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

Fayetteville
ARKANSAS

Final Agenda
City of Fayetteville Arkansas
City Council Meeting
July 3, 2007

A meeting of the Fayetteville City Council will be held on July 3, 2007 at 6:00 PM in the District Court Room located at 100 W. Rock Street, Fayetteville, Arkansas.

Call to Order
Roll Call
Pledge of Allegiance

A. CONSENT: No items were considered.

1. **Legacy Pointe Preliminary Plat Extension:** An ordinance to waive the one year expiration of the preliminary plat approved for Legacy Pointe Phase 5 and to grant a one year extension.

   THE CITY COUNCIL ADDED THIS ITEM TO THE AGENDA. THIS ITEM PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5030.

B. UNFINISHED BUSINESS:

1. **R-PZD 07-2551 (Champions Club Condos):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 07-2551, Champions Club Condos, located at the southwest corner of Razorback Road and 15th Street, east of the Crowne Apartments; containing approximately 4.42 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan. ***This ordinance was Left on the Second Reading at the June 19, 2007 City Council meeting.***

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5031.

2. **Amend Chapter 161: Zoning Regulations:** An ordinance amending Title XV: Unified Development Ordinance of the Code of Fayetteville to amend Chapter 161: Zoning Regulations in order to clarify language regulating the height stepback of buildings located in the Main Street Center Zoning District. ***This ordinance was Left on the Second Reading at the June 19, 2007 City Council meeting.***

   THIS ITEM WAS TABLED TO THE JULY 17, 2007 CITY COUNCIL MEETING.

C. PUBLIC HEARINGS:

1. **Hotel Executive Transportation:** A resolution granting a Certificate of Public Convenience and Necessity to Hotel Executive Transportation, LLC for the operation of five (5) to fifteen (15) limousines in the City of Fayetteville, Arkansas.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 120-07.

2. **NWA Taxi:** A resolution granting a Certificate of Public Convenience and Necessity to NWA Taxi, LLC the operation of five (5) to fifteen (15) taxicabs in the City of Fayetteville, Arkansas.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 121-07.

D. NEW BUSINESS:

1. **Fayetteville Municipal Property Owners' Improvement District No. 19 - Oakbrooke, Phase 1:** An ordinance to establish and lay off Fayetteville Municipal Property Owners' Improvement District No. 19- Oakbrooke, Phase 1 Subdivision Infrastructure Project.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5032.

2. **Reaffirm the City of Fayetteville's Adopted Policy – Highway 265:** A resolution to reaffirm the City of Fayetteville's request that Highway 265 north of Mission Boulevard be constructed as a boulevard with bike lanes.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 122-07.

3. **Air Cleaning Technologies Bid Waiver:** An ordinance waiving the requirements of formal competitive bidding and approving the purchase and installation of a Plymovant Vehicle Exhaust Removal System from Air Cleaning Technologies in the amount of $49,328.00 plus applicable taxes for Fire Station #3.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5033.

4. **United Engines Bid Waiver:** An ordinance waiving the requirements of formal competitive bidding and approving the purchase of a Generac Back-up Power Generator from United Engines in the amount of $28,000.00 plus applicable taxes for Fire Station #3.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5034.

5. **RZN 07-2602 (ARMAC/Hopmann):** An ordinance rezoning that property described in rezoning petition RZN 07-2602, for approximately 0.18 acres, located at 28 South University Avenue from NC, Neighborhood Conservation, to MSC, Main Street Center.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5035.

6. **VAC 07-2600 (Joyce Business Park):** An ordinance approving VAC 07-2600 submitted by Steve Clark for property located at 2474 East Joyce Boulevard to vacate a portion of a utility easement within the subject property, a total of 0.023 acres.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5036.

7. **Amend Chapter 161: Zoning Districts:** An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 161: Zoning Districts in order to consider specific areas that are currently zoned Downtown General a Commercial Zoning District for the purposes of the noise ordinance.

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

E. INFORMATIONAL:

City Council Tour: July 2, 2007

Meeting adjourned at 9:05 p.m.

City Council Meeting July 3, 2007

Adjourn: 9:05 PM

Subject:	Roll					
Motion To:						
Motion By:						
Seconded:						
Alderman Rhoads arrived at 6:15 PM	Rhoads	✓				
	Ferrell	✓				
	Lucas	✓				
	Jordan	✓				
	Gray	✓				
Alderman Lucas & Cook left at 8:30 PM	Thiel	✓				
	Cook	✓				
	Allen	✓				
	Mayor Coody	✓				

Subject:	Legacy Pointe Preliminary Plat Ext.				
Motion To:		Add to the Agenda	2nd read	3rd read	Pass
Motion By:		Cook	Jordan	Jordan	Pass
Seconded:		Lucas	Lucas	Lucas	
Added to the Agenda at the City Council Meeting	Rhoads	absent	absent	absent	absent
	Ferrell	✓	✓	✓	✓
	Lucas	✓	✓	✓	✓
	Jordan	✓	✓	✓	✓
	Gray	✓	✓	✓	✓
	Thiel	✓	✓	✓	✓
	Cook	✓	✓	✓	✓
	Allen	✓	✓	✓	✓
5030	Mayor Coody				
Passed		7-0	7-0	7-0	7-0

City Council Meeting July 3, 2007

Subject:		R-PZD-07-2551 Champions Club Condos			
Motion To:		3rd read	Pass		
Motion By:		Jordan			
Seconded:		Lucas			
B.1. Unfinished Passed	Rhoads	✓	✓		
	Ferrell	✓	✓		
	Lucas	✓	✓		
	Jordan	✓	✓		
	Gray	✓	✓		
	Thiel	✓	✓		
	Cook	✓	✓		
	Allen	✓	✓		
5031	Mayor Coody				
		8-0	8-0		

Subject:		Amend Chapter 161: Zoning Regulations			
Motion To:		Table to	7/17/07		
Motion By:		Cook			
Seconded:		Allen			
B.2. Unfinished Left on Second Reading & tabled to 7/17/07 City Council Meeting	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Mayor Coody				
		8-0			

City Council Meeting July 3, 2007

Subject:		Hotel Executive Transportation			
Motion To:		Pass			
Motion By:		Cook			
Seconded:		Thiel			
C.1. Public Hearing	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Gray	✓			
passed	Thiel	✓			
	Cook	✓			
	Allen	✓			
120-07	Mayor Coody				

8-0

Subject:		NWA Taxi			
Motion To:		Pass			
Motion By:		Cook			
Seconded:		Jordan			
C.2. Public Hearing	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Gray	✓			
Passed	Thiel	✓			
	Cook	✓			
	Allen	✓			
121-07	Mayor Coody				

8-0

City Council Meeting July 3, 2007

Subject:	Fayetteville Municipal Property Owners' Improvement				
Motion To:		2nd read	3rd read	Pass	District # 19 Oakbrooke
Motion By:		Jordan	Jordan		Phase I
Seconded:		Lucas	Lucas		
	Rhoads	✓	✓	✓	
D.1.	**Ferrell**	✓	✓	✓	
New	**Lucas**	✓	✓	✓	
Business	**Jordan**	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
passed	**Cook**	✓	✓	✓	
	Allen	✓	✓	✓	
5032	**Mayor Coody**				
		8-0	8-0	8-0	

Highway 265

Subject:	Reaffirm the City of Fayetteville's Adopted Policy				
Motion To:		Table to 7/17/07		Approve H1 Design	
Motion By:		Ferrell		Cook	Adam Schaffer
Seconded:		Rhoads		Gray	
	Rhoads	N		✓	
D.2.	**Ferrell**	✓		N	
New	**Lucas**	N		✓	
Business	**Jordan**	N		✓	
	Gray	N		✓	
Passed	**Thiel**	N		✓	
	Cook	N		✓	
	Allen	N		✓	
122-07	**Mayor Coody**				
		1-7		7-1	

City Council Meeting July 3, 2007

Subject:		Air Cleaning Technologies Bid Waiver			
Motion To:		2nd read	3rd read	Pass	
Motion By:		Thiel	Jordan		
Seconded:		Ferrell	Thiel		
D.3. New Business	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	absent	absent	absent	
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
passed	Cook	absent during the vote	absent during the vote	absent during the vote	
	Allen	✓	✓	✓	
5033	Mayor Coody				
		6-0	6-0	6-0	

Subject:		United Engines Bid Waiver			
Motion To:		2nd read	3rd read	Pass	
Motion By:		Jordan	Jordan		
Seconded:		Gray	Ferrell		
D.4. New Business	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	absent	absent	absent	
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
passed	Thiel	✓	✓	✓	
	Cook	absent	absent	absent	
	Allen	✓	✓	✓	
5034	Mayor Coody				
		6-0	6-0	6-0	

City Council Meeting July 3, 2007

Subject:		RZN 07-2602 AR MAC/Hopmann			
Motion To:		2nd read	3rd read	Pass	
Motion By:		Jordan	Jordan		
Seconded:		Gray	Thiel		
D.5. New Business	**Rhoads**	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	absent	absent	absent	
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
passed	**Cook**	absent	absent	absent	
	Allen	✓	✓	✓	
5035	**Mayor Coody**				
		6-0	6-0	6-0	

Subject:		VAC 07-2600 Joyce Business Park			
Motion To:		2nd read	3rd read	Pass	
Motion By:		Ferrell	Ferrell		
Seconded:		Thiel	Jordan		
D.6. New Business	**Rhoads**	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	absent	absent	absent	
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
passed	**Thiel**	✓	✓	✓	
	Cook	absent	absent	absent	
	Allen	✓	✓	✓	
5036	**Mayor Coody**				
		6-0	6-0	6-0	

City Council Meeting July 3, 2007

Subject:		Amend Chapter 161: Zoning Districts			
Motion To:					
Motion By:					
Seconded:					
D. 7. New Business	Rhoads				
	Ferrell				
	Lucas				
	Jordan				
Left on the First Reading	Gray				
	Thiel				
	Cook				
	Allen				
	Mayor Coody				

Subject:		Adjourn 9:05 PM			
Motion To:		Adjourn			
Motion By:		Gray			
Seconded:		Thiel			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	absent			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Cook	absent			
	Allen	✓			
	Mayor Coody				

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

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

Final Agenda
City of Fayetteville Arkansas
City Council Meeting
July 3, 2007

A meeting of the Fayetteville City Council will be held on July 3, 2007 at 6:00 PM in the District Court Room located at 100 W. Rock Street, Fayetteville, Arkansas.

Call to Order
Roll Call
Pledge of Allegiance

A. CONSENT: No items to consider.

B. UNFINISHED BUSINESS:

1. **R-PZD 07-2551 (Champions Club Condos):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 07-2551, Champions Club Condos, located at the southwest corner of Razorback Road and 15th Street, east of the Crowne Apartments; containing approximately 4.42 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan. ***This ordinance was Left on the Second Reading at the June 19, 2007 City Council meeting.***

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1. **Hotel Executive Transportation:** A resolution granting a Certificate of Public Convenience and Necessity to Hotel Executive Transportation, LLC for the operation of five (5) to fifteen (15) limousines in the City of Fayetteville, Arkansas.

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D. NEW BUSINESS:

1. **Fayetteville Municipal Property Owners' Improvement District No. 19 - Oakbrooke, Phase 1:** An ordinance to establish and lay off Fayetteville Municipal Property Owners' Improvement District No. 19- Oakbrooke, Phase 1 Subdivision Infrastructure Project.

2. **Reaffirm the City of Fayetteville's Adopted Policy – Highway 265:** A resolution to reaffirm the City of Fayetteville's request that Highway 265 north of Mission Boulevard be constructed as a boulevard with bike lanes.

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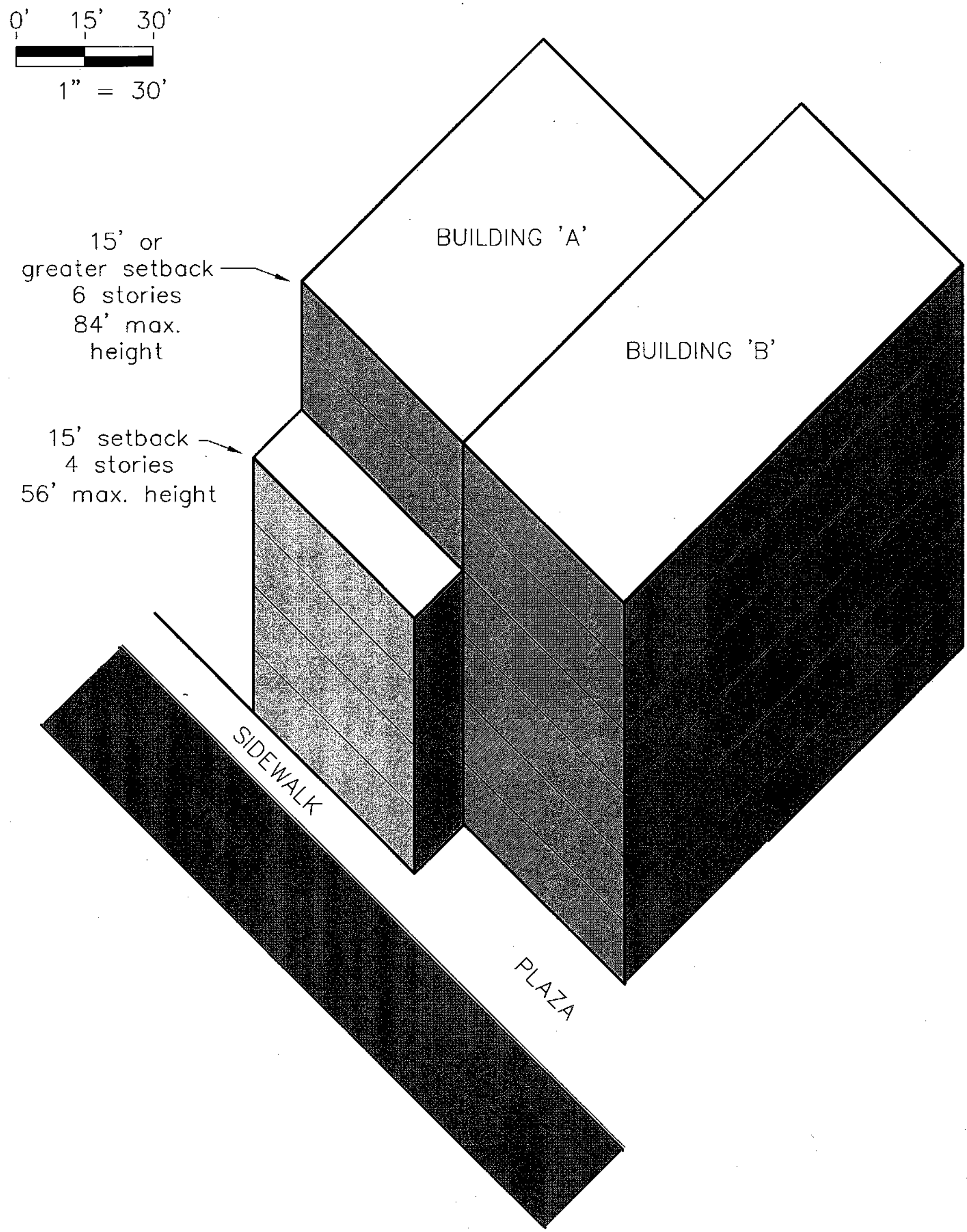
E. INFORMATIONAL:

City Council Tour: July 2, 2007

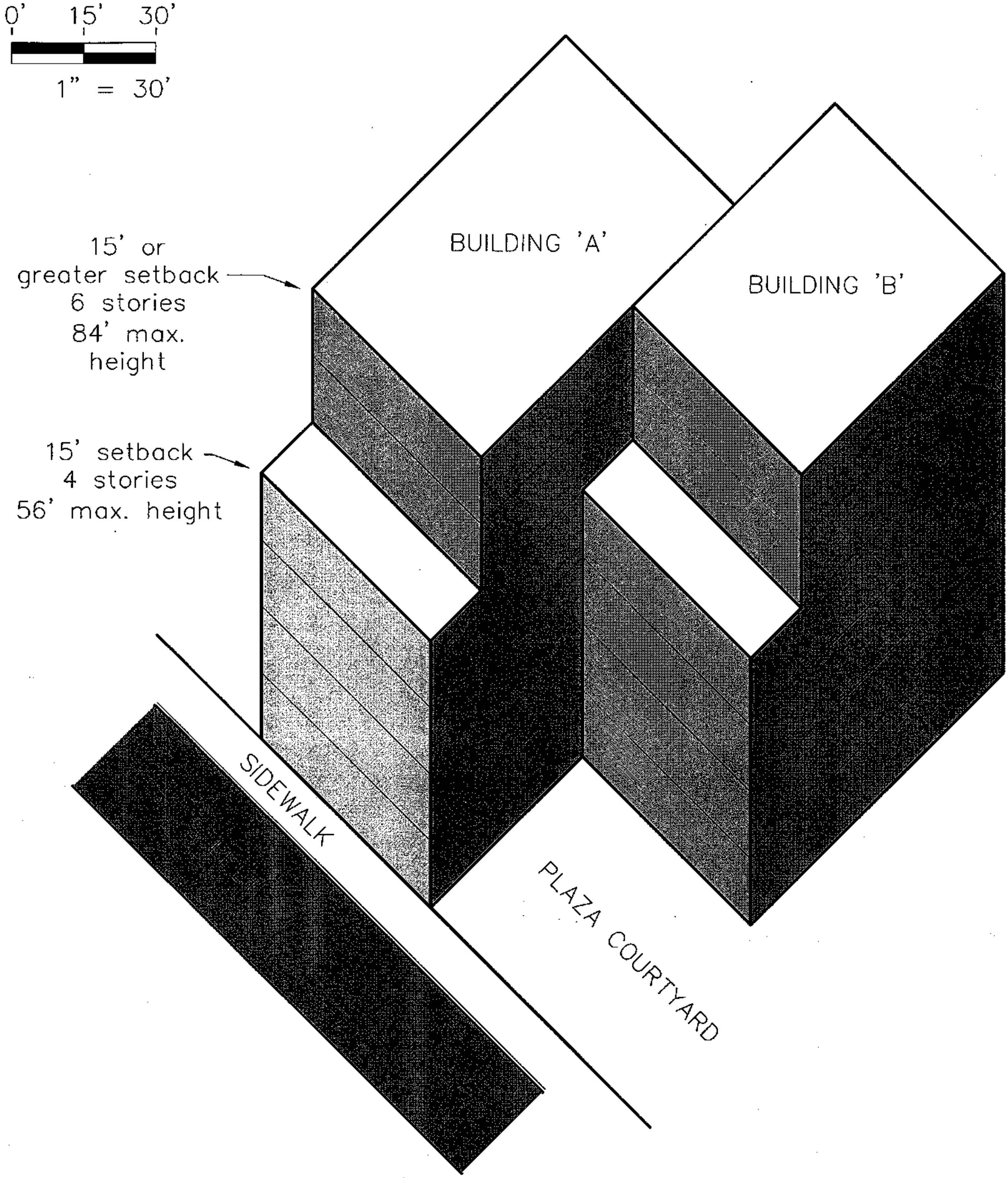
PROPOSED AMENDMENT

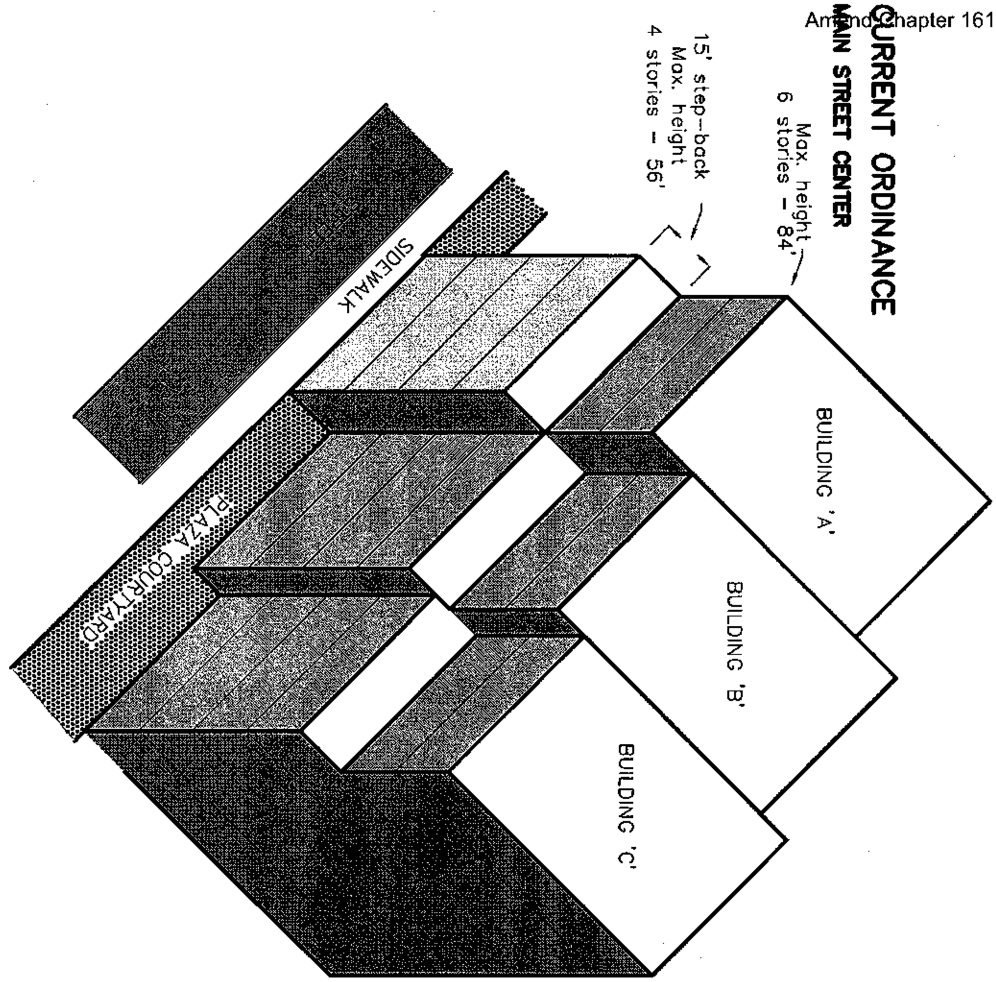
MAIN STREET CENTER

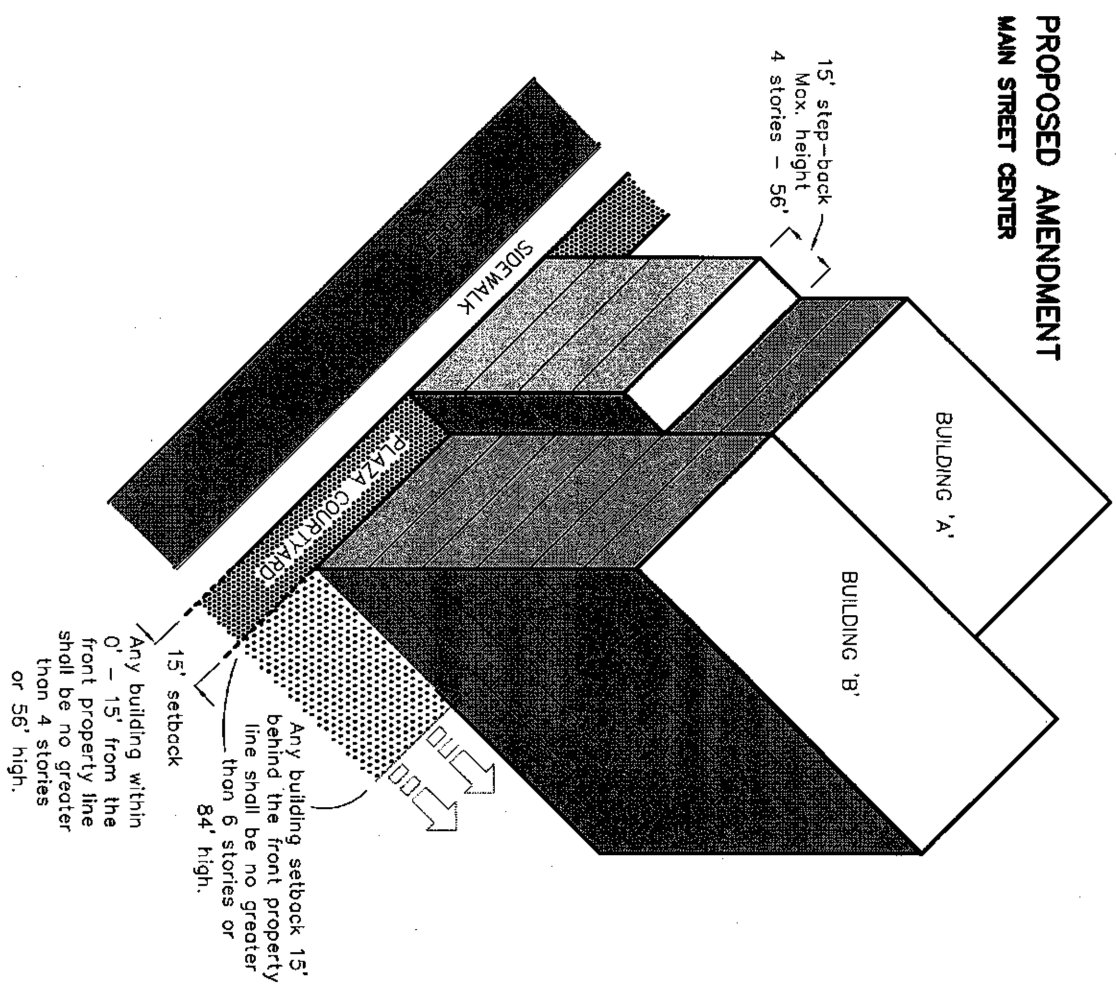


CURRENT ORDINANCE

MAIN STREET CENTER




CURRENT ORDINANCE
MAIN STREET CENTER
Max. height
6 stories – 84'
15' step-back
Max. height
4 stories – 56'
SIDEWALK
PLAZA COURTYARD
BUILDING 'A'
BUILDING 'B'
BUILDING 'C'


PROPOSED AMENDMENT
MAIN STREET CENTER
15' step-back
Max. height
4 stories – 56'
SIDEWALK
PLAZA COURTYARD
BUILDING 'A'
BUILDING 'B'
15' setback
Any building within 0' – 15' from the front property line shall be no greater than 4 stories or 56' high.
Any building setback 15' behind the front property line shall be no greater than 6 stories or 84' high.

Added at the 6/26/07 Agenda Session

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

July 3, 2007
City Council Meeting Date

Sondra Smith/Amber Wood	City Clerk	City Clerk
Submitted By	Division	Department

Action Required:

An ordinance to establish Fayetteville Municipal Property Owners' Improvement District No. 19 - Oakbrooke, Phase 1 Subdivision Infrastructure Project. This petition is being filed under the Arkansas Municipal Property Owners' Improvement District law. Arkansas Code Ann. Sec. 14-94-101 et seq. The petition is being filed by James N. McCord on behalf of the Improvement District.

N/A	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: N/A

Budget Adjustment Attached: N/A

Amber Wood 6/26/07
Department Director for Sondra Smith Date

6-26-07
City Attorney Date

Marsha Farthing 6/26/07
Finance and Internal Service Director Date

Mayor Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office
ENTERED
6/26/07

Received in Mayor's Office

Comments:

Fayetteville
ARKANSAS

RECEIVED
JUN 26 2007
CITY OF FAYETTEVILLE
MAYOR'S OFFICE

113 West Mountain
Fayetteville, AR 72701
Telephone: (479) 575-8323
Fax: (479) 718-7695
city_clerk@ci.fayetteville.ar.us

City Clerk/Treasurer Division

June 26, 2007

Honorable Dan Coody, Mayor
City Administration Building
113 W. Mountain
Fayetteville, AR 72701

RE: Petition to form Fayetteville Municipal Property Owners' Improvement District No. 19
Oakbrooke, Phase 1 Subdivision Infrastructure Project

Dear Mayor:

Pursuant to Arkansas Code Ann. Sec. 14-94-105 (e)(3), you are hereby notified that the enclosed Petition to form Fayetteville Municipal Property Owners' Improvement District No. 19 – Oakbrooke, Phase 1 Subdivision Infrastructure Project has been filed in the office of the Fayetteville City Clerk. Pursuant to Ark. Code Ann. Sec. 14-94-106 (a)(1), I hereby present you with the Petition.

Sincerely,

Amber Wood

Amber Wood
Deputy City Clerk

cc: Kit Williams, City Attorney
James N. McCord

JAMES N. McCORD
Attorney at Law
2446 ST. JAMES PLACE
FAYETTEVILLE, ARKANSAS 72701

TELEPHONE (479) 695-1134
FACSIMLE (479) 521-6733
jimmccordlaw@alltel.net

June 25, 2007

Sondra Smith
Fayetteville City Clerk
City Administration Building
113 W. Mountain Street
Fayetteville, AR 72701

Re: Petition to Form Fayetteville Municipal Property Owners Improvement District No. 19- Oakbrooke Subdivision Project

Dear Ms. Smith,

On April 6, 2007, I filed in the office of the Fayetteville City Clerk a petition to form Fayetteville Municipal Property Owners Improvement District No. 19- Oakbrooke Subdivision Project. That petition is hereby withdrawn.

Sincerely,

James N. McCord

James N. McCord

cc: Kit Williams, City Attorney

RECEIVED
JUN 26 2007
CITY OF FAYETTEV...
CITY CLERK'S OFF...

JAMES N. McCORD
Attorney at Law
2446 ST. JAMES PLACE
FAYETTEVILLE, ARKANSAS 72701

TELEPHONE (479) 695-1134
FACSIMLE (479) 521-6733
jimmccordlaw@alltel.net

June 25, 2007

VIA HAND DELIVERY

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

Re: Petition to Form Fayetteville Municipal Property Owners' Improvement District No. 19- Oakbrooke, Phase ISubdivision Infrastructure Project

Dear Ms. Smith:

Enclosed for filing in the office of the Fayetteville City Clerk are three executed counterparts of a Petition to Form Fayetteville Municipal Property Owners' Improvement District No. 19- Oakbrooke, Phase I Subdivision Infrastructure Project. Please file mark each Petition, retain one for the City's permanent file and for presentation to the Mayor, and return the other counterparts to me. The Petition is being filed under the Arkansas Municipal Property Owners' Improvement District law, Ark. Code Ann. Sec. 14-94-101 et seq.

. Ark. Code Ann. Sec. 14-94-106 provides:

> (a)(1) Upon the filing of the petition with the clerk, it shall be the duty of the clerk to present the petition to the mayor.
>
> (2) The mayor shall thereupon set a date and time not later than fifteen (15) days after the date of the presentation of the petition to the mayor, for a hearing before the governing body for consideration of the petition.
>
> (b)(1) At the hearing, it shall be the duty of the governing body to hear the petition and to ascertain whether those signing the petition constitute all the owners of the real property to be located in the district.

RECEIVED
JUN 26 2007
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

(2) If the governing body determines that all the owners of the real property to be located in the district have petitioned for the improvements, it shall be its duty by ordinance to establish and lay off the district as defined in the petition and to appoint the commissioners named in the petition.

* * *

(c) The ordinance establishing the district shall be published within thirty (30) days after its adoption by one (1) insertion in some newspaper of general circulation in the municipality in which the district lies.

Enclosed, for filing in the office of the City Clerk, is an executed Abstracter's Certificate certifying that the improvement district petition is signed by the owner of the record title to all the real property described in the Petition. I have drafted and enclose an ordinance which would establish the district and name the commissioners.

Formation of a municipal property owners' improvement district is merely a financing alternative for the cost of subdivision infrastructure. The developer must comply with all city development ordinances. The completed infrastructure improvements are dedicated to the city.

The improvement district issues special assessment bonds, bond proceeds are used to construct or purchase the improvements, the district levies an annual tax on each lot in the district to pay debt service on the bonds, the annual taxes are collected by the county tax collector and paid to the bond trustee, and the trustee makes debt service payments to the bondholders.

Oakbrooke, Phase I will have 68 lots on 20.882 acres located adjacent to the west side of Rupple Road north of Wedington Drive.

Should there be any questions, please contact me.

Sincerely,

James N. McCord

James N. McCord

pc: Hon. Dan Coody, Mayor
Kit Williams, City Attorney

ORDINANCE NO. _______

AN ORDINANCE TO ESTABLISH AND LAY OFF FAYETTEVILLE MUNICIPAL PROPERTY OWNERS' IMPROVEMENT DISTRICT NO. 19 – OAKBROOKE, PHASE I SUBDIVISION INFRASTRUCTURE PROJECT

WHEREAS, a Petition to form Fayetteville Municipal Property Owners' Improvement District No. 19- Oakbrooke, Phase I Subdivision Infrastructure Project has been filed with the Fayetteville City Clerk; and

WHEREAS, the City Clerk has presented said petition to the Mayor; and

WHEREAS, the Mayor has set July 3, 2007, at 6:00 p.m. as the date and time for a hearing before the Fayetteville City Council for consideration of said petition; and

WHEREAS, the Fayetteville City Council has determined from an abstracter's certificate of property ownership that those signing the petition constitute all the owners of the real property to be located in the district; and

WHEREAS, the Arkansas Municipal Property Owners' Improvement District Law provides at Ark. Code Ann. Sec. 14-94-106(b)(2) that if the governing body determines that all the owners of the record title to the real property to be located in the district have petitioned for the improvements, it shall then be its duty by ordinance to establish and lay off the district as defined in the petition and to appoint the commissioners named in the petition.

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

Section 1: That the real property described in Exhibit "A" attached hereto and made a part hereof is hereby established and laid off as Fayetteville Municipal Property Owners' Improvement District No. 19- Oakbrooke, Phase I Subdivision Infrastructure Project for the purpose of constructing, purchasing, accepting as a gift or maintaining facilities for waterworks, recreation, drainage, gas pipelines, underground trenches and excavations necessary for the installation by public utilities or municipal utilities of electric and telephone distribution systems, sanitary sewers, streets and highways including curbs and gutters, and sidewalks, together with facilities related to any of the foregoing, or for more than one of those purposes.

Section 2: The following three individuals are hereby appointed as commissioners of said improvement district: Tracy K. Hoskins, L. Celeste Hoskins and Glenda J. Harp.

Section 3: The name of said improvement district shall be Fayetteville Municipal Property Owners' Improvement District No. 19- Oakbrooke, Phase I Subdivision Infrastructure Project.

Section 4: The district shall not cease to exist upon the acquiring, constructing or completion of the improvements, but it shall continue to exist for the purpose of preserving, maintaining, and operating the improvements, replacing equipment, paying salaries to employees, and performing any other functions or services authorized in Ark. Code Ann., Title 14, Chapter 94.

PASSED and **APPROVED** this 3rd day of July, 2007.

APPROVED: ATTEST:

By: ______________________________
DAN COODY, Mayor

By: ______________________________
SONDRA E. SMITH, City Clerk/Treasurer

EXHIBIT "A"

LEGAL DESCRIPTION – OAKBROOKE PHASE I

A PART OF THE SOUTH HALF (S1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE FRACTIONAL SECTION 1, TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY ONE (31) WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID EIGHTY (80) ACRE TRACT; THENCE N02°17'42"E 1069.16 FEET; THENCE S87°49'42"E 428.22 FEET; THENCE S87°09'15"E 271.79 FEET; THENCE S02°17'42"W 385.47 FEET; THENCE S87°42'18"E 115.00 FEET; THENCE S02°17'42"W 452.00 FEET; THENCE S87°42'18"E 109.00 FEET; THENCE S81°31'56"E 50.29 FEET; THENCE S87°10'33"E 118.38 FEET; THENCE S02°49'27"W 173.53 FEET: THENCE S87°10'42"E 254.30 FEET; THENCE S25°22'44"W 64.97 FEET TO THE SOUTH BOUNDARY OF SAID 80 ACRE TRACT; THENCE N87°10'42"W 1319.64 TO THE POINT OF BEGINNING AND CONTAINING 20.882 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS.

NOTICE

YOUR SIGNATURE HEREON SHOWS THAT YOU FAVOR THE ESTABLISHMENT OF AN IMPROVEMENT DISTRICT. IF THE DISTRICT IS FORMED, YOU MAY BE CHARGED FOR THE COSTS OF THE IMPROVEMENTS.

BEFORE THE CITY COUNCIL OF FAYETTEVILLE, ARKANSAS

PETITION TO FORM FAYETTEVILLE MUNICIPAL PROPERTY OWNERS' IMPROVEMENT DISTRICT NO. 19- OAKBROOKE, PHASE I SUBDIVISION INFRASTRUCTURE PROJECT

For their petition to form Fayetteville Municipal Property Owners' Improvement District No. 19- Oakbrooke, Phase I Subdivision Infrastructure Project, the undersigned petitioners state:

1. Petitioners are the record title owner to all of the real property described in Exhibit "A" attached hereto and made a part hereof as reflected by the deed records in the office of the Circuit Clerk and Ex-Officio Recorder of Washington, County Arkansas. All of said property is located within the corporate limits of the City of Fayetteville, Arkansas.

2. Petitioners desire that the real property described in Exhibit "A" attached hereto and made a part hereof be established and laid off into a municipal property owners' improvement district pursuant to Ark. Code Ann. Sec. 14-94-101 et seq. for the purpose of constructing, purchasing, accepting as a gift

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CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

or maintaining facilities for waterworks, recreation, drainage, gas pipelines, underground trenches and excavations necessary for the installation by public utilities or municipal utilities of electric and telephone distribution systems, sanitary sewers, streets and highways including curbs and gutters, and sidewalks, together with facilities related to any of the foregoing, or for more than one of those purposes.

3. Petitioners desire that the district shall not cease to exist upon the acquiring, constructing or completion of the improvements, but it shall continue to exist for the purpose of preserving, maintaining, and operating the improvements, replacing equipment, paying salaries to employees, and performing any other functions or services authorized in Ark. Code Ann., Title 14, Chapter 94.

4. Petitioners name the following three individuals, pursuant to Ark. Code Ann. 14-94-105(a)(2)(B), as designated representatives of Petitioner to be appointed as commissioners of the district: Tracy K. Hoskins, L. Celeste Hoskins and Glenda J. Harp.

5. Petitioners propose that the name of the district be Fayetteville Municipal Property Owners' Improvement District No. 19- Oakbrooke, Phase I Subdivision Infrastructure Project.

WHEREFORE, the undersigned Petitioners hereby petition the City Council of Fayetteville Arkansas to adopt an ordinance establishing and laying off the real property described in Exhibit "A" attached hereto and made a part hereof into Fayetteville Municipal Property Owners' Improvement District No. 19- Oakbrooke, Phase I Subdivision Infrastructure Project for the purpose of constructing, purchasing, accepting as a gift or maintaining facilities for waterworks recreation, drainage, gas pipelines, underground trenches and excavations necessary for the installation by public utilities or municipal utilities of electricity and telephone distribution systems, sanitary sewers, streets including curbs and gutters, and sidewalks, together with facilities related to any of the foregoing, or for more than one of those purposes.

DATED this 25th day of June, 2007.

Family Jewels, LLC
An Arkansas limited liability company

By: ______________________
Tracy Hoskins, Manager

Oakbrooke Family 1, LLC
An Arkansas limited liability company

By: ______________________
Tracy Hoskins, Manager

Oakbrooke Family 2, LLC
An Arkansas limited liability company

By: ______________________
Tracy Hoskins, Manager

Oakbrooke Family 3, LLC
An Arkansas limited liability company

By: ______________________
Tracy Hoskins, Manager

Oakbrooke Family 4, LLC
An Arkansas limited liability company

By: ______________________
Tracy Hoskins, Manager

Oakbrooke Family 5, LLC
An Arkansas limited
liability company

By: ______________________
Tracy Hoskins, Manager

Oakbrooke Family 6, LLC
An Arkansas limited
liability company

By: ______________________
Tracy Hoskins, Manager

Oakbrooke Family 7, LLC
An Arkansas limited
liability company

By: ______________________
Tracy Hoskins, Manager

EXHIBIT “A”

LEGAL DESCRIPTION – OAKBROOKE PHASE I

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BEFORE THE CITY COUNCIL OF FAYETTEVILLE, ARKANSAS

PETITION TO FORM FAYETTEVILLE MUNICIPAL PROPERTY OWNERS' IMPROVEMENT DISTRICT NO. 19- OAKBROOKE, PHASE I SUBDIVISION INFRASTRUCTURE PROJECT

ABSTRACTER'S CERTIFICATE OF PROPERTY OWNERSHIP

Bronson Abstract Company, Inc. hereby certifies that the deed records in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, reflect that the following is the owner of the record title to all of the real property described in Exhibit "A" to the Petition to Form Fayetteville Municipal Property Owners' Improvement District No. 19 – Oakbrooke, Phase I Subdivision Infrastructure Project, a copy of which Exhibit "A" is attached hereto and made a part hereof:

Family Jewels, LLC; Oakbrooke Family 1, LLC;
Oakbrooke Family 2, LLC; Oakbrooke Family 3, LLC;
Oakbrooke Family 4, LLC; Oakbrooke Family 5, LLC;
Oakdbrooke Family 6, LLC; Oakbrooke Family 7-, LLC

DATED this 25 day of June, 2007.

Bronson Abstract Company, Inc.

By: Winfield S. Bronson Jr.
AUTHORIZED REPRESENTATIVE

RECEIVED
JUN 26 2007
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

EXHIBIT "A"

LEGAL DESCRIPTION – OAKBROOKE PHASE I

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Kim Flanery Coats
224 N. Locust Ave.
Fayetteville, AR 72701

June 25, 2007

Mayor Dan Coody
City of Fayetteville City Council
Fayetteville, AR 72701

In re: Proposed zoning variance – noise control

Dear Mayor Coody and City Council Members:

I request that the City Council table any discussion of the proposed amendment to rezone the Downtown General zoning district to increase the maximum allowable noise level from the current level of 60 dB to noise levels of 75 dB in a section of the Downtown General district between Watson Street, West Avenue, St. Charles Avenue, Block Avenue, and Spring Street. The proposal is tentatively slated as the seventh and final item of new business on the City Council agenda for July 3, 2007, and I hope that the council will postpone any discussion of the proposed ordinance until its July 17 meeting. If however, council hears discussion on the merits of the proposal at its July 3 meeting, I object to the proposed zoning variance, for the reasons set out below.

I ask the City Council to postpone the discussion on the amendment until its July 17 meeting because the amendment is tentatively set to be heard on July 3, one day before the national holiday. Many interested residents who may wish to participate in the discussion are likely to be out of town. I would like to discuss my objections to the amendment with the City Council, but will be unable to attend the meeting on that date. Many of my neighbors have indicated to me that they will be unable to attend. It is my understanding that even Tim Conklin, who proposed the amendment, will be unable to attend the July 3 meeting.

If, however, council considers the amendment at the July 3 meeting, I would like to express my strong objection to it. It is my understanding that Mr. Conklin, Fayetteville's Director of Planning and Development, submitted the proposal based solely on the request of one property owner, Tim Bourdeaux, the new owner of the Ozark Mountain Smokehouse, following Mr. Bourdeaux's letter to the City Council dated June 20, 2007. Based on Mr. Bourdeaux's request, Mr. Conklin has recommended a zoning amendment to allow a portion of the Downtown General district to increase its maximum allowable noise levels from 60 dB to 75 dB, so that Mr. Bourdeaux can continue to operate the Smokehouse as an entertainment venue on his "backyard" patio, which he describes as located at the "rear of the Dickson St. property," with bands and DJs who play music at noise levels up to 75 dB.

I am one of several residents who live on Locust Avenue and who have complained on numerous occasions about the noise levels from the Smokehouse. My property borders the Smokehouse property; the northeast corner of my back yard connects to the southwest corner of that property so that my back yard abuts what Mr. Bourdeaux describes as the rear "garden" of his property.

The amendment would set noise levels in the excluded zone, which includes my home, at commercial levels. However, much of the proposed area between Watson Street, West Avenue, St. Charles Avenue, Block Avenue, and Spring Street, is residential property. Realistically, the only commercial properties that would be impacted by a change in the noise ordinance are the businesses along Dickson Street. Mr. Bourdeaux's property is one of the few commercial properties that would be affected by the amendment. The other venues on Dickson Street where live music is regularly played outdoors are The Gypsy and Jose's. Both of those venues set up outdoor stages that face Dickson Street, rather than back up to homes behind Dickson Street. If Mr. Boudreaux's petition succeeds, his business would be the only commercial venture along Dickson Street that would be playing amplified music outside at levels up to 75 dB in a setting removed from the commercial activity along Dickson Street, and instead tucked back in what he describes as the "private, secluded, more natural setting" at the rear of his business, which abuts several private residences. No loud music escapes from that rear patio area onto the commercial entertainment district along Dickson Street. The Smokehouse rear patio is separated from the commercial entertainment district by the Smokehouse's deep setback and its large, shaded front patio.

The Smokehouse could play music at the commercial level on its spacious front patio that faces Dickson Street. It is my understanding that Mr. Bourdeaux has declined to do so, however, because his patrons desire to hear amplified music at 75 dB in the "natural" setting under the trees on the Smokehouse back patio. Ironically, most of the trees and shade his patrons enjoy are the trees located on my property and my neighbors' property.

I moved into my home in August, 2003. Since that time, I have complained to the Fayetteville police department about the noise levels from the Smokehouse at least several dozen times, and perhaps as many as over a hundred times. Although I rarely left my name with the police department, because my children's anxiety about the loud noise would have increased if uniformed police officers were knocking on my door, I have regularly complained about the noise since 2003. It was not until earlier this spring, however, that I began to register my name when I called to complain.

In his June 20 letter to the council, Mr. Bourdeaux suggests that the problem "is neither more noise nor longer hours; it's the new zoning," which resulted in what he called the "unintended consequence" of lowering the allowed noise level for the business. This is incorrect; it is purely coincidental that the timing of my more regular complaints and the more frequent complaints from my neighbors occurred at approximately the same time as any changes to the noise ordinances. In fact, some of the difference can be attributed to the fact that permanent residents now live in the homes to the north and the south of my property, and did not in previous years. Mr. Boudreaux notes that he bought the Smokehouse last year, so perhaps he is unaware of the ongoing complaints from neighbors over the past several years. However, in a cover story published in the Northwest Arkansas Times on June 25, Mr. Bourdeaux is quoted as saying he spoke to "the" complaining resident, suggesting that only one resident is complaining. This is not correct. Many of my neighbors are distressed by the excessive noise.

Mr. Boudreaux correctly notes that the difference in a noise level of 60 Db and 75 Db is substantial. If a band plays on the back patio of the Smokehouse, and the noise level registers at the residential level of approximately 60 dB or lower, the use and enjoyment of my home is, unfortunately, diminished. I cannot open my windows to enjoy the fresh air on a pleasant afternoon without being disturbed. I cannot sleep with my windows open. I cannot sit on my back deck with my children and enjoy a calm, quiet evening. I cannot entertain friends with a cookout on my back deck. My children cannot play outside in my back yard without complaining about the noise. It is annoying.

If, however, a band plays at the Smokehouse and generates a noise level of 75 dB, it is virtually intolerable to be inside my home. My walls and windows shake. My floors shake. Even inside my home with the doors and windows closed, I cannot hear my telephone ring; I cannot hear a knock on my front door; I cannot hear another person in the room speak to me. Small items on my dresser have literally shook so severely that they have fallen onto the floor due to the repercussions from the noise. At that noise level, my children cannot sleep. At that noise level, my quality of life has been significantly impaired.

The Fayetteville noise ordinance defines a noise disturbance as: "Any sound which: (1) Endangers or injures the safety or health of humans or animals; (2) Annoys or disturbs a reasonable person of normal sensitivities; or (3) Endangers or injures personal or real property." Ongoing, consistent, regularly occurring noise levels of up to 75 dB within a few feet of my back door clearly meets, and exceeds, this definition.

Mr. Bourdeaux suggests that the noise ordinance is an "existential threat" to the "survival" of his "entire company." He notes that his newly-acquired business has operated on the site for over 20 years. My home was built on Locust Avenue in 1904, and has been a private residence for over 100 years. Many of my neighbors who are disturbed by the noise from the Smokehouse have lived in downtown Fayetteville for over 20 years. As downtown residents, my neighbors and I love living in our vibrant mixed-use neighborhood. We care about the quality of life in downtown Fayetteville and we want to preserve the "neighborhood feel" of our streets.

The appropriate location for commercial businesses located within the Downtown General zone to play music at commercial decibel levels up to 75 dB is "streetside" on Dickson Street. If businesses generate excessive noise levels from the rear of the property, and the only non-patrons who hear the noise are residents, then the decibel levels should not be amended. As Fayetteville continues to adapt to our new zoning standards that include sufficient flexibility to support either business or residential activity, I hope the city can protect the quality of life for the downtown residents.

Sincerely,

Kim Flanery Coats

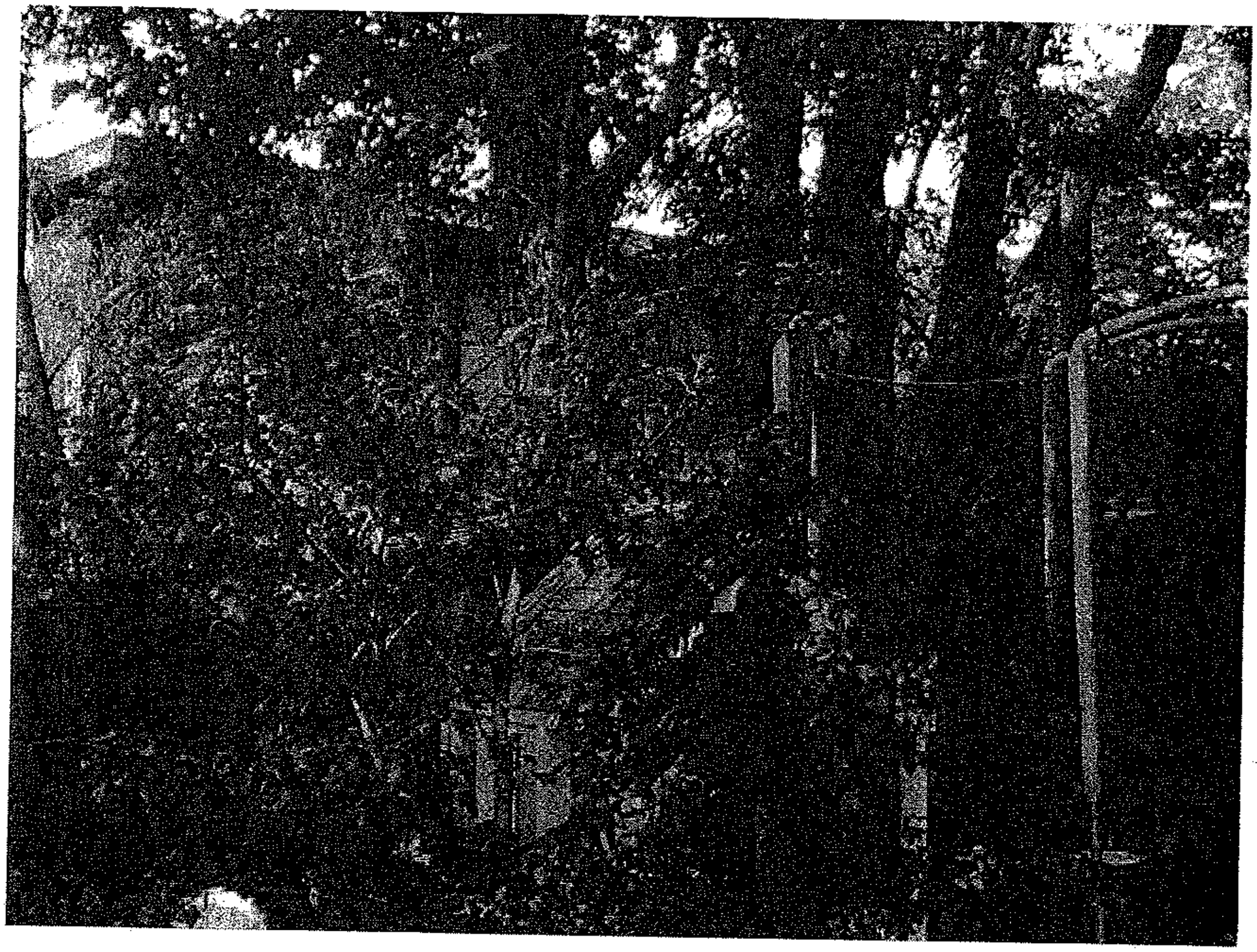
cc: Kyle B. Cook
Ward2_pos1@ci.fayetteville.ar.us

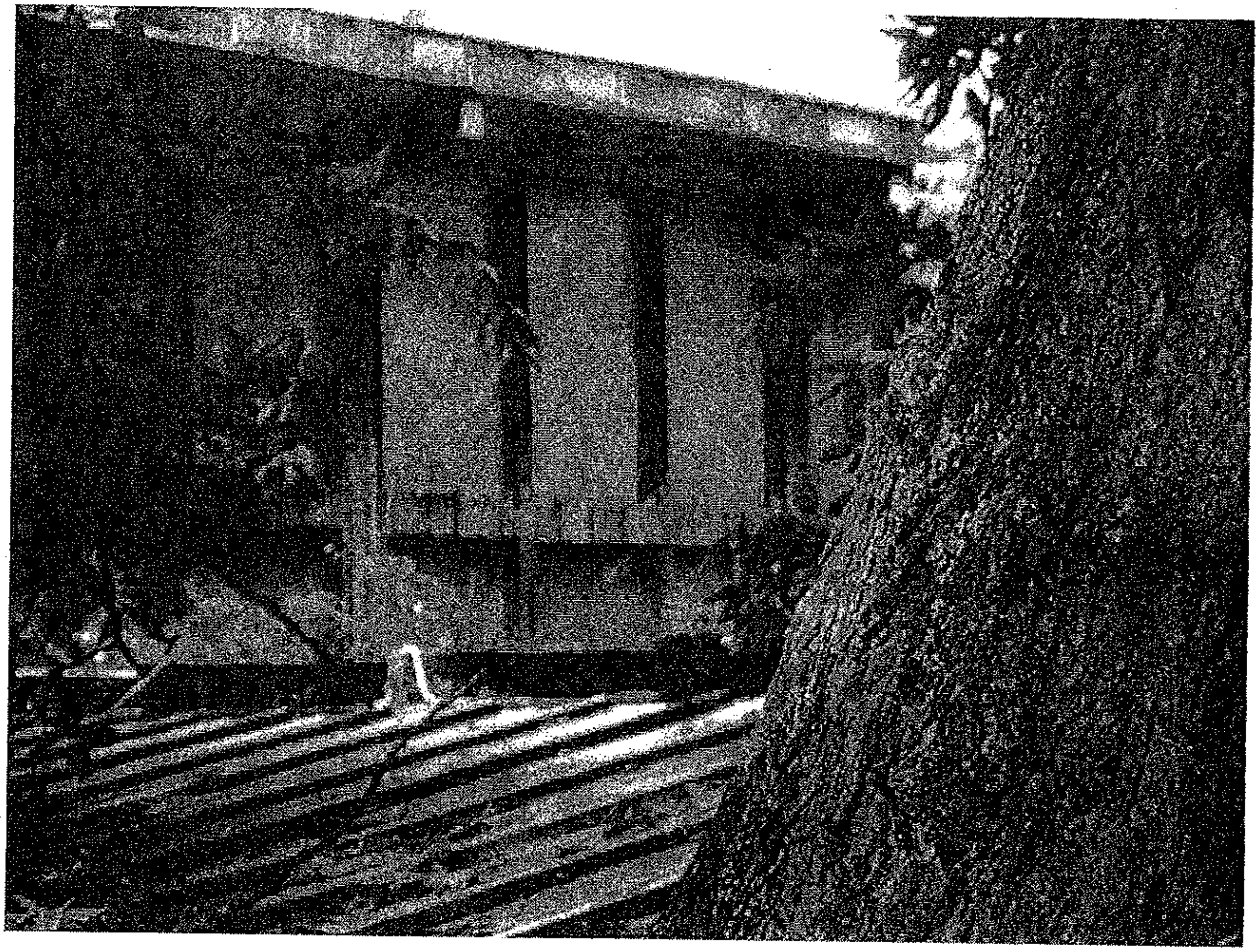
Nancy Gordon Allen
Ward2_pos1@ci.fayetteville.ar.us

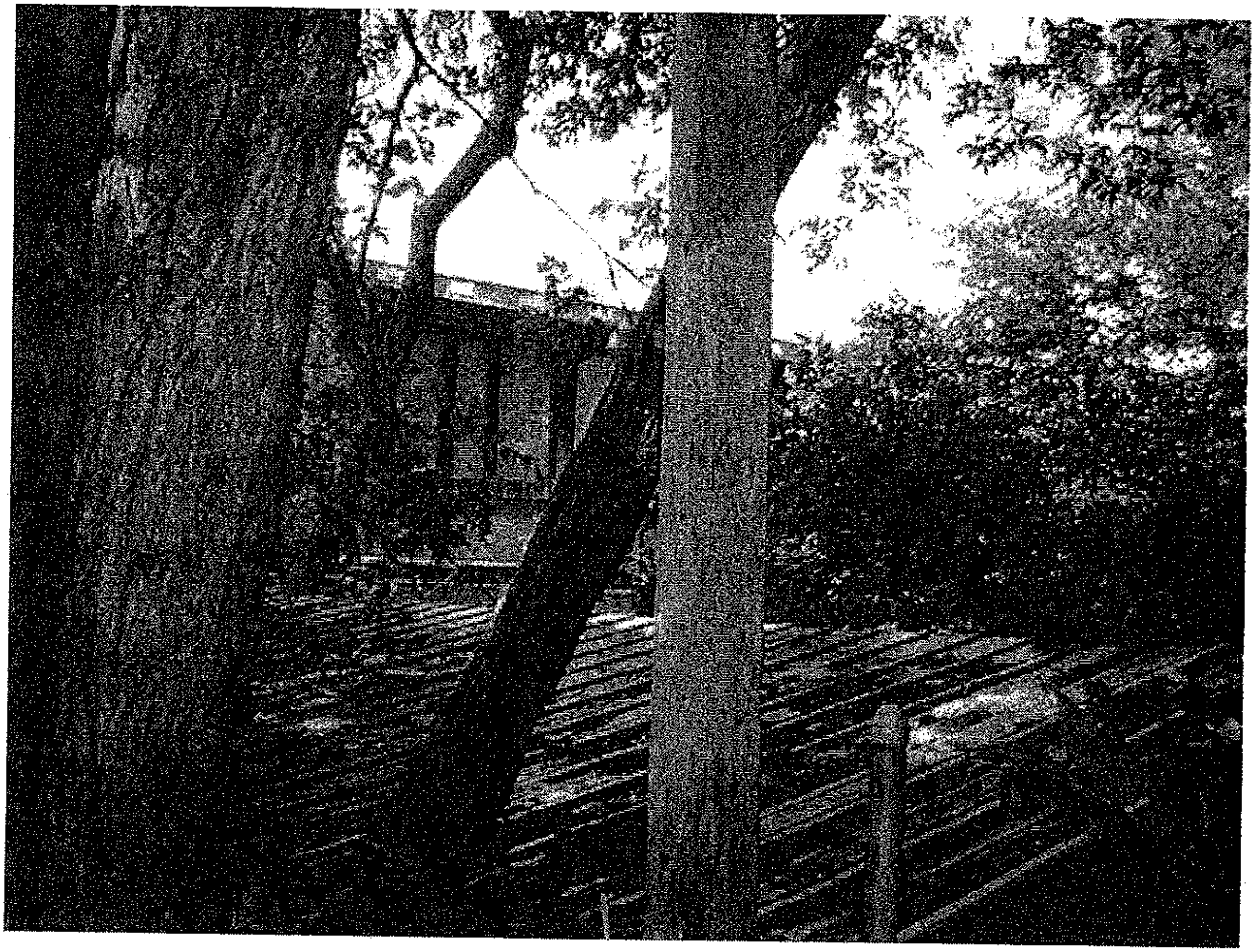
Tim Conklin
City of Fayetteville
Planning and Development Management Director

Gary Dumas
City of Fayetteville
Director of Operations

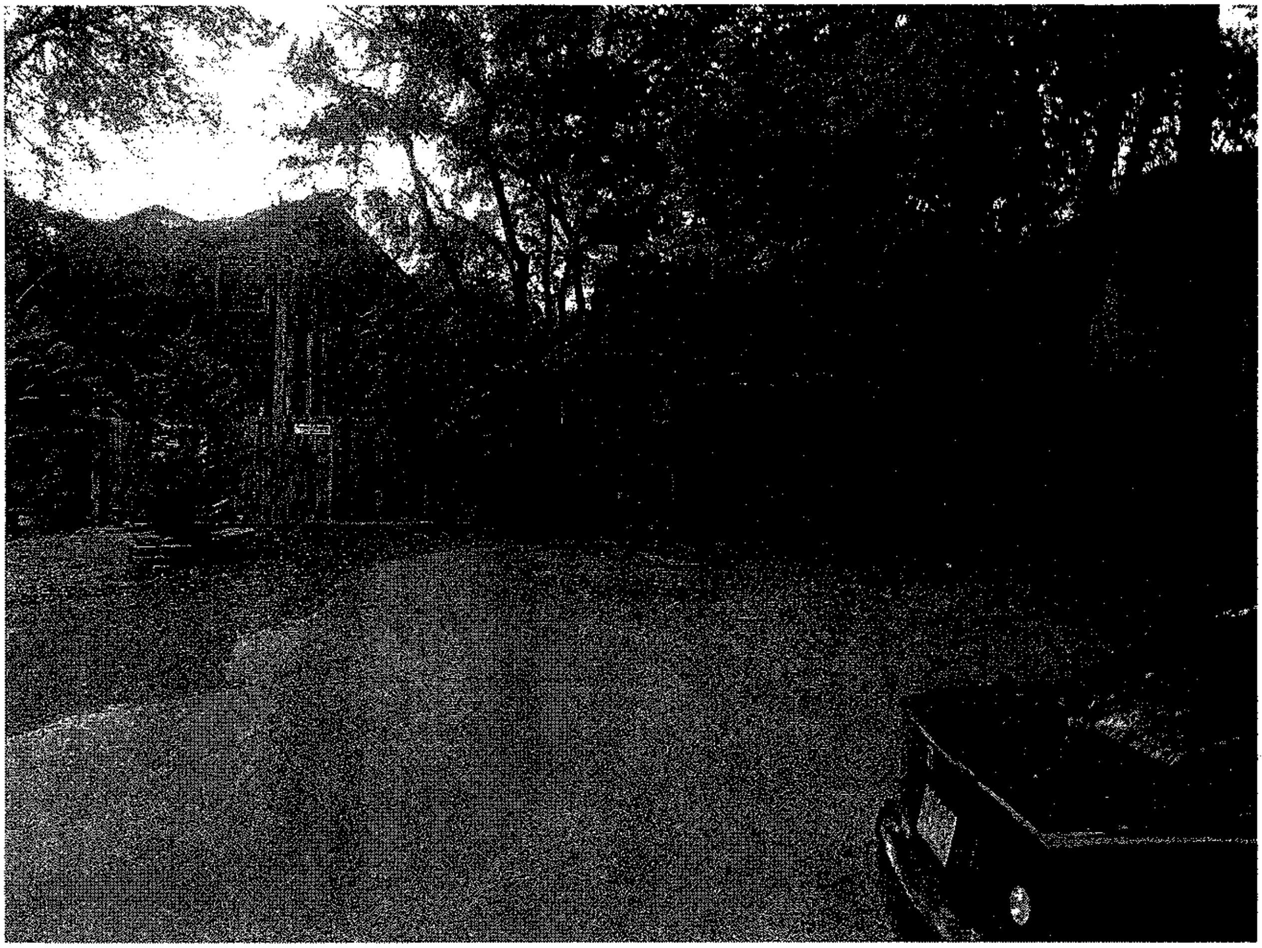
Juli D. Dorrough
Chair - Dickson Street Neighborhood Association

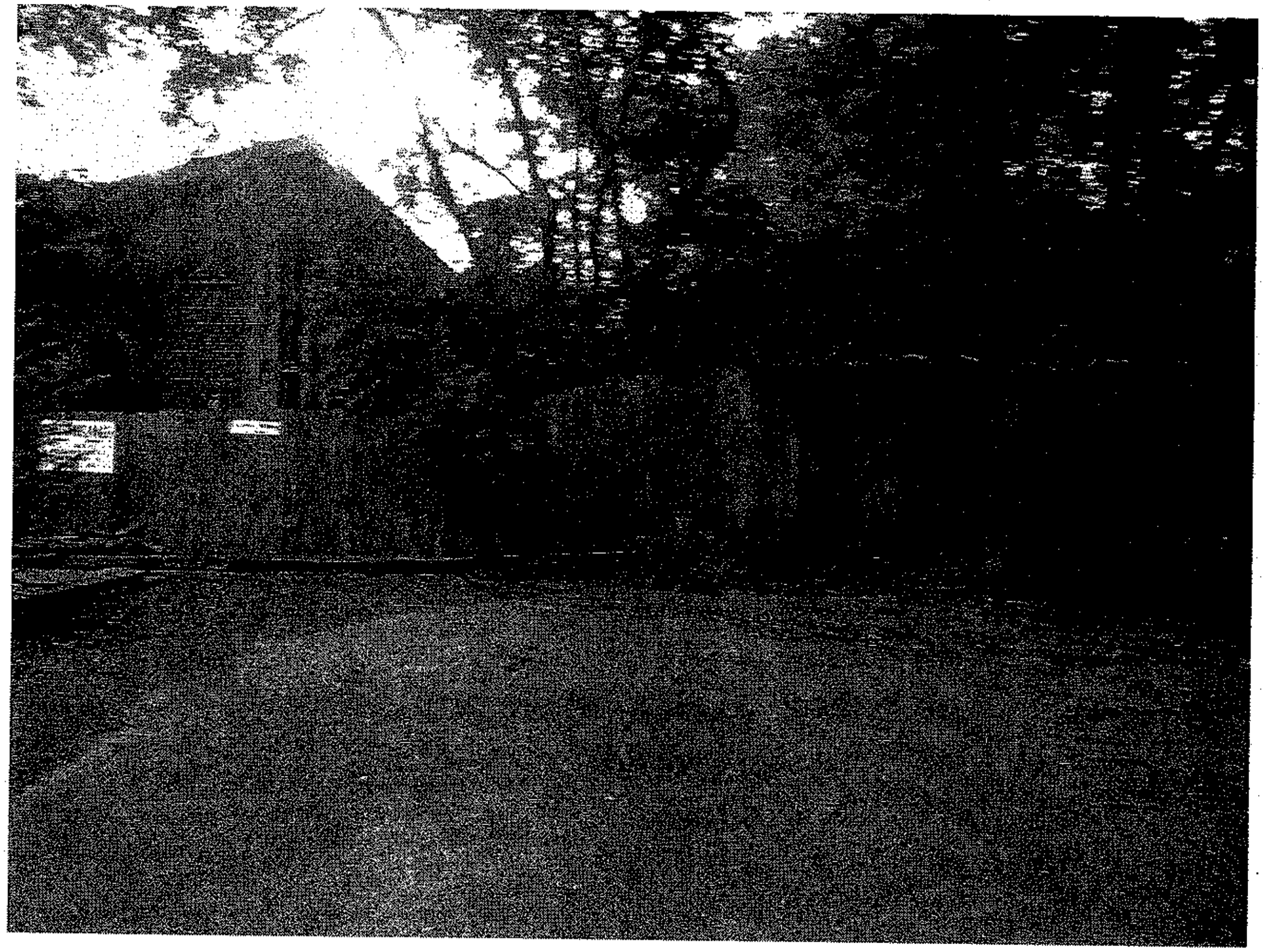




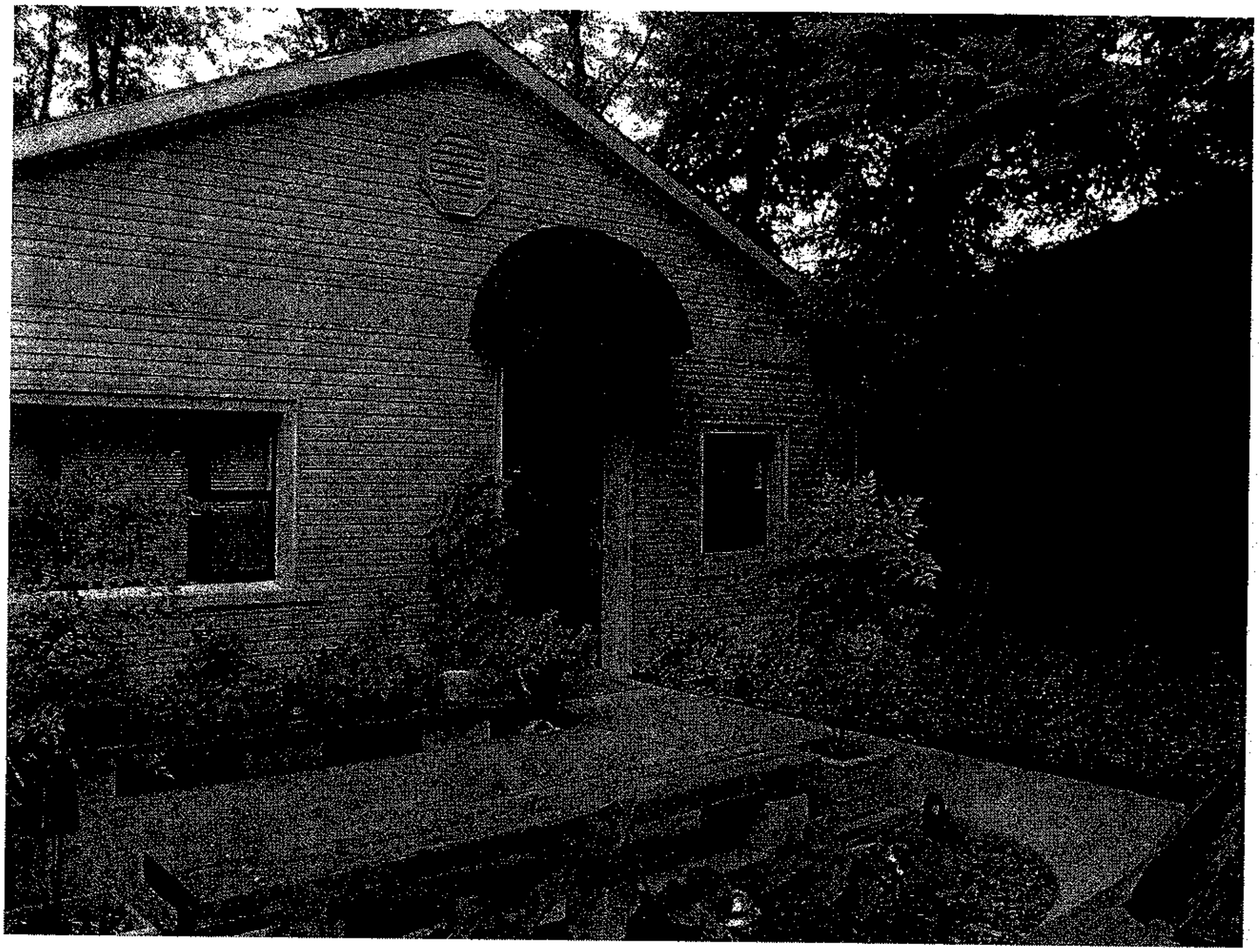


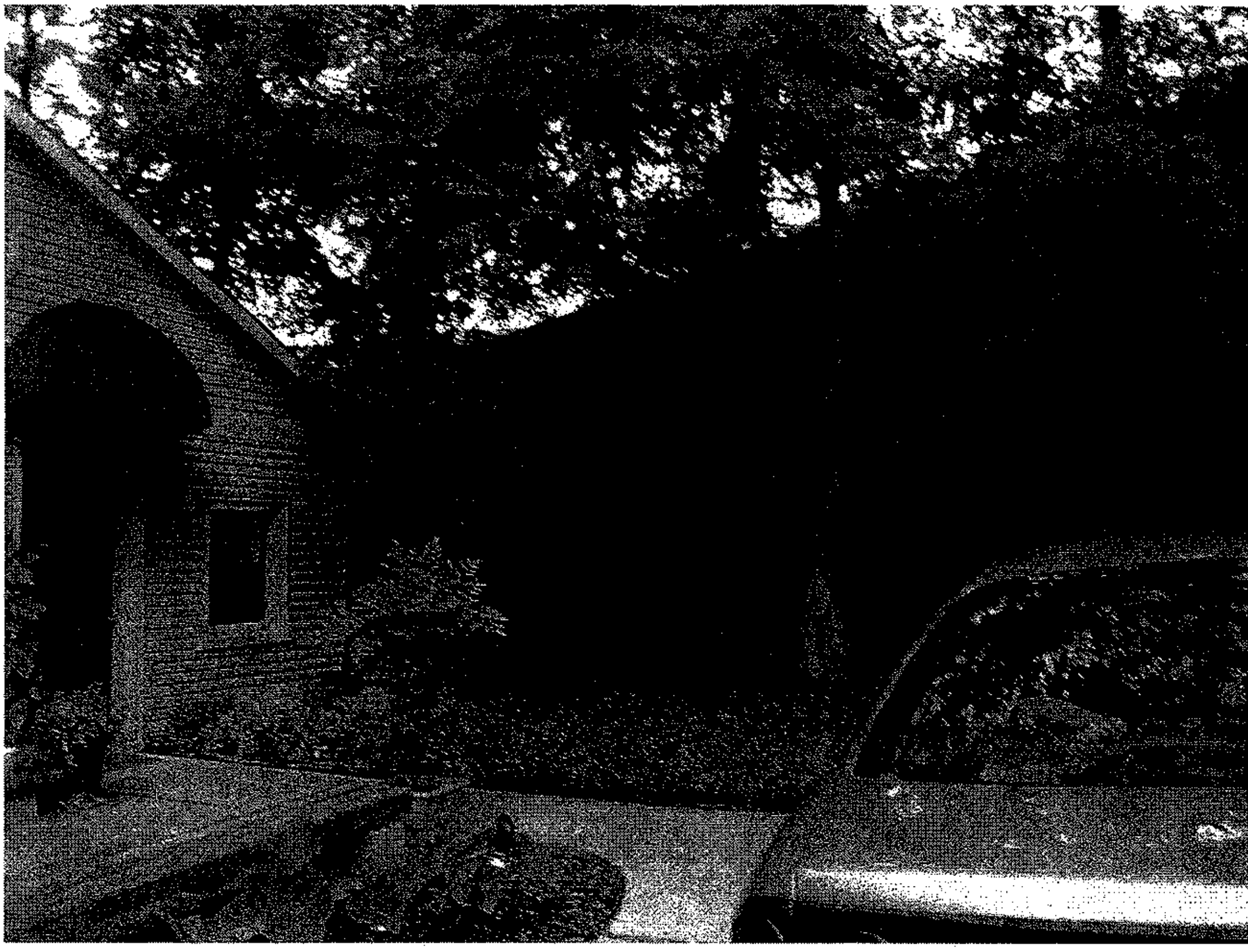
Dear Mr. Conklin My name is Rev. J.A. Gaglio I live at 226 N. Locust Ave. I have enclosed photos of how close the Garden Room is to my house and other homes.

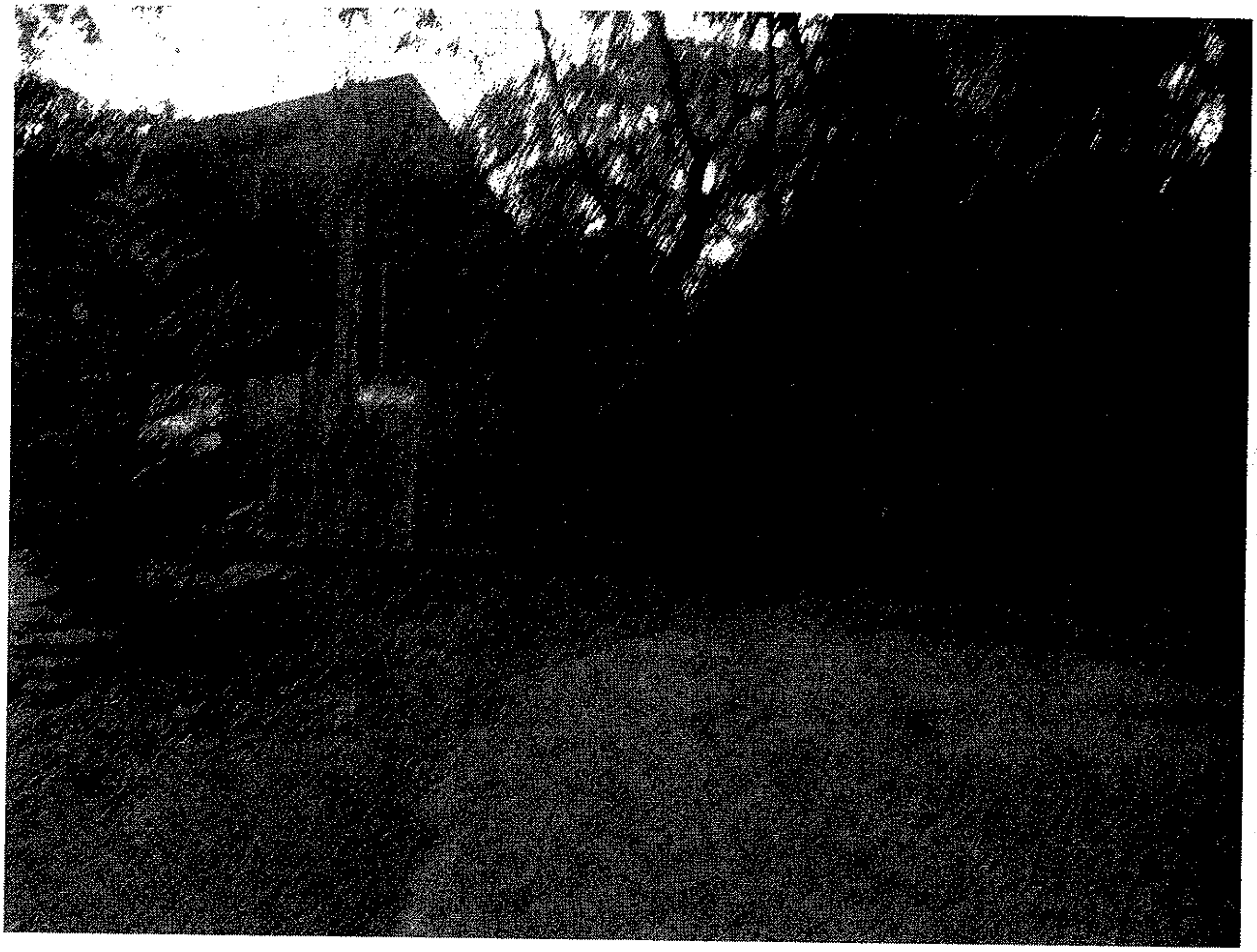


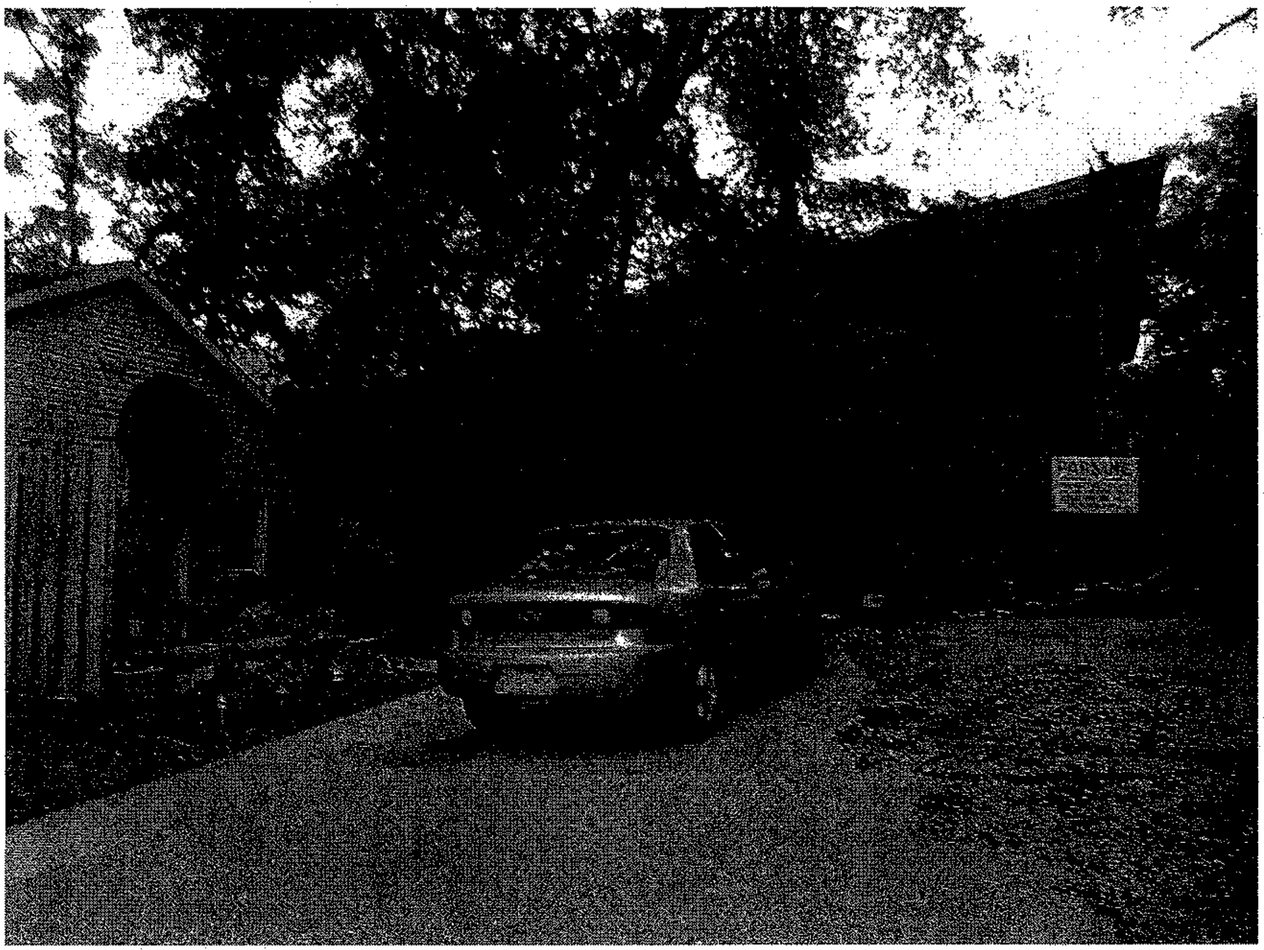


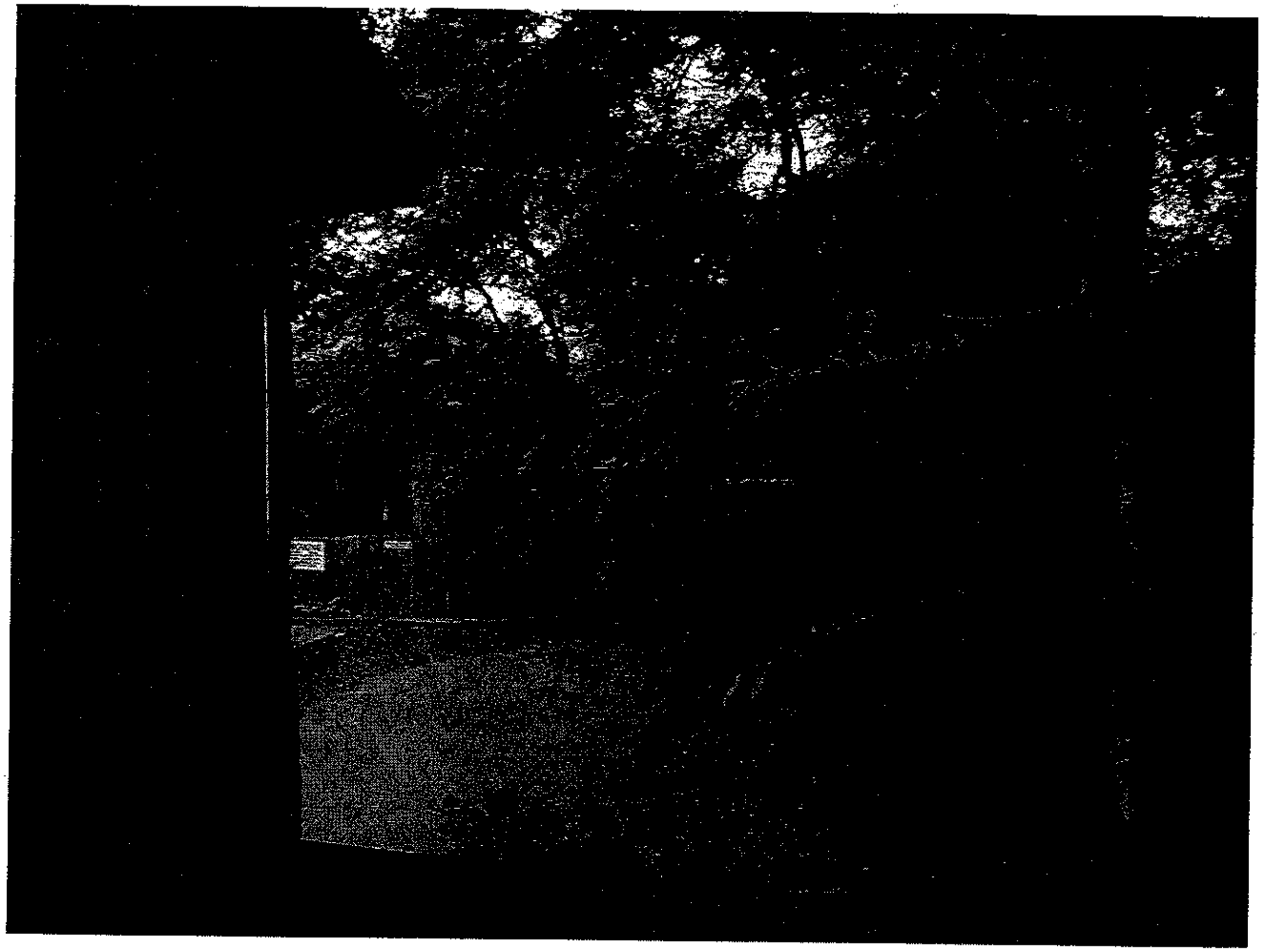

PARKING
THIS LOT RESERVED FOR
PATIENT PARKING ONLY
OTHER VEHICLES WILL
BE TOWED AWAY











From: Greg Tabor
To: Conklin, Tim
Date: 6/26/07 11:43AM
Subject: Fwd: Attached Image

Here are the noise complaints from the Smokehouse since November 1997, when we switched to our current computer system. I have also included the complaints that originated from 226 and 229 Locust. Please keep in mind this is not an all inclusive list. These lists only include the calls that came from the Locust Street addresses or calls that specifically named the Smokehouse or Garden Room by name or address. The "there is loud music coming from somewhere around Dickson Street" and calls of similar nature without specifics are not included and I would guess there would be a lot of them, but we have way of pulling that info. If you need anything else just let me know..

>>> <cid@ci.fayetteville.ar.us> 6/27/2007 12:29 am >>>

INCIDENT #	TYPE ABBV	CALL DATE	CALL TIME	COMMON NAME	STR #	.	STREET NAME	FIRST LINE OF NARRATIVE
199800013162	Noise Comp	19980426	0:17:09	OZK MTN SMOKEHO	215	W	DICKSON	LIVE BAND
199800038997	Noise Comp	19981022	21:45:48	OZK MTN SMOKEHO	215	W	DICKSON	LOUD MUSIC FROM INSIDE THE RESTAURANT. MDS
200000028791	Noise Comp	20000419	0:28:47	OZK MTN SMOKEHO	215	W	DICKSON	LOUD MUSIC COMING FROM THE AREA BEHIND THIS.
200000079345	Noise Comp	20001022	22:38:11	SASSAFRAS	215	W	DICKSON	LIVE BAND...SFS
200500009171	Noise Comp	20050129	23:23:31	OZK MTN SMOKEHO	215	W	DICKSON	LOUD MUSIC COMING FROM THIS LOCATION...MDS
200600048939	Noise Comp	20060513	22:16:27	OZK MTN SMOKEHO	215	W	DICKSON	LOUD MUSIC FROM THE BACK OF THIS LOC. JW
200600066784	Noise Comp	20060701	22:58:27	OZK MTN SMOKEHO	215	W	DICKSON	LOUD MUSIC FROM LIVE BAND AT THIS LOC. JR
200600069496	Noise Comp	20060708	21:54:41	OZK MTN SMOKEHO	215	W	DICKSON	LOUD BAND PLAYING AT THIS LOC. JW
200600074447	Noise Comp	20060722	22:38:32	OZK MTN SMOKEHO	215	W	DICKSON	THE GARDEN ROOM, LOUD MUSIC, THIS IS THE
200600085409	Noise Comp	20060819	18:05:23	OZK MTN SMOKEHO	215	W	DICKSON	LOUD MUSIC..MTC
200600090705	Noise Comp	20060902	0:19:22	OZK MTN SMOKEHO	215	W	DICKSON	CALLER LIVES ON LOCUST AND IT SOUNDS LIKE THE
200600096293	Noise Comp	20060916	21:22:01	OZK MTN SMOKEHO	215	W	DICKSON	LOUD MUSIC FROM A BAR IN THE AREA. JW
200600096308	Noise Comp	20060916	22:00:57	OZK MTN SMOKEHO	215	W	DICKSON	AT THE GARDEN ROOM, LOUD MUSIC SHAKING THE
200600096341	Noise Comp	20060916	23:21:32	OZK MTN SMOKEHO	215	W	DICKSON	LOUD MUSIC COMING FROM THE GARDEN ROOM AT
200600103633	Noise Comp	20061006	21:20:41	OZK MTN SMOKEHO	215	W	DICKSON	LOUD MUSIC ON BACK PATIO AT THIS LOC
200700036618	Noise Comp	20070420	21:25:13	OZK MTN SMOKEHO	215	W	DICKSON	LOUD BAND ON THE PATIO. MH
200700036670	Noise Comp	20070420	23:37:17	OZK MTN SMOKEHO	215	W	DICKSON	LOUD MUSIC, COMING FROM THE BACK PATIO...ES
200700036698	Noise Comp	20070421	0:42:10	OZK MTN SMOKEHO	215	W	DICKSON	CALLER WOULD LIKE AN NOISE METER READING AS
200700039424	Noise Comp	20070428	21:49:16	OZK MTN SMOKEHO	215	W	DICKSON	IN THE GARDEN ROOM ON THE BACK PATIO, THERE
200700044345	Noise Comp	20070512	21:25:38	OZK MTN SMOKEHO	215	W	DICKSON	LOUD MUSIC FROM THIS LOC. JW
200700049995	Noise Comp	20070527	20:57:23	OZK MTN SMOKEHO	215	W	DICKSON	PLAYING MUSIC VERY LOUDLY. SDW
200700055206	Noise Comp	20070609	20:43:17	OZK MTN SMOKEHO	215	W	DICKSON	224 N LOCUST, LOUD MUSIC BOTHERING FEMALE

FINAL TOTALS
COUNT 22

* * * E N D O F R E P O R T * * *

INCIDENT #	TYPE ABBV	CALL DATE	CALL TIME	STR #	.	STREET NAME	FIRST LINE OF NARRATIVE
199800000512	Noise Comp	19980103	23:40:36	226	N	LOCUST	POSB AT 224, LOUD PARTY OUTSIDE, LOUD MUSIC
200700018193	Noise Comp	20070224	21:33:38	226	N	LOCUST	LOUD MUSIC IN THE AREA...JH
200700027941	Noise Comp	20070324	23:17:46	226	N	LOCUST	LOUD MUSIC COMING FROM DICKSON STREET THEATER
200700036665	Noise Comp	20070420	23:24:28	226	N	LOCUST	BACK DOOR, UP THE STAIRS, THAT IS WHERE THE
200700039432	Noise Comp	20070428	22:10:24	226	N	LOCUST	LOUD MUSIC COMING FROM THE GARDEN ROOM
200700044374	Noise Comp	20070512	22:31:16	226	N	LOCUST	THE GARDEN ROOM IS TOO LOUD, CALLER ADV HE

FINAL TOTALS
COUNT 6

*** E N D O F R E P O R T ***

INCIDENT #	TYPE ABBV	CALL DATE	CALL TIME	STR #		STREET NAME	FIRST LINE OF NARRATIVE
200300056559	Noise Comp	20030613	2:42:53	229	N	LOCUST	LOUD MUSIC...JPS
200300094796	Noise Comp	20030923	2:54:37	229	N	LOCUST	LOUD MUSIC...KMV
200300095479	Noise Comp	20030925	2:05:23	229	N	LOCUST	LOUD MUSIC COMING FROM THIS LOC..KMV
200300095491	Noise Comp	20030925	2:53:16	229	N	LOCUST	STILL BEING VERY LOUD..MRS
200300096200	Noise Comp	20030927	2:19:33	229	N	LOCUST	LOUD MUSIC..MRS
200300098327	Noise Comp	20031003	0:47:16	229	N	LOCUST	LOUD MUSIC..MRS
200300098346	Noise Comp	20031003	3:02:40	229	N	LOCUST	LOUD MUSIC, C2 SUBJS...JPS
200300100072	Noise Comp	20031008	2:00:16	229	N	LOCUST	LOUD MUSIC..HDK
200300107772	Noise Comp	20031028	22:09:38	229	N	LOCUST	DOWNSTAIRS, LOUD MUSIC, POSB C2...JPS
200300108536	Noise Comp	20031031	0:57:22	229	N	LOCUST	LOUD MUSIC..MRS
200300110017	Noise Comp	20031104	1:09:45	229	N	LOCUST	LOUD MUSIC....KMV
200300125208	Noise Comp	20031217	19:32:20	229	N	LOCUST	LOUD MUSIC FROM THIS APT..SH
200300125251	Noise Comp	20031217	22:35:27	229	N	LOCUST	LOUD MUSIC..MRS

FINAL TOTALS
COUNT 13

*** END OF REPORT ***

Added to the 7-3-07 City Council Agenda at the City Council Meeting

ALDERMAN AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF JULY 3, 2007

FROM:
ALDERMAN LIONELD JORDAN

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:
An Ordinance To Waive The One Year Expiration Of Preliminary Plat Approved For Legacy Pointe Phase 5 And To Grant A One Year Extension

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APPROVED FOR AGENDA:

Lioneld Jordan
Lioneld Jordan
Alderman

7/2/07
Date

Kit Williams
Kit Williams
City Attorney (as to form)

7-2-07
Date

ORDINANCE NO. _______

AN ORDINANCE TO WAIVE THE ONE YEAR EXPIRATION OF THE PRELIMINARY PLAT APPROVED FOR LEGACY POINTE PHASE 5 AND TO GRANT A ONE YEAR EXTENSION

WHEREAS, §166.20 of the Unified Development Code allows for extensions of preliminary plats prior to their normal expiration after one year; and

WHEREAS, Legacy Pointe Phase 5 was not able to complete all of its infrastructure prior to the first year period and failed to timely request an extension from the Planning Commission; and

WHEREAS, it would be unduly costly in time as well as developer's employees and City Staff work hours to require the developers to resubmit a new (and identical) Preliminary Plat and go through the entire approval process again.

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 waives the requirement of §166.20 of the U.D.C. concerning completion of the Preliminary Plat requirements within one year or request to the Planning Commission for an extension within this year period which expired on May 26, 2007, and determines that good cause exists to grant a one year extension of the existing Preliminary Plat, PPL 06-2054, Legacy Pointe Phase 5, as if the request had been submitted timely to the Planning Commission.

PASSED and **APPROVED** this 3rd day of July, 2007.

APPROVED:

By: ______________________________
DAN COODY, Mayor

ATTEST:

By: ______________________________
SONDRA E. SMITH, City Clerk/Treasurer

FAYETTEVILLE MUNICIPAL PROPERTY OWNERS' IMPROVEMENT DISTRICT NO. 19 – OAKBROOKE, PHASE I SUBDIVISION INFRASTRUCTURE PROJECT

COMMISSIONER'S OATH OF OFFICE

I, GLENDA J. HARP, A COMMISSIONER OF FAYETTTEVILLE MUNICIPAL PROPERTY OWNERS' IMPROVEMENT DISTRICT NO. 19– OAKBROOKE, PHASE I SUBDIVISION INFRASTRUCTURE PROJECT HEREBY SWEAR TO SUPPORT THE CONSTITUTION OF THE UNITED STATES AND THE CONSTITUTION OF THE STATE OF ARKANSAS, TO DISCHARGE FAITHFULLY MY DUTY AS AN IMPROVEMENT DISTRICT COMMISSIONER, AND TO NOT BE INTERESTED, DIRECTLY OR INDIRECTLY, IN ANY CONTRACT LET BY THE BOARD EXCEPT UPON THE APPROVAL OF ALL THE OWNERS OF REAL PROPERTY IN THE DISTRICT.

Glenda J. Harp
GLENDA J. HARP

STATE OF ARKANSAS)
)
COUNTY OF WASHINGTON)

On this the 5th day of July, 2007, before me, the undersigned notary public, personally appeared Glenda J. Harp, known to me (or satisfactorily proven) to be the person whose name he subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

Winfield S. Bronson
NOTARY PUBLIC

SEAL

Official Seal
WINFIELD S. BRONSON, JR.
Notary Public-Arkansas
WASHINGTON COUNTY
My Commission Expires 06-18-2012

FAYETTEVILLE MUNICIPAL PROPERTY OWNERS' IMPROVEMENT DISTRICT NO. 19 – OAKBROOKE, PHASE I SUBDIVISION INFRASTRUCTURE PROJECT

COMMISSIONER'S OATH OF OFFICE

I, L. CELESTE HOSKINS, A COMMISSIONER OF FAYETTTEVILLE MUNICIPAL PROPERTY OWNERS' IMPROVEMENT DISTRICT NO. 19– OAKBROOKE, PHASE I SUBDIVISION INFRASTRUCTURE PROJECT HEREBY SWEAR TO SUPPORT THE CONSTITUTION OF THE UNITED STATES AND THE CONSTITUTION OF THE STATE OF ARKANSAS, TO DISCHARGE FAITHFULLY MY DUTY AS AN IMPROVEMENT DISTRICT COMMISSIONER, AND TO NOT BE INTERESTED, DIRECTLY OR INDIRECTLY, IN ANY CONTRACT LET BY THE BOARD EXCEPT UPON THE APPROVAL OF ALL THE OWNERS OF REAL PROPERTY IN THE DISTRICT.

L. CELESTE HOSKINS

STATE OF ARKANSAS)
)
COUNTY OF WASHINGTON)

On this the 5th day of July, 2007, before me, the undersigned notary public, personally appeared L. Celeste Hoskins, known to me (or satisfactorily proven) to be the person whose name he subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

Winfield S. Bronson

NOTARY PUBLIC

SEAL

Official Seal
WINFIELD S. BRONSON, JR.
Notary Public-Arkansas
WASHINGTON COUNTY
My Commission Expires 06-18-2012

RECEIVED
JUL 06 2007
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

FAYETTEVILLE MUNICIPAL PROPERTY OWNERS' IMPROVEMENT DISTRICT NO. 19 – OAKBROOKE, PHASE I SUBDIVISION INFRASTRUCTURE PROJECT

COMMISSIONER'S OATH OF OFFICE

I, TRACY K. HOSKINS, A COMMISSIONER OF FAYETTTEVILLE MUNICIPAL PROPERTY OWNERS' IMPROVEMENT DISTRICT NO. 19– OAKBROOKE, PHASE I SUBDIVISION INFRASTRUCTURE PROJECT HEREBY SWEAR TO SUPPORT THE CONSTITUTION OF THE UNITED STATES AND THE CONSTITUTION OF THE STATE OF ARKANSAS, TO DISCHARGE FAITHFULLY MY DUTY AS AN IMPROVEMENT DISTRICT COMMISSIONER, AND TO NOT BE INTERESTED, DIRECTLY OR INDIRECTLY, IN ANY CONTRACT LET BY THE BOARD EXCEPT UPON THE APPROVAL OF ALL THE OWNERS OF REAL PROPERTY IN THE DISTRICT.

TRACY K. HOSKINS

STATE OF ARKANSAS)
)
COUNTY OF WASHINGTON)

On this the 5th day of July, 2007, before me, the undersigned notary public, personally appeared Tracy K. Hoskins, known to me (or satisfactorily proven) to be the person whose name he subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

Winfield S. Bronson

NOTARY PUBLIC

SEAL

Official Seal
WINFIELD S. BRONSON, JR.
Notary Public-Arkansas
WASHINGTON COUNTY
My Commission Expires 06-18-2012

RECEIVED
JUL 06 2007
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

Ses

RECEIVED
JUL 06 2007
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

Handed out at the City Council Meeting 7/3/07

New Business D.2. Reaffirm the City of Fayetteville's Adopted Policy - Highway 265.

Dear General McDaniel,

In September of 2006 Fayetteville voters were asked to consider 4 questions regarding the sale of bonds for City improvements. Questions three and four dealt with street improvements and trail improvements, respectively. These ballot questions are copied below with my emphasis added:

<u>**Question three**</u> There is submitted to the qualified electors of the City of Fayetteville, Arkansas, the question of the issuance of capital improvement bonds in principal amount not to exceed $ 65, 900, 000 (the " Street Improvement Bonds") pursuant to the Local Government Bond Act for the **purpose of financing all or a portion of the costs of acquisition, construction and equipping of certain street improvements.** If the issuance of the Street Improvement Bonds is approved, the Street Improvement Bonds shall be secured by a pledge of and lien upon (i) all of the receipts of the 0. 25 % Sales and Use Tax and (ii) all of the receipts of the 0. 75 % Sales and Use Tax, each levied pursuant to the Local Government Bond Act.

FOR the issuance of Street Improvement Bonds in principal amount not to exceed $ 65, 900, 000 for the purpose of financing all or a portion of the costs of acquisition, construction, reconstruction, repair, straightening and widening of certain City **streets, which may include related sidewalk, traffic signal and control, curbing, guttering and drainage improvements and right-of-way acquisition.**

AGAINST the issuance of Street Improvement Bonds in principal amount not to exceed $ 65, 900, 000 for the purpose of financing all or a portion of the costs of acquisition, construction, reconstruction, repair, straightening and widening of certain City streets, which may include related sidewalk, traffic signal and control, curbing, guttering and drainage improvements and right-of-way acquisition.

<u>**Question four**</u> There is submitted to the qualified electors of the City of Fayetteville, Arkansas, the question of the issuance of capital improvement bonds in principal amount not to exceed $ 2, 100, 000 (the " Trail Improvement Bonds") pursuant to the Local Government Bond Act for the **purpose of financing all or a portion of the costs of acquisition, construction and equipping of certain City trail system improvements.** If the issuance of the Trail Improvement Bonds is approved, the Trail Improvement Bonds shall be secured by a pledge of and lien

upon (i) all of the receipts of the 0. 25 % Sales and Use Tax and (ii) all of the receipts of the 0. 75 % Sales and Use Tax, each levied pursuant to the Local Government Bond Act.

FOR the issuance of Trail Improvement Bonds in principal amount not to exceed $ 2, 100, 000 for the **purpose of financing all or a portion of the costs of acquisition and construction of certain City trail system improvements, which may include related pedestrian signal and drainage improvements and right-of-way acquisition.**

AGAINST the issuance of Trail Improvement Bonds in principal amount not to exceed $ 2, 100, 000 for the purpose of financing all or a portion of the costs of acquisition and construction of certain City trail system improvements, which may include related pedestrian signal and drainage improvements and right-of-way acquisition.

Many of our citizens in voting for Question three may have assumed the proceeds would pay only for streets and sidewalks and associated curbs, signs or signals. Similarly those voting for Question four may have assumed the proceeds of its passage would pay for alternative transportation modes such as pedestrian pathways or bicycle lanes since that was a separate ballot question.

I hereby request your opinion on the following:

May Fayetteville may use proceeds from the passage of Question three to pay for Bicycle Lanes (which sometimes are referred to as "Bicycle Trails" or "Bicycle Paths")?

If your answer is "yes", must those Bicycle Lanes be part of the paved roadway or may they be separated from the roadway?

Sincerely,

D. 2. Reaffirm the City of Fayetteville's Adopted Policy Highway 265 Handed out at the City Council Meeting 7/3/07

HIGHWAY 265 EXPANSION PROJECT NOTES FOR CITY COUNCIL

COREY OSBORNE
2740 NORTH CANDLEWOOD DRIVE

I. INTRODUCTION

II. CLARIFY PROJECT'S MISSION

Is the purpose of this project to more effectively move vehicle traffic? Is the purpose of this project to implement alternative transportation routes? The expansion project's mission must be one or the other. It cannot be both as these two goals are diametrically in opposition.

III. BICYCLE AND PEDESTRIAN USEABILITY AND SAFETY

I am a personal proponent of alternative transportation options such as bicycle routes; however, unless these projects are implemented within the right context they simply become green space unnecessarily sacrificed for additional asphalt. I believe that the key is to implement only those projects that promote and ensure ridership and use by all levels of the community.

A. BCI (BICYCLE COMPATIBILITY INDEX) METHODOLOGY

(SOURCE: http://www.bicyclinginfo.org/rd/operations.cfm)

1. "Determining how existing traffic operations and geometric conditions impact a bicyclist's decision to use or not use a specific roadway is the first step in determining the bicycle compatibility of the roadway".

2. "...assess the "bicycle friendliness" of a roadway (such as curb lane width, traffic volume, and vehicle speeds)".

a. Curb Lane Width

-wide curb lane widths may somewhat assist in rider comfort levels

b. Traffic Volume

-265 is heavily traveled, and the highway's expansion will promote even higher traffic counts

- Around 44,000 people die in car crashes in the U.S. each year. About 1 in 54 is a bicyclist. (SOURCE: http://bicyclesafe.com/).

-By introducing a bike lane within the context of a heavily traveled divided highway with multiple cross-traffic ingress and egress points, safety is significantly compromised.

c. **Vehicle Speeds**

- The current posted speed limit throughout the 265 residential corridor is 45. However, if the existing large trees and additional median green spaces that border the road and instinctively restrict the motorists' speed of travel are destroyed, vehicle speeds will increase.

-For evidence of this phenomenon please refer to 265 south of the Mission and Crossover intersection.

-Refer to the "Road Diet" theory for optimal bicycle/vehicle design standards from the U.S. DOT. (SOURCE:**http://www.tfhrc.gov/safety/hsis/pubs/04082/index.htm**).

3. Based upon the three primary components that ultimately determine levels of ridership and safety; *Lane Width, Traffic Volume, and Vehicle Speeds*, the proposed 265 expansion overwhelming fails to pass the BCI Methodology. Thus, it is a safe, clear, and historically proven assumption to conclude that very few bicyclists will ultimately, repeatedly utilize bike lanes as proposed on the 265 expansion.

C. VISIBILITY ISSUES

-If paved areas are maximized to the point in which the road's edge is pushed within close proximity to residential neighborhood entrances, motorists' field of vision will be significantly reduced- thereby increasing the danger to bicyclists and pedestrians. Additionally, motorists traveling on 265 and exiting into a neighborhood will have less reaction time in which to slow, stop or evade bicyclists, pedestrians, and/or children at play.

D. LITMUS TEST PROPOSAL FOR ALTERNATIVE TRANS. ROUTES

-Determine some minimum threshold for likely ridership that justifies the expense and displacement of existing, mature landscapes. For example: is the proposed bicycle route for experienced riders/adults only, families, kids, etc.? If the project is designed to be totally inclusive than we must ask ourselves if the common Fayetteville citizen would allow their families, children, etc. to utilize the bike path.

IV. GRASSY MEDIANS

A. LANDSCAPE USEFULNESS AND VIABILITY

-Sacrificing existing, viable, and vibrant mature trees, green areas, and beautification projects in exchange for "landlocked" grassy medians is counterintuitive.

B. MAINTENANCE

-Currently, for the most part Fayetteville citizens beautify and maintain the "green" medians throughout the 265 residential corridor. If the “green” borders are destroyed in favor of “green” medians, the burden and expense of landscaping and maintenance will fall entirely to the City or the State. As evidenced by any divided highway, the State is quite simply not in the business of maintaining residential quality green spaces. If the City maintains the medians, the expense to taxpayers and the danger to city workers increase exponentially.

V. SOLUTIONS

A. UTILIZATION OF EXISTING AREAS FOR BIKE/PEDESTRIAN ROUTES

1. Tulsa Example

2. Safety and Advantages

-“One of the biggest mistakes that people make when they start biking is to take the exact same routes they used when they were driving. It's usually better to take the streets with fewer and slower cars. Sure, cyclists have a right to the road, but that's a small consolation when you're dead. Consider how far you can take this strategy: If you learn your routes well, you'll find that in many cities you can travel through neighborhoods to get to most places, only **crossing** the busiest streets rather than **traveling** on them” (SOURCE: http://bicyclesafe.com/).

-We could protect riders and pedestrians, revitalize mature neighborhoods, and protect existing green spaces (by utilizing existing asphalt areas) by introducing a creative bike route plan that followed the direction of bicylcesafe.com.

3. Speed Restrictions and Traffic Calming Strategies

-Signage and road identifiers could be used to clearly identify bike routes.

-In similar fashion to “Work Areas,” more punitive fines could be established for speeding (etc.) along bike routes

B. FLEXABLE MEDIAN WIDTHS BASED UPON ENVIRONMENTAL CONTEXT

-“Green” medians may serve a valuable aesthetic purpose in those portions of 265 that fall within the commercial context in which “green” borders are absent.

VI. CONCLUSION

Fayetteville is a vibrant, eco-progressive community. I hope that the 265 expansion will ultimately mirror these characteristics and that we will utilize a design that delicately deals with the existing environment rather than brutishly obliterating the residential corridor with a wide swath of pavement.

Reaffirm the City of Fayetteville's Adopted Policy - Highway 265. Handed out at the City Council Meeting 7-3-07

RESOLUTION

A resolution to support the H1 Design for the widening of Highway 265 including bike lanes.

WHEREAS, a goal of the City of Fayetteville's 2025 Plan (which was created with public input) was to create efficiency and connectivity through road improvements and to development a trail system; this plan designates Highway 265 as a major north/south artery.

WHEREAS, a goal of the City of Fayetteville's FATT Plan (which was created with public input) is to create a sustainable alternative transportation system through the development of a trail system which would connect residential, commercial and recreational areas of the city. This plan designates Highway 265 as a major north/south artery for bike lanes.

WHEREAS, the City of Fayetteville has already pledged $7.7 million to the improvements to Highway 265 which includes bike lanes, and the City of Fayetteville would not realize any savings if the bike lanes were omitted.

WHEREAS, the ideal time to build the bike lanes would be during the construction phase and not after the improvements have been completed.

NOW, THEREFORE, BE IT RESOLVED BY THE SIDEWALK AND TRAILS TASK FORCE OF THE CITY OF FAYETTEVILLE, ARKANSAS:

We do unanimously support the H1 Alternative for the widening of Highway 265 including bike lanes.

PASSED and **APPROVED** this 27th day of June, 2007.

6/27/07

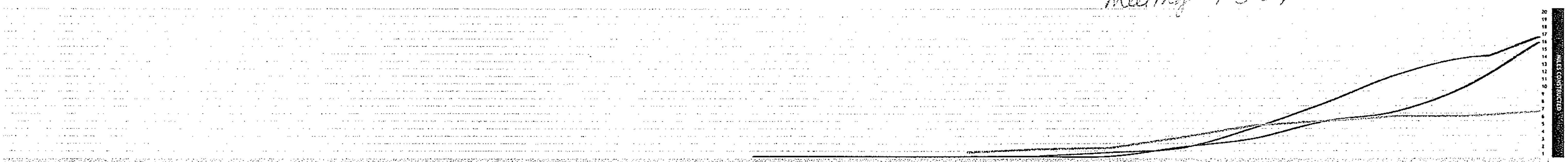
Chairman, Sidewalks and Trails Task Force

Trails Program Update
Handed out at the City Council
Meeting 7-3-07

updated 7/3/2007

Fayetteville, Arkansas

Trails Timeline



1978
Research on the concept of a bikeway system began with a survey of bicycle use among the residents.

1979

1980
Bicycle Task Force was formed to discuss the possibility of a major bicycle transportation way throughout the City.

1981
Resolution #2-81 approved a master Bikeways Plan for the City of Fayetteville.

1982
Bicycle Routes within the downtown area including Mountain, Center, Block, and East Streets were identified with bike route signs and included bike racks. Grant funding in the amount of $15,000 through the Arkansas State Highway & Transportation Department was used for the Bicycle Routes.

1983

1984

1985

1986

1987

1988

1989

1990

1991
Intermodal Surface Transportation Efficiency Act (ISTEA) funding becomes available for alternative transportation projects nation wide.

1992

1993
A bikeway system feasibility report was completed by Kim Hesse.

The Trails Advisory Group was created as a citizen group with the goal of adopting a trail master plan.

1994
The City receives $400,000 in ISTEA funding for trail projects.

1995

1996
The Sidewalk and Trails Coordinator was hired - Chuck Rutherford.

Sidewalks were added to the Trails Advisory Group.

A consultant, Mehlburger was paid $147,127 to assist in right of way acquisition including what is now Frisco Trail from Center Street to Prairie Street.

The first part of Mud Creek Trail was constructed east of Front Street by Mr. Jim Lindsey - 0.22 miles.

1997
City awarded T-21 federal funding for trail projects.

1998
The Lake Fayetteville Trails Master Plan was created by LandPlan Consultants.

The Sidewalks and Trails Advisory Group and City Staff spent each Friday walking potential trail corridors and evaluating their feasibility. The group consisted of Laura Kelly, Eric Schultz, Chuck Rutherford, Bob Davis, Rex Defour and Celia Scott-Silkwood.

1999
Right of way acquired for Raven Trail.

Rolling Hills On-Street Linkage from College Avenue to Old Missouri Road - 0.71 miles.

2000
Rupple Road On-Street Linkage from Mount Comfort to Edgewater - 0.42 miles.

2001
The Trails Coordinator was hired - Steve Hatfield.

The Sidewalks and Trails Advisory Committee was established by Resolution #71-01.

Frisco Trail Right of Way purchased for approximately $70,000.

Separated the Trails program from Sidewalks.

Gulley Park Trail Extension - 0.30 miles.

Mud Creek Trail from Kitty Creek to Old Missouri Road - 0.69 miles.

Raven Trail from Old Missouri Road to Katherine - 0.27 miles.

Sixth Street On-Street Linkage from Wood to Morningside - 0.16 miles.

2002
East Mud Creek Trail from Front Street to Old Missouri Road, Raven Trail from Katherine to Old Missouri, and Gulley Extension Trail to Azalea Terrace were designed by the Engineering Division and constructed using T-21 Federal Funding.

Mud Creek Trail from Front Street to Steele Boulevard - 1.13 miles.

Joyce Boulevard On-Street Linkage from Hwy 265 W to Front Street - 1.41 miles.

2003
The Fayetteville Alternative Transportation & Trail Master Plan was adopted by City Council resolution #131-03.

West Mud Creek Trail, originally Designed by Milholland Engineering, was redesigned by the Engineering Division due to bids being too high. The project was re-bid and was awarded to Sweetser Construction for under 1/3 of the original cost.

Arkansas Recreational Trails Grant awarded to the City for Lake Fayetteville Trail.

Street Division, Sidewalk Division, and Traffic Division consolidated into the unified Transportation Division.

Rupple Road On-Street Linkage from Wedington to Persimmon - 0.47 miles.

Vantage Street On-Street Linkage from Joyce Boulevard to Zion Road - 0.63 miles.

Garland On-Street Linkage from Maple to Wedington - 0.50 miles.

2004
Frisco Trail from 6th Street to Center Street completed by Sweetser Construction - 0.46 miles.

Lake Fayetteville Spillway Bridge and Trail from Veterans Park to the Softball Complex was completed by Mobley Contractors - 0.55 miles.

Walker Park Trail Constructed - 1.30 miles.

Lake Fayetteville Park road resurfaced for use as part of the trail connecting to the North Shore parking lot.

East Mud Creek Trail Head parking lot paved off Old Missouri Road.

Old Missouri Road On-Street Linkage from Rolling Hills to Farr Lane and Mud Creek Trial to Joyce - 0.59 miles.

2005
In house Trail Construction Crew Created in the Transportation Division composed of a 9 member crew and $893,149 allocated for 2005 with 1.3 million recurring.

Trails Coordinator Position moved to the Engineering Division.

Mud Creek Trail from Mud Creek to Joyce designed and constructed as first fully in-house trail - 0.18 miles.

Lake Fayetteville Trail Phase I from North shore to Environmental Study Center designed and constructed in-house - 0.96 miles.

Town Branch Creek Trail - west side of Beechwood Constructed by Crowne Apartments - 0.15 miles.

Front Street On-Street Linkage from Millsap to Joyce Boulevard - 0.62 miles.

2006
New Trails Coordinator hired - Matt Mihalevich.

9.91 acres / 2.23 miles of multi-use easements acquired.

7.63 acres / 0.2 miles of property purchased for trails.

Scull Creek Trail from Fulbright Expressway to Gordon Long Park designed and constructed in-house - 0.7 miles.

Frisco Trail from Center Street to Spring Street designed and constructed in-house - 0.17 miles.

St. Paul Trail from Morningside to Armstrong designed and constructed in-house - 0.78 miles.

Shiloh Trail from Hwy 112 to Moore Lane constructed by Haynes Construction - 0.75 miles.

Happy Hollow Trail Constructed By Barber Group - 0.15 miles.

Clabber Creek Trail designed and constructed in-house - 0.65 miles.

Town Branch Creek Trail from Beechwood to Razorback Road and includes bridge - 0.22 miles.

2007
16.97 acres / 4.5 miles of multi-use easements acquired.

0.65 acres / 0.16 miles of property purchased for trails.

Lake Fayetteville Trail Phase II from the environmental study center to Hwy 265 designed and constructed in-house - 1.22 miles.

Scull Creek Trail Phase II - U of A Agri Farm completed and currently under construction - 0.52 miles.

Hamestring Creek Trail - Currently under construction - 0.62 miles.

Owl Creek Trail From Rupple Road west to 54th Street - 1.4 miles.

Scull Creek Trail from Mud Creek Trail at Steel Boulevard to Gregg Street at Van Ache 0.69 miles.

Scull Creek Trail from Gordon Long Park South to Wilson Park - 1.74 miles.

Razorback Road On-Street Linkage from 15th Street to 6th Street - 0.55 miles.

2007 Future Trails
Sidewalk Construction
Multi-Use Trail Construction
On-Street Linkage

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
July 3, 2007

A meeting of the Fayetteville City Council will be held on July 3, 2007 at 6:00 PM in the District Court Room located at 100 W. Rock Street, Fayetteville, Arkansas.

Call to Order
Roll Call
Pledge of Allegiance

Fayetteville Downtown Partners Update-Agenda Session Only

A. CONSENT:

1. **Approval of the June 19, 2007 City Council meeting minutes.**

B. UNFINISHED BUSINESS:

1. **R-PZD 07-2551 (Champions Club Condos):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 07-2551, Champions Club Condos, located at the southwest corner of Razorback Road and 15th Street, east of the Crowne Apartments; containing approximately 4.42 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Mater Development Plan. ***This ordinance was Left on the Second Reading at the June 19, 2007 City Council meeting.***

2. **Amend Chapter 161: Zoning Regulations:** An ordinance amending Title XV: Unified Development Ordinance of the Code of Fayetteville to amend Chapter 161: Zoning Regulations in order to clarify language regulating the height stepback of buildings located in the Main Street Center Zoning District. ***This ordinance was Left on the Second Reading at the June 19, 2007 City Council meeting.***

C. PUBLIC HEARINGS:

1. **Hotel Executive Transportation:** A resolution granting a Certificate of Public Convenience and Necessity to Hotel Executive Transportation, LLC for the operation of five (5) to fifteen (15) limousines in the City of Fayetteville, Arkansas.

2. **NWA Taxi:** A resolution granting a Certificate of Public Convenience and Necessity to NWA Taxi, LLC for the operation of five (5) to fifteen (15) taxicabs in the City of Fayetteville, Arkansas.

D. NEW BUSINESS:

1. **Fayetteville School Board Support:** A resolution in support of the Fayetteville School Board's careful study and consideration of options for the Fayetteville High School.

2. **Reaffirm the City of Fayetteville's Adopted Policy – Highway 265:** A resolution to reaffirm the adopted policy of the City of Fayetteville that Highway 265 north of Mission Boulevard be widened as a principal arterial as depicted on the City Master Street Plan and as shown as alternate H-1 by the Arkansas Highway and Transportation Department,

3. **Air Cleaning Technologies Bid Waiver:** An ordinance waiving the requirements of formal competitive bidding and approving the purchase and installation of a Plymovant Vehicle Exhaust Removal System from Air Cleaning Technologies in the amount of $49,328.00 plus applicable taxes for Fire Station #3.

4. **United Engines Bid Waiver:** An ordinance waiving the requirements of formal competitive bidding and approving the purchase of a Generac Back-up Power Generator from United Engines in the amount of $28,000.00 plus applicable taxes for Fire Station #3.

5. **RZN 07-2602 (ARMAC/Hopmann):** An ordinance rezoning that property described in rezoning petition RZN 07-2602, for approximately 0.18 acres, located at 28 South University Avenue from NC, Neighborhood Conservation, to MSC, Main Street Center.

6. **VAC 07-2600 (Joyce Business Park):** An ordinance approving VAC 07-2600 submitted by Steve Clark for property located at 2474 East Joyce Boulevard to vacate a portion of a utility easement within the subject property, a total of 0.023 acres.

7. **Amend Chapter 161: Zoning Districts:** An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 161: Zoning Districts in order to consider specific areas that are currently zoned Downtown General a Commercial Zoning District between 1 P.M. to 11 P.M. and as a residential zone for all other locations and times for the purposes of the noise ordinance.

E. INFORMATIONAL:

City Council Tour: July 2, 2007

Attainable Housing Program Memo Attached

CULTIVATE COMMUNICATE COLLABORATE

FAYETTEVILLE DOWNTOWN PARTNERS

City of Fayetteville Contract for Services
2007 Deliverables: January—June

Fayetteville Downtown Partners
P.O. Box 3573 Fayetteville, AR 72702
(479) 571-3337 fdp@fayettevilledowntown.org
www.fayettevilledowntown.org www.fayettevillearts.org

CITY OF FAYETTEVILLE
CONTRACT FOR SERVICES

This agreement is entered into on this 19th day of December, 2006, between the City of Fayetteville and Fayetteville Downtown Partners, an Arkansas not-for-profit corporation, hereinafter known as FDP. This contract is for services to be provided during 2007.

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

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

Whereas, the City desires to assist a partner that will work with the City to maximize opportunities resulting from these challenges and changes; and

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; and

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 OF FAYETTEVILLE AND FAYETTEVILLE DOWNTOWN PARTNERS AGREE TO THE FOLLOWING:

1. Fayetteville Downtown Partners 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;

- 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 continue the banner policy to coordinate the installation of banners on downtown light poles and across Dickson Street pursuant to the City's Sign Ordinance.

Establish a Downtown Improvement District (DID)

- Collect signatures of property owners representing two-thirds (67%) of the total assessed downtown property value;

- Request 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.

Fayetteville Downtown Partners 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. FDP will 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 the Planning and Development Management Director. 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 invoice the City for request for payment as stated in this contract under Item 7.

In agreement with all terms and conditions set out above we sign below:

FAYETTEVILLE DOWNTOWN PARTNERS, INC.

By: [signature]

BRANDON KARN
(Printed Name)

TRES. OF FDP
(Title)

CITY OF FAYETTEVILLE, ARKANSAS

By: [signature]
DAN COODY, Mayor

ATTEST:

By: [signature]
SONDRA SMITH, City Clerk

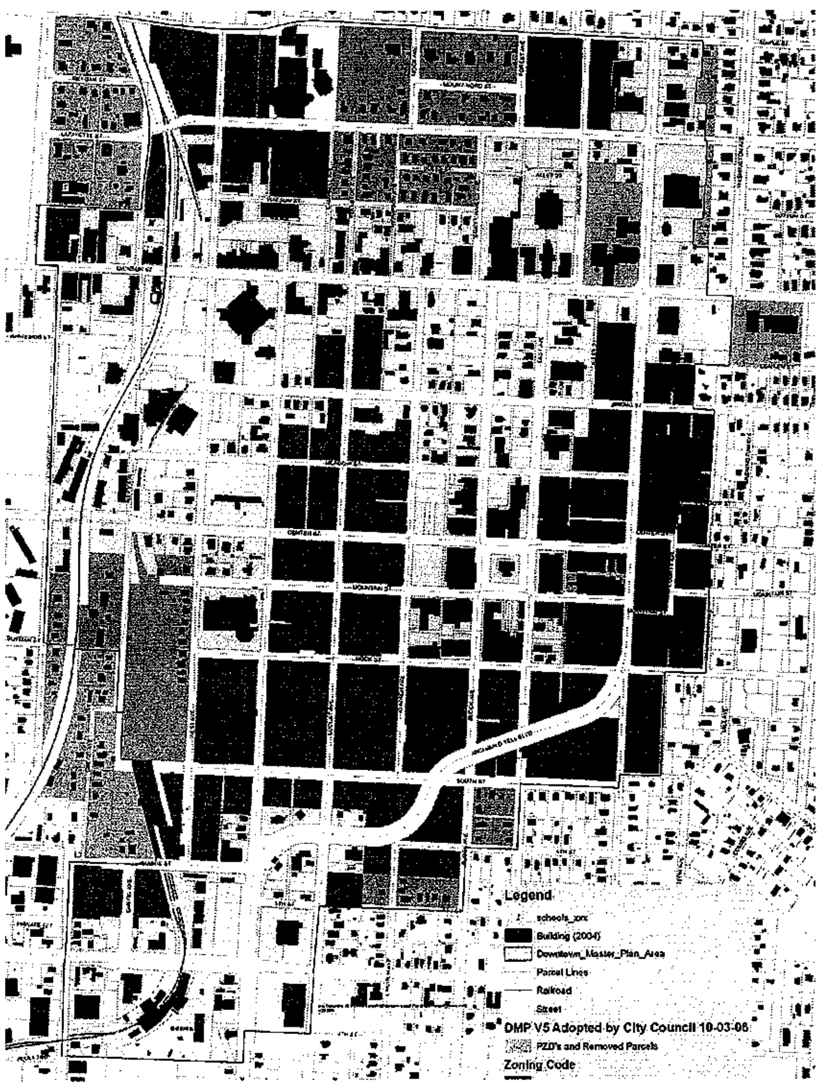
CITY CLERK/TREASURER
CITY OF
FAYETTEVILLE
ARKANSAS
WASHINGTON COUNTY

Table of Contents

DOWNTOWN AT A GLANCE

Size – approx. 350 acres (1.2% of city)
*Density – 3,879 persons per square mile
*Estimated Population – 2,466
*Estimated housing units – 1,232
Owner occupied – 190 (16.7%)
Renter occupied – 947 (83.3%)
Number of businesses – approx. 235
Neighborhood Associations - 6
Number of property owners – 590
Number of parcels – 1,296
2007 estimated market value of downtown - $204,741,103
2007 estimated assessed value of downtown - $34,663,663
2007 estimated property taxes generated by downtown – $1,826,775
2006 HMR taxes generated by downtown restaurants - $219,354
2006 HRM taxes generated by downtown hotels/motels - $62,408

*figures provided by Northwest Arkansas Regional Planning from 2000 Census and based on .5 radius from Center/Church centerpoint (.8 sq. mi.)



WHO WE ARE

Fayetteville Downtown Partners (FDP) is an independent, non-profit organization that champions the needs of downtown, working with multiple, interrelated partners – businesses and economic development entities, residents, elected and appointed officials, City of Fayetteville staff, the University of Arkansas, cultural institutions and individual artists - to strengthen and promote the heart of the city.

WHAT WE DO

There are many issues facing urban centers and without a focused approach that forwards an overall vision, opportunities can be lost. Fayetteville Downtown Partners is committed to developing and implementing action plans that grow with the ever changing landscape of a dynamic downtown.

Our focus areas include:

- Infrastructure
- The Business Environment
- Neighborhoods and Downtown Living
- Arts and Culture

2007 Board of Directors

President
Daniel Keeley, *DK Design*
Secretary
Jeanette Balleza, *Scribe Marketing*
Treasurer
Robert Christiansen, CPA

Brittany Adair, *Romance Diamond Jewelry Company*
Jill Anthes, *University Facilities Management Planning Group*
Catherine W. Bass, *downtown resident*
Jeff Collins, *Endeavor Consulting*
Robert Groom, *retired*
Paul Heck, *Cyntergy Architecture, PLLC*
Greg House, *Houses, Inc.*
Cindy Kalke, *Historic District Commission*
Brandon Karn, *Jammin' Java*
Tim Klinger, *Historic Preservation Associates, LLC*
Sarah Lewis, *UA doctoral student*
Tom Overbey, *Overbey, Graham, Strigel & Westbrook, PLC*
John Pearson, *Brewski's Draft Emporium*
Chrissy Sanderson, *Bordinos*
Helena Gadison, *East Meets West Spa & Salon*
Robert Baker, *Edward Jones Investments*
Ron Woodruff, *Woodruff Law Firm*

Ex-Officio
City of Fayetteville Planning Department
Fayetteville Chamber of Commerce
Fayetteville City Council
Fayetteville Convention and Visitors Bureau
Fayetteville Council of Neighborhoods
Fayetteville Economic Development Council
Fayetteville Public Library
Office of the Mayor
University of Arkansas
Walton Arts Center

Past Board President, *Steve Davis*
Past Board President, *Leslie Belden*
Past Board President, *Sharon Hoover*

2007 CITY OF FAYETTEVILLE CONTRACT FOR SERVICES

Fayetteville Downtown Partners is under a $40,000 contract with the City of Fayetteville to provide the following in 2007:

Strengthen the infrastructure of Downtown Fayetteville by providing 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; and meet with City staff and/or elected officials as appropriate to coordinate efforts to implement the Downtown Master Plan vision.

2007 Deliverables

1. **Public meetings and outreach**

   FDP tracks projects, initiatives and events that could impact downtown stakeholders, quickly relating updated and relevant information to downtown businesses, property owners and Neighborhood Associations. FDP also facilitates individual and group meetings on these issues, providing further research and information when requested. Some specific 2007 examples include:
   - City of Fayetteville RFP Downtown Parking Deck Project
   - Downtown Master Plan Height Amendment
   - Downtown Master Plan Architectural Standards
   - Historic District Commission findings
   - Downtown street closures due to construction or events
   - Dickson Street Banner program and the amended Sign Ordinance
   - Bikes, Blues and BBQ potential Square program expansion
   - Master Street Plan amendments
   - City information meetings (merchant meetings, residential meetings, etc.)
   - The Mill at West End – a downtown Mill District development project

2. **One Vision. One Voice II – Wayfinding and Signage**

   FDP produces the One Vision. One Voice think tank series that engages multiple interest groups to develop, in partnership, action steps that directly address challenges that face our city and downtown. Wayfinding and signage the subject of this seconf OV.OV in the series.
   - In partnership with the University of Arkansas, FDP brought together several organizations to discuss the development and implementation of a comprehensive wayfinding and signage program
   - FDP worked with Cloud Gehshan, the University's contracted wayfinding consultant, to develop a proposed scope of work with potential cost sharing with partners
   - FDP, the Convention and Visitors Bureau and the University are working together to implement comprehensive wayfinding program

"I feel (Fayetteville Downtown Partners) is critical to maintaining a vibrant downtown that belongs to all of us...Their effectiveness is due in large part to their independence from any one faction: FDP works directly with citizens, artists, local retailers, property owners, developers, city planners, and downtown residents. No other group advocates for such a large clientele."
Rob Sharp, *architect*

Create a Cultural District in downtown Fayetteville by providing 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.

2007 Deliverables

1. **Cultural Arts District White Paper**
   After 27 interviews of peer cities with Cultural Districts, research on creative polices in 54 cities and survey with over 200 artists and arts patron responses, FDP developed a Cultural Arts District White Paper in 2006 that outlined recommended policies and implementation process of a sustainable Cultural District. In 2007, FDP updated the document and submitted a new version to the Planning Commission for review.

2. **Expansion of the Fayetteville Arts Festival**
   Identified as vital step to develop a sustainable Cultural Arts District, the Fayetteville Arts Festival continues to expand its scope, outreach and programming. Some 2007 highlights include over 150 visual and performing artists from across the mid-South, promotion of 57 Fayetteville restaurants/bars and 66 Fayetteville retail stores, and an expected media outreach to over 1.9 million individuals in a four state area.

3. **Establishment of a Public Art Policy**
   Identified as a necessary step to develop a sustainable Cultural Arts District, FDP researched and developed a Public Art Policy. Our organization worked with Fayetteville Parks and Recreation Department, Fayetteville Planning Department, the City Attorney's office, the Ordinance Review Committee and local artists and arts institutions on the final recommendation.

4. **Establishment of a Fayetteville Arts Council**
   Identified as a necessary step to develop a sustainable Cultural Arts District, FDP researched and developed the scope and accompanying ordinance of the Fayetteville Arts Council. We worked with Fayetteville Parks and Recreation Department, Fayetteville Planning Department, the City Attorney's office, the Ordinance Review Committee and local artists and arts institutions on the final recommendation. FDP also conducted an aggressive recruitment campaign with the goal of ensuring a diverse group of nominations for consideration.

5. **www.fayettevillearts.org – Fayetteville's Arts and Culture Website**
   This website was initially used to help facilitate discussion and public feedback regarding a proposed Cultural Arts District. This web project has now morphed into a one-stop resource for artists and arts patrons looking for the "what's what" in Northwest Arkansas' cultural community. Web traffic has experienced a 3,210% increase in unique visitors since going online in mid-2005. The site now provides resources, information and updated cultural policy action items for the over 2,100 unique visitors per month. It ranks #1 on Google hits.

"We sincerely appreciate the work that Fayetteville Downtown Partners is doing to ensure that downtown Fayetteville is a dynamic and vital part of the Northwest Arkansas community...There is no other entity able to do the work they are doing."
Terri Trotter, *Vice President of External Affairs, Walton Arts Center*

Create a Cultural District in downtown Fayetteville—2007 Deliverables con't

6. Planning Commission Cultural Arts District Task Force
FDP facilitated task force meetings and provided an updated Cultural Arts District White Paper, creative economy economic impact research and draft district purpose statements in order to forward Task Force recommendations to full Planning Commission.

7. Americans for the Arts Study
FDP was a financial partner with the Walton Arts Center and several other local and regional economic development entities to engage Americans for the Arts, the nation's leading non-profit organization in advancing the arts in America, in identifying the economic impact of the nonprofit arts and cultural organizations and their audiences in Northwest Arkansas. This regional report is part of the Americans for the Arts national "Arts and Economic Prosperity" study. The report was released in June and its findings will help inform Fayetteville's cultural and economic development strategies.

8. "Creativity in the Natural State: Growing Arkansas' Creative Economy" Report
The 2006 Fayetteville Arts Festival poster is on the front cover of this statewide report on growing Arkansas' creative economy. The research is being conducted by Regional Technology Strategies, in partnership with the Arkansas Arts Council, the Arkansas Science & Technology Authority and the Arkansas Association of Two-Year Colleges. The report is released statewide and will be used by local and state entities to help develop economic development initiatives and policies.

9. National Governor's Conference and Council on Competitiveness report *"Innovation America: Cluster Based Strategies for Growing State Economies"*
FDP's efforts to establish a Cultural Arts District in downtown was cited in this report as a model for "cluster based strategies" for growing the local, regional and state economy. The report was developed by the National Governors Association (NGA), a collective voice of the nation's governors, one of Washington, D.C.'s most respected public policy organizations and the Council on Competitiveness, a nonpartisan, nongovernmental action think tank located in Washington D.C.

10. Governor's Arts Awards Jury member
FDP was asked to represent the Northwest Arkansas region as an Arkansas Governor's Arts Awards Jury member. The annual Governor's Arts Awards program recognizes individuals and corporations for their support of the arts in Arkansas.

11. ArtLinks conference Creative Economy panelist
FDP has been asked to serve on the Creative Economy panel for the ArtLinks statewide conference, representing our efforts to strengthen the creative economy in Fayetteville and Northwest Arkansas.

12. Administrative support for Springfest
Fayetteville Downtown Partners provided programming and logistics support for Springfest 2007.

"Fayetteville is a prime location for the arts community to flourish, and I certainly hope to see the fruits of your efforts through your model Cultural Arts District."
Rep. John Boozman (R-AR 3rd District)

Manage downtown banner program by establishing and implementing a banner policy and coordinating the installation of banners on downtown light poles and across Dickson Street

2007 Deliverables

1. **Forwarding policy recommendations to implement program within sign ordinance**
   FDP developed policy recommendations to ensure our contractual obligations to the City of Fayetteville for implementing and coordinating a banner policy fell within the Fayetteville Sign Ordinance. City Council passed City Attorney recommended changes.

2. **Developing "best practice" design recommendations**
   Researching banner programs in 10 peer cities, graphic design "best practices" for cross-street banners, and banner safety recommendations from the Northwest Arkansas Sign Shop, FDP developed "best practive" design standards for the Dickson Street banner program.

3. **Coordinating installation of Dickson Street banners**
   As of June, FDP has worked with 14 nonprofit organizations to hang 15 banners.

Establish a Downtown Improvement District (DID) by collecting signatures of property owners representing two-thirds (67%) of the total assessed value of the proposed district, gaining City Council approval for the creation of the DID and install the necessary structures to initiate the DID in 2007, with initial DID funding beginning in 2008.

2007 Deliverables

1. **Central Business Improvement District (CBID) State Law changed by a FDP-led statewide coalition of downtown entities**
   FDP recognized that Arkansas improvement district enabling legislation did not address certain issues raised by property owners during the development of Fayetteville DID's management plan and petition. FDP worked with Rep. Lindsley Smith and a coalition of downtown organizations throughout the state in developing House Bill 2246. FDP testified before House and Senate committees, and HB2246 was signed into law by Governor Mike Beebe early 2007. This bill amended several parts of the CBID legislation, most notably changing the number of commissioners governing a district from a maximum of five to a minimum of five. This change allows for an increased (and potentially more diverse) representation on the district. Commissioner terms were also defined, along with specifically identifying "value added" services such as security, maintenance improvements, marketing and promotion, and administrative services.

2. **Continued progress in signed petitions**
   The DID petition process began in September 2006. Nine months into the petition drive, 74 entities owning 183 parcels and representing 42% of the proposed district's assessed value have been submitted. According to state law, the DID shall be formed upon receiving petitions representing 67% of the assessed value.

3. **Continued outreach to downtown property owners**
   Since May of 2005, Fayetteville Downtown Partners held 16 group meetings in the development of the proposed DID management plan, with attendance ranging from 16 to 45 property owners. Fayetteville Downtown Partners continues to conduct an information-based outreach campaign to individual property owners in order to achieve the necessary 67% of the assessed value.

In addition to these specific items, the City has also asked us to take the lead on the following:

Support downtown businesses by working with the various economic development groups to support economic development efforts within the Downtown Master Plan boundaries; and 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.

2007 Deliverables

1. **Chamber of Commerce Small Business Development Committee**
   Daniel Hintz is the chair of the Small Business Development Committee. This committee's purpose is to identify the needs of small business and develop or support initiatives and programs that address those needs. The committee has developed a monthly educational speakers list, produces the Chamber's Business Expo and acts as a networking opportunity for small business owners.

2. **Downtown/Mall Area Retail study**
   Fayetteville Downtown Partners is leading efforts to conduct a retail study that focuses on both downtown and the Fayetteville Mall/Restaurant Row. The study will consist of a field study to identify strengths and gaps in the city's retail market, true trade area, and a comprehensive market analysis that will help guide recruitment and retention of retail sectors. Fayetteville Downtown Partners is working with the Chamber of Commerce, Fayetteville Economic Development Council, Convention and Visitors Bureau and the City of Fayetteville on this study.

3. **State of Downtown Report**
   Fayetteville Downtown Partners is gathering key downtown data that will culminate into an annual State of Downtown Fayetteville report. The goal of this report is to identify market trends and assess the overall health of the downtown area in order to inform sound downtown economic development initiatives. Fayetteville Downtown Partners is utilizing the information as it comes in to strengthen and support current recruitment and retention efforts.

"As a new business just off the historic Downtown Square, FDP has been extremely supportive of my gallery. They have made themselves available as a sounding board, given suggestions and relayed aspects of the business climate."
Dede Peters, *owner, ddp gallery*

"As a small business owner, the resources and services provided by (Fayetteville Downtown Partners) far surpass what I can do as an individual. The larger chain operations have their own built-in resources, but we, as single operation businesses, rely on entities such as FDP."
Vince Pinalto, *owner, La Maison des Tartes*

"Fayetteville Downtown Partners is an ally to downtown businesses and organizations, not only to retail and entertainment concerns, but to service based businesses like ours as well."
Tim Walker, *President and Creative Director, DOXA Total Design Strategies*

"The Fayetteville Economic Development Council believes both organizations have a vital role to play and we complement each other, all for the long term good of Fayetteville."
Steve Rust, *President, Fayetteville Economic Development Council*

Engage downtown neighborhoods by working with the Fayetteville Council of Neighborhoods as it pertains to issues that fall within the boundaries of the Downtown Master Plan; partnering with the six downtown neighborhood associations to facilitate input into all initiatives that effect downtown stakeholders; and 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.

2007 Deliverables

1. **Fayetteville Council of Neighborhoods outreach**
   The Fayetteville Council of Neighborhoods is included as a Fayetteville Downtown Partners Board of Directors Ex-Officio member and its chair receives Fayetteville Downtown Partners Board member information and correspondence.

2. **Downtown Neighborhood Association outreach**
   Fayetteville Downtown Partners informs the Council of Neighborhoods identified chairs of the Dickson Street Neighborhood Association, Town Mountain South Neighborhood Association, Mill District Neighborhood Association, West Lafayette Historic District Neighborhood Association, Washington Willow Historic District Neighborhood Association and the Jennings Plus Neighborhood Association about issues impacting their downtown neighborhoods.

"The organization is extremely creative, knowledgeable and experienced, and thus able to accomplish things on a high order of importance."
Ralph Nesson, Jefferson/Walker Park Neighborhood Association

"I have found the Fayetteville Downtown Partners to be a terrific neighborhood resource. They seem to establish a link between the citizens and the City Staff. They have the time and the expertise to understand the often complicated City Policy and Ordinance, and are able to educate the neighbors as to how we can live in and promote the Fayetteville Downtown Neighborhoods...It is my hope they will be a resource in the years to come."
Alan Ostner, Jennings Plus Neighborhood Association

Market the downtown experience by developing 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.

2007 Deliverables

1. **Recruitment HTML**
   Fayetteville Downtown Partners has developed a downtown specific relocation and business recruitment email and webpage that can be used in conjunction with other electronic relocation guides from the Convention and Visitors Bureau, Chamber of Commerce and Fayetteville Economic Development Council. Fayetteville Downtown Partners is also pitching its use within the vendor community as a Human Resource tool for recruiting new talent to Northwest Arkansas.
2. **www.fayettevilledowntown.org**
   Fayetteville Downtown Partners revamped its website in March. Fayetteville Downtown Partners will be adding a downtown business directory in the near future. The site averages 1,200 unique visitors per month and ranks #3 on Google page hits
3. **Supporting CVB conference/sports tournament planning by connecting CVB events with downtown businesses**
   Fayetteville Downtown Partners works with the Convention and Visitors Bureau to help promote promotional opportunities to downtown businesses, inform downtown businesses of incoming conferences and events, and develop marketing talking points on the downtown area.

"Fayetteville Downtown Partners work pays huge dividends for our citizens and the thousands who visit each year and wish they were citizens."
Mark Blackwood, *former executive vice president of Blackwood Martin/CJRW Advertising*

"Through the efforts of Fayetteville Downtown Partners, we receive immeasurable support in the continued development of the cultural and tourism experiences that our downtown district has to offer."
Shannon McCaig, *Director of Sales and Marketing, Cosmopolitan Hotel*

"I want to express how important Fayetteville Downtown Partners is to the growth and development of downtown Fayetteville."
Cindy Arsaga, *owner, Arsaga's Coffee*

"The work FDP is doing is important, but the way you approach your work is something that I particularly appreciate. First, you work toward, then from, a consensus vision for the future. Second, you skillfully work with current efforts."
Jim Lukens, *former Market Manager, Fayetteville Farmer's Market*

"Your sponsorship of the Fayetteville Arts Festival and leadership in the formation of the Downtown Improvement District and Cultural Arts District is impressive."
Sen. Blanche Lincoln (D-AR)

"As we look to neighboring communities, Fayetteville enjoys the reputation of having a dynamic downtown where people come from all over to enjoy our entertainment/arts district. We must expand upon that reputation, and create new and exciting draws to our area. I believe FDP is working to accomplish this goal
Hope Bradberry, *Director of Development, Fayetteville Public Library*

The Cultural Arts District:
Heartbeat of Fayetteville's Creative Economy

CULTIVATE COMMUNICATE COLLABORATE

FDP

FAYETTEVILLE DOWNTOWN PARTNERS

Executive Summary

THE CULTURAL ARTS DISTRICT INITIATIVE

In 2005, the City of Fayetteville contracted with Fayetteville Downtown Partners to identify the structure, boundaries and services of a downtown Cultural Arts District.

DEFINITION OF A CULTURAL ARTS DISTRICT

The Fayetteville Cultural Arts District is a geographically defined, well-organized, labeled, mixed-use area capitalizing on local and regional assets that are specific to the cultural, economic and social issues of the community. The district emphasizes the area's high concentration of creative assets and related activities, while strengthening and enhancing the creative sector of the city.

DEFINITION OF THE CREATIVE SECTOR

The creative sector includes:

- √ People and companies whose product is art, design or performance (e.g., potters, writers, jewelers, actors, musicians, producers and web page designers)
- √ Companies in which art or design provides the distinguishing feature or competitive advantage of a product or service (e.g., designer home furnishings, high fashion clothing or CDs)
- √ Companies with services that are defined by art or design (e.g., advertising agencies, landscapers and architects)
- √ Companies that sell, supply, or contribute to art or design-dependent products or services
- √ (e.g., galleries, theatre companies, craft and supply distributors, and arts councils, arts or craft schools and art foundries)

PURPOSE OF A CULTURAL ARTS DISTRICT

The purpose of the Fayetteville Cultural Arts District will be to strengthen and enhance the creative sector of the city which includes, but is not limited to, the activities of cultural organizations and commercial enterprises supporting or directly engaged in the applied arts, individual artists and self-employed creative professionals.

Consider a Cultural Arts District as an industrial park for the Creative Sector – a defined area generating creative goods and services that promotes and enhances Fayetteville's identity while strengthening current economic development efforts. The creation of the district ensures our city remains the region's epicenter of innovation and creativity – paying substantial dividends across the economic and social spectrum.

BENEFITS OF A CULTURAL ARTS DISTRICT

The Fayetteville Cultural Arts District is expected to attract new users and visitors to the City and to spur investment in the area's properties. The creation of the Fayetteville Cultural Arts District should also increase new business activity and enhanced tax revenues.

PROPOSED BOUNDARIES

The boundaries for the Fayetteville Cultural Arts District are composed of soft edges that flow with the cultural and physical development, as well as market trends, that overlap within the downtown area. The boundary is roughly Maple Street to 6th and Arkansas to College Ave./S. School.

THE FAYETTEVILLE CULTURAL ARTS DISTRICT INITIATIVE OVERVIEW

In the Fayetteville Downtown Master Plan, consultants Dover Kohl identified the need to "create a Cultural and Entertainment District overlay to coordinate the evolution of the area and to establish a fairly compact geographic limit within which these activities should be focused." (Downtown Master Plan, Plan Fundamentals 2.21) In October 2004, Fayetteville Downtown Partners (FDP) began the process to identify the structure and services of a downtown Cultural and Entertainment district. In early 2005, the City of Fayetteville contracted with FDP to support the organization's efforts in developing a sustainable Cultural Arts District.

Coupled with the Walton Arts Center's 2002 Regional Arts Plan findings, FDP researched 54 cities and conducted numerous informational interviews with arts management organizations and related city planning staff. FDP developed a website (www.fayettevillearts.org) which hosted an online arts survey to help identify the needs of our local creative sector. The organization also facilitated 22 public feedback and brainstorming sessions and held numerous meetings with elected officials and City staff, individual artists, cultural organizations and business leaders.

THE FINDINGS

The establishment, development and implementation of the Fayetteville Cultural Arts District should be recognized as an ongoing initiative. Fully realizing the benefits of such a district will take coordination between several groups including the City of Fayetteville as well as the artists and businesses that promote cultural activities within the City. Establishing a cultural arts district in Fayetteville will involve long-term vision, planning and commitment and should seek to capitalize on regional assets that are specific to the cultural, economic and social issues of our community. To succeed and thrive, it will require specialized management to be developed, implemented and maintained.

I. Factors in creating a cultural district

Structural

1. *Perceived need for revitalization*
   The perceived need for revitalization of an area is a key factor affecting the creation of a cultural district.
2. *Extent of investment near target site*
   Extensive redevelopment in neighboring areas may indicate that property owners and developers have an interest in protecting their investment by ensuring that adjacent areas are also revitalized.
3. *Number of preexisting cultural facilities*
   In most of the cultural districts, at least two or three important cultural facilities predated to the development or designation of the district.
4. *Presence of tourist sites*
   Cultural districts benefit from the crossover traffic of convention centers, unique historic or heritage sites, parks or other natural areas located close by.
5. *Preexisting Land Use*
   The other types of land uses such as current and potential housing, retail and office space are important to the siting and eventual constitution of a cultural district.
6. *Property Value*
   If costs associated with property acquisition, construction, taxes, parking and other accessibility issues, regulation and zoning are not competitive with other parts of the city, attracting new investment could prove difficult.

7. *Zoning and other development restrictions*
   To encourage the type of growth desired, cultural districts may require modifications of zoning ordinances and building codes to, for example, permit housing or develop living or work space for artists. Zoning issues can lead to creative financing arrangement and legislation can also be created to provide exemptions on sales and income taxes to artists and performers who live within the whole district or particular development zones within the district.

Community Leadership

1. *Arts organizations, artists and other local arts agencies*
   A cultural district may form where the demand by arts organizations for cultural arts spaces coincides with an interest in revitalization and where old theaters, schools, other cultural facilities, etc. are available at below-market prices. In many cities, the local arts agencies have served as the primary instigator in the development of the cultural arts district.
2. *Government agencies*
   The development if virtually every cultural district in the United States has relied to some degree on the cooperation and support of city, county and/or state government officials for funding, planning assistance, favorable zoning ordinances and arrangement for services such as policing and sanitation. Government financing for cultural districts may include grants, loan, bond authority for capital development or tax-based subsidies for operations.
3. *Development authorities*
   These quasi-or nongovernmental agencies often hold public authority to plan development citywide or in a portion of a designated portion of the city, often exercising bonding authority to promote the development of facilities.
4. *Downtown business groups*
   Most of the cultural districts created under the primary leadership of downtown business groups tend to be of the arts and entertainment type.
5. *Property owners, residents and historic preservation groups*
   The coordination of the interests of multiple owners and users of a proposed cultural district is one of the most complicated issues facing the development and maintaining of the district.
6. *"Competing" cultural facilities*
   The number and strength of cultural facilities in other parts of the city can be key to the designation and development of a cultural district. Non-district groups, however, may create some resistance over development of a district in which they do not reside because they fear they will no longer be considered for funding or would lose patrons.

Social Forces

1. *General economic status*
   The general economic status of a city may be a significant factor in cultural district development.
2. *City demographics*
   Undesirable gentrification is a huge issue to consider in cultural district development. In some cities, arts development played a key role in displacing lower-income residents and ironically, those artists who had been at the development's vanguard. The district also needs to insure that cultural events and activities reflect every citizen's experience and culture. Cultural districts must respond to this challenge by providing access to ethnically diverse arts organizations and programming.

3. *Political forces*
   Declining federal and state funds for capital investment in urban development and shrinking subsidies for social and cultural programs are among the political forces at work. Proponents of cultural districts must identify new sources of private funding for the development and support of their facilities and programming.

II. Definition

A cultural arts district is defined as a well organized, labeled, mixed-use area of a city with a high concentration of cultural activities that serve as the anchor of attraction. Typically the area is geographically defined and incorporates other land uses. The defining characteristic, however, is the concentration of cultural facilities and related activities.

Generally, cultural arts districts support the fine arts (concert halls, theaters, galleries, etc.) as well as libraries, historical museums and educational institutions. The district can include restaurants, nightclubs and other forms of popular entertainment as well. They can also include the companion commercial businesses that provide necessary supplies or support for these endeavors. Overall, however, a cultural arts district can emphasize major fine arts and entertainment as well as primary cultural activities in the district including arts presentations or arts productions and education.

III. Boundaries: Arts and Culture vs. Entertainment

The Downtown Master Plan recommended a small, defined boundary that focused primarily on the Walton Arts Center and the surrounding entertainment venues on Dickson Street, calling this overlay district the Cultural and Entertainment District.

The process to develop the boundaries of an entertainment district are very similar to that of a cultural district; however, the various codes and ordinances that accompany entertainment-focused zones were found to be more defined and explicit due to the nature of an entertainment district. These areas also had a tendency to be smaller in size and focused heavily on supporting bars, restaurants and retail – although cultural and arts components are still vital to their long-term viability.

Cultural districts are larger in scope and size and address a broader base of needs. They are specifically focused on the creative economy – artists, galleries, performance space, etc. Bars, restaurants, and retail are also important components of a cultural district, but the rules governing the development of these businesses are not usually as formal as in the entertainment district.

Based on the limited geographic scope of the proposed Dover Kohl Cultural and Entertainment District, community feedback and best practices, FDP believes a Cultural Arts District, accompanied with a comprehensive implementation plan that incorporates components of an Entertainment District, should be the primary focus on the boundaries.

IV. Proposed Boundaries

A Cultural Arts District typically reflects a cities unique environment, including historic land use, future urban growth and cultural development. As a result, Cultural Arts Districts are very unique and have very specific needs that shift as the district matures. Fayetteville currently has several distinct areas where a variety of activities are already occurring) making them logical places for inclusion into a Cultural Arts District.

Dickson Street, with its high concentration of restaurants, bars, as well as its close proximity to the University of Arkansas and the Walton Arts Center demands immediate attention. It has long been associated with the sort of activities that are included in a Cultural Arts District.

Other areas, however, are also developing and attracting a variety of unique mix of endeavors. Artists are finding affordable studio and gallery space on 6th Street. The Mill district is home to the Thursday night Farmer's Market, La Maison des Tartes and Nightbird Books, ane independent bookstore. In addition, several artists have located studios or live in the Jennings Plus neighborhood. An excellent stained glass studio has found a home just south of the Fayetteville Public Library.

To capture these types of activity currently happening within Fayetteville, the boundaries for the Fayetteville Cultural Arts District are composed of soft edges that flow with the cultural and physical development as well as market trends that overlap within the downtown area. Specifically, the recommended boundaries are roughly West Lafayette on the North to Arkansas Avenue/University Avenue on the West and College Avenue/South School on the East to 6th Street on the South.

V. Benefits of a Cultural Arts District

Since first entering the ranks of the Forbes 2003 Best Small Metros at #3, the Fayetteville area has continued to make "Best of" lists around the country. The city ranked #5 on the 2004 Best Small Metros list and then jumped size categories in 2005 to compete in the Best Metro category, ranking #7 ahead of destination cities such as Norfolk, Atlanta and Madison. The city was ranked #9 in 2006, just squeaking past Indianapolis.

While Fayetteville has remained nationally competitive in categories such as job and income growth, the area has also consistently ranked low in Arts, Culture and Entertainment (Ranking 88th in 2004, 148th in 2005 and 196th in 2006). This has caused some significant challenges to our self-described identity as an epicenter of arts and culture, and has hampered our ability to recruit and retain high-skilled, high-paying jobs – a centerpiece of Fayetteville's economic development strategy.

The creation of a Cultural Arts District is simply good business. Consider a Cultural Arts District as an industrial park for the Creative Sector – a defined area generating creative goods and services that promotes and enhances Fayetteville's identity while strengthening current economic development efforts. The creation of the district ensures our city remains the region's epicenter of innovation and creativity – paying substantial dividends across the economic and social spectrum.

Districts across the country have proven their worth by creating jobs, broadening the city's tax base and attracting and retaining people to live, work and play. These districts also influence business development and expansion decisions, inspire downtown revitalization and historic preservation, build community identity and promote diversity, and stimulate the growth of creative enterprise.

The Fayetteville Cultural Arts District focuses attention on our creative sector, which helps to generate real wealth. While local statistics are limited, we can look at some national trends that illustrate the creative sector's potential impact on the local economy.

A 2007 Americans for the Arts study of the economic impact of nonprofit arts and culture industry in Northwest Arkansas showed this industry has a significant impact on our region. Nonprofit arts organizations and their audiences spent $16.21 million dollars in 2005. This spending help create 295 full-time equivalent jobs, generate almost $9,791,000 in residential household income and over $342,000 in local tax revenue.

America's nonprofit arts and culture industry generates $166.2 billion in economic activity every year—$63.1 billion in spending by organizations and an additional $103.1 billion in event-related spending by audiences. The national impact of this activity is significant, supporting 5.7 million jobs and generating $29.6 billion in government revenue. Of that $29.6 billion, $7.9 billion of that goes to local governments.

Research by the Travel Industry Association of America and Partners in Tourism indicate that 65% of all adult travelers included a cultural event while on a trip of 50 miles or more away from home and 32% of which extended their trip because of that event. Compared to all U.S. travelers, cultural travelers:

- √ Spend more: $631 vs. $457
- √ Use hotel, motel or B&B: 62% vs. 56%
- √ More likely to shop: 44% vs. 33%

We can also utilize Americans for the Arts *Arts & Economic Prosperity Calculator* to estimate the economic impact of nonprofit and smaller for-profit arts organization/events on the local economy. The analyses is based on research findings from the 91 communities that were part of *Arts & Economic Prosperity*, Americans for the Arts' national economic impact study of nonprofit arts organizations and their audiences.

Arts and Economic Prosperity Calculator Definitions
Total Expenditures: The total dollars spent by your nonprofit arts organization and its audiences; event-related spending by arts audiences is estimated using the average dollars spent per person by arts event attendees in similarly populated communities.
FTE Jobs: The total number of full-time equivalent (FTE) jobs in your community that are supported by the expenditures made by your arts organization and/or its audiences. An FTE can be one full-time employee, two half-time employees, four employees who work quarter-time, etc.
Household Income: The total dollars paid to community residents as a result of the expenditures made by your arts organization and/or its audiences. Household income includes salaries, wages, and proprietary income.
Government Revenue: The total dollars received by your local and state governments (e.g., license fees, taxes) as a result of the expenditures made by your arts organization and/or its audiences.
http://ww3.artsusa.org/information_resources/economic_impact/calculator.html

Walton Arts Center (www.waltonartscenter.org)
Total Expenses - $6,000,000
Total Arts Audiences – 140,000

	Total Expenditures	FTE Jobs	Household Income	Local Government Revenue	State Government Revenue
Impact of Nonprofit Orgs.	$6,000,000	202	$4,543,560	$170,460	$310,080
Impact of Nonprofit Audiences	$3,094,000	105	$1,586,170	$99,472	$242,167
TOTAL IMPACT	**$9,094,000**	**307**	**$6,129,730**	**$268,932**	**$552,247**

2006 Fayetteville Arts Festival (www.fayettevillearts.org)
Total Expenses - $98,000
Total Arts Audiences – 9,000

	Total Expenditures	FTE Jobs	Household Income	Local Government Revenue	State Government Revenue
Impact of Nonprofit Orgs.	$98,000	3	$74,200	$2,784	$5,065
Impact of Nonprofit Audiences	$198,900	7	$101,968	$6,395	$15,568
TOTAL IMPACT	**$296,900**	**10**	**$176,168**	**$9,179**	**$20,633**

Ceramic Cow Productions
Total Expenses – $13,500
Total Arts Audiences – 1,135

	Total Expenditures	FTE Jobs	Household Income	Local Government Revenue	State Government Revenue
Impact of Nonprofit Orgs.	$13,500	0	$10,223	$384	$698
Impact of Nonprofit Audiences	$25,084	1	$12,859	$806	$1,963
TOTAL IMPACT	**$38,584**	**1**	**$23,082**	**$1,190**	**$2,661**

TheatreSquared (www.theatresquared.org)
Total Expenses – $134,595
Total Arts Audiences – 3,350

	Total Expenditures	FTE Jobs	Household Income	Local Government Revenue	State Government Revenue
Impact of Nonprofit Orgs.	$134,595	5	$101,923	$3,824	$6,956
Impact of Nonprofit Audiences	$74,035	3	$37,955	$2,380	$5,795
TOTAL IMPACT	**$208,630**	**8**	**$139,878**	**$6,204**	**$12,751**

North Arkansas Symphony Orchestra (www.nasymphony.org)
Total Expenses – $581,025
Total Arts Audiences – 4,335

	Total Expenditures	FTE Jobs	Household Income	Local Government Revenue	State Government Revenue
Impact of Nonprofit Orgs.	$581,025	20	$439,987	$16,507	$30,027
Impact of Nonprofit Audiences	$95,804	3	$49,115	$3,080	$7,499
TOTAL IMPACT	**$676,829**	**23**	**$489,102**	**$19,587**	**$37,526**

Arts Live Theatre (www.artslivetheatre.com)
Total Expenses – $109,145
Total Arts Audiences – 2,322

	Total Expenditures	FTE Jobs	Household Income	Local Government Revenue	State Government Revenue
Impact of Nonprofit Orgs.	$109,145	4	$82,651	$3,101	$5,641
Impact of Nonprofit Audiences	$51,316	2	$26,308	$1,650	$4,017
TOTAL IMPACT	**$160,461**	**6**	**$108,959**	**$4,751**	**$9,658**

Dance Coalition (www.dancecoalition.com)
Total Expenses - $13,822
Total Arts Audiences – 450

	Total Expenditures	FTE Jobs	Household Income	Local Government Revenue	State Government Revenue
Impact of Nonprofit Orgs.	$13,822	0	$10,467	$393	$714
Impact of Nonprofit Audiences	$9,945	0	$5,098	$320	$778
TOTAL IMPACT	**$23,767**	**0**	**$15,565**	**$713**	**$1,492**

Total Economic Impact of Six Local Creative Entities - 2006
Total Expenditures - $10,489,226
Total FTE Jobs – 355
Total Household Income - $7,082,484
Total Local Taxes - $310,556
Total State Taxes - $606,968

Next Steps

A viable and relevant Cultural Arts District is not simply about it boundaries. This district is also the sum of its services that support the creative sector within its boundaries. The following items must be addressed for the creation of a viable and sustainable Cultural District.

1. A comprehensive inventory of the creative sector within the district must be developed to fully understand the needs within the district
2. The creation of a Fayetteville Arts Commission whose initial scope of work will be to define those services, codes and ordinances that activate the Cultural District boundaries, such as:
   - √ Financial needs of the creative sector within the district, including existing arts entities, individual artists and festivals
   - √ Public and private investment incentives in the creative economy such as a percentage for the arts program, sales tax waivers on creative goods and services, reinvestment of sales tax into the district, endowment from the City of Fayetteville General Fund, etc.
   - √ A comprehensive program for public investment, procurement and maintenance of public art projects
   - √ Physical space limitations that act as a barrier to performing arts entities

- √ Public recognition of Fayetteville artists and patrons included distinguished artist awards, City poet laureates, philanthropic awards, etc.
- √ Development of grant programs to support local artists and arts organizations

It is critical to keep in mind that the Fayetteville Cultural Arts District is not made up exclusively of artists themselves, as proposed district is also made up of nonprofit and for-profit performance venues, as well as businesses that directly both contribute to and support the creative economy. Designation of a specific location for the development, sale and support of the arts would further set the City of Fayetteville apart the rest of the major cities in the surrounding area.

INFORMATION SOURCES

- ⇒ Cultural Districts: The Arts as a Strategy for Revitalizing Our Cities, Americans for the Arts, 1998
- ⇒ The Creative City Policy Sourcebook: Developing an Urban Agenda for the New Economy, Partners for Livable Communities, 2004
- ⇒ "Developing an Arts-Based Economic Development Strategy in Your Community", Neighborhood Reinvestment Training Institute, 2002
- ⇒ Arts & Economic Prosperity: The Economic Impact of Nonprofit Arts Organizations and Their Audiences, Americans for the Arts, 2002
- ⇒ "The Arts in the GDP: Consumers Spent $9.4 Billion on Admission Receipts for Performing Arts Events in 1998", National Endowment for the Arts, 2000
- ⇒ Americans for the Arts provided a database of 133 cities with designated cultural districts, 24 cities with cultural master plans and 58 cities with percentage for the arts plans.
- ⇒ ePodunk (www.epodunk.com) provided the "Top Ten College Towns" list, which we used to identify zones and codes that support a cultural arts district or entertainment district with a student population in mind.
- ⇒ Fayetteville Downtown Partners staff conducted online research on 54 city websites for special downtown, entertainment district and/or cultural district zones/codes and conducted follow-up informational interviews with 17 city planning departments. Of those 54 cities, 23 had relevant and/or downloadable information. We can provide copies of these ordinances by request.

Dickson Street Cross-Street Banners

Cross-street banners are a great way to advertise an event. These guidelines can assist your group in design and fabrication as you promote your event in Downtown Fayetteville or on the University of Arkansas campus.

Cross-Street Banner Guidelines

- It costs $163.88 to install a banner on Dickson Street.
- Cross-street banners can only be installed at two locations on Dickson Street, near Church and Arkansas Avenues.
- Banner reservations will be on a first-come, first-served basis. Banner reservations can be made no earlier than six months before the event.
- An event banner can be hung for no more than two weeks prior to the event.
- A banner must promote an event to take place in Downtown Fayetteville or on the University of Arkansas campus.
- Banners must be picked up one week after the event, or they will be discarded.

Cross-Street Banner Design

- Sponsors may be listed in plain font, preceded by the words "Sponsored by:". Only the logos of the hosting nonprofit organization(s), the event, or any governmental entity is allowed. No corporate logo is allowed.
- Banners must be no smaller than 3 feet by 20 feet.
- Banners must be two-sided with grommets every 3 feet, and have vent holes to allow the wind to flow through the banner.
- Banners should be made of durable material, such as 16oz banner vinyl.

Something to Consider

Banners present a very special design challenge. The most successful banners are often extremely simple, colorful, and bold in design.

Banners should be free of clutter so the reader can easily see the event name and how to find more information. Sponsor names should be kept minimal and in a lower corner of the banner.

Remember, many people that see your banner on Dickson Street will be driving in their car. They have little time to capture all of the information while driving in a safe manner. Text and design features should be minimal. A good guideline is for text to be no more than 20% of the overall banner.

To check on space availability, contact Fayetteville Downtown Partners at 479-571-3337.

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

State of Arkansas
86th General Assembly
Regular Session, 2007

As Engrossed: H3/8/07

A Bill

HOUSE BILL 2246

By: Representatives L. Smith, Pennartz
By: Senator Baker

For An Act To Be Entitled

AN ACT CONCERNING CENTRAL BUSINESS IMPROVEMENT DISTRICTS; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING CENTRAL BUSINESS IMPROVEMENT DISTRICTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 14-184-103 is amended to read as follows:

14-184-103. Legislative determinations.

<u>(a)</u> It is determined and declared by the General Assembly that:

(1) The deterioration of the central business districts of urban centers of the state by reason of obsolescence, overcrowding, faulty arrangement or design, deleterious land use, or a combination of these or other factors is a threat to the property tax and other revenue sources of municipalities;

(2) Increases in population and automobile usage have created conditions of traffic congestion in central business districts, and such conditions constitute a hazard to the safety of pedestrians and impede the use of public rights-of-way;

(3) The elimination of urban blight and decay and the modernization and general improvement of central business districts by governmental action are considered necessary to promote the public health, safety, and welfare of the communities; and

(4) The restoration of central business districts is the

appropriate subject for remedial legislation.

(b) It is further determined and declared by the General Assembly that:

(1) Municipalities should be encouraged to create self-financing improvement districts and designated district management corporations to execute self-help programs to enhance local business climates; and

(2) Municipalities should be given the broadest possible discretion in establishing self-help programs consistent with local needs, goals, and objectives.

SECTION 2. Arkansas Code § 14-184-111 is amended to read as follows:

14-184-111. Board of commissioners.

(a)(1)(A) In the ordinance creating a central business improvement district, the governing body shall appoint ~~five (5)~~ a minimum of five (5) persons who shall be owners of real property in the district, or officers or stockholders of a corporation owning real property within the district, as commissioners, who shall compose a board of commissioners for the district.

(B) In cities operating under a commission form of government, the mayor and city commissioners, by virtue of their offices, ~~shall~~ may be commissioners of each district and ~~shall~~ may comprise the board of each district.

(2)(A) At the initial meeting of commissioners, the governing body of the municipality shall divide randomly the commissioners into three (3) groups roughly equal in number.

(B)(i) The first group of commissioners shall serve a term of two (2) years.

(ii) The second group of commissioners shall serve a term of four (4) years.

(iii) The third group of commissioners shall serve a term of six (6) years.

(C) Following the initial group of commissioners, all commissioners shall serve a term of six (6) years.

~~(2)~~(3) The board of commissioners shall elect a chairman and a secretary.

(b)(1)(A)(i) All vacancies that may occur after the board shall have been organized shall be filled by the governing body.

(ii) The vacating member shall serve, if possible, until a successor is appointed by the governing body of the municipality.

(B) If all places on the board shall become vacant, or those appointed shall refuse or neglect to act or shall cease to have the qualifications required for their original appointment, new members shall be appointed by the governing body as in the first instance.

(2)(A)(i) The governing body shall have the power to remove the board, or any member of it, by a two-thirds (2/3) vote of the whole number of the members of the governing body.

(ii) Removal shall be for cause only and after a hearing upon sworn charges preferred in writing by a property owner in the district. Ten (10) days' notice of the hearing on the charges shall be given.

(B) The governing body shall have the power to remove the board, or any member of it, by a vote of the majority of the whole number of the members elected to the governing body upon the written petition of the owners of a majority in assessed value of the property located within the district, after a hearing upon ten (10) days' notice to each member of the board affected.

(c) The members of the board shall receive no compensation for their services but may be reimbursed for their actual expenses incurred in the performance of their duties.

SECTION 3. Arkansas Code § 14-184-115 is amended to read as follows:

14-184-115. Powers of improvement district generally.

A central business improvement district shall have all powers necessary or desirable to undertake and carry out any or all parts of the planned improvement including, but not limited to, the following:

(1) Existence as a body corporate, having the power to sue and to be sued and to contract in its name;

(2) To own, acquire, improve, operate, maintain, sell, lease as lessor or lessee, and contract concerning, or otherwise deal in or dispose of, any and all real and personal property necessary or desirable for the accomplishment of the plan;

(3)(A) To acquire, construct, install, operate, maintain, and contract regarding pedestrian or shopping malls, plazas, sidewalks or moving sidewalks, parks, parking lots, parking garages, offices, urban residential facilities including, without limitation, apartments, condominiums, hotels, motels, convention halls, rooms, and related facilities, and buildings and structures to contain any of these facilities, bus stop shelters, decorative lighting, benches or other seating furniture, sculptures, telephone booths, traffic signs, fire hydrants, kiosks, trash receptacles, marquees, awnings or canopies, walls and barriers, paintings or murals, alleys, shelters, display cases, fountains, child-care facilities, restrooms, information booths, aquariums or aviaries, tunnels and ramps, pedestrian and vehicular overpasses and underpasses;

(B) To acquire airspace for, and to construct, pedestrian walkways through buildings; and

(C) To construct each and every other useful, necessary, or desired facility or improvement which may secure and develop industry and be conducive to improved economic activity within the district.

(4) To landscape and plant trees, bushes and shrubbery, grass, flowers, and each and every other kind of decorative planting;

(5) To install and operate, or to lease, public music and news facilities;

(6) To acquire and operate buses, minibuses, mobile benches, and other modes of transportation;

(7) To construct and operate child-care facilities;

(8) To acquire air rights for and to construct, operate, and maintain pedestrian overpasses, vehicular overpasses, public restaurants or other facilities within the air rights, to establish, operate, and maintain other restaurants or public eating facilities within the district, and to lease space within the district for sidewalk cafe tables and chairs;

(9) To construct lakes, dams, and waterways of whatever size;

(10) To employ and provide special police facilities and personnel for the protection and enjoyment of the property owners and the general public using the facilities of the district;

(11) To employ such persons as are necessary to procure such equipment as may be required to maintain the streets, alleys, malls, bridges, ramps, tunnels, lawns, trees, and decorative planting of each and every nature, and every structure or object of any nature whatsoever constructed or operated by the district;

(12) To grant permits for newsstands, sidewalk cafes, and every

other useful and desired private usage of public or private property;

(13) To prohibit or restrict vehicular traffic on the streets within the district as the governing body may deem necessary and to provide the means for access by emergency vehicles to or in these areas;

(14) To acquire, construct, reconstruct, extend, maintain, operate, repair, or lease to others for public use, parking lots, or parking garages, both above and below ground, or other facilities for the parking of vehicles, including the power to install these facilities in public and private areas, whether these areas are owned in fee simple, by easement, or by leasehold, with the approval and authority of the governing body and, where desirable, to exchange property in kind by negotiations with private owners, in the acquisition of property and property rights for the public purposes contemplated by this subchapter;

(15)(A) To remove, by agreement or by the power of eminent domain, any existing structures or signs of any description in the district not conforming to the plan of improvement; and

(B) To require, whether by agreement or by the exercise of eminent domain, any or all utilities servicing the district to lay such pipe, extend such wires, provide such facilities, or conform, modify, or remove existing facilities to effectuate the plan of improvement for the district; ~~and~~

(16) To provide services for the improvement and operation of the district including, without limitation:

(A) Promotion and marketing;

(B) Advertising;

(C) Health and sanitation;

(D) Public safety;

(E) Security;

(F) Undertake traffic and parking improvements;

(G) Recreation;

(H) Cultural enhancement;

(I) Consultation regarding planning, management, and development activities;

(J) Maintenance of improvements;

(K) Activities in support of business or residential recruitment, retention, or management development;

(L) Aesthetic improvements, including the decoration, restoration, or renovation of any public place or building facade and exterior in public view that confers a public benefit;

(M) Furnishing music in any public place;

(N) Special event and festival management;

(O) Professional management, planning, and promotion of the district;

(P) Stabilization, maintenance, rehabilitation, adaptive reuse of historic buildings; and

(Q) Design assistance; and

~~(16)~~(17) To do everything necessary or desirable to effectuate the plan of improvement for the district.

/s/ L. Smith, et al

NOTICE

YOUR SIGNATURE HEREON SHOWS THAT YOU FAVOR THE ESTABLISHMENT OF AN IMPROVEMENT DISTRICT. IF THE DISTRICT IS FORMED, YOU MAY BE CHARGED FOR THE COST OF THE IMPROVEMENTS.

**BEFORE THE CITY COUNCIL OF THE
CITY OF FAYETTEVILLE, ARKANSAS**

**IN RE: FAYETTEVILLE DOWNTOWN
IMPROVEMENT DISTRICT NO. 1
OF FAYETTEVILLE, ARKANSAS**

PETITION FOR THE FORMATION OF A CENTRAL BUSINESS IMPROVEMENT DISTRICT UNDER THE CENTRAL BUSINESS IMPROVEMENT DISTRICT ACT

The undersigned (collectively, the "Petitioners"), representing the record owners of two thirds (2/3) in assessed value, as shown by the last county assessment, of real property in the area proposed to comprise the proposed central business improvement district (the "Proposed District"), do hereby petition the City Council of Fayetteville, Arkansas, under the Central Business Improvement District Act, codified at Arkansas Code Annotated Section 14-184-101, *et seq.* (the "Act"), to lay off into a central business improvement district the real property described on **EXHIBIT A**, attached hereto and incorporated herein by this reference.

The Proposed District shall be formed for any one or all of the following purposes:

(1) To own, acquire, improve, operate, maintain, sell, lease as lessor or lessee, and contract

concerning, or otherwise deal in or dispose of, any and all real and personal property necessary or desirable for the accomplishment of the Proposed District's general plan of improvement (the "Plan");

(2) (a) To acquire, construct, install, operate, maintain, and contract regarding pedestrian or shopping malls, plazas, sidewalks or moving sidewalks, parks, parking lots, parking garages, offices, urban residential facilities including, without limitation, apartments, condominiums, hotels, motels, convention halls, rooms, and related facilities, and buildings and structures to contain any of these facilities, bus stop shelters, decorative lighting, benches or other seating furniture, sculptures, telephone booths, traffic signs, fire hydrants, kiosks, trash receptacles, marquees, awnings or canopies, walls and barriers, paintings or murals, alleys, shelters, display cases, fountains, child-care facilities, restrooms, information booths, aquariums or aviaries, tunnels and ramps, pedestrian and vehicular overpasses and underpasses;

(b) To acquire airspace for, and to construct, pedestrian walkways through buildings; and

(c) To construct each and every other useful, necessary, or desired facility or improvement which may secure and develop industry and be conducive to improved economic activity within the Proposed District.

(3) To landscape and plant trees, bushes and shrubbery, grass, flowers, and each and every other kind of decorative planting;

(4) To install and operate, or to lease, public music and news facilities;

(5) To acquire and operate buses, minibuses, mobile benches, and other modes of transportation;

(6) To construct and operate child-care facilities;

(7) To acquire air rights for and to construct, operate, and maintain pedestrian overpasses, vehicular overpasses, public restaurants or other facilities within the air rights, to establish,

operate, and maintain other restaurants or public eating facilities within the Proposed District, and to lease space within the Proposed District for sidewalk cafe tables and chairs;

(8) To construct lakes, dams, and waterways of whatever size;

(9) To employ and provide special police facilities and personnel for the protection and enjoyment of the property owners and the general public using the facilities of the Proposed District;

(10) To employ such persons as are necessary to procure such equipment as may be required to maintain the streets, alleys, malls, bridges, ramps, tunnels, lawns, trees, and decorative planting of each and every nature, and every structure or object of any nature whatsoever constructed or operated by the Proposed District;

(11) To grant permits for newsstands, sidewalk cafes, and every other useful and desired private usage of public or private property;

(12) To prohibit or restrict vehicular traffic on the streets within the Proposed District as the governing body may deem necessary and to provide the means for access by emergency vehicles to or in these areas;

(13) To acquire, construct, reconstruct, extend, maintain, operate, repair, or lease to others for public use, parking lots, or parking garages, both above and below ground, or other facilities for the parking of vehicles, including the power to install these facilities in public and private areas, whether these areas are owned in fee simple, by easement, or by leasehold, with the approval and authority of Fayetteville's governing body, as defined in the Act, and, where desirable, to exchange property in kind by negotiations with private owners, in the acquisition of property and property rights for appropriate public purposes;

(14) (a) To remove, by agreement or otherwise, any existing structures or signs of any

description in the Proposed District not conforming to Plan; and

(b) To require whether by agreement or otherwise any or all utilities servicing the Proposed District to lay such pipe, extend such wires, provide such facilities, or conform, modify, or remove existing facilities to effectuate the Plan; and

(15) To do everything necessary or desirable to effectuate the Plan for the Proposed District, or all things now or hereinafter permitted under applicable law, including without limitation the Act.

Furthermore, a Certificate of Assessor prepared by the Washington County Assessor is attached hereto as **EXHIBIT B** and incorporated herein by this reference, and provides that the Petitioners represent the record owners of two thirds (2/3) in assessed value, as shown by the last county assessment, of real property in the area anticipated to comprise the Proposed District.

The Petitioners further petition the City Council to name the following persons as commissioners of the Proposed District: (1) Richard Alexander; (2) Ted Belden; (3) Hope Bradberry; (4) Greg House; and (5) John Nock. Each of these persons is either an owner of real property within the Proposed District, or an officer or stockholder of a corporation owning real property within the Proposed District.

The Petitioners further petition the City Council to adopt the following name as the Proposed District's official name "Fayetteville Downtown Improvement District No. 1 of Fayetteville, Arkansas".

The Petitioners further petition the City Council to provide the Proposed District with the power to utilize a continuing supplemental annual levy of an assessment which shall be designated for the purposes of operation, maintenance, repairs, and replacements of various improvements.

The Petitioners further petition the City Council to (1) require that the amount of taxes/assessments that the Proposed District may collect or have collected each calendar year for the purpose of paying any and all costs, expenses, and payments associated with the financing of improvements through bonds or other evidences of indebtedness not exceed 2.5% of the assessed value of all real property within the Proposed District for that year, and (2) require that the amount of taxes/assessments that the Proposed District may collect or have collected each calendar year for any other purpose not exceed 2% of the assessed value of all real property within the Proposed District for that year.

The Petitioners further petition the City Council to prohibit the Proposed District from using the powers of eminent domain provided to it under the Act.

This Petition may be circulated to the Petitioners for signature in several identical counterparts, which shall be considered as a whole.

[*This space intentionally left blank; signatures to follow*]

[Signature page to Petition for Formation of
Fayetteville Downtown Improvement District No. 1 of Fayetteville, Arkansas]

PETITIONERS

For individual property owners:

Signature: ______________________________

Dated: ______________, 2007

Name Printed: ______________________________

Address: ______________________________

____

____

For property owning entities (i.e. limited liability companies, trusts, etc):

Entity Name: ______________________________

Signature: ______________________________

Dated: ______________, 2007

Name Printed: ______________________________

Title: ______________________________

Address: ______________________________

____

____

MEMORANDUM OF ACTION

OF THE MEMBERS

Name of Organization: ____

The undersigned make this memorandum of action of members to be placed in the record book in lieu of formal meeting this ______________, 20___. By signature below, each member of the Company consents to the Company acting informally in respect to this matter and approves the action taken.

INSERT RESOLUTIONS

MEMBERS:

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EXHIBIT A

to

Petition for Formation of Fayetteville Downtown Improvement District No. 1 of Fayetteville, Arkansas

765-01638-000	765-01677-000	765-01717-000	765-01766-000	765-01804-000	765-01849-000
765-01639-000	765-01678-000	765-01718-000	765-01767-000	765-01806-000	765-01850-000
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765-12875-003	765-22050-000	765-22558-000	765-23627-000	765-24711-000	

EXHIBIT B

to

**Petition for Formation of
Fayetteville Downtown Improvement
District No. 1 of Fayetteville, Arkansas**

**BEFORE THE CITY COUNCIL OF THE
CITY OF FAYETTEVILLE, ARKANSAS**

IN RE: FAYETTEVILLE DOWNTOWN IMPROVEMENT DISTRICT NO. 1 OF FAYETTEVILLE, ARKANSAS

COUNTY ASSESSOR'S CERTIFICATE OF PROPERTY OWNERSHIP

THE UNDERSIGNED ASSESSOR OF WASHINGTON COUNTY hereby certifies that its records reflect that the Petitioners signing the Petition for the formation of a Central Business Improvement District Under the Central Business Improvement District Act to which this certificate is attached as EXHIBIT B represent the record owners of two thirds (2/3) in assessed value, as shown by the last Washington County assessment, of real property in the area anticipated to comprise said district.

DATED this ____ day of ________________, 20___.

WASHINGTON COUNTY ASSESSOR

By: ______________________________

Title: ______________________________

RECOMMENDED MANAGEMENT PLAN

For
The Fayetteville Downtown Improvement District,
as described in
Arkansas Code Annotated Section 14-184-101 et. seq.,
The Central Business Improvement District Act (the "Act")

Fayetteville, Arkansas

2006

Prepared by
Urban Place Consulting Group, Inc.

PLEASE NOTE: THIS RECOMMENDED MANAGEMENT PLAN SIMPLY CONTAINS OUR RECOMMENDATIONS FOR THE STRUCTURE OF THE FAYETTEVILLE DOWNTOWN IMPROVEMENT DISTRICT. THE ACT, AS WELL AS THE ORDINANCE THAT THE CITY OF FAYETTEVILLE MAY ADOPT FOR THE CREATION OF THE FAYETTEVILLE DOWNTOWN IMPROVEMENT DISTRICT, WILL PREVAIL OVER ANY TERMS OR CONDITIONS SET FORTH IN THIS MANAGEMENT PLAN.

TABLE OF CONTENTS

Fayetteville Downtown Improvement District

MANAGEMENT PLAN

Section 1

What is a Downtown Improvement District?

The International Downtown Association estimates that more than 1000 improvement districts currently operate throughout the United States and Canada, providing programs and services such as enhanced security, maintenance, marketing, special events and support for strengthening arts and culture, in addition to what is provided by local government.

A Downtown Improvement District ("DID") is based upon the "benefit assessment district" concept, which provides for an assessment on property within a specific geographic area. The proceeds from the assessment may be directly reinvested back into the DID in order to provide services that are identified by and benefit the property owners within the specified boundaries.

Some of the potential advantages of a DID:

- The DID may provide a wide range of service options, including security, maintenance, marketing, economic development, special events, capital improvements, etc.
- It is generally designed and created **by those who will pay** the assessment.
- It is generally governed **by those who pay** the assessment through a Board of Commissioners made up of owners of real property in the DID, or officers or stockholders of a corporation owning real property in the DID, that oversee operations and submit a yearly budget and implementation plan.
- It may be implemented **by those who pay** the assessment through a non-profit, private-sector corporation, via contractual obligation with the Board of Commissioners.
- It is generally established through petition supported by property owners of nonexempt real property representing 2/3 in assessed value **who will pay** the proposed property assessments.
- It generally establishes a baseline of services that are currently being provided by the local government and guarantees that DID assessment revenue will be used primarily to *supplement*, not replace, said services.
- It can generally also issue bonds for long-term capital projects.

Section 2
Purpose of the Fayetteville Downtown Improvement District

The purpose of the proposed Fayetteville Downtown Improvement District (the "FDID") will be to increase the vitality and healthy growth of the real property contained within the FDID, while implementing the vision set forth in the Fayetteville Downtown Master Plan.

A series of meetings with individuals possessing a real interest in the FDID, owners of real property within the FDID, and officers or stockholders of corporations owning real property within the FDID (collectively the "Stakeholders"), were conducted to determine the feasibility of a DID in Fayetteville. This process identified various needs and goals to be accomplished by the FDID.

The needs and goals identified included:

- Creating a cleaner, safer, and more attractive downtown Fayetteville.
- Helping to maintain and increase property values and improve sales and occupancy rates; thereby increasing the community's overall tax base.
- Assisting in ensuring a stable and predictable resource base to fund supplemental services and programs.
- Providing non-bureaucratic and innovative management for downtown Fayetteville.
- Responding quickly to market changes and community needs.
- Assisting in developing a stable environment and distinct identity for downtown Fayetteville, making it more competitive with surrounding retail and business centers.
- Utilizing other resources, including money, services, and people.

Consultant Observations

Downtown Fayetteville is a special place with unique cultural offerings. Its uniqueness and community pride contributes to the experience it has to offer. There are sites primed for infill development, particularly along important corridors that connect the Dickson Street area with the Square and the Library. These key pedestrian connector streets, such as Block Avenue, need better pedestrian lighting and streetscape improvements. Lack of parking, or the perception thereof, seems to be an issue as well.

Summary of Needs

During our interviews, research, and through observations, the same message is repeated: there is a need to improve current efforts in economic development, parking, streetscaping, and cultural arts in downtown Fayetteville. There is also a need for a strong private sector organization to work in partnership with the public sector to implement the Fayetteville Downtown Master Plan and help guide the future development of downtown Fayetteville.

Section 3
Fayetteville Downtown Improvement District Improvement and Activity Plan

Process to Establish the Improvement and Activity Plan
Beginning in April of 2005, Urban Place Consulting Group, Inc. hosted a series of meetings with Stakeholders. These Stakeholders collectively determined the priority for improvements and activities to be delivered by the FDID. The primary needs as determined by these individuals were defined in Section 2.

2007 BUDGET

Capital Improvement Budget: The yearly budget will be made up of two parts. The Capital Improvement Budget will be the budget that defines the capital improvements and assesses the repayment of the bonded indebtedness of the FDID. The Capital Improvement Budget for 2007 is **$0**. Once the FDID is established, the Stakeholders, working with the FDID's Board of Commissioners, will define the plan of capital improvements, the budget to achieve the improvements, and the revenue sources available within the limitations of the petition establishing the FDID. Prior to filing any assessment of benefits to accomplish the plan of capital improvements, a copy of the plans and the estimated cost for the accomplishment of the plans, including a reassessment of benefits, shall be filed in the office of the Fayetteville City Clerk. FDID property owners representing a majority of assessed value must vote to approve any issuance of debt.

Supplemental Annual Assessment Budget: The Supplemental Annual Assessment Budget will provide funds for the general operation of the FDID, for the creation and implementation of the plan of improvement, and for maintaining the improvements constructed by the FDID. This budget must be approved by the FDID Board of Commissioners each year.

The Supplemental Annual Assessment Budget for 2007 is projected at $170,000. Within this budget, $50,000 will go to the development of the capital improvement plan. The remainder will pay for advocacy, administration, and the development of the other value-added services. The budget will be made up of the following components:

DEVELOPMENT OF CAPITAL IMPROVEMENT PLAN

The development of a capital improvement plan requires the use of architecture and engineering services to develop the design and budget for the plan. It will also require the reassessment of benefits. This budget item is to cover the costs of developing the capital improvement plan, including accessing additional funding sources to leverage assessment funds. If possible, assessment funds and FDID bonding capacity is to be used as local match money to secure additional State and Federal funding.

ADVOCACY/ADMINISTRATION/OFFICE

The FDID daily activities will be managed by a professional staff that requires centralized administrative support. Administration staff advocate for various goals of the FDID. The FDID will contract with Fayetteville Downtown Partners to fill this role. As the only organization solely focused on downtown Fayetteville and its constituents, Fayetteville Downtown Partners is in the position to provide the unique services currently identified by the FDID.

BUSINESS DEVELOPMENT

These funds will be used to bolster the citywide efforts of other economic development entities. In addition, a proactive recruitment program will be developed in order to strengthen the downtown Fayetteville business environment. Programs will also be developed to retain and improve the current businesses in downtown Fayetteville. A Downtown Development Center (the "Center") may be created, providing a location where visitors, residents, business owners, developers, and other Stakeholders can obtain information on the downtown area and/or conduct meetings. The Center will also provide information for potential business owners and developers—such as a downtown business directory, business and property demographic materials, and broker/developer support materials.

PRESERVING A CREATIVE PLACE

In order to preserve and enhance the unique qualities of downtown Fayetteville, it is critical to develop focused services that support and strengthen the arts, entertainment, and hospitality-related businesses and events:

- By developing cultural events that draw cultural tourists to downtown Fayetteville, benefiting downtown businesses.
- By supporting existing and future cultural events, such as Springfest and the Fayetteville Arts Festival, through aggressive regional marketing efforts, offering direct and indirect benefit to Fayetteville's local economy.

It is important to not only provide and preserve a creative place, but to also tell the story of the FDID. A Visitors Information Center would be included with the Center, where visitors can obtain information on special events, as well as review a business directory and FDID maps. Some of the communication/marketing programs currently being considered are:

- Downtown Ambassadors
- Quarterly Newsletter and Media Releases
- FDID Web Site
- Banner Program
- Welcome Guides
- FDID Map
- Public and Media Relations
- Development of FDID Image Pieces

BOND AMORTIZATION

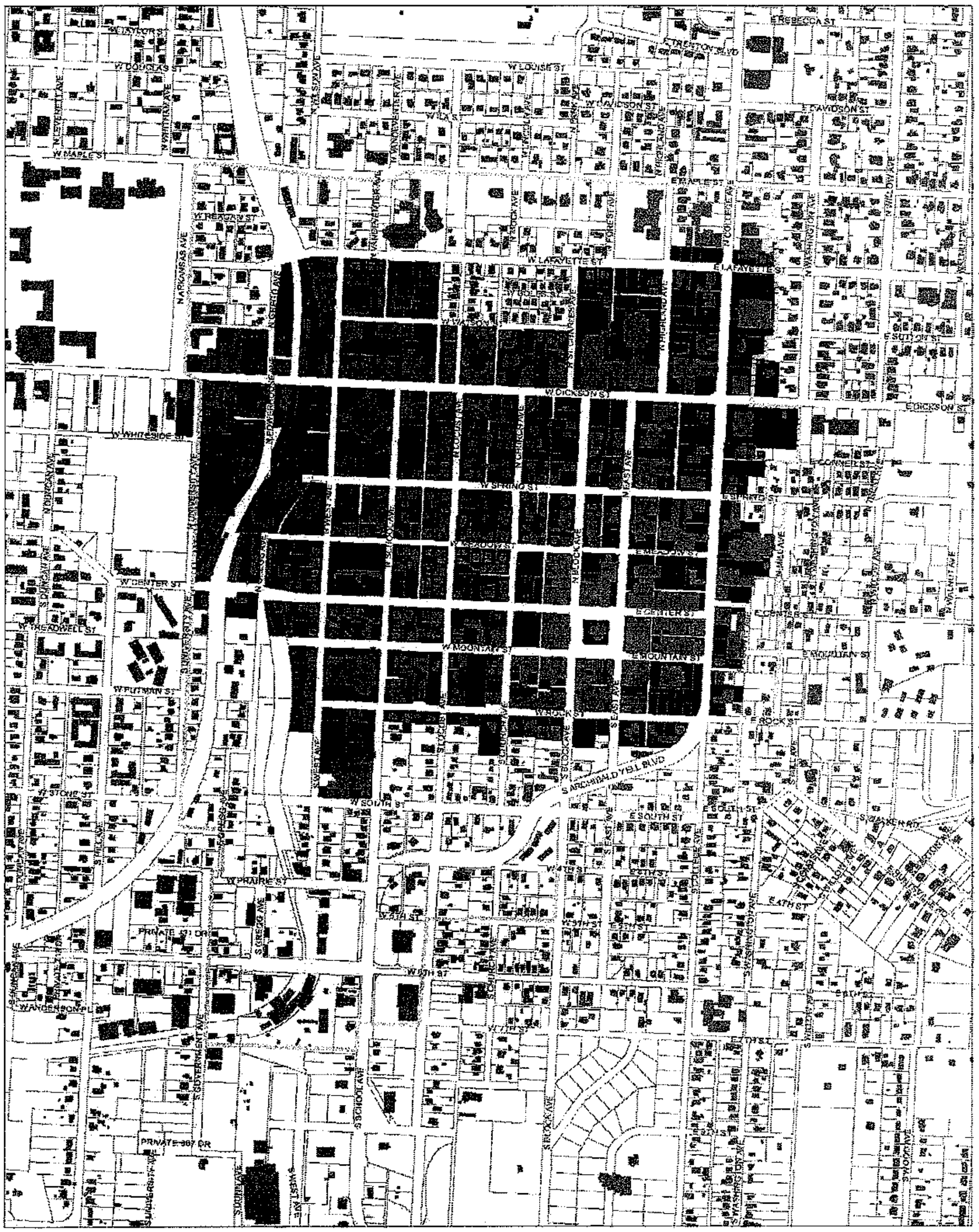
There is no bond amortization budget for 2007. The amount of bond amortization and capital improvement budgets will be determined in future years when specific capital improvement programs are identified. (See Section 3.)

Section 4
Fayetteville Downtown Improvement District Boundary

Overall District Boundary
The FDID will consist of all property defined within the following boundaries, containing approximately 54 blocks. (See map for further details, and Exhibit A for a list of the parcels contained within the FDID):

The boundaries begin at Lafayette St. and College Ave., heading south along the east property line of parcels that abut College Ave. on the east side of College to Rock St. Those parcels east of College that are included in the boundaries are: 765-07988-000, 765-07987-000, 765-08084-000, 765-08082-000, 765-08083-000, 765-08078-000, 765-08077-000, 765-17377-000, 765-11731-010, 765-12671-000, 765-12673-000, 765-12672-000, 765-12686-000, 765-12714-000, 765-12713-000, 765-12712-000, 765-12711-000, 765-12710-000, 765-12715-000, 765-12716-000, 765-12764-002, 765-12765-001, 765-12782-000, 765-12785-000, 765-12789-000, and 765-12791-000. Turn west at Rock St. and head west to School Ave. along the south property line of parcels that abut Rock St. on the south side of Rock St. Those parcels south of Rock that are included in the boundaries are: 765-02135-000, 765-02130-000, 765-02133-000, 765-02134-000, 765-02138-000, 765-02137-000, 765-02139-000, 765-02097-000, 765-02098-000, 765-02073-000, 765-02072-000, 765-02070-000, 765-02087-000, 765-02064-000, 765-02065-000, 765-02048-000, 765-02055-000, and 765-02054-000. At School Ave. turn south heading south on School Ave. to South St. Turn west at South St. and head west to West Ave. Turn north on West Ave. and head north along the west property line of parcels that abut West Ave. on the west side of West to Mountain St. Those parcels west of West Ave. that are included in the boundaries are: 765-02035-000, 765-02031-000, 765-02034-000, 765-02032-000, 765-02024-000, 765-02020-000, 765-02028-000, 765-02023-000, 765-02029-000, 765-02027-000, and 765-02025-000. Turn west on Mountain St. and head west on Mountain to Gregg Ave. The boundaries also include parcel 765-02022-000, abutting Mountain St. on the south. Turn north on Gregg Ave. and head north on Gregg. Turn west at parcel 765-12944-000 before Center St. and head west toward University Ave., including parcel 765-12954-000 as well. Turn north at University Ave. and head north to Dickson St. Those parcels that abut the west side of University Ave. included in the boundary are: 765-12911-000, 765-12912-000, 765-12909-000, and 765-12910-000. Boundaries also include parcels north of Dickson 765-09918-000, 765-09917-000, 765-22384-000, 765-09915-000, 765-09914-000, and 765-09920-000. Turn north at Gregg Ave. heading north toward Lafayette St. Turn east at Lafayette St. and head east to College. Those parcels north of Lafayette St. and east of Highland Ave. that abut Lafayette are included in the boundaries. Those parcels include 765-04325-000, 765-04324-000, 765-04323-000, 765-04322-000, 765-07980-000, 765-07984-000, and 765-07972-000.

Fayetteville Downtown Improvement District Map



Section 5
Assessment Methodology

Assessment Methodology

Stakeholders have emphasized that the assessment formula for the FDID must be fair, balanced, and have a direct relationship to benefits received. All assessments will be completed in compliance with the Act.

Supplemental Annual Assessment Budget

The recommended methodology for the FDID is to use assessed value, as determined under the Act, as the only assessment vehicle. The Supplemental Annual Assessment Budget for the year 2007 will be assessed at the same assessment multiplier for all parcels within the FDID. Because of the nature of services and programs provided in the Supplemental Annual Assessment Budget for 2007, all parcels will benefit in proportion to their assessed value. The supplemental Annual Assessment requested for the year 2007 is ~~$378,975~~ $170,000.

Capital Improvement Budget

In subsequent years in which there is also a Capital Improvement Budget and a supplemental annual or other assessment to fund that budget (or to make bond debt payments for capital improvement projects), there will need to be a determination of benefit based upon the type of improvement and the location of improvement. An assessment methodology and rate will be established that reflects the benefit conveyed on each parcel by the improvement.

Calculation of Assessments

The preceding methodology will be applied to a database that has been constructed for that purpose. The process for compiling the property database includes the following steps:

- Property data will first be obtained from the Washington County Assessor's Office.
- A site survey will be undertaken to verify data.
- A list of parcels to be included within the FDID is provided as Exhibit A.

Based upon the methodology set forth above, along with sample property data, first year assessments are approximated herein by dividing the 2007 Supplemental Annual Assessment Budget by the Total Assessable Value equaling the annual assessment per dollar of value.

$170,000/$27,263,092=$0.006236

2007 Annual Supplemental Assessment	$0.006236 per dollar of assessed value.
2007 Improvement Budget Assessment	$0.00 per dollar of assessed value.

Examples of Calculation:

Market Value	Assessed Value	Annual Assessment
$100,000	$20,000	$124.72
$300,000	$60,000	$374.16
$500,000	$100,000	$623.60
$750,000	$150,000	$935.40
$1,000,000	$200,000	$1,247.20

Annual Budget/Assessment

Supplemental Annual Assessment Budget: The FDID's Board of Commissioners will annually establish a Supplemental Annual Assessment Budget, and an assessment rate will be established based upon the current assessed value of real property within the FDID to fund the Supplemental Annual Assessment Budget. The assessment shall be collected as required under the Act.

Capital Improvement Budget: The Board of Commissioners will establish the Capital Improvement Budget and assessment in accordance with the Act. Once established, the assessment will be assessed annually until the indebtedness, bonded or otherwise, is retired, and/or the improvements are paid for in total.

Limit on Cost of Improvement: Under the Act, the petition establishing the FDID may limit the cost of improvement to a fixed price or a percentage of the assessed value of the real property in the FDID. Language similar to the following language will be included in said petition:

> **The amount of taxes/assessments that the FDID may collect or have collected each calendar year for the purpose of paying any and all costs, expenses, and payments associated with the financing of improvements through bonds or other evidences of indebtedness may not exceed 2.5% of the assessed value of all real property within the FDID for that year.**
>
> **The amount of taxes/assessments that the FDID may collect or have collected each calendar year for any other purpose may not exceed 2% of the assessed value of all real property within the FDID for that year.**

Budget Surplus: To the extent allowed under the Act, any annual budget surplus or deficit will be rolled into the following year's budget. Assessments will be set accordingly to adjust for surpluses or deficits that are carried forward.

Budgets Vary: To the extent allowed under the Act, budgets may vary on an annual basis, without a change in assessment rates, due to changes in individual properties that cause a change in the amount of assessed value within the FDID. For example, as a new building is completed, and the revised assessed value of that property is included in the overall value of the FDID, the budget may increase and additional programs may be developed to meet increased needs, or the budget may stay the same and assessment rates may be lowered.

Time and Manner for Collecting Assessments
The FDID assessment will typically appear as a separate line item on annual property tax bills. To the extent allowed by applicable law, any assessments may be enforceable by a lien on the real property.

Publicly Owned Property and Tax Exempt Property
Owners of most public property and tax exempt property benefit in the same manner and to the same extent as owners of private property. In the event public property or tax exempt property are exempt from FDID assessments, the FDID's Board of Commissioners will negotiate with owners said property to receive in-lieu payments based upon the same assessment rate schedule as applied to private property.

No Power of Eminent Domain
Although the Act provides that "[t]he right and power of eminent domain is conferred upon a central business improvement district to enter upon, take, and condemn private property for the construction of improvements described in the plan of improvement," **the petition establishing the FDID, at the request of Stakeholders, voluntarily waives any and all rights of eminent domain.**

Section 6
Fayetteville Downtown Improvement District Governance

Consistent with improvement district legislation throughout the nation, the Act establishes a governance framework that allows owners of real property within the FDID to assist in determining how the assessments are used. The following components will be required within the FDID's governing structure:

City Council
Following the submission of a petition from nonexempt real property owners representing 2/3 in assessed value of real property within the FDID, Fayetteville's City Council (the "City Council") provides notice and holds a public hearing, and may then form the FDID by ordinance. The FDID is established by an ordinance of the City Council with the power to levy assessments on property.

Board of Commissioners
The Act requires a five (5) member Board of Commissioners appointed by the City Council. In connection with this, the following selection process for members of the Board of Commissioners (the "Commissioners") is contained in the proposed ordinance creating the FDID:

The FDID's Board of Commissioners shall have five (5) seats (the "Seats"), which shall include:

- a Residential Seat, which shall be filled by an individual who (a) owns, or acts as an officer or stockholder of a corporation that owns, a single-family residence in the FDID, (b) occupies that single-family residence as his or her primary residence, and (c) is physically located within that single-family residence a substantial portion of each calendar year;
- a Large Assessment Seat, which shall be filled by an individual who owns, or acts as an officer or stockholder of a corporation that owns, real property within the FDID, the assessed value of which, as shown by the latest Washington County assessment, is greater than 0.3% of the total assessed value of all real property within the FDID;
- a Small Assessment Seat, which shall be filled by an individual who owns, or acts as an officer or stockholder of a corporation that owns, real property within the FDID, the assessed value of which, as shown by the latest Washington County assessment, is equal to or less than 0.3% of the total assessed value of all real property within the FDID;
- a Business Seat, which shall be filled by an individual who owns, or acts as an officer or stockholder of a corporation that owns, commercial real property within the FDID, and operates a business within the FDID; and
- an At-Large Seat, which shall be filled by an individual who simply owns, or acts as an officer or stockholder of a corporation that owns, real property within the FDID.

Each Commissioner's term shall be three years. The original founding commissioners shall select, by blind draw, two commissioners to serve a two-year term, and the remaining commissioners shall serve three-year terms. Commissioners serving a three-year term shall not serve more than two consecutive terms, and Commissioners serving a two-year term shall not serve more than three consecutive terms. At the end of his or her term, a commissioner must have a one-year break from serving as a Commissioner prior to serving another term as a Commissioner.

An individual shall cease to be a Commissioner on the Board of Commissioners:
- if the Commissioner fails to meet the qualifications set forth in the Act;
- if the Commissioner ceases to own real property within the FDID, or ceases to be an officer or stockholder of a corporation owning real property within the FDID;
- if the Commissioner resigns;
- if the Commissioner is unable to properly perform his/her duties as Commissioner for any reason;
- if the Commissioner dies; or
- for any other reason as set forth in the Act.

<u>Commission Rules</u>: The founding Commissioners shall develop by-laws that govern the organizational procedures of the Board of Commissioners, which the by-laws will include replacement for failure to attend meetings and events on a regular basis and/or perform required duties.

<u>Process of Election:</u>
All Commissioners shall be recommended to the City Council in the following manner:

1. A notice of nominations shall be sent by regular mail to the last-known address of each owner of real property within the FDID, asking if the owner, or an officer or stockholder of a corporation owning said real property, is interested in serving as a Commissioner for a particular Seat, with the understanding that all nominations must be returned to the FDID within twenty (20) days of the initial mailing of the notice of nominations.
2. Nomination forms returned to the FDID shall be sorted by Seat, and a ballot form shall be created listing each qualified nominee for each Seat, with the understanding that no individual may be nominated for more than one (1) Seat.
3. Ballots shall be sent by regular mail to the last-known address of each owner of real property within the FDID, with the understanding that all ballots must be returned to the FDID within twenty (20) days of the initial mailing of the ballots.
4. There shall be only one (1) vote per real property owner for each open Seat.
5. Ballots for the Residential, Large Assessment, Small Assessment and Business Seats shall be ***weighted by assessed value***, meaning that for each dollar of assessed value for the applicable piece of real property, the applicable real property owner shall have one vote. Ballots for the At-Large Seat shall be ***weighted by number of parcels***, meaning that for each parcel of real property, the real property owner shall have one vote.
6. For the purposes of voting, an owner shall be the individual or entity owning fee simple title to the applicable real property—and each individual or entity owning real property within the FDID shall be considered a separate owner.
7. The nominee receiving the highest number of votes for each open Seat shall be recommended by the FDID to the City Council as the individual to fill the applicable Seat.

The following individuals have been selected through the described process and will be recommended to the City Council in the petition establishing the FDID for appointment to the FDID Board of Commissioners.

1. Residential Representative	Hope Bradberry
2. Large Assessment Representative	Richard Alexander
3. Small Assessment Representative	Greg House
4. Business Owner Representative	John Nock
5. At-Large Representative	Ted Belden

Role of City Council
The ultimate selection of all Commissioners must be undertaken by the City Council. The property owners signing the petition establishing the FDID have created the above process to fairly choose individuals to represent their interests, and have included that process in the proposed ordinance creating the FDID. The process of election steps defined in this section shall be followed, and the selected individual(s) will be

recommended to the City Council.

Private Sector, Nonprofit Management Corporation
The day-to-day implementation and management of the programs and projects of the FDID will be the responsibility of the Fayetteville Downtown Partners, through a contract with the FDID. Fayetteville Downtown Partners will be responsible for the execution of all policies and procedures set forth by the FDID's Board of Commissioners.

Dissolution of FDID
The FDID shall continue in perpetuity unless dissolved by ordinance. The FDID may be dissolved as set forth in the Act upon the petition of (1) a majority of the Board of Commissioners and a majority in value of the owners of real property in the FDID; or (2) the owners of real property in the FDID comprising two-thirds (2/3) in value of all real property within the FDID. The FDID may not be dissolved at any time during which there shall be outstanding bonded indebtedness of the FDID, unless funds sufficient to retire the indebtedness (including all interest, redemption premium, if any, trustee's and paying agent's fees, and cost of publication of notices of redemption) have been deposited in trust according to the terms of the resolution or trust indenture authorizing the bonded indebtedness.

Section 7
Continuation of City Services

Throughout the process to establish the FDID, Stakeholders have voiced concerns that Fayetteville must maintain existing services at verifiable "baseline" service levels. A formal contract defining baseline level of service and providing that Fayetteville shall continue the same level of services in the FDID as provided prior to the creation of the FDID ensures that existing Fayetteville City services are *enhanced* and not replaced by the FDID's improvements and activities.

Exhibit A: List of Parcels Included in the FDID

Parcel Identification Number

765-01638-000	765-01692-000	765-01756-000	765-01810-000	765-01869-000	765-01924-000	765-01984-000
765-01639-000	765-01693-000	765-01757-000	765-01811-000	765-01870-000	765-01925-000	765-01985-000
765-01640-000	765-01694-000	765-01758-000	765-01812-000	765-01871-000	765-01926-000	765-01985-001
765-01641-000	765-01695-000	765-01759-000	765-01813-000	765-01872-000	765-01927-000	765-01986-000
765-01642-000	765-01696-000	765-01760-000	765-01814-000	765-01873-000	765-01928-000	765-01987-000
765-01643-000	765-01697-000	765-01761-000	765-01815-000	765-01874-000	765-01929-000	765-01988-000
765-01644-000	765-01698-000	765-01762-000	765-01816-000	765-01875-000	765-01930-000	765-01989-000
765-01645-000	765-01699-000	765-01763-000	765-01817-000	765-01876-000	765-01932-000	765-01990-000
765-01646-000	765-01700-000	765-01764-000	765-01820-000	765-01877-000	765-01933-000	765-01991-000
765-01647-000	765-01701-000	765-01765-000	765-01821-000	765-01878-000	765-01935-000	765-01992-000
765-01648-000	765-01702-000	765-01766-000	765-01827-000	765-01879-000	765-01938-000	765-01993-000
765-01649-000	765-01703-000	765-01767-000	765-01828-000	765-01879-001	765-01939-000	765-01994-000
765-01650-000	765-01704-000	765-01768-000	765-01829-000	765-01880-000	765-01940-000	765-01995-000
765-01651-000	765-01705-000	765-01769-000	765-01830-000	765-01881-000	765-01940-001	765-01996-000
765-01652-000	765-01706-000	765-01770-000	765-01831-000	765-01882-000	765-01941-000	765-01997-000
765-01653-000	765-01707-000	765-01771-000	765-01832-000	765-01882-001	765-01942-000	765-01998-000
765-01654-000	765-01708-000	765-01772-000	765-01832-001	765-01883-000	765-01943-000	765-01999-000
765-01655-000	765-01709-000	765-01773-000	765-01833-000	765-01884-000	765-01944-000	765-01999-001
765-01656-000	765-01710-000	765-01774-000	765-01834-000	765-01885-000	765-01945-000	765-02000-000
765-01657-000	765-01711-000	765-01774-001	765-01835-000	765-01886-000	765-01946-000	765-02001-000
765-01658-000	765-01712-000	765-01775-000	765-01835-001	765-01887-000	765-01947-000	765-02002-000
765-01659-000	765-01713-000	765-01776-000	765-01836-000	765-01887-002	765-01948-000	765-02003-000
765-01660-000	765-01714-000	765-01777-000	765-01837-000	765-01888-000	765-01949-000	765-02004-000
765-01661-000	765-01715-000	765-01777-001	765-01838-000	765-01889-000	765-01950-000	765-02005-000
765-01662-000	765-01716-000	765-01778-000	765-01839-000	765-01890-000	765-01951-000	765-02006-000
765-01663-000	765-01717-000	765-01779-000	765-01840-000	765-01891-000	765-01952-000	765-02007-000
765-01664-000	765-01718-000	765-01780-000	765-01841-000	765-01892-000	765-01953-000	765-02008-000
765-01665-000	765-01719-000	765-01781-000	765-01842-000	765-01893-000	765-01954-000	765-02010-000
765-01666-000	765-01720-000	765-01782-000	765-01843-000	765-01894-000	765-01955-000	765-02020-000
765-01666-001	765-01721-000	765-01783-000	765-01844-000	765-01895-000	765-01956-000	765-02022-000
765-01667-000	765-01726-000	765-01784-000	765-01844-001	765-01896-000	765-01957-000	765-02023-000
765-01668-000	765-01733-000	765-01785-000	765-01845-000	765-01897-000	765-01958-000	765-02024-000
765-01669-000	765-01736-000	765-01786-000	765-01846-000	765-01898-000	765-01959-000	765-02025-000
765-01670-000	765-01739-000	765-01787-000	765-01847-000	765-01899-000	765-01960-000	765-02027-000
765-01671-000	765-01740-000	765-01788-000	765-01848-000	765-01900-000	765-01961-000	765-02028-000
765-01672-000	765-01741-000	765-01789-000	765-01849-000	765-01901-000	765-01962-000	765-02029-000
765-01673-000	765-01742-000	765-01790-000	765-01850-000	765-01902-000	765-01963-000	765-02031-000
765-01674-000	765-01743-000	765-01791-000	765-01851-000	765-01903-000	765-01964-000	765-02032-000
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765-01676-000	765-01743-003	765-01793-000	765-01853-000	765-01905-000	765-01966-000	765-02036-000
765-01677-000	765-01743-004	765-01794-000	765-01854-000	765-01906-000	765-01967-000	765-02037-000
765-01678-000	765-01743-005	765-01795-000	765-01855-000	765-01907-000	765-01968-000	765-02038-000
765-01679-000	765-01745-000	765-01796-000	765-01856-000	765-01908-000	765-01969-000	765-02039-000
765-01680-000	765-01745-001	765-01797-000	765-01857-000	765-01909-000	765-01970-000	765-02041-000
765-01681-000	765-01745-002	765-01798-000	765-01858-000	765-01910-000	765-01971-000	765-02042-000
765-01682-000	765-01746-000	765-01799-000	765-01859-000	765-01911-000	765-01972-000	765-02048-000
765-01683-000	765-01747-000	765-01800-000	765-01860-000	765-01912-000	765-01975-000	765-02054-000
765-01684-000	765-01748-000	765-01801-000	765-01861-000	765-01913-000	765-01976-000	765-02055-000
765-01685-000	765-01749-000	765-01802-000	765-01862-000	765-01914-000	765-01977-000	765-02064-000
765-01686-000	765-01750-000	765-01803-000	765-01863-000	765-01915-000	765-01978-000	765-02065-000
765-01687-000	765-01751-000	765-01804-000	765-01864-000	765-01916-000	765-01979-000	765-02070-000
765-01688-000	765-01752-000	765-01806-000	765-01865-000	765-01917-000	765-01980-000	765-02072-000
765-01689-000	765-01753-000	765-01807-000	765-01866-000	765-01918-000	765-01981-000	765-02073-000
765-01690-000	765-01754-000	765-01808-000	765-01867-000	765-01919-000	765-01982-000	765-02087-000
765-01691-000	765-01755-000	765-01809-000	765-01868-000	765-01920-000	765-01983-000	765-02097-000

765-02098-000	765-04428-000	765-09761-000	765-12875-004	765-22064-000	765-23609-600	765-24705-000
765-02130-000	765-04429-000	765-09762-000	765-12875-010	765-22065-000	765-23609-700	765-24706-000
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765-02135-000	765-04432-000	765-09765-000	765-12894-000	765-22068-000	765-23612-000	765-24709-000
765-02137-000	765-04433-000	765-09766-000	765-12899-000	765-22367-000	765-23613-000	765-24710-000
765-02138-000	765-04434-000	765-09767-000	765-12900-000	765-22368-000	765-23614-000	765-24711-000
765-02139-000	765-04435-000	765-09768-000	765-12901-000	765-22369-000	765-23615-000	765-24712-000
765-04322-000	765-04436-000	765-09769-000	765-12904-000	765-22370-000	765-23616-000	765-24713-000
765-04323-000	765-04437-000	765-09770-000	765-12905-000	765-22371-000	765-23617-000	765-24714-000
765-04324-000	765-04438-000	765-09914-000	765-12906-000	765-22372-000	765-23618-000	765-24715-000
765-04325-000	765-04439-000	765-09915-000	765-12907-000	765-22373-000	765-23619-000	765-24716-000
765-04351-000	765-04440-000	765-09917-000	765-12908-000	765-22374-000	765-23620-000	765-24717-000
765-04352-000	765-04441-000	765-09918-000	765-12909-000	765-22375-000	765-23621-000	765-24718-000
765-04353-000	765-04442-000	765-09920-000	765-12910-000	765-22376-000	765-23622-000	765-24719-000
765-04354-000	765-04443-000	765-11731-000	765-12911-000	765-22377-000	765-23623-000	765-24720-000
765-04355-000	765-04444-000	765-11731-001	765-12912-000	765-22378-000	765-23624-000	765-24721-000
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765-04357-000	765-04446-000	765-12671-000	765-12932-001	765-22380-000	765-23626-000	765-24723-000
765-04357-100	765-04447-000	765-12672-000	765-12933-000	765-22381-000	765-23627-000	765-24724-000
765-04358-000	765-04448-000	765-12673-000	765-12934-000	765-22382-000	765-23628-000	765-24725-000
765-04359-000	765-04449-000	765-12686-000	765-12935-000	765-22383-000	765-23629-000	765-24726-000
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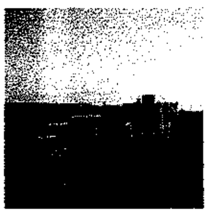
FAYETTEVILLE DOWNTOWN PARTNERS

Downtown Concierge | Housing | Education | Leisure | Downtown Fayetteville

Welcome to Fayetteville!



Home to the University of Arkansas and with all the amenities of a larger city, Fayetteville is Northwest Arkansas' progressive urban experience tucked away in the heart of the Ozarks. Click here to see why Fayetteville has been claimed by Money Magazine as one of the "Best Places to Live in America" and ranks #7 on Forbes 2005 list of "Best Places For Business And Careers."

Click here to learn more...

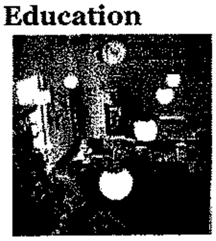
Housing

Choosing a new city for relocation is one of the most important and stressful decisions that a family, a company or a career-minded individual will ever make. We think it's pretty special that when making this life changing decision, so many people choose Fayetteville.

Whether you're looking for rural seclusion, a suburban neighborhood or an urban downtown living experience, you'll find it in Fayetteville! Rentals are also available in multiple styles and in prime locations throughout the city.

Click here to learn more...

Education



Fayetteville School District is consistently ranked on *Newsweek Magazine's* list of "Top Schools in the Nation," and many students from Fayetteville Schools are accepted annually to Harvard, Stanford, Duke, Princeton and other prestigious universities.

Fayetteville is also home to the University of Arkansas. The U of A offers a vibrant campus life for the more than 17,000 students who attend classes "on the hill." The campus provides film, theater, art, athletic events, world-renowned speakers and musical events throughout the school year.

The area also benefits from a long list of quality colleges and universities like Northwest Arkansas Community College and Webster University.

Click here to learn more...

Leisure

Fayetteville offers all the amenities of a big city with the intimate feel of a small town: a vibrant arts and cultural scene, award-winning restaurants, boutique retail, unique spas and salons, an energetic nightlife, festivals, family events and acres of natural beauty.

Click here to learn more...

Downtown Fayetteville

A regional epicenter of arts, culture and entertainment, downtown also offers a cornucopia of galleries, restaurants, nightclubs and unique retail. Home to the Walton Arts Center, the award-winning Fayetteville Public Library and the University of Arkansas, downtown Fayetteville is Northwest Arkansas' urban center.

Click here to learn more...

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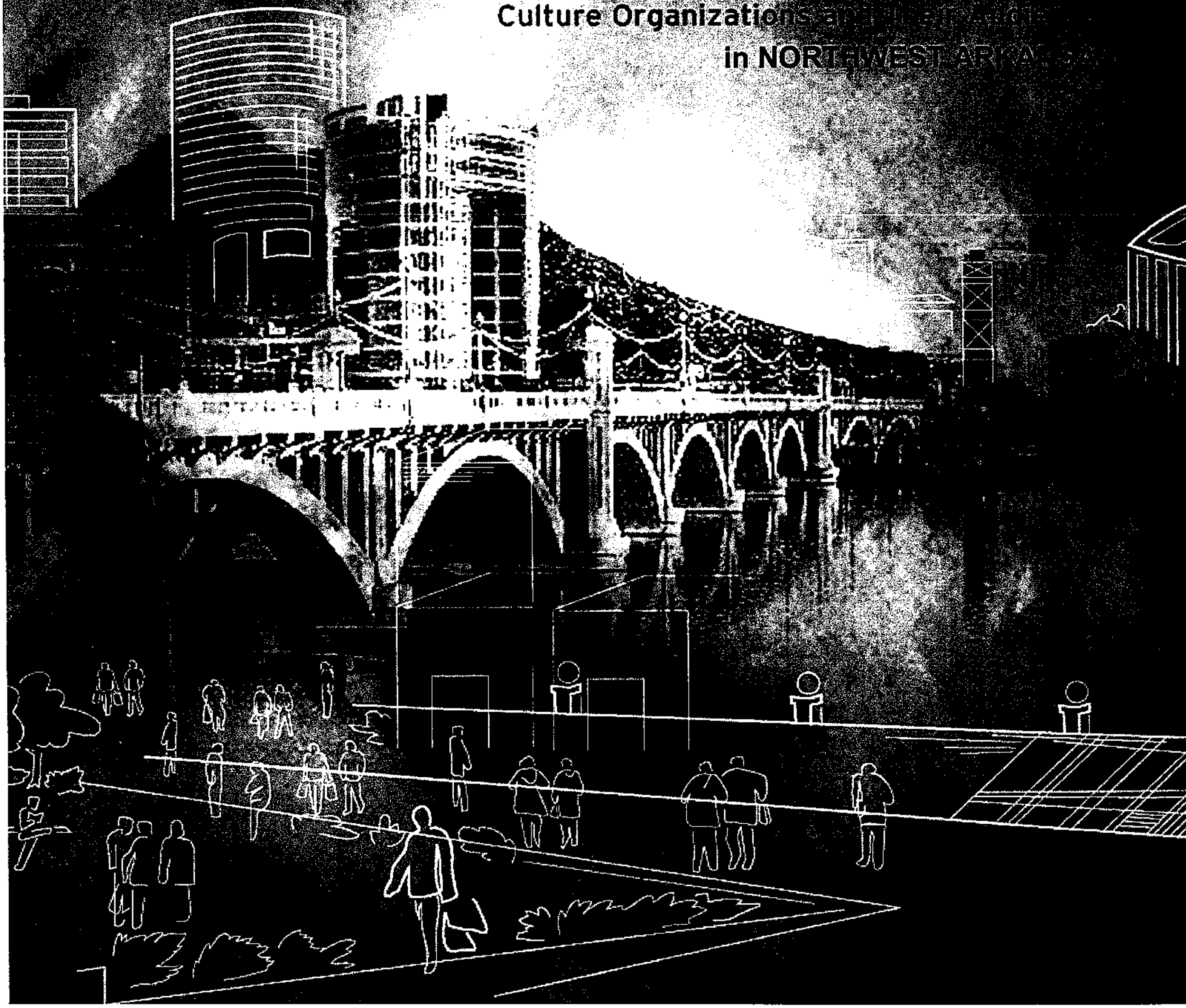
impress beyond words

Prosperity III

The Economic Impact of
Culture Organizations
in NORTHWEST



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"Understanding and acknowledging the incredible economic impact of the nonprofit arts and culture, we must always remember their fundamental value. They foster beauty, creativity, originality, and vitality. The arts inspire us, sooth us, provoke us, involve us, and connect us. But they also create jobs and contribute to the economy."

—Robert L. Lynch
President and CEO
Americans for the Arts

The Arts Mean Business

ROBERT L. LYNCH, PRESIDENT AND CEO, AMERICANS FOR THE ARTS

The key lesson from *Arts & Economic Prosperity III* is that communities that invest in the arts reap the additional benefit of jobs, economic growth, and a quality of life that positions those communities to compete in our 21st century creative economy. In my travels across the country, business and government leaders often talk to me about the challenges of funding the arts and other community needs amid shrinking resources. They worry about jobs and the economic performance of their community. How well are they competing in the high-stakes race to attract new businesses? Is their region a magnet for a skilled and creative workforce? I am continually impressed by their commitment to doing what is best for their constituents and to improving quality of life for all. The findings from *Arts & Economic Prosperity III* send a clear and welcome message: leaders who care about community and economic development can feel good about choosing to invest in the arts.

Most of us appreciate the intrinsic benefits of the arts—their beauty and vision; how they inspire, sooth, provoke, and connect us. When it comes time to make tough funding choices, however, elected officials and business leaders also need to have strong and credible data that demonstrate the economic benefits of a vibrant nonprofit arts and culture industry.

Arts & Economic Prosperity III is our third study of the nonprofit arts and culture industry's impact on the nation's economy. Because of their rigor and reliability, results from the 1994 and 2002 studies have become the most frequently used statistics to demonstrate the value of arts and culture locally, statewide, and nationally. This new study is our largest ever, featuring findings from 156 study regions (116 cities and counties, 35 multi-county regions, and five statewide studies). Data were collected from an impressive 6,080 nonprofit arts and culture organizations and 94,478 of their attendees across all 50 states and the District of Columbia.

By every measure, the results are impressive! Nationally, the nonprofit arts and culture industry generates $166.2 billion in economic activity annually—a 24 percent increase in just the past five years. That amount is greater than the Gross Domestic Product of most countries. This spending supports 5.7 million full-time jobs right here in the U.S.—an increase of 850,000 jobs since our 2002 study. What's more, because arts and culture organizations are strongly rooted in their community, these are jobs that necessarily remain local and cannot be shipped overseas.

Our industry also generates nearly $30 billion in revenue to local, state, and federal governments every year. By comparison, the three levels of government collectively spend less than $4 billion annually to support arts and culture—a spectacular 7:1 return on investment that would even thrill Wall Street veterans.

Arts & Economic Prosperity III has more good news for business leaders. Arts and culture organizations—

businesses in their own right—leverage additional event-related spending by their audiences that pumps vital revenue into restaurants, hotels, retail stores, and other local businesses. When patrons attend a performing arts event, for example, they may park their car in a toll garage, purchase dinner at a restaurant, and eat dessert after the show. Valuable commerce is generated for local merchants. This study shows that the typical attendee spends $27.79 per person, per event, in addition to the cost of admission. When a community attracts cultural tourists, it harnesses even greater economic rewards. Non-local audiences spend twice as much as their local counterparts ($40.19 vs. $19.53). Arts and culture is a magnet for tourists, and tourism research repeatedly shows that cultural travelers stay longer and spend more. Whether serving the local community or out-of-town visitors, a vibrant arts and culture industry helps local businesses thrive.

Right now, cities around the world are competing to attract new businesses as well as our brightest young professionals. International studies show that the winners will be communities that offer an abundance of arts and culture opportunities. As the arts flourish, so will creativity and innovation—the fuel that drives our global economy.

Arts & Economic Prosperity III is great news for those whose daily task is to strengthen the economy and enrich quality of life. No longer do business and elected leaders need to choose between arts and economic prosperity. Nationally, as well as locally, the arts mean business!

The Economic Impact of the Nonprofit Arts and Culture Industry in Northwest Arkansas

Arts & Economic Prosperity III provides compelling new evidence that the nonprofit arts and culture are a significant industry in Northwest Arkansas—one that generates \$16.21 million in local economic activity. This spending–\$10.06 million by nonprofit arts and culture organizations and an additional \$6.15 million in event-related spending by their audiences—supports 518 full-time equivalent jobs, generates \$9.79 million in household income to local residents, and delivers \$1.47 million in local and state government revenue. This economic impact study sends a strong signal that when we support the arts, we not only enhance our quality of life, but we also invest in Northwest Arkansas's economic well-being.

Northwest Arkansas is one of 156 communities that participated in *Arts & Economic Prosperity III*, the most comprehensive study of its kind ever conducted. It documents the economic impact of the nonprofit arts and culture industry in 116 cities and counties, 35 multi-county regions, and five states—representing all 50 states and the District of Columbia. The diverse study regions range in population (4,000 to 3 million) and type (rural to urban). Researchers collected detailed expenditure and attendance data from 6,080 nonprofit arts and culture organizations and 94,478 of their attendees to measure total industry spending. Project economists customized input/output analysis models to calculate specific and reliable findings for each study region. This study focuses solely on the economic impact of nonprofit arts and culture organizations and event-related spending by their audiences. Not included in this study are spending by individual artists and the for-profit arts and culture sector (e.g., Broadway or the motion picture industry).

Defining Economic Impact

This study uses four economic measures to define economic impact: full-time equivalent jobs, resident household income, and local and state government revenues.

Full-Time Equivalent (FTE) Jobs describes the total amount of labor employed. Economists measure FTE jobs, not the total number of employees, because it is a more accurate measure that accounts for part-time employment.

Resident Household Income (often called Personal Income) includes salaries, wages, and entrepreneurial income paid to local residents. It is the money residents earn and use to pay for food, mortgages, and other living expenses.

Revenue to Local and State Government includes revenue from taxes (i.e., income, property, or sales) as well as funds from license fees, utility fees, filing fees, and other similar sources.

ECONOMIC IMPACT OF THE ENTIRE NONPROFIT ARTS AND CULTURE INDUSTRY IN NORTHWEST ARKANSAS

Total spending by nonprofit arts and culture organizations and their audiences totaled $16.21 million in Northwest Arkansas during 2005. The following table shows the direct economic impact of this spending—that is, the initial economic effect of these expenditures.

DIRECT Economic Impact of the Nonprofit Arts and Culture Industry in Northwest Arkansas
(Spending by Nonprofit Arts and Culture Organizations and Their Audiences)

	Northwest Arkansas	Median of Similar Study Regions *Pop. = 250,000 to 499,999*	National Median
Total Expenditures	$16,210,374	$60,304,046	$41,315,605
Full-Time Equivalent Jobs	295	941	778
Resident Household Income	$5,396,000	$17,083,000	$13,519,000
Local Government Revenue	$157,000	$959,000	$845,000
State Government Revenue	$534,000	$1,409,000	$1,593,000

These direct economic impacts create an additional indirect economic impact on the economy. The local expenditures continue to have an economic impact on the economy until the money eventually "leaks out" of the region (i.e., is spent outside Northwest Arkansas). The total economic impact is the combination of the direct economic impact and the indirect economic impact. The table below shows the total economic impact of the $16.21 million spent by nonprofit arts and culture organizations and their audiences during 2005:

TOTAL Economic Impact of the Nonprofit Arts and Culture Industry in Northwest Arkansas
(Spending by Nonprofit Arts and Culture Organizations and Their Audiences)

	Northwest Arkansas	Median of Similar Study Regions *Pop. = 250,000 to 499,999*	National Median
Total Expenditures	$16,210,374	$60,304,046	$41,315,605
Full-Time Equivalent Jobs	518	1,512	1,386
Resident Household Income	$9,791,000	$30,328,000	$26,369,000
Local Government Revenue	$342,000	$2,536,000	$2,486,000
State Government Revenue	$1,123,000	$2,830,000	$3,042,000

DIRECT AND INDIRECT ECONOMIC IMPACT: HOW A DOLLAR IS RE-SPENT IN THE ECONOMY

Arts & Economic Prosperity III uses a sophisticated economic analysis called input/output analysis to measure economic impact. It is a system of mathematical equations that combines statistical methods and economic theory. Input/output analysis enables economists to track how many times a dollar is "re-spent" within the local economy, and the economic impact generated by each round of spending. How can a dollar be re-spent? Consider the following example:

> A theater company purchases a gallon of paint from the local hardware store for $20, generating the direct economic impact of the expenditure. The hardware store then uses a portion of the aforementioned $20 to pay the sales clerk's salary; the sales clerk respends some of the money for groceries; the grocery store uses some of the money to pay its cashier; the cashier then spends some for the utility bill; and so on. The subsequent rounds of spending are the indirect economic impacts.

Thus, the initial expenditure by the theater company was followed by four additional rounds of spending (by the hardware store, sales clerk, grocery store, and the cashier). The effect of the theater company's initial expenditure is the direct economic impact. The effects of the subsequent rounds of spending are all of the indirect impacts. The total impact is the sum of the direct and indirect impacts.

A dollar "ripples" through communities very differently, which is why a customized input/output model was created for Northwest Arkansas.

> "Mayors understand well the connection between the arts industry and city revenues. Besides providing thousands of jobs, the arts industry generates billions in government and business revenues. Additionally, the arts have played an important role in the economic revitalization of many of our nation's cities."
>
> —Mayor Douglas H. Palmer
> Mayor of Trenton, New Jersey
> President, The United States Conference of Mayors

ECONOMIC IMPACT OF SPENDING BY NONPROFIT ARTS AND CULTURE ORGANIZATIONS IN NORTHWEST ARKANSAS

Nonprofit arts and culture organizations are active contributors to their business community. They are employers, producers, and consumers. They are members of the chamber of commerce as well as key partners in the marketing and promotion of their cities, regions, and states. Spending by nonprofit arts and culture organizations totaled $10.06 million in Northwest Arkansas during 2005. This spending is far-reaching: organizations pay employees, purchase supplies, contract for services, and acquire assets within their community. These actions, in turn, support jobs, create household income, and generate revenue to the local and state governments.

Data were collected from 17 nonprofit arts and culture organizations in Northwest Arkansas. Each provided detailed budget information about more than 40 expenditure categories for fiscal year 2005 (e.g., labor, payments to local and non-local artists, operations, materials, facilities, and asset acquisition) as well as their total attendance figures. The following tables demonstrate the direct and total impacts of this spending.

DIRECT Economic Impact of Spending by Nonprofit Arts and Culture Organizations in Northwest Arkansas

	Northwest Arkansas	Median of Similar Study Regions *Pop. = 250,000 to 499,999*	National Median
Total Expenditures	$10,062,069	$29,276,410	$17,346,252
Full-Time Equivalent Jobs	171	418	244
Resident Household Income	$3,603,000	$10,121,000	$6,049,000
Local Government Revenue	$32,000	$261,000	$179,000
State Government Revenue	$177,000	$368,000	$200,000

TOTAL Economic Impact of Spending by Nonprofit Arts and Culture Organizations in Northwest Arkansas

	Northwest Arkansas	Median of Similar Study Regions *Pop. = 250,000 to 499,999*	National Median
Total Expenditures	$10,062,069	$29,276,410	$17,346,252
Full-Time Equivalent Jobs	348	914	675
Resident Household Income	$6,730,000	$19,933,000	$13,310,000
Local Government Revenue	$138,000	$1,178,000	$719,000
State Government Revenue	$522,000	$1,161,000	$770,000

Economic Impact of Spending by Nonprofit Arts and Culture AUDIENCES in Northwest Arkansas

The nonprofit arts and culture, unlike most industries, leverage a significant amount of event-related spending by its audiences. For example, when patrons attend an arts event, they may pay to park their car in garage, purchase dinner at a restaurant, eat dessert after the show, and pay a babysitter upon their return home. This spending generates related commerce for local businesses such as restaurants, parking garages, hotels, and retail stores.

To measure the impact of nonprofit arts and culture audiences in Northwest Arkansas, data were collected from 823 event attendees during 2006. Researchers used an audience-intercept methodology, a standard technique in which patrons complete a written survey about their event-related spending while attending the event. The 17 nonprofit arts and culture organizations that responded to the detailed organizational survey reported that the aggregate attendance to their events was 252,518. These attendees spent a total of $6.15 million, excluding the cost of event admission. The following tables demonstrate the direct and total impacts of this spending.

DIRECT Economic Impact of Spending by Nonprofit Arts and Culture Audiences in Northwest Arkansas (excluding the cost of event admission)

	Northwest Arkansas	Median of Similar Study Regions *Pop. = 250,000 to 499,999*	National Median
Total Expenditures	$6,148,305	$31,924,927	$24,772,704
Full-Time Equivalent Jobs	124	523	500
Resident Household Income	$1,793,000	$6,657,000	$7,382,000
Local Government Revenue	$125,000	$673,000	$516,000
State Government Revenue	$357,000	$1,089,000	$1,282,000

TOTAL Economic Impact of Spending by Nonprofit Arts and Culture Audiences in Northwest Arkansas (excluding the cost of event admission)

	Northwest Arkansas	Median of Similar Study Regions *Pop. = 250,000 to 499,999*	National Median
Total Expenditures	$6,148,305	$31,924,927	$24,772,704
Full-Time Equivalent Jobs	170	698	711
Resident Household Income	$3,061,000	$10,184,000	$13,059,000
Local Government Revenue	$204,000	$1,358,000	$1,390,000
State Government Revenue	$601,000	$1,669,000	$2,176,000

VISITORS SPEND MORE

In addition to spending data, the 823 audience survey respondents were asked to provide the ZIP code of their primary residence, enabling researchers to determine which attendees were local (i.e., reside within Northwest Arkansas) and which were non-local (reside outside Northwest Arkansas). In Northwest Arkansas, 83 percent of the 252,518 nonprofit arts attendees were local; 17 percent were non-local.

Non-local arts and culture event attendees spent an average of 167 percent more than local attendees per person ($50.92 vs. $19.04). As would be expected from a traveler, higher spending was typically found in the categories of lodging, meals, and transportation. These data demonstrate that when a community attracts cultural tourists, it harnesses significant economic rewards.

Event-Related Spending by Arts and Culture Event Attendees Totaled $6.15 million in Northwest Arkansas (excluding the cost of event admission)

	Residents	Non-Residents	All Northwest Arkansas Event Attendees
Total Event Attendance	210,474	42,044	252,518
Percent of Attendees	83 percent	17 percent	100 percent
Average Dollars Spent Per Attendee	$19.04	$50.92	$24.34
Total Event-Related Spending	$4,007,425	$2,140,880	$6,148,305

Nonprofit Arts and Culture Event Attendees Spend an Average of $24.34 Per Person in Northwest Arkansas (excluding the cost of event admission)

	Residents	Non-Residents	All Northwest Arkansas Event Attendees
Refreshments/Snacks During Event	$3.35	$7.43	$4.03
Meals Before/After Event	$5.82	$12.09	$6.86
Souvenirs and Gifts	$3.30	$8.77	$4.21
Clothing and Accessories	$1.88	$2.91	$2.05
Ground Transportation	$0.85	$4.67	$1.49
Event-Related Child Care	$0.51	$0.00	$0.42
Overnight Lodging *(one night only)*	$3.14	$14.98	$5.11
Other	$0.19	$0.07	$0.17
Total Per Person Spending	**$19.04**	**$50.92**	**$24.34**

Voluntarism and In-Kind Contributions

AN ECONOMIC IMPACT BEYOND DOLLARS

Arts & Economic Prosperity III reveals a significant contribution to nonprofit arts and culture organizations as a result of voluntarism. In 2005, 1,639 arts volunteers donated 55,013 hours to Northwest Arkansas's nonprofit arts and culture organizations. This represents a donation of time with an estimated value of $992,435 (Independent Sector estimates the value of the average 2005 volunteer hour to be $18.04).[1] While these arts volunteers may not have an economic impact as defined in this study, they clearly have an enormous impact by helping Northwest Arkansas's nonprofit arts and culture organizations function as a viable industry.

In addition, the nonprofit arts and culture organizations surveyed for this study were asked about the sources and value of their in-kind support. In-kind contributions are non-cash donations such as materials (e.g., office supplies from a local retailer), facilities (e.g., rent), and services (e.g., printing costs from a local printer). The 17 responding nonprofit arts and culture organizations in Northwest Arkansas reported that they received in-kind contributions with an aggregate value of $209,524 during 2005. These contributions were received from a variety of sources including corporations, individuals, local and state arts agencies, and government.

"The arts benefit communities as well as individuals. Cities and towns with flourishing cultural activities attract businesses and tourists and provide tremendous incentives for families. There are wonderful models in Massachusetts and across the country of communities that have integrated cultural institutions into revitalizations efforts. They have strengthened their economies and greatly improved quality of life in their neighborhoods."

—Senator Edward Kennedy, Massachusetts
Co-Chairman, Senate Cultural Caucus

"Across America, cities that once struggled economically are reinventing and rebuilding themselves by investing in arts and culture. Both are proven catalysts for growth and economic prosperity. By creating cultural hubs, nonprofit art businesses help cities define themselves, draw tourists, and attract investment. Federal support for America's nonprofit cultural organizations must go on if we hope to continue enjoying the substantial benefits they bring."

—Representative Louise M. Slaughter, U.S. House of Representatives
Co-Chair, Congressional Arts Caucus

"This report reinforces why many cities and towns across the nation are stepping up to support the continued growth of arts and culture. Not only do the arts provide a much needed social escape for many in our communities – they also help drive local economies. Having an abundance of unique arts and events means more revenue for local businesses and makes our communities more attractive to young, talented professionals—whose decisions on where to start a career or business are increasingly driven by quality of life and the availability of cultural amenities."

—Bart Peterson
President, National League of Cities
Mayor, Indianapolis, Indiana

Conclusion

The nonprofit arts and culture are a $16.21 million industry in Northwest Arkansas—one that supports 518 full-time equivalent jobs and generates $1.47 million in local and state government revenue. Nonprofit arts and culture organizations, which spend $10.06 million annually, leverage a remarkable $6.15 million in additional spending by arts and culture audiences—spending that pumps vital revenue into local restaurants, hotels, retail stores, parking garages, and other businesses in Northwest Arkansas. By demonstrating that investing in the arts and culture yields economic benefits, *Arts & Economic Prosperity III* lays to rest a common misconception: that communities support the arts and culture at the expense of local economic development. In fact, they are investing in an industry that supports jobs, generates government revenue, and is a cornerstone of tourism. This report shows conclusively that **the arts mean business in Northwest Arkansas!**

"In my own philanthropy and business endeavors I have seen the critical role that the arts play in stimulating creativity and in developing vital communities. As this study indicates, the arts have a crucial impact on our economy and are an important catalyst for learning, discovery, and achievement in our country."

—Paul G. Allen
Philanthropist
Co-Founder, Microsoft

"On a personal level, I recognize the joyous celebration I experience from the arts and as a policy-maker, I recognize the tremendous economic contribution of the arts, from the most sophisticated urban center to the most precious rural community."

—Senator Leticia Van de Putte, Texas
President, National Conference of State Legislatures

Arts & Economic Prosperity III Calculator

ESTIMATING ECONOMIC IMPACT IN NORTHWEST ARKANSAS

To make it easier to compare the economic impacts of different organizations within Northwest Arkansas, researchers calculated the economic impact per $100,000 of spending by nonprofit arts and culture organizations and their audiences.

ECONOMIC IMPACT PER $100,000 OF SPENDING BY NONPROFIT ARTS AND CULTURE ORGANIZATIONS

For every $100,000 in spending by a nonprofit arts and culture organization in Northwest Arkansas, there was the following total economic impact.

Ratios of Economic Impact Per $100,000 of Spending by Nonprofit Arts and Culture Organizations in Northwest Arkansas

	Northwest Arkansas	Median of Similar Study Regions *Pop. = 250,000 to 499,999*	National Median
Full-Time Equivalent Jobs	3.46	2.99	3.46
Resident Household Income	$66,885	$68,933	$71,221
Local Government Revenue	$1,371	$3,571	$4,200
State Government Revenue	$5,188	$4,428	$6,979

An Example of How to Use the Organizational Spending Calculator Table (above)
An administrator from a nonprofit arts and culture organization that has total expenditures of $250,000 wants to determine the organization's total economic impact on full-time equivalent (FTE) employment in Northwest Arkansas. The administrator would:

1. Determine the amount spent by the nonprofit arts and culture organization;
2. Divide the total expenditure by 100,000; and
3. Multiply that figure by the FTE employment ratio per $100,000 for Northwest Arkansas.

Thus, $250,000 divided by 100,000 equals 2.5; 2.5 times 3.46 (from the table above—*Ratios of Economic Impact Per $100,000 of Spending by Nonprofit Arts and Culture Organizations in Northwest Arkansas*) equals a total of 8.7 full-time equivalent jobs supported (both directly and indirectly) within Northwest Arkansas by that nonprofit arts and culture organization. Using the same procedure, the estimate can be calculated for resident household income and local and state government revenue.

ECONOMIC IMPACT PER $100,000 OF SPENDING BY NONPROFIT ARTS AND CULTURE AUDIENCES

The economic impact of event-related spending by arts audiences also can be derived for individual or groups of nonprofit arts and culture organizations and events in Northwest Arkansas.

The first step is to determine the total estimated event-related spending by arts and culture event attendees (excluding the cost of admission). To derive this figure, multiply the average per person event-related expenditure in Northwest Arkansas by the total event attendance. The ratios of economic impact per $100,000 in spending then can be used to determine the total economic impact of the total estimated audience spending.

Average Per Person Event-Related Spending by All Arts and Culture Event Attendees in Northwest Arkansas (excluding the cost of event admission)

	Northwest Arkansas	Median of Similar Study Regions *Pop. = 250,000 to 499,999*	National Median
Refreshments/Snacks During Event	$4.03	$2.72	$2.94
Meals Before/After Event	$6.86	$9.99	$10.06
Souvenirs and Gifts	$4.21	$3.17	$3.90
Clothing and Accessories	$2.05	$1.77	$1.62
Ground Transportation	$1.49	$2.65	$2.72
Event-Related Child Care	$0.42	$0.42	$0.34
Overnight Lodging *(one night only)*	$5.11	$3.69	$5.01
Other	$0.17	$1.15	$1.20
Total Per Person Spending	**$24.34**	**$25.56**	**$27.79**

Ratios of Economic Impact Per $100,000 of Spending by Nonprofit Arts and Culture Audiences in Northwest Arkansas

	Northwest Arkansas	Median of Similar Study Regions *Pop. = 250,000 to 499,999*	National Median
Full-Time Equivalent Jobs	2.76	2.87	2.60
Resident Household Income	$49,786	$47,946	$47,591
Local Government Revenue	$3,318	$4,992	$4,628
State Government Revenue	$9,775	$5,974	$8,586

An Example of How to Use the Audience Spending Calculator Tables (on the preceding page)
An administrator wants to determine the total economic impact of the 25,000 total attendees to his/her organization's nonprofit arts and culture events on full-time equivalent (FTE) employment in Northwest Arkansas. The administrator would:

1. Determine the total estimated audience spending by multiplying the average per person expenditure for Northwest Arkansas by the total attendance to nonprofit arts and culture events;
2. Divide the resulting total estimated audience spending by 100,000; and
3. Multiply that figure by the FTE employment ratio per $100,000 for Northwest Arkansas.

Thus, 25,000 times $24.34 (from the top table on the preceding page—*Average Per Person Event-Related Spending by Arts and Culture Event Attendees in Northwest Arkansas*) equals $608,500; $608,500 divided by 100,000 equals 6.09; 6.09 times 2.76 (from the bottom table on the preceding page—*Ratios of Economic Impact Per $100,000 of Spending by Nonprofit Arts and Culture Audiences in Northwest Arkansas*) equals a total of 16.8 full-time equivalent jobs supported (both directly and indirectly) within Northwest Arkansas by that nonprofit arts and culture organization. Using the same procedure, the estimate can be calculated for resident household income and local and state government revenue.

"We in the public sector need to keep in mind what an important role the arts play in economic development. Part of a community's vibrancy is defined by its arts and culture quality and diversity. All the things we do at the county level to support the arts can make a difference and I encourage county officials to step up to make sure their communities understand the linkage between local economic development and the arts."

—Linda Langston
Linn County Supervisor, Iowa
Chair, Arts Commission, National Association of Counties

"North Dakota's participation in this study shows the economic impact the arts can have in rural and urban economies alike. We look forward to the state arts council further exploring the role of arts in rural economic development."

—Jack Dalrymple
Lt. Governor, North Dakota
Chair Elect, National Lieutenant Governors Association

Comparisons with Similarly Populated Study Regions

For the purpose of this study, Northwest Arkansas is defined as Benton and Washington Counties in Arkansas. Using this definition, the population of Northwest Arkansas was estimated to be 367,295 during 2005 according to the most recent data available from the U.S. Census Bureau. The table below compares the economic impact results for Northwest Arkansas with those of other regional study participants.

For more comparisons, data tables containing the detailed survey results for all 156 communities that participated in *Arts & Economic Prosperity III* are located in Appendix A of the full National Report. **All three national study reports are available for download and purchase at www.AmericansForTheArts.org/EconomicImpact,** including the Highlights Brochure, the Summary Report, and the full National Report.

Economic Impact of the Nonprofit Arts Industry: Northwest Arkansas Compared to Similarly Populated Study Regions with Populations of 250,000 to 499,999 (Listed by Population in Ascending Order)

Study Region	2005 Population	Total Industry Expenditures (Organizations & Audiences)	Full-Time Equivalent Jobs	Resident Household Income	Local Government Revenue	State Government Revenue
Wood River Valley, ID	12,172	$6,182,993	161	$2,849,000	$130,000	$341,000
Portsmouth Seacoast Area (NH,ME)	36,368	$38,180,594	1,161	$22,932,000	$2,486,000	$1,897,000
Greater Minot, ND	78,817	$8,563,140	188	$3,362,000	$363,000	$476,000
Black Hills Region, SD	178,840	$162,082,251	4,380	$84,034,000	$10,003,000	$10,290,000
Fargo-Moorhead Region (ND,MN)	184,857	$41,315,605	1,386	$26,369,000	$1,933,000	$2,990,000
Washington and Chisago Counties, MN	367,295	$3,692,715	82	$1,482,000	$83,000	$254,000
Northwest Arkansas	367,295	$16,210,374	518	$9,791,000	$342,000	$1,123,000
Northeast Wisconsin	374,625	$10,751,805	370	$7,142,000	$460,000	$726,000
Iowa Cultural Corridor	512,887	$63,080,706	1,986	$33,899,000	$2,774,000	$3,440,000
St. Croix Valley Region (WI,MN)	527,870	$16,450,861	384	$7,161,000	$435,000	$1,144,000
Northwest Louisiana	569,974	$89,771,334	2,367	$49,859,000	$6,942,000	$5,920,000
Greater Columbia, SC	575,350	$56,255,506	2,206	$38,416,000	$2,689,000	$3,801,000
Lehigh Valley, PA	680,159	$169,109,467	6,216	$92,956,000	$6,817,000	$11,130,000
East Maricopa County, AZ	838,862	$82,687,274	2,512	$49,785,000	$3,395,000	$4,836,000
Greater Buffalo, NY	1,147,711	$155,294,034	4,740	$95,904,000	$14,902,000	$9,150,000
Greater Portland, OR	1,523,690	$374,753,836	11,858	$236,061,000	$15,773,000	$15,919,000
Greater Harrisburg, PA	1,546,753	$62,115,008	2,123	$40,704,000	$2,862,000	$4,204,000
Kansas City Metro Region (MO,KS)	1,609,434	$279,328,031	8,789	$231,542,000	$9,538,000	$13,707,000
Greater Birmingham, AL	1,634,707	$136,448,046	4,397	$87,031,000	$5,623,000	$7,638,000
Greater Cincinnati Region (OH,KY,IN)	1,940,545	$279,856,713	9,675	$189,514,000	$14,118,000	$18,873,000
Greater Milwaukee, WI	1,968,951	$249,720,184	8,359	$164,580,000	$14,673,000	$18,245,000
Minnesota Twin Cities' Metro Region	2,746,987	$719,504,854	19,069	$568,742,000	$17,268,000	$62,839,000
Central Florida Region	3,497,472	$165,312,100	5,661	$111,717,000	$8,966,000	$11,720,000
Greater Washington Metro Region	3,684,021	$1,156,704,133	26,731	$607,976,000	$50,380,000	$37,331,000
Greater Philadelphia, PA	3,890,181	$1,335,924,526	35,827	$763,117,000	$67,326,000	$84,368,000

"The arts have been and continue to be an important part of Arizona's culture. By igniting the mind, the arts can spark new ways of thinking, communicating, and doing business.

—Janet Napolitano
Governor, Arizona
Chair, National Governors Association

About This Study

The *Arts & Economic Prosperity III* study was conducted by Americans for the Arts to document the economic impact of the nonprofit arts and culture industry in 156 communities and regions (116 cities and counties, 35 multi-county regions, and five states)—representing all 50 states and the District of Columbia.

The diverse communities range in population (4,000 to 3 million) and type (rural to urban). The study focuses solely on nonprofit arts and culture organizations and their audiences. Public arts councils and public presenting facilities/institutions are included as are select programs embedded within another organization (that have their own budget and play a substantial role in the cultural life of the community). The study excludes spending by individual artists and the for-profit arts and entertainment sector (e.g., Broadway or the motion picture industry). Detailed expenditure data were collected from 6,080 arts and culture organizations and 94,478 of their attendees. The project economists, from the Georgia Institute of Technology, customized input/output analysis models for each study region to provide specific and reliable economic impact data about their nonprofit arts and culture industry, specifically full-time equivalent jobs, household income, and local and state government revenue.

THE 156 LOCAL AND REGIONAL STUDY PARTNERS

Americans for the Arts published a Call for Participants in 2005 seeking communities interested in participating in the *Arts & Economic Prosperity III* study. Of the more than 200 potential partners that expressed interest, 156 agreed to participate and complete four participation criteria: (1) identify and code the universe of nonprofit arts and culture organizations in their study region; (2) disseminate, collect, and review for accuracy expenditure surveys from those organizations; (3) conduct audience-intercept surveys at a minimum of 16 diverse arts events; and (4) pay a modest cost-sharing fee (no community was refused participation for an inability to pay).

The Walton Arts Center responded to the 2005 Call for Participants, and agreed to complete the four participation criteria.

SURVEYS OF NONPROFIT ARTS AND CULTURE ORGANIZATIONS

Each of the 156 study regions attempted to identify its complete universe of nonprofit arts and culture organizations using the Urban Institute's National Taxonomy of Exempt Entity (NTEE)[2] codes as a guideline. Eligible nonprofit arts and culture organizations—those whose primary purpose is to promote appreciation for and understanding of the visual, performing, folk, and media arts—received a web-based survey. Sent via email, the survey collected detailed information about their 2005 fiscal year expenditures in more than 40 expenditure categories, including labor, local and non-local artists, operations, materials, facilities, and asset acquisition. Data were collected from 6,080 organizations for this study. Response rates for the 156 communities averaged 41.3 percent and ranged from 10.4 percent to 100 percent. Responding organizations had budgets ranging from a low of $0 to a high of $159.2 million. Each study region's results are based solely on the actual survey data collected, not on fiscal projections. The less-than-100 percent response rates suggest an understatement of the economic impact findings in most of the individual study regions.

The following NTEE[2] categories of nonprofit arts, culture, and humanities organizations were included in this study:

- A02, Management and Technical Assistance Organizations
- A03, Professional Societies and Associations
- A05, Research Institutes and Policy Analysis Organizations
- A11, Single Support Organizations
- A12, Fund Raising and Fund Distributing Organizations
- A23, Cultural and Ethnic Awareness Organizations
- A24, Folk Arts and Traditional Arts Organizations
- A25, Arts Education Organizations
- A26, Arts Councils and City Presenting Facilities
- A31, Film and Video Organizations
- A32, Public Access Television Studios
- A40, Visual Arts Organizations
- A45, Architectural Organizations
- A46, Drawing Organizations
- A47, Ceramic Arts Organizations
- A48, Art Conservation Organizations
- A51, Art Museums
- A52, Children's Museums
- A53, Folk Arts and Ethnic Museums
- A54, History Museums
- A55, Marine and Maritime Museums
- A56, Natural History and Natural Science Museums
- A57, Science and Technology Museums
- A58, Sports and Hobby Museums
- A59, Specialized Museums
- A61, Performing Arts Centers
- A62, Dance Organizations
- A63, Ballet Organizations
- A64, Choreography Organizations
- A65, Theaters
- A66, Playwriting Organizations
- A67, Musical Theaters
- A68, Music Organizations
- A69, Symphony Orchestras
- A6A, Theaters
- A6B, Singing or Choral Organizations
- A6C, Music Groups, Bands, or Ensembles
- A6D, Music Composition Organizations
- A6E, Performing Arts Schools
- A71, Art History Organizations
- A76, Literary Service Organizations and Activities
- A82, Historical Societies
- A84, Fairs, Festivals, and other Commemorative Events
- A91, Artist Service Organizations

In Northwest Arkansas, 17 of the 108 total eligible nonprofit arts and culture organizations identified by the Walton Arts Center responded to the survey—a response rate of 16 percent. The responding organizations had a range of operating budgets from $0 to $6,200,868.

SURVEYS OF NONPROFIT ARTS AND CULTURE AUDIENCES

Audience-intercept surveying, a common and accepted research method, was completed in 152 of the 156 study regions to measure spending by audiences at nonprofit arts and culture events. Patrons were asked to complete a short survey while attending an event. A total of 94,478 attendees completed the survey for an average of 673 surveys per community. The randomly selected respondents provided itemized expenditure data on attendance-related activities such as meals, souvenirs, transportation, and lodging. Data were collected throughout 2006 (to guard against seasonal spikes or drop-offs in attendance) as well as at a broad range of events (a night at the opera will typically yield more spending than a Saturday children's theater production, for example). Using total attendance data for 2005 (collected from the organization surveys), standard statistical methods were then used to derive a reliable estimate of total expenditures by attendees in each community. The survey respondents provided information about the entire party with whom they were attending the event. With an average travel party size of three people, these data actually represent the spending patterns of more than 280,000 attendees, significantly increasing the reliability of the data.

In Northwest Arkansas, a total of 823 audience intercept surveys were collected from attendees to nonprofit arts and culture events during 2006.

Economic Analysis

A common theory of community growth is that an area must export goods and services if it is to prosper economically. This theory is called economic-base theory, and it depends on dividing the economy into two sectors: the export sector and the local sector. Exporters, such as automobile manufacturers, hotels, and department stores, obtain income from customers outside of the community. This "export income" then enters the local economy in the form of salaries, purchases of materials, dividends, and so forth, and becomes income to local residents. Much of it is re-spent locally; some, however, is spent for goods imported from outside of the community. The dollars re-spent locally have a positive economic impact as they continue to circulate through the local economy. This theory applies to arts organizations as well as to other producers.

Studying Economic Impact Using Input/Output Analysis

To derive the most reliable economic impact data, input-output analysis is used to measure the impact of expenditures by nonprofit arts and culture organizations and their audiences. This is a highly regarded type of economic analysis that has been the basis for two Nobel Prizes in economics. The models are systems of mathematical equations that combine statistical methods and economic theory in an area of study called econometrics. The analysis traces how many times a dollar is re-spent within the local economy before it leaks out, and it quantifies the economic impact of each round of spending. This form of economic analysis is well suited for this study because it can be customized specifically to each community.

An input/output model was customized for Northwest Arkansas based on the local dollar flow between 533 finely detailed industries within its economy. This was accomplished by using detailed data on employment, incomes, and government revenues provided by the U.S. Department of Commerce (e.g., County Business Patterns, Regional Economic Information System, Survey of State and Local Finance), local tax data (sales taxes, property taxes, and miscellaneous local option taxes), as well as the survey data from the responding nonprofit arts and culture organizations and their audiences.

The Input/Output Process

The input-output model is based on a table of 533 finely detailed industries showing local sales and purchases. The local and state economy of each community is researched so the table can be customized for each community. The basic purchase patterns for local industries are derived from a similar table for the U.S. economy for 2002 (the latest detailed data available from the U.S. Department of Commerce). The table is first reduced to reflect the unique size and industry mix of the local economy, based on data from County Business Patterns and the Regional Economic Information System of the U.S. Department of Commerce. It is then adjusted so that only transactions with local businesses are recorded in the inter-industry part of the table. This technique compares supply and demand and estimates the additional imports or exports required to make total supply equal total demand. The resulting table shows the detailed sales and purchase patterns of the local industries. The 533-industry table is then aggregated to reflect the general activities of 32 industries plus local households, creating a total of 33 industries. To trace changes in the economy, each column is converted to show the direct requirements per dollar of gross output for each sector. This direct-requirements table represents the "recipe" for producing the output of each industry.

The economic impact figures for *Arts & Economic Prosperity III* were computed using what is called an "iterative" procedure. This process uses the sum of a power series to approximate the solution to the economic model. This is what the process looks like in matrix algebra:

T = IX + AX + A2X + A3X + ... + AnX.

T is the solution, a column vector of changes in each industry's outputs caused by the changes represented in the column vector X. A is the 33 by 33 direct-requirements matrix. This equation is used to trace the direct expenditures attributable to nonprofit arts organizations and their audiences. A multiplier effect table is produced that displays the results of this equation. The total column is T. The initial expenditure to be traced is IX (I is the identity matrix, which is operationally equivalent to the number 1 in ordinary algebra). Round 1 is AX, the result of multiplying the matrix A by the vector X (the outputs required of each supplier to produce the goods and services purchased in the initial change under study). Round 2 is A2X, which is the result of multiplying the matrix A by Round 1 (it answers the same question applied to Round 1: "What are the outputs required of each supplier to produce the goods and services purchased in Round 1 of this chain of events?"). Each of columns 1 through 12 in the multiplier effects table represents one of the elements in the continuing but diminishing chain of expenditures on the right side of the equation. Their sum, T, represents the total production required in the local economy in response to arts activities.

Calculation of the total impact of the nonprofit arts on the outputs of other industries (T) can now be converted to impacts on the final incomes to local residents by multiplying the outputs produced by the ratios of household income to output and employment to output. Thus, the employment impact of changes in outputs due to arts expenditures is calculated by multiplying elements in the column of total outputs by the ratio of employment to output for the 32 industries in the region. Changes in household incomes, local government revenues, and state government revenues due to nonprofit arts expenditures are similarly transformed. The same process is also used to show the direct impact on incomes and revenues associated with the column of direct local expenditures.

END NOTES

1 Giving and Volunteering in the United States 2005, Independent Sector, 2006.

2 The National Taxonomy of Exempt Entities (NTEE)—developed by the National Center for Charitable Statistics at the Urban Institute—is a definitive classification system for nonprofit organizations recognized as tax exempt by the Internal Revenue Code. This system divides the entire universe of nonprofit organizations in ten broad categories, including "Arts, Culture, and Humanities." The Urban Institute estimates that 100,000 are in operation in 2007.

Frequently Used Terms

This section provides a glossary of economic impact terminology, sorted alphabetically in ascending order.

Cultural Tourism

Travel directed toward experiencing the arts, heritage, and special character of a place.

Direct Economic Impact

A measure of the economic effect of the initial expenditure within a community. For example, when the symphony pays its players, each musician's salary, the associated government taxes, and full-time equivalent employment status represent the direct economic impact.

Direct Expenditures

The first round of expenditures in the economic cycle. A paycheck from the symphony to the violin player and a ballet company's purchase of dance shoes are examples of direct expenditures.

Econometrics

The process of using statistical methods and economic theory to develop a system of mathematical equations that measures the flow of dollars between local industries. The input-output model developed for this study is an example of an econometric model.

Econometrician

An economist who designs, builds, and maintains econometric models.

Full-Time Equivalent (FTE) Jobs

A term that describes the total amount of labor employed. Economists measure FTE jobs—not the total number of employees—because it is a more accurate measure of total employment. It is a manager's discretion to hire one full-time employee, two half-time employees, four quarter-time employees, etc. Almost always, more people are affected than are reflected in the number of FTE jobs reported due to the abundance of part-time employment, especially in the nonprofit arts and culture industry.

Indirect Impact

Each time a dollar changes hands, there is a measurable economic impact. When people and businesses receive money, they re-spend much of that money locally. Indirect impact measures the effect of this re-spending on jobs, household income, and revenue to local and state government. It is often referred to as secondary spending or the dollars "rippling" through a community. When funds are eventually spent non-locally, they are considered to have "leaked out" of the community and therefore cease to have a local economic impact. Indirect impact is the sum of the impact of all rounds of spending.

INPUT-OUTPUT ANALYSIS

A system of mathematical equations that combines statistical methods and economic theory in an area of economic study called econometrics. Economists use this model (occasionally called an inter-industry model) to measure how many times a dollar is re-spent in, or "ripples" through, a community before it leaks out (see Leakage). The model is based on a matrix that tracks the dollar flow between 533 finely detailed industries in each community. It allows researchers to determine the economic impact of local spending by nonprofit arts and culture organizations on jobs, household income, and government revenue.

LEAKAGE

The money that community members spend outside of a community. This non-local spending has no economic impact within the community. A ballet company purchasing shoes from a non-local manufacturer is an example of leakage. If the shoe company were local, the expenditure would remain within the community and create another round of spending by the shoe company.

MULTIPLIER (often called Economic Activity Multiplier)

An estimate of the number of times that a dollar changes hands within the community before it leaks out of the community (for example, the theater pays the actor, the actor spends money at the grocery store, the grocery store pays its cashier, and so on). This estimate is quantified as one number by which all expenditures are multiplied. For example, if the arts are a $10 million industry and a multiplier of three is used, then it is estimated that these arts organizations have a total economic impact of $30 million. The convenience of a multiplier is that it is one simple number; its shortcoming, however, is its reliability. Users rarely note that the multiplier is developed by making gross estimates of the industries within the local economy with no allowance for differences in the characteristics of those industries, usually resulting in an overestimation of the economic impact. In contrast, the input-output model employed in *Arts & Economic Prosperity III* is a type of economic analysis tailored specifically to each community and, as such, provides more reliable and specific economic impact results.

RESIDENT HOUSEHOLD INCOME (often called Personal Income)

The salaries, wages, and entrepreneurial income residents earn and use to pay for food, mortgages, and other living expenses. It is important to note that resident household income is not just salary. When a business receives money, for example, the owner usually takes a percentage of the profit, resulting in income for the owner.

REVENUE TO LOCAL AND STATE GOVERNMENT

Local and state government revenue is not derived exclusively from income, property, sales, and other taxes. It also includes license fees, utility fees, user fees, and filing fees. Local government revenue includes funds to city and county government, schools, and special districts.

Frequently Asked Questions

This section answers some common questions about this study and the methology used to complete it.

HOW WERE THE 156 PARTICIPATING COMMUNITIES AND REGIONS SELECTED?

In 2005, Americans for the Arts published a Call for Participants for communities interested in participating in the *Arts & Economic Prosperity III* study. Of the more than 200 participants that expressed interest, 156 agreed to participate and complete four participation criteria: (1) identify and code the universe of nonprofit arts and culture organizations in their study region; (2) disseminate, collect, and review for accuracy expenditure surveys from those organizations; (3) conduct audience-intercept surveys at a minimum of 15 diverse arts events; and (4) pay a modest cost-sharing fee (no community was refused participation for an inability to pay).

HOW WERE THE ELIGIBLE NONPROFIT ARTS ORGANIZATIONS IN EACH COMMUNITY SELECTED?

Local partners attempted to identify their universe of nonprofit arts and culture organizations using the Urban Institute's National Taxonomy of Exempt Entity (NTEE) codes as a guideline. Eligible organizations included those whose primary purpose is to promote appreciation for and understanding of the visual, performing, folk, and media arts. Public arts councils, public presenting facilities or institutions, and embedded organizations that have their own budget also were included if they play a substantial role in the cultural life of the community.

WHAT TYPE OF ECONOMIC ANALYSIS WAS DONE TO DETERMINE THE STUDY RESULTS?

An input-output analysis model was customized for each of the participating communities and regions to determine the local economic impact their nonprofit arts and culture organizations and arts audiences. Americans for the Arts, which conducted the research, worked with a highly regarded economist to design the input-output model used for this study.

WHAT OTHER INFORMATION WAS COLLECTED IN ADDITION TO THE ARTS SURVEYS?

In addition to detailed expenditure data provided by the surveyed organizations, extensive wage, labor, tax, and commerce data were collected from local, state, and federal governments for use in the input-output model.

WHY DOESN'T THIS STUDY USE A MULTIPLIER?

When many people hear about an economic impact study, they expect the result to be quantified in what is often called a multiplier or an economic activity multiplier. The economic activity multiplier is an estimate of the number of times a dollar changes hands within the community (e.g., a theater pays its actor, the actor spends money at the grocery store, the grocery store pays the cashier, and so on). It is quantified as one number by which expenditures are multiplied. The convenience of the multiplier is that it is one simple number. Users rarely note, however, that the multiplier is developed by making gross estimates of the industries within the local economy and does not allow for differences in the characteristics of those industries. Using an economic activity multiplier usually results in an overestimation of the economic impact and therefore lacks reliability.

HOW IS THE ECONOMIC IMPACT OF ARTS AND CULTURE ORGANIZATIONS DIFFERENT FROM OTHER INDUSTRIES?

Any time money changes hands there is a measurable economic impact. Social service organizations, libraries, and all entities that spend money have an economic impact. What makes the economic impact of arts and culture organizations unique is that, unlike most other industries, they induce large amounts of related spending by their audiences. For example, when patrons attend a performing arts event, they may purchase dinner at a restaurant, eat dessert after the show, and return home and pay the baby-sitter. All of these expenditures have a positive and measurable impact on the economy.

WILL MY LOCAL LEGISLATORS BELIEVE THESE RESULTS?

Yes, this study makes a strong argument to legislators, but you may need to provide them with some extra help. It will be up to the user of this report to educate the public about economic impact studies in general and the results of this study in particular. The user may need to explain (1) the study methodology used; (2) that economists created an input-output model for each community and region in the study; and (3) the difference between input-output analysis and a multiplier. The good news is that as the number of economic impact studies completed by arts organizations and other special interest areas increases, so does the sophistication of community leaders whose influence these studies are meant to affect. Today, most decision makers want to know what methodology is being used and how and where the data were gathered.

You can be confident that the input-output analysis used in this study is a highly regarded model in the field of economics (the basis of two Nobel Prizes in economics). However, as in any professional field, there is disagreement about procedures, jargon, and the best way to determine results. Ask 12 artists to define art and you will get 24 answers; expect the same of economists. You may meet an economist who believes that these studies should be done differently (for example, a cost-benefit analysis of the arts).

HOW CAN A COMMUNITY NOT PARTICIPATING IN THE ARTS AND ECONOMIC PROSPERITY III STUDY APPLY THESE RESULTS?

Because of the variety of communities studied and the rigor with which the *Arts & Economic Prosperity III* study was conducted, nonprofit arts and culture organizations located in communities that were not part of the study can estimate their local economic impact. Estimates can be derived by using the *Arts & Economic Prosperity III* Calculator (found at www.AmericansForTheArts.org/EconomicImpact). Additionally, users will find sample PowerPoint presentations, press releases, Op-Ed, and other strategies for proper application of their estimated economic impact data.

In Appreciation

Americans for the Arts expresses its gratitude to the many people and organizations who made *Arts & Economic Prosperity III: The Economic Impact of Nonprofit Arts and Culture Organizations and Their Audiences in Northwest Arkansas* possible and assisted in its coordination and production.. Generous funding for this project was provided by the Walton Arts Center, which also served as the local project partner and as such was responsible for the local implentation and data collection requirements of the study.

Special thanks to the Paul G. Allen Family Foundation, the John D. and Catherine T. MacArthur Foundation, and The Ruth Lilly Fund of Americans for the Arts for their financial support of the national implementation of *Arts & Economic Prosperity III.*

Northwest Arkansas's Participating Nonprofit Arts and Culture Organizations

This study could not have been completed without the cooperation of the 17 nonprofit arts and culture organizations in Northwest Arkansas, listed below, that provided detailed financial and event attendance information about their organization.

Arkansas Country Doctor Museum, Artists of Northwest Arkansas, Bella Vista Arts and Craft Festival, Bella Vista Historical Society Museum, Bentonville Children's Choir, Bikes Blues & BBQ Motorcycle Rally &Music Festival, Boars Head Players, Creative Action Network for Youth /YouthCAN! Art Explosions Community Imagination Studio, Fayetteville Downtown Partners, KUAF, Main Street Bentonville, North Arkansas Symphony, Ozark Mountains Brass Band, Shiloh Museum of Ozark History, The Village Players Inc., TheatreSquared, and Walton Arts Center.

Northwest Arkansas's Participating Nonprofit Arts and Culture Patrons

Additionally, this study could not have been completed without the cooperation of the 823 arts and culture patrons who generously took the time to complete the audience-intercept survey while attending an arts and culture event in Northwest Arkansas.

Americans for the Arts' 156 Arts & Economic Prosperity III National Study Partner Regions

The following are the 156 communities and regions (116 cities and counties, 35 multi-county regions, and five states) that participated in the national study, representing all 50 states and the District of Columbia.

Jefferson County, AL; Greater Birmingham Region, AL; Anchorage, AK; Homer, AK; Chandler, AZ; Eastern Maricopa County, AZ; Mesa, AZ, Phoenix, AZ; Pima County, AZ, Tempe, AZ; Northwest Arkansas Region, AR; Fullerton, CA; Glendale, CA; Humboldt County, CA; Laguna Beach, CA; Pasadena, CA; Riverside County, CA; San Francisco, CA; Santa Barbara County, CA; Santa Clara County, CA; Santa Cruz County, CA; Sonoma County, CA; Walnut Creek, CA; Boulder, CO; Colorado Springs, CO; Fort Collins, CO; Gunnison County, CO; Loveland, CO; Greater Hartford, CT; Dover, DE; Wilmington, DE; the State of Delaware; Washington, DC; Greater Washington DC Metropolitan Region; Alachua County, FL; Bay County, FL; Broward County, FL; Central Florida Region; Miami, FL; Miami Beach, FL; Miami-Dade County, FL; Orange

County, FL; Orlando, FL; Palm Beach County; FL; Pinellas County, FL; Winter Park, FL; Atlanta, GA; Savannah, GA; the Island of Maui, HI; Boise, ID; Wood River Valley Region, ID; Champaign County, IL; Chicago, IL; Indianapolis, IN; Saint Joseph County, IN; Iowa Cultural Corridor Region; Salina, KS; Sedgwick County, KS; Louisville-Jefferson County, KY; Northwest Louisiana Region; Portland, ME; Baltimore, MD; Montgomery County, MD; Prince George's County, MD; Pittsfield, MA; Kalamazoo County, MI; Brainerd Lakes Region, MN; Central Minnesota; East Central Minnesota; Minneapolis, MN; Minnesota Arrowhead Region; Minnesota Lake Region; Minnesota Twin Cities' Metropolitan Region; North Central Minnesota; Northwest Minnesota; Saint Cloud, MN; Saint Paul, MN; South Central Minnesota; Southeast Minnesota; Southwest Minnesota; Washington and Chicago Counties, MN; the State of Minnesota; Lauderdale County, MS; Metropolitan Kansas City Region, MO/KS; Saint Louis City and County, MO; Missoula, MT; Lincoln, NE; Portsmouth Seacoast Area, NH/ME; Newark, NJ; New Brunswick, NJ; Doña Ana County, NM; Buncombe County, NC; Forsyth County, NC; Guildford County, NC; Mecklenburg County, NC; Wake County, NC; Fargo-Moorhead Region, ND/MN; Greater Minot Region, ND; the State of North Dakota; Clark County, NV; Greater Buffalo Region, NY; Monroe County, NY; Orange County, NY; Suffolk County, NY; Ulster County, NY; Westchester County, NY; Greater Columbus, OH; Greater Cincinnati Region, OH/KY/IN; Mansfield, OH; Tulsa, OK; Greater Portland Region, OR; Josephine County, OR; Allegheny County, PA; Bradford County, PA; Erie County, PA; Greater Harrisburg Region, PA; Greater Philadelphia Region, PA; Lackawanna County, PA; Lancaster, PA; Luzerne County, PA; Lehigh Valley Region, PA; Philadelphia County, PA; Somerset County, PA; the State of Pennsylvania; Providence, RI; Greater Columbia; SC; Black Hills Region, SD; Nashville-Davidson County, TN; Abilene, TX; Austin, TX; Houston, TX; Iron County, UT; Greater Burlington, VT; Windham County, VT; Alexandria, VA; Arlington County, VA; Fairfax, VA; Fairfax County, VA; Bainbridge Island, WA; Seattle, WA; Tacoma, WA; Whatcom County, WA; Wheeling, WV; Dane County, WI; Greater Milwaukee Region, WI; La Crosse, WI; Marathon County, WI; Milwaukee County, WI; Northeast Wisconsin Region, WI; Oshkosh, WI; Pierce County, WI; Polk County, WI; St. Croix County, WI; St. Croix Valley Region, WI; the State of Wisconsin; and Teton County, WY.

"There is no better indicator of the spiritual health of our city, its neighborhoods, and the larger region than the state of the arts. The arts deepen our understanding of the human spirit, extend our capacity to comprehend the lives of others, allow us to imagine a more just and humane world. Through their diversity of feeling, their variety of form, their multiplicity of inspiration, the arts make our culture richer and more reflective."

—Jonathan Fanton
President
MacArthur Foundation

"As Chairman of the Oklahoma Chamber of Commerce, I visited almost every city and town in the state. There is a visible difference in places with an active cultural community. I see people looking for places to park, stores staying open late, and restaurants packed with customers. The business day is extended and the cash registers are ringing."

—Ken Ferguson
Chairman and CEO, NBanC
Past President, American Bankers Association

PARTNERS

NACO National Association of Counties
The Voice of America's Counties

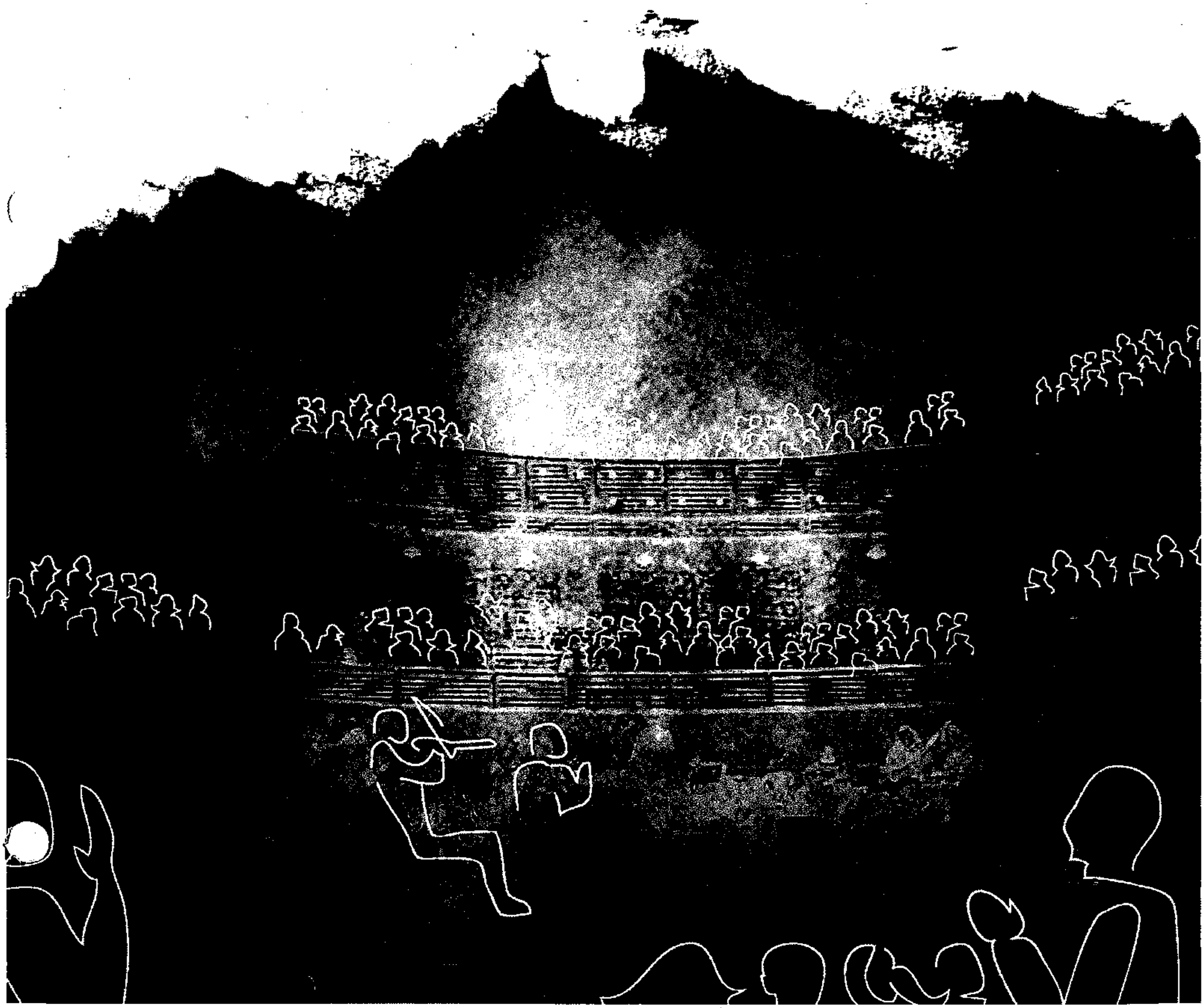
National League of Cities

NLGA

CECP COMMITTEE ENCOURAGING CORPORATE PHILANTHROPY

Grantmakers in the Arts

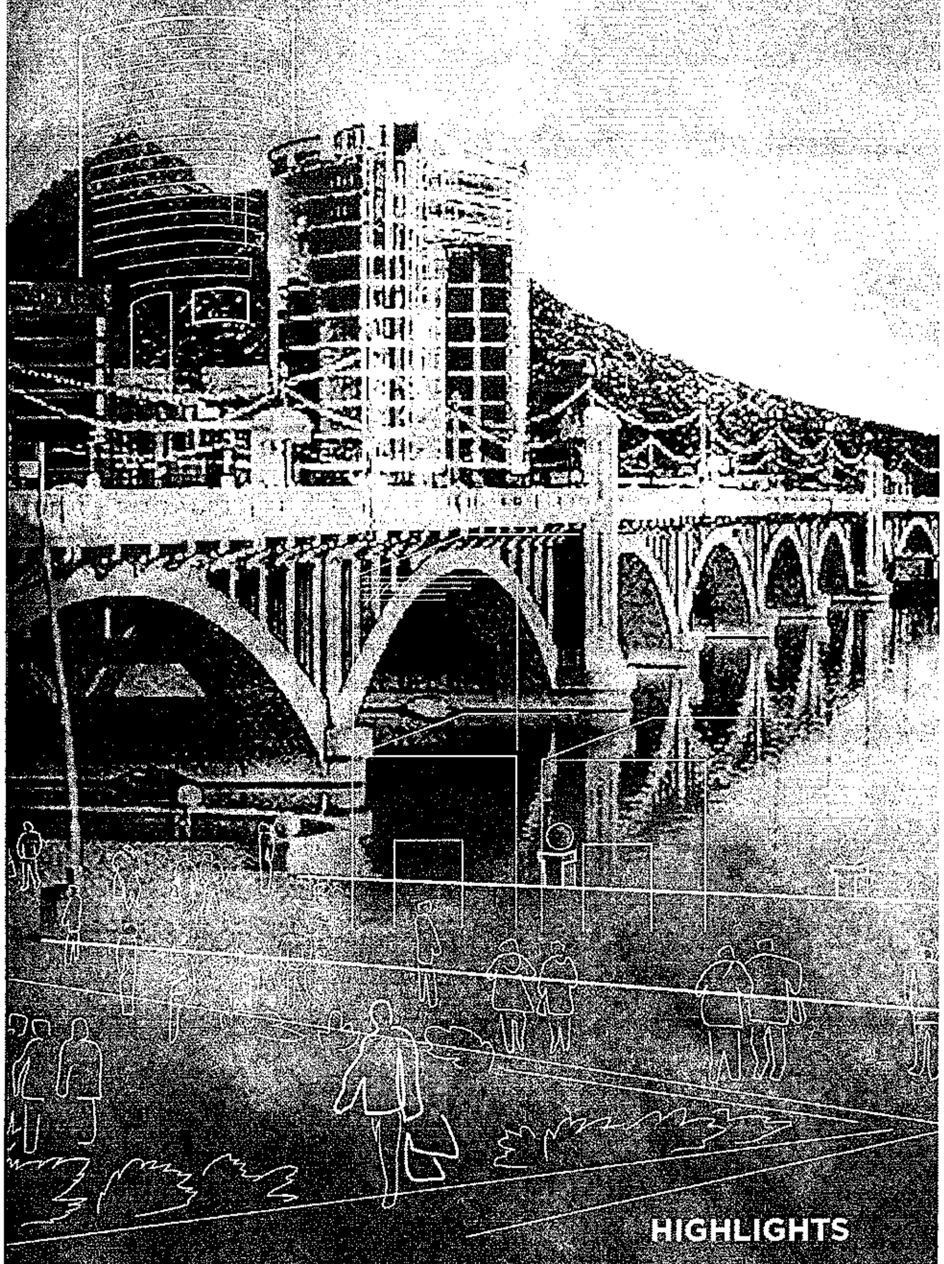
NATIONAL CONFERENCE of STATE LEGISLATURES
The Forum for America's Ideas



AMERICANS for the ARTS

Arts & Economic Prosperity III

The Economic Impact of Nonprofit Arts and Culture Organizations and Their Audiences



HIGHLIGHTS

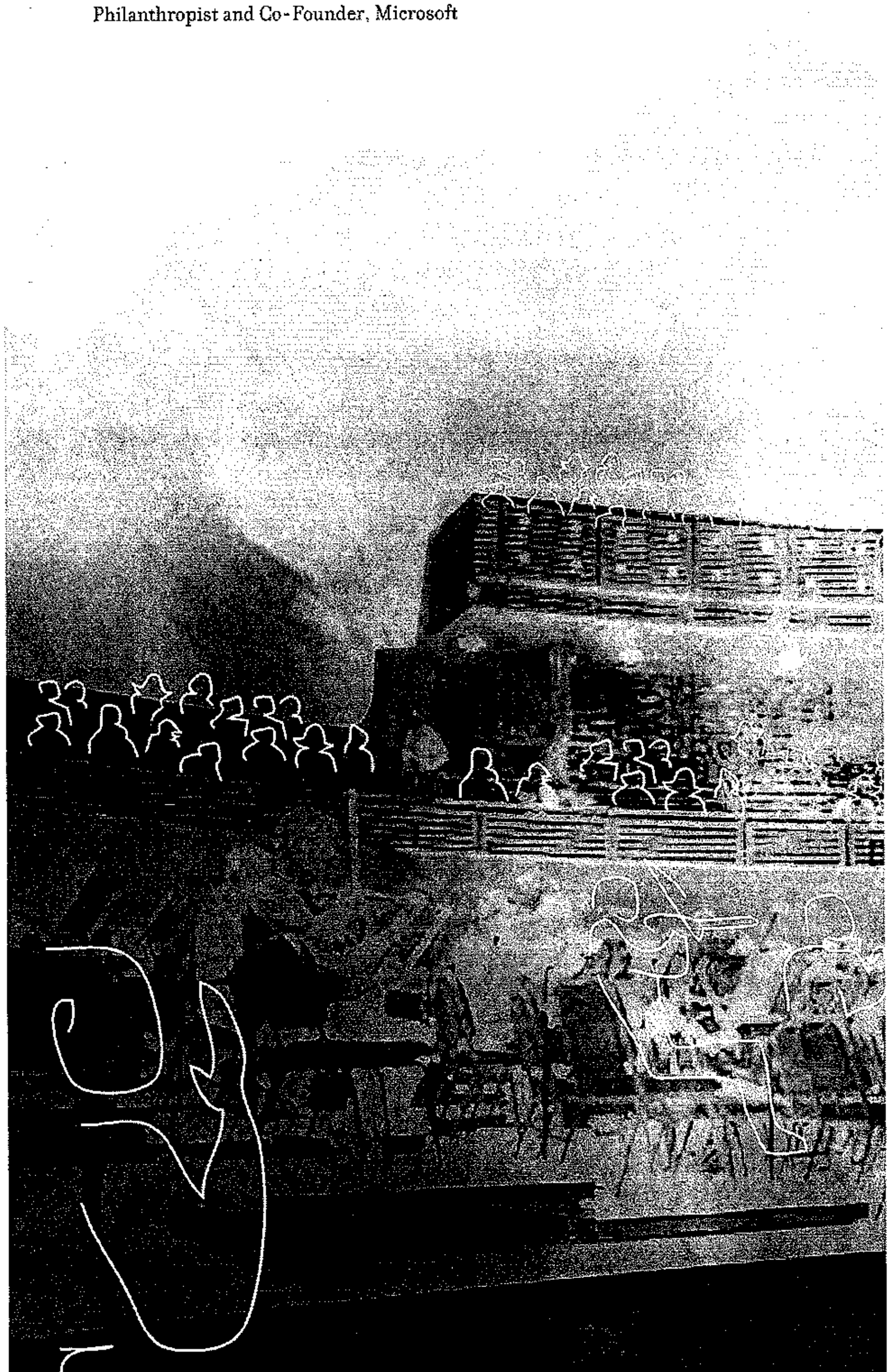
About This Study

Arts & Economic Prosperity III was conducted by Americans for the Arts to document the economic impact of the nonprofit arts and culture industry in 156 communities and regions representing all 50 states and the District of Columbia. The diverse communities range in population (four thousand to three million) and type (rural to urban). The study focuses solely on nonprofit arts and culture organizations and their audiences and excludes spending by individual artists and the for-profit arts and entertainment sector (e.g., Broadway or the motion picture industry). Detailed expenditure data was collected from 6,080 arts and culture organizations and 94,478 of their attendees. The project economists, from the Georgia Institute of Technology, customized input/output analysis models for each study region to provide specific and reliable economic impact data. To derive the national estimates, the study regions were stratified into six population groups, and an economic impact average was calculated for each group. The nation's largest 12,662 cities were then assigned to one of the six groups based on their population as supplied by the U.S. Census Bureau. Each city was assigned the economic impact average for its population group, and then all were added together to determine the national economic impact findings. The two largest U.S. cities, New York and Los Angeles, each with more than $1 billion in organizational expenditures, were excluded from this study to avoid inflating the national estimates.

For more information on **Arts & Economic Prosperity III**, including information on downloading and purchasing all study reports, please visit www.AmericansForTheArts.org/EconomicImpact. Americans for the Arts staff are available for speaking engagements. If interested, please contact the Research Department at 202.371.2830 or at research@artsusa.org.

In my own philanthropy and business endeavors, I have seen the critical role that the arts play in stimulating creativity and in developing vital communities. As this study indicates, the arts have a crucial impact on our economy and are an important catalyst for learning, discovery, and achievement in our country.

PAUL G. ALLEN
Philanthropist and Co-Founder, Microsoft



AMERICANS for the ARTS

1000 Vermont Avenue, NW, 6th Floor
Washington, DC 20005
T 202.371.2830
F 202.371.0424
E research@artsusa.org
W www.AmericansForTheArts.org

The following national organizations partner with Americans for the Arts to help public- and private-sector leaders understand the economic and social benefits that the arts bring to their communities, states, and the nation.

PARTNERS:

CECP

NLGA

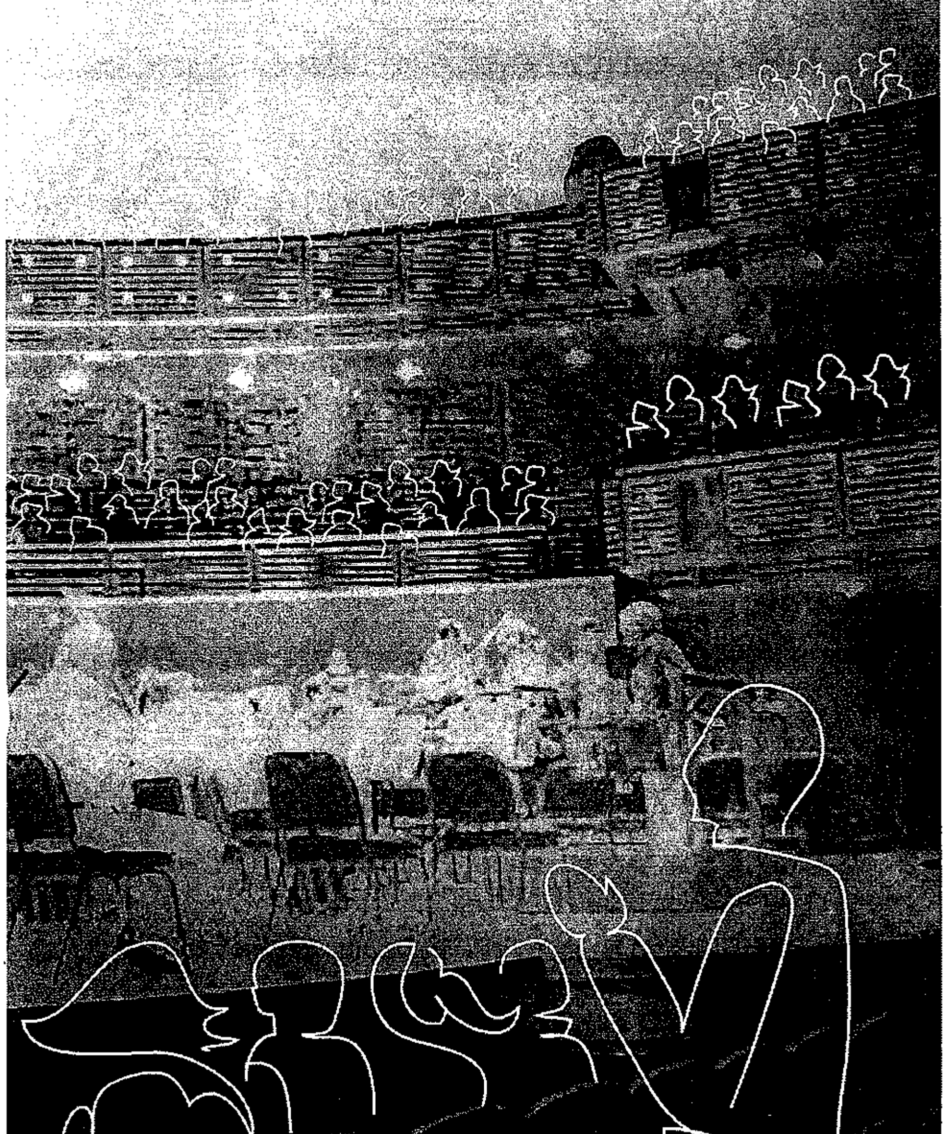
National League of Cities

Grantmakers in the Arts

National Conference of State Legislatures
The Forum for America's Ideas

NACo National Association of Counties
The Voice of America's Counties

Americans for the Arts is the nation's leading nonprofit organization for advancing the arts in America. Established in 1960, we are dedicated to representing and serving local communities and creating opportunities for every American to participate in and appreciate all forms of the arts.



Economic Impact

of America's Nonprofit Arts & Culture Industry

America's nonprofit arts and culture industry generates **$166.2 billion** in economic activity every year—$63.1 billion in spending by organizations and an additional $103.1 billion in event-related spending by audiences. The national impact of this activity is significant, supporting 5.7 million jobs and generating $29.6 billion in government revenue.

ECONOMIC IMPACT OF THE NONPROFIT ARTS & CULTURE INDUSTRY
(expenditures by both organizations and audiences)

Total Expenditures	**$ 166.2 billion**
Full-Time Equivalent Jobs	**5.7 million**
Resident Household Income	**$ 104.2 billion**
Local Government Revenue	**$ 7.9 billion**
State Government Revenue	**$ 9.1 billion**
Federal Income Tax Revenue	**$ 12.6 billion**

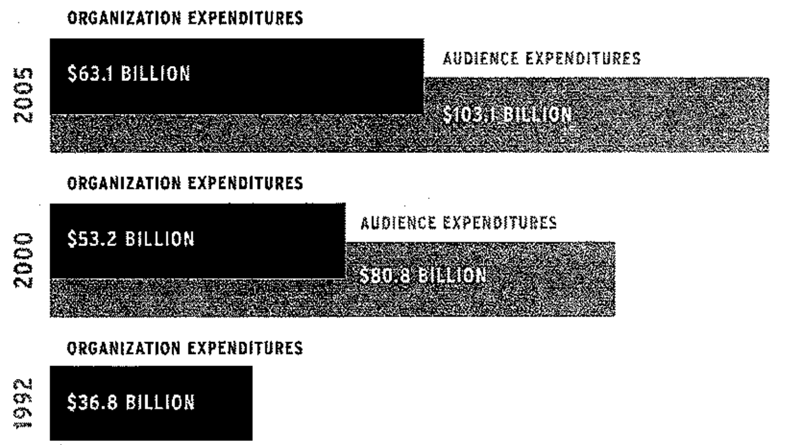
There is no better indicator of the spiritual health of our city, its neighborhoods, and the larger region than the state of the arts. The arts deepen our understanding of the human spirit, extend our capacity to comprehend the lives of others, allow us to imagine a more just and humane world. Through their diversity of feeling, their variety of form, their multiplicity of inspiration, the arts make our culture richer and more reflective.

JONATHAN FANTON
President, MacArthur Foundation

NONPROFIT ARTS & CULTURE: A GROWTH INDUSTRY

Between 2000 and 2005, the nonprofit arts and culture industry grew 24 percent, from $134 billion to $166.2 billion. Spending by organizations grew to $63.1 billion in 2005, up 19 percent from $53.2 billion in 2000. Event-related spending by their audiences boasts an even greater increase—from $80.8 billion in 2000 to $103.1 billion in 2005 (28 percent).

GROWTH OF THE NONPROFIT ARTS & CULTURE INDUSTRY
(U.S. Dollars in Billions)



Audience expenditure data not collected in 1992.

ECONOMIC IMPACT OF NONPROFIT ARTS & CULTURE ORGANIZATIONS

Nonprofit arts and culture organizations are valuable contributors to the business community. They are employers, producers, consumers, and key promoters of their cities and regions. Nonprofit arts and culture organization spending in 2005 was an estimated $63.1 billion.

IMPACT OF NONPROFIT ARTS & CULTURE ORGANIZATIONS

Total Expenditures	**$ 63.1 billion**
Full-Time Equivalent Jobs	**2.6 million**
Resident Household Income	**$ 57.3 billion**
Local Government Revenue	**$ 2.8 billion**
State Government Revenue	**$ 3.5 billion**
Federal Income Tax Revenue	**$ 6.9 billion**

ECONOMIC IMPACT OF NONPROFIT ARTS & CULTURE AUDIENCES

The arts and culture industry, unlike many industries, leverages a significant amount of event-related spending by its audiences. Attendance at arts events generates related commerce for local businesses such as restaurants, parking garages, hotels, and retail stores. Data collected from 94,478 attendees at a range of events reveal an average spending of $27.79 per person, per event—in addition to the cost of admission. This spending generated an estimated $103.1 billion of valuable revenue for local merchants and their communities in 2005.

IMPACT OF NONPROFIT ARTS & CULTURE AUDIENCES

Total Expenditures	**$ 103.1 billion**
Full-Time Equivalent Jobs	**3.1 million**
Resident Household Income	**$ 46.9 billion**
Local Government Revenue	**$ 5.1 billion**
State Government Revenue	**$ 5.6 billion**
Federal Income Tax Revenue	**$ 5.7 billion**

The findings also reveal that nonlocal attendees spend twice as much as local attendees ($40.19 vs. $19.53), demonstrating that when a community attracts cultural tourists, it harnesses significant economic rewards.

Across America, cities that once struggled economically are reinventing and rebuilding themselves by investing in art and culture—a proven catalyst for growth and economic prosperity. By creating cultural hubs, nonprofit arts businesses help cities define themselves, draw tourists, and attract investment. Federal support for America's nonprofit cultural organizations must go on if we hope to continue enjoying the substantial benefits they bring.

Louise M. Slaughter
U.S. House of Representatives (NY)
Co-Chair, Congressional Arts Caucus

The Arts Mean Business

From major metropolitan areas to small rural towns, this research shows that the nonprofit arts and culture industry is an economically sound investment. It attracts audiences, spurs business development, supports jobs, and generates government revenue. Locally as well as nationally, the arts mean business.

Mayors understand the connection between the arts industry and city revenues. Besides providing thousands of jobs, the arts generate billions in government and business revenues and play an important role in the economic revitalization of our nation's cities.

Douglas H. Palmer
Mayor of Trenton
President, The United States Conference of Mayors

The arts have been and continue to be an important part of Arizona's culture. By igniting the mind, the arts can spark new ways of thinking, communicating, and doing business.

Janet Napolitano
Governor of Arizona
Chair, National Governors Association

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

19-Jun-07
City Council Meeting Date

Jeremy Pate	Planning	Operations
Submitted By	Division	Department

Action Required:

R-PZD 07-2551: Planned Zoning District (Champions Club Condos, 599): Submitted by Crafton, Tull and Associates for property located at southwest corner of Razorback Road and 15th Street, east of the Crown Apartments and contains approximately 4.42 acres. The request is for Master Development Plan rezoning, land use, and large scale development approval for a Residential Planned Zoning District 4-story condominium building with 143 residential units.

$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a $ -	n/a
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director	6-1-07 Date	Previous Ordinance or Resolution #	n/a
City Attorney	6-1-07	Original Contract Date:	n/a
Finance and Internal Service Director Paul A. Becker	6-1-07 Date	Original Contract Number:	n/a
Mayor	6/4/07 Date		

Received in City Clerk's Office ENTERED 6/1/07

Received in Mayor's Office ENTERED 6/1/07

Comments:

Left on the second reading 6/19/07

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: May 31, 2007

Subject: Residential Planned Zoning District for Champions Club Condos (R-PZD 07-2551)

RECOMMENDATION

The Planning Commission voted to forward the subject Residential Planned Zoning District request, R-PZD 07-2551 Champions Club Condos, to the City Council with a recommendation for approval. If this ordinance is approved, the action would establish a unique zoning district for a residential development with a maximum of 143 dwelling units on a 4.42-acre tract located at the southwest corner of 15th Street and Razorback Road, a proposed density of 32.35 dwelling units per acre.

BACKGROUND

The subject property consists of approximately 4.42 acres located at the southwest corner of Razorback Road and 15th Street directly south of Baum Stadium. The site is zoned I-1, Light Industrial. The property is generally flat, undeveloped, disturbed grassland with the Town Branch creek along the western border of the site. Surrounding land uses consist of Baum Stadium to the north, the Crown Apartments to the south and west, and University of Arkansas property to the east (baseball field and RV park). 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. The Future Land Use Plan identifies this property as an Urban Center area; staff and the Planning Commission find this project is consistent with the land use plan for this area.

DISCUSSION

On May 29, 2007, the Planning Commission voted 7-0-0 on a motion to approve this request. There were no issues of Planning Commission concern or objection to the project. No public comment was presented.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 07-2551, CHAMPIONS CLUB CONDOS, LOCATED AT THE SOUTHWEST CORNER OF RAZORBACK ROAD AND 15TH STREET, EAST OF THE CROWNE APARTMENTS; CONTAINING APPROXIMATELY 4.42 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 I-1, Heavy Commercial/Light Industrial acre to R-PZD 07-2551, Champions Club Condos, 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:

By: ______________________________
DAN COODY, Mayor

ATTEST:

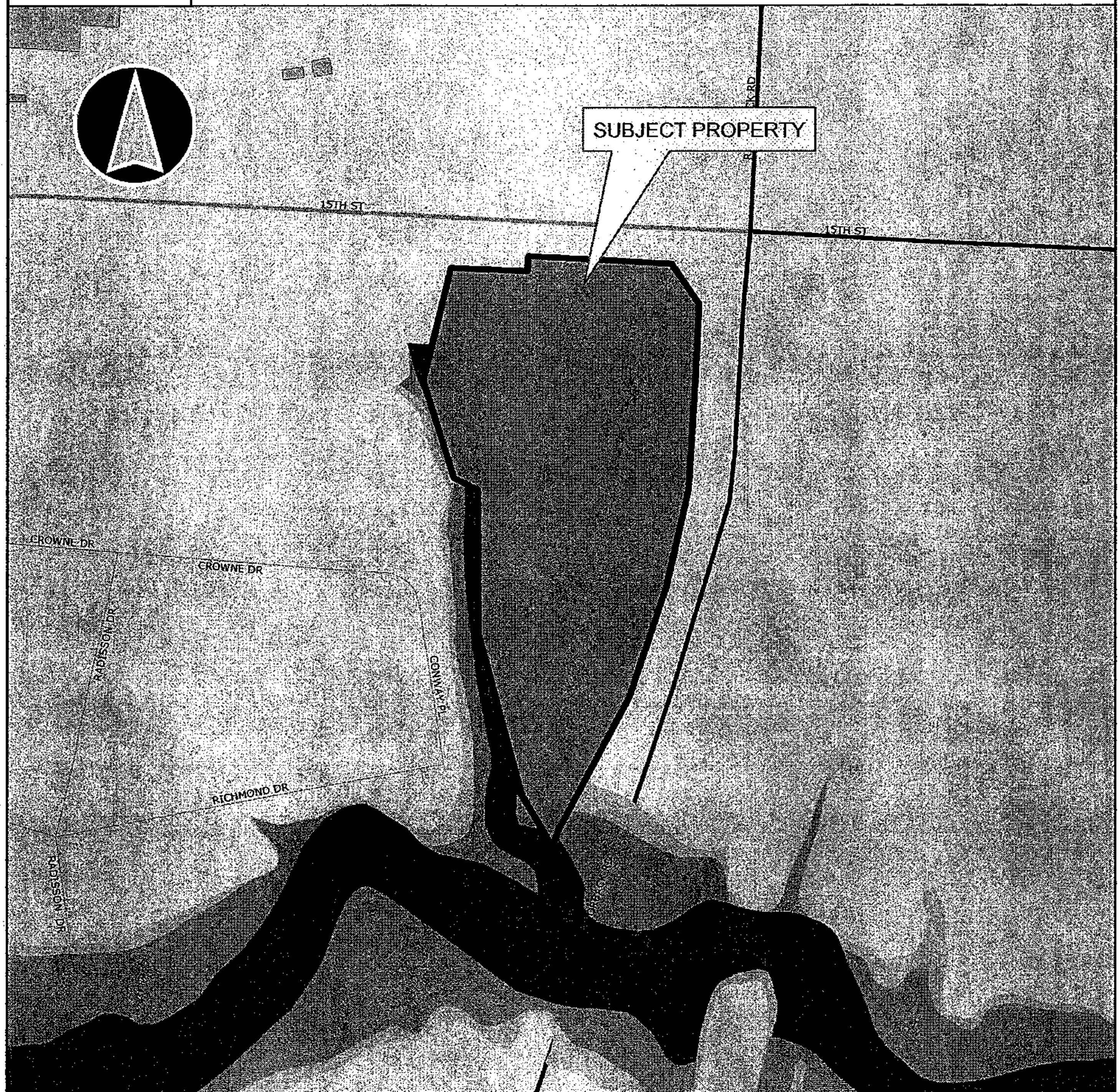
By: ______________________________
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT "A"

PZD07-2551

Close Up View

CHAMPIONS CLUB CONDOS



Overview

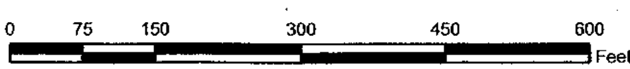


EXHIBIT "B"
R-PZD 07-2551

A PART OF THE NW1/4 OF THE SE1/4 OF SECTION 20, T-16-N, R-30-W, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE NE CORNER OF THE NW1/4 OF THE SE1/4 OF SAID SECTION 20, THENCE N 87°13'22" W 128.24 FEET, AND THENCE S 2°46'38" W 108.54 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE FOR RAZORBACK ROAD; THENCE S 2°42'57" W 90.32 FEET; THENCE S 3°24'21" W 160.96 FEET; THENCE S 12°40'55" W 136.51 FEET; THENCE S 18°21'12" W 156.93 FEET; THENCE S 28°16'46" W 203.04 FEET; THENCE S 18°21'12" W 26.27 FEET; THENCE LEAVING SAID RIGHT-OF-WAY FOR RAZORBACK ROAD N 30°02' W 82.11 FEET; THENCE N 14°47'06" W 227.46 FEET; THENCE N 0°11'38" W 193.83 FEET; THENCE N 64°04'53" W 36.47 FEET; THENCE N 17°38'29" W 138.54 FEET; THENCE N13°52'53"E 157.39 TO THE SOUTH RIGHT-OF-WAY OF 15TH STREET; THENCE S 87°22'48" E 102.94 FEET; THENCE N 2°37'12" E 20.00 FEET; THENCE S 87°14'05" E 100.37 FEET; THENCE S 86°51'14" E 93.20 FEET; THENCE S 34°40'45" E 65.87 FEET TO THE POINT OF BEGINNING, CONTAINING 4.42 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS. SUBJECT TO ALL EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORD.

CONDITIONS OF APPROVAL:
R-PZD 07-2551

Staff recommends the following conditions of approval associated with R-PZD 07-2551 (Champions Club Condos).

1. City Council determination of a waiver of Section 166.12 of the UDC to allow for a structure to encroach over a public utility easement. This development proposes for the building to span over the driveway entrance off of 15th Street. A 20' utility easement is located in this area of the site, and would be spanned by the structure. This easement is not proposed to be vacated. A 14.5' clearance is proposed to be provided over the easement. *Staff recommends in favor of a waiver to allow for a structure over a public utility easement finding that it will not impact provision or maintenance of City water and sewer service within this easement with a 14.5' clearance as proposed. The structure spanning over this easement shall be required to be depicted on an easement plat signed by all utility companies prior to building permit.*

   The Planning Commission determined in favor of this condition on May 29, 2007.

2. Planning Commission determination of street improvements. *Staff recommends 15th Street being improved to 18' from centerline, curb, gutter, storm drainage, and the existing culvert to be extended. In addition, construction of a 10' sidewalk along Razorback Road for an on-street trail connection and a 6' sidewalk along 15th Street shall be provided. Streetlights shall be provided in accordance with City code every 300' and at intersections.*

   The Planning Commission determined in favor of this condition on May 29, 2007.

3. Planning Commission determination waiver of Unified Development Code section 177.04(D)(2)(a) to allow for less than 15' of greenspace adjacent to the right-of-way.

   1. The applicant proposes less than 15' of greenspace adjacent to the right-of-way at the corner of 15th Street and Razorback Road in front of the project's main entrance. *Staff finds in favor of the waiver request for the 15 foot greenspace located at the corner of Razorback Road and 15th street as this is an important entry way for pedestrian use. Staff recommends that 4 (2) inch caliper trees be planted either using urban tree wells with structural soil or an equivalent design of above ground planters approved by the Urban Forester.*

      The Planning Commission determined in favor of this condition on May 29, 2007.

   2. The applicant proposes less than 15' of greenspace adjacent to the right-of-way for the section of the site just south of the phase 2. In conjunction with this waiver the applicant requests a waiver for a reduced parking lot drive aisle width. *Staff finds in favor of the second waiver of the 15 foot greenspace requirement located along Razorback adjacent to the proposed parking. The applicant has reduced the drive aisle and parking spaces to give at the minimum a 10 foot greenspace at the most southern point. There are approximately 5 spaces which encroach into this space. Razorback Road has been slated to have a 10 foot wide sidewalk for pedestrian access. With this requirement, additional right of way has been requested by staff. From the existing right of way line the full 15 feet of greenspace can be met. It is only after meeting the request of staff for additional sidewalk and right of way that the greenspace is encroached upon. Staff recommends adding hanging/climbing vines on the landscape plan to help soften*

CONDITIONS OF APPROVAL:
R-PZD 07-2551

the hardscape of the retaining wall along the entire Razorback Road right of way. The spacing and species of plant would be reviewed by the Urban Forester at the time of construction documents.

The Planning Commission determined in favor of this condition on May 29, 2007.

4. Planning Commission determination of a waiver of Unified Development Code Section 172.04 (C) to reduce the width of a two-way parking lot drive aisle from 24' to 22'. The applicant proposes to have a 22' wide drive aisle serving the spaces immediately adjacent to Razorback Road. *Staff recommends in favor of this request as the more narrow drive aisle will be for only a small portion of the site and is not a main drive aisle in the parking lot. Additionally, this drive aisle will serve compact spaces which are smaller vehicles that can maneuver more easily in the reduced drive aisle than a standard vehicle.*

   The Planning Commission determined in favor of this condition on May 29, 2007.

5. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval 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.

6. Should a subdivision of land be desired, all applicable ordinances and processes shall be followed in order to meet city ordinances.

7. Public water and sewer lines shall be extended as required by city ordinance at the time of development.

8. All development shall meet applicable building codes and other ordinances of the City of Fayetteville.

9. Future non-residential development as allowed under the conditional uses in the zoning criteria shall comply with the minimum standards for development in the Unified Development Code. Where applicable, structures proposed shall be reviewed to ensure compliance with commercial design standards.

10. Phasing: This project is required to obtain all permits in accordance with the timeframe for LSDs as outlined in the Unified Development Code.

11. Money in lieu and credit in the amount of $14,311 for constructing a 10' sidewalk for a trail connection to Towne Branch Trail from 15th Street to Town Creek Trail was approved by the Parks Advisory Board for this project. The credit will be for the additional 4' width to a 6' sidewalk at the rate of $40/square yard of concrete. Fees-in-lieu to meet the parkland dedication ordinance at the time of large scale development have been assessed incorporating the credited amount and are due in the amount of $41,888 prior to issuance of building permits.

12. The Large Scale Development site plan shall be revised to label the compact parking spaces. These spaces shall be either marked on the pavement or by separate marker in accordance with City code.

CONDITIONS OF APPROVAL:
R-PZD 07-2551

13. Additional right-of-way shall be dedicated to include the entire width of the new sidewalk along Razorback Road and 15th Street.

Landscape and Tree Preservation Conditions:

14. Adjacent to Razorback Road there are 14 consecutive parking spaces without a tree island. Please add an island with tree to break up these spaces or reduce the number of spaces to 12.

15. If the trees on the corner of Razorback and 15th are proposed to be in urban tree wells, a tree well planting detail must be included on the plan specifying the use of structural soil and the type of tree grate proposed.

16. Street trees required by Chapter 177 can not be counted to meet mitigation for removed canopy.

17. Review the landscape plan report (attached) and address any other comments that have been marked with the letter N. All other conditions therein shall be considered conditions of approval for this project.

18. Mitigation on this site will be required to replace 13,292 square feet of canopy removed. The applicant has requested and been approved to plant 30 (2) inch caliper large species trees on the site. A bond/letter of credit/check shall be deposited with the City before issuance of a final Certificate of Occupancy is granted. If all trees can not be planted on site, money in lieu will be required to be paid into the Tree Escrow Account before a building permit can be issued.

19. It appears that the mitigation trees are being double counted for those required as street trees. Chapter 177 Landscape Regulations requires street trees to be planted every 30 feet. These trees are not allowed to also count as mitigation trees. The 18 proposed trees planted within the Tree Preservation Area are the only ones that currently proposed that can count toward mitigation. Please locate the other 12 required trees on the site or submit a request to do a combination of money in lieu and on-site planting.

20. All preserved canopy will be set aside into a Tree Preservation Area on the easement plat. This removes all developmental right and will ensure complete protection of these preserved trees.

Standard Conditions of Approval:

21. All mechanical and utility equipment on the wall and/or on the ground shall be screened. All roof mounted utilities and mechanical equipment shall be screened by incorporating screening to the structure utilizing materials compatible with the supporting building. Smaller ground-mounted equipment may be screened with tall grasses or shrubs. A note shall be added to all construction documents indicating as such.

22. Trash enclosures shall be screened with access not visible from the street. The trash enclosures shall be constructed with materials that are complimentary to and compatible with the proposed building. A detail of the proposed screening shall be submitted and approved by the Planning Division prior to issuance of the building permit. Any additional dumpsters located on site shall be screened from the right-of-way.

23. All freestanding and wall signs shall comply with ordinance specifications for location, size, type,

number, etc. Signs are not allowed to be placed in utility easements.

24. 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.

25. 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).

26. Provide a CD containing the proposed Large Scale Development drawings in AutoCAD or similar digital format.

27. 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.

28. All existing utilities below 12kv shall be relocated underground. All proposed utilities shall be located underground.

29. Large scale development shall be valid for one calendar year.

30. Prior to the issuance of a building permit the following is required:
    a. Grading and drainage permits
    b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
    c. Separate easement plat for this project that shall include the tree preservation area and all utility easements.
    d. Project Disk with all final revisions
    e. One copy of final construction drawings showing landscape plans including tree preservation measures submitted to the Landscape Administrator.
    f. 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.

Fayetteville ARKANSAS

Planning Commission Meeting
May 29, 2007

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO:	Planning Commission Members
FROM:	Andrew Garner, Senior Planner
	Matt Casey, Assistant City Engineer
THRU:	Jeremy Pate, Director of Current Planning
DATE:	~~May 23, 2007~~ Updated May 31, 2007

R-PZD 07-2551: Planned Zoning District (CHAMPION'S CLUB CONDOS, 599): Submitted by CRAFTON, TULL & ASSOCIATES for property located at SW CORNER OF RAZORBACK RD. AND 15TH STREET, E OF THE CROWNE APTS. The property is zoned I-1, HEAVY COMMERCIAL/ LIGHT INDUSTRIAL, and contains approximately 4.42 acres. The request is for Master Development Plan rezoning, land use, and large scale development approval for a Residential Planned Zoning District 4-story condominium building with 143 residential units.

Property Owner: Village Holdings, LLC
Planner: Andrew Garner

Findings:

Property Description: The subject property contains 4.42 acres located south of 15th Street and West of Razorback Road. The site is zoned I-1, and is generally flat, undeveloped, disturbed grassland with the Town Branch Creek along the western border of the site.

Proposal: The applicant requests rezoning, land use, and large scale development approval for a residential project within a unique R-PZD zoning district on the subject property. All of the land would be under a common ownership, or property owner's association, and is not proposed to be subdivided. The proposed zoning would allow for a maximum for 143 dwelling units (32 units/acre). The zoning would also allow a mix of commercial, office, and eating places as a conditional use.

Background: An R-PZD 06-2107 (Champions Club Condo's) was forwarded by the Planning Commission to the City Council on October 23, 2006 for almost exactly the same project as currently proposed. The applicant never brought the item to City Council. Since that time the applicant has changed the request slightly to eliminate the hotel use, and also to apply for large scale development approval with the rezoning.

The project booklet and the plats provided give the zoning criteria in detail. Please reference this provided material for more information. These documents are binding to the zoning of the property.

Phasing: The applicant proposes to develop Champions Club in two phases in accordance with the schedule listed below.

Phase I:	Completion of the north half of the development and connection to Razorback Road to the south. All permits for this phase to be obtained within one year from the date of City Council approval, with the opportunity for a one year extension with Planning Commission approval.
Phases II:	Southern portion of the building (south of the breeze-way) and its associated parking. All permits for this phase to be obtained within four years City Council approval, with the opportunity for a one year extension with Planning Commission approval.

Surrounding Land Use/Zoning:

Direction from Site	Land Use	Zoning
North	Baum Stadium (University of Arkansas Baseball stadium)	I-1
South	Crown Apartments; Town Branch Creek	RMF-24
East	University of Arkansas property (baseball field and RV park)	I-1
West	Crown Apartments; University Village Commercial Center	RMF-24; C-2

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

Access: Access to the proposed development would be directly off of 15th Street and Razorback Road along the northern and eastern property lines, respectively. A parking lot and would be constructed interior to the property with a drive aisle connecting 15th Street and Razorback Road.

Connectivity: The project proposes internal connectivity through the parking lot and out to the two main streets adjacent to the north and east. Cross-access to the west and south is not feasible given the existing Crown Apartments and Town Branch Creek along the western and southern property lines.

Adjacent Master Street Plan Streets: Razorback Road (principal arterial); 15th Street (collector)

Street Improvements: Staff recommends that 15th Street be improved to 18' from centerline with the development, and the existing culvert to be extended. Sidewalks will be required along both streets, with a 10' sidewalk on Razorback Road for an on-street trail connection and based on the proposed development pattern, and a 6' sidewalk on 15th Street.

Parks: Money in lieu and credit in the amount of $14,311 for constructing a 10' sidewalk for a trail connection to Towne Branch Trail from 15th Street to Town Creek Trail was approved by the Parks Advisory Board for this project. The credit will be for the additional 4' width to a 6' sidewalk at the rate of $40/square yard of concrete. Fees-in-lieu to meet the parkland dedication ordinance at the time of large scale development have been assessed incorporating the credited amount and are due in the amount of $41,888 prior to issuance of building permits.

Tree Preservation:	Existing Canopy:	12.6%
	Preserved Canopy:	5.71%
	Required Canopy:	12.6%
	Mitigation Required:	Yes; 30 two-inch caliper trees planted on-site.

Recommendation: Staff recommends forwarding **R-PZD 07-2551** to the Planning Commission with a recommendation for approval with the following conditions of approval:

Conditions of Approval:

1. City Council determination of a waiver of Section 166.12 of the UDC to allow for a structure to encroach over a public utility easement. This development proposes for the building to span over the driveway entrance off of 15th Street. A 20' utility easement is located in this area of the site, and would be spanned by the structure. This easement is not proposed to be vacated. A 14.5' clearance is proposed to be provided over the easement. *Staff recommends in favor of a waiver to allow for a structure over a public utility easement finding that it will not impact provision or maintenance of City water and sewer service within this easement with a 14.5' clearance as proposed. The structure spanning over this easement shall be required to be depicted on an easement plat signed by all utility companies prior to building permit.*

   The Planning Commission determined in favor of this condition on May 29, 2007.

   The Subdivision Committee determined in favor of this condition on May 17, 2007.

   The Planning Commission determined in favor of this condition on October 23, 2006.

2. Planning Commission determination of street improvements. *Staff recommends 15th Street being improved to 18' from centerline, curb, gutter, storm drainage, and the existing culvert to be extended. In addition, construction of a 10' sidewalk along Razorback Road for an on-street trail connection and a 6' sidewalk along 15th Street shall be provided. Streetlights shall be provided in accordance with City code every 300' and at intersections.*

   The Planning Commission determined in favor of this condition on May 29, 2007.

   The Subdivision Committee determined in favor of this condition on May 17, 2007.

   The Planning Commission determined in favor of this condition on October 23, 2006.

3. Planning Commission determination waiver of Unified Development Code section 177.04(D)(2)(a) to allow for less than 15' of greenspace adjacent to the right-of-way.

   A. The applicant proposes less than 15' of greenspace adjacent to the right-of-way at the corner of 15th Street and Razorback Road in front of the project's main entrance. *Staff finds in favor of the waiver request for the 15 foot greenspace located at the corner of Razorback Road and 15th street as this is an important entry way for pedestrian use. Staff recommends that 4 (2) inch caliper trees be planted either using urban tree wells with structural soil or an equivalent design of above ground planters approved by the Urban Forester.*

   <u>*The Planning Commission determined in favor of this condition on May 29, 2007.*</u>

   <u>*The Subdivision Committee recommended in favor or this waiver request on May 17, 2007.*</u>

   B. The applicant proposes less than 15' of greenspace adjacent to the right-of-way for the section of the site just south of the phase 2. In conjunction with this waiver the applicant requests a waiver for a reduced parking lot drive aisle width. *Staff finds in favor of the second waiver of the 15 foot greenspace requirement located along Razorback adjacent to the proposed parking. The applicant has reduced the drive aisle and parking spaces to give at the minimum a 10 foot greenspace at the most southern point. There are approximately 5 spaces which encroach into this space. Razorback Road has been slated to have a 10 foot wide sidewalk for pedestrian access. With this requirement, additional right of way has been requested by staff. From the existing right of way line the full 15 feet of greenspace can be met. It is only after meeting the request of staff for additional sidewalk and right of way that the greenspace is encroached upon. Staff recommends adding hanging/climbing vines on the landscape plan to help soften the hardscape of the retaining wall along the entire Razorback Road right of way. The spacing and species of plant would be reviewed by the Urban Forester at the time of construction documents.*

   <u>*The Planning Commission determined in favor of this condition on May 29, 2007.*</u>

   <u>*The Subdivision Committee (May 17, 2007) recommended that the applicant reduce the waiver request from that presented to the Subdivision Committee. The applicant has worked with staff to address these concerns. By utilizing compact parking spaces and reducing the drive aisle width to 22' the amount of greenspace adjacent to the back of the sidewalk has been increased at its narrowest point from 6' as presented to the Subdivision Committee, to approximately 10' as proposed on the current plans.*</u>

4. Planning Commission determination of a waiver of Unified Development Code Section

172.04 (C) to reduce the width of a two-way parking lot drive aisle from 24' to 22'. The applicant proposes to have a 22' wide drive aisle serving the spaces immediately adjacent to Razorback Road. *Staff recommends in favor of this request as the more narrow drive aisle will be for only a small portion of the site and is not a main drive aisle in the parking lot. Additionally, this drive aisle will serve compact spaces which are smaller vehicles that can maneuver more easily in the reduced drive aisle than a standard vehicle.*

The Planning Commission determined in favor of this condition on May 29, 2007.

5. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval 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.

6. Should a subdivision of land be desired, all applicable ordinances and processes shall be followed in order to meet city ordinances.

7. Public water and sewer lines shall be extended as required by city ordinance at the time of development.

8. All development shall meet applicable building codes and other ordinances of the City of Fayetteville.

9. Future non-residential development as allowed under the conditional uses in the zoning criteria shall comply with the minimum standards for development in the Unified Development Code. Where applicable, structures proposed shall be reviewed to ensure compliance with commercial design standards.

10. Phasing: This project is required to obtain all permits in accordance with the timeframe for LSDs as outlined in the Unified Development Code.

11. Money in lieu and credit in the amount of $14,311 for constructing a 10' sidewalk for a trail connection to Towne Branch Trail from 15th Street to Town Creek Trail was approved by the Parks Advisory Board for this project. The credit will be for the additional 4' width to a 6' sidewalk at the rate of $40/square yard of concrete. Fees-in-lieu to meet the parkland dedication ordinance at the time of large scale development have been assessed incorporating the credited amount and are due in the amount of $41,888 prior to issuance of building permits.

12. The Large Scale Development site plan shall be revised to label the compact parking spaces. These spaces shall be either marked on the pavement or by separate marker in accordance with City code.

13. Additional right-of-way shall be dedicated to include the entire width of the new

sidewalk along Razorback Road and 15th Street.

Landscape and Tree Preservation Conditions:

14. Adjacent to Razorback Road there are 14 consecutive parking spaces without a tree island. Please add an island with tree to break up these spaces or reduce the number of spaces to 12.

15. If the trees on the corner of Razorback and 15th are proposed to be in urban tree wells, a tree well planting detail must be included on the plan specifying the use of structural soil and the type of tree grate proposed.

16. Street trees required by Chapter 177 can not be counted to meet mitigation for removed canopy.

17. Review the landscape plan report (attached) and address any other comments that have been marked with the letter N. All other conditions therein shall be considered conditions of approval for this project.

18. Mitigation on this site will be required to replace 13,292 square feet of canopy removed. The applicant has requested and been approved to plant 30 (2) inch caliper large species trees on the site. A bond/letter of credit/check shall be deposited with the City before issuance of a final Certificate of Occupancy is granted. If all trees can not be planted on site, money in lieu will be required to be paid into the Tree Escrow Account before a building permit can be issued.

19. It appears that the mitigation trees are being double counted for those required as street trees. Chapter 177 Landscape Regulations requires street trees to be planted every 30 feet. These trees are not allowed to also count as mitigation trees. The 18 proposed trees planted within the Tree Preservation Area are the only ones that currently proposed that can count toward mitigation. Please locate the other 12 required trees on the site or submit a request to do a combination of money in lieu and on-site planting.

20. All preserved canopy will be set aside into a Tree Preservation Area on the easement plat. This removes all developmental right and will ensure complete protection of these preserved trees.

Standard Conditions of Approval:

21. All mechanical and utility equipment on the wall and/or on the ground shall be screened. All roof mounted utilities and mechanical equipment shall be screened by incorporating screening to the structure utilizing materials compatible with the supporting building. Smaller ground-mounted equipment may be screened with tall grasses or shrubs. A note shall be added to all construction documents indicating as such.

22. Trash enclosures shall be screened with access not visible from the street. The trash

enclosures shall be constructed with materials that are complimentary to and compatible with the proposed building. A detail of the proposed screening shall be submitted and approved by the Planning Division prior to issuance of the building permit. Any additional dumpsters located on site shall be screened from the right-of-way.

23. All freestanding and wall signs shall comply with ordinance specifications for location, size, type, number, etc. Signs are not allowed to be placed in utility easements.

24. 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.

25. 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).

26. Provide a CD containing the proposed Large Scale Development drawings in AutoCAD or similar digital format.

27. 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.

28. All existing utilities below 12kv shall be relocated underground. All proposed utilities shall be located underground.

29. Large scale development shall be valid for one calendar year.

30. Prior to the issuance of a building permit the following is required:
    a. Grading and drainage permits
    b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
    c. Separate easement plat for this project that shall include the tree preservation area and all utility easements.
    d. Project Disk with all final revisions
    e. One copy of final construction drawings showing landscape plans including tree preservation measures submitted to the Landscape Administrator.
    f. 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:

31. ______________________________

32. ______________________________

Planning Commission Action: ☐ Tabled **X** Forwarded to C.C. ☐ Denied
Motion: **Graves**
Second: **Myres**
Vote: **7-0-0**
Meeting Date: **May 29, 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 MDP R-PZD 07-2551 (Champions Club)

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 Future Land Use Plan adopted as part of City Plan 2025 designates this vicinity Urban Center Area. Rezoning this property to R-PZD 07-2551 with multi-family dwelling units and density of 32 units per acre is consistent with the land use plan and compatible with surrounding land uses and density within surrounding multi-family and university properties. The form of development is consistent with the Urban Center Area policies for traditional residential urban design by having the condos face the street with parking screened and interior to the site, and a wide urban sidewalk along Razorback Road. Additionally, the zoning and proposed structure are adaptable for change of use over time with commercial, retail, office, and eating space permitted as conditional 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 multi-family residential uses by right, and a variety of commercial and non-residential uses as a conditional use. The proposed zoning criteria and master development plan would consist of a four-story condominium building facing both Razorback Road and

15th Street, with parking interior to the site. The site layout is compatible with University Village Center commercial center to the immediate west, the Crowne Apartments to the southwest, and university property to the north and east.

(5) Whether the subject land is suitable for the intended use and is compatible with the natural environment;

FINDING: The subject property is an undeveloped relatively flat site with tree canopy concentrated along the Town Center Creek along the western property line. A narrow vegetative buffer is to be provided along this riparian corridor. The natural environment is suitable for the type of development proposed.

(6) Whether the intended land use would create traffic congestion or burden the existing road network;

FINDING: The intended land use, residential, will impact the existing traffic conditions; although the existing street infrastructure will be adequate with standard street improvements. This site has direct access to 15th Street, a Collector Street, and Razorback Road, a Principal Arterial. Improvements to widen 15th Street to its Master Street Plan standard, and improvements to the existing culvert are recommended. A traffic signal has been funded and planned for this major intersection.

(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 Champions Club PZD provides for needed residential infill development in an area in the immediate vicinity of the University of Arkansas campus, and directly across the street from Baum Stadium (the baseball stadium). The site has been designed with the buildings facing the streets and parking to the interior, consistent with City Plan 2025 policy. Access would be provided with driveways onto Razorback Road and 15th Street being connected through an interior drive aisle in an efficient layout. The site plan incorporates a narrow vegetative buffer along the Town Branch Creek for protection of the riparian corridor and watercourse. A tree preservation plan will be required at the time of large scale development review.

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

FINDING: Screening and landscaping will be required for any parking areas adjacent to the street, although the building almost entirely screens the interior parking lot. The landscape plan such standard requirements as one tree every 30 feet along the street frontage, and parking lot shade trees.

(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: As stated in Finding B.1, access into the parking lot for the development will be provided directly off of Razorback Road and 15th Street. The layout of the parking lot is efficient and internally connected.

(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: Parking will be provided in a large interior surface parking lot, as well as in garage spaces under the building. All parking ratios have been met and reviewed in detail as part of the large scale development.

(5) *Perimeter treatment.* Notwithstanding any other provisions of a planned zoning district, all uses of land or structures shall meet the open space, buffer or green strip provisions of this chapter of this code.

FINDING: This requirement has been met.

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

FINDING: Public sidewalks are to be constructed adjacent to the project along Razorback Road and 15th Street. A 10' sidewalk will be constructed along Razorback Road to provide an on-street trail connection.

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

FINDING: Street lights are to be provided adjacent to Razorback Road and 15th Street 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 does not propose public or private streets.

(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: A full Tree Preservation Plan has been submitted as part of the Large Scale Development and will comply with the requirements for tree preservation as set forth in Chapter 167. Tree canopy found along the creek is high priority for preservation. The

applicant is utilizing some of the existing canopy along the parking lot and is also providing a tree preservation area adjacent to the riparian area. The adjacent property to the west also established a Tree Preservation Area on their side of this riparian buffer.

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

FINDING: All structures are principally residential in nature and are not subject to commercial design standards.

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

FINDING: No scenic views are identified, and the height of structures proposed (four stories facing Razorback Road and 15th Street) are not out of proportion for the existing multi-family, industrial, and university uses in the area.

(E) *Revocation.*

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

(a) *Building permit.* If no building permit has been issued within the time allowed.

(b) *Phased development schedule.* If the applicant does not adhere to the phased development schedule as stated in the approved development plan.

(c) *Open space and recreational facilities.* If the construction and provision of all common open spaces and public and recreational facilities which are shown on the final plan are proceeding at a substantially slower rate than other project components.

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

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

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

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

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

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

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

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

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

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

(e) Homeowners must pay their pro rata share of the initial cost; the maintenance assessment levied by the association must be stipulated as a potential lien on the property. The association must be able to adjust the assessment to meet changing needs.

FINDING: The applicant shall comply with these requirements.

Sec. 161.25 Planned Zoning District

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

(1) Flexibility. Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.

(2) Compatibility. Providing for compatibility with the surrounding land uses.

(3) Harmony. Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.

(4) Variety. Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.

(5) No negative impact. Does not have a negative effect upon the future development of the area;

(6) Coordination. Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.

(7) Open space. Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.

(8) Natural features. Maximum enhancement and minimal disruption of existing natural features and amenities.

(9) General Plan. Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the General Plan.

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

FINDING: Staff finds this proposal meets the intent of many of the parameters of the City Plan 2025, as well as the above ten criteria, including compatibility and transition of land use, flexibility to utilize the residential structures for commercial and retail use, and providing increased residential density in an Infill Growth Sector. The following guiding policies within Urban Center Areas are applicable to this development, and help to achieve the primary goals of the City Plan 2025:

Urban Center Area Guiding Policies:

a. Encourage mixed-use development to allow for shared parking and day and night utilization of available parking.
b. Encourage intensive mixed-use development within one-quarter mile of public transit routes.
c. Provide enough retail business and service space to enable Fayetteville to realize its full potential as a regional market.
d. Encourage continuing improvements and expansion of regional shopping and entertainment attractions.
e. Require that large commercial sites be designed and landscaped in a manner that preserves the aesthetic character of their surroundings.
f. Direct new regional development into designated regional commercial centers.
g. Approve new regional commercial development as Planned Zoning Districts (e.g. shopping centers, business parks, medical parks, industrial parks and mixed-use developments) or complete neighborhood plans in order to assure the overall integration of design and use.
h. Utilize principles of traditional residential urban design to create compatible, livable and accessible neighborhoods.

(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 majority of uses are principally residential, with non-residential uses allowed as a conditional use.

(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 similar in density to that proposed in this development, with the Crowne Apartments to the west. Other surrounding land uses are either university or industrial in nature and are not comparable in terms of density. The proposed density is consistent with the urban development goals in the City Plan 2025 as this area is designated as an Urban Center Area. The relatively flat topography is suitable for the proposed condominium building adjacent to Razorback Road and 15th Street, and the interior surface parking. Impacts to surrounding properties will be beneficial in terms of compatibility. Environmental impacts to the site will be minimized by providing a vegetative buffer along the Town Branch Creek. Density and zoning criteria under the current zoning (I-1) would not allow for the proposed multi-family development and would likely produce a development that is not compatible with surrounding properties.

(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: Building setbacks proposed are smaller than a typical multi-family zoning to allow for the building to be closer to 15th Street and Razorback Road, which is consistent with the City Plan 2025 goals for infill development in a more urban settings such as the subject site. The site is not proposed to be subdivided and lot area is not applicable. 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 (four stories fronting onto Razorback Road and 15th Street) are typical of 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 or building area on this project is typical of lot coverages in a standard multi-family development, where there is no designated maximum building area.

***Required Findings for Rezoning Request.**

Land Use Plan: ***The City Plan 2025 Future Land Use Plan designates this site as an Urban Center Area. Rezoning this property to R-PZD 07-2551, with the associated Master Development Plan, meets this designation, as the principal use on the property will be high-density residential with buildings located close to the street and parking in the rear of the buildings. 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 Urban Center Area this proposal meets. Rezoning the property will accommodate both the future land use plan for residential uses in this intended infill area and flexibility to allow for commercial and retail uses as a conditional use.

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 I-1, which does would not allows for multi-family residential development as a principal use. Staff finds that residential use

is more appropriate in this location than industrial use. 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. 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 a 12" waterline to the east side of the property at 15th street. This 12" main will need to extend through the property and connect to the main on the east side of Razorback at the time of development.**

Sanitary sewer is available on the site. There is a 24" sewer main located through the center of the property. Sewer service will need to be extended within the property at the time of development. Improvements to the sewer system may be required dependent upon the demand placed by the development.

The site has access to 15th Street and Razorback Road. Improvements will be needed along 15th street to connect with Razorback. Razorback is an improved four lane state highway in this location.

Standard improvements and requirements for drainage will be required for the development. This property is affected by the 100-year floodplain.

Police: **It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter population density and will not create an undesirable increase on police services.**

Fire: **The subject property is located less than 1.3 miles from the Engine 6 located at 900 South Hollywood, with an estimated response time of 3 minutes. No adverse impacts on call volume or response time are anticipated.**

5. If there are reasons why the proposed zoning should not be approved in view of

considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

Fayetteville
ARKANSAS

PC Meeting of May 29, 2007

THE CITY OF FAYETTEVILLE, ARKANSAS

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

LANDSCAPE REVIEW FORM

To: **City of Fayetteville Planning Commission**

From: **Sarah K. Patterson, Urban Forester**

Date: **May 22, 2007**

ITEM #: PZD 07-2551: Planned Zoning District (Champion's Club Condo)

Applicable Requirements:

Y	Site Development & Parking Lot Standards
N	I-540 Design Overlay
Y	Street Tree Planting Standards
N	Stormwater Facilities

Plan Checklist:

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

Preliminary Submittal	Final Submittal	
		All Landscape Plans
Y	Y	**Irrigation** *notes either automatic or hose bib*
Y	Y	**Species of plant material identified**
Y	Y	**Size of plant material at time of installation indicated**
Y	Y	**Soil amendments** *notes include that soil is amended and sod removed*
Y	Y	**Mulch** *notes indicate organic mulching around trees and within landscape beds*
Y	Y	**Plans stamped by a licensed Landscape Architect**
Y	Y	**Planting details according to Fayetteville's Landscape Manual**
		Site Development & Parking Lot Standards
Y	Y	**Wheel stops/ curbs**
N	N	**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	
N	Y	**Perimeter landscaping** *Side and rear property lines (5' landscaped) Shade trees as described in street tree planting standards, Parking lot adjacent to R.O.W.- continuous planting of shrubs-at least 8 per tree- and ground cover -50% evergreen)*
		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 F.P. or permit)*
NA		**Residential Subdivisions- 1 large species shade tree/ lot** *tree planted within R.O.W. if possible*
N	Y	**Nonresidential Subdivision- 1 large species shade tree/30 L.F.** *tree planted within 15-25' greenspace*
NA		**Urban Tree Wells-***urban streetscape only-10foot sidewalk*
NA		**Structural Soil-***if urban wells are used, a note or detail of structural soil must be indicated on the landscape plan*
NA		**Timing of planting indicated on plans (subdivisions only)**
NA		**Written description of the method for tracking plantings**
		Stormwater Facilities *(time of F.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**

Findings:

- Staff finds in favor of the waiver request for the 15 foot greenspace located at the corner of Razorback Road and 15th street as this is an important entry way for pedestrian use. Staff recommends that 4 (2) inch caliper trees be planted either using urban tree wells with structural soil or an equivalent design of above ground planters approved by the Urban Forester.
- Staff finds in favor of the second waiver of the 15 foot greenspace requirement located along Razorback adjacent to the proposed parking. The applicant has reduced the drive aisle and parking spaces to give at the minimum a 10 foot greenspace at the most southern point. There are approximately 5 spaces which encroach into this space. Razorback Road has been slated to have a 10 foot wide sidewalk for pedestrian access. With this requirement, additional right of way has been requested by staff. From the existing right of way line the full 15 feet of greenspace can be met. It is only after meeting the request of staff for additional sidewalk and right of way that the greenspace is encroached upon. Staff recommends adding hanging/climbing vines on the landscape plan to help soften

the hardscape of the retaining wall along the entire Razorback Road right of way. The spacing and species of plant would be reviewed by the Urban Forester at the time of construction documents.

Conditions of Approval:

1. **Adjacent to Razorback Road there are 14 consecutive parking spaces without a tree island. Please add an island with tree to break up these spaces or reduce the number of spaces to 12.**
2. **If the trees on the corner of Razorback and 15th are proposed to be in urban tree wells, a tree well planting detail must be included on the plan specifying the use of structural soil and the type of tree grate proposed.**
3. **Street trees required by Chapter 177 can not be counted to meet mitigation for removed canopy.**
4. **Review the report above and address any other comments that have been marked with the letter N.**
5. **Under the new Landscape Regulations Chapter 177, street trees must be bonded for a 3 year period. This bond is for the maintenance of the trees. This amount must be deposited with the City before issuance of a final certificate of occupancy.**
6. **Prior to building permit, a cost estimate for all required landscape is to be submitted to the Urban Forester for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy.**

Fayetteville
ARKANSAS

PC Meeting of May 29, 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: May 22, 2007

ITEM # PZD 07-2551: Planned Zoning District (Champion's Club Condos)

Requirements Submitted:

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

Canopy Measurements:

Total Site Area	
acres	4.42
square feet	192,471
Existing Tree Canopy	
acres	0.58
square feet	24,275
percent of site area	12.6%
Existing Tree Canopy Preserved	
acres	0.25
square feet	10,982.96
percent of total site area	5.71%
Percent Minimum Canopy Required	**12.6%**

FINDINGS:

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

- **This site is almost completely open with about 12% canopy existing along the creek running along the western property line. No significant trees were identified but riparian buffers are considered**

high priority for preservation.

The extent to which the area would be subject to environmental degradation due to removal of the tree or group of trees.

- **Environmental degradation should not occur on this site although the removal of the trees along the riparian area could affect the creek.**

The impact of the reduction in tree cover on adjacent properties, the surrounding neighborhood and the property on which the tree or group of trees is located.

- **Adjacent properties should not be affected by the removal of tree canopy on this area.**

Whether alternative construction methods have been proposed to reduce the impact of development on existing trees.

- **N/A**

Whether the size or shape of the lot reduces the flexibility of the design.

- **The size and shape of the lot does not reduce flexibility of design.**

The general health and condition of the tree or group of trees, or the presence of any disease, injury or hazard.

- **The general health of these trees is good.**

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

- **Canopy removed on this site is for the installation of the parking lots associated with the structure.**

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

- **No trees should be removed due to 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.

- **The size of the development on this site is encroaching closely to the creek. This is causing the removal of tree canopy.**

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

- **N/A**

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

- **Mitigation will be required on the site but it will serve as a great benefit to this area.**

The effect other chapters of the UDC, and departmental regulations have on the development design.

- **N/A**

The extent to which development of the site and the enforcement of this chapter are impacted by state and federal regulations:

- **N/A**

The impact a substantial modification or rejection of the application would have on the Applicant:

- **Staff is recommending approval of the proposed Tree Preservation Plan with the following conditions of approval.**

Conditions of Approval:

1. Mitigation on this site will be required to replace 13,292 square feet of canopy removed. The applicant has requested and been approved to plant 30 (2) inch caliper large species trees on the site. A bond/letter of credit/check shall be deposited with the City before issuance of a final Certificate of Occupancy is granted. If all trees can not be planted on site, money in lieu will be required to be paid into the Tree Escrow Account before a building permit can be issued.

2. It appears that the mitigation trees are being double counted for those required as street trees. Chapter 177 Landscape Regulations requires street trees to be planted every 30 feet. These trees are not allowed to also count as mitigation trees. The 18 proposed trees planted within the Tree Preservation Area are the only ones that currently proposed that can count toward mitigation. Please locate the other 12 required trees on the site or submit a request to do a combination of money in lieu and on-site planting.

3. All preserved canopy will be set aside into a Tree Preservation Area on the easement plat. This removal all developmental right and will ensure complete protection of these preserved trees.

Fayetteville
ARKANSAS

THE CITY OF FAYETTEVILLE, ARKANSAS

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

TO: Andrew Garner, Planner

FROM: Kay Curry, Park Planner

DATE: May 15, 2007

SUBJECT: Parks & Recreation Subdivision Committee Comments

****

Meeting Date: May 17, 2007
Item: PZD 07-2551 (Champion's Club, 599)
Park District: SW
Zoned: I-1
Billing Name & Address: University Housing Group 2117 Rosalind Ave. Roanoke, VA 24014-0187,

	Current Land Dedication Requirement	Money in Lieu
Single Family	____@ .024 acre per unit = ____ acres	____@ $555 per unit = $____
Multi Family	____@ .017 acre per unit = ____ acres	143 @ $393 per unit = $56,199

COMMENTS:

- Parks and Recreation Advisory Board reviewed this project on April 3, 2006 and recommended accepting money in lieu and credit for building an extra wide sidewalk as an on street linkage to Town Branch Trail to satisfy the Park Land Dedication Ordinance requirement. This decision was based on the proximity of the land to Greathouse Park and the parkland and trail at Town Branch Creek.
- The developer will construct a 10' wide sidewalk from 15th Street to Town Creek Trail instead of a 6' walk and receive credit in the amount of $40/square yard of concrete for a total of $14,311 towards Park Land Dedication money in lieu requirement
- Remaining fees are due in the amount of $ 41,888 prior to issuance of building permits.

Fayetteville Fire Department

MEMO

To: **Andrew Garner, Jeremy Pate, and Jesse Fulcher**

Thru: **Chief Tony Johnson**
Asst Chief Bud Thompson

From: **Captain Dale Riggins**

Date: **May 24, 2007**

Re: **May 1, 2007 Zoning Review – Fire Department Comments**

R-PZD 07-2551 (Champion's Club Condos)
These 4.20 acres are covered by Engine 6 located at 900 S Hollywood.
It is 1.3 miles from the station with an expected response time of 3 minutes.
The Fire Department anticipates 32(19 EMS – 13 Fire/Other) calls for service per year once the development is completed and maximum build-out has occurred.
The service impact of this development will typically take eighteen months after the development is started, and the units begin to be occupied, to occur. There should be no adverse effects on our call volume or response time to this development.

Please feel free to contact me if you have any questions

Captain Dale Riggins
Fayetteville Fire Department

Fayetteville Fire Department

Crafton, Tull, Sparks & Associates, Inc.
architects, engineers, landscape architects, interior designers & surveyors

government
public works
parks & recreation
residential
commercial
transportation
industrial
sports
spiritual
education
health

901 North 47th Street, Suite 200 • Rogers, Arkansas 72756 • phone: 479.636.4838 • fax: 479.631.6224
Birmingham | Little Rock | Oklahoma City | Rogers | Russellville | Tulsa | Wichita

May 21, 2007

Mr. Andrew Garner
City of Fayetteville Planning Department
113 W. Mountain
Fayetteville, AR 72701

RE: Champions Club CTSA Job No. 061025-00

Dear Andrew:

We appreciate the comments that you provided for the Champions Club project. We have resubmitted 32 copies of the plats (28 half-size, 4 full-size) and 15 booklets as you requested. I believe that all of the items you mentioned have been addressed in the plan sheets and booklets, including a paragraph added to section D outlining the timeframe in which each phase is to obtain the required permits. Furthermore, changes have been made to address the comments made by all departments.

We are requesting a waiver from the Fayetteville Unified Development Code Chapter 166.12 to allow for the Champions Club Condos to be constructed over the existing sanitary sewer easement and proposed water easement at the north entrance of the site. The structure will maintain a minimum clearance of 13' 6" required by the fire department and to allow for future maintenance of the facilities. With the approval and acceptance of the final PZD for Champions Club Condos, City Council is approving the waiver request.

A waiver request is also being made for a variance from the 15' landscaping buffer required behind the right of way at the corner of 15th Street and Razorback Road. We feel that extra hard surface is needed in this area to accommodate the anticipated increase in foot traffic from the main entrance to the building. With the approval of the final PZD for Champions Club Condos, City Council is also approving this waiver request.

A waiver request is also being made for a variance from the 15' landscaping buffer required behind the right of way for the section of the site just to the south of the phase 2 building. In conjunction with this waiver, another waiver request is also being made for a variance in lane width on the southeastern most drive isle. The lane width is being reduced from the normal 24' to 22'. We do not believe the change will adversely affect the vehicular traffic because the spaces in this area are compact spaces that will be used by vehicles that can manage the reduced space. This width is being reduced to create extra green space between the parking and the right-of-way, which is now 10.66' feet at the south end and 19.45' at the northern end of this parking area. With the approval of the final PZD for Champions Club Condos, City Council is also approving these waiver requests. With the approval of the final PZD for Champions Club Condos, City Council is also approving this waiver request.

We appreciate your review of this project and look forward to your feedback. If you have any questions or need any additional information please don't hesitate to call me at (479) 878-2403.

Sincerely,
Crafton, Tull, Sparks & Associates, Inc.

Reid Catt
Project Engineer

Enclosures

Crafton, Tull, Sparks & Associates, Inc.

architects, engineers, landscape architects, interior designers & surveyors

government
public works
parks & recreation
residential
commercial
transportation
industrial
sports
spiritual
education
health

April 24, 2007

Mr. Andrew Garner
City of Fayetteville Planning Department
113 W. Mountain
Fayetteville, AR 72701

RE: Champions Club

CTSA Job No. 061025-00

Dear Andrew:

We appreciate the comments that you provided for the Champions Club project. We have resubmitted 28 copies of the plats (half-size) and 8 booklets as you requested.

I believe that all of the items you mentioned have been addressed in the booklet and on the plat sheets. The number of units for the project will be 143, not 144. Also, the maximum height regulation for the structure has been addressed. The City definition of height states that height is measured vertically from the existing natural grade to the highest point on the structure. This site is atypical in that the natural grade is set well below the existing infrastructure. If the structure is measured up from this depressed existing grade, the height will be deceivingly tall. After some discussion with you, we feel that a more accurate height description of the building would be from the existing sidewalk or edge of asphalt. As shown in Appendix A Building Elevations the new height maximum is set at 73.5 feet, which happens at the south end of the building along Razorback Road. The section K heading has been changed and a paragraph was added to discuss why we feel the project is in compliance with the City Plan 2025 as an Urban City Area.

The master development plat information is now being included as part of the LSD plan sheets. The general provisions have been inserted on the cover and the other sheets follow as noted in the appendix on the cover. Furthermore, changes have been made to accommodate the comments addressed by all departments including engineering, solid waste, landscaping, and fire.

We are requesting a waiver from the Fayetteville Unified Development Code Chapter 166.12 to allow for the Champions Club Condos to be constructed over the existing sanitary sewer easement and proposed water easement at the north entrance of the site. The structure will maintain a minimum clearance of 13' 6" required by the fire department and to allow for future maintenance of the facilities. With the approval and acceptance of the final PZD for Champions Club Condos, City Council is approving the waiver request.

A waiver request is also being made for a variance from the 15' landscaping buffer required behind the right of way for the section of the site just to the south of the building in phase 2. With the approval of the final PZD for Champions Club Condos, City Council is also approving this waiver request. We feel that the grade difference between the street and the parking lot along with fencing atop the retaining wall and proposed landscaping, an adequate buffer can be achieved.

901 North 47th Street, Suite 200 • Rogers, Arkansas 72756 • phone: 479.636.4838 • fax: 479.631.6224
Birmingham | Little Rock | Oklahoma City | Rogers | Russellville | Tulsa | Wichita

We appreciate your review of this project and look forward to your feedback. If you have any questions or need any additional information please don't hesitate to call me at (479) 878-2475.

Sincerely,
Crafton, Tull, Sparks & Associates, Inc.

Steven Beam
Project Manager

Enclosures

THE CITY OF FAYETTEVILLE, ARKANSAS

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

ENGINEERING DIVISION CORRESPONDENCE

To: Crafton, Tull, Sparks & Assoc.

From: Matt Mihalevich, Trails Coordinator

Date: May 16, 2007

Subject: Subdivision Committee Review Comments

ITEM #: PZD 07-2551: Planning Zoning District (Champions Club Condos)

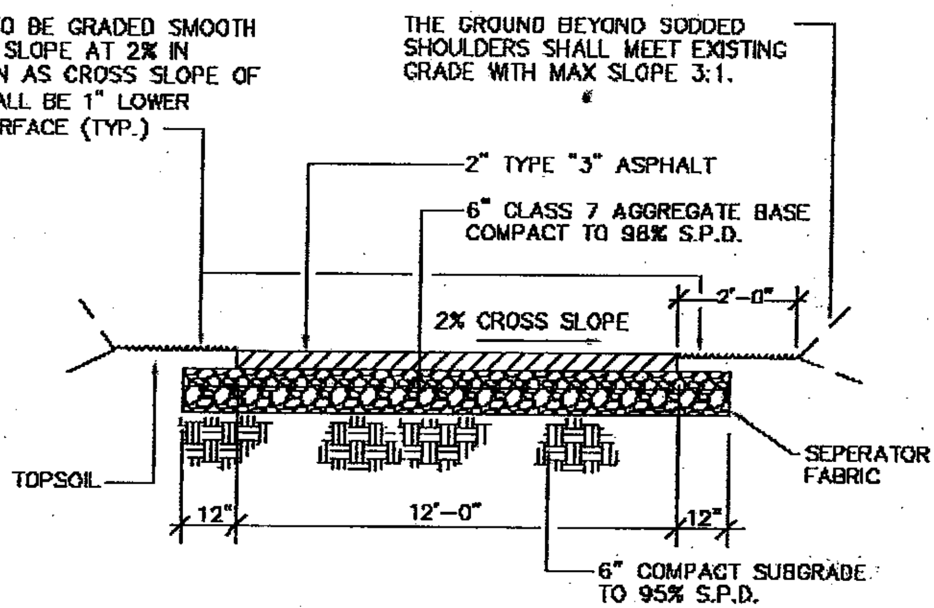
TRAIL COMMENTS

1. Just for clarification, remove the curb lines shown through the trail and sidewalk at the entry drives so the plan shows the trail and sidewalk at the same grade as the drive and continuing through the drive.

NOTES:

CONSTRUCT 2% CROSS SLOPE IN SAME DIRECTION AS EXISTING GRADE UNLESS OTHERWISE DESIGNATED.

LONGITUDINAL TRAIL GRADE SHALL NOT EXCEED 5%.



SECTION–12' WIDE ASPHALT TRAIL

NOT TO SCALE

From: Dale Riggins
To: Fulcher, Jesse
Date: 4/30/2007 2:04 PM
Subject: Fwd: Zoning Review: R-PZD 07-2551 Champions Club Condos
Attachments: 4348.pdf

Jesse,
Attached are the comment from the fire department for the May 1 zoning review of the Champions Club Condos.
I looked at the plat for this development and we are concerned about the parking gates located on the island on the northeast section of the parking area. We do not believe that our apparatus can make the turn to the left in time to clear the gates.
Where ever they put the gate, it needs to have a 20' access for fire apparatus according to the Arkansas Fire Code.

If you have any questions please feel free to contact me

Dale

>>> Andrew Garner 4/24/2007 1:37 PM >>>

Will you please review this and provide comments on the requested rezoning. The project description is listed below and exibits of the project are attached.

Please provide comments back to Jesse Fulcher by May 1st as I will be out of the office.

R-PZD 07-2551: Planned Zoning District (CHAMPION'S CLUB CONDOS, 599): Submitted by CRAFTON, TULL & ASSOCIATES for property located at SW CORNER OF RAZORBACK RD. AND 15TH STREET, E OF THE CROWNE APTS. The property is zoned I-1, HEAVY COMMERCIAL/ LIGHT INDUSTRIAL, and contains approximately 4.42 acres. The request is for Master Development Plan rezoning and land use approval for a Residential Planned Zoning District 4-story condominium building with 143 residential units.

Thanks,
Andrew

--
Andrew M. Garner
Senior Planner
City of Fayetteville
125 West Mountain Street
Fayetteville, Arkansas 72701

Tel.479.575.8262
Fax.479.575.8202
agarner@ci.fayetteville.ar.us
www.accessfayetteville.org

May 1, 2007

Jeremy Pate
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Pate,

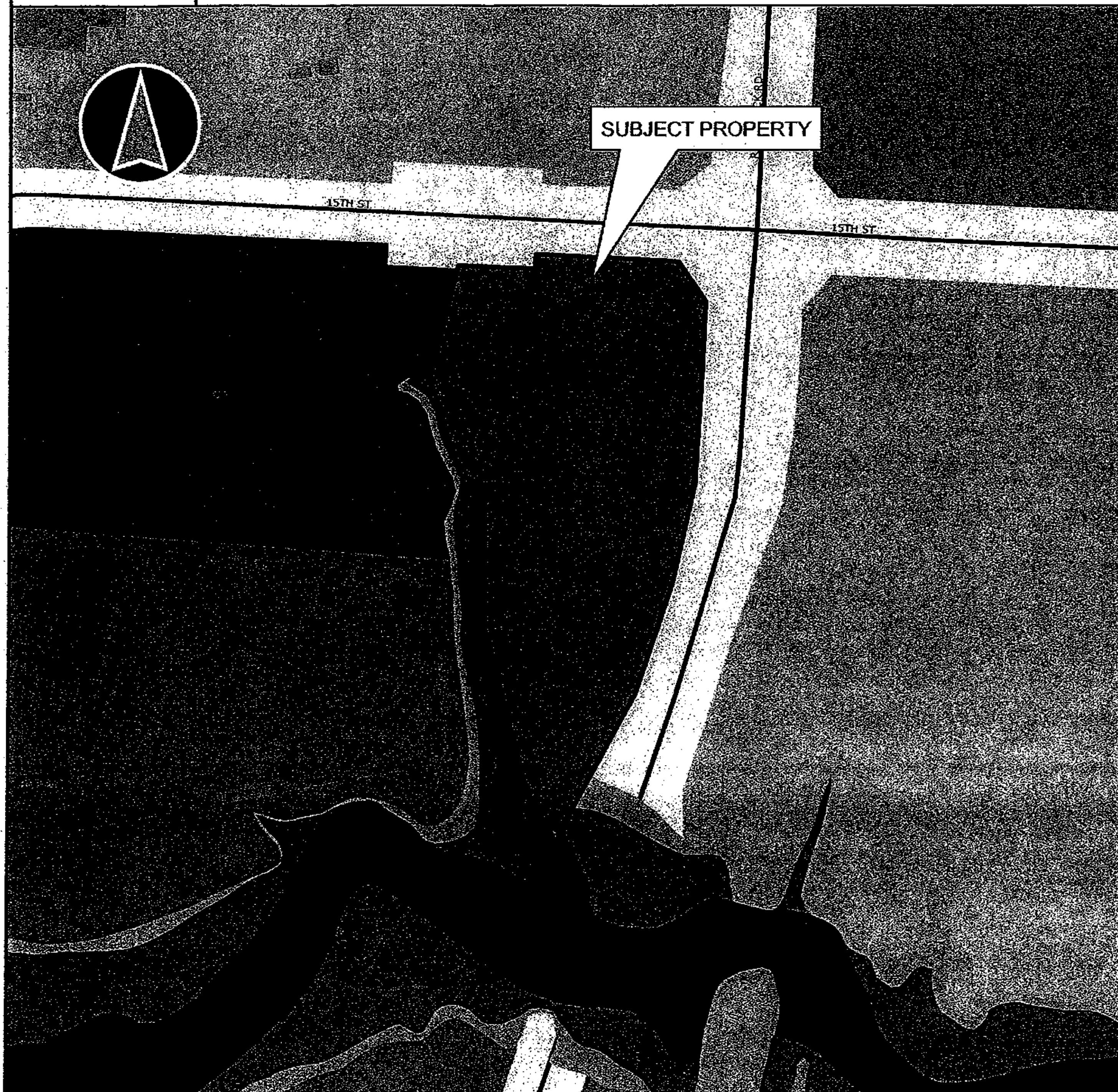
This document is in response to the request for a determination of whether the proposed R-PZD 07-2551: Planned Zoning District (CHAMPION'S CLUB CONDOS, 599): Submitted by CRAFTON, TULL & ASSOCIATES for property located at SW CORNER OF RAZORBACK RD. AND 15TH STREET, E OF THE CROWNE APTS would substantially alter the population density and thereby undesirably increase the load on police services and create an appreciable increase in traffic danger and congestion.

It is the opinion of the Fayetteville Police Department that this Planned Zoning District **will not** substantially alter the population density causing an undesirable increase in the load on police services. The Planned Zoning District **will not** create an appreciable increase in traffic danger and congestion in the area.

Sincerely,

Captain William Brown
Fayetteville Police Department

PZD07-2551	CHAMPIONS CLUB CONDOS
Close Up View	



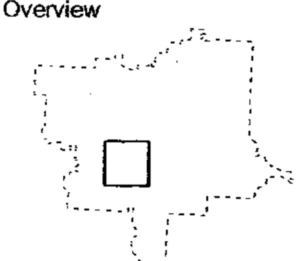
Overview

PZD07-2551

One Mile View

CHAMPIONS CLUB CONDOS

Overview



Legend

Subject Property

PZD07-2551

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

6/19/2007
City Council Meeting Date

Tim Conklin T.C.	Planning and Development Mgt.	Operations
Submitted By	Division	Department

Action Required:

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT ORDINANCE OF THE CODE OF FAYETTEVILLE TO AMEND CHAPTER 161: ZONING REGULATIONS IN ORDER TO CLARIFY LANGUAGE REGULATING THE HEIGHT STEPBACK OF BUILDINGS LOCATED IN THE MAIN STREET CENTER ZONING DISTRICT.

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

Budgeted Item ☐ Budget Adjustment Attached ☐

[signature]	5 30 07	Previous Ordinance or Resolution #
Department Director	Date	Original Contract Date:
[signature]	5-31-07	Original Contract Number:
City Attorney	Date	
Paul A. Becker	5-31-07	Received in City Clerk's Office ENTERED 5/31/07
Finance and Internal Service Director	Date	
Dan Coody	6/4/07	Received in Mayor's Office ENTERED 5/31/07
Mayor	Date	

Comments:

Left on the second reading 6/19

City Council Meeting of June 19, 2007
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To:	Mayor and City Council
Thru:	Gary Dumas, Director of Operations Tim Conklin, Planning and Development Management Director
From:	Leif Olson, Long Range Planner
Date:	May 30, 2007
Subject:	**Administrative item amending the building height regulations for the Main Street Center Zoning District to claify the 15 foot stepback requirment. (ADM 07-2516)**

RECOMMENDATION

Planning Staff and the Planning Commission recommend an ordinance amending Title XV: Unified Development Ordinance of the Code of Fayetteville, Chapter 161: Zoning Regulations in order to clarify language regulating the building height stepback of buildings located in the Main Street Center Zoning District.

BACKGROUND

The City Council adopted the Downtown Master Plan Zoning Ordinance on October 3, 2006. Planning Staff has identified a potential issue with regard to requiring the 15 foot stepback of the principal building façade above the fourth story. The ordinance allows a building to be located in a build to zone between 0 and 25 feet from the front property line. When a building is placed at the 0 foot setback a 15 foot stepback is required above the fourth floor in order to promote a pedestrian scaled street environment and adequate provisions for light and air movement. However, if the building is to be located further than 15 feet back from the street frontage, the 15 foot stepback above the fourth floor is unwarranted. Staff proposes changing the building height language in the Main Street Center Zoning District in order to allow buildings located at least 15 feet back from the front property line or master street plan right-of-way to construct 6 stories without a stepback of the principal building façade. This will create two building height zones: 1) within 15 feet of a property line or master street plan right-of-way, a maximum of 4 stories/56 feet, whichever is less; 2) beyond 15 feet of a property line or master street plan right-of-way, a maximum of 6 stories/84 feet, whichever is less.

DISCUSSION

This item was heard at the regular Planning Commission on May 29, 2007. The Planning Commission voted 7-0-0 to recommend approval of the amendment to the City Council. The Planning commission also discussed and recommended that all buildings be limited to the 4 stories or 56 feet if they are located within 15 feet from the front property line or master street plan right-of-way.

BUDGET IMPACT

None.

ORDINANCE NO. _______

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT ORDINANCE OF THE CODE OF FAYETTEVILLE TO AMEND CHAPTER 161: ZONING REGULATIONS IN ORDER TO CLARIFY LANGUAGE REGULATING THE HEIGHT STEPBACK OF BUILDINGS LOCATED IN THE MAIN STREET CENTER ZONING DISTRICT.

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 Title XV: Unified Development Ordinance of the Code of Fayetteville by repealing §161.21(G) in its entirety and enacting a new §161.21(G) as follows:

"(G) *Height Regulations.* A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 4 stories or 56 feet, whichever is less. A building or a portion of a building that is located 15 feet or greater from the front property line or any master street plan right-of-way line shall have a maximum height of 6 stories or 84 feet, which ever is less."

PASSED and **APPROVED** this the 19th day of June, 2007.

APPROVED:

By: ______________________________
DAN COODY, Mayor

ATTEST:

By: ______________________________
SONDRA SMITH, City Clerk

ADM 07-2516: Administrative Item (BUILDING HEIGHT STEPBACK IN MSC ZONING DISTRICT) An ordinance to amend the building height regulations for the Main Street Center Zoning District.

Tim Conklin, Planning and Development Management Director, gave the staff report. He described the amendment as a means to clarify the building setback in the Main Street Center zoning district, which has a stepback requirement at 15 feet from the front property line. The intent of the amendment is to clarify that there are actually two building height zones, one of a maximum of four stories/56 feet from 0-15 feet from the front property line and one of maximum of six stories/84 feet beyond 15 feet from the front property line.

No public comment was received.

Commissioner Lack stated this was a good change, that it seemed it resulted from learning from the implementation of the regulations recently adopted. He stated that one thing caused some concern, the reference to "front property line" in the code language. Lack cited a situation where a sliver of property could be in front of a property being developed, and how this reference to a front property line could be confusing.

Kit Williams, City Attorney, noted that the phrases "front property line" was used many times in the code, and it could be difficult to replace this language without replacing it elsewhere.

The Planning Commission and staff discussed various language options regarding Master Street Plan right-of-way and front property lines, with several different variations.

Jeremy Pate, Director of Current Planning, stated that the concern was duly noted, and staff will attempt to address the issue with a modification to the amendment if this goes forward to the City Council.

Motion:

Commissioner Lack stated he was in favor of the amendment, and made a motion to forward it to the City Council with a recommendation of approval, with the modifications to be made by staff. **Commissioner Graves** seconded the motion. **Upon roll call, the motion passed with a vote of 7-0-0.**

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

3-Jul-07

City Council Meeting Date

Greg Tabor	Police	Police
Submitted By	Division	Department

Action Required:

Schedule a public hearing to determine if a Certificate of Public Convenience and Necessity should be issued to Hotel Executive Transportation.

N/A	N/A	N/A
Cost of this request	Category/Project Budget	Program Category / Project Name
N/A	N/A	N/A
Account Number	Funds Used to Date	Program / Project Category Name
N/A	N/A	N/A
Project Number	Remaining Balance	Fund Name

Budgeted Item [ ]   Budget Adjustment Attached [ ]

Department Director — 6-18-07 Date

City Attorney — 6/19/07

Finance and Internal Service Director — 6-20-07 Date

Mayor — Dan Coody 6/20/07 Date

Previous Ordinance or Resolution # ______

Original Contract Date: ______

Original Contract Number: ______

Received in City Clerk's Office — ENTERED 6/18/07

Received in Mayor's Office — ENTERED 6/20/07

Comments:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS POLICE DEPARTMENT

TO: Mayor Dan Coody and Members of the City Council

FROM: Greg Tabor, Chief of Police

DATE: June 15, 2007

RE: Request for Public Hearing on a Certificate of Public Convenience and Necessity for Hotel Executive Transportation, LLC

Recommendation:

The council should schedule a public hearing to determine if a Certificate of Public Convenience and Necessity should be issued Necessity for Hotel Executive Transportation, LLC.

Background:

The council passed an ordinance governing taxi and limousine companies in Fayetteville. There were meetings with city staff, the police department and the fleet division to determine the procedure that will be used to implement the ordinance.

Discussion:

Attached is a copy of Mr. Mourton's application for certificate and insurance papers with Walker Brothers Insurance. Mr. Mourton intends to operate limousine and taxi service in Fayetteville.

FAYETTEVILLE POLICE DEPARTMENT
100-A WEST ROCK STREET
FAYETTEVILLE, ARKANSAS 72701

(DELIVERIES) POLICE: 100-A WEST ROCK STREET 72701
PHONE: 479.587.3555 FAX: 479.587.3522

RESOLUTION NO. ______

A RESOLUTION GRANTING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO HOTEL EXECUTIVE TRANSPORTATION, LLC FOR THE OPERATION OF FIVE (5) TO FIFTEEN (15) LIMOUSINES IN THE CITY OF FAYETTEVILLE, ARKANSAS.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby grants a Certificate of Public Convenience and Necessity to Hotel Executive Transportation, LLC for the operation of five (5) to fifteen (15) limousines in the City of Fayetteville, Arkansas, in accordance with Chapter 117, Fayetteville Code of Ordinances.

PASSED and **APPROVED** this 3rd day of July, 2007.

APPROVED: ATTEST:

By: ______________________________
DAN COODY, Mayor

By: ______________________________
SONDRA E. SMITH, City Clerk/Treasurer

Certificate of Public Convenience & Necessity Application/Renewal

As required to comply with Chapter 117 of the Fayetteville Code of Ordinances

Kenneth R. Mourton, 112 West Center St., Suite 701, Fayetteville, AR 72701, (479) 587-0360

Applicant Name **Address** **Phone Number**

Hotel Executive Transportation, LLC (479) 636-8294

Name of Business **Phone Number**

112 West Center St., Suite 701, Fayetteville, AR 72701

Business Location

P.O Box 1444, Fayetteville, AR 72702

Mailing Address

Limited Liability Company

Type of Business (Sole Proprietor, Corporation, LLC)

Name and address of all owners, officers and stockholders:

Kenneth R. Mourton is the sole member of Hotel Executive Transportation, LLC. His business address is 112 West Center St., Suite 701, Fayetteville, AR 72701.

Name of person to whom complaints should be directed:

Joe Washington

Financial status of applicant (Attach financial statement or profit and loss statement)

List any unpaid judgments against any of the owners, officers and stockholders and the nature or acts giving rise to said judgments:

None

Describe the experience of all owners, officers and stockholders in the transportation of passengers:

Kenneth R. Mourton, the owner of Hotel Executive Transportation, LLC has provided its financial backing.

Joe Washington is the Manager of Operations for Hotel Executive Transportation, LLC. Joe has worked in the ground transportation industry for the last four years.

Give any facts you believe tend to prove the necessity of granting a certificate:

Considering the recent growth in the Fayetteville area, I believe that another transportation service is needed to accommodate the ever increasing transportation needs of the citizens of Fayetteville.

List the number of vehicles that will be under your operation or control: 7

Minimum and Maximum number of vehicles to be permitted:

Minimum	Maximum
5	15

List the location of proposed depots and terminals:

1615 Acorn, Rogers, AR 72756

112 West Center Street, Fayetteville, AR 72701

Describe the color scheme or insignia to be used to designate your vehicle:

See attached logo

List your days and hours of operation:

Seven days a week, 24 hours a day.

List any days you do not propose to provide taxicab service to the general public:

None.

List your proposed passenger rate schedule:

See attached

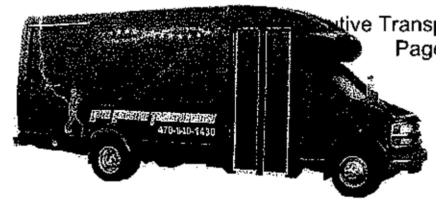
Police Department Representative

Date

HOTEL
EXECUTIVE
TRANSPORTATION

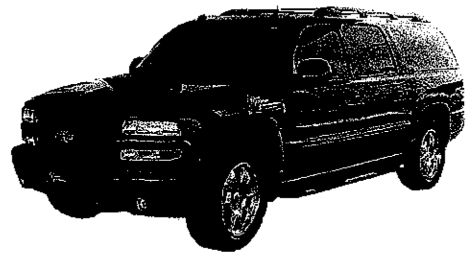
Joe Washington • 479-640-1430 • www.hetxna.com

HOTEL EXECUTIVES TRANSPORTATION



Lincoln Town Cars, SUV's, Limo's, Party Buses, & Vans

Rogers • Bentonville Based



Lincoln Town Cars Luxury
$60.00 per hour

Specific Rates - Lincoln Town Car - From or to XNA
Call for Reservations

Bentonville - $35.00
More than 1 additional person, $10.00 per person. Multiple stops additional $8.00 per stop

Rogers - $35.00
More than 1 additional person, $10.00 per person. Multiple stops additional $8.00 per stop

Lowell - $30.00
More than 1 additional person, $10.00 per person. Multiple stops additional $8.00 per stop

Springdale - $40.00
More than 1 additional person, $10.00 per person. Multiple stops additional $10.00 per stop

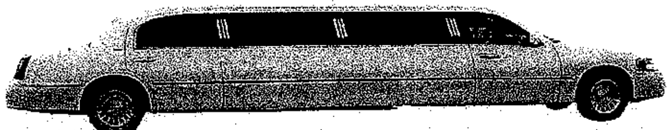
Fayetteville - $45.00
More than 1 additional person, $10.00 per person. Multiple stops additional $10.00 per stop

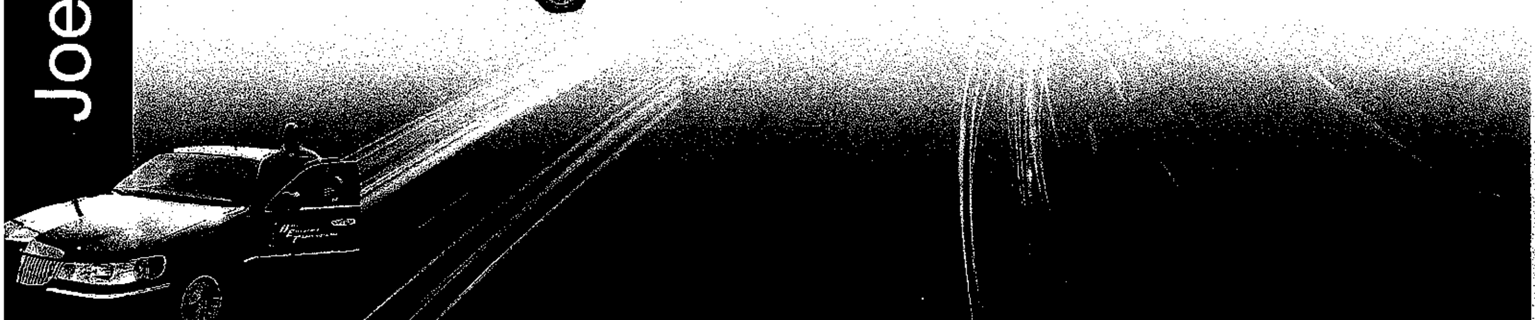
Bella Vista - $45.00
More than 1 additional person, $10.00 per person. Multiple stops additional $10.00 per stop

Ft. Smith - $125.00
More than 1 additional person, $10.00 per person. Multiple stops additional $10.00 per stop

Tulsa - $150.00
More than 1 additional person, $25.00 per person. Multiple stops additional $30.00 per stop

Special Walk Rate if dropped by HET $5





NWA Taxi

Phone: 479-636-TAXI
Fax: 479-631- CABS

1615 West Acorn Street
Rogers, AR 72756
executivetranspo@yahoo.com

Please call
David Jones
(c) 387-2508

Sgt
Hunter

Thx! Ali
6-4-07

KENNETH R. MOURTON
BALANCE SHEET
DECEMBER 31, 2006

ASSETS

CURRENT ASSETS		
Cash on Hand and in Banks	$2,197,345.00	
Notes and Accounts Receivable (2	322,406.00	
Listed Stocks & Bonds and other market investments (1)	1,409,601.00	
Stock Options and Restricted Stock (2)	5,884,603.00	
A/R - KTTT, LLC	8,750.00	
Prepaid Taxes (Estimate)	37,200.00	
Total Current Assets		$9,859,905.00
FIXED ASSETS & INVESTMENTS		
CKU, LLC (1)	$ 72,154.00	
5.4 Acres (1)	27,500.00	
House & Land - 1.90 acres (1)	490,000.00	
Fayetteville Country Club Stock(1)	600.00	
Furniture & Fixtures (3)	60,000.00	
Coors of Western Arkansas, Inc. (1)(4)(7) (Coors, Pabst, Hamms, OLY, R,W&B & B.L.)	6,088,469.00	
Palm Distributing, LLC(1)(9)	2,501,042.00	
United Distributing, LLC (Colorado) (1)(6)	156,485.00	
Automobiles (1)(14)	5,507.00	
Land - 154 Acres with a House (1)	1,232,000.00	
AOK, LLC (1)	85,000.00	
Office Furniture & Equipment (3)	14,000.00	
HR-10 Retirement Trust (1)(5)	354,563.00	
Cash Surrender Value Life Insurance (1)(5)	55,707.00	
United Distributing Company, LLC (1)(4)(7)(8)	5,916,045.00	
Ball & Mourton Ltd., PLLC - (12)	(62,743.00)	
Ball & Mourton Properties, Ltd. - 100% (11)	6,284,00	
Crazy Inv., LLC (1)	712,027.00	
Brazil Trading Company(3)	40,200.00	
Vishwakarta, LLC(1)(6)(7)	2,256,407.00	
Hotel Buyers, LLC (1)(6)(7)	358,585.00	
Hotel Contractors, LLC(1)	481,236.00	
401(K) Profit Sharing Plan (1)	188,518.00	
Canyon Distributing Company and Northern (1)(4)(6)(7)(8)	13,326,230.00	
Land - Nevada - Including Improvements (1)(3)	6,250,000.00	
Omni Hospitality Management 39% (1)(6)	43,267.00	
Jewelry	14,500.00	
Condo - Barra with furniture (1)(14)	983,976.00	
Land Baton Rouge (1)	300,000.00	
Vidhata (3)	102,279.00	
BKT, LLC (1)	94,950.00	
UCEC	5,430.00	
Mourton/Bhakta (3)	44,437.00	
Buzios, LLC (1)	261,500.00	
Toro the Bull, LLC (3)	60,000.00	
Hotel Executive Transportation, LLC	69,277.00	
NE Arkansas Hospitality, LLC	151,162.00	

2/27/06

TS Land, LLC	283,967.00	
K&G Investments, LLC	95,196.00	
KTTT, LLC - Bentonville(1)(6)(7)	812,958.00	
Total Fixed Assets & Investments		$43,938,715.00
TOTAL ASSETS		$53,798,620.00

LIABILITIES & NET WORTH

LIABILITIES		
Accounts Payable	25,000.00	
Renee Mourton Property Settlement ($50,000.00 over 30 years)	50,000.00	
Emerald Travel, Ltd. - Negative Net Worth-Bank Loan	45,000.00	
Account Payable - Coors (Est.)	464,668.00	
Note Payable David Slone	492,000.00	
Arvest Bank - Line	102,773.00	
Bank of America - Laughlin, Nevada	1,565,633.00	
Estimated Income Taxes	1,150,000.00	
TOTAL LIABILITIES		$ 3,895,074.00
NET WORTH		$49,903,546.00
TOTAL LIABILITIES & NET WORTH		$53,798,620.00

1. Estimated Fair Market Value
2. As of December 31, 2006
3. Cost
4. Based upon comparable sales and year end values of assets.
5. From Statement of Account dated December 31, 2006 and September 2006.
6. As of December 31, 2006.
7. Fair Market Value based on appraisal of real estate plus all remaining assets of the company less indebtedness.
8. Based on Balance Sheet as of 12/31/06.
9. Based on appraisals, contracts for sale and actual cash and receivables less obligations.
10. Estimated value.
11. As of December 31, 2005 Financial Statement.
12. Appraisal as of February 8, 2004.
13. Land at Fair Market Value of $1,000,000.
14. Subject to exchange rate.

KENNETH R. MOURTON
SCHEDULE OF CONTINGENT LIABILITIES
DECEMBER 31, 2006

First Federal of Arkansas Loan to KTTT, LLC - Bentonville (Secured by First Mortgage on Marriott SpringHill Suites)	3,268,422.46
Arvest Bank, Fayetteville, Arkansas Loan to B&M Properties, Inc. (secured by leasehold improvements) - Line of credit at $100,000.00.	95,003.00
Arvest Bank, Fayetteville, Arkansas - Loan to Coors of Western Arkansas, Inc. (Secured by buildings, inventory and equipment) Line of credit authorized to $550,000.	86,795.70
Arvest Bank, Fayetteville, Arkansas - United Distributing Co., LLC Colorado	538,181.00
Security Bank - Loan to Vishwakarta, LLC	6,541,740.21
First Federal of Arkansas Loan to Hotel Buyers, LLC	977,413.23
Various Guaranties	20,000.00
Various credit cards for companies I hold An interest in - estimated	20,000.00
Arvest Bank, Fayetteville, Arkansas Loan to Canyon Distributing Company Original Loan $8,500,000, plus truck and trailer leases	4,747,428.00
Greg Margerum et al - Guaranty to secure payment of Health insurance payment - Estimated obligation.	75,000.00
Signature Bank, Fayetteville, Arkansas United Distributing Co., LLC (Alabama) - Guaranty	1,566,199.00
Arvest Bank, Fayetteville, Arkansas Northern Distributing Company - Guaranty	2,139,414.23

First Federal of Arkansas Loan to Hotel Contractors - Best Western	3,692,476.67
Arvest Bank, Fayetteville Guaranty of Pam Crawford American Donut Loan)	144,089.19
Chambers Bank, Rogers, Arkansas Loan to Vidhata Total Loan $26,800,000.00 amount drawn as of 12-31-06	10,522,735.80
Liberty Bank, Springdale, Arkansas Loan to Mourton/Bhakta Total Loan $5,571,000 amount drawn as of 12-31-06	4,558,556.83
Liberty Bank, Springdale, Arkansas Second loan $829,000.00, amount drawn as of 12-31-06	0.00
Simmons First, Springdale, Arkansas Loan to BKT, LLC Total loan $10,000,000.00, amount drawn as of 12-31-06	2,402,354.25
Signature Bank, Fayetteville, Arkansas Loan to Hotel Executive Transportation, LLC	38,511.30
Regions Bank, Rogers, Arkansas Loan to Canyon Distributing Company Prescott Warehouse	6,869,397.46
Capital One, Little Rock, Arkansas Loan to Buzios, LLC	974,801.50
Allied Bank, Mulberry, Arkansas Loan to A Nuther Round, LLC	2,000,261.68
Capital Bank, Little Rock, Arkansas Loan to AOK, LLC	933,241.50
Enterprise Bank, Overland Park, Kansas Loan to CKU Aviation, LLC	1,100,000.00
Signature Bank, Fayetteville, Arkansas Line of Credit to Kenneth R. Mourton Total Line $2,000,000.00, amount drawn as of 12-31-06	7,165.17
Chambers Bank, Fayetteville, Arkansas Loan to NE Arkansas Hospitality, LLC	2,300,000.00
First State Bank, Fayetteville, Arkansas Line of Credit to Kenneth R. Mourton Total Line $500,000.00, amount drawn as of 12-31-06	0.00

Hotel Executive Transportation, LLC

P. O. Box 1948
Fayetteville, AR 72702

Balance Sheet

As of December 2006

3/28/2007
3:32:28 PM

Assets				
Current Assets				
Cash On Hand				
Signature	$51,810.14			
Total Cash On Hand		$51,810.14		
A/R - Joe Washington		$11,089.50		
Total Current Assets			$62,899.64	
Fixed Assets				
Office Equipment				
Office Equip Orig Cost	$1,000.00			
Total Office Equipment		$1,000.00		
Automobiles				
Automobiles Orig Cost	$82,365.50			
Automobiles Accum Dep	($42,198.04)			
Total Automobiles		$40,167.46		
Equipment				
Total Fixed Assets			$41,167.46	
Equipment			$1,381.00	
Total Assets				$105,448.10
Liabilities				
Current Liabilities				
Credit Cards				
MasterCard	($101.13)			
Visa	($56.75)			
Three Dogs, LLC	$3,279.50			
Total Credit Cards		$3,121.62		
Payroll Withholding				
FIT/FMed/FSoc Payable	$449.06			
FUTA Payable	$164.87			
State Income Tax Payable	$63.33			
SUI/SDI Payable	$86.43			
Total Payroll Withholding		$763.69		
Other Current Liabilities		($900.00)		
Total Current Liabilities			$2,985.31	
Long Term Liabilities				
Bank Loans		$38,510.70		
N/P - Coors of Western AR		$6,923.50		
Total Long Term Liabilities			$45,434.20	
Total Liabilities				$48,419.51
Equity				
Retained Earnings			$4,572.08	
Current Year Earnings			$52,456.51	
Total Equity				$57,028.59
Total Liability & Equity				$105,448.10

Hotel Executive Transportation, LLC

P. O. Box 1948
Fayetteville, AR 72702

Profit & Loss Statement

January 2006 through December 2006

3/28/2007
3:32:19 PM

Income			
Sales			
Contract Income	$184,347.18		
Other Income	$461.67		
Total Sales		$184,808.85	
Total Income			$184,808.85
Cost Of Sales			
Auto Insurance		$18,055.78	
Vehicle Gas and Oil		$13,501.71	
Vehicle Repair & Maintenance		$7,332.75	
Total Cost Of Sales			$38,890.24
Gross Profit			$145,918.61
Expenses			
General & Administrative Exp			
Legal & Professional Fees	$3,622.13		
Bank Charges	$73.03		
Charitable Contributions	$300.00		
Credit Card Fees	$1,842.78		
Depreciation	$17,045.04		
Dues & Subscriptions	$80.00		
Office Supplies	$633.32		
Late Fees Paid	$55.06		
Total General & Administrative Exp		$23,651.36	
Advertising & Promotion Exp			
Advertising	$2,126.83		
Total Advertising & Promotion Exp		$2,126.83	
Operating Expenses			
Lease Payments	$265.21		
Postage	$140.71		
Printing	$1,203.13		
Rent	($1,012.57)		
Telephone	$628.72		
Uniforms	$1,857.15		
Total Operating Expenses		$3,082.35	
Wages & Salaries			
Wages	$31,608.00		
Employer Payroll Tax Expense	$3,502.45		
Total Wages & Salaries		$35,110.45	
Employee Benefits			
Group Medical Insurance	$3,528.00		
Travel & Entertainment	$888.39		
Total Employee Benefits		$4,416.39	
Contract labor		$13,978.40	
Misc.		$1,631.27	
Taxes & Licenses		$5,330.72	
Total Expenses			$89,327.77
Operating Profit			$56,590.84
Other Income			
Other Expenses			
Interest Expense		$4,134.33	
Total Other Expenses			$4,134.33
Net Profit / (Loss)			$52,456.51

WALKER BROTHERS INSURANCE, INC.
P.O. BOX 7570, SPRINGDALE, AR 72766-7570
PHONE (479) 306-4677
FAX (479) 306-5110
E-MAIL ADDRESS: insurance@walkerbr.com

DATE: June 4, 2007

TO: City of Fayetteville

ATTN: Sgt Harter

FAX #: 587-3522

RE: Hotel Executive Transportation LLC
NWA Taxi, LLC

FROM: Danny Schneider

3 : TOTAL NUMBER OF PAGES, INCLUDING THIS PAGE

Here is requested proof of insurance for above 2 entities. Please let me know if you need anything further.

Sincerely,

ACORD CERTIFICATE OF LIABILITY INSURANCE

CSR SS
NWATA-1

PRODUCER	
Walker Bros. Insurance, Inc. P.O. Box 7570 Springdale AR 72766-7570 Phone: 479-306-4677 Fax: 479-306-5110	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED

NWA Taxi, LLC
PO Box 1948
Fayetteville AR 72702

INSURERS AFFORDING COVERAGE	NAIC #
INSURER A: Essex Insurance Company	
INSURER B: Lloyds Insurance Company	
INSURER C:	
INSURER D:	
INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADD'L INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
		GENERAL LIABILITY COMMERCIAL GENERAL LIABILITY CLAIMS MADE OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: POLICY PRO-JECT LOC				EACH OCCURRENCE	$
						DAMAGE TO RENTED PREMISES (Ea occurence)	$
						MED EXP (Any one person)	$
						PERSONAL & ADV INJURY	$
						GENERAL AGGREGATE	$
						PRODUCTS - COMP/OP AGG	$
A B		AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS X SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS	TBD TBD-PHYSICAL DAMAGE ONLY	05/15/07 05/15/07	05/15/08 05/15/08	COMBINED SINGLE LIMIT (Ea accident)	$ 300000
						BODILY INJURY (Per person)	$
						BODILY INJURY (Per accident)	$
						PROPERTY DAMAGE (Per accident)	$
		GARAGE LIABILITY ANY AUTO				AUTO ONLY - EA ACCIDENT	$
						OTHER THAN AUTO ONLY: EA ACC	$
						AGG	$
		EXCESS/UMBRELLA LIABILITY OCCUR CLAIMS MADE DEDUCTIBLE RETENTION $				EACH OCCURRENCE	$
						AGGREGATE	$
							$
							$
							$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				WC STATU-TORY LIMITS / OTH-ER	
						E.L. EACH ACCIDENT	$
						E.L. DISEASE - EA EMPLOYEE	$
						E.L. DISEASE - POLICY LIMIT	$
		OTHER					

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

2007	Ford	500	1FAHP24127G160451
2007	Ford	500	1FAHP241X7G148953
2007	Ford	500	AFAHP24137G148423

CERTIFICATE HOLDER

CITYOFF

CITY OF FAYETTEVILLE
ADMINISTRATION BUILDING
113 W. MOUNTAIN
FAYETTEVILLE AR 72701

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE
Danny Schneider

ACORD. CERTIFICATE OF LIABILITY INSURANCE

CSR JL
HOTEX-1
DATE (MM/DD/YY) 06/04/07

PRODUCER

Walker Bros. Insurance, Inc.
P.O. Box 7570
Springdale AR 72766-7570
Phone: 479-306-4677 Fax: 479-306-5110

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED

Hotel Executive Transportation
LLC
LLC
PO Box 1949
Fayetteville AR 72702

INSURERS AFFORDING COVERAGE	NAIC #
INSURER A: National Indemnity	
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADD'L INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
		GENERAL LIABILITY COMMERCIAL GENERAL LIABILITY CLAIMS MADE / OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: POLICY / PRO-JECT / LOC				EACH OCCURRENCE	$
						DAMAGE TO RENTED PREMISES (Ea occurence)	$
						MED EXP (Any one person)	$
						PERSONAL & ADV INJURY	$
						GENERAL AGGREGATE	$
						PRODUCTS - COMP/OP AGG	$
A		AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS X SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS	CL463529	07/18/06	07/18/07	COMBINED SINGLE LIMIT (Ea accident)	$ 300000
						BODILY INJURY (Per person)	$
						BODILY INJURY (Per accident)	$
						PROPERTY DAMAGE (Per accident)	$
		GARAGE LIABILITY ANY AUTO				AUTO ONLY - EA ACCIDENT	$
						OTHER THAN AUTO ONLY: EA ACC	$
						AGG	$
		EXCESS/UMBRELLA LIABILITY OCCUR / CLAIMS MADE DEDUCTIBLE RETENTION $				EACH OCCURRENCE	$
						AGGREGATE	$
							$
							$
							$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				WC STATU-TORY LIMITS / OTH-ER	
						E.L. EACH ACCIDENT	$
						E.L. DISEASE - EA EMPLOYEE	$
						E.L. DISEASE - POLICY LIMIT	$
		OTHER Commercial Applica					

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

Airport Shuttle Service 1998 Lincoln Town Car 1LNFM81W8WY719633, 1988 Ford VAN 1FBJS31H2JHA98704

CERTIFICATE HOLDER

CITYOFF

CITY OF FAYETTEVILLE
ADMINISTRATION BUILDING
113 W. MOUNTAIN
FAYETTEVILLE AR 72701

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE
Danny S. Crimeller

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

3-Jul-07
City Council Meeting Date

Submitted By	Division	Department
Greg Tabor	Police	Police

Action Required:

Schedule a public hearing to determine if a Certificate of Public Convenience and Necessity should be issued to NWA Taxi.

N/A	N/A	N/A
Cost of this request	Category/Project Budget	Program Category / Project Name
N/A	N/A	N/A
Account Number	Funds Used to Date	Program / Project Category Name
N/A	N/A	N/A
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director 6-18-07 Date

City Attorney 6/19/2007

Finance and Internal Service Director 6-20-07 Date

Mayor 6/20/07 Date

Previous Ordinance or Resolution # ______

Original Contract Date: ______

Original Contract Number: ______

Received in City Clerk's Office ENTERED 6/18/07 CW

Received in Mayor's Office ENTERED 6/20/07

Comments:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS POLICE DEPARTMENT

TO: Mayor Dan Coody and Members of the City Council

FROM: Greg Tabor, Chief of Police

DATE: June 15, 2007

RE: Request for Public Hearing on a Certificate of Public Convenience and Necessity for NWA Taxi, LLC

Recommendation:

The council should schedule a public hearing to determine if a Certificate of Public Convenience and Necessity should be issued Necessity for NWA Taxi, LLC

Background:

The council passed an ordinance governing taxi and limousine companies in Fayetteville. There were meetings with city staff, the police department and the fleet division to determine the procedure that will be used to implement the ordinance.

Discussion:

Attached is a copy of Mr. Mourton's application for certificate and insurance papers with Walker Brothers Insurance. Mr. Mourton intends to operate limousine and taxi service in Fayetteville. Currently, Dynasty is the only company permitted to operate cab service in Fayetteville. Buffco, which replaced Tony C. Cab, is no longer in operation.

RESOLUTION NO. ______

A RESOLUTION GRANTING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO NWA TAXI, LLC FOR THE OPERATION OF FIVE (5) TO FIFTEEN (15) TAXICABS IN THE CITY OF FAYETTEVILLE, ARKANSAS.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby grants a Certificate of Public Convenience and Necessity to NWA Taxi, LLC for the operation of five (5) to fifteen (15) taxicabs in the City of Fayetteville, Arkansas, in accordance with Chapter 117, Fayetteville Code of Ordinances.

PASSED and **APPROVED** this 3rd day of July, 2007.

APPROVED:	ATTEST:
By: ______________________	By: ______________________
DAN COODY, Mayor	**SONDRA E. SMITH**, City Clerk/Treasurer

Certificate of Public Convenience & Necessity Application/Renewal

As required to comply with Chapter 117 of the Fayetteville Code of Ordinances

Kenneth R. Mourton, 112 West Center St., Suite 701, Fayetteville, AR 72701, (479) 587-0360

Applicant Name **Address** **Phone Number**

NWA Taxi, LLC (479) 636-8294

Name of Business **Phone Number**

112 West Center St., Suite 701, Fayetteville, AR 72701

Business Location

PO Box 1444, Fayetteville, AR 72702

Mailing Address

Limited Liability Company

Type of Business (Sole Proprietor, Corporation, LLC)

Name and address of all owners, officers and stockholders:

Kenneth R. Mourton is the sole member of Hotel Executive Transportation, LLC. His business address is 112 West Center St., Suite 701, Fayetteville, AR 72701. Hotel Executive Transportation, LLC is the sole member of NWA Taxi, LLC. Its business address is 112 West Center St., Suite 701, Fayetteville, AR 72702

Name of person to whom complaints should be directed:

Joe Washington

Financial status of applicant (Attach financial statement or profit and loss statement)

See attached financial statement of Kenneth R. Mourton and Hotel Executive Transportation, LLC.

List any unpaid judgments against any of the owners, officers and stockholders and the nature or acts giving rise to said judgments:

None

Describe the experience of all owners, officers and stockholders in the transportation of passengers:

Kenneth R. Mourton, the owner of Hotel Executive Transportation, LLC has provided the financial backing for both Hotel Executive Transportation, LLC and NWA Taxi, LLC. Joe Washington is the Manager of Operations for both companies. He has worked in the ground transportation industry for the last four years.

Give any facts you believe tend to prove the necessity of granting a certificate:

Considering the recent growth in the Fayetteville area, I believe another taxi service is needed to accommodate the ever increasing transportation needs of the citizens of Fayetteville.

List the number of vehicles that will be under your operation or control: 11

Minimum and Maximum number of vehicles to be permitted: 5 **Minimum** 15 **Maximum**

List the location of proposed depots and terminals:

1615 Acorn, Rogers, AR 72756

112 West Center Street, Fayetteville, AR 72701

Describe the color scheme or insignia to be used to designate your vehicle:

Black on White Checkerboard

List your days and hours of operation:

Seven days a week, 24 hours a day.

List any days you do not propose to provide taxicab service to the general public:

None

List your proposed passenger rate schedule:

$3.25 per pickup, $2.50 per mile, $0.50 per minute wait.

Police Department Representative **Date**

KENNETH R. MOURTON
BALANCE SHEET
DECEMBER 31, 2006

ASSETS

CURRENT ASSETS		
Cash on Hand and in Banks	$2,197,345.00	
Notes and Accounts Receivable (2	322,406.00	
Listed Stocks & Bonds and other market investments (1)	1,409,601.00	
Stock Options and Restricted Stock (2)	5,884,603.00	
A/R - KTTT, LLC	8,750.00	
Prepaid Taxes (Estimate)	37,200.00	
Total Current Assets		$9,859,905.00
FIXED ASSETS & INVESTMENTS		
CKU, LLC (1)	$ 72,154.00	
5.4 Acres (1)	27,500.00	
House & Land - 1.90 acres (1)	490,000.00	
Fayetteville Country Club Stock(1)	600.00	
Furniture & Fixtures (3)	60,000.00	
Coors of Western Arkansas, Inc. (1)(4)(7) (Coors, Pabst, Hamms, OLY, R,W&B & B.L.)	6,088,469.00	
Palm Distributing, LLC(1)(9)	2,501,042.00	
United Distributing, LLC (Colorado) (1)(6)	156,485.00	
Automobiles (1)(14)	5,507.00	
Land - 154 Acres with a House (1)	1,232,000.00	
AOK, LLC (1)	85,000.00	
Office Furniture & Equipment (3)	14,000.00	
HR-10 Retirement Trust (1)(5)	354,563.00	
Cash Surrender Value Life Insurance (1)(5)	55,707.00	
United Distributing Company, LLC (1)(4)(7)(8)	5,916,045.00	
Ball & Mourton Ltd., PLLC - (12)	(62,743.00)	
Ball & Mourton Properties, Ltd. - 100% (11)	6,284,00	
Crazy Inv., LLC (1)	712,027.00	
Brazil Trading Company(3)	40,200.00	
Vishwakarta, LLC(1)(6)(7)	2,256,407.00	
Hotel Buyers, LLC (1)(6)(7)	358,585.00	
Hotel Contractors, LLC(1)	481,236.00	
401(K) Profit Sharing Plan (1)	188,518.00	
Canyon Distributing Company and Northern (1)(4)(6)(7)(8)	13,326,230.00	
Land - Nevada - Including Improvements (1)(3)	6,250,000.00	
Omni Hospitality Management 39% (1)(6)	43,267.00	
Jewelry	14,500.00	
Condo - Barra with furniture (1)(14)	983,976.00	
Land Baton Rouge (1)	300,000.00	
Vidhata (3)	102,279.00	
BKT, LLC (1)	94,950.00	
UCEC	5,430.00	
Mourton/Bhakta (3)	44,437.00	
Buzios, LLC (1)	261,500.00	
Toro the Bull, LLC (3)	60,000.00	
Hotel Executive Transportation, LLC	69,277.00	
NE Arkansas Hospitality, LLC	151,162.00	

2/27/06

TS Land, LLC	283,967.00	
K&G Investments, LLC	95,196.00	
KTTT, LLC - Bentonville(1)(6)(7)	812,958.00	
Total Fixed Assets & Investments		$43,938,715.00
TOTAL ASSETS		$53,798,620.00

LIABILITIES & NET WORTH

LIABILITIES		
Accounts Payable	25,000.00	
Renee Mourton Property Settlement ($50,000.00 over 30 years)	50,000.00	
Emerald Travel, Ltd. - Negative Net Worth-Bank Loan	45,000.00	
Account Payable - Coors (Est.)	464,668.00	
Note Payable David Slone	492,000.00	
Arvest Bank - Line	102,773.00	
Bank of America - Laughlin, Nevada	1,565,633.00	
Estimated Income Taxes	1,150,000.00	
TOTAL LIABILITIES		$ 3,895,074.00
NET WORTH		$49,903,546.00
TOTAL LIABILITIES & NET WORTH		$53,798,620.00

1. Estimated Fair Market Value
2. As of December 31, 2006
3. Cost
4. Based upon comparable sales and year end values of assets.
5. From Statement of Account dated December 31, 2006 and September 2006.
6. As of December 31, 2006.
7. Fair Market Value based on appraisal of real estate plus all remaining assets of the company less indebtedness.
8. Based on Balance Sheet as of 12/31/06.
9. Based on appraisals, contracts for sale and actual cash and receivables less obligations.
10. Estimated value.
11. As of December 31, 2005 Financial Statement.
12. Appraisal as of February 8, 2004.
13. Land at Fair Market Value of $1,000,000.
14. Subject to exchange rate.

KENNETH R. MOURTON
SCHEDULE OF CONTINGENT LIABILITIES
DECEMBER 31, 2006

First Federal of Arkansas Loan to KTTT, LLC - Bentonville (Secured by First Mortgage on Marriott SpringHill Suites)	3,268,422.46
Arvest Bank, Fayetteville, Arkansas Loan to B&M Properties, Inc. (secured by leasehold improvements) - Line of credit at $100,000.00.	95,003.00
Arvest Bank, Fayetteville, Arkansas - Loan to Coors of Western Arkansas, Inc. (Secured by buildings, inventory and equipment) Line of credit authorized to $550,000.	86,795.70
Arvest Bank, Fayetteville, Arkansas - United Distributing Co., LLC Colorado	538,181.00
Security Bank - Loan to Vishwakarta, LLC	6,541,740.21
First Federal of Arkansas Loan to Hotel Buyers, LLC	977,413.23
Various Guaranties	20,000.00
Various credit cards for companies I hold An interest in - estimated	20,000.00
Arvest Bank, Fayetteville, Arkansas Loan to Canyon Distributing Company Original Loan $8,500,000, plus truck and trailer leases	4,747,428.00
Greg Margerum et al - Guaranty to secure payment of Health insurance payment - Estimated obligation.	75,000.00
Signature Bank, Fayetteville, Arkansas United Distributing Co., LLC (Alabama) - Guaranty	1,566,199.00
Arvest Bank, Fayetteville, Arkansas Northern Distributing Company - Guaranty	2,139,414.23

First Federal of Arkansas Loan to Hotel Contractors - Best Western	3,692,476.67
Arvest Bank, Fayetteville Guaranty of Pam Crawford American Donut Loan)	144,089.19
Chambers Bank, Rogers, Arkansas Loan to Vidhata Total Loan $26,800,000.00 amount drawn as of 12-31-06	10,522,735.80
Liberty Bank, Springdale, Arkansas Loan to Mourton/Bhakta Total Loan $5,571,000 amount drawn as of 12-31-06	4,558,556.83
Liberty Bank, Springdale, Arkansas Second loan $829,000.00, amount drawn as of 12-31-06	0.00
Simmons First, Springdale, Arkansas Loan to BKT, LLC Total loan $10,000,000.00, amount drawn as of 12-31-06	2,402,354.25
Signature Bank, Fayetteville, Arkansas Loan to Hotel Executive Transportation, LLC	38,511.30
Regions Bank, Rogers, Arkansas Loan to Canyon Distributing Company Prescott Warehouse	6,869,397.46
Capital One, Little Rock, Arkansas Loan to Buzios, LLC	974,801.50
Allied Bank, Mulberry, Arkansas Loan to A Nuther Round, LLC	2,000,261.68
Capital Bank, Little Rock, Arkansas Loan to AOK, LLC	933,241.50
Enterprise Bank, Overland Park, Kansas Loan to CKU Aviation, LLC	1,100,000.00
Signature Bank, Fayetteville, Arkansas Line of Credit to Kenneth R. Mourton Total Line $2,000,000.00, amount drawn as of 12-31-06	7,165.17
Chambers Bank, Fayetteville, Arkansas Loan to NE Arkansas Hospitality, LLC	2,300,000.00
First State Bank, Fayetteville, Arkansas Line of Credit to Kenneth R. Mourton Total Line $500,000.00, amount drawn as of 12-31-06	0.00

Hotel Executive Transportation, LLC

P. O. Box 1948
Fayetteville, AR 72702

Balance Sheet

As of December 2006

3/28/2007
3:32:28 PM

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Bank Loans		$38,510.70		
N/P - Coors of Western AR		$6,923.50		
Total Long Term Liabilities			$45,434.20	
Total Liabilities				$48,419.51
Equity				
Retained Earnings			$4,572.08	
Current Year Earnings			$52,456.51	
Total Equity				$57,028.59
Total Liability & Equity				$105,448.10

H[illegible]l Executive Transportation, LLC

P. O. Box 1948
Fayetteville, AR 72702

Profit & Loss Statement

January 2006 through December 2006

3/28/2007
3:32:19 PM

Income			
Sales			
Contract Income	$184,347.18		
Other Income	$461.67		
Total Sales		$184,808.85	
Total Income			$184,808.85
Cost Of Sales			
Auto Insurance		$18,055.78	
Vehicle Gas and Oil		$13,501.71	
Vehicle Repair & Maintenance		$7,332.75	
Total Cost Of Sales			$38,890.24
Gross Profit			$145,918.61
Expenses			
General & Administrative Exp			
Legal & Professional Fees	$3,622.13		
Bank Charges	$73.03		
Charitable Contributions	$300.00		
Credit Card Fees	$1,842.78		
Depreciation	$17,045.04		
Dues & Subscriptions	$80.00		
Office Supplies	$633.32		
Late Fees Paid	$55.06		
Total General & Administrative Exp		$23,651.36	
Advertising & Promotion Exp			
Advertising	$2,126.83		
Total Advertising & Promotion Exp		$2,126.83	
Operating Expenses			
Lease Payments	$265.21		
Postage	$140.71		
Printing	$1,203.13		
Rent	($1,012.57)		
Telephone	$628.72		
Uniforms	$1,857.15		
Total Operating Expenses		$3,082.35	
Wages & Salaries			
Wages	$31,608.00		
Employer Payroll Tax Expense	$3,502.45		
Total Wages & Salaries		$35,110.45	
Employee Benefits			
Group Medical Insurance	$3,528.00		
Travel & Entertainment	$888.39		
Total Employee Benefits		$4,416.39	
Contract labor		$13,978.40	
Misc.		$1,631.27	
Taxes & Licenses		$5,330.72	
Total Expenses			$89,327.77
Operating Profit			$56,590.84
Other Income			
Other Expenses			
Interest Expense		$4,134.33	
Total Other Expenses			$4,134.33
Net Profit / (Loss)			$52,456.51

WALKER BROTHERS INSURANCE, INC.
P.O. BOX 7570, SPRINGDALE, AR 72766-7570
PHONE (479) 306-4677
FAX (479) 306-5110
E-MAIL ADDRESS: insurance@walkerbr.com

DATE: June 4, 2007

TO: City of Fayetteville

ATTN: Sgt Harter

FAX #: 587-3522

RE: Hotel Executive Transportation LLC
NWA Taxi, LLC

FROM: Danny Schneider

3 : TOTAL NUMBER OF PAGES, INCLUDING THIS PAGE

Here is requested proof of insurance for above 2 entities. Please let me know if you need anything further.

Sincerely,

ACORD CERTIFICATE OF LIABILITY INSURANCE

CSR ss
NWATA-1
06/04/07

PRODUCER	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.
Walker Bros. Insurance, Inc. P.O. Box 7570 Springdale AR 72766-7570 Phone: 479-306-4677 Fax: 479-306-5110	

INSURED	INSURERS AFFORDING COVERAGE	NAIC #
NWA Taxi, LLC PO Box 1948 Fayetteville AR 72702	INSURER A: Essex Insurance Company	
	INSURER B: Lloyds Insurance Company	
	INSURER C:	
	INSURER D:	
	INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADD'L INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
		GENERAL LIABILITY COMMERCIAL GENERAL LIABILITY CLAIMS MADE / OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: POLICY / PRO-JECT / LOC				EACH OCCURRENCE	$
						DAMAGE TO RENTED PREMISES (Ea occurence)	$
						MED EXP (Any one person)	$
						PERSONAL & ADV INJURY	$
						GENERAL AGGREGATE	$
						PRODUCTS - COMP/OP AGG	$
A B		AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS X SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS	TBD TBD-PHYSICAL DAMAGE ONLY	05/15/07 05/15/07	05/15/08 05/15/08	COMBINED SINGLE LIMIT (Ea accident)	$ 300000
						BODILY INJURY (Per person)	$
						BODILY INJURY (Per accident)	$
						PROPERTY DAMAGE (Per accident)	$
		GARAGE LIABILITY ANY AUTO				AUTO ONLY - EA ACCIDENT	$
						OTHER THAN AUTO ONLY: EA ACC	$
						AGG	$
		EXCESS/UMBRELLA LIABILITY OCCUR / CLAIMS MADE DEDUCTIBLE RETENTION $				EACH OCCURRENCE	$
						AGGREGATE	$
							$
							$
							$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				WC STATU-TORY LIMITS / OTH-ER	
						E.L. EACH ACCIDENT	$
						E.L. DISEASE - EA EMPLOYEE	$
						E.L. DISEASE - POLICY LIMIT	$
		OTHER					

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

2007 Ford	500	1FAHP24127G160451
2007 Ford	500	1FAHP241X7G148953
2007 Ford	500	AFAHP24137G148423

CERTIFICATE HOLDER	CANCELLATION
CITYOFF CITY OF FAYETTEVILLE ADMINISTRATION BUILDING 113 W. MOUNTAIN FAYETTEVILLE AR 72701	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE Danny Schneider

ACORD. CERTIFICATE OF LIABILITY INSURANCE

CSR JL
HOTEX-1

DATE (MM/DD/YYYY) 06/04/07

PRODUCER

Walker Bros. Insurance, Inc.
P.O. Box 7570
Springdale AR 72766-7570
Phone: 479-306-4677 Fax: 479-306-5110

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED

Hotel Executive Transportation
LLC
LLC
PO Box 1948
Fayetteville AR 72702

INSURERS AFFORDING COVERAGE	NAIC #
INSURER A: National Indemnity	
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADD'L INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
		GENERAL LIABILITY COMMERCIAL GENERAL LIABILITY CLAIMS MADE / OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: POLICY / PRO-JECT / LOC				EACH OCCURRENCE	$
						DAMAGE TO RENTED PREMISES (Ea occurence)	$
						MED EXP (Any one person)	$
						PERSONAL & ADV INJURY	$
						GENERAL AGGREGATE	$
						PRODUCTS - COMP/OP AGG	$
A		AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS X SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS	CL463529	07/18/06	07/18/07	COMBINED SINGLE LIMIT (Ea accident)	$ 300000
						BODILY INJURY (Per person)	$
						BODILY INJURY (Per accident)	$
						PROPERTY DAMAGE (Per accident)	$
		GARAGE LIABILITY ANY AUTO				AUTO ONLY - EA ACCIDENT	$
						OTHER THAN AUTO ONLY: EA ACC	$
						AGG	$
		EXCESS/UMBRELLA LIABILITY OCCUR / CLAIMS MADE DEDUCTIBLE RETENTION $				EACH OCCURRENCE	$
						AGGREGATE	$
							$
							$
							$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				WC STATU-TORY LIMITS / OTH-ER	
						E.L. EACH ACCIDENT	$
						E.L. DISEASE - EA EMPLOYEE	$
						E.L. DISEASE - POLICY LIMIT	$
		OTHER Commercial Applica					

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

Airport Shuttle Service 1998 Lincoln Town Car 1LNFM81W8WY719633, 1988 Ford VAN 1FBJS631H2JHA98704

CERTIFICATE HOLDER

CITYOFF

CITY OF FAYETTEVILLE
ADMINISTRATION BUILDING
113 W. MOUNTAIN
FAYETTEVILLE AR 72701

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Danny Schneider

ALDERMAN AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF JULY 3, 2007

FROM:
ALDERMAN NANCY ALLEN, ALDERMAN KYLE COOK, ALDERMAN LIONELD JORDAN, ALDERMAN BRENDA THIEL

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:
A Resolution In Support Of The Fayetteville School Board's Careful Study And Consideration Of Options For The Fayetteville High School

APPROVED FOR AGENDA:

Nancy Allen
Nancy Allen
Alderman

6-18-07
Date

Kyle Cook
Alderman

6-18-07
Date

Lioneld Jordan
Alderman

6/18/07
Date

Brenda Thiel
Brenda Thiel
Alderman

6/18/07
Date

Kit Williams
City Attorney (as to form)

June 18 2007
Date

RESOLUTION NO. ______

A RESOLUTION IN SUPPORT OF THE FAYETTEVILLE SCHOOL BOARD'S CAREFUL STUDY AND CONSIDERATION OF OPTIONS FOR THE FAYETTEVILLE HIGH SCHOOL

WHEREAS, the City Council of the City of Fayetteville, Arkansas appreciates the hard work and careful study by the Fayetteville School Board of Directors of the options for the Fayetteville High School; and

WHEREAS, the Fayetteville City Council has long endeavored to assist the Fayetteville School District by building or enlarging city streets like Rupple Road (north and south), Mount Comfort, etc. in efforts to access new schools and alleviate school traffic congestion; and

WHEREAS, The City Council's adopted long range planning document, the 2025 Plan, urges increased density in the central area of Fayetteville and discourages sprawl and moving large traffic generating facilities toward the outskirts of Fayetteville; and

WHEREAS, the citizens of Fayetteville have approved a sales tax and street bond program to help alleviate present traffic congestion, but this program does not have funds available to build or enlarge city streets to properly and safely access a distant site of the proposed new or replacement Fayetteville Senior High; and

WHEREAS, maintaining FHS's current central location would be advantageous to the City of Fayetteville and more compatible with the 2025 Plan and its goal of discouraging sprawl.

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 commends the Fayetteville School Board of Directors for their hard work and careful study of the options concerning the Fayetteville Senior High. Further, the City Council of the City of Fayetteville recognizes that any new school building and especially a senior high school would be a major traffic generator and therefore should be located not only where infrastructure already exists to handle the traffic load, but where Fayetteville citizens can more easily and quickly access the school, its stadium, fields and arena.

PASSED and **APPROVED** this 3rd day of July, 2007.

APPROVED: ATTEST:

By: ______________________________
DAN COODY, Mayor

By: ______________________________
SONDRA E. SMITH, City Clerk/Treasurer

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

3-Jul-07

City Council Meeting Date

Submitted By	Division	Department
Ron Petrie	Engineering	Operations

Action Required:

Resolution to reaffirm the adopted policy of the City of Fayetteville that Highway 265 north of Mission Boulevard be widened as a principal arterial street as depicted on the City Master Street Plan and as shown as Alternate H-1 by the Arkansas Highway & Transportation Department

N/A	N/A	
Cost of this request	Category/Project Budget	Program Category / Project Name
N/A	N/A	
	Funds Used to Date	Program / Project Category Name
N/A	N/A	
Project Number	Remaining Balance	Fund Name

Budgeted Item [ ] Budget Adjustment Attached [ ]

[signature] Department Director	6·20·07 Date	Previous Ordinance or Resolution #
[signature] City Attorney	6-20-07	Original Contract Date:
Paul A. Becker Finance and Internal Service Director	6-20-07 Date	Original Contract Number:
[signature] Mayor	6/20/07 Date	

Received in City Clerk's Office 6/20/07

Received in Mayor's Office

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Ron Petrie, City Engineer

Date: June 20, 2007

Subject: A resolution to reaffirm the adopted policy of the City of Fayetteville that Highway 265 north of Mission Boulevard be widened as a principal arterial street as depicted on the City Master Street Plan and as shown as Alternate H-1 by the Arkansas Highway & Transportation Department

RECOMMENDATION

Staff recommends approval of this resolution to accept the Arkansas Highway & Transportation Department's Alternate H-1 as the preferred option for the widening of Highway 265 north of Mission Boulevard.

BACKGROUND

In 2004, the City Council approved a resolution agreeing to a 50% cost share with the Arkansas Highway & Transportation Department (AHTD) for the widening of Highway 265 up to a maximum of $7.7 million.

The Transportation Bond Issue that was approved by a vote of the citizens on September 12, 2006 included $7.7 million for this project. The documentation that was provided to the Street Committee and City Council described this widening as a 4/5 lane principal arterial. There was not a conceptual drawing included in the packet just an aerial of the project route. The City Master Street Plan that was adopted by the City Council in 1996 designated Crossover Road as a Principal Arterial Street. This street section is described as having a 20' median with 28' wide 2-lane street sections on both sides of the median.

CURRENT STATUS

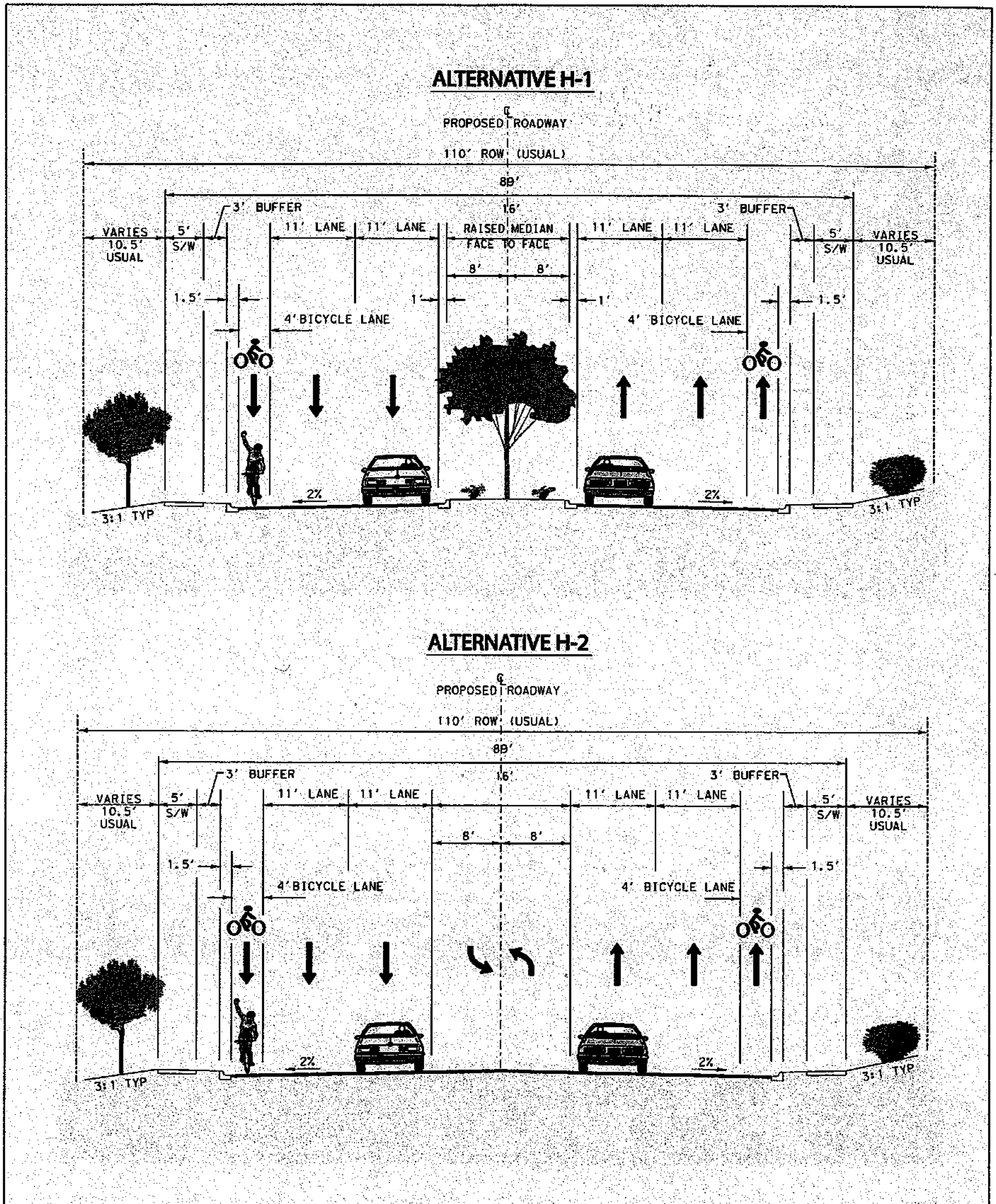
The AHTD has brought forth two typical street cross sections that they have labeled Alternates H-1 & H-2 for public comment (see attachment). In general, Alternate H-1 includes a raised median with 28' wide 2 lane street sections. As a part of the 28' wide street width, a 4' wide marked bicycle lane is proposed. Alternate H-2 is a five lane street with a continuous two-way left turn lane and 4' bicycle lanes on each side of the street.

On June 18, 2007 the City Council's Street Committee was presented with both options for consideration. After receiving public comment, the Street Committee voted 3-1 to forward this to the full City Council with a recommendation to support the AHTD Alternate H-1.

The approved resolution will be forwarded to the AHTD for inclusion in the public comments that are currently being received by the State. This does not guarantee that the AHTD will select the preferred option of the City Council.

BUDGET IMPACT

The City currently has agreed to spend up to $7.7 million for this project. The selection of either option will not change this previous commitment. At this time, the attached resolution will not encumber any funds.



LEGEND

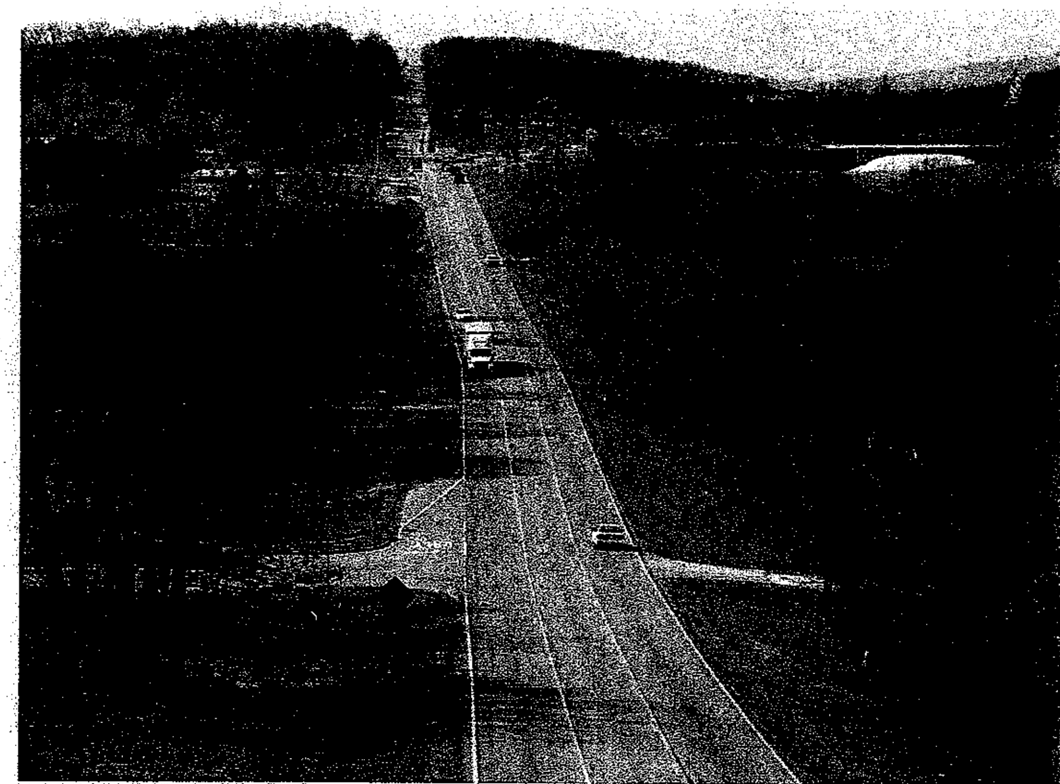
Design Speed 45 mph (72 km/h)

1 Foot = .3048 Meter

Highway 265 Improvements

Figure 2-5

Build Typical Sections - Alternatives H-1 and H-2



Existing Condition

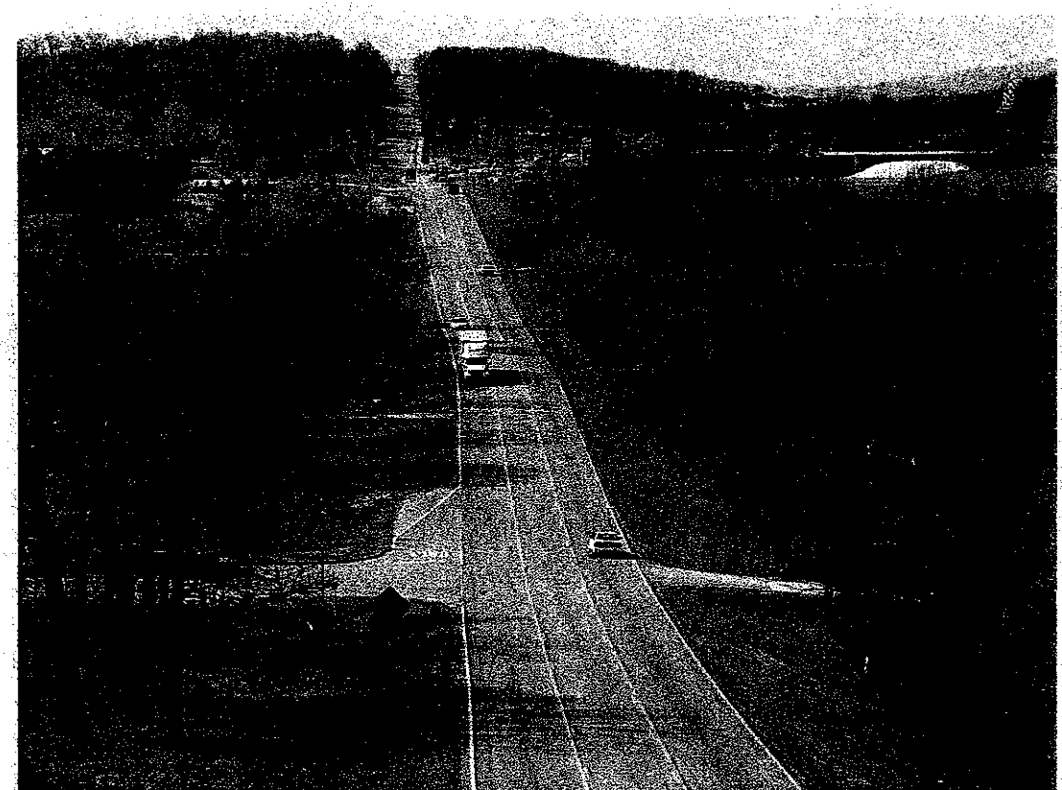
Alternative H-1

Highway 265 Improvements

NORTH

Figure 3-6

Visual Simulation – Southern End



Existing Condition

Alternative H-2

Highway 265 Improvements

NORTH

Figure 3-5

Visual Simulation – Southern End

RESOLUTION NO. ______

A RESOLUTION TO REAFFIRM THE ADOPTED POLICY OF THE CITY OF FAYETTEVILLE THAT HIGHWAY 265 NORTH OF MISSION BOULEVARD BE WIDENED AS A PRINCIPAL ARTERIAL AS DEPICTED ON THE CITY MASTER STREET PLAN AND AS SHOWN AS ALTERNATE H-1 BY THE ARKANSAS HIGHWAY & TRANSPORTATION DEPARTMENT

WHEREAS, the Fayetteville City Council Street Committee recommended that Highway 265 be constructed by the Arkansas Highway and Transportation Department as a boulevard with bike lanes and a planted median as labeled Alternate H-1; and

WHEREAS, the Fayetteville City Council has adopted the Master Street Plan as amended in 1996 that depicts Highway 265 as a Principal Arterial Street that includes a boulevard with a planted median; and

WHEREAS, numerous studies overwhelmingly indicate that a roadway with a divided median is safer than a five lane road with a continuous turn lane; and

WHEREAS, turn lanes at street intersections or to serve high traffic facilities such as the Elks Club and the Nelson-Berna Funeral Home are compatible with the design and functioning of the proposed boulevard; and

WHEREAS, a five lane road (with a continuous left turn lane) is neither as functional nor appropriate for the largely residential nature of Highway 265 as the proposed boulevard divided by a planted median and flanked by bike lanes.

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 reaffirms its adopted policies that Highway 265 should be widened to a four lane boulevard divided by a planted median with appropriate turn lanes where needed and including designated bike lanes.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby thanks the Arkansas Highway and Transportation Department for its cooperation and vital road improvement work within Fayetteville.

PASSED and **APPROVED** this 3rd day of July, 2007.

APPROVED: ATTEST:

By: ______________________________
DAN COODY, Mayor

By: ______________________________
SONDRA E. SMITH, City Clerk/Treasurer

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

July 3, 2007
City Council Meeting Date
Agenda Items Only

Tony Johnson	Fire	Fire
Submitted By	**Division**	**Department**

Action Required:

Council approval for a bid waiver for the purchase of a Plymovent vehicle engine exhaust removal system for the new fire station #3.

$ 49,328.00	$ 1,650,000.00	Fire Station #3 Expansion
Cost of this request	Category / Project Budget	Program Category / Project Name
4470.9470.5804.00	$ 1,456,934.00	Building Costs
Account Number	Funds Used to Date	Program / Project Category Name
05006.1	$ 193,066.00	Sales Tax Improvement
Project Number	Remaining Balance	Fund Name

Budgeted Item X **Budget Adjustment Attached** ☐

Signature	Date
Department Director	6-19-07
City Attorney	6-19-07
Paul A. Becker — Finance and Internal Service Director	6-19-07
Dan Coody — Mayor	6/19/07

Previous Ordinance or Resolution # ____

Original Contract Date: ____

Original Contract Number: ____

Received in City Clerk's Office

Received in Mayor's Office — ENTERED 6/19/07

Comments:

City of Fayetteville Fire Department
303 W. Center St. Fayetteville, AR. 72701
Phone (479) 575-8365 Fax (479) 575-0471

City Council Meeting of July 3, 2007

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

From: Tony Johnson, Fire Chief

Date: June 4, 2007

Subject: Bid waiver for a Plymovent system for new Fire Station #3

RECOMMENDATION

The Fire Department recommends approval of a bid waiver for the purchase of a Plymovent vehicle engine exhaust removal system.

BACKGROUND

In December 2003, the Fire Department installed a Plymovent vehicle engine exhaust removal system in fire stations 1, 2, 4 and 6. This equipment did go through the formal bid process in 2003. It was very difficult to find bidders for this product. This equipment will be needed in the newly constructed fire station #3.

DISCUSSION

Since there was such difficulty finding a vendor for the Plymovent system as recently as 3 years ago, we will probably experience the same issues this time around. We would like to keep the equipment the same in all of the stations.

BUDGET IMPACT

The cost of the Plymovent system per a recent estimate submitted by the vendor is $49,328. The cost of this item is included in the budget for project 05006.

ORDINANCE NO.___________

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING THE PURCHASE AND INSTALLATION OF A PLYMOVANT VEHICLE EXHAUST REMOVAL SYSTEM FROM AIR CLEANING TECHNOLOGIES IN THE AMOUNT OF $49,328.00 PLUS APPLICABLE TAXES FOR FIRE STATION #3.

WHEREAS, due to the fact that the Fire Department has installed Plymovant Vehicle Exhaust Removal Systems in four other Stations, and the City's difficulty in finding bidders for this highly specialized equipment, it is desirable that all of the vehicle exhaust removal systems be of the same manufacture.

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, waives the requirements of formal competitive bidding for vehicle exhaust removal system, and approves a the purchase of a Plymovant Vehicle Exhaust Removal System from Air Cleaning Technologies in the amount of $49,328.00 plus applicable taxes for Fire Station #3.

PASSED and **APPROVED** this 3rd day of July, 2007.

APPROVED: ATTEST:

By: ____________________________
DAN COODY, Mayor

By: ____________________________
SONDRA E. SMITH, City Clerk/Treasurer

City Of Fayetteville

(Not a Purchase Order)

Requisition No.:

Date: 5/29/2007

P.O Number:

Expected Delivery Date: 12/31/2007

Vendor #: 13202

Vendor Name: AIR CLEANING TECHNOLOGIES

Mail Yes:__ No:_X_

Address:

Fob Point:

Taxable Yes:_X_ No:___

Quotes Attached Yes:_____ No:_X_

City:

State:

Zip Code:

Ship to code: 120

Divison Head Approval:

Requester: Elizabeth Mann

Requester's Employee #: 2251

Extension: 366

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Plymovent vehicle exhaust removal system	1	LS	49,328.00	$49,328.00	4470.9470.5804.00	05006.1		
2					$0.00				
3					$0.00				
4					$0.00				
5					$0.00				
6					$0.00				
7					$0.00				
8					$0.00				
9					$0.00				
10					$0.00				
	Shipping/Handling				$0.00				

Special Instructions:

ORIGINAL BID #03-47

Subtotal: $49,328.00

Tax: $3,040.93

Total: $52,368.93

Approvals:

Mayor: ____________

Department Director: ____________

Purchasing Manager: ____________

Finance & Internal Services Director: ____________

Budget Manager: ____________

IT Manager: ____________

Dispatch Manager: ____________

Utilities Manager: ____________

Other: ____________

1300 West Detroit St.
Broken Arrow, OK 74012

OFFICE 918-251-8000
FAX 918-251-4977
800-351-1858

www.aircleaningtech.com

aircleaning TECHNOLOGIES

PROPOSAL FOR

PLYMOVENT DIESEL EXHAUST REMOVAL SYSTEMS

FOR THE CITY OF FAYETTEVILLE, AR. FIRE DEPARTMENT

FIRE STATION	MODE OF OPERATION		PLAN VIEW		*PLYMOVENT* EQUIPMENT ASSEMBLIES	FAN	UL LISTED CONTROL BOX	TURNKEY PROJECT COST
NUMBER — ADDRESS	DRIVE -THRU	BACK-IN	INITIAL # OF DROPS	DESIGN # FUTURE DROPS	• STRAIGHT RAIL ASSEMBLY, STRA			
# 3	X		2	4	(2) *PLYMOVENT* 65' Straight Rail Assemblies, STRA- 651D	5 HP 3Phase TEV-559-60 Upblast	0S3-706040 5 HP / 208 V / 3PH	$ 49,328.00
					TOTAL *TURNKEY* PROJECT COST:			**$ 49,328.00 ***
* IF STATUTORY, MAINTENANCE AND PERFORMANCE BONDS ARE REQUIRED, ADD 2.5% TO THE TURNKEY PROJECT COST.								

- ***The Turnkey Project Costs assumes sufficient electrical power is delivered to the building.***
- Mechanical Installation inclusive of all equipment, materials and labor for all sheetmetal piping. Ductwork will be installed in a true and secure manner in accordance with International Mechanical Code, Section 510, "Hazardous Exhaust Systems". All joints and seams will be sealed. Installation is turnkey.
- The ***PlymoVent*** Standard Installation includes stainless steel silencers and raincaps on all the fan stacks.

5-23-07

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

July 3, 2007
City Council Meeting Date
Agenda Items Only

Tony Johnson	Fire	Fire
Submitted By	**Division**	**Department**

Action Required:

Council approval for a bid waiver for the purchase of a 130kW Generac generator for the new fire station #3.

$ 28,000.00	$ 1,650,000.00	Fire Station #3 Expansion
Cost of this request	Category / Project Budget	Program Category / Project Name
4470.9470.5804.00	$ 1,456,934.00	Building Costs
Account Number	Funds Used to Date	Program / Project Category Name
05006.1	$ 193,066.00	Sales Tax Improvement
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [ ]

Department Director — Date 6.19.07

City Attorney — Date 6-19-07

Paul A. Becker — Finance and Internal Service Director — Date 6-19-07

Dan Coody — Mayor — Date 6/19/07

Previous Ordinance or Resolution # ______

Original Contract Date: ______

Original Contract Number: ______

Received in City Clerk's Office

Received in Mayor's Office — ENTERED 6/19/07

Comments:

City of Fayetteville Fire Department
303 W. Center St. Fayetteville, AR. 72701
Phone (479) 575-8365 Fax (479) 575-0471

City Council Meeting of July 3, 2007

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

From: Tony Johnson, Fire Chief

Date: June 4, 2007

Subject: Bid waiver for a generator for new Fire Station #3

RECOMMENDATION

The Fire Department recommends approval of a bid waiver for the purchase of a Generac generator, 130 kW to provide an emergency back up power.

BACKGROUND

The Fire Department has installed the Generac generators in fire stations #1, 4, 6 and 7. All of the maintenance on these generators is done by the city. The parts are also supplied by the city. By staying with the same line of product, we will be able to maintain standardization of equipment as well as avoid training on the maintenance of two different product lines.

DISCUSSION

As recently as a few months ago, the city received bids for back up generators for another department. Generac did submit a bid, which was the lowest bid, for almost the same product that we are interested in purchasing. Their bid was disqualified because it didn't meet the specifications as outlined in Bid 07-40. It does, however, meet the needs of our department.

BUDGET IMPACT

The cost for the Generac generator per Bid 07-40 was $26,689. We are needing a 130kW instead of a 125kW which will increase the cost to $28,000. The cost of this item is included in the budget for project 05006.

ORDINANCE NO.__________

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING THE PURCHASE OF A GENERAC BACK-UP POWER GENERATOR FROM UNITED ENGINES IN THE AMOUNT OF $28,000.00 PLUS APPLICABLE TAXES FOR FIRE STATION #3.

WHEREAS, due to the fact that the Fire Department has installed Generac generators in four other Stations, that City maintenance staff is already trained to service this brand, and that the City already stocks replacement parts for this brand, it is desirable that all of the back-up generators be of the same manufacture.

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, waives the requirements of formal competitive bidding for back-up power generators, and approves a the purchase of a Generac back-up power generator from United Engine in the amount of$28,000.00 plus applicable taxes for Fire Station #3.

PASSED and **APPROVED** this 3rd day of July, 2007.

APPROVED:

By: ____________________________
DAN COODY, Mayor

ATTEST:

By: ____________________________
SONDRA E. SMITH, City Clerk/Treasurer

City Of Fayetteville

(Not a Purchase Order)

Requisition No.:

Date: 5/29/2007

P.O Number:

Expected Delivery Date: 12/31/2007

Vendor #: 5759

Vendor Name: UNITED ENGINES

Mail Yes:__ No: X

Address:

Fob Point:

Taxable Yes: X No:__

Quotes Attached Yes:__ No: X

City:

State:

Zip Code:

Ship to code: 120

Divison Head Approval:

Requester: Elizabeth Mann

Requester's Employee #: 2251

Extension: 366

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Generac 130kW Generator	1	LS	28,000.00	$28,000.00	4470.9470.5804.00	05006.1		
2					$0.00				
3					$0.00				
4					$0.00				
5					$0.00				
6					$0.00				
7					$0.00				
8					$0.00				
9					$0.00				
10					$0.00				
	Shipping/Handling				$0.00				

Special Instructions:

ORIGINAL BID #07-40

Subtotal:	$28,000.00
Tax:	$1,761.25
Total:	$29,761.25

Approvals:

Mayor: ____________ Department Director: ____________ Purchasing Manager: ____________

Finance & Internal Services Director: ____________ Budget Manager: ____________ IT Manager: ____________

Dispatch Manager: ____________ Utilities Manager: ____________ Other: ____________

QUOTATION

UnitedEngines

TO: Scott Jones
City of Fayetteville

Pages: 1

E-Mail: sjones@ci.fayetteville.ar.us Phone: 479-718-7613 DATE: 05/4/07

RE: Fayetteville Fire Station #3

We are pleased to offer the following **GENERAC** Generators for your consideration.

***GENERAC 130kW** Standby, with the following features:*

GENERAC Standby 60HZ
UL2200 Listed
120/208 VAC 3 Phase
Natural Gas
Permanent magnet excitation, 135 kW Rating
Standard outdoor weather enclosure
H100 control panel
27F battery w/rack installed
10 Amp battery charger-installed
400A UL mainline circuit breaker
20 Light remote annunciator - flush mount
Critical muffler-installed
Block Heater 1500W
STD 2-year limited warranty
STD Electronic Governor
EPA/CARB Certified
SCAQMD Certified engine
Standard set of 3 manuals
Tan enclosure

***ASCO 300 Series SE 400A** ATS.:*

*The above 130kW Genset and 400A ATS purchased as a unit .... **$28,000.00 lot.***
The above equipment is as specified.

Note:
- Included is generator start up by factory trained technician with Load Bank if required, during the hours of 8:00am to 4:30pm Monday through Friday. Working after normal hours will incur overtime charges
- Maximum 8 copies of submittals will be supplied
- All pricing is each Delivered to site unless noted otherwise.
- Price does not include taxes, installation, fuel or, offloading at site.
- Delivery: Currently 6-10 weeks from date of confirmed, purchase order.
- All orders are NET 30 with approved credit application.
- Quoted pricing firm for orders received within 30 days.

Thanks for this opportunity to work with you.

Greg Esau

GENERAC - Sales Engineer

918 / 230-1295

Acceptance of quote:

Company: ____________________

NAME: ____________________ DATE: ____________

SIGNATURE____________________________

7454 East 41st Street • Tulsa, Oklahoma 74145 • Ph: (918) 627-8080 • Fax: (918) 663-0467

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

3-Jul-07
City Council Meeting Date

Jeremy Pate	Planning	Operations
Submitted By	Division	Department

Action Required:

RZN 07-2602: (ARMAC/Hopmann, 523): Submitted by ARMAC Consulting Engineers for property located at 28 South University Avenue. The property is zoned NC, Neighborhood Conservation, and contains approximately 0.18 acres. The request is to rezone the subject property to MSC, Main Street Center.

Action Required:	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
	$ -	
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director	6-14-07 Date	Previous Ordinance or Resolution # n/a
City Attorney	6-18-07	Original Contract Date: n/a
Finance and Internal Service Director	6-19-07 Date	Original Contract Number: n/a
Mayor	6/19/07 Date	

Received in City Clerk's Office ENTERED 6/14

Received in Mayor's Office ENTERED 6/18/07

Comments:

City Council Meeting of July 3, 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: June 12, 2007

Subject: Rezoning for Armac (RZN 07-2602)

RECOMMENDATION

Planning staff recommended and the Planning Commission voted in favor of rezoning the subject property from NC, Neighborhood Conservation to MSC, Main Street Center subject to the Bill of Assurance offered by the applicant to limit the use on the property to residential, for approximately 0.18 acres located at 28 South University Avenue in Downtown Fayetteville.

BACKGROUND

An old house was constructed on the property in the 1800's. In 2000, the Planning Commission recommended approval of a rezoning of the property from C-1, Neighborhood to R-3, High Density Residential, which is RMF-40. This request was denied by the City Council, however, based on concerns presented at the meeting concerning the development proposed and the historic structure on the property. When the current owners bought the property the house was in disrepair and was removed. The property is now vacant. The property is bordered by a railroad corridor along the east, mixed commercial to the north, and residential uses to the west and south.

DISCUSSION

This item was heard at the regular Planning Commission on June 11, 2007. The Planning Commission voted 6-0-0 to recommend approval of this rezoning request to the City Council subject to the Bill of Assurance to limit the use on the property to residential. No public comment was received.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 07-2602, FOR APPROXIMATELY 0.18 ACRES, LOCATED AT 28 SOUTH UNIVERSITY AVENUE FROM NC, NEIGHBORHOOD CONSERVATION, TO MSC, MAIN STREET CENTER.

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 NC, Neighborhood Conservation to MSC, Main Street Center, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2: That the rezoning of the subject property is subject to the Bill of Assurance offered by the applicant as shown in Exhibit "C" attached hereto and made a part hereof.

Section 3: 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.

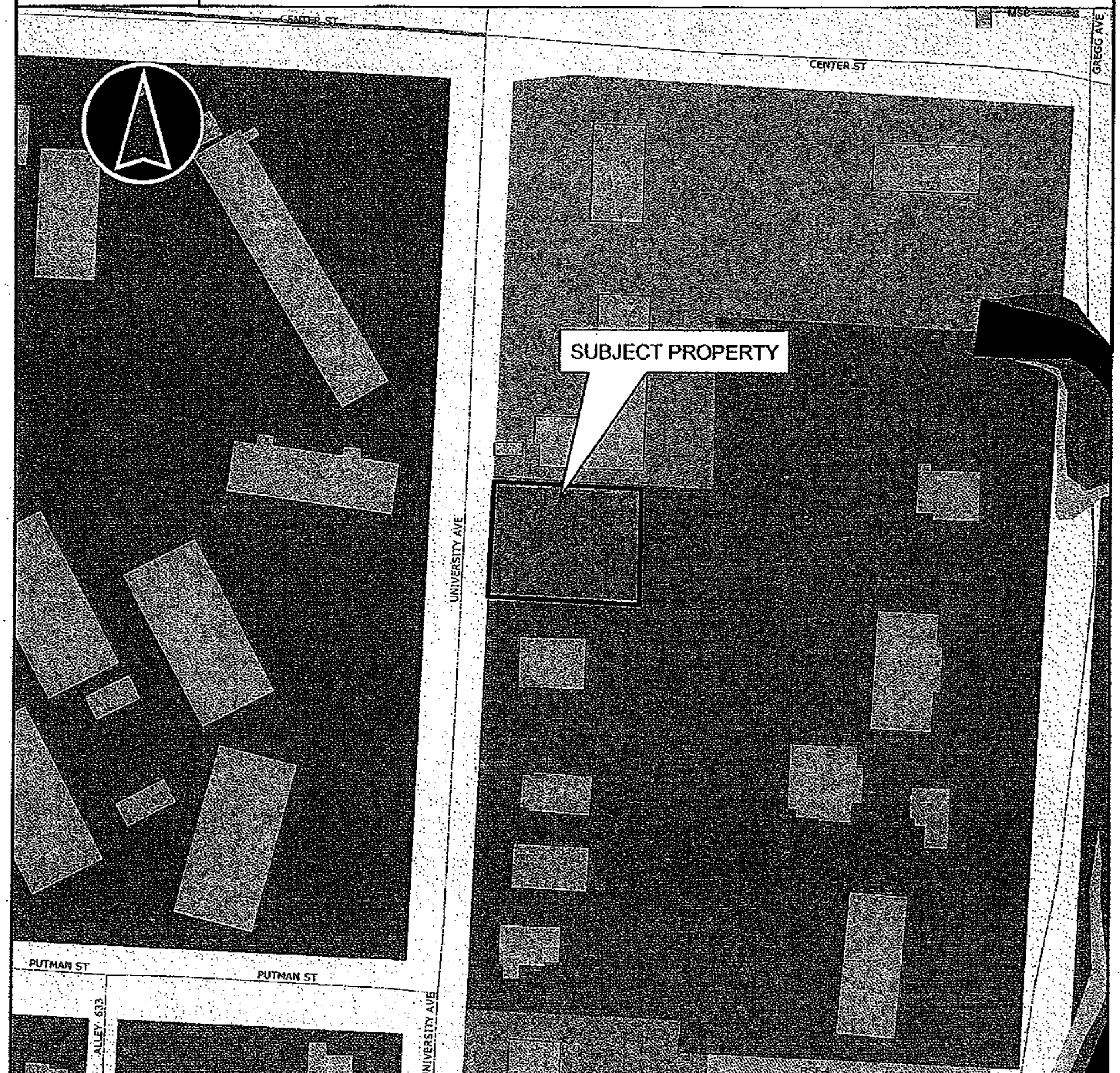
APPROVED: ATTEST:

By: ____________________________
DAN COODY, Mayor

By: ____________________________
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT "A"

RZN07-2602	ARMAC ENGINEERING
Close Up View	



Overview

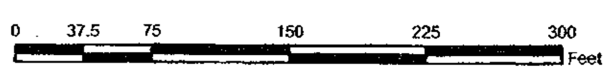


EXHIBIT "B"
RZN 07-2602

A PART OF THE NORTHEAST QUARTER (NE ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION SIXTEEN (16), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN EXISTING IRON PIPE ON THE EAST RIGHT-OF-WAY OF UNIVERSITY AVENUE, SAID POINT OF BEING N02°36'10"E 278.50 FEET FROM THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF UNIVERSITY AVENUE AND THE CENTER OF PUTNAM STREET; THENCE N20°36'10"E ALONG SAID RIGHT-OF-WAY 80.00 FEET TO A SET IRON; THENCE LEAVING SAID RIGHT-OF-WAY S87°06'50"E 100.19 FEET TO A SET IRON ON THE WEST RIGHT-OF-WAY OF THE ARKANSAS AND MISSOURI RAILROAD (FORMERLY ST. LOUIS AND SAN FRANCISCO RAILROAD); THENCE S00°43'13"W ALONG SAID RAILROAD RIGHT-OF-WAY 80.06 FEET TO A SET IRON; THENCE LEAVING SAID RAILROAD RIGHT-OF-WAY N87°06'50"W 102.82 FEET TO THE POINT OF BEGINNING, CONTAINING 0.1864 ACRES (8120.7 SQUARE FEET), MORE OR LESS, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS.

EXHIBIT "C"

BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner of this property, (hereinafter "Petitioner") Bob Hopmann, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

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

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows IF Petitioner's rezoning request is approved by the Fayetteville City Council.

1. The use of Petitioner's property shall be limited to Unit 1 (City wide uses by right) and Unit 9 (Two-family dwellings).

2. Other restrictions including number and type of structures upon the property are limited to: 2 duplexes, 4 living units.

3. Specific activities will not be allowed upon Petitioner's property include:

   a. Unit 4 – Cultural and recreational facilities
   b. Unit 5 - Government facilities
   c. Unit 8 – Single Family dwellings
   d. Unit 10 – Three- Family dwellings
   e. Unit 12 – Offices, studios and related spaces
   f. Unit 13 – Eating Places
   g. Unit 14 – Hotel, motel and amusement facilities
   h. Unit 15 – Neighborhood shopping goods
   i. Unit 16 – Shopping goods
   j. Unit 17 – Trades and Services
   k. Unit 19 – Commercial recreation, small site
   l. Unit 25 – Professional offices
   m. Unit 26 – Multifamily dwellings
   n. Unit 34 – Liquor stores
   o. Any conditional uses will also be prohibited.

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

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, Bob Hopmann, as the owner (Petitioner) voluntarily offer all such assurances and sign my name below.

May 24, 2007
Date

Robert Hopmann
Printed Name

3551 Madison Drive
Fayetteville, AR 72701
Address

Signature

NOTARY OATH

STATE OF ARKANSAS }
COUNTY OF WASHINGTON }

And now on this the 24 day of May, 2007, appeared before me Robert Hopmann and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

Karen McCoy
NOTARY PUBLIC

My Commission Expires:
6-01-12

OFFICIAL SEAL
KAREN McCOY
NOTARY PUBLIC-ARKANSAS
WASHINGTON COUNTY
MY COMM. EXPIRES 6/ 01/ 2012

Fayetteville ARKANSAS

PC Meeting of June 11, 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:	June 5, 2007 *Updated June 12, 2007*

RZN 07-2602: (ARMAC ENGINEERING, 523): Submitted by ARMAC CONSULTING ENGINEERS, PPLC for property located at 28 S. UNIVERSITY AVENUE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.18 acres. The request is to rezone the subject property to MSC, Main Street Center.

Property Owner: Robert and Cheryl Hopmann
Planner: Andrew Garner

RECOMMENDATION:
Staff recommends approval of the requested rezoning from NC to MSC based on the findings herein, and subject to the Bill of Assurance offered by the applicant.

PLANNING COMMISSION ACTION: Required YES
X Forwarded to C.C. ☐ Denied
Date: June 11, 2007
Motion: Lack
Second: Myres
Vote: 6-0-0

CITY COUNCIL ACTION: Required YES
☐ Approved ☐ Denied
Date: July 3, 2007 (1st reading if recommended)

BACKGROUND:

Property Description: The subject property contains approximately 0.19 acres located at 28 South University. An old house was constructed on the property in the 1800's. In 2000, the Planning Commission recommended approval of a rezoning of the property from C-1, Neighborhood to R-3, High Density Residential, which is RMF-40. This request was denied by the City Council, however, based on concerns presented at the meeting concerning the development proposed and the historic structure on the property. When the current owners bought the property the house was in disrepair and was removed. The property is now vacant. The property is bordered by a railroad corridor along the east, mixed commercial to the north, and residential uses to the west and south. Surrounding land use and zoning are listed in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Mixed commercial	MSC
South	Single-family residential	NC
East	Railroad corridor; Single- and multi-family residential	NC
West	Multi-family residential	RMF-40

Proposal: The applicant proposes to rezone the property from NC to MSC, with an associated Bill of Assurance to limit the use on the property to residential.

The applicant has submitted a concept plan for development of the property for informational purposes. The concept depicts two duplexes that would face University Avenue with parking in the rear of the lot. The letter provided by the applicant indicates that these units would have a Victorian style front porch and a single family home appearance.

***Recommendation:* Staff recommends approval of the rezoning request based on findings stated herein.**

INFRASTRUCTURE:

Streets: The site has access to University Avenue. University is an unimproved, paved 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 a 6" waterline along University Avenue. Water service may need to be extended through the property at the time of development.

Sewer: Sanitary sewer is available on the site. There is an 8" sewer main along University Avenue. 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

Drainage: Standard improvements and requirements for drainage will be required for the development. This property is greatly affected by the 100 year floodplain.

Fire: The subject property is located 0.60 miles from the Fire Station #1 at 303 West Center. Fire response time is approximately 2.25 minutes. Projected service calls for the subject property, at maximum build-out, is 1 call per year. There should be no adverse effects on call volume or response time.

Police: It is the opinion of the Fayetteville Police Department that this annexation **will not** substantially alter the population density and thereby undesirably increase the load on police services.

LAND USE PLAN: The Future Land Use Plan adopted as part of the City Plan 2025 designates this site as **Complete Neighborhood Plan – Downtown Master Plan.** Rezoning this property to MSC with the associated Bill of Assurance limiting the use to residential only, is compatible to the surrounding uses and density of adjacent residential development and consistent with the surrounding land uses.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: **The proposed rezoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans. Surrounding properties are zoned MSC, NC, and RMF-40 and are residential in nature with the exception of the mixed commercial center immediately to the north. The proposed MSC zoning with a Bill of Assurance limiting the use to residential is compatible with adjacent properties, and allows for a higher density residential use adjacent to other multi-family zonings and uses. The proposed use would provide a higher level of transition between the residential neighborhood to the south and the commercial to the north.**

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

Finding: **The applicant has responded that the requested MSC zoning is justified and needed at this time; stating that it is not desirable to develop the lot with one single family home as allowed under the current zoning due to the surrounding commercial and multi-family development. Staff agrees somewhat with the applicant's response, although there is continuous stretch of single family residences immediately adjacent to the south. Staff finds that it may be feasible to develop this property for a single-family residence, although the more intense MSC zoning would encourage infill development in the downtown area, and multi-family dwellings that would be allowed would be appropriate in this mixed use area.**

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

Finding: **Future development with the proposed zoning would potentially increase traffic accessing onto University Avenue and surrounding streets over the existing zoning, however the increase would be minimal due to the small lot size, and would not cause appreciable increase in traffic danger and congestion in the area.**

Police - **It is the opinion of the Fayetteville Police department that an appreciable increase and traffic danger and congestion will not be created by this rezoning request.**

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: **The proposed zoning would not substantially alter the population density in the area. Public service providers have responded accordingly.**

Increased load on public services were taken into consideration and recommendations from Engineering, Fire, and Police Departments are included in this report. Significant adverse impacts to public services would not result with the incorporation of standard improvements as part of the development.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

   a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
   b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

Fayetteville Unified Development Code

161.23 Neighborhood Conservation

(A) *Purpose.* The *Neighborhood Conservation* zone has the least activity and a lower density than the other zones. Although *Neighborhood Conservation* is the most purely residential zone, it can have some mix of uses, such as civic buildings. *Neighborhood Conservation* serves to promote and protect neighborhood character. For the purposes of Chapter 96: Noise Control, the Neighborhood Conservation district is a residential zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 10	Three-family dwellings
Unit 12	Offices, studios and related services
Unit 24	Home occupations
Unit 25	Professional services
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities

(C) *Density.* 10 Units Per Acre.

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single Family	40 ft.
Two Family	50 ft.
Three Family	60 ft.

(2) *Lot area minimum.* 4,000 Sq. Ft.

(E) *Setback regulations.*

Front	The principal façade of a building shall be built within a build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side, facing street	The principal façade of a building shall be built within a build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side, internal, if adjoining a similar use unit.	5 ft.
Side, internal, if adjoining a different use unit	5 ft.
Rear, without easement or alley	5 ft.
Rear, from center line of an easement or alley	12 ft.

(F) *Minimum buildable street frontage.* 40% of lot width.

(G) *Height regulations.* Maximum height is 3 stories or 45 feet which ever is less.

Fayetteville Unified Development Code
161.21 Main Street/Center

(A) *Purpose.* A greater range of uses is expected and encouraged in the *Main Street / Center*. The *Center* is more spatially compact and is more likely to have some attached buildings than *Downtown General* or *Neighborhood Conservation.* Multi-story buildings in the Center are well-suited to accommodate a mix of uses, such as apartments or offices above shops. Lofts, live/work units, and buildings designed for changing uses over time are appropriate for the *Main Street/Center*. The *Center* is within walking distance of the surrounding, primarily residential areas. For the purposes of Chapter 96: Noise Control, the Main Street Center district is a commercial zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
Unit 17	Trades and services
Unit 19	Commercial recreation, small sites
Unit 25	Professional offices
Unit 26	Multi-family dwellings
Unit 34	Liquor stores

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 18	Gasoline services stations and drive in restaurants
Unit 24	Home occupations
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities

(C) *Density.* None.

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling (all unit types)	18 ft.

(2) *Lot area minimum.* None.

(E) *Setback regulations.*

Front	The principal façade of a building shall be built within a build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side, facing street	The principal façade of a building shall be built within a build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side, internal	None
Rear, without easement or alley	5 ft.
Rear, from center line of an easement or alley	12 ft.

(F) *Minimum buildable street frontage.* 75% of lot width.

(G) *Height regulations.* Maximum height is 6 stories or 84 feet which ever is less. Above four stories there shall be a stepback of the building's principal façade of no less than 15 ft.

(H) *Parking regulations.* No parking lots are allowed to be located in the front or side build-to-zone facing a public right of way.

Date 5/30/07

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 Rezoning **RZN 07-2602: (ARMAC ENGINEERING, 523):** Submitted by ARMAC CONSULTING ENGINEERS, PPLC for property located at 28 S. UNIVERSITY AVENUE 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 PZD **will not** substantially alter the population density or create an undesirable increase in police services. It **will not** create an appreciable increase in traffic danger and congestion in the area.

Sincerely,

Captain William Brown
Fayetteville Police Department

Fayetteville Fire Department

MEMO

To: **Andrew Garner, Jeremy Pate, and Jesse Fulcher**

Thru: **Chief Tony Johnson**
Assistant Chief Bud Thompson

From: **Captain Dale Riggins**

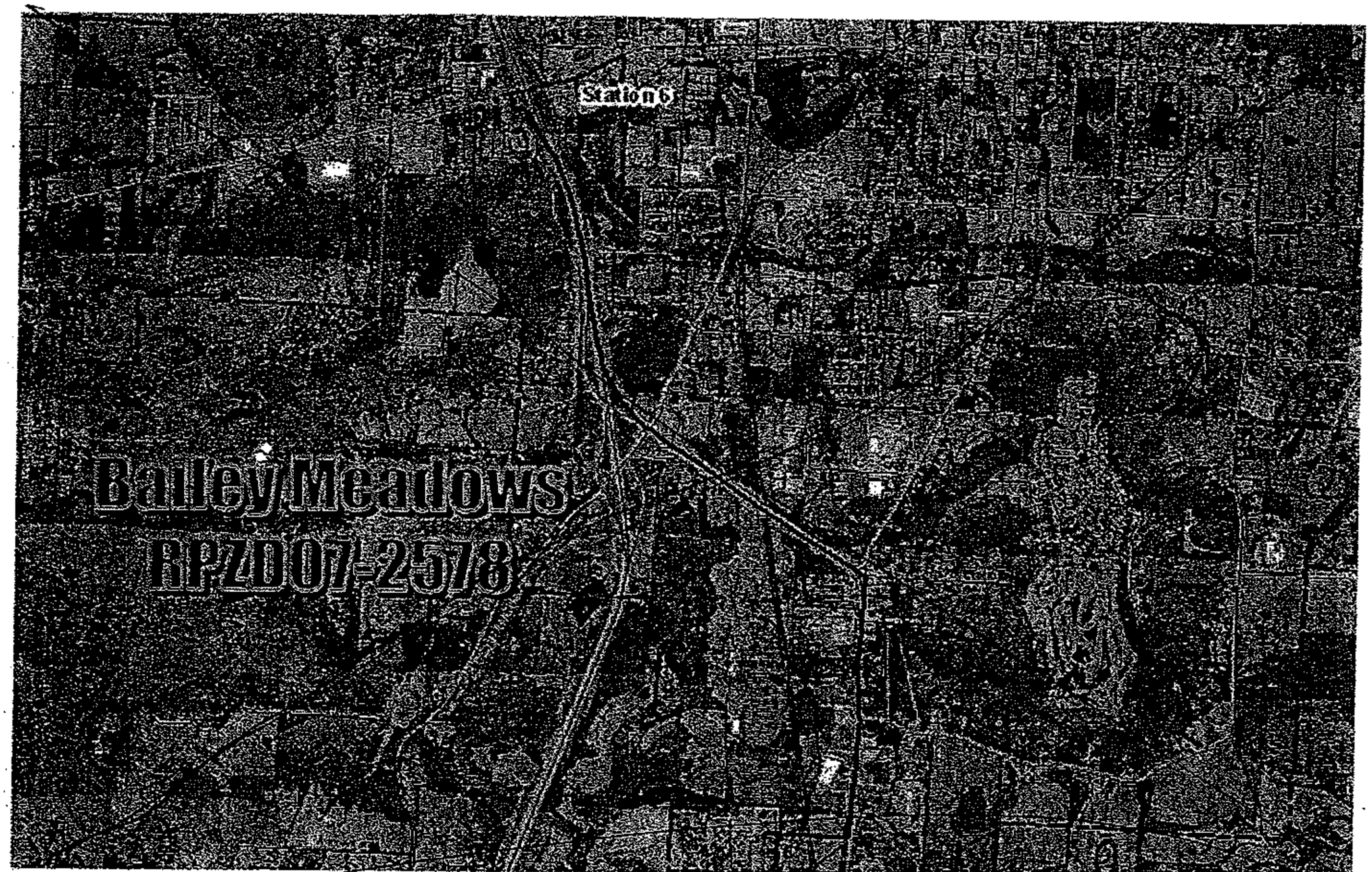
Date: **May 24, 2007**

Re: **May 23, Zoning Review – Fire Department Comments**

R-PZD 07-2578 (Bailey Meadows)
These 4.73 acres are covered by Engine 6 located at 900 S. Hollywood.
It is 4.1 miles from the station with an anticipated response time of 7 minutes.
The Fire Department anticipates 1 call 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.
There should be no adverse effects on our call volume to this development.

RZN 07-2602 (Armac Engineering)
This .18 acres is covered by Engine 1 and Ladder 1 located at 303 W Center.
It is .6 miles from the station with an anticipated response time of 2.25 minutes.
The Fire Department anticipates 1 call 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.
There should be no adverse effects on our call volume or response time to this development.

RZN 07-2603 (Kooshesh)
These 1.59 acres are covered by Engine 7 located at 835 N Rupple Road.
It is .7 miles from the station with an anticipated response time of 2.75 minutes.
The Fire Department anticipates 9(6 EMS & 3 Fire/Other) calls for service, per year, once the development is completed and maximum build-out has occurred. The service impact of this type development will typically take eighteen months after the development is started, and the units begin to be occupied, to occur.
The measured hydrant flow in this area has been recorded at 1520 gallon/minute.
There should be no adverse effects on our call volume or response time to this development


Station 6
Bailey Meadows
RPZD 07-2578


Station 1
Armac Engineering
RZN 07-2602

ARMac
CONSULTING ENGINEERS, PLLC

Planning Commission
City Planning Department
125 W. Mountain
Fayetteville, AR 72701

May 3, 2007

Dear Commissioners & Staff:

NO. 28 UNIVERSITY AVENUE – REZONING REQUEST FROM N-C TO MSC.

In October, 2006, the parcel of interest was re-zoned by the City of Fayetteville from R-O to NC, or Neighborhood Conservation. *This particular zoning was not at the request of the owners*. Their full intent prior to that date was to construct offices consistent with the R-O zoning. The zoning adjacent to this property varies from Main Street Center (MSC) to RMF-40. To the south the adjacent zoning is Neighborhood Conservation (N-C).

The owner respects the desire of the city & local residents to conserve the appearance and state of the neighborhood conservation district, and although several uses would be permitted if the property was rezoned to MSC, the owner plans to develop the property as residential only. Due to usage restrictions and maximum density requirements for N-C zoning, one single family home can be built on this site. Unfortunately, the surrounding commercial and high density apartments immediately adjacent to the property make it an undesirable location for such a dwelling.

A ~~preliminary~~ signed bill of assurance has been provided, indicating ~~*bill of assurance* will be presented at the Planning Commission meeting regarding the rezoning, which will indicate~~ that the property will be developed as residential usage only and will be transferable with the deed of the property should it be sold. However, the owner plans to develop the parcel as presented to the Planning Commission at the time of rezoning application.

Per a consultation with Staff on May 3, 2007, there would be no significant impact on the utilities if the proposed buildings were added. An e-mail from Shannon Jones indicating this is attached. The plans which are included show the appearance of the 2 duplexes to be built. Each building compliments the surrounding neighborhood district featuring Victorian style front porches and a single family home appearance.

The scope of the project will include two buildings of approximately 2,220 square feet each, having a footprint of 1,110 square feet. Each lot would contain four parking spaces as required by code. Parking would be located behind the building so as not to deter from the existing neighborhood streetscape. It is served with a common access drive located between the two buildings. Thank you for considering the owner's request.

Sincerely,

Shelly West

Shelly West
Design Engineer

CC: File 07-011
Robert & Cheryl Hopmann

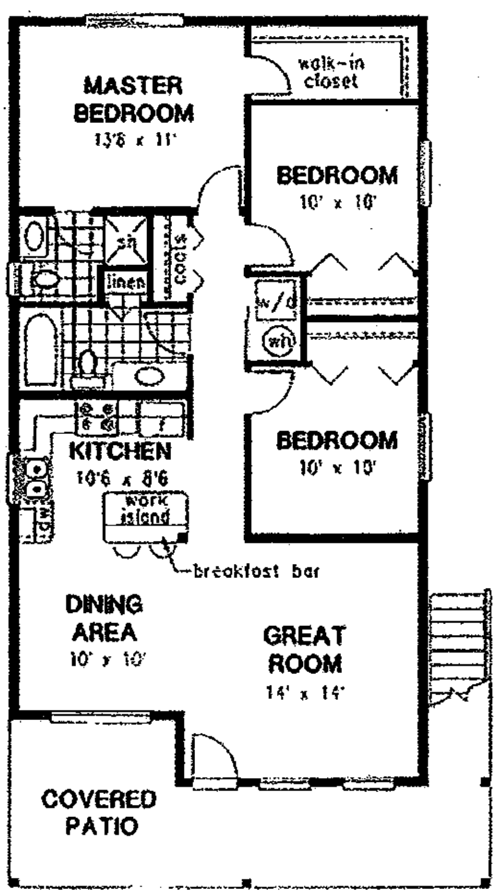
3715 North Business Drive - Fayetteville, Arkansas 72703
Ph (479) 444-8398 Fax (479) 251-0714

Proposed Buildings

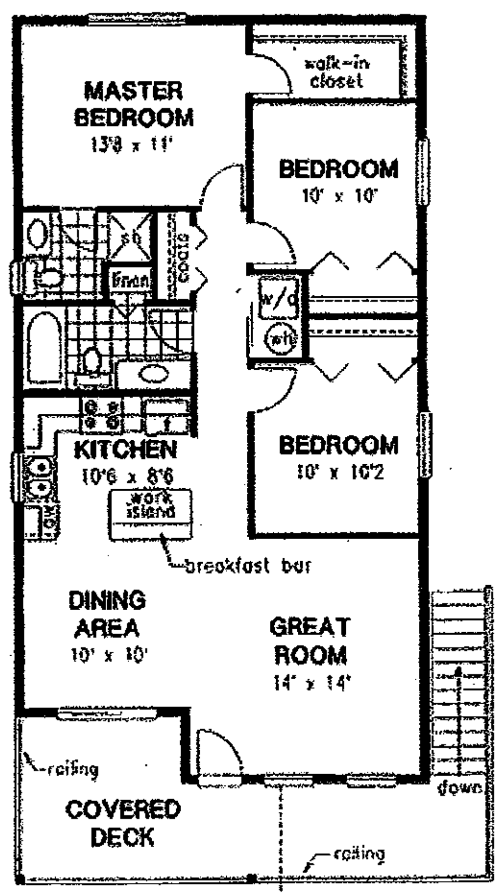
2 Levels per Building

1 Unit per level
3 bedrooms
2 bathrooms
Area per level: 1110 sf

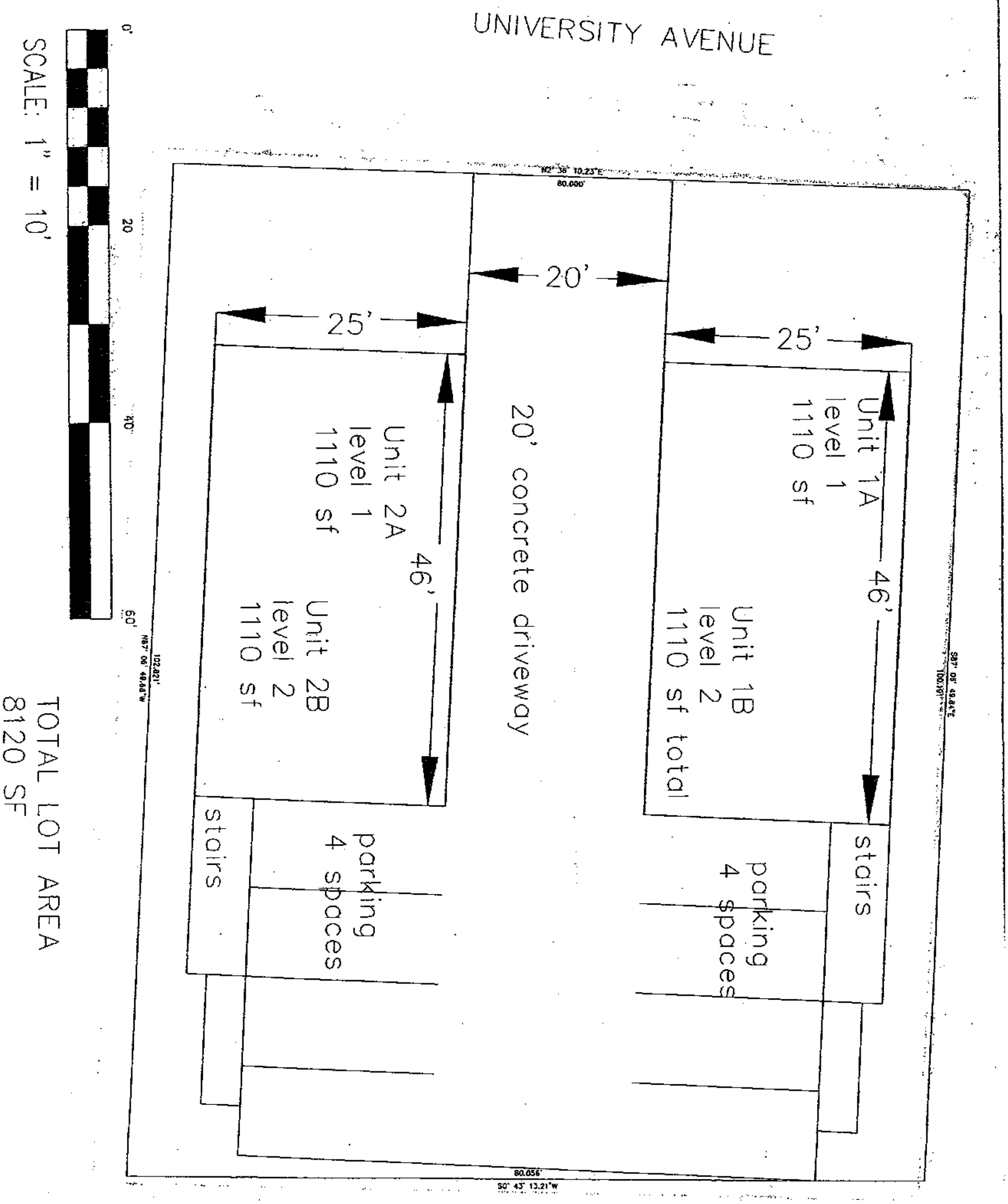
Front elevation



First Floor



Second Floor



ARMac
CONSULTING ENGINEERS, PLLC

28 S. University Ave.
CONCEPT PLAN

Shelly R. West

From: Shannon Jones [shjones@ci.fayetteville.ar.us]
Sent: Thursday, May 03, 2007 9:16 AM
To: Shelly R. West
Subject: University Property

Per our conversation this morning, the existing water and sewer infrastructure in the vicinity of 28 South University Avenue appears to be adequate for a proposed construction of four livable units. No additional improvements would be recommended.

Shannon W. Jones, P.E.
Water & Wastewater Staff Engineer
City of Fayetteville
125 W. Mountain
Fayetteville, AR 72701

(479) 575-8206
(479) 575-8202 fax

RZN 07-2602 (Armac Engineering)
Surrounding Land Uses

N

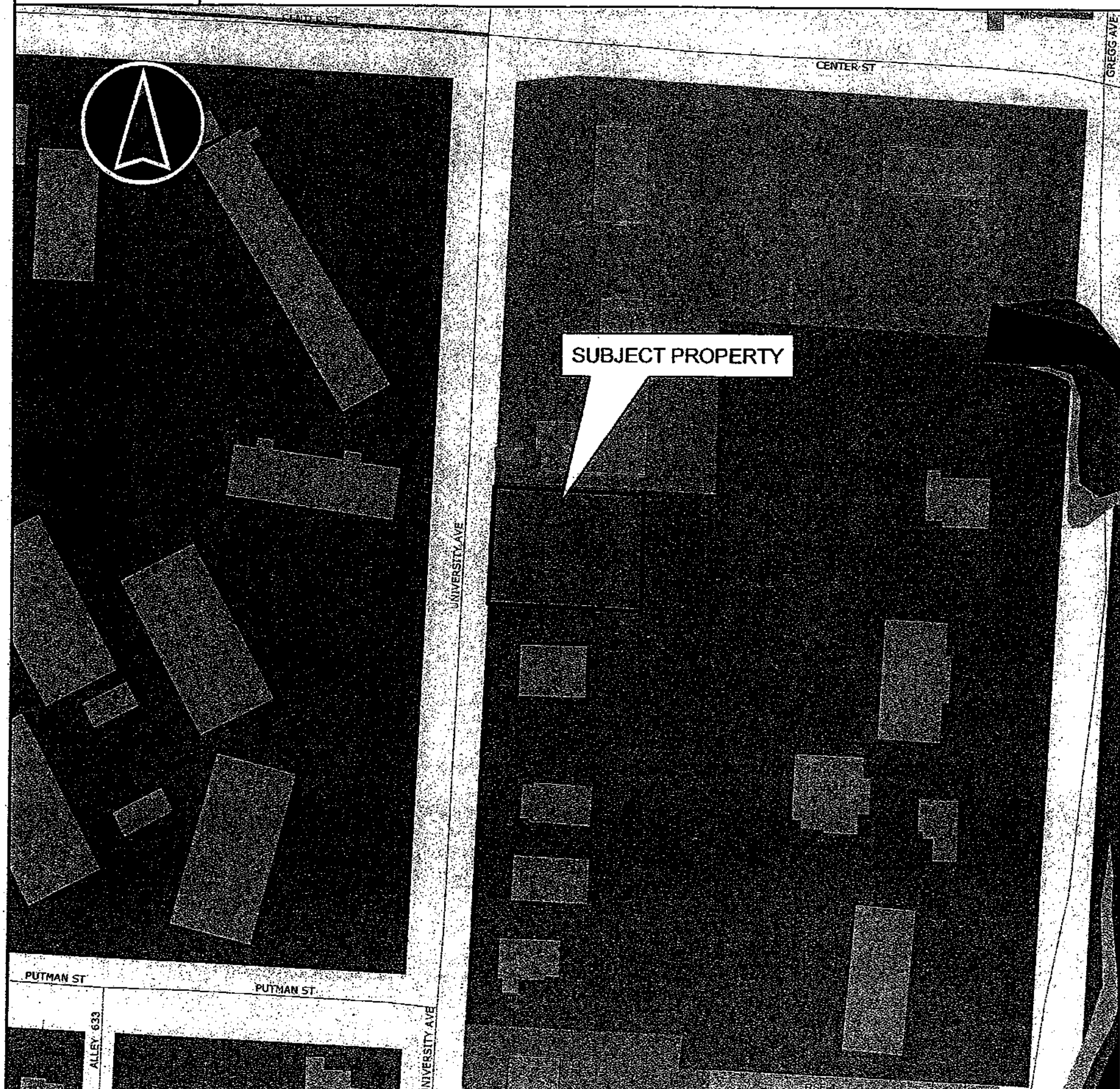
1 inch equals 100 feet

125 62.5 0 125 Feet

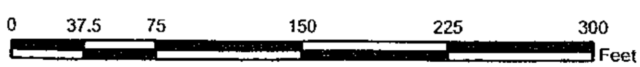
RZN07-2602

Close Up View

ARMAC ENGINEERING



Overview

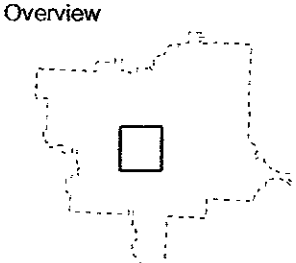


RZN07-2602

One Mile View

ARMAC ENGINEERING

Overview



Legend

Subject Property

RZN07-2602

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

3-Jul-07
City Council Meeting Date

Submitted By	Division	Department
Jeremy Pate	Planning	Operations

Action Required:

VAC 07-2600: (2474 E. Joyce-Business Park, 176): Submitted by Steve Clark for property located at 2474 East Joyce Boulevard. The request is to vacate a portion of a utility easement within the subject property.

Cost of this request	Category/Project Budget	Program Category / Project Name
$0.00	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
n/a	n/a $ -	n/a

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director — Date 6-14-07

City Attorney — 6-18-07

Finance and Internal Service Director — Date 6-18-07

Mayor — Date 6/19/07

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Received in City Clerk's Office — ENTERED 6/14

Received in Mayor's Office — ENTERED 6/18/07

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: June 12, 2007

Subject: Easement Vacation for Joyce Business Park (VAC 07-2600)

RECOMMENDATION

Planning Staff recommends approval of an ordinance vacating a portion of a general utility easement located within the Joyce Business Park development at 2474 East Joyce Boulevard.

BACKGROUND

The Joyce Business Park development was approved by the Planning Commission in 2001 (LSD 01-10.00) for four office buildings and associated parking. As part of this development a north-south easement was platted along the eastern property line. After construction, it was confirmed that one of the buildings encroaches between 6-7 feet into this utility easement (0.023 acres). All utilities are in place and this easement is not needed for this development. Utility representatives have no objections to the requested vacation.

The request is to vacate approximately 0.023 acres of the existing utility easement.

DISCUSSION

Notification was provided to all appropriate utility representatives and to the City. This item was heard on consent at the regular Planning Commission on June 11, 2007. The Planning Commission voted 6-0-0 to recommend this vacation request to the City Council.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 07-2600 SUBMITTED BY STEVE CLARK FOR PROPERTY LOCATED AT 2474 EAST JOYCE BOULEVARD TO VACATE A PORTION OF A UTILITY EASEMENT WITHIN THE SUBJECT PROPERTY, A TOTAL OF 0.023 ACRES.

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of the platted utility easements are not required for corporate purposes;

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following described utility easements:

See Exhibit "B" attached hereto and made a part hereof.

Section 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. Relocation of any existing utilities shall be at the owner/developer's expense.

PASSED and **APPROVED** this day of , 2007.

APPROVED: ATTEST:

By: ______________________________ By: ______________________________

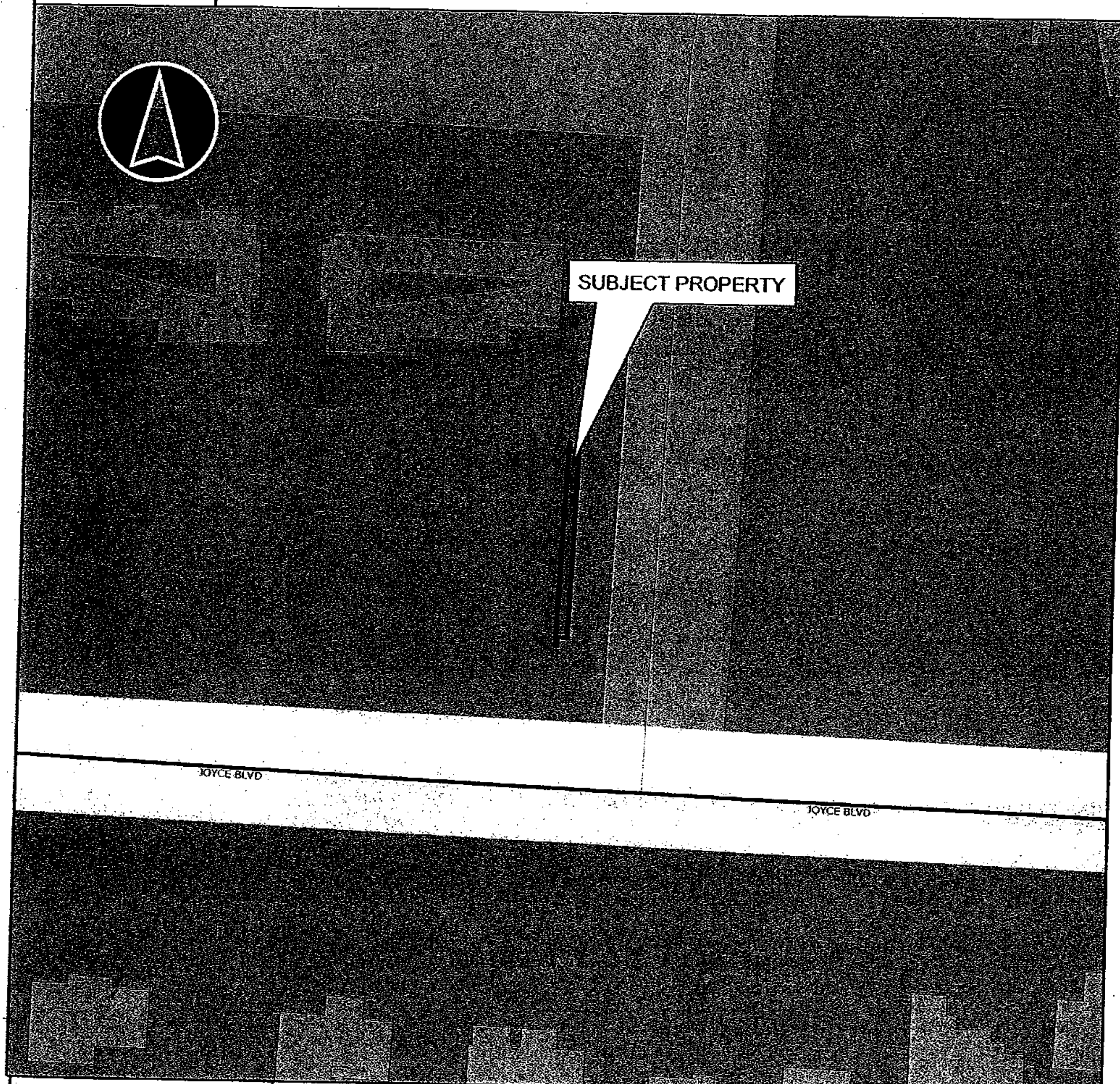
DAN COODY, Mayor **SONDRA SMITH,** City Clerk/Treasurer

EXHIBIT "A"

VAC07-2600

Close Up View

JOYCE BUSINESS PARK



Overview

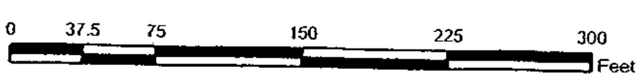


EXHIBIT "B"
VAC 07-2600

EASEMENT VACATION:
A PART OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION TWENTY-FIVE (25), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTY (30) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID 40 ACRE TRACT, SAID POINT BEING IN JOYCE BOULEVARD THENCE S87°26'11"E 467.16 FEET TO A SET IRON, THENCE N02°22'42"E 102.31 FEET, THENCE N87°29'23"W 37.00 FEET, THENCE N02°28'12"E 8.29 FEET TO THE POINT OF BEGINNING, THENCE N02°28'12"E 141.40 FEET, THENCE S87°38'08"E .85 FEET, THENCE S02°21'52"W 6.00 FEET, THENCE S87°38'08"E 6.60 FEET S02°21'52"W 129.40 FEET, THENCE N87°38'08"W 6.70 FEET, THENCE S02°21'52"W 6.00 FEET, THENCE N87°38'08"W 1.02 FEET TO THE POINT OF BEGINNING, CONTAINING .023 ACRES MORE OR LESS.

Fayetteville ARKANSAS

PC Meeting of June 11, 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:	~~June 5, 2007~~ *Updated June 12, 2007*

VAC 07-2600: (2474 E. JOYCE / JOYCE BUSINESS PARK, 176): Submitted by STEVE CLARK for property located at 2474 E. JOYCE BLVD. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 5.0 acres. The request is to vacate a portion of a utility easement within the subject property.

Property Owner: Investor's Realty, LLC
Planner: Andrew Garner

Findings: Staff finds that vacating the requested portion of easement would not adversely affect access to the utilities serving the property or any other adjacent property.

Background/Property: The subject property is located at 2474 East Joyce Boulevard. A large scale development was approved by the Planning Commission in 2001 (LSD 01-10.00) for four office buildings. As part of this development a north-south easement was platted along the eastern property line. After construction, it was confirmed that the building encroaches between 6-7 feet into this utility easement (0.023 acres). All utilities are in place and this easement is not needed for this development. Utility representatives have no objections to the requested vacation.

Request: The request is to vacate 0.023 acres of the existing utility easement.

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

UTILITIES	**RESPONSE**
Ozarks Electric	No Objections.
Cox Communications	No Objections.
AEP/SWEPCO	No Objections.
SBC Southwestern Bell/AT&T	No Objections.
Arkansas Western Gas	No Objections.

CITY OF FAYETTEVILLE:	**RESPONSE**
Water/Sewer	No Objections.
Transportation	No Objections.
Solid Waste	No Objections.
Engineering	No Objections.

Recommendation: Staff recommends approval of the proposed utility easement vacation **06-2600** with the following condition:

1. Relocation of any existing utilities shall be at the owner/developer's expense.

PLANNING COMMISSION ACTION: _yes_ Required
_X_ Forwarded to City Council recommendation for approval ______ Denied

Motion: Graves
Second: Lack
Vote: 6-0-0
Date: June 11, 2007

Comments: Approved on consent.

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

____
By

____
Title

____
Date

CITY COUNCIL ACTION: _yes_ Required
______ Approved ______ Denied
Date: July 3, 2007

Clark Consulting

J. STEVE CLARK, P.E.

CIVIL / ENVIRONMENTAL ENGINEERING

May 2, 2007

Jeremy Pate
City of Fayetteville Planning
113 W. Mountain
Fayetteville, AR 72701

We respectfully request the City of Fayetteville to vacate a portion of a platted Utility Easement located along the east side of parcel #765-15672-000.

This easement was platted as part of the Large Scale Development approved prior to 2003. After construction, it was confirmed that the building encroaches between 6-7 feet into the utility easement that runs north and south along the east side of the property. All utilities are in place, and none will need to be relocated .

This vacation will NOT effect Joyce Blvd or the private drive abutting the property to the east.

Sincerely,
Clark Consulting,

J. Steve Clark, P.E.

3715 N. Business Drive, Suite 202 • Fayetteville, Arkansas 72703 • (479) 444-8171 • Fax: (479) 251-0714

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 3/12/07

UTILITY COMPANY: Cox Communications

REQUESTED VACATION (applicant must check all that apply):

- [x] 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 Utility Easement, described as follows:

2474 E. Joyce Blvd., located along the east side of property

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 location, dimensions, and purpose below)

Signature of Utility Company Representative

Project Coordinator
Title

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 3/12/07

UTILITY COMPANY: AEP

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 Utility Easement, described as follows:

2474 E. Joyce Blvd., located along the east side of property

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 location, dimensions, and purpose below)

Jim Sargent
Signature of Utility Company Representative

ENGINEER I
Title

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 3/12/07

UTILITY COMPANY: Arkansas Western Gas

REQUESTED VACATION (applicant must check all that apply):

☒ Utility Easement

☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.

☐ Alley

☐ Street right-of-way

I have been notified of the petition to vacate the following Utility Easement, described as follows:

2474 E. Joyce Blvd., located along the east side of property

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 location, dimensions, and purpose below)

E. R. Bandy

Signature of Utility Company Representative

Fayetteville Assistant Operating Manager

Title

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 5/02/07

UTILITY COMPANY: OZARKS

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 Utility Easement, described as follows:

2474 E. Joyce Blvd. located along the east side of property

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 location, dimensions, and purpose below)

Signature of Utility Company Representative

Lead Staking Tech
Title

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 4/16/07

UTILITY COMPANY: City of Fay. Water Dept.

REQUESTED VACATION (applicant must check all that apply):

- [x] 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 Utility Easement, described as follows:

2474 E. Joyce Blvd., located along the east side of property

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 location, dimensions, and purpose below)

4-17-07

Signature of Utility Company Representative

Water + Sewer Ops Mgr

Title

UTILITY APPROVAL FORM FOR RIGHT-OF-WAY, ALLEY AND UTILITY EASEMENT VACATIONS

DATE: 03/20/2007

UTILITY COMPANY: Southwestern Bell Telephone d.b.a. AT&T Arkansas

REQUESTED VACATION:

SANITARY SEWER EASEMENT

I have been notified of the petition to vacate the following right-of-way.

Described as follows:

A part of the NE ¼ of the NE ¼ of Section 25,T-17-N, R-30-W, being more particularly described as follows: Commencing at the SW corner of said 40 acre tract, said point being in Joyce Boulevard; thence S 87° 26'11"E 467.16 feet to a set iron, thence N 02°22'42"E 102.31 feet, thence N 87°29'23"W 37.00 feet, thence N 02°28'12"E 8.29 feet to the point of beginning, thence N 02°28'12"E 141.40 feet, thence S 87°38'08"E .85 feet, thence S 02°21'52"W 6.00 feet, thence S 87°38'08"E 6.60 feet S 02°21'52"W 129.40 feet, thence N 87°38'08"W 6.70 feet, thence S 02°21;52"W 6.00 feet, thence N 87°38'08"W 1.02 feet to the point of beginning, containing .023 acres more or less.

UTILITY COMPANY COMMENTS:

No objections to the vacation described above.

Signature of this form does not constitute a release of easement. The attached Concurrence must be recorded at the Washington County courthouse in order for this release to be complete and legal.

Signature of AT&T Company Representative:

Lynda E Sommerfeldt Palmer

Lynda E. Sommerfeldt Palmer, Mgr.-Engr. (ROW)

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 5/02/07

UTILITY COMPANY: Solid Waste & Recycling

REQUESTED VACATION (applicant must check all that apply):

☒ Utility Easement

☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.

☐ Alley

☐ Street right-of-way

I have been notified of the petition to vacate the following Utility Easement, described as follows:

2474 E. Joyce Blvd., located along the east side of property

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 location, dimensions, and purpose below)

Brian Pugh

Signature of Utility Company Representative

Waste Reduction Coordinator

Title

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 5/02/07

UTILITY COMPANY: City of Fay Transportation

REQUESTED VACATION (applicant must check all that apply):

- [x] 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 Utility Easement, described as follows:

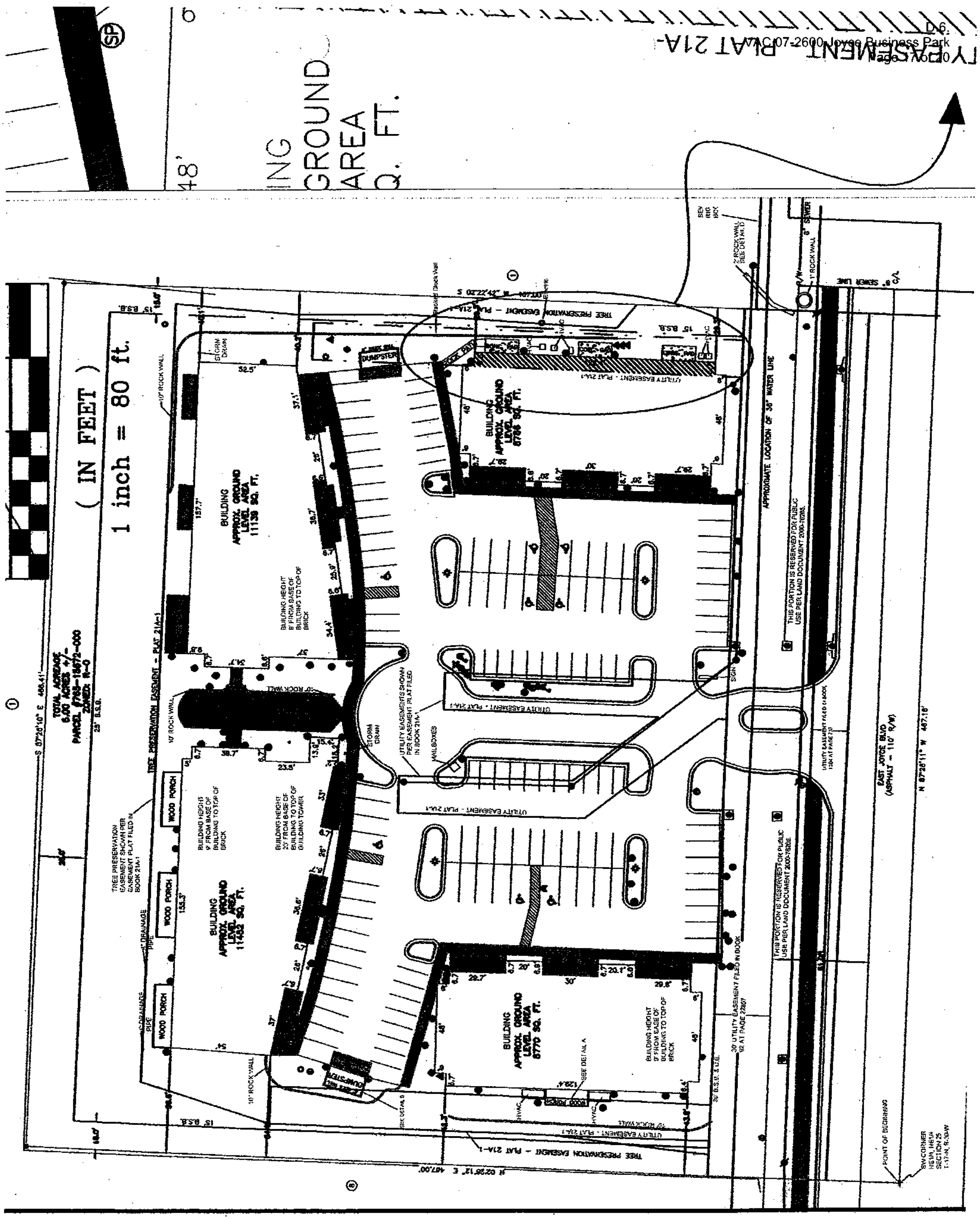
2474 E. Joyce Blvd., located along the east side of property

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 location, dimensions, and purpose below)

[signature]
Signature of Utility Company Representative

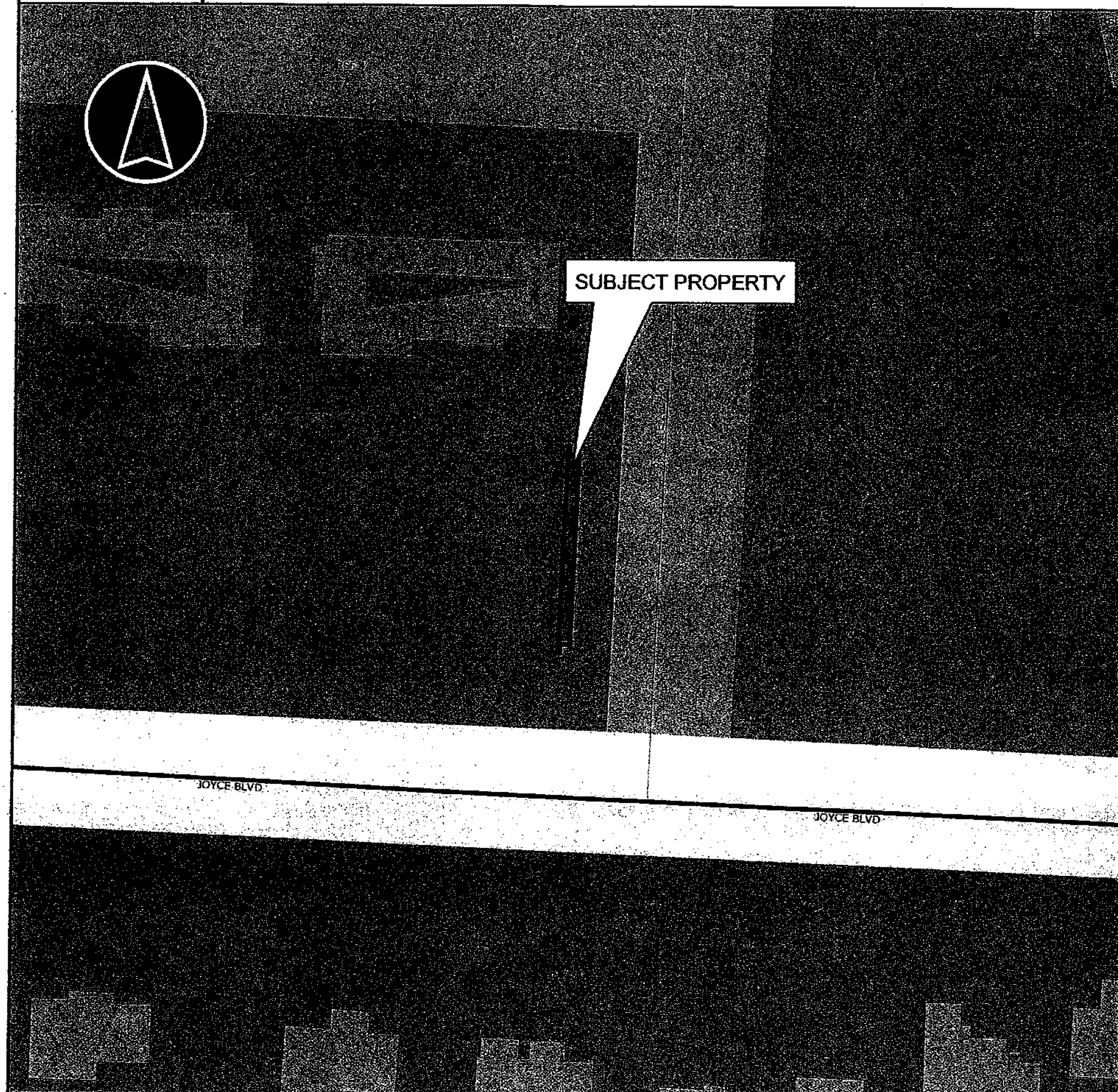
Transportation Manager
Title


(IN FEET)
1 inch = 80 ft.
BUILDING APPROX. GROUND LEVEL AREA 11139 SQ. FT.
BUILDING APPROX. GROUND LEVEL AREA 11462 SQ. FT.
BUILDING APPROX. GROUND LEVEL AREA 5796 SQ. FT.
BUILDING APPROX. GROUND LEVEL AREA 5770 SQ. FT.
TREE PRESERVATION EASEMENT - PLAT 21A-1
APPROXIMATE LOCATION OF 36" WATER LINE
EAST JOYCE BLVD (ASPHALT - 110' R/W)
POINT OF BEGINNING

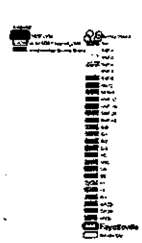
VAC07-2600

Close Up View

JOYCE BUSINESS PARK



Overview

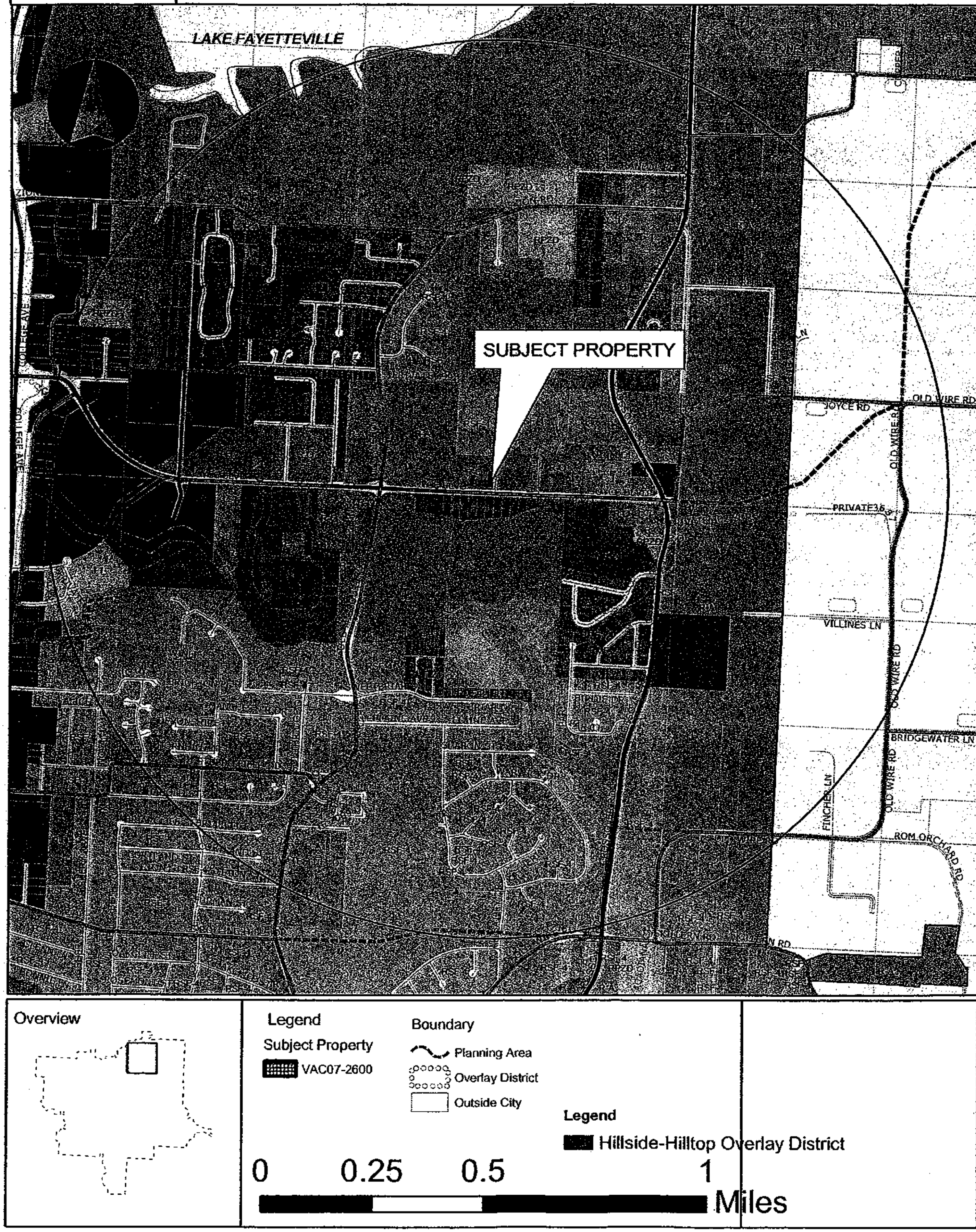


0 37.5 75 150 225 300 Feet

VAC07-2600

One Mile View

JOYCE BUSINESS PARK



City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

7/3/2007
City Council Meeting Date
Agenda Items Only

Tim Conklin	Planning and Development Mgt.	Operations
Submitted By	**Division**	**Department**

Action Required:

To amend Title 15, Chapter 161, Section 161.22 Downtown General of the UDC to consider the Downtown General zoning district as a commercial zone when located between Watson Street, West Avenue, Saint Charles Avenue, Block Avenue, and Spring Street and as a residential zone for all other locations for the purposes of Chapter 96: Noise Control.

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

Budgeted Item ☐ **Budget Adjustment Attached** ☐

Department Director — Date: 6-15-07

City Attorney — Date: 6-18-07

Paul A. Becker
Finance and Internal Service Director — Date: 6-18-07

Mayor — Date: 6/19/07

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office ENTERED 6/18/07

Received in Mayor's Office ENTERED 6/18/07

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Tim Conklin, Planning and Development Management Director

Date: June 12, 2007

Subject: Approval of a proposed amendment to consider the Downtown General zoning district as a commercial zone between Watson Street, West Avenue, Saint Charles Avenue, Block Avenue, and Spring Street between 1 p.m. to 11 p.m. and as a residential zone for all other locations and times for the purposes of Chapter 96: Noise Control.

RECOMMENDATION

Staff recommends approval of the proposed amendment to consider the Downtown General zoning district as a commercial zone between Watson Street, West Avenue, Saint Charles Avenue, Block Avenue, and Spring Street between 1 p.m. to 11 p.m. and as a residential zone for all other locations for the purposes of Chapter 96: Noise Control.

BACKGROUND

Last year, the City rezoned several downtown blocks between Spring Street and Dickson Street from C-3 Central Commercial to Main Street Center and Downtown General. At the time of the zoning action, each new district was designated as a commercial or residential district for purposes of measuring sound related to the Noise Ordinance.

The City has been approached by the operator of Ozark Mountain Smokehouse related to how noise is measured from the existing outdoor patio. The patio along with the associated outdoor music has existed for many years on Dickson Street.

Due to the rezoning of a portion of the block to Downtown General, the outdoor music at this location has violated the noise ordinance based upon the residential designation on three separate occasions.

BUDGET IMPACT

None

ORDINANCE NO. _______

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT CODE OF THE CODE OF FAYETTEVILLE TO AMEND CHAPTER 161: ZONING DISTRICTS IN ORDER TO CONSIDER SPECIFIC AREAS THAT ARE CURRENTLY ZONED DOWNTOWN GENERAL A COMMERCIAL ZONING DISTRICT BETWEEN 1 P.M. TO 11 P.M. AND AS A RESIDENTIAL ZONE FOR ALL OTHER LOCATIONS AND TIMES FOR THE PURPOSES OF THE NOISE ORDINANCE.

WHEREAS, the City of Fayetteville recognizes that the Dickson St. area is primarily commercial; and

WHEREAS, the City of Fayetteville recognizes that an appropriate level of noise is acceptable adjacent to Dickson St; and

WHEREAS, the City of Fayetteville has determined that the existing noise ordinance is effectual and sufficiently restrictive;

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

Section 1. That Chapter 161: Zoning Districts is amended by inserting language in §161.22 Downtown General Zoning District. A copy of which marked Exhibit "A" is attached hereto and made a part hereof.

DRAFT

PASSED and **APPROVED** this the ____ day of ____, 2007.

APPROVED:

By: ______________________________
DAN COODY, Mayor

ATTEST:

By: ______________________________
SONDRA SMITH, City Clerk

EXHIBIT "A"

Chapter 161: Zoning Districts shall be amended by removing §161.22(A) and replacing it with the following language:

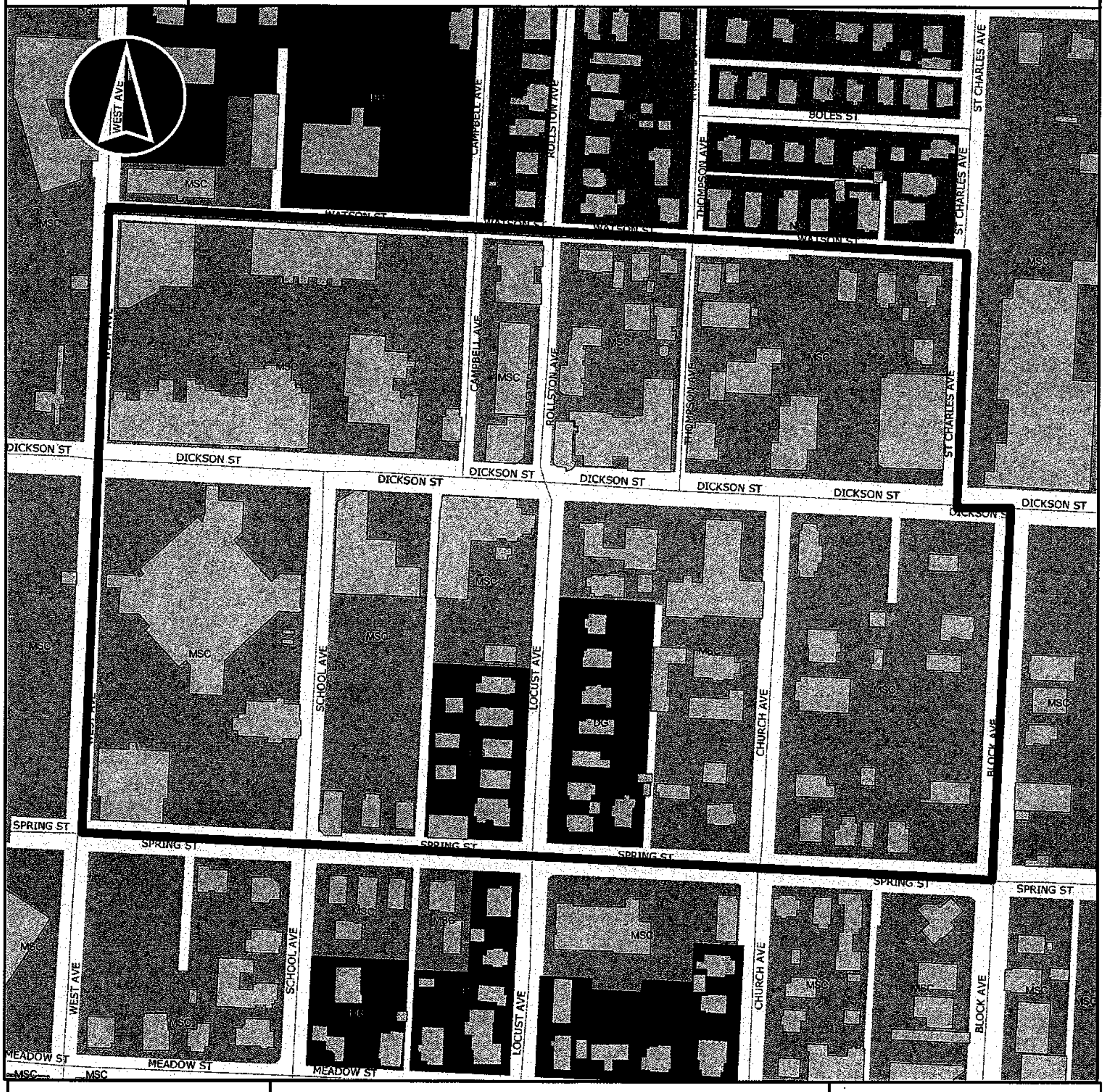
This section shall be removed:

~~161.22 (A) *Purpose. Downtown General* is a flexible zone, and it is not limited to the concentrated mix of uses found in the *Downtown Core* or *Main Street / Center. Downtown General* includes properties in the neighborhood that are not categorized as identifiable centers, yet are more intense in use than *Neighborhood Conservation.* There is a mixture of single-family homes, rowhouses, apartments, and live/work units. Activities include a flexible and dynamic range of uses, from public open spaces to less intense residential development and businesses. For the purposes of Chapter 96: Noise Control, the Downtown General district is a residential zone~~

This language shall be inserted:

161.22 (A) *Purpose. Downtown General* is a flexible zone, and it is not limited to the concentrated mix of uses found in the *Downtown Core* or *Main Street / Center. Downtown General* includes properties in the neighborhood that are not categorized as identifiable centers, yet are more intense in use than *Neighborhood Conservation.* There is a mixture of single-family homes, rowhouses, apartments, and live/work units. Activities include a flexible and dynamic range of uses, from public open spaces to less intense residential development and businesses. **For the purposes of Chapter 96: Noise Control, the Downtown General district is a commercial zone when located between Watson Street, West Avenue, Saint Charles Avenue, Block Avenue, and Spring Street between the hours of 1 p.m. and 11 p.m. and is a residential zone for all other locations and times.**

Close Up View



Overview

June 20, 2007

Mayor Dan Coody
City of Fayetteville City Council

Dear Mayor and City Council,

I am writing regarding a proposed amendment to the Fayetteville Noise ordinance. This amendment will create a Noise Overlay for one block on either side of Dickson St. running the length of the Entertainment District. The Overlay's effect will be the restoration of allowed noise levels to those that existed before the Council adopted the new downtown zoning map last year.

As explained below, time is of the essence for us. We request that the council consider and act on this issue as quickly as possible, and re-establish the code under which we have operated for so long.

My business is the Ozark Mountain Smokehouse which I purchased late last year from Frank Sharp. You are probably aware that the Smokehouse operates a processing plant in Fayetteville on Hwy 62, a restaurant/deli, and, for the last 20 years or so, a catering venue on Dickson St. Our catering venue, The Garden Room, is located in our gathering space and garden at the rear of the Dickson St. property. Weddings, corporate gatherings, and the occasional social group are our primary customers in this venue and they usually request meal service, bar service and frequently employ a band or DJ to entertain.

This year for the first time, the Fayetteville Police cited the Garden Room for violations of the noise ordinance, a total of four times. With only a single previous noise warning in, in late 2006, after 20 years of events, our catering operation has had an exemplary record in adhering to the municipal code in all aspects.

These citations and last year's warning are not the result of any alteration of our hours of operation, the length or quantity of our events, or the increased volume of our entertainment. Instead, we have discovered that after the passage of the '06 zoning map change, parcels along Locust Ave., to the west and southwest of our Dickson St. property, were placed in the DG zone (the Smokehouse is in MSC or Main Street Center, a commercial zone). For the purposes of the noise ordinance, the DG zone is treated as a residential zone. The language of the noise ordinance restricts the decibel level for daylight noise in the MSC zone (our zone) to 75 DB, but in the DG zone the allowed level is only 60 Db. I am not an acoustical engineer, but I understand that the difference between 60 Db and 75 Db is substantial: 60 Db is equivalent to normal conversation and 75 Db is closer to noise produced by heavy street traffic.

Until late last year when the Council adopted the new downtown Fayetteville zoning map, (an admirable effort) our entire block was zoned C-3, a commercial zone, and was treated as such by the Fayetteville Noise ordinance. The zone change however brought with it the unintended consequence (according to Fayetteville planning and administration personnel) of lowering the allowed noise level for our business. We believe that no other business on Dickson St. has been affected by the change in the zoning law, and consequently the noise ordinance, as we have.

This noise overlay, as proposed, will restore for us maximum noise level requirements of 75 Db until 11 PM at night, a limit we have historically been allowed to observe.

The upshot of the current situation is that we cannot now hold any sort of performance in our Garden at any time of the day because the noise level cannot help but surpass the Decibel reading allowed in the abutting DG zone. If we cannot use our garden for events, we cannot continue our catering business.

For us the impact is even more serious. As the new owner of the company, I have great faith in the Smokehouse product and have been working to improve its marketing and its retail locations. As we look to rebuild this company though, and make it a strong Fayetteville business again, the catering operation generates vital cash that helps fund our other manufacturing and retail operations while we rebuild. At the risk of sounding portentous, as I see it, this noise ordinance issue poses an existential threat to the survival of the entire company, its 60 years of history here in Fayetteville, and its 30 full- and part-time employees.

In the last month, we have tried to negotiate with the complainant, we have required some functions to move indoors (to the tremendous anger of our patrons), and we have discussed potential changes to our policies to make this problem manageable. We have already lost a major event, booked for months, due to this issue, and others await the outcome of your vote before making their own decision. We rely on the spring, summer, and fall events that can be held outside for the bulk of our income. I am fearful for all that I have invested in this company to date.

We hope that the Council will suspend its rules and act on this matter at its July 3rd meeting as we have fallen victim to a hitch in the law that no one foresaw or intended when last year's zoning maps were updated.

Thank you so much for your timely consideration of this issue, which is most important to us.

Sincerely,

Tom Bourdeaux
President
OMSH LLC

Fayetteville
ARKANSAS

THE CITY OF FAYETTEVILLE, ARKANSAS

PLANNING STAFF MEMO

To: City Council
Mayor Dan Coody
Kit Williams, City Attorney

From: Tim Conklin, Planning and Development Management Director

Date: June 19, 2007

Subject: Attainable Housing Programs

The City Council has requested that City Staff prepare options for addressing families which fall between 60% and 80% of the Median Family Income. Staff has met internally to discuss possible programs and policies that the City could implement or partner on to increase housing opportunities for families in this income range. The options available to create housing at this income range with an affordable down payment and with an affordable monthly are difficult at best. The population in this income range is within the population traditionally served by federal, religious, and non-profit agencies. Programs serving this population include some type of direct financial assistance and the development of a structured staffed system that monitors ownership and loan issues throughout the life of the program. Staff has identified two viable possibilities that have been successful in other places and do not require the creation of a new bureaucracy within the City organization.

The first option is to create a Community Development Corporation (CDC) that would specifically address the target population. Currently a CDC exists in south Fayetteville but it has not been successful in creating housing. This option has had varied levels of success in other cities primarily due to the complexities of operating a program efficiently. Specifically, successful CDC's require leadership that is dedicated and able to produce housing.

The second option is to work with Habitat for Humanity to either expand their eligibility requirements, or to create a second program specifically geared to the City's target population. City Staff has met with Patsy Brewer Executive Director for Habitat for Humanity Washington County (HHWC) to discuss the possibility of HHWC increasing their eligible income range. Currently, they serve families between 30% and 60% of the Median Family Income. Patsy Brewer has agreed to discuss this option with HHWC

Board of Directors for their opinion and possible blessing. The HHWC Board will be meeting next week and City Staff will update the City Council on any progress at the City Council Agenda Session on July 10, 2007.

As a part of this research for either the creation of a new CDC or working with existing non-profits, the staff has identified several remnants of public property that could possibly be offered as lots for this housing program. That map will be provided at the agenda session..

Agenda Session 6/26/07

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville ARKANSAS

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

Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
July 3, 2007

A meeting of the Fayetteville City Council will be held on July 3, 2007 at 6:00 PM in the District Court Room located at 100 W. Rock Street, Fayetteville, Arkansas.

Call to Order
Roll Call
Pledge of Allegiance

Fayetteville Downtown Partners Update-Agenda Session Only

A. CONSENT:

1. **Approval of the June 19, 2007 City Council meeting minutes.**

B. UNFINISHED BUSINESS:

1. **R-PZD 07-2551 (Champions Club Condos):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 07-2551, Champions Club Condos, located at the southwest corner of Razorback Road and 15th Street, east of the Crowne Apartments; containing approximately 4.42 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Mater Development Plan. ***This ordinance was Left on the Second Reading at the June 19, 2007 City Council meeting.***

2. **Amend Chapter 161: Zoning Regulations:** An ordinance amending Title XV: Unified Development Ordinance of the Code of Fayetteville to amend Chapter 161: Zoning Regulations in order to clarify language regulating the height stepback of buildings located in the Main Street Center Zoning District. ***This ordinance was Left on the Second Reading at the June 19, 2007 City Council meeting.***

C. PUBLIC HEARINGS:

1. **Hotel Executive Transportation:** A resolution granting a Certificate of Public Convenience and Necessity to Hotel Executive Transportation, LLC for the operation of five (5) to fifteen (15) limousines in the City of Fayetteville, Arkansas.

2. **NWA Taxi:** A resolution granting a Certificate of Public Convenience and Necessity to NWA Taxi, LLC for the operation of five (5) to fifteen (15) taxicabs in the City of Fayetteville, Arkansas.

D. NEW BUSINESS:

pulled until further notice ~~move to next agenda~~

1. **Fayetteville School Board Support:** A resolution in support of the Fayetteville School Board's careful study and consideration of options for the Fayetteville High School.

2. **Reaffirm the City of Fayetteville's Adopted Policy – Highway 265:** A resolution to reaffirm the adopted policy of the City of Fayetteville that Highway 265 north of Mission Boulevard be widened as a principal arterial as depicted on the City Master Street Plan and as shown as alternate H-1 by the Arkansas Highway and Transportation Department,

3. **Air Cleaning Technologies Bid Waiver:** An ordinance waiving the requirements of formal competitive bidding and approving the purchase and installation of a Plymovant Vehicle Exhaust Removal System from Air Cleaning Technologies in the amount of $49,328.00 plus applicable taxes for Fire Station #3.

4. **United Engines Bid Waiver:** An ordinance waiving the requirements of formal competitive bidding and approving the purchase of a Generac Back-up Power Generator from United Engines in the amount of $28,000.00 plus applicable taxes for Fire Station #3.

5. **RZN 07-2602 (ARMAC/Hopmann):** An ordinance rezoning that property described in rezoning petition RZN 07-2602, for approximately 0.18 acres, located at 28 South University Avenue from NC, Neighborhood Conservation, to MSC, Main Street Center.

6. **VAC 07-2600 (Joyce Business Park):** An ordinance approving VAC 07-2600 submitted by Steve Clark for property located at 2474 East Joyce Boulevard to vacate a portion of a utility easement within the subject property, a total of 0.023 acres.

7. **Amend Chapter 161: Zoning Districts:** An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 161: Zoning Districts in order to consider specific areas that are currently zoned Downtown General a Commercial Zoning District between 1 P.M. to 11 P.M. and as a residential zone for all other locations and times for the purposes of the noise ordinance.

1. Oakbrooke Municipal Property Owners Imp. District NO. 19

E. INFORMATIONAL:

City Council Tour: July 2, 2007

Attainable Housing Program Memo Attached

Pre-Agenda Meeting
6/20/07

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

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
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July 3, 2007

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Call to Order
Roll Call
Pledge of Allegiance

Fayetteville Downtown Partners Update-Agenda Session Only

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1. **Approval of the June 19, 2007 City Council meeting minutes.**

NB 2 2. **Fayetteville School Board Support:** A resolution in support of the Fayetteville School Board's careful study and consideration of options for the Fayetteville High School.

NB 1 3. **Reaffirm the City of Fayetteville's Adopted Policy – Highway 265:** A resolution to reaffirm the City of Fayetteville's request that Highway 265 north of Mission Boulevard be constructed as a boulevard with bike lanes.

B. UNFINISHED BUSINESS:

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E. INFORMATIONAL:

City Council Tour: July 2, 2007

Attainable Housing Program Memo attached.

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

DATE: **July 5, 2007**

RE: **Ordinances and Resolutions prepared by the City Attorney's Office and passed at the City Council meeting of July 3, 2007**

1. **Hotel Executive Transportation:** Resolution granting a Certificate of Public Convenience and Necessity to Hotel Executive Transportation, LLC for the operation of five to fifteen limousines in the City of Fayetteville;

2. **NWA Taxi:** Resolution granting a Certificate of Public Convenience and Necessity to NWA Taxi, LLC for the operation of five to fifteen taxicabs in the City of Fayetteville;

3. **Fayetteville Municipal Property Owners' Improvement District No. 19:** Ordinance establishing and laying off of Fayetteville Municipal Property Owners' Improvement District No. 19 – OakBrooke, Phase I Subdivision infrastructure project;

4. **Reaffirmation of City's Adopted Policy – Highway 265:** Resolution reaffirming adopted policy of City of Fayetteville that Highway 265 North of Mission Boulevard be widened as a principal arterial as depicted on the City Master Street Plan and as shown as Alternate H-1 by the AHTD;

5. **Air Cleaning Technologies Bid Waiver:** Ordinance waiving requirements of formal competitive bidding and approving purchase and installation of a Plymovant Vehicle Exhaust Removal System from Air Cleaning Technologies in amount of $49,328.00 plus applicable taxes for Fire Station #3;

6. **United Engines Bid Waiver:** Ordinance waiving requirements of formal competitive bidding and approving the purchase of a Generac Back-up Generator from United Engines in amount of $28,000.00 plus applicable taxes for Fire Station #3;

7. **PPL06-2054 Extension:** Ordinance waiving the one year expiration of the Preliminary Plat approved for Legacy Pointe Phase 5, and to grant a one year extension.

From: Sondra Smith
To: Conklin, Tim
Date: 6.19.07 9:03 PM
Subject: Fayetteville Downtown Partners Update
Attachments: Sondra Smith1.vcf

CC: Pearman, Clarice

Hey Tim!

Do you want a copy of the information Fayetteville Downtown Partners submitted in the Tentative Agenda packet? If not has the City Council received a copy of the information? The presentation has been added to the Tentative Agenda cover sheet for July 3 at Agenda Session only. Just want to get all my ducks in a row. Have a great day!

Thanks!

Sondra E. Smith, CMC
City Clerk/Treasurer
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701
(479) 575-8323
ssmith@ci.fayetteville.ar.us

From: Lisa Branson
To: Conklin, Tim
Date: 6.15.07 4:06 PM
Subject: Agenda Session Item

CC: Smith, Sondra

Tim,

Per our conservation today I will place the packet of information that you submitted for the Fayetteville Downtown Partners Update in the Tentative Agenda for discussion item only on the July 3, 2007 City Council Meeting. If you have any changes please contact Clarice or Sondra. Have a great weekend.

Thanks,
Lisa

Lisa Branson
City of Fayetteville
City Clerk's Division
113 W Mountain
Fayetteville, AR 72701
(479) 575-8323
lbranson@ci.fayetteville.ar.us

7/3

Fayetteville
ARKANSAS

THE CITY OF FAYETTEVILLE, ARKANSAS

PLANNING STAFF MEMO

To: City Council
Mayor Dan Coody
Kit Williams, City Attorney

From: Tim Conklin, Planning and Development Management Director

Date: June 19, 2007

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