

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy 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
February 6, 2007**

A meeting of the Fayetteville City Council will be held on February 6, 2007 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**

Airport Report to the City Council

Housing Authority Board Appointment

A. CONSENT:

- 1. Approval of the January 16, 2007 City Council meeting minutes.**

APPROVED.

- 2. Elm Springs Animal Sheltering Services:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Elm Springs, Arkansas to provide animal sheltering services to the City of Elm Springs for 2007 -2009.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 07-07.

- 3. Farmington Animal Sheltering Services:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Farmington, Arkansas to provide animal sheltering services to the City of Farmington for 2007.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 08-07.

4. **Goshen Animal Sheltering Services:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Goshen, Arkansas to provide animal sheltering services to the City of Goshen for 2007.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 09-07.

5. **Greenland Animal Sheltering Services:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Greenland, Arkansas to provide animal sheltering services to the City of Greenland for 2007.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 10-07.

6. **Washington County Animal Sheltering Services:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and Washington County, Arkansas to provide animal sheltering services to Washington County for 2007.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 11-07.

7. **Winslow Animal Sheltering Services:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Winslow, Arkansas to provide animal sheltering services to the City of Winslow for 2007.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 12-07.

8. **ESRI, Inc:** A resolution approving a purchase request in the amount of \$32,142.39 with ESRI, Inc. for Geographic Information System (GIS) software maintenance and upgrades.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 13-07.

9. **Hansen Technology, Inc:** A resolution approving a purchase request to Hansen Technology, Inc. in the amount of \$55,725.00 for software service and maintenance fees.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 14-07.

10. **Dynamic Information Solutions Company, Inc:** A resolution approving an annual service and maintenance agreement in the amount of \$36,291.00 with Dynamic Information Solutions Company, Inc.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 15-07.

11. **Van Scoyoc Associates Memorandum of Agreement:** A resolution approving a memorandum of agreement with Van Scoyoc Associates in the amount of \$84,000.00 to provide lobbying services to the City of Fayetteville.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 16-07.

12. **Thyssen Krupp Elevator Contract:** A resolution to approve a contract with Thyssen Krupp Elevator Company in the amount of \$53,000.00 with a project contingency of \$5,300.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 17-07.

- 13. Scull Creek Trail Lighting:** A resolution awarding Bid # 07-01 and approving the purchase of light fixtures and poles from Illuminetrics, authorized agents for Dynamic Lighting and W.J. Whatley in the amount of \$42,840.00 for Scull Creek Trail; and approving a budget adjustment in the amount of \$215,034.00 to re-budget 2006 project budget.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 18-07.

- 14. Wachter Electric:** A resolution awarding Bid # 07-02 and approving a contract with Wachter Electric in the amount of \$52,568.00 for the installation of lighting at the Walker Park basketball and tennis courts; approving a 15% project contingency in the amount of \$7,885.00; and approving a budget adjustment in the amount of \$10,900.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 19-07.

- 15. Outdoor Recreation Grant Acceptance:** A resolution authorizing the Parks and Recreation Division to accept an Arkansas Parks and Tourism Outdoor Recreation 50/50 grant in the amount of \$100,000.00 for improvements to Sweetbriar Park, Bryce Davis Park and Gulley Park; and approving a budget adjustment recognizing the grant revenue.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 20-07.

- 16. Seven Hills Homeless Shelter, Inc:** A resolution to authorize Mayor Coody to sign a Leasehold Mortgage and Security Agreement for Fayetteville as a landlord so that Seven Hills Homeless Shelter, Inc. can borrow \$200,000.00 from Regions Bank.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 21-07.

- 17. Southern Company NLR, Inc.:** A resolution approving Change Order # 1 to the contract with Southern Company NLR, Inc. in the amount of \$17,002.00 to add insulation and a heater to the Biodiesel Fuel Tank Project; approving a project contingency in the amount of \$11,600.00; and approving a budget adjustment in the amount of \$28,602.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 22-07.

B. UNFINISHED BUSINESS:

- 1. Farmington Annexation Public Hearing Date:** A resolution setting a public hearing date regarding the City of Farmington's desire to annex certain territory currently in the city limits of Fayetteville.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 23-07.

C. NEW BUSINESS:

- 1. R-PZD 06-2196 West Fork Place Appeal:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-2196, West Fork Place, located at the end of Ray Avenue, south of Huntsville Road; containing approximately 13.92 acres; amending

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

THIS ITEM WAS TABLED TO THE MARCH 6, 2007 CITY COUNCIL MEETING.

2. **Pebble Creek Flats Appeal:** An appeal of LSD 07-2414: Large Scale Development (Pebble Creek Flats, 598): Submitted by N. Arthur Scott for property located at the Intersection of 18th Street and Custer Lane.

THIS ITEM WAS TABLED TO THE FEBRUARY 20, 2007 CITY COUNCIL MEETING.

3. **VAC 06-2204 Bungalows at Cato Springs:** An ordinance approving VAC 06-2204 submitted by McClelland Consulting Engineers for property located north of Cato Springs Road, west of Cline Avenue to vacate an access easement (0.35 acres) and drainage channel access easement (0.03 acres) on the property.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4977.

4. **VAC 06-2365 Popeye's Chicken & Biscuits:** An ordinance approving VAC 06-2365 submitted by Mel Milholland for property located between Old Farmington Road and 6th Street, east of 2190 west 6th Street, vacating a 50' street easement on a portion of Sang Avenue, containing 0.167 acres.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4978.

5. **VAC 06-2400 Bellafont II:** An ordinance approving VAC 06-2400 submitted by H2 Engineering for property located at the southwest corner of the Bellafont Development, north of Joyce Boulevard and west of Vantage Drive to vacate a portion of a utility easement.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4979.

6. **RZN 06-2399 West Side Annexation C-1:** An ordinance rezoning that property described in rezoning petition RZN 06-2399, for approximately 3.93 acres, located at the southwest and southeast corners of Hwy. 16 and Harmon Road from R-A, Residential Agricultural, to C-1, Neighborhood Commercial.

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

7. **RZN 06-2399 West Side Annexation P-1:** An ordinance rezoning that property described in rezoning petition RZN 06-2399, for approximately 39.62 acres, located at the northwest corner of Hwy. 16 and Harmon Road from R-A, Residential Agricultural, to P-1, institutional.

THIS ITEM WAS TABLED INDEFINITELY.

8. **RZN 06-2399 West Side Annexation RSF-1:** An ordinance rezoning that property described in rezoning petition RZN 06-2399, for approximately 232.06 acres, located at Hwy. 16 and Rocky Ridge Road Lane, Forest Hills Drive and along Harmon Road south from R-A, Residential Agricultural, to RSF-1, Residential Single Family, 1 unit per acre.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4980.

- 9. RZN 06-2399 West Side Annexation RSF-4:** An ordinance rezoning that property described in rezoning petition RZN 06-2399, for approximately 17.63 acres, located at the southeast corner of Hwy. 16 and Harmon Road from R-A, Residential Agricultural, to RSF-4, Residential Single Family, 4 units per acre.

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

- 10. ADM 06-2379; Amend Chapter 176 Outdoor Lighting:** An ordinance amending Chapter 176: Outdoor Lighting, Unified Development Code of the Fayetteville Code of Ordinances.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4981.

- 11. Ten Foot No Build Easement:** A resolution to convey a ten foot no build easement around a proposed building by Ed Bradberry above the ten foot alley at the Town Center Site.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 24-07.

- 12. AT&T Proposed Agreement:** A resolution to approve an agreement with AT&T Arkansas to allow it to offer internet protocol/cable TV type service in Fayetteville.

THIS ITEM WAS TABLED TO THE FEBRUARY 20, 2007 CITY COUNCIL MEETING.

- 13. Amend Chapter 159: Impact Fee Table of Charges:** An ordinance to amend Table A, Impact Fees in § 159.03(D)(1), § 159.04(D)(1) and § 159.05(D)(1) of the Unified Development Code to combine land use categories in Table A to match the Road Impact Fee Ordinance and the statutory definition of “development.”

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4982.

D. INFORMATIONAL:

City Council Tour: None

Meeting adjourned at 9:25 p.m.

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

7-0

Subject: Housing Authority Appointment					
Motion To:		Approve.			
Motion By:		Thiel			
Seconded:		Allen			
Approved Olivia Horn	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	Absent			
	Jordan	✓			
	Mayor Coody				

7-0

Subject: <i>Consent</i>					
Motion To:					
Motion By:		<i>Cook</i>			
Seconded:		<i>Gray</i>			
<i>Consent</i> <i>Approved</i> <i>Res. 07-07 to 22-07 Minutes approved</i>	Gray	<i>✓</i>			
	Thiel	<i>✓</i>			
	Cook	<i>✓</i>			
	Allen	<i>✓</i>			
	Rhoads	<i>✓</i>			
	Ferrell	<i>✓</i>			
	Lucas	<i>absent</i>			
	Jordan	<i>✓</i>			
	Mayor Coody				

7-0

Subject: <i>Farmington Annexation Public Hearing Date</i>					
Motion To:		<i>Amend to new resolution</i>	<i>Approve</i>		
Motion By:		<i>Cook</i>	<i>Cook</i>		
Seconded:		<i>Ferrell</i>	<i>Thiel</i>		
<i>B.I., Unfinished Business</i> <i>passed</i> <i>Res. 23-07</i>	Gray	<i>✓</i>	<i>✓</i>		
	Thiel	<i>✓</i>	<i>✓</i>		
	Cook	<i>✓</i>	<i>✓</i>		
	Allen	<i>✓</i>	<i>✓</i>		
	Rhoads	<i>✓</i>	<i>✓</i>		
	Ferrell	<i>✓</i>	<i>✓</i>		
	Lucas	<i>absent</i>	<i>absent</i>		
	Jordan	<i>✓</i>	<i>✓</i>		
	Mayor Coody				

7-0

7-0

City Council Meeting February 6, 2007

Subject: R-PZD 06-2196 West Fork Place Appeal					
Motion To:		Table to March 6, 2007			
Motion By:		Thiel			
Seconded:		Gray			
C.1. New Business Tabled to March 6, 2007	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	Absent			
	Jordan	✓			
	Mayor Coody				

7-0

Subject: Pebble Creek Flats Appeal					
Motion To:		Table to 2/20/07			
Motion By:		Allen			
Seconded:		Thiel			
C.2. New Business Tabled to 2/20/07	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	absent			
	Jordan	✓			
	Mayor Coody				

7-0

Subject:		VAC- 06-2204 Bungalows at Cato Springs			
Motion To:		2nd read	3rd read	Pass	
Motion By:		Thiel	Thiel		
Seconded:		Ferrell	Ferrell		
C.3. New Business <u>Passed</u> 4977	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	Absent	Absent	Absent	
	Jordan	✓	✓	✓	
	Mayor Coody				

7-0

7-0

7-0

Subject:		VAC 06-2365 Popper's Chicken & Biscuits			
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Ferrell	Ferrell		
Seconded:		Cook	Cook		
C.4. New Business <u>Passed</u> 4978	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	Absent	Absent	Absent	
	Jordan	✓	✓	✓	
	Mayor Coody				

7-0

7-0

7-0

City Council Meeting February 6, 2007

Subject: VAC 06-2400 - Bellafont II					
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Cook	Ferrell		
Seconded:		Ferrell	Cook		
C.5. New Business <u>passed</u> 4979	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	Absent	Absent	absent	
	Jordan	✓	✓	✓	
	Mayor Coody				
		7-0	7-0	7-0	

Subject: RZN 06 2399 West Side Annexation					
Motion To:		2nd Read			C-1
Motion By:		Ferrell			
Seconded:		Gray			
C.6. New Business Left on the Second Reading	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	Absent			
	Jordan	✓			
	Mayor Coody				
		7-0			

City Council Meeting February 6, 2007

Subject: RZN 06-2399 West Side Annexation P-1					
Motion To:		Table Index			
Motion By:		Thiel			
Seconded:		Allen			
C. 7. New Business <u>Tabled Indefinitely</u>	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	Absent			
	Jordan	✓			
	Mayor Coody				

Subject: RZN 06-2399 West Side Annexation					
Motion To:		2nd read	3rd read	Pass	RSF-1
Motion By:		Cook	Cook		
Seconded:		Thiel	Gray		
C. 8. New Business <u>Passed</u>	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	Absent	Absent	Absent	
	Jordan	✓	✓	✓	
4980	Mayor Coody				

7-0

7-0

7-0

Subject: R Z N 06-2399 West Side Annexation RSF4					
Motion To:		2nd Read			
Motion By:		Ferrell			
Seconded:		Thiel			
C.G. New Business Left on the Second Reading	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	Absent			
	Jordan	✓			
	Mayor Coody				

7-0

Outdoor Lighting

Subject: ADM 06-2379 Amend Chapter 176					
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Cook	Cook		
Seconded:		Thiel	Gray		
C.I.O. New Business Passed 4981	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	Absent	Absent	Absent	
	Jordan	✓	✓	✓	
	Mayor Coody				

7-0

7-0

Subject: Ten Foot No Build Easement					
Motion To:		Amend to Correct height		Pass	
Motion By:	Rhoads	Rhoads		Thiel	
Seconded:	Ferrell	Ferrell		Ferrell	
C. 11, Passed 24-07	Gray	✓		✓	
	Thiel	✓		✓	
	Cook	✓		✓	
	Allen	✓		✓	
	Rhoads	✓		✓	
	Ferrell	✓		✓	
	Lucas	absent		absent	
	Jordan	✓		✓	
	Mayor Coody				
7-0			7-0		

Subject: AT&T Proposed Agreement					
Motion To:		Table to 2/20/07			
Motion By:		Thiel			
Seconded:		Gray			
C. 12, New Business Tabled to 2/20/07	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	N			
	Ferrell	✓			
	Lucas	absent			
	Jordan	✓			
	Mayor Coody				

Subject: Amend Chapter 159; Impact Fee Table of Charges					
Motion To:		Amend from Mobile Home to manufactured Home			
Motion By:		Thiel			
Seconded:		Cook			
C.13. New Business	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	absent			
	Jordan	✓			
	Mayor Coody				

7-0

Subject: Amend Chapter 159; Impact Fee Table Table of Charges					
Motion To:		2nd Read	3rd read	Pass	Charges
Motion By:		Cook	Cook		
Seconded:		Thiel	Thiel		
C.13. New Business passed	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	absent	absent	absent	
	Jordan	✓	✓	✓	
4982	Mayor Coody				

7-0

7-0

7-0

Aldermen

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith



Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy 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
February 6, 2007**

A meeting of the Fayetteville City Council will be held on February 6, 2007 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

Airport Report to the City Council

Housing Authority Board Appointment

A. CONSENT:

- 1. Approval of the January 16, 2007 City Council meeting minutes.**
- 2. Elm Springs Animal Sheltering Services:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Elm Springs, Arkansas to provide animal sheltering services to the City of Elm Springs for 2007 -2009.
- 3. Farmington Animal Sheltering Services:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Farmington, Arkansas to provide animal sheltering services to the City of Farmington for 2007.
- 4. Goshen Animal Sheltering Services:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Goshen, Arkansas to provide animal sheltering services to the City of Goshen for 2007.
- 5. Greenland Animal Sheltering Services:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Greenland, Arkansas to provide animal sheltering services to the City of Greenland for 2007.

6. **Washington County Animal Sheltering Services:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and Washington County, Arkansas to provide animal sheltering services to Washington County for 2007.
7. **Winslow Animal Sheltering Services:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Winslow, Arkansas to provide animal sheltering services to the City of Winslow for 2007.
8. **ESRI, Inc:** A resolution approving a purchase request in the amount of \$32,142.39 with ESRI, Inc. for Geographic Information System (GIS) software maintenance and upgrades.
9. **Hansen Technology, Inc:** A resolution approving a purchase request to Hansen Technology, Inc. in the amount of \$55,725.00 for software service and maintenance fees.
10. **Dynamic Information Solutions Company, Inc:** A resolution approving an annual service and maintenance agreement in the amount of \$36,291.00 with Dynamic Information Solutions Company, Inc.
11. **Van Scoyoc Associates Memorandum of Agreement:** A resolution approving a memorandum of agreement with Van Scoyoc Associates in the amount of \$84,000.00 to provide lobbying services to the City of Fayetteville.
12. **Thyssen Krupp Elevator Contract:** A resolution to approve a contract with Thyssen Krupp Elevator Company in the amount of \$53,000.00 with a project contingency of \$5,300.00.
13. **Scull Creek Trail Lighting:** A resolution awarding bid #07-01 and approving the purchase of light fixtures and poles from Illuminetrics, authorized agents for Dynamic Lighting and W.J. Whatley in the amount of \$42,840.00 for Scull Creek Trail; and approving a budget adjustment in the amount of \$215,034.00 to re-budget 2006 project budget.
14. **Wachter Electric:** A resolution awarding Bid #07-02 and approving a contract with Wachter Electric in the amount of \$52,568.00 for the installation of lighting at the Walker Park basketball and tennis courts; approving a 15% project contingency in the amount of \$7,885.00; and approving a budget adjustment in the amount of \$10,900.00.
15. **Outdoor Recreation Grant Acceptance:** A resolution authorizing the Parks and Recreation Division to accept an Arkansas Parks and Tourism Outdoor Recreation 50/50 grant in the amount of \$100,000.00 for improvements to Sweetbriar Park, Bryce Davis Park and Gulley Park; and approving a budget adjustment recognizing the grant revenue.
16. **Seven Hills Homeless Shelter, Inc:** A resolution to authorize Mayor Coody to sign a Leasehold Mortgage and Security Agreement for Fayetteville as a landlord so that Seven Hills Homeless Shelter, Inc. can borrow \$200,000.00 from Regions Bank.

- 17. Southern Company NLR, Inc.:** A resolution approving Change Order #1 to the contract with Southern Company NLR, Inc. in the amount of \$17,002.00 to add insulation and a heater to the Biodiesel Fuel Tank Project; approving a project contingency in the amount of \$11,600.00; and approving a budget adjustment in the amount of \$28,602.00.

B. UNFINISHED BUSINESS:

- 1. Farmington Annexation Public Hearing Date:** A resolution setting a public hearing date regarding the City of Farmington's desire to annex certain territory currently in the city limits of Fayetteville.

C. NEW BUSINESS:

- 1. R-PZD 06-2196 West Fork Place Appeal:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-2196, West Fork Place, located at the end of Ray Avenue, south of Huntsville Road; containing approximately 13.92 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan.
- 2. Pebble Creek Flats Appeal:** An appeal of LSD 07-2414: Large Scale Development (Pebble Creek Flats, 598): Submitted by N. Arthur Scott for property located at the Intersection of 18th Street and Custer Lane.
- 3. VAC 06-2204 Bungalows at Cato Springs:** An ordinance approving VAC 06-2204 submitted by McClelland Consulting Engineers for property located north of Cato Springs Road, west of Cline Avenue to vacate an access easement (0.35 acres) and drainage channel access easement (0.03 acres) on the property.
- 4. VAC 06-2365 Popeye's Chicken & Biscuits:** An ordinance approving VAC 06-2365 submitted by Mel Milholland for property located between Old Farmington Road and 6th Street, east of 2190 west 6th Street, vacating a 50' street easement on a portion of Sang Avenue, containing 0.167 acres.
- 5. VAC 06-2400 Bellafont II:** An ordinance approving VAC 06-2400 submitted by H2 Engineering for property located at the southwest corner of the Bellafont Development, north of Joyce Boulevard and west of Vantage Drive to vacate a portion of a utility easement.
- 6. RZN 06-2399 West Side Annexation C-1:** An ordinance rezoning that property described in rezoning petition RZN 06-2399, for approximately 3.93 acres, located at the southwest and southeast corners of Hwy. 16 and Harmon Road from R-A, Residential Agricultural, to C-1, Neighborhood Commercial.
- 7. RZN 06-2399 West Side Annexation P-1:** An ordinance rezoning that property described in rezoning petition RZN 06-2399, for approximately 39.62 acres, located at the northwest corner of Hwy. 16 and Harmon Road from R-A, Residential Agricultural, to P-1, institutional.

8. **RZN 06-2399 West Side Annexation RSF-1:** An ordinance rezoning that property described in rezoning petition RZN 06-2399, for approximately 232.06 acres, located at Hwy. 16 and Rocky Ridge Road Lane, Forest Hills Drive and along Harmon Road south from R-A, Residential Agricultural, to RSF-1, Residential Single Family, 1 unit per acre.
9. **RZN 06-2399 West Side Annexation RSF-4:** An ordinance rezoning that property described in rezoning petition RZN 06-2399, for approximately 17.63 acres, located at the southeast corner of Hwy. 16 and Harmon Road from R-A, Residential Agricultural, to RSF-4, Residential Single Family, 4 units per acre.
10. **ADM 06-2379; Amend Chapter 176 Outdoor Lighting:** An ordinance amending Chapter 176: Outdoor Lighting, Unified Development Code of the Fayetteville Code of Ordinances.
11. **Ten Foot No Build Easement:** A resolution to convey a ten foot no build easement around a proposed building by Ed Bradberry above the ten foot alley at the Town Center Site.
12. **AT&T Proposed Agreement:** A resolution to approve an agreement with AT&T Arkansas to allow it to offer internet protocol/cable TV type service in Fayetteville.
13. **Amend Chapter 159: Impact Fee Table of Charges:** An ordinance to amend Table A, Impact Fees in §159.03(D)(1), §159.04(D)(1) and §159.05(D)(1) of the Unified Development Code to combine land use categories in Table A to match the Road Impact Fee Ordinance and the statutory definition of “development.”

D. INFORMATIONAL:

City Council Tour: None

FAYETTEVILLE HOUSING AUTHORITY

#1 North School Ave.

Fayetteville, AR 72701-5928

PH: (479) 521-3850 FAX: (479) 442-6771

E-MAIL: fayettevilleha@moregti.net

January 26, 2007

Mayor Dan Coody &
Fayetteville City Council Members
113 West Mountain St.
Fayetteville, AR 72701

Dear Mayor Coody & Fayetteville City Council Members:

This letter is to confirm that the Fayetteville Housing Authority's Board has elected a new commissioner at its January 19, 2007 Special Board Meeting.

The new Commissioner for the Fayetteville Housing Authority Board is Olivia Horn. Her term will begin on January 19, 2007 and end on December 28, 2009.

The Fayetteville Housing Authority Board requests that this newly elected commissioner (Olivia Horn) be placed on the next City Council Meeting Agenda to be formally confirmed by the municipality's governing body in accordance with the Arkansas State Statute #14-169-208.

If you have any questions, please feel free to call or e-mail.

Sincerely,

Fredia Sawin
Executive Director

RESOLUTION NO. _____

A RESOLUTION APPROVING A PURCHASE REQUEST IN THE AMOUNT OF \$32,142.39 WITH ESRI, INC. FOR GEOGRAPHIC INFORMATION SYSTEM (GIS) SOFTWARE MAINTENANCE AND UPGRADES.

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 Purchase Request in the amount of \$32,142.39 with ESRI, Inc. for Geographic Information System (GIS) software maintenance and upgrades.

PASSED and APPROVED this 6th day of February, 2007.

APPROVED:

ATTEST:

By:

DAN COODY, Mayor

By:

SONDRA SMITH, City Clerk/Treasurer

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #07-01 AND APPROVING THE PURCHASE OF LIGHT FIXTURES AND POLES FROM ILLUMINETRICS, AUTHORIZED AGENTS FOR DYNAMIC LIGHTING AND W. J. WHATLEY IN THE AMOUNT OF \$42,840.00 FOR SCULL CREEK TRAIL; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$215,034.00 TO RE-BUDGET 2006 PROJECT BUDGET.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #07-01 and approves the purchase of light fixtures and poles from Illuminetrics, authorized agents for Dynamic Lighting and W. J. Whatley in the amount of \$42,840.00 for Scull Creek Trail.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a Budget Adjustment in the amount of \$215,034.00 to re-budget 2006 Project Budget.

PASSED and APPROVED this 6th day of February, 2007.

APPROVED:

ATTEST:

By: _____
DAN GOODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE PARKS AND RECREATION DIVISION TO ACCEPT AN ARKANSAS PARKS AND TOURISM OUTDOOR RECREATION 50/50 GRANT IN THE AMOUNT OF \$100,000.00 FOR IMPROVEMENTS TO SWEETBRIAR PARK, BRYCE DAVIS PARK AND GULLEY PARK; AND APPROVING A BUDGET ADJUSTMENT RECOGNIZING THE GRANT REVENUE.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Parks and Recreation Division to accept an Arkansas Parks and Tourism Outdoor Recreation 50/50 Grant in the amount of \$100,000.00 for improvements to Sweetbriar Park, Bryce Davis Park and Gulley Park.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a Budget Adjustment recognizing the grant revenue.

PASSED and APPROVED this 6th day of February, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

2/6/07

City Council Meeting Date

Added at
Agenda Session
1/30/07
A. 17
Southern Company NLR, Inc.
Page 1 of 8

David Bragg

Submitted By

Fleet Operations

Division

Operations

Department

Action Required:

A resolution approving a change order to the contract for the fuel tank project in the amount of \$17,002; approving a 5% contingency of the original \$231,738 contract in the amount of \$11,600; and approving a budget adjustment in the amount of \$28,602.

\$28,602.00

Cost of this request

\$

276,638.00

Category/Project Budget

Fuel Storage Improvements

Program Category / Project Name

9700.1920.5802.00

Account Number

\$

251,963.00

Funds Used to Date

Vehicles and Equipment

Program / Project Category Name

02101.1

Project Number

\$

24,675.00

Remaining Balance

Shop Fund

Fund Name

Budgeted Item

X

Budget Adjustment Attached

X

Previous Ordinance or Resolution #

190-06

Original Contract Date:

11/21/2006

Original Contract Number:

#1063

Department Director

Date

City Attorney

Date

Mayor

Date

Received in City Clerk's Office

Received in Mayor's Office

Comments:



FLEET OPERATIONS

1525 S. Happy Hollow Road
Fayetteville, AR 72701

(479) 444-3495 FAX (479) 444-3425

A. 17
Southern Company NLR, Inc.
Page 2 of 8

Interdepartmental Correspondence

TO: MAYOR DAN COODY, CITY COUNCIL

THRU GARY DUMAS, DIRECTOR OF OPERATIONS 

FROM: DAVID BRAGG, FLEET OPERATIONS SUPERINTENDENT

DATE: JANUARY 24, 2007

SUBJECT: FUEL TANK PROJECT CHANGE ORDER

RECOMMENDATION: That City Council approve a change order to the contract for the fuel tank project in the amount of \$17,002; approve an additional 5% contingency of the original \$231,738 contract in the amount of \$11,600; and approve a budget adjustment for \$28,602.

BACKGROUND: This contract was awarded without a contingency. In a recent preconstruction meeting, our fuel farm contractor, The Southern Company, related recent problems experienced by Tyson Foods caused by cold temperature gelling of the biodiesel product. Through further investigation with biodiesel suppliers, users, and discussions with the contractor, the contractor and I agree that it is prudent to add insulation and a thermostatically controlled electric heater to the biodiesel tank sufficient to maintain a minimum product temperature of 40° F.

Addition of these features is very impractical and costly once the tank is manufactured and installed, so it is important to change the tank manufacturing order at this time if we anticipate ever needing them. The additional contract cost is \$17,002.

There was no contingency in the original contract resolution; therefore Fleet is also requesting a 5% contingency for the contract. An additional change order will be required for electrical wiring for the heater; however a firm quote has not been received at this time.

A budget adjustment is attached in the amount of \$28,602 to cover change order #1 and the 5% contingency.

RESOLUTION NO. _____

A RESOLUTION APPROVING CHANGE ORDER #1 TO THE CONTRACT WITH THE SOUTHERN COMPANY NLR, INC. IN THE AMOUNT OF \$17,002.00 TO ADD INSULATION AND A HEATER TO THE BIODIESEL FUEL TANK PROJECT; APPROVING A PROJECT CONTINGENCY IN THE AMOUNT OF \$11,600.00; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$28,602.00.

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 Change Order #1 to the contract with The Southern Company NLR, Inc. in the amount of \$17,002.00 to add insulation and a heater to the Biodiesel Fuel Tank Project. A copy of the Change Order, marked Exhibit "A" is attached hereto, and made a part hereof.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a project contingency in the amount of \$11,600.00.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby approves a Budget Adjustment in the amount of \$28,602.00.

PASSED and APPROVED this 6th day of February, 2007.

APPROVED:

ATTEST:

By:

DAN COODY, Mayor

By:

SONDRA SMITH, City Clerk/Treasurer

CHANGE ORDER

Order No. 1

Date: January 24, 2007

Agreement Date: January 24, 2007

NAME OF PROJECT: FLEET OPERATIONS FUEL TANKS & DISPENSING SYSTEM

OWNER: CITY OF FAYETTEVILLE

CONTRACTOR: THE SOUTHERN COMPANY NLR, INC.

The following changes are hereby made to the CONTRACT DOCUMENTS:

1. Add insulation and heater to biodiesel fuel tank Add cost of \$ 17,002.00 to contract.

Justification:

1. At request of Owner.

Change to CONTRACT PRICE:

Original CONTRACT PRICE: \$231,738.00

Current CONTRACT PRICE adjusted by previous CHANGE ORDERS: \$231,738.00

The CONTRACT PRICE due to this CHANGE ORDER will be (increased) (decreased) by: \$ 17,002.00

The new CONTRACT PRICE including this CHANGE ORDER will be: \$248,740.00

Change to CONTRACT TIME:

The CONTRACT TIME will be (increased) (decreased) by: 0 calendar days.

The date for completion of all work will be: April 30, 2007 (Date).

Approvals Required:

To be effective this Order must be approved by the Owner if it changes the scope or objective or the PROJECT, or as may otherwise be required by the GENERAL CONDITIONS.

Requested by: _____
The Southern Company NLR, Inc.

Date

Recommended by: _____
McClelland Consulting Engineers, Inc.

1/24/07
Date

Approved by: _____
City of Fayetteville
Dan Coody, Mayor

Date

CHANGE ORDER

Order No. 1

Date: January 24, 2007

Agreement Date: January 24, 2007

NAME OF PROJECT: FLEET OPERATIONS FUEL TANKS & DISPENSING SYSTEM

OWNER: CITY OF FAYETTEVILLE

CONTRACTOR: THE SOUTHERN COMPANY NLR, INC.

The following changes are hereby made to the CONTRACT DOCUMENTS:

1. Add insulation and heater to biodiesel fuel tank Add cost of \$ 17,002.00 to contract.

Justification:

1. At request of Owner.

Change to CONTRACT PRICE:

Original CONTRACT PRICE: \$231,738.00

Current CONTRACT PRICE adjusted by previous CHANGE ORDERS: \$231,738.00

The CONTRACT PRICE due to this CHANGE ORDER will be (increased) (decreased) by: \$ 17,002.00

The new CONTRACT PRICE including this CHANGE ORDER will be: \$248,740.00

Change to CONTRACT TIME:

The CONTRACT TIME will be (increased) (decreased) by: 0 calendar days.
The date for completion of all work will be: April 30, 2007 (Date).

Approvals Required:

To be effective this Order must be approved by the Owner if it changes the scope or objective or the PROJECT, or as may otherwise be required by the GENERAL CONDITIONS.

Requested by: The Southern Company NLR, Inc.

Date
1/24/07
Date

Recommended by: McClelland Consulting Engineers, Inc.

Approved by: City of Fayetteville
Dan Coody, Mayor

Date

CHANGE ORDER

Order No. 1

Date: January 24, 2007

Agreement Date: January 24, 2007

NAME OF PROJECT: FLEET OPERATIONS FUEL TANKS & DISPENSING SYSTEM

OWNER: CITY OF FAYETTEVILLE

CONTRACTOR: THE SOUTHERN COMPANY NLR, INC.

The following changes are hereby made to the CONTRACT DOCUMENTS:

1. Add insulation and heater to biodiesel fuel tank Add cost of \$ 17,002.00 to contract.

Justification:

1. At request of Owner.

Change to CONTRACT PRICE:

Original CONTRACT PRICE: \$231,738.00

Current CONTRACT PRICE adjusted by previous CHANGE ORDERS: \$231,738.00

The CONTRACT PRICE due to this CHANGE ORDER will be (increased) (decreased) by: \$ 17,002.00

The new CONTRACT PRICE including this CHANGE ORDER will be: \$248,740.00

Change to CONTRACT TIME:

The CONTRACT TIME will be (increased) (decreased) by: 0 calendar days.

The date for completion of all work will be: April 30, 2007 (Date).

Approvals Required:

To be effective this Order must be approved by the Owner if it changes the scope or objective or the PROJECT, or as may otherwise be required by the GENERAL CONDITIONS.

Requested by: _____
The Southern Company NLR, Inc.

Date

Recommended by: _____
McClelland Consulting Engineers, Inc.

1/24/07
Date

Approved by: _____
City of Fayetteville
Dan Coody, Mayor

Date

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

A. 17
Southern Company NLR, Inc.
Page 7 of 8

Budget Year 2007	Department: Operations Division: Fleet Operations Program: Capital Expenditures	Date Requested 2/6/2007	Adjustment Number
--------------------------------	--	---------------------------------------	--------------------------

Project or Item Added/Increased:

Increase the Fuel Storage Improvements - Replacement Project by \$28,602: which is \$17,002 to purchase insulation and a thermostatically controlled electric heater for the biodiesel tank; \$11,600 for a 5% contingency

Project or Item Deleted/Reduced:

None. Use of Shop Fund balance by \$28,602.

Justification of this Increase:

In recent meetings fuel farm contractor, The Southern Company, related problems of cold weather causing gelling of the biodiesel product for another user. It is very impractical and costly to add insulation and a heater after the tank is installed; it is important to change the tank manufacturing order if we ever anticipate needing these items. The contingency will cover additional wiring and anything else that comes up.

Justification of this Decrease:

There are sufficient reserves available for the purchase of these items and to meet City Policy and objectives.

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Fixed assets	9700	1920	5801	00	28,602	02101	1

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Use of fund balance	9700	0970	4999	99	28,602		

Approval Signatures

Barbara Olson 1-24-7
 Requested By Date

[Signature] 1-24-07
 Budget Manager Date

[Signature] 1-25-07
 Department Director Date

Paul A. Baker 1-29-07
 Finance & Internal Services Director Date

[Signature]
 Mayor Date

Budget Office Use Only

Type: A B C D E

Posted to General Ledger Initial Date

Posted to Project Accounting Initial Date

Entered in Category Log Initial Date

Added at Agenda Session
1/30/07



RECEIVED
JAN 29 2007
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

January 29, 2007

City of Fayetteville
Sondra Smith, City Clerk
113 West Mountain Street
Fayetteville, AR 72701

RE: Appeal of LSD 07-2414: Large Scale Development (Pebble Creek Flats, 598)

Dear Sondra,

I would like to appeal the Planning Commission's decision on January 22, 2007 regarding LSD 07-2414: Large Scale Development (Pebble Creek Flats, 598). I am appealing their decision due to concerned residents of the Red Arrow Neighborhood. I have received calls from neighbors that reside within the proposed large scale development and feel an appeal is warranted. Please present this appeal to the City Council at the February 6, 2007 City Council meeting.

Sincerely,

Alderman Lioneld Jordan
Alderman Lioneld Jordan
Ward 4

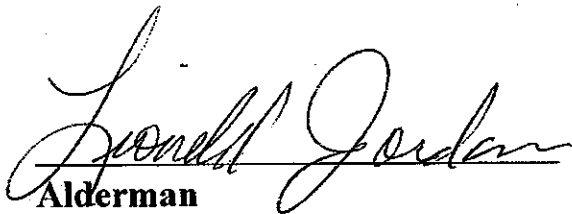
City of Fayetteville, Arkansas
City Council
113 West Mountain
Fayetteville, AR 72701

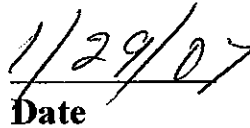
ALDERMAN APPEAL REQUEST FORM

COUNCIL MEETING OF: February 6, 2007

FROM: Alderman Lioneld Jordan

APPEAL TITLE AND SUBJECT: An appeal of LSD 07-2414: Large Scale Development (Pebble Creek Flats, 598): Submitted by N. Arthur Scott for property located at the Intersection of 18th Street and Custer Lane.


Alderman


Date

Alderman

Date

Alderman

Date

Alderman

Date



TENTATIVE AGENDA

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

AGENDA FOR A MEETING OF THE PLANNING COMMISSION

Monday, January 22, 2007, 5:30 p.m.
Room 219, City Administration Building

The following items will be considered:

Consent:

1. Approval of the October 09, 2006 Planning Commission meeting minutes.
2. **LSP 06-2404: Lot Split (SCHWARTZ, 454):** Submitted by BATES & ASSOCIATES for property located at 700 FOX HUNTER RD. The property is in the Planning Area and contains approximately 5.21 acres. The request is to divide the subject property into 3 tracts of 1.17, 3.04 and 1.00 acres.
Planner: Suzanne Morgan

Old Business:

3. **ADM 06-2380: (URBAN RESIDENTIAL DESIGN STANDARDS):** Submitted by Planning Staff amending the Unified Development to add design standards as criteria for approval, applicable to town homes, single-family attached, two-family, three-family and multi-family dwelling units. The request is to forward the urban residential design standards to the City Council.
Planner: Karen Minkel

New Business:

4. **ADM 07-2442: (BELLAFONT 1 LSD MODIFICATION):** Submitted by H2 Engineering for property located north of Joyce Blvd, west of Vantage Drive. The applicant requests a modification to the approved condition of approval No. 4 for LSD 06-1885, removing the median extension.
Planner: Andrew Garner
5. **VAR 07-2441: VARIANCE (FIVE WEST MOUNTAIN):** Submitted by James Foster for property located at 5 West Mountain, east of the Town Center Plaza. The property is zoned MSC, MAIN STREET CENTER. The request is for a variance from the building height requirements and for a variance from the step-back requirement above four stories in the Main Street Center Zoning District.
Planner: Jesse Fulcher
6. **CUP 07-2420: (LOVING CHOICES, 522):** Submitted by KATIE ALLEN for property located at 275 S. DUNCAN AVENUE, NE CORNER OF DUNCAN AND STONE STREET. The property is zoned RMF-40, MULTI FAMILY - 40 UNITS/ACRE and contains approximately 0.20 acres. The request is for the establishment of a professional office (Use Unit 25), specifically for a welfare agency.
Planner: Suzanne Morgan

7. RZN 07-2419: (KELLY, 681/720): Submitted by DAVE JORGENSEN for property located at 3184 S. CITY LAKE ROAD. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 44.74 acres. The request is to rezone the subject property to RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE. Planner: Jesse Fulcher

8. LSD 06-2300: Large Scale Development (CENTRAL UNITED METHODIST, 484): Submitted by JORGENSEN & ASSOCIATES for property located BETWEEN DICKSON & LAFAYETTE ALONG HIGHLAND AND ST. CHARLES. The property is zoned MSC, Main Street Center and contains approximately 6.02 acres. The request is for a 32,254 s.f., 2-story Ministry building and a 5-story parking deck with 275 spaces.

Planner: Suzanne Morgan

9. LSD 07-2414: Large Scale Development (PEBBLE CREEK FLATS, 598): Submitted by N. ARTHUR SCOTT for property located at INTERSECTION OF 18TH ST. AND CUSTER LANE. The property is zoned C-1, Neighborhood Commercial and RMF-24, Residential Multi-family - 24 units per acre, and contains approximately 4.21 acres. The request is for a 2-story mixed use building with 18 dwelling units and 11,126 s.f. of commercial/office space within the C-1 zoning and 2 apartment buildings with 46 dwelling units within the RMF-24 zoning.

Planner: Suzanne Morgan

10. R-PZD 06-2299: Planned Zoning District (RUSKIN HEIGHTS, 370): Submitted by COMMUNITY BY DESIGN, LLC for property located at WEST OF HWY 265/CROSSOVER RD., AND SOUTH OF MISSION BLVD. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 28.92 acres. The request is for rezoning, Preliminary Plat, and partial development approval for a Master Development Plan of a Residential Planned Zoning District with 295 attached and detached planned dwellings as well as 58,500 s.f. of non-residential space. The Preliminary Plat approval is for 67 lots. The development approval proposed at this time is for 57 residential units and 19,182 s.f. of non-residential space.

Planner: Andrew Garner

All interested parties may appear and be heard at the public hearings. A copy of the proposed amendments and other pertinent data are open and available for inspection in the office of City Planning (575-8267), 125 West Mountain Street, Fayetteville, Arkansas. All interested parties are invited to review the petitions. Interpreters or TDD for hearing impaired are available for all public hearings; 72 hour notice is required. For further information or to request an interpreter, please call 575-8330.

City Council Meeting of February 06, 2007
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning *JP*

Date: January 26, 2007

Subject: Appeal of Pebble Creek Flats (LSD 07-2414)

REQUEST

Alderman Lioneld Jordan has appealed the decision by the Planning Commission to approve Pebble Creek Flats Large Scale Development.

BACKGROUND

On January 22, 2007, the Planning Commission unanimously approved a Large Scale Development for property located at the southeast corner of Custer Lane and 18th Street. The development proposal includes the development of mixed-use and residential structures (11,126 square feet commercial area and 66 residential units) and meets the criteria of the property's C-1 and RMF-24 zoning, as well as all applicable development codes, with one waiver request. Staff recommended approval of the project.

In the past year, the owner of the property has submitted several applications to rezone the property. On May 8, 2006, the Planning Commission unanimously denied a request to rezone the portion of C-1 property (approximately 1.5 acres) to RMF-24. There were concerns raised from the neighbors regarding the use of the property and the infill development. Many of the Commissioners voiced their opinion that the development of this property would have to be done carefully, being considerate of the existing single family lots, and recommended that development be proposed as a PZD.

It was during the rezoning process that owners within the adjacent residential neighborhood were made aware that their properties were zoned RMF-24. Following the denial of the rezoning request, the majority of the single family lot owners within the Red Arrow Subdivision applied for and received approval by the City Council to rezone their properties from RMF-24 to RSF-4.

On November 2, 2006, the Subdivision Committee reviewed and tabled a Residential Planned Zoning District proposal for the subject property for a maximum 83 multi-family units and accessory commercial use at the intersection of Custer Lane and 18th Street. The applicant withdrew the R-PZD based on the comments received at this meeting. Again, several property owners in the surrounding subdivision attended the meeting and expressed concerns that the development would not be compatible with the surrounding

neighborhood, the density and traffic would be too high, and creating an entrance onto Custer Lane was not desirable. This rezoning and development proposal was withdrawn.

On January 22, 2007, the Planning Commission unanimously approved a Large Scale Development proposal for the subject 4.21-acres of property which complies with the existing zoning and development regulations. Owners within the adjacent subdivision again attended the meeting with concerns regarding the drainage and the proposal for a curb cut from the development onto Custer Lane.

DISCUSSION

The adjacent neighbors have consistently and repeatedly expressed concerns with the compatibility, drainage, and traffic. Staff has addressed each of these concerns. Upon review of two separate zoning requests, the applicants decided that rezoning the property was not going to be favorably received. The subject large scale development application submitted meets the requirements of the current zoning districts, and therefore cannot be reviewed or denied based on the proposed use. Water flows north from the developed subdivision through this site and to the Towncreek Branch, so the development of this property will not increase water flow on any property within the adjacent subdivision. Additionally, the Engineering Division has reviewed the project and finds it meets all applicable criteria based on the Unified Development Code.

Access to the development is proposed from Custer Lane and 18th Street. Per Chapter 172.06 (A) of the Unified Development Code, *"Parking lots shall be located within the same zoning district as the use they serve. Required parking lots for uses allowed by right within a zoning district are allowed as a use by right in the same zoning district."* Creating access to the parking lot from Custer Lane that serves a use by right which meets all design criteria is permitted by right by the Unified Development Code, and therefore can not be used as a basis for denial of the Large Scale Development. The Planning Commission granted a waiver for the distance between the intersection of Custer Lane and 18th Street and the curb cut on 18th Street, finding that it is imperative to have two points of ingress and egress for a development with 66 residential units and 11,126 square feet of commercial space.

Based on MicroTrans Trip Generation counts, the proposed development will result in an average 559 24-hour, 2-way vehicle trips in an average weekday. Existing traffic counts were taken on Custer Lane and 18th Street over a four day period and found to be well below the capacity for a Local Street and Collector Street, therefore the development will not create nor compound a dangerous traffic condition. The results of the traffic counts are as follows:

24-hour period for traffic traveling in both directions

Location	Fri (1/12)	Sat (1/13)	Sun (1/14)	Mon (1/15)
*Custer Lane (S of 18 th Street)	401	313	227	318
**18 th Street (W of Custer Lane)	4,571	2,731	1,603	2,842

*Custer Lane is designated a Local Street, which has a Design Service Volume of less than 4,000 vehicle trips per day.

**18th Street is designated a Collector Street, which has a Design Service Volume of 4,000 to 6,000 vehicle trips per day.



PC Meeting January 22, 2007

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: January 17, 2007 *Updated January 23, 2007*

LSD 07-2414: Large Scale Development (PEBBLE CREEK FLATS, 598): Submitted by N. ARTHUR SCOTT for property located at INTERSECTION OF 18TH ST. AND CUSTER LANE. The property is zoned C-1, Neighborhood Commercial and RMF-24, Residential Multi-family – 24 units per acre, and contains approximately 4.21 acres. The request is for a 2-story mixed use building with 18 dwelling units and 11,126 s.f. of commercial/office space within the C-1 zoning and 2 apartment buildings with 46 dwelling units within the RMF-24 zoning.
Planner: Suzanne Morgan

Findings:

Background: On January 11, 2007, the Subdivision Committee forwarded this item to the Planning Commission. Topics of discussion included drainage and the effects of development on traffic. Water flows north from the developed subdivision through this site and to the Towncreek Branch, so the development of this property will not increase water flow on any property within the adjacent subdivision.

According to Trip Generation software, the proposed development will result in an average 559 24 hour, 2-way vehicle trips in an average weekday. Existing traffic counts were taken on Custer Lane and 18th Street over a four day period and found to be well below the capacity for a Local Street and Collector Street. The results of the traffic counts are as follows:

24-hour period for traffic traveling in both directions

Location	Friday (1/12)	Saturday (1/13)	Sunday (1/14)	Monday (1/15)
*Custer Lane (South of 18 th Street)	401	313	227	318
**18 th Street (West of Custer Lane)	4,571	2,731	1,603	2,842

*Custer Lane is designated a Local Street, which has a Design Service Volume of less than 4,000 vehicle trips per day.

**18th Street is designated a Collector Street, which has a Design Service Volume of 4,000 to 6,000 vehicle trips per day.

History: On May 8, 2006, the Planning Commission unanimously denied a request to rezone the portion of C-1 property (approximately 1.5 acres) to RMF-24. There were concerns raised from the neighbors regarding the use of the property and the infill development. Many of the Commissioners voiced their opinion that the development of this property would have to be done carefully, being considerate of the existing single family lots, and recommended that development be proposed as a PZD.

On November 2, 2006, the Subdivision Committee reviewed and tabled a Residential Planned Zoning District proposal for the subject property. The large scale development proposal included a maximum 83 multi-family units, for an overall density of 19.71 units per acre, and some commercial use at the intersection of Custer Lane and 18th Street. The applicant has withdrawn the R-PZD based on the comments received at this meeting and requests approval of a large scale development that meets the requirements of the existing zoning districts. Several members of the public were present at the Subdivision Committee meeting and expressed concerns that the development would not be compatible with the surrounding neighborhood, the density and traffic would be too high, and creating an entrance onto Custer Lane.

The applicant held a neighborhood meeting on January 07, 2007 at which several of the neighbors were present. Main topics of discussion were drainage, traffic and affect of the development on crime.

Property Description: The overall property owned by Tetra Investments consists of Lots 3 and 4 in Red Arrow Subdivision and part of Lots 11 and 12 in Cornelius Subdivision. The property is zoned C-1, Neighborhood Commercial, to the north and RMF-24, Residential Multi-Family – 24 units per acre, to the south. It is located within the Design Overlay District. There is approximately 58.19% existing tree canopy on the property, a floodway/floodplain and a large electric easement crossing the property. Three structures sit on the northwest corner of the property at the intersection of Custer Lane and 18th Street. These structures consist of two triplexes and one duplex.

Surrounding Land Use/Zoning:

Direction	Land Use	Zoning
North	Single family residential & vacant property proposed to be developed	C-1 & C-2
South	Single family residential	RSF-4
East	Vacant	RSF-4 & C-1
West	Single family residential, duplex and triplex lots and a small commercial shop, the 18 th Street Train Station	C-2 & RSF-4

Proposal: The applicant requests large scale development approval for the development of commercial and residential property. The proposed development within the C-1 zoning district and RMF-24 zoning district consist of the following:

C-1

2.05 acres

20 units (including the duplex; plans will be revised to reflect 18 units in Bldg A)

9.76 units per acre

11,126 SF Commercial Area (1,325 SF is on 2nd Floor)

10,660 SF Residential Area

RMF-24

2.16 acres

46 units

21.3 units per acre

1.96 acres required for the land area per dwelling unit requirement

Water & Sewer: Water and sewer lines would be extended to serve the development.

Adjacent Master Street Plan Streets: 18th Street (Collector Street)
Custer Lane (Local Street)

Connectivity: Staff recommends that the applicant provide a vehicular connection to RSF-4 property to the east by stubbing out the proposed private drive which currently is shown within 15' from the property line.

Street Improvements: Staff recommends the following street improvements:

- a. *Street improvements along the project frontage on 18th Street to the intersection of Custer Lane, to include a total 22' of pavement (16' pavement from centerline for one-half a turn-lane and a driving lane and a 6' wide paved bike lane) plus curb and gutter (an additional 2'), storm sewer and a 6' sidewalk located at the Master Street Plan right-of-way. Improvements shall continue east, within the existing right-of-way, to the eastern most boundary of the property (approximately 270 feet). Any excess asphalt beyond the required 22' shall be removed. All striping (turn lane, bicycle lane, etc.) shall be installed prior to Certificate of Occupancy for any building on the property.*
- b. *Construction of a 6' sidewalk along Custer Lane from the intersection of 18th Street south to the project boundary, at the right-of-way line.*
- c. *Removal of the two parking spaces on 18th Street and parking on Custer Lane to create a parking situation which would comply with the requirements of Chapter 172 of the Unified Development Code.*

Access and Parking: The proposal shows two points of access to the development, one from Custer Lane and one from 18th Street. Fire lanes and a turn-around have been designated on the plans in order to comply with the requirements of the Fire Code. A total 116 parking spaces are provided, which is less than required but with the allowance granted by the Parking Ordinance. The applicant shall remove the existing parking spaces that back directly onto 18th Street and parking on Custer Lane to create a parking situation which would comply with the requirements of Chapter 172 of the Unified Development Code. These improvements will create a safer traffic condition on both 18th Street and Custer Lane than currently exists.

Parks: Parks and Recreation Advisory Board reviewed this project on August 7, 2006 and recommended accepting money in lieu to satisfy the Park Land Dedication Ordinance requirement due to its proximity to Town Branch Trail Corridor and park land. Fees are assessed in the amount of **\$43,520** for 64 multi-family units. Fees are due prior to issuance of building permits.

Trail Comments:

Background: The Fayetteville Alternative Transportation and Trails Master Plan identifies an on-street linkage along 18th street connecting to Town Branch Creek Trail, currently under construction.

Request: We request a 6' wide bike lane along the south side of 18th street from the east to west property line of this project.

Tree Preservation:	Existing Canopy:	58.66%
	Preserved Canopy:	21.37%
	Required Canopy:	20%
	Mitigation:	None Required

Design Overlay District:

Greenspace: The site plan submitted for review as submitted to the Subdivision Committee complies with the 25'greenspace requirement along all rights-of-way within the Design Overlay District.

Signage: Two signs have been indicated on the plans. All signs shall be permitted by a separate sign permit application, prior to installation.

Curb Cuts: The applicant has not complied with the curb cut requirements for a minimum of 250' from an intersection on 18th Street. A waiver of this condition is needed in order to access 18th Street. The applicant has complied with the curb cut requirements for a minimum of 200' between curb cuts.

Lighting: All outdoor lighting shall be reviewed prior to issuance of building permit to ensure compliance with the Outdoor Lighting Ordinance.

Exterior Appearance: Elevations have been submitted for all four sides of the commercial building. Planning Commission determination of architectural treatment of fronts, along with Commercial Design Standards, is required.

Building Material: A materials sample board has been submitted for review. Proposed building materials include stained vertical wood siding, brick veneer, aluminum window and doors, standing seem metal roof.

Site Coverage:	The plat indicates site coverage in compliance with this requirement.
Fencing:	N/A
Outdoor Storage:	N/A
Access:	Pedestrian access from the street to the entrance of the structure by way of a designated walk is provided. Bicycle racks are to be provided for multi-modal access. An additional rack shall be added to the plat.

Recommendation: Finding the development proposal meets the zoning and development requirements of the Unified Development Code with the conditions listed, staff recommends approval of LSD 07-2414 with the following conditions of approval:

Conditions of Approval:

1. Planning Commission determination of street improvements. *Staff recommends the following improvements:*
 - a. *Street improvements along the project frontage on 18th Street to the intersection of Custer Lane, to include a total 22' of pavement (16' pavement from centerline for one-half a turn-lane and a driving lane and a 6' wide paved bike lane) plus curb and gutter (an additional 2'), storm sewer and a 6' sidewalk located at the Master Street Plan right-of-way. Improvements shall continue east, within the existing right-of-way, to the eastern most boundary of the property (approximately 270 feet). Any excess asphalt beyond the required 22' shall be removed. All striping (turn lane, bicycle lane, etc.) shall be installed prior to Certificate of Occupancy for any building on the property.*
 - b. *Construction of a 6' sidewalk along Custer Lane from the intersection of 18th Street south to the project boundary, at the right-of-way line.*
 - c. *Removal of the two parking spaces on 18th Street and parking on Custer Lane to create a parking situation which would comply with the requirements of Chapter 172 of the Unified Development Code.*

The Subdivision Committee recommended in favor of street improvements listed above. PC approved.

2. Planning Commission determination of connectivity. *Staff recommends that the application provide a vehicular connection to RSF-4 property to the east by stubbing out the proposed private drive to the property line and dedicating an easement atop of the driveway from the property line to the public right-of-way.*

The Subdivision Committee recommended in favor of connectivity to the adjacent streets and the stub-out to the east property line. PC approved.

3. Planning Commission determination of compliance with Commercial Design Standards for commercial structures subject to the Design Overlay District requirements. *Staff finds that the commercial structure is designed to have front facades facing the adjacent streets and that the building materials, being wood and brick, are compliant with the requirements in Chapter 161 of the Unified Development Code. Furthermore, staff finds that the structure meets Commercial Design Standards.*

The Subdivision Committee recommended in favor of compliance with Commercial Design Standards.

PC modified to require administrative approval of the 1st level, requiring additional articulation. Should the applicant request to add doors to the building, it shall be reviewed by the Planning Commission.

4. Planning Commission determination of a waiver of Chapter 161.28 (D.3), which requires a 250' separation between a curb cut and an intersection. *The applicant proposes one curb cut from the property onto 18th Street approximately 120 feet from the intersection of Custer Lane and 18th Street. Staff recommends approval of this requested waiver, finding that the location of the curb cut is as far away from the intersection as possible and it is imperative to have two points of ingress and egress for a development with 66 residential units and 2,016 11,126 square feet of commercial space. The curb cut onto Custer Lane meets all Unified Development Code requirements.*

The Subdivision Committee recommended in favor of granting the requested waiver from Chapter 161.28 (D.3).

PC approved.

5. A minimum 25' right-of-way from centerline of Custer Lane shall be dedicated prior to issuance of a building permit.
6. At the time of construction drawings the landscape plan must be stamped by a licensed Landscape Architect.
7. All required street trees must be bonded for a 3 year period to ensure their health. A bond, letter of credit, or check shall be deposited with the City before Final Certificate of Occupancy.
8. Mitigation is not required on the site unless the preserved canopy number falls below 20%. *There are some trees, specifically #313 and #314, that will be highly affected. If these trees do not make it through the development process, mitigation might be necessary.*
9. Where not currently existing, street lights shall be installed at the corner of Custer Lane and 18th Street and along the right-of-way at 1 light per 300'.
10. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements. All structures shall meet the building setback requirements based on height.

11. The applicant shall pay Parks fees in the amount of \$43,520 for 64 multi-family units prior to the issuance of a building permit.
12. 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.
13. Signs shall be installed on the site in accordance with the Unified Development Code, and only after a sign permit has been issued.
14. The parking proposed on the site is adequate for the professional office and residential use. Certificate of Zoning Compliance shall be reviewed for each leased tenant space in order to verify that there is adequate parking for the businesses and residential uses.
15. Bicycle racks shall be installed in accordance with ordinance requirements. Four bicycle racks are required based on the number of parking spaces proposed. The site plan shall be updated to show the addition of one bicycle rack.

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. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
18. The large scale development shall expire one year after Planning Commission approval. The applicant may request that the Planning Commission extend the approval an additional one year as allowed by Chapter 166 of the Unified Development Code.
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 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.

22. 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.

#23: Additional Condition: *The applicant shall install a 6' wood board fence (finished side facing south) along the southern property line.*

Planning Commission Action: ☒ Approval ☐ Tabled ☐ Denied

Motion: Anthes

Second: Harris

Vote: 7-0-0

Meeting Date: January 22, 2007

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

Pebble Creek Flats
Summary of Multi-Use Trip Generation
Average Weekday Driveway Volumes
January 18, 2007

Land Use	Size	24 Hour Two-Way Volume	AM Pk Hour		PM Pk Hour	
			Enter	Exit	Enter	Exit
Apartments	66 Dwelling Units	438	5	28	28	13
General Office Building	11 Th.Gr.Sq.Ft.	121	15	2	3	14
Total		559	20	30	31	27

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS

Pebble Creek Flats
Summary of Multi-Use Trip Generation
Saturday and Sunday Driveway Volumes
January 18, 2007

Land Use	Size	Saturday			Sunday		
		24 Hr 2-Way Vol.	Peak Hour Enter	Peak Hour Exit	24 Hr 2-Way Vol.	Peak Hour Enter	Peak Hour Exit
Apartments	66 Dwelling Units	422	0	0	387	0	0
General Office Building	11 Th.Gr.Sq.Ft.	26	2	2	11	1	1
Total		448	2	2	398	1	1

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS



PC Meeting of January 22, 2007

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 444-3470

LANDSCAPE REVIEW FORM

To: Fayetteville Planning Commission
From: Sarah K. Patterson, Urban Forester
Date: January 17, 2007

ITEM #: LSD 07-2414: Large Scale Development (Pebble Creek Flats)

Applicable Requirements:

Y	Site Development & Parking Lot Standards
Y	Land Design Overlay
Y	Street Tree Planting Standards
NA	Stormwater Management

Plan Checklist:

Y= submitted by applicant
N=requested by City of Fayetteville
NA= not applicable

Preliminary Submitted	Final Submitted	
		All Landscape Plans
Y		Irrigation notes either automatic or hose bib
Y		Species of plant material identified
Y		Size of plant material at time of installation indicated
Y		Soil amendments notes include that soil is amended and sod removed
Y		Mulch notes indicate organic mulching around trees and within landscape beds
N		Plans stamped by a licensed Landscape Architect
Y		Planting details according to Fayetteville's Landscape Manual
		Site Development & Parking Lot Standards
Y		Wheel stops/ curbs
Y		Interior landscaping Narrow tree lawn (8' min width, 17' min length/ 1 tree per 12 spaces) Tree island (8' min. width/1 tree per 12 spaces)

Preliminary Submittal	Final Submittal	
Y		Perimeter landscaping <i>Side and rear property lines (5' landscaped)</i> <i>Shade trees as described in street tree planting standards,</i> <i>Parking lot adjacent to R.O.W.- continuous planting of shrubs-at least 8 per tree- and ground cover -50% evergreen)</i>
		Overall District Requirements
Y		Greenspace adjacent to street R.O.W. (25' wide)
Y		Large street trees planted every 30' L.F. along R.O.W.
Y		25% of total site area left in greenspace (80% landscape)
Y		Parking lots and outdoor storage screened with landscaping
		Street Tree Planting Standards
Y		Residential Subdivisions- 1 large species shade tree/ lot tree planted within R.O.W. if possible
NA		Nonresidential Subdivision- 1 large species shade tree/30 L.F. tree planted within 15-25' greenspace
NA		Urban Tree Wells-urban streetscape only-10foot sidewalk
NA		Structural Soil-if urban wells are used, a note or detail of structural soil must be indicated on the landscape plan
Y		Timing of planting indicated on plans (subdivisions only)
Y		Written description of the method for tracking plantings
		Stormwater Facilities
NA		1 deciduous or evergreen tree/ 3000 square feet
NA		4 large shrubs (3 gal) or small trees / 3000 square feet
NA		6 shrubs or grasses (1 gal) / 3000 square feet
NA		Ground cover unless seed or sod is specified
NA		50% of facility planted with grass or grass like plants

Conditions of Approval:

1. At the time of construction drawings the landscape plan must be stamped by a licensed Landscape Architect.
2. All required street trees must be bonded for a 3 year period to ensure their health. A bond, letter of credit, or check shall be deposited with the City before Final Certificate of Occupancy.



PC Meeting of January 22, 2007

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: January 17, 2007

ITEM #: LSD 07-2414: Large Scale Development (Pebble Creek Flats)

Requirements Submitted:

T	Initial Review with the Landscape Administrator
✓	Site Analysis Map Submitted
T	Site Analysis Written Report Submitted
T	Complete Tree Preservation Plan Submitted

Canopy Measurements:

Existing Tree Canopy	
acres	4.21
square feet	183,387
Existing Tree Canopy	
acres	2.47
square feet	107,850
percent of site area	58.66%
Existing Tree Canopy Preserved	
acres	0.90
square feet	39,040
percent of total site area	21.37
Percent Minimum Canopy Required	20%

FINDINGS:

The desirability of preserving a tree or group of trees by reason of age, location, size or species.

- **Canopy covers more than half of this site. An arborist report was included with this submittal. The majority of the species are**

volunteer such as elm, locust, cedar, willow. There are several smaller oak trees found on the site that would be a great asset for preservation. There is a small creek that bisects this property keeping it very wet and thick with canopy.

Whether the design incorporates the required tree preservation priorities

- **This design tries to incorporate the tree preservation priorities. There are not many significant trees on this site but the applicant has proposed to save a large portion of canopy along the creek.**

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 minimal. There is a large buffer preserved to protect the creek.**

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 affected by the canopy removed on the site due to the requirements of the utility companies to have an easement around the entire property. This will require tree removal directly adjacent to the neighbors.**

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 shape of the lot is a bit restrictive to the overall design of the project. There is also existing floodway that hinders flexibility.**

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 a wide range from dead to good.**

The placement of the tree or group of trees in relation to utilities, structures, and use of the property.

- **The majority of canopy removed is for infrastructure and utilities.**

The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.

- **A large amount of canopy will need to be removed for the installation of public utilities and infrastructure.**

Whether roads and utilities are designed in relation to the existing topography, and routed, where possible, to avoid damage to existing canopy.

- **This is a tight site with many obstacles of design such as shape and existing floodway. Removal of canopy is inevitable.**

Construction requirements for On-Site and Off-Site Alternatives.

- N/A

The effects of proposed On-Site Mitigation or Off-Site Alternatives.

- **No mitigation is required for the site unless the minimum preserved drops below the required 20%. There are many trees planned for the site to meet landscape regulations. These will greatly improve the species diversity and overall urban forest.**

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 of approval.**

Conditions of Approval:

1. **Mitigation is not required on the site unless the preserved canopy number falls below 20%. There are some trees, specifically #313 and #314 that will be highly affected. If these trees do not make it through the development process, mitigation might be necessary.**



THE CITY OF FAYETTEVILLE, ARKANSAS

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

TO: Suzanne Morgan, Planner
FROM: Alison Jumper, Park Planner
DATE: January 9, 2007
SUBJECT: Parks & Recreation Subdivision Committee Review Comments

Meeting Date: January 11, 2007
Item: LSD 07-2414 Pebble Creek Flats
Park District: SW
Zoned: C-1, RMF-24
Billing Name & Address: Tetra Investments, L.L.C. 130 N. Main Cave Springs, AR 72718

	<u>Current Land Dedication Requirement</u>	<u>Money in Lieu</u>
Single Family	@ .024 acre per unit = _____ acres	@ \$960 per unit = \$ _____
Multi Family	@ .017 acre per unit = _____ acres	67 @ \$680 per unit = \$ <u>45,560</u>

COMMENTS:

- Parks and Recreation Advisory Board reviewed this project on August 7, 2006 and recommended accepting money in lieu to satisfy the Park Land Dedication Ordinance requirement due to its proximity to Town Branch Trail Corridor and park land.
- Fees are assessed in the amount of \$45,560 for ~~67~~ multi-family units.
- Fees are due prior to issuance of building permits.

* Per applicant, the total number of new units will be 64.



THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 444-3416
mmihalevich@ci.fayetteville.ar.us

ENGINEERING DIVISION CORRESPONDENCE

To: Arthur Scott

From: Matt Mihalevich, Trails Coordinator

Date: January 9, 2007

Subject: Subdivision Committee Comments

ITEM #: LSD 07-2414: Large Scale Development (Pebble Creek Flats, 598)

TRAIL COMMENTS

Background:

1. The Fayetteville Alternative Transportation and Trails Master Plan identifies an on-street linkage along 18th street connecting to Town Branch Creek Trail, currently under construction.

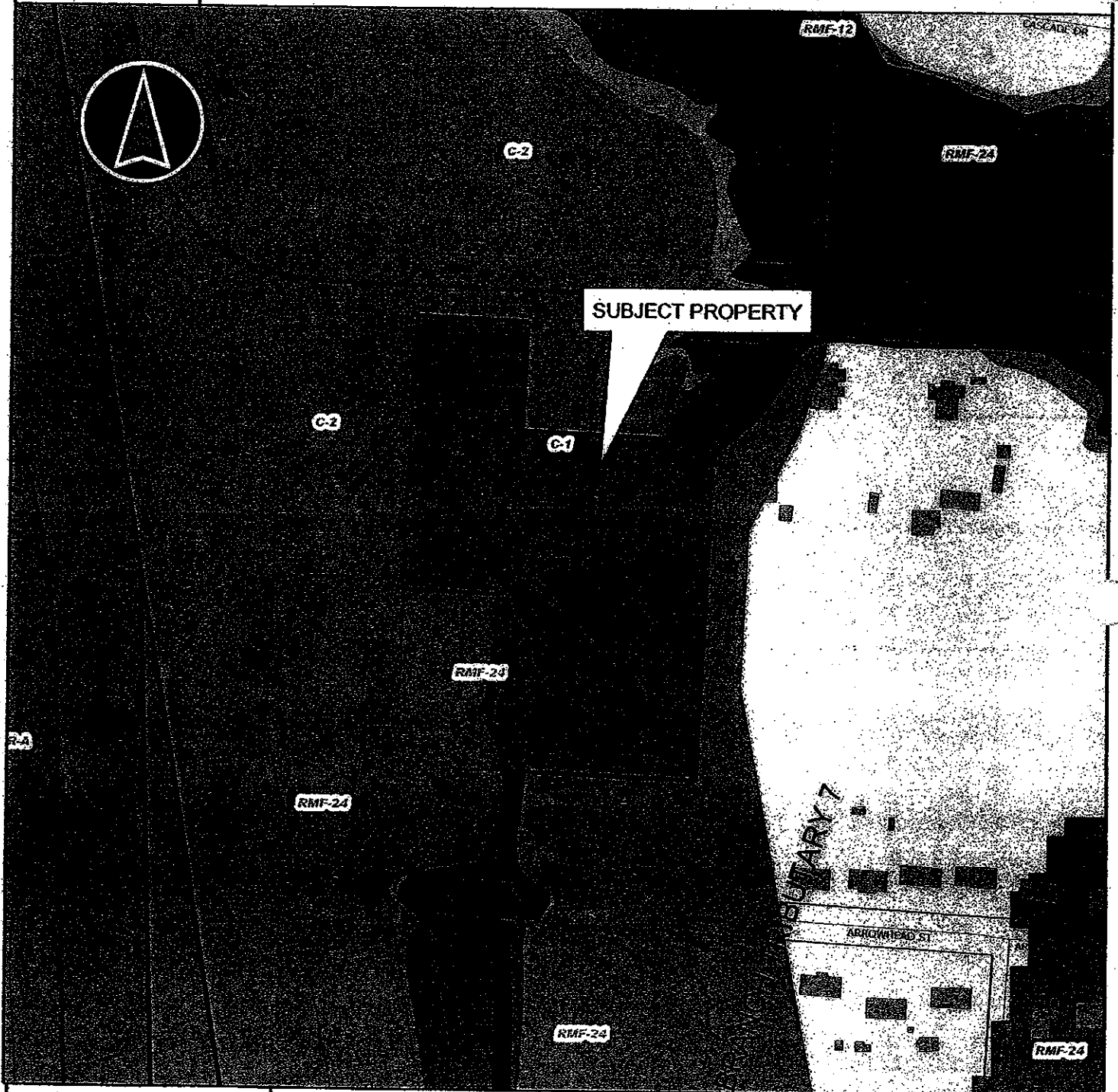
Request:

1. We request a 6' wide bike lane along the south side of 18th street from the east to west property line of this project. The bike lane shall be 6' from the existing white edge stripe south to the proposed gutter line, excluding the 18" gutter.

LSD07-2414

Close Up View

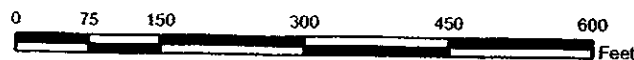
PEBBLE CREEK FLATS



Overview

Legend

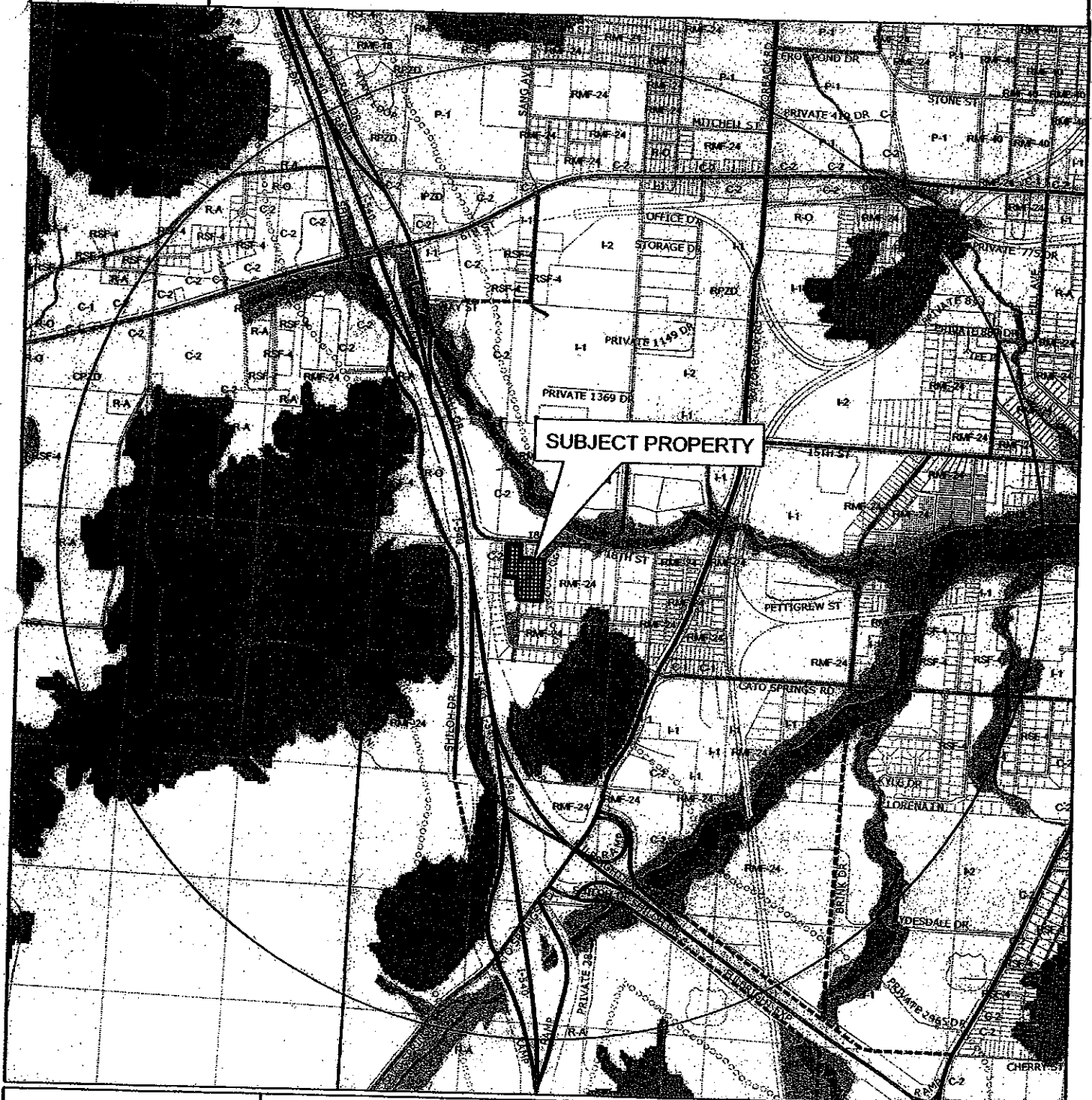
- Overlay District
- FLOODWAY
- 100 YEAR
- 500 YEAR
- LIMIT OF STUDY
- - - BaseLine Profile
- Fayetteville
- Outside City
- LSD07-2414
- vector.GDB.Footprint_2004
- Hillside-Hilltop Overlay District



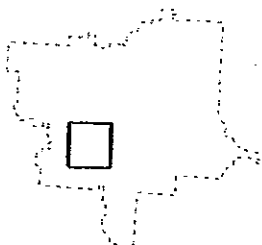
LSD07-2414

One Mile View

PEBBLE CREEK FLATS



Overview



Legend

Subject Property



Boundary

 Planning Area☐ Outside City

Legend

Hillside-Hilltop Overlay District

0 0.25 0.5

1
■ Miles

Project Design Consultants

December 14, 2006

City of Fayetteville
Planning Department
113 W. Mountain Ave.
Fayetteville, AR 72701

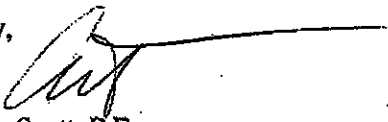
Attn: Jeremy Pate, Dir.

RE: Letter of Intent
Pebble Creek Flats
S.E. Corner of 18th and Custer

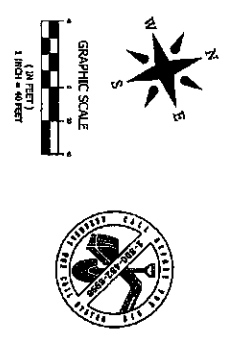
Mr. Pate:

The developers have agreed to change the access drive to one way in off Custer St.
The width will be determined through discussions with City staff and Fire Marshall.

Sincerely,



N. Arthur Scott, P.E.
President

[illegible]

TOTAL STD. REQUIREMENTS:	128 SPACES
TOTAL, INC. REQUIREMENT:	6 SPACES
TOTAL SPACES REQUIRED:	138 SPACES
TOTAL PROVIDED FROM C-1 AND BUREAU:	
TOTAL STD. PROVIDED:	78 SPACES
CONTRACT PROVIDED:	32 SPACES (27.59%)
INC. PROVIDED:	6 SPACES
TOTAL SPACES PROVIDED:	116 SPACES (79.99%)
TOTAL EXCESS SPACES PROVIDED:	3

FLOOD CERTIFICATION:

SUBJECT PROPERTY LIES WITHIN THE FOLLOWING ZONES
ZONE "X", ZONE "AE", AND ZONE "AG" ROADWAY.

TETRA INVESTMENT, LLC
CONTACT: CHARLES BELL, SVP
130 N. MAIN STREET
CAVE SPRINGS, AR 72716

ON-SITE SOIL TYPE	
SYMBOL	NAME
Ce	LEAF SILT
Sn	SLOAR SIL

STATE PLAT CODE: SD

STANDARD

1.

FROM PLAIN PAPER FOLIO
TUCK IN SET
BOUNDARY LINE
RIGHT-O-WAY LINE
ESCHEROT LINE
BUTTERING SECTION LINE

ASSAULT PAINTING
CORRUPT DRAWING
Q AND QUTTER LINE
EDGE OF PAVEMENT (EOP)
WALKWAY

CHAIN LINE REFERENCE LINE
WHITE SPACE LINE
BOARD FINISH LINE
STONE SEWER LINE

2.

3.

4.

5.

6.

7.

8.

9.

10.

11.

12.

13.

14.

15.

16.

17.

18.

19.

20.

21.

22.

23.

24.

25.

26.

27.

28.

29.

30.

31.

32.

33.

34.

35.

36.

37.

38.

39.

40.

41.

42.

43.

44.

45.

46.

47.

48.

49.

50.

51.

52.

53.

54.

55.

56.

57.

58.

59.

60.

61.

62.

63.

64.

65.

66.

67.

68.

69.

70.

71.

72.

73.

74.

75.

76.

77.

78.

79.

80.

81.

82.

83.

84.

85.

86.

87.

88.

89.

90.

91.

92.

93.

94.

95.

96.

97.

98.

99.

100.

101.

102.

103.

104.

105.

106.

107.

108.

109.

110.

111.

112.

113.

114.

115.

116.

117.

118.

119.

120.

121.

122.

123.

124.

125.

126.

127.

128.

129.

130.

131.

132.

133.

134.

135.

136.

137.

138.

139.

140.

141.

142.

143.

144.

145.

146.

147.

148.

149.

150.

151.

152.

153.

154.

155.

156.

157.

158.

159.

160.

161.

162.

163.

164.

165.

166.

167.

168.

169.

170.

171.

172.

173.

174.

175.

176.

177.

178.

179.

180.

181.

182.

183.

184.

185.

186.

187.

188.

189.

190.

191.

192.

193.

194.

195.

196.

197.

198.

199.

200.

201.

202.

203.

204.

205.

206.

207.

208.

209.

210.

211.

212.

213.

214.

215.

216.

217.

218.

219.

220.

221.

222.

223.

224.

225.

226.

227.

228.

229.

230.

231.

232.

233.

234.

235.

236.

237.

238.

239.

240.

241.

242.

243.

244.

245.

246.

247.

248.

249.

250.

251.

252.

253.

254.

255.

256.

257.

258.

259.

260.

261.

262.

263.

264.

265.

266.

267.

268.

269.

270.

271.

272.

273.

274.

275.

276.

277.

278.

279.

280.

281.

282.

283.

284.

285.

286.

287.

288.

289.

290.

291.

292.

293.

294.

295.

296.

297.

298.

299.

300.

301.

302.

303.

304.

305.

306.

307.

308.

309.

310.

311.

312.

313.

314.

315.

316.

317.

318.

319.

320.

321.

322.

323.

324.

325.

326.

327.

328.

329.

330.

331.

332.

333.

334.

335.

336.

337.

338.

339.

340.

341.

342.

343.

344.

345.

346.

347.

348.

349.

350.

351.

352.

353.

354.

355.

356.

357.

358.

359.

360.

361.

362.

363.

364.

365.

366.

367.

368.

369.

370.

371.

372.

373.

374.

375.

376.

377.

378.

379.

380.

381.

382.

383.

384.

385.

386.

387.

388.

389.

390.

391.

392.

393.

394.

395.

396.

397.

398.

399.

400.

401.

402.

403.

404.

405.

406.

407.

408.

409.

410.

411.

412.

413.

414.

415.

416.

417.

418.

419.

420.

421.

422.

423.

424.

425.

426.

427.

428.

429.

430.

431.

432.

433.

434.

435.

436.

437.

438.

439.

440.

441.

442.

443.

444.

445.

446.

447.

448.

449.

450.

451.

452.

453.

454.

455.

456.

457.

458.

459.

460.

461.

462.

463.

464.

465.

466.

467.

468.

469.

470.

471.

472.

473.

474.

475.

476.

477.

478.

479.

480.

481.

482.

483.

484.

485.

486.

487.

488.

489.

490.

491.

492.

493.

494.

495.

496.

497.

498.

499.

500.

501.

502.

503.

504.

505.

506.

507.

508.

509.

510.</

MEMBER OF THE BOARD OF THE CENTRE OF SCIENCE AND INDUSTRY, THE BUILDING SHALL BE BUILT ON AND LIMITED TO EXISTING PROPERTIES.

ALL GROUND SURFACES SHALL BE 2" FINE VIBRO NETTED SIEVE, ALL GRAVEL SHALL BE 3/4" FINE VIBRO NETTED SIEVE, ALL SAND SHALL BE 20# FINE VIBRO NETTED SIEVE. ALL FILL SHALL BE PLACED IN ACCORDANCE WITH THE REQUIREMENTS OUTLINED IN THE MOST CURRENT EDITION OF THE MANUAL FOR FILLER CONTROL SPECIFICATIONS. THE CONTRACTOR SHALL FOLLOW THE GUIDELINES OF THE MANUAL.

THE CONTRACTOR SHALL ABIDE BY THE ADDITIONAL DRAWINGS FOR THE CONSTRUCTION OF THE BUILDING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND MAINTENANCE OF ALL EXISTING UTILITIES AND UNDERGROUND SERVICES, INCLUDING UTILITY ENTRANCE POINTS, ETC. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND MAINTENANCE OF ALL EXISTING STRUCTURES, INCLUDING UNDERGROUND SERVICES, ETC. ALL HANDLING OPERATIONS SHALL BE PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS OUTLINED IN THE MOST CURRENT EDITION OF THE MANUAL FOR FILLER CONTROL SPECIFICATIONS. THE CONTRACTOR SHALL FOLLOW THE GUIDELINES OF THE MANUAL.

CONSTRUCTION STAGING OPERATIONS SHALL BE PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS OUTLINED IN THE MOST CURRENT EDITION OF THE MANUAL FOR FILLER CONTROL SPECIFICATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND MAINTENANCE OF ALL EXISTING UTILITIES AND UNDERGROUND SERVICES, INCLUDING UTILITY ENTRANCE POINTS, ETC. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND MAINTENANCE OF ALL EXISTING STRUCTURES, INCLUDING UNDERGROUND SERVICES, ETC. ALL HANDLING OPERATIONS SHALL BE PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS OUTLINED IN THE MOST CURRENT EDITION OF THE MANUAL FOR FILLER CONTROL SPECIFICATIONS. THE CONTRACTOR SHALL FOLLOW THE GUIDELINES OF THE MANUAL.

GENERAL NOTES:

SURVEY DESCRIPTION:

ALL OF LOTS 1, 2, 3 and 4, BLOCK 1 IN RED ARROW SUBDIVISION NO. 2, A
SMOKE ON THE PIMAL PLANT RECORDED IN PLAT BOOK 3 AT PAGE 326, ALSO
ON PART OF LOT 5, 11, 12 AND 13 IN CHEROKEE SUBDIVISION, AS SHOWN ON
PLAT RECORDED IN PLAT BOOK 1 AT PAGE 275, ALL BEING PART OF THE
S.W. 1/4 OF SECTION 20, TOWNSHIP 16 NORTH, RANGE 20 WEST,
WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED
AS FOLLOWS:

LARGE SCALE DEVELOPMENT PLAN

SHEET NO: 3.0

4285 N. SHILOH DRIVE
SUITE 104
FAVETTEVILLE, AR 72703
Ph: 479.521.5605
Fx: 479.521.0919

This drawing is "PRELIMINARY - NOT FOR CONSTRUCTION" until above seal holder acknowledges the Cancellation of this disclaimer below:

EXHIBIT A

RZN 06-2399 West Side Annexation C-1 January 8, 2007

P-1, 39.62 acres

C-1, 3.93 acres

RSF-4, 17.63 acres

Legend

- Street
- CityLimits_temp
- Residential Agriculture (1 unit/2 acres)
- Residential Single Family (1 unit/acre)
- Residential Single Family (4 units/acre)
- Neighborhood Commercial
- Institutional (University of Arkansas)

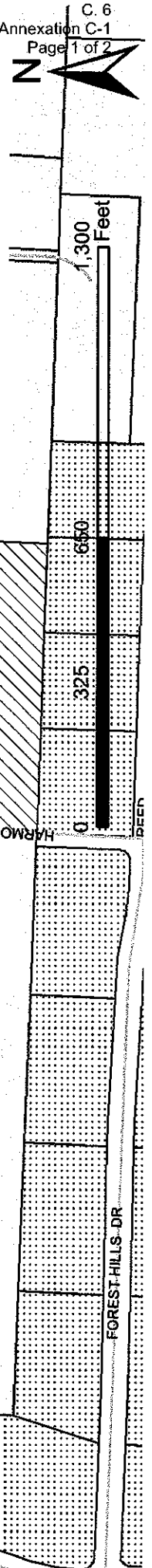


Exhibit A

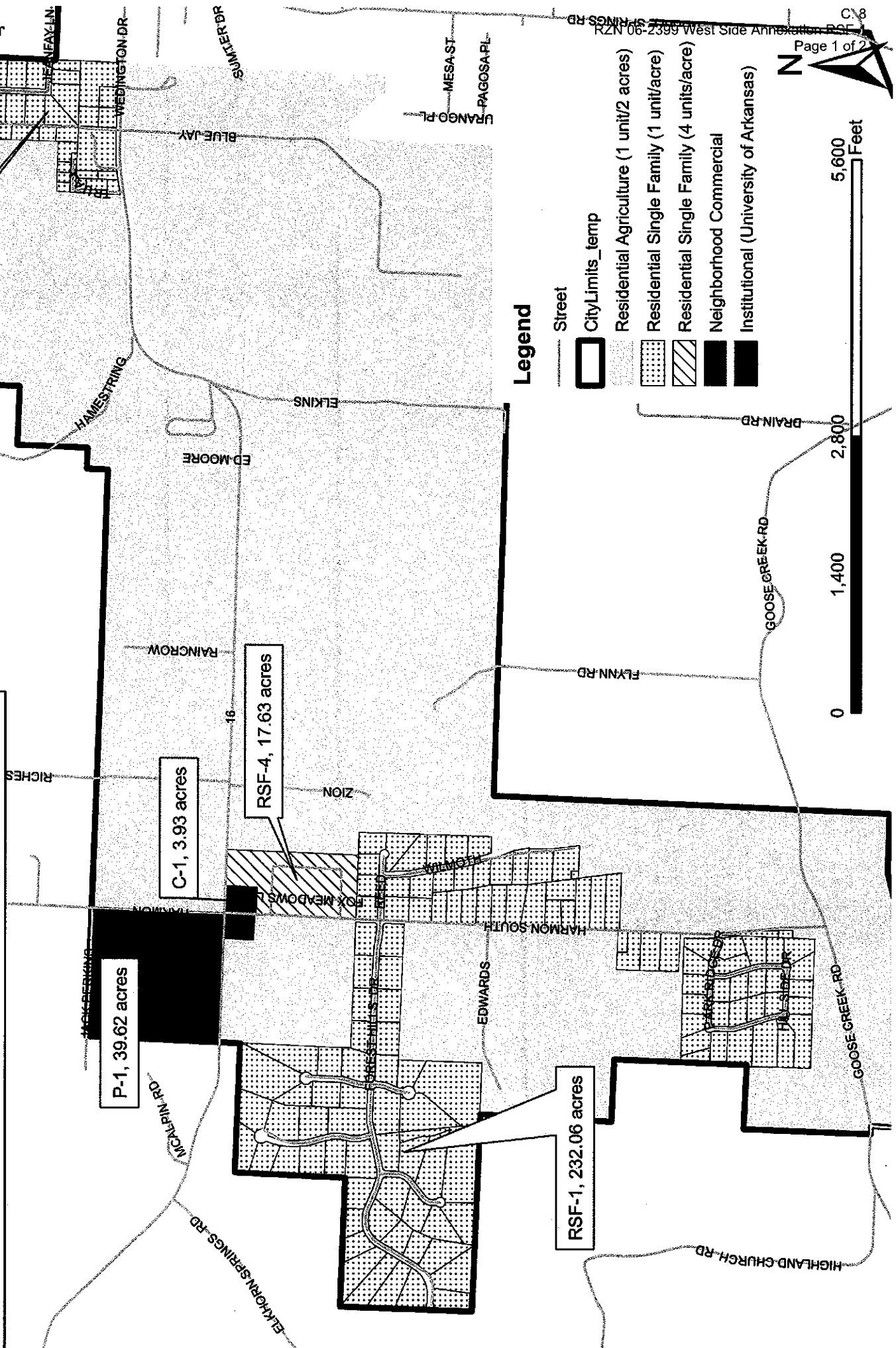
RZN 06-2399 West Side Annexation P-1

January 8, 2007



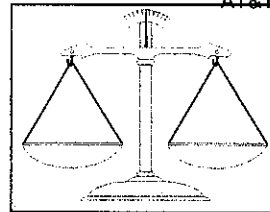
EXHIBIT A

RZN 06-2399 West Side Annexation RSF-1
January 8, 2007



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

DEPARTMENTAL CORRESPONDENCE



LEGAL DEPARTMENT

TO: **Dan Coody**, Mayor
City Council
Susan Thomas, Public Information & Policy Advisor

FROM: **Kit Williams**, City Attorney

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

DATE: **January 30, 2007**

RE: **Proposed AT&T Arkansas Cable Contract**

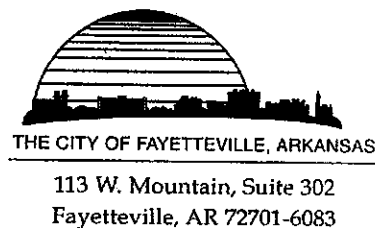
I have proposed slight modifications to the AT&T Arkansas proposed agreement. The modifications require AT&T Arkansas to carry the public, educational and governmental (PEG) channels on its basic (lowest tier) package just as we require Cox Communications to provide PEG on its basic cable package. This change is in paragraph 4 (d).

Another proposed change is in paragraph 3 Compensation to Fayetteville. AT&T Arkansas has already agreed to pay the same 5% fee as Cox Communication pays for its use of the City's rights of way. The change specifies that the 5% fee applies to the identical revenues generated by both carriers including pay-per-view charges, equipment rental, installation and maintenance fees and advertising revenue generated or attributable to Fayetteville subscribers. The City wishes to place AT&T Arkansas and Cox Communications on a level playing field so that fair competition will improve services while restraining costs for our citizens.

KIT WILLIAMS
FAYETTEVILLE CITY ATTORNEY

DAVID J. WHITAKER
Assistant City Attorney
Judy Housley
Office Manager

Phone (479) 575-8313
FAX (479) 575-8315



January 30, 2007

Mr. Edward Drilling
President, AT&T Arkansas, Inc.
1111 W. Capitol Avenue
Little Rock, AR 72201-3005

Dear Mr. Drilling:

Enclosed please find a copy of a letter sent by Cox Communications to Mayor Dan Coody. It is the City's intent to treat Cox and AT&T equally in terms of your proposed use of the City's right of ways to deliver television signals to Fayetteville residents and businesses.

We appreciate your agreement to the same 5% franchise fee rate that Cox pays. To be further equitable, this 5% rate should be applied not only to your subscription rate but to the same items of "gross revenue" which Cox must apply the franchise fee. If later rulings by the FCC (as affirmed or modified after any court review) or separate Court Judgment changes the definition of "gross revenue" to which cities may charge a franchise fee, the City of Fayetteville will immediately apply such final Judgment or ruling to your contract. Until that point, the City believes the same current definition of "gross revenue" applied for years to our television cable provider should also be applied to the newest proposed television cable provider, AT&T Arkansas.

Attached is the amendment to your proposed contract to provide the level field so that both you and Cox will be treated as equitably as possible.

With kindest regards,

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

KIT WILLIAMS
Fayetteville City Attorney

KW/jh

Enclosure

cc: Mayor Dan Coody
Nelson Mower, Cox Communications

January 24, 2007

Honorable Dan Coody
Mayor, City of Fayetteville
113 W. Mountain Street
Fayetteville, Arkansas 72701

4901 South 48th Street
Springdale, AR 72762
(479) 751-2000
(479) 273-5644
(479) 756-1081 fax



Dear Mayor Coody:

Thank you for visiting with Jay Allbaugh and me this past Friday, January 19th. We appreciate your interest in ensuring access to Fayetteville's rights-of-way is provided in a non-discriminatory manner.

Cox Communications has been at the forefront of bringing the benefits of competition to consumers for video, voice and data services. We compete every day for video customers against satellite providers many times our size. We compete for Internet customers against myriad Internet service providers and against a century old monopoly for telephone customers. And if the numerous J.D. Power Awards Cox has received are any indication, we compete successfully.

Cox Communications has been a leader in the national debate over cable franchise reform. We do not seek to impede the entry of competitors, but we ask that regulatory bodies treat all providers equally.

This reasonable approach has been the policy of Fayetteville and is expressly stated in Section V (B) of Cox's franchise with the City:

B. Franchise Required - No person shall construct, install, maintain or operate on or under any street, any equipment or facilities for the distribution of television signals or radio signals or other intelligence, either analog or digital, over a Broadband Telecommunications Network to any subscriber unless a franchise authorizing the use of the streets has first been obtained. Such a franchise shall contain material terms and conditions no less restrictive than those set forth in this Franchise.

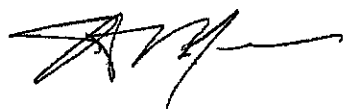
This language, which encompasses an authorization such as that being considered by the City to allow AT&T to provide its IPTV service, requires the City to make a choice: regulate AT&T as Cox is regulated or regulate Cox as the City chooses to regulate AT&T. Neither provider should have special rules or be given a special advantage. The City's role should be unbiased and it should not, through its regulatory authority, advantage or disadvantage either provider.

We are concerned that the document being considered by the City provides AT&T with undue advantages. For instance, the definition of "gross revenue" in the AT&T agreement would require AT&T to pay a far smaller price for access to exactly the same

public rights-of-way used by Cox. Our analysis indicates that the difference in 2006 would have been more than \$86,000. Specifically, AT&T would pay no fees on revenues collected for advertising, Pay-Per-View, equipment rental, or installation and maintenance agreements. There are other instances where the AT&T agreement contains provisions that are far less restrictive than those in Cox's franchise.

We appreciate your consideration of these issues. Again, our intent is not to impede the entry of AT&T into the Fayetteville video market. All we ask is that the City exercises its regulatory authority to ensure that Cox and AT&T compete on a level playing field. Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'N. Mower', with a long horizontal stroke extending to the right.

Nelson Mower
Vice President Cox Arkansas Operations

cc: Kit Williams – City Attorney
Susan Thomas – Public Information & Policy Advisor
Jay Allbaugh – VP of Public and Government Affairs – Cox Kansas/Arkansas

AGREEMENT

THIS AGREEMENT ("Agreement") dated this 6th day of February, 2007 ("Effective Date") is made by and between Southwestern Bell Telephone, L.P., a Texas limited partnership doing business as AT&T Arkansas ("AT&T Arkansas") and the City of Fayetteville, Arkansas, a municipal corporation ("Fayetteville"). AT&T Arkansas and Fayetteville shall sometimes be referred to separately as a "Party," and collectively as the "Parties."

RECITALS

A. As a telecommunications provider, AT&T Arkansas has statewide authority under Ark. Code Ann. §23-17-101 to construct, operate and maintain its telecommunications facilities in the public rights of way ("ROW") throughout the state of Arkansas.

B. Under Ark. Code Ann. §14-200-101, Fayetteville is permitted to impose reasonable terms and conditions on AT&T Arkansas' use and occupation of the Fayetteville's ROW and to collect a reasonable franchise fee for such use and occupation of its ROW.

C. AT&T Arkansas is in the process of upgrading its existing telecommunications network to provide an integrated Internet Protocol ("IP") enabled broadband platform of voice, data and video services ("IP Network"), the video component of which is a switched, two-way, point-to-point and interactive service ("IP-enabled Video Service"). The IP Network upgrade will involve the use of Fayetteville's ROW.

D. AT&T Arkansas believes that Ark. Code Ann. §23-17-101 covers the construction, operation and maintenance of the IP Network, and that AT&T Arkansas is not required to obtain a separate franchise or other authorization from Fayetteville to offer IP-enabled services including IP-enabled Video Services within Fayetteville over the IP Network.

E. AT&T Arkansas further believes that Fayetteville's right to regulate the construction of the IP Network in Fayetteville's ROW is limited to the right to impose reasonable conditions regarding the time, place, and manner of AT&T Arkansas' use and occupation of Fayetteville's ROW.

F. Fayetteville believes that the provision of IP-enabled Video Services by AT&T Arkansas is beyond the scope of Ark. Code Ann. §23-17-101 and is subject to Fayetteville's cable television franchising authority.

G. Both AT&T Arkansas and the City of Fayetteville agree that the deployment of the IP Network and the provision of IP-enabled Video Services should not

be delayed by litigation to establish the scope of Ark. Code Ann. §23-17-101 or the application of Fayetteville's franchise ordinance to IP-enabled Video Services.

H. Fayetteville and AT&T Arkansas further agree that litigation to resolve this issue would be complex and protracted, and that it is in the best interests of both Parties and the residents of Fayetteville to reach a compromise of each other's positions and claims.

NOW, THEREFORE, in consideration of and reliance upon the respective representations, promises, concessions, terms and conditions contained herein, Fayetteville and AT&T Arkansas agree as follows:

1. Term. The term of this Agreement shall commence on the Effective Date of this Agreement and continue through the end of 2011. The term may be extended upon mutual agreement of the Parties.

2. Change of Law. AT&T Arkansas and the City of Fayetteville agree to consult in the event that after the Effective Date, any court, agency, commission, legislative body, or other authority of competent jurisdiction issues a finding that limits the validity or enforceability of this Agreement, in whole or in part. Should the finding be final, non-appealable and binding upon either Fayetteville or AT&T, this Agreement shall be deemed modified or limited to the extent necessary to address the subject of the finding unless either party, within thirty (30) days of receipt of the ruling, provides written notice to the other party of election to terminate, in which case this Agreement shall terminate within six (6) months or such earlier period as the parties mutually may agree. Where the effect of a finding is a modification, the parties shall enter into good faith negotiations to modify this Agreement in the manner which best effectuates its overall purposes and the intentions of the parties. Failure to reach a mutually satisfactory modification within ninety (90) days of the commencement of such efforts shall entitle either party to terminate the Agreement on the provision of thirty (30) days' written notice.

3. Compensation to Fayetteville. During the term of this Agreement, AT&T Arkansas shall pay to Fayetteville a fee of 5% of the gross revenues from subscription fees, pay-per-view fees and equipment rental, installation and maintenance fees collected from each subscriber to AT&T Arkansas' IP-enabled Video Services product delivered over the IP Network in Fayetteville's rights of way. It shall also apply to advertising revenue generated or attributable to Fayetteville subscribers of AT&T Arkansas IP-enabled Video Services. It is understood by the parties that the 5% fee paid to Fayetteville by AT&T Arkansas is applicable to the same gross revenue items as presently required of the current cable television provider and no others until and unless the FCC or a Court determines the fee should apply to more or fewer items. The fee does not apply to non-video revenues or the non-video revenues of a bundled product containing video and non-video offerings. The fee will be forwarded to Fayetteville quarterly by the twenty-first day of the first month of the subsequent quarter. Upon

request, AT&T Arkansas shall make their records available to Fayetteville to demonstrate compliance with this paragraph for a period of three (3) years preceding the request.

4. Public, Educational and Governmental Programming.

(a) AT&T Arkansas shall provide some form of access for Fayetteville's noncommercial, public, education and governmental ("PEG") programming through AT&T Arkansas' IP-enabled Video Services.

(b) AT&T Arkansas shall not be responsible for content of PEG programming.

(c) As soon as practicable, AT&T shall provide written notice that it has the technical capability to provide IP based access for Fayetteville's PEG channel (in use on the Execution Date of this Agreement) over the platform AT&T wishes to use with this agreement. If technological feasibility requires a change in the current Fayetteville technology, Fayetteville may be required to support a change in or addition to current Fayetteville technology now in use for PEG programming to make it compatible with AT&T Arkansas' IP enabled video technology.

(d) AT&T Arkansas will provide Fayetteville capacity on its platform to carry the same number of PEG channels that Fayetteville currently has activated as of the effective date of this Agreement. PEG content will be made available by Fayetteville placing its content on the public Internet. AT&T Arkansas will carry this PEG content on its video platform in its basic (lowest tier package) using its standard Internet-sourced PEG solution. AT&T will provide Fayetteville a one-time up front capital grant to cover the initial set up costs incurred by Fayetteville to make this content available on the Internet. Should AT&T seek to improve its transmission method in a fashion that will substantially affect the integrity of the Internet sourced PEG solution (compatibility), AT&T accepts the responsibility for necessary costs of capital improvements that might be needed by Fayetteville.

(e) PEG programming will be available via Internet for AT&T Arkansas' IP Video subscribers to view both on the TV and computer. PEG programming will be available via the Internet from the end user's computer for AT&T HomeZone subscribers who also have High Speed Internet Access.

5. Emergency Message. AT&T Arkansas shall carry all Federal, State and Local alerts provided over the Federal Emergency Alert System through AT&T's IP-enabled Video Services in the event of a public safety emergency, which at a minimum will include the concurrent rebroadcast of local broadcast channels.

6. Customer Service. AT&T Arkansas will offer IP-enabled Video Services and provide customer service consistent with the requirements of 47 C.F.R. Section 76.309(c). AT&T Arkansas will respond to complaints and outages in a diligent fashion.

(a) AT&T Arkansas shall give subscribers in Fayetteville thirty (30) days notice of any rate increases, channel lineup changes, or other substantive service changes.

(b) AT&T Arkansas shall restore any pavements, sidewalks, driveways that are disturbed during the installation, improvement or extension of IP-enabled Video services to a standard that is both commercially reasonable and in compliance with the ordinances of Fayetteville.

(c) AT&T Arkansas shall not refuse to render IP-enabled Video Services based solely upon the income or minority status of any resident or group of residents.

7. Service area. This Agreement shall apply to AT&T's service area within the municipal boundaries of Fayetteville as they exist upon the date of execution of this agreement and may hereafter be extended. AT&T shall make video programming available, subject to technology or other economic feasibility, to all residential units within the service area, by use of IP-based video technology or other alternative video programming technology.

(a) On December 31, 2007 and the same date in every year thereafter, AT&T Arkansas shall tender an annual report indicating the status of its video programming service. The report shall: (i) indicate the number of subscribers; and (ii) the technology being used to provide such video programming.

(b) AT&T Arkansas shall be considered to have breached this agreement if AT&T Arkansas fails to diligently offer video programming throughout Fayetteville, unless: (i) delay is attributable to Force Majeure; (ii) delay is attributable to Fayetteville; (iii) delay is attributable to AT&T Arkansas' inability to obtain needed private easements; (iv) delay is attributable to special technical requirements; or (v) delay is justified by reasonable commercial standards of construction.

8. Obligations of Fayetteville. During the term of this Agreement Fayetteville will not attempt to nor subject the provision of AT&T Arkansas' IP-enabled Video Services over the IP Network to regulation under any cable television franchise ordinance or similar ordinance. In addition:

(a) Fayetteville agrees to subject the construction and installation of the IP Network to the same process and review as it subjects the installation and construction of AT&T Arkansas' existing telecommunications infrastructure.

(b) Fayetteville agrees not to unreasonably block, restrict, or limit the construction and installation of the IP Network.

(c) Fayetteville agrees to process any and all applicable permits for the installation, construction, maintenance, repair, removal, and other activities associated with the IP Network in a timely and prompt manner.

9. Jurisdiction and Venue. This contract shall be construed pursuant to the laws of Arkansas. Jurisdiction and venue shall be in Washington County, Arkansas.

10. Breach of Agreement. Should either party claim that a breach of any part of this Agreement has occurred, that party will provide prompt written notice to the other, specifying the nature of the breach; and upon receipt the other party shall cure such breach within 60 days.

11. Mediation Recommended. Both AT&T Arkansas and the City of Fayetteville shall make diligent good faith efforts to resolve all issues and disputes that might arise in the administration of this Agreement through discussions between designated representatives of the Parties. If such discussions have failed, the use of a mediator is recommended.

12. Insurance. AT&T Arkansas shall maintain, throughout the term of this Agreement, insurance in the minimum amounts as follows:

Workers Compensation	Statutory Limits
Commercial General Liability	\$1,000,000 per occurrence, Combined Single Liability (CSL)
Auto Liability	\$2,000,000 General Aggregate (including all owned, non-owned, and hired vehicles) \$1,000,000 per occurrence (CSL)
Umbrella Liability	\$1,000,000 per occurrence (CSL)

13. Notices. Any notice to be given under this Agreement shall be in writing and may be delivered to either personally, by facsimile or by certified or registered mail with postage prepaid and return receipt requested, addressed as follows:

If to The City of Fayetteville:	City Attorney's Office City of Fayetteville 113 W. Mountain Street, Ste. 302 Fayetteville, AR 72701 FAX: (479) 575-8315
---------------------------------	---

If to AT&T Arkansas:	Mr. Edward Drilling, President, AT&T Arkansas AT&T Arkansas 1111 W. Capitol Avenue Little Rock, AR 72201-3005
----------------------	---

14. Modification. This Agreement may be amended or modified only by a written instrument executed by both Parties.

15. Assignment. AT&T Arkansas may not assign or transfer this Agreement or any interest therein without the prior consent of Fayetteville except to any affiliate of AT&T Arkansas.

16. Entire Agreement. This Agreement embodies the entire agreement and understanding of Fayetteville and AT&T Arkansas with respect to AT&T Arkansas' use of Fayetteville ROW in connection with the offering and provision of IP-enabled services including IP-enabled Video Services within Fayetteville using facilities constructed and placed within Fayetteville's ROW. As such it merges and supersedes all prior verbal agreements, understandings and representations by either party on the matters set forth herein.

17. Waiver. Failure on the part of either Party to enforce any provision of this Agreement shall not be construed as a waiver of the right to compel enforcement of such provision or any other provision.

18. Miscellaneous.

(a) AT&T Arkansas and Fayetteville each hereby warrants that it has the requisite power and authority to enter into this Agreement and to perform according to the terms hereof.

(b) The headings used in this Agreement are inserted for convenience or reference only and are not intended to define, limit or affect the interpretation of any term or provision hereof. The singular shall include the plural; the masculine gender shall include the feminine and neutral gender.

(c) AT&T Arkansas and Fayetteville shall cooperate fully with one another in the execution of any and all other documents and in the completion of any additional actions including, without limitation, the processing of permits that may be necessary or appropriate to give full force and effect to the terms and intent of this Agreement.

(d) Nothing contained in this Agreement is intended or shall be construed as creating or conferring any rights, benefits or remedies upon, or creating any obligations of the Parties hereto toward any person or entity not a party to this Agreement, unless otherwise expressly set forth herein.

(e) Nothing contained in this Agreement is intended or shall be construed as amending, modifying or otherwise affecting any other agreements, authorizations or memoranda which Fayetteville and AT&T Arkansas have now. Further, nothing contained in this Agreement is meant to change, limit, modify, restrict or limit any current rights or jurisdiction that either Fayetteville or other governmental entities currently have nor is this Agreement intended to change, limit, modify, restrict or limit any rights AT&T Arkansas currently has under existing federal and state law and under existing Fayetteville ordinances and existing construction permits issued by Fayetteville.

19. Binding Effect. This Agreement shall be binding upon and for the benefit of AT&T Arkansas and the City of Fayetteville.

20. Counterpart Execution. This Agreement may be signed in one or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same agreement. Signature pages may be transmitted by facsimile and any signature transmitted by facsimile will be given the same force and effect as an original signature.

21. Authority of City Council. This agreement is not intended to limit the authority of the Fayetteville City Council regarding the use of streets, easements, and public rights of way ("ROW") by public utilities, specifically including those that communicate information. The City Council expressly reserves the right to increase the fee imposed in paragraph 3 of this Agreement to that which is imposed on other video service providers in order to generally maintain competitive neutrality, so long as such fee does not exceed the maximum rate authorized under Section 622 of the Federal Communications Act (47 U.S.C. Section 542).

IN WITNESS WHEREOF, the parties hereto, by their duly authorized representatives, have executed this Agreement and made the same effective as of the 6th day of February, 2007.

AT&T ARKANSAS

By: _____
Name: Edward Drilling
Title: President – AT&T Arkansas

CITY OF FAYETTEVILLE, ARKANSAS

By: _____
Name: **DAN COODY**
Title: Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

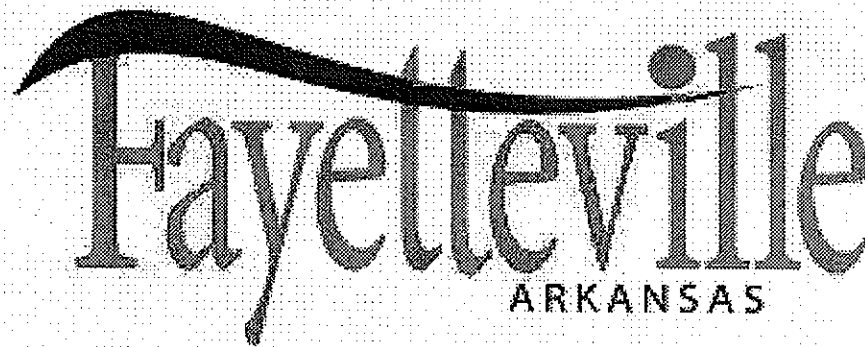
Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy 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

Mayor Dan Coody

City Attorney, Kit Williams

City Clerk Sondra Smith



**City of Fayetteville Arkansas
City Council Meeting Minutes
January 16, 2007**

A meeting of the Fayetteville City Council was held on January 16, 2007 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 Gray, Thiel, Cook, Allen, Rhoads, Ferrell, Lucas, Jordan, Mayor Coody, City Attorney, Kit Williams; City Clerk, Sondra Smith; Staff, Press, and Audience.

Pledge of Allegiance

Mayor's State of the City Address:

Mayor Coody gave the State of the City Address. A copy of the State of the City Address is attached.

City Council Committees Council Approval: Nominating, Ordinance Review, Sewer, Street and Equipment. These committees are appointed by the Mayor and approved by the City Council.

City Attorney, Kit Williams: The Mayor appoints the City Council members according to our rules. The City Council members normally just accept that. They can if they want to ask to be reassigned. Because of the state law in relation to the Sewer Committee, which is a very important statutory committee, I think it would be good for there to be a motion to accept the committee membership assignments as made by the Mayor.

Alderman Jordan moved to approve the City Council Committee Appointments. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.

CONSENT:

Approval of the December 19, 2006 and January 2, 2007 City Council meeting minutes.

Approved.

Performance Bond to Dead Horse Mountain Road Bridge: A resolution to approve the Performance Bond of Meadows Enterprises, Inc. to guarantee payment of \$36,668.92 for Dead Horse Mountain Road Bridge upon request by the city.

Resolution 05-07 as Recorded in the Office of the City Clerk.

Alderman Jordan moved to approve the Consent Agenda as read. Alderman Ferrell seconded the motion. Upon roll call the motion passed unanimously.

UNFINISHED BUSINESS:

Amend Chapter 174 & Chapter 153; Signs: An ordinance to enact a replacement Chapter 174 Signs and § 153.08 (G) Signs to clarify sign regulations in Fayetteville. ***This ordinance was left on the first reading at the January 2, 2007 City Council meeting.***

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

City Attorney, Kit Williams read the ordinance.

City Attorney, Kit Williams: Let me hand out what was provided to the Ordinance Review Committee.

Alderman Thiel: The Ordinance Review Committee reviewed this and made the changes that the City Attorney passed out. These changes were what the Ordinance Review Committee felt were acceptable changes. We had some citizens participate in the discussion. Most of the changes that were recommended were improvements or more enabling.

City Attorney, Kit Williams: All the changes are on pages 4 and 5 of the item I just handed out to you. The first change would be if you are in a nonresidential zone you would be allowed to have more than one large campaign sign if you had more than 100 feet of frontage. Basically you can have one large campaign sign for every 100 feet of frontage. These are the signs that go up three weeks prior to an election and then have to come down.

Another change we made after listening to the Aldermen and also some of the nonprofit people was to reduce the amount of setback to 20 feet instead of 40 feet for banners. Also if your building was closer than 20 feet it would be the building face.

We tripled the amount of time. It went from twice a year for two weeks at a time to six times a year to make sure there would be enough time for the nonprofits to be able to display their banners.

The third change was an oversight on my part earlier. We talked about having the banners that hang over Dickson Street limiting them to events that happen in the Downtown Master Plan Area and events at the University Campus. So I just needed to include that language in there.

Cyrus Young, citizen: You are eliminating the sponsors on the banners. A lot of times they will have sponsors on them, I assume that you worked that out. I did not see where you addressed permanent signs in front of subdivisions. Developers like to put up signs in front of their subdivisions. The main reason I came here is because of the election signs and the ones that City Attorney, Kit Williams was referring to, the large signs. You are limiting it to two or three weeks before the election. The whole point of putting up a sign like that is to try to influence other voters to vote for whoever it is you are putting the sign up for. In my opinion that is a violation of the first amendment right. That is the whole point of being able to put it up. Having them brought down after the election I don't believe any one will argue with that. The ability to influence the voter is over so everyone is in favor of getting them down. Limiting it to two or three weeks before the election I don't think is a problem. Generally no one puts them up before Labor Day. I would suggest that you eliminate any prior restraint on the weeks before the election. People want to be able to influence voters and two or three weeks before the election most people have already made up their minds and you have lost the ability to influence those people.

Alderman Thiel: The existing ordinance was not changed. It read three weeks prior, even though people don't necessarily abide by that. That has been the ordinance. There might be some consideration in increasing that time due to early voting which has become very popular now.

City Attorney, Kit Williams: It use to be two weeks and we elected to change it to three weeks. Subsection H which is entitled Noncommercial Signs basically means you can put up a small election sign year around on your property. There is no restriction for the noncommercial sign which you are authorized to have on your property. This only deals with the large signs.

Alderman Ferrell: Could we reach an agreement that probably people are putting their signs up around September 15th if they are going to run for the November election. Why don't we have the date of September 15th for the November election?

City Attorney, Kit Williams: We have to choose a period of time because these are going to be up before primaries. I would recommend you use a particular period of time before an election, two months, six weeks, three weeks, whatever you want to do.

Alderman Ferrell: I would suggest two months or 60 days. I hope everyone understands this is going to cause a race for the position, because if there is one sign per 100 feet there is going to be a race to get there.

Alderman Lucas: It is the large signs that are limited to the 100 feet it is not the small election signs.

Mayor Coody: Does this ordinance state there can only be one sign per 100 feet per candidate or for all candidates?

City Attorney, Kit Williams: This is one sign and the property owner gets to choose who he wants to allow putting a sign on his property. Prior to this amendment there was no provision

allowing any of these large signs. We simply were not enforcing it. We should enforce our ordinances. That is why I suggested to the Ordinance Review Committee and they have agreed that we allow the large campaign signs but have some restrictions on them. It is up to you to decide what the proper balance is between aesthetic considerations, traffic safety considerations, and political expression.

Alderman Allen: I want to clarify that we are only talking about large signs in terms of time periods. Smaller signs will not have a time frame.

City Attorney, Kit Williams: We actually can not limit small signs since we allow real estate signs and for sale signs. You can not favor a commercial sign over a noncommercial sign.

Daniel Hintz, Fayetteville Downtown Partners: We are under contract with the City of Fayetteville to oversee the Cross Street Banner Program and have taken considerable effort to get as much feedback as we possibly can on the work that was done on this. We would like to thank the City Attorney, staff and the Ordinance Review Committee for putting an enormous amount of work into this discussion. This is taken very seriously by the nonprofits that utilize this. I think the final ordinance that you see in front of you is a compromise. We have heard from several of the people that had a concern that compromises were made.

There is one thing I would like to bring to your attention. In Chapter 174.07, Placing Signs on Public and Private Property, under informational kiosk, there is no Downtown Entertainment Zone. We are asking that be changed to the Downtown Master Plan.

Alderman Thiel moved to amend the ordinance as per the recommendation of the Ordinance Review Committee and changing the name of the Downtown Entertainment Zone. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.

Alderman Ferrell moved to amend the ordinance to allow large political signs 60 days prior to an election date. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.

Alderman Thiel moved to suspend the rules and go to the third and final reading. Alderman Rhoads seconded the motion. Upon roll call the motion passed 7-1. Alderman Ferrell voting no.

City Attorney, Kit Williams read the ordinance.

Alderman Thiel: I do not feel like we are rushing this. There was a lot of discussion at the Ordinance Review Committee. I have no problem with moving this forward.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-1. Alderman Ferrell voting no.

Ordinance 4972 as Recorded in the Office of the City Clerk.

Amend Chapter 159; Road Impact Fees: An ordinance to amend Title XV Unified Development Code of Fayetteville, Chapter 159: Fees by enacting § 159.05 Road Impact Fees of the Unified Development Code and to refer this ordinance to the voters for their adoption or rejection. *This ordinance was left on the first reading at the January 2, 2007 City Council meeting.*

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

City Attorney, Kit Williams read the ordinance.

City Attorney, Kit Williams: This was heard at the Street Committee. I have put together some of the possible amendments that the Street Committee looked at and approved.

Alderman Jordan: We went over a lot of the fees. We reduced the residential from over \$4,000 to around \$2,363.

Tim Conklin, Planning & Development Management Director: That is correct. City staff met with the City Attorney and we talked about looking at how the fees could be more uniform with the different land use classifications that we have. In your final agenda packet you have the amended fee schedule. We looked at how to potentially combine the residential uses together and recommended to the Street Committee the fee of \$2,363.

Tim explained the fees and the current amount that they proposing for each zoning. He also gave a brief update on how they begin discussing impact fees and what impact fees are currently being collected. He spoke of the revenue that has been generated due to impact fees.

There are two methods, improvement based and consumption based. This looks at the fee as a system wide approach. The way the consult has calculated the fee is what does it cost to pay for a mile of capacity of road way. Each of the land uses have trip generation rates that are calculated by the Institute of Transportation Engineers (ITE Rates). Those are the rates that were used. There were adjustments made for the Federal funding that we received. There were also adjustments based on what we normally paid with regard to our CIP on street improvements. Section 3 in the ordinance states any valid permits that have been issued by the city prior to July 1, 2007 shall be exempt from the road impact fees.

City Attorney, Kit Williams: Section 3 is a new section and there were some minor changes in the whereas clauses. I would ask that you amend the ordinance to what I handed out tonight that includes Section 3 and other minor changes.

Jeff Erf: If someone gets a permit prior to July 1, 2007 when does that permit expire? Can someone get a permit on all the lots for a subdivision and hold on to them?

Tim Conklin: Permits are issued for six months and they need to show progress on that permit.

Jeff Erf: What type of progress? Is that spelled out specifically and who makes that determination?

Tim Conklin: The Building Safety Director would make that determination.

Jeff Erf: What would be an example of progress?

Tim Conklin: I don't want to speak for the Building Safety Director but I would assume that there would be inspections that would have to be completed during that six months that would show progress.

Mayor Coody: You would need to refer to the person that is in charge of that, the Building Safety Director.

Alderman Allen: I see that as problematic also Mr. Erf. I think that is something we need to look at.

Tim Conklin: We are in the process of drafting language that our City Attorney will need to look at with regard to what is a reasonable time period for substantial progress.

Alderman Allen: I hope that we will see something soon.

Alderman Thiel: What Jeff Erf referred to has increased the need for this and there definitely is a problem. I am looking forward to seeing something come forward to the Ordinance Review Committee in the near future.

Hank Broyles, Fayetteville Developer: I have observed the impact fees that started as a fairly small amount as getting larger and larger. With the road impact fees and some potential increases on the Water Impact Fees the amount will be somewhere around \$6,000 per house for a single family residential home.

Tim Conklin: With the possible amendments the fee which includes the Park Land Dedication Fee for a single family dwelling would be \$4,897. Duncan and Associates is looking at updating our Water and Wastewater Fees. That will be completed in the next couple of months.

Hank Broyles: I am far more in favor of a Real Estate Transfer Tax. This type of transfer tax would allow for a payment of all transactions on houses not just new construction. The impact fee is paid on a \$2 million home and also the same fee is paid on \$130,000 home. That is not fair. The person paying for the \$2 million home can afford to pay more. We are trying to find ways to do attainable housing in Fayetteville and how can I hide \$6,000 as a builder. It can not be done. That is this year, in 2010 is it going to be \$10,000. I am not against the city finding ways to generate revenue. I personally do not feel that stacking this on top of new home buyers is the source of revenue. The real estate transaction is fair. It should be paid on a cost of house basis not on an individual basis. There has been an interest in the real estate transfer tax. This is a far more equitable way to raise money for our streets, parks, fire and police. I am not against raising the money. I am just looking at this procedure of continuing to stack on top of your lower income housing. These houses are not going to happen. At \$6,000 on a 1,000 square foot home that is \$6.00 a square foot. That is probably going to push new houses over the top and houses will not sell. I think we can talk to the state legislator and try to get the Real Estate Transfer Tax a legal option for cities to have. It would work in the same manner that Revenue Stamps are working now. I sure hope the City Council will look for an opportunity as soon as possible to assist the people in Northwest Arkansas that are trying to get the Real Estate Transfer Tax approved and when it is approved we will give the citizens an opportunity to vote on it.

Mayor Coody: There are pros and cons to both, the Real Estate Transfer Tax and impact fees. Is a Real Estate Transfer Tax applicable to what we would spend impact fee money on?

City Attorney, Kit Williams: The Real Estate Transfer Tax would be more like a regular tax to where you could spend the money on anything. It would be another general revenue source.

Alderman Allen: Mr. Broyles how does it seem fair to charge the seller of an old existing home for paying for the newer homes that are creating the sprawl.

Hank Broyles: Sprawl is part of it. One of the city's goals is to promote infill. How are you going to do that if you are charging the house that is next to an existing house \$6,000 to be built. There is no street improvement but the new house is \$6,000 more, when we were further extending from the city that was definitely a viable look. The thought was new people are moving to town, existing citizens do not have to pay this tax, so we will slap this on the people moving to town that have not lived here and have not paid any taxes here. We will have them buy the new house and they will pay these fees. From the people that I have talked to over half the new houses that sell are selling to people that currently live here now not to new people that are moving into town. A very large percentage of the houses that are sold to new people that are moving into town are existing homes. We are not able to transfer that responsibility to people that are just moving into town. That is not a correct assumption. Once these streets are built the people that are living in that existing house are going to drive on them. It is not like they are not going to use the streets. I am trying to figure out how to build lower priced, more attainable housing and I can't do that if we continue to slap these fees onto new houses. These are not houses that are way out. I feel the Real Estate Transfer Tax would be a more equitable way to collect the funds. The revenue that is coming in on the impact fee is not just spent on the houses and the streets around the new houses. All those streets are built by the developer. The impact fees are spread all over the city for everybody to use all over town.

City Attorney, Kit Williams: They would be tied basically to a sales tax bond road program which are all major streets.

Alderman Thiel: In the past the developer did build some of the streets that were not within the development or they cost shared with the city. They will not do that now. They will not do that in addition to this.

Tim Conklin: If it is needed to serve the development and they need it for access we would continue to have them bring up substandard streets and require a local street access. As we look at developments on a case by case basis we will have to make a decision whether or not the developer is required to build those streets to provide local access.

City Attorney, Kit Williams: In most cases they would not. They would have to do something off site due to a safety consideration or no access.

Alderman Jordan: It was brought to our attention that if a business wanted to come in that we were interested in or if there was some affordable house the city could help with the infrastructure needs as long as the city owned the infrastructure. Is that correct?

City Attorney, Kit Williams: That is correct but that doesn't mean that we would waive the impact fees.

Paul Sullins, Rausch Coleman Homes: We want to be a partner with the city and we understand the need for the infrastructure. There is absolutely no argument there. We feel it needs to be on a more graduating scale because of the size home we specialize in. When I read this I read new development. There seems to be some grey area to me on whenever we develop a piece of ground and we pay for the infrastructure or we donate park land, we do our part for it, is the impact fee two separate items? When I buy a permit to build on our own property I pay those impact fees before the certificate of occupancy and before a water meter is set. The verbiage on this is not quite clear on that the permit is for a building structure and not for site improvements. Maybe I am just reading it wrong.

City Attorney, Kit Williams: New development is a building or structure. The impact fee will generate by the type of building you have.

Paul Sullins: We are leaning towards the transfer tax. I would ask the Council to table this for further discussion. It is real hard when we build a \$130,000 to \$160,000 house to have the same fees as someone that is building a \$500,000 house. We want to help do our part but it is hard to swallow a bigger chunk because we can't absorb that cost in a lower margin house. That cost does have to be reflected to the public in the price of the home.

Alderman Jordan moved to amend the ordinance to include Section 3 and other changes. Alderman Cook seconded the motion. Upon roll call the motion passed unanimously.

Tom Terminella, 123 North College: I voted in the general election for our bond issue that deals with infrastructure needs for the city. I am a land owner and developer within the city.

Mr. Terminella voiced his concern about the way past improvements were assessed. He stated we have an ordinance on the books if administrated and treated fairly to all would assess the amount of improvements that need to happen.

The road impact fee as I view it is going back to the well a third time. It is not home development; it is also retail and commercial. You are asking anybody that develops vertically within Fayetteville to improve the adjoining improvements that surround their property. You are asking us as taxpayers to pay every time we go to the store for a sales tax that is ear marked for infrastructure and capital improvements for this city. Now you are asking for a road impact fee. I do not understand why we are asking anybody that wants to take a risk, an entrepreneur within this city to be burdened with a road impact fee when we are already collecting it through sales tax.

Mr. Terminella explained the cost for a proposed hotel that might be built in the city. He stated he has already improved the infrastructure and now we will be asking the retail person to pay impact fees. He stated you can't go to the well three times.

Please study this and treat everyone within this community fairly. A transfer tax is the way to do this or pass it in a bond issue. Why do we want to over burden the people that want to be the risk takers and the pioneers that build the city. Cities were built by people moving here and trying to obtain their slice of the American dream. This doesn't make sense. Please analyze this before you move on it. You are going to kill the city in which we live. The people are going to go other places and develop. They are not going to pay these type of fees to call Fayetteville their home. They can not afford it.

Rich Grubbs, Arkansas Commercial Real Estate: Tom hit most of the points. I bring most of the businesses that you see in town here. You guys are making my job hard. I would like to see this area grow. I think if we want this area to grow you don't need to run these businesses off. We will be running off these commercial properties. I think we need to do a general tax and let everybody pay for the roads, everybody uses them; let everybody pay for them.

A discussion followed on impact fees versus the fees that have been paid in the past. A discussion also followed on what method could be used instead of impact fees.

City Attorney, Kit Williams: Typically this is not going to be a wash. This is going to generate more revenue for the city than our typical offsite development fees. It will help some of the issues about fairness. Impact fees are more uniform fees so the burden is spread more evenly on new development.

Alderman Allen: If we are worrying about affordable housing and we are going to charge the renters that are now in affordable housing that doesn't some how compute very well to me.

Hank Broyles stated that on one of his developments they have to develop the infrastructure and then he will have to pay the road impact fee in addition to this infrastructure that they have to do for his development.

City Attorney, Kit Williams: I want to point out something in our UDO that we placed in there just for a situation where it might appear that someone is paying more than their fair share for development cost on a particular project. There is a provision in the UDO that allows someone who has been asked to make particular improvements to present that to the Planning Commission and explain why you believe that is beyond the rough portionally of the impact of your development and its cost.

Jeff Erf: I urge you to pass this ordinance tonight. There is no reason not to. You are not making a decision whether or not to have impact fees you are making a decision whether or not to refer this issue to the voters. There is no reason to wait. The transfer tax is not a law; until it is a law I don't think you should even discuss it. I think you should charge the maximum amount of impact fee based on the impact fee study. I encourage you to pass this tonight and bring it to the voters to let the voters decide.

Tom Terminella: The issue of fairness came up and a sales tax base of collection for infrastructure is what the citizens voted for. If our projections are that we are going to need this infrastructure based on development occurring within our city then we are looking to the elected officials to go back to the voters and come up with the amount of infrastructure that is going to be needed and vote and pass a bond issue to handle our infrastructure. That seems to be the fairest way to deal with it. It would take in anyone that is using our streets.

Alderman Thiel: I support home rule for cities. I feel cities should have the ability to enable legislation to allow them to find the best way to fund projects. In that regard I support this idea of this being considered by the legislator. Any enabling legislative I support that gives more home rule to municipalities. It is an up hill battle to get this passed in this session. I feel like we have had the impact fee study and paid the consultants for the study, this has been discussed for many months. I feel the voters are going to determine this. I feel we need to refer this to the voter and let them decide if this is a fair way to assess and pay for new development. Every new house you build whether someone within the city buys that house, their house is being sold to

somebody else so you are adding another family that is utilizing the infrastructure. If we see a good project within this we can provide some incentive.

Mayor Coody: I think you are exactly right. If the transfer tax one day does pass and gives localities the option to assess this, the City Council could reassess their position and see if they wanted to change from impact fees to a transfer tax. They could look at that option if and when it becomes viable. I hope we will begin to evolve to where we can use impact fees as a planning tool as a lot of cities do by encouraging development where we want it and discouraging development where we do not want it by the application of impact fees. We have some growing pains to go through with this because we are one of the first cities in Arkansas to have impact fees.

Alderman Jordan: This has been an ongoing debate for quite a while. The first documentation that I received on the real estate tax was last week so I really don't know that much about it. I don't want to hold these impact fees to see if we are going to get a sponsor for the real estate tax. The discussion about impact fees has been ongoing for about the last six years. Our City Attorney talked about how we could help out with infrastructure needs for attainable housing and other developments as long as it was city owned. Is this a tax or a fee? That is the reason I thought it would be best to bring this before the voters and let them decide. All we are talking about doing is putting this before the vote of the people. Another thing we talked about was graduated impact fees and I think our City Attorney said that would be difficult to enforce.

City Attorney, Kit Williams: It would be a more complicated tax and would also require a completely different study than what was done.

Alderman Jordan: We are not charging the maximum fee that we can charge.

Alderman Ferrell: Fayetteville was one of the prime movers on getting impact fees passed through the legislative. I am no friend of impact fees. To me it is a tax. If you don't like impact fees then work to beat this.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Cook 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 4973 as Recorded in the Office of the City Clerk.

RZN 06-2344 (Dunnerstock and Windsor SD): An ordinance rezoning that property described in Rezoning Petition RZN 06-2344, for approximately 34.44 acres located at the northeast corner of Double Springs Road and Sellers Road, from R-A, Residential Agricultural, to RSF-2, Residential Single Family, 2 units per acre. *This ordinance was left on the second reading at the January 2, 2007 City Council meeting*

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

City Attorney, Kit Williams read the ordinance.

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

Ordinance 4974 as Recorded in the Office of the City Clerk.

NEW BUSINESS:

Amend Chapter 159, Fees Sections 159.02, 159.03, and 159.04: An ordinance to amend Sections 159.02 (D)(6)(a), 159.03 (D)(4)(a) to include an exemption from the payment of impact fees for nonprofit, multifamily supportive housing.

City Attorney, Kit Williams: Before I read the ordinance I would suggest that we amend this to include 159.05 which is the Road Impact Fee that we just passed so we would have the same exemption language in all the ordinances.

Alderman Jordan moved to include Road Impact Fees to the ordinance. Alderman Cook seconded the motion. Upon roll call the ordinance passed 7-0. Alderman Thiel was absent during the vote.

City Attorney, Kit Williams read the ordinance.

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 and Lucas were 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 7-0. 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 7-0. Alderman Rhoads was absent during the vote.

Ordinance 4975 as Recorded in the Office of the City Clerk.

Farmington Annexation Public Hearing Date: A resolution setting a public hearing date regarding the City of Farmington's desire to annex certain territory currently in the city limits of Fayetteville.

City Attorney, Kit Williams: The statute talks about the municipality desiring to annex land in the adjoining city that would be Farmington desiring to annex land in Fayetteville, after passage of the ordinance calling for the detachment and annexation "shall send the ordinance to the governing body of the city or town in which the lands are located". This has not occurred. We have unsigned copies but we do not have the ordinance that was passed. I think we should be very careful in proceeding and make sure we follow the statute exactly. Farmington did not get us a copy of the ordinance that was passed. I would recommend that we table this until we actually receive the ordinance that Farmington was supposed to get us.

Alderman Jordan moved to table the resolution indefinitely. Alderman Lucas seconded the motion. Upon roll call the motion to table passed unanimously.

This resolution was tabled indefinitely.

Tim Conklin: Farmington by state law put notice in the newspaper so they will be required to do that again. So that meeting will not happen now is that correct?

City Attorney, Kit Williams: Yes, it has to be called by this City Council and it has to be 15 days notice. We do not have the ordinance from them yet so I don't think we can go forward until they have supplied us with the ordinance.

Tim Conklin: I did not understand that when I talked to Farmington's business manager.

The following two items were added to the agenda at the City Council meeting:

Alderman Rhoads moved to add the GIS Data Contract to the agenda. Alderman Ferrell seconded the motion. Upon roll call the motion passed unanimously.

GIS Data Contract: A resolution to approve a contract with the Northwest Arkansas Regional Planning Commission to purchase GIS Data for 126 square miles within and around the City of Fayetteville for \$17,892.00.

City Attorney, Kit Williams: This was added to the agenda because we need to have a Letter of Agreement signed tomorrow. This group that is being paid this money was selected by the Northwest Arkansas Regional Planning Commission with input from the city. They have already done the aerial work to prepare this topographic map. Since this was a \$17,000 contract we are allowed under our Code of Ordinances for purchases under \$20,000 from a government supplier not to have to have separate bids. We did not personally select this company. It was selected by the Northwest Arkansas Regional Planning Commission. We are a member of the Planning Commission but it is not the city. So I felt like either they needed to do a sole source provider form or come to you and present the resolution. Our ordinance says in a cost share situation you will approve it by resolution.

Alderman Thiel: Have we seen this before?

City Attorney, Kit Williams: You have not. I saw it for the first time myself this morning. They did not think they had to bring it before the City Council. I thought that according to our Code of Ordinances it should be before the City Council by resolution. They waited a while because they did not realize that it had to go before the City Council and they wanted to make

sure they had the right amount of square mileage so that everyone would be happy with the data we collect.

Alderman Ferrell: What is the primary purpose of this and are there any other cities in Northwest Arkansas that are having their maps done?

City Attorney, Kit Williams: There are other cities and both counties.

Tim Conklin: Typically they group together and fly over the two counties.

Jeremy Pate: These are also the contours that we provide on our website and developers utilize the website.

Alderman Allen: Why is this a hurried thing?

Mayor Coody: Cities have the authority to spend up to \$20,000 with the Mayors authority. I am assuming that the Regional Planning Commission thought that since this was \$17,000 it fell within that jurisdiction therefore not requiring City Council action. Kit informed them that they are hiring the subcontractor not us, so it may be good to go ahead and get the Council's approval on this to make sure we stay within the law.

City Attorney, Kit Williams: This is a big cost savings to the city by joining with the Northwest Regional Planning Commission to have one fly over for both counties and the cities that use it. We save a lot of money this way.

Mayor Coody: If we did this on our own it would be a ton of money.

Alderman Rhoads: We are trying to be very safe here and I guess there are times for \$20,000 we should allow the Mayor to make that decision and sign his name. If it is wrong he will suffer the consequences as opposed to having something come up very quickly and not having enough time to really understand it.

City Attorney, Kit Williams: Under state law the City Council sets the rules for contracts under \$20,000. We have a code section that has a lot of exemptions and a lot of ways that it can be done. This was not done that way. Therefore I think they have to bring it to the City Council and have you approve it and if you don't approve it we are not going to do this.

Mayor Coody: If the City Council turns this down then I would not reject the City Council's intention and sign the contract anyway.

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

Resolution 06-07 as Recorded in the Office of the City Clerk.

Alderman Ferrell moved to add Amend Ordinance No. 4766 – Zion Gardens to the agenda. Alderman Rhoads seconded the motion. Upon roll call the motion passed unanimously.

Amend Ordinance No. 4766 – Zion Gardens: An ordinance amending Ordinance No. 4766, R-PZD 05-1599 for Zion Gardens, to allow a guarantee to be posted by the developer in lieu of constructing a sidewalk on Lot 97.

City Attorney, Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the amendment.

Tom Hennelly: Closing dates were set based on an assumed date for the final plat to have been signed. Those closings are within a matter of days and if you can not grant this for us those closings will be put off and a loss of about \$20,000 will be incurred.

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

City Attorney, Kit Williams read the ordinance.

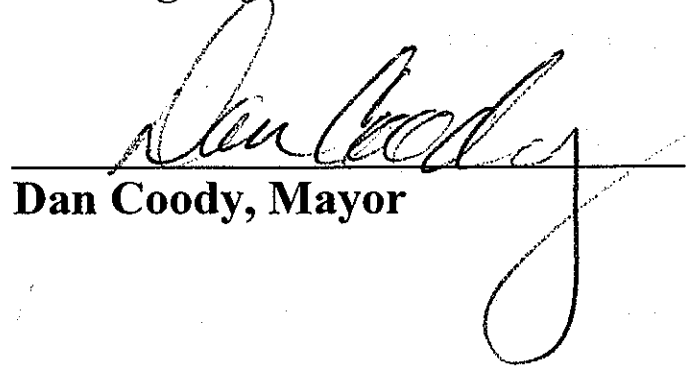
Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

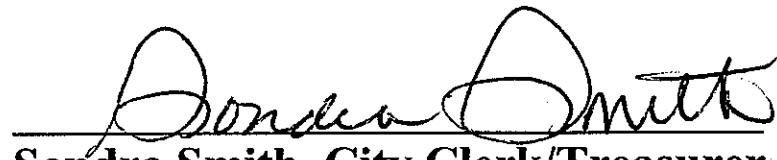
Ordinance 4976 as Recorded in the Office of the City Clerk.

INFORMATIONAL:

2007 Community Development Block Grant Action Plan Report

Meeting adjourned at 8:30 PM


Dan Coody, Mayor


Sondra Smith, City Clerk/Treasurer

C.9. RZN 06-2399 West Side
Annexation
January 6, 2007 RSF-4.

To: Fayetteville Planning Commission

Concerning: RZN 06-2399

We, the residents of Forest Hills subdivision and adjoining areas, object to the rezoning (from R-A to RSF-4) that portion of the 55.33-acre parcel of land bounded by Highway 16 and Harmon Road South and property owners in Forest Hills subdivision.

We feel strongly that it should be zoned as Residential Single Family (RSF-1) or remain as Residential Agriculture (R-A), for the following reasons:

1. The RSF-4 designation does not fit with the majority of the adjacent zoning. Though now residents of Fayetteville, we consider our community to be "country." We bought and developed our places with this in mind, and we want the adjoining areas to be similar.
2. The rezoning would appear to violate the general Fayetteville planning policy (which we applaud), of keeping high density housing concentrated toward the center of the city. Approving this proposal would set a precedent that would violate the integrity of the general policies used in development of the 2025 plan. We recognize that there is a small, existing, partially-built Westridge subdivision, that must now be rezoned to RSF-4. In retrospect, we hope that the city's position would not have been to approve that zoning. Although that can not be corrected, we see no justification in adding the additional acres with the RSF-4 designation.
3. The rezoning and concomitant house construction of four houses per acre would eventually lead to adding of hundreds of automobiles to the already heavy traffic on Highway 16. For those who drive that road regularly, we know that will mean additional delays and accidents.
4. Without a city sewer system hookup available, the RSF-4 designation implies a private sewage system that requires a large drainage field. We are not convinced those systems are fully effective nor safe from the standpoint of drainage of pollutants into down-stream underground water systems.

Thank you for hearing our plea and giving full consideration to our request.

Ken + Susan Bray	13271 Forest Hills Drive	FAYETTEVILLE	
Ricky + Schelly Cochran	14871 Cedar Ridge Ln	FYV	251-1204
Chad + Leslie Fett	14954 Timber Ridge Rd.	Fay, AR	571-4910
Janette Edgall	14959 Timber Ridge Rd	Fay, AR	72704
Kevin + Terry Stripe	14831 Timber Ridge Rd.	Fay, AR	72704
Shelby + Lori Gardner	14889 Timber Ridge Rd.	Fay, AR	72704
Darryl McNeel	13546 Forest Hills	"	"
Dave + Debbie Kutzbrown	14725 Cedar Ridge Lane	"	72704
Gene + Sue Anne Fulcher	13230 Forest Hills		571-8015
Rachel Fulcher	13230 Forest Hills	"	"
Patrick Ali	13189 REED RD,	FAYETTEVILLE AR	582-3384
Jana Ali	13189 Reed Rd	Fayetteville, AR	582-3384
Bill Miller + Ashley	13173 Reed Rd	Fayetteville	2008168
Nikolay Rannov	14711 Wilmoth Rd	Fayetteville, AR	72704 479-2832728
LARRY D. GILSON	14690 WILMOTH RD	FAYETTEVILLE	72704 479-267-1235
Kathy Gilson	14690 Wilmoth Rd.	Fayetteville	72704 479-267-1235
Donald Hudson	191714 Wilmoth Rd	Fayetteville	72704 479-841-3914
Walter	14693 Wilmoth Rd	Fayetteville	72704 479-873-0128
Walter	14675 Wilmoth Rd	Fayetteville	72704
June Brosius	14668 Wilmoth Rd.	Fayetteville	72704
Jim + Shalea Scott	14639 Wilmoth Rd.	Fayetteville	72704 267-2950
Bill Walz	14646 Wilmoth	Fayetteville	72704 267-5868
Kelli Clemens	14698 S. Harmon Rd	Fayetteville	72704 409-8992
Ben Clemens	14698 S. Harmon Rd	Fayetteville	72704 409-9578
Jeremy + Janelle Doss	13239 Edwards Ln	Fayetteville AR	72704 571-13
James + Tammy Shipley	13395 Edwards Ln	Fayetteville AR	72704 442-7995
Robert Lea	13349 Edwards Lane	FAY 72704	442-0437
Robert Lea	13349 Edwards Lane	Fayetteville, AR	72704 442-0437
Chris + Melissa Clark	14598 Harmon Rd S	Fayetteville AR	72704 443-6640
Alvin Watson	14500 Harmon Rd South		479-521-5606
Bobby Wilson	14496 HARMON RD South		479-521-5395
Dawn Wilson	14496 HARMON RD South		479-521-5395
Dan Copeland	14474 Harmon Rd South		479-422-8600
Sandra Copeland	14474 Harmon Rd. South		479-530-3916
Andrea Pastain	14375 Harmon Rd South		479-575-0680
Virginia Ann Burnett	14242 Harmon Rd South		479-582-9189
Benny P. Smith	14218 Harmon Rd. South		479-575-0187
David + J. Dean	133612 Forest Hills Dr.		479-582-7952

Mag L. Rogers	13751 Forest Hills Drive	Fayetteville
Rob C. Rogers	13751 FOREST HILLS DR.	PAY
Maria Altmann	13722 FOREST HILLS	FAYETTEVILLE
Uladimir L. Casa	13722 FOREST HILLS	FAYETTEVILLE
John D. P.	13668 Forest Hills	Fayetteville
Wm. E. P.	13704 FOREST HILLS DR.	FAYETTEVILLE AR
Peggy A. Vassell	13704 Forest Hills Dr	Fayetteville
Cherlann	13752 Forest Hills Dr	Fayetteville
John Damm	13752 FOREST HILLS DR	FAYETTEVILLE
Theresa Rardin	13759 Forest Hills Dr	
Wm. E. P.	13759 Forest Hills Dr.	Fayetteville

Calvin & Doris Bey, 13361 Forest Hills Dr. Fayetteville
 Jerry & Diane Owens 13791 Forest Hills Dr Fayetteville
 BRADY & Amy MEADORS 14904 Timber Ridge Rd Fayetteville
 Janet & Jimmy Smith 14898 Cedar Ridge Ln. Fayetteville
 Larry & Helen Balding 13316 Forest Hills Dr Fayetteville
 Eugene & Edith Carter 13194 Reed Rd Fayetteville
 Barbara & Randall Lewis 13136 Reed Rd Fayetteville AR
 Jim Ball 13105 Reed Rd Fayetteville
 Deloris Daugh 13116 Reed Road Fayetteville
 Kermit Daugh 13116 Reed Road Fayetteville
 Anna F Heath 13317 Forest Hills Fayetteville
 Jack Messer 14697 Cedar Ridge Lane Fayetteville 72704
 Mark & Amy Kersey 13498 Forest Hills Dr. Fayetteville 72704
 Leslie & Krista Hassell 14724 Forest Hills Dr Fayetteville AR 72704
 * Donna Kisting 14925 TIMBER RIDGE LN, Fayetteville, AR 72704
 Jeria Lechner 14650 Walnut Ridge Rd. Fayetteville, AR. 72704
 Anna S. Hollinger 13600 Forest Hills Dr. Fayetteville, AR 72704
 Mike Henry 13272 Forest Hills Dr Fayetteville, AR 72704
 Mark & Kathy Parker 14726 CEDAR RIDGE LN FAYETTEVILLE AR 72704
 Karl & Jennifer Welsch 13646 Forest Hills Dr. Fayetteville AR 72704
 Dennis & Missy Hylson 13688 FOREST HILLS DRIVE Fayetteville, AR 72704
 Dan & Andrea Charles 13229 Forest Hills Drive Fayetteville AR 72704
 * Paul Tipton 14662 Walnut Ridge Ln, Fayetteville AR 72704
 Al Hylson 14667 Walnut Ridge Fayetteville AR 72704
 Montiel D Bailey 14856 Cedar Ridge Lane Fayetteville AR 72704
 Nancy D Bailey 14856 Cedar Ridge Lane Fayetteville Arkansas 72704

C. H. Council Meeting 2/6/07
Revised Resolution

RESOLUTION NO. _____

A RESOLUTION TO CONVEY A TEN FOOT NO BUILD EASEMENT AROUND A PROPOSED BUILDING BY ED BRADBERRY ABOVE THE TEN FOOT ALLEY AT THE TOWN CENTER SITE

WHEREAS, Mr. and Mrs. Ed Bradberry are proposing to build a structure on his property off the Town Center Plaza and to the Northeast of the Town Center; and

WHEREAS, the City has no plan to construct further structures above the ten foot alley beyond the existing Town Center Plaza which bridges this alley; and

WHEREAS, in order to ensure greater than five foot fire separation for windows or openings of Ed Bradberry's proposed building in the direction of this alley, the City would need to grant a ten foot no build easement along the forty foot exterior of the proposed building.

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 grants a no build easement for fire safety purposes to Mr. and Mrs. Ed Bradberry described as follows:

This No-Build Easement would prevent future construction above 1432.53 feet above mean sea level other than Encroachments into Public Right of Way allowed by International Building Code. Point of Beginning (P.O.B.) is the southeast corner of Block 30, Lot 1 of the Original Town of Fayetteville, Arkansas; thence N87°28'02"W 40.0 feet; thence South 10.1 feet; thence East 40.0 feet and thence North 10.1 feet, more or less, to point of beginning and containing approximately 405 square feet.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby conditions the granting of this no build easement on the successful construction of the proposed building by the Bradberrys within three years of this date. If this proposed building is not approved or not constructed within

three years of the date of this Resolution's approval, the no build easement shall be void and unenforceable.

PASSED and APPROVED this 6th day of February, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING COMMENTS AND SUGGESTIONS FOR IMPROVEMENT

The detailed comments and suggestions for improvements are comprised of: 1) an indication above the comment that provides either the specific certificate program checklist question to which the item directly relates or the notation "Additional Comment" to indicate the comment does not directly relate to a specific checklist question and 2) text that generally identifies the location of the item in your CAFR, the reason for the comment, and the particular item you should address. Following is the legend for the references to specific authoritative literature that are provided for the majority of comments:

APB	-	Accounting Principles Board Opinion
<i>Audits of State and Local Governments</i>	-	<i>Audits of State and Local Governments</i> American Institute of Certified Public Accountants
FASB - I	-	Financial Accounting Standards Board Interpretation
FASB - S	-	Financial Accounting Standards Board Statement
2005 GAAFR	-	<i>Governmental Accounting, Auditing, and Financial Reporting</i> , GFOA 2005
GAAFR Review	-	<i>GAAFR Review</i> , GFOA's Monthly Newsletter on Governmental, Accounting, Auditing, and Financial Reporting
GASB - I	-	GASB Interpretation
GASB - S	-	GASB Statement
GASB - TB	-	GASB Technical Bulletin
IMPL	-	GASB Implementation Guide (not yet included in the <i>Comprehensive Implementation Guide</i>)
Q&A	-	<i>Comprehensive Implementation Guide - 2005</i> , GASB
NCGA - I	-	National Council on Governmental Accounting Interpretation
NCGA - S	-	National Council on Governmental Accounting Statement

All references listed above, except those for "2005 GAAFR," "GAAFR Review," "Q&A," "IMPL," and *Audits of State and Local Governments* are followed by the number of the pronouncement, if applicable, and the specific paragraph(s), footnote(s), or appendix (appendices) within the publication that are being referenced. The references to "2005 GAAFR" and "GAAFR Review" are to pages in those publications. For "Q&A" the references are to the applicable chapter and question in that publication. For "IMPL" the references are to the applicable implementation guide and question in that publication. For *Audits of State and Local Governments*, the references are to the chapter and specific paragraph.

Certificate of Achievement For Excellence in Financial Reporting

Detailed Listing of Comments and Suggestions for Improvement

Name of Unit: City of Fayetteville

Fiscal Year of Report FY2005

Report # 3,014.00

101 - Cover, table of contents, and formatting

Checklist Question: 1.6c

Consider indenting the "notes to financial statements" caption under the "basic financial statements" caption.

The formatting of the table of contents should clearly indicate that the notes to the financial statements are an integral part of the basic financial statements. [2005 GAAFR, page 286]

102 - Introductory section

Additional Comment:

It is recommended that the letter of transmittal describe any of the government's financial policies that had a significant impact on the current period's financial statements. [2005 GAAFR, page 289]

104 - Management's discussion and analysis (MD&A)

Checklist Question: 4.1e

Page 16.

In Management's Discussion and Analysis, the discussion of overall operations should explain the reasons for the changes in net assets rather than focusing solely on the size of the changes (amount or percentage of change). [GASB-S34: 11c; 2005 GAAFR, page 293]

104 - Management's discussion and analysis (MD&A)

Checklist Question: 4.1c9

Page 15 - Include the amount of excess or deficiency before "transfers."

The condensed financial data presented in Management's Discussion and Analysis should include the amount of the excess or deficiency before...the following, as appropriate: contributions to term and permanent endowments; contributions to permanent fund principal; special items; extraordinary items; and transfers extracted from the government-wide statement of activities. [GASB-S34: 11b(9); 2005 GAAFR, page 293]

104 - Management's discussion and analysis (MD&A)

Checklist Question: 4.1f

For the Sales Tax Construction Fund.

Management's Discussion and Analysis should explain the reasons for significant changes in fund balances or fund net assets. [GASB-S34: 11d; 2005 GAAFR, page 293]

106 - Government-wide financial statements

Checklist Question: 6.6a

Page 22 - Include the liability for "compensated absences" due within one year with the other long-term liabilities due within one year. Report all long-term liabilities together under a line-item caption "long-term liabilities," which should be further divided into two subaccounts (i.e., amounts due within one year and amounts due beyond one year).

When governments present their net assets in the relative order of their liquidity in the statement of net assets, any liability account with an average maturity in excess of one year should be subdivided into two subaccounts (i.e., amounts due within one year and amounts due beyond one year). [GASB-S34: 31; 2005 GAAFR, page 160]

106 - Government-wide financial statements

Checklist Question: 6.15

Page 23 - The "loss on sale of assets."

Except for interest and unallocated depreciation, expenses related to governmental activities should be classified by function rather than by object of expenditure. One of the line items reported for expense appears to be an object of expenditure rather than a function. Please clarify. [GASB-S34: 38 and 41; 2005 GAAFR, pages 165-166]

108 - Governmental fund financial statements

Additional Comment:

Pages 26-27 - The payment to refunded bonds escrow agent is much larger than the issuance of refunding bonds.

In a refunding transaction, payments made from sources other than refunding bond proceeds should be reported as an expenditure rather than as an other financing use. [GASB-S7: 8; 2005 GAAFR, page 94]

111 - Summary of significant accounting policies (SSAP)

Checklist Question: 11.7

Page 41.

The discussion of the government's policy for eliminating internal activity in the government-wide statement of activities should indicate that interfund services provided and used are not eliminated in the process of consolidation. [GASB-S34: 59, 60, and 115c; 2005 GAAFR, pages 201-202]

112 - Note disclosure (other than the SSAP and pension-related disclosures)

Checklist Question: 12.21d

Page 62.

The notes should disclose which governmental funds typically have been used in prior years to liquidate the liability for compensated absences. [GASB-S34: 119d; Q&A 7.356; 2005 GAAFR, page 227]

112 - Note disclosure (other than the SSAP and pension-related disclosures)

Checklist Question: 12.23d

Page 54.

The notes should describe the principal purposes of the government's interfund transfers. [GASB-S38: 15b; 2005 GAAFR, page 228]

112 - Note disclosure (other than the SSAP and pension-related disclosures)

Checklist Question: 12.32b

Page 59 - For the "December 2005" refunding transaction.

When a refunding transaction results in either the defeasance or redemption of the refunded debt, the notes should disclose the aggregate difference in debt service between the refunding debt and the refunded debt. [GASB-S7: 11; 2005 GAAFR, page 233]

112 - Note disclosure (other than the SSAP and pension-related disclosures)

Checklist Question: 12.32c

Page 59 - For the "December 2005" refunding transaction.

When a refunding transaction results in either the defeasance or redemption of the refunded debt the notes should disclose the economic gain or loss on the transaction. [GASB-S7: 11; 2005 GAAFR, page 233]

112 - Note disclosure (other than the SSAP and pension-related disclosures)

Additional Comment:

Page 49 - Disclose the dollar value in each ratings category for the City's investments in corporate bonds.

The disclosure of the credit quality of debt securities must include the dollar amount of the securities. [Q&A 1.37; 2005 GAAFR, page 213]

112 - Note disclosure (other than the SSAP and pension-related disclosures)

Checklist Question: 12.23b

Page 55.

The disclosure of the purposes of interfund balances should be specific to the government rather than generic.

113 - Pension-related note disclosures

Additional Comment:

Page 74.

The disclosure of the actuarial assumptions for defined benefit pension plans should be included in the notes to the financial statements rather than in the notes to required supplementary information. [GASB-S27: 21c; 2005 GAAFR, page 221]

113 - Pension-related note disclosures

Checklist Question: 13.3e

Page 64 - For the General Employee Retirement Plan.

Governments that participate in a defined contribution pension plan should disclose the authority for establishing or amending the plan's provisions. [GASB-S27: 27b; 2005 GAAFR, page 223]

113 - Pension-related note disclosures

Checklist Question: 13.3g

Page 64 - For the General Employee Retirement Plan.

Governments that participate in a defined contribution pension plan should disclose the authority for establishing or amending contribution requirements. [GASB-S27: 27c; 2005 GAAFR, page 223]

113 - Pension-related note disclosures

Checklist Question: 13.4d

Page 66 - For the Policemen's Pension and Relief Fund and the Firemen's Pension and Relief Fund.

The notes should disclose that benefits and refunds of the defined benefit pension plan are recognized when due and payable in accordance with the terms of the plan. [Q&A 5.52; 2005 GAAFR, page 333]

115 - Combining and individual fund information and other supplementary information

Additional Comment:

Pages 80-93.

The budgetary comparisons included in the combining and individual fund section of the CAFR should be titled schedules rather than statements. [2005 GAAFR, page 302]

115 - Combining and individual fund information and other supplementary information

Additional Comment:

If the Advertising and Promotion Commission reports more than one fund.

If a discretely presented component unit does not issue a separate report, then fund financial statements should be provided in the financial section of the primary government's comprehensive annual financial report. [GASB-S14: 50; 2005 GAAFR, page 303]

118 - Statistical section

Checklist Question: 18.1q

Pages 115, 123, and 125-127.

The government should indicate the source of all non-accounting data presented in the statistical section. [2005 GAAFR, page 310]

118 - Statistical section

Additional Comment:

Page 115.

Information on the revenue base should show the total direct rate applied to that base (i.e., the weighted average of all the individual direct rates applied by the government). [GASB-S44: 14; IMPL 44: 43; 2005 GAAFR, page 306]

118 - Statistical section

Additional Comment:

Page 116.

The schedule of revenue rates should display the total direct rate. [GASB-S44: 16; 2005 GAAFR, page 306]

118 - Statistical section

Additional Comment:

The statistical section should include information about the principal revenue payers or remitters of the government's largest own-source revenue. [GASB-S44: 14; 2005 GAAFR, page 307]

118 - Statistical section

Additional Comment:

Page 120.

The statistical section should present the ratio of total outstanding debt to total personal income. [GASB-S44: 24; 2005 GAAFR, page 307]

118 - Statistical section

Additional Comment:

Page 122.

The demographic and economic information should indicate total personal income (if not already presented elsewhere within the statistical section). [GASB-S44: 32; 2005 GAAFR, page 309]

120 - New Pronouncements

Additional Comment:

The GASB has issued Statement No. 47, "Accounting for Termination Benefits," which provides guidance on how employers should account for benefits associated with either voluntary or involuntary terminations. The requirements of the new statement become effective for fiscal periods beginning after June 15, 2005 (except for those provisions involving other postemployment benefits, which only take effect upon the implementation of GASB Statement No. 45, "Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions").

120 - New Pronouncements

Additional Comment:

The GASB has issued Statement No. 45, Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions, which provides guidance on all aspects of OPEB reporting by employers. The requirements of this statement are effective for fiscal periods beginning after December 15, 2006, for governments with annual revenues of \$100 million or more; for fiscal periods beginning after December 15, 2007, for governments with total annual revenues of \$10 million or more but less than \$100 million; and for fiscal periods beginning after December 15, 2008, for governments with total annual revenues of less than \$10 million.

***** END OF COMMENTS FOR REPORT # 3,014.00 / FY2005 *****

Attach to 2/6/07 Minutes

FAYETTEVILLE HOUSING AUTHORITY

#1 North School Ave.

Fayetteville, AR 72701-5928

PH: (479) 521-3850 FAX: (479) 442-6771

E-MAIL: fayettevilleha@moregti.net

RECEIVED

JAN 29 2007

CITY OF FAYETTEVILLE
MAYOR'S OFFICE

January 26, 2007

Mayor Dan Cobdy &
Fayetteville City Council Members
113 West Mountain St.
Fayetteville, AR 72701

Dear Mayor Coody & Fayetteville City Council Members:

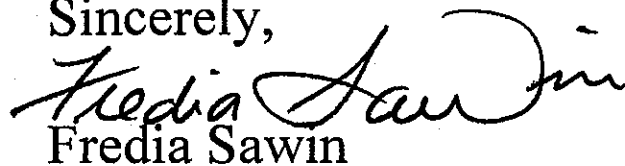
This letter is to confirm that the Fayetteville Housing Authority's Board has elected a new commissioner at its January 19, 2007 Special Board Meeting.

The new Commissioner for the Fayetteville Housing Authority Board is Olivia Horn. Her term will begin on January 19, 2007 and end on December 28, 2009.

The Fayetteville Housing Authority Board requests that this newly elected commissioner (Olivia Horn) be placed on the next City Council Meeting Agenda to be formally confirmed by the municipality's governing body in accordance with the Arkansas State Statute #14-169-208.

If you have any questions, please feel free to call or e-mail.

Sincerely,



Fredia Sawin

Executive Director

fs

F FAYETTEVILLE MUNICIPAL AIRPORT/ DRAKE FIELD MASTER PLAN UPDATE

DECEMBER 2006

"The preparation of this document may have been supported, in part, with financial assistance from the Federal Aviation Administration through the Airport Improvement Program. The contents do not necessarily reflect the official views or policy of the FAA.

Acceptance of these documents by the FAA does not in any way constitute a commitment on the part of the United States to participate in any development depicted herein nor does it indicate that the proposed development is environmentally acceptable in accordance with appropriate public law."

McClelland Consulting Engineers

» **Barnard Dunkelberg & Company**

Cherry Street Building • 1616 East 15th Street • Tulsa, Oklahoma 74120

Phone Number: 918.585.8844 • FAX Number: 918.585.8857 • Email: kelly@bd-c.com

Contents

Contents	<i>iii</i>
Tables	<i>v</i>
Illustrations	<i>vii</i>
Inventory of Existing Conditions	
Introduction	A.1
Airside Facilities	A.2
Landside Facilities	A.6
Airspace System/Navigation and Communication Aids	A.9
Existing Planning Data Inventory	A.12
Financial Inventory	A.16
Historical and Existing Aviation Activity	A.18
Summary	A.23
Forecasts of Aviation Activity	
Introduction	B.1
Forecast Assumptions and Conditions	B.1
Aviation Activity Forecasts	B.8
Based Aircraft Forecasts	B.18
Summary	B.23
Capacity Analysis	
Introduction	C.1
Airfield Capacity Methodology	C.1
Airfield Capacity Analysis	C.9
Ground Access Capacity	C.11
Summary	C.12
Facility Requirements	
Introduction	D.1
Airside Facilities	D.1
Landside Facilities	D.10
Summary	D.14

Concepts, Alternatives, and Development Plan

Introduction	E.1
Goals for Development	E.2
Airside Development Concepts, Alternatives, and Recommendations	E.3
Landside Development Concepts, Alternatives, and Recommendations	E.20

Environmental Review

Introduction	F.1
Existing Conditions	F.1
Potential Impacts	F.4

Airport Plans

Introduction	G.1
Airport Layout Drawing	G.1
Airport Airspace Drawings	G.4
Inner Portion of the Approach Surface Drawings	G.9
Terminal Area Plan	G.9
Land Use Drawing	G.15
Airport Property Map	G.15

Implementation Plan

Introduction	H.1
Project List and Cost Estimates	H.1
Implementation Schedule	H.2
Capital Improvement Program	H.2
Financial Plan and Implementation Strategy	H.2
Summary	H.5

Appendix

Tables

Table A1 Instrument Approach Procedures	A.12
Table A2 Revenue and Expense Summary, 2000-2005	A.18
Table A3 Historical and Existing Aviation Activity, 1996-2005	A.19
Table A4 Existing Operations by Aircraft Type, 2005	A.22
Table A5 Summary of Based Aircraft, 1996-2005	A.23
Table B1 Summary of Historic and Projected Population Totals	B.3
Table B2 Air Carrier Operations Forecast, 2005-2025	B.9
Table B3 General Aviation Operations Forecast Scenarios, 2005-2025	B.10
Table B4 Military Operations Forecast, 2005-2025	B.13
Table B5 Summary of Operations Forecast by Aircraft Type, 2005-2025	B.15
Table B6 Summary of Local and Itinerant Operations, 2005-2025	B.16
Table B7 Peak Period Aircraft Operations, 2005-2025	B.17
Table B8 Summary of Operations by Airport Reference Code, 2005-2025	B.18
Table B9 Based Aircraft Forecasts, 2005-2025	B.20
Table B10 Based Aircraft Forecast by Type, 2005-2025	B.22
Table B11 Summary of Aviation Activity Forecasts, 2005-2025	B.24
Table C1 All Weather Wind Coverage Summary	C.5
Table C2 IFR Wind Coverage Summary	C.7
Table C3 Aircraft Class Mix Forecast, 2005-2025	C.8
Table C4 Airfield Capacity Forecast Summary, 2005-2025	C.11
Table C5 Ground Access Facility Volume	C.12
Table D1 Runway 16/34 Dimensional Standards, in Feet	D.2
Table D2 Runway Length Requirements, in Feet	D.5
Table D3 Business Jet Fleet Runway Length Requirements, in Feet	D.6
Table D4 Runway Protection Zone Dimensions, in Feet	D.8
Table D5 General Aviation Facility Requirements, 2005-2025	D.12
Table D6 Fuel Storage Requirements, 2005-2025	D.13
Table E1 Alternative One Declared Distance Runway Lengths, in Feet	E.6
Table E2 Alternative Two Declared Distance Runway Lengths, in Feet	E.10
Table E3 Alternative Three Declared Distance Runway Lengths, in Feet	E.13
Table E4 Alternative Four Declared Distance Runway Lengths, in Feet	E.16
Table E5 Alternative Five Declared Distance Runway Lengths, in Feet	E.19
Table H1 Phase One (0-5 Years) Development Plan Project Costs	H.7

Table H2 Phase Two (6-10 Years) Development Plan Project Costs	H.9
Table H3 Phase Three (11-20 Years) Development Plan Project Costs	H.10

Illustrations

Figure A1 Airport Location Map	A.3
Figure A2 Airport Vicinity Map	A.4
Figure A3 Existing Airport Layout	A.5
Figure A4 Airspace/NAVAIDS Summary	A.10
Figure A5 Generalized Existing Zoning	A.14
Figure A6 Generalized Existing Land Use	A.15
Figure A7 Generalized Future Land Use	A.17
Figure B1 Historic and Forecast General Aviation Operations, 1996-2025	B.12
Figure B2 Local and Itinerant Aircraft Operations	B.16
Figure B3 Historic and Forecast Based Aircraft, 1996-2025	B.21
Figure B4 Forecast of Based Aircraft by Type	B.22
Figure C1 All Weather Wind Rose	C.4
Figure C2 IFR Wind Rose	C.6
Figure E1 Alternative One	E.7
Figure E2 Alternative Two	E.9
Figure E3 Alternative Three	E.12
Figure E4 Alternative Four	E.15
Figure E5 Alternative Five	E.18
Figure E6 Landside Development Alternative One	E.23
Figure E7 Landside Development Alternative Two	E.25
Figure E8 Conceptual Development Plan	E.27
Figure F1 Existing (2005) Noise Contours with Generalized Existing Land Use	F.7
Figure F2 Future (2025) Noise Contours with Generalized Existing Land Use	F.8
Figure F3 FAR Part 150 Land Use Compatibility Guidelines	F.9
Figure G1 Airport Layout Drawing	G.2
Figure G2 Airport Airspace Drawing Plan View	G.6
Figure G3 Airport Airspace Drawing South Approach Plan View	G.7
Figure G4 Airport Airspace Drawing Profile View	G.8
Figure G5 Inner Portion of the Approach Surface Drawing Runway 16 Plan View	G.10
Figure G6 Inner Portion of the Approach Surface Drawing Runway 16 Profile View	G.11

Figure G7 Inner Portion of the Approach Surface Drawing Runway 34 Plan View	G.12
Figure G8 Inner Portion of the Approach Surface Drawing Runway 34 Profile View	G.13
Figure G9 Terminal Area Plan	G.14
Figure G10 Land Use Drawing	G.16
Figure G11 Airport Property Map	G.17
Figure H1 Phasing Plan	H.11

F

**FAYETTEVILLE
MUNICIPAL
AIRPORT/
DRAKE FIELD
MASTER PLAN
UPDATE.**

**A INVENTORY OF
EXISTING CONDITIONS**

Inventory of Existing Conditions

Introduction

Fayetteville Municipal Airport/Drake Field is an essential element of the national airport system and an integral component of the transportation infrastructure for the City of Fayetteville, Washington County, and northwest Arkansas. It represents an absolute necessity for some and a "required" convenience for others. The Airport is an excellent aviation facility and, along with the aviation-related businesses and facilities, represents a vital and significant regional economic asset. Additionally, the Airport also provides benefits to local businesses and industries, supports the University of Arkansas, promotes tourism, and encourages additional economic development and expansion throughout the region.

The *Fayetteville Municipal Airport Master Plan Update* published in 1999, provided guidance for airport development based on the best available data and assumptions at the time and compiled over a period from 1954 to 1998. However, changes within the ever-fluctuating aviation industry have transpired on a local, regional, and national level that impact facilities and services provided at the Airport. The most crucial change occurred with the opening of Northwest Arkansas Regional Airport in November 1998, and the subsequent relocation of all scheduled airline service from Fayetteville Municipal Airport/Drake Field to this airport in 1999. These changes necessitate a re-evaluation of the plan and program as a means of analyzing current and forecast operational characteristics and facilities, as well as updating the goals, objectives, and assumptions that will guide future airport development.

The purpose of this planning effort is to determine the long-range needs of the Airport, define the aviation role that Fayetteville Municipal Airport/Drake Field will have in the region, examine viable and reasonable alternatives, recommend a realistic development plan, identify the costs necessary to implement the plan, and establish the vision for the 20-year planning period and beyond. An evaluation of future facilities will be determined from an aviation use standpoint and recommendations will be proposed based on the safest, most efficient, and best use of airport property. However, consideration of the airport facilities' relationship to the surrounding community will be

incorporated into the study. The overall planning goal is the development of an aviation facility that can accommodate future demand, is not significantly constrained by its environs, and has minimal adverse effects on its surroundings.

As illustrated in the following figures, entitled *AIRPORT LOCATION MAP* and *AIRPORT VICINITY MAP*, Fayetteville Municipal Airport/Drake Field is located in northwest Arkansas, in Washington County, approximately 195 miles northwest of Little Rock and 100 miles east of Tulsa, Oklahoma. It is situated approximately three miles south of the Central Business District of Fayetteville. The Airport Reference Point (ARP) is located at Latitude 36° 0' 18.34" N, and Longitude 94° 10' 12.21" W. Fayetteville Municipal Airport/Drake Field, classified as a general aviation airport by the FAA's National Plan of Integrated Airport Systems (NPIAS), has an elevation of 1,251 feet Above Mean Sea Level (AMSL), and has property consisting of approximately 631 acres.

Airside Facilities

Fayetteville Municipal Airport/Drake Field is operated with one runway (Runway 16/34), a full-length parallel taxiway, a partial parallel taxiway, connector taxiways, an air traffic control tower, aircraft storage hangars, aprons, and support facilities. Figure A3, entitled *EXISTING AIRPORT LAYOUT*, provides a graphic presentation of the existing airport facilities.

Runway

Runway 16/34 is 6,006 feet in length, 100 feet in width, and is marked with Precision Instrument markings at both runway ends. The runway is constructed of grooved asphalt and, according to the Airport Master Record (FAA Form 5010), has a gross weight bearing capacity of 90,000 pounds single wheel, 150,000 pounds dual wheel, and 175,000 pounds dual tandem wheel main landing gear configuration. The runway is equipped with Medium Intensity Runway Lights (MIRL), threshold lights, four-light Precision Approach Path Indicators (PAPI) on the left-hand side of both runways, and an Omnidirectional Approach Lighting System (ODALS) serving both runways. Two localizer antennas are located on the Airport; one is south of Runway 34 and the other is south of Taxiway D on the east side of the runway.

Taxiways

Runway 16/34 is provided with a full-length parallel taxiway (Taxiway B) with a location that varies from 300 feet to 395 feet west of the runway (centerline to centerline). Taxiway B provides aircraft access to each runway end. Taxiways C, D, E, and F are exit taxiways providing access from Runway 16/34 to Taxiway B. Taxiways C and D also

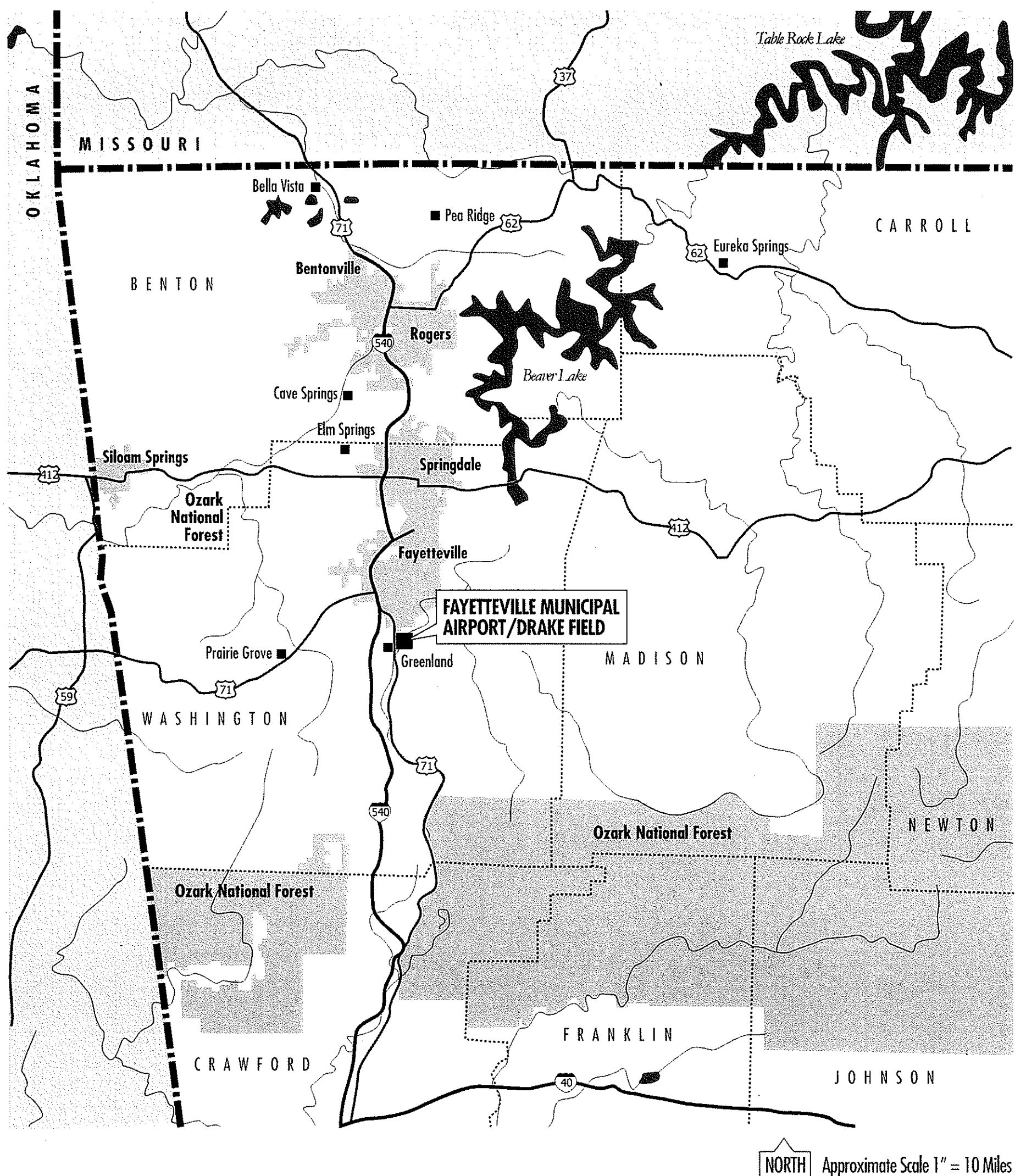


Figure A1 Airport Location Map

F FAYETTEVILLE MUNICIPAL AIRPORT/ DRAKE FIELD MASTER PLAN UPDATE. FAYETTEVILLE, ARKANSAS

Source: Microsoft Street & Trips 2001

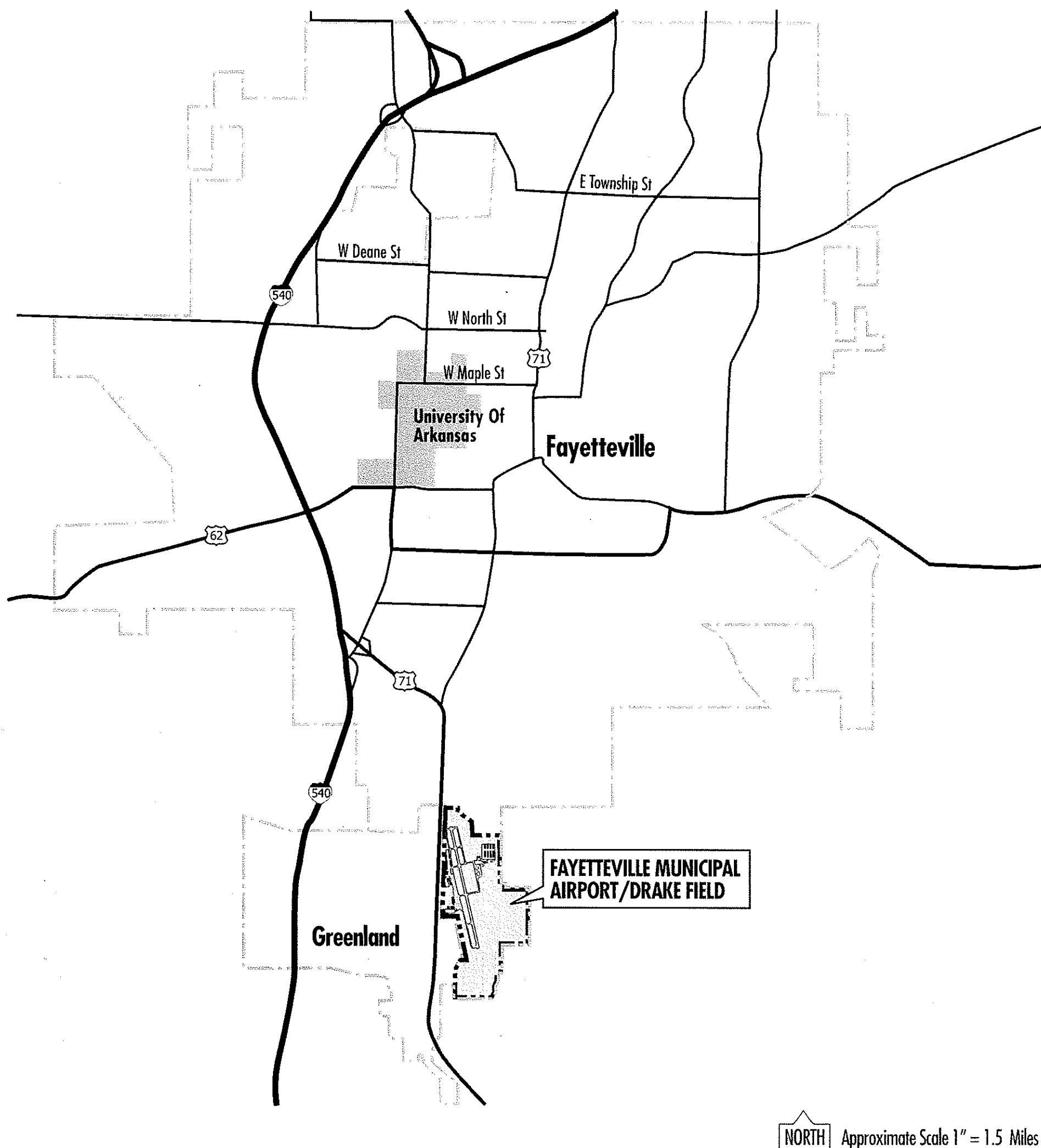


Figure A2 Airport Vicinity Map

F FAYETTEVILLE MUNICIPAL AIRPORT/ DRAKE FIELD MASTER PLAN UPDATE. FAYETTEVILLE, ARKANSAS

Source: Microsoft Street & Trips 2005

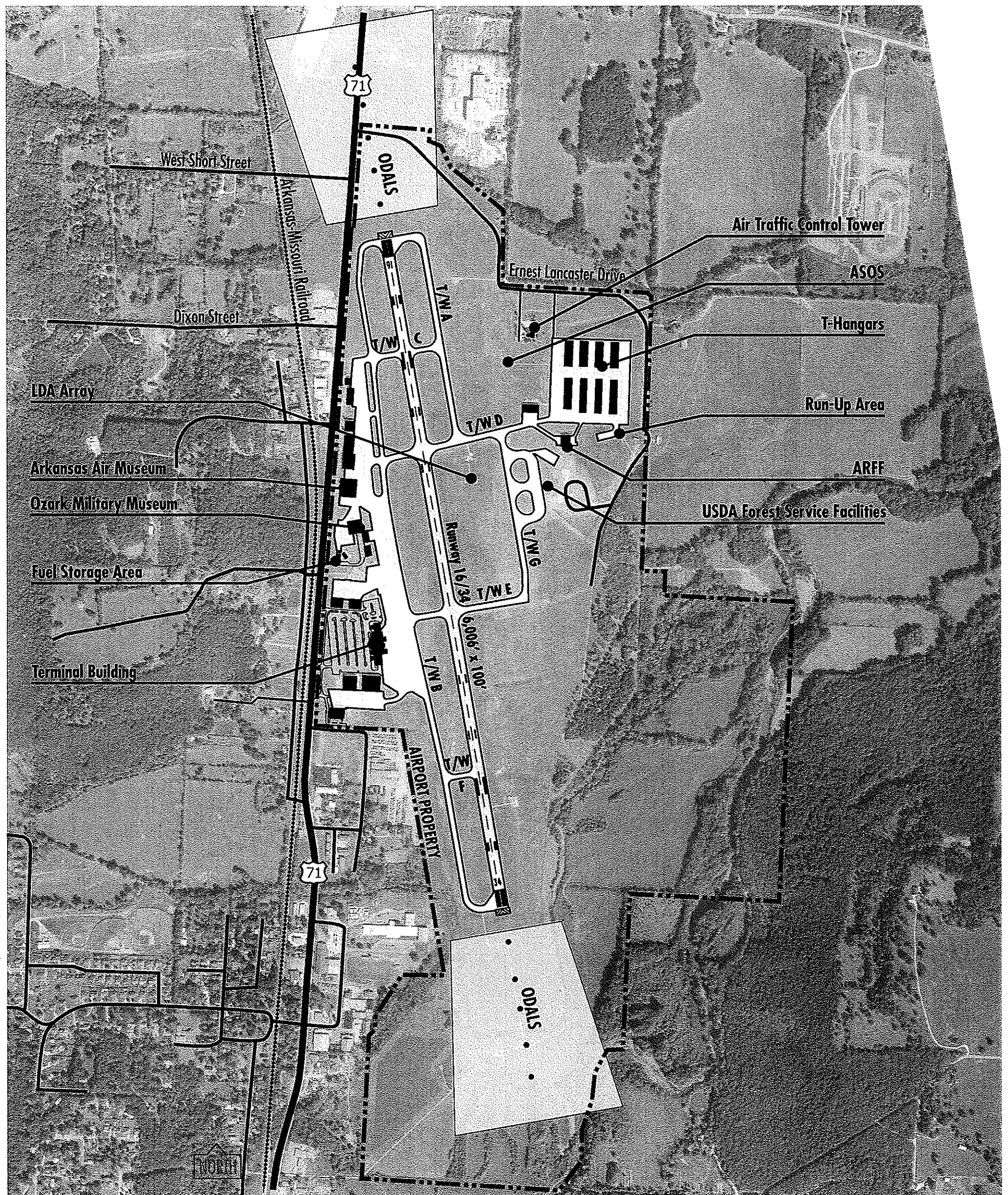


Figure A3 Existing Airport Layout

F FAYETTEVILLE MUNICIPAL AIRPORT/ DRAKE FIELD MASTER PLAN UPDATE. FAYETTEVILLE, ARKANSAS

provide access from the runway to Taxiway A, which is a partial parallel taxiway located 315 feet east of Runway 16/34 (centerline to centerline). Taxiway D provides access to the hangars located east of the Runway 16 end. Taxiway E provides direct access to the terminal and the south end of the apron. Taxiways C and D provide access to the hangars located on the north end of the apron. Taxiway G is a partial parallel taxiway east of the runway, connecting Taxiway D with Taxiway E, and providing access to the Forest Service staging area.

Landside Facilities

Landside development at the Airport includes a terminal building, an automobile parking lot, an air traffic control tower, aprons, individual hangars, a maintenance hangar, fuel storage facilities, and vehicular access roadways.

Aprons

There are three existing aprons and one apron currently under construction at Fayetteville Municipal Airport/Drake Field. The terminal apron, situated directly east of the terminal building, provides approximately 125,000 square feet of aircraft parking and movement space. The north apron is located directly north of the terminal apron and makes available approximately 39,000 square feet for itinerant aircraft. The executive south apron, located south and west of the terminal apron, provides roughly 79,250 square feet of ramp space, but not all of this space is useable for aircraft parking as this apron must also provide aircraft access to the hangars located adjacent to the apron. A new west side general aviation apron is currently under construction that will support four hangar sites adjacent to the ramp. All aprons are accessed from Taxiway B, while the terminal apron can be directly accessed by Taxiway E. There are four tie-down spaces provided on the terminal apron, with ten additional tie-down spaces nearing completion of anchor installments.

A USDA Forest Service taxiway and apron have recently been constructed east of Taxiway G and south of Taxiway D. Airtanker loading and fueling will take place on the turnout aprons adjacent to Taxiway G and a separate apron will be used for the fueling of the spotter aircraft.

Terminal Building

The terminal building at the Airport is located at the southwest end of the main apron. This one-story facility was originally constructed in 1980 and expanded in 1996. At one time, it housed airline offices, ticketing, baggage makeup and claim areas, passenger screening, secure waiting areas, boarding gates, rental car facilities, a restaurant, and

airport administrative offices. Currently, the airport's administrative offices, a conference room, a restaurant, a lobby, flight training, air charter business, helicopter training, storage, a post office, and two retail spaces are located within the terminal building. Million Air Fayetteville, the airport's full service Fixed Base Operator (FBO), is located in the south end of the lobby, offering office space, a pilot lounge, a waiting area, a service counter, and a media room. They provide a variety of aircraft line services including fueling, aircraft parking, hangar storage, and pilot and passenger services. Automobile access is provided to U.S. Highway 71 and approximately 600-700 parking spaces are provided adjacent to the terminal building.

Hangars, Structures, and Support Facilities

West Hangar Area. Fayetteville Municipal Airport/Drake Field offers a wide range of general aviation facilities for airport users. The majority of these facilities are located west of the runway. South of the terminal building are three large corporate hangars, two of which are located directly south of the auto parking lot, and one is located in the southwest corner of the apron/taxiway. Directly northwest of the terminal building are two corporate hangars under construction adjacent to the south side of the recently constructed apron/taxiway. There is one corporate hangar located at the north end of the main apron, as well as an aircraft maintenance hangar and two storage hangars, which were most recently used by an aviation technology school.

Air Traffic Control Tower (ATCT). The Air Traffic Control Tower (ATCT) at Fayetteville Municipal Airport/Drake Field is located east of Taxiway A, just south of Ernest Lancaster Drive. The tower is 80 feet tall with a 1,300-square foot one-story building at the tower base containing equipment storage space and control tower staff offices. The Fayetteville Municipal Airport/Drake Field ATCT is operated as a contract tower and is operational between 6:00 a.m. and 10:00 p.m. daily.

Aircraft Rescue and Fire Fighting (ARFF) Facility. The Aircraft Rescue and Fire Fighting (ARFF) facility is located on the East Apron Complex, across from the existing T-hangars. Although Fayetteville Municipal Airport/Drake Field does not have scheduled airline service, the Airport retains a Class IV Federal Aviation Regulations (FAR) Part 139 Certificate. The ARFF facility contains one 5,000-gallon, foam-capable ARFF vehicle, but no firefighters are permanently stationed at the facility. However, firefighters do staff the facility upon request and with a 24-hour notification for aircraft with 30 or more seats. The building is currently utilized for offices and shops, and the fire department uses the building for training purposes.

Northeast Hangar Area. The northeast hangar area is located east of the runway and northeast of the terminal building. There are four 8-unit T-hangars, one 10-unit T-hangar, and three 13-unit T-hangars located in the northeast hangar area. An avionics

maintenance facility is located on the southwest corner of the northeast hangar area. Taxiway D provides aircraft access and Ernest Lancaster Drive provides auto access to the northeast hangar area.

Fuel Storage Facilities. Aviation fuel is presently stored in four 10,000-gallon aboveground storage tanks located north of the terminal building and south of the Arkansas Air Museum hangars. This facility consists of three Jet A tanks and one Avgas tank. Additionally, one aboveground 1,000-gallon self-serve Avgas storage tank and one aboveground 1,000-gallon self-serve MOGas storage tank are located on the east side of the Airport, west of the northeast hangar area.

USDA Forest Service Facilities. Current plans call for the relocation of the USDA Forest Service airtanker base from Fort Smith Regional Airport to Fayetteville Municipal Airport/Drake Field. Existing facilities consist of the previously mentioned airtanker loading aprons and the spotter aircraft apron. Eventually, structures providing office space, a pilot lounge, warehouse facilities, and a mixing plant will be provided.

Arkansas Air Museum and Ozark Military Museum. The Arkansas Air Museum is located on the west side of the Airport, adjacent to U.S. Highway 71. Two structures housing the Ozark Military Museum are located between the FAA building and the Arkansas Air Museum hangar. The museum hangars are located north of the fuel storage area, on the west edge of the apron.

FAA Airway Facilities Division (AFD). Based at Fayetteville Municipal Airport/Drake Field, the northwest Arkansas FAA Airway Facilities Division (AFD) maintenance staff facility is located between the Arkansas Air Museum office building and the terminal. The airway maintenance staff at Fayetteville Municipal Airport/Drake Field maintains all visual and electronic navigational aids in the northwest Arkansas region.

Miscellaneous Facilities. A rotating beacon is located on the west side of the apron, north of the terminal building and west of the Arkansas Air Museum, and is operated from dusk to dawn and during Instrument Meteorological Conditions (IMC). A pilot's lounge is located on the west side of the northeast hangar area, south of the self-serve fuel storage tanks. This facility provides weather updates, phones, bathroom facilities, a refrigerator, and snacks. A non-aviation business is located at the very north end of the main apron on the west side of the apron.

Vehicular Access

Vehicular access to Fayetteville Municipal Airport/Drake Field is provided by U.S. Highway 71. There are four airport roads accessing U.S. Highway 71. U.S. Highway 71 provides access to the main north-south artery within northwest Arkansas, which is

Interstate 540. The Fayetteville Central Business District is located approximately three miles north of the Airport.

Airspace System/Navigation and Communication Aids

All airports function within the local, regional, and national system of airports and airspace. Fayetteville Municipal Airport/Drake Field is certainly no exception to this rule, as the following narrative gives a brief description of the airport's role as an element within the local and regional systems.

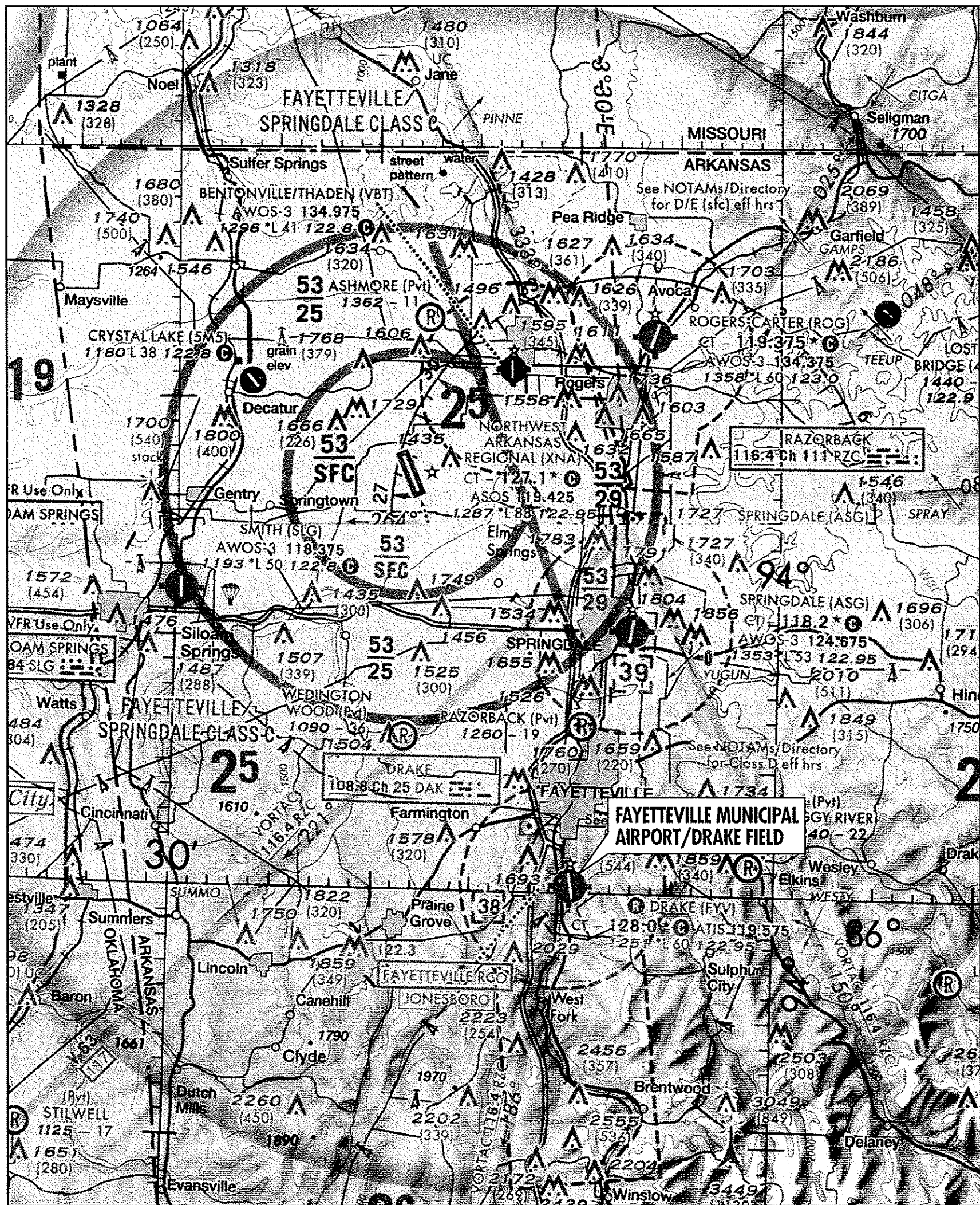
Air Traffic Service Areas and Aviation Communications

Within the continental United States, there are some 22 geographic areas that are under Air Traffic Control (ATC) jurisdiction. Within each area, air traffic controllers in Air Route Traffic Control Centers (ARTCC) provide air traffic services. The airspace overlying Fayetteville Municipal Airport/Drake Field is contained within the Memphis ARTCC service area and includes the airspace in portions of Arkansas, Tennessee, Missouri, Oklahoma, Louisiana, Mississippi, Alabama, and Kentucky.

Aviation communication facilities associated with the Airport include the Aeronautical Advisory Station (UNICOM) on frequency 122.95 and the ASOS broadcasting weather information on frequency 119.575. Approach and departure control is handled by the Razorback Approach on frequency 121.0 for on-course headings between 121° and 349°, and on frequency 128.15 for on-course headings between 350° and 120°. The Fayetteville Municipal Airport/Drake Field Control Tower frequency is 128.0 and the Drake Ground frequency is 121.8. The Airport is served by the Automated Flight Service Station (AFSS) located in Jonesboro, Arkansas.

Airspace and NAVAIDS Analysis

Airspace. The following illustration, entitled *AIRSPACE/NAVAIDS SUMMARY*, depicts the airports, local airspace, and navigational facilities near Fayetteville Municipal Airport/Drake Field. The local airspace surrounding the Airport is designated as Class D airspace, which is tailored to individual airports. Generally, Class D airspace consists of the immediate airspace within a horizontal radius of five-statute miles from the geographic center of airports with control towers. The ceiling of the Class D airspace at Fayetteville Municipal Airport/Drake Field is established at 3,800 feet above the airport elevation. Class D airspace is in effect between 6:00 a.m. and 10:00 p.m., or whenever the ATCT is operational. In order to operate on the Airport, or within Class D airspace, pilots must establish two-way radio communications with air traffic control personnel.



NORTH Approximate Scale 1" = 7.5 Nautical Miles

Figure A4 Airspace/NAVAIDS Summary

F FAYETTEVILLE MUNICIPAL AIRPORT/ DRAKE FIELD MASTER PLAN UPDATE. FAYETTEVILLE, ARKANSAS

Source: FAA Sectional Raster Aeronautical Charts; Kansas City South, Memphis North, August 7, 2006.

Navigational Aids. The navigational aids (NAVAIDS) available for use by pilots operating at, or near, the Airport include VORTAC, VOR-DME, and NDB facilities. A VORTAC (Very High Frequency Omnidirectional Range/Tactical Air Navigation) is a navigational aid providing VOR azimuth, TACAN azimuth, and TACAN distance measuring equipment (DME) at a single site. A VOR-DME (Very High Frequency Omnidirectional Range Station with Distance Measuring Equipment) transmits very high frequency signals, 360° in azimuth, oriented from magnetic north. The DME equipment is used to measure, in nautical miles, the slant range distance of an aircraft from the navigation aid. NDBs are general purpose low- or medium-frequency radio beacons that an aircraft equipped with a loop antenna can home in on or determine its bearing relative to the sending facility.

The Razorback VORTAC (116.4 RZC) is located approximately 15 NM north of the Airport on the 184° radial. The Drake VOR-DME (108.8 DAK) is located approximately three NM northwest of the Airport. The Siloam Springs NDB (284 SLG) is located roughly 19 NM northwest of the Airport.

A network of low-altitude published airways (victor airways) near Fayetteville Municipal Airport/Drake Field also traverses the area, which spans between the regional ground based VOR-DME and VORTAC equipment. Victor airways include the airspace within parallel lines located four NM on either side of the airway and extend 1,200 feet above the terrain to, but not including, 18,000 feet AMSL.

Approach Aids. There are currently three published instrument approach procedures providing straight-in landing criteria at Fayetteville Municipal Airport/Drake Field, which are listed in the following table entitled *INSTRUMENT APPROACH PROCEDURES*. These include a Localizer approach, an LDA DME approach, and a Radar-1 ASR approach. Additionally, there are two published instrument procedures providing circle-to-land criteria, including a VOR or GPS-A approach and a VOR-DME B approach.

Table A1
INSTRUMENT APPROACH PROCEDURES
Fayetteville Municipal Airport/ Drake Field Master Plan Update

Type of Approach	Runway Designation	Lowest Ceiling Minimums (AGL)	Lowest Visibility Minimums
Localizer	16	509'	1 mile
LDA DME	34	312'	1 mile
Radar-1 ASR	16	809'	1 mile
VOR-DME B ¹	16/34	749'	1 mile
VOR or GPS-A ¹	16/34	749'	1 mile

Source: Jeppesen Airway Manual.
¹ Circling approach.

Existing Planning Data Inventory

A proper inventory of the existing land uses and zoning patterns surrounding the Airport are important elements in the airport planning process. Land use compatibility with airport development can be enhanced with a thorough knowledge of what land uses are proposed and what, if any, changes might be required in the future.

Zoning

According to the *Fayetteville Title XV Unified Development Code* and the most current zoning map provided by the City of Fayetteville, airport property is currently zoned Light Industrial, which is a zoning district created to group together a wide range of industrial uses that do not produce objectionable environmental influences. This zoning district applies to all of the land located on airport property.

Residential-Agricultural zoning is applied to property tracts northeast and northwest of the Airport. The Residential-Agricultural zoning district provides protection for agricultural land until urban development has achieved a systematic transition. This zoning district also provides affordable housing opportunities, orderly growth services, public improvements, conserves open space, and, it prevents development from being scattered wastefully through rural areas.

Thoroughfare Commercial zoning is applied to property tracts north of the Airport. The Thoroughfare Commercial zoning district provides functional grouping of thoroughfare commercial enterprises, which primarily accommodates highway travelers.

Residential Single Family – Four Units per Acre is also applied to a few property tracts north of the Airport. This zoning district protects the existing development and permits the development in appropriate environments of low density, single-family detached residences with a minimum size of four housing units per acre.

The remaining properties east, south, and west of the Airport are outside the Fayetteville City Limits, and are, therefore, not subject to the zoning code. The existing zoning districts are illustrated on the following figure entitled *GENERALIZED EXISTING ZONING*.

Existing Land Use

The existing land uses near the Airport are presented in the following figure entitled *GENERALIZED EXISTING LAND USE*. The predominant land use within the Airport environment is industrial. The vast majority of the property located southeast, south, northeast, north, and northwest of the Airport is currently used for residential purposes. Industrial development occurs to the north of the Airport, north of Ernest Lancaster Drive and west of School Avenue¹. Additionally, small pockets of commercial land uses occur north of the Airport, east and west of School Avenue. Residential development predominately occurs northeast of the Airport, north of Willoughby Road.

Land use south and east of the Airport is mostly agricultural; however, it is currently located outside of the Fayetteville City Limits and is under Washington County jurisdiction. West of U.S. Highway 71 is the community of Greenland, located approximately ¾-mile west of the Airport. The land uses associated with this community are primarily residential and agricultural.

Future Land Use

The *City Plan 2025* is Fayetteville's adopted future land use plan that seeks to balance tremendous growth within a livable, sustainable community, providing a comprehensive approach to planned and managed growth. The *City Plan 2025* extends beyond the Fayetteville City Limits to unincorporated areas that have, or will have, an impact on the City. Generally, the *City Plan 2025* reflects the existing land use and zoning patterns. The Airport is designated as Non-Municipal Government, which are areas that do not fall within the city's jurisdiction and are not subject to zoning or development regulations. Properties directly north of the Airport, located to the east and west of U.S. Highway 71, are designated as Industrial. This category is applied to those areas with buildings that, by their function, disposition, or configuration, cannot conform to one of the other designated areas and/or its production process requires the area to be

¹ U.S. Highway 71 is identified as School Avenue within Fayetteville city limits.

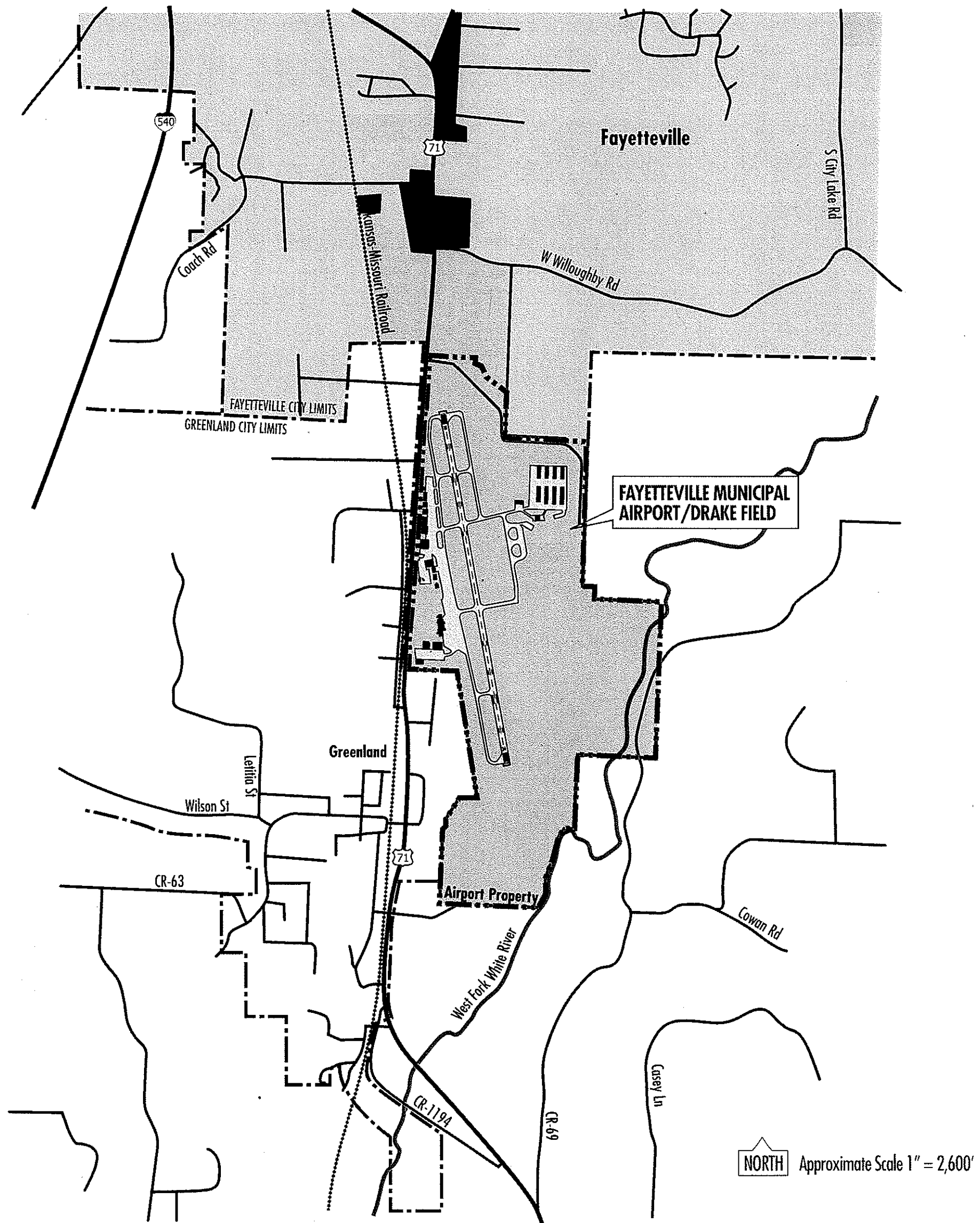


Figure A5 Generalized Existing Zoning

- Residential
- Commercial
- Industrial

F FAYETTEVILLE MUNICIPAL AIRPORT/ DRAKE FIELD MASTER PLAN UPDATE.

FAYETTEVILLE, ARKANSAS

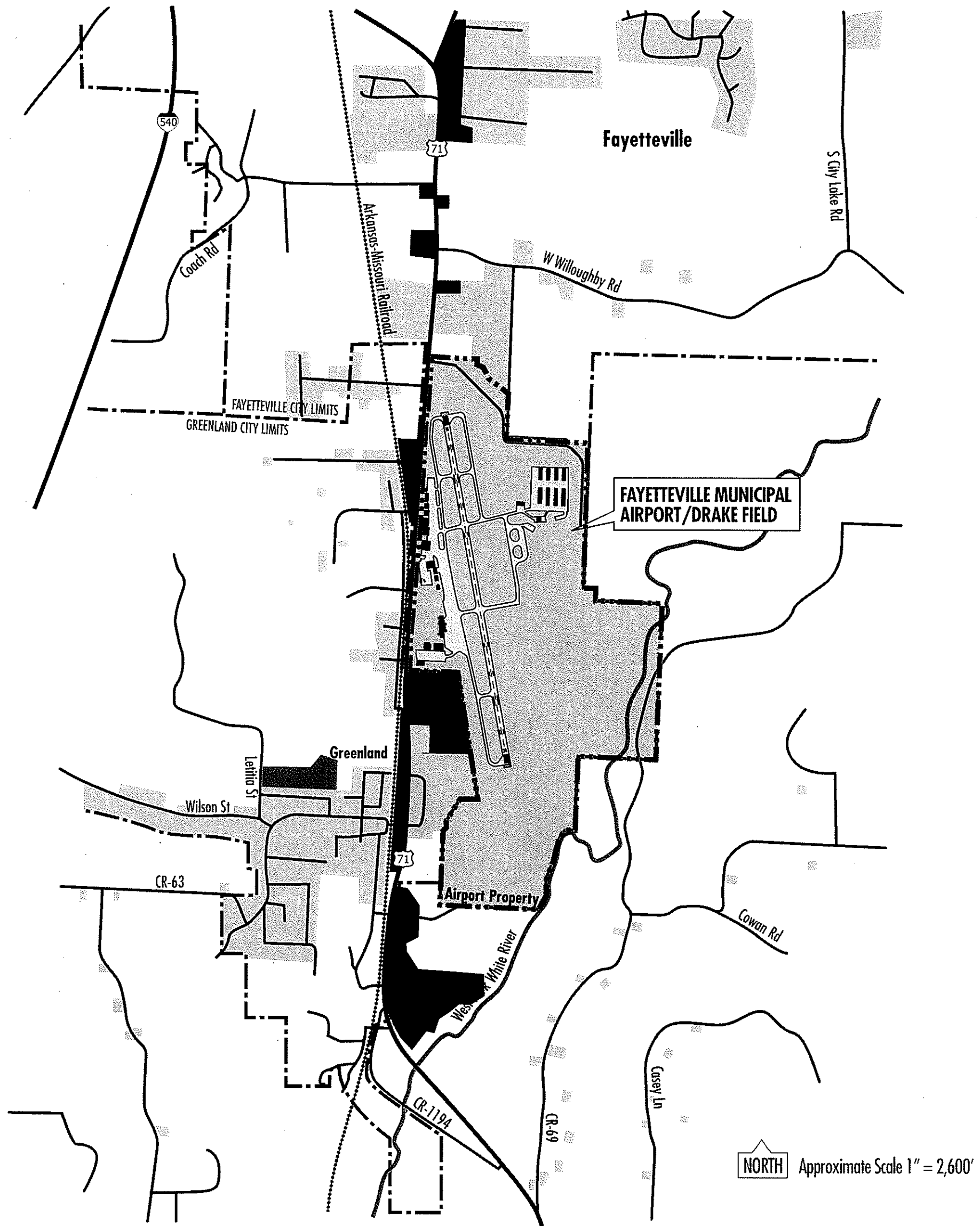


Figure A6 Generalized Existing Land Use

- | | |
|-------------|------------------|
| Residential | Agriculture/Open |
| Commercial | Public |
| Industrial | |

F FAYETTEVILLE MUNICIPAL AIRPORT/ DRAKE FIELD MASTER PLAN UPDATE. FAYETTEVILLE, ARKANSAS

separated from other uses.

Farther to the north, residential neighborhood designation is dominant. This category is applied to areas that are almost exclusively residential in nature, with naturalistic planting and conventional setbacks. It may have large blocks and irregular roads to accommodate natural conditions. Civic and private open space/parks designation is applied to the Fayetteville Country Club. This land use designation applies to sites that are permanently dedicated to open space or parkland.

To the northwest, east, and southeast of the Airport, natural areas and rural areas are the two dominant designations. 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. Rural areas consist of lands in an open or cultivated state or sparsely settled. They include woodland, agricultural lands, or grasslands with an infrastructure system and public services that support low-density zoning of one home per 15 acres or more.

The following figure, entitled *GENERALIZED FUTURE LAND USE*, provides a graphic illustration of the designated future land uses in the vicinity of the Airport.

Financial Inventory

The primary goal of a financial inventory is to gather information summarizing the financial management of the Airport. Additionally, it is important for developing an understanding of the financial structure, constraints, requirements, and opportunities for airport activities related to the development of a capital improvement program. Material gathered and reviewed for this task will be used for formulating a reasonable and financially sound Capital Improvement Program (CIP) with which to fund the projects identified during the master planning process.

With this goal in mind, the airport's financial statements have been gathered, along with current budget information. Federal and state capital improvement grant information has been compiled, including current funding policies and a historical review of previous grants received. The airport's current five-year Capital Improvement Program has also been reviewed.

As presented in the following table, entitled *REVENUE AND EXPENSE SUMMARY, 2000-2005*, the initial review of the financial documentation for Fayetteville Municipal Airport/Drake Field indicates that, since the year 2000, the Airport has historically not been operationally self-supporting. The Airport does have a reserve fund, left over from when the Airport was served by scheduled commercial air service, from which it can

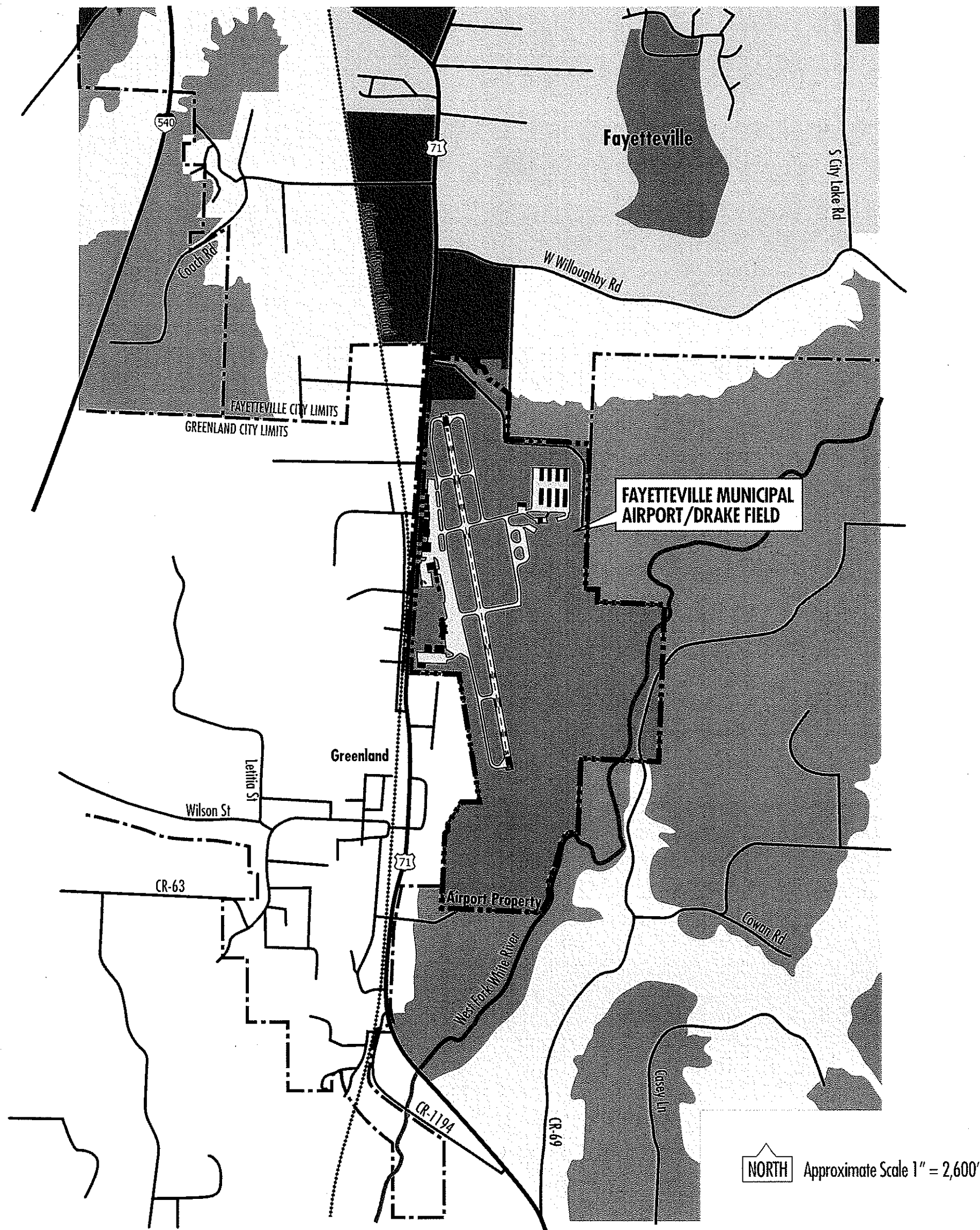


Figure A7 Generalized Future Land Use

- | | |
|--------------------------|------------------------------------|
| Residential Neighborhood | Natural Area |
| City Neighborhood | Rural Area |
| Industrial | Civic and Private Open Space/Parks |
| Non-Municipal Government | |

FAYETTEVILLE MUNICIPAL AIRPORT/ DRAKE FIELD MASTER PLAN UPDATE. FAYETTEVILLE, ARKANSAS

Source: Base Map - Microsoft Street & Trips 2005. Future Land Use - City Plan 2025.

draw monies for capital improvements and cover budget deficits. The major sources of revenue for the Airport include fuel sales, rents and leases, and outside grant funds (FAA and Arkansas Department of Aeronautics). Major expenditures include personnel, fuel purchases, services and charges, cost allocations to the general fund, and maintenance. It should be noted that beginning in September 2005, the Airport no longer provided fuel sales as an FBO. A private sector FBO conducts fuel operations at the Airport, of which the Airport receives a fuel flowage fee. The City will continue to sell aviation fuel at a self-serve facility serving small piston aircraft. Net revenue from this source will not significantly impact the airport's budget.

Table A2

REVENUE AND EXPENSE SUMMARY, 2000-2005

Fayetteville Municipal Airport/Drake Field Master Plan Update

Year	Revenues	Expenses
2000	\$506,132	\$1,612,676
2001	\$611,149	\$1,828,230
2002	\$1,035,448	\$2,339,025
2003	\$1,232,778	\$2,410,159
2004	\$2,484,982	\$2,841,082
2005 ¹	\$1,482,313	\$3,871,371

Source: Fayetteville Municipal Airport/Drake Field personnel.

Some of the improvements indicated in the current five-year Capital Improvement Program for the Airport include: runway extension to the south, correction of the Runway 16 safety area, airfield pavement marking, hangar rehabilitation, terminal building rehabilitation, installation of high intensity runway lights, Taxiway G development, general aviation sunscreen/tiedown apron, west side corporate apron construction, and acquisition of additional airport property.

Historical and Existing Aviation Activity

A tabulation of historical and existing aviation activity is presented in Table A3 entitled *HISTORICAL AND EXISTING AVIATION ACTIVITY, 1996-2005*. This table presents five categories of aircraft operations (an operation is defined as either a takeoff or a landing), including: air taxi, itinerant general aviation, itinerant military, local general aviation, and

total operations. Additionally, the total aircraft operations percent change from the previous year is shown in the last column.

Table A3
HISTORICAL AND EXISTING AVIATION ACTIVITY, 1996-2005
Fayetteville Municipal Airport/ Drake Field Master Plan Update

Year	Air Carrier Operations	Air Taxi/Commuter Operations	Itinerant General Aviation Operations	Military Operations	Local General Aviation Operations	Total Aircraft Operations	Percent Change
1996 ¹	531	26,644	12,782	237	4,089	44,283	
1997 ¹	3,372	23,710	13,705	213	6,440	47,440	7%
1998 ¹	4,013	23,997	17,043	1,149	8,241	54,443	15%
1999 ¹	765	11,714	15,292	1,113	8,820	37,704	-31% ³
2000 ¹	2	1,199	11,370	669	8,459	21,699	-42%
2001 ¹	7	709	16,288	326	15,973	33,303	53%
2002 ¹	2	965	15,734	337	14,046	31,084	-7%
2003 ¹	0	908	16,905	620	23,411	41,844	35%
2004 ²	38	597	19,333	715	24,554	45,237	8%
2005 ²	55	790	22,006	726	23,195	46,772	3%

Sources: ¹Federal Aviation Administration, *1995-2004 Terminal Area Forecast*. Data based on FAA fiscal year (i.e., October 1-September 30).
²Fayetteville Municipal Airport/Drake Field Air Traffic Control Tower records. Data based on calendar year (i.e., January 1-December 31).
³Commercial traffic relocated to Northwest Arkansas Regional Airport.

Aircraft Operations

Air Carrier Operations. Historically, air carrier operations at Fayetteville Municipal Airport/Drake Field were conducted by airlines using aircraft with 60 or more seats, and by chartered air carrier aircraft associated with the University of Arkansas athletic events. As expected, these operations decreased significantly after 1998, when Northwest Arkansas Regional Airport opened and all scheduled commercial service airline traffic ceased operations at Fayetteville Municipal Airport/Drake Field. It is anticipated that chartered air carrier operations associated with the university athletic events will continue utilizing Fayetteville Municipal Airport/Drake Field in the future.

Air Taxi/Commuter Operations. As with air carrier operations, air taxi and commuter operations, which include air cargo operations, have declined drastically since 1998.

Generally, a company or individual performing air passenger and/or air cargo transportation service on a non-scheduled basis over unspecified routes is classified as air taxi operations. For the remainder of this study, air taxi operations are included in the general aviation operations category.

Itinerant General Aviation Operations. Itinerant general aviation operations at Fayetteville Municipal Airport/Drake Field have steadily increased during the past ten years, with a slight decrease from 1998 to 2000. This time period corresponds to the opening of Northwest Arkansas Regional Airport and the uncertainty of Fayetteville Municipal Airport/Drake Field at that time. Since then, a marked increase in itinerant general aviation operations has transpired. Itinerant general aviation operations are more often associated with business aircraft and are more typically tied to economic conditions than other classifications of operations. As economic conditions in the region change in the future, fluctuations in the number of itinerant general aviation operations at the Airport will likely continue.

Local General Aviation Operations. Local general aviation operations, usually associated with pilot training, have shown steady and significant increases during the historical period presented in the table.

Military Operations. According to Fayetteville Municipal Airport/Drake Field Control Tower personnel, the vast majority of historic military operations at Fayetteville Municipal Airport/Drake Field are attributed to National Guard helicopters, either refueling during cross-country flights or when used for drug enforcement purposes. Military turboprop activity was primarily conducted by C-130s based out of Little Rock Air Force Base (USAF 314th Airlift Wing and the National Guard 189th Airlift Wing). Reported historic levels grew steadily from 1997 through 1999, but the estimate provided by the FAA's *Terminal Area Forecast* indicates a dramatic decrease from 2002, as a majority of the C-130 training shifted to Northwest Arkansas Regional Airport.

Total Aircraft Operations. For the most part, reported total aircraft operations at the Airport have increased during the ten-year historic period. Notable exceptions include the years 1999 and 2000. The decreases experienced in these years are attributable to the commercial air traffic moving to Northwest Arkansas Regional Airport. Additionally, the decrease experienced in 2002 is attributable to the tragic events of September 11, 2001, and the resulting impact on all air traffic. The nationwide recession experienced during this same period also had a negative effect on aircraft operations. Subsequent to 2002, Fayetteville Municipal Airport/Drake Field has experienced substantial growth, with 2005 operations exceeding all but two years of the previous ten-year time period (1997 and 1998).

Local and Itinerant Operations

Aircraft operations are placed in two categories, local and itinerant. As mentioned previously, local operations generally reflect training operations. The *Air Traffic Control Handbook* defines a local operation as any operation performed by an aircraft operating in the local traffic pattern or within sight of the tower, or aircraft known to be departing or arriving from flight in local practice areas, or aircraft executing practice instrument approaches at an airport. On the other hand, itinerant operations are all other aircraft operations. The data indicates that itinerant operations accounted for 91% of the total operations at Fayetteville Municipal Airport/Drake Field in 1996, steadily decreasing as a percentage of total operations to 49% by 2005.

Existing Operations By Aircraft Type

The current level of aviation activity by aircraft type is summarized in the following table entitled *EXISTING OPERATIONS BY AIRCRAFT TYPE, 2005*. This summary indicates that, of the total 2005 aircraft operations at Fayetteville Municipal Airport/Drake Field, approximately 98.3% were general aviation operations, military aircraft accounted for approximately 1.6% of aviation operations, and air carrier operations accounted for the remainder of approximately 0.1%.

Of the general aviation aircraft operations, approximately 50% were conducted by single engine aircraft, multi-engine aircraft accounted for about 15%, and turboprop aircraft also performed roughly 15%. Business jets represented approximately 18.5% and helicopters conducted nearly 1.5% of all general aviation aircraft operations.

Military aircraft, as stated previously, consist of National Guard helicopters and C-130s (turboprops) conducting training activity (i.e., touch-and-goes, etc.).

Table A4
EXISTING OPERATIONS BY AIRCRAFT TYPE, 2005
Fayetteville Municipal Airport/Drake Field Master Plan Update

Aircraft Type	Operations	
<i>General Aviation</i> ¹	45,991	98.3%
Single Engine ²	22,995	50.0%
Multi-Engine ²	6,899	15.0%
Turboprop ²	6,899	15.0%
Business Jet ²	8,508	18.5%
Helicopter ²	690	1.5%
<i>Military</i>	726	1.6%
Helicopter	580	80.0%
Turboprop	146	20.0%
<i>Air Carrier</i>	55	0.1%
TOTAL	46,772	100.0%

Source: Fayetteville Municipal Airport/Drake Field Air Traffic Control Tower records, 2005.

¹Includes air taxi operations.

²Estimate provided by Fayetteville Municipal Airport/Drake Field Air Traffic Control Tower personnel.

Based Aircraft

The number of general aviation aircraft that can be expected to base at an airport is dependent upon several factors, such as airport communication practices, aircraft maintenance facilities, airport services, airport lease rates, airport proximity and access, and similar factors. Currently, there are 109 aircraft based at the Airport. Of this total, there are 88 single engine aircraft, 10 multi-engine aircraft, 4 multi-engine turboprop, 7 business jet aircraft, and 1 helicopter. A historical and existing summary of based aircraft is provided in the following table entitled *SUMMARY OF BASED AIRCRAFT, 1996-2005*.

Table A5
SUMMARY OF BASED AIRCRAFT, 1996-2005
Fayetteville Municipal Airport/ Drake Field Master Plan Update

Year	Single Engine	Multi-Engine Piston	Multi-Engine Turboprop	Business Jet	Helicopter	Total
1996 ¹	---	---	---	---	---	52
1997 ¹	43	5	2	1	---	51
1998 ¹	43	5	2	1	---	51
1999 ¹	43	6	2	1	---	52
2000 ¹	44	6	2	---	---	52
2001 ¹	63	8	2	---	---	73
2002 ¹	71	9	2	1	---	83
2003 ¹	71	9	2	3	---	85
2004 ¹	71	12	2	4	---	89
2005 ²	84	11	5	7	3	110

Sources: ¹ Federal Aviation Administration, *2004 Terminal Area Forecast*. Does not differentiate based aircraft into categories.
² Airport personnel.

Summary

The goal of this chapter is to provide general background information pertaining to the Airport, its aviation-operating environment, its physical surroundings, its financial situation, and the historical and existing aviation activity. The *Inventory* chapter is vital from the standpoint that it will be used as a reference in the analysis and design process, which is required to prepare the future development plan for the Airport.

The next step in the planning process is to formulate forecasts for the quantity and type of future aviation activity expected to occur at the Airport during the forthcoming 20 years.

F FAYETTEVILLE MUNICIPAL AIRPORT/ DRAKE FIELD MASTER PLAN UPDATE.

**B FORECASTS OF
AVIATION ACTIVITY**

Forecasts of Aviation Activity

Introduction

Forecasting is a key component in the master planning process. The forecasts generated here are essential for analyzing existing airport facilities and identifying future needs and requirements for these facilities. By its very nature, forecasting is not an exact science, but it does establish some general parameters for development and, when soundly established, provides a defined rationale for various development activities in relation to anticipated demand. This chapter not only presents the aviation forecasts relevant to Fayetteville Municipal Airport/Drake Field, but also presents the methodology, assumptions, and variables involved with the preparation of the forecasts.

Utilizing the historic aviation activity presented in the previous chapter, certain quantifiable facts and trends are identified, as are the many intangible factors that will influence the aviation activity forecasts. These factors are combined with a comprehensive examination of historical records and recent planning documents relative to the Airport, which includes the *FAA Terminal Area Forecast 2004-2020*, the 1999 *Fayetteville Municipal Airport Master Plan Update*, and the *FAA Aerospace Forecasts Fiscal Years 2005-2016*. This analysis assists in identifying quantifiable facts and trends, but because the documents were assembled in different years, the data are quite variable. This emphasizes the need for establishing a well-defined and well-documented set of base information from which to develop aviation activity forecasts.

Forecast Assumptions and Conditions

Prior to an examination of current and future activity levels at the Airport, there are several conditions and assumptions that should be noted that form the basis, or foundation, for the development of the forecasts contained here. These variables represent a variety of physical, operational, and socioeconomic considerations. Additionally, to varying degrees, they relate to and affect aviation activity at Fayetteville Municipal Airport/Drake Field.

Weather Conditions

The most current and complete set of weather data available for Fayetteville Municipal Airport/Drake Field was obtained and analyzed. With the exception of very few days annually, the Airport is not adversely affected by poor weather conditions. On average, Visual Flight Rules (VFR) meteorological conditions are experienced approximately 92.5% of the time annually. Therefore, aircraft can operate at the Airport on a regular basis throughout the year, with limited interruption due to adverse weather conditions. The effect of poor weather conditions on the operational capability of the Airport will be analyzed in the next chapter of this document.

Socioeconomic Conditions

Historically, socioeconomic conditions of a particular region are the primary factors influencing aviation activity within that region. The most often analyzed factors are population, employment, and income. The regional area selected for Fayetteville Municipal Airport/Drake Field includes the City of Fayetteville and all of Washington County.

Population. The City of Fayetteville has demonstrated strong population growth from 1990 through 2004. According to U.S. Census data compiled by the Center for Business and Economic Research at the University of Arkansas, the population of Fayetteville was 42,099 in 1990 and had grown to 65,842 by 2004, an increase of 56.4%. Likewise, Washington County has grown from 113,409 in 1990 to approximately 174,077 by 2004, an increase of 53.5%. The Fayetteville-Springdale-Rogers Metropolitan Statistical Area¹ (MSA) had a population of 113,409 in 1990, but had increased to 390,881 by 2004, which is an increase of 244.7%. The State of Arkansas increased 17.1% from the 1990 population of 2,350,264 to an estimated 2004 population of 2,752,629.

Population forecasts prepared by the Center for Business and Economic Research indicate that Washington County is expected to increase to 238,297 persons by the year 2025, which is an increase of 36.9% from 2004 and translates into an annual growth rate of 1.5%. The City of Fayetteville is expected to increase from 65,842 in 2004 to 93,774 by 2020, representing a 42.4% increase and an annual growth rate of 2.2%. By comparison, the Fayetteville-Springdale-Rogers MSA is projected to increase from 390,881 in 2004 to 610,796 by 2025. This represents a 56.3% increase and an annual growth rate of 2.1%. The State of Arkansas population is expected to increase to 3,329,730 by 2025 (i.e., a 21.0% increase over the 2004 population and an annual growth

¹ The Fayetteville-Springdale-Rogers-Bentonville Metropolitan Statistical Area includes Benton, Washington, and Madison Counties, Arkansas, and McDonald County, Missouri.

rate of 0.9%). The U.S. Census Bureau estimates that the national population will increase from 293,655,404 in 2004 to some 349,439,199 by the year 2025. This is an approximate increase of 19.0% and an annual growth rate of 0.8%. The following table, entitled *SUMMARY OF HISTORIC AND PROJECTED POPULATION TOTALS*, provides a summary of the various population data presented in this section.

Table B1
SUMMARY OF HISTORIC AND PROJECTED POPULATION TOTALS
Fayetteville Municipal Airport/Drake Field Master Plan Update

Year	City of Fayetteville ¹	Fayetteville- Springdale- Rogers MSA ¹	Washington County ¹	State of Arkansas ¹	Nation ²
1990	42,099	113,409	113,409	2,350,264	249,305,856
2004	65,842	390,881	174,077	2,752,629	293,655,404
Percent Change	56.4%	244.7%	53.5%	17.1%	17.8%
2020	93,774 ³				
2025	---	610,796	238,297	3,329,730	349,439,199
Percent Change	42.4%	56.3%	36.9%	21.0%	19.0%
Annual Growth Rate	2.4%	2.1%	1.5%	0.9%	0.8%

Sources: ¹Center for Economic and Business Research, University of Arkansas, November 2005.

²U.S. Census Bureau, November 2005.

³Fayetteville Chamber of Commerce Community Profile, using Northwest Arkansas Regional Planning Commission data.

Employment. The economies of Fayetteville and Washington County, as well as all of northwest Arkansas, continue to flourish primarily because of a diverse economic base. Recently, the Milken Institute ranked the Fayetteville-Springdale-Rogers-Bentonville MSA as the seventh best job creation and retention area in the country². This is actually a slight slip in the index from 2003, when the Fayetteville-Springdale-Rogers MSA was ranked first. The Fayetteville Chamber of Commerce indicates there are 36 employers employing between 100 and 499 persons, 3 employing between 500 and 999 persons, 3 employing between 1,000 and 2,500 persons, and 1 employer with over 4,000 employees

² Milken Institute's 2004 Best Performing Cities Index, Milken Institute website, <http://www.milkeninstitute.org/newsroom/newsroom.taf?cat=press&function=detail&level1=new&ID=69>. Visited November 1, 2005.

within Fayetteville. The Fayetteville Chamber of Commerce also reports that job growth since 1993 in the commercial/manufacturing sector has created 1,601 jobs with capital investments totaling \$89,452,000.

According to the Arkansas Employment Security Department, the annual 2005 unemployment rate for the Fayetteville-Springdale-Rogers MSA was 3.1%, which is down from 3.6% in 2004 and 3.7% in 2003. The Washington County annual unemployment rate for 2005 was 3.1%, down from 3.7% in both 2004 and 2003. The State of Arkansas annual 2005 unemployment rate was 5.0%, down from 5.7% in 2004 and 5.9% in 2003. The MSA, the County, and the State compare favorably with the nation, which had an annual unemployment rate of 5.1% in 2005, 5.5% in 2004, and 6.0% in 2003.

According to the 2000 U.S. Census, among the employment sectors within the City of Fayetteville, educational/health and social services accounted for 27.3% of employed persons. Trade (retail and wholesale) was the next largest employer category at 17.0%, followed by manufacturing at 12.3% and arts/entertainment/recreation/accommodation and food services at 10.8%. The largest employment sectors, by percentage, within Washington County are educational/health and social services at 21.6%, manufacturing at 17.9%, and trade (retail and wholesale) at 17.0%.

Income. The U.S. Bureau of Economic Analysis latest data available indicated the 2004 per capita personal income for Washington County was approximately \$26,165. The State of Arkansas had a per capita personal income of \$25,814, and the national per capita income was \$33,050. The Washington County per capita personal income data is skewed by the student population of the University of Arkansas, which has approximately 17,000 students.

Community Support

Local government, as well as the business community and citizens of the City of Fayetteville and Washington County, recognizes Fayetteville Municipal Airport/Drake Field as a vital asset that contributes to the stability and future of the region's economy. Local governments are supportive of the efforts of Fayetteville Municipal Airport/Drake Field in their operations and capital improvements, and are continuously involved in providing input to the Airport concerning community needs and how the Airport can serve the region. The overall position of the general populace is one of continued growth and development, with special focus on the incentive that a quality airport facility provides to attract additional economic and industrial development to the area.

Community/Airport Location, Role, and Potential

The City of Fayetteville is uniquely situated in northwest Arkansas, located approximately 195 miles northwest of Little Rock; 100 miles east of Tulsa, Oklahoma; 73 miles southwest of Springfield, Missouri; and, 326 miles northwest of Memphis, Tennessee. The City of Fayetteville is served by Interstate 540, U.S. Highways 71 and 62, and State Highways 16, 112, 180, 265, and 45. Other important components of the transportation infrastructure serving Fayetteville include the Arkansas-Missouri Railroad, 17 motor freight carriers, and Jefferson Bus Lines. The City of Fayetteville is the educational, economic, recreational, and cultural hub of northwest Arkansas.

It is clear that Fayetteville Municipal Airport/Drake Field will not function as a commercial service airport anytime soon. However, the role that Fayetteville Municipal Airport/Drake Field will have in the general aviation environment of northwest Arkansas is not yet clearly defined. Because of the unique situation of the University of Arkansas being located in Fayetteville, opportunities for advanced technology and research centers abound. Additionally, many Wal-Mart vendors are choosing the Fayetteville-Springdale-Rogers MSA for regional headquarters. Thus, Fayetteville Municipal Airport/Drake Field can position itself as a headquarters airport supporting a broad cross section of the general aviation marketplace, with the strongest growth potential being that of corporate aircraft activity.

Existing airport facilities provide tremendous potential for supporting corporate, education, and recreational flying. With a runway length of 6,006 feet and with the existing instrument approaches, the Airport provides excellent facilities for virtually all general aviation aircraft. Planned improvements to airport facilities will greatly enhance the aviation opportunities within the area and will improve upon the flying experience and convenience, especially for those who live and work in the southern end of the metropolitan area.

The recent arrival of Million Air Fayetteville as the Fixed Base Operator (FBO) greatly enhances corporate aircraft services at the Airport. Million Air operates 31 FBOs throughout the United States, Canada, and the Caribbean. They have demonstrated the ability to direct and attract corporate aircraft activity to Fayetteville Municipal Airport/Drake Field with their excellent service and facilities. It is anticipated that additional corporate aircraft will utilize the Airport based on the name recognition of this leading FBO.

Other Aviation Considerations

Nationally, the business jet component of general aviation is growing at a much faster rate than other aspects of the industry. The growth of this sector, which was statistically

significant to begin with, has been advanced even more by the events of September 11, 2001. In the post 9/11 environment, the speed and efficiency of business jet travel have created large dividends for the corporate community in terms of offering greater scheduling flexibility over the commercial air carriers and less aggravated security considerations.

The emergence of the newest segment of the business jet market, the Very Light Jet (VLJ), is also worthy of comment. VLJs are a much anticipated future addition to the general aviation marketplace, both in their own right and, as a key element of NASA's Small Aircraft Transportation System (SATS) program. According to *AOPA Pilot* magazine, VLJs are roughly the size of light to medium twin-engine aircraft, such as the Pressurized Baron or the Cessna 421, have maximum speeds of 375 knots, and are expected to be capable of operating from runways as short as 3,000 feet³. Such aircraft have the promise of transporting six to eight adults in safety and comfort at reduced operating costs and to destinations currently unreachable with the existing business jet aircraft fleet. In addition to their attractiveness to the owners of existing heavy single engine and twin-engine aircraft, many air taxi operators are tapping into the VLJ market as well. In fact, air taxi operators are responsible for about half of the approximately 3,000 VLJ orders to date⁴.

The FAA anticipates that VLJs will enter the active general aviation fleet in 2006 and that these aircraft will grow to 4,500 units by the end of the current forecast period in 2016. While 4,500 units is a statistically meaningful number, and it is anticipated that the popularity of VLJs will be relatively strong, it remains speculative to anticipate the specific employment of such aircraft. However, Million Air is purchasing 50 VLJs and Fayetteville Municipal Airport/Drake Field is a potential airport for their use. This Master Plan Update will not forecast the operations of Very Light Jets at Fayetteville Municipal Airport/Drake Field, but will acknowledge the potential use of such aircraft at the Airport.

Regulatory Climate

For purposes of forecasting in this Master Plan Update, it is assumed that the regulatory climate regarding the general aviation industry will not change dramatically. Specifically, it is assumed that noise and emissions requirements on business aircraft will remain within the bounds prescribed by current rules and regulations. It is also assumed that the general aviation community will not be subject to new user-fees, that access to airports and airspace will not be limited, and that general aviation airports will not be subject to security restrictions that are currently imposed on air carrier airports.

³ Jack Olcott, "Dawn of an era," *AOPA Pilot*, June 2005, 88-90.

⁴ *Ibid.*, 90.

Negative or Neutral Factors

As a general comment, the Airport has very few negative factors and is in an enviable position due to its many positive features and conditions. However, some factors can and do have a negative impact on the aviation industry in general and, on the Airport, specifically. These factors must be considered in the planning process.

The first issue is the overall condition of the general aviation industry in the United States. Beginning in 1978, many sectors of the general aviation industry have been in recession, and the FAA has identified several factors that precipitated this downturn, including economic recessions, fuel crises, the termination of the GI Bill, and the repeal of the Investment Tax Credit. Other obvious factors contributing to the downturn include the rising expense of owning and operating an aircraft (i.e., costs of insurance, fuel, and maintenance), competition from discount air carriers since airline deregulation, and changes in disposable discretionary income. These factors have affected the single engine light aircraft segment of the industry in particular.

However, there are a number of bright spots having a positive impact in certain segments of the general aviation industry. They include the passage of the General Aviation Revitalization Act of 1994. This legislation has caused renewed interest and optimism among U.S. aircraft manufacturers, who either are re-entering the single engine aircraft market after several years' absence, or are increasing future production schedules to meet expected renewed demand. The growth in the amateur-built aircraft market, and the strength of the used aircraft market, indicate that demand for inexpensive personal aircraft is still relatively strong.

The FAA's efforts to aid general aviation revitalization include streamlining the certification process for new entry-level aircraft and implementing measures to provide regulatory relief and reduce user costs (i.e., reduced rules, improving the delivery of FAA services by decreasing excess layers of management, and the elimination of unneeded programs and processes). Additionally, groups such as the Aircraft Owners & Pilots Association (AOPA) are sponsoring programs that aggressively promote the benefits of general aviation and learning to fly.

On a more recent note, since the 9/11 terrorist attacks, Temporary Flight Restrictions (TFRs) and the lingering concerns of some regarding the use of general aviation aircraft in potential future acts of terrorism, have had an added short-term negative impact on the industry. On the positive side for general aviation, as described briefly before, heightened airport security has had a dramatic impact on the "nuisance factor" of commercial air travel; as a result, some travelers have turned to general aviation as a more efficient means of air travel.

Aviation Activity Forecasts

Forecasts can be utilized for various purposes. The ultimate use of the forecast data may influence the assumptions used to develop the forecasts. For instance, if the forecasts are to be used for financial planning, the goal being to make sure the Airport can properly fund its operation and capital improvement program, the assumptions that are used will tend to minimize revenue generation capabilities of the Airport. If the forecasts are to be used for facilities development planning, the assumptions will tend to maximize the operational activity expectations in order to make sure the Airport is prepared to build the facilities required to accommodate potential demand. The preferred forecast scenario may change, depending on the ultimate use of the forecast data.

Aviation activity forecasts for airports are often established using several sets of assumptions that generate different forecast scenarios. Several forecast scenarios are used in this Master Plan Update, the primary purpose of which is to provide a long-term facilities development plan for the Airport that accommodates anticipated demand in a safe and efficient manner. Additionally, it is to establish a land use compatibility program in consideration of aircraft generated noise and other environmental influences.

The forecasting of any type of future activity is as much an art as a science, particularly in the current era of the aviation industry. Any forecast represents a "best guess" or "deducted guess" at a particular point in time. It must, therefore, be revised and updated periodically to reflect new conditions and developments.

Air Carrier Activity Forecast

Although no regularly scheduled air carrier aircraft operations have occurred at Fayetteville Municipal Airport/Drake Field since 1999, air carrier aircraft operations associated with the University of Arkansas athletic events are expected to continue in the future. The aircraft types using the Airport during 2005 primarily include the B-727, B-737, and the MD-80. Because there are no reasons to assume otherwise, it is anticipated that the number of air carrier aircraft operations will remain near the existing level during the planning period. The following table, entitled *AIR CARRIER OPERATIONS FORECAST, 2005-2025*, presents the air carrier aircraft operations forecast.

Table B2
AIR CARRIER OPERATIONS FORECAST, 2005-2025
Fayetteville Municipal Airport/ Drake Field Master Plan Update

Year	Operations
2005 ¹	55
2010	60
2015	60
2020	60
2025	60

Source: McClelland Consulting Engineers and Barnard Dunkelberg & Company.
¹Actual.

General Aviation Activity Forecast

As discussed earlier, recessions and growth periods in the country's economic cycle have historically influenced aviation operations overall. However, with more of the general aviation aircraft fleet being used for business purposes than it was in the past, the economy should have somewhat less of an effect upon overall general aviation activity. Because of the economic conditions that prevail in Fayetteville, Washington County, and all of northwest Arkansas, and the previously mentioned legislative action that limits general aviation aircraft and parts manufacturers' liability, it is anticipated that general aviation itinerant traffic and business activity will increase at the Airport. Additionally, airport facilities provide an excellent aviation environment appealing to many corporate users.

Before developing the general aviation activity forecasts, several local and national forecasts and trends were reviewed. Included in this assessment, and presented in the following table, entitled *GENERAL AVIATION OPERATIONS FORECAST SCENARIOS, 2005-2025*, are the 1999 *Fayetteville Municipal Airport/ Drake Field Master Plan Update* (MPU), forecasts generated in the *FAA Terminal Area Forecasts, Fiscal Years 2004-2020* (TAF), and a straight-line trend projection utilizing historical data. Three forecast scenarios have been developed for this Master Plan Update.

As can be noted in the following table, the forecasts contained in the 1999 Master Plan Update projected a 2.0% average annual growth through 2017, while the forecast in the TAF show an estimated 2.1% annual growth rate through 2020. The trend projection indicates an average annual growth rate of 4.1% from 2005 through 2025. According to forecasts contained in the *FAA Aerospace Forecasts Fiscal Years 2005-2016*, general aviation

operations at airports with either FAA operated or contract air traffic control towers are projected to grow at an average annual rate of 1.33%.

Table B3
GENERAL AVIATION OPERATIONS FORECAST SCENARIOS, 2005-2025
Fayetteville Municipal Airport/Drake Field Master Plan Update

Year	1999 MPU (2.0%)	TAF (2.1%)	Trend Projection (4.1%)	Scenario One (2.1%)	Scenario Two (2.4%)	Scenario Three (3.0%)
2005 ¹	---	48,255	45,991	45,991	45,991	45,991
2006	---	49,353	47,900	46,960	47,090	50,130
2007	---	50,318	49,880	47,950	48,220	54,140
2008	18,310	51,303	51,950	48,960	49,380	57,930
2009	---	52,308	54,100	49,990	50,570	61,410
2010	---	53,331	56,340	51,040	51,780	64,480
2015	---	58,757	69,000	56,620	58,290	72,820
2017	22,890	61,079	74,840	---	---	---
2020	---	65,504	84,530	62,820	65,630	77,790
2025	---	---	103,540	69,700	73,890	83,100

Sources: McClelland Consulting Engineers and Barnard Dunkelberg & Company.
 MPU – Fayetteville Municipal Airport/Drake Field Master Plan Update, 1999.
 TAF – FAA Terminal Area Forecasts, Fiscal Years 2004-2020.
¹Actual.
 --- Indicates data unavailable or not necessary for forecasting effort of this Master Plan Update.

Scenario One. The operations forecast reflected in Scenario One illustrates an annual growth rate of approximately 2.1% from 2004 through 2025, which is the estimated population growth rate for the Fayetteville-Springdale-Rogers MSA from 2004 through 2025. This modest forecast assumes that the local, regional, and national economy will remain constant, that no overly burdensome general aviation security regulations are enacted, and that the growth in general aviation activity at Fayetteville Municipal Airport/Drake Field will mirror the population growth of the metropolitan area.

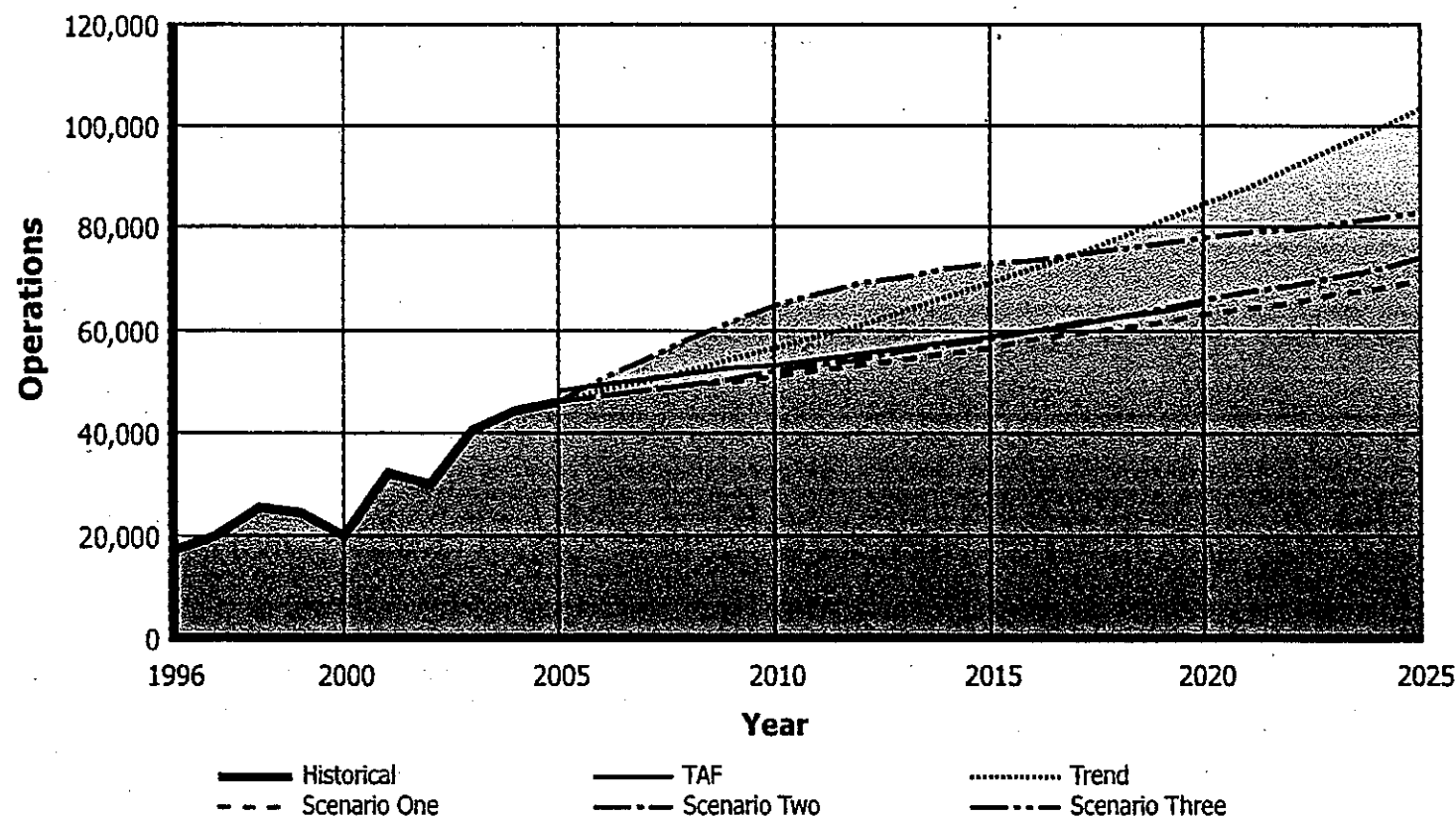
Scenario Two. This moderate forecast has an overall annual growth rate of 2.4%. This rate of growth roughly corresponds to the population growth rate for the City of Fayetteville through the year 2020 (as projected by the Northwest Arkansas Regional Planning Commission). This scenario assumes that the local, regional, and national economies will remain constant, with a slight expansion throughout the 20-year forecast

period. Built into this forecast is the assumption that no overly burdensome general aviation security regulations are enacted.

Scenario Three. The operations shown in this accelerated forecast scenario indicate an annual growth rate of 3.0% over 2005 operations. However, this scenario assumes that the recent increases in general aviation operations at Fayetteville Municipal Airport/Drake Field from 2001 through 2005 will continue during the early portion of the forecast period (averaging 4.7%), but will decrease to a more modest growth rate of 1.3% during the latter part of the planning period, corresponding with the FAA nationwide general aviation operations forecast growth rate. This scenario assumes that no overly burdensome general aviation security regulations are enacted and that the local and regional economies will expand and grow at a level well above the national average.

After careful consideration of the different forecast scenarios presented here, Scenarios One and Two were rejected based primarily on the fact that expected opportunities of convenience at Fayetteville Municipal Airport/Drake Field and economic growth will surpass the operational activity levels associated with these scenarios. Therefore, Scenario Three has been selected for use in this Master Plan Update. The forecasts contained in this scenario continue the unusually high growth rate for a few years, and thereafter reflect a steady, progressive, and realistic increase in general aviation operations. These forecasts will be used for facilities planning to assist Fayetteville Municipal Airport/Drake Field in determining the appropriate development objectives for the Airport.

Figure B1
HISTORIC AND FORECAST GENERAL AVIATION OPERATIONS, 1996-2025
Fayetteville Municipal Airport/ Drake Field Master Plan Update



Military Operations Forecast

There are two primary components in determining military aircraft use at an airport. The first is Department of Defense (DOD) funding; the second is training agreements or fueling contracts the airport or an FBO may have with the DOD. The Airport does not have a military fueling contract or training agreement. However, the existing FBO is confident it will receive a fueling contract with the military in the future. As mentioned previously, the majority of military operations at the Airport are attributed to National Guard helicopters and turboprop activity conducted by C-130s based out of Little Rock Air Force Base (USAF 314th Airlift Wing and the National Guard 189th Airlift Wing). Because of the expected fueling contract, it is expected that military operations will increase during the 20-year period of this document, as presented in the following table entitled *MILITARY OPERATIONS FORECAST, 2005-2025*.

Table B4
MILITARY OPERATIONS FORECAST, 2005-2025
Fayetteville Municipal Airport/Drake Field Master Plan Update

Year	Operations
2005 ¹	726
2010	800
2015	1,000
2020	1,200
2025	1,500

Source: McClelland Consulting Engineers and Barnard Dunkelberg & Company.
¹Actual.

USDA Forest Service Activity Forecast

As mentioned in the previous chapter, current plans call for the relocation of the USDA Forest Service airtanker base from Fort Smith Regional Airport to Fayetteville Municipal Airport/Drake Field. The Service has available for their use predominantly the P-3 Orion and P-2V Neptune airtanker aircraft for fire suppression, with the King Air 90 used as a spotter aircraft. It is estimated by USDA Forest Service personnel that, on average, the spotter aircraft will have 50 annual operations and the airtanker aircraft will have 40 operations annually. It is not anticipated that the number of operations will change substantially during the course of the planning period.

Air Cargo Activity Forecast

Air cargo activity is typically carried in the belly freight compartments of commercial service aircraft or transported by dedicated air cargo aircraft. Within northwest Arkansas, the vast majority of air cargo shipments occur at Northwest Arkansas Regional Airport. At Fayetteville Municipal Airport/Drake Field, infrequent shipment of air cargo is transported by aircraft on an "on-call" basis. The possibility exists for utilizing Fayetteville Municipal Airport/Drake Field for shipment of U.S. Postal Service (USPS) packages and mail, as a USPS sorting facility is located within Fayetteville. However, there are too many unknowns at this time to forecast adequately the amount of air cargo or aircraft operations. As such, no air cargo activity forecasts will be conducted, but it should be noted that there is the possibility of such activity.

Operations Forecast By Aircraft Type

With the total number of aircraft operations projected for each category of user, the next step in the forecasting process involves the individual and collective use of the Airport by various types of aircraft. The types of aircraft expected to use the Airport assist in determining the amount and type of facilities needed to meet the aviation demand.

The following table, entitled *SUMMARY OF OPERATIONS FORECAST BY AIRCRAFT TYPE, 2005-2025*, depicts the approximate level of use by aircraft types that are projected to use Fayetteville Municipal Airport/Drake Field. As can be noted, total annual operations are anticipated to increase during the planning period by approximately 81.2% by the year 2025 (over 2005 annual operations).

Fayetteville Municipal Airport/Drake Field currently experiences a significant number of business jet operations. This is reflective of the growing importance of the Airport to the business and corporate community of the City and the entire region. It is also indicative of the nationwide trend in general aviation aircraft operations, including the expected effect of VLJs on the market; a trend that is expected to continue in the future. Of the general aviation aircraft operations, single engine aircraft are expected to decrease, as a percentage, from approximately 50% in 2005 to 48% in 2025. Multi-engine piston aircraft are expected to decrease as a percentage from roughly 15% to 13.8% of total general aviation operations. Turboprop and business jet aircraft operations are anticipated to have the largest increase, from 15% and 18.5%, respectively, in 2005 to about 16.5% and 20.3%, respectively, in 2025. Finally, civilian helicopter operations are anticipated to remain constant at 1.5% of total general aviation operations.

Table B5
SUMMARY OF OPERATIONS FORECAST BY AIRCRAFT TYPE, 2005-2025
Fayetteville Municipal Airport/Drake Field Master Plan Update

Operations by Type	2005 ¹	2010	2015	2020	2025
<i>General Aviation</i> ²	45,991	64,480	72,820	77,790	83,100
Single Engine	22,995	31,920	35,680	37,530	39,890
Multi-Engine	6,899	9,350	10,380	10,890	11,430
Turboprop	6,899	9,990	11,650	12,640	13,700
Business Jet	8,508	12,250	14,020	15,560	16,830
Helicopter	690	970	1,090	1,170	1,250
<i>Military</i>	726	800	1,000	1,200	1,500
Helicopter	580	600	600	600	600
Turboprop	146	200	300	400	600
Jet	---	---	100	200	300
<i>Air Carrier</i>	55	60	60	60	60
<i>Forest Service</i>	---	90	90	90	90
TOTAL	46,772	65,430	73,970	79,140	84,750

Source: McClelland Consulting Engineers and Barnard Dunkelberg & Company.

¹Actual.

²Includes air taxi operations.

Local and Itinerant Operations Forecast

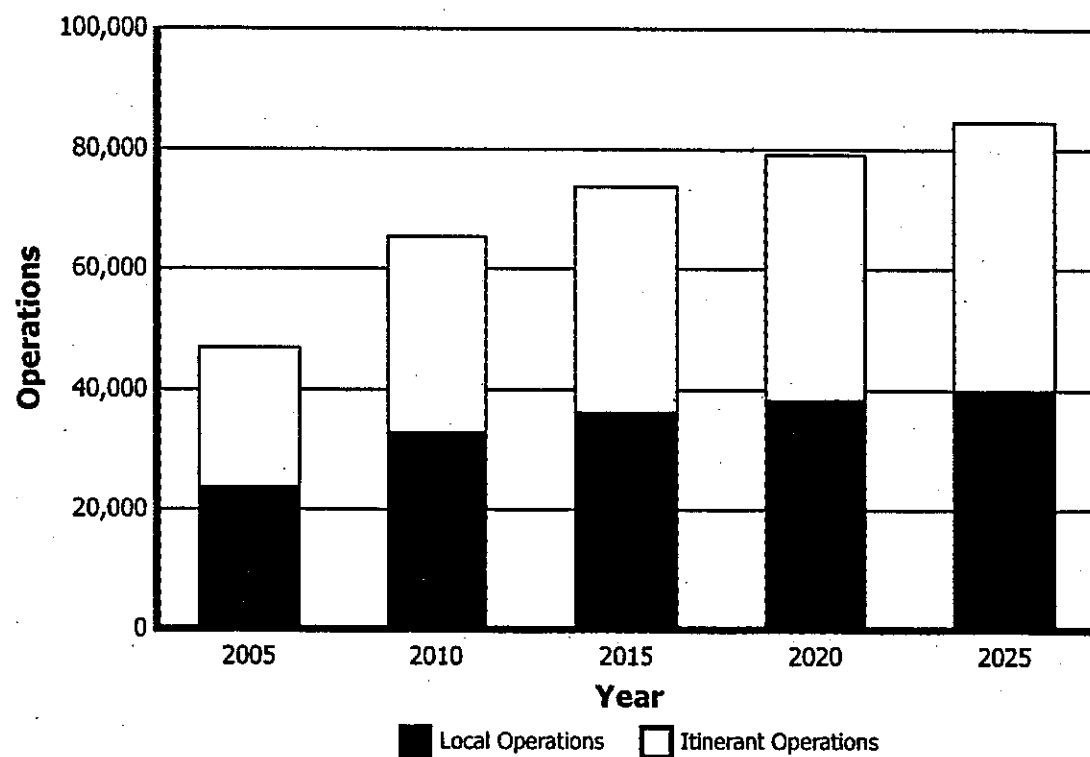
Operations forecasts have also been categorized accordingly into local and itinerant operations. Flight training opportunities are also expected to increase with the presence of Sky Venture Aviation, Inc. offering flight training and aircraft rental at the Airport. However, Fayetteville Municipal Airport/Drake Field is expected to fulfill the corporate aviation needs of business and industry within the southern portions of the Fayetteville-Springdale-Rogers MSA. Therefore, itinerant operations are expected to increase at a faster rate (based on percentage) at the Airport. Based on these assumptions, forecasts of local and itinerant operations are shown on the following table entitled *SUMMARY OF LOCAL AND ITINERANT OPERATIONS, 2005-2025*.

Table B6
SUMMARY OF LOCAL AND ITINERANT OPERATIONS, 2005-2025
Fayetteville Municipal Airport/ Drake Field Master Plan Update

Year	Local		Itinerant		Total
2005 ¹	23,759	51%	23,013	49%	46,772
2010	32,715	50%	32,715	50%	65,430
2015	36,245	49%	37,725	51%	73,970
2020	37,985	48%	41,155	52%	79,140
2025	39,835	47%	44,915	53%	84,750

Source: McClelland Consulting Engineers and Barnard Dunkelberg & Company.
¹Actual.

Figure B2
LOCAL AND ITINERANT AIRCRAFT OPERATIONS
Fayetteville Municipal Airport/ Drake Field Master Plan Update



Peak Period Operations Forecast

An additional element of assessing airport use and determining various capacity and demand considerations is to ascertain peak period activities. Actual ATCT data for 2005,

combined with FAA statistics and assumptions from airports with similar activity and operational characteristics, have been utilized to formulate the peak period forecast for Fayetteville Municipal Airport/Drake Field. The peak period operational activities are illustrated in the following table entitled *PEAK PERIOD AIRCRAFT OPERATIONS, 2005-2025*.

Table B7
PEAK PERIOD AIRCRAFT OPERATIONS, 2005-2025
Fayetteville Municipal Airport/ Drake Field Master Plan Update

Year	Annual	Peak Month	Average Day of Peak Month	Peak Hour/ Average Day Ratio	Peak Hour
2005 ¹	46,772	6,068	202	10.0%	20
2010	65,430	8,489	283	10.0%	28
2015	73,970	9,597	320	10.0%	32
2020	79,140	10,267	342	10.0%	34
2025	84,750	10,995	367	10.0%	37

Source: McClelland Consulting Engineers and Barnard Dunkelberg & Company from methodology contained in FAA AC 150/5070-6B, *Airport Master Plans* and FAA AC 150/5060-5, *Airport Capacity and Delay*.

¹Actual.

Airport Reference Code (ARC)/Critical Aircraft Analysis

Knowledge of the types of aircraft presently using, and those aircraft expected to use, an airport are important considerations for planning airport facilities. An airport should be designed in accordance with the Airport Reference Code (ARC) standards that are described in FAA Advisory Circular (AC) 150/5300-13, *Airport Design*. The ARC is a coding system used to relate and compare airport design criteria to the operational and physical characteristics of the aircraft operating at the airport.

There are two components used in determining the appropriate ARC for an airport. The first component, depicted by a capital letter (i.e., A, B, C, D, or E) is the Aircraft Approach Category and relates to aircraft approach speed (i.e., the operational characteristic). The second component, depicted by a Roman numeral (i.e., I, II, III, IV, V, or VI) is the Airplane Design Group and relates to aircraft wingspan (i.e., the physical characteristic). The following table, entitled *SUMMARY OF OPERATIONS BY AIRPORT REFERENCE CODE, 2005-2025*, presents an estimated operations breakdown at the Airport, by ARC, for the 20-year planning period.

Table B8
SUMMARY OF OPERATIONS BY AIRPORT REFERENCE CODE, 2005–2025
Fayetteville Municipal Airport/Drake Field Master Plan Update

ARC	2005	2010	2015	2020	2025
A-I through B-II ¹	42,285	58,955	65,760	69,300	74,150
A-III, B-III, and C-I through D-II ²	4,216	6,125	7,810	9,340	10,100
C-III through C-IV ³	271	350	400	500	500
TOTAL	46,772	65,430	73,970	79,140	84,750

Source: McClelland Consulting Engineers and Barnard Dunkelberg & Company.

¹Representative aircraft include the Cessna 172, Beech Super King Air B200, Falcon 20, and the Beechjet 400.

²Representative aircraft include the Gulfstream G-III, Learjet 35, Hawker 400, and Gulfstream G-IV.

³Representative aircraft include the Boeing 737, DC-9, and the Lockheed C-130.

Based Aircraft Forecasts

The number and type of anticipated based aircraft are vital components in the development plan for an airport. Depending on the potential market and forecast, the airport will tailor the plan in response to anticipated demand. Generally, there is a relationship between general aviation activity and based aircraft, stated in terms of operations per based aircraft (OPBA). Trends can sometimes be established from historical operations and based aircraft. The national trend has been changing with more aircraft being used for business purposes and less for pleasure flying. This influences the OPBA in that business aircraft are usually flown more often than pleasure aircraft.

The historical OPBA trend at Fayetteville Municipal Airport/Drake Field has experienced an overall increase from 324 in 1996 to 418 in 2005, with the historical average being 408. It is expected that the OPBA at Fayetteville Municipal Airport/Drake Field will increase from the 2005 level as more aircraft based there are used for business purposes.

As with general aviation operations forecast, several local and national forecasts and trends have been reviewed. The following table, entitled *BASED AIRCRAFT FORECASTS, 2005-2025*, presents several based aircraft forecasts, including the 1999 *Fayetteville Municipal Airport Master Plan Update* (MPU), based aircraft forecasts prepared by the FAA in the *Terminal Area Forecasts, Fiscal Years 2004–2020* (TAF), and a straight-line trend projection using the historical data. Three forecast scenarios have also been developed and are presented.

As the table illustrates, the 1999 Master Plan Update projected an annual growth rate of 1.4%. The Terminal Area Forecasts indicate the FAA expects the based aircraft at Fayetteville Municipal Airport/Drake Field to increase at an annual growth rate of 3.3%, while the trend projection indicates a growth rate of 3.7%. Forecasts contained in the *FAA Aerospace Forecasts Fiscal Years 2005-2016* indicate that the active general aviation fleet will increase at a very low annual growth rate of 0.7%.

Scenario One. Scenario One projects an annual growth rate of 2.0% during the planning period, which corresponds to the population growth rate for Washington County from 2004-2025. It is assumed that, to attain this forecast, the Airport can provide lease options that are competitive with other general aviation airports in the region.

Scenario Two. This forecast uses a variable OPBA connected to the selected general aviation operations forecasts throughout the 20-year planning period. In response to the drastic increase in expected operations during the initial time frame, the OPBA increases from the current 418 to approximately 485. The OPBA then slowly decreases to 478 by 2025, in conjunction with the slower growth rate of operations by general aviation aircraft. The resulting average annual growth rate of 2.3% represents moderate growth and assumes that Fayetteville Municipal Airport/Drake Field is able to provide lease options that are competitive with other general aviation airports within the region.

Scenario Three. As presented in the table, based aircraft forecasts presented in Scenario Three are reflective of applying the 10-year historic average OPBA (i.e., 408) to the selected general aviation operations presented earlier. This results in a forecasted increase of based aircraft from 110 presently to 204 by 2025, an average annual growth rate of 3.1%.

Table B9
BASED AIRCRAFT FORECASTS, 2005–2025
Fayetteville Municipal Airport/ Drake Field Master Plan Update

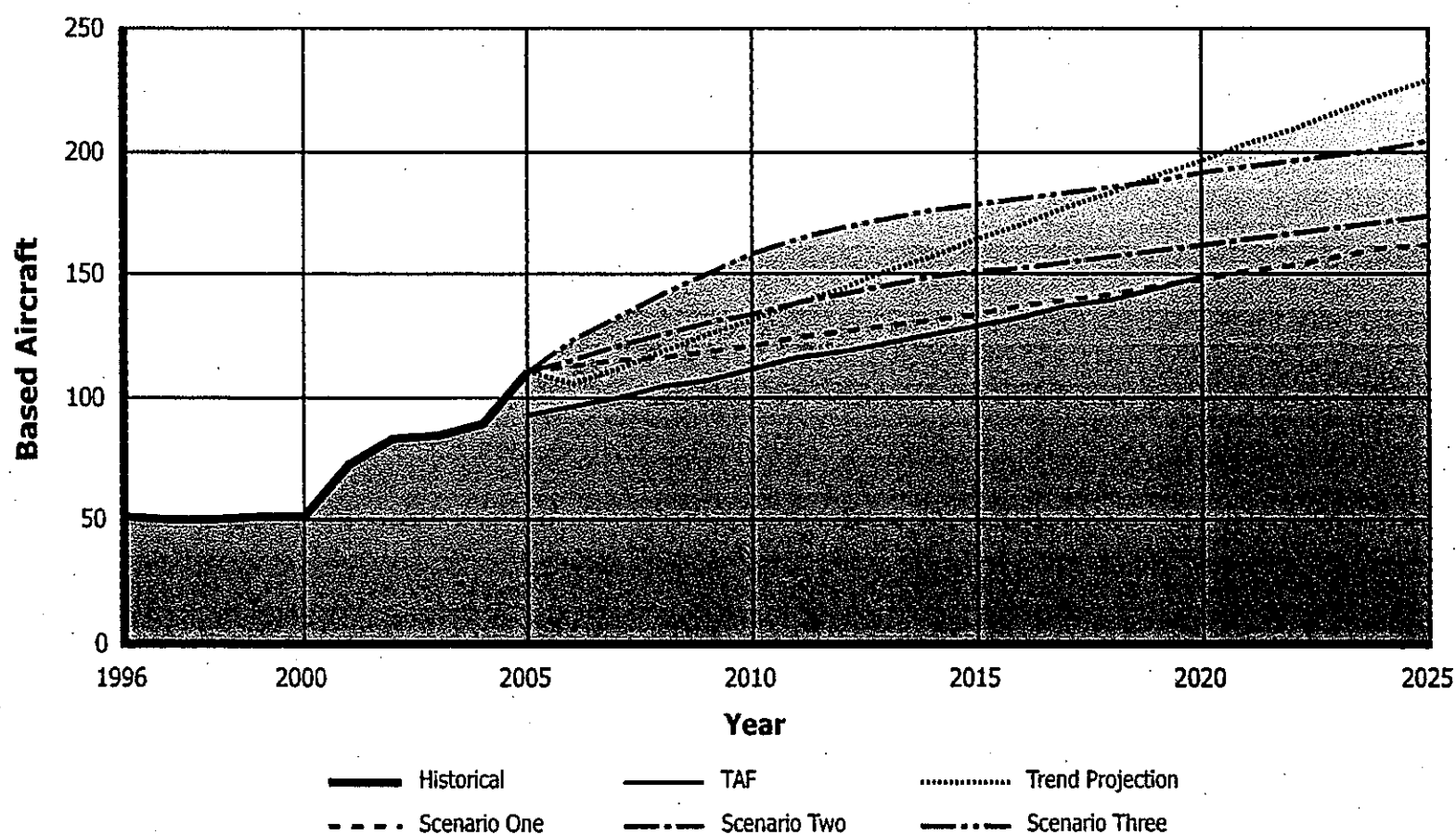
Year	1999 MPU (1.4%)	TAF (3.3%)	Trend Projection (3.7%)	Scenario One (2.0%)	Scenario Two (2.3%)	Scenario Three (3.1%)
2005 ¹				110	110	110
2006		93	106	112	115	123
2007		96	112	114	120	133
2008	75	100	119	117	126	142
2009		104	125	119	130	151
2010		107	132	121	134	158
2015		126	164	134	151	179
2017	85	137	177	---	---	---
2020		144	196	148	162	191
2025		---	229	162	174	204

Source: McClelland Consulting Engineers and Barnard Dunkelberg & Company.

¹Actual.

The selected based aircraft forecast for this study is Scenario Two, which is a steady, progressive increase reflective of the unique situation at the Airport. As Fayetteville Municipal Airport/Drake Field's role as a corporate airport serving the southern half of the metropolitan area develops and matures over time, the amount of based aircraft that the Airport can realistically expect to "capture" will vary. However, there are 16 aircraft owners awaiting hangar space to base their aircraft at the Airport. The selected forecast acknowledges that the OPBA will fluctuate, but increase over time, which is the most realistic expectation and reflects the characteristics of general aviation as a whole.

Figure B3
HISTORIC AND FORECAST BASED AIRCRAFT, 1996-2025
Fayetteville Municipal Airport/ Drake Field Master Plan Update



Based Aircraft By Type

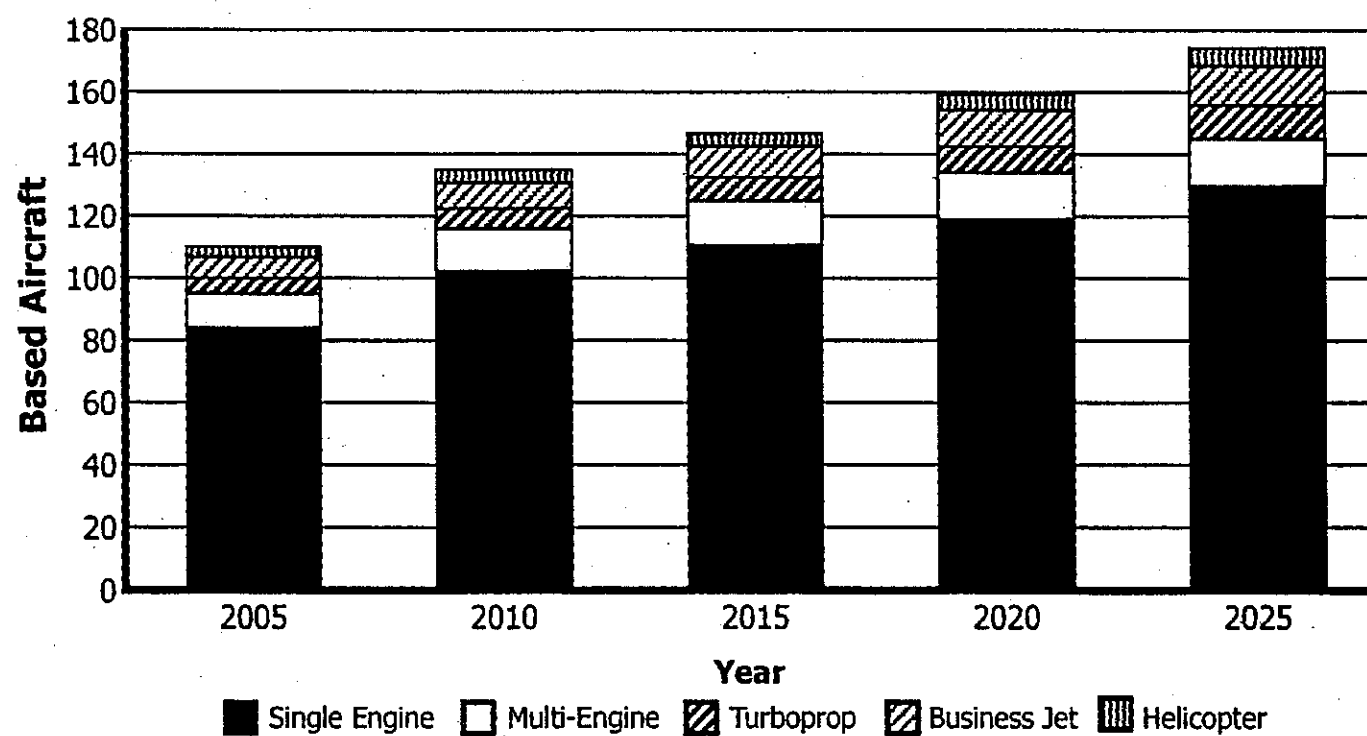
The mix of based aircraft for incremental periods is shown in the following table entitled *BASED AIRCRAFT FORECAST BY TYPE, 2005-2025*. Single engine and multi-engine piston aircraft are expected to decrease, as a percentage of the total based aircraft population. Meanwhile, aircraft typically associated with corporate aviation (i.e., multi-engine turboprop and business jets) are anticipated to increase, as a percentage, throughout the 20-year planning period. This is in line with overall national trends in general aviation and the FAA expectations and projections characteristic of the general aviation fleet. Helicopter and/or gyrocopter aircraft are anticipated to increase, as a percentage of the based aircraft fleet, by 2025.

Table B10
BASED AIRCRAFT FORECAST BY TYPE, 2005–2025
Fayetteville Municipal Airport/ Drake Field Master Plan Update

Aircraft Type	2005 ¹		2010		2015		2020		2025	
Single Engine	84	76.4%	102	76.3%	114	75.5%	122	75.0%	129	74.5%
Multi-Engine	11	10.0%	12	9.2%	14	9.5%	15	9.3%	16	9.0%
Turboprop	5	4.5%	7	5.0%	8	5.3%	9	5.5%	10	6.0%
Business Jet	7	6.4%	9	6.5%	10	6.7%	11	7.0%	13	7.3%
Helicopter	3	2.7%	4	3.0%	5	3.0%	5	3.2%	6	3.2%
TOTAL	110		134		151		162		174	

Source: McClelland Consulting Engineers and Barnard Dunkelberg & Company.
¹Actual.

Figure B4
FORECAST OF BASED AIRCRAFT BY TYPE
Fayetteville Municipal Airport/ Drake Field Master Plan Update



Summary

A summary of the aviation forecasts prepared for this study is presented in the following table entitled *SUMMARY OF AVIATION ACTIVITY FORECASTS, 2005-2025*. This information will be used in the following chapters to analyze the capacity of the Airport, to develop facility requirements, and to determine future noise impacts and exposure. In other words, the aviation activity forecasts are the foundation from which future plans will be developed and implementation decisions will be made.

Table B11
SUMMARY OF AVIATION ACTIVITY FORECASTS, 2005–2025
Fayetteville Municipal Airport/ Drake Field Master Plan Update

Operations	2005 ¹	2010	2015	2020	2025
<i>General Aviation</i>	45,991	64,480	72,820	77,790	83,100
Single Engine	22,995	31,920	35,680	37,530	39,890
Multi-Engine	6,899	9,350	10,380	10,890	11,430
Turboprop	6,899	9,990	11,650	12,640	13,700
Business Jet	8,508	12,250	14,020	15,560	16,830
Helicopter	690	970	1,090	1,170	1,250
<i>Military</i>	726	800	1,000	1,200	1,500
Helicopter	580	600	600	600	600
Turboprop	146	200	300	400	600
Jet	---	---	100	200	300
<i>Air Carrier</i>	55	60	60	60	60
<i>Forest Service</i>	---	90	90	90	90
TOTAL OPERATIONS	46,772	65,430	73,970	79,140	84,750
Critical Aircraft (Business Jets in ARC C-I through D-II)	4,216	6,125	7,810	9,340	10,100
Local Operations	23,759	32,715	36,245	37,985	39,835
Itinerant Operations	23,013	32,715	37,725	41,155	44,915
Based Aircraft By Type					
Single Engine	84	102	114	122	129
Multi-Engine	11	12	14	15	16
Turboprop	5	7	8	9	10
Business Jet	7	9	10	11	13
Helicopter	3	4	5	5	6
TOTAL	110	134	151	162	174

Source: McClelland Consulting Engineers and Barnard Dunkelberg & Company.

¹Actual.

F FAYETTEVILLE MUNICIPAL AIRPORT/ DRAKE FIELD MASTER PLAN UPDATE.

**C CAPACITY
ANALYSIS**

Capacity Analysis

Introduction

The capacity of an airfield refers to the number of aircraft operations that a facility can accommodate on either an hourly or yearly basis. It does not refer to the size or weight of the aircraft. Capacity is primarily a function of the major aircraft operating surfaces that compose the facility and the configuration of those surfaces (runways and taxiways). However, wind coverage, the aircraft fleet, airspace utilization, and the availability and type of navigational aids are also factors in determining airport capacity.

Airfield Capacity Methodology

The evaluation method used to determine the capability of the airside facilities to accommodate aviation operational demand is expressed in terms of potential excesses and deficiencies in capacity. The methodology used for the measurement of airfield capacity in this study is described in Federal Aviation Administration (FAA) Advisory Circular 150/5060-5, *Airport Capacity and Delay*. From this methodology, airfield capacity is defined in the following terms:

- *Hourly Capacity of Runways*: The maximum number of aircraft that can be accommodated under conditions of continuous demand during a one-hour period.
- *Annual Service Volume*: A reasonable estimate of an airport's annual capacity (i.e., level of annual aircraft operations that will result in an average annual aircraft delay of approximately one to four minutes).

The capacity of an airport's airfield facilities is a function of several factors, including: the layout of the airfield, local environmental conditions, specific characteristics of local aviation demand, and air traffic control requirements. The relationship of these factors and their cumulative impact on airfield capacity is examined in the following paragraphs.

Airfield Layout

The arrangement and interaction of airfield components (runways, taxiways, and ramp entrances) refers to the layout or “design” of the airfield. As previously described, Fayetteville Municipal Airport/Drake Field is served by one runway, Runway 16/34, and a full-length parallel taxiway (Taxiway B) on the west side and a partial parallel taxiway (Taxiway G) on the east side. The terminal complex and corporate hangars are conveniently located west of the runway, west of Taxiway B. General aviation T-hangars and the future Forest Service facilities are located to the east, served by Taxiway G.

Environmental Conditions

Climatological conditions specific to the location of an airport not only influence the layout of the airfield, but also impact the use of the runway system. Weather variations resulting in limited cloud ceilings and reduced visibility typically lower airfield capacity, while changes in wind direction and velocity typically dictate runway usage that may also influence runway capacity.

Ceiling and Visibility. FAA Advisory Circular 150/5060-5, *Airport Capacity and Delay*, describes three categories of ceiling and visibility minimums for use in both capacity and delay calculations. Visual Flight Rules (VFR) conditions occur whenever the cloud ceiling is at least 1,000 feet above ground level and the visibility is at least three statute miles. Instrument Flight Rules (IFR) conditions occur when the reported cloud ceiling is at least 500 feet, but less than 1,000 feet and/or visibility is at least one statute mile, but less than three statute miles. Poor Visibility and Ceiling (PVC) conditions exist whenever the cloud ceiling is less than 500 feet and/or the visibility is less than one statute mile.

Meteorological data from the National Climatic Data Center have been used to tabulate information at Fayetteville Municipal Airport/Drake Field in more specific terms:

- VFR conditions - ceiling equal to or greater than 1,000 feet above ground level and visibility is equal to or greater than three statute miles. These conditions occur at the Airport approximately 92.5% percent of the time annually.
- VFR minimums to existing instrument approach minimums - ceiling less than 1,000 feet and/or visibility less than three statute miles, but ceiling equal to or greater than 300 feet and visibility equal to or greater than one statute mile. These conditions occur at the Airport approximately 6.6% of the time annually.
- Existing instrument approach minimums to Category I ILS minimums – ceiling less than 300 feet and/or visibility less than one statute mile, but ceiling equal to or

greater than 200 feet and visibility equal to or greater than ½ statute mile. These conditions occur at the Airport approximately 0.5% of the time annually.

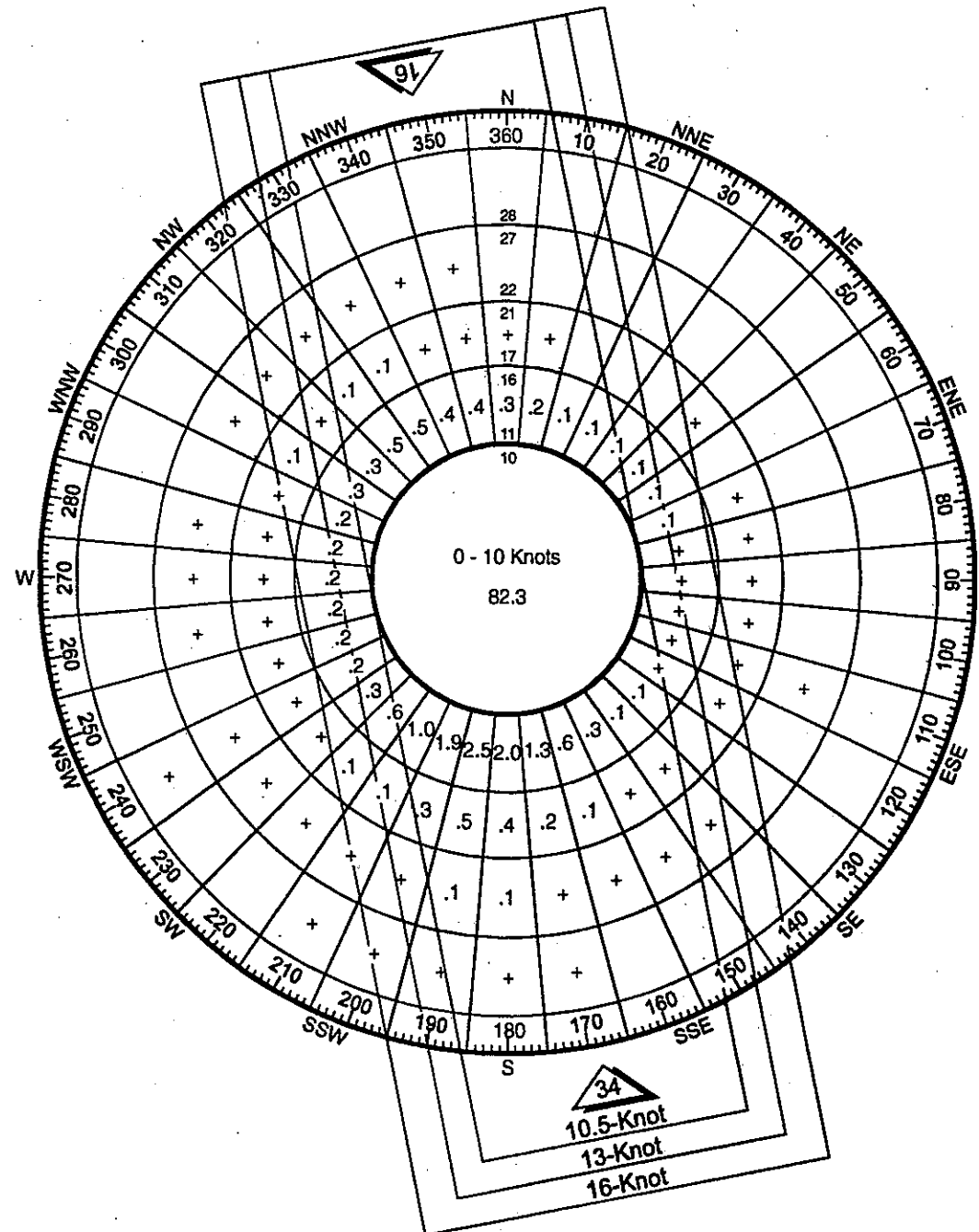
- Below Category I ILS minimums – ceiling less than 200 feet and/or visibility less than ½ statute mile. These conditions occur at the Airport approximately 1.0% of the time annually.

Wind Coverage. Surface wind conditions have a direct effect on the operation of an airport; runways not oriented to take the fullest advantage of prevailing winds will restrict the capacity of the airport to varying degrees. When landing and taking off, aircraft are able to operate properly on a runway provided the wind component perpendicular to the direction of travel (defined as a crosswind) is not excessive. To determine wind velocity and direction at Fayetteville Municipal Airport/Drake Field, wind data were obtained and an all weather wind rose was constructed, which is presented in the following illustration entitled *ALL WEATHER WIND ROSE*. The wind data to construct the all weather wind rose were obtained for the period January 1995 through December 2004.

The appropriate crosswind component is dependent upon the Airport Reference Code (ARC) for the type of aircraft that use the airport on a regular basis. According to FAA Advisory Circular 150/5300-13, *Airport Design*, the ARC is set by the approach speed and wingspan of the “Design Aircraft” (the most critical aircraft in consideration of wingspan and approach speed that will regularly use a runway). Past planning documentation indicates that the suitable ARC was C-III, based on the air carrier commercial service operating at Fayetteville Municipal Airport/Drake Field at the time. As presented in the previous chapter, operations by aircraft with ARC designations of A-III through D-II dominate, with most being aircraft having ARC C-II designations. This indicates that the appropriate ARC for Fayetteville Municipal Airport/Drake Field is C-II. However, the vast majority of aircraft operations will continue to be by piston-powered, single engine, small aircraft (i.e., aircraft with maximum takeoff weights less than 12,500 pounds) in ARC A-I or B-I categories.

According to FAA AC 150/5300-13, for ARC A-I and B-I airports, a crosswind component of 10.5 knots is considered maximum. For ARC A-II and B-II airports, a crosswind component of 13 knots is considered maximum. For ARC C-I through D-III airports, a crosswind component of 16 knots is considered maximum. Because aircraft with various ARC categories regularly utilize Fayetteville Municipal Airport/Drake Field, this analysis will consider all three crosswind components.

Figure C1
ALL WEATHER WIND ROSE
Fayetteville Municipal Airport/Drake Field Master Plan Update



Source: National Oceanic and Atmospheric Administration, National Climatic Data Center
 Station 72344, Fayetteville, Arkansas. Period of Record: 1995-2004.

Runways should be oriented with the prevailing winds so that wind coverage exceeds 95%. This means that the maximum crosswind component is not exceeded more than 5% of the time. Based on the wind analysis for Fayetteville Municipal Airport/Drake Field, and as illustrated in the following table entitled *ALL WEATHER WIND COVERAGE SUMMARY*, the runway provides 99.78% wind coverage for the 16-knot crosswind component, 98.77% wind coverage for the 13-knot crosswind component, and 97.12% for the 10.5-knot crosswind component. This analysis indicates that the existing runway

configuration provides adequate wind coverage for all crosswind components, and no additional runways are required for additional wind coverage.

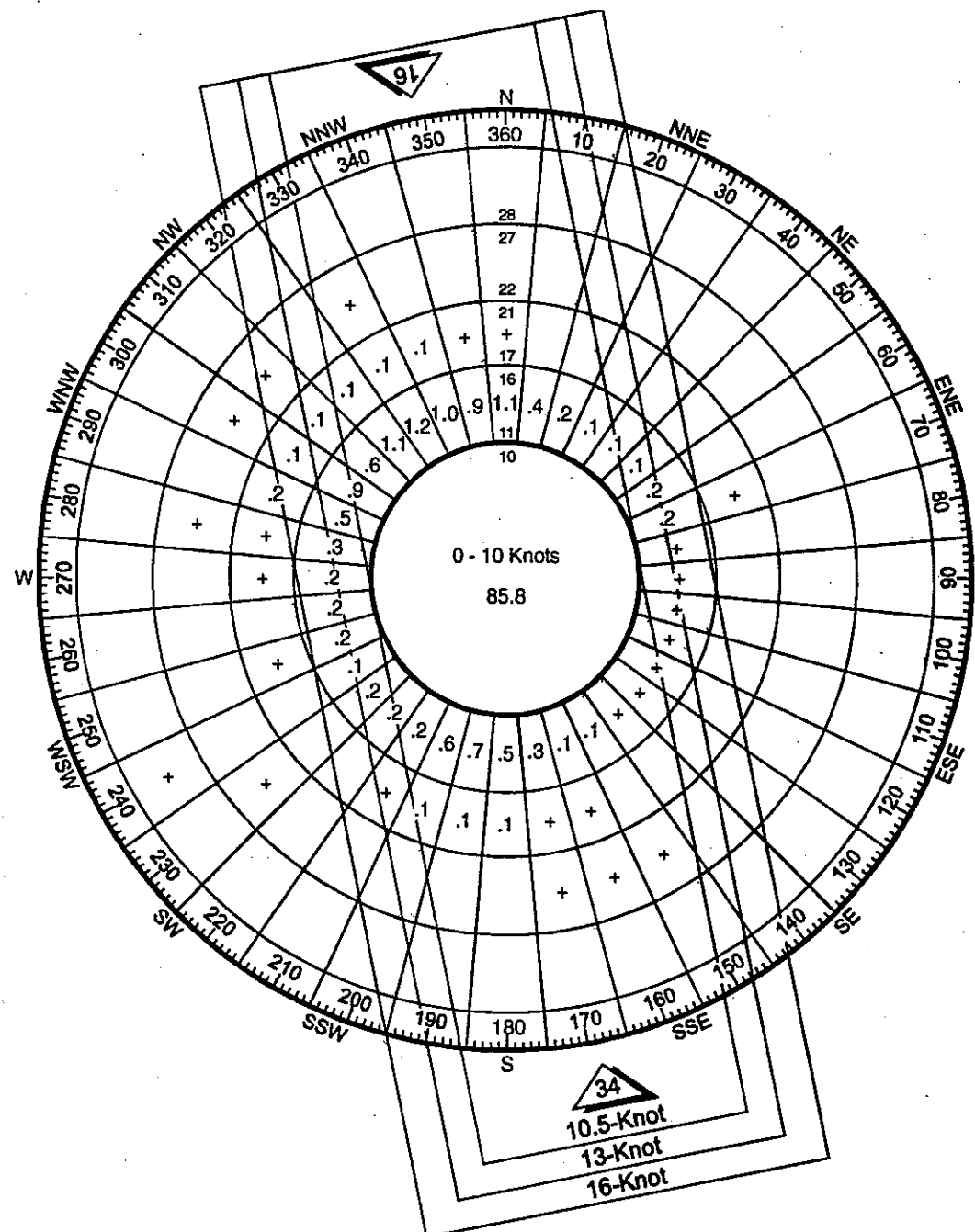
Table C1
ALL WEATHER WIND COVERAGE SUMMARY
Fayetteville Municipal Airport/ Drake Field Master Plan Update

	Crosswind Component		
	10.5-Knot	13-Knot	16-Knot
Runway 16	85.14%	86.38%	87.18%
Runway 34	69.39%	70.26%	70.98%
Combined	97.12%	98.77%	99.78%

Source: National Oceanic and Atmospheric Administration, National Climatic Data Center
 Station 72344 Fayetteville, Arkansas. Period of Record: 1995-2004.

As stated previously, the Airport has an LDA DME instrument approach procedure to Runway 34 providing a decision height of 312 feet AGL and visibility minimums of one statute mile, and a Localizer approach procedure to Runway 16 with a decision height of 509 feet AGL and visibility minimums of one statute mile. In an effort to analyze the effectiveness of these approaches, and evaluate additional instrument approaches, the following Instrument Flight Rules (IFR) wind rose has been constructed and is presented in the following figure entitled *IFR WIND ROSE*. The following table, Table C2, entitled *IFR WIND COVERAGE SUMMARY*, quantifies the wind coverage in consideration of Category I (CAT I) ILS approach minimums. Again, wind data from the National Climatic Data Center has been used in the construction of the IFR wind rose.

Figure C2
IFR¹ WIND ROSE
Fayetteville Municipal Airport/ Drake Field Master Plan Update



Source: National Oceanic and Atmospheric Administration National Climatic Data
 Station 72344 Fayetteville, Arkansas. Period of Record: 1995-2004.

Note: ¹Ceiling of less than 1,000 feet, but equal to or greater than 200 feet and/or visibility less than three statute miles, but equal to or greater than ½ statute mile.

The following table, C2, entitled *IFR WIND COVERAGE SUMMARY*, quantifies the wind coverage considering CAT I IFR weather conditions. The data indicate that Runway 34 provides the best wind coverage under these conditions. However, improving the instrument approaches to both runway ends at the Airport will be analyzed.

Table C2

IFR WIND COVERAGE SUMMARY*Fayetteville Municipal Airport/Drake Field Master Plan Update*

	Wind Coverage Provided Under CAT I IFR Conditions ¹		
	5-Knot Tailwind to Maximum Headwind		
	10.5-Knot	13-Knot	16-Knot
Runway 16	68.03%	68.83%	69.54%
Runway 34	88.10%	89.61%	90.72%
Combined	96.58%	98.37%	99.60%

Source: National Oceanic and Atmospheric Administration National Climatic Data
Station 72344 Fayetteville, Arkansas. Period of Record: 1995-2004.

Notes: ¹Ceiling less than 1,000 feet, but equal to or greater than 200 feet, and/or visibility less than three miles, but equal to or greater than ½ statute mile.

Characteristics of Demand

Certain site-specific characteristics related to aviation use and aircraft fleet makeup impact the capacity of the airfield. These characteristics include aircraft mix, runway use, percent arrivals, touch-and-go operations, exit taxiways, and air traffic control rules.

Aircraft Mix. The capacity of a runway system is dependent upon the type and size of the aircraft that use the facility. FAA Advisory Circular 150/5060-5, *Airport Capacity and Delay*, categorized aircraft into four classes based on maximum certificated takeoff weight. This differs from the Airport Reference Code (ARC) defined previously, which classifies aircraft based on aircraft approach speed. For aircraft mix, aircraft Classes A and B consist of small single engine and twin-engine aircraft (both prop and jet), weighing 12,500 pounds or less, which are representative of the general aviation fleet. Class C aircraft are jet and propeller aircraft weighing between 12,500 and 300,000 pounds, typical of the business jet fleet, the narrow body airline fleet, and the military fleet. Class D encompasses aircraft weighing over 300,000 pounds, typical of the wide body airline and military transport fleet. The majority of aircraft operations at Fayetteville Municipal Airport/Drake Field are almost evenly divided between Class A and B and Class C, with a few operations by Class D aircraft. Aircraft mix is defined as the relative percentage of operations conducted by each of these four classes of aircraft. The aircraft mix for Fayetteville Municipal Airport/Drake Field is depicted in the following table, entitled *AIRCRAFT CLASS MIX FORECAST, 2005-2025*.

Table C3

AIRCRAFT CLASS MIX FORECAST, 2005-2025*Fayetteville Municipal Airport/Drake Field Master Plan Update*

Year	VFR Conditions			IFR Conditions		
	Class A & B	Class C	Class D	Class A & B	Class C	Class D
2005 ¹	90.3%	9.7%	---	83.9%	16.1%	---
2010	89.1%	10.9%	---	79.9%	20.1%	---
2015	88.2%	11.8%	---	79.1%	20.9%	---
2020	86.8%	13.2%	---	77.7%	22.3%	---
2025	85.5%	14.5%	---	77.6%	22.4%	---

Class A - Small Single Engine, < 12,500 pounds

Class C - 12,500 - 300,000 pounds

¹ Actual.

Class B - Small Twin-Engine, < 12,500 pounds

Class D - > 300,000 pounds

Runway Use. Runway use is defined by the number, location, and orientation of the active runway(s) and relates to the distribution and frequency of aircraft operations to those facilities. It is estimated that landings and takeoffs occur on Runway 16 approximately 70% of the time and on Runway 34 approximately 30% of the time. Approximately 1.0% of the time, weather conditions are below IFR conditions and therefore the Airport is not operational.

Percent Arrivals. Runway capacity is also significantly influenced by the percentage of all operations that are arrivals. Because aircraft on final approach are typically given absolute priority over departures, higher percentages of arrivals during peak periods of operations reduce the Annual Service Volume. The operations mix occurring on the runway system at Fayetteville Municipal Airport/Drake Field reflects a general balance of arrivals to departures. Therefore, it was assumed in the capacity calculations that arrivals equal departures during the peak period.

Touch-And-Go Operations. A touch-and-go operation refers to an aircraft maneuver in which the aircraft performs a normal landing touchdown followed by an immediate takeoff without stopping or taxiing clear of the runway. These operations are normally associated with training and are included in local operations figures. According to Air Traffic Control Tower figures, touch-and-go operations comprise approximately 51% of all operations at the Airport. By the end of the 20-year planning period, local operations are expected to decrease to approximately 47% of the total aircraft operations at the Airport.

Exit Taxiways. The capacity of a runway is greatly influenced by the ability of aircraft to exit the runway as quickly and safely as possible. Therefore, the amount, placement, and type of exit taxiways can directly influence aircraft runway occupancy time and the overall capacity of the runway system. Based upon the mix index of aircraft operating at the Airport under VFR conditions, the capacity calculation, as described in the FAA Advisory Circular 150/5060-5, *Airport Capacity and Delay*, gives credit to only those runway exit taxiways located between 2,000 and 4,000 feet from the landing threshold. Therefore, Runways 16 and 34 receive a credit for one exit taxiway.

Air Traffic Control Rules. The FAA specifies separation criteria and operational procedures for aircraft in the vicinity of an airport contingent upon aircraft size, availability of radar, sequencing of operations, and noise abatement procedures (both advisory and/or regulatory) that may be in effect at the airport. The impact of air traffic control on runway capacity is most influenced by aircraft separation requirements dictated by the mix of aircraft using the airport. Presently, there are no special air traffic control rules in effect at Fayetteville Municipal Airport/Drake Field that significantly impact operational capacity.

Airfield Capacity Analysis

As previously described, the determination of capacity for Fayetteville Municipal Airport/Drake Field uses the methodology described in the FAA Advisory Circular 150/5060-5, *Airport Capacity and Delay*, along with the Airport Design Computer Program that accompanies AC 150/5300-13. Several assumptions are incorporated in these capacity calculations: arrivals equal departures, the percent of touch-and-go operations is between 0-50% of total operations, there is a full-length parallel taxiway with ample exits and no taxiway crossing problems, there are no airspace limitations, the Airport has at least one runway equipped with an ILS and the necessary air traffic control facilities to carry out operations in a radar environment, IFR weather conditions occur roughly 10% of the time, and approximately 80% of the time the Airport is operated with the runway use configuration that produces the greatest hourly capacity.

Applying information generated from the preceding analyses, capacity and demand are formulated in terms of the following results:

- Hourly Capacity of Runways (VFR and IFR)
- Annual Service Volume (ASV)

Hourly Runway Capacity

Calculations of hourly capacity begin with an evaluation of each possible runway use configuration at the Airport. With consideration of the airport's aircraft mix index, annual percentage of touch-and-go operations, and taxiway exit rating, an hourly capacity was calculated. In its normal operating configurations, the VFR hourly capacity is potentially as high as 90 operations and the IFR hourly capacity is potentially as high as around 62 operations per hour.

Annual Service Volume

After determining the hourly capacity for each potential runway use configuration, a weighted hourly capacity of the entire Airport can be calculated. The weighted hourly capacity takes into consideration not only the aircraft mix index, but the percent utilization of each possible runway use configuration as well. The weighted hourly capacity for Fayetteville Municipal Airport/Drake Field for 2005 was determined to be approximately 100 operations per hour. This weighted hourly capacity can then be used in calculating the Annual Service Volume (ASV) for the Airport. The ASV is calculated using the following formula:

$$ASV = C_w \times D \times H$$

- C_w weighted hourly capacity
- D ratio of annual demand to average daily demand
- H ratio of average daily demand to average peak hour demand

With the existing runway configuration and, in consideration of existing utilization patterns, the Airport has been determined to have a daily ratio (D) of 231 and an hourly ratio (H) of 10 and, thus, an ASV of approximately 230,276.

Conditions that involve the determination of the weighted hourly capacity and the daily demand are not forecast to change significantly in the future at Fayetteville Municipal Airport/Drake Field. However, throughout the course of the planning period, the expected increase in the aircraft mix index during IFR conditions causes a decrease in the ASV. Thus, as presented in the following table, entitled *AIRFIELD CAPACITY FORECAST SUMMARY, 2005-2025*, the ASV at Fayetteville Municipal Airport/Drake Field will decrease to approximately 190,350 operations by 2025.

This analysis indicates that the existing airfield has adequate capacity for accommodating the projected demand at Fayetteville Municipal Airport/Drake Field within the planning period covered in this Master Plan Update. However, because of increased demand from landside development and other factors, additional improvements (e.g., taxiway

improvements) should be examined and programmed to maintain the safest and most efficient aviation operating environment.

Table C4

AIRFIELD CAPACITY FORECAST SUMMARY, 2005-2025

Fayetteville Municipal Airport/ Drake Field Master Plan Update

Year	Annual Operations	Design Hour Operations	Annual Service Volume (ASV)
2005	46,772	20	230,276
2010	65,430	28	226,905
2015	73,970	32	193,371
2020	79,140	34	191,860
2025	84,750	37	190,350

Source: McClelland Consulting Engineers and Barnard Dunkelberg & Company using FAA AC 150/5060-5, *Airport Capacity and Delay*.

Ground Access Capacity

The capacity of airport ground access systems is a function of the maximum number of vehicles accommodated by a particular facility. At Fayetteville Municipal Airport/Drake Field, this relates primarily to the roadway system capacity, which is the number of vehicles that can use a certain roadway section in a given time period.

The capacity analyses for the roadways providing access to the Airport are based on the *Highway Capacity Manual*, published by the Transportation Research Board, Special Report 209, 1994. According to this manual, it is normally preferred that roadways operate below capacity to provide reasonable flow and minimize delay to the vehicles using it. The manual defines different operating conditions, known as levels-of-service. The levels-of-service are functions of the volume, composition, and speeds attained of the traffic. Six levels-of-service have been established, designated by the letters A-F, providing for best to worst service in terms of driver satisfaction. Level-of-service A roadways are completely unimpeded in their ability to maneuver within the traffic system. A level-of-service C (stable traffic flow and minimal delays) is generally the preferred level-of-service on an urban road system. Average hourly volumes of airport service roadways of typical facilities at levels-of-service C and D are summarized in the following table entitled *GROUND ACCESS FACILITY VOLUME*. The various ranges given

in the table make their use in defining roadway capacity analysis useful primarily for initial problem testing.

Table C5

GROUND ACCESS FACILITY VOLUME

Fayetteville Municipal Airport/ Drake Field Master Plan Update

Facility Type	Average Hourly Volume ¹ (Vehicle/Hour/Lane) ²
Main-access and feeder freeways (controlled access, no signalization)	1,000-1,600
Ramp to and from main-access freeways, single lane	900-1,200
Principal arterial (some cross streets, two-way traffic)	900-1,600
Main-access road (signalized intersections)	700-1,000
Service road	600-1,200

Source: *Highway Capacity Manual*, Transportation Research Board, Special Report 209, 1985.

¹ Highway Levels-of-Service C and D.

² Passenger-Car Equivalents.

The ranges given in the above table are best used for initial testing of problems with roadway capacity. The roadway capacity assessment focuses on the service provided between the terminal curb or parking area and the interchange linking the Airport with the regional transportation system. Therefore, the analysis for Fayetteville Municipal Airport/Drake Field focuses on U.S. Highway 71 (South School Avenue) just west of the Airport, which has a capacity of 900 to 1,600 vehicles per hour at a level-of-service in the C to D range. Since the Airport no longer has regularly scheduled air carrier airline service, the requirements of passenger vehicular traffic are greatly reduced. Thus, the existing roadway capacity serving the Airport is more than adequate to meet the long-term demands required of a busy general aviation airport.

Summary

This chapter analyzed the capacity of existing facilities at Fayetteville Municipal Airport/Drake Field. Both adequate airfield and ground access facilities are critical in the ability of the Airport as a whole to serve the public in an efficient manner. Capacity breakdowns that cause delays associated with one component are reflected in the ability of the entire facility to function properly.

The following chapter delineates the facility needs necessary for appropriately accommodating future demand. That information, along with this capacity analysis, provides the basis for the evaluation of airport development alternatives, which will then evolve into the formulation of the long-term Development Plan for Fayetteville Municipal Airport/Drake Field.

F FAYETTEVILLE MUNICIPAL AIRPORT/ DRAKE FIELD MASTER PLAN UPDATE.

**D FACILITY
REQUIREMENTS**

Facility Requirements

Introduction

This chapter presents the analysis of requirements for airside and landside facilities necessary to meet aviation demand at Fayetteville Municipal Airport/Drake Field. For those components determined to be deficient, the type and size of facility required to meet future demand are identified. Airside facilities examined include the runways, taxiways, runway protection zones, and navigational aids. Landside facilities include such facilities as the terminal building, hangars, aircraft apron areas, and support facilities.

This analysis uses the growth scenario presented in the *Forecasts of Aviation Activity* chapter for establishing future development needs at the Airport. This is not intended to dismiss the possibility that, due to the unique circumstances within the region, either accelerated growth or consistently higher or lower levels of activity may occur. Aviation activity levels should be monitored for consistency with the forecasts. In the event of changes, the schedule of development should be adjusted to correspond to the demand for facilities rather than be set to predetermined dates of development. By doing this, over-building or under-building can be avoided.

Airside Facilities

Dimensional Criteria

Standard dimensional criteria for airport facilities are contained in FAA AC 150/5300-13, *Airport Design*. Dimensions are regulated with respect to the Airport Reference Code and the lowest designated or planned instrument approach visibility minimums. Existing dimensions and the corresponding design criteria applicable to Fayetteville Municipal Airport/Drake Field are presented in Table D3, entitled *RUNWAY 16/34 DIMENSIONAL STANDARDS, IN FEET*.

Table D1
RUNWAY 16/34 DIMENSIONAL STANDARDS, IN FEET
Fayetteville Municipal Airport/ Drake Field Master Plan Update

Item	Existing Dimension	ARC C-II	
		w/> ¾ Mile Vis. Min.	w/< ¾ Mile Vis. Min.
Runway:			
Width	100	100	100
Safety Area Width	500	500	500
Safety Area Length (beyond runway end)			
Runway 16	200	1,000	1,000
Runway 34	1,000	1,000	1,000
Object Free Area Width	800	800	800
Object Free Area Length (beyond runway end)			
Runway 16	0	1,000	1,000
Runway 34	1,000	1,000	1,000
Obstacle Free Zone Width	400	400	400
Obstacle Free Zone Length (beyond runway end)			
Runway 16	600	1,700	2,600
Runway 34	1,700	1,700	2,600
Precision Obstacle Free Zone Width	N.A.	N.A.	800
Precision Obstacle Free Zone Length (beyond runway end)	N.A.	N.A.	200
Taxiway:			
Width	40, 50	35	35
Runway Centerline to:			
Holding Position Markings	250	250	250
Parallel Taxiway Centerline	300	300	400
Aircraft Parking Area	400+	400	500

Source: FAA Advisory Circular 150/5300-13, *Airport Design*, and actual airport conditions.
N.A. – Not applicable based on existing instrument approach minimums.

As can be seen from the data presented in the previous table, the Airport meets or exceeds most dimensional standards associated with ARC C-II, as far as having an instrument approach with visibility minimums greater than ¾ mile. The exceptions are the Runway Safety Area (RSA), the Runway Object Free Area (ROFA), and the Runway

Obstacle Free Zone lengths beyond the Runway 16 end. U.S. Highway 71 impedes on these three dimensional standards

Conclusion. The examination of dimensional standards leads to the conclusion that, in consideration of the existing and forecast aircraft operational fleet, Fayetteville Municipal Airport/Drake Field should be developed to ARC C-II standards (visibility minimums greater than $\frac{3}{4}$ mile). Any proposed runway or taxiway improvements will use the dimensional standards presented in this section. Rectifying the existing deficient dimensional standards will be examined in the next chapter.

Runway Pavement Strength

The existing pavement strength of Runway 16/34 is 90,000 pounds single wheel, 150,000 pounds dual wheel, and 175,000 pounds dual tandem wheel main landing gear configuration. The parallel taxiway, exit taxiways, and the apron have the same pavement strength rating as the runway. The largest (by weight) aircraft currently operating at the Airport is the B-737-700, which has a maximum takeoff weight of 133,000 pounds and has a dual wheel main landing gear configuration. The largest single wheel main landing gear configured aircraft consistently operating at the Airport is the Gulfstream G-IV, which has a maximum takeoff weight of 73,200 pounds.

Conclusion. The existing runway pavement strength is considered adequate to accommodate the forecasted aircraft fleet expected to operate at the Airport. Routine pavement maintenance and rehabilitation will be required during the course of the planning period.

Runway Line-of-Sight

According to FAA AC 150/5300-13, runway line-of-sight standards, any two points located five feet above a runway centerline must be mutually visible for $\frac{1}{2}$ the runway length if the runway has a full-length parallel taxiway. Runway 16 has an elevation of 1,250.1 feet and Runway 34 has an elevation of 1,237.2 feet. The slope of the runway is constant from north to south, with no intermediate rises that would impede the ability of any two points located $\frac{1}{2}$ the runway length to be mutually visible.

Conclusion. Fayetteville Municipal Airport/Drake Field complies with runway line-of-sight standards and no additional analysis is needed. However, if any runway improvements or extensions are proposed, this standard will be revisited.

Runway Length

The determination of runway length requirements for Fayetteville Municipal Airport/Drake Field is based on several factors. These include airport elevation, normal mean maximum daily temperature of the hottest month, maximum difference in the runway elevation at the centerline, critical aircraft type expected to use the Airport, and stage length of the longest nonstop trip destination.

Runway length requirements are derived from the computer based FAA *Airport Design Software* supplied in conjunction with AC 150/5300-13. Using this software, the calculations for runway length requirements at Fayetteville Municipal Airport/Drake Field are based on an airport elevation of 1251.3 feet AMSL, 89.3° F NMT (Normal Mean Maximum Temperature), and a maximum difference in the runway centerline elevation of 12.9 feet. This data generates the general recommendations for runway length requirements premised upon certain categories of aircraft using the Airport. The categories are small aircraft under 12,500 pounds maximum takeoff weight, large aircraft under 60,000 pounds maximum takeoff weight, and large aircraft over 60,000 pounds maximum takeoff weight.

As can be seen in the following table, entitled *RUNWAY LENGTH REQUIREMENTS, IN FEET*, there are 11 different lengths listed. The first four rows in the table pertain to aircraft with maximum certificated takeoff weights less than 12,500 pounds. The next four rows concern the runway length requirements of aircraft weighing between 12,500 pounds and 60,000 pounds. The last three rows refer to runway lengths specific to aircraft with maximum certificated takeoff weights greater than 60,000 pounds and with relevant stage lengths.

Each length specified in the middle four rows of the table provides a runway sufficient to satisfy the operational requirements of a certain percentage of the large general aviation aircraft fleet at a certain percentage of the useful load (i.e., 75% of the fleet at 60% useful load). Useful load is defined as the difference between the maximum allowable structural gross takeoff weight and the operating weight empty. In other words, the load that can be carried by the aircraft composed of passengers, fuel, and cargo. Additionally, the following aircraft generally comprise 75% of the general aviation aircraft fleet between 12,500 and 60,000 pounds: Learjets, Sabreliners, Citations, Falcons, Hawkers, and Westwinds.

The last three rows in the table refer to the operational requirements of the aircraft fleet weighing more than 60,000 pounds, which is generally comprised of the largest business jets, commercial service aircraft, and air cargo aircraft. The three different runway lengths given correspond to different stage lengths (i.e., 500 NM, 1,000 NM, and 1,500 NM) that provide a range of travel distances to major cities from Fayetteville Municipal

Airport/Drake Field. For example, Houston, Atlanta, and Chicago are within 500 NM; Phoenix, New York, and Miami are within 1,000 NM; and, Seattle, Los Angeles, and Mexico City, Mexico are within 1,500 NM.

Table D2
RUNWAY LENGTH REQUIREMENTS, IN FEET
Fayetteville Municipal Airport/Drake Field Master Plan Update

Aircraft Category	Length
<i>Aircraft Less Than 12,500 Pounds with Less Than 10 Seats</i>	
75% of Small Aircraft Fleet	2,930
95% of Small Aircraft Fleet	3,480
100% of Small Aircraft Fleet	4,110
<i>Aircraft Less Than 12,500 Pounds with 10 or More Seats</i>	4,500
<i>Large Aircraft Less Than 60,000 Pounds</i>	
75% of fleet at 60% useful load	5,000
75% of fleet at 90% useful load	6,880
100% of fleet at 60% useful load	5,900
100% of fleet at 90% useful load	8,870
<i>Large Aircraft Greater Than 60,000 Pounds</i>	
500 NM Stage Length	5,450
1,000 NM Stage Length	6,470
1,500 NM Stage Length	7,410

Source: FAA Advisory Circular 150/5300-13, *Airport Design*.

Note: Lengths based on 1,251.3' AMSL, 89.3° F NMT, and a maximum difference in runway centerline elevation of 12.9'.

The next table, entitled *BUSINESS JET FLEET RUNWAY LENGTH REQUIREMENTS, IN FEET*, illustrates the runway lengths required for specific business jets that are either currently based at the Airport or regularly operate at the Airport. The runway lengths in the first five rows are derived from a Regional Guidance Letter distributed by the Airports Division of the FAA Southern Region. The guidance letter supplements AC 150/5323-4A, *Runway Length Requirements for Airport Design*, and provides additional guidance for determining the appropriate runway length for airports expected to have business jet aircraft operations. It should be mentioned that the runway lengths provided in these rows assume aircraft operating at maximum takeoff weight (i.e., 100% useful load); whereas, runway lengths are normally based on aircraft operating at 60%

useful load. Runway length calculations for aircraft operating at 60% useful load will be 70% to 80% shorter than aircraft operating at 100% useful load.

The last six rows in the table are derived from runway length calculations provided by a local pilot with over 24,000 hours piloting various business and airline aircraft (see letter and runway length calculation supporting data in Appendix One). The runway lengths in these rows assume the listed aircraft operating weights, a temperature of 85 ° F, calm winds, dry pavement, and enough fuel for an approximate 2.5-hour trip. If wet pavement is considered, then longer lengths are required.

Table D3
BUSINESS JET FLEET RUNWAY LENGTH REQUIREMENTS, IN FEET
Fayetteville Municipal Airport/ Drake Field Master Plan Update

Business Jets	Takeoff Weight (lbs.)	Length
Gulfstream G-IV ¹	71,780	7,100
Dassault Falcon 50 ¹	37,480	6,150
Beechjet 400 ¹	16,100	5,450
Hawker 125-800 ¹	28,000	7,000
Hawker 125-1000 ¹	36,000	6,830
Learjet 31 ²	17,700	5,400
Learjet 35 ²	17,000	5,588
Cessna Citation III ²	21,000	5,879
Dassault Falcon 20 ²	26,000	6,500
Challenger 601 ²	38,000	5,370
Boeing B-737-300 ²	122,000	6,000

Sources: ¹ Airports Division of the FAA Southern Region, *Regional Guidance Letter*. Lengths based on airport elevation of 1,251.3' AMSL, 89.3° F NMT, and a maximum difference in runway centerline elevation of 12.9'.

² Calculations provided by local pilot with over 24,000 hours piloting business and airline aircraft. Lengths based on airport elevation of 1,251.3' AMSL, 85° F, calm winds, dry pavement, and enough fuel for a 2.5-hour trip.

When considering the generalized runway length requirements given in the preceding tables, the actual necessary runway length is a function of elevation, temperature, and aircraft stage length. As temperatures change on a daily basis, the runway length requirements change accordingly (i.e., the cooler the temperature, the shorter the runway necessary). Therefore, if a runway is designed to accommodate a certain aircraft under all conditions, it can also accommodate a larger aircraft (or one that requires a longer

runway) when temperatures are cooler or when a shorter stage length is required. However, the amount of time such operations can safely occur is limited.

Conclusion. As with most airports, determining the runway length requirement at Fayetteville Municipal Airport/Drake Field is a complex consideration. Reviewing the analysis presented in this section indicates that the existing runway length of 6,006 feet provides sufficient length for a large majority of the existing and projected aircraft fleet, but appears marginally adequate for accommodating larger business jets that could potentially benefit from a longer runway. Therefore, in anticipation of the increasing use of larger business and corporate jet aircraft in the future, it is recommended that the feasibility of a runway extension be examined as a portion of this Master Plan Update.

Airfield Capacity

The evaluation of airfield capacity presented in the previous chapter indicates that the Airport will not exceed the capacity of the existing airfield system before the end of the planning period. The airport's Annual Service Volume (ASV) at the end of the planning period was determined to be approximately 190,350 operations. FAA planning standards indicate that when 60% of the ASV is reached (in this case, some 114,210 operations), an airport should start planning ways to increase capacity. Accordingly, when 80% of the ASV is reached (representing about 152,280 operations), construction of facilities to increase capacity should be initiated.

The 2005 aircraft operations at Fayetteville Municipal Airport/Drake Field totaled approximately 46,772, which is well below the 60% ASV level. Forecasts indicate that approximately 84,750 aircraft operations will occur at the Airport by the year 2025, which indicates that the Airport will not exceed 60% of its operational capacity by the end of the 20-year planning period.

Conclusion. As presented, the forecast operations are not expected to exceed or approach the capacity of the airfield system, and do not indicate the need for a new runway. In conjunction with any runway extensions programmed for the Airport, appropriate exit taxiways will be re-examined that allow the airfield system to operate at maximum efficiency.

Runway Protection Zones (RPZs)

The function of the RPZ is to enhance the protection of people and property on the ground beyond the runway ends, which is achieved through airport control of the RPZ areas. The RPZ is trapezoidal in shape, centered about the extended runway centerline, and begins 200 feet beyond the end of the area usable for takeoff or landing.

Dimensions are determined by the "Design Aircraft" and the approach visibility minimums associated with each runway end.

Existing instrument approach procedures provide guidance to both runway ends when visibility minimums are as low as one mile. The following table, entitled *RUNWAY PROTECTION ZONE DIMENSIONS, IN FEET*, lists the existing RPZ dimensions as illustrated on the current Airport Layout Plan (ALP). The remainder of the table presents the RPZ requirements for various approach capabilities and aircraft types, and indicates if the Airport owns or controls the entire area contained within with RPZ.

Table D4
RUNWAY PROTECTION ZONE DIMENSIONS, IN FEET
Fayetteville Municipal Airport/ Drake Field Master Plan Update

Item	Width at Runway End	Length	Width at Outer End	Airport Controls Entire RPZ
Existing RPZ Dimensional Requirements:				
Runway 16	1,000	1,700	1,510	no
Runway 34	1,000	1,700	1,510	no
Required RPZ Dimensions for Various Visibility Minimums:				
Visual and Not Lower Than One Mile, Small Aircraft Only	250	1,000	450	---
Visual and Not Lower Than One Mile, Approach Categories A & B	500	1,000	700	---
Visual and Not Lower Than One Mile, Approach Categories C & D	500	1,700	1,010	---
Not Lower Than 3/4 Mile, All Aircraft	1,000	1,700	1,510	---
Lower Than 3/4 Mile, All Aircraft	1,000	2,500	1,750	---

Source: FAA Advisory Circular 150/5300-13, *Airport Design*.

Conclusion. Based on the existing Approach Category C and the existing instrument approach minimums to each runway end, the Airport Layout Plan (ALP) illustrates larger RPZs than required by planning standards. Any improvements planned for the airfield or to the instrument approach capabilities will require an examination of the impact on the RPZ and on the surrounding land.

Threshold Siting

FAA AC 150/5300-13 provides criteria for evaluating the proper siting of runway thresholds regarding obstacle clearance for approach and departure procedures. As with the RPZ criteria, threshold siting criteria are based on the type of aircraft and visibility minimums associated with each runway end. Based on the existing approach criteria applicable to Runway 16 (i.e., straight in, nighttime instrument approaches with visibility minimums not lower than one mile), the existing approach surface is not provided adequate clearance over U.S. Highway 71. Likewise, the existing departure runway end threshold siting surface is not provided adequate clearance over the high terrain south of the Airport. The Runway 34 existing approach criteria (i.e., procedure not aligned with the runway centerline) indicates that adequate clearance is provided over the high terrain south of the Airport. However, the existing departure runway end threshold siting surface is not provided adequate clearance over U.S. Highway 71 and the high terrain northeast of the Airport.

Conclusion. Based on this analysis, U.S. Highway 71 impedes the ability to provide adequate obstruction clearance based on approach criteria to Runway 16 and departure runway end criteria from Runway 34. The high terrain south of the Airport prevents adequate obstruction clearance for departure runway end criteria from Runway 16. However, it appears that the deficiencies associated with the departure runway end criteria from both runways have been accounted for with published departure procedures and takeoff minimums. Rectifying the deficiencies will be examined in the following chapter, and these requirements will be re-examined in conjunction with any future improvements or changes to the airfield or approach visibility minimums.

Taxiways

Taxiways are constructed primarily to enable the movement of aircraft between the various functional areas on the Airport and the runway system. Some taxiways are necessary simply to provide access between aircraft parking aprons and runways; whereas, other taxiways become necessary to provide more efficient and safer use of the airfield. As described earlier, the taxiway system at Fayetteville Municipal Airport/Drake Field meets the required standards. However, with continued development of the Airport in the future, additional taxiways might be required to improve aircraft maneuvering to the landside development areas.

Conclusion. Additional taxiways will be included in the *Airport Plans* chapter of this document as landside development areas are proposed and developed.

Instrumentation and Lighting

Existing electronic landing aids, including instrument approach capabilities and associated equipment, airport lighting, and weather/airspace services, were detailed in the *Inventory* chapter of this document. The existing instrument approaches provide excellent approach capabilities under a variety of weather conditions and operational circumstances.

Electronic Land Aids (Instrumentation). Global Positioning System (GPS) approaches are expected to be the FAA's standard approach technology in the near future. Using GPS related technology significantly reduces the cost of establishing instrument approaches with reduced visibility minimums. The availability of GPS approaches reinforces the recommendation that the Airport should be programmed for accommodating the best instrument approach capabilities in consideration of the physical and airspace environments.

Visual Landing Aids (Lighting). The existing Omnidirectional Approach Lighting System (ODALS) serving both runway ends provides adequate approach lighting for the existing instrument approaches. However, in conjunction with any improved instrument approach analysis, an analysis of additional approach lights is required. High Intensity Runway Lights (HIRL) are necessary for the implementation of Runway Visual Range (RVR) based on precision instrument approach procedures, but are not a requirement for other precision approaches.

Glide path indicator lights are a system of lights that provide visual vertical approach slope guidance to aircraft during an approach to the runway. Runways 16 and 34 are currently equipped with four-light Precision Approach Path Indicators (PAPI), which are the FAA recommended standard glide path indicator lights.

Conclusion. In conjunction with the improved instrument approach procedure examination, an approach lighting system analysis will also be conducted.

Landside Facilities

Landside facilities support the airside functions of an airport, but are not actually part of the aircraft operating surfaces. They consist of such facilities as aprons, hangars, Fixed Base Operators (FBOs), Air Traffic Control Towers (ATCTs), fuel storage facilities, access roads, support facilities, and terminal buildings. Following an analysis of these existing facilities, current deficiencies can be noted in terms of accommodating both existing and future needs.

Aircraft Storage

Aircraft based at Fayetteville Municipal Airport/Drake Field are currently stored in T-hangars, corporate hangars, or multi-aircraft storage hangars. There are 110 existing based aircraft at the Airport, all of which are in hangars. Over the course of the 20-year planning period, the number of based aircraft is forecast to increase to 174, indicating that an increase in storage facilities to accommodate approximately 64 new aircraft will be required. It is assumed that future storage spaces will reflect the characteristics of current storage patterns.

Tiedown Storage Requirements/Based Aircraft. Aircraft tiedowns are provided for those aircraft that do not require, or do not desire to pay the cost for, hangar storage. Space calculations for these areas are based on 360 square yards of apron for each aircraft to be tied down. This amount of space allows for aircraft parking and circulation between the rows of parked aircraft. While none of the existing based aircraft are currently stored on apron tiedowns, experience indicates that demand for hangar storage tends to surpass the availability of spaces, especially for smaller single engine aircraft types. Therefore, the requirement for a limited amount of based aircraft apron space has been forecasted throughout the planning period.

Tiedown Storage Requirements/Itinerant Aircraft. In addition to the needs of the based aircraft tiedown areas addressed in the preceding section, transient aircraft also require apron storage areas at Fayetteville Municipal Airport/Drake Field. In calculating the area requirements for these tiedowns, an area of 400 square yards per aircraft is used. There are two reasons this area is larger than the area required for based aircraft. First, the users of the transient tiedown spaces will not be as familiar with the layout and circulation patterns as based aircraft operators are, and additional maneuvering room is essential. Next, whereas typically smaller, single engine based aircraft use tiedowns as storage; all types of transient aircraft use tiedowns, making it necessary to provide additional space for the larger aircraft. The development plan for the Airport will designate adequate areas for apron development to satisfy this demand.

Hangars. As stated previously, it is assumed that future storage patterns will reflect the existing characteristics. With that assumption, it is anticipated that a wide range of hangar facilities will be established to meet the demand, including T-hangars, larger corporate hangars, and smaller individual hangars.

Conclusion. The following table shows the type of facilities and the number of units or acres needed for that facility in order to meet the forecast demand for each development phase. The actual type of indoor storage facility to accommodate based aircraft has been identified as T-hangars or individual hangars (i.e., hangars large enough for one or two aircraft). It is also recognized that FBO and multi-aircraft storage hangars will

accommodate some of the aircraft storage demand, although the actual number, size, and location of these large hangars will depend on user needs and financial feasibility. Therefore, the quantity of future FBO and multi-aircraft storage hangars has not been projected; however, potential development sites will be identified in the *Airport Plans* chapter of this document.

The following table, entitled *GENERAL AVIATION FACILITY REQUIREMENTS, 2005-2025*, depicts the area or number of required general aviation landside facilities during all stages of development. This will assist in the development of project construction phasing.

Table D5
GENERAL AVIATION FACILITY REQUIREMENTS, 2005-2025
Fayetteville Municipal Airport/ Drake Field Master Plan Update

Facility	2005 ¹	2010	2015	2020	2025
Itinerant Apron (acres)	N.D.	7.1	8.0	8.6	9.2
Based Aircraft Apron (acres)	N.D.	0.2	0.5	0.7	1.1
Total Apron (acres)	5.6	7.3	8.5	9.3	10.3
T-Hangar Units (acres)	81 (10.0)	95 (11.8)	103 (12.8)	111 (13.8)	116 (14.4)

Source: Existing building survey and McClelland Consulting Engineers and Barnard Dunkelberg & Company projections based on AC 150/5300-13.

¹Actual.

N.D. Not designated in current planning documents.

Support Facilities Requirements

In addition to the facilities described above, there are several support facilities that have quantifiable requirements and that are vital to the efficient and safe operation of the Airport.

Aircraft Rescue and Fire Fighting (ARFF) Facility. Currently, the Airport has no ARFF facility requirements because federal regulations for ARFF equipment and staffing are based upon the length of the largest air carrier aircraft serving an airport with an average of five or more daily departures. Since the Airport is no longer served by scheduled airline service, there are no ARFF facility requirements. However, the Airport maintains a Class IV Federal Aviation Regulations (FAR) Part 139 Certificate primarily to accommodate charter aircraft associated with the University of Arkansas athletic events.

It is recommended that the Airport maintain the Part 139 Certificate and retain the ARFF response capability so chartered aircraft can continue to use the Airport.

Fuel Storage. The existing fuel storage capacity at Fayetteville Municipal Airport/Drake Field consists of three aboveground 10,000-gallon Jet A storage tanks, one aboveground 10,000-gallon Avgas storage tank, one aboveground 1,000-gallon self-serve Avgas storage tank, and one aboveground 1,000-gallon self-serve MOGAS storage tank. The total storage capacity is 42,000 gallons of aviation fuel.

In 2005, there were a total of 397,497 gallons of fuel sold at Fayetteville Municipal Airport/Drake Field, amounting to an average of 8.5 gallons sold per aircraft operation. Fuel storage requirements can be expected to increase proportionately as operations increase. The expected increase in the size of aircraft forecasted to operate and base at the Airport indicates that the ratio of gallons sold per operation will also increase. Thus, an estimate of future fuel storage needs can be calculated as a two-week supply during the peak month of operations. The following table, entitled *FUEL STORAGE REQUIREMENTS, 2005-2025*, presents the estimated fuel storage requirements, which are anticipated to increase to nearly 54,000 gallons by the end of the planning period.

Table D6
FUEL STORAGE REQUIREMENTS, 2005-2025
Fayetteville Municipal Airport/ Drake Field Master Plan Update

Facility	2005 ¹	2010	2015	2020	2025
Average Day of Peak Month		283	320	342	367
Two-Week Supply		3,961	4,478	4,791	5,131
Gallons Per Operation	8.5	8.7	9.5	10	10.5
Fuel Storage (Gallons)	42,000	34,464	42,545	47,914	53,876

Source: McClelland Consulting Engineers and Barnard Dunkelberg & Company.

¹ Actual.

Conclusion. This analysis indicates that fuel storage facilities will need additional capacity during the planning period. Therefore, the development plan will identify expansion and development areas for additional fuel storage facilities at Fayetteville Municipal Airport/Drake Field.

Summary

Although many of the existing airport facilities are adequate to serve through the end of the 20-year planning period, others will need improvement to accommodate the existing and future aviation demand, and to provide a safe and efficient aircraft operating environment. The facility requirements detailed in this chapter will be used to evaluate the Airport and provide the basis for the Master Plan Update recommendations.

F FAYETTEVILLE MUNICIPAL AIRPORT/ DRAKE FIELD MASTER PLAN UPDATE.

**E CONCEPTS,
ALTERNATIVES, &
DEVELOPMENT PLAN**

Concepts, Alternatives, and Development Plan

Introduction

This chapter presents the alternatives for both airside and landside development at Fayetteville Municipal Airport/Drake Field, which have been identified to meet the facility requirements described previously. These alternatives are illustrated as appropriate and described in terms of the reasoning, influences, and concepts supporting these options. They have been evaluated within the context of airport goals, as well as the importance of on- and off-airport effects, benefit and need considerations, consistency with federal requirements, airport enhancement potential, and resource requirements. The results of this evaluation process leads to the ultimate long-term development plan recommendations for Fayetteville Municipal Airport/Drake Field. The Development Plan will serve as the foundation for the Development Program wherein projects are identified, associated costs are developed, and priorities are established.

Prior to beginning the development alternatives process, some basic assumptions have been established to ensure consistency with the long-term goals of the Airport. These assumptions ascribe to the current and future roles of the Airport, and incorporate guidance from airport management, the Airport Board, and the Federal Aviation Administration (FAA). They are intended to provide an understanding of the foundation on which the development alternatives have been formulated and, sequentially, the recommended Development Plan for the Airport.

Assumption One. The Airport will be developed and operated in a manner that is consistent with local ordinances and codes, federal and state statutes, federal grant assurances, and Federal Aviation Administration (FAA) regulations and guidelines.

Assumption Two. Fayetteville Municipal Airport/Drake Field, in keeping with its unique aviation role in Northwest Arkansas, will continue its transition from an air carrier airport into a quality general aviation facility. While still being capable of accommodating, on a limited basis, air carrier aircraft serving the University of Arkansas, the Airport will be designed to serve and accommodate the vast majority of business jet aircraft.

Assumption Three. Fayetteville Municipal Airport/Drake Field should be designed to the dimensional standards that accommodate the forecasted aircraft fleet. As described in the previous chapter, the appropriate future Airport Reference Code (ARC) for the Airport is C-II.

Assumption Four. In order for the Airport to accommodate aircraft operations with great reliability and safety, the airport's runway should be developed with instrument approach guidance capabilities and adequate runway length to accommodate the forecasted operations as safely as possible under most weather conditions.

Assumption Five. Because available landside development area is relatively limited, the Airport should strive to maximize the efficient use of the available area for aviation-related activities. Identification of additional airport property required for meeting future aviation demand and supporting activities will be made in the plan.

Assumption Six. The Airport should strive to promote compatible and complementary development of on- and off-airport land uses. To the maximum extent possible, future facilities will be designed to enhance the compatibility of airport operations with the surrounding environs.

Goals for Development

Accompanying these assumptions are several goals that have been established to provide direction for the Master Plan Update and to establish continuity for future airport development. These goals account for several categorical considerations relating to the short- and long-term needs of the Airport, including: safety, noise, capital improvements, land use compatibility, financial and economic conditions, public interest and investment, and community recognition and awareness. The goals are as follows:

- Provide effective direction for the future development of Fayetteville Municipal Airport/Drake Field through the preparation of a rational, reasonable, creative, and implementable plan.
- Incorporate the Fayetteville Municipal Airport/Drake Field Board's vision of developing a safe, reliable, and high quality facility, into the Master Plan Update's long-term physical development program.
- Accommodate the aviation forecasts in a safe and efficient manner by providing proper facilities and services.
- Maximize the utilization of landside development areas at Fayetteville Municipal Airport/Drake Field and identify additional airport property for meeting the long-term aviation demand.

- Encourage the protection of existing public and private investment in land and facilities.
- Plan and develop the Airport to be environmentally compatible with the community, and minimize environmental impacts to both airport property, and any non-airport property potentially affected by airport operations.

Airside Development Concepts, Alternatives, and Recommendations

Introduction

Because all other functions relate to, and revolve around, the basic airfield layout, airside development alternatives must first be carefully examined and evaluated. Specific airside considerations include runway length, dimensional standards, taxiway layout, and instrument approach capabilities. In general, the runway system at Fayetteville Municipal Airport/Drake Field is well configured to accommodate the forecasted future demand.

Runway Development Concepts

Runway/Taxiway System. As explained in the preceding chapters, a runway extension analysis is warranted to support the accommodation of larger business jets that could potentially benefit from a longer runway with fewer payload restrictions. This analysis indicates that a runway length of approximately 7,000 feet will provide improved benefits to these aircraft types.

Instrument Approach Capabilities. Improving the instrument approach capabilities will enhance the airport's ability to accommodate aircraft operations during additional periods of inclement weather conditions, and will provide flexibility for accommodating aircraft operations when wind conditions dictate. Additionally, GPS technology offers the potential for improving instrument approach capabilities with relatively little cost to the Airport. Providing a vertically guided instrument approach to Runway 16 is of high value to many users of the Airport.

Design Standards. Resolving the deficient dimensional standards, maintaining current standards, and planning and protecting for appropriate future standards are vital components of the alternatives analysis and the formulation of the Development Plan. As presented in previous chapters, the Runway 16 end has four dimensional standards that are deficient, largely due to the proximity of the airport property line/fence and U.S. Highway 71. The four deficient standards include:

- Runway Object Free Area (ROFA) length

- Approach runway end siting
- Obstacle Free Zone (OFZ) length
- Runway Safety Area (RSA) length

Runway Object Free Area (ROFA) Length Deficiency. Of the noted deficiencies, the non-standard ROFA length of 1,370 feet has the potential for the most impact on the airfield at Fayetteville Municipal Airport/Drake Field. However, non-standard ROFA dimensions are eligible for a modification of standards from the FAA, pending a review of the particular circumstances of the condition. Additionally, a modification of standards for the Runway 16 ROFA length has essentially been in place since the FAA reviewed and approved the current Airport Layout Plan in 1999. If a modification of standards is pursued to rectify the non-standard Runway 16 ROFA length, then it is subject to FAA review and approval.

Approach Runway End Siting Deficiency. Using the existing runway end siting criteria, the Runway 16 approach end should be located approximately 1,200 feet south of the existing location. However, guidelines contained in FAA Advisory Circular (AC) 150/5300-13, *Airport Design*, indicate that if the obstruction is lighted and an approved visual glide slope indicator (i.e., PAPI or VASI) is provided, then no action to the approach threshold is required for night operations. Since PAPI are currently provided for Runway 16, proper obstruction lighting of U.S. Highway 71 will alleviate the non-standard condition.

Obstacle Free Zone (OFZ) Length Deficiency. The OFZ is defined as the airspace below 150 feet above the established airport elevation and along the runway and extended runway centerline, which requires the clearing of all objects, except for frangible visual NAVAIDS that need to be located in the OFZ because of their function. At Fayetteville Municipal Airport/Drake Field, the deficiency results from insufficient clearance (over U.S. Highway 71) of the inner approach OFZ associated with the Runway 16 Omni-Directional Approach Lighting System (ODALS). This deficiency will more than likely be resolved with the resolution of the other non-standard dimensional conditions.

Runway Safety Area (RSA) Length Deficiency. Unlike ROFA deficiencies, the FAA will not (in most situations) issue a modification of standards for deficient RSA dimensions. However, the FAA can (under certain circumstances) determine that providing standard RSA dimensions is impractical, which has actually occurred previously at Fayetteville Municipal Airport/Drake Field (see determination letter in Appendix Two). This could result in a modified RSA that FAA determines to have an equivalent level of safety. It is important to note that whenever a runway project involves construction, reconstruction (including overlays), or significant expansion, it is incumbent on the airport sponsor to meet current design standards, or the equivalent level of safety, as determined by FAA. Based on these guidelines, a resolution of the non-standard RSA should be evaluated.

FAA Order 5200.8, *Runway Safety Area Program*, provides guidance for evaluating various alternatives that rectify the non-standard RSA dimensions. The first alternative considered should always be the provision of the traditional graded area meeting all dimensional standards surrounding the runway. If this is not practical, then providing as much of the standard area as possible should be pursued through the examinations of the following alternatives:

- Relocating, shifting, or realigning the runway.
- Reducing runway length if the existing length exceeds the design aircraft needs.
- A combination of runway relocation, shifting, grading, realignment, or reduction.
- Declared distances.
- Engineered Materials Arresting Systems (EMAS).

At Fayetteville Municipal Airport/Drake Field, relocating or re-aligning the runway is not considered to be a practical solution, based on the cost involved and the surrounding terrain in the approaches to the Airport. Reduction of the overall runway length is likewise not considered viable because the existing length does not exceed the existing or projected design aircraft performance needs. The remaining options available for consideration are declared distances, shifting the runway, and EMAS; all of which are discussed below.

Runway Development Alternatives

Alternative One – Declared Distances. In an effort to preserve usable runway length in a cost effective manner, while also adhering to design criteria with respect to RSA, the FAA allows the use of “declared distances” in certain situations. As defined by AC 150/5300-13, the use of declared distances for airport design is limited to cases of existing constrained airports where it is impractical to provide adequate RSA and ROFA in accordance with current design standards. Declared distances are used to declare different runway lengths available for aircraft takeoff run, takeoff distance, accelerate-stop distance, and landing distance requirements. Each runway length category satisfies a different function in calculating an aircraft’s performance distance requirements and all are defined below:

- *Takeoff Run Available (TORA).* The runway length declared available and suitable for satisfying the ground run of an aircraft, which is the distance required to accelerate from brake release to lift-off.
- *Takeoff Distance Available (TODA).* The TORA plus the length of any remaining runway or clearway beyond the far end of the TORA declared available and suitable for satisfying lift-off to start takeoff climb requirements.

- *Accelerate-Stop Distance Available (ASDA)*. The length of the runway plus stopway length declared available and suitable for satisfying accelerate-stop distance requirements (must have specified safety area and object free area beyond end of stopway). A stopway is a paved area, at least as wide as the runway, which is specified by the airport sponsor as capable of supporting turbine-powered aircraft without structural damage in the event of an aborted takeoff.
- *Landing Distance Available (LDA)*. The runway length declared available and suitable for completion of the approach, touchdown, and deceleration to a stop.

Therefore, the use of declared distances for resolving the deficient RSA length involves displacing the Runway 16 threshold by approximately 800 feet to the south and publishing the runway lengths listed in the following table. A displacement of this length allows the standard length and width of the RSA to be accommodated on existing airport property. Because standard RSA dimensions apply to aircraft taking off, as well as landing, the ASDA (takeoff requirement) and LDA (landing requirement) distances associated with Runway 34 are reduced by 800 feet as well. This alternative is illustrated in the following figure entitled *ALTERNATIVE ONE DECLARED DISTANCE RUNWAY LENGTHS, IN FEET*.

Table E1

ALTERNATIVE ONE DECLARED DISTANCE RUNWAY LENGTHS, IN FEET
Fayetteville Municipal Airport/Drake Field Master Plan Update

Runway End	TORA	TODA	ASDA	LDA
Runway 16	6,006	6,006	6,006	5,206
Runway 34	6,006	6,006	5,206	5,206

Source: Barnard Dunkelberg & Company and McClelland Consulting Engineers, using FAA Advisory Circular 150/5300-13, *Airport Design*.

This alternative neither provides additional runway length, nor improves upon the existing instrument approach procedures. A vertically guided instrument approach to Runway 16 appears unachievable based on the runway end siting surface penetrated by U.S. Highway 71. FAA AC 150/5300-13 guidelines indicate that, in order to implement this type of approach, obstruction lighting and a Visual Glide Slope Indicator (VGSI) are

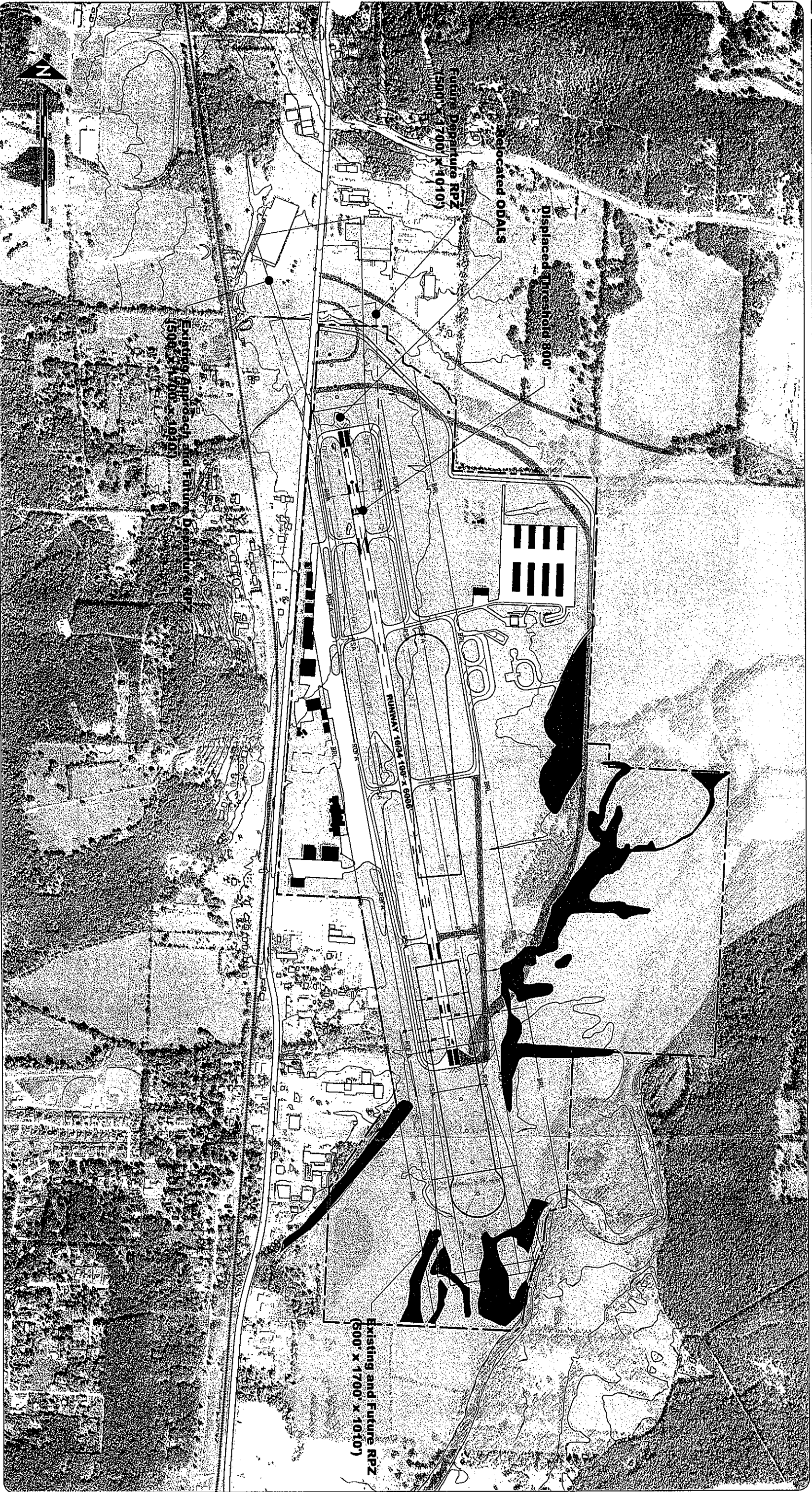


Figure E1 Alternative One

• Use Declared Distances

- 500 Year Flood Plain
- 100 Year Flood Plain
- Wetlands

MASTER PLAN UPDATE
Fayetteville Municipal Airport
Drake Field

not allowed to resolve the deficient runway end location. Improving upon the instrument procedure to Runway 34 also appears unattainable, due to the more stringent requirements and the topography within the eastern portion of the approach area.

Advantages associated with Alternative One include:

- Corrects not only the non-standard RSA length, but also the OFZ deficiency.
- Lessens the liability of the Airport and places more responsibility on pilots to fully understand the useable runway length requirements of their particular aircraft.
- Least costly option available.

Disadvantages associated with Alternative One include:

- Decreased runway length negatively affects the operational capabilities and functional utility of the existing and forecasted aircraft fleet.
- Increases the complication factor for pilots by having different published runway lengths.
- Vertically guided instrument approach to Runway 16 does not appear attainable, nor does an improvement of the ceiling or visibility minimums of the existing instrument approach to Runway 34.
- Requires relocation of the Runway 16 ODALS, including placement of two of the ODALS fixtures in-pavement, adjusting runway and taxiway light fixtures, modifying runway markings, and relocating the PAPI system and wind cone.

A minimum of 6,000 feet is required by numerous business jet owners/operators that are based at, or frequently use, Fayetteville Municipal Airport/Drake Field, as well as the air carrier aircraft chartered for the University of Arkansas athletic events. Therefore, the use of declared distances alone for providing standard RSA dimensions is not the preferable option. An order-of-magnitude cost estimate for this alternative is \$800,000.

Alternative Two – Shift Runway 800 Feet to the South. This alternative relocates the Runway 16 threshold by 800 feet, thus providing sufficient space between the airport property line/fence and the runway end for accommodating the standard RSA dimensions (i.e., 500 feet in width and 1,000 feet in length). The space behind the relocated threshold is eliminated from performing takeoff or landing procedures, and will not be available for taxiing. By providing a runway extension of 800 feet to the south (at the Runway 34 end), the runway is effectively shifted. The following illustration, entitled *ALTERNATIVE TWO*, provides a graphic depiction of this alternative.

However, an evaluation of the existing instrument approach procedure to the relocated Runway 34 threshold indicates the terrain in the eastern part of the approach area would

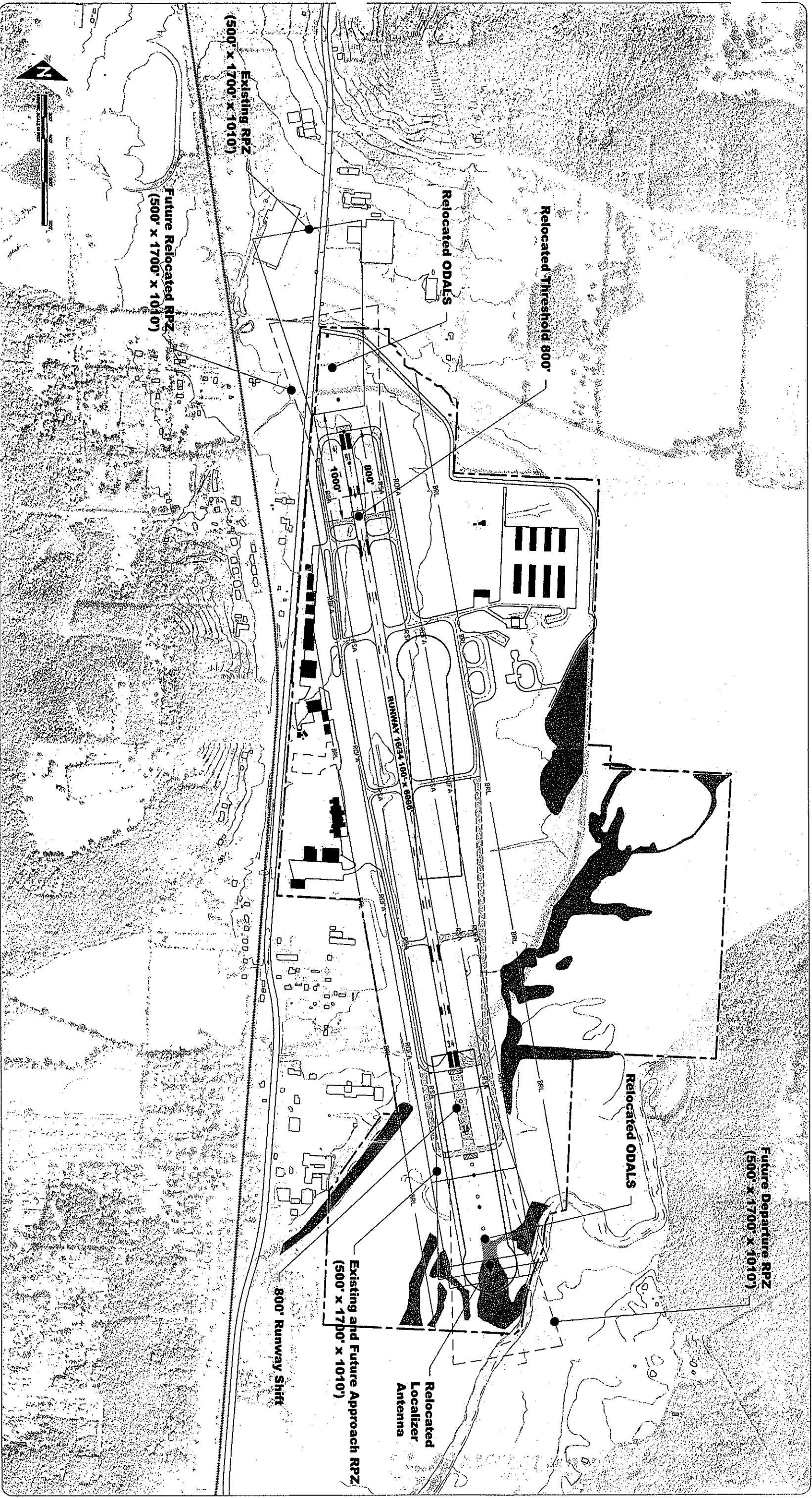


Figure E2 Alternative Two

• Shift Runway 800' to the South

- 500 Year Flood Plain
- 100 Year Flood Plain
- Wetlands

MASTER PLAN UPDATE
Fayetteville Municipal Airport
Drake Field

create an obstruction to the appropriate runway end siting criteria. The Runway 34 threshold would, therefore, have to remain in its existing location, which means displacing the threshold by 800 feet when the runway is extended. The following table provides the appropriate published runway lengths for Alternative Two. Since the Runway 34 displaced threshold affects landing aircraft, the shortened runway length only applies to the Runway 34 LDA.

Table E2

ALTERNATIVE TWO DECLARED DISTANCE RUNWAY LENGTHS, IN FEET

Fayetteville Municipal Airport/ Drake Field Master Plan Update

Runway End	TORA	TODA	ASDA	LDA
Runway 16	6,006	6,006	6,006	6,006
Runway 34	6,006	6,006	6,006	5,206

Source: Barnard Dunkelberg & Company and McClelland Consulting Engineers, using FAA Advisory Circular 150/5300-13, Airport Design.

As with Alternative One, this alternative does not provide additional runway length, nor does it improve upon the existing instrument approach procedures. A vertically guided instrument approach to Runway 16 does not appear feasible, due to the inability of using obstruction lighting and a Visual Glide Slope Indicator (VSGI) for determining appropriate runway end location.

Advantages associated with Alternative Two include:

- Provides standard RSA dimensions.
- Corrects the OFZ deficiency.
- Retains existing runway length of 6,006 feet for all but one runway length distance.
- Lessens the liability of the Airport and places more responsibility on pilots to fully understand the useable runway length requirements of their particular aircraft.

Disadvantages associated with Alternative Two include:

- Requires extensive earthwork within the *West Fork White River* floodplain and wetland ecosystem for the runway/taxiway extension, extended RSA, and relocated glide slope and localizer antennas.

- Requires relocation of both sets of ODALS, relocation of the localizer antenna south of Runway 34, relocation of the glide slope antenna, relocation of the PAPI system and the wind cone, adjusting runway and taxiway light fixtures, and modification of the runway markings.
- Requires new taxiways serving the relocated Runway 16 threshold.
- Preliminary analysis indicates that a vertically guided instrument approach to Runway 16 does not appear feasible, nor does an improvement of the ceiling or visibility minimums of the existing instrument approach to Runway 34.
- Complication factor for pilots is increased by having different published runway lengths, but less than that of Alternative One.
- Decreased Runway 34 landing length has a negative effect on the operations capabilities and functional utility of the existing and forecasted aircraft fleet.
- FAA reluctant to fund runway extensions not fully useable for all runway length calculations.

This alternative retains the existing runway length of 6,006 feet for all but one of the runway length calculations. While this is an improvement over Alternative One, it still fails to provide additional runway length or improve the instrument approach capabilities of the Airport. An order-of-magnitude cost estimate for Alternative Two is \$16,800,000.

Alternative Three – Extend Runway 1,000 Feet to the South and Use Declared Distances. Alternative Three extends the runway 1,000 feet to the south, displaces the Runway 16 threshold by 800 feet, and uses declared distances for resolving the deficient Runway 16 RSA length dimension, as illustrated in the following figure entitled *ALTERNATIVE THREE*. The space behind the Runway 16 displaced threshold is useable for performing takeoff and landing procedures. However, as with Alternative Two, when evaluating the ability of retaining the existing instrument approach procedure to the extended Runway 34 end and relocated threshold, the terrain in the eastern portion of the approach area does not appear to meet the required runway end siting criteria. Therefore, the Runway 34 threshold would have to be displaced 1,000 feet or, in other words, remain in its present location. The following table provides the published runway lengths for this alternative.

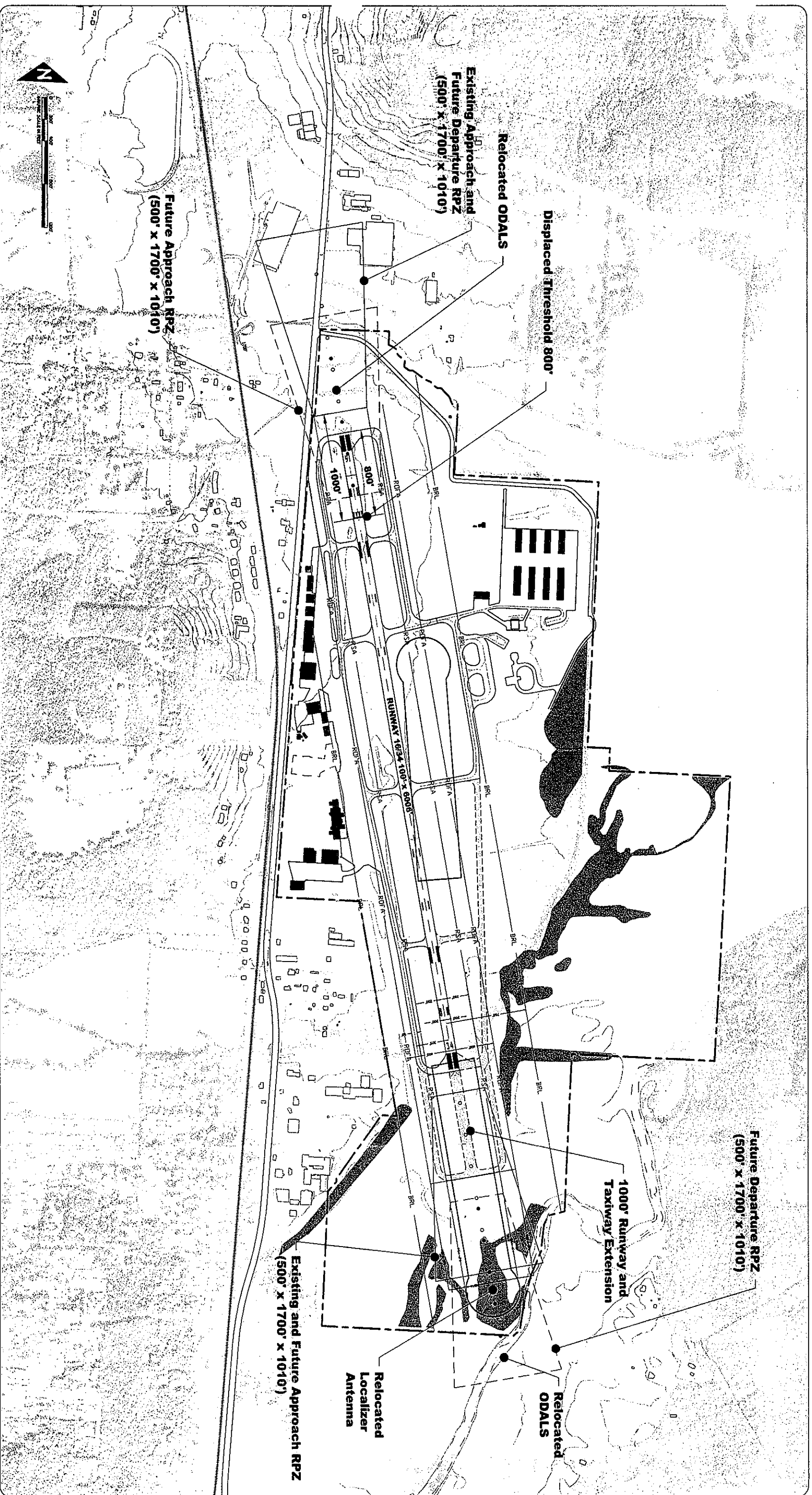
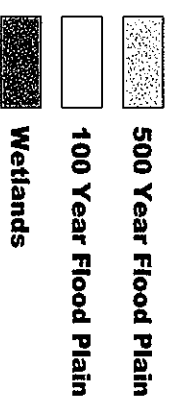


Figure E3 Alternative Three

- Extend Runway 1000' to the South
- Use Declared Distances



MASTER PLAN UPDATE
Fayetteville Municipal Airport
Drake Field

Table E3

ALTERNATIVE THREE DECLARED DISTANCE RUNWAY LENGTHS, IN FEET*Fayetteville Municipal Airport/Drake Field Master Plan Update*

Runway End	TORA	TODA	ASDA	LDA
Runway 16	7,006	7,006	7,006	6,206
Runway 34	7,006	7,006	6,206	5,206

Source: Barnard Dunkelberg & Company and McClelland Consulting Engineers, using FAA Advisory Circular 150/5300-13, Airport Design.

A vertically guided instrument approach procedure to Runway 16 does not appear achievable, due to the inability to use obstruction lighting and VSGI for alleviating improper runway end location.

Advantages associated with Alternative Three include:

- Provides standard RSA and OFZ length dimensions to Runway 34.
- Retains a minimum length of 6,006 feet for all but one runway length distance.
- Provides a runway length of 7,006 feet for most of the runway length distances.
- Lessens the liability of the Airport and places more responsibility on pilots to fully understand the useable runway length requirements of their particular aircraft.

Disadvantages associated with Alternative Three include:

- Requires relocation of the Runway 16 ODALS, in-pavement placement of two of the ODALS fixtures, in-pavement placement of three Runway 34 ODALS fixtures, relocation of the localizer antenna south of Runway 34, relocation of the glide slope antenna, relocation of the PAPI system and wind cone, modification of the runway markings, and adjusting runway and taxiway light fixtures.
- Requires extensive earthwork within the *West Fork White River* floodplain and wetland ecosystem for the runway/taxiway extension, extended RSA, and relocated glide slope and localizer antennas.
- Preliminary evaluation indicates the vertically guided instrument approach to Runway 16 does not appear feasible, nor does an improvement to the ceiling or visibility minimums of the existing Runway 34 instrument approach procedure.
- Decreased Runway 34 landing length has a negative effect on the operations capabilities and functional utility of the existing and forecasted aircraft fleet.

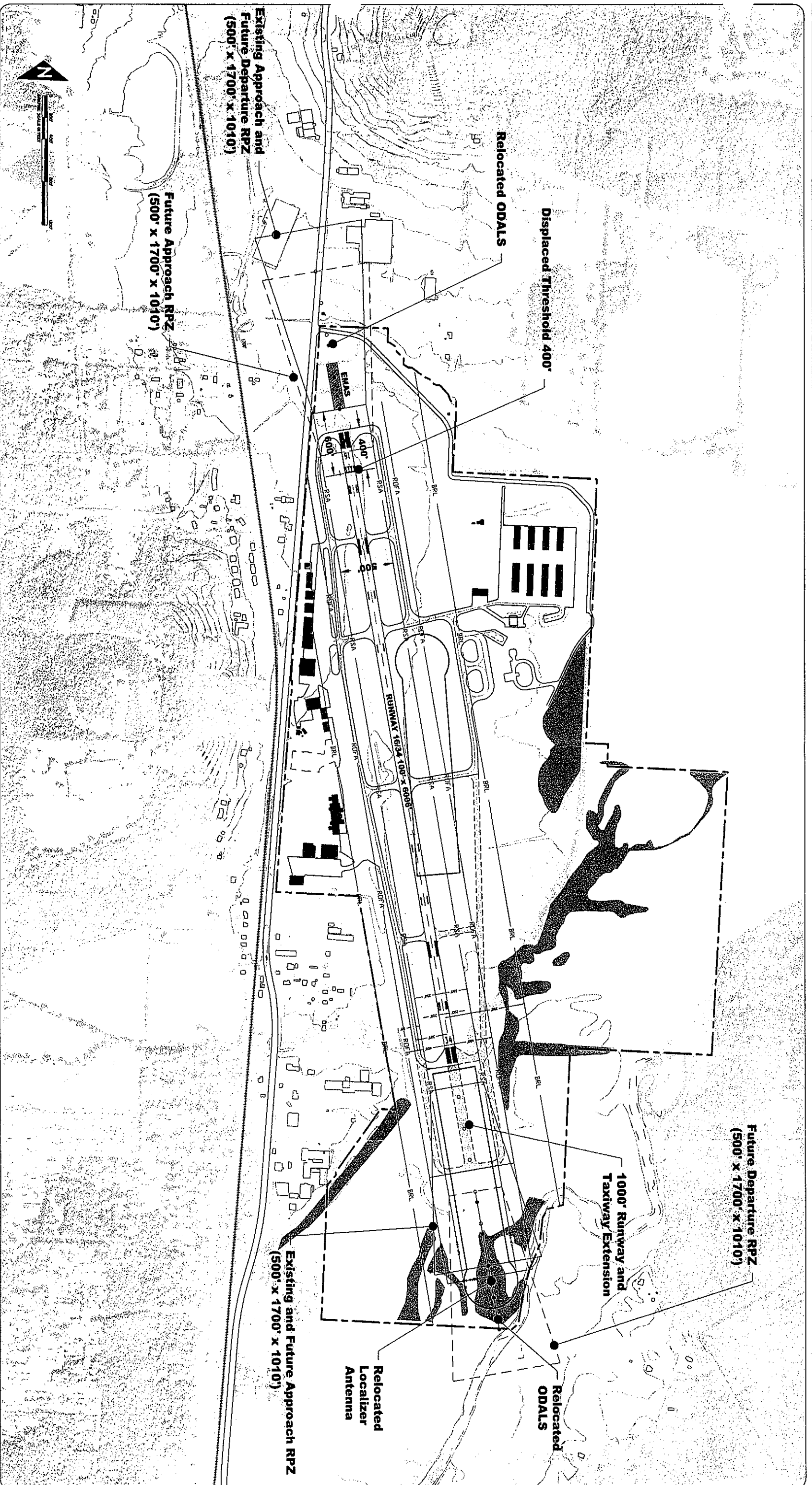
- Increases the complication factor for pilots by having the most published runway lengths of all the alternatives.
- FAA reluctant to fund runway extensions not fully useable for all runway length calculations.

Alternative Three provides additional runway length, or retains the existing length, for all but one of the runway length calculations. This provides an improvement over the previous two alternatives, but still fails to provide a vertically guided instrument approach to Runway 16, or an improvement on the ceiling or visibility minimums of the Runway 34 instrument approach. An order-of-magnitude cost estimate for this alternative is \$20,000,000.

Alternative Four – Extend Runway 1,000 Feet to the South and Use EMAS. Alternative Four proposes a runway extension of 1,000 feet to the south and the use of Engineered Materials Arresting System (EMAS) to resolve the non-standard Runway 16 RSA length. A standard EMAS provides a level of safety that is generally equivalent to a standard RSA by means of high energy absorbing materials of selected strength, which will reliably and predictably fail under the weight of an aircraft. Or more simply stated, the EMAS is designed to stop an overrunning aircraft by exerting predictable deceleration forces on its landing gear as the material crushes.

Using guidelines and standards from AC 150/5220-22A, *Engineered Materials Arresting Systems (EMAS) for Aircraft Overruns*, it is estimated that the EMAS dimensions should be approximately 430 feet in length and 100 feet in width. These dimensions are based on a Gulfstream G-III aircraft with a gross weight of 69,700 pounds and using a maximum runway exit speed of 70 knots. Its location is centered on the extended runway centerline and setback as far as possible from the end of the runway to avoid damage due to jet blast and undershoots. A reasonable setback location at Fayetteville Municipal Airport/Drake Field is 200 feet from the end of the runway, as this corresponds to the length beyond the Runway 16 threshold of the standard RSA width. Alternative Four is illustrated in the following figure entitled *ALTERNATIVE FOUR*.

Guidelines from AC 150/5220-22A also indicate that a minimum of 600 feet in length of the standard width RSA must be provided prior to a landing threshold providing adequate protection for aircraft touching down prior to the runway threshold (i.e., an undershoot). This means that the Runway 16 landing threshold will be displaced 400 feet to provide the minimum 600 feet in length of the standard width RSA. As with the previous two alternatives, the Runway 34 landing threshold will remain in its existing location, resulting in a displaced threshold of 1,000 feet. The following table provides the declared distances associated with Alternative Four.



■ Figure E4 Alternative Four

- Extend Runway 1000' to the South
- Use EMAS

- 500 Year Flood Plain
- 100 Year Flood Plain
- Wetlands

MASTER PLAN UPDATE
Fayetteville Municipal Airport
Drake Field

Table E4

ALTERNATIVE FOUR DECLARED DISTANCE RUNWAY LENGTHS, IN FEET*Fayetteville Municipal Airport/Drake Field Master Plan Update*

Runway End	TORA	TODA	ASDA	LDA
Runway 16	7,006	7,006	7,006	6,606
Runway 34	7,006	7,006	7,006	6,006

Source: Barnard Dunkelberg & Company and McClelland Consulting Engineers, using FAA Advisory Circular 150/5300-13, Airport Design.

If this alternative were to be selected, the final design, location, and dimensions of the EMAS will have to be determined through consultation among Fayetteville Municipal Airport/Drake Field, the EMAS manufacturer, and the FAA. The EMAS design must be supported by a validated design method that can predict the performance of the system. The design aircraft is defined as that aircraft imposing the greatest demand upon the EMAS, which is usually, but not always, the heaviest/largest aircraft that regularly uses the runway. EMAS performance is dependent not only on aircraft weight, but landing gear configuration and tire pressure.

Advantages associated with Alternative Four include:

- Provides an equivalent level of safety as a standard RSA.
- Resolves the deficient OFZ dimensions.
- Retains a minimum runway length of 6,006 feet.
- Provides a runway length of 7,006 feet for the majority of the runway length distances.

Disadvantages associated with Alternative Four include:

- Requires extensive earthwork within the *West Fork White River* floodplain and wetland ecosystem for the runway/taxiway extension, extended RSA, and relocated glide slope and localizer antennas.
- Requires relocation of the Runway 16 ODALS, in-pavement placement of two of the Runway 16 ODALS fixtures and three of the Runway 34 ODALS fixtures, relocation of the localizer antenna, relocation of the glide slope antenna, relocation of the Runway 16 PAPI system and wind cone, adjusting runway and taxiway light fixtures, and modification of the runway markings.

- Complication factor for pilots is increased by having various published runway lengths.
- Preliminary analysis indicates that a vertically guided instrument approach procedure to Runway 16 does not appear feasible, nor does an improvement of the ceiling or visibility minimums of the existing instrument approach to Runway 34.
- FAA is reluctant to fund runway extensions not fully useable for all runway length calculations.
- Significant installation and maintenance costs of EMAS.

This alternative maintains the minimum 6,006 feet of runway length and provides an increased length of 7,006 feet for the majority of runway length calculations. While this is an improvement on the existing conditions, it still fails to provide a vertically guided instrument approach to Runway 16, or to provide an improvement on the ceiling or visibility minimums of the Runway 34 instrument approach. An order-of-magnitude cost estimate for this alternative is \$27,300,000.

Alternative Five – Extend Runway 1,000 Feet to the South and Relocate U.S. Highway 71.

This alternative extends the runway 1,000 feet to the south and relocates U.S. Highway 71 to the west, near the approach end of Runway 16. By relocating the highway, provision of a vertically guided instrument approach procedure to Runway 16 appears feasible. However, assuring the ability for the approach procedure will require careful application of the Terminal Instrument Procedures (TERPS) Glidepath Qualification Surface, the runway end siting surface, and the TERPS Visual Portion of the Final Approach Segment surface with the final highway elevations. As with the four previous alternatives, the terrain within the eastern portion of the approach area to Runway 34 seems to prohibit the siting of the runway end at the extension. Therefore, the existing approach end of Runway 34 will remain at its existing location, being displaced 1,000 feet from the new extended end of the runway. The declared distance runway lengths for Alternative Five are presented in the following table. This alternative is illustrated in the following figure entitled *ALTERNATIVE FIVE*.

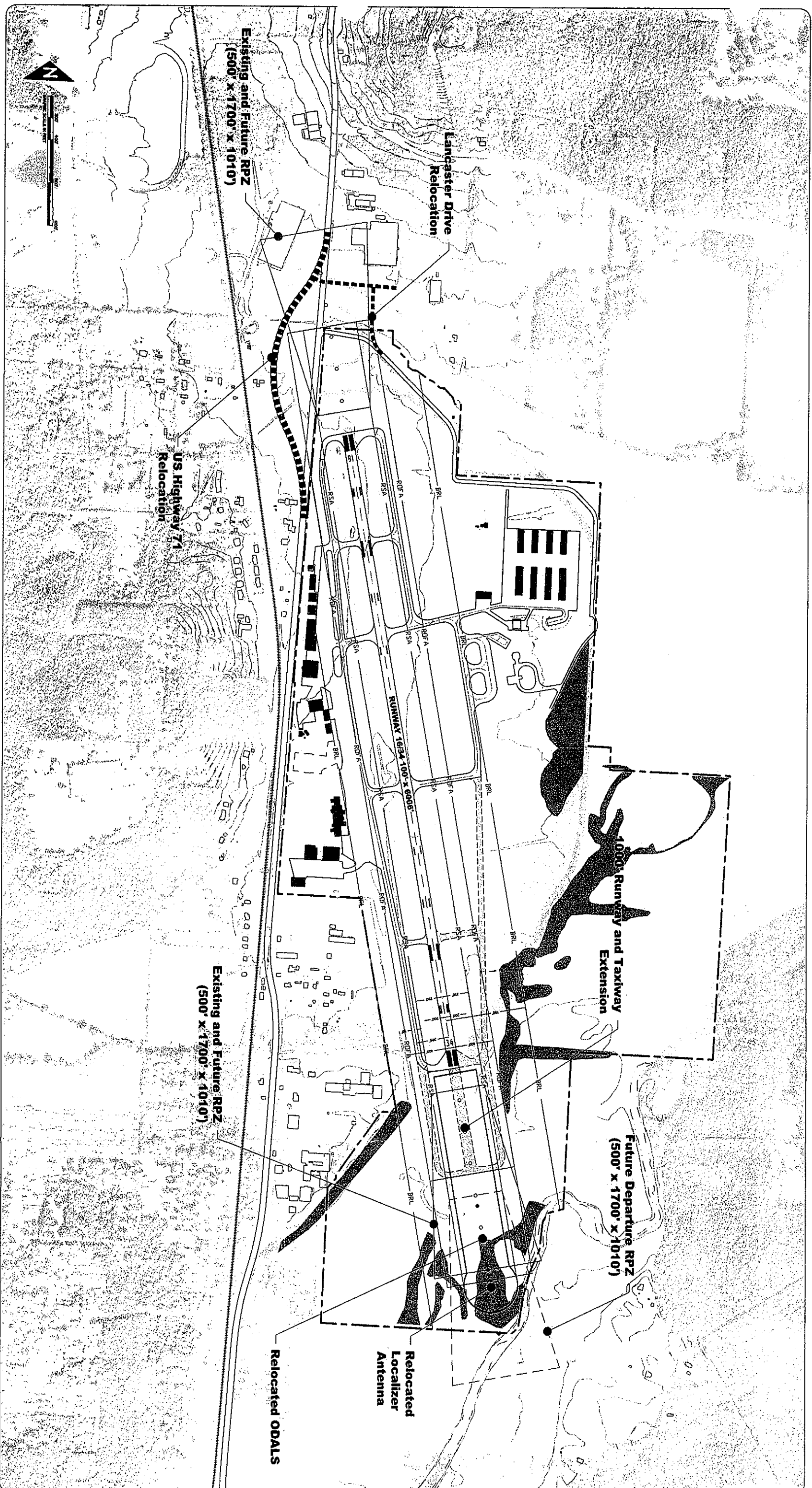


Figure E5 Alternative Five

- Relocate US Highway 71
- Extend Runway 1000' to the South

- 500 Year Flood Plain
- 100 Year Flood Plain
- Wetlands

MASTER PLAN UPDATE
Fayetteville Municipal Airport
Drake Field

Table E5

ALTERNATIVE FIVE DECLARED DISTANCE RUNWAY LENGTHS, IN FEET

Fayetteville Municipal Airport/ Drake Field Master Plan Update

Runway End	TORA	TODA	ASDA	LDA
Runway 16	7,006	7,006	7,006	7,006
Runway 34	7,006	7,006	7,006	6,006

Source: Barnard Dunkelberg & Company and McClelland Consulting Engineers, using FAA Advisory Circular 150/5300-13, Airport Design.

Advantages associated with Alternative Five include:

- Provides standard RSA and ROFA dimensions.
- Rectifies the deficient OFZ dimension.
- Retains a minimum runway length of 6,006 feet.
- Provides a runway length of 7,006 feet for the majority of the runway length distances.
- Preliminary evaluation indicates that a vertically guided instrument approach procedure to Runway 16 is achievable.

Disadvantages associated with Alternative Five include:

- Requires in-pavement placement of three of the Runway 34 ODALS fixtures and relocation of the localizer antenna.
- Requires extensive earthwork within the *West Fork White River* floodplain and wetland ecosystem for the runway/taxiway extension, extended RSA, and relocated glide slope and localizer antennas.
- Requires approximately 2,500 linear feet of U.S. Highway 71 relocation.
- Increases complication factor for pilots by having different published runway lengths.
- Preliminary analysis indicates that an improvement of the ceiling or visibility minimums of the existing Runway 34 instrument approach procedure is not attainable.
- FAA typically reluctant to fund runway extensions not fully useable for all runway length calculations.

Alternative Five provides for an ultimate runway length of 7,006 feet for a majority of the runway length calculations, while maintaining the minimum 6,006 feet for the

remainder of the runway length calculations. Preliminary analysis indicates that this alternative can provide a vertically guided instrument approach to Runway 16, but does not improve on the existing ceiling or visibility minimums of the Runway 34 instrument approach. An order-of-magnitude cost estimate for this alternative is \$22,800,000.

Taxiway Development Concepts

The existing taxiway system at Fayetteville Municipal Airport/Drake Field provides efficient access for aircraft taxiing between the runway system and various landside use areas on the Airport.

Additional Taxiways. If the runway is extended to the south, then an extension of Taxiway B retains the system integrity by allowing access to the future Runway 34 threshold. Extending Taxiway G from the intersection at Taxiway E to the existing Runway 34 threshold, and extending Taxiway G in conjunction with any future runway extension, provides direct airside access to any landside development occurring for the east side of the Airport.

Airside Recommendations

Following a careful assessment of each alternative, and discussions with airport personnel and the Airport Board, it has been determined that Alternative Five provides the best means for meeting the long-term demand at the Airport, and is being presented as the recommended airside development plan.

Landside Development Concepts, Alternatives, and Recommendations

Introduction

The overall objectives of the Fayetteville Municipal Airport/Drake Field landside plan are the provision of conceptual development locations for facilities that are conveniently located, accessible to the community, and that accommodate the specific requirements of airport users. Providing long-term vision and guidance for identifying land acquisition priorities are also primary goals of the conceptual landside development analysis. The landside development concepts at the Airport are detailed in the following narratives.

Development Concepts

Landside facilities can generally be categorized into three general development groups, aviation use, non-aviation use, and support facilities. Aviation use development areas are those facilities directly related to aircraft operations requiring direct airside access.

Non-aviation use development areas are those facilities not directly related to aircraft operations, but benefit in some way from the close proximity to an airport; therefore, direct airside access is not required. Support facilities fit somewhere in between aviation use and non-aviation use areas. They include functions that provide benefits to aircraft or airport operations, but do not necessarily require direct airside access.

Aviation Use Development. There are two primary factors influencing the ability to designate areas for aviation use facilities. First, they must be outside of areas that are protected for runways, taxiways, and approach clearance requirements (i.e., building restriction lines, RPZs, NAVAIDS, critical areas, etc). Second, they must have physical attributes that make economic airside access possible. Concepts for the development of alternative landside aviation use areas at the Airport include considerations for the terminal building, various types of general aviation storage facilities (i.e., aircraft parking apron, large multi-aircraft storage hangars, individual storage hangars, T-hangars, and FBO/maintenance hangars), vehicular access, availability of adequate infrastructure, and the surrounding land uses.

Non-Aviation Use Development. Non-aviation use facilities are best developed in areas that are not required for runway or taxiway access or approach clearance requirements, and cannot be developed for aviation use due to physical constraints such as topography, floodplains/drainage, roadways, or financial constraints such as a prohibitive cost of providing airside access. Non-aviation facilities can entail commercial, office, or industrial facilities that are compatible with the operation of the Airport and surrounding land uses, and that provide financial support to the Airport. It also includes roadways and utility right-of-ways.

Support Facilities. Support facilities are those services and functions provided that are necessary for an airport to operate properly, but not part of the runway/taxiway system. They are also not related to the passenger terminal building, air cargo facilities, aircraft storage, or aircraft maintenance. The support facilities at Fayetteville Municipal Airport/Drake Field include: the Air Traffic Control Tower (ATCT), fuel storage areas, the Automated Surface Observation Station (ASOS), and the airport maintenance storage facilities. The ATCT and the fuel storage facilities are anticipated to remain in their current respective locations throughout the planning period. However, the ASOS may require relocation to provide additional development space in the area east of Taxiway A and north of Taxiway D.

Landside Development Alternatives

The following analysis has been developed to provide a range of conceptual landside development options for the Airport. The facility requirements presented previously indicate that the demand for aircraft storage hangars and apron space will have a higher priority than non-aviation development at Fayetteville Municipal Airport/Drake Field.

Landside Development Alternative One. This development concept, illustrated in the following figure, entitled *LANDSIDE DEVELOPMENT ALTERNATIVE ONE*, identifies approximately 21.5 acres directly south of the existing terminal apron for acquisition and development into an aviation business park. An aviation business park includes businesses that need office space, as well as owner-operated aircraft that require aircraft storage space and service facilities. This area could be described best as an office park development for businesses with corporate aircraft. Multi-story structures that don't penetrate airport obstruction criteria are feasible. Automobile access and parking will be provided on one side of the structure, with aircraft storage hangars and airside access on the opposite side.

The east side development provided in this alternative allocates space for small general aviation apron and hangar development just east of Runway 16. Excellent airside access is provided to this site by Taxiway A. Structure height would be limited for maintaining adequate line-of-sight from the Air Traffic Control Tower to all airside components (i.e., primarily Taxiway A). The relocation of the Automated Surface Observation Station (ASOS) would be required prior to development of the majority of the 17-acre area.

With Landside Alternative One, a sunscreen hangar development is proposed just north of the existing T-hangars in the northeast hangar area. Sunscreen hangars, or shade hangars, are best described as open-ended hangars, providing minimal weather protection except for sun, hail, and snow. Aircraft can taxi in and out the same direction, thus negating the need for manual maneuvering of aircraft or the use of a tug, as required for hangars with only one opening. Individual hangars in the 60- by 60-foot range are included on the east side of the existing northeast hangar area.

Providing additional area for continued Forest Service facilities is included east of Taxiway G and south of the northeast hangar area. South of the Forest Service development area is a potential development area for industrial aviation facilities. Industrial aviation facilities include large scale hangars (i.e., approximately a 200,000-square foot range) used for aircraft, aircraft components, repairs, maintenance, manufacturers, or refurbishment. The continuation of Taxiway G from the Taxiway E intersection to the Runway 34 end will be required for development of the entire 40 acres identified in this alternative.

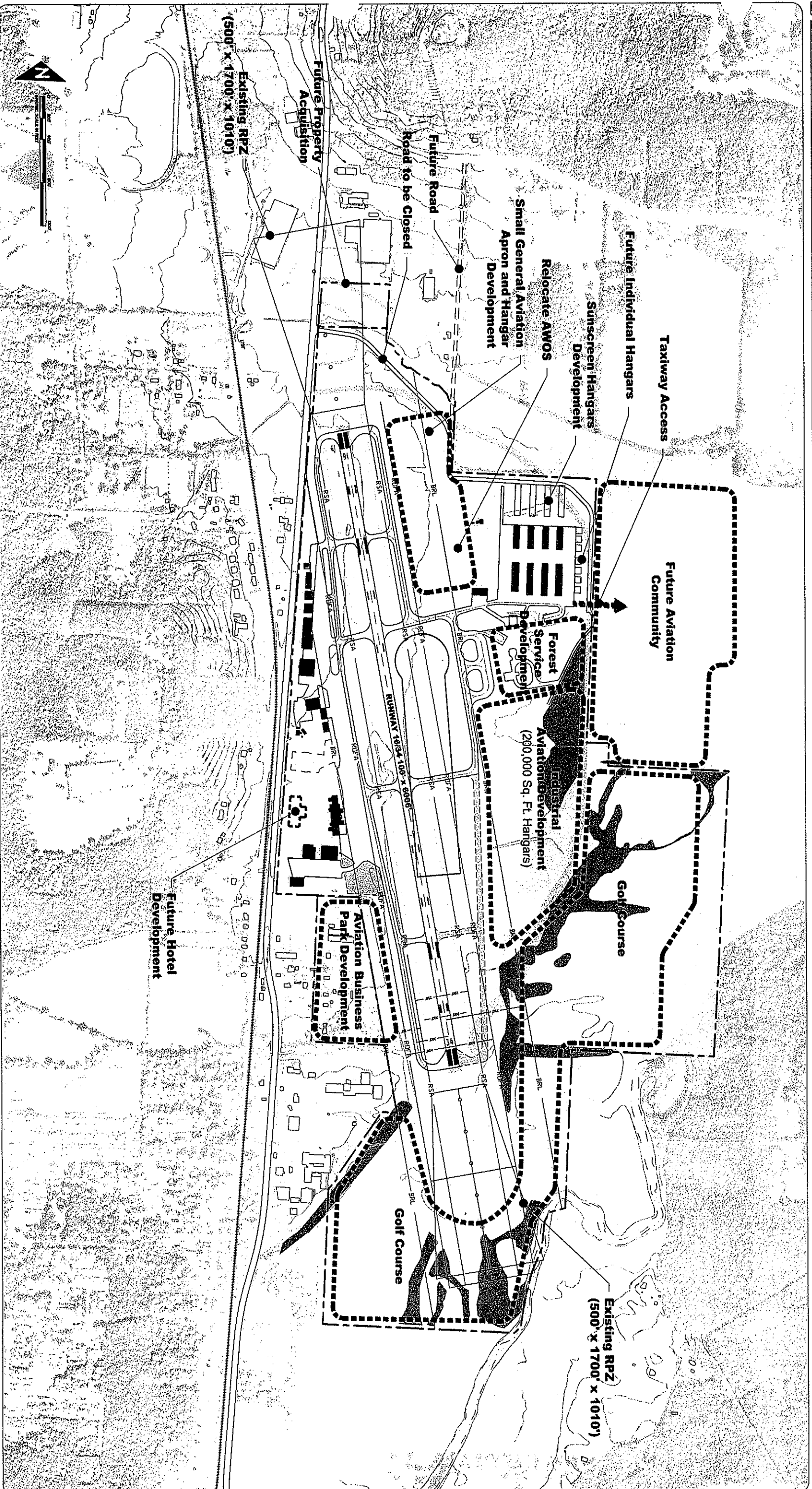
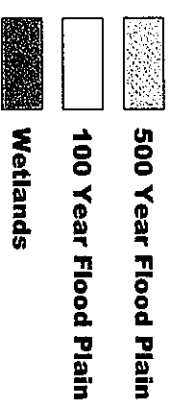


Figure E6 Landside Development Alternative One



MASTER PLAN UPDATE
Fayetteville Municipal Airport
Drake Field

Additional development includes an aviation community identified in the area immediately east of airport property. Anticipated development here includes residences supplied with taxiway access to hangar storage facilities. Homeowners with aircraft that desire the convenience of direct taxiway access would be attracted by this development concept.

Non-aviation development provided in this alternative includes hotel development directly west of the terminal building. With the departure of commercial service from Fayetteville Municipal Airport/Drake Field, the large amount of automobile parking is not required. Hotel development could benefit from the excess parking and the frontage location along U.S. Highway 71. Potential development within the *West Fork White River* floodplain in the east and south portions of the Airport could be developed into an extremely attractive golf course.

Landside Development Alternative Two. The Alternative Two development concept differs from the previous alternative in various ways. First, this alternative assumes that a runway extension of 1,000 feet is provided to the south, with the associated extended RSA, ROFA, RPZ, and localizer antenna. Second, this development option does not allocate space for industrial aviation development. Third, the concept of non-aviation commercial development is introduced. This landside alternative is illustrated in the following figure entitled *LANDSIDE DEVELOPMENT ALTERNATIVE TWO*.

Instead of the aviation business park proposed for the area immediately south of the terminal apron, this alternative proposes the continuation of existing general aviation hangar and apron development for a much larger area (i.e., approximately 28 acres). The concept is similar to what is currently being developed to the south and north of the terminal building, which are large aircraft storage hangars with taxiway/apron access on one side and automobile access on the opposite side. Excellent airside access is provided by Taxiway B.

Sunscreen/shade hangars replace the small general aviation hangar and apron development east of Taxiway A in this development proposal. Again, approximately 17 acres are available for development with the relocation of the ASOS. A continuation of T-hangar development is proposed in the area directly north of the existing northeast hangar area, and individual storage hangars are continued on the east side of this area. Forest Service development continues to be located in the same area.

This alternative provides for an aviation business park development within the 40 acres east of Taxiway G and south of the Forest Service development area. Located in this area, corporate offices might be enticed by the close proximity to golf course

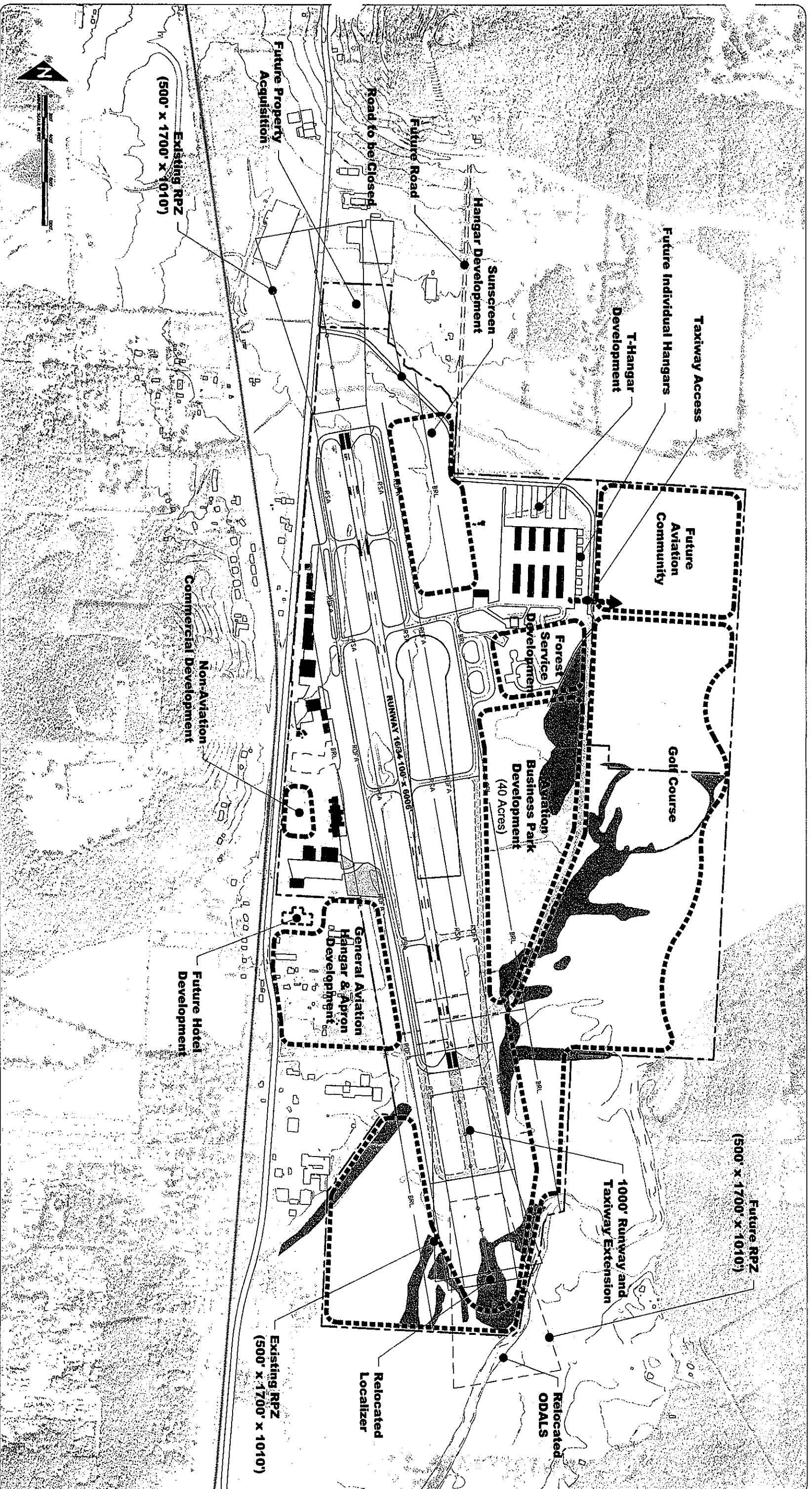


Figure E7 Landside Development Alternative Two

- 500 Year Flood Plain
- 100 Year Flood Plain
- Wetlands

MASTER PLAN UPDATE
Fayetteville Municipal Airport
Drake Field

development along the river. Airside access can be provided by Taxiway G and vehicular access can be provided by the extension of Ernest Lancaster Drive.

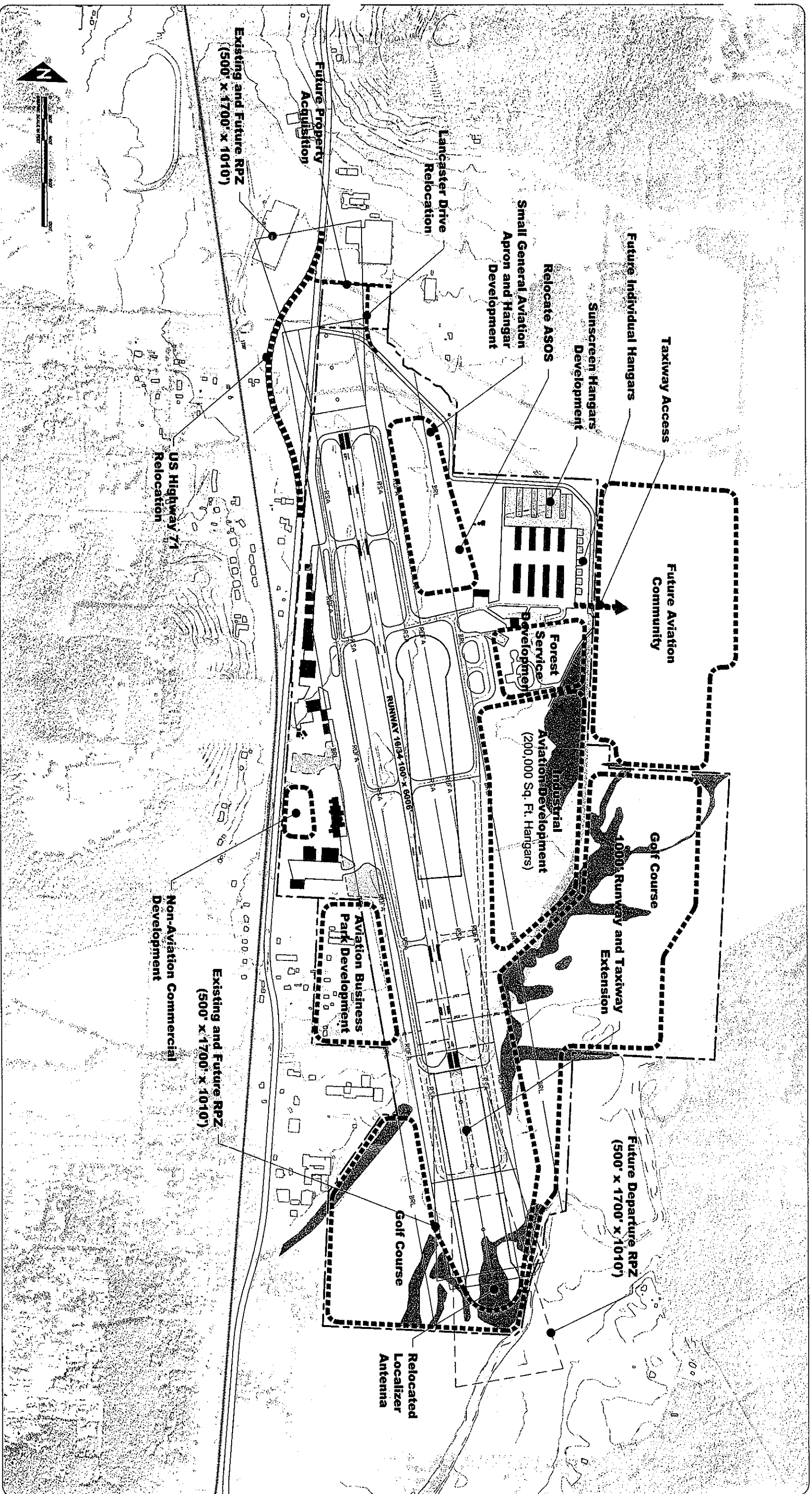
With the runway extension and relocated RSA, ROFA, and localizer antenna, available land for golf course development is less than that provided by Alternative One. Alternative Two thus identifies additional airport property directly east of the Forest Serve facilities to accommodate anticipated golf course development. This limits available land area for the proposed aviation community compared to the previous alternative.

Non-aviation development associated with this alternative includes hotel development immediately south of the existing hangars located south and west of the terminal building, where highway frontage is available. Non-aviation commercial development is proposed directly west of the terminal building, replacing some of the excess automobile parking. Finally, the golf course mentioned previously would still be an excellent development opportunity within the *West Fork White River* floodplain.

Landside Development Recommendations

The objective of this section is to define the highest and best use for the various parcels of airport property. In providing direction to airport staff, the City of Fayetteville, and the Airport Board as to how airport land can best be used, the recommendations must also allow flexibility in the development process. The recommendations must be flexible enough to allow the discussion and, if appropriate, approval of unforeseen development proposals.

After careful consideration of both alternatives, it has been determined that Landside Development Alternative One, with some modification, most closely reflects the desires and direction of the Fayetteville Municipal Airport/Drake Field Board. The following illustration, entitled *CONCEPTUAL DEVELOPMENT PLAN*, provides a graphic depiction of the ultimate airside and landside development plan for Fayetteville Municipal Airport/Drake Field.



■ Figure E8 Conceptual Development Plan

- | | | | |
|--|----------------------|--|-------------------|
| | 500 Year Flood Plain | | Existing Pavement |
| | 100 Year Flood Plain | | Future Pavement |
| | Wetlands | | |

MASTER PLAN UPDATE
Fayetteville Municipal Airport
Drake Field

**F FAYETTEVILLE
MUNICIPAL
AIRPORT/
DRAKE FIELD
MASTER PLAN
UPDATE.**

**F ENVIRONMENTAL
REVIEW**

Environmental Review

Introduction

An environmental review provides an inventory of existing natural and manmade conditions and analyzes the potential environmental effects that may be of concern with the proposed development recommended in this Airport Master Plan Update. The impacts are generalized in a non-quantified fashion and the likely environmental processing is also identified.

Alternatives involving the future configuration of Fayetteville Municipal Airport/Drake Field have been reviewed in previous chapters. The major development proposed for the Airport that may have an environmental effect include:

- Relocation of approximately 2,500 linear feet of U.S. Highway 71.
- Relocation of Ernest Lancaster Drive.
- Completion of Taxiway G from Taxiway E to the Runway 34 threshold.
- 1,000-foot extension of Runway 16/34 to the south.
- Extension of both east and west side parallel taxiways 1,000 feet to the south, in conjunction with the runway extension.
- Relocation of localizer antenna, in conjunction with the runway extension to the south.
- Additional aviation development (e.g., hangars, aprons, support facilities, and roadways) within existing airport property.
- Acquisition of approximately 39 acres of additional property accommodating future airport development.

Existing Conditions

The climate of Fayetteville, Arkansas is represented by relatively warm summers and mild winters. While mainly having a continental climate, warm, humid, maritime air

from the Gulf of Mexico frequently covers the area. The average annual temperature is 57.5° F and average annual relative humidity is 55%. Average maximum temperature is 67.9° F and the average minimum temperature is 46.9° F. Annual precipitation averages 46.0 inches, including an approximate average of eight to nine inches of annual snowfall, and is fairly well distributed throughout the year.

Washington County is located on the western edge of the Eastern Deciduous Forest in northwest Arkansas. This is an area of rolling hills, rivers, creeks, springs, and lakes. Vegetation in the area is mostly prairie and pasture grasses, used primarily for agricultural purposes, with oak-hickory and pine forest types on the slopes and mountains. The most abundant tree species includes various oaks, hickories, sweetgum, shortleaf Pine, black locust, black walnut, ashes, and dogwood. Stream bottoms are home to species requiring more moisture, like sycamores, silver maple, willows, and cottonwoods. Pastures are mostly converted from native to introduced grass species, usually tall fescue or bermuda grass

The area is home to diverse wildlife species typically found in rural non-urban settings. The species range from big game species like white-tailed deer and black bear to smaller fur bearing animals like squirrels, cottontail rabbits, and fox. Other wildlife found in the region includes coyote, wild turkey, raccoon, bobcat, and mink. Bird species inhabiting the area are wrens, thrushes, woodpeckers, robins, dove, hawks, owls, and cardinals. Aquatic species observed in the region include catfish, bass, sunfish, darters, carp, and bullheads.

The soils of the more densely developed areas on the Airport are classified as Taloka silt loam (0 to 1% slopes) and Leaf silt loam. Within the area of the *West Fork White River*, soils are classified as Cleora fine sandy loam and Razort loam. The Taloka and Leaf silt loams are very deep, somewhat poorly to poorly drained soils on low terraces that formed in loamy sediments underlain by clayey alluvium. Permeability is very slow and available water capacity is medium to high. The Cleora fine sandy loam and Razort loam soils are very deep, well drained soils on stream terraces or floodplains of major streams and tributaries. They formed in loamy alluvium derived from parent material on surrounding uplands. Permeability is moderate and available water capacity is high. Flooding is occasional for brief to long periods during the winter and spring on the Cleora soils.

The U.S. Environmental Protection Agency (EPA) has established National Ambient Air Quality Standards (NAAQS) for six criteria air pollutants: carbon monoxide (CO), ozone (O₃), particulate matter (PM₁₀), sulfur dioxide (SO₂), nitrogen oxide (NO_x), and lead (Pb). Washington County is currently classified as an attainment area for all pollution standards. Attainment areas are defined as regions where air pollution levels have not persistently exceeded the National Ambient Air Quality Standards (NAAQS).

The most significant water resource within the vicinity of Fayetteville Municipal Airport/Drake Field is the *West Fork White River*, which is located in the southeast and east parts of airport property. *Ward's Slough*, a tributary of the *West Fork White River*, drains from west to east across the southern half of the Airport, to a confluence with the river. Other tributaries of the river are plentiful within the surrounding area of the Airport.

A wetlands determination and delineation were recently completed for airport property. The southern and eastern portions of the Airport contain various jurisdictional wetlands. Additionally, the 100-year floodplain associated primarily with *Ward's Slough* and the *West Fork White River* covers the majority of the south and east sections of the Airport.

In 1990, the City of Fayetteville had a population of 42,099 that grew to approximately 58,047 in 2000, according to U.S. Census data. Between 1990 and 2000, the population of Washington County increased from 113,409 to 157,715. Additionally, the population of the Fayetteville-Springdale-Rogers Metropolitan Statistical Area (MSA) grew from 113,409 in 1990 to 311,121 in 2000. According to the 2000 Census, there were approximately 23,798 households in the City of Fayetteville, with an average of 2.21 persons per household. Housing units within Fayetteville totaled approximately 25,467, with a vacancy rate of 2.7%. Total households within Washington County amounted to approximately 60,151, averaging 2.52 persons per household. The Washington County total housing units were 64,330, with a vacancy rate of 2.5%.

Fayetteville Municipal Airport/Drake Field is contained within the Fayetteville City Limits. The City of Greenland is located directly adjacent to the western boundary of the Airport. The majority of the area east and south of the Airport is outside of any city limits. Because Washington County does not have zoning authority, the land outside the city limits of Fayetteville and Greenland is not controlled by land use zoning.

Airport property is zoned Light Industrial, according to the City of Fayetteville zoning map. This zoning category is also applied to scattered properties north of the Airport adjacent to U.S. Highway 71. Residential zoning dominates the property located northeast and northwest of the Airport. Some properties of land located north of the Airport, adjacent to U.S. Highway 71, are zoned Thoroughfare Commercial.

Agricultural/open is the dominant land use of property located east, south, and west of the Airport. Many rural residential structures are located throughout this area, but no concentrated developments occur. Concentrated residential developments are located west of the Airport within the City of Greenland and north of the Airport. Industrial development occurs adjacent to U.S. Highway 71 and the Arkansas-Missouri Railroad to the north of the Airport. Commercial development is scattered along U.S. Highway 71 west of the Airport. Public land use, associated with Greenland Public Schools and city

parks, is located directly west of the approach end of Runway 34, and west of U.S. Highway 71 at the north end of the residential development. The nearest landfill is located south of Tontitown, roughly 9.5 miles northwest of the Airport.

According to the *Fayetteville Future Land Use Plan, General Plan 2020*, which is the adopted future land use plan for guiding development of land within the City of Fayetteville and into unincorporated land that has, or will have, an impact on the City, the vast majority of land surrounding the Airport is designated for Residential use. This includes the area directly east of the Airport, which is outside the Fayetteville City Limits, but is within the planning area. The Airport is designated Industrial, as is land north of the Airport on both the east and west sides of U.S. Highway 71. The plan designates Mixed Use areas north of the Airport, east of U.S. Highway 71. Commercial land use is designated east of School Avenue beyond the intersection with U.S. Highway 71.

Surface transportation corridors located in the vicinity of Fayetteville Municipal Airport/Drake Field include U.S. Highway 71, Interstate 540 (I-540), U.S. Highway 62, State Highway 265, and the Arkansas-Missouri Railroad. U.S. Highway 71 is situated directly west of the Airport and provides the major entryways into the Airport. I-540, located approximately one mile west of the Airport, is the principal north-south transportation corridor in northwest Arkansas. It connects the Fayetteville-Springdale-Bentonville MSA with I-40 to the south. U.S. Highway 62 intersects with I-540 about four miles northwest of the Airport. This highway is a secondary highway traversing northwest Arkansas in a general southwest-northeast direction. State Highway 265 is a general north-south highway intersecting I-540 roughly two miles northwest of the Airport. The Arkansas-Missouri Railroad is located west of the Airport, west of U.S. Highway 71.

Potential Impacts

Noise Analysis

Noise is generally defined as unwanted sound and, as such, the determination of acceptable levels is subjective. The day-night sound level (DNL) methodology is used to determine both the noise levels resulting from existing conditions and the potential noise levels that could be expected to occur in the future. DNL methodology is a 24-hour, time-weighted energy average noise level based on the "A" weighted decibel ("A" weighted refers to the sound scale pertaining to the human ear). It is a measure of the overall noise experienced during an entire day. Time-weighted refers to the fact that noise that occurs during certain sensitive time periods is penalized. With DNL, noise occurring between the hours of 10 p.m. to 7 a.m. is penalized by ten dB(A) in an attempt

to account for the higher sensitivity to noise during nighttime hours and the expected decrease in background noise levels.

DNL noise levels are usually depicted as grid cells or noise contours. Grid cells are squares of land of a specific size that are entirely characterized by a noise level. Noise contours are interpolations of noise levels based on the center of a grid cell and drawn to connect all points of similar level. Noise contours appear similar to topographical contours and form concentric “footprints” about a noise source. These footprints of DNL noise contours drawn around an airport are used to predict community response to the noise from aircraft using that airport.

The main advantage of the DNL methodology is that it provides a common measure for a variety of differing noise environments. The same DNL level can describe both an area with very few high level noise events and an area with many low level events. DNL is thus constructed because it has been found that the total noise energy in an area predicts community response. It must be remembered that the DNL noise contours do not delineate areas that are either free from excessive noise or areas that will be subjected to excessive noise. In other words, it cannot be expected that a person living on one side of a DNL noise contour will have a markedly different reaction than a person living nearby, but on the other side of the noise contour. What can be expected is that the general aggregate community response to noise within the 65 DNL noise contour, for example, will be less than the public response from the 70 DNL noise contour, and even less still than the response from within the 75 DNL noise contour.

The DNL noise contours were generated using a computer program called the Integrated Noise Model (INM) Version 6.2, which was developed by the Federal Aviation Administration specifically for modeling the noise environment at airports. The INM program requires the input of the physical and operational characteristics of an airport. Physical characteristics include runway end coordinates, displaced thresholds, airport altitude, and temperature. Operational characteristics include aircraft mix, runway utilization, and flight tracks. Optional data that can be incorporated in the model include approach and departure profiles, approach and departure procedures, and aircraft noise curves.

Using the existing and forecast aircraft operation numbers presented earlier, two sets of noise contours have been generated, including an existing (2005) set and a 20-year planning period (2025) set. The aircraft operations were sufficient to generate the 65, 70, and 75 DNL noise contours. An illustration and description of the potential impacts to the surrounding land uses for each set of noise contours are presented below.

Existing Noise. The existing noise contours and their associated impact on the surrounding land uses are illustrated in the following figure entitled *EXISTING (2005) NOISE CONTOURS WITH GENERALIZED EXISTING LAND USE*.

The existing 75 and 70 DNL noise contours remain on airport property, with the exception of a small piece of the 70 DNL extending over U.S. Highway 71, just west of Runway 16. There are approximately 69 acres contained within the existing 75 DNL noise contour, and the existing 70 DNL noise contour encompasses some 126 acres.

The existing 65 DNL noise contour contains roughly 253 acres and extends beyond existing airport property to the west and north of the approach end of Runway 16, and south of the approach end of Runway 34. To the south, the land encompassed by the noise contour is currently not developed. To the west and north of the Airport, the land uses within the noise contour are open, commercial, and industrial. There are no noise sensitive land uses contained within the existing 65 DNL noise contour.

Future Noise. The future 2025 noise contours and the potential impacts to surrounding existing land use are presented on the following figure entitled *FUTURE (2025) NOISE CONTOURS WITH GENERALIZED EXISTING LAND USE*. The future 75 DNL noise contour, containing roughly 92 acres, does not extend beyond the existing airport boundary. Encompassing some 165 acres, the future 70 DNL noise contour extends slightly beyond airport property to the west of the approach end of Runway 16, into open and commercial land uses.

There are approximately 365 acres within the future 65 DNL noise contour, and it extends beyond airport property to the north, west, and south. Industrial and commercial are the predominant land uses into which the future 65 DNL noise contour encompasses to the north. To the south of the Airport, undeveloped open land is the dominant land use type, but does include two rural residential structures. West of the Airport, commercial land uses are contained by the future 65 DNL noise contour. Additionally, a small piece of public land, owned by Greenland Public Schools, is encompassed by the noise contour, as is one school building.

Compatible Land Use

Establishing land use compatibility within airport environs is the responsibility of local authorities, but should be based on a recognized standard. The Federal Aviation Regulations (FAR) Part 150 *Land Use Compatibility Guidelines* are the acknowledged standards by the federal government regarding aircraft generated noise at airports. The following illustration, entitled *FAR PART 150 LAND USE COMPATIBILITY GUIDELINES*, indicates those land uses that are compatible within certain DNL noise contours. It identifies land uses as being compatible, incompatible, or compatible if sound

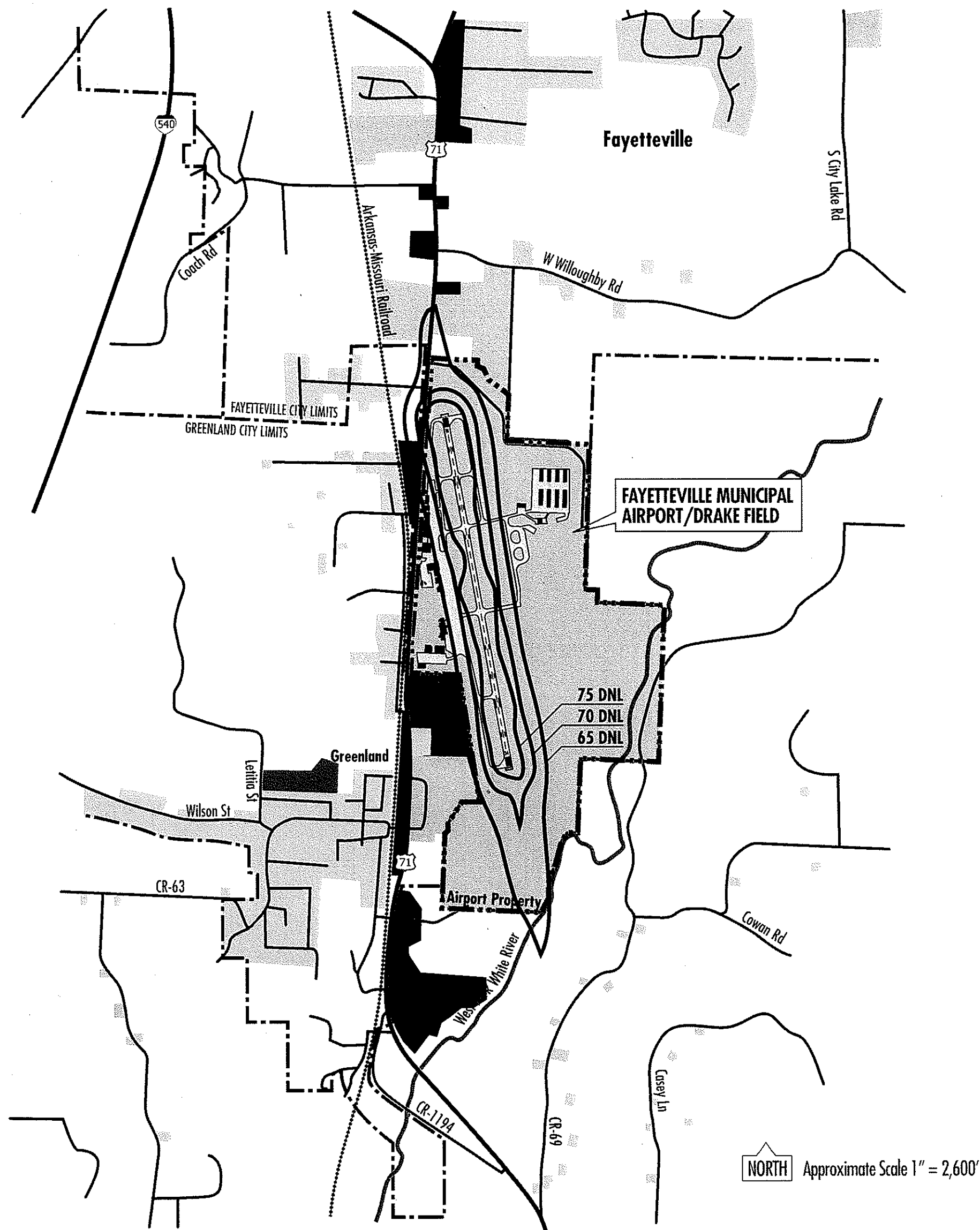


Figure F1 **Existing (2005) Noise Contours
 With Generalized Existing Land Use**

Residential	Agriculture/Open
Commercial	Public
Industrial	

F FAYETTEVILLE MUNICIPAL AIRPORT/ DRAKE FIELD MASTER PLAN UPDATE. FAYETTEVILLE, ARKANSAS

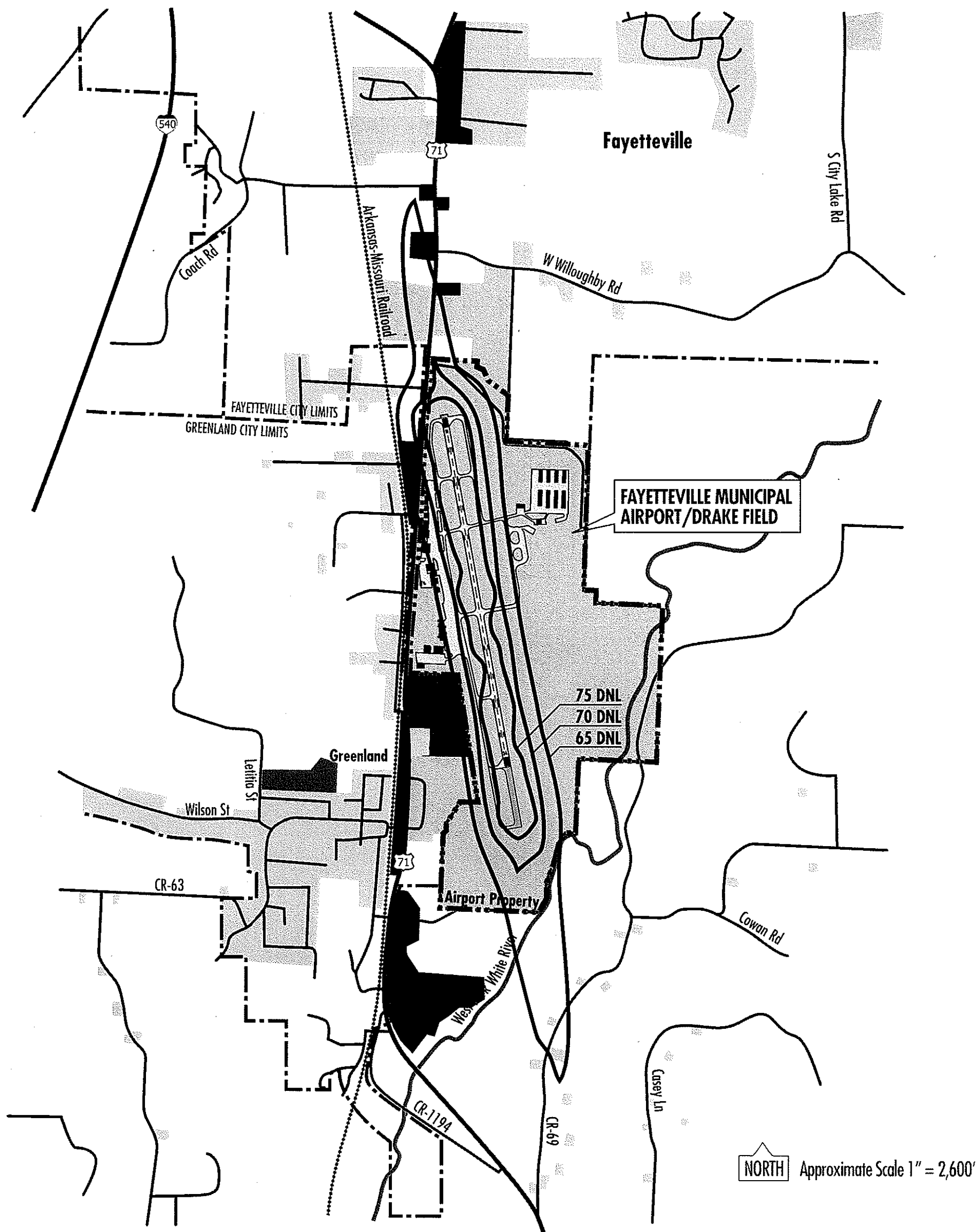


Figure F2 **Future (2025) Noise Contours**
With Generalized Existing Land Use

- | | |
|-------------|------------------|
| Residential | Agriculture/Open |
| Commercial | Public |
| Industrial | |

F FAYETTEVILLE MUNICIPAL AIRPORT/ DRAKE FIELD MASTER PLAN UPDATE. FAYETTEVILLE, ARKANSAS

LAND USE	YEARLY DAY-NIGHT NOISE LEVEL (DNL) IN DECIBELS					
	BELOW 65	65-70	70-75	75-80	80-85	OVER 85
RESIDENTIAL						
Residential, other than mobile homes and transient lodgings	Y	N(1)	N(1)	N	N	N
Mobile home parks	Y	N	N	N	N	N
Transient lodgings	Y	N(1)	N(1)	N(1)	N	N
PUBLIC USE						
Schools	Y	N(1)	N(1)	N	N	N
Hospitals and nursing homes	Y	25	30	N	N	N
Churches, auditoriums and concert halls	Y	25	30	N	N	N
Governmental services	Y	Y	25	30	N	N
Transportation	Y	Y	Y(2)	Y(3)	Y(4)	Y(4)
Parking	Y	Y	Y(2)	Y(3)	Y(4)	N
COMMERCIAL USE						
Offices, business and professional	Y	Y	25	30	N	N
Wholesale and retail-building materials, hardware and farm equipment	Y	Y	Y(2)	Y(3)	Y(4)	N
Retail trade-general	Y	Y	25	30	N	N
Utilities	Y	Y	Y(2)	Y(3)	Y(4)	N
Communication	Y	Y	25	30	N	N
MANUFACTURING AND PRODUCTION						
Manufacturing, general	Y	Y	Y(2)	Y(3)	Y(4)	N
Photographic and optical	Y	Y	25	30	N	N
Agriculture (except livestock) and forestry	Y	Y(6)	Y(7)	Y(8)	Y(8)	Y(8)
Livestock farming and breeding	Y	Y(6)	Y(7)	N	N	N
Mining and fishing resource production and extraction	Y	Y	Y	Y	Y	Y
RECREATIONAL						
Outdoor sports arenas and spectator sports	Y	Y(5)	Y(5)	N	N	N
Outdoor music shells, amphitheaters	Y	N	N	N	N	N
Nature exhibits and zoos	Y	Y	N	N	N	N
Amusements, parks, resorts and camps	Y	Y	Y	N	N	N
Golf courses, riding stables and water recreation	Y	Y	25	30	N	N

Numbers in parentheses refer to NOTES.

The designations contained in this table do not constitute a Federal determination that any use of land covered by the program is acceptable or unacceptable under Federal, State or local law. The responsibility for determining the acceptable and permissible land uses and the relationship between specific properties and specific noise contours rests with the local authorities. FAA determinations under Part 150 are not intended to substitute federally determined land uses for those determined to be appropriate by local authorities in response to locally determined needs and values in achieving noise compatible land uses.

TABLE KEY

SLUCM	Standard Land Use Coding Manual.
Y(Yes)	Land Use and related structures compatible without restrictions.
N(No)	Land Use and related structures are not compatible and should be prohibited.
NLR	Noise Level Reduction (outdoor to indoor) to be achieved through incorporation of noise attenuation into the design and construction of the structure.
25, 30 or 35	Land Use and related structures generally compatible; measures to achieve NLR of 25, 30 or 35 dB must be incorporated into design and construction of structure.

NOTES

- (1) Where the community determines that residential or school uses must be allowed, measures to achieve outdoor to indoor Noise Level Reduction (NLR) of at least 25 dB to 30 dB should be incorporated into building codes and be considered in individual approvals. Normal residential construction can be expected to provide a NLR of 20 dB, thus, the reduction requirements are often stated as 5, 10 or 15 dB over standard construction and normally assume mechanical ventilation and closed windows year round. However, the use of NLR criteria will not eliminate outdoor noise problems.
- (2) Measures to achieve NLR of 25 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.
- (3) Measures to achieve NLR of 30 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.
- (4) Measures to achieve NLR of 35 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.
- (5) Land use compatible provided that special sound reinforcement systems are installed.
- (6) Residential buildings require an NLR of 25.
- (7) Residential buildings require an NLR of 30.
- (8) Residential buildings not permitted.

Figure F3 FAR Part 150 Land Use
Compatibility Guidelines

F FAYETTEVILLE MUNICIPAL AIRPORT/
DRAKE FIELD MASTER PLAN UPDATE.
FAYETTEVILLE, ARKANSAS

attenuated. As can be seen, these guidelines indicate that the 65 DNL noise contour is the threshold noise level for defining incompatible land uses.

Farmland

Prime farmlands are soils that are best suited for food, feed, forage, fiber, and oilseed crops and, as such, are of major importance in meeting the nation's short- and long-range needs for food and fiber. According to the Washington County Soil Survey, Taloka silt loams are considered prime farmland if protected from flooding or not frequently flooded during the growing season, and Leaf silt loams are classified as a farmland of statewide importance. These two soil types encompass approximately 38% of existing airport property. The Cleora fine sandy loams, comprising approximately 26% of existing airport property, are classified as prime farmland if protected from flooding or not frequently flooded during the growing season. Razort loams are considered prime farmland and comprise roughly 13% of existing airport property. The Natural Resources Conservation Service confirms that the development areas at the Airport are located on soils listed as prime and unique farmland (see letter from the Natural Resources Conservation Service in Appendix Three). As such, a Farmland Conversion Impact Rating form (NRCS-CPA-1006) should be completed prior to project development within these areas.

Air Quality

As stated previously, Washington County is classified as an attainment area for all pollution standards. The Air Division of the Arkansas Department of Environmental Quality has reviewed the proposed future airport development and does not anticipate that the airport development projects will threaten the NAAQS (see letter from the Air Division of the Arkansas Department of Environmental Quality in Appendix Three). However, this agency also indicates that, prior to a determination of the acceptability of airport expansion projects, a review of the impact upon ambient air quality due to the increased vehicular and aviation traffic will be required.

Short-term air quality construction impacts result from heavy equipment pollutant emissions, fugitive dust during the movement of earth for cut and fill, any open burning that may occur at the Airport, and the operation of concrete batch plants. Contractors will be required to comply with all local, state, and federal air quality statutes and regulations, especially the procedures contained in the FAA's Advisory Circular (AC) 150/5370-10A, *Standards for Specifying Construction of Airports*, which is the FAA guidance to airport sponsors concerning protection of the environment during construction projects.

Wetlands

Wetlands are basically defined as areas inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life requiring saturated or seasonally saturated soil conditions for growth and reproduction. In 1994, the U.S. Army Corps of Engineers conducted a site visit and determined there were approximately 31.5 acres of wetlands within airport property (see 1994 letter from the U.S. Army Corps of Engineers in Appendix Three). Recent phone conversations with the Corps indicate that another site visit is planned to determine the possibility of jurisdictional wetlands and the effect the proposed development might have on the wetlands. If the determination indicates that significant effects to wetlands and waters of the U.S. will occur, then appropriate permits from the Corps will be required prior to project implementation within these areas.

Historical, Architectural, Archaeological, and Cultural Resources

Section 106 of the National Historic Preservation Act requires federal agencies, or their designated representatives, to take into account the effects of their undertakings on historic properties, which include archaeological sites, buildings, structures, objects, or districts. The National Park Service maintains the National Register of Historic Places, a database of identified and documented significant places. The Register indicates there are 108 historically significant places within Washington County, with 55 associated with the City of Fayetteville. Most of the 55 listed properties within Fayetteville are primarily related to the University of Arkansas or the historic areas of older Fayetteville, and are located anywhere from three to five miles north of the Airport. One site has a restricted address, so its location is unknown. Of the remaining 53 listed sites in Washington County, three are located within the airport vicinity. One is a segment of old U.S. Highway 71 near Greenland just south of the Airport, one is a historic barn located approximately two miles west of the Airport, and one is a cemetery located roughly three miles west of the Airport.

After a review of their records, the Arkansas Historic Preservation Program indicates that 13 archeological sites and 2 historic structures are located on, or immediately adjacent to, the Airport (see letter from the Arkansas State Historic Preservation Office in Appendix Three). Three of the archeological sites and one historic structure are not eligible for inclusion in the National Register of Historic Places. One archeological site is known to be eligible for inclusion and should be protected from any ground disturbing activity. The remaining nine archeological sites and the other historic structure have not had a determination made on their eligibility for inclusion in the National Register. If any proposed projects affect these sites, then further investigation is required to assess the sites for inclusion in the National Register of Historic Places. Areas slated for ground disturbing activity that have not been previously surveyed for cultural resources

should be investigated, such as the runway and taxiway extensions, Taxiway G construction, and east side aviation development. Individual assessment of each project is recommended for important cultural resource sites. Should any construction activities expose buried archeological material, work will stop in that area and both the FAA and the Arkansas Historic Preservation Program will be contacted.

Threatened and Endangered Species

Federal agencies are required to insure that any action authorized, funded, or carried out will not likely jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of habitat of such species, based on the Endangered Species Act as Amended. The U.S. Fish and Wildlife Service states that five endangered species are known to occur in Washington County, including the Gray bat (*Myotis grisescens*), Indiana Bat (*Myotis sodalist*), Ozark Big-eared Bat (*Corynorhinus townsendii ingens*), Benton Cave Crayfish (*Cambarus aculabrum*), and the Missouri Bladderpod (*Lesquerella filiformis*). Additionally, the Arkansas darter (*Etheostoma cragini*) and Neosho Mucket (*Lampsilis refinesqueana*) are candidate species that are known to occur in Washington County (see letter from the U.S. Fish and Wildlife Service in Appendix Three).

Since many of the species are cave-dwellers, if a cave is found within a particular project's boundaries, then work must cease and the U.S. Fish and Wildlife Service must be contacted so a survey can be conducted to determine if the cave contains any listed species. Additionally, the Service indicates that many of the species are sensitive to water contamination, so water runoff from extensive ground disturbance or new pavement may create the need for stormwater control measures.

Prior to implementation, the extent and location of individual project activity should be coordinated with the Service for determination of the potential impacts to threatened and endangered species.

Section 4(f) Property

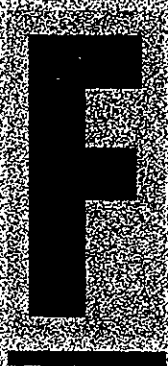
Section 4(f) of the Department of Transportation Act (recodified at 49 USC, Subtitle I, Section 303) provides that no publicly owned park, recreation area, wildlife or waterfowl refuge, or land of a historic site that is of national, state, or local significance will be used, acquired, or affected by programs or projects requiring federal assistance for implementation. The Arkansas Department of Parks and Tourism has been contacted and indicates there are 12 parks that have received grant monies in Fayetteville and Greenland (see letter from the Arkansas Department of Parks and Tourism in Appendix Three). Of the parks listed, only one appears to be within the vicinity of Fayetteville

Municipal Airport/Drake Field, which is the City of Greenland's Taylor Park. The location of this park, at the intersection of Caldwell and Pearson Streets, is within one-half mile southwest of the existing Runway 34 threshold. However, it is west of U.S. Highway 71, not within an area recommended for land acquisition or airport development, and is outside the 65 DNL noise contour. Therefore, it is not anticipated that the airport development, as recommended by this Master Plan Update, will have any adverse effect to this park, or any other known properties.

Need for Additional Environmental Documentation

According to the *Federal Aviation Administration Order 1050.1E, Environmental Impacts: Policies and Procedures*, an Environmental Assessment (EA) will likely be required for the U.S. Highway 71 relocation, the runway extension, and land acquisition.

Taxiway projects do not normally require an EA unless connected with other projects that might exceed threshold impacts. The provision of additional aviation development (i.e., aprons and hangars) does not normally require an EA. However, before construction of any kind occurs at the Airport, a "coordinated categorical exclusion" will need to be pursued with the appropriate federal, state, and local governmental agencies.



FAYETTEVILLE MUNICIPAL AIRPORT/ DRAKE FIELD MASTER PLAN UPDATE.

G AIRPORT
PLANS

Airport Plans

Introduction

The plan for the future development of Fayetteville Municipal Airport/Drake Field has evolved from an analysis of many considerations. Among these are: aviation demand forecasts; facility requirements; aircraft operational characteristics; environmental considerations; and, as characterized in the previously noted statement of goals, the general direction of airport development prescribed by airport Management, the Airport Authority, and the City of Fayetteville. While the aviation projections are utilized as a basis for planning, the facilities are only to be constructed to meet actual demand.

Previous chapters have quantified and presented the airport's future development needs. This chapter categorically reviews and details the various elements of the plan in summary and graphic format. The brief written description of the individual elements is accompanied by a graphic description presented in the set of Airport Plans for Fayetteville Municipal Airport/Drake Field. Individual drawings comprising the Airport Layout Plan set include: the Airport Layout Drawing, the Airport Airspace Drawings, the Inner Portion of the Approach Surface Drawings, the Terminal Area Plan, the Airport Property Map, and the Land Use Drawing.

Airport Layout Drawing

The Airport Layout Drawing is a graphic depiction of the existing and ultimate configuration of the airport's physical facilities. The drawing also provides detailed information of both airport and runway design criteria, which is necessary for defining relationships with the applicable dimensional standards specified by the FAA. The following illustration, entitled *AIRPORT LAYOUT DRAWING*, and the following narrative describe the major components of the future airport development plan.

Runway System

Dimensions. As explained in previous chapters, the ability to extend Runway 16/34 1,000 feet to the south will be protected and the necessary funds will continue to be programmed in the airport's Capital Improvement Plan (CIP). The extension will result in an ultimate length of approximately 7,006 feet. However, to retain the existing instrument approach to Runway 34, the existing threshold will remain at its existing location. This requires a displaced threshold of 1,000 feet, resulting in a landing length to the north of 6,006 feet.

Pavement. The airfield pavement strength at the Airport will be maintained at existing levels.

ARC Dimensional Criteria. As explained in previous chapters, ARC C-II design criteria will be utilized for the Airport. The identified non-standard dimensional conditions will be rectified and are reflected on the drawing.

Approach Instrumentation and Lighting

Instrument Approaches. The existing LDA DME instrument approach capability will be maintained to Runway 34. An instrument approach procedure providing vertical guidance to Runway 16 will be planned and programmed for future implementation. It is understood that GPS or related technology will likely provide this instrument approach in the future.

Lighting. The existing Omnidirectional Approach Lighting System (ODALS) to both runway ends will be maintained. In conjunction with the runway extension and displaced threshold at the approach end of Runway 34, three of the approach light units will require in-pavement installation. It is also recommended that the Medium Intensity Runway Lights (MIRL) be replaced with High Intensity Runway Lights (HIRL).

Taxiway System

Dimensions. The primary taxiway improvement recommended at Fayetteville Municipal Airport/Drake Field is the 1,000-foot extension of Taxiway B in conjunction with the runway extension. This taxiway will continue to be located 400 feet from the runway (measured centerline to centerline). The completion of Taxiway G from Taxiway E to the future departure end of Runway 34 is recommended. Taxiway B, from Taxiway D to the approach end of Runway 16; Taxiway C, from Taxiway A to Taxiway B; and, Taxiway F, from the runway to Taxiway B, are to be widened from 40 feet to 50 feet, which will accommodate the larger aircraft used by the USDA Forest Service in fire fighting.

Additionally, access taxiways serving hangar development areas will be provided when needed.

Pavement Strength. It is recommended that the existing gross weight bearing capacities commensurate with the runway system be maintained.

Taxiway Lighting and Marking. In the interest of safety and efficiency, all future taxiways should continue to be equipped with Medium Intensity Taxiway Lighting (MITL), signs, and markings that clearly define the location and limits of each taxiway, and should provide proper guidance to pilots who are unfamiliar with the Airport. Aircraft holding position markings and signs should be provided at every taxiway that intersects the runway.

Land Acquisition

In order to accommodate the ultimate development of airport facilities and provide adequate approach protection, several land areas are recommended for acquisition. They include:

- Approximately 3.5 acres west of Runway 16, for the relocation of U.S. Highway 71 and the correction of the non-standard Runway Safety Area and Object Free Area.
- About 8 acres north of Runway 16, for the relocation of Ernest Lancaster Drive and provision of the standard Runway Safety Area and Object Free Area.
- Roughly 11 acres south of the Airport within the future Runway 34 departure Runway Protection Zone.
- Approximately 14 acres south of the terminal building, for aviation development.

Airport Airspace Drawings

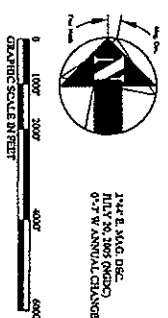
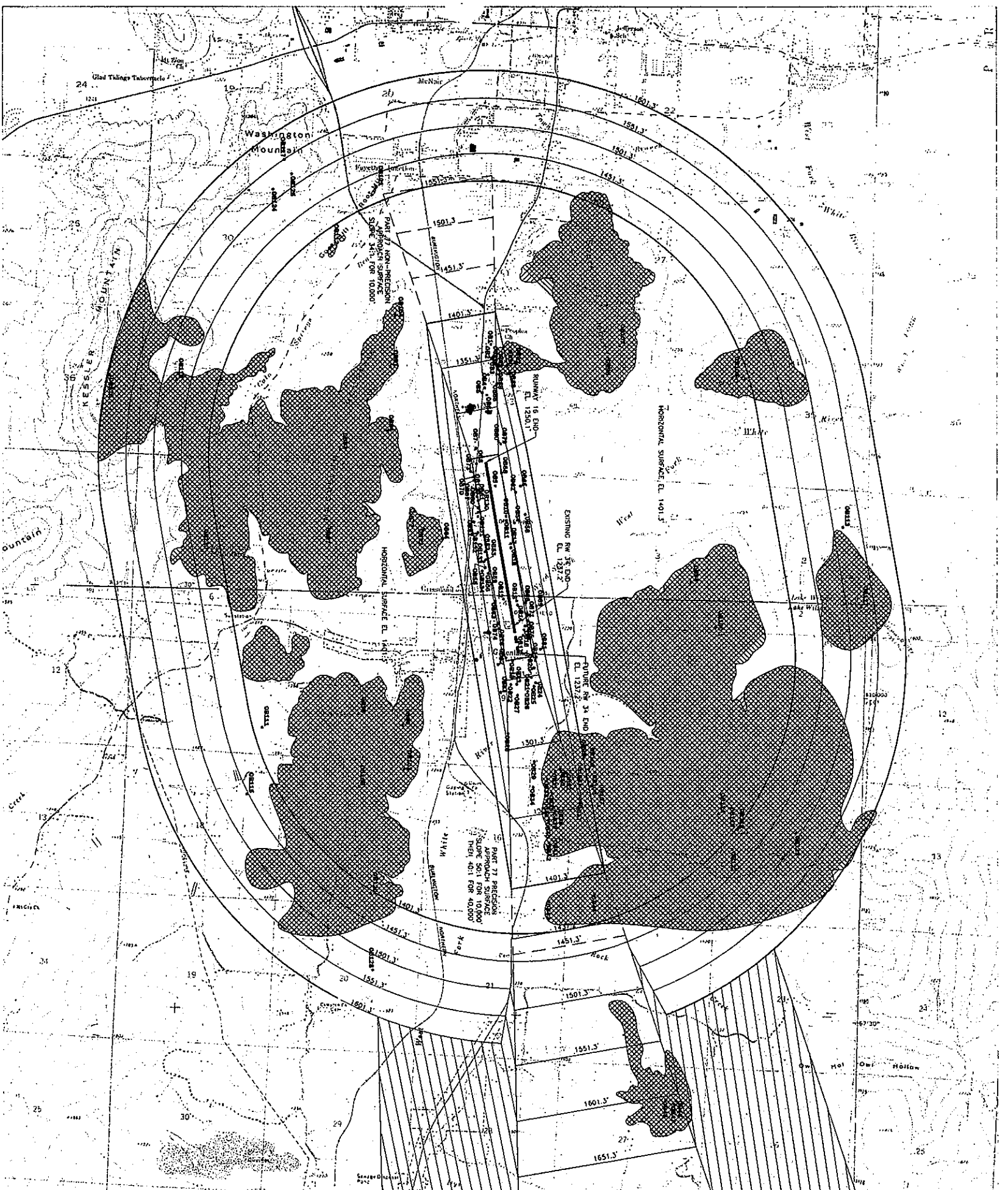
Federal Aviation Regulations (FAR) Part 77, *Objects Affecting Navigable Airspace*, provides guidance for developing the Airport Airspace Drawings. In order to protect the airport's airspace and approaches from hazards affecting the safe and efficient operation of aircraft, criteria contained in FAR Part 77 specify a set of imaginary surfaces. When the imaginary surfaces are penetrated by an object (i.e., a structure, tree, or terrain), the object is designated as an obstruction.

The drawings are illustrated in the following figures and provide plan and profile views depicting the criteria as they specifically relate to Fayetteville Municipal Airport/Drake Field. The drawings are based on the ultimate planned runway length, the ultimate planned approaches to each runway end, and the ultimate airport elevation. Therefore, Runway 16/34 is based on larger-than-utility runway criteria (i.e., aircraft weighing in excess of 12,500 pounds gross weight), with a precision instrument approach to Runway 34 and a non-precision approach having a visibility minimum greater than $\frac{3}{4}$ -mile to Runway 16. Based on these criteria, a brief description of each imaginary surface, and the appropriate dimensions and slopes, is described in the following narrative.

The primary surface is a surface longitudinally centered on the runway that extends 200 feet beyond each runway end and is 1,000 feet in width. The elevation of any point on the primary surface is the same as the elevation on the nearest point on the runway centerline. At the edges of the primary surface, transitional surfaces extend upward and outward at right angles to the runway and the extended runway centerline with a slope of 7 to 1 (i.e., for every one foot in elevation gain, a horizontal distance of seven feet is measured).

The horizontal surface is a horizontal plane established at 150 feet above the airport elevation. The perimeter of the horizontal surface is established by swinging arcs with radii of 10,000 feet from the center of each end of the primary surface and connecting the arcs by lines tangent to these arcs. At the periphery of the horizontal surface, the conical surface extends outward and upward at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

Approach surfaces are longitudinally centered on the extended runway centerlines, extending outward and upward from each end of the primary surface. For Runway 34, the inner edge is 1,000 feet in width (corresponding to the width of the primary surface), and expands uniformly to a width of 16,000 feet at the outer edge. This approach surface extends for a horizontal distance of 10,000 feet at a slope of 50 to 1, then for an additional 40,000 feet at a slope of 40 to 1. For Runway 16, the width of the inner edge is again 1,000 feet and expands uniformly to an outer width of 3,500 feet. This surface extends a horizontal distance of 10,000 feet with a slope of 34 to 1.



- NOTES:**
1. SEE AIRPORT SURFACE OBSTACLES FOR CLASS E AIRSPACE.
 2. DETERMINE AIRSPACE OBSTACLES FROM AIRPORT OBSTACLES. (SEE DRAWING FOR AIRPORT OBSTACLES.)
 3. TOPOGRAPHIC INFORMATION OBTAINED FROM USGS 7.5 MINUTE SURVEY MAPS (FAYETTEVILLE, ARKANSAS CO. OF OBSTACLES TITLE XV, 1983).
 4. 15' ADDED TO NON-INTERSTATE PUBLIC ROADS AND 25' ADDED TO RAILROADS TO DETERMINE CLEARANCE PER FAR PART 77 CHAPTER 1.
 5. CITY OF FAYETTEVILLE, ARKANSAS CO. OF OBSTACLES TITLE XV, 1983.

NO.	DESCRIPTION	ELEVATION	PREDICTION	DISPOSITION
0001	CL. ON LI. POLE	1248	TRANSITION	3.7
0002	CL. ON LI. POLE	1248	TRANSITION	3.7
0003	CL. ON LI. POLE	1248	TRANSITION	3.7
0004	CL. ON LI. POLE	1248	TRANSITION	3.7
0005	CL. ON LI. POLE	1248	TRANSITION	3.7
0006	CL. ON LI. POLE	1248	TRANSITION	3.7
0007	CL. ON LI. POLE	1248	TRANSITION	3.7
0008	CL. ON LI. POLE	1248	TRANSITION	3.7
0009	CL. ON LI. POLE	1248	TRANSITION	3.7
0010	CL. ON LI. POLE	1248	TRANSITION	3.7
0011	CL. ON LI. POLE	1248	TRANSITION	3.7
0012	CL. ON LI. POLE	1248	TRANSITION	3.7
0013	CL. ON LI. POLE	1248	TRANSITION	3.7
0014	CL. ON LI. POLE	1248	TRANSITION	3.7
0015	CL. ON LI. POLE	1248	TRANSITION	3.7
0016	CL. ON LI. POLE	1248	TRANSITION	3.7
0017	CL. ON LI. POLE	1248	TRANSITION	3.7
0018	CL. ON LI. POLE	1248	TRANSITION	3.7
0019	CL. ON LI. POLE	1248	TRANSITION	3.7
0020	CL. ON LI. POLE	1248	TRANSITION	3.7
0021	CL. ON LI. POLE	1248	TRANSITION	3.7
0022	CL. ON LI. POLE	1248	TRANSITION	3.7
0023	CL. ON LI. POLE	1248	TRANSITION	3.7
0024	CL. ON LI. POLE	1248	TRANSITION	3.7
0025	CL. ON LI. POLE	1248	TRANSITION	3.7
0026	CL. ON LI. POLE	1248	TRANSITION	3.7
0027	CL. ON LI. POLE	1248	TRANSITION	3.7
0028	CL. ON LI. POLE	1248	TRANSITION	3.7
0029	CL. ON LI. POLE	1248	TRANSITION	3.7
0030	CL. ON LI. POLE	1248	TRANSITION	3.7
0031	CL. ON LI. POLE	1248	TRANSITION	3.7
0032	CL. ON LI. POLE	1248	TRANSITION	3.7
0033	CL. ON LI. POLE	1248	TRANSITION	3.7
0034	CL. ON LI. POLE	1248	TRANSITION	3.7
0035	CL. ON LI. POLE	1248	TRANSITION	3.7
0036	CL. ON LI. POLE	1248	TRANSITION	3.7
0037	CL. ON LI. POLE	1248	TRANSITION	3.7
0038	CL. ON LI. POLE	1248	TRANSITION	3.7
0039	CL. ON LI. POLE	1248	TRANSITION	3.7
0040	CL. ON LI. POLE	1248	TRANSITION	3.7
0041	CL. ON LI. POLE	1248	TRANSITION	3.7
0042	CL. ON LI. POLE	1248	TRANSITION	3.7
0043	CL. ON LI. POLE	1248	TRANSITION	3.7
0044	CL. ON LI. POLE	1248	TRANSITION	3.7
0045	CL. ON LI. POLE	1248	TRANSITION	3.7
0046	CL. ON LI. POLE	1248	TRANSITION	3.7
0047	CL. ON LI. POLE	1248	TRANSITION	3.7
0048	CL. ON LI. POLE	1248	TRANSITION	3.7
0049	CL. ON LI. POLE	1248	TRANSITION	3.7
0050	CL. ON LI. POLE	1248	TRANSITION	3.7
0051	CL. ON LI. POLE	1248	TRANSITION	3.7
0052	CL. ON LI. POLE	1248	TRANSITION	3.7
0053	CL. ON LI. POLE	1248	TRANSITION	3.7
0054	CL. ON LI. POLE	1248	TRANSITION	3.7
0055	CL. ON LI. POLE	1248	TRANSITION	3.7
0056	CL. ON LI. POLE	1248	TRANSITION	3.7
0057	CL. ON LI. POLE	1248	TRANSITION	3.7
0058	CL. ON LI. POLE	1248	TRANSITION	3.7
0059	CL. ON LI. POLE	1248	TRANSITION	3.7
0060	CL. ON LI. POLE	1248	TRANSITION	3.7
0061	CL. ON LI. POLE	1248	TRANSITION	3.7
0062	CL. ON LI. POLE	1248	TRANSITION	3.7
0063	CL. ON LI. POLE	1248	TRANSITION	3.7
0064	CL. ON LI. POLE	1248	TRANSITION	3.7
0065	CL. ON LI. POLE	1248	TRANSITION	3.7
0066	CL. ON LI. POLE	1248	TRANSITION	3.7
0067	CL. ON LI. POLE	1248	TRANSITION	3.7
0068	CL. ON LI. POLE	1248	TRANSITION	3.7
0069	CL. ON LI. POLE	1248	TRANSITION	3.7
0070	CL. ON LI. POLE	1248	TRANSITION	3.7
0071	CL. ON LI. POLE	1248	TRANSITION	3.7
0072	CL. ON LI. POLE	1248	TRANSITION	3.7
0073	CL. ON LI. POLE	1248	TRANSITION	3.7
0074	CL. ON LI. POLE	1248	TRANSITION	3.7
0075	CL. ON LI. POLE	1248	TRANSITION	3.7
0076	CL. ON LI. POLE	1248	TRANSITION	3.7
0077	CL. ON LI. POLE	1248	TRANSITION	3.7
0078	CL. ON LI. POLE	1248	TRANSITION	3.7
0079	CL. ON LI. POLE	1248	TRANSITION	3.7
0080	CL. ON LI. POLE	1248	TRANSITION	3.7
0081	CL. ON LI. POLE	1248	TRANSITION	3.7
0082	CL. ON LI. POLE	1248	TRANSITION	3.7
0083	CL. ON LI. POLE	1248	TRANSITION	3.7
0084	CL. ON LI. POLE	1248	TRANSITION	3.7
0085	CL. ON LI. POLE	1248	TRANSITION	3.7
0086	CL. ON LI. POLE	1248	TRANSITION	3.7
0087	CL. ON LI. POLE	1248	TRANSITION	3.7
0088	CL. ON LI. POLE	1248	TRANSITION	3.7
0089	CL. ON LI. POLE	1248	TRANSITION	3.7
0090	CL. ON LI. POLE	1248	TRANSITION	3.7
0091	CL. ON LI. POLE	1248	TRANSITION	3.7
0092	CL. ON LI. POLE	1248	TRANSITION	3.7
0093	CL. ON LI. POLE	1248	TRANSITION	3.7
0094	CL. ON LI. POLE	1248	TRANSITION	3.7
0095	CL. ON LI. POLE	1248	TRANSITION	3.7
0096	CL. ON LI. POLE	1248	TRANSITION	3.7
0097	CL. ON LI. POLE	1248	TRANSITION	3.7
0098	CL. ON LI. POLE	1248	TRANSITION	3.7
0099	CL. ON LI. POLE	1248	TRANSITION	3.7
0100	CL. ON LI. POLE	1248	TRANSITION	3.7

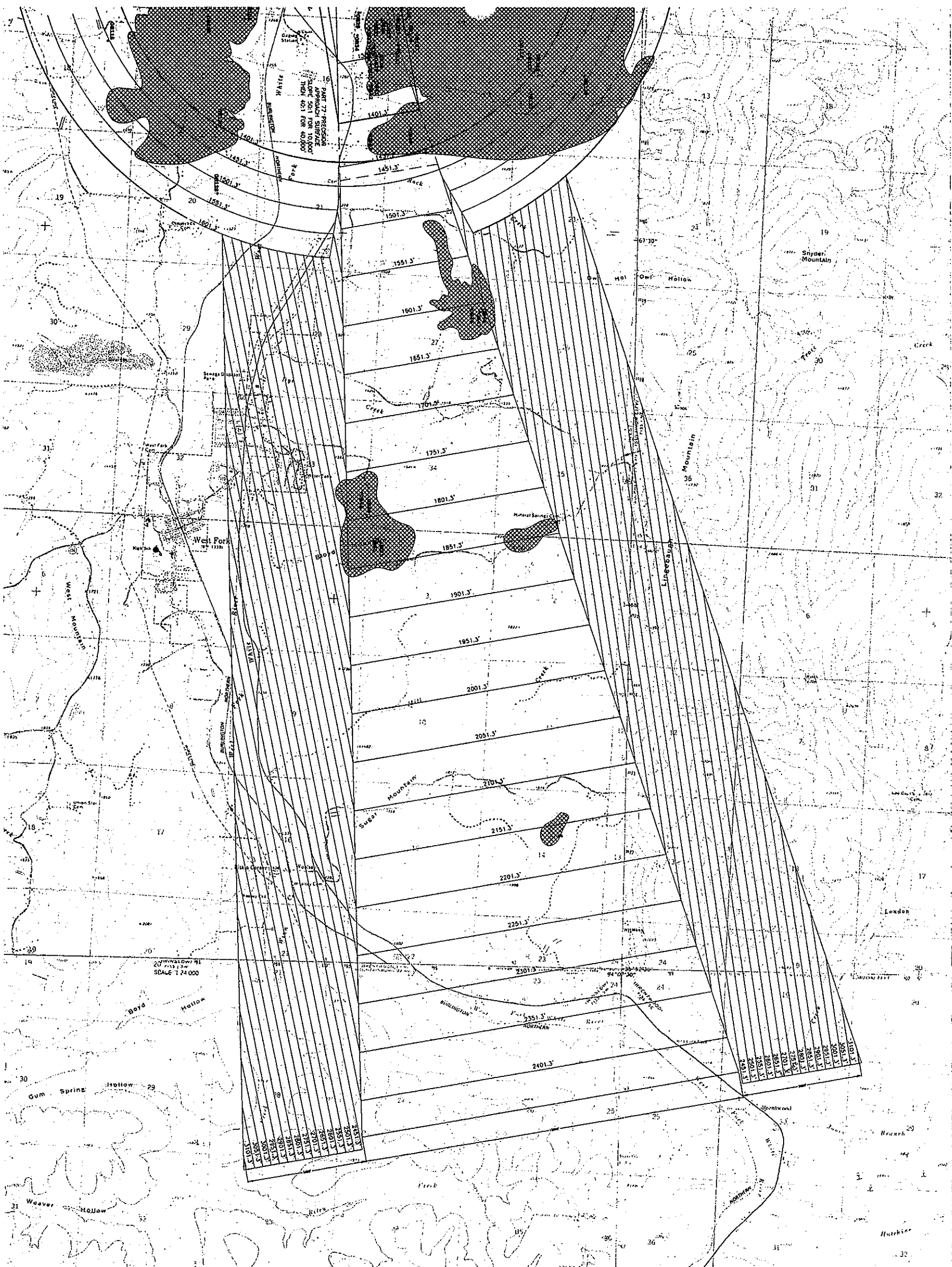
PRELIMINARY
(SUBJECT TO FINAL APPROVAL BY FAA)

NO.	DESCRIPTION	DATE
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

Fayetteville Municipal Airport
FAYETTEVILLE, ARKANSAS

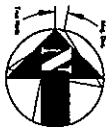
Figure G2
Airport Airspace Drawing
Plan View

Barnard Dunkelberg & Company
Tulsa, Oklahoma

[illegible]

NOTES:

1. DESCRIPTION INFORMATION OBTAINED FROM APPOINT DISTRIBUTION DATA: DRAINAGE PATTERNS, ELEVATIONS, AROUND 1000, 1200, 1300, 1400, 1500, 1600, 1700, 1800, 1900, 2000, 2100, 2200, 2300, 2400, 2500, 2600, 2700, 2800, 2900, 3000, 3100, 3200, 3300, 3400, 3500, 3600, 3700, 3800, 3900, 4000, 4100, 4200, 4300, 4400, 4500, 4600, 4700, 4800, 4900, 5000, 5100, 5200, 5300, 5400, 5500, 5600, 5700, 5800, 5900, 6000, 6100, 6200, 6300, 6400, 6500, 6600, 6700, 6800, 6900, 7000, 7100, 7200, 7300, 7400, 7500, 7600, 7700, 7800, 7900, 8000, 8100, 8200, 8300, 8400, 8500, 8600, 8700, 8800, 8900, 9000, 9100, 9200, 9300, 9400, 9500, 9600, 9700, 9800, 9900, 10000, 10100, 10200, 10300, 10400, 10500, 10600, 10700, 10800, 10900, 11000, 11100, 11200, 11300, 11400, 11500, 11600, 11700, 11800, 11900, 12000, 12100, 12200, 12300, 12400, 12500, 12600, 12700, 12800, 12900, 13000, 13100, 13200, 13300, 13400, 13500, 13600, 13700, 13800, 13900, 14000, 14100, 14200, 14300, 14400, 14500, 14600, 14700, 14800, 14900, 15000, 15100, 15200, 15300, 15400, 15500, 15600, 15700, 15800, 15900, 16000, 16100, 16200, 16300, 16400, 16500, 16600, 16700, 16800, 16900, 17000, 17100, 17200, 17300, 17400, 17500, 17600, 17700, 17800, 17900, 18000, 18100, 18200, 18300, 18400, 18500, 18600, 18700, 18800, 18900, 19000, 19100, 19200, 19300, 19400, 19500, 19600, 19700, 19800, 19900, 20000, 20100, 20200, 20300, 20400, 20500, 20600, 20700, 20800, 20900, 21000, 21100, 21200, 21300, 21400, 21500, 21600, 21700, 21800, 21900, 22000, 22100, 22200, 22300, 22400, 22500, 22600, 22700, 22800, 22900, 23000, 23100, 23200, 23300, 23400, 23500, 23600, 23700, 23800, 23900, 24000, 24100, 24200, 24300, 24400, 24500, 24600, 24700, 24800, 24900, 25000, 25100, 25200, 25300, 25400, 25500, 25600, 25700, 25800, 25900, 26000, 26100, 26200, 26300, 26400, 26500, 26600, 26700, 26800, 26900, 27000, 27100, 27200, 27300, 27400, 27500, 27600, 27700, 27800, 27900, 28000, 28100, 28200, 28300, 28400, 28500, 28600, 28700, 28800, 28900, 29000, 29100, 29200, 29300, 29400, 29500, 29600, 29700, 29800, 29900, 30000, 30100, 30200, 30300, 30400, 30500, 30600, 30700, 30800, 30900, 31000, 31100, 31200, 31300, 31400, 31500, 31600, 31700, 31800, 31900, 32000, 32100, 32200, 32300, 32400, 32500, 32600, 32700, 32800, 32900, 33000, 33100, 33200, 33300, 33400, 33500, 33600, 33700, 33800, 33900, 34000, 34100, 34200, 34300, 34400, 34500, 34600, 34700, 34800, 34900, 35000, 35100, 35200, 35300, 35400, 35500, 35600, 35700, 35800, 35900, 36000, 36100, 36200, 36300, 36400, 36500, 36600, 36700, 36800, 36900, 37000, 37100, 37200, 37300, 37400, 37500, 37600, 37700, 37800, 37900, 38000, 38100, 38200, 38300, 38400, 38500, 38600, 38700, 38800, 38900, 39000, 39100, 39200, 39300, 39400, 39500, 39600, 39700, 39800, 39900, 40000, 40100, 40200, 40300, 40400, 40500, 40600, 40700, 40800, 40900, 41000, 41100, 41200, 41300, 41400, 41500, 41600, 41700, 41800, 41900, 42000, 42100, 42200, 42300, 42400, 42500, 42600, 42700, 42800, 42900, 43000, 43100, 43200, 43300, 43400, 43500, 43600, 43700, 43800, 43900, 44000, 44100, 44200, 44300, 44400, 44500, 44600, 44700, 44800, 44900, 45000, 45100, 45200, 45300, 45400, 45500, 45600, 45700, 45800, 45900, 46000, 46100, 46200, 46300, 46400, 46500, 46600, 46700, 46800, 46900, 47000, 47100, 47200, 47300, 47400, 47500, 47600, 47700, 47800, 47900, 48000, 48100, 48200, 48300, 48400, 48500, 48600, 48700, 48800, 48900, 49000, 49100, 49200, 49300, 49400, 49500, 49600, 49700, 49800, 49900, 50000, 50100, 50200, 50300, 50400, 50500, 50600, 50700, 50800, 50900, 51000, 51100, 51200, 51300, 51400, 51500, 51600, 51700, 51800, 51900, 52000, 52100, 52200, 52300, 52400, 52500, 52600, 52700, 52800, 52900, 53000, 53100, 53200, 53300, 53400, 53500, 53600, 53700, 53800, 53900, 54000, 54100, 54200, 54300, 54400, 54500, 54600, 54700, 54800, 54900, 55000, 55100, 55200, 55300, 55400, 55500, 55600, 55700, 55800, 55900, 56000, 56100, 56200, 56300, 56400, 56500, 56600, 56700, 56800, 56900, 57000, 57100, 57200, 57300, 57400, 57500, 57600, 57700, 57800, 57900, 58000, 58100, 58200, 58300, 58400, 58500, 58600, 58700, 58800, 58900, 59000, 59100, 59200, 59300, 59400, 59500, 59600, 59700, 59800, 59900, 60000, 60100, 60200, 6

2°44' E. MAG. DEC.
JULY 20, 2005 (HGDG)
0°-7° W ANNUAL CHANGE

PRELIMINARY
(SUBJECT TO FINAL APPROVAL BY RAA)

[illegible]

Fayetteville Municipal Airport
FAYETTEVILLE, ARKANSAS

Figure G3

**Airport Airspace Drawing
South Approach Plan View**

Barnard Dunkelberg & Company
Tulsa, Oklahoma

This technical drawing illustrates a road plan with various annotations and structural details:

- Proposed Road Alignment:** A solid line runs diagonally across the lower portion of the plan.
- Existing Structures:** Two rectangular buildings are shown at the top left. The larger one is labeled "Barn" and contains internal divisions. The smaller one is labeled "House".
- Terrain Features:** A dashed line indicates a boundary or path. A shaded area with diagonal hatching represents a field or wooded area.
- Annotations:**
 - "Proposed Road" is written near the solid line.
 - "Barn" and "House" label the respective structures.
 - "Field" is written in the shaded area.
 - "Dashed Line" is written near the dashed line.
 - "Solid Line" is written near the solid line.
 - "Hatched Area" is written near the shaded area.
 - "Road Plan" is written at the bottom right.
- Scale:** A scale bar at the bottom right indicates distances of 0, 10, 20, and 30 feet.

1" = 2000' HORIZONTALLY
1" = 200' VERTICALLY

[illegible]

1" = 1000' HORIZONTALLY
1" = 100' VERTICALLY

REVISIONS		DATE
NO.	DESCRIPTION	
1		

PRELIMINARY
(SUBJECT TO FINAL APPROVAL BY FAA)

Fayetteville Municipal Airport
FAYETTEVILLE, ARKANSAS

Airport Airspace Drawing Profile View

6.8

Inner Portion of the Approach Surface Drawings

Providing a more detailed view of the inner portions of the Part 77 imaginary approach surfaces is the primary purpose of the Inner Portion of the Approach Surface Drawings. As with the Airport Airspace Drawings, these drawings, illustrated in the following figures, are based upon the ultimate planned runway length and approaches to each runway end. They are intended to facilitate identification of roadways, railroads, utility lines, topography, structures, vegetation, and other possible obstructions lying within the confines of, or near, the approach surfaces. The drawings also depict the elevation and vertical clearance of traverse ways (i.e., roads and railroads) within the approach surface.

Terminal Area Plan

The figure, entitled *TERMINAL AREA PLAN*, presents a detailed view of the proposed landside development surrounding the terminal building. Directly north of the terminal, proposed development provides an additional tiedown apron adjacent to the terminal apron. Executive hangars are proposed to the north of the general aviation apron.

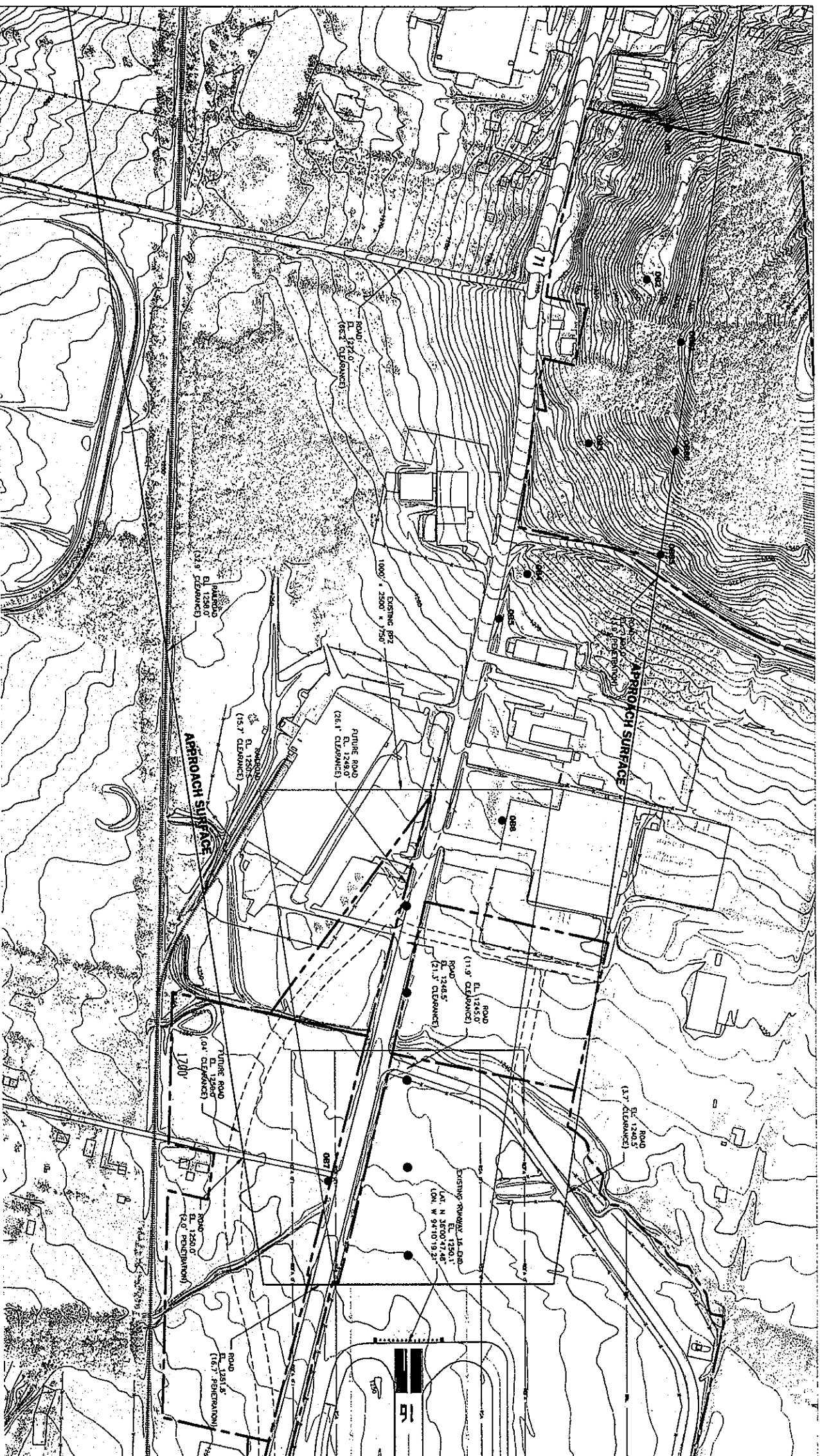
South of the terminal building, an additional terminal apron is proposed, as are additional hangar facilities adjacent to the executive apron. Farther to the south, the proposed aviation business park development provides additional apron and large hangars that could have integrated office space. The critical consideration when programming the location of proposed facilities here includes adequate setback from the runway centerline. As illustrated, the setback is approximately 950 feet, which allows an approximate structure height of 35 feet above the runway centerline. Should taller structures be required, then careful consideration must be given to their location. Additionally, the provision of adequate taxiway access, roadway access, and automobile parking for each proposed building must be made in consideration of providing positive separation for security fencing between the landside and airside use areas.

[illegible]

NOTES:

1. SEE UPPER PORTION OF THE APPROACH SURFACE DIMENSIONS FOR CLOSE-IN OBSTRUCTIONS.
2. OBSTRUCTION INFORMATION OBTAINED FROM AIRPORT OBSTRUCTION CHART, DRAVE FIELD, FAIRFAXVILLE, ALABAMA (CG 728). PUBLISHED OBSTRUCTION DIMENSIONS ARE BASED ON TYPICAL AIRPORT CONDITIONS AND FIELD SURVEYS.
3. TOPGRAPHIC INFORMATION OBTAINED FROM USGS 7.5 MINUTE SURVEY MAPS, FAIRFAXVILLE, ALABAMA, WEST PARK, SULLY, CITY, WINDSON, BREWSTERVILLE, KENNEDY 1981.
4. 15' ADDED TO NORTH-TRANSVERSE PUBLIC ROADS AND 25' ADDED TO RAILROADS TO DETERMINE CLEARANCE PER FAR PART 77 criteria.
5. CITY OF FAIRFAXVILLE, ALABAMA CONS. OF OBSTACLES MADE BY UNITED DEVELOPMENT CORP. (CHARTER 165, AIRPORT ZONE), ADDED TO OBSTACLES OF AIRPORT, GROWTH IN THE VICINITY OF FAIRFAXVILLE MUNICIPAL AIRPORT, SULLY FIELD.

PRELIMINARY
(SUBJECT TO FINAL APPROVAL BY FAA)



RUNWAY 16 PLAN

[illegible]

TRANSITIONS		DATE
NO.	DESCRIPTION	
1	1997-1998	
2	1998-1999	
3	1999-2000	
4	2000-2001	
5	2001-2002	
6	2002-2003	
7	2003-2004	
8	2004-2005	
9	2005-2006	
10	2006-2007	
11	2007-2008	
12	2008-2009	
13	2009-2010	
14	2010-2011	
15	2011-2012	
16	2012-2013	
17	2013-2014	
18	2014-2015	
19	2015-2016	
20	2016-2017	
21	2017-2018	
22	2018-2019	
23	2019-2020	
24	2020-2021	
25	2021-2022	
26	2022-2023	
27	2023-2024	
28	2024-2025	
29	2025-2026	
30	2026-2027	
31	2027-2028	
32	2028-2029	
33	2029-2030	
34	2030-2031	
35	2031-2032	
36	2032-2033	
37	2033-2034	
38	2034-2035	
39	2035-2036	
40	2036-2037	
41	2037-2038	
42	2038-2039	
43	2039-2040	
44	2040-2041	
45	2041-2042	
46	2042-2043	
47	2043-2044	
48	2044-2045	
49	2045-2046	
50	2046-2047	
51	2047-2048	
52	2048-2049	
53	2049-2050	
54	2050-2051	
55	2051-2052	
56	2052-2053	
57	2053-2054	
58	2054-2055	
59	2055-2056	
60	2056-2057	
61	2057-2058	
62	2058-2059	
63	2059-2060	
64	2060-2061	
65	2061-2062	
66	2062-2063	
67	2063-2064	
68	2064-2065	
69	2065-2066	
70	2066-2067	
71	2067-2068	
72	2068-2069	
73	2069-2070	
74	2070-2071	
75	2071-2072	
76	2072-2073	
77	2073-2074	
78	2074-2075	
79	2075-2076	
80	2076-2077	
81	2077-2078	
82	2078-2079	
83	2079-2080	
84	2080-2081	
85	2081-2082	
86	2082-2083	
87	2083-2084	
88	2084-2085	
89	2085-2086	
90	2086-2087	
91	2087-2088	
92	2088-2089	
93	2089-2090	
94	2090-2091	
95	2091-2092	
96	2092-2093	
97	2093-2094	
98	2094-2095	
99	2095-2096	
100	2096-2097	
101	2097-2098	
102	2098-2099	
103	2099-2100	
104	2100-2101	
105	2101-2102	
106	2102-2103	
107	2103-2104	
108	2104-2105	
109	2105-2106	
110	2106-2107	
111	2107-2108	
112	2108-2109	
113	2109-2110	
114	2110-2111	
115	2111-2112	

Fayetteville Municipal Airport
FAYETTEVILLE, ARKANSAS

Figure G5

Inner Portion of the Approach Surface Drawing Runway 16 Plan View

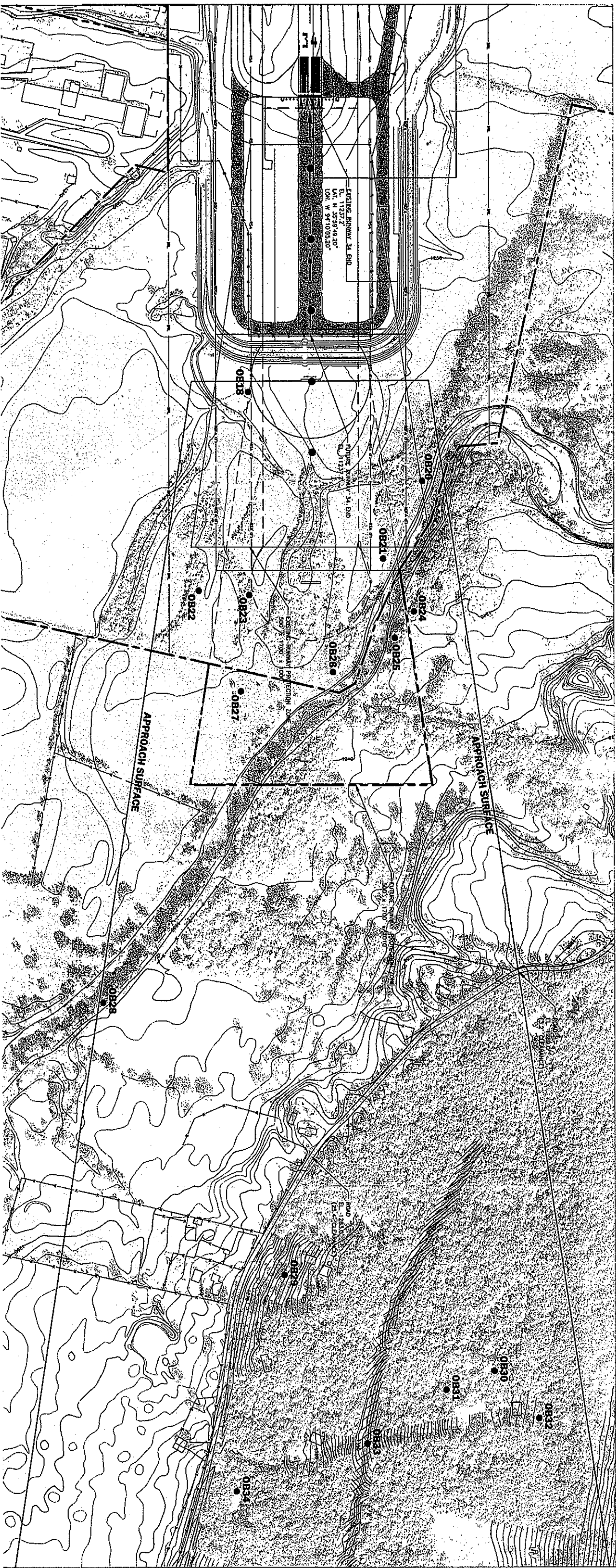
Barnard Dunkelberg & Company
Tulsa, Oklahoma

SOUTH BOUND					
NO.	DESCRIPTION	ELEVATION	SURFACE	REINFORCED	REMARKS
001	TRAC	130.0	PM 16, APPROACH	2 1/2	10. BE. RETURNED
002	TRAC	140.3	PM 16, APPROACH	50	10. BE. RETURNED
003	TRAC	136.6	PM 16, APPROACH	3 1/2	10. BE. RETURNED
004	TRAC	136.6	PM 16, APPROACH	7	10. BE. RETURNED
005	TRAC	130.2	PM 16, APPROACH	5	10. BE. RETURNED
007	CL ON STREET LT	126.6	PM 16, APPROACH	15	10. BE. RETURNED
008	CL ON POLE	134.8	PM 16, APPROACH	4 1/2	10. BE. RETURNED
009	TRAC	139.2	PM 16, APPROACH	70	10. BE. RETURNED

[illegible][illegible]

MEMORANDUM		DATE
NO.	DESCRIPTION	
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		
22.		
23.		
24.		
25.		
26.		
27.		
28.		
29.		
30.		
31.		
32.		
33.		
34.		
35.		
36.		
37.		
38.		
39.		
40.		
41.		
42.		
43.		
44.		
45.		
46.		
47.		
48.		
49.		
50.		
51.		
52.		
53.		
54.		
55.		
56.		
57.		
58.		
59.		
60.		
61.		
62.		
63.		
64.		
65.		
66.		
67.		
68.		
69.		
70.		
71.		
72.		
73.		
74.		
75.		
76.		
77.		
78.		
79.		
80.		
81.		
82.		
83.		
84.		
85.		
86.		
87.		
88.		
89.		
90.		
91.		
92.		
93.		
94.		
95.		
96.		
97.		
98.		
99.		
100.		

Figure G6
Runway 16 Profile View
Barnard Dunkelberg & Company
 Tulsa, Oklahoma



RUNWAY 34 PLAN
1" = 200' HORIZONTAL
1" = 20' VERTICAL

OBSTRUCTIONS			
NO.	DESCRIPTION	ELEVATION	LOCATION
OB20	TREE	1125'	TO BE REMOVED
OB21	TREE	1125'	TO BE REMOVED
OB22	TREE	1125'	TO BE REMOVED
OB23	TREE	1125'	TO BE REMOVED
OB24	TREE	1125'	TO BE REMOVED
OB25	TREE	1125'	TO BE REMOVED
OB26	TREE	1125'	TO BE REMOVED
OB27	TREE	1125'	TO BE REMOVED
OB28	TREE	1125'	TO BE REMOVED
OB29	TREE	1125'	TO BE REMOVED
OB30	TREE	1125'	TO BE REMOVED
OB31	TREE	1125'	TO BE REMOVED
OB32	TREE	1125'	TO BE REMOVED
OB33	TREE	1125'	TO BE REMOVED
OB34	TREE	1125'	TO BE REMOVED

NOTES	
1.	SEE INNER PORTION OF THE APPROACH SURFACE DRAWINGS FOR CLOSE-IN OBSTRUCTIONS.
2.	OBSTRUCTION INFORMATION OBTAINED FROM AIRPORT OBSTRUCTION CHART, DRAVE FIELD, FAYETTEVILLE, ARKANSAS, (OK 728), PUBLISHED BY THE FEDERAL AVIATION ADMINISTRATION, WASHINGTON, D.C. 20534.
3.	TOPGRAPHIC INFORMATION OBTAINED FROM USGS 7.5 MINUTE SURVEY MAPS, (FAYETTEVILLE, ARKANSAS, WEST FORK, SOUTHERN CITY, WINDYBROOK) REVISED 1983.
4.	15' ADDED TO NON-INTERSTATE PUBLIC ROADS AND 21' ADDED TO RAILROADS TO DETERMINE CLEARANCE PER FAR PART 77, CENTRAL.
5.	CITY OF FAYETTEVILLE, ARKANSAS, COPIES OF ORDINANCES TITLE IV, CHAPTER 1, 2003, REGULATES AND RESTRICTS THE HEIGHT OF STRUCTURES AND OBSTRUCTIONS WITHIN THE VICINITY OF FAYETTEVILLE MUNICIPAL AIRPORT/DRAVE FIELD.

LEGEND	
EXISTING	NEW
AIRPORT PROPERTY LINE	
AIRPORT SECURITY FENCE	
AIRPORT BUILDINGS	
PAVED ROADS	
UNPAVED ROADS	
BUILDING RESTRICTION LINE	
RAILROAD RIGHT-OF-WAY	
RAILROAD TRACKS	
RAILROAD CROSSING	
RAILROAD BRIDGE	
RAILROAD TUNNEL	
RAILROAD OVERPASS	
RAILROAD UNDERPASS	
RAILROAD CULVERT	
RAILROAD DRAINAGE	
RAILROAD EMBANKMENT	
RAILROAD CUT	
RAILROAD FILL	
RAILROAD GRADE	
RAILROAD SLOPE	
RAILROAD CURVE	
RAILROAD SIGNAL	
RAILROAD SWITCH	
RAILROAD CROSSING	
RAILROAD BRIDGE	
RAILROAD TUNNEL	
RAILROAD OVERPASS	
RAILROAD UNDERPASS	
RAILROAD CULVERT	
RAILROAD DRAINAGE	
RAILROAD EMBANKMENT	
RAILROAD CUT	
RAILROAD FILL	
RAILROAD GRADE	
RAILROAD SLOPE	
RAILROAD CURVE	
RAILROAD SIGNAL	
RAILROAD SWITCH	

REVISIONS	
NO.	DESCRIPTION
1	DATE
2	
3	
4	
5	
6	
7	
8	
9	
10	

Fayetteville Municipal Airport
FAYETTEVILLE, ARKANSAS
Inner Portion of the Approach Surface Drawing
Runway 34 Plan View
Figure G7
Barnard Dunkelberg & Company
Tulsa, Oklahoma

This technical drawing illustrates a runway approach slope, likely for Runway 34. The horizontal axis at the top represents stationing from -1000' to 4800'. The vertical axis on the right shows elevations from 1320' to 1500'. Key features include:

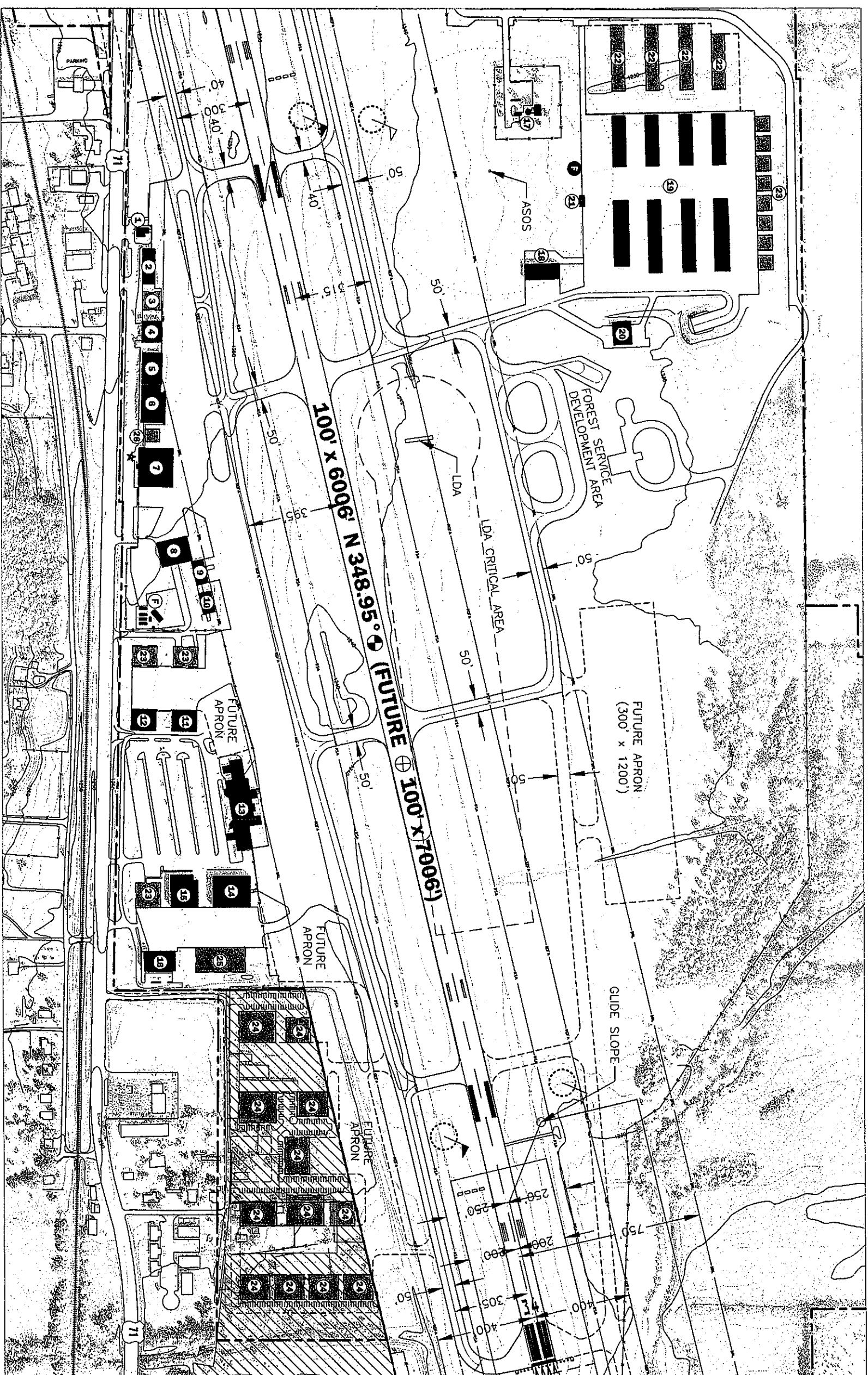
- EXISTING RUNWAY 34 END**: Located at station -1000' with an elevation of EL. 1237.2.
- FUTURE RUNWAY 34 END**: Located at station 0' with an elevation of EL. 1237.2.
- WEST FORK WHITE RIVER**: Shown as a dashed line crossing the approach slope.
- EXISTING PRECISION APPROACH SURFACE SLOPE .50% FOR 10,000'**: A solid line representing the current approach surface.
- FUTURE PRECISION APPROACH SURFACE SLOPE .50% FOR 10,000'**: A dashed line representing the proposed future approach surface.
- Trees**: Numerous tree symbols are plotted along the slopes, each labeled with its height and penetration distance. Examples include:
 - Oaks Tree EL. 1316' (54' PENETRATION)
 - Oaks Tree EL. 1321' (41' PENETRATION)
 - Oaks Tree EL. 1323' (40' PENETRATION)
 - Oaks Tree EL. 1319' (3' PENETRATION)
 - Oaks Tree EL. 1351' (18' PENETRATION)
 - Oaks Tree EL. 1455' (143' PENETRATION)
 - Oaks Tree EL. 1455' (126' PENETRATION)
 - Oaks Tree EL. 1391' (44' PENETRATION)
 - Oaks Tree EL. 1320' (14' PENETRATION)
 - Oaks Tree EL. 1313' (68' PENETRATION)
 - Oaks Tree EL. 1301' (21' PENETRATION)
 - Oaks Tree EL. 1302' (34' PENETRATION)
 - Oaks Tree EL. 1305' (44' PENETRATION)
 - Oaks Tree EL. 1306' (68' PENETRATION)
 - Oaks Tree EL. 1307' (21' PENETRATION)
 - Oaks Tree EL. 1308' (34' PENETRATION)
 - Oaks Tree EL. 1309' (44' PENETRATION)
 - Oaks Tree EL. 1310' (68' PENETRATION)
 - Oaks Tree EL. 1311' (21' PENETRATION)
 - Oaks Tree EL. 1312' (34' PENETRATION)
 - Oaks Tree EL. 1313' (44' PENETRATION)
 - Oaks Tree EL. 1314' (68' PENETRATION)
 - Oaks Tree EL. 1315' (21' PENETRATION)
 - Oaks Tree EL. 1316' (34' PENETRATION)
 - Oaks Tree EL. 1317' (44' PENETRATION)
 - Oaks Tree EL. 1318' (68' PENETRATION)
 - Oaks Tree EL. 1319' (21' PENETRATION)
 - Oaks Tree EL. 1320' (34' PENETRATION)
 - Oaks Tree EL. 1321' (44' PENETRATION)
 - Oaks Tree EL. 1322' (68' PENETRATION)
 - Oaks Tree EL. 1323' (21' PENETRATION)
 - Oaks Tree EL. 1324' (34' PENETRATION)
 - Oaks Tree EL. 1325' (44' PENETRATION)
 - Oaks Tree EL. 1326' (68' PENETRATION)
 - Oaks Tree EL. 1327' (21' PENETRATION)
 - Oaks Tree EL. 1328' (34' PENETRATION)
 - Oaks Tree EL. 1329' (44' PENETRATION)
 - Oaks Tree EL. 1330' (68' PENETRATION)
 - Oaks Tree EL. 1331' (21' PENETRATION)
 - Oaks Tree EL. 1332' (34' PENETRATION)
 - Oaks Tree EL. 1333' (44' PENETRATION)
 - Oaks Tree EL. 1334' (68' PENETRATION)
 - Oaks Tree EL. 1335' (21' PENETRATION)
 - Oaks Tree EL. 1336' (34' PENETRATION)
 - Oaks Tree EL. 1337' (44' PENETRATION)
 - Oaks Tree EL. 1338' (68' PENETRATION)
 - Oaks Tree EL. 1339' (21' PENETRATION)
 - Oaks Tree EL. 1340' (34' PENETRATION)
 - Oaks Tree EL. 1341' (44' PENETRATION)
 - Oaks Tree EL. 1342' (68' PENETRATION)
 - Oaks Tree EL. 1343' (21' PENETRATION)
 - Oaks Tree EL. 1344' (34' PENETRATION)
 - Oaks Tree EL. 1345' (44' PENETRATION)
 - Oaks Tree EL. 1346' (68' PENETRATION)
 - Oaks Tree EL. 1347' (21' PENETRATION)
 - Oaks Tree EL. 1348' (34' PENETRATION)
 - Oaks Tree EL. 1349' (44' PENETRATION)
 - Oaks Tree EL. 1350' (68' PENETRATION)
 - Oaks Tree EL. 1351' (21' PENETRATION)
 - Oaks Tree EL. 1352' (34' PENETRATION)
 - Oaks Tree EL. 1353' (44' PENETRATION)
 - Oaks Tree EL. 1354' (68' PENETRATION)
 - Oaks Tree EL. 1355' (21' PENETRATION)
 - Oaks Tree EL. 1356' (34' PENETRATION)
 - Oaks Tree EL. 1357' (44' PENETRATION)
 - Oaks Tree EL. 1358' (68' PENETRATION)
 - Oaks Tree EL. 1359' (21' PENETRATION)
 - Oaks Tree EL. 1360' (34' PENETRATION)
 - Oaks Tree EL. 1361' (44' PENETRATION)
 - Oaks Tree EL. 1362' (68' PENETRATION)
 - Oaks Tree EL. 1363' (21' PENETRATION)
 - Oaks Tree EL. 1364' (34' PENETRATION)
 - Oaks Tree EL. 1365' (44' PENETRATION)
 - Oaks Tree EL. 1366' (68' PENETRATION)
 - Oaks Tree EL. 1367' (21' PENETRATION)
 - Oaks Tree EL. 1368' (34' PENETRATION)
 - Oaks Tree EL. 1369' (44' PENETRATION)
 - Oaks Tree EL. 1370' (68' PENETRATION)
 - Oaks Tree EL. 1371' (21' PENETRATION)
 - Oaks Tree EL. 1372' (34' PENETRATION)
 - Oaks Tree EL. 1373' (44' PENETRATION)
 - Oaks Tree EL. 1374' (68' PENETRATION)
 - Oaks Tree EL. 1375' (21' PENETRATION)
 - Oaks Tree EL. 1376' (34' PENETRATION)
 - Oaks Tree EL. 1377' (44' PENETRATION)
 - Oaks Tree EL. 1378' (68' PENETRATION)
 - Oaks Tree EL. 1379' (21' PENETRATION)
 - Oaks Tree EL. 1380' (34' PENETRATION)
 - Oaks Tree EL. 1381' (44' PENETRATION)
 - Oaks Tree EL. 1382' (68' PENETRATION)
 - Oaks Tree EL. 1383' (21' PENETRATION)
 - Oaks Tree EL. 1384' (34' PENETRATION)
 - Oaks Tree EL. 1385' (44' PENETRATION)
 - Oaks Tree EL. 1386' (68' PENETRATION)
 - Oaks Tree EL. 1387' (21' PENETRATION)
 - Oaks Tree EL. 1388' (34' PENETRATION)
 - Oaks Tree EL. 1389' (44' PENETRATION)
 - Oaks Tree EL. 1390' (68' PENETRATION)
 - Oaks Tree EL. 1391' (21' PENETRATION)
 - Oaks Tree EL. 1392' (34' PENETRATION)
 - Oaks Tree EL. 1393' (44' PENETRATION)
 - Oaks Tree EL. 1394' (68' PENETRATION)
 - Oaks Tree EL. 1395' (21' PENETRATION)
 - Oaks Tree EL. 1396' (34' PENETRATION)
 - Oaks Tree EL. 1397' (44' PENETRATION)
 - Oaks Tree EL. 1398' (68' PENETRATION)
 - Oaks Tree EL. 1399' (21' PENETRATION)
 - Oaks Tree EL. 1400' (34' PENETRATION)
 - Oaks Tree EL. 1401' (44' PENETRATION)
 - Oaks Tree EL. 1402' (68' PENETRATION)
 - Oaks Tree EL. 1403' (21' PENETRATION)
 - Oaks Tree EL. 1404' (34' PENETRATION)
 - Oaks Tree EL. 1405' (44' PENETRATION)
 - Oaks Tree EL. 1406' (68' PENETRATION)
 - Oaks Tree EL. 1407' (21' PENETRATION)
 - Oaks Tree EL. 1408' (34' PENETRATION)
 - Oaks Tree EL. 1409' (44' PENETRATION)
 - Oaks Tree EL. 1410' (68' PENETRATION)
 - Oaks Tree EL. 1411' (21' PENETRATION)
 - Oaks Tree EL. 1412' (34' PENETRATION)
 - Oaks Tree EL. 1413' (44' PENETRATION)
 - Oaks Tree EL. 1414' (68' PENETRATION)
 - Oaks Tree EL. 1415' (21' PENETRATION)
 - Oaks Tree EL. 1416' (34' PENETRATION)
 - Oaks Tree EL. 1417' (44' PENETRATION)
 - Oaks Tree EL. 1418' (68' PENETRATION)
 - Oaks Tree EL. 1419' (21' PENETRATION)
 - Oaks Tree EL. 1420' (34' PENETRATION)
 - Oaks Tree EL. 1421' (44' PENETRATION)
 - Oaks Tree EL. 1422' (68' PENETRATION)
 - Oaks Tree EL. 1423' (21' PENETRATION)
 - Oaks Tree EL. 1424' (34' PENETRATION)
 - Oaks Tree EL. 1425' (44' PENETRATION)
 - Oaks Tree EL. 1426' (68' PENETRATION)
 - Oaks Tree EL. 1427' (21' PENETRATION)
 - Oaks Tree EL. 1428' (34' PENETRATION)
 - Oaks Tree EL. 1429' (44' PENETRATION)
 - Oaks Tree EL. 1430' (68' PENETRATION)
 - Oaks Tree EL. 1431' (21' PENETRATION)
 - Oaks Tree EL. 1432' (34' PENETRATION)
 - Oaks Tree EL. 1433' (44' PENETRATION)
 - Oaks Tree EL. 1434' (68' PENETRATION)
 - Oaks Tree EL. 1435' (21' PENETRATION)
 - Oaks Tree EL. 1436' (34' PENETRATION)
 - Oaks Tree EL. 1437' (44' PENETRATION)
 - Oaks Tree EL. 1438' (68' PENETRATION)
 - Oaks Tree EL. 1439' (21' PENETRATION)
 - Oaks Tree EL. 1440' (34' PENETRATION)
 - Oaks Tree EL. 1441' (44' PENETRATION)
 - Oaks Tree EL. 1442' (68' PENETRATION)
 - Oaks Tree EL. 1443' (21' PENETRATION)
 - Oaks Tree EL. 1444' (34' PENETRATION)
 - Oaks Tree EL. 1445' (44' PENETRATION)
 - Oaks Tree EL. 1446' (68' PENETRATION)
 - Oaks Tree EL. 1447' (21' PENETRATION)
 - Oaks Tree EL. 1448' (34' PENETRATION)
 - Oaks Tree EL. 1449' (44' PENETRATION)
 - Oaks Tree EL. 1450' (68' PENETRATION)
 - Oaks Tree EL. 1451' (21' PENETRATION)
 - Oaks Tree EL. 1452' (34' PENETRATION)
 - Oaks Tree EL. 1453' (44' PENETRATION)
 - Oaks Tree EL. 1454' (68' PENETRATION)
 - Oaks Tree EL. 1455' (21' PENETRATION)
 - Oaks Tree EL. 1456' (34' PENETRATION

OBSERVATIONS					
NO.	DESCRIPTION	ELEVATION	SURFACE	FOUNDATION	DISPOSITION
0818	TOP OF CL LINE	1155	NW 1/4 APPROACH	7	TO BE RELOADED
0819	THEE	1155	NW 1/4 APPROACH	68	TO BE RELOADED
0820	THEE	1201	NW 1/4 APPROACH	26	TO BE RELOADED
0822	THEE	1201	NW 1/4 APPROACH	26	TO BE RELOADED
0823	THEE	1209	NW 1/4 APPROACH	34	TO BE RELOADED
0824	THEE	1151	NW 1/4 APPROACH	44	TO BE RELOADED
0825	THEE	1151	NW 1/4 APPROACH	54	TO BE RELOADED
0826	THEE	1152	NW 1/4 APPROACH	54	TO BE RELOADED
0827	THEE	1137	NW 1/4 APPROACH	40	TO BE RELOADED
0828	THEE	1119	NW 1/4 APPROACH	8	TO BE RELOADED
0829	THEE	1141	NW 1/4 APPROACH	15	TO BE RELOADED
0830	THEE	1484	NW 1/4 APPROACH	145	TO BE RELOADED
0831	THEE	1488	NW 1/4 APPROACH	176	TO BE RELOADED
0832	CL LINE	1590	NW 1/4 APPROACH	155	TO BE RELOADED
0833	THEE	1137	NW 1/4 APPROACH	44	TO BE RELOADED
0834	THEE	1138	NW 1/4 APPROACH	14	TO BE RELOADED

NOTES

REASON'S	
No.	Date
0-5567-108	
PRELIMINARY	
(SUBJECT TO FINAL APPROVAL BY FBI)	

Figure G8
of the Approach Surface Drawing
Runway 34 Profile View
Barnard Dunkelberg & Company
Tulsa, Oklahoma



BUDGET CATEGORY		100 BUDGET
NO	PERSONNEL	1212.6
1	ASSISTANT MAINTENANCE WORKER	184.8
2	MAINTENANCE WORKER	
3	MAINTENANCE WORKER	
4	COMPONENT MAINTENANCE WORKER	1785.5
5	STEWARD MAINTENANCE WORKER	1785.5
6	STEWARD MAINTENANCE WORKER	1785.5
7	STEWARD MAINTENANCE WORKER	1785.5
8	STEWARD MAINTENANCE WORKER	1785.5
9	STEWARD MAINTENANCE WORKER	1785.5
10	STEWARD MAINTENANCE WORKER	1785.5
11	STEWARD MAINTENANCE WORKER	1785.5
12	STEWARD MAINTENANCE WORKER	1785.5
13	STEWARD MAINTENANCE WORKER	1785.5
14	STEWARD MAINTENANCE WORKER	1785.5
15	STEWARD MAINTENANCE WORKER	1785.5
16	STEWARD MAINTENANCE WORKER	1785.5
17	STEWARD MAINTENANCE WORKER	1785.5
18	STEWARD MAINTENANCE WORKER	1785.5
19	STEWARD MAINTENANCE WORKER	1785.5
20	STEWARD MAINTENANCE WORKER	1785.5
21	STEWARD MAINTENANCE WORKER	1785.5
22	STEWARD MAINTENANCE WORKER	1785.5
23	STEWARD MAINTENANCE WORKER	1785.5
24	STEWARD MAINTENANCE WORKER	1785.5
25	STEWARD MAINTENANCE WORKER	1785.5
26	STEWARD MAINTENANCE WORKER	1785.5
27	STEWARD MAINTENANCE WORKER	1785.5

[illegible]

NOTES:

1. This drawing reflects planning forecasts specific to this project and is not intended to be used for construction documentation or navigation.
2. All base information obtained from McElhool Consulting Engineers.
3. Aerial photograph from Aerial Data Service, November 2005.
4. Horizontal coordinate is NAD 83, vertical data is NAD 55, NOS survey datum.
5. Stationation data obtained from NHDG, October 13, 2006.
6. Boulding Restoration Zone (BRZ) based on future survey conditions and encompasses the Runway Protection Zone and the Runway Object Free Area (ROFA).

EXAMINING BOARD	EST. NO.	PLATE
APPOINT PROSECUTORY LIAISON	1	1
APPOINT SECURITY SERVICE	2	2
APPOINT TRAINING	3	3
APPOINT TRAINING	4	4
APPOINT TRAINING	5	5
APPOINT TRAINING	6	6
APPOINT TRAINING	7	7
APPOINT TRAINING	8	8
APPOINT TRAINING	9	9
APPOINT TRAINING	10	10
APPOINT TRAINING	11	11
APPOINT TRAINING	12	12
APPOINT TRAINING	13	13
APPOINT TRAINING	14	14
APPOINT TRAINING	15	15
APPOINT TRAINING	16	16
APPOINT TRAINING	17	17
APPOINT TRAINING	18	18
APPOINT TRAINING	19	19
APPOINT TRAINING	20	20
APPOINT TRAINING	21	21
APPOINT TRAINING	22	22
APPOINT TRAINING	23	23
APPOINT TRAINING	24	24
APPOINT TRAINING	25	25
APPOINT TRAINING	26	26
APPOINT TRAINING	27	27
APPOINT TRAINING	28	28
APPOINT TRAINING	29	29
APPOINT TRAINING	30	30
APPOINT TRAINING	31	31
APPOINT TRAINING	32	32
APPOINT TRAINING	33	33
APPOINT TRAINING	34	34
APPOINT TRAINING	35	35
APPOINT TRAINING	36	36
APPOINT TRAINING	37	37
APPOINT TRAINING	38	38
APPOINT TRAINING	39	39
APPOINT TRAINING	40	40
APPOINT TRAINING	41	41
APPOINT TRAINING	42	42
APPOINT TRAINING	43	43
APPOINT TRAINING	44	44
APPOINT TRAINING	45	45
APPOINT TRAINING	46	46
APPOINT TRAINING	47	47
APPOINT TRAINING	48	48
APPOINT TRAINING	49	49
APPOINT TRAINING	50	50
APPOINT TRAINING	51	51
APPOINT TRAINING	52	52
APPOINT TRAINING	53	53
APPOINT TRAINING	54	54
APPOINT TRAINING	55	55
APPOINT TRAINING	56	56
APPOINT TRAINING	57	57
APPOINT TRAINING	58	58
APPOINT TRAINING	59	59
APPOINT TRAINING	60	60
APPOINT TRAINING	61	61
APPOINT TRAINING	62	62
APPOINT TRAINING	63	63
APPOINT TRAINING	64	64
APPOINT TRAINING	65	65
APPOINT TRAINING	66	66
APPOINT TRAINING	67	67
APPOINT TRAINING	68	68
APPOINT TRAINING	69	69
APPOINT TRAINING	70	70
APPOINT TRAINING	71	71
APPOINT TRAINING	72	72
APPOINT TRAINING	73	73
APPOINT TRAINING	74	74
APPOINT TRAINING	75	75
APPOINT TRAINING	76	76
APPOINT TRAINING	77	77
APPOINT TRAINING	78	78
APPOINT TRAINING	79	79
APPOINT TRAINING	80	80
APPOINT TRAINING	81	81
APPOINT TRAINING	82	82
APPOINT TRAINING	83	83
APPOINT TRAINING	84	84
APPOINT TRAINING	85	85
APPOINT TRAINING	86	86
APPOINT TRAINING	87	87
APPOINT TRAINING	88	88
APPOINT TRAINING	89	89
APPOINT TRAINING	90	90
APPOINT TRAINING	91	91
APPOINT TRAINING	92	92
APPOINT TRAINING	93	93
APPOINT TRAINING	94	94
APPOINT TRAINING	95	95
APPOINT TRAINING	96	96
APPOINT TRAINING	97	97
APPOINT TRAINING	98	98
APPOINT TRAINING	99	99
APPOINT TRAINING	100	100

[illegible]

Fayetteville Municipal Airport
FAYETTEVILLE, ARKANSAS

Figure G
Terminal Area Plan

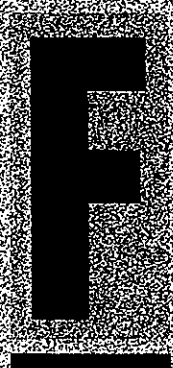
» **Barnard Dunkelberg & Company**
Tulsa, Oklahoma

Land Use Drawing

The *LAND USE DRAWING*, presented in the following figure, depicts existing and recommended use of all land within the ultimate property line and in the vicinity of the Airport. The purpose of the Land Use Drawing is to indicate the current and proposed uses and activities for each segment of airport property. It also provides guidance to local authorities for establishing appropriate land use zoning in the vicinity of the Airport.

Airport Property Map

The *AIRPORT PROPERTY MAP* (Exhibit A), which is presented in the following illustration, indicates how various tracts of land within the airport boundaries were acquired (e.g., federal funds, surplus property, local funds, etc.). The purpose of the Airport Property Map is to provide information for analyzing the current and future aeronautical use of land acquired with federal funds.



FAYETTEVILLE MUNICIPAL AIRPORT/ DRAKE FIELD MASTER PLAN UPDATE.

**H IMPLEMENTATION
PLAN**

Implementation Plan

Introduction

This chapter provides a program for development and assists in establishing economic viability at Fayetteville Municipal Airport/Drake Field by presenting the cost estimates associated with the 20-year projects identified in the Development Plan. The improvements necessary to accommodate the forecast aviation demand efficiently have been placed into three phases: phase one is the initial time frame (0-5 years), phase two is the medium time frame (6-10 years), and phase three is the long-term time frame (11-20 years). The proposed improvements are illustrated graphically by time period in the figure entitled *PHASING PLAN* presented at the end of this chapter.

Project List and Cost Estimates

A list of capital improvement projects has been assembled from the facility requirements documentation previously presented. The project list has been coordinated with the Airport Layout Plan drawing set and the Capital Improvement Program that are continuously updated by airport management and the Federal Aviation Administration.

Cost estimates for the individual projects based on current dollars have been prepared for the improvements that have been identified as necessary during the 20-year planning period. Facility costs have been formulated using unit prices extended by the size of the particular facility and tempered with specific considerations related to northwest Arkansas in general, the City of Fayetteville, the Airport, and the development site in particular. This data is then reviewed and analyzed for specific factors that may influence costs such as operational constraints, project schedule, utility locations, and other special project requirements. That being said, these estimates are intended to be used for planning purposes only and should not be construed as detailed construction cost estimates, which can only be compiled following the preparation of detailed design documentation.

Implementation Schedule

The following illustration, entitled *PHASING PLAN*, along with the project/cost estimate lists (Tables H1, H2, and H3) provides the suggested phasing for improvement projects throughout the 20-year planning period. The projects listed in phase one (i.e., the first five years) are in priority order by year. During the second and third phases (i.e., years 6-20), the projects are listed in priority order without year designators. With the best information available today, the tables provide information related to what projects will be needed, when those projects are likely to be constructed, and how the improvements are likely to be funded.

It is anticipated that the project timetable will change as local and federal priorities evolve. These are suggested schedules and variance from them may be necessary, especially during the latter phases. The first five years have been given special attention because the projects outlined in this time period include many critical improvements. The demand for certain facilities, especially in the latter time frame, and the economic feasibility of their development, are to be the prime factors influencing the timing of individual project construction. Care must be taken to provide for adequate lead-time for detailed planning and construction of facilities in order to meet aviation demands. It is also important to minimize the disruptive scheduling where a portion of the facility may become inoperative due to construction and to prevent extra costs resulting from improper project scheduling.

Capital Improvement Program

The projects, phasing, and costs presented in this Master Plan Update are the best projections that can be made at the time of formulation. The purpose is to provide a reasonable projection of capital needs, which can then be used in financial programming to test for financial feasibility. To assist in the preparation of the airport's Capital Improvement Program (CIP) that the Airport keeps on file and updates annually with the FAA, the first phase of the projects list and cost estimates has been organized in a format similar to that used by the FAA. However, as soon as it is published, the long-term project list presented here begins to be out of date and, therefore, it will always differ to some degree with the airport's five-year CIP on file with the FAA.

Financial Plan and Implementation Strategy

Funding sources for the Capital Improvement Program depend on many factors, including Airport Improvement Program (AIP) project eligibility, the ultimate type and use of facilities to be developed, debt capacity of the Airport, the availability of other

financing sources, and the priorities for scheduling project completion. For planning purposes, assumptions were made related to the funding source of each capital improvement. The projects costs provided in the Development Plan Project Costs tables are identified with likely funding sources.

Sources of Capital Funding

Following is a short description of capital improvement funding sources to provide background and context when reviewing the *DEVELOPMENT PLAN PROJECT COST* tables:

Federal Airport Improvement Program (AIP) Grants. The FAA provides grants on a 95/5 basis to airports similar to Fayetteville Municipal Airport/Drake Field for public-use improvement projects. On an entitlement grant basis, under current funding guidelines, the Airport receives \$150,000 in matching funds annually. There are also discretionary funds available through the AIP. Discretionary grants are over and above entitlement funding, and are provided to airports for projects that have a high federal priority for enhancing safety, security, and capacity of the Airport, and that would be difficult to fund otherwise. The dollar amounts of individual grants vary and can be significant in comparison to entitlement funding. Discretionary grants are awarded at the FAA's sole prerogative. Discretionary grant applications are evaluated based on need, the FAA's project priority ranking system, and the FAA's assessment of a project's significance within the national airport and airway system.

FAA Facilities & Equipment Fund. Within the FAA's budget appropriation, money is available in the Facilities and Equipment (F&E) Fund for purchasing navigational aids and air safety-related technical equipment, including Air Traffic Control Towers (ATCTs), for use at commercial service airports in the national airport system. Each F&E development project is evaluated independently through a cost/benefit analysis to determine funding eligibility and priority ranking. The qualified projects are totally funded (i.e., 100%) by the FAA, with the remaining projects likely being AIP or PFC eligible. In addition, the Airport can apply for NAVAID maintenance funding through the F&E program for those facilities that are not F&E funded. It is possible that some of the proposed navigational aid-related development projects at the Airport will qualify for F&E funding, if available.

State of Arkansas. The State of Arkansas Department of Aeronautics has a policy of funding the remaining 5% for all federally eligible projects. This option is available to airports approved for federal funding by the FAA, the state share cannot exceed \$200,000 for general aviation airports, does not limit the number of grants made per year, but local matching funds must be made in cash per federal guidelines.

Currently, the Department of Aeronautics has a variety of options available for funding various state/local only airport improvement projects. Each option is outlined below.

50-50% Match. The first policy involves a participation level of 50% from the state and 50% from airport sponsors. This policy is available to all qualified general aviation and commercial service airports. The state share is not to exceed \$300,000 and there is no limit on the number of grants made per year. Cash or in-kind services can be used for the matching funds.

80-20% Match. This policy involves a participation level of 80% from the state, with the remaining 20% being the responsibility of airport sponsors. It is available to all qualified general aviation and non-primary commercial service airports, has a total project cost limit of \$150,000 (state share not to exceed \$120,000), and limits the number of grants to one per fiscal year. It is available for credit card fuel systems and in-kind services can be used for the matching funds.

80-20% Match. This policy involves a participation level of 80% from the state and 20% from the local sponsor. It is limited to runway, taxiway, and apron rehabilitation, overlay, sealing, and repainting projects. All qualified general aviation and non-primary commercial service airports are available to receive this grant, the state share shall not exceed \$350,000, limits the number of grants to one per fiscal year, and requires cash for local matching funds.

Terminal Building, T-Hangars, and Hangars. The fourth policy involves state participation in the construction or renovation of airport structures such as terminal buildings, T-hangars, and hangars. For terminal buildings, a participation level of 50% from the state and 50% from the airport sponsor is available, with the state share not exceeding \$200,000. For T-hangar construction or renovation, a state participation level of 80% (20% local) is available, with the state share not to exceed \$250,000. For hangar construction or renovation, a state participation level of 50% (50% local) is available, with the state share not exceeding \$300,000. However, the hangars must accommodate some sort of aviation business or industry. All options are available to all publicly owned/publicly used airports, are limited to one grant of each type per fiscal year, and require cash for the local matching funds.

Private Third Party Financing. Many airports use private third party financing when the planned improvements will be primarily used by a private business or other organization. Such projects are not ordinarily eligible for federal funding. Projects of this kind typically include: hangars, FBO facilities, fuel storage, exclusive aircraft parking aprons, industrial aviation use facilities, non-aviation office/commercial/industrial

developments, and various other projects. Private development proposals are considered on a case-by-case basis. Often, airport funds for infrastructure, preliminary site work, and site access are required to facilitate privately developed projects on airport property.

Airport Revenues. Fayetteville Municipal Airport/Drake Field generates revenue through the facility leases, commercial activity fees, fuel fees, etc. At many airports, generating the necessary cash flow to balance the operations and maintenance expenses can be a difficult task, and, generating sufficient money to adequately fund capital costs associated with major expansion projects is even more of a challenge. This is true of Fayetteville Municipal Airport/Drake Field as well. Many general aviation airports rely on supplemental money from municipal general funds to assist with funding major projects. However, it must be recognized that the City of Fayetteville general funds carry the burden of all other city departments, and the City will likely not be in the financial position to provide the type of monetary assistance necessary to fully fund the airport's capital needs identified in this Master Plan Update. Careful planning will be required to ensure that the airport's capital needs are met with the scarce dollars that are available.

The revenue generating potentials for the Airport will be an on-going subject of discussion in coming years. Because the airport's role as a center for general aviation activity has evolved significantly over the past few years, its financial operating plan, along with the structure of its rates and charges, should be comprehensively re-evaluated. The ultimate goal is to establish a financial self-sufficient airport in consideration of both operating and capital funding needs.

Summary

As described above, the CIP project cost estimates have been categorized by the total cost for each facility requirement, that portion eligible to be paid by the Federal Aviation Administration (FAA) under the Airport Improvement Program (AIP); that portion qualifying for payment by the State of Arkansas Department of Aeronautics; that portion which is likely to be funded from private sources; and, that portion to be borne by the Sponsor, the Airport, or related local government entities.

If aviation demands continue to indicate that improvements are needed, and if the proposed improvements prove to be environmentally acceptable, the capital improvement financial implications discussed above are likely to be acceptable for the FAA, the State of Arkansas, and the City of Fayetteville. However, it must be recognized that this is only a programming analysis and not a commitment on the part of the

Sponsor or the FAA. If the cost of an improvement project is not financially feasible, its construction will not be instigated.

Before detailed planning on a particular project is developed, the funding structures and requirements should be identified and determined to reflect the current funding policies by the various funding entities.

Table H1

PHASE ONE (0-5 YEARS) DEVELOPMENT PLAN PROJECT COSTS
Fayetteville Municipal Airport/ Drake Field Master Plan Update

Project Description	Note	Total Cost	Recommended Financing Method	
			Local a)	State Federal b)
Year 1 (FFY 2007)				
A.1 Correct Runway 16 RSA Deficiency, Including U.S. Highway 71/Ernest Lancaster Drive Relocation and Land Acquisition (Approximately 11.5 Acres)	c	\$4,000,000		\$3,800,000
A.2 Roof Maintenance Program		\$60,000	\$60,000	
A.3 Construct Taxiway G – Phase Three – from Taxiway E to Taxiway F	c	\$1,800,000		\$1,710,000
YEAR 1 TOTAL		\$5,860,000	\$60,000	\$5,510,000
Year 2 (FFY 2008)				
A.4 Terminal Parking Apron Rehabilitation	c	\$330,000	\$15,000	\$300,000
A.5 Construct General Aviation Sunscreen and Tiedown Apron (350' x 600')	c	\$1,400,000	\$70,000	\$1,330,000
A.6 Roof Maintenance Program		\$60,000		
A.7 Pavement Management Plan		\$150,000	\$7,500	\$142,500
YEAR 2 TOTAL		\$1,940,000	\$75,000	\$1,772,500
Year 3 (FFY 2009)				
A.8 Extend Runway 1,000 Feet to the South - Phase One (Engineering and Earthwork)	c	\$7,000,000	\$350,000	\$6,650,000
A.9 Acquire Approximately 14 Acres South of the Terminal Building	c	\$450,000	\$22,500	\$427,500
YEAR 3 TOTAL		\$7,450,000	\$372,500	\$7,077,500
Year 4 (FFY 2010)				
A.10 Extend Runway 1,000 Feet to the South - Phase Two (Drainage)	c	\$7,000,000	\$350,000	\$6,650,000
YEAR 4 TOTAL		\$7,000,000	\$350,000	\$6,650,000

Table H1 (Continued)
PHASE ONE (0-5 YEARS) DEVELOPMENT PLAN PROJECT COSTS
Fayetteville Municipal Airport/ Drake Field Master Plan Update

Project Description	Note	Total Cost	Recommended Financing Method		
			Local a)	State	Federal c)
Year 5 (FFY 2011)					
A.11 Extend Runway 1,000 Feet to the South - Phase Three (Paving, Lighting, Signage, and Marking)		\$7,000,000		\$350,000	\$6,650,000
A.14 Asphalt Airfield Pavement Rejuvenaseal Treatment and Restriping	c	\$375,000		\$18,750	\$356,250
YEAR 5 TOTAL		\$7,375,000		\$368,750	\$7,006,250
Sub-Total/Phase I		\$29,625,000	\$135,000	\$1,473,750	\$28,016,250

Notes: Cost estimates, based upon 2006 dollars, are intended for planning purposes only and do not reflect a detailed engineering evaluation.

a) Current revenues, cash reserves, bonds, or other city funding.

b) Federal Aviation Administration AIP Entitlement and Discretionary Matching Funds.

c) Arkansas Department of Aeronautics Matching Funds Paid at Grant Closeout.

Table H2
PHASE TWO (6-10 YEARS) DEVELOPMENT PLAN PROJECT COSTS
Fayetteville Municipal Airport/Drake Field Master Plan Update

Project Description	Note	Total Cost	Recommended Financing Method	
			Local a)	State Federal b)
B.1 Construct Terminal Apron Expansion to the South (200' x 300')	c	\$1,640,000		\$82,000 \$1,558,000
B.2 Implement Vertically Guided Approach to Runway 16 and Install HIRL	c	\$550,000		\$27,500 \$522,500
B.3 Construct Ten Sunscreen Hangars		\$470,000	\$90,000	\$375,000
B.4 Construct East Side Apron (300' x 600')	c	\$2,870,000		\$143,500 \$2,726,500
B.5 Construct Two Executive Hangars at West General Aviation Apron, with Automobile Access and Parking		\$1,400,000	\$800,000	\$600,000
B.6 Construct Three Corporate Hangars (60' x 60') in East Side Hangar Area, with Automobile Parking		\$1,000,000	\$500,000	\$500,000
B.7 Acquire 11 Acres of Property within the Future Runway 34 Departure RPZ	c	\$360,000		\$18,000 \$342,000
B.8 Construct Large Commercial Hangar at Executive Apron (100' x 200')		\$1,200,000	\$900,000	\$300,000
B.9 Purchase 10,000-Gallon AVGAS Self-Serve Storage Tank		\$40,000	\$8,000	\$32,000
B.10 Overlay Terminal Parking Apron		\$220,000	\$44,000	\$176,000
B.11 Construct New West Side Crash Truck Response Garage/South Fayetteville Fire Station	c	\$700,000		\$35,000 \$665,000
B.12 Overlay Airfield Asphalt Pavement	c	\$4,120,000		\$206,000 3,914,000
Sub-Total/Phase Two		\$14,570,000	\$2,342,000	\$2,495,000 \$9,728,000

Notes: Cost estimates, based upon 2006 dollars, are intended for preliminary planning purposes only and do not reflect a detailed engineering evaluation.

a) Current revenues, cash reserves, bonds, or other city funding.

b) Federal Aviation Administration AIP Entitlement and Discretionary Matching Funds.

c) Arkansas Department of Aeronautics Matching Funds Paid at Grant Closeout.

Table H3
PHASE THREE (11-20 YEARS) DEVELOPMENT PLAN PROJECT COSTS
Fayetteville Municipal Airport/Drake Field Master Plan Update

Project Description	Note	Total Cost	Recommended Financing Method	
			Local a)	State Federal b)
C.1 Construct Ten Sunscreen Hangars		\$470,000	\$90,000	\$375,000
C.2 Rehab AMP Hangar (Siding and Doors)		\$30,000	\$15,000	\$15,000
C.3 Construct Business Park Apron (200' x 340')	c	\$1,000,000		\$950,000
C.4 Construct Four Executive Hangars at Business Park Apron, with Automobile Access and Parking		\$4,500,000	\$3,300,000	\$1,200,000
C.5 Airfield Pavement Restriping	c	\$100,000		\$5,000
C.6 Rehab AATC Hangar (Siding and Doors)		\$45,000	\$22,500	\$22,500
C.7 Construct Five Corporate Hangars (60' x 60') in East Apron Area, with Automobile Parking		\$1,650,000	\$825,000	\$825,000
C.8 Construct Taxiway G - Phase Four - from Taxiway F to the Future Runway 34 End	c	\$5,000,000		\$4,750,000
C.9 Construct East Side Apron (300' x 600')	c	\$2,900,000		\$2,755,000
C.10 Construct Tiedown Apron North of Terminal Building (125' x 250')	c	\$500,000		\$475,000
C.11 Widen Taxiway B, Taxiway C, and Taxiway F from 40' to 50'	c	\$1,100,000		\$1,045,000
C.12 Overlay Terminal Parking Lot		\$200,000	\$100,000	\$100,000
C.13 Replace Parking Lot Lights		\$50,000	\$25,000	\$25,000
C.14 Airfield Pavement Restriping	c	\$100,000		\$95,000
Sub-Total/Phase Three		\$17,645,000	\$4,377,500	\$10,165,000
GRAND TOTAL		\$61,840,000	\$6,854,500	\$47,909,250

Notes: Cost estimates, based upon 2006 dollars, are intended for preliminary planning purposes only and do not reflect a detailed engineering evaluation.
a) Current revenues, cash reserves, bonds, or other city funding.
b) Federal Aviation Administration AIP Entitlement and Discretionary Matching Funds.
c) Arkansas Department of Aeronautics Matching Funds Paid at Grant Closeout.

F **FAYETTEVILLE
MUNICIPAL
AIRPORT/
DRAKE FIELD
MASTER PLAN
UPDATE.**

APPENDIX

Appendix One

Flying Investments, LLC

Mailing Address:

**4500 S. School Ave. Suite L
Fayetteville, AR 72701
Office: 479-251-7128**

Shipping Address:

**4564 S. School Ave.
Fayetteville, AR 72701
Fax: 479-251-7588**

July 19, 2006

Ray M. Boudreaux
Director, Aviation and Economic Development
City of Fayetteville
4500 S. School Ave. Suite F
Fayetteville, Arkansas 72701

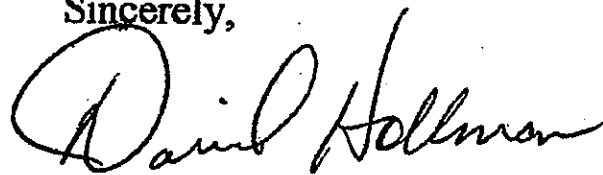
Dear Mr. Boudreaux

Attached please find a letter, along with supporting data, from Russell Smith, a 24,000 hour professional pilot with experience with in both business and airline aviation, in a wide variety of aircraft. I have asked Mr. Smith to compile a study of aircraft performance factors to discern the need for additional runway at the Fayetteville, Municipal Airport, Drake Field.

As our Airport Board discussed during recent Strategic Planning sessions, the need for an additional 1000 feet of runway is essential for the future of Drake Field. This data accurately portrays this need in real numbers. While a 2 ½ hour flight used in the study is not the maximum endurance limit of the aircraft listed, it is a typical mission profile for most aircraft types that would operate from Drake Field.

I forward this information to you to support the need to include the runway extension in our capital improvement plan.

Sincerely,



David Hollman
Airport Board Member
Fayetteville Municipal Airport, Drake Field

July 10, 2006

Russell Smith
22716 Raymond St. WC-508
Springdale, AR 72764
479-935-9837
flightlevel00@cox.net

David Hollman
4500 S. School Ave. Suite L
Fayetteville, AR 72701

Dave,

What follows is the performance data you requested as it relates to runway considerations at the Fayetteville, Drake Field Airport. I am captain qualified in all of the aircraft listed except the Boeing 737. Let me know if you need any additional information.

All supporting data is attached for your information and reference. All data pertains to operations under FAR Parts 91K, 121, 135, and is based on a mild summer afternoon with a temperature of 85 degrees F, just after a summer rain shower, calm wind, and with enough fuel to make a 2.5 hour trip. A snow covered runway would require much greater distances.

<u>Take-off runway data (weight)</u>	<u>Dry</u>	<u>Wet</u>
Lear Jet 31 (17.7K)	5400	6480
Lear Jet 35 (17K)	5588	6705
Citation III (21K)	5879	7642
Falcon 20 (26K)	6500	7475
Challenger 601 (38K)	5370	5700
Boeing 737 (122K)	6000	7200*

<u>Landing runway data (weight)</u>	<u>Dry</u>	<u>Wet</u>
Lear Jet 31 (13K)	4450	6230
Lear Jet 35 (13K)	4850	6790
Citation III (17K)	4400	6160
Falcon 20 (22K)	4350	5002
Challenger 601 (34K)	5417	7042
Boeing 737 (100K)	4300	4800

* estimate based on 1.2 x dry.

Sincerely:



Russell Smith

LEARJET 31A PILOT CHECKLIST

TAKEOFF SPEEDS AND DISTANCES FLAPS — 8° RUDDER BOOST — ON

TEMP	0		20		40		60		80		100	
	°F		°C		°F		°C		°F		°C	
WT	V ₁	Dist	V ₁	Dist	V ₁	Dist	V ₁	Dist	V ₁	Dist	V ₁	Dist
17,700	121	3570	121	3720	120	3870	120	3990	123	4560	127	5670
17,000	117	3290	117	3420	117	3560	117	3670	119	4170	124	5180
16,000	114	2970	113	3080	113	3190	113	3290	115	3680	119	4550
15,500	111	2820	111	2920	111	3040	111	3130	112	3460	117	4250
15,000	109	2670	109	2770	109	2870	109	2960	110	3270	114	3970
14,000	105	2400	105	2480	105	2570	105	2650	106	2910	109	3450
13,000	101	2140	101	2220	101	2290	101	2360	102	2590	103	3020
12,000	100	2030	100	2110	100	2190	100	2270	100	2430	100	2700
11,000	100	1970	100	2050	100	2120	100	2190	100	2350	100	2590
10,000	100	1910	100	1980	100	2060	100	2130	100	2270	100	2500
17,700	121	3920	121	4080	121	4220	121	4420	125	5100	128	7430
17,000	118	3600	118	3750	118	3880	118	4050	122	4950	126	6370
16,000	114	3220	113	3340	113	3450	113	3580	117	4350	121	5440
15,500	112	3050	111	3160	111	3280	111	3400	115	4060	119	5070
15,000	110	2890	109	3000	109	3100	109	3220	112	3800	116	4720
14,000	105	2590	105	2690	105	2780	105	2870	107	3320	111	4090
13,000	101	2310	101	2390	101	2470	101	2560	102	2930	105	3530
12,000	100	2190	100	2280	100	2360	100	2440	100	2690	100	3020
11,000	100	2120	100	2200	100	2280	100	2360	100	2590	100	2900
10,000	100	2050	100	2130	100	2210	100	2290	100	2500	100	2780
17,700	121	4240	121	4430	121	4590	123	5230	127	6410	128	11350
17,000	118	3890	118	4060	118	4210	120	4790	124	5860	126	8690
16,000	114	3450	113	3590	113	3720	115	4210	119	5140	123	6710
15,500	111	3270	111	3400	111	3520	113	3940	117	4800	121	6020
15,000	109	3100	109	3220	109	3330	111	3690	114	4470	118	5590
14,000	105	2780	105	2870	105	2970	106	3280	109	3880	113	4810
13,000	101	2470	101	2560	101	2640	102	2900	104	3350	108	4120
12,000	100	2350	100	2440	100	2530	100	2720	100	3010	102	3510
11,000	100	2270	100	2360	100	2450	100	2620	100	2890	100	3240
10,000	100	2200	100	2290	100	2370	100	2530	100	2780	100	3100

NOTE: Good for zero wind.

WEIGHT — LB										
	10,000	11,000	12,000	13,000	14,000	15,000	15,500	16,000	17,000	17,700
V _R	105	105	107	112	116	119	121	123	126	128
V ₂	110	110	111	115	119	123	124	126	130	132

P-6

EFFECTIVITY

ALL

CL-121B
December 1998
Revision 2

LEARJET 31A PILOT CHECKLIST

LANDING SPEEDS & DISTANCES

		TEMP		0	20	40	60	80	100
		°F	°C	-18	-7	4	16	27	38
SEA LEVEL	WT		LANDING DISTANCE (FEET)						
	16,000	ACTUAL	2680	2740	2800	2870	2940	3020	
		FACTORED	4467	4567	4667	4784	4900	5034	
	15,300	ACTUAL	2600	2660	2720	2780	2840	2910	
		FACTORED	4334	4434	4534	4634	4734	4850	
	15,000	ACTUAL	2570	2630	2690	2750	2800	2860	
		FACTORED	4284	4384	4484	4584	4667	4767	
	14,000	ACTUAL	2460	2520	2570	2630	2690	2740	
		FACTORED	4100	4200	4284	4384	4484	4567	
	13,000	ACTUAL	2360	2410	2460	2510	2570	2620	
		FACTORED	3934	4017	4100	4184	4284	4367	
	12,000	ACTUAL	2250	2300	2350	2400	2450	2490	
		FACTORED	3750	3834	3917	4000	4084	4150	
	11,000	ACTUAL	2140	2190	2230	2280	2330	2370	
		FACTORED	3567	3650	3717	3800	3884	3950	
	10,000	ACTUAL	2040	2080	2120	2160	2210	2250	
FACTORED		3400	3467	3534	3600	3684	3750		
2000 FT	16,000	ACTUAL	2780	2860	2930	3010	3090	3180	
		FACTORED	4634	4767	4884	5017	5150	5300	
	15,300	ACTUAL	2700	2770	2830	2900	2980	3050	
		FACTORED	4500	4617	4717	4834	4967	5084	
	15,000	ACTUAL	2670	2730	2800	2860	2930	3000	
		FACTORED	4450	4550	4667	4767	4884	5000	
	14,000	ACTUAL	2560	2620	2680	2740	2800	2860	
		FACTORED	4267	4367	4467	4567	4667	4767	
	13,000	ACTUAL	2450	2500	2560	2620	2670	2730	
		FACTORED	4084	4167	4267	4367	4450	4550	
	12,000	ACTUAL	2330	2390	2440	2490	2550	2600	
		FACTORED	3884	3984	4067	4150	4250	4334	
	11,000	ACTUAL	2220	2270	2320	2370	2420	2470	
		FACTORED	3700	3784	3867	3950	4034	4117	
	10,000	ACTUAL	2110	2160	2200	2250	2290	2340	
		FACTORED	3517	3600	3667	3750	3817	3900	

SPEED	WEIGHT — LB							
	10,000	11,000	12,000	13,000	14,000	15,000	15,300	16,000
V _{REF} & LDG CLIMB	99	104	109	113	117	121	122	124
APPROACH CLIMB	104	110	115	119	123	127	128	131

These data were determined for dry runway, zero wind, zero runway gradient, anti-ice off & anti-skid on.

P-52

EFFECTIVITY

ALL

CL-121B
December 1998
Revision 4

EXAMPLE:

1. Dry Runway Actual Landing Distance 5,000 Ft (1,524 M)
2. Factored Landing Field Length (Dry) 8,333 Ft (2,540 M)
3. Factored Landing Field Length (Wet) 9,583 Ft (2,921 M)

NOTE:

The Factored Dry Runway Landing Field Length determined from this chart is equal to the Dry Runway Actual Landing Distance divided by 0.60.

The Factored Wet Runway Landing Field Length determined from this chart is equal to the Dry Runway Actual Landing Distance multiplied by 1.92 (factored dry distance x 1.15).

EFFECTIVITY
All

FACTORED LANDING DISTANCE

Performance Data

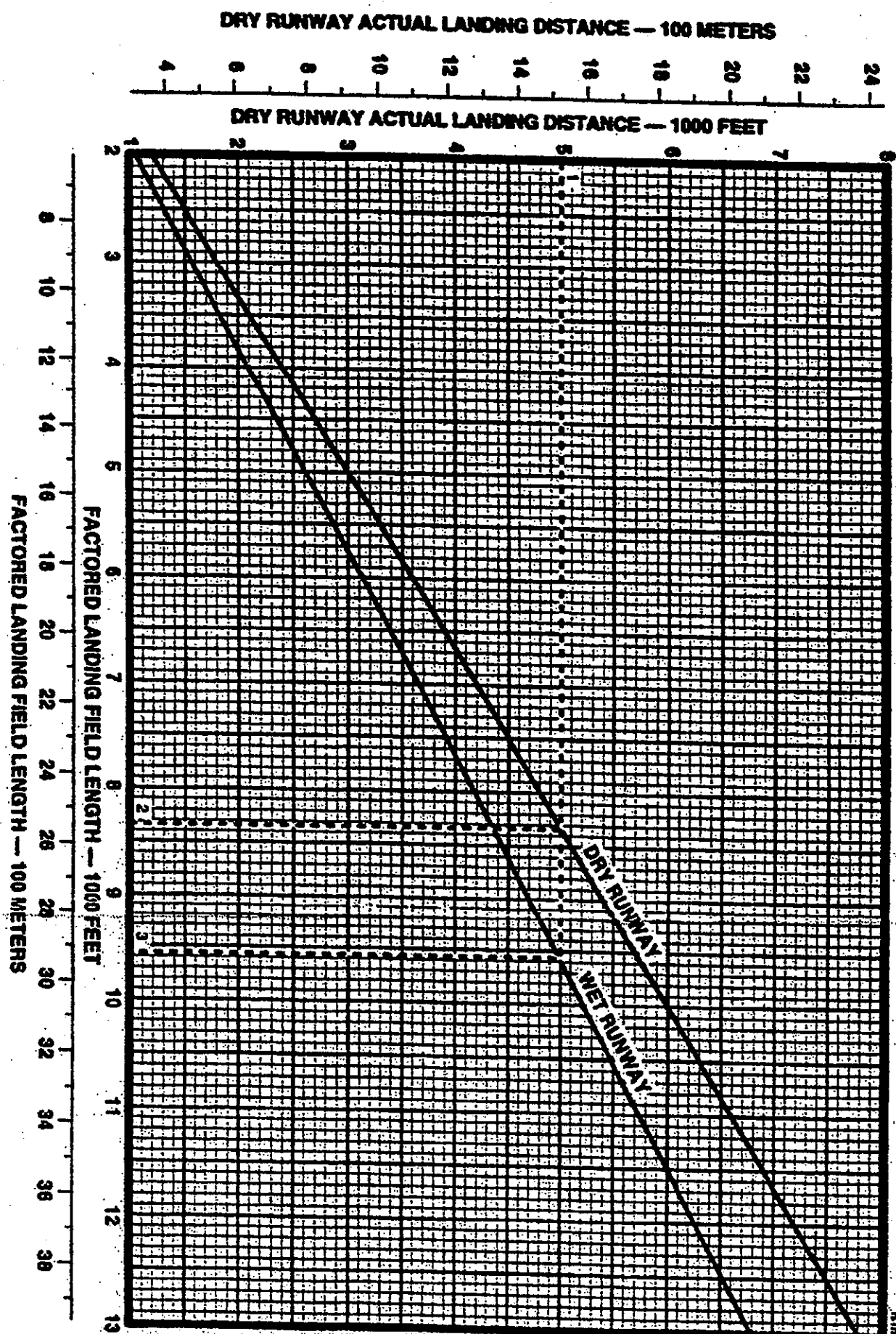


Figure 5-45

LEARJET 35 SERIES WITH FC-530 AUTOPILOT

TAKEOFF SPEEDS AND DISTANCES FLAPS — 8°

	TEMP °F		0		20		40		60		80		100	
	°C		-18		-7		4		16		27		38	
	WT		V ₁	Dist	V ₁	Dist	V ₁	Dist	V ₁	Dist	V ₁	Dist	V ₁	Dist
SEA LEVEL	18,300		136	4686	136	4857	136	5029	136	5201	137	5942	141	7370
	18,000		134	4530	134	4695	134	4860	134	5025	136	5732	139	7088
	17,000		128	4010	128	4152	128	4295	128	4437	130	5031	134	6149
	16,000		122	3550	122	3675	122	3800	122	3925	124	4412	128	5285
	15,000		115	3127	115	3229	115	3330	115	3431	118	3857	122	4663
	14,000		109	2744	109	2841	109	2938	109	3035	112	3412	116	4090
	13,000		104	2382	104	2461	104	2540	104	2619	106	2925	110	3475
	12,000		103	2242	103	2314	103	2385	103	2456	104	2727	107	3203
	11,000		103	2160	103	2227	103	2295	103	2362	103	2592	105	2958
	10,000		103	2085	103	2152	103	2220	103	2287	103	2493	104	2787
1000 FT	18,300		136	4859	136	5036	136	5213	136	5544	138	6526		
	18,000		134	4697	134	4866	134	5036	134	5354	136	6287	141	8200
	17,000		128	4154	128	4301	128	4447	128	4719	131	5489	135	7000
	16,000		122	3676	122	3805	122	3934	123	4168	125	4769	129	5913
	15,000		116	3230	116	3334	116	3438	116	3632	119	4187	123	5150
	14,000		110	2842	110	2942	110	3042	110	3223	113	3689	117	4428
	13,000		104	2462	104	2543	104	2624	104	2772	107	3150	111	3750
	12,000		103	2314	103	2388	103	2461	103	2594	104	2922	108	3463
	11,000		103	2228	103	2298	103	2367	103	2490	103	2742	106	3173
	10,000		103	2153	103	2223	103	2292	103	2412	103	2613	104	2938
2000 FT	18,300		136	5033	136	5215	136	5397	137	5942	139	7110		
	18,000		134	4863	134	5038	134	5213	135	5732	137	6842		
	17,000		128	4298	128	4449	128	4600	129	5031	132	5946	136	7930
	16,000		122	3803	122	3935	122	4068	123	4412	126	5126	131	6586
	15,000		116	3332	116	3439	116	3546	117	3857	120	4517	124	5645
	14,000		110	2940	110	3043	110	3145	111	3412	114	3967	118	4767
	13,000		104	2542	104	2625	104	2708	105	2925	108	3375	112	4025
	12,000		103	2387	103	2462	103	2537	103	2727	105	3117	109	3720
	11,000		103	2296	103	2368	103	2439	103	2592	103	2892	107	3391
	10,000		103	2221	103	2293	103	2364	103	2493	103	2733	105	3095
3000 FT	18,300		136	5254	136	5465	136	5711	137	6461	140	8110		
	18,000		134	5076	134	5278	134	5513	136	6225	139	7780		
	17,000		129	4482	129	4656	129	4850	130	5438	133	6680		
	16,000		123	3964	123	4117	123	4271	124	4729	127	5678	132	7827
	15,000		116	3463	116	3587	116	3726	118	4150	121	4970	126	6298
	14,000		110	3065	110	3184	110	3303	112	3659	115	4305	120	5214
	13,000		104	2643	104	2740	104	2836	106	3125	109	3650	113	4388
	12,000		103	2478	103	2566	103	2650	104	2900	106	3368	110	4010
	11,000		103	2383	103	2466	103	2532	103	2725	104	3094	108	3678
	10,000		103	2308	103	2391	103	2446	103	2600	103	2883	106	3385

NOTE: Good for zero wind.

WEIGHT — LB									
10,000	11,000	12,000	13,000	14,000	15,000	16,000	17,000	18,000	18,300
V _R 125	125	125	125	125	130	134	138	142	143
V ₂ 124	124	124	124	128	133	137	141	145	146

P-8

EFFECTIVITY

ALL

SEPTEMBER 1996

1.4 CORRECTION WET

LEARJET 35 SERIES WITH FC-530 AUTOPILOT

LANDING SPEEDS & DISTANCES
ACTUAL LANDING FIELD LENGTH FAR PART 91

TEMP	°F	0	20	40	60	80	100
	°C	-18	-7	4	16	27	38
WT							
SEA LEVEL	15,300	2825	2900	2976	3051	3127	3203
	15,000	2791	2864	2936	3009	3082	3155
	14,000	2679	2742	2805	2868	2931	2995
	13,000	2549	2608	2667	2726	2785	2844
	12,000	2422	2479	2536	2594	2651	2709
	11,000	2314	2366	2417	2469	2521	2572
	10,000	2208	2255	2302	2348	2395	2442
2000 FT	15,300	2986	3061	3137	3212	3287	3362
	15,000	2946	3019	3091	3163	3236	3308
	14,000	2814	2877	2939	3002	3065	3128
	13,000	2675	2734	2792	2851	2910	2968
	12,000	2544	2601	2658	2715	2773	2830
	11,000	2424	2476	2527	2578	2630	2681
	10,000	2308	2354	2401	2447	2494	2540
4000 FT	15,300	3112	3190	3269	3348	3426	
	15,000	3067	3143	3219	3294	3370	
	14,000	2919	2984	3050	3116	3181	3247
	13,000	2773	2834	2896	2957	3018	3080
	12,000	2640	2699	2759	2819	2878	2938
	11,000	2510	2564	2617	2671	2724	2778
	10,000	2386	2434	2483	2531	2580	2628
6000 FT	15,300	3279	3362	3445	3528	3611	
	15,000	3228	3308	3388	3468	3548	
	14,000	3059	3128	3197	3266	3336	
	13,000	2904	2968	3033	3098	3163	3227
	12,000	2767	2830	2892	2955	3018	3081
	11,000	2624	2681	2737	2794	2850	2907
	10,000	2489	2540	2591	2643	2694	2745
8000 FT	15,300	3456	3550	3645	3739		
	15,000	3398	3489	3580	3671		
	14,000	3206	3285	3364	3443	3522	
	13,000	3041	3115	3189	3263	3337	
	12,000	2901	2972	3044	3116	3187	
	11,000	2745	2809	2873	2938	3002	
	10,000	2598	2656	2715	2773	2831	
10000 FT	15,300	3666	3766	3867			
	15,000	3600	3697	3793	3890		
	14,000	3381	3465	3549	3633		
	13,000	3205	3284	3362	3440	3519	
	12,000	3060	3136	3212	3288	3364	
	11,000	2888	2956	3024	3093	3161	
	10,000	2727	2789	2851	2913	2975	

NOTE: Good for zero winds.

SPEED	WEIGHT — 1000 LB						
	10	11	12	13	14	15	15.3
V _{REF} & LDG CLIMB	105	110	115	119	123	127	129
APPROACH CLIMB	111	116	121	126	130	135	136

P-54

EFFECTIVITY

ALL

SEPTEMBER 1996

TAKEOFF DISTANCE FACTORS
Anti-Skid — ON

TAKEOFF DISTANCE FACTORS						
WEIGHT LB	WET		CONTAMINATED — 20° FLAPS			
	8° FLAPS	20° FLAPS	Moderate Cont. Depth	Heavy Cont. Depth	Compacted Snow *	WET ICE * +
10,000	1.4	1.4	2.2	2.3	1.6	3.3
11,000	1.4	1.4	2.0	2.3	1.5	3.3
12,000	1.4	1.4	1.9	2.3	1.5	3.2
13,000	1.3	1.3	1.8	2.3	1.4	3.0
14,000	1.2	1.3	1.8	2.2	1.4	2.9
15,000	1.2	1.2	1.7	2.2	1.3	2.6
16,000	1.2	1.2	1.7	2.0	1.2	2.3
17,000	1.2	1.2	1.6	2.0	1.2	2.1
18,000	1.2	1.2	1.6	2.0	1.2	1.9
18,300	1.2	1.2	1.6	2.0	1.2	1.8

* Takeoff data for Compacted Snow and Wet Ice is only ^{35A-200} valid for 40° F (4.4° C) and below.

+ Runway gradient for Wet Ice must be between 0.0% and +2.0%.

- Determine V₁ from appropriate chart. If there is no V₁ speed for a given condition, the takeoff distance is not valid; therefore, takeoff is not permitted.
- The factors from this table are to be multiplied by the takeoff field length (dry runway), determined from the TAKEOFF DISTANCE chart (Section V, PERFORMANCE DATA) for the appropriate flap setting.

WET/CONTAMINATED TAKEOFF DISTANCE = TAKEOFF FIELD LENGTH (dry) x WET/CONTAMINATED TAKEOFF DISTANCE FACTOR.

Figure 1

20° FLAP TAKEOFF - FULL FLAP LANDING									
1000 FEET - WEIGHT 22,000 LBS									
°C	N1	V1	VR	V2	V2 +25	T/O F.L.	REF/APP	LND DIST	Vref +25
-25	88.0	123	123	133	158	4661	135/139	2830	160
-20	88.8	123	123	133	158	4743	135/139	2880	160
-15	89.7	123	123	133	158	4825	135/139	2930	160
-10	90.5	123	123	133	158	4906	135/139	2970	160
-5	91.4	123	123	133	158	4998	135/139	3020	160
0	92.4	123	123	133	158	5080	135/139	3070	160
5	93.1	123	123	133	158	5171	135/139	3120	160
10	93.9	123	123	133	158	5263	135/139	3170	160
15	94.7	123	123	133	158	5416	135/139	3220	160
20	94.8	123	123	133	158	5661	135/139	3270	160
25	94.4	123	123	133	158	5967	135/139	3320	160
26	94.3	—	—	—	—	—	135/139	3330	160
35*	—	—	—	—	—	—	—	—	—

1000 FEET - WEIGHT 21,500 LBS									
°C	N1	V1	VR	V2	V2 +25	T/O F.L.	REF/APP	LND DIST	Vref +25
-25	88.0	122	122	132	157	4498	134/138	2783	159
-20	88.8	122	122	132	157	4570	134/138	2830	159
-15	89.7	122	122	132	157	4651	134/138	2880	159
-10	90.5	122	122	132	157	4723	134/138	2920	159
-5	91.4	122	122	132	157	4804	134/138	2968	159
0	92.4	122	122	132	157	4896	134/138	3018	159
5	93.1	122	122	132	157	4978	134/138	3065	159
10	93.9	122	122	132	157	5069	134/138	3113	159
15	94.7	122	122	132	157	5192	134/138	3163	159
20	94.8	122	122	132	157	5426	134/138	3210	159
25	94.4	122	122	132	157	5702	134/138	3258	159
27	94.1	122	122	131	156	5879	—	—	—
36*	—	—	—	—	—	—	—	—	—

1000 FEET - WEIGHT 21,000 LBS									
°C	N1	V1	VR	V2	V2 +25	T/O F.L.	REF/APP	LND DIST	Vref +25
-25	88.0	122	122	131	156	4325	133/137	2735	158
-20	88.8	122	122	131	156	4406	133/137	2780	158
-15	89.7	122	122	131	156	4478	133/137	2830	158
-10	90.5	122	122	131	156	4559	133/137	2870	158
-5	91.4	121	122	131	156	4641	133/137	2915	158
0	92.4	121	122	131	156	4723	133/137	2965	158
5	93.1	121	122	131	156	4814	133/137	3010	158
10	93.9	121	121	131	156	4896	133/137	3055	158
15	94.7	121	121	131	156	5018	133/137	3105	158
20	94.8	121	121	131	156	5192	133/137	3150	158
25	94.4	121	121	130	155	5457	133/137	3195	158
29	93.9	121	121	130	155	5792	—	—	—
38*	—	—	—	—	—	—	—	—	—

Shading = 2nd segment climb < 3.3% Anti-Ice OFF, Bleeds OFF

CITATION III 0001-0178 PILOT CHECKLIST

20° FLAP TAKEOFF - FULL FLAP LANDING									
1000 FEET - WEIGHT 17,000 LBS									
°C	N1	V1	VR	V2	V2 +25	T/O F.L.	REF/APP	LND DIST	Vref +25
-25	88.0	112	114	124	149	3182	121/125	2320	146
-20	88.8	111	114	124	149	3244	121/125	2360	146
-15	89.7	111	114	124	149	3295	121/125	2390	146
-10	90.5	111	114	124	149	3356	121/125	2430	146
-5	91.4	111	114	124	149	3407	121/125	2460	146
0	92.4	111	114	124	149	3468	121/125	2500	146
5	93.1	111	114	124	149	3529	121/125	2540	146
10	93.9	111	113	124	149	3590	121/125	2570	146
15	94.7	111	113	124	149	3672	121/125	2610	146
20	94.8	111	113	123	148	3784	121/125	2640	146
25	94.4	111	112	123	148	3907	121/125	2680	146
30	93.8	111	112	122	147	4080	121/125	2710	146
35	92.9	111	111	121	146	4264	121/125	2750	146
40	91.8	110	110	120	145	4559	121/125	2790	146
45	90.7	110	110	119	144	4967	121/125	2820	146

1000 FEET - 16,000 LBS									
°C	N1	V1	VR	V2	V2 +25	T/O F.L.	REF/APP	LND DIST	Vref +25
-25	88.0	108	111	122	147	2907	118/122	2210	143
-20	88.8	108	111	122	147	2958	118/122	2240	143
-15	89.7	108	111	122	147	3009	118/122	2280	143
-10	90.5	108	111	122	147	3060	118/122	2310	143
-5	91.4	108	111	122	147	3111	118/122	2340	143
0	92.4	108	111	122	147	3172	118/122	2380	143
5	93.1	108	111	122	147	3223	118/122	2410	143
10	93.9	108	111	122	147	3274	118/122	2440	143
15	94.7	108	111	121	146	3346	118/122	2480	143
20	94.8	108	110	121	146	3448	118/122	2510	143
25	94.4	108	110	120	145	3560	118/122	2540	143
30	93.8	108	109	119	144	3713	118/122	2580	143
35	92.9	108	108	118	143	3876	118/122	2610	143
40	91.8	108	108	117	142	4080	118/122	2640	143
45	90.7	107	107	116	141	4386	118/122	2680	143

1000 FEET - WEIGHT 15,000 LBS									
°C	N1	V1	VR	V2	V2 +25	T/O F.L.	REF/APP	LND DIST	Vref +25
-25	88.0	105	109	119	144	2652	114\118	2100	139
-20	88.8	105	109	119	144	2693	114\118	2130	139
-15	89.7	105	109	119	144	2744	114\118	2160	139
-10	90.5	105	109	119	144	2795	114\118	2200	139
-5	91.4	105	109	119	144	2836	114\118	2230	139
0	92.4	105	109	119	144	2887	114\118	2260	139
5	93.1	105	109	119	144	2938	114\118	2290	139
10	93.9	104	109	119	144	2978	114\118	2320	139
15	94.7	104	108	119	144	3050	114\118	2350	139
20	94.8	104	108	119	144	3131	114\118	2380	139
25	94.4	104	107	118	143	3233	114\118	2410	139
30	93.8	104	107	117	142	3366	114\118	2440	139
35	92.9	104	106	116	141	3509	114\118	2470	139
40	91.8	104	105	115	140	3682	114\118	2500	139
45	90.7	104	104	114	139	3907	114\118	2530	139

Shading = 2nd segment climb < 3.3% Anti-Ice OFF, Bleeds OFF

P-12

FOR TRAINING PURPOSES ONLY

ADVISORY INFORMATION

(Refer to Notes 1, 7, 8)

RUNWAY CONDITION	DEPTH OF PRECIPITATION	TAKEOFF		LANDING
		ADJUST FLIGHT MANUAL V_1 BY: (REFER TO NOTE 2)	MULTIPLY TAKEOFF FIELD LENGTH BY: (REFER TO NOTE 2)	MULTIPLY LANDING DISTANCE BY: (REFER TO NOTE 2)
WET	LESS THAN 0.01 INCH WATER	0 KIAS	1.30	1.40
WATER	LESS THAN 0.4 INCH WATER	+ 3 KIAS	2.30 (REFER TO NOTE 4)	2.25
SLUSH	LESS THAN 0.4 INCH	+ 3 KIAS	2.30 (REFER TO NOTE 5)	2.05
LOOSE DRY SNOW	1.0 INCH	+ 3 KIAS	2.50 (REFER TO NOTE 6)	2.45
ICE (DRY)		UNKNOWN	UNKNOWN	2.40

If adjusted V_1 is greater than V_R , The value of V_R must be used for V_1

1. Takeoffs and landings with actual headwinds exceeding 20 knots or actual tailwinds exceeding 10 knots should be avoided. The anti-skid system must be operational to achieve performance.
2. Normal 20-degree flap takeoff V_1 speeds and takeoff field lengths are determined from Section IV of the FAA Approved *Airplane Flight Manual*, Figure 4D-19. Takeoff field lengths for other flap setting or with anti-ice system ON should not be used.
3. The published limiting maximum tailwind component for this airplane is 10 knots; however, Cessna does not recommend landings on precipitation-covered runways with any tailwind components. If a tailwind landing cannot be avoided, add 0.20 to the Landing Distance factor. Normal FULL FLAPS landing distances are determined from Section IV of the FAA Approved *Airplane Flight Manual*, Figure 4D-31. Landing distances for other flap settings should not be used.
4. Takeoffs in headwinds exceeding 10 knots should not be attempted at this condition. Takeoffs in water depths greater than 0.4 inches should not be attempted.
5. Takeoffs in slush depths greater than 0.4 inches should not be attempted. Takeoffs in headwind exceeding 10 knots should not be attempted in slush.
6. Takeoffs in snow depths greater than 1.0 inch should not be attempted. Takeoffs at altitudes about 5000 feet should not be attempted in snow.
7. For some conditions of takeoff and landing, ground speeds may be above dynamic hydroplaning speed. These conditions are accounted for in the above precipitation factors.
8. The use of thrust reversers is recommended, if available. However, they were not considered when determining the above precipitation factors.

AJ Configuration

FLAP 15° PA 2000'

TAKEOFF

GWT X 1000	OAT°F OAT°C T.O. EPR MC EPR MC RPM		5 -15 1.60 1.52 88.2	59 15 1.56 1.50 96.4	86 30 1.52 1.43 96.5	109 40 1.48 1.39 96.3
27.3	V _R = 133 V ₂ = 130 V _{FR} = 150 V _{FS} = 165 V _{SE} = 177	BAL FLD V ₁ SEC TO 100 KIAS	5400 132 19	6050 132 22	7300 132 24	8100 132 26
27	V _R = 132 V ₂ = 128 V _{FR} = 148 V _{FS} = 163 V _{SE} = 175	BAL FLD V ₁ SEC TO 100 KIAS	5200 131 19	5950 131 22	7000 131 24	7750 131 27
26.5	V _R = 131 V ₂ = 127 V _{FR} = 147 V _{FS} = 162 V _{SE} = 173	BAL FLD V ₁ SEC TO 100 KIAS	5050 130 19	5650 130 22	6750 130 23	7400 130 26
26 V _{REF} = 130	V _R = 130 V ₂ = 126 V _{FR} = 146 V _{FS} = 160 V _{SE} = 172	BAL FLD V ₁ SEC TO 100 KIAS	4800 128 18	5400 128 20	6500 128 23	7000 129 25
25 V _{REF} = 127	V _R = 127 V ₂ = 124 V _{FR} = 144 V _{FS} = 157 V _{SE} = 169	BAL FLD V ₁ SEC TO 100 KIAS	4450 126 18	5050 126 20	5950 126 22	6450 127 24
24 V _{REF} = 126	V _R = 125 V ₂ = 121 V _{FR} = 141 V _{FS} = 154 V _{SE} = 165	BAL FLD V ₁ SEC TO 100 KIAS	4150 123 17	4600 123 18	5500 124 21	6000 124 23
23 V _{REF} = 122	V _R = 125 V ₂ = 121 V _{FR} = 141 V _{FS} = 151 V _{SE} = 162	BAL FLD V ₁ SEC TO 100 KIAS	4000 122 16	4500 122 18	5250 122 20	5800 124 22
22 V _{REF} = 120	V _R = 125 V ₂ = 120 V _{FR} = 136 V _{FS} = 147 V _{SE} = 158	BAL FLD V ₁ SEC TO 100 KIAS	3800 121 15	4350 121 17	5000 122 19	5450 123 21
21 V _{REF} = 117	V _R = 125 V ₂ = 120 V _{FR} = 135 V _{FS} = 144 V _{SE} = 155	BAL FLD V ₁ SEC TO 100 KIAS	3750 121 15	4200 121 16	4800 121 18	5250 122 20
20 V _{REF} = 114	V _R = 125 V ₂ = 120 V _{FR} = 131 V _{FS} = 140 V _{SE} = 150	BAL FLD V ₁ SEC TO 100 KIAS	3600 120 14	4050 120 15	4650 121 17	5000 122 19
19 V _{REF} = 111	V _R = 125 V ₂ = 120 V _{FR} = 127 V _{FS} = 138 V _{SE} = 147	BAL FLD V ₁ SEC TO 100 KIAS	3500 120 13	3900 120 14	4450 120 17	4850 121 18

NOTE: Corrected V₁ must not be greater than V_R.
V_{SE} = V_{ENR}

V ₁ CORRECTIONS			
Head wind : knots/10 kt : + 0.5	Upslope : knots/percent : + 0.5		
Tail wind : knots/10 kt : - 1	Downslope : knots/percent : - 0.5		
OAT (°C)	-60 to 10	11 to 30	31 to 49
Alt. above 2,000 ft : kt/1,000 ft (to 2,999)	+0.1	+0.2	+0.3
Alt. below 2,000 ft : kt/1,000 ft (to 1,000)	0	-0.1	-0.2

ALL AIRSPEEDS = KIAS

Anti-Skid - ON

With Anti-Skid inoperative, increase Balanced Field by 1,000 Ft

Falcon 20 Basic + D (with 23° Rudder)

Falcon 20 Operating Handbook
Developed for Training Sep 85

LANDING DATA

CF-700-2D2

BASIC/D/E

A/C WT	SPEEDS			RUNWAY	SL	2000	4000	6000	8000
27.3	VREF	40°	134	LNG DIST	3090	3240	3390	3540	3800
				LFL	5150	5400	5650	5900	6330
	VAC	25°	140	MAX TEMP	95°	80°	48°	16°	*
27	VREF	40°	134	LNG DIST	3060	3210	3360	3480	3740
				LFL	5100	5350	5600	5800	6230
	VAC	25°	139	MAX TEMP	96°	81°	52°	20°	*
26	VREF	40°	130	LNG DIST	2910	3060	3180	3360	3520
				LFL	4850	5100	5300	5600	5870
	VAC	25°	134	MAX TEMP	106°	90°	64°	36°	0°
25	VREF	40°	127	LNG DIST	2780	2880	3030	3180	3360
				LFL	4600	4800	5050	5300	5610
	VAC	25°	131	MAX TEMP	111°	100°	84°	50°	19°
24	VREF	40°	125	LNG DIST	2670	2790	2910	3000	3130
				LFL	4450	4650	4850	5000	5220
	VAC	25°	128	MAX TEMP	120°	108°	92°	64°	37°
23	VREF	40°	122	LNG DIST	2580	2700	2790	2910	3070
				LFL	4300	4500	4650	4850	5120
	VAC	25°	126	MAX TEMP	120°	116°	100°	84°	51°
22	VREF	40°	120	LNG DIST	2520	2610	2700	2820	2960
				LFL	4200	4350	4500	4700	4940
	VAC	25°	120	MAX TEMP	120°	120°	108°	92°	64°
21	VREF	40°	117	LNG DIST	2430	2520	2610	2730	2880
				LFL	4050	4200	4350	4550	4800
	VAC	25°	120	MAX TEMP	120°	120°	108°	102°	84°
20	VREF	40°	115	LNG DIST	2340	2430	2520	2640	2780
				LFL	3900	4050	4200	4400	4630
	VAC	25°	117	MAX TEMP	120°	120°	108°	104°	96°
19	VREF	40°	115	LNG DIST	2250	2340	2430	2550	2670
				LFL	3750	3900	4050	4250	4450
	VAC	25°	115	MAX TEMP	120°	120°	108°	104°	96°

* EXCEEDS PARAMETERS

MAX TEMP

RED: MAX TEMP WITH FLAPS 25° TO MEET APPROACH CLIMB REQUIREMENTS

V_{REF} ADJUSTMENTS	LANDING DISTANCE ADJUSTMENTS
DLE EXTENDED	
FLAPS 0 ADD 15 KTS	LANDING DISTANCE ADD 18%
FLAPS 10 ADD 10 KTS	LANDING DISTANCE ADD 12%
FLAPS 25 ADD 5 KTS	LANDING DISTANCE ADD 6%
DLE RETRACTED	
FLAPS 0 ADD 30 KTS	LANDING DISTANCE ADD 37%
FLAPS 10 ADD 25 KTS	LANDING DISTANCE ADD 31%
FLAPS 25 ADD 20 KTS	LANDING DISTANCE ADD 25%
FLAPS 40 ADD 20 KTS	LANDING DISTANCE ADD 25%
SPLIT OR UNLOCKED DLE	
ADD 10 KTS	LANDING DISTANCE ADD 12%
AIRBRAKE EXTENDED ADD 10 KTS	LANDING DISTANCE ADD 1000 FT
AIRBRAKE INOP RETRACTED —	LANDING DISTANCE ADD 1000 FT
INOP EXTENDED 10 KTS	LANDING DISTANCE ADD 1000 FT
ANTISKID INOP	LANDING DISTANCE ADD 2000 FT
50% HEADWIND	HEADWIND MINUS 15 FT PER KNOT
ADD 20 KTS MAX	
100% GUSTS	TAILWIND ADD 60 FT PER KNOT
LANDING FIELD LENGTH (L.F.L.) = $\frac{\text{LANDING DISTANCE (L.D.)}}{0.6}$	
WET RUNWAY < 1/8 in. (3 mm) EQUIVALENT WATER	
WET RUNWAY L.D. = DRY L.D. X 1.15	
WET L.F.L. = DRY L.F.L. X 1.15	
CONTAMINATED RUNWAY > 1/8 in. (3 mm) AND < 1/2 in. 13 mm EQUIVALENT WATER	
CONTAMINATED L.D. = DRY L.D. X 2	
CONTAMINATED L.F.L. = CONTAMINATED L.D. X 1.15	
ICY L.D. = DRY L.D. X 3.34	
ICY L.F.L. = ICY L.D. X 1.15	



TAKE-OFF DATA
TAKE-OFF WITH ZERO BLEED – APR OFF
ELEVATION: 1000 FT

WEIGHT (1000 LB)		TEMPERATURE (°C)							
		-20.0	-10.0	0.0	10.0	20.0	30.0	40.0	48.0
30.0	V ₁	108	108	108	108	108	109	112	114
	V _R	121	121	121	121	121	122	123	124
	V ₂	132	132	132	132	132	132	132	132
	DIST	3200	3310	3400	3490	3590	3900	4310	4730
32.0	V ₁	108	108	108	108	108	111	113	116
	V _R	122	122	122	122	122	122	123	124
	V ₂	132	132	132	132	132	132	132	132
	DIST	3250	3360	3460	3570	3690	4060	4530	4990
34.0	V ₁	110	110	110	110	110	112	115	117
	V _R	122	122	122	122	122	123	124	125
	V ₂	132	132	132	132	132	132	132	132
	DIST	3330	3450	3580	3710	3840	4260	4780	5260
36.0	V ₁	113	113	113	113	113	115	117	119
	V _R	124	124	124	124	124	125	126	126
	V ₂	134	134	134	134	134	133	133	133
	DIST	3640	3770	3920	4080	4250	4800	5430	5990
38.0	V ₁	118	118	118	118	118	119	122	124
	V _R	128	128	128	128	128	129	129	130
	V ₂	137	137	137	137	137	136	136	136
	DIST	4070	4230	4410	4590	4770	5370	6090	6730
40.0	V ₁	122	122	122	122	122	124	127	130
	V _R	132	132	132	132	132	133	133	134
	V ₂	140	140	140	140	140	140	140	140
	DIST	4520	4700	4890	5090	5300	5960	6770	7540
42.0	V ₁	126	126	126	126	126	128	132	135
	V _R	136	136	136	136	136	136	137	138
	V ₂	143	143	143	143	143	143	143	143
	DIST	5000	5220	5430	5650	5880	6630	7550	8490
44.0	V ₁	131	131	131	131	131	133	137	141
	V _R	140	140	140	140	140	141	142	142
	V ₂	147	147	147	147	147	147	147	147
	DIST	5520	5760	5990	6240	6490	7360	8420	9580*
45.1	V ₁	133	133	133	133	133	136	140	
	V _R	142	142	142	142	142	143	144	
	V ₂	148	148	148	148	148	148	148	
	DIST	5840	6100	6370	6650	6940	7900	9110	
N ₁ (%)									
BLEEDS CLOSED		85.5	86.9	88.4	89.8	91.2	90.7	89.3	87.9
ACU'S ON		85.5	86.9	88.4	89.9	90.9	90.2	88.7	87.4
COWL ANTI-ICE ON		85.5	86.9	88.4	89.9				
WING & COWL ANTI-ICE ON		85.5	86.9	87.5	87.5				
CORRECTION ON DISTANCE									
ACU'S ON		3%	3%	4%	4%	5%	4%	4%	4%
COWL ANTI-ICE ON		5%	5%	5%	5%				
WING & COWL ANTI-ICE ON		10%	10%	11%	13%				
CORRECTION ON V ₁ (KIAS)									
ACU'S ON					+1.5				
COWL ANTI-ICE ON					+2.0				
WING & COWL ANTI-ICE ON					+5.0				

V_R AND V₂ ARE THE SAME BLEEDS ON AND OFF

ALL SPEEDS ARE IN KIAS

DISTANCES ARE IN FEET

* BEYOND ACU'S ON TAKE-OFF LIMIT

**WET RUNWAY
TAKE-OFF DATA
ZERO BLEED - APR ARMED****NO REVERSE THRUST****ENGINE FAILURE RECOGNITION SPEED - V_1** **Dry Runway** 108 110 115 119 120 125 130 135 140 145**Wet Runway** 108 108 108 108 109 115 120 126 132 138

WET RUNWAY TAKE-OFF DISTANCE - NO REVERSE THRUST						
DRY RUNWAY TAKE-OFF DISTANCE (FT)	$V_1 > 108$ KIAS	$V_1 = 108$ KIAS				
		AIRPORT PRESSURE ALTITUDE = FT				
		SL	2000	4000	6000	8000 10000
3000	—	4700	4900	5150		
4000	4400	5000	5200	5450	5750	6050
5000	5600	5300	5500	5750	6050	6350
6000	6800			6050	6350	6650
7000	8100	—	—	—	—	7050
						7350
8000	9350	For ambient temperatures above ISA, increase contaminated runway take-off distance by 200 ft per 10°C above ISA.				
9000	10600					
10000	11750					

Underlined data to be used for interpolation purposes only

REVERSE THRUST**ENGINE FAILURE RECOGNITION SPEED - V_1** **Dry Runway** 108 110 113 115 120 125 130 135 140 145**Wet Runway** 108 108 108 110 116 122 127 133 138 144**WET RUNWAY TAKE-OFF DISTANCE
WITH REVERSE THRUST**

DRY RUNWAY TAKE-OFF DISTANCE (FT)	WET RUNWAY TAKE-OFF DISTANCE (FT)
3000	3500
4000	4550
5000	5400
6000	6400
7000	7500
8000	8550
9000	9600
10000	10600
11000	11550
12000	12450

LANDING DATA

PRESSURE ALTITUDE	SEA LEVEL	1000 FT	2000 FT	4000 FT	6000 FT	8000 FT	9000 FT
WEIGHT (1000 LB)	VREF/DIST (1)/DIST (2)						
28	119/2750/4583	120/2825/4708	120/2905/4842	121/3065/5108	123/3250/5417	123/3595/5990	124/3785/6307
30	123/2875/4792	124/2965/4942	124/3050/5083	126/3225/5375	127/3425/5708	128/3780/6302	128/3980/6635
32	127/3010/5017	128/3095/5158	128/3185/5308	130/3380/5633	131/3590/5983	132/3980/6632	133/4220/7036
34	131/3150/5250	132/3250/5417	133/3350/5583	134/3540/5900	135/3800/6333	136/4260/7100	137/4530/7546
36	135/3300/5500	136/3395/5658	136/3490/5817	138/3755/6258	139/4055/6758	140/4565/7608	141/4860/8103
38	139/3455/5758	140/3580/5967	140/3705/6175	142/4000/6667	143/4325/7208	144/4900/8167	145/5230/8719
40	143/3660/6100	143/3800/6333	144/3940/6567	146/4260/7100	147/4640/7733	148/5275/8787	148/5645/9409
42	146/3880/6467	147/4040/6733	148/4200/7000	149/4560/7600	150/4975/8292	152/5690/9485	152/6115/10193
44	149/4120/6867	150/4320/7200	151/4460/7433	153/4900/8167	154/5370/8950	155/6170/10283	156/6660/11100
45	151/4260/7100	152/4450/7417	153/4610/7683	154/5070/8450	156/5580/9300	157/6450/10747	158/6980/11633

DEFINITIONS

VREF = SPEED AT 50 FT SCREEN HEIGHT - (KIAS)
 DIST (1) = ACTUAL LANDING DISTANCE FROM 50 FT SCREEN HEIGHT TO STOP - (FT)
 DIST (2) = FIELD LENGTH - DIST (1) / 0.6 - (FT)

FACTORS

FLAPS 0 DEG = VREF + 30 (KIAS) DIST x 1.75 (75%)
 20 = VREF + 10 (KIAS) DIST x 1.25 (25%)
 30 = VREF + 8 (KIAS) DIST x 1.20 (20%)
 NO AUTO GRND SPLRS = INCREASE DISTANCE BY 9%

CHALLENGER 601-3A PILOT CHECKLIST

2. The WET and STANDING WATER charts make no allowances for any bleed configuration other than All Bleeds Off. This creates a problem if a take-off is done with temperatures below 10 °C with visible moisture or surface contamination present. To compensate for the bleed extraction, it is advisable to correct the contaminated TOFL by the same percent that was applied originally in the TAB or AFM data as in step 1 above (i.e.: 2% to 41% correction on distance).

LANDING DISTANCE FACTORS REQUIRED ON CONTAMINATED RUNWAYS

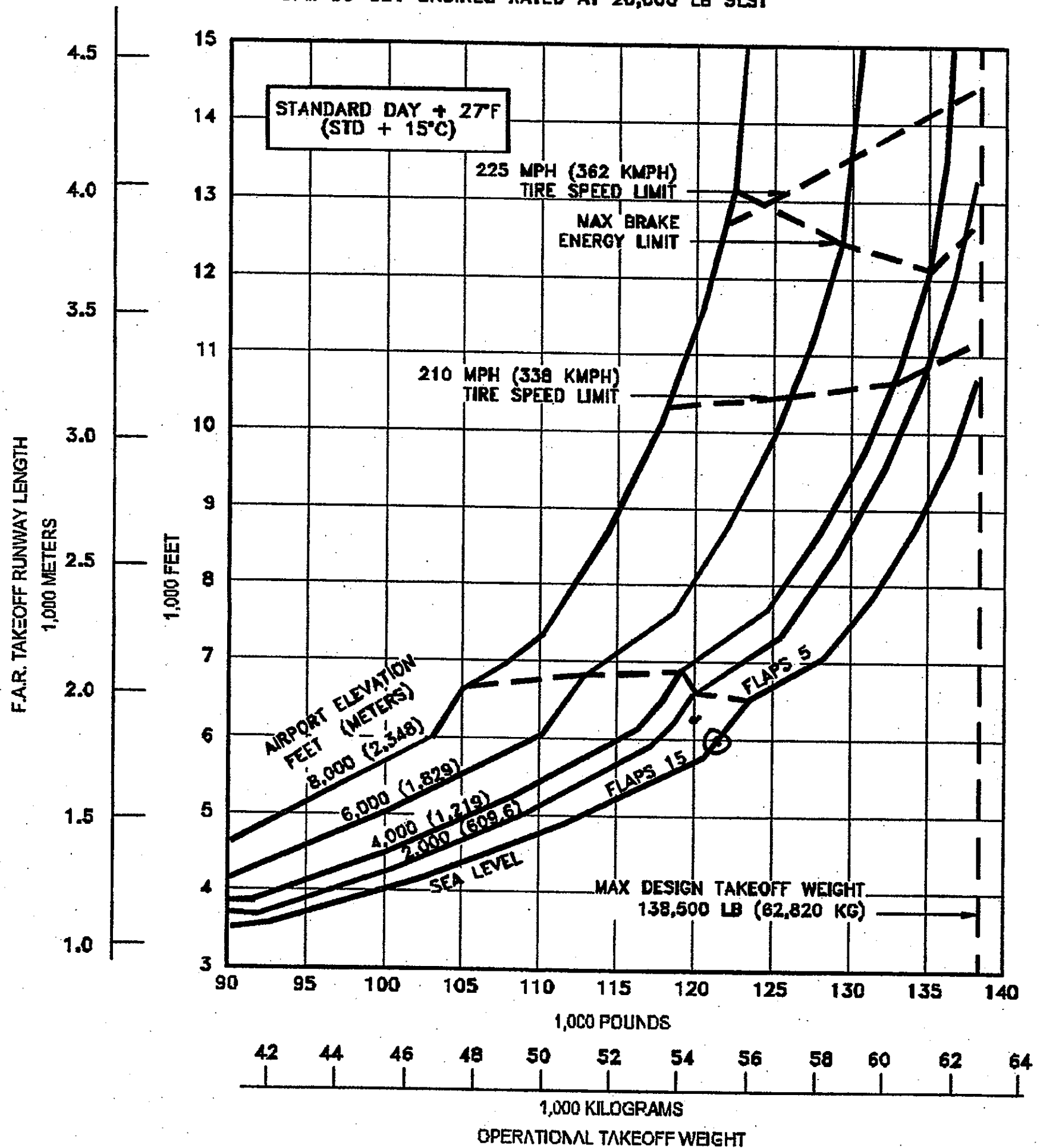
DECELERATING DEVICES	RUNWAY SURFACE CONDITIONS					
	WET RUNWAY	STANDING WATER (0.25 IN.)	SLUSH (0.25 IN.)	SNOW (1.0 IN.)	DRY ICE	WET ICE
BRAKES FLIGHT SPOILERS	1.5	2.2	2.1	1.5	2.5	Do not land
BRAKES FLIGHT SPOILERS THRUST REVERSERS (SEE NOTE 2)	1.2	1.4	1.4	1.2	1.4	1.7
BRAKES FLIGHT SPOILERS GROUND SPOILERS	1.5	2.2	2.1	1.5	2.4	Do not land
BRAKES FLIGHT SPOILERS GROUND SPOILERS THRUST REVERSERS (SEE NOTE 2)	1.3	1.5	1.4	1.3	1.5	1.7

NOTES

1. To obtain the contaminated runway actual landing distance, multiply the dry runway actual landing distance shown in the airplane flight manual by the corresponding factor found in this table.
2. Both thrust reversers are deployed.

NOTES:

- * NO ENGINE AIRBLEED FOR AIR CONDITIONING
- * ZERO WIND, ZERO RUNWAY GRADIENT
- * CONSULT USING AIRLINE FOR SPECIFIC OPERATING PROCEDURE PRIOR TO FACILITY DESIGN
- * CFM 56-3B1 ENGINES RATED AT 20,000 LB SLST



3.3.12 F.A.R. TAKEOFF RUNWAY LENGTH REQUIREMENTS

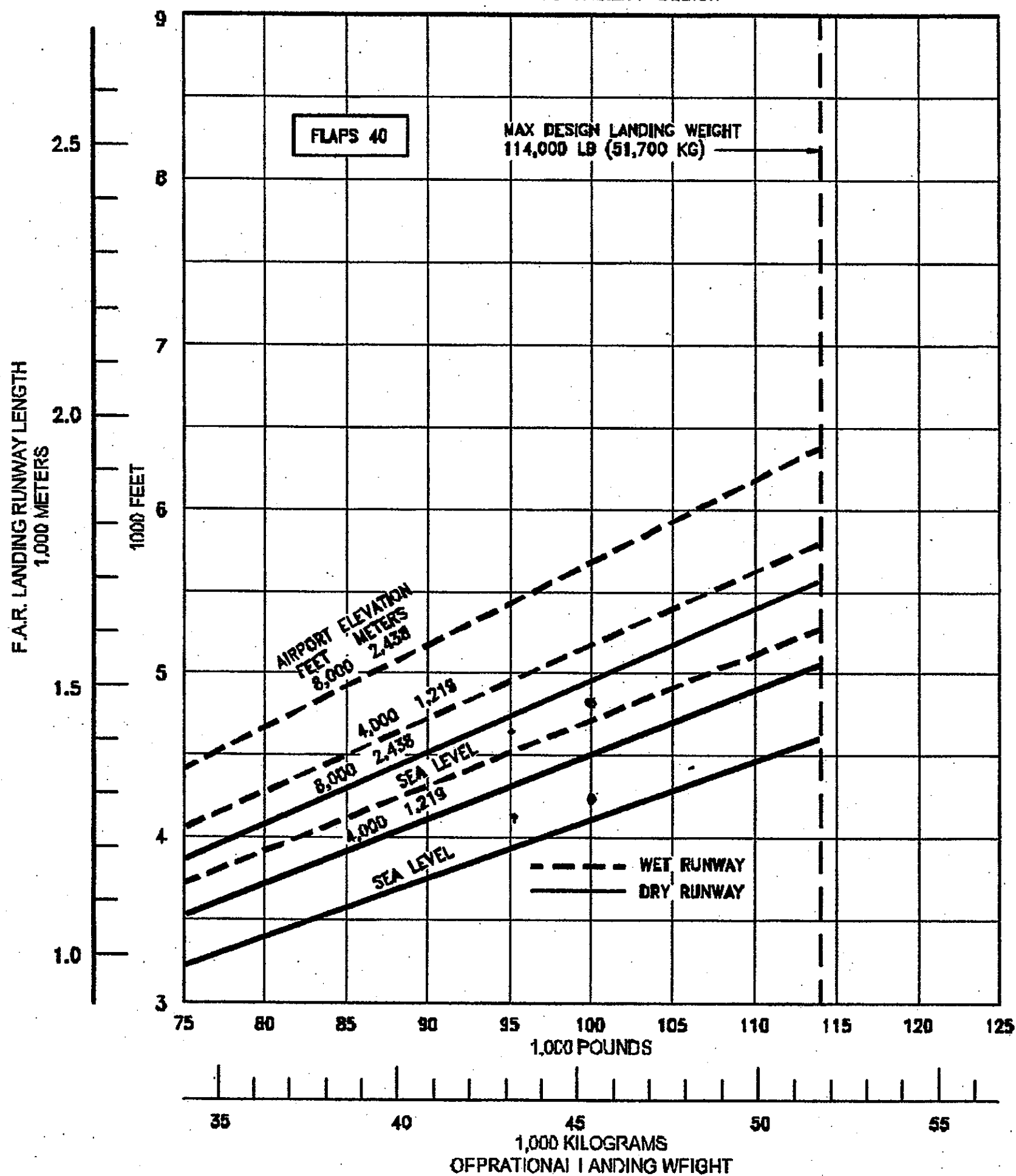
STANDARD DAY +27°F (STD + 15°C),
MODEL 737-300 (CFM56-3B1 ENGINES AT 20,000 LB SLST)

D6-58325-6

OCTOBER 2005 115

NOTES:

- * $V_{app} = 1.3V_s$
- * ZERO WIND, ZERO RUNWAY GRADIENT
- * FLAP POSITION 40
- * AUTOMATIC SPEED BRAKES
- * CONSULT WITH USING AIRLINE FOR SPECIFIC PROCEDURE PRIOR TO FACILITY DESIGN



3.4.10 F.A.R. LANDING RUNWAY LENGTH REQUIREMENTS - FLAPS 40
MODEL 737-300

D6-58325-6

Appendix Two

FAYETTEVILLE, AR
 DRAKE FIELD (FV)
 COMPLIANCE FILE

March 21, 2001

Ms. Alett S. Little
 Airport Manager
 Drake Field
 4500 South School Avenue, Suite F
 Fayetteville, AR 72701

Dear Ms. Little:

This correspondence transmits the Federal Aviation Administration's (FAA) Runway Safety Area (RSA) determination for your respective airport.

On October 1, 1999, the FAA implemented the RSA Program. The objective of the RSA Program is that all RSAs at Federally obligated airports and all RSAs at airports certificated under 14 Code of Federal Regulations, Part 139, shall conform to the standards contained in Advisory Circular 150/5300-13 Airport Design, to the extent practicable. Standards for FAA's administration of the program are described in FAA Order 5200.8.

The RSA is an integral part of the runway environment. RSA dimensions are established by standards and are based on the Airport Reference Code as depicted on the approved airport layout plan. The RSA is intended to provide a measure of safety in the event of an aircraft's excursion from the runway by significantly reducing the extent of personal injury and aircraft damage during overruns, undershoots, and veeroffs.

Whenever a project for a runway involves construction, reconstruction (including overlays), or significant expansion, the project shall also provide for improving the RSA in accordance with the RSA determination.

We trust the enclosed determination parallels the community's efforts to maintain or improve the RSA in order to enhance airport safety at your respective airport.

Sincerely,

Original Signed By:
 Edward N. Agnew

Edward N. Agnew
 Manager, Arkansas/Oklahoma
 Airports Development Office

Enclosure

CONCURRENCES
ROUTING SYMBOL
1031
INITIALS/SIGNATURE
DH
DATE
3/21/01
ROUTING SYMBOL
1030
INITIALS/SIGNATURE
[Signature]
DATE
3/31/01
ROUTING SYMBOL
INITIALS/SIGNATURE
DATE
ROUTING SYMBOL
INITIALS/SIGNATURE
DATE
ROUTING SYMBOL
INITIALS/SIGNATURE
DATE
ROUTING SYMBOL
INITIALS/SIGNATURE
DATE

Identical letters sent to:

Ms. Kelly Johnson, Airport Manager, Northwest Arkansas Regional Airport,
#1 Airport Boulevard, Bentonville, AR 72712

Mr. Robert Johnson, Airport Manager, Fort Smith Municipal Airport,
5600 Airport Boulevard, Suite 200, Fort Smith, AR 72903

Mr. George Downie, Airport Director, Hot Springs Memorial Field,
525 Airport Road, Hot Springs, AR 71913

Ms. Deborah Schwartz, Airport Manager, Little Rock National/Adams Field,
No. 1 Airport Drive, Little Rock, AR 72202

Ms. Judy K. Wheeler, Airport Manager, North Little Rock Municipal Airport,
P. O. Box 9113, North Little Rock, AR 72119

Mr. J. Carl Humphrey, Airport Manager, Stuttgart Municipal Airport,
514 South Main Street, Stuttgart, AR 72160

Mr. Stephen Luebbert, Director of Aviation, Texarkana Regional-Webb Field,
601 Airport Drive, Texarkana, AR 72160

Mr. Rick Mullaney, Airport Manager, El Reno Municipal Airport,
P.O. Box 217, El Reno, OK 73036

Ms. Barbara McNally, Airport Manager, Lawton-Fort Sill Regional Airport,
P.O. Box 531, Lawton, OK 73501

Mr. Mark Kraneburg, Airport Manager, Wiley Post Airport, 5915 Phillip J. Rhoad,
Bethany, OK 73008

Mr. Luther E. Trent, Director of Airports, Will Rogers World Airport,
7100 Terminal Drive, Box 937, Oklahoma City, OK 73159-0937

Mr. Jim Layton, City Manager, P.O. Drawer 778, Pauls Valley, OK 73075

Mr. Don Nuzum, Airport Manager, Ponca City Municipal Airport,
2213 North Waverly, Ponca City, OK 74601

Mr. Gary L. Johnson, Airport Manager, Stillwater Regional Airport,
2020 West Airport Road, Stillwater, OK 74075

Mr. Brent Kitchen, Airport Manager, Tulsa International Airport,
7777 East Apache, Tulsa, OK 74158-1838

Commitment to Excellence--Our Commitment to You

Runway Safety Area Determination
Runway 16/34
Fayetteville Municipal Airport (Drake Field)
Fayetteville, Arkansas

Background:

Fayetteville Municipal Airport is a non-primary general aviation airport. Until early 1999, following the opening of the new Northwest Arkansas Regional Airport, Drake Field served the air carrier service needs of northwest Arkansas. The Airport Reference Code (ARC) is C-III designating the Standard Runway Safety Area (RSA) dimensions of 500-foot width and 1,000-foot length. Although the airport does not currently provide air carrier service, it maintains a limited Part 139 certificate to serve charter operations, which frequently accommodate B727 and DC9 aircraft. Runway 16/34 is the only runway at Drake Field. It is 6,006 feet long and 100 feet wide with a grooved asphalt surface. Declared distances as published in the Airport/Facility Directory are:

	<u>TORA</u>	<u>TODA</u>	<u>ASDA</u>	<u>LDA</u>
RWY 16:	6006'	6006'	6006'	6006'
RWY 34:	6006'	6006'	6006'	6006'

The Airport Master Plan was updated in June 1999 and the current Airport Layout Plan was approved March 21, 2000.

Basis of Determination:

Runway 34: The RSA for this runway was recently improved by re-routing a drainage channel around the RSA and making grading improvements. These improvements have resulted in full compliance with ARC C-III RSA standards.

Runway 16: The north end of the runway (Runway 16 approach end) is not in full compliance with RSA standards (see Attachment 1). Previous Airport Improvement Program projects made grading and drainage improvements to the Runway 16 RSA to improve and maximize the size of the RSA. However, standard RSA dimensions are restricted by State Highway 71 on the west side of the airport as it converges with the runway extended centerline at the north end.

Standard methodology for calculating declared distances is defined in Appendix 14 of Advisory Circular 150/5300-13, Change 5. Part 139 establishes the regulations for airports with air carrier operations with aircraft having a seating capacity greater than 30 passengers and includes regulations regarding runway safety areas. These regulations require that the airport provide and maintain the safety areas in existence as of December 31, 1987. Since no expansion of the runway has occurred since that date, the declared distances cited above for Runway 16/34 have remained in effect. Even though the airport no longer has air carrier service, it is justifiable to retain these declared distances. There are no plans to extend the existing runway at Drake Field as the current runway length is sufficient to accommodate existing and future aircraft fleet mixes.

CONCURRENCES
ROUTING SYMBOL 1-31
INITIALS/SIGNATURE [Signature]
DATE 7/27/00
ROUTING SYMBOL 630
INITIALS/SIGNATURE [Signature]
DATE 7/28/00
ROUTING SYMBOL 620
INITIALS/SIGNATURE [Signature]
DATE 8/4/00
ROUTING SYMBOL 600
INITIALS/SIGNATURE [Signature]
DATE 8-4-00
ROUTING SYMBOL
INITIALS/SIGNATURE
DATE
ROUTING SYMBOL
INITIALS/SIGNATURE
DATE
ROUTING SYMBOL
INITIALS/SIGNATURE
DATE
ROUTING SYMBOL
INITIALS/SIGNATURE
DATE

Attachment 1 depicts the current RSA environment for Runway 16 and indicates a maximum RSA length of 902 feet on centerline. The RSA effectively has an irregular shape instead of the standard rectangular shape. It is limited on the west side by constraints imposed by the convergence of SH 71. At the extreme north end this convergence combines with the existence of Ernest Lancaster Drive access road to reduce the RSA width to 325 feet. The total area encompassed by the effective RSA is 374,294 square feet, or 74.9 per cent of the standard 500,000 square foot area.

Alternatives to be Considered:

Realignment or relocation of the runway would not alleviate the situation due to cultural and terrain features affecting the north end of the airport. In addition, existing airport property boundaries would not permit a runway relocation or realignment without incurring other problems adversely affecting approaches to the airport due to mountainous terrain.

Displacing the Runway 16 threshold may be an alternative which could achieve standard RSA dimensions. It would require moving the runway threshold approximately 800 feet south to achieve the full standard RSA dimensions for C-III airport design standards and remain within existing airport boundaries. Implementation of this action would require implementation of the following revised declared distances:

	<u>TORA</u>	<u>TODA</u>	<u>ASDA</u>	<u>LDA</u>
RWY 16:	6006'	6006'	6006'	5206'
RWY 34:	6006'	6006'	5206'	5206'

In addition, capital costs would be incurred to relocate ODALS, adjust runway and taxiway lighting fixtures, modify runway marking, and relocate the VASI system and the wind cone. However, such action would very likely impose Runway 34 departure performance penalties for the more critical aircraft categories that currently use Drake Field for charter operations (B7272 and DC9), as well as impose landing limitations on Runway 34. This alternative would severely impact the community's ability to accept category C-III aircraft. It would also require an analysis to determine any effects on instrument approach procedures.

Realignment of SH 71 may be an alternative which could achieve full RSA standards without the adverse aircraft performance impacts associated with displacement of the Runway 16 threshold. By realigning the highway to the west, the RSA impacts currently associated with its converging alignment with the north runway end could be eliminated. While the airport owns some land west of the highway in this vicinity, it is unknown how much more would be required to achieve the necessary realignment of the highway to obtain a full RSA. Feasibility of this option is not yet known. The 1999 Airport Master Plan Update estimated the cost to relocate SH 71 at \$6.5 million dollars. Whether the community would support such realignment or have the necessary resources to accomplish it are also unknown. Effects of a realignment of SH 71 would also require analysis of impacts on instrument approach procedures.

Determination:

Based upon the preceding alternatives analysis, I have determined that implementing remedial Runway 16 RSA improvements at Drake Field would cause the airport to lose functional utility of the runway in accordance with the sponsor's master plan. Therefore, it is not practicable to bring the Runway 16 RSA into conformance with current standards.

This determination is subject to revision upon the receipt of relevant supplemental information.

Original Signed By
Naomi L. Saunders

AUG 4 2000

Naomi L. Saunders
Manager, Airports Division

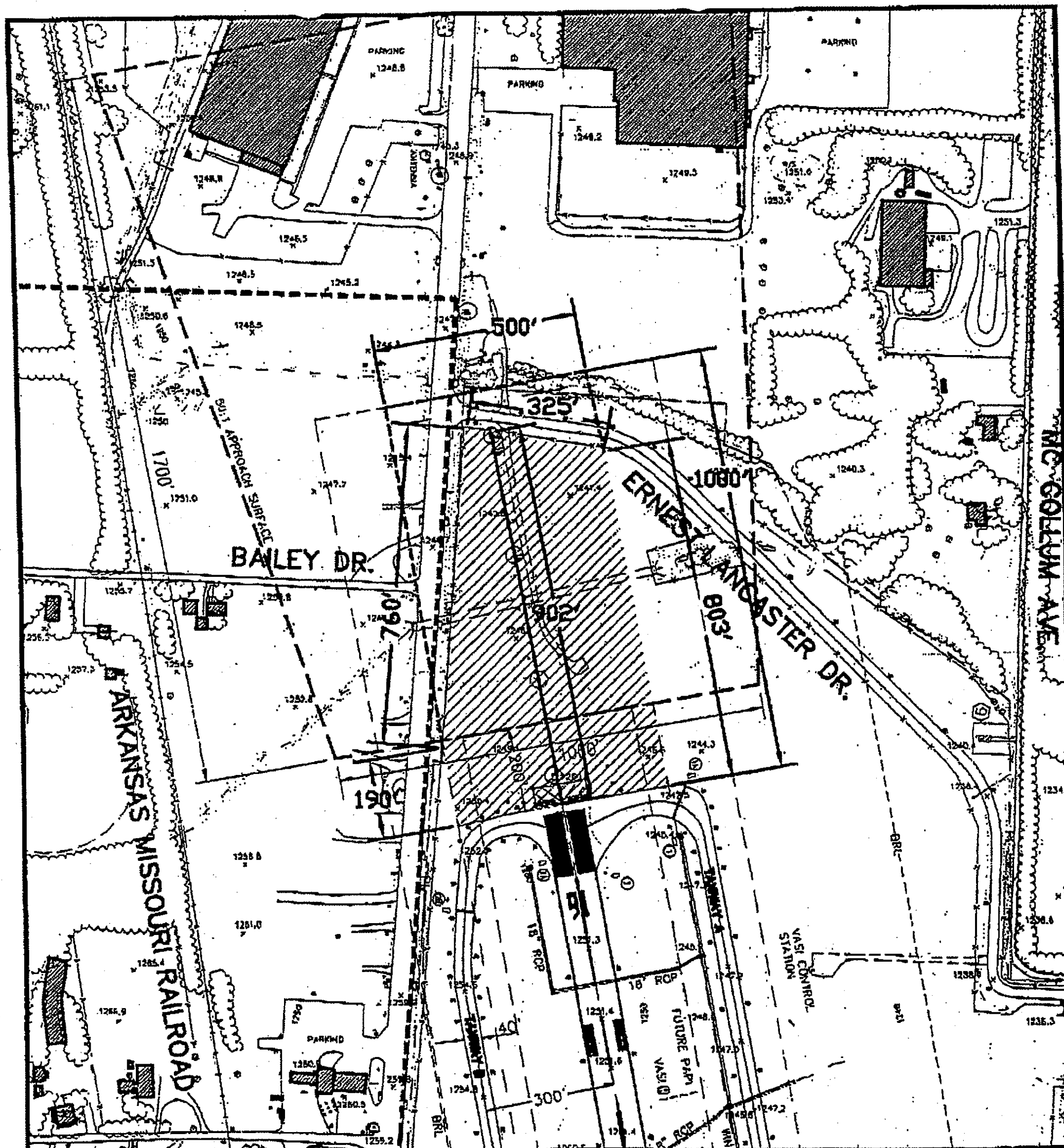
Date

References:

Airport/Facility Directory (June 15, 2000 edition)
Airport Master Record (FAA Form 5010) dated August 3, 1999
Fayetteville Municipal Airport Master Plan Update, June 1999
Fayetteville Municipal Airport Layout Plan, approved March 21, 2000

Attachments

Airport Master Record (FAA Form 5010) dated August 3, 1999
Runway 16 RSA Environs Drawing from Master Plan Update



FAYETTEVILLE
MUNICIPAL AIRPORT

MASTER PLAN UPDATE

RUNWAY SAFETY AREA

URS Greiner, Inc.

FIGURE 6.2

Appendix Three

ADEQ

ARKANSAS
Department of Environmental Quality

July 6, 2006

VIA FAX to 918.585.8857
& Regular Mail

Kelly J. Maddoux
Barnard Dunkelberg & Company
1616 East Fifteenth Street
Tulsa, OK 74120

RE: Expected Ambient Air Impact
Fayetteville Municipal Airport/
Drake Field, AFIN: 72-00701

Dear Mr. Maddoux:

The material furnished briefly describing the potential development of the Fayetteville Municipal Airport (Drake Field) has been reviewed. Washington County is currently classified as attainment with the National Ambient Air Quality Standards (NAAQS), and I would not anticipate the runway extension, road relocation and other construction projects would threaten the NAAQS. However, a review of the impact upon ambient air quality due to the increase in vehicular and aviation traffic will be required prior to a determination of the acceptability of the airport expansion. If you have any questions, please call me at 501.682.0737.

Sincerely,



Cecil Harrell
Compliance Engineer
Air Division

Copy: Records Management

RECEIVED

JUL 10 2006

Barnard Dunkelberg

AIR DIVISION

8001 NATIONAL DRIVE / POST OFFICE BOX 8913 / LITTLE ROCK, ARKANSAS 72219-8913 / TELEPHONE 501-682-0739 / FAX 501-682-0753
www.adeq.state.ar.us

United States Department of Agriculture



Natural Resources Conservation Service
2898 Point Circle #2
Fayetteville, AR 72704-6809

July 10, 2006

RECEIVED

JUL 14 2006

Barnard Dunkelberg

Kelly Maddoux
Barnard Dunkelberg and Company
Cherry Street Building
1616 East Fifteenth Street
Tulsa, OK 74120

RE: Fayetteville Municipal Airport

Dear Kelly Maddoux:

I have reviewed the Fayetteville Municipal Airport. This site and all of the areas you are looking to make future developments on are listed as prime and unique farmland. I have included a soil map of the area along with a map unit legend designating the prime and statewide important farmland.

If you have any question or need further assistance please let me know.

Sincerely,

A handwritten signature in black ink that reads "Glen D. Laurent".

Glen D. Laurent
Resource Soil Scientist

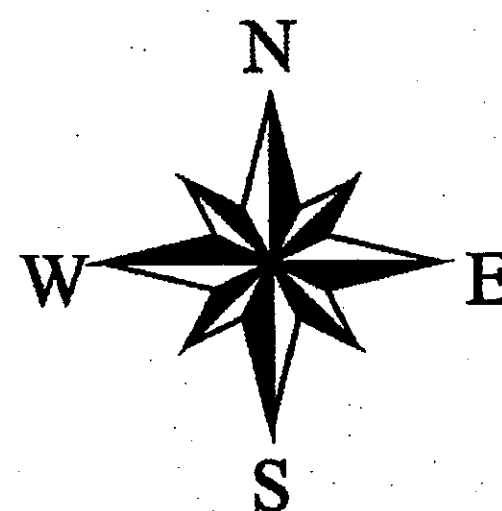
The Natural Resources Conservation Service provides leadership in a partnership effort to help people conserve, maintain, and improve our natural resources and environment.

An Equal Opportunity Provider and Employer

Fayetteville Municipal Airport



4000 0 4000 8000 Feet



- Future aviation community .shp
- Sollmu_a_ar143.shp
- Rdfa and rsa outside existing boundary.shp
- Future rpzs outside boundary.shp
- Fayetteville municipal airport existing boundary.shp

Fayetteville Municipal Airport
Soil map unit legend

<u>Map unit symbol</u>	<u>Soil Series</u>	<u>Farmland</u>
Sa	Samba	Prime
SsA	Summit	Prime
ToA	Taloka	Prime
Ch	Cherokee	Prime
Jo	Johnsburg	Prime
Rk	Razort	Prime
Cr	Cleora	Prime
SfB	Savannah	Prime
Sn	Sloam	Prime
Le	Leaf	Statewide



The Department of Arkansas Heritage

Mike Huckabee, Governor
Cathie Matthews, Director

Arkansas Arts Council

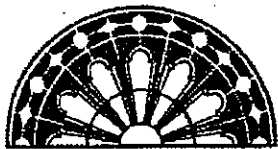
Arkansas Natural Heritage
Commission

Delta Cultural Center

Historic Arkansas Museum

Mosaic Templars
Cultural Center

Old State House Museum



Arkansas Historic Preservation Program

1500 Tower Building

323 Center Street

Little Rock, AR 72201

(501) 324-9880

fax: (501) 324-9184

tdd: (501) 324-9811

e-mail: info@arkansaspreservation.org

website:

www.arkansaspreservation.org

An Equal Opportunity Employer



July 18, 2006

Ms. Kelly J. Maddoux
Barnard Dunkelberg & Company
Cherry Street Building
1616 East fifteenth Street
Tulsa, Oklahoma 74120-6027

JUL 21 2006

RE: Washington County - Fayetteville
Section 106 Review - FAA
Master Plan Update for Fayetteville Municipal Airport
AHPP Tracking No: 60853

Dear Ms. Maddoux:

This letter is written in response to your inquiry regarding properties of architectural, historical, or archeological significance in the area of the referenced project. A review of our records shows that thirteen archeological sites (3WA152, 3WA153, 3WA154, 3WA155, 3WA162, 3WA170, 3WA183, 3WA184, 3WA360, 3WA599, 3WA613, 3WA986 and 3WA998) and two historic structures (WA0342 - Greenland School Building and WA0792 - Drake Field Air Museum) are located on, or immediately adjacent to, the Drake Field property.

Archeological sites 3WA599, 3WA360 and 3WA998 are not eligible for inclusion in the National Register of Historic Places (NRHP) and require no further archeological work. 3WA986 (Steele Cemetery) is eligible for inclusion in the NRHP and should be protected from any ground disturbing activity. WA0792 is listed in the Arkansas Register of Historic Places, but is not eligible for inclusion in the NRHP. The eligibility of the remaining nine archeological sites and WA0342 has not been determined and further investigations are needed to assess their eligibility for inclusion in the NRHP if they will be affected by future development.

Finally, areas slated for development that have not been previously surveyed for cultural resources should be investigated if ground disturbing activity is planned or if existing structures will be modified or destroyed.

Thank you for the opportunity to comment on this undertaking. If you have any questions, please contact Steve Imhoff of my staff at (501) 324-9880.

Sincerely,

Ken Grunewald
Deputy State Historic Preservation Officer

cc: Dr. Richard Allen, Cherokee Nation
Mr. Robert Cast, Caddo Nation of Oklahoma
Dr. Ann M. Early, Arkansas Archeological Survey
Mr. Tim Tandy, Federal Aviation Administration
Mr. Anthony Whitehorn, Osage Nation
Mr. George G. Wickliffe, United Keetoowah Band of Cherokees



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

110 South Amity, Suite 300
Conway, Arkansas 72032
Tel.: 501/513-4470 Fax: 501/513-4480

JUL 24 2006

July 14, 2006

Kelly J. Maddoux
Barnard, Dunkelberg, & Company
Cherry Street Building
1616 East Fifteenth Street
Tulsa, OK 74120

Dear Mr. Maddoux:

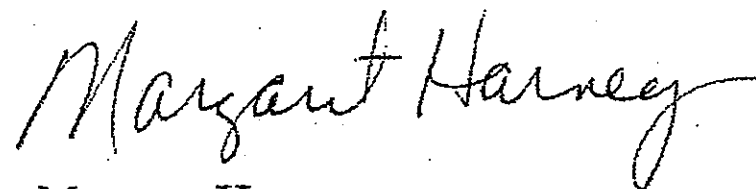
The Fish and Wildlife Service has reviewed the information supplied in your letter dated June 28, 2006, regarding the proposed update plan for the Fayetteville Municipal Airport/Drake Field located in Fayetteville, Washington County, Arkansas. Our comments are submitted in accordance with the Endangered Species Act (87 Stat. 884, as amended 16 U.S.C. 1531 et seq.).

The following endangered species are known to occur in Washington County: Gray bat (*Myotis grisescens*); Indiana Bat (*Myotis sodalist*), Ozark Big-eared Bat (*Corynorhinus townsendii ingens*), Benton Cave Crayfish (*Cambarus aculabrum*) and the Missouri Bladderpod (*Lesquerella filiformis*). In addition, the Arkansas darter (*Etheostoma cragini*) and Neosho Mucket (*Lampsilis rafinesqueana*) are candidate species that occur in Washington County.

Since many of the above species are cave-dwellers, if a cave is found within the project's boundaries, all work must cease and this office must be notified so that a survey can be conducted to determine if the cave is inhabited by any listed species. Several of the species are also sensitive to water contamination so runoff from extensive ground disturbance or new paved surfaces in certain watersheds may create the need for stormwater control measures. Additionally, if there are any wetlands or waters of the U.S. in the construction areas, the U.S. Army Corps of Engineers will need to be contacted for additional permitting information.

Because the extent and location of individual activities has not been provided for us at this time, it is impossible to make specific comments on the potential impacts of this plan. We will be happy to provide more information when the details of specific actions become available. We appreciate your interest in the conservation of endangered species. If you have any questions, please call Jennifer Ballard at (501)513-4487.

Sincerely,

A handwritten signature in cursive script that reads "Margaret Harney". The signature is fluid and elegant, with a long horizontal flourish at the end.

Margaret Harney
Acting Field Supervisor



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
LITTLE ROCK DISTRICT, CORPS OF ENGINEERS
POST OFFICE BOX 867
LITTLE ROCK, ARKANSAS 72203-0867

AUG 26 1994

Construction-Operations Division
Regulatory Branch

NATIONWIDE PERMIT ID NO. 12098

RECEIVED SEP 06 1994

Mr. Dale Frederick
Airport Manager
City of Fayetteville, Airport Department
4500 S. School, Box F
Fayetteville, Arkansas 72703

Dear Mr. Frederick:

Please refer to your letter dated June 17, 1994, concerning Department of the Army permit requirements pursuant to Section 404 of the Clean Water Act (CWA) for authorization to clear trees on airport property. The project is located in the SW 1/4, section 4, T. 15 N., R. 30 W., city of Fayetteville, Washington County, Arkansas.

The proposed clearing will eliminate obstructions from airport airspace as required by the Federal Aviation Administration (FAA). The cutting of trees with a chain saw would not involve the placement of dredged or fill material into the wetlands located in the wooded areas, therefore a Section 404 Department of the Army permit is not required.

During a recent site visit to airport property, Mrs. Joyce Perser and Mr. David Heffington of my staff determined that there are approximately 31.5 acres of wetlands within the airport properties and proposed expansion areas. In addition, they determined that approximately 2.75 acres of these wetlands were mechanically cleared and a small surface tributary was channelized during recent improvements. These areas are indicated on the attached maps. The wetlands and the channelization project are subject to regulation under Section 404 of the Clean Water Act. Please be aware that the wetlands on your property are considered waters of the United States and the discharge of dredged and fill material during your recent land clearing activities are in violation of Section 301 of the Clean Water Act (33 U.S. Code 1311).

To comply with the CWA, it is necessary for you to immediately restore the wetlands by removing approximately 12 inches of fill material from the cleared area east of the small stream. The excavated material shall be placed on an upland area. In addition, the fill removal area shall be stabilized with a suitable seed mixture for erosion control. The area should be signed identifying it as a Wetland Area requiring notification of the U.S. Army Corps of Engineers prior to any

disturbance. Following restoration, the only activity allowed in the wetland will be the removal of woody vegetation to comply with FAA airspace requirements. This removal may be by chain saw or other cutting implements and must not involve the discharge of dredged or fill material.

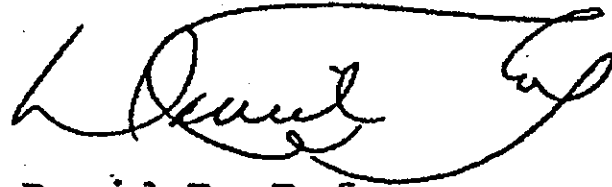
The fill removal must be started within 60 days and be completed within the next 120 days. Please inform Mrs. Perser, telephone (501) 324-5296, at least seven days in advance of the beginning of fill removal. She will arrange to meet with you at the site and point out the required restoration limits.

For your information, wetlands are defined as those areas which are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

The channelization of the other small unnamed tributary is authorized pursuant to 33 Code of Federal Regulations (CFR) 330, Appendix A, part B, by Department of the Army Nationwide Permit (NWP) No. (26) (copy enclosed), provided that the conditions therein are met.

If questions arise concerning the applicability of any of the NWP provisions or the wetland restoration, please contact Mrs. Perser, the Project Manager for this action, and refer to Action ID No. 12098.

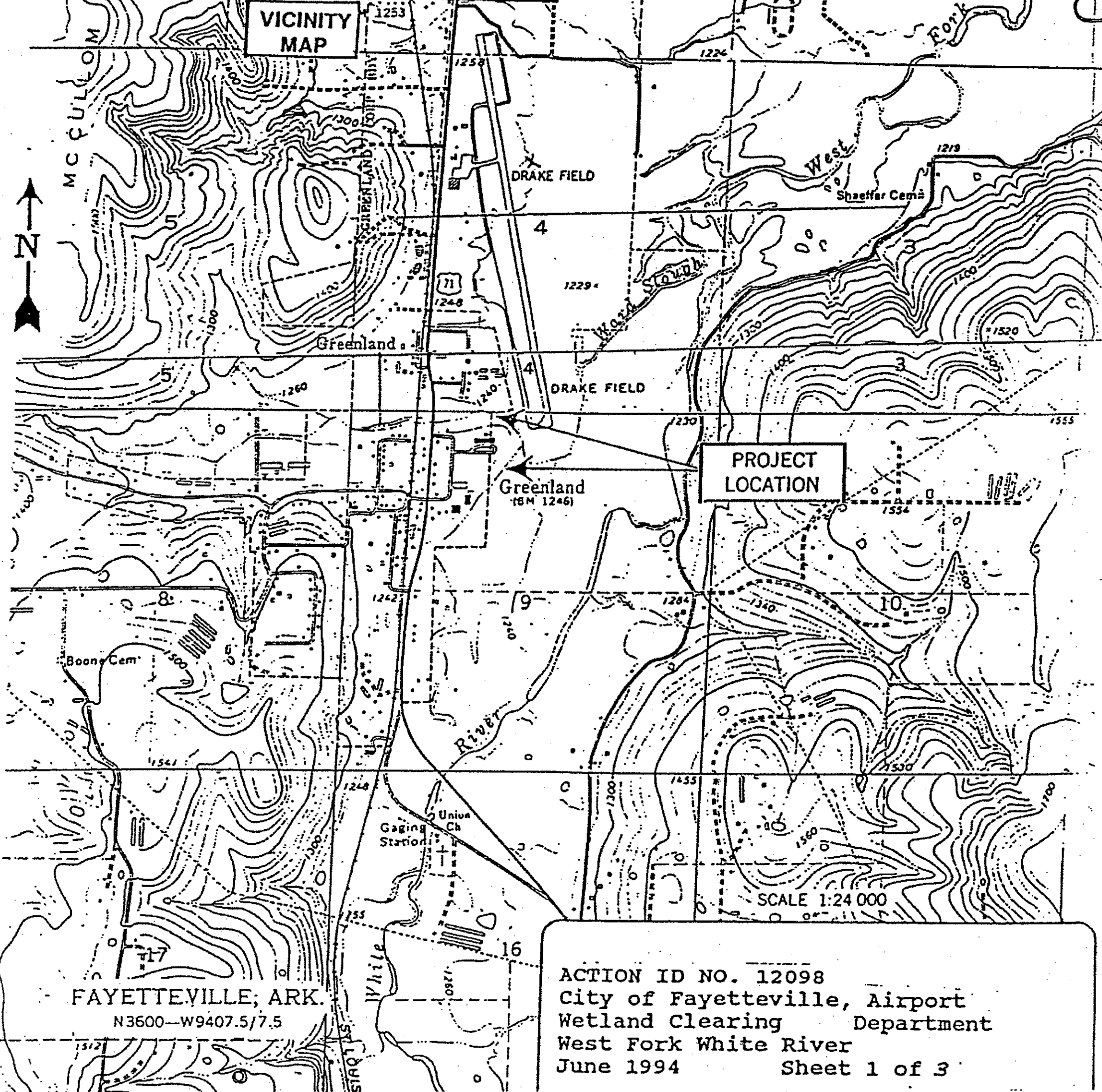
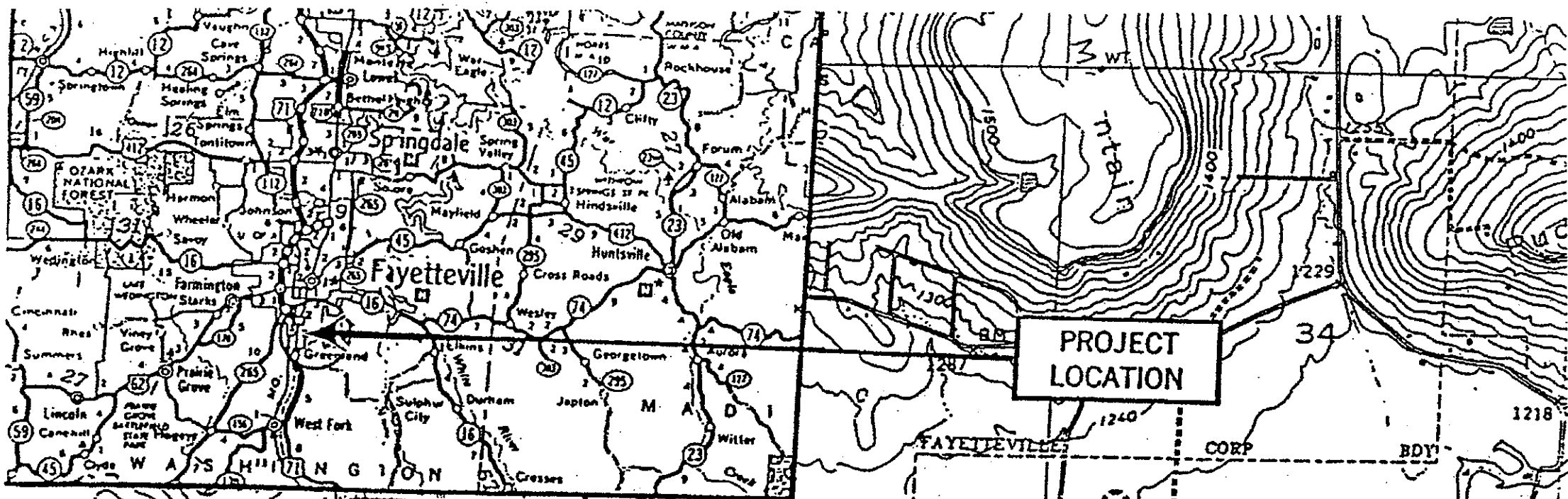
Sincerely,

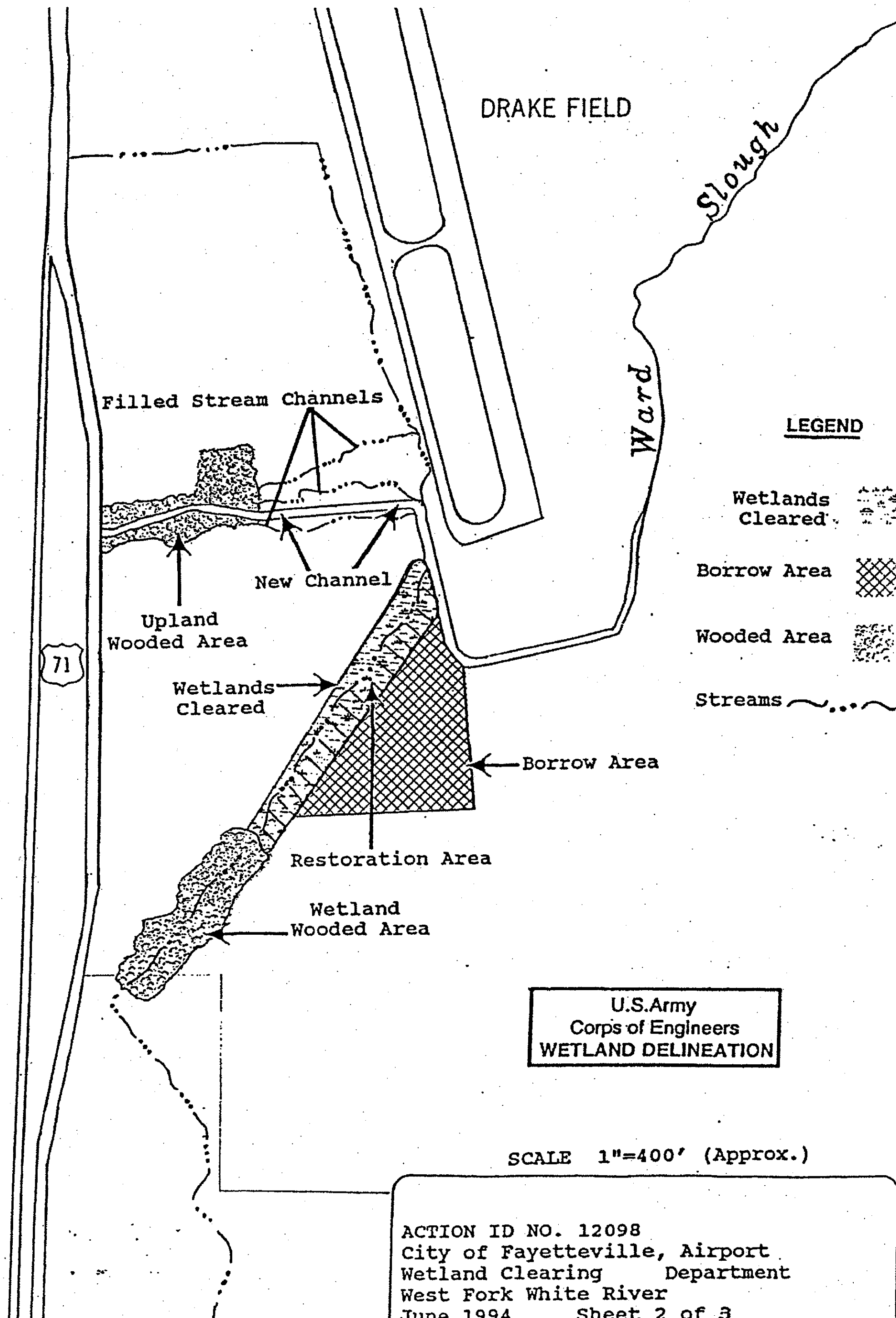


David R. Ruf
Colonel, Corps of Engineers
District Engineer

Enclosures

CERTIFIED MAIL - RETURN RECEIPT REQUESTED





LEGEND

Wetlands Cleared

Borrow Area

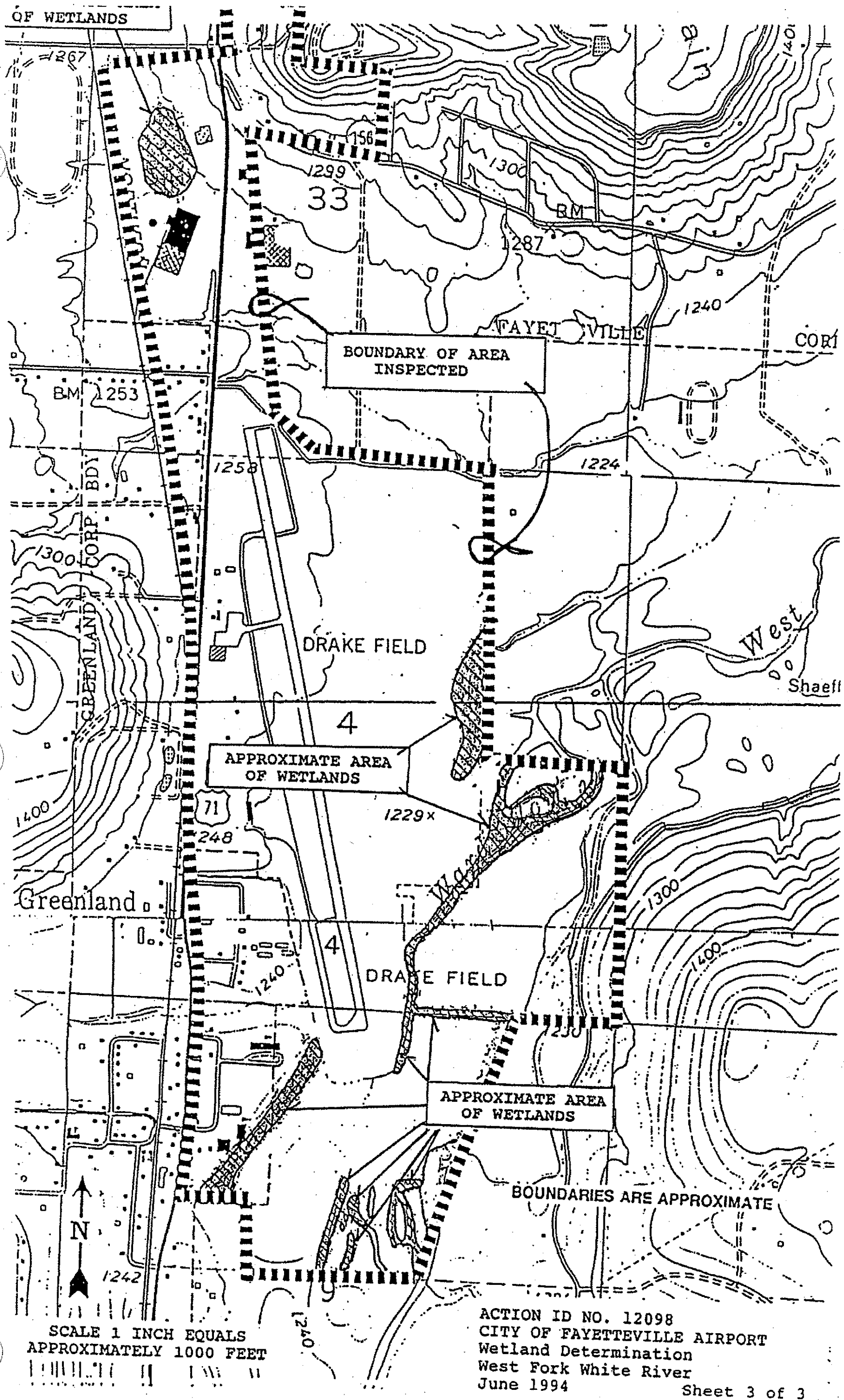
Wooded Area

Streams

U.S. Army
Corps of Engineers
WETLAND DELINEATION

SCALE 1"=400' (Approx.)

ACTION ID NO. 12098
City of Fayetteville, Airport
Wetland Clearing Department
West Fork White River
June 1994 Sheet 2 of 3



Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy 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
February 6, 2007**

A meeting of the Fayetteville City Council will be held on February 6, 2007 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**

Airport Report to the City Council

A. CONSENT:

- 1. Approval of the January 16, 2007 City Council meeting minutes.**
- 2. Elm Springs Animal Sheltering Services:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Elm Springs, Arkansas to provide animal sheltering services to the City of Elm Springs for 2007 -2009.
- 3. Farmington Animal Sheltering Services:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Farmington, Arkansas to provide animal sheltering services to the City of Farmington for 2007.
- 4. Goshen Animal Sheltering Services:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Goshen, Arkansas to provide animal sheltering services to the City of Goshen for 2007.
- 5. Greenland Animal Sheltering Services:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Greenland, Arkansas to provide animal sheltering services to the City of Greenland for 2007.

6. **Washington County Animal Sheltering Services:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and Washington County, Arkansas to provide animal sheltering services to Washington County for 2007.
7. **Winslow Animal Sheltering Services:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Winslow, Arkansas to provide animal sheltering services to the City of Winslow for 2007.
8. **ESRI, Inc:** A resolution approving the annual maintenance agreement in the amount of \$32,142.39 with ESRI, Inc. for Geographic Information System (GIS) software maintenance and upgrades.
9. **Hansen Technology, Inc:** A resolution approving a purchase request to Hansen Technology, Inc. in the amount of \$55,725.00 for software service and maintenance fees.
10. **Dynamic Information Solutions Company, Inc:** A resolution approving an annual service and maintenance agreement in the amount of \$36,291.00 with Dynamic Information Solutions Company, Inc.
11. **Van Scoyoc Associates Memorandum of Agreement:** A resolution approving a memorandum of agreement with Van Scoyoc Associates in the amount of \$84,000.00 to provide lobbying services to the City of Fayetteville.
12. **Thyssen Krupp Elevator Contract:** A resolution to approve a contract with Thyssen Krupp Elevator Company in the amount of \$53,000.00 with a project contingency of \$5,300.00.
13. **Scull Creek Trail Lighting:** A resolution awarding bid #07-01 and approving the purchase of light fixtures and poles from Illuminetrics, authorized agents for Dynamic Lighting and W.J. Whatley in the amount of \$42,840.00 for Scull Creek Trail.
14. **Wachter Electric:** A resolution awarding Bid #07-02 and approving a contract with Wachter Electric in the amount of \$52,568.00 for the installation of lighting at the Walker Park basketball and tennis courts; approving a 15% project contingency in the amount of \$7,885.00; and approving a budget adjustment in the amount of \$10,900.00.
15. **Outdoor Recreation Grant Acceptance:** A resolution authorizing the Parks and Recreation Division to accept an Arkansas Parks and Tourism outdoor recreation 50/50 grant in the amount of \$100,000.00 for improvements to Sweetbriar Park, Bryce Davis Park and Gulley Park.

B. UNFINISHED BUSINESS:

1. **Farmington Annexation Public Hearing Date:** A resolution setting a public hearing date regarding the City of Farmington's desire to annex certain territory currently in the city limits of Fayetteville.

C. NEW BUSINESS:

1. **Seven Hills Homeless Shelter, Inc:** A resolution to authorize Mayor Coody to sign a Leasehold Mortgage and Security Agreement for Fayetteville as a landlord so that Seven Hills Homeless Shelter, Inc. can borrow \$200,000.00 from Regions Bank.
2. **R-PZD 06-2196 West Fork Place Appeal:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-2196, West Fork Place, located at the end of Ray Avenue, south of Huntsville Road; containing approximately 13.92 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan.
3. **Wedington Circle Appeal:** An appeal of the Planning Commission's decision to approve the Wedington Circle Preliminary Plat (PPL 06-2302) located north of Wedington Drive, west of Garland Avenue.
4. **VAC 06-2204 Bungalows at Cato Springs:** An ordinance approving VAC 06-2204 submitted by McClelland Consulting Engineers for property located north of Cato Springs Road, west of Cline Avenue to vacate an access easement (0.35 acres) and drainage channel access easement (0.03 acres) on the property.
5. **VAC 06-2365 Popeye's Chicken & Biscuits:** An ordinance approving VAC 06-2365 submitted by Mel Milholland for property located between Old Farmington Road and 6th Street, east of 2190 west 6th Street, vacating a 50' street easement on a portion of Sang Avenue, containing 0.167 acres.
6. **VAC 06-2400 Bellafont II:** An ordinance approving VAC 06-2400 submitted by H2 Engineering for property located at the southwest corner of the Bellafont Development, north of Joyce Boulevard and west of Vantage Drive to vacate a portion of a utility easement.
7. **RZN 06-2399 West Side Annexation C-1:** An ordinance rezoning that property described in rezoning petition RZN 06-2399, for approximately 3.93 acres, located at the southwest and southeast corners of Hwy. 16 and Harmon Road from R-A, Residential Agricultural, to C-1, Neighborhood Commercial.
8. **RZN 06-2399 West Side Annexation P-1:** An ordinance rezoning that property described in rezoning petition RZN 06-2399, for approximately 39.62 acres, located at the northwest corner of Hwy. 16 and Harmon Road from R-A, Residential Agricultural, to P-1, institutional.
9. **RZN 06-2399 West Side Annexation RSF-1:** An ordinance rezoning that property described in rezoning petition RZN 06-2399, for approximately 232.06 acres, located at Hwy. 16 and Rocky Ridge Road Lane, Forest Hills Drive and along Harmon Road south from R-A, Residential Agricultural, to RSF-1, Residential Single Family, 1 unit per acre.
10. **RZN 06-2399 West Side Annexation RSF-4:** An ordinance rezoning that property described in rezoning petition RZN 06-2399, for approximately 17.63 acres, located at the southeast corner of Hwy. 16 and Harmon Road from R-A, Residential Agricultural, to RSF-4, Residential Single Family, 4 units per acre.

- 11. ADM 06-2379; Amend Chapter 176 Outdoor Lighting:** An ordinance amending Chapter 176: Outdoor Lighting, Unified Development Code of the Fayetteville Code of Ordinances.
- 12. Ten Foot No Build Easement:** A resolution to convey a ten foot no build easement around a proposed building by Ed Bradberry above the ten foot alley at the Town Center Site.
- 13. AT&T Proposed Agreement:** A resolution to approve an agreement with AT&T Arkansas to allow it to offer internet protocol/cable TV type service in Fayetteville.
- 14. Amend Chapter 159: Impact Fee Table of Charges:** An ordinance to amend Table A, Impact Fees in §159.03(D)(1), §159.04(D)(1) and §159.05(D)(1) of the Unified Development Code to combine land use categories in Table A to match the Road Impact Fee Ordinance and the statutory definition of “development.”

D. INFORMATIONAL:

City Council Tour: February 5, 2007

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

A. 2
Elm Springs Animal Sheltering Services
Page 1 of 6

2/6/2007

City Council Meeting Date

Jill Hatfield

Submitted By

Animal Services

Division

Police

Department

Action Required:

A resolution approving an Inter-local sheltering agreement between Fayetteville, Arkansas and Elm Springs, Arkansas for a three year period beginning January 1, 2007 to December 31, 2009. The sheltering agreement is for 22 animals, total sheltering fees for 2007 of \$1,650.

Cost of this request

\$

-

Category / Project Budget

Intergovernmental

Program Category / Project Name

1010 0001 4390 00

Account Number

\$

-

Funds Used to Date

Program / Project Category Name

Project Number

\$

-

Remaining Balance

General

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

Department Director

Date

Previous Ordinance or Resolution #

15-06

Original Contract Date:

City Attorney

Date

Original Contract Number:

Finance and Internal Service Director

Date

Received in City Clerk's Office

ENTERED

1-18-07

Received in Mayor's Office

ENTERED

1/22/07

Mayor

Date

Comments:

RESOLUTION NO. _____

A RESOLUTION APPROVING AN INTER-LOCAL AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND THE CITY OF ELM SPRINGS, ARKANSAS TO PROVIDE ANIMAL SHELTERING SERVICES TO THE CITY OF ELM SPRINGS FOR 2007-2009.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Elm Springs, Arkansas to provide animal sheltering services to the City of Elm Springs for 2007-2009. A copy of the agreement, 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 and City Clerk to execute the Inter-Local Agreement with the City of Elm Springs, Arkansas.

PASSED and APPROVED this 6th day of February, 2007.

APPROVED:

ATTEST

By: _____

DAN COODY, Mayor

By: _____

SONDRA SMITH, City Clerk/Treasurer

**INTERLOCAL AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE,
ARKANSAS AND CITY OF ELM SPRINGS, ARKANSAS**

THIS AGREEMENT is entered into this 18th day of December
20 06, by and between the **CITY OF FAYETTEVILLE**, and the **CITY OF ELM
SPRINGS, ARKANSAS**, concerning the provision of animal sheltering services;

WHEREAS, A.C.A. § 25-20-108, Interlocal Cooperation Act, authorizes
public entities to enter into agreements to provide governmental services to the
mutual benefit of each entity; and

WHEREAS, effective animal control is of mutual interest to the City of
Fayetteville and City of Elm Springs; and

WHEREAS, the City of Fayetteville possesses the necessary facilities to
provide animal sheltering services to City of Elm Springs.

NOW, THEREFORE, IN CONSIDERATION of mutual promises of the
parties contained herein and other good and valuable consideration, the parties
agree as follows:

Article I

The City of Fayetteville agrees to provide sheltering services for animals
delivered to its shelter, located at 1640 Armstrong Avenue, in the City of
Fayetteville, by Elm Springs citizens and designated animal control officers.

Article II

The City of Elm Springs agrees to comply with the Fayetteville Animal
Shelter's Operating Policy during the term of this Agreement, and understands that
the City of Fayetteville may terminate this agreement for noncompliance.

Article III

The City of Elm Springs agrees to pay sheltering services fees of Seventy Five
dollars (\$75) per animal to the City of Fayetteville in the form of twelve (12) monthly
payments. Payment shall be due on or before the first day of each month. The
annual sheltering services fee shall be based upon the total number of animals
delivered to the shelter by Elm Springs citizens and designated animal control
officers during the previous year.

Article IV

This agreement shall remain in effect until midnight December 31, 2009.

Article V

The City of Fayetteville agrees to provide assistance to the City of Elm Springs in the form of minor medical treatment while a shelter veterinarian is on staff, the drafting of animal control ordinances, educational programming, professional consultation regarding animal control matters, and in all other areas necessary and proper to effectuate the highest level of cooperation between the two cities.

Article VI

Both Cities acknowledge the existence of a county wide animals sheltering agreement between the City of Fayetteville and Washington County, but which currently excludes the corporate boundaries of any incorporated cities. The Cities agree that this Agreement shall automatically terminate in the event that the City of Elm Springs enters into an animal sheltering services agreement with Washington County, Arkansas. In any event, either City shall have the right to terminate this Agreement upon Thirty (30) days written notice to the other.

Article VII

Neither City may assign any of its rights or delegate any of its obligations under this Agreement, without the express written consent of the other.

Article VIII

This Agreement shall be interpreted according to and enforced under the laws of the State of Arkansas.

Article IX

Each paragraph of this Agreement is severable from all other paragraphs. In the event any court of competent jurisdiction determines that any paragraph or subparagraph is invalid or unenforceable for any reason, all remaining paragraphs and subparagraphs shall remain in full force and effect.

Article X

The City of Elm Springs shall hold harmless the City of Fayetteville from any and all claims or liabilities arising from the performance of this Agreement,

provided that nothing in this Agreement shall be construed to alter, limit or otherwise compromise that immunity afforded the City of Fayetteville or the City of Elm Springs under the Constitution and Statutes of the State of Arkansas.

Article XI

It is agreed that the failure of any party to invoke any of the available remedies under this Agreement or under law in the event of one or more breaches or defaults by any party under the Agreement shall not be construed as a waiver of such provisions and conditions and shall not prevent the parties from invoking such remedies in the event of any future breach or default.

Article XII

This Agreement constitutes the entire understanding of the parties, and no modification or variation of the terms of this Agreement shall be valid unless made in writing and signed by the duly authorized agents of the parties, after an affirmative vote of a majority of each city's governing body.

IN WITNESS WHEREOF, the City of Fayetteville and the City of Elm Springs have executed this Agreement on or as of the date first written above.

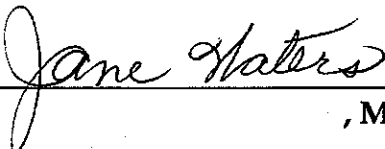
CITY OF FAYETTEVILLE, ARKANSAS

DAN COODY, Mayor

ATTEST:

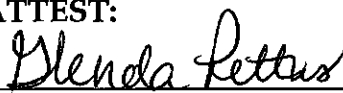
SONDRA SMITH, City Clerk

**CITY OF ELM SPRINGS,
ARKANSAS**



, Mayor

ATTEST:



, City Clerk

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

A. 3
Farmington Animal Sheltering Services
Page 1 of 8

2/6/2007

City Council Meeting Date

Jill Hatfield

Submitted By

Animal Services

Division

Police

Department

Action Required:

A resolution approving an Inter-Local sheltering agreement between Fayetteville, Arkansas and Farmington, Arkansas for a three year period beginning January 1, 2007 and ending December 31, 2009. The sheltering agreement is for 186 animals, total sheltering fees for 2007 of \$13,950.

Cost of this request

\$

-

Category / Project Budget

Intergovernmental

Program Category / Project Name

1010 0001 4390 00

Account Number

\$

-

Funds Used to Date

Program / Project Category Name

Project Number

\$

-

Remaining Balance

General

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

Previous Ordinance or Resolution #

11- 06

[Signature]
Department Director

1-3-07
Date

Original Contract Date:

Original Contract Number:

[Signature]
City Attorney

1/4/07
Date

Paul a. Behm
Finance and Internal Service Director

1-5-07
Date

Received in City Clerk's Office

ENTERED
1-2-07

Received in Mayor's Office

ENTERED
1/5/07

[Signature]
Mayor

1/5/07
Date

Comments:

RESOLUTION NO. _____

A RESOLUTION APPROVING AN INTER-LOCAL AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND THE CITY OF FARMINGTON, ARKANSAS TO PROVIDE ANIMAL SHELTERING SERVICES TO THE CITY OF FARMINGTON FOR 2007.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Farmington, Arkansas to provide animal sheltering services to the City of Farmington for 2007. A copy of the agreement, 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 and City Clerk to execute the Inter-Local Agreement with the City of Farmington, Arkansas.

PASSED and APPROVED this 6th day of February, 2007.

APPROVED:

ATTEST:

By: _____

DAN COODY, Mayor

By: _____

SONDRA SMITH, City Clerk/Treasurer

RESOLUTION NO. 2006-06

A RESOLUTION APPROVING AN INTER-LOCAL AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND THE CITY OF FARMINGTON, ARKANSAS TO PROVIDE ANIMAL SHELTERING SERVICES FOR THE CITY OF FARMINGTON FOR THREE (3) YEARS COMMENCING JANUARY 1, 2007

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

Section 1: That the City Council of the City of Farmington, Arkansas hereby approves an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Farmington, Arkansas to provide animal sheltering services for the City of Farmington for a period of three (3) years commencing January 1, 2007. A copy of the agreement, marked Exhibit "A" is attached hereto, and made a part hereof.

Section 2: That the City Council of the City of Farmington, Arkansas hereby authorizes the Mayor and City Clerk to execute the Inter-Local Agreement with the City of Fayetteville, Arkansas.

PASSED AND APPROVED this 11 day of December, 2006.

APPROVED:

By: John Harris
John Harris, Mayor

ATTEST:

Jean Swift
Jean Swift, City Clerk

Article XII

This Agreement constitutes the entire understanding of the parties, and no modification or variation of the terms of this agreement shall be valid unless made in writing and executed by the duly authorized agents of the parties, after an affirmative vote of a majority of each city's governing body.

IN WITNESS WHEREOF, the City of Fayetteville and the City of Farmington have executed this Agreement as of the date written above.

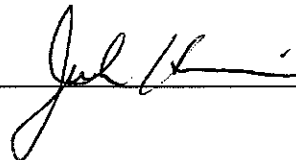
CITY OF FAYETTEVILLE, ARKANSAS

DAN COODY, Mayor

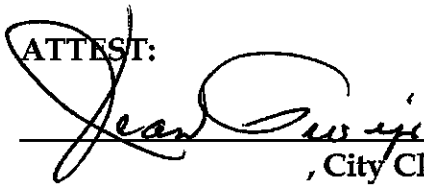
ATTEST:

SONDRA SMITH, City Clerk

**CITY OF FARMINGTON,
ARKANSAS**


_____, Mayor

ATTEST:


_____, City Clerk

**INTERLOCAL AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE,
ARKANSAS AND CITY OF FARMINGTON, ARKANSAS**

THIS AGREEMENT is entered into this _____ day of _____, 20_____, by and between the **CITY OF FAYETTEVILLE**, and the **CITY OF FARMINGTON, ARKANSAS**, concerning the provision of animal sheltering services;

WHEREAS, A.C.A. § 25-20-108, Interlocal Cooperation Act, authorizes public entities to enter into agreements to provide governmental services to the mutual benefit of each entity; and

WHEREAS, effective animal control is of mutual interest to the City of Fayetteville and City of Farmington; and

WHEREAS, the City of Fayetteville possesses the necessary facilities to provide animal sheltering services to City of Farmington.

NOW, THEREFORE, IN CONSIDERATION of mutual promises of the parties contained herein and other good and valuable consideration, the parties agree as follows:

Article I

The City of Fayetteville agrees to provide sheltering services for animals delivered to its shelter, located at 1640 Armstrong Avenue, in the City of Fayetteville, by Farmington citizens and designated animal control officers with the term of this agreement to commence January 1, 2007 and remain in effect until December 31, 2009.

Article II

The City of Farmington agrees to comply with the Fayetteville Animal Shelter's Operating Policy during the term of this Agreement, and understands that the City of Fayetteville may terminate this agreement for noncompliance with its policy by providing a written 30 day notice of cancellation to the Mayor of the City of Farmington. If within the 30 day period, the City of Farmington fails to be in compliance with the operating policy, this agreement is terminated, the City of Fayetteville is no longer obligated under the terms of this agreement, and the City of Farmington is not obligated for the remaining monies owed under this agreement.

Article III

That commencing January 1, 2007, the City of Farmington agrees to pay an annual sheltering fee based on Seventy-Five Dollars (\$75) per animal for the number of animals delivered to the City of Fayetteville the preceding fiscal year of 2006, subject to the provisions of Article IV below. The annual sheltering fee for the year 2007 is Thirteen Thousand Nine Hundred Fifty Dollars (\$13,950) (based on 186 animals delivered in 2006), which shall be paid in twelve (12) equal installments on or before the first day of each month.

The annual sheltering fee for the year 2008 shall be based on Seventy-Five Dollars (\$75) per animal for the number of animals delivered to the City of Fayetteville the preceding fiscal year of 2007, subject to the provisions of Article IV below and payable in twelve (12) equal installments on or before the first day of each month.

The same provisions shall apply for the annual sheltering fee for the year 2009 for a total of three (3) years, with the annual sheltering fee payable in twelve (12) equal installments on or before the first day of each month.

Article IV

For recordation purposes, the City of Farmington's account will be charged or debited at the rate of \$75 as an impound fee for each animal delivered to the animal shelter by Farmington officials during the term of this agreement. In the event an animal is reclaimed by its owner within 24 hours of being delivered to the animal shelter by Farmington officials, the City of Fayetteville will credit the Farmington account for the \$75 impound fee. An additional sum of \$5 per day will be charged to the owners of animals that are impounded for over 5 days at the animal shelter. The City of Farmington is responsible for collecting impound fees from Farmington citizens. The City of Fayetteville is responsible for the collecting the per diem fee of \$5 for each day an animal is impounded beyond the 5-day period.

The parties acknowledge that the City of Farmington is not responsible and its account will not be charged or debited for impound fees for animals delivered to the animal shelter by citizens who do not present a receipt for the payment of impound fees to the City of Farmington. Further, Farmington citizens may not reclaim an animal from the animal shelter without first presenting a receipt for the impound fee and any other fees that may be incurred and charged by the City of Farmington.

Farmington officials will be provided a key and access to the temporary holding kennels and cages at the animal shelter 24 hours a day, seven days a week. Farmington citizens wishing to surrender an animal to the shelter will be provided, upon request, an appointment to deliver the animal with proof of payment of the impound fee.

When an animal is brought to the animal shelter that does not have a collar bearing the owner's name and address, a metal tag evidencing payment of Farmington's annual license fee, proof of payment such as a receipt, or a metal rabies tag issued by a licensed veterinarian, the animal will be held for a period of five(5) days. At the expiration of five days, the animal becomes the property of Fayetteville. At the expiration of five days, will be temperament tested for aggression and made available for adoption. If the animal fails the temperament test, it will be euthanized. When an animal is brought to the animal shelter with a collar bearing the owner's name and address, a metal tag or other proof that Farmington's annual license fee has been paid, or a metal rabies tag issued by a licensed veterinarian, the animal will be held for a period of ten (10) days. At the expiration of ten (10) days the animal becomes the property of the City of Fayetteville. At the expiration of ten (10) days the animal will be tested for temperament tested for aggression and made available for adoption. If the animal fails the temperament test, it will be euthanized.

Citizens that reclaim their animal must present proof of payment of the impound fee and any additional costs imposed by the City of Farmington. Citizens that reclaim their animal after five (5) days must present proof of payment of the impound fee and any additional costs imposed by the City of Farmington and in addition, are required to pay the animal shelter the sum of five (\$5) per day for each additional day the animal is housed at the animal shelter.

In addition to the annual sheltering services fee, the City of Farmington will be charged and invoiced separately for stray bite quarantine and shipping expenses for rabies testing. Quarantine boarding fees are \$10 per day for 10 days or a shipping charge of \$50 for each animal.

Article V

The City of Fayetteville agrees to provide medical treatment for minor injuries to animals, but will not be responsible for serious injuries to animals delivered to the animal shelter. The City of Fayetteville will provide assistance in drafting animal control ordinances, educational programming, professional consultation regarding animal control matters, and assistance in all other areas necessary and proper to effectuate the highest level of cooperation between the cities of Farmington and Fayetteville.

Article VI

Both parties acknowledge a contract for animal sheltering services between the City of Fayetteville and Washington County, Arkansas. The agreement does not provide for services within the corporate boundaries of any incorporated city in Washington County. The parties further agree that this agreement will terminate in the event the City of Farmington enters into an animal sheltering services agreement with Washington County, Arkansas. In any event, the City of Farmington and the City of Fayetteville shall have the right to terminate this agreement upon providing a 30 day written notice.

Article VII

Neither party may assign its rights or obligations under this Agreement, without the express written consent of the other.

Article VIII

This Agreement shall be interpreted according to and enforced under the laws of the State of Arkansas.

Article IX

Each paragraph of this Agreement is severable from all other paragraphs. In the event any court of competent jurisdiction determines that any paragraph or subparagraph is invalid or unenforceable for any reason, all remaining paragraphs and subparagraphs shall remain in full force and effect.

Article X

The City of Farmington shall indemnify and hold harmless the City of Fayetteville from any and all claims or liabilities arising from the performance of this Agreement, provided however, nothing in this agreement shall be construed to alter, limit or otherwise compromise that immunity afforded the City of Fayetteville and the City of Farmington under the Constitution and Statutes of the State of Arkansas.

Article XI

It is agreed that the failure of any party to invoke any of the available remedies under this agreement for one or more breaches or defaults shall not be construed as a waiver of such provisions and conditions and shall not prevent the parties from invoking such remedies in the event of any future breach or default.

A. 4
Goshen Animal Sheltering Services
Page 1 of 6

City Council Meeting Date

Department

A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and Goshen, Arkansas for a three year period beginning January 1, 2007 and ending December 31, 2009. The sheltering agreement is for 24 animals, total sheltering fees for 2007 of \$1,800.

Budget Adjustment Attached

Comments:

RESOLUTION NO. _____

**A RESOLUTION APPROVING AN INTER-LOCAL AGREEMENT
BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND THE
CITY OF GOSHEN, ARKANSAS TO PROVIDE ANIMAL
SHELTERING SERVICES TO THE CITY OF GOSHEN FOR 2007.**

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Goshen, Arkansas to provide animal sheltering services to the City of Goshen for 2007. A copy of the agreement, 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 and City Clerk to execute the Inter-Local Agreement with the City of Goshen, Arkansas.

PASSED and APPROVED this 6th day of February, 2007.

APPROVED:

ATTEST

By:

DAN COODY, Mayor

By:

SONDRA SMITH, City Clerk/Treasurer

**INTERLOCAL AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE,
ARKANSAS AND CITY OF GOSHEN, ARKANSAS**

THIS AGREEMENT is entered into this 7 day of December 20 06, by and between the **CITY OF FAYETTEVILLE**, and the **CITY OF GOSHEN, ARKANSAS**, concerning the provision of animal sheltering services;

WHEREAS, A.C.A. § 25-20-108, Interlocal Cooperation Act, authorizes public entities to enter into agreements to provide governmental services to the mutual benefit of each entity; and

WHEREAS, effective animal control is of mutual interest to the City of Fayetteville and City of Goshen; and

WHEREAS, the City of Fayetteville possesses the necessary facilities to provide animal sheltering services to City of Goshen.

NOW, THEREFORE, IN CONSIDERATION of mutual promises of the parties contained herein and other good and valuable consideration, the parties agree as follows:

Article I

The City of Fayetteville agrees to provide sheltering services for animals delivered to its shelter, located at 1640 Armstrong Avenue, in the City of Fayetteville, by Goshen citizens and designated animal control officers.

Article II

The City of Goshen agrees to comply with the Fayetteville Animal Shelter's Operating Policy during the term of this Agreement, and understands that the City of Fayetteville may terminate this agreement for noncompliance.

Article III

The City of Goshen agrees to pay sheltering services fees of Seventy Five dollars (\$75) per animal to the City of Fayetteville in the form of twelve (12) monthly payments. Payment shall be due on or before the first day of each month. The annual sheltering services fee shall be based upon the total number of animals delivered to the shelter by Goshen citizens and designated animal control officers during the previous year.

Article IV

This agreement shall remain in effect until midnight December 31, 2009.

Article V

The City of Fayetteville agrees to provide assistance to the City of Goshen in the form of minor medical treatment while a shelter veterinarian is on staff, the drafting of animal control ordinances, educational programming, professional consultation regarding animal control matters, and in all other areas necessary and proper to effectuate the highest level of cooperation between the two cities.

Article VI

Both Cities acknowledge the existence of a county wide animals sheltering agreement between the City of Fayetteville and Washington County, but which currently excludes the corporate boundaries of any incorporated cities. The Cities agree that this Agreement shall automatically terminate in the event that the City of Goshen enters into an animal sheltering services agreement with Washington County, Arkansas. In any event, either City shall have the right to terminate this Agreement upon Thirty (30) days written notice to the other.

Article VII

Neither City may assign any of its rights or delegate any of its obligations under this Agreement, without the express written consent of the other.

Article VIII

This Agreement shall be interpreted according to and enforced under the laws of the State of Arkansas.

Article IX

Each paragraph of this Agreement is severable from all other paragraphs. In the event any court of competent jurisdiction determines that any paragraph or subparagraph is invalid or unenforceable for any reason, all remaining paragraphs and subparagraphs shall remain in full force and effect.

Article X

The City of Goshen shall hold harmless the City of Fayetteville from any and all claims or liabilities arising from the performance of this Agreement, provided that nothing in this Agreement shall be construed to alter, limit or otherwise

compromise that immunity afforded the City of Fayetteville or the City of Goshen under the Constitution and Statutes of the State of Arkansas.

Article XI

It is agreed that the failure of any party to invoke any of the available remedies under this Agreement or under law in the event of one or more breaches or defaults by any party under the Agreement shall not be construed as a waiver of such provisions and conditions and shall not prevent the parties from invoking such remedies in the event of any future breach or default.

Article XII

This Agreement constitutes the entire understanding of the parties, and no modification or variation of the terms of this Agreement shall be valid unless made in writing and signed by the duly authorized agents of the parties, after an affirmative vote of a majority of each city's governing body.

IN WITNESS WHEREOF, the City of Fayetteville and the City of Goshen have executed this Agreement on or as of the date first written above.

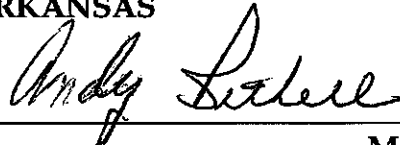
CITY OF FAYETTEVILLE, ARKANSAS

DAN COODY, Mayor

ATTEST:

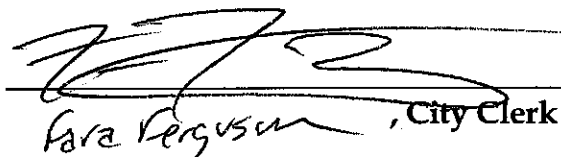
SONDRA SMITH, City Clerk

**CITY OF GOSHEN,
ARKANSAS**



Andy Litchell, Mayor

ATTEST:



Tara Ferguson, City Clerk

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

A. 5
Greenland Animal Sheltering Services
Page 1 of 8

2/6/2007

City Council Meeting Date

Jill Hatfield

Submitted By

Animal Services

Division

Police

Department

Action Required:

A resolution approving an Inter-Local sheltering agreement between Fayetteville, Arkansas and Greenland, Arkansas for a three year period beginning January 1, 2007 and ending December 31, 2009. The sheltering agreement is for 38 animals, total sheltering fees for 2007 of \$2,850.

Cost of this request 1010 0001 4390 00 Account Number	\$ - Category / Project Budget \$ - Funds Used to Date \$ - Remaining Balance	Intergovernmental Program Category / Project Name Program / Project Category Name General Fund Name
--	---	--

Budgeted Item

☒

Budget Adjustment Attached

☐

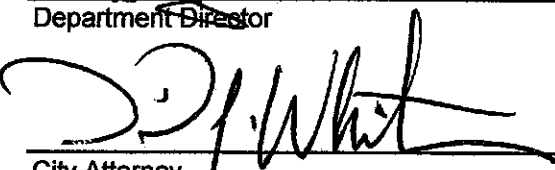

Department Director

1-3-07
Date

Previous Ordinance or Resolution # 13-06

Original Contract Date:

Original Contract Number:


City Attorney

1/4/07
Date

Received in City Clerk's Office

ENTERED

1-2-07

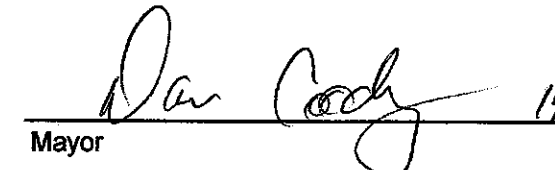

Finance and Internal Service Director

1-5-07
Date

Received in Mayor's Office

ENTERED

1/5/07


Mayor

1/5/07
Date

Comments:

RESOLUTION NO. _____

A RESOLUTION APPROVING AN INTER-LOCAL AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND THE CITY OF GREENLAND, ARKANSAS TO PROVIDE ANIMAL SHELTERING SERVICES TO THE CITY OF GREENLAND FOR 2007.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Greenland, Arkansas to provide animal sheltering services to the City of Greenland for 2007. A copy of the agreement 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 and City Clerk to execute the Inter-Local Agreement with the City of Greenland, Arkansas.

PASSED and APPROVED this 6th day of February 2007.

APPROVED:

ATTEST:

By:

DAN COODY, Mayor

By:

SONDRA SMITH, City Clerk/Treasurer

MINUTES OF THE GREENLAND CITY COUNCIL MEETING
Monday December 11, 2006 Community Center

Mayor Bill Yoes called meeting to order at 7:00 P.M.

Members present:

Bill Yoes

Donna Cheevers

Danny Dutton

Pam Horn

Sugar Huddleston

John James

Mark Myers

Lisa Thornton

Absent: Brad Tomlinson, Greg White

Also present: Danny Wright, Gary Ricker, Janice Wagon, Troy Enochs and several guests.

Approval of minutes: Motion by Thornton second by James to approve the minutes.
Motion carries 6-0.

Treasurer's report: Motion by Thornton second by Dutton to accept the Treasurers report. Motion carries 6-0.

Planning Commission: Dennis Eddington presented report.
Donald Foster can apply for an appeal before the council.

Court and Police reports: Gary presented report.

Bill Yoes suggested appointing Wayne Box to the Planning Commission with the Councils approval.

The Council approved the appointment of Wayne Box.

Impact Fee study (Carol Jones)

Carol presented the Waste Water Master Plan Impact Fee Study to the Council.

The Council wants to have Carol apply for the grant that is due this Friday.

Walking Trail: They should start sometime next week.

Ordinance # 251 (\$5.00 court cost)

Motion by Thornton second by Dutton to place Ordinance # 251 on the second reading
By title only. Motion carries 6-0.

Motion by Thornton second by Dutton to accept the second reading of Ordinance # 251
by title only. Motion carries 6-0.

Motion by Thornton second by Dutton to suspend the rules and go to the third and final reading by title only. Roll call: Huddleston-yes, James-yes, Dutton-yes, Horn-yes, Myers-yes, Thornton-yes. Motion carries 6-0.
Motion by Thornton second by Dutton to accept Ordinance # 251 by title only. Motion carries 6-0.

Ordinance # 252 (Posting)

Motion by Thornton second by Dutton to place Ordinance # 252 on the second reading by title only. Motion carries 6-0.
Motion by Thornton second by Dutton to accept the second reading of Ordinance # 252 by title only. Motion carries 6-0.
Motion by Thornton second by Dutton to suspend the rules and go to the third and final reading by title only. Roll Call: Huddleston-yes, James-yes, Dutton-yes, Horn-yes, Myers-yes, Thornton-yes. Motion carries 6-0.
Motion by Thornton second by Dutton to accept Ordinance # 252 by title only. Motion carries 6-0.

Chris Waller-Creekside subdivision

There is a portion of the subdivision they want to reduce the lot sizes. The attorney advised us not to decide on this tonight. Danny advised them of the next step they need to take.
Sugar said we need to stay with our Ordinances and the lot sizes will remain the same.

Review from Greenland Hills Subdivision Step System:

They were here to present the report where Fayetteville checked the system and told them to proceed. Carol Jones suggested that we require a bond of one half of the cost of the system

Resolution # 12-11-06A (2007 Budget)

Motion by Huddleston second by Thornton to read Resolution # 12-11-06. Motion carries 6-0.
Motion by Thornton second by Dutton to approve Resolution # 12-11-06A. Motion carries 6-0.

Ordinance # 253 (Adjust 2006 Budget)

Motion by Thornton second by Dutton to place Ordinance # 253 on the first reading by title only. Motion carries 6-0.
Motion by Thornton second by Dutton to accept the first reading of Ordinance # 253 by title only. Motion carries 6-0.
Motion by Thornton second by Dutton to suspend the rules and go to the second reading of Ordinance # 253 by title only. Roll Call: Huddleston-yes, Dutton-yes, James-yes, Horn-yes, Myers-yes, Thornton-yes. Motion carries 6-0.
Motion by Thornton second by Dutton to accept the second reading of Ordinance # 253 by title only. Motion carries 6-0.

Motion by Thornton second by Dutton to suspend the rules and go to the third and final reading of Ordinance # 253 by title only. Roll Call: Huddleston-yes, Dutton-yes, Horn-yes, James-yes, Myers-yes, Thornton-yes. Motion carries 6-0.

Motion by Thornton second by Dutton to accept Ordinance # 253 by title only. Motion carries 6-0.

Motion by Thornton Second by Dutton to adopt the emergency clause. Roll Call: Huddleston-yes, Myers-yes, James-yes, Horn-yes, Dutton-yes, Thornton-yes. Motion carries 6-0.

The audit report was presented to the Council. It was a very good report.

Carol Jones wanted to know if we wanted her to work on the master street plan. The council voiced approval.

Resolution # 12-11-06B (Appoint City Attorney)

Motion by Thornton second by Dutton to read Resolution # 12-11-06B. Motion carries 6-0.

Motion by Thornton second by Dutton to approve Resolution # 12-11-06B. Motion carries 6-0.

Sugar thanked Bill for the excellent work he has done for the city.

Helen McCarty passed away and left \$1,000 for a grill for the Community Center. The grill will cost \$2,200. He wants the city to pay \$1,200 so we can get the grill.

Motion by James second by Thornton to allow \$1,200 toward the purchase of a grill for the Community Center. Motion carries 6-0.

The Mayor wants us to not let the step system go by the wayside.

Animal sheltering agreement:

Motion by Thornton second by Huddleston to accept the animal sheltering agreement with the City of Fayetteville. Motion carries 6-0.

Motion by Thornton second by Huddleston to adjourn. Motion carries 8-0.

Meeting adjourned at 8:50 P.M.

otherwise compromise that immunity afforded the City of Fayetteville or the City of Greenland under the Constitution and Statutes of the State of Arkansas.

Article XI

It is agreed that the failure of any party to invoke any of the available remedies under this Agreement or under law in the event of one or more breaches or defaults by any party under the Agreement shall not be construed as a waiver of such provisions and conditions and shall not prevent the parties from invoking such remedies in the event of any future breach or default.

Article XII

This Agreement constitutes the entire understanding of the parties, and no modification or variation of the terms of this Agreement shall be valid unless made in writing and signed by the duly authorized agents of the parties, after an affirmative vote of a majority of each city's governing body.

IN WITNESS WHEREOF, the City of Fayetteville and the City of Greenland have executed this Agreement on or as of the date first written above.

CITY OF FAYETTEVILLE, ARKANSAS

DAN COODY, Mayor

ATTEST:

SONDRA SMITH, City Clerk

**CITY OF GREENLAND,
ARKANSAS**

William J. ...

, Mayor

ATTEST:

Donna Cheevers

, City Clerk

**INTERLOCAL AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE,
ARKANSAS AND CITY OF GREENLAND, ARKANSAS**

THIS AGREEMENT is entered into this _____ day of _____, 20____, by and between the **CITY OF FAYETTEVILLE**, and the **CITY OF GREENLAND, ARKANSAS**, concerning the provision of animal sheltering services;

WHEREAS, A.C.A. § 25-20-108, Interlocal Cooperation Act, authorizes public entities to enter into agreements to provide governmental services to the mutual benefit of each entity; and

WHEREAS, effective animal control is of mutual interest to the City of Fayetteville and City of Greenland; and

WHEREAS, the City of Fayetteville possesses the necessary facilities to provide animal sheltering services to City of Greenland.

NOW, THEREFORE, IN CONSIDERATION of mutual promises of the parties contained herein and other good and valuable consideration, the parties agree as follows:

Article I

The City of Fayetteville agrees to provide sheltering services for animals delivered to its shelter, located at 1640 Armstrong Avenue, in the City of Fayetteville, by Greenland citizens and designated animal control officers.

Article II

The City of Greenland agrees to comply with the Fayetteville Animal Shelter's Operating Policy during the term of this Agreement, and understands that the City of Fayetteville may terminate this agreement for noncompliance.

Article III

The City of Greenland agrees to pay sheltering services fees of Seventy Five dollars (\$75) per animal to the City of Fayetteville in the form of twelve (12) monthly payments. Payment shall be due on or before the first day of each month. The annual sheltering services fee shall be based upon the total number of animals delivered to the shelter by Greenland citizens and designated animal control officers during the previous year.

Article IV

This agreement shall remain in effect until midnight December 31, 2009.

Article V

The City of Fayetteville agrees to provide assistance to the City of Greenland in the form of minor medical treatment while a shelter veterinarian is on staff, the drafting of animal control ordinances, educational programming, professional consultation regarding animal control matters, and in all other areas necessary and proper to effectuate the highest level of cooperation between the two cities.

Article VI

Both Cities acknowledge the existence of a county wide animals sheltering agreement between the City of Fayetteville and Washington County, but which currently excludes the corporate boundaries of any incorporated cities. The Cities agree that this Agreement shall automatically terminate in the event that the City of Greenland enters into an animal sheltering services agreement with Washington County, Arkansas. In any event, either City shall have the right to terminate this Agreement upon Thirty (30) days written notice to the other.

Article VII

Neither City may assign any of its rights or delegate any of its obligations under this Agreement, without the express written consent of the other.

Article VIII

This Agreement shall be interpreted according to and enforced under the laws of the State of Arkansas.

Article IX

Each paragraph of this Agreement is severable from all other paragraphs. In the event any court of competent jurisdiction determines that any paragraph or subparagraph is invalid or unenforceable for any reason, all remaining paragraphs and subparagraphs shall remain in full force and effect.

Article X

The City of Greenland shall hold harmless the City of Fayetteville from any and all claims or liabilities arising from the performance of this Agreement, provided that nothing in this Agreement shall be construed to alter, limit or

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

A. 6
Washington County Animal Sheltering Services
Page 1 of 6

2/6/2007

City Council Meeting Date

Jill Hatfield

Submitted By

Animal Services

Division

Police

Department

Action Required:

A resolution approving an Inter-Local sheltering agreement between Fayetteville, Arkansas and Washington County, Arkansas for a one year period beginning January 1, 2007 to December 31, 2007. The sheltering agreement is for 1,098 animals, total sheltering fees for 2007 of \$82,350.00

Cost of this request

\$

-

Category / Project Budget

Intergovernmental

Program Category / Project Name

1010 0001 4390 00

Account Number

\$

-

Funds Used to Date

Program / Project Category Name

Project Number

\$

-

Remaining Balance

General

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

[Signature]
Department Director

1-16-07
Date

Previous Ordinance or Resolution # 12-06

Original Contract Date: _____

[Signature]
City Attorney

1/22/07
Date

Original Contract Number: _____

Paul A. Belin
Finance and Internal Service Director

1-22-07
Date

Received in City Clerk's Office

ENTERED
1/12/07
[Signature]

Received in Mayor's Office

ENTERED
1/23/07
P.A.

Mayor

Date

Comments:

RESOLUTION NO. _____

**A RESOLUTION APPROVING AN INTER-LOCAL AGREEMENT
BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND
WASHINGTON COUNTY, ARKANSAS TO PROVIDE ANIMAL
SHELTERING SERVICES TO WASHINGTON COUNTY FOR 2007.**

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves an Inter-Local Agreement between the City of Fayetteville, Arkansas and Washington County, Arkansas to provide animal sheltering services to Washington County for 2007. A copy of the agreement, 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 and City Clerk to execute the Inter-Local Agreement with Washington County, Arkansas.

PASSED and APPROVED this 6th day of February, 2007.

APPROVED:

ATTEST:

By: _____
DAN GOODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

DRAFT

**ANIMAL SHELTER AGREEMENT BETWEEN THE CITY OF
FAYETTEVILLE, ARKANSAS AND WASHINGTON COUNTY, ARKANSAS**

THIS AGREEMENT is entered into this _____ day of _____,
20_____, by and between the **CITY OF FAYETTEVILLE**, and the **COUNTY OF
WASHINGTON, ARKANSAS**, concerning the provision of animal sheltering
services;

WHEREAS, A.C.A. § 14-14-910 authorizes public entities to enter into
agreements to provide governmental services to the mutual benefit of each
entity; and

WHEREAS, effective animal control is of mutual interest to the City of
Fayetteville and Washington County; and

WHEREAS, the City of Fayetteville possesses the necessary facilities to
provide animal sheltering services to Washington County.

NOW, THEREFORE, IN CONSIDERATION of mutual promises of the
parties contained herein and other good and valuable consideration, the parties
agree as follows:

Article I

The City of Fayetteville agrees to provide sheltering services for animals
delivered to its shelter, located at 1640 Armstrong Avenue, in the City of
Fayetteville, by designated animal control officers of Washington County.

Article II

Washington County agrees to comply with the Fayetteville Animal Shelter's
Operating Policy during the term of this Agreement, and understands that the City
of Fayetteville may terminate this agreement for noncompliance.

Article III

Washington County agrees to pay sheltering services fees in the amount
of eighty two thousand, three hundred fifty dollars (\$82,350) said sum being
based on the number of animals delivered to the shelter by Washington County
citizens and designated animal control officers during the year 2006. Future
charges will be calculated in the same manner at the rate of \$75 per animal.
Payments shall be made to the City of Fayetteville in the form of twelve (12)
monthly payments. Payment shall be due on or before the first day of each
month

Article IV

This agreement shall begin on January 1, 2007 and end at midnight on December 1, 2007; however either party, upon 30 days written notice may terminate this agreement.

Article V

The City of Fayetteville agrees to provide assistance to Washington County in the form of minor medical treatment while a shelter veterinarian is on staff, the drafting of animal control ordinances, educational programming, professional consultation regarding animal control matters, and in all other areas necessary and proper to effectuate the highest level of cooperation between the City of Fayetteville and Washington County.

Article VI

Neither the City of Fayetteville nor Washington County may assign any of its rights or delegate any of its obligations under this Agreement, without the express written consent of the other.

Article VII

This Agreement shall be interpreted according to and enforced under the laws of the State of Arkansas.

Article VIII

Each paragraph of this Agreement is severable from all other paragraphs. In the event any court of competent jurisdiction determines that any paragraph or subparagraph is invalid or unenforceable for any reason, all remaining paragraphs and subparagraphs shall remain in full force and effect.

Article IX

Washington County shall hold harmless the City of Fayetteville from any and all claims or liabilities arising from the performance of this Agreement, provided that nothing in this Agreement shall be construed to alter, limit or otherwise compromise that immunity afforded the City of Fayetteville or Washington County under the Constitution and Statutes of the State of Arkansas.

Article X

It is agreed that the failure of any party to invoke any of the available remedies under this Agreement or under law in the event of one or more breaches or defaults by any party under the Agreement shall not be construed as a waiver of such provisions and conditions and shall not prevent the parties from invoking such remedies in the event of any future breach or default.

Article XI

This Agreement constitutes the entire understanding of the parties, and no modification or variation of the terms of this Agreement shall be valid unless made in writing and signed by the duly authorized agents of the parties.

IN WITNESS WHEREOF, the City of Fayetteville and Washington County have executed this Agreement on or as of the date first written above.

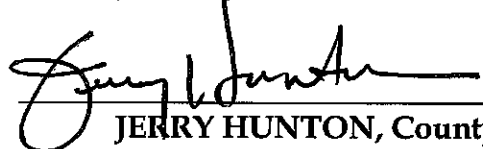
CITY OF FAYETTEVILLE, ARKANSAS

DAN COODY, Mayor

ATTEST:

SONDRA SMITH, City Clerk

**WASHINGTON COUNTY,
ARKANSAS**



JERRY HUNTON, County Judge

ATTEST:

KAREN COMBS PRITCHARD, County Clerk



RECEIVED

JAN 03 2007

CITY OF FAYETTEVILLE
MAYOR'S OFFICEGEORGE E. BUTLER, JR.
County Attorney280 North College, Suite 501
Fayetteville, AR 72701WASHINGTON COUNTY, ARKANSAS
County Courthouse

December 29, 2006

Mayor Dan Coody
113 W. Mountain
Fayetteville, AR 72701

RE: Animal Shelter Agreement

Dear Mayor Coody:

Enclosed please find the original Animal Shelter Agreement Between the City of Fayetteville and Washington County. Please sign the contract in the appropriate space and return to my office for filing. I will send a file-marked copy to the city for your records.

Sincerely,

George E. Butler, Jr.

/rt

Enclosure

cc: Jill Hatfield

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

A. 7
Winslow Animal Sheltering Services
Page 1 of 6

2/6/2007

City Council Meeting Date

Jill Hatfield

Submitted By

Animal Services

Division

Police

Department

Action Required:

A resolution approving an Inter-local sheltering agreement between Fayetteville, Arkansas and Winslow, Arkansas for a three year period beginning January 1, 2007 and ending December 31, 2009. The sheltering agreement is for 6 animals, total sheltering fees for 2007 of \$450.00.

Cost of this request

\$

-

Category / Project Budget

Intergovernmental

Program Category / Project Name

1010 0001 4390 00

Account Number

\$

-

Funds Used to Date

Program / Project Category Name

Project Number

\$

-

Remaining Balance

General

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

Previous Ordinance or Resolution #

Department Director

Date

Original Contract Date:

City Attorney

Date

Original Contract Number:

Finance and Internal Service Director

Date

Received in City Clerk's Office



Received in Mayor's Office



Mayor

Date

Comments:

RESOLUTION NO. _____

**A RESOLUTION APPROVING AN INTER-LOCAL AGREEMENT
BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND THE
CITY OF WINSLOW, ARKANSAS TO PROVIDE ANIMAL
SHELTERING SERVICES TO THE CITY OF WINSLOW FOR 2007.**

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Winslow, Arkansas to provide animal sheltering services to the City of Winslow for 2007. A copy of the agreement, 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 and City Clerk to execute the Inter-Local Agreement with the City of Winslow, Arkansas.

PASSED and APPROVED this 6th day of February, 2007

APPROVED:

ATTEST:

By: _____

DAN GOODY, Mayor

By: _____

SONDRA SMITH, City Clerk/Treasurer

**INTERLOCAL AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE,
ARKANSAS AND CITY OF WINSLOW, ARKANSAS**

THIS AGREEMENT is entered into this _____ day of _____,
20_____, by and between the **CITY OF FAYETTEVILLE**, and the **CITY OF
WINSLOW, ARKANSAS**, concerning the provision of animal sheltering services;

WHEREAS, A.C.A. § 25-20-108, Interlocal Cooperation Act, authorizes
public entities to enter into agreements to provide governmental services to the
mutual benefit of each entity; and

WHEREAS, effective animal control is of mutual interest to the City of
Fayetteville and City of Winslow; and

WHEREAS, the City of Fayetteville possesses the necessary facilities to
provide animal sheltering services to City of Winslow.

NOW, THEREFORE, IN CONSIDERATION of mutual promises of the
parties contained herein and other good and valuable consideration, the parties
agree as follows:

Article I

The City of Fayetteville agrees to provide sheltering services for animals
delivered to its shelter, located at 1640 Armstrong Avenue, in the City of
Fayetteville, by Winslow citizens and designated animal control officers.

Article II

The City of Winslow agrees to comply with the Fayetteville Animal Shelter's
Operating Policy during the term of this Agreement, and understands that the City
of Fayetteville may terminate this agreement for noncompliance.

Article III

The City of Winslow agrees to pay sheltering services fees of Seventy Five
dollars (\$75) per animal to the City of Fayetteville in the form of twelve (12) monthly
payments. Payment shall be due on or before the first day of each month. The
annual sheltering services fee shall be based upon the total number of animals
delivered to the shelter by Winslow citizens and designated animal control officers
during the previous year.

Article IV

This agreement shall remain in effect until midnight December 31, 2009.

Article V

The City of Fayetteville agrees to provide assistance to the City of Winslow in the form of minor medical treatment while a shelter veterinarian is on staff, the drafting of animal control ordinances, educational programming, professional consultation regarding animal control matters, and in all other areas necessary and proper to effectuate the highest level of cooperation between the two cities.

Article VI

Both Cities acknowledge the existence of a county wide animals sheltering agreement between the City of Fayetteville and Washington County, but which currently excludes the corporate boundaries of any incorporated cities. The Cities agree that this Agreement shall automatically terminate in the event that the City of Winslow enters into an animal sheltering services agreement with Washington County, Arkansas. In any event, either City shall have the right to terminate this Agreement upon Thirty (30) days written notice to the other.

Article VII

Neither City may assign any of its rights or delegate any of its obligations under this Agreement, without the express written consent of the other.

Article VIII

This Agreement shall be interpreted according to and enforced under the laws of the State of Arkansas.

Article IX

Each paragraph of this Agreement is severable from all other paragraphs. In the event any court of competent jurisdiction determines that any paragraph or subparagraph is invalid or unenforceable for any reason, all remaining paragraphs and subparagraphs shall remain in full force and effect.

Article X

The City of Winslow shall hold harmless the City of Fayetteville from any and all claims or liabilities arising from the performance of this Agreement, provided that nothing in this Agreement shall be construed to alter, limit or

otherwise compromise that immunity afforded the City of Fayetteville or the City of Winslow under the Constitution and Statutes of the State of Arkansas.

Article XI

It is agreed that the failure of any party to invoke any of the available remedies under this Agreement or under law in the event of one or more breaches or defaults by any party under the Agreement shall not be construed as a waiver of such provisions and conditions and shall not prevent the parties from invoking such remedies in the event of any future breach or default.

Article XII

This Agreement constitutes the entire understanding of the parties, and no modification or variation of the terms of this Agreement shall be valid unless made in writing and signed by the duly authorized agents of the parties, after an affirmative vote of a majority of each city's governing body.

IN WITNESS WHEREOF, the City of Fayetteville and the City of Winslow have executed this Agreement on or as of the date first written above.

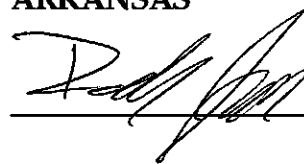
CITY OF FAYETTEVILLE, ARKANSAS

DAN COODY, Mayor

ATTEST:

SONDRA SMITH, City Clerk

**CITY OF WINSLOW,
ARKANSAS**



, Mayor

ATTEST:



, City Clerk

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

2/6/2006
City Council Meeting Date

S. Huddleston
Submitted By

Information Technology
Division

Finance and Internal Services
Department

Action Required:

Approve payment for 2007 ESRI Software Maintenance Fees.

\$ 32,142.39
Cost of this request

\$ 249,020.00
Category / Project Budget

Maintenance
Program Category / Project Name

1010-1710-5416.00
Account Number

\$ 67,099.75
Funds Used to Date

Program / Project Category Name

Project Number

\$ 181,920.25
Remaining Balance

General
Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐

Paul A. Behn
Department Director 1-11-07
Date

Previous Ordinance or Resolution # 245-05

Original Contract Date: 3/5/2002

D.P. Whit
City Attorney 1-12-07
Date

Original Contract Number: _____

Paul A. Behn
Finance and Internal Service Director 1-11-07
Date

Received in City Clerk's Office
ENTERED
1-12-07

Don Corby
Mayor 1/17/07
Date

Received in Mayor's Office
ENTERED
1/16/07

Comments:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

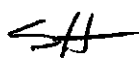
A. 8
ESRI, Inc.
Page 2 of 10

February 6, 2007 Agenda Session

January 10, 2007

TO: Mayor Coody

THRU: Paul Becker, Finance Director

FROM: Scott Huddleston, Information Technology Director 

SUBJECT: AGENDA ITEMS TO APPROVE PURCHASE REQUESTS TO ESRI FOR 2007 SERVICE AND MAINTENANCE FEES.

Recommendations:

Staff recommends approval of purchase request to ESRI for 2007 Service and Maintenance Fees.

Discussion:

Service and Maintenance fees are necessary to keep software current. These fees allow the City to receive updates and enhancements to the software as they become available. In addition, Service and Maintenance fees provide technical phone support and problem troubleshooting and resolution. The software products that we have purchased from ESRI are essential to the City's day to day operations and it is important that we keep these assets current.

Background:

The City began using ESRI software products in 1996. ESRI provides software utilized for the development, analysis and utilization of the City's Geographic Information System data. All maps and analysis of the City's geographic information are stored and produced through the utilization of ESRI software products.

RESOLUTION NO. _____

A RESOLUTION APPROVING THE ANNUAL MAINTENANCE AGREEMENT IN THE AMOUNT OF \$32,142.39 WITH ESRI, INC. FOR GEOGRAPHIC INFORMATION SYSTEM (GIS) SOFTWARE MAINTENANCE AND UPGRADES.

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 Annual Maintenance Agreement in the amount of \$32,142.39 with ESRI, Inc. for Geographic Information System (GIS) software maintenance and upgrades.

PASSED and APPROVED this 6th day of February, 2007.

APPROVED:

ATTEST:

By: _____

DAN COODY, Mayor

By: _____

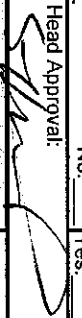
SONDRA SMITH, City Clerk/Treasurer

City Of Fayetteville
(Not a Purchase Order)Requestion No.:
P.O. Number:Date: 11/11/2007
Expected Delivery Date:

Vendor # 6221 Vendor Name ESRI

Mail Yes: No: ☒ X
Taxable Yes: ☒ X No: ☐

Address: File #54630 State: CA Zip Code: 90074-4630 Ship to code: 030

Division Head Approval:  Quotes Attached Yes: No: ☐

City: Los Angeles Requester: Scott Huddleston Requester's Employee #: 331

Extension: 320

Item Description Quantity Unit of Issue Unit Cost Extended Cost Account Numbers

Project/Subproject # Inventory # Fixed Asset #

1 Annual Maintenance Fees 1 EA 30,246.36 \$30,246.36 1010-1710-5416.00

2 \$0.00

3 \$0.00

4 \$0.00

5 \$0.00

6 \$0.00

7 \$0.00

8 \$0.00

9 \$0.00

10 \$0.00

Shipping/Handling Lot \$0.00

Special Instructions:

Approvals:

Mayor: Department Director:

Finance & Internal Services Director: Budget Manager:

Dispatch Manager: Utilities Manager:

Purchasing Manager:

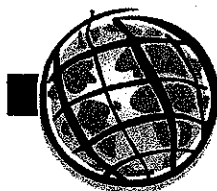
IT Manager:

Other:

Subtotal: \$30,246.36

Tax: \$1,896.03

Total: \$32,142.39



ESRI

ESRI Inc
380 New York Street
REDLANDS CA 92373

SUBJECT: MAINTENANCE QUOTE

DATE: 10/03/2006
TO: John Goddard
ORGANIZATION: CITY OF FAYETTEVILLE
INFORMATION TECHNOLOGY DEPT
FAX #: 479-575-8316 **PHONE #:** 479-575-8219

FROM: Avidahn Buckner
FAX #: 909-793-4801 **PHONE #:** 888-377-4575 Ext. 2596
EMAIL: abuckner@esri.com

Number of pages transmitted
(including this cover sheet): 5

QUOTATION #25224293

Please find the attached quotation for your forthcoming software maintenance term. Keeping your maintenance current helps you stay up-to-date with the rapid advancements in GIS technology, and provides you with tools that enable you to be more successful while using ESRI software. For details about the maintenance program benefits for your licensing, please visit <http://gis.esri.com/software/maintenance/qualifying.cfm>

Customers who have multiple copies of some ESRI products may have the option of supporting some of their licenses with secondary maintenance. Secondary maintenance entitles users to software upgrades and technical support through a primary license. Users must support at least one primary license for every ten copies of each version of a product (e.g., ArcView 3.x licensing is regarded as separate from ArcView 9.x). Please contact Customer Service to find out more about the availability of secondary maintenance.

If you are using ESRI products that are at previous versions, or if you have software that is not currently covered by one of our programs, please contact us for information about the different options that are available to you.

Do you need training? You can get affordable ESRI software training for your entire organization with a subscription to ESRI Virtual Campus. To find out how, visit the campus: <http://campus.esri.com/campus/catalog/subscriptions>

If you have any questions or need additional information, please contact Customer Service at 888-377-4575.



ESRI

380 New York Street
REDLANDS, CA 92373
Phone: 888-377-45752596
Fax #: 909-793-4801

Quotation

Date: 10/03/2006

Quotation Number: 25224293

CITY OF FAYETTEVILLE
INFORMATION TECHNOLOGY DEPT
113 W MOUNTAIN
FAYETTEVILLE AR 72701
Attn: John Goddard

Customer Number: 23472

For questions regarding this document, please contact Customer Service at 888-377-4575.

Send Purchase Orders To:

ESRI, Inc.
380 New York Street
Redlands, CA 92373-8100
Attn: Avidahn Buckner

**Please include the following
remittance address on your
Purchase Order:**

ESRI Inc.
File #54630
Los Angeles, CA 90074-4630

Item	Qty	Product#	Unit Price	Extended Price
10	1	52384 ArcInfo Floating Primary Maintenance Start Date: 01/16/2007 End Date: 01/15/2008	3,000.00	3,000.00
20	2	52385 ArcInfo Floating Secondary Maintenance Start Date: 01/16/2007 End Date: 01/15/2008	1,200.00	2,400.00
30	1	52390 Network Floating Primary Maintenance Start Date: 01/16/2007 End Date: 01/15/2008	500.00	500.00
40	1	86497 ArcEditor Concurrent Use Primary Maintenance Start Date: 01/16/2007 End Date: 01/15/2008	1,500.00	1,500.00
50	1	86500 ArcEditor Concurrent Use Secondary Maintenance Start Date: 06/28/2007	664.11	664.11

This quotation is valid for 90 days and is subject to your ESRI License Agreement. The quotation information is proprietary and may not be copied or released other than for the express purpose of system selection and purchase/license. This information may not be given to outside parties or used for any other purpose without consent from Environmental Systems Research Institute, Inc. (ESRI).

Any estimated sales and/or use tax has been calculated as of the date of this quotation and is merely provided as a convenience for your organization's budgetary purposes. ESRI reserves the right to adjust and collect sales and/or use tax at the actual date of invoicing. If your organization is tax exempt or pays state taxes directly, then prior to invoicing, your organization must provide ESRI with a copy of a current tax exemption certificate issued by your state's taxing authority for the given jurisdiction.

Issued By: Avidahn Buckner **Ext:** 2596

[CSBATCHDOM]

To expedite your order, please reference your customer number and this quotation number on your purchase order.



ESRI

380 New York Street
REDLANDS, CA 92373
Phone: 888-377-45752596
Fax #: 909-793-4801

Quotation

Page 2

Date: 10/03/2006

Quotation Number: 25224293

Item	Qty	Product#	Unit Price	Extended Price
End Date: 01/15/2008				
60	1	86500 ArcEditor Concurrent Use Secondary Maintenance Start Date: 01/16/2007 End Date: 01/15/2008	1,200.00	1,200.00
70	1	87232 ArcGIS Spatial Analyst Concurrent Use Primary Maintenance Start Date: 01/16/2007 End Date: 01/15/2008	500.00	500.00
80	1	87198 ArcGIS 3D Analyst Concurrent Use Primary Maintenance Start Date: 01/16/2007 End Date: 01/15/2008	500.00	500.00
90	1	98696 ArcGIS Publisher Concurrent Use Primary Maintenance Start Date: 01/16/2007 End Date: 01/15/2008	500.00	500.00
100	4	87192 ArcView Single Use Primary Maintenance Start Date: 01/16/2007 End Date: 01/15/2008	400.00	1,600.00
110	32	87193 ArcView Single Use Secondary Maintenance Start Date: 01/16/2007 End Date: 01/15/2008	300.00	9,600.00
120	1	93303 ArcEditor Single Use Primary Maintenance Start Date: 01/16/2007 End Date: 01/15/2008	1,500.00	1,500.00
130	1	87213 ArcSDE Developer Support Group Maintenance for One Server Two CPUs and Five Read and Write Connections	3,000.00	3,000.00

This quotation is valid for 90 days and is subject to your ESRI License Agreement. The quotation information is proprietary and may not be copied or released other than for the express purpose of system selection and purchase/license. This information may not be given to outside parties or used for any other purpose without consent from Environmental Systems Research Institute, Inc. (ESRI).

Any estimated sales and/or use tax has been calculated as of the date of this quotation and is merely provided as a convenience for your organization's budgetary purposes. ESRI reserves the right to adjust and collect sales and/or use tax at the actual date of invoicing. If your organization is tax exempt or pays state taxes directly, then prior to invoicing, your organization must provide ESRI with a copy of a current tax exemption certificate issued by your state's taxing authority for the given jurisdiction.

Issued By: Avidahn Buckner **Ext:** 2596

[CSBATCHDOM]

To expedite your order, please reference your customer number and this quotation number on your purchase order.



ESRI

380 New York Street
REDLANDS, CA 92373
Phone: 888-377-45752596
Fax #: 909-793-4801

Quotation

Page 3

Date: 10/03/2006

Quotation Number: 25224293

Item	Qty	Product#	Unit Price	Extended Price
		Start Date: 01/16/2007 End Date: 01/15/2008		
140	1	97534 ArcIMS One Server Two CPUs Maintenance Start Date: 01/16/2007 End Date: 01/15/2008	2,000.00	2,000.00
Subtotal				28,464.11
Shipping & Handling				0.00
Estimated Taxes				1,782.85
Total				\$ 30,246.96

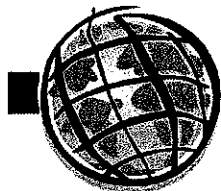
This quotation is valid for 90 days and is subject to your ESRI License Agreement. The quotation information is proprietary and may not be copied or released other than for the express purpose of system selection and purchase/license. This information may not be given to outside parties or used for any other purpose without consent from Environmental Systems Research Institute, Inc. (ESRI).

Any estimated sales and/or use tax has been calculated as of the date of this quotation and is merely provided as a convenience for your organization's budgetary purposes. ESRI reserves the right to adjust and collect sales and/or use tax at the actual date of invoicing. If your organization is tax exempt or pays state taxes directly, then prior to invoicing, your organization must provide ESRI with a copy of a current tax exemption certificate issued by your state's taxing authority for the given jurisdiction.

Issued By: Avidahn Buckner Ext: 2596

[CSBATCHDOM]

To expedite your order, please reference your customer number and this quotation number on your purchase order.



ESRI

380 New York Street
REDLANDS, CA 92373
Phone: 888-377-4575/2596
Fax #: 909-793-4801

Quotation

Page 4

Date: 10/03/2006

Quotation Number: 25224293

Item	Qty	Product#	Unit Price	Extended Price
------	-----	----------	------------	----------------

BY SIGNING BELOW, YOU ARE INDICATING THAT YOU ARE AUTHORIZED TO OBLIGATE FUNDS FOR YOUR ORGANIZATION. DO NOT USE THIS FORM FOR ORDER ACTIVATION IF YOUR ORGANIZATION WILL NOT HONOR AND PAY AN INVOICE THAT HAS BEEN ISSUED AT YOUR DIRECTION WITHOUT ADDITIONAL AUTHORIZING PAPERWORK.

To expedite your order, either attach a copy of this quotation to your purchase order when it is remitted to ESRI, or sign below and return this quotation to indicate your acceptance. ESRI's address and fax number are provided on the first page of this quotation.

If you have made ANY alterations to the line items included in this quote and have chosen to sign the quote to indicate your acceptance, you must fax ESRI the signed quote in its entirety in order for the quote to be accepted. You will be contacted by your Customer Service Representative if additional information is required to complete your request.

If your organization is a US Federal, state, or local government agency; an educational facility; or a company that will not pay an invoice without having issued a formal purchase order, a signed quotation will not be accepted unless it is accompanied by your purchase order.

If you choose to discontinue your support, you will become ineligible for support benefits and services. All maintenance fees from the date of discontinuation will be due and payable if you decide to reactivate your support coverage at a later date.

By signing below, you are authorizing ESRI to issue a software maintenance invoice in the amount of: \$_____, plus sales taxes if applicable.

Please check one of the following:

_____ I agree to pay any applicable sales tax.

_____ I am tax exempt, please contact me if exempt information is not currently on file with ESRI.

Signature of Authorized Representative

Date

Name (Please Print)

Title

This quotation is valid for 90 days and is subject to your ESRI License Agreement. The quotation information is proprietary and may not be copied or released other than for the express purpose of system selection and purchase/license. This information may not be given to outside parties or used for any other purpose without consent from Environmental Systems Research Institute, Inc. (ESRI).

Any estimated sales and/or use tax has been calculated as of the date of this quotation and is merely provided as a convenience for your organization's budgetary purposes. ESRI reserves the right to adjust and collect sales and/or use tax at the actual date of invoicing. If your organization is tax exempt or pays state taxes directly, then prior to invoicing, your organization must provide ESRI with a copy of a current tax exemption certificate issued by your state's taxing authority for the given jurisdiction.

Issued By: Avidahn Buckner Ext: 2596

[CSBATCHDOM]

To expedite your order, please reference your customer number and this quotation number on your purchase order.

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

2/6/2007

City Council Meeting Date

S. Huddleston

Submitted By

Information Technology

Division

Finance and Internal Services

Department

Action Required:

Approve payment for 2007 Hansen Software Maintenance Fees.

\$ 64,099.75

Cost of this request

\$ 249,020.00

Category / Project Budget

Maintenance

Program Category / Project Name

1010-1710-5416.00

Account Number

\$ 3,000.00

Funds Used to Date

Program / Project Category Name

\$ 246,020.00

Remaining Balance

General

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

Department Director

1-11-07
Date

Previous Ordinance or Resolution # 243-05

Original Contract Date: 1/15/2002

Original Contract Number:

City Attorney

1/12/07
Date

Received in City Clerk's Office

ENTERED

1-12-07

Finance and Internal Service Director

1-11-07
Date

Received in Mayor's Office

ENTERED

1/16/07

Mayor

1/17/07
Date

Comments:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

A. 9
Hansen Technology, Inc.
Page 2 of 6

February 6, 2007 Agenda Session

January 10, 2007

TO: Mayor Coody

THRU: Paul Becker, Finance Director

FROM: Scott Huddleston, Information Technology Director *SH*

SUBJECT: AGENDA ITEMS TO APPROVE PURCHASE REQUESTS TO HANSEN INFORMATION TECHNOLOGIES 2007 SERVICE AND MAINTENANCE FEES.

Recommendations:

Staff recommends approval of purchase requests to Hansen Information Technologies 2007 Service and Maintenance Fees.

Discussion:

Service and Maintenance fees are necessary to keep software current. These fees allow the City to receive updates and enhancements to the software as they become available. In addition, Service and Maintenance fees provide technical phone support and problem troubleshooting and resolution. The software products that we have purchased from Hansen are essential to the City's day to day operations and it is important that we keep these assets current.

Background:

January 15, 2002, City Council approved a resolution (7-02) contracting with Hansen Information Technologies for purchase of software, and professional services for installation and training. Installation began in March of 2002, and the first module went live in April of 2002. Installation of all modules was completed by year end 2002. The Hansen software provides modules and applications utilized by the City for many daily operations. Hansen applications include Building Permits and Inspections, Code Enforcement, Planning, Customer Service, Asset Management, Work Orders, and Citizen Requests for Service processed from the web.

To date, the Hansen system has been used to process almost 48,000 Customer Service Requests, over 4,700 Code Enforcement Cases, approximately 26,500 Building Applications, and over 109,500 Inspections. In addition, over 48,300 city maintained assets have been entered into the system. Work orders associated with assets total approximately 10,000 with total allocated work order costs of over 9 million dollars. Total paid Fees generated through Hansen applications equals over 10.3 million dollars.

RESOLUTION NO. _____

A RESOLUTION APPROVING A PURCHASE REQUEST TO
HANSEN TECHNOLOGY, INC. IN THE AMOUNT OF \$55,725.00
FOR SOFTWARE SERVICE AND MAINTENANCE FEES.

**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 Purchase Request to Hansen Technology, Inc. in the amount
of \$55,725.00 for software service and maintenance fees.

PASSED and APPROVED this 6th day of February, 2007.

APPROVED:

ATTEST

By: _____

DAN COODY, Mayor

By: _____

SONDRA SMITH, City Clerk/Treasurer

City Of Fayetteville

(Not a Purchase Order)

Requisition No.: _____ Date: 1/11/2007
 P.O. Number: _____ Expected Delivery Date: _____

Vendor #: 11273 Vendor Name: Hansen Information Technologies
 Address: 1092 Sun Center Drive Fob Point: _____

City: _____ State: CA Zip Code: 95670 Ship to code: 030
 Requester: Scott Huddleston Requester's Employee #: 331

Division Head Approval: 
 Extension: 320

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Annual Maintenance Fees	1	EA	\$55,725.00	\$55,725.00	1010-1710-5416.00			
2					\$0.00				
3					\$0.00				
4					\$0.00				
5					\$0.00				
6					\$0.00				
7					\$0.00				
8					\$0.00				
9					\$0.00				
10					\$0.00				
	Shipping/Handling		Lot		\$0.00				

Special Instructions:

Subtotal: \$55,725.00
 Tax: \$8,374.75
 Total: \$64,099.75

Approvals:

Mayor: _____

Department Director: _____

Purchasing Manager: _____

Finance & Internal Services Director: _____

Budget Manager: _____

IT Manager: _____

Dispatch Manager: _____

Utilities Manager: _____

Other: _____

Invoice	SMAR101723
Date	10/31/2006
Page	1

FAYETTEVILLE, CITY OF
SCOTT HUDDLESTON - IT MGR
113 WEST MOUNTAIN STREET
FAYETTEVILLE AR 72701

Invoice Type		Purchase Order/Contract No.		Payment Terms	
SMAR		PLEASE ISSUE PO/CK		Net 00	
Item	Unit Price	Qty Ordered		Amount	
SMA-CS-LAN	Service and Maintenance for Land Products \$11,457.00	1.00		\$11,457.00	
	V7.x Land Management: Customer Service (9), Building (25), Code Enforcement (9), and Licensing (5)				
SMA-CS-AS	Service and Maintenance for Asset Products \$38,681.00	1.00		\$38,681.00	
	V7.x Assets: Customer Service (13), Bldg (1), Complex (3), Park (3), Plant (12), Sewer (4), Storm (4), Street (4), Water (6), Pvmnt, Adv. Asset Insp., VRM, and Tab Ed				
SMA-CS-DYI	Service and Maintenance for Dynamic Portal \$1,936.00	1.00		\$1,936.00	
	Dynamic Portal for Customer Service				
SMA-CS-GIS	Service and Maintenance for GIS Products \$3,651.00	1.00		\$3,651.00	
	V7.x GIS (7): GeoAdministrator (1) w/IMV (5) and GeoAssistant (1)				
SMA-CS	Service and Maintenance Fees \$0.00	1.00		\$0.00	
	Each line item above contains an incremental increase based on a Consumer Price Index of 2% (\$1,091)				
Due on or before 1/1/07 for Cov Term: 1/1/07 - 12/31/07. A reinstatement fee will be due if pymt is rec'd after 2/15/07. Please direct questions to Diane at ext. 3002. Thank you!				Subtotal	\$55,725.00
					\$0.00
				Tax	\$0.00
				Total	\$55,725.00

AUCKLAND • LONDON • MELBOURNE • SACRAMENTO • SYDNEY • TORONTO

Corporate Headquarters: 11092 Sun Center Drive • Rancho Cordova, CA, USA 95670-6109
Phone: 800.821.9316 • 916.921.0883 • Fax: 916.921.6620 • www.hansen.com

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

A. 10
Dynamic Information Solutions Company, Inc.
Page 1 of 12

2/6/2007

City Council Meeting Date

Lesa Brosch

Submitted By

Information Technology

Division

Finance and Internal Services

Department

Action Required:

Staff recommends approval of a 1 year Standard Software Maintenance Agreement Contract with Dynamic Information Solutions Company, Inc. (D.I.S.C.)

\$ 36,291.00

Cost of this request

\$ 249,020.00

Category / Project Budget

Document Imaging System

Program Category / Project Name

1010-1710-5416-00

Account Number

\$ 99,242.14

Funds Used to Date

Program / Project Category Name

\$ 149,777.86

Remaining Balance

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

Previous Ordinance or Resolution #

Paul A. Bisher

Department Director

1-11-07

Date

Original Contract Date:

Original Contract Number:

City Attorney

1/12/07

Date

Received in City Clerk's Office

ENTERED

1-12-07

Paul A. Bisher

Finance and Internal Service Director

1-11-07

Date

Received in Mayor's Office

ENTERED

1/16/07

Mayor

1/12/07

Date

Comments:



City of Fayetteville

113 W. Mountain
Fayetteville, AR 72701
479-575-8214

To: Mayor Dan Coody

Thru: Paul Becker, Finance Director
Scott Huddleston, IT Manager *SH*

From: Lesa Brosch, Business Systems Analyst

Date: January 10, 2007

Subject: Agenda Item to Approve Purchase Request to D.I.S.C 2007 Service and Maintenance

BACKGROUND

The City implemented an Electronic Document Management System (EDMS) in the third quarter of 2005 from Dynamic Information Solutions Company, Inc (D.I.S.C.) The EDMS is a city-wide document management system. The implementation consisted of Appxtender Document Management, Appxtender Image Capture, Webxtender, Verity Teleforms, and Records Management.

Historically, the City of Fayetteville utilized a full time Microfilm Clerk for microfilming and processing all city documents. The EDMS allows for multi-divisional scanning to increase the records management storage process. In the past, the Microfilm Clerk could process approximately five hundred thousand documents a year, which averaged to be 2,032 documents per day. With the EDMS recently moving from a test environment to a production environment, we are able to increase the documents processed per day. We currently have 98,505 documents in the EDMS.

Once the city has processed the appropriate documents, city staff will incorporate the use of the Webxtender to citizens on the city's website. The Webxtender application is scheduled to go online the first quarter of 2007. This process will allow citizens the capability to retrieve public documents without a visit to city hall. Previously, all document retrieval was coordinated through the Microfilm Clerk. The EDMS has the potential to eliminate this time consuming process with the Webxtender Application.

RECCOMENDATION

Staff recommends approval of a 1-Year Standard Software Maintenance Agreement Contract with Dynamic Information Solutions Company, Inc. (D.I.S.C.)

DISCUSSION

Service and Maintenance fees are necessary to keep software current. These fees allow the city to receive updates and enhancements to the software as they become available. In addition, Service and Maintenance fees provide technical phone support and problem troubleshooting and resolution. The software products that we have purchased from D.I.S.C. are essential to the city's day to day operations and it is important that we keep these assets current.

RESOLUTION NO. _____

A RESOLUTION APPROVING AN ANNUAL SERVICE AND
MAINTENANCE AGREEMENT IN THE AMOUNT OF \$36,291.00
WITH DYNAMIC INFORMATION SOLUTIONS COMPANY,
INC.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas
hereby approves an Annual Service and Maintenance Agreement in the amount
of \$36,291.00 with Dynamic Information Solutions Company, Inc. A copy of the
Annual Service and Maintenance Agreement, marked Exhibit "A" is attached
hereto and made a part hereof.

PASSED and **APPROVED** this 6th day of February, 2007.

APPROVED:

ATTEST:

By:

DAN COODY, Mayor

By:

SONDRA SMITH, City Clerk/Treasurer

City Of Fayetteville

(Not a Purchase Order)

A. 10
Page 5 of 12

Requisition No.: _____ Date: _____
P.O. Number: _____ Expected Delivery Date: _____

Vendor #: **14540** Vendor Name: **Dynamic Info Solutions Co. Inc.** Mail Yes: _____ No: _____

Address: **15 Shackleford Drive Suite A** Fob Point: _____ Taxable Yes: _____ No: _____ Quotes Attached Yes: _____ No: _____

City: **Little Rock** State: **AR** Zip Code: **72211** Ship to code: _____ Division Head Approval: _____

Requester: **Leslie Brosch** Requester's Employee #: **2048** Extension: **214**

Item Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1 Year Maintenance Support	1	EA	1.00	\$33,735.61	1010-1710-5416-00			
2				\$0.00				
3				\$0.00				
4				\$0.00				
5				\$0.00				
6				\$0.00				
7				\$0.00				
8				\$0.00				
9				\$0.00				
10				\$0.00				
Shipping/Handling		Lot		\$0.00				

Special Instructions:

Subtotal: \$33,735.61
Tax: \$2,555.39
Total: \$36,291.00

Approvals:

Mayor: _____ Department Director: _____ Purchasing Manager: _____

Finance & Internal Services Director: _____ Budget Manager: _____ IT Manager: _____

Dispatch Manager: _____ Utilities Manager: _____ Other: _____



Dynamic Information Solutions Co., Inc.
15 Shackelford Drive, Suite A
Little Rock, AR 72211
Phone: 501-223-2236
Fax: 501-223-4094
Email: Sales@discilc.com

INVOICE

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701
Attn: Lesa Brosch

Date	Invoice #	P.O. #	Terms	Due Date	Tax ID
12/29/2006	07-1014		Net 30	1/28/2007	71-0842791

Qty	Description	Rate	Amount
	Support Agreement Contract for the following components: ApplicationXtender Verity Teleform Term: 01/01/2007 - 12/31/2007	33,735.61	33,735.61T
	County Sales Tax	25.00	25.00
	City Sales Tax	12.50	12.50
	State Sales Tax	6.00%	2,024.14

INVOICE TOTAL

\$35,797.25

Please show the invoice number on your check. A FINANCE CHARGE of 1.5% (18% per annum) may be chargeable after 30 days.



Dynamic Information Solutions Co., Inc.
15 Shackleford Drive, Suite A
Little Rock, AR 72211
Phone: 501-223-2236
Fax: 501-223-4094
Email: Sales@discllc.com

Enclosed is the invoice and renewal contract for your imaging system support agreement renewal. Please review and call if you have any questions.

There are two original copies of the contract. Please sign and return both copies of the original contracts along with payment of the invoice. The contracts will then be signed by D.I.S.C. and an original copy will be returned to you for your records.

We sincerely appreciate your business and look forward to being of service.

Kindest Regards,

A handwritten signature in black ink, appearing to read "Mark Wingfield", is written over the printed name and title.

Mark Wingfield
D.I.S.C. Partner



D.I.S.C.
Dynamic Information Solutions Company, Inc. (D.I.S.C.)
15 Shackleford Drive, Suite A
Little Rock, AR 72211

CONTRACT # 07-1014
SYSTEM SERIAL # FAY001

Original Contract
 x Renewal

ApplicationXtender; Verity Teleform

Dynamic Information Solutions Company, Inc. (D.I.S.C.)
SERVICE AND SUPPORT AGREEMENT

Dynamic Information Solutions Company, Inc. agrees to provide maintenance service and technical support and the Customer agrees to accept maintenance service and technical support for the invoiced system identified by the serial number listed above (the "System") according to the Terms and Conditions of this Agreement. The Customer will render payment of the Total Amount stated below prior to the commencement of service/support. The Customer may, from time to time by written notice referencing this Agreement and payment to Dynamic Information Solutions Company, Inc., add additional authorized equipment to this Agreement at the then applicable charges, terms and conditions.

Customer: City of Fayetteville
Address: 113 West Mountain
City: Fayetteville, AR 72701
Contact: Lesa Brosch

Contract Amount: 33,735.61
Applicable Taxes: 2,061.64
Contract Total: 35,797.25

Invoice Date: January 1, 2007
Commencement Date: January 1, 2007
Expiration Date: December 31, 2007

The additional terms and conditions of the following are part of this agreement. The customer acknowledges that the customer has read this agreement, understands it and agrees to be bound by its terms and conditions. Further, the customer agrees that this agreement is the complete and exclusive statement of the agreement between the parties, superseding all proposals or prior agreements, oral or written, and all other communication between the parties relating to the subject matter of this agreement.

City of Fayetteville

Customer

Accepted by
Dynamic Information Solutions Company, Inc.
D.I.S.C.

By: _____ Date: _____ By: _____ Date: _____
Title: _____ Title: _____
Name (Type or Print)

PLEASE MAKE CHECK PAYABLE TO:
Dynamic Information solutions company, Inc.
15 Shackleford Drive, Suite A
Little Rock, AR 72211

ADDITIONAL TERMS AND CONDITIONS

1. TERM:

- a. This Agreement, signed by Dynamic Information Solutions Company, Inc. and the Customer, will go into effect the first day following the 90 Day Limited Warranty Policy provided the Customer has rendered payment of the Total Amount (Payment) to Dynamic Information Solutions Company, Inc. on or before the 89th calendar day after the original Invoice Date.
- b. The Commencement Date is considered the 91st calendar day after the original Invoice Date.
- c. In order for the Term to be automatically renewed one or more times in yearly increments, Payment, at the then applicable Charges, must be received by Dynamic Information Solutions Company, Inc. prior to the Expiration Date then in effect. Once this Payment is received, the Term is renewed for one year commencing on the day after the Expiration Date for the preceding year.
- d. If payment is not received by the expiration date, Dynamic Information Solutions Company will no longer provide hardware or software support for the items covered under the terms of this agreement. All telephone and onsite support after the expiration date will be billed at the rate of \$250.00 per hour in addition to any travel expenses and/or parts and repair expenses.

2. MAINTENANCE SERVICE & TECHNICAL SUPPORT:

- a. For all Systems under this Agreement, Dynamic Information Solutions Company, Inc. agrees to provide within a reasonable time, during Dynamic Information Solutions Company, Inc. normal business hours, the availability of Maintenance Service and Technical Support described as follows:

Maintenance Service to keep the System in, or restore the System to, good working order. Maintenance service includes repair or replacement of maintenance parts, as deemed necessary by Dynamic Information Solutions Company, Inc. and repair or replacement of peripheral components, as deemed necessary by Dynamic Information Solutions Company, Inc. Maintenance parts, which may be used parts, will be furnished on an exchange basis and the replaced (returned) parts will become the property of Dynamic Information Solutions Company, Inc..

Technical Support to ensure operational techniques are proper and to provide technical advice and problem solving expertise. Also included is the support required to install any Dynamic Information Solutions Company, Inc. authorized updates.

- b. Under this Agreement, the Customer agrees to (i) provide Dynamic Information Solutions Company, Inc. with their serial numbers; (ii) provide a suitable environment as specified by Dynamic Information Solutions Company, Inc., including adequate space, electrical power, air conditioning and humidity control; phone line for modem access for remote diagnostics, (iii) implement appropriate safeguards for the Customer's data, including proper storage of discs and sufficient data backups; and (iv) provide qualified and trained personnel for operation of the System.

3. ENGINEERING CHANGES:

- a. Engineering changes, determined applicable by Dynamic Information Solutions Company, Inc. will be installed by the Customer unless otherwise specified by Dynamic Information Solutions Company, Inc. The Customer may elect to have only mandatory changes, as determined by Dynamic Information Solutions Company, Inc. installed under this Agreement.

4. **CHARGES:**

- a. *For each System under this Agreement, the Customer agrees to pay on the Effective Date to Dynamic Information Solutions, Inc. the service agreement price of the system in this Agreement. This amount shall constitute the Annual Charge.*
- b. *If the Customer requests maintenance service and/or technical support outside the Dynamic Information Solutions Company, Inc. normal business hours, and if such maintenance service and/or technical support is available and provided, the Customer agrees to pay travel expense, then applicable hourly service rates, however, there will be no additional charge for maintenance parts.*
- c. *Maintenance service and/or technical support Charges under this Agreement are not refundable.*

5. **PRICE CHANGES:**

- a. *Dynamic Information Solutions Company, Inc. may, effective on the first day of the succeeding Term which commences on the Effective Date specified in the Service Contract Renewal Form, change the Annual Charge.*

6. **TERMINATION OF THIS AGREEMENT:**

- a. *The Customer may withdraw any or all Systems from this Agreement by not paying the Annual Charge as applicable at the time of renewal.*
- b. *Either party may withdraw any or all Systems from this Agreement at any time by providing 30 days written notice of failure of any other party to comply with any of the Agreement's terms and conditions.*
- c. *Dynamic Information Solutions Company, Inc. may cancel this Agreement if the Customer becomes insolvent or a petition is filed by or against Customer, voluntarily or involuntarily, under any bankruptcy law.*

7. **SERVICES FOR ADDITIONAL CHARGE:**

- a. *The following are not considered maintenance service and/or technical support as described in the section "MAINTENANCE SERVICE AND TECHNICAL SUPPORT":*
 1. *Repair of damage, replacement of maintenance parts, or any increase in service time caused by accident, disaster, neglect, abuse, or misuse;*
 2. *Use of the System for purposes other than for which designed; and*
 3. *Transportation; alterations; attachments; accessories; supplies; and expendable items, e.g., bulbs, printer cartridges, power supply batteries, general batteries or any item that has a lifespan due to normal usage.*
- b. *The following are not eligible for maintenance service and/or technical support as described in the section "MAINTENANCE SERVICE AND TECHNICAL SUPPORT":*
 1. *Dynamic Information Solutions Company, Inc. Systems not under an agreement;*
 2. *Non - Dynamic Information Solutions Company, Inc. parts; and*
 3. *Non-Dynamic Information Solutions Company, Inc. repairs or activities, e.g. tampering or unauthorized repair, or attempted repair.*
- c. *Maintenance service and/or technical support as described in the section "MAINTENANCE SERVICE AND TECHNICAL SUPPORT" will not be provided when the Customer fails to provide a suitable environment.*

- d. *The services listed in (a), (b) and (c) above, if available and practical for Dynamic Information Solutions Company, Inc. to render, may be provided under this Agreement, however, the Customer agrees to pay travel expenses and parts prices plus travel at the Dynamic Information Solutions Company, Inc. then applicable hourly service rates and minimum charges.*

8. **GENERAL:**

- a. *Services provided under this Agreement do not ensure uninterrupted operation of the System and Dynamic Information Solutions Company, Inc. is not responsible for failure to render services or delay to render services due to causes beyond its control.*
- b. *This Agreement does not extend to any product which has been repaired or altered by other than service representatives qualified by Dynamic Information Solutions Company, Inc.*
- c. *This Agreement is not assignable without the prior written consent of Dynamic Information Solutions Company, Inc. Any attempt to assign any of the rights, duties or obligations of this Agreement without such consent is void.*
- d. *Dynamic Information Solutions Company, Inc. charges do include sales, use, excise, value-added or similar taxes. Consequently, in addition to the charges specified herein, the amount of any present or future sales, use, excise, value-added or similar tax applicable to the manufacturer, sale, price, delivery or use of the parts or services furnished hereunder shall be paid by the Customer, in lieu thereof, the Customer will provide Dynamic Information Solutions Company, Inc. with a tax exemption certificate acceptable to Dynamic Information Solutions Company, Inc. and taxing authorities.*
- e. *This Agreement will be governed by the laws of the State of Arkansas.*
- f. *Dynamic Information Solutions Company, Inc. is not responsible for lost data and images. Cost associated with recovery of lost data or images is solely the responsibility of the customer. The customer is to maintain sufficient backups of all data and images. The customer agrees to routinely check backup systems.*
- g. *Dynamic Information Solutions Company, Inc. is not responsible for disasters affecting the systems and hardware provided. Disasters may include but are not limited to any act of God (i.e., tornado, flood, lightning, earthquake), power surges or power sags, employee theft/vandalism, misuse/neglect, and any other cause beyond the control of Dynamic Information Solutions Company, Inc.*

DISCLAIMER: *The warranties contained in this agreement are in lieu of all other warranties, express or implied including any regarding merchantability or fitness for a particular purpose, relating to the use or performance of the products. In no event will Dynamic Information Solutions Company, Inc. be liable for any damages, including but not limited to lost profits, lost savings, or any other consequential damages, even if Dynamic Information Solutions Company, Inc. has been advised of the possibility of such damages, or for any claim against the customer by any other party. Some states do not allow the exclusion or imitation of consequential damages, so the above limitations or exclusions may not apply to the customer. This agreement gives the customer specific legal rights and the customer may also have other rights which may vary from state to state.*

URGENT NOTICE

Please note that your support agreement is about to expire. After the expiration date, DISC will no longer provide hardware or software support for the items covered under the terms of this agreement. Vendor software support will also be discontinued.

All telephone and onsite support after this date will be billed at the rate of \$250.00 per hour in addition to any travel expenses and/or parts and repair expenses.

Please mail your check so that it is received in this office before the due date. If your check has been mailed, please disregard this notice.

NOTE: A 10% reinstatement charge may be assessed if payment is not received before the expiration date.

City Council Meeting Date

Department

Comments:



City Council Memo

TO: Mayor Coody and City Council

FROM: Susan B. Thomas, Ph.D., Public Information & Policy Advisor *SBT*

DATE: January 18, 2007

SUBJECT: Van Scoyoc Associates Memorandum of Agreement

Recommendation

A resolution approving a Memorandum of Agreement with Van Scoyoc Associates in the amount of \$84,000 to provide lobbying services to the City of Fayetteville.

Background

The City of Fayetteville entered into a one year renewable Memorandum of Agreement with Van Scoyoc and Associates (VSA) in February 2004. The firm is a Washington D.C. based consulting firm that assists clients with securing federal funding including line-item earmarks and agency-based grants.

Each year, the City develops a list of priority projects that qualify for federal support. In 2005, VSA helped the City develop seven proposals for FY 2006 funding totaling \$22.15 million. Of those seven requests, the City secured \$13.8 million which represents approximately \$162,000 received for every \$1,000 invested. In 2006, VSA assisted the City in developing six requests two in conjunction with the University of Arkansas. Due to federal budgetary constraints, the U.S. Congress has announced that they will not likely fund earmark requests for FY 2007. However, there is some indication that if any requests are eventually funded, it will be those submitted by states, counties, and municipalities. VSA is lobbying hard to secure any and all potential FY 2007 funds for the City of Fayetteville.

Current Status

This year we have developed a list of six projects for FY 2008 totaling approximately \$18.6 million (attached as FY 2008 Federal Requests Summary). VSA will begin actively lobbying for these proposals starting in February 2007. They are also providing written progress reports, e-mail briefings on relevant budget and/or congressional committee activities, and a monthly conference call to provide funding status reports and to help us generate ideas for increasing our chances for securing federal dollars including earmarks and agency grants.

Currently, the firm is also under contract with the University of Arkansas.

Budget Impact

The firm works on an annual retainer basis. The City signed a two-year commitment in 2006 for \$168,000. In February 2006, Council approved \$84,000 for one year of funding. This resolution will fund the second year of the Agreement. The agreed upon contract price for 2006 and 2007 was \$84,000 per year. The City may incur additional reimbursable expenses not to exceed \$10,000 for the two-year contract term.

RESOLUTION NO. _____

A RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT WITH VAN SCOYOC ASSOCIATES IN THE AMOUNT OF \$84,000.00 TO PROVIDE LOBBYING SERVICES TO 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 approves a Memorandum of Agreement with Van Scoyoc Associates in the amount of \$84,000.00 to provide lobbying services to the City of Fayetteville. A copy of the Memorandum of Agreement, marked Exhibit "A" is attached hereto, and made a part hereof.

PASSED and APPROVED this 6th day of February, 2007

APPROVED:

ATTEST:

By: _____

DAN COODY, Mayor

By: _____

SONDRA SMITH, City Clerk/Treasurer

MEMORANDUM OF AGREEMENT

Agreement. The City of Fayetteville hereby retains Van Scoyoc Associates, Inc. (VSA) as consultants and advisors with regard to various legislative and administrative matters.

Statement of Work. VSA will assist the City of Fayetteville and its personnel in the following areas:

- Developing a program and strategy towards obtaining federal appropriations and grants for Fayetteville's future economic viability.
- Analyzing and informing the City of contemplated legislative and regulatory changes that may positively or negatively affect programs of interest to the City.
- Educating Members of Congress and their staffs about Fayetteville concerns or opportunities with respect to legislation or regulations.
- Building grassroots support of the projects to demonstrate local interest by finding individuals and groups with goals similar to those of the City.
- Working with the relevant committees to secure enactment of the legislative agenda or otherwise advance the interests of the City.
- Assisting in working with federal agencies and the federal administration to identify, create and secure new federal grant and funding opportunities.

Lobby Disclosure Act. It is understood that VSA will be required to register on behalf of the City of Fayetteville under the terms of the Lobbying and Disclosure Act of 1995 (P.L. 104-65) and any subsequent laws or regulations.

Term. In consideration of the performance of these services, the City of Fayetteville shall pay to VSA the sum of \$7,000 per month for the period of February 1, 2006 through January 31, 2008, for a total of \$168,000 in retainer expenses subject to appropriation by the Fayetteville City Council.

The City of Fayetteville further agrees to pay all reasonable costs and expenses incurred by VSA in furtherance of its efforts on behalf of the City, including, but not limited to, copies, facsimiles, couriers, telephone, local transportation and meals directly attributable to those efforts. VSA agrees that these expenses, exclusive of out-of-town travel costs taken solely at the City's direction, shall not exceed \$10,000 during the contract term.

Notice. The City of Fayetteville shall have the right to terminate this contract after giving VSA 30 days advance written notice. Should the City exercise this option, it agrees to pay VSA all outstanding retainer and expense costs owed through the termination date.

VAN SCOYOC ASSOCIATES

By: H. Stewart Van Scoyoc
H. Stewart Van Scoyoc
President

Date: 1/3/06

CITY OF FAYETTEVILLE

By: Dan Coody
Dan Coody
Mayor

Date: 2/10/06

City of Fayetteville
Staff Review Form

A. 12
Thyssen Krupp Elevator Contract
Page 1 of 6

Contract

City Council Meeting of 2/6/07

Coy Hurd, Project Manager

Submitted By

Building Services

Division

Operations

Department

Action Required:

The action required is the review and approval of the attached contract by the Mayor and City Council. This contract is to the ThyssenKrupp Elevator Company for the renovation of the elevator in the City Administration Building. The contract amount is \$53,000. In addition, Staff requests a project contingency of \$5,300. The total amount of the request is \$58,300. Please note the attached memorandum of explanation.

\$58,300

Cost of this request

\$

307,400.00

Category / Project Budget

Building Improvements

Program Category / Project Name

4470 9470 5314 00

Account Number

\$

22,485.00

Funds Used to Date

Other Capital Improvements

Program / Project Category Name

02046

Project Number

\$

284,915.00

Remaining Balance

Sales tax

Fund Name

Budgeted Item

☒ XX

Budget Adjustment Attached

Previous Ordinance or Resolution #

[Signature]

Department Director

1-19-07

Date

Original Contract Date:

Original Contract Number:

[Signature]

City Attorney

1-22-07

Date

Received in City Clerk's Office

Paul A. Beebe

Finance and Internal Service Director

1-23-07

Date

Received in Mayor's Office

Mayor

Date

Comments:

DEPARTMENTAL CORRESPONDENCE

MEMORANDUM

TO: Mayor Dan Coody and the Fayetteville City Council

THROUGH: Gary Dumas, Operations Director

FROM: Coy Hurd, Project Manager 

DATE: January 19, 2007

SUBJECT: Review of contract for the renovation of the elevator in the
City Administration Building

Recommendation:

The Staff recommends that City Council and Mayor review and approve (and the Mayor sign) the attached contract for the work associated with renovating the elevator in the City Administration Building.

Background:

The elevator which serves the City Administration Building is a most important element in the efficient functioning of the work environment there. Once this system is down, it becomes very evident how important it really is. The present elevator was installed in the building renovation of 1984, and has had little improvement since that time, other than general maintenance and attention when it malfunctions. In the recent past, years of use have taken a toll on the elevator equipment. A total overhaul of this system has been planned.

1/19 memo, page two

Discussion:

Bid documents were prepared by GA Engineers, and a bid opening was held for the work on November 30, 2006. The low bid was submitted by the ThyssenKrupp Elevator Company. Their bid for the work was \$53,000. We are planning to schedule this work in the spring of 2007; it will take about two weeks to accomplish.

Budgetary Impact:

This request is for the bid amount of \$53,000 and a project contingency of \$5,300 (total of \$58,300). Other supporting work will be done under existing, on-call contracts. Electrical work will cost about \$13,000 and HVAC work will cost about \$18,000; these costs are not included in the present request.

The \$58,300 for the ThyssenKrupp scope of work has been budgeted, and resides in the Building Improvements Category.

RESOLUTION NO. _____

**A RESOLUTION TO APPROVE A CONTRACT WITH THYSSEN
KRUPP ELEVATOR COMPANY IN THE AMOUNT OF \$53,000.00
WITH A PROJECT CONTINGENCY OF \$5,300.00**

**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 the elevator contract with Thyssen Krupp Elevator, Inc. (attached as Exhibit
"A") in the amount of \$53,000.00 with a project contingency of \$5,300.00.

PASSED and APPROVED this 6th day of February, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk

City of Fayetteville
Bid 06-63, City Administration Elevator Renovation Re-Bid
Contract

This contract executed this ____ day of _____, 2007, between the City of Fayetteville, Arkansas, and Thyssen Krupp Elevator. In consideration of the mutual covenants contained herein, the parties agree as follows:

1. Thyssen Krupp Elevator at its own cost and expense shall furnish all labor, materials, supplies, machinery, equipment, tools, supervision, bonds, insurance, tax permits, and all other accessories and services necessary to complete items bid per bid 06-63 as stated in Thyssen Krupp Elevator bid proposal, and in accordance with specifications attached hereto and made a part hereof under Bid #06-63, all included herein as if spelled out word for word.
2. The City of Fayetteville shall pay Thyssen Krupp Elevator based on their bid proposal in an amount not to exceed \$53,000.00. Payments will be made after approval and acceptance of work and submission of invoice. Payments will be made approximately 30 days after receipt of invoice.
3. The Contract documents which comprise the contract between the City of Fayetteville and Thyssen Krupp Elevator consist of this Contract and the following documents attached hereto, and made a part hereof:
 - A. Bid form identified as Invitation to Bid 06-63 with the specifications and conditions typed thereon.
 - B. Thyssen Krupp Elevator bid proposal.
 - C. The Notice to Prospective Bidders and the Bid Tabulation.
4. These Contract documents constitute the entire agreement between the City of Fayetteville and Thyssen Krupp Elevator and may be modified only by a duly executed written instrument signed by the City of Fayetteville and Thyssen Krupp Elevator.
5. Thyssen Krupp Elevator shall not assign its duties under the terms of this agreement.
6. Thyssen Krupp Elevator agrees to hold the City of Fayetteville harmless and indemnify the City of Fayetteville, against any and all claims for property damage, personal injury or death, arising from Thyssen Krupp Elevator performance of this contract. This clause shall not in any form or manner be construed to waive that tort immunity set forth under Arkansas Law.
7. Thyssen Krupp Elevator shall furnish a certificate of insurance addressed to the City of Fayetteville, showing that he carries the following insurance which shall be maintained throughout the term of the Contract. Any work sublet, the contractor shall require the subcontractor similarly to provide worker's compensation insurance. In case any employee engaged in work on the project under this contract is not protected under Worker's Compensation Insurance, Thyssen Krupp Elevator shall provide and shall cause each Subcontractor to provide adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

Workmen's Compensation

Statutory Amount

Comprehensive General &
Automobile Insurance

Bodily Injury Liability

\$500,000 for each person injured.
\$1,000,000 for each accident.

Property Damage Liability

\$1,000,000 aggregate.

The premiums for all insurance and the bond required herein shall be paid by Thyssen Krupp Elevator.

8. Thyssen Krupp Elevator to furnish proof of licensure as required by all local and state agencies.
9. This contract may be terminated by the City of Fayetteville or Thyssen Krupp Elevator with 10 days written notice.
10. Freedom of Information Act: City of Fayetteville 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, the contractor 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 photo copying costs pursuant to the FOIA may be assessed for this compliance.
11. Changes in Scope or Price: 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.

WITNESS OUR HANDS THIS _____ DAY OF _____, 2007.

CITY OF FAYETTEVILLE,
FAYETTEVILLE, ARKANSAS

DAN COODY, Mayor

Attest:

Sondra Smith, City Clerk

Thyssen Krupp Elevator
CONTRACTOR
BY [Signature]
NAME AND TITLE

ATTEST:

[Signature]
Andrea Foren

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

2/6/2007

City Council Meeting Date

Matt Mihalevich

Submitted By

Engineering

Division

Operations

Department

Action Required:

A resolution awarding Bid #07-01 and approving the purchase of light fixtures and poles from Illuminetrics, authorized agent for Dynamic Lighting and W.J. Whatley, in the amount of \$42,840.00 for Scull Creek Trail. *Approval of a Budget Adjustment of \$ 215,034 to rebudget 2006 Project Budget.*

\$ 42,840.00

Cost of this request

4470.9470

4010.6600.5814.05

Account Number

05039

Project Number

\$ 650,500.00

Category / Project Budget

\$ 484,035.00

Funds Used to Date

\$ 166,465.00

Remaining Balance

Scull Creek Trail Corridor

Program Category / Project Name

Capital

Program / Project Category Name

General

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☒


Department Director

1-18-07

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:


City Attorney

1/22/07

Date


Finance and Internal Service Director

1-23-07

Date

Received in City Clerk's Office

ENTERED
RW 1/19/07

Received in Mayor's Office

ENTERED
1/23/07
PH

Mayor

Date

Comments:

City Council Meeting of February 6, 2007
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations
Ron Petrie, Director of Engineering

From: Matt Mihalevich, Trails Coordinator



Date: January 18th, 2007

Subject: Scull Creek Trail Lighting Bid approval.

RECOMMENDATION

Approval of a resolution authorizing the award of Bid #07-01 and approving the purchase of light fixtures and poles from "Illuminetrics", authorized agent for Dynamic Lighting, Inc. and W.J. Whatley, Inc. in the amount of \$42,840.00 for Scull Creek Trail.

BACKGROUND

Construction of the first section of Scull Creek Trail is complete from Fulbright Expressway south to Gordon Long Park. As part of the trail construction, electrical conduit and wiring has been installed for 36 lights spaced at 100 foot intervals along this 0.7 mile section of trail. Due to the central location and anticipated high use of Scull Creek Trail, lighting is planned for the entire 4.5 mile length, from Mud Creek Trail to Wilson Park. The lights will increase the safety of the trail and extend the use of the trail as an alternative transportation route during the winter months for morning and evening commutes.

DISCUSSION

The style of light and pole was chosen as a cost effective option compared to the more decorative, Dickson street style lights used along Frisco Trail. The Frisco Trail lights and pole cost \$2,094 each, compared to the proposed Dynamic light and pole at \$1,190, resulting in a savings of \$35,544 for 36 lights. Staff also feels the Dickson Street-style lighting should be reserved for the Dickson Street and downtown areas to enhance the uniqueness of these areas, with the more contemporary lighting style used along trails in the other parts of the City. This lighting style also complies with the City of Fayetteville lighting ordinance and the International Dark-Sky Association standards (See picture below).

The light fixtures and poles were advertised on December 19th, 2006 as bid number 07-01; official bids were received and opened on January 11th, 2007. The official bid tab is attached.

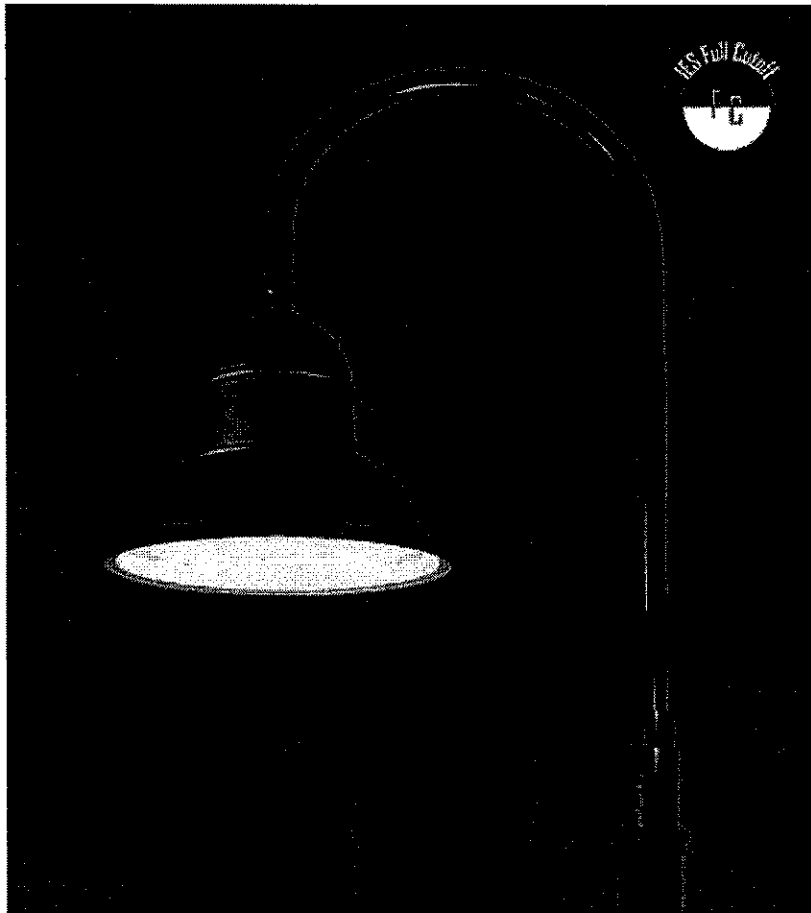
Four bids were submitted and the results are as follows, excluding light bulb cost:

1.) CED – Springdale	\$48,152.52	3.) “Illuminetrics”	\$42,840.00
2.) Graybar Electric	\$49,166.28	4.) Upchurch Electrical Supply Co.	\$47,664.00

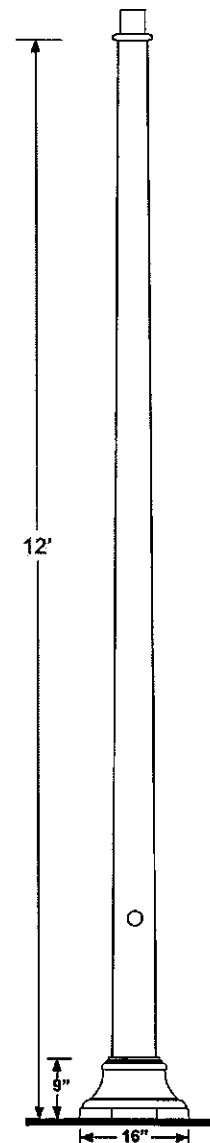
TRAIL LIGHTING STYLE

D142 Series Dynamic Lighting, Inc.

Model #PT40 / D142-RFS22 / 175MH – 240v / BLK / HR3-GL



**Direct Bury 12' Whatley XR45 fiberglass pole with base
Model #ST45-D10M -12 DE-BLK-40 -45**



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

A. 13
Scull Creek Trail Lighting
Page 4 of 8

Budget Year 2007	Department: Sales Tax Capital Improvements Division: Program:	Date Requested 2/6/2007	Adjustment Number
--------------------------------	--	---------------------------------------	--------------------------

Project or Item Added/Increased: \$215,034 into the Scull Creek Trail capital project.	Project or Item Deleted/Reduced: None. \$215,034 from the remaining 2006 Project Budget.
--	--

Justification of this Increase: The funding is a reappropriation of unexpended 2006 Project Funds. The total project budget does not change with this adjustment.	Justification of this Decrease: The funds are from Wilson Springs as approved by City Council on 4/12/2005. The funds are remaining 2006 Project Funds to be rebudgeted. There is no use of reserves for this adjustment.
---	--

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number	Amount	Project Number
Trails	4470 9470 5814 05	215,034	05039 1

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number	Amount	Project Number
Use of fund balance	4470 0947 4999 99	215,034	

Approval Signatures <table style="width:100%;"> <tr> <td style="width:70%;">Requested By </td> <td style="width:30%;">Date</td> </tr> <tr> <td>Budget Manager</td> <td align="center">1-23-07</td> </tr> <tr> <td>Department Director</td> <td>Date</td> </tr> <tr> <td>Finance & Internal Services Director</td> <td>Date</td> </tr> <tr> <td>Mayor</td> <td>Date</td> </tr> </table>	Requested By	Date	Budget Manager	1-23-07	Department Director	Date	Finance & Internal Services Director	Date	Mayor	Date	Budget Office Use Only Type: A B C <u>D</u> E <table style="width:100%;"> <tr> <td style="width:70%;">Posted to General Ledger</td> <td style="width:15%;">Initial</td> <td style="width:15%;">Date</td> </tr> <tr> <td>Posted to Project Accounting</td> <td>Initial</td> <td>Date</td> </tr> <tr> <td>Entered in Category Log</td> <td>Initial</td> <td>Date</td> </tr> </table>	Posted to General Ledger	Initial	Date	Posted to Project Accounting	Initial	Date	Entered in Category Log	Initial	Date
Requested By	Date																			
Budget Manager	1-23-07																			
Department Director	Date																			
Finance & Internal Services Director	Date																			
Mayor	Date																			
Posted to General Ledger	Initial	Date																		
Posted to Project Accounting	Initial	Date																		
Entered in Category Log	Initial	Date																		

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #07-01 AND APPROVING THE PURCHASE OF LIGHT FIXTURES AND POLES FROM ILLUMINETRICS, AUTHORIZED AGENTS FOR DYNAMIC LIGHTING AND W. J. WHATLEY IN THE AMOUNT OF \$42,840.00 FOR SCULL CREEK TRAIL.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #07-01 and approves the purchase of light fixtures and poles from Illuminetrics, authorized agents for Dynamic Lighting and W. J. Whatley in the amount of \$42,840.00 for Scull Creek Trail.

PASSED and APPROVED this 6th day of February, 2007.

APPROVED:

ATTEST:

By:

DAN COODY, Mayor

By:

SONDRA SMITH, City Clerk/Treasurer

BID: 07-01
1/11/2007
3:00 PM

CITY OF FAYETTEVILLE



Bid 07-01, Skull Creek Trail Lighting Equipment

BIDDER		Price Each	Total Price
1	CED - Springdale		\$48,616.20
	Item 1	\$1,337.57	\$48,152.52
	Item 2	\$12.88	\$463.68
2	Graybar Electric		\$49,581.72
	Item 1	\$1,365.73	\$49,166.28
	Item 2	\$11.54	\$415.44
3	Illuminetics		\$43,497.00
	Item 1	\$1,190.00	\$42,840.00
	Item 2	\$18.25	\$657.00
4	Upchurch Electrical Supply Co.		\$48,312.00
	Item 1	\$1,324.00	\$47,664.00
	Item 2	\$18.00	\$648.00

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

CERTIFIED:

P. Vice
P. VICE PURCH MGR

WITNESS

A. Jones
1/16/07
(DATE)

(Not a Purchase Order)

Revised 6/17/03

City Of Fayetteville

(Not a Purchase Order)

Vendor #:

15814

Vendor Name:

W.J. Whatley, Inc

Address:

City:

State:

Requester:

JOHN NELSON

Item:

Description

Quantity

Unit of Issue

Unit Cost

Extended Cost

Account Numbers

Project/Subproject #

Inventory #

Fixed Asset #

1

12 poles for Scull Creek

36

EA

552.00

\$19,872.00

1010.6600.5814.05

05039.1

2

Per Res #__07 Bid #07-01

3

4

5

6

7

8

9

10

Shipping/Handling

Lot

Special Instructions:

Subtotal:

Tax:

Total:

Requisition No.:

Date:

P.O Number:

1/18/2007

Expected Delivery Date:

Mail

Yes:___

No:___

Quoted Attached

Yes:___

No:___

Division Head Approval:

Extension:

492

Requester's Employee #:

1003

Ship to code:

104

Zip Code:

FAYETTEVILLE

Fob Point:

Yes:___

No:___

Taxable

Yes:___

No:___

Project/Subproject #

05039.1

Inventory #

Fixed Asset #

Subtotal:

Tax:

Total:

\$19,872.00

\$0.00

\$19,872.00

Approvals:

Mayor:

Department Director:

Finance & Internal Services Director:

Budget Manager:

Dispatch Manager:

Utilities Manager:

IT Manager:

Other:

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

2/6/2007

City Council Meeting Date

Connie Edmonston/David Wright

Submitted By

Parks & Recreation

Division

Operations

Department

Action Required:

A resolution awarding Bid #07-02 to Wachter Electric, in the amount of \$52,568 with a 15% project contingency of \$7,885 for a total of \$60,453; and approving a project budget adjustment in the amount of \$10,900 recognizing greenspace revenue fees.

\$ 60,453.00

Cost of this request

\$ 65,900.00

Category / Project Budget

Walker Basketball/Tennis Lights

Program Category / Project Name

2250.9255.5806.00

Account Number

\$ 3,595.00

Funds Used to Date

Neighborhood Park Development

Program / Project Category Name

02013.6

Project Number

\$ 62,305.00

Remaining Balance

Parks Development Capital

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

X

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

Date

Finance and Internal Service Director

Date

Mayor

Date

Received in City Clerk's Office

ENTERED

1-19-07

Received in Mayor's Office

ENTERED

1/23/07

Comments:

City Council Meeting of February 6

CITY COUNCIL AGENDA MEMO

To: Mayor Dan Coody and City Council
Thru: Gary Dumas, Operations Director
Connie Edmonston, Parks and Recreation Director *CE*
From: David Wright, Recreation Superintendent
Date: January 18, 2007
Subject: Walker Park Tennis / Basketball Court Lighting

RECOMMENDATION

Parks and Recreation Staff recommends that City Council approve a resolution awarding Bid 07-02 and approving contract with Wachter Electric in the amount of \$52,568 with a 15% project contingency of \$7,885 for a total project cost of \$60,453 for the installation of lights at Walker Park Tennis and Basketball Courts. Also approve a budget adjustment in the amount of \$10,900 recognizing Park Land Dedication Ordinance revenue fees.

BACKGROUND

Walker Park, a 64 acre park located at 10 W. 15th Street, has witnessed many improvements in the last several years. These improvements include a new mural, entry sign, walking trail and renovated tennis and basketball courts. The renovation of the basketball and tennis, along with other improvements, have increased the use of this park by Fayetteville residents. This increase in use, along with requests from citizens, caused the need for Parks and Recreation to install lighting at the basketball and tennis courts.

DISCUSSION

One of the recent improvements at Walker Park includes the renovation of the tennis and basketball courts. This renovation included resurfacing and stripping the courts; new tennis fencing and nets; and new basketball goals and nets. Since the renovation, the use of this facility has increased. These recreation elements are used daily until dark.

In 2005, the community requested lights be installed at this facility for evening play. Parks and Recreation immediately responding by placing the project in the Capital Improvement Budget approved by Parks and Recreation Advisory Board and City Council in December 2005.

Four bids were received. Parks and Recreation Staff recommends giving the bid to the lowest bidder, Wachter Electric. The lights that Wachter Electric will install include a horizontal lens with spill/glare optics and visor, meeting all the requirements of the Fayetteville Lighting Ordinance. The fixture's bulb has an internal and external visor directing light onto the court(s) and away from neighboring properties. The lights will feature a timer, much like the tennis lights at Wilson Park, where they will not have the ability to be on past the time the park closes at 11:00pm. The difference in this timer and the ones at Wilson Park is a device that people can turn on the lights for use. This means that when nobody is using the courts, the lights will not turn on.

City Council Meeting of February 6

This project was first bid in July 2006. However the lowest bid submitted was \$74,858. Parks and Recreation Staff worked with Purchasing to complete this project within its respective budget. After looking at many options, McClelland Engineers was hired to re-write the specifications.

BUDGET IMPACT

The original contract for this project is \$52,568, with a 15% project contingency of \$7,885 for a total cost of \$60,453. This money is being funded through the Park Development Fund and the Park Land Dedication Ordinance Fund.

Attachments:

Contract with Wachter Electric
Budget Adjustment
Bid Tabulation

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #07-02 AND APPROVING A CONTRACT WITH WACHTER ELECTRIC IN THE AMOUNT OF \$52,568.00 FOR THE INSTALLATION OF LIGHTING AT THE WALKER PARK BASKETBALL AND TENNIS COURTS; APPROVING A 15% PROJECT CONTINGENCY IN THE AMOUNT OF \$7,885.00; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$10,900.00.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #07-02 and approves a contract with Wachter Electric in the amount of \$52,568.00 for the installation of lighting at the Walker Park Basketball and Tennis Courts.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a 15% project contingency in the amount of \$7,885.00.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby approves a Budget Adjustment in the amount of \$10,900.00.

PASSED and APPROVED this 6th day of February, 2007.

APPROVED:

ATTEST:

By:

DAN COODY, Mayor

By:

SONDRA SMITH, City Clerk/Treasurer

CONTRACT

THIS AGREEMENT, made and entered into on the 17 day of January, 2007, by and between Wachter Electric, herein called the Contractor, and the City of Fayetteville, Arkansas:

WITNESSETH:

That the Contractor, for the consideration hereinafter fully set out, hereby agrees with the City of Fayetteville as follows:

1. That the Contractor shall furnish all the materials, and perform all of the work in manner and form as provided by the following enumerated Specifications and Documents, which are attached hereto and made a part hereof, as if fully contained herein and are entitled **Walker Park Tennis and Basketball Court Lighting**, dated December 2006.

Advertisement for Bids	Payment Bond
Instructions to Bidders	General Conditions
Bid and acceptance thereof	Supplemental Conditions
Performance Bond	Specifications
	Drawings (See Sheet Index below)

Sheet No.	Description
1	Cover and Sheet Index
2	Site Plan and Details
3	Electrical Site Plan and Details

2. That the City of Fayetteville hereby agrees to pay to the Contractor for the faithful performance of this Agreement, subject to additions and deductions as provided in the Specifications or Bid in lawful money of the United States, the amount of:
\$52,568.00.
3. The Work will be completed and ready for final payment in accordance with the General Conditions within **60** days after the date when the Contract Time commences to run, as provided in the Notice to Proceed.
4. Liquidated Damages: The City of Fayetteville and Contractor recognize that time is of the essence of this Agreement and the City of Fayetteville will suffer financial loss if the Work is not completed within the times specified in above, plus any extensions thereof allowed in accordance with the General Conditions. They also recognize the delays, expense, and difficulties involved in proving the actual loss suffered by the City of Fayetteville if the Work is not completed on time. Accordingly, instead of requiring any such proof, the City of Fayetteville and Contractor agree that as liquidated damages for delay (but not as a penalty) Contractor shall pay the City of Fayetteville **Two Hundred**

Dollars (\$200.00) for each day that expires after the time specified in Paragraph 3 for completion and readiness for final payment.

5. That within 30 days of receipt of an approved payment request, the City of Fayetteville shall make partial payments to the Contractor on the basis of a duly certified and approved estimate of work performed during the preceding calendar month by the Contractor, LESS the retainage provided in the General Conditions, which is to be withheld by the City of Fayetteville until all work within a particular part has been performed strictly in accordance with this Agreement and until such work has been accepted by the City of Fayetteville.
6. That upon submission by the Contractor of evidence satisfactory to the City of Fayetteville that all payrolls, material bills, and other costs incurred by the Contractor in connection with the construction of the work have been paid in full, final payment on account of this Agreement shall be made within 60 days after the completion by the Contractor of all work covered by this Agreement and the acceptance of such work by the City of Fayetteville.
7. It is further mutually agreed between the parties hereto that if, at any time after the execution of this Agreement and the Surety Bond hereto attached for its faithful performance and payment, the City of Fayetteville shall deem the Surety or Sureties upon such bond to be unsatisfactory or if, for any reason such bond ceases to be adequate to cover the performance of the work, the Contractor shall, at his expense, within 5 days after the receipt of notice from the City of Fayetteville, furnish an additional bond or bonds in such form and amount and with such Surety or Sureties as shall be satisfactory to the City of Fayetteville. In such event, no further payment to the Contractor shall be deemed to be due under this Agreement until such new or additional security for the faithful performance of the work shall be furnished in manner and form satisfactory to the City of Fayetteville.
8. 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.
9. This contract will be interpreted and enforced according to the laws of the State of Arkansas.
10. 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, the Contractor 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.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and date first above written, in three (3) counterparts, each of which shall, without proof or accounting for the other counterpart be deemed an original Contract.

SEAL:

Wachter Electric Company
CONTRACTOR

WITNESSES:

By 
Project Manager / Arkansas Division
Title

ATTEST:

CITY OF FAYETTEVILLE, ARKANSAS
OWNER

City Clerk

By _____
Mayor Dan Coody

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

A. 14
Wachter Electric
Page 8 of 10

Budget Year	Department: Operations	Date Requested	Adjustment Number
2007	Division: Parks & Recreation	1/8/2007	
	Program: Parks Development Capital		

Project or Item Added/Increased: \$10,900 is requested in the Park Improvements account in the Neighborhood Park Development project.	Project or Item Deleted/Reduced: None. This adjustment is to recognize \$10,900 in the Greenspace Fees SE revenue account.
---	--

Justification of this Increase: Funding will be used for Walker Park Basketball and Tennis Court Lighting.	Justification of this Decrease: The Parks & Recreation Advisory Board on January 8, 2007 approved \$10,900 of greenspace fees to assist with this project.
--	--

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Park improvements	2250	9255	5806	00	10,900	02013	6

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Greenspace Fees SE	2250	0925	4419	03	10,900	02013	6

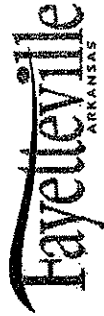
Approval Signatures  Requested By 1-18-07 Date  Budget Manager 1-30-07 Date Department Director Date Finance & Internal Services Director Date Mayor Date	Budget Office Use Only Type: A B C <u>D</u> E Posted to General Ledger Initial Date Posted to Project Accounting Initial Date Entered in Category Log Initial Date
--	---

BID: 07-02

1/17/2007

2:00 PM

CITY OF FAYETTEVILLE



Bid 07-02, Walker Park Lighting

BIDDER		Total Base Bid
1	H & H Electric, Inc.	\$66,071.00
2	Multi-Craft Contractors, Inc.	\$58,080.00
3	Pilgreen Electrical Service, Inc.	\$58,700.00
4	Wachter Electric Company	\$52,568.00

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

CERTIFIED:

P. Vice

P. VICE PURCH MGR

1/17/07

DATE

WITNESS

City Of Fayetteville

(Not a Purchase Order)

Requisition No.:										Date: 4/12/2006	
P.O Number:										Expected Delivery Date:	
Vendor #:		Vendor Name: Wachter Electric		Fob Point:		Mail Yes: ☐ No: ☒		Quotes Attached Yes: ☐ No: ☐			
Address:		State:		Zip Code:		Ship to code: 75		Taxable Yes: ☐ No: ☐			
City:		Requester: David Wright		Requester's Employee #: 707		Division Head Approval: <i>David Wright</i>		Extension: 481			
Item Description		Quantity		Unit of Issue		Unit Cost		Extended Cost			
1 Installation of Lights at Walker Park		1		ea		52,568.00		2250.9255.5806.00			
2											
3											
4											
5											
6											
7											
8											
9											
10											
Shipping/Handling				Lot							
Special Instructions:										Subtotal: \$52,568.00 Tax: \$4,862.54 Total: \$57,430.54	
Approvals:										Purchasing Manager: _____ IT Manager: _____ Other: _____	
Mayor: _____ Department Director: _____ Budget Manager: _____ Finance & Internal Services Director: _____ Dispatch Manager: _____ Utilities Manager: _____											

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

6-Feb-07
City Council Meeting Date

David Wright/Connie Edmonston
Submitted By

Parks and Recreation
Division

Operations
Department

Action Required:

Resolution approving Parks and Recreation to accept a 50 / 50 Matching Outdoor Recreation Grant from the Arkansas Department of Parks and Tourism, in an amount of \$100,000 for playground improvements at Davis, Sweetbriar and Gulley Parks. *Approval of a budget adjustment.*

\$100,000.00
Cost of this request
2250.9250.5806.00
Account Number
02027.0701
Project Number

\$ 137,220.00
Category/Project Budget
\$ -
Funds Used to Date
\$ 137,220.00
Remaining Balance

Parks Development
Program Category / Project Name
Playground and Picnic Improvement
Program / Project Category Name
Parks Development
Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☒

Gary D. Dean
Department Director

1-19-07
Date

Previous Ordinance or Resolution # 127-06

Original Contract Date:

Original Contract Number:

D.D. Whit
City Attorney

1/22/07

Paul A. Becker
Finance and Internal Service Director

1-23-07
Date

Received in City Clerk's Office
ENTERED
1-19-07

Received in Mayor's Office
ENTERED
1/23/07

Mayor

Date

Comments:

City Council Meeting of February 6, 2007

CITY COUNCIL AGENDA MEMO

To: Mayor Dan Coody and City Council
Thru: Gary Dumas, Operations Director
Connie Edmonston, Parks and Recreation Director *CE*
From: David Wright, Recreation Superintendent
Date: January 11, 2007
Subject: Acceptance of Outdoor Recreation Grant

RECOMMENDATION

Parks and Recreation Staff recommends City Council pass a resolution accepting a 50 / 50 matching grant from the Arkansas Department of Parks and Tourism Outdoor Recreation Grant Program in the amount of \$100,000. This grant will be used to renovate the playgrounds at Sweetbriar and Bryce Davis Parks, and to install ADA accessible surfacing underneath the existing playground at Gulley Park.

BACKGROUND

On June 5, 2006, Parks and Recreation Staff met with citizens who expressed an interest in renovations occurring at Bryce Davis and Sweetbriar Parks. Residents wished to see the old playgrounds removed and replaced with newer, safer play structures. In addition, residents requested new picnic tables at Sweetbriar and for a second basketball area at Davis Park. Further, at the July 10, 2006, Parks and Recreation Advisory Board Meeting, PRAB approved for the grant to include funds to install an ADA accessible, fall safe surface to be installed at the existing playground, for ages 5 - 12, at Gulley Park.

On August 1, 2006, City Council passed Resolution Number 127-06 authorizing Parks and Recreation to apply for a grant from Arkansas Department of Parks and Tourism. The resolution states, "the City of Fayetteville and the State of Arkansas will enter into an agreement which obligates both parties to the policies and procedures contained in the Land and Water Conservation Fund Grants Manual including, but not limited to the following: the park area defined by the project boundary map, submitted in the application, must remain in outdoor recreation use in perpetuity."

DISCUSSION

Parks and Recreation applied for this grant, submitting a request for \$125,000 for a total project cost of \$252,000. The Outdoor Recreation Grant is a 50/50 Matching Grant that is reimbursed to the City. The State of Arkansas awarded the Parks and Recreation Division \$100,000. Parks and Recreation Staff plans to complete each of the projects as planned in the grant. These projects will start after a Project Management meeting is held with Arkansas State Parks Officials. After this meeting, the Outdoor Recreation and Grants Program will issue the City of Fayetteville a Notice to Proceed. Work on these projects should begin in late spring.

City Council Meeting of February 6, 2007

BUDGET IMPACT

Arkansas State Parks Outdoor Recreation Program awarded the City of Fayetteville a total of \$100,000 to complete these three projects. This grant is a 50 / 50 matching grant, meaning the Outdoor Recreation Grant Program will pay half of the expenses, up to \$100,000. The City's match is accounted for in project number 02027, Playground and Picnic Improvements.

Parks and Recreation plans to bid all three projects as originally designed. After bids are received, Parks Staff will recommend to City Council to either cut a portion of the project or make a budget adjustment to accommodate the three projects.

Attachments:

Resolution 127-06

Arkansas Department of Parks and Tourism Grant Award Notification

July 13 Memo to Mayor and City Council

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

Budget Year	Department: Operations Division: Parks & Recreation Program: Parks Development Capital	Date Requested 1/23/2007	Adjustment Number
-------------	--	---------------------------------	-------------------

Project or Item Added/Increased:
Increase the Playground & Picnic Improvements project by \$100,000.

Project or Item Deleted/Reduced:
None. This BA recognizes \$100,000 in grant revenue from the Arkansas Department of Parks & Tourism 2007 Matching Grant Award.

Justification of this Increase:
Funds will be used for the renovation of Sweetbriar, Davis, and Gulley Parks.

Justification of this Decrease:
This budget adjustment recognizes grant revenue received in the Playground & Picnic Improvements project.

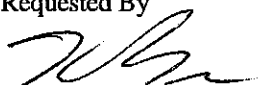
Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Park improvements	2250	9255	5806	00	100,000	02027	0701

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
State grants-Capital	2250	0925	4302	00	100,000	02027	0701

Approval Signatures

Requested By	Date
	1/23/07
Budget Manager	Date
Department Director	Date
Finance & Internal Services Director	Date
Mayor	Date

Budget Office Use Only

Type: A B C D E

Posted to General Ledger	Initial	Date
Posted to Project Accounting	Initial	Date
Entered in Category Log	Initial	Date

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE PARKS AND RECREATION DIVISION TO ACCEPT AN ARKANSAS PARKS AND TOURISM OUTDOOR RECREATION 50/50 GRANT IN THE AMOUNT OF \$100,000.00 FOR IMPROVEMENTS TO SWEETBRIAR PARK, BRYCE DAVIS PARK AND GULLEY PARK.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Parks and Recreation Division to accept an Arkansas Parks and Tourism Outdoor Recreation 50/50 Grant in the amount of \$100,000.00 for improvements to Sweetbriar Park, Bryce Davis Park and Gulley Park.

PASSED and APPROVED this 6th day of February, 2007.

APPROVED:

ATTEST:

By:

DAN COODY, Mayor

By:

SONDRA SMITH, City Clerk/Treasurer



**DEPARTMENT OF
PARKS & TOURISM**

1 Capitol Mall
Little Rock, AR 72201
501-682-7777
Arkansas.com

History Commission
501-682-6900 (V/T)
Ark-ives.com

Keep Arkansas
Beautiful Division
501-682-3507
KeepArkansasBeautiful.com

Personnel Section
501-682-7742 (V/T)

State Parks Division
501-682-1191 (V/T)
ArkansasStateParks.com

Tourism Division
501-682-7777 (V/T)

**Mike Beebe
GOVERNOR**

Richard W. Davies
EXECUTIVE DIRECTOR

**STATE PARKS,
RECREATION
& TRAVEL
COMMISSION**

Jay Bunyard
CHAIRMAN

Steve Arrison
VICE-CHAIRMAN

Bill Barnes

Jane Christenson

Danny Ford

Jim Gaston

Debra Haak

Bob Knight

Billy Lindsey

Monline McNulty

Mike Mills

Ness Sechrest

Jim Shamburger

Wade Williams

DIVISION DIRECTORS

Larry Cargile
ADMINISTRATION

Greg Butts
STATE PARKS

Joe David Rice
TOURISM

Nancy Clark
GREAT RIVER ROAD

Dr. Wendy Richter
HISTORY COMMISSION

Robert Phelps
KEEP ARKANSAS
BEAUTIFUL

AN EQUAL
OPPORTUNITY/
AFFIRMATIVE ACTION/
AMERICANS WITH
DISABILITIES ACT
EMPLOYER

Arkansas

THE NATURAL STATE®

January 9, 2007

The Honorable Dan Coody
Mayor of Fayetteville
113 West Mountain
Fayetteville, Arkansas 72701

RE: FY 2007 Matching Grant Project
Renovation of Sweetbriar, Davis and Gulley Parks

Dear Mayor Coody:

Congratulations! As a recipient of a Fiscal Year 2007 Matching Grant Award in the amount, \$100,000.00. I know the City of Fayetteville is eager to begin your project. The Outdoor Recreation Grants Advisory Committee recommended your grant funding based on the following items from your FY2007 Matching Grant Application Budget:

1. Playground equipment, accessible parking, sidewalks, picnic tables and grill at Sweetbriar Park.
2. Playground equipment, sidewalks and basketball court at Davis Park.
3. Playground impact surface at Gulley Park.

The first step in beginning your project will be the Project Management Workshop. This workshop should be scheduled as soon as possible. Please call me at (501) 682-1227 at your earliest convenience to schedule this workshop. This workshop must be completed before you can begin any work on your project. It is required that the person who will handle paper work, prepare bid documents, purchase materials, and supervise the construction for this project attend this meeting. I would also request that you, or a representative from your office, attend the meeting. During the workshop, we will discuss federal and state regulations for barrier free access, bidding and purchasing procedures, record keeping, reimbursement procedures, and responsibilities after the project has been completed.

Please prepare the following items for the meeting:

- (1) Project Budget (revised if needed). Enclosed is a form for your use.
- (2) Complete plans and specifications, sufficient for a contractor to complete the project. If the City is utilizing the services of an engineer or architect we will discuss the plans and specification requirements at the workshop.
- (3) Site development plan showing handicapped accessibility as listed in your Project Application. (Required only if the site plan from your application is being revised.)

After the Project Management meeting, I will review your plans and specifications. When these items are approved, I will request your bid documentation and advertisement information. If everything is in order, I will mail a State Contract Agreement for you to sign. Your bid information approval will be included in this letter.

RECEIVED

JAN 10 2007

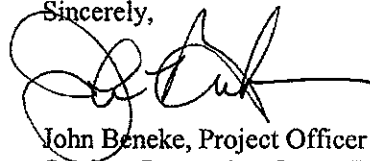
CITY OF FAYETTEVILLE
MAYOR'S OFFICE

The Honorable Dan Coody
Page 2
January 9, 2007

After you sign the Contract and return it, the Executive Director of the Department of Parks and Tourism will sign it and return it to you along with an Official Notice to Proceed. Any development of the area or expenses incurred prior to the Official Notice to Proceed will not be eligible for reimbursement.

I look forward to working with you on your project. My telephone number is (501) 682-1227, if you need further information.

Sincerely,

A handwritten signature in black ink, appearing to read "John Beneke", with a long horizontal flourish extending to the right.

John Beneke, Project Officer
Outdoor Recreation Grants Program

Enclosure

RESOLUTION NO. 127-06

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AN ARKANSAS PARKS AND TOURISM OUTDOOR RECREATION GRANT IN AN AMOUNT NOT TO EXCEED \$125,000.00 FOR IMPROVEMENTS TO SWEETBRIAR PARK, BRYCE DAVIS PARK AND GULLEY PARK.

WHEREAS, the City of Fayetteville, Arkansas seeks to improve recreation facilities and wishes to seek grant funding assistance; and,

WHEREAS, in order to obtain the funds necessary to develop and/or improve the site for such a recreation area, it is necessary to obtain a 50/50 Matching Grant from the Arkansas Department of Parks and Tourism's Outdoor Recreation Grant Program; and,

WHEREAS, the City Council of the City of Fayetteville, Arkansas understands the grantee and grantor will enter into a binding agreement which obligates both parties to the policies and procedures contained in the *Land and Water Conservation Fund Grants Manual* including, but not limited to the following: the park area defined by the project boundary map, submitted in the application, must remain in outdoor recreation use in perpetuity, regardless if the property is bought or developed with matching grant funds and; all present and future overhead utility lines within the project boundary must be routed away or placed underground and; the project area must remain open and available for use by the public at all reasonable times of the day and year; facilities can be reserved for special events, league play, etc. but cannot be reserved, leased, or assigned for exclusive use, and; the project area must be kept clean, maintained, and operated in a safe and healthful manner. The City Council of the City of Fayetteville, Arkansas is well aware and apprised of the above-mentioned project, and will provide the local portion of the development cost of the entire project.

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 authorizes the Mayor to make application to the Arkansas Department of Parks and Tourism for assistance, in an amount not to exceed \$125,000.00, for improvements to Sweetbriar Park, Bryce Davis Park and Gulley Park. Therefore, such application shall be submitted as expediently as possible.

PASSED and APPROVED this 1st day of August, 2006.

APPROVED:

By:

DAN COODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

To: Mayor Coody and City Council
Thru: Gary Dumas, Director of Operations
Connie Edmonston, Parks and Recreation Director
FROM: David Wright, Recreation Superintendent *DW*
DATE: July 13, 2006
SUBJECT: Resolution to apply for Arkansas Outdoor Grant Program

Background

The Land and Water Conservation Fund (LWCF) is a federal program with funds derived from the sale of federal surplus real estate property, federal motor boat fuel tax, and Outer Continental Shelf mineral receipts. The Arkansas Natural and Cultural Resources Grant and Trust Fund (NCRGTF) is a state program with funds collected from a tax on the transfer of certain real estate in the State of Arkansas. LWCF and NCRGTF funds are included in the Department of Parks and Tourism's Outdoor Recreation Grants Program for funding outdoor recreation facilities. Only incorporated cities and counties may apply. This is a 50/50 reimbursable matching grant with a \$250,000 maximum request on matching funds. Last year, Arkansas Parks and Tourism awarded our City with \$115,128 for construction of The Botanical Garden of the Ozarks at Lake Fayetteville. In 2004, the City of Fayetteville was awarded \$40,000 for construction of Braden Park. In 2002, the City of Fayetteville received \$100,000 for construction of Grinders Skate Park at Walker Park. This year's grant deadline is August 27, 2006. A resolution from the City of Fayetteville is required to apply for the grant.

Current Status

On, June 19th and June 20th public meetings were held at Sweetbriar Park and Bryce Davis Park to gather input from the public of their recreational desires and to prioritize an eligible grant project. An outreach to groups such as ethnic minority populations, the elderly and persons with disabilities was attained through group meetings. It was determined after obtaining public input that a grant for improvements to each of these parks be submitted. Improvements to Sweetbriar Park will include removal of outdated play equipment, installation of ADA accessible play equipment and picnic area. Bryce Davis Park will have the outdated play equipment removed and ADA accessible play equipment installed as well as a basketball court. Improvements to Gulley Park, which will also be included in the request, consist of replacement of the existing pea gravel play surface with an ADA approved soft surface tile. On July 10th, Parks and Recreation Advisory Board endorsed the decision from the public meetings, recommending to City Council that the Parks and Recreation Division complete the grant application.

The grant application must include detailed budgets, plans, specifications and bid documents that are ready for immediate bid and construction. The planned improvements for all three parks are completely ADA accessible. The grant also asks the applicant to specify how the funding meets the needs of the community. These improvements will provide for a safer play area as well as ADA accessible equipment for all citizens, which was a request in the Parks and Recreation Ten Year Master Plan. Improving and upgrading the facilities at these parks will achieve these goals.

This grant contains twelve (12) obligations covering everything from compliance of the Americans for Disabilities Act to property retained in perpetuity for outdoor recreation use. The land and the project our department would like to apply for grant funds each meet these obligations.

Section 6(f)(3) of the LWCF Act states "*No property acquired or developed with assistance under this section shall, without the approval of the Secretary of the United States Department of the Interior, be converted to other than public outdoor recreation use. The Secretary shall approve such conversion only if he/she finds it to be in accordance with the then existing Statewide Comprehensive Outdoor Recreation Plan (SCORP) and only upon such conditions as he/she deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonable equivalent usefulness and location.*" If this property must ever be used for anything other than recreational use, it is possible to convert the park boundary. Currently, Bryce Davis and Gulley Parks are already contained within a LWCF / Arkansas State Parks Outdoor Recreation Park boundary.

Recommendation

Parks and Recreation requests City Council approval of a resolution to authorize the City, to apply for up to \$250,000 from the Arkansas Parks and Tourism Outdoor Recreation Grant Program for the new Botanical Gardens site at Lake Fayetteville.

ATTACHMENTS

Public Meeting Minutes June 19, 2006
Public Meeting Minutes June 20, 2006
PRAB Meeting Minutes July 10, 2006
Conditions of Arkansas Outdoor Recreation Grant
Press Release/Newspaper Articles
Sample Resolution

AGENDA REQUEST

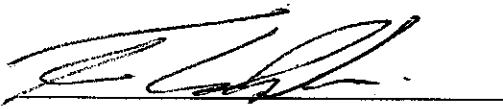
FOR: COUNCIL MEETING OF FEBRUARY 6, 2007

FROM:
KIT WILLIAMS, CITY ATTORNEY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution Setting A Public Hearing Date Regarding The City Of Farmington's Desire To Annex Certain Territory Currently In The City Limits Of Fayetteville

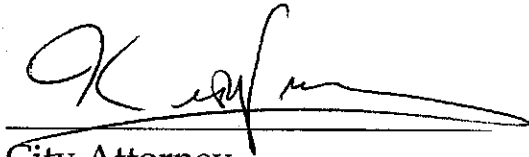
APPROVED FOR AGENDA:



Planning & Development
Management Director

1-19-07

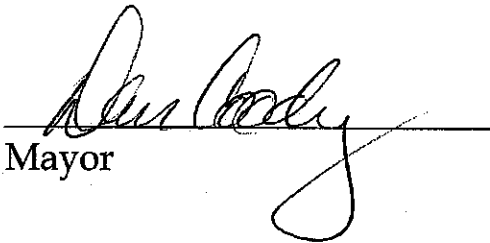
Date



City Attorney

1/19/07

Date



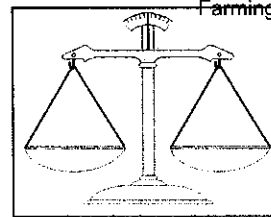
Mayor

1/19/07

Date

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

DEPARTMENTAL CORRESPONDENCE



LEGAL DEPARTMENT

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

CC: **Tim Conklin, Planning & Development Management Director**

FROM: **Kit Williams, City Attorney**

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

DATE: **January 19, 2007**

RE: **Farmington's request to annex five parcels within the Fayetteville City Limits**

A.C.A. §14-40-2101, et. seq gives Farmington a right to request the Fayetteville City Council to detach land within the City of Fayetteville so that Farmington can annex it. Although I have yet to see an official ordinance properly signed by the Farmington Mayor, I do have the copy of their draft ordinance which allegedly was passed on January 8, 2007.

By statute Farmington "shall send the ordinance to the government of the city or town in which the lands are located." A.C.A. §14-40-2101(a). Hopefully, we shall soon receive this ordinance.

The statute requires that the "ordinance will provide a **legal description** of the lands proposing to be detached and annexed and describe generally the **reasons for proposing the action**. A.C.A. §14-40-2101(b)(1) (emphasis added).

The only "reason" for proposing this detachment and annexation in the ordinance is that it "is being initiated in order to honor **promises made** to certain property owners during consideration of Fayetteville's annexation of an unincorporated island" (emphasis added).

Tim Conklin has provided you the minutes of that meeting. Although there was discussion of the option to seek detachment from Fayetteville and annexation to Farmington, it is difficult to interpret that language as a promise, especially one that would commit the City Council. I explained (page 9 of the minutes) that the City Council "would have to take into account not only their (Ms. Weeks') desires but the desires of one landowner that does not want to be in Farmington."

I was relying on Ms. Weeks' assertion that "(t)here are **seven out of eight** of us on that 40 acre plot that do not want to be in Fayetteville" (page 8 of the minutes). If you look at this petition, only **five of the eight** are seeking to leave Fayetteville.

Ms. Weeks also asserted that the detachment and annexation "would be a straight line." (page 8 of the minutes). In reality, the detachment of those five landowners would result in an extremely jagged border between with a dozen new border lines between our cities (See Exhibit A – map from Farmington).

Even if a later statement by Mayor Coody about Ms. Weeks' option to seek detachment so she could "secede from the union and go to Farmington," (page 9 of the minutes) was claimed to be a promise, that statement was based upon what later turned out to be mistaken statements by Ms. Weeks. Thus, the only reason stated within its ordinance by Farmington to seek this detachment and annexation appears ill-founded.

CONCLUSION

Even if Farmington's ordinance might be lacking in a supportable purpose, Fayetteville must still conduct a public hearing within 60 days of Farmington's ordinance. The only available date after this meeting would be March 6th (to give Farmington enough time to publish the required legal notice 15 days before the hearing).

Fayetteville has complete discretion to grant or deny the detachment request in this case. Your decision should be guided by what is in the best interests of Fayetteville.

RESOLUTION NO. _____

**A RESOLUTION SETTING A PUBLIC HEARING DATE
REGARDING THE CITY OF FARMINGTON'S DESIRE
TO ANNEX CERTAIN TERRITORY CURRENTLY IN
THE CITY LIMITS OF FAYETTEVILLE**

WHEREAS, A.C.A. §14-40-2101 provides a procedure for the simultaneous detachment of territory from one city and the annexation of such territory into another city's corporate limits; and

WHEREAS, the City of Farmington, by adoption of Ordinance No. _____ on January 8, 2007, has initiated action to attempt the detachment and annexation of five residential lots within the Fayetteville city limits, generally located south of Silverthorne Addition and west of Double Springs Road; and

WHEREAS, in accordance with procedures for consideration of such a request, the Fayetteville City Council shall conduct a public hearing within sixty (60) days of Farmington's proposal of said ordinance.

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

Section 1: A public hearing before the City Council shall be held on March 6th, 2007, at 6:00 P.M. in the Council Chambers at Fayetteville City Administration Building, to hear the views of property owners within the area proposed to be detached and annexed, as well as those of Farmington and Fayetteville municipal officials and other concerned citizens.

PASSED and APPROVED this 6th day of February, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk

Doc ID: 010749540004
Recorded: 01/18/2007 at 04:12:36 PM
Fee Amt: \$17.00 Page 1 of 4
Washington County, AR
Bette Stamps Circuit Clerk
File **2007-00001879**

ORDINANCE 2007-1

AN ORDINANCE SIMULTANEOUSLY DETACHING TERRITORY FROM THE CITY OF FAYETTEVILLE AND ANNEXING SAID TERRITORY INTO THE CITY OF FARMINGTON IN ACCORDANCE WITH ARKANSAS CODE ANNOTATED § 14-40-2101

WHEREAS, A.C.A. §14-40-2101 provides a procedure for the simultaneous detachment of territory from one municipality and annexation of such territory into an adjoining municipality; and

WHEREAS, individual property owners who were recently annexed into the City of Fayetteville are desirous of being detached from the City of Fayetteville and annexed into the City of Farmington.

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

Section 1. That certain territory presently within the corporate limits of the City of Fayetteville is contiguous to and adjoins the City of Farmington. The City of Farmington hereby calls for the simultaneous detachment and annexation of the lands that are described in Exhibit "A" and incorporated herein by reference.

Section 2. That the proposed detachment and annexation of lands described in Exhibit "A" was requested by the property owners within the area proposed to be detached and annexed.

Section 3. That a copy of this ordinance shall be sent to the governing body of the City of Fayetteville. Within sixty (60) days of the proposal of this ordinance, the governing body of the City of Fayetteville shall conduct a public hearing on the proposed detachment and annexation.

Section 4. That at least fifteen (15) days prior to the date of the public hearing, the Farmington City Clerk shall publish a legal notice setting out the legal description of the territory proposed to be detached and annexed.

Section 5. That at the next regularly scheduled meeting following the public hearing, the governing body of the City of Fayetteville may bring the proposed ordinance up for a vote to concur in the detachment and annexation. If

a majority of the total number of members of the Fayetteville City Council vote for the proposed detachment and annexation ordinance, then a prima facie case for detachment and annexation shall be established, and the City of Farmington shall proceed to render services to the newly annexed area.

Section 6. That the decision of the governing bodies of the City of Farmington and the City of Fayetteville shall be final unless a suit is brought in the Circuit Court of Washington County within thirty (30) days after passage of the ordinance to review the mutual actions of the governing bodies.

Section 7. Repealing Clause. All other ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 8. Severability Clause. In the event any part of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

Section 9. Emergency Clause. That the immediate approval of this ordinance is necessary to commence the process of detaching and annexing certain territory into the municipal limits of the City of Farmington; therefore, an emergency is hereby declared and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED THIS 8th DAY OF January, 2007.


Ernest L. Penn, Mayor

Attest:

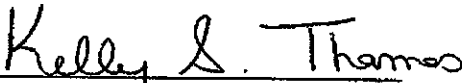

Kelly Thomas, City Clerk

EXHIBIT "A"

A part of the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 15, Township 16 North, Range 31 West, Washington County, Arkansas, being more particularly described as follows: Beginning at the Southwest corner of said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$; thence North 02° 38' 07" East 1024.77 feet; thence South 87° 50' 00" East 788.27 feet; thence South 02° 22' 58" West 181.55 feet; thence South 87° 57' 15" East 508.48 feet; thence South 02° 28' 18" West 120.00 feet; thence North 87° 57' 44" West 508.29 feet; thence South 02° 22' 57" West 183.15 feet; thence North 87° 57' 44" West 359.74 feet; thence South 02° 22' 58" West 252.00 feet; thence South 87° 57' 45" East 864.05 feet; thence South 02° 57' 47" West 285.52 feet; thence North 87° 59' 35" West 1294.22 feet, to the Point of Beginning and containing 21.194 acres, more or less.

CITY COUNCIL AGENDA MEMO

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Tim Conklin, Planning and Development Management Director *TC*
DATE: December 27, 2006
SUBJECT: **ADOPTION OF A RESOLUTION TO SET A PUBLIC HEARING
DATE REGARDING THE CITY OF FARMINGTON'S DESIRE TO
ANNEX CERTAIN TERRITORY CURRENTLY IN THE CITY
LIMITS OF FAYETTEVILLE**

RECOMMENDATION

Staff recommends adoption of a resolution to set the public hearing date based on A.C.A. 14-40-2101 which requires the City to conduct a public hearing within 60 days for the simultaneous detachment of territory from Fayetteville to Farmington.

BACKGROUND

The City Council passed Ordinance No. 4923 on September 19, 2006 that annexed approximately 405.47 acres of land into the City of Fayetteville. At the September 5, 2006 City Council meeting a small number of property owners requested to be removed from the proposed annexation (please see attached minutes). Because this annexation was an "island annexation" under A.C.A. 14-40-501, all of the properties between Farmington and Fayetteville city limits were required, by ordinance, to be annexed into Fayetteville.

A.C.A. 14-40-2101 provides a procedure for the simultaneous detachment of territory from one city and the annexation of such territory into another city's corporate limits.

The City of Farmington has initiated an ordinance to be considered on January 8, 2007 to begin the process for the detachment and annexation of certain Fayetteville territory located south of Silverthorne Addition and west of Double Springs Road.

The Fayetteville City Council must conduct a public hearing within sixty (60) days of Farmington's adoption of said ordinance. Staff is recommending the public hearing be scheduled for the February 6, 2007 City Council meeting.

At the next regularly scheduled meeting following the February 6, 2007 public hearing, the Fayetteville City Council may bring a proposed ordinance up for vote to concur in the detachment and annexation.



 Detachment
 Fayetteville City Limits

Proposed Detachment to Farmington

0 135 270 540
Feet

1 inch equals 250 feet

PROPOSED DETACHMENT TO FARMINGTON

A part of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of Section 15, Township 16 North, Range 31 West, Washington County, Arkansas, being more particularly described as follows: Beginning at the Southwest corner of said SW¼ of the NE¼; thence North 02° 38' 07" East 1024.77 feet; thence South 87° 50' 00" East 788.27 feet; thence South 02° 22' 58" West 181.55 feet; thence South 87° 57' 15" East 508.48 feet; thence South 02° 28' 18" West 120.00 feet; thence North 87° 57' 44" West 508.29 feet; thence South 02° 22' 57" West 183.15 feet; thence North 87° 57' 44" West 359.74 feet; thence South 02° 22' 58" West 252.00 feet; thence South 87° 57' 45" East 864.05 feet; thence South 02° 57' 47" West 285.52 feet; thence North 87° 59' 35" West 1294.22 feet, to the Point of Beginning and containing 21.194 acres, more or less.

December 26, 2006

To whom it may concern:

We have been Farmington residents for 20 years and care for everyone in the Farmington community. We are familiar with the participants in the city government. They are flexible and responsive to the needs of their residents.

The trash service the city of Fayetteville provides us requires 4 of our residents to transport their trash up to a 1/3 of a mile to the pickup point on Double Springs road. Farmington has allowed in these situations private haulers to pick up trash as long as documentation is provided.

We are on septic system. We were informed the last time we paid our water bill we would be required to pay sewer because the city of Fayetteville does not recognize septic tanks.

In my efforts to resolve these matters amicably, I found Fayetteville city officials respectful but inflexible and uncompromising.

I am a Fayetteville businessman, an ardent Razorback fan and hope that Fayetteville retains its personality as we grow. I would not live anywhere other than Northwest Arkansas.

Because we, the undersigned, believe that by being annexed into the city of Fayetteville are being required to share the cities burdens without benefit., we respectfully request we be de-annexed immediately.

Thank you for your time and consideration.

Larry and Michelle Weeks

December 12, 2006

Mayor John Harris
City of Farmington
354 W. Main
Farmington, AR 72730

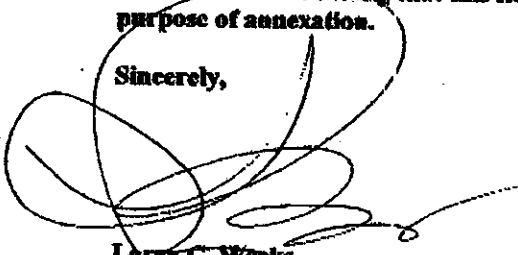
Dear Mayor Harris:

We respectfully request that the annexation of our properties be placed on the agenda of the next city council meeting set for January 16, 2007.

My wife, Michelle Weeks, attended the Fayetteville city council meeting September 5th at which time our properties were annexed into the city of Fayetteville. At that time she was informed that the property owners could request and be granted de-annexation by coming before the Fayetteville city council and making that request.

We are therefore asking that this item be placed on the Farmington city council agenda for the purpose of annexation.

Sincerely,

*Signatures were witnessed and
notarized by: E. Jane Anderson*

Larry C. Weeks
121 N. Double Springs Rd.

12/12/06

E. JANE ANDERSON
NOTARY PUBLIC-STATE OF ARKANSAS
WASHINGTON COUNTY
My Commission Expires Feb. 12, 2011



Homer Bud Anderson
173 N. Double Springs Rd.

12/12/06

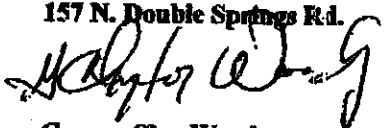
E. JANE ANDERSON
NOTARY PUBLIC-STATE OF ARKANSAS
WASHINGTON COUNTY
My Commission Expires Feb. 12, 2011



John Larsen
157 N. Double Springs Rd.

12/12/06

E. JANE ANDERSON
NOTARY PUBLIC-STATE OF ARKANSAS
WASHINGTON COUNTY
My Commission Expires Feb. 12, 2011



George Clay Woody
25 N. Double Springs Rd.

12/13/06

E. JANE ANDERSON
NOTARY PUBLIC-STATE OF ARKANSAS
WASHINGTON COUNTY
My Commission Expires Feb. 12, 2011



Herbert Dorman
117 N. Double Springs Rd.

12/13/06

E. JANE ANDERSON
NOTARY PUBLIC-STATE OF ARKANSAS
WASHINGTON COUNTY
My Commission Expires Feb. 12, 2011

Alderman Cook: Has there been any comment from the owners? Has there been any discussion with the owners? Have they responded to the city at all?

Yolanda Fields: We have been communication with the property owners since January of this year, and as you can tell by the pictures that I handed out to you, there's been nothing done at that location. The only improvement has been cleanup that we did ourselves.

Alderman Thiel: These resolutions that we have passed, you've only had to move forward with a few of them, haven't you? Once we pass this, generally people do go ahead and take care of their property?

Yolanda Fields: We have found that normally that is the case. We have had some situations where we have to take action, and of course then we place a lien on the property.

Alderman Reynolds: The only thing about this piece of property is that it's got worse. Not better, it's got worse.

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

Resolution 148-06 as recorded in the office of the City Clerk.

Mayor Coody closed the Public Hearing.

Mayor Coody opened the Public Hearing.

 **Annexation of Island Surrounded by the City of Fayetteville and Farmington:** An ordinance to annex into the City of Fayetteville, Arkansas a parcel of land completely surrounded by the incorporated limits of Fayetteville and the City of Farmington, Arkansas. *This ordinance was left on the first reading at the August 15, 2006 City Council Meeting.*

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

City Attorney Kit Williams read the ordinance.

Mayor Coody: Staff, do you have the report for us tonight?

Tim Conklin, Planning & Development Management Director: This evening you are considering an ordinance annexing approximately 405.47 acres into the City of Fayetteville. I have an exhibit that illustrates the annexation. Double Springs Road is located to the west, 54th Avenue is located to the east, and it's slightly south of Dot Tipton Road. Under state law §14-45-01, allows cities that have unincorporated areas between them, the city that has the larger of the distance or linear feet of corporate limits, to be able to annex that property into the city limits. Later this evening you'll be confirming the order of annexation for the Sloan annexation that's shown also on this exhibit, which is in this red color on the map. Annexing the property will allow compatibility in land use in our development standards; ability for us to construct and plan future capital facilities; ability to require the same level of infrastructure in new development

within these areas within the City of Fayetteville. The following city services would be provided: trash service, police protection, fire protection. Sewer service is available, any extension of private or public lines to serve these areas would be the responsibility of the property owner or developer and curbside recycling and yard waste pickup. Certified letters were sent to the property owners within this area. I have received one call with regard to the proposed zoning and the ordinance that is before you this evening. It states that this area would be zoned RSF-1. The gentleman may be here this evening, but his concern was the ability to have horses on the property. The ordinance also is assigning this area to Ward 4. If you have any questions, I would be happy to answer them at this time. Thank you.

Mayor Coody: Does Council have any questions for Tim on this item?

Alderman Thiel: He can not have horses on RSF-1, can he?

Tim Conklin: That is correct, horses are not allowed within RSF-1. His request was to have his property zoned R-A. A couple of years ago when we annexed the islands we had a lot of discussion about individual parcels being rezoned different zoning districts, and at that time I believe we rezoned it all to RSF-1 with the ability for them to come back. There may have been one or two that we left R-A in the larger areas, but I think at that time we brought most everything in as RSF-1.

Mayor Coody: Anything else?

Alderman Lucas: Can he not keep horses by being grandfathered in.

Tim Conklin: He currently does not have horses on the property.

Alderman Lucas: Okay.

Kit Williams: But I think you are right, if he did have horses or if other people have horses there, then they're grandfathered in and can keep the horses.

Alderman Jordan: What I remember when we annexed in the islands, if they had a business there or if they had cattle there or whatever they were sort of grandfathered in with this.

Alderman Lucas: In this area, I have had a number of people contact me that they would like to be in the city. I have not heard other than what Tim said here of anyone that did not want to be brought in in this area. So it's just a natural growth of Fayetteville, I think, in that area, and we can provide the services very easily.

Mayor Coody: Any other questions or comments?

Alderman Cook: As you know, I'm always against annexation and I'm looking at the reasons why we should support these annexations and the first one is compatibility in land use and development standards. To me, that's the best argument for the annexation. The other one is ability to plan and construct future city capital improvements and the ability to require the same level of infrastructure improvements required for new development within these areas. My comment to that is, we should be concentrating on our infrastructure within the city already within our boundaries and not adding more from outside the city. The following services will be

added with this annexation: trash service, which means more trucks, more mileage, more drivers; police and fire protection, which means budget increases for future needs; sewer service if available, that means loading in our new plant, more pipe maintenance, and curbside recycling, which is more trucks and mileage, too. One way or another we're all going to be paying for this, whether it's through budget adjustments or fees and rates, and I personally think the growth as we continue to expand our city services is killing our budget.

Alderman Lucas: Be it in Fayetteville or Farmington we're going to be providing services to our wastewater treatment plant because we provide the water and sewer to Farmington. So we're going to be providing it whichever city it's in.

Mayor Coody: Also the garbage pickup is an enterprise fund, that doesn't come out of general fund, the people who use the service pay for the service. The fire and police are out of the general fund that would be the one true thing you were talking about.

Alderman Ferrell: Any extensions of this service would be provided by the developer and property owner.

Mayor Coody: Any other questions or comments?

Kit Williams: We need to open it up to the public and we have to leave it on the second reading. We're not allowed to pass this until the next meeting.

Mayor Coody: Okay. Anyone from the public have any comments on this particular item? Yes, ma'am.

Michelle Weeks: I live on 40 acres in this annexation proposal and my understanding is we're going to be taken into Fayetteville on September 16th, is that right, without the vote that's supposed to happen in October?

Mayor Coody: Kit, is that the right date?

Kit Williams: If in fact the City Council votes to approve this ordinance on the 16th, that would be correct.

Michelle Weeks: Okay. I would like to request that our property be zoned R-A. I brought a legal description. There are six other neighbors in our 40 acres that also want to be R-A. They are not with me tonight, though. Their understanding is that since it's been agricultural for years they thought that they would be grandfathered in. So is that not the case?

Mayor Coody: I think that it is the case.

Kit Williams: It's actually the 19th; it's two weeks from tonight, not the 16th.

Mayor Coody: But it is the case on grandfathering existing uses?

Kit Williams: Yes, I think that is correct, especially agricultural uses. The other thing that the city has done in the past when there has an entire neighborhood that wanted to be zoned a different way because of the use that they have out there, then a petition has been passed around

the neighborhood and the neighborhood got rezoned. And so if your neighborhood and everybody out there wanted to be R-A, then I think you could probably get the Planning department to work with you and to get before the City Council on rezoning to R-A if that's what you and your neighbors would like to do. So that's another potential option even beyond being grandfathered in.

Michelle Weeks: Okay. There are seven out of eight of us on that 40 acre plot that do not want to be in Fayetteville and so since you are taking us, I wonder when we could start the process of seceding from the union.

Mayor Coody: De-annexing?

Alderman Thiel: So do you want to be in the City of Farmington?

Michelle Weeks: Yes. Actually we have petitioned Farmington on three separate occasion and they kept telling us not to worry about it, because Farmington had more of the land. They told us that we didn't have to do anything else and then when the Sloan property got annexed in all of us that wanted Farmington, it just took that out.

Alderman Jordan: Could I ask you why you would prefer being in the Farmington city limits than the Fayetteville city limits? Can I ask that question?

Mayor Coody: You may.

Michelle Weeks: Fayetteville has more restrictions than Farmington. We grew up in Farmington and we just want Farmington. It would be a straight line, we are right on Double Springs Road we are on the top left that juts out, and it would actually be better for everybody concerned. There are seven out of eight of us that want Farmington and Farmington wants us. I don't know if you guys know that Ernie Penn and Melissa down at the Farmington City Hall, they all told us that we would be in Farmington, no problem. Then I talked to her about two weeks ago and she was trying to get a hold of me, she didn't know how to get a hold of me. She said "I'm sorry I told you that, when the Sloan property got annexed in it changed everything."

Mayor Coody: All right. Yes, ma'am.

Alderman Thiel: I guess I misunderstood. I thought that everyone out there wanted to be in Fayetteville.

Alderman Lucas: That's our understanding.

Michelle Weeks: There are other people here that do not want Fayetteville.

Mayor Coody: Tim, what does this do? Does this create an island? What technically does this do?

Kit Williams: Well the only thing that you could do in a case like this, you have to annex the entire island, you can't annex a portion of the island. Then, as we have done with Springdale before, it's possible to detach a portion of Fayetteville if the City Council wants to do that and if the Farmington City Council wants to accept it. We've accepted two parcels from Springdale in

the past for various reasons. In this particular that would be something that you would want to look at. You would have to take into account not only their desires but maybe the desires of one landowner that doesn't want to be in Farmington and would rather be in Fayetteville, but that would be a decision that you would make and that the City Council of Farmington would make. Both City Councils would have to be positive on that in order for a detachment to occur and an annexation into Farmington.

Alderman Ferrell: Ma'am, you said it was 40 acres. Do all the people that don't want to be annexed live on these 40 acres, or is it on and near?

Michelle Weeks: There are eight houses out there; seven do not want to be in Fayetteville.

Alderman Ferrell: Within the 40 acres?

Michelle Weeks: Yes. We're all in the 40 acres.

Alderman Ferrell: Thank you.

Mayor Coody: Tim could you use the pointer and show us where the 40 lies?

Tim Conklin: Are you south of Silverthorne in this area? (Tim showed the Council on the map the area Ms. Weeks was referring to.)

Mayor Coody: I see. That seems like a logical place to draw the line if we wanted to.

Alderman Thiel: But Kit explained that we really couldn't do that.

Kit Williams: You couldn't now, but you could in the future.

Mayor Coody: That's what I mean, if we were able to get the 40 acres, it looks like that would work for both us and Farmington is what I meant by that. Would you be willing to do it this way, to where we could go ahead and annex the whole 405 acres, and then deal with your families to let you secede from the union and go to Farmington? If you don't want to come to Fayetteville we don't want to force you to do that because you would vote against everybody up here once you get a chance to.

Michelle Weeks: I will if you'll give me the chance to get out of Fayetteville.

Mayor Coody: Yeah. That option would be open to you.

Michelle Weeks: And if you do annex us in that you do us R-A.

Mayor Coody: Okay. Is that a pretty good understanding to everybody?

Alderman Lucas: Can we annex it in as R-A? I mean, we're doing the whole thing R-1.

Kit Williams: Well, initially we're annexing everything in as R-1, which is one unit per acre; you would be grandfathered in with your horses anyway. Of course, if you're seeking a

detachment, then I would seek the detachment rather than a rezoning, because if you're detached it would be up to Farmington to zone you.

Mayor Coody: Does that sound reasonable?

Michelle Weeks: Sure.

Mayor Coody: Is there any other comment from the public on this?

Heather Dumas: Good evening. I'm representing approximately 26 property owners, totaled, we have about 215 acres. If you'll look on your map, if you look at the Sloan annexation, from his southern line all the way down to the northern city limit line, those are the property owners I'm representing.

Mayor Coody: Could you use the pointer just to show everybody in the room where you're talking about.

Tim Conklin showed the Council the area Ms. Dumas was referring to.

Heather Dumas: Originally we wanted to file to annex into Fayetteville with Sloan, but we couldn't work out our timing. We did file for annexation into Fayetteville about two weeks after Mr. Sloan did. Two weeks ago we had a public hearing at the county and the county did release us to go into Fayetteville, but after talking with staff we couldn't get through Fayetteville's process before the election was complete. I know the majority of the property owners here would still like to be in Fayetteville. The majority of them, which is family in one form or another, we don't plan on developing for a considerable amount of time, so right now it is farmland. We do plan on keeping it as farmland. There is one 40 acre tract that is under development right now with the old Hatfield property, I believe Mark Foster is developing that. The rest is pretty much agricultural land. We have incurred considerable expense trying to come into Fayetteville and fight Farmington, so we would ask that you go ahead and pass the ordinance for us.

Mayor Coody: All right. Any other questions or comments for Heather on this? Would anyone else like to speak? How are you tonight, sir?

Maurice Rankin, 105 North Double Springs Road: We're in the protrusion to the left of Double Springs and we are very emphatically in favor of the proposal. We want to go into Fayetteville; we don't want to be in Farmington. Two principle reasons, taxes are hundreds of dollars higher in Farmington than they are in Fayetteville, and Fayetteville's recycling services are much better and a number of other advantages, too. I've spoke to you previously on this, so I won't take the time to repeat all of that. Definitely there are people here in the neck over there that do want to be in Fayetteville. Thank you.

Mayor Coody: If you would like to speak at length about the lower taxes and Fayetteville's other services, you're welcome to.

Maurice Rankin: We have five acres and we are on Double Springs Road right about where the hand is.

Mayor Coody: All right. Thank you very much, sir. Anyone else want to address this tonight? How are you this evening?

Lorinda Schader, 5769 West Shallot Drive: Shallot Drive is on the bottom right hand section, over on the far right on the bottom. We also would like to be in Farmington. We haven't come forward or called anyone or anything because we also were told that it wouldn't be a problem for them to take us in. Also when you refer to the horses, is that also cattle? Are cattle grandfathered in, because we have cattle on our property.

Mayor Coody: Existing uses get grandfathered when we annex.

Kit Williams: Right.

Mayor Coody: We don't annex a piece of property and then tell you that you have to change your use from what you've been using it as. We don't do that.

Lorinda Schader: We have family and our children have gone to Farmington. I've worked in Farmington for 19 years and we live about two minutes from Farmington, so we would like it known that we would like to go into Farmington also.

Mayor Coody: Anyone else? Yes, sir. How are you, Ted?

Ted Youmans, 152 Double Springs Road: I don't won't take any more of your time from what I said a few weeks ago. Everything north of Washington County 640 was designated by Bud Allen in the Fayetteville growth area; it's been designated as such since 1988. You'll be following his wishes by doing this annexation. Thank you.

Mayor Coody: All right. Thanks Ted. Anyone else? We will close it to public comment and bring it back to City Council. What's the Council's wish?

Alderman Lucas: We have to leave it on this reading.

Mayor Coody: And this is again at the next meeting? All right. Then we're going to close this public hearing and move along to the next one.

Alderman Ferrell: The way we're going to go is will annex it all and then people will de-annex or detach if they want?

Mayor Coody: Yeah, if the City Council here and the City Council of Farmington both agree.

This ordinance was left on the second reading.

Mayor Coody closed the Public Hearing.

Mayor Coody opened the Public Hearing.

Annexation of Island Surrounded by the City of Fayetteville: An ordinance to annex into the City of Fayetteville, Arkansas a parcel of land completely surrounded by the incorporated limits

of the City of Fayetteville, Arkansas. *This ordinance was left on the first reading at the August 15, 2006 City Council Meeting.*

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

City Attorney Kit Williams read the ordinance.

Mayor Coody: All right we're going to open this up. Tim, what do you have for us?

Tim Conklin: Mayor, City Council, this parcel or tract of land is completely surrounded by the City of Fayetteville. It is located off of Double Springs Road to the east. Its south of Legacy Pointe Subdivision and west of Silverthorne Subdivision, so it is completely surrounded by the City of Fayetteville. Currently a portion of the property is under development or has been developed with mini storage units. Once again, as I stated at the previous annexation, compatibility and land use and development standards, ability to plan, provide services, these unincorporated areas that are left adjacent to developed subdivisions have caused issues for us to properly plan the city. With regard to Legacy Pointe, a street stub out was planned, which now has blocked in perpetuity, if the mini storage is ever redeveloped, and so these areas are important that we bring into the city just as we did two years ago. Thank you.

Mayor Coody: Questions for staff on this one? All right. Does anyone from the public have any comments on this particular annexation? Anyone at all? Seeing none, we'll close it to public comment and bring it back to City Council.

Kit Williams: This, like the last one, will be heard for the third and final time at our next City Council meeting on the 19th.

Mayor Coody: All right. Any other questions or comments from City Council? All right. We will leave this on this reading and close this portion of our public hearing and we'll move along to old business.

This ordinance was left on the second reading.

Mayor Coody closed the Public Hearing.

OLD BUSINESS:

RZN 06-2172 Dunnerstock: An ordinance rezoning that property described in rezoning petition RZN 06-2172 for approximately 19.98 acres, located west of Ruppel Road, east of Meadowlands Subdivision, from R-A, Residential Agricultural, RSF-1, Residential Single Family, 1 unit per acre, and C-2 Thoroughfare Commercial to C-1, Neighborhood Commercial, RMF-12, Residential Multi Family, 12 units per acre, and RSF-7, Residential Single Family, 7 units per acre. *This ordinance was left on the second reading at the August 15th, 2006 City Council Meeting*

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.

Resolution 157-06 as Recorded in the Office of the City Clerk.

Animal Services Building Contract: A resolution approving a contract with Roberts-McNutt, Inc. in the amount of \$43,817.00 to re-roof the Animal Services Building; and approving a project contingency in the amount of \$4,282.00.

Resolution 158-06 as Recorded in the Office of the City Clerk.

Alderman Reynolds moved to approve the Consent Agenda as read with the July 17, 2006 minutes removed. Alderman Cook seconded the motion. Upon roll call the motion passed unanimously.

UNFINISHED BUSINESS:

Annexation of Island Surrounded by the City of Fayetteville and Farmington: An ordinance to annex into the City of Fayetteville, Arkansas a parcel of land completely surrounded by the incorporated limits of Fayetteville and the City of Farmington, Arkansas. *This ordinance was left on the First Reading at the August 15, 2006 City Council Meeting. This ordinance was left on the Second Reading at the September 5, 2006 City Council Meeting.*

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

City Attorney Kit Williams read the ordinance.

Tim Conklin, Planning Development Management Director: At the last Council meeting there was a public hearing on this item. Tonight you have the ability to pass the ordinance annexing this property into the City of Fayetteville. The City of Fayetteville currently has more linear feet of corporate city limits than the City of Farmington does, that is why we are able to annex this into the city. You do have to annex the entire area, you are not allowed to remove any individual parcels. At the last Council meeting there were several property owners in that area that had a desire to be in Farmington however in order to use the state law you have to take the entire 405.47 acres into the city.

Alderman Cook: Our city budget relies on sales tax revenue and we already enjoy the sales tax revenue from the county residents as we stand without having to offer them city services. As we annex more and more land we have to offer them city services without any extra income coming in. As we add more land it puts more strain on our budget.

Alderman Thiel: We have a percentage of property tax now and probably at some point in the future we may have to consider more. We are deriving something from these annexed areas and we are already providing some services to these areas anyway. These areas are going to develop and I want them to develop to our standards, we will generate impact fees from these annexed areas.

Alderman Reynolds: This annexation will give us our western boundary so we can plan with this and get this land developed as we need to meet city standards.

Alderman Ferrell: The task force did a tremendous amount of work in preparing this and they have recommended it to the Council for approval.

Alderman Lucas: Fayetteville is moving that way. We are seeing developments going in that direction, it is going to be developed so it should be a part of Fayetteville since we do provide services for it.

Tim Conklin: There is also an ordinance that the Council passed that set a special election for October that would extend, if the voters of Fayetteville and the qualified voters within the proposed annexation approve, would extend the city farther to the west.

Vice Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-1. Alderman Cook voting no.

Ordinance 4923 as Recorded in the Office of the City Clerk.

Annexation of Island Surrounded by the City of Fayetteville: An ordinance to annex into the City of Fayetteville, Arkansas a parcel of land completely surrounded by the incorporated limits of the City of Fayetteville, Arkansas. *This ordinance was left on the First Reading at the August 15, 2006 City Council Meeting. This ordinance was left on the Second Reading at the September 5, 2006 City Council Meeting.*

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

City Attorney Kit Williams read the ordinance.

Tim Conklin: This parcel of land is completely surrounded by the City of Fayetteville. When we considered this annexation in June it was not. It is a city policy to annex lands that are completely surrounded by the City of Fayetteville. This would continue to follow that policy, not annexing the lands has caused some issues with regard to planned improvements.

Vice Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-1. Alderman Cook voting no.

Ordinance 4924 as Recorded in the Office of the City Clerk.

ADM 06-1955, 06-1956; Amend Title XV: Downtown Master Plan Zoning Districts and Map: An ordinance amending Title XV: Unified Development Ordinance of the Code of Fayetteville to amend various sections of the code in order to implement the Downtown Master Plan Zoning Code and Zoning Map. *This ordinance was left on the First Reading at the August 15, 2006 City Council Meeting. This ordinance was left on the Second Reading at the September 5, 2006 City Council Meeting.*

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

CITY ATTORNEY AGENDA REQUEST

FOR: COUNCIL MEETING OF FEBRUARY 6, 2007

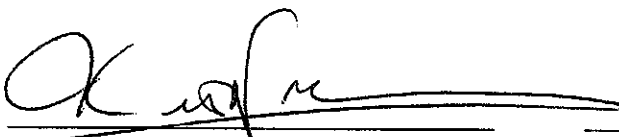
FROM:

KIT WILLIAMS, CITY ATTORNEY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution To Authorize Mayor Coody To Sign A Leasehold Mortgage And Security Agreement For Fayetteville As A Landlord So That Seven Hills Homeless Shelter, Inc. Can Borrow \$200,000.00 From Regions Bank

APPROVED FOR AGENDA:



City Attorney

1-23-07

Date



Finance Director

1-23-07

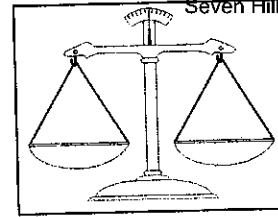
Date

Mayor

Date

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

DEPARTMENTAL CORRESPONDENCE



LEGAL DEPARTMENT

TO: City Council

FROM: Kit Williams, City Attorney

DATE: January 24, 2007

RE: Mortgage from Regions Bank

Hugh Earnest has presented the attached Mortgage from Regions Bank to secure a \$200,000.00 loan to Seven Hills Homeless Center, Inc. who is mortgaging its leasehold interest in the land we leased them.

I have a couple of concerns about this proposed mortgage. First on page 9, paragraph 12.b. it grants the bank the "power to sell the Mortgaged Property ..." Apparently, the bank (after foreclosure) can sell the leasehold interest (use of the property as a tenant during the lengthy term of the lease with Seven Hills). Then on page 11, paragraph 12.i. it states that "If Mortgagee (bank) exercises any remedy, mortgage shall be obligated to Landlord (City) under terms of the lease **only for the time Mortgagee (bank) is in possession of the Real Property.**" (emphasis added)

This may mean that if Seven Hills defaults, the Bank could sell the leasehold interest to anyone wishing to use the property and this buyer would not have to fulfill the lease requirements to operate supportive transitional housing for Fayetteville residents. It is not unusual for a bank to place such language within its mortgage to better protect its loaned investment into this worthy project. I suspect there is little chance that Seven Hills would fail to fulfill its obligations under this mortgage. However, I felt I needed to call these provisions to your attention.

RESOLUTION NO. _____

A RESOLUTION TO AUTHORIZE MAYOR COODY
TO SIGN A LEASEHOLD MORTGAGE AND SECURITY
AGREEMENT FOR FAYETTEVILLE AS A LANDLORD
SO THAT SEVEN HILLS HOMELESS SHELTER, INC.
CAN BORROW \$200,000.00 FROM REGIONS BANK

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby
authorizes Mayor Dan Coody to sign a Leasehold Mortgage and Security Agreement
(attached as Exhibit "A") for Fayetteville as a landlord so that Seven Hills Homeless
Shelter, Inc. can borrow \$200,000.00 from Regions Bank.

PASSED and APPROVED this 6th day of February, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk

THIS INSTRUMENT PREPARED BY
AND UPON RECORDING SHOULD BE RETURNED TO:

J. Keith Windle, Esq.
Bradley Arant Rose & White LLP
One Federal Place
1819 Fifth Avenue North
Birmingham, AL 35203-2119

STATE OF ARKANSAS)
)ss.
COUNTY OF WASHINGTON)

LEASEHOLD MORTGAGE AND SECURITY AGREEMENT

THIS LEASEHOLD MORTGAGE AND SECURITY AGREEMENT (this "**Mortgage**"), dated this the ____ day of [____], 2007 between SEVEN HILLS HOMELESS SHELTER, INC., an Arkansas corporation, whose address is P.O. Box 474, Fayetteville, Arkansas 72702 (the "**Mortgagor**"), and REGIONS BANK, an Alabama banking corporation, whose address is 3000 Galleria Tower, Suite 1600, Birmingham, Alabama 35244 (the "**Mortgagee**").

RECITALS:

A. In connection with the development and rehabilitation by Mortgagor of a certain residential apartment project located in Washington County, Arkansas, Federal Home Loan Bank of Atlanta ("**FHLB**") has agreed to fund its AHP Project No. 05A0495 in connection with the FHLB's Affordable Housing Program (the "**Program**"), whereby the sum of \$200,000.00 (the "**Direct Subsidy Funds**") will be loaned to Seven Hills Homeless Center, a [____] (the "**Sponsor**") and subsequently loaned by Sponsor to Mortgagor to fund certain rehabilitation costs pursuant to a FHLB-approved application by Mortgagor and all FHLB approved amendments thereto (collectively, the "**Application**").

B. Mortgagor has leased the Real Property (hereinafter defined) pursuant to that certain lease between Mortgagor and the City of Fayetteville, Arkansas, an Arkansas Corporation, whose address is [_____] (the "Landlord") dated December 1, 2004 that will terminate on November 30, 2103, and filed [or "a memorandum of which is filed"] in the real property records of Washington County, Arkansas as Instrument No. _____ (the "Lease"). The Lease includes all extensions, renewals, modifications and replacements. Landlord's acknowledgement and consent to this Mortgage are required.

C. Mortgagor and Sponsor have agreed to comply with the terms and conditions of that certain Affordable Housing Program Agreement (Rental Project) dated as of June 23, 2005 by and between FHLB, the Mortgagee, the Sponsor, and the Mortgagor (the "AHP Agreement").

D. Mortgagor and Mortgagee desire to enter into this Mortgage in order to provide security for Mortgagee's performance of certain obligation set forth in the AHP Agreement and to require the Mortgagor and the Property (as hereinafter defined) to comply with the requirements of the Program.

NOW, THEREFORE, in consideration of the Recitals and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, to secure to lender: (a) the repayment of that certain Promissory Note of even date herewith in the amount of \$200,000.00, including future loans and advances thereunder, and all renewals, extensions, and modifications thereof and any and all other written obligations with respect thereto (the "Note"); (b) the payment of all other sums with interest thereon advanced in accordance herewith to protect the security of this Mortgage; (c) the performance of the covenants and agreements of Mortgagor herein contained; and (d) the payment of all future and additional indebtedness, direct or indirect, created after the date of this Mortgage, which may be owing by Mortgagor to Mortgagee at any time prior to the payment in full with interest of the Indebtedness (hereinafter defined) or the foreclosure of this Mortgage (the event occurring first to be controlling), such additional indebtedness to be secured hereby regardless of whether it shall be predicated upon future loans or advances hereafter made by Mortgagee or obligations hereafter acquired by Mortgagee through assignment or subrogation or otherwise, or shall represent indirect obligations (created after the date of this Mortgage) based upon any endorsements, guaranties or suretyship; AND IT IS AGREED THAT THIS MORTGAGE SHALL STAND AS SECURITY FOR ALL SUCH FUTURE AND ADDITIONAL INDEBTEDNESS WHETHER IT BE INCURRED FOR ANY BUSINESS PURPOSE THAT WAS RELATED OR WHOLLY UNRELATED TO THE PURPOSE OF THE INDEBTEDNESS, OR WHETHER IT WAS INCURRED FOR SOME PERSONAL OR NONBUSINESS PURPOSE, OR FOR ANY OTHER PURPOSE RELATED OR UNRELATED, OR SIMILAR OR DISSIMILAR, TO THE PURPOSE OF THE INDEBTEDNESS; Mortgagor does hereby grant, bargain, sell, convey, and deliver to Mortgagee, and its successors and assigns, with power of sale, a security interest in and to all of Mortgagor's rights, title and interest in the Lease and Mortgagor's leasehold estate in and to that certain real property situate, lying, and being in Washington County, Arkansas (the "Real Property") described as follows, to-wit:

A part of the Northwest Quarter (NE/4) of the Northeast Quarter (NE/4) of Section Twenty-Two (22), Township Sixteen (16) North, Range Thirty (30) West of the 5th Principal Meridian, being more particularly described herewith as follows: Beginning at a point South 02°47'37" East 44.29 feet from the Northwest corner of the NE/4 of the NE/4 of said Section 22, said point being on the West 40 acre tract line and thence South 87°50'21" East 155.34 feet; thence South 87°28'11" East 60.00 feet; thence South 01°28'1" East 65.00 feet; thence South 02°47'36" West 396.89 feet; thence North 87°50'21" West 239.38 feet to the west

line of the NE/4 of NE/4 of said Section 22; thence along said West line North 02°47'36" East 720.00 feet to the Point of Beginning containing 3.51 acres, more or less, being subject to the rights of way and easements of record.

SUBJECT, HOWEVER, to easements, covenants, conditions, restrictions, building setback lines, and prior oil, gas, and other mineral reservations, conveyances, and/or leases heretofore made and presently of record, if any, in the real estate recording office respecting the Real Property hereinabove described.

TO HAVE AND TO HOLD unto Mortgagee and Mortgagee's successors and assigns, forever.

TOGETHER WITH all of Mortgagor's right, title and interest in all existing or subsequently erected or affixed buildings, Improvements, and fixtures; all easements, rights of way, and appurtenances; all water, water rights, watercourses, and ditch rights (including stock in utilities with ditch or irrigation rights); and all other rights, royalties, and profits relating to the Real Property, including, without limitation, all minerals, oil, gas, geothermal, and similar matters;

TOGETHER WITH any and all amendments and supplements to the Lease consented to by Mortgagee, and any and all renewals or extensions thereof consented to by Mortgagee, together with all Mortgagor's right, title, interest, powers, privilege and remedies of every kind and description in, to, under or accruing to Mortgagor by virtue of said Lease, including without limitation all right to extend the term of the Lease, development rights, right of first refusal and purchase options related to the Real Property, and such other right, title and interest which Mortgagor may now or hereafter acquire in and to the Real Property.

In addition to the foregoing, Mortgagor presently assigns to Mortgagee all of Mortgagor's right, title, and interest in and to all Leases of the Property and all Rents from the Property. In addition, Mortgagor also grants to Mortgagee a Uniform Commercial Code security interest in the Personal Property and the Rents.

The rights, title and interests granted, conveyed and mortgaged by Mortgagor to Mortgagee pursuant to this Mortgage are hereinafter collectively referred to as the "Mortgaged Property".

PROVIDED, HOWEVER, that these presents are upon the condition that, if: (a) the Mortgagor shall pay or cause to be paid to the Mortgagee all of Mortgagor's obligations under the Note, at the times and in the manner stipulated therein and herein, all without any deduction or credit for taxes or other similar charges paid by Mortgagor, and any renewal, extension or modification thereof, and any and all other written obligations with respect thereto; and (b) Mortgagor shall keep, perform, and observe all of its covenants and promises in this Mortgage expressed to be kept, performed and observed by and on the part of Mortgagor, all without fraud or delay; then this Mortgage, and all the properties, interest and rights herein granted, bargained, and sold shall cease, terminate and be void, but shall otherwise remain in full force and effect.

WARRANTIES AND REPRESENTATIONS. Landlord holds good and marketable title of record to the Property in fee simple. Landlord warrants that Mortgagor has complied with all obligations owed Landlord by Mortgagor including the payment of all rent when due. Landlord and Mortgagor warrant that

neither is in default under the Lease and that they will comply with all provisions of the Lease and this Mortgage until all debts under the Note are fully paid and this Mortgage is no longer in effect. Landlord and Mortgagor have full power and lawful authority to enter into this Mortgage. The execution and delivery of this Mortgage will not violate any agreement governing Mortgagor or Landlord or to which either is a party. Mortgagor shall and will warrant and forever defend the title thereto unto Mortgagee, its successors and assigns, against the lawful claims of all persons whomsoever.

DEFINITIONS. The following words shall have the following meanings when used in this Mortgage. Terms not otherwise defined in this Mortgage shall have the meanings attributed to such terms in the Uniform Commercial Code. All references to dollar amounts shall mean amounts in lawful money of the United States of America.

Improvements. The word "Improvements" means and includes, without limitation, all existing and future improvements, buildings, structures, mobile homes affixed on the Real Property, facilities, additions, replacements, and other construction on the Real Property.

Leases. The word "Leases" means all present and future Leases pertaining to the Mortgaged Property entered into by Mortgagor as lessor.

Personal Property. The words "Personal Property" mean all equipment, fixtures, and other articles of personal property now, or hereafter owned by Mortgagor and now or hereafter attached or affixed to the Real Property; together with all accessions, parts, and additions to, all replacements of, and all substitutions for any of such property; and together with all proceeds (including, without limitation, all insurance proceeds and refunds of premiums) from any sale or other disposition of the Property.

Property. The word "Property" means collectively the Real Property and the Personal Property.

Real Property. The words "Real Property" mean the real property hereinabove described and mortgaged hereby.

Rents. The word "Rents" means all present and future rents, revenues, income, issues, royalties, profits, and other benefits derived by Mortgagor from the Property.

Mortgagor and Landlord covenant and agree with Mortgagee as follows:

1. **PAYMENT AND PERFORMANCE.** Except as otherwise provided in this Mortgage, Mortgagor shall pay or cause to be paid to Mortgagee all amounts secured by this Mortgage as they become due, and shall strictly perform all of Mortgagor's obligations under this Mortgage.

2. **LANDLORD CONSENT.** Landlord hereby consents to and acknowledges the assignment of all of Mortgagor's rights, title and interest in the Lease and the Property. If an Event of Default (as hereinafter defined) occurs, Landlord will not withhold any consent necessary for Lender to exercise any available remedy.

3. **AHP RESTRICTIONS.**

a. **Occupancy Restrictions During 15-Year AHP Period.** The rental units comprising the Property, or the applicable portion thereof, shall be and remain occupied by and affordable for households with incomes at or below the levels committed to be served in the Application for the duration of the 15-year AHP retention period (as contemplated by the AHP Agreement), which extends for

15 years (the "**AHP Retention Period**") following Project Completion, as hereinafter defined. The Mortgagor further agrees to comply with all terms, conditions, obligations and agreements set forth in the AHP Agreement. The income eligibility and affordability restrictions set forth in this Paragraph 3(a) and in the AHP Agreement shall terminate upon any foreclosure of this Mortgage and deed in lieu of foreclosure thereof or any similar transaction. As used herein, the term "**Project Completion**" means that (i) the construction of the Project is 100% complete, (ii) at least 75% of the rental units comprising the Project shall have been leased, (iii) a certificate of occupancy (or equivalent document) shall have been issued for the Project by the appropriate governmental authority, and (iv) all Direct Subsidy Funds shall have been disbursed to the Mortgagor for use in the Project.

- b. **Prohibition on Sale or Refinancing.** In the case of a sale or refinancing of the Real Property prior to the end of the AHP Retention Period, (i) Mortgagor shall provide Mortgagee and FHLB written notice of such sale or refinancing prior to the consummation of such sale or refinancing and (ii) an amount equal to the full amount of the Direct Subsidy Funds (as evidenced by the Note) shall be immediately repaid to Mortgagee, unless the Real Property continues to be subject to a deed restriction or other legally enforceable retention agreement or mechanism incorporating the income eligibility and affordability restrictions committed to in the Application for the remainder of the AHP Retention Period.

4. **MAINTENANCE OF THE PROPERTY.** Mortgagor shall maintain the Property in tenantable condition and promptly perform all repairs, replacements, and maintenance necessary to preserve its value.

5. **TAXES AND LIENS.** Mortgagor shall pay, when due (and in all events prior to delinquency), all taxes, payroll taxes, special taxes, assessments, water charges and sewer service charges levied against or on account of the Property, and shall pay, when due, all claims for work done on or for services rendered or material furnished to the Property. Mortgagor shall maintain the Property free of all liens having priority over or equal to the interest of Mortgagee under this Mortgage, except for the lien of taxes and assessments not due; but Mortgagor may withhold payment of any tax, assessment, or claim in connection with a good faith dispute over the obligation to pay, so long as Mortgagee's interest in the Property is not jeopardized.

6. **PROPERTY DAMAGE INSURANCE.** Mortgagor shall procure and maintain policies of fire insurance with standard extended coverage endorsements for the full insurable value covering all Improvements of the Real Property in an amount sufficient to avoid application of any coinsurance clause, and with a standard mortgagee clause in favor of Mortgagee. Policies shall be written by such insurance companies and in such form as may be reasonably acceptable to Mortgagee. Mortgagor shall deliver to Mortgagee certificates of coverage from each insurer containing a stipulation that coverage will not be cancelled or diminished without a minimum of ten (10) days prior written notice to Mortgagee and not containing any disclaimer of the insurer's liability for failure to give such notice. Should the Real Property at any time become located in an area designated by the Director of the Federal Emergency Management Agency as a special flood hazard area, Mortgagor agrees to obtain and maintain Federal Flood Insurance for the full insurable value thereof, up to the maximum policy limits set under the National Flood Insurance Program, or as otherwise required by Mortgagee, and to maintain such insurance for the term of the loans.

7. **ENVIRONMENTAL LAWS AND HAZARDOUS SUBSTANCES.** Mortgagor and Landlord further represent, warrant and covenant as follows:

- a. No Hazardous Materials (as hereinafter defined) have been, are, or will be while any part of the indebtedness secured by this Mortgage remains unpaid, contained in, treated, stored, handled, located on, discharged from, or disposed of on, or constitute a part of, the Property. As used herein, the term "**Hazardous Materials**" includes without limitation, any asbestos, urea formaldehyde foam insulation, flammable explosives, radioactive materials, hazardous materials, hazardous wastes, hazardous or toxic substances, or related or unrelated substances or materials defined, regulated, controlled, limited or prohibited in the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA), as amended (42 U.S.C. Sections 9601, et seq.), the Hazardous Materials Transportation Act, as amended (49 U.S.C. Sections 1801, et seq.), the Resource Conservation and Recovery Act (RCRA), as amended (42 U.S.C. Sections 6901, et seq.), the Clean Water Act, as amended (33 U.S.C. Sections 1251, et seq.), the Clean Air Act, as amended (42 U.S.C. Sections 7401, et seq.), the Toxic Substances Control Act, as amended (15 U.S.C. Sections 2601, et seq.), and in the rules and regulations adopted and publications promulgated pursuant thereto, and in the rules and regulations of the Occupational Safety and Health Administration (OSHA) pertaining to occupational exposure to asbestos, as amended, or in any other federal, state or local environmental law, ordinance, rule, or regulation now or hereafter in effect;
- b. No underground storage tanks, private dumps or open wells, whether in use or not in use, are located in, on or under any part of the Property, and no such tank, dump or well shall be added unless Mortgagee first consents in writing;
- c. All of the Property complies and will comply in every respect with all applicable environmental laws, rules, regulations, and court or administrative orders, and Mortgagor will regularly inspect the Property and monitor the activities and operations on the Property to ensure such compliance;
- d. There are no pending claims or threats of claims by private or governmental or administrative authorities relating to environmental impairment, conditions, or regulatory requirements with respect to the Property;
- e. Mortgagor and Landlord, at Mortgagor's expense, promptly upon the written request of Mortgagee from time to time, shall provide Mortgagee with an environmental audit report, or an update of such report, all in scope, form and content satisfactory to Mortgagee;
- f. Mortgagor and Landlord will permit or cause any tenant to permit Mortgagee or Mortgagee's agent to inspect the Property and review all records at any reasonable time to determine (i) the existence, location and nature of any Hazardous Materials on, under or about the Property; (ii) the existence, location, nature and magnitude of any Hazardous Materials that have been released on, under or about the Property; or (iii) whether or not Landlord, Mortgagor or any tenant are in compliance with applicable environmental laws;
- g. In the event of any spill or disposal of Hazardous Materials on the Property, whether or not the same originates or emanates from the Property or any such contiguous real estate, and/or if Mortgagor or Landlord shall fail to comply with any environmental law or regulation, Mortgagee may, at its election, but without the obligation so to do, give such notices as may be required by law and/or cause any remedial work that may be necessary to be performed at the Property and/or take any and all other actions as Mortgagee shall deem necessary or advisable in order to

remedy said spill or disposal of Hazardous Materials or cure said failure of compliance and any amounts paid as a result thereof, together with interest thereon at the default rate (as specified in the Note) from the date of payment by Mortgagee, shall be immediately due and payable by Mortgagor to Mortgagee and until paid shall be added to and become a part of the indebtedness secured hereby and shall have the benefit of the lien hereby created as a part thereof;

- h. Mortgagor hereby agrees to indemnify and hold Mortgagee harmless from all loss, cost, damage, claim and expense incurred by Mortgagee on account of (i) the violation of any representation, warranty or covenant set forth in this Paragraph 6, (ii) Mortgagor's failure to perform any obligations of this Paragraph 6, (iii) Mortgagor's or the Property's failure to fully comply with all environmental laws, rules and regulations, or with all occupational health and safety laws, rules and regulations, and (iv) any other matter related to environmental conditions on, under or affecting the Property. This indemnification shall survive payment of the indebtedness secured by this Mortgage, the exercise of any right or remedy hereunder or under any other loan document securing or evidencing said indebtedness, any subsequent sale or transfer of the Property, and all similar or related events or occurrences. Mortgagor shall give immediate oral and written notice to Mortgagee of its receipt of any notice of a violation of any law, rule or regulation covered by this Paragraph 6 or of any notice or other claim relating to the environmental condition of the Property, or of its discovery of any matter which would make the representations, warranties and/or covenants herein to be inaccurate or misleading in any respect; and
- i. Notwithstanding any of the language contained in this Mortgage to the contrary, the terms of this section will survive any foreclosure or satisfaction of this Mortgage, regardless of any passage of title to Mortgagee or any disposition by Mortgagee of any or all of the Property.

8. EXPENDITURES BY AGENT. If Mortgagor fails to comply with any provision of this Mortgage, or if any action or proceeding is commenced that would materially affect Mortgagee's interests in the Property, Mortgagee on Mortgagor's behalf may, but shall not be required to, take any action that Mortgagee deems appropriate. Any amount that Mortgagee expends in so doing will bear interest at the lesser of (i) the rate of ten percent (10%) per annum, or (ii) the maximum rate permitted by applicable law. All such expenses, at Mortgagee's option, will be payable on demand. This Mortgage also will secure payment of these amounts. The rights provided for in this paragraph shall be in addition to any other rights or any remedies to which Mortgagee may be entitled on account of the default. Any such action by Mortgagee shall not be construed as curing the default so as to bar Mortgagee from any remedy that it otherwise would have had.

9. SECURITY AGREEMENT; FINANCING STATEMENTS. The following provisions relating to this Mortgage as a security agreement are a part of this Mortgage.

- a. Security Agreement. This instrument shall constitute a security agreement to the extent any of the Property constitutes fixtures or other personal property, and Mortgagee shall have all of the rights of a secured party under the Uniform Commercial Code as amended from time to time.
- b. Security Interest. Upon request by Mortgagee, Mortgagor shall execute financing statements and take whatever other action is requested by Mortgagee to perfect and continue Mortgagee's security interest in the Rents and Personal Property. In addition to recording this Mortgage in the real property records, Mortgagee may, at any time and without further authorization from

Mortgagor, file executed counterparts, copies or reproductions of this Mortgage as a financing statement and also file financing statements. Mortgagor shall reimburse Mortgagee for all expenses incurred in perfecting or continuing this security interest. Upon default, Mortgagor shall assemble the Personal Property in a manner and at a place reasonably convenient to Mortgagor and Mortgagee and make it available to Mortgagee within three (3) days after receipt of written demand from Mortgagee.

- c. Addresses. The mailing addresses of Landlord, Mortgagor (debtor) and Mortgagee (secured party), from which information concerning the security interest granted by this Mortgage may be obtained (each as required by the Uniform Commercial Code), are as stated on the first page of this Mortgage.

10. FURTHER ASSURANCES; ATTORNEY-IN-FACT. The following provisions relating to further assurances and attorney-in-fact are a part of this Mortgage.

- a. Further Assurances. At any time, and from time to time, upon request of Mortgagee, Mortgagor will make, execute and deliver, or will cause to be made, executed or delivered, to Mortgagee or to Mortgagee's designee, and when required by Mortgagee, cause to be filed, recorded, refiled, or rerecorded, as the case may be, at such times and in such offices and places as Mortgagee may deem appropriate, any and all such mortgages, deeds of trust, security deeds, security agreements, financing statements, continuation statements, instruments of further assurance, certificates, and other documents as may, in the sole opinion of Mortgagee, be necessary or desirable in order to effectuate, complete, perfect, continue, or preserve (i) the obligations of Mortgagor under the Note, this Mortgage, and the AHP Agreement, and (ii) the liens and security interests created by this Mortgage as first and prior liens on the Property, whether now owned or hereafter acquired by Mortgagor. Unless prohibited by law or agreed to the contrary by Mortgagee in writing, Mortgagor shall reimburse Mortgagee for all costs and expenses incurred in connection with the matters referred to in this paragraph.
- b. Attorney-in-Fact. If Mortgagor fails to do any of the things referred to in the preceding paragraph, Mortgagee may do so for and in the name of Mortgagor and at Mortgagor's expense. For such purposes, Mortgagor hereby irrevocably appoints Mortgagee as Mortgagor's attorney-in-fact for the purpose of making, executing, delivering, filing, recording, and doing all other things as may be necessary or desirable, in Mortgagee's sole opinion, to accomplish the matters referred to in the preceding paragraph, and this power is hereby declared to be coupled with an interest and irrevocable until this Mortgage is cancelled of record.

11. DEFAULT. Each of the following, at the option of Mortgagee, shall constitute an event of default ("Event of Default") under this Mortgage:

- a. Default with Respect to Mortgagor Obligations. The failure of the Mortgagor to pay, perform or observe any of Mortgagor's obligations under this Mortgage, the Note, the Lease or the AHP Agreement.

- b. Default on Other Payments. Failure of Mortgagor within the time required by this Mortgage to make any payment for taxes or insurance, or any other payment necessary to prevent filing of or to effect discharge of any lien.
- c. Default under any Loan Agreement. The happening or occurrence of any default or event of default under or pursuant to any loan agreement between the Mortgagor and Mortgagee.
- d. Insolvency. The dissolution or termination of the existence of Mortgagor as a going business, the insolvency of Mortgagor, the appointment of a receiver for any part of the Property or any property owned by Mortgagor, any assignment for the benefit of creditors, or the commencement of any proceeding under any bankruptcy or insolvency laws by or against Mortgagor.
- e. Sale of Mortgaged Property. The sale, transfer or conveyance of all or any part of the Property in violation of Paragraph 3(b) of this Mortgage. The provisions of this Paragraph 11(e) shall apply to any and all sales, transfers, conveyances, exchanges, leases, assignments or other dispositions by Mortgagor, its successors and assigns, and any subsequent owners of the Property, or any part thereof.
- f. Foreclosure, Forfeiture, etc. Commencement of foreclosure or forfeiture proceedings, whether by judicial proceeding, self-help, repossession or any other method, by any creditor of Mortgagor or by any governmental agency against any of the Property or any property owned by Mortgagor.
- g. Breach of Other Agreement. Any breach by Mortgagor under the terms of any other agreement between Mortgagor and Mortgagee that is not remedied within any grace period provided therein, including, without limitation, any agreement concerning any indebtedness or other obligation of Mortgagor to Mortgagee, whether existing now or later.
- h. Modification of the Lease. Mortgagor and Landlord modify, terminate or replace the Lease without prior written consent of Lender.
- i. Misrepresentation. Mortgagor makes any verbal or written statement or provides any financial information that is untrue or inaccurate or conceals a material fact at the time it is made or provided.

12. ACCELERATION; RIGHTS AND REMEDIES ON DEFAULT. Upon the happening or occurrence of any Event of Default and at any time thereafter, Mortgagee, at its option, may exercise any one or more of the following rights and remedies, in addition to any other rights or remedies provided by law:

- a. Acceleration. Mortgagee at Mortgagee's option may declare all of the sums secured by this Mortgage to be immediately due and payable without further demand.
- b. Power of Sale. Mortgagee is hereby given and granted a power of sale to sell the Mortgaged Property at public outcry to the highest bidder in accordance with the conditions and other requirements for non-judicial mortgage foreclosure sales under the laws of the State of Arkansas, either in person or by auctioneer, after having first given notice as may be required by Arkansas law and, upon payment of the purchase money, Mortgagee or any person

conducting the sale for Mortgagee is authorized to execute to the purchaser at said sale a deed to the premises so purchased. Mortgagee may bid at said sale and purchase said premises, or any part thereof, if the highest bidder therefor. At the foreclosure sale, the Mortgaged Property may be offered for sale and sold as a whole without first offering it in any other manner or may be offered for sale and sold in any other manner Mortgagee may elect, including, without limitation, *en masse* or in groups of parcels or in separate parcels. Mortgagee may postpone sale of all or any parcel of the Mortgaged Property by public announcement at the time and place of any previously scheduled sale. Mortgagee shall deliver to the purchaser Mortgagee's deed conveying the Mortgaged Property so sold without any covenant or warranty, expressed or implied. The recitals in Mortgagee's deed shall be prima facie evidence of the truth of the statements made therein. Mortgagor covenants and agrees that the proceeds of any sale shall be applied in the following order: (i) to all costs and expenses of the sale, including, but not limited to, attorney fees and costs of title evidence; (ii) to all sums secured by this Mortgage in such order as Mortgagee, in Mortgagee's sole discretion, directs; and (iii) the excess, if any, to the person or persons legally entitled thereto.

- c. Foreclosure. Mortgagee may foreclose this Mortgage under the power of sale herein set forth or through equity proceedings in respect to any Mortgaged Property encumbered hereby.
- d. Personal Property. Mortgagee may require Mortgagor to assemble (at Mortgagor's expense) any or all of the Personal Property encumbered hereby and make it available to Mortgagee at a place specified by Mortgagee which is reasonably convenient to both parties; and Mortgagee may enforce all of its remedies in respect to the encumbered Personal Property that may be available under the Uniform Commercial Code. In this last event all expenses of retaking, holding, preparing for sale, selling or the like, as well as reasonable attorney's fees (not exceeding 10 percent of the outstanding Indebtedness plus accrued interest) and lawful expenses incurred by Mortgagee in enforcing such remedies shall be payable to Mortgagee by Mortgagor and shall constitute a part of the Indebtedness.
- e. Order of Enforcement. Mortgagee may enforce the lien of this Mortgage in respect to all Real and Personal Property encumbered hereby by proceedings that are prosecuted simultaneously or are prosecuted-in such order as Mortgagee may select.
- f. Waiver of Marshaling. Notwithstanding the existence of any other security interests in the Property held by Mortgagee or by any other party, Mortgagee shall have the right to determine the order in which any or all of the Property shall be subjected to the remedies provided herein. Mortgagee shall have the right to determine the order in which any or all portions of the indebtedness secured hereby are satisfied from the proceeds realized upon the exercise of the remedies provided herein. Mortgagor, any party who consents to this Mortgage, and any party who now or hereafter acquires a security interest in the Property and who has actual or constructive notice hereof, hereby waive any and all right to require the marshaling of assets in connection with the exercise of any of the remedies permitted by applicable law or provided herein.
- g. Mortgagee's Option on Foreclosure. At the option of Mortgagee, this Mortgage may be foreclosed as provided by law or in equity, in which event a reasonable attorney's fee shall,

among other costs and expenses, be allowed and paid out of the proceeds of the sale. In the event Mortgagee exercises its option to foreclose this Mortgage in equity, Mortgagee may, at its option, foreclose this Mortgage subject to the rights of any tenants of the Mortgaged Property, and the failure to make any such tenants parties defendants to any such foreclosure proceedings and to foreclose their rights will not be, nor be asserted to be by Mortgagor, a defense to any proceedings instituted by Mortgagee to collect the sums secured hereby, or any deficiency remaining unpaid after the foreclosure sale of the Mortgaged Property.

- h. UCC Remedies. With respect to all or any part of the Personal Property, Mortgagee shall have all the rights and remedies of a secured party under the Uniforms Commercial Code.
- i. Notice of Sale. Mortgagee shall give Mortgagor reasonable notice of the time and place of any public sale of the Personal Property or of the time after which any private sale or other intended disposition of the Personal Property is to be made. Reasonable notice shall mean notice given at least ten (10) days before the time of the sale or disposition.

If Mortgagee exercises any remedy, Mortgagee shall be obligated to Landlord under the terms of the Lease only for the time Mortgagee is in possession of the Real Property. Mortgagee shall have no further obligation to Landlord and shall be deemed to be released by Landlord from the terms of the Lease when Mortgagee relinquishes possession of the Real Property. Mortgagee shall have no obligation to cure any defaults under the Lease, except as specifically and expressly undertaken by Mortgagee.

13. DEFAULT UNDER LEASE. If Mortgagor defaults under any term of the Lease, Landlord agrees to notify Mortgagee in writing of the default before exercising any rights or remedies available to Landlord as a result of the default. In addition, Landlord agrees that Mortgagee will have the right to cure any default within 30 days of receipt of such notice unless the nature of the default is such that it cannot be cured within 30 days, in which case Mortgagee will have a reasonable time to cure so long as Lender exercises reasonable diligence in affecting such cure. During the applicable cure period, Landlord agrees that Landlord will take no action to exercise any rights or remedies available under the Lease or by law as a result of such default without Mortgagee's prior written consent. In the event Mortgagee cures any default by Mortgagor under the Lease, Mortgagor agrees to indemnify and hold Mortgagee harmless from any expenses incurred by Mortgagee to cure or contests the default under the Lease. Mortgagor agrees that Mortgagee shall be subrogated to all the rights and remedies of the Landlord under the Lease. Mortgagee is not responsible for any prior default of Mortgagor under the Lease and in no way assumes or guarantees Mortgagor's performance under the Lease. At Mortgagee's option, Mortgagee may:

- a. Contest any allegations by Landlord of default under the Lease.
- b. Cure the default and retain Mortgagor in possession of the Property.
- c. Cure the default and foreclose by subrogation to Landlord's rights against Mortgagor's interest in the Property and assume all responsibilities of Mortgagor under the Lease.

14. ATTORNEY'S FEES; EXPENSES. Mortgagor will pay or reimburse Mortgagee for all reasonable attorney's fees, costs and expenses incurred by Mortgagee in any proceeding involving the estate of a decedent or an insolvent, or in any action, proceeding or dispute of any kind in which Mortgagee is made a party, or appears as party plaintiff or defendant, affecting this Mortgage, the Note, the

AHP Agreement, the Mortgagor, the Property, any condemnation action involving the Property, or any action to protect the security hereof; and any such amounts paid by Mortgagee shall be added to the indebtedness and secured by the lien of this Mortgage.

Any expenses referred to in the preceding sentence, with interest thereon at the lesser of (i) the rate of ten percent (10%) per annum, or (ii) the maximum amount permitted by applicable law, shall become additional indebtedness of Mortgagor secured by this Mortgage. Unless Mortgagor and Mortgagee agree to other terms of payment, such amounts shall be immediately due and payable and shall bear interest from the date of disbursement at the rate of ten percent (10%) per annum, unless collection from Mortgagor of interest at such rate would be contrary to applicable law, in which event such amounts shall bear interest at the highest rate which may be collected from Mortgagor under applicable law. Mortgagor hereby covenants and agrees that Mortgagee shall be subrogated to the lien of any mortgage or other lien discharged, in whole or in part, by the indebtedness secured hereby. Nothing contained in this paragraph shall require Mortgagee to incur any expense or take any action hereunder.

15. CONDEMNATION. Mortgagor and Landlord will give Mortgagee prompt notice of any pending or threatened action by private or public entities to purchase or take any or all of the Property through condemnation, eminent domain or any other means. Mortgagor authorizes Mortgagee to intervene in Mortgagor's name in any of the above described actions or claims. Mortgagor assigns to Lender the proceeds of any award or claim for damages connected with a condemnation or other taking of all or any part of the Property. Such proceeds will be considered payments and will be applied as provided in this Mortgage. This assignment of proceeds is subject to the terms of any prior mortgage or other lien document.

16. FORBEARANCE BY AGENT NOT A WAIVER. Any forbearance by Mortgagee in exercising any right or remedy hereunder, or otherwise afforded by applicable law, shall not be a waiver of or preclude the exercise of any right or remedy. The acceptance by Mortgagee of payment of any sum secured by this Mortgage after the due date of such payment shall not be a waiver of Mortgagee's right to either require prompt payment when due of all other sums so secured or to declare a default for failure to make prompt payment. The procurement of insurance or the payment of taxes or other liens or charges by Mortgagee shall not be a waiver of Mortgagee's right to accelerate the maturity of the indebtedness secured by this Mortgage.

17. REMEDIES CUMULATIVE. Each remedy provided in this Mortgage is distinct and cumulative to all other rights or remedies under this Mortgage or afforded by law or equity, and may be exercised concurrently, independently, or successively, in any order whatsoever. No waiver or release by Mortgagee of any of its rights or remedies hereunder, or otherwise, shall be considered a waiver or release of any other or subsequent right or remedy of Mortgagee; no delay or omission in the exercise or enforcement by Mortgagee of any rights or remedies shall ever be construed as a waiver of any right or remedy of Mortgagee; and no exercise or enforcement of any such rights or remedies shall ever be held to exhaust any right or remedy of Mortgagee.

18. ACCELERATION IN CASE OF INSOLVENCY. If Mortgagor shall voluntarily file a petition under the Federal Bankruptcy Code, as such Code may from time to time be amended, or under any similar or successor Federal Statute relating to bankruptcy, insolvency, arrangements or reorganizations, or under any state bankruptcy or insolvency act, or file an answer in an involuntary proceeding admitting insolvency or failure to pay debts as they come due, or if Mortgagor shall fail within thirty (30) days to

obtain a vacation, stay or dismissal of involuntary proceedings brought for the reorganization, dissolution or liquidation of Mortgagor, or if any order for relief under the Federal Bankruptcy Code shall be entered against Mortgagor, or if a trustee, receiver or custodian shall be appointed for Mortgagor or the property owned by Mortgagor, or if the Property shall become subject to the jurisdiction of a Federal bankruptcy court or similar state court, or if Mortgagor shall make an assignment for the benefit of its creditors, or if there is an attachment, execution or other judicial seizure of any portion of its assets and such seizure is not discharged within thirty (30) days, then Mortgagee may, at Mortgagee's option, declare all of the sums secured by this Mortgage to be immediately due and payable without prior notice to Mortgagor, and Mortgagee may invoke any remedies permitted upon default. Any attorney's fees and other expenses incurred by Mortgagee in connection with Mortgagor's bankruptcy or any of the other aforesaid events shall be additional indebtedness of Mortgagor secured by this Mortgage.

19. RELEASE OF RIGHT OF APPRAISEMENT AND REDEMPTION. To the extent permitted by law, Mortgagor releases all right of appraisement hereunder and also releases unto Mortgagee all right of redemption under the laws of Arkansas, including particularly all right of redemption under Sections 18-49-106 and 16-66-502 of the Arkansas Code Annotated.

20. JOINT AND INDIVIDUAL LIABILITY AND SUCCESSORS. Each party's obligations under this Mortgage are independent of the obligations of any other party. Mortgagee may release any part of the Property and Mortgagor and Landlord will still be obligated under this Mortgage for the remaining Property. Mortgagor agrees that Mortgagee and any party to this Mortgage may extend, modify or make any change in the terms of this Mortgage or any evidence of debt without Mortgagor's consent. Such a change will not release Mortgagor from the terms of this Mortgage. The duties and benefits of this Mortgage will bind and benefit the successors and assigns of Mortgagor, Landlord and Mortgagee.

21. AMENDMENT, INTEGRATION AND SEVERABILITY. This Mortgage may not be amended or modified by oral agreement. No amendment or modification of this Mortgage is effective unless made in writing and executed by Mortgagor, Landlord and Mortgagee. This Mortgage, the Note and any other documents relating to this loan are the complete and final expression of the agreement. If any provision of this Mortgage is unenforceable, then the unenforceable provision will be severed and the remaining provisions will still be enforceable.

22. INTERPRETATION. Whenever used, the singular includes the plural and the plural includes the singular. The section headings are for convenience only and are not to be used to interpret or define the terms of this Mortgage.

23. APPLICABLE LAW. This Mortgage shall be governed by and construed in accordance with the laws of the State of Arkansas and the United States of America, including but not limited to 12 U.S.C. § 1735f-7a.

24. COVENANTS AND AGREEMENTS APPLICABLE TO LEASEHOLD.

- a. Mortgagor shall fully perform and comply with all covenants, warranties, representations, and other obligations (including without limitation the obligation to pay rents and other sums) imposed upon or assumed by it as lessee under the Lease and, upon Mortgagor's failure or alleged failure (notwithstanding that the alleged failure may be contested by

Mortgagor) so to do, Mortgagee shall have the absolute and immediate right to enter upon the Mortgaged Property and to take such other action, to such extent and as often as mortgagee, in its opinion, deems necessary or desirable to prevent or cure any such failures or alleged failures by Mortgagor; and

- b. Mortgagor hereby agrees with Mortgagee that it shall not, without Mortgagee's prior written consent, (i) terminate or modify, or consent to the termination or modification of, the lease in any respect or (ii) permit the fee title to the Mortgaged Property demised by the lease (if fee title be so demised) and the leasehold estate so created to merge, but rather the said fee title and the said leasehold estate shall always be separate and distinct.
- c. Mortgagor hereby represents, warrants, covenants and agrees that (i) this Mortgage is lawfully executed and delivered in conformity with the Lease, (ii) Mortgagor will promptly notify Mortgagee in writing of any covenants or conditions on the part of the Mortgagor to be performed or observed under the Lease, (iii) Mortgagor will (A) promptly notify Mortgagee in writing of the receipt by Mortgagor of any notice (other than notices customarily sent on a regular periodic basis) from the lessor under the performance or observance of any of the terms, covenants or conditions on the part of the Mortgagor to be performed or observed under the Lease, (B) promptly notify Mortgagee in writing of the receipt by Mortgagor of any notice from the lessor under the Lease to Mortgagor of termination of the Lease pursuant to the provisions of the Lease or otherwise, and (C) promptly cause a copy of each such notice received by Mortgagor from the lessor under the Lease to be delivered to Mortgagee, (iv) Mortgagor will furnish to Mortgagee, upon demand, proof of payment of all items which are required to be paid by Mortgagor pursuant to the Lease and proof of payment of which is required to be given to the lessor under the Lease, (v) Mortgagor shall not consent or agree to any subordination of the Lease to any mortgage or mortgages upon the fee interest of the lessor in the Mortgaged Property of any part thereof, and (vi) Mortgagor shall execute and deliver, on request of Mortgagee, such instruments as Mortgagee may deem useful or required to permit Mortgagee to cure any default under the Lease or permit Mortgagee to take such other action as Mortgagee considers desirable to cure or remedy the matter in default and preserve the interest of Mortgagee in the Mortgaged Property.

[Signature and acknowledgement pages follow]

IN WITNESS WHEREOF, Mortgagor and Landlord have duly executed this Mortgage on the day and year first above written. Mortgagor and Landlord also acknowledge receipt of a copy of this Mortgage.

MORTGAGOR:

SEVEN HILLS HOMELESS SHELTER, INC.,
an Arkansas corporation

By: _____

Name: _____

Its: _____

LANDLORD:

CITY OF FAYETTEVILLE, ARKANSAS,
an Arkansas corporation

By: _____

Name: _____

Its: _____

ACKNOWLEDGEMENTS

State of Arkansas)
)ss.
County of Washington)

On this the ____ day of [____], 2007, before me, _____, the undersigned officer, personally appeared _____, who acknowledged himself/herself/themselves to be the [_____] of SEVEN HILLS HOMELESS SHELTER, INC., an Arkansas corporation, and that he/she/they, as such [____], being authorized so to do, executed the foregoing instrument for the purpose therein contained, by signing the name of the corporation by himself/herself/themselves as [_____].

In witness whereof, I hereunto set my hand and official seal.

My Commission Expires:

(Notary Public)

State of Arkansas)
)ss.
County of Washington)

On this the ____ day of [____], 2007, before me, _____, the undersigned officer, personally appeared _____, who acknowledged himself/herself/themselves to be the [_____] of CITY OF FAYETTEVILLE, an Arkansas corporation, and that he/she/they, as such [____], being authorized so to do, executed the foregoing instrument for the purpose therein contained, by signing the name of the corporation by himself/herself/themselves as [_____].

In witness whereof, I hereunto set my hand and official seal.

My Commission Expires:

(Notary Public)

Hometown Development
1747 N. College Avenue
Fayetteville, AR 72703

November 21, 2006

Mrs. Sondra Smith
City Clerk
City of Fayetteville
113 West Mountain
Fayetteville, Ark 72701

Dear Mrs. Smith

On Monday, November 13, 2006, the Fayetteville Planning Commission considered R-PZD 06-2196: Planned Zoning District (West Fork Place) 565/566. After considerable discussion, the commission by a vote of 5-3 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. In order to allow us to generate additional information, we are requesting that our appeal be heard at the council meeting of December 19, 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 at 841-8549.

Sincerely,



Mike McDonald
Hometown Development

RECEIVED
NOV 21 2006
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

mored to 2/6/06 m4g on 1/9/06

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations 

From: Jeremy C. Pate, Director of Current Planning 

Date: December 14, 2006

Subject: Residential Planned Zoning District for West Fork Place (R-PZD 06-2196)

RECOMMENDATION

The Planning Commission voted 5-3-0 to deny the subject Residential Planned Zoning District request, R-PZD 06-2196, West Fork Place.

Planning Staff recommends in favor of the request for an ordinance to create a Residential Planned Zoning District for West Fork Place. This action would establish a unique zoning district for a residential development with a maximum of 59 dwelling units on a 13.92-acre tract located south of Huntsville Road and Helen Street, a proposed density of 4.2 dwelling units per acre.

BACKGROUND

The subject property consists of approximately 13.92 acres located south of Huntsville Road and Helen Street, north of the West Fork of the White River. The site is zoned predominantly RSF-4, however there are portions of the property zoned C-2, I-2 and R-A. Much of the property is within the floodplain, as the West Fork of the White River bounds the southern part of the property. Ray Avenue and Jerry Avenue provide access from HWY 16E (Huntsville Road) through an existing subdivision with predominantly single-family homes, but with a mixture of RSF-4, RSF-7, RMF-24 and C-1 zoning. 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 November 13, 2006, the Planning Commission voted 5-3-0 to deny this request with commissioners Harris, Clark, Myres, Ostner and Anthes voting 'Yes'. The motion to deny passed and the applicant has appealed this request to the City Council. The main issues of Planning Commission concern centered on density, ingress and egress within the existing subdivision, increased traffic and access onto Huntsville Road, connectivity and compatibility.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 06-2196, WEST FORK PLACE, LOCATED AT THE END OF RAY AVENUE, SOUTH OF HUNTSVILLE ROAD; CONTAINING APPROXIMATELY 13.92 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 R-A, Residential Agriculture, RSF-4, Residential Single Family, 4 units per acre, C-2, Thoroughfare Commercial and I-2, General Industrial, to R-PZD 06-2196 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 and available for view 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 _____, 2007.

APPROVED:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk

EXHIBIT "A"
R-PZD 06-2196

LOT 9 IN BLOCK 4 IN WATSON ADDITION, AS SHOWN ON THE PLAT RECORDED IN PLAT BOOK 1 AT PAGE 220; ALSO PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4; ALSO PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4, ALL IN SECTION 23, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, ALL TOGETHER BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID EAST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4; THENCE N02°39'35"E 879.11 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N02°39'35"E 260.95 FEET; THENCE ALONG THE SOUTH LINE OF SAID BLOCK 4 AND THE WESTERLY PROLONGATION THEREOF S87°22'44"E 789.38 FEET TO THE SOUTHWEST CORNER OF SAID LOT 9; THENCE DEPARTING SAID SOUTH LINE N02°52'43"E 150.26 FEET TO A FOUND IRON PIN AT THE NORTHWEST CORNER OF SAID LOT 9; THENCE S87°19'05"E 91.92 FEET TO THE NORTHEAST CORNER OF SAID LOT 9; THENCE S02°51'50"W 150.16 FEET TO THE SOUTHEAST CORNER OF SAID LOT 9; THENCE ALONG THE SOUTH LINE OF SAID BLOCK 4 AND THE EASTERLY PROLONGATION THEREOF S87°22'44"E 175.50 FEET; THENCE S05°48'12"E 282.61 FEET; THENCE S86°43'07"E 205.49 FEET TO A POINT ON THE CENTERLINE OF THE WHITE RIVER; THENCE ALONG SAID CENTERLINE THE FOLLOWING SIX COURSES: S18°18'13"W 143.01 FEET; THENCE S57°24'30"W 261.31 FEET; THENCE S89°14'54"W 209.81 FEET; THENCE S62°07'03"W 157.11 FEET; THENCE N84°09'20"W 158.79 FEET; THENCE S63°37'01"W 101.34 FEET; THENCE DEPARTING SAID CENTERLINE N30°11'12"W 73.53 FEET TO THE INTERSECTION OF THE CENTERLINE OF A CREEK WITH SAID WHITE RIVER; THENCE ALONG SAID CREEK CENTERLINE THE FOLLOWING 22 COURSES: N49°09'59"E 64.45 FEET; THENCE N46°25'21"W 57.75 FEET; THENCE N70°07'51"E 44.90 FEET; THENCE S86°37'52"E 26.45 FEET; THENCE S40°31'18"E 49.95 FEET; THENCE N00°37'26"E 10.33 FEET; THENCE N10°39'06"W 87.12 FEET; THENCE N69°00'12"W 107.55 FEET; THENCE N44°11'43"W 73.43 FEET; THENCE N66°15'31"W 32.28 FEET; THENCE N85°18'12"W 137.46 FEET; THENCE S27°17'38"W 12.61 FEET; THENCE N78°07'21"W 27.41 FEET; THENCE N09°32'40"E 23.16 FEET; THENCE N68°11'12"W 32.95 FEET; THENCE N08°49'55"E 39.49 FEET; THENCE N19°21'36"E 33.93 FEET; THENCE S89°45'33"W 13.32 FEET; THENCE N43°37'01"W 17.67 FEET; THENCE N78°17'20"W 12.59 FEET; THENCE N88°25'52"W 43.38 FEET; THENCE N82°07'12"W 11.12 FEET TO THE INTERSECTION OF SAID CREEK CENTERLINE WITH THE CENTERLINE OF A ROAD; THENCE DEPARTING SAID CREEK CENTERLINE N75°12'56"W 43.15 FEET TO THE POINT OF BEGINNING, CONTAINING 13.92 ACRES, MORE OR LESS, BEING SUBJECT TO ANY EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.

EXHIBIT "C"

R-PZD 06-2196

Page 1 of 4

CONDITIONS OF APPROVAL:

1. City Council determination of appropriate connectivity:

- a. The applicant proposes two full access public streets: 1) An extension of Ray Avenue into the property which loops through the site and 2) a full-access public street connection to Helen Street through an existing platted lot purchased as part of the subject property. *The connection to Helen Street was the subject of much discussion at the Planning Commission, with two options being presented, one with the full street connection to provide two means of ingress/egress for the development and another with pedestrian and emergency vehicle access only with break away bollards located at the north and south entrance. No consensus was reached on either option.*
- b. The applicant proposes a future street connection to the west, with signs and an assessment for construction to the west property line to indicate the future street. *Staff recommends that approximately 20' of the western stub-out be constructed to city standards for a public residential street at the time of development, with an assessment required for the remainder of the street section due to the location of the existing creek that splits the property lines. The street construction and assessment shall include pavement, curb and gutter, storm drainage and any construction required for the crossing of the floodplain on the subject property, and a 4' sidewalk along the south side of the right-of-way. The developer shall dedicate 40' of right-of-way from the extension of Ray Ave. to the western property line. The developer shall install signs at all street stub-outs to indicate the future extension of this right-of-way prior to Building Permit (contact the Transportation Division for additional information). Clearly label the proposed stub-out on the plat for future reference.*

2. Planning Commission determination of street improvements:

- a. *Staff recommends an asphalt overlay on Ray Avenue from the intersection of Huntsville Road to connect to the proposed interior street, which will be constructed to City standards. The overlay shall create, at minimum, a 24' wide paved street width. Engineering staff shall determine at the time of construction, the amount of improvement necessary (milling, depth of overlay, etc.).*
- b. *The existing sidewalk on the west side of Ray Avenue shall be extended into the proposed development with a crossing at Ray Avenue to the proposed sidewalk.*
- c. *Staff recommends that a 4' sidewalk be constructed on the north side of the public alley in Planning Area 1 and 2 as indicated in this site plan, to provide pedestrian access for the dwelling units in this area.*
- d. *Should the access to Helen Street become a full-access public street, the applicant shall coordinate with the Engineering Division prior to discussion to determine the necessary final design of the four-way intersection, to ensure the public alley does not become utilized as a public street.*
- e. *Street lights shall be installed every 300' along the public street, public alleys and at all intersections.*

EXHIBIT "C"

R-PZD 06-2196

Page 2 of 4

- f. *Staff recommends a future sidewalk connection to the trail on the southwest side of the property, across the slope from the sidewalk shown to connect to the public alley. This connection shall be permitted to occur at a future date, if desired by the City, with the construction of the trail.*
3. **City Council determination of waivers from street design standards.** *The applicants request a waiver of the required street radius of 150' (request 100' radius). Staff recommends approval of the requested waiver, finding that the street design will not create a dangerous traffic situation for vehicles or pedestrians.*
4. Public streets and alleys interior to the project shall be constructed to City specifications for public streets. All sidewalks, in the right-of-way or access easements, shall be constructed to city standards. Any sidewalk that is proposed to be constructed outside of the public right-of-way shall be within an access easement, allowing general public usage. An access easement shall be provided for pedestrians to access the park and trail where parkland is not dedicated.
5. Staff is recommending approval of the submitted Tree Preservation Plan associated with RPZD 06-2196 with the following conditions of approval:
 - a. Tree canopy shared by land owners is found to be a high priority. All canopy along the northern property line should have every measure taken to ensure the health and longevity of the trees.
 - b. Mitigation will be required in the amount of 49 (2) inch caliper large species trees. The applicant will be utilizing the residential on-site mitigation option.
 - c. A 3-year maintenance and monitoring bond, letter of credit, or check will be due in the amount of \$12,250 for the mitigation trees before the last certificate of occupancy in this development or as each lot develops.
6. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements.
7. One (1) large species tree shall be planted in between each of the multi-family driveways and shall be depicted on the landscape plan.
8. 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. Any portion of a structure which is visible from the right-of-way shall be articulated and contain features such as doors, windows and/or similar openings.
9. A deed for the 6.07 acres of park land is required prior to building permit(s). Based on the number of units, the developer is only required to dedicate 1.39 acres.

EXHIBIT "C"

R-PZD 06-2196

Page 3 of 4

10. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code, and shall be subject to signage requirements for residential multi-family development.
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. Should the property ever be subdivided, it shall comply with the zoning criteria as established and approved herein. Future subdivision of the property would require Planning Commission and City Council approval for a modification to the Planned Zoning District zoning criteria, or a new Planned Zoning District.
13. All structures shall meet City of Fayetteville ordinances for floodplain development, including finish floor elevations, grading and erosion control and floodplain development permits.
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. Plat revisions that shall be completed prior to construction plan review:
 - i. The Solid Waste Division has approved the location of the two dumpster pads, which will be utilized by the residents in the multi-family units. However, the dumpster pads need to be increased to 12' wide by 15' deep. Appropriate screening shall be required and approved by the Planning Division.
 - ii. Page 8 of the project booklet indicates that Use Unit 4, Cultural and Recreational Facilities will be allowed as a use by right, whereas the plats indicate Use Unit 4 as a conditional use. Make sure that Use Unit 4 is listed as a conditional use on all pages of the plat and booklet.
 - iii. Page 8 of the project booklet (Current Zoning vs. Proposed PZD): The information within this table does not match the most current numbers. This table shall be updated to reflect the current proposal.
 - iv. By not providing lot width minimums at this time, the subject property may not be subdivided without first obtaining Planning Commission and City Council approval to modify an approved Planned Zoning District.
 - v. Include the area between the public trail/alley access and Planning Area 5 within a 20' trail access easement and label as such, for a future trail connection (direct extension of public trail/alley access, with bollards shown). Actual connection to be constructed by the City of Fayetteville.

EXHIBIT "C"

R-PZD 06-2196

Page 4 of 4

- vi. Page 1 and Page 11 of the project booklet refer to the 20' public alley for fire access and pedestrians only, with break away bollards. If the alley is now proposed as a public street, remove these statements.
 - vii. Page 5 of the project booklet indicates that the lot area minimum for Planning Area 3 is 9,654 sq. ft. The actually lot are minimum is 10,811 sq. ft.
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 and floodplain development 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 STAFF REPORT



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 7, 2006 Updated November 16, 2006

R-PZD 06-2196: Planned Zoning District (WEST FORK PLACE, 565/566): Submitted by PROJECT DESIGN CONSULTANTS for property located at THE END OF RAY AVENUE, S OF HUNTSVILLE ROAD, containing 13.92 acres. The request is for Zoning and Development review of a Residential Planned Zoning District with 59 single-family dwellings: 30 attached and 29 detached.

Planner: Jesse Fulcher

Findings:

Subdivision Committee Discussion August 31, 2006: The subject request was tabled by the Subdivision Committee on August 31, 2006, to allow the applicant time to respond to concerns from the Urban Forester and make revisions to the site plan and project booklet. Additionally, the Subdivision Committee requested information regarding the existing salvage yard located to the south of the subject property, specifically screening requirements between the industrial use and the proposed residential use.

Based on staff research a large scale development was approved in 1974, allowing for the development of an auto salvage/scrap metal yard. Based on information provided within the large scale file, the use was required to be enclosed by a 8' high fence. The subject development request is not responsible for screening a residential use from a nonresidential use. Therefore, staff will continue to investigate the current circumstances at the salvage yard to determine what, if any, screening requirements may still be valid.

Subdivision Committee Discussion September 14, 2006: The subject request was forwarded to the Planning Commission with a vote of 2-1-0. One of the committee members voted against the project, citing concerns with the use of a platted lot within the Watson's Addition for a street connection and the lack of connectivity for the project. All three commissioners discussed street connectivity, specifically to the west, given that connectivity to south and east is limited due to floodplain.

Planning Commissioners comments September 25, 2006: The subject request was tabled by the Planning Commission on September 25, 2006 to allow the applicant time to respond to concerns from the Planning Commission and surrounding property owners. The following are itemized comments/concerns from the Planning Commission meeting:

- Increased traffic congestion on Huntsville Road and a lack of improvements provided by this development.
- The use of an existing platted lot for a street connection. Would prefer that the access be restricted to pedestrian and fire access.
- Too many multi-family units.
- Too much land for a Property Owners Association to maintain over a long period of time.
- Recommended removing the single-family home next to the street connection through the platted lot.
- Provide a stronger connection between the older residential neighborhood and the proposed development.
- The homes along the river should face the river, as it is an amenity to the development.
- Density and compatibility between the proposed development and the largely single-family neighborhood to the north.
- Too much grading.
- Show the stub-out to the west on the plat, so that future residents are aware of potential for street connection.

Overview of changes since Planning Commission review on September 25, 2006:

- The street connection through the platted lot (Lot 9 Watson Addition) has been replaced with a 20' public alley for fire access, pedestrian usage and reduced POA maintenance. Break-away bollards are proposed at each end to prohibit vehicular use, except for emergency vehicles.
- A right-of-way stub-out to the west has been indicated on the site plan to provide future connectivity to Happy Hollow Road.
- The public street and the public alleys have been realigned to create a 4-way intersection. Accordingly, the two multi-family buildings were repositioned.
- A 4' sidewalk is proposed along the south side of the multi-family units. Additionally, a second trail connection has been indicated, which will provide a direct connection for area residents to the main trail system to be constructed by the City.
- The 8-unit building proposed for Planning Area 2 has been replaced with two 4-unit buildings.
- Additional guest parking areas have been provided along the public alleys.

Planning Commission October 23, 2006: The subject development was tabled at the request of the applicants to allow additional time to work with the adjacent property owners.

Planning Commissioners comments/concerns September 25, 2006:

- Maintenance of common areas by Property Owners Association
- Density
- Limited access-One point of ingress/egress
- Traffic through existing neighborhood
- Connectivity
- Compatibility

Property Description: The subject property consists of approximately 13.92 acres located south of Huntsville Road and Helen Street, north of the West Fork of the White River. The site is zoned predominantly RSF-4, however there are portions of the property zoned C-2, I-2 and R-A. Much of the property is within the floodplain, as the west fork of the White River bounds the southern part of the property. Ray Avenue and Jerry Avenue provide access from HWY 16E (Huntsville Road), through the subdivision with predominantly single-family homes, but with a mixture of RSF-4, RSF-7, RMF-24 and C-1 zoning.

Surrounding Land Use/Zoning:

Direction from Site	Land Use	Zoning
North	Single and Two-family	RSF-4, Residential Single Family, 4 Units/Acre
South	Undeveloped	White River/R-A, Residential Agriculture
East	Undeveloped	White River/R-A, Residential Agriculture
West	Industrial/Commercial	C-2, Thoroughfare Commercial; I-2 General Industrial

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 29 single-family units and 30 two-family/multi-family units in buildings of 2, 4, and 6 units combined, for a maximum density of 4.24 units per acre. All of the residential units will be located in Planning Areas 1-3, Planning Area 4 will be utilized for community green space and Planning Area 5 will be dedicated park land. This proposal does not subdivide the property; rather, all units will be located on commonly held property, maintained by a Property Owner's Association.

The project is to utilize a public street (extension of Ray Avenue), two public alleys and a 20' wide public alley for fire and pedestrian access only. Providing two points of ingress and egress to the development is important for emergency vehicles.

The potential for providing connectivity to the east or south is very limited given the terrain and amount of floodplain/floodway. The west fork of the White River bounds the southern property line and then curves to the north along the east property line, creating a difficult, if possible future connection to the east. Redevelopment of properties along Happy Hollow Road could allow for a future connection between Ray Avenue and Happy Hollow Road, for Ray Avenue right-of-way is accessible to properties along its entire length south of Huntsville Road. The applicant proposes a street stub-out to the west, which will be clearly indicated on the site plan and constructed on-site.

The Watson Addition, which includes the existing, developed lots on Helen Street, Ray Avenue, Jerry Avenue and Lee Street, was platted in the early 1960's. Even at the time, the potential for developing the subject property was indicated by the right-of-way extensions of Ray Avenue and Jerry Avenue to the south. However, in 1996 the City Council, at the request of the adjacent property owners, vacated the platted right-of-way for Jerry Avenue into the subject property. Had this not occurred, the proposed development would have two existing rights-of-way to utilize for ingress and egress purposes. Unfortunately, only the Ray Avenue right-of-way provides existing street right-of-way to the subject development.

Access and Parking: Access to the site is provided from the extension of Ray Avenue with limited access provided for emergency vehicles by way of a 20' public alley. Streets within the existing subdivision appear to be in good condition, and are generally as wide or wider than our current ordinances require, though curb and gutter is primarily absent.

One property owner, in particular, has objected to the use of the platted lot as a street connection to Helen Street. Additionally, the Planning Commission has voiced concerns regarding the use of a residentially platted lot for use as a public street. In response to this, the applicants have replaced the public street extension with a controlled access alley, which will only allow for emergency vehicle use and pedestrian access. In staff's initial evaluation of this project, it was recommended that a secondary point of ingress/egress be established, for both safety and ease of traffic movement. It is ultimately the Planning Commission and City Council's decision regarding using this lot, which is proposed to contain a single-family home and the street connection, as an out-lot. Without the ability to connect to other streets, staff has asked the applicant to present this option to the Planning Commission for consideration.

Both individual and shared driveways will be used for accessing the individual units, which contain a mixture of garages, carports and uncovered parking areas. Parking has been provided in conformance with ordinance requirements, totaling 122 parking spaces, both in garages and provided driveways of units

Phasing: The applicant proposes to construct this development in one phase, under the typical one-year requirement for large scale developments, with a one-year extension request available, pursuant to Chapter 166 of the Unified Development Code.

Water & Sewer: Water and sewer lines would be extended to serve the development.

Adjacent Master Street Plan Streets: Ray Avenue (Local Street)
Helen Street (Local Street)

Street Improvements: Staff recommends an asphalt overlay on Ray Avenue from the intersection of Huntsville Road to the proposed interior street, which will be constructed to City standards. This will provide an improved access directly to Huntsville Road, a major arterial. A visual evaluation of Ray Avenue indicates a street that is paved, but has been poorly patched, is cracking and less than 22' in width in some locations. The existing sidewalk on the west side of Ray Avenue shall be extended to the property with a crossing over the extension of Ray Avenue, along with the improvements interior to the site as indicated or recommended.

Parks: On July 10, 2006 the Park and Recreation Advisory Board recommended accepting land dedication in the amount of 1.39 acres to satisfy the park land dedication ordinance. The applicants are proposing to dedicate 6.07 acres, in excess of that required to provide a greenway corridor in which a public trail is to be constructed by the City as part of our Master Trails Plan to connect Lake Sequoyah to Combs Park and further west.

Tree Preservation:

Existing Canopy:	8.29%
Preserved Canopy:	3.06%
Required Canopy:	8.29%
Mitigation:	Required

Public Comment: Staff has received written comments from adjacent property owners objecting to the project, citing such issues as increased traffic, noise, decrease in property value, utilization of a platted lot for a street connection and the addition of apartments.

PUBLIC COMMENTS FROM 9/25/06 PC MEETNG: THREE NEIGHBORING RESIDENTS SPOKE IN OPPOSITION TO THE PROJECT CITING SUCH ISSUES AS COMPATIBILITY, DENSITY, ACCESS THROUGH A PLATTED LOT, DRAINAGE, UNIMPROVED STREETS, VISIBILITY AT THE INTERSECTION OF JERRY AND HUNTSVILLE, PEDESTRIAN SAFETY, SCHOOL TRAFFIC AND PROVIDING A CONNECTION TO HAPPY HOLOW ROAD.

PUBLIC COMMENTS FROM 9/25/06 PC MEETNG: TRAFFIC AT THE INTERSECTION OF HUNTSVILLE AND RAY, DENSITY, UPKEEP OF COMMON AREA BY POA, RESTRICTED ALLEY IS VISUALLY SIMILAR TO FULL ACCESS STREET.

Recommendation: Staff recommends forwarding **R-PZD 06-2196** 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. *Staff recommends an asphalt overlay on Ray Avenue from the intersection of Huntsville Road to connect to the proposed interior street, which will be constructed to City standards. The overlay shall create, at minimum, a 24' wide paved street width. Engineering staff shall determine at the time of construction, the amount of improvement necessary (milling, depth of overlay, etc.).*
 - b. *The existing sidewalk on the west side of Ray Avenue shall be extended into the proposed development with a crossing at Ray Avenue to the proposed sidewalk.*
 - c. *Staff recommends that a 4' sidewalk be constructed on the north side of the public alley in Planning Area 1 and 2 as indicated in this site plan, to provide pedestrian access for the dwelling units in this area.*
 - d. *Street lights shall be installed every 300' along the public street, public alleys and at all intersections.*
 - e. *Staff recommends the applicant indicate a dashed, future sidewalk connection to the trail on the southwest side of the property, across the slope from the sidewalk*

shown to connect to the public alley (see exhibit in the staff report). This connection shall be permitted to occur at a future date, if desired by the City, with the construction of the trail.

9/14/06 - THE SUBDIVISION COMMITTEE FOUND IN FAVOR OF THE RECOMMENDED STREET IMPROVEMENTS "a", "b", "c", and "d". Recommendation "e" has been added since the Planning Commission review on 9/25/06.

2. Planning Commission determination of waivers from street design standards. *The applicants request a waiver of the required street radius of 150' (request 100' radius). Staff recommends approval of the requested waiver, finding that the street design will not create a dangerous traffic situation for vehicles or pedestrians.*

9/14/06 - THE SUBDIVISION COMMITTEE FOUND IN FAVOR OF THE REQUESTED WAIVER.

3. The western street stub-out shall be constructed to city standards to the property line or floodplain for a public residential street at the time of development. The exact location of the street stub-out shall be approved by the Engineering Division at the time of construction drawing review. The developer shall install signs at all street stub-outs to indicate the future extension of this right-of-way prior to Building Permit (contact the Transportation Division for additional information). Clearly label the proposed stub-out on the plat for future reference.
4. Public streets and alleys interior to the project shall be constructed to City specifications for public streets. All sidewalks, in the right-of-way or access easements, shall be constructed to city standards. Any sidewalk that is proposed to be constructed outside of the public right-of-way shall be within an access easement, allowing general public usage. An access easement shall be provided for pedestrians to access the park and trail where parkland is not dedicated.
5. 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)).
6. Staff is recommending approval of the submitted Tree Preservation Plan associated with RPZD 06-2196 with the following conditions of approval:

- a. Tree canopy shared by land owners is found to be a high priority. All canopy along the northern property line should have every measure taken to ensure the health and longevity of the trees.
 - b. Mitigation will be required in the amount of 49 (2) inch caliper large species trees. The applicant will be utilizing the residential on-site mitigation option.
 - c. A 3-year maintenance and monitoring bond, letter of credit, or check will be due in the amount of \$12,250 for the mitigation trees before the last certificate of occupancy in this development or as each lot develops.
7. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements.
8. One (1) large species tree shall be planted in between each of the multi-family driveways and shall be depicted on the landscape plan.
9. 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. Any portion of a structure which is visible from the right-of-way shall be articulated and contain features such as doors, windows and/or similar openings.
10. A deed for the 6.07 acres of park land is required prior to building permit(s). Based on the number of units, the developer is only required to dedicate 1.39 acres.
11. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code, and shall be subject to signage requirements for residential multi-family development.
12. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.
11. Should the property ever be subdivided, it shall comply with the zoning criteria as established and approved herein. Future subdivision of the property would require Planning Commission and City Council approval for a modification to the Planned Zoning District zoning criteria, or a new Planned Zoning District.
12. All structures shall meet City of Fayetteville ordinances for floodplain development, including finish floor elevations, grading and erosion control and floodplain development permits.
13. 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.

14. Plat revisions to be completed prior to City Council submittal:

- i. The Solid Waste Division has approved the location of the two dumpster pads, which will be utilized by the residents in the multi-family units. However, the dumpster pads need to be increased to 12' wide by 15' deep. Appropriate screening shall be required and approved by the Planning Division.
- ii. Remove/relocate the unit in Planning Area 1 (north of Ray Ave.) from the drainage area.
- iii. Page 8 of the project booklet indicates that Use Unit 4, Cultural and Recreational Facilities will be allowed as a use by right, whereas the plats indicate Use Unit 4 as a conditional use. Make sure that Use Unit 4 is listed as a conditional use on all pages of the plat and booklet.
- iv. Page 8 of the project booklet (Current Zoning vs. Proposed PZD): The information within this table has not been updated to reflect the most current numbers. This table shall be updated to reflect the current proposal.
- v. By not providing lot width minimums at this time, the subject property may not be subdivided without first obtaining Planning Commission and City Council approval to modify an approved Planned Zoning District.
- vi. Include the area between the public trail/alley access and Planning Area 5 within a 20' trail access easement for a future trail connection (direct extension of public trail/alley access, with bollards shown). Actual connection to be constructed by the City of Fayetteville.
- vii. Include an extension (dashed, future) of the sidewalk on the southwest side of the project across the slope and connecting to the trail (to be constructed by the City with the trail, if desired).
- viii. Show the extension of the sidewalk along the west side of Ray Ave. with a crossing to the new sidewalk. Show a sidewalk along the property frontage on Helen St. There are two places on Public Alley 1 where crossings are not shown. Extend the sidewalk at the southeast of the property to the public trail/alley access. Make sure that all sidewalk crossings line up.

Standard Conditions of Approval:

15. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives - AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications).
16. 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.
17. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private),

sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.

18. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
19. 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.
20. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits and floodplain development 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: ☐ Approved ☒ Denied ☐ Forwarded to C.C.
Motion: Clark (Motion to deny)
Second: Ostner
Vote: 5-3-0(Motion to deny passed)

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

List of Report Appendices:

Appendix A	Aerial photograph and photographs of Ray Avenue
Appendix B	Waiver request from applicant
Appendix C	Correspondence and maps of Jerry Avenue vacation
Appendix D	Written public comment
Appendix E	Vicinity Maps

Findings associated with MDP R-PZD 06-2196 (West Fork Place)

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 06-2196 with single- and multi- family dwelling units and a density that is compatible to surrounding properties (4.24 units per acre) is consistent with the land use plan and compatible with surrounding land uses.

- (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 single- and multi- family residential uses and a mix of density. The proposed zoning criteria would provide for 29 single-family dwellings and 30 two/multi-family dwellings, resulting in a density of approximately 4.24 units/acre. Based on the overall density proposed and the location of the single-family dwellings in relation to the existing single-family and two-family dwellings within the Watson Addition, staff finds that the proposal is very compatible in both use and density. As noted in the General Plan 2025, residential areas should contain a mix of different densities, housing types and lot sizes.

- (5) Whether the subject land is suitable for the intended use and is compatible with the natural environment;

FINDING: The design takes the floodplain and floodway into account, by preserving over 6 acres adjacent to the White River, both to serve as parkland for area residents and as a natural buffer/riparian zone between developed land and environmentally sensitive waterways. Specific conditions from the Urban Forester have been included within the staff report. The greenspace adjacent to the White River will be utilized as a greenway corridor with a public, multi-use trail to be installed. This trail will eventually connect east to Lake Sequoyah and west to Combs Park.

- (6) Whether the intended land use would create traffic congestion or burden the existing road network;

FINDING: The intended land use, exclusively residential, will impact the existing traffic conditions. With the elimination of the public street through Lot 9 of the Watson Addition, only one point of ingress/egress remains for public traffic. However, a public alley will provide emergency and pedestrian access to Helen Street and a street stub-out to the west has been provided. With future development of properties located to the west of the proposed development, a connection could be made to Happy Hollow Road. Ray Avenue and Jerry Avenue via Helen Street, which serve as the two points of ingress and egress for the residents of the Watson Addition and the future residents of West Fork Place, are both local streets with a design service volume of no more than 4,000 vehicle trips per day. Although neither streets are constructed to full street standards, both have an average pavement width of 24'. There are currently 48-50 dwelling units served by these two streets, which produce approximately 500 vehicle trips per day. An additional 59 dwelling units would create a total of approximately 1,000 vehicle trips per day, including the existing homes.

- (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 West Fork Place PZD provides for a transition between an existing single family residential neighborhood and a unique single-family/multi-family residential development that enhances this growing neighborhood. The transition is accomplished by locating only single-family dwellings adjacent to the existing single-family dwellings. The majority of the multi-family and two-family dwellings are placed further to the south, away from the existing dwellings on Helen Street. The White River waterway is being protected from the impacts of this development by preserving a 6-acre tract of park land, which will also act as a buffer, reducing polluted run-off and sedimentation from entering the waterway. Additionally, the project will provide sidewalks and public access points, connecting area residents to the parkland, which will border the southern portion of the project site.

- (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: No screening is proposed, as no large surface parking areas are indicated. A landscape plan has been supplied, and trees along the frontages of all streets, both public and private, are proposed.

- (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 a public street, which extends into the development and intersects a series of public alleys. The public street will provide access to the majority of the single-family homes, while the public alleys will provide access to the remainder of the residences. The potential for connectivity to the east and south is inhibited because of the floodplain/floodway of the White River. However, since the extension of Ray Avenue is adjacent to the western property line, future redevelopment of property to the west would allow for a connection to Happy Hollow Road. The revised site plan indicates the location of the proposed stub-out, which will be constructed to city standards along with other infrastructure improvements.

- (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: No large off-street parking areas are proposed.

- (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, four-foot sidewalks are to be constructed along the extension of Ray Avenue and along the north side of the public alley. The applicant has also indicated that a 4' sidewalk is to be constructed along the southern portion of Planning Area 2, north of the parkland. Any sidewalk located outside of a public right-of-way shall be within an access easement, so to permit public access, but are to be owned and maintained by the POA. Staff is recommending the plat also indicate a dashed, future sidewalk connection across the slope from the public alley sidewalk to the trail, to allow the City to construct this pedestrian connection is desired, at the time the trail is constructed.

(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. All public and private streets/drives shall conform to city standards, which have been indicated in the submitted statement of commitments. Public and Private streets shall not be gated, unless permitted by express approval from the City Council.

- (11) *Construction of nonresidential facilities.* Prior to issuance of more than eight building permits for any residential PZD, all approved nonresidential facilities shall be constructed. In the event the developer proposed to develop the PZD in phases, and the nonresidential facilities are not proposed in the initial phase, the developer shall enter into a contract with the City to guarantee completion of the nonresidential facilities.

FINDING: 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 worked with the Urban Forester to alter the previous site plans, bringing forward an amended plan that accomplishes more of the goals for tree preservation. The percentage of canopy preserved has increased, as has the likelihood of longevity of health. 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. Bulk and area requirements have been set forth for any nonresidential facilities within Planning Area 4-Greenspace.

- (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 heights 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.

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 General Plan 2020 and 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, common open spaces, and enhancement of existing natural features. 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.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.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 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 potential accessory structures within the community greenspace area(s).

(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 entirely residential to the north with commercial and industrial developments to the west. Development under the current zoning (R-A and RSF-4) is not appropriate for this area, as the city's future land use goals, infrastructure for this area and unique characteristics of this particular site supports a more creative arrangement of uses and a mixture of housing types.

- (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 width minimums have not been provided and setbacks are varied on this

project, as it provides for a small footprint type of unit with a mixed unit type and mixed density. The project is being developed without subdivision of land, thus a horizontal property regime will likely be filed.

- (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 lot coverage on this project is minimal, though the density is slightly higher, due to the provision of common greenspace and parkland dedication, which is above the requirement for the number of units 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 06-2190, 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 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.

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, RSF-4, I-1 and C-2, which allows for a variety of uses. This site is not suited for commercial or industrial uses, as it is bounded by residences to the north and the White River to the south. The proposed density is similar to what is allowed under the RSF-4 zoning district, however the land use, including setbacks and lot sizes would not be permitted under the current zoning. Rezoning the property to R-PZD 06-2196 is appropriate as the proposal is compatible with surrounding land uses and provides for a flexible and unique development, while preserving greenspace and natural features.

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 59 dwelling units. It is necessary that street improvements occur as a result, to be installed with development of the project. 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 be increased from that what 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 is adjacent to the site. There is a 6" waterline to the north of the subject property. Water service will need to be extended within the property and through the development at the time of development.

Sanitary sewer is available on the site. There is an 6" sewer main to the north of the subject property. Improvements to the sewer system may be required dependent upon the demand placed by the development. Sewer service will need to be extended within the property at the time of development.

The site has access to Ray Avenue and Jerry Avenue via Helen Street. Both streets have sufficient pavement width, however are not improved to Local Street standards, other than a sidewalk along Ray Ave. and a partial sidewalk along Jerry Ave. Current recommendations include an asphalt

overlay of Ray Avenue and extending the sidewalk along Ray Avenue into the subject property.

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 1.7 miles from Fire Station #5, with an expected response time of approximately 4 minutes. After the new Fire Station #3 opens at Happy Hollow Road and Huntsville Road, the distance will be reduced to 0.5 miles with an expected response time of 2 minutes. No adverse impacts on call volume, or response time is 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

10007 S.F.
0.43 ACRES

EXHIBIT OF
Sidewalk connection
to future trail

10107 S.F.

R-PZD 06-2-1987
West Fork Place Appeal
Page 34 of 122

S87°22'4" 789.38'

4-1
142 S.F.
0.003 ACRES

PA-4
19068 S.F.
0.44 ACRES

PA-1
37617 S.F.
0.86 ACRES

50' BY 15' EASEMENT

INTERPOLATED
BASE FLOOR
ELEVATION

12' PROPOSED TRAIL BY PARKS

N66°15'31"W
32.28'

N44°11'43"W
13.43'

N69°00'17"W
107.43'

N70°07'31"E
44.90'

N66°25'21"W
57.75'

N60°33'16"E
46.95'

N00°37'26"E
18.33'



THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 444-3416
mmihalevich@ci.fayetteville.ar.us

ENGINEERING DIVISION - TRAILS CORRESPONDENCE

To: Project Design Consultants

From: Matt Mihalevich, Trails Coordinator

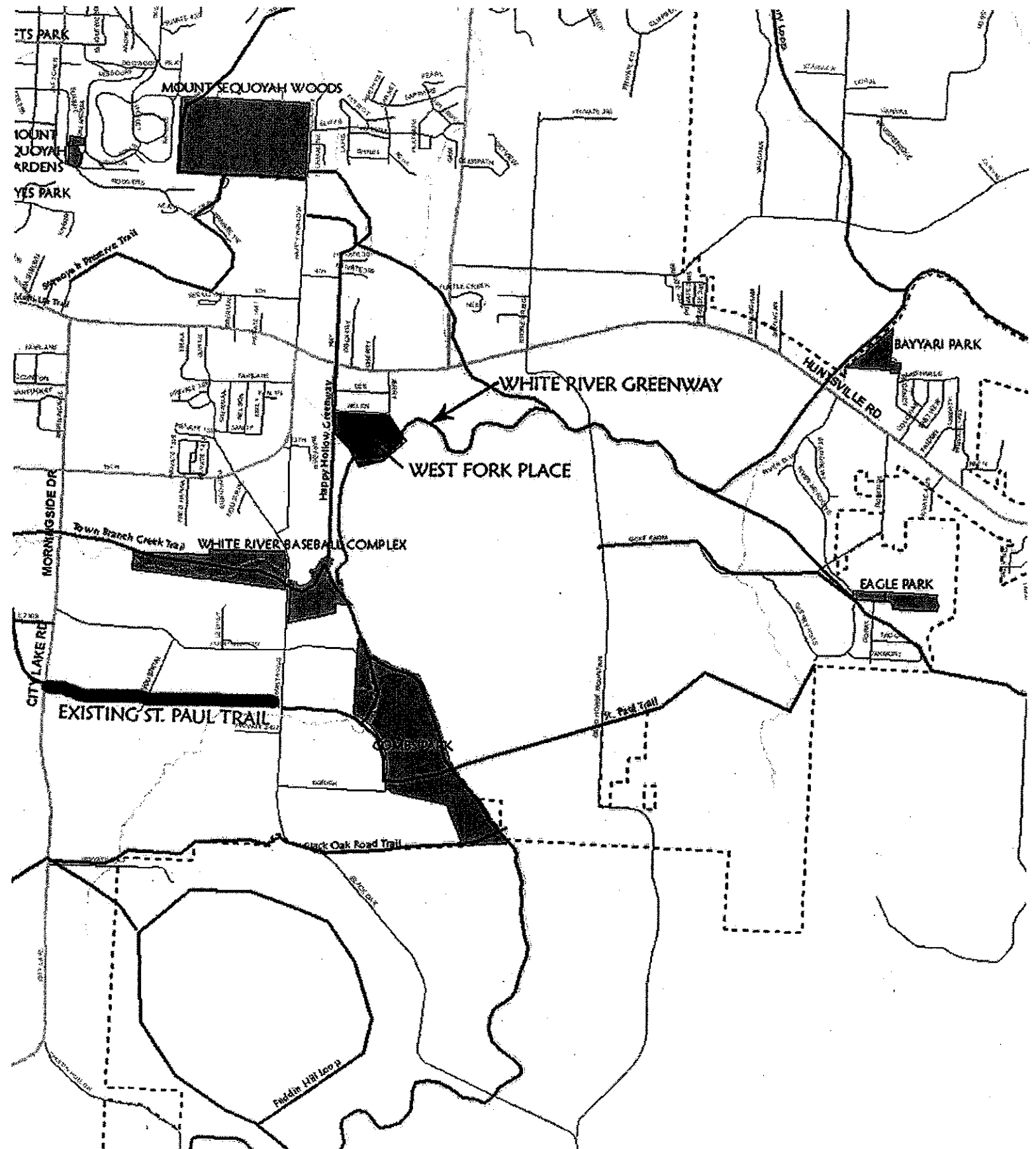
Date: September 20, 2006

Subject: Planning Commission Comments

ITEM #: R-PZD 06-2196: West Fork Place

TRAIL COMMENTS

1. White River Greenway Trail is shown on the Fayetteville Alternative Transportation and Trails Master Plan following the west fork of the White River from extreme south Fayetteville northeast to the Nolan Wastewater Treatment Plant. This important trail and greenway corridor connect several parks including Lake Wilson, Combs Park, White River Baseball Complex, Bayarri Park, and Lake Sequoyah. In keeping with the City Plan goal of enduring green networks, this developer has agreed to dedicate 1.39 acres and donate an additional 5.09 acres of park land providing a total of 6.48 acres to be preserved as a greenway corridor. A multi-use trail will be constructed on this land by the City of Fayetteville once additional land or easements are acquired to the south and east.
2. With proximity of West Fork Place to Combs Park and White River Baseball Complex, this additional 6.48 acres will add to the creation of a connected greenway corridor in this part of town.





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 # RPZD 06-2196: Residential Planned Zoning District (West Fork Place)

Requirements Submitted:

T	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	7.84
square feet	341,510
Existing Tree Canopy	
acres	0.65
square feet	28,202
percent of site area	8.29 %
Existing Tree Canopy Preserved	
acres	0.27
square feet	11,764
percent of total site area	3.44 %
Percent Minimum Canopy Required	8.29%

FINDINGS:

The desirability of preserving a tree or group of trees by reason of age, location, size or species:

- **This site is in a wet floodplain area with minimal tree canopy. Most**

species on the site are ash, willow, elm, and red oak. 4 of the trees are found to be significant by City standards. Natural features such as the riparian buffer along the White River has been preserved and designed around.

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.

- **Canopy removed will affect the adjacent property owners to the north.**

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 egress and ingress did.**

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 good.**

The placement of the tree or group of trees in relation to utilities, structures, and use of the property.

- **Many of the trees marked for preservation are found along the property line to the north. Utilities should not affect these. There is however canopy to the east that will have to be removed. The wooded floodplain area will be dedicated to the city for future trail connectivity. This applicant is going above the requirements set forth in by the park land ordinance and dedicating 6 acres of protective riparian buffer to the City.**

The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.

- **There is a large portion of canopy that will 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.

- **Roads have not been routed to avoid damage to existing canopy. Connectivity does reduce the flexibility of this layout.**

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.**

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 associated with RPZD 06-2196 with the following conditions of approval.**

Conditions of Approval:

1. **Tree canopy shared by land owners is found to be a high priority. All canopy along the northern property line should have every measure taken to insure the health and longevity of the tree.**
2. **Mitigation will be required in the amount of 49 (2) inch caliper large species trees. The applicant will be utilizing the residential on-site mitigation option.**
3. **A 3-year maintenance and monitoring bond, letter of credit, or check will be due in the amount of \$12,250 for the mitigation trees before the last certificate of occupancy in this development or as each lot develops.**



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 28, 2006
SUBJECT: Parks & Recreation Subdivision Committee Review Comments

Meeting Date: August 31, 2006
Item: R-PZD 06-2196 (West Fork Place, 565/566)
Park District: SE
Zoned: R-PZD
Billing Name & Address: Hometown Properties, Inc. 1747 N. College Fayetteville, AR 72702

	<u>Current Land Dedication Requirement</u>	<u>Money in Lieu</u>
Single Family	_____ @ .024 acre per unit = _____ acres	_____ @ \$960 per unit = \$ _____
Multi Family	_____ @ .017 acre per unit = _____ acres	_____ @ \$680 per unit = \$ _____
Lot Split Single Family		_____ @ \$960 per unit = \$ _____
Lot Split Single Family		_____ @ \$680 per unit = \$ _____

COMMENTS:

- On July 10, 2006 PRAB reviewed this project and recommended accepting a land dedication to satisfy the park land dedication ordinance.
- This decision was based on the need for park land in this area. A future park across Happy Hollow Rd is planned, however Happy Hollow is a busy road and creates a barrier for pedestrians. Additionally, the White River Trail Corridor traverses this land.
- The developer is providing approximately 6.48 acres of park land. The requirement for 58 single family units is 1.39 acres. No request for banking has been made.
- A deed for the park land must be submitted to the Land Agents for review. Once it is reviewed, the deed must be filed at the Washington County Courthouse and a copy of the filed deed must be given to Parks and Recreation prior to signing final plat or receiving building permits.
- Park boundary signs will need to be posted. Please coordinate with Parks and Recreation Staff to pick up signs, posts and hardware.



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

C. 2
R-PZD 06-2196
West Fork Place Appeal
Page 41 of 122

POLICE DEPARTMENT

September 4, 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 06-2196: (WEST FORK PLACE, 565 / 566):** Submitted by PROJECT DESIGN CONSULTANTS, INC. for property located at the end of Ray Avenue, south of Huntsville Road 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 13.92 acres and is zoned RSF-4.

It is the opinion of the Fayetteville Police Department that this planned zoning district **will not** substantially alter the population density or 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 06-2169: (6TH & WOOD, 524):** Submitted by N. ARTHUR SCOTT for property located at 6th and Wood. The property is zoned C-2 and contains approximately 1.80 acres. The request is for re-zoning the development for a Residential Planned Zoning District.

It is the opinion of the Fayetteville Police Department that this re-zoning **will not** substantially alter the population density, nor will it create an undesirable increase on police services. It **will not** create an appreciable increase in traffic danger and congestion in the area.

Sincerely,

A handwritten signature in black ink, appearing to read "William Brown", written over a horizontal line.

Captain William Brown
Fayetteville Police Department



Fayetteville Fire Department

MEMO

To: Suzanne Morgan, Andrew Garner, Jeremy Pate, and Jesse Fulcher
Thru: Chief Tony Johnson
Asst Chief Bud Thompson
From: Captain Dale Riggins
Date: September 11, 2006
Re: September 6, 2006 Zoning Review – Fire Department Comments

PZD06-2196 (West Fork Place)

These 13.92 acres are covered by Engine 5 located at 833 N Crossover.
It is 1.7 miles from the station with an expected response time of 4 minutes. After the new Station 3 opens at Ray and Huntsville, the distance will be reduced to .5 miles with an expected response time of 2 minutes.
The Fire Department anticipates 13 (8 EMS – 5 Fire/Other) calls for service per year once the development is completed and maximum build-out has occurred.
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.

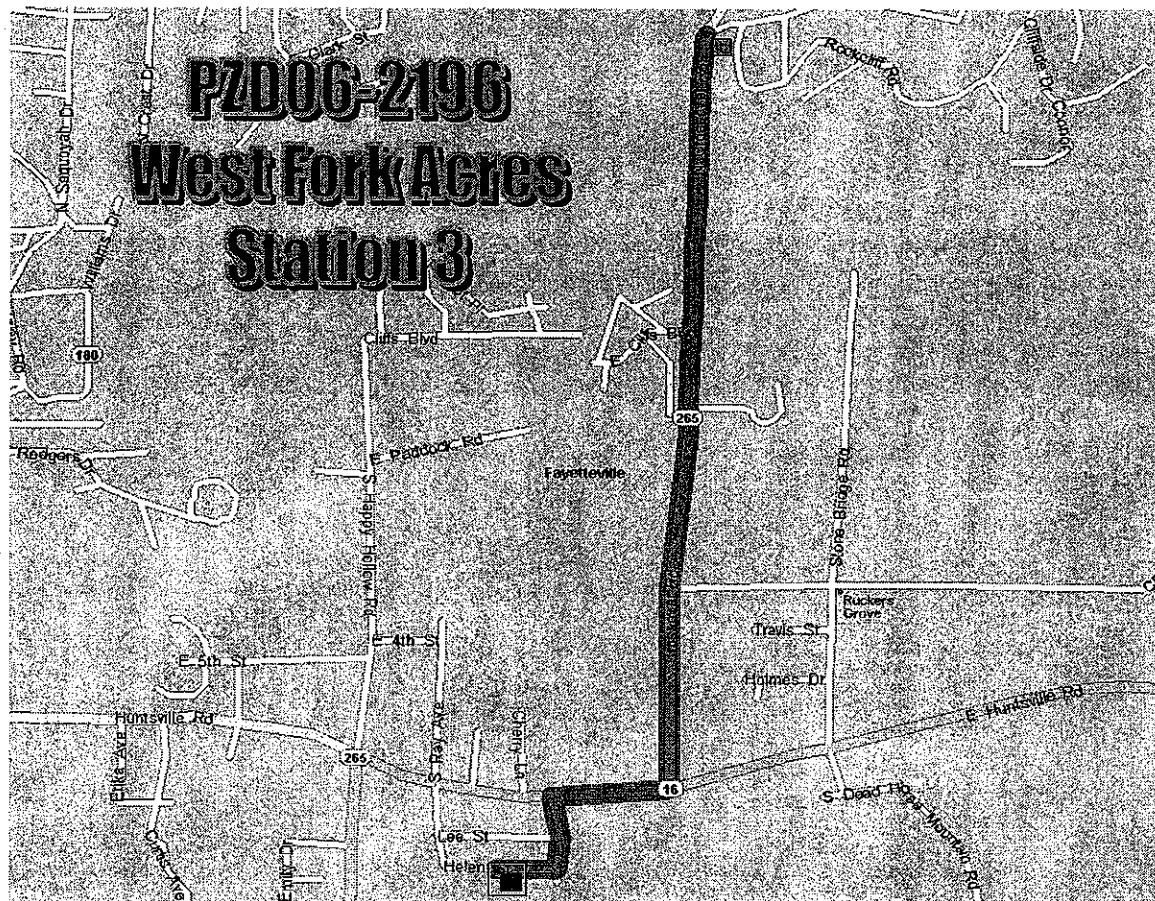
PZD06-2169 (6th and Wood)

These 1.80 acres are covered by Engine 1 and Ladder 1 at 303 W Center.
It is 1.2 miles from the station with an expected response time of 4.5 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.
There is no recorded measured hydrant flow for this area.
The service impact of this development will typically take eighteen months after the development is started, and the units begin to be occupied, to occur.

Please feel free to contact me if you have any questions concerning the comments

 Dale Riggins

Captain Dale Riggins
Fayetteville Fire Department



Fayetteville Fire Department

Office of the Fire Marshal

To: Jesse Fulcher
Through: Fire Marshal David Williams
From: Assistant Fire Marshal Dale Riggins
Subject: West Fork Place PZD

Concerning the West Fork Place Development, where there is both multiple-family development and one or two family residential development, it is the determination by the Fire Marshal that we use the most stringent code for these type developments.

If you have any questions concerning any comments regarding this development, please contact the Fire Marshal's office.

Fire Marshal.....479-718-7639
Asst Fire Marshal.....479-444-3448 or 479-444-3449

Dale Riggins
Assistant Fire Marshal
Fayetteville Fire Department

D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. The minimum gate width shall be 20 feet (6096 mm).
2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the code official.
6. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools and
7. Locking device specifications shall be submitted for approval by the code official.

D103.6 Signs. Where required by the code official, fire apparatus access roads shall be marked with permanent NO PARKING—FIRE LANE signs complying with Figure D103.6. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

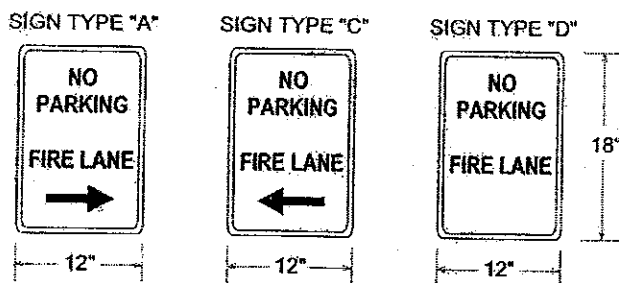


FIGURE D103.6
FIRE LANE SIGNS

D103.6.1 Roads 20 to 26 feet in width. Fire apparatus access roads 20 to 26 feet wide (6096 to 7925 mm) shall be posted on both sides as a fire lane.

D103.6.2 Roads more than 26 feet in width. Fire apparatus access roads more than 26 feet wide (7925 mm) to 32 feet wide (9754 mm) shall be posted on one side of the road as a fire lane.

SECTION D104 COMMERCIAL AND INDUSTRIAL DEVELOPMENTS

D104.1 Buildings exceeding three stories or 30 feet in height. Buildings or facilities exceeding 30 feet (9144 mm) or

three stories in height shall have at least three means of fire apparatus access for each structure.

D104.2 Buildings exceeding 62,000 square feet in area. Buildings or facilities having a gross building area of more than 62,000 square feet (5760 m²) shall be provided with two separate and approved fire apparatus access roads.

Exception: Projects having a gross building area of up to 124,000 square feet (11,520 m²) having a single approved fire apparatus access road when all buildings are equipped throughout with approved automatic sprinkler systems.

D104.3 Remoteness. Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

SECTION D105 AERIAL FIRE APPARATUS ACCESS ROADS

D105.1 Where required. Buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.

D105.2 Width. Fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm) in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height.

D105.3 Proximity to building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building.

SECTION D106 MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS

D106.1 Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.

Exception: Projects having up to 200 dwelling units may have a single approved fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1 or 903.3.1.2 of the *International Fire Code*.

D106.2 Projects having more than 200 dwelling units. Multiple-family residential projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.

FIRE APPARATUS ACCESS ROADS

**SECTION D107
ONE- OR TWO-FAMILY RESIDENTIAL
DEVELOPMENTS**

D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus access roads, and shall meet the requirements of Section D104.3.

Exceptions:

1. Where there are 30 or fewer dwelling units on a single public or private access way and all dwelling units are protected by approved residential sprinkler systems, access from two directions shall not be required.
2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the code official.

**PLANNING COMMISSION MINUTES
NOVEMBER 13, 2006**

R-PZD 06-2196: PLANNED ZONING DISTRICT (WEST FORK PLACE, 565/566):
SUBMITTED BY PROJECT DESIGN CONSULTANTS, INC FOR PROPERTY
LOCATED AT THE END OF RAY AVENUE, S OF HUNTSVILLE ROAD. THE
PROPERTY IS ZONED RSF-4, SINGLE FAMILY - 4 UNITS/ACRE AND CONTAINS
APPROXIMATELY 13.92 ACRES.

Fulcher: The request is for a Master Development Plan of a Residential Planned Zoning District with 59 single-family dwellings: 30 attached and 29 detached. West Fork Place Residential Planned Zoning District that has been heard by Subdivision Committee and Planning Commission, and was tabled at the previous Planning Commission hearing. It has been brought forward tonight. The overall development is for 29 single family units and 30 multi-family units resulting in an over-all density of 4.24 units per acre. All of the residential units will be located in Planning Areas 1-3; Planning Area 4 will be utilized for community green space maintained by the property owners association. Planning Area 5 will be dedicated park land. This request will not subdivide the property. It is a large scale development and all the commonly held property would be maintained by the POA. Since we have looked at this project a few times, I thought it best just to go over the major changes since Planning Commission review back on September 25. This was based on comments received by the public and by the Planning Commissioners. The applicants have gone back and made these changes. One of the larger comments that were made was the proposed street connection thru the platted lot of the Watson Addition. That has been removed with a revised plats and that is going to be replaced with 20 foot public alley for fire access and pedestrian usage. Break-away bollards would be utilized at the north and south end, which would prohibit vehicular use but allow emergency vehicles to access the property, in case of emergency. Another point of concern was connectivity. The south and east were quite prohibitive because of the existing flood plain of the White River. They have indicated a stub out to the west which would be constructed at the time of the development and would also be labeled on the plat so future residence would understand that connectivity could potentially take place with redevelopment to the west of this property. The public street and public alleys have been realigned to create a four-way intersection, somewhat of a change from the previous plats. A four-foot sidewalk has been added along the south side of the multi-family units, providing a second connection to the future trail, which would be constructed within planning area five, the park land. An eight-unit building which was located on the south property has been split into (2) four unit complexes and additional guest parking has been provided along the alleys, in addition to the on street parking and driveway parking. Finally, I believe that some of the public had some questions regarding the park land

development and how that would occur if this project were to be approved. When the Parks and Recreation Advisory Board met and discussed this project, they voted and accepted a park land dedication based on the units that required a dedication of 1.4 acres approximately. The applicants are dedicating approximately 6 acres. If this were to be approved, at the time the deed was submitted to the parks division, then they would schedule the development of this park area. The purpose is to create a time frame so that the current area residents that would utilize the park land area as well as the residents that would move into this development would be able to provide input to that development of the parks. Therefore, the actual development time frame would be based on the build-out of this development to allow both future and current residents to help determine the outcome of that park area. If you have any additional questions please ask.

Anthes: Mr. Fulcher, before you sit down, we were asked to reserve our plats from October 2, 2006 and I see you have a list on page 2 of our staff report of all the changes that have been made. Are all of those reflected in those drawling we have?

Fulcher: Yes.

Anthes: Ok, Thank You. Would any member of the public like to speak to this R-PZD 06-2196 West Fork Place? Please come forward.

Madison: I'm Bernard Madison, my wife and I own property that is butted on this development on two sides. On the south and east side. The lot just next door to the proposed street that using, now not a street, it's called a, not sure if it's not a semi-treet or something like that, with bollards.

Anthes: It's a platted alley.

Madison: Pardon?

Anthes: Is that correct Mr. Pate? A platted alley?

Pate: Yes, it's being called out on your plans. Just for future reference, it's a public trail and fire access.

Madison: I've seen those things and I don't think it's an improvement actually. I think it's a down grade actually from a street because it occupies the land and looks temporary, it is temporary and so I don't think that's any particular improvement. There are several, several issues here. Many of

which were addressed by this Planning Commission on September 25, which we finally got your minutes today, on that particular thing, so we can look at them. First of all, the access to this division uses a lot, platted lot that we all depend on as what it's going to be used for. Now it's going to be used for this semi-street; that of course seems to me a violation of the public trust. The other access is along Ray Avenue; Ray Avenue is the avenue that as you cross Huntsville Road is the avenue that goes up to the Happy Hollow School. It's a very busy intersection, in fact I just came past there, you would never turn right there, you never turn left there, at this time of day. There are several hours of day you never turn left there. You might be able to turn right. So the access to this particular planned development is going to be very, very difficult. You must understand that this is the southern bypass of Fayetteville and part of the eastern bypass of Fayetteville feeds into this area. 6th street and 15th street come together and run right past this division. So there is a reason for significant traffic there, unless there is some relief from this traffic, there should be no further development that will double the number of cars. Actually, more than double the number of cars coming out of Ray Street and possibly Jerry Street. Although this semi-street seems to mediate that some what. Jerry Street is a very difficult street, because the sight lines are very difficult there in to addition to the fact that there is a lot of traffic. So, access is a major, major issue to this area. The density is incompatible with density in this area. That's partly because of your so-called PZD's, because PZD's allow you to make decisions that the residents have not counted on. In fact, the residences in that area would be a certain density and because of the PZD option you can decide the density on the south part of this is going to be twice the density. In fact, almost three times the density of the adjoining property owners. So, the density, although the density sounds ok when you say its on thirteen acres, but the density is actually concentrated on about half of that. The other half of it, which is unbuildable, is being dedicated for parks. Now, of course we don't know what parks means because, let me go back a bit, tolerate me for just a moment, because some years ago, I stood here before at a different Planning Commission and we were concerned about so called nature trails that was built in Highland Park. Where we and many others had homes. The nature trails were used there as substitute for sidewalks. The developer, who was Jim Lindsey, said we want to build this nature trail instead of building new sidewalks. Somehow it got past everybody, and the nature trails of course turned out to be cross ties with gravel between them and they were never used. It was an enormous waste of money and there are no sidewalks now. When we came to the City on that, the City said we don't have any standards for nature trails. Now, what I want to know is do you have standards for parks? Can we depend on the City to have particular kind of park there, or

are we buying a pig in a poke, when we say we would use six acres of this land for parks. There is supposedly a trail along that park, but the trail seems to go nowhere on the east and nowhere on the west and so I can't imagine the trail being used by anybody outside this particular subdivision. If in fact, its ever developed. The major issue here is the upkeep of this development. It's proposed to be done by a POA and that of course takes the City's responsibility away from it and of course takes any protection that the residents have. Except, for going to court away from that. We don't know whether, we have been told that maybe the streets are public streets. We don't know if they're private or public streets but we do know that they are still proposed to be private owner, community ownership of the land. Now, we know what community ownership of land can be, it can be very good or it can be very bad. If it's very bad, then we have no recourse, the property owners of that area unless we go to court and try to get some damages without the City's protection. So, what the City is asking us to do is to accept a park that we don't know what it will be, and to accept a POA, which we don't know what it will be. So, in essence this is a total pig in a poke for any access to this. By the way, this was on your agenda; this has been on your agenda for three out of your four last meetings. The residents are working people, we can't continue to come here every two weeks and talk about this and because eventually you will wear us down. Eventually, we will be worn down and eventually something else will happen. The last time it was tabled was so that the developers, according to your minutes, could talk to the homeowners in the area. My wife and I met with Mr. McDonald and Hugh Earnest and we talked about this. We made our concerns clear. First of all, they said they were going to remove that house that was next door to our house. We noticed that it hasn't been removed. We told them what our concerns were and none of those concerns have been addressed. In fact, we objected to this bollard kind of semi-street and that of course is still there. They said they had access on another way and they would explore that. But there have been zero changes in conversations with us. We don't see that anything has changed from September 25. Your commission, your staff listed several things here and the only one of those that has any significant so whatever, is a stub out to the west that said there might be a street there someday but the City is not committed to this. We are seriously interested in the City making some commitments to protect this neighborhood and to help us to protect our property from the developers. The developers are not going to destroy our property, but the City may destroy our property because you may not build the park, you may not improve access and traffic on Huntsville Road. It will just get worse. We ask you not to do that to this neighborhood of people who have lived there for many, many years and who are some of the original residents of Fayetteville. We ask

you to consider the objections that you made on September 25 and note that almost none of those objections are met.

Anthes: Thank you Mr. Madison, would any other member of the public like to address this?

Madison: I'm Sue Madison and this will surprise a lot of people that occasionally I have need to add to what my husband said. I will be very brief though. I just want to be sure you all understand that the lack of attendance by neighbors here tonight does no way reflect on their diminished opposition at this project. We have one lady that has been seriously ill, one lady that just got out of the hospital, and when I called some people today, none of them knew that this was scheduled tonight. I guess there might have been a sign out, but I haven't driven by there lately. But their opposition remains for these reasons that my husband has gone over. I just wanted you to understand why they are not here tonight. Thank you.

Anthes: Thank you Mrs. Madison, would any other member of the public like to address this PZD West Fork Place? Seeing none, I will close the floor to public comment. Would the applicant like to make a presentation?

McDonald: I will try to be brief and address just the items that have changed significantly since the last time I stood before you. I might mention that we did meet with Mr. and Mrs. Madison and at that time, we advised them that we were going to table it, for the meeting that immediately proceeded that and they had a trip to Little Rock planned and we let them know that it had been tabled for the evening. We did not do that without trying to let the neighbors know. They advised us, at that time, that they would call the neighbors that were most interested. We didn't table it as some surprise tactic; we did that, to try to make some of these changes.

Anthes: Can I go ahead and get you to introduce yourself.

McDonald: Sure, I'm Mike McDonald with Hometown Development. We did, in addition to meeting with the Madisons, met at Brenda Thiel's request with the Ward One residents and three projects were presented at that Ward One meeting that night. Oddly enough, the project that went before us, was not a PZD and it was apartments that were down on 15th Street as was presented that night. As the presenter before me finished, Mrs. Thiel's commented to the audience that they might like our project much better because it would present something that they at least knew what they were getting because it was a PZD and it was a little more residential as opposed to apartments, that they objects too, so much. We did meet with those

residents and like Mr. and Mrs. Madison have said, we met with them, and we do believe we addressed some of the concerns. We obviously didn't go down and meet every single item that they discussed. As far as the common ownership of land which was one of the big things that the Madison's and we discussed. We really believe we have a three fold line of protection for someone taking care of this property. First off, as we mentioned to you last time, we plan on targeting first time home buyers. We won't spend a lot of time on that, but we do plan on having a housing fair and try and make these units affordable for people that would own the property as opposed to someone who might buy it to rent it out. Secondly, we will have POA. I know that is not a cure for all ills and you all don't like POA's in their entirety, but in addition to that, we would not be objectionable to a condition of approval similar to what we have received on other projects which would allow the City to have the authority, but not the responsibility, to impose ad valorem taxes to pay for any problems with the property. If there is an upkeep issue, the City can come in at their choosing, not at their responsibility, but at their authority, and correct that. I assure you, that the POA would act once they started being taxed for the actions of few of the residence if that did occur. We believe that it would help to address the concerns of about the common ownership of land. The Madison's also mentioned that there were concerns about exactly what the Parks Department would do with that land. We took the Parks Department on a tour of this property a long time ago. They seemed to be very excited and I realize we can't build the entire trail around the City with one project, but you do have to do it one project at a time. I realize the trail looks as if it doesn't go anywhere now, but if we said that on every piece of property, we would never have trail around the City. We believe, in talking with the Parks Department that they're sincere about putting the trail there and putting these upgrades there and we in fact asked them to send an email to Jesse and Jeremy today confirming what I'm sure Jesse mentioned to you earlier. In addition, we did add the stub in to the west tie in. Recall that it was talked about last time. Obviously, we don't own the property all the way out to Happy Hollow Road but we have shown that stub out to the west property line. We did not provided the fire and pedestrian access or change our full driveway access on the eastside because of the Madison's comment, but more the comments that we got from this committee last time we meet before you. We are amendable to making that a full access for cars and traffic or making it for fire and pedestrians. We have shown a more direct trail access there on that end and made that a four way stop that was mentioned earlier. We believe these changes will make it more amenable. I won't try to list all the items that Jesse went through. With regard to the fire access only that's going through the lot that is on the east end of our property: There is a utility and vehicle access easement on the

property that is on the end of Jerry, that is to the favor of our property. We did not use that easement, and don't intend too. We intend to use the lot, and that is what before you now. We do believe that that easement came into play when the right-of-way was vacated for Jerry and therefore presented some sort of flag that some day this property wasn't going to stay an island that could never have anything done to it. That there was access to that property. Even though we didn't use that particular access, it was there. We made other minor adjustments to try to break up the town homes a little bit. We do, like the last time I spoke to you, we believe this project meets many of the goals of the 2025 Plan and we think it's a good project and hope you'll consider it strongly.

Anthes: Thank you Mr. McDonald. Let's get staff to clarify some of the issues brought up by the neighbors before we start our discussion. First of all, I don't know if Mr. Fulcher or Mr. Pate would like to answer, but regarding the appearance and the use of the connection through the lot. Can you clarify that?

Pate: Sure, that would be built to our public alley standards, being able to withstand 75,000 pounds for fire access, fire apparatus access, what ever they require so that it will be a paved fully permanent surface that would tie into the curb and gutter, that is required along the east-west street, so that would be a permanent access.

Anthes: Can you call out where a similar access exists in Fayetteville, so we can understand what that looks like?

Pate: The alleys that are newly constructed in Ruppel Row are very similar. They are all paved and actually provide two-way access to homes that are located along that area.

Anthes: Ok, and the issue of traffic, can you talk about the capacity of the existing streets and when Huntsville Road might meet warrants for additional improvements.

Pate: In terms of additional streets, and as we discussed several meets ago, we did some quick numbers and looked at the traffic generated by the existing homes that access Jerry, Ray, Lee, Helen, and other streets that are within the existing neighborhood, in addition to the 59 homes that are proposed with this development. Most of those streets are developed without curb and gutter. I believe the street to the west, Ray Avenue, has curb and gutter on the west side and there is an overlay that's being required with this project to improve that street, which would be the primary point of

ingress/egress. All of those streets meet our minimum standards in terms of width and actually may exceed those. So they would easily in terms of capacity carry well over what is proposed here. In terms of Huntsville Road, the improvements, just looking at the bond program sheet that I gave you all last time, the improvements are stated as project nine, listed there, in our bond program. That is a highway department project and it would carry the improvements from the existing improved intersection along the Tyson facility, east to Stonebridge. But that is one of the projects that we would work in tandem with the highway department for that portion of street.

Anthes: Ok, and as far as the amount of upkeep that is allotted to the POA on this PZD, can you compare that to the amount of up keep on other PZD's?

Pate: Sure, I think it varies dramatically. The one that comes in mind most notably, four weeks ago you all approved a planned zoning district for [Woodbury], which was on Zion Road, that was mostly private streets. There was one public street, I believe. All the rest were private and none of the property was subdivided. It was a very similar situation; a POA maintained all components of that particular piece of property. Residential subdivisions obviously, there are typically POA's. They maintain minor things, like private drives if there are some, signage, landscaping, irrigation, and things like that. A lot of times their dues will take care of that. However, in projects that are not subdivisions that are more large scale developments oriented those are very typical. A POA would maintain or a developer would maintain through dues the grounds and any other improvements. In response to some of the Commissioners concerns about that in the last meeting, they redesigned the streets in this project to meet public street standards so all streets that are within this project would be public and dedicated to the City. So, they would have to meet public street standards.

Anthes: Ok. Can you, for just our information, maybe Mr. Williams, does the City have the authority to assess for improvements if something falls into disarray as Mr. McDonald suggested?

Williams: Yes, we have enforcement powers in the code; specifically it states that to further mutual interest of the residence, occupants, and owners of the PZD Master Development Plan and of the public, in the preservation and integrity of the plan. Provisions as planned (inaudible) to the use of the land, statement of commitments to development architectural standards and the location of common open space shall run in favor of The City of Fayetteville and shall be enforceable at all times by the City, without

limitation of any power regulation or otherwise granted by law. There is another provision further on in the PZD ordinance, as you are aware, that says that if a street needs to be repaired, private street, of course here, we don't have I guess private streets, but if there were private streets that need to be repaired the City can in fact repaired that if it so chooses and then assess all the properties on their taxes to pay the cost of repairing the street. So, the PZD ordinance was written in an attempt to give the City those kinds of enforcement powers.

Anthes: And that runs with any development plan and does not need a separate condition of approval?

Pate: That's correct, we typically try and it's a hold-over, actually, the condition that Mr. McDonald mentioned is number five in your staff reports, simply because when this was drafted, we were still unsure if they were actually when this came before you, they were still private streets. We try to remind the Commission of that by putting it specifically in here, but you are right, it's not necessary because it's within the ordinance. Whether we put it as a condition or not, it has to be abided by.

Anthes: Ok, can you speak to the parks board decision to accept this land and the trail construction?

Pate: Sure. The original parks recommendation when they met with this property owner was for land dedication to satisfy what is on our Parks and Alternative Trails and Transportation Plan, which is a trail corridor multi-use paved asphalt and concrete trail that in this case will run along the White River. There's a memo from the trails coordinator that's been in your packet for several agendas. And it states where that connection occurs. The trail once fully constructed connects west to Combs Park and would tie into The Town Branch Creek Trail. That's the area where the Crown Apartments has a trail constructed in that area and Razorback Road. To the east, it would connect to Eagle Park, Bayyari Park, and then ultimately to both Lake Sequoyah and the Wastewater Treatment Plant. There's a map also in your staff report showing those trail connections and how they all work together. The over-all six acres is proposed by the developer to allow for additional use of land as it will become a trail head or other uses such as smaller uses that would not be structures located within the flood plain. Most likely benches and other things of that nature.

Anthes: And the last question has staff calculated the density within the developable parcels?

Pate: Specifically, no. There's obviously a density here of 4.24 units per acre overall. They have clustered the development outside of the flood plain for the most part and most of the development lies outside of that area. It would be very easy to take 13.92 acres minus 6.07, but a lot of that 6.07 is actually developable, it's just in the floodplain. It could be developed, obviously the floodway could not, but a lot of that property could be developed if it were above the finished floor elevation. That specifically, if you took that out, would be about 7.5 units per acre, but again, a lot of that property is also developable.

Anthes: Thank you Mr. Pate, Commissioners?

Ostner: I have a question for staff or the city attorney; in this situation. I wasn't on the panel that night that we talked about this project at Zion. When you compared the POA responsibilities. If this passed tonight and we're faced with this situation and the POA, which is a private non-profit, is struggling, having trouble getting people to pay dues, not having quite enough money to pay for mowing. A few people start mowing their own yards, a few people aren't, waiting on the POA to do it. Then the City comes out and mows a few people's yards and assesses everyone. That sounds like it could happen and it's not planned, but it is a solution. That seems like a real problem to me. It almost seems like people are rewarded for not trying to keep up with their yards if the POA were in a financial crises, which they frequently get in trouble. Is that a fair assessment of how things could go? When you mix a simple non-profit almost a club in with municipal responsibilities.

Williams: We've had POAs not only in Fayetteville but through out the country. It's a very common way for a neighborhood to be able to monitor itself and to insure that common areas are taken care of. I think that the city needs to be very active in making sure that they do comply with what they are supposed to do. And I think generally POAs can be successful and should be successful. A lot of the POAs were established a long time ago before we had the planned zoning district ordinance. We did not have enforcement powers by the City in some of these early POA's, like we do now with the Planned Zoning District. So I think that the problems that might have been in some areas in the past especially, with detention ponds and things like that. I think that hopefully that will not be reoccurring in any of the new PZD's that do require POAs as part of the ordinance. It gives the City actually enforcement powers. I think that even though, obviously there can be problems with any organization. I think there are a lot of remedies available to assess the homeowners. The POA's are democratically governed by their own property owners, to some extent. What they can not

do is undo the City's rights to enforce the common ground requirements that have been presented by the developers and accepted by you, and later the City Council. I think there are sufficient enforcement procedures now, to ensure that the POAs will live up to the statements of conditions that would be placed upon them. Hopefully, some of the earlier problems that we've had which when POAs were established. The only thing that they could do then is sue each other to some extent, because often times the City was not a party, had no enforcement powers on that, and so that made it much more difficult to enforce anything. Because then you have property owners that had to go to court themselves. That should not be the case now with POA that is adopted thru the Plan Zoning District ordinance. That gives specific powers to the City to enforce those.

Ostner: So, the City could assess one homeowner for not mowing his yard or the City would have to assess the entire West Fork Place evenly?

Williams: I would think that in this POA situation that is across the board assessment. I would think that the POA's would realize their own neighbors there. Either they all going to do it or none of them are going to do it. I think that if the City hadn't come in to enforce it, the City is going to use the POA system itself, and that one of prorate application of the taxes to pay whatever the City had to do. Its up to POA itself, if they don't like that, they have some problem with it, a lot of times they have their own enforcement procedures. They have other restricted covenants that the City won't have anything to do with that they can probably use that to assess their own members. That would require private action on them. If the City goes in, I think the City is going to probably assess everybody equally.

Ostner: I guess that's my concern is if the City is assessing everyone equally to attempt to assist the POA, which is an improvement, that POA's were on their own. Part of the homeowners who weren't dropping the ball are somewhat punished somewhat, and it's a smoother path to quite trying, because the City is going to come in. Normally, these common lands are a separate piece of dirt: detention pond, a common small part or landscape area. For that to be kept up or the City coming in and taking over or assessing to take care of its maintenance instead of the POA, I can see that. We're talking front yards, backyards, people's homes right up to their front steps. That just doesn't seem like it would succeed to me. It just seems like a large area of land that one should own and maintain and in my mind it almost works better as a apartment situation. This is not an apartment situation, I'm just trying to understand maintaining these areas and keeping up with homeowners' yards if they were to drop the ball. I'll let that stand.

Anthes: Commissioner Clark.

Clark: My question is for Jesse or Jeremy. The last time I saw this development was actually in Subdivision, because I missed the September meeting where we heard it and tabled it, yet again. All I have in front of me are the plats that we had then. Could you come to the podium and show us the changes that are outlined on page two actually fall on this plat? Cause I'm very curious about where the right-of-way stub out is and the street connection were we are going to put the bollards on and even where the eight units turning into 2 four units. I'm trying to figure it out, but I'm really into visual aides.

Anthes: Is this where we can get this on camera? Maybe you can put it against the (inaudible) and grab a microphone if you would.

Clark: Don't break the microphone. There you go.

Fulcher: This was where the street was going to connect through the undeveloped plat of the Watson Subdivision. Although visually it may not look different, this been reduced from a residential street section to the alley section, 20' wide. Obviously, you can't see where the bollards should be located. The bollards should be located on north and south end.

Clark: So there are two sets?

Fulcher: Yes, there would be one at either end to prohibit vehicle traffic from leaving the subdivision and also entering the subdivision.

Clark: Ok, so really the only entrance and exit we have then becomes on the east?

Fulcher: The original extension of Ray Avenue where it terminates here currently would be picked up and brought in to City standards and through the development and loop through. The stub out has been shown here and would be constructed. That's the one to the west for potential redevelopment. This is where the units were split off. This was the eight-unit building at this point. It has been split into two four-unit buildings. This is the intersection that we referred to that has been brought into a "T". It used to be somewhat of cul-de-sac that came further down in here. The units were located on the north and east side of that. Those have been repositioned around that public trail and alley access. Again, this has a sidewalk connection and the proposed trail connection here from this sidewalk. That has been duplicated at this point where there is a public sidewalk coming off of the public alley and we have indicated as condition

of approval to show another trail connection going down these contours and going down to the proposed trail here again. So, we would have two public connections for the residence to the trail to be constructed by the Parks division. The additional parking, I believe is mentioned also in there, is in these places here and also here for guest parking. I believe this is the one unit that has been discussed as far as for removal that is shown by the applicants.

Clark: So, it's going where?

Fulcher: It's remained on there, that is one that has been mentioned by the public that may be removed, but the plans we have shown have that on there. That's counting the 29 detached single family units.

Clark: So, we are going to have two connections to the trail? Two pedestrian connections, but only one way to get in and out for vehicular traffic?

Fulcher: Yes, ma'am.

Clark: And those are the changes?

Fulcher: Those are the major changes.

Clark: I just wanted to make sure that I was up to speed on what was changed because I had concerns with this development for many reasons. I know that infill is difficult, especially when you're talking about infill of this nature. But, complicated to me doesn't mean to me that we are forced to compromise some of the things that we insisted upon. I'm very concerned about the vehicular movement within this subdivision. Parking, people are going to get to the trails easier than then they are going to get to in and out of this development. The traffic on Huntsville, unless people cut across whatever that middle street is, to Ray to try and get out is murderous. You can not turn left on Huntsville, most of the day now. Even with that traffic light which has provided a wonderful cut through down Huntsville, might I add. It's a wonderful improvement but still you are hoping and praying. A lot of people do turn right, go down to the service station, or go down to the doctor's office and turn around to come back. I've seen it happen, I've done it myself. I commend the developers for trying infill of this nature because we do need affordable housing but I'm very concerned, I don't know what anyone else has to say, I'm very concerned about the inherent limitations structurally of this particular piece of property. Lots of floodway here, lots of floodplain. I think the density is way higher than 4.24 when you actually do the math which, I don't even deal with, on what

is build-able verses what is plotted. The Parks land and Commissioner Anthes just reminded me, a lot of parks land is in flood plain, which I find very ironic. The floodplain is extensive on this piece of property. I'm still withholding judgment cause I need to be caught up to speed on some of this discuss that happened when I missed Planning Commission, but I still have some very big concerns. Especially about access, density, and the floodplain. The emergency vehicles are Ok with all these turning radii's and the fact that there are not two outlets here?

Fulcher: Yes, that was one of the purposes of maintaining that second point of ingress/egress for emergency vehicles so that they would have two points of egress.

Clark: Yes, we have bollards there. Have we ever had an instance - since I've been on this Planning Commission we've done two or three with the second access - has a bollard, which is kind of cheating to me, have we ever had a situation where emergency vehicles actually had to utilize that system?

Pate: We would have to ask the fire department, I'm not for sure.

Clark: I think it's kind of a recent compromise that we've hammered out and some places I can understand it. We did one over on Rockwood Trail. We did that one. But those are much larger houses, it's not heavy density. This being such heavy density concerns me in terms of emergency vehicular traffic as well. So I'm going to listen what to all you all have to say, because I still have my same reservations, and thank you for putting all the changes.

Anthes: Commissioner Myres

Myres: You can tell I want to speak, even without me asking. I probably, I am going to vote against this, not because I'm not in favor of affordable housing, I think we need hundred times the amount of housing that is truly obtainable for most people in this place, in this town. Bu, for exactly the reasons that Commissioner Clark just mentioned. I have real problems with a neighborhood with this much density, having only one way in and one way out. I think it's a recipe for disaster. Also, even if you get out of the subdivision, by the time you get to Huntsville Road, you can't get out and I said this several weeks ago. I'm ready to stop approving anything until the infrastructure is brought up to the level that can support the traffic and additional wear and tear. It's not that I have anything against the development per say, I think it's a good use of the land and I really would like to a lot more housing for sale that's obtainable by an average person,

unlike what is out there today, but I'm going to vote against it strictly because of the transportation issues.

Anthes: Is there further discussion? Commissioner Lack?

Lack: I have expressed on the two times that I've seen this project that I felt like it was viable and workable project. I would like to say while I understand the concerns of my fellow Commissioners and have some pause in its one means of ingress/egress and was actually originally in favor of using the vacant lot for other means of full ingress/egress. I still think that this is a viable, good project and I would like to mention a few things that I think are good and of quality and value to the City in this project. I like that the density is accumulated so that we can enjoy some green space. I like that it will be serviced by trail. I like that the density, the most dense portion of the property is placed adjacent to the park so we don't have people who live in a more dense situation being shoved to the center and big houses put on the perimeter on the amenities where they can usually generally get more money for it. That amenity is offered to the smaller, more densely compacted residence. I think that is an appropriate response. I like that this density would be adjacent to that trail and a mode of transportation that would be suitable for all of Fayetteville but certainly provide other options. I think that the POA is a means of control that people would have, the contract between neighbors that would allow them to police themselves and I know within most POA's that I'm familiar with, the POA itself has the ability itself to charge or to tag a certain land owner with a infraction. If three land owners were not mowing the lawn and the City had to come in and take that into account and charge the POA, which I would assume they would have to do because the POA would own the land in this development, then the POA should have and I would expect them to have the ability to recoup that or to charge that particular land owner or homeowner. I really wish we could get an eastern stub out. I would really, that is the one thing that I think would make this more palatable. I have accepted the idea in this exception from staff that the terrain there is infeasible. But, it is something I still would really preferred to have. Beyond that, I would still say that I think it's a viable project that meets the intense of the ordinance and meets the intent of development and plan to vote for it.

Anthes: Thank you Commissioner Lack, Commissioner Clark.

Clark: I think I have a question for the developer, will you tell me a little about the plans for this park area. Do you have anything on board? Or, are you going to let it drain and call it a park?

Ernest: Commissioner Clark, I'm Hugh Ernest, I've had a brief discussion with Connie Edmondson and discussed today the situation with Alison Jumper, who is one of the Senior Park Planners. I can tell you factually, that while we don't have any definitive plan to offer, there's a great deal of interest from the Parks Board and from key City staff on the Parks department to develop that. We've had dreamy conversation if you will, about fishing docks. I've had a conversation with the representative [inaudible] society to develop a community garden and there's discussion to put a small playground in that area. So, and by the way, if you step back and visualize for a minute what Mr. Pate was talking about on the Master Trail Plan, you can envision someone working for the City of Fayetteville in 2015 say, and getting on that trail and walking directly to the very large [inaudible] and Happy Hollow. Because, sooner or later, the principal impediment to that, that junk yard will be gone. Once the junk yard is gone, then there's no stopping of the trail situation to get up and down the river right there. I'm digressing from what you asked about the parks plan, but at least one of the key parts from my perspective is the Master Trail Plan and what it would offer for a connection up and down that river.

Clark: Thank you sir.

Pate: If I might add to that as well, it's usually our Parks and Recreational Board that meets with Park staff and come up with those types of recommendations with those improvements. They also meet with that neighborhood, so it would be both the existing neighborhood and the ones that are moving in to this area to provide the park amenities just as soon as they can.

Clark: Thank you, Jeremy.

Anthes: I have a couple of more questions. Mr. Pate, were you able to research whether any screening requirements are still valid for the 8 ft. fence from the large scale of the junk yard that was approved in 1974?

Pate: That is still an on going project that we're working through. As you mentioned, it was approved in the 1970's. Conditions are scarce about the screening requirements for that. We have been looking at old aerial photographs to determine if the actual project has expanded beyond the limits of what it was originally approved for. We are working in tandem with Code Compliance on that project.

Anthes: Ok, has the PZD booklet have been updated to reflect the City Plan 2025 instead of General Plan 2020?

Pate: I don't know, because this project actually came in when we were under the City Plan 2020, so we would have to look through that and find out.

Anthes: Ok, and has staff identified the construction traffic routes?

Pate: I would assume it would have to be primarily Ray Avenue, simply because this particular street as discussed at the Planning Commission, most of the Commissioners were not support of a secondary means of ingress/egress for this particular subdivision. The applicant was given the direction to find an alternative, which is what they came back with, to not have a secondary full point of ingress/egress, and instead proposed the emergency access. I would assume that it would be from Ray Avenue, primarily.

Anthes: Could I have the applicant address the construction traffic and what is the limitations on that, if any?

McDonald: I know we discussed using Ray as we were talking about the condition of approval that you all placed on to overlay Ray Avenue. We would be agreeable to use Jerry and the temporary at least the pedestrian access there, up to some point in time. If that is what you wish to direct us to do, but I think unless you tell us to do something else, we would probably be using Ray Avenue. We would be agreeable with either one.

Anthes: And a question to Engineering, have you reviewed the grading plan and do you have any particular concerns about the grading along the southern limits of construction?

Newman: It's to my understanding we have reviewed that, and they have complied with all our requests at this time. Initially, like we said, we've seen this numerous times, they have adjusted the grading plan to make it more feasible for the project. But, we have no concerns that I'm aware of, at this time.

Anthes: Ok, what about the stub-out to the west, I see that it looks like more like a dedication, instead of constructed stub out? Has Engineering discussed that, or Mr. Pate?

Pate: We have actually included a condition of approval that we are recommending that is new from the last time, number 3, we are proposing that the western street stub out be constructed to City standards to the

property line or the floodplain per a public residential street at time of development. As opposed to right-of-way that is simply shown currently.

Anthes: Has staff evaluated the possibility of an eastern stub-out located on the northern most road, just extending straight out to the east?

Pate: We did look at that and it's probably sheet number "F" in your packets, the easiest way to see the significant grade change between those two is (inaudible) you can see that those grades are all tying in. The darker lines are all tying into an existing drop in elevation that continues on to the north. That's really the biggest impediment at this point in time to construct the street stub out there. I would not say that it is impossible, but as we discussed with other projects recently, Planned Zoning Districts, it may or may not be probable to actually construct that when that property to the east develops.

Anthes: Ok, it looks like on that sheet you referred to, there is a line that looks like maybe a platted easement or easement that would be left open for the future connection there. I can't tell what those dotted lines are. Is that what that is?

Pate: Those are utility easements.

Anthes: So, that is utility easements?

Pate: I believe so, I believe that's an existing easement that actually travels through this entire property as well as where the public street is located.

Anthes: Ok. Commissioners, I guess we can start by talking about condition of approval number one, determination of street improvements.

Clark: This is a question for Engineering, on sheet "F" of our stuff, it looks like their building this property up a lot? How much are they going to build it up? How much higher will it sit at completion at the level it is right now?

Newman: If you give me a second to review the grading plan, and I'll answer that.

Clark: Sheet "F"

Newman: The head of the Engineering Department was the one that did the thorough review of these plains and he is unavailable.

McDonald: I'm not sure what the new rules are, but can I come back up.

Clark: Go right ahead.

McDonald: Art Scott, our engineer is here, and basically at the back of the property there's some portions where we raising it about 8 feet. Just along a limited portion of the back of the property. Most of the rest of the property is staying pretty close to grade.

Anthes: Thank you Mr. McDonald.

Clark: Thank you, the reason I asked is because I'm still concerned about the screening that we can't get an answer to because the salvage yard was done so long ago. Thank You.

Anthes: Let's work through condition of approval number one, determination of street improvements, any Commissioners have any comments? Commissioner Clark?

Clark: Yes, I do. I don't think we're requiring enough for a development that only has one entrance and exit. I'd like to look at what Helen and Lee Streets are like. Because you are going to get an ordinate amount of cut through once people get out and they don't want to go to Huntsville and Ray Avenue. Do we have any idea what those two streets are like?

Pate: The pavement sections look good and we did take some photographs that are in your packets. I believe.

Clark: They're black dots, so talk to me about it.

Pate: The widths are fine, they would meet our standards for width primarily. I think probably only thing they would be lacking are the curb, gutter, and sidewalks at this point in time, and storm drains. These were originally, I believe, developed in a subdivision. We had one property owner here that gave us a history lesson on how it was developed with gravel roads and the homeowners all chipped in over time and paved them. They're all paved at this point in time. Most of them, I believe, and we reference in our staff report, are actually wider.

Clark: Did you look at those for potential improvement, Jeremy? Because, when I usually look at just the immediate streets...

Pate: We did, we looked at the entire subdivision actually and considered where traffic primarily goes, with 59 dwelling units that's not an abnormal

amount of dwelling units for a project. The amount of improvements that are necessary, one can not ask for the entire subdivision for instance to be improved. We looked at what primary access would be. Originally, we were looking at two points of ingress/egress as well, that would distribute traffic, but then again the Planning Commission did not feel that it was appropriate, at least, several members of the Planning Commission did not feel that the location here as shown, was appropriate. So, it's all been pushed to Ray Avenue as far as public access. That is where we felt the primary improvement should go, and that would be an entire overlay over the street to provide, I believe it says a 28-foot wide street width, 24' I'm sorry.

Clark: That would be great, but it's just going to get you someplace you're going to sit and wait for a very long time. Ok, thank you.

Anthes: Is there any reason that we're not requesting curb, gutter, and sidewalk in this area where we're asking for the overlay?

Pate: There is already curb and gutter on the west side and sidewalk that this project would actually tie into. There's a sidewalk adjacent to street on the west side of Ray Avenue. Off the top of my head, I don't remember if there's curb and gutter on the east side.

Anthes: I don't remember there being any when we drove out there, but it been sometime ago. Glen, would there be a reason Engineering wouldn't be looking for curb and gutter on the other side of the street, where it's missing?

Newman: On the east side of the roadway? During the evaluation process I do not know any reasons at that time. Choices of curb and gutter on that side, I believe it was assessed previously at the roadway width and based on number of units and volumes that was determined would be adequate at that time.

Pate: Commissioner, if you can refer to page, begins on page 39, the photographs following the road sections that staff took. I think you can see those pretty clearly. The condition of the street at that point is well over 24 feet in width, however, it does need an overlay because of numerous patches and cracks in that area. So, that is what we are recommending. You can see on page 41, that's where the sidewalk ends currently, so that would tie in to the existing sidewalk. This overall subdivision storm drainage is comprised primarily of ditches and culverts. So, adding curb and gutter

without an overall drainage plan could actually exacerbate a problem without looking at the overall subdivision.

Clark: So, staff is recommending that we just allow the sidewalk on the west side? I remember this sidewalk; it's got telephone poles in the middle of it.

Pate: It would be to tie into that.

Clark: If the Commissioners would want to look at page 44 of 82, that's what we call an impediment. It looks pretty clear that Helen and the other one, Lee, have no improvements along. Which that makes sense, if the citizens had to pave it themselves. That still concerns me, it's not very pedestrian friendly, and I don't think we're helping it at all.

Anthes: Is there further discussion on conditional of approval number one? Commissioner Ostner?

Ostner: This is a question for staff, has staff evaluated whether a stub out to the west would be appropriate? I know you mentioned there are grade issues, it's not perfect.

Pate: To the west?

Ostner: To the west, near the sort of creek area, I suppose.

Pate: Yes, as we drove out there, actually we've been out there a few times now, the location that they have shown stubbed out to the west is feasible. It would take a small crossing there. There is a very small drainage area that drains into the river. It would take a small crossing. The property, further to the west, is commercially zoned and developed and it's being utilized right now. However, there is much of the rear of the property that's not developed, so it does have that potential. I believe it is just one parcel that goes all the way out to 15th Street, so with a future development of that commercial property there is a potential to have a cross access to get out to 15th Street, Happy Hollow Road in that location.

Clark: So, we are getting a real stub out there? Well, it's a condition of (inaudible) says we are.

Ostner: It's simply not drawn in yet. I thought it was the eastern? Ok, so.

Clark: It's going to be built in.

Ostner: That stub out will be built, but the creek crossing will not.

Pate: Correct, it would be built to the property line.

Ostner: So, if the next guy on the west side can't be convinced to cross the creek either, we won't have connectivity?

Pate: That would be something for the Planning Commission to look at.

Ostner: Ok.

Pate: They could not cross there currently, without either purchasing the property or getting that property owner to allow them to do that.

Ostner: Ok.

Clark: Should we be assessing for a bridge? Or are we just going to leave it up to who ever in the west has to carry the whole bag? Doesn't seem fair.

Pate: At this point in time, it's not a large crossing as I mentioned. The scale of the plan.

Clark: It's a little crossing.

Pate: It's probably 30 feet or less between us, I'm just scaling it out. What's called out there is flood way. It would not likely be a bridge crossing actually; it would probably be a culvert system that would just cross that.

Antes: Moving on to condition of approval number two, Planning Commission determination of waivers from street design standards. Is there any comment?

Clark: If two vehicles are cool with a 100' radius?

Pate: Yes.

Anthes: Is there any other comments on any other condition of approval? Any further discussions or motions? Commissioner Ostner?

Ostner: There are things about this that are good. The density is helpful to the City. We need infill and it needs to be higher than 4 units per acre, which this is. I believe developed actually developed land is about 7.5 units per acre. My reservations are that Ray Street, I believe, is going to handle more traffic

than is fair. When we are talking about rezoning, we are basically talking about, how the new project gets along with its neighbors. I don't think it's fair. I don't think it fits with what's already there. I still have a lot of reservation about planning a subdivision where no one has to take care of their yards. I don't think that's right. When the City or the County is going to step in and assess, that can be years. It can be years for anyone to get their money. That's a very, very slow process. You don't just knock on their door and get paid. When the County or the City has to ask a homeowner for a special assessment, there are rules and they can wait for the next year's tax assessment. That person might not pay on time, they have a grace period. They might pay the next year. The 3rd year, their house might go on the chopping block for a two hundred dollar fee. They finally pay it. I don't think it's a good working system. I think the connectivity is a problem. The second connection that is now being called out with bollards, the second connection I think is important. Now, where it was drawn is not a solution, so in essence this place has one way in and one way out to the regular daily driver. I don't think that works. I'm probably going to vote against it.

Clark: To follow up with staff really quickly on that, the original recommendation was for a full public access street through that lot?

Pate: Yes.

Clark: Would you remind us how we got to this compromise?

Pate: After quite a bit of discussion concerning the utilization of a formerly platted lot, which is part of this property now, that was one of the concerns of the Planning Commission, was that utilizing that lot permanently as access would be paramount to be utilization of it as a residential lot which it was originally was platted to be utilized as. As we discussed this project and for the benefit of Commissioner Clark, there was a platted right-of-way to the east of this property, you may remember this at Subdivision Committee, that was vacated in 1996. It did stub out to this property much as Ray Avenue now does. I believe it's called Jerry, to the east. That was vacated and the house was built basically in that little notch there, to the north east of the property. Were that the situation, had it not been vacated, we probably wouldn't have a lot of that discussion now because there would be two points of ingress/egress readily available to the property. However, that's not the case, so we're left with what we have which is a property that really only has frontage onto Helen there, with a lot frontage, and then access to the stub out. A lot of discussion from the Planning Commission revolved around utilization of some other type of design to

provide access to the subdivision but limit that one, because it was not intended for a public street. That's where the applicants came up with the idea of utilizing it as an emergency access only type of access. Where it would still allow pedestrians to utilize it and be ready accessible to the trail and emergency access when they needed it. But it wouldn't allow traffic movements.

Clark: Jeremy, since [inaudible] the multi family units, how long is the block length now? Do you have any idea?

Pate: That's actually not very long because it's broken up; it's considered broken where those alleys are.

Clark: Ok, the alleys break it up, never mind.

Pate: It is a street that sort of just loops around with an alley now. It did loop back on to Helen.

Clark: Ok, well I have posed many questions and I still have a lot that have not been satisfactory answered and I think my biggest issue is access and the traffic flow and again I think infill is needed. It needs to be dense, I just don't think this piece of property affords itself to that type of development and be a good neighbor to what is already there. I think it's going to be very intrusive, especially since you're forcing everybody out and in one way. I know a lot of kids walk home from school from Happy Hollow, right across that street, down the sidewalk that has telephone poles in the middle of it. Right now, the traffic is not extreme but I think it will certainly kick up a notch with this development. So, I will commend the developers for their insight and desire to build affordable housing. I applaud that, but I don't think we have to sacrifice everything else that we want to see in a development to get attainable housing. Especially connectivity and we have a lot of connections for pedestrians and I commend that. But, I think people trying to get back and forth to work and get their kids to school and get them to the places they need are going to be using cars far more than feet. So, for that, I will reluctantly, but feeling very secure in my reasoning, vote against this proposal.

Anthes: Is there further discussion? Commissioner Harris.

Harris: This has been just a tough project. Commissioner Clark and Myres, I believe were all on the original Subdivision Committee when it came through at that time. Generally the conversation was what Commissioner Clark just said that we want attainable housing and yet we do not feel as

though we can sacrifice every other principle that we have. Like Commissioner Lack and Ostner, I certainly applaud infill. We're going to have several contact zones in this City that is sort of the ideology of single family dwelling with suburban lot sizes next door to sort of dense infill and that's never going to be an easy, seamless transition. While I understand the neighborhood on that level, I have to think in a slightly different way, giving that I have City Plan 2025 in front of me. I'm also very sensitive to the fact that the developer has come back to us with the pedestrian and emergency access because we were concerned about putting a public street through what had been a plotted lot. I recognize that a series of compromises has lead us to this moment in which we have to decided whether this compromise is one that can hold. I have to say that with a great deal of reluctance, I too, am not able to vote for this tonight, for the reasons that have already been aptly stated, I think, by Commissioner Clark.

Anthes: Thank you, Commissioner Harris. Any further discussion? Any motions? Well, I'll just say a couple of things. I agree with a lot of what Commissioner Lack said. I think he makes very good points about what is good about this subdivision. I agree with every single one of them. I remain, as he does, desirous of eastern stub out and I understand that we just have a topographical challenge that's probably to difficult to be met. I would like to revisit the idea of the house in the vacant lot on planning area three, I think that we had talked about the possibility of removing that one house, and that might be better for the neighbors but I don't know if we discussed it fully. I don't want to repeat anything Commissioner Lack said, but so much of what this development does is right and then I keep coming back to the 59 units with one point of access. We do that a lot in the City but with ample provisions for stub-outs that are likely to happen. I'm just questioning how likely these other connections are, or connection is to ever be constructed and under what time frame. Then, I'm also looking at the infrastructure that this is connecting to and often when we have a subdivision of this kind of density with one way in and one way out we're dumping directly onto a well-maintained state highway or some sort of road that is in good condition and well-maintained and I'm afraid we have a pretty big gap between this property line and where we get to a street section that has been maintained and contains a proper cross section and the right pedestrian egress and access and that sort of thing. So, I really struggle with it because I want to support this project for all the reasons Commissioner Lack stated, and yet I question that it may be just too dense for the infrastructure, for the concurrency of the development of the infrastructure or the non concurrency of the development of the infrastructure to support. Commissioner Clark?

Motion:

Clark: I will move that we will deny R-PZD 06-2196 for the reasons stated.

Ostner: Second.

Anthes: I have a motion to deny by Commissioner Clark with the second by Commissioner Ostner. Is there further discussion? Yes, Commissioner Trumbo?

Trumbo: I'm going to vote against that motion. I agree with a lot of the things that have been said on both sides. The 2025 map clearly showed that were not going to allow much development out on the out-skirts of the City and also within the planning boundaries, so we are saying it's gotta go here. Although there is a big traffic problem on Huntsville Road, it's going to be five lanes very shortly and I'm seeing, and when I mean shortly, it's been funded in a program, in engineering now, it's going to have a light on Happy Hollow Road and to deny a project that's going to be so close to a bypass, a southern bypass, doesn't make a whole lot of sense to me. It's tough, a very tough issue and I certainly understand the neighbors but I think we all are going to have to make room if the 2025 Plan is what we're going to go with. It's saying we're going here and it's inside the City. So, it's kind of like we're dodging it now, but it's going to be an big issue for us coming up, so I'm going to go ahead and vote for this.

Harris: Commissioner Anthes, can I ask Commissioner Trumbo? I'm thankful for to you for bring up City Plan 2025 and the particular way that you just did. That it doesn't envision a lot of developments on the perimeter and so it's coming back in. Would you mind discussing your thinking about the sort of, what kind of good neighborhood this development would be in terms of the neighborhood that already exists given that there is one point of ingress/egress?

Trumbo: Well, that Ray Avenue, I guess is the one point you are talking about. They can still; people can still come through and go to the other eastern access to Huntsville Road. It's going to be added traffic, there is no doubt about that. It's going to be inconvenient for the people there. I don't think its going to be a safety hazard. That would cause me to vote against it. It's going to be inconvenient and that's what we are at in the City right now.

Anthes: Commissioner Clark?

Clark: I'll play devil's advocate on this one.

Anthes: Ok.

Clark: I think that Commissioner Trumbo has some solid reasoning but when you start mentioning cut through of the other streets to get to Jerry, to get out on Huntsville, I think that's exacerbating the issue. If Huntsville Road were improved as it is on the boards to do, I'd probably vote this. Because it would be five lanes and it would have signalization. Traffic would flow much better. But that improvement is number nine on a list that's taking a whole bunch of money and I'll vote for it when it happens. I hate to take that position, but being a cynic is something that I'm growing into even more, these days and cynically speaking, we're going to approve development that does - can be built within a year. Streets are not going to be there then. I don't think Huntsville is going to be improved to the point that I can vote for this and think these folks are going to be safe. I think we will cause a lot of cut-through onto smaller streets that don't have sidewalk, curb, gutter, nothing. These people built these themselves. You will be forcing people still to sit at Huntsville for a long time and still probably turn right and go down and turn back around to come into the City. Because the streets are not improved. Now, the light at Huntsville and Happy Hollow has made a world of difference. It's nice, but I have also noticed a heck of a lot more traffic on it, because it is nice and you can get to where you want to go a lot faster. So, that's my devils advocacy to, I know infill has to happen, it does, I don't think we're prohibiting large development in the outlying areas of the City, although the map indicates future use is not going to be over favorable, that's a recommendation. People are going to build and we're going to hear it coming through, infill will be here too, but I really think infill must be done wisely and smoothly and above all with consideration of the people who are there now. Because, they are the ones that built it and they are the ones who live there and have their futures tied to it. I really want to look at that. If this neighborhood had been for this excitedly, I might be singing a different tune, because they are saying that they could live with something. I think their concerns are pretty real and reasonable.

Anthes: Commissioner Trumbo?

Trumbo: I would just like to point out, it's ironic, because one person's connectivity, is another person's cut through.

(Laughter)

Trumbo: And to the point about the map, just from my experience, if staff is not going to recommend it, it's an uphill battle to get something approved in Fayetteville without staff's blessing and recommendation. The way I interpreted the colors on the map, and I asked pointedly, what is going to be staff's recommendation for a subdivision out in these areas that want to be on the step and it's going to be no. That's great, if that's where we want to go, but I understand your points and it's very difficult.

Anthes: Commissioner Ostner?

Ostner: I think there is a certain degree of polarization that is sort of happening and I don't think it's helpful. For me to vote no on this, does not mean, I don't think this piece of property should be developed. It means, the layout is inappropriate to me. That is why I'm going to vote against it. I'm for development in this neighborhood. I'm for something of a similar density, there. I'm not against infill. I'm not against higher density. I'm not against what this project is trying to do. The particularities of the way this is drawn in my mind, don't work, with what I'm charged to decide. I don't think it works well with the neighbors. Another drawing would work better. The developer says I'm sorry, that's impossible; I can't acquire the land over there to do another connection. Well, that's what would work, in my mind. I'm saying that as an example. Everybody owning land that they are not really supposed to maintain is a big problem to me. These are the details that I think makes this project not to my standards that I would vote for, for my decision. Since it's a rezoning decision. So, I don't think it's as black and white as yes and no, as the big map. Can't develop out here, you'll have to develop in here, vote yes. That's not a fair assessment of a "No" vote tonight. There are a lot of things that we've been down the list eight different ways. People have a lot of concerns about details. They could be drawn different, to make my vote turn to yes. So, I wanted to say that, I would be in favor of a project in this place, not this one.

Anthes: Commissioner Lack?

Lack: If I could request of the developer, it seems that the second point of ingress/egress is one of the major issues. The originally proposed second point is through a platted lot which is unpalatable and certainly not a good condition and I'm sure that you would agree. Did you look at purchasing the property at the corner where the original right-of-way came through?

McDonald: We have not talked to that property owner. We do understand from actually one of the neighbors, that property might be for sale. We have not talked with that property owner. I'm sure you understand that we would

prefer not to put in the limited access entry, we would rather put it in as a full access entry. We would certainly be amenable to that. I hope you understand that. We do believe there is an easement to the favor of this property on that property at the end of Jerry. Obviously, it doesn't go through the house, it goes through the west side of his property which would be just to the east of us. We believe we could use that as an easement. Now, that would put less than a 150 ft jog in the street, which would require a variance. If your interest is simply having two points of access, we could move it there, but it does put a jog in Jerry, if you will, coming into our property that is shorter than the 150 ft. We're amenable to either one of those, but we have not talked to the neighbor. We think we have an access across this property and wouldn't need to buy it, unless we're going to tear his house down. So, that's where we stand with that.

Lack: I certainly not in a position to tell you that you need to, but I think that using a easement there would probably be seen much like using the vacant lot. I don't know that there would be a distinction from the Planning Commission overall. I would be amenable to the idea of using that vacant lot, even though I think it's not a good condition. I still was not necessarily in favor of making a controlled access. I would still see that as an option, but if I count votes correctly, I would wonder if you had asked if that was an avenue that you could pursue.

McDonald: Of buying that lot?

Lack: Well, just something that to throw out. If I count votes correctly, then it may be necessary to look for other options.

McDonald: At this point in time, yeah I believe, and Jeremy, you may correct me if you think I'm blatantly wrong here, I believe I have access across that lot now. I mean, we have an access easement in favor of our property that we can use that's on the books now. We think it got put on when Jerry's right-of-way was vacated and we would be agreeable to put our access point there and reconfiguring the east end of our property. But, I don't think that's a lot different in your eyes than putting it where we have it now. If it is, we are agreeable to doing that. That's all I have.

Anthes: Any further discussion? I have a motion to deny by Commissioner Clark with a second by Commissioner Ostner, will you call the roll

Roll Call: The R-PZD 06-2196 for West Fork Place was denied by a vote of 5-3-0.

Clark: Now, Jeremy, the applicants have the right to appeal to the Council?

Pate: Yes, within ten business days.

Clark: Will neighbors be notified?

Pate: There's no notification required to go to City Council.

Clark: Ok, that's a big one for the neighbors, there's no notification if this is appealed to City Council.

Ostner: Mr. Pate, when approximately would this issue first go to City Council?

Pate: That, I don't know. It all depends on it and when the applicant appeals, it could be with in two months.

Ostner: I mean approximately, six weeks, four weeks.

Pate: I would say approximately, if it were appealed on next agenda, it could be placed on as early as four weeks probably more in keeping with four to six.

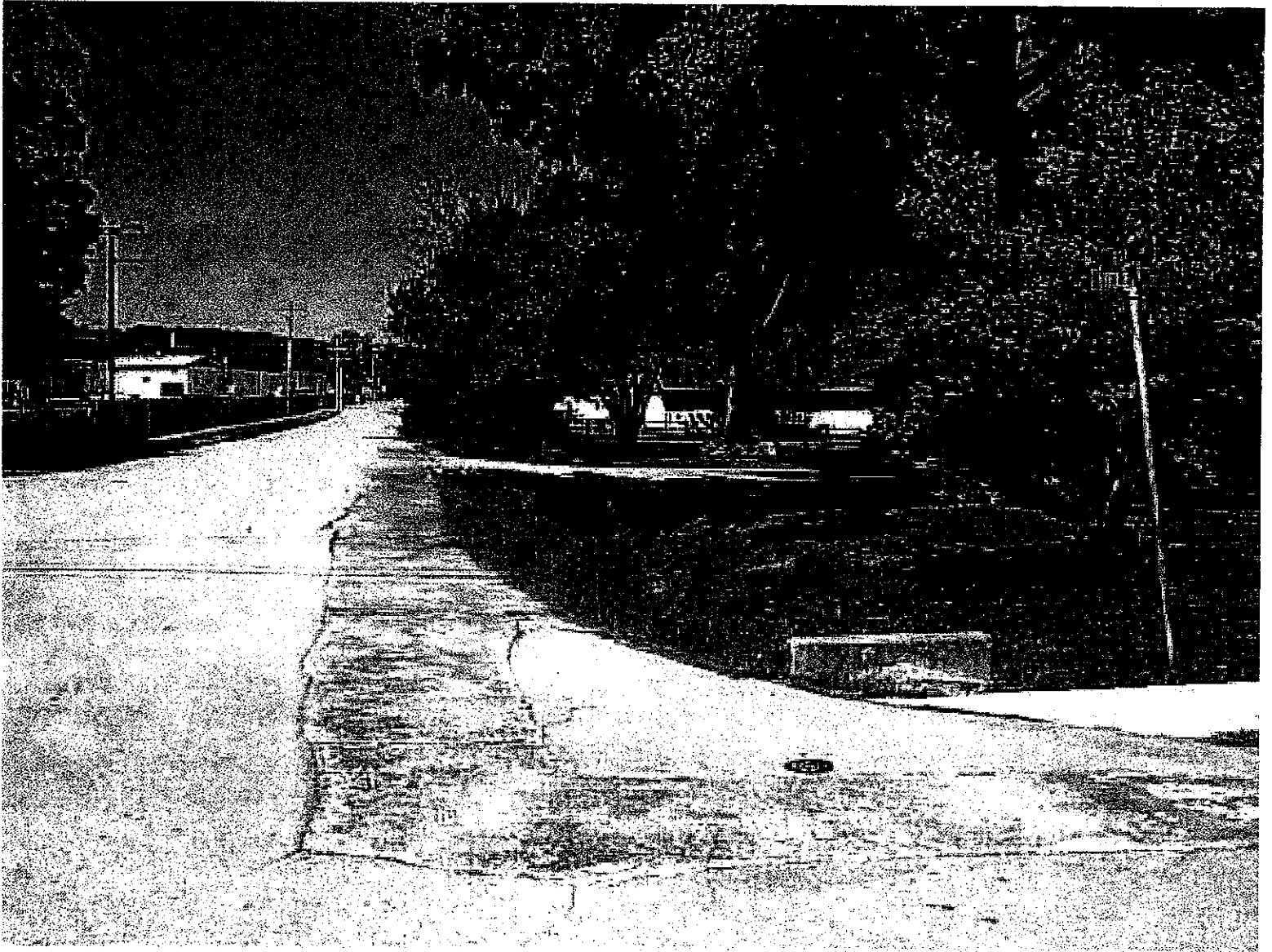
Ostner: Roughly, thank you.

DRAFT

ATTACHMENT A

Aerial photograph and photographs of Ray Avenue





HELEN/RAH -LOOKING NORTH (EAST SIDE)



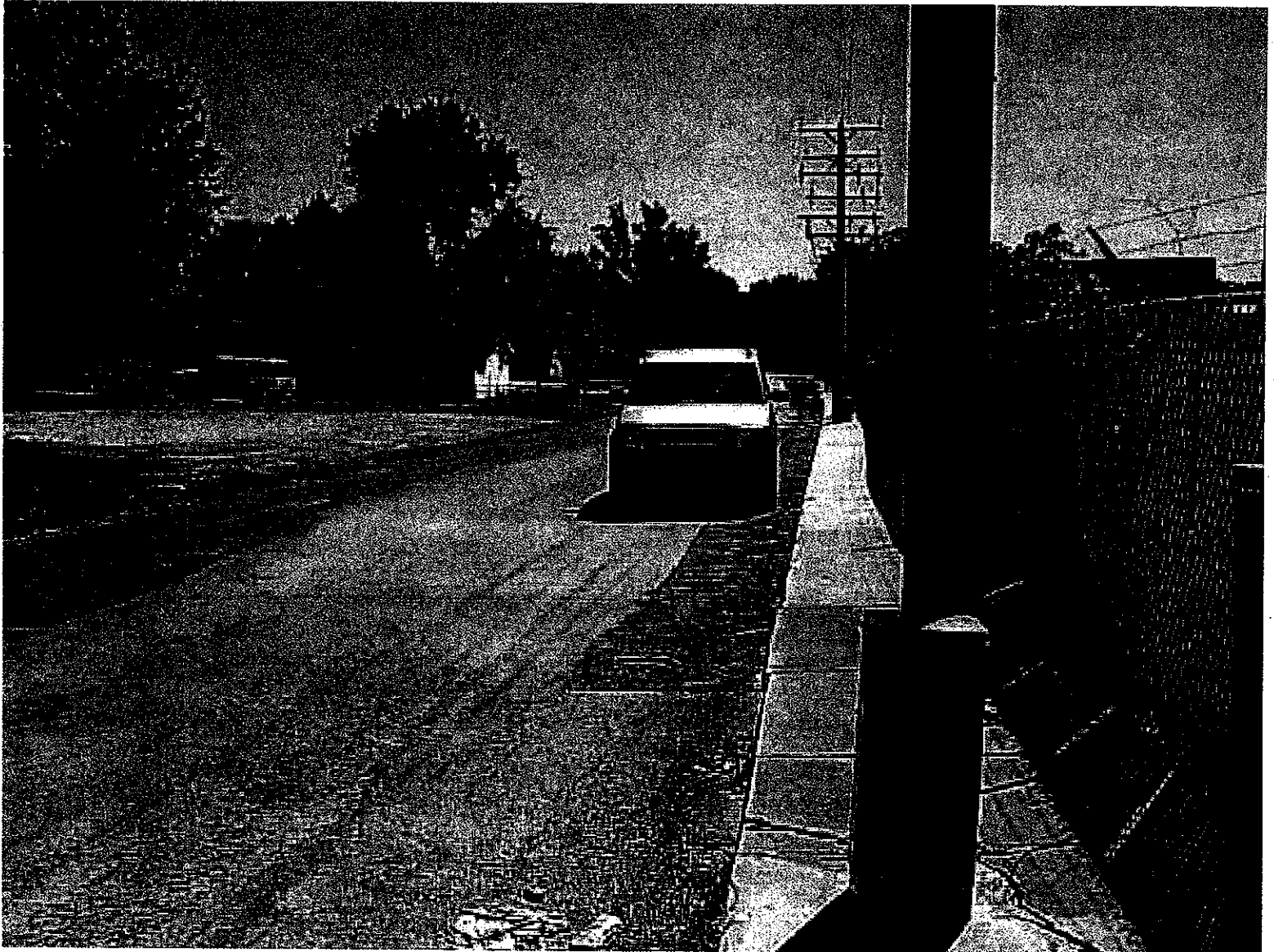
HELEN (RAY) - LOOKING NORTH (WEST SIDE)



LEE/DAY - LOOKING NORTH (EAST SIDE)



LEE/RAY - LOOKING SOUTH



RD, SOUTH OF HUNTSVILLE - LOOKING SOUTH



244. SOUTH OF HUNTSVILLE - LOOKING NORTH

ATTACHMENT B

- **Waiver request from applicant**

PROJECT DESIGN CONSULTANTS, INC.

September 19, 2006

Mr. Jesse Fulcher
City of Fayetteville
Planning Department
125 West Mountain
Fayetteville, AR 72703

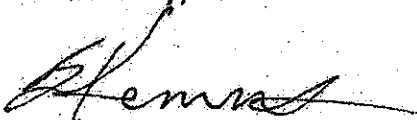
**RE: Request for Waivers of Minimum Street Standards
West Fork Place R-PZD # 00-2196**

Dear Jesse:

This letter serves as a request for waivers of the following minimum street standards due to existing gas line appurtenance within an existing gas line easement

1. Waiver of the minimum residential street radius of 150 feet. Request a minimum 100 feet radius on the extension of Ray Avenue to the south between Stations 9+00 and 11+00 to avoid existing gas appurtenances.
2. ~~Waiver of the minimum street offset of 150 feet. Request a minimum of 147 feet between Jerry Avenue and the proposed connection of Ray Avenue and Helen Street. The actual offset proposed is 147.38 feet from centerline of Jerry Avenue to the centerline of proposed Ray Avenue intersection with Helen Street placing it within a lot owned by the developer per city street standards.~~

Sincerely,



Bruce Kemmet, P.E.
Senior Project Manager

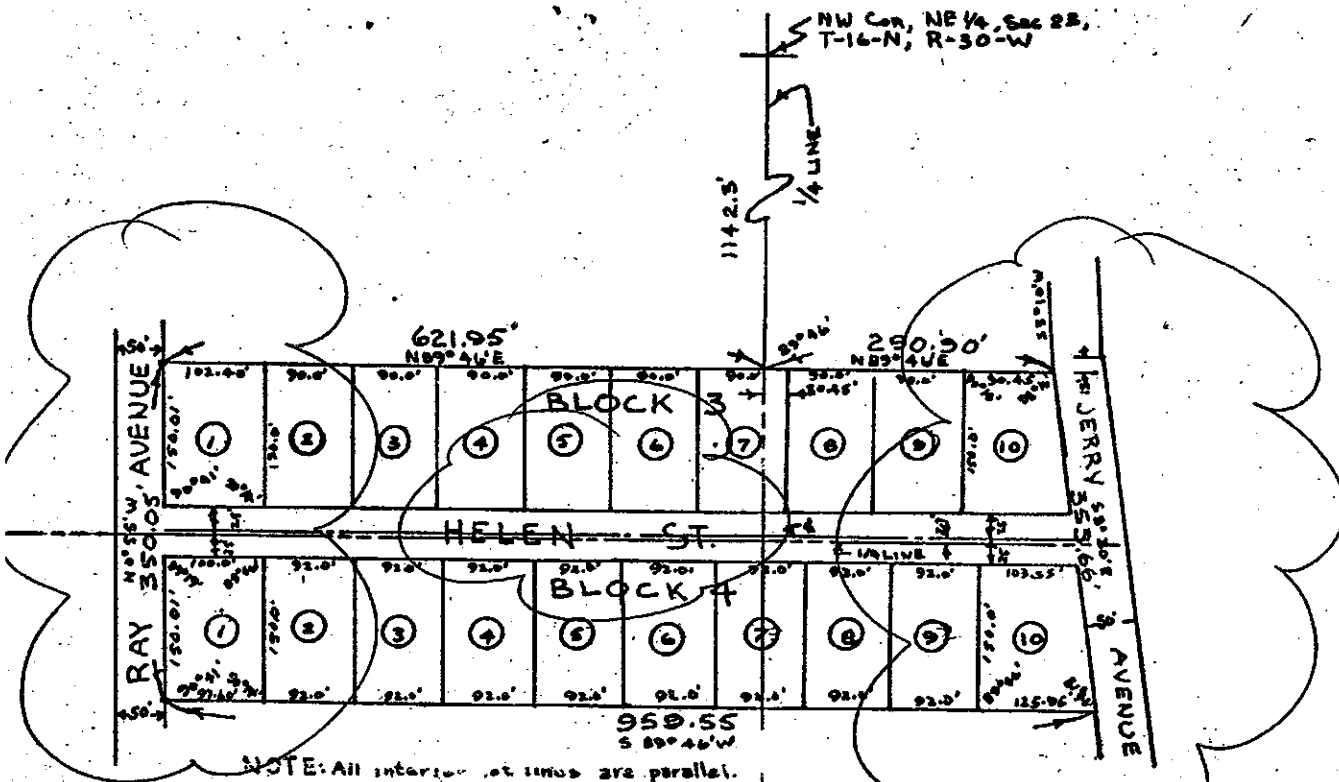
ATTACHMENT C

Correspondence and maps of Jerry Avenue vacation

LEGAL DESCRIPTION

A tract of land being a part of the $W\frac{1}{2}$ of the $NE\frac{1}{4}$ and part of the $E\frac{1}{2}$ of the $NW\frac{1}{4}$, both of Section 23, Township 16 North, Range 30 West of the 5th Principal Meridian, and being located in the County of Washington, State of Arkansas; more particularly described as follows:

Beginning at a point 1142.3 feet South of the Northwest Corner of above described $NE\frac{1}{4}$; thence $N 89^{\circ} 46' E$, 290.90 feet; thence $S 8^{\circ} 30' E$, 353.66 feet; thence $S 89^{\circ} 46' E$, 959.55 feet; thence $N 0^{\circ} 55' W$, 350.05 feet; thence $N 89^{\circ} 46' E$, 621.95 feet to the point of beginning and containing 7.52 Acres, more or less.



PLAT OF
BLOCKS 3 & 4
WATSON'S ADDITION
WASHINGTON CO., ARK.

CERTIFIED CORRECT
J.E. MAHARREY
ARK. P.S. No. 84

OWNER'S CERTIFICATE & DEDICATION

We, the undersigned, hereby certify that we are the sole owners of the above platted land, and hereby dedicate the streets as shown for the use of the public.

Ottis Watson

Helen Watson

Subscribed and sworn to before me this 3 Day of September 1963.

FILED FOR RECORD: Sept. 4 1963, 10:00 AM

PLAT BOOK 1, PAGE 20

Theima Culwell
Notary Public

Arthur Martin
County Judge

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.

Fayetteville, AR 72701

ENGINEERING DIVISION CORRESPONDENCE

501-575-8206

TO: Fayetteville Planning Commission Members
THRU: Alett S. Little, City Planner
Don Burr, P.E., City Engineer
FROM: Jim Beavers, P.E. *JB*
DATE: 3 January 1996

REQUEST: Support of a Vacation of all street right-of-way of "Jerry Avenue" south of Helen Street as requested by Greg Foster, Jerry L. Rogers and Jerry Watson. The proposed area is approximately 151.57 ft. in length and 50 ft. in width as platted as the Watson Addition in 1963.

RECOMMENDED MOTION: Support of the requested street right-of-way vacation subject to the following conditions.

CONDITIONS OF APPROVAL:

1. Any right-of-way vacation shall be approved subject to the petitioner and adjacent property owners furnishing to the City easements for the existing gravity and sanitary sewers for lot no. 10 and the referenced Jerry Avenue ROW. The minimum width for any easement for the existing sewer lines shall be 20 feet each line.
2. Further, the petitioner and property owners shall furnish any needed utility line easements for any other existing utilities, in particular the existing Arkansas Western Gas line.

BACKGROUND:

The petitioner, Greg Foster, has requested the ROW vacation in order to provide enough buildable area on lot no. 10 (Helen Street). The petitioner has also requested a conditional use to allow a duplex. The conditional use request is addressed separately.

There were no objections raised by any utility of staff representative. The comments were to maintain any needed utility and sewer line easements.

INFRASTRUCTURE:

N/A

9.02

Planning Commission Minutes
January 8, 1996
Page 21

**VA96-2 - JERRY & ELIZABETH WATSON
S OF HUNTSVILLE, E OF HAPPY HOLLOW ON JERRY AVENUE**

The next item on the agenda was the street vacation requested submitted by Jerry & Elizabeth Watson for property located south of Huntsville Road, east of Happy Hollow Road on Jerry Avenue. The request is to vacate the portion of Jerry Avenue which lies south of Helen Street.

Staff recommended approval subject to the following.

1. Dedication to the City of Fayetteville of a 20' easement for the existing gravity and sanitary sewer for lot 10.
2. 20' easement dedication to other utility lines in the subject area.

→ Mr. Beavers explained there was an area of flood plain to the south which would not be developable and therefore construction of the street would not be necessary.

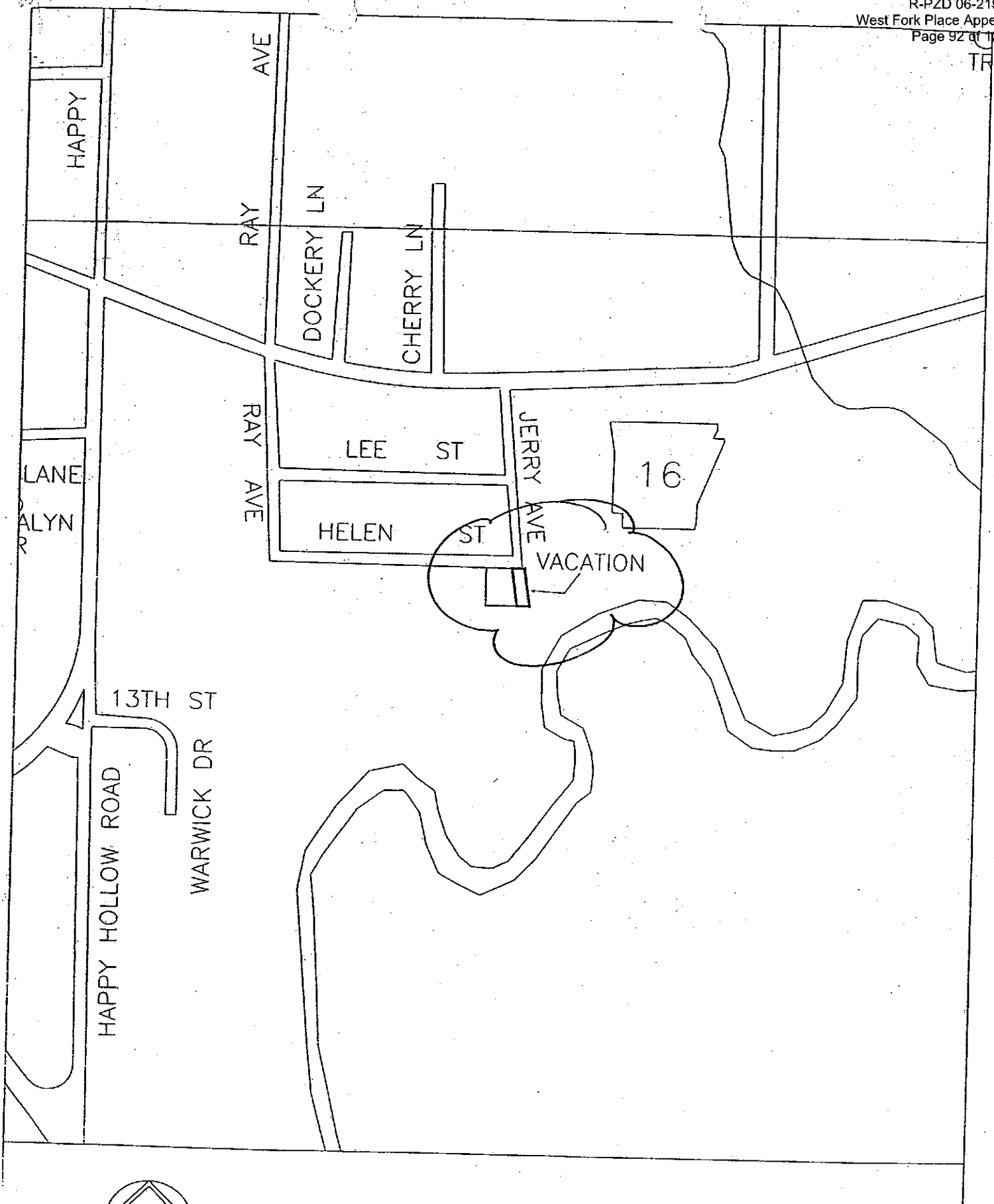
Mr. Foster, representing the applicant, stated he would comply with the conditions of approval.

MOTION

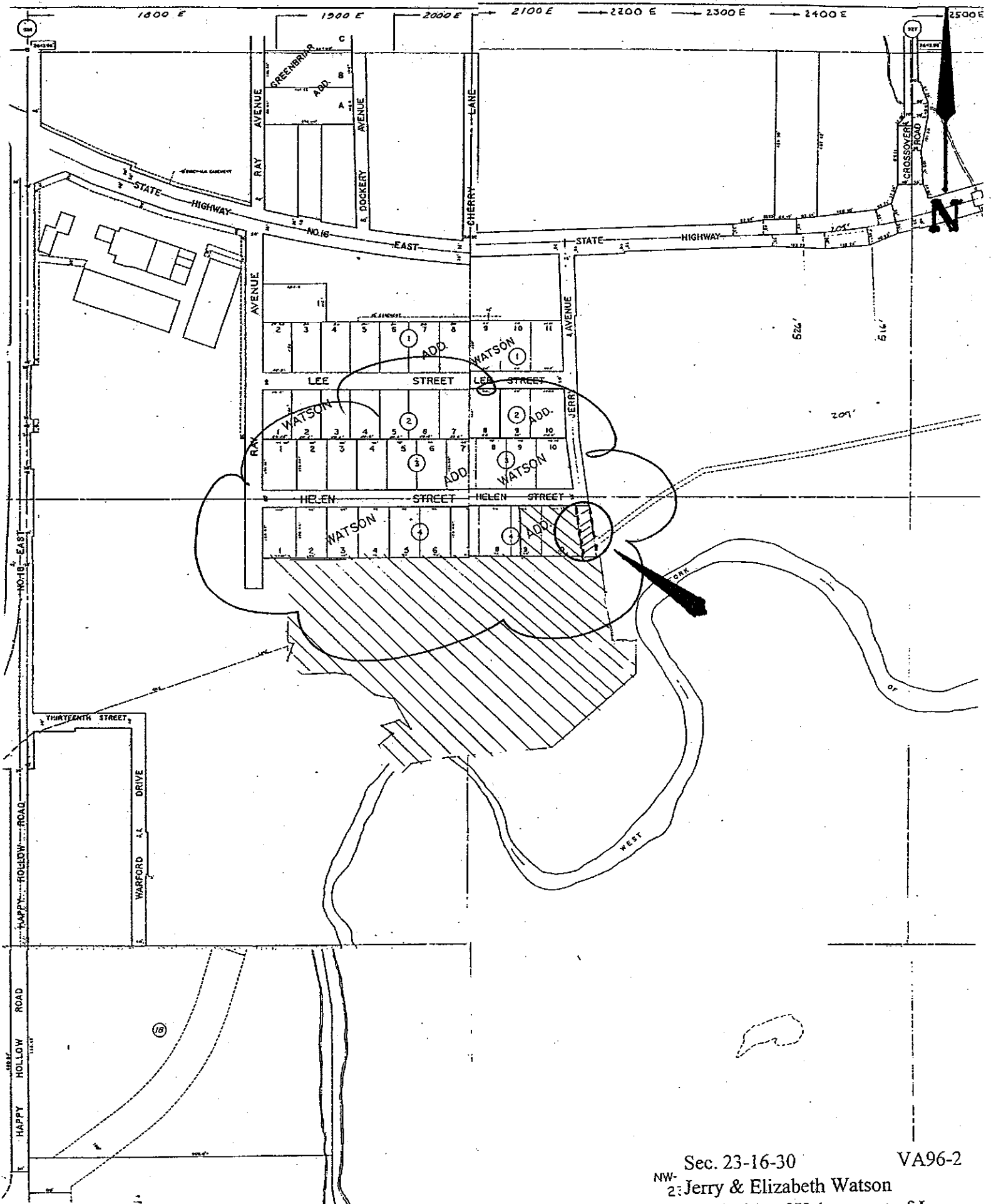
Mr. Reynolds made a motion to approve the street right of way vacation subject to the conditions of approval as set forth above.

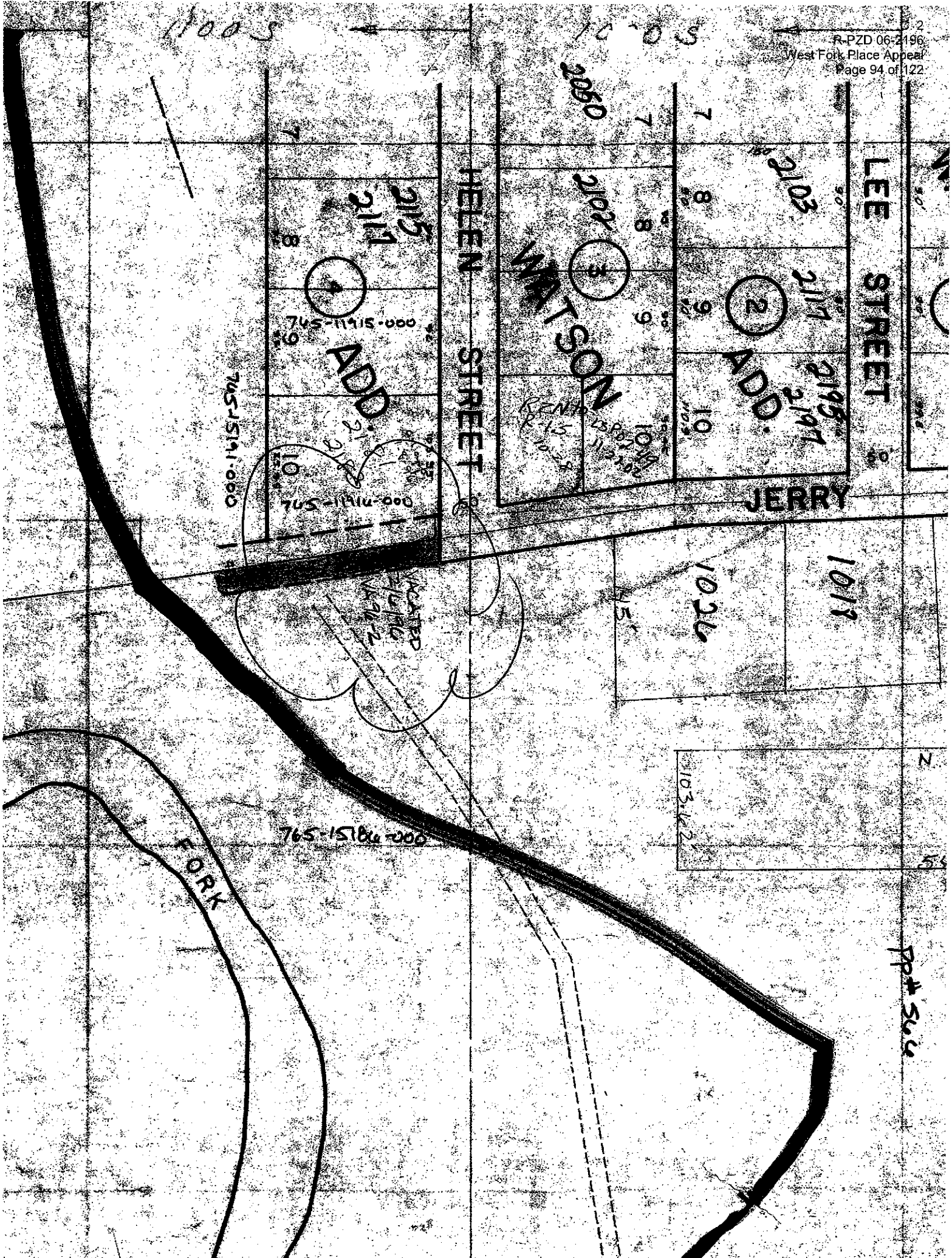
Mr. Odom seconded the motion.

Upon roll call, the motion passed with a unanimous vote of 6-1-0. Britton voted against the motion.



Sec. 23-16-30 VA96-2
Jerry & Elizabeth Watson
South side of Helen, west of Jerry
Vacation of Right-of-Way
P.C. 1/8/06





17005

1005

LEE STREET

HELEN STREET

JERRY

FORK

2103
2117
2195
2197
ADD.

MILSON
RENT
R-15
100-1111-576

2115
2117
ADD.

765-15141-000

765-11115-000

765-11116-000

765-15186-000

103.42

1013

1026

pp# 544

'96 FEB 23 PM 2 10

ORDINANCE NO. 3949WASHINGTON CO AR
K. HARNESS

AN ORDINANCE VACATING AND ABANDONING THAT
PORTION OF JERRY AVENUE WHICH LIES SOUTH OF
HELEN STREET LOCATED SOUTH OF HUNTSVILLE
ROAD, EAST OF HAPPY HOLLOW ROAD AS REQUESTED
BY GREG FOSTER ON BEHALF OF JERRY AND
ELIZABETH WATSON.

WHEREAS, the City Council has the authority under A.C.A. §14-54-104 to vacate
portions of streets which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of
the street right-of-way of Jerry Avenue is a platted but unopened street which 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 of Fayetteville, Arkansas hereby vacates and abandons all
of its rights together with the rights of the public generally, subject to the reservation of a
utility easement in and to the following described property located in Washington County,
Arkansas:

See Exhibit "A" attached hereto and made a part hereof.

Section 2. The City of Fayetteville hereby reserves an easement on, over, across and
under the above described street right-of-way to construct, lay, remove, relay, enlarge, and
maintain public utility lines.

Section 3. Said utility easement shall be for the benefit of the electric power
companies, telephone companies, gas companies, cable companies and the City of Fayetteville,
Arkansas.

Section 4. A copy of this Ordinance duly certified by the City Clerk shall be filed
in the Office of the Recorder of the County and recorded in the Deed Records of the County.

PASSED AND APPROVED this 20th day of February, 1996.

APPROVED:

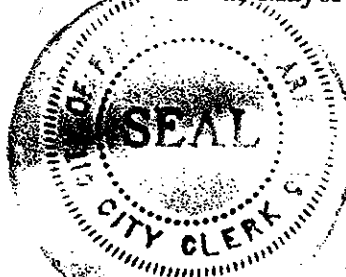
By: Fred Hanna

Fred Hanna, Mayor

ATTEST:

By: Traci Paul

Traci Paul, City Clerk



96010637



MICROFILMED

EXHIBIT "A"

Description of Utility Easement to be Retained:

Beginning at the NE Corner of Lot 10, Block 4, of the Watson Addition to the City of Fayetteville for a Point of Beginning; thence East 40.44', thence S $8^{\circ}29'36''$ E 151.67', thence West 20.00', thence N $8^{\circ}29'36''$ W 146.67', thence West 20.44', thence N $8^{\circ}29'36''$ W 5.00' to the POB, containing 3101.23 Sq. Ft.

96010638

ATTACHMENT D

Written public comment

ADJOINING PROPERTY OWNERS NOTIFICATION
OF UPCOMING PUBLIC HEARING

Today's Date August 9, 2006

APPLICANT/REPRESENTATIVE CONTACT INFO:

Project Design Consultants, Inc.
4285 N. Shiloh Drive, Suite 104
Fayetteville, AR 72703

Subdivision Meeting

Thursday, August 31, 2006 9:00am
Fayetteville City Administration Building
113 W. Mountain Street, Room 219
(479) 575-8267

Planning Commission Meeting

Monday, September 11, 2006 5:30pm
Fayetteville City Administration Building
113 West Mountain Street, Room 219
(479) 575-8267

PROJECT DESCRIPTION:

Property located at THE END OF RAY AVENUE, S OF HUNTSVILLE ROAD. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 13.92 acres. The request is for a Master Development Plan of a Residential Planned Zoning District with 58 single family dwellings: 28 attached and 30 detached.

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:

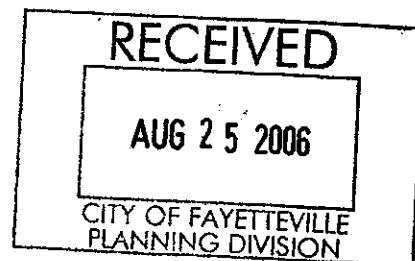
*too much traffic
we can't get on the Hwy
now.*

Lena M. Martin

Name of Property Owner (Printed)

Lena M. Martin

Signature of Property Owner



ADJOINING PROPERTY OWNERS NOTIFICATION OF UPCOMING PUBLIC HEARING

Today's Date August 9, 2006

APPLICANT/REPRESENTATIVE CONTACT INFO:

Project Design Consultants, Inc.
4285 N. Shiloh Drive, Suite 104
Fayetteville, AR 72703

Subdivision Meeting

Thursday, August 31, 2006 9:00am
Fayetteville City Administration Building
113 W. Mountain Street, Room 219
(479) 575-8267

Planning Commission Meeting

Monday, September 11, 2006 5:30pm
Fayetteville City Administration Building
113 West Mountain Street, Room 219
(479) 575-8267

PROJECT DESCRIPTION:

Property located at THE [REDACTED] The property is zoned RSF-4,
SINGLE FAMILY 1/4 UNITS/ACRE and contains approximately 13.92 acres. The request is for a Master
Development Plan of a Residential Planned Zoning District with 58 single family dwellings: 28 attached and 30
detached.

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:

WE ARE OVER BUILDING AN OUR ZONING STRUCTURE
NEEDS TIME TO CATCH UP
MARK R. PRYOR

Name of Property Owner (Printed)

Signature of Property Owner

**ADJOINING PROPERTY OWNERS NOTIFICATION
OF UPCOMING PUBLIC HEARING**

WF Place

Today's Date August 9, 2006

APPLICANT/REPRESENTATIVE CONTACT INFO:

Project Design Consultants, Inc.
4285 N. Shiloh Drive, Suite 104
Fayetteville, AR 72703

Subdivision Meeting

Thursday, August 31, 2006 9:00am
Fayetteville City Administration Building
113 W. Mountain Street, Room 219
(479) 575-8267

Planning Commission Meeting

Monday, September 11, 2006 5:30pm
Fayetteville City Administration Building
113 West Mountain Street, Room 219
(479) 575-8267

PROJECT DESCRIPTION:

Property located at THE END OF RAY AVENUE, S OF HUNTSVILLE ROAD. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 13.92 acres. The request is for a Master Development Plan of a Residential Planned Zoning District with 58 single family dwellings: 28 attached and 30 detached.

ADJOINING PROPERTY OWNERS COMMENTS

(Return Comments to City of Fayetteville Planning Division in Stamped Enclosed Envelope)

X 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:

Rodney Gray
Name of Property Owner (Printed)

Rodney Gray
Signature of Property Owner

West Fork Place
C. 2
RPZD 06-2196
West Fork Place Appeal
Page 101 of 122

**ADJOINING PROPERTY OWNERS NOTIFICATION
OF UPCOMING PUBLIC HEARING**

Today's Date August 9, 2006

APPLICANT/REPRESENTATIVE CONTACT INFO:

Project Design Consultants, Inc.
4285 N. Shiloh Drive, Suite 104
Fayetteville, AR 72703

Subdivision Meeting

Thursday, August 31, 2006 9:00am
Fayetteville City Administration Building
113 W. Mountain Street, Room 219
(479) 575-8267

Planning Commission Meeting

Monday, September 11, 2006 5:30pm
Fayetteville City Administration Building
113 West Mountain Street, Room 219
(479) 575-8267

PROJECT DESCRIPTION:

Property located at THE [REDACTED] The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 13.92 acres. The request is for a Master Development Plan of a Residential Planned Zoning District with 58 single family dwellings: 28 attached and 30 detached.

ADJOINING PROPERTY OWNERS COMMENTS

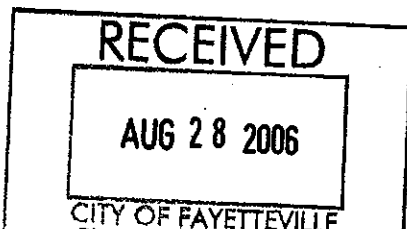
(Return Comments to City of Fayetteville Planning Division in Stamped Enclosed Envelope)

- ☐ 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:

Judy Ritchie
Name of Property Owner (Printed)

Judy Ritchie
Signature of Property Owner

The road cannot handle the traffic. I have to go to the stop light at the doctor's office to turn around so I can turn left on 16 Hiway. The river floods also
Judy Ritchie



**ADJOINING PROPERTY OWNERS NOTIFICATION
OF UPCOMING PUBLIC HEARING**

Today's Date August 9, 2006

APPLICANT/REPRESENTATIVE CONTACT INFO:

Project Design Consultants, Inc.
4285 N. Shiloh Drive, Suite 104
Fayetteville, AR 72703

Subdivision Meeting

Thursday, August 31, 2006 9:00am
Fayetteville City Administration Building
113 W. Mountain Street, Room 219
(479) 575-8267

Planning Commission Meeting

Monday, September 11, 2006 5:30pm
Fayetteville City Administration Building
113 West Mountain Street, Room 219
(479) 575-8267

PROJECT DESCRIPTION:

Property located at THE END [REDACTED] The property is zoned RSF-4,
SINGLE FAMILY [REDACTED] ACRES and contains approximately 13.92 acres. The request is for a Master
Development Plan of a Residential Planned Zoning District with 58 single family dwellings: 28 attached and 30
detached.

ADJOINING PROPERTY OWNERS COMMENTS

(Return Comments to City of Fayetteville Planning Division in Stamped Enclosed Envelope)

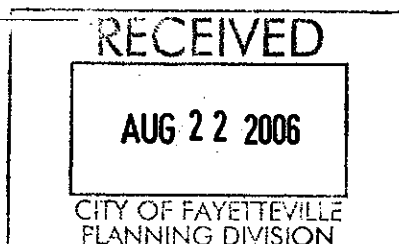
☒ I have been notified of the above meetings for the described project.

☐ I do not object to the project described above.

☒ I do object to the project described above because: *Traffic, noise, reduced
Property Value. Too many apartments already.*

IMogene Keller
Name of Property Owner (Printed)

Imogene Keller
Signature of Property Owner



**ADJOINING PROPERTY OWNERS NOTIFICATION
OF UPCOMING PUBLIC HEARING**

Today's Date August 9, 2006

APPLICANT/REPRESENTATIVE CONTACT INFO:

Project Design Consultants, Inc.
4285 N. Shiloh Drive, Suite 104
Fayetteville, AR 72703

Subdivision Meeting

Thursday, August 31, 2006 9:00am
Fayetteville City Administration Building
113 W. Mountain Street, Room 219
(479) 575-8267

Planning Commission Meeting

Monday, September 11, 2006 5:30pm
Fayetteville City Administration Building
113 West Mountain Street, Room 219
(479) 575-8267

PROJECT DESCRIPTION:

Property located at THE END OF RAY AVENUE, S OF HUNTSVILLE ROAD. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 13.92 acres. The request is for a Master Development Plan of a Residential Planned Zoning District with 58 single family dwellings: 28 attached and 30 detached.

RECEIVED

AUG 16 2006

PLANNING DIV.

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:

A. BOORQUIN
Name of Property Owner (Printed)

A. E. Boorquin
Signature of Property Owner

*would like info on how
Project will affect my property
and surroundings as per drainage
& flooding possibilities*

**ADJOINING PROPERTY OWNERS NOTIFICATION
OF UPCOMING PUBLIC HEARING**

Today's Date August 9, 2006

APPLICANT/REPRESENTATIVE CONTACT INFO:

Project Design Consultants, Inc.
4285 N. Shiloh Drive, Suite 104
Fayetteville, AR 72703

Subdivision Meeting

Thursday, August 31, 2006 9:00am
Fayetteville City Administration Building
113 W. Mountain Street, Room 219
(479) 575-8267

Planning Commission Meeting

Monday, September 11, 2006 5:30pm
Fayetteville City Administration Building
113 West Mountain Street, Room 219
(479) 575-8267

PROJECT DESCRIPTION:

Property located at THE END OF RAY AVENUE, S OF HUNTSVILLE ROAD. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 13.92 acres. The request is for a Master Development Plan of a Residential Planned Zoning District with 58 single family dwellings: 28 attached and 30 detached.

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:

RECEIVED

AUG 16 2006

PLANNING DIV.

NANCY Davidson Dalton
Name of Property Owner (Printed)

Nancy Davidson Dalton
Signature of Property Owner

ADJOINING PROPERTY OWNERS NOTIFICATION OF UPCOMING PUBLIC HEARING

Today's Date August 9, 2006

APPLICANT/REPRESENTATIVE CONTACT INFO:

Project Design Consultants, Inc.
4285 N. Shiloh Drive, Suite 104
Fayetteville, AR 72703

Subdivision Meeting

Thursday, August 31, 2006 9:00am
Fayetteville City Administration Building
113 W. Mountain Street, Room 219
(479) 575-8267

Planning Commission Meeting

Monday, September 11, 2006 5:30pm
Fayetteville City Administration Building
113 West Mountain Street, Room 219
(479) 575-8267

PROJECT DESCRIPTION:

Property located [REDACTED] The property is zoned RSF-4,
SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 13.92 acres. The request is for a Master
Development Plan of a Residential Planned Zoning District with 58 single family dwellings: 28 attached and 30
detached.

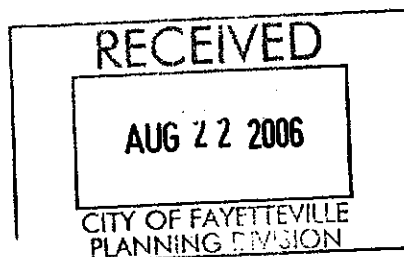
ADJOINING PROPERTY OWNERS COMMENTS

(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:

Cathy Cobb
Name of Property Owner (Printed)

Cathy Cobb
Signature of Property Owner



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:

MARION TICHENOR
Name of Property Owner (Printed)

Marion Tichenor
Signature of Property Owner

RECEIVED

AUG 15 2006

PLANNING DIV.

West Fork Place

ADJOINING PROPERTY OWNERS NOTIFICATION OF UPCOMING PUBLIC HEARING

Today's Date August 9, 2006

APPLICANT/REPRESENTATIVE CONTACT INFO:

Project Design Consultants, Inc.
4285 N. Shiloh Drive, Suite 104
Fayetteville, AR 72703

Subdivision Meeting

Thursday, August 31, 2006 9:00am
Fayetteville City Administration Building
113 W. Mountain Street, Room 219
(479) 575-8267

Planning Commission Meeting

Monday, September 11, 2006 5:30pm
Fayetteville City Administration Building
113 West Mountain Street, Room 219
(479) 575-8267

PROJECT DESCRIPTION:

Property [REDACTED] The property is zoned RSF-4,
SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 13.92 acres. The request is for a Master
Development Plan of a Residential Planned Zoning District with 58 single family dwellings: 28 attached and 30
detached.

RECEIVED
AUG 15 2006
PLANNING DIV.

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:

Tenney P. Watkins
Name of Property Owner (Printed)

Tenney P. Watkins
Signature of Property Owner

ADJOINING PROPERTY OWNERS NOTIFICATION OF UPCOMING PUBLIC HEARING

Today's Date August 9, 2006

APPLICANT/REPRESENTATIVE CONTACT INFO:

Project Design Consultants, Inc.
4285 N. Shiloh Drive, Suite 104
Fayetteville, AR 72703

Subdivision Meeting

Thursday, August 31, 2006 9:00am
Fayetteville City Administration Building
113 W. Mountain Street, Room 219
(479) 575-8267

Planning Commission Meeting

Monday, September 11, 2006 5:30pm
Fayetteville City Administration Building
113 West Mountain Street, Room 219
(479) 575-8267

PROJECT DESCRIPTION:

Property located at TR [REDACTED]. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 13.92 acres. The request is for a Master Development Plan of a Residential Planned Zoning District with 58 single family dwellings: 28 attached and 30 detached.

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: ALL THE ADDITIONAL TRAFFIC THAT WILL BE TRYING TO GET ON HUNTSVILLE RD. BOTH JERRY AND RAY STS WON'T HANDLE THE ADDITIONAL TRAFFIC.

GARY L. NIELSEN
Name of Property Owner (Printed)

Gary L. Nielsen
Signature of Property Owner

WILL THERE BE ANOTHER ROAD WEST TO HAPPY HOLLOW RD. ACROSS THE OLD TYSON PARKING LOT?

Madison Assets, LLC
573 Rock Cliff Rd.
Fayetteville, AR 72701
479-442-2997 (home)
479-283-4256 (Sue, cell); 479-283-4255 (Bernie, cell)

August 30, 2006

Subdivision Committee of the Fayetteville Planning Commission
Fayetteville, AR

Dear Commissioners,

We strongly object to the proposed plat for West Fork Place. Our objections are listed below:

1. A platted residential lot in an established neighborhood should not become a street. There has been no warning to residents who always assumed this lot would house a home consistent with the zoning in the neighborhood.
2. The proposed street accessing Helen does not line up with Jerry, creating a jog that is inconsistent with the City's goals for street alignments.
3. The density is greater than the zoning allows.
4. The density on the lots closest to existing dwellings is extremely dense due to the unsuitable-for-building land to the south.
5. There are no stub-outs for future street connections to the east or west. For instance, the lot 5 cul-de-sac could be stubbed out to the east where there is undeveloped property.

We also have some questions:

1. Considering the impact this development will have on Helen St. isn't there "rational nexus" to require improvements to Helen? Helen St. has open ditches and no curb, gutter or sidewalk. With greatly increased traffic this street should better distinguish between walkers and drivers.
2. Regarding the proposed "park land" to the south, where is the access for those living on Helen St. or in the proposed subdivision for that matter?.
3. Will there be sidewalks in this subdivision? The plat does not show them.
4. Who will provide the grounds maintenance since "owners" will not actually own the land? How can we be assured this maintenance will be provided?
5. What grading changes are contemplated? Will the new subdivision drain to the south or north? How much fill will be added to the residential lot that the developer proposes to construct as a street?
6. The name "West Fork Place" is misleading; this is not in the city of West Fork and it is unusual to name places after branches of rivers. Is there a more suitable name?

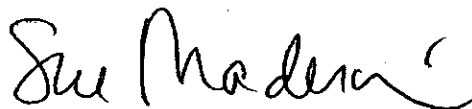
We understand the city's efforts toward "connectivity" of streets; however, this "looping" makes a farce out of connectivity. Both Ray St. and Jerry St. access Huntsville Rd. a few hundred yards apart. There should be some connection to Happy Hollow Road to the west for this neighborhood; that would provide connectivity for this neighborhood. Looping is not connectivity.

While we applaud the effort to build "affordable housing", the proposed plat fails to give these future homeowners any real ownership of the land; this is not much better than high-rise condominiums.

Our schedules may preclude us from attending this important meeting; but we hope you will consider our objections. Please call either one of us if we can provide more information.



Bernard L. Madison



Sue Madison

ADJOINING PROPERTY OWNERS NOTIFICATION OF UPCOMING PUBLIC HEARING

Today's Date: 10/10/2006

APPLICANT/REPRESENTATIVE CONTACT INFO:

FLYING MONKEY, LLC, c/o Project Design Consultants, Inc. Contact: Art Scott
4825 N. SHILOH, FAYETTEVILLE, AR 72703. Phone: 479-521-5405

Planning Commission Meeting

Monday October 23, 2006 5:30pm
Fayetteville Administration Building
113 W. Mountain Street, Room 219

PROJECT DESCRIPTION: 06;2196: Planned Zoning District (REDACTED) 565/566) Submitted by Project Design Consultants, for property located at the end of Ray Avenue, South of Huntsville Rd. containing 13.92 acres. The request is for Zoning and Development review of a Residential Planned Zoning District with 59 single family dwellings: 30 attached and 19 detached.
Planner: Jesse Fulcher

Property Owner:

Parcel: **765-15223-000** Owner Name: **ACJ ENTERPRISES, LLC**

Parcel: **765-15191-000** : Owner Name: **FLYING MONKEY, LLC**

Parcel: **765-11915-000** **FLYING MONKEY**

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:

Nancy Davidson Dalton
Name of Property Owner (Printed)

Nancy Davidson Dalton
Signature of Property Owner

HELEN STREET 2006014- 06-2196

ADJOINING PROPERTY OWNERS NOTIFICATION OF UPCOMING PUBLIC HEARING

Today's Date: 10/10/2006

APPLICANT/REPRESENTATIVE CONTACT INFO:

FLYING MONKEY, LLC, c/o Project Design Consultants, Inc. Contact: Art Scott
4825 N. SHILOH, FAYETTEVILLE, AR 72703. Phone: 479-521-5405

Planning Commission Meeting

Monday October 23, 2006 5:30pm
Fayetteville Administration Building
113 W. Mountain Street, Room 219

PROJECT DESCRIPTION: R-PZD 06;2196: Planned Zoning District(West Fork Place, 565/566)Submitted by Project Design Consultants, for property located at the end of Ray Avenue, South of Huntsville Rd. containing 13.92 acres. The request is for Zoning and Development review of a Residential Planned Zoning District with 59 single family dwellings: 30 attached and 19 detached.

Planner: Jesse Fulcher

Property Owner:

Parcel: **765-15223-000** Owner Name: **ACJ ENTERPRISES, LLC**

Parcel: **765-15191-000** : Owner Name: **FLYING MONKEY, LLC**

Parcel: **765-11915-000** **FLYING MONKEY**

ADJOINING PROPERTY OWNERS COMMENTS

(Return Comments to City of Fayetteville Planning Division in Stamped Enclosed Envelope)

RMT I have been notified of the above meetings for the described project.

UNKNOWN AT THIS TIME
I do not object to the project described above.

UNKNOWN AT THIS TIME
I do object to the project described above because:

RUTH MARION TICHENOR
Name of Property Owner (Printed)

Ruth Marion Tichenor
Signature of Property Owner

HELEN STREET 2006014- 06-2196

ADJOINING PROPERTY OWNERS NOTIFICATION OF UPCOMING PUBLIC HEARING

Today's Date: 10/10/2006

APPLICANT/REPRESENTATIVE CONTACT INFO:

FLYING MONKEY, LLC, c/o Project Design Consultants, Inc. Contact: Art Scott
4825 N. SHILOH, FAYETTEVILLE, AR 72703. Phone: 479-521-5405

Planning Commission Meeting

Monday October 23, 2006 5:30pm
Fayetteville Administration Building
113 W. Mountain Street, Room 219

PROJECT DESCRIPTION: R-PZD 06;2196: Planned Zoning Dist [REDACTED]
565/566) Submitted by Project Design Consultants, for property located at the end of Ray Avenue,
South of Huntsville Rd. containing 13.92 acres. The request is for Zoning and Development review of
a Residential Planned Zoning District with 59 single family dwellings: 30 attached and 19 detached.
Planner: Jesse Fulcher

Property Owner:

Parcel: 765-15223-000 Owner Name: **ACJ ENTERPRISES, LLC**

Parcel: 765-15191-000 : Owner Name: **FLYING MONKEY, LLC**

Parcel: 765-11915-000 **FLYING MONKEY**

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:

IMOGENE KELLAR
Name of Property Owner (Printed)

Imogene Kellar
Signature of Property Owner

RECEIVED
OCT 17 2006
PLANNING DIV.

HELEN STREET 2006014- 06-2196

ADJOINING PROPERTY OWNERS NOTIFICATION OF UPCOMING PUBLIC HEARING

Today's Date: 10/10/2006

APPLICANT/REPRESENTATIVE CONTACT INFO:

FLYING MONKEY, LLC, c/o Project Design Consultants, Inc. Contact: Art Scott
4825 N. SHILOH, FAYETTEVILLE, AR 72703. Phone: 479-521-5405

Planning Commission Meeting

Monday October 23, 2006 5:30pm
Fayetteville Administration Building
113 W. Mountain Street, Room 219

PROJECT DESCRIPTION: R-PZD 06;2196: Planned Zoning District (CV-565/566) Submitted by Project Design Consultants, for property located at the end of Ray Avenue, South of Huntsville Rd. containing 13.92 acres. The request is for Zoning and Development review of a Residential Planned Zoning District with 59 single family dwellings: 30 attached and 19 detached.
Planner: Jesse Fulcher

Property Owner:

Parcel: 765-15223-000 Owner Name: **ACJ ENTERPRISES, LLC**

Parcel: 765-15191-000 : Owner Name: **FLYING MONKEY, LLC**

Parcel: 765-11915-000 **FLYING MONKEY**

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.

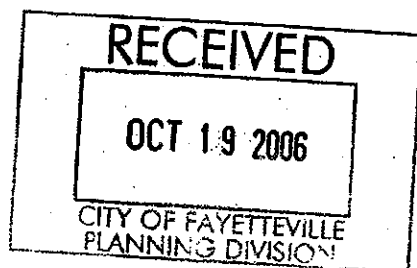
_____ I **do not** object to the project described above.

_____ I **do** object to the project described above because:

Name of Property Owner (Printed)

HELEN WATKINS
Signature of Property Owner

HELEN STREET 2006014- 06-2196



ADJOINING PROPERTY OWNERS NOTIFICATION OF UPCOMING PUBLIC HEARING

Today's Date: 10/10/2006

APPLICANT/REPRESENTATIVE CONTACT INFO:

FLYING MONKEY, LLC, c/o Project Design Consultants, Inc. Contact: Art Scott
4825 N. SHILOH, FAYETTEVILLE, AR 72703. Phone: 479-521-5405

Planning Commission Meeting

Monday October 23, 2006 5:30pm
Fayetteville Administration Building
113 W. Mountain Street, Room 219

PROJECT DESCRIPTION: R-PZD 06;2196: Planned Zoning District [REDACTED] 565/566) Submitted by Project Design Consultants, for property located at the end of Ray Avenue, South of Huntsville Rd. containing 13.92 acres. The request is for Zoning and Development review of a Residential Planned Zoning District with 59 single family dwellings: 30 attached and 19 detached.
Planner: Jesse Fulcher

Property Owner:

Parcel: 765-15223-000 Owner Name: ACJ ENTERPRISES, LLC

Parcel: 765-15191-000 : Owner Name: FLYING MONKEY, LLC

Parcel: 765-11915-000 FLYING MONKEY

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.

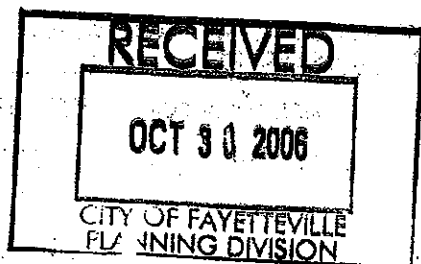
☒ I do object to the project described above because:

Name of Property Owner (Printed)

Signature of Property Owner

*if all those people use Ray St
to get in & out, too much
traffic, the new light doesn't
help. maybe they could get in
& out on 15th Street from
their apt & house ??*

HELEN STREET 2006014- 06-2196



ADJOINING PROPERTY OWNERS NOTIFICATION OF UPCOMING PUBLIC HEARING

Today's Date: 10/10/2006

APPLICANT/REPRESENTATIVE CONTACT INFO:

FLYING MONKEY, LLC, c/o Project Design Consultants, Inc. Contact: Art Scott
4825 N. SHILOH, FAYETTEVILLE, AR 72703. Phone: 479-521-5405

Planning Commission Meeting

Monday October 23, 2006 5:30pm
Fayetteville Administration Building
113 W. Mountain Street, Room 219

PROJECT DESCRIPTION: R-PZD 06;2196: Planned Zoning District(West Fork Place, 565/566)Submitted by Project Design Consultants, for property located at the end of Ray Avenue, South of Huntsville Rd. containing 13.92 acres. The request is for Zoning and Development review of a Residential Planned Zoning District with 59 single family dwellings: 30 attached and 19 detached.
Planner: Jesse Fulcher

Property Owner:

Parcel: 765-15223-000 Owner Name: ACJ ENTERPRISES, LLC

Parcel: 765-15191-000 : Owner Name: FLYING MONKEY, LLC

Parcel: 765-11915-000 FLYING MONKEY

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: NEED FOR ROAD IMPROVEMENTS TO RAY, JERRY, AND HELEN. NEED ANOTHER ROUT WEST TO EXIT THE NEW AREA.

GARY L. NIELSEN

Name of Property Owner (Printed)

Gary L. Nielsen
Signature of Property Owner

HELEN STREET 2006014- 06-2196

ADJOINING PROPERTY OWNERS NOTIFICATION OF UPCOMING PUBLIC HEARING

Today's Date: 10/10/2006

APPLICANT/REPRESENTATIVE CONTACT INFO:

FLYING MONKEY, LLC, c/o Project Design Consultants, Inc. Contact: Art Scott
4825 N. SHILOH, FAYETTEVILLE, AR 72703. Phone: 479-521-5405

Planning Commission Meeting

Monday October 23, 2006 5:30pm
Fayetteville Administration Building
113 W. Mountain Street, Room 219

PROJECT DESCRIPTION: R-PZD 06;2196: Planned Zoning District(West Fork Place, 565/566)Submitted by Project Design Consultants, for property located at the end of Ray Avenue, South of Huntsville Rd. containing 13.92 acres. The request is for Zoning and Development review of a Residential Planned Zoning District with 59 single family dwellings: 30 attached and 19 detached.
Planner: Jesse Fulcher

Property Owner:

Parcel: 765-15223-000 Owner Name: **ACJ ENTERPRISES, LLC**

Parcel: 765-15191-000 : Owner Name: **FLYING MONKEY, LLC**

Parcel: 765-11915-000 **FLYING MONKEY**

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:

A. BOORQUIN
Name of Property Owner (Printed)

A. Boorquin
Signature of Property Owner

HELEN STREET 2006014- 06-2196

Hometown Development

**1747 N. College Avenue
Fayetteville, AR 72703**

October 03, 2006

Madison Assets, LLC
573 Rock Cliff Road
Fayetteville, AR 72701

Dear Mrs. Madison

Several weeks ago, we had an opportunity to briefly discuss the housing that Hometown development is attempting to construct adjacent to Helen Street. At that time, you acknowledged the obvious need for the construction of Workforce housing in this area. You were also, as an adjacent property owner, very open about your concern over the development in this particular location.

Last week, as we made our presentation, I suspect that both you and your husband found yourself in agreement with many of the statements in the city 2025 plan.

However, rather than attempting to make our case in writing, I would simply ask that we schedule a meeting with you and your husband at your convenience to see if we can come to some consensus over what we believe is an excellent and well thought out development.

I will give you a call this week to see if we can agree on a time for a meeting.

Sincerely,

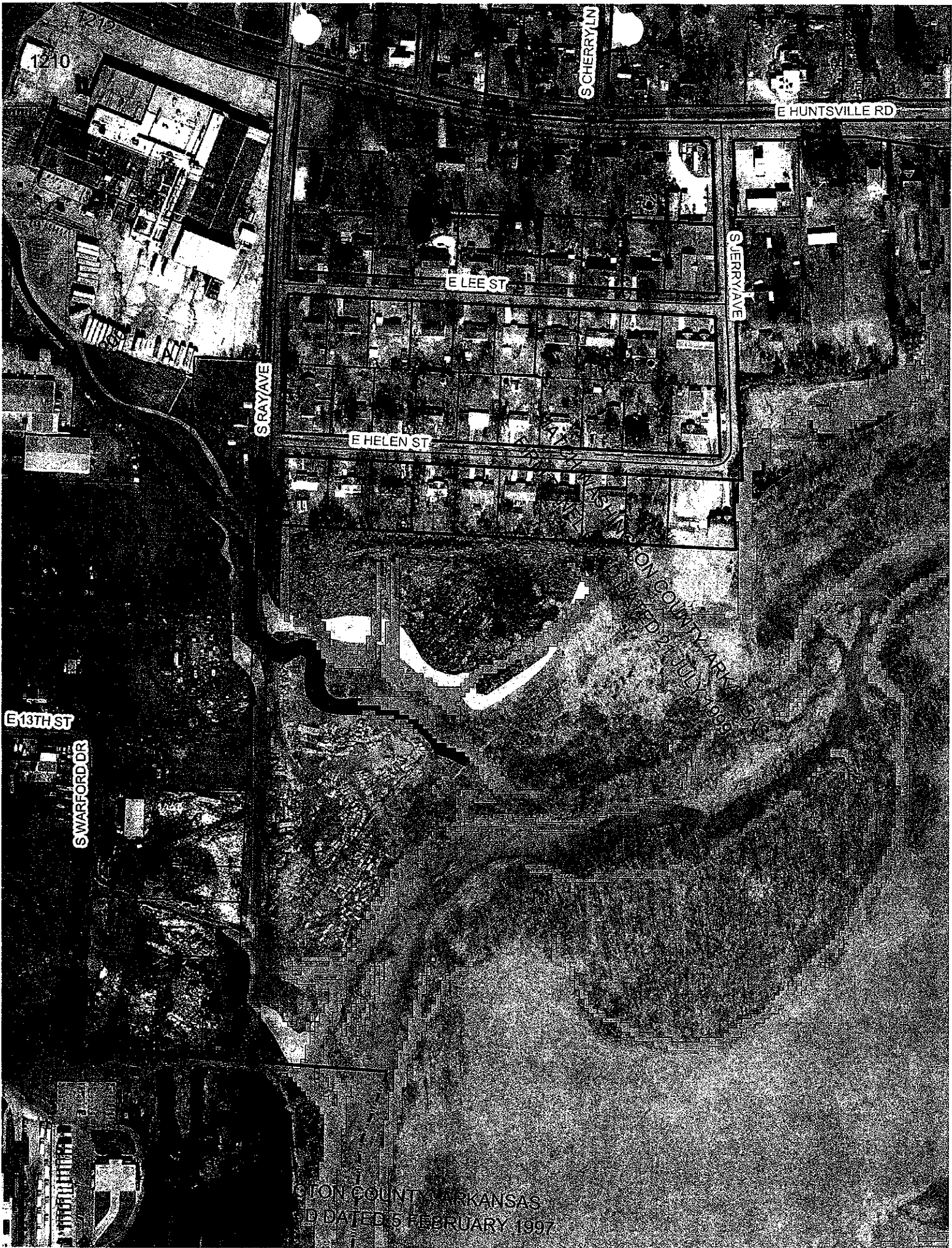


Hugh Earnest
Econsulting

cc: ✓ Jeremy Pate, City of Fayetteville Planning Director
City of Fayetteville Planning Commission

ATTACHMENT E

Vicinity Maps

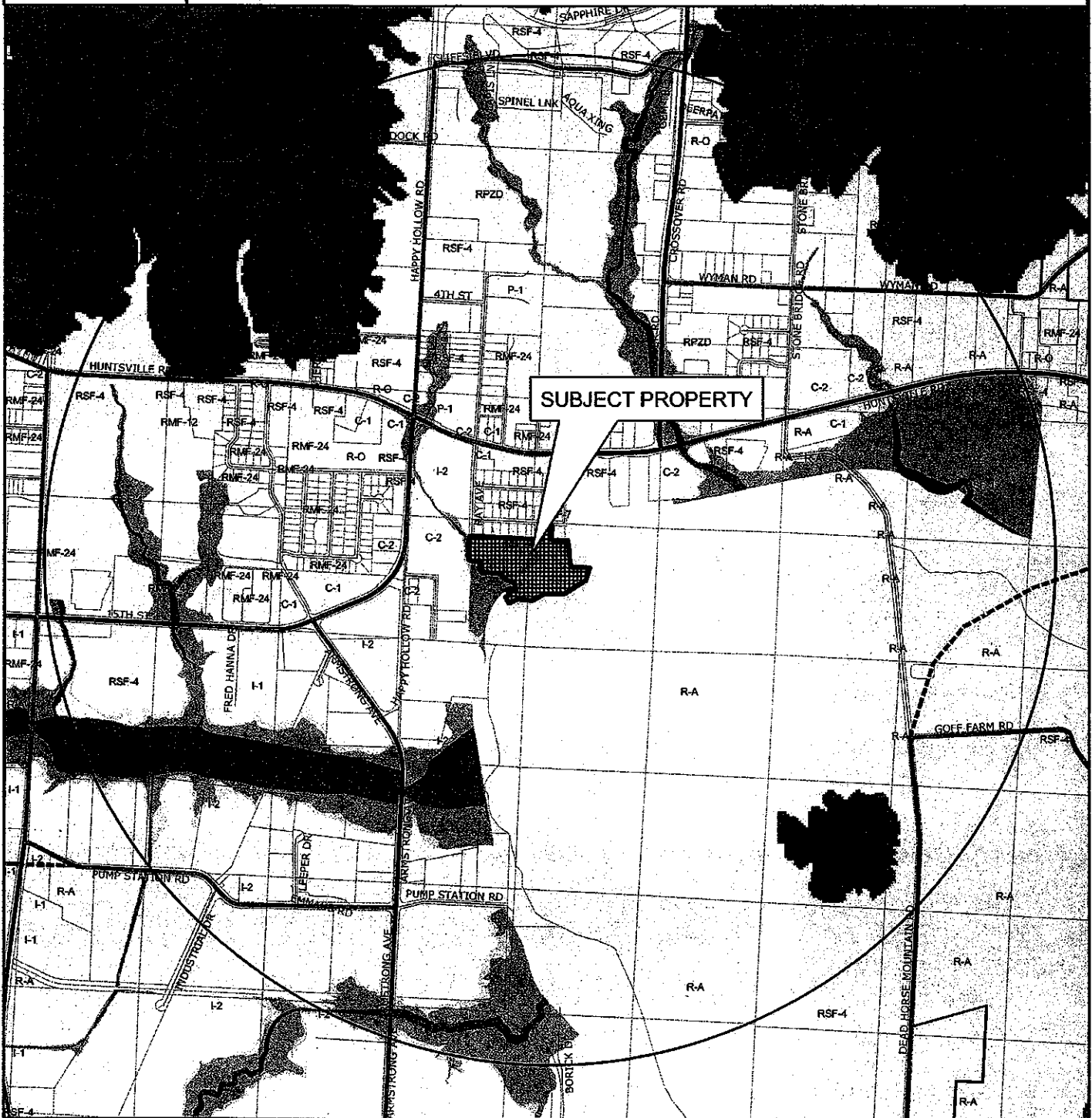


BENTON COUNTY, ARKANSAS
AERIAL PHOTO DATED 5 FEBRUARY 1997

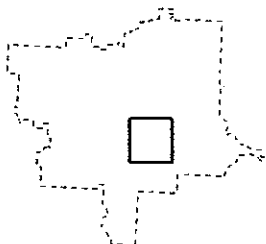
RPZD06-2196

WEST FORK PLACE

One Mile View



Overview



Legend

Subject Property

RPZD06-2196

Boundary

Planning Area

Overlay District

Outside City

Legend

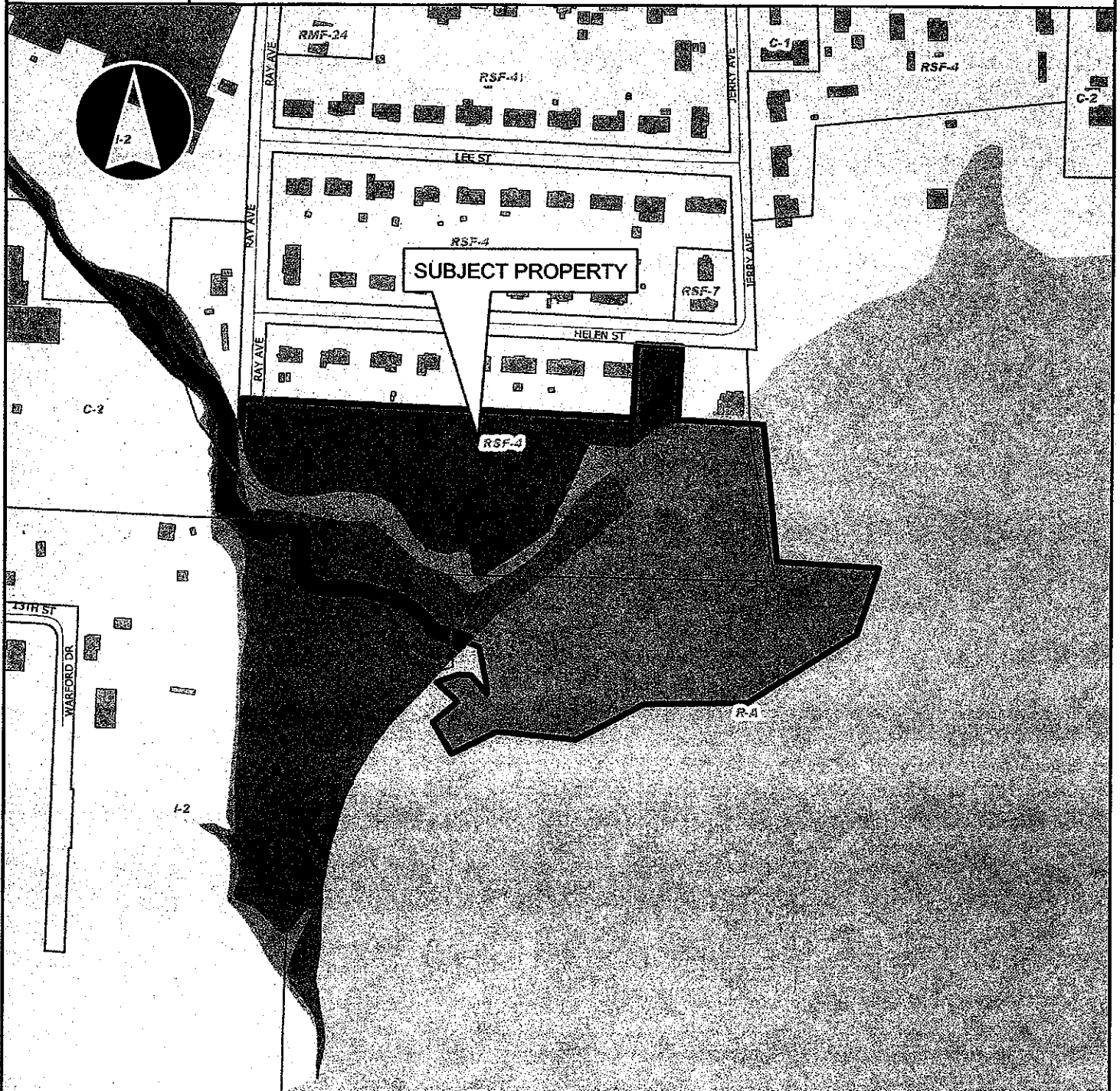
Hillside-Hilltop Overlay District



RPZD06-2196

Close Up View

WEST FORK PLACE



Overview

Legend

- 100 Year Flood (Land Use)
- Overlay District
- Fayetteville
- Outside City
- RPZD06-2196
- vector.GDB.Footprint_2004
- Hillside-Hilltop Overlay District

0 125 250 500 750 1,000 Feet

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: January 23, 2007

Subject: Appeal of Wedington Circle Preliminary Plat (PPL 06-2302)

REQUEST

Alderman Lioneld Jordan and the applicant for Wedington Circle Preliminary Plat (06-2302) have both appealed the decision by the Planning Commission to approve this subdivision.

BACKGROUND

On February 2, 2006, the City Council approved a Master Development Plan to rezone approximately 6.13 acres of property to a unique R-PZD zoning district. The property is located north of Wedington Drive, west of Garland Avenue. The Master Development Plan approved a zoning which would permit a maximum 296 dwelling units and 16,576 square feet of commercial space. The R-PZD request was limited to zoning approval with development to follow in the form of a preliminary plat or large scale development.

Several conditions were placed on the Master Development Plan regarding the future development proposal of the property. These included the determination of street improvements with development and the street standards for interior/proposed streets (private versus public street). There was considerable discussion at the City Council and Street Committee after the Planning Commission reviewed and recommended the project, and several conditions were added to the project regarding the street improvements that were expected to be installed with the development of the site.

The applicant has initiated the first phase of development approvals for Wedington Circle, which consists of a Preliminary Plat. This plat indicates the water, sewer, grading, drainage and construction necessary to install the street connecting Wedington Drive to James Street that will serve future development. On January 08, 2007, the Planning Commission approved the Preliminary Plat for Wedington Circle with specific determinations regarding off-site street improvements and street standards.

Below is a summary of staff's recommendation and the Planning Commission approval for each of these items:

1. Off-site Street Improvements:

Staff Recommendation: Based on the determinations made by the Street Committee and City Council during the approval of the Planned Zoning District, the developer shall be responsible for the closing of Mount Comfort Road between Garland Avenue and North Street, to include the installation of curb and gutter, sod, and landscaping; and installation of one traffic calming street table on James Street. With each large scale development proposal for the development of each lot, additional traffic improvements for traffic calming shall be added.

Planning Commission Determination: A motion was made and approved with a vote of 5 to 4 to amend the condition of approval as described above to indicate the following: The City Council approved and required the street improvements as part of R-PZD 05-1776, to consist of the following: The applicant shall be responsible for the closing of Mount Comfort Road between Garland Avenue and North Street, to include the installation of curb and gutter, sod, and landscaping; and installation of one traffic calming street table on James Street. With each large scale development proposal for the development of each lot, additional traffic improvements for traffic calming shall be added. The Planning Commission does not recommend what the City Council approved for street improvements and requested that the Street Committee revisit this item. The Planning Commission specifically recommended traffic calming or a narrowing/choke of Mount Comfort Road and North Street, instead of a complete closure.

2. Street Standards:

Staff Recommendation: Planning Commission determination of a waiver of Chapter 166.06 (K.10.b.i.) which requires that, "...any street connecting one or more public streets shall be constructed to existing City street standards and dedicated as a public street." *Due to the several waivers which would be required for the proposed street, including the street jog between Wedington Drive and Triangle Avenue, as well as the turning radius around the round-about, staff recommends that the street connecting Wedington Avenue and James Street be private. If approved, the applicant shall dedicate an access easement across the private street to allow public access between the dedicated rights-of-way and comply with all street and drainage criteria listed as part of Ch. 166.06 (K.10.b). The applicant shall modify the drawings to indicate the dedication of access easements instead of right-of-way along all private streets.*

Planning Commission Determination: The Planning Commission voted in favor of the staff's recommendation to approve a waiver and permit a

private street within the development, finding a public street in this case was not in the best interest of the City.

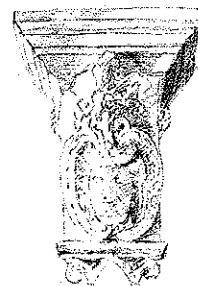
DISCUSSION

Wedington Place Preliminary Plat was approved on January 08, 2007 with a vote of 8-1-0, with Commissioner Myres voting "No." The conditions of approval were modified to reflect that street improvement requirements were based on the City Council's recommendations at the time of the Master Development Plan approval, and do not reflect the Planning Commission's recommendation. Considerable discussion regarding how the proposed development's relationship to this section of Mt. Comfort Road is relative to the traffic impact of this specific development occurred; the Planning Commission also discussed that creating traffic calming at the intersection of Mt. Comfort and North Street might function just as well as closing the street, and requested the Street Committee reconsider the decision. Additionally, a property owner that owns commercial properties in the area where Mt. Comfort Road would be closed spoke in opposition to the closing, stating that he had not been notified by the Street Committee or City Council that this would occur, and that it could potentially adversely impact his existing businesses. The majority of Planning Commissioners recommended reconsideration of the street improvements at Street Committee.

Based on staff recommendations and the waivers that would be required, the interior street was approved as a private street instead of a public street. Staff indicated that maintenance of this relatively steep street, along with a very small stacking distance and minimal offset from the State Highway at its entrance to Wedington Drive contributed to staff's recommendation that the street remain private.

BUDGET IMPACT

None.



HOUSES
INCORPORATED

217 North East Avenue
Fayetteville, AR 72701
telephone: 479.521.9155
facsimile: 479.521.6199

January 19, 2007

Sondra Smith, City Clerk
113 West Mountain Street
Fayetteville, Arkansas 72701

re: Wedington Circle LSD

Dear Ms. Smith,

As owners of the Wedington Circle project, we would like to submit an appeal of the Planning Commission's approval of our LSD application heard at the last planning commission session.

Your time and consideration is appreciated.

Respectfully,



Gregory T. House
for MansfieldHouse, LLC

RECEIVED

JAN 19 2007

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

cc: Steve Mansfield
Tom Jefcoat

01-19-07P04:53 RCVD

01-19-07P04:53 RCVD

PPL Planning Commission Staff Report



PC Meeting of January 08, 2007

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
Glenn Newman, Staff Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: January 3, 2007 *Updated January 10, 2007*

PPL 06-2302: Preliminary Plat (WEDINGTON CIRCLE PZD, 404): Submitted by MEL MILHOLLAND for property located NW OF WEDINGTON DRIVE AND GARLAND AVENUE. The property is zoned R-PZD 05-1776, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 6.13 acres. The request is for a preliminary plat of a Residential Planned Zoning District with 6 mixed-use lots proposed. Planner: Suzanne Morgan

Findings:

Background: This item was forwarded to the Planning Commission at the November 30, 2006 Planning Commission meeting.

Property Description: The property consists of approximately 6.13 acres. On February 2, 2006, the City Council approved a Master Development Plan to rezone this property to a unique R-PZD zoning district. There is dense tree canopy (89%) and 10% slopes located on the undeveloped site; the property is not located within the Hillside Hilltop Overlay District. It is located north of Wedington Drive, just west of Garland Avenue and has some frontage on James Street.

Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Apartment Complex and single family homes	RMF-24
South	Single family homes (across Highway 62)	RSF-4
East	Harps, Arvest Bank	C-2 and C-1
West	Single family homes; apartment buildings	RSF-4; RMF-24

ZONING CRITERIA: R-PZD 05-1776 (Wedington Circle)

Planning Area 1, 6.13 acres

(A) Proposed Uses.

Permitted Uses

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 16	Shopping goods
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Professional offices
Unit 26	Multi-family dwellings

Conditional Uses

Unit 2	City-wide uses by conditional use permit
Unit 18	Gasoline service stations and drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 28	Center for collection recyclable materials
Unit 34	Liquor Stores
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities

* Conditional use approval by the Planning Commission required.

(B) Density/Intensity

Density (dwelling units)	Intensity (square feet nonresidential)
48.3 Units/Acre: Maximum 296 dwelling units	Maximum 16,576 SF
<i>Anticipated development (not required by zoning):</i> 428 bedrooms 16 Efficiencies 156 1-bedroom 116 2-bedroom 8 3-bedroom	<i>Anticipated development (not required by zoning):</i> Professional Office: 10,000 SF Retail: 6,576 SF

(C) *Bulk and area regulations.*

Lot width minimum	Lot area minimum	Land area per dwelling unit
None	None	No Bedroom – 800 SF One Bedroom – 800 SF Two Bedroom – 1,000 SF Three Bedroom or more – 1,200 SF

(D) *Setback requirements.*

Front	Side	Rear
0 feet	0 feet	5 feet

(E) *Height.* Maximum height for all structures is six stories.

(F) *Building area.* Maximum 100% building area.

(G) *Signage.* Signage shall comply with the C-2 zoning requirements of the Fayetteville Sign Ordinance. Buildings containing only residential dwellings will adhere to the RMF-24 zoning district requirements of the Fayetteville Sign Ordinance.

Proposal: The applicant requests preliminary plat approval for a mixed-use subdivision with 8 lots, two of which are unbuildable and reserved for tree preservation. The applicant proposes a 55' right-of-way in which a street shall be constructed at varying widths, narrowing at where parallel parking is proposed.

The overall project includes development of 7 phases, the first being the installation of required infrastructure and dedication of right-of-way. The remaining 6 phases will be the development of structures for residential and retail/office use. The proposal consists of is 93% residential use and 7% commercial use. Each development phase (2-7) shall be reviewed and approved by the Planning Commission as a large scale development, and may require Preliminary/Final plat approval as well if the applicant wishes to subdivide the property.

Adjacent Master Street Plan Streets: Wedington Drive (Principal Arterial) and Garland Avenue to the east (Principal Arterial)

Right-of-way being dedicated: The applicant shall dedicate additional right-of-way for a total 55' from centerline for Wedington Drive by separate document prior to the recordation of the final plat.

With the ordinance establishing the Master Development Plan, the Planning Commission was given the determination of whether interior streets are to be public, private or a combination. Due to the several waivers which would be required for the proposed street, including the street jog between Wedington Drive and Triangle Avenue, as well as the turning radius around the

round-about, staff recommends that the street connecting Wedington Avenue and James Street be private. To allow the construction of a private street that connects two public streets will require the approval of a waiver of Chapter 166.06 (K.10.b.i.) which requires that, "...any street connecting one or more public streets shall be constructed to existing City street standards and dedicated as a public street." The applicant shall dedicate an access easement across the private street to allow public access between the dedicated rights-of-way.

Street Improvements: Staff recommends the closing Mount Comfort Road between Garland Avenue and North Street, to include the installation of curb and gutter, sod, and landscaping, installation of one traffic calming street table on Saint James Street. With each large scale development proposal for the development of each lot, additional traffic improvements for traffic calming shall be added.

Parks:

- On August 1, 2005 The Parks and Recreation Advisory Board recommended accepting money in lieu of land to satisfy the Park Land Dedication requirements for Wedington Circle for 12 single family units and 284 multi-family units.
- Fees are assessed in the amount of \$118,272.
- Asbell School Park is within a half mile service area of this development. Given its proximity to Asbell as well as Lewis Soccer Complex and the playground at Leverett Elementary School, this development will have adequate access to recreation. Additionally, the developer is proposing a pool, workout room, and soft surface walking trail and playground within the tree preservation area.
- Parks fees are due before signing the final plat or before issuance of building permits allowing development to occur.

Tree Preservation:	Existing canopy:	88.5%
	Preserved canopy:	18.4%
	Required:	25%
	Mitigation:	Required

Recommendation: The Subdivision Committee recommending forwarding the preliminary plat to the Planning Commission with a recommendation for approval.

Staff recommends approval of **PPL 06-2302** with the following conditions:

Conditions of Approval:

- * 1. ~~Planning Commission determination of appropriate street improvements. Staff recommends~~ ***The City Council approved and requires the following street improvements as part of R-PZD 05-1776, to consist of the following: the closing Mount Comfort Road between Garland Avenue and North Street, to include the installation of curb and gutter, sod, and landscaping, installation of one traffic calming street table on Saint James Street. With each large scale development proposal for the development of each lot, additional traffic improvements for traffic calming shall be added. The Planning Commission does not recommend what the City Council approved above, but asks that***

the Street Committee revisit this item and recommends traffic calming or a narrowing/choke of Mount Comfort Road.

The Subdivision Committee recommended approval of the street improvements.

The Planning Commission amended the language for Condition #1.

- * 2. Planning Commission determination of a waiver of Chapter 166.06 (K.10.b.i.) which requires that, "...any street connecting one or more public streets shall be constructed to existing City street standards and dedicated as a public street." *Due to the several waivers which would be required for the proposed street, including the street jog between Wedington Drive and Triangle Avenue, as well as the turning radius around the roundabout, staff recommends that the street connecting Wedington Avenue and James Street be private. If approved, the applicant shall dedicate an access easement across the private street to allow public access between the dedicated rights-of-way and comply with all street and drainage criteria listed as part of Ch. 166.06 (K.10.b). The applicant shall modify the drawings to indicate the dedication of access easements instead of right-of-way along all private streets.*

The Subdivision Committee recommended approval of the requested waiver.

The Planning Commission recommended approval of the requested waiver.

3. Planning Commission determination of a variance of Ch. 177.05 (B)(3) Street Tree Planing Plan Requirements for Urban Streetscapes, which requires a ten foot wide or greater sidewalk where urban tree wells are located. *The applicant has stated that in preparing the original Master Development Plan, 8-foot sidewalks at the face of buildings, building set back, were shown and that concept has carried over into the preliminary plat. Staff is in support of this request finding that 8' is an adequate size for tree wells.*

The Planning Commission recommended approval of the requested waiver.

4. Front building setbacks shall be enforced from the public right-of-way and private street access easements.
5. 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 placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.
6. All development of the property shall be approved by the Planning Commission through the large scale development and/or subdivision review process. Each Planning Area shall be evaluated based on the zoning and development criteria established with the Master Development Plan.
7. The applicant shall dedicate additional right-of-way for a total 55' from centerline for Wedington Drive by separate document prior to the recordation of the final plat.

8. Each Phase submitted for preliminary plat or large scale development review shall meet current development criteria at the time of submittal. The applicant shall be granted one (1) year from the date of Planning Commission approval to receive all permits necessary for development of the Phase with a one (1) year extension available.
9. If within five (5) years of the City Council adoption of the Master Development Plan, the approved zoning criteria are not in accordance with the goals, policies and guidelines of the City of Fayetteville, the Planning Commission will determine whether the Master Development Plan shall be submitted to the City Council for reconsideration.
10. All public and private streets/drives shall conform to city standards. Public and Private streets shall not be gated, unless permitted by express approval from the City Council by resolution.
11. The applicant shall revise the intersection of Wedington Avenue and the proposed street such that it will function as a one-way in and one-way out access with a physical separation between the entrance and exit. This shall be done in accordance with AHTD approvals.
12. The GIS Division shall approve the legal description and State Plane coordinates.
13. The applicant shall survey the sidewalk location prior to construction.
14. All comments in the attached memo from the Engineering Division shall be addressed prior to submission of construction drawings.
15. In accordance with City Transportation Division requirements, adequate distance between the parallel parking spaces and the intersection of two streets shall be provided.
16. All landscaping requirements will be required with the development of the individual lots formed by this preliminary plat.
17. The applicant is proposing to utilize the urban streetscape option with tree wells. There are some areas at which the sidewalk and trees will be installed before final plat. Structural soil per City requirements and tree grates must be utilized. Please add a note to the Tree Preservation plan that states; Structural soil or similar treatment will be installed before the installation of the sidewalk per City of Fayetteville standards. An approved 4' X 4', or greater, iron tree grate with opening width of 1/4 inch will be used.
18. Staff approved the Master Development Plan for this site with the condition that the applicant would preserve 18.4% of the canopy, mitigate to the required 25% (81 trees), and then add additional trees to screen the property along Wedington in the amount of 65 trees.
19. With this preliminary plat approval, Phase 1, the applicant is proposing to preserve 35% of the canopy. Canopy will only be removed for the installation of infrastructure. Further canopy will be removed after large scale approval has been granted for the individual lots.

20. This project is a non-residential subdivision. The applicant has chosen to utilize the Tree Preservation for Entire Subdivision option which would require all Tree Preservation requirements to be mitigated for at the time of Final Plat. The lots established by this preliminary plat will be required to come through the City's planning process. At this time the lots will be exempt from all Tree Preservation requirements except those of mitigation that can not be resolved until after the structures are designed.
21. On the Tree Preservation and Mitigation Plan approved by City Council for the Master Development Plan, the 65 trees added for screening were located near the Wedington right of way. Staff would like to continue conversations with the State Highway Department to try to get these trees planted within the expansive right of way. If permission is obtained these trees would be planted before final plat.
22. The applicant will be required 81 (2) inch caliper large species mitigation trees. At the time of Final Plat a Tree Mitigation Planting plan will be required to be filed with this final plat depicting the general location of the remaining trees and all the other required notes defined in Chapter 167 Tree Preservation and Protection on-site mitigation.
23. All of the 18.4% preserved canopy on this site must be placed within a Tree Preservation Area at the time of Final Plat. This will distinguish the physical bounds of this canopy and ensure preservation through the future development.

Standard Conditions of Approval:

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. All street names shall be approved by the 911 coordinator.
 27. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
 28. All new exterior lighting shall comply with the City's lighting ordinance.
-

Public Comment: Mr. Glenn David Wilson spoke regarding the off site improvements. He would like to see Mount Comfort remain open. He requested statistics on traffic accidents.

Planning Commission Discussion: Several members of the Commission discussed the street improvements and suggested that other traffic calming measures be put in place in lieu of removing the entrance to Mount Comfort Road on Garland Avenue and North Street.

Planning Commission Action: yes Required X Approved Denied Tabled

First Motion: by Anthes to amend Condition #1

Second: Clark

Vote: 5-4-0 (No Votes: Myres, Graves, Lack, Harris)

MOTION PASSED

Second Motion: by Anthes to approve the PPL with conditions as amended

Second: Graves

Vote: 8-1-0 (No Vote: Myres)

Date: January 8, 2007

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 _____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 West Mountain St.

Fayetteville, AR 72701

ENGINEERING DIVISION CORRESPONDENCE

479-575-8206

To: Suzanne Morgan, Planner

Date: January 4, 2007

From: Glenn E. Newman, Jr., P.E.
Staff Engineer

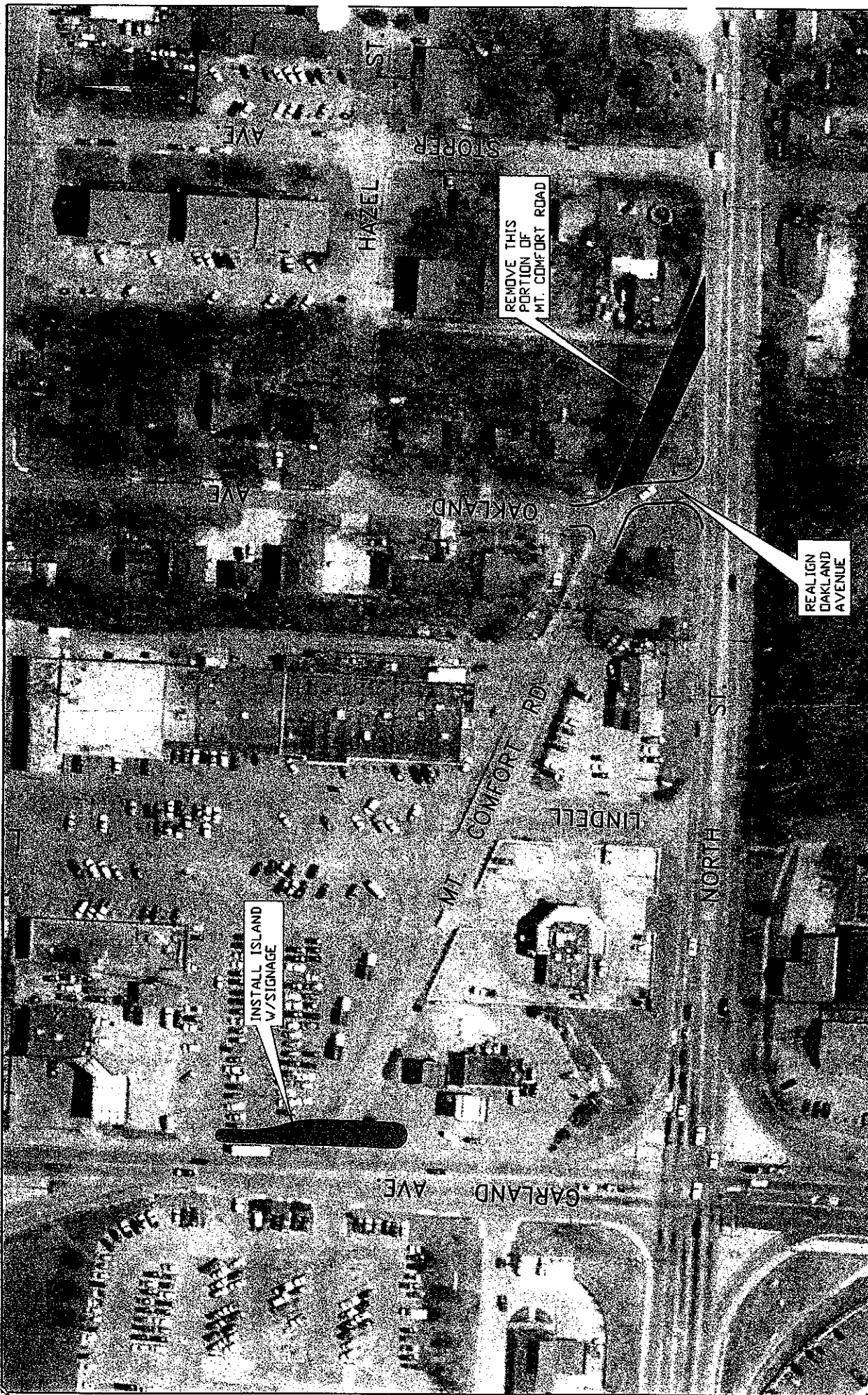
Re: Plat Review Comments (January 8, 2007 Planning Committee Meeting)

Development: **Wedington Circle PZD – 06-2302**

Engineer: **Milholland Company**

- 
1. All designs are subject to the City's latest design criteria (water, sewer, streets and drainage). Review for plat approval is not approval of public improvements, and all proposed improvements are subject to further review at the time construction plans are submitted.
 2. Submit Triangle Avenue as a Private Drive or make the following changes:
 - a. Revise the dimensions of the traffic circle to allow a SU design vehicle (fire truck, small delivery truck, bus, etc.) to negotiate the intersection without driving over curbs.
 - b. Provide 30 ft radius at the intersection with the traffic circle as required for public streets.
 - c. Increase the length of the public roadway intersecting Wedington Drive to meet the required standard of 150 ft minimum jog on minor streets.
 - d. Revise the "Tee" intersection on Triangle Ave to meet the minimum grade requirement at "Hilly" intersections of 4% max. within 100 ft of the intersection.
 3. Offsite sanitary sewer mains identified in the Applicants summary as I and J (375 ft) shall be increased to an 8" diameter and K & L (650 ft) to a 10" with the associated construction and service connections along Mt Comfort Road.
 4. Additional offsite traffic calming measures are required along Stephens Ave and Hendrix Street at the time of future development (3 each).
- 

FILE
COPY



↑ NORTH

R-PZD

City Council Agenda

Request

(includes notes taken at City Council)

City Council Meeting of January 03, 2006
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: December 15, 2005

Subject: Master Development Plan - Residential Planned Zoning District for Wedington Circle (R-PZD 05-1776)

RECOMMENDATION

Planning Staff recommends approval of an ordinance creating a Master Development Plan - Residential Planned Zoning District (R-PZD) for Wedington Circle, based on the Master Development Plan, development standards, and statement of commitments submitted. This action will establish a unique zoning district for a single-use project on approximately 6.13 acres. It does not grant development approval.

BACKGROUND

The property consists of approximately 6.13 acres. The applicant requests a rezoning and Master Development Plan approval for the subject property. There is dense tree canopy and 10% slopes located on the undeveloped site. The property is currently zoned RMF-24 and C-2. It is located north of Wedington Drive, just west of Garland Avenue and has some frontage on James Street.

The mixed-use project will include development of 7 phases, the first being the installation of required infrastructure and dedication of right-of-way which would require a preliminary and final plat. The remaining 6 phases will be the development of structures for residential and retail/office use. The proposal consists of 93% residential use and 7% commercial use. Each development phase (2-7) will be reviewed and approved by the Planning Commission as a large scale development, depending upon how they are submitted.

DISCUSSION

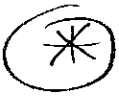
The Planning Commission voted 8-0-0 in favor of this request on December 12, 2005. A Planned Zoning District requires City Council approval as it includes zoning and land use approval. Recommended conditions were approved by the Planning Commission and are reflected in the attached staff report.

The applicant has submitted a traffic study which does not recommend any improvements, however staff is aware of infrastructure that may be detrimentally impacted with this additional development. At the time of development, streets that the

development will access may need to be improved to provide a safe and adequate means of access, as determined by the Planning Commission. At minimum, a full street section width will be required on James Street to the intersection of Mount Comfort Road and potential improvements, including sidewalk, to Wedington Drive. Contribution to long-term or installation of short-term improvements to the intersection of Mount Comfort and Garland (Highway 112) has also been discussed, and will be evaluated at the time of development.

BUDGET IMPACT

None.



CC Notes (02.09.06)

- Traffic coloring to be installed in adjacent neighborhoods (by city)
- City staff to present closing of Mt. Comfort east of Garland at next St. Comm.
- At time of development, project shall contribute to creating "T" intersection of Mt. Comfort / James & Garland as a long-term solution

R-PZD

City Council Staff Report



PC Meeting of December 12, 2005

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Suzanne Morgan, Current Planner
THRU: Jeremy Pate, Director of Current Planning
DATE: December 7, 2005 *Updated December 15, 2005*

R-PZD 05-1776: Residential Planned Zoning District (Wedington Circle): Submitted by Rob Sharp Architect, Inc. in behalf of Greg House and Steve Mansfield for property located north of Wedington Drive (Hwy 112 Spur) and west of Garland Avenue. The property is zoned RMF-24, Residential Multi-family – 24 units per acre, and C-2, Thoroughfare Commercial, and contains approximately 6.13 acres. The request is to approve a Master Development Plan – Residential Planned Zoning District for a mixed use development to include multi-family dwellings, offices, retail and associated parking.

Property Owner: Mansfield House, LLC

Planner: Suzanne Morgan

Findings:

Property Description: The property consists of approximately 6.13 acres; conflicting information has been provided regarding the size of the property and the applicant is in the process of obtaining an accurate surveyed legal description of the entire subject property. The applicant requests a rezoning and Master Development Plan approval for the subject property. There is dense tree canopy (89%) and 10% slopes located on the undeveloped site. The property is zoned RMF-24 and C-2 which allows for high density and high intensity uses. It is located north of Wedington Drive, just west of Garland Avenue and has some frontage on James Street.

Surrounding Land Use/Zoning:

Direction	Land Use	Zoning
North	Apartment Complex and single family homes	RMF-24
South	Single family homes (across Highway 62)	RSF-4
East	Harps, Arvest Bank	C-2 and C-1
West	Single family homes; apartment buildings	RSF-4; RMF-24

Proposal: The applicant requests a rezoning and Master Development Plan approval for a mixed-use project on the property. The project will include development of 7 phases, the first being the installation of required infrastructure and dedication of right-of-way. The remaining 6 phases will be the development of structures for residential and retail/office use. The proposal consists of is 93% residential use and 7% commercial use. Each development phase (2-7) shall

be reviewed and approved by the Planning Commission as a large scale development, and may require Preliminary/Final plat approval as well if the applicant wishes to subdivide the property.

Process: The purpose of the subject request is to allow a mixture of uses within the entire project and create an urban environment for those who desire to live close to the University of Arkansas and within one mile of the central downtown area. The density proposed is 48 units per acre, with a maximum 296 units and 428 bedrooms. In order to do so, the Planned Zoning District process was recommended. City Council approval of the proposed Master Development Plan would effectively rezone the property based on the plans and information provided. However, it does not give development approval. The applicant is required to return through the preliminary plat, final plat and large scale development process, in this case, 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.

The following bulk and area regulations are proposed by the applicant, and are included in detail within the attached submittal:

ZONING CRITERIA: R-PZD 05-1776 (Wedington Circle)

Planning Area 1, 6.13 acres

(A) Proposed Uses.

Permitted Uses

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 16	Shopping goods
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Professional offices
Unit 26	Multi-family dwellings

Conditional Uses

Unit 2	City-wide uses by conditional use permit
Unit 18	Gasoline service stations and drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 28	Center for collection recyclable materials
Unit 34	Liquor Stores
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities

** Conditional use approval by the Planning Commission required.*

(B) Density/Intensity

Density (dwelling units)	Intensity (square feet nonresidential)
49* Units/Acre: Maximum 296 dwelling units	Maximum 16,576 SF
<i>Anticipated development (not required by zoning):</i> 428 bedrooms 16 Efficiencies 156 1-bedroom 116 2-bedroom 8 3-bedroom	<i>Anticipated development (not required by zoning):</i> Professional Office: 10,000 SF Retail: 6,576 SF

***Staff has modified the density from 48.3 units per acre to 49 units per acre, with the understanding that the maximum number of dwelling units allowable is 296.**

(C) Bulk and area regulations.

Lot width minimum	Lot area minimum	Land area per dwelling unit
None	None	No Bedroom – 800 SF One Bedroom – 800 SF Two Bedroom – 1,000 SF Three Bedroom or more – 1,200 SF

(D) Setback requirements.

Front	Side	Rear
0 feet	0 feet	5 feet

(E) Height. Maximum height for all structures is six stories.

(F) Building area. Maximum 100% building area.

(G) Signage. Signage shall comply with the C-2 zoning requirements of the Fayetteville Sign Ordinance. Buildings containing only residential dwellings will adhere to the RMF-24 zoning district requirements of the Fayetteville Sign Ordinance.

(H) Tree Preservation. The applicant proposes to potentially preserve approximately 18.4% of the existing canopy on the property, though detailed site work has not been done. The percent canopy required to be preserved in a PZD is 25%. The applicant proposes mitigation of the 6.6% canopy with on-site tree plantings. Additionally, the applicant proposes planting an additional 14,170 square feet of tree canopy within the AHTD right-of-way to provide a buffer between this development and properties to the south, and to provide additional canopy to the property. Due to the difficult nature of this site to develop, staff is generally supportive of this proposal, and will evaluate the development plans to retain as much canopy as possible.

Water & Sewer: Water is currently available, and will be extended on-site with adequate fire protection (hydrants) and water line size to be provided as required by code. The Fire Department shall review the proposal to ensure adequate access to and within the site and sprinkling with each structure. Evaluations of the water system, sewer system, streets, and drainage will need to be made as the scope of the project becomes better defined. More specifically, the water distribution system may need to be upgraded to handle the increased demand for domestic and fire supply, the sanitary sewer system needs to be evaluated to show any deficiencies, streets and pedestrian access will need to be improved and follow City standards. Drainage improvements may include detention and/or improvements to the existing system.

Adjacent Master Street Plan Streets: Wedington Drive (Principal Arterial) and Garland Avenue to the east (Principal Arterial)

Traffic: Access is proposed to be provided from Wedington Drive, a Principal Arterial, and James Street, a local street. Wedington Circle is constructed to its widest extent and the condition of James Street may need to be improved. At the time of development, streets that the development will access may need to be reconstructed to provide a safe and adequate means of access, as determined by the Planning Commission. At minimum, a full street section width will be required on James Street to the intersection of Mount Comfort Road and potential improvements, including sidewalk, to Wedington Drive. Contribution to long-term or installation of short-term improvements to the intersection of Mount Comfort and Garland (Highway 112) has also been discussed, and will be evaluated at the time of development. Any curb cut or improvements on Wedington Drive shall require AHTD approval. Access for ladder trucks within this property and especially around the round-about for the Fire Department is a stated concern.

Interior to the project, public and private drives are proposed. Access to future structures will need to meet with Fire Department approval in order to provide adequate fire protection and emergency access in time of need. The slope, width and construction of interior drives to access future structures shall be evaluated at the time of development to ensure proper and safe access is achieved. Based on further evaluations by Planning and Engineering, interior streets may or may not be public.

Street Improvements: Staff recommends that street improvements be evaluated at the time of development for Wedington Drive along the project frontage and on James Street, as well as surrounding intersections. At this time the applicant has submitted a traffic study which does not recommend any improvements, however staff is aware of infrastructure that may be detrimentally impacted with this additional development.

Tree Preservation: Most of the site (88.66%) contains existing tree canopy. The majority of the property is intended to be utilized for development and to do so on slopes of 10% will create a great deal of disturbance. The applicant is preserving the tree canopy in one location on the property. The applicant proposes to preserve approximately 18.4% of the existing canopy on the property, utilizing retaining walls to minimize grading. The applicant proposes mitigation of the

addition required 6.6% canopy with on-site tree plantings. Additionally, the applicant proposes planting an additional 14,170 square feet of tree canopy within the AHTD right-of-way to provide a buffer between this development and properties to the south. The Urban Forester's evaluation of the proposed tree preservation plan has been included in the staff report, and is cautiously supportive, due to the fact that this is a concept plan only, and further evaluation will need to be made at the time of development.

If developed under the current zoning regulations, 15% tree canopy in a C-2 zoning district and 20% canopy within an RMF-24 zoning district is required to be preserved.

Parks:

- On August 1, 2005 The Parks and Recreation Advisory Board recommended accepting money in lieu of land to satisfy the Park Land Dedication requirements for Wedington Circle for 12 single family units and 284 multi-family units.
- Fees are assessed in the amount of \$118,272.
- Asbell School Park is within a half mile service area of this development. Given its proximity to Asbell as well as Lewis Soccer Complex and the playground at Leverett Elementary School, this development will have adequate access to recreation. Additionally, the developer is proposing a pool, workout room, and soft surface walking trail and playground within the tree preservation area.
- Parks fees are due before signing the final plat or before issuance of building permits allowing development to occur.

Public Comment: The applicants have presented their ideas to two Ward 4 neighborhood meetings. Staff has not received any public comments regarding this project, though the applicant indicates response has been, for the most part, favorable.

Recommendation: Staff recommends forwarding the Master Development Plan – Residential-Planned Zoning District for Wedington Circle (R-PZD 05-1776) to the City Council with a recommendation of approval with the following conditions:

Conditions of Approval:

1. *After the Planning Commission meeting on December 12, 2005, staff reevaluated the recommended Lot Area Minimum for this property and modified the recommendation from "8,000 square feet" to "None" finding that to establish a lot area minimum in a dense, urban-type development was unnecessary.*
2. 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.
3. 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. Each Planning Area 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.

4. Each Phase submitted for preliminary plat or large scale development review shall meet current development criteria at the time of submittal. The applicant shall be granted one (1) year from the date of Planning Commission approval to receive all permits necessary for development of the Phase with a one (1) year extension available.
5. If within five (5) years of the City Council adoption of the Master Development Plan, the approved zoning criteria are not in accordance with the goals, policies and guidelines of the City of Fayetteville, the Planning Commission will determine whether the Master Development Plan shall be submitted to the City Council for reconsideration.
6. The applicant currently proposes Tree Preservation less than required within a Planned Zoning District, though all detailed plans have not been proposed. The requirement is 25% tree canopy preservation. The applicant proposes approximately 18.4% tree canopy preservation. Staff recognizes that with the development of construction plans, grading and drainage plans, and utility easement requests the total percent canopy preserved may vary slightly from the 18.4% proposed. A Tree Preservation plan will be evaluated at the time of development submittal. The applicant shall install mitigation trees on site, and the applicant has proposed installation of an additional 14,170 square feet tree canopy with the AHTD right-of-way south of the subject property.
7. 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. Signage shall comply with the C-2 zoning requirements of the Fayetteville Sign Ordinance. Buildings containing only residential dwellings will adhere to the RMF-24 zoning district requirements of the Fayetteville Sign Ordinance.
- * 8. All public and private streets/drives shall conform to city standards. Improvements to existing streets shall be determined by the Planning Commission at the time of development. Public and Private streets shall not be gated, unless permitted by express approval from the City Council by resolution. With this ordinance, the Planning Commission is given the determination of whether interior streets are to be public, private or a combination, to be determined at the time of development with a more thorough evaluation.
- * 9. The applicant commissioned a traffic study for this project. Staff will be making the recommendations for street improvements at the time of development. Dedication of right-of-way to meet Master Street Plan requirements, appropriate drainage, lighting,

sidewalk and other surrounding or adjacent street and intersection improvements as determined to be appropriate in alleviating the impact of the increase in use and traffic generation shall be determined by the Planning Commission.

10. All development shall meet applicable building codes and other ordinances of the City of Fayetteville.
11. Prior to approval of an ordinance approving this Master Development Plan – Residential Planned Zoning District, the applicant shall submit a written legal descriptions including area in square feet or acres that read clockwise, meets all city ordinance requirements, and is adopted by the GIS division. *The applicant has submitted a revised legal description which is currently being reviewed by the GIS Division and will be approved prior to the recordation of the ordinance adopting the R-PZD.*

Planning Commission Action: Required YES
☐ Approved ☐ Denied ☐ Tabled ☒ FORWARD TO CC
Motion: Trumbo
Meeting Date: December 12, 2005 *Second: Clark*
Vote: 8-0-0
Comments: _____

The "Conditions of Approval" listed in the report above are accepted in total without exception by the entity requesting approval of this development item.

Signature Date

CITY COUNCIL ACTION: yes Required
 Approved Denied
Date: January 03, 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

R-PZD City Council Minutes

NEW BUSINESS:

R-PZD 05-1776 Wedington Circle: An ordinance establishing a Residential Planned Zoning District titled R-PZD 05-1776, Wedington Circle, located north of Wedington Drive (Hwy 112 Spur) and west of Garland Avenue, containing approximately 6.13 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: Jeremy gave a brief description of the project. Staff is recommending approval of this ordinance, there were several findings. The Planning Commission voted 8-0 in favor of staff's findings.

Alderman Thiel: Seven percent of this is going to be commercial? What is going to be commercial?

Jeremy Pate: It's typically the bottom story or bottom floor.

Alderman Thiel: This will be along Wedington?

Jeremy Pate: When the highway department expanded Wedington they took a lot of right-of-way in this area, that right-of-way cannot be vacated, it is something that the highway department uses to tow their slope, so that will not be utilized. So there's really not a lot of retail frontage for this project. It's my understanding a lot of that will be along this primary street that goes from James to Wedington along that area. I think the plan is to have more of a mixed use sort of an integrated within the over all development. There will be underground parking as well.

Alderman Thiel: I assume that the access road is a private drive?

Jeremy Pate: It is.

Alderman Thiel: So they won't have access to that?

Jeremy Pate: What they've shown there is the potential for a cross access. That would have to be worked out in detail and permission given by that property owner. Hopefully that can be worked out because again that would provide another means of access ingress and egress. The slope has a lot to do with it as well because that's a pretty steep slope coming in off of Wedington to the north.

Alderman Thiel: Okay. Thank you.

Mayor Coody: Any other questions of comments. Yes sir.

Alderman Jordan: My concern is coming out on Wedington there's no way that you are going to be able to turn left on that road. I can tell you from experience it's just not going to happen. That means that your traffic is going to turn right, and if they are going to the campus they are going to go to Hall or Sunset and go that way. I already have a petition from the neighborhoods on Hall Street, that does not have anything to do with this project, but they were already

concerned about traffic congestions, no sidewalk and the street being too narrow along that school. This is not going to help the situation any if people start cutting through Hall Street to go to the university. I think this is a good looking project but that has got to be addressed. It has to be addressed for the neighbors in that area. I've had some calls and e-mails from people from the Hendricks neighborhood association with concerns about it coming through their neighborhood as well. I think this is something that needs to be addressed before I can support this.

Jeremy Pate: One of the ideas behind supporting the higher density than we have in a zoning district currently is that it is located so near to infrastructure improvements already. It's close to the university and very easy to walk to. There is a transit stop directly to the east by the grocery store and a lot of people utilize the store parking and the parking lot across the street for a park and ride area. I think it does set itself up for more pedestrian traffic if it is student oriented. Obviously some students will still drive and park in neighborhoods or park in the parking garage at the university. We felt that was a positive thing in response to your question. I agree left hand turns will probably be difficult and we may see with further evaluation it may only need to be a right in right out. It depends on what the traffic loads are and how that's going to be handled. James Street would then take more of the brunt of the traffic. There are four homes currently on James Street otherwise it serves as a primary ingress and egress for a very large multi-family residential development as well as another apartment building and access from grocery stores. So it's already seen some traffic although the numbers are relatively low. I don't believe you'd have a hard time turning left, right or even walking down James Street currently because there are so many ways in and out. So this will add impact to the infrastructure in the area, we feel however that with the location of it, it will be a positive impact and that it will promote more pedestrian and bicyclist activity.

* **Alderman Marr:** I love these kinds of infill projects and I think the design is very attractive. My concerns are not about the development it's the ingress and egress and to make sure we can handle it in this particular area. My concern is the traffic from Mount Comfort. Was there any dialogue about closing that diagonal section there to take that piece out of this intersection and designing a more traditional T type intersection? I find it very hard to believe that 400 units would not create any additional traffic issues.

* **Jeremy Pate:** We had the same concern when we had the response of not a lot of impact. James Street is not an arterial street and if you look and you can't turn left on Wedington that's going to take some traffic that's going to be detrimentally impacted and therefore it will need to be improved. That goes in line with the comments about the intersection of Mount Comfort and Garland and that acute angle there that it creates. We will be recommending street improvements at the time of development, and that would potentially include intersection improvements as determined to be appropriate. What we did have dialogue about specifically was the intersection of Mount Comfort and Garland on the west side of Garland, we did not venture east of Garland Avenue. I think in some of our long term plans staff has indicated to the City Council that there will probably be a major intersection realignment in this area and there is the potential for closing that street.

Alderman Marr voiced his concerns about the current traffic in this area.

Alderman Lucas: I like this project. Are they tied to these things? For instance I like the round about in the middle.

Jeremy Pate: That will likely be incorporated in detail.

Alderman Lucas: This is not binding then?

Jeremy Pate: It is. It is a binding booklet. However it is a master plan so every detail might not be exactly as it is presented.

Alderman Lucas: I am also concerned about traffic. This will throw more traffic into the neighborhood. I don't have a solution. If we were going to improve Garland then why can't we do something with that intersection at the same time?

Jeremy Pate: That's certainly within our long term plans. As far as a long term goal that would help with the cut through traffic. I think it's a problem with any project, this will create additional traffic. It's certainly something we will look at in detail.

Mayor Coody: Jeremy isn't Garland Avenue in the Street Bond issue?

Jeremy Pate: Yes.

Mayor Coody: Any other questions or comments?

Alderman Reynolds: Who ever pulls out of these apartments will be looking at three different driveways. The other thing is how wide are those streets going to be Jeremy?

Jeremy Pate: The interior ones? They are likely any where from a standard street 24' to 28' wide.

Alderman Reynolds: I noticed we have 296 multi family units, 428 bedrooms, and 392 parking places but of that 58 parking spaces are on the street. How are you going to put a car on either side of the street and get a fire apparatus through there?

Jeremy Pate: Typically the 28' section and that would be without parallel parking. If it had parallel parking on the street it would be widened to accommodate at least 8' on either side for the parallel parking to allow for a through access point.

Alderman Reynolds: The other thing I'd like to bring to your attention is the Fire Department letter. There was two items on there that the engineers need to look at and make sure they take care of in this project.

Jeremy Pate: Assuming this gets approved we would have to discuss how the entrance off of Wedington is accommodated and the round about. We will also discuss this with the Fire Department to make sure their apparatus can access through that.

Alderman Reynolds: But this doesn't come back to us?

Jeremy Pate: It goes to the Planning Commission for development approval.

Mayor Coody: Any more questions for staff on this? I'm going to open up to public comment on this. Is there anyone that would like to comment on this development prospect?

Steve Mansfield, Mansfield's House: I appreciate you taking the time to consider this project. We are here before you for a concept plan as discussed we would have to go back to the Planning Commission for approval and to work out the details. What I 'd like to do is give you a little bit of the history of how it came about, some of the goals and why it's designed the way that it is. I like to talk a little bit about the planning of it and then let Rob Sharp come back and give you some of the details on the architectural side. Mr. Mansfield gave a brief description of the project.

Rob Sharp, Architect gave a presentation on the project. He stated the road capacity is there and they can probably make things better. He stated the developers have committed to a very high level of construction.

Alderman Ferrell: One of our objectives is to work with the university and the university has an objective to grow their campus and this campus is going to grow. I think this lends itself to people walking. I think this is a further cooperative partnership with the university in trying to provide housing.

Alderman Marr: There is nothing in the city administration or planning department's opinion at this point that could be done outside of the upcoming bond issue that would address all of the points of access as we look at this development.

Tim Conklin, Planning: BWR did look at this intersection as one of the five intersections for realignment and they had plans to realign.

Joyce Richards a resident voiced her concern about the traffic.

Bill Muller a resident stated he is impressed with the project. He feels this is an excellent project for the City of Fayetteville. He is also concerned about the traffic. He voiced his concern about the traffic study that was completed. He requested the Council to approve this but to exercise their power to reduce the impact on the neighborhoods.

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

City Attorney Kit Williams read the ordinance.

This ordinance was left on the second reading.

Alderman Jordan asked that the staff try to resolve some of the problems with traffic in the neighborhoods.

R-PZD 05-1796 Park West: An ordinance establishing a Master Development Plan Residential Planned Zoning District titled R-PZD 05-1796, Park West, located at Highway 112 east of Deane Solomon Road, containing approximately 139.45 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.

approve this activity to be done under the current permit. We have offered to show them the site and meet with them on site.

I would ask for this to be tabled with we ask for a Corp ruling on if this will be included in the permit. We are requesting if they want to meet with us on site to do so within two weeks. This segment of the sewer line was originally predicted to advertise in February and open bids in March. This is the shortest section of sewer by length and also by construction period. Deferring this project another two to four weeks is not going to delay the net WSIP project on the west side of town.

Alderman Rhoads moved to table the resolution until the February 7, 2006 City Council meeting. Alderman Jordan seconded the motion. Upon roll call the motion passed unanimously.

This resolution was tabled to the February 7, 2006 City Council meeting.

R-PZD 05-1776 Wedington Circle: An ordinance establishing a Residential Planned Zoning District titled R-PZD 05-1776, Wedington Circle, located north of Wedington Drive (Hwy 112 Spur) and west of Garland Avenue, containing approximately 6.13 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 January 3, 2006 City Council meeting.*

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

City Attorney Kit Williams read the ordinance.

Alderman Jordan: This went to the Street Committee last Thursday and we had quite a discussion over this issue. There is going to be a meeting between the developers and the neighborhood next week.

Joyce Richards a resident of Stephens Avenue said she went before the Street Committee and told them her concerns. She stated they would like to look at traffic calming and doing something with that general area in front of Harps. We have set up a neighborhood meeting for next week.

Alderman Jordan moved to table the ordinance until the February 7, 2006 City Council meeting. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.

This resolution was tabled to the February 7, 2006 City Council meeting.

R-PZD 05-1796 Park West: An ordinance establishing a Master Development Plan Residential Planned Zoning District titled R-PZD 05-1796, Park West, located at Highway 112 east of Deane Solomon Road, containing approximately 139.45 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 January 3, 2006 meeting.*

Traffic Signal Morningside Drive: A resolution authorizing City staff to design and construct a traffic signal at the intersection of 15th Street and Morningside Drive.

Resolution 25-06 as Recorded in the Office of the City Clerk.

Alderman Marr moved to approve the Consent Agenda as read. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.

UNFINISHED BUSINESS:

John D. Lindsey, LLC. Condemnation: A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by John D. Lindsey, LLC. *This resolution was tabled at the December 20, 2005 City Council meeting to the January 3, 2006 City Council meeting. This resolution was tabled at the January 3, 2006 City Council meeting to the January 17, 2006 City Council meeting. This resolution was tabled at the January 17, 2006 City Council meeting to the February 7, 2006 City Council meeting.*

David Jurgens, Water and Wastewater Director: I recommend we go with the alternate alignment between the building and the creek and that the City Attorney work that out with the owner's attorney. Several of you have addressed wanting to get the statement from the owner concerning damages and move forward with the owner concerning the alternate alignment. Then we will work with the Corps on the issue. After discussions with our consultants we will pursue a nationwide permit or an amendment to our existing permit through the 404 program so that we can get that accomplished in the amount of time we require to not hold up the project.

Alderman Ferrell moved to table the resolution indefinitely. Alderman Lucas seconded the motion.

Alderman Thiel: We do have an affidavit from them?

City Attorney Kit Williams: We do not. We will get that though and if we do not get it we can bring it off the table.

Alderman Thiel: This will not slow down the treatment plant construction?

David Jurgens: I believe we can do this without slowing down the completion of the project.

Upon roll call the motion passed unanimously.

This resolution was tabled indefinitely.

↓
R-PZD 05-1776 Wedington Circle: An ordinance establishing a Residential Planned Zoning District titled R-PZD 05-1776, Wedington Circle, located north of Wedington Drive (Hwy 112 Spur) and west of Garland Avenue, containing approximately 6.13 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 January 3, 2006 City Council meeting. This ordinance was left on the Third Reading at the January 17, 2006 City Council meeting.*

This ordinance was tabled at the January 17, 2006 City Council meeting to the February 7, 2006 City Council meeting.

* **Alderman Lucas:** I think this is a good development. They have met with the neighbors as well as the staff. I want to stress that James Street, Mount Comfort and Garland intersection must be corrected to a tee intersection in order that traffic will not have to go through the Hendricks neighborhood to turn left on Garland. That is something that we need to work on. As far as the speed humps and the narrowing of Stephens, is that going to be done?

Gary Dumas, Director of Operations: The cost is amount \$3,000 per devise. I think there are neighborhood traffic issues in this area already so I would assume we would be installing these.

Alderman Jordan: I think that is what we discussed at the Street Committee.

* **Alderman Cook:** I struggle with this development. It is a logical place to put a development but to add a driveway onto Wedington at the crest of the hill makes me nervous. I think this will put more traffic into the neighborhood. We have discussed some traffic calming and that is a good thing but there are still going to be issues with some of the current streets. I am afraid we are going to put the development in there and then we are going to create worse problems. As far as the development I don't have a problem with it. I will probably support this but I struggle with the consequences of it.

* **Alderman Marr:** I think this is an excellent example of infill, it is the kind of development that we want to see. It is in a University connection area, it has two bus stops nearby. I think we have had enough discussion at the Street Committee that hopefully we have sent a very strong message to the administration that we want to see a resolution to Mount Comfort, Garland and James intersection at this location.

Alderman Reynolds: The City Council experienced that intersection yesterday and it was not good. I think this is a very dangerous intersection.

Gary Dumas: We will have a recommendation to you at the next Street Committee meeting on how to close that intersection until the bond program comes through.

Alderman Reynolds: It will be done before this development is finished?

Gary Dumas: If the Street Committee concurs with the staff recommendation, yes.

A discussion followed on intersections in the area.

Alderman Jordan: I too have a problem with the intersection coming out on Wedington and the intersection at James and Mount Comfort. The intersection is in the Bond issue for that area and also the traffic calming helped me. I wanted to make sure that all the bases were covered and I think they have been. I think it is a good development and good infill.

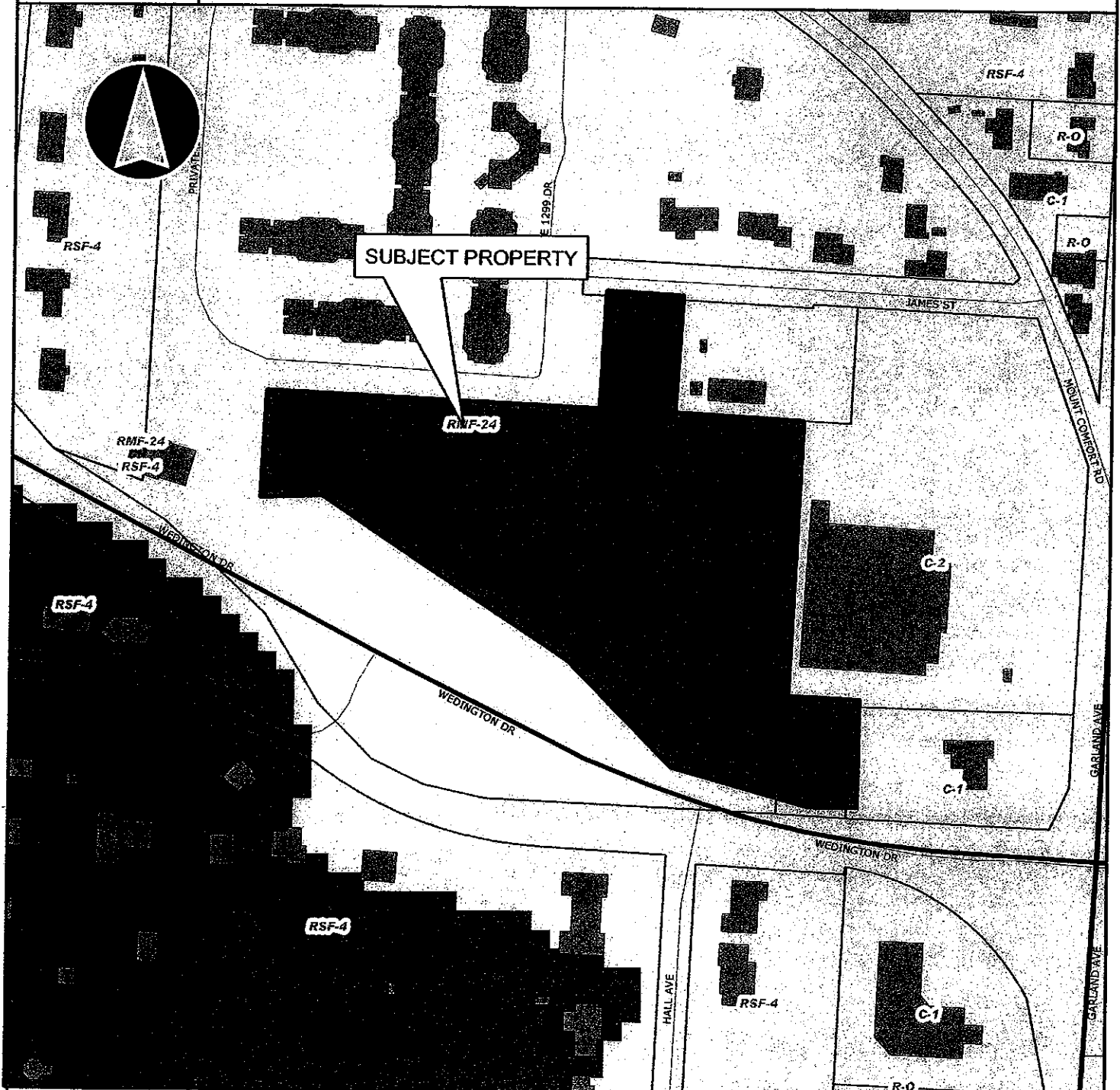
Vice Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 4826 as Recorded in the Office of the City Clerk.

PPL06-2302

WEDINGTON CIRCLE

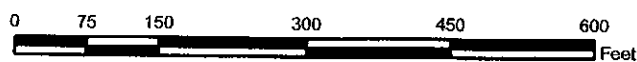
Close Up View



Overview

Legend

- Overlay District
- FLOODWAY
- 100 YEAR
- 500 YEAR
- LIMIT OF STUDY
- - - BaseLine Profile
- Fayetteville
- Outside City
- PPL06-2302
- vector.GDB.Footprint_2004
- Hillside-Hilltop Overlay District



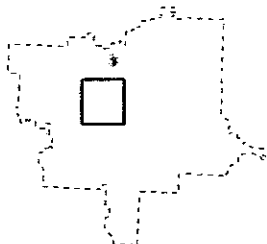
PPL06-2302

One Mile View

WEDINGTON CIRCLE



Overview



Legend

Subject Property



PPL06-2302

Boundary



Planning Area



Overlay District



Outside City

Legend

Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

PPL06-2302

WEDINGTON CIRCLE

Close Up View



Overview

Legend

2006 Imagery (BW)
Value

High : 255

Low : 0

PPL06-2302

Hillside-Hilltop Overlay District



Overlay District

Fayetteville

FLOODWAY

100 YEAR

500 YEAR

LIMIT OF STUDY

BaseLine Profile



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

C. 4
VAC 06-2204
Bungalows at Cato Springs
Page 1 of 22

6-Feb-07

City Council Meeting Date

Jeremy Pate ^{JP}
Submitted By

Planning
Division

Operations
Department

Action Required:

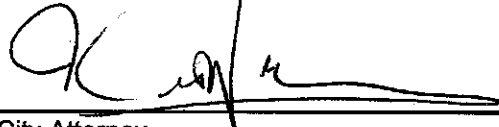
VAC 06-2204: (Bungalows at Cato Springs, 600): Submitted by McClelland Consulting Engineers for property located north of Cato Springs Road, West of Cline Avenue. The property is zoned R-PZD, Residential Planned Zoning District and contains 5.52 acres. The request is to vacate an access easement (0.35 acre) and a drainage channel access easement (0.03 acre) on the property.

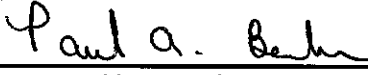
\$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	Remaining Balance	Fund Name
	\$	

Budgeted Item ☐

Budget Adjustment Attached ☐


Department Director 1-12-07
Date


City Attorney 1-12-07
Date


Finance and Internal Service Director 1-16-07
Date


Mayor 1/17/07
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Received in City Clerk's Office


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: January 11, 2007

Subject: Easement Vacation for Bungalows at Cato Springs (VAC 06-2204)

RECOMMENDATION

Planning Staff recommends approval of an ordinance vacating an access easement and a channel access easement located within the Bungalows at Cato Springs located north of Cato Springs Road and west of Cline Avenue.

BACKGROUND

A Planned Zoning District and Preliminary Plat for the Bungalows at Cato Springs (R-PZD 05-1797, and PPL 06-2011) have been approved for a 31-lot single family development on the property. At the time of preliminary plat approval it was noted that existing easements on the property would have to be vacated prior to final plat. The subject easements include an access easement, and a channel access easement. The access easement was platted for the property owner to the north to have access to his property, a tandem lot. It appears that the channel access easement was originally platted to allow access to the Cato Springs Branch Creek along the western portion of the property, for maintenance of this waterway/floodway. Currently no public utilities or public uses occupy the easements.

As part of the Bungalows at Cato Springs Final Plat, right-of-way would be dedicated throughout the property for new streets and alleys. This right-of-way would provide adequate access throughout the development and to the drainage channel. An exhibit depicting the right-of-way that would be dedicated is attached to this report.

The applicant's request is to vacate a 50' access easement (0.35 acres) and a 0.03 acre channel access easement, as the easements will not be necessary to facilitate access after development of the Bungalows at Cato Springs.

DISCUSSION

Notification was provided to all appropriate utility representatives and to the City. This item was heard on consent at the regular Planning Commission on January 8, 2007. The Planning Commission voted 9-0-0 to recommend this vacation request to the City Council.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 06-2204 SUBMITTED BY MCCLELLAND CONSULTING ENGINEERS FOR PROPERTY LOCATED NORTH OF CATO SPRINGS ROAD, WEST OF CLINE AVENUE TO VACATE AN ACCESS EASEMENT (0.35 ACRES) AND DRAINAGE CHANNEL ACCESS EASEMENT (0.03 ACRES) ON THE 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 easements are not required for corporate purposes;

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

Section 1: That a copy of this Ordinance duly certified by the City Clerk along with the map attached hereto and labeled Exhibit "A" shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following described utility easements:

See Exhibit "B" attached hereto and made a part hereof.

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. Relocation of any existing utilities shall be at the owner/developer's expense.
2. New right-of-way shall be dedicated as part of the Bungalows at Cato Springs final plat consistent with the previously approved street and alley layout for this subdivision.

PASSED and APPROVED this day of , 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

50' ACCESS EASEMENT

P.M. 765-15046-000
CARTY & JUDY SPURLOCKP.M. 765-09676-000
CHARLES B. & MINNA F. SANDERSP.M. 765-09678-000
CHARLES B. & MINNA SANDERSP.M. 765-15056-000
CITY OF FAYETTEVILLEAccess Easement

A strip of land 50 feet wide, located within the corporate limits of the City of Fayetteville, being a part of the SW/4 of the SW/4 of Section 21, Township 16 North, Range 30 West, of the fifth principal meridian, Washington County, Arkansas, the centerline of which is described as follows:

Beginning at a point South 87°13'26" East, 856.76 feet and North 02°46'34" East, 30.00 feet from the Southwest corner of said Section 21, Thence North 02°46'34" East, 23.02 feet to a point of curvature; thence 124.23 feet along a tangential curve to the left, having a radius of 338.02 feet, to a point of reverse curvature; thence 133.87 feet along a tangential curve to the right, having a radius of 329.98 feet to a point; thence tangent to the previous curve, North 04°57'50" East, 30.10 feet to the Southerly line of Tract B.

P.M. 765-15055-000
JIM P. & TERRI L. ROBERTP.M. 765-15055-001
CITY OF FAYETTEVILLE

CATO SPRINGS BRANCH

50' ACCESS EASEMENT
(SEE DESCRIPTION)P.M. 765-15055-000
JIM P. & TERRI L. ROBERTLOT 5
P.M. 765-08226-000
GEORGE D. & LUCY D. BARKLOT 9
P.M. 765-08221-000
DONNA SHOFFITTLOT 10
P.M. 765-08222-000
RUBY JANE HOLLINGSWORTHLOT 11
P.M. 765-08223-000
MARY K. SIDER-STEPHENSONLOT 12
P.M. 765-08224-000
MOORE'S MEMORIAL UNITED METHODIST CHURCH, TRUSTEESLOT 13
P.M. 765-08225-000
MOORE'S MEMORIAL CHURCH METHODIST CHURCH, TRUSTEESLOT 14
P.M. 765-08226-000
RICHARD LEE WATSONCATO SPRINGS RD.
(R/W VARIES)P.M. 765-15170-000
ALEX & LOIS MAHLERP.M. 765-15174-001
WAYNE KELLERP.M. 765-15172-000
JENNIFER H. ALEXANDERP.M. 765-03942-000
PAMELA HOULECLOVER AVE.
(107' R/W)

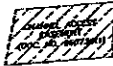
CHANNEL ACCESS EASEMENT

P.M. 765-15045-000
CARY & JUDY SPURLOCKP.M. 765-08678-000
CHARLES B. & WYNONA F. SANDERSP.M. 765-08678-000
CHARLES B. & WYNONA SANDERSP.M. 765-15055-001
CITY OF FAYETTEVILLEChannel Access Easement

A permanent channel improvement easement to be used for channel access purposes, being described as follows: From the Southwest corner of said Section 21 and running South 87°13'26" East 717.59 feet; thence North 13°26'16" East 290.00 feet to the Point of Beginning; thence South 85°29'56" West 48.24 feet to the Eastern line of the permanent easement described hereinabove; thence North 10°00'12" East along said Eastern line a distance of 25.82 feet; thence leaving said Eastern line, North 85°29'56" East 45.13 feet; thence South 03°08'50" West 25.22 feet to the Point of Beginning and containing 1,167 square feet or 0.03 acre, more or less.

P.M. 765-15055-002
JAN P. & TERRI L. KNIGHTP.M. 765-15055-001
CITY OF FAYETTEVILLE

CATO SPRINGS BRANCH



LOT 10 (200' x 100' 241)

P.M. 765-15055-000
JAN P. & TERRI L. KNIGHTLOT 8
P.M. 765-08220-000
GEORGE G. & LUCY D. MORELOT 9
P.M. 765-08221-000
DORRA SHORRITLOT 10
P.M. 765-08222-000
RUBY JANE HOLLINGSWORTHLOT 11
P.M. 765-08223-000
MARY K. SIDER-STEPHENSONLOT 12
P.M. 765-08224-000
WIGGINS MEMORIAL UNITED METHODIST CHURCH, TRUSTEESLOT 13
P.M. 765-08225-000
WIGGINS MEMORIAL UNITED METHODIST CHURCH, TRUSTEESLOT 14
P.M. 765-08226-000
RICHARD LEE WATSONMURKIN'S SHOES ADDITION
(7-146)CLINE AVE.
(50' W)CATO SPRINGS RD.
(R/W VARIES)CLOVER AVE.
(50' W)S-15370-000
LORE BLAHLERP.M. 765-15374-001
WAYNE KELLERP.M. 765-15372-000
JENNIFER N. ALEXANDERP.M. 765-03042-000
PAMELA FROLE

EXHIBIT "B"
VAC 06-2204

ACCESS EASEMENT:

A STRIP OF LAND 50 FEET WIDE, LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, BEING A PART OF THE SW/4 OF THE SW/4 OF SECTION 21, TOWNSHIP 16 NORTH, RANGE 30 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS: BEGINNING AT A POINT SOUTH 87°13'26"EAST, 856.76 FEET AND NORTH 02°46'34" EAST, 30.00 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 21, THENCE NORTH 02°46'34" EAST, 23.02 FEET TO A POINT OF CURVATURE; THENCE 124.23 FEET ALONG A TANGENTIAL CURVE TO THE LEFT, HAVING A RADIUS OF 338.02 FEET, TO A POINT OF REVERSE CURVATURE; THENCE 133.87 FEET ALONG A TANGENTIAL CURVE TO THE RIGHT, HAVING A RADIUS OF 329.98 FEET TO A POINT; THENCE TANGENT TO THE PREVIOUS CURVE, NORTH 04°57'50" EAST, 30.10 FEET TO THE SOUTHERLY LINE OF TRACT B.

CHANNEL ACCESS EASEMENT:

A PERMANENT CHANNEL IMPROVEMENT EASEMENT TO BE USED FOR CHANNEL ACCESS PURPOSES, BEING DESCRIBED AS FOLLOWS: FROM THE SOUTHWEST CORNER OF SAID SECTION 21 AND RUNNING SOUTH 87°13'26"EAST 717.59 FEET; THENCE NORTH 13°26'16" EAST 290.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 85°29'56"WEST 48.24 FEET TO THE EASTERN LINE OF THE PERMANENT EASEMENT DESCRIBED HEREIN ABOUT; THENCE NORTH 10°00'12" EAST ALONG SAID EASTERN LINE A DISTANCE OF 25.82 FEET; THENCE LEAVING SAID EASTERN LINE, NORTH 85°29'56" EAST 45.13 FEET; THENCE SOUTH 03°08'50" WEST 25.22 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,167 SQUARE FEET OR 0.03 ACRE, MORE OR LESS.



PC Meeting of January 8, 2007

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: ~~December 29, 2006~~ Updated January 11, 2007

VAC 06-2204: (BUNGALOWS @ CATO SPRINGS, 600): Submitted by MCCLELLAND CONSULTING ENGINEERS for property located NORTH OF CATO SPRINGS ROAD, WEST OF CLINE AVENUE. The property is zoned R-PZD 05-1797, BUNGALOWS AT CATO SPRINGS and contains approximately 5.52 acres. The request is to vacate an access easement (0.35 acres) and drainage channel access easement (0.03 acres) on the property.

Property Owners: Jim P. and Terri L. Knight
Planner: Andrew Garner

Findings:

Property Description and Background: The subject property is located on the north side of Cato Springs Road west of Cline Avenue. A Planned Zoning District and Preliminary Plat for the Bungalows at Cato Springs (R-PZD 05-1797, and PPL 06-2011) have been approved for a 31-lot single family development on the property. At the time of preliminary plat approval it was noted that existing easements on the property would have to be vacated prior to final plat. The subject easements include an access easement, and a channel access easement. The access easement was platted for the property owner to the north to have access to his property, a tandem lot. It appears that the channel access easement was originally platted to allow access to the Cato Springs Branch Creek along the western portion of the property, for maintenance of this waterway/floodway. Currently no public utilities or public uses occupy the easements.

As part of the Bungalows at Cato Springs Final Plat, right-of-way would be dedicated throughout the property for new streets and alleys. This right-of-way would provide adequate access throughout the development and to the drainage channel. An exhibit depicting the right-of-way that would be dedicated is attached to this report.

Request: The applicant's request to vacate a 50' access easement (0.35 acres) and a 0.03 acre channel access easement, as the easements will not be necessary to facilitate access after development of the Bungalows at Cato Springs.

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
Southwestern Electric Power Company	No Objections
Arkansas Western Gas	No Objections
Southwestern Bell Telephone	No Objections

CITY OF FAYETTEVILLE:

RESPONSE

Transportation	No Objections
Solid Waste	No Objections
Engineering	No Objections

Public Comment: Staff has not received public comment on the vacation requests.

Recommendation: Staff finds that vacating the access easements would not adversely affect the provision of access to the subject property, any other properties, or Cato Springs Branch Creek with the dedication of right-of-way as part of the Bungalows at Cato Springs subdivision. Staff recommends approval of the proposed access easement vacations VAC 06-2204 with the following conditions:

1. Relocation of any existing utilities shall be at the owner/developer's expense.
2. New right-of-way shall be dedicated as part of the Bungalows at Cato Springs final plat consistent with the previously approved street and alley layout for this subdivision.

PLANNING COMMISSION ACTION: yes Required

X Forward to City Council with recommendation for approval Denied

Motion: Graves

Second: Ostner

Vote: 9-0-0

Date: January 8, 2007

Comments: Approved on consent.

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 _____

Date: November 21, 2006

Re: Bungalows at Cato Springs
Easement Vacation Requests

Dear Sir or Madam,

McClelland Consulting Engineers, Inc. would like to notify you of the petition to vacate the following easements that lie adjacent to your property, described as follows, graphically represented by the two enclosed exhibits.

Channel Access Easement:

A permanent channel access easement to be used for channel access purposes, being described as follows: From the Southwest corner of said Section 21 and running South 87 degrees 13' 26" East 717.59 feet; thence North 13 degrees, 26', 16" East 290.00 feet to the Point of Beginning; thence South 85 degrees 29' 56" West 48.24 feet to the Eastern line of the permanent easement described hereinabove; thence North 10 degrees, 00' 12" East along said Eastern line a distance of 25.82 feet; thence leaving said Eastern line, North 85 degrees 29' 56" West 45.13 feet; thence South 03 degrees 08' 50" West 25.22 feet to the Point of Beginning and containing 1,167 square feet or 0.03 acre, more or less.

Access Easement:

A strip of land 50 feet wide, located within the corporate limits of the City of Fayetteville, being a part of the SW/4 of the SW/4 of Section 21, Township 16 North, Range 30 West, of the fifth principle meridian, Washington County, Arkansas, the centerline of which is described as follows: Beginning at a point South 87 degrees 13' 26" East, 856.76 feet and North 02 degrees 46' 34" East, 30.00 feet from the Southwest corner of said Section 21, Thence North 02 degrees 46' 34" East, 23.02 feet to a point of curvature; thence 124.23 feet along a tangential curve to the left, having a radius of 338.02 feet, to a point of reverse curvature; thence 133.87 feet along a tangential curve to the right, having a radius of 329.98 feet to a point; thence tangent to the previous curve, North 04 degrees 57' 50" East, 30.10 feet to the Southerly line of Tract B.

Please feel free to contact our office with any questions, concerns, or comments.

A comment form has been included with this letter; if you should choose to fill it out, please return it to our office at the address below.

Sincerely,

Leslie A. Munzner
McClelland Consulting Engineers Inc.
1810 North College Avenue
Fayetteville, Arkansas 72701
(479) 443-2377

CHANNEL ACCESS EASEMENT

P.N. 765-15046-000
GARY & JUDY SPURLOCK

P.N. 765-09676-000
CHARLES B. & MINONIA F. SANDERS

P.N. 765-09678-000
CHARLES B. & MINONIA SANDERS

P.N. 765-15056-000
CITY OF FAYETTEVILLE

Channel Access Easement

A permanent channel improvement easement to be used for channel access purposes, being described as follows: From the Southwest corner of said Section 21 and running South 87°13'26" East 717.59 feet; thence North 13°26'16" East 290.00 feet to the Point of Beginning; thence South 85°29'56" West 48.24 feet to the Eastern line of the permanent easement described hereinabove; thence North 10°00'12" East along said Eastern line a distance of 25.82 feet; thence leaving said Eastern line, North 85°29'56" East 45.13 feet; thence South 03°08'50" West 25.22 feet to the Point of Beginning and containing 1,167 square feet or 0.03 acre, more or less.

P.N. 765-15055-000
JIM P. & TERRI L. ROBERT

P.N. 765-15055-001
CITY OF FAYETTEVILLE

CATO SPRINGS BRANCH

CHANNEL ACCESS
EASEMENT
(SEE PG. 100/2/2411)

BY ACCESS EASEMENT
(SEE PG. 100/2/2411)

P.N. 765-15055-000
JIM P. & TERRI L. ROBERT

LOT 8
P.N. 765-08220-000
GEORGE C. & LUCY D. WARE

LOT 9
P.N. 765-08221-000
DONNA SHOFFITT

LOT 10
P.N. 765-08222-000
RUBY JANE HOLLINGSWORTH

LOT 11
P.N. 765-08223-000
MARY K. ZEEN-STEPHENSON

LOT 12
P.N. 765-08224-000
WIGGINS MEMORIAL UNITED
METHODIST CHURCH, TRUSTEES

LOT 13
P.N. 765-08225-000
WIGGINS MEMORIAL CHURCH
METHODIST CHURCH, TRUSTEES

LOT 14
P.N. 765-08226-000
RICHARD LEE WATSON

WIGGINS CHURCH ADDITION
(N. 146)

CLINE AVE.
(500' W)

CATO SPRINGS RD.
(R/W VARIES)

CLOVER AVE.
(50' W)

P.N. 765-15370-000
DA & LORI MAHLER

P.N. 765-15374-001
WAYNE KELLER

P.N. 765-15372-000
JENNIFER N. ALEXANDER

P.N. 765-03942-000
PAMELA HOWE

50' ACCESS EASEMENT

P.N. 765-15046-000
GARY & JUDY SPURLOCK

P.N. 765-09678-000
CHARLES B. & WYNONA F. SANDERS

P.N. 765-09678-000
CHARLES B. & WYNONA SANDERS

P.N. 765-15056-000
CITY OF FAYETTEVILLE

Access Easement

A strip of land 50 feet wide, located within the corporate limits of the City of Fayetteville, being a part of the SW/4 of the SW/4 of Section 21, Township 16 North, Range 30 West, of the fifth principal meridian, Washington County, Arkansas, the centerline of which is described as follows:
Beginning at a point South 87°13'26" East, 856.76 feet and North 02°46'34" East, 30.00 feet from the Southwest corner of said Section 21, Thence North 02°46'34" East, 23.02 feet to a point of curvature; thence 124.23 feet along a tangential curve to the left, having a radius of 338.02 feet, to a point of reverse curvature; thence 133.87 feet along a tangential curve to the right, having a radius of 329.98 feet to a point; thence tangent to the previous curve, North 04°57'50" East, 30.10 feet to the Southerly line of Tract B.

P.N. 765-15055-000
JIM P. & TERRI L. KNIGHT

P.N. 765-15055-001
CITY OF FAYETTEVILLE

CATO SPRINGS BRANCH

50' ACCESS EASEMENT
(See 15055-000)

P.N. 765-15055-000
JIM P. & TERRI L. KNIGHT

LOT 5
P.N. 765-08220-000
GEORGE C. & LUCY D. MARIE

LOT 9
P.N. 765-08221-000
DONNA SHOFFITT

LOT 10
P.N. 765-08222-000
RUBY JANE HOLLINGSWORTH

LOT 11
P.N. 765-08223-000
MARY K. SIZER-STEPHENSON

LOT 12
P.N. 765-08224-000
WIGGINS MEMORIAL UNITED METHODIST CHURCH, TRUSTEES

LOT 13
P.N. 765-08225-000
WIGGINS MEMORIAL CHURCH METHODIST CHURCH, TRUSTEES

LOT 14
P.N. 765-08226-000
RICHARD LEE WATSON

CATO SPRINGS RD.
(R/W VARIES)

P.N. 765-15370-000
ALEX & LOUI WARLER

P.N. 765-15374-001
WAYNE KELLER

P.N. 765-15372-000
JENNIFER N. ALEXANDER

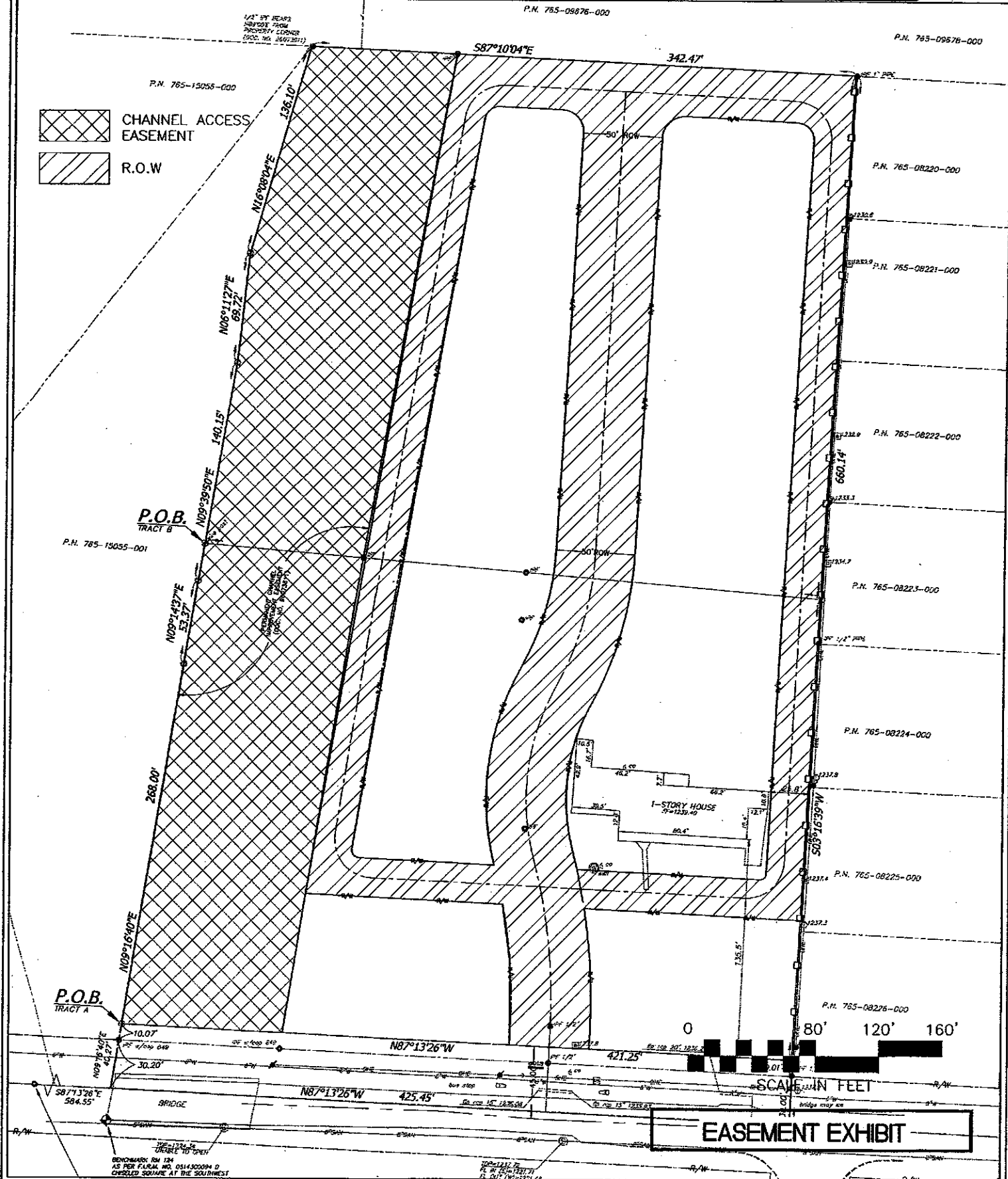
P.N. 765-03942-000
PAMELA HOULE

CLOVER AVE.
(80' R/W)



BUNGALOS AT CATO SPRINGS

-  CHANNEL ACCESS EASEMENT
-  R.O.W



To: The City of Fayetteville – Planning Staff

From: McClelland Consulting Engineers

Date: February 16, 2006

Subject: **The Bungalows at Cato Springs**
Easement / Right of Way Vacation Submittal

Submitted for your review are two exhibits illustrating both the existing Access Easement and existing Channel Improvement Easement located upon the parcel of land currently being reviewed by the City of Fayetteville as R-PZD Bungalows at Cato Springs.

ACCESS EASEMENTS

My client has purchased both parcels of land of which this development consists. The existing access easements were platted to allow the northernmost parcel to gain access to his land. With my client having control of both parcels, this access easement is no longer necessary. Further, once the R-PZD is approved and infrastructure constructed, Right of Way will be dedicated to the City of Fayetteville.

CHANNEL IMPROVEMENT EASEMENT

R-PZD Bungalows at Cato Springs would like to offer land to be dedicated for a section of the City of Fayetteville's Multi-Use Trail System. In meetings with the Fayetteville Parks Department it has been discussed that a trail corridor would be advantageous upon this land, but is currently prohibited due to the existing Channel Improvement Easement. This easement would be abandoned with the understanding that doing so would allow the Fayetteville Parks Department to replace the Channel Improvement Easement with a Multi-Use Trail Easement. NA

The Bungalows at Cato Springs PZD allows for single family, affordable housing while preserving natural barriers, trees, and buffers. Higher density allows for quality infrastructure while maintaining affordability. Real Sources and McClelland Consulting Engineering would like to work with the City of Fayetteville to ensure that these goals are indeed met to provide affordable housing to the current and future residents of Fayetteville.

Please contact me at any time to discuss any questions or concerns that you may have,

Sincerely,



Mike Morgan
McClelland Consulting Engineers
479.443.2377
mmorgan@McClelland-engrs.com

**FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS**

DATE: 11-29-06

UTILITY 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 (alley, easement, right-of-way), described as follows:

General location / Address: The Bungalows at Cato Springs

(Include legal description and graphic representation of what is being vacated)

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] / OZARKS Electric
Signature of Utility Company Representative
Lead Staking Tech
Title

FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONSDATE: 11-15-06UTILITY 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

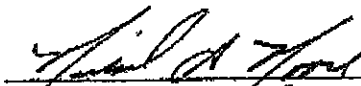
I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address: _____

(Include legal description and graphic representation of what is being vacated)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easement(s) are retained.
(State the location, dimensions, and purpose below.)



Signature of Utility Company RepresentativePROJECT COORDINATOR

Title

FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 8-30-06

UTILITY COMPANY: 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 (*alley, easement, right-of-way*) described as follows:

General location / Address: Parcel 765-15055-000

(Include legal description and graphic representation of what is being vacated)

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.)

Kenny Sullivan
Signature of Utility Company Representative

SWEPCO Right of Way Agent
Title

**UTILITY APPROVAL FORM FOR RIGHT-OF-WAY,
ALLEY, AND UTILITY EASEMENT VACATIONS**DATE: November 13, 2006UTILITY COMPANY: Arkansas Western Gas Company

REQUESTED VACATION:

- ☐ Street
- ☐ Utility Easement
- ☐ Street and all the utility easements located within the vacated street
- ☐ Right-of-way for alley or street
- ☒ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way
- ☐ Alley
- ☐ Alley and all utility easements located within the vacated alley

I have been notified of the petition to vacate the following

Access Easement/Channel Access

(Please see list above)

described as follows: Bungalows at Cato Springs Road as shown on attached drawing.

(Include legal description of what is being vacated)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacations described above.
- ☐ No objections to the vacations described above, provided following described easements are retained.
(State the location, dimensions, and purpose below)



Signature of Utility Company RepresentativeNorthwest Regional Manager_____
Title

FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 11/27/2006

UTILITY COMPANY: AT&T / SWBT

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: BUNGALOWS @ CATO SPRINGS - CHANNEL
ACCESS EASEMENT AND ACCESS EASEMENT

(Include legal description and graphic representation of what is being vacated)

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.)

Juanita K. Clouser
Signature of Utility Company Representative

MANAGER ENGINEER - DESIGN
Title

FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 11-13-06

UTILITY COMPANY: Fayetteville Solid Waste + Recycling

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: _____

(*Include legal description and graphic representation of what is being vacated*)

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.)

Brian Pugh
Signature of Utility Company Representative
Waste Reduction Coordinator
Title

FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 11-13-06

UTILITY COMPANY: CITY OF FAYETTEVILLE Transportation Division

REQUESTED VACATION (applicant must check all that apply):

- ☒ Utility Easement ACCESS 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: (Description & Drawing ATTACHED)

(Include legal description and graphic representation of what is being vacated)

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] 11/13/06
Signature of Utility Company Representative

Transportation Supt.
Title
Transportation Division
Operation Department
CITY OF FAYETTEVILLE

575 8227

VAC06-2204

Close Up View

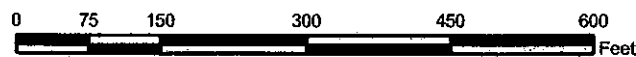
BUNGALOWS @ CATO SPRINGS



Overview

Legend

- Overlay District
- FLOODWAY
- 100 YEAR
- 500 YEAR
- LIMIT OF STUDY
- - - BaseLine Profile
- Fayetteville
- Outside City
- VAC06-2204
- vector.GDB.Footprint_2004
- Hillside-Hilltop Overlay District



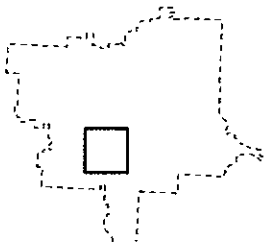
VAC06-2204

One Mile View

BUNGALOWS @ CATO SPRINGS



Overview



Legend

Subject Property

VAC06-2204

Boundary

Planning Area

Overlay District

Outside City

Legend

Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

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

C. 5
VAC 06-2365
Popeye's Chicken & Biscuits
Page 1 of 26

6-Feb-07
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

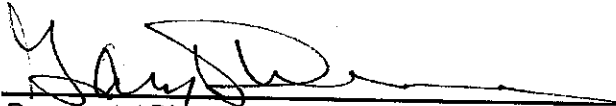
Action Required:

VAC 06-2365: (Popeye's Chicken & Biscuits, 559): Submitted by Mel Milholland for property located between Old Farmington Road and 6th Street, east of 2190 West 6th Street. The request is to vacate a 50' street easement on a portion of Sang Avenue, containing 0.167 acres.

\$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☐

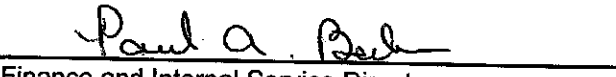

Department Director
1-16-07
Date

Previous Ordinance or Resolution # n/a

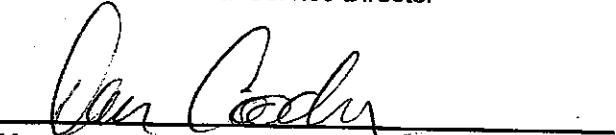
Original Contract Date: n/a


City Attorney
1-16-07
Date

Original Contract Number: n/a


Finance and Internal Service Director
1-16-07
Date

Received in City Clerk's Office
ENTERED
1-16-07


Mayor
1/16/07
Date

Received in Mayor's Office
ENTERED
1/16/07

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: January 16, 2007

Subject: Street Easement Vacation for Popeye's Chicken & Biscuits (VAC 06-2365)

RECOMMENDATION

Planning Staff recommends approval of an ordinance vacating a street easement on a portion of Sang Avenue located between Old Farmington Road and 6th Street, east of 2190 W. 6th Street.

BACKGROUND

On January 08, 2007, the Planning Commission approved a Large Scale Development for Popeye's Chicken and Biscuit at 2190 W. 6th Street. The approval of the development plan is subject to the vacation of a street easement along Sang Avenue, adjacent to the subject property, which will be utilized for parking spaces and a drive aisle. The easement contains approximately 0.167 acres.

Staff determined that no right-of-way had been dedicated to the City for Sang Avenue right-of-way. Instead, an easement had been dedicated for the use of the 50' wide area as street for public access, as well as a drainage easement and water/sewer easement. Staff has met with the adjacent property owner, Mr. Steve Davis, regarding the removal of the existing street and subsequent replacement with a drive aisle and shared parking spaces. The parking along the east property line is located within the area to be vacated – up to 13' from what is shown as the east property line. Staff recommends conditioning the approval of the vacation upon the provision of a shared parking agreement to allow the property to the east the right to utilize a minimum three spaces on the subject property.

DISCUSSION

The Planning Commission voted 9-0-0 on its consent agenda to forward this item to the City Council with a recommendation for approval. Notification was provided to all appropriate utility representatives and adjoining property owners. Conditions of approval are recommended in order to satisfy the comments made by utility company representatives.

Mr. Davis attended the Planning Commission meeting and commented that he, as well as a party interested in purchasing the property, would need time to evaluate this proposal

and the effects it will have on parking and access. Informing Mr. Davis that there would be a period of several weeks before the vacation proposal would be reviewed at City Council, the Planning Commission voted to forward the item, recommending approval.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 06-2365 SUBMITTED BY MEL MILHOLLAND FOR PROPERTY LOCATED BETWEEN OLD FARMINGTON ROAD AND 6TH STREET, EAST OF 2190 WEST 6TH STREET, VACATING A 50' STREET EASEMENT ON A PORTION OF SANG AVENUE, CONTAINING 0.167 ACRES.

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 easement is not required for corporate purposes;

WHEREAS, the City Council has rendered the access provided by Sang Avenue obsolete through the construction of a signalized intersection at 6th Street and Sang Avenue to the east of the subject property;

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

Section 1: That a copy of this Ordinance duly certified by the City Clerk along with the map attached hereto and labeled Exhibit "A" shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following described utility easements:

See Exhibit "B" attached hereto and made a part hereof.

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 existing 50' drainage easement and water/sewer easement which also occupies the 50' street easement to be vacated shall be retained.
2. Relocation of any existing utilities shall be at the owner/developer's expense.
3. The applicant shall dedicate appropriate access easements from Old Farmington Road to the adjacent property to the east through the proposed development, prior to removal of the existing access.
4. The applicant shall submit to the City a shared parking agreement which will allow the property to the east the right to utilize a minimum three spaces on the subject property.

PASSED and APPROVED this day of , 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT "A"

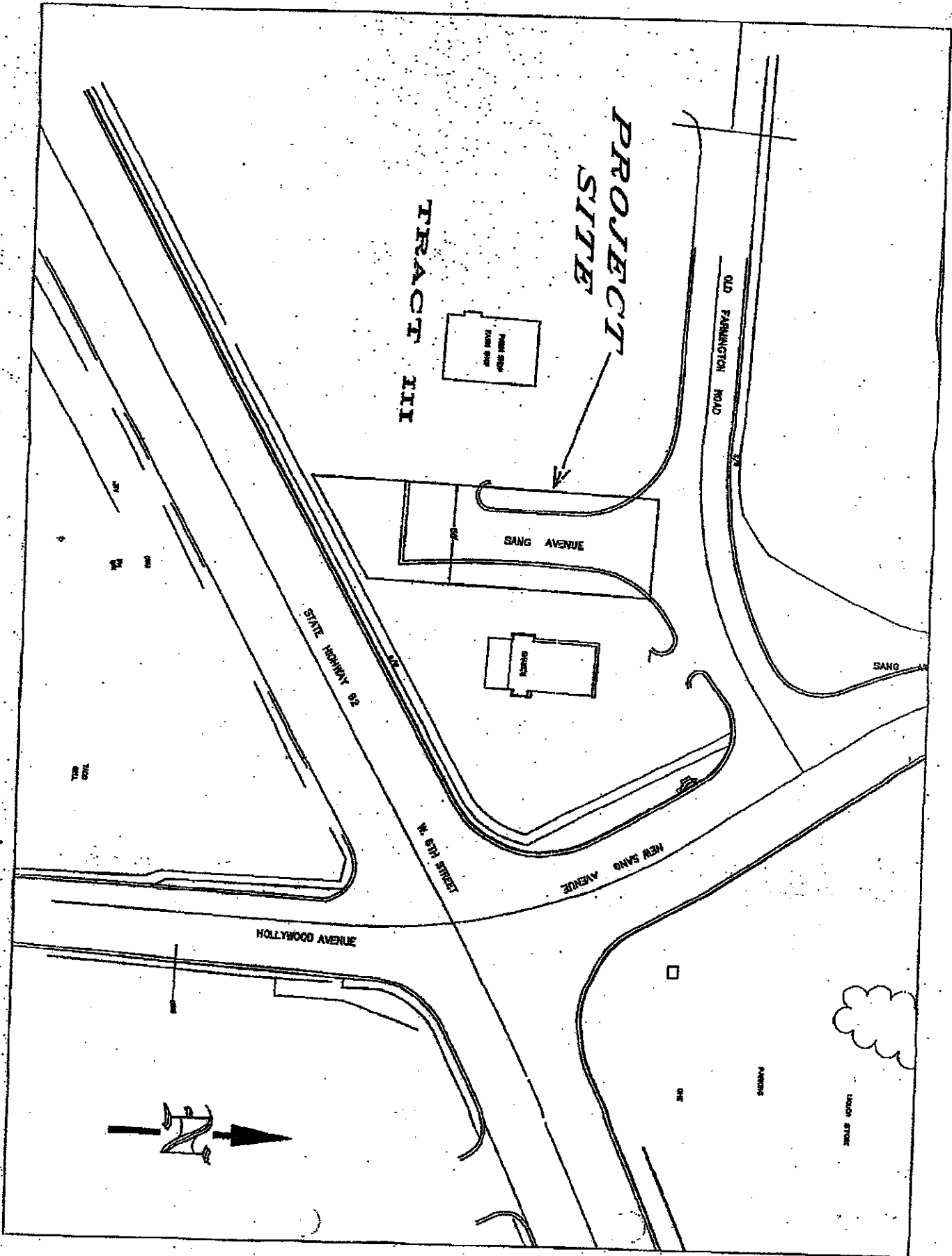


EXHIBIT "B"
VAC 06-2365

A PART OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION TWENTY (20), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NW ¼ OF THE NW ¼ OF SECTION 20, THENCE S02°51'14"W 5.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF OLD FARMINGTON ROAD, THENCE ALONG SAID RIGHT-OF-WAY SAID LINE BEING A PERPENDICULAR DISTANCE OF 5.00 FEET SOUTH AND PARALLEL WITH THE NORTH BOUNDARY OF SAID SECTION 20. THENCE S86°46'00"E 1267.55 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE WESTERLY RIGHT-OF-WAY OF SANG AVENUE AND A SET IRON PIN, SAID POINT ALSO BEING ON THE NORTH BOUNDARY OF LANDS DESCRIBED IN INSTRUMENT NO. 97085750, FILED AND RECORDED IN THE OFFICE OF THE CIRCUIT CLERK AND EX-EFFICIO OF WASHINGTON COUNTY: THENCE ALONG SAID SOUTH RIGHT-OF-WAY S86°46'00"E 49.95 FEET, SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY OF SAID SANG AVENUE AND A SET IRON PIN; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY S02°40'58"W 129.70 FEET, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY OF U.S. HIGHWAY 62, ALSO KNOWN AS ARKANSAS STATE HIGHWAY 180 AND AS 6TH STREET, AND A SET IRON PIN; THENCE ALONG SAID RIGHT-OF-WAY S60°09'15"W 59.23 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF SAID SANG AVENUE, AND BEING AN A.H.T.D. MONUMENT; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY N02°40'58" E 163.03 FEET TO THE POINT OF BEGINNING, CONTAINING .167 ACRES, MORE OR LESS, CITY OF FAYETTEVILLE, ARKANSAS.



PC Meeting of January 8, 2007

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: January 4, 2007 *Updated January 10, 2007*

VAC 06-2365: (POPEYE'S CHICKEN & BISCUITS, 559): Submitted by MEL MILHOLLAND for property located at SANG AND 6TH ST., BETWEEN THE PAWN SHOP AND THE OLD SHAKE'S SITE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 0.17 acres. The request is to vacate a 50' street easement of Sang Avenue N. of 6th Street, along and inside the E property, W of the former Shake's site. Planner: Suzanne Morgan

Findings:

Property: The subject property contains approximately 0.17 acres. It is located between an existing Pawn Shop and the Shake's abandoned building. The pawn shop property is proposed to be redeveloped for a Popeye's.

Staff has determined that no right-of-way had been dedicated to the City for Sang Avenue right-of-way. Instead, an easement had been dedicated for the use of the 50' wide area as street for public access, as well as a drainage easement and water/sewer easement. Staff has met with the adjacent property owner regarding the removal of the existing street and subsequent replacement with a drive aisle and shared parking spaces. The parking along the east property line is located within the area to be vacated – up to 13' from what is shown as the east property line. Staff recommends conditioning the approval of the vacation upon the provision of a shared parking agreement to allow the property to the east the right to utilize a minimum three spaces on the subject property.

Request: The applicant requests to vacate the street easement which exists on the subject property.

The applicant notified adjacent property owners of the request. Responses were received from all but 3 of the adjacent property owners. All responses received indicated no objection to the request.

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

UTILITIES

Ozarks Electric

RESPONSE

No Objections.

Cox Communications

No Objections.

AEP/SWEPCO

No objections if the northern 20' easement adjacent to Old Farmington Rd is maintained.

SBC Southwestern Bell/AT&T

No objections. Should any relocation of existing utilities shall be at the owner/developer's expense.

Arkansas Western Gas

No Objections.

CITY OF FAYETTEVILLE:

RESPONSE

Water/Sewer

Objection. There is a water main in the middle of the easement. *Staff has proposed a condition of approval that the existing water/sewer easement and drainage easement that also occupy the same area as the street easement remain, providing sufficient rights and area for the city to maintain public facilities.*

Transportation

No Objections.

Solid Waste

No Objections as long as Solid Waste can maintain access to service containers to adjoining properties.

Recommendation: Staff finds that vacating street easement would not adversely affect the public welfare or access to the surrounding rights-of-way or properties. Staff recommends approval of the proposed street easement vacation 06-2365 with the following conditions:

1. The existing 50' drainage easement and water/sewer easement which also occupies the 50' street easement to be vacated shall be retained.
2. Relocation of any existing utilities shall be at the owner/developer's expense.
3. The applicant shall dedicate appropriate access easements from Old Farmington Road to the adjacent property to the east through the proposed development, prior to removal of the existing access.
4. The applicant shall submit to the City a shared parking agreement which will allow the property to the east the right to utilize a minimum three spaces on the subject property.
- ✓ 5. The legal description shall be modified as necessary to meet GIS Division approval prior to City Council consideration.

This condition has been met. The GIS Division has approved the legal description.

PLANNING COMMISSION ACTION: yes Required
X Approved _____ Denied

Motion: (On Consent) Graves

Second: Ostner

Vote: 9-0-0

Date: January 8, 2007

Comments: Steve Davis commented that he would need time to evaluate this proposal, and the people who have offered to purchase his property would need time to evaluate it as well. Mr. Pate stated that there would be several weeks before this would even be heard at City Council which should give Mr. Davis and his buyer the time that they need.

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: February 6, 2007

Milholland Company

Engineering & Surveying

Melvin L. Milholland, PE, PLS

Thomas M. Jefcoat, RLA, REM, CPESC, ISA-CA

REGISTRATIONS:

PE: AR, MO

PLS: AR

RLA: AR

August 24, 2006

Project No. E-816

FAYETTEVILLE

125 West Mountain

Fayetteville, Arkansas 72701

ATTN: Planning Division

RE: Vacate Request of portion of Sang Ave.

Dear Planning Staff:

This correspondence is in request to vacate that portion of Sang Ave. at it's abandoned intersection (a new intersection is located to the east) on the north side of 6th Street. Our Client, Bob Vanstavern - originally owned and dedicated this right-of-way area for public use, is requesting it's return (vacation) due to the City's abandonment of the area in relocating the intersection eastward. Mr. Vanstavern feels that the entire right-of-way area should be return to him, the original property owner and current owner of properties adjoining the abandoned right-of-way area to the west. Mr. Vanstavern is currently in the process of negotiating improvements to properties to the west and feels that the return of the entire area will be highly beneficial in these efforts. Should the property be divided between the adjoining property owners it remains Mr. Vanstavern's desire that the area be vacated.

Utility easements will remain and are shown on the vacation plat. No disruption or relocation of utilities are proposed by this vacation request. Future improvements to the adjoining west property will provide for under installation of over-head utilities and the expense of any utility relocations (none anticipated).

MCO has preliminarily spoken with Jessie Fulcher concerning this vacation request and making Mr. Vanstavern's desire for the full return of the right-of-way to him. Should there be questions (necessary to discuss) or need of additional information regarding this request, please call.

Thank you for your assistance and cooperation in this matter.

Sincerely,

Milholland Company

Thomas M. Jefcoat, ASLA
Senior Projects Manager

cc: Bob Vanstavern

Miltholland Company

Engineering & Surveying

Melvin L. Miltholland, PE, PLS

Thomas M. Jefcoat, RLA, REM, CPESC, ISA-CA

REGISTRATIONS:

PE: AR, MO

PLS: AR

RLA: AR

August 11, 2006

Project No. E-816

FAYETTEVILLE

125 West Mountain

Fayetteville, Arkansas 72701

ATTN: Planning Division

RE: Vacate Request - Sang Avenue

Dear Planning Staff:

This correspondence is made for compliance with Checklist Item 5 of the Application for Vacation.

Our client Bob Vanstavern, owner of the property west and adjacent to that portion of Sang Avenue abandoned in the recent relocating of the Sang Avenue approach at 6th Street (Hwy 45, 180, and 62) to the east, desires that the property, the entire right-of-way, be returned to the original tract of property from which it was dedicated, taken.

Mr. Vanstavern owns the property from which the right-of-way was originally dedicated. He desires, is petitioning that the property be returned to him. Mr. Vanstavern feels that rightfully, the property should belong to him if no longer utilized by the City as a public roadway. The attached documentation clearly identifies the right-of-way dedication by the property owner.

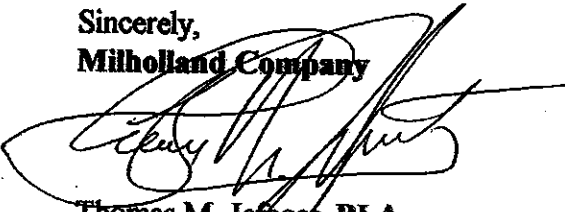
This property should no longer be retained by the City. This property should not be retained by the City or sold for other use than by the City for public roadway access as intended by the original dedication. Therefore, Mr Vanstavern's request must be honored.

It is Mr. Vanstavern's intention to improve and develop the property.

Should you have any questions or require additional information, please advise.

Sincerely,

Miltholland Company



Thomas M. Jefcoat, RLA

Senior Projects Manager

cc: Bob Vanstavern

SHOP AND BLOCK BUSTER VIDEO, 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 (*alley, easement, right-of-way*) hereinafter sought to be abandoned and vacated, lying in (*lot, block, subdivision*), City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a(n) (*alley, easement, right-of-way*) which is described as follows:

A PART OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION TWENTY (20), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NW 1/4 OF THE NW 1/4 OF SECTION 20, THENCE S02°51'14"W 5.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF OLD FARMINGTON ROAD, THENCE ALONG SAID RIGHT-OF-WAY SAID LINE BEING A PERPENDICULAR DISTANCE OF 5.00 FEET SOUTH AND PARALLEL WITH THE NORTH BOUNDARY OF SAID SECTION 20. THENCE S86°%D46'00"E 1267.55 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE WESTERLY RIGHT-OF-WAY OF SANG AVENUE AND A SET IRON PIN, SAID POINT ALSO BEING ON THE NORTH BOUNDARY OF LANDS DESCRIBED IN INSTRUMENT NO. 97085750, FILED AND RECORDED IN THE OFFICE OF THE CIRCUIT CLERK AND EX-EFFICIO OF WASHINGTON COUNTY: THENCE ALONG SAID SOUTH RIGHT-OF-WAY S86°46'00"E 49.95 FEET, SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY OF SAID SANG AVENUE AND A SET IRON PIN; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY S02°40'58"W 129.70 FEET, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY OF U.S. HIGHWAY 62, ALSO KNOWN AS ARKANSAS STATE HIGHWAY 180 AND AS 6TH STREET, AND A SET IRON PIN; THENCE ALONG SAID RIGHT-OF-WAY S60°09'15"W 59.23 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF SAID SANG AVENUE, AND BEING AN A.H.T.D. MONUMENT; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY N02°D40'58" E 163.03 FEET TO THE POINT OF BEGINNING, CONTAINING .167 ACRES, MORE OR LESS, CITY OF FAYETTEVILLE, ARKANSAS.

That the abutting real estate affected by said abandonment of the alley are (*lot, block, subdivision of each adjoining lot to the area requested to be vacated*) City of Fayetteville used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described (*alley, easement, right-of-way*).

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

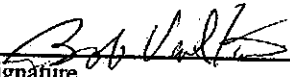
The petitioners further pray that the above described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that

title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easements of the public for the use of said alley.

Dated this 30 day of October, 20 06.

Bob Vanstavern
Printed Name


Signature

Printed Name

Signature

UTILITY APPROVAL FORM

**THIS CERTIFIES THAT THE FOLLOWING IS A TRUE AND ACCURATE
ACCOUNT OF ALL ADJOINING LANDOWNERS FOR SUBJECT PROPERTY:
2100 W. 6th Street, Fayetteville, AR (765-14860-000)**

By:

N. Potter
Nicholas Potter, Title Agent
Heritage Land Title of Arkansas
2153 E. Joyce Blvd. Ste. 201
Fayetteville, AR 72703
479-442-6400

Dated: 08/28/2006
File# 28605

Parcel Numbers/Adjoining Landowners:

- ✓ 1) 765-14851-000 **Bryan Hunt, LLC**
- 2) 765-14852-000 **Roy E. & Addie Lee Lister**
- 3) 765-12167-000 **CPCG KM AR 1, LLC**
- 4) 765-12164-000 **City of Fayetteville**
- ✓ 5) 765-12164-001 **Stephen L. Davis**
- ✓ 6) 765-14592-000 **Fayetteville School District #1**
- ✓ 7) 765-14859-006 **Fayetteville Hospitality, LLC**
765-14859-007
- ✓ 8) 765-07549-000 **Kenneth W. Lazenby Revocable Trust**

Mailing Address:

2517 SE Best Ln, Bentonville, AR 72712-7554

PO Box 939, Pine Bluff, AR 71613-0939

545 S. Figueroa Street, Suite 614, Los Angeles, CA 90071

113 W Mountain St, Fayetteville, AR 72701-6083

2050 W 6th Street, Fayetteville, AR 72701

PO Box 849, Fayetteville, AR 72702-0849

820 Market Street, Farmington, MO 63640

1031 N College Fayetteville, AR 72701

Subject Parcel

765-14860-000 (0.46 ac) **Daybreak Properties, Inc.**

UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: SEP 18 2006

UTILITY COMPANY: City of Fayetteville, Solid Waste Dept.

APPLICANT NAME: Bob Vanstavern APPLICANT PHONE: 417-532-7117
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 : Sang Ave and 6th Street (Hwy 62 E.), between Pawn Shop and Block Buster Video.

**

A PART OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION TWENTY (20), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NW 1/4 OF THE NW 1/4 OF SECTION 20, THENCE S02°51'14"W 5.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF OLD FARMINGTON ROAD, THENCE ALONG SAID RIGHT-OF-WAY SAID LINE BEING A PERPENDICULAR DISTANCE OF 5.00 FEET SOUTH AND PARALLEL WITH THE NORTH BOUNDARY OF SAID SECTION 20. THENCE S86°46'00"E 1267.55 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE WESTERLY RIGHT-OF-WAY OF SANG AVENUE AND A SET IRON PIN, SAID POINT ALSO BEING ON THE NORTH BOUNDARY OF LANDS DESCRIBED IN INSTRUMENT NO. 97085750, FILED AND RECORDED IN THE OFFICE OF THE CIRCUIT CLERK AND EX-EFFICIO OF WASHINGTON COUNTY: THENCE ALONG SAID SOUTH RIGHT-OF-WAY S86°46'00"E 49.95 FEET, SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY OF SAID SANG AVENUE AND A SET IRON PIN; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY S02°40'58"W 129.70 FEET, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY OF U.S. HIGHWAY 62, ALSO KNOWN AS ARKANSAS STATE HIGHWAY 180 AND AS 6TH STREET, AND A SET IRON PIN; THENCE ALONG SAID RIGHT-OF-WAY S60°09'15"W 59.23 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF SAID SANG AVENUE, AND BEING AN A.H.T.D. MONUMENT; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY N02°40'58"E 163.03 FEET TO THE POINT OF BEGINNING, CONTAINING .167 ACRES, MORE OR LESS, CITY OF FAYETTEVILLE, ARKANSAS.

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.)

- ☒ No objections provided the following conditions are met:
Solid waste can maintain access to service containers
at adjoining properties.

Brian Puff
Signature of Utility Company Representative

UTILITY APPROVAL FORM**FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS**DATE: AUG 29 2006UTILITY COMPANY: AEP / SWEPCOAPPLICANT NAME: Bob Vanstavern APPLICANT PHONE: 417-532-7117
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 : Sang Ave and 6th Street (Hwy 62 E.), between Pawn Shop and Block Buster Video.

**

A PART OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION TWENTY (20), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NW 1/4 OF SECTION 20, THENCE S02°51'14"W 5.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF OLD FARMINGTON ROAD, THENCE ALONG SAID RIGHT-OF-WAY SAID LINE BEING A PERPENDICULAR DISTANCE OF 5.00 FEET SOUTH AND PARALLEL WITH THE NORTH BOUNDARY OF SAID SECTION 20. THENCE S86°46'00"E 1267.55 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE WESTERLY RIGHT-OF-WAY OF SANG AVENUE AND A SET IRON PIN, SAID POINT ALSO BEING ON THE NORTH BOUNDARY OF LANDS DESCRIBED IN INSTRUMENT NO. 97085750, FILED AND RECORDED IN THE OFFICE OF THE CIRCUIT CLERK AND EX-EFFICIO OF WASHINGTON COUNTY; THENCE ALONG SAID SOUTH RIGHT-OF-WAY S86°46'00"E 49.95 FEET, SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY OF SAID SANG AVENUE AND A SET IRON PIN; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY S02°40'58"W 129.70 FEET, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY OF U.S. HIGHWAY 62, ALSO KNOWN AS ARKANSAS STATE HIGHWAY 180 AND AS 6TH STREET, AND A SET IRON PIN; THENCE ALONG SAID RIGHT-OF-WAY S60°09'15"W 59.23 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF SAID SANG AVENUE, AND BEING AN A.H.T.D. MONUMENT; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY N02°40'58"E 163.03 FEET TO THE POINT OF BEGINNING, CONTAINING .167 ACRES, MORE OR LESS, CITY OF FAYETTEVILLE, ARKANSAS.

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.)

Retain 20' UE along the N R-O-W of Old Farmington Rd.

~ No objections provided the following conditions are met:

Kenny Sullivan
Signature of Utility Company Representative
SW E&O R-O-W

UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: SEP 18 2006

UTILITY COMPANY: City of Fayetteville, Water & Sewer Dept.

APPLICANT NAME: Bob Vanstavern APPLICANT PHONE: 417-532-7117

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 : Sang Ave and 6th Street (Hwy 62 E.), between Pawn Shop and Block Buster Video.

**

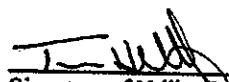
A PART OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION TWENTY (20), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NW 1/4 OF THE NW 1/4 OF SECTION 20, THENCE S02°51'14"W 5.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF OLD FARMINGTON ROAD, THENCE ALONG SAID RIGHT-OF-WAY SAID LINE BEING A PERPENDICULAR DISTANCE OF 5.00 FEET SOUTH AND PARALLEL WITH THE NORTH BOUNDARY OF SAID SECTION 20. THENCE S86°%D46'00"E 1267.55 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE WESTERLY RIGHT-OF-WAY OF SANG AVENUE AND A SET IRON PIN, SAID POINT ALSO BEING ON THE NORTH BOUNDARY OF LANDS DESCRIBED IN INSTRUMENT NO. 97085750, FILED AND RECORDED IN THE OFFICE OF THE CIRCUIT CLERK AND EX-EFFICIO OF WASHINGTON COUNTY: THENCE ALONG SAID SOUTH RIGHT-OF-WAY S86°46'00"E 49.95 FEET, SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY OF SAID SANG AVENUE AND A SET IRON PIN; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY S02°40'58"W 129.70 FEET, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY OF U.S. HIGHWAY 62, ALSO KNOWN AS ARKANSAS STATE HIGHWAY 180 AND AS 6TH STREET, AND A SET IRON PIN; THENCE ALONG SAID RIGHT-OF-WAY S60°09'15"W 59.23 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF SAID SANG AVENUE, AND BEING AN A.H.T.D. MONUMENT; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY N02°%D40'58" E 163.03 FEET TO THE POINT OF BEGINNING, CONTAINING .167 ACRES, MORE OR LESS, CITY OF FAYETTEVILLE, ARKANSAS.

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.)

Water main is in the middle as marked
I object to the Vacation

☐ No objections provided the following conditions are met:

 9-29-06
Signature of Utility Company Representative

UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: AUG 29 2006

UTILITY COMPANY: AT&T

APPLICANT NAME: Bob Vanstavern APPLICANT PHONE: 417-532-7117
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 *etc*

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address : Sang Ave and 6th Street (Hwy 62 E.), between Pawn Shop and Block Buster Video.

**

A PART OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION TWENTY (20), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NW 1/4 OF THE NW 1/4 OF SECTION 20, THENCE S02°51'14"W 5.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF OLD FARMINGTON ROAD, THENCE ALONG SAID RIGHT-OF-WAY SAID LINE BEING A PERPENDICULAR DISTANCE OF 5.00 FEET SOUTH AND PARALLEL WITH THE NORTH BOUNDARY OF SAID SECTION 20. THENCE S86°46'00"E 1267.55 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE WESTERLY RIGHT-OF-WAY OF SANG AVENUE AND A SET IRON PIN, SAID POINT ALSO BEING ON THE NORTH BOUNDARY OF LANDS DESCRIBED IN INSTRUMENT NO. 97085750, FILED AND RECORDED IN THE OFFICE OF THE CIRCUIT CLERK AND EX-EFFICIO OF WASHINGTON COUNTY: THENCE ALONG SAID SOUTH RIGHT-OF-WAY S86°46'00"E 49.95 FEET, SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY OF SAID SANG AVENUE AND A SET IRON PIN; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY S02°40'58"W 129.70 FEET, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY OF U.S. HIGHWAY 62, ALSO KNOWN AS ARKANSAS STATE HIGHWAY 180 AND AS 6TH STREET, AND A SET IRON PIN; THENCE ALONG SAID RIGHT-OF-WAY S60°09'15"W 59.23 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF SAID SANG AVENUE, AND BEING AN A.H.T.D. MONUMENT; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY N02°40'58"E 163.03 FEET TO THE POINT OF BEGINNING, CONTAINING .167 ACRES, MORE OR LESS, CITY OF FAYETTEVILLE, ARKANSAS.

February 2006

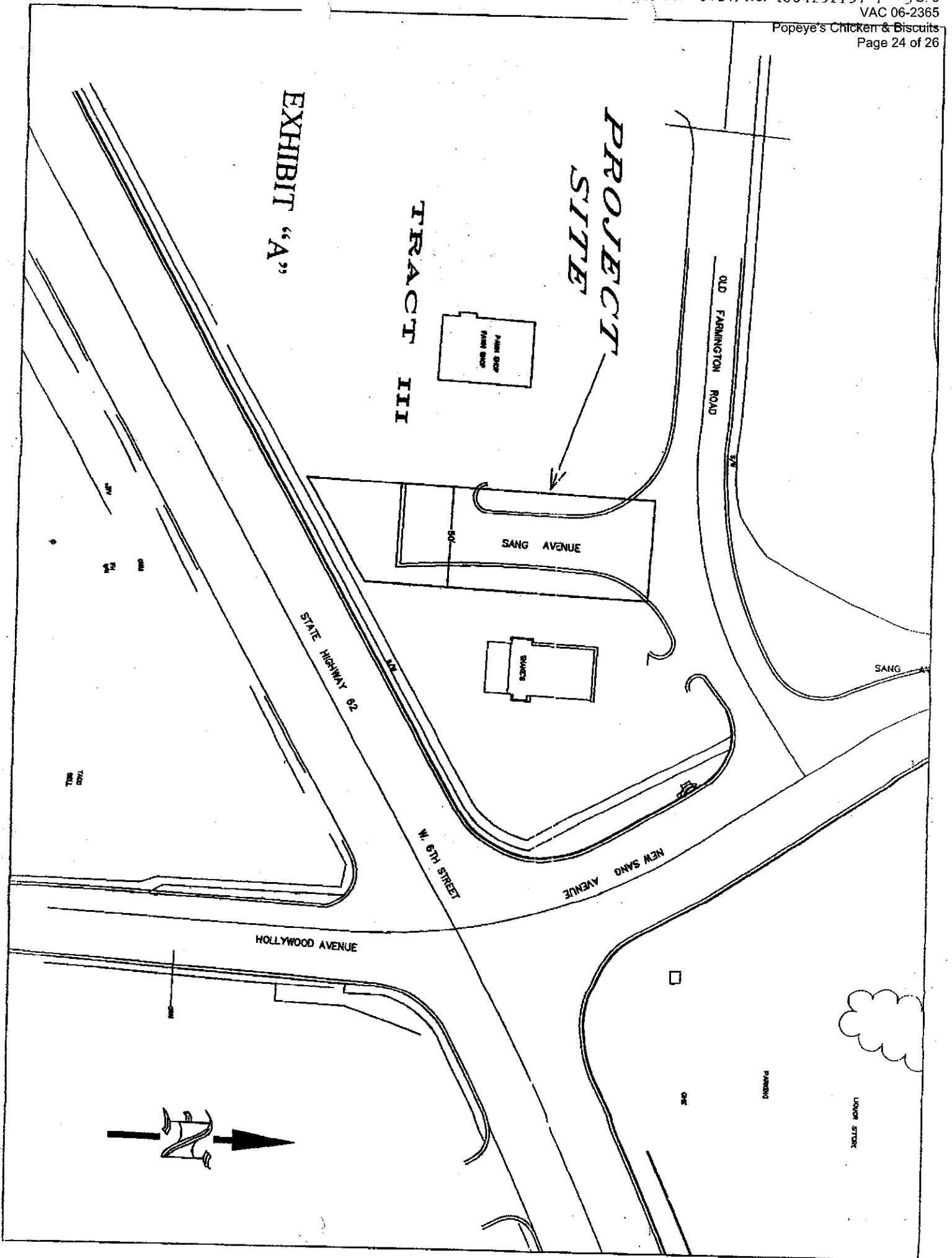
UTILITY COMPANY COMMENTS:

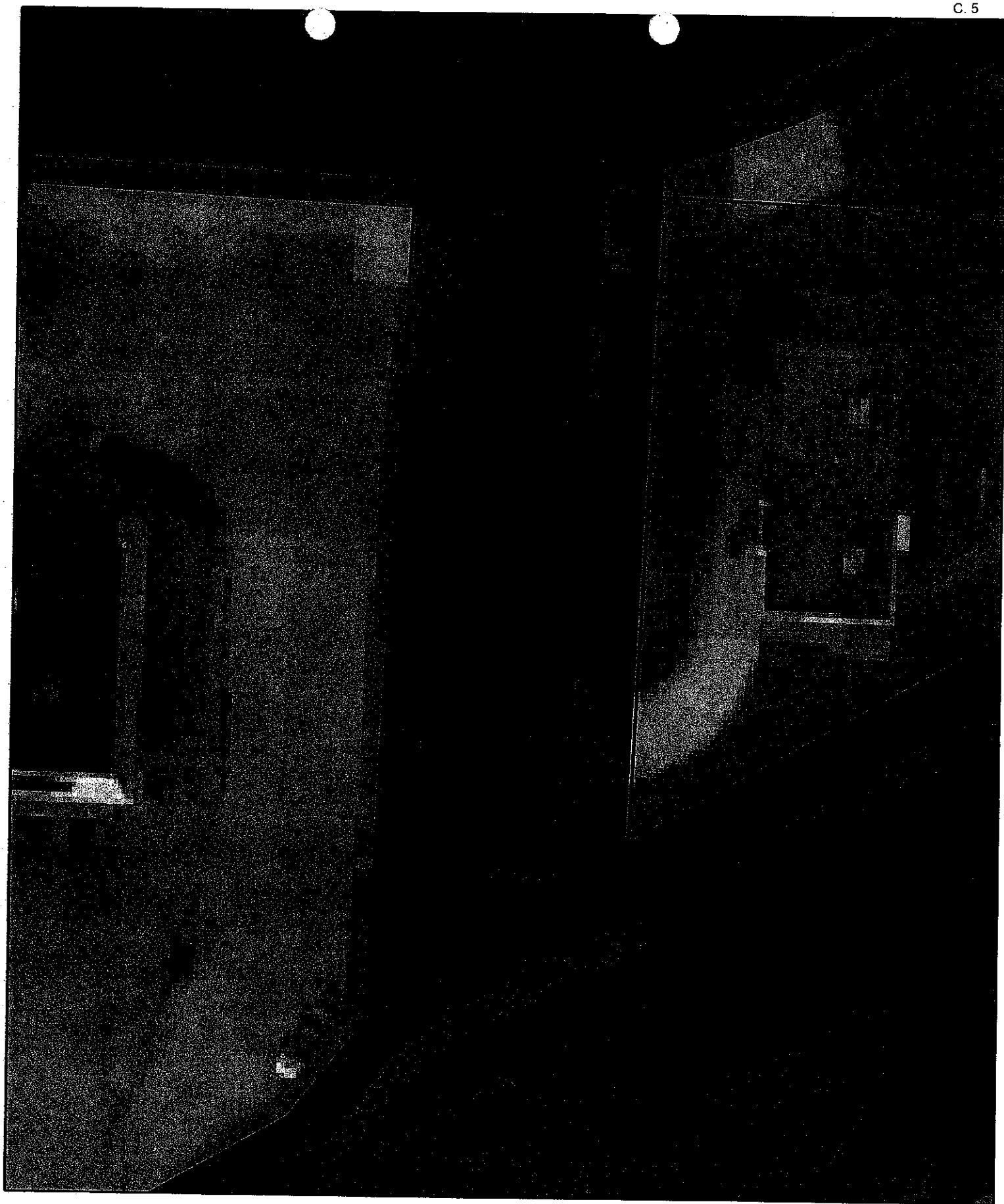
- ☐ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)
-
-

X No objections provided the following conditions are met:
ANY EXISTING FACILITIES REQUIRING RELOCATION WILL BE
DONE @ THE OWNER DEVELOPERS EXPENSE AND ANY EXISTING
FACILITIES WILL RETAIN A PRESCRIPTIVE EASEMENT UNTIL RELOCATION
Susan K. Lerner

Signature of Utility Company Representative

February 2006





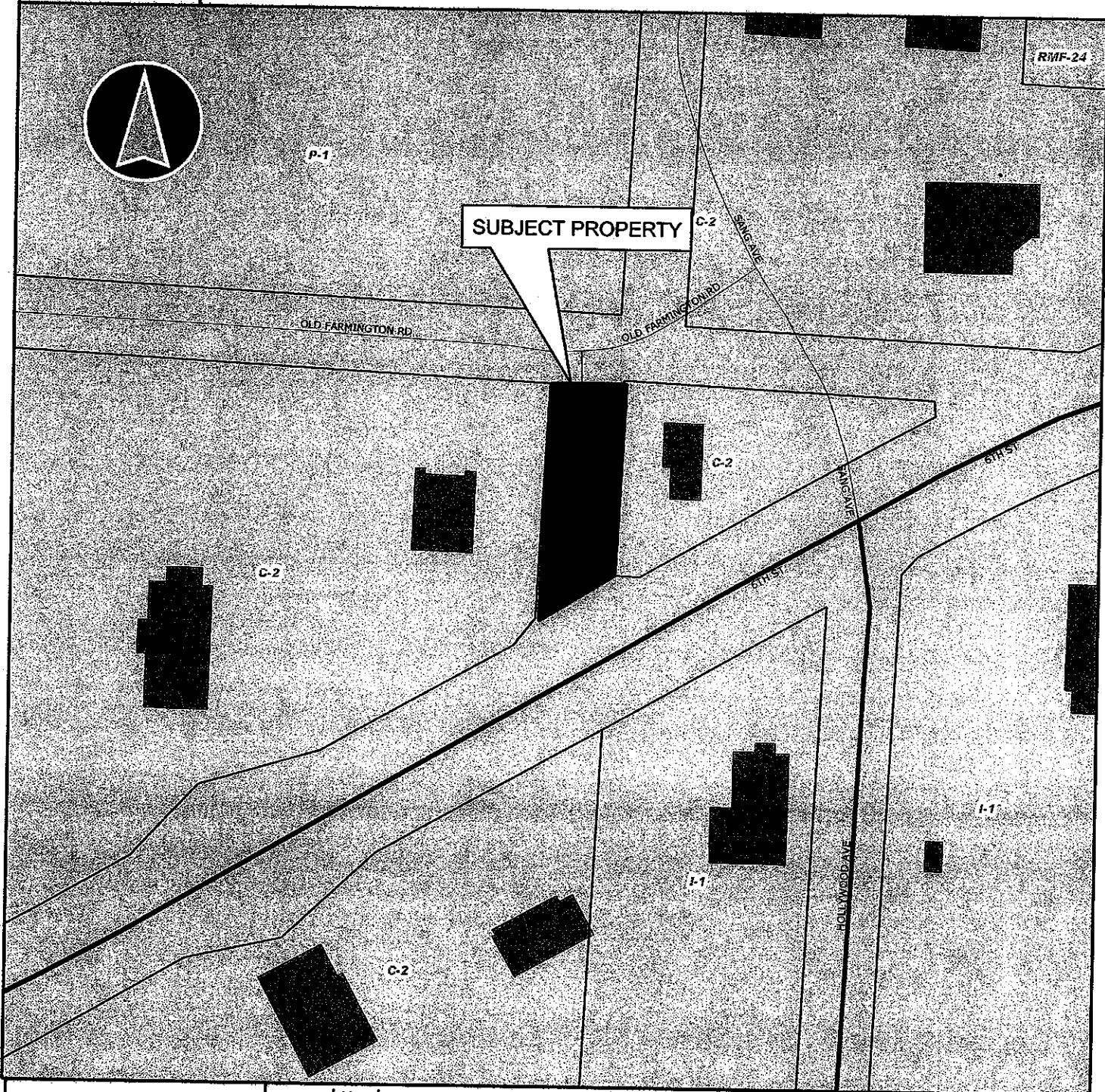
0 5 10 20 30 40 Feet

1 inch equals 25 feet

VAC06-2365

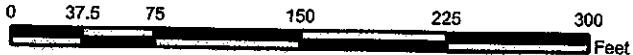
Close Up View

POPEYE'S CHICKEN & BISCUITS



Overview

- Legend**
- Overlay District
 - FLOODWAY
 - 500 YEAR
 - 100 YEAR
 - LIMIT OF STUDY
 - BaseLine Profile
 - Fayetteville
 - Outside City
 - VAC06-2365
 - vector.GDB.Footprint_2004
 - Hillside-Hilltop Overlay District



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

6-Feb-07

City Council Meeting Date

Jeremy Pate *X*
Submitted By

Planning
Division

Operations
Department

Action Required:

VAC 06-2400: (Bellafont II, 175): Submitted by H2 Engineering, Inc. for property located at the southwest corner of the Bellafont Development, north of Joyce Boulevard and west of Vantage Drive. The property is zoned C-3, Central Commercial and contains 0.056 acres. The request is to vacate a portion of a utility easement.

\$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	Remaining Balance	Fund Name
	\$ -	

Budgeted Item ☐

Budget Adjustment Attached ☐

[Signature] 1-12-07
Department Director Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

[Signature] 1-12-07
City Attorney Date

Original Contract Number: n/a

Paul A. Bush 1-12-07
Finance and Internal Service Director Date

Received in City Clerk's Office
ENTERED
1-12-07

[Signature] 1/17/07
Mayor Date

Received in Mayor's Office
ENTERED
1/13/07

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: January 11, 2007

Subject: Easement Vacation for Bellafont (VAC 06-2400)

RECOMMENDATION

Planning Staff recommends approval of an ordinance vacating a portion of a 20' general utility easement located within the Bellafont property north of Joyce Boulevard and west of Vantage Drive.

BACKGROUND

The Bellafont Large Scale Development has been approved for development on the overall 26-acre site for a mixed use development with restaurant space, office space, and 99 residential units. The subject 20' utility easement traverses north-south along the southwestern property line of the Bellafont property as depicted on the attached exhibits. This easement is not needed for this development as other utility easements have been dedicated for the Bellafont project, currently under construction. The overall 20' easement was originally platted on this undeveloped property for general utility use. Utility representatives have no objections to the requested vacation.

The request is to vacate approximately 0.056 acres of the existing utility easement.

DISCUSSION

Notification was provided to all appropriate utility representatives and to the City. This item was heard on consent at the regular Planning Commission on January 8, 2007. The Planning Commission voted 9-0-0 to recommend this vacation request to the City Council.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 06-2400 SUBMITTED BY H2 ENGINEERING FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF THE BELLAFONT DEVELOPMENT, NORTH OF JOYCE BOULEVARD AND WEST OF VANTAGE DRIVE TO VACATE A PORTION OF A UTILITY EASEMENT.

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 easements are not required for corporate purposes;

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

Section 1: That a copy of this Ordinance duly certified by the City Clerk along with the map attached hereto and labeled Exhibit "A" shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following described utility easements:

See Exhibit "B" attached hereto and made a part hereof.

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. Relocation of any existing utilities shall be at the owner/developer's expense.
2. New utility easements shall be dedicated throughout the Bellafont property as needed to serve the various buildings planned to be constructed.
3. Further development of this property shall not encroach within any existing easement.

PASSED and **APPROVED** this day of , 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT "A"

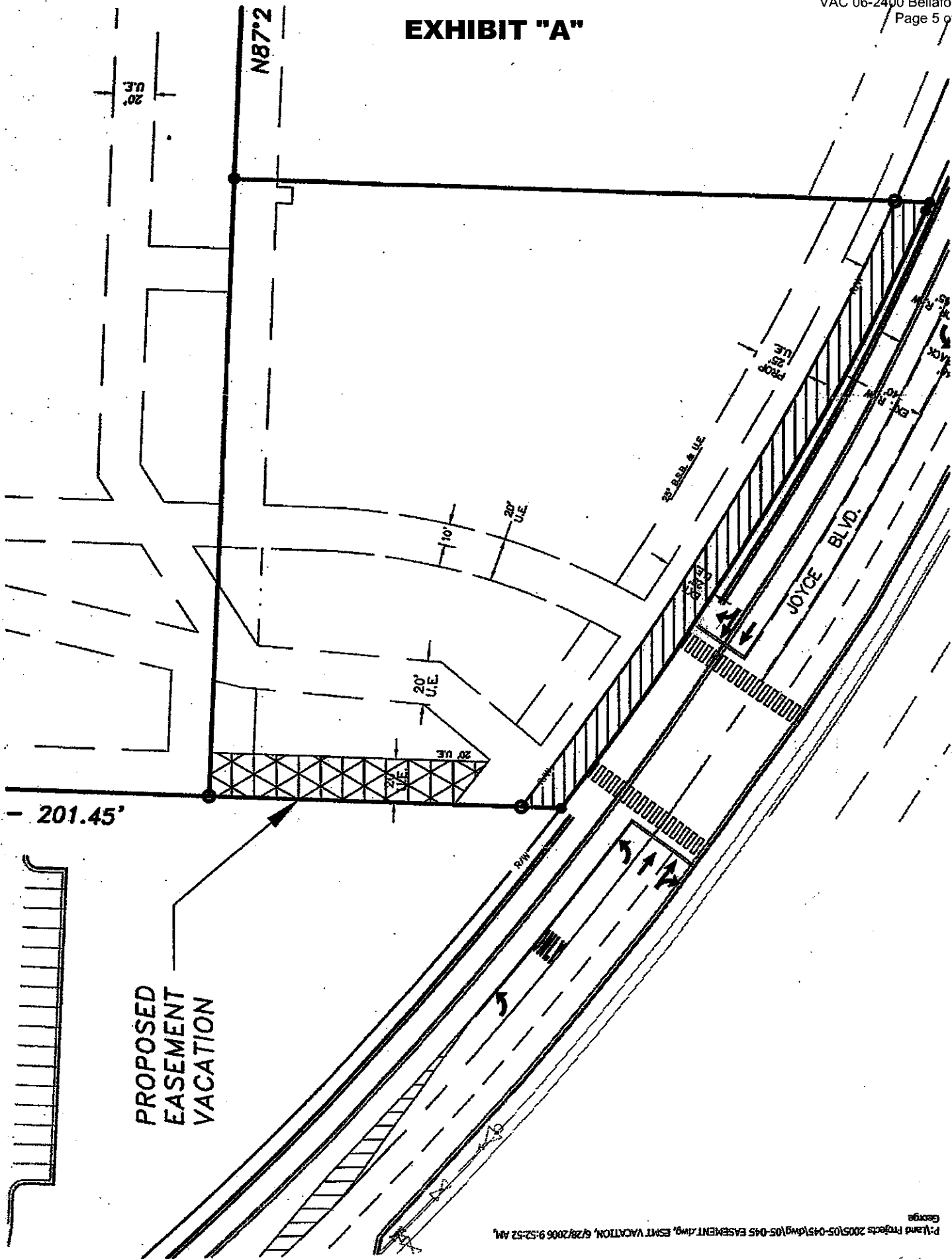


EXHIBIT "B"
VAC 06-2400

LOCATED IN A PART OF THE NW $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ AND IN A PART OF THE NE $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ OF SECTION 25, TOWNSHIP 17 NORTH, RANGE 30 WEST IN FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, MORE PRECISELY DESCRIBED AS FOLLOWS: STARTING AT THE NW CORNER OF THE NW $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ OF SECTION 25; THENCE SOUTH 02 DEGREES 36 MINUTES 28 SECONDS WEST, 659.02 FEET; THENCE SOUTH 02 DEGREES 36 MINUTES 52 SECONDS WEST, 201.45 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 87 DEGREES 23 MINUTES 18 SECONDS EAST, 20.00 FEET; THENCE SOUTH 02 DEGREES 36 MINUTES 52 SECONDS WEST, 129.19 FEET; THENCE NORTH 51 DEGREES 21 MINUTES 32 SECONDS WEST, 24.73 FEET; THENCE NORTH 02 DEGREES 36 MINUTES 52 SECONDS EAST, 114.65 FEET TO THE TRUE POINT OF BEGINNING CONTAINING 0.056 ACRES MORE OR LESS.



PC Meeting of January 8, 2007

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: ~~December 29, 2006~~ Updated January 11, 2007

VAC 06-2400: (BELLAFONT, 175): Submitted by H2 ENGINEERING, INC. for property located at the SOUTHWEST CORNER OF THE BELLAFONT DEVELOPMENT, NORTH OF JOYCE BOULEVARD AND WEST OF VANTAGE DRIVE. The property is zoned C-3, CENTRAL COMMERCIAL and contains approximately 0.056 acres. The request is to vacate a portion of a utility easement.

Property Owner: The Barber Group

Planner: Andrew Garner

Findings: Staff finds that vacating the requested portion of easement would not adversely affect access to the utilities serving the property or any other adjacent property.

Background/Property: The subject property is located northwest of Joyce Boulevard and Vantage Drive. The Bellafont I and II Large Scale Development projects were approved on this overall approximately 26-acre property in early 2006 by the Fayetteville Planning Commission. The approved LSD is a 26-acre mixed use development with restaurant space, retail space, office space, and condominium towers to hold a maximum of 99 residential units.

The subject 20' utility easement traverses north-south along the southwestern property line of the Bellafont property as depicted on the drawing attached to this report. This easement is not needed for this development as other utility easements have been dedicated for the Bellafont project, currently under construction. The overall 20' easement was originally platted on this undeveloped property for general utility use. Utility representatives have no objections to the requested vacation.

Request: The request is to vacate 0.056 acres of the existing utility easement.

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

UTILITIES

Ozarks Electric
Cox Communications
AEP/SWEPCO
SBC Southwestern Bell/AT&T
Arkansas Western Gas

RESPONSE

No Objections.
No Objections.
No Objections.
No Objections.
No Objections.

CITY OF FAYETTEVILLE:

Water/Sewer
Transportation
Solid Waste
Engineering

RESPONSE

No Objections.
No Objections.
No Objections.
No Objections.

Recommendation: Staff recommends approval of the proposed utility easement vacation 06-2400 with the following conditions:

1. Relocation of any existing utilities shall be at the owner/developer's expense.
2. New utility easements shall be dedicated throughout the Bellafont property as needed to serve the various buildings planned to be constructed.
3. Further development of this property shall not encroach within any existing easement.

PLANNING COMMISSION ACTION: yes Required
 Forwarded to City Council recommendation for approval Denied

Motion: Graves

Second: Ostner

Vote: 9-0-0

Date: January 8, 2007

Comments: Approved on consent.

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: February 6, 2007



Andrew Garner
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Re: Bellafont Easement Vacation

Dear Staff,

This correspondence is a written description of the petition to vacate a portion of an existing utility easement lying on Washington County Parcel # 765-15681-004 in Fayetteville, Arkansas. The current owner of the property is CB Ventures. A Mixed Use Commercial Development will be placed on the overall site. The presence of this utility easement hinders the developer's entrance feature options. We propose to rededicate utility easement throughout the development as needed to serve the various buildings planned to be constructed. We have provided the utility companies with assurances that new utility easements will be dedicated with the proposed development and the owner will incur the cost of relocating any existing utilities within the easement. Easement plats have already been approved by the city which dedicate alternate utility routes.

Thank you for your consideration in this matter. If you should have any questions or comments, please call me at 582-4234.

Sincerely,

A handwritten signature in black ink, appearing to be 'J. Thompson', with a long horizontal line extending to the right.

Jeremy Thompson, P.E.
Project Engineer
H2 Engineering, Inc.



UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: February 2, 2006

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 (alley, easement, right-of-way), described as follows:

General location / Address:

LOCATED IN A PART OF THE NW ¼ OF THE NW ¼ AND IN A PART OF THE NE ¼ OF THE NW ¼ OF SECTION 25, TOWNSHIP 17 NORTH, RANGE 30 WEST IN FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, MORE PRECISELY DESCRIBED AS FOLLOWS: STARTING AT THE NW CORNER OF THE NW ¼ OF THE NW ¼ OF SECTION 25; THENCE SOUTH 02 DEGREES 36 MINUTES 28 SECONDS WEST, 659.02 FEET; THENCE SOUTH 02 DEGREES 36 MINUTES 52 SECONDS WEST, 201.45 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 87 DEGREES 23 MINUTES 18 SECONDS EAST, 20.00 FEET; THENCE SOUTH 02 DEGREES 36 MINUTES 52 SECONDS WEST, 129.19 FEET; THENCE NORTH 51 DEGREES 21 MINUTES 32 SECONDS WEST, 24.73 FEET; THENCE NORTH 02 DEGREES 36 MINUTES 52 SECONDS EAST, 114.65 FEET TO THE TRUE POINT OF BEGINNING CONTAINING 0.056 ACRES MORE OR LESS.

(Include legal description and graphic representation of what is being vacated)

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

7-25-06
Date

UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: February 2, 2006

UTILITY COMPANY: Ozarks Electric Company

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:

LOCATED IN A PART OF THE NW ¼ OF THE NW ¼ AND IN A PART OF THE NE ¼ OF THE NW ¼ OF SECTION 25, TOWNSHIP 17 NORTH, RANGE 30 WEST IN FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, MORE PRECISELY DESCRIBED AS FOLLOWS: STARTING AT THE NW CORNER OF THE NW ¼ OF THE NW ¼ OF SECTION 25; THENCE SOUTH 02 DEGREES 36 MINUTES 28 SECONDS WEST, 659.02 FEET; THENCE SOUTH 02 DEGREES 36 MINUTES 52 SECONDS WEST, 201.45 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 87 DEGREES 23 MINUTES 18 SECONDS EAST, 20.00 FEET; THENCE SOUTH 02 DEGREES 36 MINUTES 52 SECONDS WEST, 129.19 FEET; THENCE NORTH 51 DEGREES 21 MINUTES 32 SECONDS WEST, 24.73 FEET; THENCE NORTH 02 DEGREES 36 MINUTES 52 SECONDS EAST, 114.65 FEET TO THE TRUE POINT OF BEGINNING CONTAINING 0.056 ACRES MORE OR LESS.

(Include legal description and graphic representation of what is being vacated)

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.)

Mike Phipps (OZARKS ELECTRIC)
Signature of Utility Company Representative

System Staking Tech
Title

6-30-06
Date



Lynda Palmer
Manager-Engineering (ROW)
Right-of-Way & Joint Use Poles

AT&T Arkansas
1111 West Capitol
Room 941
Little Rock, AR 72201

C. 6
VAC 06-2400 Bellafont II
Page 13 of 22
T: 501.373.5255
F: 501.373.0229
lynda.palmer@att.com

Lynda Palmer
Manager-Engineering (ROW)
Right-of-Way & Joint Use Poles

Lynda Palmer
Manager-Engineering (ROW)
Right-of-Way & Joint Use Poles

November 21, 2006

Jeremy Thompson
H2 Engineering
2758 Millenium Drive
Fayetteville, AR 73703

Dear Mr. Thompson:

RE: Easement vacation – Fayetteville

Please find enclosed AT&T's concurrence in your request to the above mentioned easement vacation.

This concurrence must be recorded at the Washington County Courthouse in the office of the circuit clerk to be complete and legal. I would appreciate you returning a copy of the document to me at the above address for my files.

If you have any questions or comments, please call me at 501-373-5255.

Sincerely,

Lynda Palmer

attachments



**CONCURRENCE TO VACATE
A DEDICATED UTILITY EASEMENT**

BE IT KNOWN BY THESE PRESENTS that Southwestern Bell Telephone LP, a Texas limited partnership, d.b.a. AT&T Arkansas, hereby concurs in the vacation of a portion of a dedicated utility easement, to-wit:

Located in a part of the NW ¼ of the NW ¼, and in a part of the NE ¼ of the NW ¼ of Section 25, Township 17 North, Range 30 West, in Fayetteville, Washington County, Arkansas, being more precisely described as follows: Starting at the NW corner of the NW ¼ of the NW ¼ of Section 25; thence S 02°36'28" West, 659.02 feet; thence S 02°36'52" West, 201.45 feet to the true point of beginning; thence S 87°23'18" East, 20.00 feet; thence S 02°36'52" West, 129.19 feet; thence N 51°21'32" West, 24.73 feet; thence N 02°36'52" East, 114.65 feet to the true point of beginning, containing 0.056 acres, more or less.

Signed and executed this 21st day of November, 2006.

By: _____

F. Jean Davis

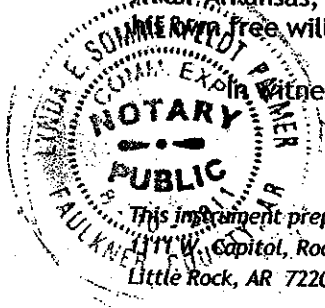
Director-Engineering/Construction

CORPORATE ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF PULASKI

On this the 21 day of November, 2006, before me, the undersigned authority, duly commissioned and qualified in and for the state and county set forth above, personally came and appeared F. Jean Davis, who, after being duly sworn, declared that he is the Director-Engineering/Construction for Southwestern Bell Telephone LP, a Texas limited partnership, d.b.a. AT&T Arkansas, and that he executed the foregoing instrument as the act and deed of said company of AT&T Arkansas, free will and for the purposes and considerations therein expressed and with due authority.

In witness whereof I hereunto set my hand and official seal.



This instrument prepared by AT&T
111 W. Capitol, Room 941
Little Rock, AR 72201 (501-373-5255)

Lynda E. Sommerfeldt Palmer
Notary Public in & for Faulkner Co.
My commission expires 8/11/2011

UTILITY APPROVAL FORM FOR RIGHT-OF-WAY, ALLEY AND UTILITY EASEMENT VACATIONS

DATE: 11.20.06

UTILITY COMPANY: Southwestern Bell Telephone d.b.a. AT&T Arkansas

REQUESTED VACATION:

Street

Easement

Street and all the utility easements located within the vacated street

Right-of-Way for alley or street

Right-of-Way for alley or streets and all utility easements located within the vacated right-of-way

Alley

Alley and all utility easements located within the vacated alley

I have been notified of the petition to vacate the following right-of-way.

Described as follows:

Located in a part of the NW ¼ of the NW ¼, and in a part of the NE ¼ of the NW ¼ of Section 25, Township 17 North, Range 30 West, in Fayetteville, Washington County, Arkansas, being more precisely described as follows: Starting at the NW corner of the NW ¼ of the NW ¼ of Section 25; thence S 02°36'28" West, 659.02 feet; thence S 02°36'52" West, 201.45 feet to the true point of beginning; thence S 87°23'18" East, 20.00 feet; thence S 02°36'52" West, 129.19 feet; thence N 51°21'32" West, 24.73 feet; thence N 02°36'52" East, 114.65 feet to the true point of beginning, containing 0.056 acres, more or less.

UTILITY COMPANY COMMENTS:

No objections to the vacation described above.

Signature of this form does not constitute a release of easement. The attached Concurrence must be recorded at the Washington County courthouse in order for this release to be complete and legal.

Signature of AT&T Company Representative:


Lynda E. Sommerfeldt Palmer, Mgr.-Engr. (ROW)

UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: July 27, 2006UTILITY COMPANY: 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 (alley, easement, right-of-way), described as follows:

General location / Address:

LOCATED IN A PART OF THE NW ¼ OF THE NW ¼ AND IN A PART OF THE NE ¼ OF THE NW ¼ OF SECTION 25, TOWNSHIP 17 NORTH, RANGE 30 WEST IN FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, MORE PRECISELY DESCRIBED AS FOLLOWS: STARTING AT THE NW CORNER OF THE NW ¼ OF THE NW ¼ OF SECTION 25; THENCE SOUTH 02 DEGREES 36 MINUTES 28 SECONDS WEST, 659.02 FEET; THENCE SOUTH 02 DEGREES 36 MINUTES 52 SECONDS WEST, 201.45 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 87 DEGREES 23 MINUTES 18 SECONDS EAST, 20.00 FEET; THENCE SOUTH 02 DEGREES 36 MINUTES 52 SECONDS WEST, 129.19 FEET; THENCE NORTH 51 DEGREES 21 MINUTES 32 SECONDS WEST, 24.73 FEET; THENCE NORTH 02 DEGREES 36 MINUTES 52 SECONDS EAST, 114.65 FEET TO THE TRUE POINT OF BEGINNING CONTAINING 0.036 ACRES MORE OR LESS.

(Include legal description and graphic representation of what is being vacated)

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

Right of Way Associate

Date

8-25-06

UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: February 2, 2006

UTILITY COMPANY: Cox Communications

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:

LOCATED IN A PART OF THE NW ¼ OF THE NW ¼ AND IN A PART OF THE NE ¼ OF THE NW ¼ OF SECTION 25, TOWNSHIP 17 NORTH, RANGE 30 WEST IN FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, MORE PRECISELY DESCRIBED AS FOLLOWS: STARTING AT THE NW CORNER OF THE NW ¼ OF THE NW ¼ OF SECTION 25; THENCE SOUTH 02 DEGREES 36 MINUTES 28 SECONDS WEST, 659.02 FEET; THENCE SOUTH 02 DEGREES 36 MINUTES 52 SECONDS WEST, 201.45 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 87 DEGREES 23 MINUTES 18 SECONDS EAST, 20.00 FEET; THENCE SOUTH 02 DEGREES 36 MINUTES 52 SECONDS WEST, 129.19 FEET; THENCE NORTH 51 DEGREES 21 MINUTES 32 SECONDS WEST, 24.73 FEET; THENCE NORTH 02 DEGREES 36 MINUTES 52 SECONDS EAST, 114.65 FEET TO THE TRUE POINT OF BEGINNING CONTAINING 0.056 ACRES MORE OR LESS.

(Include legal description and graphic representation of what is being vacated)

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: Project Coordinator

Date: 7-6-06

UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: July 27, 2006

UTILITY COMPANY: City of 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 (alley, easement, right-of-way), described as follows:

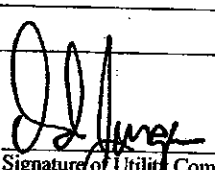
General location / Address:

LOCATED IN A PART OF THE NW ¼ OF THE NW ¼ AND IN A PART OF THE NE ¼ OF THE NW ¼ OF SECTION 25, TOWNSHIP 17 NORTH, RANGE 30 WEST IN FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, MORE PRECISELY DESCRIBED AS FOLLOWS: STARTING AT THE NW CORNER OF THE NW ¼ OF THE NW ¼ OF SECTION 25; THENCE SOUTH 02 DEGREES 36 MINUTES 28 SECONDS WEST, 659.02 FEET; THENCE SOUTH 02 DEGREES 36 MINUTES 52 SECONDS WEST, 201.45 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 87 DEGREES 23 MINUTES 18 SECONDS EAST, 20.00 FEET; THENCE SOUTH 02 DEGREES 36 MINUTES 52 SECONDS WEST, 129.19 FEET; THENCE NORTH 51 DEGREES 21 MINUTES 32 SECONDS WEST, 24.73 FEET; THENCE NORTH 02 DEGREES 36 MINUTES 52 SECONDS EAST, 114.65 FEET TO THE TRUE POINT OF BEGINNING CONTAINING 0.056 ACRES MORE OR LESS.

(Include legal description and graphic representation of what is being vacated)

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

WATER/WASTEWATER DIRECTOR
Title

6 Nov 06
Date

UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: February 2, 2006

UTILITY COMPANY: City of Fayetteville: Streets

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:

LOCATED IN A PART OF THE NW ¼ OF THE NW ¼ AND IN A PART OF THE NE ¼ OF THE NW ¼ OF SECTION 25, TOWNSHIP 17 NORTH, RANGE 30 WEST IN FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, MORE PRECISELY DESCRIBED AS FOLLOWS: STARTING AT THE NW CORNER OF THE NW ¼ OF THE NW ¼ OF SECTION 25; THENCE SOUTH 02 DEGREES 36 MINUTES 28 SECONDS WEST, 659.02 FEET; THENCE SOUTH 02 DEGREES 36 MINUTES 52 SECONDS WEST, 201.45 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 87 DEGREES 23 MINUTES 18 SECONDS EAST, 20.00 FEET; THENCE SOUTH 02 DEGREES 36 MINUTES 52 SECONDS WEST, 129.19 FEET; THENCE NORTH 51 DEGREES 21 MINUTES 32 SECONDS WEST, 24.73 FEET; THENCE NORTH 02 DEGREES 36 MINUTES 52 SECONDS EAST, 114.65 FEET TO THE TRUE POINT OF BEGINNING CONTAINING 0.056 ACRES MORE OR LESS.

(Include legal description and graphic representation of what is being vacated)

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

Date

Transportation Supt. City of Fayetteville
7/6/06

UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: February 2, 2006

UTILITY COMPANY: City of Fayetteville: Sanitation

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:

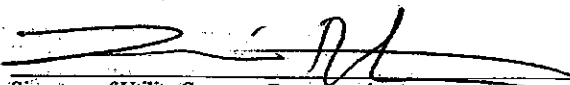
General location / Address:

LOCATED IN A PART OF THE NW ¼ OF THE NW ¼ AND IN A PART OF THE NE ¼ OF THE NW ¼ OF SECTION 25, TOWNSHIP 17 NORTH, RANGE 30 WEST IN FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, MORE PRECISELY DESCRIBED AS FOLLOWS: STARTING AT THE NW CORNER OF THE NW ¼ OF THE NW ¼ OF SECTION 25; THENCE SOUTH 02 DEGREES 36 MINUTES 28 SECONDS WEST, 659.02 FEET; THENCE SOUTH 02 DEGREES 36 MINUTES 52 SECONDS WEST, 201.45 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 87 DEGREES 23 MINUTES 18 SECONDS EAST, 20.00 FEET; THENCE SOUTH 02 DEGREES 36 MINUTES 52 SECONDS WEST, 129.19 FEET; THENCE NORTH 51 DEGREES 21 MINUTES 32 SECONDS WEST, 24.73 FEET; THENCE NORTH 02 DEGREES 36 MINUTES 52 SECONDS EAST, 114.65 FEET TO THE TRUE POINT OF BEGINNING CONTAINING 0.056 ACRES MORE OR LESS.

(Include legal description and graphic representation of what is being vacated)

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

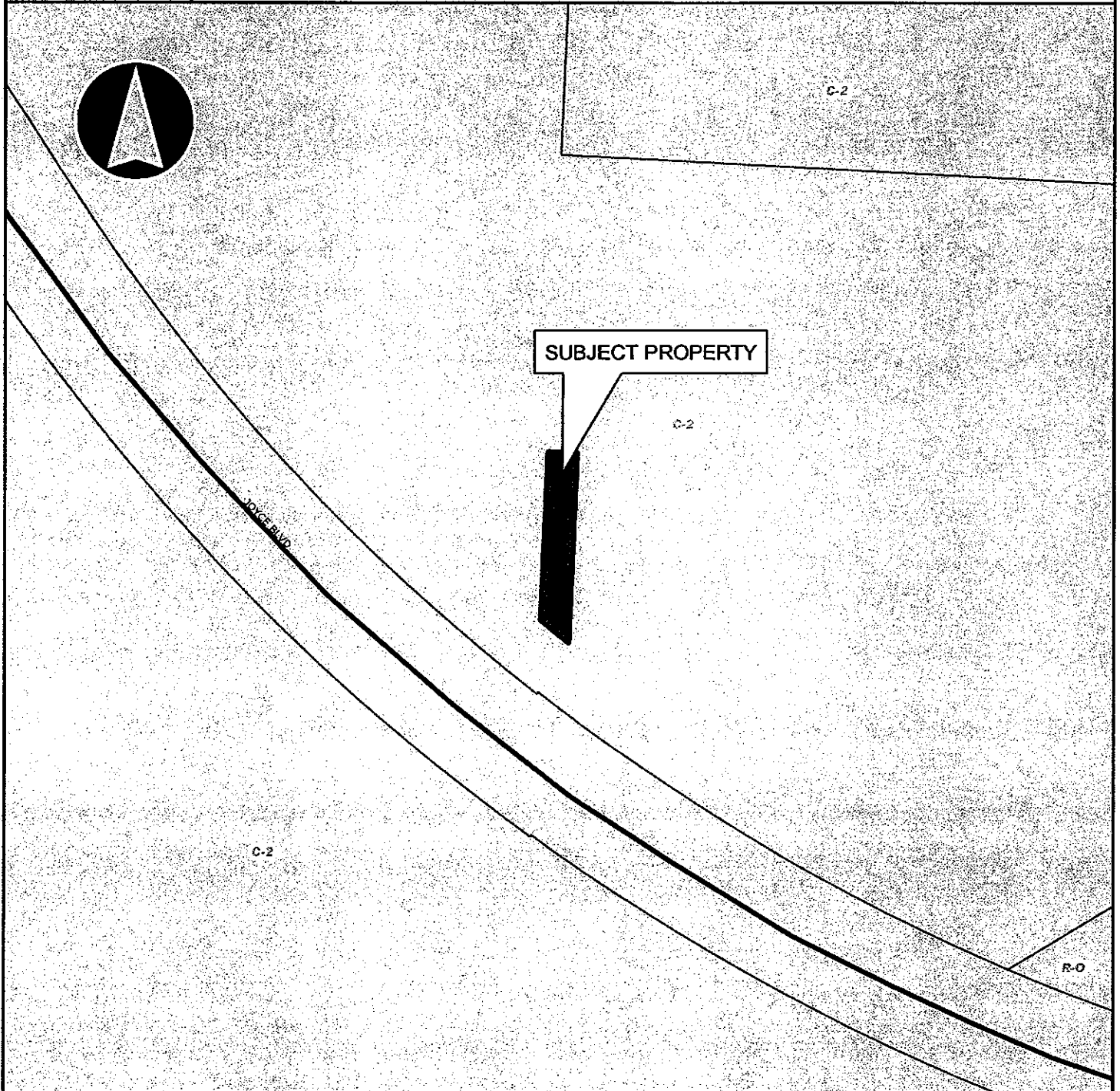
Commercial Solid Waste Rep.
Title

6/30/06
Date

VAC06-2400

BELLAFONT

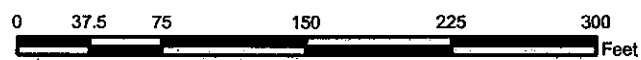
Close Up View



Overview

Legend

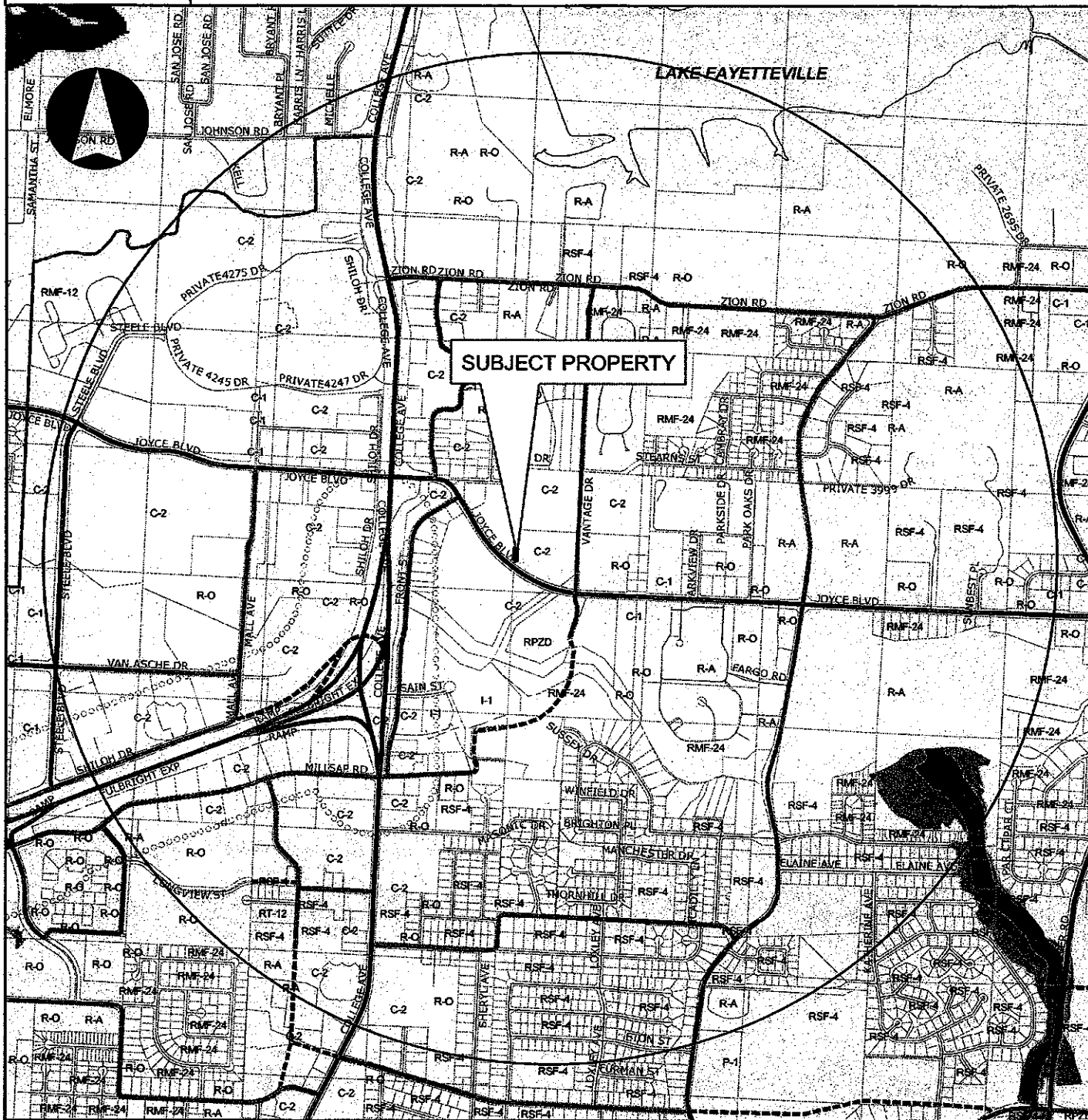
- | | | |
|------------------------|-----------------------------------|------------------|
| ○○○○○ Overlay District | — FLOODWAY | — 500 YEAR |
| | — 100 YEAR | — LIMIT OF STUDY |
| | - - - BaseLine Profile | |
| | Fayetteville | |
| | Outside City | |
| | VAC06-2400 | |
| | vector.GDB.Footprint_2004 | |
| | Hillside-Hilltop Overlay District | |



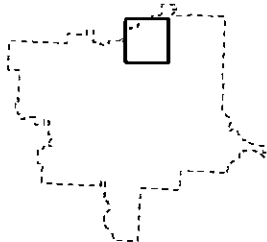
VAC06-2400

One Mile View

BELLAFONT



Overview



Legend

Subject Property



VAC06-2400

Boundary



• Planning Area



Overlay Distr

Legend

Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

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

6-Feb-07
City Council Meeting Date

Tim Conklin
Submitted By

Long Range Planning
Division

Operations
Department

Action Required:

RZN 06-2399: (West Side Annexation C-1): Submitted by the City of Fayetteville for property located at the southeast and southwest corners of Hwy. 16 and Harmon Road. The property is zoned R-A, Residential Agricultural, and contains approximately 3.93 acres. The request is to rezone the subject property to C-1, Neighborhood Commercial.

\$0.00

n/a

n/a

Cost of this request

Category/Project Budget

Program Category / Project Name

n/a

n/a

n/a

Account Number

Funds Used to Date

Program / Project Category Name

n/a

n/a

n/a

\$

-

Project Number

Remaining Balance

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

[Signature]
Department Director

1-19-07
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

[Signature]
City Attorney

1-22-07

Original Contract Number: n/a

Paul A. Beck
Finance and Internal Service Director

1-22-07
Date

Received in City Clerk's Office

ENTERED
1-19-07

Received in Mayor's Office

ENTERED
1/24/07

Mayor

Date

Comments:

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 06-2399, FOR APPROXIMATELY 3.93 ACRES, LOCATED AT THE SOUTHWEST AND SOUTHEAST CORNERS OF HWY. 16 AND HARMON ROAD FROM R-A, RESIDENTIAL AGRICULTURAL, TO C-1, NEIGHBORHOOD COMMERCIAL.

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

Section 1: That the zone classification of the following described property is hereby changed as follows:

From R-A, Residential Agricultural to C-1, Neighborhood Commercial, as shown on Exhibit "A" attached hereto and made a part hereof.

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

PASSED and APPROVED this day of , 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT A

RZN 06-2399 West Side Annexation C-1 January 8, 2007

P-1, 39.62 acres

C-1, 3.93 acres

RSF-4, 55.33 acres

Legend

- Street
- CityLimits_temp
- Residential Agriculture (1 unit/2 acres)
- Residential Single Family (1 unit/acre)
- Residential Single Family (4 units/acre)
- Neighborhood Commercial
- Institutional (University of Arkansas)

C. 7
RZN 06-2399

West Side Annexation C-1
Page 3 of 6

1,280 Feet

640

320

0

FOREST HILLS DR

CEDAR RIDGE LN

HARMON SOUTH

VISTA TERRACE DR

FOX MEADOWS LN

COUNTRY FARM RD

WESTRIDGE DR

ZION

RICHES

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

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

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

Date: January 10, 2007

Subject: Rezoning for West Side Annexation C-1 (RZN 06-2399)

RECOMMENDATION

The Planning Commission recommended in favor of rezoning the subject property from R-A, Residential Agricultural to C-1, Neighborhood Commercial, on approximately 3.93 acres located at the southeast and southwest corners of Hwy. 16 and Harmon Road.

BACKGROUND

The subject property contains approximately 3.93 acres and is located at the southeast and southwest corners of Hwy. 16 and Harmon Road. The property is part of two developments that were approved by Washington County prior to annexation. Westridge subdivision surrounds the property on the southeast corner and has had final plat approval. The City expects 46 single-family detached homes to be built in this development. Somerset subdivision surrounds the property on the southwest corner and has had preliminary plat approval. Washington County approved 87 lots. These developments, combined with the existing residential developments in this area, suggested the need for limited commercial development that would serve nearby neighborhoods. The property to the north of the proposed commercial rezoning is undeveloped and agricultural/rural residential.

The Future Land Use Plan shows the subject property as Residential Neighborhood, which is described as "almost exclusively residential in nature...but encourages traditional neighborhood development that incorporates low-intensity non-residential uses." C-1 permitted uses are "designed to provide convenience goods and personal services for persons living in the surrounding residential areas." These statements make the proposed zoning consistent with the Future Land Use Plan.

DISCUSSION

This item was heard at the regular Planning Commission meeting on January 8, 2007. The Planning Commission voted 9-0-0 to recommend approval of this rezoning request to the City Council.

BUDGET IMPACT

None.

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

6-Feb-07
City Council Meeting Date

Tim Conklin
Submitted By

Long Range Planning
Division

Operations
Department

Action Required:

RZN 06-2399: (West Side Annexation P-1): Submitted by the City of Fayetteville for property located at the northwest corner of Hwy. 16 and Harmon Road. The property is zoned R-A, Residential Agricultural, and contains approximately 39.62 acres. The request is to rezone the subject property to P-1, Institutional.

\$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☐

[Signature] 1-19-07
Department Director Date

[Signature] 1-22-07
City Attorney

Paul A. Bach 1-22-07
Finance and Internal Service Director Date

Mayor Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Received in City Clerk's Office

ENTERED
1-19-07

Received in Mayor's Office

ENTERED
1/22/07
P.A.

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

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

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

Date: January 10, 2007

Subject: Rezoning for West Side Annexation P-1 (RZN 06-2399)

RECOMMENDATION

The Planning Commission recommended in favor of rezoning the subject property from R-A, Residential Agricultural to P-1, Institutional, on approximately 39.62 acres located located at the northwest corner of Hwy. 16 and Harmon Road.

BACKGROUND

The subject property contains approximately 39.62 acres and is located at the northwest corner of Hwy. 16 and Harmon Road. The property is owned by the University of Arkansas and is not subject to the City of Fayetteville's zoning regulations. The Future Land Use Map designates this property as non-municipal government, which is consistent with the P-1 zoning. The surrounding property is undeveloped and agricultural/rural residential.

DISCUSSION

This item was heard at the regular Planning Commission meeting on January 8, 2007. The Planning Commission voted 9-0-0 to recommend approval of this rezoning request to the City Council.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 06-2399, FOR APPROXIMATELY 39.62 ACRES, LOCATED AT THE NORTHWEST CORNER OF HWY. 16 AND HARMON ROAD FROM R-A, RESIDENTIAL AGRICULTURAL, TO P-1, INSTITUTIONAL.

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

Section 1: That the zone classification of the following described property is hereby changed as follows:

From R-A, Residential Agricultural to P-1, Institutional,
as shown on Exhibit "A" attached hereto and made a part
hereof.

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

PASSED and APPROVED this day of , 2007.

APPROVED:

ATTEST:

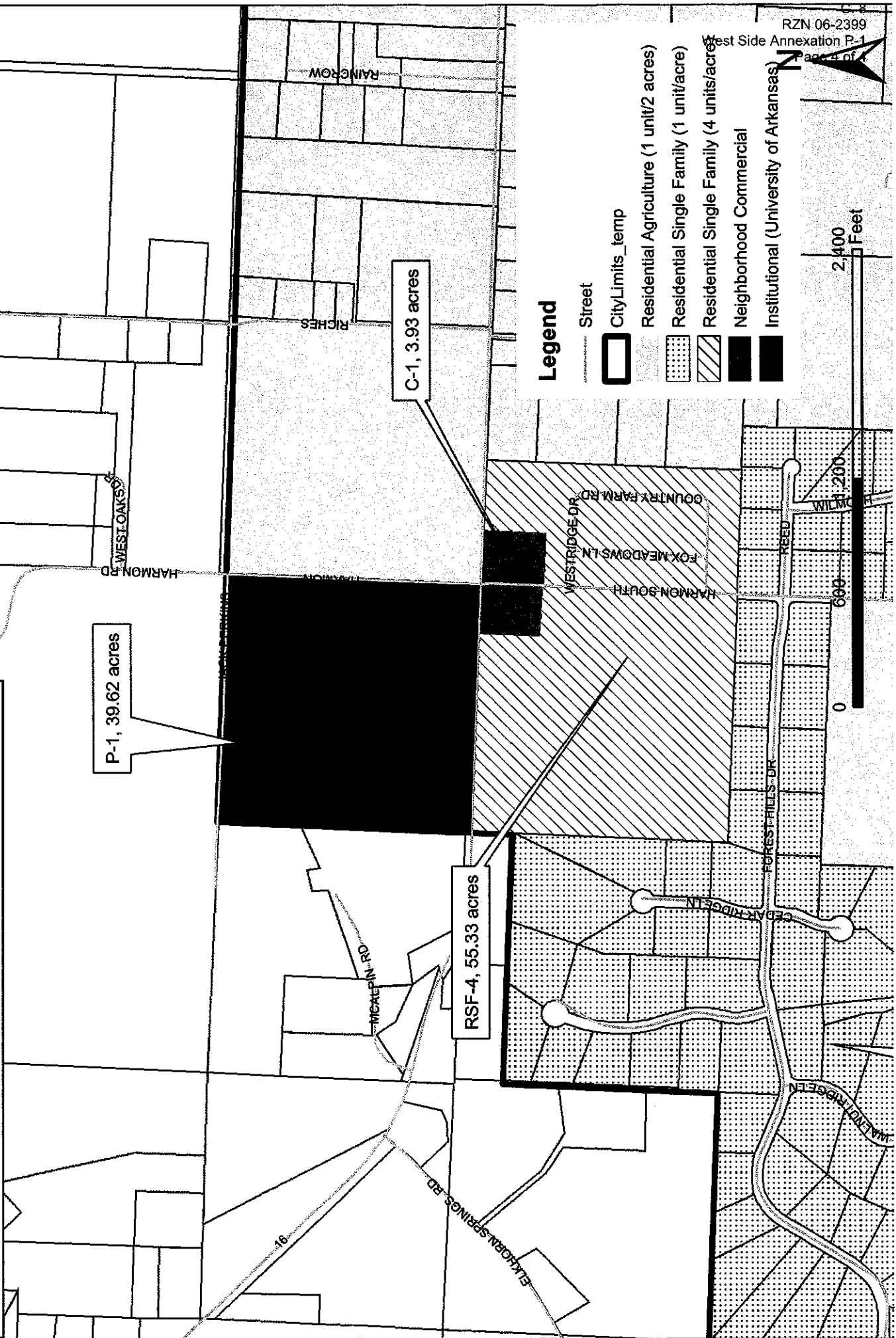
By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

Exhibit A

RZN 06-2399 West Side Annexation P-1

January 8, 2007



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

6-Feb-07
City Council Meeting Date

Tim Conklin
Submitted By

Long Range Planning
Division

Operations
Department

Action Required:

RZN 06-2399: (West Side Annexation RSF-1): Submitted by the City of Fayetteville for property located at Hwy. 16 and Rocky Ridge Lane, Forest Hills Drive and along Harmon Road South. The property is zoned R-A, Residential Agricultural, and contains approximately 232.06 acres. The request is to rezone the subject property to RSF-1, Residential Single Family-1 unit/acre.

\$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☐

[Signature] 1-19-07
Department Director Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

[Signature] 1-22-07
City Attorney Date

Original Contract Number: n/a

Paul A. Becher 1-22-07
Finance and Internal Service Director Date

Received in City Clerk's Office
ENTERED
1-19-07

Mayor Date

Received in Mayor's Office
ENTERED
1/22/07

Comments:

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 06-2399, FOR APPROXIMATELY 232.06 ACRES, LOCATED AT HWY. 16 AND ROCKY RIDGE ROAD LANE, FOREST HILLS DRIVE AND ALONG HARMON ROAD SOUTH FROM R-A, RESIDENTIAL AGRICULTURAL, TO RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE.

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

Section 1: That the zone classification of the following described property is hereby changed as follows:

From R-A, Residential Agricultural to RSF-1, Residential Single Family, 1 unit per acre, as shown on Exhibit "A" attached hereto and made a part hereof.

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

PASSED and APPROVED this day of , 2007.

APPROVED:

ATTEST:

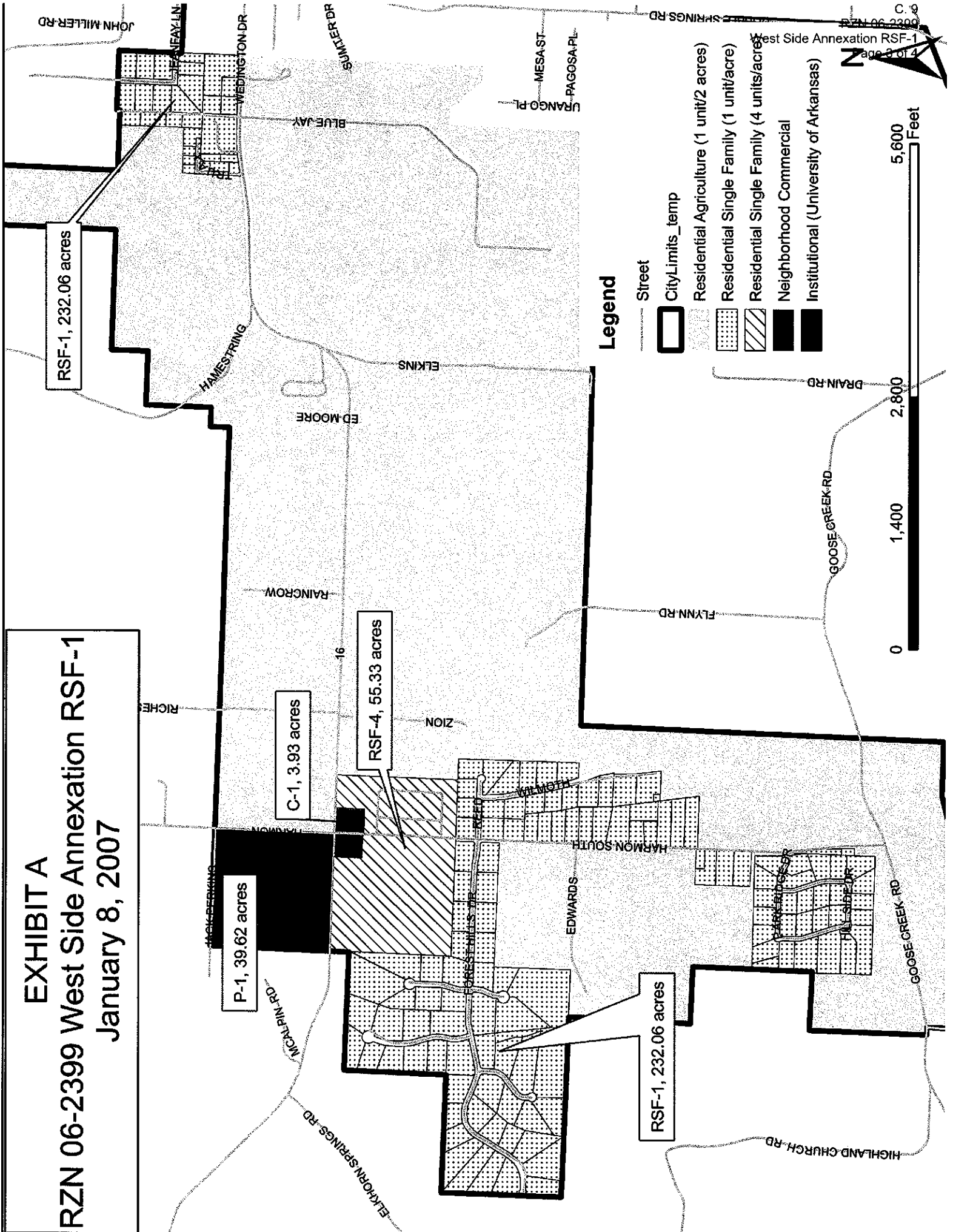
By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT A

RZN 06-2399 West Side Annexation RSF-1

January 8, 2007



CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

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

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

Date: January 10, 2007

Subject: Rezoning for West Side Annexation RSF-1 (RZN 06-2399)

RECOMMENDATION

The Planning Commission recommended in favor of rezoning the subject property from R-A, Residential Agricultural-0.5 units/acre to RSF-1, Residential Single Family-1 unit/acre, on approximately 232.06 acres located at Hwy. 16 and Rocky Ridge Lane, Forest Hills Drive, and along Harmon Road South.

BACKGROUND

The subject property contains approximately 232.06 acres and is located at Hwy. 16 and Rocky Ridge Lane, Forest Hills Drive, and along Harmon Road South. The property consists primarily of single-family dwellings on lots that range in size from approximately one to five acres. The surrounding properties are generally undeveloped and agricultural/rural residential; one exception are the properties adjacent to two platted subdivisions that were approved prior to annexation at the southeast and southwest corners of Harmon Road and Hwy. 16. These subdivisions are residential.

The Future Land Use Plan shows these areas as Residential Neighborhood, which is described as "almost exclusively residential in nature with naturalistic planting and conventional setbacks. This zone also recognizes conventional subdivision development." An RSF-1 designation is consistent with the Future Land Use Plan.

DISCUSSION

This item was heard at the regular Planning Commission meeting on January 8, 2007. The Planning Commission voted 9-0-0 to recommend approval of this rezoning request to the City Council.

BUDGET IMPACT

None.

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

6-Feb-07

City Council Meeting Date

Tim Conklin
Submitted By

Long Range Planning
Division

Operations
Department

Action Required:

RZN 06-2399: (West Side Annexation RSF-4): Submitted by the City of Fayetteville for property located at the southeast corner of Harmon Road and Hwy. 16. The property is zoned R-A, Residential Agricultural, and contains approximately 17.63 acres. The request is to rezone the subject property to RSF-4, Residential Single Family-4 units/acre.

\$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	Remaining Balance	Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

Department Director

Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

City Attorney

1-22-07
Date

Received in City Clerk's Office

ENTERED

1-19-07

Finance and Internal Service Director

Date

Received in Mayor's Office

ENTERED

1/22/07

Mayor

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

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

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

Date: January 10, 2007

Subject: Rezoning for West Side Annexation RSF-4 (RZN 06-2399)

RECOMMENDATION

Planning staff recommends in favor of rezoning the subject property from R-A, Residential Agricultural to RSF-4, Residential Single Family-4 units/acre, on approximately 17.63 acres located at the southeast corner of Harmon Road and Hwy. 16.

The Planning Commission recommended maintaining the current zoning R-A, Residential Agricultural.

BACKGROUND

The subject property contains approximately 17.63 acres and is located at the southeast corner of Hwy. 16 and Harmon Road. Westridge Subdivision, which received final plat approval on July 6, 2006 from the Washington County Planning Board, has an overall density of 2.7 units/acre, and homes are currently under construction. The surrounding properties to the south are residential, and the surrounding properties to the east, west and north are undeveloped and agricultural/rural residential.

Originally, Planning staff recommended rezoning an additional 37.69 acres located at the southwest corner of Harmon Road and Hwy. 16. Somerset Subdivision received preliminary plat approval prior to annexation on April 6, 2006 from the Washington County Planning Board. The overall density reflected in the preliminary plat is 2.3 units/acre. However, the original developer is no longer planning to develop this project, which means that a new owner may want to change the density and design; staff proposes to request a rezoning for this property if and when an approved subdivision receives final plat approval.

The Future Land Use Plan shows these areas as Rural, which is described as "lands in an open or cultivated state or sparsely settled." The RSF-4 designation is inconsistent with the Future Land Use Plan. The intent of the proposed zoning, however, is to honor the development that has been approved by Washington County prior to annexation and is under construction in order to make the approved development conforming. Rezoning this property will not encourage the rezoning of adjacent properties.

DISCUSSION

This item was heard at the regular Planning Commission on January 8, 2007. Commissioner Clark made a motion to forward the overall rezoning of the newly annexed area with the removal of the 55.33 acres proposed as RSF-4, which was seconded by Commissioner Ostner. The Planning Commission voted 9-0-0 to approve the rezoning with the removal of the 55.33 acres because: 1) the density was not compatible with the surrounding properties; and 2) allowing a greater density than what was shown on the plats could result in an overall density greater than 2.3 units/acre. The second point in the Commission's reasoning would not apply to Westridge Subdivision, which has already had final plat approval.

City Attorney Kit Williams stated that the Planning Division could issue building permits based on the preliminary and final plats, and "if the owner wishes to have his land rezoned...he can be like any other citizen and petition to have the land rezoned." These individual requests would apply to potentially 46 residents in the Westridge Subdivision. Staff recommends the rezoning of the 17.63 acres so that these lots conform to the zoning district.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 06-2399, FOR APPROXIMATELY 17.63 ACRES, LOCATED AT THE SOUTHEAST CORNER OF HWY. 16 AND HARMON ROAD FROM R-A, RESIDENTIAL AGRICULTURAL, TO RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE.

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

Section 1: That the zone classification of the following described property is hereby changed as follows:

From R-A, Residential Agricultural, to RSF-4, Residential Single Family, 4 units per acre, as shown on Exhibit "A" attached hereto and made a part hereof.

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

PASSED and APPROVED this day of , 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT A

RZN 06-2399 West Side Annexation RSF-4
January 8, 2007

C-1, 3.93 acres

RSF-1, 232.06 acres

RSF-4, 17.63 acres

CEDAR RIDGE LN

FOREST HILLS DR

WESTRIDGE DR

FOX MEADOWS LN

VISTA TERRACE DR

COUNTRY FARM RD

REED

WILMO

1,340 Feet

Legend

Street

City Limits Temp

Residential Agriculture (1 unit/2 acres)

Residential Single Family (1 unit/acre)

Residential Single Family (4 units/acre)

Neighborhood Commercial

Institutional (University of Arkansas)

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

Feb. 6, 2007
City Council Meeting Date

Leif Olson
Submitted By

Planning
Division

Operations
Department

Action Required:

ADM 06-2379: (Outdoor Lighting Ordinance Amendments): Submitted by Planning Staff to amend portions of the City's Outdoor Lighting Ordinance.

\$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	Remaining Balance	Fund Name
	\$ -	

Budgeted Item ☐

Budget Adjustment Attached ☐

[Signature]
Department Director

1-19-07
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

[Signature]
City Attorney

1/22/07

Original Contract Number: n/a

Paul A. Becker
Finance and Internal Service Director

1-22-07
Date

Received in City Clerk's Office

ENTERED

1-19-07

Received in Mayor's Office

ENTERED

1/22/07

Mayor

Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

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

From: Leif Olson, Long Range Planner

Date: January 19, 2007

Subject: Administrative item amending portions of the Outdoor Lighting Ordinance
(ADM 06-2379)

RECOMMENDATION

Planning Staff recommends approving the proposed amendments to the Outdoor Lighting Ordinance finding that they will clarify the ordinance and provide additional guidance to staff in the administration of this ordinance.

BACKGROUND

The City Council adopted the Outdoor Lighting Ordinance (No. 4714) on June 21, 2005. Planning Staff has been administering this ordinance for over a year and has identified several issues that should be addressed in the current ordinance. The Planning Commission forwarded this item to the City Council Ordinance Review Committee after making additional amendments to the ordinance at the Planning Commission meeting of January 8, 2007. The Planning Commission was particularly concerned with amendments allowing the up-lighting of landscape and architectural elements. Additional concerns included; provisions for allowing neon accent lighting, the exemption of street lights, the exemption of pedestrian bollard lighting, and prohibition of blinking and flashing lighting applications.

DISCUSSION

This item was heard at the regular Planning Commission meeting on January 8, 2007. The Planning Commission voted 7-2-0 to recommend approval of the proposed Outdoor Lighting Amendments. The City Council Ordinance Review Committee discussed this item at their January 19, 2007 meeting. The Ordinance Review Committee unanimously recommended forwarding this item to the City Council for discussion and adoption.

BUDGET IMPACT

None.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 176: OUTDOOR
LIGHTING, UNIFIED DEVELOPMENT CODE OF THE
FAYETTEVILLE CODE OF ORDINANCES.**

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

Section 1. That Chapter 176: Outdoor Lighting, Unified Development Code of the Fayetteville Code of Ordinances is hereby repealed and Exhibit "A," attached hereto and made a part hereof is adopted in its stead.

PASSED and APPROVED this 6th day of February, 2007

APPROVED:

ATTEST:

By: _____

DAN COODY, Mayor

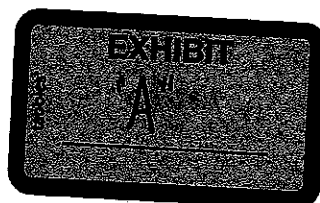
By: _____

SONDRA SMITH, City Clerk/Treasurer

TITLE XV UNIFIED DEVELOPMENT CODE

**TITLE XV UNIFIED DEVELOPMENT CODE
CHAPTER 176: OUTDOOR LIGHTING**

176.01 PURPOSE.....	3
176.02 APPLICABILITY.....	3
176.03 EXEMPTIONS.....	3
176.04 SUBMITTALS.....	5
176.05 GENERAL STANDARDS.....	5



TITLE XV UNIFIED DEVELOPMENT CODE

TITLE XV UNIFIED DEVELOPMENT CODE

CHAPTER 176: OUTDOOR LIGHTING

176.01 Purpose

This chapter is intended to:

- (A) Protect the privacy of property owners by limiting the potential for glare and light trespass from outdoor lighting fixtures located on adjacent properties;
- (B) Protect drivers, pedestrians, senior citizens, and the visually impaired from the glare of non-vehicular light sources that can impair safe travel;
- (C) Promote efficient and cost effective lighting;
- (D) Allow for flexibility in the style of light fixtures;
- (E) Reduce atmospheric light pollution.

176.02 Applicability

- (A) All outdoor lighting fixtures installed on private and public property after the effective date of this ordinance shall comply. This ordinance shall not apply to single or two family residential dwellings.
- (B) All outdoor lighting fixtures existing and legally installed and operative before the adoption of Ord. #4714, June 21, 2005, are exempt from these requirements unless they are determined to create a disabling glare as defined by this ordinance.
- (C) When an existing fixture is replaced, the replacement fixture shall meet the requirements of this article.
- (D) Compliance with this ordinance shall be administered by the City of Fayetteville Planning Department.
- (E) In the event of a conflict with any other section of this article, the more stringent requirement shall apply.
- (F) Outdoor Lighting regulations and Sign ordinance regulations shall be considered separate and distinct from one another.
- (G) A developer may petition the Planning Commission for a variance from the requirements of this chapter pursuant to the Unified Development Code, §156 Variances.

176.03 Exemptions

The following are exempt from the hooding/shielding provisions of this ordinance or as otherwise noted:

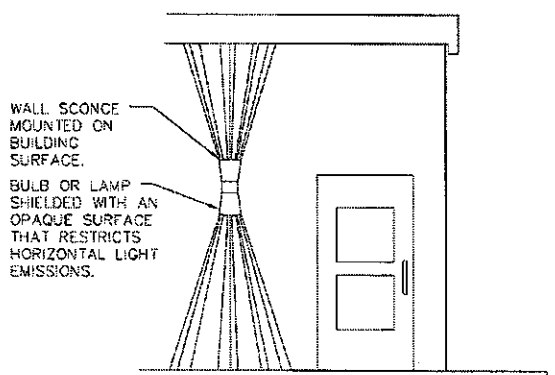
- (A) Single and two-family residential uses.
- (B) Navigation lights (i.e. airports, heliports, radio/television towers).
- (C) Seasonal decorations with individual lights in place no longer than 60 days.
- (D) Other special situations approved by the City for temporary or periodic events (i.e. parades, festivals, etc.)
- (E) Security lights of any wattage that are controlled by a motion-sensor switch and which do not remain on longer than 12 minutes after activation.
- (F) Emergency lighting only as necessary and required by the adopted Building Code of the City of Fayetteville.
- (G) Flags displaying national, state, or local governmental bodies. Flags advertising businesses are not exempt from the provisions of this ordinance.
- (H) Decorative street lighting located within the Downtown Master Plan boundary.

TITLE XV UNIFIED DEVELOPMENT CODE

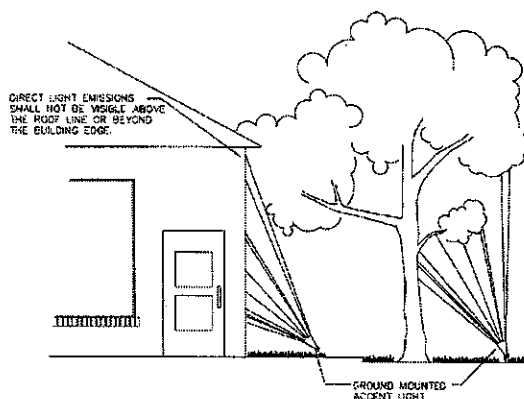
(I) Fossil fuel lighting.

(J) Accent lighting.

- (1) Landscape elements. Accent lighting onto landscaping and foliage may be permitted. All non-cutoff luminaries shall be shielded and directed so that the light distribution is focused toward the functional landscape area being illuminated. All landscape accent fixtures shall be permanently fixed such that they are resistant from tampering or redirection of the light source. Accent lighting shall not be located in such a way as to have the bulb or lamp visible from pedestrian or vehicular egress.
- (2) Building Mounted Accent Lighting. Accent lighting which is attached to building facades, structures or other architectural elements may be permitted. All non-cutoff luminaries shall be shielded and directed so that the light distribution is focused toward the functional area being illuminated. Fixtures designed to illuminate the vertical building surface, such as sconces, may be permitted provided that the bulb is shielded with an opaque surface that restricts horizontal light emissions.



- (3) Ground Mounted Accent Lighting. Ground mounted accent lighting for buildings, when so approved, shall be directed onto the building. Direct light emissions shall not be visible above the roof line or beyond the building edge. All upward aimed light shall be fully shielded, fully confined from projecting into the sky by eaves, roofs or overhangs, and all fixtures shall be located as close to the building being illuminated as possible. All ground mounted accent fixtures shall be permanently fixed such that they are resistant from tampering or redirection of the light source. Ground mounted spotlights shall not be located in such a way as to have the bulb or lamp visible from a pedestrian or vehicular egress.



- (4) Pole Mounted Accent Lighting. Pole mounted accent lighting for a building is not permitted.
- (5) Pedestrian walkway lighting 42 inches or less in height above the adjacent walkway grade may be

TITLE XV UNIFIED DEVELOPMENT CODE

permitted. This includes lighting applications such as bollards, light fixtures located in retaining and landscape walls, and lighting fixtures located on or within structures utilized for pedestrian safety, for example, stairwell lighting.

- (6) Neon and Light Emitting Diode (LED) lighting shall be considered accent lighting in this ordinance and is permitted to accent architectural elements of nonresidential structures as long as it meets the following requirements:
- a. Neon or LED lighting shall only be used to accent architectural elements of nonresidential structures.
 - b. Neon or LED lighting used to accent architectural elements shall be mounted or affixed to the structure such that the material behind the lamp or tubing is non-reflective.
 - c. Neon or LED lighting shall be designed, installed, located, and maintained such that all direct illumination is kept within the boundaries of the fixture owner's property.
 - d. Neon or LED used in signs shall be regulated pursuant to the sign ordinance.
 - e. Neon and LED accent lighting shall be limited to one linear foot of lighting per linear foot of façade being illuminated and shall not exceed a maximum of 75% of the entire buildings linear façade length.

176.04 Submittals

- (B) Applications for building permits or applications for review by the Planning Commission which include the installation of outdoor lighting fixtures for new construction, shall provide evidence of compliance with the requirements of this ordinance. The submittal shall contain the following information and shall be submitted as part of the site plan to the Planning Department.
- (C) Outdoor Lighting Plan
- (1) Plans indicating the location, type, and height of the luminary including both building and ground mounted fixtures;
 - (2) A description of the luminary, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations from the manufacturer;
 - (3) Photometric data, such as that furnished by the manufacturer; and
 - (4) Any additional information as may be required by the City Planning Department in order to determine compliance with this Ordinance.

176.05 General Standards

The following standards shall apply to all outdoor lighting installed after the effective date of this ordinance, which is not exempted above:

- (A) Outdoor lighting shall be hooded, shielded, and aimed downward. Examples of acceptable and unacceptable light pollution control shielding and hooding are shown in exhibit "C," attached herein. Awnings, canopies, roof structures and other opaque surfaces that are designed to shield the direct horizontal surface of the light source and direct light downward toward the building or other opaque surface may also be considered for compliance with this requirement.
- (B) The hood or shield shall mask the direct horizontal surface of the light source. The light shall be aimed to insure that the illumination is only pointing downward onto the ground surface.
- (C) Existing fixtures may be adapted to comply with this ordinance by adding a properly designed hood or shield, or by pointing any upward-mounted, shielded fixture downward onto the ground surface.
- (D) All outdoor lighting fixtures shall be designed, installed, located and maintained such that all direct illumination is kept within the boundaries of the fixture owner's property.

TITLE XV UNIFIED DEVELOPMENT CODE

- (E) This section may be enforced on the basis of a formal complaint filed in with the Planning Department.
- (F) Sports Field Lighting shall be designed in accordance with IESNA standards located in IESNA RP 6-01 "Sports and Recreational Area Lighting."

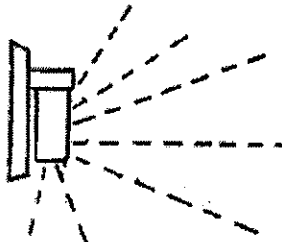
176.06 Prohibited Outdoor Lighting Installations

- (A) Illumination of attraction devices that flash, blink, fluctuate, or that are animated shall be prohibited.

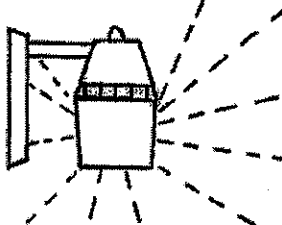
TITLE XV UNIFIED DEVELOPMENT CODE

EXHIBIT "C"

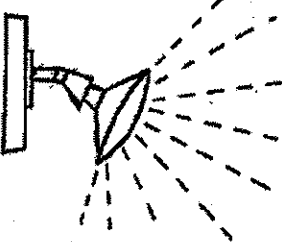
NOT PERMITTED



Typical "Wall Pack Fixture"

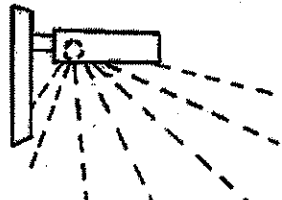


Typical "Barn Light"

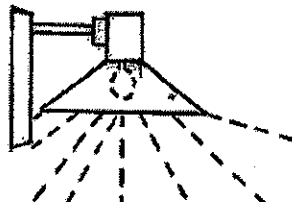


Area Flood Light

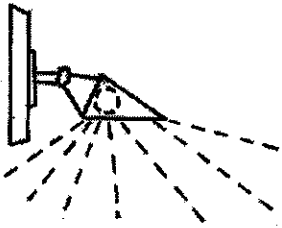
PERMITTED



Typical "Shoe Box Fixture"



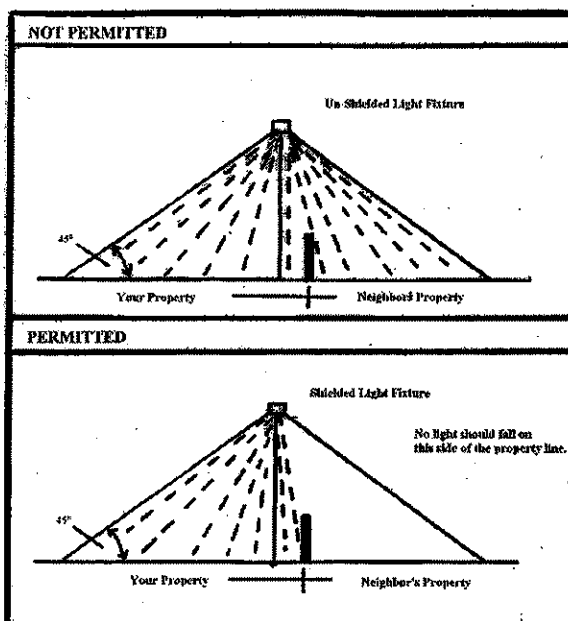
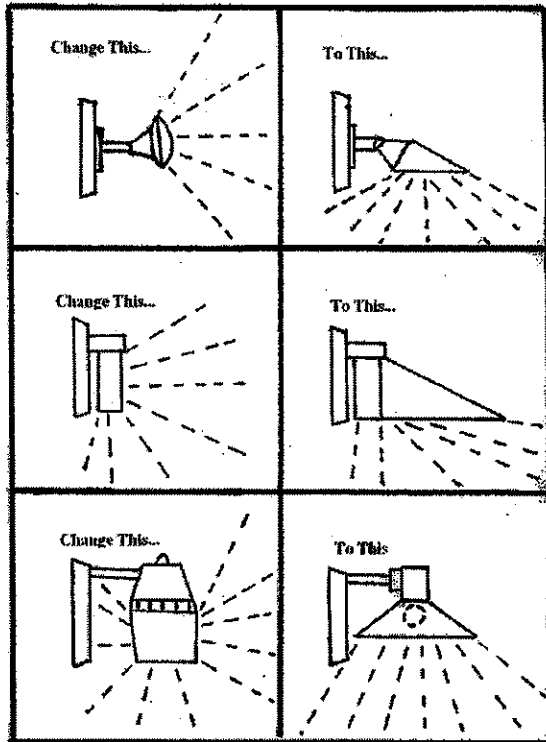
Opaque Reflector (lamp inside)



Area Flood Light with Hood/Shield

TITLE XV UNIFIED DEVELOPMENT CODE

MODIFYING EXISTING FIXTURES



(Ord. 4714, 6-21-05)

TITLE XV UNIFIED DEVELOPMENT CODE

TITLE XV UNIFIED DEVELOPMENT CODE
CHAPTER 176: OUTDOOR LIGHTING

176.01 PURPOSE	3
176.02 APPLICABILITY	3
176.03 EXEMPTIONS	3
176.04 SUBMITTALS.....	4
176.05 GENERAL STANDARDS	5

TITLE XV UNIFIED DEVELOPMENT CODE

CHAPTER 176: OUTDOOR LIGHTING

176.01 Purpose

This chapter is intended to:

- (A) Protect the privacy of property owners by limiting the potential for glare and light trespass from outdoor lighting fixtures located on adjacent properties;
- (B) Protect drivers, pedestrians, senior citizens, and the visually impaired from the glare of non-vehicular light sources that can impair safe travel;
- (C) Promote efficient and cost effective lighting;
- (D) Allow for flexibility in the style of light fixtures;
- (E) Reduce atmospheric light pollution.

176.02 Applicability

- (A) All outdoor lighting fixtures installed on private and public property after the effective date of this ordinance shall comply. This ordinance shall not apply to single or two family residential dwellings.
- (B) All outdoor lighting fixtures existing and legally installed and operative before the effective date of this ordinance the adoption of Ord. #4714, June 21, 2005, are exempt from these requirements unless they are determined to create a disabling glare as defined by this ordinance.
- (C) When an existing fixture is replaced, the replacement fixture shall meet the requirements of this article.
- (D) Compliance with this ordinance shall be administered by the City of Fayetteville Planning Department.
- (E) In the event of a conflict with any other section of this article, the more stringent requirement shall apply.
- (F) Outdoor Lighting regulations and Sign ordinance regulations shall be considered separate and distinct from one another.

- (G) A developer may petition the Planning Commission for a variance from the requirements of this chapter pursuant to the Unified Development Code, §156 Variances.

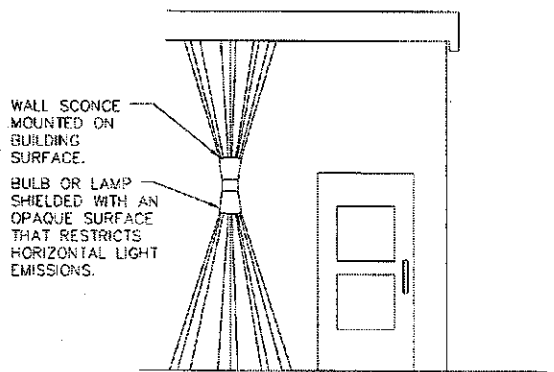
176.03 Exemptions

The following are exempt from the hooding/shielding provisions of this ordinance or as otherwise noted:

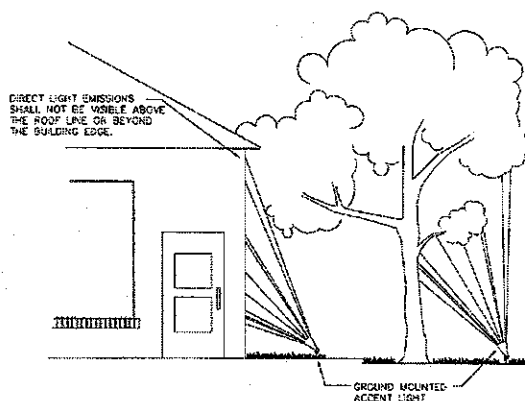
- (A) Single and two-family residential uses.
- (B) Street lights.
- (C) Navigation lights (i.e. airports, heliports, radio/television towers).
- (D) Seasonal decorations with individual lights in place no longer than 60 days.
- (E) Other special situations approved by the City for temporary or periodic events (i.e. parades, festivals, etc.)
- (F) Security lights of any wattage that are controlled by a motion-sensor switch and which do not remain on longer than 12 minutes after activation.
- (G) Emergency lighting only as necessary and required by the adopted Building Code of the City of Fayetteville.
- (H) Flags displaying national, state, or local governmental bodies. Flags advertising businesses are not exempt from the provisions of this ordinance.
- (I) Decorative street lighting located within the Downtown Master Plan boundary.
- (J) Fossil fuel lighting.
- (K) Accent lighting. Spot lighting
 - (1) Landscape elements. Accent lighting onto landscaping and foliage may be permitted, utilizing incandescent lamps or bulbs of not more than 150 watts. All non-cutoff luminaries shall be shielded and directed so that the light distribution is focused toward the functional landscape area being illuminated. All landscape accent fixtures shall be permanently fixed such that they are resistant from tampering or redirection of the light source. Accent lighting shall not be located in such a way as to have the bulb or lamp visible from pedestrian or vehicular egress.
 - (2) Building Mounted Accent Lighting. Accent lighting which is attached to building facades, structures or other architectural elements may be permitted. All non-cutoff luminaries shall be shielded and directed so that the light distribution is focused toward the functional area being illuminated. Fixtures designed to illuminate the vertical building surface, such as

TITLE XV UNIFIED DEVELOPMENT CODE

sconces, may be permitted provided that the bulb is shielded with an opaque surface that restricts horizontal light emissions.



- (3) **Ground Mounted Accent Lighting.** Ground mounted accent lighting for buildings, when so approved, shall be directed onto the building. Direct light emissions shall not be visible above the roof line or beyond the building edge. All upward aimed light shall be fully shielded, fully confined from projecting into the sky by eaves, roofs or overhangs, and all fixtures shall be located as close to the building being illuminated as possible. All ground mounted accent fixtures shall be permanently fixed such that they are resistant from tampering or redirection of the light source. Ground mounted spotlights shall not be located in such a way as to have the bulb or lamp visible from a pedestrian or vehicular egress.



- (4) **Pole Mounted Accent Lighting.** Pole mounted accent lighting for a building is not permitted.

- (5) Pedestrian walkway lighting 42 inches or less in height above the adjacent walkway grade may be permitted. This includes lighting applications such as bollards, light fixtures located in retaining and landscape walls, and lighting fixtures located on or within structures utilized for pedestrian safety, for example, stairwell lighting.

- (6) **Neon and Light Emitting Diode (LED) lighting** shall be considered accent lighting in this ordinance and is permitted to accent architectural elements of nonresidential structures as long as it meets the following requirements:

- Neon or LED lighting shall only be used to accent architectural elements of nonresidential structures.
- Neon or LED lighting used to accent architectural elements shall be mounted or affixed to the structure such that the material behind the lamp or tubing is non-reflective.
- Neon or LED lighting shall be designed, installed, located, and maintained such that all direct illumination is kept within the boundaries of the fixture owner's property.
- Neon or LED used in signs shall be regulated pursuant to the sign ordinance.
- Neon and LED accent lighting shall be limited to one linear foot of lighting per linear foot of façade being illuminated and shall not exceed a maximum of 75% of the entire buildings linear façade length.

176.04 Submittals

- (B) Applications for building permits or applications for review by the Planning Commission which include the installation of outdoor lighting fixtures for new construction, shall provide evidence of compliance with the requirements of this ordinance. The submittal shall contain the following information and shall be submitted as part of the site plan to the Planning Department.

(C) Outdoor Lighting Plan

- Plans indicating the location, type, and height of the luminary including both building and ground mounted fixtures;
- A description of the luminary, including lamps, poles or other supports and shielding devices, which may be provided as

TITLE XV UNIFIED DEVELOPMENT CODE

catalogue illustrations from the manufacturer;

- (3) Photometric data, such as that furnished by the manufacturer; and
- (4) Any additional information as may be required by the City Planning Department in order to determine compliance with this Ordinance.

176.06 Prohibited Outdoor Lighting Installations

- (A) Illumination of attraction devices that flash, blink, fluctuate, or that are animated shall be prohibited.**

176.05 General Standards

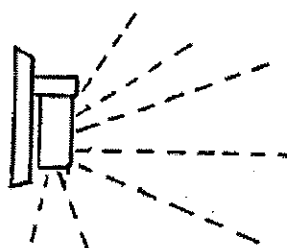
The following standards shall apply to all outdoor lighting installed after the effective date of this ordinance, which is not exempted above:

- (A) Outdoor lighting shall be hooded, shielded, and aimed downward. Examples of acceptable and unacceptable light pollution control shielding and hooding are shown in exhibit "C," attached herein. **Awnings, canopies, roof structures and other opaque surfaces that are designed to shield the direct horizontal surface of the light source and direct light downward toward the building or other opaque surface may also be considered for compliance with this requirement.**
- (B) The hood or shield shall mask the direct horizontal surface of the light source. The light shall be aimed to insure that the illumination is only pointing downward onto the ground surface.
- (C) Existing fixtures may be adapted to comply with this ordinance by adding a properly designed hood or shield, or by pointing any upward-mounted, shielded fixture downward onto the ground surface.
- (D) All outdoor lighting fixtures shall be designed, installed, located and maintained such that all direct illumination is kept within the boundaries of the fixture owner's property.
- (E) This section may be enforced on the basis of a formal complaint filed in with the Planning Department.
- ~~(F) Accent lighting, when so approved, shall be directed downward onto the building or object and not toward the sky or onto adjacent properties.~~
- (F) Sports Field Lighting shall be designed in accordance with IESNA standards located in IESNA RP 6-01 "Sports and Recreational Area Lighting."

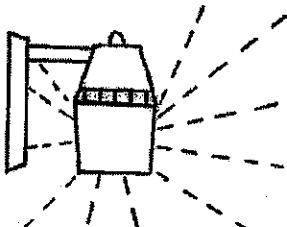
TITLE XV UNIFIED DEVELOPMENT CODE

EXHIBIT "C"

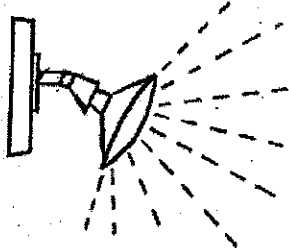
NOT PERMITTED



Typical "Wall Pack Fixture"

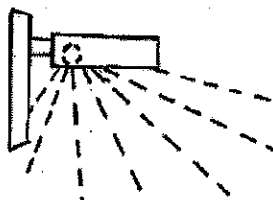


Typical "Barn Light"

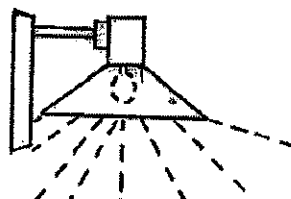


Area Flood Light

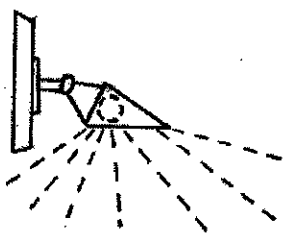
PERMITTED



Typical "Shoe Box Fixture"

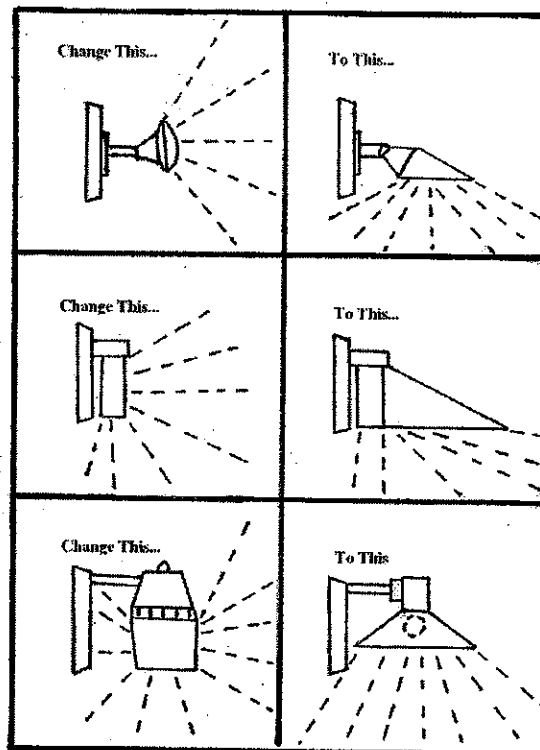


Opaque Reflector (lamp inside)

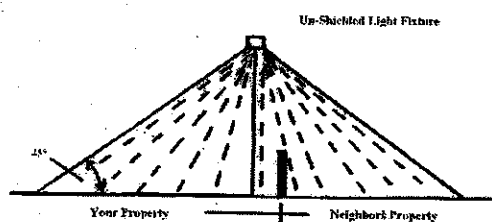


Area Flood Light with Hood/Shield

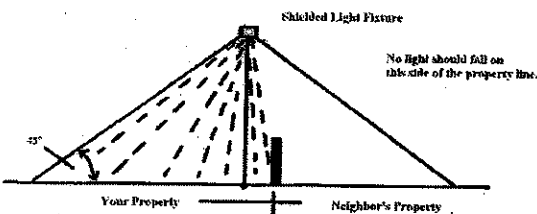
MODIFYING EXISTING FIXTURES



NOT PERMITTED



PERMITTED



(Ord. 4714, 6-21-05)

ALDERMAN AGENDA REQUEST FORM

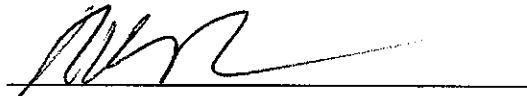
FOR: COUNCIL MEETING OF FEBRUARY 6, 2007

FROM:
ALDERMAN ROBERT RHOADS

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

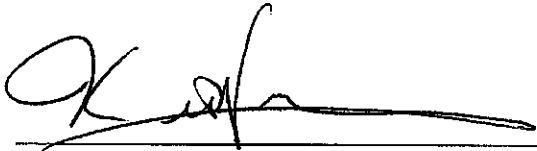
A Resolution To Convey A Ten Foot No Build Easement Around A Proposed Building By Ed Bradberry Above The Ten Foot Alley At The Town Center Site

APPROVED FOR AGENDA:



Robert Rhoads
Alderman

2/11/07
Date



Kit Williams
City Attorney (as to form)

1-11-07
Date

Amirmoez Foster Hailey Johnson



Architects & Planners

MEMORANDUM

11/9/06

To: Bob Estes

From: Jim Foster

Reference: Five West Mountain, No Build Easements

As you prepare for securing no-build easement(s), I took time to verify what is needed so not to request more than is necessary. Fire separation distances govern the percentage of unprotected openings allowed for a floor level. A no-build restriction would have to be at least twice the separation distance.

South Exposure

For the south exposure a separation greater than 5 feet for a sprinklered building allows as much as 25% openings for business occupancy and unlimited openings for R-3. That means that a no-build easement of 10.1 feet would be sufficient to allow the openings in our current design. There is a 10-foot alley along this exposure which should minimize objections to such easement.

West Exposure

Per the note from Steve Cattaneo, a no build easement is recommended even though the Bradberrys own these lots just in case they were sold one day. You and Kit may determine this is not required considering the protections afforded by the lease to the City. If it is needed, the Bradberrys could probably record an easement without City action. On this face we would want a 30.1 foot easement or greater. It must not include the area due west of One West Mountain.

RESOLUTION NO. _____

**A RESOLUTION TO CONVEY A TEN FOOT NO BUILD
EASEMENT AROUND A PROPOSED BUILDING BY ED
BRADBERRY ABOVE THE TEN FOOT ALLEY AT THE
TOWN CENTER SITE**

WHEREAS, Mr. and Mrs. Ed Bradberry are proposing to build a structure on his property off the Town Center Plaza and to the Northeast of the Town Center; and

WHEREAS, the City has no plan to construct further structures above the ten foot alley beyond the existing Town Center Plaza which bridges this alley; and

WHEREAS, in order to ensure greater than five foot fire separation for windows or openings of Ed Bradberry's proposed building in the direction of this alley, the City would need to grant a ten foot no build easement along the forty foot exterior of the proposed building.

**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 grants a no build easement for fire safety purposes to Mr. and Mrs. Ed Bradberry described as follows:

This No-Build Easement would prevent future construction above 143.53 feet above mean sea level other than Encroachments into Public Right of Way allowed by International Building Code. Point of Beginning (P.O.B.) is the southeast corner of Block 30, Lot 1 of the Original Town of Fayetteville, Arkansas; thence N87°28'02"W 40.0 feet; thence South 10.1 feet; thence East 40.0 feet and thence North 10.1 feet, more or less, to point of beginning and containing approximately 405 square feet.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby conditions the granting of this no build easement on the successful construction of the proposed building by the Bradberrys within three years of this date. If this proposed building is not approved or not constructed within

three years of the date of this Resolution's approval, the no build easement shall be void and unenforceable.

PASSED and **APPROVED** this 6th day of February, 2007.

APPROVED:

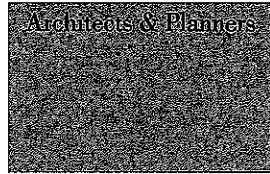
ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk



Architects & Planners



December 11, 2006

Kit Williams, City Attorney
City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701

Ref: Five West Mountain, No Build Ordinance & Encroachments into Public Right of Way

Dear Kit:

This provides technical information I believe may be necessary for the City Council action that you, Bob Estes and I have discussed on behalf of Ed and Karlee Bradberry.

Legal Description

This No-Build Easement would prevent future construction above 1431.53 feet above mean sea level other than Encroachments into Public Right of Way allowed by International Building Code. Point of Beginning (P.O.B.) is the southeast corner of Block 30, Lot 1 of the Original Town of Fayetteville, Arkansas; thence N87°28'02"W 40.0 feet; thence South 10.1 feet; thence East 40.0 feet and thence North 10.1 feet, more or less, to point of beginning and containing approximately 405 square feet.

Note that this is above a 10-foot alley. The distance requested would assure greater than 5-foot fire separation, sufficient for the percentage of openings per floor in our design for Five West Mountain.

It was my thought to mention Encroachments into Public Right of Way so this ordinance would not preclude the sunscreens and balconies planned for the south face of Five West Mountain. Per your suggestion, we agree it would be in order to mention to City Council that the International Building Code has requirements by which Encroachments into Public Right of Way may be permitted without each such request requiring action by City Council.

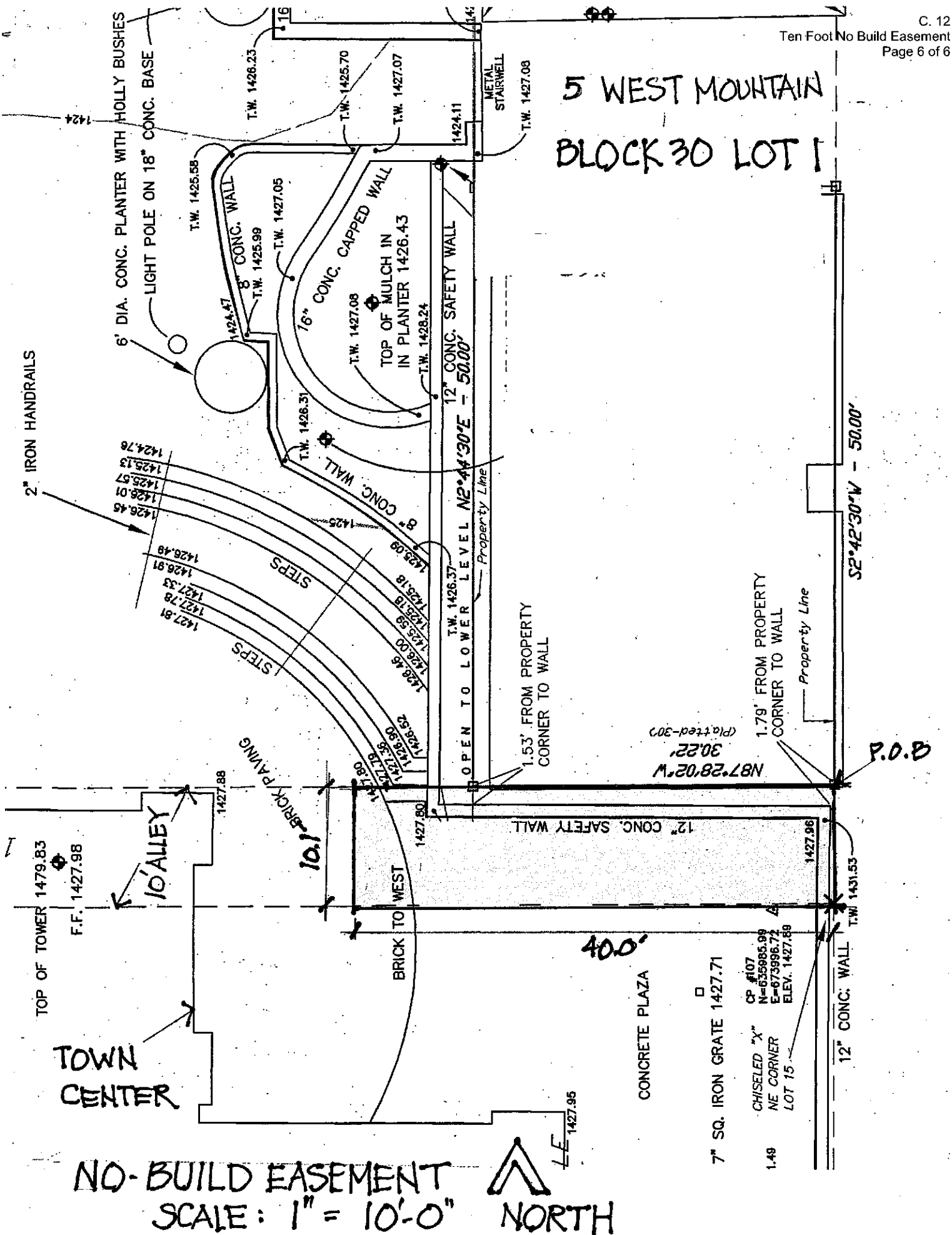
Sincerely,

AmirmoezFosterHaileyJohnson

Jim Foster

Copy: E. G. Bradberry

Bob Estes, Attorney



AGENDA REQUEST

FOR: COUNCIL MEETING OF FEBRUARY 6, 2007

FROM:
KIT WILLIAMS, CITY ATTORNEY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution To Approve An Agreement With AT&T Arkansas To Allow It To Offer Internet Protocol/Cable TV Type Service In Fayetteville

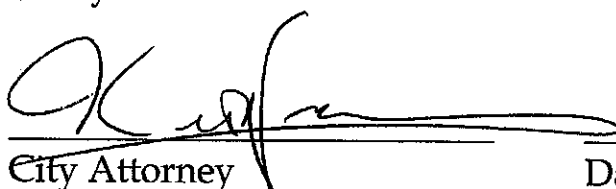
APPROVED FOR AGENDA:



Public Information and
Policy Advisor

1/19/07

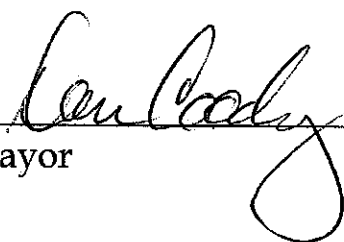
Date



City Attorney

1/19/07

Date



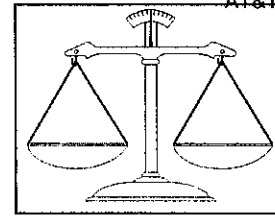
Mayor

1/19/07

Date

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

DEPARTMENTAL CORRESPONDENCE



LEGAL DEPARTMENT

TO: **Dan Coody, Mayor**
City Council
Susan Thomas, Public Information & Policy Advisor

FROM: **Kit Williams, City Attorney**

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

DATE: **January 19, 2007**

RE: **Proposed Agreement with AT&T Arkansas to provide
Internet Protocol/Cable Television type service in Fayetteville**

The Fayetteville Telecom Board held a hearing about the proposed Agreement with AT&T Arkansas on January 18, 2007. The Internet Protocol services to be offered by AT&T Arkansas were explained by representatives from AT&T and citizens were allowed to present their opinions and questions about the proposal.

I also attended (after leaving the Ordinance Review Committee meeting on Public Art) and explained that this proposed Agreement was an interim agreement because the law concerning the power of cities in Arkansas to regulate the type of services to be offered by AT&T Arkansas to our citizens was unsettled both at the state and federal levels. I have tried to formulate this interim agreement so that AT&T Arkansas would have to match (approximately) the basic terms of our agreement with Cox Communications. The Telecom Board unanimously gave their general approval to this proposed agreement.

AT&T Arkansas would pay the same 5% franchise fee (although it might not cover all the components Cox Communications is paying the 5% fee on). AT&T Arkansas would also carry the Public, Educational and Government Channels on its basic package (lowest tier). AT&T Arkansas

would also be required to pay for the new equipment our PEG station would need to convert our programs to run on an Internet Protocol cable.

If the law becomes clearer in the future, which removes, alters, or enhances the City's power of regulation over internet protocol services, this interim agreement would be modified after further negotiation between the parties.

To avoid the necessity for litigation and to bring further competition into the cable/satellite television market in Fayetteville, I join with the Telecom Board in recommending that the City Council approve this agreement.

RESOLUTION NO. _____

**A RESOLUTION TO APPROVE AN AGREEMENT WITH
AT&T ARKANSAS TO ALLOW IT TO OFFER INTERNET
PROTOCOL/CABLE TV TYPE SERVICE IN FAYETTEVILLE**

WHEREAS, AT&T Arkansas wishes to use City of Fayetteville rights-of-way to provide Internet Protocol enabled broadband voice, data, and video (TV) services to Fayetteville residents; and

WHEREAS, the law regulating such services is unclear and still evolving; and

WHEREAS, it is in the best interests of the citizens of Fayetteville to provide "legal means for AT&T Arkansas to provide cable TV type competition into our market under similar conditions existing for Cox Cable.

**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 Agreement with AT&T Arkansas allowing it to use the City's rights-of-way to furnish its internet protocol cable television type services for the same 5% franchise fee paid by Cox Cable and with the same requirement to carry the Public, Educational and Government channels on its lowest tier, basic cable package and authorizes Mayor Coody to sign this Agreement attached to this Resolution as Exhibit A.

PASSED and APPROVED this 6th day of February, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk

AGREEMENT

THIS AGREEMENT ("Agreement") dated this 6th day of February, 2007 ("Effective Date") is made by and between Southwestern Bell Telephone, L.P., a Texas limited partnership doing business as AT&T Arkansas ("AT&T Arkansas") and the City of Fayetteville, Arkansas, a municipal corporation ("Fayetteville"). AT&T Arkansas and Fayetteville shall sometimes be referred to separately as a "Party," and collectively as the "Parties."

RECITALS

A. As a telecommunications provider, AT&T Arkansas has statewide authority under Ark. Code Ann. §23-17-101 to construct, operate and maintain its telecommunications facilities in the public rights of way ("ROW") throughout the state of Arkansas.

B. Under Ark. Code Ann. §14-200-101, Fayetteville is permitted to impose reasonable terms and conditions on AT&T Arkansas' use and occupation of the Fayetteville's ROW and to collect a reasonable franchise fee for such use and occupation of its ROW.

C. AT&T Arkansas is in the process of upgrading its existing telecommunications network to provide an integrated Internet Protocol ("IP") enabled broadband platform of voice, data and video services ("IP Network"), the video component of which is a switched, two-way, point-to-point and interactive service ("IP-enabled Video Service"). The IP Network upgrade will involve the use of Fayetteville's ROW.

D. AT&T Arkansas believes that Ark. Code Ann. §23-17-101 covers the construction, operation and maintenance of the IP Network, and that AT&T Arkansas is not required to obtain a separate franchise or other authorization from Fayetteville to offer IP-enabled services including IP-enabled Video Services within Fayetteville over the IP Network.

E. AT&T Arkansas further believes that Fayetteville's right to regulate the construction of the IP Network in Fayetteville's ROW is limited to the right to impose reasonable conditions regarding the time, place, and manner of AT&T Arkansas' use and occupation of Fayetteville's ROW.

F. Fayetteville believes that the provision of IP-enabled Video Services by AT&T Arkansas is beyond the scope of Ark. Code Ann. §23-17-101 and is subject to Fayetteville's cable television franchising authority.

G. Both AT&T Arkansas and the City of Fayetteville agree that the deployment of the IP Network and the provision of IP-enabled Video Services should not

be delayed by litigation to establish the scope of Ark. Code Ann. §23-17-101 or the application of Fayetteville's franchise ordinance to IP-enabled Video Services.

H. Fayetteville and AT&T Arkansas further agree that litigation to resolve this issue would be complex and protracted, and that it is in the best interests of both Parties and the residents of Fayetteville to reach a compromise of each other's positions and claims.

NOW, THEREFORE, in consideration of and reliance upon the respective representations, promises, concessions, terms and conditions contained herein, Fayetteville and AT&T Arkansas agree as follows:

1. Term. The term of this Agreement shall commence on the Effective Date of this Agreement and continue through the end of 2011. The term may be extended upon mutual agreement of the Parties.

2. Change of Law. AT&T Arkansas and the City of Fayetteville agree to consult in the event that after the Effective Date, any court, agency, commission, legislative body, or other authority of competent jurisdiction issues a finding that limits the validity or enforceability of this Agreement, in whole or in part. Should the finding be final, non-appealable and binding upon either Fayetteville or AT&T, this Agreement shall be deemed modified or limited to the extent necessary to address the subject of the finding unless either party, within thirty (30) days of receipt of the ruling, provides written notice to the other party of election to terminate, in which case this Agreement shall terminate within six (6) months or such earlier period as the parties mutually may agree. Where the effect of a finding is a modification, the parties shall enter into good faith negotiations to modify this Agreement in the manner which best effectuates its overall purposes and the intentions of the parties. Failure to reach a mutually satisfactory modification within ninety (90) days of the commencement of such efforts shall entitle either party to terminate the Agreement on the provision of thirty (30) days' written notice.

3. Compensation to Fayetteville. During the term of this Agreement, AT&T Arkansas shall pay to Fayetteville a fee of 5% of the gross revenues from subscription fees collected from each subscriber to AT&T Arkansas' IP-enabled Video Services product delivered over the IP Network in Fayetteville's rights of way; such product to be defined by AT&T Arkansas when it is offered to the public. The fee does not apply to non-video revenues or the non-video revenues of a bundled product containing video and non-video offerings. The fee will be forwarded to Fayetteville monthly on the last of each month. Upon request, AT&T Arkansas shall make their records available to Fayetteville to demonstrate compliance with this paragraph for a period of three (3) years preceding the request.

4. Public, Educational and Governmental Programming.

(a) AT&T Arkansas shall provide some form of access for Fayetteville's noncommercial, public, education and governmental ("PEG") programming through AT&T Arkansas' IP-enabled Video Services.

(b) AT&T Arkansas shall not be responsible for content of PEG programming.

(c) As soon as practicable, AT&T shall provide written notice that it has the technical capability to provide IP based access for Fayetteville's PEG channel (in use on the Execution Date of this Agreement) over the platform AT&T wishes to use with this agreement. If technological feasibility requires a change in the current Fayetteville technology, Fayetteville may be required to support a change in or addition to current Fayetteville technology now in use for PEG programming to make it compatible with AT&T Arkansas' IP enabled video technology.

(d) AT&T Arkansas will provide Fayetteville capacity on its platform to carry the same number of PEG channels that Fayetteville currently has activated as of the effective date of this Agreement. PEG content will be made available by Fayetteville placing its content on the public Internet. AT&T Arkansas will carry this PEG content on its video platform in its basic (lowest tier package) using its standard Internet-sourced PEG solution. AT&T will provide Fayetteville a one-time up front capital grant to cover the initial set up costs incurred by Fayetteville to make this content available on the Internet. Should AT&T seek to improve its transmission method in a fashion that will substantially affect the integrity of the Internet sourced PEG solution (compatibility), AT&T accepts the responsibility for necessary costs of capital improvements that might be needed by Fayetteville.

(e) PEG programming will be available via Internet for AT&T Arkansas' IP Video subscribers to view both on the TV and computer. PEG programming will be available via the Internet from the end user's computer for AT&T HomeZone subscribers who also have High Speed Internet Access.

5. Emergency Message. AT&T Arkansas shall carry all Federal, State and Local alerts provided over the Federal Emergency Alert System through AT&T's IP-enabled Video Services in the event of a public safety emergency, which at a minimum will include the concurrent rebroadcast of local broadcast channels.

6. Customer Service. AT&T Arkansas will offer IP-enabled Video Services and provide customer service consistent with the requirements of 47 C.F.R. Section 76.309(c). AT&T Arkansas will respond to complaints and outages in a diligent fashion.

(a) AT&T Arkansas shall give subscribers in Fayetteville thirty (30) days notice of any rate increases, channel lineup changes, or other substantive service changes.

(b) AT&T Arkansas shall restore any pavements, sidewalks, driveways that are disturbed during the installation, improvement or extension of IP-enabled Video services to a standard that is both commercially reasonable and in compliance with the ordinances of Fayetteville.

(c) AT&T Arkansas shall not refuse to render IP-enabled Video Services based solely upon the income or minority status of any resident or group of residents.

7. Service area. This Agreement shall apply to AT&T's service area within the municipal boundaries of Fayetteville as they exist upon the date of execution of this agreement and may hereafter be extended. AT&T shall make video programming available, subject to technology or other economic feasibility, to all residential units within the service area, by use of IP-based video technology or other alternative video programming technology.

(a) On December 31, 2007 and the same date in every year thereafter, AT&T Arkansas shall tender an annual report indicating the status of its video programming service. The report shall: (i) indicate the number of subscribers; and (ii) the technology being used to provide such video programming.

(b) AT&T Arkansas shall be considered to have breached this agreement if AT&T Arkansas fails to diligently offer video programming throughout Fayetteville, unless: (i) delay is attributable to Force Majeure; (ii) delay is attributable to Fayetteville; (iii) delay is attributable to AT&T Arkansas' inability to obtain needed private easements; (iv) delay is attributable to special technical requirements; or (v) delay is justified by reasonable commercial standards of construction.

8. Obligations of Fayetteville. During the term of this Agreement Fayetteville will not attempt to nor subject the provision of AT&T Arkansas' IP-enabled Video Services over the IP Network to regulation under any cable television franchise ordinance or similar ordinance. In addition:

(a) Fayetteville agrees to subject the construction and installation of the IP Network to the same process and review as it subjects the installation and construction of AT&T Arkansas' existing telecommunications infrastructure.

(b) Fayetteville agrees not to unreasonably block, restrict, or limit the construction and installation of the IP Network.

(c) Fayetteville agrees to process any and all applicable permits for the installation, construction, maintenance, repair, removal, and other activities associated with the IP Network in a timely and prompt manner.

9. Jurisdiction and Venue. This contract shall be construed pursuant to the laws of Arkansas. Jurisdiction and venue shall be in Washington County, Arkansas.

10. Breach of Agreement. Should either party claim that a breach of any part of this Agreement has occurred, that party will provide prompt written notice to the other, specifying the nature of the breach; and upon receipt the other party shall cure such breach within 60 days.

11. Mediation Recommended. Both AT&T Arkansas and the City of Fayetteville shall make diligent good faith efforts to resolve all issues and disputes that might arise in the administration of this Agreement through discussions between designated representatives of the Parties. If such discussions have failed, the use of a mediator is recommended.

12. Insurance. AT&T Arkansas shall maintain, throughout the term of this Agreement, insurance in the minimum amounts as follows:

Workers Compensation	Statutory Limits
Commercial General Liability	\$1,000,000 per occurrence, Combined Single Liability (CSL)
	\$2,000,000 General Aggregate
Auto Liability	(including all owned, non-owned, and hired vehicles) \$1,000,000 per occurrence (CSL)
Umbrella Liability	\$1,000,000 per occurrence (CSL)

13. Notices. Any notice to be given under this Agreement shall be in writing and may be delivered to either personally, by facsimile or by certified or registered mail with postage prepaid and return receipt requested, addressed as follows:

If to The City of Fayetteville:	City Attorney's Office City of Fayetteville 113 W. Mountain Street, Ste. 302 Fayetteville, AR 72701 FAX: (479) 575-8315
---------------------------------	---

If to AT&T Arkansas:	AT&T Arkansas
----------------------	---------------

Attn:

14. Modification. This Agreement may be amended or modified only by a written instrument executed by both Parties.

15. Assignment. AT&T Arkansas may not assign or transfer this Agreement or any interest therein without the prior consent of Fayetteville except to any affiliate of AT&T Arkansas.

16. Entire Agreement. This Agreement embodies the entire agreement and understanding of Fayetteville and AT&T Arkansas with respect to AT&T Arkansas' use of Fayetteville ROW in connection with the offering and provision of IP-enabled services including IP-enabled Video Services within Fayetteville using facilities constructed and placed within Fayetteville's ROW. As such it merges and supersedes all prior verbal agreements, understandings and representations by either party on the matters set forth herein.

17. Waiver. Failure on the part of either Party to enforce any provision of this Agreement shall not be construed as a waiver of the right to compel enforcement of such provision or any other provision.

18. Miscellaneous.

(a) AT&T Arkansas and Fayetteville each hereby warrants that it has the requisite power and authority to enter into this Agreement and to perform according to the terms hereof.

(b) The headings used in this Agreement are inserted for convenience or reference only and are not intended to define, limit or affect the interpretation of any term or provision hereof. The singular shall include the plural; the masculine gender shall include the feminine and neutral gender.

(c) AT&T Arkansas and Fayetteville shall cooperate fully with one another in the execution of any and all other documents and in the completion of any additional actions including, without limitation, the processing of permits that may be necessary or appropriate to give full force and effect to the terms and intent of this Agreement.

(d) Nothing contained in this Agreement is intended or shall be construed as creating or conferring any rights, benefits or remedies upon, or creating any obligations of the Parties hereto toward any person or entity not a party to this Agreement, unless otherwise expressly set forth herein.

(e) Nothing contained in this Agreement is intended or shall be construed as amending, modifying or otherwise affecting any other agreements, authorizations or memoranda which Fayetteville and AT&T Arkansas have now. Further, nothing contained in this Agreement is meant to change, limit, modify, restrict or limit any current rights or jurisdiction that either Fayetteville or other governmental entities currently have nor is this Agreement intended to change, limit, modify, restrict or limit any rights AT&T Arkansas currently has under existing federal and state law and under existing Fayetteville ordinances and existing construction permits issued by Fayetteville.

19. Binding Effect. This Agreement shall be binding upon and for the benefit of AT&T Arkansas and the City of Fayetteville.

20. Counterpart Execution. This Agreement may be signed in one or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same agreement. Signature pages may be transmitted by facsimile and any signature transmitted by facsimile will be given the same force and effect as an original signature.

21. Authority of City Council. This agreement is not intended to limit the authority of the Fayetteville City Council regarding the use of streets, easements, and public rights of way ("ROW") by public utilities, specifically including those that communicate information. The City Council expressly reserves the right to increase the fee imposed in paragraph 3 of this Agreement to that which is imposed on other video service providers in order to generally maintain competitive neutrality, so long as such fee does not exceed the maximum rate authorized under Section 622 of the Federal Communications Act (47 U.S.C. Section 542).

IN WITNESS WHEREOF, the parties hereto, by their duly authorized representatives, have executed this Agreement and made the same effective as of the 6th day of February, 2007.

AT&T ARKANSAS

By: _____
Name: Edward Drilling
Title: President – AT&T Arkansas

CITY OF FAYETTEVILLE, ARKANSAS

By: _____
Name: **DAN COODY**
Title: Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

CITY ATTORNEY AGENDA REQUEST

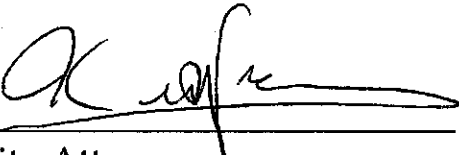
FOR: COUNCIL MEETING OF FEBRUARY 6, 2007

FROM:
KIT WILLIAMS, CITY ATTORNEY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Amend Table A, Impact Fees In §159.03(D)(1), §159.04(D)(1), and
159.05(D)(1) Of The Unified Development Code To Combine Land Use Categories In Table A
To Match The Road Impact Fee Ordinance And The Statutory Definition Of "Development"

APPROVED FOR AGENDA:

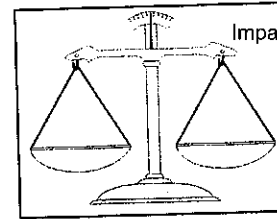


City Attorney

1-24-07
Date

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

DEPARTMENTAL CORRESPONDENCE



LEGAL DEPARTMENT

TO: Dan Coody, Mayor
City Council

CC: Tim Conklin, Planning & Development Management Director

FROM: Kit Williams, City Attorney

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

DATE: January 24, 2007

RE: Impact Fee Table of Charges Amendment

I believe we should standardize the administration of Fire and Police Impact Fees to match the City council's decision for the Road Impact Fees to combine land use categories rather than use all the different categories detailed in the original Table A of Impact Fees. This will result in lessening the impact fees for single family house construction, as well as commercial and industrial development in the identical fashion approved by the City Council for Road Impact Fees.

Standardizing the application of fees for a reduced number of land use categories not only will make administration of these impact fee ordinances easier and more uniform, but I believe more legally defensible. Another change I recommend is removing the impact fees from all churches and schools that would not be considered commercial development under our code.

Fire, Police and Road Impact Fees were all authorized by and had to be adopted pursuant to the new Impact Fee Statute (A.C.A. §14-56-101 *et seq.*). Even though our Impact Fee experts who prepared our studies helped to write this legislature, their recommended impact fee tables which we adopted may have gone too far. "Development" is defined in this statute to

mean "any residential, multi-family, commercial or industrial improvements" Although this is a broad definition, it does not specifically cover such non-profit or governmental institutional development such as churches or schools. Therefore, I recommend these types of development be removed from the impact fee tables for Police, Fire and Road Impact Fees.

I have checked with Accounting to ensure that we have not collected these types of impact fees yet. This is not an issue for the Water and Wastewater Impact Fees that were adopted under a different state statute (now supported by A.C.A. §14-56-101). Except for differentiating between single family and multi-family, the water and wastewater fees were based solely on water meter size regardless of the type of development.

Please pass this ordinance quickly so that the ballot for the Road Impact Fee election will have the proper Table A, Road Impact Fees, when submitted to the voters.

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND TABLE A, IMPACT FEES
IN §159.03(D)(1), §159.04(D)(1), AND 159.05(D)(1) OF THE
UNIFIED DEVELOPMENT CODE TO COMBINE LAND
USE CATEGORIES IN TABLE A TO MATCH THE ROAD
IMPACT FEE ORDINANCE AND THE STATUTORY
DEFINITION OF "DEVELOPMENT"**

WHEREAS, the City Council passed the Road Impact Fee Ordinance (to be referred for a public vote on April 10, 2007) after combining several land use categories to lessen the cost for new single family, commercial and industrial development and to ease administration of the impact fee ordinance; and

WHEREAS, the ordinances for Police and Public Safety System Impact Fees and Fire Protection System Impact Fees should be modified to match the reduced number of land use categories of the Road Impact Fee Ordinance; and

WHEREAS, new institutional development such as churches and schools, should not be assessed impact fees as long as they are not commercial (for profit) enterprises pursuant to the statutory definition of "development".

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals Table A. Impact Fees in §159.03(D)(1); §159.04(D)(1) and §159.05(D)(1) in their entirety and enacts a new Table A for §159.03(D)(1), §159.04(D)(1) and §159.05(D)(1) as shown below:

“§159.03(D)(1)

**TABLE A
POLICE AND PUBLIC SAFETY
SYSTEM IMPACT FEES**

LAND USE	UNIT	IMPACT FEE
Residential	Dwelling	\$162
Nursing Home	1000 sq. ft.	\$167
Mobile Home Park	Pad	\$239
Hotel/Motel	Room	\$274
Commercial/Office	1000 sq. ft.	\$388
Industrial/Warehouse	1000 sq. ft.	\$155
Industrial/ Mini-Warehouse	1000 sq. ft.	\$ 29

“§159.04(D)(1)

**TABLE A
FIRE PROTECTION
SYSTEM IMPACT FEES**

LAND USE	UNIT	IMPACT FEE
Residential	Dwelling	\$150
Nursing Home	1000 sq. ft.	\$126
Mobile Home Park	Pad	\$222
Hotel/Motel	Room	\$207
Commercial/Office	1000 sq. ft.	\$293
Industrial/Warehouse	1000 sq. ft.	\$117
Industrial/ Mini-Warehouse	1000 sq. ft.	\$ 22

“§159.05(D)(1)

**TABLE A
ROAD IMPACT FEES**

LAND USE	UNIT	IMPACT FEE
Residential	Dwelling	\$2,363
Nursing Home	1000 sq. ft.	\$1,495
Mobile Home Park	Pad	\$1,779
Hotel/Motel	Room	\$1,319
Commercial/Office	1000 sq. ft.	\$2,701
Industrial/Warehouse	1000 sq. ft.	\$1,676
Industrial/ Mini-Warehouse	1000 sq. ft.	\$ 587

PASSED and **APPROVED** this 6th day of February, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk

Agenda Session 1/30/07

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy 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
February 6, 2007**

A meeting of the Fayetteville City Council will be held on February 6, 2007 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**

Airport Report to the City Council

A. CONSENT:

1. **Approval of the January 16, 2007 City Council meeting minutes.**
2. **Elm Springs Animal Sheltering Services:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Elm Springs, Arkansas to provide animal sheltering services to the City of Elm Springs for 2007 -2009.
3. **Farmington Animal Sheltering Services:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Farmington, Arkansas to provide animal sheltering services to the City of Farmington for 2007.
4. **Goshen Animal Sheltering Services:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Goshen, Arkansas to provide animal sheltering services to the City of Goshen for 2007.
5. **Greenland Animal Sheltering Services:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Greenland, Arkansas to provide animal sheltering services to the City of Greenland for 2007.

6. **Washington County Animal Sheltering Services:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and Washington County, Arkansas to provide animal sheltering services to Washington County for 2007.
7. **Winslow Animal Sheltering Services:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Winslow, Arkansas to provide animal sheltering services to the City of Winslow for 2007.
8. **ESRI, Inc:** A resolution approving the annual maintenance agreement in the amount of \$32,142.39 with ESRI, Inc. for Geographic Information System (GIS) software maintenance and upgrades.
9. **Hansen Technology, Inc:** A resolution approving a purchase request to Hansen Technology, Inc. in the amount of \$55,725.00 for software service and maintenance fees.
10. **Dynamic Information Solutions Company, Inc:** A resolution approving an annual service and maintenance agreement in the amount of \$36,291.00 with Dynamic Information Solutions Company, Inc.
11. **Van Scoyoc Associates Memorandum of Agreement:** A resolution approving a memorandum of agreement with Van Scoyoc Associates in the amount of \$84,000.00 to provide lobbying services to the City of Fayetteville.
12. **Thyssen Krupp Elevator Contract:** A resolution to approve a contract with Thyssen Krupp Elevator Company in the amount of \$53,000.00 with a project contingency of \$5,300.00.
13. **Scull Creek Trail Lighting:** A resolution awarding bid #07-01 and approving the purchase of light fixtures and poles from Illuminetrics, authorized agents for Dynamic Lighting and W.J. Whatley in the amount of \$42,840.00 for Scull Creek Trail.
14. **Wachter Electric:** A resolution awarding Bid #07-02 and approving a contract with Wachter Electric in the amount of \$52,568.00 for the installation of lighting at the Walker Park basketball and tennis courts; approving a 15% project contingency in the amount of \$7,885.00; and approving a budget adjustment in the amount of \$10,900.00.
15. **Outdoor Recreation Grant Acceptance:** A resolution authorizing the Parks and Recreation Division to accept an Arkansas Parks and Tourism outdoor recreation 50/50 grant in the amount of \$100,000.00 for improvements to Sweetbriar Park, Bryce Davis Park and Gulley Park.

B. UNFINISHED BUSINESS:

1. **Farmington Annexation Public Hearing Date:** A resolution setting a public hearing date regarding the City of Farmington's desire to annex certain territory currently in the city limits of Fayetteville.

C. NEW BUSINESS:

- Consent*
1. **Seven Hills Homeless Shelter, Inc:** A resolution to authorize Mayor Coody to sign a Leasehold Mortgage and Security Agreement for Fayetteville as a landlord so that Seven Hills Homeless Shelter, Inc. can borrow \$200,000.00 from Regions Bank.
 2. **R-PZD 06-2196 West Fork Place Appeal:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-2196, West Fork Place, located at the end of Ray Avenue, south of Huntsville Road; containing approximately 13.92 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan.
 3. **Wedington Circle Appeal:** An appeal of the Planning Commission's decision to approve the Wedington Circle Preliminary Plat (PPL 06-2302) located north of Wedington Drive, west of Garland Avenue.
 4. **VAC 06-2204 Bungalows at Cato Springs:** An ordinance approving VAC 06-2204 submitted by McClelland Consulting Engineers for property located north of Cato Springs Road, west of Cline Avenue to vacate an access easement (0.35 acres) and drainage channel access easement (0.03 acres) on the property.
 5. **VAC 06-2365 Popeye's Chicken & Biscuits:** An ordinance approving VAC 06-2365 submitted by Mel Milholland for property located between Old Farmington Road and 6th Street, east of 2190 west 6th Street, vacating a 50' street easement on a portion of Sang Avenue, containing 0.167 acres.
 6. **VAC 06-2400 Bellafont II:** An ordinance approving VAC 06-2400 submitted by H2 Engineering for property located at the southwest corner of the Bellafont Development, north of Joyce Boulevard and west of Vantage Drive to vacate a portion of a utility easement.
 7. **RZN 06-2399 West Side Annexation C-1:** An ordinance rezoning that property described in rezoning petition RZN 06-2399, for approximately 3.93 acres, located at the southwest and southeast corners of Hwy. 16 and Harmon Road from R-A, Residential Agricultural, to C-1, Neighborhood Commercial.
 8. **RZN 06-2399 West Side Annexation P-1:** An ordinance rezoning that property described in rezoning petition RZN 06-2399, for approximately 39.62 acres, located at the northwest corner of Hwy. 16 and Harmon Road from R-A, Residential Agricultural, to P-1, institutional.
 9. **RZN 06-2399 West Side Annexation RSF-1:** An ordinance rezoning that property described in rezoning petition RZN 06-2399, for approximately 232.06 acres, located at Hwy. 16 and Rocky Ridge Road Lane, Forest Hills Drive and along Harmon Road south from R-A, Residential Agricultural, to RSF-1, Residential Single Family, 1 unit per acre.
 10. **RZN 06-2399 West Side Annexation RSF-4:** An ordinance rezoning that property described in rezoning petition RZN 06-2399, for approximately 17.63 acres, located at the southeast corner of Hwy. 16 and Harmon Road from R-A, Residential Agricultural, to RSF-4, Residential Single Family, 4 units per acre.

✓ **11. ADM 06-2379; Amend Chapter 176 Outdoor Lighting:** An ordinance amending Chapter 176: Outdoor Lighting, Unified Development Code of the Fayetteville Code of Ordinances.

✓ **12. Ten Foot No Build Easement:** A resolution to convey a ten foot no build easement around a proposed building by Ed Bradberry above the ten foot alley at the Town Center Site.

✓ **13. AT&T Proposed Agreement:** A resolution to approve an agreement with AT&T Arkansas to allow it to offer internet protocol/cable TV type service in Fayetteville.

✓ **14. Amend Chapter 159: Impact Fee Table of Charges:** An ordinance to amend Table A, Impact Fees in §159.03(D)(1), §159.04(D)(1) and §159.05(D)(1) of the Unified Development Code to combine land use categories in Table A to match the Road Impact Fee Ordinance and the statutory definition of "development."

D. INFORMATIONAL:

City Council Tour: February 5, 2007

Consent Add: Southern Company, NLR, Inc. (Bobby Ferrell)
#2 NB. — Pebble Creek Flats Appeal

Pre-Agenda Meeting
1-24-07

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy 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
February 6, 2007**

A meeting of the Fayetteville City Council will be held on February 6, 2007 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**

Airport Report to the City Council

A. CONSENT:

1. **Approval of the January 16, 2007 City Council meeting minutes.**
2. **Elm Springs Animal Sheltering Services:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Elm Springs, Arkansas to provide animal sheltering services to the City of Elm Springs for 2007 -2009.
3. **Farmington Animal Sheltering Services:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Farmington, Arkansas to provide animal sheltering services to the City of Farmington for 2007.
4. **Goshen Animal Sheltering Services:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Goshen, Arkansas to provide animal sheltering services to the City of Goshen for 2007.
5. **Greenland Animal Sheltering Services:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Greenland, Arkansas to provide animal sheltering services to the City of Greenland for 2007.

- ✓ **6. Washington County Animal Sheltering Services:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and Washington County, Arkansas to provide animal sheltering services to Washington County for 2007.
- ✓ **7. Winslow Animal Sheltering Services:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Winslow, Arkansas to provide animal sheltering services to the City of Winslow for 2007.
- ✓ **8. ESRI, Inc:** A resolution approving the annual maintenance agreement in the amount of \$32,142.39 with ESRI, Inc. for Geographic Information System (GIS) software maintenance and upgrades.
- ✓ **9. Hansen Technology, Inc:** A resolution approving a purchase request to Hansen Technology, Inc. in the amount of \$55,725.00 for software service and maintenance fees.
- ✓ **10. Dynamic Information Solutions Company, Inc:** A resolution approving an annual service and maintenance agreement in the amount of \$36,291.00 with Dynamic Information Solutions Company, Inc.
- ✓ **11. Van Scoyoc Associates Memorandum of Agreement:** A resolution approving a memorandum of agreement with Van Scoyoc Associates in the amount of \$84,000.00 to provide lobbying services to the City of Fayetteville.
- ✓ **12. Thyssen Krupp Elevator Contract:** A resolution to approve a contract with Thyssen Krupp Elevator Company in the amount of \$53,000.00 with a project contingency of \$5,300.00.
- ✓ **13. Scull Creek Trail Lighting:** A resolution awarding bid #07-01 and approving the purchase of light fixtures and poles from Illuminetrics, authorized agents for Dynamic Lighting and W.J. Whatley in the amount of \$42,840.00 for Scull Creek Trail.
- ✓ **14. Wachter Electric:** A resolution awarding Bid #07-02 and approving a contract with Wachter Electric in the amount of \$52,568.00 for the installation of lighting at the Walker Park basketball and tennis courts; approving a 15% project contingency in the amount of \$7,885.00; and approving a budget adjustment in the amount of \$10,900.00.
- ✓ **15. Outdoor Recreation Grant Acceptance:** A resolution authorizing the Parks and Recreation Division to accept an Arkansas Parks and Tourism outdoor recreation 50/50 grant in the amount of \$100,000.00 for improvements to Sweetbriar Park, Bryce Davis Park and Gulley Park.

B. UNFINISHED BUSINESS:

- 1. Farmington Annexation Public Hearing Date:** A resolution setting a public hearing date regarding the City of Farmington's desire to annex certain territory currently in the city limits of Fayetteville.

C. NEW BUSINESS:

- J 1. **R-PZD 06-2196 West Fork Place Appeal:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-2196, West Fork Place, located at the end of Ray Avenue, south of Huntsville Road; containing approximately 13.92 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan.
- Tim 2. **RZN 06-2399 West Side Annexation C-1:** An ordinance rezoning that property described in rezoning petition RZN 06-2399, for approximately 3.93 acres, located at the southwest and southeast corners of Hwy. 16 and Harmon Road from R-A, Residential Agricultural, to C-1, Neighborhood Commercial.
- Tim 3. **RZN 06-2399 West Side Annexation P-1:** An ordinance rezoning that property described in rezoning petition RZN 06-2399, for approximately 39.62 acres, located at the northwest corner of Hwy. 16 and Harmon Road from R-A, Residential Agricultural, to P-1, institutional.
- Tim 4. **RZN 06-2399 West Side Annexation RSF-1:** An ordinance rezoning that property described in rezoning petition RZN 06-2399, for approximately 232.06 acres, located at Hwy. 16 and Rocky Ridge Road Lane, Forest Hills Drive and along Harmon Road south from R-A, Residential Agricultural, to RSF-1, Residential Single Family, 1 unit per acre.
- Tim 5. **RZN 06-2399 West Side Annexation RSF-4:** An ordinance rezoning that property described in rezoning petition RZN 06-2399, for approximately 17.63 acres, located at the southeast corner of Hwy. 16 and Harmon Road from R-A, Residential Agricultural, to RSF-4, Residential Single Family, 4 units per acre.
- J 6. **VAC 06-2204 Bungalows at Cato Springs:** An ordinance approving VAC 06-2204 submitted by McClelland Consulting Engineers for property located north of Cato Springs Road, west of Cline Avenue to vacate an access easement (0.35 acres) and drainage channel access easement (0.03 acres) on the property.
- J 7. **VAC 06-2365 Popeye's Chicken & Biscuits:** An ordinance approving VAC 06-2365 submitted by Mel Milholland for property located between Old Farmington Road and 6th Street, east of 2190 west 6th Street, vacating a 50' street easement on a portion of Sang Avenue, containing 0.167 acres.
- J 8. **VAC 06-2400 Bellafont II:** An ordinance approving VAC 06-2400 submitted by H2 Engineering for property located at the southwest corner of the Bellafont Development, north of Joyce Boulevard and west of Vantage Drive to vacate a portion of a utility easement.
- Tim 9. **ADM 06-2379; Amend Chapter 176 Outdoor Lighting:** An ordinance amending Chapter 176: Outdoor Lighting, Unified Development Code of the Fayetteville Code of Ordinances.
- Tim 10. **Ten Foot No Build Easement:** A resolution to convey a ten foot no build easement around a proposed building by Ed Bradberry above the ten foot alley at the Town Center Site.

Next to Last

11. **AT&T Proposed Agreement:** A resolution to approve an agreement with AT&T Arkansas to allow it to offer internet protocol/cable TV type service in Fayetteville.

1

12. **Seven Hills Homeless Shelter, Inc:** A resolution to authorize Mayor Coody to sign a Leasehold Mortgage and Security Agreement for Fayetteville as a landlord so that Seven Hills Homeless Shelter, Inc. can borrow \$200,000.00 from Regions Bank.

3 g

13. **Wedington Circle Appeal:** An appeal of the Planning Commission's decision to approve the Wedington Circle Preliminary Plat (PPL 06-2302) located north of Wedington Drive, west of Garland Avenue.

~~14. **Farmington Fayetteville Wastewater Contract:** Ask Kyle/David if it goes on this agenda.~~

Next Agenda

D. INFORMATIONAL:

City Council Tour: February 5, 2007

Add Impact Fees!

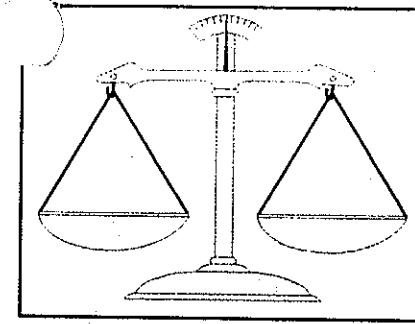
Last

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY



LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: **Dan Coody**, Mayor

THRU: **Sondra Smith**, City Clerk

FROM: **Kit Williams**, City Attorney

DATE: **February 7, 2007**

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

RE: **Ordinances and Resolutions prepared by the City Attorney's Office and passed at the City Council meeting of February 7, 2007**

1. **Elm Springs Animal Sheltering:** Resolution approving Inter-Local Agreement between Fayetteville and Elm Springs to provide animal sheltering service to Elm Springs for 2007-2009;
2. **Farmington Animal Sheltering:** Resolution approving Inter-Local Agreement between Fayetteville and Farmington to provide animal sheltering service to Farmington for 2007;
3. **Goshen Animal Sheltering:** Resolution approving Inter-Local Agreement between Fayetteville and Goshen to provide animal sheltering service to Goshen for 2007;
4. **Greenland Animal Sheltering:** Resolution approving Inter-Local Agreement between Fayetteville and Greenland to provide animal sheltering service to Greenland for 2007;
5. **Washington Co. Animal Sheltering:** Resolution approving Inter-Local Agreement between Fayetteville and Washington Co. to provide animal sheltering service to Washington Co. for 2007;
6. **Winslow Animal Sheltering:** Resolution approving Inter-Local Agreement between Fayetteville and Winslow to provide animal sheltering service to Winslow for 2007;

7. **ESRI, Inc.:** Resolution approving purchase request in amount of \$32,142.39 with ESRI, Inc. for GIS software maintenance and upgrades;
8. **Hansen Technology, Inc.:** Resolution approving purchase request to Hansen Technology, Inc. in amount of \$55,725.00 for software service and maintenance fees;
9. **Dynamic Information Solutions Co., Inc.:** Resolution approving annual service and maintenance agreement in amount of \$36,291.00 with Dynamic Information Solutions Co., Inc.;
10. **Van Scoyoc Associates Memorandum of Agreement:** Resolution approving memorandum of agreement with Van Scoyoc Assoc. in amount of \$84,000.00 to provide lobbying services to Fayetteville;
11. **Thyssen Krupp Elevator:** Resolution approving contract with Thyssen Krupp Elevator Co. in amount of \$53,000.00 with project contingency of \$5,300.00;
12. **Scull Creek Trail Lighting:** Resolution awarding Bid #07-01 and approving purchase of light fixtures and poles from Illuminetrics, authorized agents for Dynamic Lighting and W.J. Whatley in amount of \$42,840.00 for Scull Creek Trail; and approving budget adjustment in amount of \$215,034.00 to re-budget 2006 project budget;
13. **Wachter Electric:** Resolution awarding Bid #07-02 and approving contract with Wachter Electric in amount of \$52,568.00 for installation of lighting at Walker Park Basketball and tennis courts; approving 15% project contingency in amount of \$7,885.00 and approving budget adjustment in amount of \$10,900.00;
14. **Outdoor Recreation Grant Acceptance:** Resolution authorizing Parks & Recreation Division to accept Arkansas Parks & Tourism Outdoor Recreation 50/50 grant in amount of \$100,000.00 for improvements to Sweetbriar Park, Bryce Davis Park and Gulley Park; and approving budget adjustment recognizing grant revenue;
15. **Seven Hills Homeless Shelter, Inc.:** Resolution authorizing Mayor Coody to sign a Leasehold Mortgage and Security Agreement for Fayetteville as a landlord so that Seven Hills Homeless Shelter, Inc. can borrow \$200,000.00 from Regions Bank;

16. Southern Co. NLR, Inc.: Resolution approving Changer Order #1 to contract with Southern Co. NLR, Inc. in amount of \$17,002.00 to add insulation and a heater to Biodiesel Fuel Tank Project; approving project contingency in amount of \$11,600.00; and approving budget adjustment in amount of \$28,602.00;

17. Farmington Annexation Public Hearing Date: Resolution setting public hearing date regarding Farmington's desire to annex certain territory currently in city limits of Fayetteville;

18. ADM 06-2379 – Amend Chapter 176: Outdoor Lighting: Ordinance amending Chapter 176: Outdoor Lighting, Unified Development Code of Fayetteville Code of Ordinances;

19. Ten Foot No Build Easement: Resolution conveying ten foot no build easement around proposed building by Ed Bradberry above the ten foot alley at Town Center site;

20. Amend Chapter 159: Impact Fee Table of Charges: Ordinance amending Table A, Impact Fees in §159.03(D)(1), §159.04(D)(1) and §159.05(D)(1) of Unified Development Code to combine land use categories in Table A to match the Road Impact Fee Ordinance and the statutory definition of "development."

From: Lou Powers
To: Smith, Sondra
Date: 1/17/2007 4:23 PM
Subject: Item City Council

1-17-07

Dear Sondra:

Ray has asked the Airport's presentation to the City Council to be placed on the City Council Agenda for the first meeting in February (2-6-07):

"Airport Report to the City Council".

Ray said the Mayor agreed to this date for their report.

Please confirm you received the email. Thanks for your help.

Lou/Airport