

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
March 6, 2007**

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

A. CONSENT:

- 1. Approval of the February 20, 2007 City Council meeting minutes.**

APPROVED.

- 2. Ford Crown Victoria Police Interceptors Purchase:** A resolution approving the purchase of seven (7) Crown Victoria Police Interceptors from the State Vehicle purchase contract in the amount of \$143,413.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 35-07.

- 3. Ford Pick Up Trucks Purchase:** A resolution approving the purchase of six (6) Ford pick up trucks from the State Vehicle Purchase Contract in the amount of \$92,085.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 36-07.

- 4. Schwarze Industries, Inc.; Street Sweeper Bid #07-03:** A resolution awarding Bid #07-03 to Schwarze Industries, Inc. of Huntsville, Alabama for the purchase of one (1) A8000 Street Sweeper in the amount of \$156,049.00 for use by the Transportation Division; and approving a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 37-07.

5. **Yale Material Handling-Gammon; Fork Lift Truck Bid #07-04:** A resolution awarding Bid #07-04 to Yale Material Handling-Gammon for the purchase of one (1) GLP070 VX Fork Lift Truck in the amount of \$28,800.00 for use by the Fleet Rental Pool.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 38-07.

6. **Tax Back Program:** A resolution certifying local government endorsement of business to participate in the tax back program (the consolidated incentive Act of 2003, Section 15-4-2706(D)).

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 39-07.

7. **Bulk Construction Materials and Services Bids #07-12 – #07-18:** A resolution awarding Bids #07-12 – #07-18 for, and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville in the estimated amount of \$3,599,547.98.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 40-07.

8. **Arkansas Department of Economic Development Grant:** A resolution authorizing the Building Services Division to accept a grant from the Arkansas Department of Economic Development in the amount of \$10,708.00 for the construction of a solar water heater unit at Fire Station #4; and approving a budget adjustment recognizing the grant revenue.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 41-07.

9. **Callahan Tower Joint Venture Lease:** A resolution to approve a lease with Callahan Tower Joint Venture to lease space near the Old Wire Road Fire Station #5 for \$1,000.00 per month, free use of the cell tower for Fire Department antennas and revenue sharing for the subsequent cell phone customers.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 42-07.

10. **ADM 07-2495 (Complete Neighborhood Plan Year 1):** A resolution to create a Master Plan for the South Fayetteville neighborhood area.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 43-07.

B. UNFINISHED 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 ordinance was left on the First Reading and Tabled at the February 6, 2007 City Council meeting to the March 6, 2007 City Council meeting.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4986.

2. **RZN 07-2419 (Kelly):** An ordinance rezoning that property described in rezoning petition RZN 07-2419, for approximately 44.74 acres, located at 3184 South City Lake Road from R-A, Residential Agricultural, to RSF-4, Residential Single-Family, 4 units per acre. *This ordinance was left on the Second Reading at the February 20, 2007 City Council meeting.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4987.

3. **R-PZD 06-2299 (Ruskin Heights):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-2299, Ruskin Heights, located west of highway 265/Crossover Road, on the south side of Mission Boulevard; containing approximately 28.93 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 February 20, 2007 City Council meeting.*

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

4. **Amend § 161.21 and § 161.22 Height Regulations:** An ordinance to amend § 161.21 (G) Height Regulations of Main Street Center and §161.22 (G) Height Regulations of Downtown General of the Unified Development Code by limiting the height of new development to three stories or 45 feet, whichever is less, and to repeal §156.02 (B)(6). *This ordinance was tabled at the February 20, 2007 City Council meeting to the March 6, 2007 City Council meeting.*

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

C. PUBLIC HEARING:

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

THIS ITEM WAS A PUBLIC HEARING ONLY AND NO ACTION WAS TAKEN ON THIS ITEM.

D. NEW BUSINESS:

1. **VAC 06-2364 (Cruz Bay):** An ordinance approving VAC 06-2364 submitted by Mandy Bunch for property located north of 5th Street between South School Avenue and South Locust Avenue, vacating 150' of the 12' alley on the subject property.

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

2. **VAC 07-2439 (Central United Methodist Church):** An ordinance approving VAC 07-2439 submitted by Jorgensen & Associates for property located at 6 West Dickson to vacate a utility easement and alley on the subject property.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4988.

3. **Watershed Conservation Resource Center:** An ordinance waiving the requirements of formal competitive bidding and approving a Memorandum of Understanding with the

Watershed Conservation Resource Center in the amount of \$141,200.00 for a Stream Bank Restoration Demonstration Project in Gulley Park.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4989.

4. **SCM, LLC. Cost-Share Agreement:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with SCM, LLC in the amount of \$57,482.00 for the upsizing of approximately 1,493' of 8" water main to 12" water main.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4990.

5. **Seven Hills Homeless Center, Inc. Cost-Share Agreement:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share with Seven Hills Homeless Center, Inc. in an amount not to exceed \$56,000.00 to upgrade a private drive to city street standards; and approving a budget adjustment in the amount of \$56,000.00.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4991.

6. **Amend § 161.18, § 161.24 and § 161.25 Conditional Uses:** An ordinance to amend § 161.18 (B)(2), § 161.24 (B)(2) and § 161.25 (B)(2) to make mini-storage units and auto salvage and junk yards conditional uses.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4992.

THE CITY COUNCIL VOTED TO ADDED THE FOLLOWING ITEMS TO THE AGENDA:

7. **House Bill 1367:** A resolution to support House Bill 1367.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 44-07

8. **Senate Bill 590:** A resolution to support Senate Bill 590 to help fund inpatient mental health treatment in Northwest Arkansas.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 45-07.

E. INFORMATIONAL: City Council Tour: NONE

Meeting adjourned at 10:40 p.m.

Adjourn 10:40 PM

Subject: <i>Roll</i>					
Motion To:					
Motion By:					
Seconded:					
<i>Rhoads Arrived at 6:04 pm.</i>	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Gray	<i>Absent</i>			
	Thiel	✓			
	Cook	✓			
	Mayor Coody	✓			

Subject: <i>Consent</i>					
Motion To:		<i>Approve</i>			
Motion By:		<i>Gordon</i>			
Seconded:		<i>Cook</i>			
<i>Minutes Approved. Passed Res. 35-07 to 43-07</i>	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Gray	<i>Absent</i>			
	Thiel	✓			
	Cook	✓			
	Mayor Coody				

City Council Meeting March 6, 2007

Subject: R-PZD 06-2196 West Fork Place Appeal.					
Motion To:		2nd read	Accept Condition of Approval	Street Connection	
Motion By:		Thiel	Thiel		
Seconded:		Jordan	Jordan		
B.I. Unfinished Business	Allen	✓	✓		
	Rhoads	✓	✓		
	Ferrell	✓	✓		
	Lucas	✓	✓		
	Jordan	✓	✓		
	Gray	absent	absent		
	Thiel	✓	✓		
	Cook	✓	✓		
	Mayor Coody				

7-0

7-0

Subject: R-PZD - 06-2196 West Fork Place Appeal					
Motion To:		3rd read	Pass		
Motion By:		Jordan			
Seconded:		Thiel			
B.I. Unfinished Business passed 4986	Allen	✓	✓		
	Rhoads	✓	✓		
	Ferrell	✓	✓		
	Lucas	✓	✓		
	Jordan	✓	✓		
	Gray	absent	absent		
	Thiel	✓	✓		
	Cook	✓	✓		
	Mayor Coody				

7-0

7-0

Subject: RZN 07-2419 (Kelly)					
Motion To:		3rd read	Pass		
Motion By:		Rhoads			
Seconded:		Jordan			
B.2. Unfinished <u>Passed</u> 4987	Allen	✓	✓		
	Rhoads	✓	✓		
	Ferrell	✓	✓		
	Lucas	✓	✓		
	Jordan	✓	✓		
	Gray	absent	absent		
	Thiel	✓	✓		
	Cook	✓	✓		
	Mayor Coody				

7-0

7-0

Subject: R-PZD 06-2299 (Ruskin Heights)					
Motion To:		2nd read	Approve Amendments		
Motion By:		Jordan	Thiel		
Seconded:		Lucas	Jordan		
B.3. Unfinished Left on the Second Reading	Allen	✓	✓		
	Rhoads	✓	✓		
	Ferrell	✓	✓		
	Lucas	✓	✓		
	Jordan	✓	✓		
	Gray	absent	absent		
	Thiel	✓	✓		
	Cook	✓	✓		
	Mayor Coody				

7-0

7-0

City Council Meeting March 6, 2007

Subject: Amend §161.21 & 161.22 Height Regulations, and to Repeal §156.020					
Motion To:		2nd read			
Motion By:		Ferrell			Mary Norton
Seconded:		Rhoads			Beginning of
B.Y. Unfinished Business Left on the first Reading	Allen	N			tape 5.
	Rhoads	✓			
	Ferrell	✓			
	Lucas	N			
	Jordan	N			
	Gray	Absent			
	Thiel	N			
	Cook	N			
	Mayor Coody				

2-5 (failed)

Subject: Public Hearing - Farmington Annexation					
Motion To:					
Motion By:					
Seconded:					
C.I. Public Hearing No Vote was taken This was a hearing only.	Allen				
	Rhoads				
	Ferrell				
	Lucas				
	Jordan				
	Gray				
	Thiel				
	Cook				
	Mayor Coody				

City Council Meeting March 6, 2007

Subject: VAC 06-2364 (Cruz Bay)					
Motion To:		Amend to add Condition of Approval			
Motion By:		Thiel			
Seconded:		Allen			
D.1. New Business Left on the first Reading	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Gray	Absent			
	Thiel	✓			
	Cook	✓			
	Mayor Coody				

7-0

Subject: VAC 07-2439 (Central United Methodist Church)					
Motion To:		2nd read	3rd read	Pass	
Motion By:		Jordan	Ferrell		
Seconded:		Lucas	Cook		
D.2. New Business passed 4988	Allen	✓	✓	✓	
	Rhoads	Absent during the vote	absent during the vote	absent during the vote	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Gray	Absent	absent	absent	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Mayor Coody				

6-0

6-0

6-0

Subject: Watershed Conservation Resource Center					
Motion To:		2nd read	3rd read	Pass	
Motion By:		Cook	Cook		
Seconded:		Thiel	Ferrell		
D,3. New Business <u>Passed</u> 4989	Allen	✓	✓	✓	
	Rhoads	Absent during the vote	Absent during the vote	absent during the vote.	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Gray	Absent	Absent	Absent	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Mayor Coody				

6-0

6-0

6-0

Subject: ICM, LLC Cost Share					
Motion To:		2nd read	3rd read	Pass	
Motion By:		Jordan	Jordan		
Seconded:		Thiel	Lucas		
D,4. New Business <u>Passed</u> 4990	Allen	✓	✓	✓	
	Rhoads	Absent during the vote	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Gray	Absent	absent	absent	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Mayor Coody				

6-0

7-0

7-0

Subject: Seven Hills Homeless Center - Cost Share					
Motion To:		2nd read	3rd read	Pass	
Motion By:		Jordan	Jordan		
Seconded:		Allen	Ferrell		
D.5. New Business <u>passed</u> 4991	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Gray	Absent	absent	Absent	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Mayor Coody				
7-0 7-0 7-0					

Subject: Amend 161.18, 161.24, & 161.25 Conditional Uses.					
Motion To:		2nd read	3rd read	Pass	
Motion By:		Thiel	Thiel		
Seconded:		Cook	Jordan		
D.6. New Business <u>passed</u> 4992	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Gray	absent	absent	Absent	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Mayor Coody				
7-0 7-0 7-0					

Subject: Add 2 Resolutions to the Agenda					
Motion To:		Add			
Motion By:		Rhoads			
Seconded:		Ferrell			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Gray	absent			
	Thiel	✓			
	Cook	✓			
	Mayor Coody				

7-0

Subject: House Bill 1367					
Motion To:		Pass			
Motion By:		Jordan			
Seconded:		Thiel			
Added to the Agenda Passed 44-07	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Gray	Absent			
	Thiel	✓			
	Cook	✓			
	Mayor Coody				

7-0

Subject: Senate Bill 590					
Motion To:		Pass			
Motion By:		Ferrell			
Seconded:		Jordan			
Added to the Agenda Passed 45-07	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Gray				
	Thiel	✓			
	Cook	✓			
	Mayor Coody				

7-0

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

Aldermen

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith



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

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #07-03 TO SCHWARZE INDUSTRIES, INC. OF HUNTSVILLE, ALABAMA FOR THE PURCHASE OF ONE (1) A8000 STREET SWEEPER IN THE AMOUNT OF \$156,049.00 FOR USE BY THE TRANSPORTATION DIVISION; AND APPROVING A BUDGET ADJUSTMENT.

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 #07-03 to Schwarze Industries, Inc. of Huntsville, Alabama for the purchase of one (1) A8000 Street Sweeper in the amount of \$156,049.00 for use by the Transportation Division.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a Budget Adjustment in the amount of \$156,049.00.

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

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

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

A. 4
Schwarze Industries, Inc.
Street Sweeper Bid #07-03
Adjustment Number 2 of 2

Budget Year 2006	Department: Operations Division: Fleet Operations Program: Capital Expenditures	Date Requested 2/27/2007	
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Project or Item Added/Increased: Increase the Other Equipment project #02080 by \$156,049 to provide the total amount needed to purchase a regenerative air sweeper as a replacement for unit #84.	Project or Item Deleted/Reduced: None. Use of Shop Fund Balance by \$156,049.
Justification of this Increase: This budget was initially budgeted for replacement in 2005, but was not purchased at that time. The funds were NOT rebudgeted to 2006, but were returned to Shop Fund. Since the funds were not in the project in 2006, they were not rebudgeted to 2007 when the rebudget was done.	Justification of this Decrease: There are sufficient reserves available for the additional cost to purchase this unit and to meet City policy and objectives.

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Vehicles and equipment	9700	1920	5802	00	156,049	02080	1

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Use of fund balance	9700	0970	4999	99	156,049		

Approval Signatures		Budget Office Use Only	
<i>Barbara Olsen</i> Requested By	2-27-07 Date	Type:	A B C <u>D</u> E
 Budget Manager	2-27-07 Date	Posted to General Ledger	Initial _____ Date _____
 Department Director	2-28-07 Date	Posted to Project Accounting	Initial _____ Date _____
Paul A. Becker Finance & Internal Services Director	2-28-07 Date	Entered in Category Log	Initial _____ Date _____
 Mayor	2/28/07 Date		

*Bulk Construction
Material A. 7.*

RESOLUTION NO. 52-06

A RESOLUTION AWARDING BIDS #06-21 - #06-27 FOR AND APPROVING THE PURCHASE OF BULK CONSTRUCTION MATERIALS AND SERVICES UTILIZED BY VARIOUS DIVISIONS OF THE CITY OF FAYETTEVILLE IN THE ESTIMATED AMOUNT OF \$2,307,054.00.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bids #06-21 - #06-27 for and approves the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville in the estimated amount of \$2,307,054.00.

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

APPROVED

By:

Dan Coody
DAN COODY, Mayor

ATTEST:

By:

Sondra Smith
SONDRA SMITH, City Clerk



Thermal Striping

Item #	Description	2006 UNIT PRICE	2007 UNIT PRICE
1	HOT TRUCK APPLIED THERMOPLASTIC WHITE OR YELLOW (4") - per linear foot	\$ 0.34	\$ 0.36
2	HOT APPLIED THERMOPLASTIC ARROWS - EACH	\$ 125.00	\$ 125.00
3	HOT APPLIED THERMOPLASTIC WORDS - EACH	\$ 150.00	\$ 150.00
4	HOT APPLIED THERMOPLASTIC RAILROAD EMBLEMS - EACH	\$ 750.00	\$ 750.00
5	HOT APPLIED THERMOPLASTIC HANDICAP EMBLEMS - EACH (BLUE BACKGROUND WITH WHITE EMBLEM)	\$ 100.00	\$ 100.00
6	HOT 4" HAND APPLIED THERMOPLASTIC FOR PARKING SPACES - per linear foot	\$ 0.50	\$ 0.50
7	HOT 12" HAND APPLIED THERMOPLASTIC STOP BARS - per linear foot	\$ 6.00	\$ 6.00

Reflectorized Paint Marking

Item #	Description	2006	2007
		Unit Price	Unit Price
1	REFLECTORIZED PAINT MARKING WHITE (4") -- PRICE PER LINEAR FOOT	\$ 0.06 <i>Per linear foot</i>	\$ 0.05 <i>Per linear foot</i>
2	REFLECTORIZED PAINT MARKING YELLOW (4") -- PRICE PER LINEAR FOOT	\$ 0.06 <i>Per linear foot</i>	\$ 0.05 <i>Per linear foot</i>
3	REFLECTORIZED PAINT MARKING ARROWS -- PRICE PER EACH	\$ 80.00 <i>Per each</i>	\$ 50.00 <i>Per each</i>
4	REFLECTORIZED PAINT MARKING (WORDS ONLY; LANE, ETC.) -- PRICED PER EACH	\$ 100.00 <i>Per each</i>	\$ 75.00 <i>Per each</i>
5	REFLECTORIZED PAINT MARKING (SYMBOLS ONLY; BIKE, ADA, ETC.) -- PRICED PER EACH	\$ 110.00 <i>Per each</i>	\$ 150.00 <i>Per each</i>
6	REFLECTORIZED PAINT MARKING YELLOW (4" WALK-BEHIND TRAIL STRIPING) -- PRICE PER LINEAR FOOT	N/A <i>Per each</i>	\$ 0.50 <i>Per each</i>

Curb & Gutter

Item #	Description	2006 UNIT PRICE	2007 UNIT PRICE
1	Hand Formed "Type A" Curb and Gutter (per attached specifications)	\$ 8.75	\$ 9.25
2	Hand Formed "Type D" Curb and Gutter (per attached specifications)	\$ 12.00	\$ 12.50
3	Sidewalk - 4" Thick	\$ 4.10	\$ 4.35
4	Driveway Approach - 6" Thick	\$ 5.00	\$ 5.30
5	Street Repair - 8" Thick	\$ 6.00	\$ 6.45

Topsoil

Item #	Description	2006 UNIT PRICE	2007 UNIT PRICE
1	TOP SOIL - PER CUBIC YARD FOR TOP DRESSING AND LANDSCAPING PROJECTS. ALL TOPSOIL TO BE SCREENED TO REMOVE LARGE ROCKS, ROOTS, AND OTHER DEBRIS.	\$8.09 per cubic yard	\$8.72 per cubic yard

Hillside Gravel

Item #	Description	2006 Unit Price	2007 Unit Price
1	RED HILLSIDE GRAVEL - PER CUBIC YARD (PICKUP)	\$ 1.50	\$ 1.45
2	RED HILLSIDE GRAVEL - PER CUBIC YARD (DELIVERY PRICE)	\$ 4.00	\$ 3.44

Concrete Specifications & Conditions

Item #	Description	2006	2007
		Unit Price	Unit Price
1	3000 PSI 1/1/4" Max. Aggregate Size, 4" Slump	\$ 61.00	\$ 69.00
2	3500 PSI 1/1/4" Max. Aggregate Size, 4" Slump	\$ 62.25	\$ 71.00
3	4000 PSI 1/1/4" Max. Aggregate Size, 4" Slump	\$ 63.50	\$ 72.50
4	5000 PSI 1/1/4" Max. Aggregate Size, 4" Slump	\$ 67.00	\$ 77.50
5	1% Calcium Chloride Admixture	\$ 2.50	\$ 2.80
6	2% Calcium Chloride Admixture	\$ 5.00	\$ 5.60
7	Air Entraining Admixture	No Charge	No Charge
8	Hot Water	\$ 2.50	\$ 3.00
9	3/4" Rock	\$ 1.50	\$ 1.80
10	Exposed Aggregate	\$ 12.00	\$ 12.00
11	Flowable Fill	\$ 57.50	\$ 64.50
12	Lightweight Concrete	\$ 84.50	\$ 95.50
13	Type I Portland Cement	No Bid	No Bid
14	Concrete Sand	\$ 16.00	\$ 21.00
15	Masonry Sand	\$ 20.00	\$ 24.00

Asphalt and Aggregate

Item	DESCRIPTION	2006 Unit Price	2007 Unit Price
1	Asphalt Concrete Hot Mix Surface Course Type 2 (3/4" max stone)	\$ 30.25	\$ 33.21
2	Asphalt Concrete Hot Mix Surface Course Type 3 (1/2" max stone)	\$ 30.25	\$ 33.21
3	Asphalt Concrete Superpave Surface Course (12.5mm max stone)	\$ 33.20	\$ 35.55
4	Asphalt Concrete Hot Mix Binder (1.5" max stone)	\$ 28.00	\$ 29.51
5	Asphalt Concrete Cold Plant Mix (1/2" max stone)	No Bid	No Bid
6	Delivery of Asphalt materials to job site (as needed within Fayetteville City Limits)	\$ 4.95	\$ 5.00
7	Class 7 Base (SB-2) - Includes wet and dry	\$ 5.00	\$ 5.45
8	Concrete Aggregate - 1.5"	\$ 6.35	\$ 7.20
9	Concrete Aggregate - 3/4"	\$ 6.75	\$ 7.50
10	"B" Stone	\$ 6.00	\$ 6.20
11	Abrasives / Grit (1/4" chips, washed)	\$ 5.00	\$ 5.25
12	Shot Rock	\$ 4.75	\$ 5.25
13	Delivery of Aggregate materials to job site (as needed within Fayetteville City Limits)	\$ 3.25	\$ 3.40

Agenda Session

2/27/07

West Fork Place Appeal

February 27, 2007

To: Mayor & City Council
City of Fayetteville

From: Hometown Development



Re: West Fork Project

After many meetings with City Staff, neighbors and Council Members, we believe an additional access point should remove any remaining concerns for this project. We have placed under real estate contract property to the west of our project that will allow access to Happy Hollow Road. I have attached a sketch of our proposed route and noted the property under contract. While we would agree to leave the other two access points to the north, we believe that the requirement to overlay Ray Street should be voided due to the new access point.

The additional property for our western access is zoned C-2. We plan to place commercial property adjacent to Happy Hollow Road and mini storage units along the new access route. The mini storage facility would require a conditional use approval from the planning commission which we would pursue through the appropriate process. We would appreciate any immediate feedback for this conditional use in this area at this time.

Thanks

Enclosures

Sketch of area west of West Fork project

cc:

Jeremy Pate, City of Fayetteville



Agenda Session
2/27/07
Ruskin Heights



THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

To: City Council, Mayor Dan Coody
From: Jeremy Pate, Director of Current Planning
Date: February 27, 2007
Subject: Ruskin Heights PZD (R-PZD 06-2299) Amendments

The applicant team for this project has submitted a revised drawing and table indicating amendments that are offered for consideration to the City Council for approval of the associated Planned Zoning District application, a rezoning and development proposal. Additionally, the applicants have communicated amendments for the project that have been offered for consideration. I have briefly outlined the amendments below, and included a revised set of Conditions of Approval for this project, should the City Council choose to accept them.

- 1) **Reduction in Density.** To provide additional compatibility and transition in response to concerns by neighbors and the City Council, the developer has offered to remove Planning Area 3 – Bungalow Courts from the Master Development Plan. Of the 24 dwelling units associated with Planning Area 3, 17 dwelling units have been moved to the interior of the project in Planning Area 2 – Livework Townhomes, while 7 dwelling units have been moved to Planning Area 5 – Single Family. This move reduces the density adjacent to both Broadview and Park Place Subdivisions (a net reduction of 9 dwelling units) while retaining the same number of dwellings more interior to the project. The attached table compares the changes in density, acreage and dwellings in each affected Planning Area; revised plats and booklets will be submitted to Planning reflecting these changes prior to submittal of construction documents, and these changes shall be binding to the zoning of the property. Any minor modifications resulting in the shift in units from one Planning Area to another shall be accommodated, with the approval of the Zoning and Development Administrator, with a full review of the revised booklets and plats.
- 2) **Removal of Ruskin Tower.** In response to numerous concerns voiced by the public, the developer has offered to remove the proposed construction of a viewing tower from consideration for this project, and instead requests to pay fees-in-lieu of parkland dedication, to be utilized for acquisition and development of parkland in the Southeast parks quadrant, pursuant to City ordinance. The fees-in-lieu will be based on the actual number of dwellings constructed; if the maximum 295 dwellings are constructed as indicated, the fees equal \$229,440.
- 3) **Engineered Foundations.** As offered by the applicant at the previous City Council meeting, the applicant will require all structures within this project – including those outside the Hillside/Hilltop Overlay District – to be designed and stamped by a licensed Arkansas engineer

or architect, with the exception of accessory structures of 100 square feet or less.

- 4) **Fence Installation.** The applicant has offered to construct a typical screen fence, with materials to be coordinated between property owners, along the rear of any residential lot in Park Place and Broadview Subdivisions that will be adjacent to an alley within Ruskin Heights.
- 5) **Greenview Limited Access:** The applicant has offered to reduce the potential for cut-through traffic onto Greenview Drive by installing a landscaped median at the intersection of Greenview and the proposed Street "L." This will require a right-in/right-out turning movement, and will further buffer neighbors across Greenview from future traffic. The landscaped boulevard median will be approximately 70 feet in length and will be landscaped with trees and shrubs, separating north and south bound traffic. Additionally, improvements to Greenview shall be required to include curb, gutter, sidewalks, stormdrains, etc. upon access to this street.
- 6) **Traffic Signalization.** The developer agrees to and shall be responsible for the payment and installation of a fully actuated traffic signal at the intersection of Lisa Lane and Mission Blvd, as soon as AHTD warrants are met and a permit for construction is issued. The developer shall contribute the full cost of the traffic prior to recordation of the final plat of Phases I-III, with the approved development of 57 dwelling units and 16,636 SF of nonresidential area. A traffic warrant analysis shall be presented to the City and AHTD with every phase of the development to determine what improvements are warranted and will be installed with each phase of the development. This condition of approval has also been modified to reflect the above criteria, as requested by the applicant, for City Council consideration.

Table 1
Summary of Ruskin Heights Planning Area Revisions

	Proposed February 20th, 2007 City Council			Proposed March 6th, 2007 City Council		
	Dwelling Units	Acreage	Density (du/acre)	Dwelling Units	Acreage	Density (du/acre)
Planning Area 1 - Mixed Use	94	4.98	18.88	94	4.98	18.88
Planning Area 2 - Livework / Townhomes	81	6.52	12.42	98	7.71	12.71
Planning Area 3 - Bungalow Courts	24	2.15	11.16	0	0.00	0.00
Planning Area 4 Treehouses	20	2.91	6.87	20	2.91	6.87
Planning Area 5 - Single Family	76	9.21	8.25	83	10.14	8.19
Planning Area 6 - Green / Civic Space	0	3.11	0.00	0	3.14	0.00
Totals	295	28.88	10.21	295	28.88	10.21
Sum of PA 3, PA 4, PA 5, and part of PA 6 (All Planning Areas Adjacent to Park Place and Broadview Subdivisions)	120	16.92	7.09	103	15.73	6.55

AMENDED CONDITIONS OF APPROVAL:

R-PZD 06-2299

Page 1 of 10

The following conditions of approval are hereby approved for R-PZD 06-2299 (Ruskin Heights).

Streets and Right-of-Way

1. **City Council determination** of street improvements. *Staff recommends the following street improvements, based on the proportionality of the development's impact:*

- a. The developer shall construct a 3-lane street section with pavement, curb, gutter, and storm drains, from where it currently stops east of the site on Mission Blvd west to Greenview Drive, to include complete 6-foot sidewalk connections on Mission Blvd. The applicant shall coordinate with the Engineering Division and AHTD to determine if a continuous turn lane or turn lane at major intersections is more acceptable. Construction of these improvements shall occur with Phases I-III, with the approved development of 57 dwelling units and 16,636 SF of nonresidential area.

b. The developer agrees to and shall be responsible for the payment and installation of a fully actuated traffic signal at the intersection of Lisa Lane and Mission Blvd. as soon as AHTD warrants are met and a permit for construction is issued. The developer shall contribute the full cost of the traffic prior to recordation of the final plat of Phases I-III with the approved development of 57 dwelling units and 16,636 SF of nonresidential area. A traffic warrant analysis shall be presented to the City and AHTD with every phase of the development to determine what improvements are warranted and will be installed with each phase of the development.

- c. At the time of connection with Greenview Drive: Minimum 14' from centerline street improvements with curb, gutter, 6' sidewalks, and storm drainage on the east side of Greenview from Mission Boulevard south to Viewpoint Drive.

d. At the time of connection with Greenview Drive, the developer shall construct a limited right-in, right-out access on Greenview Drive. This shall consist of a landscaped median approximately 70 feet in length that separates north and south bound traffic, with appropriate improvements on both sides to ensure adequate access. The landscaped median shall be planted with trees and shrubs to buffer properties west of Greenview. Final design shall be approved by the City Engineer and Urban Forester.

2. The applicant shall dedicate right-of-way as follows:

- a. **City Council determination** of a lesser dedication of right-of-way for Mission Blvd. Mission Boulevard is identified as a principal arterial with a minimum of 55' from centerline right-of-way required to be dedicated to the City with the development of the property per UDC §166.05 (C.6). The developer requests a reduction in the Master Street Plan right-of-way dedication requirements in order to accommodate existing utilities along Mission Blvd., leaving the existing 40-feet from centerline in place. The applicant has submitted a formal waiver request along with an exhibit showing that the full Master Street Plan improvements to Mission Boulevard are

AMENDED CONDITIONS OF APPROVAL:

R-PZD 06-2299

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possible without the full 55' from centerline right-of-way. However, this would require the greenspace and new sidewalk along Mission Boulevard to be placed under a pedestrian access easement granting the City full inspection, access, and maintenance rights for public benefit. The waiver request discusses that the full right-of-way dedication is difficult because of an existing 16.5 foot easement granted to Southwestern Bell adjacent to the existing right-of-way that would be required to be dedicated for a principal arterial. According to the applicant, this easement contains the largest and most expensive fiber optic line in the State of Arkansas, contained within a concrete duct run. Moving this line would be very expensive and could likely be required if the right-of-way is dedicated in its place. *Staff recommends in favor of the waiver request finding that the information presented by the applicant sufficiently indicates that Mission Boulevard can be improved to its Principal Arterial designation along the project frontage with half of a median, two lanes of traffic, and part of the greenspace within the right-of-way, and that the remainder of greenspace and sidewalk (15' total) would be provided within a public access easement allowing full maintenance rights by the City. These access easements shall be dedicated at the time of final plat.*

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

- b. 25' from centerline right-of-way dedication along Greenview Drive by the preliminary plat; variable right-of-way dedication along the internal streets as depicted on the site plan; rear alleys shall be within a 26' access easement owned and maintained by the property owner's association.

3. Planning Commission determination of a waiver of minimum street design standards:

- a. The applicant requests a waiver to allow varied return radius (CRR) as shown on the plat at all street intersections and driveways when City Code requires a 30' CRR for streets (UDC §171.02(C)). *Staff recommends approval of the CRR waiver requests, finding that the minimum effective turning radius as depicted in exhibits provided to staff provides evidence that adverse impacts to traffic and pedestrian safety would not occur.*

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

- b. The applicant requests a waiver to allow different street cross sections than are required by the current Master Street Plan standard (UDC §166.06 (K)(10)(a) and 166.08(C)(14)). The applicant proposes on-street parallel parking, when the Master Street Plan does not have a cross-section that allows designated parallel parking in the design as proposed. In addition, the palette of street widths proposed is not permitted with the adopted Master Street Plan – there are not Master Street Plan street cross-sections with the exact width and dimensions proposed.
 - i. *Staff recommends approval of a waiver to construct all street cross sections as requested (see PZD booklet pages 2-4) finding the variety of street widths will help in traffic calming and are consistent with the overall TND development*

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philosophy for this project to help encourage pedestrian activity, provided that a 7.5' parking lane is maintained, as measured to the face of curb. Staff will review detailed construction plans at the time of development.

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

- ii. *Alley cross-section of 12 feet for two-way traffic. Staff recommended a minimum pavement width of 16 feet for two-way traffic and 12 feet for two-way traffic, as outlined in the Master Street Plan. The applicant has revised the plans, indicating the 12-foot alley will be one-way; therefore staff supports the alley cross-sections as noted. The dead-end alleys shall be increased to a minimum of 16 feet of pavement and shall be designated for two-way traffic.*

THE PLANNING COMMISSION APPROVED THIS CONDITION WITH CHANGES AS NOTED.

- c. *The applicant requests a waiver to allow for retaining walls directly at the back of the right-of-way line when a minimum of two feet is required per UDC Section 171.01(C). Pursuant to city code, a retaining wall is required to be constructed a minimum of two feet behind the right-of-way. As recommended by the Hillside Best Management Practices, keeping improvements within more confined areas (reducing right-of-way, utility easements, etc.) reduces the overall impact on the hillside. Allowing retaining walls to be designed appropriately closer to the right-of-way would allow grading and other site improvements to be as limited as possible, thus decreasing the impact on the site. According to the applicant, no sidewalks or right-of-way would be impeded by the proposal. Based on staff's review of this proposal, in the areas proposed for development, no anticipated issues with this request are foreseen. Staff recommends approval of this request.*

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

- d. *The applicant requests to use alternate vertical K values for street and alley designs on the site rather than those required by the City of Fayetteville Minimum Street Standards due to the steep inclines creating substantial grading challenges. Staff recommends approval of this request.*

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

- e. *The applicant requests a waiver of the 150 horizontal curve radii required by the City of Fayetteville Minimum Street Standards due to the steep terrain on the site. Staff recommends approval of this request.*

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

- f. *The applicant request street grades greater than 4% within 100 of an intersection required by the City of Fayetteville Minimum Street Standards due to the steep terrain of the site. Staff recommends approval of this request, based on several meetings to discuss these intersections, finding they will not create a dangerous*

AMENDED CONDITIONS OF APPROVAL:

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situation.

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

DN: ~~gutter~~ Gutter sections. The booklet calls out stand-up curbs, which are in contrast to the City's street design standards. *Staff supports the requested gutter section, which is in keeping with a more urban design standard. Similar curbs are utilized on Dickson Street and in the downtown area. Asphalt is used as the gutter pan, and provides a wider travel lane section without increasing the overall width of the street.*

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

4. All private alleys and any sidewalks outside the right-of-way shall be included in a shared access easement. This access easement shall be included on the final plat.
5. No parallel parking spaces are allowed within 30' of a stop sign (Fayetteville Code of Ordinance Section 72.03(G)). The site plan has been revised to accommodate this requirement. The applicant shall coordinate all striping of streets and parallel spaces with the Transportation Division and Fire Department, as the ultimate administrators of these code sections.
6. A minimum of 26' clear shall be provided along all alleys to provided adequate room for a trash truck and arm to pick up residential trash carts.
7. Signs indicating future street extension shall be installed at all street stub-outs.
8. A temporary cul-de-sac or turnaround shall be constructed at the terminus of Street 'J' in accordance with State fire code requirements as it is a dead end greater than 150' in length.

DN:

Parking

9. **Planning Commission determination** of a request to allow fewer than required off-street parking spaces than allowed by ordinance for Phases 1-3 of the development, instead providing an abundance of on-street parking to meet parking ratios. As depicted in Table 3 provided earlier in this report, the applicant proposes to provide 112 off-street parking spaces when 160 are required, and proposes that the proposed 82 on-street parking spaces throughout public streets in the development would be able to accommodate the additional required parking spaces required in Phases 1-3. *Staff recommends approval of this request, recognizing that the streets throughout this development, as amended from the City's Master Street Plan specifically to provide on-street parking, would provide parallel parking and can safely satisfy the additional demands for parking not provided off-street as depicted in Table 3. Because of the mixed-use nature of the project, parking demands will peak at different times, as proven by ITE standards. This will result in a more efficient use of infrastructure than the typical single-use parking lots that are empty during off-peak hours. Future parking needs for expansion of any facilities on this property shall be provided in accordance with the UDC. Staff recommendation for this is tied to the street width and Solid Waste Division requirements for adequate access to be provided.*

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THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

Commercial Design Standards

10. **Planning Commission determination** of commercial design standards for the commercial portion of the live/work structures and overall compatibility and transition in the proposed development. *Staff finds in favor of this determination. The building elevations of the live/work structures and all other structures in this development are well-articulated and provide for a consistent and overriding theme throughout the development, which transitions well between the mixed use buildings/flats, townhouses, live-work units, and single-family detached houses. The zoning criteria and elevations for the residential and non-residential structures requires buildings to front the street, and small building setbacks help create a streetscape and facilitate an overall compact and complete development. There is a wide variety of uses and structures that prevent a visual monotony while maintaining a compatible architectural design throughout the site. All non-residential uses being proposed are located interior to the project, away from existing single family subdivisions.*

THE PLANNING COMMISSION FOUND IN FAVOR OF COMMERCIAL DESIGN STANDARDS.

Water and Sewer

11. Off-site water and sewer improvements shall be installed as necessary to provide domestic and fire protection to the development.

Phasing

12. **Planning Commission determination** of the proposed phasing plan. *Staff recommends approval of the phasing as indicated within the submittal. This project is required to obtain all permits in accordance to the Phasing as listed and depicted in the PZD booklet and noted below. A one-year extension may be approved by the Planning Commission (subject to the criteria in UDC Chapter 166 for extensions).*

<u>Phase No.</u>	<u>Year</u>
Phase 1	2007
Phase 2	2008-2007
Phase 3	2009 2007
Phase 4	2010 2008
Phase 5	2011 2010
Phase 6	2012

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

PHASING HAS BEEN ADJUSTED SLIGHTLY FROM THE PLANNING COMMISSION REVIEW TO ACCOMMODATE THE DEVELOPMENT OF PHASES I-III ALL IN ONE YEAR AS NOTED ABOVE AND REQUIRED IN THE AMENDMENTS TO STREET IMPROVEMENTS. STAFF IS IN SUPPORT OF THIS MODIFICATION.

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Parks

13. The developer shall contribute money in lieu of parkland dedication for all dwelling units constructed on this property. Fees in lieu shall be submitted prior to final plat approval for subdivisions and prior to building permits for large scale developments. Fees shall be utilized for the acquisition and development of parkland within the Southeast Parks quadrant.

14. The money in lieu requirement for the proposed development at the time of City Council approval of the PZD is \$229,440 with 103 single family units and 192 multi-family units for a maximum of 295 dwelling units. The developer is currently requesting approval for phases 1-3 with 29 single family residential units and 28 multi-family residential units. The money in lieu requirement for Phases 1-3 is \$16,880, due prior to final plat recordation.

15. All final contributions of fees in lieu of parkland dedication shall be determined based on the actual density that is constructed on the property.

16. Additionally, the developer shall provide the following public access easements at the time of development, on the Final Plat:

- a. A trail corridor located near the western boundary of the site through the tree preservation area with the POA retaining ownership. The Developer shall work closely with the Trails Coordinator and Urban Forester to develop this connection.
- b. A public access easement for the Spanish Steps, leading from the Greenspace/Civic Space north of Street "E" to the Greenspace/Civic Space south of Street "J," as indicated on the plat.
- c. A public access easement for the village green, the larger of the greenspace/civic spaces proposed in the project.

Tree Preservation Plan

17. Revise the tree preservation fencing and tree canopy numbers along the western most ingress/egress off of Mission Boulevard. There appears to be some canopy that could be preserved.

18. Lot 68 located on the east side of the project is unacceptable to the City Engineering Division for tree preservation/mitigation. With the proximity of the water and sewer line under this alley, the entire space to the eastern and southern property line must act as an easement. This change will not allow any canopy to be counted as preserved nor will it allow any of the trees planted in this area to be counted toward mitigation requirements.

19. Mitigation is required on this site. The applicant has requested and been approved to do a combination of on-site planting and money in lieu for the total 265 trees. With the comments of the previous condition, an additional 9 (2) inch caliper mitigation trees will be required. At the time of Final Plat a total number of on-site trees and money in lieu will be approved.

AMENDED CONDITIONS OF APPROVAL:

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20. At the time of final plat a tree mitigation planting plan will be required for review and approval by the urban forester. All trees that can be planted before signature of final plat should be leaving only those on the individual lots to come with the development of the homes. The remainder of trees that can not fit on the site will be paid into the City's Tree Escrow Account.
21. A 3-year bond, letter of credit, or check in the amount of \$250 per tree will be required before signature of final plat to ensure the maintenance and health of the trees planted on-site. Finding all trees healthy at the end of the 3 years the amount will be returned in full.

Landscape Plan

22. Future lots 2 and 3 will be required to go through large scale development at which time landscape requirements will be assessed. Landscape requirements for the remainder of the project (lot 65) will be assessed at time of development plans. Landscaping along the detention ponds and greenspace area to meet City Codes shall be installed with the development of those portions of the project.
23. A landscape plan stamped by a licensed landscape architect is required at time of construction drawings.
24. **Planning Commission determination** of a waiver request of UDC §177.05 (B.3); to utilize the urban streetscape option with a 9-foot sidewalk width as opposed to the required 10 feet. *Staff recommends approval of this waiver, finding that adequate width is proposed to provide accessibility, pedestrian safety and room for the tree to grow.*

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

Plat and Booklet Revisions

25. Revise the plat and booklet zoning criteria for all Planning Areas to require the building setbacks to be a minimum of 10' from all property lines exterior to the PZD boundary line.

General

26. **Planning Commission determination** of zoning criteria. *Staff is supportive of the zoning criteria presented, with the following exception: staff recommends a minimum building setback of 10' adjacent to any property line exterior to the overall 28.93-acre PZD boundary to provide a reasonable level of transition from adjacent properties. No alley or other form of development shall occur within 5' of a property line without the adjacent property owner's consent. The applicant has indicated compliance with this recommendation, though modifications to the booklet and plat are necessary.*

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

27. Large scale development review is required prior to development for Lots 2 and 3. Lot 65 will be required obtain large scale development and/or subdivision approval prior to

AMENDED CONDITIONS OF APPROVAL:

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development, pursuant to the process identified in the UDC. A final plat shall be processed and approved prior to issuance of any building permits.

28. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements. Encroachment of structures or any portion of a structure shall comply with all applicable Building Codes unless otherwise and specifically approved by the City Council at the time of development.
29. Buildings shall be constructed to be consistent with the concepts depicted in the building elevations in the PZD booklet. All buildings shall be designed and constructed to front onto public rights-of-way. All non-residential buildings or mixed use buildings shall adhere to Commercial Design Standards.
30. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code, and shall be subject to signage requirements for commercial development for Planning Area 1, and for residential development for all other Planning Areas.
31. 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.
32. Due to the very large and complex nature of this project, a detailed review of all aspects of the site and landscape plans in each phase of construction shall take place prior to issuance of building permits. The development shall be consistent with the site plan and mix of uses as approved in the PZD. All development shall meet applicable zoning and development criteria, unless specifically waived or varied by the Planning Commission as part of the PZD approval.

Standard Conditions of Approval

33. 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).
34. Trash enclosures shall be screened on three sides with materials compatible with the surrounding structures, with access not visible from the street.
35. All mechanical and utility equipment located on the wall and/or on the ground shall be screened. All roof-mounted utilities and mechanical equipment shall be screened by incorporating screening into the structure utilizing materials compatible with the supporting buildings. Mechanical and utility equipment over 30 inches in height shall meet building setbacks. Smaller ground-mounted equipment may be screened with tall grasses or shrubs. Add this note to the site plan and all construction documents.

AMENDED CONDITIONS OF APPROVAL:

R-PZD 06-2299

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36. 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.
37. All overhead utility lines under 12kv shall be relocated underground. All proposed utilities shall be located underground.
38. 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.
39. Prior to the issuance of a construction permit the following is required:
 - a. Grading and drainage permits
 - b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - c. Final plat for this project that shall include all easements and 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.

ADDITIONAL CONDITIONS:

40. All foundations for structures within the Ruskin Heights PZD shall be designed and stamped by a State of Arkansas licensed engineer or architect, with the exception of accessory structures that are uninhabited and less than 100 square feet in area.
41. The developer has agreed to and shall install a typical screening fence adjacent to any lot within the Broadview and Park Place Subdivisions that share a common boundary with a lot accessed by way of a rear lane (alley) located within Ruskin Heights, at the request of the property owner. Typical fence materials shall be coordinated between the developer and property owners and shall not exceed six feet in height.
42. To provide additional compatibility and transition in response to concerns by neighbors and the City Council, the developer has offered to remove Planning Area 3 - Bungalow Courts from the Master Development Plan. Of the 24 dwelling units associated with Planning Area 3, 17 dwelling units have been moved to the interior of the project in Planning Area 2 - Livework Townhomes, while 7 dwelling units have been moved to Planning Area 5 - Single Family. This move reduces the density adjacent to both Broadview and Park Place Subdivisions while retaining the same number of dwellings for the overall project. The attached table compares the changes in density, acreage and dwellings in each affected

AMENDED CONDITIONS OF APPROVAL:

R-PZD 06-2299

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Planning Area, revised plats and booklets shall be submitted to Planning reflecting these changes prior to submittal of construction documents, and these changes shall be binding to the zoning of the property. Any minor modifications resulting in the shift in units from one Planning Area to another shall be accommodated with the approval of the Zoning and Development Administrator with a full review of the revised booklets and plats.

Agenda Session 2/27/07
Farmington Annexation Public
Hearing. C.I.

December 12, 2006

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

Dear Mayor Coody:

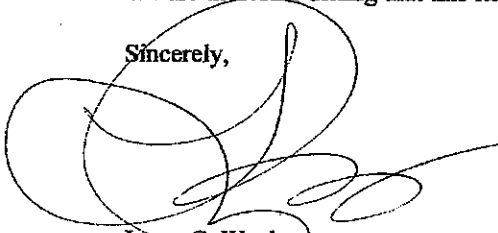
We respectfully request that the de-annexation of our properties be placed on the agenda of the next city council meeting set for January 2, 2007.

My wife, Michelle Weeks, attended the city council meeting September 5th at which time our properties were annexed into the city. At that time she was informed that the property owners could request and be granted de-annexation by coming before the city council and making that request.

We are therefore asking that this item be placed on the city council agenda for that purpose.

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.

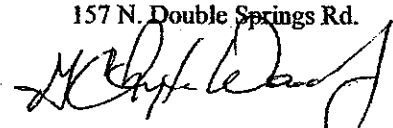
12/12/06

E. JANE ANDERSON
NOTARY PUBLIC-STATE OF ARKANSAS
WASHINGTON COUNTY
My Commission Expires Feb. 12, 2011


John Larsen
157 N. Double Springs Rd.

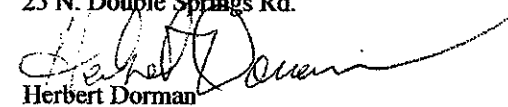
12/12/06

E. JANE ANDERSON
NOTARY PUBLIC-STATE OF ARKANSAS
WASHINGTON COUNTY
My Commission Expires Feb. 12, 2011


George Clay Woody
25 N. Double Springs Rd.

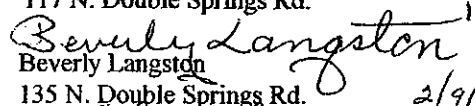
12/13/06

E. JANE ANDERSON
NOTARY PUBLIC-STATE OF ARKANSAS
WASHINGTON COUNTY
My Commission Expires Feb. 12, 2011

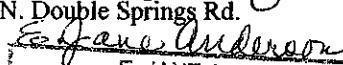

Herbert Dorman
117 N. Double Springs Rd.

12/13/06

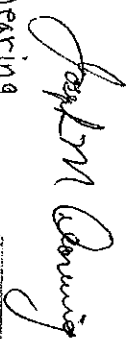
E. JANE ANDERSON
NOTARY PUBLIC-STATE OF ARKANSAS
WASHINGTON COUNTY
My Commission Expires Feb. 12, 2011


Beverly Langston
135 N. Double Springs Rd.

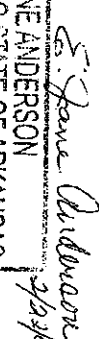
2/9/07


E. JANE ANDERSON
NOTARY PUBLIC-STATE OF ARKANSAS
WASHINGTON COUNTY
My Commission Expires Feb. 12, 2011

199 N Double Springs Rd
= Joseph M. Dearing



E. JANE ANDERSON
NOTARY PUBLIC-STATE OF ARKANSAS
WASHINGTON COUNTY
My Commission Expires Feb. 12, 2011



ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A COST-SHARE WITH SEVEN HILLS HOMELESS CENTER, INC. IN AN AMOUNT NOT TO EXCEED \$56,000.00 TO UPGRADE A PRIVATE DRIVE TO CITY STREET STANDARDS; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$56,000.00.

WHEREAS, Seven Hills Homeless Center, Inc. is required to construct a private drive through the site it is currently developing; and,

WHEREAS, the City of Fayetteville needs a city street to provide public access to the eight-acre Habitat for Humanity development located directly to the south of the Seven Hill site; and,

WHEREAS, entering into a cost-share agreement with Seven Hills Homeless Center, Inc. and utilizing their engineer and contractor to upgrade a private drive to city street standards will avoid the added cost and unnecessary duplication of effort which would arise from the formal competitive bidding process.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby finds that such circumstances constitute an exceptional situation where competitive bidding is not feasible or practical, and waives the requirements of formal competitive bidding to approve a cost-share with Seven Hills Homeless Center, Inc. in an amount not to exceed \$56,000.00 to upgrade a private drive to city street standards.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of \$56,000.00.

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

APPROVED:

By: _____

DAN COODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk/Treasurer

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
February 20, 2007**

A meeting of the Fayetteville City Council will be held on February 20, 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

“Justin Minkel Day” Proclamation: A Proclamation in Honor of Justin Minkel for being named among four finalists for the National Teacher of the Year Award.

Mayor Coody read the proclamation and congratulated Justin for all of his accomplishments.

Alderman Allen mentioned that tonight’s agenda has a number of contentious items and may be quite lengthy. She stated that one of those items is an ordinance that I brought forward and it has been modified since the Council members have seen it. I would like to announce that when that item comes forward on the agenda I will move to table it.

Alderman Jordan stated that he did not have a problem with that.

CONSENT:

Approval of the February 6, 2007 City Council meeting minutes and the February 13, 2007 Special City Council meeting minutes.

Approved

Historic District Commission Appointment: A resolution confirming the Mayor's appointment of Mr. Vince Chadick to the Historic District Commission.

Resolution 26-07 as Recorded in the Office of the City Clerk.

New World Systems, Inc: A resolution approving a three-year renewal of the Public Safety Software Maintenance Agreement with New World Systems, Inc. in the amount of \$78,579.00.

Resolution 27-07 as Recorded in the Office of the City Clerk.

Cruise Uniform and Equipment: A resolution to approve a bid purchase of 140 replacement Glock handguns with related holsters and magazine holders from Cruise Uniform and Equipment for a net cost of \$69,724.20 (after trade-in of used handguns and magazines).

Resolution 28-07 as Recorded in the Office of the City Clerk.

Arkansas Western Gas Utility Easement: A resolution granting a 10' x 138' Utility Easement to Arkansas Western Gas Company across a portion of Red Oak Park.

Resolution 29-07 as Recorded in the Office of the City Clerk.

Mediastar SG: A resolution approving the purchase of a Digital Master Control System from Mediastar SG in the amount of \$95,255.00 for cable-casting of the Fayetteville Government and Public Access Channels.

Resolution 30-07 as Recorded in the Office of the City Clerk.

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

UNFINISHED BUSINESS:

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 appeal was tabled at the February 6, 2007 City Council meeting to the February 20, 2007 City Council meeting.*

Jeremy Pate, Director of Current Planning: The neighborhood was going to try to meet. The Alderman should be able to speak about that meeting.

Alderman Lucas asked about the stub out to the east. She asked if it would be a street stub out.

Jeremy Pate: It would be a cross access to the east where the parking lot is shown so it would provide cross access to whatever development.

Alderman Lucas: To the east, it will be a street stub out.

Jeremy Pate: It would not be a public street. It would be a drive aisle. So it would be like two properties that adjoin each other that often times have cross access between them.

Alderman Lucas: Why did you not have a street stub out there, because usually you require one?

Jeremy Pate: This would have a stub out all the way to the east property line; it simply would not be a public street. There are two options here, one is to provide a full blown public street into this property or provide what they have shown here, this drive aisle which is more typical with a residential multi-family type of development pattern. So it would still provide public access to the east and west.

Alderman Jordan: I noticed that the residential lot that is vacant plus the duplexes are zoned residential. There is a parking lot there which also seems that it is going to go to the residential side. I understand that it has been determined that they can put the road in there simply because that becomes part of the residential development part, is that correct? Just explain to me how we can take a residential lot and put a road through it.

Jeremy Pate: All of these properties are platted lots. Both of those properties are zoned RMF-24 Residential Multi-Family 24 Units per Acre. If the Commercial piece wasn't even considered, and their only access was to West Custer, a property is allowed to access a public street as long as they have frontage to that public street, as long as the same use is being utilized on that particular piece of property. In the commercial zoning you are allowed commercial uses but you are also allowed some multi-family accessory uses. Less than 50% of that overall square footage will be residential as well. Both of those meet our codes in terms of the uses and where they can access that.

Alderman Jordan: So even though we have commercial in there they can't access off there?

Jeremy Pate: Sure, that's part of a lot of properties you see where you have cross access between different properties.

Alderman Jordan moved to amend the large scale development on the grounds of traffic safety and put the road off of 18th Street. Alderman Lucas seconded the motion.

The motion was voted on after discussion of the motion occurred.

Alderman Cook: I always stand on connectivity. I would think at least at a minimum that we would have a one way out of that connection at Custer at least coming in. I would hate to completely cut it off of Custer Lane and force all the traffic onto 18th Street, but at least have one other ingress into the project than just off of 18th Street.

Alderman Thiel: It looks to me like it's ultimately going to go back to 18th Street. So all you've done is created a cut through. You haven't really provided new accessibility into this project or out of it.

Alderman Jordan: When you put that on Custer you have two ways to go, back to 18th Street or right through the neighborhood.

Alderman Cook: My only comment about one way in is the people that live on Custer that will have to drive to the commercial portion will have to go all the way to 18th Street and come around to get into that area. Otherwise they might have an opportunity without going all the way to 18th Street to get into the project as just a one way.

Alderman Jordan: There is a lot of concern that with that coming out there that it is going to create a dangerous traffic situation.

Eva Madison, representing her family who owns seven homes in the Red Arrow Addition stated we are very concerned about what happens to this neighborhood and the people who live there. We oppose the Pebble Creek Flats Development but we would be in favor of Alderman Jordan's proposed amendment that we restrict the West Custer access. The Neighborhood does not feel that one way in and out would work because the traffic problem is still there. There are some serious concerns, because it's not a city street, of how that would be enforced.

Chuck Bell, the property owner: We are doing everything that we need to, to do this project right. Planning has told us they would not support this project if we do not have two points of ingress and egress. I would be in support of making it a right turn only out onto Custer Avenue. We have traffic information that determined this would not affect this area. I think it would be good to keep it there for the commercial and for the ingress and egress of the project so that everyone doesn't have to drive through the commercial to get to their homes in the back.

Alderman Rhoads asked Chuck Bell if he was for the amendment or against it.

Chuck Bell stated he was against doing away with the entrance off of Custer and that he was against the amendment.

Jeremy Pate: It is the City Council's decision at this point in time, whether you feel this project meets the adopted ordinances that you have in place. It is my job as the City Planner to recommend to the Planning Commission a project that meets city ordinances and building policies that you have adopted. In doing so, looking at one point of ingress and egress for this development, requires a waiver to even have that. Staff was not comfortable recommending one point of ingress and egress for this development because they were able to meet all city codes and provide a point of ingress and egress to West Custer Lane. They are also meeting the policies of connectivity in completing this neighborhood, therefore we recommended in favor of both of those situations. The Council can change that is your desire.

Chuck Bell: If we were to do away with that entrance and not get a waiver, how would that affect the project?

Alderman Jordan: It would not hurt it.

Chuck Bell: So this will also approve the waiver for 18th Street?

Jeremy Pate: It would if that is the only amendment that you make.

Eva Madison stated in reviewing the City Attorneys memo regarding other reasons for which the access could be denied, one of those is that it would violate a city ordinance. We believe that the proposed access does violate a city ordinance.

She went on to point out the access on a diagram and discussed how it violates city ordinances.

Necia Parker-Gibson, a citizen: The main point I have was that in the neighborhood there are effectively three outlets to the main streets. One way or another we are ending up with apartments or other multi-family dwellings that add traffic. This is one more occasion of added traffic. The amendment serves one purpose in keeping the zone clear for the neighborhood to get out in the morning.

Jack Butt, Attorney representing the owner and developer stated this is a project that city staff found to be in accordance with code. He went on to describe the process they have gone through thus far. He stated I appreciate your obligation about all citizens and all matters. We are down to an argument against somebody who has met every criteria of the code and comes before you endorsed by the staff you hired and trained for this purpose. It was approved by the Planning Commission and now you are trying to micromanage by an amendment. I would defer to the staff and Attorney Williams advice as to whether you have authority to do what you are doing.

Alderman Lucas: I generally favor connectivity between neighborhoods, but I am not in favor of connectivity when it has the potential of destroying a neighborhood and establishing an unsafe traffic pattern. It's important that we protect the safety of neighborhoods.

Alderman Ferrell confirmed what they were voting on and what was previously discussed. He asked if this amendment passed, would they still be able to develop the project but just with one way in and out.

Mayor Coody: Is that accurate? If this amendment passes you will still be able to develop your project.

Chuck Bell: I believe if we are granted our waiver, yes sir.

Alderman Jordan: I have lived in this area for 30 years. I know most of the people out there.

He pointed out other locations with one way in and out. He stated these people have not come here because they don't want the development.

The only thing this neighborhood has come here before this Council to ask for is to not put a road in their neighborhood on Custer because they think it creates a safety issue and I do too. As elected officials we are public servants of the people. It may be wrong to vote for this amendment but I would rather be wrong and stand with these people than to be right and stand against them. That is why I am going to support this amendment.

City Attorney Kit Williams: I have a couple of questions for the developer. To respond to some of the statements that were made about the parking as shown, was that going to be commercial parking?

Chuck Bell: Part of that is zoned C-1 or C-2.

City Attorney Kit Williams: So the parking would be for the apartments that are above the commercial?

Chuck Bell: Either above the commercial or for the commercial also.

Yumi Rudzinski: One of the reasons that we parked underneath that area is because of a 100' easement that we are leaving there. We were only asked to have 50', but just in case there is anything in the future, the developers are looking at this and saying we are going to provide for this easement.

City Attorney Kit Williams: That is an established electrical easement?

Yumi Rudzinski: Yes, it sort of restricts the areas we can build on. That is why parking is a key thing to build at the easement area because if we plant anything underneath there they will remove it.

City Attorney Kit Williams asked Jeremy Pate if it was unusual to have shared parking in both residential and commercial or would that be a violation of our ordinances?

Jeremy Pate: We do not see a lot of mixed use projects, to meet parking code requirements those would have to be utilized for residential parking.

Alderman Allen: I am in favor of connectivity, but exceptions are made and I want to see the exceptions made equally in affluent neighborhoods and older neighborhoods that might contain affordable housing. I will vote for the motion.

Chuck Bell: I believe this was also a requirement to meet fire code. So by voting for this amendment you are going against the fire code.

Yumi Rudzinski: We originally had the two way access and the neighbors wanted us to get rid of the access onto Custer Street. We met with the Fire Marshall and he informed me that if a vehicle was stuck, there is no other way for him to get onto the property. If there is just one point of connectivity to the development I want to make sure the Fire Marshall will support it.

Fire Chief Tony Johnson: The Fire Marshall in his duties is following the adopted code. With that code we will listen towards any equal alternative but in support of the Fire Marshall he was just following the code.

Mayor Coody: I don't think the Fire Department would not service the development if this amendment is approved. They will continue to service it.

Sue Madison, property owner stated it seems to me that the Planning staff just said that the parking is going to serve the red building which is commercially zoned. It may be his interpretation that that is not in violation of the zoning ordinance, but when you have parking in a residential lot that is serving a commercial lot, to me that is a commercial parking lot and that would constitute a violation of the zoning ordinance.

Alderman Jordan moved to amend the large scale development on the grounds of traffic safety and put the road off of 18th Street. **Alderman Lucas** seconded the motion. Upon roll call the motion passed 7-1. **Alderman Cook** voting no.

City Attorney Kit Williams: If you wish to approve the large scale development as amended, that would be the appropriate motion.

Alderman Jordan moved to approve the Large Scale Development as amended. **Alderman Allen** seconded the motion. Upon roll call the motion passed 7-1. **Alderman Cook** voting no.

Resolution 31-07 as Recorded in the Office of the City Clerk.

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 ordinance was left on the Second Reading at the February 6, 2007 City Council meeting.*

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

City Attorney Kit Williams read the ordinance.

Jeremy Pate stated the southeast corner contains Drake Field as part of the subdivision which is West Ridge Subdivision. It does contain that, it is on a decentralized sewer system so that is just some information I would like to share with you. In the southwest corner, that development is not being built and at this time there is nothing planned for the southwest corner.

Calvin Bay, a resident of Forest Hills Subdivision stated that over 100 people signed a petition saying they were not in favor of developments in certain locations. He went on to speak against the ordinance due to drainage problems.

Glyinis Reardin, a resident of Forest Hills Subdivision asked what was the Council's view on putting commercial property on septic systems. Is there a point in bringing commercial property on where city services can't provide it or what are the ordinances for such?

Tim Conklin, Planning and Program Development Director: In areas where we do not have sewer available we have allowed septic systems to be installed in the City of Fayetteville. Planning staff was looking at the possibility of creating a neighborhood commercial area to serve a residential area. Something would have to change in order to allow that to actually develop to the north since they are utilizing that land for the centralized sewer. The Planning Commission did recommend in favor of that however there are many areas where we have left the zoning as R-A or RSF-1 and in this instance we were trying to establish a land use out there up front ahead of development but there would be some challenges with that.

Alderman Jordan: Does that mean staff is in favor of it or against it?

Tim Conklin: At this time it would be very difficult to develop to the north with the decentralized sewers so rezoning it today wouldn't make that much difference because it has a decentralized sewer system with a reserve field in that area zoned C-1. That is something that would have to be changed.

Alderman Lucas: We are talking about the west side of Harmon too aren't we?

Tim Conklin: Yes, west of Harmon has a plat that left that out as an out lot with nothing planned on the southwest corner.

Alderman Jordan: If an individual came to the Council, they could ask for a rezoning to commercial, could they not?

Tim Conklin: Yes, they could.

Alderman Jordan: They could do it individually.

Tim Conklin: That's correct. What staff attempted to do with this annexation was to bring forward rezonings of platted subdivisions and potential commercial uses or a node. In the past when we have annexed the islands we have either left those as R-A or RSF-1. In this situation we actually have recently platted subdivisions with homes being built and that is why we brought it forward. However, there is nothing planned on the commercial piece and so there is not a project pending that will be coming before the city at this time.

Alderman Ferrell: If later on somebody wants to come and ask for a change of zoning I think that sounds a little simplistic. I would be in favor of moving with it.

Alderman Cook: Is this area on our future land use map at this point? As far as future land use, what would this area be?

Tim Conklin: I do not have that map in front of me.

Mayor Coody stated in the background on page 2 on the last line it says these statements make the proposed zoning consistent with the future land use plan.

Alderman Cook: So if we didn't move on it and left it R-A then any project that might come forward, the guiding policy shows that it should be commercial use in that area. So even if we decide not to rezone that now, anybody that comes forward in the future, Planning Staff would try to guide them in that direction because that is our future land use in that area.

Tim Conklin: It shows on our future land use map as a rural area right now. With regard to the residential development, we try to encourage neighborhood commercial uses to serve those neighborhoods as a policy.

Mayor Coody: So you are just trying to get ahead of the curve in this area?

Tim Conklin: That is correct.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 5-4. Alderman Rhoads, Ferrell, Lucas and Gray voting yes. Alderman Cook, Allen, Jordan and Thiel voting no. Mayor Coody voted yes to break the tie.

Ordinance 4983 as Recorded in the Office of the City Clerk.

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 ordinance was left on the Second Reading at the February 6, 2007 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.

Tim Conklin: What I would like to do is pass out the final plat. It was recorded on July 12, 2006. There are homes being built in this area, approximately 46. Staff is bringing this forward so we will not have individual rezoning requests coming before the Council.

Alderman Lucas: The Planning Commission recommended this to remain R-A, is that correct?

Tim Conklin: That is correct; we included it with the property to the west as part of the rezoning. I pointed out to the Planning Commission that there was a plat that has been approved. There are homes built on many of the lots in this area. If you do not rezone this and it remains R-A these lots will be nonconforming lots. I believe since the citizens of Fayetteville voted to annex this area into the city that having 46 individual rezoning applications would create a lot of work to make a 10,000 square foot lot conform to our zoning.

Alderman Thiel: My understanding was that the reason the neighborhood was opposed to this was because it included the large area and that has been pulled out. Is that correct?

Tim Conklin: That is correct; this area has been pulled out, what you are considering this evening is approximately 17 acres or 46 lots.

Alderman Thiel: But, they were not opposed to that being rezoned, it was only the center and we heard from them as to why they were opposed to that larger area being rezoned.

Alderman Lucas: I asked at Agenda Session about the valve that is going to be placed at Double Springs, do we have anybody to speak on where we are on that?

Fire Chief Tony Johnson: I spoke with David Jurgens and that is in progress. There is some design and engineering yet to be done but it is in progress and it will happen. How soon I don't know but as Fire Chief I want it as quickly as possible to meet the code requirements of 1,500 gallons per minute.

Alderman Jordan: But you don't have that now?

Fire Chief Tony Johnson: No, we are working towards it.

Alderman Jordan: You have a seven minute plus response time in that area.

Fire Chief Tony Johnson: I think that is what the records reflect and I think that information has been provided. I can state that we have entered into a mutual aid agreement that is automatic with the surrounding townships which reduces that time somewhat. That is an ongoing program.

Alderman Cook: That's a struggle we are going to continue to run into, the services that we have in this area. This particular lot is already being built at RSF-4 and I'm going to support it based on that alone. The lot across the way that we took out, I would struggle trying to zone that to RSF-4 because there aren't any services there.

Alderman Lucas: I agree with that. This would give us an opportunity to plan what was best for those different areas. If this was not already being developed I would not support a development out there until we had other city services.

Mayor Coody: Once we do put sewer out here is there any documentation that says they will disconnect from their step systems and hook to the city sewer?

Tim Conklin: Under our city ordinances if you are within a certain distance you have to connect and currently we are requiring them to be gravity flow to connect. We also have an ordinance with regard to decentralized systems within the city.

Mayor Coody: When will that be coming forward, do you know?

Tim Conklin: In the next three to four weeks.

Alderman Thiel: What effect does that have on decentralized systems?

Tim Conklin: There will be a policy discussion on whether or not we want to allow decentralized systems within the city.

Alderman Thiel: Is that in a subdivision or in individual lots that do not have access to sewer?

Tim Conklin: We are talking about a larger system that has a drip field, not septic.

Alderman Jordan: I understand why people are supporting it. I usually don't support anything over a seven minute response time because I think it becomes a safety issue. I have some concerns about that.

Mayor Coody: I think all of us are concerned about fire issues all over the place.

Alderman Lucas: I feel better since the Chief told us that it is in the works and also that there is a shared response out there.

Eva Madison: It is my understanding that this area will never be served by Fayetteville water because the system will be too expensive for Fayetteville to take over.

City Attorney Kit Williams: There is a possibility that it could be but it's very unlikely because of financial considerations.

Alderman Thiel: Until we serve all the citizens in Fayetteville, I will never support running water out to an area we annexed.

Alderman Lucas: What I was talking about is there is a valve that we're going to put in at Double Springs so that when there is a fire the valve will open and the pressure will be strong enough. That can be done between Washington Water Authority and Fayetteville.

Mayor Coody: Our wastewater is a different situation than water.

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

Ordinance 4984 as Recorded in the Office of the City Clerk.

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 resolution was tabled at the February 6, 2007 City Council meeting to the February 20, 2007 City Council meeting.*

City Attorney Kit Williams: I handed out the signed contract. There were a couple of minor changes such as a better definition of gross revenue and also a little more protection for our PEG channels to make sure they are offered on the basic the lowest of service.

Jim Bemis, a citizen stated he appreciated the time and effort that has been spent on this. He stated his opposition to this agreement is not based on any opposition to AT & T. His opposition is based on the fact that we have no firm assurance in this agreement in terms of what they are offering. He went on to express his concerns regarding the agreement.

Cathy Foraker with AT & T: We currently have 800 numbers set up for customers. If a complaint is escalated I get involved to try to resolve them quickly. We have a long history of taking care of our customers and we would continue to do that with a new product.

She went on to describe the agreement. She stated the agreement is left vague so that as the technology emerges we can embrace everything that is bought to the table at that time. We would provide a grant to the city that would cover all the costs to get the PEG Channels up to the IP platform that we need to be able to deliver that service.

Alderman Jordan: The quality that we have on the PEG channels now, is that going to remain as good or be better?

City Attorney Kit Williams: You are going to provide the same quality with the PEG channels as you do with the other non PEG channels correct? You are not going to short change the PEG Channels and have them a lesser quality is that correct?

Cathy Foraker: That is not my understanding at all. They would be delivered with the quality that you see today. But I have not seen the product, they are still developing it.

City Attorney Kit Williams: The contract says AT & T accepts the responsibility for necessary costs of capital improvements that might be needed by Fayetteville. I heard you tell the City Council that that means you are going to pay all the costs that might be required in order to put the PEG channels on your system. There will be no net costs to the City of Fayetteville despite some of the large figures that have been suggested by some concerned citizens, is that correct?

Cathy Foraker: That is correct.

Alderman Allen: I am trying to understand what sort of commitment you feel that AT & T has to the PEG channels.

Cathy Foraker: It is a very strong commitment, that is why they put the terms in the contract and they left the grant open ended.

Alderman Allen: This AT & T package that you are presenting to us, is it tailored to our community and our wants and needs or is this a package that would be given to any city?

Cathy Foraker: The programming will be consistent from market to market. The consumer has the choice that they've not had before. In all of those packages you would have the PEG channels for every market that has it. That is why the contract says we will match the existing number of PEG Channels that the city has. Your grant would be much larger because we want to get all three channels up to our IP platform.

Alderman Thiel: I just want to point out that the contract under 4.d states everything that you said very clearly.

Alderman Jordan: You are basically going to offer a base cable rate?

Cathy Foraker: At the last Council meeting I offered the explanation that on our phone service we have a program called lifeline that will offer discounts up to 60% for families that meet a certain criteria which might be government subsidy, food stamps and they can qualify for low rates on their phone service because we want everyone to have access to 911 service. On the video product, even though we have the choice of packages where if you don't want 100 channels you can offer just the family package which is based lower. From what we've seen in other markets when you have competition the rates for both providers tend to go down as much as 25%.

Colleen Pancake, a citizen stated after the capital improvement grant there may be costs above and beyond that in the form of maintenance that won't be covered that the city will incur to keep the PEG Channels available. Who is going to pay those? These costs need to be covered. She asked that this topic be addressed.

Alderman Allen: Could you be more specific about the kinds of costs you are talking about?

Colleen Pancake: Maintenance costs such as technician fees. Our main concern is that we are not killed by some loophole of an extra cost that the city can't afford.

Alderman Lucas: Does Cox do it now?

Colleen Pancake: There are no added expenses. It is figured into our budget.

Alderman Lucas: So Cox doesn't do it now?

Colleen Pancake: No, Cox doesn't need to. It's set up; we just feed it to them with the connection at the PEG Center.

City Attorney Kit Williams: The city has maintenance costs for their cameras and equipment. That is a city expense. That is not something we have charged Cox for. As you know it was a City Council decision long ago that the franchise fee would not be paid directly to the PEG channels and be for their use, but instead would come into the General Fund and then the City Council will decide how much money should be allocated. There might be a few additional costs to have two providers instead of one. There will have to be space utilized and more maintenance costs. I felt like because we didn't charge Cox for any maintenance that it would not be fair to charge AT & T. By the end of this contract we can look at maintenance cost and if they have shot up dramatically, we can address that at that time once we have had a chance to look at what has really happened.

Mayor Coody: On the consent agenda tonight we just approved \$95,255 for cable casting equipment for the Government Channel and the Public Access Channel so as this comes in to the General Fund we reallocate it to buy equipment.

Colleen Pancake: When the subject was brought up at the Telecom Board meeting Cathy Foraker came up and addressed it and said she doesn't know the additional costs yet. We still have an unknown additional cost that has to be addressed and I know our meager budget will not allow for it. I want assurance that somebody is going to pay for it.

Alderman Thiel: We are going to continue to want government access to be provided to the citizens and public access goes along with that so we are going to continue to fund that so people can see both.

Steve Nickles, a citizen asked if the city has had the opportunity to contact and consult with any other cities and if so what did they learn.

City Attorney Kit Williams: The model cities I looked at were in Arkansas because so much of this is based on state law. The agreement that we have there is an issue about whether or not we have the right to regulate and so this is a much more simple and shorter contract. Our contract is pretty similar to some of their contracts. We might be able to go into a more in depth contract in the future that would require more customer service requirements with Cox now. Competition will do a lot to try to help customer service be improved by both parties because they will be competing for clients and customers. I did not research contracts in other states because there is a lot of difference between the state laws.

Steve Nickles: I understand that there are differences and this is a very complex issue but we shouldn't risk being incurious about these things. To have a dialogue with these other cities is essential.

Alderman Ferrell stated the Telecom Board chairman said the board needs to make its decision based on what is best for the city and not what is best for the PEG channels. Another board member Mr. Cusanelli stated he does not see a downside to the contract. He went on to give an example of the pride his former company took in being good corporate citizens. He stated I have no reason to believe that this company will not do the same.

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

Resolution 32-07 as Recorded in the Office of the City Clerk.

NEW BUSINESS:

Amend 2007 Budget: A resolution approving a budget adjustment to re-appropriate \$163,698,250.00 in order to retain current fiscal year project funding for identified, scheduled and on going Capital Improvements; and authorizing the Budget and Research Division to make any needed reductions.

Paul Becker, Finance and Internal Services Director gave a brief description of the resolution. He stated it this will move forward authorized programs from last year into this year's budget. It is required because Arkansas statutes don't address multi-year funding. This allows us to continue with these programs that have been started in the prior years.

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

Resolution 33-07 as Recorded in the Office of the City Clerk.

Mobile Data Terminals: An ordinance waiving the requirements of formal competitive bidding and approving the purchase of Mobile Data Terminals with the associated hardware and software in the amount of \$268,600.00 for use by the Fayetteville Fire Department.

City Attorney Kit Williams read the ordinance.

Alderman Cook: Based on the fact that the Fire Department is already using this same equipment and this is a budgeted item I would like to move onto the second reading.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 4985 as Recorded in the Office of the City Clerk.

RZN 07-2419 (Kelly): An ordinance rezoning that property described in rezoning petition RZN 07-2419, for approximately 44.74 acres, located at 3184 South City Lake Road from R-A, Residential Agricultural, to RSF-4, Residential Single-Family, 4 units per acre.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance. He stated Planning Commission voted 7-0 to forward this to the City Council and staff recommended approval.

Betty Arambel, a resident of 3091 City Lake Road stated that one of her concerns is in regards to the number of cars that would be added due to the passing of this ordinance. She stated that putting four houses per acre across the street seems like a big jump.

Dave Jorgensen, a representative of the Kelly's stated we are interested in working with the surrounding neighbors and we have talked to the surrounding neighbors. We would like to sit down with them and listen to their concerns and work with them in any possible way we can. I suppose that no matter what we do some people are going to be opposed to it.

Alderman Thiel: I live in that vicinity. I appreciate that you are contacting all the neighbors. Anything that Adella and I can do to facilitate a meeting with the neighbors we would certainly do.

Alderman Allen: I didn't quite understand when they anticipate Fire Station #3 to be completed.

Mayor Coody: This year.

Alderman Allen: So there wouldn't really be any overlap, in terms of houses being built without protection?

Dave Jorgensen: The fire station was presented to the Planning Commission this past week so they are going to be way ahead of us there.

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

City Attorney Kit Williams read the ordinance.

Alderman Thiel: I would rather not go to the third and final reading on a rezoning like this without making sure that everyone has had their say. There is not any real urgency is there?

Dave Jorgensen: No ma'am.

This ordinance was left on the Second Reading.

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.

Jeremy Pate: This appeal is by the applicant/developer. It is an appeal of the Planning Commission's determination of one specific condition of approval for this preliminary plat which is the street standards. One of the waivers that were required was the decision on whether the street that accesses James Street and Wedington be public or private. If we do it any other way it will take a waiver of our Code requirements. The Planning Commission determined in their findings that the waivers that would be required to make this public were too many. Staff recommended that this be a private street and Planning Commission also determined that.

Alderman Lucas: So the developers are appealing your decision to make it a private street?

Jeremy Pate: Yes Ma'am.

Steve Mansfield, developer for the project: Our view is while there are many issues that we would need to overcome to make this street fit within the guidance of the public standards, I believe through re-engineering we are down to two issues. One has to do with the distance of the curves of the street and the other with the radius of the curves. Both issues exist on other public streets in the city so this is not that unusual.

We are about to get started on this project. This is the only issue standing in our way to get the project off the ground. We would like you to overturn the decision to make this a private street. My understanding from an Engineering standpoint is that safety is a concern for them. We have also talked about reducing the speed of the street in order to make it safer. We are willing to put up signage that would make people aware that there are curves. We are willing to do what we can to help. We are here to ask your okay to connect to public streets with a public street as is the case throughout the city.

Alderman Thiel: Is there a cost to the city to maintain such a steep driveway? What is the reason?

Ron Petrie: The maintenance issue is one factor but really not the driving factor with our opposition. It is strictly a safety issue because of the slope and the closeness of the intersections. The developer discussed an alternative lay out that you do not have a copy of and that has not been officially been presented. If we are going to look at an alternate design I think it would be beneficial that we get copies so we can provide comments.

Tom Jeffcoat, Milholland & Company: We presented an alternative in removing a cross street and presented it to staff for consideration. It has not been presented as an amendment to the approved PZD.

Ron Petrie: I would recommend that the Council receive copies of the amendment and give the staff time to do a formal review. We can table this and hopefully make that decision at the next meeting. That's my recommendation.

Alderman Jordan: I would recommend that the Street Committee look at the alternative and make a recommendation back to the Council.

Alderman Jordan moved to table the appeal to the March 20, 2007 City Council meeting. Alderman Lucas seconded the motion. Upon roll call the motion to table passed unanimously.

This appeal was Tabled to the March 20, 2007 City Council meeting.

R-PZD 06-2299 (Ruskin Heights): An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-2299, Ruskin Heights, located west of highway 265/Crossover Road, on the south side of Mission Boulevard; containing approximately 28.93 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the project.

At this time the applicants are requesting that 57 dwelling units to be constructed. This would give approval for 57 homes to be constructed, 28 detached and 29 attached as well as approximately 16,600 square feet of nonresidential space which would be incorporated within some of those live work units. The intensity of the development would incorporate 58,000 square feet of nonresidential area, approximately 10 units per acre for this overall site. Planning Commission voted 5-2 for approval. Staff also recommends approval.

Jeremy explained the planned areas and what would be constructed in the different areas. He stated he thinks this project does a good job in meeting the six goals that Dover Kohl presented to the Council and the Council adopted in City Plan 2025. Jeremy stated he thinks this is infill. He stated this is not a single type of use development, it is a true neighborhood. He stated this development would discourage suburban sprawl.

Jeremy explained some of the conditions of approval.

Alderman Thiel: According to the conditions of approval the remaining phases after Phase 3 would not be allowed to be built if the Highway Department does not allow a traffic signal.

Jeremy Pate: That is how the conditions of approval currently read.

City Attorney Kit Williams: The approval that was recommended to you by the Planning Commission was only the approval of Phases 1, 2, and 3. The developers have agreed to, at the end of Phase 3, if there is not enough traffic to generate a signal they would contribute to the city the full cost of a signal. Even with that stipulation this PZD would not grant development rights beyond the first three phases. They would have to come back and justify further development rights on this property beyond the first three phases.

Alderman Thiel: They are being granted a reduction of the right of way requirement on Mission. Does this change the possibility of a full turn lane and widening Mission?

Jeremy Pate: There is a major SBC trunk line and would be very expensive to relocate outside of the right of way. We required the applicant to provide cross sections proving that the same improvement that would occur on a principle arterial, a five lane section could occur within that right of way. They have also agreed to give extra easements outside. In your packet they have a drawing that shows all those improvements can occur within that right of way.

Marina Khoury, designer for the project gave a brief description of the project and their proposal. She talked about a pilot program LEED for Neighborhood Development. She feels this project would meet the goals on the pilot program. She said they are committed to this process and are excited about it.

Ward Davis, Developer: He spoke of great neighborhoods and what those neighborhoods have to offer. He went over the design of the project with the Council. He said the streets curve around and follow the topography of the land. He said there is a logical transition of unit types and a large amount of public space on the property. He went over the 2025 goals that this project would meet. He stated this project addresses affordable housing. Mr. Davis explained the public process that this project went through and the changes that were made due to public input. We want to be a great example not just for Fayetteville but for the rest of the country on how to implement a plan like City Plan 2025 and the Hillside/Hilltop Overlay District Best Practices Manual and how to grow substantially in a wonderful environment for people to live.

Alderman Ferrell: As far as the public process of this development would you mind going through that again.

Ward Davis: We had over 500 people attend the charrette that we had. We also had over 27 hours of public meetings and a lot of one on one time with the public. We also spent a lot of time meeting with neighbors and a lot of time meeting with other folks around town.

Mayor Coody: Jeremy, with the principles that we have in the 2025 Plan and the Best Practices Manual from your perspective how does what they want to do square with what we want to see happen here in town?

Jeremy Pate: I think it fits very nicely. The challenge on this site is the difficulty in trying to harmonize the two different goals of the Hillside/Hilltop ordinance, environmental issues on a property and also to develop an infill site at a density that is more sustainable. The merging of those two goals has come together really well. It has not been an easy process. We spent a lot of

time from a staff perspective on this project. We have not supported a lot of the things on this project; it has not been easy for the applicant or us. Trying to come to terms with all the goals that we have and trying to infill Fayetteville in the unique topography and setting that we have has been a challenge but I think it has been a successful one in this case.

Alderman Thiel: In reviewing the 2025 Plan the map that shows the sector infill maps this is not in an intended infill area.

Jeremy Pate: We came forward with the Interim Future Land Use Map and a Sector Map and we combined those two maps together. Then we came back, as the Council directed us to do, with a City Plan 2025 Map that was much different. When I refer to the Future Land Use Map that is the principle map that we are utilizing for those areas.

Alderman Thiel: All I am pointing out is that area is not in the intended growth sector.

Alderman Ferrell: On a one to four with four being the densest and one being the least in Fayetteville would you say that you would consider this about a 2.5?

Jeremy Pate: In Fayetteville I would say that is probably pretty close.

City Attorney Kit Williams stated the conditions of approval reflect that the Planning Commission decided that there would be no zoning approval beyond Phase 4 not Phase 3.

Alderman Thiel: So they can go through Phase 4.

City Attorney Kit Williams: Yes. That was the motion by the Planning Commission so that is what the conditions of approval should read. That would be approximately 30 units.

Alderman Thiel: Without a traffic signal.

Allison Harder, 2146 Camelot, Ward 1 expressed her concern about the density of the project. She said some of the Planning Commissioners asked for the density to be reduced and the planners have not made that attempt. She would like to speak for the Planning Commissioners that wanted the density reduced. She stated she likes the development; she thinks it is beautiful but would just like to see it a little more reasonable within the area, to fit within the area. She would also like the developers to find a different way to access the garages on the east and south side that border Park Place without the planned alleyway. She voiced her concern about the alley being a criminal access point because it connects close to Mission. She would like to see the alleyway gone. She stated she does not see an alley 12 feet off her property as desirable to her community.

Cynthia Parker, 1680 E Shadowridge Drive, stated she shares quite a bit of property line with this subdivision. She is opposed to it because of the density and she does not think Mission can support it. She is also opposed to the access on to Greenview.

Philip Cameron, 1663 Viewpoint, voiced his concern about access to Greenview and the traffic this project would generate for this area.

Melanie Diesel, 1991 Greenview, Ward 1 stated the road that will feed into Greenview will feed into her front yard so this concerns her a lot. She also voiced her concern about Mission Boulevard during the construction of this project. She asked the Council to give serious thought to the impact this is going to have to this neighborhood where some people have lived 20 to 30 years.

Mary Kim Cumming, 2035 N Erstan, voiced her support of Ruskin Heights. She chose to move to Fayetteville from Nashville, Tennessee and she chose Fayetteville because it has the ability to have all the amenities of a large city and the feeling that you know all of your neighbors. She stated she feels Ruskin Heights encompasses all the reasons that she moved to Fayetteville.

Doy Zachry, Shadowridge and Greenview, voiced his concern about some of the tree canopy east of Greenview and north of Shadowridge. He said some tree removal must occur and it concerns him that the slope may be destabilized. He said if a wider buffer could be created it would help. He is also concerned about the traffic.

Malcolm Cleaveland, 655 East Debra Drive, Ward 3, professor and master's degree in forestry stated both the tree and slope ordinances are really weak. This development is going to have a lot of impermeable surfaces. That is going to cause more down slope erosion on those surfaces that are not covered and water problems for the people living below. This development is going to do bad things for this area.

Walter Killion, 839 Hazel, Ward 2, voiced his concern about slope stability and the impervious surface. He stated canopy is important to slope stability. He stated there needs to be a bigger buffer. He voiced his concern about the drainage.

Joann Kvamme, 1982 Greenview Drive, Ward 1, stated the neighborhood concerns are density, traffic, non-compatibility with the surrounding neighborhoods, forest destruction, slope destabilization and runoff onto existing properties. She stated the traffic needs to be addressed before we put more traffic on the roads. Improve the infrastructure first.

Jonathan Story, 201 W Miller Street, Ward 2: I believe that Ruskin Heights represents an opportunity for Fayetteville to set a new trend towards a type of growth that better reflects the spirit of our city. By being proactive and encouraging the right kind of growth Fayetteville can be even more beautiful than it ever was and future generations can enjoy an even greater quality of life than we have right now. I believe that Ruskin Heights is a step in the direction that we as a city have said that we want to go by conserving and taking advantage of natural, employing unique and attractive architectural designs and integrating different type of uses into a single development. Ruskin Heights will be a much needed step in a new direction. It will encourage people to interact. Ruskin Heights will conform to a natural terrain.

Chris Shields, 1963 Lisa Lane: I am completely in favor of Ruskin Heights and the density as it is right now. We already have a traffic problem and it will get worse but there is a potential to remediate that problem with a traffic light.

Rick Shelton, 1963 Lisa Lane: I am a landscape architectural graduate employed in the design of residential subdivisions. Having looked at these plans very critically in terms of what I do for a living I found it really exceeds what has been done in this area before. These neighborhoods tend to develop community relationships.

David Murray, 608 N Assembly, Ward 1: I am a little confused about some of the debate about engineering issues. This site has been subjected to an enormous amount of engineering scrutiny and will continue to be as it moves forward. Change is not always comfortable. I think Ruskin Heights is a change for the better. I think it is a leap forward and a leap in the right direction. I think this project exemplifies every thing we want to do in order to make the best use of our natural resources. I am a positive vote for Ruskin Heights.

Don Conner, 1686 E Shadowridge Dr, Ward 1: Commented on the essence of the plan. This project is not a model for our 2025 Plan. It is not a target area on the map and it is too dense compared to other large metropolitan cities. Why does a development need 43 conditions of approval?

Peggy Guccione, 1665 W Shadowridge Dr, Ward 1: I support the people that have spoken against this because of traffic and slope stability. I think there is a lot to be said about the Ruskin Heights plan. I like the way the streets go parallel, the diverse use, the architectural. The problem is it is in the wrong place, it is on a hillside and it is too dense.

Ken Kvamme, 1982 Greenview Drive, Ward 1: Spoke against the project and the density. He voiced his concern about the loss of trees on the project and the wildlife. He is also concerned about the slope and run off that will occur from the project. He also voiced his concern about the traffic. He suggested that the density be lowered.

Chris Baribeau, 1516 Lunsford, Ward 1: I am an architectural professional in this community and I support the design. I think it is a great thing for the hillside and the city. Traffic is always a problem.

Thad Kelly, 1659 N Viewpoint, Ward 1: I applaud the density I think Fayetteville needs the density. I challenge you to see if this is going to be a walkable community.

Libby Wheeler, 1635 W Shadowridge Dr, Ward 1: I think density is the issue on this slope. I do not think we are opposed to the development.

Paul Heck, 2395 E Revere Place, Ward 1: I applaud the developers and their team for the work that they have done as far as opening this up to the general public to get their comments. I applaud the amount of money they have spent for all the things that have gone into this project. You could not ask for a better example for this type of project to go into Fayetteville, for a better example of a path to follow as a developer than what they have done. I am for the project.

Rolf Wilkin, 318 W Ila: I own the commercial center to the west of Ruskin Heights. I think this is consistent with City Plan 2025. I think density can be positive. I think this will be a good thing for the community and when it is all said and done we will be proud to have it. I hope you support it too.

Dot Neely, 1244 Mission, Ward 1: The Ruskin Heights brings some exciting, fresh ideas for density and growth but it lacks a complete, thoroughly thought out plan for the project from start to finish, addressing all the issues that have been brought up. Everything that is done on this hill slope, for Ruskin Heights to prepare the surface for construction, will affect everything down hill from it. I encourage you to proceed with caution.

Shane Gustine, 2621 Westminster Drive: I came here to support the Ruskin Heights development. I think it is a giant leap forward in terms of innovative design and smart growth. They have taken a lot of time and effort and spent a lot of money in taking into consideration the public needs and desires in terms of development. They have done a great job in putting that into a master plan.

Anita Backus, 1984 Greenview: I am concerned about cutting all the trees down and the drainage. I am concerned about four story tree houses and the traffic. I don't know why it can't have a buffer.

Martha Haguewood, 2262 West Lensfield Place, Ward 1: I am not opposed to Ruskin Heights as a whole; however I am opposed to the density issue. I am very opposed to the lots that are slated to be 20 feet wide, I feel that is much too small. I think they need to consider with this density increasing the lot sizes. I think it is going to be a lovely development. I do want them to protect the trees and preserve as many of the trees as they can. I am concerned about where these children will go to school. I am concerned about the tower and the small lot sizes. I do like the development.

Consultant for Ruskin Heights discussed the site and the soils on the site. He stated this site is no different than any other site in Fayetteville. If you don't build correctly on any slope it is going to fail. All they have to do on this site is build it correctly.

Alderman Lucas: Are you requiring engineered foundations on all the buildings and do you think that will take care of it?

Consultant for Ruskin Heights: Yes that should take care of it.

Alderman Thiel: Is that a condition of approval?

Jeremy Pate: It is not currently.

Brian Teague, Community by Design explained the traffic studies that were completed for this project and the results of the studies. He stated the problem with the traffic is getting onto Mission. The developers have proposed to pay for a traffic light at Mission and Lisa.

Marina Khoury: This project did not bring or create a traffic problem; sprawl is what has created your traffic problem. There is really only one way to resolve traffic in a comprehensive manner, to make a development transit ready and to allow for the community to be walkable and to allow for mixed use development to occur. This site is trying to do all three and hopefully set a model for everything else. That is the way you are going to resolve your traffic issue, it is not about limiting the density that is just a temporary bandaide. Water management and soil erosions are a key issue and it behooves a developer more than anybody else to make sure those issues are addressed and addressed properly. There are ways to control drainage problems and soil erosion. We are confident that if it is dealt with accurately and properly it will not exacerbate the problem.

The developers briefly addressed some of the issues that were brought up.

Alderman Allen: If the 2025 Goals say we will make infill a priority will you be willing to give me your definition of what you consider infill?

Alderman Cook: My definition of infill is trying to limit pushing development towards the fringe of town, trying to create more development within our city limits closer towards the core of downtown or other cores that we have.

Alderman Ferrell: I would agree some with what Kyle said but I would also say where the city has already provisioned services within the city.

Alderman Thiel: I think definitely where we have infrastructure. I think the people that attended the 2025 charrettes have targeted the infill areas with the 2025 Plan.

This ordinance was left on the First Reading.

Amend § 161.21 and § 161.22 Height Regulations: An ordinance to amend § 161.21 (G) Height Regulations of Main Street Center and § 161.22 (G) Height Regulations of downtown general of the Unified Development Code by limiting the height of new development to three stories or 45 feet, whichever is less.

This ordinance was not read.

Alderman Allen moved to table the ordinance to the March 6, 2007 City Council meeting. Alderman Jordan seconded the motion. Upon roll call the motion passed unanimously.

This ordinance was Tabled to the March 6, 2007 City Council meeting.

The following item was added at the City Council meeting.

SWEPCO Certificate of Public Convenience: A resolution to approve the City's intervention in the application of SWEPCO for a Certificate of Public Convenience and Necessity to convert its existing 69 kV transmission line to a 161 kV line from its powerhouse location to the Fayetteville north substation.

City Attorney Kit Williams: I placed this resolution in everyone's box. In order for us to intervene we would have to intervene before the next meeting. If you want to discuss this and give me directions then I would ask that you place this resolution on the agenda.

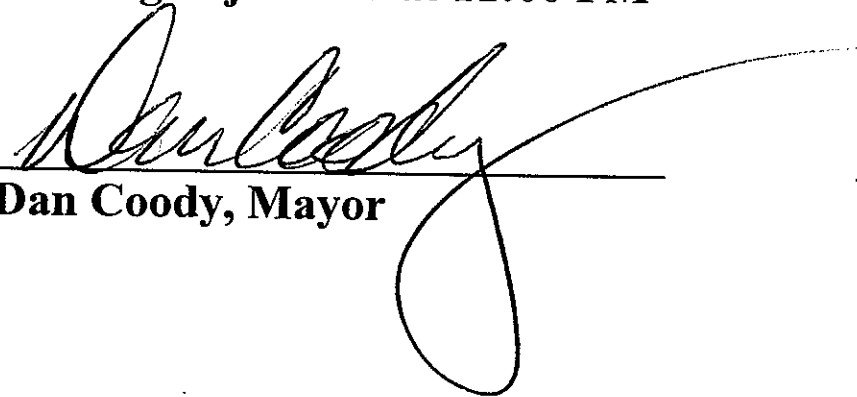
City Attorney Kit Williams gave a brief explanation regarding the resolution.

Alderman Jordan moved to add the resolution to the agenda. **Alderman Thiel** seconded the motion. Upon roll call the motion passed unanimously.

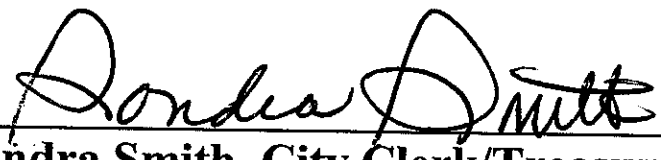
Alderman Jordan moved to approve the resolution. **Alderman Thiel** seconded the motion. Upon roll call the resolution passed 7-1. **Alderman Ferrell** voting no.

Resolution 34-07 as Recorded in the Office of the City Clerk.

Meeting adjourned at 11:00 PM



Dan Coody, Mayor



Sondra Smith, City Clerk/Treasurer

1. The first part of the report is a general introduction to the subject of the study. It discusses the importance of the study and the objectives of the research.

2. The second part of the report is a detailed description of the methodology used in the study. It includes information about the sample, the data collection methods, and the statistical analysis.

3. The third part of the report is a discussion of the results of the study. It compares the findings with the previous research and discusses the implications of the study.

4. The fourth part of the report is a conclusion. It summarizes the main findings of the study and provides recommendations for future research.

5. The fifth part of the report is a list of references. It includes all the sources used in the study.

6. The sixth part of the report is a list of appendices. It includes all the supplementary material used in the study.

7. The seventh part of the report is a list of figures. It includes all the charts and graphs used in the study.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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



DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

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

FROM: **Kit Williams, City Attorney**

A handwritten signature in black ink, appearing to read 'Kit Williams', with a long horizontal flourish extending to the right.

DATE: **March 2, 2007**

RE: **Resolution in support of Senate Bill 590 – funding for 36 beds for mental health patients at Northwest Medical Center in Springdale**

Alderman Ferrell asked that I draft a Resolution to support Senator Madison's Bill No. 590 to fund 36 beds for mental health patients in Northwest Arkansas. Attached is the Resolution which Alderman Ferrell shall ask to place upon the Agenda during the City Council meeting of March 6, 2007.

RESOLUTION NO. _____

**A RESOLUTION TO SUPPORT SENATE BILL 590
TO HELP FUND INPATIENT MENTAL HEALTH
TREATMENT IN NORTHWEST ARKANSAS**

WHEREAS, Senator Sue Madison has sponsored Senate Bill 590 to help fund the critical need in Northwest Arkansas for acute treatment and inpatient beds for the mental health of our citizens; and

WHEREAS, local law enforcement including the Fayetteville Police Department need a local facility to care for citizens who because of mental disease or distress may pose a threat to themselves or others; and

WHEREAS, it is just and proper for the State to fund this facility as part of the statewide effort to provide Arkansas mental health treatment, shelter and therapy.

**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 expresses its full support for Senate Bill 590 and asks that the Arkansas Legislature approve this bill so that the critical need for mental therapy and inpatient care can be furnished in Northwest Arkansas.

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

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer



THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

To: City Council, Mayor Dan Coody
From: Jeremy Pate, Director of Current Planning *JP*
Date: March 06, 2007
Subject: West Fork Place PZD (R-PZD 06-2196) Amendments

The applicants for this project have submitted a letter and conceptual drawing indicating amendments to the proposed Residential Planned Zoning District for West Fork Place. Most notably, this includes a new public street connection west to Happy Hollow Road, on property the applicant has under real estate contract to purchase and subsequently develop. I have included an amended Condition of Approval #1 for this project, should the City Council choose to adopt it. Additionally, staff's recommendation for the pavement overlay on Ray Avenue, the offsite street improvement recommended for this project, remains as originally recommended, finding the traffic generated by this development will utilize Ray Avenue, which is currently in poor condition.

Attached to this memo are 1) the letter submitted by the applicant indicating these changes; 2) concept drawings of the street connection to Happy Hollow Road; and 3) a letter from adjoining property owner Sue Madison indicating support of the proposed access, and withdrawing objection to the eastern street connection to Helen Street.

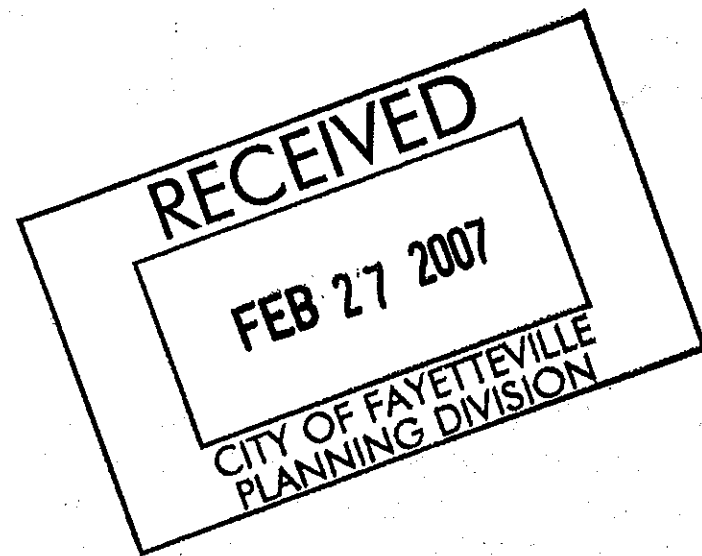
Amended Condition of Approval #1:

1. City Council determination of appropriate connectivity. *The applicant proposes two full access public streets:*

- a. An extension of Ray Avenue south into the property which accesses the site. The applicant proposes to remove the eastern public street connection to Helen (near Jerry Avenue), and requests to work with City Engineering and the Fire Department to determine an adequate Emergency Service turn-around. This may require a "T" type turn-around with more generous curb radii. *While staff is not opposed to the eastern street connection to Helen Street, finding it will not create a dangerous traffic condition and that it promotes the City's policies of connectivity, should the City Council wish to remove this street connection, staff recommends approval of this amendment, with the condition that a 6-foot public sidewalk be constructed and dedicated from Helen Street south to Ray Avenue in lieu of the eastern street connection, to provide pedestrian connectivity to the proposed park.*
- b. A 28-foot wide public street that continues west from Ray Avenue to Happy Hollow Road. *Staff recommends the applicant pay for and construct a minimum 28-foot wide*

public street within 50 feet of right-of-way west (off-site) to connect to Happy Hollow Road, with final alignment to be approved by the City Engineer. The public street shall allow public access and connectivity to surrounding properties, including subsequent development on the property through which the street traverses. The street extension shall be constructed with development of the West Fork Place PZD. Off-site sidewalk construction along the street extension may be delayed until each side of the property develops.

February 27, 2007



To: Mayor & City Council
City of Fayetteville

From: Hometown Development

Re: West Fork Project

After many meetings with City Staff, neighbors and Council Members, we believe an additional access point should remove any remaining concerns for this project. We have placed under real estate contract property to the west of our project that will allow access to Happy Hollow Road. I have attached a sketch of our proposed route and noted the property under contract. While we would agree to leave the other two access points to the north, we believe that the requirement to overlay Ray Street should be voided due to the new access point.

The additional property for our western access is zoned C-2. We plan to place commercial property adjacent to Happy Hollow Road and mini storage units along the new access route. The mini storage facility would require a conditional use approval from the planning commission which we would pursue through the appropriate process. We would appreciate any immediate feedback for this conditional use in this area at this time.

Thanks

Enclosures

Sketch of area west of West Fork project

cc:

Jeremy Pate, City of Fayetteville

From: "Sue Madison" <smadison@sbcglobal.net>
To: <mamcdonald@sbcglobal.net>
Date: 3/2/2007 7:29 PM
Subject: Fw: RE: meeting friday morning
CC: "Bernie Madison" <bmadison@uark.edu>

Mike,

We are very pleased about the additional access to West Fork Place off of Happy Hollow Rd. This will not only improve access and relieve traffic at the overburdened Ray & Huntsville intersection but will likely improve the rather junked-up area along Happy Hollow Rd. Both the City and the residents of Helen/Lee should be grateful for this new access.

With the new access to West Fork Place off Happy Hollow and access via Ray off Huntsville, a third access off Helen near Jerry (adjacent to our property) would be less of a problem. Consequently, as far as our property on Helen is concerned we do not object to this access, but we do believe that because this would not line up with Jerry it is far from optimal planning of street infrastructure.

Thank you for working with our concerns on this development.

Bernie and Sue Madison

ACCESS TO BE DETERMINED
BY CITY COUNCIL.

[illegible][illegible]

SEAL: DATE: _____				This drawing is "PRELIMINARY - NOT FOR CONSTRUCTION" until above seal holder acknowledges the Cancellation of this disclaimer below: DATE: _____		PROJECT NAME: 2006014 DRAWING NO: 121127006 CHECKED BY: ☐	
PROJECT TITLE: WEST FORK PLACE WASHINGTON COUNTY FAYETTEVILLE, AR				130 N. MAIN ST. CAVE SPRINGS, AR 72718 Ph: 479.248.1161 Fx: 479.248.1462		DRAWING NAME: 2006014 P2D.DWG 12/12/2006 NO. REVISIONS: 4 DATE: 4/8/08 BY: VS BY: BY: BY: BY: BY: BY: BY:	
SHEET NO.: B		ZONING AND DEVELOPMENT STANDARDS BY P.A.					



B.3,

Handled out at
the City Council meeting
by a citizen.

Ruskin Heights and the City Ordinances and Guidelines

Chapter 167: Tree Preservation and Protection

Fayetteville Code

Ruskin Plan

- To preserve the **existing** tree canopy
- Consider the impact of proposed tree removal both on **and** off site
- Considered **High priority** areas for preservation are those on canopied slopes
- Fayetteville tree code requires 25% for RSF-8 on slope and 30% for RSF-4 (current zoning)
- Eight acres of forest are being **reduced** to one acre on steep hillslopes
- Cash instead of trees
- Forested green space only protects less than 13% of existing tree canopy, all on hillsides
- Example: The single family dwelling included **in the forested hillslope** area are not preserving the required percentage of trees.
- (1.1 acre of trees proposed “saved” in green space - 0.13 acre easement area previously cleared of trees and part if it will be a detention pond which will not support trees)

Chapter 167: Tree Preservation and Protection

Fayetteville Ordinance

- **Must** reduce storm water runoff and the potential damage it may create
- **Must stabilize soil and prevent erosion**, with an **emphasis on maintaining tree canopy on hillsides defined as canopied slopes**

• RSF-4 versus Ruskin's

Design

- 48% more impervious surfaces on the hillslopes than allowed in the current RSF-4 zoning translates into **MORE** run-off potential
- Removal of 75% of the forested area will translate into a drastically **reduced canopy** on the slopes and **more soil erosion**

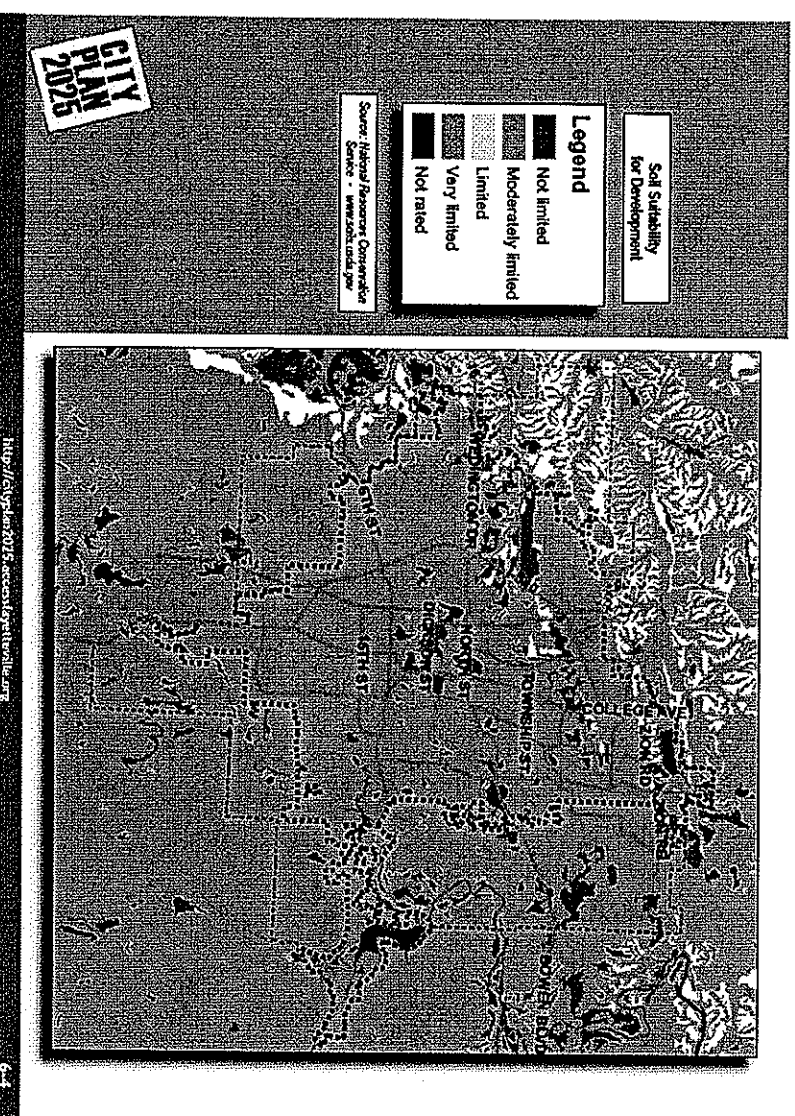
Chapter 170: Stormwater Management, Drainage and Erosion Control

- **Fayetteville Code**
- To **prevent** increases in the magnitude and frequency of stormwater run-off
- To **control** soil erosion
- Realizes **imperious surfaces increase** the quantity and velocity of surface **run-off**
- **Ruskin Plan**
 - 48% more impervious surfaces in the hillslope area with the Ruskin design Ruskin's design (as opposed to current zoning)
 - This translates into 4,452 cubic feet of extra water (in the hillslope area) for a one inch storm this is not an unusual event in Fayetteville)
 - In a single catchment where the 1600 square foot pond is located (and least density of development) this translates into 14 feet of water in the pond (in a one inch rain) from impervious surfaces! (26% increase in run-off over a RSF-4 development)

Master Plan 2025

“Fayetteville “Guidelines”

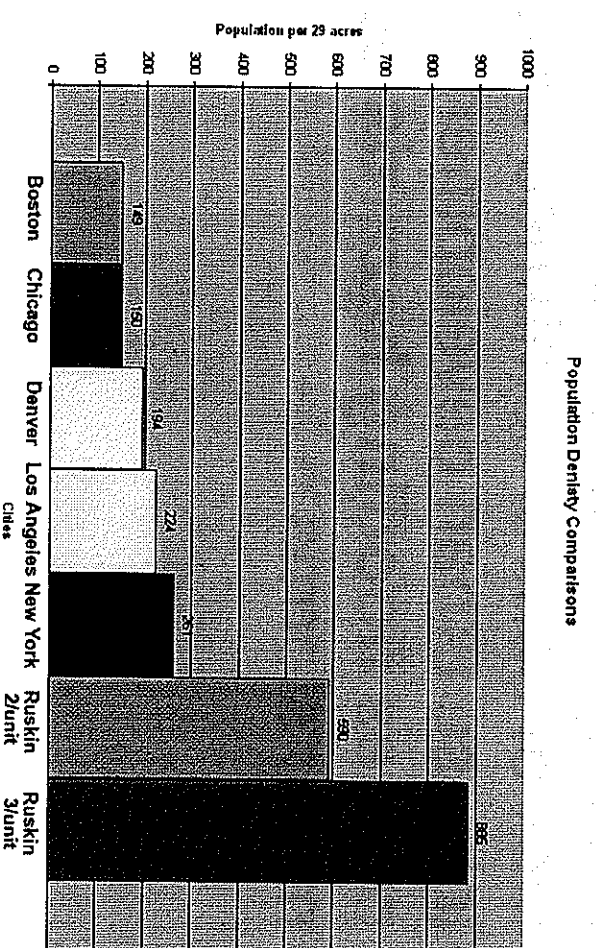
- Soil Suitability for development map
- Area ranked **very limited**
- Present zoning, at best, allows for 116 units on this property!



• Ruskin Design

- Extreme density (between 590 to over 885 people on the 29 acres with 295 units plus 58,000 square feet of retail!

- Note: other cities with much less density all have mass transit (until the full city mass transit is available this is totally inappropriate).



Master Plan 2025

6.5 Surface Drainage

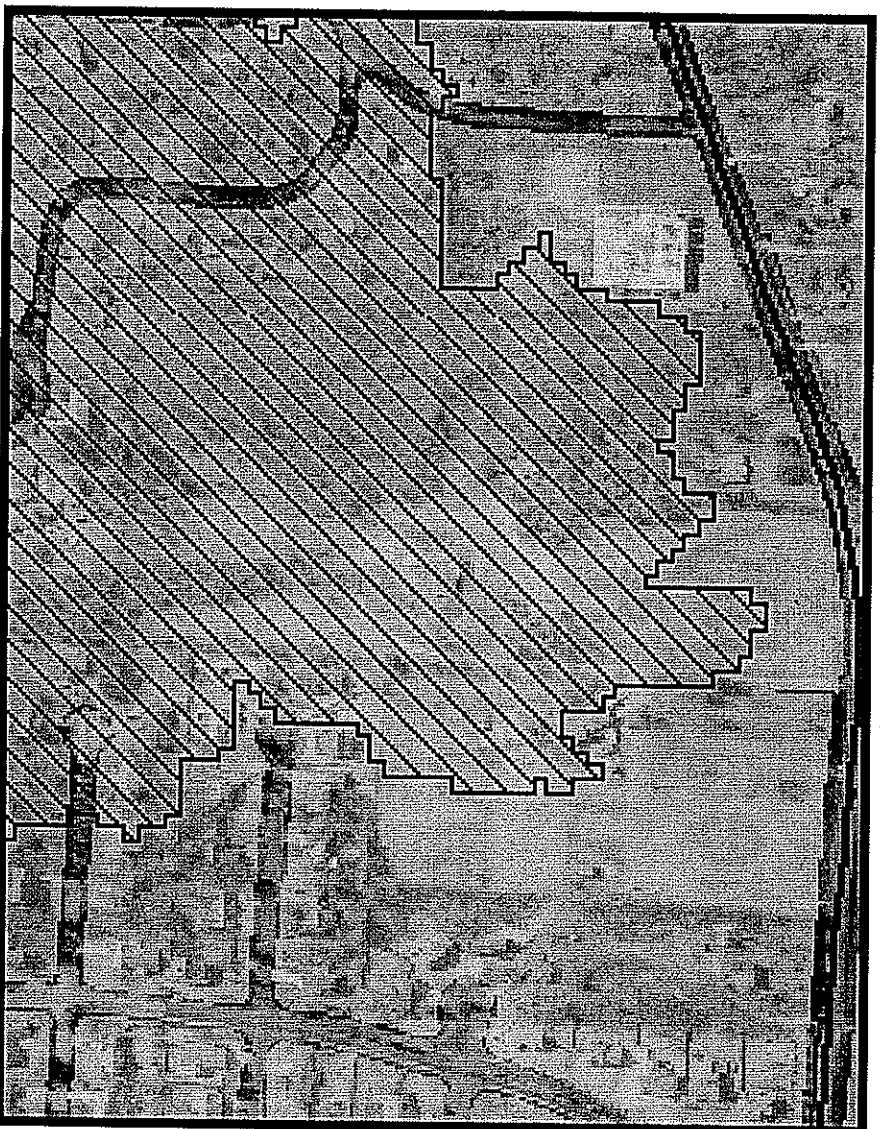
- Surface water resulting from storms is a major problem in the built-up area of Fayetteville. Steep slopes in the **northeast**, east and southwest are associated with **rapid run-off** from storms, causing surface water build-up in low lying areas where permeability is notably poor and the city's drainage system is limited. The lack of control combined with the intense urban development creates **flooding hazards** during major storms.

- **Ruskin Design**

- will create an impervious surfaces increase of 48% on the hillslopes above what would be allowed in a traditional RSF-4 development the potential for rapid run-off and flooding hazard is increased significantly.

Master Plan 2025

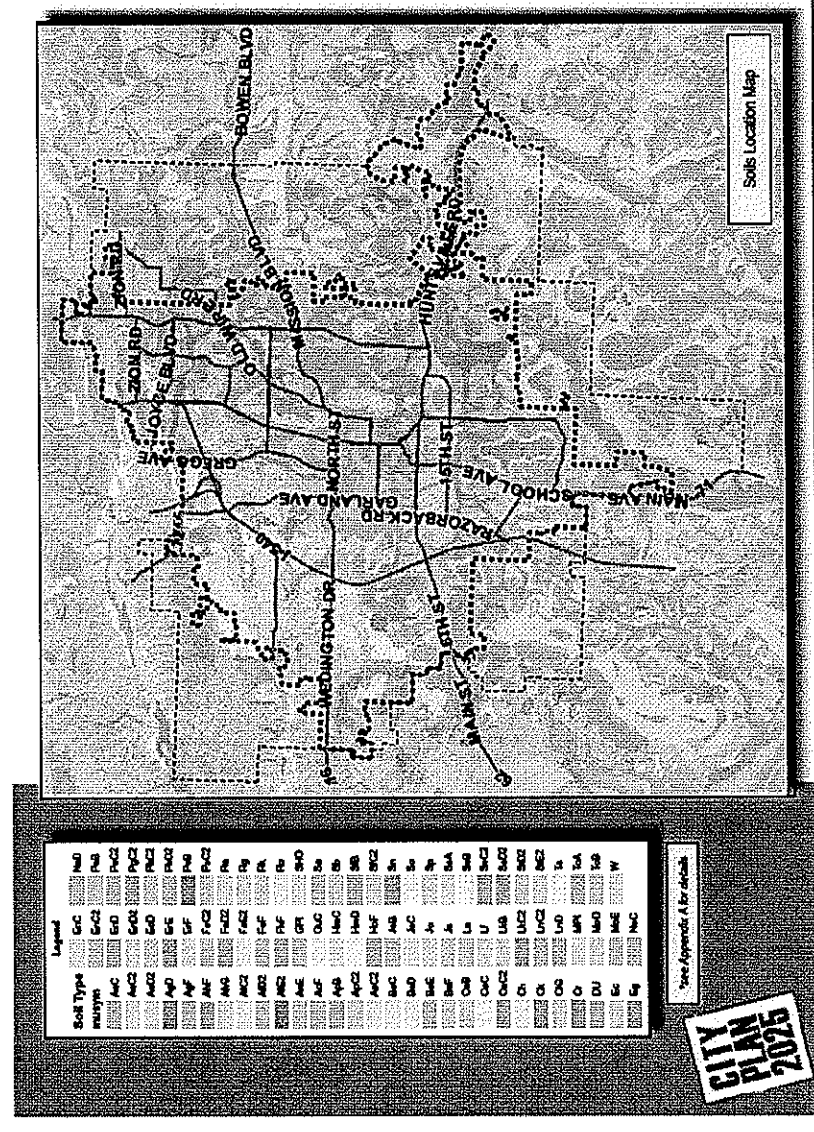
- **Present Zoning**
- Future Land Use Map
- Yellow = RSF-4
- Hatched area is hillslope area



- **Ruskin Plan**
- An **AVERAGE** density of RSF-10 but some areas much higher
- **Plus**, 58,000+ square feet of retail
- Steep hillslopes will **lose** approximately 75% of the forest

Master Plan 2025

- Soil Composition
 - Enders
 - These soils are characterized by plastic clay subsoil, permeability is very low, run-off is rapid and erosion hazard severe.



National Award for Smart Growth

- **Some of the guidelines that have been *neglected*:**
- **Preserve** open space,
- ...natural beauty, and critical environmental areas
- Reinvest in and strengthen **existing** communities (neighborhoods)
- Make development decisions **predictable, fair** and cost-effective
- Encourage citizens ... participation in development **decisions**
- **Ruskin's Response**
- Trade cash for green space
- Diminishing neighborhoods settings that have been vibrant for nearly 50 years
- Create their own set of rules
- Encourage citizens to speak, refuse to listen main objections ignored - too dense, protect the slope

Hillslope Ordinance Best Practices

- **Fayetteville suggests:**

If requesting a PZD:

- Cluster development enables development on the lands with the least slope (NOT increase density)

- Encourages more open space and tree preservation (p.21)

- Facilitate the transfer of the tree preservation from single lots to larger contiguous open space adjacent to development (the forest)

- **Ruskin Request**

- Want PZD
- Want over double the allowable density as state on the Future Land Plan map
- Want to trade away green space for a cash donation
- Destroy majority of a large stand of trees on a steep hillslope

Master Plan PZD Guidelines

- Provide **compatibility** with the surrounding land uses
- Provision of **MORE** usable and suitably located open space, recreation areas and other common facilities than would not otherwise be required under conventional land development regulations
- Maximum enhancement and **minimal disruption** of existing natural features and amenities
- PZD's shall conform as closely as possible to the **existing** standards for **lot area minimums** and setbacks
- If various provisions cover same subject matter the **most restrictive** shall govern.
- **Residential density regulations determined by the following:**
 - Density of **surrounding** development
 - Densities allowed under **current** zoning
 - Development plan (**Future Land Use map**)
 - **Topography** and natural environment
 - Impact of the given density on the specific site **and adjacent** properties

Fayetteville Natural Heritage Association

- Suggests from an onsite visit to the property:
- “The hilltops and west facing drainage slopes have large trees that stabilize the soil. This environment will stay intact if undisturbed. Trails can be planned in the mature canopy with open views through the woods. Research shows that the visual quality of this type of woods is considered very attractive by the general public. A comparison should be made with the slope to the east which is beyond the property line. Severe erosion, lack of regrowth and invasive species can be seen on the cleared area.”

Ruskin Heights
Citizen Handout
3/6/07

Citizens of Fayetteville

Vs

The City Backed Development Machine

**There's more to
Fayetteville's
City Plan**

2025

Than just infill!

Fact:

70,000 population Fayetteville

—300 the largest citizen

group that attended

the charette for 2025

plan

69,700 Fayetteville

residents had no input

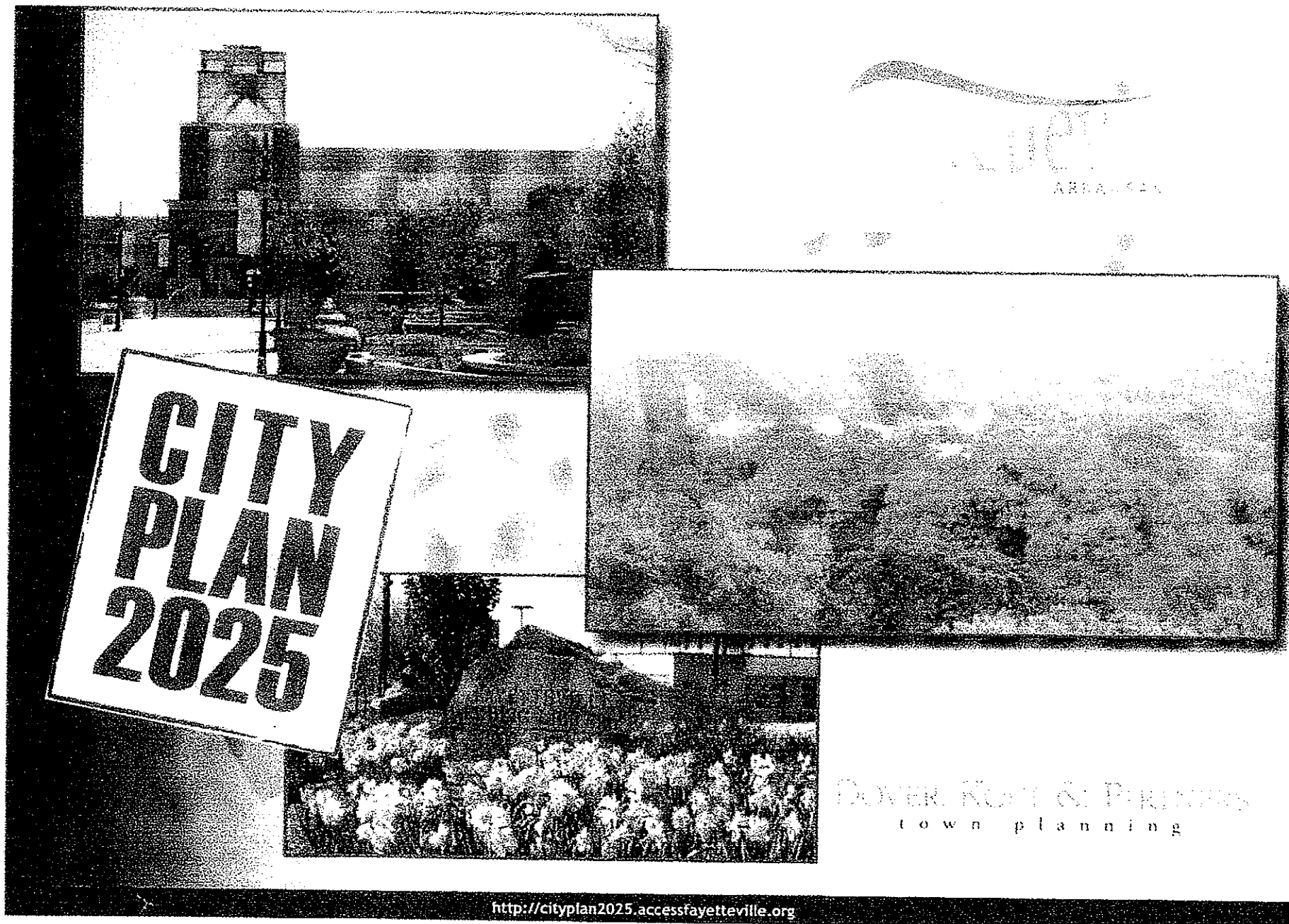
into this plan.

**Fact: Three hundred people
is less than $\frac{1}{2}$ of 1% of all
of the people who will be
affected by this plan.**

**Why didn't the citizens vote
to approve this plan?**

**A plan such as this impacts
everyone's life.**

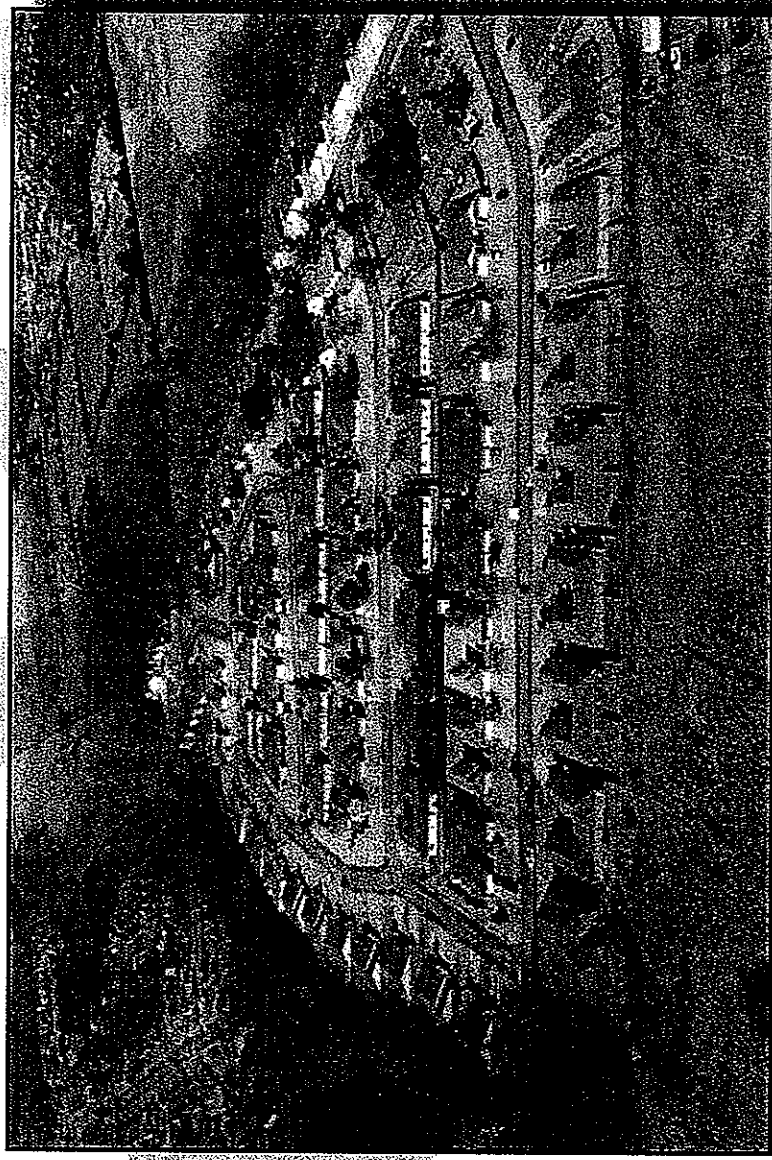
**With a vote, we could all be
sure that this is what the
citizens of Fayetteville want.**



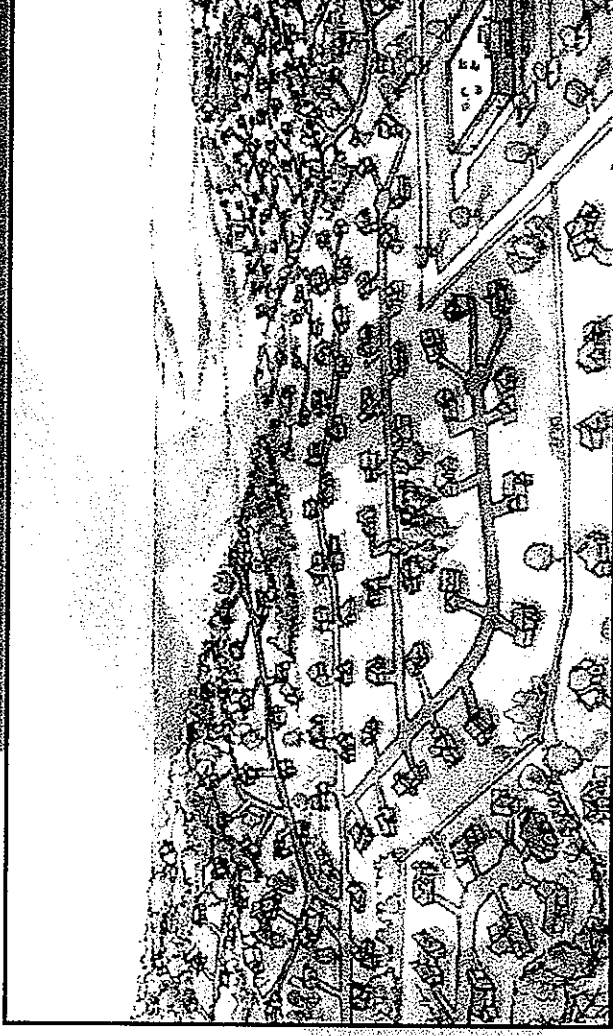
<http://cityplan2025.accessfayetteville.org>

Goal 2: *We will discourage suburban sprawl.*

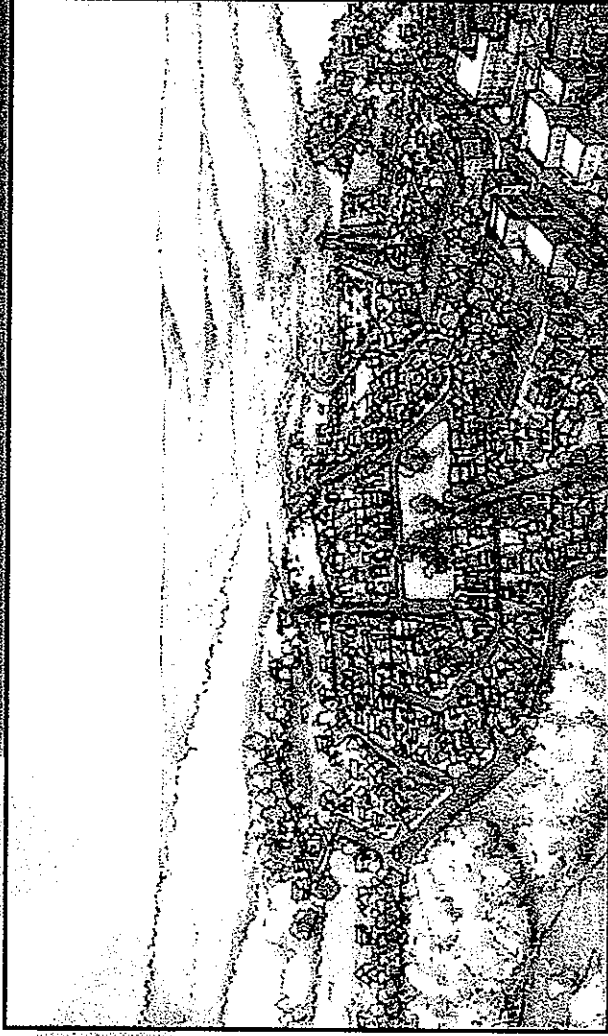
As Fayetteville's population continues to increase, the city must continue to work with the community, and enact regulations, to discourage suburban sprawl. For decades, current zoning practices have supported a separation of land uses; in doing so, development has spread across the natural landscape and has made people solely dependent on the automobile to get from here to there. The impacts of sprawl have caused increased traffic congestion, as well as health problems relating to obesity and the lack of highly walkable places in communities. To counter suburban sprawl, the city should employ a Smart Growth strategy for handling new development. This update to the Comprehensive Plan is a step in the right direction for combating sprawl. Based on input received from the community throughout the planning process, it is apparent that Fayetteville residents want to maintain a high quality of life and support increased growth in the center of the city and limit growth on the edges of the city.



Typical subdivision in Fayetteville



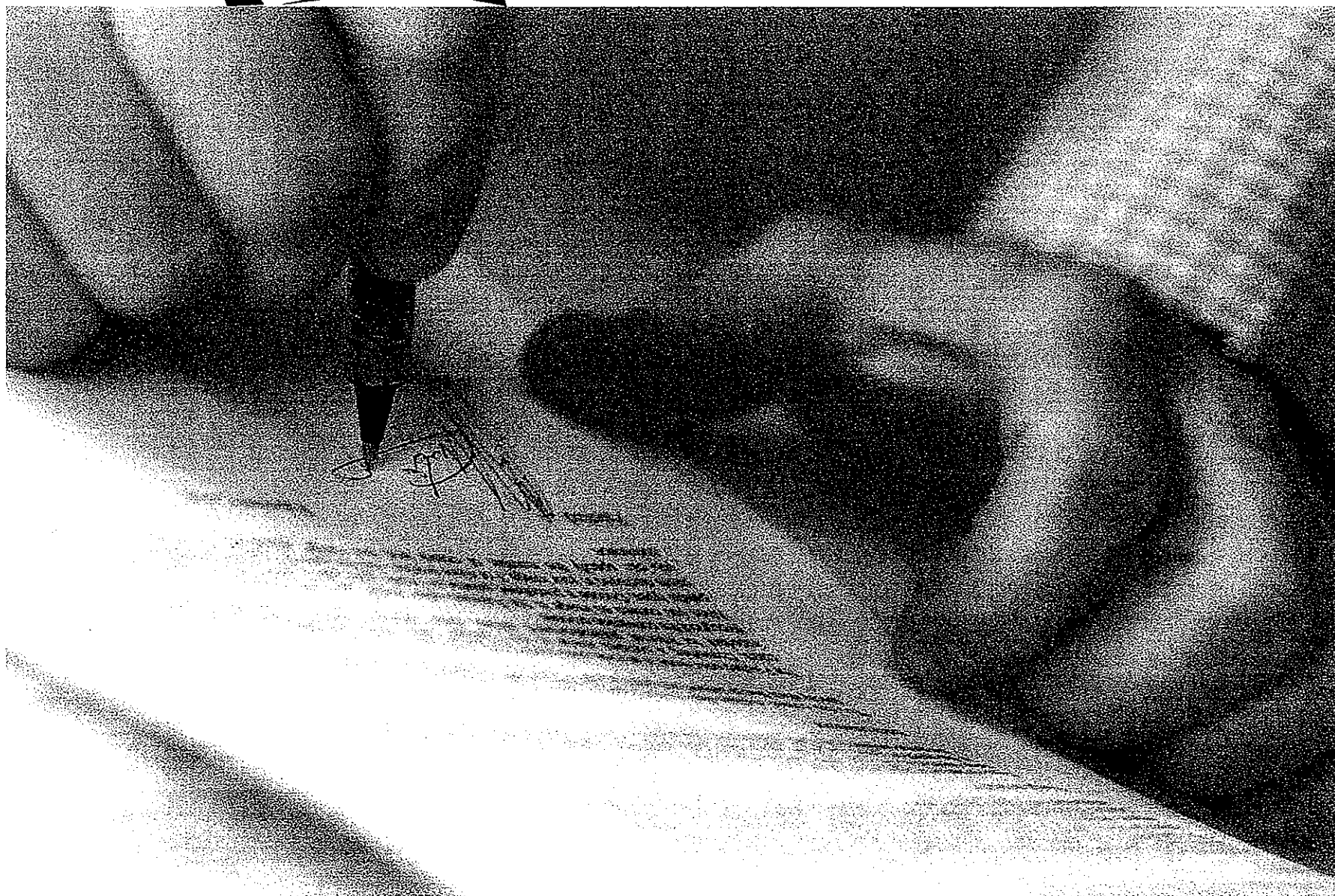
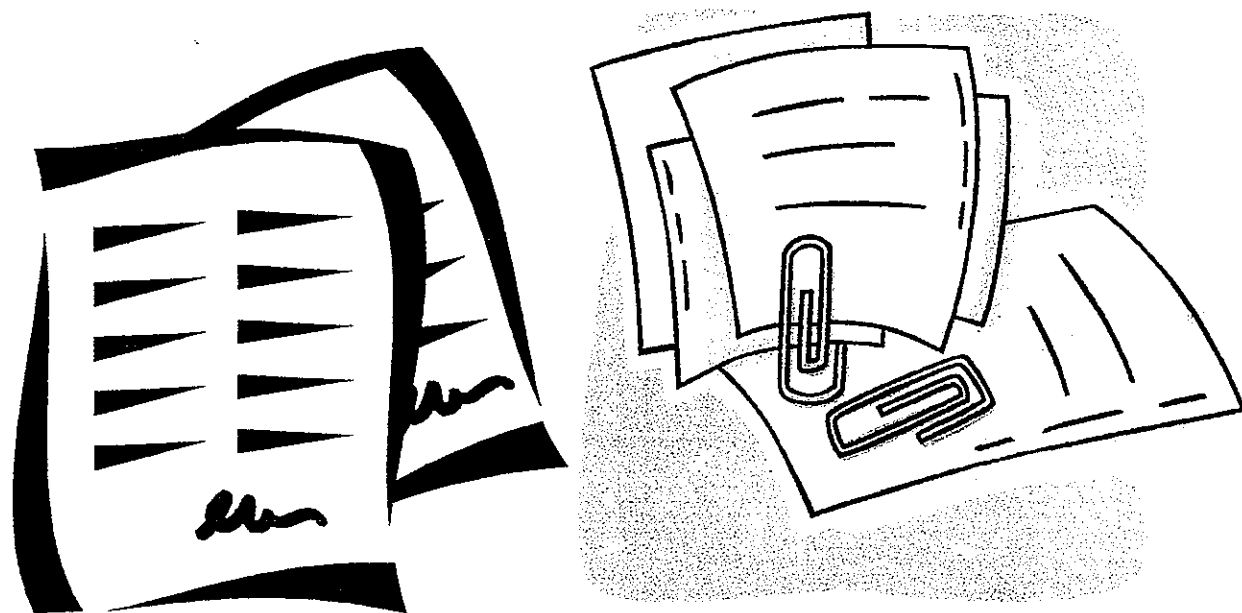
Sprawl Development Pattern



Traditional Development Pattern

**CITY
PLAN
2025**

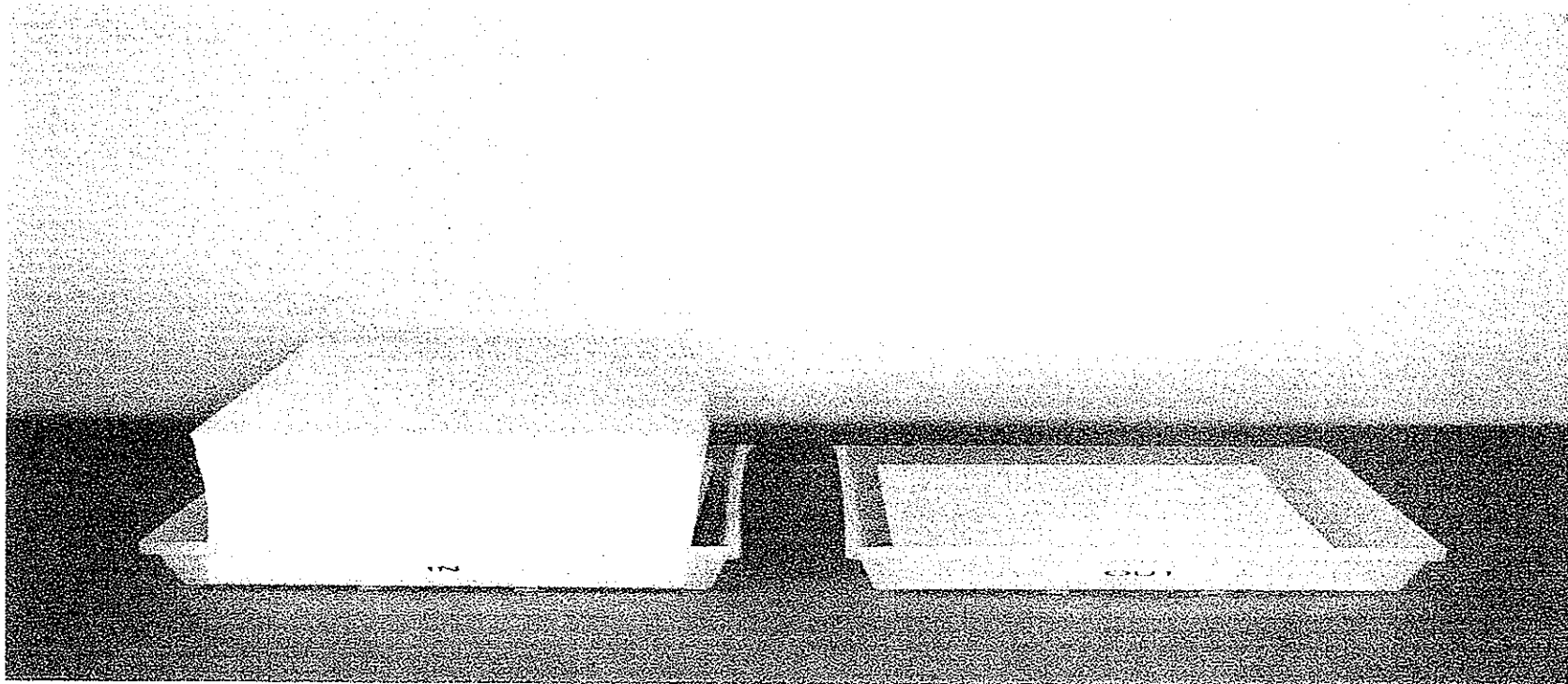
The Citizens of Ward One Know What They Want



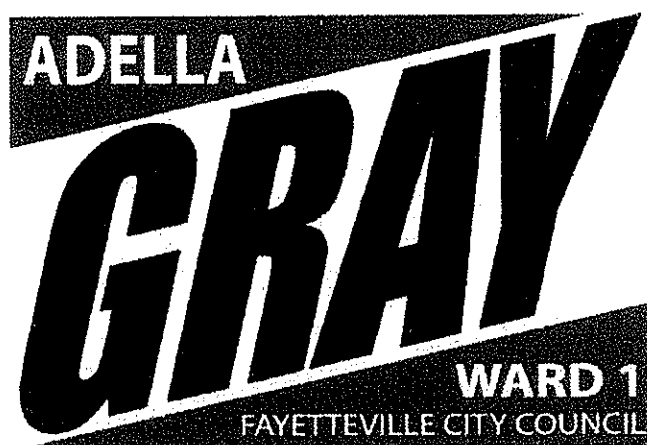
Fact:

86% of letters and comments were against this development.

Only one (1) letter to the council in support was from a Ward One resident.



IN THE LAST ELECTION, WARD 1 VOTERS ELECTED CANDIDATES OF LIKE MIND.



A Proven Leader
 “Growth is welcome but we must proactively plan for the future by enforcing our building regulations and encouraging an ongoing dialogue with community stakeholders”

- Longtime Resident of Fayetteville (33 years)
- Public School Counselor (retired) with Masters in Counselor Education (University of Arkansas)
- Former Academic Coordinator of the Razorbacks
- Married 45 years to Gary Gray, Social Worker
- 2 adult children, 5 grandchildren
- Board Member, Board of Public Policy, Louisiana Chapter, Arkansas Counseling Association and Arkansas School Counselor Association
- Past Member, Northwest Arkansas Rape Crisis Board
- Past Member, Washington Co. Multidisciplinary Team

Accessibility & Responsiveness

- Committed to taking the time to listen
- Advocate for the citizens of Fayetteville



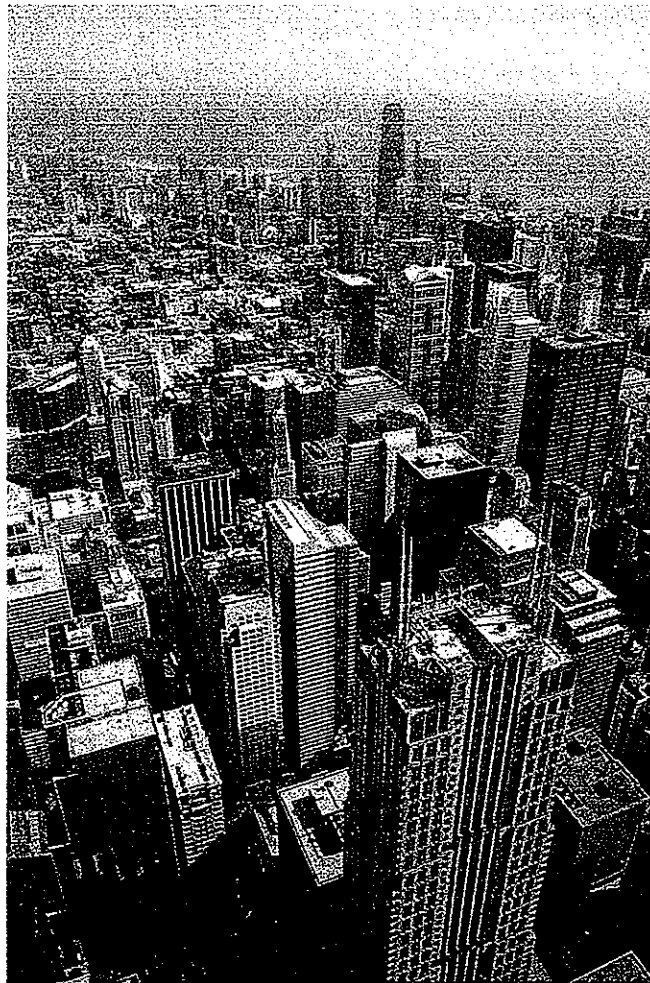
“As your alderman, I will always endeavor to make decisions with the best interests of the people at heart. Listening to the concerns of my constituents and being accountable to taxpayers are top priorities. Through fiscal responsibility, proactive planning and forging partnerships with community stakeholders, I pledge to do my part to make Fayetteville the very best it can be.”

Paid for by Adella Gray for City Council – Denise Garner, Treasurer

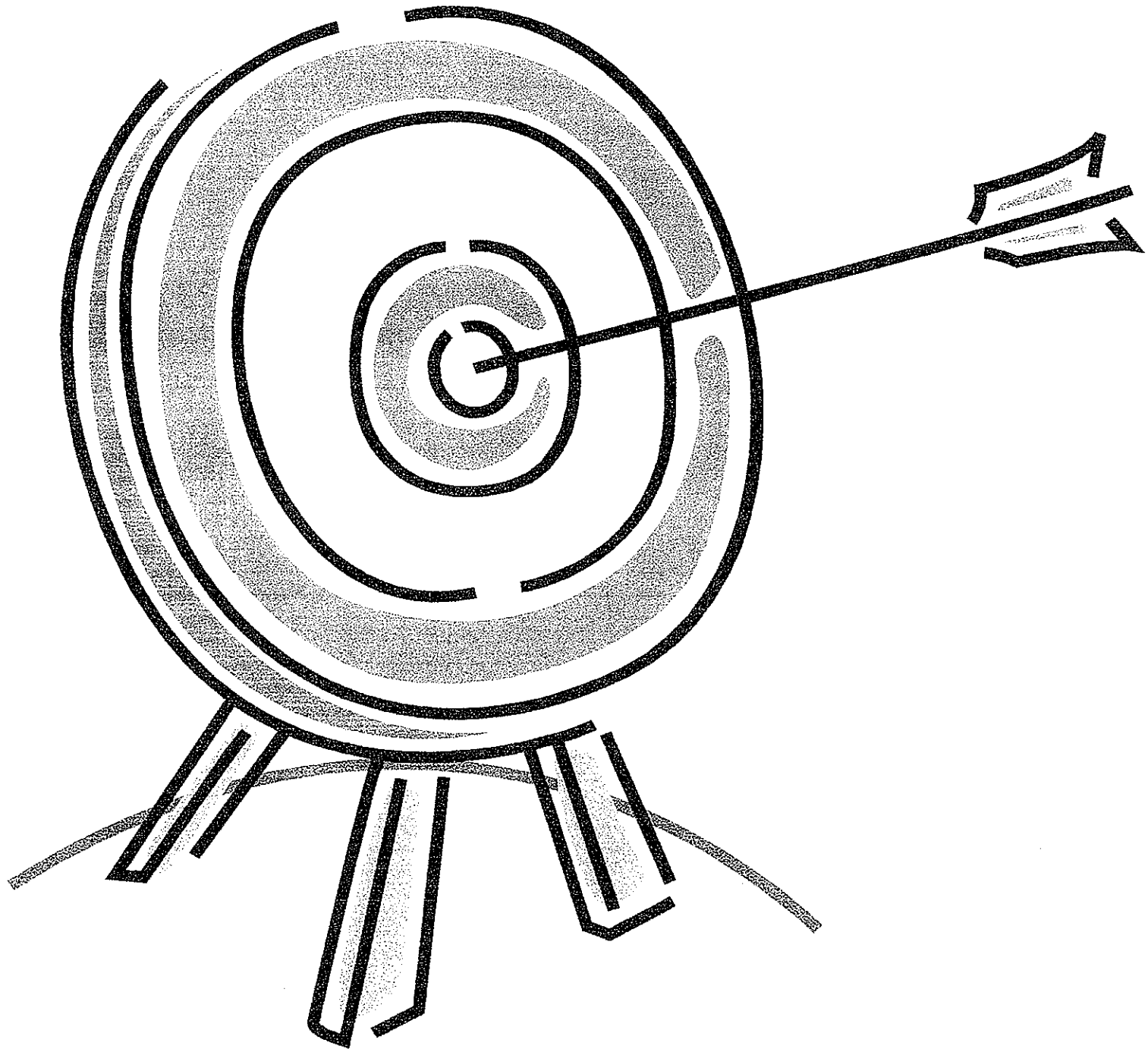
Density

**Higher density than, Dallas,
Chicago, Denver, Rome, London
etc!!**

**If we wanted to live in
New York City,
We'd move there.**



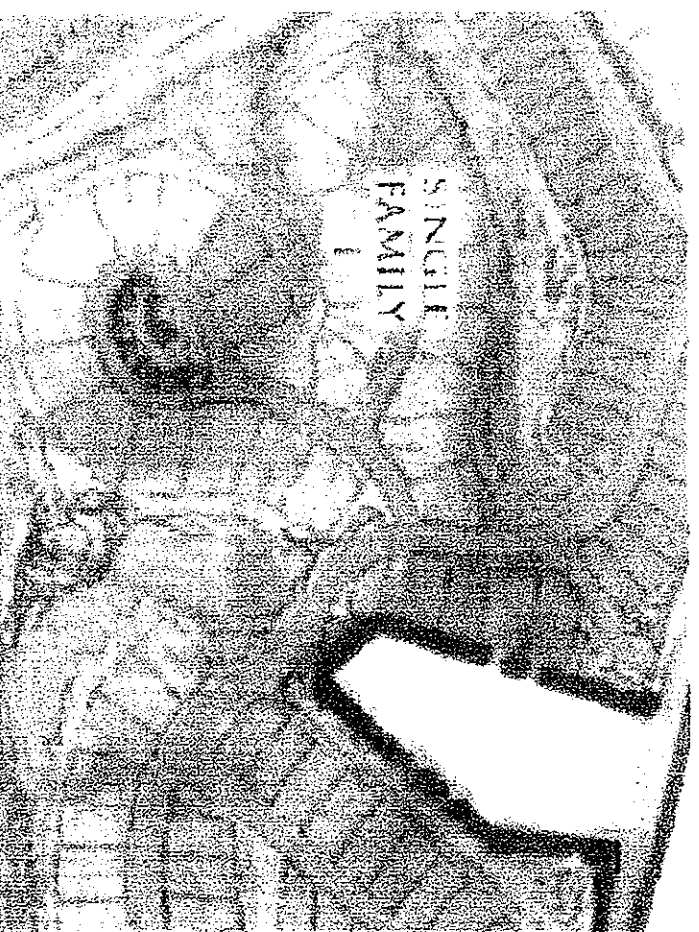
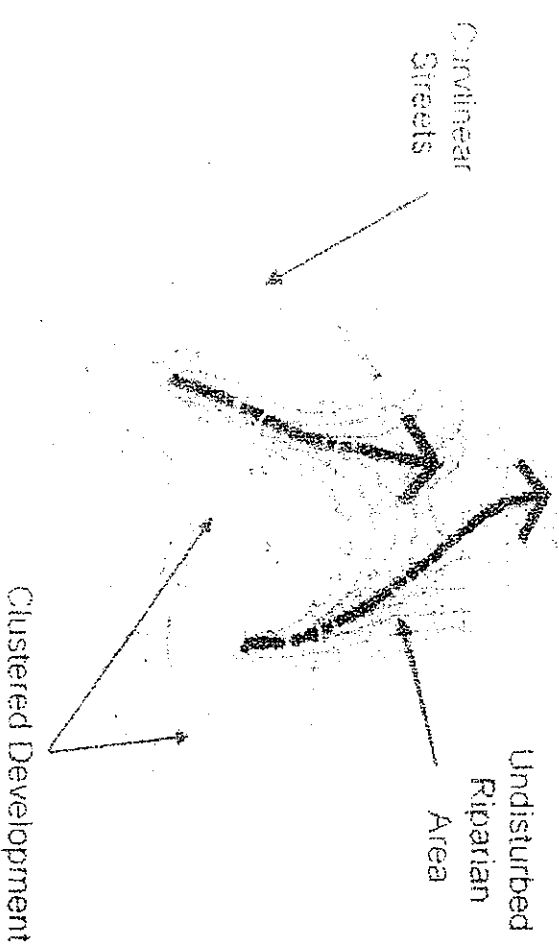
**Fact: This property is not a
2025 area targeted for infill
development.**

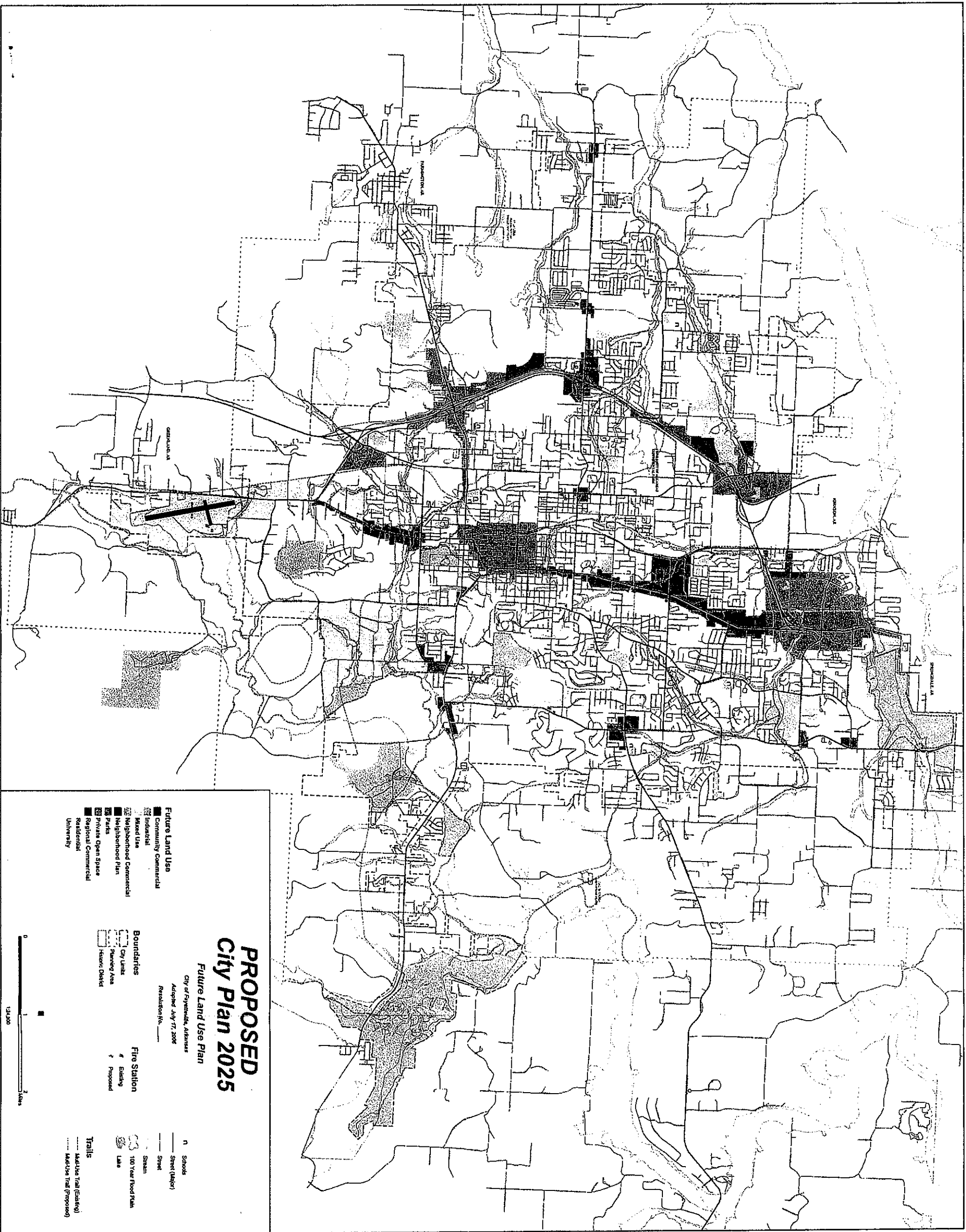


• Cluster Development:

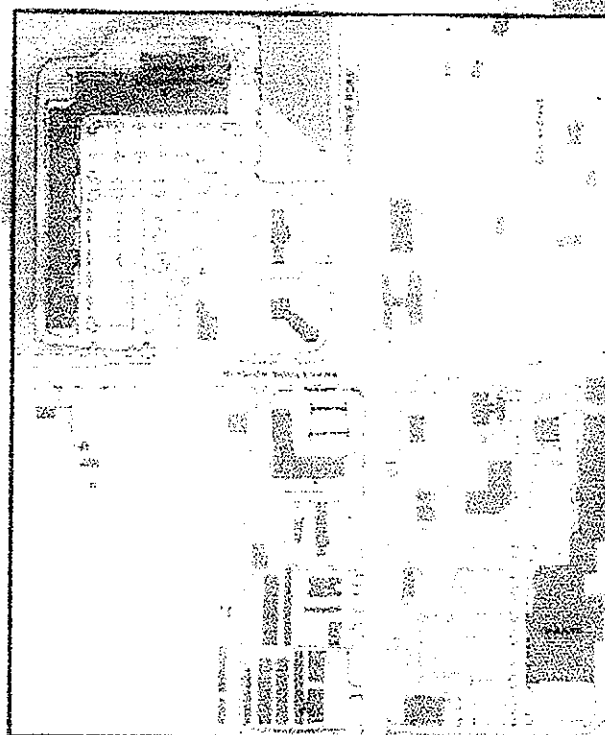
Cluster development is an option that allows flexibility in lot size with development located in areas with the least amount of slope. A developer in the Hillside Overlay District may request through the PZD process a cluster development project. Cluster development patterns should be utilized to:

- Developers who request development rights vested through the Planned Zoning District ordinance are encouraged to use the Hillside Best Management Practices Manual in order to guide their development.
- Encourage development to occur in areas and on lands with less slope.
- Encourage more open space and tree preservation.
- Facilitate the transfer of the tree preservation requirements for single lots to a larger contiguous open space adjacent to the development.
- Minimize the view of development from the valley below with the preservation of tree cover within the public open spaces.

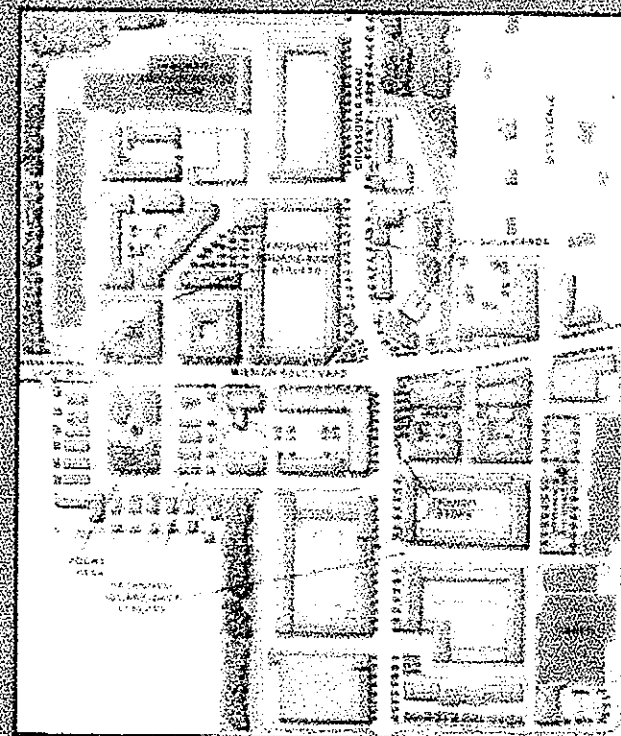




Fact: The corner of Highway 265 and Mission is the targeted area.



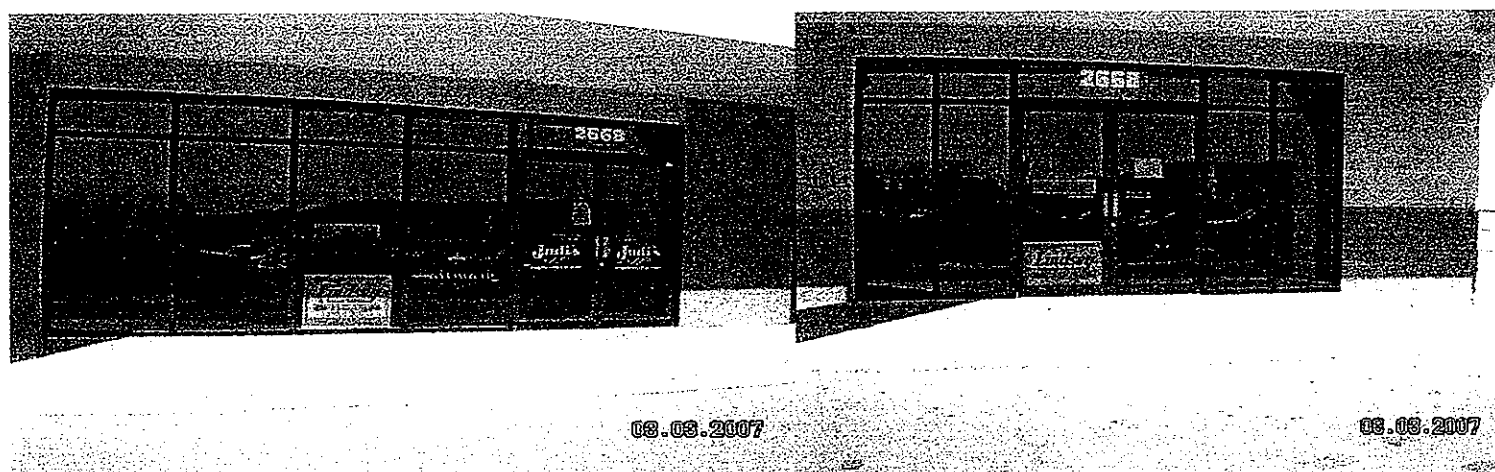
Mission & Crossover 2006



Mission & Crossover 2025

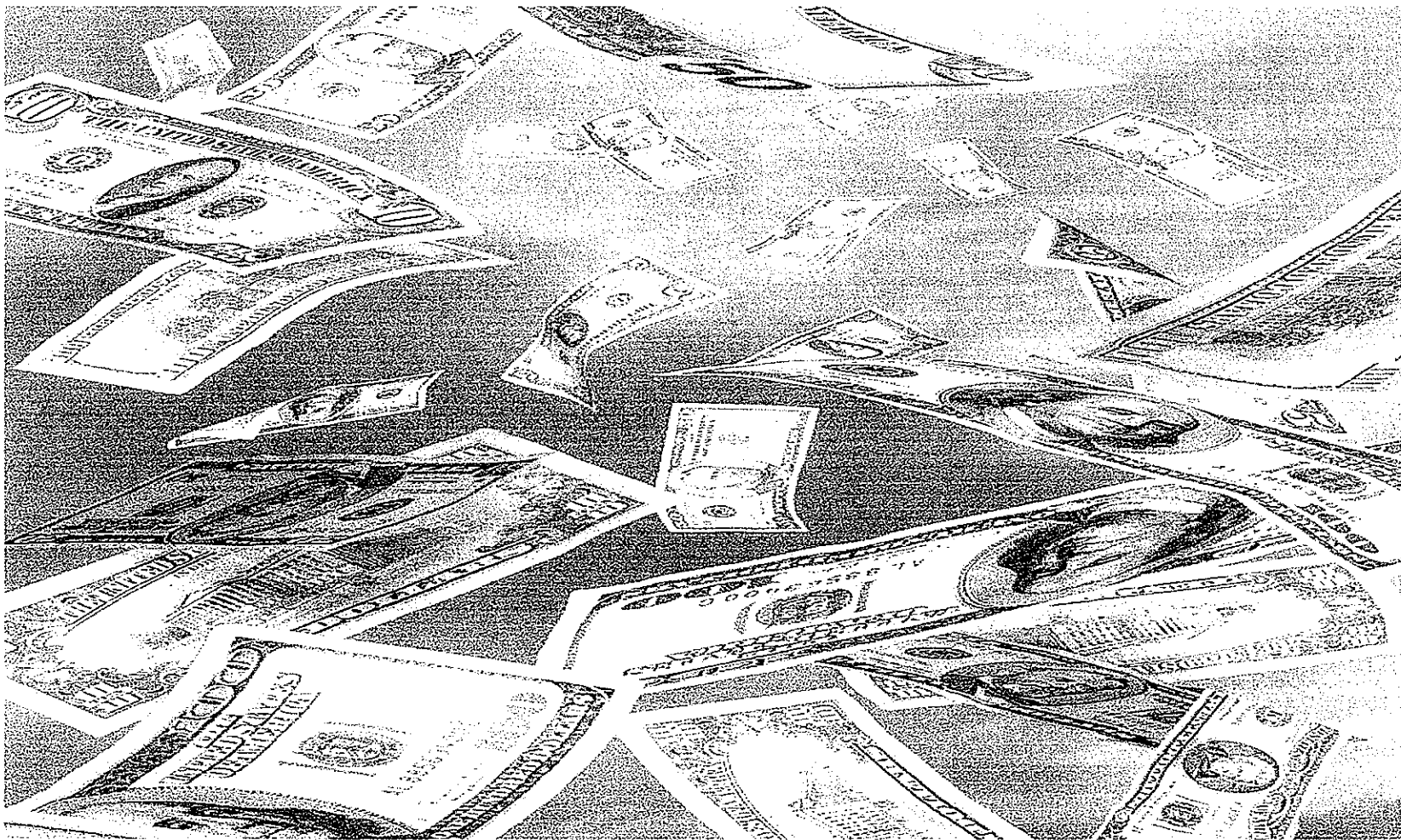
**CITY
PLAN
2025**

SPACE FOR RENT OR LEASE



**Lots of space on Crossover and
Mission available!!**

**SHOW ME
THE
MONEY!**



**THIS
DEVELOPMENT IS
ALL ABOUT
MONEY!**



**TOTAL COSTS FOR THE
RUSKIN PROJECT... 16.7
MILLION \$\$
TOTAL REVENUE FOR 295
LOTS....**

24.8 MILLION \$\$

PROFIT

8.1 MILLION \$\$

**Caveat
Emptor**

Or

**Buyer
Beware**

**The developers
knew the land was
RSF-4
when they bought it.
To be compatable
with our
neighborhoods, they
shouldn't expect it to
be otherwise.**

The Question:

**Have you ever heard of
Duany Plater-Zyberk?***



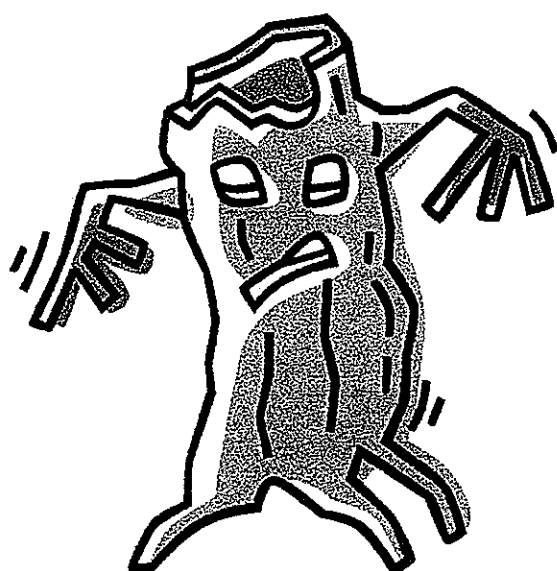
***World renowned New Urbanist
developers.**

The answer:

“Who?”

**The most common
answer given by people
polled.**

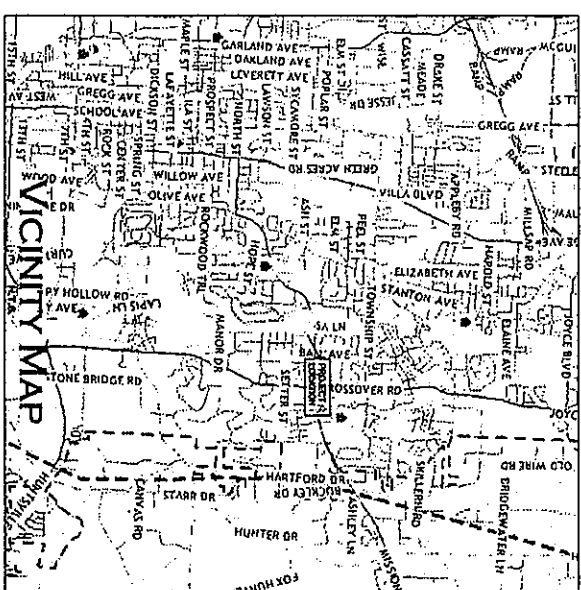
PZD'S
ARE
SCARY!



The current PZD request of 295 units still creates areas from the largest single family homes as RSF-9 to the mixed use flats as RMF-24. The largest number of those units being the latter. If this is approved, they will come back later for RMF-40.

The scary part for neighbors is that once the PZD is granted, the developers will no longer be held to the original plan. All changes and additions can be handled in the city planning department without *your* approval or public input. The submittal drawing being presented is too vague.

I want to know what is to be built behind my home, precisely. Do you know? I sure don't.

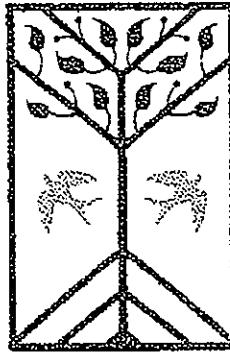
[illegible]

SECTION	INVESTIGATOR	OVERALL	TAPPING	SP	SHOOT	CATCH
	N/O					
1	48	30	TRAP	CHICKEN	5	20
2	35	25	TRAP	CHICKEN	2	20
3	47	20	TRAP	CHICKEN	2	20
4	41	22	TRAP	CHICKEN	2	20
5	41	22	TRAP	CHICKEN	2	20
6	41	22	TRAP	CHICKEN	2	20
7	41	22	TRAP	CHICKEN	2	20
8	41	22	TRAP	CHICKEN	2	20
9	41	22	TRAP	CHICKEN	2	20
10	41	22	TRAP	CHICKEN	2	20
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100	41	22	TRAP	CHICKEN	2	20

NOTES

FLOOD CERTIFICATION:
THIS PROPERTY IS NOT LOCATED WITHIN THE 100 YEAR
FLOOD ZONE. ZONE PANEL NO. 05143C0103.D, DATED
MAY 21, 1989. ZONE PANEL NO. 05143C0008.D, DATED
MAY 21, 1989.

RUSKIN



HEIGHTS

Ward Davis
Ruskin Heights, LLC
2013 East Mission Boulevard
Fayetteville, AR 72703
November 16, 2006

Mr. Tim Conklin
Director of Planning
City of Fayetteville
113 W. Mountain St.
Fayetteville, AR 72701

Dear Mr. Conklin:

I am writing to explain the zoning request of 465 residential units in the Ruskin Heights Neighborhood and to more closely align the zoning request to the current land plan. First and foremost, I want to reinforce that the current land plan, including the phases for which we are seeking development approval, includes a total of 295 residential units and 58,500 square feet of retail space. These amounts are less than the up to 360 residential units and 60,000 feet of retail presented at the charrette. While the current land plan has not changed measurably, one of the central philosophies of New Urbanism is providing flexibility for future uses. In this case, we wanted to have zoning that allowed for "granny flats" and a horizontal property regime in the more dense areas of the neighborhood. While we would not initially be selling more units, higher density zoning would allow future owners more flexibility with their properties.

Although the development approval submittal and the PZD zoning are two different items, we can see how the issue could be confused and have decided, therefore, to align our PZD zoning request with the 295 units in the current land plan. Our PZD submittal on November 22, 2006, will reflect these changes. We apologize for any confusion and hope this clarifies our objectives. As always, please feel free to call with any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Ward Davis', is written over the printed name.

Ward Davis

POINTS TO PONDER

The developers are just selling lots. They are not building the development. This leaves the look of the project in the hands of any builder who happens to buy the lots. Has anyone seen a definitive blueprint with all phases of this project completed?

Affordability: The completed single family detached homes are priced at \$639,600.00.

Walkability: The slope at 20% is too steep for viable pedestrian use.

Averages # of units 295

of cars per household: 2.13*

of trips per household 6.36*

(figures do not include commercial space)

***U.S. Dept. of Transportation**

Problems with the Traffic Study



- 1. Traffic counts have not considered the traffic from Greenview, Park Place, Viewpoint, East Oaks, Winwood, etc.**
- 2. Mission Boulevard Baptist Church and church school traffic have not been factored in the plan.**

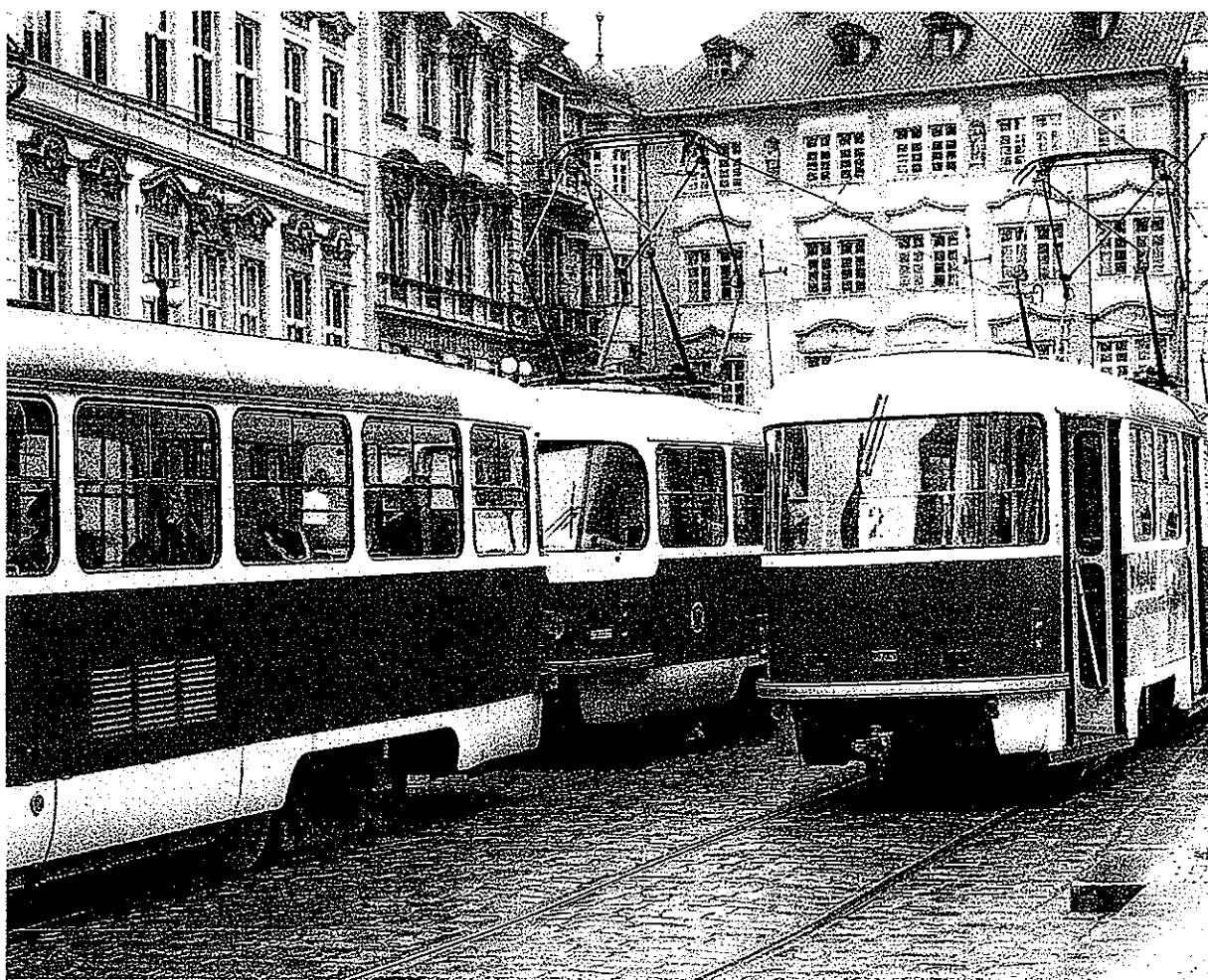
2. Mission Boulevard Baptist Church and church school traffic have not been factored in the plan.
3. The pulse created by a traffic light at Lisa Lane will block movement from Greenview, Viewpoint, and Winwood. It will make it harder for *established residents* to “pulse” into traffic.
4. How can you get four traffic lanes and a turn lane to fit into this area?
5. How many truckloads of dirt will need to be moved to build a road that would connect to a possible traffic signal?
6. The New Hampshire company that produced this study primarily works for TND* urban developments as a paid consultant.
7. No matter how many traffic lights or outlets this development is granted, there's no escaping the fact that an average of 590 cars (295 X 2) are going to be dumped onto Mission daily.



- Traditional Neighborhood Design as defined in New Urbanism.

Mass Transit

is not available to service this development.



Fact: A key component of New Urbanism, or TND, is available mass

Fact: A key component of New Urbanism, or TND, is available mass transit for the residents. (Rail heads and bus systems*)

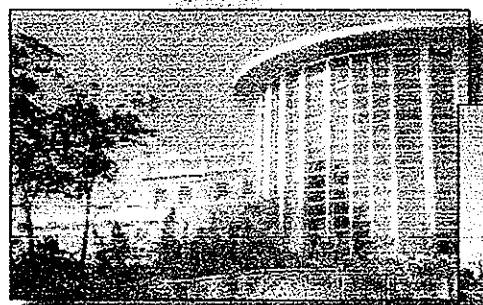
"...such development should be within ¼ mile of the transit facility."*

d. Promote densest development around future transit stops

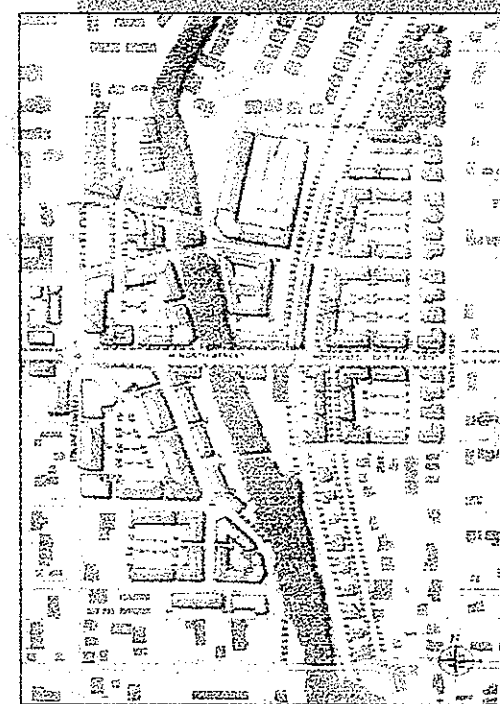
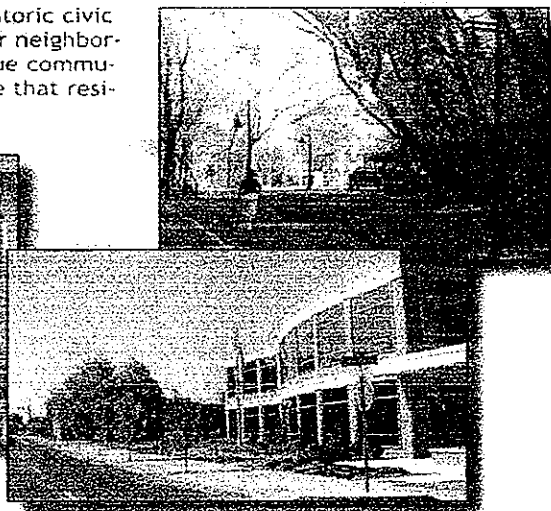
Transit requires density. In a study undertaken for the Portland Metro Area West-side Light Rail, a literature review demonstrated that mode capture was greatest within walking distance of the station (30 percent) and fell off as distance increased with very low capture outside of a mile radius unless park-and-ride facilities were provided. The implication is that providing transit requires the greatest concentration of housing and jobs to be within walking distance of transit stations. For this purpose, such development should be within a quarter-mile of the transit facility. If transit is to serve a regional function, the densest development should be located in the vicinity of transit stations to ensure an effective and well-used system.

e. Reinvest in parks, streets, & civic buildings within the heart of the city

The tree-lined streets, parks, and historic civic buildings found in Fayetteville's older neighborhoods greatly contribute to the unique community character and high quality of life that residents treasure.



Reinvestment in the City core



North & Leverett,
2025 Transit-worthy design

**CITY
PLAN
2025**

***City Plan 2025**

deviated route from a dial-a-ride system. This switch means that buses will serve fixed routes but deviate from those routes when one of the passengers is unable to make it to a designated stop. The system is operated in conjunction with local human service agencies, private operators, and local governments and costs between \$.50 and a \$1 to ride.

7.4 Rail

A Northwest Arkansas Light Rail Transit System

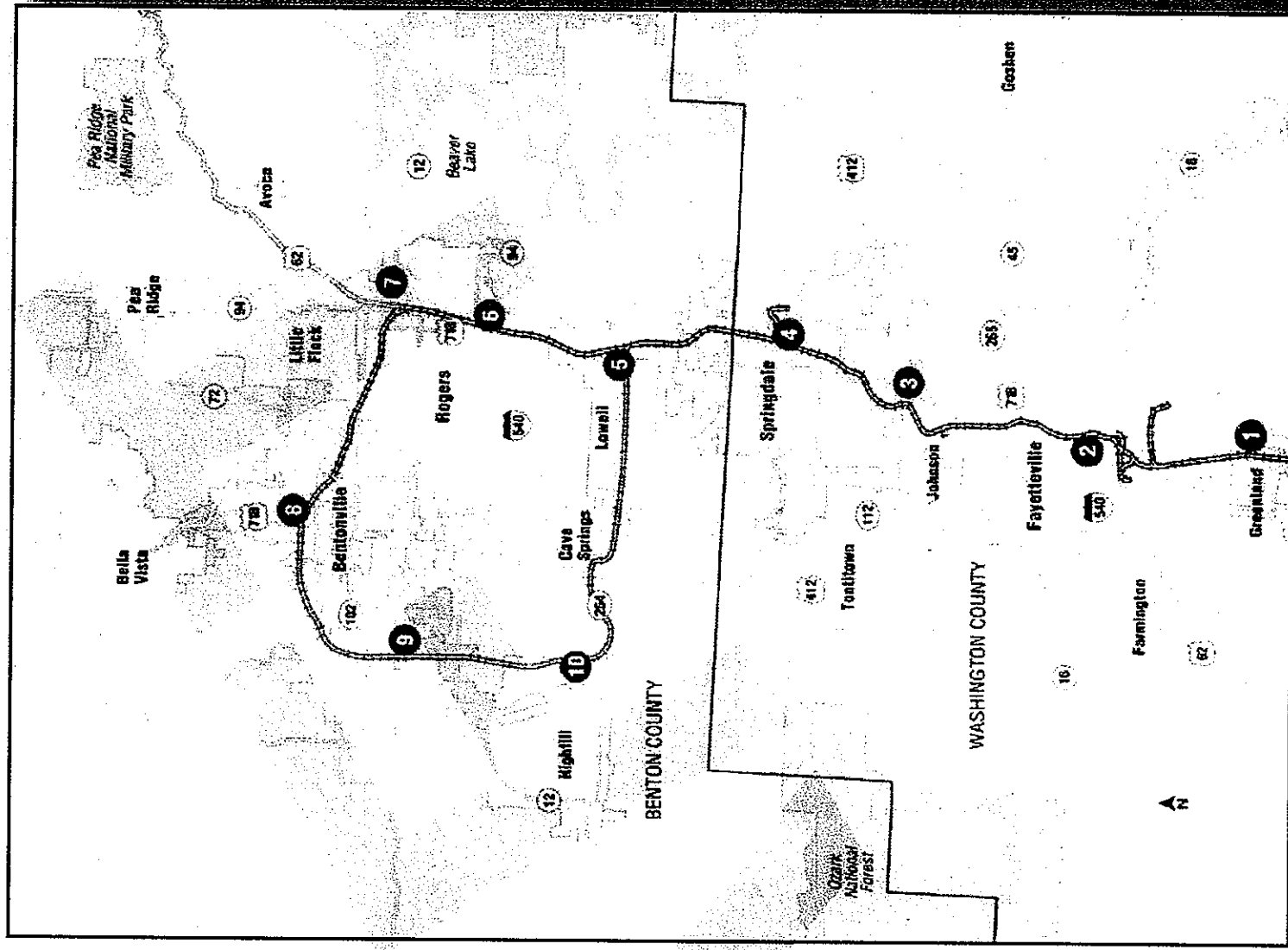
Beta-Rubicon, Inc, completed a preliminary feasibility study for a light rail transit (LRT) system in Northwest Arkansas in July 2005. The study examined the possibility of a "green" light rail system that would operate between Drake Field in Fayetteville and Bentonville. The study concluded that a LRT system is a viable option for the region but requires both public and private support.

The study concludes that the most cost-effective route would predominantly follow the current Arkansas-Missouri railroad line, utilizing existing right-of-way. However, the current estimate of costs ranges between \$550 million to \$1.24 billion. This cost will only increase as the price of land increases in Northwest Arkansas, which creates a sense of urgency in moving a LRT project forward.

A Northwest Arkansas Light Rail Transit Forum, held in November 2005, provided an analysis of regional demographics and population growth that demonstrated the potential of supporting a transit system of this magnitude. The Arkansas-Missouri railroad management and elected officials at the federal level expressed a willingness to support a LRT initiative. After the forum, a regional action committee formed and seeks to develop public and private partnerships to support a LRT project.

Current Rail

Fayetteville is served by an active rail line, the Arkansas and Missouri Railroad, which divides the city in a north/south direction and stretches from Monett, Missouri to Fort Smith, Arkansas along 149 miles of track. The Railroad also operates a tourist passenger train, making day trips originating in Springdale to local areas of interest.



Proposed Light Rail Transit System

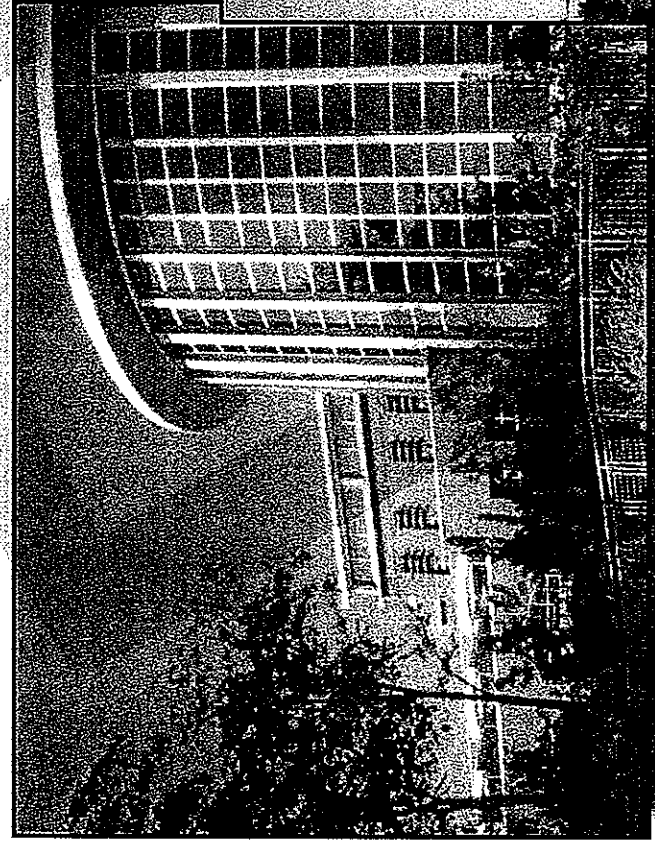
**CITY
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d. Promote densest development around future transit stops

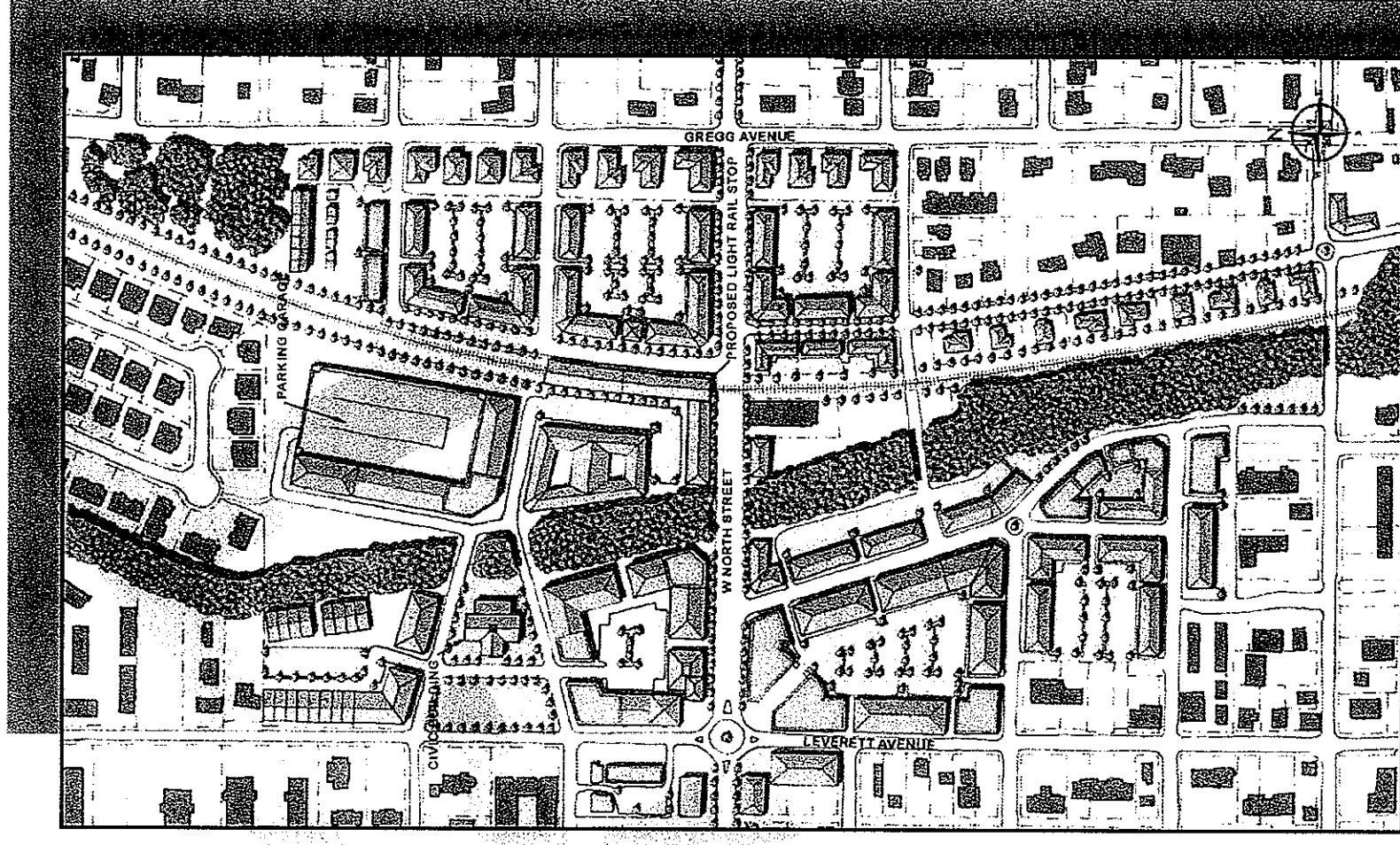
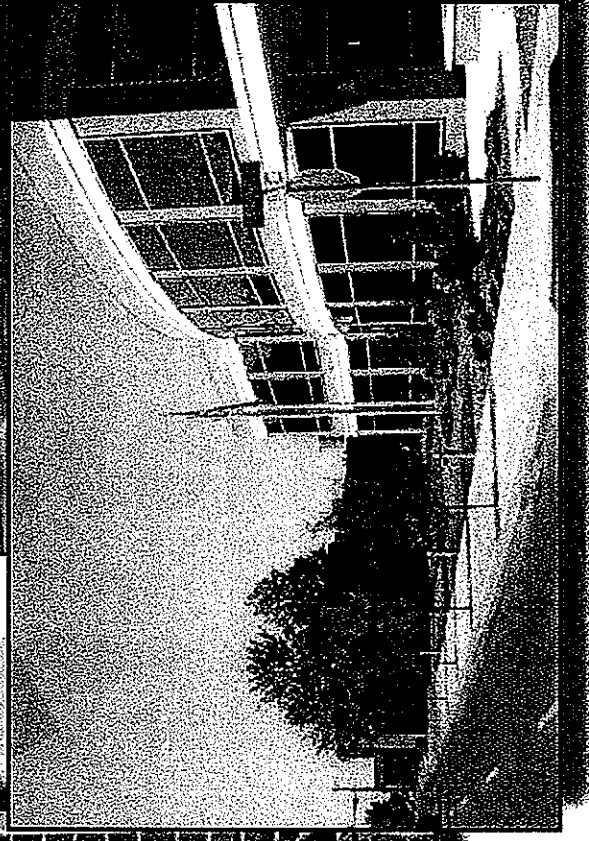
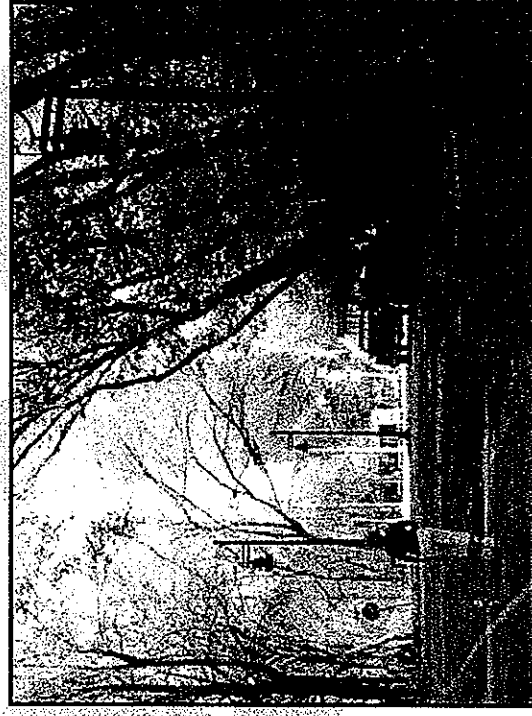
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Reinvestment in the City core



North & Everett,
2025 Transit-worthy design

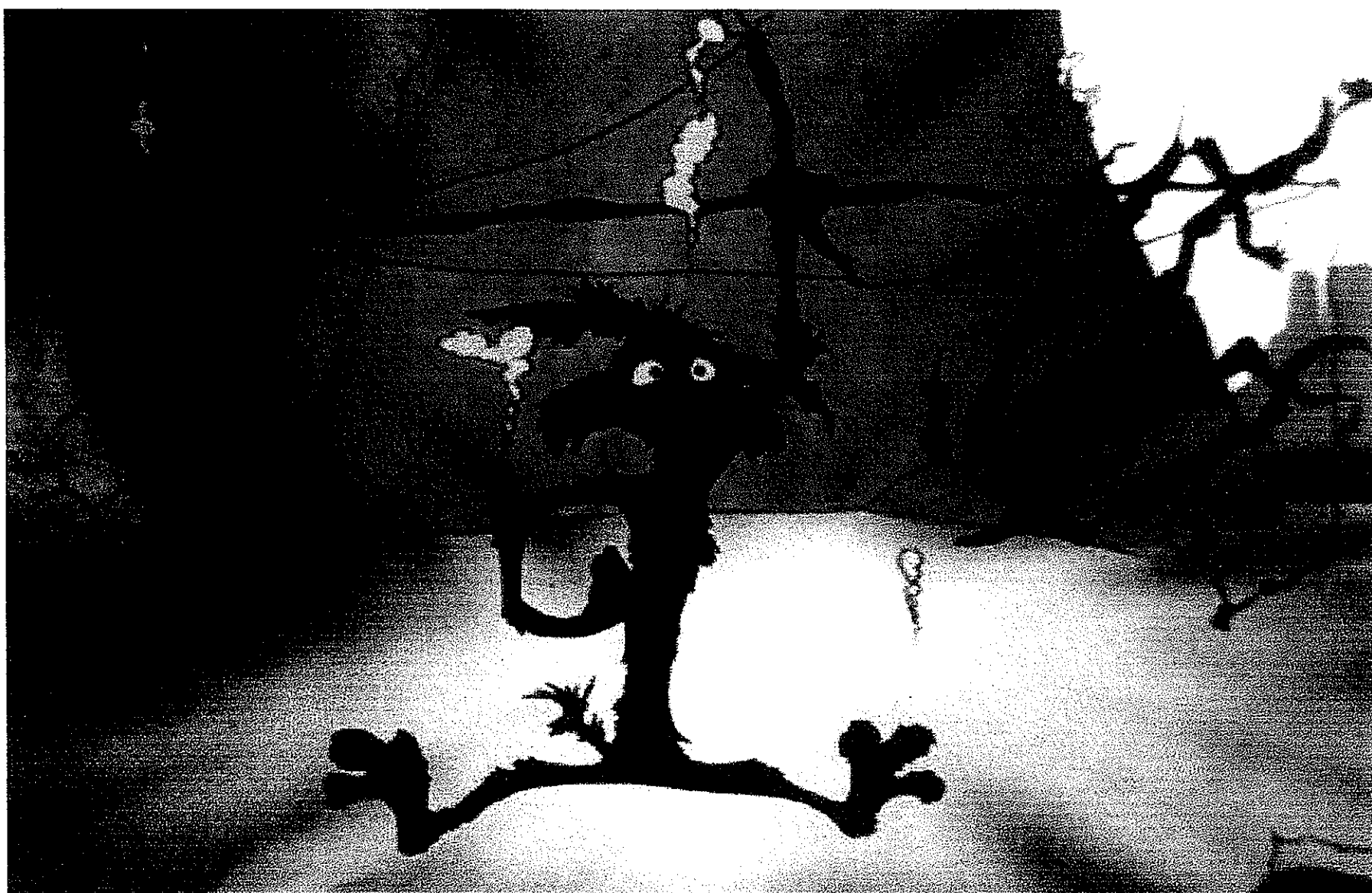
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Destabilization Of Surrounding Properties



Kings Drive

The construction of streets and utilities in this area will likely require BLASTING. The area behind the old Dillions store and Park Place were once limestone quarries.



- **Geologic Hazards:**

Based on a 2001 report by King published in the Journal of Arkansas Academy of Science, much of the Fayetteville area is located on shale strata containing swelling clays. These clays weather rapidly and form expansive soils. These soils swell and shrink depending on the variation of moisture content within the clay. The nature of these soils with their swelling and shrinking can cause heaving, cracking, water seepage and rotting of wood building components. They also cause subsidence in paving areas, excessive runoff after rain events, down-slope creep and the slumping of steep slopes. Although there are many solutions to these problems, they can be very costly to install and remediate after construction. Often the cost of remediation for foundation problems post-construction can exceed 10-25% of the assessed value of the home. The detrimental effects of construction on hazardous soils can be mitigated by property owners' access to a

detailed geotechnical report conducted on the building lot. A geotechnical report will give lot owners and builders an understanding of the soil conditions as they relate to the specific property. Mitigation of soil inadequacies can then be explored, which may entail a need for engineered foundations, slip foundations, or other methods or construction techniques that will ensure that structures are built in an appropriate manner.

Expansive Soil hazards in the Fayetteville Quadrangle:

1. Lower Fayetteville Shale:

Located mostly on the flatter or slightly sloped hillsides, this soil covers an expansive (45.5%) area of the Fayetteville Quadrangle. *The weathered clay horizon of this unit ranges from 0 m to 10 m thick and rests on top of the un-weathered shale. Adverse effects associated with construction on the lower Fayetteville shale are differential subsidence of pavements resulting in extreme cracking and*

unevenness, cracking of foundations and retaining walls, cracking of concrete floors, cracking of concrete driveways, separation of concrete floor seams, rotting of wooden floors and other wooden components of houses, various breaks in masonry above the foundation, runoff from heavy rain fall, seeps emerging from paved areas, seeps emerging in houses between concrete floor seams, and corrosion of buried pipes. With the expansion and contraction of the lower Fayetteville Shale clays, even areas with very gentle slopes display evidence of creep. (King, 2001).

2. Upper Fayetteville Shale:

Located primarily on moderately steep slopes. The upper Fayetteville Shale has a much smaller aerial extent (4.7%) than the lower Fayetteville Shale. This soil is susceptible to creep and slumping. The area of contact between the Upper Fayetteville Shale and the Wedington Member is also the location of frequent springs and seeps.

Urban development is best suited in areas to the west and northeast where soil limitations are the least restrictive. These are also the areas where current development and future market activities are most active.

6.3 Slope and Hillsides

Slope, or gradient, is a critical factor in determining a soil's suitability for supporting development. The development of severe slopes involving soils not capable of providing foundation support may result in extensive cutting and filling in an effort to stabilize them. When compounded by the removal of existing vegetation, excavation and fill of soil can result in severe erosion and run-off, slumping and shearing.

In Fayetteville, areas of more severe slope are also characterized by soils less suitable for development. Shallower depth to bedrock conditions compound problems in these areas. There are several identified beds of cherty limestone, acid sandstone, siltstone and shale that have shown some faulting and folding at steeper locations.

Of the 55,012 acres within the City and its Planning Area, some 15 percent, or 8,900 acres, have slopes of 15 percent or greater. With notable exceptions, such as Mount Sequoyah, these slopes previously remained largely undeveloped; however, more recent trends indicate that development on hillsides is increasing, which has led to the passage of an ordinance that provides additional protections on slopes that are 15 percent or greater and hilltops.

The Hillsides and Hilltops map identifies three major areas where severe slopes are predominant:

Southwest quadrant of the Planning Area paralleling both sides of the route for U.S. 71. Almost the entire quadrant is restricted. Some of the highest elevations in the Planning Area are found here.

Southeast extreme of the Planning Area. The area is blocked by a solid line of severe slopes. Pockets are found around the Country Club.

Northeast quadrant of the Planning Area paralleling and to the east of Old Wire Road. The steeper slopes are generally confined to a narrow line that terminates on the southern end with Mount Sequoyah.



Soil characteristics are an important determinant of land use. Steep slopes and floodplains are less suitable for more urban forms of development and may require special treatment. Ideally, these areas should be reserved for open space, passive recreation, conservation and agriculture. Where more intensive development of these areas is permitted, performance standards should be utilized in mitigating impacts to the environment. Soils with high water tables and poor percolative ability greatly increase the cost of community sewerage systems. Edaphic conditions can also lead to increased stormwater infiltration and stress the capacity of wastewater facilities. Soils also dictate engineering requirements for industrial use and trafficways. Many of the soils in and around the urbanized area are stony and rocky, have high shrink-swell potential, or have low load-bearing or traffic-supporting capacity.

Most of the land in the Fayetteville planning area has some restrictions for urban development. The Soil Suitability for Development map groups soil series by degree of suitability for urban development. The Map can be summarized by a description of the four major areas where soil limitations are most restrictive:

- Southwest quadrant of the planning area: Almost the entire quadrant is covered by the most restrictive soils. Moderately restrictive soils occupy the area between Wedington Road and U.S. Highway 62 west of Interstate 540.
- Southeast extreme of the planning area: Included are pockets of the most restrictive soils around the country club and along the West Fork of the White River.
- Eastern edge of the existing city limits: A large mass of the most restrictive soils is located between Mission Boulevard and Crossover Road. This area is partially developed with residences.
- Northeast edge of the older city: Pockets of the most and moderately restrictive soils are located between Mission Blvd. and Crossover Road. The area is partially developed with residences.

Generally, the western and extreme northeastern portions of the planning area contain soils with the least restrictions. These soils are sufficiently permeable to be suitable for septic tank drainfields. Perched watertable occurrences are more frequent in the extreme west. Some watertable restrictions are found in the extreme east as well.

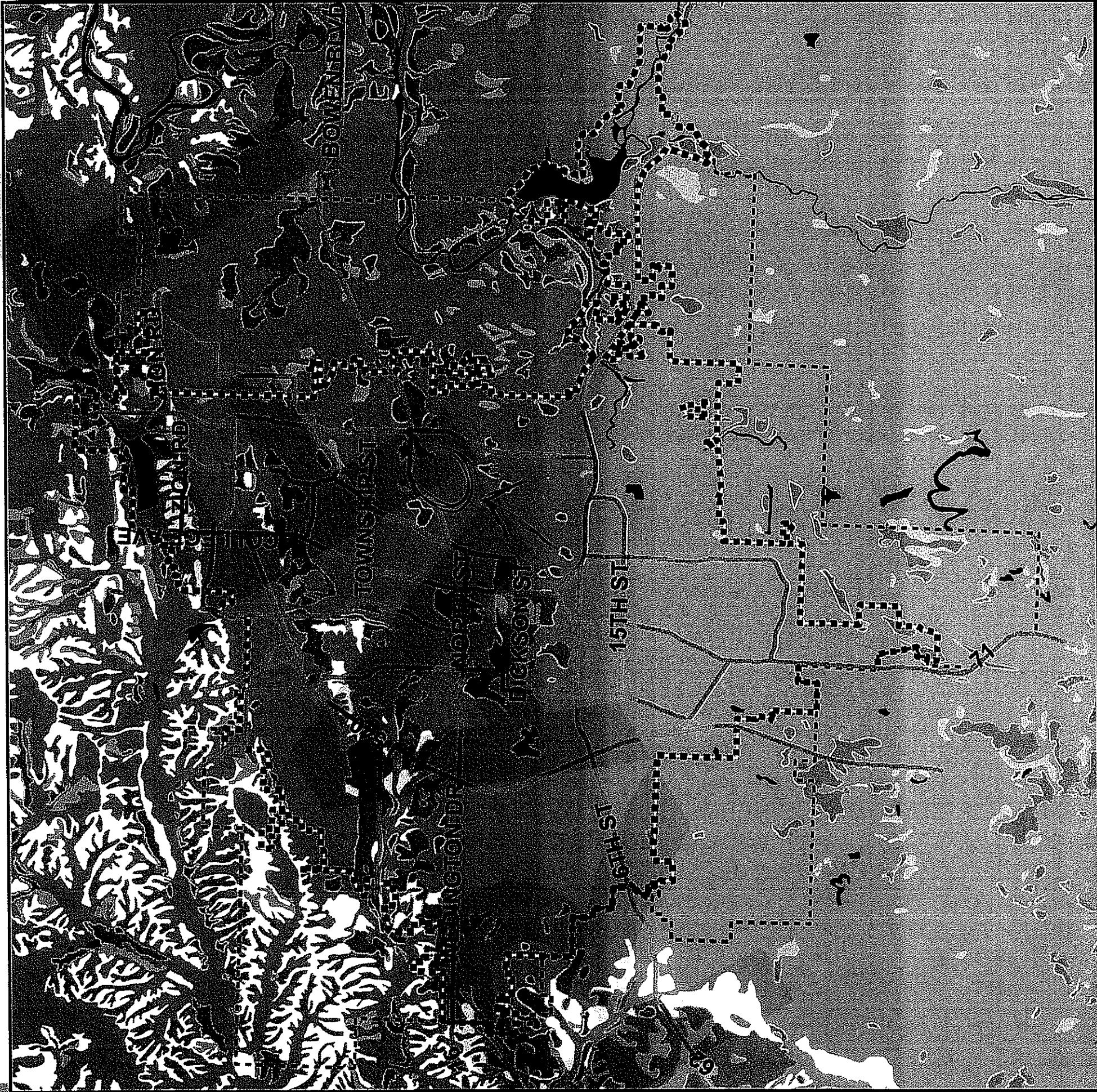
Soil capability and its companion topographic features have influenced the pattern of land use in Fayetteville. Through streets and rail lines follow the stream valleys while roads that cross steep grades tend to be short and discontinuous. The pattern established by early settlers of building houses on the hills and farming the creek bottoms still prevails, with residential areas on the hills and commercial development along the highways.



**Soil Suitability
for Development**

Legend

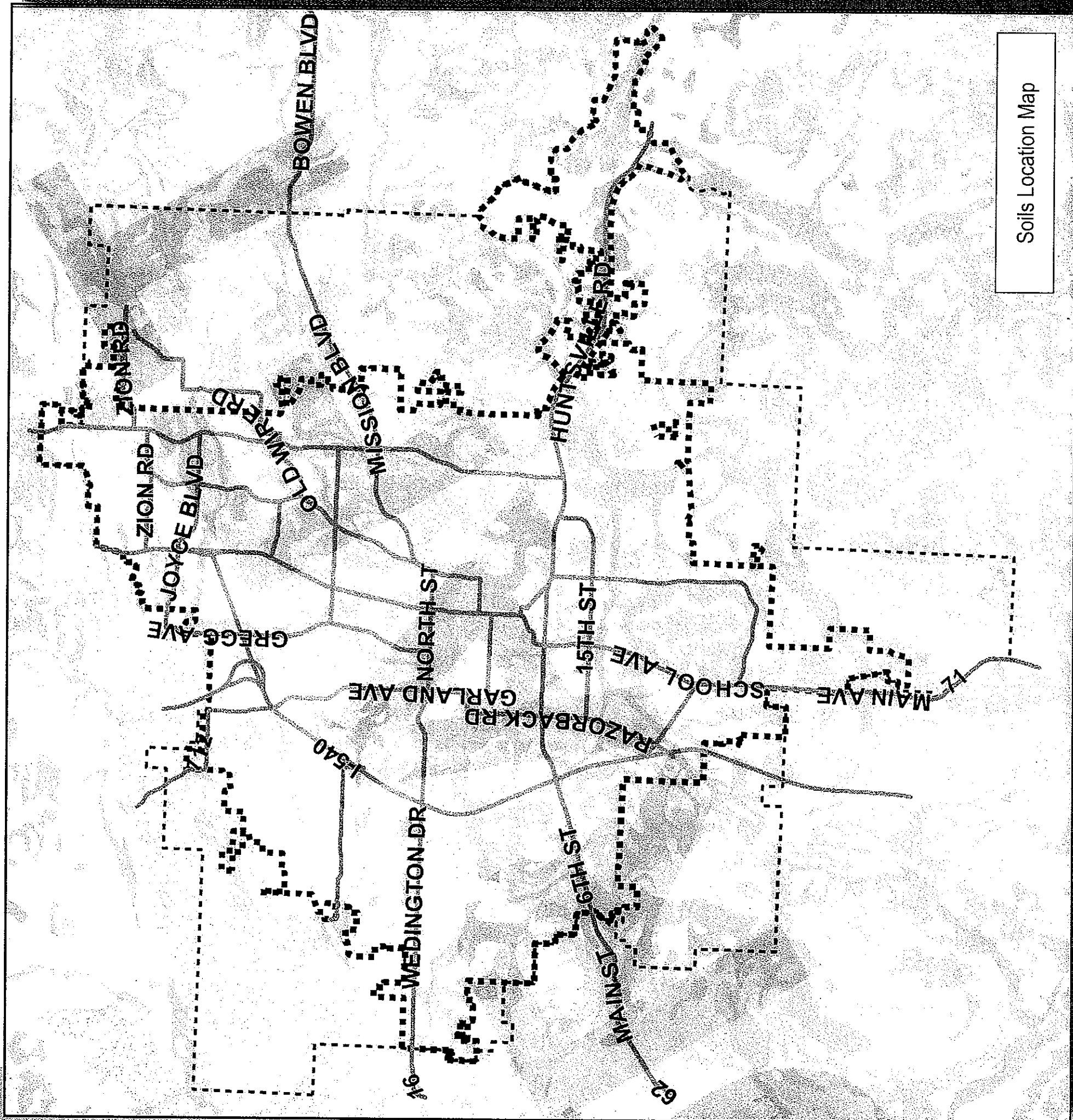
- Not limited
- Moderately limited
- Limited
- Very limited
- Not rated



Soil Type	Legend
musym	EnC
AeC	EnC2
AeC2	EnD
AeD2	EnD2
AgD	EoD
AgF	ErE
AhF	ErF
AhG	FaC2
AIC2	FaD2
AID2	FaE2
AIE2	FeF
AnE	FhF
AoF	GPI
ApB	GuC
ApC2	HmC
AsC2	HmD
BaC	HoF
BaD	JaB
BaE	JaC
BaF	Jo
CaB	Js
CaC	Le
CaC2	Lf
Ch	LkB
Ck	LkC2
ClG	LnC2
Cr	LnD
DU	MPI
Ec	MoD
Eg	MoE
	NaC
	NaD
	PeB
	PeC2
	PgC2
	PkC2
	PkD2
	PsB
	PsC2
	Ra
	Rg
	Rk
	Ro
	SHO
	Sa
	Sb
	SfB
	SfC2
	Sn
	So
	Sp
	SsA
	SsB
	SsC2
	SsD2
	StD2
	StE2
	Ta
	ToA
	ToB
	W

*see Appendix A for details

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Soils Location Map

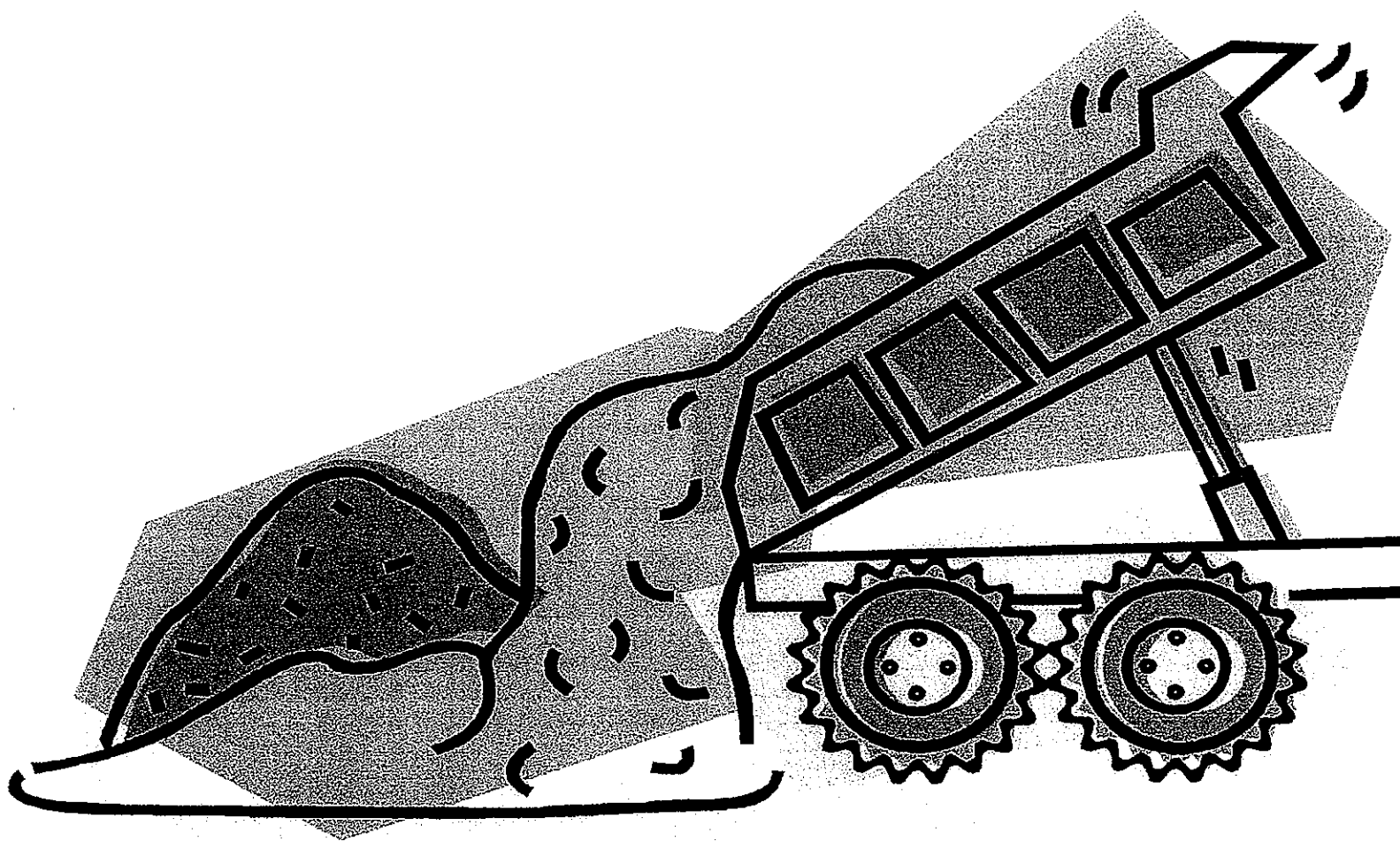
**King's Drive is a royal
mess!**



**The Mission Hills
conundrum still has not
been repaired.
We do not want this
happening in our
neighborhood!**



**Making a molehill
Out of a
Mountain**

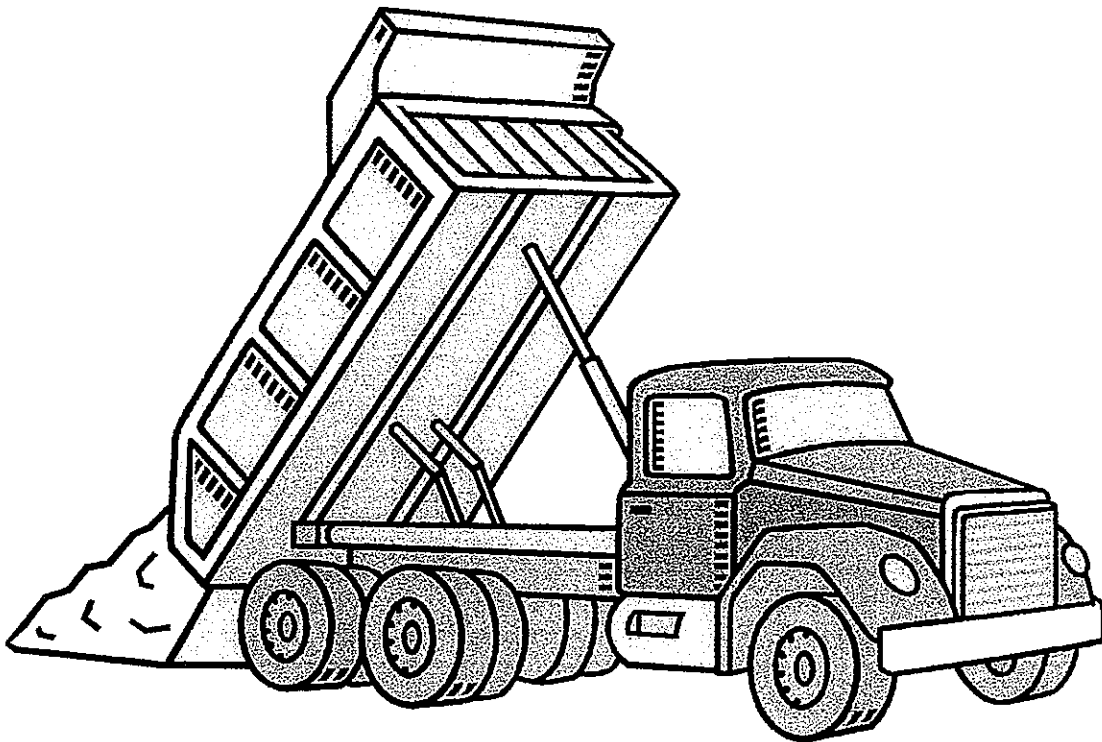


Dirt removal:

100,000 cubic yards

or

6,500 dump truck loads

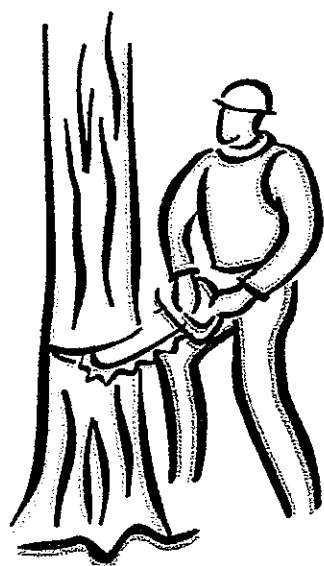


**Money doesn't grow on
trees.....**



**In this development,
money replaces them.**

**The city traded
\$259,200 dollars for the
required 6.48 acres to be
reduced to 3.11 acres. A
net loss of 3.5 acres of
trees!**



Where do the existing codes fall short?

- Current zoning code is designed for flat land development
- Height limitations, setbacks, lot size and lot layout design
- Grading ordinance does not address innovative ways to retain grade with home design

What are the loop holes in the current regulatory codes?

- New development less than one acre in size is generally exempt from many development requirements
- Tree preservation is not required on single lot development
- Tree preservation is required of the developer at the time of platting; however, lot owners and builders may remove preserved tree canopy from their individual lots

Code Revision Process:

The process outlined below illustrates the steps taken by the City, the Hillside Task Force and Design Workshop to specifically revise the current codes.

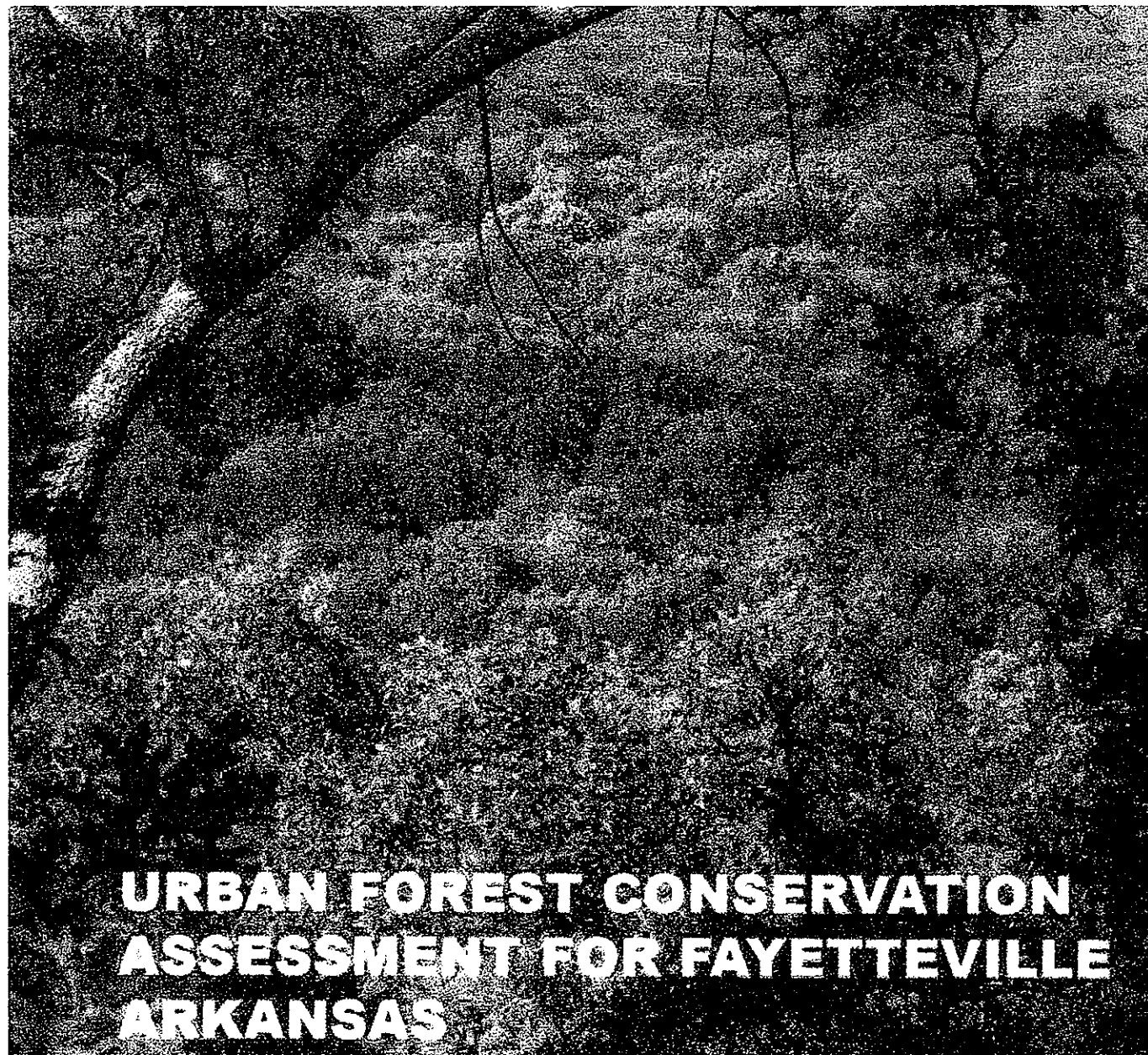
1. Review the existing conditions and define the Hillside Overlay District Map.
2. Test and review the current development codes to determine the loopholes in the current codes:
 - Zoning
 - Grading
 - Tree Preservation
 - Erosion and Sediment Control
 - Parking
3. Amend the current Unified Development Ordinance Codes to be more conducive to hillside development.
4. Create a Hillside Overlay District Best Management Practices Manual.

• **Zoning:**

To examine existing zoning codes, Design Workshop created plans and sections illustrating minimum allowable lot size, maximum allowable building footprint, and front, side, and rear setbacks. The analysis revealed that existing lot conditions do not promote sound development practices with respect to preserving tree canopy, preventing erosion, and protecting views both to and from the hillsides. The existing setbacks contribute to excessive land disturbance. Grading for roads and right-of-way coupled with large front building setbacks creates additional potential for land disturbance.

The following illustrations summarize each of the major zoning classifications found on Fayetteville's hillsides. These studies depict the pattern of development per the current zoning regulations, in plan view and cross-section, illustrating the potential impact when applying the current development codes to lands on an average 20% slope. Also summarized is a diagram

**This area has been
designated as an area
for preservation.**



**URBAN FOREST CONSERVATION
ASSESSMENT FOR FAYETTEVILLE
ARKANSAS**

- **Tree Canopy:**

Currently, the undeveloped hillsides in Fayetteville are predominantly covered with trees, and are visually perceived to be predominantly tree covered. This tree cover is highly visible because the hillsides rise three to four hundred feet above the surrounding area and are very visible from many areas within the city. Any tree cover that is removed for development is usually visible and typically brings attention to the project and the development process. Tree cover removal may disrupt the natural ecosystems, change the hydrologic characteristics of the hillsides, and potentially increase the impacts of erosion and soil instability.

The following map illustrates the distribution of existing tree canopy, indicated in green.



Tree Canopy Cover for the City of Fayetteville, AR. {City of Fayetteville 2003}

Mayor Coody: Yes.

Alderman Jordan: The developer has to leave a certain percent but the person that buys the lot can take all trees out if he wants to?

Mayor Coody: The tree preservation plan does not apply to a single family lot owner just the developer.

Tom Terminella asked for the definition of abbreviated tree preservation plan and what happens when the only tree canopy is in the middle of the lot?

City Attorney Kit Williams: There can be mitigation in that particular case some other place on the lot. He also read the abbreviated tree preservation plan.

A discussion followed on the abbreviated tree preservation plan.

Jeff Williams voiced his concern about the ordinance and it applying to storage buildings.

Don Conner a resident voiced his concern about keeping the tree plan in for individual lots because that is basically what this ordinance is supporting, trying to keep the soil from washing away and the existing trees are a lot better than replanting trees.

Tracy Hoskins: Am I assuming that the tree mitigation ordinance we go by today will apply to the single family lots as well?

Tim Conklin: It is the same mitigation but keep in mind the canopy is based on the lot not the subdivision. Yes, if you have to mitigate you would have the same procedure to mitigate.

A discussion followed on the mitigation process and how individual lots are currently built out.

Alderman Thiel moved to amend the ordinance to *remove all references to tree preservation protection within single family residential developments and require that an abbreviated tree preservation plan be required within single family residential developments.* **Alderman Marr** seconded the motion. Upon roll call the motion passed 6-1. **Alderman Lucas, Jordan, Reynolds, Thiel, Cook and Marr** voting yes. **Alderman Ferrell** voting no. **Alderman Rhoads** was absent during the vote.

Mayor Coody: The next issue is should all zoning districts be required to preserve 30% tree canopy so the commercial zones must double their required canopy.

Alderman Ferrell: All zoning districts in the hillside?

City Attorney Kit Williams: Yes just in the hillside, it states Hillside Overlay District all zoning designations are to be 30%.

Mayor Coody asked how much non-residential zoning falls within the Hillside Overlay.

Tim Conklin: Around 200 acres out of approximately 3,700 acres.

**Hey! We
were here
first!**



**The safety, viewshed,
and quality of life for
the adjoining neighbors
will be adversely
affected by the density
and traffic created by
this development. This
is *not* in keeping with
the 2025 Plan.**

Comments from the Neighbors

The citizen stated that her concern was traffic....She had seen a deer on the hill. If the development came to be, she feared she would not see that any more. She would like for this to be held off until they could get more proof on how the traffic was an issue. Already it was tight. Buses could not go up there. There was no way to turn around.....

This citizen stated he came to speak about the traffic and how it would be without the woods. There were a lot of animals and they would not be able to ride their bikes.

This lady presented a petition supporting the preservation of the urban forest located on Mt. Sequoyah. They opposed the development.

This man stated his association was in opposition to this development. Many others in their community and neighborhood were also opposed to this development. Some for reasons of congestion, safety, and etc.

She would like to address the issue of the impact of the increased traffic on the safety of their children and families in the neighborhood....Their thought was that if they increased the traffic along that curve that it was going to be more dangerous.So all of us that lived in that area had modified the way they live because of the current traffic pattern. She could not even imagine how it would be with 27 other cars.

make it up the hill. They had to drive their kids to school. The roads were considered unsafe for school buses....It did not make sense to build this project in this area.

He urged them to review their information. He urged them to base their decision not on fear of lawsuit, but on the impact to the neighborhood and impact to the city's infrastructure and safety in the neighborhood.

He stated that the Planning Commission regulation stated that topography could be used as an exception. The topography of the land did not lend itself easily to ingress and egress. There will be cars on the road when weather was not good and at other times. It was unsafe.....This will not fit with their neighborhood.

He stated the most important thing that he could think of was 9 units on one acre did not fit the whole style of Mount Sequoyah. It was more of a historical district than a suburb. They had deer herds, road runners, and wild turkey. He asked why a person could not build one single family dwelling instead of nine units.

Council Response

Alderman Thiel stated one of the main concerns was that other than the required parking spaces there was no off-street parking available for this

complex for visitors or guests. It looked to her that people were going to be parking along the street. Not only did the staff state that was a concern, but she could see where that was a major concern because the street was so narrow. It was going to be a traffic hazard in her opinion.

Alderman Thiel stated she had received a memo from City Attorney stating they could specifically deny an appeal if the proposed development would create or compound a dangerous traffic condition.

Alderman Marr asked on a traffic study, stated he was not comfortable relying solely on the study because there was some subjectivity to it. It talked about the number of trips per day, but it did not look at it by times of day. They could have a thousand trips on a local street road and the majority of that could happen during going to and from work. The conditions were very different from those numbers spread out over a 24 hour time period. There was also the reality of the law of common sense and real world. When they drive and walk that road, he thought it was easy for someone who comes in to look at it and say that it could handle up to one thousand cars, but the law of common sense would say that it was substandard.....He did not know why he would vote for or approve a development that only make a substandard

street worse. The reality of this was that he did not think that this zoning was proper. He did not think it was an R-2 place.The topography issues made this unsafe.

Alderman Reynolds stated he did not believe Mount Sequoyah had the infrastructure to support this project. He thought this project was going to be a danger to health, safety, and welfare for everyone on the mountain.

Alderman Young stated this was a typical development that was drawn on a flat piece of paper. This was not a flat piece of land.Topography should be considered. The courts would look at all the laws. This was the city council. One of the things that city council was charged to do was to look out for the health, safety, and welfare of the community. Allowing a dense development would hinder those three requirements. The topo should prevent this development from going forward.

Alderman Jordan stated this was a judgment call. When he saw 20 people come in from their neighborhood saying there was a problem, then there was something wrong. People had commented tonight that traffic conditions were a problem. The people who lived there knew what went on there. They knew what they were talking about.

***These comments are from City Council Minutes
dated June 18, 2002.***

Note:

The proposed development would have been built in Mayor Coody and City Attorney Kit William's neighborhood. It was defeated 8-0.

How, in such a few short years, have we gotten so far away from what the citizens want?

**One has to wonder how
a development that
requires ~~43~~ variances
ever got out of planning.
There really is
something wrong with
this picture!**

**“It’s important once the
city decides on a policy
that it stay in place.”**

Mayor Dan Coody

NWA Times 03/04/2007

**It's not just about what
developers and the
mayor want.....**



**It's what the citizens
want that should count!**

**No dense infill in areas
not targeted in the 2025
plan.**

This project has been pushed on the citizen's from it's inception.

At the Town Center Charrette The Mayor told us how wonderful this will be for the city.

There have been countless articles in the local papers quoting aldermen as being in support of this development.

The city staff is backing this project to the point of accepting 43 conditions of approval and variances in the UDC.

The neighbors have voiced their objections to the density, soils problems, non-conformity and lack of transition from the first meeting. The developers have refused to listen and the city has refused to listen. The mayor has been helping the developers get around the neighbors.

For democracy to work the decisions should be made in the sunshine, not before all of the issues are discussed.

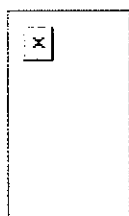
We, the neighbors, have been told by the newspapers and in discussions with aldermen that we do not have the votes to defeat this PZD, So when was this decided?



We have a way to contact folks now. Tim Conklin is sending the list (see bottom of page) a copy of our letter. I will follow up with a line by line rebuttal after Tim's e-mail.

Ward

Ward Davis
 Ruskin Heights
 479-422-2454
 2013 East Mission Boulevard
 Fayetteville, AR 72703
 ward@ruskin-heights.com



From: dcoody [mailto:dcoody@swbell.net]
Sent: Monday, November 27, 2006 5:04 PM
To: Tim Conklin
Subject: Fw: URGENT: RUSKIN HEIGHTS DEVELOPMENT THREATENS NORTH END OF MT. SEQUOYAH
Importance: High

----- Original Message -----

From: Victoria Sowder
To: jecfay@aol.com ; scaulk@alltel.net ; abcetc@sbcglobal.net ; scondren@sbcglobal.net ; dorocov@cox.net ; carla.crawley@tyson.com ; jsfreund@uark.edu ; culbersons@sbcglobal.net ; ddavis1894@sbcglobal.net ; jbdiesel@yahoo.com ; kduval@uark.edu ; ozarkhigh@sbcglobal.net ; karolynk@aol.com ; kathy.fields@post.harvard.edu ; egardne@uark.edu ; Rebecca Garner ; krollet@uark.edu ; dennis.petersen2@cox.net ; karenmcspadden@cox.net ; SMelody770@aol.com
Sent: Monday, November 27, 2006 12:08 PM
Subject: URGENT: RUSKIN HEIGHTS DEVELOPMENT THREATENS NORTH END OF MT. SEQUOYAH

URGENT ATTENTION NEEDED IMMEDIATELY:

The developers of Ruskin Heights, the planned development adjacent to Park Place on the NE shoulder of Mt. Sequoyah (across from Westwood Gardens), will be presenting their revised plans at the Subdivision Committee meeting at 9AM on Thursday, November 30 (City Hall Room 219).

The developers originally were going to maintain the RSF-4 zoning and to develop 294 units. They are now asking for a PZD (planned zone development) RMF-24 and C-1 and to build 465 units!

Their plans include 250,000 square feet of retail space (equivalent to the square footage of a WalMart supercenter).

Be aware, too, that the developers are asking us (taxpayers) to build a \$250K tower on their development.

Access would include Greenview, as well as direct access off of Mission Boulevard. Imagine the increase in traffic..... imagine the drainage problems to existing homes and neighborhood area streets.....

I believe that almost anyone with any sense of neighborhood awareness realizes that this is too much development on too small a hillside area that is actually designated as the last urban forest on the north end of Mt. Sequoyah by the Fayetteville Natural Heritage Association.

The meeting time announced is obviously impossible for many of us. However, I encourage you to take five minutes and write to the Andrew Garner (the City's Senior Planner), to the Mayor, and to the Planning Commission c/o of the City Clerk to express your objection to a development of this magnitude on this endangered hillside.

Please give this your attention right now because some of the items OKed at this Subdivision Committee meeting may not be brought up again at the full Planning Commission meeting meaning it is imperative that we express our concerns and objections TODAY.

Stick your neck out for neighborhoods: email now and go on record as opposed to Ruskin Heights being developed as a PZD and as proposed at this revised, greatly increased density.

Andrew Garner (senior planner) agarner@ci.fayetteville.ar.us
 Mayor Coody dcoody@ci.fayetteville.ar.us
 Planning Commission c/o City Clerk city_clerk@ci.fayetteville.ar.us

Planning Commission:

Jill Anthes	610 N. Olive Avenue, Fayetteville, 72701	443-3107
Lois Bryant	412 E. Center, Fayetteville, 72701	521-4454
Candy Clark	P.O. Box 1482, Fayetteville, 72702	443-5409
James Graves	P.O. Box 452, Fayetteville, 72701	442-5628
Hillary Harris	87 E. Texas Way, Fayetteville, 72701	200-5707
Audy Lack	2702 N. Emerald Avenue, Fayetteville, 72703	582-5628
Christine Myres	1158 N. Maxwell Drive, Fayetteville, 72703	582-5364
Alan M. Ostner	312 S. Block Avenue, 72701	571-4155
Sean Trumbo	2592 N. Gregg, Suite 22, Fayetteville, 72703	442-4325

NOTE: Our Mt. Sequoyah North Neighborhood Association email distribution list follows. I typically send emails out in several (randomly arranged) batches below due to our server limitations -- so please remember that when you hit "reply to all," you are replying *only* to those in your random group. If you want to reply to *all* on our vine, you will have to paste in all of the names below. (Sorry for the inconvenience, but that's just the way it is in these days of increasing spam-awareness.)

Please keep me updated on your email addresses, and if you know anyone who would like to be added to our list, please just let me know because I'll be pleased to add them to our "North Sequoyah Neighborhood Vine."

egorder@uark.edu; jangree@swbell.net; rhodous@cox.net; Hollandlor@aol.com; cambrehorne@yahoo.com; rjsalon@swbell.net; BrainJohnson@cox.net; jlohr@uark.edu; lonnielusby@yahoo.com; davidmcc@aol.com; lmelmac@aol.com; mary.jernigan@sbcglobal.net; mullane@uark.edu; vozment@yahoo.com; jphilip@elkins.K12.ar.us; KSAP3643@cox.net; jlseg@sbcglobal.net; nickelp543@sbcglobal.net; aprassel@earthlink.net; jmrcws@cox.net; beth@sudswash.com; stanley@sudswash.com; brad.ruth@cox.net; lrye@sbcglobal.net; wsaitta@cox.net; msaitta1@cox.net; jschrive@uark.edu; chadsims@gmail.com; nanceetah1@msn.com; lstewart65@yahoo.com; RSSwit@aol.com; jteas@uark.edu; gtolleson@sbcglobal.net; jtolleso@uark.edu; jbatch72@ipa.net; rsbenton@cox.net; RobertGinnaven@aol.com; leannund@aol.com; fredsv@cox.net; nnnwatson@cox.net; sheaweidner@hotmail.com; gary_whicker@sbcglobal.net; j.wisdom@sbcglobal.net; fuller@uark.edu; Steve_Rogers@jbhunt.com; czbaker@cox.net; john-echois@sbcglobal.net; jerry.c.stamps@tyson.com; purpledog12@swbell.net; yasmina2@cox.net; lgsager@cox.net; momontherun@sbcglobal.net; pauldickard@cox.net; katherinebrill@yahoo.com; sspencer98@cox.net; janebshiple@uark.edu; janvolkamer@aol.com; tuttlefarm@aol.com; mosborne@fayar.net; RPO@RPOlaw.com; pierceosb@aol.com; Kelly.Zega@cox.com; kincaid933@cox.net; petemarg@cox.net; jgreeson@uark.edu; lfoley@uark.edu; jwebb@uark.edu; mulkeyb@aol.com; SZimmerman@co.washington.ar.us; relizabethwasson@coxnet; OzarkTraveler@ArkansasUSA.com; tfrentz@uark.edu; mkwilliams48@yahoo.com; hopkins2848@aol.com; cdicus@uark.edu; wkincaid@uark.edu; ojl@uark.edu; mrj03@uark.edu; ghbpbb@cox.net; profcr@sbcglobal.net; dkldeb@sbcglobal.net; dwd@pelfreez.coxatwork.com; cchalfant@spacephotonics.com; michaelb@airwaysfreight.com; smwimberly@yahoo.com; wbfayar@sbcglobal.net; kay@smartpouch.com; jeanette_millar@yahoo.com; lbaledge@cox.net; ahrend@uark.edu; KathyMerryShip@aol.com; alisonjumper@yahoo.com; dconner77@earthlink.net; bloewer@uark.edu; jbrown7206@aol.com; artgal1990@aol.com; malcolmwilliamson@cox.net; sspencer98@cox.net; elsid53@yahoo.com; kasfahl@cox.net; erica@marshalltown.com; kasfahl@uark.edu; teastin@lynks.com; williametges@cox.net; tbeardsl1@yahoo.com; KCRatliff@aol.com; mdwelch1@yahoo.com; lornabeard@hotmail.com; malaughlin5@aol.com; jim.com12@juno.com; DrPamCox@aol.com; ginak@uark.edu; hbrill@uark.edu; vsowder@beta-rubicon.com; ccramer@uark.edu; shiple1132@sbcglobal.net; golfand@optonline.net; rogaron@aol.com; shannon.bailey@noble.net; hogknight@aol.com; drewbaumgartner@yahoo.com; trinityteacher@netzeronet; nwilliams@tcinternet.com; johnmbrooksjr@sbcglobal.net; hockeyburt@aol.com; jbutton@uark.edu; cpcmm007@aol.com; jecfay@aol.com; scaulk@alltel.net; abcetc@sbcglobal.net; scondren@sbcglobal.net; dorocov@cox.net; carla.crawley@tyson.com; jsfreund@uark.edu; culbertson@sbcglobal.net; ddavis1894@sbcglobal.net; jbdiesel@yahoo.com; kduval@uark.edu; ozarkhigh@sbcglobal.net; karolynk@aol.com; kathy.fields@post.harvard.edu; egardne@uark.edu; garner@garnerasse.com; krollet@uark.edu; dennis.petersen2@cox.net; karenmcspadden@cox.net

Victoria Sowder

Administrative Manager
Beta-Rubicon, Inc.
21 W. Mountain, Suite 123
Fayetteville AR 72701-6064
Phone: 479.444.8118
Fax: 479.444.0089
www.beta-rubicon.com

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have put in traffic light at their intersections?

Thank you for your time.

Sincerely,

Jo Ann Kvamme

1982 Greenview

Fayetteville, AR 72701

h 479-571-2312

w479-575-6603

-----Original Message-----

From: Joann C. Kvamme [mailto:jkvamme@uark.edu]

Sent: Wednesday, January 24, 2007 1:48 PM

To: Keisling, Thale C.

Subject: Route 45 in Fayetteville between Rt 265 and Rt 112

Dear Sir,

I was at a city planning department meeting last Monday, January 22, 2007 for the City of Fayetteville and a developer said he had state approval for three turn lanes at his proposed Ruskin heights development subdivision now and an ok for a light once a certain level of traffic from the proposed housing development was achieved.

I have a few questions.

- 1) Is this true?
- 2) How will the light affect traffic flow turning onto Rt. 45 from Rt. 265 (which already at times takes several light sequences?)
- 3) If it was this easy, why couldn't other subdivisions in the area (with larger catchments for traffic) have put in traffic light at their intersections?

Thank you for your time.

Sincerely,

Jo Ann Kvamme

1982 Greenview

Fayetteville, AR 72701

h 479-571-2312

w479-575-6603

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3/5/2007

**Are we a city that
caters to developers?**

**“It could appear to
people outside of city
hall that the city cannot
be relied on to stick to
an agreed on policy.”**

Mayor Dan Coody NWA Times 3/04/2007

**Let your vote represent
the citizens and not the
developers. Vote NO.**

The developers (town founders) seem to operate with impunity within the city.

They have run an office at the site of the development without the need for obtaining a CUP (conditional use permit). This has been going on for 9 months. The city was notified several times, but they go on.

The zoning notification sign was removed last week, obviously everyone knows the deal is done.

Mail is being actively collected at
2013 E. Mission Blvd. for:

Dirk Van Veen
Ward Davis
Morgan Hooker
Ruskin Heights, LLC
Syndicated Holdings
Strategic Builders
Simpatico, LLC
Mod 3, LLC

Patti and Penny Reeves
no longer live at this address.

Thank you

Height Regulations -
3/6/07 Council Meeting
Handout

Tuesday, March 06, 2007

Dear Fayetteville City Council Members,

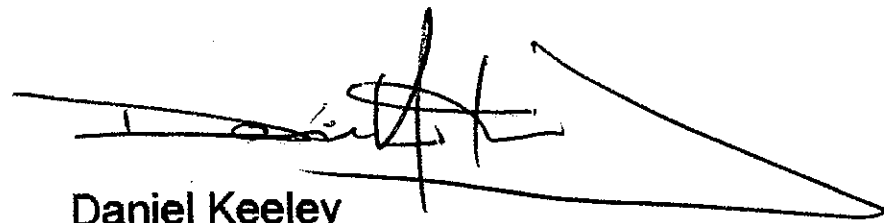
Fayetteville Downtown Partners (FDP) would like to present the following response to the proposed amendment to the Fayetteville Downtown Master Plan. [Pertaining to the repeal of section 156.02 (B) (6) and the repeal and replacement of sections 161.21 (G) and 161.22 (G) of the Unified Development Code]

FDP is under contract with the City to support the philosophy and implementation of the Downtown Master Plan, to inform downtown stakeholders of initiatives that will affect them and to assist the City with the challenges and opportunities inherent in the Downtown Master Plan.

FDP is concerned that the proposed amendment repeals the results of the recently-completed process by which the Downtown Master Plan codes and ordinances were adopted and that it comes before those results have been put to the test. Moreover, the manner in which this amendment was proposed precluded FDP from fulfilling, in this instance, our commitment to the City and our constituents to disseminate information and to facilitate discussion on issues involving the Downtown Master Plan.

We offer these observations in the spirit of assistance and service to the City and its leaders; they pertain directly to the philosophy and implementation of the Downtown Master Plan and not to the specific issue of height limitations.

We thank each of you sincerely for your time and commitment.



Daniel Keeley
President, Board of Directors
Fayetteville Downtown Partners

CITY OF FAYETTEVILLE CONTRACT FOR SERVICES

This agreement is entered into on this _____, between the City of Fayetteville, hereinafter known as the City, and Fayetteville Downtown Partners, an Arkansas not-for-profit corporation, hereinafter known as FDP. This contract is for services to be provided during 2006.

Whereas; FDP and the City of Fayetteville recognize that the geographical region defined within the Downtown Master Plan is undergoing significant change.

Whereas; this change is creating challenges and opening opportunities for the City, residents, businesses, landowners and developers

Whereas; The City desires to promote a partner that will assist in the resolution of these challenges and work with the City to maximize opportunities resulting from these changes

Whereas; FDP is the downtown organization that supports both the philosophy and implementation of the Downtown Master Plan and coordinates multiple, interrelated partners - businesses, residents, elected officials, City staff, cultural institutions and the University of Arkansas - on those initiatives that affect downtown stakeholders.

Whereas; FDP is uniquely qualified and capable of assisting the City in carrying out the objectives identified above

Now, therefore, in consideration of the mutual covenants contained herein, the City and FDP agree to the following:

1. FDP agrees to perform the following services for the City of Fayetteville.

Strengthen the infrastructure of Downtown Fayetteville

- FDP will provide assistance to City staff in the facilitation of public meetings and public relations as requested, for initiatives impacting the Master Plan area, with specific initiatives including ***downtown parking***, and ***wayfinding and signage***
- FDP staff and/or board members will meet with City staff and/or elected officials as appropriate to coordinate efforts to implement the Downtown Master Plan vision

Create a Cultural District in downtown Fayetteville

- Provide staff support for Planning Commission, City Planning staff and the City Council to establish the boundaries and define the services of the Cultural Arts District
- Research and develop appropriate policies, ordinances or codes that support the services and/or boundaries associated with the Cultural Arts District
- Promote and market arts and cultural events in downtown Fayetteville

Manage downtown banner program

- FDP will be responsible for establishing and implementing a banner policy and coordinate the installation of banners on downtown light poles and across Dickson Street

Establish a Downtown Improvement District (DID)

- Collect signatures of property owners representing two-thirds (67%) of the total assessed downtown property value
- Gain City Council approval for the creation of the DID
- Install the necessary structures to initiate the DID in 2007, with initial DID funding beginning in 2008

2. In addition to the above services rendered to the City, FDP will continue to work towards implementing the larger philosophy and vision of the Downtown Master Plan with all downtown stakeholders.

FDP services to downtown stakeholders may include, but are not limited to:

Supporting downtown businesses

- FDP will work with the various economic development groups to support economic development efforts within the Downtown Master Plan boundaries
- Collect, coordinate and manage downtown specific information, including demographics, psychographics, existing business profiles, retail and business trends, available office and retail space and site configurations, traffic counts, and other information that supports business recruitment and retention

Engaging downtown neighborhoods

- Work with the Fayetteville Council of Neighborhoods as it pertains to issues that fall within the boundaries of the Downtown Master Plan
- Partner with the five downtown neighborhood associations to facilitate input into all initiatives that effect downtown stakeholders
- Support the goals of the City of Fayetteville's Neighborhood Program and provide assistance to the program's staff by promoting a higher resident participation in community groups/organizations

Marketing the downtown experience

- FDP will continue to develop strategic marketing opportunities for the downtown district that is consistent with the overall image campaign for the City of Fayetteville and the Advertising and Promotion Commission

3. FDP will provide written documentation and offer a verbal presentation to the Mayor and City Council during an agenda session two times a year in June and December to delineate accomplishments undertaken during the preceding period on the services pursuant to this contract of services.

4. To make available all records for review by the City and City auditors as requested. FDP agrees to comply with the Arkansas Freedom of Information Act as applicable. If the City of Fayetteville requests an independent audit of FDP, then that audit must be requested at least one month prior to audit and at the City's expense.

5. For the purpose of this agreement, the primary liaison for the City will be Tim Conklin. The contact for City related services as identified in this contract will be the Executive

Director of Fayetteville Downtown Partners. Communications pertaining to this agreement will be through the respective representatives for the City and FDP.

6. FDP will hold harmless, defend, and indemnify the City from any and all claims, actions, suits, charges and judgments whatsoever that arise out of the performance or nonperformance of the services or subject matter of this agreement.

7. Budget – The City agrees to pay FDP \$40,000 by January 15th, 2007.

8. FDP will render the City a request for payment as stated in this contract under line Item 7 and the City will pay the invoice within 30 days of receiving the invoice in the City's accounting division.

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
March 6, 2007**

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

Illinois River Watershed Partnership Progress Report – Agenda Session only

A. CONSENT:

- 1. Approval of the February 20, 2007 City Council meeting minutes.**
- 2. Ford Crown Victoria Police Interceptors Purchase:** A resolution approving the purchase of seven (7) Crown Victoria Police Interceptors from the State Vehicle purchase contract in the amount of \$143,413.00.
- 3. Ford Pick Up Trucks Purchase:** A resolution approving the purchase of six (6) Ford pick up trucks from the State Vehicle Purchase Contract in the amount of \$92,085.00.
- 4. Schwarze Industries, Inc.; Street Sweeper Bid #07-03:** A resolution awarding Bid #07-03 to Schwarze Industries, Inc. of Huntsville, Alabama for the purchase of one (1) A8000 Street Sweeper in the amount of \$156,049.00 for use by the Transportation Division.
- 5. Yale Material Handling-Gammon; Fork Lift Truck Bid #07-04:** A resolution awarding Bid #07-04 to Yale Material Handling-Gammon for the purchase of one (1) GLP070 VX Fork Lift Truck in the amount of \$28,800.00 for use by the Fleet Rental Pool.

6. **Lewis Ford Explorer Bid #07-08:** A resolution awarding Bid #07-08 to Lewis Ford for the purchase of one (1) Ford Explorer in the amount of \$20,968.00 for use by the Police Division, Parks Patrol.
7. **Tax Back Program:** A resolution certifying local government endorsement of business to participate in the tax back program (the consolidated incentive Act of 2003, Section 15-4-2706(D)).
8. **Bulk Construction Materials and Services Bids #07-12 – #07-18:** A resolution awarding Bids #07-12 – #07-18 for, and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville in the estimated amount of \$3,599,547.98.
9. **Arkansas Department of Economic Development Grant:** A resolution authorizing the Building Services Division to accept a grant from the Arkansas Department of Economic Development in the amount of \$10,708.00 for the construction of a solar water heater unit at Fire Station #4; and approving a budget adjustment recognizing the grant revenue.
10. **Callahan Tower Joint Venture Lease:** A resolution to approve a lease with Callahan Tower Joint Venture to lease space near the Old Wire Road Fire Station #5 for \$1,000.00 per month, free use of the cell tower for Fire Department antennas and revenue sharing for the subsequent cell phone customers.

B. UNFINISHED 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 ordinance was left on the First Reading and Tabled at the February 6, 2007 City Council meeting to the March 6, 2007 City Council meeting.*
2. **RZN 07-2419 (Kelly):** An ordinance rezoning that property described in rezoning petition RZN 07-2419, for approximately 44.74 acres, located at 3184 South City Lake Road from R-A, Residential Agricultural, to RSF-4, Residential Single-Family, 4 units per acre. *This ordinance was left on the Second Reading at the February 20, 2007 City Council meeting.*
3. **R-PZD 06-2299 (Ruskin Heights):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-2299, Ruskin Heights, located west of highway 265/Crossover Road, on the south side of Mission Boulevard; containing approximately 28.93 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 February 20, 2007 City Council meeting.*

4. **Amend § 161.21 and § 161.22 Height Regulations:** An ordinance to amend § 161.21 (G) Height Regulations of Main Street Center and § 161.22 (G) Height Regulations of Downtown General of the Unified Development Code by limiting the height of new development to three stories or 45 feet, whichever is less, and to repeal §156.02 (B)(6). *This ordinance was tabled at the February 20, 2007 City Council meeting to the March 6, 2007 City Council meeting.*

C. PUBLIC HEARING:

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

D. NEW BUSINESS:

1. **VAC 06-2364 (Cruz Bay):** An ordinance approving VAC 06-2364 submitted by Mandy Bunch for property located north of 5th Street between South School Avenue and South Locust Avenue, vacating 150' of the 12' alley on the subject property.
2. **VAC 07-2439 (Central United Methodist Church):** An ordinance approving VAC 07-2439 submitted by Jorgensen & Associates for property located at 6 West Dickson to vacate a utility easement and alley on the subject property.
3. **Watershed Conservation Resource Center:** An ordinance waiving the requirements of formal competitive bidding and approving a Memorandum of Understanding with the Watershed Conservation Resource Center in the amount of \$141,200.00 for a Stream Bank Restoration Demonstration Project in Gulley Park.
4. **SCM, LLC. Cost-Share Agreement:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with SCM, LLC in the amount of \$57,482.00 for the upsizing of approximately 1,493' of 8" water main to 12" water main.
5. **Seven Hills Homeless Center, Inc. Cost-Share Agreement:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share with Seven Hills Homeless Center, Inc. in the amount of \$56,000.00 to upgrade a private drive to city street standards; and approving a budget adjustment in the amount of \$55,600.00.
6. **Amend §161.18, §161.24 and §161.25 Conditional Uses:** An ordinance to amend §161.18 (B)(2), §161.24 (B)(2) and §161.25 (B)(2) to make Mini-storage units and Auto salvage and junk yards Conditional Uses.
7. **ADM 07-2495 (Complete Neighborhood Plan Year 1):** A resolution to create a Master Plan for the South Fayetteville neighborhood area.

E. INFORMATIONAL: City Council Tour: March 5, 2007

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

A. 2
Ford Crown Victoria
Police Interceptors Purchase
Page 1 of 4

MAR. 6/07
City Council Meeting Date

David Bragg Fleet Operations Operations
Submitted By Division Department

Action Required:

That City Council approve the purchase of seven Ford Crown Victoria Police Interceptors from the State Vehicle Purchase Contract in the amount of \$143,413.

\$143,413.00 Cost of this request	\$ 224,000.00 Category/Project Budget	Police/Passenger Vehicles Program Category / Project Name
9700.1920.5802.00 Account Number	\$ 2,611.00 Funds Used to Date	Vehicles and Equipment Program / Project Category Name
02081.1 Project Number	\$ 221,389.00 Remaining Balance	Shop Fund Fund Name

Budgeted Item ☒ Budget Adjustment Attached ☐

[Signature] 2/16/07
Department Director Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

[Signature] 2/21/07
City Attorney Date

Received in City Clerk's Office
ENTERED
2/16/07

[Signature] 2/21/07
Mayor Date

Received in Mayor's Office
ENTERED
2/21/07 BRF

Comments:



A. 2
Ford Crown Victoria
Police Interceptors Purchase
Page 2 of 4

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

Interdepartmental Correspondence

To: Mayor/City Council

Thru: Gary Dumas, Director of Operations

From: David Bragg, Fleet Operations Superintendent 

Date: February 15, 2007

Subject: Purchase of Seven Ford Crown Police Interceptors

RECOMMENDATION: That City Council approve the purchase of seven Ford Crown Police Interceptors from the State Vehicle Purchase Contract. This purchase was budgeted in 2006. Purchase is normally made in November, however, it was delayed to evaluate alternative police vehicle models.

BACKGROUND: Analysis of projected mileage data and wreck history dictates a need for seven replacement police patrol sedans between May and December 31, 2007. Vehicles meeting City of Fayetteville specifications are available through the State vehicle purchase contract from Cavanaugh Ford of Walnut Ridge, AR at a cost of \$20,487.50. Orders must be placed by March 7, 2007 to insure production and delivery in the 2007 model year.

I recommend purchase of Seven Ford Police Interceptor sedans from Cavanaugh Ford in the amount of \$143,412.50.

These seven replacements were budgeted in 2006. Funds were re-budgeted and are available in the 2007 CIP budget, Project 02081 – Police/Passenger Vehicles.

This purchase was approved by the Equipment Committee at their meeting on February 13, 2007.

RESOLUTION NO. _____

A RESOLUTION APPROVING THE PURCHASE OF SEVEN (7) CROWN VICTORIA POLICE INTERCEPTORS FROM THE STATE VEHICLE PURCHASE CONTRACT IN THE AMOUNT OF \$143,413.00.

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 purchase of seven (7) Crown Victoria Police Interceptors from the State Vehicle Purchase Contract in the amount of \$143,413.00.

~~PASSED~~ and APPROVED this 6th day of March, 2007.

APPROVED:

ATTEST

By:

DAN COODY, Mayor

By:

SONDRA SMITH, City Clerk/Treasurer

City Of Fayetteville

(Not a Purchase Order)

Vendor # Address:										Vendor Name: CAVENAUGH FORD		Requisition No. Date: 2/16/2007	
City:										State:		Expected Delivery Date:	
Requester MARGARET HATTABAUGH										Ship to code: 050		Divisions/Lead Approval Yes: XX No: XX	
Item Description										Quantity		Unit of Issue	
Unit Cost										Extended Cost		Inventory #	
Account Numbers										Project/Subproject #		Fixed Asset #	
Requester's Employee #										2256		495	
Fob Point:										Zip Code		Ship to code:	
050										050		050	
2007 FORD CROWN VICTORIA										7		EA	
POLICE INTERCEPTORS, PER													
STATE VEHICLE PURCHASE CONTRACT													
TO BE UNIT #s, & FIXED ASSET #s:													
1168, FIXED ASSET #701168													
1169, FIXED ASSET #701169													
1170, FIXED ASSET #701170													
1171, FIXED ASSET #701171													
1172, FIXED ASSET #701172													
1173, FIXED ASSET #701173													
1174, FIXED ASSET #701174													
Special Instructions:										Subtotal:		143,412.50	
Approvals:										Tax:		EXEMPT	
Mayor:										Total:		143,412.50	
Finance & Internal Services Director:										Purchasing Manager:			
Dispatch Manager:										IT Manager:			
Department Director:										Budget Manager:			
Utilities Manager:													

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

3/06/07
City Council Meeting Date

David Bragg
Submitted By

Fleet Operations
Division

Operations
Department

Action Required:

That City Council approve the purchase of six Ford Pickup trucks from the State Vehicle Purchase Contract in the amount of \$92,085.

\$92,085.00 Cost of this request	\$ 356,000.00 Category/Project Budget	Light/Medium Trucks Program Category / Project Name
9700.1920.5802.00 Account Number	\$ 46,349.00 Funds Used to Date	Vehicles and Equipment Program / Project Category Name
02078.1 Project Number	\$ 309,651.00 Remaining Balance	Shop Fund Fund Name

Budgeted Item ☒ Budget Adjustment Attached ☐

[Signature]
Department Director

2/16/07
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

[Signature]
City Attorney

2/21/07
Date

Received in City Clerk's Office
ENTERED
2/16/07

[Signature]
Mayor

2/21/07
Date

Received in Mayor's Office
ENTERED
2/21/07 BRP

Comments:



Interdepartmental Correspondence

To: Mayor/City Council

Thru: Gary Dumas, Director of Operations

From: David Bragg, Fleet Operations Superintendent 

Date: February 15, 2007

Subject: Purchase of Six Pickup Trucks from State Purchase Contract

RECOMMENDATION: That Council approve the purchase of six Ford Pickup Trucks from the State Contract for a total purchase price of \$92,085.

BACKGROUND: At the meeting of July 17, 2006, the Equipment Committee approved to budget replacement of:

- 4 - ½ ton regular cab two wheel drive pickups – 3 Parks, 1 Meter
- 1 - ½ ton extended cab four wheel drive pickup - Engineering
- 1 - ¾ ton regular cab two wheel drive pickup - Parks

Vehicles meeting City of Fayetteville specifications are available through the State vehicle purchase contract from Landers Ford of Little Rock.

½ ton regular cab two wheel drive pickups	- each	\$12,647.00
½ ton extended cab four wheel drive pickups	- each	\$19,874.00
¾ ton regular cab two wheel drive pickup	- each	\$21,623.00

Fleet is replacing the following units:

Meter	Unit 2021	1999	Ford Ranger 4x2	(Reassign to maintenance loaner pool)
Parks	Unit 243	1994	Ford Ranger 4x2	
Parks	Unit 236	1995	Ford Ranger 4x2	
Parks	Unit 224	1996	Ford Ranger 4x2	
Engineering	Unit 286	1992	Ford F-250 Ext. Cab 4x4	
Parks	Unit 227	1994	Ford F-250 4x4	

I recommend purchase of the above 6 Ford pickup trucks from Landers Ford in the amount of \$92,085.00.

These six replacements were approved in the 2007 CIP budget and funds are available in Project 02078 – Light/Medium Trucks.

This purchase was approved by the Equipment Committee at their meeting on February 13, 2007.

RESOLUTION NO. _____

A RESOLUTION APPROVING THE PURCHASE OF SIX (6) FORD
PICK UP TRUCKS FROM THE STATE VEHICLE PURCHASE
CONTRACT IN THE AMOUNT OF \$92,085.00.

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 purchase six (6) Ford Pick Up Trucks from the State Vehicle
Purchase Contract in the amount of \$92,085.00.00.

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

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

City Of Fayetteville

(Not a Purchase Order)

Vendor # 7582										Vendor Name: LANDER'S FORD		Requisition No.		Date: 2/16/2007	
Address:										Fob Point:		P.O Number		Expected Delivery Date:	
City:										State:		Mail Yes: No: XX_			
Requester MARGARET HATTABAUGH										Ship to code: 050		Division Head Approval: <i>[Signature]</i>		Quotes Attached Yes: No:	
Item Description										Requester's Employee # 2256		Extension: 495			
Item	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #							
1 1/2 TON REG.CAB 2x4 TRUCKS	4	EA	\$12,647.00	\$50,588.00	9700.1920.5802.00	02078.1									
2 UNIT 2110, F.A. # 702110 - Meter		EA		\$0.00											
3 UNIT 2111, F.A.# 702111 - Parks		EA		\$0.00											
4 UNIT 2112, F.A.# 702112 - Parks		EA		\$0.00											
5 UNIT 2113, F.A.# 702113 - Parks		EA		\$0.00											
6 1/2 TON EXT.CAB 4x4 TRUCK	1	EA	\$19,874.00	\$19,874.00	9700.1920.5802.00	02078.1									
7 UNIT 2114, F.A.# 702114 - Engineering		EA		\$0.00											
8 3/4 TON REG CAB 2x4 TRUCK	1	EA	\$21,623.00	\$21,623.00	9700.1920.5802.00	02078.1									
9 UNIT 2115, F.A.# 702115 - Parks		EA		\$0.00											
10		EA		\$0.00											
		Lot		\$0.00											
Special Instructions:										Subtotal:		92,085.00			
PRICES PER STATE VEHICLE PURCHASE CONTRACT										Tax:		EXEMPT			
Approvals:										Total:		92,085.00			
Mayor: _____										Department Director: _____		Purchasing Manager: _____			
Finance & Internal Services Director: _____										Budget Manager: _____		IT Manager: _____			
Dispatch Manager: _____										Utilities Manager: _____					

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

3/06/07
City Council Meeting Date

David Bragg Fleet Operations Operations
Submitted By Division Department

Action Required:

That City Council approve the purchase of one Schwarze A8000 Street Sweeper in the amount of \$156,049.

\$156,049.00 Cost of this request	\$ 624,000.00 Category/Project Budget	Other Vehicles/Equipment Program Category / Project Name
9700.1920.5802.00 Account Number	\$ 30,731.00 Funds Used to Date	Vehicles and Equipment Program / Project Category Name
02080.1 Project Number	\$ 593,269.00 Remaining Balance	Shop Fund Fund Name

Budgeted Item ☒ Budget Adjustment Attached ☐

[Signature] 2/16/07
Department Director Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

[Signature] 2/24/07
City Attorney Date
[Signature] 2/21/07

Received in City Clerk's Office
ENTERED
2/16/07

[Signature] 2/21/07
Mayor Date

Received in Mayor's Office
ENTERED
2/21/07

Comments:



A. 4
Schwarze Industries, Inc.
Street Sweeper Bid #07-03
Page 2 of 6

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

Interdepartmental Correspondence

To: Mayor/City Council

Thru: Gary Dumas, Director of Operations

From: David Bragg, Fleet Operations Superintendent *DRB*

Date: February 15, 2007

Subject: Purchase of one Street Sweeper

RECOMMENDATION: That City Council approve the purchase of one regenerative air Street Sweeper for use by Transportation Division in the amount of \$156,049.

BACKGROUND: Bid #07-03 was opened on January 17, 2007 for one regenerative air high dump street sweeper for use by the Transportation Division. One bid response and one no bid were received. Bid tabulation sheet is attached.

The lowest bid from Schwarze Industries, Inc. of Huntsville, AL meets all specifications.

This sweeper is a replacement for unit #84, a 1997 Mack/Leach combination catch basin cleaner/sweeper that is no longer economically repairable for sweeping operations. It will be retained for catch basin cleaning until no longer serviceable.

This replacement was budgeted in 2005 but delayed to further research available sweeping equipment suppliers. The recommended purchase is the same make and model as our current 2004 model unit #9059.

Funds were re-budgeted from 2005 and are available in the 2007 CIP budget, Project 02080, Other Vehicles/Equipment

I recommend acceptance of the bid from Schwarze Industries in the amount of \$156,049.00.

This purchase was approved by the Equipment Committee at their meeting on February 13, 2007.

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #07-03 TO SCHWARZE INDUSTRIES, INC. OF HUNTSVILLE, ALABAMA FOR THE PURCHASE OF ONE (1) A8000 STREET SWEEPER IN THE AMOUNT OF \$156,049.00 FOR USE BY THE TRANSPORTATION DIVISION.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #07-03 to Schwarze Industries, Inc. of Huntsville, Alabama for the purchase of one (1) A8000 Street Sweeper in the amount of \$156,049.00 for use by the Transportation Division.

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

APPROVED:

ATTEST:

By: _____

DAN COODY, Mayor

By: _____

SONDRA SMITH, City Clerk/Treasurer

City of New York Department of Transportation

BIDDER				Model	Year	Roll Back Price
1	Schwarze Industries, Inc.					
	Sweeper		Schwarze	A8000		\$156,049.00
	Chassis		Sterling	SC8000		
2	Scruggs Equipment Company					No Bid

*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. Zoren
 DATE: 1/10/07

City Of Fayetteville

(Not a Purchase Order)

Vendor #		56220		Vendor Name:		SCHWARZE INDUSTRIES		Requisition No.		Date:	
Address:				Fob Point:				P.O Number		Expected Delivery Date:	
City:		State:		Zip Code		Ship to code:		Division Head Approval		Quotes Attached	
Requester		MARGARET HATTABAUGH		Requester's Employee #		2256		Extension:		495	
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #		
1	A8000 SCHWARZE SWEEPER ON	1	EA	\$156,049.00	\$156,049.00	9700.1920.5802.00	02080.1				
2	STERLING SC8000 CHASSIS		EA		\$0.00						
3	UNIT 9091, F.A. #709091		EA		\$0.00						
4	PER BID 07-03		EA		\$0.00						
5			EA		\$0.00						
6			EA		\$0.00						
7			EA		\$0.00						
8			EA		\$0.00						
9			EA		\$0.00						
10			EA		\$0.00						
			Lot		\$0.00						
Special Instructions:										Subtotal: 156,049.00	
										Tax: EXEMPT	
										Total: 156,049.00	

Approvals:

Mayor:

Finance & Internal Services Director:

Dispatch Manager:

Department Director:

Budget Manager:

Utilities Manager:

Purchasing Manager:

IT Manager:

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

A. 5
Yale Material Handling-Gammon
Ford Lift Truck Bid #07-04
Page 1 of 6

3/06/07
City Council Meeting Date

David Bragg
Submitted By

Fleet Operations
Division

Operations
Department

Action Required:

That City Council approve the purchase of one fork lift truck in the amount of \$28,800.

\$28,800.00 Cost of this request	\$ 624,000.00 Category/Project Budget	Other Vehicles/Equipment Program Category / Project Name
9700.1920.5802.00 Account Number	\$ 186,780.00 Funds Used to Date	Vehicles and Equipment Program / Project Category Name
02080.1 Project Number	\$ 437,220.00 Remaining Balance	Shop Fund Fund Name

Budgeted Item ☒ Budget Adjustment Attached ☐

[Signature]
Department Director

2/16/07
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

[Signature]
City Attorney

2/21/07
Date

Paul A. Behr
2/21/07

Received in City Clerk's Office
ENTERED
2/16/07

[Signature]
Mayor

2/21/07
Date

Received in Mayor's Office
ENTERED
2/21/07 BCP

Comments:



Interdepartmental Correspondence

To: Mayor/City Council

Thru: Gary Dumas, Director of Operations

From: David Bragg, Fleet Operations Superintendent *29RB*

Date: February 15, 2007

Subject: Purchase of one Fork Lift Truck

RECOMMENDATION: That City Council approve the purchase of one fork lift truck in the amount of \$28,800.

BACKGROUND: Bid #07-04 was opened on January 17, 2007 for one fork lift truck for assignment to the fleet rental pool and primarily used by Fleet, Parks, and Transportation Divisions. Five bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from Grady Jones Company does not meet minimum specifications. Deficiencies include: control location and configuration, puncture proof tires not included, fork carriage width.

The second lowest bid from Barloworld Handling LP does not meet minimum specifications. Deficiencies include: horsepower, drawbar pulling power, gradeability, lift height, lift speed.

The third lowest bid from Hugg and Hall Equipment (Daewoo) does not meet minimum specifications. Deficiencies include: drawbar pulling power, gradeability, lift height, lift speed, wheelbase, and fork carriage width.

The forth lowest bid from Yale Material Handling of Springdale meets all specifications.

I recommend acceptance of the bid from Yale Material Handling in the amount of \$28,800.00.

This forklift is a replacement for unit #940, a 1979 Allis-Chalmers military surplus lift truck that is no longer safe or serviceable for daily lifting and loading requirements of the three divisions in the Happy Hollow complex.

Funds are budgeted and available in the 2007 CIP budget, Project 02080, Other Vehicles/Equipment.

This purchase was approved by the Equipment Committee at their meeting on February 13, 2007.

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #07-04 TO YALE MATERIAL HANDLING-GAMMON FOR THE PURCHASE OF ONE (1) GLP070 VX FORK LIFT TRUCK IN THE AMOUNT OF \$28,800.00 FOR USE BY THE FLEET RENTAL POOL.

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 #07-04 to Yale Material Handling-Gammon for the purchase of one (1) GLP070 VX Fork Lift Truck in the amount of \$28,800.00 for use by the Fleet Rental Pool.

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

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

1	Barloworld Handling LP	Hyster	H70 FT	\$24,561.00
2	Grady W Jones Co.	Caterpillar	P6500-LP	\$24,544.00
3	Hugg & Hall Equipment #1	Daewoo	G 32P-3	\$26,938.50
4	Hugg & Hall Equipment #2	Toyota	8FGU32	\$29,980.00
5	Yale Materials Handling Gammon	Yale	GLP070 VX	\$28,800.00

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

CERTIFIED: P. Vice Myer 11/6/07
P. VICE PURCH MGR WITNESS DATE

City Of Fayetteville

(Not a Purchase Order)

Vendor #		5144		Vendor Name:		YALE MATERIAL HANDLING-GAMMON		Requisition No.		Date:	
Address:				Fob Point:				P.O Number		Expected Delivery Date:	
City:		State:		Ship to code:		050		Mail Yes: No: XX			
Requester		MARGARET HATTABAUGH		Requester's Employee #		2256		Taxable Yes: XX No:		Quotes Attached Yes: No:	
Item Description		Quantity		Unit of Issue		Unit Cost		Extended Cost		Account Numbers	
1 GLP070 VX FORK LIFT TRUCK		1		EA		\$28,800.00		\$28,800.00		9700.1920.5802.00	
2 PER BID 07-04				EA				\$0.00			
3 UNIT 812, F.A. #700812				EA				\$0.00			
4				EA				\$0.00			
5				EA				\$0.00			
6				EA				\$0.00			
7				EA				\$0.00			
8				EA				\$0.00			
9				EA				\$0.00			
10				EA				\$0.00			
				Lot				\$0.00			
Subtotal: 28,800.00 Tax: EXEMPT Total: 28,800.00											
Special Instructions:											
Approvals:											
Mayor:											
Finance & Internal Services Director:											
Dispatch Manager:											
Department Director:											
Budget Manager:											
Utilities Manager:											
Purchasing Manager:											
IT Manager:											

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

3-06-07
City Council Meeting Date

David Bragg Submitted By Fleet Operations Division Operations Department

Action Required:

That City Council approve the purchase of one Ford Explorer for use by the Police Division in the amount of \$20,968.

\$20,968.00 Cost of this request	\$ 224,000.00 Category/Project Budget	Police/Passenger Vehicles Program Category / Project Name
9700.1920.5802.00 Account Number	\$ 146,024.00 Funds Used to Date	Vehicles and Equipment Program / Project Category Name
02081.1 Project Number	\$ 77,976.00 Remaining Balance	Shop Fund Fund Name

Budgeted Item ☒ X Budget Adjustment Attached ☐

[Signature] Department Director 2-16-07 Date Previous Ordinance or Resolution # n/a
Original Contract Date: n/a

Original Contract Number: n/a

[Signature] City Attorney 2/21/07 Date
Paul A. Beebe 2/21/07

Received in City Clerk's Office
ENTERED
2/16/07

[Signature] Mayor 2/21/07 Date

Received in Mayor's Office
ENTERED
2/21/07 BeP

Comments:



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

Interdepartmental Correspondence

To: Mayor/City Council
Thru: Gary Dumas, Director of Operations
From: David Bragg, Fleet Operations Superintendent *2/15/07*
Date: February 15, 2007
Subject: Purchase of one Ford Explorer

RECOMMENDATION: That City Council approve the purchase of one Ford Explorer for use by Police Division, Parks Patrol in the amount of \$20,968.

BACKGROUND: Bid #07-08 was opened on January 30, 2007 for one mid size sport utility vehicle for assignment to the Police Department. Four bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from Landers Dodge of Benton is for a larger vehicle than specified with V-8 engine instead of the specified V-6.

The second lowest bid from Lewis Ford of Fayetteville meets all specifications. The Ford Explorer bid is the current model of the vehicle being replaced and is better suited for the Park Patrol application than the lower bid. This vehicle is a replacement for unit #1047, a 1999 Ford Explorer with 95,000 miles. Unit #1047 will be retained to replace an older unit in the fleet with a lower utilization assignment.

I recommend acceptance of the bid from Lewis Ford in the amount of \$20,968.00.

Funds are budgeted and available in the 2007 CIP budget, Project 02081, Police/Passenger Vehicles.

This purchase was approved by the Equipment Committee at their meeting on February 13, 2007.

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #07-08 TO LEWIS FORD FOR THE PURCHASE OF ONE (1) FORD EXPLORER IN THE AMOUNT OF \$20,968.00 FOR USE BY THE POLICE DIVISION, PARKS PATROL.

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 #07-08 to Lewis Ford for the purchase of one (1) Ford Explorer in the amount of \$20,968.00 for use by the Police Division, Parks Patrol.

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

APPROVED:

ATTEST:

By _____

DAN COODY, Mayor

By _____

SONDRA SMITH, City Clerk/Treasurer

BID: 07-08

1/30/2007

2:00 PM

CITY OF FAYETTEVILLE



Bid 07-08, Mid-Size Sport Utility Vehicle

BIDDER	Manufacturer	Model	Total Bid
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1	Landers Dodge	Dodge	Durango	\$20,886.00
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2	Landers McLarty Ford Jeep	Ford	Explorer	\$21,248.00
---	---------------------------	------	----------	-------------

3	Lewis Ford Sales, Inc.	Ford Mtr. Co.		\$20,968.00
---	------------------------	---------------	--	-------------

4	Riser Ford	Ford	Explorer XLT	\$21,343.00
---	------------	------	--------------	-------------

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

CERTIFIED:

P. Vice

P. VICE PURCH MGR

A. J. J. J.

WITNESS

2/1/07

DATE

City Of Fayetteville

(Not a Purchase Order)

Vendor #		7040		Vendor Name:		LEWIS FORD		Requisition No.		Date:	
Address:				Fob Point:				P.O Number		Expected Delivery Date:	
City:				State:				Mail Yes: No: XX			
Requester				Requester's Employee #		2256		Taxable Yes: XX No:			
Description		Quantity		Unit of Issue		Unit Cost		Extended Cost		Ship to code: 050	
1 2007 FORD EXPLORER		1		EA		\$20,968.00		\$20,968.00		9700.1920.5802.00	
2 PER BID 07-08				EA				\$0.00			
3 UNIT #1175, F.A. #701175				EA				\$0.00			
4				EA				\$0.00			
5				EA				\$0.00			
6				EA				\$0.00			
7				EA				\$0.00			
8				EA				\$0.00			
9				EA				\$0.00			
10				EA				\$0.00			
				Lot				\$0.00			

Special Instructions:		Subtotal: 20,968.00	
		Tax: EXEMPT	
		Total: 20,968.00	

Approvals:

Mayor: _____

Finance & Internal Services Director: _____

Dispatch Manager: _____

Department Director: _____

Budget Manager: _____

Utilities Manager: _____

Purchasing Manager: _____

IT Manager: _____

City Council Meeting Date

Department

Action Required: Approve Local Government Endorsement of Maynard, Incorporated, to participate in the State Tax Back incentive program.

Comments:

CITY COUNCIL AGENDA MEMO/STAFF CONTRACT REVIEW MEMO

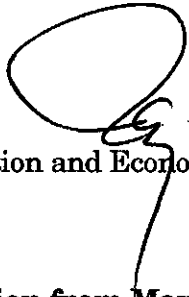
TO: Mayor and City Council

THRU: Staff/Contract Review Committee

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

DATE: January 12, 2007

SUBJECT: Approval of Tax Back application from Maynard, Incorporated for a major business expansion and construction of a new aviation manufacturing, maintenance and repair facility at Fayetteville municipal Airport, Drake Field. Signature of the Mayor and Clerk.



RECOMMENDATION: Approve resolution certifying Maynard, Incorporated to participate in the Tax Back Program. The Arkansas Tax Back program refunds sales and use taxes to the business for building materials and taxable equipment connected with the eligible project.

BACKGROUND: Maynard, Incorporated has conducted business in their current facility since March 3, 1982 and currently employs 80 in the manufacture and fabrication of aviation parts and components. While the address is Fayetteville, the company is actually located in Johnson. The company plans to expand to a facility on the airport in which to continue to perform manufacturing and fabrication of aviation parts and to enter into the large aircraft inspection and repair and potentially new aircraft and parts manufacturing.

DISCUSSION: Maynard, Incorporated plans to increase employment by up to 100 new employees over the next five years. The company has outgrown its current facility on Van Asche west of I-540. Total investment if all current plans are completed could be up to \$12.5 million.

BUDGET IMPACT: None.

Attachments: Staff Review Form
Tax Back Resolution

Aviation and Economic Development Department
Fayetteville Municipal Airport, Drake Field
4500 South School Avenue, Suite F
Fayetteville, Arkansas 72701
Ray M. Boudreaux, Director

RESOLUTION No. _____

A RESOLUTION CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF BUSINESS TO PARTICIPATE IN THE TAX BACK PROGRAM (THE CONSOLIDATED INCENTIVE ACT OF 2003, SECTION 15-4-2706(D)).

WHEREAS, the local government must endorse a business to participate in the Tax Back Program and benefit from the refunds/tax credits as provided in the Consolidated Incentive Act of 2003, Section 15-4-2706(d); and

WHEREAS, the local government must authorize the refund of local sales and use tax as provided in the Consolidated Incentive Act of 2003; and

WHEREAS, said endorsement must be made on specific form available from the Arkansas Department of Economic Development; and

WHEREAS, Maynard, Inc., located at 1324 W. Van Asche Drive, Fayetteville, Arkansas has sought to participate in the program and more specifically has requested benefits accruing from expansion and construction of a new aviation manufacturing and assembly facility at Fayetteville Municipal Airport, Drake Field; and

WHEREAS, Maynard, Inc. has agreed to furnish the local government all necessary information for compliance.

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 endorses Maynard, Inc. for benefits from the refunds/tax credits as provided in the Consolidated Incentive Act of 2003, Section 15-4-2706(d).

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Department of Finance and Administration to refund local sales and use taxes to Maynard, Inc.

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

APPROVED

ATTEST

By:

DAN COODY, Mayor

By:

SONDRA SMITH, City Clerk/Treasurer

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

A. 8
Bulk Construction Materials and
Services Bids #07-12 - #07-18
Page 1 of 10

March 6, 2007
City Council Meeting Date

PF
Perry Franklin / Ginny Apperson
Submitted By

Transportation
Division

Operations
Department

Action Required:

Staff requests a resolution approving Bid #07-12 - Bid #07-18 for the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville in the estimated amount of \$3,599,547.98.

\$	1,477,871.42
\$	1,512,351.45
\$	509,325.11
\$	100,000.00
\$	3,599,547.98

Cost of this request

\$	2,201,498.45
\$	2,118,612.52
\$	851,888.52
\$	260,133.00
\$	5,432,132.49

Category/Project Budget

Trail Development
In-House Pavement Improvements
Sidewalk Improvements
Scull Creek Trail Corridor
Multiple

Program Category / Project Name

4470.9470.5814.05
4470.9470.5417.00
4470.9470.5814.00
4470.9470.5814.05
Multiple

Account Number

\$	266,200.03
\$	81,888.07
\$	88,362.41
\$	5,000.00
\$	441,450.51

Funds Used to Date

Transportation Improvements
Transportation Improvements
Transportation Improvements
Transportation Improvements
Transportation Improvements

Program / Project Category Name

02016 / 1
02052 / 1
02053 / 1
05039 / 1
Multiple

Project Number

\$	1,935,298.42
\$	2,036,724.45
\$	763,526.11
\$	255,133.00
\$	4,990,681.98

Remaining Balance

Sales Tax Capital Improvements
Sales Tax Capital Improvements
Sales Tax Capital Improvements
Sales Tax Capital Improvements
Sales Tax Capital Improvements

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

[Signature]
Department Director

2-16-07
Date

Previous Ordinance or Resolution #

N/A

Original Contract Date:

N/A

Original Contract Number:

N/A

[Signature]
City Attorney

2/16/07
Date

Received by City Clerk's Office

2/16/07 Ses

[Signature]
Finance Director

2-16-07
Date

Received in Mayor's Office

[Signature]
Mayor

2/21/07
Date

ENTERED

2-16-07 BCP

Comments:



City Council Agenda Item

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Perry Franklin, Transportation Superintendent *PF*
Ginny Apperson, Financial Coordinator *GA*

Date: March 6, 2007

Subject: Request for a resolution approving Bids #07-12 - #07-18 for and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville.

Recommendation: Transportation Division staff recommends a resolution approving Bid #07-12 – Bid #07-18 for and approving the purchase of bulk construction materials and services, utilized by various divisions of the City of Fayetteville, in the estimated amount of \$3,599,547.98.

Background: The purchase of bulk construction materials and services is necessary to maintain the City's current infrastructure and to implement the Capital Improvement Projects outlined in the 2007 Annual Budget & Work Program.

Discussion: Sealed formal bids for thermal striping, reflectorized paint marking, curb and gutter, topsoil, hillside gravel, concrete, and asphalt and aggregate materials were publicly read and the results are attached to this memo. Staff recommends awarding the thermal striping bid to Time Striping, Inc., the reflectorized paint marking bid to Anderson Striping, the curb and gutter bid to Sweetser Construction, Inc., the topsoil bid to B Brothers Enterprises, the hillside gravel bid to Les Rogers, Inc., and the concrete bid to Beaver Lake Concrete, Inc., as the primary supplier, with Tune Concrete Company as a secondary supplier, for use on an "as needed" basis, in the event that Beaver Lake Concrete cannot supply the necessary materials within the time frame required to complete a project. Staff recommends awarding the asphalt and aggregate materials bid to Kiewit Southern Co. (asphalt) and Northwest Arkansas Quarries, LLC. (aggregate) as primary suppliers, with Hutchens Construction as the secondary supplier, for use on an "as needed" basis, in the event that Kiewit Southern Co. cannot supply the necessary materials in the time frame required to complete a project.

Budget Impact: Funds for the acquisition of these materials and services have been budgeted in the Trail Development, In-House Pavement Improvements, Sidewalk Improvements, and Scull Creek Trail Corridor Capital Projects. Sufficient funding is available for the 2007 purchases.

Attached: Bid 07-12 Thermal Striping
Bid 07-13 Reflectorized Paint Marking
Bid 07-14 Curb and Gutter
Bid 07-15 Topsoil
Bid 07-16 Hillside Gravel
Bid 07-17 Concrete Specifications and Conditions
Bid 07-18 Asphalt and Aggregate

RESOLUTION NO. _____

A RESOLUTION AWARDING BIDS #07-12 - #07-18 FOR, AND APPROVING THE PURCHASE OF BULK CONSTRUCTION MATERIALS AND SERVICES UTILIZED BY VARIOUS DIVISIONS OF THE CITY OF FAYETTEVILLE IN THE ESTIMATED AMOUNT OF \$3,599,547.98.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bids #07-12 - #07-18 for, and approves the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville in the estimated amount of \$3,599,547.98.

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

APPROVED:

ATTEST:

By:

DAN COODY, Mayor

By:

SONDRA SMITH, City Clerk/Treasurer

BID: 07-12
 DATE: 2/14/07
 TIME: 2:00 PM
 CITY OF FAYETTEVILLE



Bid 07-12, Thermal Striping

Item #	Description	Estimated Qty	Time Striping, Inc.	
			Unit Price	TOTAL
1	Hot Truck Applied Thermoplastic White Or Yellow (4") - Per Linear Foot	15,000 LF	\$0.36	\$5,400.00
2	Hot Applied Thermoplastic Arrows - Each	6 EA	\$125.00	\$750.00
3	Hot Applied Thermoplastic Words - Each	6 EA	\$150.00	\$900.00
4	Hot Applied Thermoplastic Railroad Emblems - Each	1 EA	\$750.00	\$750.00
5	Hot Applied Thermoplastic Handicap Emblems - Each (Blue Background With White Emblem)	2 EA	\$100.00	\$200.00
6	Hot 4" Hand Applied Thermoplastic For Parking Spaces - Per Linear Foot	100 LF	\$0.50	\$50.00
7	Hot 12" Hand Applied Thermoplastic Stop Bars - Per Linear Foot	100 LF	\$6.00	\$600.00
Total Bid Based on Estimates =				\$8,650.00

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

CERTIFIED: A. Fourn
 A. Fourn PURCH AGENT

William D. Stiles
 WITNESS

2/28/07
 DATE

BID: 07-13
DATE: 2/14/07
TIME: 2:00 PM
CITY OF FAYETTEVILLE



Bid 07-13, ReflectORIZED Paint Marking

Item	Description	Est Qty (linear foot)	Advanced Workzone Services		Andersson Striping		Asphalt Striping Services		Time Striping, Inc.	
			Per Item	Extended	Per Item	Extended	Per Item	Extended	Per Item	Extended
1	ReflectORIZED Paint Marking White (4")	44,000	\$0.10	\$4,400.00	\$0.05	\$2,200.00	\$0.049	\$2,156.00	\$0.07	\$3,080.00
2	ReflectORIZED Paint Marking Yellow (4")	501,000	\$0.10	\$50,100.00	\$0.05	\$25,050.00	\$0.049	\$24,549.00	\$0.07	\$35,070.00
3	ReflectORIZED Paint Marking Arrows	Per each	\$50.00	\$8,500.00	\$50.00	\$8,500.00	\$90.00	\$15,300.00	\$50.00	\$8,500.00
4	ReflectORIZED Paint Marking (Words only: Lane, etc.)	170	\$75.00	\$12,750.00	\$75.00	\$12,750.00	\$50.00	\$8,500.00	\$75.00	\$12,750.00
5	ReflectORIZED Paint Marking (Symbols only: Bike, ADA, etc.)	25	\$150.00	\$3,750.00	\$60.00	\$1,500.00	\$50.00	\$1,250.00	\$75.00	\$1,875.00
6	ReflectORIZED Paint Marking Yellow (4" Walk-Behind Trail)	30	\$0.50	\$15.00	\$0.05	\$1,056.00	\$0.08	\$1,689.60	\$0.20	\$2,224.00
		21,120		\$10,560.00						
TOTAL BID				\$79,935.00		\$40,481.00		\$46,444.60		\$54,999.00

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

CERTIFIED: A. Foren
A. FOREN, PURCHASING AGENT

Alvin Stas
WITNESS

2/28/07
DATE

BID: 07-14

DATE: 2/14/07

TIME: 2:00 PM

CITY OF FAYETTEVILLE



Bid 07-14, Curb and Gutter

Item #	Description	Estimated Qty	Sweetser Construction	
			Unit Price	TOTAL
1	Hand Formed "Type A" Curb and Gutter (per attached specifications)	3,000	\$9.25 Per linear foot	\$27,750.00
2	Hand Formed "Type D" Curb and Gutter (per attached specifications)	1,000	\$12.50 Per linear foot	\$12,500.00
3	Sidewalk - 4" Thick	5,000	\$4.35 Per linear foot	\$21,750.00
4	Driveway Approach - 6" Thick	5,000	\$5.30 Per linear foot	\$26,500.00
5	Street Repair - 8" Thick	2,000	\$6.45 Per linear foot	\$12,900.00
Total Bid Based on Estimates =				\$101,400.00

NOTE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City official

CERTIFIED:

A. Foren

A. FOREN PURCH AGENT

John Doe

WITNESS

2/21/07

DATE

BID: 07-15
 DATE: 2/14/07
 TIME: 2:00 PM
 CITY OF FAYETTEVILLE



Bid 07-15, Topsoil

Item	Description	Est Qty (per cubic yard)
1	Top Soil - Per cubic yard for top dressing and landscaping projects. All topsoil to be screened to remove large rocks, roots, and other debris.	2,500

B Brothers Enterprises		Central Redi-Mix		Les Rogers Inc		Sweitzer Construction	
Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
\$8.72	\$21,800.00	\$11.75	\$29,375.00	\$9.34	\$23,350.00	\$12.00	\$30,000.00

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

CERTIFIED: A. Foren
 A. FOREN - PURCHASING AGENT

Seliana
 WITNESS

2/21/07
 DATE

BID: 07-16

DATE: 2/14/07

TIME: 2:00 PM

CITY OF FAYETTEVILLE



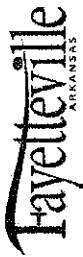
Bid 07-16, Hillside Gravel

Item #	Description	Estimated Qty	Les Rogers, Inc.		Northwest Arkansas Quarries		Sweetser Construction	
			Price	TOTAL	Price	TOTAL	Price	TOTAL
1	Red Hillside Gravel Per Cubic Yard (Pickup)	5,000.00	\$1.45	\$7,250.00	\$1.90	\$9,500.00	\$1.50	\$7,500.00
2	Red Hillside Gravel Per Cubic Yard (Delivery Price)	5,000.00	\$3.44	\$17,200.00	\$3.60	\$18,000.00	\$5.00	\$25,000.00
Total Bid Based on Estimates =				\$24,450.00		\$27,500.00		\$32,500.00

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

CERTIFIED: *J. Foreman* FOREMAN PURCH AGENT *John Foreman* WITNESS 2/21/07 DATE

BID: 07-17
DATE: 2/14/07
TIME: 2:00 PM
CITY OF FAYETTEVILLE



Bid 07-17, Concrete Specifications and Conditions

Item	Description	Est Qty (cubic yards)	Ark-La-Sup (Gravel)		B. Builders Enterprises		Beaver Lake Concrete Company		Mid-Continent Concrete Company		Ark-La-Sup Concrete Company	
			Per Item	Extended	Per Item	Extended	Per Item	Extended	Per Item	Extended	Per Item	Extended
1	3000 PSI 1 1/4" Max. Aggregate Size, 4" Slump	0	\$80.00 FlyAsh / \$83.00 All Cement	No Bid	No Bid	No Bid	\$69.00	\$0.00	\$73.00	\$0.00	\$0.00	\$0.00
2	3500 PSI 1 1/4" Max. Aggregate Size, 4" Slump	500	\$83.42 FlyAsh / \$86.70 All Cement	No Bid	No Bid	No Bid	\$71.00	\$35,500.00	\$75.00	\$37,500.00	\$71.00	\$35,500.00
3	4000 PSI 1 1/4" Max. Aggregate Size, 4" Slump	2500	\$86.00 Fly Ash / \$89.50 All Cement	No Bid	No Bid	No Bid	\$72.50	\$181,250.00	\$77.00	\$192,500.00	\$74.00	\$185,000.00
4	5000 PSI 1 1/4" Max. Aggregate Size, 4" Slump	100	\$91.00 Fly Ash / \$95.00 All Cement	No Bid	No Bid	No Bid	\$77.50	\$7,750.00	\$81.00	\$8,100.00	\$80.00	\$8,000.00
5	1% Calcium Chloride Admixture	100	\$2.50	No Bid	No Bid	No Bid	\$2.80	\$280.00	\$3.00	\$300.00	\$3.00	\$300.00
6	2% Calcium Chloride Admixture	60	\$5.00	No Bid	No Bid	No Bid	\$5.80	\$336.00	\$6.00	\$360.00	\$6.00	\$360.00
7	Air Entraining Admixture	2500		No Bid	No Bid	No Bid	N/C	N/C	N/A	N/A	\$0.00	\$0.00
8	Hot Water	500	\$3.00	No Bid	No Bid	No Bid	\$3.00	\$1,500.00	\$5.00	\$2,500.00	\$3.00	\$1,500.00
9	3/4" Rock	3000		No Bid	No Bid	No Bid	\$1.80	\$5,400.00	\$2.00	\$6,000.00		\$0.00
10	Exposed Aggregate	50		No Bid	No Bid	No Bid	\$14.00	\$700.00	\$15.00	\$750.00		\$0.00
11	Flowable Fill	50	\$62.00	No Bid	No Bid	No Bid	\$64.50	\$3,225.00	\$68.00	\$3,400.00	\$56.00	\$2,800.00
12	Lightweight Concrete	50	\$125.00	No Bid	No Bid	No Bid	\$95.50	\$4,775.00	\$98.00	\$4,900.00	\$84.50	\$4,225.00
TOTAL BID			\$2,837.50		\$244,016.00		\$258,310.00		\$255,185.00			
13	Type I Portland Cement	100		No Bid	No Bid	No Bid	N/A	N/A	N/A	N/A	\$145.00	\$14,500.00
14	Concrete Sand	100	\$28.00	\$18.75	\$1,875.00	\$962.50	\$21.00	\$2,100.00	\$20.00	\$2,000.00	\$20.00	\$2,000.00
15	Masonry Sand	50	\$28.00	\$19.25	\$962.50	\$962.50	\$24.00	\$1,200.00	N/A	N/A	\$20.00	\$1,000.00
TOTAL BID			\$2,837.50		\$244,016.00		\$258,310.00		\$255,185.00			

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

CERTIFIED: A. Foren
A. FOREN, PURCHASING AGENT

John A. Foren
WITNESS

2/21/07
DATE



Bid 07-18, Asphalt and Aggregate

[illegible]

TOTAL BID BASED SECTION A:

1	Asphalt Millings (picked up by Vendor from City of Fayetteville)
2	Asphalt Millings (delivered to Vendor at convenience of City Staff)

No Bid	\$4.00
--------	--------

No Bid	\$4.00
--------	--------

No Bid	No Bid
--------	--------

No Bid	No Bid
--------	--------

4.25	6.95
------	------

See Kiewit Southern	See Kiewit Southern
------------------------	------------------------

No Bid	No Bid
--------	--------

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

CERTIFIED:

A. Zelen
A FOREIGN PURCHASER AGENT

A. FOREIGN PURCHASE AGENT

WITNESS

2/21/07
DATE

Plant Location	Zone #	Asphalt Haul	Aggregate Haul	Shot Rock Haul
Hindsville	1	\$5.95	\$5.65	\$6.65
	2	\$4.25	\$3.95	\$4.95
	3	\$5.90	\$5.60	\$6.60
	4	\$5.95	\$5.65	\$6.65
Sharps	1	\$3.00	\$2.70	\$3.70
	2	\$3.70	\$3.40	\$4.40
	3	\$3.15	\$2.85	\$3.85
	4	\$4.80	\$4.50	\$5.50
Westfork	1	\$4.30	N/A	N/A
	2	\$4.55	N/A	N/A
	3	\$3.15	N/A	N/A

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

3/6/2007

City Council Meeting Date

Coy Hurd

Submitted By

Building Services

Division

Operations

Department

Action Required:

There are two actions required by the Mayor and City Council. 1. To accept the grant of \$10,708 from the Arkansas Department of Economic Development's Arkansas Energy Office for the construction of a solar water heater unit to augment the existing system in Fire Station Four. 2. To approve the Budget Adjustment that will place this money in the budget for use on the project. Please see the attached proposal and budget.

\$ (10,708.00)

Cost of this request

\$ (10,708.00)

Category / Project Budget

Fire Station Four Solar Project

Program Category / Project Name

4470 9470 5801 00

Account Number

0

Funds Used to Date

Fire Department Improvement

Program / Project Category Name

07020 1

Project Number

\$ 10,708.00

Remaining Balance

Sales Tax Capital Fund

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

XX

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

Date

Received in City Clerk's Office

Finance and Internal Service Director

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: February 13, 2007

SUBJECT: Acceptance of a grant from the Arkansas Department of Economic Development Energy Office and a budget adjustment to accommodate the utilization of these funds.

Recommendation:

Staff recommends that the Mayor and City Council agree to the terms of the grant from the Arkansas Energy Office (a grant of \$10,708) and authorize a budget adjustment to accommodate the funds.

Background:

The City of Fayetteville was invited by the Energy Office of the Arkansas Department of Economic Development to develop a grant proposal. A document was submitted proposing the construction of a solar hot water unit to be retrofitted to an existing city building. The building chosen is Fire Station Four, 3385 Plainview Avenue. This 5,500 square foot facility was chosen because of the continued need for domestic hot water due to the fact that it is occupied by a rotating crew of up to seven people each day. The proposed solar unit will augment the existing water heating system in the building. Further, it is hoped that this project will act as an educational opportunity for mechanical contractors, other interested parties, and for the general public.

memo of February 13, page two

The Energy Office offers the City the sum of \$10,708, which will be adequate for the project's successful completion without the expenditure of any City funds. The timeline for this work is the calendar year of 2007.

The list of terms and conditions the City must meet for this money is short and very reasonable. In a nutshell, we must do the work we have proposed and deliver quarterly progress reports (then a final report). Attached is a copy of the grant for your review and consideration.

Budgetary Impact:

Also attached is a completed *Budget Adjustment Form* documenting the needed budget adjustment to receive and place the \$10,708 for utilization by this project.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE BUILDING SERVICES DIVISION TO ACCEPT A GRANT FROM THE ARKANSAS DEPARTMENT OF ECONOMIC DEVELOPMENT IN THE AMOUNT OF \$10,708.00 FOR THE CONSTRUCTION OF A SOLAR WATER HEATER UNIT AT FIRE STATION #4; 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 Building Services Division to accept a Grant from the Arkansas Department of Economic Development in the amount of \$10,708.00 for the construction of a solar water heater unit at Fire Station #4.

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 March, 2007.

APPROVED:

ATTEST:

By: _____

DAN COODY, Mayor

By: _____

SONDRA SMITH, City Clerk/Treasurer

RECEIVED
JAN 22 2007

FILED
ARKANSAS ENERGY OFFICE

**ARKANSAS DEPARTMENT OF ECONOMIC DEVELOPMENT
ENERGY OFFICE
NOTICE OF FINANCIAL ASSISTANCE AWARD**

This grant is awarded pursuant to the authority of Public Law 101-440 and is subject to legislation, regulation and policies applicable to Part C of Title III of the Energy Policy and Conservation Act and Arkansas Act 7 of 1981.

- 1. Project Title:** Fayetteville Fire Station Four—Solar Hot Water Project
- 2. Recipient:** City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701
- 3. Instrument Type:** Grant
- 4. Type of Award:** New
- 5. Instrument Number:** AEO-06-007
- 6. Amendment Number:** N/A
- 7. Budget/Program Period:** January 22, 2007 through December 31, 2007
- 8. Recipient Project Director:** Coy Hurd, PhD
City of Fayetteville
churd@ci.fayetteville.ar.us
(479) 575-8361
- 9. Agency Project Manager:** Evan Brown
Buildings Programs Coordinator
(501) 682-7396
ebrown@1800arkansas.com
- 10. Administered for DOE by:** Arkansas Department of Economic Development
One State Capitol Mall
Little Rock, Arkansas 72201
- 11. Recipient Type:** City—Government
- 12. Employer Identification Number:** 71-0126904

13. Budget and Funding Information:

A. Current Budget Period Information

(1) AEO funds obligated this action:	\$10,708.00
(2) AEO funds authorized for carry over:	\$0
(3) AEO funds previously obligated in this budget period:	\$0
(4) AEO share of approved budget:	\$10,708.00
(5) Recipient Share of Approved Budget:	\$0
(6) Total approved budget:	\$10,708.00

14. Awards Terms and Conditions:

- Grant funds in excess of that necessary to meet immediate expense is required to be deposited into a separate interest bearing account;
- Quarterly progress reports must be submitted to the Arkansas Energy Office starting the first day of April 2007. The reports should address progress on the project as well as the financial status of the grant—interest earned on the account, a list of expenditures, and balance in the account; and
- A final report is required summarizing quarterly report data. The final report should also contain a statement that assures all grant expenditures were made in accordance with the AEO approved plan (Attachment 1). The final report shall be submitted to the Energy Office no later than 2/28/2008.
- A site-monitoring visit may be conducted upon completion of the project. Please make available expense records, labor and pay records for work done, and documentation of any changes made in the original scope of work or grant extensions.
- Failure to comply with the terms of this agreement may result in ineligibility to receive future grant funds.

15. Approved Reimbursement Methodology: Funds will be released upon receipt of a signed grant agreement in accordance with procedures established and/or approved by the Arkansas Energy Office and the Arkansas Department of Economic Development.

16. Awarded By:

Larry Walther
Larry Walther, Director
Arkansas Department of Economic Development
One State Capitol Mall
Little Rock, Arkansas 72201-1015

1/22/07
Date

17. Grant and Conditions of Award Accepted By:

Dan Coody, Mayor
~~Coy Hurd, PhD~~
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

1/17/07
Date

To: Mr. Chris Benson, Director
Arkansas Energy Office

From: Coy Hurd, PhD
City of Fayetteville

Date: January 9, 2007

Re: Grant Request / Solar Water Heater Project

The City of Fayetteville plans to retrofit an existing fire station to include a solar system for heating domestic hot water. We appreciate the opportunity to apply to the Arkansas Energy Office for a grant of funds to accomplish this work. The fire station that we will retrofit is Fire Station Four, 3385 Plainview Avenue, in Fayetteville. This 5,500 square foot station was constructed in 1999. The station has a rotating crew of up to seven fire fighters on any given shift, and uses a good deal of domestic hot water each day. The City Administration believes that this facility will present a most advantageous opportunity for a pilot program in the use of solar energy application.

I have been working with Bill Ball to estimate the costs of this project. Please note the attached budget. Our request for a grant from the Arkansas Energy Office will then be \$10,708. I do believe that the resulting energy savings will certainly more than compensate for the original outlay of funds.

The benefits of retrofitting Fire Station Four will not only be seen in energy savings. The project (as conceived by Mr. Ball) will also include other important components. Mechanical contractors (and other interested parties in Northwest Arkansas) will be invited to the installation of this unit for educational purposes. In this manner, the project will have an even farther reaching impact on our community. In addition, area media will be given the chance to feature this story, thereby giving an even larger audience to this sustainable project. I believe that you will certainly be giving our area of the state a center-piece of energy conservation education with your investment of funds in the effort.

Thank you for your consideration on this matter. I do look forward to speaking with you very soon to further explain our intentions toward accomplishing a high profile, sustainable project at Fire Station Four.

SOLAR WATER HEATER PROJECT

CITY OF FAYETTEVILLE

FAYETTEVILLE, ARKANSAS

PROJECT BUDGET

1/9/2007

ITEM	COST
STORAGE TANK (120 GALLON)	\$1,470
COLLECTORS (TWO)	2,180
TILT MOUNTS (TWO)	90
STRUTS (FOUR)	63
PUMP	250
EXPANSION TANK	45
PV MODULE	275
TEMPERING VALVE	55
CONNECT WATER SUPPLY AND COLLECTOR	280
GAS AND SOLAR BTU METERS	1,200
SALES TAX	413
DELIVERY AND INSTALLATION	1,550
TANKLESS WATER HEATER	1,900
CONTINGENCY FUND	937
TOTAL	\$10,708.00

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

A. 9
Arkansas Department of
Economic Development Grant
Page 10 of 10

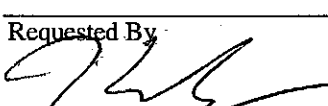
Budget Year	Department: Sales Tax Capital Improvements Division: Program:	Date Requested 3/6/2007	Adjustment Number
-------------	---	--------------------------------	-------------------

Project or Item Added/Increased: \$10,708 in the Fixed Assets account in the Fire Station #4 Solar Project.	Project or Item Deleted/Reduced: None. This adjustment recognizes \$10,708 in grant revenue for the Fire Station #4 Solar Project.
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Justification of this Increase: The increase will fund a solar powered water heater for station #4.	Justification of this Decrease: This adjustment recognizes grant revenue received in the Fire Station #4 Solar Project.
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Increase Expense Budget (Decrease Revenue Budget)							
Account Name	Account Number				Amount	Project Number	
Fixed assets	4470	9470	5801	00	10,708	07020	1

Decrease Expense Budget (Increase Revenue Budget)							
Account Name	Account Number				Amount	Project Number	
State grants-Capital	4470	0947	4302	00	10,708	07020	1

Approval Signatures		Budget Office Use Only			
Requested By	Date	Type:	A	B	C
	3-6-07				<u>D</u>
Budget Manager	Date	Posted to General Ledger			Initial
					Date
Department Director	Date	Posted to Project Accounting			Initial
					Date
Finance & Internal Services Director	Date	Entered in Category Log			Initial
					Date
Mayor	Date				

AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF MARCH 6, 2007

FROM: KIT WILLIAMS, City Attorney

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution To Approve A Lease With Callahan Joint Venture To Lease Space Near The Old Wire Road Fire Station #5 For \$1,000.00 Per Month, Free Use Of The Cell Tower For Fire Department Antennas And Revenue Sharing For The Subsequent Cell Phone Customers

APPROVED FOR AGENDA:



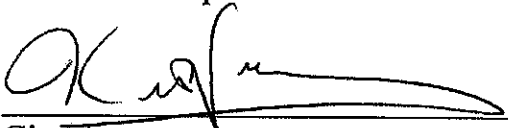
Fire Chief

2-21-07
Date



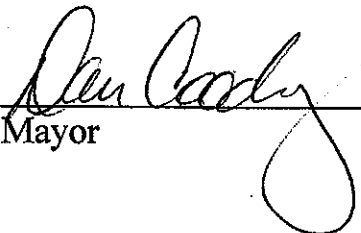
Director of Operations

2-15-07
Date



City Attorney

2-14-07
Date



Mayor

2/21/07
Date

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A LEASE WITH CALLAHAN TOWER JOINT VENTURE TO LEASE SPACE NEAR THE OLD WIRE ROAD FIRE STATION #5 FOR \$1,000.00 PER MONTH, FREE USE OF THE CELL TOWER FOR FIRE DEPARTMENT ANTENNAS AND REVENUE SHARING FOR THE SUBSEQUENT CELL PHONE CUSTOMERS

WHEREAS, the City of Fayetteville Fire Department needs a tower to install two antennas at its new Old Wire Road site; and

WHEREAS, the UDC encourages cell tower builders to build on city sites and to co-locate on existing cell towers.

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 Land Lease Agreement (attached as Exhibit A) with Callahan Tower Joint Venture for an initial lease of \$1,000.00 per month, plus free installation of two Fire Department antennas with revenue sharing for the second and later cell phone company customers who wish to install their cell phone antenna arrays on this cell tower.

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

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer



City of Fayetteville Fire Department
303 W. Center St. Fayetteville, AR. 72701
Phone (479) 575-8365 Fax (479) 575-0471

MEMORANDUM

To: Fayetteville City Council
Thru: Kit Williams, City Attorney
From: Tony Johnson, Fire Chief *Tony*
Date: February 14, 2007
Copy: Mayor Coody

I am writing this letter in support of the cellular phone tower that is proposed by Callahan Tower Joint Venture (CTJV) which will be located south of the new fire station #5 that is currently under construction at Crossover and Old Wire Roads. Over the past several weeks, I have worked closely with City Attorney Kit Williams and CTJV on this proposal. I believe that this project is in the best interest of the City of Fayetteville, CTJV and the people of our community. All parties will benefit from the improved and enhanced communications that this tower will provide. In addition, CTJV has agreed to provide adequate space on the proposed tower for the placement of communication and radio antennas for the fire department, thus eliminating the need for the fire department to erect an additional tower in the same proximity.

Thanking you in advance for your consideration and approval of this joint venture.

LAND LEASE AGREEMENT

This Agreement, made this _____ day of February, 2007, between the CITY OF FAYETTEVILLE, ARKANSAS, 113 W. Mountain Street, Fayetteville, AR 72701, hereinafter designated FAYETTEVILLE, and CALLAHAN TOWER JOINT VENTURE, with its principal office located at Callahan Tower, 520 N. College Avenue, Fayetteville, AR 72701, hereinafter designated as CALLAHAN. FAYETTEVILLE and CALLAHAN are at times collectively referred to hereinafter as the "Parties".

1. PREMISES. FAYETTEVILLE hereby leases to CALLAHAN a portion of that certain parcel of property referred to hereinafter as the Old Wire Road Fire Station site, located in Washington County, Arkansas, and described in Exhibit "A" attached hereto (the "Land Space"), together with the non-exclusive but constant (24 hours per day, 7 days a week) access and utility easement over, under, or along the existing driveway, said Land Space and easement (hereinafter collectively referred to as the "Premises") being substantially as described herein in Exhibit "A" attached hereto and made a part hereof. CALLAHAN agrees not to block the driveway at any time and to coordinate and cooperate with the CITY OF FAYETTEVILLE and its Fire Department in their use and access to their facilities.

2. SURVEY. FAYETTEVILLE also hereby grants to CALLAHAN the right to survey the Old Wire Road Fire Station site and the Premises, and said survey after review and acceptance by FAYETTEVILLE shall then become Exhibit "B" which shall be attached hereto and made a part hereof, and shall control in the event of boundary and access discrepancies between it and Exhibit "A". Cost for such work shall be borne by CALLAHAN.

3. TERM. This Agreement shall be effective as of the date of execution by both parties, and the initial term of five (5) years shall commence on May 1, 2007, at which time rental payments shall commence and be due at a total monthly rental of **One Thousand Dollars (\$1,000.00)** to be paid on the first day of the month, in advance, to FAYETTEVILLE.

4. EXTENSIONS. This Agreement shall automatically be extended for four (4) additional five (5) year terms unless CALLAHAN terminates it at the end of the then current term by giving FAYETTEVILLE written notice of its intent to terminate at least six (6) months prior to the end of the then current term.

5. EXTENSION RENTALS. The monthly rental for the first five year extension term shall be increased by an amount equal to the total CPI increase during the five year period of the lease; the monthly rental for the second five year extension term shall be further increased by an amount equal to the total CPI increase during the second five year period of the lease; the monthly rental for the third five year extension term shall be further increased by an amount equal to the total CPI increase during the third five year period of the lease; and the monthly rental for the fourth five year extension term shall be further increased by an amount equal to the total CPI increase during the fourth five year period of the lease.

6. USE: GOVERNMENTAL APPROVALS. CALLAHAN shall use the Premises for the purpose of constructing, maintaining, repairing and operating a communications facility

and uses incidental thereto. A security fence consisting of chain link construction or similar but comparable construction may be placed around the perimeter of the Premises at the discretion of CALLAHAN (not including the access easement). All improvements, equipment and conduits shall be at CALLAHAN's expense and the installation of all improvements shall be at the discretion and option of CALLAHAN. CALLAHAN shall have the right to replace, repair, add or otherwise modify its equipment and/or conduits or any portion thereof and the frequencies over which the equipment operates, whether the equipment, conduits or frequencies are specified or not on any exhibit attached hereto, during the Term. It is understood and agreed that CALLAHAN's ability to use the Premises is contingent upon its obtaining after the execution date of this Agreement all of the certificates, permits and other approvals (collectively the "Governmental Approvals") that may be required by any Federal, State or Local authorities as well as satisfactory soil boring tests which will permit CALLAHAN use of the Premises as set forth above. FAYETTEVILLE shall take no action which would adversely affect the status of the Property with respect to the proposed use thereof by CALLAHAN. In the event that any of such applications for such Governmental Approvals should be finally rejected; any Governmental Approval issued to CALLAHAN is canceled, expires, lapses, or is otherwise withdrawn or terminated by governmental authority CALLAHAN shall have the right to terminate this Agreement. Notice of CALLAHAN's exercise of its right to terminate shall be given to FAYETTEVILLE in writing by certified mail, return receipt requested, and shall be effective upon the mailing of such notice by CALLAHAN, or upon such later date as designated by CALLAHAN. All rentals paid to said termination date shall be retained by FAYETTEVILLE. Upon such termination, this Agreement shall be of no further force or effect except to the extent of the representations, warranties and indemnities made by each party to the other hereunder. Otherwise, CALLAHAN shall have no further obligations for the payment of rent to FAYETTEVILLE. If this site becomes technologically unsuitable for CALLAHAN's purposes, CALLAHAN may terminate this lease upon ninety days notice.

7. INSURANCE. CALLAHAN agrees that at its own cost and expense, it will maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence.

8. LIMITATION OF LIABILITY. In no event will either FAYETTEVILLE or CALLAHAN be liable to the other, or any of their respective agents, representatives, employees for any lost revenue, lost profits, loss of technology, rights or services, incidental, punitive, indirect, special or consequential damages, loss of data, or interruption or loss of use of service, whether under theory of contract, tort (including negligence), strict liability or otherwise.

9. INTERFERENCE. CALLAHAN agrees to install equipment of the type and frequency which will not cause material interference which is measurable in accordance with then existing industry standards to any equipment of FAYETTEVILLE or its lessees of the Property. In the event any after-installed CALLAHAN's equipment causes such interference, and after FAYETTEVILLE has notified CALLAHAN in writing of such interference, CALLAHAN will take all commercially reasonable steps necessary to correct and eliminate the interference, including but not limited to, at CALLAHAN's option,

powering down such equipment and later powering up such equipment for intermittent testing. In no event will FAYETTEVILLE be entitled to terminate this Agreement or relocate the equipment as long as CALLAHAN is making a good faith effort to remedy the interference issue. CALLAHAN agrees to indemnify and hold Fayetteville harmless from any claim by other tenants that CALLAHAN's equipment has damaged or interfered with their equipment or service to their customers. FAYETTEVILLE agrees that it or other tenants of the Property who currently have or in the future take possession of the Property will be permitted to install only such equipment that is of the type and frequency which will not cause material interference which is measurable in accordance with then existing industry standards to the then existing equipment of CALLAHAN.

10. REMOVAL AT END OF TERM. CALLAHAN shall, upon expiration of the Term, or within ninety (90) days after any earlier termination of the Agreement, remove its building(s), antenna structure(s) (except footings), equipment, conduits, fixtures and all personal property and restore the Premises to its original condition, reasonable wear and tear and casualty damage excepted. FAYETTEVILLE agrees and acknowledges that all of the equipment, conduits, fixtures and personal property of CALLAHAN shall remain the personal property of CALLAHAN and CALLAHAN shall have the right to remove the same at any time during the Term, whether or not said items are considered fixtures and attachments to real property under applicable Laws. If such time for removal causes CALLAHAN to remain on the Premises after termination of this Agreement, CALLAHAN shall pay rent at the then existing monthly rate or on the existing monthly pro-rata basis if based upon a longer payment term, until such time as the removal of the building, antenna structure, fixtures and all personal property are completed.

11. QUIET ENJOYMENT. FAYETTEVILLE covenants that CALLAHAN, on paying the rent and performing the covenants herein, shall peaceably and quietly have, hold and enjoy the Premises. FAYETTEVILLE agrees that this lease shall survive and remain in force if FAYETTEVILLE sells or transfers any part of the Land Space.

12. TITLE. FAYETTEVILLE represents and warrants to CALLAHAN as of the execution date of this Agreement, and covenants during the Term that FAYETTEVILLE is seized of good and sufficient title and interest to the Property and has full authority to enter into and execute this Agreement and that there are no covenants, easement or restrictions which prevent or adversely affect the use of occupancy of the Premises by CALLAHAN as set forth above.

13. INTEGRATION. It is agreed and understood that this Agreement contains all agreements, promises and understandings between FAYETTEVILLE and CALLAHAN and that no verbal or oral agreements, promises or understandings shall be binding upon either FAYETTEVILLE or CALLAHAN. In the event any provision of the Agreement is found to be invalid or unenforceable, such finding shall not affect the validity and enforceability of the remaining provisions of this Agreement. The failure of either Party to insist upon strict performance of any of the terms or conditions of this Agreement or to exercise any of its rights under the Agreement shall not waive such rights and such Party shall have the right to

enforce such rights at any time and take such action as may be lawful and authorized under this Agreement, in law or in equity.

14. GOVERNING LAW. This Agreement and the performance thereof shall be governed, interpreted, construed and regulated by the laws of Arkansas and venue shall be in Washington County.

15. ASSIGNMENT. This Agreement may be sold, assigned or transferred by CALLAHAN without any approval or consent of FAYETTEVILLE to CALLAHAN's principal, affiliates, subsidiaries of its principal or to any entity which acquires all or substantially all of CALLAHAN's assets in the market defined by the Federal Communications Commission in which the Property is located by reason of a merger, acquisition or other business reorganization. As to other parties, this Agreement may not be sold, assigned or transferred without the written consent of FAYETTEVILLE, which such consent will not be unreasonably withheld or delayed. No change of stock ownership or control of CALLAHAN shall constitute an assignment hereunder. CALLAHAN may sublease any portion of the Property at its sole discretion upon notice to FAYETTEVILLE. Any sublease that is entered into by CALLAHAN shall be subject to the provisions of this Agreement and shall be binding upon the successors, assigns, heirs and legal representatives of the respective parties hereto. The term "Sublease", "Sublet", "Sublessee" and any other similar term shall apply to any situation by which CALLAHAN allows a third party use of the Property for co-location, whether it be by formal sublease, license or other agreement. All rights and responsibilities of CALLAHAN set forth in this Agreement shall be enjoyed by and binding on any Sublessee.

(a) In the event CALLAHAN subleases any portion of the Property, in accordance with this Agreement, any rental paid by any Sublessee(s) shall be divided between FAYETTEVILLE and CALLAHAN in the following manner: (i) The first cell phone carrier's antenna array is paid for by the monthly rent charged to CALLAHAN pursuant to this Land Lease Agreement; (ii) The gross rental paid by (and the gross value of any other type of consideration received from) the business using the second set of cell phone antennas shall be divided with 75% of the gross going to CALLAHAN and 25% to FAYETTEVILLE; (iii) The gross rental paid by (and the gross value of any other type of consideration received from) the business using the third and any subsequent set of cell phone antennas shall be divided with 50% of the gross going to CALLAHAN and 50% to FAYETTEVILLE. Any Sublessee shall be instructed to pay the foregoing percentage amounts directly to CALLAHAN. CALLAHAN shall be responsible to Fayetteville for the collection or payment of rents by the Sublessee and their remittance to FAYETTEVILLE. However, CALLAHAN shall have no liability to FAYETTEVILLE in the event of failure of payment by Sublessee. In this event, CALLAHAN shall have no liability of any nature to FAYETTEVILLE for failure to sublet all or any part of the premises to any or all potential Sublessee(s); CALLAHAN will provide FAYETTEVILLE with all agreements that have been executed by CALLAHAN and its Sublessee.

(b) Notwithstanding any other provision of this Agreement, CALLAHAN shall not be required to obtain approval from FAYETTEVILLE for the subletting of the Property or

part thereof. CALLAHAN shall have the sole right to determine whether it will Sublet any portion of the Property or whether it will sublease to any specific Sublessee.

16. NOTICES. All notices hereunder must be in writing and shall be deemed validly given if sent by certified mail, return receipt requested or by commercial courier, provided the courier's regular business is delivery service and provided further that it guarantees delivery to the addressee by the end of the next business day following the courier's receipt from the sender, addressed as follows (or any other address that the Party to be notified may have designated to the sender by like notice):

FAYETTEVILLE: CITY OF FAYETTEVILLE
Office of the Mayor
113 W. Mountain Street
Fayetteville, AR 72701

CALLAHAN: CALLAHAN TOWER JOINT VENTURE
ATTN: Jason Steele
520 N. College Avenue
Fayetteville, AR 72701

Notice shall be effective upon actual receipt or refusal as shown on the receipt obtained pursuant to the foregoing.

17. SUCCESSORS. This Agreement shall extend to and bind the heirs, personal representative, successors and assigns of the Parties hereto.

18. DEFAULT.

(a) In the event there is a breach by CALLAHAN with respect to any of the provisions of this Agreement or its obligations under it, including the payment of rent, FAYETTEVILLE shall give CALLAHAN written notice of such breach. After receipt of such written notice, CALLAHAN shall have fifteen (15) days in which to cure any monetary breach and thirty (30) days in which to cure any non-monetary breach, provided CALLAHAN shall have such extended period as may be required beyond the thirty (30) days if the nature of the cure is such that it reasonably requires more than thirty (30) days and CALLAHAN commences the cure within the thirty (30) day period and thereafter continuously and diligently pursues the cure to completion. FAYETTEVILLE may not maintain any action or effect any remedies for default against CALLAHAN unless and until CALLAHAN has failed to cure the breach within the time periods provided in this Paragraph. However, repetitive breaches relating to blocking or interfering with the access easement or the rights of other tenants to successfully operate their equipment without electronic or other interference shall give FAYETTEVILLE the right to terminate this contract even if such breaches are temporary and cured within thirty days.

(b) In the event there is a breach by FAYETTEVILLE with respect to any of the provisions of this Agreement or its obligations under it, CALLAHAN shall give FAYETTEVILLE written notice of such breach. After receipt of such written notice,

FAYETTEVILLE shall have thirty (30) days in which to cure any such breach, provided FAYETTEVILLE shall have such extended period as may be required beyond the thirty (30) days if the nature of the cure is such that it reasonably requires more than thirty (30) days and FAYETTEVILLE commences the cure within the thirty (30) day period and thereafter continuously and diligently pursues the cure to completion. CALLAHAN may not maintain any action or effect any remedies for default against FAYETTEVILLE unless and until FAYETTEVILLE has failed to cure the breach within the time periods provided in this Paragraph. Notwithstanding the foregoing to the contrary, it shall be a default under this Agreement if FAYETTEVILLE fails, within five (5) days after receipt of written notice of such breach, to perform an obligation required to be performed by FAYETTEVILLE if the failure to perform such an obligation interferes with CALLAHAN's ability to conduct its business on the Property; provided, however, that if the nature of FAYETTEVILLE's obligation is such that more than five (5) days after such notice is reasonably required for its performance, then it shall not be a default under this Agreement if performance is commenced within such five (5) day period and thereafter diligently pursued to completion.

19. REMEDIES. Upon a default, the non-defaulting party may at its option (but without obligation to do so), perform the defaulting party's duty or obligation on the defaulting party's behalf. The costs and expenses of any such performance by the non-defaulting party shall be due and payable by the defaulting party upon invoice therefor. In the event of a default by either party with respect to a material provision of this Agreement, without limiting the non-defaulting party in the exercise of any right or remedy which the non-defaulting may have by reason of such default, the non-defaulting party may terminate the Agreement and/or pursue any remedy now or hereafter available to the non-defaulting party under the laws or judicial decisions of the state in which the Premises are located; provided, however, FAYETTEVILLE and CALLAHAN shall use reasonable efforts to mitigate any damages in connection with a default by FAYETTEVILLE or CALLAHAN. If CALLAHAN so performs any of FAYETTEVILLE's obligations hereunder, the full amount of the reasonable and actual cost and expense incurred by CALLAHAN shall immediately be owing by FAYETTEVILLE to CALLAHAN, and FAYETTEVILLE shall pay to CALLAHAN upon demand the full undisputed amount thereof with interest thereon from the date of payment at the highest rate permitted by applicable Laws. Notwithstanding the foregoing, if FAYETTEVILLE does not pay CALLAHAN the full undisputed amount within thirty (30) days of its receipt of an invoice setting forth the amount due from CALLAHAN, CALLAHAN may offset the full undisputed amount, including all accrued interest, due against all fees due and owing to FAYETTEVILLE until the full undisputed amount, including all accrued interest, is fully reimbursed to CALLAHAN.

20. CASUALTY. In the event of damage by fire or other casualty to the Premises that cannot reasonably be expected to be repaired within forty-five (45) days following the event, CALLAHAN may terminate this by sending written notice to FAYETTEVILLE. Any such notice of termination shall cause this Agreement to expire with the same force and effect as though the date set forth in such notice were the date originally set as the expiration date of this Agreement and the Parties shall make an appropriate adjustment, as of such termination date, with respect to payments due to the other under this Agreement. Notwithstanding the foregoing, the rent shall abate during the period of repair following such

fire or other casualty in proportion to the degree to which CALLAHAN'S use of the Premises is impaired.

21. CONDEMNATION. In the event of any condemnation of all or any portion of the Property, this Agreement shall terminate as to the part so taken as of the date the condemning authority takes title or possession, whichever occurs first. If as a result of a partial condemnation of the Premises or Property, CALLAHAN, in CALLAHAN's sole discretion, is unable to use the Premises for the purposes intended hereunder, or if such condemnation may reasonably be expected to disrupt CALLAHAN's operations at the Premises for more than forty-five (45) days, CALLAHAN may, at CALLAHAN's option, to be exercised in writing within fifteen (15) days after FAYETTEVILLE shall have given CALLAHAN written notice of such taking (or in the absence of such notice, within fifteen (15) days after the condemning authority shall have taken possession) terminate this Agreement as of the date the condemning authority takes such possession. CALLAHAN may on its own behalf make a claim in any condemnation proceeding involving the Premises for losses related to the equipment, conduits, fixtures, its relocation costs and its damages and losses. Any such notice of termination shall cause this Agreement to expire with the same force and effect as though the date set forth in such notice were the date originally set as the expiration date of this Agreement and the Parties shall make an appropriate adjustment as of such termination date with respect to payments due to the other under this Agreement. CALLAHAN does not terminate this Agreement in accordance with the foregoing, this Agreement shall remain in full force and effect as to the portion of the Premises remaining, except that the rent shall be reduced in the same proportion as the rentable area of the Premises taken bears to the total rentable area of the Premises. In the event that this Agreement is not terminated by reason of such condemnation, CALLAHAN shall promptly repair any damage to the Premises caused by such condemning authority.

22. SUBMISSION OF AGREEMENT/PARTIAL INVALIDITY/AUTHORITY. The submission of this Agreement for examination does not constitute an offer to lease the Premises and this Agreement becomes effective only upon the full execution of this Agreement by the Parties. If any provision herein is invalid, it shall be considered deleted from this Agreement and shall not invalidate the remaining provisions of this Agreement. Each of the Parties hereto warrants to the other that the person or persons executing this Agreement on behalf of such Party has the full right, power and authority to enter into and execute this Agreement on such Party's behalf and that no consent from any other person or entity is necessary as a condition precedent to the legal effect of this Agreement.

23. APPLICABLE LAWS. CALLAHAN shall, in respect to the condition of the Premises and at CALLAHAN's sole cost and expense, comply with (a) all Laws relating solely to CALLAHAN'S specific and unique nature of use of the Premises; and (b) all building codes requiring modifications to the Premises due to the improvements being made by CALLAHAN in the Premises.

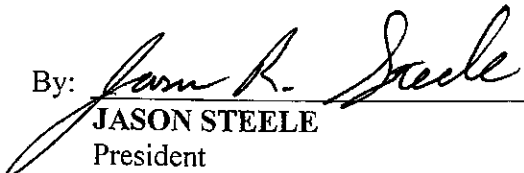
24. SURVIVAL. Any provisions of this Agreement which require performance subsequent to the termination or expiration of this Agreement shall also survive such termination or expiration.

25. CAPTIONS. The captions contained in this Agreement are inserted for convenience only and are not intended to be part of the Agreement. They shall not affect or be utilized in the construction or interpretation of the Agreement.

26. CITY OF FAYETTEVILLE'S RIGHT TO USE TOWER. As an express condition for this lease and for the reduced rental payments demanded from CALLAHAN, CALLAHAN agrees to provide FAYETTEVILLE and its Fire Department adequate access to and use of the tower and Leased Property to install antennas at sufficient height and location to fulfill the needs of FAYETTEVILLE and the Fayetteville Fire Department. FAYETTEVILLE agrees to cooperate with CALLAHAN in the placement of its antennas to attempt to avoid interfering with CALLAHAN's or sublessees' use of the tower for cell phone purposes.

IN WITNESS WHEREOF, the Parties hereto have set their hands and affixed their respective seals the day and year first above written.

**CALLAHAN TOWER
JOINT VENTURE**

By: 
JASON STEELE
President

CITY OF FAYETTEVILLE

By: _____
DAN COODY
Mayor

By: 
MICHAEL SMITH,  Vice President
mbs

Attest: 

Attest: _____
Sondra Smith, City Clerk

KIT WILLIAMS
FAYETTEVILLE CITY ATTORNEY

A. 10
Callahan Tower Joint Venture Lease
Page 12 of 12

DAVID J. WHITAKER
Assistant City Attorney
Judy Housley
Office Manager

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



113 W. Mountain, Suite 302
Fayetteville, AR 72701-6083

January 26, 2007

Mr. Dave Reynolds
Mr. Jason Steele
Callahan Joint Tower Venture
520 N. College Avenue
Fayetteville, AR 72701

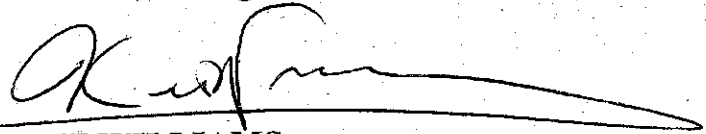
RE: Old Wire Road Fire Station Site

Dear Jason & Dave:

I have reworked the Land Lease Agreement pursuant to our agreement to lower the initial rent from \$2,000.00 to \$1,000.00 and the revenue sharing for the second tenant from 50% to 25% in consideration of the City's use of the Tower for a dish antenna and a whip antenna.

If this Land Lease Agreement is satisfactory, please sign it and return it to me so I can submit it to the City Council.

With kindest regards,



KIT WILLIAMS
Fayetteville City Attorney

KW/jh

cc: Gary Dumas, Director of Operations
Chief Tony Johnson

Enclosure

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

*Added to Mar. 6, 2007 CC mtg 2/6/07
moved to 2/6/06 mtg on 1/9/06*

City Council Meeting of January 2, 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 

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 actual lot area 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.I.
0.43 ACRES

EXHIBIT OF
Sidewalk connections
to future trail

10107 S.I.

R-PZD 06-2196 West Fork Place Appraisal
Page 34 of 225

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' EXISTING
EASEMENT

SCREEN
DUMPSTER

INTERPOLATED
BASE FLOOR
ELEVATION

12' PROPOSED TRAIL BY PARKS

N70°07'41"E 11.44
N44°40'25"E 57.75
N09°50'E 18.33

N00°37'26"E 18.33

N10°36'06"W 10.33
N49°45'31"E 18.33
N34°18'E 18.33

N66°15'31"W 32.28'
N44°11'43"W 13.43



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

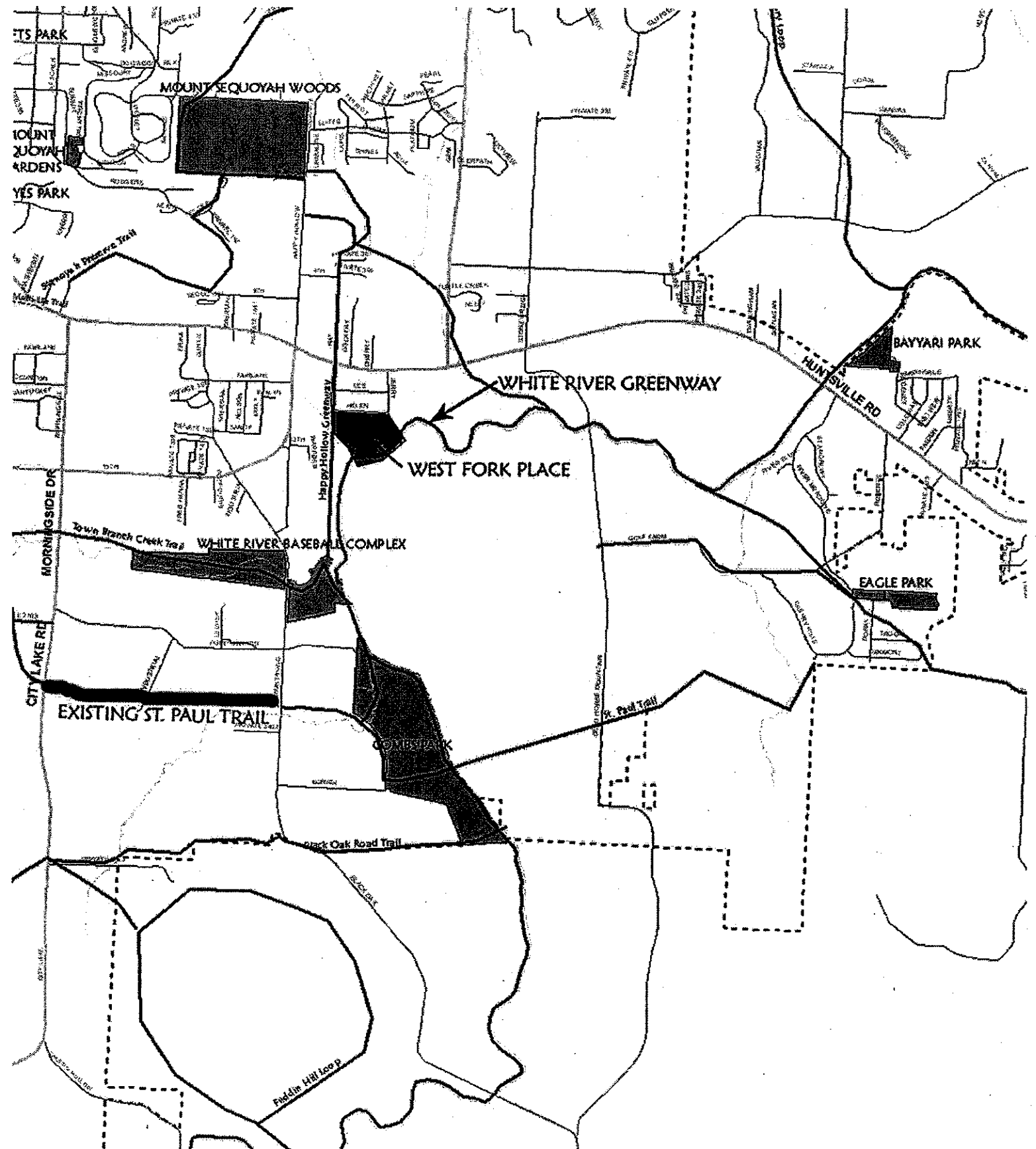
Date: September 20, 2006

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

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", is written over a horizontal line.

Captain William Brown
Fayetteville Police Department



Fayetteville Fire Department

MEMO

To: Suzanne Morgan, Andrew Garner, Jeremy Pate, and Jesse Fulcher

Thru: Chief Tony Johnson
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

 . . .

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.

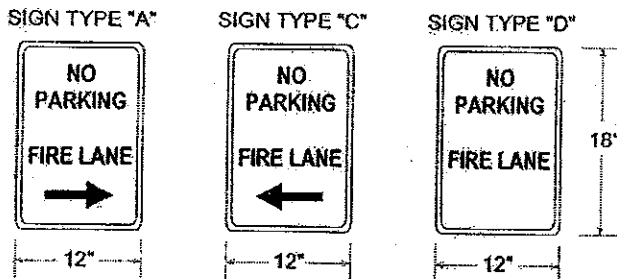


FIGURE D103.6
FIRE LANE SIGNS

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

APPENDIX D

**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 drawing 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 decided 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 amenable 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 they 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 plans 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 readily 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 decide 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 too 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 if 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.

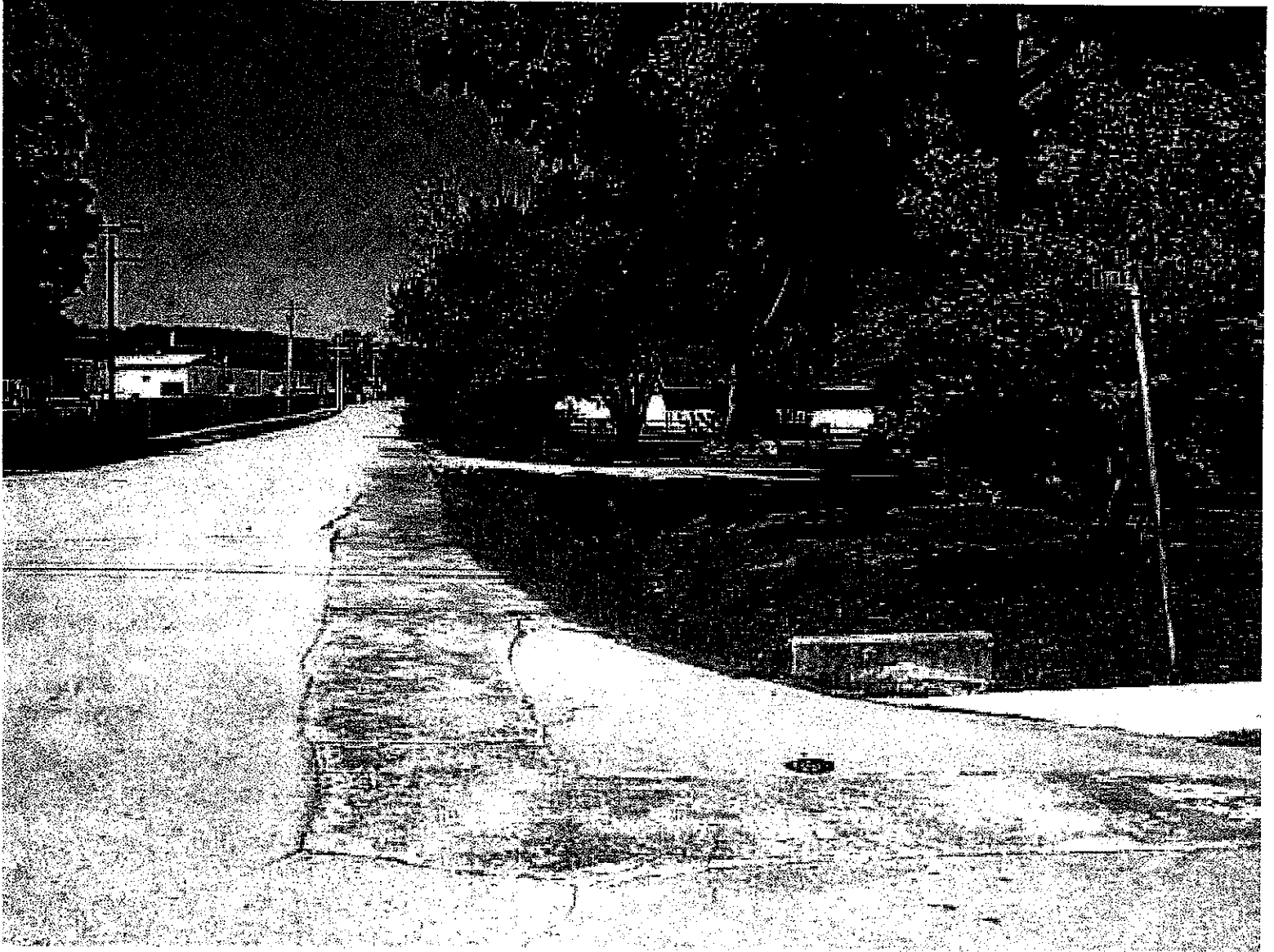
Ostner: Roughly, thank you.

DRAFT

ATTACHMENT A

Aerial photograph and photographs of Ray Avenue





HELEN (RAY) - LOOKING NORTH (EAST SIDE)



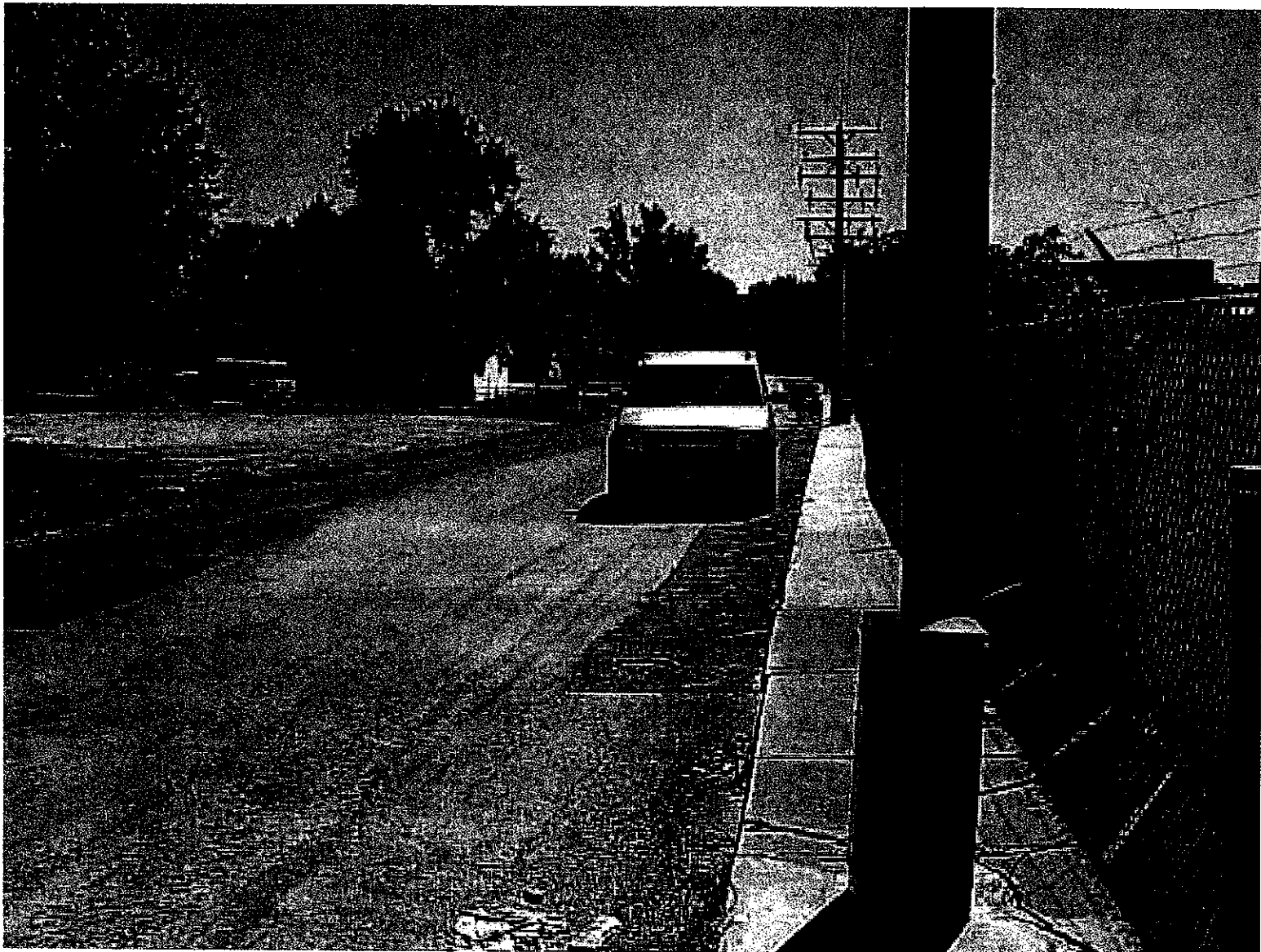
HELEN RAY - LOOKING NORTH (WEST SIDE)



LEE/PAY - LOOKING NORTH (EAST SIDE)



LEE/RAY - LOOKING SOUTH



RD, SOUTH OF HUNTSVILLE - LOOKING SOUTH



RD. 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

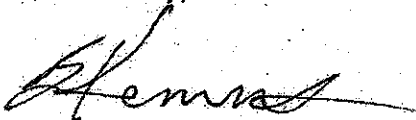
**RE: Request for Waivers of Minimum Street Standards
West Fork Place R-PZD # 00-2196**

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

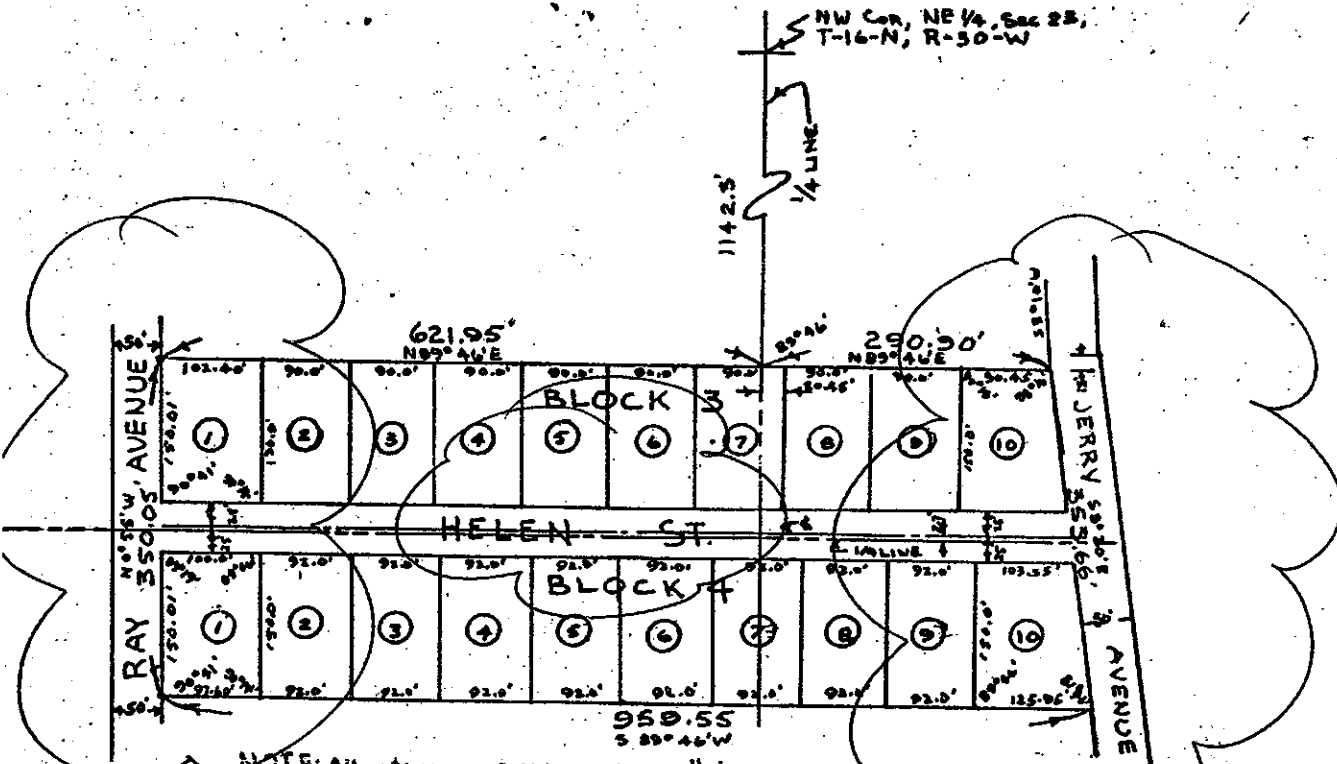
LEGAL DESCRIPTION

B. 1

Property on the date shown from the legal description furnished may be correct and established monuments of record as shown. This is not a warranty.
R-PZD 06-2106 West-Fork Place Appeal
Page 89 of 122

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.



NOTE: All interior lot lines are parallel.
PLAT OF
BLOCKS 3 & 4
WATSON'S ADDITION
WASHINGTON CO., ARK.

CERTIFIED CORRECT
J.E. MAHARREY
ARK. P.E. 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 (Seal)
PLAT BOOK 1, PAGE 20

Thelma Culwell
Notary Public
Arthur Martin
County Judge

RECEIVED MED

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: Aleth S. Little, City Planner
Don Bunn, 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 or 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.

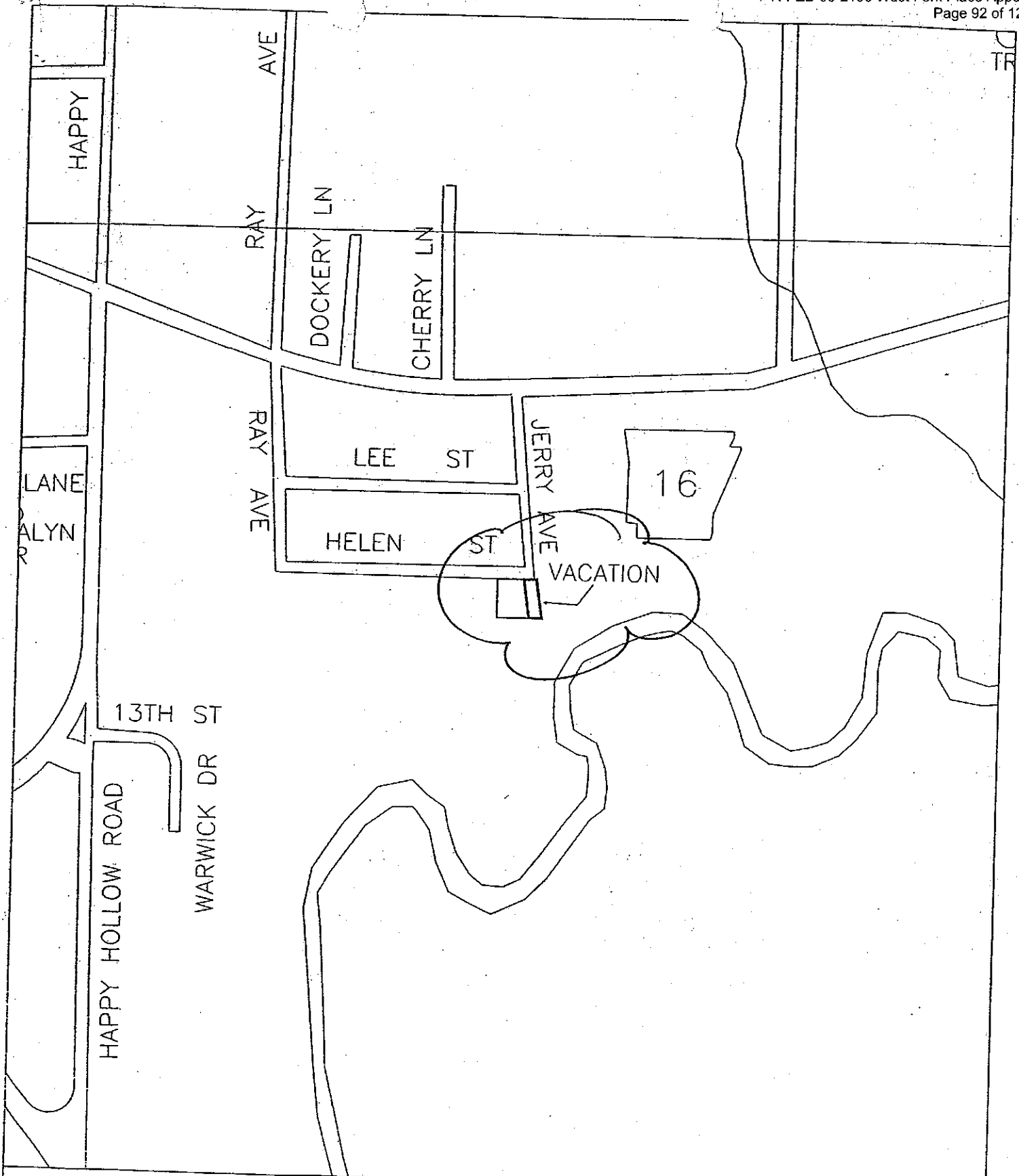
Mr. Foster, representing the applicant, stated he would comply with the conditions of approval.

MOTION

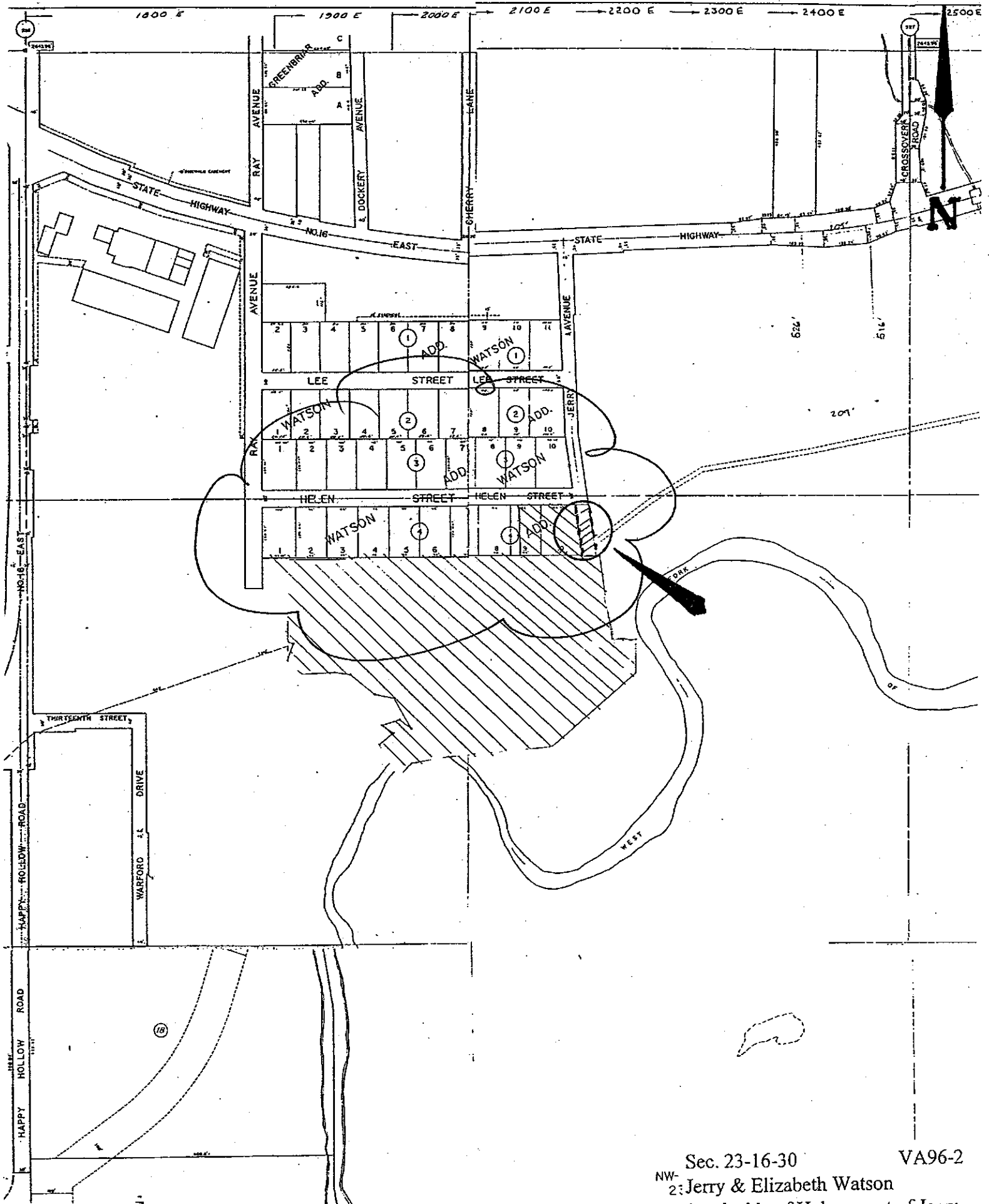
Mr. Reynolds made a motion to approve the street right of way vacation subject to the conditions of approval as set forth above.

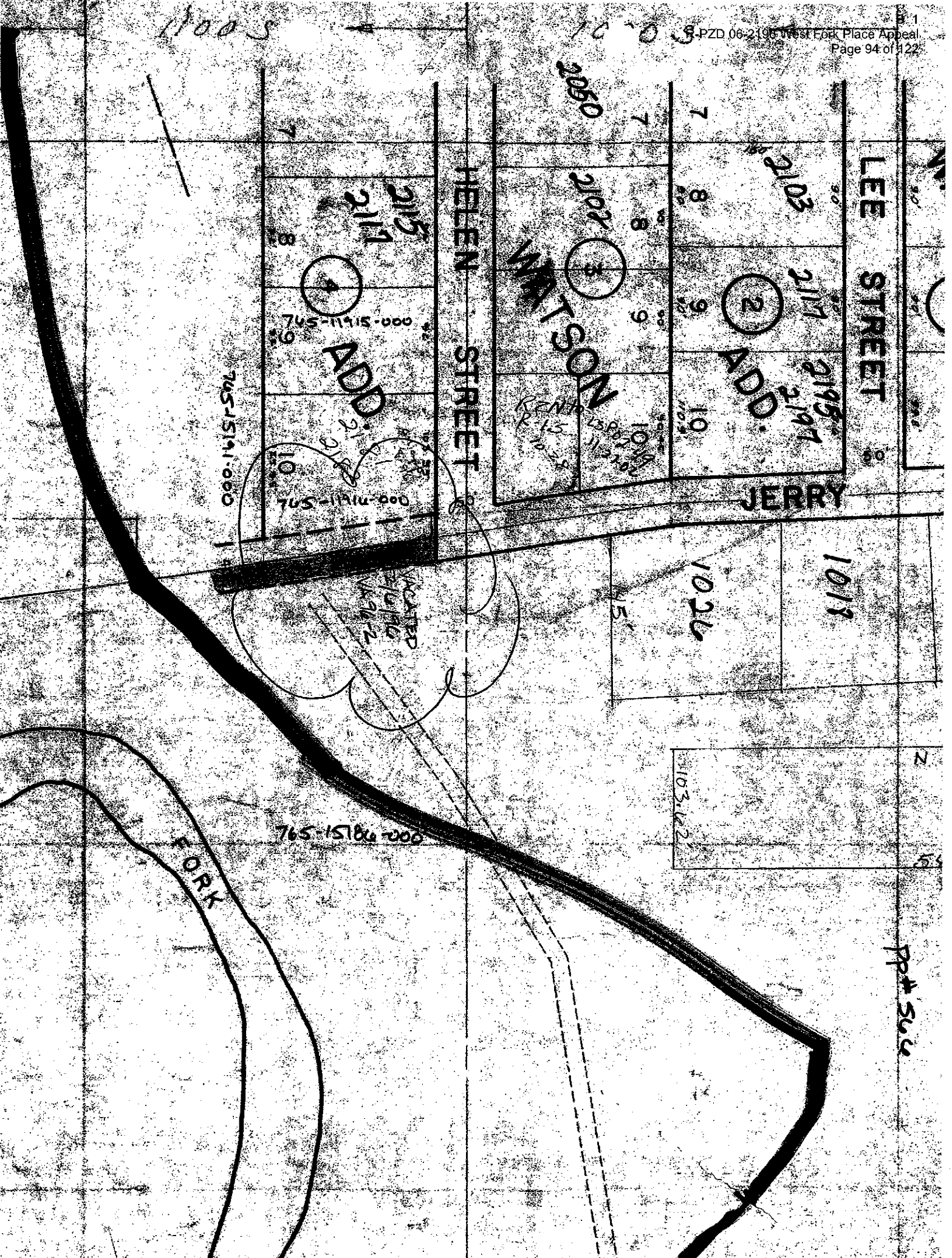
Mr. Odom seconded the motion.

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
D.C. 1/8/96





PP# 564

'96 FEB 23 PM 2 10

ORDINANCE NO. 3949

WASHINGTON 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.

MICROFILMED

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:

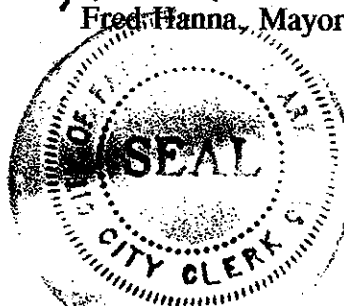
By:

Fred Hanna
Fred Hanna, Mayor

ATTEST:

By:

Traci Paul
Traci Paul, City Clerk



96010637



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

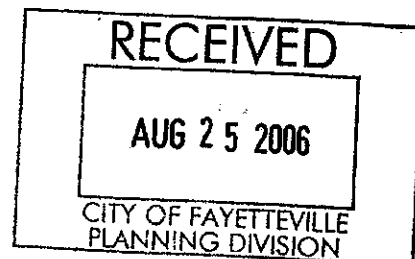
(Return Comments to City of Fayetteville Planning Division in Stamped Enclosed Envelope)

- ☒ 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
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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 ENTER STRUCTURE
NEEDS TIME TO CATCH UP
MARK R. ARYON

Name of Property Owner (Printed)


Signature of Property Owner

ing as enalymen

**ADJOINING PROPERTY OWNERS NOTIFICATION
OF UPCOMING PUBLIC HEARING**

WF Place

Today's Date August 9, 2006

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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:

Rodney Gray
Name of Property Owner (Printed)

Rodney Gray
Signature of Property Owner

ADJOINING PROPERTY OWNERS NOTIFICATION
OF UPCOMING PUBLIC HEARING

Today's Date August 9, 2006

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PROJECT DESCRIPTION:

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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

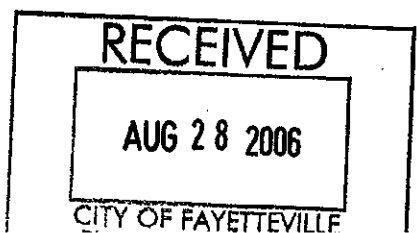
(Return Comments to City of Fayetteville Planning Division in Stamped Enclosed Envelope)

- ☐ 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
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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.

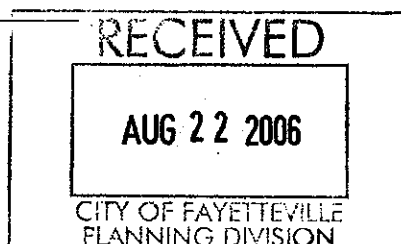
ADJOINING PROPERTY OWNERS COMMENTS

(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**

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PROJECT DESCRIPTION:

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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. BOURQUIN
Name of Property Owner (Printed)

A. G. Bourquin
Signature of Property Owner

*would like info on how
Project will affect my Property
and surrounding as per drainage
& flooding possibilities*

**ADJOINING PROPERTY OWNERS NOTIFICATION
OF UPCOMING PUBLIC HEARING**

Today's Date August 9, 2006

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Fayetteville, AR 72703

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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

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Fayetteville, AR 72703

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PROJECT DESCRIPTION:

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detached.

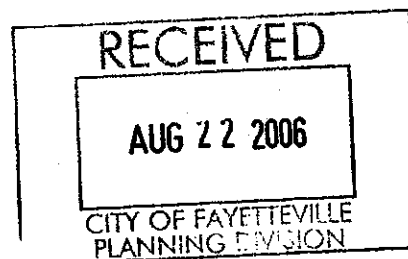
ADJOINING PROPERTY OWNERS COMMENTS

(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

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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:

Tennys P. Watkins
Name of Property Owner (Printed)

Tennys P. Watkins
Signature of Property Owner

ADJOINING PROPERTY OWNERS NOTIFICATION OF UPCOMING PUBLIC HEARING

Today's Date August 9, 2006

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RECEIVED
AUG 15 2006
PLANNING DIV.

PROJECT DESCRIPTION:

Property located at T[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?

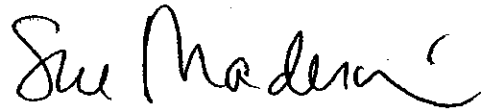
We understand the city's efforts toward "connectivity" of streets; however, this "looping" makes a farce out of connectivity. Both Ray St. and Jerry St. access Huntsville Rd. a few hundred yards apart. There should be some connection to Happy Hollow Road to the west for this neighborhood; that would 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) (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

HELEN STREET 2006014- 06-2196

RECEIVED
OCT 17 2006
PLANNING DIV.

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.

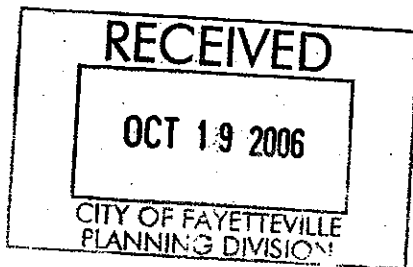
_____ I **do not** object to the project described above.

_____ I **do** object to the project described above because:

Name of Property Owner (Printed)

TENNEY 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.

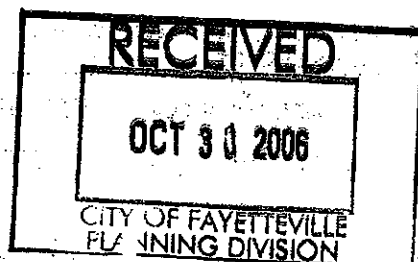
☒ I do object to the project described above because:

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 & houses ??*

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,
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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. BOORGIN
Name of Property Owner (Printed)

A. Boorgin
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,

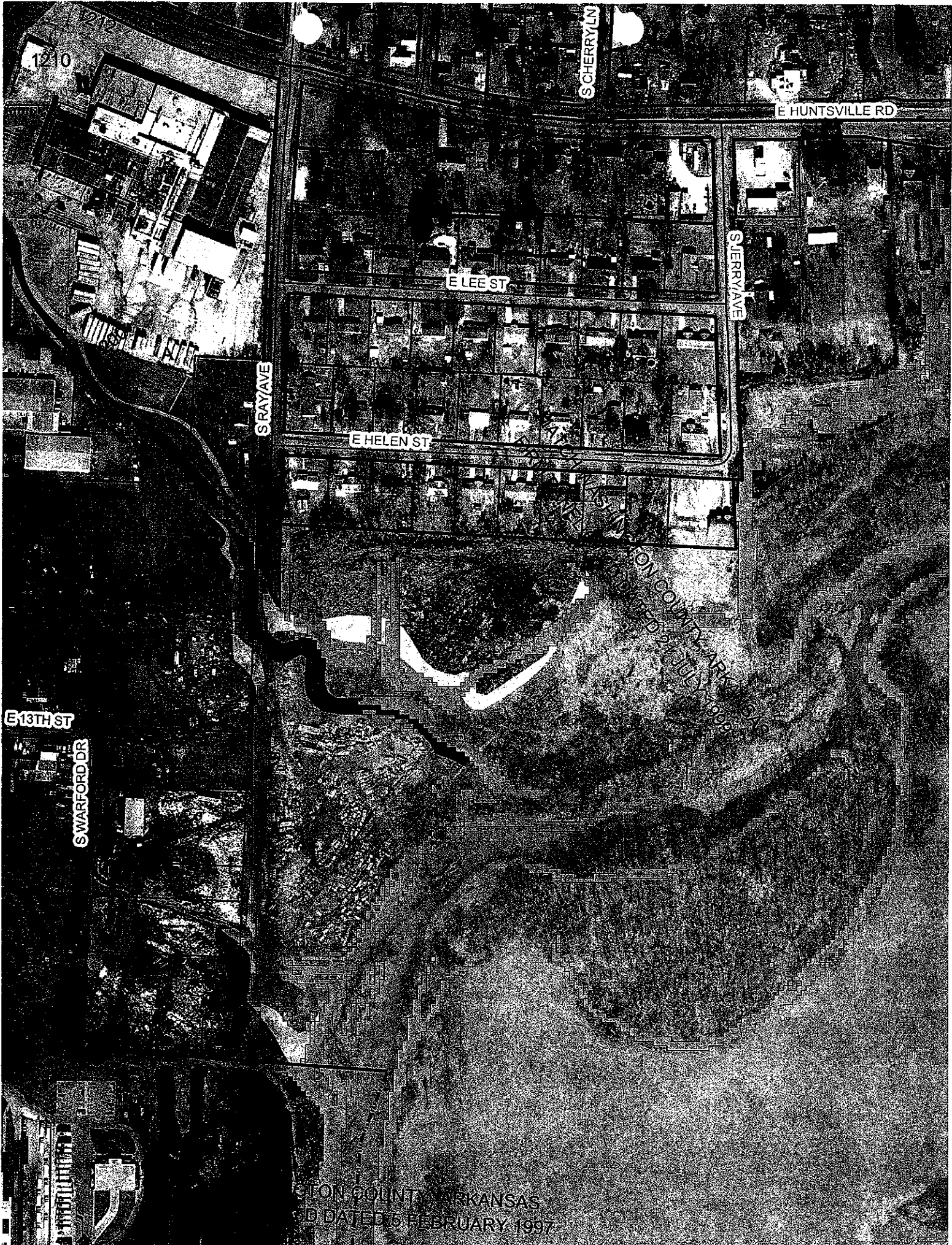


Hugh Earnest
Econsulting

cc: ✓ Jeremy Pate, City of Fayetteville Planning Director
City of Fayetteville Planning Commission

ATTACHMENT E

Vicinity Maps

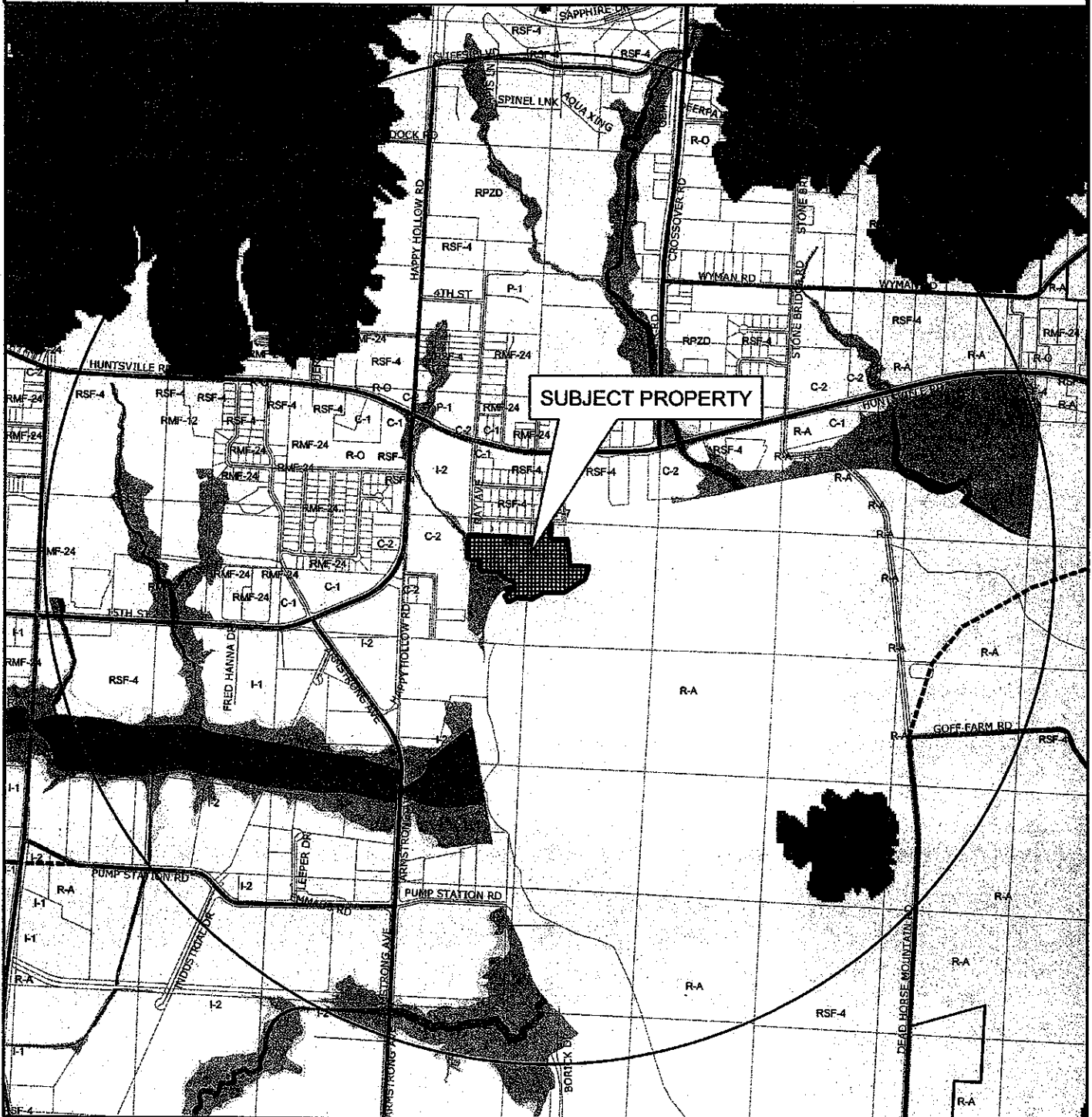


BENTON COUNTY, ARKANSAS
AERIAL PHOTO DATED 5 FEBRUARY 1997

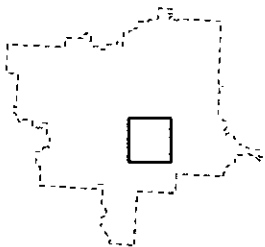
RPZD06-2196

One Mile View

WEST FORK PLACE



Overview



Legend

Subject Property

RPZD06-2196

Boundary

Planning Area

Overlay District

Outside City

Legend

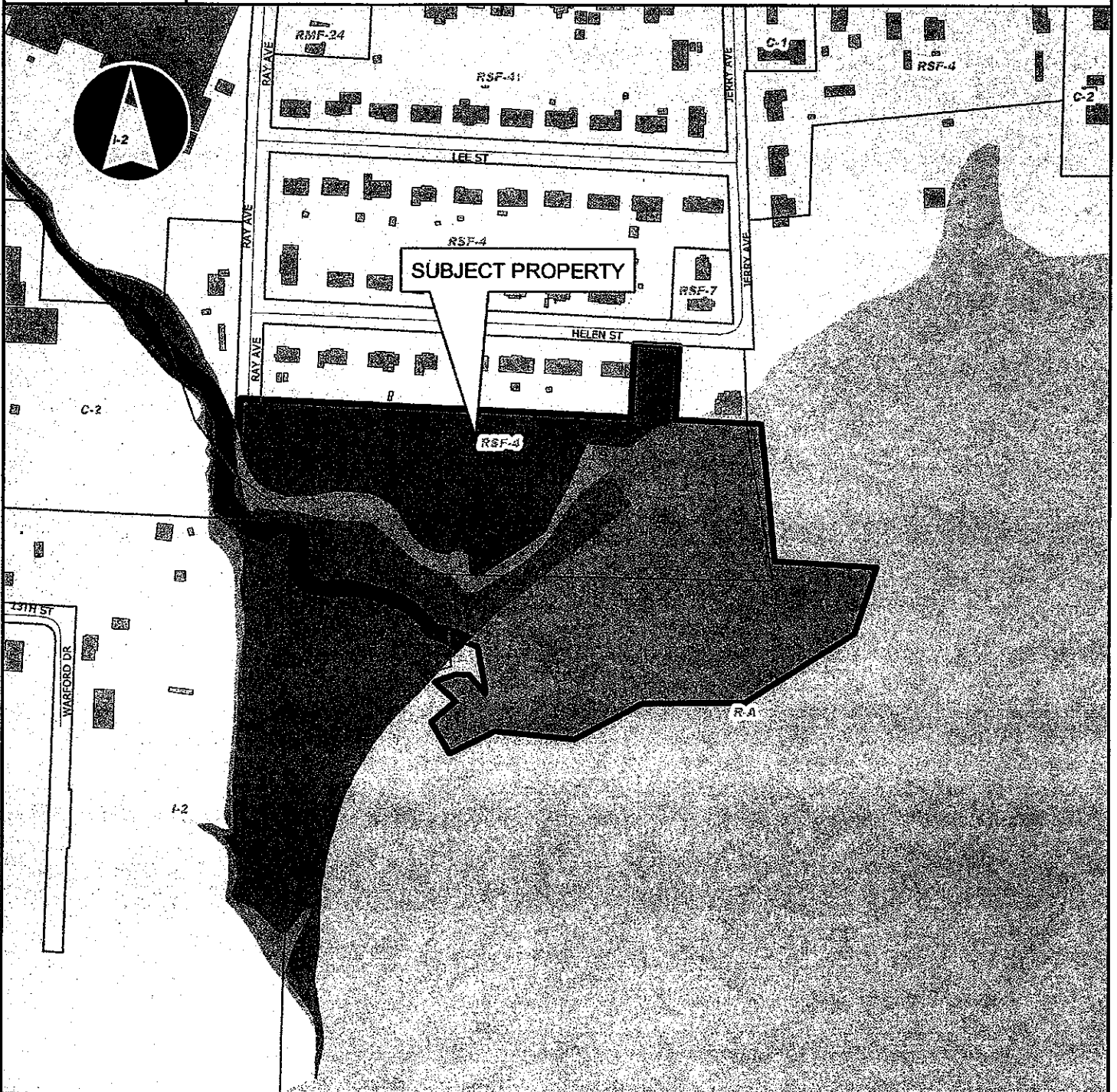
Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

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 of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

20-Feb-07

City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

RZN 07-2419: (Kelly, 681): Submitted by Dave Jorgensen for property located at 3184 South 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.

Action Required:

n/a

n/a

Cost of this request

n/a

Category/Project Budget

n/a

Program Category / Project Name

n/a

Account Number

n/a

Funds Used to Date

n/a

Program / Project Category Name

n/a

Project Number

Remaining Balance

Fund Name

Budgeted Item

☐

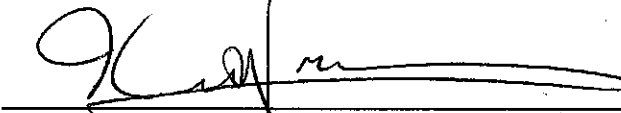
Budget Adjustment Attached

☐

 2-1-07
Department Director Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

 2-2-07
City Attorney Date

Original Contract Number: n/a

 2-2-07
Finance and Internal Service Director Date

Received in City Clerk's Office



 2/6/07
Mayor Date

Received in Mayor's Office



Comments:

Left on the second reading 2/20/07

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 31, 2007

Subject: Rezoning for Kelly (RZN 07-2419)

RECOMMENDATION

Planning staff recommended and the Planning Commission voted in favor of rezoning the subject property from R-A to RSF-4 for approximately 44.74 acres located at 3184 S. City Lake Road, south of 15th Street and north of Wilson Hollow Road.

BACKGROUND

The subject property contains approximately 44.74 acres. The property is located at 3184 S. City Lake Road, south of 15th Street, north of Wilson Hollow Road, adjacent to the southern property line of Danaher Tool Company. The property is zoned R-A, Residential Agricultural and contains one single-family dwelling unit and accessory structure.

The request is to rezone the subject 44.74 acre property from R-A, Residential Agricultural to RSF-4, Residential Single-Family, 4 Units per Acre.

DISCUSSION

This item was heard at the regular Planning Commission on January 22, 2007. The Planning Commission voted 7-0-0 to recommend approval of this rezoning request to the City Council, finding it consistent with the Future Land Use Plan and all applicable findings.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 07-2419, FOR APPROXIMATELY 44.74 ACRES, LOCATED AT 3184 SOUTH CITY LAKE 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 Exhibits "A" and "B" attached hereto and made a part hereof.

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

PASSED and APPROVED this day of , 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT "A"

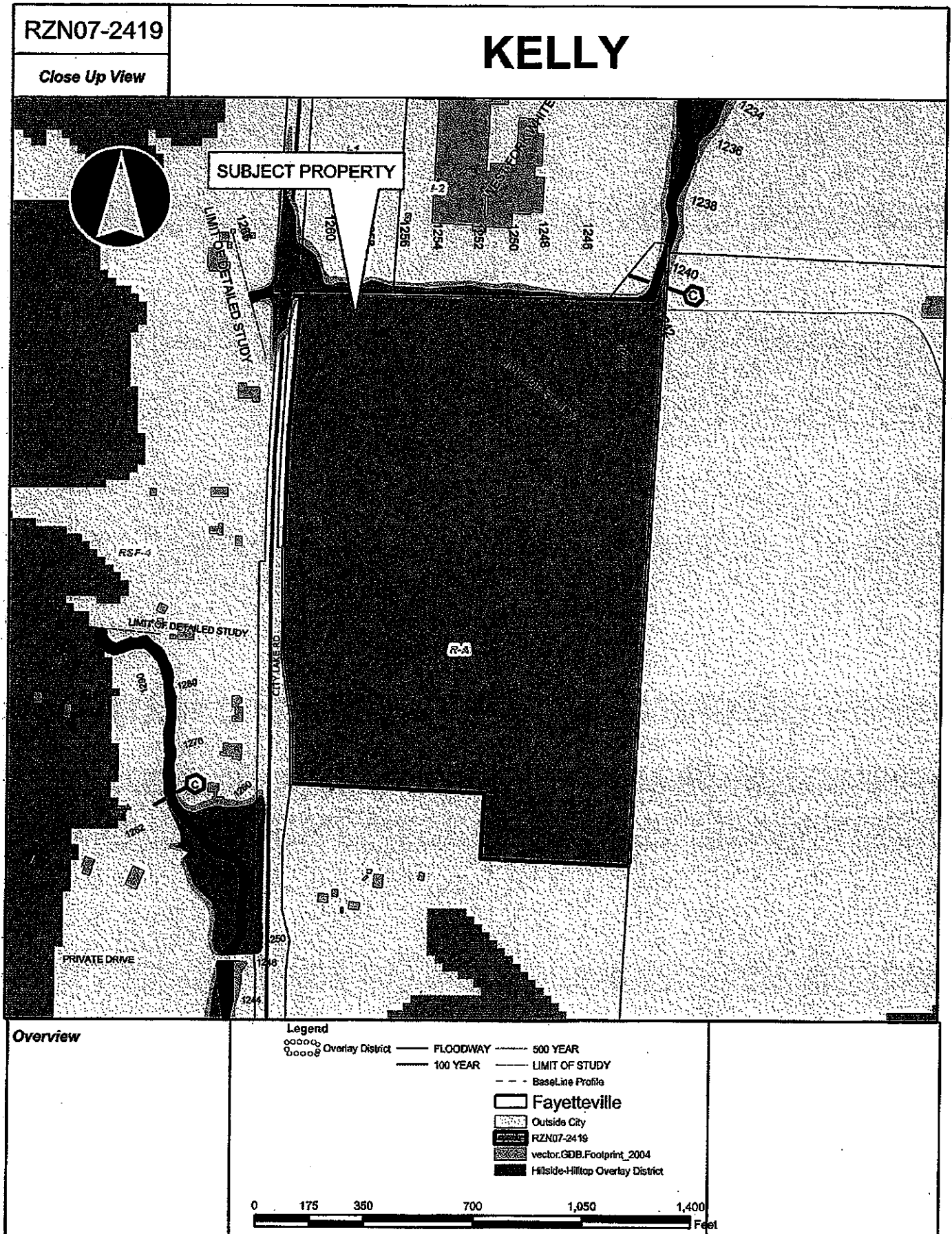


EXHIBIT "B"
RZN 07-2419

PART OF THE SW1/4 OF THE SE1/4 OF SECTION 27, T16N, R30W, AND PART OF THE NW1/4 OF THE NE1/4 OF SECTION 34, T16N, R30W, ALL IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SE CORNER OF SAID SW1/4, SE1/4 THENCE S02°52'39"W 660.49 FEET, THENCE N87°18'15"W 477.11 FEET, THENCE N02°52'39"E 208.71 FEET, THENCE N87°18'15"W 619.85 FEET, THENCE N00°01'21"W 199.69 FEET, THENCE N08°36'58"W 202.27 FEET, THENCE N00°02'11"W 359.36 FEET, THENCE N01°43'34"E 355.31 FEET, THENCE N04°26'05"E 472.75 FEET, FEET, THENCE S88°48'23"E 1129.34 FEET, THENCE N16°30'06"E 163.88 FEET, THENCE S03°12'15"W 1321.58 FEET TO THE P.O.B.; CONTAINING 44.74 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.



PC Meeting of 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: Jesse Fulcher, Current Planner
THRU: Jeremy Pate, Director of Current Planning
DATE: January 17, 2007 Updated January 18, 2007

RZN 07-2419: (KELLY, 681): 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

RECOMMENDATION:

Staff recommends approval of the requested rezoning based on the findings herein.

PLANNING COMMISSION ACTION:			
Required	<u>YES</u>		
☐ Approved	☒ Forwarded	☐ Denied	
Motion: Clark	Second: Trumbo	Vote: 7-0-0	
Date: <u>January 22, 2007</u>			
CITY COUNCIL ACTION:			
Required	<u>YES</u>		
☐ Approved	☐ Forwarded	☐ Denied	
Date: <u>February 20, 2007 (1st reading if recommended)</u>			

BACKGROUND:

Property description: The subject property contains approximately 44.74 acres. The property is located south of 15th Street, north of Wilson Hollow Road, adjacent to the southern property line of Danaher Tool Company. The property is zoned R-A, Residential Agricultural and contains one single-family dwelling unit and accessory structure.

Proposal: The applicant proposes to rezone the property from R-A to RSF-4.

Recommendation: Staff recommends approval of the rezoning request. Future changes or additional development on this site will be regulated by the city allowing for a uniform and consistent development pattern.

SURROUNDING LAND USE AND ZONING:

Direction	Land Use	Zoning
North	Danaher Tool Co.	I-1 Heavy Commercial Light Industrial/I-2, General Industrial
South	Two-family dwelling	R-A, Residential Agricultural
East	Single-Family Residential/Agricultural	Planning Area
West	Single-Family Residential	RSF-4, Res. Single-Family – 4 units/acre

INFRASTRUCTURE:

Streets: The site has access to City Lake Road. City Lake Road is an unimproved 2-lane roadway in this location. Improvements to the adjacent streets will be evaluated at the time of development.

Water: Public water is located adjacent to the site. There is an 8" waterline along City Lake Road. Upgrades to the existing water service will need to be reviewed at the time of development.

Sewer: Sanitary sewer is not adjacent to the site. Extension of sewer line(s) to the property will be required with future development. Improvements to the sewer system may be required dependent upon the demand placed by the development. The capacity of the existing main will need to be studied at the time of development.

Drainage: Standard improvements and requirements for drainage will be required for the development.

Fire:

- ◆ These 44.74 acres are covered by Engine 1 and Ladder 1 at 303 N. Center Street.
- ◆ It is 3.4 miles from the station with an expected response time of 7 minutes 55 seconds. When the proposed Station 3 opens at Happy Hollow Road and Huntsville Road, the distance from the station will be 2.3 miles with an expected response time of 4 minutes 50 seconds.
- ◆ The Fire Department anticipates 41 (25 EMS – 16 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 recorded at 1443 gallons/minute.
- ◆ The service impact of this development will typically take eighteen months after the development is started, and the units begin to be occupied, to occur.
- ◆ There should be no adverse effects on our call volume or response time to this development.

Police: It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density or create an undesirable increase in the load on police services. The rezoning will possibly create an appreciable increase

in traffic danger and congestion in the area unless some improvements are made to the intersection of 15th and Morningside.

CITY PLAN 2025 FUTURE LAND USE PLAN: Residential. Rezoning this property to RSF-4 is consistent with City Plan 2025 and compatible with surrounding land uses in the area.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: The proposed RSF-4 zoning for a single-family residential use is compatible with adjacent and nearby single family residential land uses. City Plan 2025 future land use plan designates this area for residential use, which is compatible with the proposed RSF-4 zoning.

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

Finding: The proposed zoning is justified in order to promote orderly and consistent development patterns making use of existing infrastructure. A subdivision with density compatible to those surrounding subdivisions within the City could not be developed as it is currently zoned. A higher density than the R-A zoning district is appropriate in this area, and would provide compatibility with adjoining developments that are zoned RSF-4.

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

Finding: It is expected that a rezoning from R-A to RSF-4 would create an increase in traffic compared with that allowed under the existing zoning. However, the property has direct access to a collector street, which connects to 15th Street to the north and S. School Avenue to the south (both principal arterials). Additionally, a traffic signal is approved for construction at the intersection of City Lake Road and 15th Street that will help facilitate additional traffic that is generated by new developments in the area. Improvements to City Lake Road will be expected with future development of the property.

Police: It is the opinion of the Fayetteville Police department that an appreciable increase in traffic danger and congestion would not be created by this rezoning.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and

sewer facilities.

Finding: The proposed zoning would increase population density. Under an R-A, Residential Agricultural designation, the 44.74-acre tract would allow for a maximum of 22 dwelling unit (1 unit / 2 acres). With the proposed RSF-4 designation, 178 dwelling units would be permitted. Rezoning the property increases the possible number of residential units and population than that which would be allowed in the R-A zoning district, but is consistent with land use, zoning, and development patterns in the immediate vicinity.

Increased load on public services were taken into consideration and recommendations from Engineering, Fire, and Police Departments are included in this report.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

161.03 District R-A, Residential-Agricultural

- (A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

- (B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 36	Wireless communications facilities

- (C) *Density.*

Units per acre	One-half
----------------	----------

- (D) *Bulk and area regulations.*

Lot width minimum	200 ft.
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

- (E) *Setback requirements.*

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

- (F) *Height requirements.* There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.

- (G) *Building area.* None.

K:\Reports\2007\PC Reports\01-22-07\RZN 07-2419 (Kelly).doc

161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

- (A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

- (B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

- (C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

- (D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq. ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

- (E) *Setback requirements.*

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

- (F) *Height.* None.

- (G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

KELLY (RZN 07-2419)

Public water is located adjacent to the site. There is an 8" waterline along City Lake Road. Water service will need to be extended through the property at the time of development. Off-site water improvements may be required to properly supply this development with adequate fire protection.

Sanitary sewer is not available adjacent to the site. Sewer service will need to be extended to the property at the time of development. Improvements to the sewer system may be required dependent upon the demand placed by the development. The capacity of the existing main may need to be studied at the time of development

The site has access to City Lake Road. City Lake Road. is an unimproved 2 lane roadway in this location. Improvements to the adjacent streets will be evaluated at the time of development.

Standard improvements and requirements for drainage will be required for the development.



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: January 16, 2007
Re: January 16, 2007 Zoning Review – Fire Department Comments

RZN 07-2419 (Kelly)

These 44.74 acres are covered by Engine 1 and Ladder 1 located at 303 N Center.

It is 3.4 miles from the station with an expected response time of 7 minutes 55 seconds.

When the proposed Station 3 opens at Happy Hollow and Huntsville, the distance from the station will be 2.3 miles with an expected response time of 4 minutes 50 seconds.

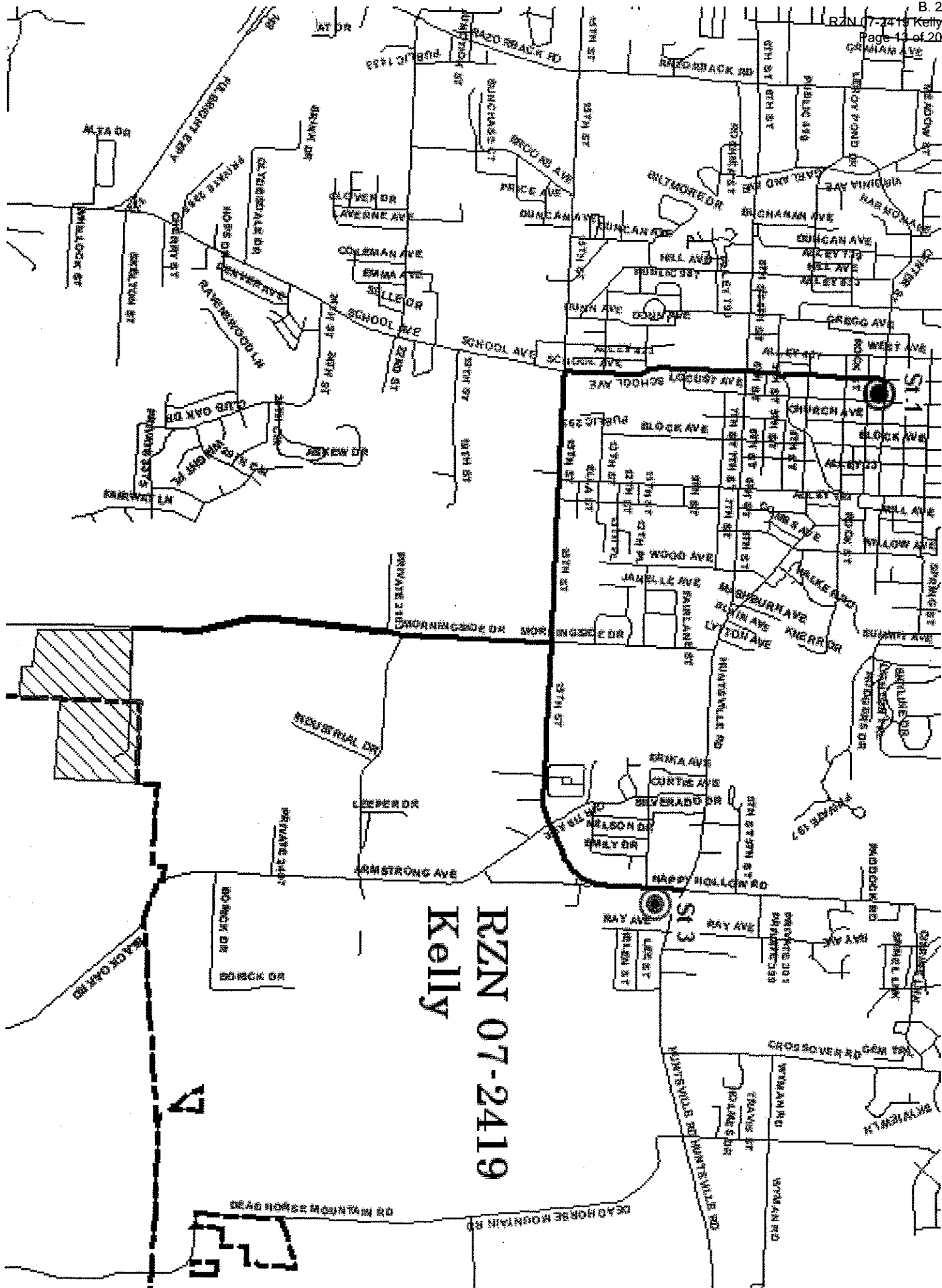
The Fire Department anticipates 41(25 EMS – 16 Fire/Other) calls for service per year once the development is completed and maximum build-out has occurred. Measured Hydrant Flow in this area is recorded at 1443 gallons/minute.

The service impact of this development will typically take eighteen months after the development is started, and the units begin to be occupied, to occur. There should be no adverse effects on our call volume or response time to this development.

Please feel free to contact me if you have any questions concerning these comments.

 Dale Riggins

Dale Riggins
Fayetteville Fire Department



Date 1/23/07

Jeremy Pate
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

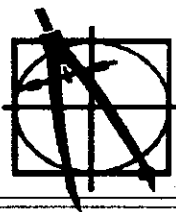
Dear Director Pate,

This document is in response to the request for a determination of whether the proposed rezoning **RZN 07-2419: (KELLY, 681 / 720)**: Submitted by **Dave Jorgensen** for property located at **3184 S. City Lake 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 is zoned **R-A** and contains **approximately 44.74 acres**. The request is to rezone the subject property to **RSF-4**.

It is the opinion of the Fayetteville Police Department that this rezoning **will not** substantially alter the population density or create an undesirable increase in the load on police services. It **will possibly** create an appreciable increase in traffic danger and congestion in the area unless some improvements are made to the intersection of 15th and Morningside.

Sincerely,

Captain William Brown
Fayetteville Police Department



JORGENSEN & ASSOCIATES

CIVIL ENGINEERS • SURVEYORS

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

DAVID L. JORGENSEN, P.E., P.L.S.

CHRISTOPHER B. BRACKETT, P.E.

12/13/06

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

RECEIVED

DEC 14 2006

PLANNING DIV.

Attn: Planning Dept
Re: Kelly Property Rezoning

Attached herewith please find the documents for a rezoning request on City Lake Road. This property is located on the east side of City Lake Road, south of Danaher tools. The property is currently RA and the request is to rezone to RSF-4.

The property to the north is I-2 and to the west is RSF-4; to the south is R-A and to the east is County.

There is an existing 8" waterline on City Lake Road. A sewerline extension will be required to the northeast to connect to an existing 12" sewer.

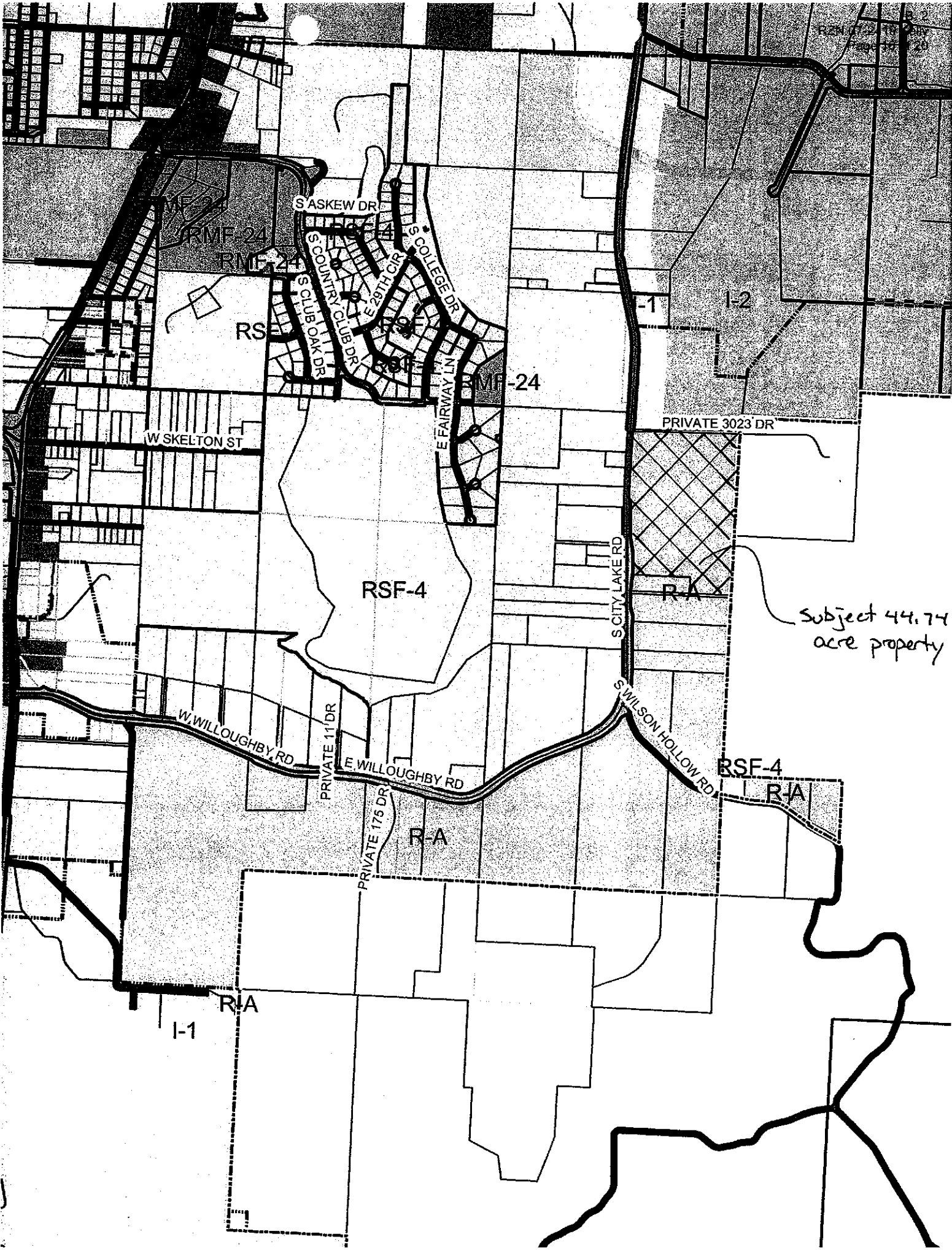
Access will be by City Lake Road which connects to 15th Street to the north and School Ave to the west.

Please review this information and call concerning any questions you may have.

Thank you.

Sincerely;

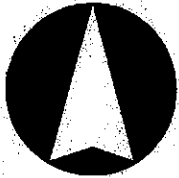

David L. Jorgensen, P.E.



RZN07-2419

Future Land Use

KELLY



SUBJECT PROPERTY

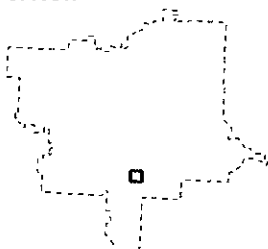
Legend

Future Land Use 2025

CLASS

-  Industrial
-  Non-Municipal Government
-  Complete Neighborhood Plan
-  Natural Area
-  Rural Area
-  Residential Neighborhood Area
-  General Urban/City Neighborhood Area
-  Urban Center Area
-  Civic and Private Open Space/Parks
-  Civic Institutional
-  Unclassified
-  ROW
-  Building (2004)

Overview



Legend

Subject Property

 RZN07-2419

Streets

 Existing

 Planned

Boundary

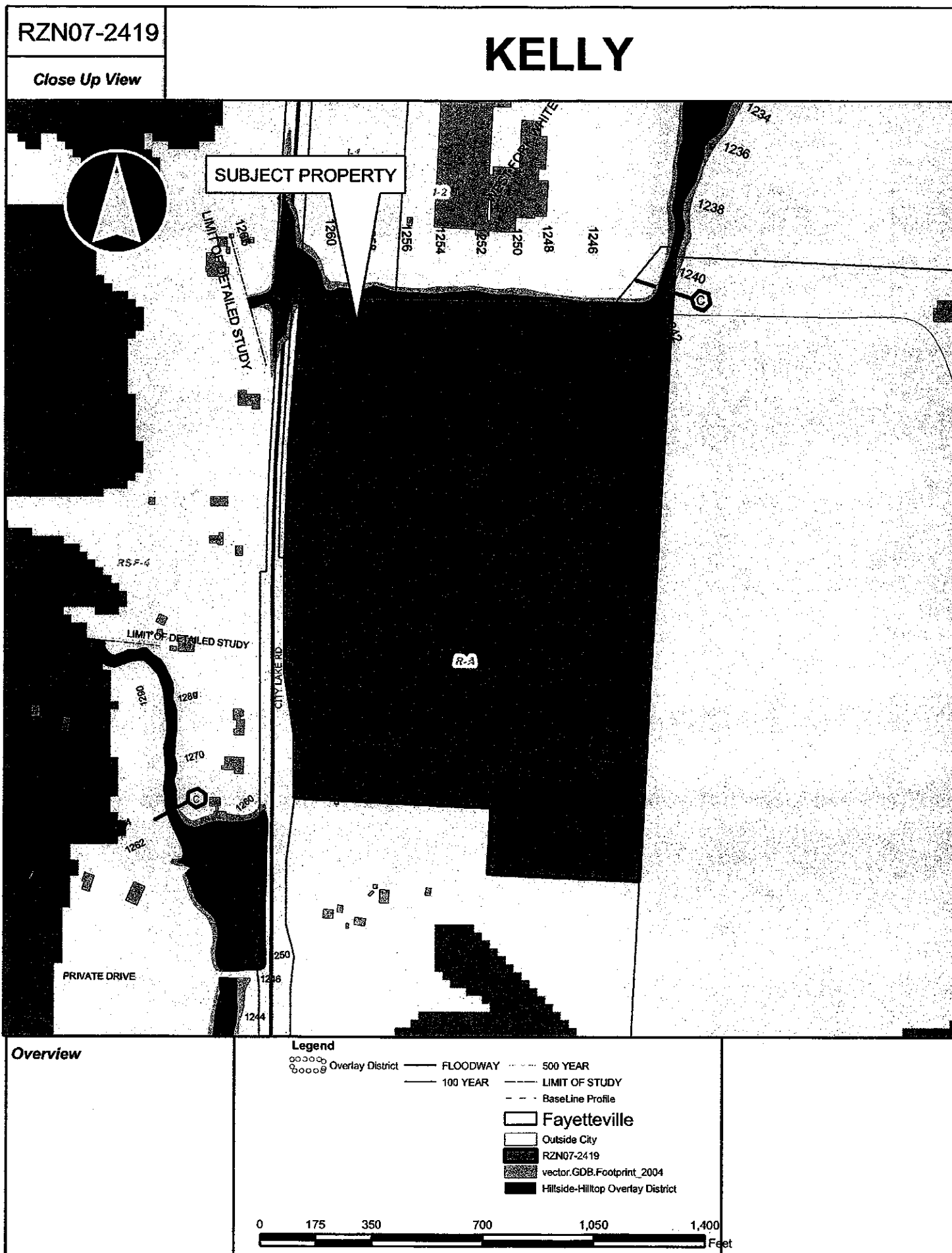
 Planning Area

 Overlay District

 Outside City

Legend





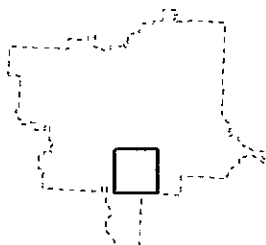
RZN07-2419

One Mile View

KELLY



Overview



Legend

Subject Property

RZN07-2419

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**

B. 3
R-PZD 06-2299 (Ruskin Heights)
Page 1 of 160

20-Feb-07
City Council Meeting Date

Jeremy Pate *JP*
Submitted By

Planning
Division

Operations
Department

Action Required:

R-PZD 06-2299: Planned Zoning District (Ruskin Heights, 370): Submitted by Community By Design for property located west of Highway 265/Crossover Road, on the south side of Mission Boulevard and contains approximately 28.93 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 square feet of non-residential/commercial space.

\$0.00

n/a

n/a

Cost of this request

Category/Project Budget

Program Category / Project Name

n/a

n/a

n/a

Account Number

Funds Used to Date

Program / Project Category Name

n/a

n/a

n/a

\$

Remaining Balance

Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☐

[Signature]
Department Director

2-1-07
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

[Signature]
City Attorney

2-5-07
Date

Original Contract Number: n/a

Paul A. Becker
Finance and Internal Service Director

2-6-07
Date

Received in City Clerk's Office



[Signature]
Mayor

2/6/06
Date

Received in Mayor's Office



Comments:

Left on the first reading 2/20/07

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: Residential Planned Zoning District for Ruskin Heights (R-PZD 06-2299)

RECOMMENDATION

The Planning Commission voted to forward the subject request for an ordinance creating a Residential Planned Zoning District (R-PZD) for Ruskin Heights. This action would establish a unique zoning district for a mixed use development on a 28.93-acre tract located on the south side of Mission Boulevard, approximately 0.5 mile east of Crossover Road.

BACKGROUND

The site is zoned RSF-4, and has not been previously developed except for large-lot single family homes. The approximately 29-acre site contains 18.6 acres within the Hillside/Hilltop Overlay District, comprising 62% of the land area. Tree canopy varies dramatically over the site, with a majority of the tree canopy on the perimeter property lines or old fence rows, and along the south and west portions of the property which is primarily sloped. The property is surrounded by a variety of uses, including a church, plant nursery, single family residences, multi-family residences, a commercial strip center, and is located approximately 0.5 mile from one of the larger commercial nodes in the City of Fayetteville, the development that surrounds the intersection of Hwy 45 (Mission Blvd) and Hwy 265 (Crossover Road). 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 square feet of non-residential/commercial space. Should the PZD be approved as proposed, it would result in total of 68 lots at this time. Of these 68, lots 2, 3, and 65 are being approved in concept only, and must return through the development review process to be considered by the Planning Commission. The development approval proposed at this time is for 57 residential units (28 attached and 29 detached) and 16,636 square feet of non-residential/commercial space. 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 January 22, 2007 the Planning Commission voted 5-2-0 in favor of forwarding this request to the City Council with commissioners Clark and Graves voting 'No'. Two amendments were made to staff's recommended conditions of approval, and have been reflected in the conditions herein.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 06-2299, RUSKIN HEIGHTS, LOCATED WEST OF HIGHWAY 265/CROSSOVER ROAD, ON THE SOUTH SIDE OF MISSION BOULEVARD; CONTAINING APPROXIMATELY 28.93 ACRES; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE; AND ADOPTING THE ASSOCIATED MASTER DEVELOPMENT PLAN

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

Section 1: That the zone classification of the following described property is hereby changed as follows:

From RSF-4, Residential Single Family, 4 units per acre to R-PZD 06-2299 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; further, that the conditions of approval shall be filed and available for viewing in the office of the City Clerk/Treasurer 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:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT "A"

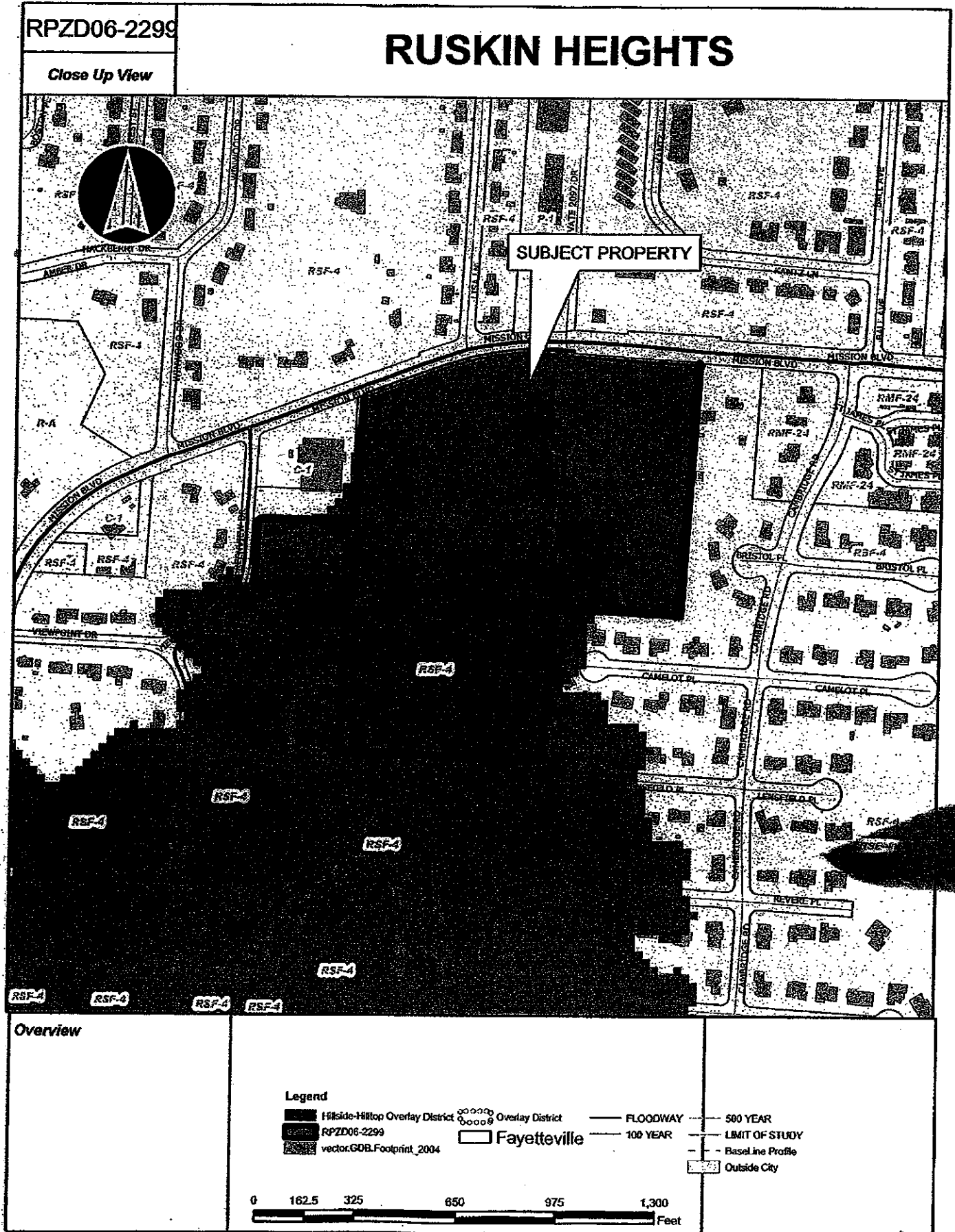


EXHIBIT "B"
R-PZD 06-2299

A PART OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4) AND THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION TWO (2), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A ½" REBAR LOCATED S87°32'34"E 660.0 FEET FROM A STONE MONUMENT LOCATED AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 2; THENCE N 03°38'07" E 441.29 FEET ½" REBAR; THENCE N 87°33'26" W 135.00 FEET ½" REBAR; THENCE N 03°42'40" E 80.00 FEET ½" REBAR; THENCE N 87°33'28" W 175.00 FEET ½" REBAR; THENCE N 03°42'40" E 212.28 FEET ½" REBAR; THENCE S 87°48'42" E 310.03 FEET ½" REBAR; THENCE N 03°42'38" E 417.42 FEET TO A ½" REBAR LOCATED ON THE SOUTH RIGHT-OF-WAY OF ARKANSAS HIGHWAY NO. 45 (MISSION BOULEVARD); THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY THE FOLLOWING: N 69°23'34" E 249.39 FEET TO A ½" REBAR, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 970.00 FEET, AN ARC LENGTH OF 108.99 FEET AND A CHORD BEARING OF N 72°36'42" EAST 108.93 FEET TO A ½" REBAR, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 978.84 FEET, AN ARC LENGTH OF 335.04 FEET AND A CHORD BEARING OF N 85°38'10" E 333.40 FEET TO A ½" REBAR, S 01°04'05" W 12.27 FEET TO A ½" REBAR; S 86°22'14" E 166.88 FEET TO A ½" REBAR, S 03°35'31" W 1.95 FEET TO A ½" REBAR, THENCE S 86°28'21" E 252.00 FEET TO A ½" REBAR; THENCE LEAVING SAID RIGHT-OF-WAY AND RUNNING S 03°29'46" W 825.60 FEET TO A ½" REBAR LOCATED ON THE NORTH LINE OF THE PARK PLACE ADDITION PHASE II; THENCE N 85°48'23" W 422.74 FEET TO A ½" REBAR LOCATED AT THE NORTHWEST CORNER OF SAID ADDITION; THENCE S 03°45'46" W 491.63 FEET ALONG THE WEST LINE OF SAID ADDITION TO A STONE MONUMENT; THENCE N 87°31'58" W 657.93 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 28.93 ACRES, MORE OR LESS, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS.

SUBJECT TO ANY EASEMENTS AND/OR RIGHT-OF-WAYS OF RECORD.

CONDITIONS OF APPROVAL:

R-PZD 06-2299

Page 1 of 10

The Planning Commission and Staff recommends the following conditions of approval associated with R-PZD 06-2299 (Ruskin Heights).

Streets and Right-of-Way

1. Planning Commission determination of street improvements. *Staff recommends the following street improvements, based on the proportionality of the development's impact:*

- a. The developer shall construct a 3-lane street section with pavement, curb, gutter, and storm drains, from where it currently stops east of the site on Mission Blvd west to Greenview Drive, to include complete 6-foot sidewalk connections on Mission Blvd. The applicant shall coordinate with the Engineering Division to determine if a continuous turn lane or turn lane at major intersections is more acceptable. Construction of these improvements shall occur with Phases I-III, with the approved development of 57 dwelling units and 16,636 SF of nonresidential area.
- b. ~~The developer shall contribute the cost of a full traffic signal (assessment) for Lisa Lane/Mission Blvd intersection to be pro-rated as each phase develops (fees due prior to final plat for subdivisions and prior to building permit for other developments). Construction of the signal shall occur as soon as AHTD permits; The developer/applicant has offered to build at its sole cost the traffic signal at Lisa Lane/Mission Blvd. as soon as legally permissible by the Arkansas Highway and Transportation Department. Accordingly, as a condition of approval, the developer shall construct at its own cost a traffic signal at the intersection of Lisa Lane and Mission Blvd. upon completion of 57 residential units and 16,636 SF of non-residential area in Phases I-III (the development proposed at this time), or the granting of the warrant by the AHTD (whichever is earlier) unless such construction is expressly prohibited by the AHTD. If construction of the signal is prohibited, the full cost of the traffic signal shall be paid to the City prior to additional development being constructed over that within Phases I-III approved for development at this time. No zoning approval for development beyond the full build-out of Phases I-IV is granted by the PZD ordinance unless and until the traffic signal is in full operation.~~
- c. ~~The applicant shall pursue AHTD permits to construct all noted improvements to Mission Blvd. If, after application, AHTD will not allow improvements then assessments may be determined to be paid at that time (prior to final plat for subdivision and prior to building permit for other development);~~
- d. At the time of connection with Greenview Drive: 14' from centerline street improvements with curb, gutter, 6' sidewalks, and storm drainage on the east side of Greenview from Mission Boulevard south to Viewpoint Drive.
- e. A traffic warrant analysis shall be presented to the City and AHTD with every phase of the development to determine what improvements are warranted and will be installed with each phase of the development.

THE PLANNING COMMISSION APPROVED THIS CONDITION WITH CHANGES AS NOTED

CONDITIONS OF APPROVAL:

R-PZD 06-2299

Page 2 of 10

BY STAFF.

2. The applicant shall dedicate right-of-way as follows:

- a. **Planning Commission determination** of a lesser dedication of right-of-way for Mission Blvd. Mission Boulevard is identified as a principal arterial with a minimum of 55' from centerline right-of-way required to be dedicated to the City with the development of the property per UDC §166.05 (C.6). The developer requests a reduction in the Master Street Plan right-of-way dedication requirements in order to accommodate existing utilities along Mission Blvd., leaving the existing 40-feet from centerline in place. The applicant has submitted a formal waiver request along with an exhibit showing that the full Master Street Plan improvements to Mission Boulevard are possible without the full 55' from centerline right-of-way. However, this would require the greenspace and new sidewalk along Mission Boulevard to be placed under a pedestrian access easement granting the City full inspection, access, and maintenance rights for public benefit. The waiver request discusses that the full right-of-way dedication is difficult because of an existing 16.5 foot easement granted to Southwestern Bell adjacent to the existing right-of-way that would be required to be dedicated for a principal arterial. According to the applicant, this easement contains the largest and most expensive fiber optic line in the State of Arkansas, contained within a concrete duct run. Moving this line would be very expensive and could likely be required if the right-of-way is dedicated in its place. *Staff recommends in favor of the waiver request finding that the information presented by the applicant sufficiently indicates that Mission Boulevard can be improved to its Principal Arterial designation along the project frontage with half of a median, two lanes of traffic, and part of the greenspace within the right-of-way, and that the remainder of greenspace and sidewalk (15' total) would be provided within a public access easement allowing full maintenance rights by the City. These access easements shall be dedicated at the time of final plat.*

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

- b. 25' from centerline right-of-way dedication along Greenview Drive by the preliminary plat; variable right-of-way dedication along the internal streets as depicted on the site plan; rear alleys shall be within a 26' access easement owned and maintained by the property owner's association.
3. **Planning Commission determination** of a waiver of minimum street design standards:
- a. The applicant requests a waiver to allow varied return radius (CRR) as shown on the plat at all street intersections and driveways when City Code requires a 30' CRR for streets (UDC §171.02(C)). *Staff recommends approval of the CRR waiver requests, finding that the minimum effective turning radius as depicted in exhibits provided to staff provides evidence that adverse impacts to traffic and pedestrian safety would not occur.*

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

CONDITIONS OF APPROVAL:

R-PZD 06-2299

Page 3 of 10

- b. The applicant requests a waiver to allow different street cross sections than are required by the current Master Street Plan standard (UDC §166.06 (K)(10)(a) and 166.08(C)(14)). The applicant proposes on-street parallel parking, when the Master Street Plan does not have a cross-section that allows designated parallel parking in the design as proposed. In addition, the palette of street widths proposed is not permitted with the adopted Master Street Plan – there are not Master Street Plan street cross-sections with the exact width and dimensions proposed.
- i. *Staff recommended denial of the waivers sought for Street J, finding the narrow width combined with steep topography would not be safe. The applicant has modified this street to a 24-foot width, which staff supports.*

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

- ii. *Staff recommends approval of a waiver to construct all street cross sections as requested (see PZD booklet pages 2-4) finding the variety of street widths will help in traffic calming and are consistent with the overall TND development philosophy for this project to help encourage pedestrian activity, provided that a 7.5' parking lane is maintained, as measured to the face of curb. Staff will review detailed construction plans at the time of development.*

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

- iii. *Alley cross-section of 12 feet for two-way traffic. Staff recommended a minimum pavement width of 16 feet for two-way traffic and 12 feet for two-way traffic, as outlined in the Master Street Plan. The applicant has revised the plans, indicating the 12-foot alley will be one-way; therefore staff supports the alley cross-sections as noted. The dead-end alleys shall be increased to a minimum of 16 feet of pavement and shall be designated for two-way traffic.*

THE PLANNING COMMISSION APPROVED THIS CONDITION WITH CHANGES AS NOTED.

- c. The applicant requests a waiver to allow for retaining walls directly at the back of the right-of-way line when a minimum of two feet is required per UDC Section 171.01(C). Pursuant to city code, a retaining wall is required to be constructed a minimum of two feet behind the right-of-way. As recommended by the Hillside Best Management Practices, keeping improvements within more confined areas (reducing right-of-way, utility easements, etc.) reduces the overall impact on the hillside. Allowing retaining walls to be designed appropriately closer to the right-of-way would allow grading and other site improvements to be as limited as possible, thus decreasing the impact on the site. According to the applicant, no sidewalks or right-of-way would be impeded by the proposal. Based on staff's review of this proposal, in the areas proposed for development, no anticipated issues with this request are foreseen. Staff recommends approval of this request.

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

CONDITIONS OF APPROVAL:

R-PZD 06-2299

Page 4 of 10

- d. The applicant requests to use alternate vertical K values for street and alley designs on the site rather than those required by the City of Fayetteville Minimum Street Standards due to the steep inclines creating substantial grading challenges. *Staff recommends approval of this request.*

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

- e. The applicant requests a waiver of the 150 horizontal curve radii required by the City of Fayetteville Minimum Street Standards due to the steep terrain on the site. *Staff recommends approval of this request.*

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

- f. The applicant request street grades greater than 4% within 100 of an intersection required by the City of Fayetteville Minimum Street Standards due to the steep terrain of the site. *Staff recommends approval of this request, based on several meetings to discuss these intersections, finding they will not create a dangerous situation.*

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

- g. Gutter sections. The booklet calls out stand-up curbs, which are in contrast to the City's street design standards. *Staff supports the requested gutter section, which is in keeping with a more urban design standard. Similar curbs are utilized on Dickson Street and in the downtown area. Asphalt is used as the gutter pan, and provides a wider travel lane section without increasing the overall width of the street.*

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

4. All private alleys and any sidewalks outside the right-of-way shall be included in a shared access easement. This access easement shall be included on the final plat.
5. No parallel parking spaces are allowed within 30' of a stop sign (Fayetteville Code of Ordinance Section 72.03(G)). The site plan has been revised to accommodate this requirement. The applicant shall coordinate all striping of streets and parallel spaces with the Transportation Division and Fire Department, as the ultimate administrators of these code sections.
6. A minimum of 26' clear shall be provided along all alleys to provided adequate room for a trash truck and arm to pick up residential trash carts.
7. Signs indicating future street extension shall be installed at all street stub-outs.
8. A temporary cul-de-sac or turnaround shall be constructed at the terminus of Street 'J' in accordance with State fire code requirements as it is a dead end greater than 150' in length.

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Parking

9. **Planning Commission determination** of a request to allow fewer than required off-street parking spaces than allowed by ordinance for Phases 1-3 of the development, instead providing an abundance of on-street parking to meet parking ratios. As depicted in Table 3 provided earlier in this report, the applicant proposes to provide 112 off-street parking spaces when 160 are required, and proposes that the proposed 82 on-street parking spaces throughout public streets in the development would be able to accommodate the additional required parking spaces required in Phases 1-3. *Staff recommends approval of this request, recognizing that the streets throughout this development, as amended from the City's Master Street Plan specifically to provide on-street parking, would provide parallel parking and can safely satisfy the additional demands for parking not provided off-street as depicted in Table 3. Because of the mixed-use nature of the project, parking demands will peak at different times, as proven by ITE standards. This will result in a more efficient use of infrastructure than the typical single-use parking lots that are empty during off-peak hours. Future parking needs for expansion of any facilities on this property shall be provided in accordance with the UDC. Staff recommendation for this is tied to the street width and Solid Waste Division requirements for adequate access to be provided.*

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

Commercial Design Standards

10. **Planning Commission determination** of commercial design standards for the commercial portion of the live/work structures and overall compatibility and transition in the proposed development. *Staff finds in favor of this determination. The building elevations of the live/work structures and all other structures in this development are well-articulated and provide for a consistent and overriding theme throughout the development, which transitions well between the mixed use buildings/flats, townhouses, live-work units, and single-family detached houses. The zoning criteria and elevations for the residential and non-residential structures requires buildings to front the street, and small building setbacks help create a streetscape and facilitate an overall compact and complete development. There is a wide variety of uses and structures that prevent a visual monotony while maintaining a compatible architectural design throughout the site. All non-residential uses being proposed are located interior to the project, away from existing single family subdivisions.*

THE PLANNING COMMISSION FOUND IN FAVOR OF COMMERCIAL DESIGN STANDARDS.

Water and Sewer

11. Off-site water and sewer improvements shall be installed as necessary to provide domestic and fire protection to the development.

Phasing

12. **Planning Commission determination** of the proposed phasing plan. *Staff recommends approval of the phasing as indicated within the submittal. This project is required to obtain*

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all permits in accordance to the Phasing as listed and depicted in the PZD booklet and noted below. A one-year extension may be approved by the Planning Commission (subject to the criteria in UDC Chapter 166 for extensions).

<u>Phase No.</u>	<u>Year</u>
Phase 1	2007
Phase 2	2008 <u>2007</u>
Phase 3	2009 <u>2007</u>
Phase 4	2010 <u>2008</u>
Phase 5	2011 <u>2010</u>
Phase 6	2012

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

PHASING HAS BEEN ADJUSTED SLIGHTLY FROM THE PLANNING COMMISSION REVIEW TO ACCOMMODATE THE DEVELOPMENT OF PHASES I-III ALL IN ONE YEAR AS NOTED ABOVE AND REQUIRED IN THE AMENDMENTS TO STREET IMPROVEMENTS. STAFF IS IN SUPPORT OF THIS MODIFICATION.

Parks

13. The PRAB reviewed this project on September 26, 2006 and recommended, along with the developer, accepting the Ruskin Tower and surrounding land (0.11 acres) - a thirty foot by thirty foot viewing tower to be built at a cost of no less than \$260,000. This recommendation is for a contribution of services, facilities and land to meet parkland dedication requirements, and must be approved by the City Council. The developer shall be required to construct a viewing tower to be dedicated to the city, pursuant to the criteria set forth below. The money-in-lieu requirement for the proposed development at the time of Parks and Recreation Board recommendation was \$259,200 with 185 single family units and 120 multi-family units. The current proposal is for a maximum of 295 dwelling units. The developer is currently requesting approval for phases 1-3 with 29 single family residential units and 28 multi-family residential units. The money in lieu requirement for Phases 1- 3 is \$46,880.
14. If the full \$259,200 is not used in the building of the tower the balance will revert back to Parks.
15. Because the Park and Recreation Advisory Board's (PRAB) recommendation to build the tower can not be met in Phase I, money in lieu will be required and kept in the Park Land Dedication Fund account. The developer will be reimbursed for the cost of the tower up to \$259,200 from the money collected when the PRAB recommendations are met. The Parkland Dedication Ordinance requires money received into the Park Land Dedication Fund to be expended within 3 years of the last date of the calendar year in which it was received. At the end of the second year following the collection of the fees, Park Staff will evaluate the project to assess the feasibility of the construction of the tower within the designated three year time frame of the Park Land Dedication Ordinance.
16. Money in lieu ultimately will be based on the number of single and multi-family units

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approved. If the total number of residential dwelling units changes significantly from the number presented to PRAB, PRAB will reserve the right to reconsider their recommendation.

17. If the land/money dedication requirement is reduced, because of changes in the number of residential units from the requirement at the time of PRAB review, and the developer is not in agreement with the land/tower dedication at the agreed upon cost, the PRAB will have the option to re-evaluate their recommendation, subject to City Council approval. Should the land/money dedication requirement increase as the development is reviewed in the Planning Review process, the PRAB recommendation will be re-evaluated or money-in-lieu will be accepted for any increase in the dedication requirement above the value of the approved land/money dedication.
18. If the cost to build the tower exceeds the amount required by the parkland dedication ordinance, the developers agree, and shall, pay any excess. The design and development of the tower shall meet the approval of Parks staff. Additionally, maintenance of the tower and the 0.11 acres of land are the responsibility of the City with the P.O.A. required by contract to pay a fee for maintenance. The contract shall be a non-amendable maintenance contract with an inflation clause.
19. Additionally, the developer will provide the following public access easements on the Final Plat:
 - a. A trail corridor located near the western boundary of the site through the tree preservation area with the POA retaining ownership. The Developer shall work closely with the Trails Coordinator and Urban Forester to develop this connection.
 - b. A public access easement for the Spanish Steps, which will lead from the Market Pavilion near the entrance to the neighborhood, up the hill through the commercial area of the neighborhood and terminate at Ruskin Tower.
 - c. A public access easement for the village green, the central green space of Ruskin Heights.
20. The Ruskin Tower design shall return to the Parks and Recreation Department for review and approval based on the concepts and criteria presented herein. The Ruskin Tower shall be a maximum of 45' in height as depicted in the project booklet.

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

Tree Preservation Plan

21. Revise the tree preservation fencing and tree canopy numbers along the western most ingress/egress off of Mission Boulevard. There appears to be some canopy that could be preserved.
22. Lot 68 located on the east side of the project is unacceptable to the City Engineering Division for tree preservation/mitigation. With the proximity of the water and sewer line under this alley, the entire space to the eastern and southern property line must act as an easement. This

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change will not allow any canopy to be counted as preserved nor will it allow any of the trees planted in this area to be counted toward mitigation requirements.

23. Mitigation is required on this site. The applicant has requested and been approved to do a combination of on-site planting and money in lieu for the total 265 trees. With the comments of the previous condition, an additional 9 (2) inch caliper mitigation trees will be required. At the time of Final Plat a total number of on-site trees and money in lieu will be approved.
24. At the time of final plat a tree mitigation planting plan will be required for review and approval by the urban forester. All trees that can be planted before signature of final plat should be leaving only those on the individual lots to come with the development of the homes. The remainder of trees that can not fit on the site will be paid into the City's Tree Escrow Account.
25. A 3-year bond, letter of credit, or check in the amount of \$250 per tree will be required before signature of final plat to ensure the maintenance and health of the trees planted on-site. Finding all trees healthy at the end of the 3 years the amount will be returned in full.

Landscape Plan

26. Future lots 2 and 3 will be required to go through large scale development at which time landscape requirements will be assessed. Landscape requirements for the remainder of the project (lot 65) will be assessed at time of development plans. Landscaping along the detention ponds and greenspace area to meet City Codes shall be installed with the development of those portions of the project.
27. A landscape plan stamped by a licensed landscape architect is required at time of construction drawings.
28. **Planning Commission determination** of a waiver request of UDC §177.05 (B.3), to utilize the urban streetscape option with a 9-foot sidewalk width as opposed to the required 10 feet. *Staff recommends approval of this waiver, finding that adequate width is proposed to provide accessibility, pedestrian safety and room for the tree to grow.*

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

Plat and Booklet Revisions

29. Revise the plat and booklet zoning criteria for all Planning Areas to require the building setbacks to be a minimum of 10' from all property lines exterior to the PZD boundary line.

General

30. **Planning Commission determination** of zoning criteria. *Staff is supportive of the zoning criteria presented, with the following exception: staff recommends a minimum building*

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setback of 10' adjacent to any property line exterior to the overall 28.93-acre PZD boundary to provide a reasonable level of transition from adjacent properties. No alley or other form of development shall occur within 5' of a property line without the adjacent property owner's consent. The applicant has indicated compliance with this recommendation, though modifications to the booklet and plat are necessary.

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

31. Large scale development review is required prior to development for Lots 2 and 3. Lot 65 will be required obtain large scale development and/or subdivision approval prior to development, pursuant to the process identified in the UDC. A final plat shall be processed and approved prior to issuance of any building permits.
32. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements. Encroachment of structures or any portion of a structure shall comply with all applicable Building Codes unless otherwise and specifically approved by the City Council at the time of development.
33. Buildings shall be constructed to be consistent with the concepts depicted in the building elevations in the PZD booklet. All buildings shall be designed and constructed to front onto public rights-of-way. All non-residential buildings or mixed use buildings shall adhere to Commercial Design Standards.
34. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code, and shall be subject to signage requirements for commercial development for Planning Area 1, and for residential development for all other Planning Areas.
35. 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.
36. Due to the very large and complex nature of this project, a detailed review of all aspects of the site and landscape plans in each phase of construction shall take place prior to issuance of building permits. The development shall be consistent with the site plan and mix of uses as approved in the PZD. All development shall meet applicable zoning and development criteria, unless specifically waived or varied by the Planning Commission as part of the PZD approval.

Standard Conditions of Approval

37. 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).

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38. Trash enclosures shall be screened on three sides with materials compatible with the surrounding structures, with access not visible from the street.
39. All mechanical and utility equipment located on the wall and/or on the ground shall be screened. All roof-mounted utilities and mechanical equipment shall be screened by incorporating screening into the structure utilizing materials compatible with the supporting buildings. Mechanical and utility equipment over 30 inches in height shall meet building setbacks. Smaller ground-mounted equipment may be screened with tall grasses or shrubs. Add this note to the site plan and all construction documents.
40. 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.
41. All overhead utility lines under 12kv shall be relocated underground. All proposed utilities shall be located underground.
42. 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.
43. 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. Final plat for this project that shall include all easements and 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 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: Andrew Garner, Senior Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: December 6, 2006 Updated January 23, 2007

R-PZD 06-2299: Planned Zoning District (RUSKIN HEIGHTS, 370): Submitted by COMMUNITY BY DESIGN, LLC for property located at WEST OF HIGHWAY 265/CROSSOVER ROAD, ON THE SOUTH SIDE OF MISSION BOULEVARD. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 28.93 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 square feet of non-residential/commercial space. The Preliminary Plat approval is for 68 lots. The development approval proposed at this time is for 57 residential units and 16,636 square feet of non-residential/commercial space.

Property Owner: RUSKIN HEIGHTS, LLC
Planner: ANDREW GARNER

Findings:

Property Description: The subject property consists of approximately 28.93 acres located on the south side of Mission Boulevard (State Highway 45), approximately 0.5 miles west of Crossover Road. The site is zoned RSF-4, and has not been previously developed except for large-lot single family homes. The approximately 29-acre site contains 18.6 acres within the Hillside/Hilltop Overlay District, comprising 62% of the land area. Tree canopy varies dramatically over the site, with a majority of the tree canopy on the perimeter property lines or old fence rows, and along the south and west portions of the property which is primarily sloped. Other portions of the property, especially that nearer Hwy 45, is clear of tree canopy altogether.

The property is surrounded by a variety of uses, including a church, plant nursery, single family residences, multi-family residences, a commercial strip center and is located approximately ½ mile from one of the larger commercial nodes in the City of Fayetteville, the development that surrounds the intersection of Hwy 45 (Mission Blvd) and Hwy 265 (Crossover Road).

Surrounding Land Use/Zoning:

Direction	Land Use	Zoning
North	Mission Boulevard Baptist Church; Westwood Gardens Plant Nursery; Single family residences	P-1; RSF-4
South	Single family residences	RSF-4
East	Single family, multi-family	RSF-4, RMF-24
West	Single-family residential (Broadview Subdivision); Commercial shopping center	C-1; RSF-4

Proposal: The request is 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 square feet of non-residential/commercial space. Should the PZD be approved as proposed, it would result in total of 68 lots at this time. Of these 68, lots 2, 3, and 65 are being approved in concept only, and must return through the development review process. The remaining lots (approximately 11 acres in land area) will not be reviewed again except by final plat approval. All necessary infrastructure must be installed and a final plat approved prior to issuance of a building permit for any structure on the property. The information submitted for each level of approval – rezoning, preliminary plat, and development – has been reviewed in detail by staff, and recommendations are noted herein.

Master Development Plan: The proposed uses over the site are listed in *Table 1*.

**Table 1
Master Development Plan**

Type of Use	Planning Area	Number of Units	Residential Density (Units/Acre)	Non-Residential Sq. Ft.	Non-Residential Intensity (sq.ft./acre)	Acres	%
Mixed Use Flats	PA-1	94	18.9	22,500	4,518	4.98	17.38%
Live/Work Townhouses	PA-2	81	12.2	36,000	5,521	6.65	23.02%
Single Family Detached	PA-3, 4, and 5	120	8.5	NA	NA	14.11	48.84%
Parks	PA-6	NA	NA	NA	NA	3.11	10.08%
TOTAL		295	10.2	58,500	2,041	28.9	100.00%

This project is designed to be a Traditional Neighborhood Development (TND) including a variety of housing types and land uses in a defined area. Rather than a typical, sprawling subdivision, this development attempts to create an eclectic, intimate, urban neighborhood of various uses connected by a network of paths, sidewalks, streets and lanes suitable for pedestrians as well as vehicles. Surrounding properties contribute to this mix of uses, with single-family attached, detached, commercial, agricultural and institutional surrounding property, near a major intersection of two state highways in the City. The proposal relies upon a complete, compact and connected approach; connectivity is on the whole low, however, due to existing

constraints of surrounding developed neighborhoods with no outlets for connection. The applicants have attempted to address this by providing alternative connections to Mission Blvd. and Green View Drive.

The proposed zoning criteria and site plan allows for a more dense layout of single-family residences (8.5 units per acre in Planning Areas 3, 4, and 5) mixed with multi-family dwellings along Mission Boulevard in the mixed use flats, and interspersed within the live/work townhouses. This site layout and proposal would not be allowed under any standard zoning criteria, one of the purposes for which the Planned Zoning District ordinance was created, to promote and encourage projects that meet the adopted goals and policies of the city, yet do not fit the mold of current development or zoning requirements; and to allow for surrounding property owners to see the project's product with the rezoning request, as opposed to a request for a blanket zoning district with few limitations. The proposed zoning criteria for each Planning Area are provided in duplicate in the project booklet and on the plats. Please reference this provided material for more information. These documents are binding to the zoning of the property.

Preliminary Plat/Development Approval: The Preliminary Plat approval is for 68 lots. The development approval proposed at this time is for 57 residential units (28 attached and 29 detached) and 16,636 square feet of non-residential/commercial space as depicted in *Table 2*.

Table 2
Development Approval

Lot No.	Type of Lot	Total # of Lots	Total Acreage	Residential Units	Residential Density (Units/acre)	Non-Residential Space (sq. ft.)	Non-Residential Intensity (sq. ft./acre)
5-16, 18-23, 25-27, 58-64	Live/work	28	2.64	28	10.61	16,258	7,582
34-38, 40	Tree-house courts	7	0.55	7	12.73	—	—
28-32, 41-57	Single Family	22	2.96	22	7.43	—	—
4, 24, 39, 66, 68	Greenspace	5	—	—	—	—	—
1	Detention ponds	1	—	—	—	—	—
17, 67	Solid Waste/Utilities	2	—	—	—	378	—
2, 3	Mixed Use Flats	2	—	—	—	—	—
65	Future Development	1	—	—	—	—	—
TOTALS		68	—	57	—	16,636	—

Access and Connectivity: Access is proposed directly off of Mission Boulevard with three public streets, and a fourth point of ingress/egress off of Greenview Drive to the west. Access to the east and south is not feasible due to the existing homes in a conventional subdivision pattern without street stub-outs or other means of connection. As proposed, two points of ingress/egress would be constructed with the first 68 lots. These have been reviewed in detail and found acceptable. The third access, to the west, will need to be reviewed in detail at the time of development, to review alignment, etc.

A variety of street cross-sections is proposed and is designed to calm traffic and encourage pedestrian comfort and activity throughout the development. These street sections are narrow with small curb return radii consistent with the concepts of the Institute of Transportation Engineers' draft Context Sensitive Design Standards and the Smart Code, and do not meet the typical City's Unified Development Code or Master Street Plan criteria for geometrical design. The development has a number of well-connected interior streets and alleys that generally follow the topography of the site. The development is designed with an urban feel and proposes nine-foot sidewalks lined with tree wells along a number of the streets, and five-foot sidewalks along the more residential areas of the development.

Parking: Much of the parking for mixed use and residential areas is proposed to be on-street. At least one parking structure is planned for the mixed use area (PA-1). All parking lots will be to the interior of the mixed-use and residential lots. Most of the residences will be provided with private parking, either in alley-facing garages or driveways. The amount of off-street parking provided does not meet Unified Development Code requirements; Planning Commission approval is required in order to allow on-street parking to count for some of the required off-street parking spaces. Table 3 lists the parking requirements required for the development approval portion of the project, and notes that a conditional use permit is typically required.

**Table 3
Development Approval Off-Street Parking Requirements**

Use	Buildings	Type of Unit	Unit Amount	Parking Ratio (1-space per ratio)	Parking Spaces Required
Office/Retail	Live/Work	Square Feet	12,748	250	51
Restaurant	Live/Work	Square Feet	3,510	100	35
MF Residential	Live/Work	# of bedrooms	84	1	84
SF Residential	Tree House Courts; Single Family	# of units	29	2	58
Off-street Parking Required by Ratio					228
Minimum Off-street Parking Allowed (30% Under Ratio)					160
Total Off-Street Parking Provided*					112
Off-street Deficit (Requiring Conditional Use Approval)					48
Total On-Street Parking Provided					82
Parking Excess if On-street Parking is Allowed to be Counted					34

* Off-street parking for the live/work units is provided with each lot having a double car garage (54 spaces). Off-street parking for the single family residential units is provided with each lot having a double car garage (58 spaces).

Phasing: Several phases are planned for Ruskin Heights over the next several years as listed below and depicted on the Project Phase exhibit provided in the PZD Booklet. All permits required for development within these phases are required to be obtained within the specified timeframe. A one-year extension may be permitted, subject to Planning Commission approval.

Phase No.	Year
Phase 1	2007
Phase 2	2007
Phase 3	2007
Phase 4	2008
Phase 5	2010
Phase 6	2012

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

Adjacent Master Street Plan Streets: Mission Boulevard/State Highway 45 (Principal Arterial); Greenview Drive (Local Street)

Right-of-way Dedication: 55' from centerline along Mission Boulevard/State Highway 45 by warranty deed is required. The developer requests a waiver from the Master Street Plan right-of-way dedication requirements to reduce the amount of right-of-way being dedicated in order to accommodate existing utilities along Mission Blvd. Metropolitan Bank under construction to the east is facing a similar situation with their project, in that a major trunk line for SBC follows this route. A formal waiver request along with an exhibit showing that the full Master Street Plan improvements to Mission Boulevard are possible without the full 55' from centerline right-of-way is included. This would require the new greenspace and sidewalk along Mission Boulevard to be placed within a pedestrian access easement.

25' from centerline along Greenview Drive by the preliminary plat; variable right-of-way dedication along the internal streets as depicted on the site plan; rear alleys would be within a 26' access easement owned and maintained by the property owner's association.

Street Improvements: Mission Boulevard (State Highway 45) is designated as a Principal Arterial on the City's Master Street Plan, and provides a major east-west linkage between downtown Fayetteville and Crossover Road (State Highway 265), a major north-south corridor, and continues east outside of Fayetteville to the City of Goshen.

Beginning at its intersection with Crossover Road approximately 0.5-mile east of the site, Mission Boulevard is a three-lane road with curb, gutter, storm drains, and sidewalks in front of the existing commercial development on either side of Mission. The center turn lane, curb, gutter, storm drains, and sidewalks terminate at the end of the existing commercial development. Continuing west from Citizen's Drive, Mission is a two lane road without curb, gutter, or storm drains. There is sidewalk in front of the Glenbrook Subdivision and in front of the Mission Street Village office buildings, with open ditch drainage. Mission continues as a two-lane road with open ditch drainage with some isolated stretches of sidewalk past the project site to Greenview Drive. West of Greenview Drive, Mission continues as an unimproved two-lane

road.

Staff's recommendation for street improvements includes:

- A 3-lane section from where it currently stops east of the site on Mission along with complete sidewalk connection on Mission where it does not currently exist along that portion, west to Greenview Drive (coordinated with improvements occurring with Metropolitan National Bank). The applicant shall coordinate with the Engineering Division to determine if a continuous turn lane or turn lane at major intersections is more acceptable, and all permits shall be obtained through AHTD;
- Traffic signal construction or assessment for Lisa Lane/Mission Blvd.
- The applicant shall pursue AHTD permits to construct these improvements to Mission Blvd. If AHTD will not allow improvements then assessments will be determined to be paid at that time (prior to final plat for subdivisions and prior to building permit for other development); and
- 14' from centerline street improvements with curb, gutter, sidewalks, and storm drainage on the east side of Greenview from Mission Boulevard, south to Viewpoint Drive.

Parks: The Park and Recreation Advisory Board (PRAB) recommended on September 26, 2006 to accept "Ruskin Tower" and surrounding land (0.11 acres) as depicted and described in the project submittal. A 30' by 30' viewing tower shall be built at a cost of no less than \$259,200. If the cost to build the tower exceeds this amount, the developers will pay any excess. The design and development of the tower shall meet the approval of Parks staff. The maintenance of the tower and the 0.11 acre of land are the responsibility of the City with the Property Owner's Association required by contract to pay a fee for maintenance. The contract shall be a non-amendable maintenance contract with an inflation clause.

Additionally, the developer will provide the following public access easements:

- (1) A trail corridor located near the western boundary of the site through the tree preservation area with the POA retaining ownership. The Developer shall work closely with the Trails Coordinator and Urban Forester to develop this connection.
- (2) A public access easement for the "Spanish Steps," which will lead from the "Market Pavilion" near the entrance to the neighborhood, up the hill through the commercial area of the neighborhood and terminate at "Ruskin Tower."
- (3) A public access easement for the village green, the central green space of Ruskin Heights.

If the full \$259,200 is not used in building of the tower the balance will revert back to Parks. Because the PRAB recommendation to build the tower cannot be met in Phase I, money-in-lieu will be required and kept in the Park Land Dedication account. The developer will be reimbursed for the cost of the tower up to \$259,200 from the money collected when the PRAB recommendations are met. The public easements will remain as permanent public access and there is to be a 150% bond for completion of the plaza if not built during phase one of the development.

Solid Waste Service: In its review of this plan, the Solid Waste Division has discussed that solid waste service will be provided with the following requirements that will be included as notes on the final plat and construction documents. Standard trash compactor service will be provided for the retail portions of the development, and residential services with carts provided for the single-family detached units. It is anticipated that alley service to the rear of structures can be provided as long as 26' clear is maintained to allow room for the truck and arm to pick up the carts. If 26' is ever encumbered, it is at the discretion of the Solid Waste Division to provide service to the front and parking may be required to be removed along the street. If the design does not function as intended it shall be at the discretion of Solid Waste Division to require dumpster service for this development.

Tree Preservation:	Existing Canopy:	16.0%
	Preserved Canopy:	3.36%
	Required Canopy:	16.00%
	Mitigation:	Required; 265 two-inch caliper trees

Public Comment: City staff has received a number of emails, phone calls, letters, and in-person visits with surrounding property owners both opposed to and supportive of the project. Main issues of concern include the density and overall intensity of the development not being compatible with the surrounding existing single-family development, traffic and pedestrian safety issues, adverse visual impacts, and hillside and erosion impacts, among others. Copies of all written public comment have been included as an attachment to this report. In addition, several members of the public spoke at the November 30, 2006 Subdivision Committee meeting. A summary of the public who spoke and their main issues of concern based on staff's unofficial notes taken at the meeting is included as an attachment to this report.

Subdivision Committee meeting November 30, 2006:

The Subdivision Committee expressed concerns primarily regarding the density/number of units proposed on the site, compatibility with adjacent properties and the traffic improvements along Mission Blvd., finding that without assurances that the improvements could be installed on the highway with the project, this project would compound a dangerous traffic situation. All Committee members stated a mixed-use project with a higher density than four units per acre may be acceptable and appropriate on this site. The Subdivision Committee recommended forwarding this item to the full Planning Commission for consideration with a recommendation for denial in its current form, with determinations on conditions of approval as noted herein.

Planning Commission meeting January 22, 2007:

Approximately 30 persons from the public spoke at the Planning Commission meeting, with those supporting the project and those opposed to it very evenly divided. Issues cited above and in the staff report were all discussed again. The Planning Commission chose to amend two conditions of approval, involving the width of proposed alleys and the timing of the improvements to Mission Blvd. Accordingly, the conditions of approval noted herein have been amended and the phasing of the projects adjusted to match that which is being reviewed. The Planning Commission voted 5-2-0 in favor of the project, with Commissioners Graves and Clark in opposition. Commissioners Ostner and Bryant were absent.

Recommendation: Finding that the proposed rezoning and development approval meets the majority of the goals of the Planned Zoning District ordinance, and meets many of the policies adopted within the CityPlan 2025 as noted herein, staff recommends forwarding **R-PZD 06-2299** to the City Council with a recommendation for approval with the following conditions of approval:

Conditions of Approval:

Streets and Right-of-Way

1. **Planning Commission determination** of street improvements. *Staff recommends the following street improvements, based on the proportionality of the development's impact:*
 - a. The developer shall construct a 3-lane street section with pavement, curb, gutter, and storm drains, from where it currently stops east of the site on Mission Blvd west to Greenview Drive, to include complete 6-foot sidewalk connections on Mission Blvd. The applicant shall coordinate with the Engineering Division to determine if a continuous turn lane or turn lane at major intersections is more acceptable. Construction of these improvements shall occur with Phases I-III, with the approved development of 57 dwelling units and 16,636 SF of nonresidential area.
 - b. ~~The developer shall contribute the cost of a full traffic signal (assessment) for Lisa Lane/Mission Blvd intersection to be pro-rated as each phase develops (fees due prior to final plat for subdivisions and prior to building permit for other developments). Construction of the signal shall occur as soon as AHTD permits;~~ The developer/applicant has offered to build at its sole cost the traffic signal at Lisa Lane/Mission Blvd. as soon as legally permissible by the Arkansas Highway and Transportation Department. Accordingly, as a condition of approval, the developer shall construct at its own cost a traffic signal at the intersection of Lisa Lane and Mission Blvd. upon completion of 57 residential units and 16,636 SF of non-residential area in Phases I-III (the development proposed at this time), or the granting of the warrant by the AHTD (whichever is earlier) unless such construction is expressly prohibited by the AHTD. If construction of the signal is prohibited, the full cost of the traffic signal shall be paid to the City prior to additional development being constructed over that within Phases I-III approved for development at this time. No zoning approval for development beyond the full build-out of Phases I-IV is granted by the PZD ordinance unless and until the traffic signal is in full operation.
 - c. ~~The applicant shall pursue AHTD permits to construct all noted improvements to Mission Blvd. If, after application, AHTD will not allow improvements then assessments may be determined to be paid at that time (prior to final plat for subdivision and prior to building permit for other development);~~

- d. At the time of connection with Greenview Drive: 14' from centerline street improvements with curb, gutter, 6' sidewalks, and storm drainage on the east side of Greenview from Mission Boulevard south to Viewpoint Drive.
- e. A traffic warrant analysis shall be presented to the City and AHTD with every phase of the development to determine what improvements are warranted and will be installed with each phase of the development.

THE PLANNING COMMISSION APPROVED THIS CONDITION WITH CHANGES AS NOTED BY STAFF.

2. The applicant shall dedicate right-of-way as follows:

- a. **Planning Commission determination** of a lesser dedication of right-of-way for Mission Blvd. Mission Boulevard is identified as a principal arterial with a minimum of 55' from centerline right-of-way required to be dedicated to the City with the development of the property per UDC §166.05 (C.6). The developer requests a reduction in the Master Street Plan right-of-way dedication requirements in order to accommodate existing utilities along Mission Blvd., leaving the existing 40-feet from centerline in place. The applicant has submitted a formal waiver request along with an exhibit showing that the full Master Street Plan improvements to Mission Boulevard are possible without the full 55' from centerline right-of-way. However, this would require the greenspace and new sidewalk along Mission Boulevard to be placed under a pedestrian access easement granting the City full inspection, access, and maintenance rights for public benefit. The waiver request discusses that the full right-of-way dedication is difficult because of an existing 16.5 foot easement granted to Southwestern Bell adjacent to the existing right-of-way that would be required to be dedicated for a principal arterial. According to the applicant, this easement contains the largest and most expensive fiber optic line in the State of Arkansas, contained within a concrete duct run. Moving this line would be very expensive and could likely be required if the right-of-way is dedicated in its place. *Staff recommends in favor of the waiver request finding that the information presented by the applicant sufficiently indicates that Mission Boulevard can be improved to its Principal Arterial designation along the project frontage with half of a median, two lanes of traffic, and part of the greenspace within the right-of-way, and that the remainder of greenspace and sidewalk (15' total) would be provided within a public access easement allowing full maintenance rights by the City. These access easements shall be dedicated at the time of final plat.*

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

- b. 25' from centerline right-of-way dedication along Greenview Drive by the preliminary plat; variable right-of-way dedication along the internal streets as depicted on the site plan; rear alleys shall be within a 26' access easement owned and maintained by the property owner's association.

3. **Planning Commission determination** of a waiver of minimum street design standards:

- a. The applicant requests a waiver to allow varied return radius (CRR) as shown on the plat at all street intersections and driveways when City Code requires a 30' CRR for streets (UDC §171.02(C)). *Staff recommends approval of the CRR waiver requests, finding that the minimum effective turning radius as depicted in exhibits provided to staff provides evidence that adverse impacts to traffic and pedestrian safety would not occur.*

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

- b. The applicant requests a waiver to allow different street cross sections than are required by the current Master Street Plan standard (UDC §166.06 (K)(10)(a) and 166.08(C)(14)). The applicant proposes on-street parallel parking, when the Master Street Plan does not have a cross-section that allows designated parallel parking in the design as proposed. In addition, the palette of street widths proposed is not permitted with the adopted Master Street Plan – there are not Master Street Plan street cross-sections with the exact width and dimensions proposed.
 - i. *Staff recommended denial of the waivers sought for Street J, finding the narrow width combined with steep topography would not be safe. The applicant has modified this street to a 24-foot width, which staff supports.*

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

- ii. *Staff recommends approval of a waiver to construct all street cross sections as requested (see PZD booklet pages 2-4) finding the variety of street widths will help in traffic calming and are consistent with the overall TND development philosophy for this project to help encourage pedestrian activity, provided that a 7.5' parking lane is maintained, as measured to the face of curb. Staff will review detailed construction plans at the time of development.*

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

- iii. *Alley cross-section of 12 feet for two-way traffic. Staff recommended a minimum pavement width of 16 feet for two-way traffic and 12 feet for two-way traffic, as outlined in the Master Street Plan. The applicant has revised the plans, indicating the 12-foot alley will be one-way; therefore staff supports the alley cross-sections as noted. The dead-end alleys shall be increased to a minimum of 16 feet of pavement and shall be designated for two-way traffic.*

THE PLANNING COMMISSION APPROVED THIS CONDITION WITH CHANGES AS NOTED.

- c. The applicant requests a waiver to allow for retaining walls directly at the back of the right-of-way line when a minimum of two feet is required per UDC Section

171.01(C). Pursuant to city code, a retaining wall is required to be constructed a minimum of two feet behind the right-of-way. As recommended by the Hillside Best Management Practices, keeping improvements within more confined areas (reducing right-of-way, utility easements, etc.) reduces the overall impact on the hillside. Allowing retaining walls to be designed appropriately closer to the right-of-way would allow grading and other site improvements to be as limited as possible, thus decreasing the impact on the site. According to the applicant, no sidewalks or right-of-way would be impeded by the proposal. Based on staff's review of this proposal, in the areas proposed for development, no anticipated issues with this request are foreseen. Staff recommends approval of this request.

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

- d. The applicant requests to use alternate vertical K values for street and alley designs on the site rather than those required by the City of Fayetteville Minimum Street Standards due to the steep inclines creating substantial grading challenges. Staff recommends approval of this request.

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

- e. The applicant requests a waiver of the 150 horizontal curve radii required by the City of Fayetteville Minimum Street Standards due to the steep terrain on the site. Staff recommends approval of this request.

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

- f. The applicant request street grades greater than 4% within 100 of an intersection required by the City of Fayetteville Minimum Street Standards due to the steep terrain of the site. Staff recommends approval of this request, based on several meetings to discuss these intersections, finding they will not create a dangerous situation.

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

- g. Gutter sections. The booklet calls out stand-up curbs, which are in contrast to the City's street design standards. Staff supports the requested gutter section, which is in keeping with a more urban design standard. Similar curbs are utilized on Dickson Street and in the downtown area. Asphalt is used as the gutter pan, and provides a wider travel lane section without increasing the overall width of the street.

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

4. All private alleys and any sidewalks outside the right-of-way shall be included in a shared access easement. This access easement shall be included on the final plat.
5. No parallel parking spaces are allowed within 30' of a stop sign (Fayetteville Code of

Ordinance Section 72.03(G)). The site plan has been revised to accommodate this requirement. The applicant shall coordinate all striping of streets and parallel spaces with the Transportation Division and Fire Department, as the ultimate administrators of these code sections.

6. A minimum of 26' clear shall be provided along all alleys to provide adequate room for a trash truck and arm to pick up residential trash carts.
7. Signs indicating future street extension shall be installed at all street stub-outs.
8. A temporary cul-de-sac or turnaround shall be constructed at the terminus of Street 'J' in accordance with State fire code requirements as it is a dead end greater than 150' in length.

Parking

9. **Planning Commission determination** of a request to allow fewer than required off-street parking spaces than allowed by ordinance for Phases 1-3 of the development, instead providing an abundance of on-street parking to meet parking ratios. As depicted in Table 3 provided earlier in this report, the applicant proposes to provide 112 off-street parking spaces when 160 are required, and proposes that the proposed 82 on-street parking spaces throughout public streets in the development would be able to accommodate the additional required parking spaces required in Phases 1-3. *Staff recommends approval of this request, recognizing that the streets throughout this development, as amended from the City's Master Street Plan specifically to provide on-street parking, would provide parallel parking and can safely satisfy the additional demands for parking not provided off-street as depicted in Table 3. Because of the mixed-use nature of the project, parking demands will peak at different times, as proven by ITE standards. This will result in a more efficient use of infrastructure than the typical single-use parking lots that are empty during off-peak hours. Future parking needs for expansion of any facilities on this property shall be provided in accordance with the UDC. Staff recommendation for this is tied to the street width and Solid Waste Division requirements for adequate access to be provided.*

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

Commercial Design Standards

10. **Planning Commission determination** of commercial design standards for the commercial portion of the live/work structures and overall compatibility and transition in the proposed development. *Staff finds in favor of this determination. The building elevations of the live/work structures and all other structures in this development are well-articulated and provide for a consistent and overriding theme throughout the development, which transitions well between the mixed use buildings/flats, townhouses, live-work units, and single-family detached houses. The zoning criteria and elevations for the residential and non-residential structures requires buildings to front the street,*

and small building setbacks help create a streetscape and facilitate an overall compact and complete development. There is a wide variety of uses and structures that prevent a visual monotony while maintaining a compatible architectural design throughout the site. All non-residential uses being proposed are located interior to the project, away from existing single family subdivisions.

THE PLANNING COMMISSION FOUND IN FAVOR OF COMMERCIAL DESIGN STANDARDS.

Water and Sewer

11. Off-site water and sewer improvements shall be installed as necessary to provide domestic and fire protection to the development.

Phasing

12. **Planning Commission determination** of the proposed phasing plan. *Staff recommends approval of the phasing as indicated within the submittal. This project is required to obtain all permits in accordance to the Phasing as listed and depicted in the PZD booklet and noted below. A one-year extension may be approved by the Planning Commission (subject to the criteria in UDC Chapter 166 for extensions).*

<u>Phase No.</u>	<u>Year</u>
Phase 1	2007
Phase 2	2008 2007
Phase 3	2009 2007
Phase 4	2010 2008
Phase 5	2011 2010
Phase 6	2012

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

PHASING HAS BEEN ADJUSTED SLIGHTLY FROM THE PLANNING COMMISSION REVIEW TO ACCOMMODATE THE DEVELOPMENT OF PHASES I-III ALL IN ONE YEAR AS NOTED ABOVE AND REQUIRED IN THE AMENDMENTS TO STREET IMPROVEMENTS. STAFF IS IN SUPPORT OF THIS MODIFICATION.

Parks

13. The PRAB reviewed this project on September 26, 2006 and recommended, along with the developer, accepting the Ruskin Tower and surrounding land (0.11 acres) - a thirty foot by thirty foot viewing tower to be built at a cost of no less than \$260,000. This recommendation is for a contribution of services, facilities and land to meet parkland dedication requirements, and must be approved by the City Council. The developer shall be required to construct a viewing tower to be dedicated to the city, pursuant to the criteria set forth below. The money-in-lieu requirement for the proposed development at the time of Parks and Recreation Board recommendation was \$259,200 with 185 single family units and 120 multi-family units. The current proposal is for a maximum of 295 dwelling units. The developer is currently requesting approval for phases 1-3 with 29

single family residential units and 28 multi-family residential units. The money in lieu requirement for Phases 1- 3 is \$46,880.

14. If the full \$259,200 is not used in the building of the tower the balance will revert back to Parks.
15. Because the Park and Recreation Advisory Board's (PRAB) recommendation to build the tower can not be met in Phase I, money in lieu will be required and kept in the Park Land Dedication Fund account. The developer will be reimbursed for the cost of the tower up to \$259,200 from the money collected when the PRAB recommendations are met. The Parkland Dedication Ordinance requires money received into the Park Land Dedication Fund to be expended within 3 years of the last date of the calendar year in which it was received. At the end of the second year following the collection of the fees, Park Staff will evaluate the project to assess the feasibility of the construction of the tower within the designated three year time frame of the Park Land Dedication Ordinance.
16. Money in lieu ultimately will be based on the number of single and multi-family units approved. If the total number of residential dwelling units changes significantly from the number presented to PRAB, PRAB will reserve the right to reconsider their recommendation.
17. If the land/money dedication requirement is reduced, because of changes in the number of residential units from the requirement at the time of PRAB review, and the developer is not in agreement with the land/tower dedication at the agreed upon cost, the PRAB will have the option to re-evaluate their recommendation, subject to City Council approval. Should the land/money dedication requirement increase as the development is reviewed in the Planning Review process, the PRAB recommendation will be re-evaluated or money-in-lieu will be accepted for any increase in the dedication requirement above the value of the approved land/money dedication.
18. If the cost to build the tower exceeds the amount required by the parkland dedication ordinance, the developers agree, and shall, pay any excess. The design and development of the tower shall meet the approval of Parks staff. Additionally, maintenance of the tower and the 0.11 acres of land are the responsibility of the City with the P.O.A. required by contract to pay a fee for maintenance. The contract shall be a non-amendable maintenance contract with an inflation clause.
19. Additionally, the developer will provide the following public access easements on the Final Plat:
 - a. A trail corridor located near the western boundary of the site through the tree preservation area with the POA retaining ownership. The Developer shall work closely with the Trails Coordinator and Urban Forester to develop this connection.
 - b. A public access easement for the Spanish Steps, which will lead from the Market Pavilion near the entrance to the neighborhood, up the hill through the commercial area of the neighborhood and terminate at Ruskin Tower.

- c. A public access easement for the village green, the central green space of Ruskin Heights.

20. The Ruskin Tower design shall return to the Parks and Recreation Department for review and approval based on the concepts and criteria presented herein. The Ruskin Tower shall be a maximum of 45' in height as depicted in the project booklet.

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

Tree Preservation Plan

21. Revise the tree preservation fencing and tree canopy numbers along the western most ingress/egress off of Mission Boulevard. There appears to be some canopy that could be preserved.
22. Lot 68 located on the east side of the project is unacceptable to the City Engineering Division for tree preservation/mitigation. With the proximity of the water and sewer line under this alley, the entire space to the eastern and southern property line must act as an easement. This change will not allow any canopy to be counted as preserved nor will it allow any of the trees planted in this area to be counted toward mitigation requirements.
23. Mitigation is required on this site. The applicant has requested and been approved to do a combination of on-site planting and money in lieu for the total 265 trees. With the comments of the previous condition, an additional 9 (2) inch caliper mitigation trees will be required. At the time of Final Plat a total number of on-site trees and money in lieu will be approved.
24. At the time of final plat a tree mitigation planting plan will be required for review and approval by the urban forester. All trees that can be planted before signature of final plat should be leaving only those on the individual lots to come with the development of the homes. The remainder of trees that can not fit on the site will be paid into the City's Tree Escrow Account.
25. A 3-year bond, letter of credit, or check in the amount of \$250 per tree will be required before signature of final plat to ensure the maintenance and health of the trees planted on-site. Finding all trees healthy at the end of the 3 years the amount will be returned in full.

Landscape Plan

26. Future lots 2 and 3 will be required to go through large scale development at which time landscape requirements will be assessed. Landscape requirements for the remainder of the project (lot 65) will be assessed at time of development plans. Landscaping along the detention ponds and greenspace area to meet City Codes shall be installed with the development of those portions of the project.
27. A landscape plan stamped by a licensed landscape architect is required at time of

construction drawings.

28. **Planning Commission determination** of a waiver request of UDC §177.05 (B.3), to utilize the urban streetscape option with a 9-foot sidewalk width as opposed to the required 10 feet. *Staff recommends approval of this waiver, finding that adequate width is proposed to provide accessibility, pedestrian safety and room for the tree to grow.*

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

Plat and Booklet Revisions

29. Revise the plat and booklet zoning criteria for all Planning Areas to require the building setbacks to be a minimum of 10' from all property lines exterior to the PZD boundary line.

General

30. **Planning Commission determination** of zoning criteria. *Staff is supportive of the zoning criteria presented, with the following exception: staff recommends a minimum building setback of 10' adjacent to any property line exterior to the overall 28.93-acre PZD boundary to provide a reasonable level of transition from adjacent properties. No alley or other form of development shall occur within 5' of a property line without the adjacent property owner's consent. The applicant has indicated compliance with this recommendation, though modifications to the booklet and plat are necessary.*

THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF RECOMMENDATION.

31. Large scale development review is required prior to development for Lots 2 and 3. Lot 65 will be required obtain large scale development and/or subdivision approval prior to development, pursuant to the process identified in the UDC. A final plat shall be processed and approved prior to issuance of any building permits.
32. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements. Encroachment of structures or any portion of a structure shall comply with all applicable Building Codes unless otherwise and specifically approved by the City Council at the time of development.
33. Buildings shall be constructed to be consistent with the concepts depicted in the building elevations in the PZD booklet. All buildings shall be designed and constructed to front onto public rights-of-way. All non-residential buildings or mixed use buildings shall adhere to Commercial Design Standards.
34. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code, and shall be subject to signage requirements for commercial development for Planning Area 1, and for residential development for all other Planning Areas.

35. 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.
36. Due to the very large and complex nature of this project, a detailed review of all aspects of the site and landscape plans in each phase of construction shall take place prior to issuance of building permits. The development shall be consistent with the site plan and mix of uses as approved in the PZD. All development shall meet applicable zoning and development criteria, unless specifically waived or varied by the Planning Commission as part of the PZD approval.

Standard Conditions of Approval

37. 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).
38. Trash enclosures shall be screened on three sides with materials compatible with the surrounding structures, with access not visible from the street.
39. All mechanical and utility equipment located on the wall and/or on the ground shall be screened. All roof-mounted utilities and mechanical equipment shall be screened by incorporating screening into the structure utilizing materials compatible with the supporting buildings. Mechanical and utility equipment over 30 inches in height shall meet building setbacks. Smaller ground-mounted equipment may be screened with tall grasses or shrubs. Add this note to the site plan and all construction documents.
40. 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.
41. All overhead utility lines under 12kv shall be relocated underground. All proposed utilities shall be located underground.
42. 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.
43. 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. Final plat for this project that shall include all easements and 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:

☐ Tabled ☒ Forwarded to C.C. (recommendation for approval) ☐ Denied

Motion: Trumbo

Second: Myres

Vote: 5-2-0 (commissioners Clark and Graves voting 'No')

Meeting Date: January 22, 2007

Comments: _____

The "Conditions of Approval" listed in the report above are accepted in total without exception by the entity requesting approval of this development item.

Signature

Date

Findings associated with R-PZD 06-2299 (Ruskin Heights)

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. This project was submitted under the Interim Future Land Use Plan Map, and recommendations were made prior to the City Council adopting the current Future Land Use Map. The Interim adopted as part of City Plan 2025 designated this site Residential. The Sector Map also adopted as part of City Plan 2025 does not designate this specific area as a growth area. The current Future Land Use designation of this site is also a Residential Neighborhood Area, which “promotes walkable, cyclist-friendly road designs with slow design speeds; utilize principles of traditional residential urban design to create compatible, livable and accessible neighborhoods; site new residential areas accessible to roadway, alternative transportation modes, community amenities, schools, infrastructure, and retail and commercial goods and services, etc.” Rezoning this property to R-PZD 06-2299 for a traditional town form development with a majority of residential uses is consistent with the six major goals of the City Plan 2025 as discussed in *Table 4*. There are a number of waivers and variances from the City’s UDC that are applied for, and required, in order to develop a traditional neighborhood development, whether on this site or another. Several other waivers are required because of the steep topography of the site.

The development proposes a maximum of 295 units and 58,500 square feet of non-residential space in a complete, compact, and connected community with meaningful open space. This development is different in use and density than most of the surrounding single-family lots in the immediate area. However, there is a mix of multi-family and single-family dwellings to the east, along with commercial and non-residential uses and zonings to the west and north. Additionally, the site is located near a major intersection with commercial services, and improvements to both Hwy 265 and Hwy 45 are anticipated in the near future.

Staff finds that the project is both different and compatible with the surrounding land uses and zoning, and that appropriate building setbacks (minimum 10 feet) have been provided adjacent to the surrounding single-family residences to provide a reasonable level of transition.

Table 4
Ruskin Heights - City Plan 2025 Compliance

City Plan 2025 Goals	Ruskin Heights Compliance With City Plan 2025	Compliance (Yes or No)
Goal 1: We will make appropriate infill and revitalization our highest priorities.	This project is an infill project in a well-developed area of Fayetteville. The largely under-developed property is surrounded by existing development and infrastructure. This infill development provides the City an opportunity to revitalize the existing infrastructure and street system in the immediate vicinity with contributions from the development.	Yes
Goal 2: We will discourage suburban sprawl.	By being an infill development, the project discourages suburban sprawl, and keeps greenfields green on the perimeter of the City. By being an infill project it is able to take advantage of proximity to a larger existing pool of potential employees, transit, and utility infrastructures, than a sprawling development.	Yes
Goal 3: We will make traditional town form the standard.	This project is designed in a traditional town form. This development would provide a variety of uses within a neighborhood creating the ability to live, work, shop, and have daily needs and services met within walking distance. The mix of uses proposed is adaptable for change over time.	Yes
Goal 4: We will grow a livable transportation network.	This project will provide an opportunity to improve the existing street system and sidewalks on Mission Boulevard and Greenview Drive. This project concentrates development near one of the busiest intersections in the City at the intersection of two state highways/principal arterials. This development would help define a node, or concentration of development in this vicinity of the City, helping towards the goal of public transit.	Yes
Goal 5: We will assemble an enduring green network.	This project provides a public trail in the eastern portion of the site, as well as a public viewing tower, and several other public gathering areas. While not all of the public space would be green, this project is sensitive to the topography of the site and consistent with the Hillside/Hilltop Overlay District. This project would be consistent with the intent of this policy to maintain community character, quality of life, and contribute to the economic success of the City.	Yes
Goal 6: We will create attainable housing.	The variety of lot sizes and residential products provided by this development would lead to a mixed-income neighborhood/community. Consistent with the intent of this goal, this project is not an isolated attainable housing project, but rather reflects a more traditional urban neighborhood with households of varying economic means.	Yes

- (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. The applicant has responded to concerns voiced by the Subdivision Committee by pursuing commitments from the AHTD for improvements along Hwy 45.

- (4) Whether the rezoning is compatible with the surrounding land uses;

FINDING: For the purposes of this finding, staff uses the definition of compatible from Webster's Dictionary: "*capable of living or performing in harmonious, agreeable, or friendly association with another or other*".¹

The rezoning request, combined with the Master Development Plan, would allow a mix of uses and density over the site. The proposed zoning criteria in the eastern portion of the site would provide for a greenspace/detention pond, townhomes, and single-family detached residences. A minimum of 26 feet would be provided between this property line and the proposed structures. The 26 feet would be comprised of approximately 5 feet of greenspace, 16 feet paved alley, and 5 feet of greenspace. Along the southern and western property lines either single-family residential homes or a tree preservation area would be provided with a minimum 10-foot building setback, creating an appropriate transition with adjacent single-family and commercial development. The northern portion of this site would contain larger mixed use buildings facing Mission Boulevard and a mix of existing non-residential and residential uses across Mission Boulevard.

While the lots in this development are considerably smaller than the surrounding standard single-family lots, and the form of development is different, staff finds that this traditional neighborhood development, as designed, can exist together in harmony with the existing surrounding land uses, and is thus compatible. This development would provide non-residential services and public amenities that would be beneficial to the surrounding neighborhoods and the City as a whole. It would also provide adequate physical space and separation around its perimeter, concentrating the larger commercial development on

¹ 1995. Webster's II New College Dictionary. Houghton Mifflin Company. Boston.

Mission Boulevard, away from the existing single-family residences. Also see Staff Finding No. 1 discussing the project's compatibility with the surrounding land uses.

- (5) Whether the subject land is suitable for the intended use and is compatible with the natural environment;

FINDING: The 28.93-acre property is developed for rural residential use. The two main natural resources on the property include the steep topography and tree canopy. The majority of the site is steep and within the Hillside/Hilltop Overlay District, with a majority of the tree canopy on the perimeter property lines or old fence rows, and along the south and west portions of the property. The street and site plan layout generally follow the contours and natural landform of the site. This project would comply with the requirements of the Hillside/Hilltop Overlay District in terms of its development patterns. A tree preservation area is also provided in the western portion of the site. This project has incorporated the topography and some of the significant trees on the site as environmental design features of the project, rather than mass grading the property. The natural environment is suitable for the type of development proposed, with the plans that are sensitive to that environment, as proposed.

- (6) Whether the intended land use would create traffic congestion or burden the existing road network;

FINDING: The intended land uses, a mix of residential, commercial, and civic, will impact the existing traffic conditions. Currently this development proposes three points of ingress and egress onto Mission Boulevard to the north, and one point of ingress/egress onto Greenview Drive to the west. As proposed, two points of ingress/egress onto Mission Boulevard would be constructed with the first 68 lots. The points of access onto Mission Boulevard have been reviewed in detail by Engineering and Planning staff and been found to be acceptable. The other points of access will need to be reviewed in detail at the time of development, to review alignment, etc., but have been reviewed and recommended in concept. With the incorporation of the recommended street improvements listed in the conditions of approval, staff finds that the proposed development would not create traffic congestion or overburden the existing road network. Significant improvements are being provided by this development to the adjacent Mission Boulevard and Greenview Drive to help accommodate the additional traffic generated by this development. Mission Boulevard would be widened and improved to a three-lane section from Greenview Drive east to the existing turning lane near Crossover Road, a traffic signal would be installed at Lisa Lane, and Greenview Drive would be widened and improved to its Master Street Plan designation. Sidewalks would also be provided along Greenview Drive and Mission Boulevard adjacent to these street improvements. Staff finds that with the recommended street improvements this development will not create traffic congestion or burden the existing road network. Additionally, siting a higher density of residences near a commercial area and providing pedestrian improvements may encourage many to walk or bicycle to utilize those services in the area, thereby decreasing the use of the vehicular network.

- (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 Ruskin Heights PZD provides for a different form of development than surrounding single family residences, multi-family residences, commercial, church, and school uses in the immediate vicinity. While these uses are mixed in comparison, most are not located or planned within a given area. This development is a traditional town form of development that integrates a variety of housing types and non-residential uses into one neighborhood, rather than separating the single-family, multi-family, and commercial uses as in the existing surrounding developed areas. This project provides appropriate transition between these mixes of uses adjacent to a principal arterial street and near a major intersection. The mix of uses proposed enhances the existing surrounding neighborhoods and transportation corridor. The transition in this development involves the careful use of townhouses and single family detached units adjacent to existing single family residences, with the most retail and more intense residential areas located in the northern portion of the site adjacent to Mission Boulevard. This development is a compact, complete development pattern, all connected with a system of large urban sidewalks, pedestrian walkways, and narrow streets. The architectural style of the development provides for well-articulated structures and a consistent and overriding theme. The variety of uses and structures prevent a visual monotony while maintaining a compatible architectural design throughout the site. The mix of uses and relatively high density encourages a balance of people living and working in the same area reducing daily vehicle trips that rely on the regional road network. Several public spaces are proposed

that will be a benefit to the community. Circulation is compact and connected, adequate parking has been provided, and the inclusion of landscaping/mitigation trees will create a healthy urban canopy. Also see Staff Findings No. 1 and No. 4.

- (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 there are not large surface parking areas or other areas requiring screening facing streets. All structures are oriented toward the streets. Surface parking for the mixed use building will be internal and screened from the streets. The development proposes a tree preservation area in the southwestern portion of the site along with a trail. A landscape plan has been supplied, and trees along the frontages of all streets, both public and private, are required.

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

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

FINDING: The vehicular circulation system is comprised of a system of public streets, and

private alleys as described earlier in this report accessing Mission Boulevard and Greenview Drive. The dwellings face onto greenspaces or streets, and are generally accessed off of internal alleys, providing a hierarchy of circulation that encourage an efficient flow of traffic. Also see Staff Finding No. 6.

- (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: Much of the parking for mixed use and residential areas is proposed to be on-street. At least one parking structure is planned for the mixed use area (PA-1). All parking lots will be to the interior of the mixed use and residential lots. Most of the residences will be provided with private parking, either in alley-facing garages or driveways. The amount of off-street parking provided does not meet Unified Development Code requirements. Planning Commission and City Council approval is required in order to allow on-street parking to count for required off-street parking spaces. Staff recommends in favor of the request finding that adequate parking on- and off- street is provided.

- (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, six-foot sidewalks are to be constructed adjacent to Mission Boulevard and Greenview Drive along the property frontage and south to Viewpoint Drive, and east, the extent of the street improvements along Mission. Internal to the development, sidewalks are provided along both sides of the public streets. A public walkway, "The Spanish Step", will provide a public pedestrian connection from the mixed use commercial area up to the public park/Ruskin Tower. A public trail will also be provided in the southwestern portion of the site.

- (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: A variety of waivers of the minimum street design standards are requested as the proposed street cross sections do not meet the current Master Street Plan standards. The proposed cross-sections are designed to calm traffic and encourage pedestrian comfort and activity throughout the site. Staff recommends in favor of the waivers for street and alley design, with the revisions submitted for Planning Commission consideration.

- (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 a plan that accomplishes more of the goals for tree preservation. 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 non-residential structures on the site include the mixed use buildings in PA-1, and the live/work townhouses in PA-2. Some of the live/work townhouses are proposed for development at this time and are being reviewed in detail for compliance with commercial design standards. Staff recommends in favor of commercial design standards for these structures as reflected in the conditions of approval. The mixed-use buildings will be reviewed in detail for compliance with commercial design standards at the time of large scale development. The design of Ruskin Tower will be required to be approved by Parks staff, and will also be required to be reviewed by the Planning Commission at the time of development, subject to Parks staff approval.

- (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: This site is located within the Hillside/Hilltop Overlay District (HHOD), is very visible to surrounding areas, and provides scenic views from the property. The development has complied with the building height requirements of the HHOD and has limited the heights for all structures to 45 feet, with the exception of the mixed use buildings adjacent to Mission Boulevard, which is not within the HHOD boundary. With compliance of the HHOD height requirements, existing views of this property and from this property will be adequately preserved.

(E) *Revocation.*

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

(a) *Building permit.* If no building permit has been issued within the time allowed.

- (b) *Phased development schedule.* If the applicant does not adhere to the phased development schedule as stated in the approved development plan.
- (c) *Open space and recreational facilities.* If the construction and provision of all common open spaces and public and recreational facilities which are shown on the final plan are proceeding at a substantially slower rate than other project components.

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

- (2) *Procedures.* Prior to a recommendation of revocation, notice by certified mail shall be sent to the landowner or authorized agent giving notice of the alleged default, setting a time to appear before the Planning Commission to show cause why steps should not be made to totally or partially revoke the PZD. The Planning Commission recommendation shall be forwarded to the City Council for disposition as in original approvals. In the event a PZD is revoked, the City Council shall take the appropriate action in the city clerk's office and the public zoning record duly noted.
- (3) *Effect.* In the event of revocation, any completed portions of the development or those portions for which building permits have been issued shall be treated to be a whole and effective development. After causes for revocation or enforcement have been corrected, the City Council shall expunge such record as established above and shall authorize continued issuance of building permits.

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

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

The aforementioned legal instruments shall be provided to the Planning Commission together with the filing of the final plan, except that the Guarantee shall be filed with the preliminary plan or at least in a preliminary form.

- (2) *Common areas.* If the common open space is deeded to a homeowner association, the developer shall file with the plat a declaration of covenants and restrictions in the Guarantee that will govern the association with the application for final plan approval. The provisions shall include, but not necessarily be limited to, the following:
- (a) The homeowner's association must be legally established before building permits are granted.
 - (b) Membership and fees must be mandatory for each home buyer and successive buyer.
 - (c) The open space restrictions must be permanent, rather than for a period of years.
 - (d) The association must be responsible for the maintenance of recreational and other common facilities covered by the agreement and for all liability insurance, local taxes and other public assessments.
 - (e) Homeowners must pay their pro rata share of the initial cost; the maintenance assessment levied by the association must be stipulated as a potential lien on the property. The association must be able to adjust the assessment to meet changing needs.

FINDING: The applicant shall comply with these requirements.

Sec. 161.25 Planned Zoning District

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

- (1) Flexibility. Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.
- (2) Compatibility. Providing for compatibility with the surrounding land uses.
- (3) Harmony. Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.
- (4) Variety. Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety

and integration of economic and redevelopment opportunities.

- (5) No negative impact. Does not have a negative effect upon the future development of the area;
- (6) Coordination. Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.
- (7) Open space. Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.
- (8) Natural features. Maximum enhancement and minimal disruption of existing natural features and amenities.
- (9) General Plan. Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the General Plan.
- (10) Special Features. Better utilization of sites characterized by special features of geographic location, topography, size or shape.

FINDING: Staff finds this proposal meets the intent of many of the parameters of the City Plan 2025 as discussed in Staff Finding No. 1, 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 six primary goals of the City Plan 2025:

Residential Areas:

12.1.4.a Utilize principles of traditional residential urban design to create compatible, livable, and accessible neighborhoods. (Goal 3)

12.1.4.c Minimize through traffic on minor residential streets, while providing connections between neighborhoods to encourage openness and neighborliness. (Goal 4)

12.1.4.d Manage non-residential development within and adjoining residential neighborhoods to minimize nuisances.

12.1.4.e Utilize more intense development patterns within the infill sector and encourage mixed uses in new developments to promote better community design, maintain human scale, and enhance pedestrian activity. (Goal 1)

12.1.4.f Site new residential areas accessible to roadways, alternative transportation modes, community amenities, infrastructure, and retail and commercial goods and services. (Goals 1g and 3)

12.1.4.g Encourage residential dwellings in appropriate specified Mixed Use Areas. (Goals 1 and 3)

12.1.4.h Encourage a development scale to maintain compatibility and proportionality between nonresidential development and adjacent residential areas. (Goal 3a)

12.1.4.i Utilize the Master Street Plan and incorporate bike lanes, parkways and landscaped medians to preserve the character of the City and enhance the utilization of alternative modes of transportation. (Goal 4)

12.1.4.j Discourage design elements that prohibit complete, compact, connected neighborhoods such as cul-de-sacs, gated communities, etc. (Goal 3a)

(B) Rezoning. Property may be rezoned to the Planned Zoning District by the City Council in accordance with the requirements of this chapter and Chapter 166, Development. Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and development standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of a specific master development plan and development standards.

FINDING: The submitted development plats and Master Development Plan booklets, along with the conditions of approval found applicable and appropriate, are binding with the approval of the requested rezoning. Should the Planning Commission forward this item to the City Council, an ordinance will be drafted for consideration of rezoning this property in accordance with the submittal herein.

(C) *R – PZD, Residential Planned Zoning District.*

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

- (a) To encourage a variety and flexibility in land development and land use for predominately residential areas, consistent with the city's City Plan 2025 and the orderly development of the city.
- (b) To provide a framework within which an effective relationship of different land uses and activities within a single development, or when considered with abutting parcels of land, can be planned on a total basis.

- (c) To provide a harmonious relationship with the surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and excessive demands on planned and existing public facilities.
- (d) To provide a means of developing areas with special physical features to enhance natural beauty and other attributes.
- (e) To encourage the efficient use of those public facilities required in connection with new residential development.

FINDING: Staff is recommending approval of this application, finding the proposed PZD meets the intent of the PZD ordinance as noted above.

- (2) *Permitted Uses.* All permitted uses identified within §162 Use Units of the Unified Development Code shall be allowed as permissible uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.
- (3) *Conditional Uses.* All conditional uses allowed within (Residential, Commercial, Industrial) zoning Districts established in the Unified Development Code shall be allowed with Planning Commission approval, unless otherwise specified, subject to the code governing Conditional Use requests.

FINDING: Permitted and Conditional uses are outlined in both the Master Development Plan booklets and plats.

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

FINDING: The residential uses on this property will be at least fifty-one percent of the gross floor area within the development.

(F) *Bulk and area regulations*

- (1) *Residential density.* Residential densities shall be determined on the basis of the following considerations:
 - (a) The densities of surrounding development;
 - (b) the densities allowed under the current zoning;
 - (c) the urban development goals and other policies of the city's General Plan;
 - (d) the topography and character of the natural environment; and

- (e) the impact of a given density on the specific site and adjacent properties.

FINDING: Surrounding development is mixed in density and use, from large lot single family, to commercial and institutional uses, to multi-family residences. Although a majority of the surrounding uses are single family residential at a density of approximately four units per acre, density under the current zoning (RSF-4) is not appropriate for development of this site for a traditional neighborhood. The city's development goals and infrastructure for this area supports a higher density. Also see Staff Findings Nos. (E)(1), (E)(4), (E)(5), and (B)(1).

- (2) *Lot area and setback requirements.* Taking into consideration the unique aspects of each project, preliminary development plans for Planned Zoning Districts shall conform as closely as possible to the existing standards for lot area minimums and setback requirements under this chapter.

FINDING: Lot area minimums and setbacks are varied on this project with structures oriented to the street and minimal front setbacks. This project provides for a variety of building footprint types of unit, with a mixed unit type and mixed density. Due to the unique nature of this traditional neighborhood development, it is not possible to conform to existing standards for lot area minimums and setback requirements.

- (3) *Building height.* There shall be no maximum building height except as may be determined by the Planning Commission during the review of the preliminary development plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. A lesser height may be established by the Planning Commission when it is deemed necessary to provide adequate light and air to adjacent property and to protect the visual quality of the community.

FINDING: Building heights proposed for this project are typical of single and multi-family development in the surrounding area, and consistent with the height requirements of the HHOD.

- (4) *Building area.* The Planning Commission shall review specific proposed lot coverages which generally correspond to the guidelines for lot coverage in the respective residential, office, commercial or industrial district which most depicts said development scheme.

FINDING: The lot coverage or building area on this project is relatively high, given the high density, mix of commercial uses. The lot coverages are appropriate given the urban environment proposed.

***Required Findings for Rezoning Request.**

Land Use Plan: The City Plan 2025 Interim Future Land Use Plan designates this site as a Residential Area. Rezoning this property to R-PZD 06-2299, with the associated Master Development Plan, allows this future land use to vary by integrating non-residential uses throughout the site, though the principal use on the property will remain residential. The proposed plan, commitments, design standards and other conditions placed upon the project result in a compatible development with surrounding land uses in the general vicinity, meeting many of the goals of the City Plan 2025 for new development.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: Staff finds the proposal is highly consistent with the land use planning objectives, principles and policies, as evidenced the number of guiding policies for Residential Areas this proposal meets, and the six major goals of City Plan 2025 as discussed in Staff Finding No. (E)(1). Rezoning the property will accommodate both the future land use plan for residential uses, and also allow for a variety of uses and housing types, sizes and development pattern, thus providing more choices 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 RSF-4, which allows for primarily residential use. The proposed mix of uses, residential density and site layout included with this re-zoning is more appropriate for this area than the existing zoning. Rezoning of this property as proposed is advisable.

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

Finding: Staff finds this proposal will not create or appreciably increase traffic danger and congestion, with the street improvements recommended

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: Staff finds that in evaluating this proposal, the population density would undoubtedly increase from that which currently exists, and that the commercial uses proposed would create additional demand on public services. Staff finds, however, that the load created on public services is not an undesirable or

detrimental impact, with the improvements as recommended by staff for this project.

Engineering: Public water is located adjacent to the site. There is an 8" waterline along Mission.. Water service will need to be extended through the property at the time of development. Off-site water improvements may be required to properly supply this development with adequate fire protection.

Sanitary sewer is available adjacent to the site. Sewer service will need to be extended within the property at the time of development. Improvements to the sewer system may be required dependent upon the demand placed by the development. The capacity of the existing main will need to be studied at the time of development.

The site has access to Mission. Mission Blvd. is an unimproved 2 lane state highway in this location. Improvements to the adjacent streets will be evaluated at the time of development.

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. The Police Department states that without street improvements the rezoning would increase traffic danger and congestion on Mission Boulevard.

Fire: The subject property is located 1.6 miles from the Station No. 5 located at 833 Crossover Road with an expected response time of 4 minutes. When the new Station No. 5 is opened at Old Wire Road and Crossover, the response time is anticipated to stay approximately the same. No adverse impacts on call volume or response time are anticipated.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A



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 #: R-PZD 06-2299: Planned Zoning District (Ruskin Heights)

Applicable Requirements:

NA	Site Development & Parking Lot Standards
NA	T-540 Design Overlay
Y	Street Tree Planting Standards
NA	Stormwater Facilities

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
NA		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
NA		Wheel stops/ curbs
NA		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	
NA		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>
		Overlay District Requirements
NA		Greenspace adjacent to street R.O.W. (25' wide)
NA		Large street trees planted every 30' L.F. along R.O.W.
NA		25% of total site area left in greenspace (80% landscape)
NA		Parking lots and outdoor storage screened with landscaping
		Street Tree Planting Standards (time of L.P. or permit)
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
Y		Urban Tree Wells-urban streetscape only-10foot sidewalk
Y		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 (time of L.P. or permit)
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. Future lots 2 and 3 will be required to go through large scale development at which time landscape requirements will be assessed. Landscape requirements for the remained of the project (lot 65) will be assessed at time of development plans.
2. A landscape plan stamped by a licensed landscape architect is required at time of construction drawings.
3. To utilize the urban streetscape option, the sidewalk must be 10 feet wide with a minimum grate size of 4 x4. Deviation from this will require a waiver request. Please submit a request immediately to staff.



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 #: R-PZD 06-2299: Planned Zoning District (Ruskin Heights)

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:

Total Site Area	
acres	11.06
square feet	505,303
Existing Tree Canopy	
acres	1.90
square feet	82,693
percent of site area	16%
Existing Tree Canopy Preserved	
acres	0.39
square feet	16,988.4
percent of total site area	3.36*
Percent Minimum Canopy Required	16%

* See Conditions of Approval

FINDINGS:

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

- **These 11 acres are the only portion of the site as a whole being reviewed for Tree Preservation requirements. When the other**

parcels come through the development process they will be assessed and expected to meet the requirements of Chapter 167 Tree Preservation and Protection. This site has only 16% canopy cover. There are 6 significant trees on the site with the species being a range of ash, hickory, and oak. Of the 6 identified significant trees, 4 will be preserved. The other canopy on the sit is a mix of species such as osage orange and hackberry. There is an old fence row along the east property line.

Whether the design incorporates the required tree preservation priorities

- **This design takes into consideration many of the tree preservation priorities while a few are still lacking.**

The extent to which the area would be subject to environmental degradation due to removal of the tree or group of trees.

- **Environmental impact will occur on the site with the amount of disturbance and removal of impervious surfaces.**

The impact of the reduction in tree cover on adjacent properties, the surrounding neighborhood and the property on which the tree or group of trees is located.

- **The applicant is attempting to save as much of the vegetation along the east and south property lines as possible. There is a proposed alley that will run adjacent to the property lines which may require tree removal. The applicant is however proposing to mitigation trees along these areas to replace anything that may be removed that would affect the neighbors adversely.**

Whether alternative construction methods have been proposed to reduce the impact of development on existing trees.

- **A portion of the site does exist within the Hillside Hilltop Overlay District.**

Whether the size or shape of the lot reduces the flexibility of the design.

- **The size and shape of the lot does not reduce flexibility of design. This site does have significant grade changes.**

The general health and condition of the tree or group of trees, or the presence of any disease, injury or hazard.

- **The general health of the trees was found to be poor, fair, and good.**

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

- **The cause for the majority of the removal of canopy on this site is due to the grading required. For the roads to be constructed and the possibility of future homes, there are a lot of grade and fill requirements.**

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

- **Utility easements on this site do not heavily affect the tree canopy. This is a very dense project resulting in the majority of canopy removed for infrastructure.**

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

- **This section of the development does not take into consideration the existing canopy or the topography.**

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

- **N/A**

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

- **Mitigation will be required for this project. The applicant has requested to do a combination of on-site planting and money in lieu to be determined at final plat.**

The effect other chapters of the UDC, and departmental regulations have on the development design.

- **This project has areas within the Hillside Hilltop Overlay District. The applicant is requesting development approval of the 11 acres located in the northeast corner of the site. The remainder of the project is requesting approval of the master development plan.**

The extent to which development of the site and the enforcement of this chapter are impacted by state and federal regulations:

- **N/A**

The impact a substantial modification or rejection of the application would have on the Applicant:

- **Staff is recommending approval of the submitted Tree Preservation Plan with the following conditions.**

Conditions of Approval:

1. **Revise the tree preservation fencing and tree canopy numbers along the western most ingress/egress off of Mission Boulevard. There appears to be some canopy that could be preserved.**
2. **Lot 68 located on the east side of the project is unacceptable to the City Engineering Division. With the proximity of the water and sewer line under this alley, the entire space to the eastern and southern property line must act as an easement. This change will not allow any canopy to be counted as preserved nor will it allow any of the trees planted in this area to be counted toward mitigation requirements.**

- 3. Mitigation is required on this site. The applicant has requested and been approved to do a combination of on-site planting and money in lieu for the total 265 required trees. With the comments of the previous condition, an additional 2 (9) inch caliper mitigation trees will be required. At the time of Final Plat a total number of on-site trees and money in lieu will be approved.**
- 4. At the time of final plat a tree mitigation planting plan will be required for review and approval by the urban forester. All trees that can be planted before signature of final plat should be leaving only those on the individual lots to come with the development of the homes.**
- 5. A 3-year bond, letter of credit, or check in the amount of \$250 per tree will be required before signature of final plat to ensure the maintenance and health of the trees planted on-site. Finding all trees healthy at the end of the 3 years the amount will be returned in full. The remainder of trees that can not fit on the site will be paid into the City's Tree Escrow Account.**

Fire Department Turning Radius Comment

From: Dale Riggins
To: Pate, Jeremy
Date: 12/20/06 2:05PM
Subject: Ruskin Heights

Jeremy,

Brian from Community by Design talked with me this morning and said that you had some concerns about turning radiuses for our Ladder trucks in Ruskin Heights.

I have sat down with Brian several times and we have gone over his plans for that development. There are some turns that will be tight for our ladder trucks and one that the ladder truck will not be able to make. The turn is down a small street (Lot 65) that is very short and we pretty much treated it like a dead end. The ladder truck will be able to access these structures by pulling in from both directions if needed. They will have to back out but since this is a very short street I don't see a problem with them backing that short of a distance.

The engines should have no problems making any of the turns in the development. The plans show an Effective Inside Turning Radiuses of at least 25' and by looking at the plans the Ladders should be able to maneuver these corners.

If you have any questions please feel free to contact me.

Dale Riggins
Captain
IT/Planning
Fayetteville Fire Department
(479)444-3449 Office
(479)587-5251 Pager

(479)601-1155 Cell
driggins@ci.fayetteville.ar.us

CC: brian@communitybydesign.net



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: December 6, 2006
Re: December 5, 2006 Zoning Review – Fire Department Comments

R-PZD 06-2349 (Westbrook Village)

These 1.38 acres is covered by Engine 7 at 835 Ruple Road.

It is 2.3 miles from the station with an expected response time of 6 minutes.

The Fire Department anticipates 2 (2 EMS – 0 Fire/Other) calls for service per year once the development is completed and maximum build-out has occurred.

Measured Hydrant Flow in this area is 1500 gallons/minute.

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

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

R-PZD 06-2299 (Ruskin Heights)

These 21.91 acres is covered by Engine 5 located at 833 N Crossover.

It is 1.6 miles from the station with an expected response time of 4 minutes. When the new Station 5 is opened at Old Wire and Crossover the response time will stay approximately the same.

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 1500 gallons/minute.

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

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

RZN 06-2366 (Wonacott)

These 21.91 acres is covered by Engine 7 at 835 Ruple Road.

It is 2.1 miles from the station with an expected response time of 5.25 minutes.

The Fire Department anticipates 1 (1 EMS – 0 Fire/Other) calls for service per year once the development is completed and maximum build-out has occurred.

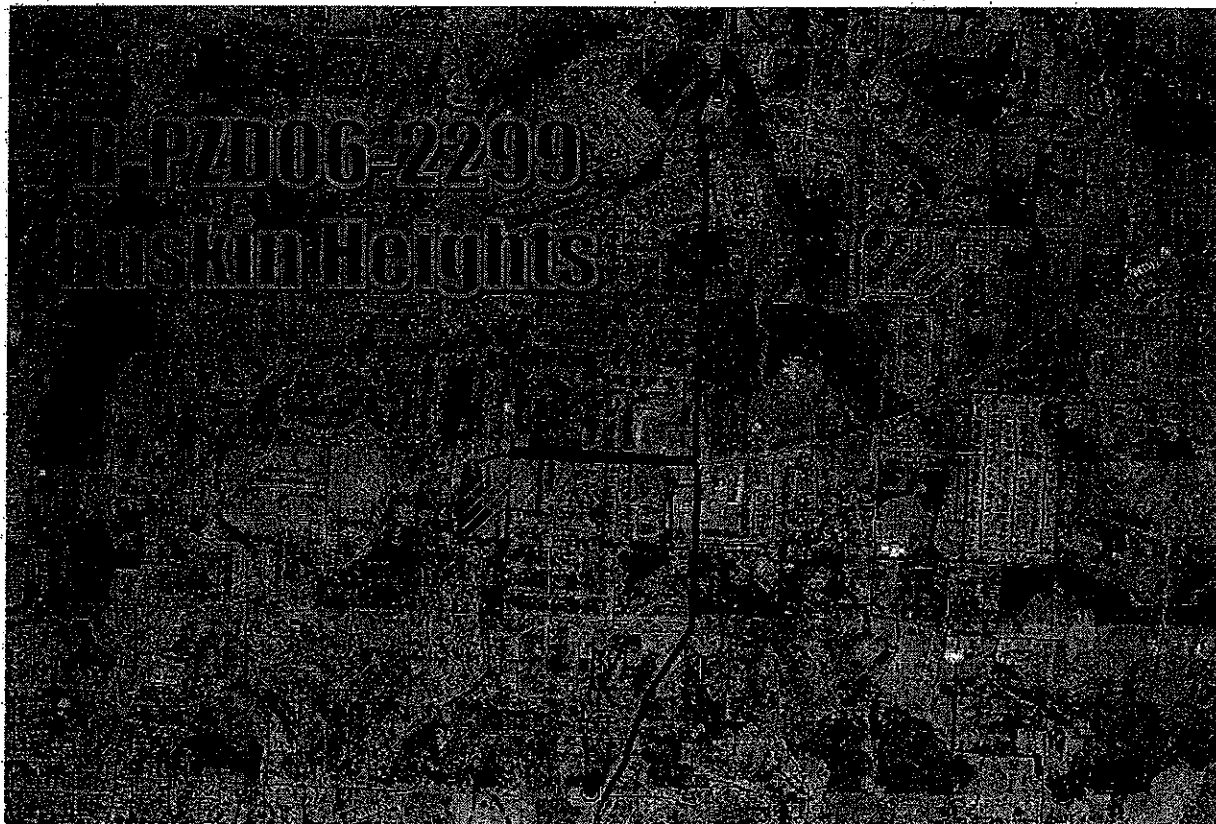
There is no Measured Hydrant Flow recorded in this area.

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

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

Please feel free to contact me if you have any questions concerning any of these comments.

★ a. d.
Dale Riggins
Captain



December 1, 2006

Fayetteville Police Department

Jeremy Pate
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Pate,

This document is in response to the request for a determination of whether the planned zoning district. **R-PZD 06-2349: (WESTBROOK VILLAGE, 284):** Submitted by **Project Design Consultants, Inc** for property located at **Salem Road, Clabber Creek Drive**, would substantially alter the population density and thereby undesirably increase the load on public services and create an appreciable increase in traffic danger and congestion.

It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density or create an undesirable increase in the load on police services. The rezoning will not create an appreciable increase in traffic danger and congestion.

In reference to planned zoning district. **R-PZD 06-2299: (RUSKIN HEIGHTS, 370):** Submitted by **Community By Design, LLC** for property located at **West of Hwy. 265 / Crossover Road, and South of Mission Boulevard.**

It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density and create an undesirable increase in the load on police services. Without traffic improvements, the rezoning will increase traffic danger and congestion on already crowded Mission Boulevard (AR. ST. HWY. 45).

In reference to **RZN 06-2366: (WONACOTT, 436):** Submitted by **Melissa Wonacott** for property located at **655 and 657 N. Genevieve**. The property contains **approximately 1.50 acres**. The property is zoned **R-A**. The request is to rezone the property to **RSF-4**.

It is the opinion of the Fayetteville Police Department that this rezoning **will not** substantially alter the population density or create an undesirable increase in the load on police services. The rezoning **will not** create an appreciable increase in traffic danger and congestion.

Sincerely,

Captain William Brown
Fayetteville Police Department



THE CITY OF FAYETTEVILLE, ARKANSAS

TO: Andrew Garner, Planner

FROM: Kay Curry, Park Planner

DATE: November 28, 2006

SUBJECT: Parks & Recreation Subdivision Committee Comments

Meeting Date: November 30, 2006

Item: PZD 06-2299 (Ruskin Heights, 370)

Park District: SE

Zoned: RSF-4

Billing Name & Address: Ruskin Heights LLC, 2013 East Mission Blvd.
Fayetteville, AR 72703

	<u>Current Land Dedication Requirement</u>	<u>Money in Lieu</u>
Single Family	_____ @ .024 acre per unit = _____ acres	29 @ \$960 per unit = \$27,840
Multi Family	_____ @ .017 acre per unit = _____ acres	28 @ \$680 per unit = \$19,040

COMMENTS:

- The money-in-lieu requirement for the proposed development at the time of Parks and Recreation Board recommendation was \$259,200 with 185 single family units and 120 multi-family units. The developer is currently requesting approval for phases 1-3 with 29 single family residential units and 28 multi-family residential units. The money in lieu requirement for Phases 1- 3 is \$46,880.
- Because the Park and Recreation Advisory Board's (PRAB) recommendation to build the tower can not be met in Phase I, money in lieu will be required and kept in the Park Land Dedication Fund account. The developer will be reimbursed for the cost of the tower up to \$259,200 from the money collected when the PRAB recommendations are met. The Parkland Dedication Ordinance requires money received into the Park Land Dedication Fund to be expended within 3 years of the last date of the calendar year in which it was received. At the end of the second year following the collection of the fees, Park Staff

will evaluate the project to assess the feasibility of the construction of the tower within the designated three year time frame of the Park Land Dedication Ordinance.

- Money in lieu will be based on the number of single and multi-family units approved. If the total number of residential units changes significantly from the number presented to PRAB, PRAB will reserve the right to reconsider their recommendation.
- If the land/money dedication requirement is reduced, because of changes in the number of residential units, from the requirement at the time of PRAB approval and the developer is not in agreement with the land/tower dedication at the agreed upon cost, the PRAB will have the option to re-evaluate their recommendation.
- Should the land/money dedication requirement increase as the Development goes through the City planning review process, then the PRAB recommendation will be re-evaluated or money-in-lieu will be accepted for any increase in the dedication requirement above the value of the approved land/money dedication.
- The PRAB reviewed this project on September 26, 2006 and recommended accepting the Ruskin Tower and surrounding land (.11 acres) - a thirty foot by thirty foot viewing tower to be built at a cost of no less than \$ 260,000. If the cost to build the tower exceeds this amount, the developers will pay any excess. The design and development of the tower will meet the approval of Park staff. Additionally, maintenance of the tower and the .11 acres of land are the responsibility of the City with the P.O.A. required by contract to pay a fee for maintenance. The contract shall be a non-amendable maintenance contract with an inflation clause. Additionally, the developer will provide the following permanent public access easements: 1) a trail corridor located near the western boundary of the site through the tree preservation area with the POA retaining ownership. The developer shall work closely with the Trails Coordinator and Urban Forester to develop this connection. 2) A public access easement for the Spanish Steps, which will lead from the Market Pavilion near the entrance to the neighborhood, up the hill through the commercial area of the neighborhood and terminate at Ruskin Tower. 3) A public access easement for the village green, the central green space of Ruskin Heights.
- If the full \$259,200 is not used in the building of the tower the balance will revert back to Parks.



Ward Davis
Ruskin Heights, LLC
2013 East Mission Boulevard
Fayetteville, AR 72703
November 16, 2006

Mr. Tim Conklin
Director of Planning
City of Fayetteville
113 W. Mountain St.
Fayetteville, AR 72701

Dear Mr. Conklin:

I am writing to explain the zoning request of 465 residential units in the Ruskin Heights Neighborhood and to more closely align the zoning request to the current land plan. First and foremost, I want to reinforce that the current land plan, including the phases for which we are seeking development approval, includes a total of 295 residential units and 58,500 square feet of retail space. These amounts are less than the up to 360 residential units and 60,000 feet of retail presented at the charrette. While the current land plan has not changed measurably, one of the central philosophies of New Urbanism is providing flexibility for future uses. In this case, we wanted to have zoning that allowed for "granny flats" and a horizontal property regime in the more dense areas of the neighborhood. While we would not initially be selling more units, higher density zoning would allow future owners more flexibility with their properties.

Although the development approval submittal and the PZD zoning are two different items, we can see how the issue could be confused and have decided, therefore, to align our PZD zoning request with the 295 units in the current land plan. Our PZD submittal on November 22, 2006, will reflect these changes. We apologize for any confusion and hope this clarifies our objectives. As always, please feel free to call with any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Ward Davis', is written over the word 'Sincerely,'.

Ward Davis

December 4, 2006

Brian Teague
President
Community by Design, LLC
38 W. Trenton, Suite 201
Fayetteville, AR 72701

RECEIVED
DEC 7 4 2006
PLANNING DIV.

Mr. Jeremy Pate
Director of Current Planning
Planning Department
City of Fayetteville
City Administration Building
Fayetteville, AR 72701

Dear Mr. Pate:

I neglected to request two waiver requests in my previous waiver request letter of November 22, 2006. These requests pertain to the dedication of Hwy 45/Mission Blvd. as well as to sidewalks within the proposed neighborhood.

Hwy 45/Mission Blvd. Dedication

Normal requirements of the Master Street Plan would require a development such as the Ruskin Heights Neighborhood to dedicate enough land to allow for the widening of Hwy 45/Mission Blvd to a 110 ft. right of way suitable for four lanes of traffic divided by a median/turn lane. In this instance, however, said dedication is difficult because there is an existing 16.5 ft. easement granted to Southwestern Bell within the cross section that would be required to be dedicated for a principal arterial of this type. This situation is further complicated by the fact that this easement houses the largest and most expensive fiber optic line in the state of Arkansas, contained within a concrete duct run. Moving this line would be very expensive and could likely be required if the right of way is dedicated in its place.

Because of this hardship, we are asking for a waiver from the normal dedication of right of way for a principal arterial, and are suggesting the following compromise: The current 16.5 ft. easement falls at the perimeter of what would be the 55 foot half (that half which is on the side of the center line of the Ruskin Heights Neighborhood) of the principal arterial right of way dedication (see Figure 1). This part of the right of way is typically reserved for green space, utilities easements and sidewalks. Rather than dedicating the 55 ft. normally required, we propose to leave the current 40 ft. right of way in place (which can house, in the future, half of the median, two lanes of traffic, and part of the green space which would normally fall within the typically required 55 ft. right of way. Under this scenario, the last 15 ft. reserved for utilities, green space, and sidewalks

would not be dedicated, but instead would be granted a dedicated public access easement. The Southwestern Bell utility easement would remain in this area as well as crossing over onto the property of Ruskin Heights. Additionally, Ruskin Heights, LLC would build an eight foot sidewalk in the location in which the city sidewalk would otherwise be built given a typical 55 foot dedication.

This compromise would give all parties involved what they want without the possibility of having to move the most expensive fiber optic line in the state. Future widening of the road would be possible along exactly the lines prescribed by the Master Street Plan, and a sidewalk to serve the area would be built early. A detailed cross section showing the existing, required, and proposed plans is attached (Figure 1).

Sidewalks – Urban Streetscape Option

The urban streetscape option for tree planting requires sidewalks to be 10 ft. wide with a 4 ft. by 4 ft. tree grate. As not all of our sidewalks are 10 ft. wide, we are requesting a waiver from this rule. We will work with the urban forester to design sidewalks and grates to accommodate the urban streetscape option even though they may not be the typically required width.

I look forward to your response. Thank you for your time in considering this matter. If I can be of any assistance, or if you have questions or comments, please do not hesitate to contact me.

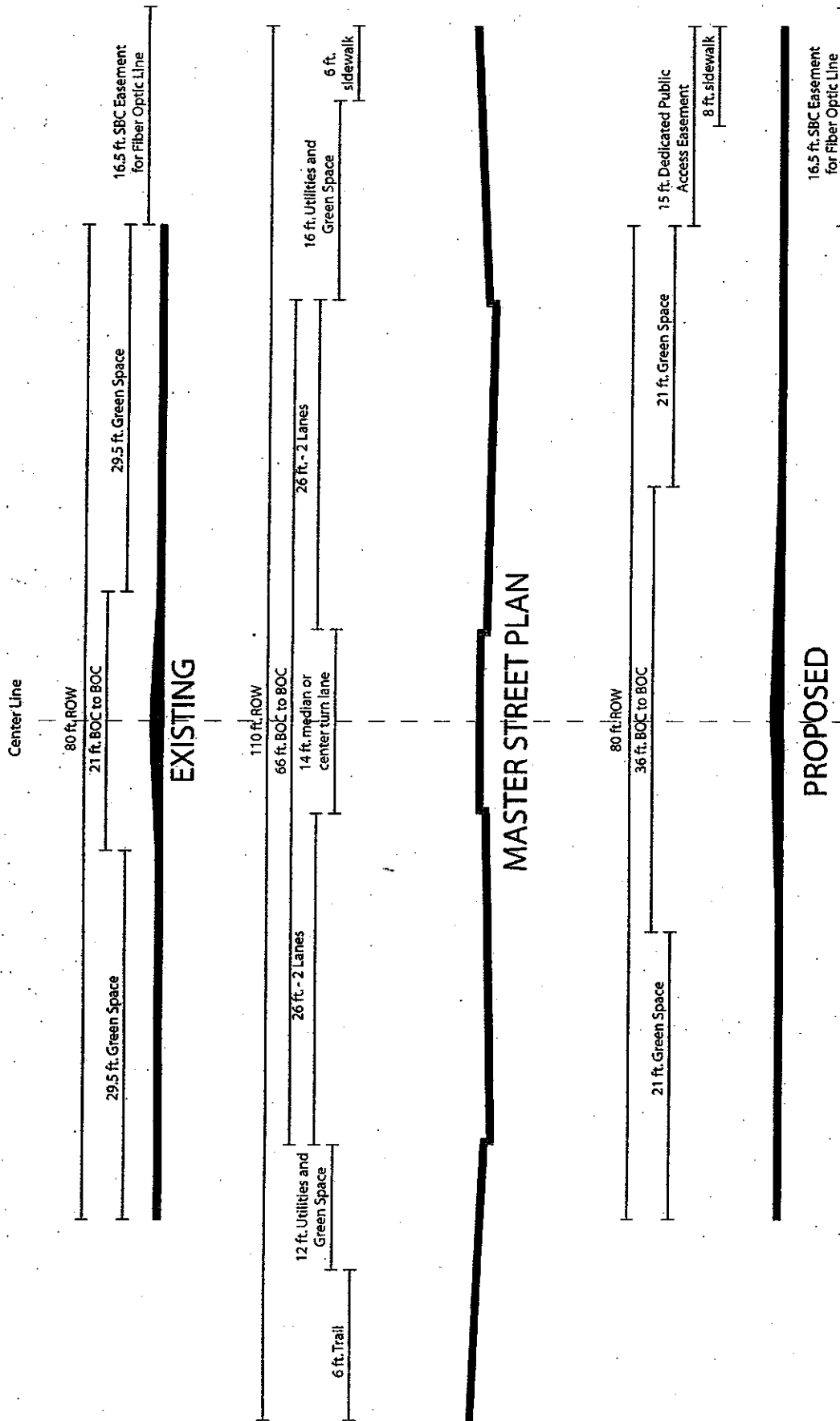
Sincerely,



Brian Teague

President

Community by Design



(Hwy 45/Mission Blvd. at Ruskin Heights - Looking East)

November 22, 2006

Brian Teague
President
Community by Design, LLC
38 W. Trenton, Suite 201
Fayetteville, AR 72701

Mr. Jeremy Pate
Director of Current Planning
Planning Department
City of Fayetteville
City Administration Building
Fayetteville, AR 72701

Dear Mr. Pate:

Because Traditional Neighborhood Design is somewhat different than typical subdivision design of the past several decades, city codes are often not robust enough to allow all design features in neighborhoods of this type. Additionally, because Ruskin Heights is so hilly and we want to impact the site's natural beauty as minimally as possible, we are requesting a few waivers for sections of the site for which we are asking for development approval. While mostly minor, these requests are extremely important to the design, as much of the feel of the neighborhood will depend upon them.

Streets

The streets in Ruskin Heights are designed according to principles of the Smart Code and according to recommendations of the Institute of Transportation Engineers. As such, they differ from typical street cross sections used in Fayetteville. Details of these cross sections can be found on pages three and four of this book. In general, this waiver request is for variances, both in cross sectional area and in curb return radii, from typical street sections found in the Fayetteville Master Street Plan and the Unified Development Code.

The street cross sections in Ruskin Heights are designed for traffic calming. The designs utilize street widths and street width variation as well as on street parking and freedom of movement restrictions to make drivers uncomfortable at speeds higher than around 15 mph. This type of design is essential for calming traffic for this type of neighborhood design, as slower traffic encourages more pedestrian activity. Further, small street cross sectional widths combined with tighter than normal curb return radii (much like existing streets in the Fayetteville Historic District) combine to make automobile/pedestrian accidents far less likely and, when they do occur, far less deadly. Reducing street widths and curb return radii in the manner suggested by the design of

Ruskin Heights can change pedestrian crossing times at intersections from ten seconds to just three seconds. Combined with the fact that traffic will be moving more slowly through intersections, this design is far safer for pedestrians, especially children, crossing the street.

Due to the differences described above, the designers are requesting a waiver from requirements of the Master Street Plan. The Fayetteville Fire Department and Solid Waste Department have been consulted about changes of this type in the past and has approved this type of design as being adequate to facilitate their fire equipment. They have been consulted specifically about this design as well. Meetings have also been held between the designers and Fayetteville's engineering department to discuss these designs. The engineering department expressed general approval of the concept.

Retaining Walls

The Fayetteville UDC requires retaining walls to be set back at least two feet from the sidewalk right of way. Due to the nature of the site and the inherent challenges associated with hillside development, we are asking for a waiver of this requirement so that retaining walls can be located directly back of the right of way line. This allowance will ensure that building placements can be made where they make the most sense for the landscape, rather than in spaces defined by arbitrary geo-political boundaries. This change is also necessary to attain the aesthetic feel the designers are attempting to capture on the site.

Vertical curve K values

The steep inclines on site create somewhat significant grading challenges. Because we are attempting to impact the natural landscape as little as possible, a waiver is requested to use alternate vertical K values for street and alley designs on site. Granting this small change in the allowance of Vertical K values will allow us to reduce the overall grading on site. The changes requested are no more extensive than those which currently exist at other neighborhoods in Fayetteville, most notably on Mt. Sequoyah.

Horizontal Curves

Fayetteville streets, designed in accord with the Unified Development Code, are generally designed for speeds of 25 MPH. We would like to change the horizontal curve radii to be appropriate for 15 MPH curves, in line with provisions set forth by ITE and Smart Code. This change would require a waiver from the requirements of the Master Street Plan and UDC.

Additionally, Ruskin Heights is located on the side of a hill. Large portions of the site are located within the hillside overlay district for Fayetteville. Unfortunately, due to these difficult terrain features, building roads on site without making significant alterations to the landscape and in the process removing large numbers of trees will be difficult. Part of the difficulty of designing on site is caused by the 150 ft. horizontal curve radius imposed by the City of Fayetteville Master Street Plan. This large of a radius is very difficult to design for on this particular site, and its reduction or removal would greatly facilitate the design of a neighborhood which would impact the natural environment far less.

Because of these factors, we are asking for a waiver of the 150 ft. minimum curve radius for horizontal curves. Because of other factors on site, like street designs and 15 mph speed limits, a reduction in horizontal curve radii should not negatively impact the safety of drivers. Initial conversations about the design of the site including these reduced radii between the designers and the Fayetteville Fire Department indicate that the proposed horizontal curve radii will not impact F.F.D.'s ability to move equipment through the neighborhood. Horizontal curves less than 150 feet in radius exist in several analogous area of Fayetteville like Mt. □ Sequoyah and other more hilly areas of town.

4% max grade within 100 ft. of an intersection

Fayetteville typically does not allow grades greater than 4% within 100 ft. of an intersection. Because Ruskin Heights is located on such a steep site, a waiver from this requirement is requested. Following this requirement would make the site exceptionally difficult to build on and would require design changes which would detrimentally impact the natural beauty of the site far more than we wish. Horizontal grades of greater than 4% exist in many areas of the city because of the nature of the landscape on which Fayetteville is built. Everything reasonably possible has been done to set grades to meet this requirement, but doing so while maintaining the integrity of the site and design has proved impossible.

50% compact parking

Fayetteville parking requirements state that no more than 35% of parking spaces may be compact. Given a changing energy market, and a move toward smaller cars, we are requesting a waiver to allow up to 50% of the parking spaces in the neighborhood to be compact spaces.

I look forward to your response. Thank you for your time in considering this matter. If I can be of any assistance, or if you have questions or comments, please do not hesitate to contact me.

Sincerely,



Brian Teague

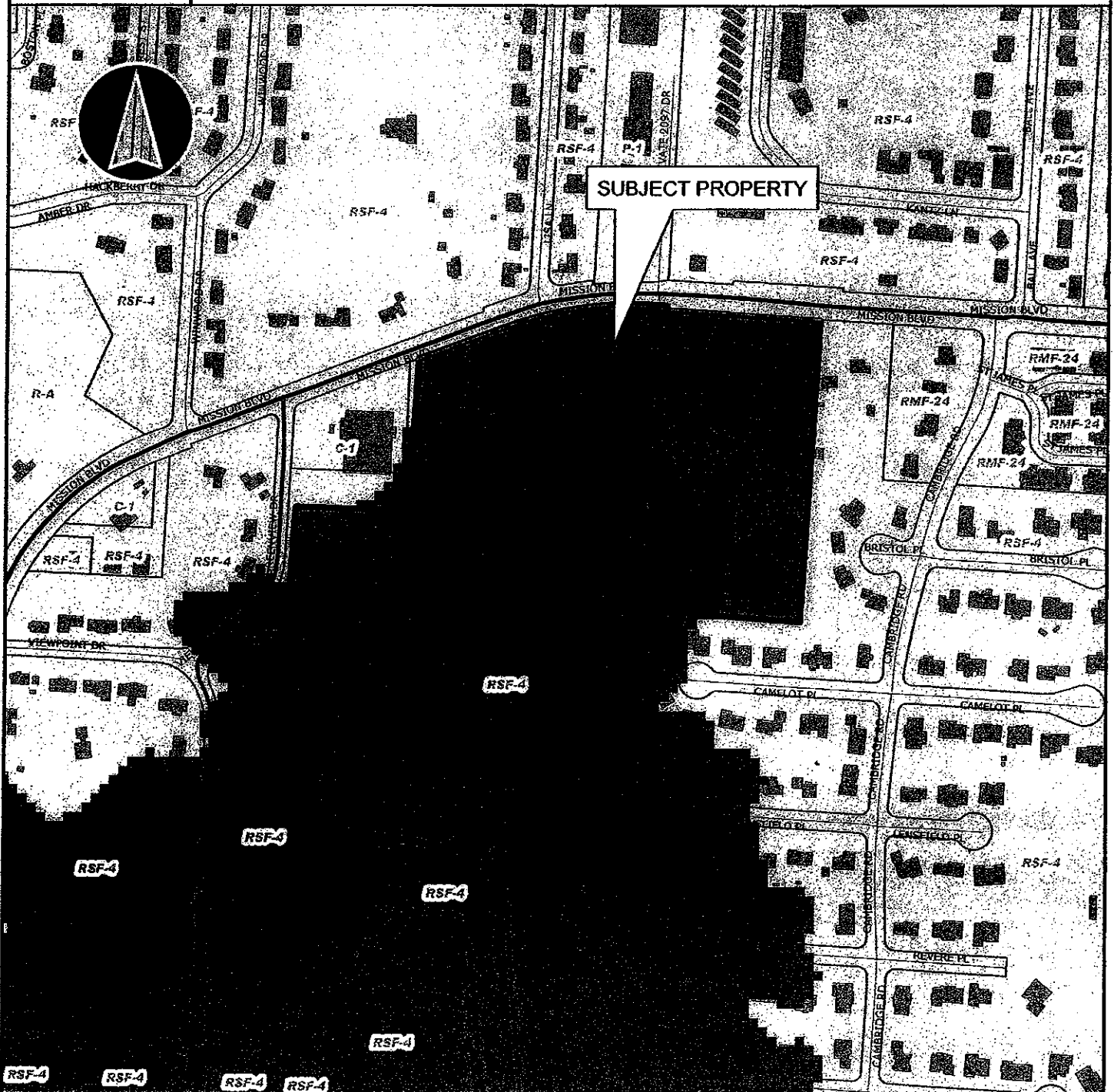
President

Community by Design

RPZD06-2299

RUSKIN HEIGHTS

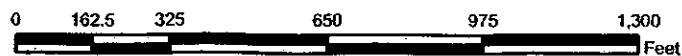
Close Up View



Overview

Legend

- Hillside-Hilltop Overlay District
- Overlay District
- RPZD06-2299
- Fayetteville
- FLOODWAY
- 500 YEAR
- 100 YEAR
- LIMIT OF STUDY
- BaseLine Profile
- Outside City



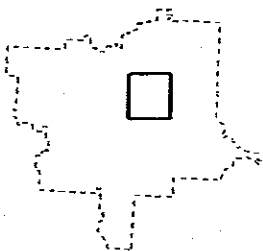
RPZD06-2299

One Mile View

RUSKIN HEIGHTS



Overview



Legend

Subject Property



Boundary

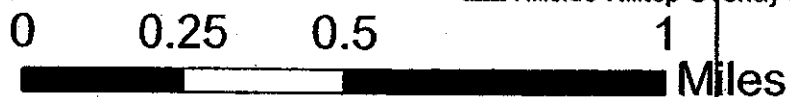
Planning Area

Overlay District

Outside City

Legend

Hillside-Hilltop Overlay District



Ruskin Heights Facts and Concerns

Neighborhood Concerns

- Density
- Traffic
- Non-compatibility with surround neighborhoods
- Forest destruction/ slope destabilization
- Run-off onto existing properties

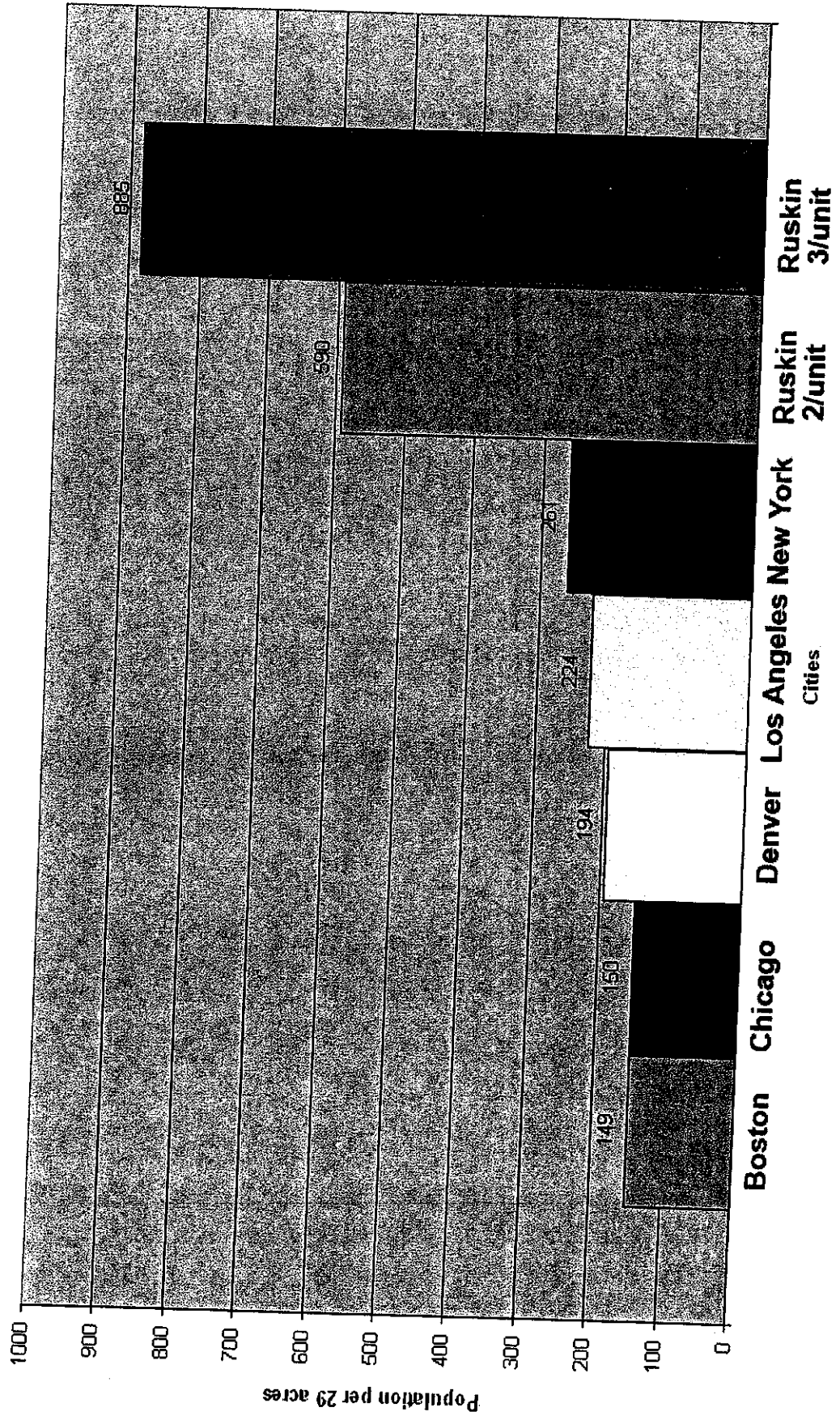


City Density per square mile

• City	Population/Square mile
• Boston	3,110 /sq. mile
• Chicago	4,303 /sq. mile
• Denver	3,318 /sq. mile
• Los Angeles	5,800 /sq. mile
• New York	4,977 /sq. mile
• RUSKIN Heights	6,515 HOUSEHOLDS
•	(295X 22.07 to create 1 square mile) = / sq. mile

Population Density

Population Density Comparisons

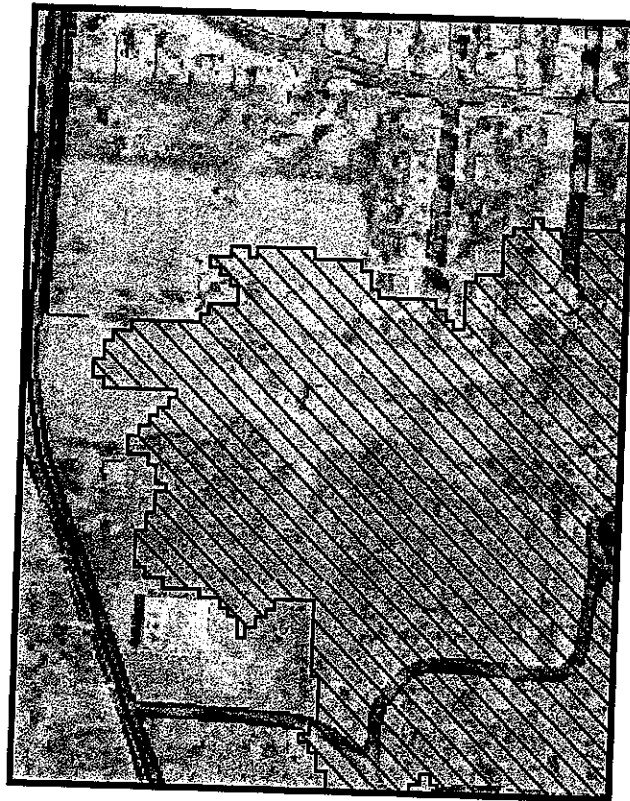
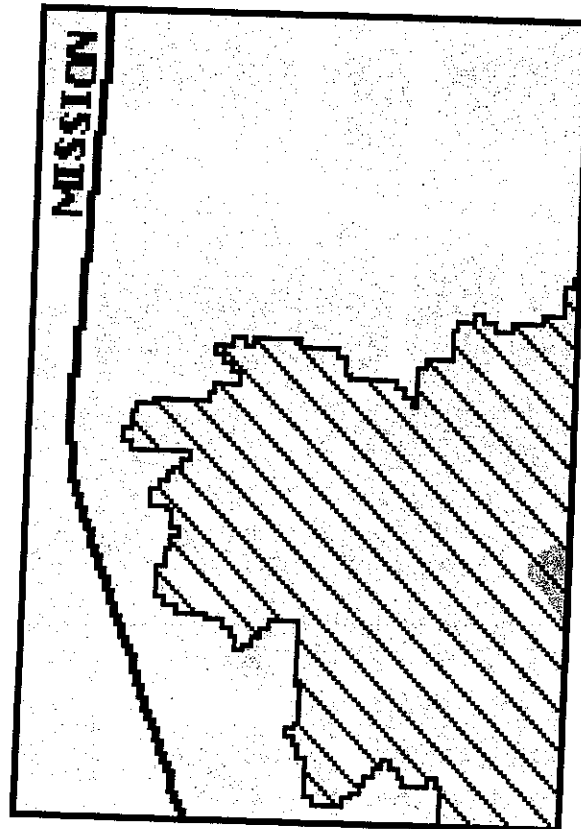


Traffic

- Traffic is headed south is backed from Maple to Prospect and from North St. to Viewpoint at 8:00 am
- All traffic from this subdivision will exit on Mission whether from the subdivision directly or by cut-through traffic exiting onto Greenview -why destroy the walkability of this neighborhood when the traffic still exits on the same street?
- Greenview use is grossly underestimated
- Improvements need to be made to Mission BEFORE construction begins!
- Best traffic control - lessen the density of the development

Land Use and Hill slope Overlay from 2025 Plan

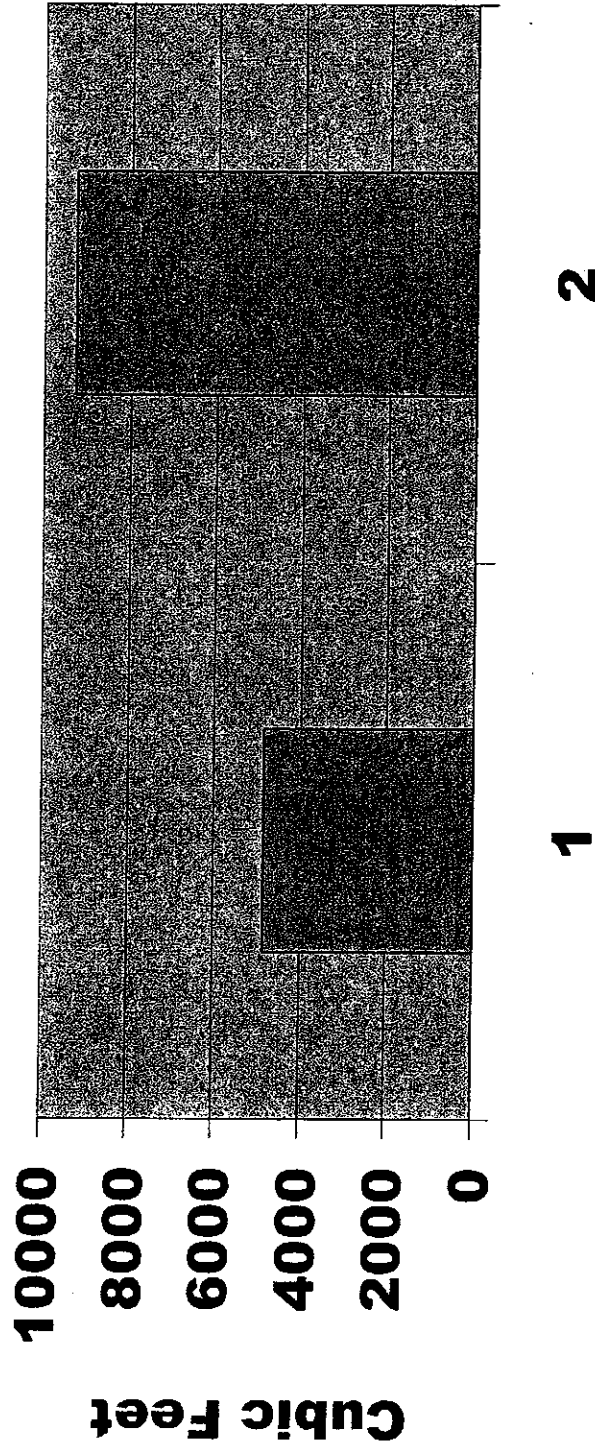
Note: Yellow is RSF-4 zoning



Forest

- Eight acres of forest will be reduced to 1.1 acre
- Trees necessary to help stop erosion and run-off – especially important with development on the steep slopes
- Tree canopy should not be traded for cash or a tower

Water from Impermeable Surfaces with a one inch rainfall



RSF - 4 versus Ruskin Design

How trees canopy helps to stabilize hill slopes

- With full leaves rainfall reduced by 32% under the canopy on the ground surface
- With partial leaves rainfall reduced by 26% under the canopy on the ground surface
- Dew moisture on ground also reduced between 54-80% under the canopy
- Presented at Joint-South-Central and North-Central Sections GSA 11-13 April 2007

Forested Area



- View from Live local.com

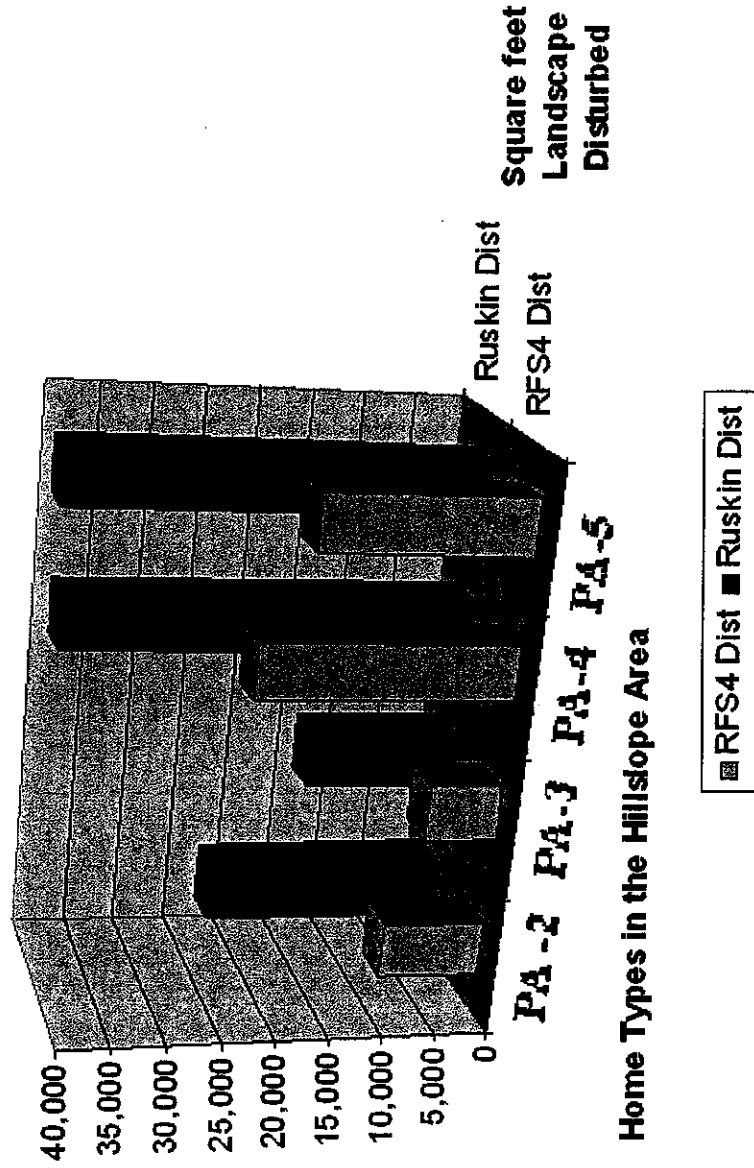
City Plan 2025

We will assemble an enduring green
network

This property's forest is one identified by the
Fayetteville Natural Heritage Commission
as a property to protect

Land Displaced by Units within the Hillslope Designated Area

Disturbed Landscape Comparison



Letters to the Planning Department

- 74 Against the project
- 10 Requested you to follow 2025 plan (this is RSF-4 on the 2025 Future Land Use Map)
- 2 Neutral
- 7 For this project

Enders Soil on Hillslope

- Most slopes too steep for terraces and diversions
- Low strength and stability for pond embankment
- Low seepage rate which creates greater runoff

(Washington County Soil Survey 1969)

Possible Solutions

- Cut the density of development
- Larger and better screens (i.e. vegetation/trees) for existing neighborhoods
- Denser development near Mission and preserve forest as a “natural parkland” (i.e., no city maintenance)
- Correct traffic problems BEFORE construction begins
- No connection to Greenview since all goes onto Mission anyway

Requests

- Require entire plan to be evaluated to obtain PZD (otherwise we will approve, or deny, a product with only a small part complete)
- Require a performance bond to protect neighbors from problems caused by the construction
- Do not injure healthy neighborhoods for a profit margin

**Your decision will set a precedence
for future land development.**

**Thank you for your thoughtful
consideration.**

RECEIVED

FEB 16 2007

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

B. 3
R-PZD 06-2299 (Ruskin Heights)
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**MINUTES OF A MEETING OF THE
PLANNING COMMISSION**

A regular meeting of the Fayetteville Planning Commission was held on January 22, 2007 at 5:30 p.m. in Room 219 of the City Administration Building, 113 W. Mountain, Fayetteville, Arkansas.

ITEMS DISCUSSED

R-PZD 06-2299 (Ruskin Heights)

ACTION TAKEN

Forward

Draft

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MEMBERS PRESENT

Jill Anthes

Candy Clark
James Graves
Hilary Harris
Audy Lack
Christine Myres
Sean Trumbo

STAFF PRESENT

Matt Casey
Jeremy Pate
Suzanne Morgan
Jesse Fulcher

CITY ATTORNEY:

Kit Williams

MEMBERS ABSENT

Lois Bryant

Alan Ostner

STAFF ABSENT

Andrew Garner

Glenn Newman

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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 16,636 s.f. of non-residential space.

Anthes: Alright. I need everybody to move inside or outside. We've got to get the doors closed.

Anthes: Our final item this evening is RPZD 06-2299. A planned zoning district for Ruskin Heights. I would like to remind that members of the public are permitted a maximum of ten minutes to speak. Representatives of the neighborhood will be allowed twenty minutes if they are speaking for a group. And the applicant and representative of an application before the Planning Commission will be permitted a maximum of twenty minutes per application. If you are going to speak tonight please keep your comments organized and concise. If somebody has already said something that you agree with please don't repeat if you don't need to. We will try to hear everybody and get out of here in a reasonable amount of time. Alright. Staff report, Mr. Garner.

Garner: Yes, Ma'am. This property contains just under 29 acres. It's located on the south side of Mission Boulevard, State Highway 45. It is about a half a mile west of Crossover Rd. The site is zoned RSF-4 and has not been previously developed except for some large lot single family homes. Approximately 62% of this site is located within the Hillside/Hilltop overlay district. Other natural features on this site include a tree canopy on the perimeter property lines and along some of the old fence rows, and along the south and west portions of the property. The property is surrounded by a variety of uses including a church, a plant nursery, single family residences, multifamily residences, a commercial strip center, and as mentioned it is also located about a half mile from one of the larger commercial nodes in the City at the intersection of Crossover State Highway 265 and State Highway 45, Mission Boulevard. The applicant proposes rezoning and preliminary plat and partial development approval for Master Development Plan for a residential planned zoning district. This proposal would change the zoning to allow for 295 attached and detached residential dwelling units as well as 58,500 space of nonresidential commercial space. The preliminary plat would result in a total of 67 lots at this time. The general style of the development is proposed to be a traditional neighborhood development including a variety of housing types

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and land uses in a defined area. Rather than a typical sprawling subdivision this development attempts to create eclectic urban neighborhood with a various of uses connected by a network of paths, sidewalks, streets, alleys, and lanes suitable for pedestrian as well as vehicles. The proposed zoning criteria over this site allows for a more dense layout of single family residences mixed with multifamily dwellings on Mission Boulevard. The mixed use flats would also be interspaced with live/work town houses. Overall density of the site, as shown on Table One of your staff report is approximately 10 units per acre. As mentioned in the preliminary plat approval it is for 67 lots and the development is directly off of Mission Boulevard with three public streets and a fourth point of ingress and egress off of Greenview Drive to the west. Access to the east and the south is not feasible due to existing homes and the conventional subdivision pattern without street stub-outs or other means of connection to this property. A variety of street cross sections is proposed and is designed to calm traffic and encourage pedestrian comfort and activity throughout the development. These street sections are narrow with small curb return radii consistent with the concepts of the Institute of Transportation Engineers and smart code. These do not meet many of the city's typical street design standards, and they are requesting waivers for all of their street cross sections, as well as other street waivers. We are recommending in favor of the waivers for all the street cross sections. Parking for this proposal is provided mostly through on-street parking. They are proposing, as well, one parking structure for the mixed use area and planning area one. As mentioned, the amount of off-street parking provided does not meet the Unified Development Code requirements. Planning Commission approval is required in order to allow on-street parking to count for some of their required off-street parking. We have those parking numbers listed in Table Three of your report there on page 4. The applicant is also requesting a waiver to vary the amount of right-of-way that would be dedicated along Mission Boulevard. Master Street Plan shows Mission Boulevard as a principle arterial which requires 55ft from center line right-of-way to be dedicated. The applicant has submitted a formal waiver request along with an exhibit showing that the full Master Street Plan improvements to Mission Boulevard are possible without the full 55ft from centerline right-or-way. And the justification that the applicant has provided for that waiver is because there is a very large trunk line, utility line, for SBC that is located in the vicinity there. So we can get into that detail if you need us to explain that further. Staff does recommend several street improvements with this development. One of the main ones is that a three lane section should be constructed along Mission Boulevard complete with sidewalk connection on Mission, where it does not currently exist, to Greenview Drive and all the way where it connects to the existing sidewalk to the east. The three-lane sections are shown on your plats, showing where they would be proposed. In addition we are recommending a traffic signal at the intersection of Lisa Lane and Mission Boulevard. That is at the central intersection as well as to this development. We have also added the condition that

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the applicant shall pursue State Highway Department permits to construct these improvements to Mission including the traffic signal. They have met with the Highway Department and they can tell you more details about their meetings, but they feel like they are fairly far along in being able to construct those improvements with the build-out of this first phase of development. We are also recommending street improvements to Greenview Drive to build that street out to Master Street Plan standards. 14ft from centerline with curb, gutter, sidewalks, and storm drainage on the east side of Greenview. That would be extended from Mission Boulevard south to View Point Drive. The Parks requirement for this project is a little bit different than some of the other ones that you have seen. The Park and Recreation Advisory Board recommended to accept Ruskin Tower and surrounding land. .11 acres, as depicted and described in the project submittal. Ruskin Tower is a 30ft by 30ft Tower to be built at a cost of no less than just under \$260,000. The design and the development of the tower shall meet the approval of park staff. We have also had a condition that this tower, when it is built, has to come through the Planning Commission again as well. Staff has received a large number of emails, phone calls, letters, and in-person visits from the public throughout this whole process. Many of the public are opposed to the project. Many of the public are supportive of this project. Some of the main issues of concern or objecting to the project concern the density, that it's too high. Many people have said that the intensity of the development is not compatible with the surrounding existing single family development. Many other concerns were expressed with traffic and pedestrian safety, adverse visual impact, hillside and erosion impacts, among many others. We have included all written copies of the comments we have received and included those in your packets that you received on Thursday. In addition, at the Subdivision Committee we did have several members of the public who spoke. Their main issues of concern were summarized and were also provided to the Planning Commission in a chart. Staff has gone through the city ordinance PZD findings for this project, and we have found in favor of this project. I will highlight some of the main findings based on our city ordinance. One of the first ones is that staff finds that this project is compliant entirely with the City Plan 2025's six major goals. Those findings are included on page 19 of your staff report. That is finding number one. We have included a table there that lists each of the 2025 goals and an analysis of how this project complies with those goals. One of our other main findings was that staff does find that this project is compatible with the surrounding land uses that are existing and the surrounding and existing zoning. That finding is on page 20 of your staff report. Finding number 4. We do acknowledge that this is a different type of development pattern and as you will see in the finding we also find that it is compatible and it is agreeable and harmonious with the surrounding land uses. One of the other main findings we made was that this project is suitable for the natural environment. As mentioned, the main two natural features on the property include the existing natural landform, the hillside, as well as some of the trees.

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The development does comply with all of the requirements of the hillside/hilltop ordinance. It does meet our Urban Forester's approval for a tree preservation plan. One of the other main findings I wanted to bring your attention to was the projects impacts to public services and traffic. Planning staff, engineering staff, Police Department, and Fire Department have all reviewed these and found that this project would not create any substantial adverse impacts to infrastructure or public services. We have discussed the impacts to traffic, as well, on page 21, finding number 6. Finding that with the incorporation of the conditions of approval that we are recommending for street improvements that this project would not create an adverse traffic safety condition. Those are the main highlights that I wanted to bring to your attention about the project design and also the PZD findings. We have a number of conditions of approval. I won't go over those in detail. The main ones that I mentioned were the street design waivers, and as mentioned staff is recommending in favor of all of these. One of the other ones I'd like to mention as well is Planning Commission determination to allow on-street parking to count for some of the off-street parking. We are recommending in favor of those as well. There are a number of other determinations in here and I would be happy to go over those in detail if you wish.

Anthes: Thank you Mr. Garner. Is there a sign-up sheet at the podium?

Garner: Yes, there is a sign-up sheet.

Anthes: Obviously we have a lot of members from the public here to speak tonight. If everyone could kind of keep the flow going and come up to the microphone and sign in and state your comments. So, I will open the floor to public comment. Will you please come forward?

Shelton: Hi. My name is Rick Shelton. I live at 1963 Lisa Lane, two homes from the intersection at the entry of this project. I am within 200ft of the property line. First of all, I can tell you that from the point of view of... Well, I'm a project designer and trained in landscape architecture. I currently am occupied as a subdivision and commercial development designer. I have looked at this very carefully and found that it is very interesting in that it does have a great diversity of housing types. Great diversity of uses. I really like the idea of the mixed opportunities of the commercial space infiltrating the residential spaces and the walkability of it. That is something we really lack in subdivision design today. Walkability not only in the subdivision, but outside the subdivision. One of the key features that planning staff has recommended is an intersection with a light at the entry. In my experience, having lived at that location for 5 years and seeing the number of accidents that happen at that location, and accidents that happen within a quarter mile of that location because of the stream of the traffic and the

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speed of the traffic the stilling measures that this presents are very, very important, I think in that location on Mission. I've had many incidences and near misses myself, and have reported many incidents at the intersection over the 5 years I've lived there. So I think that is a very important aspect of the project, is providing that opportunity on Mission for a very important stilling measure. As far as the subdivision in general, I like the addressing that they did to the hillside. I like the fact that access is not just strictly up and down hill, but it crosses across the hill preventing erosion in the future of the hillside. I think they've done a great job in addressing the shape and the form of the land in the subdivision. So I am totally in favor of the project, and I just thought I would let you know that.

Anthes: Thank you, Mr. Shelton.

You don't need to write anything but your name.

Story: Ok. Thank you.

Anthes: Thanks. Good evening.

Story: Hi. I'm Jonathan Story. If this is too loud, just let me know.

Anthes: We usually have the other problem, so

Story: Ok. I'm here to speak on behalf of a project that I believe will benefit Fayetteville. I've lived in Fayetteville my whole life and in East Fayetteville for the last 20 years. I remember a time when there was only a stop sign on the corner of Mission Boulevard and Crossover Road. When wild flowers grew in fields where ugly blue storage buildings now stand. Needless to say, things have changed since then. While many of us may long for the past, especially when we see old post cards of College Ave covered with trees or pictures of the half of the square that was bulldozed for urban renewal. I have come to realize that if we take what we have now, and build well for the future our city can be even more beautiful and livable than it has ever been. I first heard of Ruskin Heights when a friend of mine who works at Common Grounds solicited my signature on a petition supporting the development. I thought it was strange because petitions are usually against something. I was not inclined to sign it because I am generally not crazy about sprawl. But after looking at some of the drawings of the facades and the general layout of the development, I quickly signed the petition. Several days later I met with some of the people involved with the project and I was even more impressed with what I saw. There are several reasons to support this development. First and foremost in my mind is that it puts into practice the principles which we have endorsed in terms of future development and growth. Ruskin Heights is not just another cookie cutter, cul-de-sac type of development.

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It is a blend of unique architecture, optimum and mixed use of land and incorporation rather than destruction of natural resources. I have always been amused of how it seems that developments are named after what was destroyed in order to build them, such as Tall Oaks, or Spreading Pines. (Laughter) Ruskin Heights, in my mind, represents a positive departure from that method of doing things. There are people who are taken aback by the proposal because, frankly, it's pretty unique and it hasn't been done much in Fayetteville in the past. But I would like to remind you that several of the same things, which are now being said about Ruskin Heights, were being said about another development a few years back. People complained about the traffic it would create, questioned the density of the homes, and just generally...

Anthes: Mr. Story. I need you to address this development and not any others please.

Story: Oh, ok. I hope that as you consider this excellent proposal that you will put trivial matters aside and think about the future. Ask yourselves: do we want a city with well built attractive architecture, a community which conserves and makes use of natural resources rather than obliterating them. And most of all a community that through it's very design brings people together rather than separating them. If your answer is yes, I would encourage you to approve Ruskin Heights.

Anthes: Thank you. Good evening.

Wade: Hi. My name is Kathy Wade. I live in Park Place, one of the neighborhoods immediately adjacent to the proposed development. I am not for or against this development. I think there is a lot of really good things about it. I like the walk ability. I think a lot of it is really wonderful. I am concerned about the density. I think that 10 units an acre is more than I would like to see, and more than I think would be beneficial for the area. I think in the neighborhood of 7 units per acre might be more acceptable to a lot of the people in the area. My other concern is how that density affects not just the traffic but the schools in the area. I am planning on sending my child to Root and it is already pretty full. If there are a lot of children in this neighborhood then that potentially changes the drawing of the school lines. Not that I don't think the other schools in town are good schools. That is one of the reasons that I have a home in Park Place. My last concern is the proposed tower. I think that that tower sounds really cool, but when you think about the public access to it and the possibility that people who have less than good things on their mind could be getting into that tower and looking into my backyard and seeing what my son does in the backyard and when I come and go during the day. That makes me very nervous, and I am not typically a nervous person. The public access to that tower, that people can see on Hillside, is of much concern to me. Thank you.

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Anthes: Thank you Ms. Wade. One quick question for staff. I know that we have seen a lot of emails about the impact on schools, but I understand that that is not something that we can review with the planned zoning district. So, while we understand that there may be an impact to Root school and others, if you would refrain from discussing that as it is not something we can consider here. Mr. Kellogg.

Kellogg: My name is Dick Kellogg. I taught architecture for 40 years, 26 of them here at the University. Almost 45 years ago I was a graduate student at Columbia University studying urban design, and this kind of development was current then. The hope to build more dense housing and so on, and leave other land there, other than one huge house per 2 acres, or something like that as we see in most subdivisions. I am really excited to see, finally, something that I have almost never seen happen since that time. It was a proposal way back.

Anthes: Thank you Mr. Kellogg. Hi.

Kavamme: Hi. My name's Joanne Kavamme, and I am one of the adjoining neighbors. I had some very specific questions. Well, first I would like to make a statement. This evening we keep hearing that new people moving here want to live in more urban settings. Actually, most of the people I know moved here because they want to live in a small town setting as opposed to a large urban setting. First of all I am very concerned that the developers asked for narrower streets but they want on-street parking. You can't have both. I live on Greenview which is the street right next to it. Our street is not that narrow, though it is narrow, and I believe they are even asking for narrower streets. If we parked on our streets and emergency vehicle could not access the area. Especially on that hill. It is not possible. I think you can't have both. You can't have really narrow streets and street parking, especially on those hills. This development is not compatible with the neighbors. I think, as Dr Kellogg, or Mr. Kellogg, said I agree that the mixed use, there are some very good points to this. But what they could have done, I believe they are allowed to have 112 or so units with the R-4 designation it is now. If they would cluster those and save the area...

Anthes: Ma'am, I need you to talk about this proposal as proposed. Not...

Kavelone: Yeah. The forested area here is actually on the Fayetteville Natural Resource Heritage Commissions area of places to be saved. Out of the 8 acres of forests that are on that hillside right now, less than one acre or about one acre will be preserved. This is very important. This is the forested area. First of all they would have to have a dam. That is a very steep slope. To make that hold water you would have to have a pretty substantial dam to make that work. Secondly, all the trees in that pond area will die. So those trees will not be protected. I have a

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question for you, and this is partially my lack of understanding. I thought the idea of a PZD was to make it more compatible with the neighbors. Yet we have had all the neighbors come out multiple times saying that we don't feel it's compatible. So I don't understand exactly how that works. It is just too dense. One thing I think is important, we have a huge number of people here to speak and I won't speak long. But it would be interesting to have people raise their hand, the people who actually live around it. Because we have a lot of people who have a lot of great ideas, but the ones what it is affecting are us, the ones who live next to it. I think if that is ok, could we ask people who live right around the property to please raise your hands or stand up.

Anthes: It looks like a whole lot of them.

Kavelone: Yeah. And how many of those have very serious concerns with the project?

Anthes: Joanne?

Kavelone: Ok. Sorry. That's fine. The other point is we do have very serious concerns about is the slope erosion. Because if you take off all by 18, last I say it was 18% of the trees would be saved. If you take all by 18% of the trees off that slope we are going to have slope problems because it is on the shale. If you look on the hill slope ordinance, they have the King, King and Boss report that talks about the areas that are most susceptible to that. We are there. Ok? We also have water issues at the chaerrette, we went to the charrett that the developer had, and we had the same concerns. The density was too deep. We wanted to keep the trees. We were afraid of runoff and slope issues. I was told personally by the head person from Florida, "don't worry about it, we have technology". That concerns me a lot. The other issue I have is at the charrett, one of the people developing this property actually said at a public meeting, "why should....

Anthes: You can't say.

Kavelone: Well. They are not taking this seriously. It affects us everyday. And if they make a mistake they go on to something else. I have one thing and I will quit. If everyone is so sure that this is not going to negatively impact us with slope problems and with water runoff. I would ask that if this is going to go forward, that the City please ask that they provide some sort of a performance bond, like an insurance policy, that if they do create runoff problems or slope problems to our properties that their insurance policy will cover it and it will not become a problem for the city like (name).

Anthes: Thank you. The next person, just come right up. Would any other member of the public like to speak? Good evening.

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Heinsman: My name is Pete Heinsman. I am speaking on behalf of Fayetteville Natural Heritage Association. The previous speaker referred to. I just want to correct any misunderstanding. As an organization, we do not intend to have an opinion about an approval or disapproval of any planned development coming before the Planning Commission. So if there is any misunderstanding about that, that is just not our venue. We are not into what the construction of these areas or the architecture. We are about, generally, green spaces and natural areas in another context. So, thank you.

Anthes: Thank you Mr. Heinsman. The next person just cue-up right behind him. Good evening.

Harder: Good evening. My name is Alison Harder. I had to bring the gang because I am single parenting. Sorry about that. My concerns have briefly been mentioned it density. I spoke with Andrew Gardner and he sent me to many different locations that would be similar to this. I went to Ruppel Rd, Charleston Place, the historic district, and a location next to the Fayetteville Athletic Club to look at something like it. None of these locations were on a steep slope of 15% or more grade. None of those locations, abutted next to a neighborhood like our neighborhoods. None of those locations that he said were similar had extremely small lots like this is proposing. In Ruskin Heights, in phase one and two that they are talking about, they will be developing 32 lots. My son here is going to help me. 14 of these lots are going to be 24ft wide. That wide. Imagine a home on this with 5ft lines on either side. I had someone tonight say to me, well, it might depend on who I live next door to, if I were to live on a lot that small. Well, you can't control who you live next door to. And there are 14 lots in the first development that are that small. Park Place. None of these lots are compatible with the community that we currently live in. All of the locations I went to had off-street parking. Ruskin Heights has very little off-street parking. A lot of the lots that I am talking about have only a 3ft apron. Whatever that is. I think it is a little parking bay. I went to my friend's house in Charleston Bay and she told me that her neighbors find their homes too small so they are using their garages as living space. Now they are parking their cars in their driveways. So if that happens in this development they will then be parking on the street and using their garages as living space. All of the locations that I went to visit had greater setbacks than Ruskin Heights is proposing. None of the locations I went to had alley ways next to existing neighborhoods. A member of the law enforcement describes alley ways to me as an access point for criminal behavior. If you look at the map up there, the first street coming in off Mission Boulevard is very close to the alley way that abuts east side development all along Park Place and then on the south side. I have a vision that one day the mountains of Fayetteville will not be overcrowded. As stated in the 2025 Plan, the steep slopes are not suitable for urban forms of

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development. The slopes of 15% require special treatment. An ordinance was passed that provides additional protections of these slopes, Mt Sequoyah, and most of this project. It was stated earlier that some of this project. But really most of this project is in the protected ordinance area. I have a vision that the Planning Commission will follow the ordinance that is in place and protect the tree covered mountains that everyone admires from afar, and not stick tall buildings on this hill and a tower. I ask you, what will happen if these developers go out of business or get their money and leave this land.

Anthes: Ms. Harder.

Harder: Will the rezoning be done something different? Will we be protected with a covenants?

Anthes: This is a planned zoning district, and this plan goes with the zoning. This is the only plan that can be built on....

Harder: But it is currently planned and zoned as an R-4, and I heard tonight...

Anthes: Right. But I am just saying that will go with it. I just don't want you to speculate.

Harder: Ok. The density of this project is greater 10 units per acre means a lot more cars, a lot more traffic on Mission Boulevard. We already have a rating, as they have told us, of a level E. This level of density will push things over the edge. I have a vision of driving and walking safely along Mission Boulevard and not having to deal with all of this. Nothing has changed since the last Subdivision Planning meeting in November. There is still extremely high density. An unbelievable number of waivers are being asked for, for small streets, a high number of parking on the street, excessive amounts of street parking, multi-use retail and live/work space. Those red boxes in the front there are three-stories high, and you know they will have fronts on them to cover up their air conditioning units and heating units which push those buildings to four-stories high. Privacy and security problems exist with the tower, which we have fondly named the "peeping tom tower". The hillside ordinance states that trees are to be recognized for the foundation of storm water filtration, absorption, etc. and they are cutting down every tree that is less than 12in around. Why? It never states anywhere that trees should be bigger than 12in. I don't understand that. And then trails. In our 2025 plan it says trails should be connective and within half a mile of everybody's home. If you look at the map they provide us there is one trail on the western edge that is about a block long. Could that trail possibly be extended along the south side and the east and remove that alleyway? Maybe make it a little dense and thus connect the trail up to Mission Ave and the sidewalk area? This is a possibility making it more compatible to the neighborhoods around it. In closing,

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I ask you to have a vision that was planned for this land not to be so dense and so highly developed. This would help the traffic, privacy, the care of the mountain folk, and the view of the tree covered mountains that Fayetteville and so many others admire. Thank you very much.

Anthes: Thank you.

Harder: Hello. My name is Ian Harder, and I will be speaking about how would I get to school off of my street? If it is so busy, how can I get out? Would I be late all the time? How many of you own a dog? Could they own a dog? Will they even be able to own a dog? Will I be able to play soccer with my brother in a field? Or will I be able to go out and play fetch with my dog without being spied on? There is just... It will bring in criminal activity and a lot of other bad stuff.

Anthes: Thank you. It takes a lot of guts to get up and talk in front of that mic.

Harder: Hello. I'm Isaiah Harder. I may be young, and I may be small, but my words are just as big as big as the rest of yours. I will use a quote from the Bible. "If salt loses it's saltiness men will throw it out. People will throw it out to trip on". Ruskin Heights has lost it's saltiness. It is like salt that has lost it's flavor. The houses are like the grains of salt because they are so small. The yards on the lots are 5ft. How will kids be able to play on that? Today the news people were up there filming and their car got stuck in the mud. Imagine what a house would do to the ground. I would like to ask Ruskin Heights a question. How big is your house? Is it bigger than the lots that you are building? I would not like to look at an alleyway behind my house. And with the tower you can see into private residences. Crime will go up. What if Ruskin Heights goes bankrupt? What will happen to the land out there? Why are you trading a green space for bricks to build a tower? That is all.

Anthes: Thank you. Hard act to follow.

Parker: I'm Cynthia Parker. I'm an adjoining property owner on the south side. I live at 1680 E Shadowridge Drive. I am opposed to this project mainly because of the density that could go into it with the PZD-24 zoning district. The traffic on Mission is horrid, and also having access onto Greenview, which is a very narrow street with big ditches, no curb, gutter or sidewalk. They say they are going to improve it to View Point, but really with all the cut through that is going to occur it ought to be improved all the way over to Locklord and down. I don't see how this compliments the natural nature of Mt Sequoyah when the hillside is obviously going to have to be shaved to put all these houses in. My main concern with this is the density and the traffic on Mission. The traffic on Greenview, the cut through. I think it should stay four families per acre. That is what it is zoned

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now. You don't have to change it. You could leave it four families per acre.
Thank you.

Anthes: Thank you Ms Parker.

Enrique: I am Enrique Unknown, and I am speaking on behalf of our place behind the fence of the mountain. I am also a new American and an old European. I remember in America the colonial towns were in flood land, and the sterling towns of Europe are in flood land, never in mountains. In the mountains in Europe we have 45 towns on granite. Now, I am talking about the geology of this mountain. When Ruskin Heights removes the small trees, bushes, over 90% of our trees, it will accelerate the erosion by removing the filtration powers of the canopy. Our bedrock, according to the Arkansas Geological Commission, has multiple sedimentary ledges which include limestone, Fayetteville shale, which is a very strong sandstone, the Batesville sandstone, and the Hensfield limestone. Sandstone is an acceptable rock to build in a watering landscape, but not in a steep sloped terrain like ours. Sandstones have large porous spaces and thus allow for the water to move easily long distance underground and accumulate through pores, wholes, cracks in the bedrock. Because many of these openings are closed by welding and increase by welding. The bedrock gets deeper. There are so few openings that the movement of water becomes impossible increasing the water table above the ground. Rocks and soils that contain and transmit water like (unclear) are called aquifers. Beneath these aquifers there is a solid rock that has become water tight with the pressure of overlying materials. The water slipping down from the rain soaked surface collects above the impermeable layer filling all the pores and cracks of the aquifer. Our place lies on top of a quarry blocking the natural drainage of Mt Sequoah. In the winter the upper layers of the water table freeze and expand. The frozen water, soft clay expands against the foundations and retaining walls, the basements, the swimming pools, the sewer pipes, contributing to the cracks and displacement of these structures. In the spring time the water table is very high in Mt Sequoah. Due to the combination of heavy rains and soft clay and sandstone leaking through the cracks and damage the structures. We experience both problems in winter and in spring in our properties. The problem will accelerate rapidly and destroy private and public structures in the path of the runoff. According to the (quadrangle) 7.5 (unclear) of Fayetteville, my house is about 200ft below the proposed development and only 1,000ft away. There are neighbors that are only 1ft away from this subdivision. This alone is not an acceptable distance on this slope to allow the development and to build 295 housing units, or even 4 units per acre while removing the natural landscape of Mt Sequoia forever. The proposed Ruskin Heights development will be an excellent idea in a different urban landscape with no drain problems in our community. Particularly if integrated with city, regional, and state urban designs incorporated with public process, retail, office, and public buildings with 21st century urban

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technology, contributing to a more sustainable and livable community, integrating more pedestrian facilities, eventually facilitating a north/south clean public transportation system. Thank you very much.

Anthes: Thank you. Would any other member of the public like to speak? Please come up.

Bishop: Hello, my name is Tamarin Bishop. I live at 1825 Cambridge which is in Park Place. My property almost directly abuts the Ruskin Heights development. I really think this is a neat development. I am excited by the possibility of mixed use. I like the proposed walk ability that it seems like this project may have. I think there are a lot of neat things to it. When they have discussed with us, and I appreciate the effort they have gone through to include our neighborhood and I am sure the surrounding neighborhoods they have done the same, in their planning process when they have talked about the proposed commercial. I think there are a lot of neat ideas and some things that I think that I would personally benefit from. I think that, quite possibly, this would be more beneficial to my property interest than having a really large, huge home right behind me than a more suburban type neighborhood. I understand that getting the benefit of the uniqueness of this type of neighborhood and some of the blessings that that would effort requires an increased density. I think they go hand and hand. I am concerned that the density level here is too high. As I said, I accept that if we are going to get some of these benefits there is going to have to be more people to create this type of development. It is my understanding, and I think of Park Place, we have about a 3.2 ratio on the homes. To have a greater than 3x that ratio right next door gives me some concern for the existing infrastructure for the right-of ways.... I know that they have gone to a lot of effort to try to do what they can for traffic. If that density could be lessened, even double, I think I could be more comfortable with. Another area that I can see that this could be a lot more compatible with the neighboring families is, that tower is a problem to me. You can see from that tower, directly to my house. And from the pictures that I have seen, you can actually see in the nursery window that we have for my child. I am concerned. As has been mentioned before, I am not the kind of person that is normally a real worrier. I don't worry about people watching my goings and comings. But the school bus intersection lets off right in front of my house and I believe would be visible from this tower. I think that you would have a really good view of when a lot of the people, particularly some of the moms who stay home, are home along. And that gives me pretty great concern, just because we aren't really going to have any limitation over or restriction or accountability of who is up there or what they are doing. So that does give me concern as a neighbor. I would like that to be considered. Thank you.

Anthes: Thank you Ms Bishop.

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Ostrowski: Hi. I am Sharon Ostrowski. Three months ago my husband and I moved from our home in Glib Brooks subdivision which is just east of Ruskin Heights property. We loved our home. We loved living in Fayetteville, and we loved our neighbors. However, my husband has stage four bone cancer and is currently being treated. We decided to sell our home and move into a more maintenance-free environment. We still consider this neighborhood our neighborhood. We know the people who live there. We shop at the stores and eat at the restaurants. Our bank is down the street. Our church is just a few blocks away. We only want positive things to happen. When I first learned of Ruskin Heights I found it really intriguing. The thought of a work/live situation would be ideal for my particular situation. I could open my boutique on the first level, but easily run up whenever need to our home on the second level and be with my husband if he needed me. It sounded like a really wonderful solution. However, I also wondered how it would affect the community. I was nervous that such a development could possibly impose on property values, our beautiful views, and our sense of belonging to this area. My husband and I studied the plans. We met with the gentlemen of Ruskin Heights. We asked a million questions, drilled them on the phone and in person, and after extensive research I believe (tape flip) change for Fayetteville and this neighborhood. There is no question that this community is different than anything in Fayetteville currently. However, it promises to be charming and unique much like Fayetteville and the citizens that live here. I realize that my situation is uncommon. The hope of opening my own boutique in Fayetteville is greatly eclipsed by my desire to be able to provide care for my husband at a moments notice. Finding an environment that would offer me that is my greatest concern. If you will allow Ruskin Heights to move forward you will see a positive growth and increase in community pride, and the atmosphere for distinct local businesses. Thank you for your consideration.

Anthes: Thank you, Sharon. Good evening.

Wilkins: Hello. My name is Charles Wilkins, I live at 318 W. Isles St near Wilson Park. I also own the commercial building there to the west with the pizza store in it. I put about a half a million dollars into that building a few years ago to fix it up. Unfortunately I will probably have to spend a lot more to get it up to snuff with what it looks like they are going to do. I am really impressed with what it is going to look like. I am struck, too, how it seems to fit perfectly with City Plan. I was struck when I looked at the artist's concepts of City Plan. It looked like they stole it from the artist's conception of what Ruskin Heights is going to look like. It looks exactly to the T, even with the common green and possibly even the tower in there. I am also impressed with the hillside ordinance. When that first came about in the past couple of years I really thought it was a red herring that people, anti-development people, had advocated that in order to stop development. And

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really when I first saw it, it seemed like it would be impossible to develop anything with all the restrictions. And the fact that Ruskin Heights fits perfectly with the hillside ordinance, I think, it really quite amazing. So I am absolutely in favor of Ruskin Heights. Thanks.

Anthes: Thank you Mr. Wilkins.

Heck: My name is Paul Heck. I am an architect. I am also a Park Place neighbor. I am actually in favor of this project because, quite frankly, we need a change like this. I lived in Tulsa for ten years in a house that was under 1100sq ft. I had two kids in that house and it was perfectly fine living in that amount of square footage. I think there are some lots in this neighborhood that are going to fit that model quite well. I also think that there originally were some houses up on Mt Sequoia, some little cottages, that fit that model and that size pretty well. They weren't quite so close to each other, but definitely the size was about the same. The main point that I want to make tonight is that this project is different. It is not going to address every person's need. It is not something that most people have experienced, probably. We know that it is not going to solve the traffic problems, but it may actually help it down the road if we can get the traffic count number up to get some improvements on 45. Maybe a light in front of this will help as well to help with the pacing of the traffic. I think the thing that this project does is it addresses the important issues. It addresses the health, the safety, and the welfare of the public. I think that they have taken a lot of input from the people and put it to work on this plan. I want to just urge that the City of Fayetteville, if you are ready to move forward on the vision of the City Plan 2025, this is the first step. I think that we need to approve this tonight and that will also demonstrate some additional things to developers in the future. That there is a process that we have to go through here. We have an initial project, a first start of a model to use. Something to help guide them through developing a traditional neighborhood in the future. Thank you.

Anthes: Thank you, Mr. Heck. Next person, please come up right behind him. Good evening.

Cameron: My name is Caroline Cameron and I live on Viewpoint Dr. We are just right up from where this development will come out on Greenview. My concern is the traffic. Viewpoint has always... We've lived there for 18 years and it has always been a cut-through street. Especially in the morning. People drive up there and then they go down Rockwood and go on Sequoia to avoid all the school traffic. My concern is all the traffic from there that will cut through on our street, and no improvements have ever been made to any of the roads up there. They can't handle the increased traffic. They are narrow and it is hard for even two cars to pass each other on them. So that is my main concern.

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Anthes: Thank you, Ms Cameron. Again, please, the next person come on up.

Sherman: My name is Latrice Menasco-Sherman. I boarder on two sides of the property that Ruskin Heights will be developing. I hate to sound redundant, but I want you to know that I am speaking from my heart and I am not trying to sway you in any way. I just want you to know that we have lived there, and again I know this is redundant, I am mostly concerned about the traffic problems, the density, not having enough parking. I know that I have spent \$10,000 already on the foundation of my house. I know the intelligence of Dr. Kabbello talking about the soil and the content, and I have mentioned that there is a spring between my house and the next house and during this last ice storm the ice completely covered the top of the cul-de-sac where I live. I know that any time you do something to a hilltop you are going to have dramatic problems and I know that since I am right up next to that hill that a lot of those problems are going to come down on my house. I just want you to bear in mind that the property they want to build is beautiful. I think it would be great on a flat area, but not behind my house. I don't want restaurants behind my house where there is music and garbage cans. I am just trying to let you know that I am very concerned.

Riley: Good evening. My name is Marie Riley and I am representing my husband Art Hobson and I. We are kind of jointly represented by me tonight. We feel very strongly about this development, in case you didn't already know that. I just want to point out a few things. I live in the Washington Willow neighborhood. We have small lots, very small houses. We have alleys. We have narrow streets. We have on-street parking. I would suspect that we are considered to be a very desirable place to live in Fayetteville. If you have looked at the land prices recently? So Ruskin Heights incorporates a lot of these ideas in their development, and that is what makes it very exciting to me. It makes it scalable at the human level. And what we don't have in our neighborhood that Ruskin Heights does have is mixed use. I would like to be able to get home, run down to the cleaners on foot instead of by car. I think this development really falls in line with the vision that we have with the Master Plan. Density. We feel pretty strongly that we can't have density and control sprawl. You can't have it both ways. I mean, you have to make a decision. I think we do as a City, on how we are going to control sprawl, and this kind of development helps us. So that's it.

Anthes: Thank you, Ms Riley. Welcome.

Backus: Hello. I'm Anita Backus and I live at 1984 Greenview. It is right behind where going up the hill off of Mission. And right now in our backyard there are some really tall hickory trees. It's beautiful, and when we go outside it is like going out in the country. We've lived there for close to 23 years now. We knew that it

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probably would change and there would be houses up there, but we had no idea that so many homes would be put up there now. We only ask that you really think about it. Think about what is right. Is 295 homes put up in 28 acres? How would you like it if that many homes was popped up in your backyard? I live on Greenview and we have spent a lot of money on the foundation at our house. We have also spent a lot of money on the drainage. You have to have this all done. You can't just pop the house up because they have to come back and work on that. The front of our street the other day was ice half the day. So we are always contending with that. We have to pick up our mailbox and put it in our yard because people always hit it. So we like our house. We like our neighborhood. It is really a nice neighborhood. And we are not totally against this. It is just way, way too many people. I understand that some revisions have been made on this and we were wondering if you could table this decision right now because we don't know what is going on about the different revisions. Thank you.

Anthes: Thank you. Would any other member of the public like to address this Planned Zoning District for Ruskin Heights? Hello.

Wilson: Hello, my name is Charles Wilson. I am a resident of Park Place. I have lived for the last 12 years or so on the adjacent property to the east side of the Ruskin Heights development. Now, one of the first things we had to do once our house was built there was we had to spend a lot of money putting a curtain drain in because it absolutely floods down the hill every time it rains. It is not on our property, but other properties adjacent. This is a serious concern. I haven't seen in the plans any convincing argument with how that will be dealt with in the development. It is something that really ought to be considered because with the density of development that is proposed what will happen is you will make the run-off worse not better. So remediation of some kind has to be built into it if this goes forward. Another concern that I have is once you make the favorable zoning change, what happens if the developers take an interest in something else for various reasons like not selling their properties fast enough and someone else takes over? Would they have the ability to put in something totally different? Is this particular case would be restricted only to this plan? I am just arguing the plan ought to consider geological features that a couple of people have mentioned before. I know many people in Park Place have spent a lot of money on foundations, piers, and other ways to keep their houses from sliding down the hill because it is clay under there. All of it is. Thank you for your attention.

Anthes: Thank you.

Stephens: Good evening. My name is Marvin Stephens. I moved here from south Florida in 1995. I first lived in Park Place, and then I moved to Lovers Lane, and now I live on Meandering way. I have been retired and we are looking to downsize. Ruskin

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Heights is the only first class project that we have in the eastern part of Fayetteville. It is imperative that I stay in the eastern part around 265 and Mission. Ruskin Heights meets all the requirements of the 2025 Plan. Although there will be a traffic problem, because I drive 28 times a week on Mission Boulevard to Root School. But I think Ruskin Heights has addressed that portion of the traffic problem in that area. I hope that you will approve the plan. Thank you.

Anthes: Thank you, Mr. Stephens. Would the next person please come up?

Hanson: Hi, I'm Jennifer Hanson. I live in Park Place. I have been asked to make it clear that I will not benefit in any way from this project. I think there are a lot of people here who are simply here because we live next door to it and it is our property values that are at stake. When I first attended the charrett I was absolutely thrilled, and I stood up and commended everyone involved for taking so much time to listen and be open. I don't see that openness. I haven't seen that openness since November 30. I am disappointed that close minds seem to be reigning here in terms of what the developers are expecting.

Anthes: Could you please address the development plan itself?

Hanson: Yes. It was our understanding that this was an open process and that there would be changes. And so the changes that we are supporting and I want to be clear again that we are not all opposed to Ruskin Heights. There are some wonderful features of Ruskin Heights. It is a few specific changes that we are hoping people will be open to. One of which is the fact that for the past year I have been making calls to the city trying to figure out how improvements could be made along 45. I was told over a year ago that the city staff had recommended the city go ahead and make improvements because of the, and I quote, hazardous traffic situation along a heavily traveled artery. Since then I have talked to everyone about this from the mayor down. The mayor himself used the word hazardous. I have been told, and no one, not one person I have talked to in the city has ever disagreed with that assessment of our traffic situation along Mission. Not just in front of Park Place, but along that whole section. With five schools we have real problems. We have been graded an E, the next to worst. If we put another 250 some odd units there, 2.5 cars per unit you are going to dump a thousand cars there. When I have asked what can be done, I have been told that what can be done to ameliorate, not address completely, but just the minimum requirements needed to address the traffic problems that we have now were a turn lane and a traffic signal. That is what is being proposed here. The minimum requirements to address the traffic problems that we have now. In a conversation with Andrew Garner I was explaining what it's like to try to get your kids along this corridor, and he said to me "Well, I don't think there is any point continuing this conversation because

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your mind is made up." and I said "Well, is yours not?"

Anthes: Ms. Hanson?

Hanson: Yes.

Anthes: I will not hear comments that are derogatory about any member of this staff, this Planning Commission, or the public.

Hanson: I am not trying to be derogatory. I am trying to address the issue of openness to specific concerns. I have also been told that our concerns about the tower are a mom issue. I can't tell you how true that is. The concern that putting a tower there directly affects the security and the privacy of all our kids. We have latch-key kids. We have stay-at-home moms. We have single families. The density is way beyond... As the Commissioners who heard this last time one said, and I quote, "ten units per acre is way too dense". The extreme density, the concerns about density, we share those concerns. We are not asking necessarily, for the entire project to be turned down. Simply that there be a willingness to continue the process of hearing it. When I first moved to Park Place I was told it was built as a traditional neighborhood. Now I am told that this is a traditional neighborhood and we are a non-traditional neighborhood. But our non-traditional neighborhood doesn't address the needs of American's emerging majority of non-traditional families because it was built for a mom, a dad, and two kids.

Anthes: Can we please talk about this project and not Park Place?

Hanson: This project is being billed as the answer to that. I am a single parent. I am a representative of that non-traditional majority, and I can tell you that the traditional neighborhood that we are in is going to be severely and adversely effected by these issues of density, security, privacy, and traffic problems are real and justifiable. We actually are hoping that those issues can be addressed. Those of us who are asking for changes are not opposed to the entire project. It is very frustrating to be billed as completely anti. These are real concerns for people who have lived there, voted there, paid taxes there for years and years. The effect to us, I'm afraid, is really being overlooked if some of these changes can't be made. Thank you.

Anthes: Thank you. Would anyone else like to speak? Good evening, Ms. Reese

Reese: Good evening. I'm Karen Reese. I am here to voice my support for the Planned Zoning Development called Ruskin Heights. Several years ago I spent a weekend and a good portion of a week attending some charrett addressing the Downtown Master Plan in the Fayetteville Town Center. Over and over and over hundreds of

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Fayetteville citizens said was "What we want is in-fill. What we don't want is sprawl. We want to stop the sprawl, we want in-fill." I live in the middle of in-fill. I am in a downtown neighborhood, and some of the things that people are bringing up and the things that they are scared about are really things that I deal with every day. You can successfully live in 1,000sq ft. and you can successfully live on a small lot. You can raise families and have dogs and play catch and all that. I think this is the perfect in-fill project. I think that 29 acres meeting in the middle of town, meeting developers who are sensitive, and progressive, and innovative is a very good mix. In the plan the developers have thought about the bordering neighborhoods in that they have put the single family homes that they have plans for and preserving green space next to those existing single family neighborhoods. They have been innovative in the ways they have addressed the storm water run-off in storm water retention ponds or gardens. I shouldn't say ponds but gardens. This plan provides for a variety of housing types which I can assure you is much needed in Fayetteville. It provides some interesting community spaces. You know, I would just like to say that we can then be ourselves, "not in my backyard" all the way to Hindsville or Huntsville or Harrison or Pocahontas, but this is our opportunity to actually put into motion what we say we want. If we say we want in-fill and we don't approve this project, then what does in-fill look like to you? Downtown is a very finite area. There is not a lot more space to put in-fill downtown. This is an area in town that calls for this sort of project, this sort of really cool project. I am asking that you not make this a long arduous project for the developers. I am not connected with the project, but I think that what they are doing... When we put the plans in place for Downtown Master Plan, developers were then clear about what they could do and what they couldn't do. And in the same way, when we say we want in-fill we need to quit making it such an up-hill struggle. So I am hoping that you will pass this tonight, and I am hoping that you will pass it overwhelmingly. Thank you.

Anthes: Thank you, Ms Reese. Would anybody else like to speak? Please come forward.

Conner: My name is Pamela Conner. I live at 1686 Shadowridge, and my property directly abuts the Ruskin Heights. When my husband and I bought our home in 2000 we carefully checked all of the surrounding area and we didn't anticipate that suddenly Disneyland was going to be built in our back yard with towers and restaurants. It was RSF-4 and anyone can live with that. When you are buying a home, you can live with that. But all of these houses and restaurants, that is really too much to ask of people who bought in good faith in a neighborhood where it was RSF-4. Another problem. I keep hearing about this walk ability. Unless the US Olympic track team is moving into these houses they are not going to be walking anywhere. Do you realize how steep 21% slope is? I mean, carrying your dry cleaning and your groceries? That is not going to be happening. Another thing that I have a problem with is the traffic. Trying to get out from Greenview

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is a problem. Trying to get out from any of the other outlets near my home is a problem. And if you put a stoplight there, all that is going to happen is the traffic is going to back up and then we are surly not going to be going anywhere. In case you haven't noticed in Fayetteville anymore some people would die before they would stop their car and let you into traffic. So I don't see the traffic light solving any problems that we are going to have here. People come out of Greenview. They turn to the left. They head right down Winwood. People come out of Winwood, they turn to their left, and they head right up Greenview. There is just a little path through there. A stoplight is just going to simply back traffic up back in front of Park Place, and those people won't be going right or left. So the traffic light is not the answer. The answer is don't add so many more cars by letting this housing development go in at this density. The average home, anymore, has at least two cars. So when you start doing the math you are looking at a heck of a lot of automobiles. People are not going to be walking all over this neighborhood, they are going to be driving down to the corner to eat. They are going to drive to the movies, just like we all do. Driving their kids to school. So I don't see the traffic signal as being an answer to anything. The only thing that is an answer here is to lessen the density. Our house is up on the hill. The other subdivision we got to hear about the fence that was going solve their issues of having to look at the new development. That won't solve ours unless you intent to put a 12 or 15 or 16ft fence, our back windows, we are going to see it all. There is no other way. We are going to look right down on all of that and see it all. And anyone who is up in the tower is going to be looking in our house. I don't like that and you wouldn't like it either. So I would just please ask you to really consider the ramifications for the people that were there first, who bought in good faith and will have to live with a PZD. I would like to say one other thing. I believe when I was reading the rules and regulations for asking for PZD one of the first rules was that the surrounding neighbors had to buy into this. And I think it has been proven tonight that those people who have spoken that live close area probably not buying into this. Thank you very much for your attention and consideration.

Anthes: Thank you Ms Conner.

Murray: My name is David Murray. I live on Assembly Drive, sort of on the other side of the hill from this. I guess I really wish someone would build this in my backyard. There is no space for it. But I think there are so many benefits to having something like this adjoining your property. Now, I understand all the concerns and I understand they are all coming from surrounding property owners. I think that the comment about this not being walk able. I don't know, when you look at Eureka Springs it is fairly hilly and a lot of the residents there choose to walk everywhere. I could definitely see that happening here as well. When you talk about traffic issues, are you going to have traffic starting here and going downtown? Or are you going to have it starting in Elkins? Are we going to build

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another thousand units out highway 45 and then bring them in. They are still coming to the same place. The cars are going to be on the road one way or the other. It looks like they are providing a way to pulse the traffic so people can get in and out a little more easily. I understand that there are a lot of concerns, but in my opinion this is great for Fayetteville and it the right direction. It's in-fill and there is not a whole lot of it left. We need to make use of what we got or Fayetteville is going to be spread over 12 times the area it could be. If we are smart about how we use our existing land we can keep Fayetteville a nice dense, compact, beautiful, unique town. If we just let it spread out, yeah lets be the next Dallas or Atlanta or whatever it is. Obviously we are not growing that fast, but we have a great opportunity to use this land to its highest and best use. It is one of those deals, like everyone has been saying, the 2025 Plan, this is what it says to do. If we are going to do it we need to commit for the sake of Fayetteville and future generations. I think it is the right thing to do.

Anthes: Thank you, Mr. Murray. Would any other member like to speak? Good evening.

Conner: I'm Don Conner. I live on Shadowridge. First off, this area is RSF-4. It is designated as residential neighborhood area in the 2025 Plan on the maps. They knew it was RSF-4 when they bought it. So much for that. It is not compatible with the neighborhood. We are currently about one house per acre in the surrounding neighborhoods as opposed to RSF-4. We are more R-1. RSF-4 is going to be plenty dense. The walk ability of the neighborhood that they are proposing is just not very good at all. And this type of traditional neighborhood design, or new urbanism, or whatever you want to call it. It requires that a mass transit be in place before they build this. A walk able neighborhood that is flat and easy to walk around and commute in without having to use a car. They also propose that you should have large park and green areas and we have traded off the green areas with our Parks Department for money so we can build them a tower with money we are supposed to get.

Anthes: Mr. Conner.

Conner: We did protest that, by the way, as part of this development. We protested after we found out that they had the meeting and the neighbors weren't told about the meeting. We weren't notified so, you know. As far as the 2025 Plans, you know, they tried to plan for affordable housing and this sort of thing. There is not going to be any affordable housing here. Their smallest lots are looking at \$90,000 for a lot. They bypassed the neighborhoods. They did not approach the neighborhood organizations until they just recently, last Saturday, approached Park Place neighborhood organization. So they haven't been very communicative. They did invite us to a charrett. We gave our views at these charrett and they told us that we will just agree to disagree about density, traffic, all those things. They told us

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that we are basically wasting our time coming here to see you guys.

Anthes: Mr. Conner, please. Please direct your comments towards the development itself.

Conner: That is toward the development.

Anthes: No, you are talking about hearsay. Please.

Conner: Oh, it is not hearsay. When they say it to you it is not hearsay.

Anthes: Please.

Conner: Ok. By rezoning the whole area we have walked into this dense development here, and if it fails we are stuck with a partially built out development. These guys are just selling lots. They are not going to build it out. So we don't really know exactly what it is going to look like. The plans that we've seen so far they have been just a few pretty drawings. We shouldn't have to pay for a tower as a city. That is part of this development. Well basically, the moral of the story is never trust a developer. New urbanism is nothing but a buzz word that has pretty pictures and people strolling through leafy marketplaces. Developers don't create the village. Only a person can create the village. Thank you.

Anthes: Thank you Mr. Conner. Would any other member of the public like to address this RPZD for Ruskin Heights? Going once... Going twice..... Good evening.

Basset: Hello. I'm Mary Basset. I would just like to say that I was in some of the meetings with the City of Fayetteville with our goals for the 2025 plan. The in-fill that we have in this project is fabulous. I think it is a perfect in-fill program that Ruskin Heights has for Fayetteville. It meets all the criteria of our 2025 plan. I have talked to other developers who are very interested in putting this plan in action to Fayetteville as well. I believe they have met all of our criteria that we have for Fayetteville in our 2025 Plan. I know that has been said many times tonight, so I don't want to go into more detail on that. I do own a house on Mt Sequoia, and I am thrilled that Greenview would be improved to get to that property as well. Thank you. I am for this subdivision.

Anthes: Thank you Ms Basset. Would any other member of the public like to address this RPZD. It is item 06-2299 for Ruskin Heights? Mr. Terrell.

Terrell: Hey, how are y'all doing? First of all I would like to say that in full disclosure I have worked...

Anthes: Please introduce yourself.

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Terrell: Oh, I'm sorry. I'm Luke Terrell. In full disclosure I have worked with these guys on this project in some capacity. I no longer work for them, but I am closely associated with the different aspects of this project and I am well educated on this subject. I am also a property owner in this area on the east side of Fayetteville. I have a property on Kant Street which is a very dense neighborhood. I feel like this project will definitely add to the City of Fayetteville and corresponds with the City Plan 2025. I personally would like to live in this neighborhood. And as a young person living in Fayetteville I feel like many more people who have similar background and interests as me would want to live in a neighborhood such as this. I feel like this neighborhood is just what the City needs as far as it's development. It corresponds with the plan, and I am strongly in support of this project. I would like to say that I would like to recommend this project and for it to be approved. Thank you.

Anthes: Thank you. Would any other member of the public like to speak? Hi.

Madison: I'm Phil Madison. I live there for 17 years in one of the houses there, and I just want to say that the sunrises and the sunsets and the beauty of that place is unbelievable. I think there is a big demand for small homes. We had about 6,000 sq ft and we've moved into 1500. A 1000 sounds better the older I get with too much stuff. We had no drainage problems when we lived there in the second house. There are two there, one on the top and one in the middle. We never had any drainage problems. It is a beautiful place and I think everyone would enjoy the sunrises and sunsets there. Thanks.

Anthes: Thank you Mr. Madison. If anyone else wants to speak, please come up now. Anyone else? Going once....twice.... I will now close the public comment section and ask for the applicant's presentation.

Chesser: Madam Chair, members of the Planning Commission, good evening. My name is William Chesser and I am the senior planner for Community By Design. We are the engineers and we did some of the planning for Ruskin Heights. If you would indulge me I would like to briefly go over the format plan for our presentation which I have just handed to Mr. Pate and I think he may be handing around. We have three speakers tonight. Mike Watkins is the Senior Town Planner for DPZ. DPZ is an international leader in the field of traditional neighborhood design. Mike will be speaking about TND's and the City Plan 2025 in general and about Ruskin Heights in particular. You may remember DPZ and Mike from the public charrett process about the neighborhood this past summer. It was during this process that the concept for the neighborhood was developed. Following Mr. Watkins will be Dirk Vanveen. Mr. Vanveen represents the group who is developing Ruskin Heights. He will talk to you about their vision for Ruskin

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Heights and why they wanted to do a TND neighborhood in Fayetteville. Finally, I will speak to the significant progress we have made since the Subdivision meeting and will address some of the public comments made tonight. I also want to talk a bit about the feel and the function that Community By Design was trying to achieve by this neighborhood. TND's are designed for both form and function. They not only feel great, but they work well too. And Ruskin Heights is not exception. With that I would like to turn the podium over to Mike Watkins.

Watkins:

Madam Chair, members of the Commission, I am Mike Watkins with DPZ a Miami based architecture and town planning firm. My firm is committed to building traditional neighborhoods as an alternative to sprawl. One of the reasons that we were most interested in the opportunity to work here in Fayetteville was the fact that you had passed the 2025 Plan. The goals for that Plan align exactly with those that inform the planning principles that stand behind our work. In fact, the firm that you hired, Dover Kohl. I think is an excellent firm and are colleagues of ours. So we completely understand, I think, the intentions behind that plan. In the meetings when we review which projects to take on it was one of the major considerations of why we chose to accept this particular commission. That, and also your Hillside and Hilltop Ordinance and Best Management Practices manual because that looks at addressing not only the built environment that the 2025 Plan addresses but also protecting the natural environment as well. Something that is important to our work. It is interesting to me, and I think impressive, the crowd that has turned out tonight. I realize that at times it can feel as if it makes the job more difficult. It certainly adds a sense of importance and urgency to the decision that you all face. But it is a direct result, I think, from the fact that people love Fayetteville. That you all are fortunate enough to live in place that people care passionately about. And they care passionately about it's future. We are hopeful that this project, and if we are given the opportunity to develop it, it will be a manifestation of the goals that you have set out for the future. It is clearly an in-fill site. I don't think anyone this evening has suggested otherwise. It is also of the traditional town plan variety, a network of streets, a mix of types, a mix of uses. Narrow streets, tree lined with parking and so forth. There has been considerable talk about density and concern over the degree of density on the particular property. If one were to accept four units to the acre on this property it does raise the question of where the other units go? And the only place for them to go would be to other in-fill sites to the extent that you have them or further out. It seems to me that it would require... This site is 29 acres so to go to four units to the acre would require almost 45 more acres of developable land. Presumably undeveloped or forested land, or certainly if not land further out compounding the traffic problems that we have heard about also this evening. So there is a certain importance to developing the in-fill sites with some degree of density. It is also important to support the mixed-use nature of the property. So

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the shops and so forth have the opportunity to thrive in that environment by having more people within walking distance. The site itself won't solve the traffic problems in the area. It in fact didn't create them. It was the sprawl that preceded it that created those traffic problems that you have. But mixing uses in a tight area will begin to address the traffic issues by giving people the opportunity to walk and meet some of their daily needs within walking distance. The enduring green network that is part of your goals, we did our best there to set aside the most beautiful parts of the property to be preserved and extend a green system working with some of your residents in the public charretts that were held. In fact, the land that was identified as being the most important came not from us, anything we imposed, but actually by inquiring of the residents of the city which would be the most important green connection to preserve. The issue of affordable housing and the size of the lots here is one that got some attention, including some from the young gentlemen who spoke about just how small are the lots? And could one really live there? In my neighborhood, I happen to live in one of the neighborhoods that we built, and I live on a lot that is under 1000 sq ft and have a small commercial property on that lot that allows me to pay down my mortgage and live above the shop in the neighborhood that we designed. It is not the smallest lot. Mine happens to be under 1000 sq ft, but there is one actually less than half the size of my lot. The smaller lots are important because not everyone can afford the larger lots. And further more, not everyone wants the large lot. There is a huge trend, a growing trend for smaller houses and smaller lots with less maintenance and lower mortgages. In fact, I have neighbors who have downsized twice. Once when they moved in the neighborhood to enjoy the smaller lot and then realizing that they in fact preferred a smaller house still and they moved again. Lots in our neighborhood, the question came up about the width of the lots. We have single family, detached houses that are 19ft wide. It is essentially a townhouse that is detached. But the floor plan is very livable in the townhouse fashion. There were a number of issues detailed technical issues about street width and so forth. Fortunately now, unlike 20 or 25 years ago when we began designing and building these traditional neighborhoods, there are many places to go and actually see these things implemented. Narrow streets with parking on the street where emergency vehicles have no difficulty maneuvering through the streets. Moving vans, trash trucks, the same. So there are places to go to see those answers, those things addressed. The tower was a concern that many people raised. In fact, the tower doesn't exceed the Hilltop or Hillside Ordinance height requirements. The reason for the unfortunate term referring to it as a tower has more to do with its small foot print, but its relative to its height, but not relative to the buildings around it, and to your own, your Hillside/Hilltop ordinance. Several people raised the issue of what happens if the developer leaves, for whatever reason. One person mentioned going bankrupt, but for whatever reason what would happen if they left? And certainly it is the plan that you are approving, or may be approving and not the developers. In fact, the

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neighborhood that I live in was built out by a second developer. The first developer did leave and a second developer came in. And they didn't have a choice. They came in knowing that they would in fact build out the plan that had been approved. The issue of closed minds and not being open to what the public has had to say is one that disappoints me, frankly. We disagree, obviously in some instances, but I think the development team has gone to great length to hear from the public. And when those thoughts and ideas are consistent with the principles that are informing this design we have incorporated them. When we didn't believe them to be consistent which is the reason for some of the disagreement that you hear tonight. Another important thing about the density is how it is arranged. It oversimplifies to simply say this is 10 units to the acre. Because on average it is and it is easy to consider it in that way. But the fact of the matter is that it varies. The center of the neighborhood is actually more dense than 10 acres. And not only more dense, but it is mixed use and is going to have even more traffic than the edges of the neighborhood that are actually less dense than 10 units to the acre. The organization of the plan is intended to feather from the single family homes on larger lots to single family homes on smaller lots to attached homes to the mixed use in the center. So I think it over simplifies things to a little bit to say simply that it is 10 to the acre without understanding or appreciating what we think is the sophistication behind the design. I don't know the exact protocol for your meetings as this is my first formal Planning Commission. But I would be happy to answer if there is an appropriate opportunity later, to answer any questions that you may have. But I certainly hope that you will give us the opportunity to demonstrate to be a built manifestation of the principles and goals that you have set out for the city. Thank you.

Anthes: Thank you, Mr. Watkins. Just want to caution the group that you are about 11 minutes into your 20.

Vanveen: Thank you. My name is Dirk Vanveen. I am part of the development team for Ruskin Heights. We will try to make this as quick as possible. We practiced. Anyway, we are going to start with a slide show. A picture is worth a thousand words. We will go through a few things. You can see an overview of the site as well as surrounding areas over to the northwest to Wal-Mart.

Anthes: Dirk, you might want to move that top poster because none of us can see anything.

Vanveen: Ah, thank you. Ok, so we have the Wal-mart Super Center to the west colored in red. We have multi-family, we have single family detached, we have town homes in green on our site which is different because there were no town homes to compare to. We chose maroon since we had no mixed use to compare to either. We feel that the project is compatible not only with the immediate area of say Park Place which has 40 multi-family units, but also the surrounding area that is

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mixed with commercial and multi-family. We have some additional views here looking at Lisa Lane. Looking at a cross section toward Mission south/west line of Mission Boulevard. Of course this is a sugar cube model so we are looking at ridge height and it is plus or minus 5ft in accuracy dealing with pictometry. Next. Looking from Park Place west you can see the multifamily in the foreground. The single family of Park Place in between and then our project.. Actually, it may be a good time to call out the tower. If you look in the upper corner you see the top of the tower. It is the yellow hat roofed building up there. It has a 31 1/2 ft viewing height. Next slide. Another cul-de-sac on Park Place. Looking up to our site you see again the roof of the tower. Next. Yeah, looking up Cambridge. Next. Looking down from Shadowridge and Lensefield. Ok, Shadowridge. You may recognize this area. Also I should point out that the larger trees are existing trees and the smaller trees are to be added. So you are distinguishing between the two. Next. East of Greenview back through our site. Of course you are looking through the tree preservation area so your view is very impeded. Parking, both on street and in house shows all of our standard parking. Even the small amount of compact parking immediately around the square, well within the limits. And also showing that we will have structured parking in all of the large scale buildings which have to come back through Large Scale Development. We have adequate parking. We designed for on-street parking both for it's traffic calming. And it allows you to have fewer deep cuts, larger cuts that are required in a hillside or most of Fayetteville for parking lots. Next. Some views from the proposed tower of 31 1/2 feet looking north and what it would look like with buildings in front of it of two stories. Basically you maintain your high level view. Next. Looking east toward Park Place you can see the valley. Also, you know what is interesting here is that from this distance, with the leaves down you are not really looking even currently in anyone's windows let alone post development. Next. I have some other interesting ones of what looks south behind us. Next. This is another showing of compatibility for the project. Basically it is showing the types of units we have here in the foreground and the other units that you will see. It doesn't show all the commercial that is out at Crossover, but it does give you an idea of how we relate in terms of unit types. Ok. Whenever we started this process we started with a tree survey and a grading analysis. We sent out 1200 invitations and a public process in July. Since then we have held over 40 private meetings with neighbors as well as public meetings with their groups. We are thrilled with the turnout both for and against the project. I am happy to see people in Fayetteville taking an interest in how their built town is developed. I guess to describe some of the living areas that we have: Of course we have the bungalow, of course we have town homes which have proven to be very popular among the empty nesters. We have kind of an oddity right now in that only 23% of the families in America are nuclear families with children and parents living at home. Most of what we build is traditional subdivisions to address only that group, yet the largest house buying segment currently is the baby boom generation, the

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empty nesters. The second largest is the millennium generation who have been out of school for 3 to 5 years now and are also vying for those more urban units. So there seems to be a lot of competition for the smaller more urban walk able vibrant things going on. It is also important to note that the Urban Land Institute has found that you can reduce vehicle trips in a mixed use environment by up to 25 to 50% per day. We would expect to be on the lower end of that being that much of our retail is (unclear) retail with the exception. It is all 800 to 1200sq ft. The exception of the one Large Scale Building that would come through in a few years which would accommodate a 6000 to 8000sq-ft whole foods market is what we would hope for.

Anthes: You have got about 2 or 3 minutes.

Vanveen: Three minutes? Ok, as materials board which are not currently here, you saw that they are brick and with wood details made of stone. We had a few things come up in terms of people that said the tree preservation area was part of the natural resource. We actually had the gentleman come out and talk to us and came to find out it was not. Never the less we did set most of that area aside and we are not cutting down trees less than 12 in. One of the net effects, actually, is that we have more trees on the site. As for the slopes, most of our grades are 78%. As you'll notice, our design does not go up the hill so much as it goes around the hill and steadily increases as it goes up. That is also part of the HHOD practices manual to not make those perpendicular cuts. You will find that most of our cuts are very short. You will find many 3 and 4ft stone retaining walls which are so attractive on Locust and many of the other city streets in Fayetteville without impacting with large lot homes that require larger cuts. I am going to leave this to William Chesser, and he will take it from there.

Anthes: I believe we are about out of time. I'm going to ask the Commission what their wish is about extensions because we are allowed to do that by consent if we like.

Clark: Madam Chair, since we are to the part that I really wanted to hear about the changes from Subdivision, I will move that we extend the time 5 minutes.

Trumbo: Second.

Anthes: Everybody agreed? Alright.

Chesser: Thank you for indulgence Madam Chair and members of the Commission. First on a personal note let me say that I have lived 2/3 of my life in this town. I was born here. All of my time spent in this town has been spent in close proximity to the University of Arkansas where my father was a campus director.

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Anthes: You might want to tell us about your project.

Chesser: I will. The only think I want to tell you is that I have a personal involvement in this because for the first time I decided I would move away from that area, my wife who is an architect and I are planning to build a house in this area. If you will indulge me I would like to approach the illustrations here.

Anthes: Take the microphone with you if you would. You can use this one. You can take it out if you don't want to...

Chesser: I heard a very interesting thing mentioned which was that 7 units per acre would be acceptable, not 10. It has been kind of mentioned, but I got the graphic out here and I wanted to mention because a lot of people had a problem with the density, that it is a little disingenuous to just see it as 10 units per acre over the entire project. We have tried very hard to make this fit in with the surrounding area. If you look at the yellow portion at the bottom, that is 7 units per acre. We have interfaced like to like properties. So we have even made a change recently to move some town homes to make sure that single family always matches up to single family with the surrounding neighbors. We then moved slowly to the equivalent of RMF-12 with some commercial. That is the mixture of the town homes and the live/works. And then we moved further up to what would be the equivalent of RMF-19 with some commercial. As Mr. Vanveen mentioned that is where we had hoped for, at some point, maybe a whole foods market and other commercial of that type. If you look just to the east you will see that...

Anthes: Mr. Chesser? Can I have you talk about what the progress and changes you've made since Subdivision are. I think that the audience is really waiting to hear that.

Chesser: Absolutely, and for that I will move back. Briefly I will say that I believe I can safely say that we have addressed all of the issues that were had. Is that correct Mr. Pate? We worked very hard to.... I think there were 33 issues after Subdivision Committee, and we have addressed every single one of them. I believe Mr. Garner mentioned that there were a couple of somewhat standard conditions of approval and that is all that is left.

Anthes: Are you going to elaborate on those changes?

Chesser: Yes Ma'am. One of the big questions was about traffic. We have spoken to AHTD And they have told us that two conditions must be met for a signal. I think a signal is what will help the traffic situation along Mission. Number one is the city must request such a signal, and I believe that request has already been made. Number two is an existing traffic study must show that such a signal is warranted. And what that means is that a traffic study that has the counts that meets the

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warrant must happen. Our traffic study that we currently have shows that after the build-out of the first three stages, which is you look at this graphic here is the stuff that is in color, we'll be just a smidge under. I won't tell you we'll be there, but we will be really close to going ahead to meet the warrant to put in the light. So that means that with the next phase we would meet that warrant. And we will put in the light as soon as AHTD allows us to. And they have expressed that they will allow us to do this.

Anthes: So that is 2010?

Chesser: No Ma'am.

Clark: Your phasing says phase four is 2010.

Chesser: Full build-out of phase four wouldn't be required. Again, that is not taking into account any increase of traffic that occurs not because of our development. Phases one, two, and three of ours come just within a hair of meeting the warrant by themselves which would allow that intersection to be signalized.

Graves: I know we will get a chance to ask questions later but how many residential units is that? In the first three phases?

Chesser: In the first three phases? 71. Part of the parts that meet the warrant have to do with the commercial space which is also available. That is taken into account. Can you give me an idea of how much time I have left?

Anthes: You have about a minute.

Chesser: Ok. The other major issue that was brought up by the neighbors, one I heard a lot of was drainage. I think engineering can confirm that we have exceeded all of the requirements of the Fayetteville Drainage Manual. We will not be putting more water on our neighbors. We will be putting less water on the neighbors. I have a graphic that can show that can show that if you would like more explanation of that.

Anthes: We may get back to you with that.

Chesser: And I am available for questions.

Anthes: Is that the end of your presentation? Thank you. Commissioners.

Graves: Madam Chair.

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Anthes: Commissioner Graves.

Graves: I was on the Subdivision Committee that saw this along with, I believe, Commissioner Harris and Commissioner Clark. We forwarded it at the time with a recommendation for denial. Primarily based on the issues that we have heard the public echo tonight which include traffic and density. The Subdivision Committee, in fact I think the quote that was made earlier about somebody, quote/unquote said that 10.2 units was too dense. I think I'm the one who said that. The idea of 7 to 8 units, I think that is something that came out of that Subdivision Committee Meeting. I believe that what we said was that we weren't married to RSF-4, which is what that is currently zoned. We are mindful of course of the city's vision and goal of in-fill. But at the same time how much infill is obviously something that needs to be addressed on each one of these projects that we see come forward. The Subdivision Committee, as you see going through the report, went through all of the different findings that we would be looking at tonight. I think there are 15 findings that we would have to make on this. And generally was in favor of the ones we had information at the time about. We were in favor of those should the project go forward. We forwarded it with a denial recommendation primarily on the fact of the density which was really tied to the traffic. It wasn't necessarily that the density of 10.2 or 18. Whatever was too dense in all cases or was too dense in this location. Although it might be. The main concern was the traffic in the end. It was just that when you build out this number of units and they are all trying to get out on Mission Boulevard that it causes concern. My comments right now about this are along the same lines. We've heard over and over the supporters of the project and the applicant that the goals and visions of the 2025 Plan are for in-fill. Well, that is one of the goals. But other goals are to protect hillsides, and protect our trees and things like that. So when you see a large development going in on a hillside like this then there are things besides just the goal of in-fill that you have to look at. The city spent a lot of time and effort developing a hillside ordinance which included, generally speaking, when you develop on hillsides larger lots and more canopy preservation. So when you see this project and you look at it, you have to think about that. That is another one of the city's goals. Another one of these goals is protecting hillsides with those types of measures. The applicant has in general done a very good job. And we were supportive of that at Subdivision and I am still supportive of the narrower streets to keep there from being big, large carvings going up the side of the hill. But it all boils back down to protecting our hillsides, protecting our tree canopy, and the traffic. In the interest of full disclosure as well I told the applicant at Subdivision that I live on Kings Drive which is just a stone throw from this development as well. I am very familiar with the area. There are two schools there. Root School and Fayetteville Christian School which are both right there on Mission, essentially. The difference when I hear folks from other parts of town and specifically downtown or the historic district talk about how they live in

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an in-filled area and now this promotes walk ability and this promotes the goal of in-fill. Well, the historic district is a lot flatter than this particular piece of property is. The historic district has lot more things distributed through it that attract people to park their car and walk to them. Aside from the fact that if you see a parking spot you've got to grab it when you can anyway with your car. And there are a lot more main arteries to drive on to get in and out of those neighborhoods than there are for the folks who live in the area where this proposal is. If you are getting in and out of this area like we talked about in Subdivision, a lot of folks have to make a left turn onto Mission Boulevard. And this is that many more folks who are going to be trying to get out and make a left turn onto Mission Boulevard. I know there is connectivity proposed, very good connectivity proposed, but you are going to have to do a lot of twisting and turning and jogging up though the existing neighborhoods to get to another place where you have to turn left onto Mission, Rockwood Trail. So it is essentially, eventually and essentially you have to get on Mission to get out of these neighborhoods. Where as in other neighborhoods there is not just one major road that you have to use to get in and out. Part of that is driven, it's our own bed and we've made it ourselves with the city's concerns with having a connection over the mountain. The city has a policy and has had a policy of not connecting over that mountain. Be that as it may, and whatever the reasons are, everybody has to get out on Mission. And so Mission is very crowded. And, you know, one principle arterial is not the equivalent of another. Mission is narrow. It's got a lot of curves to it and blind alleys as you are making those curves. There is no shoulder on it. There are ditches falling right off the edge of it. So Mission itself is not the safest road in the world compared to maybe some other principle arterials in town which are wider with better site-lines and shoulders and that kind of thing. And so my concerns are still the same as they were at subdivision. I appreciate the applicant going and visiting with the Highway Department, which is one of the things the Subdivision Committee wanted done. But I think, I know I personally said at Subdivision, unless I knew that that signal was going to go in and was going to be there that I had a difficult time supporting it just based on that density getting out on that road at that location. If the density was a little bit lower I start maybe getting a little more comfortable with it without knowing whether we are going to get the signal or not. So as it stands now, my issues are the same. Overall, I think the project is very attractive. I know a great deal of work has gone into it over a long period of time. More than I have probably ever seen on a project like this. But at the same time, it seems to me like this is kind of packing a lot of residences into an area where the current zoning wouldn't support it and then dressing it up with very nice attributes and hoping that the bells and whistles help us forget that we are packing a lot of homes into a piece of property on a hillside with only one way into or our of the area on Mission Boulevard. For those reasons my vote will be the same here that it was in Subdivision which is to deny or to oppose a motion in favor of it.

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Anthes: Thank you Commissioner Graves. Commissioner Clark?

Clark: I actually have some questions.

Chesser: If it is acceptable I am going to yield to the developers to answer.

Anthes: We are discussing. If we direct a question your way you can...

Chesser: Yes Ma'am.

Clark: I appreciate the fact... One of my concerns are the rear lanes which are called out on page 4 of your development packet. The rear lanes 1 through 14 have bound turn one-way, right?

Chesser: Yes, Ma'am.

Clark: Because they are narrow. They are like 12ft wide? But there is no parking on those lanes. As I look at the rendition of the lanes they are very long and some of them are dead ends. Not that I don't oppose a dead end being one way, but how is that going to work?

Chesser: I am not aware of any that are dead ends. If you don't mind...

Anthes: Lane 6 & 7?

Clark: There are a bunch of them.

Chesser: I would yield to our engineer to answer that question if that is acceptable.

Clark: Sure. Page 4. For those following along, page 4.

Teague: Yes, I am Brian Teague A civil engineer with Community By Design. I believe the question was how is it going to work? The dead ends?

Clark: Well, and so long a stretch being one-way. How is that practically going to be effective?

Teague: Let me familiarize...

Clark: Page 4. Nice picture. Page 4.

Teague: I guess originally our plan was to have those rear lanes be two-way traffic. I

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think...

Clark: But we decided 12ft was really too narrow. I remember this.

Teague: Yeah. The Planning staff and Engineering Department recommended that we make those rear lanes 16ft wide so they could be two-way. We think that 12ft wide is wide enough for two-way traffic. We conceded that fact and said ok we will make the rear lanes in phases we are asking for development of right now we will make those one-way. It is my opinion that that will work. There is an exception right there. At the end of rear lane 1, right past rear lane 4 where there is about an 80ft stretch of it that would have to, until future development it would have to function as a two-way rear lane.

Clark: Ok. How are the dead ends going to function as a one-way? I think from Subdivision here, you have gotten narrower. You stayed narrow, but you turned them one-way. But I still don't see how that is going to work.

Watkins: May I speak to that? Sure, I don't care who speaks. Just anybody. Sure.

Chesser: The dead ends will have to be two-way.

Clark: So they are still going to be 12ft and two-way?

Watkins: Yes, Ma'am. But the neighborhood that I live in is about 350 acres, 2200 units and we have 12ft wide two-way alleys.

Clark: This is on a hill that is going to get icy and snowy and gross, and you are going to put 12ft two-way. How exciting!

Watkins: Well, we do have snow in Maryland and the alleys are plowed. They are private so they are plowed by the community association, not by the city.

Clark: Do we have covenants yet that says that? Chairman?

Pate: No we don't usually get covenants at this point.

Watkins: But you don't plow other private streets, presumably, so...

Clark: Ok. And my next question. How much of this development proportionally falls into our Hillside Overlay District, Chairman?

Pate: 62% of the overall subdivision.

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Clark: And my next question is, and I have heard rumors and it is nothing but a rumor, that you have a letter from the Highway Department that says you are going to be able to widen Mission. From what I understand from what was just told us... And first of all let me underscore this by saying that the Highway Department is wacked if they don't think that Mission already meets the warrants to get more lanes. But that is unofficial. It is going to be until 2009 in your projected build out that will come close to the warrants to get the widening.

Watkins: Correct me if I'm wrong, but I think the assumption is that there is no change in traffic outside the neighborhood.

Anthes: Mr. Teague, if you would come to the microphone if you are going to speak?

Clark: Because my big issue at Subdivision was traffic and the fact that everything is going to dump out on Mission. Which in my opinion is one of the most over traveled streets, especially in that area that we have. And I don't see a change. I don't see that. We also had concerns about the narrow 12ft streets. We wanted them to either be wider and two-way according to what our engineers rightfully told us, or narrow and one-way. And I don't see how you really affected that.

Watkins: I think Brian is going to address the traffic and the light. But one more comment on the 12ft and the one-way. The reason for the dead ends is the topography. The more places you have to connect the more change to the topography is necessary. So in some cases we did propose dead end alleys that would be two-way. But it essentially works like a shared right-of-way. It is only the people living in there who use them.

Clark: I understand that. But in the booklet, which is what we are bound by, it has rear lanes 1 through 14 one-way. Now all of a sudden I have "Oh, buts" coming up and we are going to have some two way. That concerns me. 12ft is narrow. The final question that I can think of off the top of my head right now is parking numbers. That was something else that we were concerned about. Thank you for not trying to use the compact spaces. You have gotten away from that. Jeremy, did you not say something in Agenda about on-street parking the city is going to move to amend ordinances to let that count?

Pate: We have been looking at that, actually, as part of your Urban Residential Design Standards I think that you saw tonight.

Clark: I don't even remember when we did that.

Pate: Yes.

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- Clark: So it is legitimate? Because I still think this is a little bit of voodoo numbers for the parking requirements.
- Pate: Most of our streets are ready to allow on-street parking when they are utilized and neighborhoods don't establish protective covenants that disallow you to park on those public streets. So I think we are looking towards letting on-street parking account for those numbers. That is what we are moving towards, yes.
- Clark: Because the only way they make their parking numbers is by allowing... Was it 82 spaces or something?
- Pate: That is correct. I am not sure if that number is correct, but...
- Clark: And that is just coming up to the 160 which is still 30% below.
- Pate: It is actually above that.
- Clark: Is it going to hit the 228?
- Pate: It is going to hit... there is a chart in here.
- Clark: I did the math yesterday, but it eludes me now.
- Pate: Page 4 of 58. It will come up to 112 off-street provided and 82 on-street provided. So 34 spaces above the 30%.
- Clark: 228 is max. 160 is 30% below that, which is allowable. So they are going to come up to 184, or 194.
- Pate: Correct.
- Clark: Ok. And that is by allowing 82 on-street. I am still troubled by that as well.
- Anthes: If I might, I would like to go through some of the concerns expressed by the neighbors and have staff address those so we can kind of clear that up while people are in the room. Before we lose people. First thing I would like to talk about is the Hillside/Hilltop Overlay District and the Ordinance requirements. Can someone from staff elaborate how this development is complying or not complying with that ordinance? I believe there have been comments to both tonight.
- Pate: As we started this project we handed the applicant and the developer team the draft Hillside Overlay District manuals as well as the City Plan 2025 drafts, and

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that is what they utilized in developing this plan. We, of course, have not reviewed a lot of this area. The concept there that is faded out has not been reviewed in detail. That is what we do, much like in other planned zoning districts that are concept level, we review the street cross-sections, whether they connect through as two-way or one-way, all of the drainage concerns, the tree preservation numbers, those come with the development of that site. We did review in detail the north east corner of this site which is where much of the tree canopy is not located. So, in terms of the overall plans we believe the zoning criteria and street design standards are following our best management practice manuals and meeting those criteria as well as the zoning criteria.

Anthes: Jeremy, lets just talk about the Hillside/Hilltop

Pate: Correct. Sure. The zoning criteria that was established also with staff meets those requirements of maximum height of 45ft, decrease of setbacks, all of those things that we are looking for in a Hillside Overlay District.

Anthes: OK. And about slopes, erosion, grading, and drainage. Mr. Casey, can you talk about how that is reviewed?

Casey: Those are things that will be considered in the construction plan in development and review. At that time, we will review that and make sure they propose methods that will stabilize those slopes and prevent that from happening.

Anthes: And have you reviewed the first phase that they are asking for development review for tonight?

Casey: Not for erosion control no. That comes with the full construction review. We have reviewed it for the drainage and the street layouts.

Anthes: Ok. And do you believe the drainage meets current city ordinance?

Casey: Yes, Ma'am. Our current policy is no increase in the peak runoff from the side. They have provided a detailed study showing that the ponds that they propose and the drainage system that they propose meets that requirement.

Anthes: Thank you, Mr. Casey. Mr. Williams, there was a mention tonight about a request for a performance bond that deals with slope and erosion. Is there any precedence for such a procedure in the city?

Williams: No, I don't think there is. Instead we rely upon our Engineering Department and our Building Inspection Department when they go out and inspect the infrastructure that is being put in by the developers to make sure that it meets City

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standards. And that is what the city relies on instead of trying to require insurance from the developer.

Anthes: Ok. Thank you, Mr. Williams. About traffic, I am a little confused about... There was a couple of comments made, and I am not sure which one is right. I believe that the signalization has to meet a warrant. Assuming that no other traffic feeds into this area, and that is a big assumption, that would come at the end of phase three of this project. What about the turn lanes that have been recommended by staff?

Pate: We are recommending, again, full construction of those. They also have to meet Highway Department criteria and I am not sure what those warrants are to provide those turn lanes or in what direction the Highway Department has instructed the applicants for that. But that is, again, part of our conditions of approval.

Anthes: Can someone from the applicant team discuss that? Thank you Mr. Teague.

Teague: If I could just go back real quick. At Subdivision Committee there were concerns about the traffic. There was one turning lane proposed then and a traffic light. We went to the state after that. They recommended that we actually put three turning lanes in, in front of our site. Three 100ft turning lanes. We have those on the plans. We are proposing those to be paid in full, and those would be built for sure. The state has told us that we would build those with construction of phases one through three. Also, to the traffic light. The state is really hard to approach about a traffic signal for a residential subdivision. Basically they looked at our site plan and said yes if we have traffic that meets warrants, existing traffic... And let me say existing again. It has to be based off of existing traffic. That existing traffic has to be from our site. Existing traffic generated by our site. Our traffic study projects traffic that will meet those warrants. That is required by the state. So I guess my answer to that is that this traffic signal will help the situation on Highway 45, but we aren't going to get anything from the state telling us that we will for sure be able to do it. If you read the traffic study it also goes into some options. Maybe building the traffic light with phases one through three. Putting bags on the light until we have the existing traffic coming from our site onto Highway 45 that warrants the light. Now, our traffic study, again, does project that we will have those traffic counts very shortly after phase three. He did go ahead and recommend that due to the nature of the development and nature of the situation on 45 that we go ahead and put that light in. We will have to have the state approve that, but they are not going to tell us anything further.

Anthes: Can you provide any documentation about what they have recommended or approved about the turn lanes, the three turn lanes?

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Teague: They recommended three turning lanes, the ones that we have shown on our plans.

Anthes: So that is the recommendations from AHTD?

Teague: Uh-huh.

Anthes: So we can assume that if they are recommending it that they are going to allow it to be built?

Williams: It is not nearly as difficult to add a turn lane to a state highway as it is to put a traffic light on. Everybody at this area is familiar with the turn lane there at Root School, which the city did once the Highway Department said we could do that. Those sorts of improvements are not very difficult. You still have to get approval of the State Highway Department, but they are very much more amiable to allowing you to put turn lanes in. It is the traffic signals where they are very much more sticky and definitely require a specific warrant of amount of traffic intersection at that in order to stop the state highway. Because they don't like to have the state highway stopped unless you can prove that you have a real need to do that.

Anthes: Ok. Thank you, Mr. Williams. Question of Mr. Pate. The tree preservation areas and the Parks recommendation? Can you fill us in about how those areas were set up?

Pate: They are somewhat separate and distinct. However, in this situation Parks and Recreation Board is recommending a trail corridor to be allowed within that tree preservation area. The majority of the tree preservation area on this property is actually again in the shaded area, because most of the tree canopy is located up on the hill in the south west corner of the site, which is where the larger tree preservation area is. So that is why you see so much mitigation on this particular phase, is because most of the tree preservation is not being counted and is not being counted for the developer in this case. With regards to the Parks and Recreation Advisory Board recommendation the developer and the Parks and Recreation Board has agreed to construct a viewing tower, a viewing platform on this property which is allowed by our current Parkland Dedication Ordinance. It is basically a facility or a service in lieu of a park land dedication. Actually there is some park land dedication occurring with this as well. And then there are conditions listed that require easements for trails, the trail corridor, public access easements for the village greens and numerous other smaller green space areas that are shown in planning area number six. The green space/civic space area.

Anthes: So there will be a trail connection through the property with easements, that is a

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City easement that will be obtained for that, and there will be public access easements to green spaces on site in addition to this feature?

Pate: That is correct.

Anthes: And as far as I understand from the Planning Areas, the maximum height proposed on any of these planning areas... Well I think one on the street is at 60, but everything else is at 45?

Pate: Yes.

Anthes: And this tower feature was also 45?

Pate: That is correct.

Anthes: So that would not exceed the height of any other structure on the property?

Pate: That is correct.

Anthes: Has staff evaluated views from that element to any of the surrounding neighborhoods?

Pate: We have not, and that is something that is part of Planning Commission number 20. "Ruskin tower design shall return to Parks and Recreation Department for review. I think it was mentioned in Planning Commission for your review earlier. "Parks and Recreation Department for review based on the concepts and criteria presented here and the Ruskin Tower shall be a maximum of 45ft in height as depicted in the project booklet." We added that last sentence, I believe, since the last meeting just to clarify that because there were a lot of questions.

Anthes: And is that to the roof?

Pate: Yes, it would be as we would measure any other building height.

Anthes: Ok. And then I am also looking at staff's Findings of Fact. You found this project to be in compliance with the six goals of City Plan 2025, and you have also found that this project, unlike what some of the neighbors have thought tonight, to be compatible.

Pate: Yes.

Anthes: Can you elaborate on that from staff's perspective?

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- Pate: Very shortly. From a staff perspective we did feel that it met the six goals of the City Plan 2025, and identified why we felt they were in compliance on page 19 and 58. For making in-fill appropriate, discouraging suburban sprawl, encouraging traditional town form as a standard or a norm, growing a livable transportation network, assembling an enduring green network through the site, and hopefully creating some attainable housing by the variety of housing choices within this neighborhood. In terms of compatibility, that is again one of the many findings that we make beginning on page 18 and continuing in your 58 page staff report that we are required to make with any Planned Zoning District. Compatibility, as we have heard from Subdivision Committee and at the Planning Commission meeting, it is subject to the person who is discussing it or thinking about it. We felt that it was crucial to have a project that used like uses adjacent to like uses because of the single family residential neighborhoods surrounding the property to the south and to the east. Accordingly, across the street are non-residential uses which are very much single use, A nursery, a church, commercial uses, multifamily uses to the east, commercial uses to the west. So a mixture of uses in this area we felt was compatible amidst an overall area of zoning that includes RMF-24, RMF-12, and other zoning districts. So in terms of compatibility we felt the transition of density within the site, as other PZD's have transition within the property itself was crucial to approval of this project.
- Anthes: Ok. Lets see if I have anything else. Would you just set the record straight about how many units are being proposed and how many units are in phase one that you are asking for development approval. I think it has been said, but it's just...
- Pate: The overall Master Development Plan which is both a combined development project and a concept level project would be an maximum of 295 dwelling units. Change that by rezoning the property. And a maximum of 58,500 sq ft of non-residential or commercial space. Those are again maximums. In this phase one, the area that is delineated there in color on your map. It is exactly 57 residential units, a maximum 16,636sq ft of non-residential space within the first phase.
- Anthes: Ok. With that I have some questions of the applicant. On page 12 of your booklet and in other places there is some signage referred to, and signage is referred to even in the residential areas. Do you intend to place signs in the residential areas?
- Teague: No. We don't. I think our intent there was just to follow all City of Fayetteville codes with respect to signage.
- Anthes: Ok. What is your intent? There is a lot of neighborhood concern about the alleyways. And I know that we are only looking at approval on this first phase, but I was looking at illustrations on page 14 to 17 on the booklet, and there are some alleys shown with very little articulation and double garage doors facing

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those alleys. Which doesn't look like too friendly of a pedestrian environment to me. Are you proposing that for alleys throughout this proposal?

Teague: I will say that the developers do want to make these alleys look very nice. I may, I guess, want to let the architect speak to the garage doors in the alleys.

Anthes: Please do.

Watkins: It is the convention these days that the garages not face the front. In that we don't find that the garages necessarily the most attractive of the residential structures we have placed the garages to the rear. And the idea with the alley is that the things like telephone pedestals and electric transformers and those types of things that we typically later have to shrub up in the front yard and pretend they disappear all go in the alley. So it is in fact the case that the alleys will be less attractive than the streets and to some degree less pedestrian friendly in that the streets have sidewalks dedicated to the pedestrian and travel lanes dedicated to the automobile. But the alleys in the neighborhoods that we have built have sufficiently slow moving traffic and sufficiently slow volumes of traffic that in fact are widely used by pedestrians. In some of our neighborhoods we actually have people living in the alleys above garages and so forth. People find them equally as charming as the streets.

Anthes: But just to be clear, on page 14, 15, 16, 17 - particularly on page 15. I thought there was another sheet too. This is not part of the development proposal at this time, correct? These elevations?

Watkins: No.

Anthes: Ok. It's not. One additional question about city services? And that is, can somebody from engineering or staff talk about have you confirmed these impacts in terms of our water, gas, and electrical services in the surrounding areas that are called out on page 28 and 29 in the booklet. I guess it is water, storm sewer, sanitary sewer, etc.

Casey: Yes. The applicant has preformed the proper studies on both the sewer and the water to make sure that the impact of this development would not have a negative effect on the system. The studies have identified areas and specific things they can do to improve the system and make sure that there is not negative impact on the system.

Anthes: So there were some comments on the fire flow on Mt Sequoya being inadequate. Will that be changed at all by this development?

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Casey: That was one of the specific studies they did. They hired McGuinness, Williams and Gates. Who has the master water model for the city. They worked with them to identify improvements that would be needed to facilitate the fire flow in this area. So those are proposed with the development of this property.

Anthes: Ok. So engineering is satisfied.

Casey: Yes, Ma'am.

Anthes: Ok. Shall we work through conditions?

Clark: No, I would like to...

Anthes: Ok.

Clark: Engineering, what about these rear... I am obsessed. What about the rear lanes. They are still 12ft. Now they are one-way. Is that going to work?

Casey: I share your concerns with the dead ends, of course. From day one I have asked for these to be widened to meet our standards. I feel that for two-way traffic they need to be wider and the dead end ones definitely need to be for two-lanes. So I would share your feelings and can agree with you on your previous comments.

Clark: It is a way in and out for these people to get to some of their homes, and it is also an in and out for the trash trucks and possibly for emergency vehicles. So 12ft is just narrow. And now it is going to be one-way, and I don't see how in the world, unless you have little traffic cops it is going to work? I just don't.

Anthes: Would you like to propose a change to those two alleys?

Clark: No. I am going to vote against it.

Teague: May I just say?

Anthes: Mr. Teague?

Teague: Commissioner Clark, you are absolutely right. We proposed two-alleys. 12ft two-way alleys. Staff recommended the change that we make those one-way. I failed to overlook that we do have some dead end alleys, and those dead end alleys do need to be 16ft two-way alleys. We propose that as a change to be made.

Anthes: Thank you Mr. Teague.

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Clark: Thank you Mr. Teague.

Pate: Madam Chair. I am going to add to that also. The area that we have reviewed for development proposal for which these standards are proposed is only that area in color there that you see. You, hopefully, don't have any dead end alleys, so all this other shaded will come back before you as individual projects. Just like Park West, or just like Wellsprings. If you remember, the concept was passed and then the development proposal looked at all of those things in very great detail when it came back before the Planning Commission as a preliminary plat and a final plat. I just wanted to confirm that.

Anthes: Ok. Mr. Pate, normally we see a Master Development Plan with no development approval, with just zoning approval and a Master Development Plan. Or we see the whole package where we are approving development. We have a little hybrid here.

Pate: Yes.

Anthes: Will you tell us the criteria that we are to look at for the Master Development Plan area only versus the development review site? Because I think we are getting kind of stuck.

Pate: Sure. There is a hybrid proposal here. There is a development proposal that is shown there in color, and then the muted area or screened area shown for concept approval only. That does not give any entitlement for development approval, so development approval is not granted. If the Planning Commission and the City Council approves this project the only development approved would be the 57 lots and 16,000sq ft of non-residential use. The rest would come back before you to meet the criteria established by the zoning. So you are indeed correct that the zoning criteria, everything about the booklet and the plats that are presented establish the zoning criteria and then the Planning Commission measures that development proposal against the zoning criteria to insure they still meet that. He used that drawing there as a concept to look at those plans. But if you remember it Wellsprings, things had to shift to accommodate that. There are drainage calculations that aren't made on the concept area there. There are grading and retaining walls and tree preservation areas. Lots may have to shift. Lots may be lost to preserve a significant tree. So those are the types of things that we would look at at that time of development. We have not gone into that level of development in the concept area, but we have in the eastern quadrant of the site.

Graves: Madam Chair?

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Anthes: Commissioner Graves.

Graves: But are we not, even if we are approving the concept only with regard to the layout and the way it develops and the way the lots lay out. There is still, correct me if I am wrong, we are approving their ability to build 295 residential units tonight if we approve this?

Pate: Sure. Yes.

Anthes: Commissioner Harris.

Harris: Madam Chair, are you going to start going through the conditions? Or are we still having further conversation?

Anthes: I think that would be great unless you would like to do something else.

Harris: I can hold my conversation for later.

Anthes: Alright. Lets look at Condition of Approval number one. Planning Commission determination of street improvements. Are there comments?

Graves: Madam Chair?

Anthes: Yes Commissioner Graves.

Graves: Just to the extent of my opening comments which are, I am not comfortable approving tonight 295 units. Even if we feel like we are probably going to get the permits from the Highway Department, I am not comfortable approving 295 units tonight when we don't know that for sure. We would be granting them, or confirming them the night tonight to build 295 units with everything contingent on the traffic signal. I am just not comfortable doing that in that location on that particular road, Mission Blvd. I think whenever we look at number one, you know it has got lots of references and subparts B and C with regards to if this happens then that happens, and I am not comfortable with that.

Anthes: I understand. Let me ask Mr. Pate. If the Condition of Approval reads that the three turn lanes must be approved by the Highway Department prior to construction is that something we can do in a Condition of Approval to meet Commissioner Graves concern?

Pate: I believe so. If you establish the timing of the construction with the actual development then it cannot begin construction until such time as they got approval permits from the Highway Department. Which I guess in essence would stop the

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project until it could meet the warrants to satisfy the Highway Department.

Anthes: For the turning lanes?

Pate: Right.

Anthes: I understand from what Mr. Williams said that the light might be more problematic.

Williams: No, the light is certainly going to be one that would take actual traffic coming out of this subdivision before they could ever meet their warrants. Unless the other cross-street that intersects there increases very rapidly in traffic.

Graves: And that is just a concern even without the traffic signal if it developed out. I forget how many units you all told me. Ok. So we are probably talking about 140 more cars getting out in the morning right around the time it is already bad with Root School. That time in the morning with all the cars backed up clear passed where you are going to be putting this development in on Mission Boulevard. People just have to kind of let you in when you are getting out on Mission Boulevard, and you are throwing 100 odd more cars on there before we even might get a traffic signal out there. I just have a concern about, regardless of what the manual says down in Little Rock, if the Highway Department on the average state highway and the average number of vehicles we need before we can put a signal on there, that state highway along that stretch is very curvy, very narrow, and no shoulders with a couple of schools and a lot of folks who have to get out using that road. I think we are not creating a dangerous traffic situation, but we are definitely compounding one. With that particular finding, I am not comfortable with the way it reads right now.

Teague: Can I respond to that? I do understand the concern there. We would have to put a small amount of traffic onto highway 45 without a light. But the State, they are not going to... No matter what develops there they are not going approve a light there without the existing traffic to warrant it.

Anthes: We understand that.

Teague: They are just not going to give a permit.

Trumbo: Madam Chair.

Anthes: Commissioner Trumbo.

Trumbo: We have 29 acres and it is currently RSF-4. If this was built out to three units per

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acre it would be 87 units which is more than the 71 we are talking about that are going to be built in phases. Essentially are we saying that this property is left RSF-4, will we allow it to be developed to even a less density of RSF-3 considering the traffic situation? Or is this property stuck with the current zoning and not going to be allowed to be developed?

Graves: Madam Chair. I would not be in favor of a Large Scale Development based on the same traffic reasons. Traffic is definitely one of the criteria that we can consider at that point. And with the topography on that piece of property they couldn't build it to that density anyway. They can't build it to the current zoning because of the topography. I think the applicant would tell you that. They couldn't build 4 units per acre on that piece of property.

Trumbo: I said three.

Graves; Or even three. I doubt they could even do three.

(General talking and disagreement)

Anthes: Lets think about this. Because obviously if this was a city street we could require the improvements. It would be our standard conditions of approval with our Street Improvement Findings, and we would know what was coming. But we have other developments that are on State Highway, and it is kind of a leap of faith when we get to those situations. How does staff weigh that in making your recommendations for improvements? When you have a state highway that we cannot completely control.

Pate: I think we would look at it as any other principle arterial and collector street. Look at the traffic that is being generated and make a recommendation for those improvements. In this case we simply have another permitting body our ordinance actually has a section under required off-site improvements, state highways. Any improvement required of the developer by the Planning Commission shall be coordinated with the Arkansas Highway and Transportation Department as part of our ordinance requirements for any development. We sometimes, as we noted on another project recently just down the street with a bank to look at a condition of approval, we told you we would likely start putting in the language subject to AHTD permits if those can't be granted an assessment would be required in lieu thereof. Simply because what happens when we don't put that then the project comes back to the Planning Commission and requests an assessment simply because they couldn't develop without the permits. That the AHTD is not granting the permits. So I think it is a... It is not something that we have the ability, you as the Planning Commission or the City Council has the ability to control to be honest with you.

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- Anthes: So I guess I am trying to figure out the order of magnitude of impact. I apologize because I read through the traffic study, but my eyes were kind of crossing at that point. Can somebody decipher for me, from the total traffic load that is on Mission currently, as opposed to phase one through three of this development. What percentage increase to the current traffic is this development creating?
- Teague: I could speak to that. Existing traffic counts on Highway 45 are roughly 14,000, 15,000 vehicle trips per day. Phases one through three would generate at 57 units, 400, 500 trips onto that.
- Anthes: So that is what percent?
- Williams: That really is not that relevant to the traffic light. You are looking at cross traffic. That is what must be generated before the State Highway Department will issue a traffic lot warrant. They look at the major highway itself but then they look at the cross-traffic and there has to be so much cross-traffic before they will allow a light to go in.
- Anthes: I understand that with the light. I am trying to get the turn lane thing and sort of get an idea of what we are requesting for off-site improvements and the impact this development will have to the existing traffic situation. From what it sounds like, until we think the warrant will be met for a traffic signal we will be increasing the total number of traffic on Mission by... By how many?
- Pate: 3%
- Anthes: 3%. I don't know. It is just tough because it is a tough situation. But we have looked at it before at developments that add onto Mt Comfort Rd, Huntsville Rd, Highway 16, other situations and we say yes we acknowledge there are traffic problems that exist. Can this development bare the responsibility for an already bad situation? And are they exacerbating it to such a degree that they bare responsibility for it? I don't know that 3% meets that magnitude.
- Harris: It doesn't seem so to me.
- Lack: Madam Chair.
- Anthes: Yes, Mr. Lack.
- Lack: I would agree with that, and I would also add that we are seeing even from staff's comments an assessment for the light. So the City has money for the light if something happens and the developer drags their feet, or the developer offered, if

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I read it correctly in their information since Subdivisions, to install the light with phases one through three and bag it. At which time Arkansas Highway Transportation Department who has all authority on the situation says "Ok you can take the bags off" then it is a done deal. So that helps me to be comfortable with the fact that the light will be provided as soon as the road can be warrant. And the 3% of the traffic that you have to put on the road to get that light is something that you just have to have to trigger the light. So I think as far as an assurance, if you are asking for an assurance as to whether or not we can get the lot, I think there are two methods proposed. One from city staff which is an assessment, and the other would be just full installation and bagging.

Williams: I would recommend that we accept the applicant's request that at the end of phase three if not before, if there are no warrants issued before but concurrent with the build out of phase three that they go ahead and the traffic signal with the bagging over it so it will be ready. Because obviously it takes a while to engineer something like that. If it is already ready to go it would be in operation much quicker if it has already been constructed. If that is what the developer is offering.

Lack: And has the state agreed to that?

Teague: Yes. We are definitely offering that. We would love to build the light with phase one through three and have it fully operational. Again I can't guarantee that the state will let us do that. But we have full intent to try to do that.

Graves: Madam Chair, I guess the difficulty that I am having is with subsection C. The way that reads right now is that the applicant shall pursue the permit and if after application it is not allowed then assessments will be determined to be paid at that time. We are approving 295 units tonight if we vote in favor of this. And this is saying that those can still be built even if AHTD will not allow the traffic signal. I am saying that 295 units shouldn't go out there without that traffic signal. So I would prefer it read some other way that allows them to build the first three phases and then everything stops. You get the traffic signal you go on. If you don't get the traffic signal then you don't.

Anthes: Ok. Would you like to amend the Condition of Approval?

Motion:

Graves: I don't know if that is sufficient language. I don't know if I can restate it. But I think staff surely understands what my point is. When we are approving it by way of Master Development Plan tonight I understand that it is just conceptual to where lots are located. But we are approving the number of units tonight if we vote in favor of this. And the way the language reads right now you could still

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build 295 units and not have that signal. So I would move to amend the language in subsection C to coincide with what I just said.

Anthes: Mr. Williams.

Williams: I have one question of the developer before you go through with that. You said earlier that you were going to be that much short before you finished phase three. How many units are included in phase four of yours? That would be enough to put you over the top? Have you computed it that closely?

Teague: Phase four would put us over the top.

Williams: How many units are in phase four?

Teague: I can't tell you exactly, but there are probably 30 units in phase four.

Williams: My only thought on that is you might let them have enough before...

Graves: I would like to clarify anyway because you said 57 units a moment ago in phase one through three, and I heard 71 earlier. So I don't even know how many we've got through phase three right now.

Teague: I apologize for that. In phase one through three it was 57 residential units.

Williams: 57?

Graves: So we are talking about through phase four will be 87 units? Is that right?

Teague: Approximately. I would have to count them. I don't have the..

Graves: Well, I think you need to count them before trying to put them up together.

Williams: I would let them count and go somewhere into phase four to make sure they would be able to get their warrant.

Graves: Have you all done a calculation of how many units you would need to meet the warrant?

Teague: It basically comes down to one warrant that is based upon street A intersecting Highway 45. Its based upon a peak hour volume on Street A. That peak hour volume has to be 57 vehicle trips. After phases one through three, after 57 units we would have 51 vehicle trips. So we would need 6 more to absolutely meet that warrant.

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Graves: So after six more units then.

Anthes: Well, we have so many platted subdivisions that are building out in that area. I am pretty confident that the traffic on Mission will increase as a result of those developments.

(General talking)

Lack: Is that taking into consideration traffic on Lisa and the existing traffic?

Teague: Yes it is.

Williams: So it is possible that Lisa could supply the extra but... I would make your motion where they would have some of phase four at least.

Graves: Ok. Well, now I am trying to find out how many units we've got through phase three. And how many was the total through the first three phases for sure?

Chesser: It is 57.

Teague: Ok.

Graves: So 57 units phases one through three, 30 units phase four. 87 total.

Lack: Round it up to 90?

Anthes: It's 57 plus 6 right?

Graves: They need 63 units, it sounds like to hit the warrant.

Williams: Maybe you could structure it in a way where they would have to build it at the end of phase three, assuming they could. But they could not build beyond phase four unless it was in operation.

Anthes: Very good.

Graves: What he said. That is my motion.

Trumbo: Second.

Anthes: We have a motion to amend Condition of Approval 1. That motion is by Commissioner Graves, with a second by Commissioner Trumbo. Will you call

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the roll?

Roll Call: **The motion to amend condition of approval number one was approved by a vote of 7-0-0.**

Anthes: Condition of Approval number 2. Planning Commission determination of a lesser dedication of right-of-way for Mission Blvd.

Clark: Madam Chair.

Anthes: Yes, Commissioner Clark.

Clark: I hate to be lagging behind. But I have to go back to 1 for just a second.

Anthes: Oh, I'm sorry.

Clark: I am just, it's late. It is Tuesday for that matter.

Anthes: It is Tuesday.

Clark: You can build the turn lanes now? Or do you have to meet a warrant?

Watkins: The explanation that you heard earlier...

Clark: It is just a yes/no. Can you do it?

Watkins: Yes.

Clark: If we approve this tonight, when you start selling lots you can put those turn lanes in it?

Watkins: Yes.

Williams: Even before they are selling lots. While they are doing the construction.

Clark: Then I am good with 1. Let's move on.

Anthes: Dedication of the lesser cross-section. That is accommodate the existing utilities off along Mission Blvd. Staff finds in favor saying that the information presented by the applicant indicates Mission Blvd can be approved to the principle arterial designation within the existing right of way. Do we agree?

Clark: Yes. (Several voices)

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Anthes: Is everybody ok?

Trumbo: Yes. (Several voices)

Anthes: And that also includes a right-of-way dedication along Greenfield. Everyone is ok?

Harris: Yes.

Anthes: Condition of Approval number 3. Planning Commission determination of a waiver of minimum street design standards. These are varied return radius. Different street cross-sections that are required by this Master Street Plan. From what I understand staff had originally recommended denial of some of these waivers, particularly for street J. Mr. Casey, have you reviewed the latest submission by the applicant and are you in agreement and support of these waivers?

Casey: Yes, Ma'am. The changes that I requested have been addressed by the applicant's design engineer and they have redesigned street to be acceptable. So the waivers as requested I can support.

Anthes: We have heard that the alley cross section, that is for the development area and those are one-way only alleys.

Casey: Yes.

Motion:

Clark: I'm going to... It may fail, I don't care. I am going to make the motion because engineering is for it I am for it. 12ft one-way is not going to work. I will make the motion that we amend that 12ft to 16ft two-way traffic in the alleys.

Anthes: In all alleys?

Clark: Yup.

Teague: Can I speak to that?

Anthes: No. Not yet. Is there a second?

Graves: Second.

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Anthes: We have a motion and a second to amend to change the alley cross sections on all alleys within the...

Clark: Well, now wait. Time out. I am talking about the rear lanes. I think it is confused in this as the alleys. I am talking about the rear lanes specifically.

Anthes: That is an alley.

Clark: No, I mean in the book alleys are 1 through 3 and these are lanes 1 through 14. I am talking 1 through 14 in the booklet. In the design, That is what you are talking about isn't it Mr. Casey? That is what I thought. My motion is specific to the rear lanes which in Subdivision we wanted 16ft so they could be two-way. Now they are at 12ft, they are one-way. It's not going to work so lets just make them 16ft.

Anthes: I have a question for staff about the Hilltop/Hillside Overlay District and the impact of the street section? Does staff view that additional 4ft of paving as detrimental to the tree canopy or will it actually fit?

Pate: It will because all of their... In order to have solid waste access they all had to be 26ft wide access easements cleared free and clear. So that 16ft can be accommodated. It will reduce the green space obviously, adjacent to those properties. Especially along the south east side, but it can be accommodated.

Anthes: I guess my concern there is by putting an extra 4ft of pavement along that much. First of all we are adding impervious surface. We are reducing green space. And we are reducing that green buffer between the adjoining developments and this development. And I am not sure that we are really gaining too much functionality, living on one of those little historic streets as I do where you have to pull over to let someone go past.

Lack: Madam Chair.

Anthes: Commissioner Lack.

Lack: May I ask the motioner and the seconder if they would compromise to say that if two-way traffic is required due to dead ends, then the cross-section must be 16ft. If one-way traffic is acceptable then a 12ft wide section would be acceptable.

Clark: You are such a diplomat. My concern is on the eastern side along the rear lane 1. I just feasibly don't see how it is going to work. So...

(unclear discussion)

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Anthes: The motion is for 16ft is there further discussion? Will you call the roll?

Roll Call: The motion to amend condition of approval number two was denied by a vote of 2-5-0, with Myres, Lack, Trumbo, Anthes, and Harris voting no.

Motion:

Clark: Ok. Now I will make the motion that the rear lanes, if they dead end be 16ft, or whatever Audy said, which would allow for two-ways.

Anthes: IS there a second?

Graves: Second.

Anthes: A motion by Commissioner Clark, a second by Commissioner Graves. Is there discussion? Will you call the roll?

Roll Call: The motion to amend condition of approval number three as re-stated by Mr. Lack was approved by a vote of 6-1-0 with Anthes voting no.

Anthes: Item C on that condition. The waiver for the retaining walls. Can staff explain this a little better?

Pate: Sure. The retaining wall waiver Condition number C. This is for following our best management practice manual for a Hillside Overlay District to attempt to narrow the cross section that is disturbed much like we have done by right-of-way and easements. In every case this would not impede pedestrian or vehicular traffic. In most cases it is going to be adjacent to 9ft sidewalks that are going to be accommodated in this development. In some cases it will vary from that, but we will review each one of those in detail at the time of development.

Anthes: So Mr. Pate, you don't anticipate a safety concern for any kind of visibility or traffic issue there.

Pate: No, Ma'am.

Anthes: Is there any discussion on that?

Harris: Just one question, Madam Chair.

Anthes: Commissioner Harris.

Harris: Mr. Pate, who will review that at time of development? Staff or...?

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- Pate: We will see it, but we will forward those plans to you at time of development. Phase one through three is already being reviewed. The rest of those phases will come back before you guys at a Large Scale Development or Final Plat.
- Harris: Ok. Thank you.
- Graves: Madam Chair.
- Anthes: Yes, Commissioner Graves.
- Graves: I think that discussion that was had at Subdivision on this was just, we were talking about narrower street cross-sections with a lot of on-street parking and retaining walls right next to the street. We just wanted them to look at it. We just wanted staff to look at it and make sure it was safe.
- Anthes: Alright. Item D. Alternate Vertical K Values. Is everybody ok? Alright. Curb radii, street grades, and stand up curbs. Is that ok? Alright. The next item that we have determination on Planning Commission determination of a request to allow fewer than allowed off-street parking space and allowable ordinance for phases one through three. Instead providing an abundance of on-street parking to meet parking ratios. My question of staff is that we did not used to accept on-street parking, and we have started to do so. Is that correct?
- Pate: It still requires a waiver, and as mentioned earlier tonight or last night this will be coming forward most likely as a recommendation to amend our current parking code.
- Anthes: Ok. Is there any discussion on that item? Ok. Item 10. Planning Commission determination of design standards. Is everybody good?
- Myres: I am perfectly Ok with that one.
- Pate: Again I will mention that this is only for the areas that are being developed. So most of these conditions apply to that.
- Anthes: And these are the renderings that are down below here?
- Pate: Actually some of that is not even being... Those are the concept level drawings that are simply attached to the other...
- Anthes: So these are the phase one elevations that are in our packets. Ok. And Planning Commission determination of the proposed phasing plan, phases one through six

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in the years 2000 to 2012.

Myres: I think it is very ambitious, but I certainly would encourage them to try to do it.

Anthes: Ok. Now, Mr. Pate, the phasing plans. In other large developments that have come through that have multi-year phasing plans. If those need to be adjusted, how is that accomplished?

Pate: If they do not expire first, they can come back before you to request an extension to that phase. Usually to one year, I think is what our code states currently. So phase one, for instance, would have to get their permits by 2007 in order to meet their phasing. If they didn't after the ordinance is approved if they did not meet that it would simply be voided. The entire planned zoning district would be voided.

Anthes: Ok. Let's see. Conditions 13 through 20 have to do with parks. Are there any comments on the Park Board recommendations?

Harris: What about the...

Anthes: Yes, Commissioner Harris.

Harris: Just to go back to that tower, I guess that is included in this and also in 15, and 14. Somebody said about 6 hours ago, I was on the Subdivision Committee as well, and we have heard so much about the tower tonight. I want to make sure that that has really been spoken to. That first of all we have taken it seriously. I know that Commissioner Graves and Clark and I, I think when we walked into Subdivision, you know, the tower. It sounded like a nice accessory. And then obviously it became this large issue for people. A couple of things. In terms of... Mr. Pate, would you just mind walking me through again how the tower is being paid for?

Pate: The applicants are required to construct a tower. To physically construct a tower and dedicate the land underneath it to the City of Fayetteville and the facility that is on top of that land which is the tower to the City of Fayetteville. There is a maintenance contract that they will have to, which is part of the recommendations by the Park and Recreation Board to work through the details on the contract for that particular component for our Parks system. As each phase develops, this one for instance, says phase one through three has 57 dwelling units. That does not warrant a \$260,000 tower. So that money, in lieu, will be submitted to the city so that when this project is approved the Parks and Recreation Director can sign off on the final plat saying that all park land dedication requirements have been met because we have a check for that amount of money. It is phased in here, and I can't spout off the details, it is phased in here so that at a certain phase the tower

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has to be constructed or all money submitted for the project to the City of Fayetteville, we hold that money until the tower is constructed and then we will return the money. The development team has actually agreed, from my understanding from the Park and Recreation Board to actually submitting that. If they don't construct it until a later phase they will actually be out twice the cost of the tower. If they don't construct it until a later phase they will actually be out twice the cost of the tower because we will hold the money until the tower is completed and then return those funds. That is the way I understand the Parks and Recreation Boards's memos that came from park staff.

Harris: Madam Chair, I am going to ask another question if I may? Mr. Teague? Obviously the concern about the tower was that it would provide a platform for people to look down on children in bedrooms and so forth. I believe that you all have said that it won't be any taller than the buildings surrounding it. Is that correct?

Teague: Yes. We have said that.

Harris: And the tower is a part of which phase?

Teague: It is inside of phase four.

Harris: So phase one through three will have already been built by that time?

Teague: That is correct.

Harris: I am trying to look where the tower is exactly. So they do, in a sense also provide a screen? Is that correct? To the neighborhood, between the neighborhood and the... That is to say there won't be this tower sitting on that hilltop before anything else is around it?

Teague: Yes. That is correct. You know, we showed at the presentation at the start of the meeting that somewhat showed that you wouldn't be able to see very clearly into anybody's backyard and definitely not into anybody's window.

Harris: Ok. Thank you.

Trumbo: Madam Chair

Anthes: Yes, Commissioner Trumbo.

Trumbo: What about parking for the tower? If people are going to come from other parts of the city and want to go into the tower, do we have parking provided? Is it just

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the on-street spaces?

Teague: The area up there is still conceptual. We would definitely have on-street parking up there. We have talked about the idea of putting parking, putting structured grass inside the hilltop green to allow parking for the hilltop green and the tower. So on-street and then the structured grass inside the hilltop green.

Anthes: Are you talking about a grass paved system? Where you can drive on the grass?

Teague: Yes. Just for the parking area directly off of the street.

Graves: Madam Chair.

Anthes: Yes, Commissioner Graves.

Graves: That was one of the discussions of Subdivision as well. The fact that when we were looking at the traffic issue, just the idea that it is not going to be just people who live in this neighborhood who are going to be driving in and out of it because if this tower is there and it becomes an attraction, then people outside that neighborhood are going to be driving in and out as well. So that was another discussion with regard to traffic at the time, and just something that I would mention to the other Commissioners as something to consider with regard to traffic. It is not just the density involved with this specific project because it will be an attraction that people will presumably drive to. And the parking issue, because they are already relying to a great degree on on-street parking to help them try to get close to their numbers. They you have other folks driving in who have to park somewhere too. But my question, specifically to staff, is just with regards to the maintenance issues. Who is going to be carrying insurance, for example, on this tower and making sure it's safe? If the POA disappears and you can't find the POA and they are responsible on this maintenance agreement? Those are tow separate questions in my mind. Who is standing behind the tower if someone were to get hurt on it? And also, if the POA is gone who is maintaining it?

Pate: I will answer to my extent and Kit may want to jump in. To the extent of my knowledge the condition states that maintenance of the tower and the .11 acres of the land are the responsibility of the city and the POA is required by contract to pay a fee for that maintenance as part of this agreement. It is a non-amendable maintenance contract with an inflation clause as stated in the contract. That is verbatim from the...

Graves: But we have had situations, for example we have discussed where private streets are concerned that sometimes POA's go away or you can't find a contact person

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for a POA. At that point, I mean, this is similar in that respect.

Williams: What we have with the PZD ordinances now is that there are provisions that when there are private streets or other maintenance issues that the POA is going to be required to fulfill, we are allowed, and we actually require the developer to show us the restrictive covenants which must have a non-amendable restrictive clause that allows the POA and in absence of the POA the city, to assess the property owners if in fact there is maintenance that is required by the city because it has not been done by the POA and the POA does not reimburse the city. We will require that in this case too. Not only for private streets, but for the tower itself.

Graves: And then with regard to insuring or guaranteeing or protecting against liability. Is the city responsible for that, it being city property?

Williams: The city, as you are probably aware, has sovereign immunity. So we typically do not have liability insurance. If we have liability it waves our sovereign immunity.

Graves: Right, and so my question is that since it is on city property does that mean that it is not going to be insured?

Pate: It would be much like the castle at Wilson Park or the play grounds that we also install on city property.

Graves: There is not going to be a situation where the POA is required to carry, whatever, to insure the properties dedicated.

Williams: Right, it will be City property.

Graves: Ok

Anthes: Ok, tree preservation and landscape. In landscape, we have a determination of a waiver request to use the urban streetscape 9-foot sidewalk width option as opposed to the required 10 ft. Similar to the one tonight that we approved for a 8 ft sidewalk. Does anyone have any comments? Alright, and now we have General number 30. Planning Commission determination of zoning criteria. There is a staff recommendation for a setback of 10ft adjacent to any property line exterior to the overall 28.92 acre PZD boundary to provide a reasonable level of transition. No alley or other form of development shall occur within 5ft of the property line without the adjacent property owners consent. Applicant has indicated compliance with this recommendation. Have the changes been made to the booklet and plat?

Pate: That's what this condition is referencing. I think it is the only change to the

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booklet or plat that we have noted. The letter that was submitted states that all indications are in compliance with that. I think it was just overlooked in revision. That condition will cover that.

Anthes: Thank you, Mr. Pate. I believe that is all the determinations. Are there any questions about any other Conditions of Approval?

Pate: Madam Chair, I would like to note that the sign question that your reference is Condition number 34.

Anthes: Excellent, thank you. Alright. Is there further discussions or motions?

Trumbo: Madam Chair.

Anthes: Commissioner Trumbo.

Motion:

Trumbo: I would like to make a motion that we approve RPZD 06-2299 finding in favor with the Conditions of Approval that we just went through. I believe we changed one?

Graves: We changed two of them.

Trumbo: Two.

Graves: We changed the alleys too.

Anthes: So the Conditions as amended in the meeting?

Trumbo: Yes.

Anthes: We have a motion to forward by Commissioner Trumbo.

Myres: Second.

Anthes: Second by Commissioner Myers. Is there further discussion? Mr. Pate, will you call the roll?

Roll Call: The motion to approve R-PZD 06-2299 with amended conditions carries with a vote of 5-2-0, with Graves and Clark voting no.

Anthes: Are there any announcements? It's late! We are adjourned.

From: <Wisloan@aol.com>
To: <city_clerk@ci.fayetteville.ar.us>
Date: 2/16/2007 1:35 PM
Subject: Ruskins Heights Development (For Council's Agenda Files)

My name is Winston Sloan. I live at 1807 E. Viewpoint Dr., Fayetteville. This is about three blocks in distance from where a connection from RH development wishes to connect with Greenview Drive. I just wanted to add one more voice in STRONG opposition to this development, at least the way in which it now stands. The density is HORRENDOUS!! A member of the Council has recently brought up the traffic problem(s) on Mission Blvd. What do you think is going to happen when another 300/600 cars needing to travel on that same road for school, shopping, work will do for traffic?? Yeah, they are going to put a light in at Lisa lane.. Big deal! That will only back up traffic the to intersections of Greenview and Mission and Winwood and Mission, so you can't get on there. Then traffic will use Viewpoint, both East and South which will take it thru the "old" neighborhood, certainly not designed for it. That traffic will wind up on Rockwood or Assembly Drive, if they go South. If you will not DENY, please at least REDUCE at least 2/3s. You cannot achieve INFILL in only one location!! I also support the citizens of Custer Lane in their battle!! It seems we have somewhat similar problems. The road improvements, such as they are, should be in place BEFORE any development is begun. If reducing number of units will not let the project "work", to bad! I commend Planning Comm. members Clark and Graves in voting against this because of DENSITY!!

From: <Hsw5348@aol.com>
To: <city_clerk@ci.fayetteville.ar.us>
Date: 2/20/2007 12:43 PM
Subject: (no subject)

Please send this on to all the council members

To Mayor Coody and the City Council Representatives,
I am writing to voice my opposition for the proposed Ruskin Heights development as it currently stands and hope that you will take into consideration the concerns of the neighborhood residents before voting on its approval.

I have lived on Greenview Drive for almost twenty years and have witnessed first hand some of the problems that go along with living on a hillside. Removing almost 7 acres of forested area as proposed in the Ruskin Heights development can only cause severe water run-off and erosion problems to new and existing homes.

The area is zoned 4 homes per acre and the developers are requesting approximately 10 units per acres. This is way too dense.. The city is trying to solve it's growth problems with in fill as a solution which may work in some parts of the city but not on this proposed location. Accessing Mission Blvd. from the neighborhood at peak traffic times is already an existing problem and will only be greatly magnified when adding at the least 295 additional vehicles. The proposed Greenview Drive as a cut through street doesn't seem to be a very adequate solution.

And where will all these cars park in inclement weather when it is impossible to access our very steep narrow streets?

These are just some of the issues that I feel warrant much consideration when deciding upon approval of the Ruskin Heights Development. When attending a Ward 1 meeting recently, it was very evident that the developers were not willing to make any compromises to their existing plans, no matter what the concerns voiced by the residents were. I don't think it's too late for making changes that may impact the quality of the neighborhood and for the city as a whole for many many years to come.

Thank you all for your time and consideration,

Susie Walker
1981 Greenview Drive
Fayetteville, AR 72701

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February 15, 2007

Mr. Brian Teague
Community By Design
38 West Trenton Blvd., Suite 201
Fayetteville, AR 72701

Re: Ruskin Heights Development
Highway 45, Section 5
Washington County
Fayetteville

Dear Mr. Teague:

Reference is made to our meeting on February 7 and your subsequent submittal of a conceptual plan for left turn lanes on Highway 45 in the area of the proposed Ruskin Heights Development.

Based on the conceptual drawing provided, we ask that you provide detailed plans for review so that we may proceed with issuance of a permit for construction of left turn lanes and access permits for the planned street entrances.

As indicated at our meeting, a traffic study can be undertaken and submitted at anytime during development to determine if traffic at the time of the study warrants signalization of the street intersections with Highway 45.

Sincerely,

Joe Shipman
District 4 Engineer

C: City of Fayetteville, Ron Petrie, City Engineer
Assistant Chief Engineer-Operations
Roadway Design

ALDERMAN AGENDA REQUEST FORM

B. 4
Amend 161.21 and 161.22
Height Regulations
Page 1 of 8

FOR: COUNCIL MEETING OF FEBRUARY 20, 2007

FROM: ALDERMAN NANCY ALLEN

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Amend §161.21 (G) Height Regulations Of Main Street Center And §161.22 (G) Height Regulations Of Downtown General Of The Unified Development Code By Limiting The Height Of New Development To Three Stories Or 45 Feet, Whichever Is Less, And To Repeal §156.02 (B)(6)

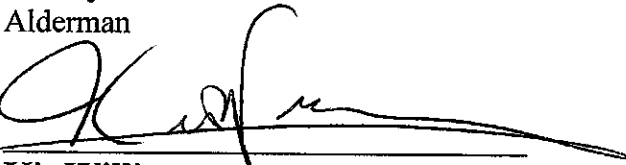
APPROVED FOR AGENDA:



Nancy Allen
Alderman

2-14-07

Date



Kit Williams
City Attorney (as to form)

2-14-07

Date

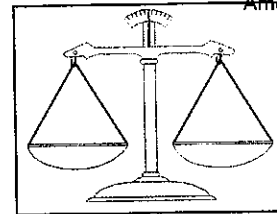
FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



LEGAL DEPARTMENT

B. 4
Amend 161.21 and 161.22
Height Regulations
Page 2 of 8

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

FROM: **Kit Williams**, City Attorney

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

DATE: **February 14, 2007**

RE: **Alderman Allen's height limitation ordinance**

Alderman Allen asked that I draft her an ordinance limiting height of new buildings in the Downtown General and Main Street Center to 45 feet with a right to seek a variance from the Planning Commission for taller proposed buildings. Since §156.02 **Zoning Regulations**, subsection (B)(5) *Building height variance in all zoning districts* already provided such variance procedures, I only changed the height limits from 84 and 56 to 45 feet.

In order to clarify that the Planning Commission can grant a height variance and to grandfather in existing buildings above 45 feet as conforming structures, Alderman Allen asked that I include the height regulation language referring to the Planning Commission variance found in RSF-.5, RSF-1, RSF-2, RSF-4, and RSF-7. Please find the new proposed ordinance attached to this memo. Alderman Allen will need to move to amend her proposed ordinance to his new version at the City Council meeting.

Almost all C-3 zoning parcels were within the Downtown Master Plan area and have now been rezoned. Therefore subsection (B)(6) which deals with height variance only in C-3 is no longer needed and should be repealed. Alderman Allen has agreed to my request to repeal this unneeded subsection as a portion of her proposed ordinance.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §161.21 (G) HEIGHT REGULATIONS OF MAIN STREET CENTER AND §161.22 (G) HEIGHT REGULATIONS OF DOWNTOWN GENERAL OF THE UNIFIED DEVELOPMENT CODE BY LIMITING THE HEIGHT OF NEW DEVELOPMENT TO THREE STORIES OR 45 FEET, WHICHEVER IS LESS, AND TO REPEAL §156.02 (B)(6)

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 §161.21 (G) and §161.22 (G) of the Unified Development Code and enacts replacement §161.21 (G) and §161.22 (G) as shown below:

"§161.21 (G) Height regulations. Maximum height is three (3) stories or 45 feet whichever is less. The height or number of stories may only be increased by obtaining a variance after hearing by the Planning Commission. Existing structures that exceed three stories or 45 feet in height shall be grandfathered in and not considered nonconforming structures.

"§161.22 (G) Height regulations. Maximum height is three (3) stories or 45 feet whichever is less. The height or number of stories may only be increased by obtaining a variance after hearing by the Planning Commission. Existing structures that exceed three stories or 45 feet in height shall be grandfathered in and not considered nonconforming structures."

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby repeals §156.02(B)(6) *Building height variance in the C-3 District* in its entirety.

PASSED and **APPROVED** this 20th day of February, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

Handed out at Agenda Session
2/13/07 C.G. New Business

B. 4
amend 161.21 and 161.22
Height Regulations
Page 5 of 8



THE CITY OF FAYETTEVILLE, ARKANSAS

PLANNING DIVISION CORRESPONDENCE

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

To: City Council, Mayor Dan Coody
From: Jeremy Pate, Director of Current Planning
Date: February 12, 2007
Subject: Zoning District Height Regulations

Following is information regarding the current height regulations in all zoning districts within the City of Fayetteville. The zoning amendment submitted for consideration involves zoning districts **#19) Main Street Center** and **#20) Downtown General**.

1) R-A, Residential Agricultural: No maximum height limits, provided, however that any building which exceeds the height of 15 feet shall be set back from any boundary line a distance of 1 foot for each foot of height in excess of 15 feet.

2) RSF-0.5, Residential Single Family, One Half Unit per Acre:

3) RSF-1, Residential Single Family, One Unit per Acre:

4) RSF-2, Residential Single Family, Two Units per Acre:

5) RSF-4, Residential Single Family, Four Units per Acre:

6) RSF-7, Residential Single Family, Seven Units per Acre:

7) RSF-8, Residential Single Family, Eight Units per Acre:

Structures within the above zones limited to a building height of 45 feet.

8) RT-12, Residential Two/Three Family: 30 Feet

9) RMF-6, Residential Multi-Family, Six Units per Acre: Any building which exceeds the height of 20 feet shall be set back from any side boundary line a distance of 1 foot for each foot of height in excess of 20 feet.

10) RMF-12, Residential Multi-Family, Twelve Units per Acre: Any building which exceeds the height of 20 feet shall be set back from any side boundary line a distance of 1 foot for each foot of height in excess of 20 feet.

11) RMF-18, Residential Multi-Family, Eighteen Units per Acre: Any building which exceeds the height of 20 feet shall be set back from any side boundary line a distance of 1 foot for each foot of height in excess of 20 feet.

12) RMF-24, Residential Multi-Family, Twenty-Four Units per Acre: Any building which exceeds the height of 20 feet shall be set back from any side boundary line a distance of 1 foot for each foot of height in excess of 20 feet.

13) RMF-40, Residential Multi-Family, Forty Units per Acre: Any building which exceeds the height of 20 feet shall be set back from any side boundary line a distance of 1 foot for each foot of height in excess of 20 feet.

14) R-O, Residential Office: No maximum height limits, provided, however that any building which exceeds the height of 20 feet shall be set back from any boundary line of any RSF or RMF district an additional distance of 1 foot for each foot of height in excess of 20 feet.

15) C-1, Neighborhood Commercial: No maximum height limits, provided, however that any building which exceeds the height of 10 feet shall be set back from any boundary line of any residential district a distance of 1 foot for each foot of height in excess of 10 feet.

16) C-2, Thoroughfare Commercial: Any building which exceeds the height of 20 feet shall be set back from any boundary line of any residential district a distance of 1 foot for each foot of height in excess of 20 feet. No building shall exceed six stories or 75 feet in height.

17) C-3, Central Commercial: Maximum height is six stories or 84 feet whichever is less. Above four stories, there shall be a stepback of the building's principal façade of at least fifteen feet. The height shall be measured from the mean elevation of the finished grade or sidewalk at the frontage line, whichever is higher, to the eave of the roof or cornice for a building with a parapet.

18) Downtown Core: Maximum height is 12 stories or 168 feet whichever is less.

19) Main Street/Center: Maximum height is 6 stories or 84 feet whichever is less. Above four stories there shall be a stepback of the building's principal façade of no less than 15 ft.

20) Downtown General: Maximum height is 4 stories or 56 feet whichever is less.

21) Neighborhood Conservation: Maximum height is 3 stories or 45 feet whichever is less.

22) I-1, Heavy Commercial and Light Industrial: There shall be no maximum height limits in I-1 District, provided, however, that any building which exceeds the height of 25 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 25 feet

23) I-2, General Industrial: There shall be no maximum height limits in I-2 Districts, provided, however, that any building which exceeds the height of 25 feet shall be setback from any boundary line of any residential district a distance of one foot for each foot of height in excess of 25 feet.

24) P-1, Institutional: There shall be no maximum height limits in P-1 Districts, provided, however, that any building which exceeds the height of 20 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet.

25) E-1, Extraction: None

26) Design Overlay District: Does not address height, underlying zoning prevails.

27) Planned Zoning District: 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.

City Council Meeting Date

Department

A PUBLIC HEARING REGARDING THE CITY OF FARMINGTON'S DESIRE TO ANNEX CERTAIN TERRITORY CURRENTLY IN THE CITY LIMITS OF FAYETTEVILLE.

Comments:

CITY COUNCIL AGENDA MEMO

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Tim Conklin, Planning and Development Management Director
DATE: February 16, 2007

SUBJECT: **A PUBLIC HEARING REGARDING THE CITY OF
FARMINGTON'S DESIRE TO ANNEX CERTAIN TERRITORY
CURRENTLY IN THE CITY LIMITS OF FAYETTEVILLE**

RECOMMENDATION

The City Council passed Resolution No. 23-07 to set the public hearing date for March 6, 2007. A.C.A. 14-40-2101 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 passed an ordinance 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.

At the next regularly scheduled meeting following the March 6, 2007 public hearing, the Fayetteville City Council may bring a proposed ordinance up for vote to concur in the detachment and annexation.

RESOLUTION NO. 23-07

**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. 2007-1 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

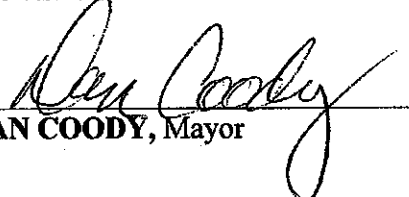
WHEREAS, in accordance with procedures for consideration of such a request, the Fayetteville City Council shall conduct a public hearing within sixty (60) days of Farmington's proposal of said ordinance.

**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 6, 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:

By: 
DAN COODY, Mayor

ATTEST:

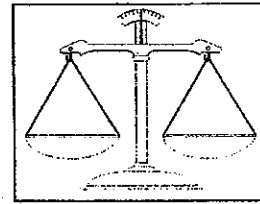
By: 
SONDRA SMITH, City Clerk/Treasurer



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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.

Doc ID: 010749640004 Type: REL
Recorded: 01/16/2007 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:

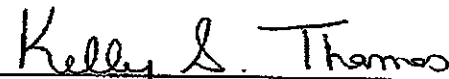

Kelly Thomas, City Clerk

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 Meeting of January 16, 2007
Agenda Item Number

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

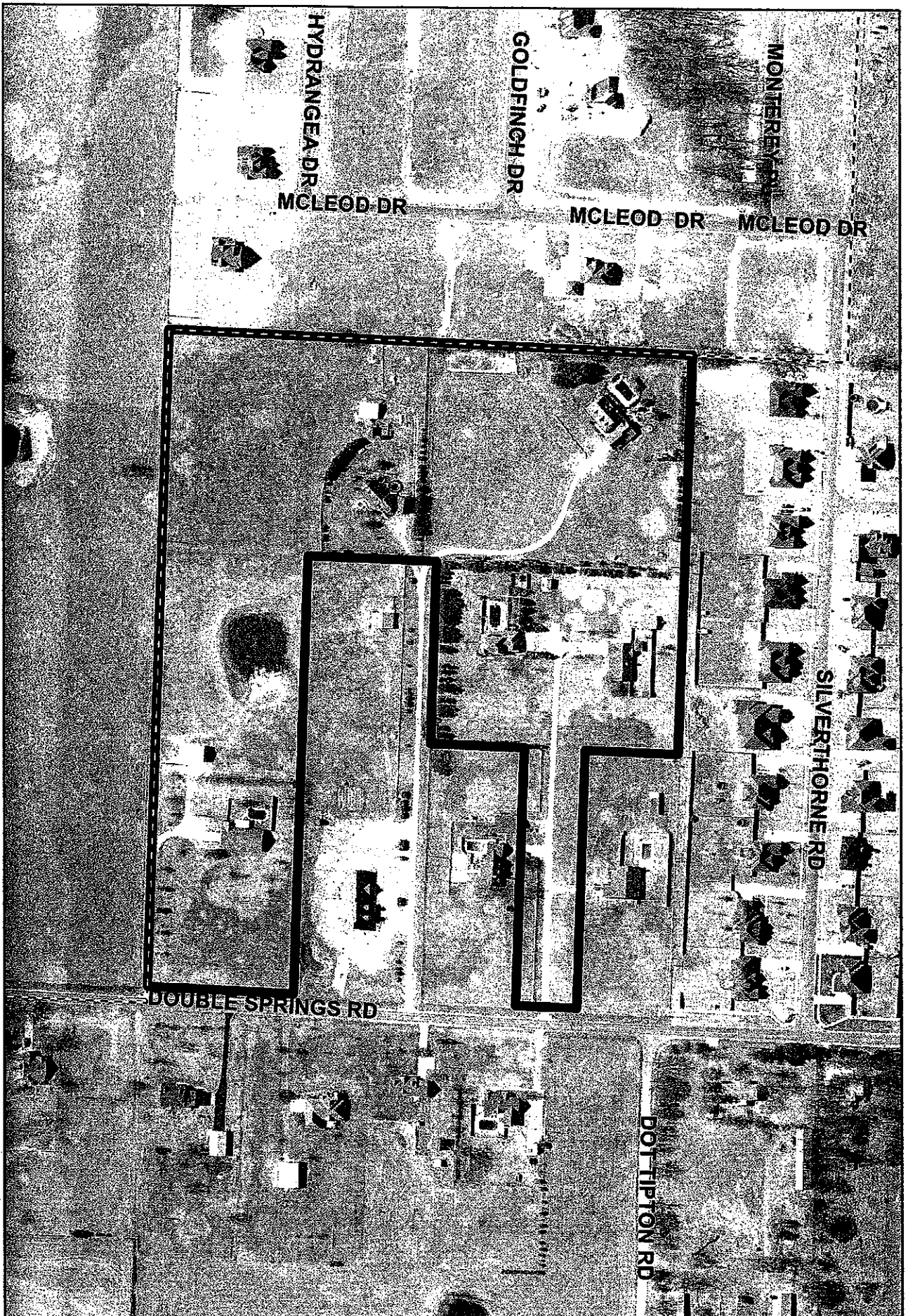
The City Council passed Ordinance No. 4923 on September 19, 2006 that annexed approximately 405.47 acres of land into the City of Fayetteville. At the September 5, 2006 City Council meeting a small number of property owners requested to be removed from the proposed annexation (please see attached minutes). 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

FROM :NWARPC

FAX NO. :4797517150

Dec. 22 2006 05:09PM P3

December 12, 2006

Mayor John Harris
City of Farmington
354 W. Main
Farmington, AR 72730

Dear Mayor Harris:

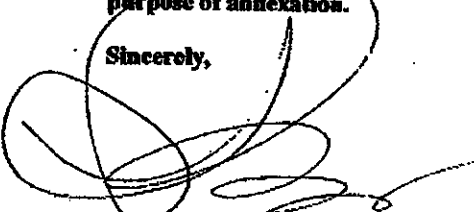
We respectfully request that the annexation of our properties be placed on the agenda of the next city council meeting set for January 16, 2007.

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 12/12/06
Homer Bud Anderson
173 N. Double Springs Rd.

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 Dorfman
117 N. Double Springs Rd.

12/13/06

E. JANE ANDERSON
NOTARY PUBLIC-STATE OF ARKANSAS
WASHINGTON COUNTY
My Commission Expires Feb. 12, 2011

City Council Meeting Minutes
September 5, 2006
Page 5 of 71

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

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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

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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

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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

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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.

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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

City Council Meeting Minutes
September 5, 2006
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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 \$4,382.00.~~

~~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.

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

6-Mar-07
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

VAC 06-2364: (Cruz Bay, 523): Submitted by Mandy Bunch for property located located north of 5th Street between South School Avenue and South Locust Avenue. The property is zoned MSC, Main Street Center and contains 0.04 acres. The request is to vacate 150' of the 12' alley on the subject property.

\$0.00

n/a

n/a

Cost of this request

Category/Project Budget

Program Category / Project Name

n/a

n/a

n/a

Account Number

Funds Used to Date

Program / Project Category Name

n/a

n/a

n/a

\$

-

Project Number

Remaining Balance

Fund Name

Budgeted Item

☐

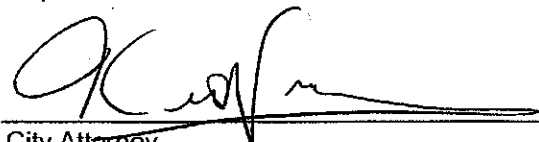
Budget Adjustment Attached

☐

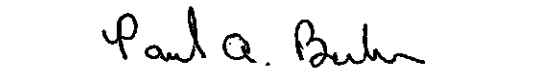
 2-12-07
Department Director Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

 2-13-07
City Attorney

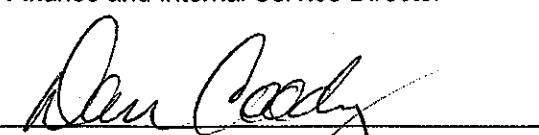
Original Contract Number: n/a

 2-14-07
Finance and Internal Service Director Date

Received in City Clerk's Office

ENTERED

2-13-07

 2/21/07
Mayor Date

Received in Mayor's Office

ENTERED

2/14/07

BRP

Comments:

City Council Meeting of March 6, 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 ^{JK}

Date: February 9, 2007

Subject: Alley Vacation for Cruz Bay, LLC (VAC 06-2364)

RECOMMENDATION

Planning Staff recommends approval of an ordinance vacating an alley located north of 5th Street between South School Avenue and South Locust Avenue.

BACKGROUND

The alley right-of-way is located north of 5th Street between South School Avenue and South Locust Avenue. There are two existing dilapidated structures, however the majority of the property is undeveloped with multiple mature trees. The subject alley has never been constructed and the alley right-of-way directly to the south was vacated by Ordinance No. 4477. The alley continues to the north, intersecting Archibald Yell Blvd. in a location that is not recommended for vehicular access, as sight distance is very limited.

The applicant is requesting to vacate a 12' wide alley within Block 11 of Ferguson's Addition.

DISCUSSION

The Planning Commission voted 7-0-0 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.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 06-2364 SUBMITTED
BY MANDY BUNCH FOR PROPERTY LOCATED NORTH OF 5TH STREET
BETWEEN SOUTH SCHOOL AVENUE AND SOUTH LOCUST AVENUE,
VACATING 150' OF THE 12' ALLEY ON THE SUBJECT PROPERTY.

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of the platted alley is not required for corporate purposes;

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following described platted alley:

See Exhibit "B" attached hereto and made a part hereof.

Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached hereto and labeled Exhibit "A" shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 3: That this vacation approval is subject to the Conditions of Approval as follows, and shall not be in effect until all conditions are met herein.

1. Any relocation of existing utilities shall be at the owner/developer's expense.
2. Utility easements to be granted along the north and west sides of the subject property per comments from Southwestern Electric Power Company.

PASSED and **APPROVED** this day of , 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT "B"
VAC 06-2364

SURVEY DESCRIPTION OF 12' ALLEY TO BE VACATED:

A TRACT OF LAND BEING A PART OF BLOCK 11 OF THE FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE AS RECORDED IN PLAT BOOK 4 AT PAGE 203. SAID TRACT OF LAND BEING A PART OF THE SE1/4 OF SECTION 16, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF BLOCK 10 OF SAID FERGUSON'S ADDITION, A CHISELED HOLE IN CONCRETE BEARS S03°25'25"W 5.00 FEET; THENCE N03°25'25"E 40.01 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 11 BEING AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF W. FIFTH STREET (45'R/W) AND THE WEST RIGHT-OF-WAY LINE OF S. LOCUST AVENUE (60'R/W); THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE N87°42'33"W 144.03 FEET TO THE SOUTHWEST CORNER OF LOT 6 OF SAID BLOCK 11 AND THE POINT OF BEGINNING; THENCE CONTINUING N87°42'33"W 12.00 FEET TO THE SOUTHEAST CORNER OF LOT 7 OF SAID BLOCK 11; THENCE N03°25'25"E 150.03 FEET TO THE NORTHEAST CORNER OF LOT 9 OF SAID BLOCK 11; THENCE S87°42'33"E 12.00 FEET TO THE NORTHWEST CORNER OF LOT 4 OF SAID BLOCK 11; THENCE S03°25'25"W 150.03 FEET TO THE POINT OF BEGINNING, CONTAINING 1,800 SQUARE FEET OR 0.04 ACRES, MORE OR LESS.

EXHIBIT "A"

765-05458-000 *
765-05456-000
HOSSEIN FAKHIMI
PO BOX 3482
FAYETTEVILLE, AR 72702

765-05447-001 *
765-05448-001
CITY OF FAYETTEVILLE
113 W. MOUNTAIN
FAYETTEVILLE, AR 72701

765-05451-000
TIMOTHY & CHRISTINE KLINGER
PO BOX 1064
FAYETTEVILLE, AR 72702

PARCEL MAP

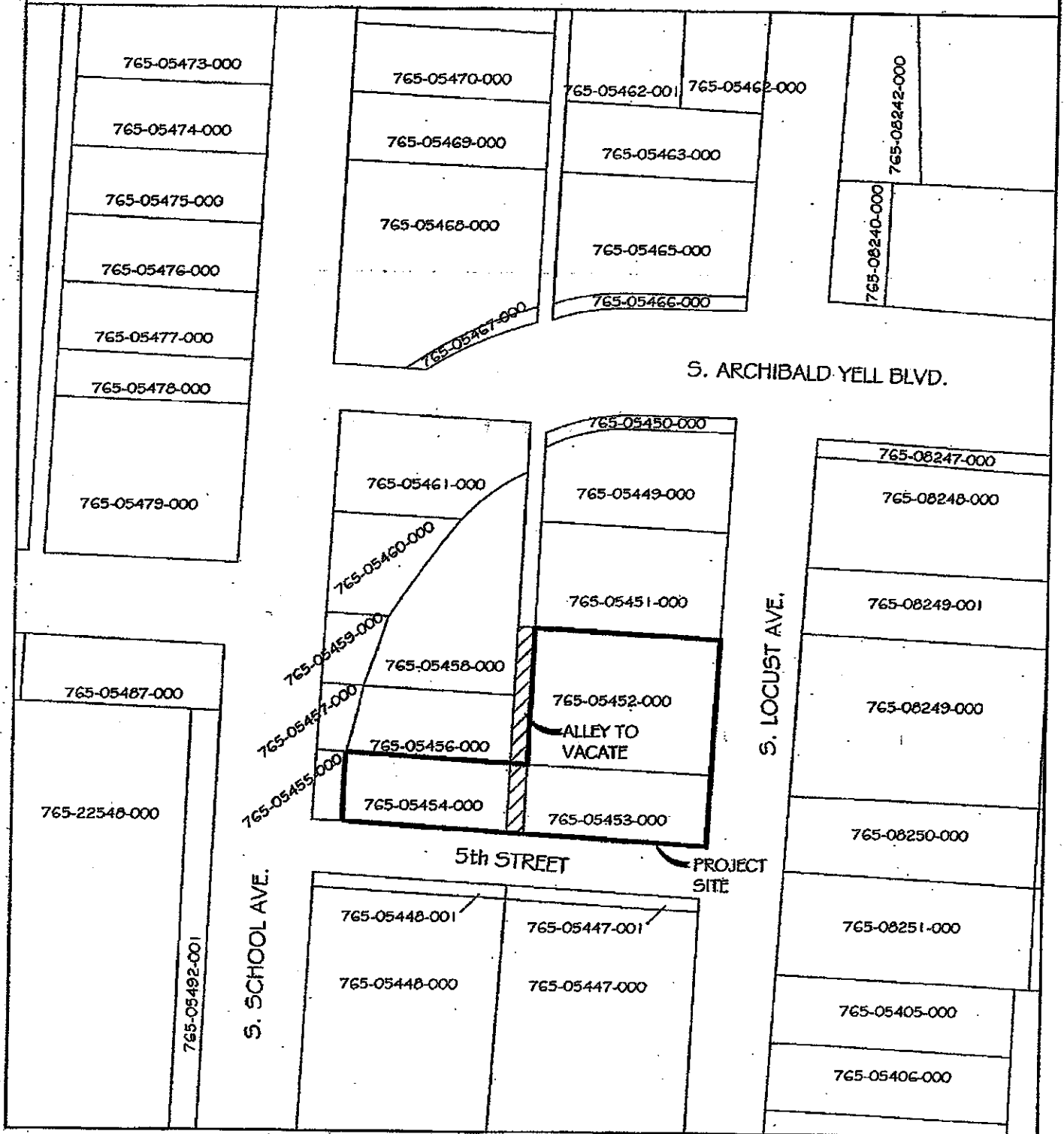


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VAC 06-2364

SURVEY DESCRIPTION OF 12' ALLEY TO BE VACATED:

A TRACT OF LAND BEING A PART OF BLOCK 11 OF THE FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE AS RECORDED IN PLAT BOOK 4 AT PAGE 203. SAID TRACT OF LAND BEING A PART OF THE SE1/4 OF SECTION 16, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF BLOCK 10 OF SAID FERGUSON'S ADDITION, A CHISELED HOLE IN CONCRETE BEARS S03°25'25"W 5.00 FEET; THENCE N03°25'25"E 40.01 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 11 BEING AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF W. FIFTH STREET (45'R/W) AND THE WEST RIGHT-OF-WAY LINE OF S. LOCUST AVENUE (60'R/W); THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE N87°42'33"W 144.03 FEET TO THE SOUTHWEST CORNER OF LOT 6 OF SAID BLOCK 11 AND THE POINT OF BEGINNING; THENCE CONTINUING N87°42'33"W 12.00 FEET TO THE SOUTHEAST CORNER OF LOT 7 OF SAID BLOCK 11; THENCE N03°25'25"E 150.03 FEET TO THE NORTHEAST CORNER OF LOT 9 OF SAID BLOCK 11; THENCE S87°42'33"E 12.00 FEET TO THE NORTHWEST CORNER OF LOT 4 OF SAID BLOCK 11; THENCE S03°25'25"W 150.03 FEET TO THE POINT OF BEGINNING, CONTAINING 1,800 SQUARE FEET OR 0.04 ACRES, MORE OR LESS.



PC Meeting of December 11, 2006

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Current Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: ~~December 6, 2006~~ Updated December 12, 2006

VAC 06-2364: (CRUZ BAY/ALLEY, 523): Submitted by MANDY BUNCH for property located at NW CORNER OF 5TH ST. AND S. LOCUST. The property is zoned MSC, MAIN STREET CENTER and contains approximately 0.04 acres. The request is to vacate 150' of the 12' alley on the subject property.

Planner: Jesse Fulcher

Findings:

Property Description and Background: The alley right-of-way is located north of 5th Street between South School Avenue and South Locust Avenue. There are two existing dilapidated structures, however the majority of the property is undeveloped with multiple mature trees. The subject alley has never been constructed and the alley right-of-way directly to the south was vacated by Ordinance No. 4477. The alley continues to the north, intersecting Archibald Yell Blvd. in a location that is not recommended for vehicular access, as sight distance is very limited.

Request: The applicant is requesting to vacate a 12' wide alley within Block 11 of Ferguson's Addition.

The applicant has submitted the required notification forms to the utility companies and to the City with the result summarized below.

UTILITIES

RESPONSE

Ozarks Electric

No Objections

Cox Communications

No Objections

Southwestern Electric Power Company

Utility easements to be granted along the north and west sides of the subject property. Owner/developer to pay the cost of conversion from

Arkansas Western Gas	overhead lines to underground lines along alley. No Objections
Southwestern Bell Telephone	Any relocation of existing utilities shall be at the owner/developer's expense.

CITY OF FAYETTEVILLE:

RESPONSE

Water/Sewer	No Objections.
Transportation	No Objections
Solid Waste	No Objections
Engineering	No Objections

Public Comment: No public comment has been received.

Recommendation: Staff recommends forwarding (VAC 06-2364) to the City Council with a recommendation for approval with the following conditions.

Conditions of Approval:

1. Any relocation of existing utilities shall be at the owner/developer's expense.
2. Utility easements to be granted along the north and west sides of the subject property per comments from Southwestern Electric Power Company.

CITY COUNCIL ACTION: Required **PLANNING COMMISSION ACTION:** Required
Planning Commission Action: ☒ Forwarded ☐ Denied ☐ Tabled
Date: December 11, 2006

Motion: Clark

Second: Myers

Vote: 7-0-0 (Anthes recused)

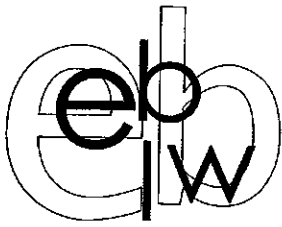
Comments: _____

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

By

Title

Date



EB LandWorks, Inc.

D. 1
VAC 06-2364 (Cruz Bay)
Page 10 of 24

PO Box 3432, Fayetteville, Arkansas 72702-3432
phone 479.444.7769 fax 479.444.7793

November 2, 2006

Mr. Jeremy Pate
Director of Current Planning
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701
Phone (479)575-8267

RE: Vacation Request - 12' Alley North of 5th Street
Fayetteville, Arkansas

Dear Mr. Pate:

Cruz Bay, LLC owns property situated north of 5th Street between S. School and S. Locust in Fayetteville. Their property is located just north of Walgreen's. The attached proposal is to vacate the 12' alley that current splits their property for a distance of 150'. A portion of the alley should revert to the adjacent property owner. They have signed as joint petitioners. This property is zoned Main Street Center/D-1 Downtown District. We have obtained and attached all of the necessary documents and information in accordance with the procedure outlined by the city.

If you need additional information, or have any questions, please call me at (479)444-7769.

Best Regards:

Mandy R. Bunch, PE

ADJACENT PROPERTY OWNER NOTIFICATION FORM
FOR ALLEY VACATION REQUEST

Date: July 19, 2006

* Address / location of vacation: 12' Alley running approximately 150' north from the north boundary of the 5th Street right-of-way to the north boundaries of Lot 4 & Lot 9 of Block 11 of Ferguson's Addition

Adjacent property address: 405 S. Locust

* Lot: 3 Block: 11 Subdivision: Ferguson's Addition

REQUESTED VACATION:

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

See Attached for legal description and graphic representation of what is being vacated.

ADJACENT PROPERTY OWNERS COMMENTS:

☐ I have been notified of the requested vacation and decline to comment.

☐ I do not object to the vacation described above.

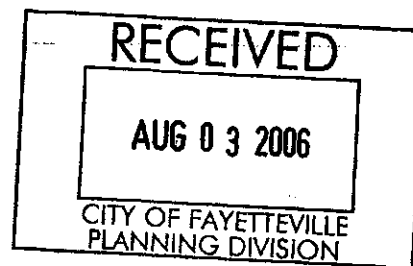
* ☒ I do object to the requested vacation because:

PIECEMEAL VACATION IS POOR PLANNING. IF THE
ALLEY IS TO BE VACATED, IT SHOULD BE SO
FROM ARCHIBALD YELL SOUTH TO 5th STREET. WE
WOULD NOT OBJECT TO A FULL BLOCK VACATION BUT
WE DO OBJECT TO SECTION BY SECTION

TIMOTHY C & CHRISTINE KLINGER
Name of Property Owner (printed)

Timothy C Klinger
Signature of Property Owner

Cruz Bay, LLC
Name of Applicant



* THE DESCRIPTION IN THE NOTICE STATES LOTS & BLOCK. THE
MAP SHOWS TAX PARCELS. WE CANNOT MATCH THE
TWO. SHOULD BE CONSISTENT.

FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONSDATE: 10/31/06UTILITY COMPANY: OZARKS ELECTRICAPPLICANT NAME: CRUZ BAY, LLC
REQUESTED VACATION (applicant must check all that apply):APPLICANT PHONE: 479-444-7769
Go money Bunch

- ☐ Utility Easement
- ☒ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☒ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed)**

12' Alley Running North from 5th Street

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:

[Signature] OZARKS ELECTRIC
Signature of Utility Company Representative

Lead Staking Tech
Title

UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 7/2/06

UTILITY COMPANY: Cox Communications

APPLICANT NAME: Mandy Bunch, PE APPLICANT PHONE: 444-7769
REQUESTED VACATION (applicant must check all that apply):

- ~ Utility Easement
- ~ ☒ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ~ ☒ Alley
- ~ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed**)

North of
** 5th Street between S. Locust & S. School (See Attached Sheets)

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- X 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:

[Signature]
Signature of Utility Company Representative

PROJECT COORDINATOR
Title

UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 7/21/06

UTILITY COMPANY: AEP/SWEPLO

APPLICANT NAME: Mandy Bunch, PE

APPLICANT PHONE: 444-7769

REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
- ☒ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☒ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed)**

North of
** 5th Street between S. School & S. Locust (see Attached sheets)

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above.
- ☒ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

UTILITY EASEMENT TO BE GRANTED ALONG WEST SIDE
OF PROPERTY AND ALONG NORTH SIDE OF PROPERTY

- ☒ No objections provided the following conditions are met:

CUSTOMER TO PAY COST OF CONVERSION FROM OVERHEAD
TO UNDERGROUND OF LINES GOING UP ALLEY.

Jim Sargent
Signature of Utility Company Representative

ENGINEER I
Title

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 1/21/06UTILITY COMPANY: Arkansas Western GasAPPLICANT NAME: Mandy Bunch, PE APPLICANT PHONE: 444-7769
REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
- ☒ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☒ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed**)

North of
5th Street between S. School & S. Locust (See Attached Sheets)

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:

Bill Robison
Signature of Utility Company Representative

NW REGIONAL MANAGER
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 7/21/06UTILITY COMPANY: SWBTAPPLICANT NAME: Mandy Buach, PEAPPLICANT PHONE: 444-7709REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
- ☒ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☒ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed)**

North of
5th Street Between S. Locust & S. School (see Attached Sheets)

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

No objections provided the following conditions are met:

IF THERE ARE ANY EXISTING FACILITIES LOCATED WITHIN AREA
TO BE VACATED THIS WILL BE AT THE OWNER/DEVELOPERS EXPENSE
AND EASEMENTS GRANTED FOR NEW ROUTE

Susan B. Clouse
Signature of Utility Company Representative

OSP DESIGN ENGINEER
Title

Utility Approval Form

FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 9/14/06

UTILITY COMPANY: Water & Sewer

APPLICANT NAME: Mandy Bunch, PE. APPLICANT PHONE: 444-7769
REQUESTED VACATION (*applicant must check all that apply*):

- ☐ Utility Easement
- ☒ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☒ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

** 5th Street between S. School & S. Locust (See Attached Sheets)

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above.
- ☒ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

See attached memo dated November 1, 2006, titled
Easement Vacation Request, 5th Street Between School and Locust

- ☒ No objections provided the following conditions are met:

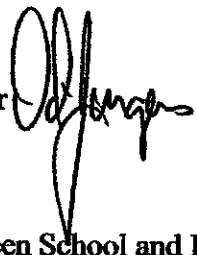
[Signature]

Signature of Utility Company Representative

Water and Wastewater Director
Title

WATER AND WASTEWATER DEPARTMENT
DEPARTMENTAL CORRESPONDENCE

TO: Jan Gambill, Planning

FROM: David Jurgens, Water & Wastewater Director 

DATE: November 1, 2006

SUBJECT: Easement Vacation Request, 5th Street Between School and Locust

I concur with the rights of way vacations of 5th Street between South School and Locust Avenue and the north-south alley extending north from 5th Street between South School and Locust Avenue with the following comments and requirements.

1. Legal sewer service must be provided to the other structures on the block bordered by 5th Street, US 71B, and Locust Avenue. As of now, it appears there is not legal service that accessible by the car lot in the northwest corner of the block. I suspect that the sewer service for this car lot ties to either the sewer main on Locust or the main on 5th Street. A sewer main must be extended to the property line of this car lot. This may require a 20' minimum easement to this lot either from Locust or from the vacated 5th Street.
2. An eight inch water line must be constructed in the vacated 5th Street right of way, tying the 12" water line on Locust to the 2" water line on the east of side of South School. This will require a minimum of a 20' utility easement for the water line. An additional width of easement is required if a sewer main will be installed in this same easement.

Cc: Engineering
Water/Sewer Operations
Mandy Bunch, E. B. LandWorks

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 7/21/06

UTILITY COMPANY: City of Fayetteville Transportation

APPLICANT NAME: Mandy Bunch, PE APPLICANT PHONE: 444-7769
REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
- ☒ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☒ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed**)

** North of 5th Street (see Attached Sheets)

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:

Peggy J. Smith
Signature of Utility Company Representative

8/3/06

Transportation Supt
Title
Transportation Division
Operations Department
CITY OF FAYETTEVILLE
575 8227

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 7/21/00

UTILITY COMPANY: City of Fayetteville Solid Waste

APPLICANT NAME: Mandy Bunch, PE APPLICANT PHONE: 444-7769
REQUESTED VACATION (*applicant must check all that apply*):

- ☐ Utility Easement
- ☒ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☒ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

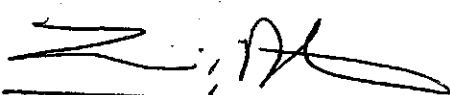
** (See Attached sheets) North of 5th Street

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

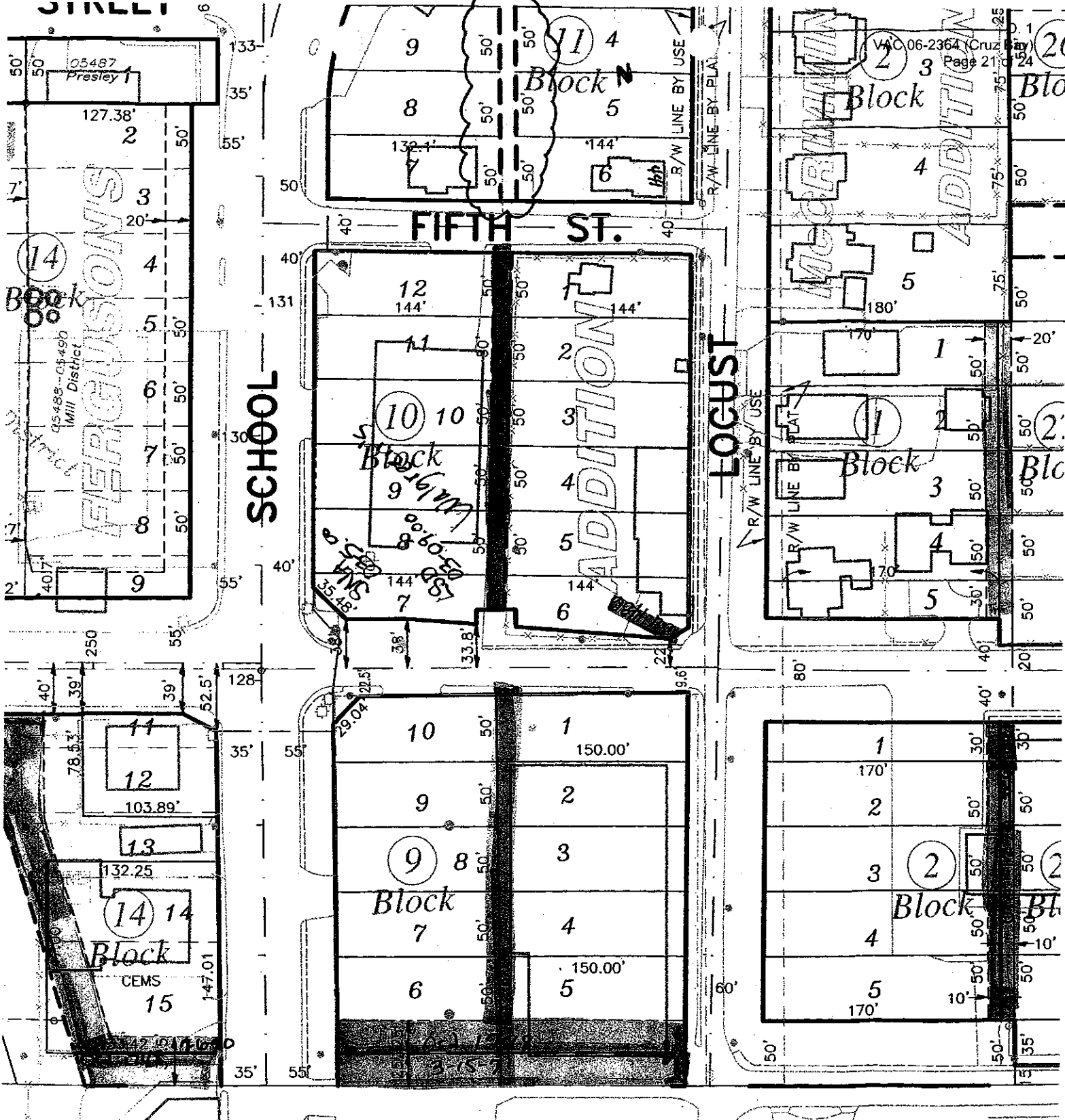
- ☐ No objections provided the following conditions are met:



Signature of Utility Company Representative

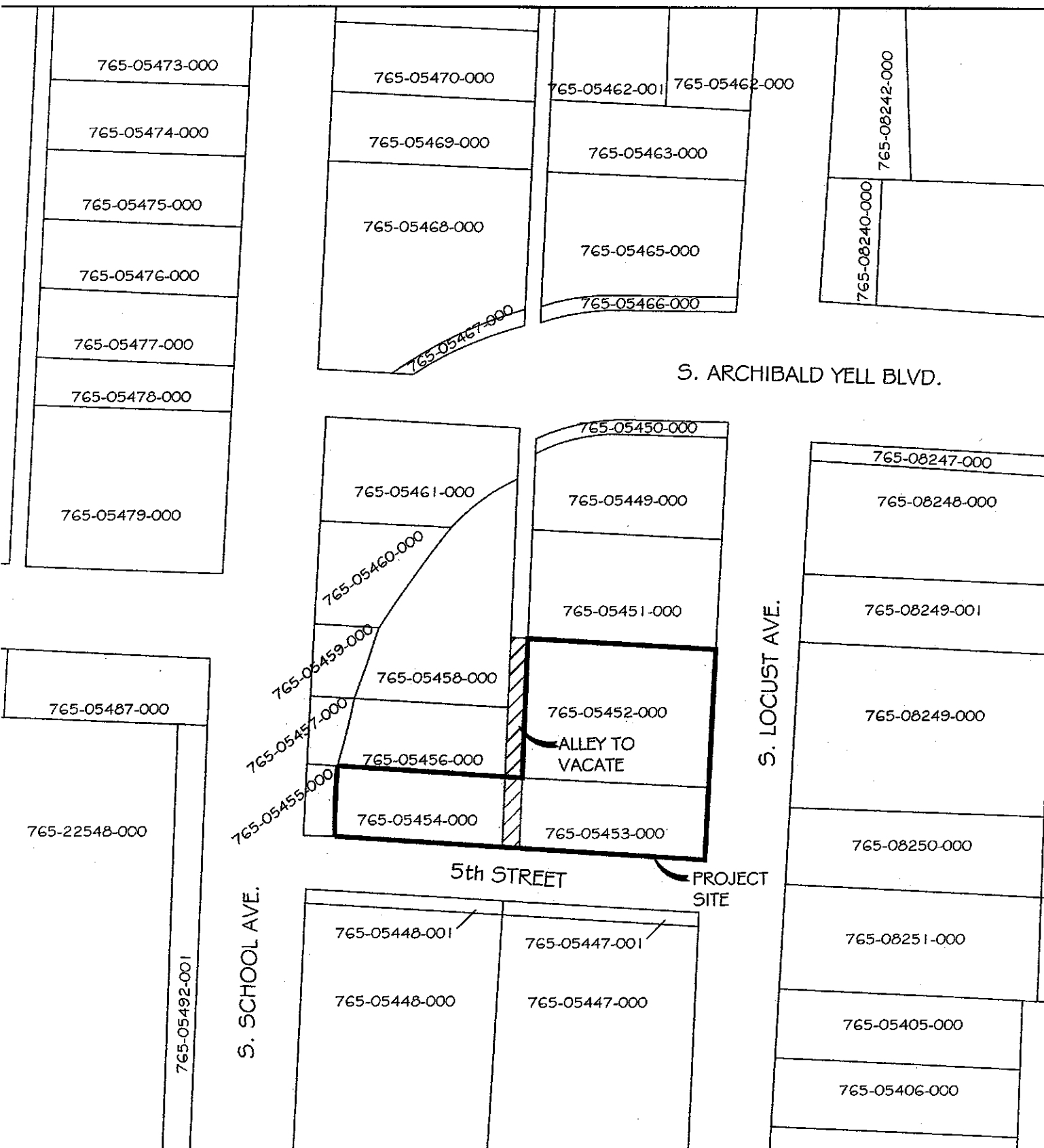
Title

Commercial Solid Waste Rep



765-05451-000
TIMOTHY & CHRISTINE KLINGER
PO BOX 1064
FAYETTEVILLE, AR 72702

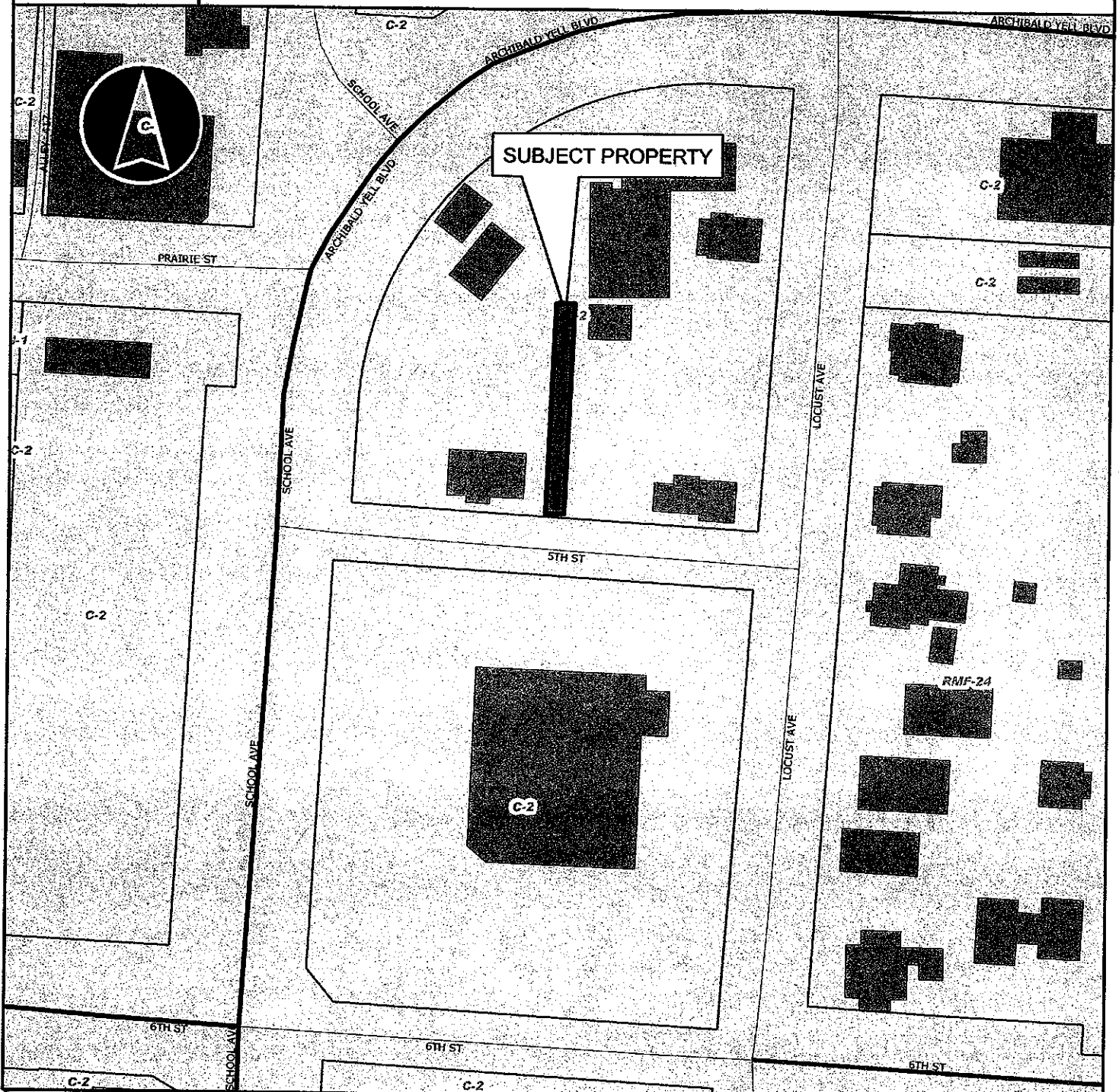
PARCEL MAP



VAC06-2364

Close Up View

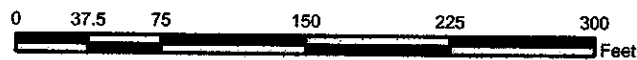
CRUZ BAY/ALLEY



Overview

Legend

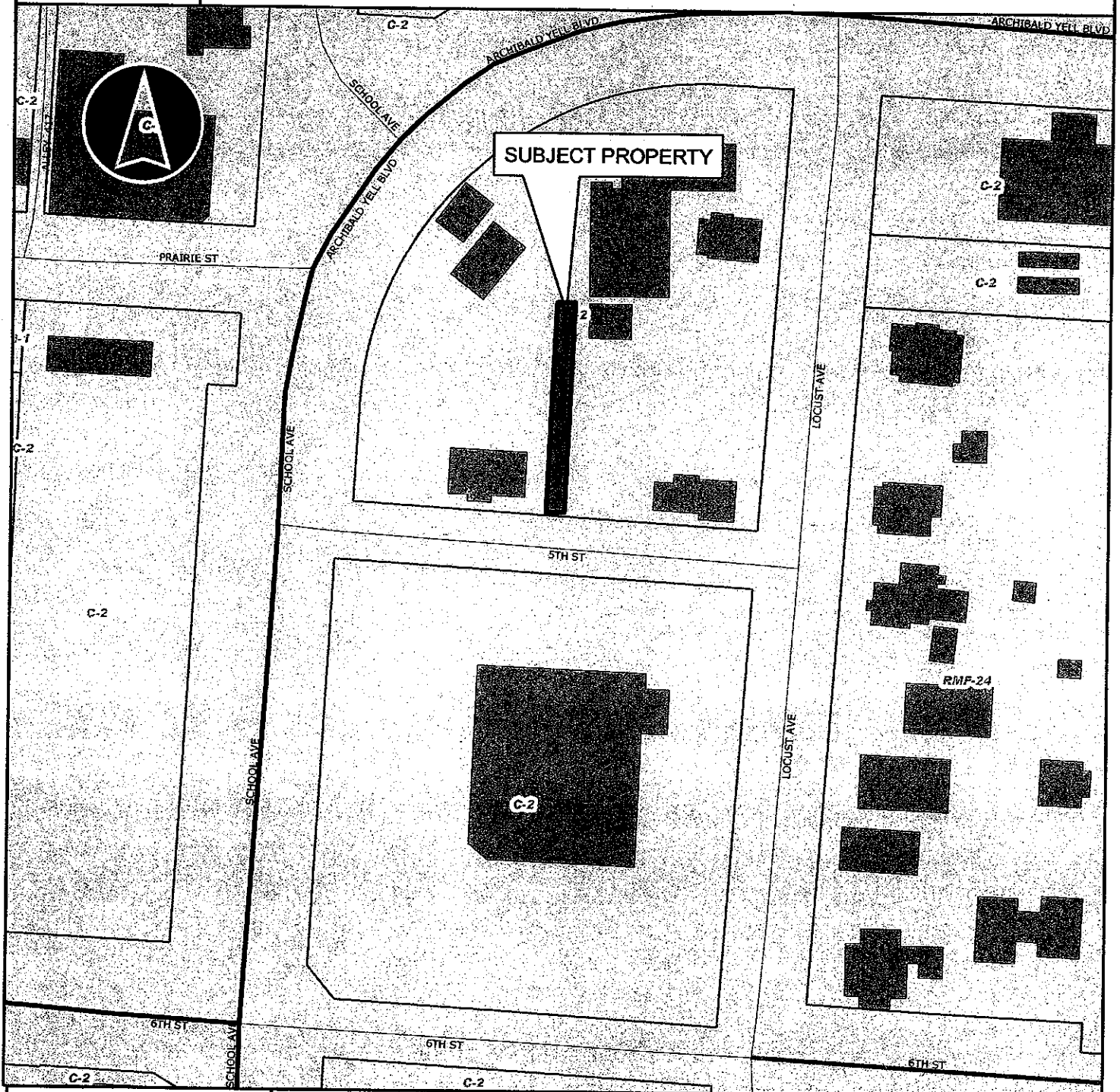
- ○ ○ ○ ○ Overlay District
- FLOODWAY
- 100 YEAR
- 500 YEAR
- LIMIT OF STUDY
- BaseLine Profile
- Fayetteville
- Outside City
- vector.GDB.Footprint_2004
- Hillside-Hilltop Overlay District



VAC06-2364

Close Up View

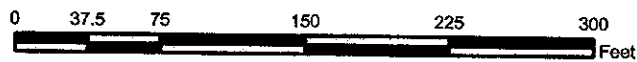
CRUZ BAY/ALLEY



Overview

Legend

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



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

D.2
VAC 07-2439
(Central United Methodist Church)
Page 1 of 16

6-Mar-07

City Council Meeting Date

Jeremy Pate *JP*
Submitted By

Planning
Division

Operations
Department

Action Required:

VAC 07-2439: (Central United Methodist Church, 484): Submitted by Jorgensen & Associates for property located at 6 West Dickson. The property is zoned Main Street Center and contains 6.02 acres. The request is to vacate a utility easement and alley on the subject property.

\$0.00

n/a

n/a

Cost of this request

Category/Project Budget

Program Category / Project Name

n/a

n/a

n/a

Account Number

Funds Used to Date

Program / Project Category Name

n/a

n/a

n/a

Project Number

Remaining Balance

Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Gary H. ...
Department Director

2-15-07
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

K. ...
City Attorney

2-16-07

Paul A. Bahr
Finance and Internal Service Director

2-15-07
Date

Received in City Office

ENTERED
2/16/07
lh

Don Cody
Mayor

2/16/07
Date

Received in Mayor's Office

ENTERED
2/16/07
BEP

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: February 13, 2007

Subject: Alley and Utility Easement Vacation for Central United Methodist Church
(VAC 07-2439)

RECOMMENDATION

The Planning Commisison and staff recommend approval of an ordinance vacating an alley and utility easement located on a 6-acre tract south of Lafayette Street, between Highland Avenue and Saint Charles Avenue.

BACKGROUND

On January 22, 2006, the Planning Commission approved Large Scale Development 06-2300 for Central United Methodist Church. The development included a parking garage which was to be constructed over a platted alley and utility easements. Conditions of approval for the development required the vacation of affected alleys and easements.

The applicant requests vacation of a total 0.20 acres of alley and easement on the subject property, located south of Lafayette Street. For some time, the property owner has coordinated the relocation of the gas lines and other utilities from these alleys and easements.

Staff recommends vacation of the alley and easements. The east-west alley which is proposed for vacation will be substituted by the existing drive aisle on the property that provides vehicular connectivity between Highland Avenue and Saint Charles Avenue. Furthermore, the north-south alley that is located mid-block is not necessary to provide access to the proposed development and is, therefore, rendered obsolete.

DISCUSSION

The Planning Commission voted 8-0-0 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. Conditions of approval are recommended in order to satisfy the comments made by utility company representatives.

A portion of the alley which is located between the Central Untied Methodist Church property and the post office was not originally included in the vacation petition which

was reviewed by utility companies. Since this alley is adjacent to two property owners, notification is required to be given to all adjacent property owners. Because the development did not encroach upon this portion of the alley, it was not requested to be vacated. What would result is a landlocked 128' alley that will not be maintained by the city or utilized by the public. The Planning Commission determined in favor of staff's recommendation that the applicant modify the vacation petition to include this portion of the alley and the applicant was amenable to this change. An easement is recommended to be dedicated in its place should there be any existing or future utilities that locate in this area. The legal description has been updated accordingly. Prior to City Council consideration, the applicant is required by conditions of approval to notify the adjacent property owner to the west that the original vacation request has been expanded to incorporate the entire north-south alley.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 07-2439 SUBMITTED BY JORGENSEN & ASSOCIATES FOR PROPERTY LOCATED AT 6 WEST DICKSON TO VACATE A UTILITY EASEMENT AND ALLEY ON THE SUBJECT PROPERTY.

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of the platted utility easement and alley are not required for corporate purposes;

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following described utility easement and alley:

See Exhibit "B" attached hereto and made a part hereof.

Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached hereto and labeled Exhibit "A" shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 3: That this vacation approval is subject to the Conditions of Approval as follows, and shall not be in effect until all conditions are met herein.

1. Any relocation of existing utilities shall be at the owner/developer's expense.
2. An access easement shall be dedicated along the east-west drive aisle, south of the proposed parking garage and student ministry building, to provide public access between Highland Avenue and St. Charles Avenue.
3. The applicant shall dedicate a 20' utility easement adjacent to Lafayette Street.
4. A utility easement shall be dedicated in place of the north-south alley and the adjacent owner shall be notified of this vacation.

PASSED and APPROVED this day of , 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT "A"

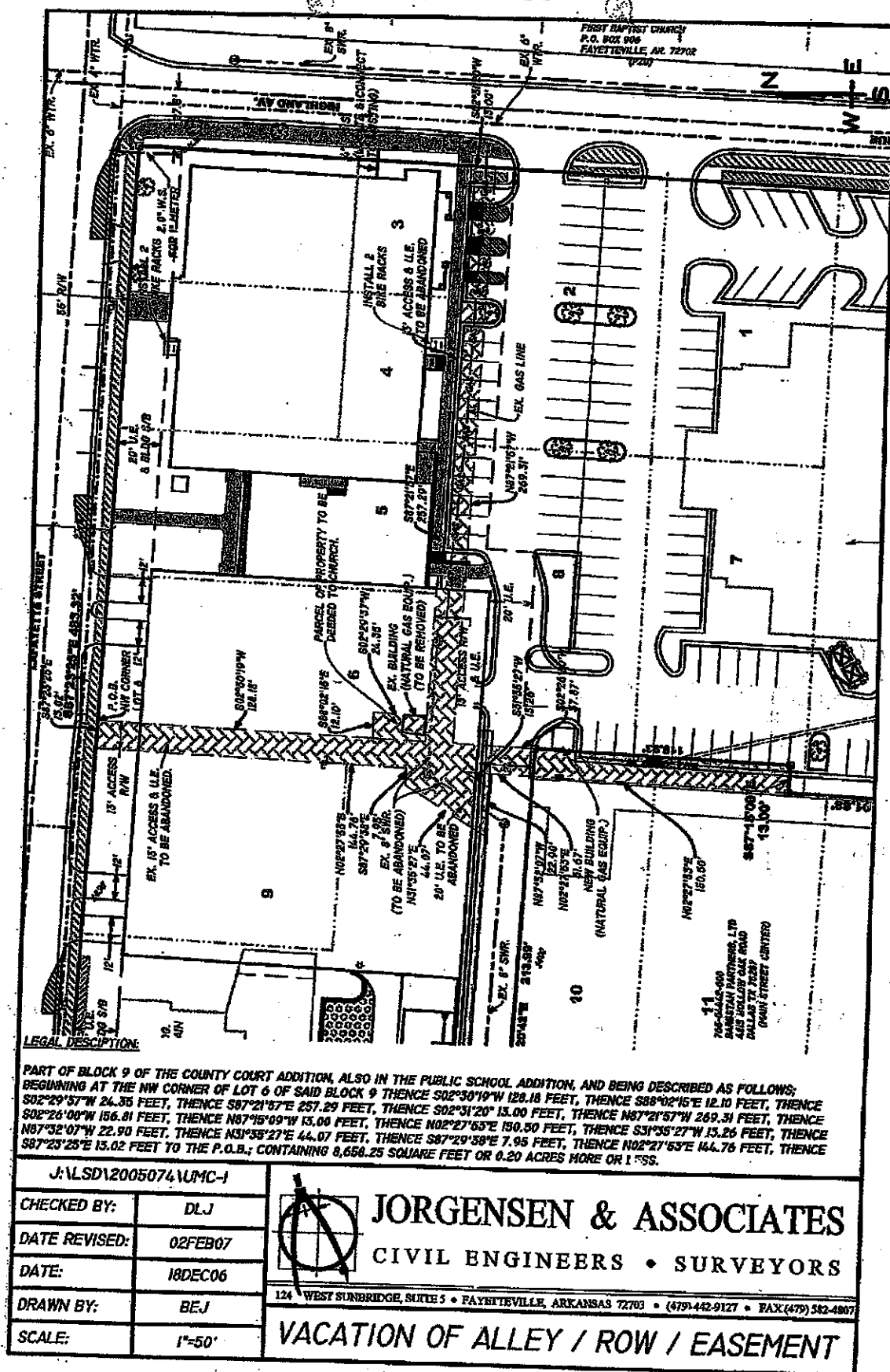


EXHIBIT "B"
VAC 07-2439

PART OF BLOCK 9 OF THE COUNTY COURT ADDITION, ALSO IN THE PUBLIC SCHOOL ADDITION, AND BEING DESCRIBED AS FOLLOWS; BEGINNING AT THE NW CORNER OF LOT 6 OF SAID BLOCK 9 THENCE S02°30'19"W 128.18 FEET, THENCE S88°02'15"E 12.10 FEET, THENCE S02°29'37"W 24.35 FEET, THENCE S87°21'57"E 257.29 FEET, THENCE S02°31'20" 13.00 FEET, THENCE N87°21'57"W 269.31 FEET, THENCE S02°26'00"W 156.81 FEET, THENCE N87°15'09"W 13.00 FEET, THENCE N02°27'53"E 150.50 FEET, THENCE S31°35'27"W 13.26 FEET, THENCE N87°32'07"W 22.90 FEET, THENCE N31°35'27"E 44.07 FEET, THENCE S87°29'38"E 7.95 FEET, THENCE N02°27'53"E 144.76 FEET, THENCE S87°23'25"E 13.02 FEET TO THE P.O.B.; CONTAINING 8,658.25 SQUARE FEET OR 0.20 ACRES MORE OR LESS.



PC Meeting of February 12, 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: February 7, 2007 *Updated February 13, 2007*

VAC 07-2439: (CENTRAL UNITED METHODIST CHURCH, 484): Submitted by JORGENSEN & ASSOCIATES for property located at 6 W. DICKSON. The property is zoned MAIN STREET CENTER and contains approximately 6.02 acres. The request is to vacate a utility easement and alley on the subject property.

Planner: Suzanne Morgan

Findings:

Property Description and Background: On January 22, 2006, the Planning Commission approved Large Scale Development 06-2300 for Central United Methodist Church. The development included a parking garage which was to be constructed over a platted alley and utility easements. Conditions of approval for the development included the following:

The existing, unconstructed alleys and utility easements on the property, in which the proposed buildings encroach, shall be vacated prior to issuance of a building permit on the property.

Request: The applicant requests vacation of a total 0.13 acres of alley and easement on the subject property, located south of Lafayette Street. For some time, the property owner has coordinated the relocation of the gas lines and other utilities from these alleys and easements.

The applicant has not included a portion of the alley which is located between CUMC property and the post office. Since this alley is adjacent to two property owners, notification is required to be given to all adjacent property owners. According to the applicant, the adjacent owners have not been responsive; therefore, because the development did not encroach upon this portion of the alley, it was not requested to be vacated. What would result is a landlocked 128' alley that will not be maintained by the city or utilized by the public. Staff recommends that the applicant modify the vacation petition to include this portion of the alley. An easement can be dedicated in its place

should there be any existing or future utilities that locate in this area. Staff has discussed this recommendation with the applicant and the Church is willing to modify the legal description to include the remaining portion of alley.

The applicant has submitted the required notification forms to the utility companies and to the City with the result summarized below.

UTILITIES

RESPONSE

Ozarks Electric

Not Applicable

Cox Communications

No objections with the dedication of a 20' utility easement adjacent to Lafayette Street.

Southwestern Electric Power Company

No Objections

Arkansas Western Gas

No Objections

Southwestern Bell Telephone

No Objections

CITY OF FAYETTEVILLE:

RESPONSE

Water/Sewer

No Objections provided that the applicant only vacate the shaded location on the site plan.

Transportation

No Objections

Solid Waste

No Objections. Solid Waste retains the right to collect from the existing dumpster, particularly since the dumpster location is to remain with the proposed additions.

Engineering

No Objections

Public Comment: No public comment has been received.

Recommendation: Staff recommends forwarding (VAC 07-2439) to the City Council with a recommendation for approval with the following conditions.

Conditions of Approval:

1. Any relocation of existing utilities shall be at the owner/developer's expense.

2. An access easement shall be dedicated along the east-west drive aisle, south of the proposed parking garage and student ministry building, to provide public access between Highland Avenue and St. Charles Avenue.
3. The applicant shall dedicate a 20' utility easement adjacent to Lafayette Street.
4. If the Planning Commission determines in favor of staff's recommendation to vacate the remaining portion of the north-south alley, the applicant shall modify the legal description to include this portion of the alley. A utility easement shall be dedicated in its place and the adjacent owner shall be notified of this vacation.

CITY COUNCIL ACTION: Required

PLANNING COMMISSION ACTION: Required

Planning Commission Action: ☒ Forwarded ☐ Denied ☐ Tabled

Date: February 12, 2007

Motion: Trumbo

Second: Ostner

Vote: 8-0-0

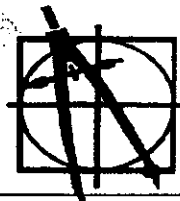
Comments: _____

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

By

Title

Date



JORGENSEN & ASSOCIATES

CIVIL ENGINEERS • SURVEYORS

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

DAVID L. JORGENSEN, P.E., P.L.S.

CHRISTOPHER B. BRACKETT, P.E.

12/19/06

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Attn: Planning Dept
Re: Alley/Right of Way/Easement Vacation
Central UMC

Attached herewith please find the documents for the above referenced item. We have requested vacation of this alley/right of way/easement because we have a large scale development in progress. The gas line has been relocated and therefore the alley/easement is no longer required.

I have attached a sketch of what we are vacating and the petition.

Please call concerning any questions you may have.

Thank you.

Sincerely,


David L. Jorgensen, P.E.

PETITION TO VACATE AN (alley/easement/right-of-way) LOCATED IN (Block 9 of the County Court Addition and also in the Public School Addition), 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 (Block 9 of the County Court Addition and also in the Public School Addition), City of Fayetteville, Arkansas, a municipal corporation, petition to vacate the (alley/easement/right-of-way) which is described as follows:
(See Attached)

That the abutting real estate affected by said abandonment of the alley are (Lots 2, 3, 4, 5, 6, 8 of the Public School Addition and Lot 9 & 10 of Block 9 of the County Court Addition) 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, 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, 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 easements of the public for the use of said alley.

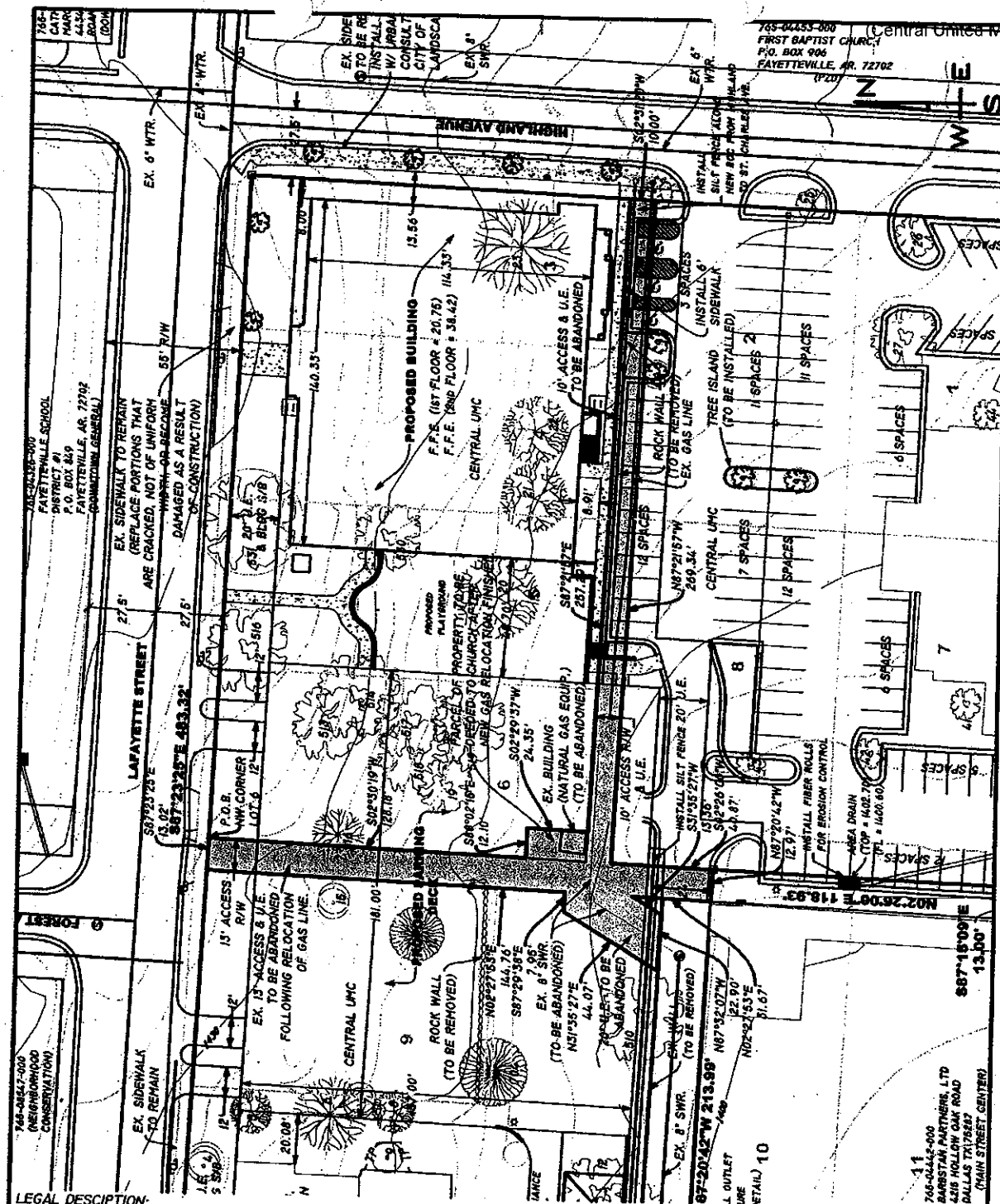
Dated this 10th day of January, 2007.

Brian Swain, Administrator, Central VMC
Printed name

Brian Swain
Signature

Printed name

Signature



LEGAL DESCRIPTION:

PART OF BLOCK 9 OF THE COUNTY COURT ADDITION, ALSO IN THE PUBLIC SCHOOL ADDITION, AND BEING DESCRIBED AS FOLLOWS:
BEGINNING AT THE NW CORNER OF LOT 6 OF SAID BLOCK 9 THENCE S02°30'19"W 128.18 FEET, THENCE S88°02'15"E 12.10 FEET, THENCE
S02°29'37"W 24.35 FEET, THENCE S87°21'57"E 257.29 FEET, THENCE S02°31'20" 10.00 FEET, THENCE N87°21'57"W 269.34 FEET, THENCE
S02°26'00"W 40.87 FEET, THENCE N87°20'42"W 12.97 FEET, THENCE N02°27'53"E 31.67 FEET, THENCE S31°35'27"W 13.36 FEET, THENCE
N87°32'07"W 22.90 FEET, THENCE N31°35'27"E 44.07 FEET, THENCE S87°29'38"E 7.95 FEET, THENCE N02°27'53"E 144.76 FEET, THENCE
S87°23'25"E 13.02 FEET TO THE P.O.B.; CONTAINING 5,622 SQUARE FEET OR 0.13 ACRES MORE OR LESS.

J:\LSD\2005074\UMC-1

CHECKED BY:	DLJ
DATE REVISED:	
DATE:	18DEC06
DRAWN BY:	BJR
SCALE:	1"=50'



JORGENSEN & ASSOCIATES
CIVIL ENGINEERS • SURVEYORS

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

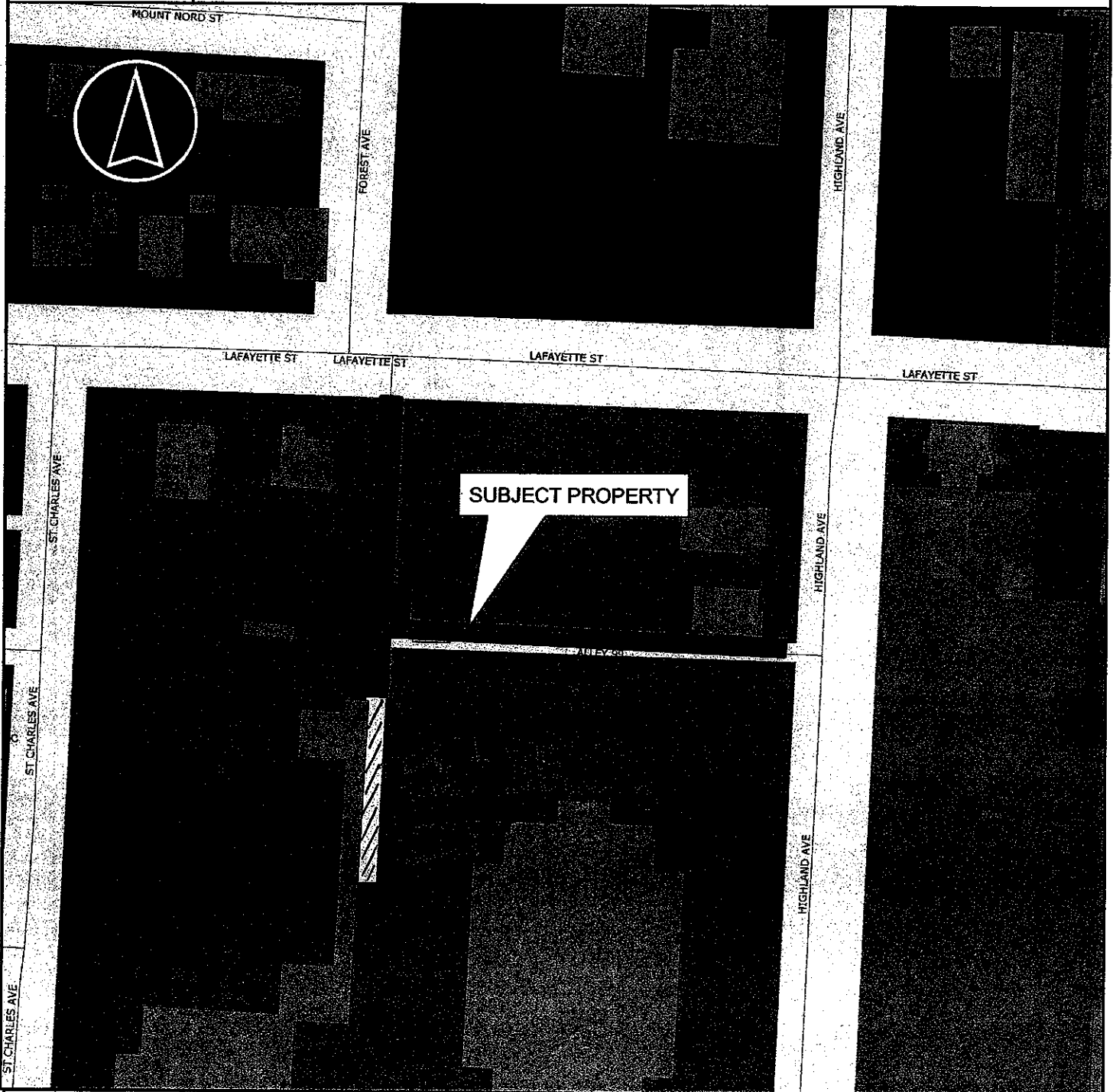
VACATION OF ALLEY / ROW / EASEMENT

Original Submission
(prior to addition of N-S.
easement)

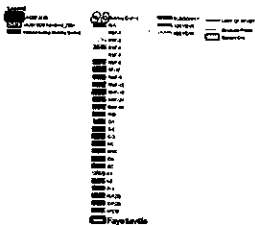
VAC07-2439

Close Up View

CENTRAL UNITED METHODIST CHURCH



Overview



0 37.5 75 150 225 300 Feet

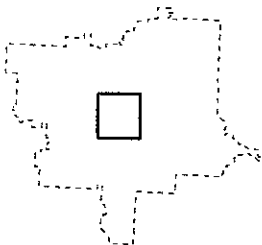
VAC07-2439

One Mile View

CENTRAL UNITED METHODIST CHURCH



Overview



Legend

Subject Property

 VAC07-2439

Boundary

 Planning Area

 Overlay District

 Outside City

Legend

 Hillside-Hilltop Overlay District

0 0.25 0.5 1
 Miles

City Council Meeting Date

Department

An ordinance to waive the requirements of competitive bidding and to approve a proposed partnership agreement and cost share with the Watershed Conservation Resource Center in the amount of \$141,200 for a stream bank restoration demonstration project in Gulley Park.

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations
Ron Petrie, City Engineer *RP*

From: Sarah Wrede, Staff Engineer

Date: February 16, 2006

Subject: An ordinance to waive the requirements of competitive bidding and to approve a proposed partnership agreement and cost share with the Watershed Conservation Resource Center in the amount of \$141,200 for a stream bank restoration demonstration project in Gulley Park.

RECOMMENDATION

Staff recommends approval of a partnership agreement and cost share with the Watershed Conservation Resource Center in the amount of \$141,200.00 for a stream bank restoration demonstration project in Gulley Park.

BACKGROUND

The Watershed Conservation Resource Center, WCRC, is a non-profit organization that strives to protect, conserve, and restore natural resources by utilizing the watershed approach, environmental outreach, and providing planning and technical assistance to landowners, communities, and government. The principals of the WCRC are Sandi J. Formica and Matthew A. Van Eps, P.E. Together they have over 27 years of progressive environmental experience including stream stability assessment and restoration planning.

The Watershed Conservation Resource Center applied for and was selected for a Section 319 Grant from the Arkansas Natural Resources Commission to do a partnership and cost share with the City of Fayetteville for a project titled "Demonstration of a Natural Channel Design to Restore a Stream Reach Draining an Urbanized Sub-Watershed".

One task of the grant is to select the site. The Watershed Conservation Resource Center and City of Fayetteville staff has evaluated several possible restoration sites based on location, extent of stream instability, and potential for ecological service benefits. They have identified Mud Creek Tributary in Gulley Park as an ideal candidate for restoration.

The Arkansas Natural Resources Commission will provide the Watershed Conservation Resource Center \$121,000.00 in Section 319 Grant monies and the City of Fayetteville will provide \$141,200.00 for a project total of \$262,200.00.

DISCUSSION:

The goal of this project is to restore an unstable section of a stream to a morphologically stable form utilizing a natural channel design approach. Using such an approach, many additional objectives may be achieved including

1. Reduction of sediment inputs to the watershed basin and improved water quality.
2. Re-naturalization of the stream corridor in areas that have been cleared of riparian vegetation.
3. Reduction of the contraction of the stream network.
4. Increase ecological services in the watershed including the improvement of aquatic habitat.
5. Improve aesthetics of the stream.
6. Provide alternatives to local developers and city planners by using a natural channel restoration approach to transport sediment and flow, while improving both water quality and habitat.

This project will be considered successful if a 75% percent reduction in suspended sediment resulting from stream bank erosion is observed. Additional success of the project will be demonstrated by the long-term stability of the restoration management practices.

The Environmental Concerns Committee is in support of this project.

This project will aid the City in meeting its Stormwater Phase II permit requirements specifically the "post-construction runoff control" minimum control measure which requires reductions in pollutants from post-construction runoff.

The proposed project would begin March, 2007 and extend through December 31, 2008.

BUDGET IMPACT

Currently, there is \$662,617.28 remaining in the Drainage Study/Phase II Stormwater Management account that has been designated for use to fund projects that improve stormwater quality in the City of Fayetteville.

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE WATERSHED CONSERVATION RESOURCE CENTER IN THE AMOUNT OF \$141,200.00 FOR A STREAM BANK RESTORATION DEMONSTRATION PROJECT IN GULLEY PARK.

WHEREAS, the Watershed Conservation Resource Center possesses unique expertise and resources ideally suited to meet the City of Fayetteville's need for stream bank restoration as part of the Stormwater Phase II permit requirements; and

WHEREAS, the Watershed Conservation Resource Center can perform this work at a significant savings to the citizens of Fayetteville.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines an exceptional situation exists in which competitive bidding is deemed not feasible or practical and therefore waives the requirements of formal competitive bidding and approves a Memorandum of Understanding (marked as Exhibit "A" attached hereto and made a part hereof) between the City of Fayetteville, Arkansas and the Watershed Conservation Resource Center in the amount of \$141,200.00 for a Stream Bank Restoration Demonstration Project in Gulley Park, and authorizes Mayor Coody to execute this agreement.

PASSED and APPROVED this 6th day of March, 2007

APPROVED:

By

DAN COODY, Mayor

ATTEST

By

SONDRA SMITH, City Clerk/Treasurer

MEMORANDUM OF UNDERSTANDING
Between
Watershed Conservation Resource Center
And
City of Fayetteville

This Memorandum of Understanding (MOU) is made and entered into between the Watershed Conservation Resource Center hereinafter referred to as **WCRC** and the City of Fayetteville referred to as **CITY**.

A. PURPOSE

The purpose of this MOU is to establish a general framework for cooperation between the WCRC and the CITY. The WCRC and the CITY propose to work together to conduct the 319 project entitled, "Demonstration of a Natural Channel Design to Restore a Stream Reach Draining an Urbanized Sub-Watershed," to achieve the common goal of restoring an unstable section of a stream to a morphologically stable form utilizing a natural channel design approach. Such cooperation will serve the parties' mutual interest. The project description, schedule of activities, budget, and roles and responsibilities of the WCRC and the CITY can be found in the attached workplan.

B. STATEMENT OF MUTUAL INTERESTS AND BENEFITS

Increases in impervious area results in an increase in the frequency and magnitude of storm events and these effects have been well documented in urbanizing areas. At the same time, greater amounts of impervious area results in a reduction in sediment production from upland erosion processes. These conditions result in a stream network that no longer has a sustainable balance between the discharge of the stream and the sediment that must be transported to maintain stable channel dimensions. This imbalance is revealed as stream channel instability and channel enlargement. Increases in cross-sectional area from 4 to 12 times have been documented in systems that are enlarging as a result of watershed land cover changes.

Channel enlargement has both local and regional effects on the stream network. Locally, the unstable channel decreases the aesthetic quality of the area around the eroding creek. The diversity of channel features is diminished by the loss of pool and riffle habitats and the loss of a concentrated low-flow channel. On a regional basis, the enlargement of the stream channel affects receiving streams due to the generation of greater volumes of fine sediment and bedload. The fine sediment generated by the erosion of the stream channel has the potential to impact the biology of downstream receiving waters by increasing turbidity, by filling interstitial spaces of the gravel stream bed, and by clogging fish gills and suffocating eggs and benthic insect larvae. Increased bedload due to channel instability in headwater tributaries also contributes significantly to the amount of bedload that must be transported by downstream reaches of the stream network.

to meet multiple local and regional objectives relating to stream channel instability, water quality, and ecological services objectives.

The WCRC strives to protect, conserve, and restore natural resources by utilizing the watershed approach, environmental outreach, and providing planning and technical assistance to landowners, communities, and government. Implementing a natural channel design demonstration project on a section of stream within or near the City of Fayetteville will help the CITY to meet multiple local and regional objectives relating to stream channel instability, water quality, and ecological services objectives. This is of benefit to the CITY because the effort will lead to both aquatic and terrestrial habitat restoration, improved water quality, reduced streambank erosion, and improve aesthetics of the stream within the City of Fayetteville. This effort will also help to promote the use of alternatives to traditional channel modifications in urbanizing areas.

In consideration of the above premises, the parties agree as follows:

C. THE WCRC SHALL:

1. Coordinate and carry-out all activities associated with the project as outlined in the attached workplan as Tasks 1-7.
2. Will provide a method for the CITY to document their activities and show matching funds.

D. CITY SHALL:

1. Will assist with the development of the final restoration design
2. Will assist with the oversight of construction and implementation.
3. Be responsible for providing a minimum of matching funds, \$141,200, as shown in the project budget (appendix 601, page 14 and Appendix 602, page 15) of the attached workplan.
4. The CITY will provide documentation of all project activities and associated matching funds.
5. The CITY recognizes that their participation is an integral component in carrying out a successful project that will result in improved water quality and habitat restoration. Non-performance of any of the CITY' activities would be detrimental to the success of this project. This agreement indicates the CITY' good faith intent to fulfill their agreed upon roles as outlined in the attached workplan to the successful completion of the project."

E. IT IS MUTUALLY AGREED AND UNDERSTOOD BY ALL PARTIES THAT:

1. FREEDOM OF INFORMATION ACT (FOIA). Any information furnished to the WCRC under this instrument is subject to the Freedom of Information Act (5 U.S.C. 552).
2. MODIFICATION. Modifications within the scope of the instrument shall be made by mutual consent of the parties.

3. PARTICIPATION IN SIMILAR ACTIVITIES. This instrument in no way restricts the WCRC or the CITY from participating in similar activities with other public or private agencies, organizations, and individuals.
4. COMMENCEMENT/EXPIRATION DATE. The instrument is executed as of the date of the last signature and is effective for the life of the project.
5. PRINCIPAL CONTACT. The principal contacts for this instrument are:

Sandi Formica, Executive Director
WCRC
P.O. Box 250312
Little Rock, AR 72225
Phone: 501-352-5252
Fax: 928-396-2546
E-mail: wrcr@watershedconservation.org

Ron Petrie, City Engineer
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701
Phone: 479-575-8206
Fax: 479-575-8202
E-mail: rpetrie@ci.fayetteville.ar.us

Sarah Wrede, Staff Engineer
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701
Phone: 479-575-8208
Fax: 479-575-8202
E-mail: swrede@ci.fayetteville.ar.us

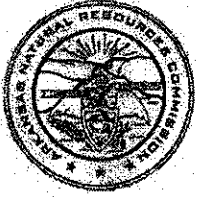
6. NONDISCRIMINATION. During the performance of this agreement, all parties will abide by the terms of Executive Order 11246 on nondiscrimination and will not discriminate against any person because of age, race, color, religion, sex, national origin, or disability.

Sandi J. Formica, Executive Director
Watershed Conservation Resource Center

Date

Dan Coody, Mayor
City of Fayetteville

Date



Arkansas Natural Resources Commission

D. 3
Watershed Conservation
Resource Center
9 of 28



J. Randy Young, PE
Executive Director

101 East Capitol, Suite 350
Little Rock, Arkansas 72201
<http://www.anrc.arkansas.gov/>

Phone: (501) 682-1611
Fax: (501) 682-3991
E-mail: anrc@arkansas.gov

Mike Huckabee
Governor

January 4, 2006

Matthew A. Van Eps, P.E., Associate Director
Watershed Conservation Resource Center
P.O. Box 250312
Little Rock, AR 72225

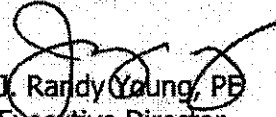
Re: FY 2006 Section 319(h) Grant Application - Proposals

Dear Mr. Van Eps:

On December 20, 2005 the Arkansas Natural Resources Commission and the Nonpoint Support Committee met and reviewed thirteen proposals to be considered for funding from our 2006 section 319(h) grant package. The proposals were prioritized according to the needs of the Nonpoint Source Management Program. Although all projects submitted had merit for funding, the amount did not allow us to fund all projects.

I am pleased to inform you that your proposal, "**Demonstration of a Natural Channel Design to Restore a Stream Reach Draining an Urbanized Sub-Watershed of Hamstring Creek**" Project was selected for funding. However, the work is just beginning. A Nonpoint Source Management Officer will be contacting you within the next several weeks to assist you in the further development of your workplan and budget before submission to EPA for approval. Generally EPA has questions and comments to address before finalizing the workplan and securing funding. We look forward to working with you in the coming months. If you have any questions, please contact Tony Ramick, NPS Management Supervisor or one of the NPS staff at 501-682-3901.

Sincerely,


J. Randy Young, PE
Executive Director

Cc:

Adrian Baber
Ken Housh
Joe Williams
Bob Fowler
Earl Smith
NPS Staff

Nonpoint Source Summary Page Project 06-600 FY 06 CWA Section 319(h)

1. **Title of Project:** Demonstration of a Natural Channel Design to Restore a Stream Reach Draining an Urbanized Sub-Watershed

2. **Project Goals/Objectives:** The goal of this project is to restore an unstable section of a stream to a morphologically stable form utilizing a natural channel design approach. Using such an approach, many additional objectives may be achieved including 1) reduction of sediment inputs to the watershed basin and improved water quality, 2) re-naturalization of the stream corridor in areas that have been cleared of riparian vegetation, 3) reduction of the contraction of the stream network, 4) increase ecological services in the watershed including the improvement of aquatic habitat, 5) improve aesthetics of the stream, and 6) provide alternatives to local developers and city planners by using a natural channel restoration approach to transport sediment and flow, while improving both water quality and habitat.

3. **Project Tasks:**
 - Task 1 Financial Audit
 - Task 2 Develop QAPP
 - Task 3 Select Site and Collect Streambank Erosion Data Before and After Restoration
 - Task 4 Collect Reference Reach Data
 - Task 5 Develop and Implement Restoration Design
 - Task 6 Public Outreach
 - Task 7 Reporting

4. **Measures of Success:** This project will be considered successful if a 75% percent reduction in suspended sediment resulting from streambank erosion is observed. Additional success of the project will be demonstrated by the long-term stability of the restoration management practices.

5. **Project Type:** Statewide () Watershed () Demonstration (X)

6. **Waterbody Type:** River (X) Groundwater () Other ()

7. **Project Location:** The project would be performed on a stream within or related to the City of Fayetteville located in Northwest Arkansas. The stream will drain to either the Illinois River HUC (11110103) or the Upper White River HUC (11010001)

8. **NPS Management Program Reference:** The proposed project would help to meet key elements that the state non-point source program must address. Specific elements that are addressed include: Element #3 (Strong working partnerships with appropriate state, Tribal, regional, and local entities, private sector groups, citizens groups, and Federal agencies.) and Element #4The state program (a) abates water quality impairments from existing sources and (b) prevents significant threats to water quality from present and future activities.

- 9. NPS Assessment Report Status:** Impaired () Impacted (**X**) Threatened ()
- 10. Key Project Activities:** Hire Staff () Monitoring () Technical Assistance ()
Education (**X**) BMP Implementation (**X**) Demonstration Project (**X**) Other ()
Planning ()
- 11. NPS Management Program Elements:** Section 7 – Sediment; Objectives 7.4, 7.5, 7.6
& 7.9
- 12. Project Costs:** Federal (\$121,000) State/Local (\$141,200) Total (\$262,200)
- 13. Project Management:** The Watershed Conservation Resource Center will be responsible for grant administration and coordinating all activities related to the project. The WCRC will be partnering with the City of Fayetteville to successfully complete this project.
- 14. Project Period:** The proposed project would begin July 1, 2006 and extend through December 31, 2008.

Project 06-600
Demonstration of a Natural Channel Design to Restore a Stream Reach Draining an
Urbanized Sub-Watershed
FY 2006, CWA Section 319(h)

Problem/Need Statement

Increases in impervious area results in an increase in the frequency and magnitude of storm events and these effects have been well documented in urbanizing areas. At the same time, greater amounts of impervious area results in a reduction in sediment production from upland erosion processes. These conditions result in a stream network that no longer has a sustainable balance between the discharge of the stream and the sediment that must be transported to maintain stable channel dimensions. This imbalance is revealed as stream channel instability and channel enlargement. Increases in cross-section area from 4 to 12 times have been documented in systems that are enlarging as a result of watershed land cover changes (Harvey and Watson 1986).

Channel enlargement has both local and regional effects on the stream network. Locally, the unstable channel decreases the aesthetic quality of the area around the eroding creek. The diversity of channel features is diminished by the loss of pool and riffle habitats and the loss of a concentrated low-flow channel. On a regional basis, the enlargement of the stream channel affects receiving streams due to the generation of greater volumes of fine sediment and bedload. The fine sediment generated by the erosion of the stream channel has the potential to impact the biology of downstream receiving waters by increasing turbidity, by filling interstitial spaces of the gravel stream bed, and by clogging fish gills and suffocating eggs and benthic insect larvae. Increased bedload due to channel instability in headwater tributaries also contributes significantly to the amount of bedload that must be transported by downstream reaches of the stream network. Several studies indicate that the sediment yield from sub-watersheds experiencing channel enlargement represents the majority annual sediment budget for downstream receiving streams (Barton 2003 and Trimble 1997). The increase in sediment delivery to receiving streams decreases the stability of the receiving stream, which further propagates the negative effect of stream instability.

Traditional approaches to addressing channel enlargement in urbanizing areas include treatments such as, channelization and lining with concrete, use of rip-rap, and enclosure of the tributary stream into a culvert system. These treatments may address some of the concerns resulting from channel enlargement by reducing the amount of sediment produced at the site level. However, most traditional approaches that attempt to treat channel enlargement are expensive, do not improve aesthetics, decrease biodiversity, and generally move the imbalance between streamflow and sediment transport to downstream property owners. A well planned, progressive approach will treat these issues associated with channel enlargement, while achieving many other socially and ecologically beneficial objectives.

General Project Description:

The City of Fayetteville, Arkansas, in cooperation with the Watershed Conservation Resource Center (WCRC) proposes to implement a natural channel design demonstration project on a

section of stream within or near the City of Fayetteville. This project will help to meet multiple local and regional objectives relating to stream channel instability, water quality, and ecological services objectives. The objectives of the project include:

- 1) Naturalize the stream corridor in areas that have been cleared of riparian vegetation
- 2) Reduce stream channel enlargement
- 3) Prevent the contraction of the stream network
- 4) Increase aquatic habitat in the stream watershed
- 5) Improve aesthetics of the stream
- 6) Promote the use of alternatives to traditional channel modifications in urbanizing areas by hosting a field day for local developers and city planners in Northwest Arkansas.

These objectives would be achieved by utilizing a natural channel design approach and "soft" engineering practices to stabilize the stream channel by incorporating natural materials into the design. The stabilized channel will be designed to have a dimension, pattern and profile capable of transporting water and sediment so that the channel remains stable. As part of the restoration design, BMPs that address the quantity of stormwater runoff from contributing residential areas will be considered. A site will be selected by the City of Fayetteville and the WCRC and will be presented to the ANRC for their approval.

Part of this project will be to work with the City of Fayetteville to select a site for restoration. Current loads for the future site can only be estimated based on typical conditions within the City. Many channels within the City have become enlarged and incised. For a stream that has become enlarged over the past 20 years from a general dimension of 2 by 4 feet (d x w) to a current average dimension of 6 by 8 (d x w) and assuming a linear rate of erosion over a 1200 ft length and an average bulk density of 1.8 ton/yd³, the annual sediment loading rate is roughly estimated to be 160 ton/yr. Assuming that the suspended sediment fraction of the eroded channel material is 6.5%, the estimated suspended sediment production rate is 10.4 ton/yr. If a 75% suspended sediment reduction is achieved, suspended sediment loads would be reduced to 2.6 ton/yr. These estimates will be improved by the collection of site specific data during the course of the project.

The proposed project will help to meet key elements of either the Upper White River or the Illinois River Watershed Management Strategies. Specific elements that are addressed are: 1) "Identification of Causes and Sources of NPS Pollution" – streambank erosion; 2) "Milestones and Criteria for Loading Reduction Effectiveness" – turbidity; and 3) "Schedule of Implementation" (Action Items addressed) – urban runoff, action item "Conduct Technology Transfer Workshops for City Planners, County Officials, Developers, Students, and Property Owners on Proper Installation and Maintenance of Erosion and Sediment Control".

Success of the project will be documented by evaluating the stream channel condition prior to and following the implementation of restoration activities. This project will be considered successful if is a 75% reduction in suspended sediment resulting from streambank erosion is observed through measuring erosion rates. Additional success of the project will be demonstrated by the long-term stability of the restoration management practices.

Task 1: Financial Audit: A financial review of all financial records by CPA following agreed upon procedures.

Task 2: Develop QAPP: A QAPP document will be developed to insure that all data collection activities are performed in accordance with documented and approved techniques.

Task 3: Site Selection and Collection of Pre and Post Implementation Erosion Data:

A site for restoration will be selected based upon location, extent of stream instability, and potential for ecological service benefits. In order to document the success of the channel stabilization activities, the condition of streambanks in the proposed restoration area will be documented. A BEHI will be used to determine the erosion potential of streambanks in the reach of interest. Using the BEHI values observed, the amount of sediment generated by streambank erosion will be estimate. Following restoration, the same procedure will be performed and compared to the initial inventory. The difference of erosion estimates from pre and post conditions will be used to document sediment reductions.

Task 4: Collect Reference Reach Data: This task is an essential element for designing a restored channel that will remain in a stable form. Data from a stream that is identified as being stable in the same physiographic region will be collected. Data collected from this stream will be used to develop design parameters using a dimensionless ratio approach where various attributes from the stable system will be appropriately scaled to the restoration reach to develop the final design. The data collected during this task will also be available for other restoration activities in the physiographic region where a natural channel design approach will be utilized.

Task 5: Develop and Implement Restoration Design: A final natural channel restoration design, developed from data collected in Task 4 and Task 5 will be prepared and implemented. This task will require a full survey of the restoration site. The hydrologic impacts of increased impervious surfaces due to residential development in the sub-watershed will be evaluated. Materials and equipment for the implementation phase will be secured. Subsequent to the implementation of the restoration design, monitoring of the site will be continued to determine stability. Monitoring will consist of cross section measurements and photo documentation, in addition to the BEHI inventory discussed in Task 3.

Task 6: Technology Transfer Field Day: Following the implementation of the channel restoration activities, the site will be used as a tool for transferring the technology to developers, city planners, and other professionals interested in natural resource protection. A field day will be organized and held at the restored site, which will be an example to other municipalities and developers as to how natural aesthetics of stream networks can be maintained, or restored where lost, in urbanized environments.

Task 7: Reporting: All reports will be prepared and submitted (hard copies and electronically) according to the grant requirements.

1. Quarterly reports will be submitted utilizing the format/forms provided electronically by ANRC and will briefly state accomplishments made for each subtask. Quarterly reports will also include implementation documentation (forms provided electronically by ANRC) that contains the following information: Name and USDA-NRCS practice number, farm

- number in which BMP was implemented, GPS or latitude/longitude of the BMP, number or acres affected and the date BMP implementation was completed.
2. Annual reports will be submitted to ANRC by October 1 of each year during which project the project is active. The Annual Report will contain a summary of the BMP implementation documentation utilizing a form provided (electronically) by ANRC. In addition, a narrative summary of the project activities that occurred in the previous Federal Fiscal year (October 1 – September 30) will be prepared.
 3. A Final Report will be submitted to ANRC at the completion or the end date for the project. The Final Report will be a narrative description and will encompass all activities (from start to finish) related to the project. An executive summary as well as a final outcome and/or conclusion section shall be contained in the Final Report. Two copies of the report will be submitted to ANRC.

Tasks, Objectives, Subtasks, Schedules, Deliverables, and Estimated Costs

Task 1: Financial Review

	Costs	
Federal	Non-Federal Match	Total
\$4,950	\$0	\$4,950

Objective: A financial review of all financial records by CPA following agreed upon procedures.

Subtask 1.1 Financial review year 1

Subtask 1.2 Financial review year 2

Subtask 1.3 Financial review year 3

Deliverables:

1. CPA report of financial reviews

Task 2: Development of QAPP

	Costs	
Federal	Non-Federal Match	Total
\$15,500	\$500	\$16,000

Objective: To insure the quality of data collected during the project.

Subtask 2.1 Develop QAPP for submittal to ANRC

Subtask 2.2 Edit QAPP per ASWCC comments

Subtask 2.3 Submit final QAPP for approval

Deliverable:

1. QAPP Approved by ANRC and EPA

Task 3: Site Section and Collection of Pre and Post Implementation Erosion Data

	Costs	
Federal	Non-Federal Match	Total
\$20,000	\$700	\$20,700

Objective: Determine sediment production and delivery due to streambank erosion, prior to and following implementation of the restoration design.

Subtask 3.1 Select a stream site showing signs of instability for restoration

Subtask 3.2 Utilize BEHI and existing prediction curves to estimate sediment reduction by performing inventory of channel condition prior to restoration

Subtask 3.3 Establish two permanent cross-sections on reach to measure erosion rates

Subtask 3.4 Collect BEHI data following implementation of restoration design

Subtask 3.5 Estimate sediment reduction following resulting from implementation of stream restoration

Deliverables:

1. Map showing selected site
2. Inventory of streambank erosion conditions prior to restoration
3. Inventory of streambank erosion conditions following restoration
4. Estimate of sediment reduction resulting from channel restoration

Task 4: Collect Reference Reach Data

Costs		
Federal	Non-Federal Match	Total
\$25,000	\$0	\$25,000

Objective: Reference reach data will be collected in order to enable the development of a natural channel restoration design.

Subtask 4.1 Identify potential reference reaches

Subtask 4.2 Collect detailed fluvial geomorphologic data at identified reference reach

Deliverables:

1. Detailed reference reach data that will be used for restoration design and can be used for other restorations where a similar Rosgen stream-type classification is desired.

Task 5: Develop and Implement Restoration Design

Costs		
Federal	Non-Federal Match	Total
\$35,000	\$120,500	\$155,550

Objective: Preparation implementation of a natural channel restoration design on the stream of interest.

Subtask 5.1 Collect detailed geomorphologic data of existing stream conditions

Subtask 5.2 Utilize dimensionless ratios developed from reference reach survey to develop restoration design parameters and restoration design

Subtask 5.3 Create construction documents

Subtask 5.4 Implement restoration design

Subtask 5.5 Perform follow-up monitoring by measuring permanent cross-sections

Deliverables:

1. Site Survey Data
2. Final construction documents
3. Results of follow-up monitoring

Task 6: Technology Transfer Field Day

Costs		
Federal	Non-Federal Match	Total
\$2,400	\$1,500	\$3,900

Objective: Promote the use of natural channel design approaches to channel restoration as an alternative to tradition engineering approaches.

Subtask 6.1 Conduct a field day for local developers and city planners

Deliverable:

1. List of individuals who participated in field day

Task 7: Reporting

Costs		
Federal	Non-Federal Match	Total
\$15,450	\$17,000	\$32,450

Objective: Provide ANRC information regarding the progress of this project on a quarterly and annual basis; furthermore, provide a Final Report detailing the project.

Subtask 7.1 Quarterly Reports that include implementation documentation

Subtask 7.2 Annual Reports

Subtask 7.3 Attend and participate in annual project review meetings

Subtask 7.4 Final Report

Deliverables:

1. Quarterly Reports with implementation documentation
2. Annual Reports submitted by October 1 each year of the project
3. Presentation and a copy of presentation/documentation of project activities provided at annual review meetings
4. Final Report at the conclusion of the project activities

Overall Schedule of Tasks and Outputs:

Task	Subtask Number	Description	Start Date	Completion Date
1	1.1	Financial Audit	Jun 07	Jul 07
	1.2	Financial Audit	Jun 08	Jul 08
	1.3	Financial Audit	Jan 09	Feb 09
2	2.1	Develop QAPP for submittal to ANRC	Jul 06	Dec 06
	2.2	Edit QAPP per ANRC and EPA comments	Jul 06	Dec 06
	2.3	Submit Final QAPP	Jul 06	Dec 06
3	3.1	Select Stream Site for Restoration	Sep 06	Dec 06
	3.2	Collect BEHI Data Prior to Restoration	Dec 06	Feb 07
	3.3	Collect BEHI Data Following Restoration	Dec 07	Feb 08
	3.4	Estimate Sediment Reductions	Dec 07	Feb 08
4	4.1	Identify Potential Reference Reach	Jul 06	Feb 07
	4.2	Collect Detailed Reference Reach Data	Dec 06	May 07
5	5.1	Collect Detailed Data for Restoration Site	Jan 07	Jun 07
	5.2	Develop restoration design	Jun 07	Sep 07
	5.3	Develop construction documents	Jun 07	Oct 07
	5.4	Implement Restoration Design	Oct 07	Feb 08
	5.5	Follow-up Monitoring	Feb 08	Dec 08
6	6.1	Public Outreach and Technology Transfer	Oct 07	Dec 08
7	7.1	Quarterly Reports		
		Submission of 1 st Quarterly Report	Jul 06	Oct 06
		Submission of 2 nd Quarterly Report	Oct 06	Jan 07
		Submission of 3 rd Quarterly Report	Jan 07	Apr 07
		Submission of 4 th Quarterly Report	Apr 07	Jul 07
		Submission of 5 th Quarterly Report	Jul 07	Oct 07
		Submission of 6 th Quarterly Report	Oct 07	Jan 08
		Submission of 7 th Quarterly Report	Jan 08	Apr 08
		Submission of 8 th Quarterly Report	Apr 08	Jul 08
		Submission of 9 th Quarterly Report	Jul 08	Oct 08
	7.2	1 st Annual Report	Jul 06	Sep 07
		2 nd Annual Report	Oct 07	Sep 08
	7.3	1 st Annual Project Review Meeting	Jul 06	Sep 07
		2 nd Annual Project Review Meeting	Oct 07	Sept 08
	7.4	Final Report	Jul 06	Dec 08

Schedule of Task and Outputs to be completed within 12 months of project start date

Year 1				
Task	Subtask Number	Description	Start Date	Completion Date
1	1.1	Financial Audit	Jun 07	Jul 07
2	2.1	Develop QAPP for submittal to ANRC	Jul 06	Dec 06
	2.2	Edit QAPP per ANRC and EPA comments	Jul 06	Dec 06
	2.3	Submit Final QAPP	Jul 06	Dec 06
3	3.1	Select Reach for Restoration	Dec 06	Feb 07
	3.2	Collect BEHI Data Prior to Restoration	Oct 06	Dec 06
4	4.1	Identify Potential Reference Reach	Jul 06	Feb 07
7	7.1	Quarterly Reports		
		Submission of 1 st Quarterly Report	Jul 06	Oct 06
		Submission of 2 nd Quarterly Report	Oct 06	Jan 07
		Submission of 3 rd Quarterly Report	Jan 07	Apr 07

Schedule of Task and Outputs to be completed within 24 months of project start date

Year 2				
Task	Subtask Number	Description	Start Date	Completion Date
1	1.2	Financial Audit	Jun 08	Jul 08
3	3.2	Collect BEHI Data Following Restoration	Dec 07	Feb 08
	3.3	Estimate Sediment Reductions	Dec 07	Feb 08
4	4.2	Collect Detailed Reference Reach Data	Dec 06	May 07
5	5.2	Develop restoration design	Jun 07	Sep 07
	5.3	Develop construction documents	Jun 07	Oct 07
	5.4	Implement Restoration Design	Oct 07	Feb 08
7	7.1	Quarterly Reports		
		Submission of 4 th Quarterly Report	Apr 07	Jul 07
		Submission of 5 th Quarterly Report	Jul 07	Oct 07
		Submission of 6 th Quarterly Report	Oct 07	Jan 08
		Submission of 7 th Quarterly Report	Jan 08	Apr 08
	7.2	1 st Annual Report	Jul 06	Sep 07
	7.3	1 st Annual Project Review Meeting	Jul 06	Sep 07

Schedule of Task and Outputs to be completed within 36 months of project start date

Year 3				
Task	Subtask Number	Description	Start Date	Completion Date
1	1.3	Financial Audit	Jan 09	Feb 09
6	6.1	Public Outreach and Technology Transfer	Oct 07	Dec 08
7	7.1	Quarterly Reports		
		Submission of 8 th Quarterly Report	Apr 08	Jul 08
		Submission of 9 th Quarterly Report	Jul 08	Oct 08
	7.2	2 nd Annual Report	Oct 07	Sep 08
	7.3	2 nd Annual Project Review Meeting	Oct 07	Sep 08
	7.4	Final Report	Jul 06	Dec 08

Coordination, Roles and Responsibilities:

The Watershed Conservation Resource Center will be responsible for coordinating all activities associated with the project. The WCRC will insure that project milestones will be met according to the workplan schedule.

The City of Fayetteville will assist with the development of the final restoration design and provide matching funds for the project. They will assist with the oversight of construction and implementation. The City of Fayetteville will provide coordination of City activities related to the project.

Washington County Conservation District will assist with the field day and other public outreach activities.

The University of Arkansas Cooperative Extension Service will assist with the field day and other public outreach activities.

The University of Arkansas Biological and Agricultural Engineering Department will assist with data evaluation.

Public Participation:

A field day will be hosted for developers and city planners in Northwest Arkansas. The field day will be open to other local environmental professionals interested in utilizing natural channel design.

Measures of Success and Performance:

Success of this project will be documented by the reduction of streambank erosion and channel enlargement. A 75% reduction in sediment produced by streambank erosion, as determined by and evaluation of erosion potential, prior to and following restoration will be considered success.

Reference to Project in the NPS Management Program:

The proposed project would help to meet key elements that the state non-point source program must address. Specific elements that are addressed include: Element #3 (Strong working partnerships with appropriate state, Tribal, regional, and local entities, private sector groups, citizens groups, and Federal agencies.) and Element #4The state program (a) abates water quality impairments from existing sources and (b) prevents significant threats to water quality from present and future activities.

Project Lead:

The Watershed Conservation Resource Center is the lead on this project. The contact for this project is:

Matthew A. Van Eps, P.E., Associate Director
Watershed Conservation Resource Center
P.O. Box 250312
Little Rock, AR 72225
Phone: (501) 352-7294
Fax: (928) 396-2546
wcrc@watershedconservation.org

List of Appendices:

Appendix 601	Estimated Project Budget
Appendix 602	Estimated "Other" Budget
Appendix 603	Project Budget Justification Worksheet
Appendix 604	Map of Project Location

Literature Cited:

Harvey, M and C. Watson. 1986. Fluvial processes and morphological thresholds in incised channel restoration. *Water Resources Bulletin* 22(3): 359-368.

Barton, C. 2003. Applications of a sediment budget to assist urban stream restoration. *Watershed Review* 1(2): 4. Center for Water and Watershed Studies. University of Washington, Seattle, WA.

Trimble, S. 1997. Contribution of stream channel erosion to sediment yield from and urbanizing watershed. *Science*. 278: 1442-1444.

Appendix 601 Estimated Project Budget

Personnel

	Salary	m/yrs	Cost	Federal	Non Federal
Project Manager	75,000	0.21	\$15,750	\$15,750	\$
Engineer PE	60,000	0.53	\$31,800	\$31,800	\$
			\$	\$	\$
Total, Personnel			\$47,550	\$47,550	\$
Fringe Benefits 42%			\$19,971	\$19,971	
Total Personnel including Fringe			\$67,521	\$67,521	\$

Travel

In State			\$9,782	\$9,782	\$
Out of State			\$	\$	\$
Total Travel			\$9,782	\$9,782	\$

Equipment

List

Total Equipment			\$	\$	\$
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Supplies

Total Station Rental			\$1,500	\$1,500	\$
PC Workstation			\$1,500	\$1,500	
Laptop Computer			\$1,500	\$1,500	
Survey Supplies			\$500	\$500	
Software			\$3000	\$3000	
Handheld PC			\$1000	\$1000	
Outreach Supplies			\$1000	\$1000	
Total Supplies			\$10,000	\$10,000	\$

Contractual

Review/Comment on Restoration Design			\$6,000	\$6,000	
Total Contractual			\$6,000	\$6,000	

Construction

Total Construction

Other

City of Fayetteville			\$141,200	\$	\$141,200
Financial Review			\$5,000	\$5,000	
Total Other			\$146,200	\$5,000	\$141,200

Total Direct Charges

Indirect			\$	\$	\$
			\$22,697	\$22,697	\$

Grand Total

			\$262,200	\$121,000	\$141,200
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Appendix 602 Estimated "Other" Budget – City of Fayetteville

Personnel

	Salary	m/yrs	Cost	Federal	Non Federal
	\$	###	\$	\$	\$
	\$	###	\$	\$	\$
	\$	###	\$	\$	\$
Total, Personnel	\$	###	\$	\$	\$
Fringe Benefits XX %			\$	\$	\$
Total Personnel with Fringe			\$	\$	\$

Travel

In State			\$	\$	\$
Out of State			\$	\$	\$
Total Travel			\$	\$	\$

Equipment

List			\$	\$	\$
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Total Equipment

Supplies

List			\$	\$	\$
Total Supplies			\$	\$	\$

Contractual

List			\$	\$	\$
Total Contractual			\$	\$	\$

Construction

City of Fayetteville			\$129,000	\$	\$129,000
Total Construction			\$129,000	\$	\$129,000

Other

salary and benefits:					
Staff Engineer -			\$12,200	\$	\$ 12, 200
\$42.45/hr at 6 weeks					
\$10,200					
City Engineer - \$50.40/					
hr at 1 week \$2,000					
Total Other			\$12,200	\$	\$12,200

Total Direct Charges

Indirect			\$	\$	\$
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Grand Total

			\$141,200	\$	\$141,200
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Appendix 603 PROJECT BUDGET JUSTIFICATION WORKSHEET

BUDGET CATEGORIES INFORMATION (FROM SF424A, SECTION B TOTALS) Enter Total Program Costs, i.e., Federal and Non-Federal Funds Combined (Attach Separate Sheet(s) if necessary)				
OBJECT CLASS CATEGORIES:				
a. Personnel: (Program Staffing – include and indicate vacant positions) Position Title	Number in Position Class	Annual Salary Rate	Work Years	Personnel Costs
(1)	(2)	(3)	(4)	(5)
Project Manager	1	\$75,000	0.21	\$15,750
Engineer PE	1	\$60,000	0.53	\$31,800
		\$		\$
Personnel Category Totals		\$		\$47,550
b. Fringe Benefits: Total				\$19,971
c. Travel: Include estimates of In-State and Out of State travel including if appropriate, mileage in State or private vehicles, Per Diems, air fare and conference fees.				
In State				\$7,382
Out of State (training and airfare)				\$2,400
TRAVEL: TOTAL				\$9,782
d. Equipment:				
(1) List each item costing \$5,000 or more to be purchased for this project:				
				\$
				\$
				\$
(2) List items costing less than \$5,000. You may list items by groups, as appropriate.				
				\$
COMBINED EQUIPMENT TOTAL				\$
e. Supplies: List by groups, as appropriate				
Total Station Rental				\$1,500
PC Workstation				\$1,500
Laptop Computer				\$1,500
Survey Supplies				\$500
Software				\$3000
Handheld PC				\$1000
Outreach Supplies				\$1000
SUPPLIES TOTAL				\$10,000
f. Contractual: List each planned contract separately, type of service to be procured, proposed procurement method (i.e. small purchase, formal advertising, competitive negotiations or non-competitive negotiations) and				

the estimated cost. Also, please indicate if the proposed contract performance period will go beyond the budget period of assistance for which this application is submitted.	
Review/Comment on Restoration Design	\$6,000
COMBINED CONTRACTUAL TOTAL	\$6,000
g. Construction:	
City of Fayetteville - Implementation of Restoration Design: Materials, heavy equipment use, plants	\$129,000
TOTAL CONSTRUCTION	\$129,000
h. Other: Explain by major categories any items not included in above standard budget categories. <u>Caution:</u> Do not include or propose as a direct project cost, any cost that is indirect in nature (see OMB Circular A-87) or is included in the indirect cost pool on which the indirect cost rate (item j) is based.	
City of Fayetteville Personnel Cost (In-kind match)	\$12,200
Financial Review	\$5,000
OTHER TOTAL	\$17,200
i. TOTAL DIRECT CHARGES: (Sum of Items a. through h.)	\$239,503
j. INDIRECT COSTS: (Attach a copy of your latest indirect cost agreement)	\$22,697
k. TOTAL PROPOSED PROGRAM COSTS (Sum of Items I and j.)	\$262,200
SHARE: FEDERAL 46.1%	\$121,000
GRANTEE 53.9%	\$141,200

Project Personnel Justification Summary:

Sandi J. Formica, executive director of the WCRC has B.S. and M.S. degrees in Chemical Engineering, with an emphasis on the transport of contaminants in the water, soil, and air. She will be the overall project manager. She will oversee the data collection, evaluation, and analysis portions of the project. Ms. Formica has been the project manager of numerous 319 projects developed to address non-point source pollution on a watershed basis. She was the principal investigator and developed the overall approach to assessing nutrients and sediment on a watershed basis that will be utilized for this project. Ms. Formica possesses unique technical skills developed over many years experience in the field of environmental and watershed management. Ms. Formica has extensive training in the area of fluvial geomorphology and stream restoration and has assisted in the development and instruction of basic field techniques to determine stream morphology course.

Matthew A. Van Eps, associate director of the WCRC is a registered Professional Engineer in the State of Arkansas who holds a M.S. Degree in Environmental Engineering. He will be responsible for managing field data collection activities, data analysis, development of the natural channel design, and implementation of the design. He has 7 years of technical and practical experience utilizing the watershed approach. He has been the project engineer for

numerous successfully completed studies including watershed assessments. He has extensive experience in collecting and analyzing fluvial geomorphology data for estimating streambank erosion and stream stability. Mr. Van Eps has extensive training in the area of fluvial geomorphology and stream restoration and has assisted in the development and instruction of basic field techniques to determine stream morphology course.

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

6-Mar-07
City Council Meeting Date

Matt Casey
Submitted By

Engineering
Division

Operations
Department

Action Required:

Approval of a cost-share and bid waiver in the amount of \$57,482.00 with SCM, LLC for the upsizing of approximately 1493' of 8" water main to 12".

\$57,482.00

Cost of this request

5400.5600.5808.00

02067

Project Number

\$ 622,511.07

Category/Project Budget

\$ 170,595.35

451,915.72

Remaining Balance

Water and Sewer

Cost Sharing

Program Category / Project Name

Water and Sewer Improvements

Program / Project Category Name

Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☐

[Signature] 2-16-07
Department Director **Date**

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

[Signature] 2/21/07
City Attorney **Date**

Received in City Clerk's Office
ENTERED
2/16/07

[Signature] 2-21-07
Finance and Internal Service Director **Date**

Received in Mayor's Office
ENTERED
2/21/07 BCP

[Signature] 2/21/07
Mayor **Date**

Comments:

City Council Meeting of March 6, 2007

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Ron Petrie, City Engineer

Date: February 8, 2007

Subject: Proposed cost-share and bid waiver in the amount of \$57,482.00 with SCM, LLC for the upsizing of approximately 1493' of 8" water main to 12".

RECOMMENDATION

Staff recommends that the City cost-share with SCM, LLC, the developer, to upsize approximately 1,493 feet of 8" water main to a 12" main. By participating in the construction of these improvements, the City will be continuing a 12" grid in the water line distribution system as recommended by the Water Master Plan Study.

BACKGROUND

SCM, LLC is constructing a 194 lot residential subdivision east of Salem Road. As a part of this development, the developer is required to construct a water main extension to provide water service and fire protection to the site.

DISCUSSION

There is an existing 12" water main along Ika Lane in the adjacent Rockhaven Subdivision. In 2006 the City Council approved a cost share for the upgrade of this portion of waterline to 12". The proposed development is required to connect to this 12" main and extend a water main to serve the subdivision. It would benefit the City to cost-share with the developer to continue the construction of the 12" main along Ika Lane. This will continue a 12" water line grid that will serve customers in this area. The City's cost is approximately 47% of the total cost. Should the City wait to upgrade the water main, future costs will be significantly higher.

City Council Meeting of March 6, 2007

Construction costs have been provided to the City for these improvements by the contractor as follows:

Developer's Share	\$ 64,230.25
City's Share	<u>\$ 57,482.00</u>
Total	\$121,712.25

BUDGET IMPACT

Based upon the information provided by the Budget & Research Division, there is a remaining balance of \$451,915.72 in the Water and Sewer Cost Sharing Account.

The final costs to the City will be based upon actual costs as documented by SCM, LLC subject to review by the City and may, or may not exceed the submitted estimate. However, the City's share will not exceed the estimate without additional authorization.

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A COST-SHARE AGREEMENT WITH SCM, LLC IN THE AMOUNT OF \$57,482.00 FOR THE UPSIZING OF APPROXIMATELY 1493' OF 8" WATER MAIN TO 12" WATER MAIN.

WHEREAS, the City of Fayetteville's Water Master Plan calls for a portion of the 12" Water Main ~~Grid~~ to run in the area near the residential development that SCM, LLC is currently developing east of Salem Road and,

WHEREAS, entering into a cost-share agreement with SCM, LLC and utilizing their engineer and contractor to extend the 12" Water Main will avoid the added cost and unnecessary duplication of effort which would arise from the formal competitive bidding process.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby finds that such circumstances constitute an exceptional situation where competitive bidding is not feasible or practical, and waives the requirements of formal competitive bidding to approve a cost-share with SCM, LLC in the amount of \$57,482.00 for the upsizing of approximately 1493' of 8" water main to 12" water main.

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

APPROVED:

ATTEST:

By:

DAN COODY, Mayor

By:

SONDRA SMITH, City Clerk/Treasurer

CONTRACTUAL AGREEMENT

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

WHEREAS, SCM, LLC is constructing a 194 lot residential subdivision east of Salem Road; and

WHEREAS, SCM, LLC will be extending an 8" main through the project site to provide water service and fire protection to the development; and

WHEREAS, it will benefit the City of Fayetteville to upgrade this 8" water main extension to a 12" main. This upgrade will continue the creation of a 12" water main grid in accordance with the water distribution master plan.

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

1. Upon the City Council and/or the Mayor approving the Water Main Cost-Share, the City of Fayetteville agrees to:
 - A. Pay for 100% of the actual documented construction costs for the upsizing to a 12" water main along Ika Lane.
 - B. Pay a maximum-not-to-exceed cost of \$57,482.00 for the afore mentioned water main construction as was provided by Fayette Tree and Trench, the contractor, and made a part of this agreement.
 - C. Reconsider the costs if the future and actual construction prices exceed the maximum-not-to-exceed amount that was furnished by the contractor. The contractual agreement shall be required to be reevaluated and re-approved by the Mayor and/or City Council as appropriate prior to proceeding with construction.
 - D. Make all efforts to provide payment to SCM, LLC within thirty (30) days after receipt of the invoice(s) but cannot guarantee the thirty day schedule.
2. SCM, LLC agrees to:
 - A. Provide the necessary and normal project management, inspection, and testing as necessary for a complete and acceptable water main installation.
 - B. Provide a copy of the invoice(s) from the Contractor and a completed lien waiver executed by the Contractor upon acceptance of the water main installation.

3. It is further understood that the contract for construction is between SCM, LLC and their Contractor and that the City has no contractual obligation with either the Contractor or the Engineer. The City's only obligation shall be to participate in a contractual agreement with a not-to-exceed amount of \$57,482.00 for the water main upgrade.

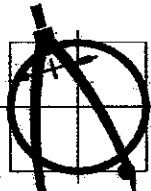
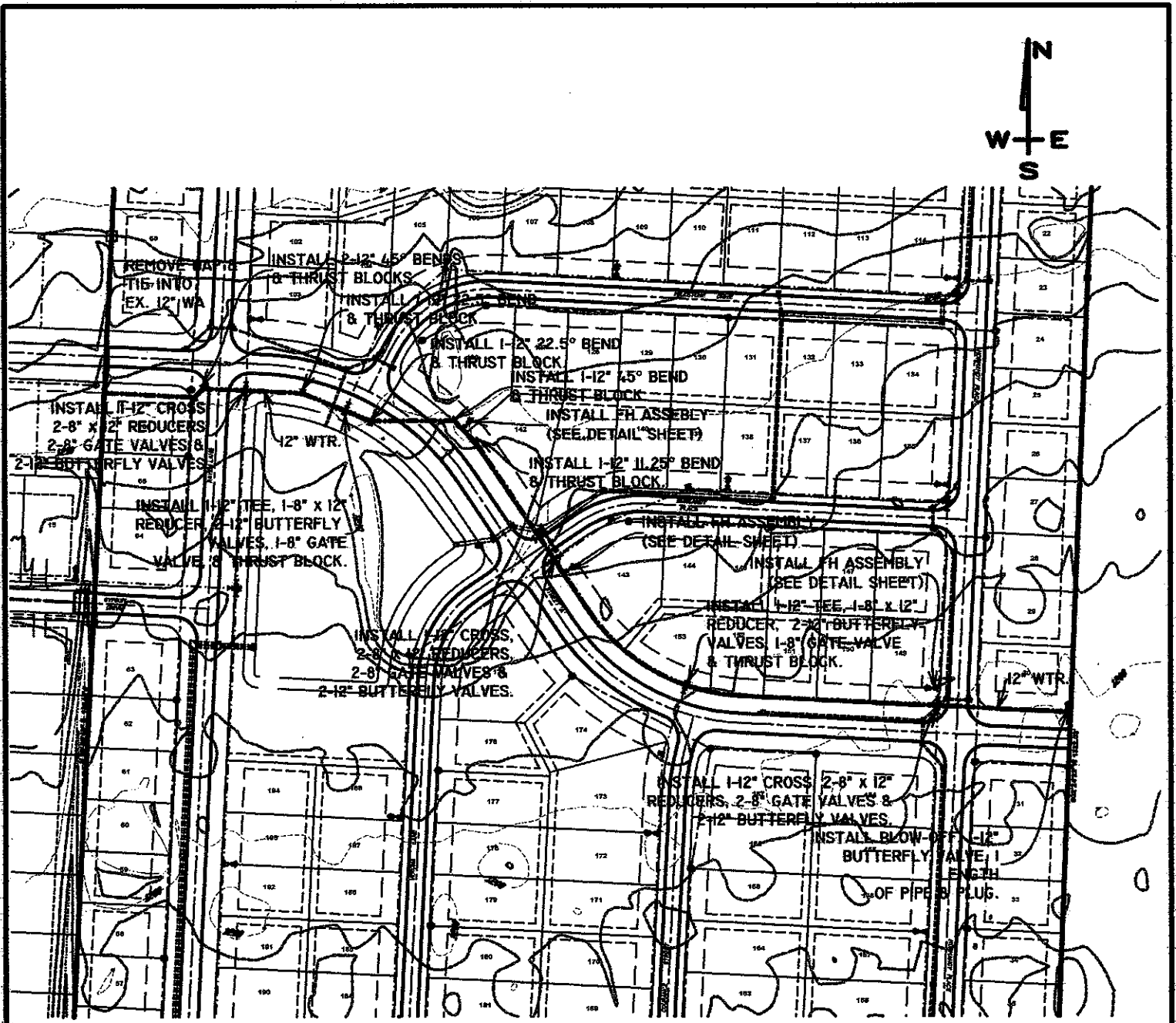
**IN AGREEMENT WITH ALL THE TERMS AND CONDITIONS ABOVE, WE
SIGN BELOW:**

CITY OF FAYETTEVILLE

SCM, LLC

By: _____
DAN COODY, Mayor

By: _____



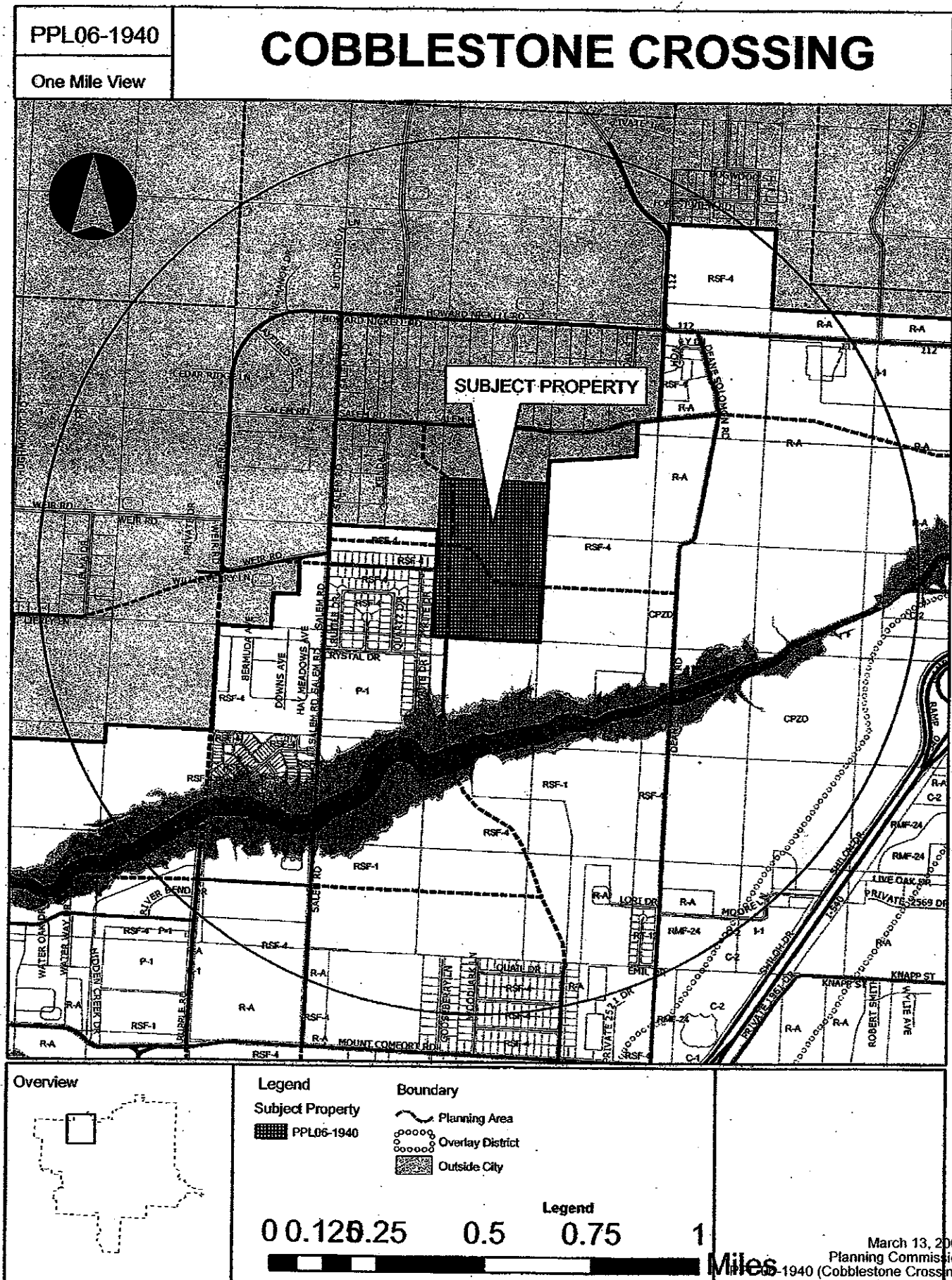
JORGENSEN & ASSOCIATES

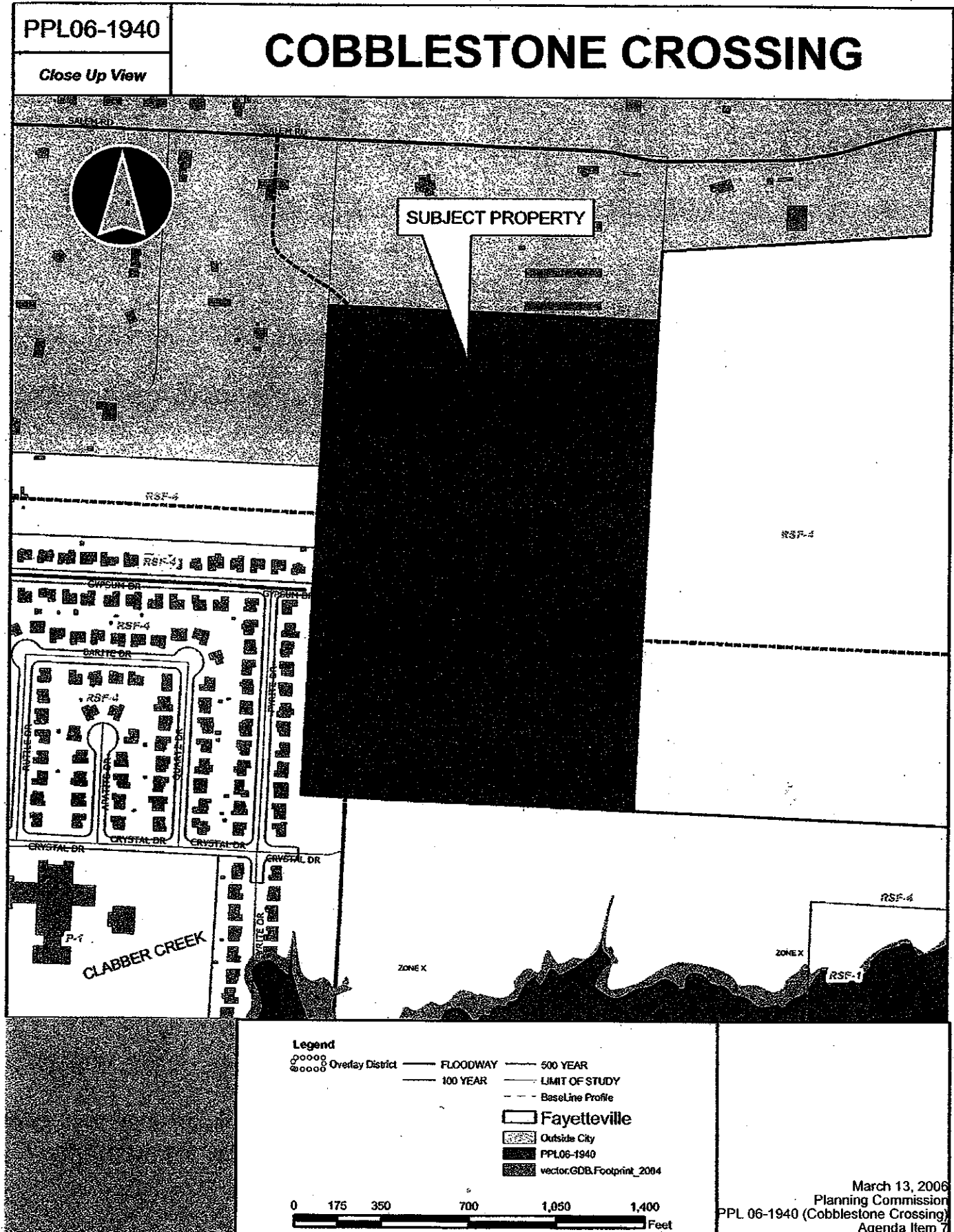
CIVIL ENGINEERS • SURVEYORS

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

SCALE: 1"=200'	DATE REVISED	CHECKED BY:	DRAWN BY: BJR
DATE: 13DEC06		DLJ	J:SUBD\2005030\COBBLESTONE

COBBLESTONE SUBDIVISION
12" WATERLINE COST SHARE







JORGENSEN & ASSOCIATES

CIVIL ENGINEERS • SURVEYORS

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

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

February 2nd, 2007

City of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701
Attn: Matt Casey, P.E.
Re: Cobblestone Crossing Subdivision

RECEIVED
FEB 07 2007
ENGINEERING DIV.

Dear Matt;

Please find the cost share for the 12" waterline for the above mentioned project. Prices have been provided by Fayette Tree & Trench, the contractor for this particular project. The total costs are summarized below:

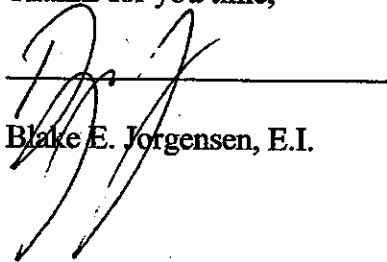
Total for 12" Waterline: \$121,712.25

Total for 8" Waterline: \$64,230.25

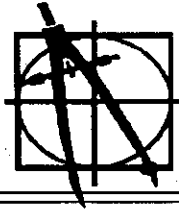
Difference between 12" & 8": \$57,482.00

You will notice that the unit price listed for the 12" tap is the difference between an 8" and a 12"; not the total cost of an actual 12" tap. Please take your time to review this unit price schedule, call us with any comments or concerns.

Thanks for you time,



Blake E. Jorgensen, E.I.



JORGENSEN & ASSOCIATES

CIVIL ENGINEERS • SURVEYORS

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

DAVID L. JORGENSEN, P.E., P.L.S.

CHRISTOPHER B. BRACKETT, P.E.

COBBLESTONE SUBDIVISION
FAYETTEVILLE, ARKANSAS
Cost Share for 12" Waterline
Date: January 30th, 2007

UNIT PRICE SCHEDULE FOR 12"

<u>ITEM #</u>	<u>ITEM</u>	<u>Est. Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Amount</u>
1	12" Waterline (C-900)	1,493.00	LF	\$43.25	\$64,572.25
2	12" 45° Bend	3.00	Each	\$780.00	\$2,340.00
3	12" - 22.5° Bend	3.00	Each	\$795.00	\$2,385.00
4	8" x 12" Reducer	6.00	Each	\$430.00	\$2,580.00
5	12" Cross	3.00	Each	\$1,195.00	\$3,585.00
6	8" Gate Valve	8.00	Each	\$1,175.00	\$9,400.00
7	12" Blow Off & Plug	1.00	Each	\$1,200.00	\$1,200.00
8	12" Tap	7.00	Each	\$25.00	\$175.00
9	12" Butterfly Valve	11.00	Each	\$3,225.00	\$35,475.00
10	Rock Excavation	0.00	C.Y.	\$200.00	\$0.00
	Total				\$121,712.25

UNIT PRICE SCHEDULE FOR 8"

<u>ITEM #</u>	<u>ITEM</u>	<u>Est. Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Amount</u>
1	8" Waterline (C-900)	1,493.00	LF	\$24.25	\$36,205.25
2	12" 45° Bend	3.00	Each	\$460.00	\$1,380.00
3	8" - 22.5° Bend	3.00	Each	\$465.00	\$1,395.00
4	8" Cross	3.00	Each	\$650.00	\$1,950.00
5	8" Gate Valve	19.00	Each	\$1,175.00	\$22,325.00
6	8" Blow Off & Plug	1.00	Each	\$975.00	\$975.00
7	8" Tap	7.00	Each	\$0.00	\$0.00
	Total				\$64,230.25
	Difference between 12" and 8" Total:				\$57,482.00

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

6-Mar-07
City Council Meeting Date

Matt Casey
Submitted By

Engineering
Division

Operations
Department

Action Required:

Approval of a cost-share, bid waiver and budget adjustment in the amount of \$56,000.00 with Seven Hills Homeless Center, Inc. for the upgrading of a private drive to city street standards.

\$56,000.00

Cost of this request

4470.9470.5809.00

02116

Project Number

\$ 37,000.00

Category/Project Budget

\$ 86.00

Funds Used to Date

\$ 36,914.00

Remaining Balance

Street/ROW/Intersection

Cost Sharing

Program Category / Project Name

Street Improvements

Program / Project Category Name

Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☒

Gay D. 2-16-07
Department Director Date

D. P. White 2/21/07
City Attorney Date

Paul A. Bush 2-21-07
Finance and Internal Service Director Date

Sam Coody 2/21/07
Mayor Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Received in City Clerk's **ENTERED** 2/16/07

Received in Mayor's Office **ENTERED** 2/21/07 BCP

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Ron Petrie, City Engineer

Date: February 14, 2007

Subject: Proposed cost-share, bid waiver and budget adjustment in the amount of \$56,000.00 with Seven Hills Homeless Center, Inc. for the upgrading of a proposed private driveway to public city street standards.

RECOMMENDATION

Staff recommends that the City cost-share with Seven Hills Homeless Center, Inc. the developer, to upsize approximately 578 feet of a private driveway to meet city street standards. By participating in the construction of these improvements, the City will have a public street to serve the Seven Hills project and a connection point for further development of the Habitat for Humanity project located directly south of this site.

BACKGROUND

Seven Hills Transitional Housing is a facility that will provide 28 transitional program residents with 12 months of housing along with support services on site. This project is located on the south side of 15th Street between Morningside Drive and Happy Hollow Road. The City of Fayetteville purchased this property in 2001 as an alternative to installing extensive drainage improvements that were needed at that time. The City has leased a portion of the property to Seven Hills for the transitional housing project.

In 2006, the City of Fayetteville sold eight acres of this site to Habitat for Humanity for the construction of an ecologically friendly affordable housing development. As a part of this agreement, the City will need to provide public access to this site.

DISCUSSION

As a part of the Seven Hills project, the developer is required to construct a private drive through the site to provide access and parking for the facility. The proposal is that the City cost share with Seven Hills to upgrade the proposed private drive to meet City street standards and thus provide the necessary public access to the eight acre site that was sold to Habitat for Humanity.

Construction costs have been provided to the City for these improvements by the contractor as follows:

Developer's Share	\$ 16,006.61
City's Share	\$ 55,599.71
Total	\$ 71,606.32

BUDGET IMPACT

A budget adjustment is attached to transfer the necessary funds from the Kings Drive Reconstruction project to the Street Cost Sharing project.

The final costs to the City will be based upon actual costs as documented by Seven Hills Homeless Center, Inc. subject to review by the City and may or may not exceed the submitted estimate. However, the City's share will not exceed the estimate without additional authorization.

ORDINANCE NO. ____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A COST-SHARE WITH SEVEN HILLS HOMELESS CENTER, INC. IN THE AMOUNT OF \$56,000.00 TO UPGRADE A PRIVATE DRIVE TO CITY STREET STANDARDS; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$55,600.00.

WHEREAS, Seven Hills Homeless Center, Inc. is required to construct a private drive through the site it is currently developing; and,

WHEREAS, the City of Fayetteville needs a city street to provide public access to the eight-acre Habitat for Humanity development located directly to the south of the Seven Hill site; and,

WHEREAS, entering into a cost-share agreement with Seven Hills Homeless Center, Inc. and utilizing their engineer and contractor to upgrade a private drive to city street standards will avoid the added cost and unnecessary duplication of effort which would arise from the formal competitive bidding process.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby finds that such circumstances constitute an exceptional situation where competitive bidding is not feasible or practical, and waives the requirements of formal competitive bidding to approve a cost-share with Seven Hills Homeless Center, Inc. in the amount of \$56,000.00 to upgrade a private drive to city street standards.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of \$55,600.00.

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

APPROVED:

ATTEST:

By: _____

DAN COODY, Mayor

By: _____

SONDRA SMITH, City Clerk/Treasurer

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

D. 5
Seven Hills Homeless Center, Inc.
Cost-Share Agreement
Page 5 of 10

Budget Year 2007	Department: Sales Tax Capital Improvements Division: Program:	Date Requested	Adjustment Number
-------------------------	---	----------------	-------------------

Project or Item Added/Increased: \$55,600 is requested in the Street Row / Intersection / Cost Sharing project.	Project or Item Deleted/Reduced: \$55,600 from the Kings Drive Improvements project.
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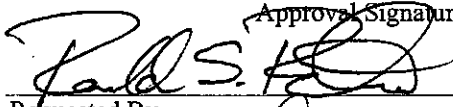
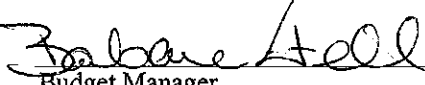
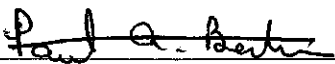
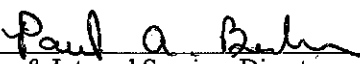
Justification of this Increase: Additional funds are needed in this account to cover a cost share with Seven Hills Homeless Center, Inc.	Justification of this Decrease: Kings Dr. proj. #05030 has been bid, is underconstruction, and has a contingency in the approved funding. The excess funds in the account are not necessary for completion.
--	---

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Street improvements	4470	9470	5809	00	55,600	02116	1

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Professional services	4470	9470	5314	00	55,600	05030	1

Approval Signatures  Requested By  Budget Manager  Department Director  Finance & Internal Services Director Mayor		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	
--	--	---	--

CONTRACTUAL AGREEMENT

This Agreement, made and entered into this _____, by and between the City of Fayetteville, Arkansas and Seven Hills Homeless Center, Inc., Witnesseth:

WHEREAS, Seven Hills Homeless Center, Inc. is constructing a transitional housing project on 15th Street; and

WHEREAS, Seven Hills Homeless Center, Inc. will be extending an 20' wide private drive through the project to provide access to the development; and

WHEREAS, it will benefit the City of Fayetteville to upgrade this private drive to meet City street standards to provide public access to the remainder of the site.

NOW, THEREFORE, the City of Fayetteville and Seven Hills Homeless Center, Inc. agree as follows:

1. Upon the City Council and/or the Mayor approving the Street Cost-Share, the City of Fayetteville agrees to:
 - A. Pay for 100% of the actual documented construction costs for the upgrading the private drive to City street standards.
 - B. Pay a maximum-not-to-exceed cost of \$56,000.00 for the afore mentioned street construction as was provided by McClelland Engineering, the project engineer, and made a part of this agreement.
 - C. Reconsider the costs if the future and actual construction prices exceed the maximum-not-to-exceed amount that was furnished by the contractor. The contractual agreement shall be required to be reevaluated and re-approved by the Mayor and/or City Council as appropriate prior to proceeding with construction.
 - D. Make all efforts to provide payment to Seven Hills Homeless Center, Inc. within thirty (30) days after receipt of the invoice(s) but cannot guarantee the thirty day schedule.
2. Seven Hills Homeless Center, Inc. agrees to:
 - A. Provide the necessary and normal project management, inspection, and testing as necessary for a complete and acceptable street installation.
 - B. Provide a copy of the invoice(s) from the Contractor and a completed lien waiver executed by the Contractor upon acceptance of the street construction.

3. It is further understood that the contract for construction is between Seven Hills Homeless Center, Inc. and their Contractor and that the City has no contractual obligation with either the Contractor or the Engineer. The City's only obligation shall be to participate in a contractual agreement with a not-to-exceed amount of \$55,599.71 for the street upgrade.

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

CITY OF FAYETTEVILLE

Seven Hills Homeless Center, Inc.

By: _____
DAN COODY, Mayor

By: _____

Engineer's Estimate of Construction Costs
Seven Hills Supportive Housing Facility - Road Improvements
 February 9, 2007
 MCE PROJECT # FY062103

Seven Hills Contract Amounts for 20' drive design

Item #	Item	Unit	Quantity	Unit Price	Extended
1	Asphaltic Concrete Hot Mix (3" depth min.) Drive surface (578 LF long x 20 LF wide) Northern access drive Southern access drive	SY	1,296	\$10.58	\$13,706.39
2	6" Concrete Apron @ Huntsville Road	SF	585	\$3.93	\$2,300.22
TOTAL THIS SECTION:					\$16,006.61

City of Fayetteville 22' Street Design

Item #	Item	Unit	Quantity	Unit Price	Extended
1	6" Concrete (including sidewalk through drive) Northern access drive Southern access drive	SF	1,175	\$6.41	\$7,531.75
2	Asphaltic Concrete Hot Mix (3" depth min.) Drive surface (578 LF long x 20 LF wide) Apron @ Huntsville Road	SY	1,355	\$11.30	\$15,311.50
3	12"x12" Monolithic curb	LF	1,089	\$22.65	\$24,665.85
4	Class 7 Gravel Base Material (4" under curbing)	CY	60	\$15.69	\$941.40
5	Class 7 Gravel Base Material (road crown)	SY	1,356	\$3.96	\$5,369.76
TOTAL THIS SECTION:					\$53,820.26

Material changes between 20' drive and 22' street designs
 Allowance for control point staking
 Allowance for compaction testing

Subtotal:

Overhead and profit

Subtotal:

Performance Bond Cost (2% of costs):

Total Construction Costs:

10% Contingency of Construction Costs

CONSTRUCTION COSTS WITH CONTINGENCY:*Engineering Fees**Design Fees**Construction Inspection***TOTAL ENGINEERING FEES:****TOTAL REQUEST ADDITIONAL FEES & CONSTRUCTION COSTS:**

\$2,750.00
 \$3,000.00

\$5,750.00

\$37,813.65
 \$2,500.00
 \$2,000.00
 \$42,313.65
 \$2,115.68
 \$44,429.33
 \$888.59
 \$45,317.92
 \$4,531.79
\$49,849.71

\$55,599.71

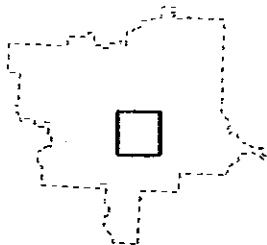
LSD05-1428

SEVEN HILLS SHELTER

One Mile View



Overview



Legend

Subject Property

LSD05-1428

Boundary

- Planning Area
- Overlay District
- Outside City

Master Street Plan

Master Street Plan

- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historic Collector

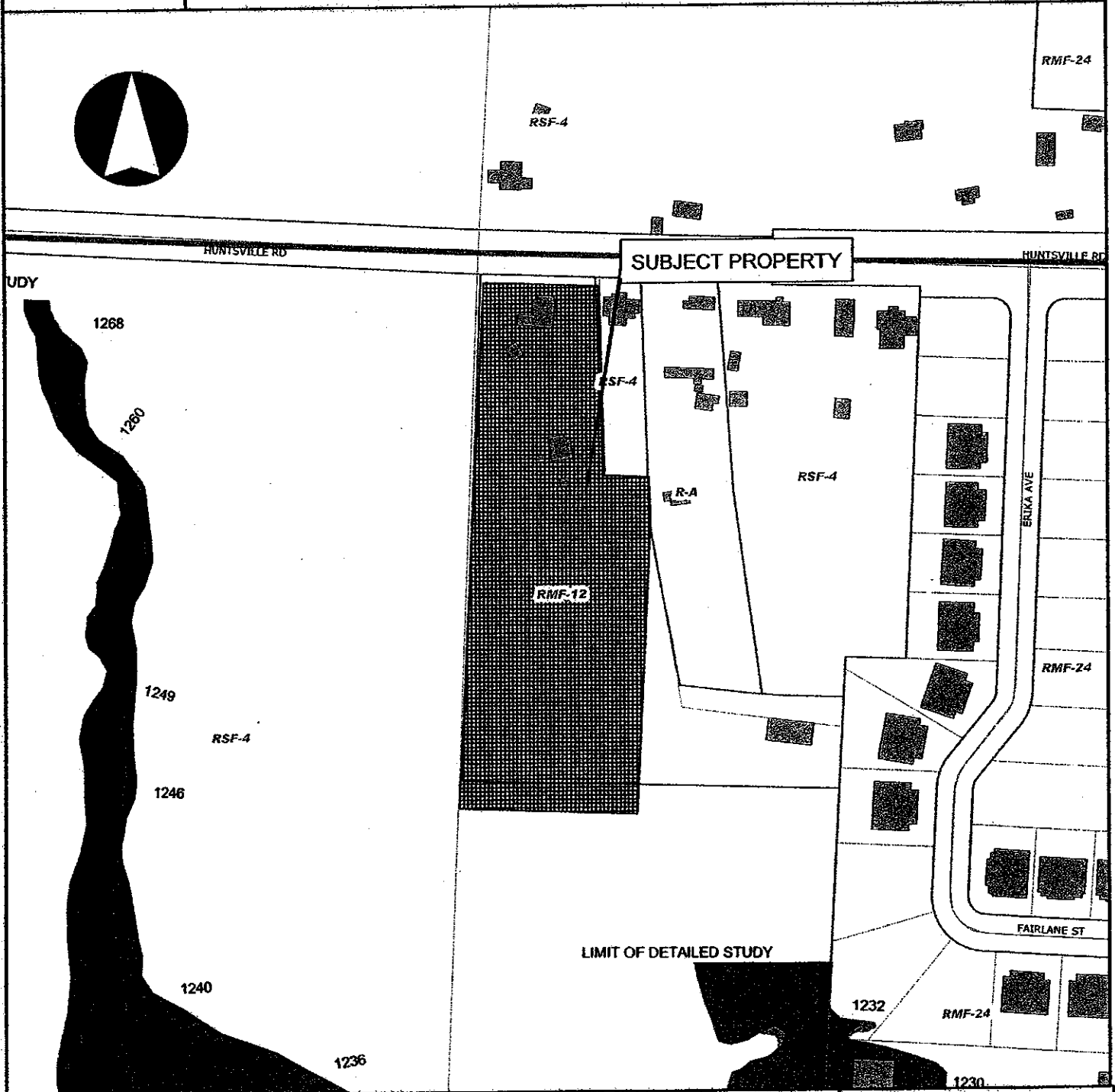
0.051 0.2 0.3 0.4

Miles

LSD05-1428

Close Up View

SEVEN HILLS SHELTER



Overview



Legend

LSD05-1428

Overlay District

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

FLOODWAY

100 YEAR

500 YEAR

LIMIT OF STUDY

BaseLine Profile

Fayetteville

Outside City

0 75 150 300 450 600 Feet

AGENDA REQUEST

FOR: COUNCIL MEETING OF MARCH 6, 2007

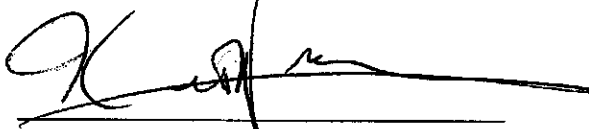
FROM:

KIT WILLIAMS, CITY ATTORNEY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Amend §161.18 (B)(2), §161.24 (B)(2) And §161.25 (B)(2) To Make Mini-Storage Units And Auto Salvage And Junk Yards Conditional Uses

APPROVED FOR AGENDA:



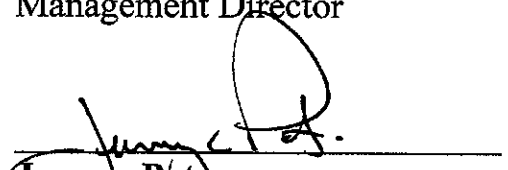
Kit Williams 2-16-07
City Attorney Date



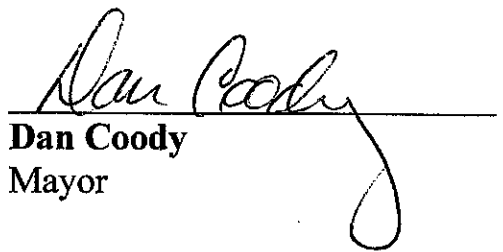
Gary Dumas 2-16-07
Director of Operations Date



Tim Conklin 2-21-07
Planning & Development Date
Management Director



Jeremy Pate 02-21-07
Director of Current Planning Date



Dan Coody 2/21/07
Mayor Date

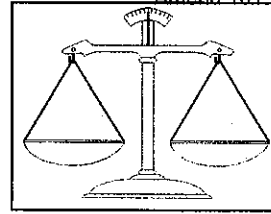
FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



LEGAL DEPARTMENT

D. 6
Amend 161.18, 161.24 and 161.25
Conditional Uses
Page 2 of 4

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

CC: **Tim Conklin, Planning & Development Management Director**
Jeremy Pate, Director of Current Planning

FROM: **Kit Williams, City Attorney**

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

DATE: **February 16, 2007**

RE: **Mini Storage, Auto Salvage and Junk Yards as Conditional Uses**

On August 15, 2006, the City Council passed Ordinance No. 4913 (attached) amending §162.01 and §§161.17, 161.20 and 161.21 to make mini-storage units, auto salvage and junk yards conditional uses. This was brought forward by aldermen.

Unfortunately when the Planning Department was implementing your decision about the Downtown Master Plan ordinances and decided to reenact the entire Chapter 161 Zoning Regulations in September/October of 2006, it failed to realize you had just amended that Chapter. Ordinance No. 4930 repealed the old Chapter 161 and enacted a new Chapter 161 which failed to include those new changes. Therefore, those changes were unintentionally (but officially) repealed along with the rest of the existing law at that time.

We are now presenting the same amendments you passed on August 15, 2006 so the UDC will reflect the City Council's decision to require mini-warehouses and auto salvage and junk yards to be allowed by conditional use instead of by right.

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND §161.18 (B)(2), §161.24 (B)(2) and
§161.25 (B)(2) TO MAKE MINI-STORAGE UNITS AND AUTO
SALVAGE AND JUNK YARDS CONDITIONAL USES**

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

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends §161.24 **District I-1, Heavy Commercial and Light Industrial (B)(2) Conditional Uses** by adding "Unit 38 Mini-storage units" and amends §161.25 **District I-2, General Industrial (B)(2) Conditional Uses** by adding "Unit 38 Mini-storage units and Unit 39 Auto salvage and junk yards."

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends §161.18 **District C-2, Thoroughfare Commercial (B)(2)**, by adding "Unit 38 Mini-storage units".

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

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

ORDINANCE NO. 4913

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

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

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

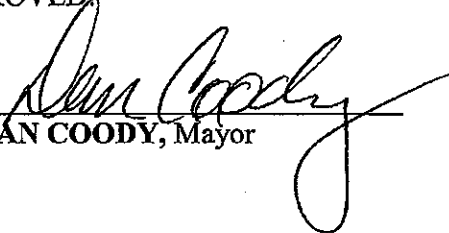
Section 1: That the City Council of the City of Fayetteville, Arkansas hereby deletes "Mini-storage units" from § 162.01 (U)(2), deletes "Auto salvage" and "Junk yards" from § 162.01 (W)(2), enacts a new subsection: "(LL) Unit 38 *Mini-storage units*" and enacts a new subsection "(MM) Unit 39 *Auto salvage and junk yards*" within § 162.01 of the Unified Development Code.

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

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends § 161.17 **District C-2, Thoroughfare Commercial (B)(2)**, by adding "Unit 38 Mini-storage units".

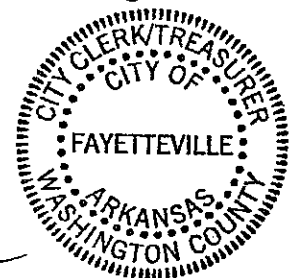
PASSED and APPROVED this 15th day of August, 2006.

APPROVED:

By: 
DAN COODY, Mayor

ATTEST:

By: 
SONDRA SMITH, City Clerk



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

6-Mar-07
City Council Meeting Date

Karen Minkel
Submitted By

Long Range Planning
Division

Operations
Department

Action Required:

ADM 07-2495: (Complete Neighborhood Plan Year 1): Submitted by Planning Staff to approve a resolution to create a Master Plan for the South Fayetteville neighborhoods area.

\$0.00	n/a	n/a
	\$ 7,381.19	City Plan 2025 Study
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
1010.6600.5200.00		
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
03024.1	\$ 7,381.19	Miscellaneous
Project Number	Remaining Balance	Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐

 2-16-07
Department Director Date

Previous Ordinance or Resolution # n/a

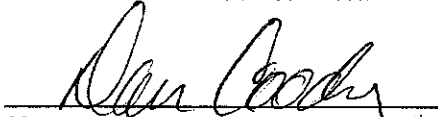
Original Contract Date: n/a

 2-21-07
City Attorney Date

Original Contract Number: n/a

 2-21-07
Finance and Internal Service Director Date

Received in City Clerk's Office


 2/21/07
Mayor Date

Received in Mayor's Office

Comments:

City Council Meeting of March 6, 2007
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

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

From: Karen Minkel, Senior Long Range Planner *KM.*

Date: February 15, 2007

Subject: Year 1 Complete Neighborhood Plan (ADM 07-2495)

RECOMMENDATION

Planning Staff recommends approval of a resolution to create a Master Plan for the South Fayetteville neighborhoods area.

BACKGROUND

The City Council adopted City Plan 2025 by Res. No. 123-06 on July 17, 2006. The Plan states that Planning staff will create one complete neighborhood plan each year, beginning with the first plan in the fall of 2007. These plans will embody the goals and principles of City Plan 2025 and target strategic areas throughout the City.

DISCUSSION

Planning staff will present a recommendation for a complete neighborhood plan annually. The following products can be expected from this process:

- Public participation: Staff will facilitate a five- to seven-day charrette that encourages quality public participation from neighborhoods and other stakeholders;
- Complete Neighborhood Plan vision document, which will include an analysis and recommendations for applicable ordinances and zoning districts; and
- Illustrative maps.

Staff anticipates that the first charrette will be conducted in October 2007. Planning staff discussed multiple areas and are recommending the most viable option for the first complete neighborhood plan. The criteria used to compare sites included: 1) Meets the City's goals as outlined in the City Council's Strategic Plan and City Plan 2025; 2) Has a high percentage of nonconforming structures; 3) Is experiencing development pressure; 4) Has a high percentage of vacant or underutilized land; and 5) Has potential for significant public participation; 6) Has potential partners in the design process; and 7) The Plan would be developed concurrently with road improvement projects.

City Council Meeting of March 6, 2007
Agenda Item Number

Planning staff recommends creating a complete neighborhood plan for an area in South Fayetteville that has a rough boundary of Morningside Drive, Huntsville Road, the Downtown Master Plan boundary, School Street (both sides of the street) and 15th Street. This area serves as a natural extension of the Downtown Master Plan and has a variety of factors that make this neighborhood a strong candidate for a complete neighborhood plan as measured by the following criteria:

City Goals: The Strategic Plan adopted by the City Council specifically mentions the revitalization of Walker Park and the surrounding area and greater commercial development in South Fayetteville that would offer a variety of places to shop and eat. City Plan 2025 states, "We will make appropriate infill and revitalization our highest priorities." This area offers multiple opportunities for addressing all the goals outlined in City Plan 2025, with infill and revitalization remaining the highest priority.

Nonconforming Structures: Approximately 34 percent of the structures in this area are nonconforming to the current zoning regulations. Most of the nonconforming structures are in established neighborhoods of single-family detached homes. Currently, the entire area, excluding Walker Park and the South School corridor, is zoned Residential Multi-Family 24 units per acre, which is inconsistent with the existing structures and implies the transformation of this area from single-family neighborhoods to multi-family complexes. Developing a Master Plan for this area that proposed a form-based zoning would protect these neighborhoods and bring the majority of these structures into compliance.

The current zoning of this area may also have a paralyzing effect on development; any new development often requires numerous waivers, variances or rezonings, lengthening the approval process. A form-based zoning code applied to this area with as-of-right development will decrease these barriers, creating opportunities for revitalization and redevelopment.

Development Pressure: Development in this area of South Fayetteville is inevitable over the next several years. The proximity to Downtown and the modest land values make this area susceptible to significant development pressure. Creating a Master Plan for this area will direct new development toward the creation of a complete, compact and connected neighborhood that meets the goals of City plans and policies, protects established neighborhoods, and creates a seamless interface with the Downtown Master Plan area.

Vacant or Underutilized Land: Approximately 25 percent of the parcels are vacant. Additionally, multiple parcels on either side of South School have underutilized land. These vacant and underutilized parcels indicate opportunities for infill and/or open space preservation projects.

Public Participation: Approximately 37 percent of the parcels in this area are rental properties. Staff reviewed property records and attributed parcels with property owners who had addresses in other cities, post office boxes or LLCs as rental property. This estimate is probably a conservative estimate, but does indicate that a critical mass still has

a vested interest in this area. During City Plan 2025, the hands-on design workshop held at the Senior Center attracted the largest number of attendees and included a significant number of residents from this area. This area also has a rich history that includes many of Fayetteville longtime residents and families who have attachments to the area and institutions such as Jefferson School. A Master Plan for this area may generate less interest than the Downtown Master Plan, but will likely engage Fayetteville residents who live outside of the proposed boundaries but who have historic, academic and/or property ties to the area.

Potential Partners in the Process: This area of South Fayetteville offers multiple resources and partners in the design process. The Long Range Planning Division intends to work closely with the Community Resources and Parks Divisions throughout the process and include the Senior Center. The area also encompasses all or part of three active neighborhood associations: Jefferson-Walker, Jennings Plus and Town Branch.

Planning staff also intends to engage and include organizations such as St. James Baptist Church, the former Jefferson School, and students from the University of Arkansas School of Architecture.

Street Projects: The 15th Street Improvement Projects design phase begins in January 2008. The South Fayetteville neighborhoods Master Plan project will precede the design and construction phase, providing more certainty about land use along the 15th Street corridor.

BUDGET IMPACT

Planning staff will use the remaining funds of the contingency fee appropriation for City Plan 2025, which is in the amount of \$7,381.19. These funds will be used for relevant staff training related to charrette facilitation and design as well as publicity, rental space, food and supplies.

City Council Meeting of March 6, 2007
Agenda Item Number

Attachment A: Complete Neighborhood Plan and Long Range Planning Work Plan

City Plan 2025 and the City Council Strategic Plan set an ambitious agenda for the Long Range Planning Division. The following table shows the projects mentioned in both these documents and whether this proposed complete neighborhood plan addresses the items.

Actions	Proposed complete neighborhood plan addresses this item:
Development Codes and Processes Evaluation	
Streamline Development Process	
Attainable Housing Policy and Strategy	
Infill Development Policy	
Urban Residential Design Standards	
Impact Fees for Roads	
Phase II Annexation	
South Fayetteville Revitalization	Yes
Development Requirement for Trees: Policy Design and Goals	
Single Family Design Standards	
Complete Neighborhood Plans	Yes
Development and Infrastructure Concurrency Plans	
Enabling Legislation for Transfer of Development Rights Program	
Create Historic District	
Entertainment/Cultural District	
Service Plan for Growth Area	
Update Master Street Plan	
Enabling Legislation for Inclusionary Zoning	

RESOLUTION NO. _____

**A RESOLUTION TO CREATE A MASTER PLAN FOR
THE SOUTH FAYETTEVILLE NEIGHBORHOOD AREA**

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby directs the Planning Department to create a Master Plan for the South Fayetteville area depicted on Exhibit A as a complete neighborhood plan (ADM 07-2495).

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

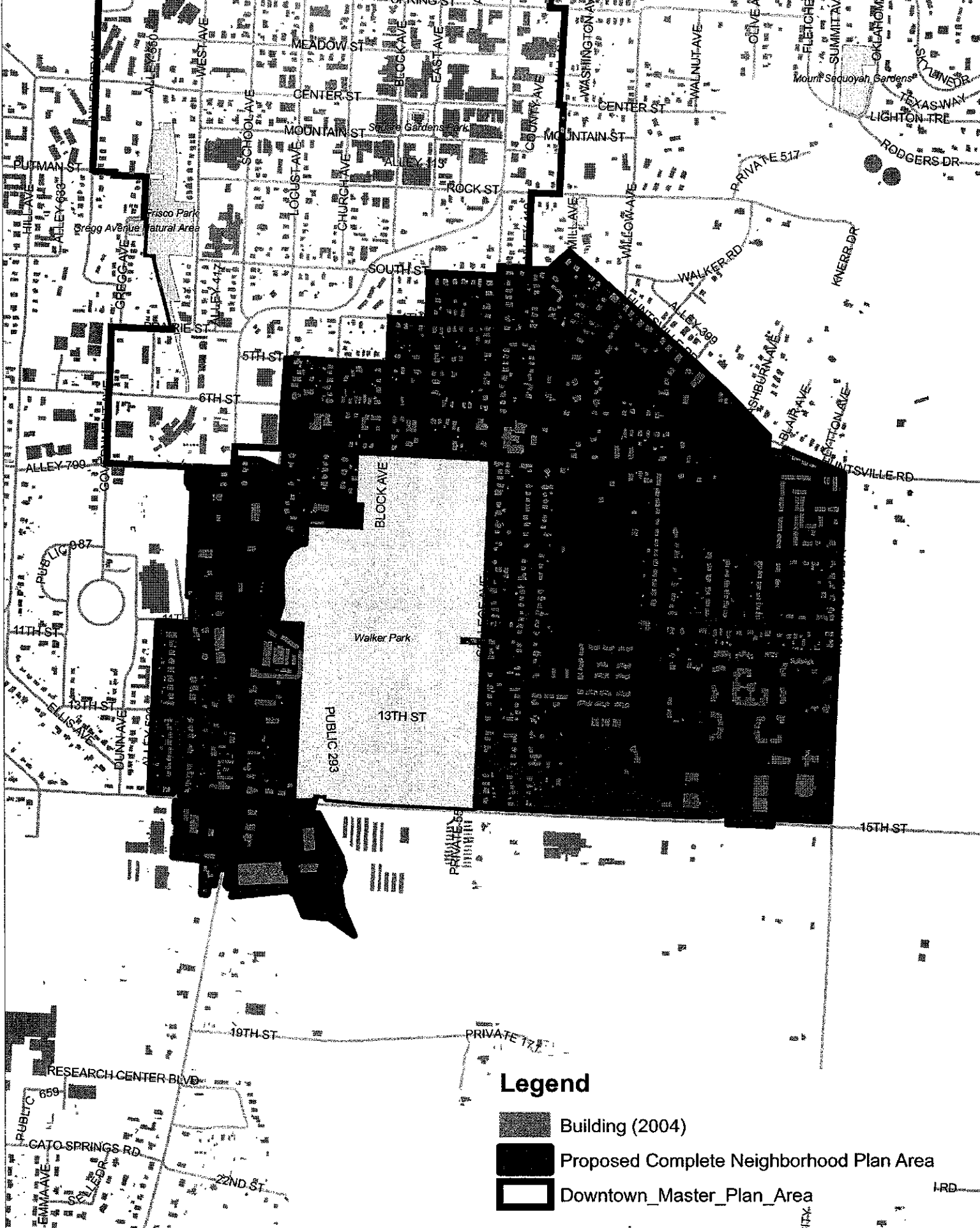
APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT A: Year 1 Complete Neighborhood Plan



Legend

-  Building (2004)
 Proposed Complete Neighborhood Plan Area
 Downtown_Master_Plan_Area

Agenda Session
2/27/07

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



**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
March 6, 2007**

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

Illinois River Watershed Partnership Progress Report – Agenda Session only

A. CONSENT:

- ✓ 1. **Approval of the February 20, 2007 City Council meeting minutes.**
- ✓ 2. **Ford Crown Victoria Police Interceptors Purchase:** A resolution approving the purchase of seven (7) Crown Victoria Police Interceptors from the State Vehicle purchase contract in the amount of \$143,413.00.
- ✓ 3. **Ford Pick Up Trucks Purchase:** A resolution approving the purchase of six (6) Ford pick up trucks from the State Vehicle Purchase Contract in the amount of \$92,085.00.
- ✓ 4. **Schwarze Industries, Inc.; Street Sweeper Bid #07-03:** A resolution awarding Bid #07-03 to Schwarze Industries, Inc. of Huntsville, Alabama for the purchase of one (1) A8000 Street Sweeper in the amount of \$156,049.00 for use by the Transportation Division.
- ✓ 5. **Yale Material Handling-Gammon; Fork Lift Truck Bid #07-04:** A resolution awarding Bid #07-04 to Yale Material Handling-Gammon for the purchase of one (1) GLP070 VX Fork Lift Truck in the amount of \$28,800.00 for use by the Fleet Rental Pool.

- ✓ 4. **Amend § 161.21 and § 161.22 Height Regulations:** An ordinance to amend § 161.21 (G) Height Regulations of Main Street Center and § 161.22 (G) Height Regulations of Downtown General of the Unified Development Code by limiting the height of new development to three stories or 45 feet, whichever is less, and to repeal §156.02 (B)(6). *This ordinance was tabled at the February 20, 2007 City Council meeting to the March 6, 2007 City Council meeting.*

C. PUBLIC HEARING:

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

D. NEW BUSINESS:

- ✓ 1. **VAC 06-2364 (Cruz Bay):** An ordinance approving VAC 06-2364 submitted by Mandy Bunch for property located north of 5th Street between South School Avenue and South Locust Avenue, vacating 150' of the 12' alley on the subject property.
- ✓ 2. **VAC 07-2439 (Central United Methodist Church):** An ordinance approving VAC 07-2439 submitted by Jorgensen & Associates for property located at 6 West Dickson to vacate a utility easement and alley on the subject property.
- ✓ 3. **Watershed Conservation Resource Center:** An ordinance waiving the requirements of formal competitive bidding and approving a Memorandum of Understanding with the Watershed Conservation Resource Center in the amount of \$141,200.00 for a Stream Bank Restoration Demonstration Project in Gulley Park.
- ✓ 4. **SCM, LLC. Cost-Share Agreement:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with SCM, LLC in the amount of \$57,482.00 for the upsizing of approximately 1,493' of 8" water main to 12" water main.
- Need new resolution from Kit
✓ 5. **Seven Hills Homeless Center, Inc. Cost-Share Agreement:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share with Seven Hills Homeless Center, Inc. in the amount of \$56,000.00 to upgrade a private drive to city street standards; and approving a budget adjustment in the amount of ~~\$55,600.00~~ 56,000⁰⁰.
- ✓ 6. **Amend §161.18, §161.24 and §161.25 Conditional Uses:** An ordinance to amend §161.18 (B)(2), §161.24 (B)(2) and §161.25 (B)(2) to make Mini-storage units and Auto salvage and junk yards Conditional Uses.
- Consent
✓ 7. **ADM 07-2495 (Complete Neighborhood Plan Year 1):** A resolution to create a Master Plan for the South Fayetteville neighborhood area.

E. INFORMATIONAL: City Council Tour: ~~March 5, 2007~~ NONE

Pre Agenda Session Meeting 2-21-07
(Pull Memo from Kuskia Heights & Condition of Approval)

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
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Roll Call
Pledge of Allegiance**

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- 1. Approval of the February 20, 2007 City Council meeting minutes.**
- 2. Seven Ford Crown Police Interceptors:** A resolution approving the purchase of seven (7) Crown Victoria Police Interceptors from the State Vehicle purchase contract in the amount of \$143,413.00.
- 3. Six Pickup Trucks from the State Purchase Contract:** A resolution approving the purchase of six (6) Ford Pick Up Trucks from the State Vehicle Purchase Contract in the amount of \$92,085.00.
- 4. One A8000 Street Sweeper Bid #07-03:** A resolution awarding Bid #07-03 to Schwarze Industries, Inc. of Huntsville, Alabama for the purchase of one (1) A8000 Street Sweeper in the amount of \$156,049.00 for use by the Transportation Division.
- 5. One Fork Lift Truck Bid #07-04:** A resolution awarding Bid #07-04 to Yale Material Handling-Gammon for the purchase of one (1) GLP070 VX Fork Lift Truck in the amount of \$28,800.00 for use by the Fleet Rental Pool.

Remove *Mayor has*
One Chevrolet Malibu Bid #07-07: A resolution awarding Bid #07-07 to Smart Chevrolet for the purchase of one (1) Malibu Sedan in the amount of \$14,459.00 for use by the Fleet Rental Pool.

- 7. One Ford Explorer Bid #07-08:** A resolution awarding Bid #07-08 to Lewis Ford for the purchase of one (1) Ford Explorer in the amount of \$20,968.00 for use by the Police Division, Parks Patrol.
- 8. Tax Back Program:** A resolution certifying local government endorsement of business to participate in the tax back program (the consolidated incentive act of 2003, section 15-4-2706(D)).
- 9. Bulk Construction Materials and Services Bids #07-12 – Bid #07-18:** A resolution awarding Bids #07-12 – #07-18 for, and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville in the estimated amount of \$3,599,547.98.
- 10. Arkansas Department of Economic Development:** A resolution authorizing the Building Services Division to accept a grant from the Arkansas Department of Economic Development in the amount of \$10,708.00 for the construction of a solar water heater unit at Fire Station #4; and approving a budget adjustment recognizing the grant revenue.
- 11. Callahan Tower Joint Venture Lease:** A resolution to approve a lease with Callahan Tower Joint Venture to lease space near the Old Wire Road Fire Station #5 for \$1,000.00 per month, free use of the cell tower for Fire Department antennas and revenue sharing for the subsequent cell phone customers.

B. UNFINISHED 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 ordinance was left on the First Reading and Tabled at the February 6, 2007 City Council meeting to the March 6, 2007 City Council meeting.*
- 2. RZN 07-2419 (Kelly):** An ordinance rezoning that property described in rezoning petition RZN 07-2419, for approximately 44.74 acres, located at 3184 South City Lake Road from R-A, Residential Agricultural, to RSF-4, Residential Single-Family, 4 units per acre. *This ordinance was left on the Second Reading at the February 20, 2007 City Council meeting.*
- 3. R-PZD 06-2299 (Ruskin Heights):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-2299, Ruskin Heights, located west of highway 265/Crossover Road, on the south side of Mission Boulevard; containing approximately 28.93 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 February 20, 2007 City Council meeting.*

4. **Amend § 161.21 and § 161.22 Height Regulations:** An ordinance to amend § 161.21 (G) Height Regulations of Main Street Center and § 161.22 (G) Height Regulations of downtown general of the Unified Development Code by limiting the height of new development to three stories or 45 feet, whichever is less. *This ordinance was tabled at the February 20, 2007 City Council meeting to the March 6, 2007 City Council meeting.*

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Remove
Add to 3/20 2. ~~VAC 07-2422 (Fletcher R-O-W): An ordinance~~

3. **VAC 07-2439 (Central United Methodist Church):** An ordinance approving VAC 07-2439 submitted by Jorgensen & Associates for property located at 6 West Dickson to vacate a utility easement and alley on the subject property.

4. **Watershed Conservation Resource Center:** An ordinance waiving the requirements of formal competitive bidding and approving a Memorandum of Understanding with the Watershed Conservation Resource Center in the amount of \$141,200.00 for a Stream Bank Restoration Demonstration Project in Gulley Park.

5. **SCM, LLC. Cost-Share Agreement:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with SCM, LLC in the amount of \$57,482.00 for the upsizing of approximately 1493' of 8" water main to 12" water main.

6. **Seven Hills Homeless Center, Inc. Cost-Share Agreement:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share with Seven Hills Homeless Center, Inc. in the amount of \$56,000.00 to upgrade a private drive to city street standards; and approving a budget adjustment in the amount of \$55,600.00.

7. **Amend §161.18, §161.24 and §161.25 Conditional Uses:** An ordinance to amend §161.18 (B)(2), §161.24 (B)(2) and §161.25 (B)(2) to make Mini-Storage Units and Auto Salvage and Junk Yards conditional uses.

Remove
Add to 3/20 8. **Farmington – Fayetteville Wastewater Contract: Kyle/David item.**

E. INFORMATIONAL: City Council Tour: March 5, 2007

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1863. It is a very important document, as it contains the President's message to the Congress, and is one of the most important documents in the history of the United States.

2. The second part of the document is a letter from the President of the United States to the Congress, dated January 3, 1863. It is a very important document, as it contains the President's message to the Congress, and is one of the most important documents in the history of the United States.

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8. The eighth part of the document is a letter from the President of the United States to the Congress, dated January 3, 1863. It is a very important document, as it contains the President's message to the Congress, and is one of the most important documents in the history of the United States.

9. The ninth part of the document is a letter from the President of the United States to the Congress, dated January 3, 1863. It is a very important document, as it contains the President's message to the Congress, and is one of the most important documents in the history of the United States.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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



DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

TO: **Dan Coody**, Mayor

THRU: **Sondra Smith**, City Clerk

FROM: **Kit Williams**, City Attorney

A handwritten signature in dark ink, appearing to read "Kit Williams", with a long horizontal flourish extending to the right.

DATE: **March 7, 2007**

RE: **Ordinances and Resolutions prepared by the City Attorney's Office and passed at the City Council meeting of March 6, 2007**

1. **Crown Victoria Purchase:** Resolution approving purchase of seven Crown Victoria Police Interceptors from the State Vehicle purchase contract in amount of \$143,413.00;
2. **Ford Pickup Trucks Purchase:** Resolution approving purchase of six Ford Pickup trucks from State Vehicle purchase contract in amount of \$92,085.00;
3. **Street Sweeper Bid #07-03:** Resolution awarding Bid#07-03 to Schwarze Industries, Inc. of Huntsville, AL for the purchase of one A8000 Street Sweeper in amount of \$156,049.00 for use by Transportation Division and approving a budget adjustment;
4. **Fork Lift Truck Bid#07-04:** Resolution awarding Bid#07-04 to Yale Material Handling-Gammon for purchase of one GLP070 VX Fork Lift Truck in amount of \$28,800.00 for use by Fleet Rental pool;
5. **Tax Back Program:** Resolution certifying local government endorsement of business to participate in Tax Back Program {The Consolidated Incentive Act of 2003, § 15-4-2706(D)};
6. **Bulk Construction Materials & Services Bids #07-12 through #07-18:** Resolution approving purchase of bulk construction materials and services utilized by various divisions of the City in the estimated amount of \$3,599,547.98;

7. **AR Department of Economic Development Grant:** Resolution authorizing Building Services to accept a grant from the Arkansas Department of Economic Development in amount of \$10,708.00 for construction of a solar water heater unit at Fire Station #4; and approving a budget adjustment recognizing the grant revenue;
8. **Callahan Tower Lease:** Resolution approving lease with Callahan Tower Joint Venture to lease space near the Old Wire Road Fire Station #5 for \$1,000.00 per month, free use of the cell tower for fire department antennas and revenue sharing for the subsequent cell phone customers;
9. **ADM 07-2495:** Resolution to create a Master Plan for the South Fayetteville Neighborhood Area;
10. **Watershed Conservation Resource Center:** Ordinance waiving requirements of formal competitive bidding and approving a Memorandum of Understanding with the Watershed Conservation Resource Center in the amount of \$141,200.00 for a Stream Bank Restoration Demonstration Project in Gulley Park;
11. **SCM, LLC. Cost Share Agreement:** Ordinance waiving requirements of formal competitive bidding and approving a cost share agreement with SCM, LLC in the amount of \$57,482.00 for the upsizing of approximately 1,493' of 8-inch water main to 12-inch water main;
12. **Seven Hill Homeless Center, Inc. Cost Share Agreement:** Ordinance waiving requirements of formal competitive bidding and approving a cost share with Seven Hills Homeless Center, Inc. in amount not to exceed \$56,000.00 to upgrade a private drive to city street standards and approving a budget adjustment in the amount of \$56,000.00;
13. **Amend §161.18, §161.24 and §161.25:** Ordinance amending §161.18(B)(2), §161.24(B)(2) and §161.25(B)(2) to make mini-storage units and auto salvage and junk yards conditional uses;
14. **Senate Bill 590 – Funding For Inpatient Mental Health Treatment:** Resolution supporting Senate Bill 590 to help fund inpatient mental health treatment in Northwest Arkansas;
15. **House Bill 1367 – Opposition To SWEPCO:** Resolution opposing House Bill 1367 which removes requirement for an electrical utility of obtaining a certificate of Public Convenience and Necessity from the Public Service Commission when erecting taller electrical poles to carry 161kV transmission lines.

From: Susan Thomas
To: Smith, Sondra; Wood, Amber
Date: 2/9/2007 10:16 AM
Subject: Illinois River Watershed Partnership

March 6, 2007
CC Agenda

As part of the contract between the City and the Illinois River Watershed Partnership, the Partnership is required to submit a progress report to the City Mar 1 and Sept 1. They said the report could be ready by Feb 27 agenda session. Can we get them on the agenda?

Illinois River Watershed Partnership Progress Report - Agenda Session Only.

Thanks very much.

Susan

Arkansas Democrat Gazette

NORTHWEST ARKANSAS EDITION

Northwest Arkansas Times
Benton County Daily Record

P. O. BOX 1607

FAYETTEVILLE, AR 72702

PHONE: 479-571-6421

AFFIDAVIT OF PUBLICATION

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

Final Agenda

Was inserted in the Regular Editions:

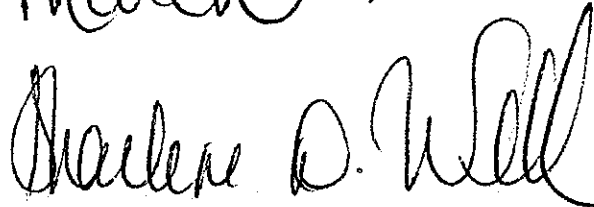
March 5, 2007

Publication Charge: \$184.62

Subscribed and sworn to before me

This 5 day of March, 2007.

Notary Public



My Commission Expires:

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

RECEIVED

MAR 09 2007

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

**FINAL AGENDA
CITY OF FAYETTEVILLE ARKANSAS
CITY COUNCIL MEETING
MARCH 6, 2007**



A meeting of the Fayetteville City Council will be held on March 6, 2007 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

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Roll Call
Pledge of Allegiance**

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10. ADM 07-2495 (Complete Neighborhood Plan Year 1): A resolution to create a Master Plan for the South Fayetteville neighborhood area.

B. UNFINISHED 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 ordinance was left on the First Reading and Tabled at the February 6, 2007 City Council meeting to the March 6, 2007 City Council meeting.*

2. RZN 07-2419 (Kelly): An ordinance rezoning that property described in rezoning petition RZN 07-2419, for approximately 44.74 acres, located at 3184 South City Lake Road from R-A, Residential Agricultural, to RSF-4, Residential Single-Family, 4 units per acre. *This ordinance was left on the Second Reading at the February 20, 2007 City Council meeting.*

3. R-PZD 06-2299 (Ruskin Heights): An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-2299, Ruskin Heights, located west of highway 265/Crossover Road, on the south side of Mission Boulevard; containing approximately 28.93 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 February 20, 2007 City Council meeting.*

4. Amend § 161.21 and § 161.22 Height Regulations: An ordinance to amend § 161.21 (G) Height Regulations of Main Street Center and § 161.22 (G) Height Regulations of Downtown General of the Unified Development Code by limiting the height of new development to three stories or 45 feet, whichever is less, and to repeal § 156.02 (B)(6). *This ordinance was tabled at the February 20, 2007 City Council meeting to the March 6, 2007 City Council meeting.*

C. PUBLIC HEARING:

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

D. NEW BUSINESS:

1. VAC 06-2364 (Cruz Bay): An ordinance approving VAC 06-2364 submitted by Mandy Bunch for property located north of 5th Street between South School Avenue and South Locust Avenue, vacating 150' of the 12' alley on the subject property.

2. VAC 07-2439 (Central United Methodist Church): An ordinance approving VAC 07-2439 submitted by Jorgensen & Associates for property located at 6 West Dickson to vacate a utility easement and alley on the subject property.

3. Watershed Conservation Resource Center: An ordinance waiving the requirements of formal competitive bidding and approving a Memorandum of Understanding with the Watershed Conservation Resource Center in the amount of \$141,200.00 for a Stream Bank Restoration Demonstration Project in Gulley Park.

4. SCM, LLC. Cost-Share Agreement: An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with SCM, LLC in the amount of \$57,482.00 for the upsizing of approximately 1,493' of 8" water main to 12" water main.

5. Seven Hills Homeless Center, Inc. Cost-Share Agreement: An ordinance waiving the requirements of formal competitive bidding and approving a cost-share with Seven Hills Homeless Center, Inc. in an amount not to exceed \$56,000.00 to upgrade a private drive to city street standards; and approving a budget adjustment in the amount of \$56,000.00.

6. Amend § 161.18, § 161.24 and § 161.25 Conditional Uses: An ordinance to amend § 161.18 (B)(2), § 161.24 (B)(2) and § 161.25 (B)(2) to make Mini-storage units and Auto salvage and junk yards Conditional Uses.

E. INFORMATIONAL: City Council Tour: NONE

RECEIVED

MAR 09 2007

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