dale Riggins
Fayetteville Fire Department**



Massfield B. 2
R-12006-056, 932 Garland
Page 34 of 38

**ADJOINING PROPERTY OWNERS NOTIFICATION
OF UPCOMING PUBLIC HEARING**

Today's Date: 09/19/06

To: PAUL + MARY DAWN BLAIR

APPLICANT/REPRESENTATIVE CONTACT INFO:

Name: Yume Rudzinski (Architects 226)

Address: 70 N. College Ave., Suite. 1 Fayetteville, Arkansas 72701

Phone/Email: 479-251-1085 yume@a226.com

PROJECT DESCRIPTION: The project is on .84 acre located at 932 Garland Ave. The program consists of a single mixed-use structure containing street-level retail along Garland Avenue, rental office space on the second level, and thirty-seven residential condominiums above. The parking will be accommodated on site in a two-level parking garage with access from both Hughes and Berry Streets. The design is directed toward professionals, university professors and families who are attracted to a modern, maintenance-free housing option with ready access to the University and other Fayetteville amenities.

Subdivision Committee Meeting: Thursday, Sept. 28th, 9:00 am
Fayetteville City Administration Building
113 W. Mountain Street, Room 219

Planning Commission Meeting: Monday, Oct. 9th, 5:30 pm
Fayetteville City Administration Building
113 W. Mountain Street, Room 219

ADJOINING PROPERTY OWNERS COMMENTS

(Return Comments to City of Fayetteville Planning Division in Stamped Enclosed Envelope)

 I have been notified of the above meetings for the described project.

X I do not object to the project described above.

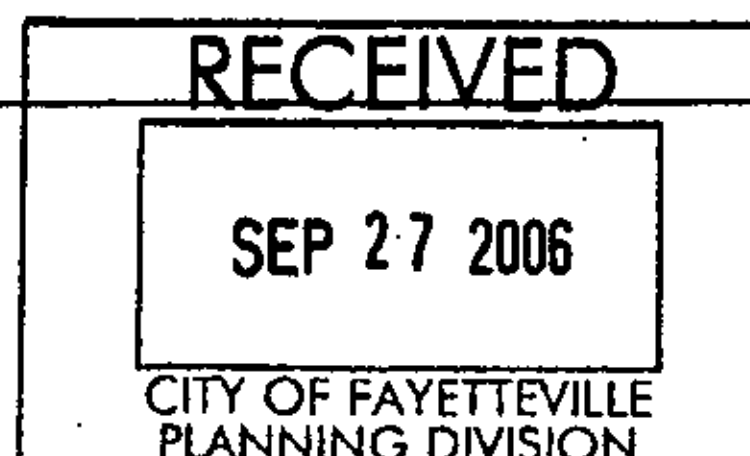
 I do object to the project described above because:

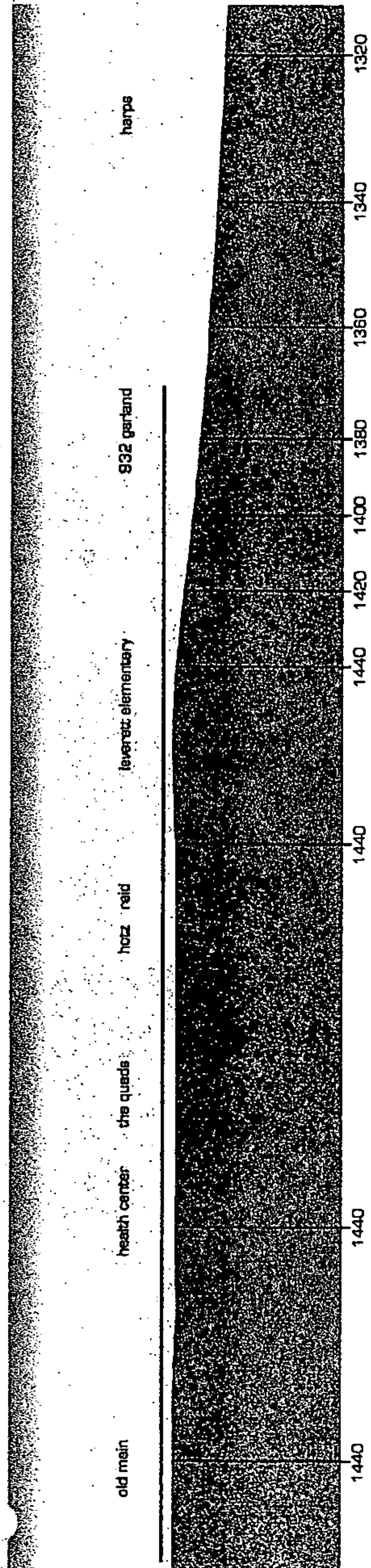
Paul Blair
Name of Property Owner (Printed)

Paul Blair
Signature of Property Owner

820 N. Garland Fayetteville, AR 72701
Address of Property Owner

932 GARLAND
Project Name

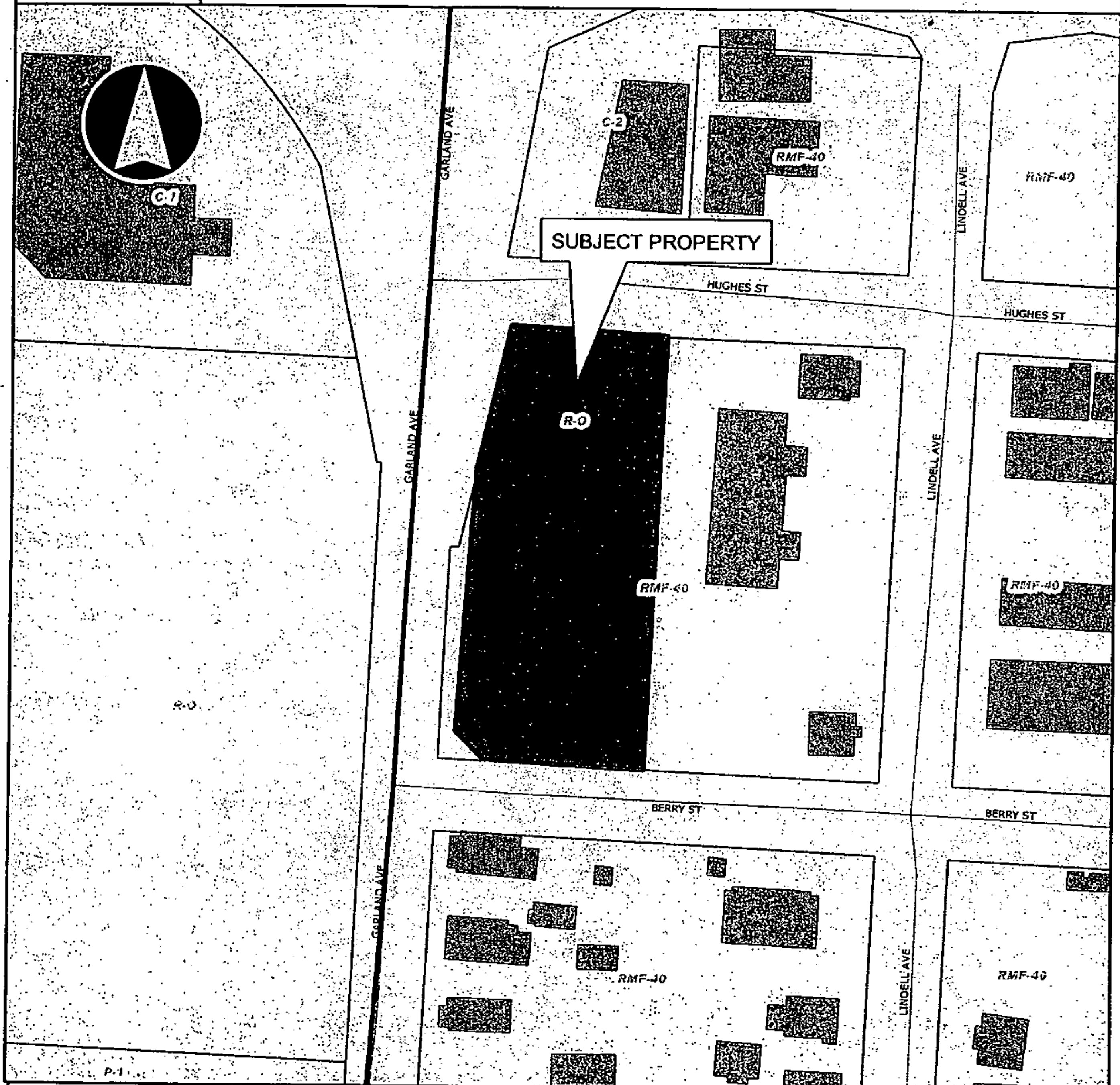




RPZD06-2256

Close Up View

932 GARLAND



Overview

- Legend**
- Overlay District
 - 100 YEAR
 - 500 YEAR
 - LIMIT OF STUDY
 - BaseLine Profile
 - Fayetteville
 - Outside City
 - RPZD06-2256
 - vector.GDB.Footprint_2004
 - Hillside-Hilltop Overlay District

0 37.5 75 150 225 300 Feet

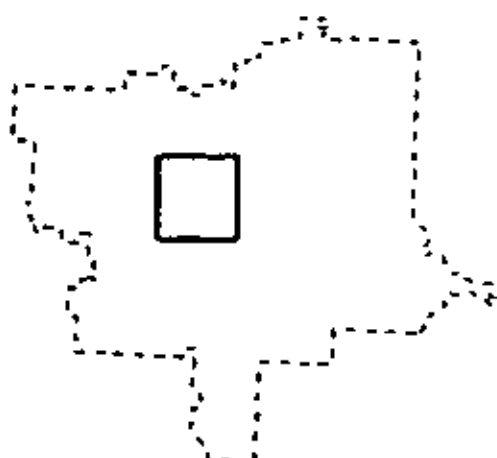
RPZD06-2256

932 GARLAND

One Mile View



Overview



Legend

Subject Property

RPZD06-2256

Boundary

Planning Area

Overlay District

Outside City

Legend

Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

11-7-06
Agenda

To: City of Fayetteville.

Sandra Smith

From: Dr. Ira Zakariadze.

I would like to appite (Administrative
Item (Emerald Point S/D 474) ADM 06-2282).
Planning Commission's decision on
October 9, 2006.

Thank you

Dr. Ira Zakariadze / 10.10.06.

RECEIVED
OCT 10 2006
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

RECEIVED

RECEIVED

OCT 10 2006

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

Tabled to the 12/5/06 City Council mtg
Tabled to the 11/21/06 City Council mtg

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: October 18, 2006

Subject: Major Modification of Emerald Point Subdivision (ADM 06-2282)

RECOMMENDATION

The Planning Commission voted to deny the subject request for a major modification to remove an approved street stub-out within Emerald Point Subdivision, PPL 05-1773. Staff recommended denial of the proposed major modification.

BACKGROUND

On June 26, 2006, the Planning Commission approved the preliminary plat for Emerald Point Subdivision, a residential subdivision containing 9.7 acres with 8 single-family lots and 40 townhome lots. The property is located east of Double Springs Road, and it is zoned RMF-6 subject to a Bill of Assurance. Property to the north is developed for mini-storage. Two adjoining properties to the south were recently annexed and zoned R-A and RSF-4. It is anticipated that the property zoned RSF-4 will develop for single family homes in the future.

During the review of this project, significant attention was given to the connectivity proposed between this development and surrounding property. The subdivision was approved with one street stub-out to the north and three stub-outs to the south. Placement of the street stub-out furthest to the east, Rocky Crossing, will provide a potential street connection north to Legacy Point Phase 1. The western-most street stub-out is necessary to provide lot width for two lots. Though staff had recommended that this street be extended south 70 feet through the R-A property to stub-out to the RSF-4 property, the owner indicated the street connection is not to be provided through his property. Therefore, the middle street, Integrity Way, was added to the plat to provide additional connectivity to the south and avoid the construction of long, straight streets that may increase traffic speeds.

Construction drawings and preliminary analysis of the drainage have been submitted to the City Engineering Division. The result of these studies shows that the detention area available in Lot 35 is not adequate to detain the storm water from this property and the additional water run-off from the property to the north, which was developed under County requirements and was not required to provide storm water detention. Due to the drainage issues, the applicant has requested to remove Integrity Way and incorporate the right-of-way into the detention pond lot resulting in an increased capacity.

DISCUSSION

On October 9, 2006, the Planning Commission voted 6-2-0 to deny this request. Commissioners Trumbo and Anthes voted against the motion to deny. The applicant submitted a letter of appeal to the City Clerk within 10 days following the Planning Commission meeting. Additionally, the applicant has met with staff and the adjacent property owner to the north to discuss potential solutions to the drainage issues which were exacerbated by the development of the mini-storage units. At this time, the participants have not agreed upon any one solution.

BUDGET IMPACT

None.



PC Meeting of October 09, 2006

THE CITY OF FAYETTEVILLE, ARKANSAS

PLANNING DIVISION CORRESPONDENCE

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

TO: Fayetteville Planning Commission
FROM: Suzanne Morgan, Current Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: October 04, 2006 *Updated October 18, 2006*

ADM 06-2282: Administrative Item (EMERALD POINT S/D, 474): Submitted by STEADFAST, INC. for property located S of Wedington, E of Double Springs Road. The request is for a major modification of the approved Preliminary Plat, PPL 05-1773.
Planner: Suzanne Morgan

Background

The Planning Commission tabled this item indefinitely at its September 25, 2006 meeting due to the absence of an applicant at the time the item was heard. The applicant requests that the Planning Commission reconsider this item at its October 09, 2006 meeting.

On June 26, 2006, the Planning Commission approved the preliminary plat for Emerald Point Subdivision. The residential subdivision contains 9.7 acres and is located east of Double Springs Road. The property is zoned RMF-6 subject to a Bill of Assurance. The subdivision consists of 48 lots, of which 8 are single-family lots and 40 are townhome lots. Property to the north is developed for mini-storage. Two adjoining properties to the south were recently annexed and zoned R-A and RSF-4. It is anticipated that the property zoned RSF-4 will develop for single family homes in the future.

During the review of this project, significant attention was given to the connectivity proposed between this development and surrounding property. A street connection was provided from Double Springs Road. One street is stubbed-out to the north where a future connection could be made from this property to Legacy Pointe Phase 1 should the mini-storage property be redeveloped. No street connections to the east were provided within Legacy Pointe Phase V. Most of the discussion regarding street connectivity was focused on street connections to the south, in an effort to coordinate the impending development activity to the south with the subject development proposal.

At Subdivision Committee, the applicant proposed two street stub-outs to the south. The western street, Georgia Trail, would provide street frontage for the creation of two lots. Georgia Trail dead-ends into a 1-acre property zoned R-A owned by Mr. Williams. Understanding that the property south of Mr. Williams would be developed in the future,

staff recommended extending the street through Mr. Williams' property (a 70' street extension) so that a proper street connection can occur with subsequent development. It was discussed at Subdivision Committee that the applicant was not able to obtain approval from Mr. Williams. Staff, therefore, recommended the relocation of the street stub-out to the east (east of Mr. William's property) and reconfiguration of the lot layout. The Subdivision Committee further specified that the stub-out should be located between lots 35 and 36. The new street, Integrity Way, was created by reducing the size of the detention pond. Georgia Trail remained in order to provide frontage to lots 46 and 47, but it was understood that this street may never extend through Mr. Williams' property. On June 26, 2006, the Planning Commission reviewed and approved a preliminary plat with three street stub-outs to the south.

Construction drawings and analysis of the drainage has been submitted to the City Engineering Division. The result of these studies has shown that the detention area available in Lot 35 is not adequate to detain the storm water from this property and the water run-off from the property to the north which was developed under County requirements and was not required to provide storm water detention.

Request

The applicant requests a modification to the approved preliminary plat for Emerald Pointe Subdivision. As shown in page 3 of the supplementary hand out, the applicant requests removal of Integrity Way for the following reasons:

1. The storm water run-off onto the subject property has increased due to the development of the mini-storage facility to the north. Enlargement of the detention pond will be necessary to accommodate this flow, and this will result in the elimination of one or more lots.
2. The resulting block lengths do not exceed city requirements. The block length from Double Springs Road to Rocky Crossing is 1,173 feet. When Georgia Trail is extended to the south, the block length from Georgia Trail to Rocky Crossing will be 960 feet. Furthermore, the applicant proposes that traffic will be heavier on the east-west street connections rather than on the north-south streets.

Discussion

The detention pond, Lot 35, as originally proposed was sized too small for the development of the subdivision. Final calculations have not yet been submitted to the Engineering Division for review, but according to Engineering staff it is likely that a total of four lots may be removed and added to the detention pond. Removal of Integrity Way is proposed not to increase lot yield but to increase the size of the detention pond and to avoid the loss of lots.

The Unified Development Code states that block lengths can range between 400' to 1,400' (see Ch. 166.08 D). Staff recommends this additional street connection to provide additional avenues of travel north and south. The resulting block sizes are comparable to others within the Legacy Pointe Phase I Subdivision and others within the city.

Recommendation

Staff recommends denial of the requested modification for the removal of Integrity Way without the construction of Georgia Trail through Mr. Williams' property. Although the block length requirements have been met from Double Springs Road to Rocky Crossing, staff does not recommend the construction of long, straight streets that may increase traffic speeds when there is a possibility of providing additional street connections. Planning Commission approved Integrity Way because Georgia Way would not be able to be extended through Mr. Williams' property. The applicant's current proposal does not provide an alternative street connection, as Mr. Williams has indicated the street connection is not to be provided through his property.

Date: October 9, 2006

Planning Commission Action: Denied

Motion to deny: Ostner

Second: Clark

Vote: 6-2-0 with Commissioners Trumbo and Anthes voting no.

Comments:

Planning Commission
June 26, 2006
Page 124

PPL 06-1773: Preliminary Plat (EMERALD POINT, 474): Submitted by STEADFAST, INC. for property located at DOUBLE SPRINGS RD., E OF SILVERTHORNE S/D. The property is zoned RMF-6, LOW DENSITY MULTI-FAMILY RESIDENTIAL and contains approximately 9.7 acres. The request is to approve a preliminary plat of a residential subdivision containing 8 single family lots and 40 two-family lots.

Anthes: Our next item this evening is item 19, Preliminary Plat 06-1773 for Emerald Point.

Morgan: This is a subdivision on a property approximately 10 acres. It is north of the Williams property and the Hays property that were earlier considered tonight for annexation. The applicant requests approval of a Preliminary Plat of 48 lots, 8 of which are single family and those single family lots lie on both the east and west property lines which adjoin other single family residential neighborhoods. And there are 40 townhome lots between those 2 rows of single family lots. In the review of this application staff and the applicant and Subdivision Committee worked considerably hard on connectivity. The applicant is providing one connection to the north which potentially in the future will connect with Legacy Point Phase 1. There is an intervening property which is currently developed for storage units which would currently prevent that connection at this time. The applicant also proposed three connections to the south, one of which, the western most, stubs out to the Williams property and it is questionable whether or not by the time of final plat as presented before you we will have right-of-way and the street will be constructed through that property, therefore the applicant is proposing a turnaround temporary cul-de-sac at this location. There is an additional access for this property to the Hays property which could be connected when that property develops as well as the one furthest to the east. There are several waiver requests associated with this application. Those include both the waiver of distance between Olika Street at the main lane through this property as well as Mesa Street which is existing in the Silverthorne subdivision. The requirement is 150' and the applicant proposes 117' between those center lines. With the locations of the existing homes that are proposed to be saved and just the distance between there, that was the only viable option in order to get some additional lots along the northern property line. Additionally, they request a waiver of the 150' curb radius. The applicant requests for a 100' radius. Staff is recommending support of this waiver as well as the previous. We do have two other Planning Commission determinations which we have requested. First of all being street connectivity. Again, we have worked with the applicant and Subdivision Committee and at the last Subdivision Committee meeting they did recommend approval of this third connection of the three connections. And Planning Commission determination of street improvements is requested. Staff recommends that the applicant

improve Double Springs Road from the northern property line to the southern property line also including the 70' portion adjacent to Mr. Mike Williams' property which is the property that was heard earlier today for annexation. The existing home on lot 49 will encroach in the building setback and the applicant may go to the Board of Adjustment to relieve that non-conformity. However, should a variance not be approved the structure will remain as non-conforming; it's just a point of interest and we've including a condition regarding that. There are several revisions that need to be made to the plat but we have confidence that that will be done and we are recommending approval of this project.

Anthes: Thank you, Ms. Morgan. Would any member of the public like to address this Preliminary Plat 06-1773, please come forward. Seeing none I'll close the public comment section. Will the applicant make a presentation? Good evening.

Ritchey: Good evening, my name is Randy Ritchey and I represent the applicant. Our main obstacle here as Suzanne has noted is the connectivity and we went through a couple iterations there trying to achieve connectivity to the south through Mr. Williams' property which was annexed tonight and we thought that was going to be a viable option, but he expressed some concerns and didn't really, he decided not to follow through that. So, we've adjusted our street stub outs accordingly and that's sort of generated a few more required changes. So, I think we've accomplished our goal with the connectivity both with the south and the north and possibly even three points of connection if there is a possibility to connect through Mr. Hays' property. The waivers as Suzanne presented to you are fairly straight forward. The curb radii and the distance between the street T intersections. There is really not much we can do about the T intersection distance. The street existing is where it is and we've moved the proposed street as far away from that as we can. And other than that I would just be happy to answer any question you may have. Thanks.

Anthes: Thank you, Mr. Ritchey. Can we have a Subdivision report on this item?

Myers: If I can remember at this hour of the night. It was Commissioner Graves and wasn't it me and Lack?

[multiple people talking]

Myers: I went to the Subdivision Committee twice. Ok, so we are the most recent one I think.

Graves: I've never seen this.

Trumbo: I substituted for Commissioner Graves, I believe.

Anthes: Well, it looks like on conditions of approval 2, 3, and 4 that Subdivision Committee really recommended the same thing as staff did. But I might like to hear a little bit about the connectivity issue if anyone can recall.

Lack: If I may, Madame Chair.

Anthes: Thank you, Commissioner Lack.

Lack: The connectivity was the greatest issue with this subdivision and the western most connection that you see was I believe actually farther to the west shown originally. But with that inability to connect at that location we did ask that it be moved just to where it could connect but still maintaining it at that location. The middle connection which is labeled Integrity Way on the plat for us was requested to be added at the Subdivision Committee and that was pretty much the extent of the discussion that I remember. We did talk about maximum length of hammerheads or maximum length of streets or stub outs without requiring a turnaround and they were compliant in that except for the one at what is labeled Georgia Trail, the western most stub out.

Anthes: Thank you, Commissioner Lack. Is there further discussion? I have a question about lots 48 and 49. It looks like on 49 there is an existing house to remain and I'm assuming because the garage is on the east side of that house that access will be from Georgia Trail to that property, is that correct? Anyone?

Pate: No, the lot access to lot 48 will be specifically -

Anthes: Lot 49 is my question.

Pate: Lot 49 will be retained where it is now because that is the location of the house. There is a condition of approval that states with redevelopment of that lot the house shall be situated so that at least access is from the interior street as opposed to Double Springs Road. But as it is that existing lot would remain. Access to lot 48 will also be Double Springs Road. That's the only frontage for that lot and the structures on 46 and 47 would be removed and that would be a different development that would access the interior street which is name Georgia Trail in your plat.

Anthes: And what street does lot 1 access?

Pate: Lot 1 will access the interior street as well.

- Anthes: Ok, in the conditions of approval, can you direct me to the condition of approval that refers to lot 49. There are quite a number here. Oh, I think it is 13. Or no?
- Morgan: I believe 15.
- Pate: Yes. It also addresses the size of multi-family lots; because these are smaller lots we've reduced the driveway width to 12' maximum unless they were shared.
- Anthes: I would like to move to amend condition number 15 to state that homes developed on lots 1 and 48 and with any redevelopment of lot 49 that those houses should face Double Springs Road and access be provided for the side streets.
- Pate: Mr. Williams, correct me if I'm wrong, I don't believe that we can by our current ordinances dictate where a house can face or not.
- Anthes: We've seen it on other -
- Pate: On Planned Zoning Districts, yes, but not with a Preliminary Plat.
- Anthes: Well, there you have it, never mind.
- Myers: And it was so nicely crafted.
- Ostner: Our current condition of approval is dictating it.
- Pate: Only the access to the driveway. The actual vehicular access because they are discouraged on our Master Street Plan from directly accessing minor arterials.
- Anthes: Can't blame a girl for trying. Is there further discussion?
- Lack: Madame Chair.
- Anthes: Commissioner Lack.
- Lack: After seeing this in Subdivision and seeing the changes that we request and finding in favor of the staff's recommendations I will vote to approve Preliminary Plat 06-1773 with the stated conditions of approval giving special consideration to condition 1, connectivity, condition 2, street improvements, condition 3, the waiver of the distance between Olika and Mesa, condition 4, the Planning Commission waiver of the 100' curb radius, all of the conditions of approval as stated.

Anthes: We have a motion to approve by Commissioner Lack, do we have a second?

Myers: I'll second.

Anthes: Second by Commissioner Myers. I have one quick question and only because it is late. Will staff describe again why we are not asking for an additional stub out to the north. I know that we added, that we have 3 going south and not 1 going north, is there a reason that is not balanced?

Pate: The property directly to the north is a newly developed property. The applicant has agreed to stub out Rocky Crossing even though there is a brand new structure in the way of those 2 ever being connected. However, we do feel that hopefully in the future there will be some point in time that Rocky Crossing can be seen as a more valuable property then a storage unit.

Anthes: It is the mini-storage property.

Pate: Correct, and being constructed so that's why we are looking at that this time.

Anthes: It's just we look at other places where properties are developed in the county or even a golf course for instance and we go ahead and connect to it whether or not that may develop that way in the future.

Pate: That's exactly why we made the recommendation on Rocky Crossing for this particular piece of property we didn't feel it should be the [inaudible] of the developer for the number of lots being proposed to provide all connections just in anticipation of this potentially redeveloping.

Anthes: Ok, thank you, Mr. Pate. Is there further discussion? Will you call the roll.

Roll Call: The motion to approve PPL 06-1773 carries with a vote of 8-0-0.



THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of June 26, 2006

PLANNING DIVISION CORRESPONDENCE

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

TO: Fayetteville Planning Commission
FROM: Suzanne Morgan, Current Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: June 20, 2006 *Updated June 30, 2006*

PPL 06-1773: Preliminary Plat (EMERALD POINT, 474): Submitted by STEADFAST, INC. for property located at DOUBLE SPRINGS RD., E OF SILVERTHORNE S/D. The property is zoned RMF-6, LOW DENSITY MULTI-FAMILY RESIDENTIAL and contains approximately 9.7 acres. The request is to approve a preliminary plat of a residential subdivision with 8 single family lots and 40 two-family lots.
Planner: Suzanne Morgan

Findings:

Property description: The subject property contains 9.7 acres and is located east of Double Springs Road. The property was recently annexed into the City of Fayetteville and zoned RMF-6, subject to a Bill of Assurance (see attached). The applicant has met all requirements of the Bill of Assurance with the proposed development. The property is bordered on two sides by property in the city limits, with Silverthorne Subdivision to the west and Legacy Point Phase 4 (under construction) to the east. Two intervening unincorporated properties lie between the subject property and the city limits to the north (Legacy Point Phase 1).

Proposal: The applicant requests approval of a preliminary plat consisting of 48 lots, of which 8 are single-family lots and 40 are townhome lots. No more than two attached townhomes are permitted within the subdivision.

SURROUNDING LAND USE AND ZONING:

Direction	Land Use	Zoning
North	Storage Units & 2 Single family homes Single family homes	Planning Area RSF-4 & RMF-6 (Legacy Pt. Ph. 1)
South	Rural Single family homes	Planning Area
East	Vacant (under construction)	RSF-4
West	Silverthorne Subdivision	RSF-4

Water and Sewer: Water and sewer lines shall be extended to this development.

Adjacent Master Street Plan Streets: Double Springs Road (Minor Arterial)

Right-of-way: The required right-of-way for Double Springs Road was dedicated with previous lot splits. Interior streets consist of both Local and Residential streets.

Connectivity: A street connection is proposed from Double Springs Road into the subdivision. Three street connections are proposed from this main street to the south. The western street connection, located just east of the existing dwelling owned by Mr. Fletcher Williams, stubs-out to a one-acre parcel owned by Michael Williams. Michael Williams' property contains one-acre and is an unusual tract, with a 70' lot width and 580' length, extending from Double Springs Road to Lot 40. Staff is aware that Hays, the property owner south of Mr. Williams, anticipates developing her property for residential use. Staff recommends the extension of the proposed street through Michael Williams' property to the Hays property so that a proper street connection can occur with subsequent development. This will result in a two-tiered row of lots, potentially 4 lots deep, adjacent to Double Springs Road.

The applicant has submitted a letter signed by Mr. Michael Williams that indicates his agreement "to dedicated right-of-way across [his] property located at 340 Double Springs Road in Fayetteville." The letter states that "this right-of-way is to be used for future extension of a proposed street stub-out in Emerald Point Subdivision to the north." To avoid any confusion, staff would like to make it clear that the recommendation is that the street be constructed through Mr. William's property prior to the recordation of the final plat for this development. The final plat for Emerald Point Subdivision will reflect the location of the street and Mr. Williams shall either sign the final plat dedicating the right-of-way for the street or have sold (or donated) the property to the owner of the subdivision prior to recordation.

The document signed by the applicant is not a legally binding document enforceable by the City of Fayetteville. If the applicant is unable to secure rights to construct the street across Mr. William's property or the right-of-way cannot be dedicated. The applicant, therefore, has provided third street connection to the south, west of Lot 35, to provide additional internal street connections in response to the recommendation of the Subdivision Committee and staff. Any further modification to an approved preliminary plat shall require Planning Commission review and approval.

The applicant proposes a street connection to the north at the eastern end of the property. This street can provide a connection north to Legacy Pointe Phase I when the adjacent property develops (it is currently utilized for a new storage unit business) and a street connection south to the Hays property.

Parkland: The applicant will contribute fees in lieu of land dedication.

Tree Preservation:	Existing:	3.85%
	Preserved:	3.85%
	Required:	3.85%
	Mitigation:	None

Recommendation: Staff recommends approval of PPL 05-1773 with the following conditions:

Conditions of Approval:

- * 1. Planning Commission determination of street connectivity. The applicant proposes to provide a street stub-out to the north for future connection to an existing street in Legacy Pointe Phase I and three street connections to the south. The applicant has submitted a letter signed by Mr. Michael Williams, property owner to the south, conveying agreement to a street connection through his property. Staff is recommending the street stub-out continue south the additional 70' in length through Mr. Williams' property to provide a through connection to the Hays property, which is in the process of annexation, zoning, and will be developing in the near future. If the applicant is unable to secure final rights to construct the street across Mr. William's property or the right-of-way cannot be dedicated, the applicant shall construct a temporary cul-de-sac at lot 45/46/47 in accordance with Fire Department regulations.*

The Subdivision Committee recommended a third street connection to the south as indicated on the revised site plan. The western street connection may dead-end with turn-around means satisfactory to the Fire Department.

The Planning Commission found in favor of this condition of approval.

- 2. Planning Commission determination of street improvements. Staff recommends the applicant improve Double Springs Road from the north property line to the southern property line of property owned by Mr. Michael Williams (approximately 70' south of the subdivision). Improvements shall extend 14' from centerline including pavement, curb and gutter, 6' sidewalks and storm drainage.*

The Subdivision Committee recommended in favor of street improvements as stated.

The Planning Commission found in favor of this condition of approval.

- 3. Planning Commission determination of a waiver of the distance between streets (Olika Lane (proposed) and Mesa Street (existing)). The requirement is for a 150' separation between centerlines of streets. The applicant proposes to construct Olika Lane approximately 117' from the centerline of Mesa Street. Staff recommends approval of this waiver request. With a different configuration, the efficiency of the infrastructure improvements with relation to the lots decreases significantly. Staff finds this separation to be adequate and will not create a dangerous traffic condition.*

The Subdivision Committee recommended in favor of the requested waiver for a 117' separation between Mesa Drive and Olika Lane.

The Planning Commission found in favor of this condition of approval.

- 4. Planning Commission determination of a waiver of the requirement for a 150' curve radius. The applicant proposes a 100' radius at the intersection of Williams Way and Olika Lane. Staff recommends approval of this waiver request.*

The Subdivision Committee recommended in favor of the requested waiver for a 100' curve radius.

The Planning Commission found in favor of this condition of approval.

5. The applicant shall submit a guarantee (letter of credit, bond, or cash) of \$1,000 per lot prior to the recordation of the final plat for contributions to an interim solution to wastewater capacity concerns in the Owl Creek/Hamestring Creek basin, if the improvement is required. Final determination of the contribution shall be made by the City Engineer.
6. An assessment in the amount to be determined by the Engineering Division shall be paid by the developer prior to Final Plat for the unconstructed portion of Georgia Trail stub-out to the south, extension of sidewalks, and removal of the temporary cul-de-sac, approximately 110 feet in length.
7. The existing home on Lot 49 will encroach into the front 25' building setback from Olike Lane right-of-way. A variance, approved by the Board of Adjustment, is required to alleviate the restrictions of a nonconforming structure from this property. Staff recommends that the applicant process the variance prior to the recordation of the final plat. Should the variance not be approved, the structure will remain a nonconforming structure.
8. All development shall be in accordance with the RMF-6 zoning district and the recorded Bill of Assurance.
9. Lots 2-4 appear to have very little buildable area. Should the lots be inadequate for the construction of dwelling unit, the applicant shall reconfigure the lots to provide adequate buildable area prior to the recordation of the final plat.
10. The applicant shall construct required sidewalks adjacent to Double Springs Road, Lot 49, adjacent property to the south owned by Michael Williams, and the detention lot prior to recordation of the final plat. All other interior sidewalks may be constructed or guaranteed prior to the recordation of the final plat.
11. Street lights shall be installed with a maximum separation of 300 feet along all interior and external streets prior to final plat.
12. The septic system on lot 46/47/48 shall be abandoned in accordance with Arkansas Health Department requirements prior to final plat approval. The existing structure on lot 48 is indicated to be removed. If it is not, the structure shall be connected to public sewer prior to recordation of the final plat.
13. The existing dwelling on Lot 49 shall be tied onto sanitary sewer and the existing septic systems shall be abandoned in accordance with Arkansas Health Department requirements prior to final plat approval.

14. The applicant shall pay park fees in the amount of \$25,530 for 46 new single family dwellings prior to the application of signatures on the final plat.
15. Only lots 48 and 49 shall be permitted access onto Double Springs Road. If lot 49 is redeveloped, access to Double Springs Road shall be discontinued and established on the interior street. All multi-family lots shall construct a driveway no greater than 12' in width. Staff recommends that the multi-family lots share driveways where possible. If shared on the property line, the maximum driveway width shall be 24'.
16. A temporary access easement, filed with the Final Plat for the temporary cul-de-sac on Georgia Trail, shall be automatically abandoned at the time of the street extension to the north.
17. The accessory structure on Lot 45 shall be removed prior to the recordation of the final plat.
18. Signs shall be posted at the end of each stub-out to indicate that the street will extend in the future prior to the recordation of the final plat (coordinate with Transportation Division).
19. No mitigation is required on this site unless there is unforeseen removal below the 3.85%.
20. Several issues and revisions requested at the Technical Plat Revision were not addressed with the revision submittal. The applicant shall submit to the Planning Division a revised preliminary plat addressing the following items:
 - a. Imogene Williams shall sign the application as owner of record. Please submit a signed application or have her submit a letter authorizing another party (i.e. her husband) to sign on her behalf.
 - b. Reduce the width of the street in each 42' right-of-way from 28' to 24' in accordance with the Master Street Plan. Revise the street table to correspond.
 - c. The building setbacks on Lots 35 and 36 adjacent to the right-of-way are 25'. The lot line between lots 35/36 will need to be east-west instead of north-south to provide sufficient building area.
 - d. Street lights shall be located at each street intersection and along all streets at intervals of no greater than 300'.
 - e. The note on the plat identifying the sidewalk to be constructed prior to final plat approval should include adjacent property to the south owned by Michael Williams and the sidewalk adjacent to Lot 49.
 - f. Sewer shall be extended to Lot 48. The plat shall be revised to show the extension of sewer to this lot prior to construction plan approval.
 - g. Utility easement lines shall be extended to property lines or to the point of termination.
 - h. The temporary cul-de-sac shall be constructed to meet City of Fayetteville standards.

Standard Conditions of Approval:

21. 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)
22. 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.
23. Subdivision area signage shall be permitted in accordance with applicable city codes.
24. All overhead electric lines under 12Kv shall be relocated underground. All proposed utilities shall be located underground.
25. All street names and addresses shall be approved by the 911 coordinator.
26. Preliminary Plat approval shall be valid for one calendar year.

Additional conditions:

- a. _____
- b. _____
- c. _____

Planning Commission Action: yes Required
 ✓ Approved _____ Denied

Date: June 26, 2006

Motion: Lack

Second: Myres

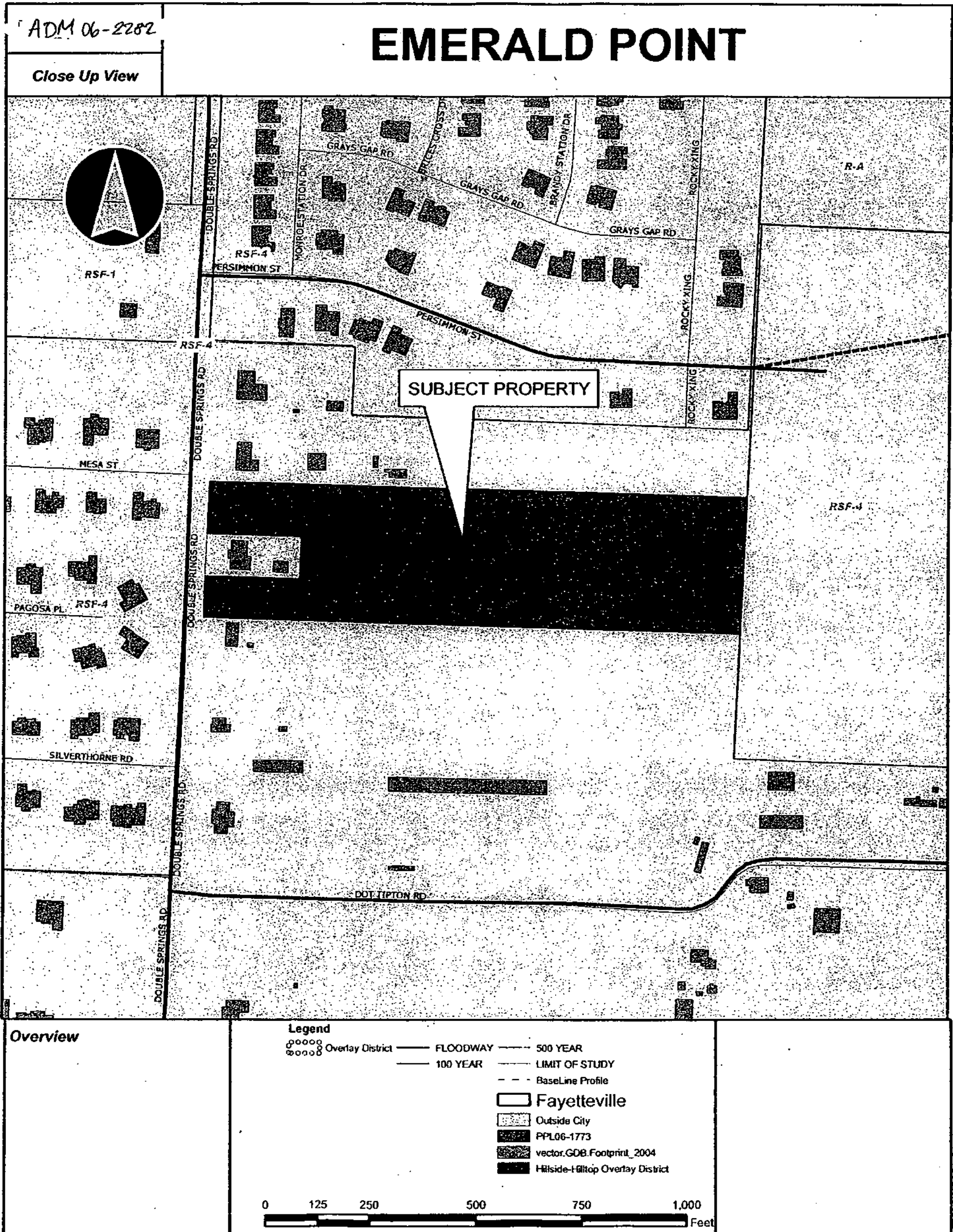
Vote: 8-0-0

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

By

Title

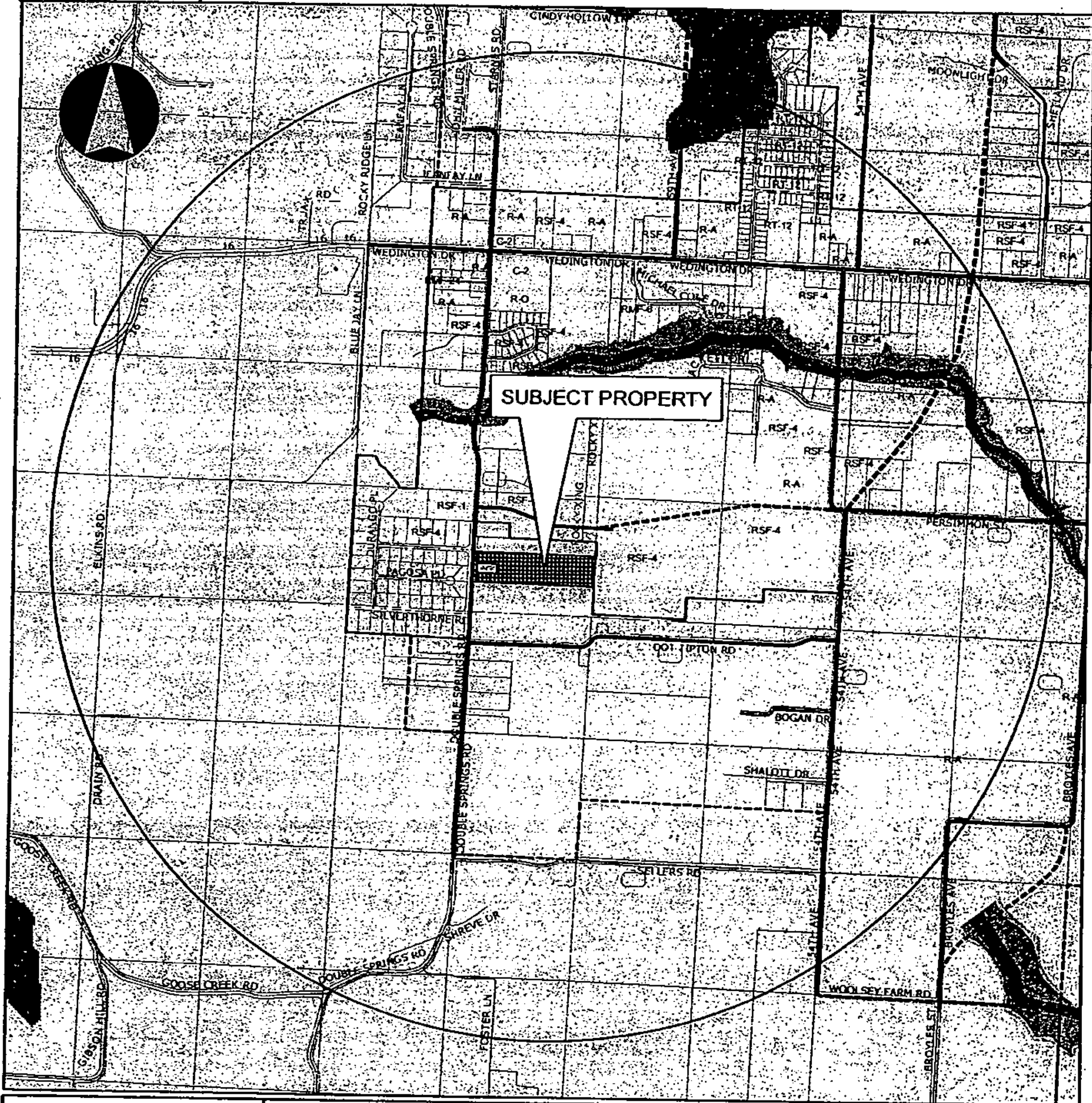
Date



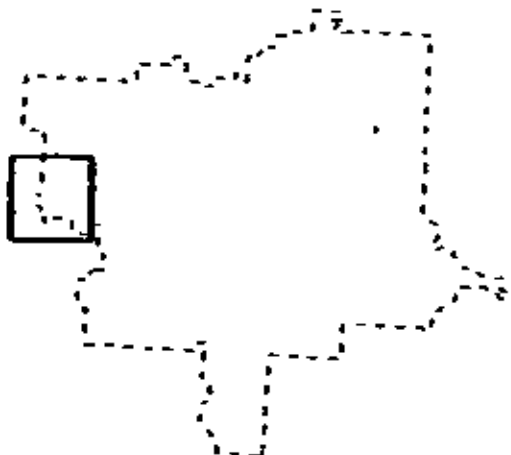
ADM06-2282

One Mile View

EMERALD POINT



Overview



Legend

Subject Property

PPL06-1773

Boundary

Planning Area

Overlay District

Outside City

Legend

Hillside-Hilltop Overlay District

0 0.125 0.25

0.5

0.75

1

Miles

Hometown Development

**1747 N. College Avenue
Fayetteville, AR 72703**

October 12, 2006

Mrs. Sondra Smith
City Clerk
City of Fayetteville
113 West Mountain
Fayetteville, Ark 72701

Dear Mrs. Smith

On Monday October 9, 2006, the Fayetteville Planning Commission considered R-PZD 06-2213 Planned Zoning District (SUNBRIDGE VILLAS, 290). After considerable discussion, the commission by a vote of 4-4 failed to pass the ordinance.

It is our intent to appeal this decision to the Fayetteville City Council and we are respectfully requesting that we be placed on an upcoming agenda so that our appeal may be heard. It is my understanding that the next date for such an appeal is November 7th, 2006. We understand that we will have to generate some additional material for the appeal and we will keep you in the information "loop" as we proceed.

Thank you for your assistance in this matter. If you have any questions or concerns please feel free to call me on my cell phone 422-1857 or Hugh Earnest who you perhaps already see more than you wish. His number is 841-8549.

Sincerely,



Mike McDonald
Hometown Development

RECEIVED

OCT 12 2006

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

*Left on the second reading 11/31/07
left on the first reading 11/7/06*

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: October 11, 2006

Subject: Residential Planned Zoning District for Sunbridge Villas (R-PZD 06-2213)

RECOMMENDATION

The Planning Commission did not vote to forward the subject request to City Council. A motion to forward failed by a vote of 4-4-0. Planning Staff recommends in favor of the request for an ordinance to create an R-PZD for Subbridge Villas.

This action would establish a unique zoning district for a residential development on a 20.92-acre tract located at the Villa Mobile Home Park, northwest of Sunbridge Drive and Villa Boulevard.

BACKGROUND

The subject property consists of an existing trailer park on approximately 20.92 acres located northwest of Sunbridge Drive and Villa Boulevard. The site is zoned RMF-24 and developed with 141 mobile home lots available for use, with a total density of 6.7 units per acre. The applicant requests rezoning and preliminary plat approval for a residential development in an R-PZD zoning district. The project proposes to relocate or remove the existing mobile homes and utilize the existing streets and infrastructure to develop 169 dwellings units and a community greenspace area. This property is planned to be subdivided into 142 lots and the common parcels would be under a common ownership maintained by a property owner's association, along with the private streets and sidewalks. Zoning criteria identifying permitted and conditional uses, building setbacks, bulk and area requirements and architectural guidelines are included within the project booklet provided by the applicant.

DISCUSSION

On October 9, 2006, the Planning Commission voted 4-4-0 to forward this request to the City Council with commissioners Ostner, Harris, Clark, and Anthes voting 'No'. The motion failed and the applicant has appealed this request to City Council. The main issues of Planning Commission concern centered on the architectural renderings not providing enough detail, and a lack of variety of the building elevations proposed for the residential structures.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 06-2213, SUNBRIDGE VILLAS, LOCATED NORTHWEST OF SUNBRIDGE DRIVE AND VILLA BLVD., VILLA MOBILE HOME PARK, CONTAINING APPROXIMATELY 20.92 ACRES; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE; AND ADOPTING THE ASSOCIATED MASTER DEVELOPMENT PLAN.

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

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

From RMF-24, Residential Multi-Family, 24 units per acre, to R-PZD 06-2213 as shown in Exhibit "A" and depicted in Exhibit "B" attached hereto and made a part hereof.

Section 2. That the change in zoning classification is based upon the approved master development plan, development standards, statement of commitments and the conditions of approval as submitted, determined appropriate and approved by the City Council indicated in Exhibit "C" attached hereto and made a part hereof.

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

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

PASSED AND APPROVED this _____ day of _____, 2006.

APPROVED:

**By: _____
DAN COODY, Mayor**

**By: _____
SONDRA SMITH, City Clerk**

EXHIBIT "A"
R-PZD 06-2213

A PART OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4) AND A PART OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 35, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND IRON PIN AT A BEND POINT IN THE NORTH LINE OF LOT 6 IN SUNBRIDGE CENTER, AS SHOWN ON THE FINAL PLAT THEREOF RECORDED IN PLAT BOOK 13 AT PAGE 60; THENCE N07°02'19"E 746.76 FEET TO THE SOUTHWEST CORNER OF LOT 12, BLOCK 6 IN VILLA NORTH, AS SHOWN ON THE AMENDED FINAL PLAT THEREOF RECORDED IN PLAT BOOK 7 AT PAGE 105; THENCE ALONG THE SOUTH LINE OF SAID VILLA NORTH THE FOLLOWING TWO COURSES: S76°52'48"E 291.02 FEET TO A FOUND CONCRETE POST; THENCE S86°02'51"E 1028.04 FEET TO THE SOUTHEAST CORNER OF LOT 1, BLOCK 1 IN SAID VILLA NORTH; THENCE DEPARTING SAID SOUTH LINE S07°03'49"W 674.34 FEET; THENCE N87°12'42"W 861.97 FEET TO A FOUND IRON PIN; THENCE N87°06'22"W 457.23 FEET TO THE POINT OF BEGINNING, CONTAINING 20.92 ACRES, MORE OR LESS, BEING SUBJECT TO THE RIGHT-OF-WAYS OF VALENCIA AVENUE, ARROYO AVENUE, MIRANDA AVENUE, SIERRA AVENUE, BARCELONA AVENUE, VILLA BOULEVARD, MADRID STREET AND GRANADA STREET, AND ALSO SUBJECT TO ANY EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.

EXHIBIT "B"

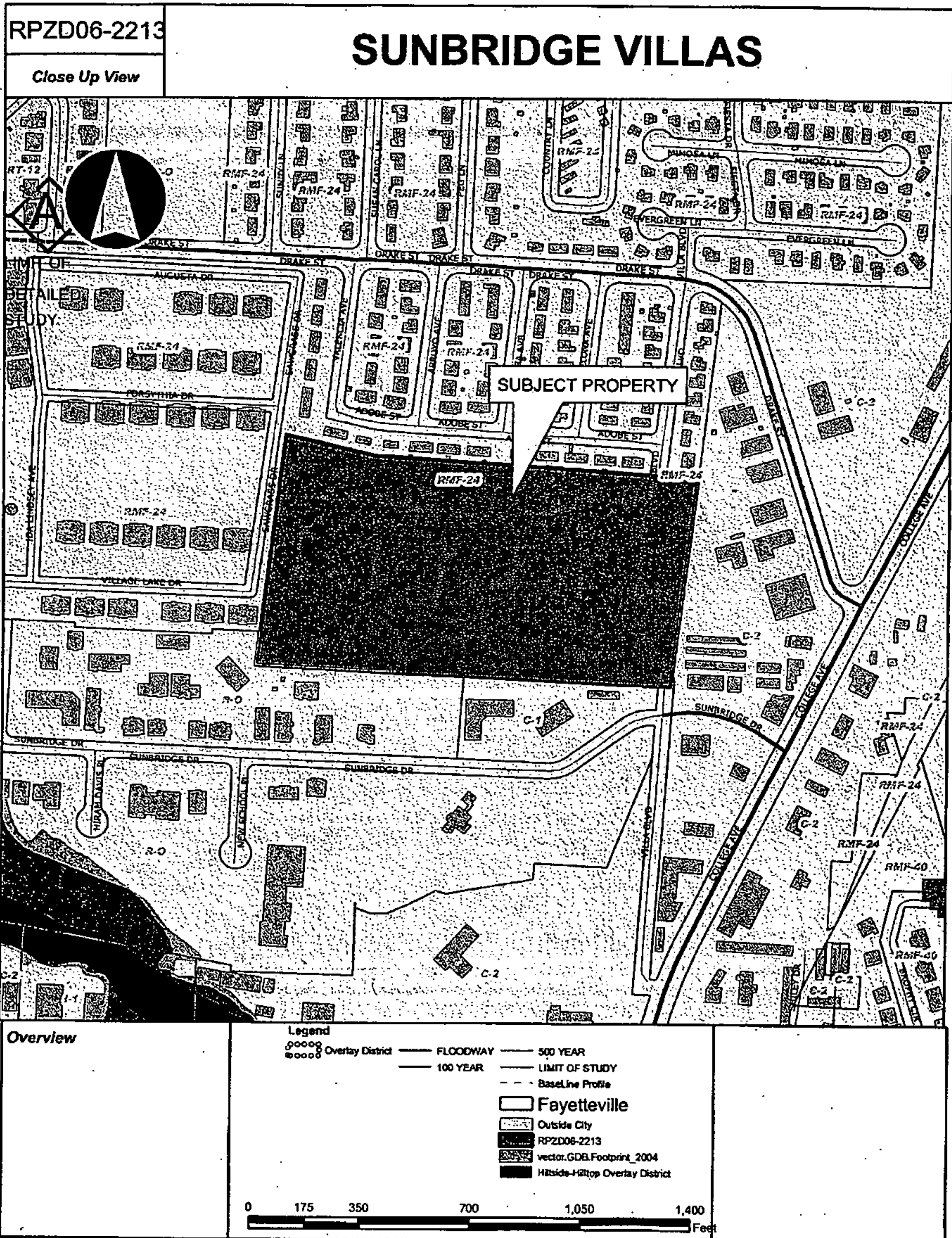


EXHIBIT "C"

R-PZD 06-2213

Page 1 of 5

Conditions of Approval

1. Planning Commission determination of street improvements. Staff recommends an asphalt overlay on all streets within the project. The overlay shall create, at minimum, a 25' wide street width back of curb to back of curb. Engineering staff shall determine at the time of construction, the amount of improvement necessary (milling, depth of overlay, etc.). Street lights shall be installed every 300' along the private streets and at all intersections. In addition, existing sidewalks shown on the plat shall be repaired or reconstructed to meet City standard and shall be maintained by this development.
2. Planning Commission determination of a waiver of Chapter 166.06 to allow for more than 80 dwelling units on a private loop street. Staff finds in favor of this request, given that surrounding properties are fully developed and the existing neighborhood and street grid layout is being maintained for private two points of ingress and egress.
3. All streets and sidewalks shall be in an access easement. Private streets, sidewalks and detention ponds shall be the responsibility of the property owner or property owner's association to maintain according to city standards. Covenants shall provide that in the event the private streets and sidewalks are not maintained as required, 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 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. Said covenants regarding maintenance of private streets shall not be amended and shall not terminate without approval of the City Council (§166.06 (K.10.b.vii)). Appropriate language shall be included on the final plat and approved by the Transportation and Engineering Divisions for such easement.
4. Curb cuts shall be limited to a maximum width of 16' measured at the back of the sidewalk or right-of-way where applicable, or at the back of the access easement where sidewalk is not present. Typical on-street parking shall be permitted on private streets, as long as no driveways are blocked.
5. Driveways shall meet the City's standard driveway requirements with 10' between drives, and a minimum of 5' between the drive and the side property line. Staff recommends

EXHIBIT "C"
R-PZD 06-2213
Page 2 of 5

utilizing shared driveways where possible. If lots share a driveway, a maximum 24-foot driveway shall be permitted.

6. Drainage improvements are required within the development to meet the current requirements of the City of Fayetteville Drainage Criteria Manual. The proposed storm sewer improvements will need to safely convey the 100-year storm flow through the site. Minimum finish floor elevations will need to be established for each lot adjacent to open channel or swales, and provided at the time of final plat.
7. Plat and booklet revisions to be completed:
 - a. Sheet 3.1. Side and rear elevations for the duplex and single family residences shall be submitted for review.
 - b. Sheet 5.0. Change the title to "Preliminary Plat".
 - c. Street lights shall be installed every 300' along the private streets and at all intersections. Include the location of new street lights on the plat.
 - d. Clearly indicate on the plat where the building setbacks are measured from, with dimensions. In addition, add notes to the setback chart for all of the zoning criteria clearly explaining where the building setbacks will be measured from. For the purpose of this development, the front building setbacks shall be measured from the edge of the access easement.
 - e. Specify the maximum amount of square feet (intensity) for the existing/proposed clubhouse in the zoning criteria for PA-4.
 - f. If the balconies/decks are not proposed to be installed on the rear of the four-plexes as shown in the submitted photos, the architectural design standards in the zoning criteria should add a statement indicating as such.
8. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements.
9. Project Phasing: This development shall be built in one phase, with all permits for construction required to be issued within one year of City Council approval. A final plat shall be required in order to record the proposed lots and issue building permits.
10. Buildings shall be constructed to be consistent with the photos and concepts depicted in the

EXHIBIT "C"
R-PZD 06-2213
Page 3 of 5

booklet as specified. Building permits will be based upon the submitted photos and elevations.

11. Park fees credit has been given in the amount of \$135,360 for 141 existing mobile home lots. Parks fees for 133 single family and 36 multi-family homes totaling a net of \$16,800 after credit is given shall be paid prior to recordation of the final plat.
12. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code, and shall be subject to signage requirements for residential single-family development.
13. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.

Tree Preservation Conditions:

14. Tree protection fencing will be extensive for this project. Please coordinate the installation with the Urban Forester.
15. By ordinance, tree canopy found within the building footprint must be counted as removed. There are several large canopied trees on this site that will not actually have to be removed entirely but possible just pruned for height allowance. Staff recommends working with the Urban Forester throughout the entire project to fence and preserve some of the larger trees that could remain.
16. Mitigation will be required on this site in the amount of 294 (2) inch caliper large species tree. The applicant has requested and been approved for on-site mitigation. A variety of quality tree species have been proposed to be planted back on the site which will ultimately better the city's urban forest as a whole.
17. A 3-year maintenance and monitoring bond, letter of credit, or check in the amount of \$73,500 shall be deposited with the City before the last certificate of occupancy.

EXHIBIT "C"
R-PZD 06-2213
Page 4 of 5

Standard Conditions:

18. 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).
19. Trash enclosures shall be screened on three sides with materials compatible with the surrounding structures, with access not visible from the street. Architectural elevations for these structures shall be submitted for review prior to issuance of a building permit.
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. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
22. All exterior lighting is required to comply with the City's lighting ordinance. A lighting plan and cut-sheets of the proposed exterior light fixtures shall be required to be approved by Planning Staff prior to building permit.
23. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - b. Separate easement plat for this project that shall include the tree preservation area.
 - c. Project Disk with all final revisions
 - d. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete

EXHIBIT "C"
R-PZD 06-2213
Page 5 of 5

improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

24. The only non-residential structure on the site is the proposed clubhouse. This structure shall comply with commercial design standards and shall be appropriately designed to provide compatibility with the proposed residential structures, in terms of materials, etc. The building elevations for the clubhouse are not being approved as part of this PZD.

25. A private street stub-out shall be provided to the west in the vicinity of Lot 55.

The Planning Commission recommended these two amendments (No. 24 and 25), but the overall motion for approval of the PZD failed. If the City Council recommends then they will be indicated; if not, they will be removed.

Hometown Development
1747 N. College Avenue
Fayetteville, AR 72703

October 12, 2006

Mrs. Sondra Smith
City Clerk
City of Fayetteville
113 West Mountain
Fayetteville, Ark 72701

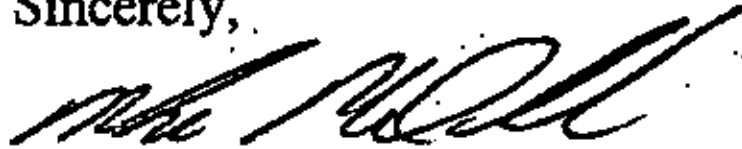
Dear Mrs. Smith

On Monday October 9, 2006, the Fayetteville Planning Commission considered R-PZD 06-2213 Planned Zoning District (SUNBRIDGE VILLAS, 290). After considerable discussion, the commission by a vote of 4-4 failed to pass the ordinance.

It is our intent to appeal this decision to the Fayetteville City Council and we are respectfully requesting that we be placed on an upcoming agenda so that our appeal may be heard. It is my understanding that the next date for such an appeal is November 7th, 2006. We understand that we will have to generate some additional material for the appeal and we will keep you in the information "loop" as we proceed.

Thank you for your assistance in this matter. If you have any questions or concerns please feel free to call me on my cell phone 422-1857 or Hugh Earnest who you perhaps already see more than you wish. His number is 841-8549.

Sincerely,



Mike McDonald
Hometown Development

RECEIVED

OCT 12 2006

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



Planning Commission Meeting
October 9, 2006

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
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: October 3, 2006 *Updated October 19, 2006*

R-PZD 06-2213: Planned Zoning District (SUNBRIDGE VILLAS, 290): Submitted by PROJECT DESIGN CONSULTANTS, INC. for property located at NW OF SUNBRIDGE DRIVE AND VILLA BLVD., VILLA MOBILE HOME PARK. The property is zoned RMF-24, MULTI FAMILY - 24 UNITS/ACRE and contains approximately 20.92 acres. The request is for rezoning and preliminary plat approval for 142 lots containing 129 detached and 40 attached residential dwellings.

Property Owner: Windstar Investments, LLC
Planner: Andrew Garner

Findings:

Property Description: The subject property consists of an existing trailer park on approximately 20.92 acres located northwest of Sunbridge Drive and Villa Boulevard. The site is zoned RMF-24 and developed with 141 mobile home lots available for use, with a total density of 6.7 units per acre. The surrounding zoning and land use is presented in *Table 1*.

Table 1
Surrounding Land Use/Zoning

Direction from Site	Land Use	Zoning
North	Two-family residential	RMF-24
South	Office/commercial	C-1, Neighborhood Commercial; R-O, Residential Office
East	Mixed commercial	C-2, Thoroughfare Commercial
West	Multi-family	RMF-24

Proposal: The applicant requests rezoning and preliminary plat approval for a residential development in an R-PZD zoning district. The project proposes to relocate or remove the existing mobile homes and utilize the existing streets and infrastructure to develop 169 dwellings units and a community greenspace area as listed in *Table 2*. This property is planned to be subdivided into 142 lots and the common parcels would be under a common ownership maintained by a property owner's association (POA), along with the private streets and sidewalks.

Table 2
Sunbridge Villas R-PZD 06-2213
Project by Planning Area

Planning Area		Dwellings	Number of Structures	Type of Structure	Acreage	Density
Number	Name					
1	Single Family	129	129	Single-family detached	16.63	7.76
2	Two-Family	4	2	Duplex	0.88	4.55
3	Multi-Family	36	9	Quad-plex	2.64	13.64
4	Green Space	0	1	Clubhouse	0.77	0.00
TOTAL	NA	169	141	Varied	20.92	8.08

Access and Parking: Access is provided off of Villa Boulevard traversing the eastern portion of the property and connecting Sunbridge Drive and Drake Street to the south and north, respectively. Barcelona Avenue, Sierra Avenue, Granada Street, Valencia Avenue, Arroyo Avenue, and Madrid Street are internal streets in the existing mobile home park that would be retained in their current grid pattern. Four-foot sidewalks as depicted on the submitted plats would be provided on at least one side of all streets. The streets and sidewalks would be private streets maintained by the property owner or POA, with the exception of Villa Boulevard.

Connectivity: This property is developed for a mobile home park and is surrounded on all four sides by existing development. Providing additional street connections from those existing is not feasible.

Street Improvements/Right-of-Way Dedication: Staff recommends overlaying the existing street system throughout the property with a new asphalt layer, with the details and specifications to be determined by Engineering staff at the time of construction. Right-of-way dedication is not necessary. The amount of traffic generated by 169 dwelling units could be substantial; however, there are 141 existing mobile homes on the property generating a substantial amount of traffic currently, without noticeable deficiencies in traffic movement. The proposed increase of 28 dwelling units is not substantial, given the already improved public streets in the area.

Proposed Zoning Criteria: The proposed zoning criteria and site plan allows for a density of 8.08 units per acre over the entire site and a 15' building setback off of the private streets. The zoning criteria are provided in duplicate in the project booklet and on the plats. Please reference this provided material for more information. These documents are binding to the zoning of the property.

Phasing: The applicant proposes to construct this development in one phase with permits for infrastructure construction being obtained within one year of approval.

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

Adjacent Master Street Plan Streets: Villa Boulevard (Local Street)

Parks: On August 7, 2006 the Park and Recreation Advisory Board recommended accepting

money in lieu of land to satisfy the park land dedication ordinance. Park fees credit has been given in the amount of \$135,360 for 141 existing mobile home lots. Parks fees for 133 single family and 36 multi-family homes totaling a net of \$16,800 after credit is given shall be paid prior to recordation of the final plat.

Tree Preservation:	Existing Canopy:	18.21%
	Preserved Canopy:	6.79%
	Required Canopy:	20.0%
	Mitigation:	Required; 294 two-inch caliper trees

Public Comment: Staff has received a few phone calls from interested neighbors, but has not received any objections to the project.

Subdivision Committee Update: The September 28, 2006 Subdivision Committee meeting discussion centered on concerns with dumpsters for the quad-plexes being located in the front yard adjacent to the streets. The Subdivision Committee also asked if recycling could be provided to the quad-plexes with dumpsters. Planning Staff discussed this project with the Solid Waste Division who confirmed that dumpsters are required for quad-plexes. The Solid Waste Division discussed that they are open to discussing how recycling service could be provided to these multi-family units, although it is not typically allowed in a multi-family setting.

Recommendation: Staff recommends forwarding R-PZD 06-2213 to City Council with a recommendation for approval with the following conditions to be addressed:

Conditions of Approval:

1. Planning Commission determination of street improvements. *Staff recommends an asphalt overlay on all streets within the project. The overlay shall create, at minimum, a 25' wide street width back of curb to back of curb. Engineering staff shall determine at the time of construction, the amount of improvement necessary (milling, depth of overlay, etc.). Street lights shall be installed every 300' along the private streets and at all intersections. In addition, existing sidewalks shown on the plat shall be repaired or reconstructed to meet City standard and shall be maintained by this development.*
2. Planning Commission determination of a waiver of Chapter 166.06 to allow for more than 80 dwelling units on a private loop street. *Staff finds in favor of this request, given that surrounding properties are fully developed and the existing neighborhood and street grid layout is being maintained for private two points of ingress and egress.*
3. All streets and sidewalks shall be in an access easement. *Private streets, sidewalks and detention ponds shall be the responsibility of the property owner or property owner's association to maintain according to city standards. Covenants shall provide that in the event the private streets and sidewalks are not maintained as required, 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 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. Said covenants regarding maintenance of private streets shall not be amended and shall not terminate without approval of the City Council (§166.06 (K.10.b.vii). Appropriate language shall be included on the final plat and approved by the Transportation and Engineering Divisions for such easement.

4. Curb cuts shall be limited to a maximum width of 16' measured at the back of the sidewalk or right-of-way where applicable, or at the back of the access easement where sidewalk is not present. Typical on-street parking shall be permitted on private streets, as long as no driveways are blocked.
5. Driveways shall meet the City's standard driveway requirements with 10' between drives, and a minimum of 5' between the drive and the side property line. *Staff recommends utilizing shared driveways where possible. If lots share a driveway, a maximum 24-foot driveway shall be permitted.*
- ~~6. For those lots adjacent to a sidewalk, setbacks shall be 11' instead of 15', to incorporate the 4' sidewalk into the access easement. Revise the zoning criteria on the plats and booklets accordingly.~~

THE APPLICANT ADDRESSED THIS CONDITION WITH THE PLATS AND BOOKLETS SUBMITTED FOR CITY COUNCIL.

7. Drainage improvements are required within the development to meet the current requirements of the City of Fayetteville Drainage Criteria Manual. The proposed storm sewer improvements will need to safely convey the 100-year storm flow through the site. Minimum finish floor elevations will need to be established for each lot adjacent to open channel or swales, and provided at the time of final plat.
8. Plat and booklet revisions to be completed prior to City Council:
 - a. Sheet 3.1. *Side and rear elevations for the duplex and single family residences shall be submitted for review prior to City Council.*
 - b. Sheet 5.0. Change the title to "Preliminary Plat".
 - c. Street lights shall be installed every 300' along the private streets and at all intersections. Include the location of new street lights on the plat.
 - d. Clearly indicate on the plat where the building setbacks are measured from, with dimensions. In addition, add notes to the setback chart for all of the zoning criteria clearly explaining where the building setbacks will be measured from. For the purpose of this development, the front building setbacks shall be measured from the edge of the access easement. ~~This may reduce the front building setbacks from 15' to approximately 11' for those buildings located adjacent to an existing sidewalk. Please verify, and change the zoning criteria as needed to update this change.~~

THE APPLICANT ADDRESSED THIS CONDITION PARTIALLY WITH THE PLATS AND

BOOKLETS SUBMITTED FOR CITY COUNCIL, ALTHOUGH A NOTE STILL NEEDS TO BE ADDED INDICATING WHERE THE BUILDING SETBACKS WILL BE MEASURED FROM.

- e. Specify the maximum amount of square feet (intensity) for the existing/proposed clubhouse in the zoning criteria for PA-4.
- f. If the balconies/decks are not proposed to be installed on the rear of the four-plexes as shown in the submitted photos, the architectural design standards in the zoning criteria should add a statement indicating as such.
- g. ~~Booklet page 6 for PA 4. Item C. Change 'Density' to 'Intensity'.~~

THE APPLICANT ADDRESSED THIS CONDITION WITH THE PLATS AND BOOKLETS SUBMITTED FOR CITY COUNCIL.

- h. ~~Booklet Page 2, Item 2. Site Plan. Add statements describing that the existing one parcel would be subdivided into 142 lots, providing 129 single family detached, two duplexes, nine quad plexes, and a common greenspace area. There is currently one legal lot of record, APN 765 16000 000.~~

THE APPLICANT ADDRESSED THIS CONDITION WITH THE PLATS AND BOOKLETS SUBMITTED FOR CITY COUNCIL.

- 9. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements.
- 10. Project Phasing: This development shall be built in one phase, with all permits for construction required to be issued within one year of City Council approval. A final plat shall be required in order to record the proposed lots and issue building permits.
- 11. Buildings shall be constructed to be consistent with the photos and concepts depicted in the booklet as specified. Building permits will be based upon the submitted photos and elevations.
- 12. Park fees credit has been given in the amount of \$135,360 for 141 existing mobile home lots. Parks fees for 133 single family and 36 multi-family homes totaling a net of \$16,800 after credit is given shall be paid prior to recordation of the final plat.
- 13. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code, and shall be subject to signage requirements for residential single-family development.
- 14. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.

Tree Preservation Conditions:

15. Tree protection fencing will be extensive for this project. Please coordinate the installation with the Urban Forester.
16. By ordinance, tree canopy found within the building footprint must be counted as removed. There are several large canopied trees on this site that will not actually have to be removed entirely but possible just pruned for height allowance. Staff recommends working with the Urban Forester throughout the entire project to fence and preserve some of the larger trees that could remain.
17. Mitigation will be required on this site in the amount of 294 (2) inch caliper large species tree. The applicant has requested and been approved for on-site mitigation. A variety of quality tree species have been proposed to be planted back on the site which will ultimately better the city's urban forest as a whole.
18. A 3-year maintenance and monitoring bond, letter of credit, or check in the amount of \$73,500 shall be deposited with the City before the last certificate of occupancy.

Standard Conditions:

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. Trash enclosures shall be screened on three sides with materials compatible with the surrounding structures, with access not visible from the street. Architectural elevations for these structures shall be submitted for review prior to issuance of a building permit.
21. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
22. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
23. All exterior lighting is required to comply with the City's lighting ordinance. A lighting plan and cut-sheets of the proposed exterior light fixtures shall be required to be approved by Planning Staff prior to building permit.
24. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.

- b. Separate easement plat for this project that shall include the tree preservation area.
- c. Project Disk with all final revisions
- d. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

25. The only non-residential structure on the site is the proposed clubhouse within the Commons. This structure shall comply with commercial design standards and shall be appropriately designed to provide compatibility with the proposed residential structures, in terms of materials, etc. The building elevations for the clubhouse are not being approved as part of this PZD.

PLANNING COMMISSION ADDED THIS CONDITION (10/09/06).

26. A private street stub-out shall be provided to the west in the vicinity of Lot 55.

PLANNING COMMISSION ADDED THIS CONDITION (10/09/06).

Planning Commission Action:	Approval	<u>X</u> Denied	Forwarded to C.C.
Motion:	<u>Graves (motion to approve)</u>		
Second:	<u>Trumbo</u>		
Vote:	<u>4-4-0 (Ostner, Harris, Clark, and Anthes voting "No".)</u>		
Meeting Date:	<u>October 9, 2006</u>		
Comments:	<u>Main issues of Planning Commission concern centered on the architectural renderings not providing enough detail, and a lack of variety of the building elevations proposed for the residential structures.</u>		

The "Conditions of Approval" listed in the report above are accepted in total without exception by the entity requesting approval of this development item.

Signature

Date

Findings associated with MDP R-PZD 06-2213 (Sunbridge Villas)

Sec. 166.06. Planned Zoning Districts (PZD).

(E) Approval or Rejection Criteria for Planned Zoning Districts

The following criteria shall be considered by the Planning Commission and City Council in the review of a planned zoning district application based on the proposed master development plan:

- (1) Whether the application is in compliance with the requirements of the UDC and the City Plan 2025;

FINDING: Staff finds the application to be in compliance with the Master Development Plan Planned Zoning District criteria established by the City Council. The Interim Future Land Use Plan Map adopted as part of City Plan 2025 designates this site Residential. The Sector Map also adopted as part of City Plan 2025 designate this area as an Infill Growth Sector. Rezoning this property to R-PZD 06-2213 with single and multi-family dwelling units is consistent with the land use plan for residential uses, and is compatible with surrounding residential land uses and density within surrounding residential property to the north, and west, and commercial/office to the south and east. Further, the density of the residential development proposed is consistent with this property's location within the Infill Growth Sector.

- (2) Whether the application is in compliance with all applicable statutory provisions;

FINDING: The application has been reviewed and found to be compliant with applicable statutory provisions.

- (3) Whether the general impact of the rezoning would adversely impact the provision of public facilities and services;

FINDING: The impact of the rezoning and subsequent development would require the provision of public facilities, at the cost of the developer. Without improvements to existing infrastructure, the proposal would certainly adversely affect public facilities and services. However, as indicated in the submittal and the staff report, certain measures are to be taken to ensure adequate infrastructure improvements are made by the developer to ensure the level of service does not decline due to the proposed development.

- (4) Whether the rezoning is compatible with the surrounding land uses;

FINDING: The rezoning request, combined with the Master Development Plan, would allow 129 single-family, 4 two-family, and 36 multi-family residential dwellings. The proposed zoning criteria and residential development provides an appropriate transition between the commercial zoning and development to the south and east, the surrounding two-family residential development to the north, and the multi-family to the west. The overall density on the property would be 8.08 units per acre and would be compatible with

the existing RMF-24 zoning to the north and west, and the existing two-family and multi-family development in the vicinity. The site layout utilizes the existing grid street pattern for the mobile home park accessing Villa Street at two points and providing access to the residential structures and club house, and a 4' sidewalk would be provided on at least one side of each street. Common area on the site is provided in 0.6 acres in an existing clubhouse lot that would be utilized for a clubhouse and potentially a community pool. The site layout would remain the same as with the existing mobile home park, and is compatible with the existing surrounding land uses.

- (5) Whether the subject land is suitable for the intended use and is compatible with the natural environment;

FINDING: The subject property is developed for 141 mobile homes and a clubhouse. This project makes use of the existing streets and infrastructure and is suitable for the intended redevelopment of the property. The project would be able to preserve some of the existing tree canopy and would be required to mitigate for impacted tree canopy. The development is compatible with the natural environment.

- (6) Whether the intended land use would create traffic congestion or burden the existing road network;

FINDING: The amount of traffic generated by 169 dwelling units could be substantial; however, there are 141 existing mobile homes on the property generating a substantial amount of traffic currently, without noticeable deficiencies in traffic movement. The proposed increase of 28 dwelling units is not substantial, given the already improved public streets in the area.

- (7) Whether the planned development provides for unified development control under a unified plan;

FINDING: The booklet and master development plans submitted provide for said unified development control.

- (8) Whether any other recognized zoning consideration would be violated in this PZD.

FINDING: No other zoning considerations are proposed to be violated.

(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 Sunbridge Villas PZD provides for an adequate transition and infill between the existing two-family residences to the north, the multi-family residences to the west, and the commercial and office uses to the south and east. The architectural standards for the proposed structures are a higher standard than the existing mobile homes on the property. A PZD in this situation allows for an increased density over the property while providing a mixed single- and multi- family residential neighborhood. The existing street system and mobile home lots will be used for 129 relatively small single-family detached units, 4 duplexes, and 36 quad-plexes. This infill development takes advantage of existing infrastructure and results in a minimal amount of environmental impacts to an already disturbed and developed site. The proposed zoning is required to allow for the non-traditional residential development proposed that would not be allowed under current residential zoning. Adequate parking has been provided, and the inclusion of preserved trees as well as mitigation trees will create a healthy urban canopy.

- (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: Surface parking areas are provided in Lot 141 where the existing clubhouse and parking area is located. A landscape plan has been supplied, and trees and shrubs along the street frontages of the parking lot are required.

- (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: The vehicular circulation system is comprised of the existing grid street system through the mobile home park accessing Villa Boulevard at two points. The dwellings primarily face the streets where possible. The existing street alignment provides adequate ingress and egress, and would be required to be overlayed with asphalt, and a 4' sidewalk provided on at least one side of all streets.

- (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: A 17-space parking lot would be provided around the clubhouse, and all other parking would be accommodated in either garages or driveways. All parking ratios are to be met with this proposal. On-street parking is to be permitted, where possible.

- (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: This requirement has been met.

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

FINDING: As conditioned, a 4' concrete sidewalk would be provided on at least one side of all the interior streets in this development.

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

FINDING: Street lights are to be provided adjacent to all public and private streets at a separation of no greater than 300 feet.

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

FINDING: Public water lines are provided in accordance with city codes.

(9) *Sewer.* As required by §166.03.

FINDING: Public sewer lines are provided in accordance with city codes.

(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: The applicant shall comply with the above criteria, as this development would retain Villa Boulevard as a public street, and all other existing streets would be private. Private streets are proposed to be 25 feet in width, and Villa Boulevard, a public street, is 28 feet in width, in a 50' right-of-way with 4' sidewalk on either side. The applicant requests a waiver of Section 10.(IV), requiring a maximum of 80 units on a loop street. Staff is supportive of this request, finding two separate points of egress/ingress are available and that the existing neighborhood's infrastructure is being utilized, for the property is surrounded by developed properties.

- (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: All development on the site shall be phased according to the phasing plan and conditions herein.

- (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: This development would retain 6.64% of the existing 27.86% tree canopy over the property. This property is required to retain 20% tree canopy. The applicant would provide for on-site mitigation trees in compliance with ordinance, and to provide an increased overall canopy on the site, providing for an urban canopy.

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

FINDING: The only non-residential structure on the site is the proposed clubhouse within the Commons. This structure shall comply with commercial design standards and shall be appropriately designed to provide compatibility with the proposed residential structures, in terms of materials, etc.

- (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: No scenic views are identified, and the height of structures proposed is not uncommon for the area.

(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. The association must be able to adjust the assessment to meet changing needs.

FINDING: The applicant shall comply with these requirements.

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: Staff finds this proposal meets the intent of the City Plan 2025, as well as some of the above ten criteria. Residential infill in this urban area is accomplished at a moderate density of 8.08 units per acre, transition and compatibility of land uses is provided by converting the existing mobile home park into a mixed single- and multi- family development by changing the existing zoning from RMF-24 into a customized residential zoning. Reduced building setbacks and private streets allowed by this customized PZD zoning allow the existing infrastructure and street layout for the mobile home park to be converted into single- and multi- family dwellings that can be owner-occupied, thus providing the potential for home ownership within the City. The following guiding policies within Residential Areas are applicable to this development, and help to achieve the nine primary goals of the City Plan 2025:

Residential Areas:

12.1.4.a Utilize principles of traditional residential urban design to create compatible, livable, and accessible neighborhoods. (Goal 3)

12.1.4.c Minimize through traffic on minor residential streets, while providing connections between neighborhoods to encourage openness and neighborliness. (Goal 4)

12.1.4.d Manage non-residential development within and adjoining residential neighborhoods to minimize nuisances.

12.1.4.e Utilize more intense development patterns within the infill sector and encourage mixed uses in new developments to promote better community design, maintain human scale,

and enhance pedestrian activity. (Goal 1)

12.1.4.f Site new residential areas accessible to roadways, alternative transportation modes, community amenities, infrastructure, and retail and commercial goods and services. (Goals 1g and 3)

12.1.4.g Encourage residential dwellings in appropriate specified Mixed Use Areas. (Goals 1 and 3)

12.1.4.h Encourage a development scale to maintain compatibility and proportionality between nonresidential development and adjacent residential areas. (Goal 3a)

12.1.4.i Utilize the Master Street Plan and incorporate bike lanes, parkways and landscaped medians to preserve the character of the City and enhance the utilization of alternative modes of transportation. (Goal 4)

12.1.4.j Discourage design elements that prohibit complete, compact, connected neighborhoods such as cul-de-sacs, gated communities, etc. (Goal 3a)

(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 submitted development plats and Master Development Plan booklets, along with the conditions of approval found applicable and appropriate, are binding with the approval of the requested rezoning. Should the Planning Commission forward this item to the City Council, an ordinance will be drafted for consideration of rezoning this property in accordance with the submittal herein.

(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 City Plan 2025 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: Staff is recommending approval of this application, finding the proposed PZD meets the intent of the PZD ordinance as noted above.

- (2) *Permitted Uses.* All permitted uses identified within §162 Use Units of the Unified Development Code shall be allowed as permissible uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.
- (3) *Conditional Uses.* All conditional uses allowed within (Residential, Commercial, Industrial) zoning Districts established in the Unified Development Code shall be allowed with Planning Commission approval, unless otherwise specified, subject to the code governing Conditional Use requests.

FINDING: Permitted and Conditional uses are outlined in both the Master Development Plan booklets and plats.

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

FINDING: All uses are proposed as residential, with the exception of those areas identified for conditional use permits and the clubhouse.

(F) *Bulk and area regulations*

- (1) *Residential density.* Residential densities shall be determined on the basis of the following considerations:
 - (a) The densities of surrounding development;
 - (b) the densities allowed under the current zoning;
 - (c) the urban development goals and other policies of the city's General Plan;

- (d) the topography and character of the natural environment; and
- (e) the impact of a given density on the specific site and adjacent properties.

FINDING: Surrounding development is two-family to the north, multi-family to the west, and a mix of commercial and office uses to the south and east. The proposed residential density of 8.08 units per acre would be compatible with the surrounding development, and is a downzoning from the existing RMF-24 zoning. The proposed density would increase the number of dwellings units from 141 to 169 on the property, and is consistent with City land use goals and policies indicating residential infill on the site. The impacts of the proposed density would be negligible to surrounding properties, and is consistent with the character and topography, and layout of the site. Requirements under the current zoning (RMF-24) would not allow for the proposed layout and redevelopment utilizing the existing streets and infrastructure. Infrastructure in the area is adequate to support the proposed development.

- (2) *Lot area and setback 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.

FINDING: Lot area minimums and setbacks are different than a standard residential zoning to allow the structures to be closer to the street and the side and rear lot lines. The lot area and setbacks provide for a small footprint type of single family unit mixed with quad-plexes and duplexes.

- (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.

FINDING: Building heights proposed for this project are typical of single and multi-family development in the surrounding area.

- (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.

FINDING: The building area coverage on this project would minimize lot coverage to between 50-65%, while the existing RMF-24 zoning on the site and surrounding residential

properties does not limit building area.

***Required Findings for Rezoning Request.**

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 Interim Future Land Use Plan Map adopted as part of City Plan 2025 designates this site Residential. The Sector Map also adopted as part of City Plan 2025 designate this area as an Infill Growth Sector. Rezoning this property to R-PZD 06-2213 with single- and multi- family dwelling units is consistent with the land use plan for residential use, and compatible with surrounding residential land uses and density within surrounding residential property to the north and west, and commercial and office development to the south and east. Further, the density of the residential development proposed is consistent with this property's location within in Infill Growth Sector.

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

Finding: At this time the property is zoned RMF-24, which allows for single- and multi-family residential use. The redevelopment of this existing mobile home park into a mixed residential neighborhood requires a customized R-PZD zoning district. The property is identified as an Infill Growth Sector. The existing street layout and public infrastructure make rezoning of this property to the proposed R-PZD advisable.

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

Finding: Staff finds this proposal will not create or appreciably increase traffic danger and congestion.

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: Staff finds that in evaluating this proposal, the population density would be slightly increased from that which currently exists. Staff finds, however, that the load created on public services is not an undesirable or detrimental impact, with the improvements as recommended by staff for this project.

Engineering: Public water and sewer are located throughout the site.

The site has access to Villa Boulevard which is an improved two-lane paved roadway at this property. Staff recommends an asphalt overlay be provided over the existing roadways throughout the property, and that 4' concrete sidewalk be provided on at least one side of all streets.

Drainage improvements are required within the development to meet the current requirements of the City of Fayetteville Drainage Criteria Manual. The proposed storm sewer improvements will need to safely convey the 100-year storm flow through the site. Minimum finish floor elevations will need to be established for each lot adjacent to open channel or swales.

Police: It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter population density and will not create an undesirable increase on police services.

Fire: The subject property is located approximately 2.2 miles from the Engine #4 and Ladder #4 at the fire station at 3385 North Plainview, with an expected response time of approximately 6 minutes. No adverse impacts on call volume or response time are anticipated.

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



THE CITY OF FAYETTEVILLE, ARKANSAS

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

LANDSCAPE REVIEW FORM

To: Fayetteville Planning Commission

From: Andrew Garner, Senior Planner

Date: October 3, 2006

ITEM #: LSD 06-2213 (Sunbridge Villas)

Applicable Requirements:

X	Off Street Parking
X	Commercial Design Standards
X	Buffers and Screening
	T-540 Design Overlay

Plan Checklist:

Y = submitted by applicant

N = requested by city

NA = not applicable

Preliminary Submittal	Final Submittal	
		Off-Street Parking and Loading
Y		wheel stops / curbs
Y		irrigation
Y		edged landscape beds indicated
Y		species of plant material identified
Y		size of plant material at time of installation indicated
Y		interior landscaping
		narrow tree lawn (8' min. width, 17' min. length / 1 tree per 15 spaces)
		tree island (10' min. width / 1 tree per 12 spaces)
Y		perimeter landscaping
		side and rear property lines (5' landscaped)
		adjacent to street R.O.W (15' greenspace exclusive for landscaping / 1 street tree every 30 L.F., a continuous planting of shrubs and ground cover - 50% evergreen)

Y		soil amendments notes include that soil is amended and sod removed
Y		mulching notes indicate mulching around trees and within landscape beds.
Y		planting details according to Fayetteville's Landscape Manual
Preliminary Submittal	Final Submittal	Commercial Design Standards
NA		greenspace adjacent to street R.O.W. (15' wide)
NA		street trees planted every 30' L.F. along R.O.W.
NA		outdoor storage screened with landscaping
		Buffer Strips and Screening
NA		landscaped area (12' min.)
NA		fence required
NA		outdoor storage screened with landscaping
NA		non-residential landscape screen when adjacent to residential zones
NA		landscape requirement for setback reduction
		Overlay District Requirements
NA		greenspace adjacent to street R.O.W. (25' wide)
NA		street trees planted every 30' L.F. along R.O.W.
NA		25% of total site area left in greenspace (80% landscaped)
NA		parking lots and outdoor storage screened with landscaping

Recommendation: Approval of the landscape plan associated with LSD 06-2190 with the following conditions.

Conditions of Approval:

1. Prior to building permit, a cost estimate for all required landscaping is to be submitted to the Landscape Administrator for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy.



CC Meeting of November 7, 2006

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 444-3470

TREE PRESERVATION and PROTECTION REPORT

To: Fayetteville City Council

From: Sarah K. Patterson, Urban Forester

Date: October 16, 2006

ITEM # RPZD 06-2213: Residential Planned Zoning District (Sunbridge Villas)

Requirements Submitted:

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

Canopy Measurements:

Total Site Area	
acres	20.92
square feet	911,275
Existing Tree Canopy	
acres	3.82
square feet	166,375
percent of site area	18.21 %
Existing Tree Canopy Preserved	
acres	1.42
square feet	61,922
percent of total site area	6.79 %
Percent Minimum Canopy Required	18.21%

FINDINGS:

The desirability of preserving a tree or group of trees by reason of age, location, size or species.

- **This site is currently a mobile home park. The intent of this project is to utilize existing streets and utilities to redevelop the area into a**

single and multi family neighborhood. The area has been inventoried by a certified arborist who found most trees to be in poor to fair shape. There are several species with many being invasive and/or less desirable.

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

- **Environmental degradation should be very minimal on this site because it is redeveloping in a similar fashion.**

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

- **Utility easements are required along all the property lines of this project. This type of design does not allow for preservation of canopy along property lines. Adjacent property could be affected.**

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

- **N/A**

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

- **Size and shape of the lot does not reduce flexibility of design however trying to use the existing streets does.**

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

- **The general health of the trees is anywhere from poor to fair with a few ranking as good.**

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

- **Many of the trees shown as removed are as such by City requirements for building foot print size. There is a possibility that with care during construction, additional trees will be saved interior to the lots around the structures. Many utility easements have been requested for this leaving the site little area for preservation.**

The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.

- **Many trees are found within utility easements. Several existing lines required additional easements around them. The trees have been shown as removed but will potential stay unless the lines require repair or upgrading.**

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

- **The existing roads and drives have been utilized for the design of this**

project.

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

- N/A

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

- **Mitigation will be required on this site to replace poor canopy on the site. Mitigation of superior species trees will ultimately benefit this site and the urban forest as a whole.**

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

- N/A

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

- N/A

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

- **Staff is recommending approval of the Tree Preservation Plan associated with RPZD 06-2213 with the following conditions of approval.**

Conditions of Approval:

- 1. Tree protection fencing will be extensive for this project. Please coordinate the installation with the Urban Forester.**
- 2. By ordinance, tree canopy found within the building footprint must be counted as removed. There are several large canopied trees on this site that will not actually have to be removed entirely but possible just pruned for height allowance. Staff recommends working with the Urban Forester throughout the entire project to fence and preserve some of the larger trees that could remain.**
- 3. Mitigation will be required on this site in the amount of 294 (2) inch caliper large species tree. The applicant has requested and been approved for on-site mitigation. A variety of quality tree species have been proposed to be planted back on the site which will ultimately better the city's urban forest as a whole.**
- 4. A 3-year maintenance and monitoring bond, letter of credit, or check in the amount of \$73,500 shall be deposited with the City before the last certificate of occupancy.**

**Project Design Consultants
Sunbridge Job #2006023 Tree Inventory**

<u>Tree #</u>	<u>Species</u>	<u>Size</u>	<u>Condition</u>	<u>Comments</u>
1	Silver Maple	15 TRPL	Poor	
2	Silver Maple	29	Poor	
3	Silver Maple	24	Poor	Hollow trunk
4	Silver Maple	16 TRPL	Poor	
5	Silver Maple	13 Multi	Fair	Corrective prune, deadwood
6	Silver Maple	10 DBL	Poor	
7	Silver Maple	11 TRPL	Poor	
8	Black Walnut	19	Good	Deadwood
9	Black Walnut	9	Fair	Corrective prune
10	Black Walnut	11	Good	
11	Black Walnut	9	Good	Corrective prune
11	Black Walnut	10	Fair	Corrective prune
12	Black Walnut	10	Poor	
13	Chinese Elm	14	Fair	Deadwood
14	American Elm	21	Poor	
15	American Elm	11	Dead	
16	Black Walnut	11	Poor	
17	Black Walnut	9	Good	Remove vine
18	American Elm	26	Fair	Remove concrete, deadwood, corrective
19	American Elm	19	Fair	Remove concrete, deadwood, corrective
20	Black Walnut	11	Poor	Bent trunk
21	Black Walnut	9	Poor	Bent trunk
22	American Elm	13	Poor	Bent trunk
23	American Elm	21	Poor	Decay
24	American Elm	11	Poor	Trunk in fence
25	Chinese Elm	18	Fair	Deadwood
26	Chinese Elm	13 DBL	Poor	In fence
27	American Elm	14	Poor	Lean
28	Black Walnut	12	Fair	Deadwood
29	Black Walnut	13	Poor	
30	American Elm	11	Poor	Lean
32	Hackberry	11	Poor	In fence
33	Black Walnut	10	Fair	Deadwood
34	Black Walnut	12	Good	Deadwood
35	Osage Orange	11 Multi	Fair	Deadwood, remove fence
37	American Elm	11	Poor	
38	Black Walnut	9	Fair	
39	Black Walnut	14	Fair	Deadwood
40	Black Walnut	11	Fair	Corrective prune
41	American Elm	24 DBL	Poor	
42	Sycamore	9 DBL	Fair	Remove west trunk
43	Black Walnut	10	Fair	Deadwood
44	Black Walnut	10	Fair	Corrective prune
45	Black Walnut	12	Good	Corrective prune
46	Chinese Elm	8 Multi	Poor	
47	Black Walnut	12	Fair	Corrective prune
48	Silver Maple	10 TRPL	Fair	Corrective prune
49	American Elm	18 TRPL	Poor	

50 American Elm	11 TRPL	Poor	
51 American Elm	10	Poor	Lean
52 Black Walnut	12	Good	Deadwood
53 Black Walnut	10	Good	Deadwood
54 Chinese Elm	10	Fair	Deadwood
55 Black Walnut	10	Fair	Corrective prune
56 American Elm	10	Poor	Damaged trunk
57 American Elm	10	Fair	
58 American Elm	18	Poor	Damaged trunk
59 Chinese Elm	12	Poor	Bent trunk
60 Black Walnut	8 DBL	Fair	
61 Black Walnut	12	Good	Deadwood
62 American Elm	10	Poor	Lean
63 Slippery Elm	10 DBL	Fair	Deadwood, remove vine
64 Hackberry	12	Fair	
65 Black Walnut	10	Good	
66 American Elm	14	Poor	Lean
67 Hackberry	13	Poor	Broken top
68 American Elm	11	Poor	
69 American Elm	12 DBL	Poor	
70 Hackberry	11	Fair	
71 White Ash	11	Fair	
72 Red Mulberry	10	Poor	
73 Hackberry	12	Fair	
74 White Ash	11	Fair	
75 Black Locust	11	Fair	
76 Hackberry	10 DBL	Fair	Remove east trunk, corrective prune
77 Hackberry	10	Fair	
78 Hackberry	11 DBL	Poor	Bent trunk
79 Hackberry	11	Good	
80 Hackberry	10 DBL	Fair	
81 Silver Maple	26 Multi	Poor	
82 Hackberry	15	Fair	Remove vine
83 Hackberry	13 DBL	Poor	
84 Hackberry	10 DBL	Fair	
85 Hackberry	17 DBL	Poor	
86 Black Cherry	10	Fair	Remove vine
87 Hackberry	11	Fair	Remove vine
89 White Ash	16	Fair	Corrective prune, double leader
90 Eastern Red Cedar	10	Fair	Deadwood
91 American Elm	25 TRPL	Poor	Dutch Elm disease
92 Silver Maple	8 DBL	Poor	
93 Silver Maple	11 TRPL	Poor	
94 Pin Oak	23	Good	Deadwood
95 Silver Maple	15 DBL	Fair	
96 Hackberry	11	Fair	Corrective prune
98 White Ash	20 TRPL	Fair	Corrective prune, deadwood
99 White Poplar	42	Poor	
100 Sugar Maple	15	Good	Corrective prune
101 White Poplar	42	Poor	
102 Eastern Redbud	12 TRPL	Poor	
103 Loblolly Pine	13	Good	Deadwood

104 Hackberry	19		Could not see all of trunk, canopy is hea
105 American Elm	30 DBL	Poor	
106 White Ash	12	Fair	Corrective prune
107 White Ash	22	Poor	
108 Sycamore	26 DBL	Good	
109 Eastern Redbud	8 DBL	Fair	
110 White Ash	18 TRPL	Fair	Deadwood
111 White Ash	9 DBL	Fair	Corrective prune
112 White Poplar	14 DBL	Poor	
113 Catalpa	35 Multi	Poor	
114 Catalpa	12 TRPL	Poor	
115 Black Cherry	10	Fair	
116 White Ash	21 DBL	Fair	
117 White Ash	12 TRPL	Poor	
118 Boxelder	26	Fair	Corrective prune
119 American Elm	40	Fair	Deadwood, corrective prune
120 Sweet Gum	10	Good	
121 Loblolly Pine	14	Poor	
122 White Ash	14	Fair	Deadwood, corrective prune
123 Eastern Red Cedar	12	Fair	Metal post in trunk
124 White Ash	17	Poor	
125 Silver Maple	17	Fair	Metal post in trunk
126 White Ash	8	Fair	
127 Red Maple	8 Multi	Poor	
128 White Pine	12	Good	Deadwood
129 Green Ash	26	Poor	Deadwood
130 Green Ash	23	Poor	Deadwood
131 Silver Maple	20	Good	
132 Black Cherry	10	Fair	Deadwood
133 Black Cherry	10	Fair	Deadwood
134 White Ash	11	Fair	Corrective prune
135 Sweet Gum	16	Fair	Corrective prune
136 Eastern Redbud	9 Multi	Fair	Deadwood
137 Persimmon	9 Multi	Fair	Deadwood
138 White Ash	10 Multi	Fair	Remove south trunk, deadwood
139 Red Maple	11 TRPL	Poor	
140 Slippery Elm	29	Fair	Corrective prune, deadwood
141 Sweet Gum	16	Good	Deadwood
142 Silver Maple	12 Multi	Fair	Deadwood, girdling root
143 American Elm	12 DBL	Fair	Deadwood
144 American Elm	10 TRPL	Poor	
145 American Elm	9 DBL	Poor	
146 Silver Maple	14 Multi	Fair	Deadwood
147 American Elm	10	Fair	Deadwood
148 Slippery Elm	11 TRPL	Fair	Deadwood, remove north trunk
149 American Elm	10	Fair	Deadwood, remove mistletoe
150 Eastern Red Cedar	8	Good	
151 Silver Maple	16	Fair	Deadwood
152 Sweet Gum	13	Fair	Girdling root
153 White Poplar	14	Poor	
154 White Poplar	13	Fair	Deadwood
155 American Elm	16	Poor	

156 Eastern Red Cedar	12 Good	
157 Eastern Redbud	9 TRPL Poor	
158 White Ash	11 Fair	Cut out fence post
159 White Ash	10 DBL Poor	
160 White Ash	14 Good	Deadwood
161 American Elm	12 TRPL Poor	
162 American Elm	10 Poor	
163 American Elm	9 Poor	
164 American Elm	17 Fair	Deadwood
165 Slippery Elm	10 Poor	
166 Silver Maple	11 Poor	
167 American Elm	13 Poor	
168 Sweet Gum	13 Fair	
169 Virginia Pine	14 Fair	Corrective prune
170 American Elm	22 Fair	Deadwood
171 Hackberry	10 Poor	Lean
172 Virginia Pine	24 Fair	Corrective prune
173 American Elm	15 Poor	
174 White Poplar	10 Fair	
175 Red Maple	16 Poor	Trunk damage
176 American Elm	16 Fair	Deadwood
177 American Elm	10 Fair	Deadwood
178 American Elm	9 Poor	
180 Green Ash	13 Poor	
181 Boxelder	8 Fair	Corrective prune
182 American Elm	12 Fair	Remove vine
184 Chinese Elm	9 Poor	
185 Red Mulberry	11 DBL Fair	
186 Siberian Elm	13 Poor	
187 American Elm	12 Fair	
188 American Elm	28 DBL Poor	
189 American Elm	17 TRPL Fair	Corrective prune
190 Silver Maple	8 Multi Fair	Deadwood
191 American Elm	11 Fair	Deadwood
192 Bradford Pear	14 DBL Fair	Corrective prune
193 American Elm	18 Good	
194 Black Walnut	10 Fair	
195 Honeylocust	10 DBL Fair	Deadwood
196 Black Walnut	12 DBL Fair	Corrective prune
197 American Elm	10 Poor	Lean
198 Osage Orange	11 Multi Fair	Deadwood
199 Black Walnut	10 Fair	Deadwood
200 American Elm	16 Fair	Deadwood
201 Black Walnut	11 Good	
203 Black Walnut	11 Good	Remove vine
204 American Elm	12 TRPL Fair	Deadwood
205 Sweet Gum	11 DBL Fair	Corrective prune
206 Eastern Redbud	13 Poor	
207 Black Cherry	14 TRPL Poor	
208 White Ash	18 DBL Fair	Deadwood
209 Black Walnut	9 Fair	
209 White Pine	17 Fair	Corrective prune, deadwood

210	American Elm	23	Poor	
211	Black Cherry	13 DBL	Poor	
212	Silver Maple	14 Multi	Poor	
213	Silver Maple	10 Multi	Poor	
214	Silver Maple	8	Fair	
215	White Ash	11 DBL	Poor	
216	Silver Maple	15	Fair	
217	White Ash	16	Poor	
218	Silver Maple	18 Multi	Fair	Corrective prune
219	Silver Maple	33	Fair	
220	Silver Maple	40 DBL	Fair	Deadwood
221	White Ash	20	Fair	Deadwood
222	Scotch Pine	18	Fair	
223	Sycamore	15	Fair	
224	White Ash	16 DBL	Poor	
225	Eastern Redbud	6 Multi	Fair	
226	White Ash	16	Fair	Deadwood
227	Silver Maple	17 Multi	Poor	
228	Sycamore	13	Fair	
229	White Ash	20	Poor	
229A	American Elm	23	Poor	Growing in 229
229B	American Elm	12	Poor	Growing in 229
230	White Poplar	13	Fair	Corrective prune, deadwood
231	White Poplar	13	Poor	
232	Silver Maple	13	Good	Corrective prune
233	White Poplar	12	Fair	Deadwood
234	White Poplar	12	Dead	
235	White Poplar	12 Multi	Poor	Almost dead
236	White Poplar	12	Fair	Deadwood
237	Silver Maple	13	Fair	Corrective prune
238	Silver Maple	12	Good	
239	Silver Maple	11 DBL	Poor	
240	White Poplar	11 DBL	Poor	
241	Silver Maple	9 Multi	Poor	
242	White Poplar	10 DBL	Fair	Deadwood
243	Silver Maple	11	Fair	
244	White Poplar	8	Fair	
245	White Poplar	11 DBL	Poor	
246	Silver Maple	8	Fair	
247	Red Maple	20	Fair	Cut chain
248	American Elm	11	Poor	
249	American Elm	14	Fair	Deadwood
250	White Ash	14 TRPL	Fair	Deadwood
251	Silver Maple	16 Multi	Fair	Corrective prune, deadwood
252	Sugar Maple	20	Fair	Corrective prune
253	White Ash	29	Fair	Deadwood
254	Silver Maple	13 DBL	Poor	
255	Eastern Red Cedar	10	Poor	
256	White Ash	13	Fair	Corrective prune, deadwood
257	White Ash	27	Fair	Deadwood
258	Silver Maple	12 Multi	Fair	Corrective prune
261	Hackberry	11	Poor	

262 White Ash	14 TRPL	Fair	Deadwood
264 White Ash	14 Multi	Fair	Deadwood
265 White Ash	11 Multi	Poor	
266 White Ash	14 TRPL	Fair	Deadwood, corrective prune
267 American Elm	19	Poor	
268 Silver Maple	12 Multi	Fair	Deadwood
269 Red Maple	11	Poor	
270 White Ash	12	Poor	
271 White Ash	11 Multi	Poor	
272 Boxelder	33	Poor	
273 Silver Maple	8 Multi	Fair	
274 Silver Maple	39	Fair	Remove mistletoe
275 Boxelder	37	Poor	
276 Virginia Pine	12	Poor	
277 White Ash	12	Poor	
278 White Ash	20	Poor	
279 White Ash	20	Fair	
280 Sweet Gum	11	Fair	Corrective prune
281 White Ash	11 Multi	Fair	Deadwood
282 Silver Maple	50	Fair	
283 White Poplar	11	Fair	Corrective prune
284 Red Maple	13	Poor	
285 Black Cherry	12 Multi	Poor	
285 Hackberry	16	Poor	
286 American Elm	27	Fair	Deadwood
288 Green Ash	12	Poor	
289 White Pine	12	Good	
290 Silver Maple	8 Multi	Fair	
291 White Ash	10 DBL	Poor	
292 American Elm	10	Poor	
293 American Elm	11	Fair	Deadwood
294 Green Ash	9	Fair	
295 American Elm	9	Poor	
296 Siberian Elm	26	Fair	Deadwood
297 Silver Maple	15	Fair	Corrective prune
298 American Elm	11	Fair	Deadwood
299 White Poplar	10	Poor	
300 American Elm	17	Poor	
301 White Ash	10	Fair	
302 White Ash	40	Fair	
303 Golden Raintree	10 DBL	Fair	
304 Silver Maple	12	Fair	Deadwood
305 Silver Maple	14 DBL	Fair	Deadwood
306 Silver Maple	12 DBL	Fair	Deadwood
307 Tulip Tree	14 DBL	Poor	Split trunk
308 Empress Tree	8	Good	
309 Black Cherry	23	Poor	Damaged trunk
310 Silver Maple	14 Multi	Poor	
311 Silver Maple	21 Multi	Fair	Deadwood
312 White Poplar	8 DBL	Poor	
313 White Poplar	7 DBL	Poor	
314 White Poplar	9	Fair	

315 Silver Maple	8 Multi	Poor	
316 Silver Maple	43	Fair	Deadwood
317 Persimmon	9	Good	
318 Persimmon	12	Fair	
319 Silver Maple	23	Poor	
320 Silver Maple	9 Multi	Poor	Fence through trunk
321 Osage Orange	8 Multi	Fair	Corrective prune, deadwood
322 American Elm	9	Poor	
323 Eastern Redbud	8 Multi	Poor	Corrective prune, deadwood
324 Black Cherry	11	Poor	

Prepared by: Natural Resource Planning
Patti Erwin
SO-1118



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

THE CITY OF FAYETTEVILLE, ARKANSAS

TO: Andrew Garner, Associate Planner
FROM: Kay Curry, Park Planner
DATE: September 27, 2006
SUBJECT: Parks & Recreation Subdivision Committee Comments

Meeting Date: September 28, 2006
Item: PR-PZD 06-2213 (Sunbridge Villas, 290)
Park District: NW
Zoned: RMF-24
Billing Name & Address:
Hometown Development, LLC 1747, College, Fayetteville, AR 72703
Windstar Investments, LLC, P.O. Box 3646, Fayetteville, AR 72702

<u>Land Dedication Requirement</u>	<u>Money in Lieu</u>
Single Family <u>133</u> @ .024 acre per unit = <u>3.19</u> acres	<u>133</u> @ \$960 per unit = <u>\$127,680</u>
Multi-Family <u>36</u> @ .017 acre per unit = <u>.61</u> acres	<u>36</u> @ \$680 per unit = <u>\$24,480</u>
Lot Split	@ \$960 per unit = \$

COMMENTS:

- The Parks and Recreation Advisory Board recommended accepting money in lieu of land dedication on August 7, 2006. This decision was based Gordon Long Park and the Scull Creek trail corridor being located within one half mile of this development.
- Credit will be given in the amount of \$135,360 for 141 existing mobile home lots.
- Fees are assessed in the amount of \$152,160 for 133 single family and 36 multi-family homes totaling a net \$16,800 after credit is given.
- Fees are due before signing of final plat.
- Each additional housing unit that is constructed in Fayetteville places an increased demand on the Parks and Recreation System. The money collected as part of this development will be used to fund future park acquisitions and improvements for this park quadrant.



Fayetteville Fire Department

MEMO

To: Suzanne Morgan, Andrew Garner, Jeremy Pate, and Jesse Fulcher
Thru: Chief Tony Johnson *TJ*
Asst Chief Bud Thompson *BT*
From: Captain Dale Riggins
Date: September 28, 2006

Re: October 2, 2006 Zoning Review – Fire Department Comments
R-PZD06-2256 (Mansfield)

These .84 acres are covered by Engine 2 at 708 N Garland.

It is .25 miles from the station with an expected response time of 1.5 minutes.

The Fire Department anticipates 8 (5 EMS – 3 Fire/Other) calls for service per year once the development is completed and maximum build-out has occurred.

Measured Hydrant Flow in this area is at 1760 gpm.

The service impact of the development will typically take eighteen months after the development is started, and the units begin to be occupied, to occur. There should be no adverse effects on our call volume or response time to this development.

R-PZD06-2213 (Sunbridge Estates)

These 20.92 acres are covered by Engine 4 and Ladder 4 at 3385 N Plainview.

It is 2.2 miles from the station with an expected response time of 6 minutes.

The Fire Department anticipates 38 (23 EMS – 15 Fire/Other) calls for service per year once the development is completed and maximum build-out has occurred.

There is no recorded Measured Hydrant Flow in this area.

The service impact of the 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.

Feel free to contact me with any questions you may have about these

CONFIDENTIAL



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

POLICE DEPARTMENT

October 2, 2006

Jeremy Pate
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville AR. 72701

Dear Director Pate,

This document is in response to the request for a determination of whether the proposed Planned Zoning District R-PZD 06-2256: Planned Zoning District (MANSFIELD, 444): Submitted by YUME AND RUSSELL RUDZINDKI for property located at 932 GARLAND, BETWEEN BERRY AND HUGHES STREET would substantially alter the population density and thereby undesirably increase the load on public services and create an appreciable increase in traffic danger and congestion.

It is the opinion of the Fayetteville Police Department that this planned zoning district will not create an undesirable increase in the load on police services nor will it create an appreciable increase in traffic danger and congestion in the area.

In reference to R-PZD 06-2213: Planned Zoning District (SUNBRIDGE VILLAS, 290): Submitted by PROJECT DESIGN CONSULTANTS, INC. for property located at NW OF SUNBRIDGE DRIVE AND VILLA BLVD., VILLA M/H PARK

It is the opinion of the Fayetteville Police Department that this planned zoning district will not create an undesirable increase in the load on police services nor will it create an appreciable increase in traffic danger and congestion in the area.

Sincerely,

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

Captain William Brown
Fayetteville Police Department

July 27, 2006

CITY OF FAYETTEVILLE
ATTN: PARK PLANNING STAFF
1455 HAPPY HOLLOW ROAD
FAYETTEVILLE, AR 72701

Dear Sir or Madam:

We are developing approximately 20.88 acres near the Sunbridge and Villa Blvd intersection in Fayetteville, AR. Our property is zoned RMF-24.

We have 141 existing single family lots. We are proposing 129 single family homes, 2 Duplex buildings (totaling: 4 units), and 9 Fourplex buildings (totaling: 36 units).

We have decided to use the option of money in lieu for land of our required Parks contribution. The calculations are as follows:

Existing Single Family Lots: $141 \times \$960.00 = \$135,360.00$

Proposed Single Family Dwellings: $133 \times \$960.00 = \$127,680.00$

Multifamily Dwellings: $36 \times \$680.00 = \$24,480.00$

Contribution: Proposed - Existing = Money in Lieu of Land

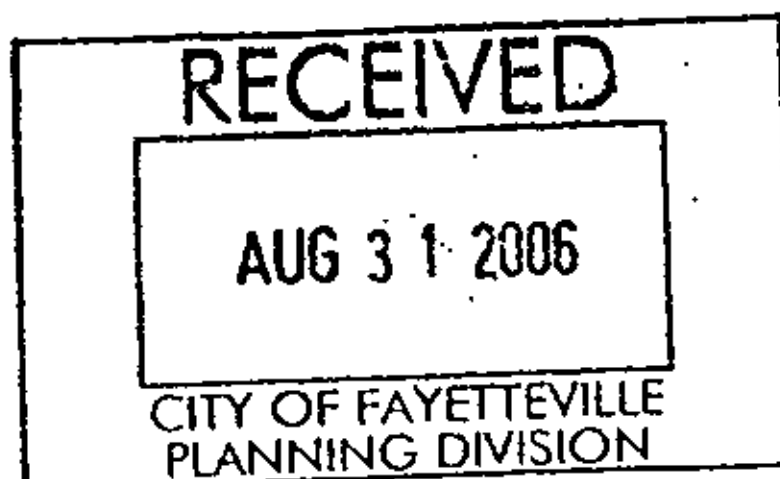
$(\$127,680.00 + \$24,480.00) - \$135,360.00 = \$16,800.00$

Our Contribution of Money in Lieu of Land is estimated to be \$16,800.00, however, this amount may change based on actual units approved through the PZD process.

We would like to be on the agenda for the Parks and Recreation Board Meeting scheduled for August 7th, 2006.

Sincerely,

Bob Schmidt



ADJOINING PROPERTY OWNERS NOTIFICATION OF UPCOMING PUBLIC HEARING

Today's Date: September 14, 2006

APPLICANT/REPRESENTATIVE CONTACT INFO:

Project Design Consultants, Inc.
4285 N. Shiloh Drive Suite 104
Fayetteville, AR 72703

Phone: 479-521-5405
Fax: 479-521-0919

Subdivision Meeting

Thursday, September 28, 2006 8:30am
Fayetteville City Administration Building
113 W. Mountain Street, Room 219
(479) 575-8267

Planning Commission Meeting

Monday, October 9, 2006 5:30pm
Fayetteville City Administration Building
113 West Mountain Street, Room 219
(479) 575-8267

PROJECT DESCRIPTION:

PROPERTY LOCATED AT NW CORNER OF SUNBRIDGE DRIVE AND VILLA BLVD., VILLA M/H PARK. THE PROPERTY IS ZONED RMF-24, MULTI-FAMILY - 24 UNITS/ACRE AND CONTAINS APPROXIMATELY 20.92 ACRES. THE REQUEST IS FOR 129 DETACHED AND 40 ATTACHED RESIDENTIAL DWELLINGS.

Adjoining Property Address and Parcel Number(s)

ADJOINING PROPERTY OWNERS COMMENTS

(Return Comments to City of Fayetteville Planning Division in Stamped Enclosed Envelope)

☒ I have been notified of the above meetings for the described project.
☒ I do not object to the project described above.
☐ I do object to the project described above because:

BEN JACK
Name of Property Owner (Printed)

Ben Jack
Signature of Property Owner

PDCI PROJECT # 2006023

Sunbridge Villas

**ADJOINING PROPERTY OWNERS NOTIFICATION
OF UPCOMING PUBLIC HEARING**

Today's Date: September 14, 2006

APPLICANT/REPRESENTATIVE CONTACT INFO:

Project Design Consultants, Inc.
4285 N. Shiloh Drive Suite 104
Fayetteville, AR 72703

Phone: 479-521-5405
Fax: 479-521-0919

Subdivision Meeting

Thursday, September 28, 2006 8:30am
Fayetteville City Administration Building
113 W. Mountain Street, Room 219
(479) 575-8267

Planning Commission Meeting

Monday, October 9, 2006 5:30pm
Fayetteville City Administration Building
113 West Mountain Street, Room 219
(479) 575-8267

PROJECT DESCRIPTION:

PROPERTY LOCATED AT NW OF SUNBRIDGE DRIVE AND VILLA BLVD., VILLA M/H PARK. THE PROPERTY IS ZONED RMF-24, MULTI FAMILY - 24 UNITS/ACRE AND CONTAINS APPROXIMATELY 20.92 ACRES. THE REQUEST IS FOR 129 DETACHED AND 40 ATTACHED RESIDENTIAL DWELLINGS.

Adjoining Property Address and Parcel Number(s)

ADJOINING PROPERTY OWNERS COMMENTS

(Return Comments to City of Fayetteville Planning Division in Stamped Enclosed Envelope)

☒ I have been notified of the above meetings for the described project.

☒ I do not object to the project described above.

☐ I do object to the project described above because:

It will be an improvement of what is there.

Ronald W. Curry
Name of Property Owner (Printed)

Ronald W. Curry
Signature of Property Owner

PDCI PROJECT # 2006023

Sunbridge Villas PZD

**ADJOINING PROPERTY OWNERS NOTIFICATION
OF UPCOMING PUBLIC HEARING**

Today's Date: September 14, 2006

APPLICANT/REPRESENTATIVE CONTACT INFO:

Project Design Consultants, Inc.
4285 N. Shiloh Drive Suite 104
Fayetteville, AR 72703

Phone: 479-521-5405
Fax: 479-521-0919

Subdivision Meeting

Thursday, September 28, 2006 8:30am
Fayetteville City Administration Building
113 W. Mountain Street, Room 219
(479) 575-8267

Planning Commission Meeting

Monday, October 9, 2006 5:30pm
Fayetteville City Administration Building
113 West Mountain Street, Room 219
(479) 575-8267

PROJECT DESCRIPTION:

PROPERTY LOCATED AT NW OF SUNBRIDGE DRIVE AND VILLA BLVD., VILLA M/H PARK. THE PROPERTY IS ZONED RMF-24, MULTI FAMILY - 24 UNITS/ACRE AND CONTAINS APPROXIMATELY 20.92 ACRES. THE REQUEST IS FOR 129 DETACHED AND 40 ATTACHED RESIDENTIAL DWELLINGS.

Adjoining Property Address and Parcel Number(s)

ADJOINING PROPERTY OWNERS COMMENTS

(Return Comments to City of Fayetteville Planning Division in Stamped Enclosed Envelope)

☐ I have been notified of the above meetings for the described project.
☒ I do not object to the project described above.
☐ I do object to the project described above because:

William A. Lazear
Name of Property Owner (Printed)

William A. Lazear
Signature of Property Owner

PDCI PROJECT # 2006023

(Return Comments to City of Fayetteville Planning Division in Stamped Enclosed Envelope)

- ☐ I have been notified of the above meetings for the described project.
- ☒ I do not object to the project described above.
- ☐ I do object to the project described above because:

GEORGE FAUCETT
Name of Property Owner (Printed)

George Faucett
Signature of Property Owner

PDCI PROJECT # 2006023

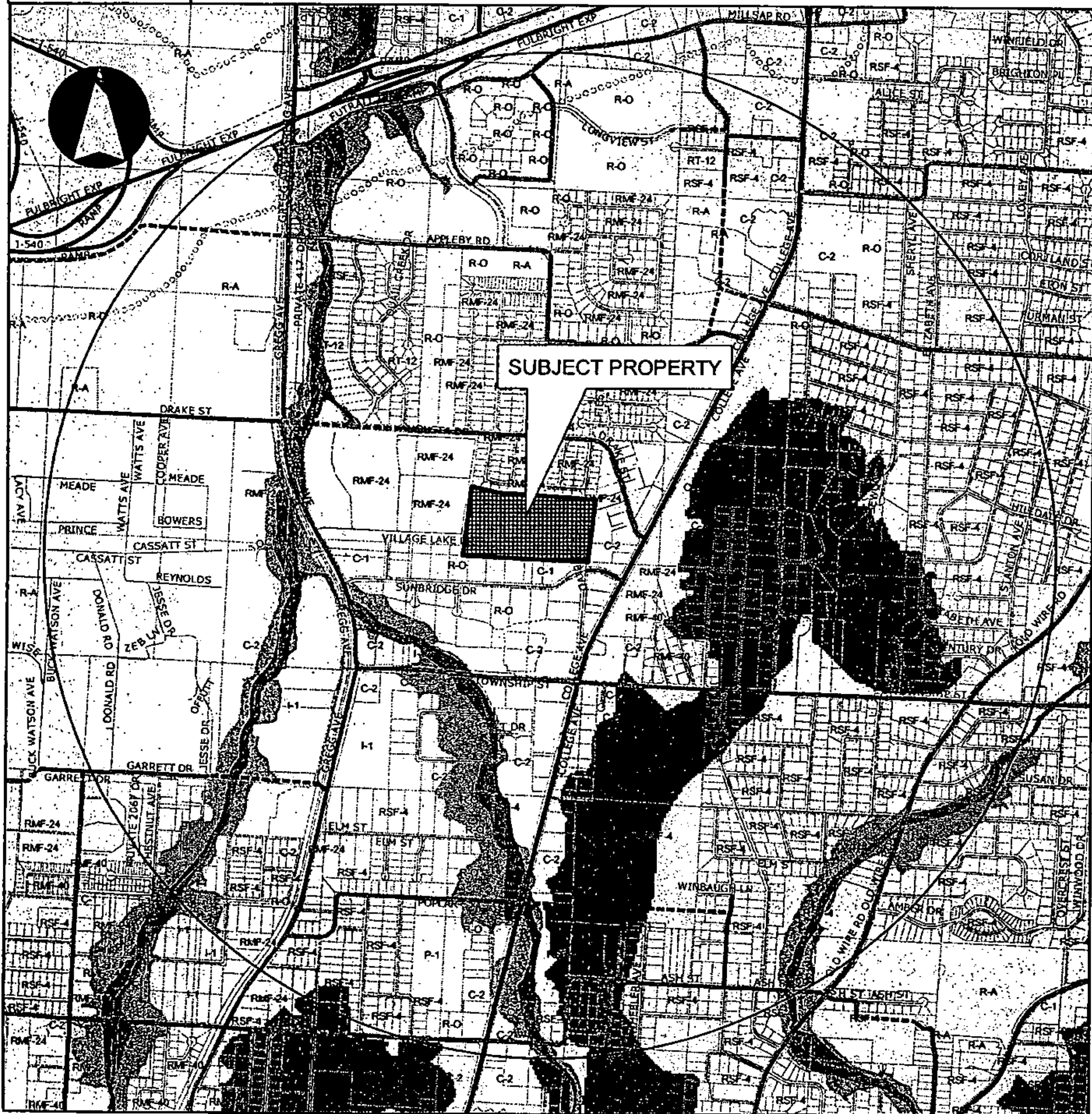
X

*Sunbridge
Villas*

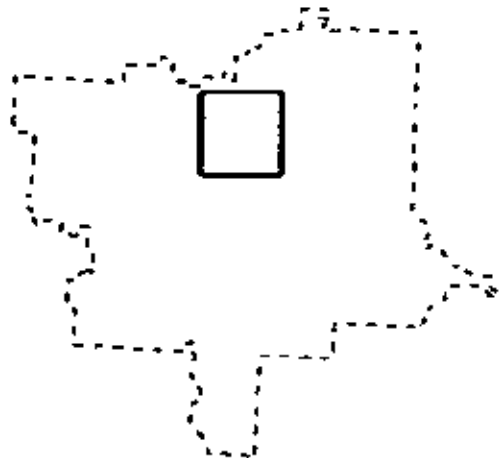
RPZD06-2213

SUNBRIDGE VILLAS

One Mile View



Overview



Legend

Subject Property

RPZD06-2213

Boundary

Planning Area

Overlay District

Outside City

Legend

Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

RPZD06-2213

SUNBRIDGE VILLAS

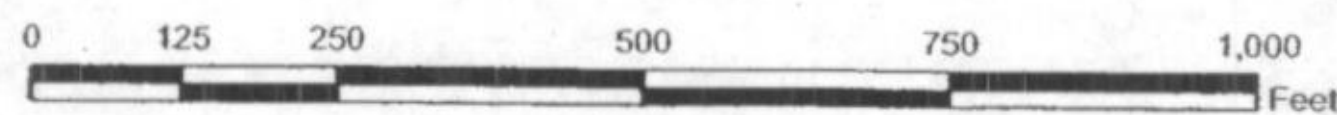
Close Up View



Overview

Legend

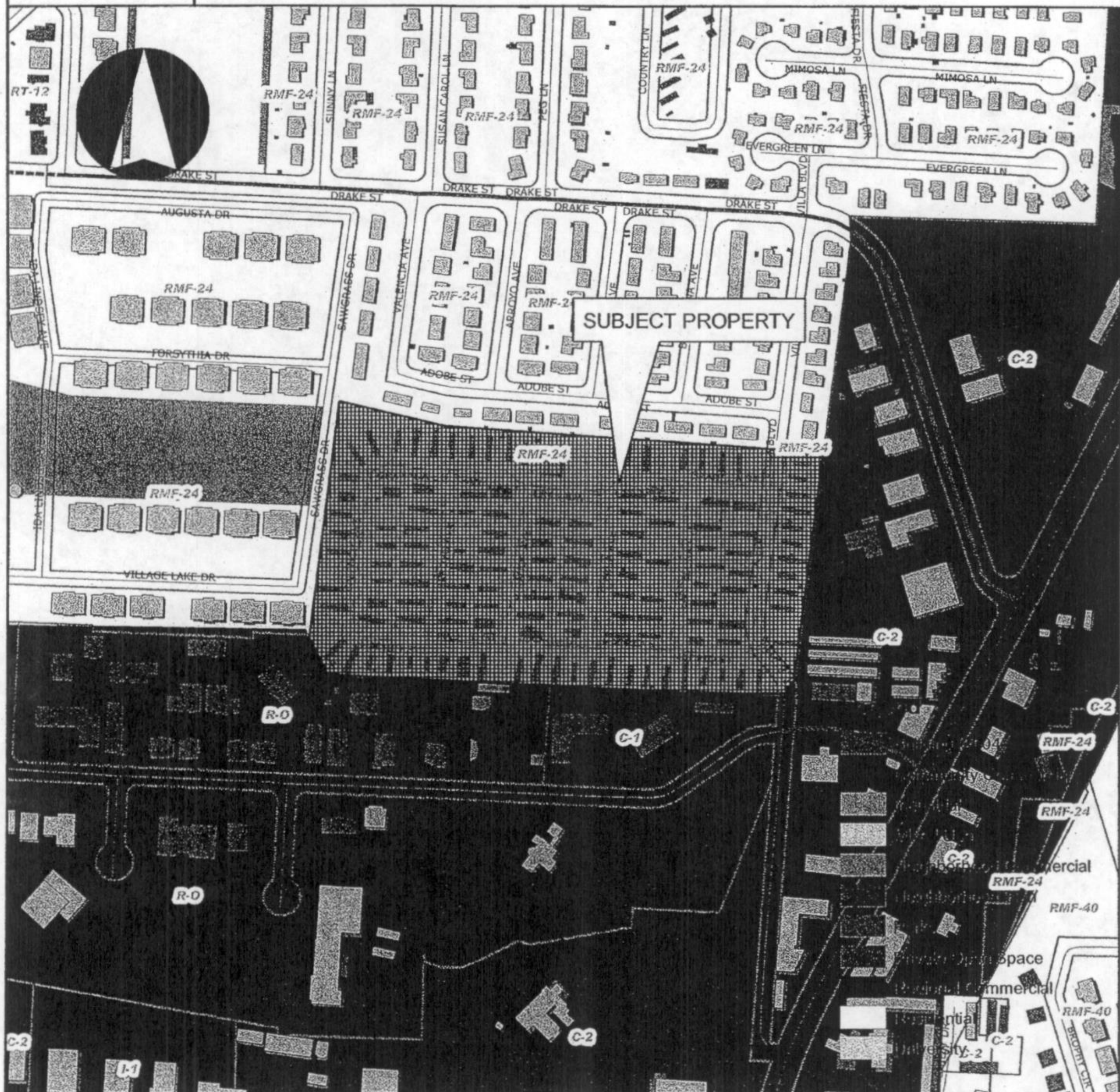
- ooooo Overlay District
- FLOODWAY
- 100 YEAR
- 500 YEAR
- LIMIT OF STUDY
- BaseLine Profile
- Fayetteville
- Outside City
- RPZD06-2213
- vector.GDB Footprint_2004
- Hillside-Hilltop Overlay District



RPZD06-2213

Future Land Use

SUNBRIDGE VILLAS



Overview



Legend

Legend
Subject Property

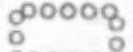


RPZD06-2213

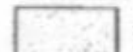
Boundary



- Planning Area



Overlay District



Outside City

Streets

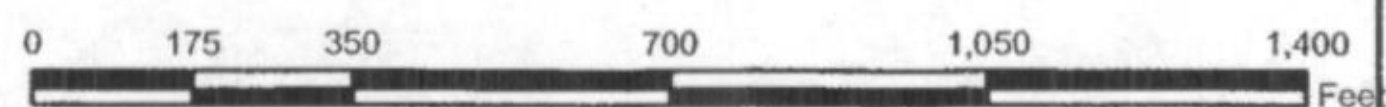


Existing



Planned

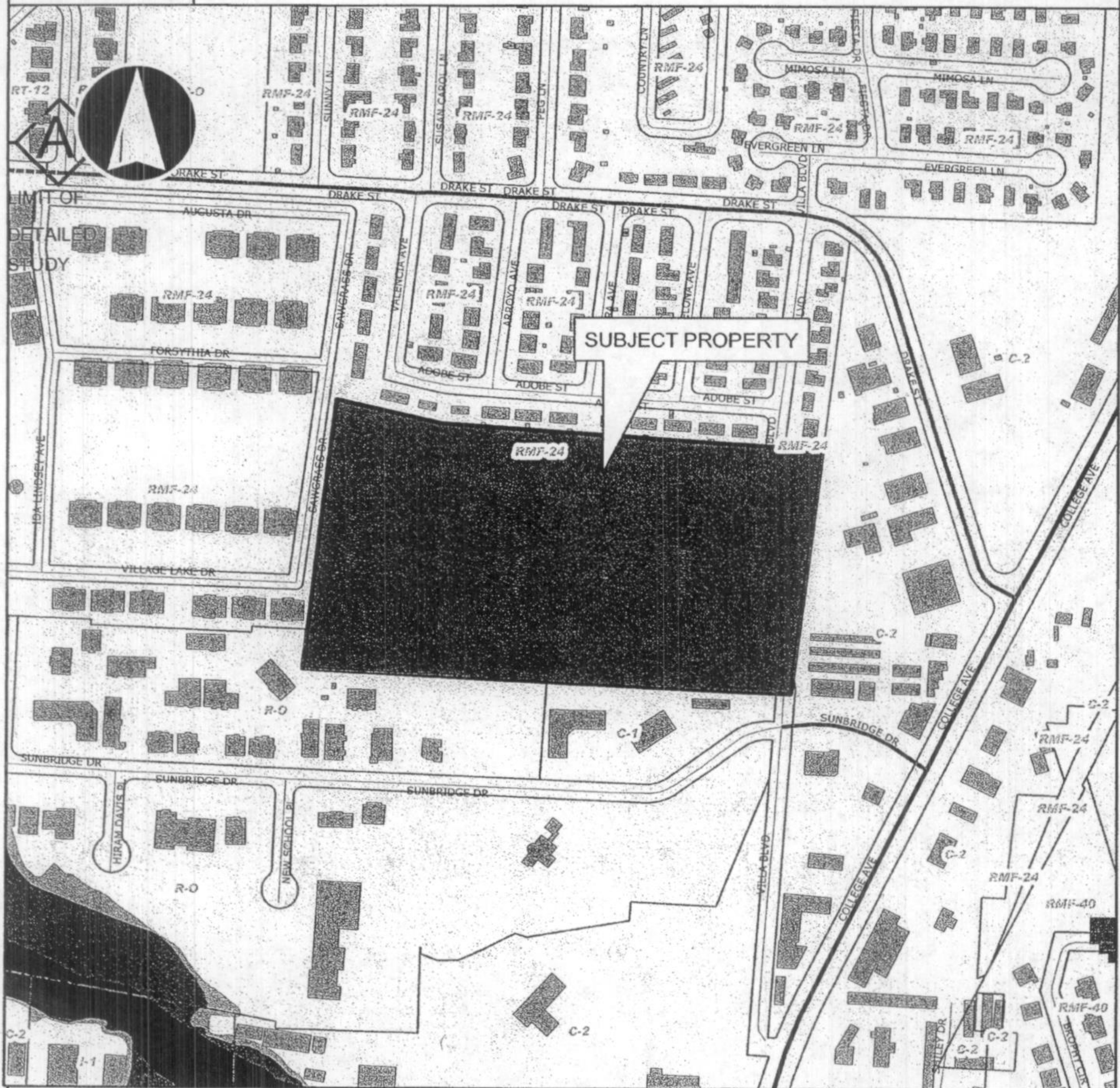
Legend



RPZD06-2213

SUNBRIDGE VILLAS

Close Up View



Overview

Legend

- Overlay District
- FLOODWAY
- 100 YEAR
- 500 YEAR
- LIMIT OF STUDY
- - - BaseLine Profile
- Fayetteville
- Outside City
- RPZD06-2213
- vector.GDB.Footprint_2004
- Hillside-Hilltop Overlay District

0 175 350 700 1,050 1,400 Feet

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

21-Nov-06
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

R-PZD 06-1884: Residential Planned Zoning District, Westside Village, submitted by Todd Jacobs with Critical Path Design for property located south of Wedington, east of Ruppel Road. The property is zoned RMF-24, Residential Multi-Family, 24 units per acre and contains approximately 21.63 acres. The request is for re-zoning and large scale development approval with 352 attached dwelling units and 71,120 square feet of non-residential and mixed use space.

\$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
	\$ -	

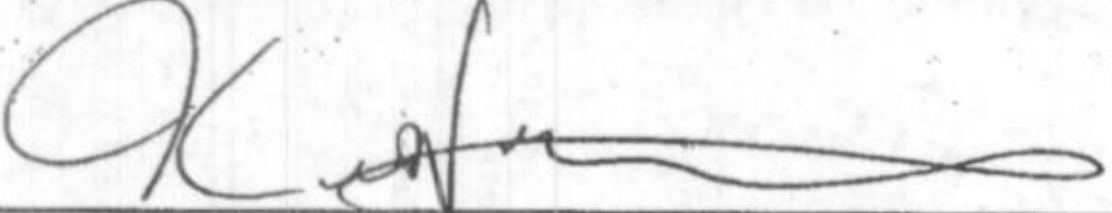
Budgeted Item ☐

Budget Adjustment Attached ☐


Department Director 10-27-06
Date

Previous Ordinance or Resolution # n/a

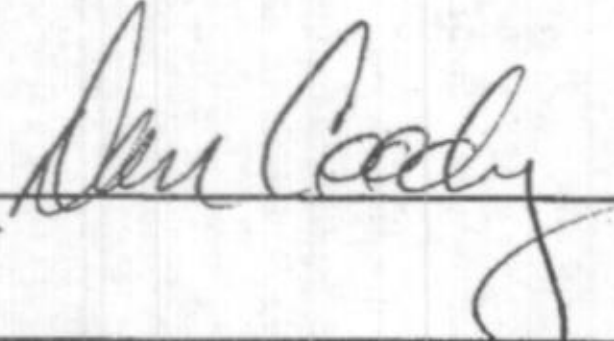
Original Contract Date: n/a

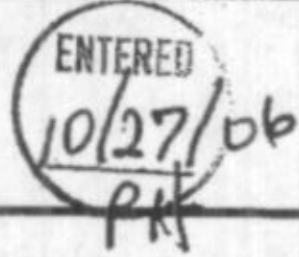

City Attorney 10-27-06
Date

Original Contract Number: n/a

Paul A. Buhm
Finance and Internal Service Director 10-27-06
Date

Received in City Clerk's Office



Mayor 10/30/06
Date

Received in Mayor's Office


Comments:

Left on the second reading 11/21/07

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: October 26, 2006

Subject: Residential Planned Zoning District for Westside Village (R-PZD 06-1884)

RECOMMENDATION

The Planning Commission voted to forward the subject request for an ordinance creating a Residential Planned Zoning District (R-PZD) for Westside Village. This action would establish a unique zoning district for a mixed-use development on a 21.63-acre tract located on the east side of Ruppel Road, south of Wedington Drive, immediately north of the Boys and Girls Club.

BACKGROUND

The site is zoned RMF-24, and is generally flat, undeveloped, disturbed grassland with minimal tree canopy. The Boys and Girls Club is located directly south, with Ruppel Row to the west.

The applicant requests rezoning and large scale development approval for a mixed use development with 352 attached dwelling units and 71,120 square feet of non-residential mixed use space. The property is not intended to be subdivided at this time, and would be maintained by a Property Owner's Association. The development would consist of mixed use buildings containing retail/commercial on lower levels and residential condominiums on the upper levels, live/work townhouses, townhouses, and flats. The development would also provide a community greenspace area with a civic building and a pedestrian greenway extending west-east through the entire site. Zoning criteria identifying permitted and conditional uses, building setbacks, bulk and area requirements and architectural guidelines are included within the project booklet provided by the applicant.

DISCUSSION

On October 23, 2006, the Planning Commission voted 8-0-0 in favor of forwarding this request to the City Council, with several modifications and amendments to the conditions of approval. City Council final determination of certain conditions is required.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 06-1884, WESTSIDE VILLAGE, LOCATED SOUTH OF WEDINGTON, EAST OF RUPPLE ROAD, CONTAINING APPROXIMATELY 21.63 ACRES; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE; AND ADOPTING THE ASSOCIATED MASTER DEVELOPMENT PLAN.

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

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

From RMF-24, Residential Multi-Family, 24 units per acre to R-PZD 06-1884 as shown in Exhibit "A" and depicted in Exhibit "B" attached hereto and made a part hereof.

Section 2. That the change in zoning classification is based upon the approved master development plan, development standards, statement of commitments and the conditions of approval as submitted, determined appropriate and approved by the City Council indicated in Exhibit "C" attached hereto and made a part hereof.

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

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

PASSED AND APPROVED this _____ day of _____, 2006.

APPROVED:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk

EXHIBIT "A"
R-PZD 06-1884

TRACK 3, FINAL PLAT OF W.H.M. LAND INVSTMENTS, INC., AN ADDITION TO
FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING FILED FOR RECORD
12-19-05 AS PLAT 17-102.

EXHIBIT "B"

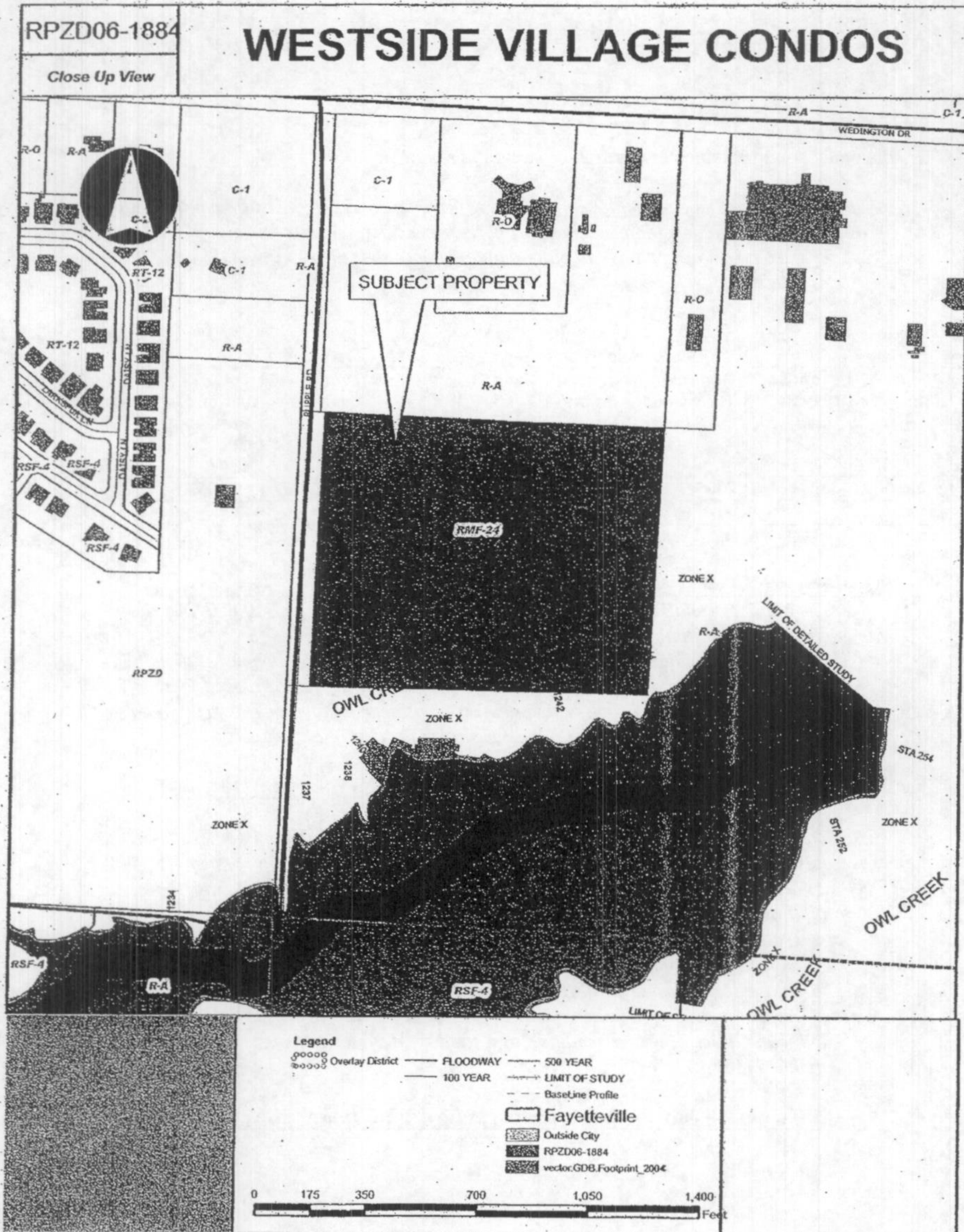


EXHIBIT "C"
R-PZD 06-1884
(Page 1 of 7)

Conditions of Approval

1. Planning Commission determination of street improvements.

- a. *Residential Development: Impact fees to Ruppel Road are based on a contractual agreement for development of the property for residential units (see attached) signed by the City as part of the final plat including the subject property in the amount listed as follows:*

**Westside Village
Ruppel Road Impact Fees**

Type of Units	Proposed No. of Units	Contracted Total Units	Excess Units	Cash Per Unit	Letter of Credit Per Unit	Total Cash Due	Total Letter of Credit Due
Apartments	352	260	92	\$320.51	\$213.67	\$29,486.92	\$19,657.64

Notes:

*See attached contractual Agreement, in conjunction with the Final Plat 01-07.00, in which the current proposal is Lot 3.

*The Cash and Letter of Credit amounts are due prior to building permit.

The applicant shall submit \$29,486.92 and a letter of credit for \$19,657.64 prior to issuance of building permit.

The applicant requests to pay these impact fees based on the number of units built rather than on the maximum number of units allowed by the proposed PZD. The applicant proposes to pay these impact fees per construction phase as delineated on the plans prior to the building permit issuance for that phase only.

PLANNING COMMISSION DETERMINED IN FAVOR OF THIS CONDITION (10-23-06).

- b. *Commercial Development: The contract for the Ruppel Road impact fees covered only residential development on this lot. The applicant is also proposing 55,000 square feet of non-residential development on this lot (not including the civic building and live-work units). Appropriate assessment for the traffic impacts generated by the proposed non-residential use has been evaluated by the City Planning and Engineering Divisions and an assessment amount of \$44,396.49 shall be paid prior to issuance of a building permit for the commercial portion of the development for improvements to Ruppel Road. A memo from City staff to the applicant describing the methodology used to derive the assessment amount is attached to this report.*

PLANNING COMMISSION DETERMINED IN FAVOR OF THIS CONDITION (10-23-06).

EXHIBIT "C"
R-PZD 06-1884
(Page 2 of 7)

2. Planning Commission determination of adequate connectivity. The project proposes an access easement stub-out and a public right-of-way stub-out to largely undeveloped property to east. The existing Boys and Girls Club is located adjacent to the southern border of the site and is not proposed for vehicular connectivity, but is proposed for a pedestrian connection. The applicant proposes an access easement/right-of-way stub-outs for the three streets to undeveloped property to the north. The stub-out to the north shall be revised to indicate a 20' one-way paved section for a northbound lane, and a 20' one-way paved section for a southbound lane, divided by a median, extending the boulevard section to the northern property line. On all of the street connections proposed the applicant proposes not to construct physical paved stub-outs, but to install signs indicating future street extension, and proposes to pay an assessment to the City for the future construction of the stub-outs. An assessment shall be paid to the City for the construction of the stub-outs to the east, in an amount to be approved by the City Engineering Division prior to building permit. The applicant shall coordinate with the City Engineering and Transportation Divisions prior to construction to agree upon appropriate signage to indicate future street extensions, but still be aesthetically compatible with the development. The applicant shall work with the City Attorney's Office to carefully write an easement document to prevent large utility trucks from accessing the street stub-outs to the east. The intention of the easement document is to prevent using the streets in this development as a cut-through. This easement shall be recorded prior to building permit and referenced by document number on the easement plat. *Staff finds the location and number of street connections adequate for the development. However, staff recommends that all street stub-outs be constructed with pavement to the property line, along with a sign to more clearly indicate future street connection as opposed to the applicant's proposal not to physically construct the stub-outs as part of the development. Staff finds that constructing stub-outs along with signage is necessary to clearly indicate to the public and future developers the location of future street connections.*

PLANNING COMMISSION APPROVED AND MODIFIED THIS CONDITION AS NOTED, RECOMMENDING IN FAVOR OF THE STREET CONNECTIVITY PRESENTED, AND AGREEING WITH THE APPLICANT'S REQUEST THAT FULL STUB-OUTS BE CONSTRUCTED TO THE NORTH, AND RIGHT-OF-WAY/EASEMENT ONLY AND SIGNS BE PROVIDED FOR THE CONNECTIVITY TO THE EAST. (10-23-06).

3. Planning Commission determination of a waiver of street design standards.

- a. The applicant requests a waiver to allow a 15' curb return radius (CRR) at all street intersections and driveways when City Code requires a 30' CRR for streets (UDC Section 171.02(C)), and 25' for commercial driveways (UDC Section 172.04(D)(2)(a)(iv)). *Staff recommends denial of this waiver, finding that with both reduced street width and reduced curb return radius at all intersections, turning moments become problematic for passenger vehicles and could result in conflicts.*

EXHIBIT "C"
R-PZD 06-2191
(Page 3 of 7)

PLANNING COMMISSION APPROVED THIS CONDITION (10-23-06).

- b. The applicant requests a waiver to allow a different street cross section than are required by the current Master Street Plan standard. The applicant proposes on-street parallel parking, when the Master Street Plan does not have a cross-section that allows parallel parking as proposed. Public Drive #2 shall remain a public drive as shown on the drawings submitted. *Staff recommends in favor of a waiver to construct the street cross sections as requested, although staff recommends that Public Drive #2 as labeled on the site plan be a private street. The City is not interested in owning and maintaining what is essentially drive aisles and parking lots for the private development. Staff will review detailed construction plans at the time of development.*

PLANNING COMMISSION APPROVED THIS CONDITION AS NOTED, AGREEING WITH THE APPLICANT'S REQUEST THAT PUBLIC DRIVE #2 BE A PUBLIC STREET (10-23-06).

4. Planning Commission determination of commercial design standards for the commercial structures and overall compatibility and transition in the proposed development. *Staff finds in favor of this determination. The building elevations of the non-residential structures are well-articulated and provide for a consistent and overriding theme throughout the development, which transitions well between the mixed use buildings, townhouses, live-work units, and flats. The zoning criteria for the residential structures requires buildings to front the street, and small building setbacks help create a streetscape and facilitate an overall compact and complete development, with the urban structures broken up by a village green and pedestrian greenway at key visual points, preventing a monotony of structures.*

PLANNING COMMISSION APPROVED THIS CONDITION (10-23-06).

5. Planning Commission determination of a waiver of Chapter 166 and 172 of the Unified Development Code, for 24' wide drive aisles/parking stub-outs. Street/driveway widths shall be modified to a minimum width of 24' for two-way access, and 12' for one-way access in all instances. The two-way drive aisles around the perimeter of the development are 23'. Several other drive aisles have different widths such as 22', 23', and 25'. *Staff recommends denial of this waiver, finding there is not suitable space in many locations for parking and driving to co-exist without the potential for accidents, especially in those areas containing 90 degree parking across from parallel parking. Staff recommends the standard 24' (back-of-curb to back-of-curb) be utilized for all driveways, drive aisles, public streets and private streets; where two-way traffic proposed.*

PLANNING COMMISSION APPROVED THE WAIVER AS REQUESTED (10-23-06).

6. Sidewalks along Ruppel Road shall be constructed to city standards and dedicated to the City. Sidewalks along all interior public streets shall be constructed to city standards with a

EXHIBIT "C"
R-PZD 06-1884
(Page 4 of 7)

minimum of 6' in width. All sidewalks and greenspace adjacent to private streets shall not be owned by the City, but shall be within a public pedestrian access easement. Private street improvements shall also be constructed by the property owner to City standards and maintained to acceptable City standards by the property owner or property owner's association. *Private streets, sidewalks and detention ponds shall be the responsibility of the property owner or property owner's association to maintain according to city standards. Covenants shall provide that in the event the private streets are not maintained as required, 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 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. Said covenants regarding maintenance of private streets shall not be amended and shall not terminate without approval of the City Council (§166.06 (K.10.b.vii)).*

7. Pedestrian walkways/sidewalks and landscaping as shown on the site plan and Master Development Plan along all public and private streets with a maximum separation of one tree per 30' linear feet of street, and between the buildings (typical) shall be a requirement of the PZD, and shall be installed as buildings are constructed, prior to occupancy.
8. Right-of-way dedication in the amount of 55' from centerline of the existing Rupple Road right-of-way needs to be provided with this development. Right-of-way for internal public streets to be dedicated in variable widths as indicated on the site plan, by way of easement plat prior to issuance of building permits.
9. Due to the very large and complex nature of this project, a detailed review of all aspects of the site and landscape plans in each phase of construction shall take place prior to issuance of building permits. The development shall be consistent with the site plan and mix of uses as approved in the PZD. All development shall meet applicable zoning and development criteria, unless specifically waived or varied by the Planning Commission as part of the PZD approval.
10. The applicant shall submit a guarantee (letter of credit, bond, or cash) of \$1,000 per dwelling unit and for non-residential uses, a fee based on square feet of use and determined by the City Engineer prior to issuance of a building permit for contributions to an interim solution to wastewater capacity concerns in the Owl Creek/Hamestring Creek basin, if the improvement is required. Final determination of the contribution shall be made by the City Engineer.
11. This project is required to obtain all permits for Phase I within one year of approval by City Council, and required to obtain all permits for Phase II within eight years of approval by City Council. A one-year extension may be approved by the Planning Commission subject to ordinance criteria.
12. All private streets shall be included in a shared access easement. This access easement

EXHIBIT "C"
R-PZD 06-1884
(Page 5 of 7)

shall be included on the easement plat.

13. Dimension the northern access point to Ruppel with a two-way exit at a minimum of 24' wide.
14. Solid Waste. It does not appear that the number of dumpsters shown on the site plan is adequate to service the amount of solid waste generated by this development. As discussed with the applicant and Solid Waste Division, it is likely that compactors (shown) will be required in addition to several dumpsters throughout the development. The location of all compactors and dumpster pads shall be coordinated with the Solid Waste Division to ensure adequate turning radii and space. All dumpsters shall be screened with materials that are compatible with and complimentary to the architecture of the surrounding structures.
15. Prior to issuance of a building permit an easement plat shall be signed by all utilities providing service to this project.
16. The Civic Building will come back to Planning Commission for review as a Conditional Use Permit, and will be required to meet commercial design standards.
17. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements, other than those as specified in the zoning criteria.
18. Buildings shall be constructed to be consistent with the concepts depicted in the building elevations in the PZD booklet. All buildings shall be designed and constructed to front onto public rights-of-way. All non-residential buildings or mixed use buildings shall adhere to Commercial Design Standards.
19. Parks fees for 352 Multi-Family Units are due in the amount of \$138,336. Fees are due prior to issuance of a building permit for those units in that development phase.
20. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code, and shall be subject to signage requirements for commercial development for Planning Area 1, and for residential development for all other Planning Areas.
21. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.

EXHIBIT "C"
R-PZD 06-1884
(Page 6 of 7)

Tree Preservation Conditions

22. Mitigation will be required on this site in the amount of 19 (2) inch caliper large species trees. These trees are proposed to be planted on-site.
23. A 3-year maintenance bond, letter of credit, or check equaling \$4750 shall be deposited with the City of Fayetteville before final Certificate of Occupancy. After the 3 year period, the Urban Forester will inspect the site. Finding 90% or better of the trees to be healthy the bond will be released.

Landscape Plan Conditions

24. Street trees that are removed along the Ruppel Road frontage with this development will be required to be replaced.
25. Please keep the parking lot lighting in mind when designing the landscape plan to ensure that required trees shown on the landscape plan are not replaced with lights, or do not block lighting.
26. Street tree plantings will be required along the all public and private street frontages with one tree per 30 feet. These trees will need to be planted in urban tree wells with structural soils, or with adequate green space for planting, and the species subject to the approval of the City's Urban Forester.
27. Prior to building permit, a cost estimate for all required landscaping is to be submitted to the Urban Forester for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy.

Standard Conditions of Approval

28. 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).

EXHIBIT "C"
R-PZD 06-1884
(Page 7 of 7)

29. Trash enclosures shall be screened with materials compatible with the buildings in the development with access not visible from the public or private streets or drive aisles. Architectural renderings depicting the colors and materials for the trash enclosures shall be submitted for review prior to issuance of a building permit.
30. 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.
31. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
32. All exterior lighting is required to comply with the City's lighting ordinance. A lighting plan and cut-sheets of the proposed exterior light fixtures shall be required to be approved by Planning Staff prior to building permit.
33. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - c. Separate easement plat for this project that shall include the tree preservation area.
 - d. Project Disk with all final revisions.
 - e. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.



Planning Commission Meeting
October 23, 2006

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Planning Commission Members
FROM: Andrew Garner, Senior Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: ~~October 18, 2006~~ Updated October 25, 2006

PZD 06-1884: Planned Zoning District (WESTSIDE VILLAGE, 439): Submitted by TODD JACOBS CRITICAL PATH DESIGN for property located at SOUTH OF WEDINGTON, EAST OF RUPPLE ROAD. The property is zoned RMF-24, MULTI FAMILY - 24 UNITS/ACRE and contains approximately 21.63 acres. The request is for re-zoning and large scale development approval for a Residential Planned Zoning District with 352 attached dwelling units and 71,120 square feet of non-residential and mixed use space.

Property Owner: WESTSIDE DEVELOPMENT, LLC
Planner: ANDREW GARNER.

Findings:

Background: This item was heard at the March 16, 2006 Subdivision Committee meeting. The development proposed at that meeting consisted of 420 attached dwelling units dispersed in 14 apartment buildings and 128 townhouses. At that meeting the Subdivision Committee discussed that including non-residential uses in the project would be highly desirable for the introduction of so many residential units. The applicant substantially revised the site plan, including nonresidential uses and introduced several new building types and a new layout. This item was subsequently heard at the September 14th, then October 12th, 2006 Subdivision Committee meetings, where it was forwarded with a favorable recommendation to the full Planning Commission.

Property Description: The subject property consists of approximately 21.63 acres located on the east side of Ruppel Road, south of Wedington Drive, north of the Boy's and Girl's Club. The site is zoned RMF-24, and is generally flat, undeveloped, disturbed grassland with minimal tree canopy.

Proposal: The applicant requests a rezoning and large scale development approval for a mixed use development within a unique R-PZD zoning district. All of the land would be under a common ownership, or property owner's association, and is not proposed to be subdivided. The proposed use of the site is listed in *Table 1*.

Table 1
Proposed Project
Westside Village R-PZD 06-1884

Type of Use	Planning Area	Number of Units	Size of Unit	Retail (sq. ft.)	Office (sq. ft.)	Restaurant (sq. ft.)	Civic Space (sq. ft.)	Greenspace (acres)
Mixed Use Apartments	PA-1	88	900 sq. ft.	17,260	32,000	6,000	NA	NA
Live/Work	PA-2	23	24' x 35'	NA	10,860	NA	NA	NA
Townhouses	PA-3	73	25'x40'; 24'x40'; 22'x50'	NA	NA	NA	NA	NA
Flats	PA-4	168	900 sq. ft.	NA	NA	NA	NA	NA
Civic Building	PA-5	NA	NA	NA	NA	NA	5,000	NA
Greenspace	PA-6	NA	NA	NA	NA	NA	NA	0.92
TOTAL	NA	352	NA	17,260	42,860	6,000	5,000	0.92

The project booklet and the plats provided give the zoning criteria in detail. Please reference this provided material for more information. These documents are binding to the zoning of the property.

Phasing: The applicant proposes to develop Westside Village in five phases to space over the next two to eight years.

Phase I: Public streets and major infrastructure, mixed use Buildings A and B, 34 townhouses, the Civic Building, the Village Green

Phases II – V: Townhouses, live/work units, flats, mixed use Building C. Full phase build out will be completed in approximately eight years.

Permits are proposed to be pulled for Phase I within one year of City Council approval of the PZD; permits are proposed to be pulled for Phase II within eight years of City Council approval. The applicant requests the allowance of a one year extension if necessary.

Surrounding Land Use/Zoning:

Direction from Site	Land Use	Zoning
North	Single-Family Residential	R-A, Residential-Agricultural
South	Boys and Girls Club	R-A, Residential-Agricultural
East	Undeveloped	R-A, Residential-Agricultural
West	Ripple Row PZD	PZD, Ripple Row Planned Zoning District

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

Access: Access to the proposed development would be directly off of Ruppel Road along the western property line. Four proposed public drives would be constructed through the development with the approximate right-of-way width listed below:

<u>Street</u>	<u>Approximate Right-of-Way Width</u>
Meadowlands Drive	56'
Public Drive 1	53'
Public Drive 2	114'
Public Drive 3	55'

These streets would feature parallel parking on both sides of the street. Meadowlands Drive will extend east from Ruppel Road and will be stubbed out at the easternmost boundary of the subdivision. Three other proposed public streets would extend north from Meadowlands Drive to the northernmost boundary of the property. Public Drive 2 is a divided street featuring parallel parking on the interior and angled parking on the exterior. *Staff is recommending that this street in particular not be a public street, but private, as it does not meet street design standards.* A private, two-way parking drive will encompass the perimeter of the development. This drive will feature parallel parking on the interior portion and perpendicular parking along the exterior portion. A pedestrian green way starts at Ruppel Road and traverses east through the project. A number of interior sidewalks around all of the buildings provide well-connected walkways throughout the development. Parking would be provided on streets and in garages with an adequate number of spaces as presented in Table 2.

Connectivity: The project proposes an access easement stub-out and a public right-of-way stub-out to largely undeveloped property to east. The existing Boys and Girls Club is located adjacent to the southern border of the site and is not proposed for vehicular connectivity, but is proposed for a pedestrian connection. The applicant proposes an access easement/right-of-way stub-out for the three streets to undeveloped property to the north. On all of the street connections proposed the applicant proposes not to construct the pavement for the stub-out, but to install a sign indicating future street extension, and proposes to pay an assessment to the City for the future construction of the stub-outs. *Staff finds the location and number of street connections adequate for the development. However, staff recommends that all street stub-outs be constructed with pavement to the property line, along with a sign to more clearly indicate future street connection as opposed to the applicant's proposal not to physically construct the stub-outs as part of the development. Staff finds that constructing stub-outs along with signage is necessary to clearly indicate to the public and future developers the location of future street connections.*

Adjacent Master Street Plan Streets: Ruppel Road (principal arterial)

Street Improvements: Impact fees for Ruppel Road are based on a contractual agreement (see attached) agreed to by the City as part of the final plat for this subdivision including the subject property in an amount listed in the conditions of approval of this staff report. These fees are intended to be utilized by the city to widen Ruppel Road to a minimum four-lane street. Staff finds that additional improvements are warranted by the traffic generated from the additional

commercial uses proposed on the site and recommends as assessment be paid based on the rough proportionality of the additional commercial uses in an amount of \$44,396.49 (see attached memo from staff to the applicant regarding this item) for improvements to Ruppel Road.

Table 2
Parking Requirements
Westside Village R-PZD 06-1884

Use	Buildings	Type of Unit	Amount of Unit	Parking Ratio (1 space per ratio)	Parking Required
Retail	Mixed Use Buildings	square feet	17,260	250	69
Office	Mixed Use Buildings and Live-Work Units	square feet	42,860	300	143
Restaurant	Mixed Use Buildings	square feet	6,000	100	60
Multi-family Units	Various	# of bedrooms	532	1	532
Civic Building	Civic Building	square feet	5,000	500	10
Total Parking Required					814
Minimum Parking at 30% Under Required					570
Total Off-Street Parking Provided*					711
Parking Excess					141
Total On- and Off- Street Parking Provided					892
Parking Excess					322

* 519 off-street parking + 192 covered garage parking spots. This 519 parking count does not include the one-way streets (Public Drive #2) that the applicant proposes as public but City staff recommends as private. If the street does become Private then the parking count for off-street parking would be 797 total off-street parking and excess of 227 parking spaces.

Note: Off-street parking is defined as all parking provided off of a public street. Parking on private streets, drive-aisles, alleys, garages, and parking lots is included in the off-street parking numbers.

Parks: On May 2, 2005, the Park and Recreation Advisory Board recommended accepting money in lieu of land to satisfy the park land dedication ordinance. Additionally, the plans for the development include a pedestrian greenway and village green interior to the project.

Tree Preservation: Existing Canopy: 0.85%
Preserved Canopy: 0.0%
Required Canopy: 0.85%
Mitigation: Required; 19 two-inch caliper trees (onsite planting)

Recommendation: Staff recommends forwarding R-PZD 06-1884 to the City Council with a recommendation for approval with the following conditions of approval:

Conditions of Approval:

1. Planning Commission determination of street improvements.

- a. *Residential Development: Impact fees to Ruppel Road are based on a contractual agreement for development of the property for residential units (see attached) signed by the City as part of the final plat including the subject property in the amount listed as follows:*

**Westside Village
Ruppel Road Impact Fees**

Type of Units	Proposed No. of Units	Contracted Total Units	Excess Units	Cash Per Unit	Letter of Credit Per Unit	Total Cash Due	Total Letter of Credit Due
Apartments	352	260	92	\$320.51	\$213.67	\$29,486.92	\$19,657.64

Notes:

*See attached contractual Agreement, in conjunction with the Final Plat 01-07.00, in which the current proposal is Lot 3.

*The Cash and Letter of Credit amounts are due prior to building permit.

The applicant requests to pay these impact fees based on the number of units built rather than on the maximum number of units allowed by the proposed PZD. The applicant proposes to pay these impact fees per construction phase as delineated on the plans prior to the building permit issuance for that phase only.

PLANNING COMMISSION DETERMINED IN FAVOR OF THIS CONDITION (10-23-06).

- b. *Commercial Development: The contract for the Ruppel Road impact fees covered only residential development on this lot. The applicant is also proposing 55,000 square feet of non-residential development on this lot (not including the civic building and live-work units). Appropriate assessment for the traffic impacts generated by the proposed non-residential use has been evaluated by the City Planning and Engineering Divisions and an assessment amount of \$44,396.49 shall be paid prior to issuance of a building permit for the commercial portion of the development for improvements to Ruppel Road. A memo from City staff to the applicant describing the methodology used to derive the assessment amount is attached to this report.*

PLANNING COMMISSION DETERMINED IN FAVOR OF THIS CONDITION (10-23-06).

SUBDIVISION COMMITTEE RECOMMENDED IN FAVOR OF THIS CONDITION (10-12-06).

2. Planning Commission determination of adequate connectivity. The project proposes an access easement stub-out and a public right-of-way stub-out to largely undeveloped property to east. The existing Boys and Girls Club is located adjacent to the southern

border of the site and is not proposed for vehicular connectivity, but is proposed for a pedestrian connection. The applicant proposes an access easement/right-of-way stub-outs for the three streets to undeveloped property to the north. The stub-out to the north shall be revised to indicate a 20' one-way paved section for a northbound lane, and a 20' one-way paved section for a southbound lane, divided by a median, extending the boulevard section to the northern property line. On all of the street connections proposed the applicant proposes not to construct physical paved stub-outs, but to install signs indicating future street extension, and proposes to pay an assessment to the City for the future construction of the stub-outs. An assessment shall be paid to the City for the construction of the stub-outs to the east, in an amount to be approved by the City Engineering Division prior to building permit. The applicant shall coordinate with the City Engineering and Transportation Divisions prior to construction to agree upon appropriate signage to indicate future street extensions, but still be aesthetically compatible with the development. The applicant shall work with the City Attorney's Office to carefully write an easement document to prevent large utility trucks from accessing the street stub-outs to the east. The intention of the easement document is to prevent using the streets in this development as a cut-through. This easement shall be recorded prior to building permit and referenced by document number on the easement plat. *Staff finds the location and number of street connections adequate for the development. However, staff recommends that all street stub-outs be constructed with pavement to the property line, along with a sign to more clearly indicate future street connection as opposed to the applicant's proposal not to physically construct the stub-outs as part of the development. Staff finds that constructing stub-outs along with signage is necessary to clearly indicate to the public and future developers the location of future street connections.*

PLANNING COMMISSION APPROVED AND MODIFIED THIS CONDITION AS NOTED, RECOMMENDING IN FAVOR OF THE STREET CONNECTIVITY PRESENTED, AND AGREEING WITH THE APPLICANT'S REQUEST THAT FULL STUB-OUTS BE CONSTRUCTED TO THE NORTH, AND RIGHT-OF-WAY/EASEMENT ONLY AND SIGNS BE PROVIDED FOR THE CONNECTIVITY TO THE EAST. (10-23-06).

SUBDIVISION COMMITTEE RECOMMENDED IN FAVOR OF THE STREET CONNECTIVITY PRESENTED, AND RECOMMENDED THAT FULL STUB-OUTS BE CONSTRUCTED TO THE NORTH, AND RIGHT-OF-WAY/EASEMENT ONLY AND SIGNS BE PROVIDED FOR THE CONNECTIVITY TO THE EAST (10-12-06).

3. Planning Commission determination of a waiver of street design standards.
 - a. The applicant requests a waiver to allow a 15' curb return radius (CRR) at all street intersections and driveways when City Code requires a 30' CRR for streets (UDC Section 171.02(C)), and 25' for commercial driveways (UDC Section 172.04(D)(2)(a)(iv)). *Engineering staff commented at the October 12th Subdivision Committee meeting that they did not have enough information to recommend approval of the waiver at that time. Additional information and justification for this waiver was submitted at the time of publication of this report*

and engineering is still reviewing this information (see attached).

PLANNING COMMISSION APPROVED THIS CONDITION (10-23-06).

SUBDIVISION COMMITTEE HAD NO RECOMMENDATION FOR THIS CONDITION (10-12-06).

- b. The applicant requests a waiver to allow a different street cross section than are required by the current Master Street Plan standard. The applicant proposes on-street parallel parking, when the Master Street Plan does not have a cross-section that allows parallel parking as proposed. Public Drive #2 shall remain a public drive as shown on the drawings submitted. *Staff recommends in favor of a waiver to construct the street cross sections as requested, although staff recommends that Public Drive #2 as labeled on the site plan be a private street. The City is not interested in owning and maintaining what is essentially drive aisles and parking lots for the private development. Staff will review detailed construction plans at the time of development.*

PLANNING COMMISSION APPROVED THIS CONDITION AS NOTED, AGREEING WITH THE APPLICANT'S REQUEST THAT PUBLIC DRIVE #2 BE A PUBLIC STREET (10-23-06).

SUBDIVISION COMMITTEE RECOMMENDED IN FAVOR OF THIS CONDITION (10-12-06).

4. Planning Commission determination of commercial design standards for the commercial structures and overall compatibility and transition in the proposed development. *Staff finds in favor of this determination. The building elevations of the non-residential structures are well-articulated and provide for a consistent and overriding theme throughout the development, which transitions well between the mixed use buildings, townhouses, live-work units, and flats. The zoning criteria for the residential structures requires buildings to front the street, and small building setbacks help create a streetscape and facilitate an overall compact and complete development, with the urban structures broken up by a village green and pedestrian greenway at key visual points, preventing a monotony of structures.*

PLANNING COMMISSION APPROVED THIS CONDITION (10-23-06).

SUBDIVISION COMMITTEE RECOMMENDED IN FAVOR OF THIS CONDITION (10-12-06).

5. Planning Commission determination of a waiver of Chapter 166 and 172 of the Unified Development Code, for 24' wide drive aisles/parking stub-outs. Street/driveway widths shall be modified to a minimum width of 24' for two-way access, and 12' for one-way access in all instances. The two-way drive aisles around the perimeter of the development are 23'. Several other drive aisles have different widths such as 22', 23', and 25'. *Staff recommends denial of this waiver, finding there is not suitable space in many locations for parking and driving to co-exist without the potential for accidents, especially in those areas containing 90 degree parking across from parallel parking.*

Staff recommends the standard 24' (back-of-curb to back-of-curb) be utilized for all driveways, drive aisles, public streets and private streets; where two-way traffic proposed.

PLANNING COMMISSION APPROVED THE WAIVER AS REQUESTED (10-23-06).

SUBDIVISION COMMITTEE RECOMMENDED IN FAVOR OF THIS CONDITION (10-12-06).

6. Sidewalks along Ruppel Road shall be constructed to city standards and dedicated to the City. Sidewalks along all interior public streets shall be constructed to city standards with a minimum of 6' in width. All sidewalks and greenspace adjacent to private streets shall not be owned by the City, but shall be within a public pedestrian access easement. Private street improvements shall also be constructed by the property owner to City standards and maintained to acceptable City standards by the property owner or property owner's association. *Private streets, sidewalks and detention ponds shall be the responsibility of the property owner or property owner's association to maintain according to city standards. Covenants shall provide that in the event the private streets are not maintained as required, 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 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. Said covenants regarding maintenance of private streets shall not be amended and shall not terminate without approval of the City Council (§166.06 (K.10.b.vii)).*
7. Pedestrian walkways/sidewalks and landscaping as shown on the site plan and Master Development Plan along all public and private streets with a maximum separation of one tree per 30' linear feet of street, and between the buildings (typical) shall be a requirement of the PZD, and shall be installed as buildings are constructed, prior to occupancy.
8. Right-of-way dedication in the amount of 55' from centerline of the existing Ruppel Road right-of-way needs to be provided with this development. Right-of-way for internal public streets to be dedicated in variable widths as indicated on the site plan, by way of easement plat prior to issuance of building permits.
9. Due to the very large and complex nature of this project, a detailed review of all aspects of the site and landscape plans in each phase of construction shall take place prior to issuance of building permits. The development shall be consistent with the site plan and mix of uses as approved in the PZD. All development shall meet applicable zoning and development criteria, unless specifically waived or varied by the Planning Commission as part of the PZD approval.
10. The applicant shall submit a guarantee (letter of credit, bond, or cash) of \$1,000 per dwelling unit and for non-residential uses; a fee based on square feet of use and

determined by the City Engineer prior to issuance of a building permit for contributions to an interim solution to wastewater capacity concerns in the Owl Creek/Hamestring Creek basin, if the improvement is required. Final determination of the contribution shall be made by the City Engineer.

11. This project is required to obtain all permits for Phase I within one year of approval by City Council, and required to obtain all permits for Phase II within eight years of approval by City Council. A one-year extension may be approved by the Planning Commission subject to ordinance criteria.
12. All private streets shall be included in a shared access easement. This access easement shall be included on the easement plat.
13. Dimension the northern access point to Ruppel with a two-way exit at a minimum of 24' wide.
14. Solid Waste. It does not appear that the number of dumpsters shown on the site plan is adequate to service the amount of solid waste generated by this development. As discussed with the applicant and Solid Waste Division, it is likely that compactors (shown) will be required in addition to several dumpsters throughout the development. The location of all compactors and dumpster pads shall be coordinated with the Solid Waste Division to ensure adequate turning radii and space. All dumpsters shall be screened with materials that are compatible with and complimentary to the architecture of the surrounding structures.
15. Prior to issuance of a building permit an easement plat shall be signed by all utilities providing service to this project.
16. ~~Booklet revisions to be completed prior to City Council:~~
 - a. ~~Page 16. C. Intensity. List the acreage, maximum amount of square feet for the civic building structure, and intensity expressed in square feet per acre.~~
 - b. ~~Should Public Street #2 become private, it shall be encompassed with an ingress/egress and shared parking easement. Setbacks shall be measured from the lines currently representing the right of way. Add this statement to the booklet for those Planning Areas affected.~~

THIS CONDITION WAS ADDRESSED IN THE REVISIONS SUBMITTED FOR CITY COUNCIL.

17. The Civic Building will come back to Planning Commission for review as a Conditional Use Permit, and will be required to meet commercial design standards.
18. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements, other than those as specified in the zoning criteria.
19. Buildings shall be constructed to be consistent with the concepts depicted in the building

elevations in the PZD booklet. All buildings shall be designed and constructed to front onto public rights-of-way. All non-residential buildings or mixed use buildings shall adhere to Commercial Design Standards.

20. Parks fees for 352 Multi-Family Units are due in the amount of \$138,336. Fees are due prior to issuance of a building permit for those units in that development phase. City Council approval of a waiver is required.
21. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code, and shall be subject to signage requirements for commercial development for Planning Area 1, and for residential development for all other Planning Areas.
22. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.

Tree Preservation Conditions:

23. Mitigation will be required on this site in the amount of 19 (2) inch caliper large species trees. These trees are proposed to be planted on-site.
24. A 3-year maintenance bond, letter of credit, or check equaling \$4750 shall be deposited with the City of Fayetteville before final Certificate of Occupancy. After the 3 year period, the Urban Forester will inspect the site. Finding 90% or better of the trees to be healthy the bond will be released.

Landscape Plan Conditions:

25. Street trees that are removed along the Ruppel Road frontage with this development will be required to be replaced.
26. Please keep the parking lot lighting in mind when designing the landscape plan to ensure that required trees shown on the landscape plan are not replaced with lights, or do not block lighting.
27. Street tree plantings will be required along the all public and private street frontages with one tree per 30 feet. These trees will need to be planted in urban tree wells with structural soils, or with adequate green space for planting, and the species subject to the approval of the City's Urban Forester.

28. Prior to building permit, a cost estimate for all required landscaping is to be submitted to the Urban Forester for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy.

Standard Conditions of Approval:

29. 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).
30. Trash enclosures shall be screened with materials compatible with the buildings in the development with access not visible from the public or private streets or drive aisles. Architectural renderings depicting the colors and materials for the trash enclosures shall be submitted for review prior to issuance of a building permit.
31. 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.
32. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
33. All exterior lighting is required to comply with the City's lighting ordinance. A lighting plan and cut-sheets of the proposed exterior light fixtures shall be required to be approved by Planning Staff prior to building permit.
34. Prior to the issuance of a building permit the following is required:
- a. Grading and drainage permits
 - b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - c. Separate easement plat for this project that shall include the tree preservation area.
 - d. Project Disk with all final revisions.
 - e. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

Planning Commission Action: Approval Tabled X Forwarded to C.C.

Motion: Myres
Second: Trumbo
Vote: 8-0-0
Meeting Date: October 23, 2006
Comments:

The "Conditions of Approval" listed in the report above are accepted in total without exception by the entity requesting approval of this development item.

Signature

Date

Findings associated with MDP R-PZD 06-1884 (Westside Village)

Sec. 166.06. Planned Zoning Districts (PZD).

(E) Approval or Rejection Criteria for Planned Zoning Districts

The following criteria shall be considered by the Planning Commission and City Council in the review of a planned zoning district application based on the proposed master development plan:

- (1) Whether the application is in compliance with the requirements of the UDC and the City Plan 2025;

FINDING: Staff finds the application to be in compliance with the Master Development Plan Planned Zoning District criteria established by the City Council. The Interim Future Land Use Plan Map adopted as part of City Plan 2025 designates this site Residential. The Sector Map also adopted as part of City Plan 2025 designates this area as an Intended Growth Sector. Rezoning this property to R-PZD 06-1884 with mixed use, attached single- and multi- family dwelling units, and a mix of density is consistent with the land use plan and compatible with surrounding land uses and density within surrounding developed and developing property to the west, and south, and largely undeveloped property to the east and north.

- (2) Whether the application is in compliance with all applicable statutory provisions;

FINDING: The application has been reviewed and found to be compliant with applicable statutory provisions.

- (3) Whether the general impact of the rezoning would adversely impact the provision of public facilities and services;

FINDING: The impact of the rezoning and subsequent development would require the provision of public facilities, at the cost of the developer. Without improvements to existing infrastructure, the proposal would certainly adversely affect public facilities and services. However, as indicated in the submittal and the staff report, certain measures are to be taken to ensure adequate infrastructure improvements are made by the developer to ensure the level of service does not decline due to the proposed development.

- (4) Whether the rezoning is compatible with the surrounding land uses;

FINDING: The rezoning request, combined with the Master Development Plan, would allow mixed use, attached single- and multi- family residential uses, and a mix of density. The proposed zoning criteria would provide for three mixed use buildings along Ruppel Road, with townhouses, three apartment/flat buildings, and live/work units interspersed at strategic places throughout the site. The site incorporates a pedestrian greenway starting at Ruppel Road and traversing east through the project. A Civic Building and common

greenspace area would also be provided in the south-central portion of the site, with a pedestrian connection south of the Civic Building to the Boys and Girls Club walking trail immediately to the south. The site layout is compatible with the Boys' and Girls' Club to the south, the Ruppel Row Planned Zoning District across Ruppel Road to the west, and provides an opportunity for connectivity and transition to adjacent, largely underdeveloped property to the east and north.

- (5) Whether the subject land is suitable for the intended use and is compatible with the natural environment;

FINDING: The subject property is an undeveloped relatively flat site with minimal tree canopy. The natural environment is suitable for the type of development proposed.

- (6) Whether the intended land use would create traffic congestion or burden the existing road network;

FINDING: The intended land use, commercial and residential, will impact the existing traffic conditions. Currently this site only has one point of ingress and egress, though street and cross-access stub-outs are being provided for future connections to the east and north to ease the burden of traffic. A contractual agreement agreed to by the City as part of the final plat for the original subdivision creating the subject tract included fees required to improve Ruppel Road to a minimum four-lane street. These assessment and fees agreed in that contract only covered residential development on the property. The developer has agreed to staff's recommendation that additional assessment be paid to accommodate the traffic generated by the commercial/non-residential development proposed. These assessments would ultimately be used to improve Ruppel Road to its full designation as a Principal Arterial, which would ensure that this development would not create traffic congestion or burden the existing road network substantially.

- (7) Whether the planned development provides for unified development control under a unified plan;

FINDING: The booklet and master development plans submitted provide for said unified development control.

- (8) Whether any other recognized zoning consideration would be violated in this PZD.

FINDING: No other zoning considerations are proposed to be violated.

(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 Westside Village PZD provides for a transition between the existing Boys' and Girls' Club to the south, and the developing Ruppel Row PZD to the west. The largely underdeveloped property to the north and east would be provided the opportunity for transition into this project if they are ever developed. The mixed use buildings provide non-residential services for this growing area with an elementary school and the Boy's and Girls' Club immediately to the south, along with a relatively high-density residential development to the west. The mixed use buildings will reduce vehicle trips the immediate and surrounding neighborhood would have to make for non-residential services. Circulation is compact and connected, adequate parking has been provided, and the inclusion of landscaping/mitigation trees will create a healthy urban canopy.

(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 proposed for the parking adjacent to Ruppel Road, and for the large internal surface parking areas. A landscape plan has been supplied, and trees along the frontages of all streets, both public and private, are required.

(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: Meadowlands Drive will extend east from Ruppel Road and will be stubbed out at the easternmost boundary of the subdivision. Three other streets would extend north from Meadowlands Drive to the northernmost boundary of the property. Public Drive 2 is a divided street featuring parallel parking on the interior and angled parking on the exterior. A private, two-way parking drive will encompass the perimeter of the development. This drive will feature parallel parking on the interior portion and perpendicular parking along the exterior portion. A pedestrian green way starts at Ruppel Road and traverses east through the project. A number of interior sidewalks around all of the buildings provide well-connected walkways throughout the development. The dwellings face onto streets, greenspace, or walkways, and are accessed primarily off of the secondary streets, alleys, or drive aisles, providing a hierarchy of circulation that encourage an efficient flow of traffic.

- (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: All parking ratios are to be met with this proposal as listed earlier in Table 2 of this report.

- (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: This requirement has been met.

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

FINDING: Public sidewalks are to be constructed adjacent to Ruppel Road along the property frontage with the ultimate improvement of Ruppel Road. Internal to the development, sidewalks are provided along both sides of the public streets, along all private streets, between units and within the development. As conditioned, all sidewalks and pedestrian walkways shall be constructed as part of the development, in conjunction with

the units they serve. Many of the sidewalks are located within access easements that permit public access, but are owned and maintained by the POA.

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

FINDING: Street lights are to be provided adjacent to all public and private streets at a separation of no greater than 300 feet.

(8) *Water*. As required by §166.03.

FINDING: Public water lines are being extended in accordance with city codes.

(9) *Sewer*. As required by §166.03.

FINDING: Public sewer lines are being extended in accordance with city codes.

(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: The applicant shall comply with the above criteria, as this development proposes both public and private streets. Private streets are proposed to be a variety of

widths, all greater than 20 feet in width, and the public streets have additional right-of-way over a standard street section, allowing for on-street parking.

- (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: All development on the site shall be phased according to the phasing plan and conditions herein.

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

FINDING: The applicant has complied with all tree preservation and Protection requirements, and will be required to plant 19 two-inch caliper mitigation trees onsite.

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

FINDING: The non-residential structures on the site include the mixed use buildings and the Civic Building. Architectural elevations have been provided for the mixed use buildings and staff finds the structures to be in compliance with commercial design standards. The proposed Civic Building within the Village Green area is also a non-residential structure and shall comply with commercial design standards, which will be reviewed at the time of Conditional Use Permit application. The live-work units throughout the development are considered to be primarily residential structures, not required to meet commercial design standards, but are required to be consistent with the architectural design standards presented.

- (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: No scenic views are identified, and the height of structures proposed is not out of proportion for the area.

- (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. The association must be able to adjust the assessment to meet changing needs.

FINDING: The applicant shall comply with these requirements.

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: Staff finds this proposal meets the intent of many of the parameters of the City Plan 2025, as well as the above ten criteria, including flexibility in density, compatibility and transition of land use, provision of a variety of housing types and a mix of commercial and residential uses, common open spaces. The following guiding policies within Residential Areas are applicable to this development, and help to achieve the nine primary goals of the City Plan 2025:

Residential Areas:

12.1.4.a Utilize principles of traditional residential urban design to create compatible, livable, and accessible neighborhoods. (Goal 3)

12.1.4.c Minimize through traffic on minor residential streets, while providing connections between neighborhoods to encourage openness and neighborliness. (Goal 4)

12.1.4.d Manage non-residential development within and adjoining residential neighborhoods to minimize nuisances.

12.1.4.e. Utilize more intense development patterns within the infill sector and encourage mixed uses in new developments to promote better community design, maintain human scale, and enhance pedestrian activity. (Goal 1)

12.1.4.f Site new residential areas accessible to roadways, alternative transportation modes, community amenities, infrastructure, and retail and commercial goods and services. (Goals 1g and 3)

12.1.4.g Encourage residential dwellings in appropriate specified Mixed Use Areas. (Goals 1 and 3)

12.1.4.h Encourage a development scale to maintain compatibility and proportionality between nonresidential development and adjacent residential areas. (Goal 3a)

12.1.4.i Utilize the Master Street Plan and incorporate bike lanes, parkways and landscaped medians to preserve the character of the City and enhance the utilization of alternative modes of transportation. (Goal 4)

12.1.4.j Discourage design elements that prohibit complete, compact, connected neighborhoods such as cul-de-sacs, gated communities, etc. (Goal 3a)

(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 submitted development plats and Master Development Plan booklets, along with the conditions of approval found applicable and appropriate, are binding with the approval of the requested rezoning. Should the Planning Commission forward this item to the City Council, an ordinance will be drafted for consideration of rezoning this property in accordance with the submittal herein.

(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 City Plan 2025 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: Staff is recommending approval of this application, finding the proposed PZD meets the intent of the PZD ordinance as noted above.

- (2) *Permitted Uses.* All permitted uses identified within §162 Use Units of the Unified Development Code shall be allowed as permissible uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.
- (3) *Conditional Uses.* All conditional uses allowed within (Residential, Commercial, Industrial) zoning Districts established in the Unified Development Code shall be allowed with Planning Commission approval, unless otherwise specified, subject to the code governing Conditional Use requests.

FINDING: Permitted and Conditional uses are outlined in both the Master Development Plan booklets and plats.

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

FINDING: The primary uses proposed are residential (352 units), with mixed use buildings, live/work townhouses, and civic buildings providing a total of 71,120 square feet of non-residential use. The total amount of residential use is greater than fifty-one percent of the gross floor area within the overall development.

(F) *Bulk and area regulations*

- (1) *Residential density.* Residential densities shall be determined on the basis of the following considerations:

- (a) The densities of surrounding development;
- (b) the densities allowed under the current zoning;
- (c) the urban development goals and other policies of the city's General Plan;
- (d) the topography and character of the natural environment; and
- (e) the impact of a given density on the specific site and adjacent properties.

FINDING: Surrounding development is mixed in density, from small lot attached and detached residential dwellings to the west, to large undeveloped residential lot to the north, and undeveloped property to the east. The Boys' and Girls' Club and an elementary school are located to the south. Density and zoning criteria under the current zoning (RMF-24) would not allow for the variety of uses and mix of densities as proposed, although the overall density for the proposed development is 24 units/acre, when the current zoning would allow for 24 units/acre. The proposed re-zoning and development plan accomplish the city's development goals, and infrastructure for this area supports the density and mixed use as proposed.

- (2) *Lot area and setback 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.

FINDING: Lot area minimums and setbacks are varied on this project, as it provides for a mix of unity type, uses, and density. The project is being developed without subdivision of land, thus a horizontal property regime will likely be filed. Smaller lot and decreased setback development has been approved across the street with Ruppel Row PZD.

- (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.

FINDING: Building heights proposed for this project are typical of single and multi-family development in the surrounding area, and the mixed use and apartment flat buildings are appropriate and compatible with the existing and proposed development.

- (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.

FINDING: The lot coverage or building area on this project is relatively high, given the high density, mix of commercial uses. The lot coverages are appropriate given the urban environment proposed.

***Required Findings for Rezoning Request.**

Land Use Plan: The City Plan 2025 Interim Future Land Use Plan designates this site as a Residential Area. Rezoning this property to R-PZD 06-1884, with the associated Master Development Plan, allows this future land use to vary somewhat, though the principal use on the property will remain residential. The proposed plan, commitments, design standards and other conditions placed upon the project result in a compatible development with surrounding land uses in the general vicinity, meeting many of the goals of the City Plan 2025 for new development.

FINDINGS OF THE STAFF

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

Finding: Staff finds the proposal is highly consistent with the land use planning objectives, principles and policies, as evidenced the number of guiding policies for Residential Areas this proposal meets. Rezoning the property will accommodate both the future land use plan for residential uses in this intended growth sector area, and also allow for a variety of uses and housing types, sizes and development pattern, thus providing more choice for more citizens.

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

Finding: At this time the property is zoned RMF-24, which allows for primarily residential use. The proposed mix of uses, residential density and site layout included with this re-zoning is more appropriate for this area than the existing zoning. Rezoning of this property as proposed is advisable.

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

Finding: Staff finds this proposal will not create or appreciably increase traffic danger and congestion, with the street improvements recommended

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: Staff finds that in evaluating this proposal, the population density would undoubtedly not increase from that which currently exists, although the commercial uses proposed would create additional demand on public services. Staff finds, however, that the load created on public services is not an undesirable or detrimental impact, with the improvements as recommended by staff for this project.

Engineering: Public water is adjacent to the site. There is a 12" waterline along Ruppel Road. Water service will need to be looped through the property at the time of development.

Sanitary sewer is not available on the site. There is an 8" sewer main located to the east in the Ruppel Row subdivision and to the south along Owl Creek. Sewer service will need to be extended to and through the property at the time of development. Improvements to the sewer system may be required dependent upon the demand placed by the development. This property is within the Hamestring Creek lift station drainage area.

The site has access to Ruppel Road. This street is an improved two-lane paved roadway with curb, gutter, and storm drains

Standard improvements and requirements for drainage will be required for the development.

Police: It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter population density and will not create an undesirable increase on police services.

Fire: The subject property is located less than 200 feet from the FS #7. No adverse impacts on call volume or response time are anticipated.

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



THE CITY OF FAYETTEVILLE, ARKANSAS

PLANNING DIVISION CORRESPONDENCE

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

10 October 2006

Mr. Todd Jacobs
Critical Path Design

Re: Westside Village Planned Zoning District
Street Improvements evaluation

Dear Todd,

The Planning and Engineering Divisions have reviewed your proposal for improvements (or assessments thereof) to Ruppel Road to mitigate the potential detrimental impact to existing infrastructure due to the proposed mixed-use development Westside Village. We are unable to support your current proposal for these improvements, without modifications.

As we have discussed in the past, the City of Fayetteville and the sub-divider of the subject property entered into an agreement in 2001 for a certain amount of dwelling units projected to be developed on this property without additional improvements or assessments in-lieu of improvements necessary. The City of Fayetteville intends to honor this agreement, and will not be basing any assessment or improvement recommendation on the dwelling units that were originally projected. The contractual agreement also includes an impact fee to be paid for each dwelling unit above and beyond the projected number, as follows:

Westside Village

Ruppel Road Impact Fees – Residential Use

Type of Units	Proposed No. of Units	Contracted Total Units	Excess Units	Cash Per Unit	Letter of Credit Per Unit	Total Cash Due	Total Letter of Credit Due
Apartments	366*	260	106	\$320.51*	\$213.67*	\$33,974.06*	\$22,649.02*

**Numbers may change, based upon the actual number of units approved and constructed.*

In addition to the proposed dwelling units in excess of that originally projected, a substantial amount of non-residential development is proposed in the submitted mixed-use Planned Zoning District. The traffic generated from this development will also impact surrounding infrastructure. Staff reviewed the methodology for the generation of the amount per dwelling unit that is utilized in the above graph

and the contract between the City and property owners, which derived an agreed-upon impact fee cost of \$80.57 per vehicle trip generated onto Ruppel Road. Also evaluated were the square feet and usage of the non-residential development proposed, as vehicle trips generated vary between uses.

Westside Village

Ruppel Road Impact Fees – Non-residential Use

Proposed Use	Proposed Square Feet	24-hour Two-Way Volume	Cost per vehicle trip per day	Projected Assessment
Restaurant	6,000	540 vpd	\$80.57	\$43,507.80
Specialty Retail	17,000	691 vpd	\$80.57	\$55,673.87
General Office	32,000	352 vpd	\$80.57	\$28,360.64
Total	55,000	1,583 vpd	\$80.57	\$127,542.31

Based on this approved methodology, a total of **\$127,542.31** would be the recommended assessment in-lieu of improvements to Ruppel Road. However, staff also has taken into account that some vehicle trips may be reduced because of the mixed-use component of the proposed development, and that many residents in the area may choose to walk to the restaurants, retail or offices. Additionally, staff finds the projected assessment to be above that which we would recommend meets the rough proportionality for the proposed mixed-use component of the development, given existing infrastructure in the area. Utilizing this theory, staff has also prepared a rational nexus methodology that takes into account the recently estimated costs prepared for the street bond program to improve Ruppel Road, and what percentage of traffic from this development would impact Ruppel Road if constructed to full capacity.

Projected Traffic from development: 1,583 vpd
Ruppel Road traffic capacity (Principal Arterial): 20,600 vpd
% Traffic from development: 0.0768446

Project frontage: 893 feet
Ruppel Road length (Persimmon to Ruppel): 2,640 feet
% Ruppel Road frontage: 0.3382575

Ruppel Road expansion costs (Persimmon to Wedington): \$1,708,000

Westside Village frontage Percentage of Costs:
 $0.3382575 (\$1,708,000) = \$577,743.81$

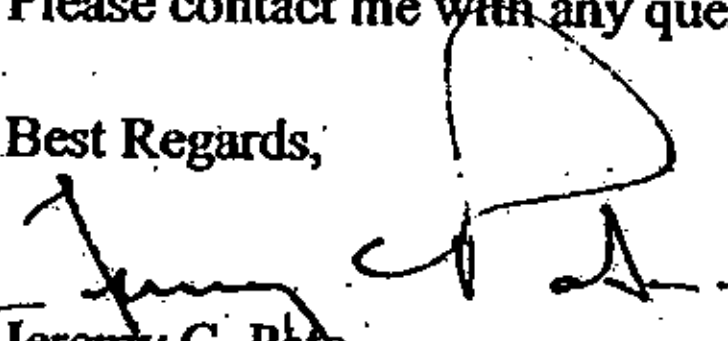
Westside Village Percentage of Costs:
 $0.0768446 (\$577,743.81) = \underline{\$44,396.49}$

Staff finds that while the numbers generated from these two methodologies are disparate, we support the latter assessment in lieu of improvements to Ruppel Road. This cost is roughly equal to the

provision of an additional lane of traffic along the Ruppel Road frontage for this project, without the removal of curb, gutter, relocation of utilities, etc. As mentioned previously, staff can not support the proposal initially submitted for a turn lane from one entrance into the development, finding the impact to be greater than that which is presented. Unless further traffic information can be provided, staff will be recommending the above figure as an assessment in lieu of improvements to Ruppel Road, in addition to those impact fees collected pursuant to the contractual agreement for residential uses on this property. We hope that an agreement can be reached in order for staff to fully recommend this project without any major issues to address to the Planning Commission and City Council.

Please contact me with any questions.

Best Regards,



Jeremy C. Pate
Director of Current Planning

CONTRACTUAL AGREEMENT

This Agreement, made and entered into this 10th day of October, 2001, by and between the City of Fayetteville, Arkansas, (hereinafter called "City") and WHM Land Investments, Inc. (hereinafter called "WHM"),

WITNESSETH:

WHEREAS, on September 10, 2001 the City Planning Commission approved the final plat of WHM, located at City Atlas Page 439, but referred the establishment of an impact fee to the City Council for its approval.

WHEREAS, WHM desires to have an executed agreement formalizing the current understanding before transferring Tract 5 to the City.

NOW, THEREFORE, the City and WHM agree as follows:

1. The City has agreed to build Ruppel Road, classified as a minor arterial, in order to provide access to the proposed Fayetteville Boys and Girls Club. WHM shall pay, based on the rational nexus formula, an impact fee for a proportionate share of the cost of Ruppel Road as a Minor Arterial. Based on the formula, the applicant shall be assessed \$176,724.25 for a road impact fee. The impact fee was based on the projected future residential development of Tracts 3 & 7 that shall be using Ruppel Road.

At the time the Boys and Girls Club meet all requirements to obtain the Reynolds grant, WHM shall pay the entire \$176,724.25 if the City Council approves and completes construction of Ruppel Road as a four (4) lane street with curbs, gutters, and storm sewer.

If the City Council approves construction of a two (2) lane street with plans for future widening, then at the time the Boys and Girls Club meet all requirements to obtain the Reynolds grant, WHM shall:

- a) Pay to the City \$100,000.00 (non-refundable, not dependant on any development of vacant lots),
- b) Provide the City an irrevocable letter of credit in the amount of \$76,724.25 with additional principal to be added each year based on the increase in the Consumer Price Index during the previous calendar year, as quoted in the Wall Street Journal on January 2 of the previous year and the year of the increase. Such letter of credit shall run for a term of six (6) years from date of when all conditions are met for the Fayetteville Boys and Girls Club to obtain the Reynolds grant and shall be due upon the City completing the widening of Ruppel Road to four (4) lanes with curbs, gutters, and storm

CONTRACTUAL AGREEMENT
PAGE 2 OF 3 PAGES

sewer. In the event, Ruppel Road is not improved to such standards within six (6) years, the letter of credit shall expire.

c) The irrevocable letter of credit shall be issued for a one year period at the beginning of each twelve (12) month fiscal period during the six (6) year term.

2. The projected future development of Tracts 3 & 7 are 81 single family units, 28 duplex units, and 260 apartment units. If during the six year period indicated above a development is approved by the Planning Commission in excess of any of the above indicated units WHM shall pay an additional impact fee for each unit in excess of the above as follows:

a) For each excess single family unit \$231.30 in cash and a letter of credit for \$154.20, total being \$385.50. The total amount will be paid in cash if Ruppel Road has been completed as a four (4) lane road with curbs, gutters, and storm sewers.

b) For each excess duplex unit \$141.64 in cash and a letter of credit for \$94.43, total being \$236.07. The total amount will be paid in cash if Ruppel Road has been completed as a four (4) lane road with curbs, gutters, and storm sewers.

c) For each excess apartment unit \$320.51 in cash and a letter of credit for \$213.67, total being \$534.18. The total amount will be paid in cash if Ruppel Road has been completed as a four (4) lane road with curbs, gutters, and storm sewers.

The cash impact fee and letter of credit shall be delivered upon the Planning Commission approving the final plat or large scale development. Any letters of credit received during the six (6) year period from the date the Boys and Girls Club meet all requirements, shall be returned back to WHM if the road is not widened to four (4) lanes with curbs, gutters, and storm sewers during the six (6) year period.

If after the six (6) year period WHM presents a preliminary plat to the Planning Commission in excess of the projected units, WHM shall pay an additional impact fee for each unit in excess of the projections based on whether or not Ruppel Road is completed at that time as a four (4) lane road, with curbs, gutters and storm sewer. If completed, the total amount indicated above shall be paid for each excess unit. If not complete, the cash amount indicated above shall be paid for each excess unit.

**CONTRACTUAL AGREEMENT
PAGE 3 OF 3 PAGES**

If during the six (6) year period indicated above WHM has a final plat approved for less than the projected units indicated above the \$76,724.25 letter of credit shall be reduced for each unit less than the projected units indicated above. WHM shall receive a reduction for each unit less as follows:

- a) For each less unit of single family in tract 7, a reduction in the letter of credit of \$154.20.
- b) For each less unit of duplex in tract 7, a reduction in the letter of credit of \$94.43.
- c) For each less unit of apartments in tract 3, a reduction in the letter of credit of \$213.67.

3. Upon the Boys and Girls Club meeting all requirements to obtain the Reynolds grant, all on-site and off-site improvements and fees, for any development by WHM, or its assigns, within the approved final plat area shall be based upon the above provisions and terms. The above provisions and terms will apply to WHM and any subsequent assigns. In consideration for this Agreement by the City, WHM shall deed Tract 5 to the City.

4. In the event the Boys and Girls Club fails to meet all requirements to obtain the Reynolds grant and is not constructed within the approved final plat area, all on-site and off-site improvements and fees for any development on tracts within the approved final plat area shall be based on current ordinance requirements at the time of development approval. Also, the City shall deed Tract 5 back to WHM.

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

CITY OF FAYETTEVILLE

WHM LAND INVESTMENTS, INC.

v. *Dan Coody*
Dan Coody, Mayor

By: *Hayden McIlroy*
Hayden McIlroy
by *Deborah Sexton*
POA 10-3-01

Heather Woodruff
Heather Woodruff, City Clerk



THE CITY OF FAYETTEVILLE, ARKANSAS

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

TO: Andrew Garner, Associate Planner
FROM: Kay Curry, Park Planner
DATE: October 10, 2006
SUBJECT: Parks & Recreation Subdivision Committee Comments

Meeting Date: October 12, 2006
Item: R-PZD-06-1884 (Westside Village, 439)
Park District: SW
Zoned: R-PZD
Billing Name & Address: Westside Development Company, LLC / Critical Path Design
11 N. West Street, Fayetteville, AR 72701 / 21 W. Mountain, STE 121, Fayetteville, AR 72701

	<u>Current Land Dedication Requirement</u>	<u>Money in Lieu</u>
Single Family	@ .024 acre per unit = _____ acres	@ \$555 per unit = \$ _____
Multi Family	@ .017 acre per unit = _____ acres	352 @ \$393 per unit = <u>\$138,336</u>
Mobile Home	@ .024 acre per unit = _____ acres	@ \$555 per unit = \$ _____
Lot Split		@ \$555 per unit = \$ _____
		Total = <u>\$138,336</u>

COMMENTS:

- On May 2nd 2005 PRAB reviewed this project and recommended accepting money in lieu of park land to satisfy the park land dedication ordinance.
- This decision was based on the project's proximity to the Boys and Girls Club and Dale Clark Park. Additionally, the plans for the development include several small parks within the site.
- A resolution from City Council accepting money in lieu of land is required for this project due to the proposed number of units being over 100 units.
- Fees are due in the amount of \$138,336 prior to issuance of the building permits.



PC Meeting of October 23, 2006

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 444-3470

TREE PRESERVATION and PROTECTION REPORT

To: Fayetteville Planning Commission

From: Sarah K. Patterson, Urban Forester

Date: October 17, 2006

ITEM # R-PZD 06-1884: Planned Zoning District (Westside Village Condos)

Requirements Submitted:

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

Canopy Measurements:

Total Site Area	
acres	21.63
square feet	942,206
Existing Tree Canopy	
acres	0.18
square feet	8,000
percent of site area	0.85%
Existing Tree Canopy Preserved	
acres	0
square feet	0
percent of total site area	0%
Percent Minimum Canopy Required	0.85%

FINDINGS:

The desirability of preserving a tree or group of trees by reason of age, location, size or species.

- **This site is mostly clear of tree canopy. Many trees exist within the right of way of Ruppel Road but should not be affected by this**

development. There are several small eastern redcedars and ash trees that make up the removed canopy. No significant trees currently exist on the site.

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

- **Environmental degradation should not occur on this site.**

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

- **Canopy removed should not affect the adjacent property owners.**

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

- **N/A**

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

- **Size and shape of the lot does not reduce flexibility of design**

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

- **The general health of these trees is good.**

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

- **All canopy on the lot will be removed with this project.**

The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.

- **What few trees exist on this site will be removed for the project.**

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

- **N/A**

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

- **N/A**

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

- **Mitigation will be required on the site to replace the 8000 square feet of canopy removed. These mitigation trees will be extremely beneficial to this area.**

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

- **N/A**

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

- N/A

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

- **Staff is recommending approval of the submitted Tree Preservation Plan with the following Conditions of Approval.**

Conditions of Approval:

- 1. Mitigation will be required on this site in the amount of 19 (2) inch caliper large species trees. These trees are proposed to be planted on-site.**
- 2. A 3-year maintenance bond, letter of credit, or check equaling \$4750 shall be deposited with the City of Fayetteville before final Certificate of Occupancy. After the 3 year period, the Urban Forester will inspect the site. Finding 90% or better of the trees to be healthy the bond will be released.**



THE CITY OF FAYETTEVILLE, ARKANSAS

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

LANDSCAPE REVIEW FORM

To: Fayetteville Planning Commission

From: Andrew Garner, Senior Planner

Date: October 18, 2006

ITEM #: R-PZD 06-1884 (Westside Village Condos)

Applicable Requirements:

X	Off-Street Parking
	Commercial Design Standards
	Buffers and Screening
	T-540 Design Overlay

Plan Checklist:

Y = submitted by applicant

N = requested by city

NA = not applicable

Preliminary Submittal	Final Submittal	
		Off-Street Parking and Loading
Y		wheel stops / curbs
Y		irrigation
Y		edged landscape beds indicated
Y		species of plant material identified
Y		size of plant material at time of installation indicated
Y		interior landscaping
		narrow tree lawn (8' min. width, 17' min. length / 1 tree per 15 spaces)
		tree island (10' min. width / 1 tree per 12 spaces)
Y		perimeter landscaping
		side and rear property lines (5' landscaped)
		adjacent to street R.O.W (15' greenspace exclusive for landscaping / 1 street tree every 30 L.F., a continuous planting of shrubs and ground cover - 50% evergreen)
Y		soil amendments notes include that soil is amended and sod removed

Y		mulching notes indicate mulching around trees and within landscape beds.
Y		planting details according to Fayetteville's Landscape Manual.
Preliminary Submittal	Final Submittal	Commercial Design Standards
NA		greenspace adjacent to street R.O.W. (15' wide)
Y		street trees planted every 30' L.F. along R.O.W.
NA		outdoor storage screened with landscaping
		Buffer Strips and Screening
NA		landscaped area (12' min.)
NA		fence required
NA		outdoor storage screened with landscaping
NA		non-residential landscape screen when adjacent to residential zones
NA		landscape requirement for setback reduction
		Overlay District Requirements
NA		greenspace adjacent to street R.O.W. (25' wide)
NA		street trees planted every 30' L.F. along R.O.W.
NA		25% of total site area left in greenspace (80% landscaped)
NA		parking lots and outdoor storage screened with landscaping

Recommendation: Approval of the landscape plan associated with LSD 06-1884 with the following conditions:

Conditions of Approval:

1. Street trees that are removed along the Ruppel Road frontage with this development will be required to be replaced.
2. Please keep the parking lot lighting in mind when designing the landscape plan to ensure that required trees shown on the landscape plan are not replaced with lights, or do not block lighting.
3. Street tree plantings will be required along the all public and private street frontages with one tree per 30 feet. These trees will need to be planted in urban tree wells with structural soils, with adequate green space for planting, and the species subject to the approval of the City's Urban Forester.
4. Prior to building permit, a cost estimate for all required landscaping is to be submitted to the Landscape Administrator for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy.

From: Dale Riggins
To: Garner, Andrew
Date: 10/19/06 7:05AM
Subject: Westside Village

I'm not sure which zoning review you were looking at. I went back to the September 18, 2006 review and found these comments about Westside Village

R-PZD06-1884 (Westside Village Condos)

These 21.91 acres are covered by Engine 7 at 835 Ruppel Road.

It is 0.1 mile from the station with an expected response time of 1 minute (Development is right across the street from the station).

The Fire Department anticipates 83 (50 EMS – 33 Fire/Other) calls for service per year once the development is completed and maximum build-out has occurred.

Measured Hydrant Flow in this area is 1590 gallons/minute.

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

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

Was there another review that I messed up on?

Dale Riggins
Captain
IT/Planning
Fayetteville Fire Department
(479)444-3449 Office
(479)587-5251 Pager
(479)601-1155 Cell
driggins@ci.fayetteville.ar.us



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

B. 5
R-PZD 06-1884, Westside Village
Page 53 of 68

POLICE DEPARTMENT

January 17, 2006

Jeremy Pate
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Pate,

This document is in response to the request for a determination of whether the proposed Planned Zoning District R-PZD 06-1884 (Westside Village Condos, 439) submitted by Critical Path Design for property located S of Wedington, E of Ruppel Rd. would substantially alter the population density and thereby undesirably increase the load on public services or create an appreciable increase in traffic danger and traffic congestion.

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

Sincerely,

Captain William Brown
Fayetteville Police Department



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

POLICE DEPARTMENT

September 18, 2006

Jeremy Pate
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Pate,

This document is in response to the request for a determination of whether the proposed rezoning RZN 06-2240: (COMBS, 564): Submitted by H2 ENGINEERING, INC. for property located at SE CORNER OF MORNINGSIDE DRIVE AND 15TH STREET. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE would substantially alter the population density and thereby undesirably increase the load on public services and create an appreciable increase in traffic danger and congestion.

It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density or create an undesirable increase in the load on police services. The rezoning will not create an appreciable increase in traffic danger and congestion in the area.

In reference to HORTON OF HARRIS MCHANNEY REALTORS for property located at SW CORNER RZN 06-2244: (HENNINGSEN COLD STORAGE, 717): Submitted by JERRY OF SUNRISE MOUNTAIN AND S. SCHOOL (HWY 71B S).

It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density or create an undesirable increase in the load on police services. This rezoning will not create an appreciable increase in traffic danger and congestion.

In reference to R-PZD 06-1884: Planned Zoning District (WESTSIDE VILLAGE CONDOS, 439): Submitted by TODD JACOBS CRITICAL PATH DESIGN for property located at S OF WEDINGTON, E OF RUPPLE RD.

It is the opinion of the Fayetteville Police Department that this request for a Residential Planned Zoning district will not create an undesirable load increase on police services. It will not create an appreciable increase in traffic danger and congestion.

In reference to R-PZD 06-2212: Planned Zoning District (STADIUM CENTRE TOWNHOMES, 557): Submitted by H2 ENGINEERING, INC. for property located at OLD FARMINGTON ROAD, W OF ONE MILE RD. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 2.00 acres.

It is the opinion of the Fayetteville Police Department that this Master Development Plan for a Residential Planned Zoning district will not create an undesirable load increase on police services. It will not create an appreciable increase in traffic danger and congestion.

Sincerely,



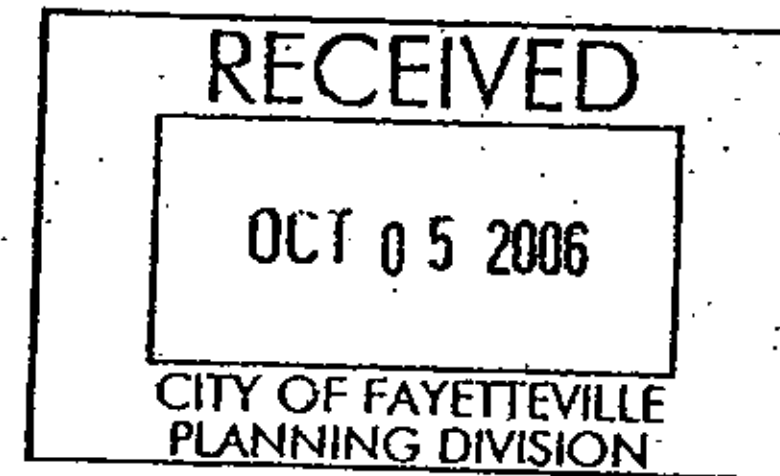
Captain William Brown
Fayetteville Police Department



21 W. Mountain, Ste 121 • Fayetteville, AR 72701 • Office: 479 527.0055 • Fax: 479 527.2798

October 4, 2006

Jeremy Pate
Director of Current Planning
City of Fayetteville
113 W. Mountain
Fayetteville, AR, 72701



Dear Mr. Pate

Critical Path Design is writing to request waivers granting permission to:

1. Construct curb return radii (CRR) of 15' on street intersections
2. Allow designated on-street parallel parking street for the proposed street cross sections

Please consider the following as grounds for granting the waivers:

1. The request is to allow 15' curb return radius (CRR) at all streets intersections to reduce the speed of turning automobiles and to reduce the in-street walking distance required for pedestrians crossing the street. Excessive CRR allows traffic to take turns too fast, raising the design speed of streets to levels that are uncomfortable and unsafe to pedestrians. 15' CRR will create a safe pedestrian environment that promotes walking and pedestrian safety.

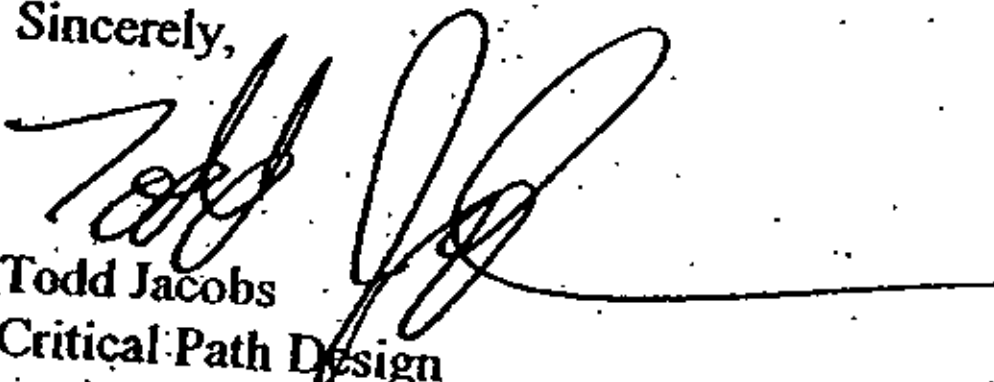
Institute of Transportation Engineers guidelines for Traditional Neighborhood Development Street Design states that a CRR above 15 feet significantly adds to crossing distance and crossing time. An example, 25' foot CRR adds 10' to the crossing distance and about 3 seconds to the crossing time.

Critical Path Design has design the curbs to be a minimum of six inches (6") thick, with 4000 psi concrete, and fiber reinforced to prevent damage. Additional, no above ground obstructions, such as fire hydrants, street lights, trees or traffic signs will be permitted within fifteen feet (15') of an intersection of streets. Along with the reinforced curbs and no parking zones designed to allow apparatus to utilize curbs for their turning needs if the roadway is other wise restricted.

2. The request is for a waiver granting permission to design street cross sections differently than are required by the current Master Street Plan standard with regards to Westside Village. The request is to allow designated on-street parallel parking street cross sections. Parallel parking is a basic element to a new urbanism and traditional neighborhood street design. Our proposed street cross sections are intended to create the backbone of what we hope will be a successful development. The streets are

interconnected, reducing through traffic on any one street and providing more than one route for any given destination. We hope our proposed street cross sections promote a strong connection to the community. On-street parallel parking is designed to provide a safe environment for pedestrians on the sidewalk from moving vehicles in the traveled lanes and provide street activity while developing a sense of neighborhood and sense of place.

Sincerely,



Todd Jacobs
Critical Path Design

CC: Jeremy Pate Director of Current Planning
Andrew Garner Sr. Planner
Matt Casey P.E. Assistant City Engineer



21 W. Mountain, Ste 121 • Fayetteville, AR 72701 • Office: 479 527.0055 • Fax: 479 527.2798

October 18, 2006

Matt Casey P.E.
Assistant City Engineer City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

RE: Westside Village
Curb Return Radii

Dear Mr. Casey:

As requested, Critical Path Design is providing additional information to support our waiver granting permission to allow 15' curb return radius (CRR) at all streets intersections with the exception of Ruppel Road intersections. We are basing our request on the **Institute of Transportation Engineers (ITE)** publication *Context Sensitive Solutions in Designing Major Urban Thoroughfares for Walkable Communities*.

This publication promotes the successful use of context sensitive solutions (CSS) in the planning and design of major urban thoroughfares for walkable communities. It provides guidance and demonstrates for practitioners how CSS concepts and principles may be applied in roadway improvement projects that are consistent with their physical settings. The report's chapters are focused on applying the principles of CSS in transportation planning and in the design of roadway improvement projects in places where community objectives support walkable communities-compact development, mixed land uses and support for pedestrians.

Attached is Chapter 10 of this publication that discusses curb return radii for street intersections to reduce the speed of turning automobiles and to reduce the in-street walking distance required for pedestrians crossing the street. Excessive CRR allows traffic to take turns too fast, raising the design speed of streets to levels that are uncomfortable and unsafe to pedestrians. A 15' CRR will create a safe pedestrian environment that promotes walking and pedestrian safety.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd Jacobs". The signature is fluid and cursive.

Todd Jacobs
Critical Path Design

CC: Ron Petrie City Engineer
Tim Conklin Planning and Development Management Director
Jeremy Pate Director of Current Planning
Andrew Garner Sr. Planner

An ITE Proposed Recommended Practice

Context Sensitive Solutions
in Designing Major Urban Thoroughfares
for Walkable Communities

● 32 Vel
□ 16 Per

Institute of Transportation Engineers

The Institute of Transportation Engineers is an international educational and scientific association of transportation professionals who are responsible for meeting mobility and safety needs. ITE facilitates the application of technology and scientific principles to research, planning, functional design, implementation, operation, policy development and management for any mode of transportation. Through its products and services, ITE promotes professional development of its members, supports and encourages education, stimulates research, develops public awareness programs and serves as a conduit for the exchange of professional information.

Founded in 1930, ITE serves as a gateway to knowledge and advancement through meetings, seminars and publications and through its network of nearly 17,000 members working in more than 92 countries. ITE also has more than 70 local and regional chapters and more than 120 student chapters that provide additional opportunities for information exchange, participation and networking. To learn more about ITE and our services, visit www.ite.org or call +1 202-289-0222.

Institute of Transportation Engineers
1099 14th Street, NW, Suite 300 West
Washington, DC 20005 USA
Telephone: +1 202-289-0222
Fax: +1 202-289-7722
ITE on the Web: www.ite.org



Sponsored by:



Office of Infrastructure
Federal Highway Administration
400 7th Street, SW
Washington, DC 20590

Office of Planning, Environment and
Realty
Federal Highway Administration
400 7th Street, SW
Washington, DC 20590



Office of Policy, Economics and
Innovation Development
U.S. EPA
1200 Pennsylvania Ave NW
Mailcode 1807T
Washington, DC 20460

Notices:

This document is disseminated under the sponsorship of the Department of Transportation in the interest of information exchange. The U.S. Government assumes no liability for its contents or the use thereof. This report does not constitute a standard, specification, or regulation. The U.S. Government and ITE do not endorse products or manufacturers. Trade and manufacturers' names appear in this report only because they are considered essential to the object of the document.

This project was partially funded by a cooperative agreement from the Environmental Protection Agency's Development, Community and Environment Division.

RP-036

© 2006 Institute of Transportation Engineers. All rights reserved.
500/GP/JS/0306

Printed in the United States of America
ISBN No: 1-933452-11-0

Preface and Acknowledgements

This report is published as a proposed recommended practice of the Institute of Transportation Engineers (ITE). As such, it is to be considered in its proposed form, but is subject to change after receipt and consideration of suggestions from those who have reviewed the report. Readers are encouraged to submit written suggestions for improving this report to:

Institute of Transportation Engineers
Attention: Lisa Fontana Tierney
1099 14th Street, NW, Suite 300 West
Washington, DC 20005
Fax +1 202-289-07722
ltierney@ite.org

Written suggestions should be received at the above address no later than December 31, 2006 to ensure consideration for incorporation into the final recommended practice report.

ITE wishes to thank the Federal Highway Administration's Office of Infrastructure, Office of Planning, Environment and Realty and the Environmental Protection Agency's Office of Policy, Economics and Innovation Development for financially supporting this work effort and providing leadership and guidance in the development of this report.

This report was developed through a partnership with ITE and the Congress for the New Urbanism (CNU) and is the result of several years of concerted effort by dedicated volunteers, including ITE and CNU members and many other interested parties. ITE wishes to thank the members of each of the following committees for their respective roles in the preparation of this report.

The project management team played an essential role in the identification, development and refinement of content, including numerous detailed reviews throughout the development process. The members of the project management team were:

Brian S. Bochner (F), Texas Transportation Institute
Philip J. Caruso (F), ITE
Lisa Fontana Tierney (M), ITE
Christopher V. Forinash (A), EPA
Ellen Greenberg, Freedman, Tung & Bottomley
Heather Smith, CNU
Jon T. Obenberger (M), FHWA
Harold E. Peaks, FHWA

Curb Return Radii

Background and Purpose

Curb returns are the curved connection of curbs in the corners formed by the intersection of two streets. A curb return's purpose is to guide vehicles in turning corners and separate vehicular traffic from pedestrian areas at intersection corners. The radius of the curve varies, with longer radii used to facilitate the turning of large trucks and buses. Larger radius corners increase the length of pedestrian crosswalks.

In CSS, the smallest practical curb return radii are used to shorten the length of the pedestrian crosswalks. Based on this function, this report suggests a general strategy for selecting curb return radii design criteria and discusses situations requiring larger design vehicles.

General Principles and Considerations

General principles and considerations regarding curb return radii include the following.

- Curb return radii should be designed to accommodate the largest vehicle type that will frequently turn the corner (sometimes referred to as the control vehicle). This principle assumes that the occasional large vehicle can encroach into the opposing travel lane as shown in Figure 10.7. If encroachment is not acceptable, then a larger design vehicle should be used.
- Curb return radii should be designed to reflect the "effective" turning radius of the corner. The effective turning radius takes into account the wheel tracking of the design vehicle utilizing the width of parking and bicycle lanes. Use of the effective turning radii allows a smaller curb re-

Related Thoroughfare Design Elements

- *Selecting the design vehicle*
- *Speed*
- *On-street parking*
- *Right-turn channelization*
- *Pedestrian refuge islands*

Effect of Curb Radii on Pedestrian Crossing Distance
(Compared to 15 ft. Radius)

Curb Return Radius (Feet)	Added Crossing Distance (Feet)	Added Crossing Time (Seconds) [1]
15	0	0
25	8	2
50	38	10

[1] Crossing time at 4 ft. per second.

turn radius while retaining the ability to accommodate larger design vehicles (Figure 10.8).

- In urban centers (C-5) and urban cores (C-6) where pedestrian activity is intensive, curb return radii should be as small as possible.
- On multi-lane thoroughfares, large vehicles may encroach entirely into the adjacent travel lanes (in the same direction of travel).
- To help select a design vehicle, identify bus routes to determine whether buses are required to turn at the intersection. Also check transit service plans for anticipated future transit routes. Map existing and potential future land uses along both streets to evaluate potential truck trips turning at the intersection.
- Apply curb return radii that are compatible with the design vehicle. Occasional turns by vehicles that are larger than the design vehicle could be accomplished by turning more slowly and possibly encroaching into oncoming travel lanes to complete the turn.
- Curb return radii of different lengths can be used on different corners of the same intersection to match the design vehicle turning at that corner. Compound, spiral, or asymmetrical curb returns can be used to better match the wheel tracking of the design vehicle (see AASHTO's Green Book for the design of spiral and compound curves).
- If large vehicles need to encroach into an opposing travel lane, consider placing the stop line for opposing traffic further from the intersection.

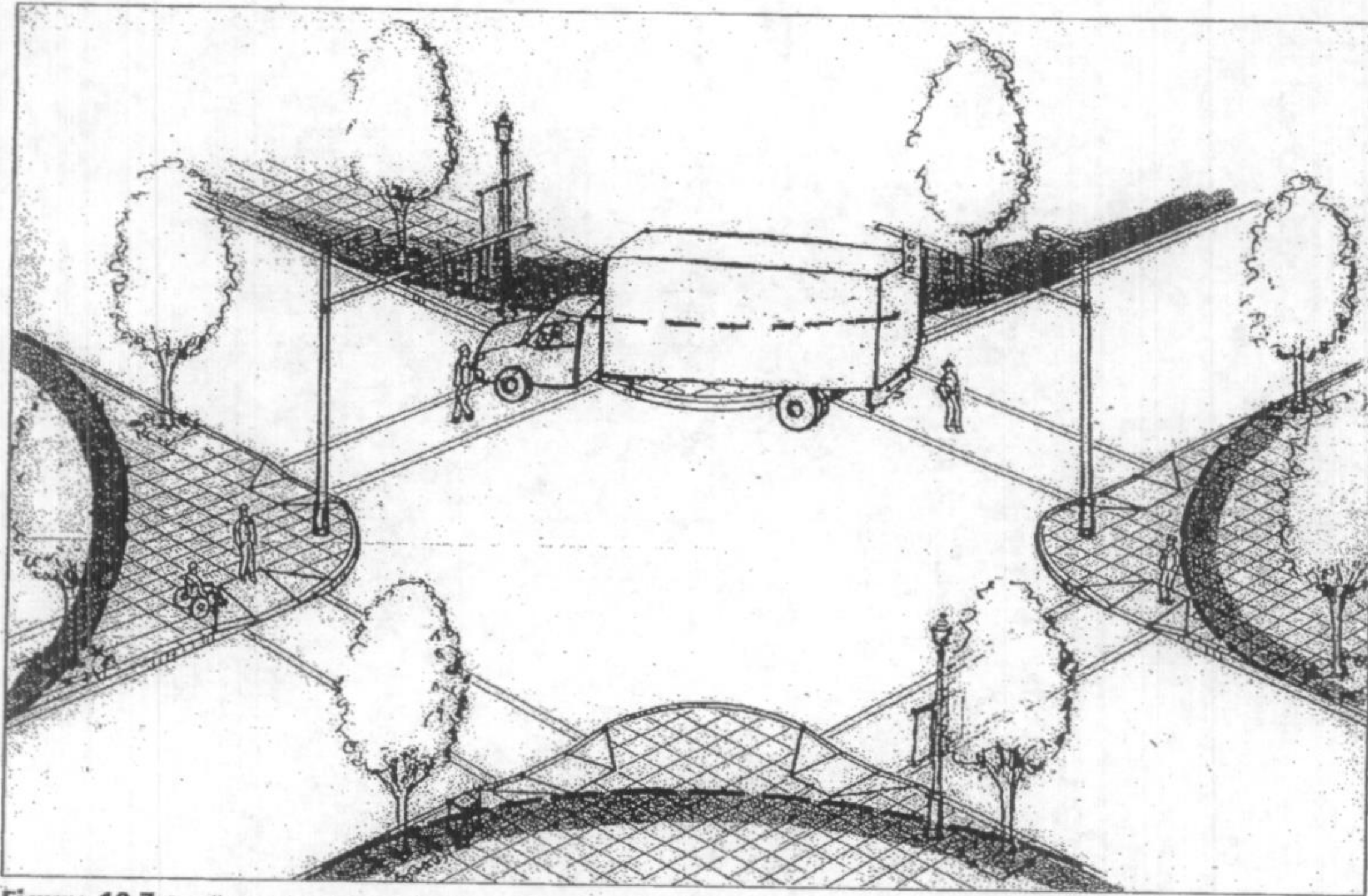


Figure 10.7 Smaller curb return radii shorten the distance that pedestrians must cross at intersections. The occasional turn made by large trucks can be accommodated with slower speeds and some encroachment into the opposing traffic lanes. Source: Kimley-Horn and Associates Inc.

Recommended Practice

Flexibility in the design of curb return revolves around: (1) choice of design vehicle, (2) combination of dimensions that make up the effective width of the approach and receiving lanes and (3) the curb return radius itself. The practitioner needs to consider the trade-offs between the traffic safety and operational effects of infrequent large vehicles and the creation of a street crossing that appears reasonable to pedestrians. The guidelines assume arterial and collector streets in urban contexts (C-3 to C-6) with turning speeds of city buses and large trucks of 5 to 10 mph. The guidance is not applicable to intersections without curbs.

Recommended practices include the following.

- In urban centers (C-5) and urban cores (C-6) at intersections with no vehicle turns, the minimum curb return radii should be 5 ft.

- A typical minimum curb return radius of 10 to 15 ft. should be used where:
 1. High pedestrian volumes are present or reasonably anticipated;
 2. Volumes of turning vehicles are low;
 3. The width of the receiving intersection approach can accommodate a turning passenger vehicle without encroachment into the opposing lane;
 4. Passenger vehicles constitute the majority of turning vehicles;
 5. Bicycle and parking lanes create additional space to accommodate the "effective" turning radius of vehicles;
 6. Low turning speeds are required or desired; and
 7. Occasional encroachment of turning school bus, moving van, fire truck, or oversized delivery truck into an opposing lane is acceptable.

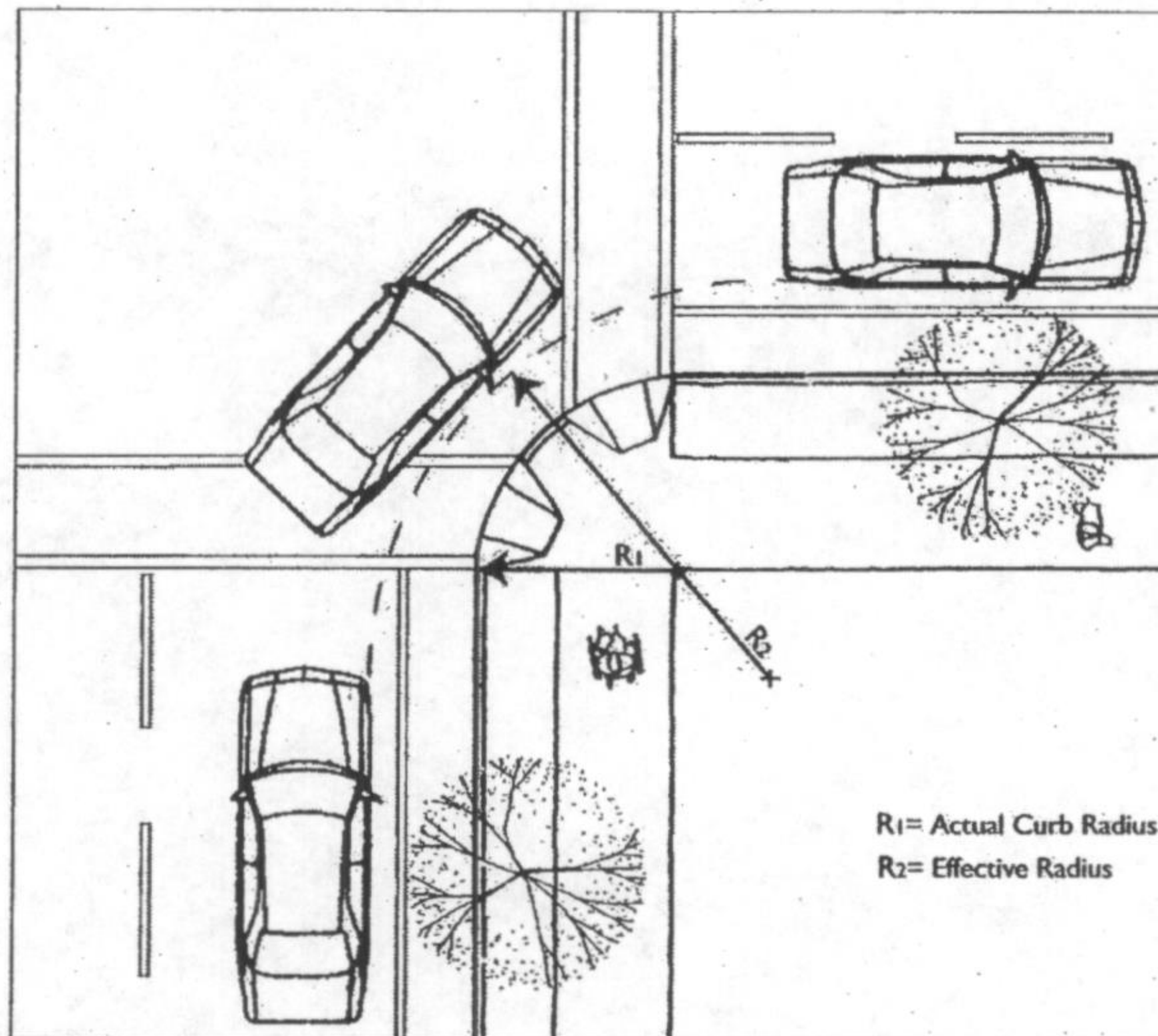


Figure 10.8 The existence of parking and bicycle lanes creates an "effective" turning radius that is greater than the curb return radius. Source: Community, Design + Architecture, adapted from the *Oregon Bicycle and Pedestrian Plan*.

- Curb radii will need to be larger where:
 1. Occasional encroachment of a turning bus, school bus, moving van, fire truck, or oversized delivery truck into the opposing lane is not acceptable;
 2. Curb extensions are proposed or might be added in the future; and
 3. Receiving thoroughfare does not have parking or bicycle lanes and the receiving lane is less than 12 ft. in width.

Recommendations for Curb Radii on Transit and Freight Routes

Trucks routes should be designated on a minimum number of appropriately selected streets to reduce the impact of large turning radii on pedestrian routes. Where designated local or regional truck routes con-

flict with high pedestrian volumes or activities, analyze freight movement needs and consider re-designation of local and regional truck routes to minimize such conflicts.

On bus and truck routes, the following guidelines should be considered.

- Curb return radii design should be based on the effective turning radius of the prevailing design vehicle.
- Where the potential for conflicts with pedestrians is high and large vehicle turning movements necessitate curb radii exceeding 50 ft., evaluate installation of a channelized right-turn lane with a pedestrian refuge island (see the section on pedestrian refuge islands in Chapter 9 and the section on channelized right-turn lanes in Chapter 10). To better accommodate the path of large

vehicles use a three-centered compound curve in the design of the island (see the AASHTO Green Book's Chapter 9 for design guidance).

- Where frequent turning of large vehicles takes place, avoid inadequate curb return radii as it could potentially cause large vehicles to regularly travel across the curb and into the pedestrian waiting area of the roadside.

Justification

Intersections designed for the largest turning vehicle traveling at significant speeds with no encroachment results in long pedestrian crossings and potentially high-conflict areas for pedestrians and bicyclists. Radii designed to accommodate the occasional large vehicle will allow passenger cars to turn at high speeds. In CSS, the selection of curb returns ranging from 5 to 25 ft. in radius is preferable to shorten pedestrian crossings and slow vehicle turning speeds to increase safety for all users.

Channelized Right-Turns

Background and Purpose

In urban contexts, high-speed channelized right turns are often inappropriate because they create conflicts with pedestrians. Under some circumstances, providing channelized right-turn lanes on one or more approaches at a signalized intersection can be beneficial, but unless designed correctly, these right-turn lanes can be undesirable for pedestrians. According to the *Oregon Bicycle and Pedestrian Plan* a well-designed channelization island can:

- Allow pedestrians to cross fewer lanes at a time and judge conflicts separately;
- Provide refuge for slower pedestrians;
- Improve accessibility to pedestrian push-buttons; and

Related Thoroughfare Design Elements:

- Curb return radii
- Crosswalks
- Bicycle lanes at intersections

- Reduce total crossing distance, which provides signal-timing benefits.

Right-turning drivers may not have to stop for the traffic signal when a poorly designed channelized right-turn lane is provided. Even where pedestrian signal heads are provided at the intersection, pedestrians are usually expected to cross-channelized right-turn lanes without the assistance of a traffic signal. Most channelized right-turn lanes consist of only one lane and the crossing distance tends to be relatively short. However, drivers are usually looking to their left to merge into cross-street traffic and are not always attentive to the presence of pedestrians.

General Principles and Considerations

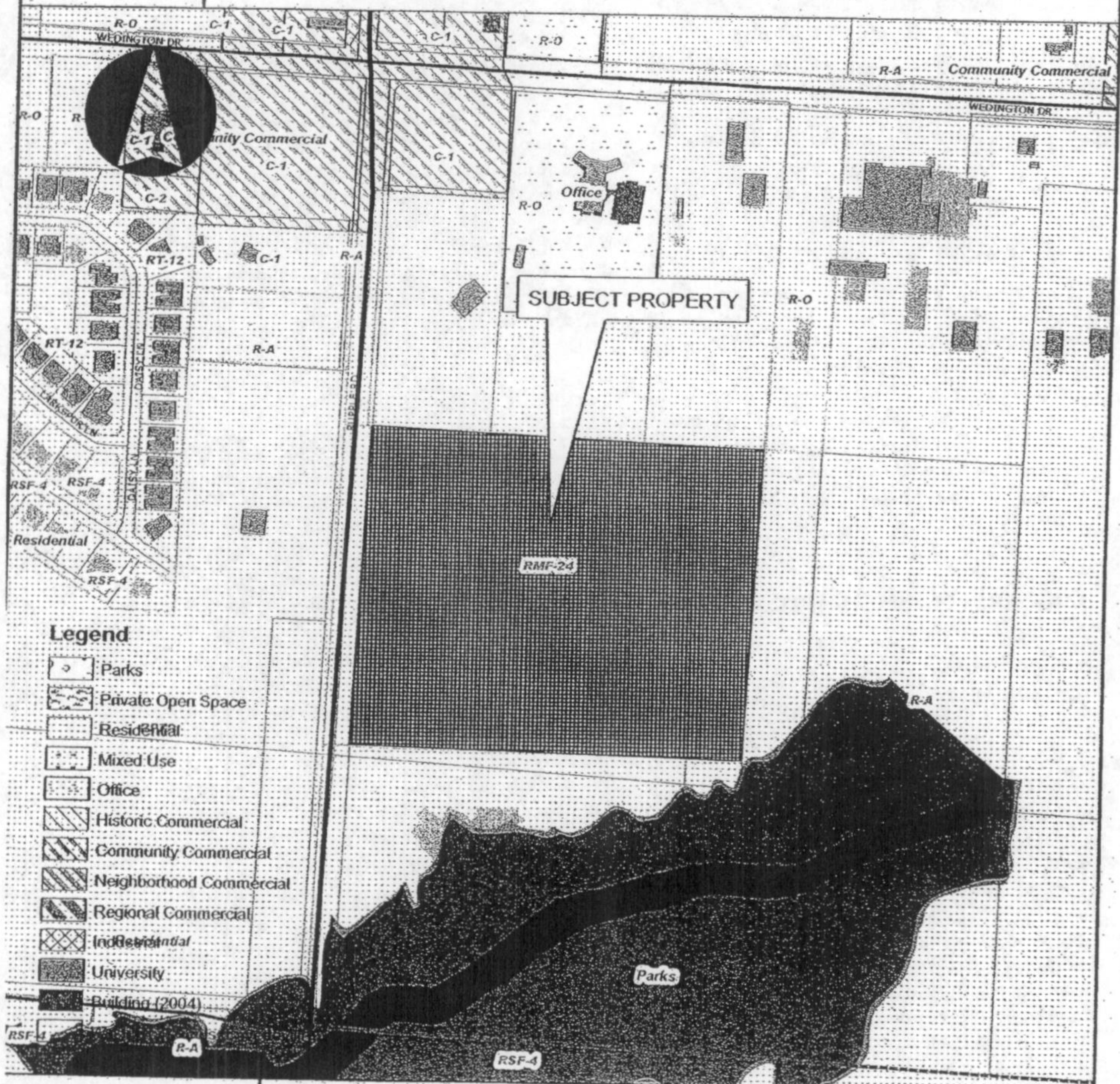
The general principles and considerations regarding channelized right turns include the following.

- Avoid using channelized right-turn lanes where pedestrian activity is significant. If a channelized right-turn lane is unavoidable, use design techniques described to lessen the impact on pedestrians.
- Exclusive right-turn lanes should be limited. A right-turning volume threshold of 200–300 vehicles per hour is an acceptable range for the provision of right-turn lanes. Once determined that a right-turn lane is necessary, a well-designed channelization island can help slow down traffic and separate conflicts between right-turning vehicles and pedestrians (Figure 10.9).
- If an urban channelized right-turn lane is justified, design it for low speeds (5 to 10 mph) and high-pedestrian visibility.
- For signalized intersections with significant pedestrian activity, it is highly desirable to have pedestrians cross fully under signal control. This minimizes vehicle-pedestrian conflicts and adds to the comfort of pedestrians walking in the area.
- Consider channelized right-turn lanes at multi-lane all-way stop controlled intersections to provide pedestrians an additional refuge among the complex right-of-way patterns that affect traffic movements.

RPZD06-1884

Future Land Use

WESTSIDE VILLAGE CONDOS



Legend

- Parks
- Private Open Space
- Residential
- Mixed Use
- Office
- Historic Commercial
- Community Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- University
- Building (2004)

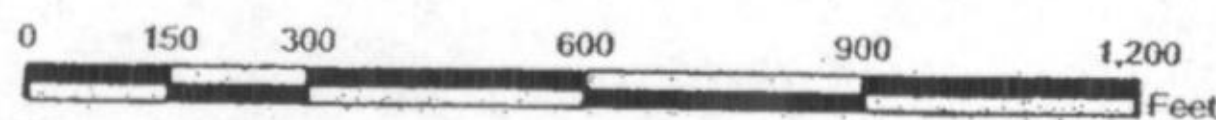
Overview

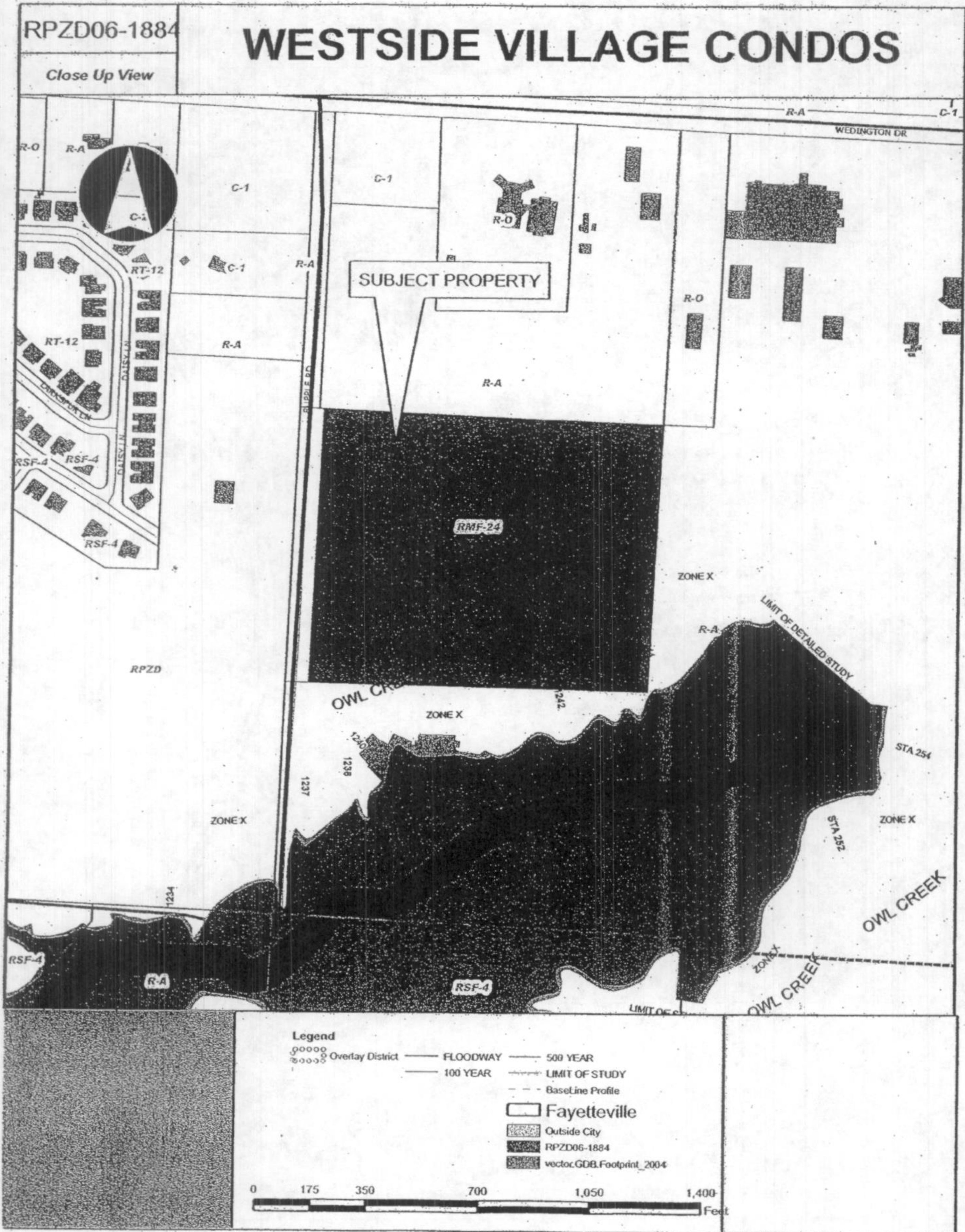


Legend

- Subject Property
- RPZD06-1884
- Boundary
- Planning Area
- Streets
- Existing
- Planned
- Overlay District
- Outside City

Legend





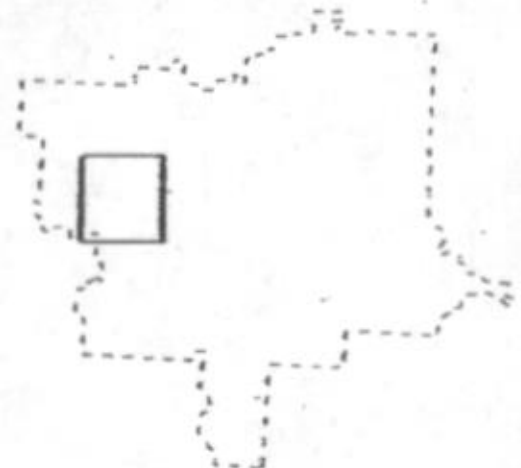
RPZD06-1884

WESTSIDE VILLAGE CONDOS

One Mile View



Overview



Legend

Subject Property
RPZD06-1884

Boundary

Planning Area
Overlay District
Outside City

0 0.125 0.25

0.5

Legend

0.75

1

Miles

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

21-Nov-06
City Council Meeting Date

Tim Conklin
Submitted By

Long Range Planning
Division

Operations
Department

Action Required:

ADM 06-2252 (Future Land Use Map): Resolution to adopt the Future Land Use Map and associated text as part of the City Plan 2025 comprehensive land use plan.

\$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 ☐

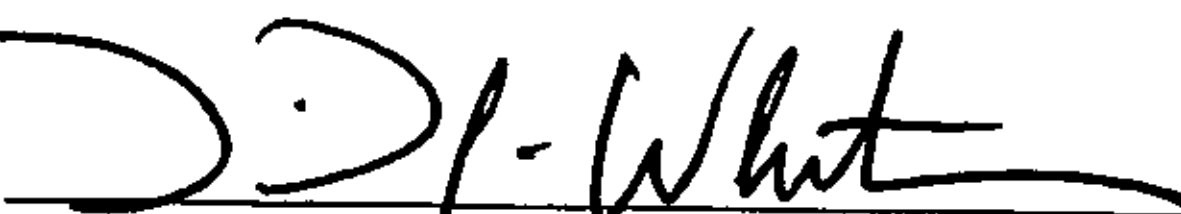
Budget Adjustment Attached ☐

 11.3.06
Department Director Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

 11/7/06
City Attorney

 11-7-06
Finance and Internal Service Director Date

Received in City Clerk's Office
ENTERED 11-5021

 11/7/06
Mayor Date

Received in Mayor's Office
ENTERED 11/7/06

Comments:

Tabled to the 12/5/06 City Council Mtg.

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: October 31, 2006

Subject: Future Land Use Map (ADM 06-2252)

RECOMMENDATION

Planning Staff recommends approval of a resolution to adopt the Future Land Use Map and associated text as part of the City Plan 2025 comprehensive land use plan.

BACKGROUND

City Council adopted the Interim Future Land Use Map on July 17, 2006 (Resolution No. 123-06). During that meeting, both the Planning Commission and City Council directed staff to revise the Interim Future Land Use Map, so that the map reflected the principles and goals in City Plan 2025. The Future Land Use Map adopted in 2000 (Resolution No. 170-00) reflects the existing zoning pattern utilized by the City in its current zoning policies. The Interim Future Land Use Map also reflects this pattern, with the addition of Planned Zoning Districts and Complete Neighborhood Plans.

The proposed Future Land Use Map utilizes City Plan 2025, City GIS data and analyses conducted by the Nature Conservancy and the Fayetteville Natural Heritage Association (FNHA). Rather than separating uses, City Plan 2025 promotes a form-based development pattern, incorporating key elements from the SmartCode, which utilizes a "sequence of environments...that...identify a set of habitats that vary by their level and intensity of urban character..."



Most cities that incorporate the SmartCode into conventional zoning regulations do so incrementally by adopting Master Plans for a discrete area; Fayetteville's Downtown Master Plan is an example of an incremental adoption of a form-based code. Leander, Texas, however, has applied the SmartCode to the entire city, replacing conventional zoning ordinances, and Miami, Florida is in the process of creating a form-based code that applies to all of Miami.

City Council Meeting of November 21, 2006
Agenda Item Number__

Planning staff first identified the areas from the SmartCode transect that seemed appropriate for Fayetteville's current development patterns and the vision for development patterns as expressed in City Plan 2025. These area descriptions were then modified to address Fayetteville's resources and development characteristics. The areas are:

- Natural Areas
- Rural Areas
- Residential Neighborhood Areas
- City Neighborhood Areas
- Urban Center Areas
- Complete Neighborhood Plan Areas
- Civic and Private Open Space Areas/Parks
- Civic Institutional Areas
- Non-Municipal Government Areas
- Industrial Areas

*See detailed descriptions in the attached explanation.

GIS data provided information on floodways, hillsides and platted subdivisions. FNHA's analysis of environmental resources identified the most environmentally valuable aquatic and terrestrial resources in the City and Planning Area, which guided the Natural Area designations.

DISCUSSION

The area designations are consistent with City Plan 2025. City Neighborhood Areas and Urban Center areas generally reflect the infill and intended growth sectors on the City Plan 2025 Sector Map. Natural Areas reflect areas where permanent land conservation easements would be desirable, possibly through a transfer of development rights program. Rural Area designations show agricultural land that could qualify as a "sending" area in a transfer of development rights program or land that lacks adequate infrastructure and service to allow urban development at this time. These designations are expected to complement and enhance other initiatives in City Plan 2025 such as a transfer of development rights program and a comprehensive annexation policy. Staff recommends that the Planning Commission and Council review the Future Land Use map annually in order to reflect changing circumstances and policies.

The Planning Commission voted 6-1-0 in favor of this request on October 23, 2006. Commissioner Trumbo voted against forwarding the map, stating that he wanted the Commission to have more time to consider the rural/residential balance as it would affect a number of property owners in the Planning Area. The Commissioners also recommended adding text that emphasized the City's encouragement and desire for "green" industry. Overall, the Commission felt that the map reflected the goals outlined in City Plan 2025 and specifically requested that the City Council receive the section of the minutes that conveyed the Commission's discussion of the Future Land Use Map.

City Council Meeting of November 21, 2006
Agenda Item Number__

BUDGET IMPACT

None.

Planning Commission
October 23, 2006
Page 1 of 15

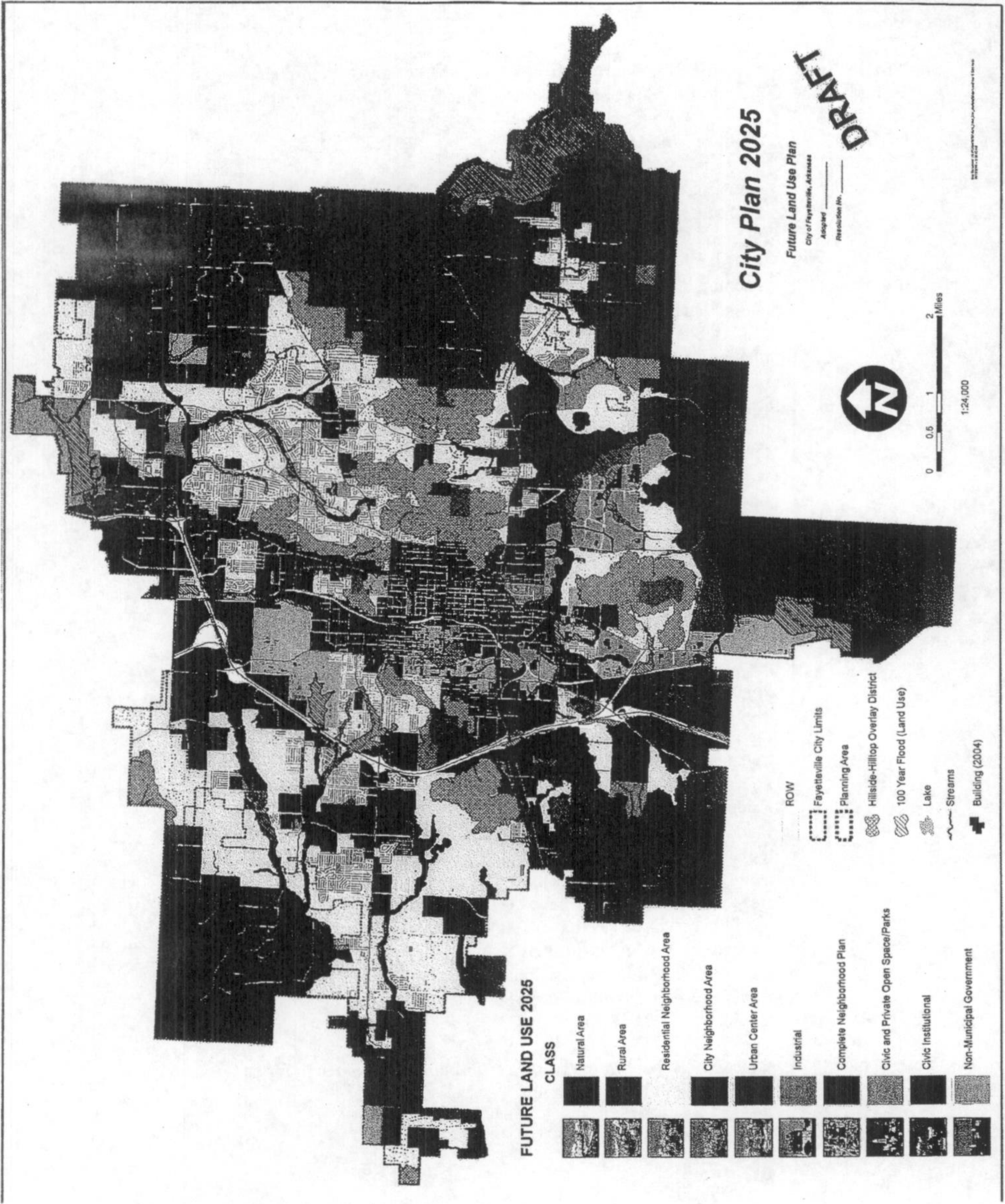
ADM 06-2252: Administrative Item (Future Land Use Map): Submitted by Planning Staff to amend the Interim Future Land Use Map.

Anthes: We have Mrs. Minkel with us.

Minkel: I'm going to walk through this for the benefit of the public. Most of you recall the history of this, but on July 17, 2006 the City Council and Planning Commission had a joint meeting and the outcome of that meeting was that the City Plan 2025 was approved and adopted. As part of that meeting, both bodies requested staff to look at the Future Land Use Map and go back to it and make sure that it embodied the principles and goals of City Plan 2025. I think I speak for the collective memory of the planning staff that this is one of the projects that they think that everyone in planning staff has actually touched it and evaluated it, to make sure that it was consistent with our general plan. In doing research around this map, I realized that most cities actually incorporate the Smart Code into their cities incrementally and will do something similar to what we did with the Downtown Master Plan. That they apply it to a discrete area. So, this was an interesting exercise, that we were applying it to a much larger area and a larger scale. As you remember, one of the goals in the City Plan 2025 was to do a series of complete neighborhood plans and that hasn't been forgotten and you will notice on the map that the Downtown Master Plan is identified as a complete neighborhood plan and the goal would be to keep adding complete neighborhood plans to this map. We have identified areas within the Smart Code Transect that would seem appropriate for Fayetteville's current development pattern and also for the vision. I'll walk through those different areas briefly. In the first area, is the Natural Area. If you move through your packet there is a description of that, and each of these areas will be identified from an image from the transect that was used in the City Plan 2025, we used examples from Fayetteville, and we have a brief description of the area that is followed by guiding policies. Those guiding policies were taken from both the General Plan 2020 and then looked at by all the planners in the office to make sure that all the policies were included that could be used as tools. For the Natural Areas, we actually used the Fayetteville Natural Heritage Association, which they have been involved in a project where they have been identifying areas that are significant environmentally and need protection. We looked at their analysis and incorporated that into this map, as well as identifying floodways and other areas where we might want to restrict growth. The main piece of the Natural Area is an area that requires...

Anthes: Mrs. Minkel, could I interrupt you? I believe our other staff just left, and we have two items coming up.

Minkel: It's just you and me.



FUTURE LAND USE 2025

CLASS

- | | |
|--|------------------------------------|
| | Natural Area |
| | Rural Area |
| | Residential Neighborhood Area |
| | City Neighborhood Area |
| | Urban Center Area |
| | Industrial |
| | Complete Neighborhood Plan |
| | Civic and Private Open Space/Parks |
| | Civic Institutional |
| | Non-Municipal Government |

- ROW**
- Fayetteville City Limits
 - Planning Area
 - Hillside-Hilltop Overlay District
 - 100 Year Flood (Land Use)
 - Lake
 - Streams
 - Building (2004)



0 0.5 1 2 Miles

1:24,000

City Plan 2025

Future Land Use Plan

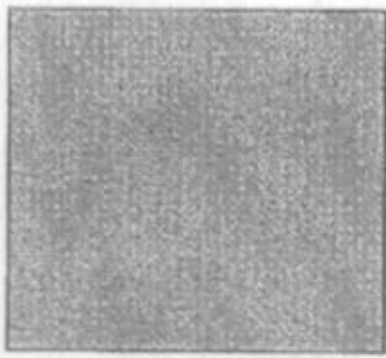
City of Fayetteville, Arkansas

Adopted _____

Resolution No. _____

DRAFT

Map prepared by the City of Fayetteville, Arkansas, Planning Department, 2004.

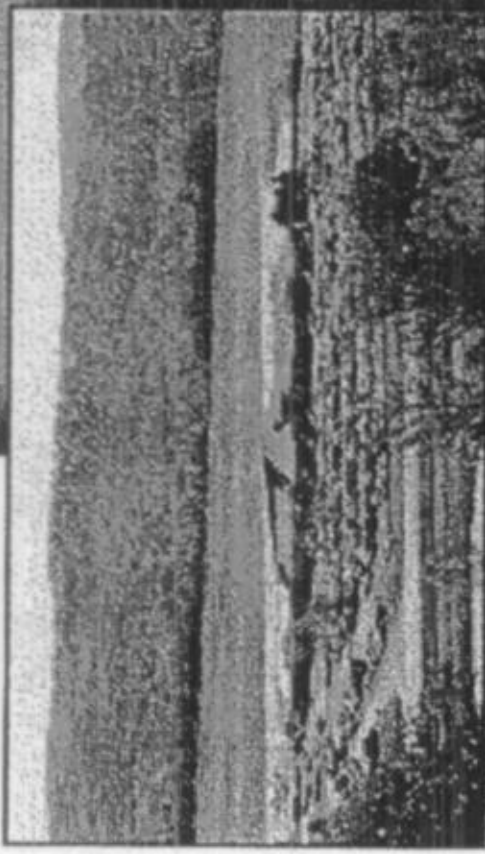


Non-Municipal Government Areas:

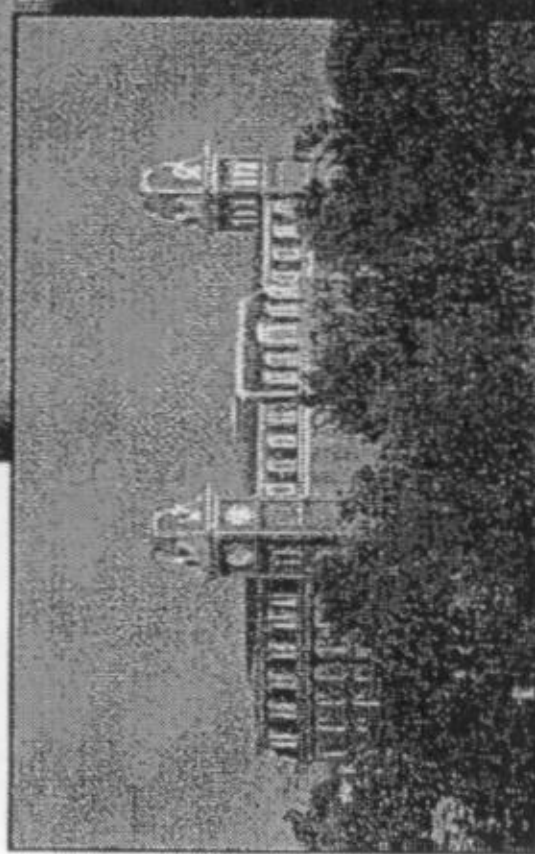
Non-Municipal Government Areas are those areas that do not fall within the City's jurisdiction and are not subject to zoning or development regulations. These areas may include institutional campuses, county or state offices, etc.

Guiding Policies:

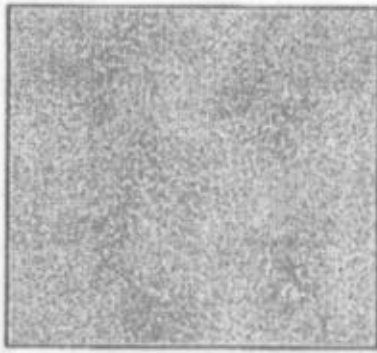
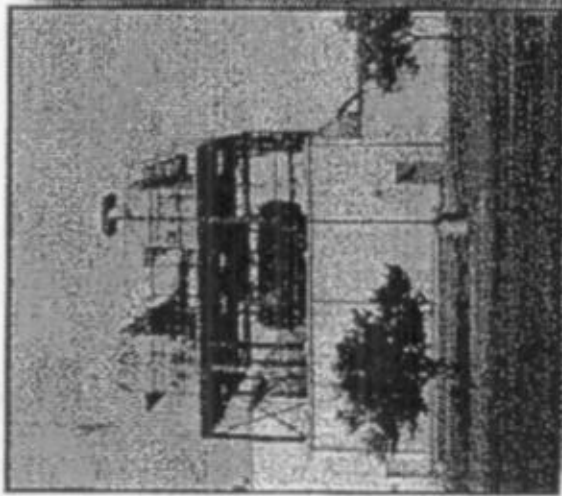
- a. Encourage the integration and coordination of non-municipal government areas with planning and development in surrounding City-regulated areas,
- b. Provide opportunities for integration of the areas into the City should the existing non-municipal government ever change, adding street connections, pedestrian and utility connections.



Drake Field



University of Arkansas

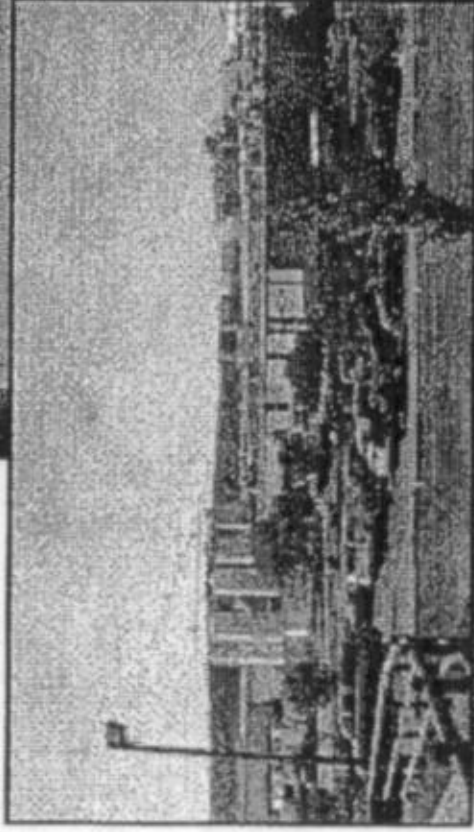


Industrial Areas:

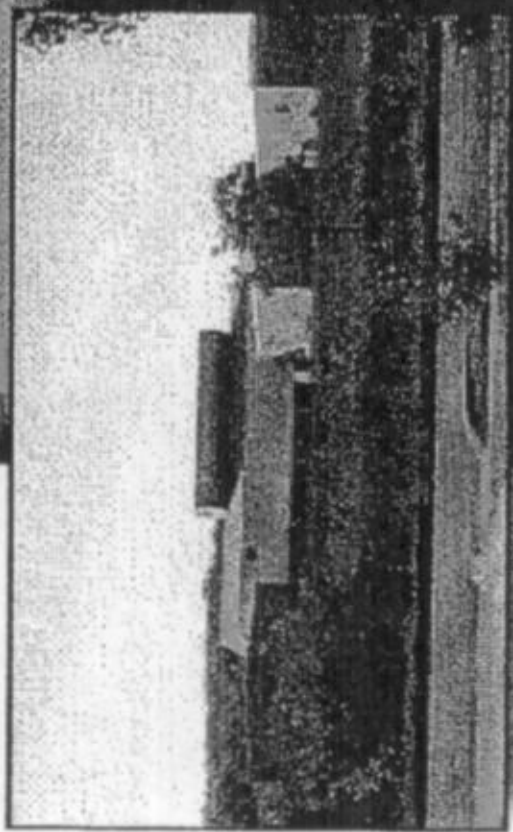
Industrial Areas are those areas with buildings that by their intrinsic function, disposition or configuration, cannot conform to one of the other designated areas and/or its production process requires the area to be separated from other uses.

Guiding Policies:

- a. Noise, visual, air and water pollution shall be minimized though performance standards.
- b. New industry shall be recruited and encouraged to locate within the existing industrial park unless rail access is necessary to the industry.
- c. Industrial zones that are not consistent with the Future Land Use map should be rezoned to more appropriate uses.
- d. Industrial rezoning requests shall be limited until such time as all current available industrial land is fully utilized.
- e. Encourage the use of "green" technologies to minimize noise, air and water pollution.



Tyson Plant



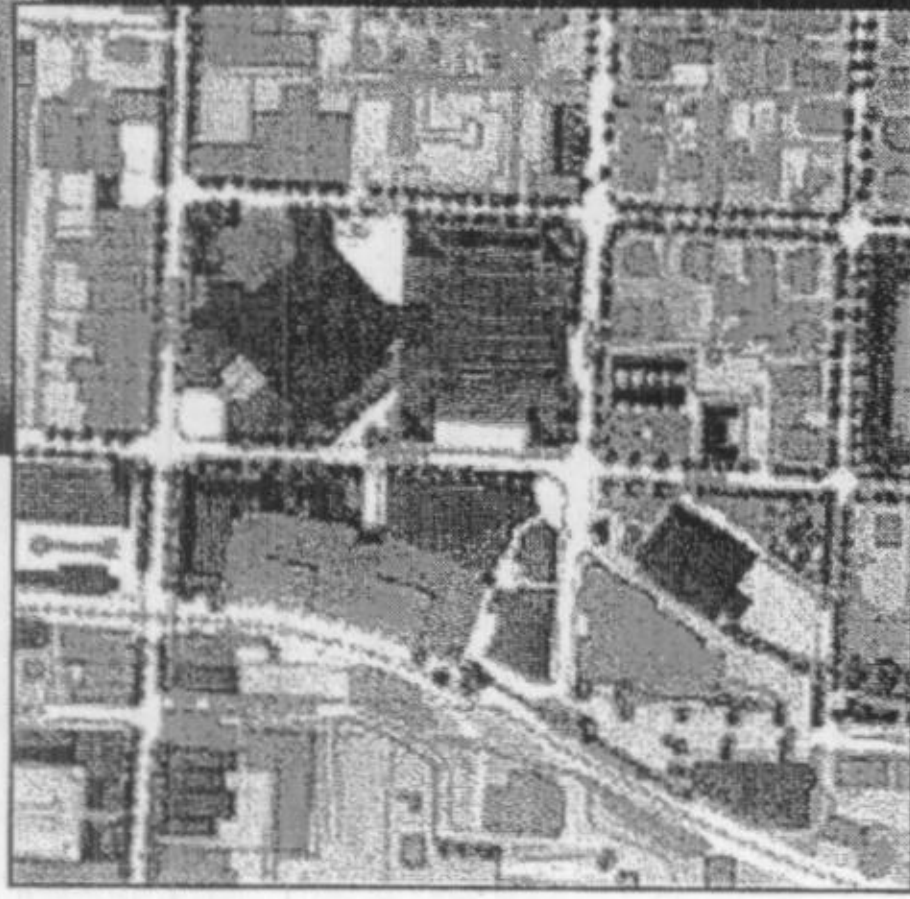
Industrial Park

b. Complete Neighborhood Areas:

Complete Neighborhood Plan Areas are areas that have a Master Development Plan that has been approved by the City Council and includes the elements of a complete, compact and connected neighborhood.

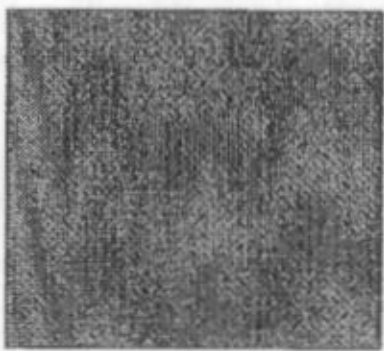
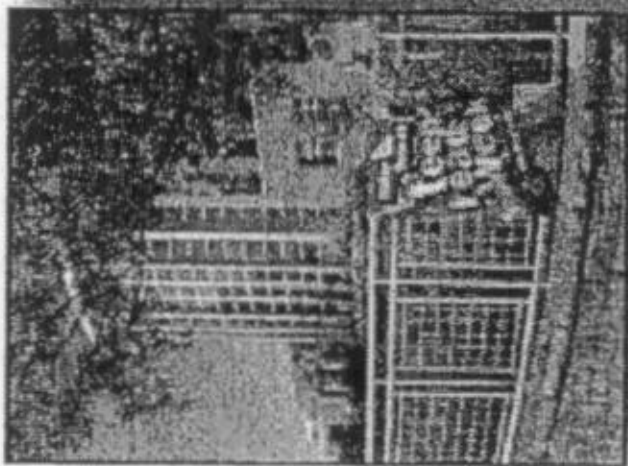
Guiding Policies:

- a. Refer to the specific neighborhood plan (e.g. Downtown Master Plan Res. 140-04).



Downtown Master Plan



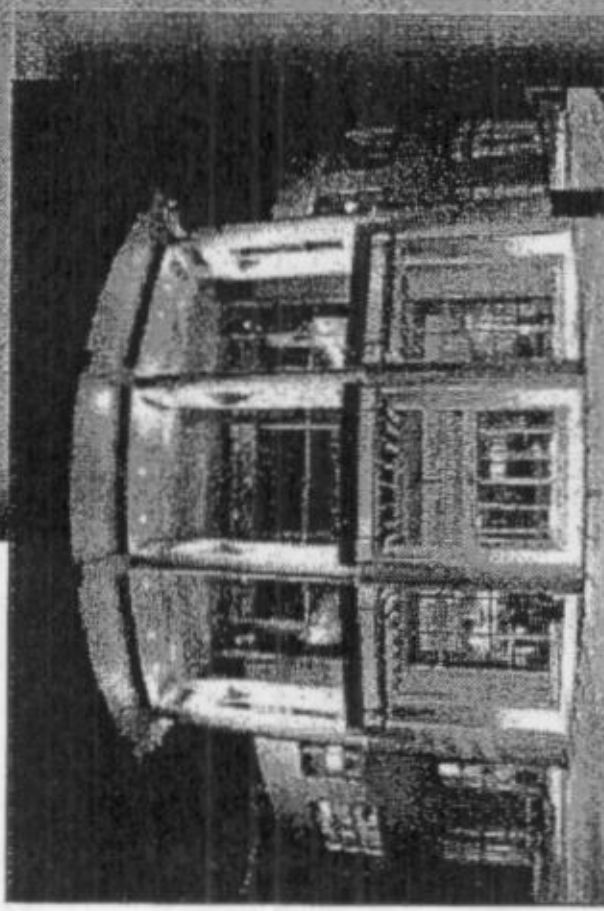


Civic Institutional Areas:

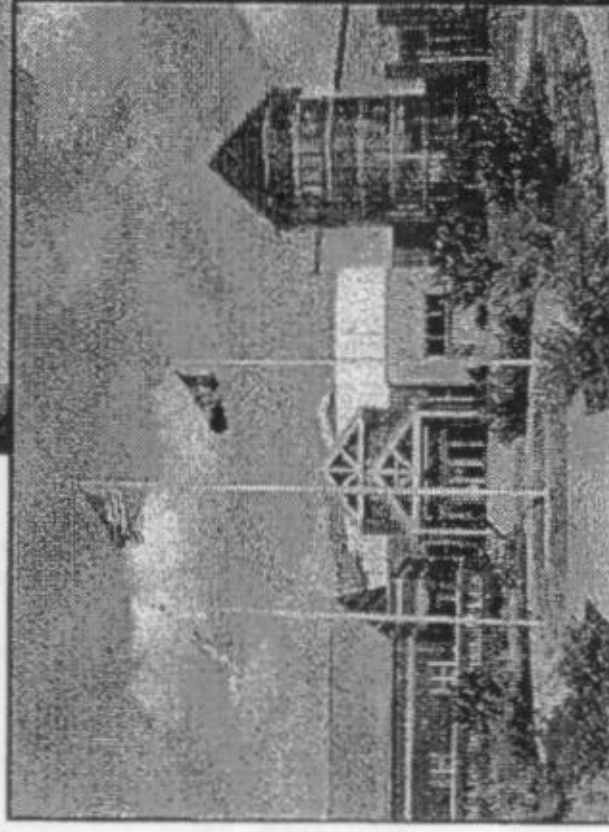
Civic Institutional Areas are dedicated for buildings generally operated by not-for-profit organizations dedicated to culture, government, education or transit and municipal parking.

Guiding Policies:

- a. Encourage the establishment of civic institutional areas in locations that would serve large concentrations of Fayetteville citizens.

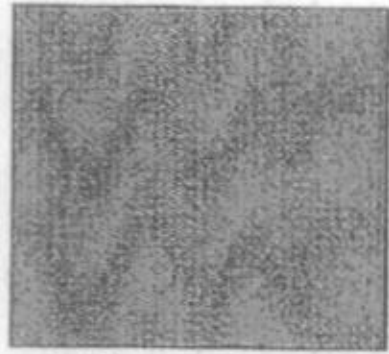


Blair Library



Boys and Girls Club

**CITY
PLAN
2025**

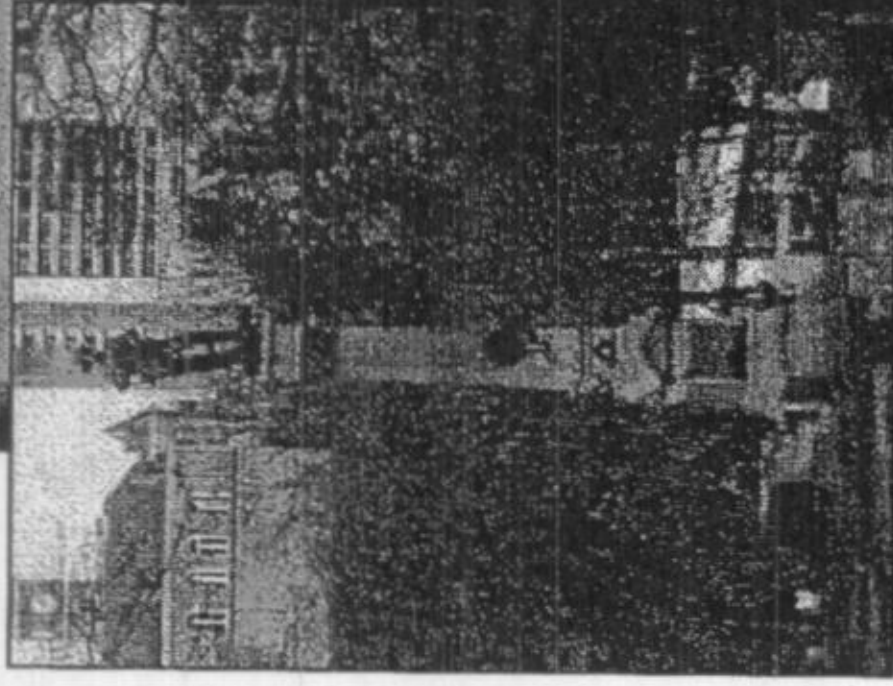


Civic and Private Open Space/Park Areas

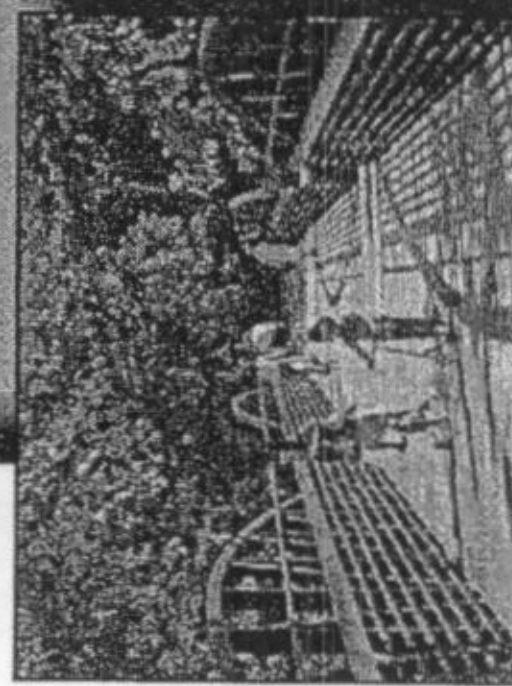
Civic and Private Open Space/Park Areas are sites that are permanently dedicated to open space or parkland.

Guiding Policies:

- a. Encourage parkland dedication and conservation easements for trails that support the Fayetteville Alternative Trails and Transportation Plan, the 10-Year Parks Master Plan and the enduring green network.
- b. Provide an integrated network of open space areas throughout the City to serve local residents as well as provide a regional asset and visitor attraction.
- c. Plan for the long-term preservation and enhancement of open space (including undeveloped natural areas, utility corridors, and key scenic corridors) within the Fayetteville green network.
- d. Conserve open space within the Fayetteville green network through private acquisition and other acceptable conservation methods.
- e. Encourage the creation of connected trails and walkways between community activity areas and neighborhoods and enhance with kiosks and rest stations.
- f. Encourage community-based "green" infrastructure such as rain gardens, vegetated drainages and bio-retention facilities.
- g. Encourage pocket parks, especially in the urban center areas.



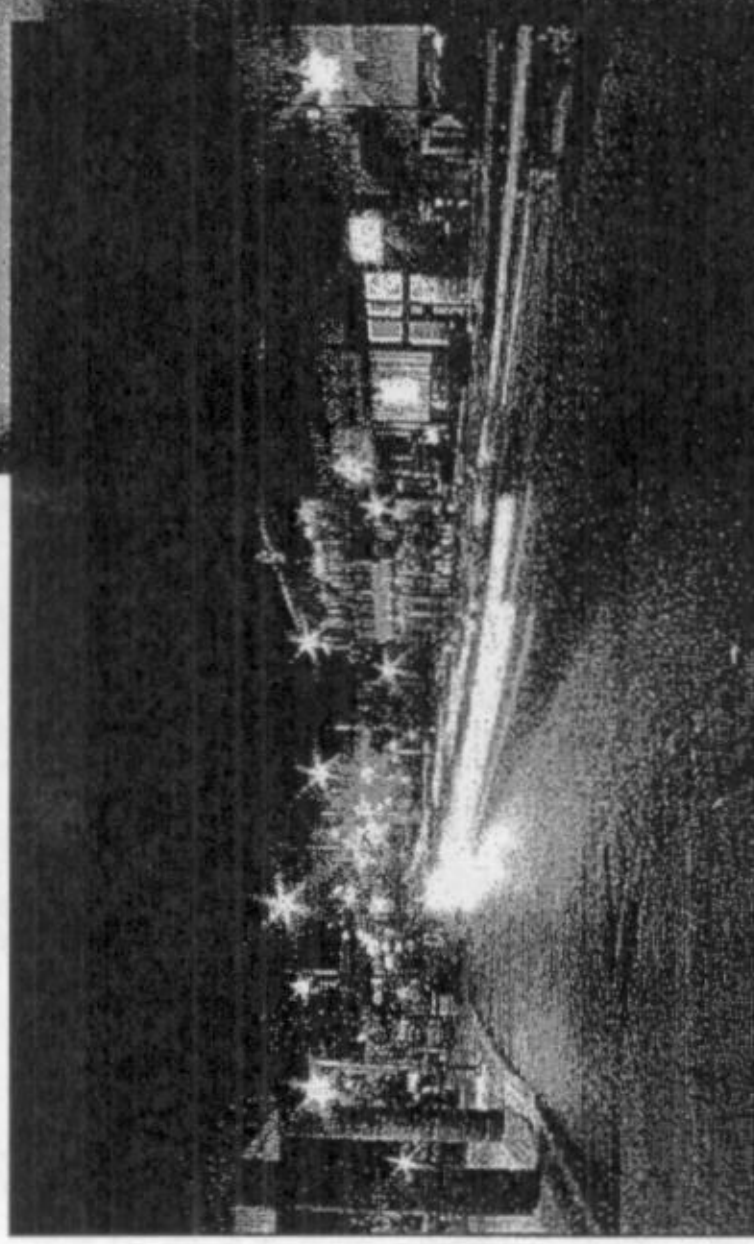
Confederate Cemetery



Lake Fayetteville
Spillway Bridge

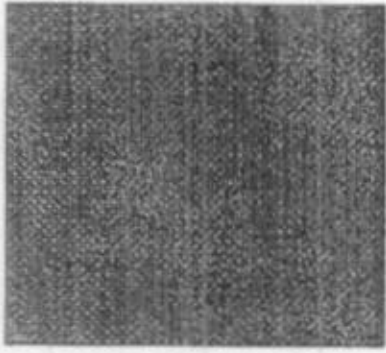
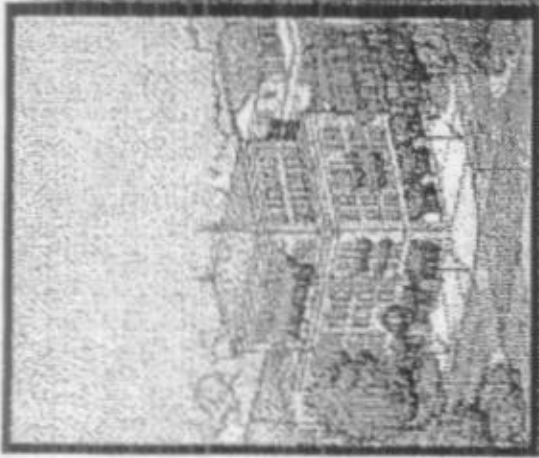


- i. Protect and restore Fayetteville's outstanding residential architecture of all periods and styles.
- j. Utilize the Master Street Plan and incorporate bike lanes, parkways and landscaped medians to preserve the character of the City and enhance the utilization of alternative modes of transportation.
- k. Utilize open space by providing pocket parks and community green space, creating connectivity of natural areas across the community.
- l. Encourage the integration of modern "green" industrial uses with residential and commercial uses.



Dickson Street



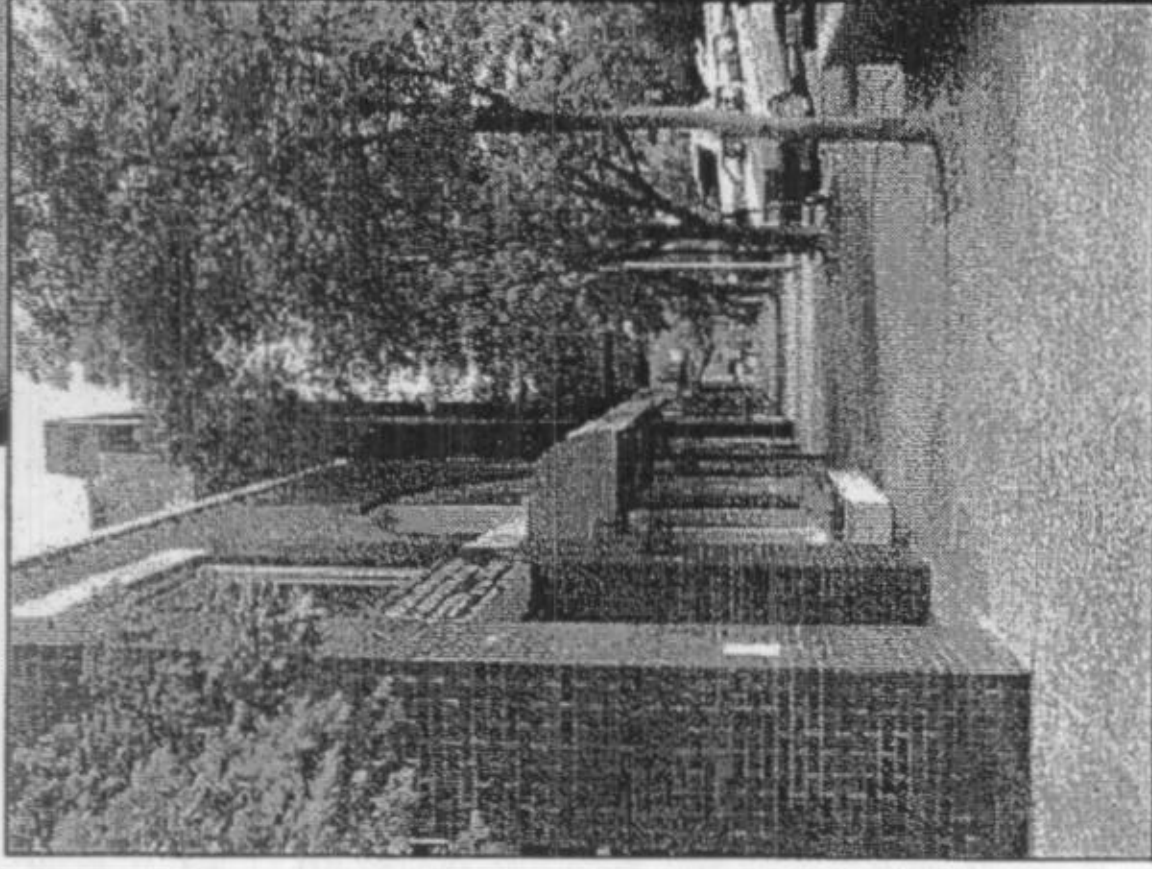


Urban Center Areas:

Urban Center Areas are the equivalent of a main street, including building types that accommodate retail, offices, rowhouses and apartments. They are usually a tight network of streets, with wide sidewalks, steady street planting and buildings set close to lot frontages. These areas contain taller buildings and have the most intense and dense development patterns within the City, as well as the greatest variety of buildings, with unique civic buildings in particular. *Urban Center Areas* recognize conventional strip development, but encourage the redevelopment of these existing properties for more efficient use of the land.

Guiding Policies:

- a. Encourage mixed-use development to allow for shared parking and day and night utilization of available parking.
- b. Encourage intensive mixed-use development within one-quarter mile of public transit routes.
- c. Provide enough retail business and service space to enable Fayetteville to realize its full potential as a regional market.
- d. Encourage continuing improvements and expansion of regional shopping and entertainment attractions.
- e. Require that large commercial sites be designed and landscaped in a manner that preserves the aesthetic character of their surroundings.
- f. Direct new regional development into designated regional commercial centers.
- g. Approve new regional commercial development as Planned Zoning Districts (e.g. shopping centers, business parks, medical parks, industrial parks and mixed-use developments) or complete neighborhood plans in order to assure the overall integration of design and use.
- h. Utilize principles of traditional residential urban design to create compatible, livable and accessible neighborhoods.



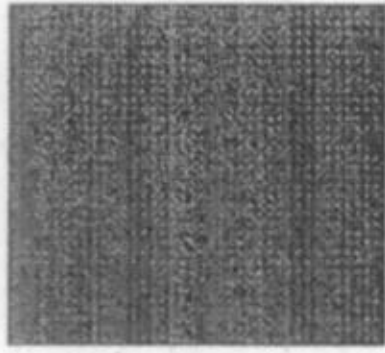
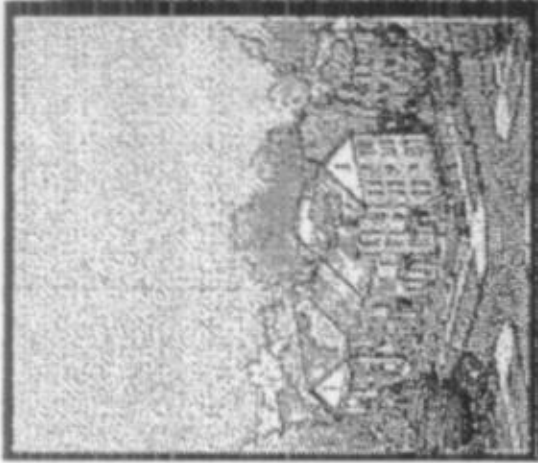
The Square



- f. Where possible, encourage a block-and-street layout that promotes walkable, cyclist-friendly road designs with slow design speeds.
- g. Encourage mixed-use development that is sensitive to surrounding residential uses and allows for day and night utilization of available parking.
- h. Utilize principles of traditional residential urban design to create compatible, livable and accessible neighborhoods.
- i. Protect and restore Fayetteville's outstanding residential architecture of all periods and styles.
- j. Utilize the Master Street Plan and incorporate bike lanes, parkways and landscaped medians to preserve the character of the City and enhance the utilization of alternative modes of transportation.
- k. Manage non-residential development within and adjoining residential neighborhoods to minimize nuisances.
- l. Minimize through traffic on minor residential streets, while providing connections between neighborhoods to encourage openness and neighborliness.
- m. Limit uses within City Neighborhood areas to those that primarily serve residents of Fayetteville rather than a regional population.
- n. Develop strategies with the University of Arkansas to encourage students to live in the area, providing density sufficient to support public transit.



Downtown Neighborhood



City Neighborhood Areas:

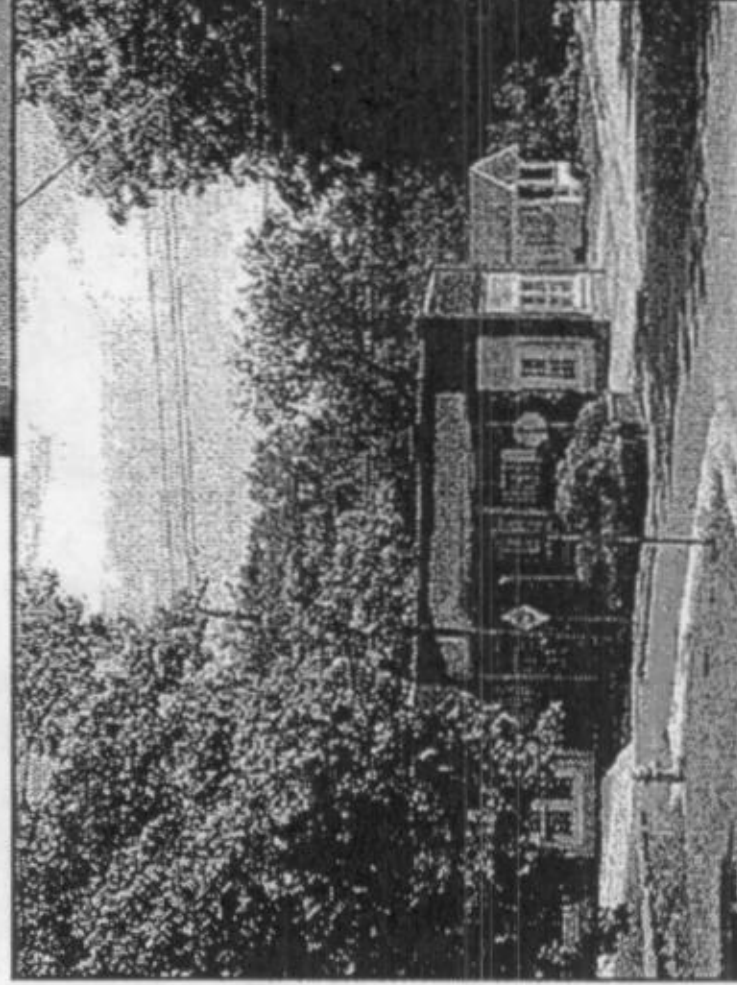
City Neighborhood Areas are a denser and primarily residential urban fabric. Mixed and low-intensity nonresidential uses are usually confined to corner locations. These areas have a wide range of residential building types: single, sideyard and rowhouses. Setbacks and landscaping are variable. Streets typically define medium-sized blocks with a high level of connectivity between neighborhoods. *City Neighborhood Areas* recognize conventional strip commercial developments but encourage complete, compact and connected neighborhoods.

Guiding Policies:

- a. Protect adjoining properties from the potential adverse impacts associated with non-residential uses adjacent to and within residential areas with proper mitigation measures that address scale, massing, traffic, noise, appearance, lighting, drainage, and effects on property values.
- b. Provide non-residential uses that are accessible for the convenience of individuals living in residential districts and where compatibility with existing desirable development patterns occurs.
- c. Reduce the length and number of vehicle trips generated by residential development by enhancing the accessibility to these areas; encourage walkability as part of the street function. Neighborhood shopping should be within walking distance of residential use, or approximately one-quarter mile.
- d. Encourage developers to designate and plan for mixed-use corners at the time of approval to properly plan for accessibility to these areas.
- e. Encourage pedestrian-friendly, mixed-use buildings through the use of transparent glass for commercial uses at street level and building entrances that address the street.



Charleston Place



Washington-Willow

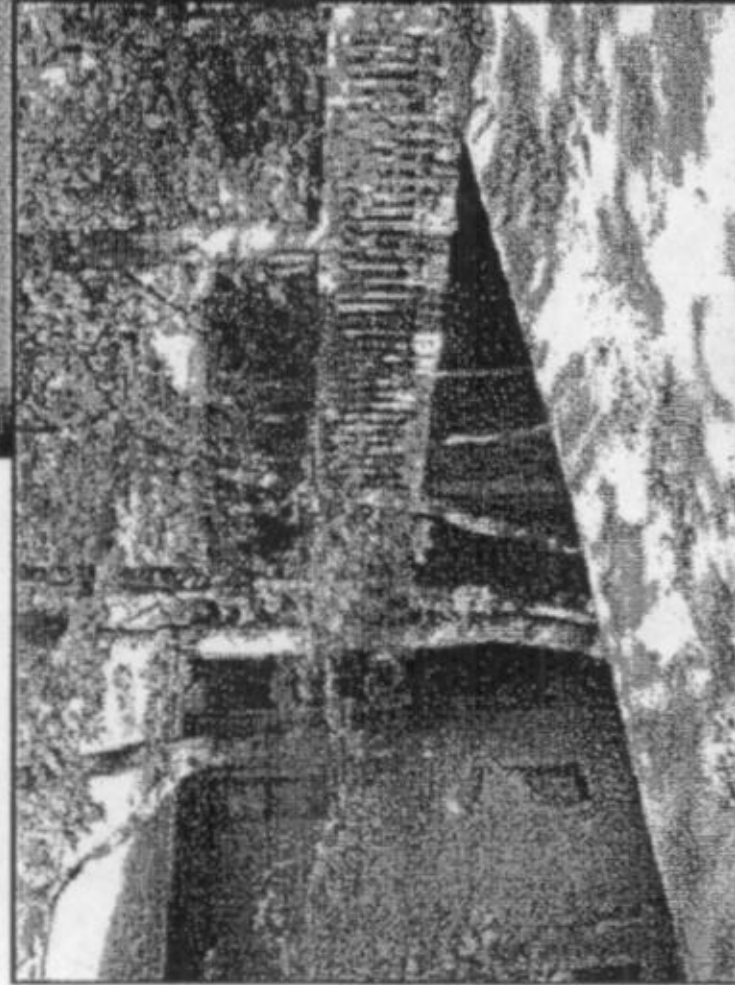


Guiding Policies:

- a. Where possible, encourage a block-and-street layout that promotes walkable, cyclist-friendly road designs with slow design speeds.
- b. Utilize principles of traditional residential urban design to create compatible, livable and accessible neighborhoods.
- c. Discourage design elements that prohibit complete, compact and connected neighborhoods such as cul-de-sacs, gated communities, etc.
- d. Protect and restore Fayetteville's outstanding residential architecture of all periods and styles.
- e. Encourage a development scale to maintain compatibility and proportionality between nonresidential and residential land uses.
- f. Utilize the Master Street Plan and incorporate bike lanes, parkways and landscaped medians to preserve the character of the City and enhance the utilization of alternative modes of transportation.
- g. Site new residential areas accessible to roadways, alternative transportation modes, community amenities, schools, infrastructure, and retail and commercial goods and services.
- h. Minimize through traffic on minor residential streets, while providing connections between neighborhoods to encourage openness and neighborliness.
- i. Evaluate street design standards to provide context-sensitive streets, allowing for efficient access to commercial and residential areas for vehicles, pedestrians and cyclists.



Asbell Neighborhood



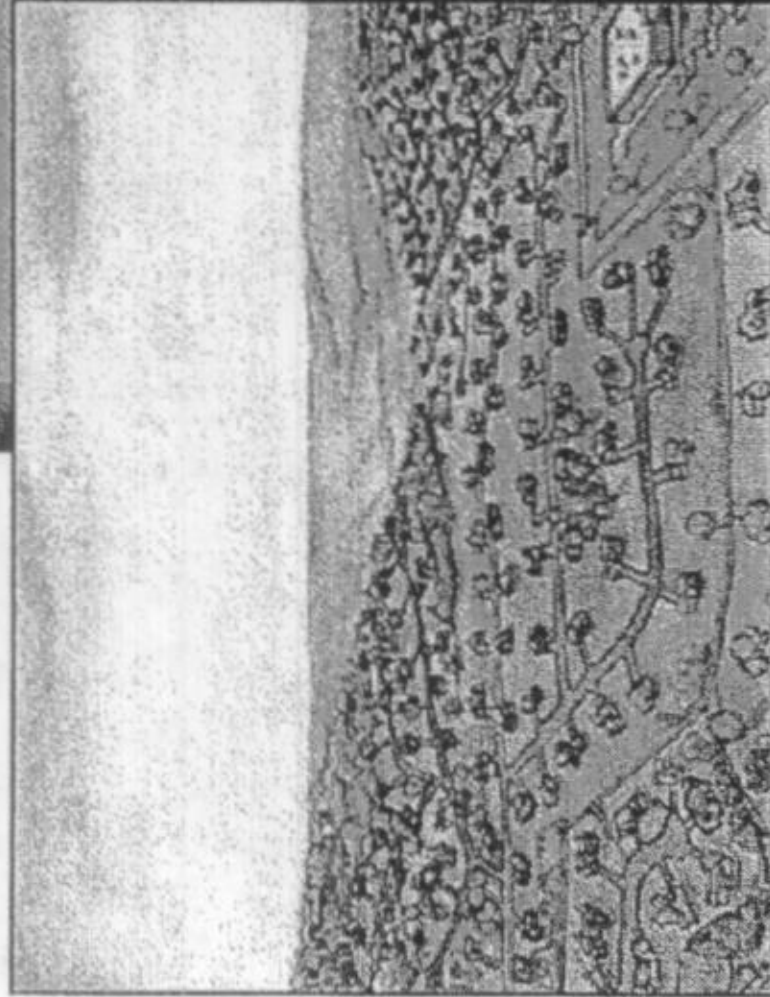
Mt. Sequoyah Neighborhood

**CITY
PLAN
2025**

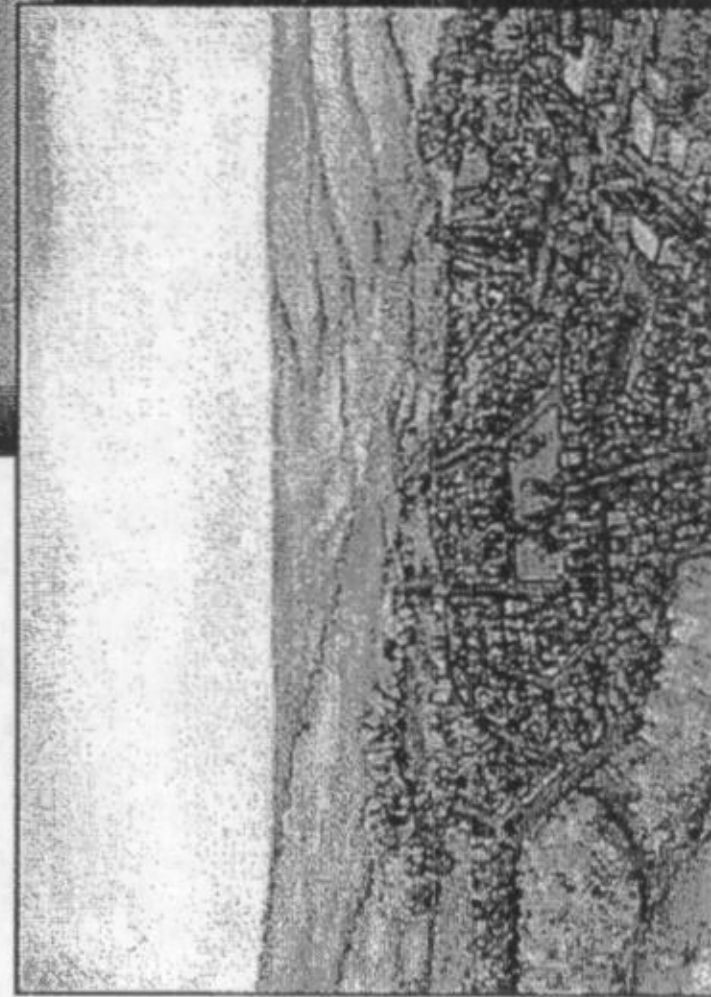


Residential Neighborhood Areas:

Residential Neighborhood Areas are almost exclusively residential in nature with naturalistic planting and conventional setbacks. This designation may have large blocks and irregular roads to accommodate natural conditions. This zone recognizes conventional subdivision development but encourages traditional neighborhood development that incorporates low-intensity non-residential uses. Developments should have a strong sense of connectivity where appropriate.

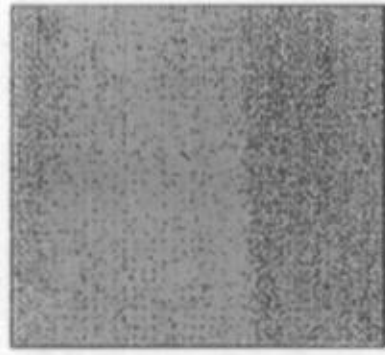


*Recognized: Conventional
Subdivision Development*



*Encouraged: Complete, Compact,
Connected Development*



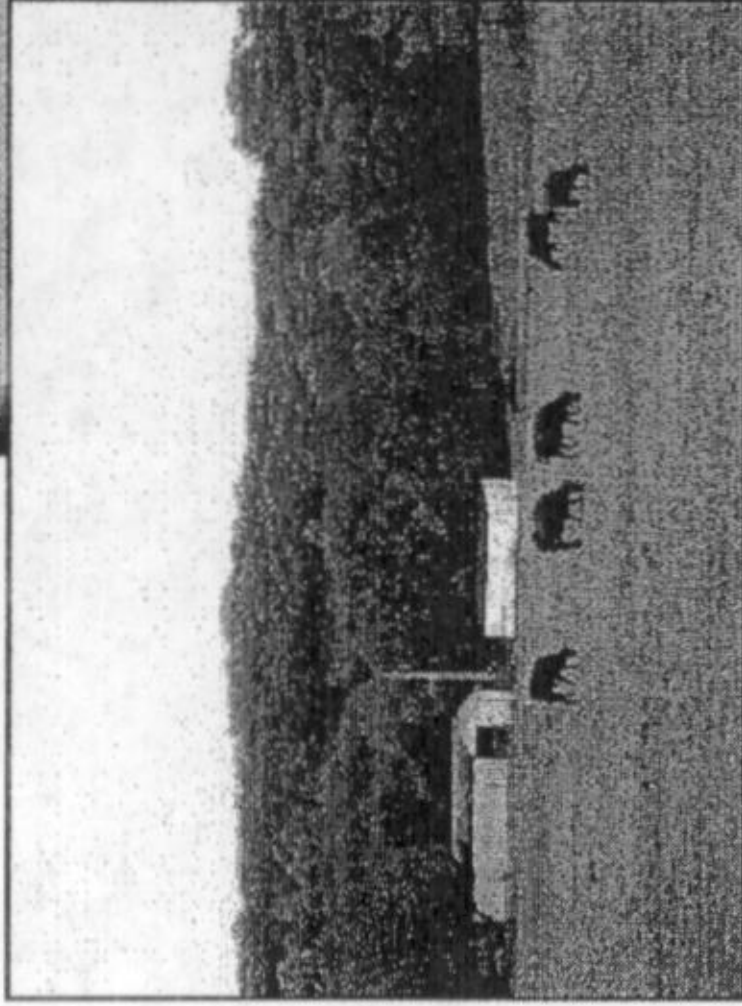


Rural Areas:

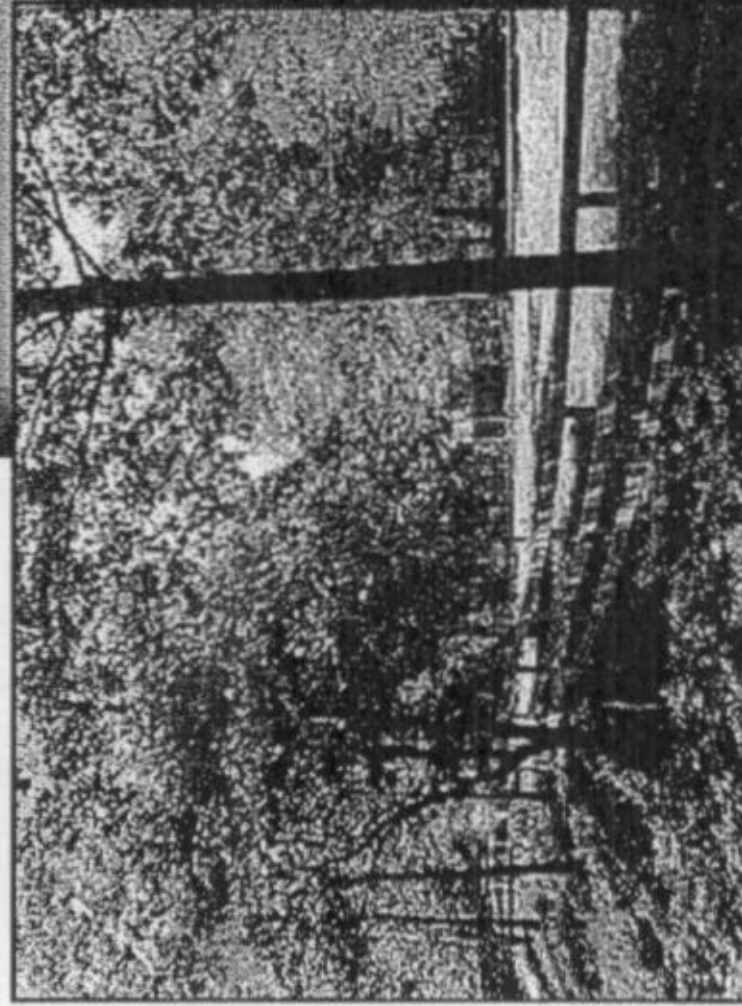
Rural Areas consist of lands in an open or cultivated state or sparsely settled. These may include woodland, agricultural lands or grasslands. These areas only have infrastructure and public services to support low-density zoning (i.e. 1 home per 15 acres or more). They do not have adequate transportation or public services to support urban development patterns at this time. Developments in these areas are not in close proximity to commercial services. This area encourages conservation and preservation in any development pattern.

Guiding Policies:

- a. Conserve open space and protect areas of significant riparian benefit, tree canopy and other environmental resources through cluster development provisions, density controls, protective easements and/or other development tools.
- b. Allow and encourage historical agricultural and related uses to continue and to occur as permanent land uses within planned developments.
- c. If developed, encourage alternative development patterns to achieve compatibility with surrounding rural areas.



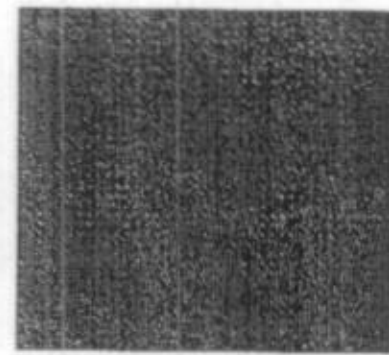
Mally Wagon Road



Archer Farm

CITY
PLAN
2025

12.1.2 Future Land Use Map Designations

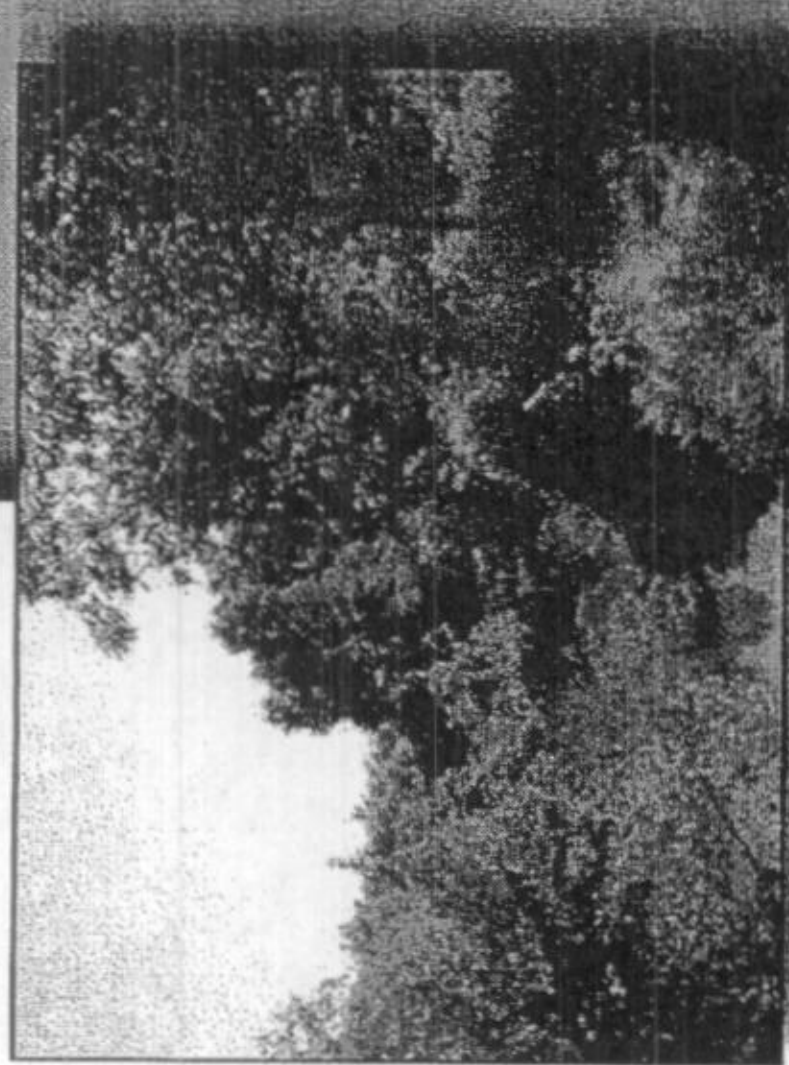


Natural Areas:

Natural Areas consist of lands approximating or reverting to a wilderness condition, including lands with limited development potential due to topography, hydrology, vegetation or its value as an environmental resource. An environmental resource could include stream and wildlife corridors, and a *Natural Area* designation would establish a buffer that prevents degradation of these areas. This area requires conservation and preservation in any development pattern.

Guiding Policies:

- a. Preserve a network of habitat and open space, protecting biodiversity and enhancing the City's quality of life.
- b. Preserve native vegetation and meet the habitat needs of multiple species.
- c. Encourage recreational and educational opportunities in appropriate areas to enhance appreciation for existing environmental resources.
- d. Identify areas of environmental concern and protect and preserve environmental resources.



Clabber Creek



Lake Wilson

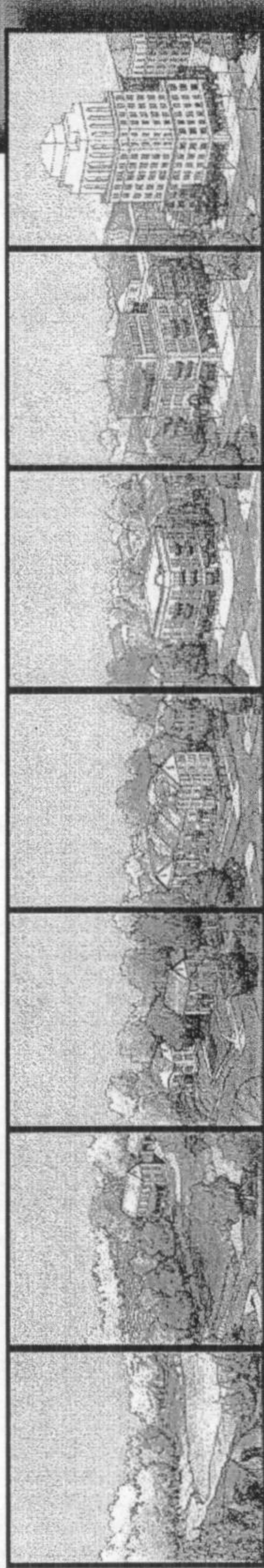
CITY
PLAN
2025

ADM 06-2252 Future Land Use Map
Page 8 of 40

12.1 FUTURE LAND USE PLAN

12.1.1 Introduction

Rather than separating uses, the Future Land Use Map promotes a form-based development pattern, incorporating key elements from the SmartCode, which utilizes a “sequence of environments...that...identify a set of habitats that vary by their level and intensity of character...”



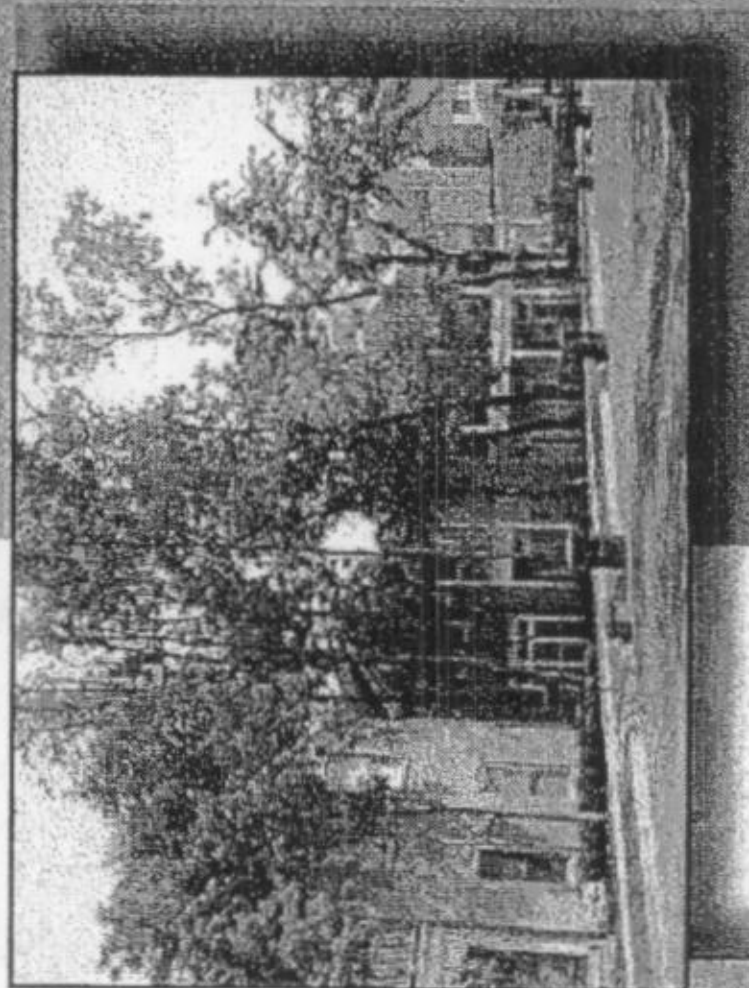
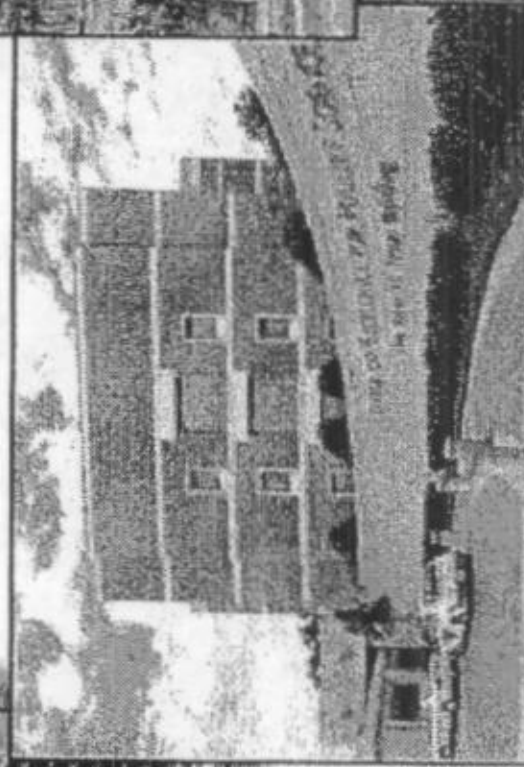
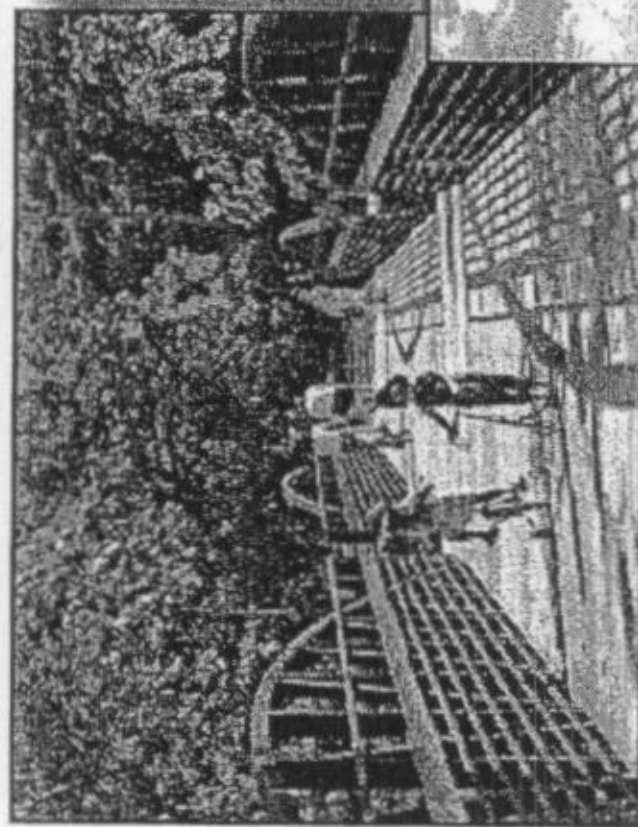
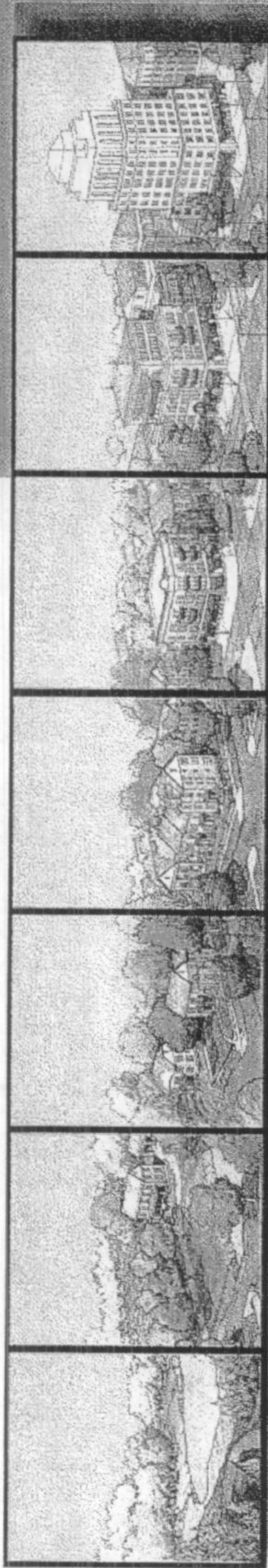
Planning staff first identified the areas from the SmartCode transect that seemed appropriate for both Fayetteville's current development patterns and the vision for development patterns as expressed in City Plan 2025. These area descriptions were then modified to address Fayetteville's resources and development characteristics. The areas are:

- Natural Areas
- Rural Areas
- Residential Neighborhood Areas
- City Neighborhood Areas
- Urban Center Areas
- Complete Neighborhood Plan Areas
- Civic and Private Open Space Areas/Parks
- Civic Institutional Areas
- Non-Municipal Government Areas
- Industrial Areas

Each area is defined on the following pages and accompanied by examples and guiding policies. The Future Land Use Map will be formally reviewed and updated by the Planning Commission and City Council annually to reflect policy decisions and changing circumstances.

12

Guiding Policies



- 12.1 Future Land Use Plan
- 12.2 Master Street Plan
- 12.3 Annexation

**CITY
PLAN
2025**

RESOLUTION NO. _____

A RESOLUTION ADOPTING THE FUTURE LAND USE MAP
AND ASSOCIATED TEXT AS PART OF THE CITY PLAN 2025
COMPREHENSIVE LAND USE PLAN FOR THE CITY OF
FAYETTEVILLE.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas
hereby adopts the Future Land Use Map and associated text as part of the City
Plan 2025 comprehensive land use plan for the City of Fayetteville.

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

APPROVED:

By: _____

DAN COODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk

Anthes: Are they coming back?

Clark: Their stuff is still here.

Anthes: Oh, Ok

Morgan: Do you guys need us?

Anthes: We have a development, item to discuss after this that sure would be nice to have current planning here for.

Morgan: Ok

Anthes: Sorry. Is that possible?

Morgan: Sure.

Anthes: Ok, thanks. Sorry to interrupt you.

Minkel: That is fine. One of the important things to remember about the Natural Area is that this is an area that requires conservation and preservation in any development pattern. The next area is the Rural Area. There are two pieces to the Rural that we have identified. One is, they may indeed be valuable agricultural land. The second piece, these are also areas that do not currently have the infrastructure and public services to support high density type development. These are areas where we would strongly encourage conservation and preservation in any development pattern. The third area is the Residential Neighborhood Areas, which you see in yellow. These are all exclusively residential....

Ostner: Mrs. Minkel, I'm sorry, that area that you just mentioned before you got to the yellow?

Minkel: Yes?

Ostner: Was that the lighter green?

Minkel: It is the light green.

Ostner: In the first area you talked about was the dark green?

Minkel: Yes, the dark green.

Ostner: Ok, I'm with you.

Planning Commission
October 23, 2006
Page 3 of 15

Minkel: These are almost exclusively residential in nature, although they would allow for potentially home offices. They also recognize conventional suburban development, but we would encourage a more traditional neighborhood type pattern where we would have complete, compact connected neighborhoods. It would also recognize area where the topography doesn't allow for that complete, compact connected neighborhood. For example, Mt. Sequoyah is used as the example. We also really wanted to recognize neighborhoods that are settled and have been in place for a long time and we don't imagine that they will be re-developing at any point in the near future. The next area we identified was City Neighborhood Areas. These are primary residential but they do allow for commercial, mixed use development at intersections. They do encourage the complete, compact, connected neighborhood type development and would include a wide range of residential type buildings. The next area is the, and that's in the blue, and it also recognizes several conventional commercial stripped development, as well. The next area would be our most intense type development which is the Urban Center Area. It is the equivalent of a main street. It would incorporate many types of building types. It accommodates retail offices, row houses, and apartments. This is where you would have your taller buildings, the most intense dense development patterns within the city as well as the greatest variety of buildings. Then we have a number of areas that are not part of what you would see in the transect pictures, but are important areas of town and that is civic and private spaces, and park areas recognizes not only parkland but also private open space, so our golf courses and cemeteries are all in the olive color. The Civic Institutional Areas recognize areas that include both our municipal government as well as other non-profit. An example would be The Boys and Girls Club or The Blair Public Library. I mentioned complete neighborhood plans earlier, and in that case, we would refer to that specific plan, for example, The Downtown Master Plan. There are also other projects that are in the pipeline that, I will finish this one and you can stop me.

Ostner: Ok

Minkel: That...

Ostner: You keep forgetting colors.

Minkel: Yes, this is in the red.

Ostner: Ok, in the Civic Institutional?

Minkel: Civic Institutional is in the dark brown.

Ostner: Ok.

Planning Commission
October 23, 2006
Page 4 of 15

Minkel: And for the Complete Neighborhood Plans, there are projects in the pipeline that might also be considered a Complete Neighborhood Plan. What staff would recommend is that these be determined upon the final plat approval. The next area is the Industrial Areas which are in the light blue and I want to emphasize that this doesn't include all industrial, so this just would be heavy industrial or industrial uses where by function or because they have a certain noise or odor they would not be compatible with other uses. Currently, there are a lot of industrial uses that could be mixed with housing and office space and it wouldn't be a problem, so this is reserved for those industrial uses that couldn't be integrated with other uses. One example is the Industrial Park. The final area we have is the Non-Municipal Government Areas that are in the light beige. Those are areas that city's does not have jurisdiction over, such as the University of Arkansas or county areas. These area designations are consistent with the City Plan 2025. They meet all of the goals that have been laid out in that plan. The City Neighborhood Areas and Urban Center Areas generally reflect the in fill and intended growth areas in the City Plan 2025 sector map. I have brought some of the maps that also helped us complete this map. We recommend that the proposed Future Land Use Map be forwarded to the City Council for adoption. Thank you.

Anthes: Thank you Mrs. Minkel, before you sit down, would you talk about the level of staff involvement in rendering the map? And how that has compared with other efforts.

Minkel: I would say that all of the planning staff members have touched this map. And not just touched it, but really looked at it and evaluate it. Both the text and the images. All Current Planning and all Long Range Planning have looked at it independently and then also as groups, multiple times and in workshops where we have spent several hours looking at a large map and also looking in different sections to make sure it reflected both what was currently there, what we wanted the city to be, and then just cleaning up different parcel areas. One thing that we are still working on making sure is completely accurate are the conservation easements throughout the city; there hasn't been a comprehensive map developed, as far as we know by any organization, so we have been trying to gather that data and we have some general ideas of where they are. We would ensure that it was completely accurate before final adoption.

Anthes: Thank you very much, as there are no members of the public here to speak we will go forward and ask for the Commissioners comments.

Myres: Can I go ahead and not comment and make a motion, that we forward ADM 06-2252 The Future Land Use Map to City Council for adoption with a recommendation for approval.

Planning Commission
October 23, 2006
Page 5 of 15

- Ostner: Second.
- Anthes: I have a motion for forward by Commissioner Myres, a second by Commissioner Ostner. Is there any discussion?
- Trumbo: Since we are going to use this map to, I believe, staff and all of us look at this map when any development comes though, the Rural Areas, which is quite a bit of property there. I guess this is a question for staff, if someone wants to put in a subdivision in a rural area, which we have happening now, the infrastructure is not, they are putting in the steps system and other things to get around that, how's staff going to look at this? If its green and what are they going to recommend for a subdivision that someone wants out in the middle of a green area?
- Minkel: I would imagine staff would not recommend rezoning, if it is currently zoned as rural.
- Morgan: And a lot of the areas identified on this map as rural, or natural, are not yet in the city, so we don't have the zoning regulation. We do have some criteria for lot minimums and etc. in the planning area, but at this point in time, if we are looking at development we have to go on our regulations for the County, or what the County requires.
- Trumbo: But, what about the part that's in the city?
- Morgan: The part that's within the city, if it's not yet zoned for RSF-4 to develop as that or some other zoning, then we would take this map into consideration when recommending our rezoning.
- Trumbo: For denial?
- Morgan: Most likely yes. We would have to look at all the circumstances but we would use this as our Future Land Use. Our interim Future Land Use Plan says broad residential, so if they came with commercial, we would really scrutinize that, since its going against what our...
- Trumbo: What about residential? Specifically?
- Morgan: In a area that is identified in the green?
- Trumbo: In the green area in the City Limits.
- Morgan: We do have this, Karen can explain maybe how it's written, but it does call for very large lots. It would most likely be not in favor of a rezoning that would allow high density in these areas.

Trumbo: Ok.

Minkel: I should also mention to you that we have shared this map with the county planners as well, because, as you know, they're going through their discussion of zoning in the county. So we have talked a little bit about on how this map might reflect what we would like to see in the immediate area around our city boundaries.

Anthes: Maybe follow up, if I might, there was some discussion that maybe was at agenda and you were talking about how this map would be used that it's a tool, that there are other things you weigh, and then also the fact that there was some statement about how this map changes over time. Can you elaborate on that?

Minkel: Right, and I think what Suzanne said is completely true, that this is one of several tools that staff uses to analyze whether something should be rezoned. The other issue we wanted to really identify in this map with the rural areas is that, if we do in fact think it should be a rural area then what kind of density does that mean, and we threw out one unit per fifteen acres, which we think is truly agricultural and rural. However, we also think there are areas that may develop over time and could be updated every 5 years and we re-look at where can our infrastructure support urban development. I think that it is true, that this map would have to be re-evaluated every 5 years, in terms of where we do the infrastructure and public services to service urban development. We looked at this map right now, we looked at what was currently there and the rural areas (coughing in background)...Sparsely settled or because of topography or other different natural features, high density urban development wouldn't be appropriate.

Anthes: Any further comment? I'm sorry, didn't realize you weren't finished.

Trumbo: I understand that there are other things we look at, but this map, being on the Commission for three years, it's real easy to at the map and say: "Well, it's not on the 2025 Plan, I'm not going to support it" It's one of the reasons I don't want to sound like I'm for development of these rural areas to any density. Particularly, its case by case, somebody will take case by case bases, but I'm going to vote against forwarding this map until we get a little bit more clarity on how that can be developed if someone so chooses. I think, we're almost, what I'm hearing is that we wouldn't approve any subdivision or dense standard housing development in these areas, and that's a big switch from what we're doing. So, I'm going to vote against it, just at this level. So, City Council wants to stop and take a good look at that and make sure that's what they want to do. Also had a question in the southern part, on 71 where the airport is, it's in the beige, that's my understanding that's not for profit area?

Planning Commission
October 23, 2006
Page 7 of 15

- Minkel: We felt that area was governed more by the FAA than the City, which is why it is shown in the Non-Municipal Government color.
- Clark: First of all, I applaud the fact that we are getting a collection of the conservation easements. I think that's long overdue. I think it's something the city needs to keep up with. I'm really glad that it's finally going into play. Secondly, thank you for adding the Industrial designation, I think it's very important. Although, I do have a question about it. The way I see this map, I think we had this discussion awhile back, if I'm thinking about moving my business into Fayetteville, this may be one of the tools I'll look at. Let's say I do have a heavy industrial need, there's not a lot of blue on that map, which might make me say: "Ok, Fayetteville is not my town, I need to go someplace else". At that point, we have lost a potential employer, potential tax payer, and a potential good citizen. Without having every having a hearing, without even coming here, just looking at the map. That concerns me a little bit, and the way industrial is written, the verbiage concerns me even more. It really sounds like industrial areas are for the bad things. I can't find my stuff, of course, because it's in the back. Here we go, "...intrinsic function, disposition or configuration cannot conform to one of the other designated areas and/or may generate noise or odor associated with production and requires the area to be separated from other uses." I'll point out that our industrial park; one of the guiding principles there is to encourage green development. Yet, you've kind of counter defined it with this wordage and verbiage. Wordage and verbiage, isn't that good. Ok, I'm much better before nine or ten o'clock. And that kind of concerns me because I really think this is a good PR tool for the city. I think we need to encourage industrial residents that are green, and that is what the industrial park is supposed to do. I don't see it yet in this map. I'm a little concerned by that, and I certainly, I understand what Commissioner Trumbo is talking about as well. I think we still have some fine-tuning that might be done. I know that there's incentive to just send it on to Council but I'm not so sure that we shouldn't keep working a little bit more on and I will be willing to sit down and meet, if you want to, to go over this stuff so we have it where we want it to be before we give it to the Council, so they don't have to do this committee work.
- Myres: Where do you want more blue?
- Clark: I think I want more, the verbiage is what I'm really having difficulties with because it's counter to what the industrial park is already defined as. It promotes green use, that is what we said inside and industrial park. That's not how it read, this is where all the smelly, noisy stuff is go to and we don't want smelly, noisy stuff, so..

- Myres: But we do have.
- Clark: I'm building out there, bite your tongue.
- Myres: No, but we do have industrial areas that do smelly, noisy things. So do you want a light industrial?
- Clark: Well, we (overlay in voices) allow them but I'm just saying if I don't have a smelly, noisy place, and I'm looking for industrial property, and I'll look at that map, I'll go: "Forget it, I'm not going to Fayetteville, I'll go someplace else."
- Myres: But you're also forgetting the Chamber of Commerce.
- Clark: I try to do that on a regular basis.
- Myres: I know but...
- Clark: But, this is a city tool.
- Minkel: Madam Chair, may I respond to Commissioner Clark.?
- Anthes: Yes, and I was going to ask you to clarify, I believe you said something during the initial discussion about that this is to designate Heavy Industrial areas and if that's the case, can you suggest verbiage that would clarify it?
- Minkel: Right, I was going to say, I think it's a difference in how it should be worded rather than intent because, we also would encourage green industry and I think our feeling was that if you were a green industry, you probably could be integrated with other uses. Therefore, it would fit into the Urban Center area, possibly. That was our thinking on it, but we did need areas reserve for industries that couldn't do that. It was challenging to find areas in the city where this map I think would be welcomed by the majority of population with that heavy industrial type use. I wonder if something could possibly be added to the Urban Center area that says something about green industrial uses being welcomed in those areas, which would open up a lot more room on this map for the type of industry you are talking about, and I would welcome any suggestions you would have on possibly rewording our current industrial area description.
- Clark: I would also point out that land is reserved especially for green industry and that why it's priced so low, which is controlled by the city. People need to know. A lot of people don't even know we have acreage out there for \$20 thousand an acre, could be land run down, but encourage all types of tax place buildings stuff would be a good thing.

Planning Commission
October 23, 2006
Page 9 of 15

Myres: Now that you've announced it on late night television.

Ostner: Both people watching just perked up.

Ostner: May I have the floor, are you done?

Clark: Sure.

Myres: Sure.

Ostner: I have a question that goes back to Mr. Trumbo's comments, where is the City Limit, currently? Is it basically between yellow and green?

Minkel: No.

Ostner: Basically into the green a little?

Minkel: No, there is an orange line that is probably difficult to see from where you are sitting. It's here, the orange line.

Ostner: OK.

Minkel: If you can see here, it comes up though here.

Morgan: And if you can see, it comes from here to here, the red line shows (can't hear them)

Ostner: Ok, that's our old one that we were discontent with. Right, you are just showing me the city limit.

Anthes: But that is the sector map that we did adopt.

Minkel: Yes, it's not the Interim Future Use Map.

Ostner: So, it's safe to say that you tried to ignore current City limits and really looked at land? Because you've got yellow land that is outside our City limits and you've got green that's inside the City limits.

Clark: Absolutely.

Minkel: That is true.

Ostner: Ok, so you didn't necessarily say the City limit is here and it's all green out there.

Minkel: No, we looked at it as an entire planning area.

Planning Commission
October 23, 2006
Page 10 of 15

Ostner: Ok, that's a difficult issue. The Council needs to, this will take awhile. I would wonder though, if this doesn't balance the areas that could be annexed and could be yellow, especially out west. While trying to preserve the rural atmosphere of a bunch of that land. I would hope that as we use this, we break the General Plan all the time now. It's just something that staff looks at. They say, you know what, this is really not in the General Plan. It's almost, which came first? The chicken or the egg? If we could agree on something like this, of course we don't have to do it tonight, but we've got something to change. I guess that's my point. Maybe there should be more yellow out there eventually. But I think it's, I think it might give people a sense of security that we are actually putting a line on a map. Hey today, this is enough yellow, cause there's a bunch of yellow that's not developed. I don't want to say no to subdivisions. I guess I want to find a balance.

Trumbo: I agree with you, I agree and my point is that I know that this could have been approved unanimously pretty quick, but that's a gray area and my fear is, I just want to make sure we're not go in and just say no. Can't have it, there's a lot people involved here, property owners. I would assume the vast majority of them would want the preservation, protection. But, my message to City Council is they might want to take a good luck at that and then see what you want there in these areas. It's been debated in various forms back and forth. I want more to vote to take a look, and why did one person say no. Everything else is great, by the way, the commercial, the mixed use, the purples, and the dark blue. I looked all though that's great, and I love definitions and where were heading and it all makes sense, including the yellow.

Clark: I think what you two both were pointing out is that it's incumbent upon us to keep this map relevant and up-to-date. Because I think it will change as City services encroach further out from the center of town into these developing areas, some of that's gotta change. I mean that's what some of the subdivisions come in, but right now, I like having that so that when we have somebody out in the central lands who proposes a two hundred forty-house subdivision we can say RSF-4, no we can't do that yet, because sewer is not there, water is not there, we don't have the infrastructure. But I do think this makes it incumbent upon staff and the City to keep this as a very ongoing updated map and not just let it sit around until we do a 2035 or 2045 plan. Maybe that will solve some of your problems. Maybe when you see it gets closer, than ok, these services are there, we'll change the color.

Anthes: Commission Clark, were you finished?

Clark: Absolutely.

Planning Commission
October 23, 2006
Page 11 of 15

Lack: I remember when Dover Kohl made the presentation for the 2025 Plan and one question even in the charrettes, when we met with them, with Mr. Dover, the question that I had was how do you tell Farmer A that his land is suitable for conservation and Farmer B that his land is suitable for development. This is something that I expect, I fully anticipate a very health debate over, as this gets to City Council and obviously nobody anticipates that we are an authority on it, so they will, because they are not here tonight, they will wait and make their comments at that time, I'm sure. But, there were several different avenues that Victor expressed at that time. In the equalization of value, and that's where my concern comes in, is that when we restrict and regulate where development can happen and we denied development rights to certain people and not to others, then we alter values of property inconsistently. His discussion was that as we seek to by our 2025 Plan, to densify our downtown, that there would be need for maybe banking of green space or natural environment and that you could establish a system in which you get points. Then which you can actually pay into a land trust a farmer B who we suggested that he not develop his land can receive funds to hold his land in a land trust to counter and offset a more dense development elsewhere. I think that the thing I would really to see would be a more mixed plan so that were not just a concrete city with green fringes. I would like to see more green area introduced and that become more and more difficult because the land in the areas that are already developed are already perceived as having that greater value. That just compounds that problem. I don't know if I am 100% comfortable with the amount of yellow, amount of green, or the restriction of regulation in such a hard manner in what we are proposing, but I do believe that it is consistent with the 2025 Plan that the City has adopted. With that, I'm comfortable to send the map forward and let that debate begin were it counts, at City Council.

Anthes: Are there any other comments?

Ostner: I think if you've been the third fastest growing city in America and you are currently the 12th/15th fastest, you shouldn't do this every five years. You should do it, you should do it every year if you could afford it. Every three years would be incredible. The amount of time, excuse me, the difference the past five years have made this map could have changed tremendously, for the better. For us to have more tools and for the Council to have more tools, I would strongly urge staff, I know it's expensive, but now that you've got hopefully something like this I would hope you don't have to completely reinvent the wheel every time. I would hope the map could be looked at more frequently than the entire document. I've thought that before, the reason I am comfortable with it, is that if a package plan were proposed today as we have grappled with, frequently, and we are going to see a lot more of them, in one of those

Planning Commission

October 23, 2006

Page 12 of 15

green areas we have a leg to stand on. To say "No", not today. Look how far away you are from what we think is appropriate. We don't have any tools like that now. Now, if he was real close, we have a line in the sand that we have drawn, no wait a minute, maybe, you are only two hundred feet of sewer extension. Those package plans are changing everything and I think this is a good start towards this a leap frog, domino development that can really ruin our country side. Cause water is lot easier to obtain out there, with rural water authorities.

Anthes: Thank you Commissioner Ostner, Karen will you read the number one goal of the 2025 Plan?

Clark: This is a test.

Minkel: We will make appropriate infill and revitalization our highest priority.

Clark: There you go.

Anthes: I think that when we look at our number one goal of our plan and we start to formalize that on a map, this does it. When you talk about that your highest priority is infill development, then other places have to be given lower priority for development. It goes hand and hand. I appreciate that the staff has looked at slope and waterways and flood planes and all those other things. Looked at other groups, like the Fayetteville Natural Heritage Foundation when you start seeing how the future can lay out on the actually ground that's out there. Its just not color blocks on flat land that's of equal character from edge to edge. I know that's pretty much how (inaudible) and zoning was done. So, what we have here is a tremendous step forward in that it relates to the specifics of, it begins to relate to the specifics of our region and our place. I also appreciate that it starts to talk about concurrency and infrastructure development and I know that's in our plan and I look forward to the City working on that further and planning stuff coming back to us and talking about what concurrency and development really means. As we talked about last time, we saw this when we asked you to go back and we said ok, we looked at a small set area of the city and we looked at these definitions and we said that the definitions looked good, make these modifications, and the method you are using looks to be correct, lets see it on a wide-scale. When I see it on a wide scale, I can wholeheartedly endorse the work that staff has done and said that the method is absolutely correct—that this is the best embodiment that I could see that we could do on a broad, city-wide scale, to begin to visualize the patterns that would be created on the ground by the goals that we've unanimously adopted in City Plan 2025. So, I'm thrilled to see it, I'm wholeheartedly going to vote to forward this tonight, and my only question would be on the definitions, just to add heavy industrial areas to the blue and then maybe not putting it, the green

Planning Commission
October 23, 2006
Page 13 of 15

industrial comments into the other zoning districts but making some clarification at the body of the industrial zoning page and talk about the fact that we do have areas and would encourage these other kinds of industrial development and we would be happy to look at those projects and see where they would fit into the other zoning uses, zoning areas appropriately.

- Ostner: I do have a specific question, why isn't our only I-PZD shown as blue? Another quick test.
- Minkel: I'm not sure.
- Ostner: Karen, you don't have to know it.
- Clark: She's like the deer in the headlight look..
- Ostner: Our only industrial PZD is at the corner of 6th/540. It's Wal-Mart Optical. It's not blue.
- Clark: Yes it is, you're right.
- Anthes: But is that considered heavy industrial?
- Ostner: I don't know, it's an I-PZD, our only one. I'm not sure if it's called heavy but right now this is just industrial. I think this covers heavy and light, if you're altering our current zoning to sort of mesh into this. All of our industrial lands I,-1,2,3 are all blue, light, medium, and heavy.
- Minkel: Right, it wasn't our intention, though, to make sure that light industrial was specifically included in, but we are calling this the industrial area designation. We thought there were light industrial uses that would be compatible with residential, office, and other commercial uses.
- Ostner: And that would fit in other colors too? I haven't read this word for word, but it sounds like you are trying, I just wanted to throw that out that it's zoned industrial PZD but it's colored, what's Purple?
- Minkel: Urban Center.
- Ostner: Urban Center, Ok.
- Clark: I have no problem if the conclusion of the Commission is to forward this, I have no problem forwarding it, I think you guys can fix the language and ensure what we have talked about. I would hope, however, that City Council gets the minutes of our discussion on this particular item. I don't care if they get the minutes for the rest of the meeting, but on this

Planning Commission
October 23, 2006
Page 14 of 15

particular item, I would very much like to make sure that they can at least read what we reflected upon and hopefully we'll elaborate on it and/or fix it.

Motion:

Anthes: I may suggest to0 that they also look at the minutes of the meeting were we discussed this previously, when we went though the definitions and descriptions. Ok, we have a motion to forward by Commissioner Myres with the second by Commissioner Ostner. Commissioner Myres had to leave and the City Attorney's not here and I'm not sure about how we act on motion that was made by someone who's no longer in the room. Does anyone have any thoughts on that?

Trumbo: I think it would be appropriate to go ahead and vote. There is not much else we can do. We could vote no against that, her motion, then come up with another one for approval?

Anthes: However we think is legal, we will just go for it.

Ostner: I think it's fine if we just go down the line, before we vote I would like to pose the question, we have never visited the City Council. If members have comments that they fell are important, I don't think a personal visit would be out of bounds. We are not bossing their business, it's very clear that this is their deal and we're just looking at it. I think they value our opinion and this is our thing. If other members are amendable, I would be willing to just walk down there and just talk to them, as a group. In stead of asking them to read our minutes. They might even ask us questions that group meeting we had awhile back I thought was fairly productive. It's just a suggestion.

Anthes: Karen, does this go to ordinance review first or directly to Council?

Minkel: It goes to ordinance review.

Anthes: Well, that I might say might be the best time for something like that to happen and you might tell Mrs. Thiel who I believe is still chairing that committee. Thank you for Mr. Ostner, for the comments and offer.

Ostner: I can't make meetings during hours like ordinance review, but I can come up after hours to City Council. I believe ordinance review is during the day, right?

Minkel: I know it begins earlier, but I think it usually goes past the typical day.

Ostner: 3 or 4ish?

Anthes: I think I had been to one at night, I think, but I don't know, maybe it was just a long one. Ok, are there any further comments?

Ostner: Who's going to call the roll?

Minkel: I have the roll in front of me.

Anthes: Oh, Karen's going to call the roll.

Minkel: I'm doing both.

Roll Call: The consent agenda is approved by a vote of 6-1-0.



THE CITY OF FAYETTEVILLE, ARKANSAS

INTERDEPARTMENTAL MEMO

To: Mayor, City Council

Through: Tim Conklin, Planning and Development Management Director *T.C.*
Karen Minkel, Senior Long Range Planner *K.M.*

From: Kristina Jones, Long Range Planning Technician *K.A.*

Date: November 14, 2006

Subject: Future Land Use Map, Public Comments

City Council will consider adopting the Future Land Use Map at the upcoming meeting on November 21, 2006. An open house was held at the City Administration Building and the Fayetteville Public Library, where approximately 35 to 40 people, including members of the public and City Staff (outside of the Planning Division) attended. Participants viewed a 15 - minute presentation on the Future Land Use Map, asked questions and filled out a brief survey with comments about the Map. Please find attached comments in your consideration of the Future Land Use Map. Please call Karen Minkel or Kristina Jones at the Long Range Planning Division (575-8267) with any questions.

Tabled to the Dec. 5th CC mtg 11/21/06

City Plan 2025: Future Land Use Open House, November 8, 2006

Public Comments and Feedback

Question 1: What do you like about the map?

Question 2: What would you change about the map?

Citizen 1:

- 1) The focus of density in the areas already developed. Also the designated rural areas that will prohibit sprawl.
- 2) I would have more urban center designation adjacent to the university - possibly to the north? Garland and North? Just south of 6th? The area between Razorback and Duncan on 6th is particularly weak.

Citizen 2:

- 1) I like that the Land Use Map is based on the environmental sensitivity of land.
- 2) I would like to see more green space preserved within the residential areas and urban centers.

Citizen 3:

- 1) Love the designations used – zonings, icons and pictures are awesome.
- 2) Additional greenspace within central city.

Citizen 4:

- 1) I appreciate the size of the Natural Areas.
- 2) I worry about the large stretches of “residential neighborhood” designation, as if services for those residents MUST be driving distance. I would prefer to see corner services included in residential area zones OR, more City Neighborhood Zones sprinkled every ¼ to ½ mile throughout.

Citizen 5:

- 1) High density – traffic solutions? Apartment % to whole population? Apartments encourage transient population that have no ownership or respect for city.
- 2) Expansion of National Cemetery.

Citizen 6:

- 1) Shows steep slopes and forests.
- 2) The Ruskin project should not be high density since it is on steep and forested areas according to your map. We should keep this at max like the surrounding density or better yet, make a park.

Citizen 7:

- 1)
- 2) Arkansas Ave to West and Maple to the alley is no longer in the Downtown Master Plan – it should be blue. Corner of 16 (Wedington) and Bypass (SE corner) needs to be Purple –it is a major axis point to accommodate future growth to west. There are no other pieces of property that beg on inside on Wedington.

Citizen 8:

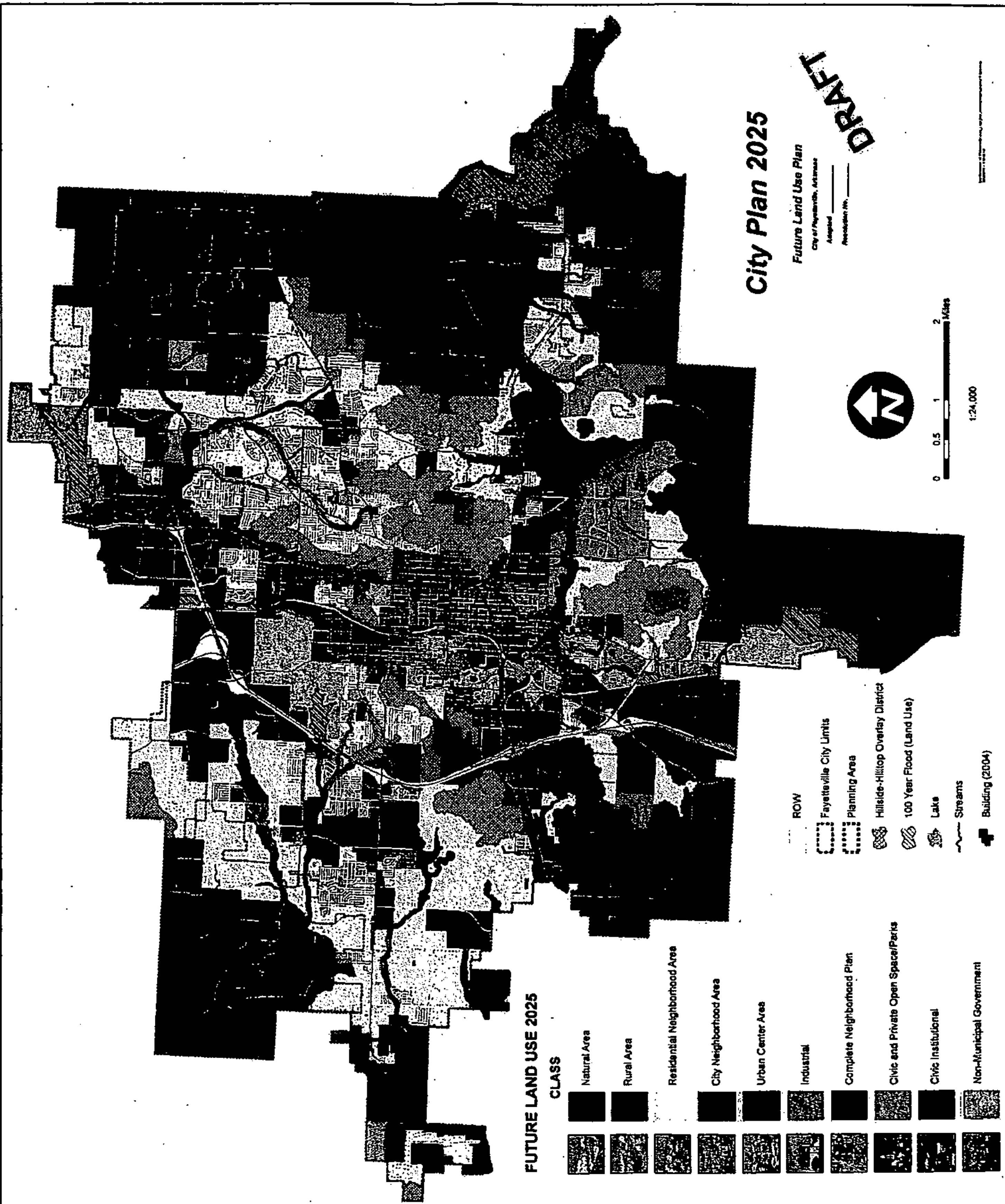
- 1) That it helps to clarify the intent of the plan.
- 2) ?

Citizen 9:

- 1) Preserve green agriculture and natural landscape. Encourage density and diversity. Discourage conventional strip development.
- 2) More fully designed areas such as downtown. Use Master Street Plan to develop a real city-wide grip.

Citizen 10:

- 1) Everything!
- 2) Not a thing; job well done!



City Plan 2025

Future Land Use Plan

City of Fayetteville, Arkansas

Adopted _____

Resolution No. _____

DRAFT



0 0.5 1 2 Miles

1:24,000

FUTURE LAND USE 2025

CLASS

	Natural Area		Rural Area		Residential Neighborhood Area		City Neighborhood Area		Urban Center Area		Industrial		Complete Neighborhood Plan		Civic and Private Open Space/Parks		Civic Institutional		Non-Municipal Government
--	--------------	--	------------	--	-------------------------------	--	------------------------	--	-------------------	--	------------	--	----------------------------	--	------------------------------------	--	---------------------	--	--------------------------

	ROW		Fayetteville City Limits		Planning Area		Hillside-Hilltop Overlay District		100 Year Flood (Land Use)		Lake		Streams		Building (2004)
--	-----	--	--------------------------	--	---------------	--	-----------------------------------	--	---------------------------	--	------	--	---------	--	-----------------

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

21-Nov-06
City Council Meeting Date

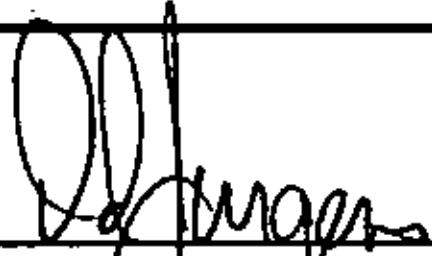
<u>David Jurgens</u>	<u>WW System Improvement Project</u>	<u>Water/Wastewater</u>
Submitted By	Division	Department

Action Required:

Fayetteville City Administration recommends approval of an amendment to the Engineering contract with the RJN Group, Inc., in the amount of \$953,049.00, for Design and Construction Phase Services pertaining to Technical Design, Engineering, Corps of Engineer and Stormwater Permit Issues for the West Side and Farmington Area Wastewater System Improvement Project, Subprojects WL-10, WL-11, and WL-12, and approve a contingency of \$40,000.00. Funds are available in Fiscal Year 2006 WSIP budget. This is a cost share between Fayetteville and Farmington; Fayetteville is executing contract management and oversight. Farmington is paying \$480,000 of the total amount, leaving a net Fayetteville cost of \$513,049.00.

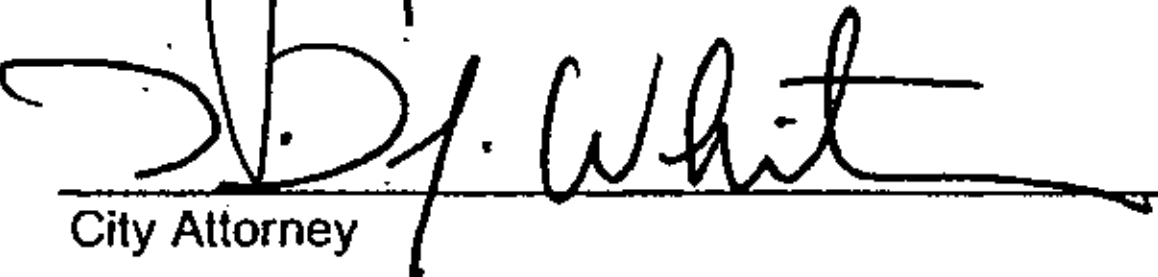
<u>\$513,049</u>	<u>\$ 114,765,766</u>	<u>Wastewater System Imp Project</u>
Cost of this request	Category / Project Budget	Program Category / Project Name
<u>4480.9480.5315.00</u>	<u>\$ 109,705,364</u>	<u>Water and Wastewater</u>
Account Number	Funds Used to Date	Program / Project Category Name
<u>02133-0401</u>	<u>\$ 5,060,402</u>	<u>Water/Sewer</u>
Project Number	Remaining Balance	Fund Name

Budgeted Item ☒ Budget Adjustment Attached ☐

 3 Nov 06
Department Director Date

Previous Ordinance or Resolution # 112-03

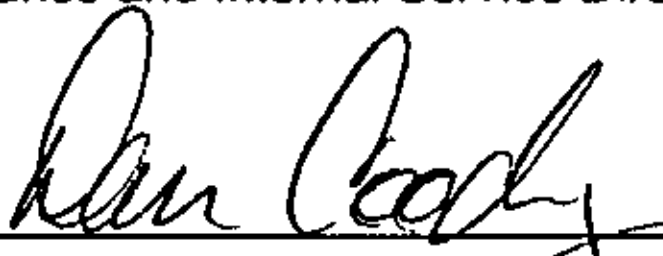
Original Contract Date: 7/15/2003

 11/6/06
City Attorney Date

Original Contract Number: 916

 11-6-06
Finance and Internal Service Director Date

Received in City Clerk's Office


 11/7/06
Mayor Date

Received in Mayor's Office


Comments:

Tabled to 12/5/06 City Council Mtg

CITY COUNCIL AGENDA MEMO

To: Fayetteville City Council

Thru: Mayor Dan Coody

From: Fayetteville Sewer Committee
David Jurgens, Water & Wastewater Director



Date: November 3, 2006

Subject: Approval of an amendment to the Engineering contract with the RJN Group, Inc., in the amount of \$953,049.00, for Design and Construction Phase Services pertaining to Technical Design, Engineering, Corps of Engineer and Stormwater Permit Issues for the West Side and Farmington Area Wastewater System Improvement Project, Subprojects WL-10, WL-11, and WL-12, and approve a contingency of \$40,000.00. Funds are available in Fiscal Year 2006 WSIP budget.

RECOMMENDATION

Fayetteville City Administration recommends approval of an amendment to the Engineering contract with the RJN Group, Inc., in the amount of \$953,049.00, for design and construction phase services pertaining to Technical Design, Engineering, Corps of Engineer and stormwater permitting for the west side and Farmington area Wastewater System Improvement Project, Subprojects WL-10, WL-11, and WL-12, and approval a contingency of \$40,000.00. Funds are available in Fiscal Year 2006 WSIP budget. This is a cost share between Fayetteville and Farmington; Fayetteville is executing contract management. Farmington is paying \$480,000 of the total amount, leaving a net Fayetteville cost of \$513,049.00.

BACKGROUND

Design work for the Farmington and southwest portion of Fayetteville portions of the WSIP was deferred pending the results of the Farmington-Fayetteville sewer negotiations. The negotiations are complete, and identified the desired layout of the sewer system in this area. The layout is functionally the same as that which was proposed in the WSIP Master Facilities Plan in August, 2001. Pipe and pump station capacities have been updated to match Northwest Arkansas Regional Planning's population projections through the year 2030.

DISCUSSION

This amendment covers final design, construction inspection, and wetlands and storm water protection best management plans for WSIP subprojects WL-10 (13,300' of 24" gravity transmission line), WL-11 (9,700' of 18" sewer force main from the lift station to the West Side WWTP), and WL-12 (relocated lift station # 12) in Farmington. RJN will perform design and construction inspection services as they have for all other aspects of the WSIP west line work. Due to the time constraints involved and the fact that both cities will be paying for portions of the engineering work, the environmental work is included as a subcomponent of this contract. Thus ECO, which is doing the environmental and stormwater design and construction phased work for the rest of the WSIP, is subcontracted to RJN for the work covered under this amendment.

BUDGET IMPACT

Funds are approved in the Fiscal Year 2006 WSIP budget. Costs will be shared by Fayetteville and Farmington. Farmington, in the sewer services contract, has agreed to pay up to \$480,000 of this engineering cost. Fayetteville will invoice Farmington and Farmington will reimburse Fayetteville.

RESOLUTION NO. _____

A RESOLUTION APPROVING CONTRACT AMENDMENT #4 TO THE AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES WITH RJN GROUP, INC. IN THE AMOUNT OF \$953,049.00 TO PROVIDE DESIGN AND CONSTRUCTION PHASE SERVICES PERTAINING TO TECHNICAL DESIGN, ENGINEERING, CORPS OF ENGINEERS AND STORMWATER PERMIT ISSUES FOR THE WEST SIDE AND FARMINGTON AREA WASTEWATER SYSTEM IMPROVEMENT PROJECT (SUBPROJECTS WL-10, WL-11 AND WL-12); AND APPROVING A CONTINGENCY IN THE AMOUNT OF \$40,000.00.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves Contract Amendment #4 to the Agreement for Professional Engineering Services with RJN Group, Inc. in the amount of \$953,049.00 to provide design and construction phase services pertaining to technical design, engineering, Corps of Engineers and Stormwater permit issues for the West Side and Farmington Area Wastewater System Improvement Project (WSIP Subprojects WL-10, WL-11 and WL-12. A copy of Amendment #4, 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 contingency in the amount of \$40,000.00.00.

PASSED and APPROVED this 21 day of November 2006.

APPROVED:

DAN COODY, Mayor

TEST:

SONDRA SMITH, City Clerk

AMENDMENT NO. 4
TO
AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES
BETWEEN
CITY OF FAYETTEVILLE, ARKANSAS
RJN GROUP INC.

WHEREAS, On July 15, 2003, the City of Fayetteville, Arkansas (City of Fayetteville) and RJN Group, Inc. of Dallas, Texas entered into an Agreement for engineering services in connection with the Wastewater System Improvement Project, and in particular the Westside Collection System Improvements (the "Project"). The scope of these services included the final design and bidding services, and

WHEREAS, RJN Group, Inc. has proceeded with these services in accordance with the scope set forth in the Agreement, and

WHEREAS, City of Fayetteville requests that the scope of RJN Group, Inc.'s services to be amended to accommodate design changes requested by the City of Fayetteville; and

WHEREAS, RJN Group Inc. agrees to provide the amended scope of services for a lump sum fee increase of \$1,095,291. A total of \$142,242 is remaining under Optional Services in the July 15, 2003 Agreement leaving \$953,049 to be included in this Amendment No. 4.

NOW THEREFORE, in consideration of the mutual covenants and Agreements herein contained, City of Fayetteville and RJN Group Inc., the parties hereto, stipulate and agree that the Agreement for Engineering Services dated July 15, 2003, is hereby amended in the following particulars:

SECTION 3 - ADDITIONAL SERVICES OF ENGINEER

SECTION 3, 3.2.2 - Revisions to drawings, specifications or other documents made necessary by adjustments in the City of Fayetteville's program, more specifically as defined in Attachment A attached hereto and made part of this Agreement.

SECTION 6 - PAYMENTS TO RJN GROUP INC

For the scope of additional services set forth in this Amendment No. 4 Fayetteville shall pay RJN the amended lump sum amount of **NINE HUNDRED FIFTY-THREE THOUSAND, FORTY-NINE DOLLARS AND NO CENTS (US \$953,049.00)**. The total amount of the Agreement including final design, bidding phase services, and construction phase services shall not exceed **FIVE MILLION, TWO HUNDRED EIGHTY-FIVE THOUSAND, EIGHT HUNDRED EIGHTY-EIGHT DOLLARS AND NO CENTS (\$5,285,888.00)**.

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

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be duly executed
this _____ day of _____, 2006.

City of Fayetteville, Arkansas

RJN Group, Inc.

By: _____
Dan Coody
Mayor

By: Hugh W. Kelso
Hugh Kelso
Vice President

ATTEST:

ATTEST:

Sondra Smith
City Clerk

Attachments:

Attachment A: Scope of Services

Attachment B: Cost Estimate

**CITY OF FAYETTEVILLE
AGREEMENT FOR ENGINEERING SERVICES**

APPENDIX A - SCOPE OF SERVICES FOR FINAL DESIGN PHASE

This is Appendix A, consisting of 6 pages, referred to in and part of the Agreement For Professional Engineering Services between City of Fayetteville, Arkansas hereinafter referred to as City, and RJN Group, Inc. hereinafter referred to as RJN Group, Inc. dated _____.

The following contains additional Scope of Services tasks for the Final Design Phase.

Generally, the project will include the final design of sewer improvements including an interceptor sewer, pump station, and force main necessary to reroute the areas tributary to the City of Farmington Lift Stations to the proposed Westside Wastewater Treatment Plant. A summary of the sewer improvements is presented in Table A-1.

PHASE I

PART A - PROJECT ADMINISTRATION AND MANAGEMENT

1. **Project Administration**
 - a) Perform Project Initiation activities
 - b) Perform general administration and project management activities.
 - c) Finalize agreements with subconsultants.
 - d) Perform RJN's internal project control including budgeting, scheduling, and quality control activities.
 - e) Prepare and submit monthly work progress reports to the City and Program Manager and confirm compliance with final design schedule.
 - f) Develop and maintain project Completion schedule throughout project.
 - g) Incorporate and maintain City's design standards and CADD standards throughout project.
2. **Coordination Meetings**
 - a) Attend project kickoff meeting with City staff and other consultants involved in project.
 - b) Attend monthly meetings with City staff and other consultants to coordinate design activities. (A total of 6 meetings is anticipated)
 - c) Meet with ANRC, AHTD, and ADHHS as necessary to obtain permits for construction of project.
 - d) Prepare and participate in a Value Engineering session with City of Fayetteville and City's consultant. One three (3) day session is anticipated. It is anticipated that RJN Group, Inc.'s Preliminary Design Report will serve as the basis for the Value Engineering Review. The accepted VE revisions will be incorporated into the final construction documents.
 - e) Prepare for and attend up to four City Council meetings with City of Fayetteville and/or City of Farmington to provide periodic updates on the progress of the final design as requested by the Water and Wastewater Director.

PART B - DESIGN SURVEY

1. **Surveys for Design**
 - a) RJN Group, Inc. will perform field surveys to collect horizontal and vertical elevations and other information which will be needed for use by RJN Group, Inc. in design and preparation of plans for the project. Information gathered during the survey shall include topographic data, elevations of all sanitary and adjacent storm sewers, rim/invert elevations of existing sewers, location of buried utilities where possible, structures, and other features relevant to the final plan sheets. The location of buried utilities will be based on information provided by utility companies and/or utility locates by Arkansas Call-One. RJN Group, Inc.

will not be responsible for actual location of buried utilities and contract documents will require the Contractor to locate utilities prior to construction. The location of trees will be in accordance with the City's current specifications.

- b) **RJN Group, Inc.** will provide all plans, field notes, plats, maps, legal descriptions, or other specified documents prepared in conjunction with the requested services in a digital format. All text data such as plan and profile, coordinate files, cut sheets, etc., shall be provided in the American Standard Code for Information Interchange (ASCII) format; all drawing files shall be provided in AutoCAD (DWG or DXF) format.

The minimum information to be provided in the plans shall include:

- 1) A Project Control Sheet showing ALL Control Points used or set while gathering data, generally on a scale of not less than 1"=40'.
- 2) Coordinates on all P.C.'s, P.T.'s, P.I.'s, manholes, valves, etc., in the same coordinate system as the Control.

2. Public Notification

Prior to conducting design survey, **RJN Group, Inc.** or its Subconsultant will notify affected residents of the project in writing. The notification letter shall be on company letterhead and shall include the following: project name, limits, Consultant's project manager and phone no., scope of survey work, and design survey schedule.

PART C – PERMITS AND EASEMENTS

1. Permits

During the design phase, **RJN Group, Inc.** shall coordinate with all utilities and other agencies affected by the Project. These entities shall also be contacted, if applicable, to determine plans for any proposed facilities or adjustment to existing facilities within the project limits. The information obtained shall be shown on the plan sheets. **RJN Group, Inc.** shall show the location of the proposed utility lines, and existing utility lines within the project limits. **RJN Group, Inc.** shall complete all forms necessary for City to obtain permits from Washington County and other agencies and submit such forms to the City. City shall be responsible for forwarding the forms to the affected agencies for execution. A total of one (1) permit is anticipated.

2. Right-of-Way/Easement Preparation and Submittal

- a) **RJN Group, Inc.** will conduct research for availability of existing easements where construction is probable. Temporary and permanent easements will be prepared based on available information. The City will negotiate and obtain the necessary easements. A total of 38 easements are anticipated.
- b) Revise easements as required to obtain approval from property owners. A total of 9 revisions are anticipated.

3. 404/Phase II Stormwater Permitting

All required 404 permits (Wetland delineation and mitigation) and Phase II Stormwater permits will be prepared by a subconsultant to **RJN Group, Inc.** **RJN Group, Inc.** will coordinate permitting activities with subconsultant and will incorporate all requirements into project specifications. Subconsultant shall provide Technical Specifications to address environmental, archeological, and other environmental permitting requirements as necessary. These specifications will be incorporated into the Construction Documents.

3. City Construction Permits

RJN Group, Inc. will collect information and prepare and submit applications for City Construction permits.

PART D - CONSTRUCTION PLANS AND SPECIFICATIONS

It is anticipated that the project will be bid as one construction project containing three separate units or contracts.

1. Final Engineering Pipe Line Design

Sewers WL-10 (Interceptor) and WL-11 (Force Main) - RJN Group, Inc. will conduct final engineering as follows:

- a) Conduct geotechnical investigations as necessary to design the project. The extent of the geotechnical investigation is summarized in Table A-2.
- b) Prepare overall sanitary sewer layout sheets and overall easement layout sheet(s).
- c) Prepare preliminary project plans and profile sheets which show the following: Proposed sanitary sewer plan/profile and recommended pipe size, water service lines and meter boxes, gate valves, and all pertinent information needed to construct the project. Construction plans shall also include details to re-route flows from the existing lift stations to the proposed interceptor lines. The plan and profile sheets will be prepared on a 1" = 40' scale horizontally and 1" = 4' vertically.
- d) Existing utilities and utility easements will be shown on the plan and profile sheets based on information obtained during the design survey or from information provided by Utility companies. RJN Group, Inc. will coordinate with utility companies and the City to determine if any future improvements are planned that may impact the project.
- e) RJN Group, Inc. will prepare standard and special detail sheets for sewer line construction. These may include connection details between various parts of the project, tunneling details, boring and jacking details, waterline relocations, and details unique to the construction of the project.
- f) RJN Group, Inc. shall prepare demolition details for the existing lift station(s) to be abandoned and include in the construction plans.
- g) RJN Group, Inc. will consult with the City and OMI to develop a cut-over and startup plan to bring the new sewer system on line.

2. Lift Station Design- WL-12 Lift Station No. 12

RJN Group, Inc. will conduct engineering design as follows:

- a) Lift Station No. 12 (Relocated)
 - 1) Prepare detailed Basis of Design for Lift Station No. 12 (Relocated) force main hydraulics, basic pump/wet well layout, alarms and instrumentation plan, hoist, flow meter/vault, and standby power requirements.
 - 2) Conduct Mechanical design including pump and piping configuration. Prepare Mechanical Drawings including lower level plan and section drawings, odor control equipment, plumbing, and miscellaneous Mechanical details.
 - 3) Conduct Structural design. Prepare Structural drawings including foundation plan, lower level plan and sections, and typical structural details.
 - 4) Conduct HVAC design, and prepare HVAC lower level plan, odor control equipment, and typical HVAC sections and details.
 - 5) Conduct Electrical design including selection/sizing of Motor Control equipment, lift station standby generator and switchgear. Prepare Electrical drawings including site plan, MCC and switchgear one-line diagrams, lower level plan, generator details, and odor control equipment.
 - 6) Conduct Instrumentation design. Prepare Instrumentation drawings including Control system functionality, control narrative schematics for power, HVAC, fault monitors, pump controllers, liquid levels, gas (hydrogen sulfide) monitors, odor control system, and general instrumentation details.
 - 7) Prepare Lift Station specifications including site work, concrete, masonry, metals, wood, thermal and moisture protection, doors and windows, finishes, specialties, equipment, conveying systems, mechanical, electrical, and control end devices.
- b) It is anticipated that instrumentation design including SCADA, Human Machine Interface (HMI), telemetry and Programmable Logic Control (PLC) controls will be provided by others for all lift stations.

3. **Odor Control.**
RJN Group, Inc. will conduct engineering as follows:
 - a) Conduct final Process Design for selection of Farmington Lift Station odor control equipment.
 - b) Select and size odor control equipment/media type compatible with Lift Station mechanical and HVAC equipment.
 - c) Select and size passive odor scrubbers for force main air release valves.
 - d) Prepare specifications for selected odor control equipment.
4. **Specifications.**
Using RJN Group, Inc.'s basic technical and City's General Conditions Project Manual specifications, prepare project specifications which shall include, but not be limited to: 1) bidding documents, 2) contractual documents, 3) conditions of the contract, 4) standard project forms, and 5) technical specifications. Project Manual shall be based on Construction Specifications Institute (CSI) Master Format and Section Format and shall incorporate City of Fayetteville's standard general conditions and forms. Bid documents shall include required forms for State Revolving Loan Fund funding.
5. **Preliminary Construction Document Submittal**
 - a) RJN Group, Inc. shall deliver five (5) sets of conceptual design plans (30% complete) for design review. Plan sets shall include alignment plans, survey data, existing utility information, and available environmental data. Opinions of probable cost and major component material selections will also be provided as part of the submittal.
 - b) RJN Group, Inc. shall meet with City to discuss review comments for preliminary submittal. Two review meetings each plan set submittal is anticipated.
6. **Final Construction Document Submittal**
 - a) Following City approval of the preliminary documents, RJN Group, Inc. shall prepare final plans and specifications and contract documents (each sheet shall be stamped, dated, and signed by RJN Group, Inc.) and submit five (5) sets of plans and construction contract documents for City's final approval.

PHASE II -- BIDDING SERVICES

The following is the Scope of Services for the Bidding Phase.

1. Arrange for bidding notices to be sent to contractors publishing services and direct mailing to contractors of record. Notices shall comply with requirements of City and Revolving Loan Fund (RLF) administered by the Arkansas Natural Resources Commission, and the Arkansas Development Finance Authority (ADFA). The legal notice to be placed in legal notices section of a local newspaper shall be coordinated with City purchasing agent and an affidavit of publication secured.
2. Prepare addenda for drawings and Bid Documents as required and submit to City in timely manner such that addenda can be issued in accordance with Construction Contract General Conditions.
3. Secure updated state and federal wage rate decisions and incorporate by addenda into the Bid Documents.
4. Assist City in issuing and tracking Bid Documents, addenda and communications during bidding and maintain list of plan holders. Provide additional copies of plans and specifications for prospective bidders. RJN Group, Inc. shall be responsible for costs of additional copies.

5. **RJN Group, Inc.** shall organize, convene, and conduct a Pre-Bid Conference. **RJN Group, Inc.** shall explain the project requirements and receive questions from prospective bidders. **RJN Group, Inc.** shall consider the questions received and issue necessary clarifications and changes to the Bid Documents through the use of addenda.
6. Assist **City** in obtaining and evaluating bids and preparing construction contracts. Provide four (4) copies of the bid tabulation for the project.
7. Consult with and advise **City** as to the acceptability of subcontractors and other persons and organizations proposed by the prime construction contractor(s), hereinafter called "Contractor(s)," for those portions of the work as to which such acceptability is required by the Bid Documents.
8. Make recommendations regarding award of construction contracts.
9. Attend Water and Sewer Committee meeting and the ensuing City Council meeting to recommend action by the respective bodies. Prepare and present a recommendation complete with such supporting information as necessary for the bodies to make an informed decision on the action recommended.

PHASE III - CONSTRUCTION PHASE

1. Consult with and advise **City of Fayetteville** and act as **City of Fayetteville's** Engineer as provided in **City of Fayetteville's** General Conditions of the Construction Contract. The extent and limitations of the duties, responsibilities, and authority of **RJN Group Inc.** as assigned in said General Conditions shall not be modified without **RJN Group Inc.'s** written consent.
2. Conduct Construction Phase Services in accordance with the Arkansas Natural Resources Commission Rules Governing the Arkansas Clean Water Revolving Loan Fund Program and as directed by the **City of Fayetteville**.
3. Review and accept Submittals of Contractor(s) for conformance with the design concept and intent of the Contract Documents.
4. Resident Services During Construction
 - a. A Resident Project Inspector(s) and assistants shall be furnished and shall act as directed by **RJN Group Inc.** in order to provide more extensive representation at the Project site during the Construction Phase. The cost estimate is based on the assumption that each resident Project Inspector/Assistant will be responsible for overseeing the construction of the two pipe line projects. A total of 3,418 hours of resident inspector hours are included in the cost estimate attached hereto as Attachment A.
 - b. The Resident Project Inspector, through more extensive on-site observations of the work in progress, field checks of materials and equipment, and maintenance of jobsite records on conditions and activities, shall assist **RJN Group Inc.** in determining that the Project is proceeding in accordance with the Contract Documents; but the furnishing of such resident project representation shall not make **RJN Group Inc.** responsible for construction means, methods, techniques, sequences, or procedures, or for safety precautions or programs, or for Contractor(s)' failure to perform the construction work in accordance with the Contract Documents.
5. Issue all instructions of **City of Fayetteville** to Contractor(s); prepare routine Change Orders as required; act as initial interpreter of the terms and conditions of the Contract Documents and judge of the performance there under by the parties thereto, and make recommendations to **City of Fayetteville** on claims of **City of Fayetteville** and Contractor(s) relating to the execution and

progress of the Work and other matters and questions related thereto; but RJN Group Inc. shall not be liable for the results of any such recommendations, interpretations, or decisions rendered by RJN Group Inc. in good faith.

6. Review Contractor(s)' applications for payment and supporting data, determine the amounts owing to Contractor(s), and recommend approval in writing to City of Fayetteville of all payments to Contractor(s) in accordance with the Contract Documents.
7. Conduct an inspection to determine if the Project is substantially complete and a final inspection to determine if the Project has been completed in accordance with the Contract Documents, and if each Contractor has fulfilled all of his obligations there under so that RJN Group Inc. may recommend approval, in writing to City of Fayetteville, of final payment to each Contractor.
8. Post Construction Phase
 - a. Provide qualified personnel during equipment start-up and instruct City of Fayetteville's personnel in equipment function and intended use.
9. Prepare a reproducible Record Set of drawings revised to show significant changes made during construction of the Project in accordance with records provided by Contractor and RJN Group Inc.'s Resident Project Inspector.

Table A-1
 LIMITS OF DESIGN

<u>Sewer Pipeline</u>	<u>Diameter (in)</u>	<u>Length (lf)</u>
WL-10 Farmington Interceptor Sewer	12-24	13,322
WL-11 Force Main from LS # 12 to WS WWTP	18	<u>9,683</u>
Total		23,005

<u>Lift Stations</u>	<u>Extent of Improvements</u>
WL-12 Farmington Lift Station (LS #12)	New Station

Table 2-A



MATERIALS LABORATORY

REVISED SEPTEMBER 2006

**GEOTECHNICAL INVESTIGATION SCOPE AND FEE SCHEDULE
FARMINGTON SEWER LINES & PUMP STATIONS
WEST SIDE TREATMENT FACILITIES
FAYETTEVILLE, ARKANSAS**

for

RJN

DALLAS, TEXAS

September 28, 2006

PO BOX 1229
Fayetteville, Arkansas 72702-1229
727-587-1301
FAX 479-443-9211

Item No.	Item Description / ASTM Designation	Quantity	Units	Unit Price	Extended
1	Equipment Mobilization and Demobilization (Per Trip)	12	Trips	\$75.00	\$900.00
	Engineering Technician (For Utility Locations "One Call")	16	HR	\$65.00	\$1,040.00
	Dozer Rental (For Clearing Sites) (4 Hr. Minimum per day)	40	HR	\$90.00	\$3,600.00
	Soils Technician (Clearing of Sites)	24	HR	\$45.00	\$1,080.00
	Soils Technician (Site Access Negotiations)	40	HR	\$45.00	\$1,800.00
				Subtotal	\$8,420.00
2	Boring Setup Charges	78	EA	\$35.00	\$2,730.00
	Drill Rig and Crew Standby Time (During Clearing)	16	HR	\$110.00	\$1,760.00
	Boring Layout	40	HR	\$65.00	\$2,600.00
				Subtotal	\$7,090.00
3	Soil Drilling and Sampling, ASTM D-1586 & ASTM D-1587				
	Soil Drilling (78 Borings - 8 feet to 25 feet max.)	900	LF	\$10.00	\$9,000.00
	Rock Drilling	50	LF	\$13.00	\$650.00
	Diamond Core Drilling	200	LF	\$35.00	\$7,000.00
				Subtotal	\$16,650.00
4	Soil and Rock Laboratory Testing				
	ASTM D-2216, Moisture Content Determination	160	EA	\$10.00	\$1,600.00
	ASTM D-4318, Liquid and Plastic Limit of Soils	75	EA	\$50.00	\$3,750.00
	ASTM D-422, Gradation Analysis of Soils (6 Sieves)	75	EA	\$50.00	\$3,750.00
	ASTM D-2166, Unconfined Compressive Strength of Soils	80	EA	\$40.00	\$3,200.00
	ASTM D-2166, Dry Unit Weight of Soil Specimens	80	EA	\$10.00	\$800.00
				Subtotal	\$13,100.00
5	Geotechnical Engineering Report and Recommendations				
	Engineering Supervision (Project Manager)	10	HR	\$140.00	\$1,400.00
	Engineering Analysis & Recommendations (Project Engr.)	24	HR	\$90.00	\$2,160.00
	Boring Log Preparation (Senior Draftsman)	50	HR	\$72.00	\$3,600.00
	Boring Plot Plan Preparation (Draftsman)	8	HR	\$60.00	\$480.00
	Report Preparation (Clerical)	2	HR	\$45.00	\$90.00
				Subtotal	\$7,730.00

ESTIMATED GEOTECHNICAL INVESTIGATION AND ENGINEERING
Any Additional Items shall be according to attached Fee Schedule

\$52,990.00

SUBMITTED BY:

R. WAYNE JONES, P.E.
Vice President

Table 2-A (Cont.)



MATERIALS LABORATORY

GEOTECHNICAL INVESTIGATION FEE SCHEDULE

June 2006

P.O. Box 1229

Fayetteville, Arkansas 72702-1229

479-587-1101

FAX 479-443-9241

CATEGORY	HOURLY RATE
Mobilization of \$2.10/mile (each way) ** (from Fayetteville, Ark.)	\$ 75.00 minimum
Soil Drilling including Sampling	8.50 per foot
Rock Drilling (Rotary Bit) *	12.00 per foot
Rock Coring (Diamond Bit) ***	32.00 per foot
Setting Casing Through Overburden, as required	8.00 per foot
Boring Setup Charge	35.00 per each
Standby Time (Rig and Crew On-Site), if required	110.00 per hour
Layout of Boring	60.00 per hour
Crew Travel Time	60.00 per hour
Per Diem (per night)	70.00 per man
Atterberg Limits	45.00 each
Moisture Content	12.00 each
Unit Weight Test (Soil Sample)	12.00 each
Unconfined Compression Test	40.00 each
Gradation Tests Dry Sieve	8.00 each
Wet Sieve	35.00 each
California Bearing Ratio (CBR) with Std Proctor	250.00 each
with Mod Proctor	275.00 each
In-situ Permeability	150.00 each
In-situ Permeability (Flexwall)	250.00 each
Remolded Sample	90.00 each
Triaxial Test (Single Stage)	135.00 each
Triaxial Test (Multi-Stage)	180.00 each
Remolded Sample	50.00 each
Draftsman	50.00 per hour
Senior Draftsman	60.00 per hour
Clerical	45.00 per hour
Design Engineer	80.00 per hour
Project Engineer (Soils Engr.)	90.00 per hour
Project Manager (Senior Soils Engr.)	130.00 per hour
Principal Engineer	140.00 per hour
Senior Engineering Technician	72.00 per hour
Engineering Technician	55.00 per hour
Soils Technician	40.00 per hour
Two Flagmen	75.00 per hour
Mileage	0.42 per mile
Backhoe Rental (4 hour minimum)	75.00 per hour (min)
Dozer Rental (4 hour minimum)	90.00 per hour (min)
* Rock Bits	300.00 each
*** Diamond Bits	525.00 each

** The Client is responsible for providing access to the site. The Client is responsible for all costs for site mobilization through unstable soil when a dozer is required to move the drill rig around the site. The Client is responsible for all costs involving clearing and access path to each boring location. The Client is responsible for drill bit costs while drilling into and/or through a chert, a very hard limestone formation, or other very hard formation, whenever new or slightly used drill bits are worn out during the drill operations.

Hourly Rates subject to adjustment annually

**PROFESSIONAL SERVICES COST BREAKDOWN
CITY OF FAYETTEVILLE, ARKANSAS
ATTACHMENT B**

Work Task Description	HOURLY RATE WORK										Total Cost Estimate
	Estimated Manhours										
	PD	PM	PE	CE	CADD	CLUT	LABOR	Direct Cost (\$)			
Part A - Project Administration and Management											
1. Project Administration											
a. Perform Project Initiation Activities	2	14	8	6	0	2	\$ 3,590			\$ 3,590	
b. Perform General Administration and Project Management	23	100	18	0	0	26	\$ 20,285			\$ 20,285	
c. Finalize Agreements with Subconsultants	2	8	3	2	6	9	\$ 2,875			\$ 2,875	
d. Perform Internal Project Control	0	2	4	6	12	0	\$ 2,070			\$ 2,070	
e. Monthly Progress Reports (6)	8	16	4	0	2	2	\$ 4,080			\$ 4,080	
f. Develop / Maintain Schedule	0	1	6	40	8	4	\$ 2,440			\$ 2,440	
g. Incorporate / Maintain Standards	0	5	15	1	4	2	\$ 2,665			\$ 2,665	
Subtotal	35	146	58	25	32	45	\$ 38,005			\$ 38,005	
2. Coordination / VE Meetings											
a. Attend Project Kickoff Meeting	4	4	1	0	0	1	\$ 1,345	\$ 540		\$ 1,885	
b. Attend Monthly Meetings (6)	24	36	8			2	\$ 9,570	\$ 3,300		\$ 12,870	
c. Meet with Ark. ANRC, AHTD, and DOH	0	8	3	1		2	\$ 1,555	\$ 540		\$ 2,095	
d. Participate in Value Engineering Session (1 @ 3 days ea)	24	24	4	5	1	0	\$ 7,980	\$ 1,500		\$ 9,480	
e. Attend Council Meetings	4	4	2			2	\$ 1,510			\$ 1,510	
Subtotal	56	76	18	6	1	7	\$ 21,960	\$ 6,880		\$ 27,840	
Part B - Design Survey											
1. Surveys for Design											
a. Field Survey	2	12	3	6	40		\$ 5,700			\$ 5,700	
b. Public Notification											
Subconsultant Cost											
Subtotal	2	12	3	6	40	0	\$ 5,700	\$ 84,504		\$ 90,204	
Part C - Permits and Easements											
1. Permits											
Subconsultant Cost	1	8	10	8			\$ 2,885			\$ 2,885	
Subtotal	1	8	10	8	0	0	\$ 2,885			\$ 2,885	
2. Right of Way / Easement Preparation											
a. Right of Way / Easement Preparation (38)	1	6	8	4			\$ 2,085			\$ 2,085	
b. Easement Revisions (9)		2	4	6			\$ 1,170			\$ 1,170	
Subconsultant Cost											
Subtotal	1	8	12	10	0	0	\$ 3,255	\$ 37,932		\$ 41,187	
3. 404 / Phase II Stormwater Permitting Coordination											
Subconsultant Cost	1	5	25	27	49	2	\$ 9,415	\$ 60,003		\$ 69,418	
Subtotal	1	5	25	27	49	2	\$ 9,415	\$ 60,003		\$ 69,418	

PROFESSIONAL SERVICES COST BREAKDOWN
CITY OF FAYETTEVILLE, ARKANSAS
ATTACHMENT B

Work Task Description	HOURLY RATE WORK							Total Cost Estimate
	PD	PM	PE	CE	CADD	CL/OT	TOTAL LABOR	Direct Cost (\$)
Part D - Construction Plans and Specifications								
1. Geotechnical Investigation	1	6	4	12	12		\$ 3,265	\$ 55,640
Subconsultant Cost								\$ 55,640
Subtotal	1	6	4	12	12	0	\$ 3,265	\$ 55,640
2. Pipeline Design								
a. LS11-LS12 Interceptor								
1. Prepare Layout Sheets	2	8	16	24	96	0	\$ 12,210	\$ 12,210
2. Prepare Project Plan and Profile Sheets	5	45	103	237	460	0	\$ 71,620	\$ 2,050
3. Existing Utility and Easement Coord.	1	4	3				\$ 985	\$ 985
4. Prepare Standard and Special Details	0	2	18	32	42	0	\$ 7,930	\$ 7,930
5. Prepare Demolition / Cutover Plans	1	4	10	28	38		\$ 6,915	\$ 6,915
6. Sequence Planning	1	6	8	12			\$ 2,765	\$ 2,765
7. Takeoffs and Estimate of Probable Cost	2	1	2	24	0	6	\$ 3,090	\$ 3,090
8. Technical Specifications	2	10	2	16	0	36	\$ 5,530	\$ 5,530
9. Project Manual	1	2	4	4		12	\$ 1,945	\$ 1,600
10. QA/QC	2	9	2	5	32	0	\$ 4,525	\$ 4,525
Subtotal	17	91	168	382	668	64	\$ 117,515	\$ 3,650
b. LS12-WWTP Force Main								
1. Prepare Layout Sheets	2	10	14	32	82		\$ 11,900	\$ 11,900
2. Prepare Project Plan and Profile Sheets	2	25	58	152	270		\$ 42,550	\$ 2,050
3. Existing Utility and Easement Coord.	1	10	7				\$ 2,165	\$ 2,165
4. Prepare Standard and Special Details	1	2	2	22	32		\$ 4,895	\$ 4,895
5. Prepare Cutover Plans	1	2	4	32	48		\$ 7,145	\$ 7,145
6. Sequence Planning	1	2	6	16	8		\$ 2,985	\$ 2,985
7. Takeoffs and Estimate of Probable Cost	2	1	4	18	0	4	\$ 2,650	\$ 2,650
8. Technical Specifications	1	2	6	20	0	12	\$ 3,505	\$ 3,505
9. Project Manual	1	2	4	9			\$ 2,370	\$ 600
10. QA/QC	2	8	2	12	24	0	\$ 4,390	\$ 4,390
Subtotal	14	64	107	313	464	28	\$ 84,555	\$ 2,650

PROFESSIONAL SERVICES COST BREAKDOWN
CITY OF FAYETTEVILLE, ARKANSAS
ATTACHMENT B

Work Task Description	HOURLY RATE WORK										Total Cost Estimate
	PD	PM	PE	CE	CADD	CL/OT	LABOR	Direct Cost (\$)			
3. Lift Station #12 Design	hr	hr	hr	hr	hr	hr					
a. Harnesting Lift Station											
1. Basis of Design	1	24	12	24	62	8	\$ 11,695	\$ 872	\$ 12,567		
2. Mechanical Design	2	12	16	72	106		\$ 17,560		\$ 17,560		
3. Structural Design	2	10	50	65	86		\$ 18,605		\$ 18,605		
4. HVAC Design	1	4					\$ 685	\$ 9,400	\$ 10,085		
5. Architectural Design	1	4					\$ 685	\$ 14,300	\$ 14,985		
6. Electrical Design	1	2					\$ 425	\$ 20,584	\$ 21,009		
7. Instrumentation Design	1	2					\$ 425		\$ 425		
8. Lift Station Specifications	4	3	40	28	0	24	\$ 8,990		\$ 8,990		
Subtotal	13	61	118	189	254	32	\$ 59,070	\$ 45,156	\$ 104,226		
4. Odor Control Design											
a. Final Process Design	1	4	1	1	8		\$ 1,470		\$ 1,470		
b. Select / Size Equipment		4	1	1	8		\$ 1,305		\$ 1,305		
c. Select/size forcemain air release valve scrubbers	1	4	1	1	8		\$ 1,470		\$ 1,470		
d. Specifications		10	1	1	8		\$ 2,085		\$ 2,085		
Sub-Consultant cost								\$ 45,675	\$ 45,675		
Subtotal	2	22	4	4	32	0	\$ 6,330	\$ 45,675	\$ 52,005		
5. Document Submittal											
a. 30% Complete (1)	1	4	6	6	12		\$ 2,695	\$ 1,350	\$ 4,045		
b. 90% Complete (1)	1	4	6	6	12		\$ 2,695	\$ 1,350	\$ 4,045		
c. Review Comments w/ City (1)											
Subtotal	2	8	12	12	24	0	\$ 6,390	\$ 2,700	\$ 8,090		
6. Final Construction Submittal (1)	1	4	6	4	16		\$ 2,825		\$ 2,825		
Subtotal	1	4	6	4	16	0	\$ 2,825		\$ 2,825		
Part E - Bidding Assistance (1 package)											
1. Bidding Notices	1	1	1	0	0	2	\$ 525		\$ 525		
2. Prepare Addenda	1	2	2			5	\$ 950		\$ 950		
3. Secure Wage Rate Information	1	1	3	2	2	2	\$ 895		\$ 895		
4. Track Bid Documents	1	2	2	2	16	1	\$ 1,835		\$ 1,835		
5. Attend Pre-Bid Conference	1	3	1			1	\$ 720	\$ 3,500	\$ 4,220		
6. Review Bids	1	4	2			4	\$ 1,145		\$ 1,145		
7. Review / Check Contractor References	1	2	1	2		2	\$ 825		\$ 825		
8. Bid Recommendations to City	1	1	2	2		2	\$ 795		\$ 795		
9. Attend Water and Sewer Committee / City Council Mtg	1	4	1				\$ 785		\$ 785		
Subconsultant Cost											
Subtotal	9	20	15	8	0	34	\$ 8,476	\$ 3,500	\$ 11,975		

PROFESSIONAL SERVICES COST BREAKDOWN
CITY OF FAYETTEVILLE, ARKANSAS
ATTACHMENT B

Work Task Description	HOURLY RATE WORK							Total Cost Estimate
	PD	PM	PE	CE	CADD	CUOT	TOTAL LABOR	Direct Cost (\$)
	hr	hr	hr	hr	hr	hr		
Part F - Construction Services								
1. Project Management	26	234	70	3434	37	32	\$ 17,215	\$ 17,215
2. Construction Mgmt	7	96	28			12	\$ 7,850	\$ 2,850
3. Inspection - WL 10	8	36	12	806		10	\$ 70,470	\$ 5,398
4. Inspection - WL 11		12	4	806			\$ 70,470	\$ 5,398
5. Inspection - WL 12		20	6	1806			\$ 156,719	\$ 15,438
6. WL 12 Structural Review		8					\$ 1,040	\$ 1,040
7. WL 12 Elect Review							\$ 8,000	\$ 8,000
8. WL 12 Instrument Review							\$ 2,000	\$ 2,000
9. WL 12 Pump Tests		10					\$ 1,300	\$ 1,300
10. Project Start Up		14	4			0	\$ 2,220	\$ 2,220
11. Meetings	10	24	8			4	\$ 5,830	\$ 1,017
12. Record Drawing Prep	1	2	4	16	37	6	\$ 5,350	\$ 800
Subtotal	26	234	70	3434	37	32	\$ 338,455	\$ 40,901
TOTAL	181	765	630	4440	1629	234	\$ 707,100	\$ 388,191
Less Amount Remaining in Optional Services from Original Contract								\$ 142,242
Total Amount of Amendment A								\$ 953,049

City Of Fayetteville

(Not a Purchase Order)

Requisition No.: Date: 11/22/2006
P.O. Number: Expected Delivery Date:

Vendor #: 291 Vendor Name: RJN Group, Inc. Mail Yes: XX No:

Address: 12180 Abrams Road, Suite 400 Fob Point: Taxable Yes: XX No: Quotes Attached Yes: No:

City: Dallas State: TX Zip Code: 75243 Ship to code: Division Head Approval: *[Signature]*

Requester: Requester's Employee #: 490 Extension: 386

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Engineering Services, Wastewater System	1	EA	953,049.00	\$953,049.00	4480-9480-5315.00	02133-0401		
2	Improvement Project, WL-10, WL-11, and WL-12				\$0.00				
3	Farmington and Western Fayetteville Area				\$0.00				
4					\$0.00				
5					\$0.00				
6					\$0.00				
7					\$0.00				
8					\$0.00				
9					\$0.00				
10					\$0.00				
	Shipping/Handling		Lot		\$0.00				

Special Instructions:

Subtotal: \$953,049.00
Tax: \$0.00
Total: \$953,049.00

Approvals:

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

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

21-Nov-06
City Council Meeting Date

<u>David Jurgens</u>	<u>WW System Improvement Project</u>	<u>Water/Wastewater</u>
Submitted By	Division	Department

Action Required:

Fayetteville City Administration recommends approval of an Engineering contract with Robinson, Stafford and Rude, Inc., (RSR) in the amount of \$39,844.00, for value engineering (VE) services with respect to the Farmington and western Fayetteville area WSIP engineering design. Funds are available in Fiscal Year 2006 WSIP budget. Although Fayetteville is executing contract management and oversight, Farmington is bearing the full cost of this study and will reimburse Fayetteville when the expenses are incurred, leaving no net cost to the City of Fayetteville.

<u>\$0.00</u>	<u>\$ 114,765,766</u>	<u>Wastewater System Imp Project</u>
Cost of this request	Category / Project Budget	Program Category / Project Name
<u>4480.9480.5315.00</u>	<u>\$ 109,705,364</u>	<u>Water and Wastewater</u>
Account Number	Funds Used to Date	Program / Project Category Name
<u>02133-0401</u>	<u>\$ 5,060,402</u>	<u>Water/Sewer</u>
Project Number	Remaining Balance	Fund Name

Budgeted Item ☒ Budget Adjustment Attached ☐

[Signature] 3 Nov 06
Department Director Date

[Signature] 11/7/06
City Attorney Date

Paul A. Berlin 11-7-06
Finance and Internal Service Director Date

[Signature] 11/7/06
Mayor Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office
ENTERED
11/3/06

Received in Mayor's Office
ENTERED
11/7/06

Comments:

Tabled to 12/5/06 City Council Mtg

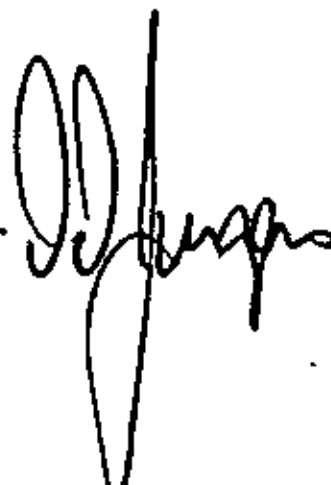
City Council Meeting of November 21, 2006

CITY COUNCIL AGENDA MEMO

To: Fayetteville City Council

Thru: Mayor Dan Coody

From: Fayetteville Sewer Committee
David Jurgens, Water & Wastewater Director



Date: November 3, 2006

Subject: Approval of an Engineering contract with Robinson, Stafford and Rude, Inc., (RSR) in the amount of \$39,844.00, for value engineering (VE) services with respect to the Farmington and western Fayetteville area WSIP engineering design.

RECOMMENDATION

Fayetteville City Administration recommends approval of an Engineering contract with Robinson, Stafford and Rude, Inc., (RSR) in the amount of \$39,844.00, for value engineering (VE) services with respect to the Farmington and western Fayetteville area WSIP engineering design. Although Fayetteville is executing contract management and oversight, Farmington is bearing the full cost of this study and will reimburse Fayetteville when the expenses are incurred.

BACKGROUND

Farmington intends to apply for Arkansas Natural Resources Commission Revolving Loan Fund support. In order to meet RLF requirements, a formal Value Engineering study must be performed on the design. RSR performed the VE studies for all other aspects of the WSIP, and the City was very pleased with their work. In order to ensure the same level of quality service as was applied to the entire WSIP, Farmington requested we use the same VE consultant. The VE is scheduled for mid-December, and must be completed at that time in order to not delay the overall project.

DISCUSSION

Design work for the Farmington and southwest portion of Fayetteville portions of the WSIP was deferred pending the results of the Farmington-Fayetteville sewer negotiations. The negotiations are complete, and identified the desired layout of the sewer system in this area. The contract between the two cities shall identify the mechanisms for cost reimbursement.

The VE study brings a highly experienced team of experts who have had no involvement with the project together to evaluate the project with a completely independent, detached viewpoint. The VE team will evaluate every aspect of the project to include routing, hardware, functional designs, construction methods, etc., in a focused effort to increase the net value of the project. The VE teams for the rest of the WSIP identified several improvements through their work.

BUDGET IMPACT

Farmington has agreed to reimburse Fayetteville for these VE services in the sewer services contract between Fayetteville and Farmington.

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES WITH ROBINSON, STAFFORD AND RUDE, INC. (RSR) IN THE AMOUNT OF \$39,844.00 (TO BE WHOLLY REIMBURSED BY THE CITY OF FARMINGTON) TO PROVIDE VALUE ENGINEERING SERVICES FOR THE FARMINGTON AND WEST FAYETTEVILLE AREA WASTEWATER SYSTEM IMPROVEMENT PROJECT ENGINEERING DESIGN.

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 for Professional Engineering Services with Robinson, Stafford and Rude, Inc. (RSR) in the amount of \$39,844.00 (to be wholly reimbursed by the City of Farmington) to provide value engineering services for the Farmington and West Fayetteville Area Wastewater System Improvement Project (WSIP) engineering design. A copy of the contract, marked Exhibit "A," is attached hereto and made a part hereof.

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

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

RSR PROFESSIONAL SERVICES AGREEMENT

PROJECT:**RSR PROJ. NO: 09701M****CONSULTANT****CLIENT**

Robinson, Stafford & Rude, Inc.
(hereinafter RSR)

City of Fayetteville, Arkansas
(hereinafter City of Fayetteville)

ADDRESS:

9206 W. 90th Street
Overland Park, KS 66212

113 West Mountain Street
Fayetteville, AR 72701

TELEPHONE:

913-381-0603

479-575-8330

FACSIMILE:

913-642-7883

479-575-8257

FED ID/BUS. NO.:

91-1809438

71-6018462

CONTACT NAME:

James L. Mohart

David Jurgens

PROJECT DESCRIPTION: Value Engineering Services for Wastewater System Improvement Project, Farmington and West Fayetteville Area, Subprojects WL-10, WL-11, and WL-12.

COMPENSATION:

The total compensation under this Agreement shall not exceed the dollar amount indicated in this agreement, or the amount authorized by amendments and/or notices to proceed, whichever is lesser. The form of payment shall be as indicated below:

X LUMP SUM. Compensation for these services shall be a Lump Sum of \$ 39,844.00. ~~or~~

~~TIME & MATERIALS. Compensation for these services will not exceed \$ _____ without written authorization, and will be based on the hours worked times the billing rates shown on the attached rate schedule, plus Reimbursable Expenses times a factor of 1.1, and RSR Costs times a factor of 1.1~~

In the event services beyond those specified in the Scope of Services, and not included in the compensation above, are required, RSR will submit a fee estimate for such services and a contract modification will be negotiated and approved by the City of Fayetteville prior to any effort being expended on such services.

RSR IS AUTHORIZED TO BEGIN SERVICES BASED ON: X execution of agreement or _____ written notice to proceed

TERMS OF CONTRACT

- 1. EXECUTION AND INITIATION.** This Agreement becomes effective upon signatures by authorized representatives of City of Fayetteville and RSR and upon receipt of a fully executed original by both City of Fayetteville and RSR. RSR shall provide and complete these services in accordance with the terms of this Agreement and any Scope of Work herein and will initiate services as noted above.
- 2. COMPLETION.** RSR will complete the services within the time specified in the Scope of work, unless delayed by actions beyond the control of RSR. Should such delays occur, the schedule shall be extended by the amount of the delay.
- 3. TERMINATION.** This agreement shall remain in force until completion of the services and receipt of full payment by RSR, unless terminated by mutual agreement. Either party upon 10 days written notice may terminate this agreement for cause. In the event of such termination, City of Fayetteville will pay RSR the portion of the Compensation defined above which has been earned through the date of termination, including any RSR expenses associated with the termination.
- 4. STANDARD OF CARE.** Services provided by RSR under this agreement will be performed in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances. RSR makes no warranty or guaranty, either express or implied.
- 5. OWNERSHIP OF DOCUMENTS.** All documents, including documents on electronic media, prepared under this agreement are instruments of service and are, and shall remain the property of RSR. RSR retains all common law, statutory, and other reserved rights, including the copyright thereto. These documents shall not be used for any purpose other than those authorized under this Agreement without the prior written authorization of and appropriate compensation to RSR.

6. **MUTUAL UNDERSTANDING OF SERVICES.** City of Fayetteville and RSR agree that the purpose of value analysis and value engineering is the identification and presentation of recommendations for improvement of project or process value, for consideration by City of Fayetteville and their other professional advisors. Both parties understand that as a part of these services, RSR does no design work and makes no project decisions. City of Fayetteville and RSR agree that RSR will be liable to the City of Fayetteville only for damages arising from RSR's negligence in the performance of the Value Analysis or Value Engineering work itself, and only to the extent that such negligence damages the City of Fayetteville.

7. **SCHEDULE OF PAYMENTS** If compensation for the services under this agreement is Lump Sum, RSR will invoice City of Fayetteville for 100% of RSR subconsultant costs plus 80% of the RSR fee upon completion of the workshop and delivery to the City of Fayetteville of the preliminary report and the remaining 20% of the compensation upon delivery of the final report, as defined in the Scope of Work. If compensation is in another form, RSR will invoice the City of Fayetteville once for the services completed through completion of the workshop and delivery of the preliminary report, and again upon project completion and delivery of the final report. City of Fayetteville will pay said invoices within 30 days of the invoice date. City of Fayetteville agrees to pay RSR interest in the amount of 1.5 percent per month for all amounts remaining unpaid 30 days after the invoice date.

8. **COLLECTION COSTS.** In the event legal action is necessary to enforce the payment provisions of this Agreement, City of Fayetteville will pay RSR for any judgment or settlement sums due, reasonable attorneys' fees, court costs and expenses incurred by RSR in connection therewith, and in addition, the reasonable value of RSR's staff time and expenses spent in connection with such collection action computed at RSR's prevailing rate schedule and expense policies.

9. **AUDIT AND ACCESS TO RECORDS.** RSR cost records pertaining to this Agreement will be kept for inspection by representatives of the City of Fayetteville, and Governmental Agencies for a period of three (3) years after final payment. City of Fayetteville will be given reasonable access to review said records for the purpose of confirming the reasonableness of RSR fees with prior notice at the offices of RSR.

10. **EQUAL OPPORTUNITY EMPLOYMENT.** RSR shall comply with federal, state and local regulations pertaining to Equal Opportunity Employment and minority hiring, and fair employment practices.

11. **INDEPENDENT CONSULTANT.** RSR and its staff are and shall be at all times during the term of this Agreement independent consultants and not employees or agents of the City of Fayetteville.

12. **COMPLIANCE WITH LAWS.** RSR shall comply with Federal, State, and local laws and ordinances applicable to the services to be provided under this Agreement.

13. **INSURANCE.** RSR shall maintain Workers Compensation (and Employer's Liability Insurance) as required by applicable state statute, and Commercial General Liability Insurance.

14. **DISPUTES.** The laws of the State of Arkansas shall govern any action for claims arising out of or relating to this Agreement.

15. **ASSIGNMENT.** Neither RSR nor the City of Fayetteville shall assign, transfer, or encumber any rights, duties or interests accruing from this Agreement without the express written consent of the other.

16. **CHANGES, MODIFICATIONS, OR AMENDMENTS.** Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council in advance of the change in scope, cost or fees.

17. **FREEDOM OF INFORMATION ACT.** City contracts and documents prepared while performing City contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, RSR will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A Section 25-19-101 et. Seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

Execution of this document by duly authorized representatives of the City of Fayetteville and RSR, including any attachments represents the entire agreement between the parties hereto and supersedes all prior negotiations, representations, or agreements, either written or oral. This agreement may be amended or modified only by written instrument, valid only upon signature by both parties.

ROBINSON, STAFFORD & RUDE, INC.

CITY OF FAYETTEVILLE

BY: _____ BY: _____

SIGNATURE: _____ SIGNATURE: _____

TITLE: _____ TITLE: _____

DATE: _____ DATE: _____

Attached: ☒ Scope of Services ☒ Budget Worksheet ☐ Special Provisions

Distribution: City of Fayetteville, RSR Project Manager, RSR Financial Officer

12/98

SCOPE OF SERVICES

Client: City of Fayetteville
(hereinafter referred to as City of Fayetteville)

Consultant: Robinson, Stafford, & Rude, Inc.
(hereinafter referred to as RSR)

Services: Value Engineering Study

Project: Wastewater System Improvement Project – In particular the Westside
Collection System Improvements
(hereinafter referred to as Project)

Project Location: City of Fayetteville

Project Designer: RJN Group, Inc.
(hereinafter referred to as RJN)

VALUE ENGINEERING JOB PLAN

Value engineering (VE) is a process consisting of the systematic application of analytical, creative and evaluation techniques in a multi-disciplinary team setting where the focus is on achieving the required functions, performance and quality while maximizing value.

RSR will use a VE Job Plan that is consistent with the SAVE International Value Methodology Standard. Following this Job Plan for the VE study will satisfy State and Federal requirements for VE on this project.

WORK TO BE PERFORMED

RSR will provide the following services in accordance with this scope of services and the terms of the Agreement.

Pre-workshop Activities

RSR will perform pre-workshop activities to include those tasks which must be accomplished in order for the VE team to be able to efficiently and effectively perform in the workshop.

These activities will consist of:

- scheduling study tasks
- scheduling and coordination with RSR provided VE team members
- assisting City of Fayetteville with scheduling study participants

SCOPE OF SERVICES

- coordination of the necessary documentation on the project for distribution to the VE team members
- compiling project data into a cost model(s)
- document review

Scheduling Study Participants

The VE team members will come from a combination of City of Fayetteville and RSR. RSR will assist City of Fayetteville in identifying candidate team members for the workshop. RSR will work cooperatively with City of Fayetteville to make final selection of individuals to fulfill the desired discipline roles. RSR will be responsible for all contractual and payment issues with RSR provided team members.

RSR will communicate directly with all team members relative to scheduling, pre-workshop, workshop and post workshop activities.

Cost Models

If the cost estimate and other appropriate information are provided prior to the workshop, RSR will develop a cost model(s) which will convey to the team members which project elements or features or functions are driving the cost of the project. These models will be used during the VE workshop to help focus the team on those aspects of the project consuming the greatest shares of the total project cost.

Document Review

City of Fayetteville will distribute the project documents to be studied to the VE team members. These documents should be distributed a minimum of one week prior to the workshop start. The team members will be instructed by RSR to spend up to four (4) hours reviewing these documents in advance of the workshop. The VE team cost estimator will be instructed by RSR to spend up to eight (8) hours reviewing and validating project costs in advance of the workshop.

Workshop

RSR will conduct the value engineering workshop using a job plan that is consistent with the practices and procedures recognized by SAVE International. This job plan will include a 24-hour workshop. The workshop will include an Information Phase, a Function Analysis Phase, a Creative Phase, an Evaluation Phase, a Development Phase, and a Presentation Phase.

The workshop will be initiated by presentations from City of Fayetteville who will describe the objectives of these projects and any constraints that will be placed on the VE study. The project design team will explain specifically how the design accomplishes the City of Fayetteville's objectives and the details of that design. The workshop will include a complete function analysis of the major project elements. The team will generate a list of ideas for project improvement followed by an evaluation of those ideas. This evaluation will include input from key City of Fayetteville decision makers before proceeding with development of recommendations. On the

SCOPE OF SERVICES

last day of the workshop, a presentation of the recommendations will be provided to City of Fayetteville decision makers.

The workshop will be held in Fayetteville, AR.

Presentations

To make sure the VE team has complete information about the project criteria, City of Fayetteville will provide at a minimum, the City of Fayetteville Project Manager and appropriate members of the design team for the first day and last day presentations as well as the mid-point review meeting.

Site Visit

A site visit will be conducted on the afternoon of the first day of the workshop. This site visit will be attended by the VE team, City of Fayetteville representatives, and representatives of the design team.

Post Workshop

RSR will provide the deliverables described herein.

Workshop Logistics

RSR will provide:

- the workshop room
- refreshments for team members and other participants
- easy access to a telephone, copy machine, and a facsimile machine

City of Fayetteville will provide at no cost to RSR:

- an overhead projector for the first and last days of the workshop
- an easel with a pad of paper

VE STUDY TEAM

The VE Study Team for this workshop will include up to eight team members. RSR is responsible for providing the VE Team Leader. RSR will also provide team members for the disciplines specified below. City of Fayetteville will provide additional team members for the disciplines specified below.

VE Team Leader

The VE Team Leader will be both a certified value specialist (CVS) and a registered professional engineer (PE).

SCOPE OF SERVICES

RSR will also provide a VE Team Assistant during the workshop to assist with administrative activities and to begin preparation of the study report. This will improve the VE Team's effectiveness and expedite the report delivery.

VE Team Members

RSR will provide team members for the following disciplines:

- Granville White, Estimator/Constructability
- Jeff Kaiser, Pumping/Hydraulics
- Tim Nebergall, Pipelines/General Civil

City of Fayetteville will provide team members for the following disciplines at no cost to RSR:

- Lynn Hyke, WSIP Construction Manager
- One Farmington Representative
- One OMI Representative for Lift Station and SCADA Issues

The specific individuals provided will be identified and selected jointly by the RSR VE Team Leader and the City of Fayetteville Project Manager. In general, these will be individuals not previously associated with the project development.

DELIVERABLES

This VE study effort will include four deliverables, all of which are related to the results of the workshop. These deliverables are:

- VE Team Presentation Handout
- Preliminary VE Study Report
- Draft VE Study Report
- Final VE Study Report

VE Team Presentation Hand-out

At the beginning of the presentation of the VE results on the last day of the workshop, RSR will provide to each person attending this presentation a hand out which contains:

- Cover
- Agenda
- List of VE recommendations including capital and the present worth of O&M savings
- List of design suggestions

SCOPE OF SERVICES

Preliminary VE Study Report

The Preliminary VE Study Report will be a compilation of the handwritten products developed in the workshop. This report will include all of the VE recommendations and design suggestions developed by the VE team during the workshop.

Draft VE Study Report

The purpose of this draft report is to give the City of Fayetteville Project Manager and other appropriate reviewers the opportunity to provide input to the final report. This document will be, in the opinion of RSR, equivalent to the Final VE Study Report. City of Fayetteville will provide written comments in compliance with the attached schedule. If comments are not received by the specified due date, RSR will proceed with preparation of the final report.

Final VE Study Report

This report is the final documentation of the VE study. The report is a finalized version of the Draft VE Study Report including the incorporation of City of Fayetteville's comments. The cover of the report will clearly indicate the project title, that it is the Final VE Study Report, and the date of the report.

The submittal of this report concludes the VE study effort.

Number of Reports

RSR will provide City of Fayetteville with the following number of copies of each report:

Preliminary VE Study Report	15
Draft VE Study Report.....	2
Final VE Study Report.....	15

SCHEDULE

This value engineering study will be conducted in accordance with the following schedule.

Notice to Proceed.....	At City of Fayetteville's Convenience
Organization Phone Calls	At City of Fayetteville's Convenience
City of Fayetteville to Distribute Documents	One week prior to VE Workshop
VE Workshop.....	December 4-6, 2006
Submit Preliminary VE Study Report.....	Week of December 11, 2006
Written Responses to RSR.....	At City of Fayetteville's Convenience
Submit Draft VE Study Report	Ten working days following written responses to Preliminary VE Report

SCOPE OF SERVICES

Comments on Draft VE Study ReportTen working days following receipt of Draft
VE Study Report
Submit Final VE Study ReportTen working days following receipt of
comments to Draft VE Study Report

VE Study Cost Summary

09701M

Westside WW Collection System

Robinson, Stafford & Rude

Total

Labor		\$17,898
Expenses		\$5,495
Subconsultant Administration	10.0%	\$1,496
Subtotal RSR		\$24,889

Subconsultants

Total

% of
Total MBE/
WBE

OLSSON ASSOC	\$4,162	10.4%
BLACK & VEATCH	\$5,817	14.6%
KWAME BLDG GROUP	\$4,976	12.5%

Subtotal Subconsultants

\$14,955 37.5%

TOTAL COST

\$39,844

Total Percentage for MBEs
Total Percentage for WBEs

\$0 0.0%
\$0 0.0%

Robinson, Stafford & Rude, Inc.
Budget Worksheet
Westside WW Collection System

RSR Project No.: 09701M
Workshop Location: Fayetteville, AR
Workshop Date: Dec 4-6, 2006

Team Member	Discipline	Study Management	Pre-Workshop	Workshop	Post Workshop	Total Hours	Rate	Total Cost
		Hours	Hours	Hours	Hours	Hours		
Jim Mohart	VE Team Leader	7	12.5	24	26	69.5	\$ 175.00	\$ 12,163
	Assistant VE Team Leader					0	\$ 175.00	\$ -
	AVS					0	\$ 125.00	\$ -
	QA				4	4	\$ 175.00	\$ 700
	Technical Writer				8	8	\$ 90.00	\$ 720
	Graphics				4	4	\$ 75.00	\$ 300
	Admin Assistant	7	8	32	26	73	\$ 55.00	\$ 4,015

Total Labor \$ 17,898

Expenses	Item	Quantity				Total Quantity	Rate	Total Cost
	Airfare					0	\$ -	\$ -
	Airfare					0	\$ -	\$ -
	Airfare					0	\$ -	\$ -
	Airfare					0	\$ -	\$ -
	Rental Car					0	\$ 75.00	\$ -
	Airport Parking					0	\$ 18.00	\$ -
	Personal Mileage			600		600	\$ 0.445	\$ 267
	Airport Transportation					0	\$ 50.00	\$ -
	Local Transportation					0	\$ 5.00	\$ -
	Local Parking					0	\$ 10.00	\$ -
	Lodging			6		6	\$ 100.00	\$ 600
	Meals			6		6	\$ 35.00	\$ 210
	Copying	100	1000	0	500	1600	\$ 0.10	\$ 160
	Copy Machine Rental					0	\$ 400.00	\$ -
	Conference Room			3		3	\$ 75.00	\$ 225
	Team Refreshments			3		3	\$ 116.00	\$ 348

Postage & Shipping	\$ 70	\$ 125	\$ 100	\$ 320		\$ 615
Telephone (incl. on-site mobil	\$ 70	\$ 75	\$ 120	\$ 100		\$ 365
Supplies & Miscellaneous	\$ 10	\$ 100	\$ 75	\$ 100		\$ 285

	Prelim	Draft	Final	Total Quantity	Rate	
Reports	15	2	15	32	\$ 60.00	\$ 1,920

Subtotal Expenses \$ 4,995
Mark-up on Expenses 10% \$ 500

Total Expenses \$ 5,495

Total Cost \$ 23,393

OLSSON ASSOC

Budget Worksheet

Westside WW Collection System

09701M

Workshop Location: Fayetteville, AR

Workshop Date: Dec 4-6, 2006

Study Management

Pre-Workshop

Workshop

Post Workshop

Total**Hours****Rate****Total Cost****Total Labor**

\$ 3,248

Expenses

Tim Negerball

Quantity**Total**

Quantity

Rate

Total Cost:

No Airfare

Lincoln, NE

Rental Car

Airport Parking

Personal Mileage

Airport Transportation

Local Transportation

Local Parking

Lodging:

Mèals

Copying

Postage & Shipping

Telephone

Supplies & Miscellaneous

Subtotal Expenses

Mark-up on Expenses

10%

\$ 831

\$ 83

\$ 914

\$ 4,162

11/2/2006

BLACK & VEATCH
Budget Worksheet
Westside WW Collection System

RSR Project No.: 09701M
Workshop Location: Fayetteville, AR
Workshop Date: Dec 4-6, 2006

Team Member	Discipline	Hours				Total Hours	Rate	Total Cost
		Study Management	Pre-Workshop	Workshop	Post Workshop			
Jeff Kaiser	Hydraulics/Pumps		4	24		28	\$ 178.60	\$ 5,001
						0	\$ -	\$ -
						0	\$ -	\$ -
						0	\$ -	\$ -
						0	\$ -	\$ -

Total Labor \$ 5,001

Expenses	Jeff Kaiser	Quantity				Total Quantity	Rate	Total Cost
		No Airfare	St. Louis, MO					
						0	\$ -	\$ -
						0	\$ -	\$ -
						0	\$ -	\$ -
						0	\$ -	\$ -
						0	\$ -	\$ -
		Rental Car				0	\$ 75	\$ -
		Airport Parking				0	\$ 18.00	\$ -
		Personal Mileage		700		700	\$ 0.445	\$ 312
		Airport Transportation				0	\$ 50.00	\$ -
		Local Transportation				0	\$ 5.00	\$ -
		Local Parking				0	\$ 10.00	\$ -
		Lodging		3		3	\$ 100.00	\$ 300
		Meals		3		3	\$ 35.00	\$ 105
		Copying				0	\$ 0.10	\$ -
		Postage & Shipping						\$ -
		Telephone		\$ 10				\$ 10
		Supplies & Miscellaneous		\$ 5	\$ 10			\$ 15

Subtotal Expenses \$ 742
Mark-up on Expenses 10% \$ 74

Total Expenses \$ 816

Total Cost \$ 5,817

KWAME BLDG GROUP
Budget Worksheet
Westside WW Collection System

RSR Project No.: 09701M
Workshop Location: Fayetteville, AR
Workshop Date: Dec 4-6, 2006

Team Member	Discipline	Hours				Total Hours	Rate	Total Cost
		Study Management	Pre-Workshop	Workshop	Post Workshop			
Granville White	Estimator/Constructability		8	24		32	\$ 130.00	\$ 4,160
						0	\$ -	\$ -
						0	\$ -	\$ -
						0	\$ -	\$ -
						0	\$ -	\$ -

Total Labor \$ 4,160

Expenses Granville White	Quantity				Total Quantity	Rate	Total Cost
	No Airfare	St. Louis, MO					
					0	\$ -	\$ -
					0	\$ -	\$ -
					0	\$ -	\$ -
					0	\$ -	\$ -
					0	\$ -	\$ -
	Rental Car				0	\$ 75	\$ -
	Airport Parking				0	\$ 18.00	\$ -
	Personal Mileage		700		700	\$ 0.445	\$ 312
	Airport Transportation				0	\$ 50.00	\$ -
	Local Transportation				0	\$ 5.00	\$ -
	Local Parking				0	\$ 10.00	\$ -
	Lodging		3		3	\$ 100.00	\$ 300
	Meals		3		3	\$ 35.00	\$ 105
	Copying				0	\$ 0.10	\$ -
	Postage & Shipping						\$ -
	Telephone		\$ 10				\$ 10
	Supplies & Miscellaneous		\$ 5	\$ 10			\$ 15

Subtotal Expenses \$ 742
Mark-up on Expenses 10% \$ 74

Total Expenses \$ 816

Total Cost \$ 4,976

City Of Fayetteville

(Not a Purchase Order)

Requisition No.: Date: 11/2/2006
 P.O. Number: Expected Delivery Date:

Mail Yes: ☒ No: ☐
 Taxable Yes: ☒ No: ☐
 Quotes Attached Yes: ☐ No: ☐

Division Head Approval: *[Signature]*
 Extension: 386

Requester's Employee #: 490
 Project/Subproject #: 02133-0401

Inventory # Fixed Asset #

Vendor Name: Robinson, Stafford & Rude, Inc.
 Address: 9206 W. 90th Street
 City: Overland Park, KS
 State: KS
 Zip Code: 66212

Fob Point: Fayetteville
 Ship to code: 66212

Requester: *[Signature]*

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Value Engineering Services, Wastewater System	1	EA	39,844.00	\$420,216.00	4480-9480-5315.00	02133-0401		
2	Improvement Project, WL-10, WL-11, and WL-12				\$0.00				
3	Farmingington and Western Fayetteville Area				\$0.00				
4					\$0.00				
5					\$0.00				
6					\$0.00				
7					\$0.00				
8					\$0.00				
9					\$0.00				
10					\$0.00				
	Shipping/Handling		Lot		\$0.00				

Special Instructions:

Subtotal: \$420,216.00
 Tax: \$0.00
 Total: \$420,216.00

Approvals:

Mayor: _____ Department Director: _____ Purchasing Manager: _____

Finance & Internal Services Director: _____ Budget Manager: _____ IT Manager: _____

Dispatch Manager: _____ Utilities Manager: _____ Other: _____

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

11/21/2006

City Council Meeting Date

Kevin Springer

Submitted By

Budget & Research

Division

Finance & Internal Services

Department

Action Required:

Approve a resolution adopting the Proposed 2007 Annual Budget & Work Program.

Cost of this request

\$

Category / Project Budget

Program Category / Project Name

Account Number

\$

Funds Used to Date

Program / Project Category Name

Project Number

\$

Remaining Balance

Fund Name

Budgeted Item

Budget Adjustment Attached

Paul A. Bech

Department Director

11-6-2006
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

D. J. Whit

City Attorney

11/7/06
Date

Received in Clerk's Office

Paul A. Bech

Finance Director

11-7-2006
Date

Received in Mayor's Office

Ran Cady

Mayor

11/7/06
Date

Comments:

Tabled to 12/5/06 City Council Mtg



DEPARTMENTAL CORRESPONDENCE

TO: Mayor Coody and City Council

FROM: Paul A. Becker, Finance Director *PAB*
Kevin Springer, Budget Manager *KS*

DATE: November 6, 2006

SUBJECT: **Proposed 2007 Annual Budget & Work Program**

Recommendation:

Consider the Proposed 2007 Annual Budget & Work Program for adoption by the December 19, 2006 City Council meeting.

Discussion:

The Proposed 2007 Annual Budget & Work Program were distributed to City Council on Tuesday, November 7, 2006

A brief overview of the Proposed 2007 Annual Budget & Work Program is scheduled for **Tuesday, November 14** during the City Council agenda session. Listed below is a schedule of hearing dates for the Proposed 2007 Annual Budget & Work Program.

Date	Budget Meeting/ Location
Tuesday, November 7, 2006	<i>Distribution of the Proposed 2007 Budget</i>
Tuesday, November 14, 2006	<i>Presentation of the Proposed 2007 Budget City Council Agenda Session, Room 326</i>
Tuesday, November 21, 2006	<i>City Council Meeting Room 219</i>
Tuesday, November 28, 2006	<i>Outside Agency Presentations (agenda session) Room 326</i>
Saturday, December 2, 2006	<i>Budget Working Session (8:00 am - TBD) Fayetteville Municipal Airport</i>
Tuesday, December 5, 2006	<i>City Council Meeting Room 219</i>
Tuesday, December 19, 2006	<i>City Council Meeting Room 219</i>

If you have any questions concerning the Proposed 2007 Annual Budget & Work Program, please feel free to contact either Paul A. Becker at 575-8330 or Kevin Springer at 575-8226. Thank you for your attention to this matter.

RESOLUTION NO. _____

A RESOLUTION ADOPTING THE 2007 ANNUAL BUDGET AND
WORK PROGRAM AS APPROVED AND AMENDED.

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 adopts the 2007 Annual Budget & Work Program as approved and
amended. A copy of the Amended Budget, marked Exhibit "A" is attached
hereto and made a part hereof.

PASSED and APPROVED this 19th day of December, 2006

APPROVED:

By: _____

DAN COODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk



2007



City of Fayetteville, Arkansas

**Proposed
Annual Budget
& Work Program**



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

5-Dec-06
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

RZN 06-2320: (Garner, 561): Submitted by John Walters for property located at 904 15th Street. The property is zoned RMF-24, Residential Multi-Family, 24 units per acre and contains approximately 0.75 acres. The request is to rezone the subject property to C-2, Thoroughfare Commercial.

\$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	Remaining Balance	Fund Name
	\$ -	

Budgeted Item

☐

Budget Adjustment Attached

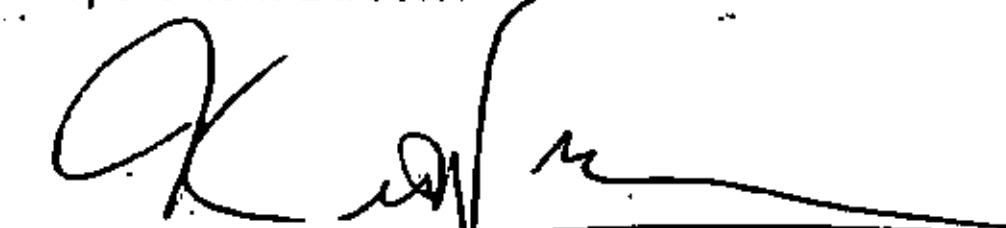
☐


Department Director

11-17-06
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a


City Attorney

11-17-06

Original Contract Number: n/a


Finance and Internal Service Director

11-17-06
Date

Received in City Clerk's Office




Mayor

11/20/06
Date

Received in Mayor's Office



Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning *JP*

Date: November 16, 2006

Subject: Rezoning for Garner (RZN 06-2320)

RECOMMENDATION

The Planning Commission recommended approval of the subject rezoning the 0.75-acre property from RMF-24 to C-2 with the associated Bill of Assurance provided by the applicant.

BACKGROUND

The 0.75-acre property is located on the north side of 15th Street in south Fayetteville, less than ½ mile east of Razorback Road. The property contains a church building and is zoned RMF-24. Surrounding properties are residential.

The request is to rezone the subject property from RMF-24, Residential Multi-Family 24 Units/Acre to C-2, Thoroughfare Commercial, in order to allow the various uses requested. The request is subject to a Bill of Assurance offered by the applicant, however, that limits the uses on the property to those associated with the art gallery, studio, café and art supply retail sales.

DISCUSSION

This item was heard at the regular Planning Commission on November 13, 2006. The Planning Commission voted 8-0-0 to recommend approval of this rezoning request with the associated Bill of Assurance to the City Council.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT
PROPERTY DESCRIBED IN REZONING
PETITION RZN 06-2320, FOR
APPROXIMATELY 0.75 ACRES, LOCATED AT
904 15TH STREET FROM RMF-24,
RESIDENTIAL MULTI-FAMILY, 24 UNITS PER
ACRE TO C-2, THOROUGHFARE
COMMERCIAL WITH THE ASSOCIATED BILL
OF ASSURANCE.

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

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

From RMF-24, Residential Multi-Family, 24 units
per acre to C-2, Thoroughfare Commercial, as
shown on Exhibits "A" and "B" attached hereto and
made a part hereof.

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

Section 3: That this rezoning approval is subject to the Bill of Assurance offered by the
Applicant as shown on Exhibit "C".

PASSED and APPROVED this ___ day of ___, 2006.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk

EXHIBIT "A"
RZN 06-2320

A PART OF THE SW1/4 OF THE NW1/4, OF SECTION 21, TOWNSHIP 16 NORTH, RANGE 30 WEST, DESCRIBED AS BEGINNING AT A POINT WEST 309.00 FEET AND NORTH 30.00 FEET FROM THE SOUTHEAST CORNER OF THE SAID FORTY (40) ACRE TRACT; THENCE ALONG THE NORTH RIGHT-OF-WAY OF ARKANSAS HIGHWAY 16 BY-PASS WEST 136.50 FEET; THENCE NORTH 00°12'44"EAST 188.00 FEET; THENCE EAST 214.37 FEET; THENCE SOUTH 00°10'16"WEST 88.00 FEET; THENCE WEST 78.00 FEET; THENCE SOUTH 00°10'16"WEST 100.00 FEET TO THE POINT OF BEGINNING, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS.

EXHIBIT "B"

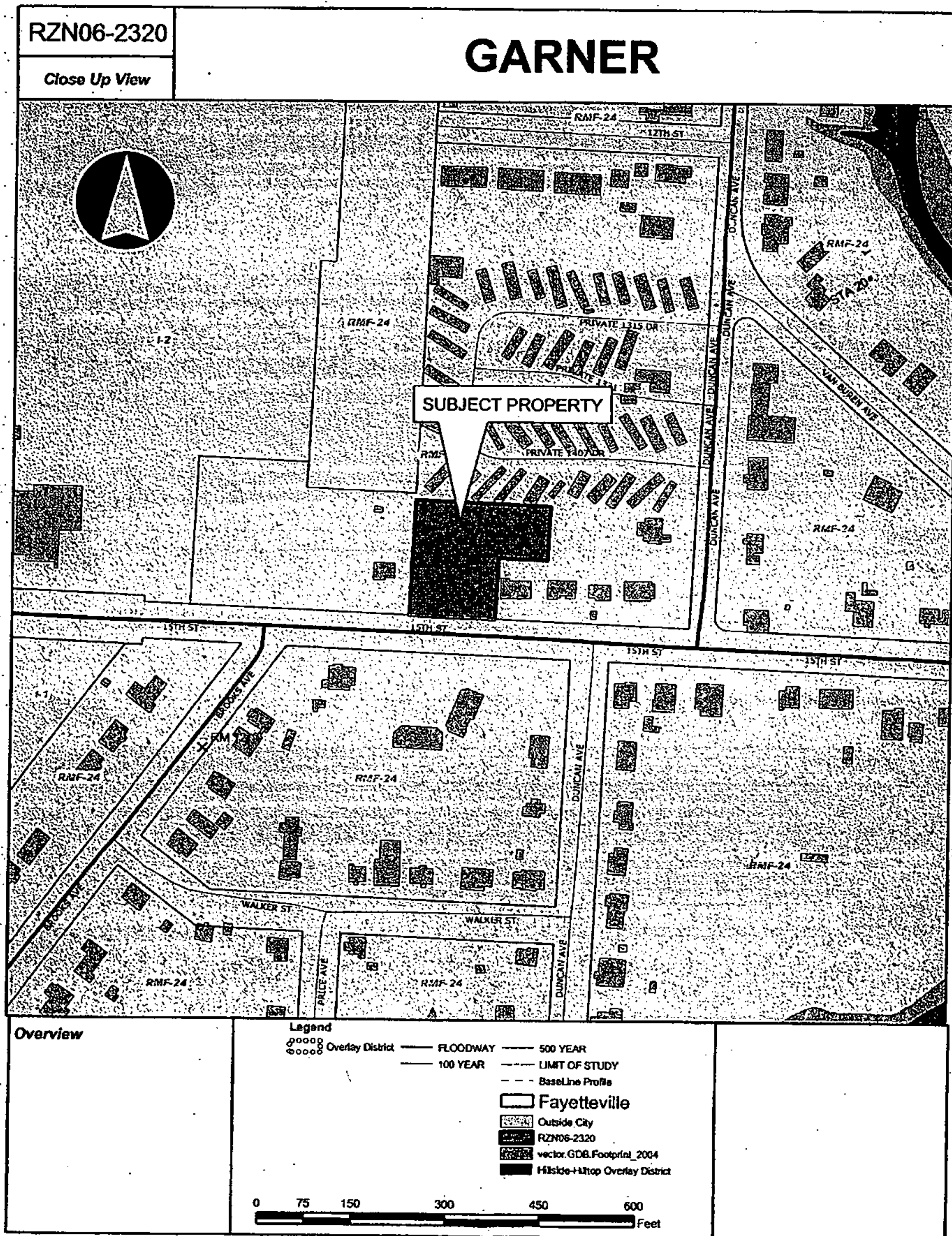


EXHIBIT "C"
Page 1 of 2

BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") Denise Garner, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

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

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

1. The use of Petitioner's property shall be limited to art gallery;
auditorium/stage for drama/music; art studio for
workshops/teaching; art supply sales; cafe; complementary
retail sales (ie arts/crafts, books, unique gifts)

2. Other restrictions including number and type of structures upon the property are limited to remodeling existing structures,
expansion not to exceed 10% of present square
footage

3. Specific activities will not be allowed upon petitioner's property include bar, liquor store, adult entertainment,
gas station, hotels/motels - any activity not
listed in #1 - Use of Property

4. (Any other terms or conditions) _____

EXHIBIT "C"
Page 2 of 2

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

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

11/08/06
Date

Denise Garner
Printed Name

3390 E. Mission
Address
Fayetteville, AR
72703

Denise Garner
Signature

NOTARY OATH

STATE OF ARKANSAS }
COUNTY OF WASHINGTON }

And now on this the 8 day of November, 2006, appeared before me, Denise Garner and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

Crystal Martin
NOTARY PUBLIC

My Commission Expires:
July 27, 2016

OFFICIAL SEAL
CRYSTAL MARTIN
BENTON COUNTY
NOTARY PUBLIC - ARKANSAS
MY COMMISSION EXPIRES JULY 27, 2016



PC Meeting of November 13, 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: Andrew Garner, Senior Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: ~~November 3, 2006~~ Updated November 14, 2006

RZN 06-2320: (GARNER, 561): Submitted by JOHN WALTERS for property located at 904 15th Street. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY 24 UNITS/ACRE and contains approximately 0.75 acres. The request is to rezone the subject property to C-2, Thoroughfare Commercial.

Property Owner: Denise and Hershey Garner
Planner: Andrew Garner

RECOMMENDATION:

Staff recommends approval of RZN 06-2320 with the associated Bill of Assurance offered by the applicant for the subject property.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Motion: <u>Myres</u>			
Second: <u>Clark</u>			
Vote: <u>8-0-0</u>			
Date: <u>November 13, 2006</u>		☒ Approved	☐ Denied
CITY COUNCIL ACTION:		Required	<u>YES</u>
☐ Approved ☐ Denied			
Date: <u>December 5, 2006 (1st reading if recommended)</u>			

Comments: _____

BACKGROUND:

Property Description: The property under review consists of 0.75 acres on the north side of 15th Street in south Fayetteville, less than ½ mile east of Razorback Road. The property contains a church building and is zoned RMF-24. As depicted on *Table 1*, the property is surrounded by residential property.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Mobile home park	RMF-24
South	Multi-family	RMF-24
East	Single family residential	RMF-24
West	Multi-family residential	RMF-24

Proposal: The applicant proposes a rezoning of the subject property to C-2, Thoroughfare Commercial, to allow for the remodeling of the existing church building for use as an art gallery, café/coffee shop, auditorium, art studio and art supply retail.

Request: The request is to rezone the subject property from RMF-24, Residential Multi-Family 24 Units/Acre to C-2, Thoroughfare Commercial, in order to allow the various uses requested. The request is subject to a Bill of Assurance offered by the applicant, however, that limits the uses on the property to those associated with the art gallery, studio, café and art supply retail sales.

Public Comment: Staff has received a few phone calls from adjacent property owners inquiring about the rezoning. One property owner did not object to the rezoning, and another one objected stating that only residential uses should be allowed on the property.

INFRASTRUCTURE:

Streets: Currently the site has access to 15th Street. 15th Street is a four lane state highway. Improvements to the adjacent streets will be evaluated in rough proportionality to development on the property.

Water: Public water is located adjacent to the site. There is an 8" waterline along the south side of 15th Street. Water service will need to be extended to the property and through the property at the time of development.

Sewer: Sanitary sewer is available adjacent to the site. There is a 6" sewer main along the south side of 15th Street. Sewer service will need to be extended property at the time of development. Improvements to the sewer system may be required dependent upon the demand placed by the development. The capacity of the existing main will need to be studied at the time of development.

Drainage: Standard improvements and requirements for drainage will be required for the

development.

Fire: The subject property is located 1.5 miles from Fire Station # 6 at 900 S. Hollywood. Fire response time is approximately 3.5 minutes.

Police: It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density nor will it create an undesirable increase on police services.

LAND USE PLAN: The City Plan 2025 along with the Interim Future Land Use Plan Map and Sector map were adopted by the City Council on July 17, 2006. The Interim Future Land Use Map designates this site for Residential Use. This entire area of 15th Street is identified on the Sector Map as an Infill Growth Sector. The Guiding Policies in the City Plan 2025 classify Infill Growth Sector as falling under the policies for Mixed Uses. Mixed Use areas are defined as areas where residential, commercial, agricultural, and some industrial uses may be appropriate. Rezoning this property to C-2 could allow some potentially objectionable uses in an area that is almost exclusively residential. Rezoning the property to C-2 with the assurances offered by the applicant, however, utilizes the property in a manner that is consistent with the land use plan and long-range planning objectives for this area of the City, and provides a level of acceptable compatibility within a residential area.

FINDINGS OF THE STAFF

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

Finding: The property is identified for residential use on the Interim Future Land Use Plan, and is an Infill Growth Sector. The Infill Growth Sector overlay falls under the Future Land Use Guiding Policies for Mixed Use Area (City Plan 2025, Section 12.1.3). The Guiding Policies for Mixed Use Areas discusses that mixed uses should be integrated where appropriate. The proposed rezoning to C-2 in an area that is principally residential is generally not consistent with future land use planning objectives, principles, and policies for Residential Areas and Infill Growth Sectors. The property is entirely surrounded by residential use in the RMF-24 zoning district. A C-2 zoning in the midst of RMF-24 zoning and residential development would allow a variety of uses that could be incompatible with, and potentially objectionable to, the established residential uses in the area. A straight rezoning as proposed without a bill of assurance or other committed uses appropriate to and compatible with residential neighborhood uses could result in uses allowed in the C-2 zoning district that are not appropriate in this residential area.

Staff finds the proposed renovation of the existing church for use as an art gallery as proposed by the applicant to be an appropriate and compatible use at

this location; a straight rezoning of the property to C-2 is not recommended. Staff has discussed these concerns with the applicant, who subsequently has offered a limiting bill of assurance that ties the future use of the property to an art gallery, auditorium/stage for drama/music, art studio for workshops/teaching, art supply sales, café and complementary retail sales (arts, crafts, books, unique gifts). This option of rezoning is much preferred in this particular case, in that it ensures a level of compatibility with the neighborhood. The uses listed are low impact, low intensity types of use, and should not create a high noise, refuse, light, traffic or other detrimental impact on surrounding properties.

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

Finding: The proposed zoning to C-2 for the uses proposed is justified. The applicant's stated intent is to rezone the property to allow for an art gallery and other associated uses. These uses, while generally low in intensity, are located within several use units found only within the C-2 zoning district as uses by right. Subject to the bill of assurance, the C-2 zoning district will provide a means by which these uses can be achieved on the property for a beneficial reuse of the existing church.

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

Finding: The size of the subject property will limit a great increase in traffic danger and congestion, due to the size of development generated by 0.75 acres. However, traffic volumes in this area are fairly high, and increasing. Planning of any future development or re-development on this site must address safe access and cross access concerns. At the time of development, improvement to this street and ingress/egress will be evaluated carefully. Additionally, based on the uses proposed within the property, parking and landscaping requirements will be evaluated and improvements required where necessary.

Police – It is the opinion of the Fayetteville Police Department that this rezoning will not create an appreciable increase in traffic danger and congestion in the area.

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

Finding: The proposed zoning would not substantially alter the population density in the area, based on the C-2 zoning requested. Public service providers have responded accordingly:

Police – It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density nor will it create an undesirable increase on police services.

Fire – Response time to the subject property (actual drive time) is approximately 3.5 minutes (approximately 1.5 miles) from station #6.

Engineering - Public water is adjacent to the site. There is an 8" waterline along 15th Street
Sanitary sewer is adjacent to the site. There is a 6" sewer main along 15th Street.

The site has access to 15th Street. 15th Street is a state highway (16) which is a principal arterial in the City's Master Street Plan. The Arkansas Highway Transportation Department will be widening this roadway this year to a 5-lane highway.

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: As discussed under Finding No. 1, staff does not find that the uses proposed on the site as described by the applicant to be inappropriate. These uses include: art gallery, auditorium/stage for drama/plays, art studio for work and teaching, eating place/café, and sale of art supplies. These uses when designed and planned appropriately with the established residential uses in the area would meet several of the guiding policies for Mixed Use Areas. Providing assurances to limit the uses on the site eliminates the potential for incompatible uses neither desired by the applicant, nor supported by staff. Staff recommends denial of a request for a straight C-2 zoning; however, the Bill of Assurance offered satisfies the concerns of rezoning the area, by providing assurances of the uses that will be permitted on the property, thereby limiting them to uses that will not detrimentally impact adjacent properties.

**FAYETTEVILLE UNIFIED
DEVELOPMENT CODE**

**161.13 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
----------------	---------

(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.
HHOD Single Family Front	HHOD Single Family Side	HHOD Single Family Rear
15 ft.	8 ft.	15 ft.
HHOD Two Family Front	HHOD Two Family Side	HHOD Two Family Rear
15 ft.	8 ft.	15 ft.
HHOD Multi Family Front	HHOD Multi Family Side	HHOD 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 except for the HHOD. Within the HHOD the maximum building height is 60 ft. as measured from the lowest point of the structure at the historic grade, prior to development, to the highest point of the structure, allowing 3 stories on the uphill side and 4 stories on the downhill side of the building. If the building is placed on a graded pad, then the height of the building is reduced, allowing a maximum of 3 stories as measured from the historic grade, pre-development.

(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; Ord. No. 4855, 4-18-06)

FAYETTEVILLE UNIFIED DEVELOPMENT CODE

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.

(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; Ord. 4913, 8-15-06)

(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
Unit 38	Mini-storage units

(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.

BILL OF ASSURANCE FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") Denise Garner, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

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

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

1. The use of Petitioner's property shall be limited to Art gallery; Auditorium/Stage for drama/music; art studio for workshops/teaching; art supply sales; cafe; complementary retail sales (ie arts/crafts, books, unique gifts)
2. Other restrictions including number and type of structures upon the property are limited to remodeling existing structures

3. Specific activities will not be allowed upon petitioner's property include bar, liquor store, adult entertainment, gas station, hotels/motels - any activity not listed in #1 - Use of Property

4. (Any other terms or conditions) _____

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

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

11/08/06
Date

Denise Garner
Printed Name

3390 E. MISSION
Address
Fayetteville, AR
72703

Denise Garner
Signature

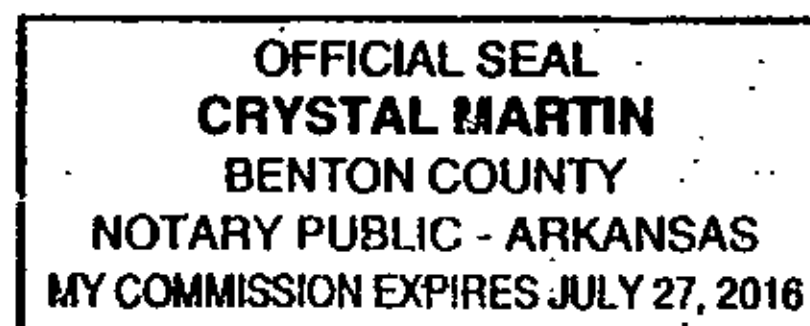
NOTARY OATH

STATE OF ARKANSAS }
COUNTY OF WASHINGTON }

And now on this the 8 day of November, 2006, appeared before me, Denise Garner and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

Crystal Martin
NOTARY PUBLIC

My Commission Expires:
July 27, 2016



Building Use Proposal

RE: Sanctuary Gallery & Gifts

SANCTUARY: Area of old church to be used for art gallery to show and sell original, unique, antique and/or hand-made objects D'art.

This area would also be used as a reception area for art exhibits. This area is 2,000 square feet in size and includes a 300 square foot stage area to accommodate regional theater, dance and/or musical groups. Seating for these events would be 40.

700 square foot area at North East end of building to be used as studio space for contract artists/instructors for workshops and classes. Retail space for sale of art supplies, non-alcoholic beverages and snacks.

EMPLOYEES: To include on full time manager (possible live in-one bedroom.) and two or more part time depending on event schedules.

HOURS FOR GALLERY: Tues. - Sat. 10am-5pm Sun. 2-5pm
Workshop and Stage as needed.
Peak Hours 10am-12noon, 2pm-4pm

PARKING: 30 spaces

Regarding application for rezoning:

- 6a. The property is owned by Hershey and Denise Garner. No sale is purposed or pending.
 - b. The owners want to use the existing church building as an art gallery, art classes, small theater, and serve refreshments.
 - c. This use of the property should generate no more traffic than multi-family dwellings surrounding this property. The appearance of the old existing building would be improved. Signage for the property would be consistent with the surrounding properties.
 - d. Property is serviced by 8" water line and 6" sewer line.
-
- 7a. We feel this use of the property would not be inconsistent with land use planning objectives, principles and policies and with land use zoning plans as this neighborhood includes a large food processing plant, motor home park as well as single family dwellings, multi-family dwellings and mobile home parks. Use of this property as a cultural center will be of benefit to the entire community.
 - b. We feel that this zoning is justified and needed in order to utilize the existing structure and make necessary improvements. (cannot be used as a multi-family dwelling)
 - c. This use of the property should generate no more traffic than multi-family dwellings surrounding this property.
 - d. This use of the property would not alter population density.
 - e. It would be impractical to use the land for any of the uses permitted under its existing zoning classification because we wish to preserve the existing church building which is not useable as a multi-family dwelling.

From: Andrew Garner
To: h.gamer@sbcglobal.net
Date: 10/27/06 10:50AM
Subject: Rezoning on 15th Street

Mr. Garner,

Jeremy Pate asked me to send you some information based on your meeting this morning with Mayor Coody.

It sounds like the basic uses you propose include:

1. Art gallery
2. Auditorium/stage for drama/plays
3. Art studio for work and teaching
4. Eating place/cafe
5. Sale of art supplies

These uses fall under the Fayetteville Unified Development Code as *Use Units 4, 12, 13, 25* (see attached). With that understanding here are a couple of options:

- A. You could rezone the property to R-O (Residential Office) which would allow *Use Units 12, and 25* as a permitted use, and *Use Units 4 and 13* as conditional uses (see attached).
- B. You could rezone the property to C-1 (Neighborhood Commercial) which would allow *12, 13, and 15* as a permitted use, and *Use Unit 4* as a conditional use (see attached).

As I believe Mr. Pate mentioned to you, if you proposed C-1 zoning we would anticipate a Bill of Assurance being signed to limit the uses to those described. An example Bill of Assurance is attached.

Please let us know if we can be of further assistance or if you have other questions.

Thanks,
Andrew

Andrew M. Garner
Senior Planner
City of Fayetteville
125 West Mountain Street
Fayetteville, Arkansas 72701

Tel: 479.575.8262
Fax: 479.575.8202
agarner@ci.fayetteville.ar.us
www.accessfayetteville.org

CC: jocee@blackburnfarms.com; Pate, Jeremy



Fayetteville Fire Department

MEMO

To: Suzanne Morgan, Andrew Garner, Jeremy Pate, and
Jesse Fulcher

Thru: Chief Tony Johnson *TS*
Asst Chief Bud Thompson *BT*

From: Captain Dale Riggins

Date: November 6, 2006

Re: November 8, 2006 Zoning Review –
Fire Department Comments

RZN06-2320(Garner)

These 0.73 acres are covered by Engine 6 located at 900 S Hollywood.
It is 1.5 miles from the station with an expected response time of 3.5
minutes.

The Fire Department does not figure calls for service on properties that are
requesting to be zoned C-2, Commercial Thoroughfare. Typically, this type
of development will not increase our calls for service or our response times.
Measured hydrant flow in this area is 1539 gallons per minute.

Please feel free to contact me if you have any questions concerning the
comments

Dale Riggins

Captain Dale Riggins
Fayetteville Fire Department



Date 11/06/06

Jeremy Pate
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Pate,

This document is in response to the request for a determination of whether the proposed rezoning **RZN 06-2320: (GARNER, 561)**: submitted by **John G. Walters** for property located at **904 West 15th Street** would substantially alter the population density and thereby undesirably increase the load on public services and create an appreciable increase in traffic danger and congestion. The property contains approximately 0.73 acres. The property is zoned **RMF-24, Multi Family – 24 units / acre**. The request is to rezone the subject property to **C – 2, Thoroughfare Commercial**.

It is the opinion of the Fayetteville Police Department that this rezoning **will not** substantially alter the population density or create an undesirable increase in the load on police services. It **will not** create an appreciable increase in traffic danger and congestion in the area.

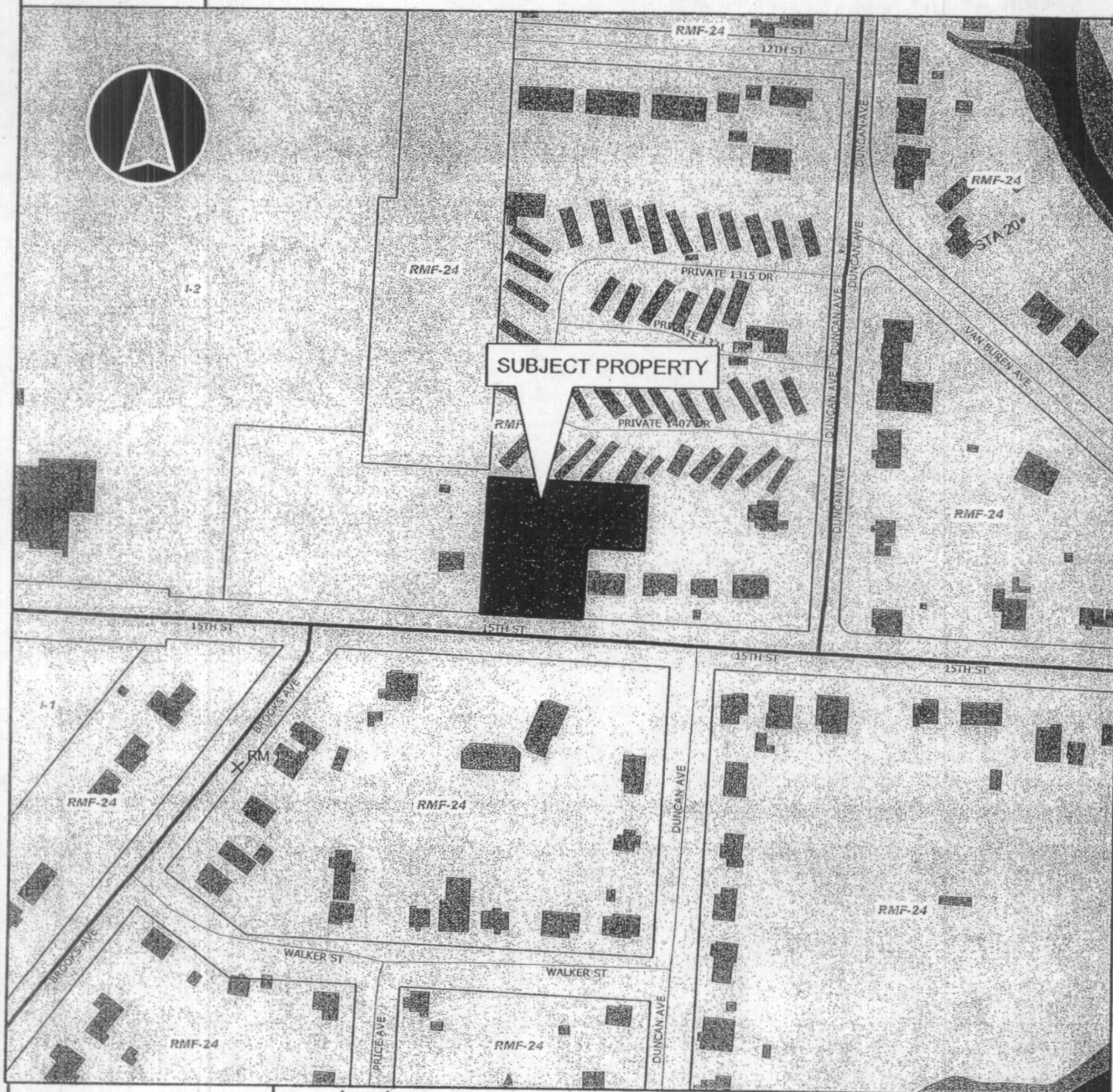
Sincerely,

Captain William Brown
Fayetteville Police Department

RZN06-2320

Close Up View

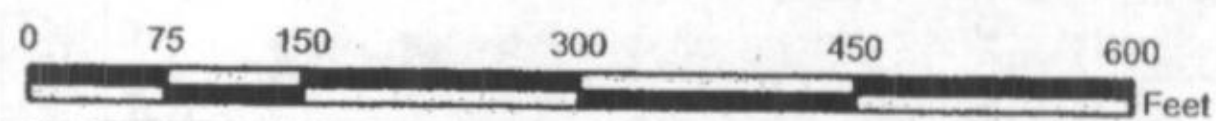
GARNER



Overview

Legend

- Overlay District
- FLOODWAY
- 100 YEAR
- 500 YEAR
- LIMIT OF STUDY
- - - BaseLine Profile
- Fayetteville
- Outside City
- RZN06-2320
- vector.GDB.Footprint_2004
- Hillside-Hilltop Overlay District



RZN06-2320

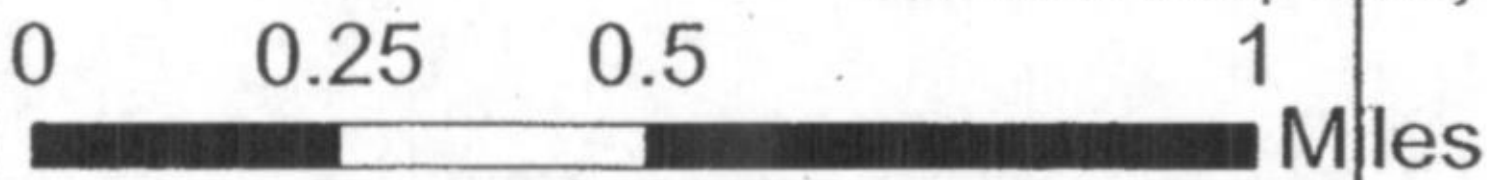
One Mile View

GARNER



- Legend**
- Subject Property
 - RZN06-2320
 - Boundary
 - Planning Area
 - Overlay District
 - Outside City

- Legend**
- Hillside-Hilltop Overlay District



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

C. 2
VAC 06-2315, Paul
Page 1 of 14

5-Dec-06
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

VAC 06-2315: (Paul, 216): Submitted by Alan Reid & Associates for property located at 2753 East Par Court. The property is zoned RSF-4, Residential Single Family - 4 units per acre, and contains approximately 0.52 acres. The request is to vacate portion of a utility easement on the subject property.

\$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

☐

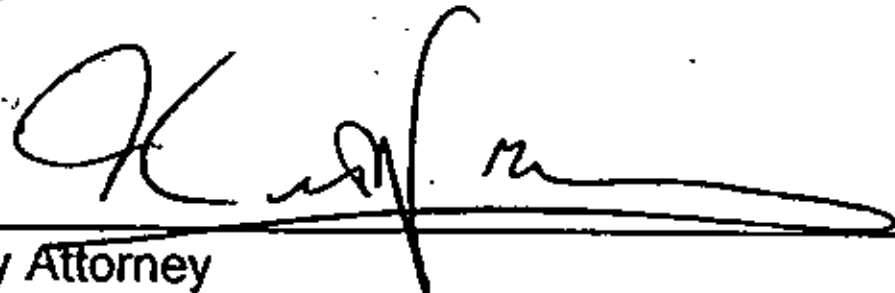

Department Director

11-17-06
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a


City Attorney

11-17-06

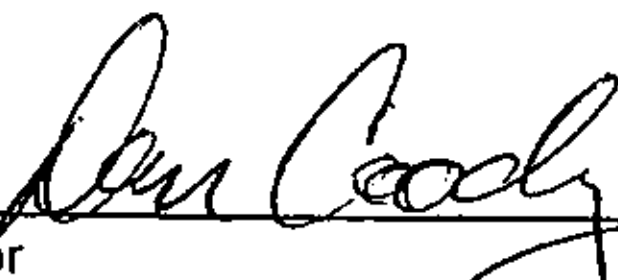

Finance and Internal Service Director

11-17-06
Date

Received in City Clerk's Office

ENTERED

11/17/06


Mayor

11/20/06
Date

Received in Mayor's Office

ENTERED

11/17/06

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: November 16, 2006

Subject: Easement Vacation for Paul (VAC 06-2315)

RECOMMENDATION

Planning Staff recommends approval of an ordinance vacating a portion of a 10' utility easement located along the eastern property line at 2753 Par Court.

BACKGROUND

The subject property is located at 2753 E Par Court, specifically Lot 7 of Paradise View Phase II. Paradise View Subdivision is located south of Joyce Boulevard, west of Crossover Road and was platted in 1991. The subject property is zoned RSF-4 and was developed in 1993.

The site plan submitted for building permit approval indicates a 12' building setback from the side property lines. Prior to construction, the builder mistakenly pulled the lot line string from the wrong pin at the time the setbacks were determined. The encroachment into the utility easement and building setback was not discovered until the house was almost completely finished. On August 16, 1993, the Board of Adjustment approved a variance for the 3' encroachment into the side building setback. Mention was made by staff that the building also encroached into the utility easement; however, no record exists of an approved vacation of the approximately 41 square foot encroachment of the easement.

DISCUSSION

Notification was provided to all appropriate utility representatives and adjoining property owners; there were no objections to this request. The Planning Commission voted 7-0-0 to forward this item to the City Council with a recommendation for approval.

BUDGET IMPACT

None.

ORDINANCE NO. _____

**AN ORDINANCE APPROVING VAC 06-2315 SUBMITTED
BY ALAN REID & ASSOCIATES FOR PROPERTY LOCATED AT 2753 EAST
PAR COURT, VACATING A PORTION OF THE UTILITY EASEMENT
LOCATED WITHIN THE SUBJECT PROPERTY.**

WHEREAS, the City Council has the authority under A.C.A. §14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of the platted utility easement is not required for corporate purposes.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following described utility easement:

See Exhibit "A" attached hereto and made a part hereof.

Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached hereto and labeled Exhibit "B" shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 3: That this vacation approval is subject to the conditions of approval as follows, and shall not be in effect until all conditions are met herein.

1. Any relocation of existing utilities shall be at the owner/developer's expense.
2. Only that portion of the utility easement into which the home currently encroaches is vacated by this approval.

PASSED and APPROVED this ____ day of ____, 2006.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

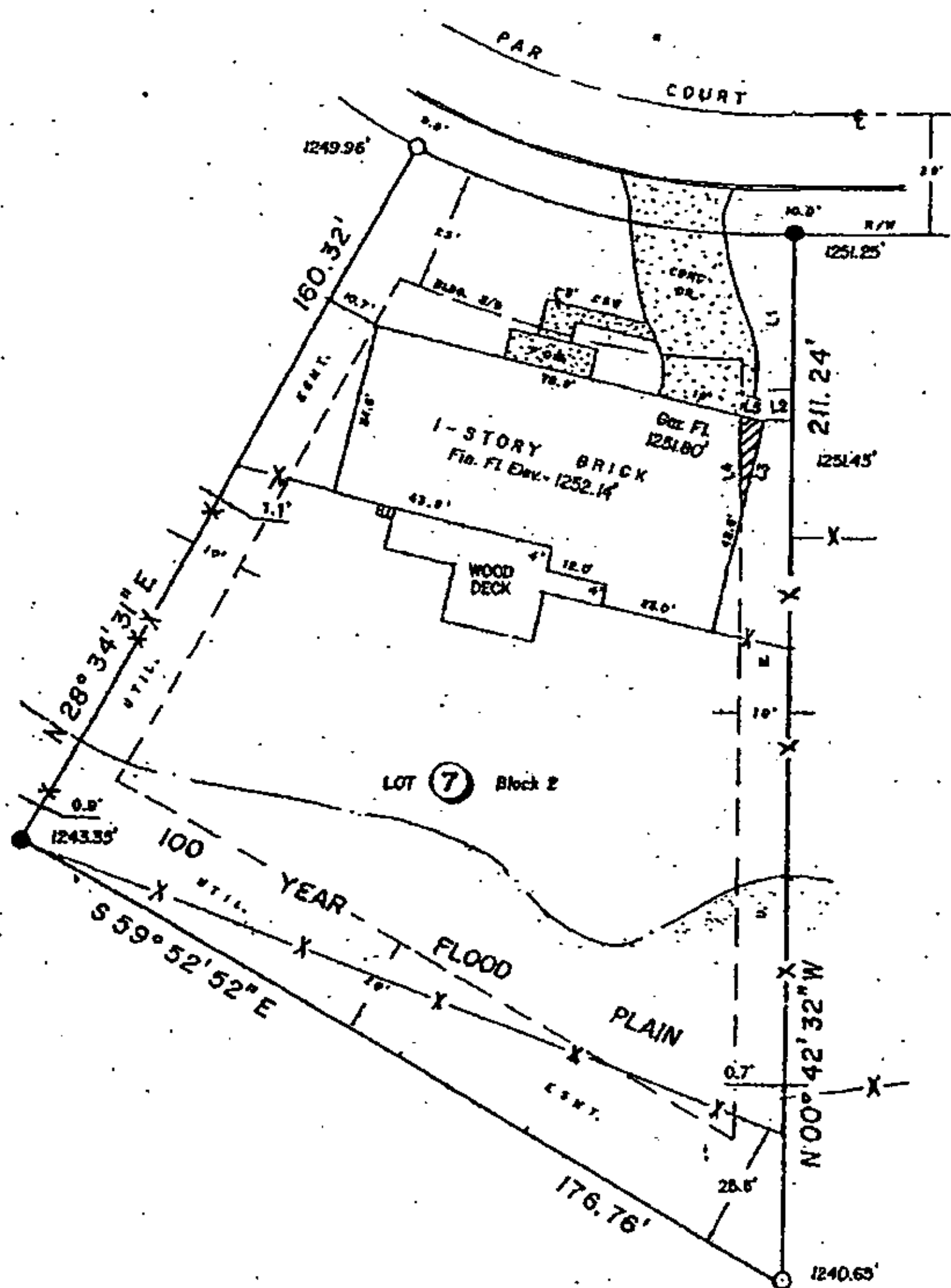
By: _____
SONDRA SMITH, City Clerk

EXHIBIT "A"
VAC 06-2315

A PART OF LOT NUMBERED SEVEN (7) IN BLOCK NUMBERED TWO (2), PARADISE VIEW ESTATES, PHASE II, TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAME ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT SEVEN (7), SAID POINT BEING AN EXISTING IRON REBAR; THENCE S00°42'32"E 38.04 FEET ALONG THE EAST LINE OF SAID LOT SEVEN (7) TO A POINT; THENCE LEAVING THE EAST LINE OF SAID LOT SEVEN (7), S89°17'28"W 5.50 FEET TO THE NORTHEAST CORNER OF AN EXISTING HOUSE FOR THE TRUE POINT OF BEGINNING; THENCE S14°29'14"W 17.18 FEET ALONG THE EAST SIDE OF SAID HOUSE TO A POINT ON THE WEST LINE OF AN EXISTING TEN (10) FOOT WIDE UTILITY EASEMENT; THENCE LEAVING THE EAST SIDE OF SAID HOUSE, N00°42'32"W 17.80 FEET ALONG THE WEST LINE OF SAID EASEMENT TO A POINT ON THE NORTH SIDE OF SAID HOUSE; THENCE LEAVING THE WEST LINE OF SAID EASEMENT, S75°30'46"E 4.67 FEET TO THE POINT OF BEGINNING, CONTAINING 40.1 SQUARE FEET, MORE OR LESS.

TANCE
38.04'
5.50'
17.18'
17.80'
4.67'

SHEARER
JSAS 72703



765-17507-000
DAVID M. & NANCY M. FELKER
2777 E. PAR COURT
FAYETTEVILLE, ARKANSAS 72703

BEAUCHAMP
7 DRIVE
ARKANSAS 72703

RED SEVEN (7) IN BLOCK NUMBERED TWO (2), PARADISE VIEW
CASE II, TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER
ME ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX OFFICIO



PC Meeting of November 13, 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
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: November 6, 2006

VAC 06-2315: (PAUL, 216): Submitted by Alan Reid & Associates for property located at 2753 E Par Court. The property is zoned RSF-4, Residential Single Family - 4 unit/acre and contains approximately 0.52 acres. The request is to vacate a portion of a utility easement on the subject property.

Owner: James Paul

Planner: Suzanne Morgan

Findings:

Property Description and Background: The subject property is located at 2753 E Par Court, specifically Lot 7 of Paradise View Phase II. Paradise View Subdivision is located south of Joyce Boulevard, west of Crossover Road and was platted in 1991. The subject property is zoned RSF-4 and was developed in 1993.

The site plan submitted for building permit approval indicates a 12' building setback from the side property lines. Prior to construction, the builder mistakenly pulled the lot line string from the wrong pin at the time the setbacks were determined. The encroachment into the utility easement and building setback was not discovered until the house was almost completely finished. On August 16, 1993, the Board of Adjustment approved a variance for the 3' encroachment into the side building setback. Mention was made by staff that the building also encroached into the utility easement; however, no record exists of an approved vacation of the approximately 41 square foot encroachment of the easement.

Request: The applicant has submitted an application requesting vacation of the portion of utility easement into which the building encroaches. The encroachment is located along the east property line and encompasses approximately 41 square feet. The applicant has submitted the required notification forms to the utility companies and to the City with the result summarized below.

UTILITIES

Cox Communications

Southwestern Electric Power Company

RESPONSE

No Objections

No Objections

Ozark Electric Cooperative Corporation

No objections if the remainder of the utility easement is left intact and the vacation is limited only to the building encroachment.

Arkansas Western Gas

No Objections

AT&T/ Southwestern Bell Telephone

No Objections

CITY OF FAYETTEVILLE:

RESPONSE

Water/Sewer

No objections

Engineering

No Objections

Solid Waste

No Objections

Transportation

No Objections

Public Comment: Staff has not received public opposition to this vacation request.

Recommendation: Staff recommends approval of the proposed utility easement vacation, VAC 06-2315, with the following conditions:

Conditions of Approval:

1. Any relocation of existing utilities shall be at the owner/developer's expense.
2. Only that portion of the utility easement into which the home currently encroaches is vacated by this approval.

PLANNING COMMISSION ACTION: yes Required

Recommendation to be: ✓ Approved Denied

Motion: Clark

Second: Ostner

Vote: 7-0-0

Date: November 13, 2006

Comments: _____

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

By _____

Title _____

Date _____

PETITION TO VACATE AN EASEMENT LOCATED IN LOT 7, BLOCK 2, PARADISE VIEW ESTATES, PHASE II,
TO THE CITY OF FAYETTEVILLE, ARKANSAS.

To: The Fayetteville City Planning Commission and
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the easement herein sought to be abandoned and vacated, lying in Lot 7, Block 2, Paradise View Estates, Phase II, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a portion of an easement which is described as follows:

A PART OF LOT NUMBERED SEVEN (7) IN BLOCK NUMBERED TWO (2), PARADISE VIEW ESTATES, PHASE II, TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAME ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT SEVEN (7), SAID POINT BEING AN EXISTING IRON REBAR; THENCE S00°42'32"E 38.04 FEET ALONG THE EAST LINE OF SAID LOT SEVEN (7) TO A POINT; THENCE LEAVING THE EAST LINE OF SAID LOT SEVEN (7), S89°17'28"W 5.50 FEET TO THE NORTHEAST CORNER OF AN EXISTING HOUSE FOR THE TRUE POINT OF BEGINNING; THENCE S14°29'14"W 17.18 FEET ALONG THE EAST SIDE OF SAID HOUSE TO A POINT ON THE WEST LINE OF AN EXISTING TEN (10) FOOT WIDE UTILITY EASEMENT; THENCE LEAVING THE EAST SIDE OF SAID HOUSE, N00°42'32"W 17.80 FEET ALONG THE WEST LINE OF SAID EASEMENT TO A POINT ON THE NORTH SIDE OF SAID HOUSE; THENCE LEAVING THE WEST LINE OF SAID EASEMENT, S75°30'46"E 4.67 FEET TO THE POINT OF BEGINNING, CONTAINING 40.1 SQUARE FEET, MORE OR LESS.

That the abutting real estate affected by said abandonment of the easement is Lot 7, Block 2, Paradise View Estates, Phase II, City of Fayetteville, Arkansas, and that the public interest and welfare would not be adversely affected by the abandonment of the above described portion of the utility easement.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described portion of the utility easement.

Dated this 4 day of October, 2006

James D. Paul

Printed name

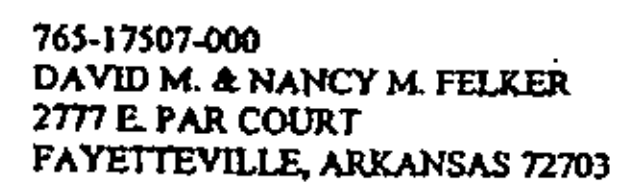
James D. Paul

Signature

Printed name

Signature

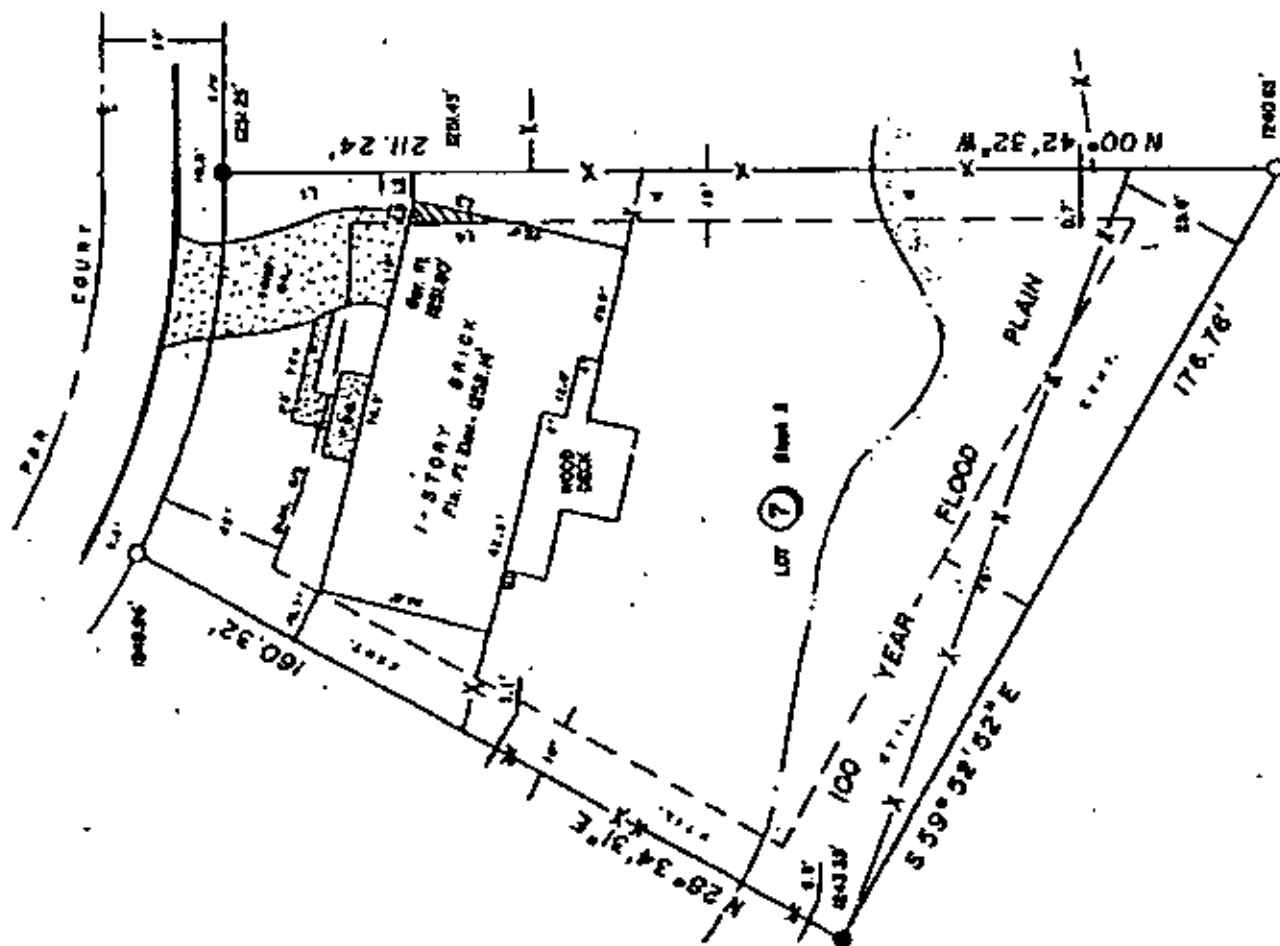
765-17499-000
KEITH D. & JAN S. VIRE
3380 N. PAR COURT
FAYETTEVILLE, ARKANSAS 72703



ED SEVEN (7), IN BLOCK NUMBERED TWO (2), PARADISE VIEW
SE 11, TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER
2 ON FILE IN THE OFFICE OF THE COUNTY CLERK AND EX OFFICIO

LINE	BEARING	DISTANCE
1	S 89° 17' 11" E	34.04
2	S 89° 17' 11" E	3.50
3	S 89° 17' 11" E	17.18
4	S 89° 17' 11" E	17.30
5	S 89° 17' 11" E	4.87

765-17509-000
KEITH D. & JAN S. VIBE
3380 N. PAR COURT
FAYETTEVILLE, ARKANSAS 72703



765-17509-000
HENRY L. & VILLA M. SIEGERS
2711 E. PAR COURT
FAYETTEVILLE, ARKANSAS 72703

765-17509-001
CHARLES ALAN BEAUCHAMP
3311 N. WARRICK DRIVE
FAYETTEVILLE, ARKANSAS 72703

LOT NUMBERED SEVEN (7) IN BLOCK NUMBERED TWO (2) PARADISE VIEW ESTATES, PHASE II, TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAME ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS.

PLAN NOTE:

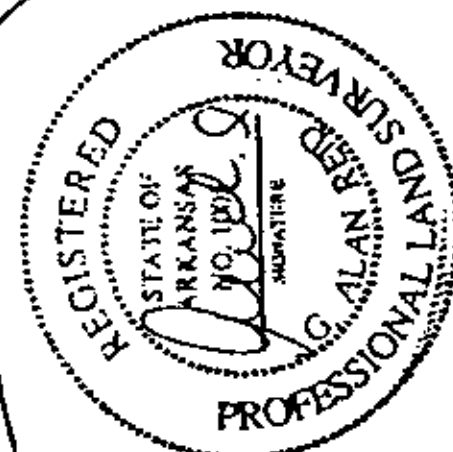
EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REPLICATE ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE:

- EASEMENTS, OTHER THAN THOSE INDICATED BY THE PLAT, WHICH ARE USABLE AS THE TIME OF MAKING OF THIS SURVEY; RESTRICTIVE COVENANTS, EASEMENTS, OR OTHER LAND USE REGULATIONS, AND ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.
- THIS SURVEY IS VALID ONLY IF THE DRAWING ENCLOSED THE SEAL AND SIGNATURE OF THE SURVEYOR.
- THE SURVEY MEETS OR EXCEEDS THE CURRENT "MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AND PLATS".
- DECLARATION IS MADE TO THE ORIGINAL RECORDERS OF THE SURVEY, IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS, SURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT CHANGED OR CONSIDERED AS A PART OF THIS SURVEY.

SURVEY DESCRIPTION:
LOT NUMBERED SEVEN (7) IN BLOCK NUMBERED TWO (2) PARADISE VIEW ESTATES, PHASE II, TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAME ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS.

SURVEY DESCRIPTION - AREA TO BE VACATED
A PART OF LOT NUMBERED SEVEN (7) IN BLOCK NUMBERED TWO (2) PARADISE VIEW ESTATES, PHASE II, TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAME ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT SEVEN (7), 84.00 FEET BEING AN EXISTING IRON REBAR; THENCE S00°43'32"E 38.04 FEET ALONG THE EAST LINE OF SAID LOT SEVEN (7) TO A POINT; THENCE LEAVING THE EAST LINE OF SAID LOT SEVEN (7), S89°17'28"W 6.50 FEET TO THE NORTHEAST CORNER OF AN EXISTING HOUSE FOR THE TRUE POINT OF BEGINNING; THENCE S14°29'14"W 17.18 FEET ALONG THE EAST SIDE OF SAID HOUSE TO A POINT ON THE WEST LINE OF AN EXISTING TEN (10) FOOT WIDE UTILITY EASEMENT; THENCE LEAVING THE EAST SIDE OF SAID HOUSE, N00°42'32"W 17.80 FEET ALONG THE WEST LINE OF SAID EASEMENT TO A POINT ON THE NORTH SIDE OF SAID HOUSE; THENCE LEAVING THE WEST LINE OF SAID EASEMENT, S79°30'48"E 4.87 FEET TO THE POINT OF BEGINNING, CONTAINING 40.1 SQUARE FEET, MORE OR LESS.

ADDRESS: 2753 E. PAR COURT
FAYETTEVILLE, ARKANSAS



— X — FENCE LINE
O SET 1/2" IRON REBAR
• EXISTING IRON PIN
+ COMPUTED CORNER

OWNER: JAMES D. PAUL
ADDRESS: 2753 E. PAR COURT
FAYETTEVILLE, ARKANSAS

DATE: 07/07/06		REVISION:	PROJECT NO. 06237
SCALE: 1"=60'	DRAWN BY: JCC		
JAMES D. PAUL			

Alan Reid & Associates
1118 South College Avenue
Fayetteville, Arkansas 72703
(479) 444-8764

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 7/17/2006

UTILITY COMPANY: OZARKS ELECTRIC Co-op. Corp.

APPLICANT NAME: CHARLES SELW APPLICANT PHONE: _____

REQUESTED VACATION (applicant must check all that apply):

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed**)

** 2753 E. PAR COURT, FATEHEVILLE, AR

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above.
- ☒ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

The easement to be left as is except for the
portion where the house encroaches. Leave the remainder
of the easement intact. (Vacate 4.5' at widest point approximately 2
in length

☐ No objections provided the following conditions are met:

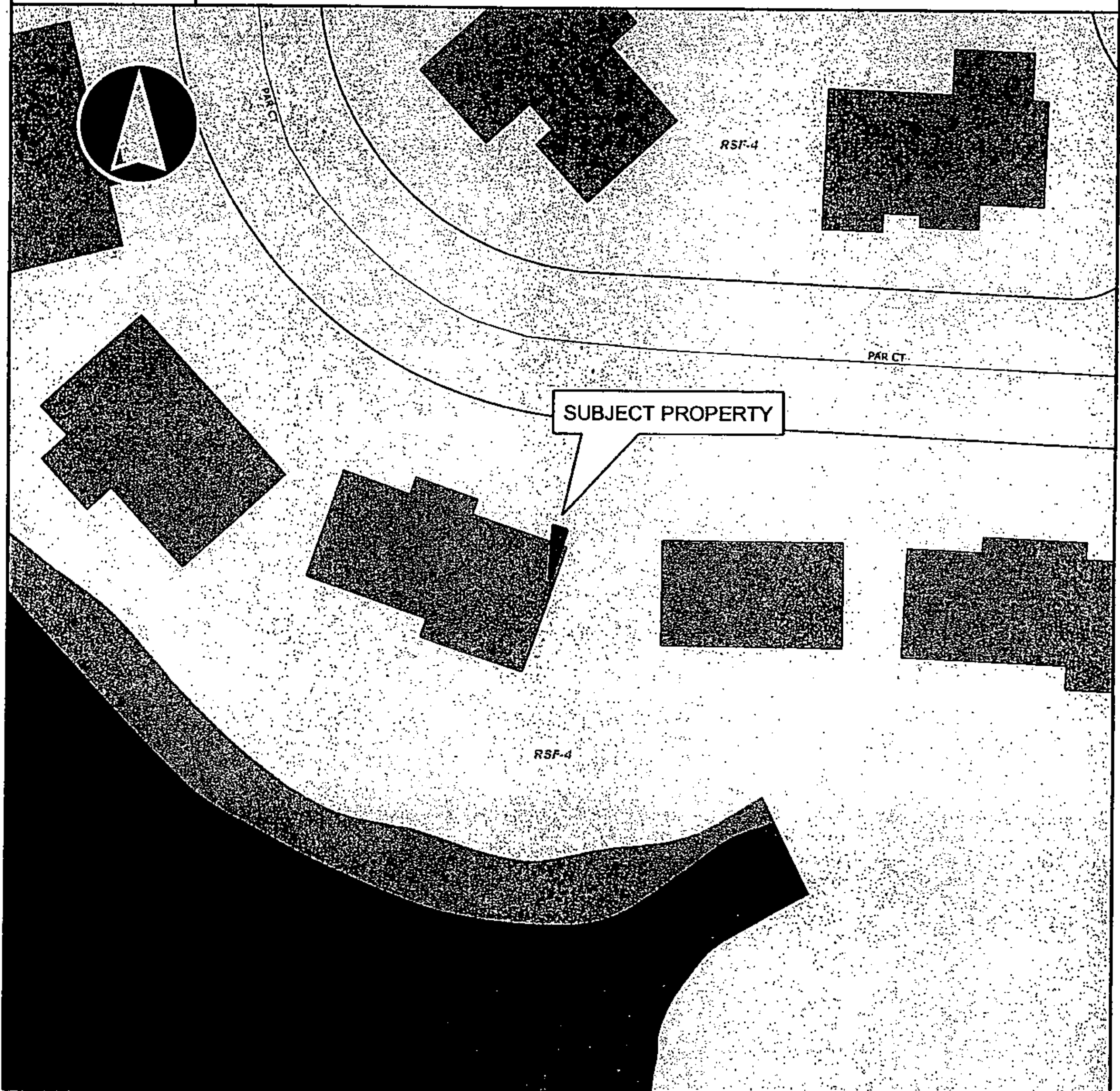
[Signature]
Signature of Utility Company Representative

Lead Staking Tech
Title

VAC06-2315

Close Up View

PAUL



Overview

- Legend
- Overlay District
 - Fayetteville
 - Outside City
 - VAC06-2315
 - vector.GDB.Footprint_2004
 - Hillside-Hilltop Overlay District

0 20 40 80 120 160 Feet

Miles

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

C. 3
ADM 06-2322 North Street ROW
Dedication Variance
Page 1 of 20

21-Nov-06
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

ADM 06-2322 (North Street ROW Dedication Variance): Submitted by Josh and Eloise Pettit for property located at 1104 N. College Avenue requesting a variance of the Master Street Plan right-of-way for North Street from 55' to 44' from centerline to allow the existing building footprint to remain within the right-of-way and additions to the building which will further encroach within the Master Street Plan right-of-way.

\$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

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

City Attorney

Date

Finance and Internal Service Director

Date

Mayor

Date

Received in City Clerk's Office

ENTERED
10/30/06

Received in Mayor's Office

ENTERED
10/30/06

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: October 27, 2006

Subject: Master Street Plan Amendment for North Street Right-of-way at 1104 N. College Avenue (ADM 06-2322).

RECOMMENDATION

Planning Staff recommends approval of a Master Street Plan amendment to reduce the right-of-way on North Street, east of College Avenue, from 55' to 44' from centerline at 1104 N. College Avenue to allow renovation and expansion of the existing structure on the property.

BACKGROUND

On October 23, 2006, the Planning Commission approved the requested Master Street Plan amendment unanimously. Additionally, the Board of Adjustment approved a variance to allow the structure to be constructed to the Master Street Plan right-of-way line. The existing building on this property, along with most of those along North Street and College Avenue, encroach partially or totally into the Master Street Plan right-of-way, which currently requires a total of 110 feet. In order to develop the Master Street Plan cross-section in this manner, most of the buildings along North Street in this area would require purchasing and demolition. It was with this in mind that the Planning Commission and Board of Adjustment made their recommendations. Discussion regarding the feasibility of future expansion of the street did occur at these meetings; the Planning Commission ultimately found that encouraging projects to renovate and improve the businesses in this area is essential, and that future street improvements could potentially occur within the right-of-way currently existing. The Street Committee has not considered this item.

DISCUSSION

The Planning Commission voted 8-0-0 in favor of this request on October 23, 2006.

BUDGET IMPACT

None.

RESOLUTION NO. _____

A RESOLUTION REDUCING THE RIGHT OF WAY DEDICATION REQUIRED FROM NORTH STREET CENTERLINE FROM 55 FEET TO 44 FEET ACCOMODATING THE EXISTING STRUCTURE AND PROPOSED DEVELOPMENT FOR PROPERTY LOCATED AT 1104 N. COLLEGE AVENUE AS DESCRIBED IN ITEM ADM 06-2322.

WHEREAS, numerous existing structures are within the required Master Street Plan right-of-way for North Street in this vicinity, including an existing structure on the subject property that would have to be removed for redevelopment if required to comply with the current Master Street Plan;

WHEREAS, the required 55 feet from centerline Master Street Plan right-of-way for this portion of North Street is not deemed necessary for future road expansion and the applicant has agreed to dedicate adequate right-of-way to accommodate future road expansion;

WHEREAS, considerable expansion of North Street in this vicinity would be of great expense to the City to purchase properties and structures;

WHEREAS, the City Council encourages improvement and renovation of properties along Highway 71B/College Avenue.

**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 reduction of right-of-way for this property along North Street from 55 feet to 44 feet from centerline, as demonstrated in Exhibit "A."

Section 2: That this approval for the reduction of right-of-way is subject to the conditions of approval as follows, and shall not be in effect until all conditions are met herein:

1. The applicant shall dedicate right-of-way for a total 44' right-of-way from the centerline of North Street prior to the issuance of a building permit. *The City recognizes the existing parking which will be located within the right-of-way. The*

parking may remain until such time as the right-of-way is necessary or a new development or expansion of 100% or more of the existing structure occurs.

2. At the time of development or change of use on the property, the curb cut on North Street shall be modified to allow right-in and right-out ingress and egress only. The curb cut onto College Avenue may allow two-way traffic with the exiting traffic limited to a right-out only. Signs and markings on the pavement shall be installed to effectively direct traffic.
3. Landscaping to meet city code shall be installed, as determined appropriate.

PASSED and APPROVED this ___ day of ___, 2006.

APPROVED:

ATTEST:

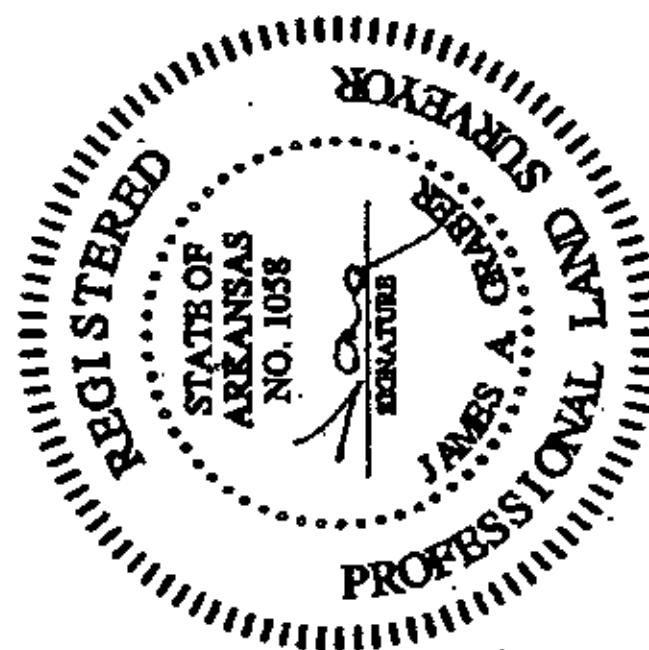
By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk

LEGEND

- COMPUTED POIN
- FOUND IRON PIN
- UTILITY POLE
- WATER METER
- GAS METER
- TELEPHONE BO
- SANITARY SEWE
- MANHOLE
- MANHOLE
- FENCE
- ROCK WALL
- RETAINING WAL
- TELEPHONE LINI
- SEWER LINE

EXHIBIT "A"

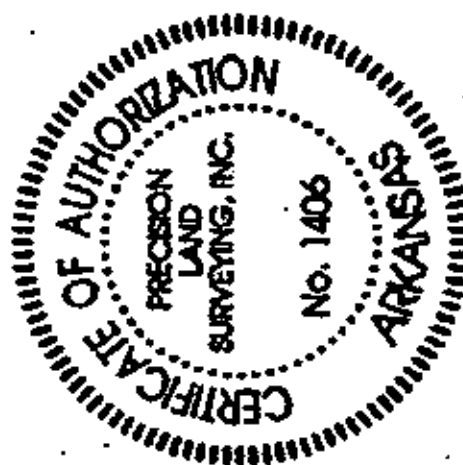


I HEREBY CERTIFY THAT I HAVE
SURVEYED THE PROPERTY SHOWN
AND THAT THIS PLAT IS AN ACCURATE
REPRESENTATION OF THE SAME.

GRAPHIC SCALE:



BASIS OF BEARINGS: ASSUMED



165-11834-000
TROY L. & KATHERINE L. LOFTIN
1117 WASHINGTON
FAYETTEVILLE, AR 72703

165-11840-000
ANDREW MCCAIN & LYNN MONTEZ
9553 RT. 1, K
PINEVILLE, MO 64656-6104

165-04659-000
WASHINGTON COUNTY, ARKANSAS
COUNTY JUDGE
1125 NORTH COLLEGE WEST
FAYETTEVILLE, AR 72701

JOSH PETTIT

Washington County, Arkansas

BOUNDARY SURVEY

Scale: 1"=40'
Sep 11, 2006

Drawn by: **Score**
BLOCK 1, LOTS 1, 2, 3 WAHNEETAH HEIGHTS AN ADDITION
TO THE CITY OF FAYETTEVILLE, ARKANSAS AS PER
PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CLERK
CLERK OF WASHINGTON COUNTY, ARKANSAS.

Field Book
101630pettit.pro
Filename: C:\0-drawings\101630pettit.pro

Precision

Land

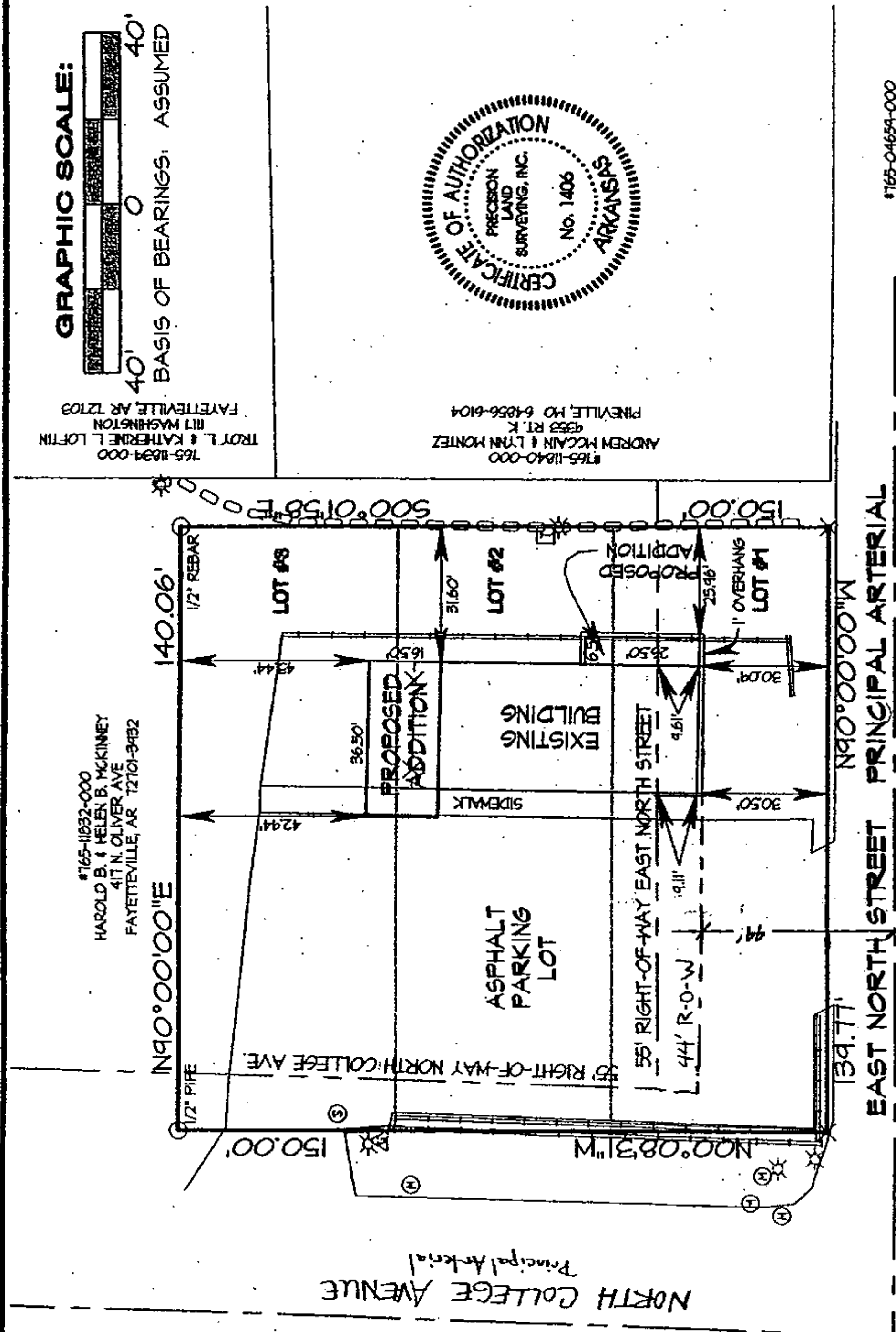
Surveying, Inc.

JAMES A. GRABER, P.L.S.

P.O. Box 1700
Huntsville, AR 72740
Ph (479) 559-2217

165-04651-000
CITY OF FAYETTEVILLE
113 WEST MOUNTAIN
FAYETTEVILLE, AR 72701

165-04659-000
WASHINGTON COUNTY, ARKANSAS
280 NORTH COLLEGE STE. 100
FAYETTEVILLE, AR 72701





PC Meeting of October 23, 2006

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

THE CITY OF FAYETTEVILLE, ARKANSAS

PLANNING COMMISSION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Suzanne Morgan, Current Planner
THRU: Jeremy Pate, Director of Current Planning
DATE: October 16, 2006

ADM 06-2322: (North Street ROW Dedication Variance) Submitted by Josh Pettit for property located at 1104 N. College Avenue requesting a variance of the Master Street Plan right-of-way for North Street in the manner indicated to allow the existing building footprint to remain within the right-of-way and additions to the building which will further encroach within the Master Street Plan right-of-way.

BACKGROUND:

The subject property is located at 1104 N. College Avenue, at the northeast corner of College Avenue and North Street. The property is zoned C-2, Thoroughfare Commercial. According to County tax records, the 1,800 square foot building and parking was constructed in 1966 as a pharmaceutical store.

Proposal: The applicant proposes to remodel and repair the existing structure to utilize it for restaurant use. The proposed additions include the following:

1. A 540 square foot addition is proposed to the north of the structure;
2. A 172.25 square foot addition is proposed at the southeast corner;
3. Remodel of the roof which would result in the addition of a 1 foot eave around the entirety of the building.

The existing structure is nonconforming, as it encroaches within the required building setback and Master Street Plan right-of-way setback adjacent to North Street. The 540 square foot addition to the north will not encroach into any setback; however, the 172.25 square foot addition and eave addition will extend the existing encroachment into the setback and proposed Master Street Plan right-of-way of North Street.

The Board of Adjustment reviewed and approved a proposal for a 0' building setback on North Street. The site plan reviewed by the Board of Adjustment varied from the site plan submitted for Planning Commission review. The addition at the southeast corner of the structure had been proposed to be 26.5' by 5' for a total 132.5 square foot addition as opposed to the 172.25 square

foot addition currently proposed. Board of Adjustment approval is required to permit the larger addition.

A variance of the existing and Master Street Plan right-of-way is required to be approved by the Fayetteville City Council in order to allow the renovation and additional construction of the existing structure on the property as proposed by the applicant.

The Master Street Plan in its entirety was adopted in 1996, after several public meetings to discuss future collector and arterial connections. The existing structures on this property, along with most of the other older buildings along North Street and the adjacent College Avenue, encroach partially or totally into the Master Street Plan right-of-way, which currently requires a total of 110 feet. In order to develop the Master Street Plan cross-section in this manner, most of the older buildings along North Street and College Avenue vicinity would require purchasing and demolition.

Request: The request is to vary the Master Street Plan right-of-way dedication requirements on North Street from 55' to 44' from centerline to allow the existing structure to remain in its current location and to allow additions to the structure within the Master Street Plan right-of-way. This is a variance of Chapter 166.18 Master Street Plan setbacks, which requires all structures and improvements to be located outside of setbacks established by the Master Street Plan right-of-way.

RECOMMENDATION:

Planning staff recommends approval of a resolution to vary the North Street Master Street Plan right-of-way at 1104 N. College Avenue from 55' to 44', to grant an allowance to renovate and construct an addition to the existing buildings on the site. As depicted on the drawings and survey attached to this report, the renovation and additional construction will extend the existing structures 1' further south and 6.5' further east into the right-of-way.

Recommended conditions of approval:

1. The applicant shall dedicate right-of-way for a total 44' right-of-way from the centerline of North Street prior to the issuance of a building permit. *The City recognizes the existing parking which will be located within the right-of-way. The parking may remain until such time as the right-of-way is necessary or a new development or expansion of 100% or more of the existing structure occurs.*
2. At the time of development or change of use on the property, the curb cut on North Street shall be modified to allow right-in and right-out ingress and egress only. The curb cut onto College Avenue may allow two-way traffic with the exiting traffic limited to a right-out only. Signs and markings on the pavement shall be installed to effectively direct traffic.
3. Landscaping to meet city code shall be installed, as determined appropriate.

Staff finds that this variance of the existing and Master Street Plan right-of-way in this location maintains the integrity and purpose of the Master Street Plan, and allows for a reasonable use of the existing structures where they are currently located. The City Council must also review and approve this right-of-way variance, and will take both staff's and the Planning Commission's comments as part of their review.

PLANNING COMMISSION ACTION: Required **YES**

☒ Forwarded to City Council for Approval ☐ Tabled ☐ Denied

Motion: Clark
Second: Myers
Vote: 8-0-0

Date: October 23, 2006

**Unified Development Code
Chapter 166 - Development**

166.18 Master Street Plan Setbacks

The city shall require the applicant/developer to establish a right-of-way setback line based on the right-of-way requirements for streets and highways designated by the Master Street Plan. Such setback line shall be considered the property line for such purpose of satisfying the requirements of the UDO. All building setbacks, required landscaping, parking lots, display areas, storage areas and other improvements and uses shall be located outside of such established setback area. The required width of setbacks, landscaped areas, buffers, and all other setback requirements shall be dimensioned from the established right-of-way setback line. The establishment of any new structure or other improvements within the right-of-way setback is prohibited.

October 17, 2006
Variance Application
1104 N College Ave
Fayetteville, AR 72701

Applicant: Pettit Living Trust/ Josh and Eloise Pettit

Planning Commission

We are proposing improvements and building additions that require a variance for 1104 N College Ave. . The existing building was constructed in 1966 as a pharmacy. The current square footage is 1800 sf. We are proposing a 540 sf addition on the north side of the structure, a 172.25 sf addition on the east side of the structure, and a new roof for the existing building. This space is currently used as a car sales office, but it is our intention to convert it into a restaurant. The required number of parking spaces for a restaurant is 1 per 100sf, with a 30% variance. We propose 21 standard spaces with 1 handicap accessible space, which would meet the requirements.

The existing building and proposed addition are in violation of the MSP ROW of North Street. We have been approved for a variance by the Board of Adjustments with certain conditions. One of these conditions is to have a variance for the Master Street Plan right-of-way setback. As we understand it, this request must go to the Planning Commission before going to the City Council. This variance is required before applying for a building permit and before any structural work or improvements exceeding 10% of the building's value can be done. The east addition would follow the line of the existing building. We would like to add one foot to the building footprint to the south for roof eaves overhang. We are adding this addition to the east side to create space for the restaurant kitchen. We are proposing adding an 8/12 hipped roof to improve the appearance of a rather unattractive block building and to take care of some leakage in the existing roof.

The existing structure was built prior to the MSP and prior to current district regulations/set backs, and is therefore a special condition particular to this property. Literal interpretation of the provisions of current ordinances relating to a non-conforming structure would greatly limit our ability to improve, repair, or add to the existing structure. These rights are commonly enjoyed by the other properties in the same district. The location of the existing building is not a result of the actions of the applicant. The granting of this variance will not confer on us any special privilege that is denied by ordinance to other lands, building, or structures in the same district.

We thank you for your time and consideration in this matter. If you have any questions, please contact us at (479) 957-8343 or (479) 957-7703.

Respectfully,


Josh Pettit and Eloise Pettit

Legend

- Lot Boundary
- Building Setback (C-2 District)
- Retaining Wall
- Fence
- Utility Easement
- Centerline of Streets
- Right-of-Way (Master Street Plan 35' from C.L.)
- Sidewalk
- Utility Pole
- Walk Sign
- Tree Canopy
- Access Drives
- Sewer-Mit

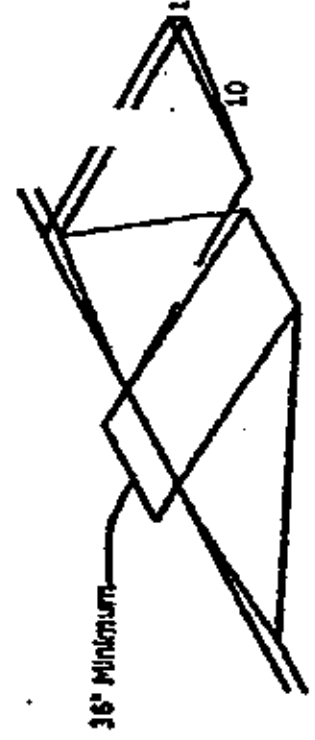
1104 N. College - Site Plan

Owner: Josh Pettit Contact Info: (479) 957-7703

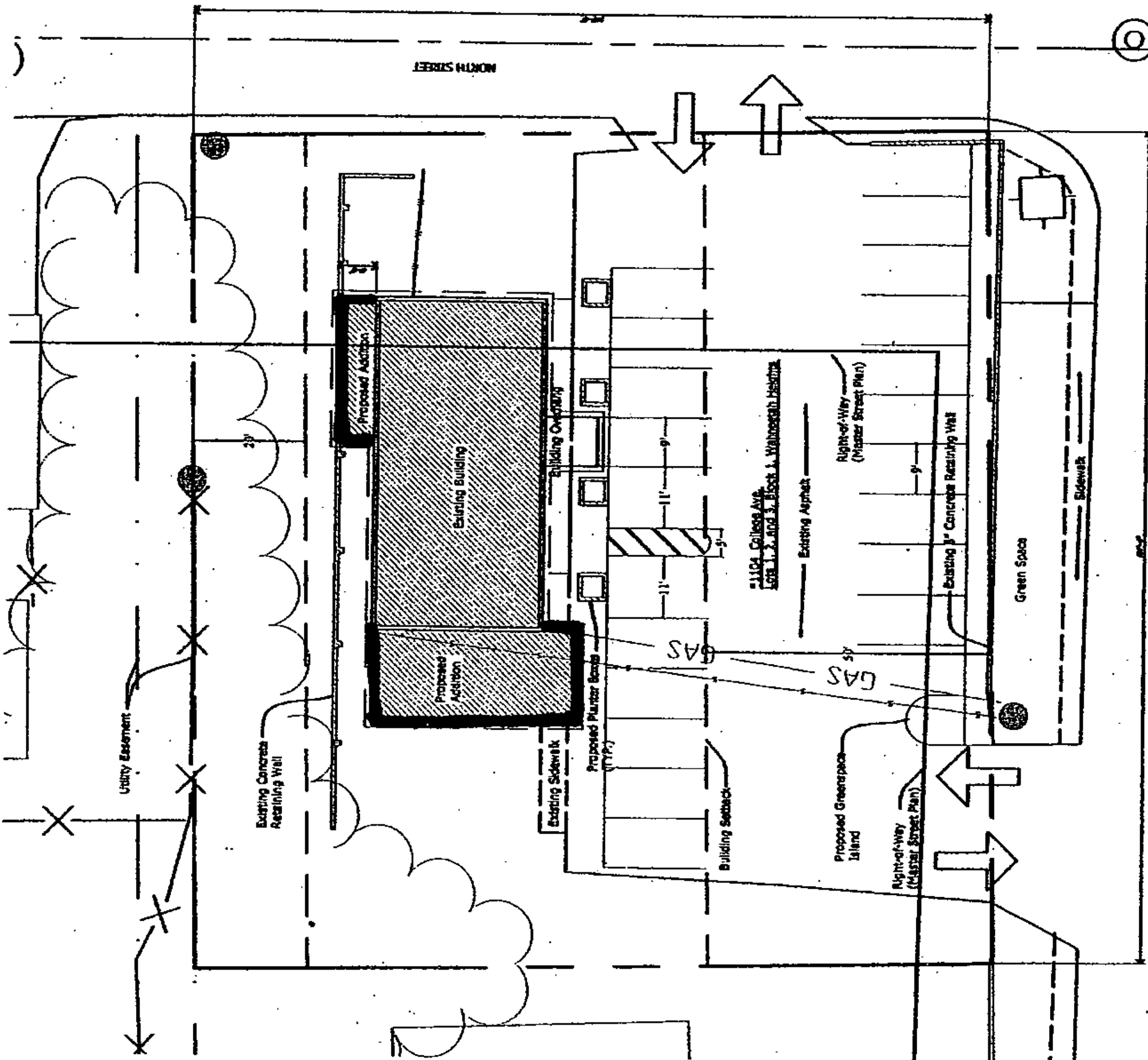
Scale: 1" = 30'-0"

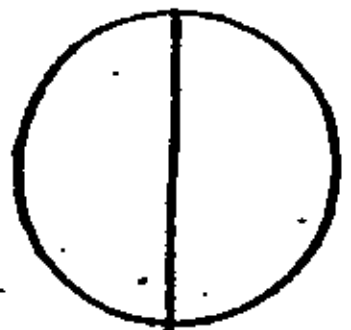
DATE: 10/16/2006

BY: [Signature]

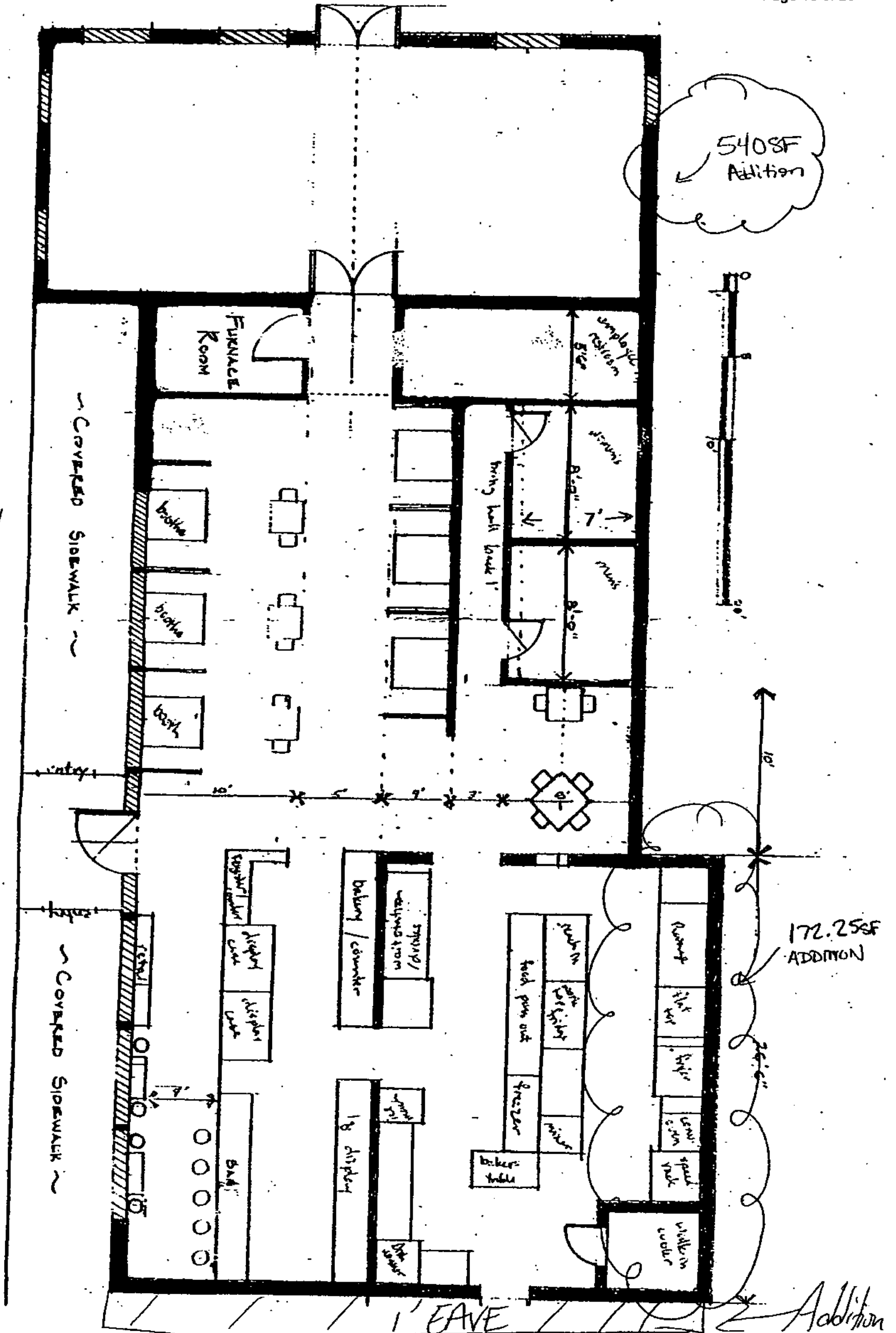


Built Up Curb Ramp
NOT TO SCALE





RESTAURANT FLOOR PLAN
 Scale: 1/8" = 1'-0"



ADM 06-2322

Master Street Plan ROW Variance - North Street

Close Up View



Overview

Legend

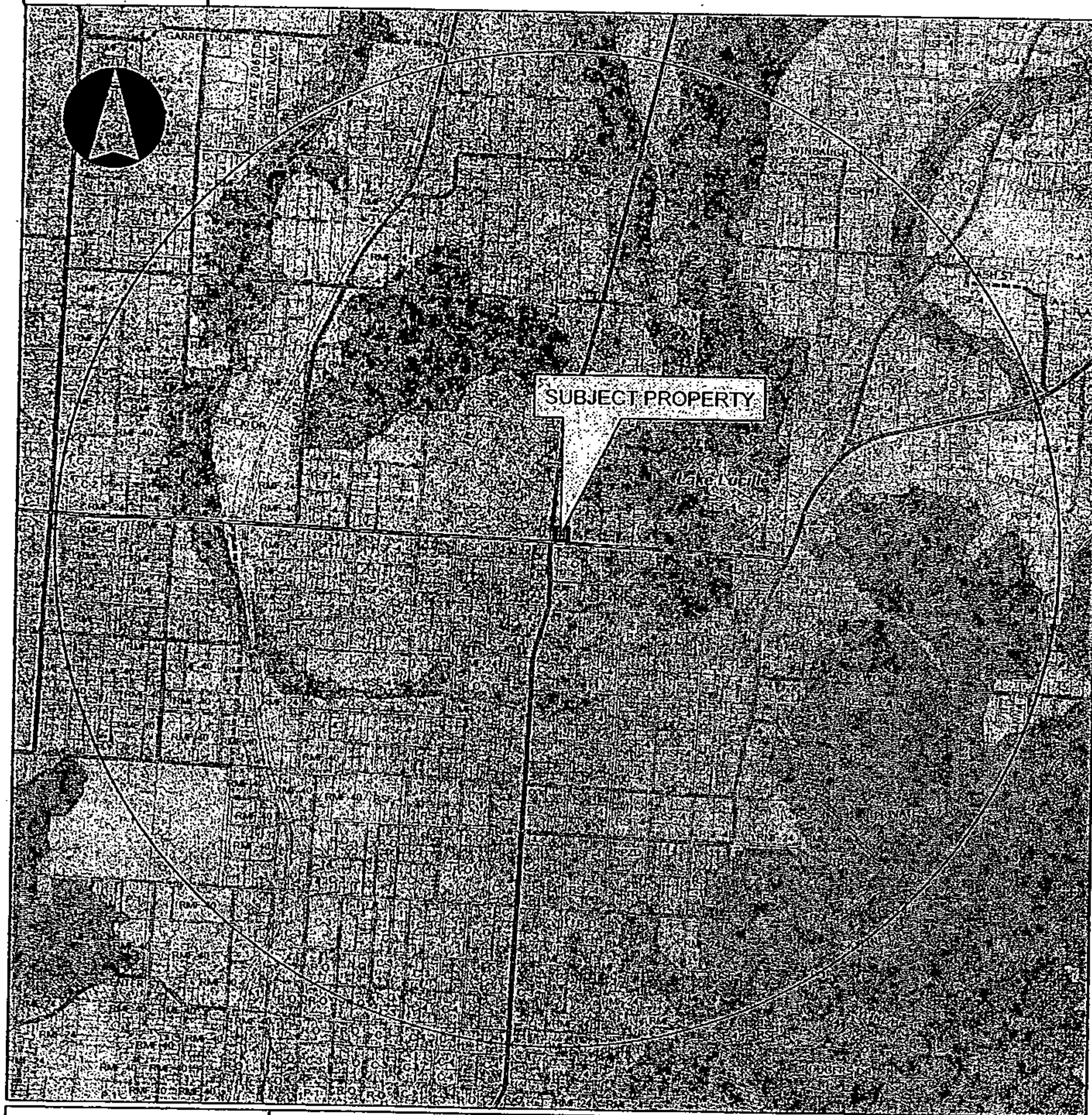
- ooooo Overlay District
- FLOODWAY
- 100 YEAR
- 500 YEAR
- LIMIT OF STUDY
- Baseline Profile
- Fayetteville
- Outside City
- BOA06-2274
- vector.GDB.Footprint_2004
- Hillside-Hilltop Overlay District



ADM 06-2322

Master Street Plan ROW Variance - North Street

One Mile View



Overview



Legend

Subject Property



BOA06-2274

Boundary

- Planning Area
- Overlay District
- Outside City

Legend

Hillside-Hilltop Overlay District



Miles

November 17, 2006
Variance Application
1104 North College Ave.
Fayetteville, AR 72701

Applicant: Pettit Living Trust/Josh & Eloise Pettit

City Council

We are proposing improvements and building additions that require a variance for 1104 N. College Avenue. The existing building was constructed in 1966 as a pharmacy. The current square footage is 1800 sf. We are proposing a 540 sf addition on the north side of the structure, a 172.25 sf addition on the east side of the structure, and a new roof for the existing building. This space is currently used as a car sales office, but it is our intention to convert it into a restaurant. The required number of parking spaces for a restaurant is 1 per 100 sf, with a 30% variance. We propose 21 standard spaces with 1 handicap accessible space, which would meet the requirements.

The existing building and proposed addition are in violation of the MSP ROW of North Street. We have been approved for a variance by the Planning Commission with certain conditions. One of these conditions is to have a variance for the MSP right-of-way setback. This variance is required before applying for a building permit and before any structural work or improvements exceeding 10% of the building's value could be done. The east addition would follow the line of the existing building. We would like to add one foot to the building footprint for roof eaves overhang. We are adding this addition to the east side to create space for the restaurant kitchen. We are proposing adding an 8/12 hipped roof to improve the appearance of a rather unattractive block building and to take care of some leakage in the existing roof. We understand that if North Street were widened we could lose 2 parking spaces.

The Planning Commission approved our proposal with three conditions, one of which was the dedication of 44 feet on the south side of the property. This staff recommended condition is not acceptable to us. However, we would be willing to dedicate 32 feet, which would allow 13 feet for a turning lane and 6 feet for a sidewalk. Another condition was that we would install landscaping to meet city codes "as determined appropriate." We find this language too vague. Attached is our site plan showing the only areas available for green space. This is the maximum green space available if we are to retain enough parking. Please note the drainage plume directly behind the concrete retaining wall which makes that space

RECEIVED

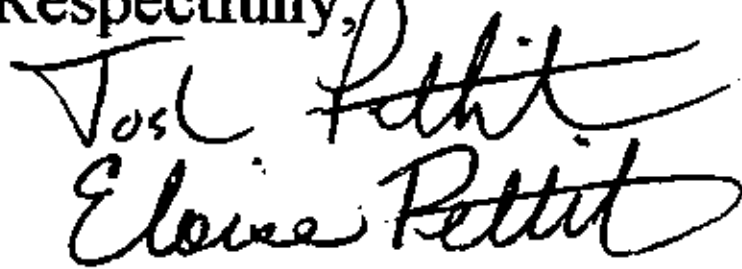
NOV 17 2006

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

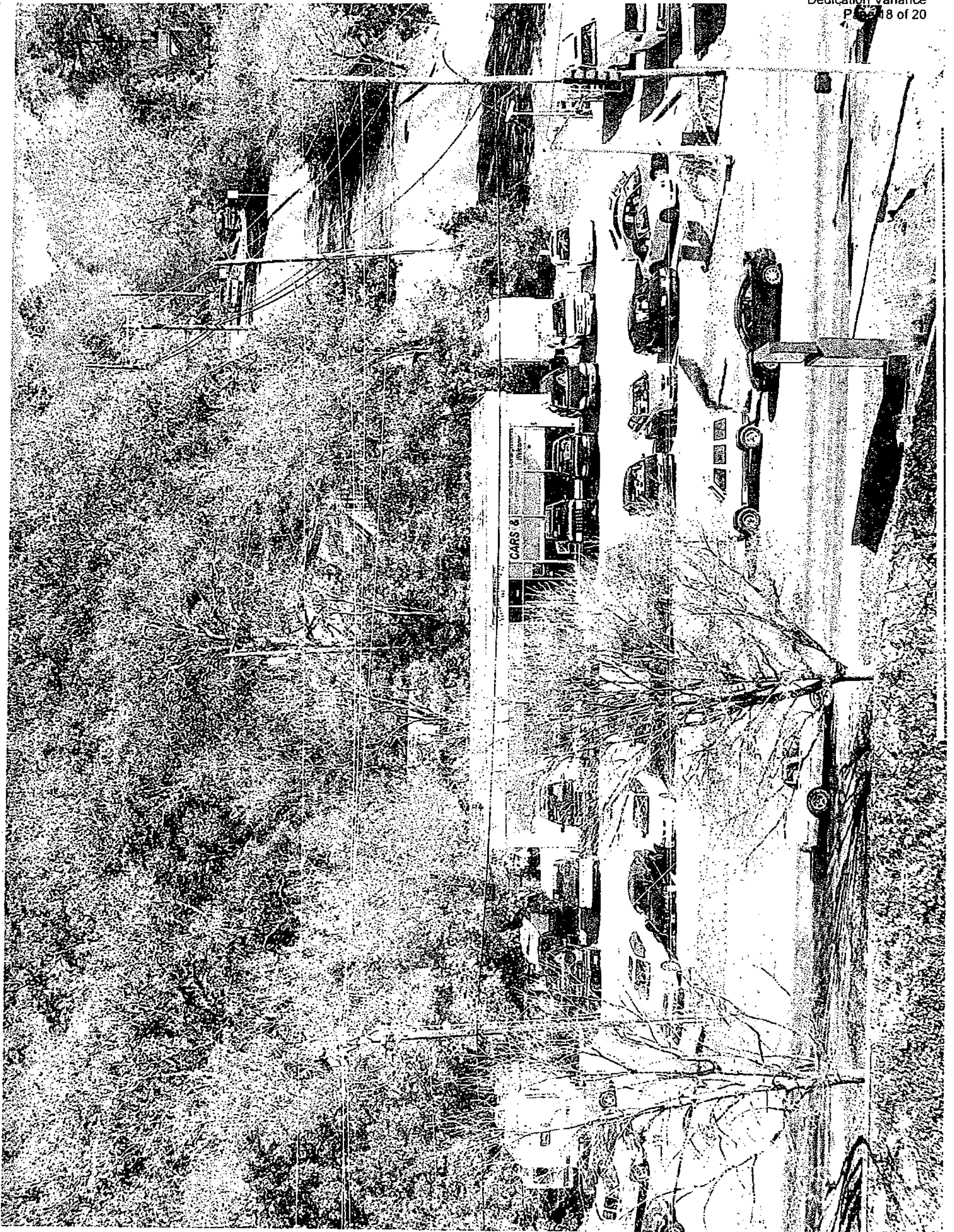
unavailable for landscaping. We are speaking with the State Highway Department about the possibility of utilizing the existing green space between College Avenue and the retaining wall for landscaping.

We thank you for your time and consideration in this matter. If you have any questions, please contact us at (479)957-8343 or (479)957-7703.

Respectfully,

Handwritten signatures of Josh Pettit and Eloise Pettit. The signature of Josh Pettit is written above the signature of Eloise Pettit.

Josh Pettit and Eloise Pettit



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

C. 4
ADM 06-2354 Garland Avenue ROW
Dedication Variance
Page 1 of 14

5-Dec-06
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

ADM 06-2354: (Garland Avenue ROW Dedication Variance) Submitted by Tony Catroppa for property located at 1305 Garland Avenue requesting a variance of the Master Street Plan right-of-way for Garland Avenue in the manner indicated to allow the existing building footprint to remain within the Master Street Plan right-of-way and be improved.

\$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

☐

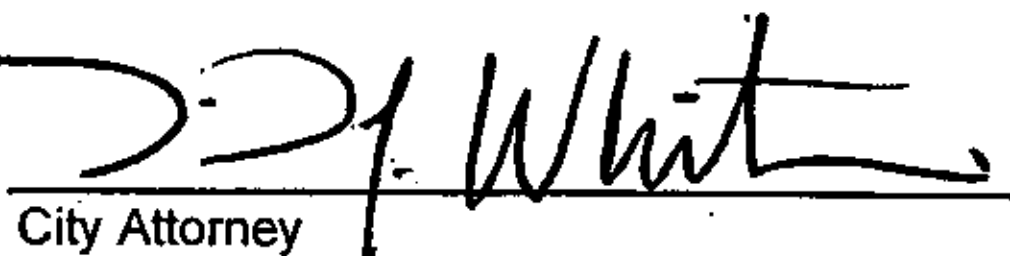

Department Director

11.17.06
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a


City Attorney

11/17/06
Date


Finance and Internal Service Director

11-17-06
Date

Received in City Clerk's Office
ENTERED
11/17/06


Mayor

11/20/06
Date

Received in Mayor's Office
ENTERED
11/17/06

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: November 16, 2006

Subject: Right-of-way Dedication variance at 1305 Garland Avenue (ADM 06-2354)

RECOMMENDATION

Planning Staff recommends approval of a resolution allowing a variance of the Master Street Plan right-of-way for Garland Avenue in the manner indicated to allow the existing building footprint to remain in the Master Street Plan right-of-way and be improved. Staff recommends that the improvements not expand the cubic content or original footprint of the building. However, a canopy overhang and pedestrian pick-up window on the north side of the building shall be permitted pursuant to the Board of Adjustment approvals as long as parking spaces along the northern side of the structure are not removed.

BACKGROUND

The applicant proposes to remodel the existing structure at 1305 Garland Avenue to utilize it for restaurant/coffee bar use. As part of the remodeling the applicant initially proposed to construct a 4' x 4' drive-thru on the north side of the structure, which was within the building setback, but not within the Master Street Plan right-of-way.

The Board of Adjustment on Monday, November 06, 2006 voted to approve a proposal for a 0' front building setback off of Garland Avenue and Mount Comfort Road, to allow the existing structure to remain within the existing building setbacks. Additionally, the Board of Adjustment granted approval for a 4'x4' canopy to be installed on the north side of the structure to allow for a pedestrian pick-up window; however, it denied the initial request, which was to construct a 4'x4' expansion of the building to accommodate a drive-thru window within the building setback. In addition to Board of Adjustment consideration, a variance of the Master Street Plan right-of-way is required to be approved by the Fayetteville City Council in order to permit the nonconforming structure that is located within the Master Street Plan right-of-way to be improved more than 10% of its current replacement cost. The Planning Commission recommended approval of the request 8-0-0 on November 13, 2006.

BUDGET IMPACT

None.

RESOLUTION NO. _____

A RESOLUTION APPROVING A VARIANCE OF THE UNIFIED DEVELOPMENT CODE CHAPTER 164.12(F) NONCONFORMING USES AND STRUCTURES, REPAIRS AND MAINTENANCE, AND CHAPTER 166.18 MASTER STREET PLAN SETBACKS, ALLOWING THE EXISTING STRUCTURE LOCATED AT 1305 GARLAND AVENUE TO REMAIN WITHIN THE MASTER STREET PLAN RIGHT-OF-WAY AND TO BE IMPROVED GREATER THAN THE 10% ALLOWED BY CODE, WITHIN THE EXISTING LIMITS OF THE STRUCTURE.

WHEREAS, numerous existing structures are within the required Master Street Plan right-of-way for Garland Avenue in this vicinity, including an existing structure on the subject property that would have to be removed for redevelopment if required to comply with the current Master Street Plan;

WHEREAS, the required 55 feet from centerline Master Street Plan right-of-way for this portion of Garland Avenue, a Principal Arterial bisects the existing structure;

WHEREAS, existing nonconforming structures may not be improved or repaired to any extent exceeding 10% of the current replacement cost of the non-conforming structure in any period of 12 consecutive months;

WHEREAS, the City Council encourages improvement and renovation of properties along Garland Avenue;

WHEREAS, the applicant and property owner wishes to improve the structure at 1305 Garland Avenue to provide a commercial service to the area.

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 variance of Chapter 164.12(F) of the Unified Development Code, permitting the structure to be improved as needed so long as the cubic content or original footprint of the building is not expanded.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approve a variance of Chapter 166.18 Master Street Plan setbacks, permitting the existing structure to remain in its current location as depicted on Exhibit "A", provided that said approval in no way prohibits the City from obtaining right-of-way pursuant to the Master Street Plan in the future for widening of adjacent streets.

PASSED and APPROVED this ___ day of ___, 2006.

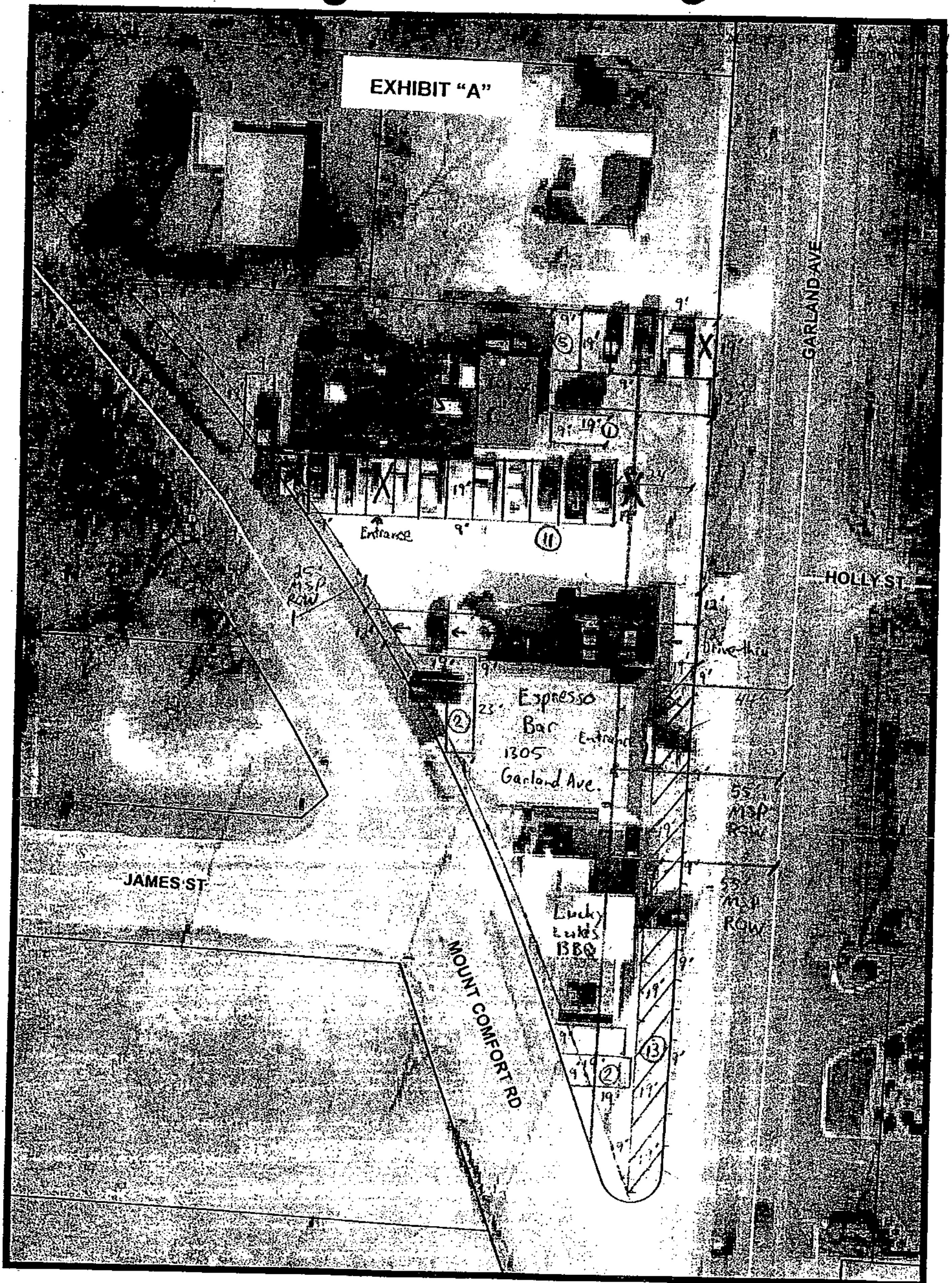
APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk

EXHIBIT "A"





PC Meeting of November 13, 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: Andrew Garner, Senior Planner
THRU: Jeremy Pate, Director of Current Planning
DATE: ~~November 02, 2006~~ Updated November 14, 2006

ADM 06-2354: (Garland Avenue ROW Dedication Variance) Submitted by Tony Catroppa for property located at 1305 Garland Avenue requesting a variance of the Master Street Plan right-of-way for Garland Avenue in the manner indicated to allow the existing building footprint to remain and be improved within the Master Street Plan right-of-way.

Property Owner: Tony Catroppa
Planner: Andrew Garner

BACKGROUND:

Property and Setting: The property is located at 1305 Garland Avenue, near the intersection of Mount Comfort Road and Garland Avenue. The structure (approximately 1,952 square feet) on the property formerly housed a beauty parlor/barber shop, according to information provided by the applicant. Lucky Luke's Barbeque and Tony C's Bar and Grill are also located on this parcel immediately south and north of the subject building. The property has a total of 34 parking spaces available on the property outside of existing, platted street right-of-way. The applicant indicates a total of 50 parking spaces are available; however, parking spaces that utilize existing platted right-of-way do not count toward provided off-site parking. A 2006 aerial photo with parking spaces labeled is provided in the Planning Commission packets. The property is split-zoned, C-1, Neighborhood Commercial and R-O, Residential Office. The applicant has submitted application to the City of Fayetteville to allow for a change of use on the property to an eating establishment, Use Unit 13. Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Single-family residential; Office	R-O; C-1
South	Harp's Grocery	C-2
East	Mixed commercial and multi-family residential	RMF-24; R-O; C-2
West	Single Family Residences	RMF-24

This property was developed prior to the establishment of current zoning regulations and the Master

Street Plan right-of-way designation in the City of Fayetteville. Therefore, the subject structure is located well within the Master Street Plan right-of-way for Garland Avenue, based on aerial images and the City's right-of-way data. Additionally, the structure that comprises 1305 N. Garland is located within the front building setbacks off of Garland Avenue and Mount Comfort Road.

The Master Street Plan in its entirety was adopted in 1996 and revised in 2001, after several public meetings to discuss future collector and arterial connections. The existing structures on this property, along with many older buildings along Garland Avenue, encroach partially or totally into the Master Street Plan right-of-way, which currently requires a total of 110 feet. Garland Avenue is a Principal Arterial and has been included in the City's Bond Program Street Projects for widening in Phase I of the improvements. The Arkansas State Highway Department will be constructing the improvements as Garland Avenue (Hwy 112) is a State Highway in this location. The anticipated start date for construction for the widening is around 2010. With the widening of Garland adjacent to the subject property's eastern boundary, approximately 13 existing parking spaces on the property adjacent to Garland Avenue and within the Master Street Plan right-of-way will likely be eliminated. These parking spaces as configured currently encroach into the existing right-of-way and require vehicles to back out onto Garland Avenue (Hwy 112), a violation of Ch. 172.04 of the Unified Development Code.

Proposal: The applicant proposes to remodel the existing structure to utilize it for restaurant/coffee bar use. As part of the remodeling the applicant initially proposed to construct a 4' x 4' drive-thru on the north side of the structure, which was within the building setback, but not within the Master Street Plan right-of-way.

The Board of Adjustment on Monday, November 06, 2006 voted to approve a proposal for a 0' front building setback off of Garland Avenue and Mount Comfort Road, to allow the existing structure to remain. Additionally, the Board of Adjustment granted approval for a 4'x4' canopy to be installed on the north side of the structure to allow for a pedestrian pick-up window; however, it denied the initial request, which was to construct a 4'x4' expansion of the building to accommodate a drive-thru window within the building setback. In addition to Board of Adjustment consideration, a variance of the Master Street Plan right-of-way is required to be approved by the Fayetteville City Council in order to permit the nonconforming structure that is located within the Master Street Plan right-of-way to be improved more than 10% of its current replacement cost. The following ordinance sections apply:

164.12 Nonconforming Uses And Structures

(F) Repairs and maintenance.

- (1) On any nonconforming structure or portion of a structure containing a nonconforming use, ~~work may be done~~ in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, ~~to an extent not exceeding 10% of the current replacement cost of the nonconforming structure~~, or nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

166.18 Master Street Plan Setbacks

The city shall require the applicant/developer to establish a right-of-way setback line based on the right-of-way requirements for streets and highways designated by the Master Street Plan. Such setback line shall be considered the property line for such purpose of satisfying the requirements of the UDO. All building setbacks, required landscaping, parking lots, display areas, storage areas and other improvements and uses shall be located outside of such established setback area. The required width of setbacks, landscaped areas, buffers, and all other setback requirements shall be dimensioned from the established right-of-way setback line. The establishment of any new structure or other improvements within the right-of-way setback is prohibited.

Request: The request is to recognize the existing nonconforming structure within the Master Street Plan right-of-way, and to allow for improvements to an extent of more than 10% of the replacement cost of the nonconforming structure. This is a variance of Unified Development Code Chapter 166.18 Master Street Plan setbacks and Ch. 164.12 F.2, Repairs and maintenance [on nonconforming structures], which requires all structures and improvements to be located outside the line established by the Master Street Plan right-of-way. Should the City Council choose to approve this request, it does not prohibit the City (or State) from obtaining right-of-way in the future for widening of adjacent streets. Neither the Planning Commission nor the City Council may consider the decision made by the Board of Adjustment to deny the building setback variance.

RECOMMENDATION:

Planning staff recommends approval of the variances from Ch. 164.12 F.2 and 166.18, allowing the existing structure to remain and be improved to an extent more than 10% of the replacement cost of the existing nonconforming structure. Exact improvement numbers have not been provided; however it is anticipated that the cost to remodel the structure from its former use as a florist to a restaurant/coffee bar will easily exceed 10% of the replacement cost of the existing structure. While improvements are planned along Hwy 112 in the future, and are identified in concept with approved City bond program and AHTD plans, no specifics have been identified that cause Planning staff to not support this proposal for improvements to the existing building. No improvements to expand the cubic content or original footprint of the building shall be allowed to occur, pursuant to existing city ordinance.

Staff found in favor of a building setback variance for a canopy overhang and pedestrian pick-up window on the north side of the building without the removal of parking spaces along the northern side of the structure, with which the Board of Adjustment recently agreed and approved.

The City Council must also review and approve this right-of-way variance, and will take both staff's and the Planning Commission's comments as part of their review.

PLANNING COMMISSION ACTION: Required YES

X Forwarded to City Council for Approval Tabled Denied

Motion: Myres

Second: Ostner

Vote: 8-0-0 (on consent agenda)

Date: November 13, 2006

**Tony Catroppa
8391 S Lakeshore Dr
Rogers, AR 72756**

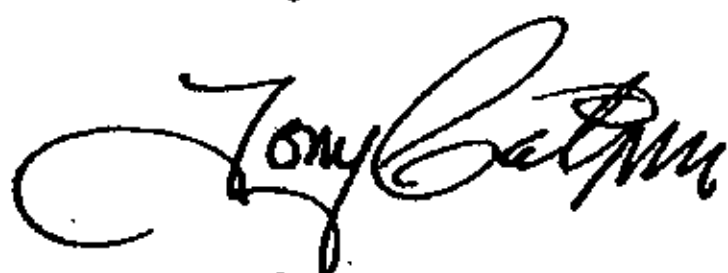
Dear Sir:

I am presently remodeling a building on a site I purchased in May 2006. I am in the process of putting an express bar café.

In my research I have discovered that 40% of the coffee business serving drinks such as espresso, café latte, cappuccino, and etc are purchased from a drive up window.

In the same area there are businesses with drive up windows. The area in question is only a 4 foot x 4 foot excursion, so, that cars can drive up and purchase their product without having to exit their vehicle.

Thank you,



Tony Catroppa

**Tony Catroppa
8391 S Lakeshore Dr
Rogers, AR 72756**

October 13, 2006

This is a request to add a 4 foot x 4 foot drive up window to the building located on the north side of the building at 1305 North Garland.

Enclosed is a photograph and floor plan of the aforementioned building. The present building is 1900 square feet and the addition will be 16 square feet.

Parking in this area is for 50 cars and the requirements are for 30.

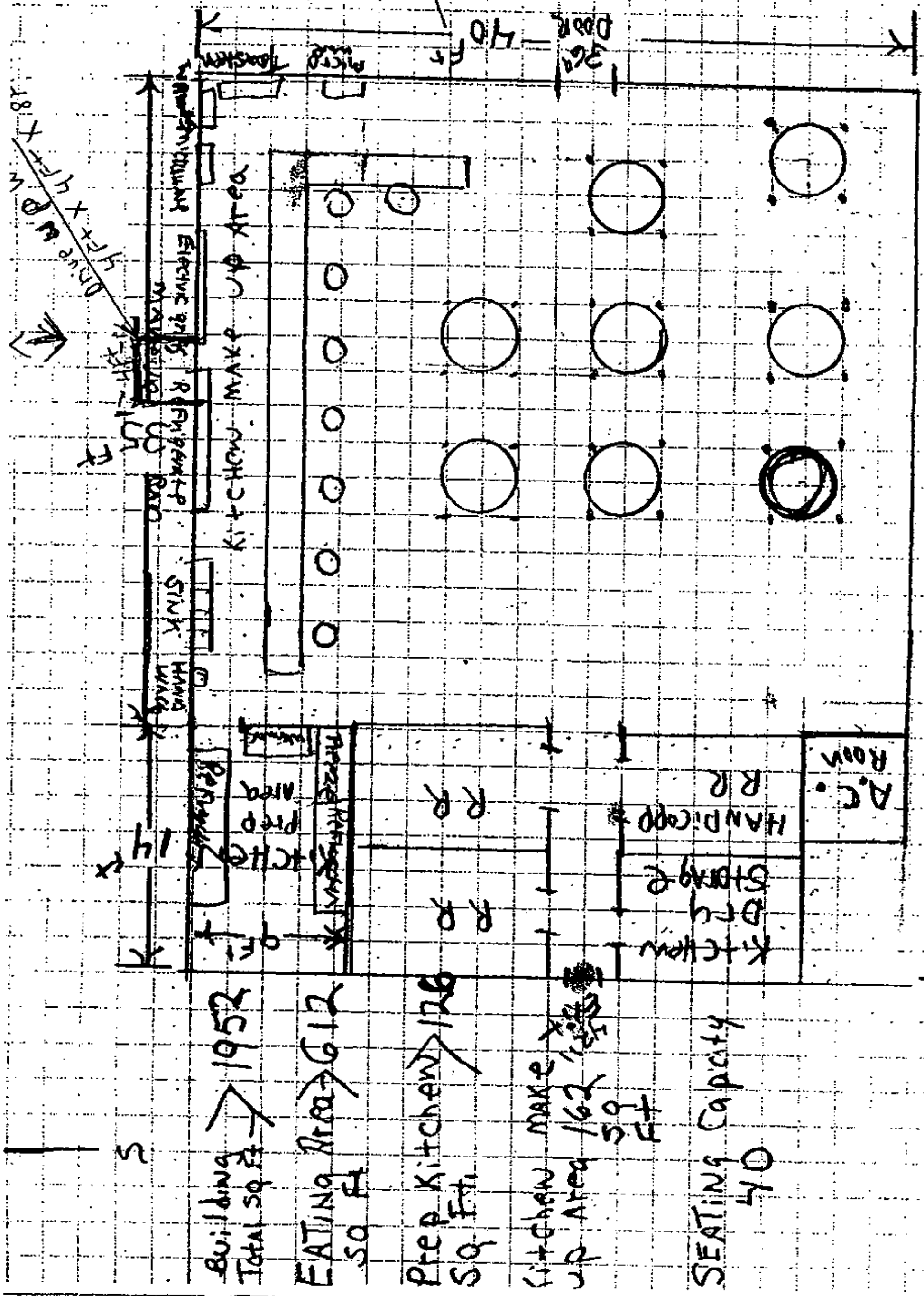
**If more information is needed feel free to contact Tony Catroppa at 479-236-3401.
Thank you,**

Tony Catroppa



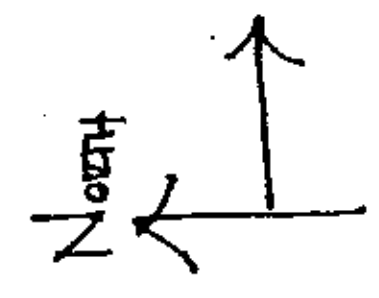
ATT. Jeremy -

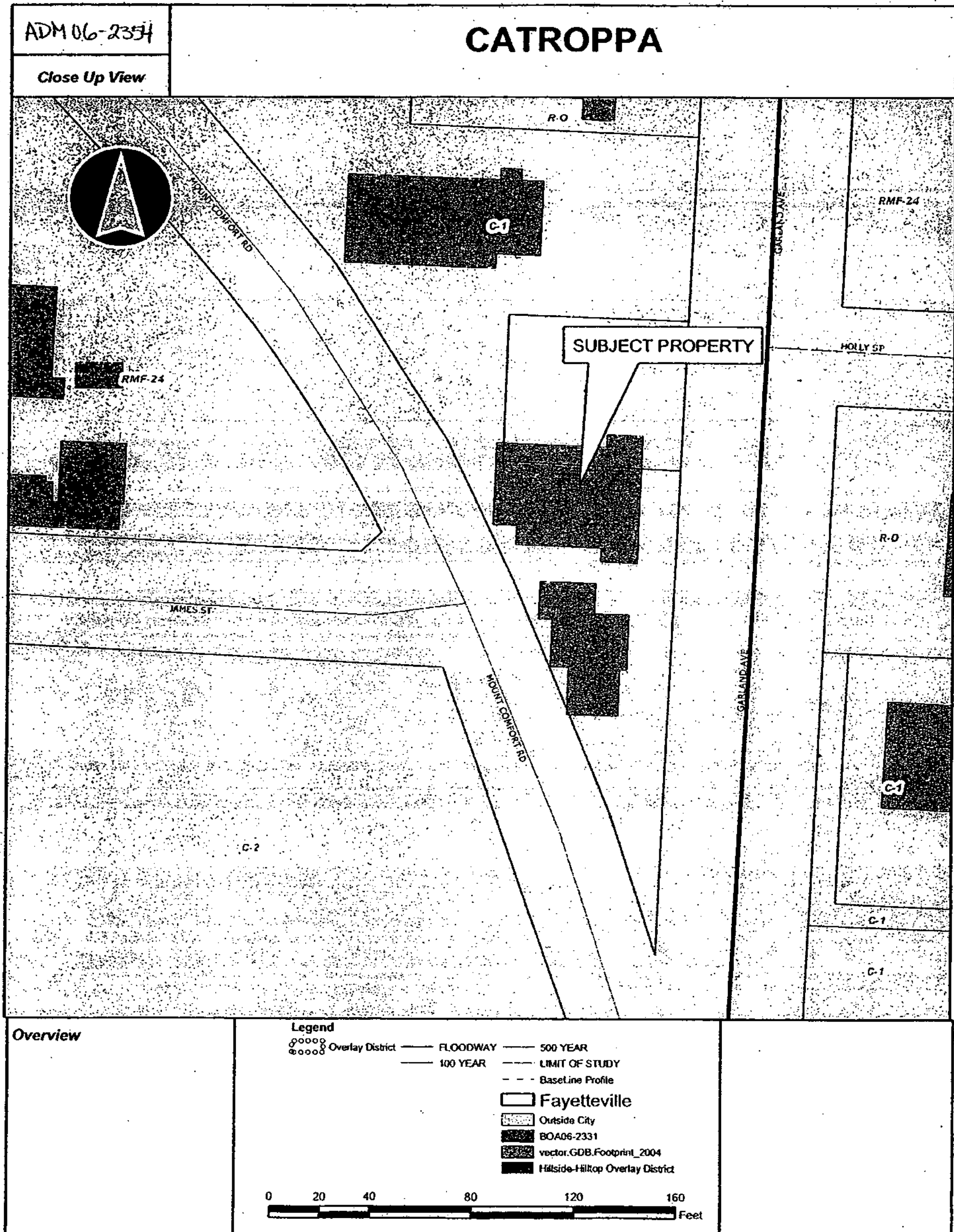
CATROPPA'S
 ESPRESSO BAR



1305 N. GARLAND

1" = 2' FT
 SCALE





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

C. 5
Operations Management International (OMI)
Page 1 of 14

5-Dec-06

City Council Meeting Date

David Jurgens
Submitted By

Water/Wastewater
Division

Water/Wastewater
Department

Action Required:

Resolution approving Amendment No. 14 to the Agreement between the City and Operations Management, International, Inc. (OMI), for Operations, Maintenance, and Management Services for the City of Fayetteville, Arkansas Wastewater Treatment Plant and approval of a budget adjustment. This contract amendment provides for \$6,104,447.88 for services for 2007, and an increase of \$153,000.00 for the cost of services in 2006. The 2007 cost is included in the proposed Fiscal Year 2007 Budget. A budget adjustment is attached for 2006.

\$6,257,447.88

Cost of this request

5400.5100.5328.00

Account Number

Project Number

\$ 6,104,447.88

Category/Project Budget

\$ -

Funds Used to Date

\$ 6,104,447.88

Remaining Balance

Water/Wastewater

Program Category / Project Name

Wastewater Treatment

Program / Project Category Name

Water and Sewer

Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☒

David Jurgens 16 Nov 06
Department Director Date

Previous Ordinance or Resolution # 94-94

Original Contract Date: August, 1994

Original Contract Number: 412

D. P. Whit 11/17/06
City Attorney

Received in City Clerk's Office
ENTERED
11-16-06

Paul A. Bueh 11-17-06
Finance and Internal Service Director Date

Received in Mayor's Office
ENTERED
11/17/06

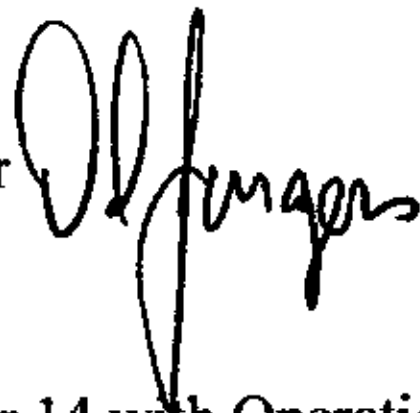
Don Casey 11/20/06
Mayor Date

Comments:

City Council Meeting of December 5, 2006

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

From: David Jurgens, Water/Wastewater Director 

Date: November 14, 2006

Subject: Resolution approving Amendment Number 14 with Operations Management International, Inc. for operation, maintenance and management of wastewater treatment facilities for 2007 and for reconciliation of costs for 2006

RECOMMENDATION

Fayetteville City Administration recommends approval of Amendment No. 14 to the Agreement between the City and Operations Management International, Inc. (OMI), for Operations, Maintenance, and Management Services for the City of Fayetteville, Arkansas Wastewater Treatment Plant and approval of a budget adjustment. This contract amendment provides for \$6,104,447.88 for services for 2007, and an increase of \$153,000.00 for the cost of services in 2006. The 2007 cost is included in the proposed Fiscal Year 2007 Budget. A budget adjustment is attached for 2006.

BACKGROUND

The City of Fayetteville's first private operating contract commenced in 1987 with this year marking 20 years of privatized services from Operations Management International, Inc. (OMI). In May of 2003, Fayetteville City Council approved Amendment No. 9 extending this agreement through December 31, 2008.

The scope of services provided by OMI to the City of Fayetteville include: (1) operate and maintain the Noland Wastewater Treatment Plant; (2) operate and maintain 43 wastewater pumping stations; (3) administer the City's NPDES discharge permit; (4) manage the City's sludge disposal program; (5) implement the City's industrial pretreatment program; (6) support the SCADA (supervisory control and data acquisition system) network that monitors water/wastewater facilities; (7) pursue operation economies, efficiencies, and permit compliance; (8) actively participate in the design and construction of the Wastewater System Improvement Project (WSIP) providing technical, operational, and maintenance input; and (8) perform several one-time, out of scope tasks, identified in the contract, related to and saving costs from the WSIP.

To encourage operational economy and innovation, an incentive provision is incorporated within the contract whereby budget underruns are distributed 87.5% to the City and 12.5% to OMI.

DISCUSSION

The operating expenses for fiscal year 2007 contain an increase from 2006 due to significantly higher fuel and chemical costs, a 2.6% labor increase, a 3% customer base increase, a 21% electrical cost increase, addition of four sewer lift stations, and a 12% increase in organic loadings and the resultant increase of sludge to be processed and hauled in the year. Additionally, this contract amendment includes \$400,566 in costs directly related to the WSIP. The contract increase for operations (excluding one-time costs) is 21.5%; the overall contract increase is 22%.

To validate the costs of the contract, staff compared operational costs between the Rogers and Fayetteville plants on a unit-cost comparison basis. Costs are broken down on a per-thousand gallons treated or a per-pound of material removed. Although Fayetteville's permit is much more stringent, the costs are very close. Rogers is higher on some specific costs; Fayetteville is higher in others. In all cases, the costs are so close that staff is confident both cities are receiving excellent value for their WWTP operation. Details are in the attached memo.

BUDGET IMPACT

The 2007 cost of \$6,104,447.88 is included in the proposed 2006 Budget; authorization of Amendment No. 14 will be contingent upon the budget approval. A budget adjustment is attached for the \$153,000.00 for the cost of services in 2006 is attached. Funds are coming from additional (higher than budgeted) sewer revenues received in 2006.

RESOLUTION NO. _____

A RESOLUTION APPROVING AMENDMENT NO. 14 TO THE CONTRACT WITH OPERATIONS MANAGEMENT INTERNATIONAL (OMI) IN THE AMOUNT OF \$6,104,447.88 FOR THE OPERATION AND MANAGEMENT OF FAYETTEVILLE WASTEWATER TREATMENT FACILITIES FOR 2006, AND AN INCREASE OF \$153,000.00 FOR THE COST OF SERVICES IN 2006; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$153,000.00.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves Amendment No. 14 to the contract with Operations Management International (OMI) in the amount of \$6,104,447.88 for the operation and management of Fayetteville Wastewater Treatment facilities for 2007, and an increase of \$153,000.00 for the cost of services in 2006. A copy of Amendment No. 14, marked Exhibit "A" is attached hereto, and made a part hereof.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor to sign Amendment No. 14 to the contract with OMI, contingent upon final approval of the FY2007 Budget.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby approves a Budget Adjustment in the amount of \$153,000.00.

PASSED and APPROVED this 5th day of December, 2006.

APPROVED:

By

DAN COODY, Mayor

ATTEST:

By

SONDRA SMITH, City Clerk

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

C. 5
Operations Management International (OMI)
Page 4 of 14

Budget Year 2006	Department: Operations Division: Wastewater Treatment Program: Wastewater Treatment Plant	Date Requested 12/5/2006	Adjustment Number
--------------------------------	---	--	-------------------

Project or Item Added/Increased:
\$153,000 is being requested in the PCP Operation Contract account.

Project or Item Deleted/Reduced:
\$153,000 is being requested from Sewer Sales on Computer revenue account.

Justification of this Increase:
For the approval of amendment 14 with Operations Management International (OMI).

Justification of this Decrease:
Currently \$181,859 has been collected over the original 2006 budgeted amount for the Sewer Sales on Computer revenue account. This additional revenue is being recognized for the OMI contract.

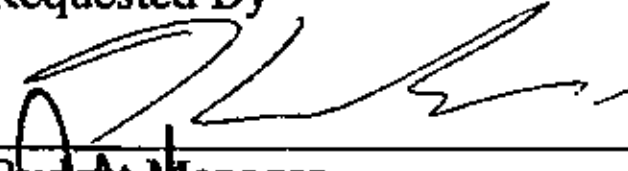
Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number
PCP operation contract	5400	5100	5328	00	153,000	

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number
Sewer sales on computer	5400	0940	4432	01	153,000	

Approval Signatures

Requested By	Date
	12-5-06
Budget Manager	Date
	12-16-06
Department Director	Date
	11-17-06
Finance & Internal Services Director	Date
Mayor	Date

Budget Office Use Only

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			

AMENDMENT NO. 14
TO
AGREEMENT FOR OPERATIONS, MAINTENANCE AND MANAGEMENT SERVICES
FOR THE CITY OF FAYETTEVILLE, ARKANSAS WASTEWATER TREATMENT PLANT

THIS AMENDMENT NO. 14 to the Agreement for Operations, Maintenance and Management Services for the City of Fayetteville, Arkansas Wastewater Treatment Plant dated September 1, 1994 (the "Agreement"), made effective on the 1st day of January, 2007, by and between the City of Fayetteville, Arkansas, whose address for any formal notice is 113 W. Mountain St, Fayetteville, Arkansas 72701 (hereinafter the "City") and Operations Management International, Inc., with offices at 9193 S. Jamaica Street, Suite 400, Englewood, Colorado 80112 (hereinafter "OMI") is made and entered into for purposes of amending certain provisions of the Agreement, to prevent the facilities covered by the Agreement from being deemed to be used in the trade or business of OMI pursuant to Section 141 (b) of the Internal Revenue Code of 1986, as amended.

NOW THEREFORE, the City and OMI agree to amend the Agreement as follows:

1. Article 4.1 is hereby deleted in its entirety and replaced with the following Article 4.1:
 - 4.1 For services rendered during calendar year 2007 the City of Fayetteville shall pay to OMI the actual cost of services performed plus an annualized management fee of One Hundred Thousand Five Hundred Ten Dollars and Eighty Five Cents (\$105,510.85). Said fee and estimated cost (base fee) shall be paid in twelve (12) equal monthly installments. The management fee for subsequent years will be determined proportional to the increase in estimated cost.
2. Article 4.3 is hereby deleted in its entirety and replaced with the following Article 4.3:
 - 4.3 OMI estimates the cost for services for calendar year 2007 shall be Six Million One Hundred Four Thousand Four Hundred Forty Seven Dollars and Eighty Eight Cents (\$6,104,447.88). Details of said cost are shown in Appendix J. The base fee shall be negotiated each year in September for the upcoming calendar year. Should the City and OMI fail to agree, the base fee will be determined by the application of the base fee adjustment formula shown in Appendix F. Upon each contract year renegotiation, OMI shall continue to invoice City of Fayetteville at the previous amount until the new contract year price is agreed upon. Upon written notice agreement between the parties as to the new contract year base fee, OMI shall issue an invoice retroactively adjusting the previous base fee amount. Should the actual expenditures exceed estimated expenditures by more than Twenty Thousand Dollars (\$20,000), in any year of this Agreement, specific approval will be obtained from the City prior to OMI incurring additional costs.
3. Article 4.4 is hereby deleted in its entirety and replaced with the following Article 4.4:
 - 4.4 An administrative fee of fifteen percent (15 %) is added to personnel services and ten percent (10%) to all other costs for administration, support, management and overhead, with the exception of electricity and lift station odor control direct expenses.
4. Article 4.8 is hereby deleted in its entirety and replaced with the following Article 4.8:
 - 4.8 OMI agrees to incur up to One Hundred Fifty Three Thousand Nine Hundred Seventy

Eight Dollars and Three Cents (\$153,978.03) per year in lift station odor control direct expenses, including costs for necessary chemicals, pumps, tanks, related equipment and such outside services as needed. These expenses will not include labor and benefits for OMI personnel. OMI will rebate to the City of Fayetteville the entire amount that actual lift station odor control expenses are less than One Hundred Fifty Three Thousand Nine Hundred Seventy Eight Dollars and Three Cents (\$153,978.03) in any year of this Agreement.

5. Appendices B, E, and J are hereby deleted in their entirety and replaced with the attached Appendices B, E, and J.
6. Appendix K is hereby added to the Agreement.

This Amendment No. 14 together with the Agreement, constitutes the entire agreement between the Parties and supersedes all prior oral and written understandings with respect to the subject matter set forth herein. Unless specifically stated all other terms and conditions of the Agreement shall remain in full force and effect. Neither this Amendment nor the Agreement may be modified except in writing signed by an authorized representative of the Parties.

The Parties, intending to be legally bound, indicate their approval of the Amendment by their signatures below.

**OPERATIONS MANAGEMENT
INTERNATIONAL, INC.**

CITY OF FAYETTEVILLE

Roger B. Quayle
Senior Vice President
Date: _____

Dan Coody
Mayor
Date: _____

APPROVED AS TO FORM:

Kit Williams
City Attorney
Date: _____

Appendix B

LOCATION OF PROJECT

B.1 OMI agrees to provide the services necessary for the management, operation and maintenance of the following:

- a) All equipment, vehicles, grounds and facilities now existing within the present property boundaries of or being used to operate the City of Fayetteville's Wastewater Treatment Plant located at:

1400 North Fox Hunter Road
Fayetteville, Arkansas

- b) All equipment, grounds, and facilities now existing within the present property boundaries of pump stations described as follows:

WW1	978 E. Zion Rd
WW2	4938 Mission Blvd. (Timbercrest)
WW3	Salem Rd – Off Mount Comfort Rd (Crystal Springs)
WW4	691 W. Poplar
WW5	3896 N. Gregg Ave
WW6	3021 N. Old Wire Rd.
WW7	2034 N. County Road 877
WW8	729 W. North St
WW9	1336 N. Porter
WW10	716 Futrall Dr
WW11	4412 W. 6 th St
WW12	398 N. Double Springs Rd
WW13	878 S. Stonebridge Rd
WW14	1820 S. Armstrong
WW15	203 E. 29 th Circle (Country Club)
WW16	3917 S. McCollum Rd
WW18	202 N. Sandy (Greenland)
WW19	988 S. Mallywagnon Rd
WW 20	3212 N. Highway 112
WW21	1687 S. Happy Hollow Rd
WW22	630 N. Double Springs Rd
WW23	440 E. Fairway Ln (Masters Addition - Country Club 2)
WW24	4071 South McCollum (Airport East)
WW25	551 W. Aster Ave (Willow West - Farmington)
WW26	74 S. Kestrel (Sequoyah Preserve)
WW27	1031 River Meadows Dr (Stonebridge Meadow)
WW28	1603 Plantation Avenue (Heritage Village)
WW29	390 N. Cato Springs (Bohannon - Greenland)
WW30	2324 Ruppel Rd (Holt Middle School)
WW31	2130 W. Moore Ln (Research Park)
WW32	478 N. Durango Place (Silverthorne)
WW33	4644 N. Crossover Rd (Stonewood - Copper Creek)
WW34	4572 S. School (Airport South)
WW35	3083 W. 6 th Street (Lowe's)
WW36	1642 N. Willowbrook Dr (Skyler Place)
WW37	3848 W. Edgewater Dr (Clabber Creek)

WW38	3710 E. Zion Rd (Copper Creek II)
WW39	2392 N. Kenswick Avenue (Crofton Manner)
WW40	1811 S. Cherry Hills Dr (Stone Bridge Meadow II)
WW41	1608 S. Springlake Dr (Crescent Lake)
WW42	2588 N. Firefly Catch Dr (Clabber Creek III)
WW43	308 S. Ray Ave (Timber Trails)
WW44	(Legacy Pointe Phase 5)

All equipment, grounds, and facilities now existing within the present property boundaries of or being used to operate the City of Fayetteville's Sludge Management Site located east of the wastewater treatment facility across the White River:

The potable water SCADA system at the following locations:

W1	215 W. 24 th Street	Pump Station
W2	844 N. Crossover Road	Pump Station
W4	1016 E. Ash Street	Pump Station
W5	707 E. Rogers Drive	Pump Station
W6	456 E. Baxter Lane	Ground Storage Tank
W7	707 E. Rogers Drive	Ground Storage Tank
W8	113 N. Sang	Elevated Storage Tank
W9	1170 E. South Skyline	Elevated Storage Tank
W10	1044 E. Township Road	Elevated Storage Tank
W11	Mt. Kessler	Elevated Storage Tank
W12	Highway 45 Valve Station	Pressure-reducing Valve
W13	Fire Tower Avenue (Goshen)	Ground Storage Tank
W14	Fire Tower Avenue (Goshen)	Pump Station
W15	Co. Road # 55 (Round Mountain)	Ground Storage Tank
W16	Co. Road # 4343 (Benson Mountain)	Ground Storage Tank
W17	Gulley Road Tank	Elevated Storage Tank
W18	Gulley Road Station	Pump Station
W19	1490 Sunrise Mountain Rd	Pump Station
W20	Monitor Rd	Surge Tank
W21	2210 N. Old Wire Rd	Valve
W22	2880 N. Old Missouri Rd	Valve
W23	3385 N. Par Ct	Valve
W24	3023 E. Joyce Blvd	Valve
W25	Ozarks Regional Transit (Hwy 12)	Valve
	2435 S. Industrial Dr.	Water & Sewer Ops Center
	12141 Ed Edwards Road	Mt. Robinson Tower Site

Appendix E

VEHICLE AND MOBILE EQUIPMENT DESCRIPTION

Unit #	Unit Description	Year
82	Sykes 6" Pump/Trailer	1995
266	GMC V-Jimmy	1990
320	Ford F-350 SD 4X4 Utility, Crew Cab w/crane	1999
324	Ford F-350 SD 4X4 Utility, Reg. cab w/crane	1999
325	Ford F-350 4 X 4, Reg. cab	2000
339	Ford F-350 4 X 4, Flatbed	2002
539	Ford CM-224 Mower	1994
551	Ford 3930 Gen Purpose Tractor, 2X4	1995
556	Ford/New Holland 8160 Tractor w/Loader	1997
562	Ford/New Holland 8160 Tractor	1999
563	Ford/New Holland 8160 Tractor	1999
564	Ford/New Holland 8160 Tractor w/Loader	1999
566	Ford/New Holland LS55 Lawn Tractor	1999
570	New Holland 8670 Tractor, 145 hp, 4X4	2000
581	Ford/New Holland TS100A Tractor w/NH 52# Frontend Loader	2004
582	New Holland 1412 Discbine Mower Conditioner	2004
583	New Holland 740 Round Baler	2004
588	New Holland B940A Large Square Baler	2005
589	New Holland 1412 Discbine Mower Conditioner	2005
644	New Holland 575E Backhoe/Loader	2000
706	IHC S-1900 T/A Dump	1985
712	Ford F800 (Gooseneck) Tractor	1983
734	Freight Liner 112 Conv Tractor	1987
806	Case 1150G Bulldozer, 119 hp	1995
900	Generator	1987
910	Trailer, 16 Ft. N/C	1987
927	Parker, 24' Gooseneck Trailer	1991
959	Bush Hog 2620 Rot. Cutter	1995
966	P.J. Trailer, 18 Ft.	1996
969	LO-Boy, 25T-36FT Trailer	1996
988	Hesston 3982 Wheel Rake	1998
989	M & W DF-12 Wheel Rake	1998
992	Polaris 500 4 X 4	1998

Appendix E

VEHICLE AND MOBILE EQUIPMENT DESCRIPTION (CONTINUED)

1092	Ford Explorer	2002
2004	Ford Ranger, 4X4	1997
2007	Ford Ranger, 4X4	1997
2089	Chevy Silverado, 4X4, Reg. Cab	2006
2090	Chevy Silverado, 4X4, Reg. Cab	2006
2103	Ford 150, 1/2 Ton, 4WD, Ext. Cab	2006
9004	John Deere 348-C Small Square Baler	1999
9017	New Holland 1411 Mower Cond.	2000
9021	Volvo Penta 400 KW - Trailer Mounted Diesel Generator @ LS#8	2001
9024	Hesston GEHL WR-522 Wheel Rake	2001
9025	Volvo Penta 400 KW - Trailer Mounted Diesel Generator @ LS#9	2001
9031	E-Z-GO ST-350 Utility Vehicle	2001
9034	Yale 5000# Fork Lift, Solid Tires	2002
9037	E-Z-GO ST-480 Workhorse Utility Vehicle	2002
9083	28 yd, 38' End Dump Trailer, Tandem Axle	
	Portable Generator for LS	2005

Appendix J

COST DETAIL

The annualized estimated costs for calendar year 2007 are as follows:

	<i>Current 2006</i>	<i>Proposed 2007</i>
Direct Labor & Benefits	\$ 1,714,624.83	\$ 2,180,396.37
Labor Markup @ 30% for 2006 & 15% for 2007	\$ 514,387.45	\$ 327,059.46
Electricity	\$ 576,000.00	\$ 696,999.87
Electricity Markup		
Other Direct Costs	\$ 1,434,090.16	\$ 1,927,477.81
Other Direct Costs Markup @ 10%	\$ 143,409.02	\$ 192,747.78
<i>Subtotal</i>	\$ 4,382,511.46	\$ 5,324,681.29
Fixed Fee	\$ 86,841.35	\$ 105,510.85
Lift Station Odor Control	\$ 104,855.00	\$ 153,978.03
Capital Item Amortization	\$ 100,621.85	\$ 119,712.00
<i>Total Estimated O&M Budget</i>	\$ 4,674,829.66	\$ 5,703,882.17
Odor Control System Rehabilitation		\$ 118,741.88
Bar Screen Relocation		\$ 39,422.22
Aerator Rehabilitation		\$ 183,085.47
HMI Integration for Westside WWTP		\$ 59,316.15
<i>Total Estimated Annualized Budget</i>	\$ 4,674,829.66	\$ 6,104,447.88
<i>Net Annualized Difference</i>		\$ 1,429,618.23

The following are some of the major reasons for cost circumstances:

1. OMI has significantly reduced the mark up on labor from thirty percent (30%) to fifteen percent

(15%) in recognition of the outstanding long term relationship that has existed between OMI and the City of Fayetteville and in the interest of helping the City to contain operational costs in light of recent cost issues related to the overall wastewater system within the City. The cost reduction is made possible by heavily leveraging OMI's experience and expertise in the wastewater treatment industry and through significant job sharing within the OMI network.

2. Addition of 2.5 full time positions to cover additional sludge handling & disposal, O&M of the odor scrubbers for the sludge tank, headworks area, and the solids building, and 2007 cost of living adjustments.
3. Electrical budget has been increased by twenty one percent (21%) to reflect the actual electrical cost in 2006. Electrical cost has been significantly impacted by the fuel cost adjustment, which ranged from twenty three percent (23%) to forty three percent (43%) of the total electrical cost in 2006.
4. Additional costs in chemicals to operate odor scrubbers at the Noland facility and increased alum usage to meet summer phosphorus limits in Beaver Water District agreement.
5. Additional costs for sludge disposal which include vehicle expenses, tipping fees, polymer costs, and contract hauling.
6. Additional odor control efforts in the collection system including significantly greater efforts at the Hamestring lift station which feeds the Porter Road lift station.
7. Ever increasing cost to maintain community-expected high level of performance with many pieces of equipment nearing the end of their life cycle and destined to be replaced or upgraded as part of the ongoing Wastewater Improvement Project.
8. Additional costs for maintenance of forty two plus (42+) sewage lift stations during the next year.
9. Addition of the one-time Odor Control System Rehabilitation Project to rebuild the existing odor scrubber for odor control at the sludge holding tank. This project is not covered under the plant upgrade and should save the City about Thirty Five Thousand Dollars (\$35,000) by performing the work in house.
10. Addition of the Bar Screen Relocation Project to relocate one of the existing bar screens at the Noland plant to the new headworks building. This project is not covered under the plant upgrade and allows delaying the purchase of about Four Hundred Fifty Thousand Dollars (\$450,000) in additional capital items for the present time. This item will likely be duplicated in 2008 to relocate one of the existing bar screens to the Westside WWTP as well.
11. Addition of the one-time Aerator Rehabilitation Project to rebuild at least two of the twenty (20) year old aerators to keep up with the additional organic loadings. This represents about a thirty percent (30%) savings over the purchase of new units and should have similar life expectancy.
12. Addition of the one-time HMI Integration for the Westside WWTP Project to allow a Seventy Five Thousand Dollar (\$75,000) deduction from the cost of the West Side WWTP construction. Much of this cost would have been expended by plant personnel anyway in becoming familiar with the new SCADA system. This project will also allow more complete integration of the new Westside WWTP with the existing SCADA system for the Noland plant and the collection system.

Appendix K

2006 BUDGET ADJUSTMENT DETAIL

In accordance with Article 4.3 of the "Agreement for Operations, Maintenance and Management Services for the City of Fayetteville's Wastewater Treatment Plant" dated September 1, 1994, Operations Management International respectfully requests approval of a budget adjustment to the 2006 O&M budget in the amount of One Hundred Fifty Three Thousand Dollars (\$153,000.00).

The estimated increase is extrapolated using the average actual O&M costs from January to September 2006 based on the major contributing factors listed below:

1. The monthly costs for electrical power are influenced by several factors. One of those factors which we have no control over relates to the cost of fuel used to generate the electricity. The normal rate structure has an estimated 'normal' cost for fuel built in, but if the actual fuel costs are higher than the budgeted amount, the cooperative charges the customer for that difference via a separate line item called "Fuel Cost Adjustment". Recognizing that these costs were also higher in 2005 than we had originally anticipated, the 2006 budget included what we felt was a reasonable amount to cover the anticipated fuel-related costs as projected by the cooperative. However, the monthly charges for fuel cost adjustments have been significantly higher than even that increased amount and have greatly impacted the total electrical costs in 2006. The average fuel cost adjustment in 2006 has been 30.1% of the total monthly electrical cost compared to 18.7% for 2005 and 0% in most previous years. These high fuel cost adjustments have caused an average \$4,530 cost overrun in the monthly electrical budget, or an estimated \$54,360 for the year.
2. Treatment of domestic wastewater in Fayetteville produces very clean effluent but also leaves a residual product known as sludge or biosolids, which is made up largely of excess bacteria that have been removed from the treatment process. Several factors affect sludge disposal costs including: sludge hauling, landfill tipping fee, and polymer usage. The combination of higher sludge hauling costs (largely impacted by higher than anticipated costs for diesel fuel) and tipping fee (charges from the landfill which have also risen during the budget year), have caused expenses to be an average of \$5,720 more per month than budgeted. In addition to the sludge hauling and disposal costs, the average polymer use was much higher in the first 6 months of 2006 due to both increased loadings and process complications caused by the ongoing construction project. Adaptation to the new sludge holding tank and alterations to the sludge processing schedule due to temporary or interim sludge pumping issues and such have required more polymer than we had planned to use. The estimated costs for polymer use are \$2,500 a month more than the budgeted amount. The overall costs for sludge disposal, therefore, are estimated to be \$8,220 per month or \$98,640 more than budget for the year.

As always, OMI strives to provide the best value service that is possible to deliver. This is the first time in nearly twenty years of contract operations that OMI has had to ask for a budget adjustment due to situations beyond OMI's control. Even though this amount is already more than \$100,000 less than projected in mid-summer of this year, OMI will obviously continue every effort to maintain expenses at the lowest level possible.



WATER AND WASTEWATER DEPARTMENT
DEPARTMENTAL CORRESPONDENCE

To: Mayor Dan Coody

From: David Jurgens, Water and Wastewater Director

Date: November 2, 2006

Subject: Comparison of Rogers-Fayetteville Wastewater Treatment Plant Costs

Staff compared operational costs between the Rogers and Fayetteville wastewater treatment plants. It is difficult to develop a valid comparison, as the size, NPDES permits, and complexities of the two operations are much different although the treatment methods are similar.

Fayetteville - Rogers WWTP Operational Comparison

Operational Component	Units	Rogers	Fayetteville
Average Daily Flow	mgd	6.0	12.6
NPDES Permit Limits // Agreement Limits			
BOD	mg/l	10	5
TSS	mg/l	10	5
Ammonia	mg/l	1.5	2
Phosphorous ¹	mg/l	None // 1.0	1 // 0.5

¹ Rogers has no NPDES phosphorous limit; Fayetteville has a 1.0. By agreements, Rogers has a 1.0 limit; Fayetteville has a 0.5.

On the advice of Mike Lawrence, Rogers Water Utility, I opted for a unit-cost comparison. Costs are broken down on a per-thousand gallons treated and a per-pound of material removed basis. The numbers are actual costs of operation for July – September, 2006 which contained wet and dry months. Sludge disposal costs are included.

HDR/EES consultants who are conducting rate studies for both utilities were available. Tom Gould reviewed the analysis, and felt it was a valid comparison and that the numbers for both utilities were correct.

Fayetteville - Rogers WWTP Cost Comparison

Expense Element	Rogers Jul - Sep 06 ¹	Fayetteville ² Jul - Sep 06	Difference
Three Month Total O&M Expense	\$488,950	\$887,338	\$398,388
Three Month Total Plant Flow (gallons)	594,563,000	1,064,150,000	469,587,000
Three Month Average O & M Cost /1,000 gallons	\$0.82	\$0.83	\$0.01
Three Month Average Total Cost /1,000 gallons	\$1.24	\$1.26	\$0.02
Three Month Total Pounds CBOD Removed	998,226	2,029,692	1,031,466
O & M Cost / lb. CBOD Removed	\$0.49	\$0.44	(\$0.05)
Total Cost / lb. CBOD Removed	\$0.74	\$0.66	(\$0.08)
Three Month Total Pounds TSS Removed	1,139,933	2,169,598	1,029,665
O & M Cost / lb. TSS Removed	\$0.43	\$0.41	(\$0.02)
Total Cost / lb. TSS Removed	\$0.65	\$0.62	(\$0.03)

¹ Rogers WWTP numbers based on input from Mike Lawrence, Rogers Water Utility, using actual costs related to WWTP O&M, deducting capital and depreciation.

² Fayetteville WWTP numbers using actual percentage of OMI contract related to WWTP O&M, thus deducting capital, depreciation, lift station, and SCADA maintenance.

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

C. 6
Sales Tax 2006A Construction Fund
Page 1 of 4

12/5/2006
City Council Meeting Date

Paul A. Becker
Submitted By

Finance
Division

Finance
Department

Action Required:

Approval of a budget amendment to appropriate bond proceeds of the Series 2006A Bonds for the Wastewater Systems Improvements Project, the Street Improvements Bond Project, and the Trail Improvements Bond Project.

\$ - Cost of this request	\$ - Category / Project Budget	Program Category / Project Name
4520.9520.XXXX.XX Account Number	\$ - Funds Used to Date	Program / Project Category Name
Various Project Number	\$ - Remaining Balance	Sales Tax 2006A Construction Fund Name

Budgeted Item

☐

Budget Adjustment Attached

X

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Paul A. Becker
Department Director

11-16-06
Date

City Attorney

Date

Finance Director

Date

Mayor

Date

Received in City Clerk's Office

ENTERED
11/17/06

Received in Mayor's Office

ENTERED
11/17/06

Comments:



DEPARTMENTAL CORRESPONDENCE

TO: Mayor Dan Coody and Fayetteville City Council
FROM: Paul A. Becker, Finance Director
DATE: November 16, 2006
SUBJECT: **Appropriation Authority for 2006A Series Bond Issue Proceeds**

Background:

Pursuant to the passage of Ordinance 4936 on October 13, 2006 series 2006A Bonds have been sold. To proceed with the identified projects it is necessary to create a new fund to be called Sales Tax 2006A Construction Fund and appropriate the bond proceeds in accordance with the attached budget amendment.

Recommendation:

It is recommended that the attached budget amendment be approved so that planned work can commence in fiscal year 2006.

Budget Impact:

The attached budget amendment will fund the following capital projects:

Wastewater System Improvements Project	\$25,394,201
Street Improvements Bond Project	\$24,581,590
Trail Improvements Bond Project	\$ 812,615

The funds will come from Bond Proceeds authorized by City Council through Ordinance 4936 on October 13, 2006.

Closing:

If you have any questions concerning this agenda item, please feel free to contact me at 575-8330. Thank you for your attention to this matter.

RESOLUTION NO. _____

A RESOLUTION APPROVING THE CREATION OF A NEW FUND TO BE CALLED "SALES TAX 2006A CONSTRUCTION FUND;" AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$50,788,406.00 FOR THE WASTEWATER SYSTEMS IMPROVEMENT PROJECT, THE STREET IMPROVEMENTS BOND PROJECT, AND THE TRAIL IMPROVEMENTS BOND PROJECT.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the creation of a new fund to be called "Sales Tax 2006A Construction Fund."

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a Budget Adjustment in the amount of \$50,788,406.00 for the Wastewater Systems Improvement Project, the Street Improvements Bond Project, and the Trail Improvements Bond Project, to be appropriated and allocated as follows:

Wastewater Systems Improvement Project	\$25,394,201.00
Street Improvements Bond Project	\$24,581,590.00
Trail Improvements Bond Project	\$812,615.00

PASSED and APPROVED this 5th day of December, 2006

APPROVED:

By: DAN COODY, Mayor

ATTEST:

By: SONDRA SMITH, City Clerk

DRAFT

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

C. 6
Sales Tax 2006A Construction Fund
Page 4 of 4

Budget Year 2006	Department: Sales Tax 2006A Construction Division: Program:	Date Requested 12/5/2006	Adjustment Number
-------------------------	---	---------------------------------	-------------------

Project or Item Added/Increased: \$25,394,201 is requested for Wastewater System Improvements Project, \$24,581,590 is requested in the Street Improvement project, and \$812,615 in the Trails project.	Project or Item Deleted/Reduced: \$50,788,406 is being requested from the Bond Proceeds account.
--	--

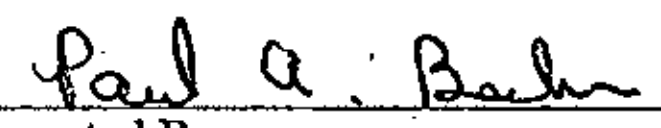
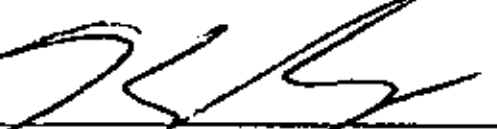
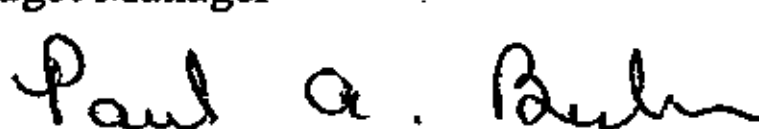
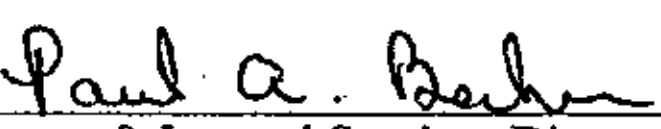
Justification of this Increase: To set up projects related to the passage of Ordinance 4936 on October 13.	Justification of this Decrease: To recognize proceeds from the sale of Sales Tax 2006A Construction Fund bonds.
--	---

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Sewer improvements	4520	9520	5815	00	25,394,201	02133	1
Street improvements	4520	9520	5809	00	24,581,590	06035	1
Trails	4520	9520	5814	05	812,615	06036	1

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Proceeds from bond sales	4520	0952	6884	00	25,394,201	02133	1
Proceeds from bond sales	4520	0952	6884	00	24,581,590	06035	1
Proceeds from bond sales	4520	0952	6884	00	812,615	06036	1

Approval Signatures	
 Requested By	11-16-06 Date
 Budget Manager	11-16-06 Date
 Department Director	11-17-06 Date
 Finance & Internal Services Director	11-16-06 Date
Mayor	Date

Budget Office Use Only	
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

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

12/5/2006
City Council Meeting Date

Ron Petrie Engineering Operations
Submitted By Division Department

Action Required:

A resolution approving an Engineering Contract with McClelland Consulting Engineers, Inc. in an amount not to exceed \$108,111.40 for surveys, preliminary design services, and related services associated with the College Avenue Improvement Project.

\$ 108,111.40		
Cost of this request	Category / Project Budget	Program Category / Project Name
4520.9520.5809.00	\$ -	Street Improvements
Account Number	Funds Used to Date	Program / Project Category Name
	\$ -	Sales Tax Capital Improvements
Project Number	Remaining Balance	Fund Name

Budgeted Item ☒ Budget Adjustment Attached ☐


Department Director 11-20-06
Date

Previous Ordinance or Resolution # _____

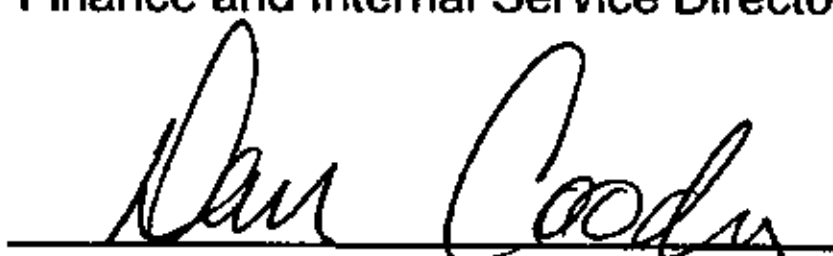

City Attorney 11/20/06
Date

Original Contract Date: _____

Original Contract Number: _____


Finance and Internal Service Director 11-21-06
Date

Received in City Clerk's Office
ENTERED
11-20-06


Mayor 11/22/06
Date

Received in Mayor's Office
ENTERED
11-20-06

Comments:



Date: November 17, 2006

To: Fayetteville City Council

Thru: Dan Coody, Mayor
Gary Dumas, Director of Operations

From: Ron Petrie, City Engineer *RP*

Subject: **A resolution approving an Engineering Contract with McClelland Consulting Engineers, Inc. in an amount not to exceed \$108,111.40 for surveys, preliminary design services, and related services associated with the College Avenue Improvement Project.**

RECOMMENDATION:

Staff recommends approval of a Contract with McClelland Consulting Engineers, Inc. in the amount of \$108,111.40 for surveys, preliminary design services, and related services for College Avenue, from Rock Street to Maple Street.

BACKGROUND:

The College Avenue Improvement Project is included in the Transportation Improvement Bond Program. The project includes sidewalk replacement, tree and landscaping installation, decorative lighting, and removal/reconfiguration of existing driveways to provide better access management and increase safety. No changes to the existing street capacity are planned.

DISCUSSION:

Under this contract, McClelland will provide surveys, preliminary design services, and related services as detailed in the Contract.

The contract amount for this work is \$108,111.40. The schedule proposed by McClelland includes 6 months of design time to complete the work under the contract. After the preliminary design is completed, a contract amendment for final design will be negotiated.

BUDGET IMPACT:

The contract amount of \$108,111.40 will be paid from the Transportation Improvement Bond Funds. The total budget for the project is \$1,740,000.

RESOLUTION NO. _____

A RESOLUTION AWARDING AN ENGINEERING CONTRACT TO MCCLELLAND CONSULTING ENGINEERS, INC. IN AN AMOUNT NOT TO EXCEED \$108,111.40 FOR PRELIMINARY DESIGN SERVICES, SURVEYS, AND RELATED SERVICES ASSOCIATED WITH THE COLLEGE AVENUE IMPROVEMENT PROJECT.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas, hereby awards a engineering contract to McClelland Consulting Engineers, Inc. in an amount not to exceed \$108,111.40 for preliminary design services, surveys, and related services associated with the College Avenue Improvement Project

PASSED and APPROVED this 5th day of December, 2006

APPROVED

By:

DAN GOODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk

DRAFT

AGREEMENT
For
PROFESSIONAL ENGINEERING SERVICES
Between
CITY OF FAYETTEVILLE, ARKANSAS
And
MCCLELLAND CONSULTING ENGINEERS, INC.

THIS AGREEMENT is made as of _____, 2006, by and between City of Fayetteville, Arkansas, acting by and through its Mayor (hereinafter called CITY OF FAYETTEVILLE) and McClelland Consulting Engineers, Inc. with offices located in Fayetteville, AR (hereinafter called MCE).

CITY OF FAYETTEVILLE requires professional engineering services in connection with the limited surveying, planning, and design of College Avenue Improvements – Phase I – from Rock Street to Maple Street (The "Project"), or as further described in Appendix A. Therefore, CITY OF FAYETTEVILLE and MCE in consideration of their mutual covenants agree as follows:

MCE shall serve as CITY OF FAYETTEVILLE's professional engineering consultant in those assignments to which this Agreement applies, and shall give consultation and advice to CITY OF FAYETTEVILLE during the performance of MCE's services. All services shall be performed under the direction of a professional engineer registered in the State of Arkansas and qualified in the particular field. If Construction Phase Services are to be provided by MCE under this Agreement, the construction shall be executed under the observation of a professional engineer registered in the State of Arkansas in accordance with Arkansas Code Amended §22-9-101.

SECTION 1 - AUTHORIZATION OF SERVICES

- 1.1 Services on any assignment shall be undertaken only upon written Authorization of CITY OF FAYETTEVILLE and agreement of MCE. Assignments may include services described hereafter as Basic Services or as Additional Services of MCE.
- 1.2 Changes, modifications or amendments in scope, price or fees to this contract shall **not** be allowed without a formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, costs, fees, or delivery schedule.

SECTION 2 - BASIC SERVICES OF MCE GENERAL

2.1.1 Perform professional design services in connection with the Project as hereinafter stated, which shall include normal civil, structural, and surveying services.

2.1.1.1 The Scope of Services to be furnished by MCE during the Preliminary Design Phase is included in Section 2.2 hereafter and in Appendix A attached hereto and made part of this Agreement.

2.1.1.2 The Scope of Services to be furnished by MCE during the remainder of the Design Phase including easement / right-of-way acquisition services will be negotiated in full and added by an amendment to this Agreement.

2.1.1.3 The Scope of Services to be furnished by MCE during the Bidding Phase will be negotiated in full and added by an amendment to this Agreement.

2.1.1.4 The Scope of Services to be furnished by MCE during the Construction Phase will be negotiated in full and added by an amendment to this Agreement.

2.1.2 Execution of this agreement will authorize the Engineer to proceed with the services as described herein.

2.2 Design Services

2.2.1 MCE will perform engineering and related services in order to prepare Preliminary Drawings and related services as described in Appendix A.

2.2.1.1 Text documents shall be provided to CITY OF FAYETTEVILLE in Microsoft® Word version 2000 or later software. Contract drawings shall be prepared using standard borders, sheet sizes, title blocks and CADD standards provided by CITY OF FAYETTEVILLE. MCE may use their normal software for the preparation of drawings but the final product shall be provided to CITY OF FAYETTEVILLE in Autodesk AutoCAD version 2004 or later.

- 2.2.1.2 Develop and include in Appendix A of this Agreement for approval by CITY OF FAYETTEVILLE, a project design schedule in which MCE shall include, in an acceptable level of detail, the steps and milestone dates to be undertaken by MCE in the completion of this design. This Schedule shall include reasonable allowances for review and approval times required by CITY OF FAYETTEVILLE, performance of services by CITY OF FAYETTEVILLE's consultants, and review and approval times required by public authorities having jurisdiction over the Project. This Schedule shall be equitably adjusted as the Project progresses, allowing for changes in scope, character or size of the Project requested by CITY OF FAYETTEVILLE, or for delays or other causes beyond MCE's reasonable control. The progress design schedule shall consist of a tabular list of milestones and calendar days for each phase of services.
- 2.2.1.3 When requested by the CITY OF FAYETTEVILLE's City Engineer, prepare for and attend Street Committee meetings and a City Council meeting to provide support for the project.
- 2.2.2 Provide through contract amendments services or data such as geotechnical investigations, core borings, probings and subsurface explorations, hydrographic surveys, laboratory tests, and inspections of samples, materials, and equipment as necessary for authorized Project services including appropriate professional interpretations of all the foregoing; property, boundary, easement, right-of-way, topographic, and utility surveys; noting zoning and deed restrictions.
- 2.2.2.1 Fully disclose all subcontract agreements including the name and address of the subconsultant, the scope of services to be provided and the value of the subcontract agreement.
- 2.2.2.2 Incorporate into all subcontract agreements for planning and design engineering services the applicable milestone dates from the Submittal Schedule and the CITY OF FAYETTEVILLE and require all MCE subconsultants to be bound by the Submittal Schedule.

2.2.3 Design shall be reviewed by CITY OF FAYETTEVILLE, or such parties as CITY OF FAYETTEVILLE shall designate, at completion of preliminary (30% complete) and final (90% complete) plans. Interim reviews may be performed at the request of MCE or the CITY OF FAYETTEVILLE in order to facilitate completion of the project.

2.2.4 The Scope of Services to be furnished by MCE during the remainder of the Design Phase (beyond Preliminary Design) will be negotiated in full and added by an amendment to this agreement

2.3 Bidding Phase

2.3.1 The scope of Bidding Phase Services will be described in detail in a future amendment to this Agreement.

2.4 Construction Phase

2.4.1 The scope of Construction Phase Services will be described in detail in a future amendment to this Agreement.

SECTION 3 - ADDITIONAL SERVICES OF MCE

3.1 General

If authorized in writing by the CITY OF FAYETTEVILLE Mayor and the City Council and agreed to in writing by MCE, MCE shall furnish or obtain from others Additional Services of the following types that are not considered normal or customary Basic Services. The scope of Additional Services may include:

3.1.1 Financial Consultation

Consult with CITY OF FAYETTEVILLE's fiscal agents and bond attorneys and provide such engineering data as required for any bond prospectus or other financing requirements.

3.1.2 Administrative Assistance

Provide Contract and Project administration to the degree authorized by CITY OF FAYETTEVILLE.

3.1.3 Furnishing renderings or models of the Project for CITY OF FAYETTEVILLE's use.

3.1.4 Miscellaneous Studies

Investigations involving detailed consideration of operations, maintenance, and overhead expenses, and the preparation of rate schedules, earnings, and expense statements; feasibility studies; appraisals and valuations; detailed quantity surveys of material, equipment, and labor; and audits or inventories required in connection with construction performed by CITY OF FAYETTEVILLE.

3.1.5 Preparing to serve or serving as a witness for CITY OF FAYETTEVILLE in any litigation or other proceeding involving the Project.

3.1.6 Extra Services

3.1.6.1 Services not specifically defined heretofore that may be authorized by CITY OF FAYETTEVILLE.

3.2 Contingent Additional Services

3.2.1 If services described under Contingent Additional Services in Paragraph 3.2 are required due to circumstances beyond MCE's control, MCE shall notify CITY OF FAYETTEVILLE and request a formal contract amendment approved by the Mayor and the City Council prior to commencing such services. If CITY OF FAYETTEVILLE deems that such services described in 3.2 are not required, CITY OF FAYETTEVILLE shall give prompt written notice to MCE. If CITY OF FAYETTEVILLE indicates in writing that all or parts of such Contingent Additional Services are not required, MCE shall have no obligation to provide those services.

3.2.2 Making revisions in Drawings, Specifications, or other documents when such revisions are:

3.2.2.1 Required because of inconsistent approvals or instructions previously given by CITY OF FAYETTEVILLE, including revisions made necessary by adjustments in CITY OF FAYETTEVILLE's program or Project Budget.

3.2.2.2 Required by the enactment or revision of codes, laws, or regulations subsequent to the preparation of such documents.

SECTION 4 - RESPONSIBILITIES OF CITY OF FAYETTEVILLE

CITY OF FAYETTEVILLE shall, within a reasonable time, so as not to delay the services of MCE:

- 4.1 Provide aerial mapping for MCE's use.
- 4.2 Provide full information as to CITY OF FAYETTEVILLE's requirements for the Project.
- 4.3 Assist MCE by placing at MCE's disposal all available information pertinent to the assignment including previous reports and any other data relative thereto.
- 4.4 Guarantee access to and make all provisions for MCE to enter upon public and private property as required for MCE to perform his services under this Agreement.
- 4.5 Examine all studies, reports, sketches, cost opinions, Bid Documents, Drawings, proposals, and other documents presented by MCE and render in writing decisions pertaining thereto.
- 4.6 Provide such professional legal, accounting, financial, and insurance counseling services as may be required for the Project.
- 4.7 Designate in writing a person to act as CITY OF FAYETTEVILLE's representative with respect to the services to be performed under this

Agreement. Such person shall have complete authority to transmit instructions, receive information, interpret and define CITY OF FAYETTEVILLE's policies and decisions with respect to materials, equipment, elements and systems to be used in the Project, and other matters pertinent to the services covered by this Agreement.

- 4.8 Give prompt written notice to MCE whenever CITY OF FAYETTEVILLE observes or otherwise becomes aware of any defect in the Project.
- 4.9 Furnish approvals and permits from all governmental authorities having jurisdiction over the Project and such approvals and consents from others as may be necessary for completion of the Project. Pay directly to the governmental authorities the actual filing and permit fees.
- 4.10 Pay for placement of legal notices and advertisements in newspapers or other publications required by program requirements.
- 4.11 Furnish, or direct MCE to provide, necessary Additional Services as stipulated in Section 3 of this Agreement or other services as required.
- 4.12 If CITY OF FAYETTEVILLE's standard bidding requirements, Agreement forms and General Conditions are to be used, CITY OF FAYETTEVILLE shall provide copies of such documents for MCE's use in coordinating the Contract Drawings and Specifications.
- 4.13 CITY OF FAYETTEVILLE and/or its representative will review all documents and provide written comments to MCE in a timely manner.

SECTION 5 - PERIOD OF SERVICE

- 5.1 This Agreement will become effective upon the first written notice by CITY OF FAYETTEVILLE authorizing services hereunder.
- 5.2 The provisions of this Agreement have been agreed to in anticipation of the orderly progress of the Project through completion of the services stated in the Agreement. MCE will proceed with providing the authorized services immediately upon receipt of written authorization from CITY OF

FAYETTEVILLE. Said authorization shall include the scope of the services authorized and the time in which the services are to be completed.

SECTION 6 - PAYMENTS TO MCE

6.1 Compensation

For the Scope of Services during described herein, CITY OF FAYETTEVILLE shall pay MCE an amount not to Exceed the sum amount of \$108,111.40 United States Dollars (US \$108,111.40) in accordance with the provisions described in the following paragraphs.

6.1.1 Design Surveys and Preliminary Design Services

For design surveys and preliminary design services to be performed by MCE, CITY OF FAYETTEVILLE shall pay MCE for time spent on the project at the rates shown in attached Appendix A-2 for each classification of MCE personnel, and for reimbursable expenses. The rates shown in Appendix A-2 will be increased annually with the first increase effective on or about March 1, 2007.

6.1.2 Property Surveys and Property Acquisition Documents

For Property Surveys and Property Acquisition Documents, CITY OF FAYETTEVILLE shall pay MCE an amount to be negotiated at a later date.

6.1.3 Final Design

The scope of the Final Design shall be determined at a later date. For the Final Design described herein, CITY OF FAYETTEVILLE shall pay MCE an amount to be negotiated at a later date.

6.1.4 Bidding Services

For the Bidding Services described herein, CITY OF FAYETTEVILLE shall pay MCE an amount to be negotiated at a later date.

6.1.5 Construction Phase Services

For the Construction Phase Services described herein, CITY OF FAYETTEVILLE shall pay MCE an amount to be negotiated at a later date.

6.1.6 Additional Services

For authorized Additional engineering services under Section 3, "Additional Services", compensation to MCE shall be negotiated at the time Additional services are authorized.

6.2 Statements

Monthly statements for each calendar month shall be submitted to CITY OF FAYETTEVILLE or such parties as CITY OF FAYETTEVILLE may designate consistent with MCE's normal billing schedule. Once established, the billing schedule shall be maintained throughout the duration of the Project. Applications for payment shall be made in accordance with a format to be developed by MCE and approved by CITY OF FAYETTEVILLE.

6.3 Payments

All statements are payable upon receipt and due within thirty (30) days. If a portion of MCE's statement is disputed by CITY OF FAYETTEVILLE, the undisputed portion shall be paid by CITY OF FAYETTEVILLE by the due date. CITY OF FAYETTEVILLE shall advise MCE in writing of the basis for any disputed portion of any statement. CITY OF FAYETTEVILLE will make reasonable effort to pay invoices within 30 days of date the invoice is approved, however, payment within 30 days is not guaranteed.

6.4 Final Payment

Upon satisfactory completion of the work performed under this Agreement, as a condition before final payment under this Agreement, or as a termination settlement under this Agreement, MCE shall execute and deliver to CITY OF FAYETTEVILLE a release of all claims against CITY OF FAYETTEVILLE arising under or by virtue of this Agreement, except claims which are specifically exempted by MCE to be set forth therein. Unless otherwise provided in this Agreement or by State law or otherwise expressly agreed to by the parties to this Agreement, final payment under this Agreement or settlement upon termination of this Agreement shall not constitute a waiver of CITY OF FAYETTEVILLE's claims against MCE or his sureties under this Agreement or applicable performance and payment bonds, if any.

6.5 Fee Changes

Subject to the City Council approval, adjustment of the not to exceed amount may be made should MCE establish and CITY OF FAYETTEVILLE agree that there has been or is to be a significant change in scope, complexity or character of the services to be performed; or if CITY OF FAYETTEVILLE decides to shorten the duration of work from the time period specified in the Agreement for completion of work and such modification warrants such adjustment. Changes, modifications or amendments in scope, price or fees to this Contract shall **not** be allowed without formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, cost, fees, or delivery schedule.

SECTION 7 - GENERAL CONSIDERATIONS

7.1 Insurance

7.1.1 During the course of performance of these services, MCE will maintain (in United States Dollars) the following minimum insurance coverages:

Type of Coverage	Limits of Liability
Workers' Compensation Employers' Liability	Statutory \$500,000 Each Accident
Commercial General Liability Bodily Injury and Property Damage	\$1,000,000 Combined Single Limit
Automobile Liability: Bodily Injury and Property Damage	\$1,000,000 Combined Single Limit
Professional Liability Insurance	\$1,000,000 Each Claim

MCE will provide to CITY OF FAYETTEVILLE certificates as evidence of the specified insurance within ten days of the date of this Agreement and upon each renewal of coverage.

7.1.2 Construction Contractors shall be required to provide (or CITY OF FAYETTEVILLE may provide) Owner's Protective Liability Insurance naming CITY OF FAYETTEVILLE as a Named Insured to endorse CITY OF FAYETTEVILLE. Construction Contractors shall be required to provide

certificates evidencing such insurance to CITY OF FAYETTEVILLE and MCE.

7.1.3 CITY OF FAYETTEVILLE and MCE waive all rights against each other and their officers, directors, agents, or employees for damage covered by property insurance during and after the completion of MCE's services. A provision similar to this shall be incorporated into all Construction Contracts entered into by CITY OF FAYETTEVILLE, and all construction Contractors shall be required to provide waivers of subrogation in favor of CITY OF FAYETTEVILLE and MCE for damage or liability covered by any construction Contractor's policy of insurance.

7.2 Professional Responsibility

7.2.1 MCE will exercise reasonable skill, care, and diligence in the performance of MCE's services and will carry out its responsibilities in accordance with customarily accepted professional engineering practices. MCE agrees not to seek or accept any compensation or reimbursements from the City of Fayetteville for engineering work it performs to correct any errors, omissions or other deficiencies caused by MCE's failure to meet customarily accepted professional engineering practices. CITY OF FAYETTEVILLE retains all other remedies to recover for its damages caused by any negligence of MCE.

7.2.2 In addition MCE will be responsible to CITY OF FAYETTEVILLE for damages caused by its negligent conduct during its activities at the Project Site to the extent covered by MCE's Commercial General Liability and Automobile Liability Insurance policies as specified in Paragraph 7.1.1.

7.3 Cost Opinions and Projections

Cost opinions and projections prepared by MCE relating to construction costs and schedules, operation and maintenance costs, equipment characteristics and performance, and operating results are based on MCE's experience, qualifications, and judgment as a design professional. Since MCE has no control over weather, cost and availability of labor, material and equipment, labor productivity, construction Contractors' procedures and methods, unavoidable delays, construction Contractors' methods of

determining prices, economic conditions, competitive bidding or market conditions, and other factors affecting such cost opinions or projections, MCE does not guarantee that actual rates, costs, performance, schedules, and related items will not vary from cost opinions and projections prepared by MCE.

7.4 Changes

CITY OF FAYETTEVILLE shall have the right to make changes within the general scope of MCE's services, with an appropriate change in compensation and schedule only after Fayetteville City Council approval of such proposed changes and, upon execution of a mutually acceptable amendment or change order signed by the Mayor of the CITY OF FAYETTEVILLE and the President or any Vice President of MCE.

7.5 Termination

7.5.1 This Agreement may be terminated in whole or in part in writing by either party in the event of substantial failure by the other party to fulfill its obligations under this Agreement through no fault of the terminating party, provided that no termination may be effected unless the other party is given:

7.5.1.1 Not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate,

7.5.1.2 An opportunity for consultation with the terminating party prior to termination.

7.5.2 This Agreement may be terminated in whole or in part in writing by CITY OF FAYETTEVILLE for its convenience, provided that MCE is given:

7.5.2.1 Not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate,

7.5.2.2 An opportunity for consultation with the terminating party prior to termination.

- 7.5.3 If termination for default is effected by CITY OF FAYETTEVILLE, an equitable adjustment in the price provided for in this Agreement shall be made, but
- 7.5.3.1 No amount shall be allowed for anticipated profit on unperformed services or other work,
- 7.5.3.2 Any payment due to MCE at the time of termination may be adjusted to cover any additional costs to CITY OF FAYETTEVILLE because of MCE's default.
- 7.5.4 If termination for default is effected by MCE, or if termination for convenience is effected by CITY OF FAYETTEVILLE, the equitable adjustment shall include a reasonable profit for services or other work performed. The equitable adjustment for any termination shall provide for payment to MCE for services rendered and expenses incurred prior to the termination, in addition to termination settlement costs reasonably incurred by MCE relating to commitments which had become firm prior to the termination.
- 7.5.5 Upon receipt of a termination action under Paragraphs 7.5.1 or 7.5.2 above, MCE shall:
- 7.5.5.1 Promptly discontinue all affected work (unless the notice directs otherwise),
- 7.5.5.2 Deliver or otherwise make available to CITY OF FAYETTEVILLE all data, drawings, specifications, reports, estimates, summaries and such other information and materials as may have been accumulated by MCE in performing this Agreement, whether completed or in process.
- 7.5.6 Upon termination under Paragraphs 7.5.1 or 7.5.2 above CITY OF FAYETTEVILLE may take over the work and may award another party an agreement to complete the work under this Agreement.

- 7.5.7 If, after termination for failure of MCE to fulfill contractual obligations, it is determined that MCE had not failed to fulfill contractual obligations, the termination shall be deemed to have been for the convenience of CITY OF FAYETTEVILLE. In such event, adjustments of the agreement price shall be made as provided in Paragraph 7.5.4 of this clause.

7.6 Delays

In the event the services of MCE are suspended or delayed by CITY OF FAYETTEVILLE or by other events beyond MCE's reasonable control, MCE shall be entitled to additional compensation and time for reasonable costs incurred by MCE in temporarily closing down or delaying the Project.

7.7 Rights and Benefits

MCE's services will be performed solely for the benefit of CITY OF FAYETTEVILLE and not for the benefit of any other persons or entities.

7.8 Dispute Resolution

- 7.8.1 Scope of Paragraph: The procedures of this Paragraph shall apply to any and all disputes between CITY OF FAYETTEVILLE and MCE which arise from, or in any way are related to, this Agreement, including, but not limited to the interpretation of this Agreement, the enforcement of its terms, any acts, errors, or omissions of CITY OF FAYETTEVILLE or MCE in the performance of this Agreement, and disputes concerning payment.
- 7.8.2 Exhaustion of Remedies Required: No action may be filed unless the parties first negotiate. If timely Notice is given under Paragraph 7.8.3, but an action is initiated prior to exhaustion of these procedures, such action shall be stayed, upon application by either party to a court of proper jurisdiction, until the procedures in Paragraphs 7.8.3 and 7.8.4 have been complied with.
- 7.8.3 Notice of Dispute
- 7.8.3.1 For disputes arising prior to the making of final payment promptly after the occurrence of any incident, action, or failure to act upon which a

claim is based, the party seeking relief shall serve the other party with a written Notice;

7.8.3.2 For disputes arising within one year after the making of final payment, CITY OF FAYETTEVILLE shall give MCE written Notice at the address listed in Paragraph 7.14 within thirty (30) days after occurrence of any incident, accident, or first observance of defect or damage. In both instances, the Notice shall specify the nature and amount of relief sought, the reason relief should be granted, and the appropriate portions of this Agreement that authorize the relief requested.

7.8.4 Negotiation: Within seven days of receipt of the Notice, the Project Managers for CITY OF FAYETTEVILLE and MCE shall confer in an effort to resolve the dispute. If the dispute cannot be resolved at that level, then, upon written request of either side, the matter shall be referred to the President of MCE and the Mayor of CITY OF FAYETTEVILLE or his designee. These officers shall meet at the Project Site or such other location as is agreed upon within 30 days of the written request to resolve the dispute.

7.9 CITY OF FAYETTEVILLE represents that it has sufficient funds or the means of obtaining funds to remit payment to MCE for services rendered by MCE.

7.10 Publications

Recognizing the importance of professional development on the part of MCE's employees and the importance of MCE's public relations, MCE may prepare publications, such as technical papers, articles for periodicals, and press releases, pertaining to MCE's services for the Project. Such publications will be provided to CITY OF FAYETTEVILLE in draft form for CITY OF FAYETTEVILLE's advance review. CITY OF FAYETTEVILLE shall review such drafts promptly and provide CITY OF FAYETTEVILLE's comments to MCE. CITY OF FAYETTEVILLE may require deletion of proprietary data or confidential information from such publications, but otherwise CITY OF FAYETTEVILLE will not unreasonably withhold approval. The cost of MCE's activities pertaining to any such publication shall be for MCE's account.

7.11 Indemnification

7.11.1 CITY OF FAYETTEVILLE agrees that it will require all construction Contractors to indemnify, defend, and hold harmless CITY OF FAYETTEVILLE and MCE from and against any and all loss where loss is caused or incurred or alleged to be caused or incurred in whole or in part as a result of the negligence or other actionable fault of the Contractors, or their employees, agents, Subcontractors, and Suppliers.

7.12 Computer Models

MCE may use or modify MCE's proprietary computer models in service of CITY OF FAYETTEVILLE under this Agreement, or MCE may develop computer models during MCE's service to CITY OF FAYETTEVILLE under this Agreement. Such use, modification, or development by MCE does not constitute a license to CITY OF FAYETTEVILLE to use or modify MCE's computer models. Said proprietary computer models shall remain the sole property of the MCE. CITY OF FAYETTEVILLE and MCE will enter into a separate license agreement if CITY OF FAYETTEVILLE wishes to use MCE's computer models.

7.13 Ownership of Documents

All documents provided by CITY OF FAYETTEVILLE including original drawings, disks of CADD drawings and cross sections, estimates, specification field notes, and data are and remain the property of CITY OF FAYETTEVILLE. MCE may retain reproduced copies of drawings and copies of other documents.

Engineering documents, drawings, and specifications prepared by MCE as part of the Services shall become the property of CITY OF FAYETTEVILLE when MCE has been compensated for all Services rendered, provided, however, that MCE shall have the unrestricted right to their use. MCE shall, however, retain its rights in its standard drawings details, specifications, databases, computer software, and other proprietary property. Rights to intellectual property developed, utilized, or modified in the performance of the Services shall remain the property of MCE.

Any files delivered in electronic medium may not work on systems and software different than those with which they were originally produced. MCE makes no warranty as to the compatibility of these files with any other system or software. Because of the potential degradation of electronic medium over time, in the

event of a conflict between the sealed original drawings/hard copies and the electronic files, the sealed drawings/hard copies will govern.

7.14 Notices

Any Notice required under this Agreement will be in writing, addressed to the appropriate party at the following addresses:

CITY OF FAYETTEVILLE's address:

City of Fayetteville Attn: Ron Petrie, PE
113 W. Mountain
Fayetteville, AR 72701

MCE's address:

McClelland Consulting Engineers, Inc. Attn: Branch Manager
1810 North College Avenue
Fayetteville, AR 72703

7.15 Successor and Assigns

CITY OF FAYETTEVILLE and MCE each binds himself and his successors, executors, administrators, and assigns to the other party of this Agreement and to the successors, executors, administrators, and assigns of such other party, in respect to all covenants of this Agreement; except as above, neither CITY OF FAYETTEVILLE nor MCE shall assign, sublet, or transfer his interest in the Agreement without the written consent of the other.

7.16 Controlling Law

This Agreement shall be subject to, interpreted and enforced according to the laws of the State of Arkansas without regard to any conflicts of law provisions.

7.17 Entire Agreement

This Agreement represents the entire Agreement between MCE and CITY OF FAYETTEVILLE relative to the Scope of Services herein. Since terms contained in purchase orders do not generally apply to professional services, in the event CITY OF FAYETTEVILLE issues to MCE a purchase order, no preprinted terms thereon shall become a part of this Agreement. Said purchase order document, whether

or not signed by MCE, shall be considered as a document for CITY OF FAYETTEVILLE's internal management of its operations.

SECTION 8 - SPECIAL CONDITIONS

8.1 Additional Responsibilities of MCE:

8.1.1 MCE shall be and shall remain liable, in accordance with applicable law, for all damages to CITY OF FAYETTEVILLE caused by MCE's negligent performance of any of the services furnished under this Agreement except for errors, omissions or other deficiencies to the extent attributable to CITY OF FAYETTEVILLE or CITY OF FAYETTEVILLE-furnished data.

8.1.2 MCE's obligations under this clause are in addition to MCE's other express or implied assurances under this Agreement or State law and in no way diminish any other rights that CITY OF FAYETTEVILLE may have against MCE for faulty materials, equipment, or work.

8.2 Remedies

Except as may be otherwise provided in this Agreement, all claims, counter-claims, disputes and other matters in question between CITY OF FAYETTEVILLE and MCE arising out of or relating to this Agreement or the breach thereof will be decided in a court of competent jurisdiction within Arkansas.

8.3 Audit: Access to Records

8.3.1 MCE shall maintain books, records, documents and other evidence directly pertinent to performance on work under this Agreement in accordance with generally accepted accounting principles and practices consistently applied in effect on the date of execution of this Agreement. MCE shall also maintain the financial information and data used by MCE in the preparation of support of the cost submission required for any negotiated agreement or change order and send to CITY OF FAYETTEVILLE a copy of the cost summary submitted. The United States Environmental Protection Agency, the Comptroller General of the United States, the United States Department of Labor, CITY OF FAYETTEVILLE, the State or any of their authorized

representatives shall have access to all such books, records, documents and other evidence for the purpose of inspection, audit and copying during normal business hours. MCE will provide proper facilities for such access and inspection.

8.3.2 Records under Paragraph 8.3.1 above, shall be maintained and made available during performance on assisted work under this Agreement and until three years from the date of final payment for the project. In addition, those records which relate to any controversy arising out of such performance, or to costs or items to which an audit exception has been taken, shall be maintained and made available until three years after the date of resolution of such appeal, litigation, claim or exception.

8.3.3 This right of access clause (with respect to financial records) applies to:

8.3.3.1 Negotiated prime agreements:

8.3.3.2 Negotiated change orders or agreement amendments in excess of \$10,000 affecting the price of any formally advertised, competitively awarded, fixed price agreement:

8.3.3.3 Agreements or purchase orders under any agreement other than a formally advertised, competitively awarded, fixed price agreement. However, this right of access does not apply to a prime agreement, lower tier subagreement or purchase order awarded after effective price competition, except:

8.3.3.3.1 With respect to record pertaining directly to subagreement performance, excluding any financial records of MCE;

8.3.3.3.2 If there is any indication that fraud, gross abuse or corrupt practices may be involved;

8.3.3.3.3 If the subagreement is terminated for default or for convenience.

8.4 Covenant Against Contingent Fees

MCE warrants that no person or selling agency has been employed or retained to solicit or secure this Agreement upon an agreement of understanding for a commission, percentage, brokerage or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by MCE for the purpose of securing business. For breach or violation of this warranty, CITY OF FAYETTEVILLE shall have the right to annul this Agreement without liability or at its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

8.5 Gratuities

8.5.1 If CITY OF FAYETTEVILLE finds after a notice and hearing that MCE or any of MCE's agents or representatives, offered or gave gratuities (in the form of entertainment, gifts or otherwise) to any official, employee or agent of CITY OF FAYETTEVILLE, the State or EPA in an attempt to secure an agreement or favorable treatment in awarding, amending or making any determinations related to the performance of this Agreement, CITY OF FAYETTEVILLE may, by written notice to MCE terminate this Agreement. CITY OF FAYETTEVILLE may also pursue other rights and remedies that the law or this Agreement provides. However, the existence of the facts on which CITY OF FAYETTEVILLE bases such finding shall be in issue and may be reviewed in proceedings under the Remedies clause of this Agreement.

8.5.2 In the event this Agreement is terminated as provided in Paragraph 8.5.1, CITY OF FAYETTEVILLE may pursue the same remedies against MCE as it could pursue in the event of a breach of the Agreement by MCE. As a penalty, in addition to any other damages to which it may be entitled by law, CITY OF FAYETTEVILLE may pursue exemplary damages in an amount (as determined by CITY OF FAYETTEVILLE) which shall be not less than three nor more than ten times the costs MCE incurs in providing any such gratuities to any such officer or employee.

8.6 Arkansas Freedom of Information Act

City contracts and documents, including internal documents and documents of subcontractors and sub-consultants, prepared while performing City contractual work are subject to the Arkansas Freedom of Information Act (FOIA). If a Freedom of Information Act request is presented to the CITY OF FAYETTEVILLE, MCE will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

8.7 Debarment And Suspension

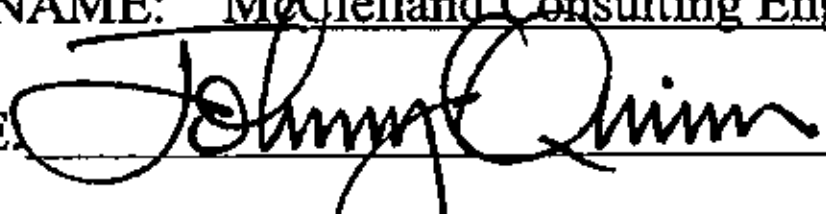
I certify that to the best of my knowledge and belief that the company that I represent and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three year period preceding this proposal been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and
- (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

I understand that a false statement on this certification regarding debarment and suspension may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine of up to \$10,000 or imprisonment for up to 5 years, or both. I further certify that I will obtain a similar certification for each subcontract awarded in excess of \$25,000.

**DEBARMENT CERTIFICATION
AUTHORIZED REPRESENTATIVE**

COMPANY NAME: McClelland Consulting Engineers, Inc.

SIGNATURE:  DATE: 11/17/06

PRINTED NAME: Johnny Quinn TITLE: President

IN WITNESS WHEREOF, CITY OF FAYETTEVILLE, ARKANSAS by and through its Mayor, and _____, by its authorized officer have made and executed this Agreement as of the day and year first above written.

CITY OF FAYETTEVILLE, ARKANSAS

By: _____
Mayor

ATTEST:

By: _____
City Clerk

McClelland Consulting Engineers, Inc.

By: John C. Quinn

Title: President

Changes, modifications or amendments in scope, price or fees to this Contract shall **not** be allowed without formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, cost, fees, or delivery schedule.

END OF AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES

APPENDIX A – SCOPE OF SERVICES

2.1 General

Generally, the scope of services includes a limited survey of the corridor and preliminary design services for the improvements to College Avenue from Rock Street to Maple Street in Fayetteville, Arkansas. Improvements will consist primarily of street overlay, reconstruction of curb and gutter, reconstruction of pedestrian sidewalks, addition of tree planters with irrigation, replacement of signal poles, signage, street lighting and the reconfiguration of the intersection of Rock Street and College Avenue.

2.2 Design Surveys, Property Surveys, and Property Acquisition Documents

2.2.1 Design Surveys

MCE's fee for Survey Services is based on field surveys along the College Avenue corridor from approximately 5 feet east of the eastern right of way to approximately 5 feet west of the western right of way. Surveys are planned to extend approx 50 feet along intersecting streets and 100 feet south of the intersection of Rock Street.

Field surveys will include cross sections, utilizing radial topography methods, at intervals and for distances on each side of the street as appropriate for modeling the existing ground, including locations of any pertinent features or improvements between sections along the designated limits of the project. Buildings and other structures, streets, drainage features, trees, visible utilities, underground utilities marked by their owners and/or representatives and any other pertinent topographic features that may be encountered on the project site, will be located.

Permanent control points will be established along the alignment utilizing GPS methods in combination with electronic total stations and data collectors noting the coordinates and elevations to the nearest 0.01 foot. All survey data will be tied to the City of Fayetteville's plane coordinate system and all elevations will be tied to the National Geodetic Vertical Datum (NGVD) 1929.

2.2.2 Property Surveys

The scope of Property Surveys will be added with a future amendment to this agreement. The City of Fayetteville will provide property ownership information for MCE to use on the Preliminary Plans and public meeting exhibits.

2.2.3 Property Acquisition Documents

The scope of Property Acquisition Documents will be added with a future amendment to this agreement.

2.3 Preliminary Design

The purposes of this preliminary design phase will include confirming with the city the extent and type of improvements to be designed further under a separate amendment to this basic agreement; assisting the city in the coordination of the proposed improvements with AHTD, adjacent property owners, and utility companies; and developing an order of magnitude cost estimate for the project. The Preliminary Design should represent roughly 20 to 30 percent construction documents.

The submittal will include preliminary typical sections, plan and profile sheets showing horizontal and vertical geometry of the roadway, major drainage structures, cross sections, right-of-way requirements,

and an opinion of probable construction cost.

2.4 Final Design

The scope of Final Design will be added with a future amendment to this agreement.

2.5 Traffic Studies and Signalization Design

The scope of Traffic Studies (if applicable) and Signalization Design will be added with a future amendment to this agreement.

2.6 Bidding Services

The scope of Bidding Services will be added with a future amendment to this agreement.

2.7 Geotechnical Services

The scope of Geotechnical Services will be added with a future amendment to this agreement.

2.8 Construction Phase Services

The scope of Construction Phase Services will be added with a future amendment to this agreement.

2.9 Project Deliverables

The following will be submitted to the City of Fayetteville, or others as indicated, by MCE:

1. One set of full-sized plans at an identifiable scale, utilizing aerial photographs and property information for public meetings.
2. Ten copies (half-sized) of the Preliminary Plans with opinion of probable construction cost.
3. One copy of the half-sized revised Preliminary Plans (from the City and Public Meeting comments) to each potentially affected utility company.
4. Electronic files as requested.

2.10 Extra Work

The following items are not included under this agreement but will be considered as extra work:

1. Property Surveying, Drainage Studies, Final Design, Bidding Services, and/or Construction Phase Services.
2. Redesign for the City's convenience or due to changed conditions after prior approval or conflicting direction from the City.
3. Submittals or deliverables in addition to those listed in paragraph 2.9.
4. Environmental Assessment.
5. Work related to environmentally or historically (culturally) significant items.

Extra Work will be as directed by the City of Fayetteville in writing for an additional fee as agreed upon by the City of Fayetteville and MCE.

2.11 Schedule

MCE will begin work under this Agreement within ten (10) days of a Notice to Proceed and will complete the work in accordance with the schedule below:

<u>Phase Description</u>	<u>Calendar Days</u>
Design Survey	45 days from start date
Draft Preliminary Design	140 days from completion of Design Surveys

APPENDIX A-2

MCE 2006 Billing Rates

<u>Category</u>	<u>Hourly Rate*</u>
Principal Engineer	\$ 140.00
Sr. Project Manager	\$ 130.00
Project Manager	\$ 120.00
Project Engineer II	\$ 100.00
Project Engineer I Design Engineer	\$ 80.00
Landscape Architect	\$ 82.00
Landscape Architect Assistant	\$ 45.00
Engineering Technician III	\$ 75.00
Engineering Technician II	\$ 60.00
Engineering Technician I	\$ 45.00
Construction Observer III	\$ 75.00
Construction Observer II	\$ 50.00
Construction Observer I	\$ 40.00
Chief Draftsman	\$ 65.00
Draftsman II	\$ 50.00
Draftsman I	\$ 45.00
Survey Technician	\$ 70.00
Registered Land Surveyor	\$ 85.00
Survey (2-Man or 1-Man/Robotic) Crew	\$ 130.00
Field Survey – 1 Man	\$ 65.00
Party Chief	\$ 60.00
Soils Lab Supervisor	\$ 52.00
Soils Lab Technician II	\$ 40.00
Soils Lab Technician I	\$ 35.00
Clerk /Typist	\$ 45.00
Mileage	\$ 0.40

* Subject to Annual Adjustment

APPENDIX A-2

CITY OF FAYETTEVILLE COLLEGE AVENUE IMPROVEMENTS – PHASE I ROCK STREET TO MAPLE STREET

FEE SUMMARY

Survey Services	\$ 38,257.00
Preliminary Design Services	\$ 69,854.40
NTE Fee	\$ 108,111.40



November 16, 2006

City of Fayetteville
City Council
113 West Mountain Street
Fayetteville, AR 72701

**RE: APPEAL OF PLANNING COMMISSION DENIAL OF R-PZD 06-2212
STADIUM CENTRE COTTAGES**

Dear Aldermen,

On behalf of our client, Mathias Shopping Centers, Inc., please consider this correspondence as an official request to appeal the decision of the Fayetteville Planning Commission to deny approval of R-PZD 06-2212 Stadium Centre Cottages at the November 13, 2006 meeting.

This project was initially denied by the Planning Commission at the September 25, 2006 meeting. The commissioners cited several reasons for their denial of the initial submittal. Among those reasons were, density, the extensive use of multi-family units, lack of connectivity with the Stadium Centre commercial development to the south, units not fronting Old Farmington Road, and transition from the single family residential development to the east.

After discussions with Commissioner Ostner, we revised the layout to address all the previously mentioned reasons for denial. Connectivity was added to the commercial development to the south. We reduced the number of proposed units from 24 units to 17, taking the density to 6.9 units per acre. All but three units were made into single family units with front porches facing Old Farmington Road and rear entry garages, and no duplexes adjacent to the single family development to the east. Once those revisions were made, Commissioner Ostner, sponsored a reconsideration of the project, and it was put on the November 13th agenda. This resubmittal has full staff approval as well.

After discussions regarding a lack of greenspace, the commissioners voted 4-3 in favor of the project with Commissioner Trumbo abstaining, and Commissioner Graves absent. This was one vote shy of the necessary 5 votes for rezoning approval. We feel we have worked with the commission and staff to propose a good project, addressing all their concerns, and most of the neighbors concerns. We are requesting that the City Council approve this project subject to the conditions of approval as stated at the Planning Commission meeting on the 13th.

Thank you for your consideration in this matter.

Sincerely,

Thomas A. Hennelly, P.E.
President

RECEIVED

NOV 16 2006

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: November 16, 2006

Subject: Residential Planned Zoning District for Stadium Centre Cottages (R-PZD 06-2212)

RECOMMENDATION

The Planning Commission voted 4-3-1 in favor of a motion to forward the subject request to the City Council with a recommendation for approval. The motion to forward failed, however, because five affirmative votes are required for a zoning request.

Planning Staff recommends in favor of the request for an ordinance to create a Residential Planned Zoning District for Stadium Centre Cottages. This action would establish a unique zoning district for a residential development with a maximum of 17 dwelling units on a 2.45-acre tract located south of Old Farmington Road and west of One Mile Road.

BACKGROUND

The subject property consists of approximately 2.45 acres located south of Old Farmington Road and west of Sandra Street. The site is zoned RSF-4, Residential Single-family and R-A, Residential Agriculture. Property to the south was recently approved for a retail center and two out lots for future commercial development. Ten single family homes are proposed to front onto Old Farmington Road, with access via a one-way, private alley that will connect from Sandra Street west to a shared driveway that connects the commercial center to the south (access to Hwy 62) and Old Farmington Road to the north. A private street is proposed to provide access to lots 11-14, which consists of one single family home and three two-family homes. Zoning criteria identifying permitted and conditional uses, building setbacks, bulk and area requirements and architectural guidelines are included within the project booklet provided by the applicant.

DISCUSSION

On September 25, staff recommended and the Planning Commission voted to deny an R-PZD on the subject property. The original proposal contained 24 dwelling units, 21 of which were multi-family townhouses. The Planning Commission (and staff) cited concerns with the compatibility and transition of use and density adjacent to the larger-lot single family subdivision to the east, lack of connectivity to the south, information not provided about off-site street improvements and the function of the interior street. At its next meeting, the Planning Commission voted to reconsider the project, on the grounds that these issues were to be addressed with a new plan.

On November 13, 2006, the Planning Commission voted 4-3-1 to forward this request to the City Council with commissioners Harris, Clark, and Anthes voting 'No' (one Commissioner abstained and one was absent). The motion failed and the applicant has appealed this request to City Council. The main issues of Planning Commission concern centered on a lack of open space for

the 17 dwelling units, density, compatibility, and increased traffic. Staff recommended approval of the revised plans, finding that all previously detailed issues had been fully addressed and finding the project compatible in density, land use and meeting many of the goals of the CityPlan 2025 and the Planned Zoning District ordinance.

During the item's consideration, the Planning Commission members voted 7-0-0 to amend staff's recommendation for improvements to Old Farmington Road. Staff recommended an 18' street section from centerline including curb and gutter, storm drains and a 6' sidewalk. As amended by the Planning Commissioners, the applicant was to construct a 14' street section from centerline including curb and gutter, storm drains and a 6' sidewalk with the remaining 4' of improvements to be paid by the developer for additional street improvements in the vicinity. Should the City Council wish to also change this recommendation, an amendment would need to be made to the PZD proposal.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 06-2212, STADIUM CENTRE COTTAGES, LOCATED AT OLD FARMINGTON ROAD, WEST OF SANDRA STREET; CONTAINING APPROXIMATELY 2.45 ACRES; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE; AND ADOPTING THE ASSOCIATED MASTER DEVELOPMENT PLAN.

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

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

From RSF-4, Residential Single Family, 4 units per acre and R-A, Residential Agriculture to R-PZD 06-2212 as shown in Exhibit "A" and depicted in Exhibit "B" attached hereto and made a part hereof.

Section 2. That the change in zoning classification is based upon the approved master development plan, development standards, statement of commitments and the conditions of approval as submitted, determined appropriate and approved by the City Council indicated in Exhibit "C" attached hereto and made a part hereof. Said Exhibit "C" shall be filed in the office of the City Clerk of the City of Fayetteville.

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

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

PASSED AND APPROVED this _____ day of _____, 2006.

APPROVED:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk

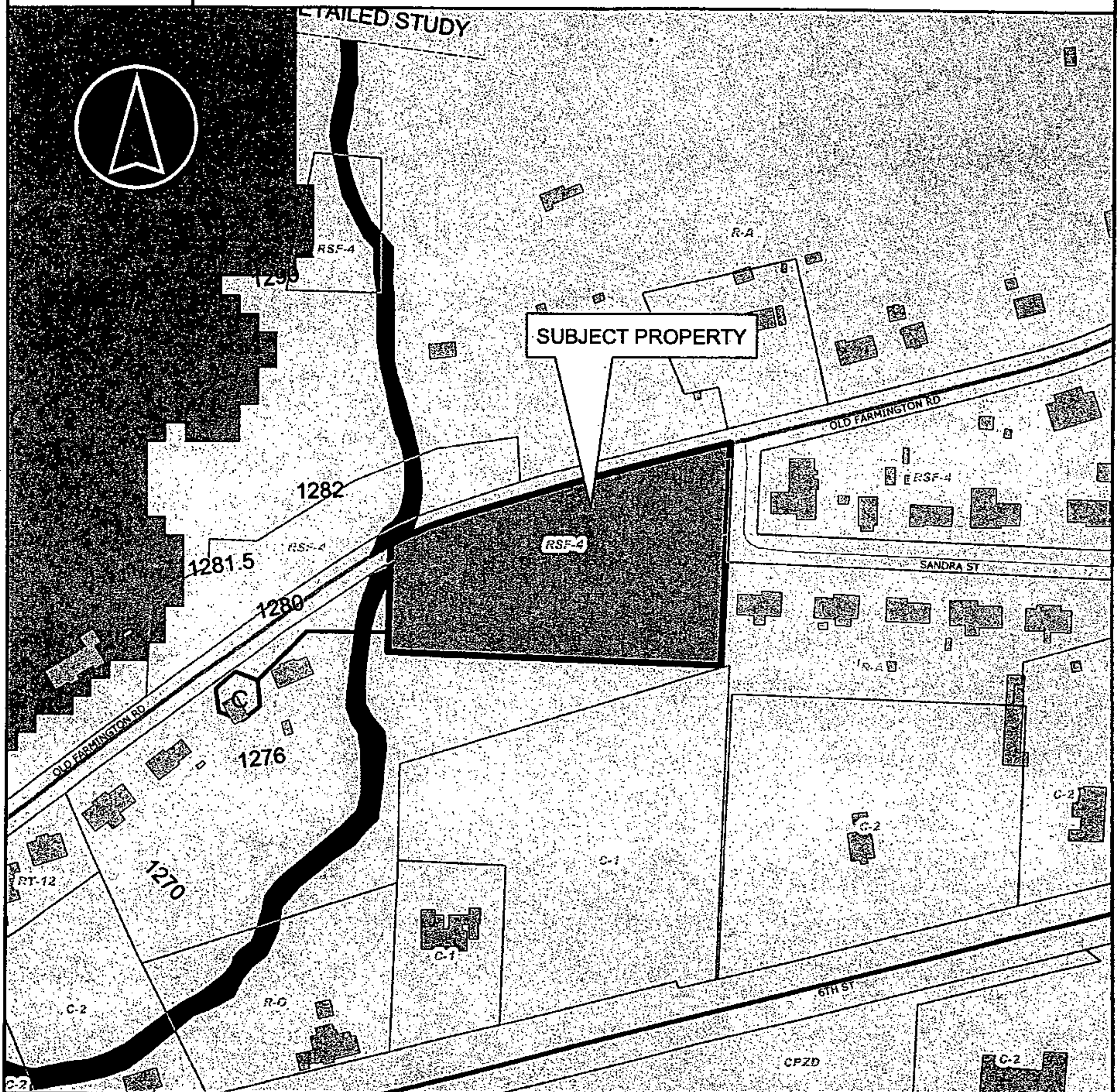
EXHIBIT "A"
R-PZD 06-2212

A PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) AND A PART OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) ALL IN SECTION NINETEEN (19), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN IN WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4), SAID POINT BEING AN EXISTING RAILROAD SPIKE; AND RUNNING THENCE N87°01'19"W 607.86 FEET TO A 1/2" IRON REBAR FOR THE TRUE POINT OF BEGINNING; AND RUNNING THENCE S02°16'39"W 144.69 FEET; THENCE N87°43'21"W 454.57 FEET; THENCE N01°28'10"E 147.70 FEET; THENCE N62°17'29"E 25.63 FEET; THENCE N66°49'05"E 31.82 FEET; THENCE N71°20'37"E 46.00 FEET; THENCE N73°30'43"E 137.60 FEET; THENCE N74°44'10"E 75.61 FEET; THENCE N75°46'12"E 167.27 FEET; THENCE S02°16'32"W 160.50 FEET TO THE POINT OF BEGINNING. CONTAINING 2.45 ACRES, MORE OR LESS, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS. SUBJECT TO ANY EASEMENTS AND/OR RIGHT-OF-WAYS OF RECORD.

RPZD06-2212

STADIUM CENTRE

Close Up View



Overview

Legend

- Overlay District
- FLOODWAY
- 100 YEAR
- 500 YEAR
- LIMIT OF STUDY
- BaseLine Profile
- Fayetteville
- Outside City
- RPZD06-2212
- vector.GDB.Footprint_2004
- Hillside-Hilltop Overlay District

0 75 150 300 450 600 Feet

EXHIBIT "C"
R-PZD 06-2212
PAGE 1 OF 4

CONDITIONS OF APPROVAL:

1. Planning Commission determination of street improvements. *Staff recommends the following: The developer shall improve Old Farmington Rd. to include an 18' wide street section from centerline with curb, gutter, storm drains and a 6-foot sidewalk at the Master Street Plan right-of-way and street lights every 300' along the property frontage. Improvements 14' from centerline for Sandra Street with curb, gutter, storm drains and a 4-foot sidewalk at the Master Street Plan right-of-way and street lights every 300' shall be installed by the developer. Additionally, to ensure safe traffic movements from Old Farmington Rd. onto One Mile Rd., staff recommends improvements to the southwest corner of said streets to improve the turning radius. These improvements shall be coordinated with the Engineering Division.*
2. Internal access drives shall be constructed as indicated in the provided site plans, with the alley to function as one-way from east to west, and the drive connecting the commercial services functioning as two-way. Adequate pavement markings and signage shall be provided prior to final plat indicating traffic movements.
3. Units 1-10 along Old Farmington Rd. shall be front facing with access to garages only permitted from Street "A". Buildings shall be constructed to be consistent with the photos and concepts depicted in the booklet as specified. Building permits will be based upon the submitted photos.
4. Private streets/alley/drives, sidewalks, greenspace and detention ponds shall be the responsibility of the property owner or property owner's association to maintain according to city standards. Covenants shall provide that in the event the private streets are not maintained as required, 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 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. Said covenants regarding maintenance of private streets shall not be amended and shall not terminate without approval of the City Council (§166.06 (K.10.b.vii)).
5. Staff is recommending approval of the submitted Tree Preservation Plan associated with RPZD 06-2196 with the following conditions of approval:
 - a. Please coordinate the installation of the sidewalk with the Urban Forester and the Sidewalk Administrator to save as many trees along Old Farmington Road as possible.
 - b. Between Stadium Centre Commercial and these cottages, 111 (2) inch caliper large

EXHIBIT "C"
R-PZD 06-2212
PAGE 2 OF 4

- c. species trees are required for mitigation. Both properties share the same owner so on-site mitigation is allowed.
 - d. By staff's calculations 61 (2) inch caliper large species trees are planned for the cottage development. This leaves a remainder of 50 trees or \$12,500 to be paid into the Tree Escrow Account. This payment will be due before the issuance of the first building permit.
 - e. Please include a revised mitigation chart that calculates all mitigation required and what is proposed for on-site planting. This should be separated by Stadium Center Commercial and Stadium Center Cottages. Canopy calculations have changed since the last submittal and now 4 (2) inch caliper large species tree are required for mitigation of the cottages.
 - f. All on-site mitigation trees shall be planted before the certificate of occupancy for the cottages they are associated with. These trees can not be located within any utility easements.
 - g. A 3-year maintenance and monitoring bond, letter of credit, or check in the amount of \$19,750 shall be submitted to the City before the certificate of occupancy is granted on the last cottages.
- 6. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements.
 - 7. Solid fences shall not be permitted along Old Farmington Road.
 - 8. A 6' wood board, privacy fence shall be required to be constructed along the east property line of Lots 11 and 15 (south of Sandra Street), in addition to the proposed large species trees as offered by the applicant.
 - 9. One (1) large species tree shall be planted in between each of the driveways and every 30 linear feet along Old Farmington Road where existing trees cannot be preserved, and shall be depicted on the landscape plan.
 - 10. The location and construction of the sidewalk along Old Farmington Road shall be coordinated with the Urban Forester and Sidewalk Administrator at the time of construction.
 - 11. Parks fees in the amount of \$9,435.00 are due, prior to signing the final plat.
 - 12. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code, and shall be subject to signage requirements for residential single-family development.
 - 13. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall

EXHIBIT "C"
R-PZD 06-2212
PAGE 3 OF 4

also be binding.

14. Prior to building permit, a cost estimate for all required landscaping and sidewalks is to be submitted for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy.
15. All permits to begin construction shall be obtained within one year from the date of approval; a one year extension may be obtained, pursuant to Chapter 166 of the Unified Development Code. A final plat shall be required in accordance with City of Fayetteville requirements.

Standard Conditions of Approval:

16. 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).
17. Trash enclosures shall be screened on three sides with materials compatible with the surrounding structures, with access not visible from the street. Architectural elevations for these structures shall be submitted for review prior to issuance of a building permit.
18. 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.
19. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
20. All exterior lighting is required to comply with the City's lighting ordinance. A lighting plan and cut-sheets of the proposed exterior light fixtures shall be required to be approved by Planning Staff prior to building permit.
21. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - b. Separate easement plat for this project that shall include the tree preservation area.
 - c. Project Disk with all final revisions
 - d. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete

EXHIBIT "C"
R-PZD 06-2212
PAGE 4 OF 4

improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.



Planning Commission Meeting
November 13, 2006

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Planning Commission Members
FROM: Jesse Fulcher, Current Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: November 8, 2006 Updated November 16, 2006

R-PZD 06-2212: Planned Zoning District (STADIUM CENTRE TOWNHOMES/COTTAGES, 557): Submitted by H2 ENGINEERING, INC. for property located at OLD FARMINGTON ROAD, W OF ONE MILE RD. The property is zoned RSF-4, Residential Single-family and R-A, Residential Agriculture and contains approximately 2.45 acres. The request is for Master Development Plan for a Residential Planned Zoning District with 17 attached and detached residential dwelling units.

Planner: Jesse Fulcher

Findings:

Property Description: The subject property consists of approximately 2.45 acres located north of 6th Street and west of Sandra Street. The site is zoned both RSF-4, Residential Single-family and R-A, Residential Agriculture. Property to the south was recently approved for a retail center and two out lots for future commercial development. One interior street will connect to Sandra Street from the east to a proposed drive, which connects the approved commercial development to the south and Old Farmington Road to the north. A private street is proposed to provide access to lots 11-14.

Surrounding Land Use/Zoning:

Direction from Site	Land Use	Zoning
North	Single and Two-family	RSF-4, Residential Single Family and R-A, Residential Agriculture
South	Approved for commercial center	C-1, Neighborhood Commercial
East	Single-family neighborhood	RSF-4, Residential Single Family and R-A, Residential Agriculture
West	Single-family	R-A, Residential Agriculture

Proposal: The applicant requests rezoning and preliminary plat approval for a residential development in an R-PZD zoning district. The proposed use of the site is for 11 single-family units and 6 two-family units, for a maximum density of 6.94 units per acre. All of the residential

units will be located in Planning Area 1. This proposal will subdivide the property, allowing each lot to be sold individually, and require final plat approval.

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

(A) Proposed Uses.

Permitted uses

Use Unit 1	City-wide uses by right
Use Unit 8	Single-family dwellings
Use Unit 9	Two-family dwellings

Conditional Uses

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and Recreational Facilities
Unit 24	Home Occupations

(B) Density.

Units per acre	6.94
----------------	------

(C) Bulk and area regulations.

Lot minimum width	40 ft.
Lot area minimum	1,900 sq. ft.
Land area per dwelling unit	1,900 sq. ft.

(D) Building Setbacks

Lot #	Front (Street A)	Front (Street B)	Front (Old Farmington Rd.)	Side w/o common Wall	Side w/ common wall	Rear
1-10	10'	NA	15'	5'	NA	NA
11	10'	13	NA	0'	NA'	8'
12	NA	10'	NA	5'	0'	4'
13	NA'	10'	NA	5'	0'	2'
14	10'	10'	NA	5'	0'	4'

(E) Height. Maximum 35 Feet

(F) Building area. 60% of the Lot Area

Access and Parking: Access to the site is provided from Sandra Street, Old Farmington Road and a drive aisle stub-out from the developing commercial center to the south, Stadium Centre Phase I. A one-way private street/alley is proposed with ingress from Sandra St. and egress onto Old Farmington Rd. and the commercial development. The private street now designated as one-way functions primarily as an alley, providing access to each of the 17 proposed structures.

Understanding the proposal to provide one-way west bound ingress/egress, which in effect limits the ability to cut-through Sandra St., but connects neighborhoods, is supported by staff as a waiver of design standards that require two public streets to be connected by a public street. Staff finds that this configuration, with traffic only permitted to exit north onto Old Farmington Rd., or south into the commercial development would provide a safe and convenient connection for residents. The one-way street would prohibit traffic from traversing the existing Sandra St. as a cut-through. The applicants are currently proposing 12' wide, individual driveways with garages for each lot, along with parallel parking along the proposed street.

Phasing: The applicant proposes to construct this development in one phase, under the typical ordinance requirements for a preliminary plat.

Water & Sewer: Water and sewer lines would be extended to serve the development.

Adjacent Master Street Plan Streets: Old Farmington Road (Collector Street)
Sandra Street (Local Street)

Street Improvements: Staff recommends the following improvements:

- Improve Old Farmington Rd. to include a 18' wide street section from centerline with curb, gutter, storm drains and a 6-foot sidewalk at the Master Street Plan right-of-way and street lights every 300'. Improve Sandra St. along the property boundary 14' from centerline with curb, gutter, storm drains and a 4-foot sidewalk at the Master Street Plan right-of-way and street lights every 300'. Additionally, to ensure safe traffic movements from Old Farmington Rd. onto One Mile Rd., staff recommends improvements to the southwest corner of said streets to make a more usable turning radius. These improvements shall be coordinated with the Engineering Division. (See conceptual improvements submitted by applicant)

Parks: On April 4, 2005 the Park and Recreation Advisory Board recommended accepting money in-lieu to satisfy the park land dedication requirements for this development. Parks fees are due in the amount of \$9,435.00, prior to signing the final plat.

Tree Preservation:	Existing Canopy:	2.75%
	Preserved Canopy:	1.57%
	Required Canopy:	2.75%
	Mitigation:	Required

Public Comment: Staff has received numerous comments from adjacent property owners objecting to the project, citing such issues as increased traffic on Sandra Street and Old Farmington Road, noise, safety and the addition of multi-family units.

PUBLIC COMMENT/CONCERNS AT 9/25/06 PC MEETING:

- Increased traffic
- Unimproved streets
- Vehicular speeds
- Density
- Decrease in property values

- Ability of City to enforce traffic on one-way private street

PLANNING COMMISSIONERS COMMENTS/CONCERNS AT 9/25/06 PC MEETING:

- Density
- Transition between land uses
- Buildings should be constructed with fronts facing Old Farmington, including visibility of doors, use of porches, an different architecture for each structure
- Units did not portray a single-family development, rather they looked "apartment like"
- Needed traffic calming measures to slow cut-through traffic
- Connection to commercial property would lessen traffic on Sandra Street

PUBLIC COMMENT/CONCERNS AT 11/13/06 PC MEETING:

- Compatibility
- Density
- Traffic
- Rental units
- Enforcement of one-way street

PLANNING COMMISSIONERS COMMENTS/CONCERNS AT 11/13/06 PC MEETING:

- Lack of greenspace
- Density
- Only one way into the development
- 36' street section for Old Farmington Road

Previous Recommendation - Staff was not supportive of the project as presented and recommended tabling **R-PZD 06-2212** at the Subdivision Committee to address several issues. The Subdivision Committee disagreed with Staff's recommendation and forwarded the PZD to the full Planning Commission for consideration.
- Staff recommended denial of **R-PZD 06-2212** as submitted for the 9/25/06 Planning Commission meeting.

Current Recommendation - Based on extensive changes in the land use (multi-family to single-family), provision of connectivity to the commercial development, etc., staff recommends forwarding **R-PZD 06-2212** with a recommendation for approval to the City Council with the following conditions:

Conditions of approval:

1. Planning Commission determination of street improvements. *Staff recommends the following: The developer shall improve Old Farmington Rd. to include an 18' wide street section from centerline with curb, gutter, storm drains and a 6-foot sidewalk at the Master Street Plan right-of-way and street lights every 300' along the property frontage. Improvements 14' from centerline for Sandra Street with curb, gutter, storm drains and a 4-foot sidewalk at the Master Street Plan right-of-way and street lights every 300' shall*

be installed by the developer. Additionally, to ensure safe traffic movements from Old Farmington Rd. onto One Mile Rd., staff recommends improvements to the southwest corner of said streets to improve the turning radius. These improvements shall be coordinated with the Engineering Division.

2. Internal access drives shall be constructed as indicated in the provided site plans, with the alley to function as one-way from east to west, and the drive connecting the commercial services functioning as two-way. Adequate pavement markings and signage shall be provided prior to final plat indicating traffic movements.
3. Units 1-10 along Old Farmington Rd. shall be front facing with access to garages only permitted from Street "A". Buildings shall be constructed to be consistent with the photos and concepts depicted in the booklet as specified. Building permits will be based upon the submitted photos.
4. Staff recommends that the following items be addressed/corrected:
 - a. Provide information regarding elevations for the two-family units.
5. Private streets/alley/drives, sidewalks, greenspace and detention ponds shall be the responsibility of the property owner or property owner's association to maintain according to city standards. Covenants shall provide that in the event the private streets are not maintained as required, 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 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. Said covenants regarding maintenance of private streets shall not be amended and shall not terminate without approval of the City Council (§166.06 (K.10.b.vii)).
6. Staff is recommending approval of the submitted Tree Preservation Plan associated with RPZD 06-2196 with the following conditions of approval:
 - a. Please coordinate the installation of the sidewalk with the Urban Forester and the Sidewalk Administrator to save as many trees along Old Farmington Road as possible.
 - b. Between Stadium Centre Commercial and these cottages, 111 (2) inch caliper large species trees are required for mitigation. Both properties share the same owner so on-site mitigation is allowed.
 - c. By staff's calculations 61 (2) inch caliper large species trees are planned for the cottage development. This leaves a remainder of 50 trees or \$12,500 to be paid into the Tree Escrow Account. This payment will be due before the issuance of the first building permit.
 - d. Please include a revised mitigation chart that calculates all mitigation required and what is proposed for on-site planting. This should be separated by Stadium

Center Commercial and Stadium Center Cottages. Canopy calculations have changed since the last submittal and now 4 (2) inch caliper large species tree are required for mitigation of the cottages.

- e. All on-site mitigation trees shall be planted before the certificate of occupancy for the cottages they are associated with. These trees can not be located within any utility easements.
 - f. A 3-year maintenance and monitoring bond, letter of credit, or check in the amount of \$19,750 shall be submitted to the City before the certificate of occupancy is granted on the last cottages.
7. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements.
 8. Solid fences shall not be permitted along Old Farmington Road.
 9. A 6' wood board, privacy fence shall be required to be constructed along the east property line of Lots 11 and 15 (south of Sandra Street), in addition to the proposed large species trees as offered by the applicant.
 10. One (1) large species tree shall be planted in between each of the driveways and every 30 linear feet along Old Farmington Road where existing trees cannot be preserved, and shall be depicted on the landscape plan.
 11. The location and construction of the sidewalk along Old Farmington Road shall be coordinated with the Urban Forester and Sidewalk Administrator at the time of construction.
 12. Parks fees in the amount of \$9,435.00 are due, prior to signing the final plat.
 13. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code, and shall be subject to signage requirements for residential single-family development.
 11. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.
 12. Prior to building permit, a cost estimate for all required landscaping and sidewalks is to be submitted for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy.
 13. All permits to begin construction shall be obtained within one year from the date of approval; a one year extension may be obtained, pursuant to Chapter 166 of the Unified

Development Code. A final plat shall be required in accordance with City of Fayetteville requirements.

Standard Conditions of Approval:

14. 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).
15. Trash enclosures shall be screened on three sides with materials compatible with the surrounding structures, with access not visible from the street. Architectural elevations for these structures shall be submitted for review prior to issuance of a building permit.
16. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
17. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
18. All exterior lighting is required to comply with the City's lighting ordinance. A lighting plan and cut-sheets of the proposed exterior light fixtures shall be required to be approved by Planning Staff prior to building permit.
19. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - b. Separate easement plat for this project that shall include the tree preservation area.
 - c. Project Disk with all final revisions
 - d. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

Subdivision Committee Action: ☐ Approved ☒ Denied ☐ Forwarded to C.C.
Motion: Ostner (Motion to approve)
Second: Lack
Vote: 4-3-0 Motion to approve failed

Meeting Date: **November 13, 2006**

Comments:

The "Conditions of Approval" listed in the report above are accepted in total without exception by the entity requesting approval of this development item.

Signature

Date

Findings associated with MDP R-PZD 06-2212 (Stadium Centre Townhomes/Cottages)

Sec. 166.06. Planned Zoning Districts (PZD).

(E) Approval or Rejection Criteria for Planned Zoning Districts

The following criteria shall be considered by the Planning Commission and City Council in the review of a planned zoning district application based on the proposed master development plan:

- (1) Whether the application is in compliance with the requirements of the UDC and the City Plan 2025;

FINDING: Staff finds the application to be in compliance with the Master Development Plan Planned Zoning District criteria established by the City Council. The Interim Future Land Use Plan Map adopted as part of City Plan 2025 designates this site Residential. The Sector Map also adopted as part of City Plan 2025 does not designate this specific area as a growth area. Rezoning this property to R-PZD 06-2212 with single- and two- family dwelling units is consistent with the land use plan. Although the proposed lot sizes are not similar with surrounding properties, the use of predominantly single-family units is compatible with surrounding residential uses. Additionally, the density proposed provides for an appropriate transition between the commercial use to the south and the large-lot single-family neighborhood to the east.

- (2) Whether the application is in compliance with all applicable statutory provisions;

FINDING: The application has been reviewed and found to be compliant with applicable statutory provisions, or the applicant has submitted requests for waivers thereof.

- (3) Whether the general impact of the rezoning would adversely impact the provision of public facilities and services;

FINDING: The impact of the rezoning and subsequent development would require the provision of public facilities, at the cost of the developer. Without improvements to existing infrastructure, the proposal would adversely affect public facilities and services. However, as indicated in the submittal and the staff report, certain measures are to be taken to ensure adequate infrastructure improvements are made by the developer to ensure the level of service does not decline due to the proposed development.

- (4) Whether the rezoning is compatible with the surrounding land uses;

FINDING: The rezoning request, combined with the Master Development Plan, would allow single- and two- family residential uses. The proposed zoning criteria would provide for 11 single-family dwellings and 3 two -family dwellings resulting in a density of approximately 6.94 units/acre. Staff finds that the proposed use to be appropriate in this transitional area, finding that while the lot sizes are smaller than surrounding properties, the overall land use and density are compatible in an area of mixed land use and

development patterns.

- (5) Whether the subject land is suitable for the intended use and is compatible with the natural environment;

FINDING: The site is relatively flat with tree canopy concentrated on the edges and within the right-of-way. The natural environment is suitable for the type of development proposed.

- (6) Whether the intended land use would create traffic congestion or burden the existing road network;

FINDING: It is expected that the addition of 17 residential dwelling units will increase the amount of traffic on Old Farmington Road and Sandra Street. However, by utilizing a one-way street within the development, the majority of the traffic generated should utilize the northern portion of Sandra Street for access in conjunction with Old Farmington Rd. and a drive into the commercial development to the south. Old Farmington Rd. is designated as a Collector Street, however has not been improved to that status. The developer will be expected to make improvements to Old Farmington Rd., both along the property frontage and at the intersection of Old Farmington and One Mile Rd., to accommodate the increase in traffic utilizing this street.

- (7) Whether the planned development provides for unified development control under a unified plan;

FINDING: A plan and project booklet has been submitted, recognizing the zoning and development criteria required of a Master Development Plan submittal. Typical architectural elevations, materials and design standards are called out, in order to describe the appearance of the project once constructed.

- (8) Whether any other recognized zoning consideration would be violated in this PZD.

FINDING: No other zoning considerations are proposed to be violated.

(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 Stadium Centre Cottages provide for an appropriate transition between a commercial district and the mainly single-family residential areas to the east, west and north. Compatibility has been achieved by providing predominantly single-family homes adjacent to the public streets and existing residences. The 3 two-family units have been situated away from the single-family dwellings, providing for a transition in land use. The majority of the tree canopy to be removed is within the existing right-of-way, however coordination of the installation of street improvements with the Urban Forester and Sidewalk Administrator will allow for the preservation of additional tree canopy. Small pockets of usable open space are available for public use. Additionally, both mitigation trees and landscape trees will be planted for community aesthetics and screening purposes.

- (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 for the residential use; however the developers are proposing large species trees and a 6' tall privacy fence along the eastern property line of Lots 11 and 15. A landscape plan has been supplied, and trees along the frontages of all streets, both public and private, are proposed. These have been included in the conditions of approval.

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

- (a) The adequacy of both the internal and external street systems shall be reviewed in light of the projected future traffic volumes.
- (b) The traffic circulation system shall be comprised of a hierarchical 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: The vehicular circulation system is comprised of two private streets (Street A and B), with Street A connecting Sandra Street to Old Farmington Road and a drive to the commercial development. Street A will be a one way street, permitting traffic flow to Old Farmington Rd. and restricting eastward traffic onto Sandra Street. While traffic will still make use of Sandra Street, the use of a one-way street should decrease vehicle trips in front of the existing single-family homes and will not increase cut-through traffic into the existing neighborhood. Staff finds that the connection to the south to be desirable, as it allows for access to/from the commercial/retail and eating establishments being constructed. Connecting in a manner that would not allow for truck traffic (narrow streets, tight radii, etc.) would allow for residents to utilize the commercial establishments without traveling Old Farmington Road to 6th Street in order to do so.

- (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: Approximately 16 on-street parking spaces are proposed along the private street. All parking ratios are to be met with garages and driveways, with on-street parking provided for guests.

- (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: This requirement has been met.

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

FINDING: A public, six-foot sidewalk is to be constructed adjacent to Old Farmington Rd. along the property frontage and continue south along Sandra St. as a four-foot sidewalk. Internal to the development, a four-foot sidewalk is to be provided along Street A, with pedestrian connections proposed to the commercial development to the south. A pedestrian sidewalk is also proposed to connect from Old Farmington Road to the commercial center to the south. Sidewalks located outside of a public right-of-way shall be located within access easements that permit public access, but are owned and maintained by the POA.

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

FINDING: Street lights are to be provided adjacent to all public and private streets at a separation of no greater than 300 feet.

(8) *Water*. As required by §166.03.

FINDING: Public water lines are being extended in accordance with city codes.

(9) *Sewer*. As required by §166.03.

FINDING: Public sewer lines are being extended in accordance with city codes.

(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: The applicant shall comply with the above criteria, as this development proposes private streets. Private streets are proposed to be 22 feet in width, with one travel lane and one parking lane.

(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: All development on the site shall be phased according to the phasing plan and conditions herein.

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

FINDING: The applicant shall coordinate installation of improvements to Old Farmington Rd. with the Urban Forester and Sidewalk Administrator to increase the likelihood of tree preservation within the existing right-of-way. Mitigation trees will serve to provide an increased overall canopy on the site, providing for an urban canopy.

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

FINDING: The applicant has proposed design standards for residential structures.

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

FINDING: No scenic views are identified, and the height of structures proposed, are not uncommon for the area.

(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. The association must be able to adjust the assessment to meet changing needs.

FINDING: The applicant shall comply with these requirements. A condition to this effect is included in the staff report.

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: Staff finds this proposal meets the intent of many of the parameters of the City Plan 2025, as well as the above criteria, including flexibility in density, providing for a variety of housing types, common open spaces, and enhancement of existing natural features. A great deal of compatibility has been achieved by providing predominantly single-family units with a density that is appropriate in an area transitioning between commercial and residential land use.

The following guiding policies within Residential Areas are applicable to this development, and help to achieve the nine primary goals of the City Plan 2025:

Residential Areas:

12.1.4.a Utilize principles of traditional residential urban design to create compatible, livable, and accessible neighborhoods. (Goal 3)

12.1.4.c Minimize through traffic on minor residential streets, while providing connections between neighborhoods to encourage openness and neighborliness. (Goal 4)

12.1.4.d Manage non-residential development within and adjoining residential neighborhoods to minimize nuisances.

12.1.4.e Utilize more intense development patterns within the infill sector and encourage mixed uses in new developments to promote better community design, maintain human scale, and enhance pedestrian activity. (Goal 1)

12.1.4.f Site new residential areas accessible to roadways, alternative transportation modes,

community amenities, infrastructure, and retail and commercial goods and services. (Goals 1g and 3)

12.1.4.g Encourage residential dwellings in appropriate specified Mixed Use Areas. (Goals 1 and 3)

12.1.4.h Encourage a development scale to maintain compatibility and proportionality between nonresidential development and adjacent residential areas. (Goal 3a)

12.1.4.j Discourage design elements that prohibit complete, compact, connected neighborhoods such as cul-de-sacs, gated communities, etc. (Goal 3a)

(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 submitted development plats and Master Development Plan booklets, along with the conditions of approval found applicable and appropriate, are binding with the approval of the requested rezoning. Should the Planning Commission forward this item to the City Council, an ordinance will be drafted for consideration of rezoning this property in accordance with the submittal herein.

(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 City Plan 2025 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: Staff is recommending approval of this application, finding that compatibility and transition have been achieved in relation to the surrounding large lot, single-family homes. The requested R-PZD provides an effective transition between two different land uses and activities on abutting parcels. Improvements to infrastructure will be required in order to provide adequate traffic safety.

- (2) *Permitted Uses.* All permitted uses identified within §162 Use Units of the Unified Development Code shall be allowed as permissible uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.
- (3) *Conditional Uses.* All conditional uses allowed within (Residential, Commercial, Industrial) zoning Districts established in the Unified Development Code shall be allowed with Planning Commission approval, unless otherwise specified, subject to the code governing Conditional Use requests.

FINDING: Permitted and Conditional uses are outlined in both the Master Development Plan booklets and plats.

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

FINDING: All uses are proposed as residential.

(F) *Bulk and area regulations*

- (1) *Residential density.* Residential densities shall be determined on the basis of the following considerations:
 - (a) The densities of surrounding development;
 - (b) the densities allowed under the current zoning;
 - (c) the urban development goals and other policies of the city's General Plan;
 - (d) the topography and character of the natural environment; and
 - (e) the impact of a given density on the specific site and adjacent properties.

FINDING: Surrounding development is predominantly large lot residential to the east, west and north, however properties to the south are exclusively commercial. Density under

the current zoning (R-A and RSF-4) is not appropriate for this area, as the city's future land use goals and infrastructure for this area supports a higher density.

- (2) *Lot area and setback 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.

FINDING: Lot area minimums and setbacks are varied on this project, as it provides for a small footprint type of unit. The property is being subdivided into individual lots. Smaller lot and decreased setback development has been approved to the northeast of the subject property in a primarily single-family proposal (Scottswood Place R-PZD).

- (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.

FINDING: Building heights proposed for this project are typical of single and two-family development in the surrounding area.

- (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.

FINDING: Though the density is higher than currently permitted under the R-A and RSF-4 zoning districts, the lot coverage on this project is adequate.

***Required Findings for Rezoning Request.**

Land Use Plan: The City Plan 2025 Interim Future Land Use Plan designates this site as a Residential Area. Rezoning this property to **R-PZD 06-2212**, with the associated Master Development Plan, allows the principal use on the property to remain residential. The proposed plan, commitments, design standards and other conditions placed upon the project result in a compatible development with surrounding land uses in the general vicinity, meeting many of the goals of the City Plan 2025 for new development.

FINDINGS OF THE STAFF

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

Finding: Staff finds the proposal is highly consistent with the land use planning objectives, principles and policies, as evidenced by the number of guiding policies for Residential Areas this proposal meets. Rezoning the property will accommodate both the future land use plan for residential uses in this area and also allow for a variety of housing types, sizes and development pattern, thus providing more choice for more citizens. Staff is supportive of the concept as proposed, finding that a high level of compatibility has been achieved by utilizing predominantly single-family housing types, versus multi-family buildings. Staff has supported a similar development pattern in a PZD on Old Farmington Road recently which utilized smaller, single-family lots with a few attached units.

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

Finding: At this time the property is zoned R-A and RSF-4, which allows for residential uses. This site is not suited for continued agricultural use, nor has it been used for such for some time. Adjacent to commercial and public services and arterial streets, a rezoning of this property to a higher density is advisable.

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

Finding: The proposed zoning will certainly result in an increase in vehicle trips, due to the change in use from vacant property to 17 dwelling units. It is necessary that street improvements occur as a result, to be installed with development of the project. With the improvements proposed, other users of Old Farmington Rd. and Sandra St. will likely benefit as well, due to the fact that at this time there is no curb, gutter, storm drains, or sidewalks. It is the opinion of the Fayetteville Police Department that this Planned Zoning District will not substantially alter the population density and thereby undesirably increase the load on police services or create an appreciable increase in traffic danger and congestion in the area.

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

Finding: Based on findings from public service providers, as outlined below, an undesirable increase in load on public services would not be created.

Engineering: Public water is adjacent to the site. There is an 6" waterline along Old Farmington Rd. Water service will need to be extended within the property and looped through the development at the time of development.

Sanitary sewer is available on the site. There is an 6" sewer main along the west and north property line of this site. 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.

The site has access to the commercial development to the south, Old Farmington Rd. and Sandra St. The streets are two-lane paved roadways with no curb and gutter or storm drains. It is recommended that Old Farmington Rd. be improved along the property frontage to create a roadway width of 18' from centerline to the back of curb. Improvements to the intersection of Old Farmington Rd. and One Mile Rd. may be considered as well.

Standard improvements and requirements for drainage will be required for the development.

Police: It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter population density and will not create an undesirable increase on police services.

Fire: The subject property is located approximately 1.2 miles from the Fire Station No. 6. Response time to the property is 3.5 minutes. There are no adverse impacts on call volume or response time anticipated.

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



THE CITY OF FAYETTEVILLE, ARKANSAS

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

TO: Jesse Fulcher, Associate Planner
FROM: Alison Jumper, Park Planner
DATE: August 10, 2006
SUBJECT: Parks & Recreation Technical Plat Review Comments

Meeting Date: August 16, 2006
Item: R-PZD 06-2212 Stadium Center, pp557
Park District: NW
Zoned: C-1
Billing Name & Address: Bleaux Barnes

	<u>Current Land Dedication Requirement</u>
Single Family	_____ @ .024 acre per unit = _____ acres
Multi Family	_____ @ .017 acre per unit = _____ acres
Mobile Home	_____ @ .024 acre per unit = _____ acres
Lot Split	

17
~~24~~ @ \$555 per unit = ~~\$13,320~~
@ \$393 per unit = \$_____
@ \$555 per unit = \$_____
@ \$555 per unit = \$_____

\$ 9,435.00

COMMENTS:

- The Parks and Recreation Advisory Board recommended accepting money in lieu of land to satisfy the Park Land Dedication requirements for this development on April 4th, 2005.
- This decision was base on the small land requirement for 24 units and it's proximity to Finger Park.
- Parks fees are due before building permit will be issued.



PC Meeting of November 13, 2006

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 444-3470

TREE PRESERVATION and PROTECTION REPORT

To: Fayetteville Planning Commission

From: Sarah K. Patterson, Urban Forester

Date: November 8, 2006

ITEM #: R-PZD 06-2212: Planned Zoning District (Stadium Centre Cottages)

Requirements Submitted:

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

Canopy Measurements:

Total Site Area	
acres	2.45
square feet	106,722
Existing Tree Canopy	
acres	0.07
square feet	2,940.4
percent of site area	2.75%
Existing Tree Canopy Preserved	
acres	0.04
square feet	1,676.3
percent of total site area	1.57%
Percent Minimum Canopy Required	2.75%

FINDINGS:

The desirability of preserving a tree or group of trees by reason of age, location, size or species.

- **This site was originally reviewed with the large scale development of the commercial space Stadium Centre. Trees along throughout the**

commercial and now town homes will be preserved. Mitigation for both projects will be required but most species on the site are volunteer with only 2 significant oaks found either off-site or within the master street plan right of way.

Whether the design incorporates the required tree preservation priorities

- **This design takes into consideration the tree preservation priorities.**

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

- **Environmental degradation should not occur on the site with this development.**

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

- **Adjacent properties will be impacted. Canopy along the western property line will be preserved but that along the eastern will be removed. Additional canopy will be added in these areas once development is through.**

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

- **N/A**

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

- **The size and shape of this lot reduces flexibility of design.**

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

- **The general health of the trees was found to be fair to poor.**

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

- **Trees removed for this project are found within the right of way and easements.**

The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.

- **The majority of canopy removed is for required street improvements to Old Farmington Road. Trees should not be affected by the installation of utilities.**

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

- **N/A**

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

- N/A

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

- **Mitigation will be required for this project and will greatly benefit this area.**

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

- NA

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

- N/A

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

- **Staff is recommending approval of the submitted Tree Preservation Plan with the following conditions.**

Conditions of Approval:

- 1. Please coordinate the installation of the sidewalk with the Urban Forester and the Sidewalk Administrator to save as many trees along Old Farmington Road as possible.**
- 2. Between Stadium Centre Commercial and these cottages, 111 (2) inch caliper large species trees are required for mitigation. Both properties share the same owner so on-site mitigation is allowed.**
- 3. By staff's calculations 61 (2) inch caliper large species trees are planned for the cottage development. This leaves a remainder of 50 trees or \$12,500 to be paid into the Tree Escrow Account. This payment will be due before the issuance of the first building permit.**
- 4. Please include a revised mitigation chart that calculates all mitigation required and what is proposed for on-site planting. This should be separated by Stadium Center Commercial and Stadium Center Cottages. Canopy calculations have changes since the last submittal and now 4 (2) inch caliper large species tree are required for mitigation of the cottages.**
- 5. All on-site mitigation trees shall be planted before the certificate of occupancy for the cottages they are associated with. These trees can not be located within any utility easements.**
- 6. A 3-year maintenance and monitoring bond, letter of credit, or check in the amount of \$19,750 shall be submitted to the City before the certificate of occupancy is granted on the last cottages.**



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

C. 8
Stadium Centre Cottages Appeal
Page 38 of 68

POLICE DEPARTMENT

September 18, 2006

Jeremy Pate
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Pate,

This document is in response to the request for a determination of whether the proposed rezoning **RZN 06-2140: (COMBS, 564)**: Submitted by **M2 ENGINEERING, INC.** for property located at **SE CORNER OF MORNINGSIDE DRIVE AND 15TH STREET**. The property is zoned **RSF-4, SINGLE FAMILY - 4 UNITS/ACRE** would substantially alter the population density and thereby undesirably increase the load on public services and create an appreciable increase in traffic danger and congestion.

It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density or create an undesirable increase in the load on police services. The rezoning will not create an appreciable increase in traffic danger and congestion in the area.

In reference to **HORTON OF HARRIS MCHANEY REALTORS** for property located at **SW CORNER RZN 06-2244: (JENNINGS COLD STORAGE, 717)**: Submitted by **JERRY OF SUNRISE MOUNTAIN AND S. SCHOOL (HWY 71B S)**.

It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density or create an undesirable increase in the load on police services. This rezoning will not create an appreciable increase in traffic danger and congestion.

In reference to **R-PZD 06-1884: Planned Zoning District (WESTSIDE VILLAGE CONDOS, 439)**: Submitted by **TODD JACOBS CRITICAL PATH DESIGN** for property located at **S OF WEDINGTON, E OF RUPPLE RD.**

It is the opinion of the Fayetteville Police Department that this request for a Residential Planned Zoning district will not create an undesirable load increase on police services. It will not create an appreciable increase in traffic danger and congestion.

In reference to **R-PZD 06-2212: Planned Zoning District (STADIUM CENTRE TOWNHOMES, 557)**: Submitted by H2 ENGINEERING, INC. for property located at OLD FARMINGTON ROAD, W OF ONE MILE RD. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 2.00 acres.

It is the opinion of the Fayetteville Police Department that this Master Development Plan for a Residential Planned Zoning district will not create an undesirable load increase on police services. It will not create an appreciable increase in traffic danger and congestion.

Sincerely,



Captain William Brown
Fayetteville Police Department

RZN 06-2240: (Combs, 564)

Public water is located adjacent to the site. There is a 24" waterline along Morningside Drive. Water service will need to be extended within the property at the time of development.

Sanitary sewer is available through the site. There are large diameter sewer mains through the site. Sewer service will need to be extended within the property at the time of development. Improvements to the sewer system may be required dependent upon the demand placed by the development.

The site has access to Morningside Drive and 15th Street. Improvements to this intersection are currently planned for construction. These improvements include the installation of a traffic signal.

Standard improvements and requirements for drainage will be required for the development. This property is affected by the 100-yr flood plain.

RZN 06-2244: (Henningsen Cold Storage, 717)

Public water is located adjacent to the site. There is an 8" waterline along Sunrise Mtn. Road and a 12" main along School. Water service will need to be extended to the property and through the development at the time of development.

Sanitary sewer is available near the site. There is a 6" sewer main at the northeast corner of Sunrise Mtn. Road and School. Sewer service will need to be extended to the property and through the development at the time of development. Improvements to the sewer system may be required dependent upon the demand placed by the development. The capacity of the existing main will need to be studied at the time of development.

The site has access to Sunrise Mountain Road and School Avenue. School Ave. is an improved four and five-lane highway way at this property. Improvements to Sunrise Mountain will be evaluated at the time of development.

Standard improvements and requirements for drainage will be required for the development.

R-PZD 06-1884: (Westside Village Condos, 439)

Public water is located adjacent to the site. There is a 12" waterline along Ruppel Road. Water service will need to be looped through the property at the time of development.

Sanitary sewer is not available on the site. There is an 8" sewer main located to the east in the Ruppel Row subdivision and to the south along Owl Creek. Sewer service will need to be extended to and through the property at the time of development. Improvements to the sewer system may be required dependent upon the demand placed by the development. This property is within the Hamestring Creek lift station drainage area.

The site has access to Ruppel Road. This street is an improved two-lane paved roadway with curb and gutter and storm drains.

Standard improvements and requirements for drainage will be required for the development.

R-PZD 06-2212: (Stadium Center Townhomes, 557)

Public water is located adjacent to the site. There is a 6" waterline along Old Farmington Road. Water service will need to be looped through the property at the time of development.

Sanitary sewer is available on the site. There is a 6" sewer main along the west and north property line of this

site.. Sewer service will need to be extended through the property at the time of development. Improvements to the sewer system may be required dependent upon the demand placed by the development.

The site has access to Old Farmington Road and Sandra Street. These streets are two-lane paved roadways with no curb and gutter or storm drains. It is recommended that Old Farmington Road be improved along the project frontage to create a roadway width of 18' from centerline to the back of curb. Improvements to the intersection of Old Farmington Road and One Mile Road may be considered as well.

Standard improvements and requirements for drainage will be required for the development.



Fayetteville Fire Department

R-PZD06-1884 (Westside Village Condos)

These 21.91 acres are covered by Engine 7 at 835 Ruppel Road.

It is 0.1 mile from the station with an expected response time of 1 minute (Development is right across the street from the station).

The Fire Department anticipates 83 (50 EMS – 33 Fire/Other) calls for service per year once the development is completed and maximum build-out has occurred.

Measured Hydrant Flow in this area is 1590 gallons/minute.

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

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

R-PZD06-2212 (Stadium Centre Townhouses)

These 2.0 acres are covered by Engine 6 located at 900 S Hollywood.

It is 1.1 miles from the station with an expected response time of 3.5 minutes. The Fire Department anticipates 5 (3 EMS – 2 Fire/Other) calls for service per year once the development is completed and maximum build-out has occurred.

Measured Hydrant Flow in this area is 1539 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 concerning the comments

 **FAYETTEVILLE FIRE DEPT.**

Captain Dale Riggins
Fayetteville Fire Department



September 19, 2006

Planning Commission
City of Fayetteville
113 West Mountain St.
Fayetteville, AR 72701

RE: STADIUM CENTRE TOWNHOMES – WAIVER REQUEST

Dear Commissioners:

Please accept this correspondence as our official request for waiver of standard street requirements which will enable our client to develop private streets within the above referenced project. This project consists of 24 residential units, of which 12 will front to Old Farmington Road.

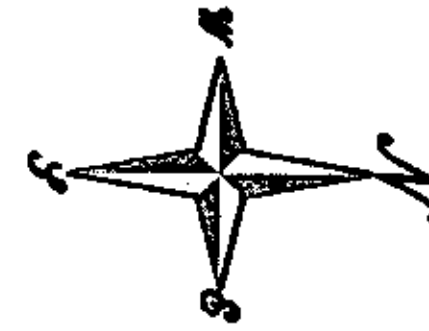
The proposed street is accessed from Sandra Street with connectivity proposed to Old Farmington Road. The street is proposed as one-way with the outlet onto Old Farmington Road, thereby reducing any additional congestion at the intersection of Old Farmington Road and Sandra Street.

Thank you for your consideration in this matter. Please feel free to call if you have any questions or comments.

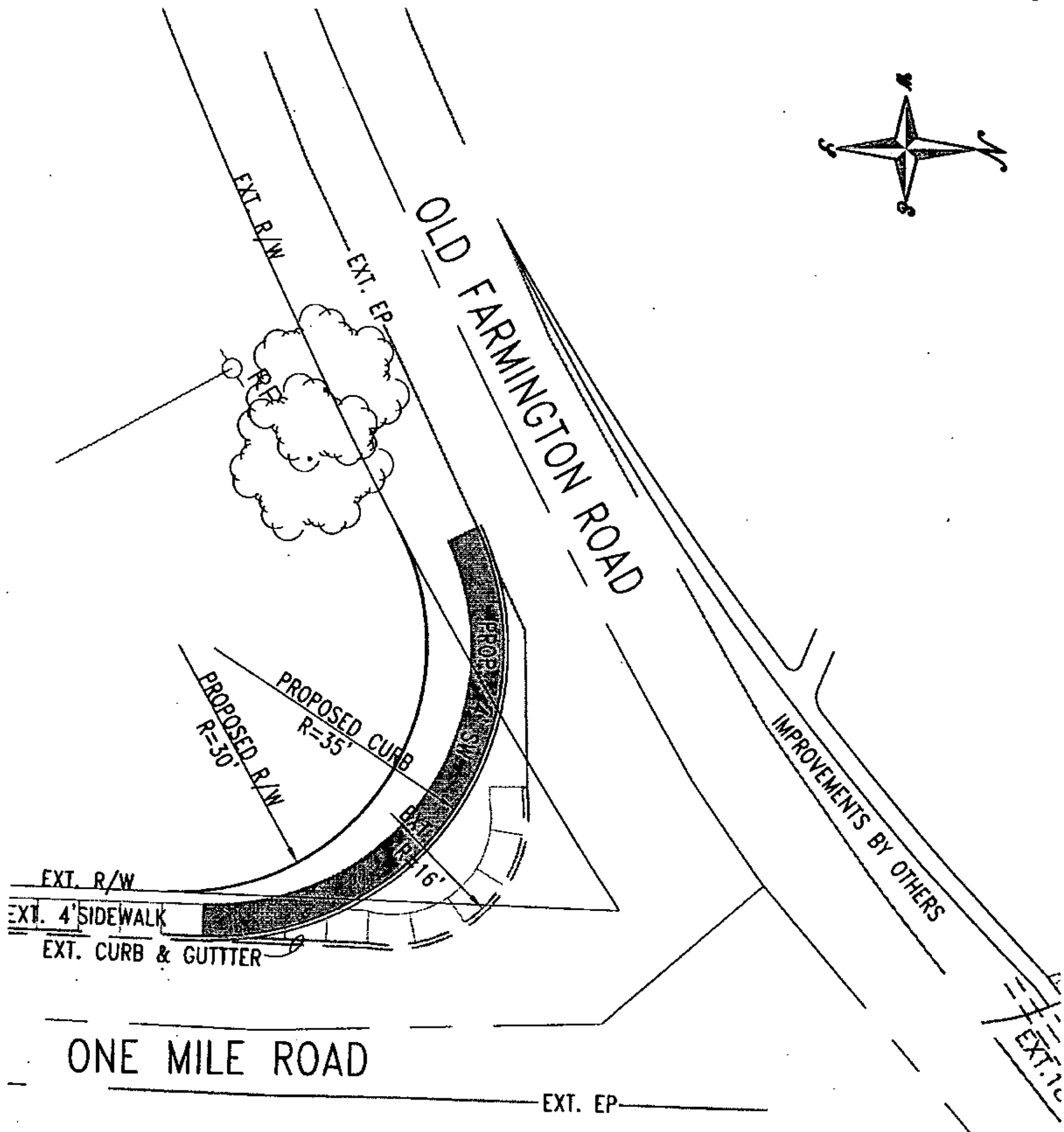
Respectfully,

A handwritten signature in black ink, appearing to read 'T. Hennelly', with a stylized flourish at the end.

Thomas Hennelly, P.E
President



SCALE: 1" = 20'



ENGINEERING, INC.			
2758 MILLENNIUM DRIVE Suite 1 FAYETTEVILLE, ARKANSAS 72703 PHONE: (479) 582-4234 FAX: (479) 582-9254			
			
H2 PROJECT NUMBER: 06-021			
PAGE	1	of	1
PAGES	1		
THE STADIUM CENTRE TOWNHOMES INTERSECTION			



SC Meeting of November 17, 2005

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Subdivision Committee Members
 FROM: Jesse Fulcher, Current Planner
 Brent O'Neal, Staff Engineer
 THRU: Jeremy Pate, Director of Current Planning
 DATE: November 15, 2005

LSD 05-1801: Large Scale Development (THE STADIUM CENTRE, 557): Submitted by H2 ENGINEERING, INC. for property located at HWY 62, JUST NW OF LOWES. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 7.40 acres. The request is for a commercial large scale development with 3 buildings totaling 48,550 s.f. and 249 parking spaces in three phases.

Property Owner: MATHIAS SHOPPING CENTER

Planner: JESSE FULCHER

Findings:

Property: The subject property contains 7.40 acres, located north of Lowes Home Improvement and is zoned C-1, Neighborhood Commercial.

Surrounding Land Use/Zoning: Surrounding zoning and land use are depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Vacant	R-A, Residential Agriculture
South	Lowes Home Improvement	C-PZD, Commercial Planned Zoning District
East	Vacant	C-2, Thoroughfare Commercial
West	Vacant	C-1, Neighborhood Commercial/R-O, Residential Office

Proposal: The applicant proposes to construct a 37,800 sq. ft. retail building with 196 parking spaces in Phase I. Phase II will consist of a 7,000 sq. ft. retail building with 30 parking spaces and Phase III will consist of a 3,750 sq. ft. retail building with 17 parking spaces.

Parking Ratios

Square footage	Commercial Use	Required Parking +30%/-30%=%
37,800 sq. ft.	Retail Use requires 1 space/250 GFA	106-196
7,000 sq. ft.	Retail Use requires 1 space/250 GFA	20-36
3,750 sq. ft.	Retail Use requires 1 space/250 GFA	10-20
		Total = 136-252

Request: The request is for Large Scale Development approval of the submitted site plans for Phase I of the proposed commercial development.

Right-of-way Dedication: Minimum 55 feet from centerline along 6th Street (State Highway 62), a Principal Arterial. Right-of-way will need to be dedicated by warranty deed for 6th Street, a state highway. DEDICATION OF 35' FROM CENTERLINE ALONG OLD FARMINGTON RD.

Adjacent Master Street Plan Streets: 6th Street (Principal Arterial).

Water/Sewer: Water and sewer are available to the site and will be extended to the facility.

Vehicular Access: The site will have access onto 6th St., which will align with the entrance into Lowes Home Center. The site will also have cross access to the east with a new development that is currently under review.

Non-Vehicular Access: Six-foot sidewalks would be constructed along the project's 6th Street frontage. Bicycle racks are to be provided for multi-modal access.

Tree Preservation: Existing Canopy: 20%
Preserved Canopy: 9%
Required Canopy: 20%
Mitigation: Required; 107 trees

Site Coverage: The plat indicates 51 % pervious surface in compliance with this requirement.

Buffer/Screening: The northeast property line of the site borders a single-family neighborhood. Currently, the residential neighborhood is zoned R-A, Residential Agriculture. Pursuant to Section 166.10 of the Fayetteville Unified Development Code, only RSF, RT, RMF and RO zoning districts require screening from commercial or industrial uses. However, it is staffs' opinion that at some point, the residential neighborhood would be rezoned to a RSF zoning district. Therefore, staff is requesting that a view-obscuring fence or view-obscuring vegetation, or a combination of the two, be installed at the northeast corner of this development to minimize the impact to the established residential neighborhood.

Recommendation: Staff recommends approval of **LSD 05-1801** with the following conditions:

1. Staff requests additional information regarding access to the rear of the building for purposes of delivery and vehicular access. THE APPLICANT AGREED TO EVALUATE CROSS ACCESS TO THE NORTH WHEN THE VACANT PROPERTY TO THE NORTH DEVELOPED.
2. Subdivision Committee determination of Commercial Design Standards. *Staff finds that the front elevations largely meet Commercial Design Standards. The addition of architectural details such as those shown on the front of the building would further articulate the main façade. Staff recommends wrapping the rear corners of the east and west elevations with materials found on the front elevation. Additionally, staff recommends further articulation of*



SC Meeting of July 13, 2006

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Subdivision Committee Members
FROM: Jesse Fulcher, Current Planner
THRU: Jeremy Pate, Director of Current Planning
DATE: July 7, 2006

ADM 06-2163: Administrative Item (STADIUM CENTRE, 557): The request is for a major modification of the approved Large Scale Development on the subject property.

Planner: JESSE FULCHER

BACKGROUND

The subject request was heard at the June 29, 2006 Subdivision Committee meeting, at which time the item was tabled so that the applicant could revise the site plan, indicating the location for a new northern connection.

Project Description: The subject 2.19-acre site is located north of Lowes Home Improvement on W. 6th Street and is zoned C-1, Neighborhood Commercial. On November 17, 2005 the Subdivision Committee approved a large scale development for a 37,800 square foot retail building with a 196 parking spaces located within Phase I. Phase II and Phase III will require separate large scale development approval. At this time the applicant is requesting to add an additional retail space to the east side of the building, resulting in an overall building size of 40,000 square feet.

As a condition of approval of LSD 05-1801, the applicants are required to provided cross-access to the east and west. The proposed modification will not prohibit this requirement. Cross-access to the north is to be evaluated if the property to the north develops. The proposed modification will expand the building to the east, thus requiring the relocation of the proposed northern cross-access. As indicated on the revised site plan, the cross-access has been moved the west side of the building. The cross-access to the east has been relocated to line up with the main, east/west drive aisle, which is an overall better solution.

DISCUSSION

Staff finds that the modification to the building and the relocation of the cross-access is acceptable, as the potential for a connection to the undeveloped property to the north will still be feasible for evaluation of a connection, as required by the Planning Commission. Staff will

review the appropriateness of a connection to the north at the time of development, to ensure safe vehicular and pedestrian movements.

The proposed modifications to the approved large scale development plans have been determined a major modification. In the event that a developer wishes to make major modifications to an approved development, such modifications shall be submitted to the Subdivision Committee or Planning Commission for approval or denial.

RECOMMENDATION

Recommendation: Staff recommends approval of the applicant's request for a Major Modification to the previously approved large scale development, with the following conditions:

1. Subdivision Committee determination of appropriate connectivity. *Staff finds that the relocation of the northern stub-out to the west of the building as indicated in the submitted drawings will provide opportunity for connection, if deemed necessary at the time of development. If, at the time of development of the property to the north, a connection is required by the Planning Commission, the owner of the subject property shall permit this connection in the manner required.*

06/29/06 SUBDIVISION COMMITTEE COMMENTS-THE SUBDIVISION COMMITTEE FOUND THAT THE POTENTIAL FOR CROSS-ACCESS TO THE NORTH SHOULD NOT BE REMOVED WITHOUT EVALUATING FUTURE DEVELOPMENT AND THE POTENTIAL FOR CROSS-ACCESS TO THE UNDEVELOPED LOT TO THE NORTH.

07/13/06 SUBDIVISION COMMITTEE COMMENTS- THE SUBDIVISION COMMITTEE FOUND IN FAVOR OF THE REVISED SITE PLAN. ACCESS TO THE NORTH WILL BE EVALUATED WITH FUTURE DEVELOPMENT.

2. All other conditions of approval from the approved large scale development (LSD 05-1801) remain in force.
3. The building addition shall be articulated and match those elevations as previously approved with LSD 05-1801.
4. Truck/delivery vehicle access shall primarily utilize the access from HWY 62, as required by City Ordinance.

Subdivision Committee Action: ☒ Approved ☐ Tabled ☐ Denied

Motion: Trumbo

Second: Myers

Vote: 3-0-0

Meeting Date: July 13, 2006

K:\Reports\2006\SC Reports\07-13-06\ADM 06-2163 (Stadium Centre).doc

Comments: _____

The Conditions of Approval listed in the report above are accepted in total without exception by the entity requesting approval of this development item.

Signature

Date



June 30, 2006

Planning Division
City of Fayetteville
113 W Mountain Street
Fayetteville, AR 72701

RE: STADIUM CENTER – REVISED LSD SUBMITTAL

To Whom It May Concern:

Please accept this letter as an official request for a significant modification to the existing site plan for Stadium Center. The areas of interest include the addition of approximately 2500 sf of retail space at the east end of the retail facility; the access road to the rear of the facility is proposed to be moved from the east end to the west end of the facility; and minor modifications to the parking lot layout and footprint associated with Building 3. Buildings 2 and 3 remain conceptual with both facilities requiring a complete LSD submittal in the future.

We are proposing to relocate the access along the east end of the facility to the west end of the facility, which will allow another 25-foot retail bay to be constructed. As required in the conditions of approval for Stadium Center, the future connection of this access to Old Farmington Road will be assessed when the residential property to the north is proposed for development. The relocation of this access will require the eastern access to be relocated as well as the dumpsters to be relocated.

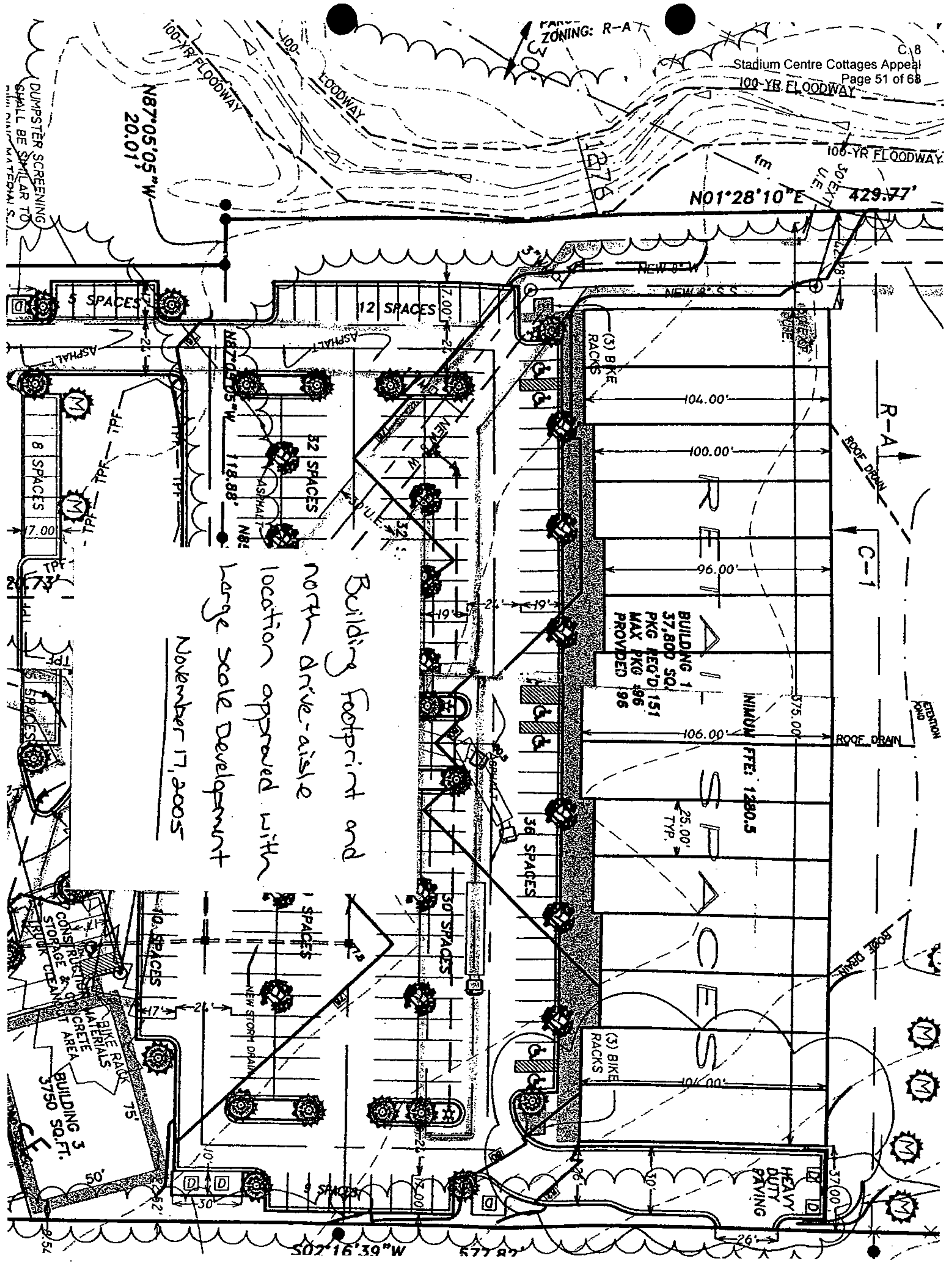
The parking lot and footprint for Building 3 has been modified to accommodate a fast food restaurant. The modifications are a result of traffic management concerns with the drive-thru window.

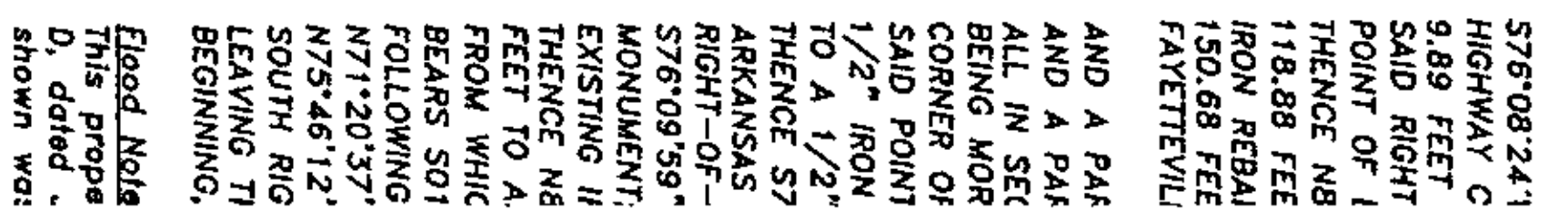
Thank you for your consideration.

Respectfully,

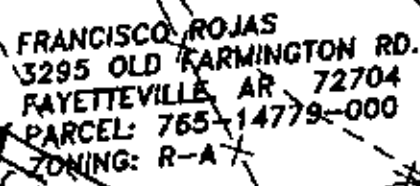
A handwritten signature in black ink, appearing to read 'Kipp Hearne', is written over a horizontal line.

Kipp Hearne, P.E.
Vice-President





Building footprint without
northern drive-aisle.
Tabled by subdivision
committed on June 29, 2006.



Building footprint with relocated
Northern drive aisle. Submitted and approved
for July 13, 2006 subdivision committee.

ADJOINING PROPERTY OWNERS NOTIFICATION OF UPCOMING PUBLIC HEARING

**NOTE: **New Dates shown below for rescheduled
Subdivision Committee Meeting and Planning Commission Meeting.**

Today's Date: August 18, 2006 Project Name: Stadium Centre Townhomes

APPLICANT / REPRESENTATIVE CONTACT INFO:

H2 Engineering, Inc.
479-582-4234

Subdivision Committee Meeting*: Thursday, Sept. 14, 2006** 8:30am
Fayetteville City Administration Building
113 W. Mountain Street, Room 219

Planning Commission Meeting*: Monday, Sept. 25, 2006** 5:30pm
Fayetteville City Administration Building
113 W. Mountain Street, Room 219

PROJECT DESCRIPTION:

Adjoining Property Address and Parcel Number(s): 765-14769-000, and 765-14763-000
located at 3105 West 6th Street, Fayetteville, AR 72701

* Please call the City of Fayetteville- Planning Office at 575-8263 to verify this meeting's date and time.

ADJOINING PROPERTY OWNERS COMMENTS

(Return Comments to City of Fayetteville Planning Division in Stamped Enclosed Envelope)

Project Name: Stadium Centre Townhomes

☒ I have been notified of the above meetings for the described project.

☒ I do not object to the project described above.

☐ I do object to the project described above because:

Metropolitan National Bank
Name of Property Owner (printed)

[Signature] President - Washington County
Signature of Property Owner

Jesse Fulcher
Fayetteville Planning Dept.

Dear Sir;
my name is Reba Jannehill
I live at 3052 Farmington
Road. I am not in favor of this
Reopening. Farmington Road is so
narrow, two cars can barely
meet. We do not have sidewalks,
only ditches on both sides. We have
increased traffic with vehicles using
Farmington Rd. as a cut through from
Shiloh to Hwy 62. At certain times
of the day it is dangerous for us
to back out of our driveway. I do
not feel our street can handle
more traffic.

Thank you

Reba Jannehill

ADJOINING PROPERTY OWNERS NOTIFICATION OF UPCOMING PUBLIC HEARING

**NOTE: **New Dates shown below for rescheduled
Subdivision Committee Meeting and Planning Commission Meeting.**

Today's Date: August 18, 2006 Project Name: Stadium Centre Townhomes

APPLICANT / REPRESENTATIVE CONTACT INFO:

H2 Engineering, Inc.
479-582-4234

Subdivision Committee Meeting*:

Thursday, Sept. 14, 2006** 8:30am
Fayetteville City Administration Building
113 W. Mountain Street, Room 219

Planning Commission Meeting*:

Monday, Sept. 25, 2006** 5:30pm
Fayetteville City Administration Building
113 W. Mountain Street, Room 219

PROJECT DESCRIPTION:

Adjoining Property Address and Parcel Number(s): 765-14769-000, and 765-14763-000
located at 3105 West 6th Street, Fayetteville, AR 72701

** Please call the City of Fayetteville- Planning Office at 575-8263 to verify this meeting's date and time.*

ADJOINING PROPERTY OWNERS COMMENTS

(Return Comments to City of Fayetteville Planning Division in Stamped Enclosed Envelope)

Project Name: Stadium Centre Townhomes

☐ I have been notified of the above meetings for the described project.

☒ I do not object to the project described above.

☐ I do object to the project described above because:

Mark A. Bezyk
Name of Property Owner (printed)

Mark A. Bezyk
Signature of Property Owner

ADJOINING PROPERTY OWNERS NOTIFICATION OF UPCOMING PUBLIC HEARING

Today's Date: August 18, 2006 Project Name: Stadium Centre Townhomes

APPLICANT / REPRESENTATIVE CONTACT INFO:

H2 Engineering, Inc.
479-582-4234

Subdivision Committee Meeting*:

Thursday, August 31, 2006 8:30am
Fayetteville City Administration Building
113 W. Mountain Street, Room 219

Planning Commission Meeting*:

Monday, Sept. 11, 2006 5:30pm
Fayetteville City Administration Building
113 W. Mountain Street, Room 219

PROJECT DESCRIPTION:

Adjoining Property Address and Parcel Number(s): 765-14769-000, and 765-14763-000
located at 3105 West 6th Street, Fayetteville, AR 72701

** Please call the City of Fayetteville- Planning Office at 575-8263 to verify this meeting's date and time.*

ADJOINING PROPERTY OWNERS COMMENTS

(Return Comments to City of Fayetteville Planning Division in Stamped Enclosed Envelope)

Project Name: Stadium Centre Townhomes

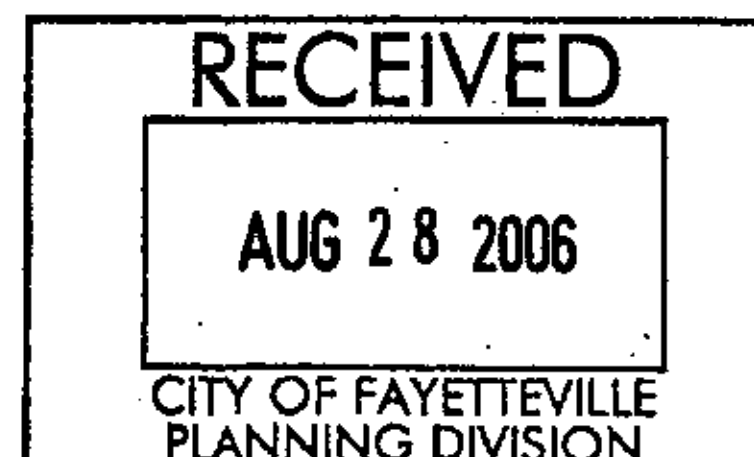
☒ I have been notified of the above meetings for the described project.

☐ I do not object to the project described above.

☐ I do object to the project described above because:

Mark A. Bazyk
Name of Property Owner (printed)

[Signature]
Signature of Property Owner



ADJOINING PROPERTY OWNERS COMMENTS

(Return Comments to City of Fayetteville Planning Division in Stamped Enclosed Envelope)

Project Name: Stadium Centre Townhomes

☒ I have been notified of the above meetings for the described project.

☐ I do not object to the project described above.

☐ I do object to the project described above because:

Hannah E. Bosh Moody
Name of Property Owner (printed)

Hannah Moody
Signature of Property Owner

The project
wasn't described.
What is this about?

att. J. Le Fulcher

Rezoning of RPZD06-2212

From : Karen Daughtrey
3050 Sandra

I would like to express my opposition to the requested rezoning of the 2 acres on the southwest corner of Sandra and Old Farmington Road. My understanding is there is to be an entrance to this property off both Sandra and Old Farmington Road.

Sandra is one block long and some past residence on the west end of the street would squeal their tires then have to slam on their brakes at the corner of Sandra and One Mile. The thought of this increasing with high occupancy rental units will make this one block street once again and forever a screech and slam track.

Old Farmington Road is already high traffic with excessive speed, as a cut through off Exit 62 toward Farmington/Lincoln area. I have lived on Sandra for the past 12 years and have seen many cars run off Old Farmington. This high speed, narrow roadway with a hill and several curves has already caused the neighbors fence to be run through more than once, mail boxes down, cars in the ditch, and a car smashed in its own front yard. There have also been accidents at the narrow blind corner of Old Farmington and One Mile Road. Old Farmington will also experience increased traffic with the development of Mountain Ranch north of Old Farmington, and toward the Farmington and Lincoln area. This narrow high traffic cut through and access to the motels on Exit 62 and Shiloh has resulted from the one-way traffic on Exit 62 on Shiloh and the increased development to the west.

The rezoning of RPZD06-2212 with entrances on both streets will give all homes on Sandra high traffic and noise both in the front yard and back yard.

Karen Daughtrey
WK 684-3062
Am 521-0933

From: DONALD STONE <carolestone1@sbcglobal.net>
To: <jfulcher@ci.fayetteville.ar.us>
Date: 9/12/06 5:41PM
Subject: RPZD 06-2212

Dear Mr. Fulcher,

As residents of this property on Sandra St for many years we have seen changes and proposals for changes. Some good some not so good.

The one to put townhouses at the end of Sandra St. does not seem a good one to us. You know the problem with traffic on Old Farmington Rd. How do you think traffic from 24 units would affect our neighborhood if they are able to access Sandra St. I don't even want to think about it. Townhouses usually mean more than one level I can't imagine having to look at the top floor of someones place. Please, keep it single family dwellings, not townhouses.

Thank you,

Don and Carole Stone

From: delberta Larsen <kelndel@sbcglobal.net>
To: <jfulcher@ci.fayetteville.ar.us>
Date: 9/13/06 12:03AM
Subject: rezoning

i am not in favor of this rezoning request for the field by w sandra st the streets are extremely narrow, there are no side walks and we are already having increased traffic w/ vehicles using old farmington rd as a cut through from shiloh to hwy 62w.it needs to stay as 4 units pre acre. get ruppel rd built to 6th st and i may change my mind but most likly not.

thank you for your time and please do the right thing, the kids can only ride thier bikes on sandra please remember the kids. sincerely, delberta larsen abd family

From: <KIKIDABA@aol.com>
To: <planning@ci.fayetteville.ar.us>
Date: 9/13/06 7:35AM
Subject: RPZD 06-2212 City of Fayetteville Planning Commission

From: David and Barbara Martin
3064 W. Old Farmington Rd.
Fayetteville, AR 72704
479-443-1610

RE: RPZD 06-2212

Dear Commissioners,

We are unable to attend the meetings regarding this proposed development. Thank you for accepting our comments in this form.

We are opposed to this proposed development. The area surrounding this development is a group of single family homes. The development proposed is not in the same character and is much denser than the current neighborhood. We feel that the timing is wrong for developments like this to occur in our neighborhood.

W. Old Farmington Rd. is narrow and lacks curbs, sidewalks, and an improved drainage system. It is used by many motorists as a cut through to avoid Sixth St. congestions. Although this occurs mostly at rush hours, this added traffic creates a hazard to our children and pedestrians. Many a time we have had to jump into the ditch to avoid being hit by these speeding motorists. Also, a development of this density will most likely cause additional problems at the intersection of Sixth St. with One Mile/Finger roads. Our neighborhood relies on this signal light to get onto Sixth St. This intersection has serious problems with congestion that originates to the east at the intersection of I-540 and Sixth St. The congestion on Sixth St. backs up quite often to the Farmington/Fayetteville city limit. Combine the autos exiting the Wal-Mart and Lowe's area and those leaving our neighborhood, and it essentially stops the intersection. Often, when the light turns green for us to turn on to Sixth St., you go nowhere because of the Sixth St. motorists "trapped" in this intersection. We worry that improvements to the intersections we have mentioned, as well as W. Old Farmington Rd, are way into the future.

We have had an occasion when the Fayetteville Police Department was unable to respond to a call we made in a timely fashion. The call was about a vandalism in progress in the neighborhood. Had the police been able to respond in 15 minutes, they may have been able to catch these people. The officer apologized and explained that their manpower was spread very thin and that he had to respond from across the city. We worry that in these denser developments and large apartment complexes, crime goes up. We see it in the newspaper daily.

We feel that the two acres at this development should only be developed to the standards of its current RSF-4 zoning. Eight single family homes would fit in with the existing conditions and not tremendously add to the problems on the west side of Fayetteville.

Sincerely,
David and Barbara Martin

From: "Lames, Larry E (FAV)" <Larry.Lames@va.gov>
To: <jfulcher@ci.fayetteville.ar.us>
Date: 9/13/06 3:10PM
Subject: RPZD 06-2212

Dear Mr. Fulcher,

I am Larry E. Lames and I reside at 3047 W. Sandra St., Fayetteville, AR 72704 and I am sending this email so that my comments regarding subject rezoning request are available to the Subdivision Committee and the Planning Commission.

I am not in favor of this rezoning request because of its negative impact on the surrounding single family neighborhood.

Similar rezoning request for this same parcel of land have been submitted and turned down at least on two previous occasions. If you will look at the streets, sidewalks, etc surrounding this land, you will find that it cannot support the additional traffic that an additional 24 households would have. Old Farmington Road, One Mile Road and Sandra Street are narrow, without curbs, and in most instances without side walks. Most of these thoroughfares have ditches on both sides, blind corners and little or no traffic control. Old Farmington Road and One Mile Road are used as a cut through from Shiloh to Highway 62 West and traffic usually greatly exceeds the 25 MPH speed limit. Traffic is also directed to the motels/hotels on Shiloh, when entering from the West, East, and South through our neighborhood. All the amounts to a very unsafe situation. I know that the developer has a right to develop his land, but I feel that to put an additional 24 households on this small parcel of land will only increase our traffic problems.

I was informed by Planning Staff that the developer would be improving the streets/roads on their property lines, but the vehicles that would be using that property won't just materialize there, they would have to use the portions of Old Farmington Road, One Mile Road, and Sandra Street that have not been improved. That does not make much sense to me.

When the developer submitted his last rezoning request for this area to square up the commercial part of the property, they indicated to us (the neighbors) that the North part of this property would be used for a drainage pond/area for the commercial end. Apparently, the developer was less than honest about this and plans to have it rezoned and this rezoning will have a definite impact on the surrounding neighborhood. This area is surrounded by single family dwellings and I feel the additional 24 housing units, supposedly made up of 3 single family homes and the remainder townhouses, would be out of character and change the fabric of our neighborhood that has been there since the 1960's.

I live in a neighborhood, under attack, and you are our only line of defense. I am not asking that they not develop this property, but to keep it in line with the surrounding neighborhood and less the impact that it would have. The last two time that the property owners requested similar rezoning, you saw fit to say "No". I hope that you will remain consistent and say "No" again.

I will be unable to be at the Subdivision Committee meeting, but do plan on attending the Planning Commission meeting regarding this rezoning request. Please share my thoughts on this request with those decision makers that help shape our city. Thank you.

Sincerely,

LARRY E. LAMES

443-9011

From: Hannah Moody <hsander@uark.edu>
To: <jfulcher@ci.fayetteville.ar.us>
Date: 9/13/06 3:22PM
Subject: Rezoning Request 06-2212

Dear Mr. Fulcher,

It has been brought to my attention that the land next to my home, at the intersection of Old Farmington Road and Sandra Street, is being brought before the city to be considered for a rezoning request. I live at 3083 W Sandra St and that property is my next door neighbor. Apparently, the owners of that piece of land want to rezone it so that they can put 24 multifamily units on it. Have you ever been out there? Does it look like A) our street will support that much traffic and B) 24 families can live on that land? Let's do some math here. Suppose 24 families (husband, wife and two kids) move in and they have two cars per family. That is 48 vehicles added to the traffic on our street. Now, assume 1/3rd of those families have a teenager with a car, that could easily shoot up the traffic to over 100 vehicles per day driving on a narrow street with no sidewalks. Why am I concerned? I have two very small children. I do not need that much traffic in and out posing danger to my children. Also, if you put 24 units in, that brings down the rent substantially and then, we have trashy neighbors. Isn't the city supposed to be concerned with making South Fayetteville beautiful again? In my opinion, that trashes it right back up. Please, do not burden our quiet little neighborhood with that many units. It is ridiculous that they are trying to do this. Every person on my street either has kids living with them, or has kids who visit frequently. I don't mind a couple of duplexes moving in, but not a whole apartment complex. Also, there is no way Old Farmington or Sandra can carry that much extra traffic. They are too narrow and neither has a sidewalk. Please take our neighborhood into consideration when your committee votes on this topic.

Thank you,

Hannah Moody

Secretary of Student Records

University of Arkansas

Department of Health Science, Kinesiology, Recreation, and Dance

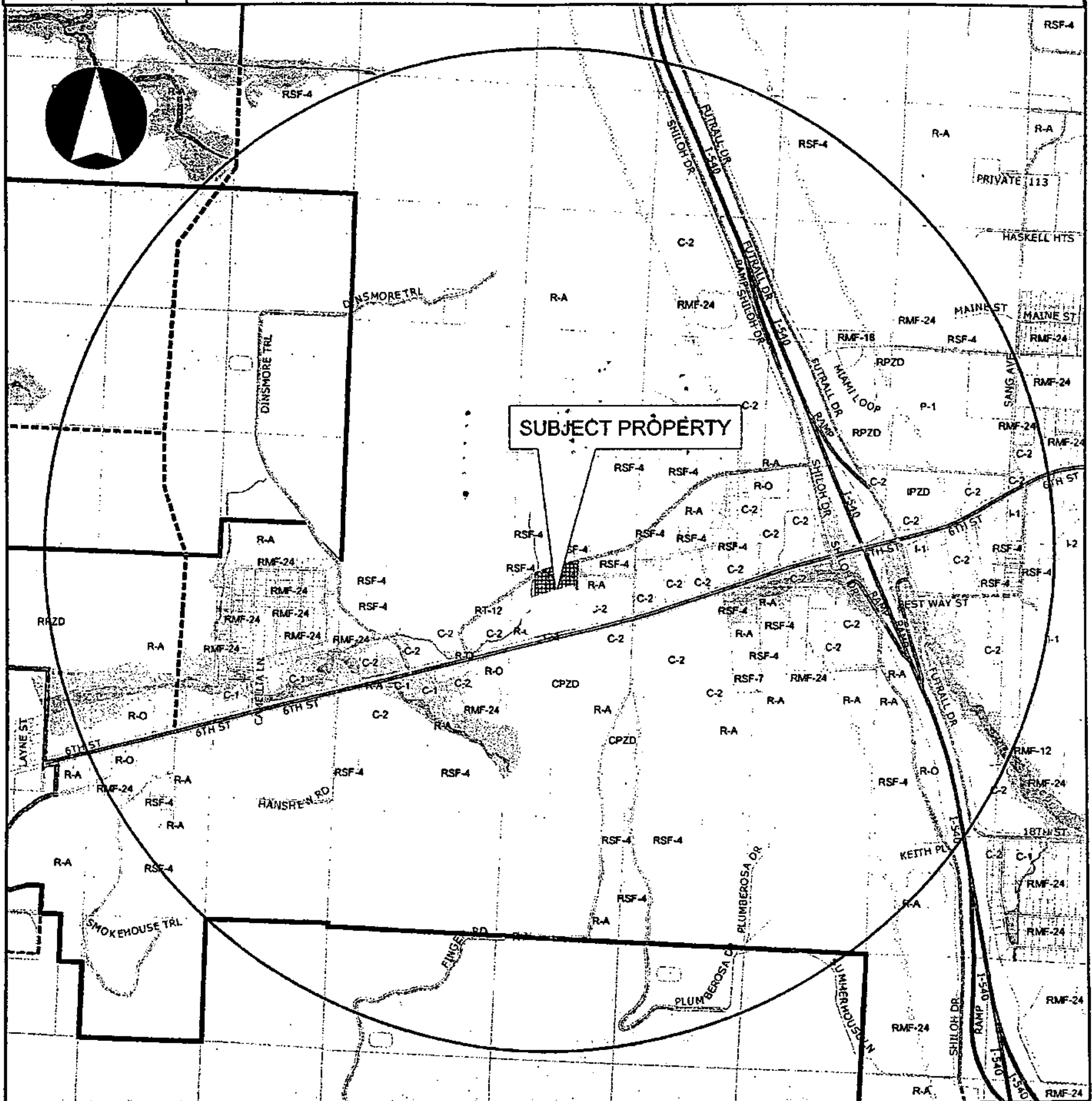
Room 308-B

Fayetteville, AR 72701

PH: 479-575-6625

Fax: 479-575-5778

THE STADIUM CENTRE



Subject Property

LSD05-1801

 Planning Area
 Overlay District
 Outside City

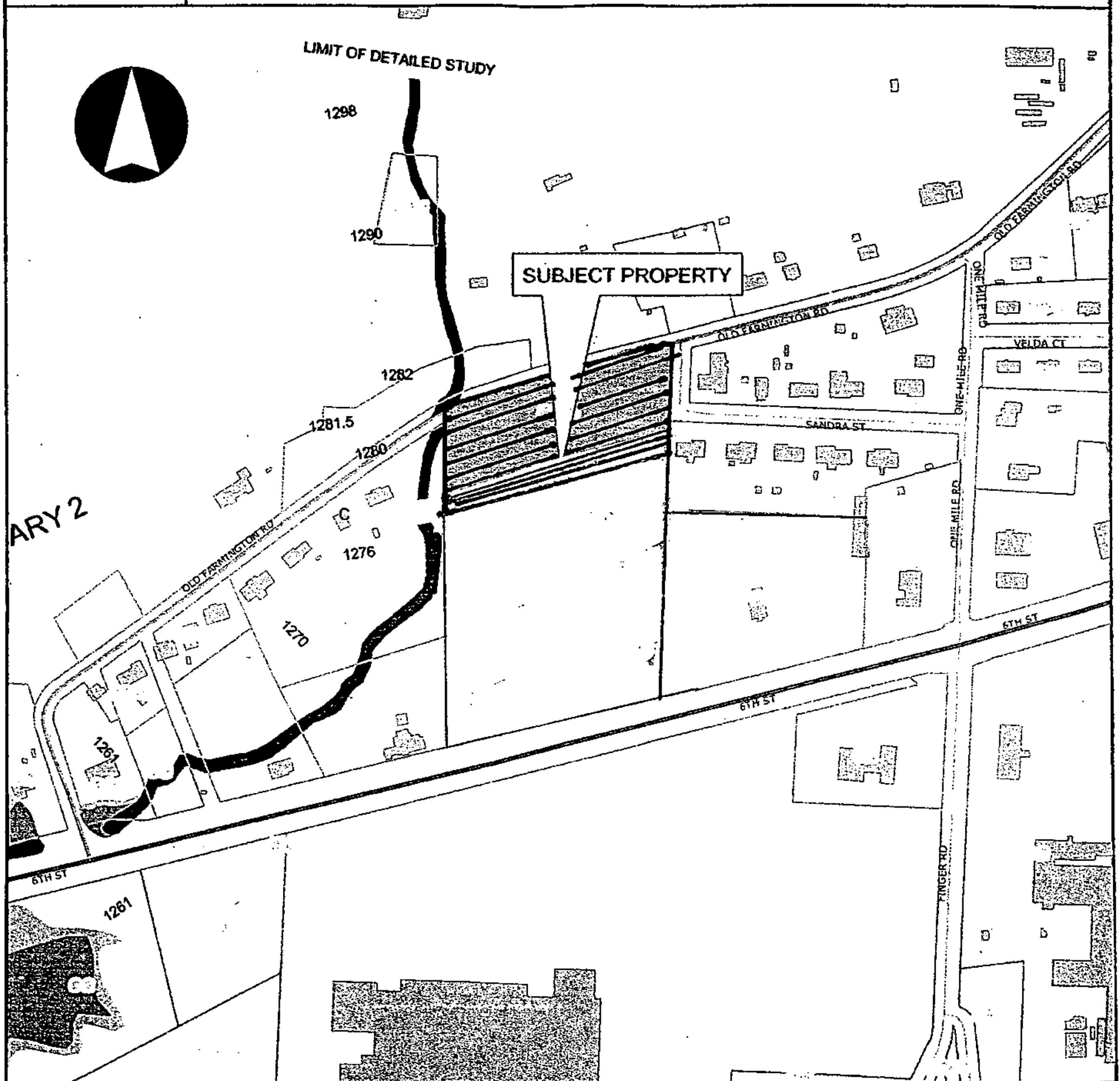
0 0.125 0.25 0.5 0.75 1

Miles

LSD05-1801

Close Up View

THE STADIUM CENTRE



Legend

- Overlay District
- 100 YEAR
- FLOODWAY
- 500 YEAR
- LIMIT OF STUDY
- BaselLine Profile
- Fayetteville
- Outside City
- LSD05-1801
- vector.GDB.Footprint_2004

0 100 200 400 600 800 Feet

November 14, 2006

To the City Clerk
City of Fayetteville

This is an appeal of the decision of the Planning Commission on November 13, 2006, denying our request to modify our Large Scale Development (LSD 06-2195) through a Vacation petition (VAC 06-2289). We are the owners of record and according to the Unified Development Code section 155.05 (2) we are allowed to appeal this decision to the City Council. This appeal is being made after a telephone consultation with Kit Williams today in which he explained the provision under which to make this appeal.

The decision of the Planning Commission is in error for the following reasons:

1. Because approval was recommended twice by the Planning Department staff.
2. Because the request was tabled at the October 23 Planning Commission meeting in order to give the applicants the opportunity to respond to specific concerns of the commissioners, which the applicants did in writing and with thorough documentation. One of the commissioners' (i.e. Candy Clark and Alan Ostner) stated concerns was that we were bringing up the subject of a one-way circuit from Markham Road to the Inn and exiting via Evangeline Lane for the first time at the October 23 meeting, and there was the unmistakable implication that we were trying to effect this modification underhandedly. We presented evidence that we had informed them of this on August 24 in writing.*
3. Because the Commission at its November 13 meeting did not bring up or discuss any of the concerns they had expressed at the October 23 meeting and then requested that we address at the next meeting (the very reason, in fact, that they tabled our vacation request), but rather dismissed our request out of hand saying, "we have spent enough time discussing this question," and quickly voted against the vacation request. This meant that we were unable to present our response to their concerns and the accompanying documentation that we had spent hours gathering. The tabling of our request was in bad faith, meant nothing, and resulted only in a tremendous waste of our time and a delay of two weeks in our pursuit of the vacation request with the City Council.
4. Because this was an arbitrary, capricious, perverse, and inexplicable decision on the part of the Planning Commission.

RECEIVED

NOV 16 2006

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

Kindly confirm receipt of this request and let us know at which City Council meeting it will be discussed.

Sincerely,



Jane and Julian Archer

*For the record, it should be noted that the Planning Commission members were notified by an email from the applicants on August 24 that they were going to make this vacation request; that is, BEFORE the first hearing of our LSD application by the Planning Commission on August 28. At that meeting our engineer, Matt Crafton, announced directly to the Commission that a vacation request was going to be submitted. The right-of-way vacation form was signed by us, the applicants, on August 31 and filed by our engineer on September 14. The purpose of mentioning this is to point out that the vacation request was in the pipeline BEFORE the applicants knew what action the Planning Commission was going to take on the Pratt Place Inn LSD.

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: November 16, 2006

Subject: Easement Vacation for Archer (VAC 06-2289)

RECOMMENDATION

The Planning Commission denied the applicants' request to vacate a portion of the Markham Street right-of-way, west of Sang Avenue. The applicant has appealed the Planning Commission's decision to the City Council.

Planning Staff recommends approval of an ordinance vacating a portion of the Markham Street right-of-way, west of Sang Avenue.

BACKGROUND

The subject property is located at the west end of Markham Road, west of Sang Avenue on Markham Hill in central Fayetteville. A Large Scale Development was approved on the property by the Planning Commission on September 11, 2005 for the Pratt Place Inn, a 7-guestroom inn and 60-seat restaurant, and utilizing the barn for public and private gatherings. Access to the property is directly off of Markham Road/Sang Avenue. Markham Road dead-ends into the subject property west of Sang Avenue. At the time of the Large Scale Development approval, it was discussed that the applicant had a desire to vacate the portion of Markham Road west of Sang Avenue. The applicant owns all of the property adjoining this section of Markham Road right-of-way, and Markham Road is not planned to extend further west.

DISCUSSION

Notification was provided to all appropriate utility representatives and adjoining property owners; there were no objections to this request. The Planning Commission voted 7-1-0 to deny this vacation request, with Commissioner Trumbo voting not to deny. The main reasons given by the Planning Commissioners to deny this request were traffic and pedestrian safety issues related to the private drive (the subject vacation area) becoming a one-way driveway into the property, requiring Evangeline Lane to become the primary exit. To address pedestrian safety the applicant and Planning Staff discussed that the 20' paved private driveway could be striped for a 12' drive lane and an 8' pedestrian/bike lane. Staff does not find that a dangerous traffic or pedestrian safety condition would occur with the right-of-way vacation as proposed. Public sidewalks and all other public street improvements would still occur on Markham west through the Sang Avenue intersection.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE APPROVING VAC 06-2289 SUBMITTED BY CRAFTON TULL & ASSOCIATES FOR PROPERTY LOCATED AT THE WEST END OF MARKHAM, WEST OF SANG AVENUE, VACATING 0.35 ACRE OF A RIGHT-OF-WAY ON THE SUBJECT PROPERTY

WHEREAS, the City Council has the authority under A.C.A. §14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of the platted street right-of-way is not required for corporate purposes;

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following described utility easement:

See Exhibit "A" attached hereto and made a part hereof.

Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached hereto and labeled Exhibit "B" shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 3: That this vacation approval is subject to the conditions of approval as follows, and shall not be in effect until all conditions are met herein.

1. The street improvements for the Pratt Place Inn (Condition of approval No. 1 for LSD 06-2195) shall be modified to require the private street portion of Markham to be improved to 20' of pavement with ditches on both sides sized for the appropriate design storm, lined with native stone.
2. The private portion of Markham Road shall not be gated.
3. Relocation of existing utilities within the Markham Road right-of-way to be vacated shall be at the owner/developer's expense, should this become necessary.
4. Access to continue existing solid waste service along Markham Road, and future solid waste service to the Pratt Place Inn shall be provided.

5. The Solid Waste Division must have access to the exit (Evangeline Lane) and is not responsible for any damage done to the road, either paved or unpaved. A release has been signed by the applicant indicating release of responsibility. All trees and brush must be cut back off of Evangeline Lane and maintained on a permanent basis to assure total access and no damage to vehicles due to branches and trees.

PASSED and APPROVED this 5th day of December, 2006.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

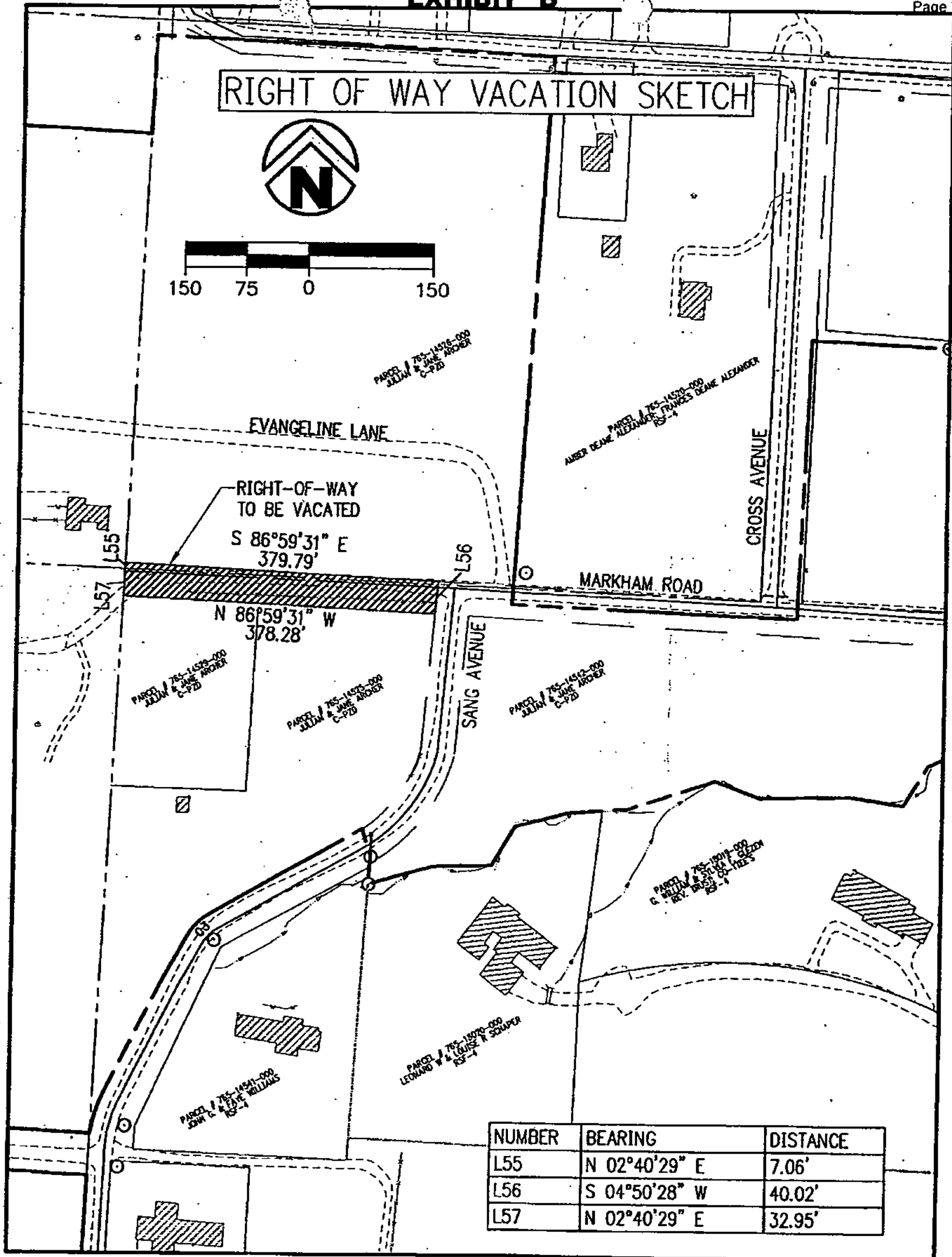
By: _____
SONDRA SMITH, City Clerk

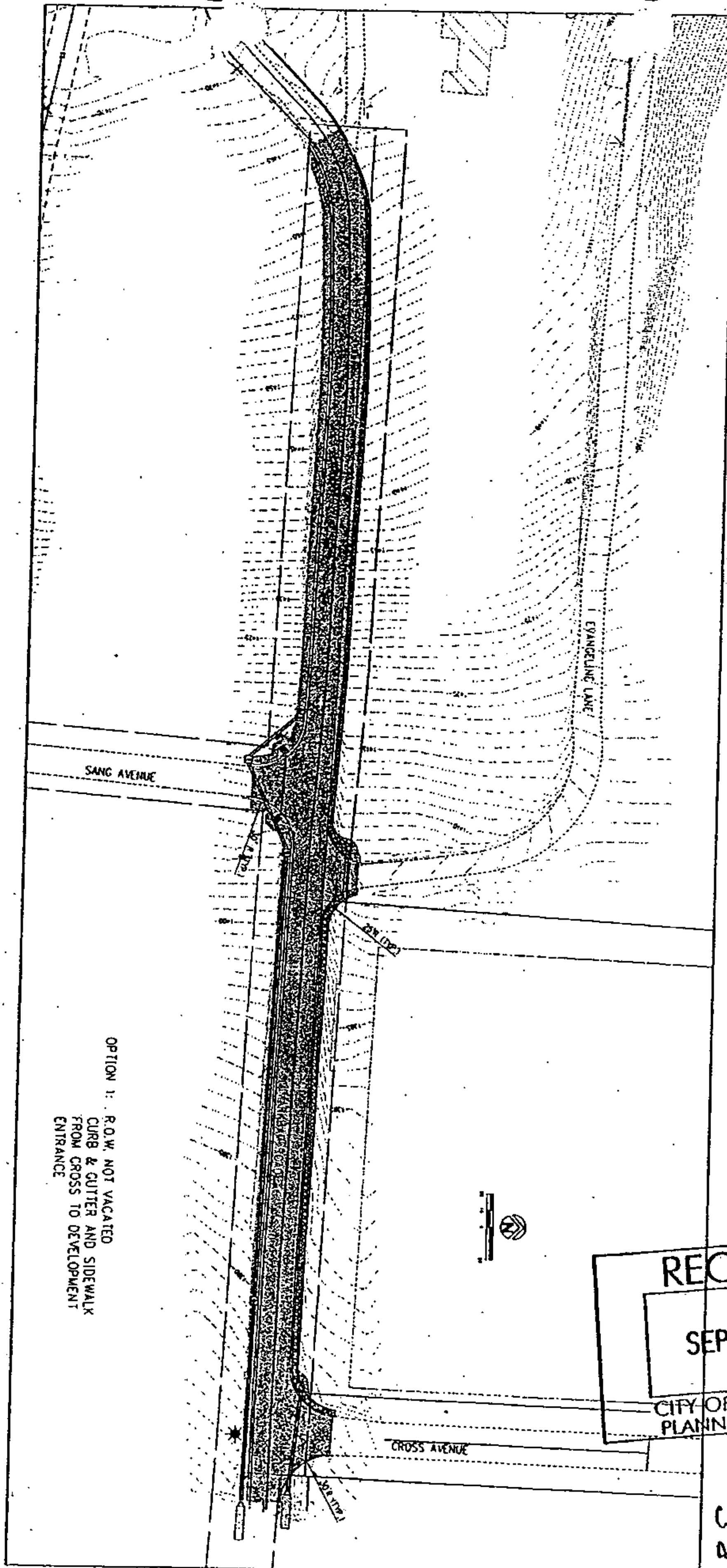
EXHIBIT "A"
VAC 06-2289

A PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE 1/4 OF THE NE 1/4) AND A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE 1/4 OF THE NW 1/4) OF SECTION SEVENTEEN (17), TOWNSHIP SIXTEEN NORTH (TWP. 16 N.), RANGE THIRTY WEST (RNG. 30 W.), CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SE 1/4 OF THE NW 1/4 OF SECTION 17, TWP. 16 N., RNG. 30 W. AND RUN THENCE N02°40'29"E 7.06 FEET ALONG THE WEST LINE OF THE NE 1/4 OF THE NW 1/4 OF SAID SECTION 17; THENCE S86°59'31"E 379.79 FEET ALONG A LINE 10 FEET NORTHERLY FROM AND PARALLEL WITH THE CENTERLINE OF PAVEMENT OF MARKHAM STREET; THENCE S04°50'28"W 40.02 FEET ALONG A LINE 20 FEET WESTERLY FROM AND PARALLEL WITH THE CENTERLINE OF PAVEMENT OF SANG STREET PROJECTED; THENCE N86°59'31"W 378.28 FEET TO THE WEST LINE OF SAID SE 1/4 OF THE NW 1/4 OF SECTION 17; THENCE N02°40'29"E 32.95 FEET ALONG SAID WEST LINE OF THE SE 1/4 OF THE NW 1/4 TO THE POINT OF BEGINNING, CONTAINING APPROXIMATELY 15161.33 SQ. FT. OR 0.35 ACRES, MORE OR LESS.

EXHIBIT "B"



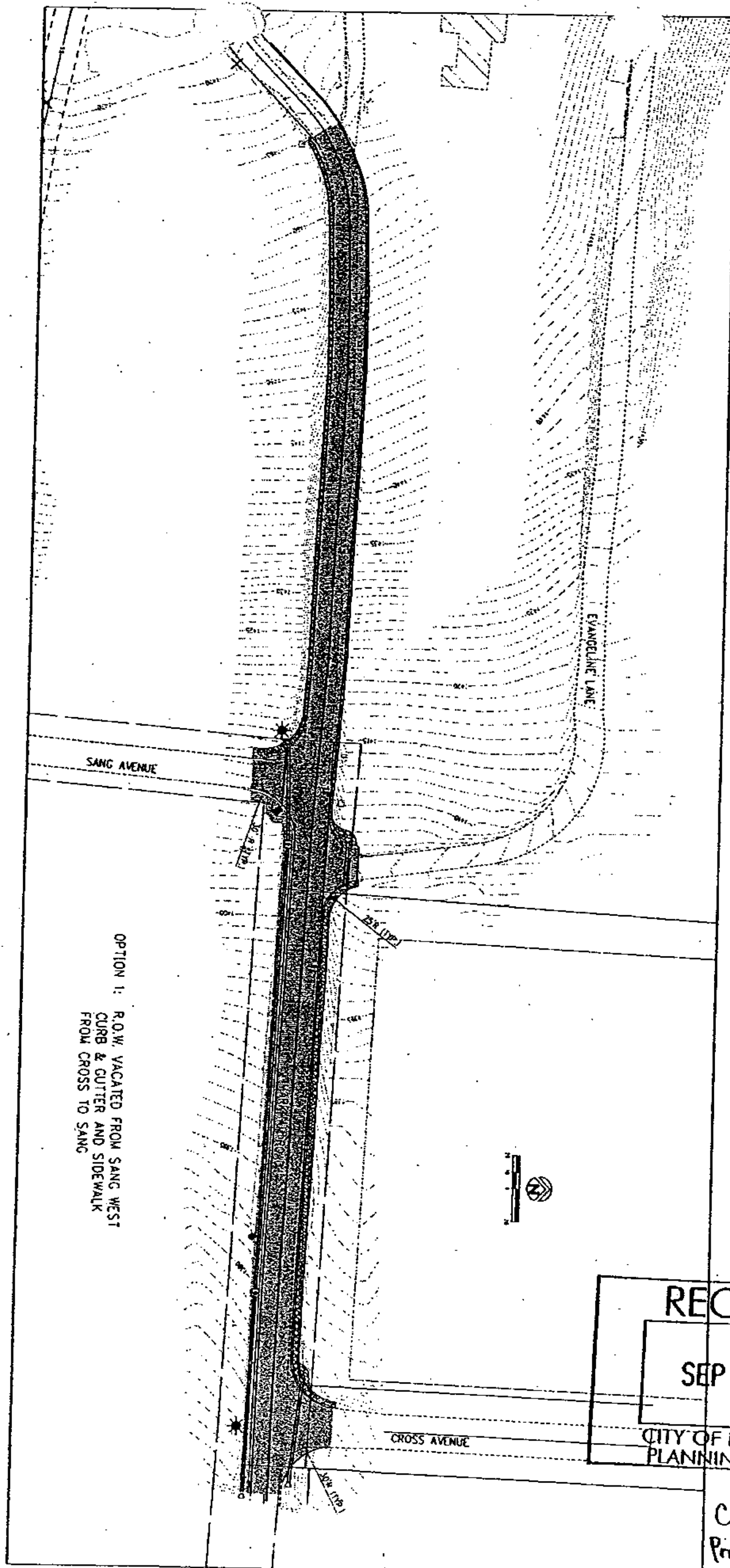


RECEIVED

SEP 21 2006

CITY OF FAYETTEVILLE
PLANNING DIVISION

Conceptual Drawing
As approved by PC



RECEIVED

SEP 21 2006

CITY OF FAYETTEVILLE
PLANNING DIVISION

Conceptual Drawing
Proposed with Vacation
(west of Sang)



PC Meeting of November 13, 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: Andrew Garner, Senior Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: November 2, 2006 Updated November 14, 2006

VAC 06-2289: (ARCHER, 442): Submitted by CRAFTON TULL & ASSOCIATES for property located at THE WEST END OF MARKHAM, WEST OF SANG AVENUE. The property is zoned C-PZD, COMMERCIAL PLANNED ZONING DISTRICT. The request is to vacate a portion of a right-of-way (0.35 acres) on the subject property.

Property Owner: Julian Archer
Planner: Andrew Garner

FINDINGS:

October 23, 2006 Planning Commission: This item was heard at the October 23, 2006 Planning Commission meeting. This item was tabled at that meeting to address traffic and pedestrian safety issues related to the private drive (the subject vacation area) becoming a one-way driveway into the property, requiring Evangeline Lane to become the primary exit. To address pedestrian safety the applicant and Planning Staff discussed that the 20' paved private driveway could be striped for a 12' drive lane and an 8' pedestrian/bike lane. The Planning Commission discussed that Evangeline Lane is a narrow gravel road (approximately 20' wide) and would not be functional for large vehicles. Some commissioners felt that this would require large vehicles such as fire engines and trash trucks to travel against the flow of traffic on the one-way drive to avoid using Evangeline Lane. Other commissioners discussed that Evangeline Lane does not line up directly with Sang Avenue creating a potentially dangerous traffic condition with a large number of vehicles exiting the property at this point.

The Solid Waste Division has discussed with Planning Staff that they could use Evangeline Lane to exit the property after collecting trash. A condition has been added per the Solid Waste Division regarding using Evangeline Lane. The Fire Department has discussed with staff that in the event of an emergency, they would likely use the turnaround at the inn and exit the property through the private, paved drive, rather than using Evangeline Lane. Staff's initial recommendation regarding traffic safety and street improvements for this development has not changed from the recommendation provided at the time of Large Scale Development as it was anticipated that Evangeline Lane would be used as an exit. Staff does not find that a dangerous traffic or pedestrian safety condition would occur with the right-of-way vacation as proposed.

Background: The subject property is located at the west end of Markham Road, west of Sang Avenue on Markham Hill in central Fayetteville. A Large Scale Development was approved on the property by the Planning Commission on September 11, 2005 for the Pratt Place Inn, a 7-guestroom inn and 60-seat restaurant, and utilizing the barn for public and private gatherings.

Access to the property is directly off of Markham Road/Sang Avenue. Markham Road dead-ends into the subject property west of Sang Avenue. At the time of the Large Scale Development approval, it was discussed that the applicant had a desire to vacate the portion of Markham Road west of Sang Avenue. The applicant owns all of the property adjoining this section of Markham Road right-of-way.

Request: The request is to vacate the right-of-way for Markham Road on the subject property, west of Sang Avenue (0.35 acres).

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

UTILITIES

RESPONSE

Ozarks Electric

No Objections

Cox Communications

No Objections

AEP/SWEPCO

No Objections

Arkansas Western Gas

No Objections.

SW Bell

No Objections. Provided that any relocation of utilities, if necessary, is at the owner/developer's expense.

CITY OF FAYETTEVILLE:

RESPONSE

Water/Sewer

No Objections

Transportation

No Objections

Solid Waste

No Objections. Provided that access for trash service will remain.

Engineering

No Objections

Public Comment: There have been several concerns from the public regarding development on this property. These concerns include substandard roads, drainage, noise potential and tree buffers, and were discussed and addressed as part of the Commercial Planned Zoning District and Large Scale Development approval. Staff has received one or two phone calls from the

public inquiring about the subject right-of-way vacation. These calls were mainly concerned with future roadway improvements in the area, emergency access, trash service, and how the subject right-of-way vacation would affect those issues.

Recommendation: Vacating the rights-of-way in question would not adversely affect access to the property or any other adjacent property. The subject section of Markham Road dead-ends into the property and has not been identified by the City for future street connection. The right-of-way vacation would not affect emergency access or trash service provision to this or any other property; provided that the road would remain available for access.

The section of right-of-way being vacated would become a private street/driveway providing access into the Pratt Place Inn property. The Markham Road improvements required as part of the Pratt Place Inn Large Scale Development would not be required to be constructed to City standards for this private street. The applicant has submitted a drawing that depicts how the private street section is proposed to be improved (attached). The change on the private street portion being that required sidewalk would not be provided, and that required curb/gutter on the south side would be replaced with a ditch lined with native stones, sized for the appropriate design storm.

Staff recommends approval of the proposed right-of-way vacation VAC 06-2289, with the following conditions:

1. The street improvements for the Pratt Place Inn (Condition of approval No. 1 for LSD 06-2195) shall be modified to require the private street portion of Markham to be improved to 20' of pavement with ditches on both sides sized for the appropriate design storm, lined with native stone.
2. The private portion of Markham Road shall not be gated.
3. Relocation of existing utilities within the Markham Road right-of-way to be vacated shall be at the owner/developer's expense, should this become necessary.
4. Access to continue existing solid waste service along Markham Road, and future solid waste service to the Pratt Place Inn shall be provided.
5. The Solid Waste Division must have access to the exit (Evangeline Lane) and is not responsible for any damage done to the road, either paved or unpaved. A release has been signed by the applicant indicating release of responsibility. All trees and brush must be cut back off of Evangeline Lane and maintained on a permanent basis to assure total access and no damage to vehicles due to branches and trees.

(SOLID WASTE DIVISION ADDED THIS CONDITION AFTER THE 10/23/06 PLANNING COMMISSION MEETING.)

PLANNING COMMISSION ACTION: yes Required
 Approved X Denied

Motion: Anthes
Section: Ostner
Vote: 7-1-0
Date: November 13, 2006

Comments: _____

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

By _____

Title _____

Date _____

CITY COUNCIL ACTION: yes Required
 Approved Denied

Date: _____

From: Brian Pugh
To: Garner, Andrew
Date: 10/30/06 1:10PM
Subject: Pratt Place

City Solid Waste Division

Andrew,

Ronnie drove Carrol and myself out to the development to look at the road and planned exit. We have the following comments about the situation:

Solid Waste can use the exit and avoid going the wrong way on a one way street if the following conditions are met:

Solid Waste must have access to the exit at all times and is not responsible for any damage done to the road either paved or unpaved. A signature should be required to make sure this will not become a problem when the roads need improvement in the future due to the weight of the Solid Waste Vehicles on the road. All trees and brush must be cut back and maintained on a permanent basis to assure total access and no damage to vehicles due to branches and trees. Solid Waste highly recommends paving the entire road for traction control in inclement weather conditions but must not be held accountable for damage to the road surface.

Brian Pugh
Waste Reduction Coordinator
Fayetteville Solid Waste and Recycling
479-718-7685
479-444-3478 Fax

CC: Hill, Carrol

RELEASE TO ENTER UPON PREMISES

KNOW ALL MEN BY THESE PRESENTS:

The undersigned property owner hereby grants permission to the City of Fayetteville's Solid Waste Disposal Service to enter upon his/her premises and/or property for the purpose of collecting household trash, recyclable materials and yard waste.

This permission having been granted solely for the convenience of the property owner, the undersigned hereby releases and forever discharges the City of Fayetteville and any and all of its divisions, officers and employees from any and all manner of claims, causes of action, or liability, which he/she may have now or at any time in the future arising out of or pertaining to any injury, loss, damage, or harm of any kind which may happen to his/her person, property or possessions arising from the fulfillment of the duties, obligations or job requirements of the City's solid waste service.

The undersigned hereby assumes all risk of any damage, injury, or loss which may occur to his/her person, property or possessions which may result from the City's solid waste service entering upon, working while on or exiting from said property.

This release shall remain in full force and effect until or unless it is revoked in writing by either the undersigned or his/her authorized representative. Moreover, this release shall remain in full force and effect so long as the undersigned shall or may request the services of the City's solid waste services upon said property or premises for any purpose whatsoever, at any time after the date hereof.

THE UNDERSIGNED HAS READ THE FORGOING RELEASE AND FULLY UNDERSTANDS IT.

Jonathan Archer 2231 W. Thurston Rd. 10/31/06
(Name) (Address) (Date)
Matt Place

IN WITNESS WHEREOF, I hereunto set my hand, and understand the terms of this instrument and the effects thereof after having carefully read it in full, this 31 day of Oct, 2006

WITNESSES to Signature:

David Hill City of Fayetteville 10/31/06
(Name) (Address) (Date)
P. Hill " " 10-31-06
(Name) (Address) (Date)

Julian Archer



Crafton, Tull & Associates, Inc.
architects, engineers & surveyors

C. 9
Easement Vacation for Archer
(VAC 06-2289) Appeal
Page 16 of 56

September 14, 2006

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

RE: Pratt Place Inn

CTA Job No. 051094-00

Dear Jeremy:

We are requesting, on behalf of Julian and Jane Archer, that the City of Fayetteville vacate the street right-of-way of Markham Street west of Sang Avenue. The Archers own the property on both sides of the street in this area, and serves their property alone. This request would relieve the city of the burden of maintaining this section of the street and would place this responsibility with the owners. Also, any utilities that exist within this right-of-way will be provided with easements of adequate width, so they may continue to maintain their services.

Utility companies have been contacted, and their comments have been provided. Also, Fayetteville Utilities, Street, and Sanitation departments have been contacted for their comments. A copy of the right of way vacation sketch accompanied this correspondence.

All of our research for the boundary survey has shown that the Archers own all of the property adjoining the right-of-way in question, and an abstractor has provided a Certificate of Ownership.

We appreciate your review of this project and look forward to your feedback. If you have any questions or need any additional information please don't hesitate to call me at (479) 878-2455.

Sincerely,

Crafton, Tull & Associates, Inc.

Kale Farmer, E.I.
Project Engineer

cc: file

- historical preservation ☐
- government ☐
- public works ☐
- healthcare ☐
- residential ☐
- education ☐
- parks, sports & recreation ☐
- transportation ☐
- industrial ☐
- commercial ☐

901 North 47th Street • Rogers, Arkansas 72756 • phone: 479.636.4838 • fax: 479.631.6224

RECEIVED

NOV 13 2006

PLANNING DIV.

C. 9
Easement Vacation for Archer
(VAC 06-2289) Appeal
Page 17 of 56

November 9, 2006

To the Members of the Fayetteville Planning Commission:

We earnestly ask that you grant our request for the city to vacate Markham from Sang Avenue west to the top of the hill. If you do so, we hope that you will accord us the normal owners' privilege of choosing the look and design of the infrastructure according to our well thought-out vision. If we had despoiled the property we own and/or created eyesore subdivisions, your concern would be warranted, but our proven track record supports the opposite (i.e. the Bois d'Arc and Pratt Woods subdivisions and all of Pratt Place, notably our self-imposed and financed beautification of Markham Road and Sang Avenue which is as much a benefit to the neighbors and the public as it is to us personally.

We have always envisioned a one-way circuit through Pratt Place, though it was only recently that we learned that the city could not make upper Markham one-way as a city street, a modification it never occurred to us would be a problem. The implication that we were trying to do something covert is wholly untrue and quite disturbing. We believe that anyone on the city's staff will tell you that we have always been forthcoming and cooperative in all of the numerous projects we have undertaken. They will also tell you that no one has struggled harder to preserve trees and natural beauty than we. Please note what we said in point 5 in our email to the Planning Commission dated August 24; that is, prior to the first hearing of our LSD request held on August 28. There were several statements made at the meeting of October 23 that we were bringing the one-way issue up for the first time at that meeting.

The proposal we have made for handling vehicular and foot traffic within the property meets a consensus of approval with everyone we have spoken to who actually uses the road. That is, a striped one-way segment of Markham from Sang west to the top of the hill, comfortably accommodating both runners and vehicles, the former with an 8' lane and the latter a 12' wide lane which is the same width as interstate highway lanes. This seems to be the safest, least invasive, and most aesthetic way to handle upper Markham. A shallow native rock-lined ditch would accomplish the same drainage function as curb, gutter, and storm sewer without altering the natural appearance of the site and without destroying a single tree. One of the most beautiful and majestic trees on the entire property—a venerable oak, as well as several other splendid big trees would be sacrificed in order to make way for curb, gutter, storm sewer, and sidewalk.

To introduce curb, gutter, storm sewer, and a 5' sidewalk on the south side (or the north side either, for that matter) would present not only a construction challenge at huge cost, but would be an intrusion into the natural beauty that has survived there as long as anyone can remember and is greatly cherished by everyone directly affected by it. To keep it two-way is in no one's interest, above all the track teams' and joggers', since they would not use a sidewalk anyway.

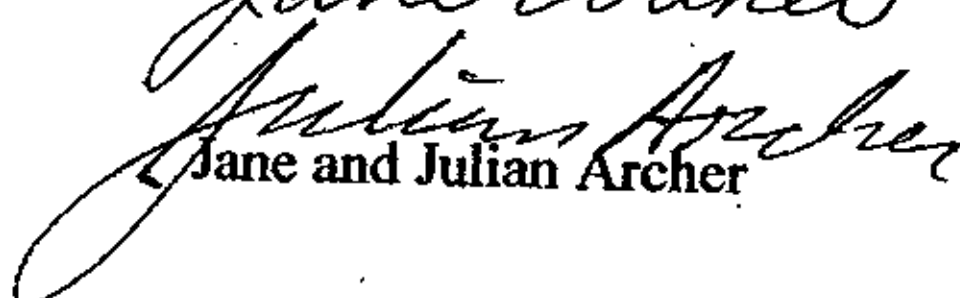
The University and City of Fayetteville track teams have trained on the Pratt Place trails by our invitation for many years. It would be harsh treatment to penalize us after having shared our property with these institutions, as well as having contributed enormously to the beautification of the neighborhood, by forcing us to introduce urbanizing and deruralizing elements unnecessarily and against our desires and those of any other affected persons.

In response to the concerns expressed at the Commission meeting on October 23, we have spoken with managers from the Solid Waste Division and met with them on site and they have no problem exiting from the top of the hill via Evangeline Lane. We understand this has been communicated to the Planning Division staff in writing. Furthermore, the Fire Department is in accord with exiting the same way Solid Waste does. It should be noted that the Solid Waste Department does not even allow its trucks on any given road that is deemed unsafe due to weather conditions. Attached for your information is a map drawn up by our engineer at Crafton Tull indicating the grade of the roads in question. The grade of Evangeline Lane at the steepest point is 10% as compared with the much steeper 17% grade of upper Markham at the steepest point. Attached is a copy of our agreement with Solid Waste holding the city harmless should one of the trash trucks damage our private road. Finally, you will find included notes from rental equipment suppliers indicating that they have no trouble exiting via Evangeline Lane. Over the years Evangeline Lane has been the preferred way down the hill when road conditions are snowy and icy because of the less steep grade and better traction.

We beg you to let us go forward with a vision that will make Pratt Place Inn an extraordinary asset to Fayetteville, one which all of you will enjoy visiting, if no more than to absorb the pleasure of feeling that you are way out in the country, even though you are right in the city—a very rare phenomenon for any city.

Should the Planning Commission not be inclined, however, to grant a vacation of Markham west of Sang with an 8' running lane, we would ask that the vacation request be approved, nonetheless, with Markham remaining two way.

Sincerely,



Jane and Julian Archer

RELEASE TO ENTER UPON PREMISES

KNOW ALL MEN BY THESE PRESENTS:

The undersigned property owner hereby grants permission to the City of Fayetteville's Solid Waste Disposal Service to enter upon his/her premises and/or property for the purpose of collecting household trash, recyclable materials and yard waste.

This permission having been granted solely for the convenience of the property owner, the undersigned hereby releases and forever discharges the City of Fayetteville and any and all of its divisions, officers and employees from any and all manner of claims, causes of action, or liability, which he/she may have now or at any time in the future arising out of or pertaining to any injury, loss, damage, or harm of any kind which may happen to his/her person, property or possessions arising from the fulfillment of the duties, obligations or job requirements of the City's solid waste service.

The undersigned hereby assumes all risk of any damage, injury, or loss which may occur to his/her person, property or possessions which may result from the City's solid waste service entering upon, working while on or exiting from said property.

This release shall remain in full force and effect until or unless it is revoked in writing by either the undersigned or his/her authorized representative. Moreover, this release shall remain in full force and effect so long as the undersigned shall or may request the services of the City's solid waste services upon said property or premises for any purpose whatsoever, at any time after the date hereof.

THE UNDERSIGNED HAS READ THE FORGOING RELEASE AND FULLY UNDERSTANDS IT.

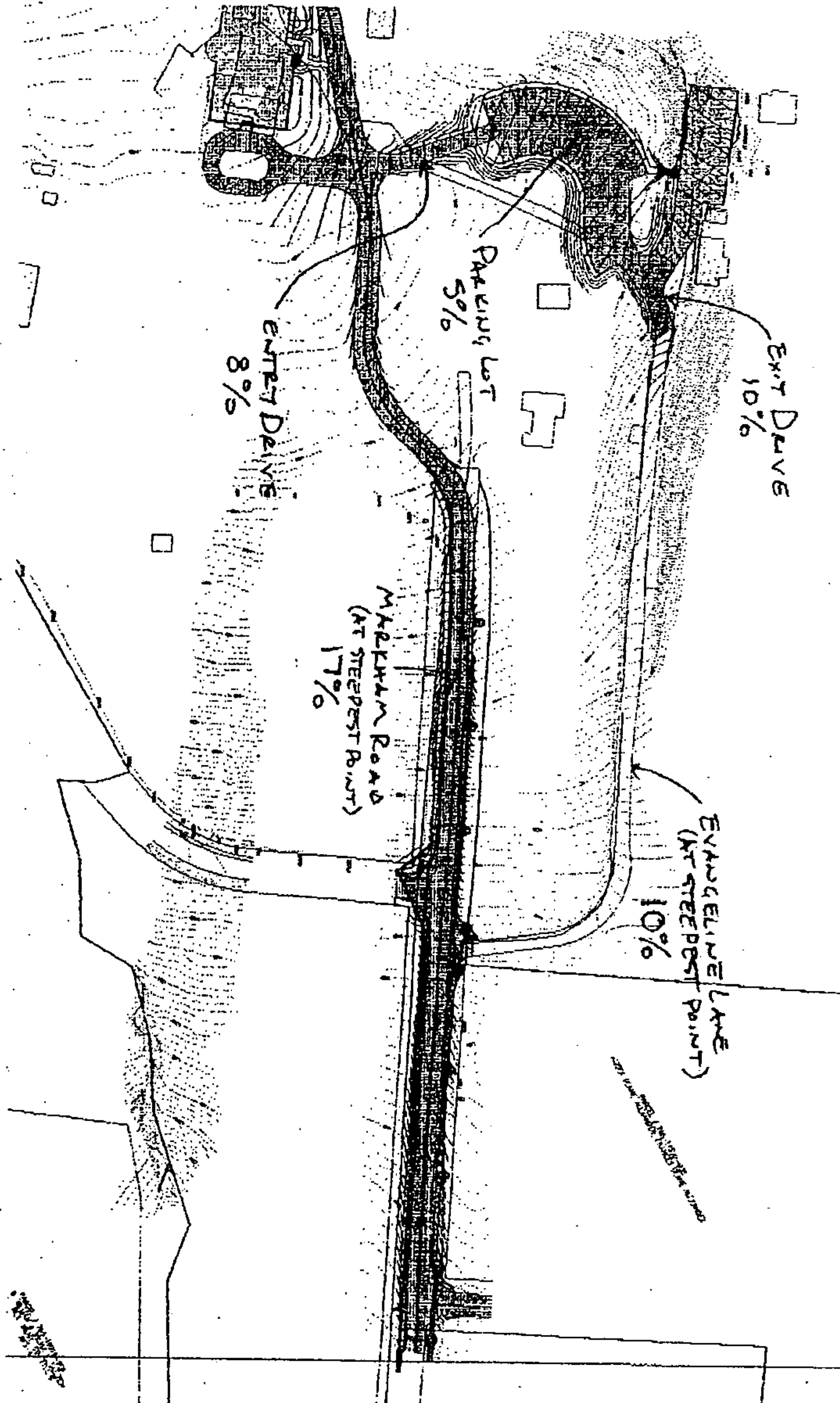
Jason Archer 2231 W. Tharkey Rd. 10/31/06
(Name) (Address) (Date)
Shott Place Inn

IN WITNESS WHEREOF, I hereunto set my hand, and understand the terms of this instrument and the effects thereof after having carefully read it in full, this 31 day of Oct., 2006

WITNESSES to Signature:

David Hill City of Fayetteville 10/31/06
(Name) (Address) (Date)
P. Hill " " 10-31-06
(Name) (Address) (Date)

Julian Archer





Memo

To: Jane Archer (Pratt Place Barn)
From: Randal Wright (Eventures Party Rentals)
RE: Proposed street changes

Jane,

Thank you for including us prior to making changes to your drive at Pratt Place Barn. I see no problem with our delivery trucks negotiating the one way drive that you are planning. Your venue is a great addition to Northwest Arkansas. We look forward to continuing working with you in the future.

Sincerely,


Randal Wright, President
Eventures Party Rentals L.L.C.

rw/sw

1186 Stearns St. Fayetteville, AR 72703 **479-444-PLAN** or **479-587-0933**
www.EventuresPartyRentals.com



THE EVENT GROUP
CORPORATE & SOCIAL CATERING

P.O. Box 1384
Fayetteville, AR 72702

November 2, 2006

To Whom It May Concern:

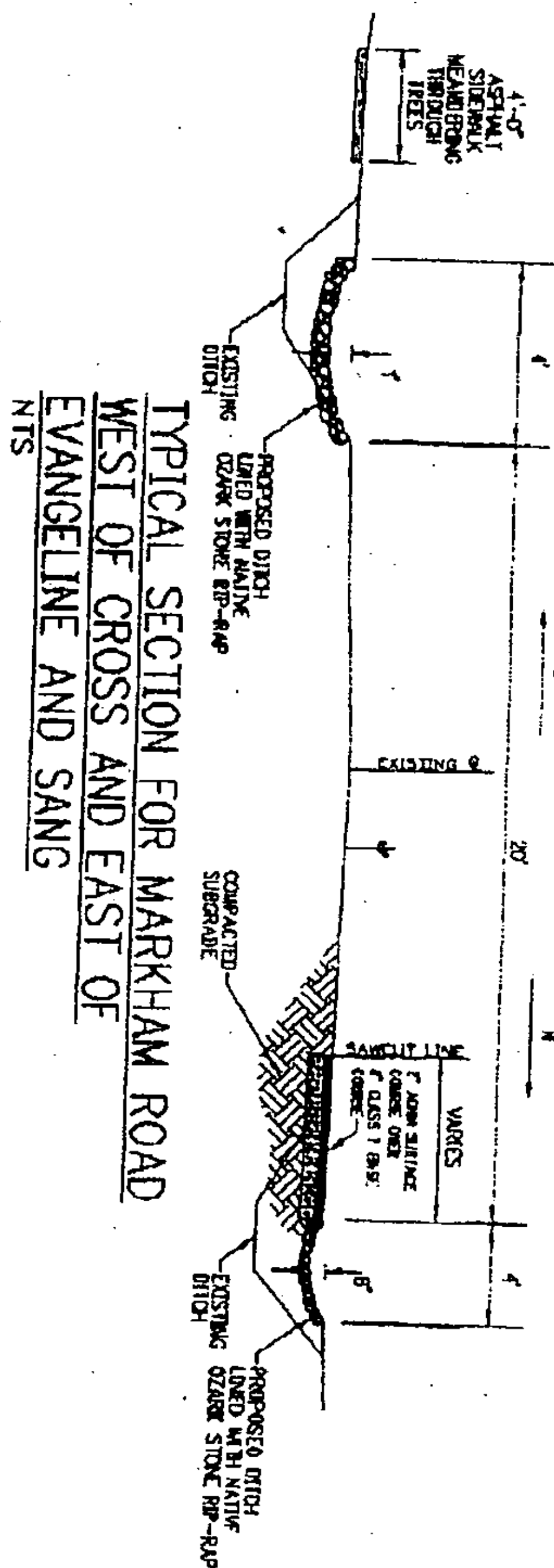
My name is Shellie Morrison, owner of The Event Group Catering, in Fayetteville, Arkansas. I am writing in support of the Archer's and their proposed road adjustment.

We have catered many events at the Pratt Barn and find it to be very accessible and accommodating. I feel this proposed change will offer little inconvenience—and will actually benefit the affected area.

Thank you for your consideration.

Sincerely,

Shellie Morrison, President
The Event Group Catering, Inc.



CS-03

To the members of the Fayetteville Planning Commission;

Easement Vacation for Archer
(VAC 06-2289) Appeal

We, as both the developers and owners of the Pratt Place Inn PZD project, would like the Commission to consider the following points in making a decision on our application. Page 24 of 56

1. We understand the reason why it is necessary to add to Markham Road on the north side so the street will be 20' wide from Cross Street westward, and we support this widening.
2. We understand the need in Fayetteville for sidewalks and, while we would rather not put one on the north side of Markham from Cross Street westward, would endorse doing so AS LONG as it can be a mulch (or woodchip) walkway such as exists along Cross Street between Markham and Halsell. (This same type of mulch pathway is found in Wilson Park.) Furthermore, this walkway should not be at the edge of the road, but rather set back from it, curving around trees, rather than cutting a straight gash through the woods. A concrete sidewalk would undermine the natural look of the western portion of Markham and would not be used by the people who come up the hill on foot--runners from the university and Fayetteville track teams and joggers. They train on the paths on our property for the very reason that it relieves them from having to run on pavement or concrete.
3. A concrete sidewalk, even next to the curb, would entail the loss of dozens of large trees and create an unsightly 26' wide swathe of paving. A mulch path would blend into the woods as it threaded its way through the trees without destroying any trees at all. Moreover, no one would use the concrete sidewalk (dozens of trees would have been sacrificed for nothing, and an unsightly strip of concrete would have been introduced into a wilderness with no result other than to mar its beauty), whereas, at least some runners probably would use the mulch path and no harm would have been done to the site.
4. We oppose the idea of curb, gutter, and storm drainage along Markham. Our efforts of the past 27 years have been to preserve a natural and rural look on Markham Road. Though the application before you is labeled a Large Scale Development, I do not think the Planning Commission ever has seen a development with so little development. Ours is a plan to preserve things as they are and have been for the last 100 plus years, not to load this property up with a huge subdivision. To call for curb, gutter, and storm drainage in this situation because they are required in other developments is to overlook the purpose of the Pratt Place Inn PZD. Instead, we propose a smoothed out ditch such as we have created on the north side of Markham from the bridge to Cross, the new one lined with fieldstone. This ditch has handled the water runoff successfully and without overflow for over a century, including the huge rains of last

Tuesday and Wednesday.

5. It should be remembered that the traffic pattern for the inn driveway will be a one-way clockwise loop.

Patrons will enter from Markham, stop at the parking lot to the north of the inn, and exit along Evangeline Lane, a private road that enters Markham just below Sang. This will, in effect, create a one-way traffic pattern on Markham from Sang westward even though we cannot ask the city to designate it as such.

As a point of information, we will be applying shortly for a vacation by the city of the part of Markham westward from where Sang Street branches off to the south. The street dead-ends in our driveway, serves only our driveway, and we own the property on both sides of the road and cannot build there because of the restrictions that we placed on ourselves in our PZD application. If this is granted, the road still will be widened to 20' just as the present driveway to the inn will have to be 20' wide. Please proceed, however, with your consideration of the LSD application you have before you as we need to get a building permit to begin construction of the inn. I, Julian, have taken an unpaid year's leave of absence from my teaching post at Drake University and have only until this time next year to complete the project under my own supervision.

Sincerely,

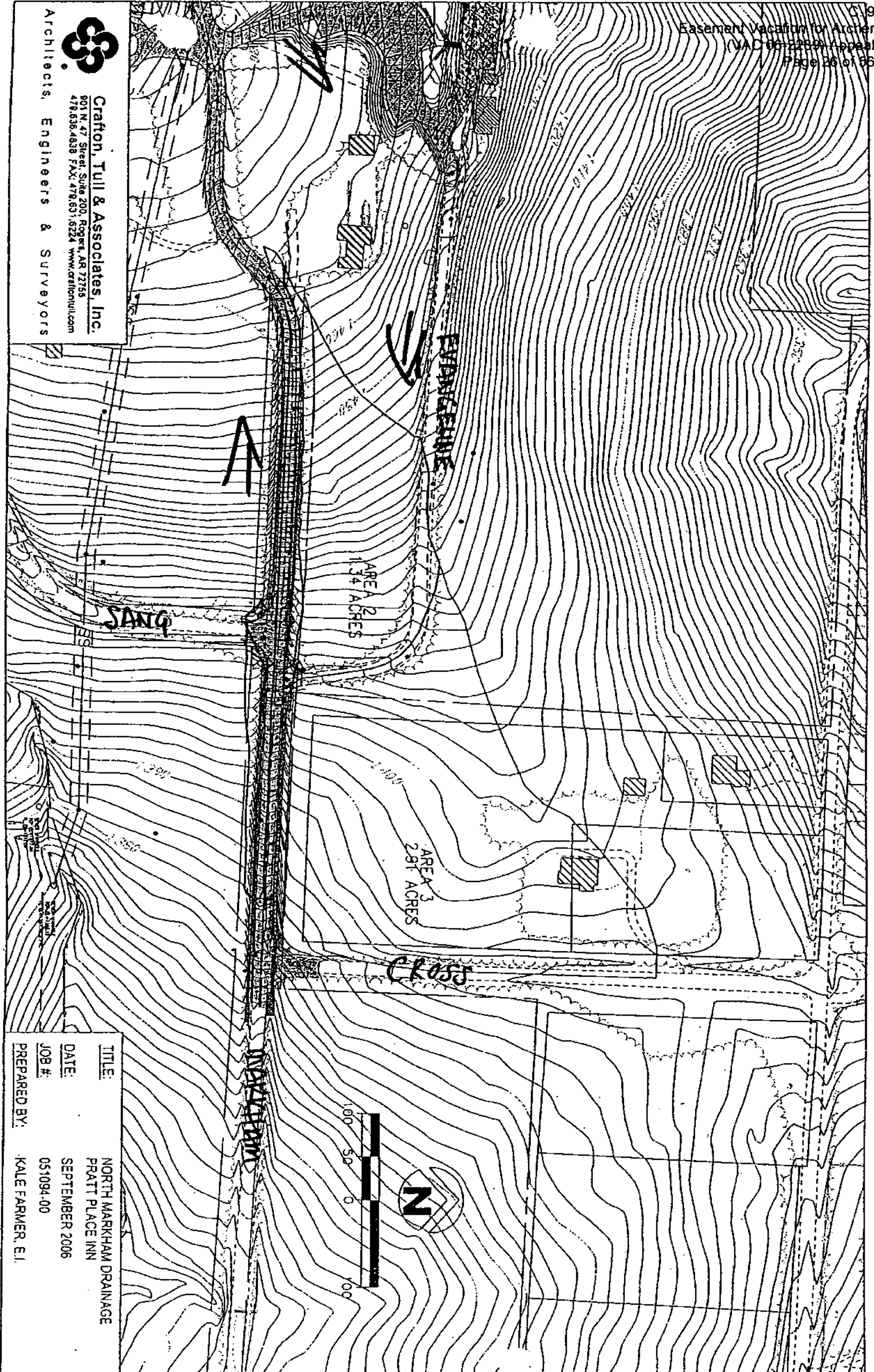
Jane and Julian Archer

Do You Yahoo!?

Tired of spam? Yahoo! Mail has the best spam protection around <http://mail.yahoo.com>

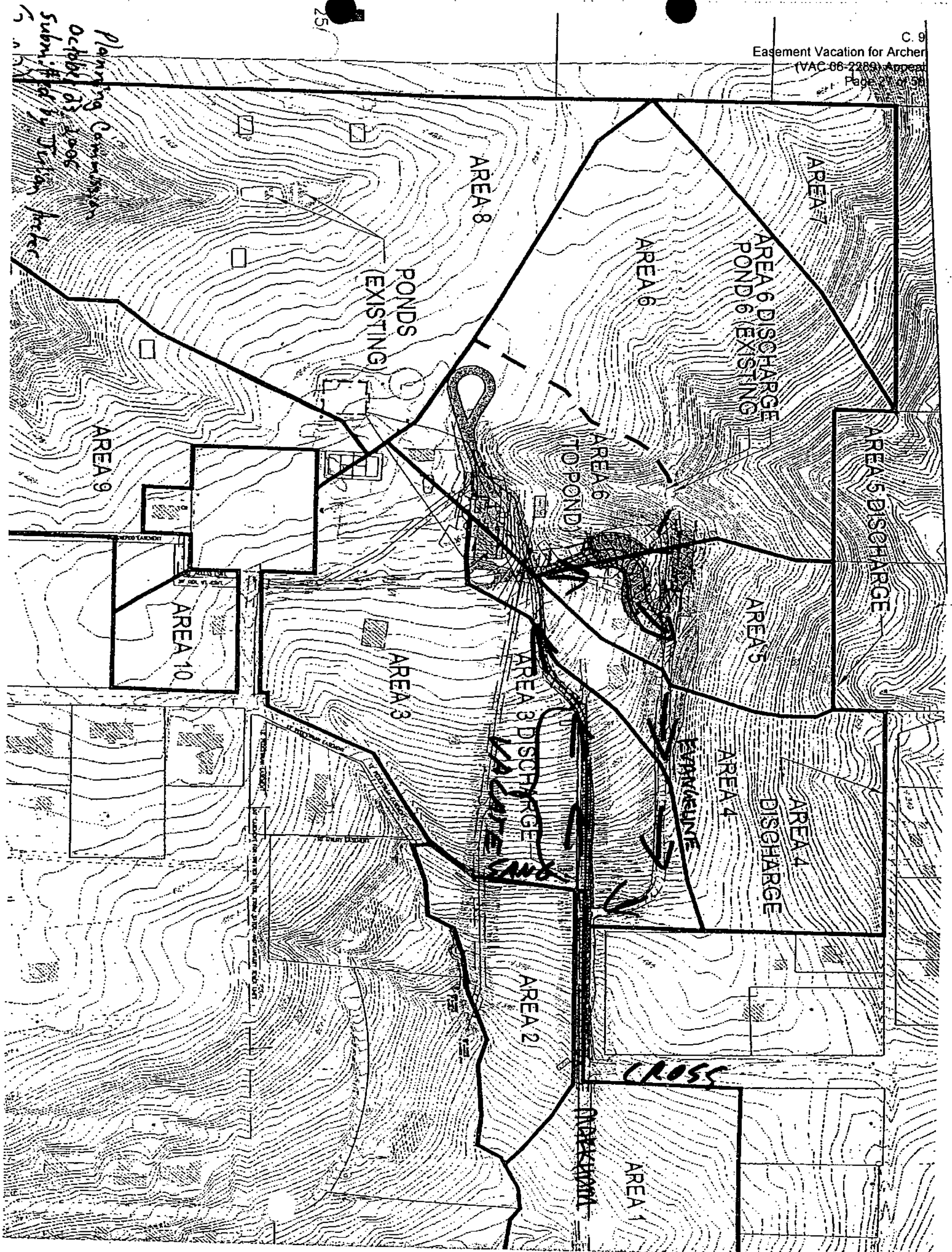


Crafton, Tull & Associates, Inc.
801 N. 47 Street, Suite 200, Rogers, AR 72756
479.636.4838 FAX: 479.631.6224 www.craftontull.com
Architects, Engineers & Surveyors



TITLE: NORTH MARKHAM DRAINAGE
DATE: SEPTEMBER 2006
JOB #: 051094-00
PREPARED BY: KALE FARMER, E.I.

Planning Commission
October 23, 2006



Planning Commission
October 23, 2006
Submitted by: Julian Parker

From: "Kale Farmer" <Kale.Farmer@craftontull.com>
To: "Jeremy Pate" <jpate@ci.fayetteville.ar.us>
Date: 9/21/2006 4:37 PM
Subject: Markham Road Improvements for Pratt Place
Attachments: Markham Improvements (Ex Cond).pdf; Markham Improvements (ROW Vacated).pdf

Jeremy,

Attached are PDFs of the Markham Road Improvements. There are two drawings; one with the improvements as recommended by the Planning Commission, and one with the improvements that will be constructed if the ROW vacation goes through. The shading on the road indicates the total road surface, including existing pavement and widening. If you have any questions, please give me a call.

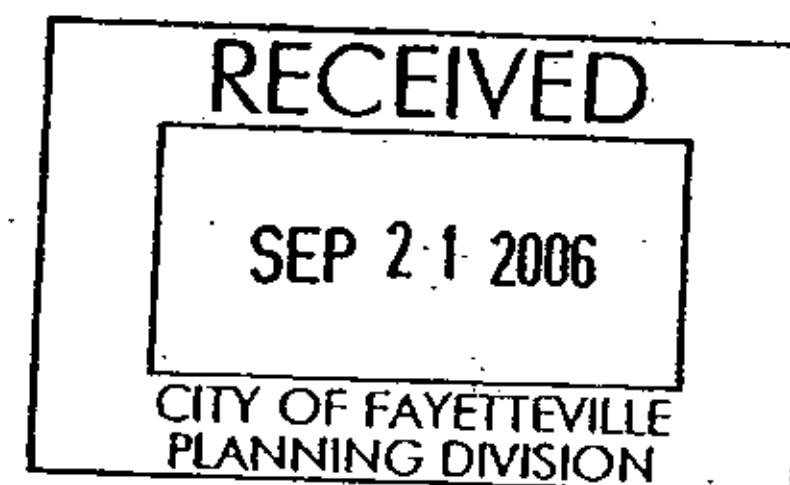
Kale

Kale Farmer, E.I.
Civil Engineer
Crafton, Tull & Associates, Inc.
901 N. 47th Street, Suite 200
Rogers, AR 72756
Office: 479-878-2455

Fax: 479-631-6224
Kale.Farmer@craftontull.com
www.craftontull.com

Crafton, Tull & Associates, Inc. exists to anticipate and understand the needs of our clients and provide them with successful solutions.

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.



C. 9
Easement Vacation for Archer
(VAC 06-2289) Appeal
Page 29 of 56

JOHN G. WILLIAMS, FAIA, Emeritus Professor of Architecture, University of Arkansas
Doctor of Arts and Humane Letters, University of Arkansas

October 24, 2006

To: Jeremy Pate, Director of Current Planning, Fayetteville, Ar.
Jill Anthes, Chairperson, and members of the Planning Commission

This Letter is regarding a Condition of Approval for the Pratt Place PZD, October 23, 2006. This condition would require the location of Evangeline Lane be moved so that the intersection of Evangeline Lane and Markham Road be directly across from the intersection of Sang Avenue and Markham Road.

While this seems to be a good idea in studying the street map, when taken to the actual site, the proposed move would create some serious problems.

One: It would require extensive earth work and the removal of several large and beautiful trees including white and red oaks, hickory and dogwood trees. This would damage the special natural quality of the area that now exists with the present location of Evangeline Lane.

Two: By city permission there are fiber optic lines in this proposed location.

John

John G. Williams

RECEIVED

OCT 24 2006

PLANNING DIV.

KALE Easement
Chapman Tule
(Pop Julian Archer)

UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

479 878 2455

DATE:

9/12/06

UTILITY COMPANY:

Transportation Division

REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☒ Street right-of-way

I have been notified of the petition to vacate the following right-of-way, described as follows:

General location / Address: West end of Markham Road, west of Sang Avenue
(Legal description and sketch attached)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

Signature of Utility Company Representative

Title

Transportation Supt
Transportation Division
Operations Dept
City of Fayetteville

575 8227

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: _____

UTILITY COMPANY: SOLID WASTE - CITY OF FAYETTEVILLE

REQUESTED VACATION (*applicant must check all that apply*):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☒ Street right-of-way

I have been notified of the petition to vacate the following right-of-way, described as follows:

General location / Address: West end of Markham Road, west of Sang Avenue
(Legal description and sketch attached)

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above.
- ☒ No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

Solid waste services accounts and will need to retain
access to all existing and future dumpsters and recycling
containers on Markham

Brian Papp
Signature of Utility Company Representative

Waste Reduction Coordinator
Title

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 9-14-06UTILITY COMPANY: Fayetteville Water + Sewer

REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☒ Street right-of-way

I have been notified of the petition to vacate the following right-of-way, described as follows:

General location / Address: West end of Markham Road, west of Sang Avenue
(Legal description and sketch attached)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

[Signature]
Signature of Utility Company Representative

Title

Water + Sewer Ops Mgr

2006 FRI 07:06 AM

P. 02

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 9-15-06UTILITY COMPANY: OZARKS ELECTRIC

REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
☐ Alley
☒ Street right-of-way

I have been notified of the petition to vacate the following right-of-way, described as follows:

General location / Address: West end of Murkham Road, west of Sang Avenue
(Legal description and sketch attached)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
☐ No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

[Signature]
Signature of Utility Company Representative

Title

Lead Staking Tech

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 9/12/06

UTILITY COMPANY: AEP- SWEPCO

REQUESTED VACATION (*applicant must check all that apply*):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☒ Street right-of-way

I have been notified of the petition to vacate the following right-of-way, described as follows:

General location / Address: West end of Markham Road, west of Sang Avenue
(Legal description and sketch attached)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

Jim Sargent
Signature of Utility Company Representative
ENGINEER I
Title

UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONSDATE: 9-8-06UTILITY COMPANY: Cox COMMUNICATIONSREQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☒ Street right-of-way

I have been notified of the petition to vacate the following right-of-way, described as follows:

General location / Address: West end of Markham Road, west of Sang Avenue
(Legal description and sketch attached)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

[Signature]
Signature of Utility Company RepresentativePROJECT COORDINATOR
Title

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 9-12-06

UTILITY COMPANY: AT&T

REQUESTED VACATION (*applicant must check all that apply*):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☒ Street right-of-way

I have been notified of the petition to vacate the following right-of-way, described as follows:

General location / Address: West end of Markham Road, west of Sang Avenue
(Legal description and sketch attached)

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above.
- ☒ No objections to the vacation(s) described above, provided following described easements are retained. (~~State the location, dimensions, and purpose below.~~)

ACCEPTABLE EASEMENTS ARE GRANTED AND DEVELOPER IS
TO PAY FOR ANY RELOCATION OF EXISTING FACILITIES
WITHIN THE RIGHT OF WAY TO BE VACATED SHOULD
THIS BECOME NECESSARY

Susan K. Clouse
Signature of Utility Company Representative

ENGINEER - OSP DESIGN
Title

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 9-12-06

UTILITY COMPANY: ARKANSAS WESTERN GAS

REQUESTED VACATION (*applicant must check all that apply*):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☒ Street right-of-way

I have been notified of the petition to vacate the following right-of-way, described as follows:

General location / Address: West end of Markham Road, west of Sang Avenue
(Legal description and sketch attached)

UTILITY COMPANY COMMENTS:

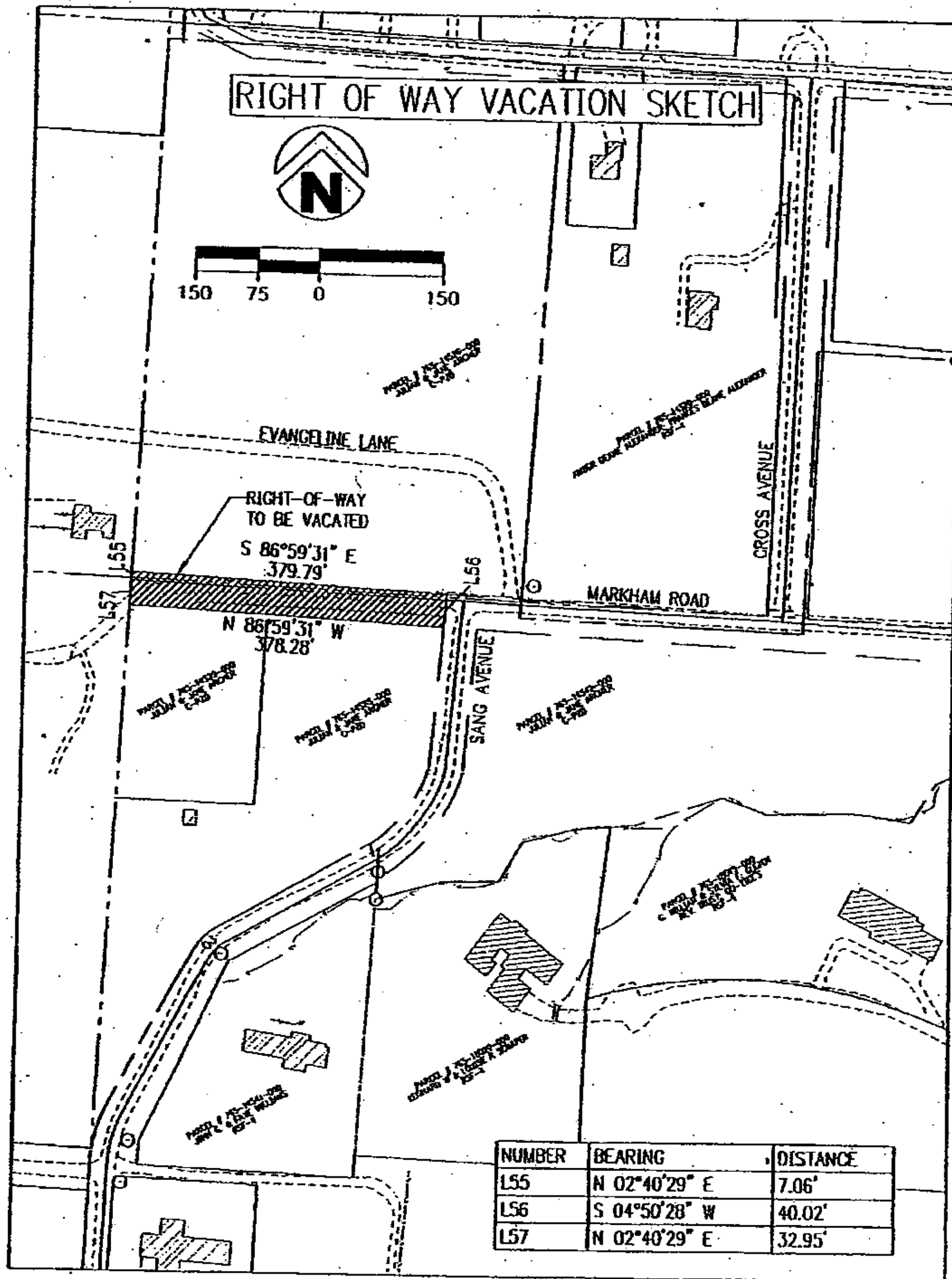
- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

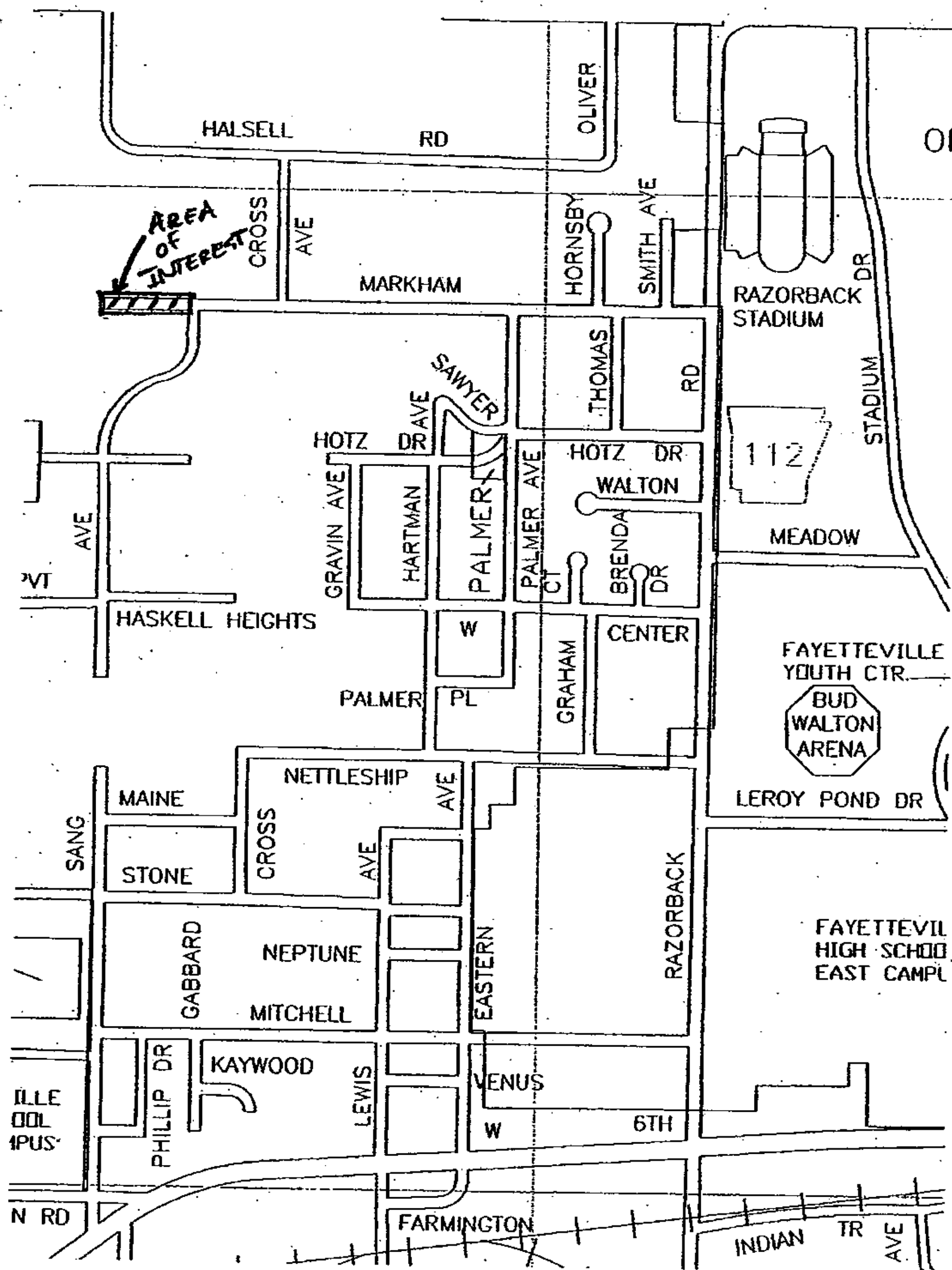


Signature of Utility Company Representative

NW REGIONAL MANAGER

Title





BILL OF ASSURANCE FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") Julian & Jane Archer, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

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

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

1. The use of Petitioner's property shall be limited to Use Unit 1: City Wide Uses by Right, Use Unit 3: Public Protection & Utility Facilities, Use Unit 8: Limited to only single homes, no manufactured homes or trailers, parks shall be allowed to be established on the property.
2. Other restrictions including number and type of structures upon the property are limited to Use Unit 7: Limited to only animal farms for show, breeding & training & farms with livestock & recreational use as a riding stable. No commercial concentrated animal feeding operations shall be established on the property.
3. Specific activities will not be allowed upon petitioner's property include Use Unit 6: Agriculture would not be allowed as part of this request.
4. (Any other terms or conditions) _____

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

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

Julian Archer

Jane Archer
Printed Name

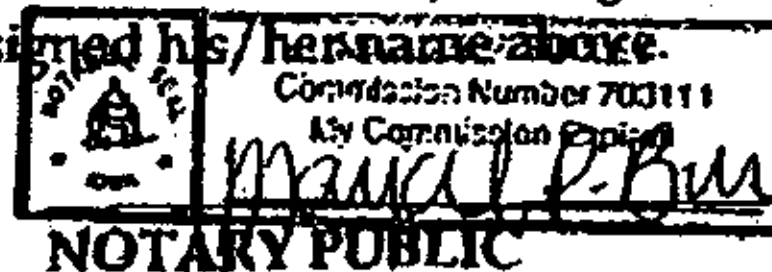
① Date April 29, '02
2115 Markham
Fayetteville, AR 72701.
② 402-29th Street
Address
Los Mochis, Ca. 50312

Julian Archer
Jane Archer
Signature

NOTARY OATH

STATE OF ARKANSAS
COUNTY OF WASHINGTON

And now on this the 29th day of April, 2002, appeared before me, Julian and Jane Archer and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.



My Commission Expires:
MAY 01, 2003

Building Safety - Structure at 2255 Markham, Fayetteville

Page 1

From: "James L. Burke" <jlb@jlb.net>
To: building_safety@ci.fayetteville.ar.us
Date: Tue, Sep 30, 2003 4:10 PM
Subject: Structure at 2255 Markham, Fayetteville

Dear Sirs:

I was employed to check this structure for a future wedding reception party of 300 people. I noticed a Permit Box at the site.

I quickly checked some aspects of the mezzanine floor capacity. The single 1/2" diameter bolt connecting the floor girder beams to the timber columns has a capacity of less than a residential (sleeping area) floor load. The bracing in this structure consists of open-link chain (I've never seen this before). The structure is very tall. I have concerns with the adequacy of the wind bracing system.

I have informed my Client to not have their party in this structure.

I highly recommend that the City thoroughly check this structure based on the intended use of the building.

Based on what I observed during my 45 minutes at the site, and based on the responsibilities of my engineering license, I feel I must inform you of this situation.

Sincerely,

James L. Burke, PE
STRUCTURAL ENGINEERING
479-582-4306

10/22/03 Called MR ARCHER this morning to Ask about
(CFO and Final inspection). He said still working on Plansong &
he will call for Final when finished.

I read this mail to MR Archer. He says he didn't know
it would be 300 people and it wasn't until next day. I reviewed
the application with him and it's ^(USE) OK. Also that it would be
A ^{HAZARD} and a violation to use this as any other than a
Have been - SFR and if he wanted other use he should make
application.

He thanked me for the call

Jim

FAYETTEVILLE

The City of Fayetteville, Arkansas

BUILDING SAFETY DIVISION

C. 9
Easement Vacation for Archer
(VAC 06-2289) Appeal
Page 43 of 56

VIOLATION NOTICE

RE: OFFICIAL NOTICE OF A CITY ORDINANCE

TO: Julian Archer
2115 W Markham Rd.
Fayetteville, AR 72701

The undersigned, being an employee of the City of Fayetteville, Washington County, Arkansas, upon his oath disposes and says that on [REDACTED] at 2255 W Markham Rd. conditions, as set out below, exist which are contrary to the current City regulations such as:

Code Violation:	Description:
§ 110 of the Building Code	Occupancy without a Certificate of Occupancy. Current approval is for a residential barn. Structure is being used as Assembly Occupancy.

The Above Violations may be corrected in the following manner:

Obtain permits to alter the space to meet the code requirements for use as an Assembly Occupancy.

NOTE: Penalties may be up to \$250 per day (§153.10) and other penalties may apply.
An appeal may be requested. (§153.09)

You are hereby notified, as provided in §153.04 of the City of Fayetteville Code of Ordinances, that the above described violation(s) exist(s) and must be corrected. Should said violation continue to exist on or after October 15th, 2005 the City of Fayetteville will proceed with further lawful action.

Verification of timely correction may be made contacting the Building Safety Office, 113 W. Mountain, Fayetteville, AR, 72701 or by calling 479-575-8233,


Steve Cattaneo, Building Safety Director

[REDACTED]



The City of Fayetteville, Arkansas

BUILDING SAFETY DIVISION

September 9, 2005

Steve Cattaneo, MCP
Building Safety Director
City of Fayetteville
113 W. Mountain St.
Fayetteville, AR 72701

Julian Archer
2115 Markham Rd.
Fayetteville, AR 72701

Mr. Archer:

Our office has been notified that the Chancellors Reception will be held tonight in your barn. As you may recall, this structure was constructed and approved for use as a private agricultural building (barn) and was not intended to be used for assembly purposes.

Our primary concern is for the safety of those attending this function. For their safety, please do not allow the use of the balcony areas since they were not designed for this use and may collapse under load.

We will be in contact with you concerning this matter.

Thank you,

A handwritten signature in black ink, appearing to read "Steve Cattaneo", is written over a horizontal line.

Steve Cattaneo

City of Fayetteville
113 West Mountain
Fayetteville, AR 72701
(479)521-7700 Fax (479)575-8318

C. 9
Easement Vacation for Archer
Service Request Detail
Page 45 of 56

Report Date 09/14/2005 05:23 PM

Submitted By

Page 1

Service # 28172
Problem BD006 NO CERTIFICATE OF OCCUPANCY
Address 2255 W MARKHAM RD
O
FAYETTEVILLE AR 72701-

Call Date 09/09/2005 17:17

Taken By 816 CATTANEO, STEVEN M.

Source CALLIN

☐ Customer Contact Requested

Service Request Progress

Schedule (Inspected)

Inspect Inspected from 09/09/2005 05:23 PM to 09/09/2005 05:23 PM by 816 STEVEN CATTANEO.

Resolve Unresolved with no due date.

Priority

Responsibility BD BUILDING SAFETY

Project

Budget #

Duration of Call 00:00

of Calls 1

Location

Area

District

Parcel

Template Type

Asset

Sub-Area

Map #

A/P #

Primary Caller

Name

First,MI

Address

Title

City

State/Province

Country

E-Mail

Day Phone

Call Date 09/09/2005 17:17

Comments

ZIP/PC

☐ Foreign Reference #

Evening Phone

Taken By 816

Reports that the U OF A is hosting Chancellors Reception in barn.

There are no additional callers for this service number

Comments

Verified with U of A that they were having reception at Mr. Archers Barn. Faxed a copy of a fax I had recieved from a concerned engineer about the structural integrity of the building to Marsha Overby at U of A. Also tried to call (no success) Mr. Archer. I faxed a letter to Ms. Overby and to Mr. Archer requesting that, for the safety of the attendees, that persons not be allowed on the balconies. 9/9/05

9/13/5 Spoke with Mr. Archer, he says that they didn't allow persons on the balconies.

9/14/5 Mailed Violation notice to Mr. Archer at both his Fayetteville and Des Moines addresses..SMC

Resolution

Code

Code

Employee ID Scheduled Start Scheduled End Work Description

resources scheduled.

Equipment ID Scheduled Start Scheduled End Work Description

resources scheduled.

WEDDINGS



Lowell-Favorite

Taylor L. Favorite and Benjamin J. Lowell, both of Oklahoma City, Okla., were married at 6 p.m. May 7, 2005, at the Pratt Place Barn in Fayetteville. Lance Humphreys officiated.

The bride is the daughter of Julie and Randy Favorite of Rogers.

The groom is the son of Becky and Steve Lowell of Oklahoma City.

The bride wore a strapless sheath gown of imported ivory mikado, with a banded high waist and fitted bodice. Covered buttons accented the back and ended at a bow that topped the trumpet skirt that flowed to a chapel-length train.

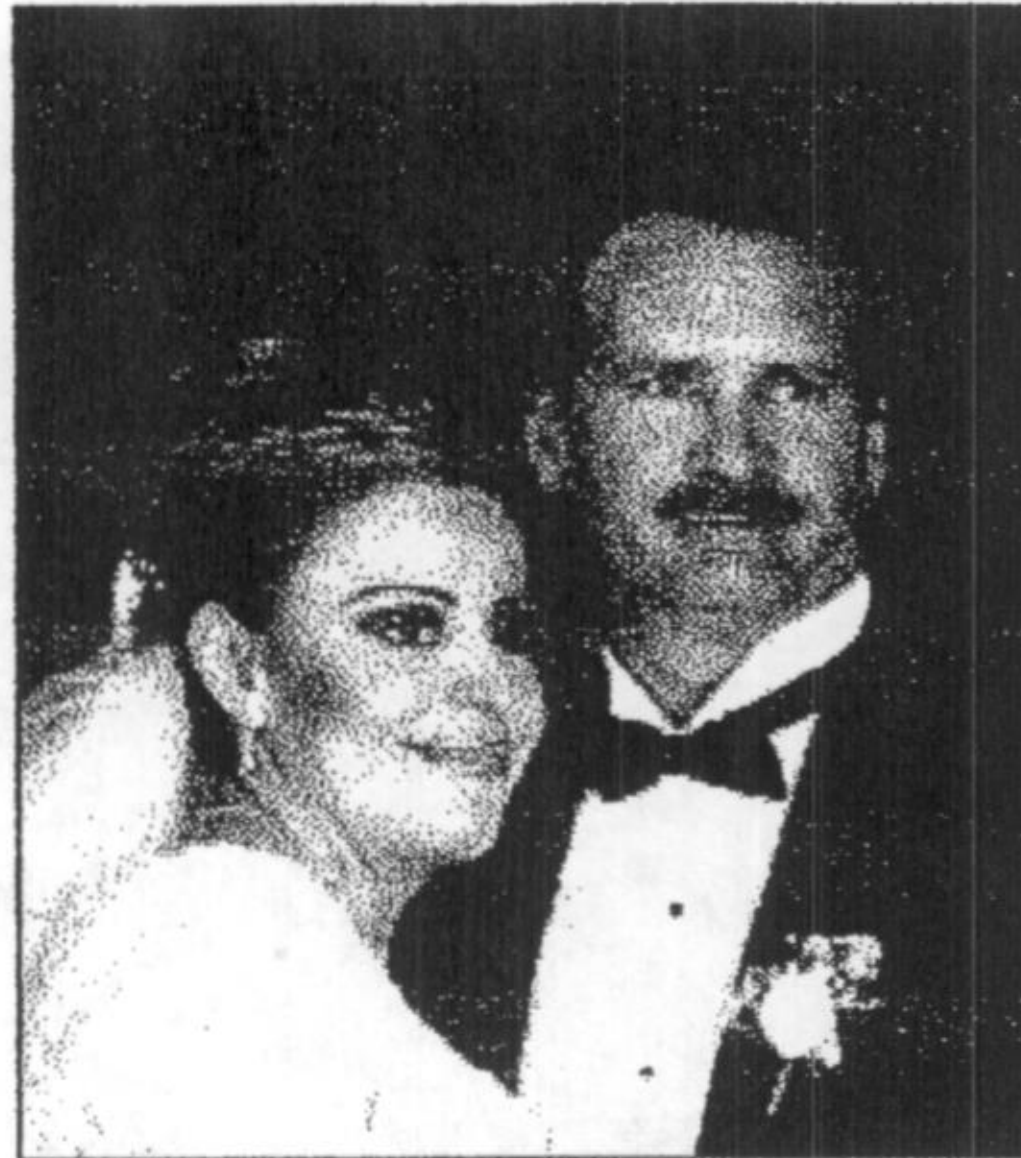
Sydney Favorite of Lowell served her sister as maid of honor. Bridesmaids were Olivia Bunch of Waburn, Mass., and Whitney Fox, Andi Garrison and Mindy Shaw, all of Fayetteville.

Brian Smith of Dallas, Texas, the groom's brother-in-law, and Kirt Garnett of Oklahoma City served as best men. Groomsmen were Sheriff Shalaby of New York, N.Y., Ryan McMasters and Ryan Coe, both of Oklahoma City.

Ethan Favorite served as ring bearer.

A reception followed the ceremony.

After a wedding trip to Cabo San Lucas, Mexico, the couple lives in Oklahoma City.



Lindstrom-Morales

Irma Dolores Morales and Michael E. Lindstrom, both of Fayetteville, were married at 7:30 p.m. June 11, 2005, at Durango, Mexico. The Rev. Salvador Medina officiated.

The bride is the daughter of Basilisa Favela and Jose Antonio Morales, both of Durango.

The groom is the son of Murray Lindstrom and Irma Buckbee, both of Sidney, N.Y. He is the grandson of the late Raymond Page and the late Marjorie Page.

A reception was held at the Hotel Gobernador in Durango.

The couple lives in Fayetteville. The bride is employed by Tyson Foods in Fayetteville, and the groom is a production supervisor for Tyson Foods in Fayetteville.

SEE
Arkansas
FIRST!

See for yourself...
A world of fun
is waiting for
you!

For a free Vacation
Planning Kit,
visit arkansas.com
or call 1-800-NATURAL

IVERSARIES



Lavy 50th

Mrs. Terry Lavy of Lowell celebrated her 50th wedding anniversary recently. Lavy and her husband, Greg, of Conway, and their three children, Tamala Sue Lavy and wife, Kellie, and Tara Lynn Lavy and husband, Bryan, all of Fayetteville, are celebrating with her.



Luttrell 50th

Mr. and Mrs. Harvey D. Luttrell of Fayetteville are celebrating their 50th wedding anniversary with a reception from 2 to 4 p.m. July 10, 2005, at Wiggins Memorial United Methodist Church in Fayetteville. Luttrell and Mildred M. Beauchamp were married July 8, 1955, by the Rev. Hart in Rogers. They have three children, Ronald Luttrell, Robert Luttrell and wife, Lona, and Sharon Luttrell and husband, Billy Caldwell, all of Fayetteville. They have six grandchildren and two great-grandchildren.



McDonald-Ramsey

Amanda Louise McDonald and Alan Russell Ramsey, both of Springdale, plan to marry at 7 p.m. Aug. 6, 2005, at First Presbyterian Church in Springdale.

McDonald is the daughter of Robin and Kevin McDonald of Springdale. She is the granddaughter of Doyleene and Robert Fuqua of Bentonville and Shirley and Donnie McDonald of Lowell.

She is an event supervisor for The Event Group in Fayetteville. She is a student at the University of Arkansas in Fayetteville, studying hospitality and restaurant management, and is a 2004 graduate of Springdale High School.

Ramsey is the son of Shanna and Ricky Crum of Springdale. He is the grandson of Velta and Bill Bertschy of Springdale and Jalene and Harold Ramsey of Prairie Grove. He is employed by Crum & Marshall.



Montfort-McAfee

Jamie Marie Montfort of Denton, Texas, and Travis Scott McAfee of Springdale plan to marry at 7 p.m. July 30, 2005, at Immaculate Conception Catholic Church in Denton. Montfort is the daughter of Cathy and Jim Montfort of Denton. She is the granddaughter of Rosemary Wilson of Richardson, Texas, and late Jim Montfort.

In August, she begins work as an accountant with Tyson Foods in Springdale. McAfee is a 2005 graduate of St. Gregory University in Shawnee, Okla., with a bachelor's degree in accounting, and a 2001 graduate of Little Rock School in Denton.

McAfee is the son of Sherry and Scott of Springdale. He is the grandson of McAfee of Maui, Hawaii, and McAfee of City, Calif., Janis Hill of Cathedral City and the late Daryl Hill. He is a youth ministry coordinator.



[2005 weddings](#) | [portfolio](#) | [info](#) | [contact](#) | [home](#)



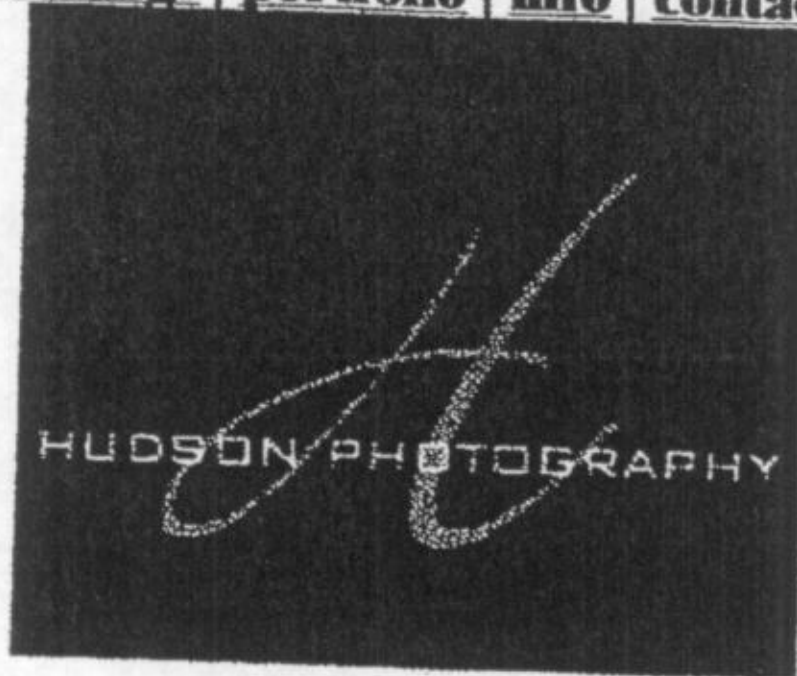
Melissa and Sam were married at the Pratt Place Barn
in Fayetteville, Arkansas on December 3, 2005.

A reception followed at the same location.
Cake was from Rick's Bakery.

Photography by Jason Hudson



[2006 weddings](#) | [portfolio](#) | [info](#) | [contact](#) | [home](#)

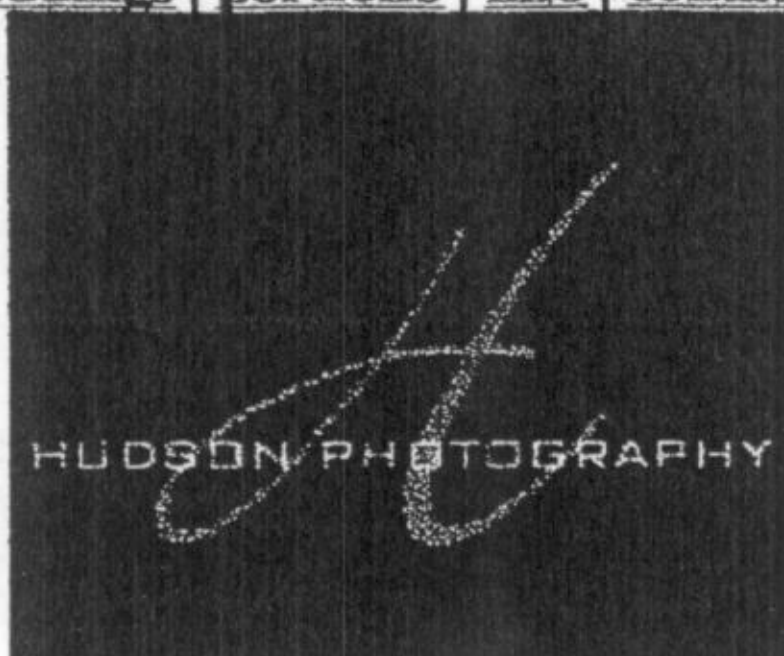


Leigh and Kevin were married on Saturday, February 11, 2006,
at the Pratt Place Dam in Fayetteville, Arkansas.

They had a great reception at the same location.

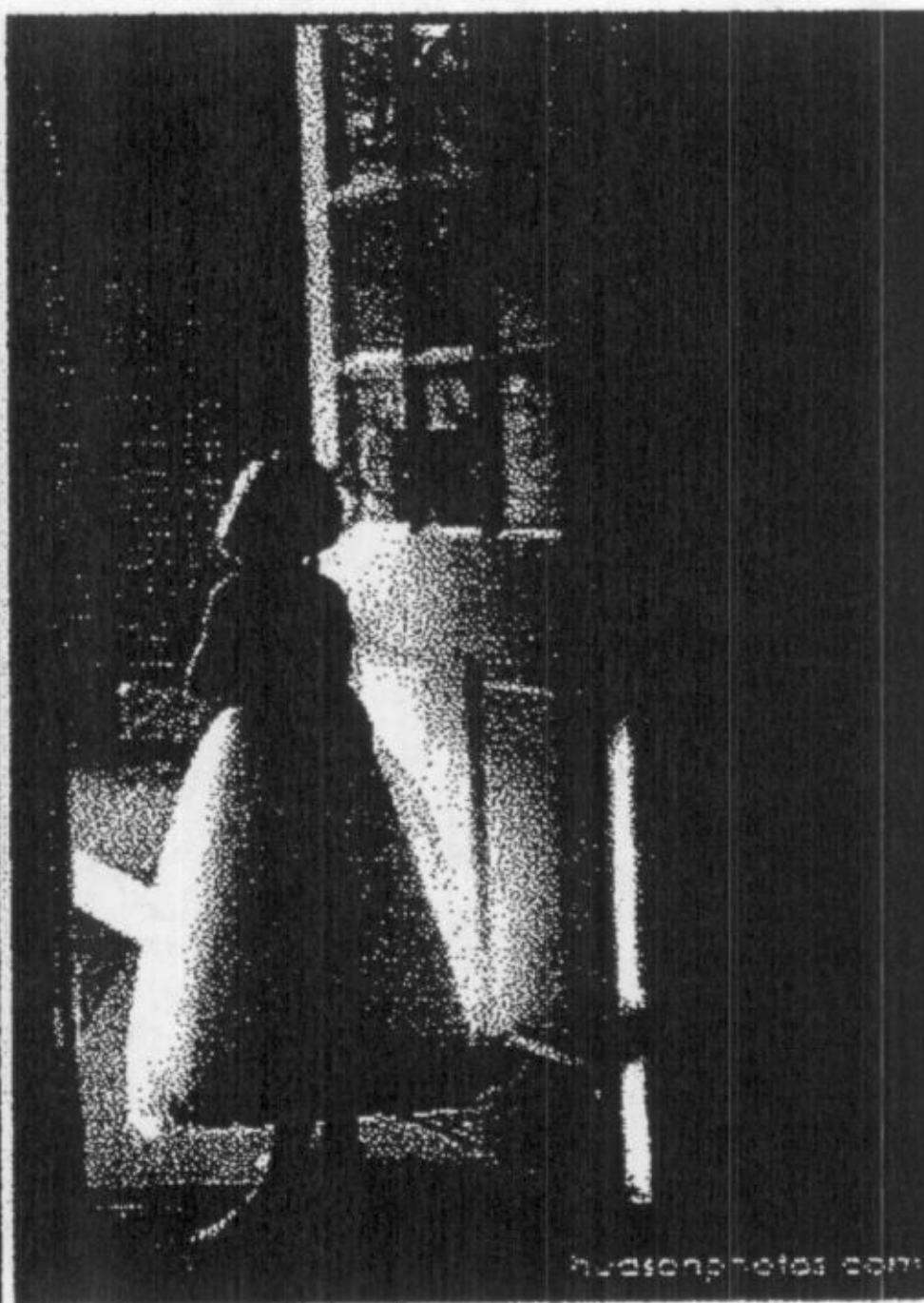


[2006 weddings](#) | [portfolio](#) | [info](#) | [contact](#) | [home](#)



Central United Methodist Church in Fayetteville, Arkansas, was the setting for Shelly and Jeff's wedding on Saturday, February 25, 2006.

A reception followed at the Pratt Place Barn.





Sunday, November 12, 2006 | Weather: M/SUNNY 55 F

[Classifieds](#) | [Jobs](#) | [Obits](#) | [Business Directory](#) |

Search

Search

Browse by date Sun, Nov 12, 2006 in ADG-NW

Homepage

Replica Edition

News

Northwest Arkansas

NWA Crime Report

US & World News

Gridlock Guru

Sports

ADG Sports

WholeHogSports

Northwest Outdoors

Business

Business

Business Matters

Opinion

Opinion

Sunday Perspective

Style

Style

Family

HomeStyle

Food

MovieStyle

What's Up!

MORE

Northwest Profiles

Religion

Travel

Books

Wal-Mart Coverage

ANNOUNCEMENTS

Obituaries

Arkansas Democrat Gazette

NORTHWEST ARKANSAS EDITION

Pardners raise sizzling sum for Rebuilding Together

— Cyd King

Posted on Sunday, August 27, 2006

[Email this story](#) | [Printer-friendly version](#)

FAYETTEVILLE — A little

sweat never hurt anybody,

Dick Trammel said to a

panting crowd of 300 or so guests and volunteers at the Aug. 19 **Diamonds, Denim and Dice**, the first large-scale fundraiser for Rebuilding Together of Northwest Arkansas. "Don't worry about sweating. Cowboys sweat," Trammel said with a laugh. The party was held at **Pratt Place Barn** at Sassafras Hill, a rustic, but regal structure on a picturesque patch of land at the end of Markham Road. The barn was the perfect place for such a casual affair, even if it was surface-of-the-sun hot and humid to boot.

Guests entered through a white tent and joined a buffet line that included smoked ribs, chicken and pork, plus miscellaneous fare from participating restaurants and caterers, such as A Fare to Remember, Panera Bread and Susan's restaurant. Wine from Altus-based Post Familie Vineyard and beer were also served. Dinner music was by an acoustic duo, Flip and Kelly.

Once inside the barn, partygoers tried their hands at casino games including blackjack and roulette. At sunset, Trammel led a live auction that included a 14-karat white gold necklace with diamonds

Weddings, Engagements, Anniversaries
Births
Tools & Information
Contact Us
Place a Classified Ad
Subscribe to the Print Edition
Web (RSS) Feeds 
Print and Web Advertising Rates
Newspapers in Education (NiE)
Special Sections
Wal-Mart Coverage
NWA Churches
Visit Eureka Springs
Real Estate
Hungry?
ADVERTISING

all the way around it. The piece, donated by Perry's Fine Jewelry and Gifts, went to Debbie Pianalto for \$ 5, 500. Pianalto also paid \$ 2, 000 for a Western playhouse donated by The Cabins at Big Springs. All told, the auction brought in nearly \$ 10, 000.

With the business of the evening over, guests spent the rest of the night dancing to the music of Tulsa's Mary Cogan Band.

Organizer Donna Hamilton with Image Builders said the party was expected to net around \$ 50, 000 — a healthy sum for a first-time fundraiser. Diamonds, Denim and Dice Chairman Lynn Markel had said the purpose of the event was to create awareness for Rebuilding Together, whose programs help low-income disabled and elderly homeowners with repairs they can't afford. Diamonds, Denim and Dice Aug. 19 WHAT: A fundraiser for Rebuilding Together of Northwest Arkansas WHERE: Pratt Place Barn on Sassafras Hill, Fayetteville THE LOOT: About \$ 50, 000 CHAIRMAN: Lynn Markel

FEEDBACK:

Something to say about this topic? [Submit a Letter to the Editor online](#)

Copyright © 2001-2006 Arkansas Democrat-Gazette, Inc. All rights reserved.
[Contact Us](#)

CITY OF FAYETTEVILLE
BUILDING SAFETY DIVISION
575-8233 FAX: 575-8316

C. 9
Easement Vacation for Archer
(VAC 06-2289) Appeal
Page 53 of 56

CERTIFICATE OF OCCUPANCY
AUDITORIUM

A/P #: 21462

DATE ISSUED: 8/15/06

ADDRESS: 2255 W MARKHAM RD, FAYETTEVILLE, AR 72701-

APPLICANT:

ARCHER JULIAN
2115 MARKHAM ROAD
FAYETTEVILLE, AR 72701
(479)582-5443 x

OWNER:

SAME

USE GROUP *A-3*

AREA *3960 ground + 2160 Balcony = 6120 SF*

CONST TYPE *VB*

DESCRIPTION OF WORK:

install second set of stairs, raise guardrail to 42", install handrails, *SPRINKLER system*

This Certificate of Occupancy is issued pursuant to the requirements of the Arkansas Fire Prevention Code as amended by City Ordinances. Issuance of a Certificate of Occupancy shall not be construed as an approval of a violation of the provisions of this Code or of other Ordinances of the jurisdiction.



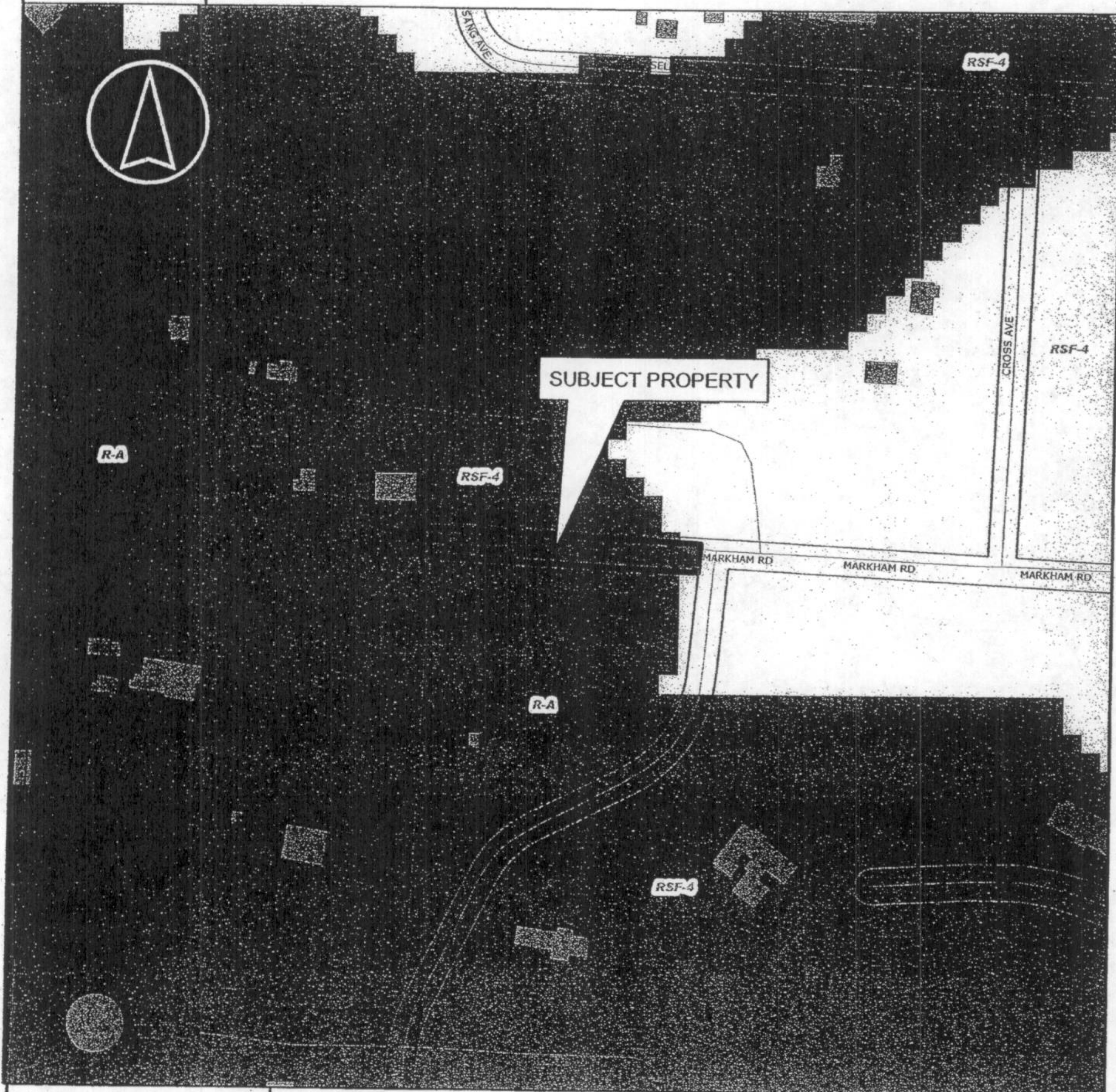
APPROVED BY THE BUILDING OFFICIAL

8/15/06
DATE

VAC06-2289

Close Up View

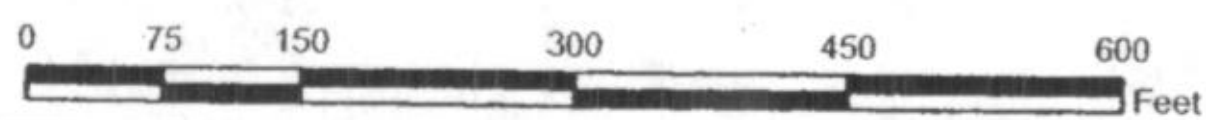
ARCHER



Overview

Legend

- Overlay District
- FLOODWAY
- 100 YEAR
- 500 YEAR
- LIMIT OF STUDY
- - - BaseLine Profile
- Fayetteville
- Outside City
- VAC06-2289
- vector.GDB.Footprint_2004
- Hillside-Hilltop Overlay District



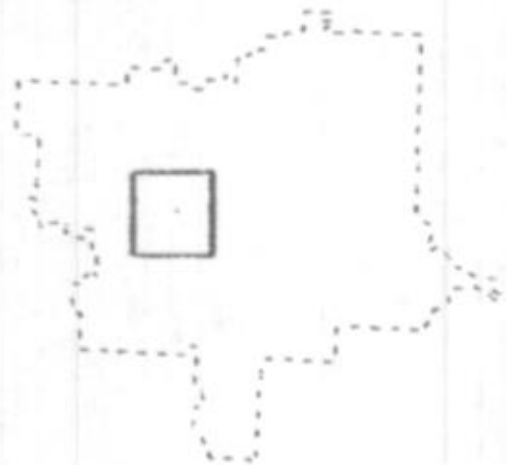
VAC06-2289

One Mile View

ARCHER



Overview



Legend

Subject Property

VAC06-2289

Boundary

Planning Area

Overlay District

Outside City

Legend

Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

