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
April 15, 2008

A meeting of the Fayetteville City Council will be held on April 15, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

Agenda Additions: Hiring Freeze Appeals: Animal Services-two caregivers.

A. Consent:

1. Approval of the April 01, 2008 City Council meeting minutes. **APPROVED.**

2. **Bid # 08-33 Professional Turf Products:** A resolution awarding Bid # 08-33 and approving the purchase of one (1) multi-deck mower from Professional Turf Products in the amount of $41,562.00 for use by the Parks & Recreation Division.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 77-08.

3. **Bid # 08-34 Truck Centers of Arkansas:** A resolution awarding Bid # 08-34 and approving the purchase of one (1) tandem-axle truck tractor from Truck Centers of Arkansas in the amount of $85,038.00 for use by the Transportation Division.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 78-08.

4. **Bid # 08-35 Williams Tractor:** A resolution awarding Bid # 08-35 and approving the purchase of one (1) compact track excavator from Williams Tractor in the amount of $26,264.00 for use by the Water & Sewer Division.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 79-08.

5. **Bid # 08-36 Warrior of Arkansas:** A resolution awarding Bid # 08-36 and approving the purchase of one (1) compact tractor backhoe from Warrior of Arkansas in the amount of $30,798.00 for use by the Parks & Recreation Division.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 80-08.

6. **Bid # 08-38 Wayest Safety:** A resolution awarding Bid # 08-38 and approving the purchase of one (1) breathing air station from Wayest Safety in the amount of $30,523.00 for use at the new fire station #3.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 81-08.

7. **Arkansas Recreational Trails Program Grant:** A resolution expressing the willingness of the City of Fayetteville, Arkansas to utilize federal-aid funds.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 82-08.

8. **OMI Agreement:** A resolution approving an out-of-scope agreement with OMI in the amount of $65,000.00 for WSIP West Side Cutover/Tieover Actions, WSIP Subproject WL-9; and approving a 5% contingency in the amount of $3,250.00.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 83-08.

9. **Cherokee Nation:** A resolution approving a budget adjustment in the amount of $500,000.00 to the Solid Waste Fund and recognizing like revenue from the Cherokee Nation for reimbursement of costs associated with operation of the Transfer Station.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 84-08.

B. Unfinished Business:

1. **Hiring Freeze:** Hiring Freeze Appeals: A resolution to approve the hiring of replacement employees for the following positions:

   (A) One Senior Legal Assistant
   (B) One Senior Secretary
   (C) Two Animal Services Caregivers

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 85-08.

2. **ADM 07-2712 Amend Chapters 151, 159, 161, 162, 163 and 164:** An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 151: Definitions, Chapter 159: Fees, Chapter 161: Zoning Regulations, Chapter 162: Use Units, Chapter 163: Use Conditions and Chapter 164: Supplementary District Regulations in order to make accessory dwelling units a permitted use in all residential zoning districts contingent upon Planning Division administrative approval. ***This ordinance was left on the First Reading at the March 18, 2008 City Council meeting. This ordinance was left on the Second Reading at the April 1, 2008 City Council meeting.***

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5128.

3. **Amend Chapters 151, 152 and 166:** An ordinance amending Title XV: Unified Development of the Code of Fayetteville to amend Chapter 151: Definitions, Chapter 152: Administration and Chapter 166: Development in order to prohibit or regulate decentralized sewer systems within the city limits. ***This ordinance was left on the First Reading at the April 1, 2008 City Council meeting.***

   THIS ITEM WAS TABLED TO THE MAY 20, 2008 CITY COUNCIL MEETING.

4. **Repealing and Replacing § 51.137:** An ordinance repealing and replacing § 51.137, Monthly Sewer Rates, of the Fayetteville Code of Ordinances. ***This ordinance was left on the Second Reading at the April 1, 2008 City Council meeting.***

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5129.

C. New Business:

1. **Fayetteville Municipal Property Owners' Improvement District No. 25 – Falcon Ridge Subdivision Infrastructure Project:** An ordinance to establish and lay off Fayetteville Municipal Property Owners' Improvement District No. 25 – Falcon Ridge Subdivision Infrastructure Project.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5130.

2. **RZN 08-2936 (Mullins):** An ordinance rezoning that property described in rezoning petition RZN 08-2936, for approximately 0.2 acres, located at 2846 South School Avenue from RSF-4, Residential Single-Family, 4 units per acre, to R-O, Residential Office.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5131.

3. **RZN 08-2937 (Mountain Ranch Ph. III):** An ordinance rezoning that property described in rezoning petition RZN 08-2937, for approximately 26.9 acres, located south of Mountain Ranch Phase I and Persimmon Street, east of the future extension of Rupple Road, from RSF-4, Residential Single-Family, 4 units per acre to RSF-8, Residential Single-Family, 8 units per acre.

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

4. **C-PZD 08-2894 (Park Centre):** An ordinance establishing a Commercial Planned Zoning District titled C-PZD 08-2894 Park Centre, located at the northeast corner of Zion Road/Veterans Park Entry Drive, containing approximately 8.58 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.

   THIS ITEM WAS TABLED TO THE MAY 6, 2008 CITY COUNCIL MEETING.

5. **Amend Chapter 96 Noise Control:** An ordinance to amend Chapter 96: Noise Control of the Code of Fayetteville to enact § 96.09 to restrict the use of a compression release engine brake also known as "Jake Brake."

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5132.

6. **R.W. Beck, Inc:** A resolution approving a contract with R.W. Beck, Inc. in the amount of $110,700.00 to conduct a recycling study for the City of Fayetteville; and approving a budget adjustment in the amount of $10,700.00.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 86-08.

7. **Fayetteville Municipal Airport Name Change:** A resolution adopting the recommendation of the Airport Board and renaming the Fayetteville Municipal Airport.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 87-08.

Announcements:

1. **City Council Tour: None**

Adjournment: Meeting adjourned at 7:35 p.m.

City Council Meeting April 15, 2008

Adjourn 7:35 PM

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

Subject:		Consent			
Motion To:					
Motion By:					
Seconded:					
Consent 4/1/08 minutes approved	**Cook**	✓			
	Allen	✓			
	Rhoads	Absent during the vote			
	Ferrell	✓			
	Lucas	absent			
	Jordan	✓			
Res. 77-08 to 84-08	**Gray**	✓			
	Thiel	✓			
	Mayor Coody				

6-0

City Council Meeting April 15, 2008

Subject:		Hiring Freeze Appeals - Prosecuting Attorney			
Motion To:		Approve 2	positions -	Prosecuting Attorney	
Motion By:		Cook			
Seconded:					
B.1. Unfinished Business	**Cook**	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
passed	**Lucas**	absent			
	Jordan	✓			
	Gray	✓			
85-08	**Thiel**	✓			
	Mayor Coody				

7-0

Subject:		Hiring Freeze Appeals - Animal Services			
Motion To:		Approve 2	Positions	- Animal Services	
Motion By:		Rhoads			
Seconded:		Thiel			
B.1. Unfinished Business	**Cook**	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
Passed	**Lucas**	absent			
	Jordan	✓			
	Gray	✓			
85-08	**Thiel**	✓			
	Mayor Coody				

7-0

City Council Meeting April 15, 2008

Subject:		ADM 07-2712 Amend Chapter 151, 159, 161,			
Motion To:		3rd Read			162, 163 & 164
Motion By:		Thiel			
Seconded:		Cook			
B.2. Unfinished Business	**Cook**	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	absent			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Mayor Coody				

7-0

Subject:		ADM 07-2712 Amend Chapter 151, 159,			
Motion To:					161, 162, 163, 164.
Motion By:					
Seconded:					
B.2. Unfinished Business passed 5/28	**Cook**	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	absent			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Mayor Coody				

7-0

City Council Meeting April 15, 2008

Subject:		Amend Chapters 151, 152, and 166			
Motion To:		2nd Read	Table to the Second Meeting in May		
Motion By:		Jordan	Jordan		
Seconded:		Cook	Gray		
B.3. Unfinished Business	**Cook**	✓	✓		
	Allen	✓	✓		
	Rhoads	Absent during the vote	✓		
	Ferrell	✓	✓		
	Lucas	absent	—	—	—
	Jordan	✓	✓		
	Gray	✓	✓		
	Thiel	✓	✓		
Tabled to Second Meeting in May May 20, 2008	**Mayor Coody**				
		6-0	7-0		

Subject:		Repealing & Replacing 51.137			
Motion To:		3rd Read	Pass		
Motion By:		Jordan			
Seconded:		Cook			
B.4. Unfinished Business	**Cook**	✓	✓		
	Allen	✓	✓		
	Rhoads	✓	✓		
	Ferrell	✓	✓		
	Lucas	absent	—	—	—
Passed	**Jordan**	✓	✓		
	Gray	✓	✓		
5129	**Thiel**	✓	✓		
	Mayor Coody				
		7-0	7-0		

City Council Meeting April 15, 2008

Subject:		Fayetteville Municipal Property Owners' Improvement			
Motion To:		2nd Read	3rd Read	Pass	District
Motion By:		Ferrell	Jordan		# 25
Seconded:		Jordan	Ferrell		Falcon
C.1. New Business	**Cook**	✓	✓	✓	Ridge
	Allen	✓	✓	✓	Subdivision
	Rhoads	✓	✓	✓	Infrastructure
	Ferrell	✓	✓	✓	Project
	Lucas	Absent	———	———	
Passed	**Jordan**	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
5130	**Mayor Coody**				
		7-0	7-0	7-0	

Subject:		RZN 08-2936 Mullins			
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Ferrell	Thiel		
Seconded:		Thiel	Gray		
C.2. New Business	**Cook**	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	Absent	———	———	
Passed	**Jordan**	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
5131	**Mayor Coody**				
		7-0	7-0	7-0	

City Council Meeting April 15, 200

Subject:		RZN 08-2937 Mountain Ranch Phase II			
Motion To:		2nd Read			
Motion By:		Jordan			
Seconded:		Cook			
C.3. New Business Left on the Second Reading	**Cook**	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	Absent			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Mayor Coody				

Subject:		C-PZD 08-2894 Park Centre			
Motion To:		2nd Read	3rd Read	Amend to limit cost up to $8,000	Table to the next meeting
Motion By:		Thiel	Gray	Ferrell	Ferrell
Seconded:		Gray	Rhoads	Rhoads	Jordan
C.4. New Business Table to May 6, 2008	**Cook**	✓	N	N	✓
	Allen	✓	✓	N	✓
	Rhoads	✓	✓	✓	✓
	Ferrell	✓	✓	✓	✓
	Lucas	Absent			
	Jordan	✓	✓	✓	✓
	Gray	✓	✓	✓	✓
	Thiel	✓	✓	N	✓
	Mayor Coody				
		7-0	6-1	4-3	7-0

City Council Meeting April 15, 2008

Subject:		Amend Chapter 96 Noise Control			
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Thiel	Thiel		
Seconded:		Gray	Gray		
C.5. New Business	**Cook**	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	absent	——	——	
Passed	**Jordan**	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
5132	**Mayor Coody**				
		7-0	7-0	7-0	

Subject:		R.W. Beck, Inc.			
Motion To:		Approve			
Motion By:		Thiel			
Seconded:		Gray			
C.6. New Business	**Cook**	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	Absent	——	——	
Passed	**Jordan**	✓			
	Gray	✓			
	Thiel	✓			
86-08	**Mayor Coody**				

City Council Meeting April 15, 2008

Subject:		Fayetteville Municipal Airport Name Chang			
Motion To:		Approve			
Motion By:		Ferrell			
Seconded:		Jordan			
C.7. New Business	**Cook**	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	absent			
Passed	**Jordan**	✓			
	Gray	✓			
	Thiel	✓			
87-08	**Mayor Coody**				
		7-0			

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

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

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Final Agenda
City of Fayetteville Arkansas
City Council Meeting
April 15, 2008

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Call to Order

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Pledge of Allegiance

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Presentations, Reports and Discussion Items:

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9. **Cherokee Nation:** A resolution approving a budget adjustment in the amount of $500,000.00 to the Solid Waste Fund and recognizing like revenue from the Cherokee Nation for reimbursement of costs associated with operation of the Transfer Station.

B. Unfinished Business:

1. **Hiring Freeze:** Hiring Freeze Appeals:

   City Prosecutor – One Hot Check Program Clerk

2. **ADM 07-2712 Amend Chapters 151, 159, 161, 162, 163 and 164:** An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 151: Definitions, Chapter 159: Fees, Chapter 161: Zoning Regulations, Chapter 162: Use Units, Chapter 163: Use Conditions and Chapter 164: Supplementary District Regulations in order to make accessory dwelling units a permitted use in all residential zoning districts contingent upon Planning Division administrative approval. ***This ordinance was left on the First Reading at the March 18, 2008 City Council meeting. This ordinance was left on the Second Reading at the April 1, 2008 City Council meeting.***

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7. **Fayetteville Municipal Airport Name Change:** A resolution adopting the recommendation of the Airport Board and renaming the Fayetteville Municipal Airport.

Announcements:

1. **City Council Tour: None**

Adjournment:

CITY OF FAYETTEVILLE
OFFICE OF THE PROSECUTING ATTORNEY

CLINTON K. JONES
CITY PROSECUTOR
BRIAN THOMAS
DEPUTY CITY PROSECUTOR

MANDY FINKLEA
HOT CHECK ADMINISTRATOR
E-mail: hotcheck@ci.fayetteville.ar.us
101 W. Mountain, Suite 202
FAYETTEVILLE, ARKANSAS 72701
PHONE: (479) 575-8377
(479) 575-8378
(479) 575-8374
(479) 575-8375
Hot Checks: (479) 575-8254
FAX # : (479) 575-8373

To: Mayor Dan Coody and members of the City Council

From: Casey Jones, Fayetteville City Prosecutor

Date: April 3, 2008

Re: Replacement of Hot Check Program Clerk

Recommendation: City Council approves the hiring of one (1) hot check program clerk to replace a recent resignation.

Background: On January 4, 2008, the Fayetteville City Council approved a hiring freeze for replacement employees funded by the General Fund. This hiring freeze allowed replacement of these positions with Council approval. On Wednesday, March 19, 2008, Senior Legal Assistant Dorothy Straub submitted her resignation.

Discussion: The Fayetteville City Prosecutor's Office currently has ten (10) positions. Through a series of internal promotions the position of Senior Legal Assistant will be filled leaving the need to fill the position of hot check program clerk. The primary function of this position is the daily processing and administration of hot checks submitted by merchants to the City Prosecutor's office for collection. This includes sending warning letters, processing warrant requests as well as preparation of paperwork for trials held at the Fayetteville District Court.

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

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

DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

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

CC: **Casey Jones**, City Prosecuting Attorney

FROM: **Kit Williams**, City Attorney

DATE: **April 3, 2008**

RE: **Request for waiver of employee hiring freeze for a replacement employee for a retiring worker in City Prosecutor's Office**

I share the City Council's commitment to budgetary restraint and employee efficiency. When I became City Attorney in March 2001, I immediately reviewed all my office's ongoing expenses and made significant cuts in costs which were duplicative or otherwise unnecessary. **I also instituted my own Departmental Staffing Freeze and have never requested from City Council any increase in personnel during my entire tenure** (now over seven years). The cuts and the Staffing Freeze helped me keep my budget **below** the amount authorized for 2001 (prior to my appointment) through 2005.

Although the City Prosecutor is facing an increasing work load with many more DWI cases to be prosecuted in the last few years, Casey and his staff have handled the extra case load without additional staff. They have also begun the aggressive overdue HMR prosecutions which went from virtually nothing before I became City Attorney to the recovery of over **$450,000.00** since 2001. Half of this recovered HMR tax goes to our Parks Department. These new duties were again accomplished without any new personnel.

Now a long time and very valued employee is finally retiring. The City Prosecutor needs to fill this position (probably through internal promotions with a more entry level position to be filled by an outside applicant). Since we have held staffing to 2000 levels while our work load has increased, the City Prosecutor's Office cannot manage without a replacement employee being authorized by the City Council.

CONCLUSION

As probably the only City Department that has seen **no increase in staffing levels since 2000**, the City Attorney's Department requests the City Council to waive the hiring freeze to allow the hiring of an employee to bring the City Prosecutor's Division back up to authorized strength.

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

18-Mar-08
City Council Meeting Date

Leif Olson	Long Range Planning	Operations
Submitted By	Division	Department

Action Required:

ADM 07-2712: Approval of an ordinance amending the Unified Development Code to allow Accessory Dwelling Units as a use by right with administrative approval in all single family zoning districts.

$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 — 2.29.08 Date

City Attorney — 2-29-08

Finance and Internal Service Director — 3-3-08 Date

Mayor — 3/4/08 Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Received in City Clerk's Office ENTERED 2/29/08

Received in Mayor's Office ENTERED 2/29/08

Comments:

Left on the second reading 4/1/08
Left on the first reading 3/18/08

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: February 1, 2008

Subject: The request is to approve the proposed amendments to the Unified Development Code allowing Accessory Dwelling Units as a use-by-right in all residential zoning districts with administrative approval.

RECOMMENDATION

Planning Staff recommends approving the proposed Accessory Dwelling Unit Ordinance by the City Council.

BACKGROUND

The City Council has adopted a policy of addressing attainable housing as one of its top priorities. Planning Staff drafted a Housing White Paper in 2005 which outlined a series of policy alternatives that the City could implement in order to diversify the housing stock in terms of size and price points. One of the policy recommendations discussed in the white paper was to allow existing homeowners to construct accessory dwelling units on their property with administrative review and approval.

Accessory Dwelling Units (ADUs) are currently permitted by conditional use in residential districts of the City. The Conditional Use Permit process by its very nature can discourage residents from proposing ADUs. The current structure of the ordinance gives very little design guidance to the property owner and the public. The public hearing process can also have the undesired consequence of creating a reactionary response by the public and results in projects being re-designed by adjoining neighbors and appointed and elected officials. This is often a result because there are few guiding rules for the applicant, the public, Planning Staff or the appointed and elected officials to follow.

Planning Staff believes that a prescriptive ADU ordinance which addresses site design, bulk and area considerations, building heights, setbacks and architectural compatibility will ensure that new ADUs are appropriate in scale and design and that they will contribute to the community and neighborhood.

Planning Staff is bringing this ordinance forward at this time in order to advance three of the six goals adopted by the City Council's passage of City Plan 2025. Allowing ADUs by right is a benchmark in City Plan 2025 for the Fall 2006 – Summer 2007 schedule. Specifically, this ordinance is designed to address:

Goal 1: We will make appropriate infill and revitalization our highest priority,
Goal 2: We will discourage suburban sprawl, and
Goal 6: We will create attainable housing.

Administrative approval of ADUs will advance Goals 1 and 2 by encouraging the creation of dwelling units on property that has already been developed within the City. Low-density single-use residential property has the infrastructure already in place to allow for these infill opportunities. The larger lot sizes associated with low density zoning are prime locations for ADUs and will discourage sprawl by allowing appropriate and compatible small-scale residential uses to existing neighborhoods. ADUs by right are the very definition of infill and revitalization.

ADUs can create attainable housing in a number of ways. They are often designed as a housing alternative for members of the family who may have special needs or life circumstances, for instance the traditional role of an ADU as a "granny unit' for the mother-in-law. Families with college age children may choose to construct an ADU rather than pay rent for a dorm room or off-campus apartment. ADUs can be a very effective housing solution for a variety of familial circumstances that evolve over time. Additionally, ADUs as rental units can provide the necessary income needed for a family to meet their monthly mortgage obligations. There is an abundance of literature that can be found on the internet regarding the social and economic advantages of ADUs. Here is a brief list of links about ADU ordinances in other municipalities:

http://rainier.wa.us/Publications/adu30.pdf
http://www.ci.santa-cruz.ca.us/pl/hcd/ADU/adu.html
http://cosweb.ci.shoreline.wa.us/uploads/attachments/pds/handouts/ADU.pdf

DISCUSSION

The Planning Commission forwarded this item to the Ordinance Review Committee with a unanimous vote of 6-0. A concern brought up by the Planning Commission was that 600 sq. ft. would allow too large of a unit and perhaps 400 sq. ft. would be more appropriate. Staff has looked at the advantages and disadvantages of reducing the allowable square footage and is in favor of leaving it at 600 sq. ft. The downside of reducing the square footage is that you can reduce it to the point where it will in effect prescribe an efficiency type unit without a separate bedroom. An efficiency unit may be appropriate for younger people and students but most adults would not find it very practical. Staff believes that reducing the square footage will significantly limit the potential for a broad cross-section of the community to take advantage of this form of attainable housing.

The City Council Ordinance Review Committee forwarded this item to the full City Council with a unanimous 3-0 vote in favor of the proposed ordinance.

Planning Staff has met internally and with the Council of Neighborhoods in February to discuss the Accessory Dwelling Unit Ordinance and to make any additional changes that would create a stronger "by right" ordinance. Therefore, Planning Staff has made the following changes to the ordinance in order to address some of the concerns brought up during these meetings;

- Requirement of impact fees for all accessory dwelling units.
- Requirement for separate water and sewer taps for the accessory dwelling unit.
- Proof of occupancy of the owner of the residence with a registration requirement annually.
- Requirement of site plan review by the Urban Forester with mitigation requirements for the removal of significant trees on the building site.
- The maximum building heights have been amended in order to mirror the way building height is determined for single family development.
- Requirement for the removal of cooking facilities when the owner no longer resides in either the principal or accessory dwelling unit.

BUDGET IMPACT

None

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT CODE OF THE CODE OF FAYETTEVILLE TO AMEND CHAPTER 151: DEFINITIONS, CHAPTER 159: FEES, CHAPTER 161: ZONING REGULATIONS, CHAPTER 162: USE UNITS, CHAPTER 163: USE CONDITIONS AND CHAPTER 164 SUPPLEMENTARY DISTRICT REGULATIONS IN ORDER TO MAKE ACCESSORY DWELLING UNITS A PERMITTED USE IN ALL RESIDENTIAL ZONING DISTRICTS CONTINGENT UPON PLANNING DIVISION ADMINISTRATIVE APPROVAL.

WHEREAS, the City of Fayetteville recognizes that accessory dwelling units provide an additional housing choice for many residents of the City such as students and senior citizens; and

WHEREAS, the City of Fayetteville has identified the need for increased housing options and variations in the existing housing market; and

WHEREAS, the City of Fayetteville has determined that accessory dwelling units are appropriate in residential zoning districts; and

WHEREAS, the City of Fayetteville recognizes that strict design guidelines will minimize cited concerns about appearance, mass and scale; and

WHEREAS, the City of Fayetteville recognizes that an administrative approval process will streamline the development process and encourage the construction of additional accessory dwelling units; and

WHEREAS, Accessory dwelling units that exceed the maximum standards prescribed in the proposed ordinance may request a variance from specific standards to the Planning Commission;

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

Section 1. That Chapter 151: Definitions is amended by adding Accessory Dwelling Unit and Principal Dwelling Unit to §151.01, a copy of which marked Exhibit "A" is attached hereto and made a part hereof.

Section 2. That Chapter 159: Fees is amended by adding Accessory Dwelling Unit $100.00 to §159.01(B)(6).

Section 3. That Chapter 161: Zoning Regulations is amended by adding Use Unit 41: Accessory Dwelling Units in §161.03 (B)(1), §161.04 (B)(1), §161.05 (C), §161.06 (C), §161.07 (B)(1), §161.08 (B)(1), §161.09 (B)(1), and §161.23 (B)(1).

Section 4. That Chapter 162: Use Units is amended by adding Accessory Dwelling Units as Use Unit 41in §162.01

Section 5. That Chapter 163: Use Conditions is amended by removing Detached Second Dwelling Units (granny units) from §163.0l: Listing, and removing all of §163.07: Detached Second Dwelling Units (Granny Units) and re-numbering the remainder of Chapter 163: Use Conditions accordingly.

Section 6. That Chapter 164: Supplementary District Regulations is amended by adding the proposed language in §164.19, a copy of which is marked Exhibit "B" attached hereto and made a part hereof.

PASSED and **APPROVED** this the ____ day of ____, 2008.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

EXHIBIT "A"

Chapter 151: Definitions is amended by adding Accessory Dwelling Unit and Principal Dwelling Unit to §151.01:

Accessory Dwelling Unit. (Zoning) An Accessory Dwelling Unit is a separate dwelling unit from the principal dwelling unit, located on a single family zoned lot. The owner of the lot shall permanently reside in either the principal dwelling unit or the accessory dwelling unit located on the property.

Principal Dwelling Unit. (Zoning) A Principal Dwelling Unit is the primary and larger of two dwelling units located on a single lot.

EXHIBIT "B"

Chapter 164: Supplementary District Regulations is amended by adding the following section §164.19: Accessory Dwelling Units:

164.19 Accessory Dwelling Units (ADU)

(A) *Purpose.* The purpose of the accessory dwelling unit ordinance is to authorize accessory dwelling units in certain zoning districts on lots already developed or that will be developed concurrently with single-family dwellings.

(B) *Intent.* Planning Staff shall evaluate the following criteria for the review and approval of an accessory dwelling unit application:

(1) Exterior design of the accessory dwelling unit should be compatible with the principal dwelling unit through architectural use of building forms, height, construction materials, and colors.

(2) The property shall have infrastructure (water, sewer, gas, electric, etc.) that meets City standards to serve the accessory dwelling unit.

(3) The location and design of the accessory dwelling unit shall meet the required setbacks of the zoning district.

(4) A two-story accessory dwelling unit should generally limit the major access stairs, decks, entry doors, and major windows to the walls facing the principal dwelling, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard should be minimized. The design of the accessory unit should relate to the design of the principal residence and not visually dominate it or the surrounding properties.

(5) The orientation and location of buildings, structures, open spaces and other features of the site should protect and maintain natural resources including significant trees and shrubs to the extent feasible and minimize alteration of natural land forms. Building profiles, location and orientation should relate to natural land forms.

(6) The site plan should incorporate low impact storm water mitigation techniques, such as cisterns, rain barrels, permeable pavers, rain gardens, indigenous plants and landscape berms.

(C) *Permitted Zoning Districts:* Accessory dwelling units shall be exempt from the density requirements of the underlying zoning district and shall be permitted by-right on lots containing 5,000 square feet or more in the following Zoning districts:

(1) R-A Residential Agricultural

(2) RSF – 0.5 Residential Single Family – One Half Unit per Acre

(3) RSF – 1 Residential Single Family – One Unit per Acre

(4) RSF – 2 Residential Single Family – Two Units per Acre

(5) RSF – 4 Residential Single Family – Four Units per Acre

(6) RSF – 7 Residential Single Family – Seven Units per Acre

(7) RSF – 8 Residential Single Family – Eight Units per Acre

(8) NC Neighborhood Conservation

(D) *Administrative Design Review and Approval.* All accessory dwelling units shall meet the following standards for administrative approval by the Zoning and Development Administrator. Prior to approval of an accessory dwelling unit, the Zoning and Development Administrator shall find that:

(1) *Maximum Square Feet and Number of Bedrooms.* The accessory dwelling unit shall not be greater than 600 square feet of habitable space with a maximum of one bedroom. Detached accessory dwelling units located above garage space shall be permitted so long as they meet the height requirement herein.

(2) *Zoning.* The accessory dwelling unit shall comply with all underlying zoning requirements including but not limited to building area, bulk and area, and setbacks with the exception of density.

(3) *Parking.* One parking space shall be provided on-site for each accessory dwelling unit. Required parking for the accessory dwelling unit is in addition to the required parking for the principal dwelling unit. On-street parking may be counted towards the total parking requirement where it is allowed in the public right-of-way adjacent to the subject property.

(4) *Existing Development on Lot.* A single-family dwelling shall exist on the lot or shall be constructed in conjunction with the accessory dwelling unit. No building permit shall be issued until this requirement is satisfied.

(5) *Maximum Number of Accessory Dwelling Units per Lot.* A maximum of one accessory dwelling unit shall be permitted for each lot.

(6) *Other Code Requirements.* The accessory dwelling unit shall comply with the requirements of the City of Fayetteville Uniform Building Code.

(7) *Water and Sewer.* Water and sewer service for the accessory dwelling unit shall be connected directly to the pubic water and sewer system, where reasonably accessible in accordance with all applicable regulations, and shall be metered separately from the principal residence.

(8) *Occupancy.* The property owner must permanently occupy either the principal or accessory dwelling unit.

(9) *Maximum Occupancy of the Accessory Dwelling Unit.* A maximum of two persons shall reside in an accessory dwelling unit.

(10) *Registration of Dwelling Units.* The principal and accessory dwelling unit shall be registered on an annual basis, from the date of approval, with the Planning Division to verify occupancy requirements.

(11) Tree Preservation. To protect existing tree canopy to the greatest extent possible, prior to application for an accessory dwelling unit, the applicant shall consult with the Urban Forester, to prepare a site plan illustrating the location of all significant trees. All significant trees on the property shall be adequately protected during construction. Any proposed removal of significant trees on the site will require the following of the property owner:

(a) The applicant must show that the removal of a significant tree or trees is necessary in order to locate the accessory dwelling unit on the lot and also meet all contributing location requirements such as building setbacks, utility or drainage easements, topography, etc.

(b) For every significant tree removed the property owner shall replace said tree with a total of two (2) two-inch caliper large species shade trees from the list of approved tree species in a location deemed appropriate by the Urban Forester.

(c) Should the Urban Forester find justifiable cause to determine a significant tree or trees were removed in an attempt to thwart the intent of this ordinance prior to application for an accessory dwelling unit, the application shall not be approved administratively.

(12) *Building Height and Stories.*

(a) A one-story detached accessory dwelling unit shall be a maximum of 20 feet in height to the roof peak measured from the existing adjacent grade.

(b) A detached accessory dwelling unit above one story shall be a maximum of 25 feet in height to the roof peak measured from the existing adjacent grade.

(c) An attached accessory dwelling unit may occupy a first or second story of a principal dwelling unit and shall not in any instance be taller than the roof line of the principal dwelling unit.

(13) *Building Design.* The architectural design of the accessory dwelling unit shall relate to the design of the principal dwelling by the use of similar exterior wall materials, window types, door and window trims, roofing materials and roof

pitch. The following materials must be submitted for review of an application:

(a) A material sample board indicating type of materials and colors to be used on the exterior of the building.

(b) An architectural elevation drawing of all sides of the proposed structure.

(c) Images or architectural elevations of the principal dwelling unit.

(E) *Site Plan Requirements.* Three sets of detailed site plans are required with the following information:

(1) Scale no smaller than 1" = 30' (one inch equals thirty feet)

(2) A north arrow

(3) Property lines

(4) Locations and dimensions of all rights-of-way, utility, drainage and tree preservation easements, and building setbacks

(5) All existing and proposed structures with accompanying uses

(6) Size of parcel in square feet or acres.

(7) Size of all existing and proposed structures in square feet

(8) Name of the applicant or property owner, plan preparer, project name and project address in a title block

(9) Pertinent special features such as drainage features, berms, fences, and retaining walls

(10) Parking areas, including driveways, with paving materials and dimensions

(11) A landscape plan showing the location of all proposed landscaping, size of plant materials and species

(12) Tree protection plan including all significant trees and protection measures

(F) Deed Restrictions. Before obtaining a building permit for an accessory dwelling unit the property owner shall file with the Washington County Clerk's Office a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:

(1) The accessory dwelling unit shall not be sold separately from the principal residence.

(2) The accessory unit is restricted to the approved size.

(3) The property owner shall at all times reside on the property.

(4) The above restrictions are binding upon any successor in ownership of the property and shall run with the property.

(G) *Planning Commission Approval.* An applicant may request approval from the Planning Commission of a variance from the maximum requirements for size (square feet), height, and materials for an accessory dwelling unit, where unique circumstances exist and the effect will not adversely affect adjoining or neighboring property owners. Applicants may ask for a variance from the requirement for separate water and sewer taps if a hardship exists, such as difficult access or topography. The applicant shall provide notification to adjacent property owners prior to the date of the meeting.

(H) *Existing Detached Second (Accessory) Dwelling Units.*

(1) Conforming Units. Existing detached second dwelling units approved by the Planning Commission by conditional use and constructed shall be considered a legal conforming accessory dwelling on the property. Property owners shall register the principal and accessory dwelling on an annual basis with the Planning Division.

(2) Nonconforming Units. Existing detached second dwelling units that were not approved by the Planning Commission shall be considered nonconforming. An application for administrative approval may be made to convert an existing nonconforming detached second dwelling unit to a conforming legal detached second dwelling unit, where the existing unit can meet the requirements herein. Where an existing nonconforming second dwelling unit exists as of the date of the adoption of this ordinance that can not meet the requirements herein, the applicant may apply for a variance of the requirements stated.

(I) *Non-Conforming Structures.* Non-conforming structures may not be converted into an accessory dwelling unit unless a variance has been granted by the Board of Adjustment.

(J) If the property owner no longer resides on the property, the owner shall remove the cooking facilities from the Accessory Dwelling Unit or the City shall turn off water service to the Accessory Dwelling Unit.

(K) *Violation.* Violation of the requirements herein shall be prosecuted to the maximum extent of the law.

DRAFT

ADM 07-2712: (ACCESSORY DWELLING UNITS): An ordinance amending the Unified Development Code to allow Accessory Dwelling Units by right in Residential Zoning Districts.

Tim Conklin, Planning and Development Management Director, explained that the accessory dwelling unit ordinance was one of the benchmarks adopted by the City Council. The proposed ordinance was drafted to allow existing homeowners to construct accessory dwelling units. He explained that accessory dwelling units also known as detached second dwelling units are currently permitted by conditional use. Planning staff was bringing forward a prescriptive ordinance that addresses site design, bulk and area, building height, setback, and architectural compatibility. The ordinance advances three of the six goals adopted in City Plan 2025: Allowing accessory dwelling units meets Goal 1, Appropriate Infill, discouraging suburban sprawl meets Goal 2, and creating attainable housing meets Goal 6. He suggested the Commissioners review what was adopted by other communities in Washington, Wisconsin, and California. A PowerPoint presentation was shown that discussed the benefits of the ordinance and how it relates specifically to Fayetteville.

Conklin asked that if the Commissioners had any additional requirements or suggestions above and beyond those discussed, that he be notified. Each exhibit was presented and summarized.

Commissioner Anthes asked if it will modify approved PZDs.

Conklin stated that no, it's too complicated to do so with all Residential PZDs. Instead, Use Unit 41, Accessory Dwelling Units, will be added to the UDC and could be used to amend an existing PZD through the City Council process.

Public Comment was received:

Joann Kvamme, neighbor, stated she is concerned about small lot sizes. She stated that the amount of coverage on a lot be considered by the amount of impervious surface. She expressed drainage concerns and how the additional units would change the flavor of neighborhood. She expressed that ADU's should be looked at on a case by case basis. She thought this proposed ordinance was too risky for the City to blanket approval ADU's. She understood PZDs won't change, but once a person buys the property, they could change it after it is built. She also expressed concern that off-street parking won't be enough to serve the ADU.

Dan Conner stated the main reason they haven't been approved is the whole neighborhood comes out and fights it. He suggested they keep ADU's as a conditional use permit.

Conklin stated that the City does have lot coverage standards, but they don't have them for actual paving. With regard to previous ones, they typically aren't a problem if they are done correctly. If this is something we want to encourage, as affordable housing, or if there needs to be additional requirements to make it more prescriptive, please let staff know your ideas.

Commissioner Anthes asked if development in PZDs can change.

Conklin stated that no, the PZD ordinance goes with the Land.

Commissioner Ostner asked about R-O zoning and ADU's.

Conklin stated they tried to stay with just single-family, because they currently only allow one single family dwelling.

Commissioner Ostner asked if there was an impact fee for an additional unit.

Conklin confirmed that impact fees would apply to each new unit.

Commissioner Ostner asked if there were separate water/sewer taps, or together?

Conklin stated that he has seen it done both ways.

Commissioner Ostner stated it can get expensive to build an ADU. He questioned trash pick up and how that would be handled. He stated that Mr. Conner had a good point that people fight these requested-for ADU's. He stated that there were no parameters in previous applications – no specific rules and that they probably should have been fought. He stated he thought 600 square feet was too big. He thought 400-500 s.f. would be more appropriate. He would like to see the ordinance say 400 s.f., instead. He stated that he lived in 420 s.f. with a roommate. He thought the Ordinance is terrific, to set up rules to promote ADU's. He stated that density is what is going to save this town. You can get more shops, and keep Dickson alive. This is a great way to do density right.

Commissioner Winston asked about the size of the dwelling unit on the right in the slideshow.

Conklin stated that he did not know but would find out.

Commissioner Ostner stated he hopes that the entire property, both ADU and primary dwelling don't becomes rent houses. And that you could have six people living in these houses.

Commissioner Anthes asked about a deed restriction on the property that requires owner occupancy for one of the units.

Commissioner Ostner asked about the potential problem of an unscrupulous owner who doesn't occupy one of the units.

Commissioner Bryant asked how the deed restriction worked and how it would be enforced. She asked what stops them from renting both out.

Pate stated that if there is a violation of UDC, it will be prosecuted.

Commissioner Cabe asked about the amount of buildable area, and how this ordinance would impact existing second dwelling units that did not go through CUP. He also asked about grandfathered units.

Motion:

Commissioner Myres made a motion to forward the request to ordinance review.

Commissioner Cabe seconded the motion.

Commissioner Anthes stated she appreciates staff's work on research to produce a predictable outcome with this process. She discussed the benefits of this ordinance with helping to create additional income to allow citizens afford housing, the downsizing of families, and being able to stay in neighborhood. She stated that she supported this ordinance.

Upon roll call the motion passed with a vote of 6-0-0.

Page Break

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

TO: **Dan Coody**, Mayor
City Council
David Jurgens, Water & Wastewater Director

FROM: **Kit Williams**, City Attorney

DATE: **April 2, 2008**

RE: **Sewer Rates**

Last night I requested that our new sewer rate ordinance be left on the second reading because of unclear language in A.C.A. §14-235-223 (d)(B):

"After **introduction of the ordinance** fixing the rates or charges, and before the ordinance is fully enacted, notice of the hearing setting forth the proposed schedule of the rates or charges shall be given … at least ten days before … the hearing ….

"(2) After the hearing the ordinance …shall be passed …."

What I am somewhat unsure of is the meaning of "introduction of the ordinance." One reasonable understanding of that phrase would be when Mayor Coody initially reads the title of the ordinance and I read the body of the ordinance at a City Council meeting. If that would be the Court's interpretation, then we could not legally enact the sewer rate ordinance on the same night it is first read.

There could be other interpretations of "introduction of the ordinance" which would have allowed us to legally pass the sewer rate ordinance during the same City Council meeting in which it was first read. However, I felt we should take the safer route and wait for the next City Council meeting to take official action.

Twenty-five years ago, Fort Smith passed its sewer rates ordinance without strictly complying with the statute I quoted above and ended up having to pay about **$800,000.00** in refunds to two large customers because the Supreme Court found the sewer rate ordinance was invalidly enacted. City of Fort Smith v. O.K. Foods, Inc., 293 Ark. 379, 738 S.W. 2d 96 (1987). As City Attorney my first goal is not to win at trial, but to avoid litigation if possible. I can only do this with the consistent help of the City Council. Thank you for allowing the sewer rate ordinance to remain on the second reading.

added at Agenda Session 4/18/08

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

April 15, 2008
City Council Meeting Date

Sondra Smith	City Clerk	City Clerk
Submitted By	Division	Department

Action Required:

An ordinance to establish Fayetteville Municipal Property Owners' Improvement District No. 25 - Falcon Ridge 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]

Sondra Ee Smith — Department Director — 4/7/08 Date

Previous Ordinance or Resolution # ____

Original Contract Date: ____

Original Contract Number: ____

[illegible] — City Attorney — 4/7/08 Date

Received in City Clerk's Office
ENTERED 4/7/08 LP

Paul A. Beck — Finance and Internal Service Director — 4-7-08 Date

Received in Mayor's Office
ENTERED 4/7/08 BBP

[illegible] — Mayor — 4/7/08 Date

Comments:

Fayetteville
ARKANSAS

City Clerk/Treasurer Division

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

RECEIVED
APR 07 2008
CITY OF FAYETTEVILLE
MAYOR'S OFFICE

April 7, 2008

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

RE: Petition to form Fayetteville Municipal Property Owners' Improvement District No. 25
Falcon Ridge 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. 25 – Falcon Ridge 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,

Sondra E. Smith
City Clerk/Treasurer

cc: Kit Williams, City Attorney
James N. McCord

RECEIVED
APR 07 2008
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

JAMES N. McCORD
Attorney at Law
217 E. DICKSON STREET
SUITE #102
FAYETTEVILLE, ARKANSAS 72701

TELEPHONE (479) 695-1134
FACSIMLE (479) 442-1490
jimmccordlaw@alltel.net

April 7, 2008

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

VIA HAND DELIVERY

Re: Petition to Form Fayetteville Municipal Property Owners' Improvement District No. 25- Falcon Ridge Subdivision 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. 25- Falcon Ridge 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.

(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.

Also enclosed for filing in the office of the City Clerk is an executed Title Company Certificate of Property Ownership 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.

Should there be any questions, please contact me.

Sincerely,

James N. McCord

James N. McCord

pc: Kit Williams, City Attorney
Charles Sloan

ORDINANCE NO. _____

AN ORDINANCE TO ESTABLISH AND LAY OFF FAYETTEVILLE MUNICIPAL PROPERTY OWNERS' IMPROVEMENT DISTRICT NO. 25- FALCON RIDGE SUBDIVISION INFRASTRUCTURE PROJECT

WHEREAS, a Petition to form Fayetteville Municipal Property Owners' Improvement District No. 25- Falcon Ridge 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 April 15, 2008, 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 a title company 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. 25- Falcon Ridge 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: Charles W. Sloan, Cynthia E. Sloan and Jay Mullis.

Section 3: The name of said improvement district shall be Fayetteville Municipal Property Owners' Improvement District No. 25- Falcon Ridge 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 purposes authorized in Ark. Code Ann., Title 14, Chapter 94.

PASSED and **APPROVED** this 15th day of April 2008.

APPROVED: **ATTEST:**

By: _____
DAN COODY, Mayor

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

EXHIBIT "A"

Falcon Ridge Subdivision:

Part of the NE¼ of the SE¼ and the Part of the SE¼ of the SE¼ of Section 19, Township16 N, Range 29 W in Washington County, Arkansas and being more particularly described as follows: Commencing at the NW corner of said NE¼, SE¼ thence south 557.95 feet, thence S89°55'18"E 27.59 feet to the P.O.B, thence S89°55'18"E 1292.94 feet, thence south 1422.01 feet, thence N89°56'30"W 822.14, thence N00°04'32"E 331.32 feet, thence S89°51'32"E 170.08 feet, thence N00°42'14"W 436.08 feet, thence N00°11'46"E 421.06 feet, thence N89°56'21"W 426.97 feet, thence N00°11'35"120.06 feet, thence N89°55'18"W 211.25 feet , thence N00°12'45" E 114.14 feet to the P.O.B.; containing 25.51 acres more or less subject to easements and right of way of record.

RECEIVED
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CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

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. 25- FALCON RIDGE SUBDIVISION INFRASTRUCTURE PROJECT

For its petition to form Fayetteville Municipal Property Owners' Improvement District No. 25- Falcon Ridge Subdivision Infrastructure Project, the undersigned petitioner states:

1. Petitioner is 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. Petitioner desires 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

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. Petitioner desires 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 purposes authorized in Ark. Code Ann., Title 14, Chapter 94.

4. Petitioner names 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: Charles W. Sloan, Cynthia E. Sloan and Jay Mullis.

5. Petitioner proposes that the name of the district be Fayetteville Municipal Property Owners' Improvement District No. 25- Falcon Ridge Subdivision Infrastructure Project.

WHEREFORE, the undersigned Petitioner hereby petitions 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. 25- Falcon Ridge 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 3rd day of April, 2008.

C A J, LLC
An Arkansas limited liability company

By: _____
Charles W. Sloan
Authorized member

Exhibit "A"

Falcon Ridge Subdivision

Part of the NE ¼ of the SE ¼ and the Part of the SE ¼ of the SE ¼ of Section 19, T 16 N, R29 W in Washington County, Arkansas and being described as follows: Commencing at the NW corner of said NE ¼, SE ¼ thence south 557.95 feet, thence S89°55'18"E 27.59 feet to the P.O.B, thence S89°55'18"E 1292.94 Feet, thence south 1422.01 feet, thence N89°56'30"W 822.14, thence N00°04'32"E 331.32 feet, thence S89°51'32"E 170.08 Feet, thence N00°42'14"W 436.08 feet, thence N00°11'46"E 421.06 Feet, thence N89°56'21"W 426.97 Feet, thence N00°11'35"120.06 feet, thence N89°55'18"W 211.25 Feet , thence N00°12'45E 114.14 Feet to the P.O.B.; containing 25.51 Acres more or less subject to easements and right of way of record.

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CITY CLERK'S OFFICE

BEFORE THE CITY COUNCIL OF FAYETTEVILLE, ARKANSAS

PETITION TO FORM FAYETTEVILLE MUNICIPAL PROPERTY OWNERS' IMPROVEMENT DISTRICT NO. 25- FALCON RIDGE SUBDIVISION INFRASTRUCTURE PROJECT

TITLE COMPANY CERTIFICATE OF PROPERTY OWNERSHIP

Heritage Land Title of Arkansas, 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. 25– Falcon Ridge Subdivision Infrastructure Project, a copy of which Exhibit "A" is attached hereto and made a part hereof:

C A J, LLC

Heritage Land Title of Arkansas, Inc. further certifies that all of said property is located within the corporate limits of the City of Fayetteville, Arkansas.

DATED this 4th day of April, 2008.

Heritage Land Title of Arkansas, Inc.

By: _____
AUTHORIZED REPRESENTATIVE

Exhibit "A"

Falcon Ridge Subdivision

Part of the NE ¼ of the SE ¼ and the Part of the SE ¼ of the SE ¼ of Section 19, T 16 N, R29 W in Washington County, Arkansas and being described as follows: Commencing at the NW corner of said NE ¼, SE ¼ thence south 557.95 feet, thence S89°55'18"E 27.59 feet to the P.O.B, thence S89°55'18"E 1292.94 Feet, thence south 1422.01 feet, thence N89°56'30"W 822.14, thence N00°04'32"E 331.32 feet, thence S89°51'32"E 170.08 Feet, thence N00°42'14"W 436.08 feet, thence N00°11'46"E 421.06 Feet, thence N89°56'21"W 426.97 Feet, thence N00°11'35"120.06 feet, thence N89°55'18"W 211.25 Feet , thence N00°12'45E 114.14 Feet to the P.O.B.; containing 25.51 Acres more or less subject to easements and right of way of record.

City Of Fayetteville

(Not a Purchase Order)

Requisition No.:		Date: 3/25/2008	
P.O Number:		Expected Delivery Date: 5/1/2008	
Vendor #: 17562	Vendor Name: R.W. Beck	Mail Yes:__ No: x	
Address:	Fob Point:	Taxable Yes:__ No: x	Quotes Attached Yes: x No:__
City:	State:	Zip Code:	Ship to code: 170
Requester: Brian Pugh	Requester's Employee #: 2133	Extension: 685	

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	**Recycling Study**	**1**	**ea**	**110,700.00**	**$110,700.00**	**5500.5060.5314.00**	**07015**		
2					$0.00				
3					$0.00				
4					$0.00				
5					$0.00				
6					$0.00				
7					$0.00				
8					$0.00				
9					$0.00				
10					$0.00				
	Shipping/Handling		Lot		$0.00				

Special Instructions:

Subtotal:	$110,700.00
Tax:	$0.00
Total:	$110,700.00

Approvals:

Mayor: _____ Department Director: _____ Purchasing Manager: _____

Finance & Internal Services Director: _____ Budget Manager: _____ IT Manager: _____

Dispatch Manager: _____ Utilities Manager: _____ Other: _____

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

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

City of Fayetteville Arkansas
City Council Meeting Minutes
April 01, 2008

A meeting of the Fayetteville City Council was held on April 1, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Coody called the meeting to order.

PRESENT: Alderman Gray, Thiel, Cook, Allen, Rhoads, Ferrell, Lucas, Jordan, Mayor Coody, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Mayor Coody complimented City employees for the hard work that is being done on the square renovation.

Presentations, Reports and Discussion Items: None

Consent:

Approval of the March 18, 2008 City Council meeting minutes.

Approved

Bid # 08-25 Golden Circle Ford: A resolution to award Bid # 08-25 to Golden Circle Ford of Jackson, TN in the amount of $26,593.00 to purchase a heavy-duty, 4X4 regular cab pickup truck for use by the Fire Department.

Resolution74-08 as Recorded in the office of the City Clerk.

Bid # 08-37 Landers McLarty Ford: A resolution awarding Bid # 08-37 and approving the purchase of one (1) crew cab chassis with reading utility body from Landers McLarty Ford in the amount of $42,493.73 for use by the Transportation Division.

Resolution75-08 as Recorded in the office of the City Clerk.

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

Unfinished Business:

Hiring Freeze: Hiring Freeze Appeals:

No Appeals

ADM 07-2712 Amend Chapters 151, 159, 161, 162, 163 and 164: An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 151: Definitions, Chapter 159: Fees, Chapter 161: Zoning Regulations, Chapter 162: Use Units, Chapter 163: Use Conditions and Chapter 164: Supplementary District Regulations in order to make accessory dwelling units a permitted use in all residential zoning districts contingent upon Planning Division administrative approval. ***This ordinance was left on the First Reading at the March 18, 2008 City Council meeting.***

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

City Attorney Kit Williams read the ordinance.

Mayor Coody: I understand this is going to be forwarded to the Ordinance Review Committee is that right?

Alderman Thiel: Right, so we can just leave it on this reading.

This ordinance was left on the Second Reading.

Public Hearing:

Public Hearing for Monthly Sewer Rate Ordinance.

Mayor Coody opened the Public Hearing

There was no public comment.

Paul Becker, Finance and Internal Services Director: This moves the sewer rates to a cost of service methodology. It also provides for two different rate structures in the residential class. This is to meet the committee's objectives of affordability and conservation. These rates would go into effect January 1, 2009.

Mayor Coody closed the Public Hearing

New Business:

WG Land Company LTD: A resolution approving a Memorandum of Understanding concerning annexation and zoning of certain real property with WG Land Company LTD Partnership.

Gary Dumas, Director of Operations explained a memorandum of understanding from WG Land Company indicating their request for specific zoning when the property is ready for development. He said this is the appropriate use for that area in the future.

Mayor Coody asked Gary to clarify the story in the paper about the fire station.

Gary Dumas: The City of Johnson had some issues and one was fire protection west of I-540 and east of I-540. There is a possibility that the City could provide fire protection for those areas consistent with the plans to also expand fire service both to the northwest quadrant and east of I-540. There is a possibility that the station might be relocated in the area around Van Asche in the future. There is not a commitment to build a fire station for them and there would be cost sharing in the future should they choose to participate.

Mayor Coody: The fire station issue isn't related to the 100 acres in this memorandum of understanding.

Gary Dumas: Not at all.

Alderman Jordan moved to approve the resolution. Alderman Ferrell seconded the motion. Upon roll call the resolution passed 7-0. Alderman Rhoads was absent during the vote.

Resolution76-08 as Recorded in the office of the City Clerk.

RZN 07-2889 (Cooper): An ordinance amending ordinance number 5114 to correct the legal description for the 0.64 acre parcel rezoned by said ordinance located at the southwest corner of North College Avenue and East Cleburn Street.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Current Planning gave a brief description of the item. He stated this is simply a correction to an ordinance in Exhibit "B" which is the legal description. The property is officially rezoned however this corrects the legal description and inserts an amended Exhibit "B".

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5121 as Recorded in the office of the City Clerk.

VAC 08-2930 (Wilmoth/Wellsley Place): An ordinance approving VAC 08-2930 submitted by Dave Jorgensen for property located at 1609 Wellsley Place to vacate a portion of the utility and drainage easements on the subject property, containing a total of 643 square feet.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the item. He stated staff recommended approval and the Planning Commission voted unanimously in support of the vacation as well.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5122 as Recorded in the office of the City Clerk.

ADM 08-2941 (Hoskins Parkland Variance): Submitted by Tracy Hoskins, requesting a variance from the parkland dedication contribution formula, relative to the land trade between Hoskins and the City Council as referred to in Resolution No. 149-06.

Jeremy Pate: In 2006 the City Council and Mr. Hoskins entered into an agreement, a land trade. This particular request addresses the land bank which is a parkland dedication that is made in anticipation of future development within a parks quadrant. In this particular case Mr. Hoskins would like to do this for a project called Oakbrooke Subdivision. The request is to utilize the value of the land at $40,000 per acre. What that would relate to is instead of 1.5 acres of land it would be 1.5 acres times $40,000. The confusing part is Oakbrooke was approved in 2005 when land value for parkland was at a very different value which was $23,000 per acre as opposed to now. If Oakbrooke were developing today the fees would be in excess of $103,000 whereas right now his requirement is $59,000 based on the old requirement. The request is to utilize the value of the bank land which is not allowed by our ordinance so Mr. Hoskins has to request a variance. He has been before the Parks and Recreation Advisory Board who did not support the request and also to the Planning Commission who voted 3-3 and then forwarded a recommendation for you to consider their comments. Their concerns are that a lot of this land trade was made without the Parks Board or Planning Commission being involved, it was heard by you as a Council. The issue at hand for staff is we feel the utilization of the value of parkland is not anticipated by our parkland dedication ordinance. Secondly as applied to this particular case it is not meeting our parkland dedication ordinances for Oakbrooke Subdivision. When you run the numbers the City actually gets less land and less money in the overall scheme of things.

Alderman Thiel: I am trying to understand why the City used the $40,000 per acre on what they paid him.

Mayor Coody: It was based on the value that we put on parkland.

Alderman Thiel: If that is the case then it would make sense that he would assume that he was banking the same amount.

Mayor Coody: We negotiated back and forth.

Gary Dumas: This was several years ago and at that time the value of parkland was $40,000 per acre. The issue tonight is that when Oakbrooke was approved it was $23,000 per acre so if you are going to redo the calculation for Oakbrooke then you need to redo the calculation completely instead of mixing the two.

Alderman Thiel: Why is he just now banking this for Oakbrooke?

Gary Dumas: He can use the bank at any time he wants. He finaled the first phase of Oakbrooke last month.

Alderman Thiel: In other words the first phase has been completed and at that point is when he uses his bank.

Alderman Allen: I am trying to understand who or how it was determined that it was $23,000 then and $40,000 now.

Gary Dumas: The Parks Board in early 2000 did a parkland evaluation to see what the land costs were. They redid that analysis in 2005 and 2006 and it was more than $40,000. The City Council set the number at $40,000.

Alderman Allen: That is regardless of where the land was or where the land is now?

Gary Dumas: Correct, that is an ordinance requirement that the Council established based on some information the Parks Board forwarded to you.

Alderman Allen: So all banked land in 2005 was $23,000 an acre?

Mayor Coody: It wasn't just banked land it was any parkland dedication.

Jeremy Pate briefly explained the parkland dedication process and how it works.

Alderman Allen: Has this particular situation or a situation similar to this ever come up?

Jeremy Pate: Not that I am aware of. I have never seen the value of land requested.

City Attorney Kit Williams: However the bank part has come up many times and every time it has, it has been the banked amount of land not the banked value of land.

Alderman Cook: When the City valued the piece of land that it paid Mr. Hoskins for, that was an agreement between the City and Mr. Hoskins, it had nothing to do with the parkland dedication value of the land. It was an agreement between Mr. Hoskins and the City of Fayetteville. The banked piece of land, we always do that as the land itself, not the value of the land.

Alderman Ferrell: This was a transaction between the Fayetteville City Council and Mr. Hoskins. There is a chance that there was some confusion. This wasn't a normal transaction, this was a trade, and when you look at the amount of money that was paid based on $40,000 per acre I can see where there would be some confusion. This Council can make the decision and I hope we make the right one and approve Mr. Hoskins appeal.

Alderman Lucas: I don't think the banking of parkland was even discussed when we were talking about buying this land.

Alderman Jordan agreed with Alderman Lucas.

Mayor Coody: Jeremy do you have the agreement?

Jeremy Pate: It is in your packet. He read the highlights of the agreement.

Mayor Coody: That resolution was approved by the City Council when?

Jeremy Pate: September 5, 2006.

Mayor Coody: So the banking was a part of the agreement.

Alderman Lucas: But it wasn't a part of the money that we paid.

Mayor Coody: There was money, a land trade, and banking of land. It was those three things that totaled the 7 plus acres.

Tracy Hoskins, the petitioner: It is very possible that the Council doesn't remember the mention of the banking of land within the trade agreement. I have all the recommendations and background information that went to the Council for them to make their decision as far as approving the resolution. I am not asking for any consideration on Oakbrooke's park fees whatsoever. In 2006 the Parks Board and the Council elected to raise the parks fees to a value of $40,000 per acre. The reason this property is banked to begin with was to make the trade deal more palatable for the Council. I had every reason to believe that I was receiving $40,000 per acre. It is in the recommendation background sections, not in the resolution itself. According to ordinance this trade should have been seen by the Parks Board and the Planning Commission and it was only seen by the City Council. When we made the trade I fulfilled my part of the trade, the City got 100 percent of what they bargained for. When I asked to use this banked property for the fees of Oakbrooke initially staff and the Parks Department approved it. When we scheduled the signatures for final plat we were told we could not do that. They said you can not use the value of property. This was news to me and it was not disclosed when I agreed to bank this property to lower the City's check writing back in 2006.

Alderman Thiel: The understanding was that he banked it for $40,000. There is a value of property used when there is money in lieu. I don't like to go against staff's recommendation but I feel like there was a certain commitment on the Council's part. I will probably support this.

Mayor Coody: The only issue is the $23,000 at one time and the $40,000 at another time.

Alderman Thiel: I understand that but whenever he banked the land it was at $40,000.

Mayor Coody: It was 1.5 acres not a value. We have always banked acres for acres. We banked 1.5 acres.

Alderman Thiel: You banked 1.5 acres but at that time the value of park land was $40,000. He did not bank it when it was valued at $23,000. The trade with the City dealt directly with the Council. I believe there was an understanding.

Alderman Rhoads: As I listen to Tracy unwind the story that is jiving with my recollection as well.

Alderman Lucas: When we bank land we don't look at the value of what that person paid for his land. It is just a formula that the Parks Department looks at. We have always done that as far as I know in the past.

Jeremy Pate: That is correct; banking of land has nothing to do with the actual value of the land under our current ordinances as they are written.

Alderman Thiel: Then again there is a value placed on that land when they take money in lieu of that land.

Jeremy Pate: Not for a bank though. The only time the value enters into the equation is a development that is paying parks fees.

Alderman Thiel: So in other words this 1.5 acres isn't even worth $23,000.

Jeremy Pate: To us it has no value associated with it.

Alderman Thiel: So he is going to have to trade 1.5 acres for 1.5 acres. Is that the bottom line?

Jeremy Pate clarified the process.

Alderman Thiel: From what you just said it has to be land it can't be fees. If it can be fees then there has to be a value set on that. If it has got to be land it's got to be land.

Gary Dumas: This is a confusing issue. In 2005 the park fees were $23,000 an acre, the park fee should be for 2.59 acres $59,940. That is the park fee for the 2.59 acres.

Alderman Rhoads: Based on 2003 numbers.

Gary Dumas: Yes. Just because the park fees have gone up since 2005 that number does not change. That number stays the same based on the approval date. The 1.5 acres today is banked. That 1.5 acres has a value today based upon the park land fee of around $60,000. The issue is the park land requirement in 2005 and today is 2.59 acres.

Alderman Thiel: Oh, it's not 1.5 acres.

Gary Dumas: No, there is 1.5 in the bank and 2.59 was required in 2005. You can change the rules any way you want to but the issue is that 1.09 acres. If you want to use the 1.5 acres as value for a development that was approved in 2005 you should use $23,000.

Alderman Thiel: What if Tracy wanted to utilize the $40,000 formula for 1.5 acres and then pay the parkland fee for the other additional acre?

Tracy Hoskins: The Parks Board did not elect to take land they elected to take fees not land. Every time the Council considers how much an acre of park land is they are considering value every single time. The only reason we are having this discussion is because Oakbrooke was approved at $23,150 and that number was derived at a value of $23,150 an acre at .024 acres per house time's 108 houses. Today it is calculated at $40,000 per acre so there is where the difference is. If I was dedicating land I could see where I might have a difficult time even though in my opinion City Code 166.03 does not apply because we didn't bank anything in excess of anything as I stated earlier. This was a trade. We are talking about fees here and as far as I knew I had $60,400 worth of credit sitting in the bank somewhere from that trade which would be more than enough to cover the $59,940 that is owed.

He went on to reference other sections from the City Code Book.

City Attorney Kit Williams reminded the Council that the official actions of the City are your ordinances and resolutions. Staff gives you reports but when you take action it is by resolution or ordinance. The resolution in this particular case is your official agreement with Mr. Hoskins. Section 3 of that resolution is the one that talks about banking. He read that section of the resolution. I think it was understood when I wrote this resolution and I hope when you passed it that this would be the common City policy that we have had in the past. When I wrote this resolution I was assuming that it would be done like we have always done it before, it would be banking the acreage not the value of the acreage. I don't think Mr. Hoskins argument works with this particular resolution.

Mayor Coody: When we did this negotiated deal it was clear that you were going to be banking 1.5 acres for future development. That is exactly what is reflected in the resolution. If we go value to value that is going to change on an appraisal basis to where we will never have a hard number to use in the future.

Gary Dumas: When we went into the agreement there was an understanding on some of the staff's part that there was a limit on the number of dollars that the City would pay for the Scull Creek Trail. At some point in the discussions with Mr. Hoskins the idea of us coming up with a maximum number of about $100,000 came up and then we came up with a way to provide him some compensation for the remainder. That was the banking. The bottom line is we tried to keep it under $100,000 and perhaps it created complications that shouldn't have been created. I think there might be a way to do this without jeopardizing the entire park land dedication ordinance if you want to approve this.

Alderman Allen: I want to be fair to Mr. Hoskins. I wondered if it would be of any help to us to produce the minutes of that meeting and read what was said at that time. I have a huge concern about what kind of precedent this might cause.

Alderman Jordan: Alderman Cook you were involved in a lot of this negotiation.

Alderman Cook: Yes sir.

Alderman Jordan: What is your recollection of this, was it the value of the land?

Alderman Cook: It was not value of land. My personal opinion is that no way is that piece of property worth $40,000 per acre because it is drainage easement and floodplain. I think Mr. Hoskins got a very fair deal out of that and I think what he is proposing is going against what we originally agreed on in my personal opinion.

Alderman Thiel: Staff negotiated this. The Council did not sit down and negotiate this.

Alderman Jordan: Alderman Cook was involved.

Alderman Thiel: You were at all the staff meetings?

Alderman Cook: No, Tracy and I met together on some of it.

Alderman Thiel: What we just heard from Mr. Dumas and from Mr. Hoskins indicates to me that there was an understanding. I agree the land is probably not worth $40,000 but none the less that is what they understood. How much are we talking about if he had to pay $23,000 for 2.5 acres?

Jeremy Pate: For the development he still has the option to pay the $59,940. He can use the 1.5 acres for any other land bank or development he does tomorrow.

Mayor Coody: I think it is about $25,000 difference.

Alderman Thiel: So it's not really costing the city anything much is it.

Jeremy Pate: The $25,000 difference in parks fees.

Alderman Thiel: That would make $25,000 more?

Jeremy Pate: Less.

Alderman Thiel: That is basing his land on being worth $23,000. I am going to have to support him on this. I don't think it is setting a precedent because I think this is unique.

Alderman Ferrell: I don't think I have ever said that anything that staff said that was based on the normal process that their interpretation was wrong. This wasn't the normal process; this was a land swap between the Council and Mr. Hoskins. I don't think land swaps are bad if we can come to a clear understanding.

Alderman Cook: This really boiled down to the fact that we needed that piece of right of way for the trail and that is the only reason why we were interested in it. We paid a premium because

we needed that piece for a connection to the Mud Creek Trail. We gave him other considerations for that piece of land besides the cash so I think he got what he bargained for.

Alderman Rhoads: I think we backed into the numbers to make it work. So we have a $40,000 value that we have backed into. In the totality of the deal it was worth $40,000 and that is why I have to support this.

Alderman Lucas: I can't support this. It is area for area. We are not denying him his $40,000 because it is subsequent development so he would get credit for 1.5 acres at the value now on any development that he has.

Alderman Allen: Regardless of what happens here I certainly hope we make certain of that in the future so this problem won't come up for anyone else.

Tracy Hoskins read Section 3 of the resolution. He stated my request actually falls right in line with this. It is a subsequent residential development obligation. We fall within those guidelines.

Alderman Ferrell moved to approve the variance. Alderman Rhoads seconded the motion. Upon roll call the motion failed 3-5. Alderman Thiel Rhoads and Ferrell voting yes. Alderman Cook, Allen, Lucas, Jordan and Gray voting no.

Amend Chapters 151, 152 and 166: An ordinance amending Title XV: Unified Development of the Code of Fayetteville to amend Chapter 151: Definitions, Chapter 152: Administration and Chapter 166: Development in order to prohibit or regulate decentralized sewer systems within the city limits.

City Attorney Kit Williams read the ordinance.

Tim Conklin, Planning and Development Management Director stated this ordinance is being brought forward to address the issue of decentralized sewer systems within our City and those we annexed in the election in 2006.

Mayor Coody: If a home and an accessory dwelling unit are too far away from the sewer and they are on septic systems is that two or more homes?

City Attorney Kit Williams: I think they would have to have their own separate system.

David Jurgens: For the septic system the county actually has regulations for it. If they are tying onto the public sewer they have to have two separate connections. If the sewer system is not close by, it is State Health Department regulations administered by the County office of the Health Department that rules for the septic systems. I hadn't thought about that question when we were talking about this ordinance. I'm not sure if I know the answer to the question.

Alderman Thiel: Does this allow for variances for requests?

Tim Conklin: This ordinance prohibits decentralized sewer systems within the City of Fayetteville.

Alderman Thiel: I wonder if we need to look at this and provide some kind of variance that people could apply for if there was a situation.

Mayor Coody: Is there a way we could fine tune that because I would suspect that there will be situations like this.

A discussion followed on the current systems.

Alderman Thiel: I think there might be enough variables that we at least need to add some kind of a variance request.

David Jurgens: I don't think the Health Department will be approving septic systems unless they are all on one lot. Part of the intent of this is that we did not want sprawl and the sewer system was one of the mechanisms to insure that developments were within the city limits and connected to the sewer so that we would not have the long term problems of disconnecting decentralized systems and then hooking up to the public sewer system.

Mayor Coody: It's a very laudable goal it's just that this detail might net people that might not fit that category.

Alderman Ferrell: I would think we would want some language in there that would mention some kind of an appeal process. Otherwise we would not be able to consider it.

Alderman Thiel: That is all I am suggesting because I agree with you whole heartedly. Rather than us trying to do this tonight possibly the administration can go back and add an appeal clause to this.

David Jurgens: The Sewer Committee has some legal authority. Kit would it be possible that this could be something that is approved by request to the Sewer Committee as an appeal process?

City Attorney Kit Williams: If the ordinance says the Sewer Committee can grant a variance then they could. It needs to be in the ordinance if you want to have some sort of variance or appeal procedure. If you want something like that put in we should leave this on the first reading and let staff work on it.

Alderman Lucas: Do we want to give an out for someone who wants to put a sewer system in the City limits?

Mayor Coody: No, I don't think that is the intent.

Tim Conklin: We are spending a great deal of money to build a Wastewater Treatment Plant. The question that I had was as a city do we want to require people to tie onto our Wastewater

Treatment Plant System versus installing a decentralized sewer system. That is why we want to clarify in the ordinance that they are prohibited.

Mayor Coody: That is not the issue.

Alderman Thiel: The question is that whenever someone lives outside of 300 feet.

Mayor Coody: The question is "is a septic tank a decentralized sewer system."

David Jurgens: For an individual dwelling the answer is no.

Mayor Coody: Yes, until we talk about accessory dwelling units and then you are talking about two homes on one septic tank.

David Jurgens: That is where we get into two homes on one septic or multiple structures on one septic. If there is a development in the newly annexed area west of Double Springs Road would there be a mechanism by which they should be allowed to have a decentralized system provided they meet all the requirements in the code. If we make it a Water and Sewer Committee decision it is still appealed to policy level. I would suggest that we leave this on the first reading. We have a Water and Sewer Committee meeting next Tuesday and we can discuss this then.

Alderman Lucas: One of the things that we talked about in sprawl was that with this need of being on our sewer system it would help us control growth.

Mayor Coody: I don't think anybody wants step systems in town and I don't think that is the appeal process we are talking about.

Alderman Lucas: We were just talking about beyond Double Springs Road.

David Jurgens: That would be a policy decision that a Council Committee would have to make the ruling on.

Alderman Jordan: We have had many discussions where someone just outside the City limits wanted to put in a step system and we brought them in because we didn't want the step systems. I don't want to give them a way to put in step systems outside the City limits either.

Alderman Lucas: Or in the City limits.

Mayor Coody: I was just asking about the septic tanks.

Alderman Lucas: It needs to be clarified how they would be handled.

This ordinance was left on the First Reading.

Repealing and Replacing § 51.136: An ordinance repealing and replacing § 51.136, Monthly Water Rates, of the Fayetteville Code of Ordinances.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5123 as Recorded in the office of the City Clerk.

Repealing and Replacing § 51.137: An ordinance repealing and replacing § 51.137, Monthly Sewer Rates, of the Fayetteville Code of Ordinances.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: This is what we had the public hearing on earlier.

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

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: I would ask that before we pass this that we leave it on the second reading. These rates don't go into effect until next year so there is no rush to pass this tonight. The sewer rates are a little different.

This ordinance was left on the Second Reading

Repealing and Replacing § 51.138: An ordinance repealing and replacing § 51.138, Definitions pertaining to Water and Sewer Rates, of the Fayetteville Code of Ordinances.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5124 as Recorded in the office of the City Clerk.

Repealing and Replacing § 51.139: An ordinance repealing and replacing § 51.139, Users Outside City Limits with a new § 51.139, Reviews of Water and Sewer Rates, Notification to User of the Fayetteville Code of Ordinances.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5125 as Recorded in the office of the City Clerk.

Repealing and Replacing § 51.144: An ordinance repealing and replacing § 51.144, Filling Water Tanks on Commercial Trucks; Rates, of the Fayetteville Code of Ordinances.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Ferrell: This shows us what the proposed rates are going to be. What are the rates right now for the same thing?

David Jurgens: The rate right now is $1.00 less per 1,000 gallons. It is $3.00 per thousand gallons and $4.00 for labor so each of those were increased by $1.00. The last time these were changed was in 1994 or 1995.

Alderman Ferrell: On the others it says a 3% annual increase shall be used to offset inflation. If our Beaver Water District bill stays the same for three years, will these inflation charges still apply to everything?

David Jurgens: We are required to do a rate study so that gives us a default number but we are going to have to validate those numbers by rates and we have a resolution to do that every three years. The intent is not to stop doing rate studies but if the next one takes us 24 months then we have a mechanism to match inflation. There are mechanisms by which that doesn't have to occur but it would be the default point.

Alderman Ferrell: I thought part of our intent on the annual increase is so we wouldn't continue to have these exorbitant increases.

David Jurgens: It would match inflation. The intent is to do that so hopefully no Council will have to have the large increases like we are facing right now.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5126 as Recorded in the office of the City Clerk.

Amend §157.05 and §171.05: An ordinance to amend §157.05 Vacations of Streets, Alleys, Rights-of-Way and Easements and §171.05 Procedure for Closing Utility Easements and Street Rights-of-Way.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: This ordinance request is by Alderman Ferrell.

Alderman Ferrell: Kit, this says following a vote of at least 2/3 of its membership and the Mayor. Is the Mayor included in that 2/3?

City Attorney Kit Williams: The Mayor is normally included as a member of the Council for purposes of voting if his vote is needed.

Alderman Ferrell: I had a citizen that had a locked in mortgage on a loan and they were under a time frame. She wasn't able to get this through the Planning process. With the strict restrictions on this it is not something that is built for abuse or that will be, it is certainly something that perhaps we can help a citizen. That is the intent of it.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5127 as Recorded in the office of the City Clerk.

Agenda Additions:

Mayor Coody: Laverne and her husband are here to talk about a particular issue that has not come before the City Council. It is a liquor store that has been approved by the Planning Commission on Highway 62. It is not on the agenda.

City Attorney Kit Williams: We need to suspend the rules and place it on the agenda for discussion.

Alderman Lucas moved to suspend the rules and add a discussion regarding a conditional use permit that was granted by the Planning Commission for a liquor store to the agenda. Alderman Jordan seconded the motion. Upon roll call the motion passed unanimously.

Laverne Cooper, a citizen: The Planning Commission passed a conditional use for a liquor store in our area. There is really no need for one out there because there are already three liquor stores within a mile of this. At the meeting where they voted unanimously to do this I spoke to them and told them this. It is going in at a family subdivision entrance. This is just not something that we need out there. There are several people against it and no one was notified that it was going in. There is also a church within less than 1/10 of a mile.

Mayor Coody: Tim, are you up to speed on this? We send out notices for conditional uses don't we?

Tim Conklin: I would have to review the file. We do not approve liquor stores that often.

Kit Williams: I think the conditional use notification is supposed to be sent to the adjoining property owners. They put up a sign too. We publish it in the newspaper also.

Mayor Coody: I know it went to the Planning Commission and once it is approved at the Planning Commission it doesn't come to the City Council.

Laverne Cooper: As I understand this, the permit was issued on east Highway 16 and then it was transferred to west Highway 62.

Alderman Thiel: So the one on East 16 is not going to go in there then? They cannot use the permit in two places.

Laverne Cooper: I don't know, maybe you all need to look into it.

Alderman Thiel: Are you requesting to appeal a conditional use?

City Attorney Kit Williams: It is too late. You have only 10 working days to appeal something from the Planning Commission. It has been longer than two weeks so at this point it is too late to appeal.

Mayor Coody: I wanted to give you a chance to get up and speak since you stayed here all night.

Laverne Cooper: We weren't here specifically for that.

Mayor Coody: I wasn't aware of that. I thought you were. I am sorry.

Laverne Cooper: We actually had some items that we wanted to listen to.

Alderman Jordan: If there is an Alderman that does not agree with the liquor store they can write a letter.

Meeting adjourned at 7:45 PM

Dan Coody, Mayor

Sondra E. Smith, City Clerk/Treasurer

Fayetteville
ARKANSAS

MEMORANDUM

TO: Mayor Dan Coody & City Council Members

THRU: Greg Tabor, Police Chief

FROM: Jill Hatfield, Animal Services Superintendent

DATE: April 10, 2008

RE: Animal Services Full-time Caregiver Position Opening

The Animal Services Division currently has one full-time Animal Services Caregiver position vacant. The vacancy was created when the current caregiver resigned as she will be relocating to Indiana because of her husband's employment. The caregiver leaving was employed with the city for 6 years. The loss of her skills and experience will effect shelter operations.

Replacing the full-time caregiver position is vital to continue to provide the shelter animals care 7 days a week, 365 days a year. The caregiver staff is not only responsible for the cleaning, feeding, vaccinating, and handling of over 5,000 animals each year, they conduct adoption counseling and assist the Animal Services Officers with the task of euthanasia and loading the incinerator. The division does not have any additional staff members to assist with the caregiver duties. The current caregivers are working additional hours on their scheduled days off to perform essential duties. Although we are utilizing volunteer and community service workers, many of the caregiver duties require trained and certified staff due to health and safety concerns such as handling dangerous animals and zoonotic diseases. The starting salary for this position is $9.53 per hour.

Please see the Animal Services Caregiver position description attached for more information. Thank you for your consideration.

cc: Sondra Smith, City Clerk

305 Wayland Drive, Springdale, AR 72764
(479) 236-6790

March 26, 2007

Jill Hatfield
Superintendent
City of Fayetteville Animal Services
1640 South Armstrong
Fayetteville, AR 72701

Dear Jill:

It has been an honor and pleasure working for the City of Fayetteville Animal Services Division. My husband has recently accepted a position at the University of Notre Dame, Mendoza College of Business. We are therefore relocating to South Bend, IN. My last day of employment with the City of Fayetteville will be April 11, 2008. In order to find housing in South Bend, I will need to take vacation time on April 3 and 4, 2008, if at all possible.

Please know that this decision was not made lightly. I would like to thank you and the entire staff of the Fayetteville Animal Shelter for everything, and will cherish the friendships that I have developed with everyone.

Once again, I truly appreciate all you have done. If there is ever anything that I can do to help you or the Fayetteville Animal Shelter now or in the future, please don't hesitate in contacting me.

Sincerely,

Dacia Malone

CITY OF FAYETTEVILLE
Position Description

POSITION TITLE: Animal Caregiver

EXEMPT (Y/N): No
SUPERVISOR: Animal Service Coordinator
CITY/EEOC/JC CODES: 19378
Job Grade: 103

DEPARTMENT: Police
DIVISION: Animal Services

ESSENTIAL DUTIES AND RESPONSIBILITIES: *Note: All City of Fayetteville positions require the employee to provide good customer service to both internal and external customers, maintain positive and effective working relationships with other City employees (especially members of his or her own team), and have regular and reliable attendance that is non-disruptive.* Other essential duties of this position include the following:

1. Clean, disinfect and maintain facility including; cages, walls and floors. Launder and disinfect bedding, toys, and towels in an efficient manner.
2. Feed and socialize animals; provide toys, beds and comforts of home.
3. Perform first view examinations of eyes, ears, paws, teeth, coat, weight and overall health, administer dog and cat vaccinations, flea and tick control and administer medications as directed by staff veterinarian.
4. Scan for and implant microchips.
5. Assist and hold animal during euthanasia.
6. Assist the public with adoptions and counsel potential adopters on training, behavior and pet care.
7. Educate the public about spaying and neutering and disease and illness prevention.
8. Handle feral cats and aggressive dogs.
9. Utilize safe handling practices and use of chemicals (bleach and disinfectant).
10. Ensure proper use and disposal of needles and syringes and safety equipment.
11. Properly restrain animals and assist in taking blood work.
12. Knowledge and use of computer in order to enter information on persons and animals, document behavior, medications and vaccines given.
13. Perform other duties as assigned.

SECONDARY DUTIES AND RESPONSIBILITIES include the following:

1. Perform office duties by answering phone, dispatching officers to calls, intaking animals, processing applications and adoptions, issuing city licenses and rabies tags, when officers are unavailable.
2. Secondary duties as assigned.

MINIMUM QUALIFICATIONS

1. High school diploma or GED.
2. Must be 18 years of age or older.
3. Ability to obtain animal caregiver certification within one year of hire date.
4. Effectively communicate with others orally and in writing.
5. Must be proficient in the use of a personal computer and other related software programs. Must be able to effectively operate standard office equipment.
6. Must be proficient in the use of a washer/dryer, safety gloves, cat capture tools, tongs, needles/syringes, micro chip scanner, hoses and disinfectant sprayers.
7. While performing the functions of this job, the employee is regularly required to talk and hear. The employee regularly is required to stand, walk, and sit; use hands to finger, handle, or feel; reach with hands and arms; climb or balance; stoop, kneel, crouch, or crawl. The employee must regularly lift and/or move up to 50 pounds
8. While performing the functions of this job, the employee is regularly exposed to wet/and or humid conditions, moving mechanical parts; fumes or airborne particles; toxic or caustic chemicals and outside weather conditions.

Fayetteville
ARKANSAS

MEMORANDUM

TO: Mayor Dan Coody & City Council Members

THRU: Greg Tabor, Police Chief

FROM: Jill Hatfield, Animal Services Superintendent

DATE: April 10, 2008

RE: Animal Services Part-time Caregiver Position Opening

The Animal Services Division currently has one part-time Animal Services Caregiver position vacant. The vacancy was created when the part-time caregiver was promoted to the full-time caregiver position that was approved by the Council on March 18, 2008.

Replacing the part-time caregiver position is necessary to provide adequate staffing on Saturdays, the busiest day for adoptions, and additional assistance during the week. The division also relies on the part-time position to assist when full-time staff is on vacation or sick for essential duties to be completed. The current caregivers are working additional hours on their scheduled days off to perform essential duties. Although we are utilizing volunteer and community service workers, many of the caregiver duties require trained and certified staff due to health and safety concerns such as handling dangerous animals and zoonotic diseases. The starting salary for this position is $9.53 per hour.

Please see the Animal Services Caregiver position description attached for more information. Thank you for your consideration.

cc: Sondra Smith, City Clerk

CITY OF FAYETTEVILLE
Position Description

POSITION TITLE: Animal Caregiver

EXEMPT (Y/N): No
SUPERVISOR: Animal Service Coordinator
CITY/FLOCAG CODES: 193878
Job Grade: 103

DEPARTMENT: Police
DIVISION: Animal Services

ESSENTIAL DUTIES AND RESPONSIBILITIES: *Note: All City of Fayetteville positions require the employee to provide good customer service to both internal and external customers, maintain positive and effective working relationships with other City employees (especially members of his or her own team), and have regular and reliable attendance that is non-disruptive.* Other essential duties of this position include the following:

1. Clean, disinfect and maintain facility including; cages, walls and floors. Launder and disinfect bedding, toys, and towels in an efficient manner.
2. Feed and socialize animals; provide toys, beds and comforts of home.
3. Perform first view examinations of eyes, ears, paws, teeth, coat, weight and overall health, administer dog and cat vaccinations, flea and tick control and administer medications as directed by staff veterinarian.
4. Scan for and implant microchips.
5. Assist and hold animal during euthanasia.
6. Assist the public with adoptions and counsel potential adopters on training, behavior and pet care.
7. Educate the public about spaying and neutering and disease and illness prevention.
8. Handle feral cats and aggressive dogs.
9. Utilize safe handling practices and use of chemicals (bleach and disinfectant).
10. Ensure proper use and disposal of needles and syringes and safety equipment.
11. Properly restrain animals and assist in taking blood work.
12. Knowledge and use of computer in order to enter information on persons and animals, document behavior, medications and vaccines given.
13. Perform other duties as assigned.

SECONDARY DUTIES AND RESPONSIBILITIES include the following:

1. Perform office duties by answering phone, dispatching officers to calls, intaking animals, processing applications and adoptions, issuing city licenses and rabies tags, when officers are unavailable.
2. Secondary duties as assigned.

MINIMUM QUALIFICATIONS

1. High school diploma or GED.
2. Must be 18 years of age or older.
3. Ability to obtain animal caregiver certification within one year of hire date.
4. Effectively communicate with others orally and in writing.
5. Must be proficient in the use of a personal computer and other related software programs. Must be able to effectively operate standard office equipment.
6. Must be proficient in the use of a washer/dryer, safety gloves, cat capture tools, tongs, needles/syringes, micro chip scanner, hoses and disinfectant sprayers.
7. While performing the functions of this job, the employee is regularly required to talk and hear. The employee regularly is required to stand, walk, and sit; use hands to finger, handle, or feel; reach with hands and arms; climb or balance; stoop, kneel, crouch, or crawl. The employee must regularly lift and/or move up to 50 pounds
8. While performing the functions of this job, the employee is regularly exposed to wet/and or humid conditions, moving mechanical parts; fumes or airborne particles; toxic or caustic chemicals and outside weather conditions.

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
April 15, 2008

A meeting of the Fayetteville City Council will be held on April 15, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Agenda Session Presentations: Anti Graffiti and Tagging Presentation - Sergeant Gabbard

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

1. Approval of the April 01, 2008 City Council meeting minutes.
2. **Bid # 08-33 Professional Turf Products:** A resolution awarding Bid # 08-33 and approving the purchase of one (1) multi-deck mower from Professional Turf Products in the amount of $41,562.00 for use by the Parks & Recreation Division.

3. **Bid # 08-34 Truck Centers of Arkansas:** A resolution awarding Bid # 08-34 and approving the purchase of one (1) tandem-axle truck tractor from Truck Centers of Arkansas in the amount of $85,038.00 for use by the Transportation Division.

4. **Bid # 08-35 Williams Tractor:** A resolution awarding Bid # 08-35 and approving the purchase of one (1) compact track excavator from Williams Tractor in the amount of $26,264.00 for use by the Water & Sewer Division.

5. **Bid # 08-36 Warrior of Arkansas:** A resolution awarding Bid # 08-36 and approving the purchase of one (1) compact tractor backhoe from Warrior of Arkansas in the amount of $30,798.00 for use by the Parks & Recreation Division.

6. **Bid # 08-38 Wayest Safety:** A resolution awarding Bid # 08-38 and approving the purchase of one (1) breathing air station from Wayest Safety in the amount of $30,523.00 for use at the new fire station #3.

7. **Arkansas Recreational Trails Program Grant:** A resolution expressing the willingness of the City of Fayetteville, Arkansas to utilize federal-aid funds.

8. **OMI Agreement:** A resolution approving an out-of-scope agreement with OMI in the amount of $65,000.00 for WSIP West Side Cutover/Tieover Actions, WSIP Subproject WL-9; and approving a 5% contingency in the amount of $3,250.00.

B. Unfinished Business:

1. **Hiring Freeze:** Hiring Freeze Appeals:

2. **ADM 07-2712 Amend Chapters 151, 159, 161, 162, 163 and 164:** An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 151: Definitions, Chapter 159: Fees, Chapter 161: Zoning Regulations, Chapter 162: Use Units, Chapter 163: Use Conditions and Chapter 164: Supplementary District Regulations in order to make accessory dwelling units a permitted use in all residential zoning districts contingent upon Planning Division administrative approval. ***This ordinance was left on the First Reading at the March 18, 2008 City Council meeting. This ordinance was left on the Second Reading at the April 1, 2008 City Council meeting.***

3. **Amend Chapters 151, 152 and 166:** An ordinance amending Title XV: Unified Development of the Code of Fayetteville to amend Chapter 151: Definitions, Chapter 152: Administration and Chapter 166: Development in order to prohibit or regulate decentralized sewer systems within the city limits. ***This ordinance was left on the First Reading at the April 1, 2008 City Council meeting.***

4. **Repealing and Replacing § 51.137:** An ordinance repealing and replacing § 51.137, Monthly Sewer Rates, of the Fayetteville Code of Ordinances. ***This ordinance was left on the Second Reading at the April 1, 2008 City Council meeting.***

C. New Business:

1. **RZN 08-2936 (Mullins):** An ordinance rezoning that property described in rezoning petition RZN 08-2936, for approximately 0.2 acres, located at 2846 South School Avenue from RSF-4, Residential Single-Family, 4 units per acre, to R-O, Residential Office.

2. **RZN 08-2937 (Mountain Ranch Ph. III):** An ordinance rezoning that property described in rezoning petition RZN 08-2937, for approximately 26.9 acres, located south of Mountain Ranch Phase I and Persimmon Street, east of the future extension of Rupple Road, from RSF-4, Residential Single-Family, 4 units per acre to RSF-8, Residential Single-Family, 8 units per acre.

3. **C-PZD 08-2894 (Park Centre):** An ordinance establishing a Commercial Planned Zoning District titled C-PZD 08-2894 Park Centre, located at the northeast corner of Zion Road/Veterans Park Entry Drive, containing approximately 8.58 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.

4. **Amend Chapter 96 Noise Control:** An ordinance to amend Chapter 96: Noise Control of the Code of Fayetteville to enact §96.09 to restrict the use of a compression release engine brake also known as "Jake Brake."

5. **R.W. Beck, Inc:** A resolution approving a contract with R.W. Beck, Inc. in the amount of $110,700.00 to conduct a recycling study for the City of Fayetteville; and approving a budget adjustment in the amount of $10,700.00.

6. **Cherokee Nation:** A resolution approving a budget adjustment in the amount of $500,000.00 to the Solid Waste Fund and recognizing like revenue from the Cherokee Nation for reimbursement of costs associated with operation of the Transfer Station.

7. **Fayetteville Municipal Airport Name Change:** A resolution adopting the recommendation of the Airport Board and renaming the Fayetteville Municipal Airport.

Announcements:

1. **City Council Tour: April 14, 2008**

Adjournment:

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

4/15/2008
City Council Meeting Date
Agenda Items Only

David Bragg	Fleet Operations	Operations
Submitted By	**Division**	**Department**

Action Required:

A resolution awarding Bid #08-33 to Professional Turf Products in the amount of $41,562.00 for the purchase of one multi-deck mower for assignment to Parks Division.

$ 41,562.00	$ 110,000.00	Tractors/Mowers
Cost of this request	Category / Project Budget	Program Category / Project Name
9700.1920.5802.00	$ 11.00	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02083.2008	$ 109,989.00	Shop
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [ ]

Department Director — 3-25-08 Date

City Attorney — 3/28/08 Date

Finance and Internal Service Director — 3-28-08 Date

Mayor — 3/31/08 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office 3-26-08 ENTERED

Received in Mayor's Office ENTERED 3/28/08

Comments:

Revised April 16, 2007

Fayetteville
ARKANSAS

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701
(479) 444-3495 FAX (479) 444-3425

Interdepartmental Correspondence

TO: MAYOR/CITY COUNCIL

THRU: GARY DUMAS, DIRECTOR OF OPERATIONS

FROM: DAVID BRAGG, FLEET OPERATIONS SUPT.

DATE: March 26, 2008

SUBJECT: Purchase of one Multi-Deck Mower

RECOMMENDATION: That City Council approve the purchase of one Toro Multi-deck Mower for use by Parks Division in the amount of $41,562.00

BACKGROUND: Bid #08-33 was opened on March 7, 2008 for one multi deck mower for assignment to the Parks Division. Two bid responses were received. A detailed tabulation sheet is attached.

The lower bid from Williams Tractor, Inc. does not meet specifications in several significant areas:
- Unit bid is only 38 horsepower – 60 horsepower is specified
- Unit bid is two wheel drive with rear caster wheel. Weight of side wing mowers will cause turf damage on uneven terrain with two wheel drive. Four wheel drive with rear steer wheels is specified.

The bid from Professional Turf Products meets all specifications.

I recommend acceptance of the bid from Professional Turf Products in the amount of $41,562.00.

This unit is a replacement for unit #533, a 1992 Ford tractor with that is no longer dependable for daily service. The specified self propelled multi deck mower is much more productive than the conventional tractor with mowing attachments.

Funds are available for this purchase in Fleet Replacement Special Project 02083 – Tractors and Mowing Equipment.

This purchase was approved by the Equipment Committee on March 25th, 2008.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #08-33 AND APPROVING THE PURCHASE OF ONE (1) MULTI-DECK MOWER FROM PROFESSIONAL TURF PRODUCTS IN THE AMOUNT OF $41,562.00 FOR USE BY THE PARKS & RECREATION DIVISION.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #08-33 and approves the purchase of one (1) multi-deck mower from Professional Turf Products in the amount of $41,562.00 for use by the Parks & Recreation Division.

PASSED and **APPROVED** this 15th day of April, 2008.

APPROVED: ATTEST:

By: _____
DAN COODY, Mayor

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

Fayetteville
ARKANSAS

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

Equipment Committee Correspondence

TO: **City of Fayetteville, Equipment Committee**
Bobby Ferrell, Chairman **Adella Gray**
Kyle Cook **Lioneld Jordan**

FROM: **David Bragg, Fleet Operations Supt**

DATE: **March 17, 2008**

SUBJECT: **Award of Bid 08-33**

Bid #08-33 was opened on March 7, 2008 for one multi deck mower for assignment to the Parks Division. Two bid responses were received. A detailed tabulation sheet is attached.

The lower bid from Williams Tractor, Inc. does not meet specifications in several significant areas:

Unit bid is only 38 horsepower – 60 horsepower is specified
Unit bid is two wheel drive with rear caster wheel. Weight of side wing mowers will cause turf damage on uneven terrain with two wheel drive. Four wheel drive with rear steer wheels is specified.

The bid from Professional Turf Products meets all specifications.

I recommend acceptance of the bid from Professional Turf Products in the amount of $41,562.00.

This unit is a replacement for unit #533, a 1992 Ford tractor with that is no longer dependable for daily service. The specified self propelled multi deck mower is much more productive than the conventional tractor with mowing attachments.

Funds are available for this purchase in Fleet Replacement Special Project 02083 – Tractors and Mowing Equipment.

Cc:
Gary Dumas

APPROVED
4 - 0
3/25/08

BID: 08-33
3/7/2008
2:00 PM
CITY OF FAYETTEVILLE

Fayetteville
ARKANSAS

Bid 08-33, Multi-Deck Mower

	BIDDER	Manufacturer	Model	Total Price
1	Professional Turf Products	Toro	GM-4000D (30410)	$41,562.00
2	Williams Tractor, Inc.	Excel/Hustler	4600 Rangewing	$31,686.09

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

CERTIFIED: P. VICE PURCH MGR WITNESS 3/7/08 DATE

City Of Fayetteville

(Not a Purchase Order)

Requisition No.								Date: 3/20/2008	
P.O Number								Expected Delivery Date:	
Vendor # 10149		Vendor Name: PROFESSIONAL TURF PRODUCTS						Mail Yes:___ No: XX	
Address:					Fob Point:			Taxable Yes:___ No: XX	
City:		State:			Zip Code	Ship to code: 050		Divison Head Approval	Quotes Attached Yes:____ No:____
Requester Barbara Olsen					Requester's Employee # 1940			Extension: 485	

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	TORO GM-4000D MULTI-DECK	1	EA	$41,562.00	$41,562.00	9700.1920.5802.00	02083.2008		
2	MOWER, SPECS PER BID 08-33		EA		$0.00				
3	TO BE UNIT 5010, F.A. 705010		EA		$0.00				
4			EA		$0.00				
5			EA		$0.00				
6			EA		$0.00				
7			EA		$0.00				
8			EA		$0.00				
9			EA		$0.00				
10			EA		$0.00				
	Shipping/Handling		Lot		$0.00				

Special Instructions:

_____

Subtotal: _____ 41,562.00

Tax: _____ EXEMPT _____

Total: _____ 41,562.00

Approvals:

Mayor: _____

Department Director: _____

Purchasing Manager: _____

Finance & Internal Services Director: _____

Budget Manager: _____

IT Manager: _____

Dispatch Manager: _____

Utilities Manager: _____

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

4/15/2008
City Council Meeting Date
Agenda Items Only

David Bragg	Fleet Operations	Operations
Submitted By	**Division**	**Department**

Action Required:

A resolution awarding Bid #08-34 to Truck Centers of Arkansas in the amount of $85,038.00 for the purchase of one Tandem Axle Truck Tractor for assignment to the Transportation Division.

$ 85,038.00	$ 946,000.00	Heavy Trucks
Cost of this request	Category / Project Budget	Program Category / Project Name
9700.1920.5802.00	$ 697,933.00	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02079.2008	$ 248,067.00	Shop
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [ ]

Department Director — 3.25.08 — Date

City Attorney — 3/28/08 — Date

Finance and Internal Service Director — 3-28-08 — Date

Mayor — 3/31/08 — Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office 3-28-08 ENTERED

Received in Mayor's Office ENTERED 3/28/08

Comments:

Revised April 16, 2007

Fayetteville
ARKANSAS

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701
(479) 444-3495 FAX (479) 444-3425

100 BEST FLEETS

Interdepartmental Correspondence

TO: MAYOR/CITY COUNCIL

THRU: GARY DUMAS, DIRECTOR OF OPERATIONS

FROM: DAVID BRAGG, FLEET OPERATIONS SUPT.

DATE: March 26, 2008

SUBJECT: Purchase of one Tandem Axle Truck Tractor

RECOMMENDATION: That City Council approve the purchase of one Tandem Axle Truck Tractor for use by Transportation Division in the amount of $85,038.00

BACKGROUND: **Bid #08-34** was opened on March 7, 2008 for one Tandem Axle Truck Tractor for assignment to the Transportation Division. Two bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from Truck Centers of Arkansas, of Springdale meets all specifications.

I recommend acceptance of the bid from Truck Centers of Arkansas in the amount of $85,038.00.

This unit is a replacement for unit #741, a 1996 Mack truck tractor that is no longer dependable for daily operation nor of adequate capacity to haul the pavement milling machine. The specified truck tractor is equipped with an additional axle and adequate horsepower to properly haul the division's heaviest machinery.

Funds are available for this purchase in Fleet Replacement Special Project 02079 – Heavy Trucks

This purchase was approved by the Equipment Committee on March 25th, 2008.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #08-34 AND APPROVING THE PURCHASE OF ONE (1) TANDEM-AXLE TRUCK TRACTOR FROM TRUCK CENTERS OF ARKANSAS IN THE AMOUNT OF $85,038.00 FOR USE BY THE TRANSPORTATION DIVISION.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #08-34 and approves the purchase of one (1) tandem-axle truck Tractor from Truck Centers of Arkansas in the amount of $85,038.00 for use by the Transportation Division.

PASSED and **APPROVED** this 15th day of April, 2008.

APPROVED: ATTEST:

By: _____ By: _____
DAN COODY, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

Fayetteville
ARKANSAS

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

Equipment Committee Correspondence

TO: **City of Fayetteville, Equipment Committee**
Bobby Ferrell, Chairman **Adella Gray**
Kyle Cook **Lioneld Jordan**

FROM: **David Bragg, Fleet Operations Supt**

DATE: **March 17, 2008**

SUBJECT: **Award of Bid 08-34**

Bid #08-34 was opened on March 7, 2008 for one Tandem Axle Truck Tractor for assignment to the Transportation Division. Two bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from Truck Centers of Arkansas, of Springdale meets all specifications.

I recommend acceptance of the bid from Truck Centers of Arkansas in the amount of $85,038.00.

This unit is a replacement for unit #741, a 1996 Mack truck tractor that is no longer dependable for daily operation nor of adequate capacity to haul the pavement milling machine. The specified truck tractor is equipped with an additional axle and adequate horsepower to properly haul the division's heaviest machinery.

Funds are available for this purchase in Fleet Replacement Special Project 02079 – Heavy Trucks

Cc:
Gary Dumas

APPROVED
4-0
3/25/08
DRB

BID: 08-34
3/7/2008
2:00 PM
CITY OF FAYETTEVILLE

Fayetteville
ARKANSAS

Bid 08-34, Tandem Axle Truck Tractor

	BIDDER	Manufacturer	Model	Total Price
1	MHC Kenworth/Volvo	Kenworth	T-800	$97,470.00
2	Truck Centers of Arkansas	Freightliner	M2-112	$85,038.00

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

CERTIFIED: P Vice — P. VICE PURCH MGR

J Foren — WITNESS

3/7/08 — DATE

City Of Fayetteville

(Not a Purchase Order)

Requisition No.								Date: 3/20/2008	
P.O Number								Expected Delivery Date:	
Vendor # 16751			Vendor Name: TRUCK CENTERS OF ARKANSAS				Mail Yes:___ No: XX		
Address:					Fob Point:		Taxable Yes:___ No: XX		
City:			State:		Zip Code	Ship to code: 050	Divison Head Approval:	Quotes Attached Yes:____ No:____	
Requester Barbara Olsen					Requester's Employee # 1940		Extension: 485		
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	2008 FREIGHTLINER M2-112	1	EA	$85,038.00	$85,038.00	9700.1920.5802.00	02079.2008		
2	TANDEM AXLE TRUCK TRACTOR		EA		$0.00				
3	PER BID SPECS 08-34, TO BE		EA		$0.00				
4	UNIT #763, F.A. 700763		EA		$0.00				
5			EA		$0.00				
6			EA		$0.00				
7			EA		$0.00				
8			EA		$0.00				
9			EA		$0.00				
10			EA		$0.00				
	Shipping/Handling		Lot		$0.00				

Special Instructions:

_____

Subtotal: _____ 85,038.00

Tax: _____EXEMPT_____

Total:_____ 85,038.00

Approvals:

Mayor: _____ Department Director:_____ Purchasing Manager: _____

Finance & Internal Services Director: _____ Budget Manager: _____ IT Manager:_____

Dispatch Manager:_____ Utilities Manager:_____

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

4/15/2008
City Council Meeting Date
Agenda Items Only

David Bragg	Fleet Operations	Operations
Submitted By	**Division**	**Department**

Action Required:

A resolution awarding Bid #08-35 to Williams Tractor in the amount of $26,263.43 for the purchase of one compact track excavator for use by Water & Sewer Division.

$ 26,264.00	$ 317,000.00	Backhoes/Loaders
Cost of this request	Category / Project Budget	Program Category / Project Name
9700.1920.5802.00	$ 222,976.00	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02076.2008	$ 94,024.00	Shop
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [ ]

Department Director — 3.25.08 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

City Attorney — 3/28/08 Date

Finance and Internal Service Director — 3-28-08 Date

Received in City Clerk's Office 3-28 ENTERED

Mayor — 3/31/07 Date

Received in Mayor's Office ENTERED 3/28/08

Comments:

Revised April 16, 2007

Fayetteville
ARKANSAS

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701
(479) 444-3495 FAX (479) 444-3425

100 BEST FLEETS

Interdepartmental Correspondence

TO: MAYOR/CITY COUNCIL

THRU: GARY DUMAS, DIRECTOR OF OPERATIONS

FROM: DAVID BRAGG, FLEET OPERATIONS SUPT.

DATE: March 26, 2008

SUBJECT: **Purchase of one Compact Track Excavator**

RECOMMENDATION: That City Council approve the purchase of one compact Track Excavator for Water & Sewer Division in the amount of $26,263.43.

BACKGROUND: **Bid #08-35** was opened on March 7, 2008 for one compact track excavator for assignment to the Water & Sewer Division. Seven bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from Williams Tractor, Inc. of Fayetteville meets all specifications.

I recommend acceptance of the bid from Williams Tractor, Inc. in the amount of $26,263.43.

This unit is a replacement for unit #649, a 2001 New Holland sub compact tractor backhoe that was uneconomically repairable and was sold at the 2007 Fall auction. A very small machine is required to access some areas where digging is required. The specified track excavator will access these areas, but is much more durable and productive than the tractor backhoe it is replacing.

Funds are available for this purchase in Fleet Replacement Special Project 02076 – Backhoes and Loaders.

This purchase was approved by the Equipment Committee on March 25th, 2008.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #08-35 AND APPROVING THE PURCHASE OF ONE (1) COMPACT TRACK EXCAVATOR FROM WILLIAMS TRACTOR IN THE AMOUNT OF $26,264.00 FOR USE BY THE WATER & SEWER DIVISION.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #08-35 and approves the purchase of one (1) compact track excavator from Williams Tractor in the amount of $26,264.00 for use by the Water & Sewer Division.

PASSED and **APPROVED** this 15th day of April, 2008.

APPROVED: ATTEST:

By: _____ By: _____

DAN COODY, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

Fayetteville
ARKANSAS

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

Equipment Committee Correspondence

TO: **City of Fayetteville, Equipment Committee**
Bobby Ferrell, Chairman **Adella Gray**
Kyle Cook **Lioneld Jordan**

FROM: **David Bragg, Fleet Operations Supt**

DATE: **March 17, 2008**

SUBJECT: **Award of Bid 08-35**

Bid #08-35 was opened on March 7, 2008 for one compact track excavator for assignment to the Water / Sewer Division. Seven bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from Williams Tractor, Inc. of Fayetteville meets all specifications.

I recommend acceptance of the bid from Williams Tractor, Inc. in the amount of $26,263.43.

This unit is a replacement for unit #649, a 2001 New Holland sub compact tractor backhoe that was uneconomically repairable and was sold at the 2007 Fall auction. A very small machine is required to access some areas where digging is required. The specified track excavator will access these areas, but is much more durable and productive than the tractor backhoe it is replacing.

Funds are available for this purchase in Fleet Replacement Special Project 02076 – Backhoes and Loaders

Cc:
Gary Dumas

APPROVED
4-0
3/25/08

BID: 08-35
3/7/2008
2:00 PM
CITY OF FAYETTEVILLE

Fayetteville ARKANSAS

Bid 08-35, Compact Truck Excavator

	BIDDER	Manufacturer	Model	Total Price
1	H & E Equipment Services	Komatsu	PC35MR-2	$32,305.00
2	Henard Utility Products, Inc.	Kubota	KX91-3	$33,995.00
3	Hugg & Hall Equipment	Volvo	EC35c	$37,092.37
4	Riggs CAT	CAT	303CCR	$38,091.00
5	Scott Construction Equipment	CASE	CX 31B	$30,000.00
6	Warrior of Arkansas, Inc.	John Deere	35D	$30,798.00
7	Williams Tractor, Inc.	Bobcat	329	$26,263.43

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

CERTIFIED: P Vice — P. VICE PURCH MGR

J Foren — WITNESS

3/7/08 — DATE

City Of Fayetteville

(Not a Purchase Order)

Requisition No.								Date: 3/20/2008	
P.O Number								Expected Delivery Date:	
Vendor # 11133			Vendor Name: WILLIAMS TRACTOR					Mail Yes:___ No: XX	
Address:					Fob Point:			Taxable Yes:___ No: XX	
City:			State:		Zip Code	Ship to code: 050		Divison Head Approval:	Quotes Attached Yes:____ No:____
Requester Barbara Olsen					Requester's Employee # 1940			Extension: 485	
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers		Project/Subproject #	Inventory #	Fixed Asset #
1	2008 BOBCAT 329 COMPACT	1	EA	$26,263.43	$26,263.43	9700.1920.5802.00		02076.2008		
2	TRACK EXCAVATOR, PER BID		EA		$0.00					
3	SPECS #08-35, TO BE UNIT #817,		EA		$0.00					
4	F.A. 700817		EA		$0.00					
5			EA		$0.00					
6			EA		$0.00					
7			EA		$0.00					
8			EA		$0.00					
9			EA		$0.00					
10			EA		$0.00					
	Shipping/Handling		Lot		$0.00					

Special Instructions:

_____

Subtotal: _____ 26,263.43

Tax: EXEMPT

Total: _____ 26,263.43

Approvals:

Mayor: _____

Department Director: _____

Purchasing Manager: _____

Finance & Internal Services Director: _____

Budget Manager: _____

IT Manager: _____

Dispatch Manager: _____

Utilities Manager: _____

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

4/15/2008
City Council Meeting Date
Agenda Items Only

David Bragg	Fleet Operations	Operations
Submitted By	**Division**	**Department**

Action Required:

A resolution awarding bid #08-36 to Warrior of Arkansas in the amount of $30,798.00 for the purchase of one compact Tractor Backhoe for use by Parks Division.

$ 30,798.00	$ 317,000.00	Backhoes/Loaders
Cost of this request	Category / Project Budget	Program Category / Project Name
9700.1920.5802.00	$ 249,240.00	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02076.2008	$ 67,760.00	Shop
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [ ]

Department Director — 3.25.08 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

City Attorney — 3/28/08 Date

Received in City Clerk's Office 3-26-08 LR — ENTERED

Finance and Internal Service Director — 3-28-08 Date

Received in Mayor's Office — ENTERED 3/28/08

Mayor — 3/28/08 Date

Comments:

Revised April 16, 2007

Fayetteville
ARKANSAS

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701
(479) 444-3495 FAX (479) 444-3425

100 BEST FLEETS

Interdepartmental Correspondence

TO: MAYOR/CITY COUNCIL

THRU: GARY DUMAS, DIRECTOR OF OPERATIONS

FROM: DAVID BRAGG, FLEET OPERATIONS SUPT.

DATE: March 26, 2008

SUBJECT: Purchase of one Compact Tractor Backhoe

RECOMMENDATION: That City Council approve the purchase of one compact Tractor Backhoe for Parks Division in the amount of $30,798.00.

BACKGROUND: **Bid #08-36** was opened on March 7, 2008 for one Compact 4WD Tractor Backhoe for assignment to the Parks Division. Two bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from Warrior of Arkansas, of Springdale meets all specifications.

I recommend acceptance of the bid from Warrior of Arkansas in the amount of $30,798.00.

This unit is a replacement for unit #554, a 1995 Ford utility tractor that is no longer dependable for daily operation. The specified compact tractor backhoe is capable of performing more varied jobs more efficiently than the unit it is replacing.

Funds are available for this purchase in Fleet Replacement Special Project 02076 – Backhoes and Loaders

This purchase was approved by the Equipment Committee on March 25th, 2008.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #08-36 AND APPROVING THE PURCHASE OF ONE (1) COMPACT TRACTOR BACKHOE FROM WARRIOR OF ARKANSAS IN THE AMOUNT OF $30,798.00 FOR USE BY THE PARKS & RECREATION DIVISION.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #08-36 and approves the purchase of one (1) compact Tractor Backhoe from Warrior of Arkansas in the amount of $30,798.00 for use by the Parks & Recreation Division.

PASSED and **APPROVED** this 15th day of April, 2008.

APPROVED: ATTEST:

By: _____ By: _____
DAN COODY, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

Fayetteville
ARKANSAS

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

Equipment Committee Correspondence

TO: **City of Fayetteville, Equipment Committee**
Bobby Ferrell, Chairman **Adella Gray**
Kyle Cook **Lioneld Jordan**

FROM: **David Bragg, Fleet Operations Supt**

DATE: **March 17, 2008**

SUBJECT: **Award of Bid 08-36**

Bid #08-36 was opened on March 7, 2008 for one Compact 4WD Tractor Backhoe for assignment to the Parks Division. Two bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from Warrior of Arkansas, of Springdale meets all specifications.

I recommend acceptance of the bid from Warrior of Arkansas in the amount of $30,798.00.

This unit is a replacement for unit #554, a 1995 Ford utility tractor that is no longer dependable for daily operation. The specified compact tractor backhoe is capable of performing more varied jobs more efficiently than the unit it is replacing.

Funds are available for this purchase in Fleet Replacement Special Project 02076 – Backhoes and Loaders

Cc:
Gary Dumas

APPROVED
4-0
3/25/08

BID: 08-36
3/7/2008
2:00 PM
CITY OF FAYETTEVILLE

Fayetteville
ARKANSAS

Bid 08-36, 4WD Compact Backhoe

	BIDDER	Manufacturer	Model	Total Price
1	Henard Utility Products, Inc.	Kubota	M59	$44,500.00
2	Warrior of Arkansas, Inc.	John Deere	110 LTB	$30,798.00

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

CERTIFIED: P Vice — P. VICE PURCH MGR
J Foree — WITNESS
3/7/08 — DATE

City Of Fayetteville

(Not a Purchase Order)

Requisition No.		Date: 3/20/2008	
P.O Number		Expected Delivery Date:	
Vendor # 6986	Vendor Name: WARRIOR OF ARKANSAS	Mail Yes:___ No: XX	
Address:	Fob Point:	Taxable Yes:___ No: XX	
City:	State:	Zip Code	Ship to code: 050
Divison Head Approval	Quotes Attached Yes:____ No:____		
Requester Barbara Olsen	Requester's Employee # 1940	Extension: 485	

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	2008 JOHN DEERE 110LTB, 4WD	1	EA	$30,798.00	$30,798.00	9700.1920.5802.00	02076.2008		
2	COMPACT TRACTOR BACKHOE		EA		$0.00				
3	PER BID SPECS 08-36, TO BE UNIT		EA		$0.00				
4	#698, F.A. 700689		EA		$0.00				
5			EA		$0.00				
6			EA		$0.00				
7			EA		$0.00				
8			EA		$0.00				
9			EA		$0.00				
10			EA		$0.00				
	Shipping/Handling		Lot		$0.00				

Special Instructions:

_____

Subtotal: _____ 30,798.00

Tax: _____EXEMPT_____

Total:_____ 30,798.00

Approvals:

Mayor: _____

Department Director:_____

Purchasing Manager: _____

Finance & Internal Services Director: _____

Budget Manager: _____

IT Manager:_____

Dispatch Manager:_____

Utilities Manager:_____

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

April 15, 2008
City Council Meeting Date
Agenda Items Only

Tony Johnson	Fire	Fire
Submitted By	**Division**	**Department**

Action Required:

A resolution awarding Bid # 08-38 and approving the purchase of one (1) breathing air station from Wayest in the amount of $30,523.00 for use at the new fire station #3.

$ 30,523.00	$ 1,885,000.00	Fire Station #3
Cost of this request	Category / Project Budget	Program Category / Project Name
4470.9470.5804.00	$ 1,619,016.77	Building Costs
Account Number	Funds Used to Date	Program / Project Category Name
05006.1	$ 265,983.23	Sales Tax Improvement
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [ ]

Department Director — 3-27-08 Date

City Attorney — 3/28/08 Date

Finance and Internal Service Director — 3-28-08 Date

Mayor — 3/31/08 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office 3-27-08 ENTERED

Received in Mayor's Office ENTERED 3/28/08

Comments:

Revised April 16, 2007

The City of Fayetteville Fire Department
303 W. Center St. Fayetteville, AR. 72701
Phone (479) 575-8365 Fax (479) 575-0471

March 27, 2008

To: Mayor Coody
Fayetteville City Council

From: Tony Johnson, Fire Chief

Subject: Staff Review and Resolution Request

On March 26, 2008, bids were open and reviewed for a Breathing Air Station for the new fire station #3, which is nearing the final stages of construction. Of the four bids that were submitted and reviewed, the most responsive and responsible submission was from Wayest Safety of Oklahoma City, OK. I have complete confidence in the bidder's ability to deliver the product pursuant to specifications detailed in Bid 08-38.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #08-38 AND APPROVING THE PURCHASE OF ONE (1) BREATHING AIR STATION FROM WAYEST SAFETY IN THE AMOUNT OF $30,523.00 FOR USE AT THE NEW FIRE STATION #3.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #08-38 and approves the purchase of one (1) a breathing air station from Wayest Safety in the amount of $30,523.00 for use at the new fire station #3.

PASSED and **APPROVED** this 15th day of April, 2008.

APPROVED: ATTEST:

By: _____ By: _____
DAN COODY, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

BID: 08-38
3/26/2008
2:00 PM
CITY OF FAYETTEVILLE

Fayetteville ARKANSAS

Bid 08-38, Breathing Air Station

	BIDDER	Manufacturer	Model	Total Price
1	**Casco Industries, Inc.**	Bauer	mVT13H	**$36,539.00**
2	**NAFECO, Inc.**	MAKO	BAM06HE3	**$36,600.00**
3	**Pro-Fire Equipment**	Scott Health & Safety	Simple Air Compressor	**$34,234.00**
4	**Wayest Safety**	Scott	Simple Air 10hp, Guardian Fill Station	**$30,523.00**

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

CERTIFIED: P. Vice — **P. VICE PURCH MGR**

J. Foren — **WITNESS**

3/26/08 — **DATE**

City of Fayetteville, Arkansas
Purchasing Division – Room 306
113 W. Mountain
Fayetteville, AR 72701
Phone: (479) 575-8289

INVITATION TO BID

INVITATION TO BID: Bid 08-38, Breathing Air Station
DEADLINE: Wednesday, March 26, 2008 at 2:00 PM, Central Standard Time
DELIVERY LOCATION: Room 306 – 113 W. Mountain, Fayetteville, AR 72701
PURCHASING AGENT: Andrea Foren, CPPB, aforen@ci.fayetteville.ar.us, 479.575.8220
DATE OF ISSUE AND ADVERTISEMENT: Monday, March 10, 2008

INVITATION TO BID
BID 08-38, Breathing Air Station

No late bids will be accepted. Bids shall be submitted in sealed envelopes labeled "Bid 08-38, Breathing Air Station" with the name and address of the bidder.

All bids shall be submitted in accordance with the attached City of Fayetteville specifications and bid documents attached hereto. Each bidder is required to fill in every blank and shall supply all information requested; failure to do so may be used as basis of rejection.

Bids must be submitted on this bid form *in its entirety* AND *accompanied by descriptive literature and pictures* on the products being bid.

The undersigned hereby offers to furnish & deliver the articles or services as specified, at the prices & terms stated herein, and in strict accordance with the specifications and general conditions of bidding, all of which are made a part of this offer. This offer is not subject to withdrawal unless upon mutual written agreement by the Proposer/Bidder and City Purchasing Manager.

Name of Firm: Wayest Safety

Contact Person: Doug Hall Title: Service Manager

E-Mail: Doug.hall@Wayest.com Phone: 405-942-7101

Business Address: 3750 N I-44 Service Rd

City: OKC State: OK Zip: 73112

Signature: [signature] Date: 3-24-08

City of Fayetteville
Bid 08-38, Breathing Air Station
Bid Form

Scott Simple Air 6000 PSI Stationary Breathing Air Cylinder Charge Station or Approved Equal

DATE REQUIRED AS A COMPLETE UNIT: ***60*** days from Date of Order

***GUARANTEED DELIVERY DATE:** 60 days from order date.

F.O.B. City of Fayetteville, Fire Station 3, 1050 S Happy Hollow Road, Fayetteville, AR 72701

ITEM:	DESCRIPTION:	QUANTITY:	*PRICE EACH:	*TOTAL PRICE
1.	Breathing Air Station, as specified	1	$ 30,523.00	$ 30,523.00

Please Specify for Unit(s) Bid:

***MANUFACTURER:** Scott **MODEL:** Simple Air 10hp, Guardian Fill Station

TOTAL BID PRICE: $ 30,523.00

EXECUTION OF BID -
Bidders are requested to indicate by check mark or "Yes/No" on each line of the Technical Specifications the compliance of the item bid. Actual specification of any deficient item must be noted on the bid sheet or separate attachment. If specifications of item bid differ from provided literature, deviation must be documented and certified by the manufacturer as a regular production option.

Upon signing this Bid, the bidder certifies that:

1. He/she has read and agrees to the requirements set forth in this proposal, including specifications, terms, standard conditions, and any pertinent information regarding the articles being bid on.
2. Unless otherwise noted and explained, the unit bid and listed meets or exceeds all of these requirements as specified by The City of Fayetteville.
3. The Bidder can and will comply with all specifications and requirements for delivery, documentation and support as specified herein.

Unsigned bids will be rejected. Items marked * are mandatory for consideration.

***NAME OF FIRM:** Wayest Safety
Purchase Order/Payments shall be issued to this name

***BUSINESS ADDRESS:** 3750 N I-44 Service Rd

***CITY:** OKC ***STATE:** OK ***ZIP:** 73112

***PHONE:** 405 942 7101 **FAX:** 405 942 5289

***E-MAIL:** Doug.hall@wayest.com

***BY: (PRINTED NAME)** Doug Hall

***AUTHORIZED SIGNATURE:** D Hall

***TITLE:** Service Manager

City of Fayetteville
Bid 08-38, Breathing Air Station
Terms and Conditions

1. All bids shall be submitted in a sealed envelope and must be submitted on forms acquired by the vendor from the City of Fayetteville Purchasing website (www.accessfayetteville.org). Bids with missing pages or missing any requested attachment will be deemed incomplete.
2. The item bid and the bid number shall be stated on the face of the sealed bid envelope.
3. Bids received after the date and time set for receiving bids will not be considered.
4. The City reserves the right to accept or reject any or all bids, waive formalities in the bidding and make a bid award deemed to be in the best interest of the City.
5. The quantities listed are based on the needs of the City and availability of funds at the time bids are posted. The City shall be able to purchase more or less than the quantity indicated subject to availability of funds or change in needs.
6. The bid price shall remain good and firm until project is completed. Payment to the vendor by the City will be made within 30 days following delivery and acceptance in accordance with these specifications and the City's Purchase Order to the vendor.
7. All products delivered shall comply with applicable standards of quality.
8. Any exceptions to the specification requirements of the City of Fayetteville must be noted on the Bid Form.
9. Prices shall include all labor, materials, overhead, profit, insurance, etc., to cover the furnishing of the items bid. ***Sales tax is not to be included in the bid price***. Applicable Arkansas sales tax laws will apply to this bid, but will not be considered in award of the bid.
10. Each bidder shall state on the face of the bid form the anticipated number of days from the date of receipt of an order for delivery of equipment and installation to the City of Fayetteville. Failure to deliver on or before the time specified in the contract may subject the contractor to payment of damages or other appropriate sanctions.
11. Copy of the warranty shall accompany the bid, and any exceptions to the warranty shall be clearly noted on the bid form. Written warranties shall specify the greater of the manufacturer's standard warranty or the minimum warranty specified herein by the City.
12. Bidders must provide the City with their bids signed by an employee having legal authority to submit bids on behalf of the bidder. The entire cost of preparing and providing responses shall be borne by the bidder.
13. The City reserves the right to request any additional information it deems necessary from any or all bidders after the submission deadline.
14. The request for bid is not to be construed as an offer, a contract, or a commitment of any kind; nor does it commit the city to pay for any costs incurred by bidder in preparation of bid.
15. If products and/or components other than those described in this bid document are proposed, the bidder must include complete descriptive literature and technical specifications. All requests for additional information must be received within five working days following the

request. Each apparent low bid will be reviewed line by line to ensure compliance with specifications prior to recommendation for award. City staff will be the final approval authority of items bid as "approved equal".

16. Bids must be received by mail or hand delivery in the ***Purchasing Office, Room 306, 113 W. Mountain St. Fayetteville, AR 72701***, on or before the time of closing listed on the face of the bid.

17. The City will not be responsible for misdirected bids. Vendor should call the Purchasing Office at (479) 575-8220 to insure receipt of their bid documents prior to opening time and date listed on the bid form.

18. Items bid must be delivered FOB Fleet Operations Division, 1525 S. Happy Hollow Road, Fayetteville, AR 72701. Units must be fully assembled, serviced, and ready for operation as delivered unless otherwise specified. No dealer/distributor logo or other identification will be installed other than standard manufacturer name badges and specification plates.

19. Any reference to a particular brand or manufacturer is done in an effort to establish an acceptable level of quality for this purchase. Brands or manufacturers that are included in a bid that are of at least equal quality, size and specification as to what has been specified, will be acceptable for consideration. The City of Fayetteville will have final determination after bid opening and will consider rejection any bid containing items that are not equal to these specifications.

City of Fayetteville
Bid 08-38, Breathing Air Station
Detailed Specification: Breathing Air

Specifications:

This system shall be able to fill 45 minute high pressure SCBA (4500 PSI), 30 minute high pressure SCBA (4500 PSI) and 30 minute low pressure SCBA (2216 PSI) bottles. This system shall also operate in conjunction with our SCBA repair room located at this facility. It will be the successful bidder's responsibility to insure that the system will work with the Posiceck system allowing air to flow to test equipment.

The City has put 6000 psi plumbing from the location of the compressor to the repair room. It is the successful bidder's responsibility to insure air flow to the room and all shut offs and any other parts needed to allow testing in room with out going back and forth from the compressor to the testing equipment.

The City shall receive training on the operation and maintenance of the system as required. A minimum of 1 gallon of extra oil shall be delivered with the system for storage.

The complete system shall be assembled and tested as a complete system at the factory prior to shipment. A test certificate shall be part of the Operation and Maintenance manuals (2 sets) that shall be shipped with the system.

The system shall be set up, installed, and checked out at the user's destination by the successful bidder and all parts of the system are working. This also includes the repair room and Posiceck working together with the system.

The system shall have a minimum of 1 year complete warranty on all parts and labor. This shall include a 1 time service before warranty runs out on all lubricants and filters.

Compressor:

- Maximum continuous duty 6000 PSI
- Minimum Charge rate of 14 CFM
- 4 Stage compressor and each stage of compression shall be protected with a safety relief valve, automatic condensate drain system
- Shall have an ambient air flow control design that directs the necessary air volume to cool compressor
- Fully enclosed all metal fan-blade guard
- Electric motor shall be a 10HP, 208 volt, 30 AMPS, 60 HZ, three phase. This is the current wiring at the location.
- Compressor and motor base shall be equipped with a vibration elimination system
- Compressor shall be enclosed with a quick and convenient access for maintenance.
- System shall have access for maintenance to all components of the system without

moving it, this shall include but not limited to crankshaft(s), crankcase, compressor, cylinders, pistons and rings, rods, bearings.

- ✓ • High air temperature shutdown and gauge with sensor that measures temperature directly from the air stream. Cylinder sensors not accepted.
- ✓ • Low oil auto shutdown with oil gauge on front
- ✓ • Shall have an air filter housing with a port and connection designed to couple to outside air intake piping or for indoor air intake

Purification System:

- ✓ • *Air purification system shall use disposable cartridges manufactured to provide breathing air that meets or exceeds NFPA,CGA grade E specification and ASME code for Unifired Pressure Vessels.*
- ✓ • One desiccant cartridge chamber
- ✓ • One purifier cartridge chamber
- ✓ • Safety relief system
- ✓ • Drain valve to relieve the system pressure for maintenance
- ✓ • System should be designed so that filling cannot occur if cartridges are not in place
- ✓ • 6000 PSI working pressure
- ✓ • 4 to 1 safety factor
- ✓ • 37,000 SCF of air purified per chemical cartridge set
- ✓ • CO and H2O sensors shall be installed downstream of all chambers so the sampled air is representative of that delivered to the cylinders

Controls and Monitoring System – The following is a minimum

- ✓ • Start/Stop
- ✓ • Discharge air pressure
- ✓ • Auto condensate drain control
- ✓ • Purge control (Shall have capability of dumping all mechanical moisture traps during operation, shutdown, manually or automatically. All moisture drain valves shall open and unload.)
- ✓ • Oil pressure
- ✓ • Stage gauges
- ✓ • High discharge air temperature with auto stop set at factory
- ✓ • Low oil level auto stop, shall not be over-rideable
- ✓ • Emergency Stop
- ✓ • Instrument control panel lighting with on/off switch
- ✓ • Hour meter

Charge Station and Controls

- ✓ • Closed lid total containment chamber fragmentation shield, dry type, integrated system
- ✓ • System shall charge 1 or 2 bottles simultaneously or separately
- ✓ • Fill hoses fitted with a cylinder fill adapter, shut-off and bleed off relief shall be located within the enclosure

- 0-6000PSI adjustable regulator
- Containment shall meet NFPA regulations
- Safety relief valve to prevent overcharging of BACs.
- All control system, components, devices and piping arrangement necessary to direct the compressed high pressure breathing air to the air storage system and SCBA cylinders being filled
- Cascade control system for a 4 bank system that permits filling or drawing down each air storage cylinder independently of each other while filling SCBA cylinders with controls on front panel
- Storage cylinders shall be comprised of 4 new 6000 psi, D.O.T approved 509 cu.ft. cylinders
- Dome type protective cap is to be supplied with each tank to protect the valve
- System shall include a regulator package for safely filling SCBA cylinders that include but not limited to, fill, set regulator psi, bleed, Bank 1,2,3,4 To and From and supply

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

4/15/2008
City Council Meeting Date
Agenda Items Only

Matt Mihalevich	Engineering	Operations
Submitted By	**Division**	**Department**

Action Required:

Staff requests a resolution approving the Engineering Division to submit an application to the Arkansas Highway and Transportation Department for consideration of an 80/20 matching grant through the Arkansas Recreational Trails Program for an award of up to $100,000.00.

$ 20,000.00	$ 1,316,174.00	Trail Development
Cost of this request	Category / Project Budget	Program Category / Project Name
4470-9470-5814.05	$ 741,392.77	Transportation Improvements
Account Number	Funds Used to Date	Program / Project Category Name
02016 / 1	$ 574,781.23	Sales Tax Capital Improvements
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [ ]

Department Director — 3.28.08 — Date

City Attorney — 3/31/08 — Date

Finance and Internal Service Director — 3-31-08 — Date

Mayor — 3/31/08 — Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office — ENTERED 3/28/08

Received in Mayor's Office — ENTERED 3/31/08

Comments:

Fayetteville
ARKANSAS

City Council Agenda Item

April 15th Meeting

To: Mayor and City Council

Thru: Ron Petrie, City Engineer
Gary Dumas, Director of Operations

From: Matt Mihalevich, Trails Coordinator

Date: March 28, 2007

Subject: Request for a resolution approving the Engineering Division to submit an application for an 80/20 matching grant through the Arkansas Recreational Trails Program.

Recommendation: Staff requests a resolution approving the Engineering Division to submit an application to the Arkansas Highway and Transportation Department for consideration of an 80/20 matching grant through the Arkansas Recreational Trails Program for an award of up to $100,000.00.

Background: At the eastern end of Mud Creek Trail near Old Missouri Road there is currently no sidewalk or trail connecting Mud Creek Trail to the neighborhoods to the south and Butterfield Trail Elementary. The proposed trail project for grant funding includes 1,236 feet of 10' wide concrete trail connecting the existing sidewalk on the south side of Sweetbrier Dr., north along the east side of Old Missouri Road over the existing road bridge then down and under the same bridge to connect to Mud Creek Trail. The lanes of Old Missouri Road will need to be narrowed from the existing 30 foot width to 24 feet wide (two 12 foot wide lanes). In addition a concrete median barrier will be installed across the bridge to separate pedestrians from vehicles as they cross the bridge. This project will provide a safe route for pedestrians and bicycles to access Mud Creek Trail and Scull Creek Trail while reducing the cost by utilizing the existing bridge and providing a grade separated crossing under Old Missouri Road. The project will comply with the Americans with Disability Act.

Discussion: We have received more requests from the citizens of Fayetteville for this trail connection than any other area. If awarded, the funding would be used to complete this important 1,236 foot trail connection. In the future, this trail connection will be extended east along Sweetbriar Drive to Sweetbriar Park where a new trail will follow Mud Creek past the new fire station at Hwy 265 and Old Wire Road and extend to Gulley Park.

A resolution from the City of Fayetteville is required to apply for funding through the Arkansas Recreational Trails Program. To comply with the grant application requirements, the resolution must include specific criteria and language. A sample provided by the Arkansas Highway and Transportation Department has been included, as an attachment to this memorandum.

Budget Impact: If approved by City Council, the grant application will be submitted for a total amount of $100,000.00. The terms of this grant require a local sponsor or municipality to provide funding for 20% of the total project cost. Upon receipt of an official Notice to Proceed from the Arkansas Highway and Transportation Department, the project would be reimbursable at the rate of 80%, which for this project would be estimated at a total reimbursement amount of $80,000.00. Sufficient funding not to exceed $20,000 for the City's portion of this project will need to be budgeted for 2009 in the Trail Development Project, within the Sales Tax Capital Improvement Fund. During the 2007 grant cycle, the City of Fayetteville was awarded $33,600 for replacement of a bridge on Mud Creek Trail and the City will be responsible for the 20% match or $6,720.

RESOLUTION NO. _____

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF FAYETTEVILLE, ARKANSAS TO UTILIZE FEDERAL-AID FUNDS

WHEREAS, the City of Fayetteville, Arkansas has applied for funding through the Arkansas Recreational Trails Program to develop or improve Mud Creek Trail; and

WHEREAS, the Fayetteville City Council is willing and able to provide the required twenty percent (20%) of the total project cost; and

WHEREAS, the City of Fayetteville understands that Federal-aid Funds are available for this project on a reimbursable basis, requiring work to be accomplished and proof of payment prior to actual monetary reimbursement; and

WHEREAS, The City of Fayetteville understands that there will be no reimbursement for any work accomplished prior to the issuance by the Arkansas State Highway and Transportation Department of an official Notice to Proceed; and

WHEREAS, this project, using federal funding, will be open and available for use by the general public and maintained by the applicant.

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

Section 1: The City of Fayetteville will participate in accordance with its designated responsibility, including maintenance of this project.

Section 2: Mayor Dan Coody is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of the above-stated project.

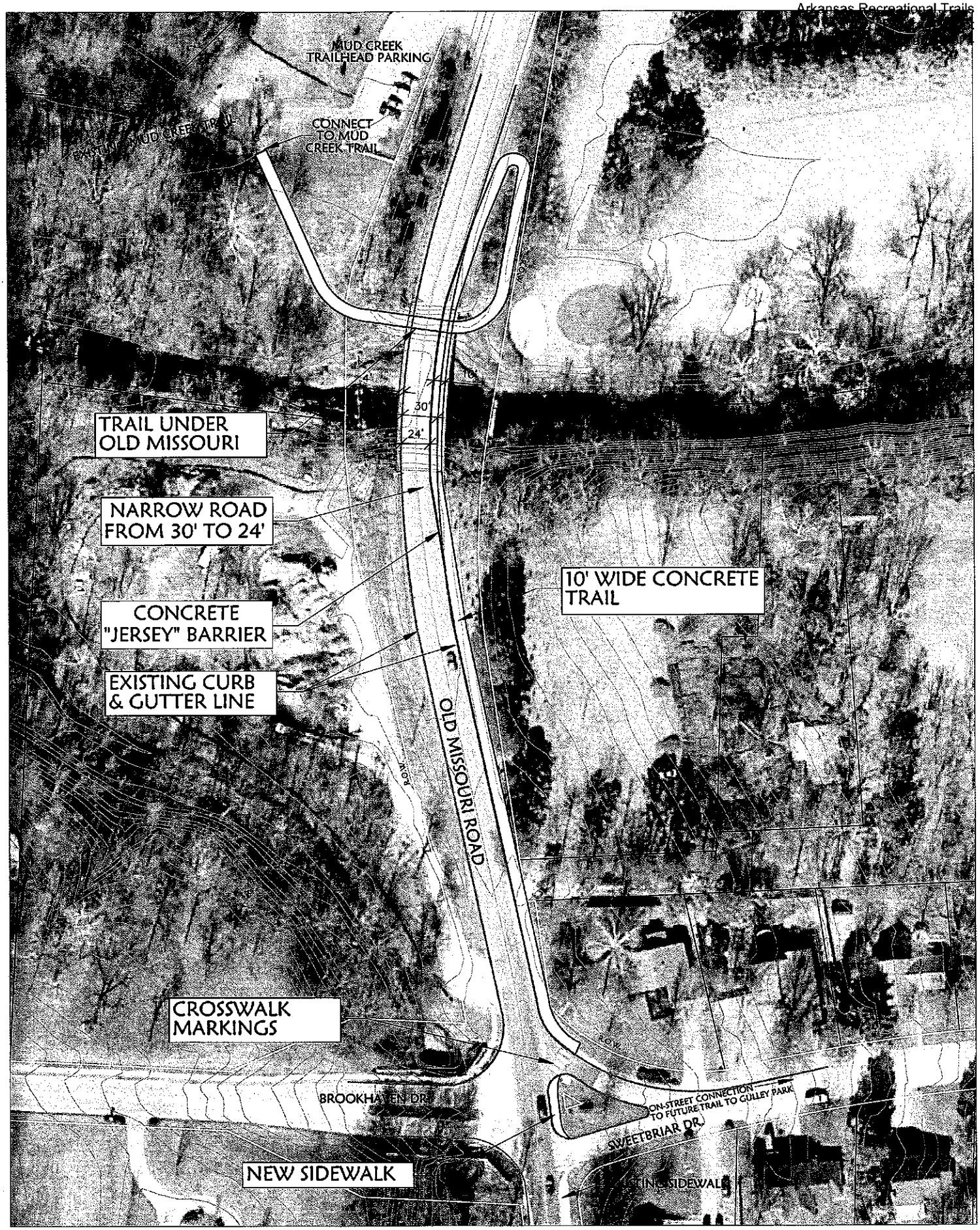
Section 3: That the Fayetteville City Council pledges its full support and hereby authorizes the City of Fayetteville to cooperate with the Arkansas State Highway and Transportation Department to initiate action to implement this project.

PASSED and **APPROVED** this 15th day of April, 2008.

APPROVED: ATTEST:

By: _____ By: _____

DAN COODY, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer



Fayetteville

Mud Creek Trail Connection

0 50 100

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

15-Apr-08
City Council Meeting Date

David Jurgens	Water/Wastewater	Water/Wastewater
Submitted By	Division	Department

Action Required:

Approval of an out-of-scope agreement with OMI, for WSIP West Side Cutover/Tieover Actions, WSIP subproject WL-9, in the amount of $65,000, and approve a 5% contingency of $3,250.

$68,250.00	$ 48,836,390.00	Wastewater System Imp Project
Cost of this request	Category / Project Budget	Program Category / Project Name
4520-9520-5315.00	$ 26,371,342.00	Water and Wastewater
Account Number	Funds Used to Date	Program / Project Category Name
02133.0392	$ 22,465,048.00	Water/Sewer
Project Number	Remaining Balance	Fund Name

Budgeted Item [XX] Budget Adjustment Attached [ ]

D Jurgens
Department Director — Date

D J. White — 3/31/08
City Attorney — Date

Paul A: Burks — 3-31-08
Finance and Internal Service Director — Date

Ken Cooley — 3/31/08
Mayor — Date

Previous Ordinance or Resolution # 204-06, 94-94

Original Contract Date: 12/06, 07/94

Original Contract Number: 412

Received in City Clerk's Office ENTERED 3/28/08 ajp

Received in Mayor's Office ENTERED 3/31/08 ajp

Comments:

City Council Meeting of April 15, 2008

CITY COUNCIL AGENDA MEMO

To: Fayetteville City Council

Thru: Mayor Dan Coody
Fayetteville Sewer Committee

From: David Jurgens, Water and Wastewater Director

Date: 28 March 2008

Subject: Approval of an out-of-scope agreement with OMI, for WSIP West Side Cutover/Tieover Actions, WSIP subproject WL-9, in the amount of $65,000, and approve a 5% contingency of $3,250

RECOMMENDATION

City Administration recommends approval of an out-of-scope agreement with OMI, for WSIP West Side Cutover/Tieover Actions, WSIP subproject WL-9, in the amount of $65,000, and approve a 5% contingency of $3,250.

BACKGROUND

In order to bring the West Side Wastewater Treatment Plant on line, dozens of actions need to be completed throughout the west side wastewater collection system. These actions will occur simultaneously at the WWTP, lift stations and manholes in both existing and new facilities. This task is identified in the WSIP Construction Contract Summary (Rainbow Sheet), with a total estimated cost of $1,500,000.

This work will be broken into several contracts. This first portion includes items that are critical to reroute the water to the West Side WWTP. The rest, which includes abandoning those facilities that will no longer be used, modifying those structures that need permanent work to fit the new flow configurations, and some smaller renovations to facilities that will remain in service, will take place after the West Side WWTP comes on line and is in full operation. As appropriate to maximize the efficiency and cost effectiveness of each element, some of this work will executed by separately bid contract, City crews, and OMI.

DISCUSSION

This agreement involves "flipping the switch" to reroute flow from the Noland to the West Side WWTPs. The work has long been discussed as potentially the most critical, exciting, and complicated set of simultaneous actions to occur throughout the entire WSIP project. Actions in this agreement are critical to getting the correct amount of flow to the West Side WWTP at the right time, and to manage the flows properly and with almost immediate response. It requires an intimate knowledge of the system as well as absolute flexibility. In some cases, valves may have to be operated multiple times in order to regulate the flow. For these reasons, OMI and City staff are the only organizations with both the knowledge and expertise to do this work. Thus, employing OMI for this work has been the plan since the inception of the WSIP.

Staff estimated that this work, if executed by a traditional contract, would cost over $110,000. Much of that cost is due to the reactive nature of the work.

BUDGET IMPACT

Funds are available in the WSIP project budget.

RESOLUTION NO. _____

A RESOLUTION APPROVING AN OUT-OF-SCOPE AGREEMENT WITH OMI IN THE AMOUNT OF $65,000.00 FOR WSIP WEST SIDE CUTOVER/TIEOVER ACTIONS, WSIP SUBPROJECT WL-9; AND APPROVING A 5% CONTINGENCY IN THE AMOUNT OF $3,250.00.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves an Out-Of-Scope Agreement with OMI in the amount of $65,000.00 for WSIP West Side Cutover/Tieover Actions, WSIP Subproject WL-9. A copy of the Agreement, marked Exhibit "A" is attached hereto and made a part hereof.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a 5% contingency in the amount of $3,250.00.

PASSED and **APPROVED** this 15th day of April, 2008.

APPROVED: ATTEST:

By: _____ By: _____
DAN COODY, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

March 26, 2008

David Jurgens
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Subject: Out of Scope Letter Agreement- Critical WSIP Cutover and Transition

Dear David:

As identified in Appendix K of Amendment 15 to our contract, approved by the City Council and signed on December 6, 2007, Operations Management International, Inc. ("OMI") will provide the following Wastewater System Improvement Project (WSIP) cutover and transition-related Out of Scope services to the City of Fayetteville ("City") as per the Operations, Maintenance, and Management Agreement executed between the parties:

What is being provided:

- *Material and labor to perform the WSIP cutover activities listed in the following table revolving around the startup of the City's new West Side WWTP:*

Fayetteville WSIP Subproject	Location	Task Description
WL-1	MH # 2	Remove plug on 36" SS
WL-1	MH SW of MH # 2	Plug 18" SS to lift station
WL-1	MH # 57	Tie-in 18" stub-out into S wet-well
WL-2	MH # 7	Cut out pass thru SS, plug 12" outgoing SS to E
WL-2	MH # 33	Remove plug on 8" drop, cut out pass thru SS, plug 8" outgoing SS to E
WL-2	MH # 38	Remove plug on 8" outgoing SS to E, temp plug 8" outgoing SS to SW
WL-2	MH # 40a	Temp plug 8" outgoing SS to S
WL-2	MH # 41	Remove plug on 15" drop, cut out pass thru SS, plug 15" outgoing SS to E
WL-2	MH # 44	Remove plug on 18" drop, cut out pass thru SS, plug 18" outgoing SS to W
WL-2	MH # 45	Remove plug on 8" drop, cut out pass thru SS, plug 8" outgoing SS to W
WL-2	MH # I-13 (114)	Remove plug on 10" SS to NE, Plug 10" outgoing SS to N
WL-2	MH # I-13 (109)	Plug 10" outgoing SS to S
WL-2	MH # 47	Remove plug on 8" drop, cut out pass thru SS, plug 8" outgoing SS to W
WL-2	MH # 48	Remove plug 8" drop, cut out pass thru SS, plug 8" outgoing SS to N

WL-2	MH # 62	Remove plug on 12" SS drop
WL-2	MH # I-12 (179)	Setup bypass pumping to MH # 62, abandon MH, tie-in 12" SS into MH # 62 stub-out, plug abandon 12" SS to SE.
WL-2	MH # 63	Remove plug on 8" drop, cut out pass thru SS, plug 8" outgoing SS to NE
WL-2	MH # 64	Remove plug on 8" drop, cut out pass thru SS, plug 8" outgoing SS to N
WL-2	MH # 65	Cut out pass thru SS, remove plug on 18" drop
WL-2	MH # 66	Remove plug on 8" SS to W, cut out pass through SS
WL-3	LS-09	Remove 18" flange in wet well
WL-3	MH # HLS3	Remove plug on 24" SS to SE
WL-3	MH # HLS4	Remove plug on 24" SS to NW, plug 16" outgoing SS to SE
WL-3	MH # 1	Remove plug on 24" SS to W, plug 16" outgoing SS to S
WL-3	MH # 54	Cut out pass thru SS, plug 8" outgoing SS to N & S
WL-4	MH # 1	Remove plug on 48" outgoing SS to S
WL-4	LS – 37; Line B	Remove temp plug 8" out NW; install temp plug 8" out W
WL-4	LS – 42; Line G	Remove temp plug 12" out S; install temp plug 10" out SE
WL-4	LS – 03; Line C	MH # 63 cutout 10" pass through; plug 10" out NE
WL-4	LS – 03; Line C	MH # 63 Remove temp plug out W; install plug 8" out S
WL-4	MH # 24	Remove plug on 10" drop, cut out pass thru SS, plug 10" outgoing SS to N
WL-4	MH 25' N MH # 32	Remove plug on 12" outgoing SS to S, plug 12" outgoing SS to W
WL-4	MH 25' N MH # 46	Remove plug on 12" outgoing SS to S, plug 12" outgoing SS to W
WL-4	LS – 20; MH # 53	Cut out pass through SS, remove plugs on 8" drop and 10" drop
WL-4	LS – 20; MH I-01(089)	Plug 10" outgoing SS to E
WL-5	Various	Open discharge valves
WL-5	WL-6 to WP-1b	OMI test force-mains
WL-5	Various	Check odor control valves and canister filters
WL-6	New Hamestring LS	Check all pumps suction and discharge valves
WL-7	New Gregg Ave LS	Check all pumps suction and discharge valves
WL	Various	Plugs, valve adjustments, pump station adjustments as needed and determined by the City

The work to be performed will be according to the general specification and plans provided to OMI by RJN Engineers. It is recognized that field-determined deviations from these plans may be required. Any change or deviation from their specification or plans will be presented to the City's staff for approval before any work is done.

When it is being provided:

- *Services shall be coordinated with City staff and design engineers and are expected to be completed within 180 days of OMI receiving signed authorization from the City to proceed.*

Price of services:

- *To be billed at OMI's cost plus 18% as per article 2.26 of our Agreement upon completion of the services.*

Estimate of costs:

- *Estimated at approximately $65,000.00*

Payment terms:

- *Due upon receipt of OMI's invoice and payable within 30 days as per Article 5.2 of our Agreement.*

Additional terms:

- *OMI shall not be liable for any fines or penalties incurred by the City of Fayetteville as it relates to the services provided in this Out of Scope Letter Agreement. The City shall be responsible for all applicable permits.*

All other terms and conditions of the Agreement dated August 16, 1994 between OMI and the City of Fayetteville remains in full force and effect.

If these terms are agreeable to you, please sign both copies of this letter. We will return one fully executed original for your files.

OMI appreciates the opportunity to provide these additional services to the City of Fayetteville.

Sincerely,

Roger B. Quayle

Both parties indicate their approval of the above-described services by their signature below.

Authorized Representative of OMI:	Authorized Representative of the City of Fayetteville, Arkansas:
_____	_____
Roger B. Quayle	*Dan Coody.*
Senior Vice President	*Mayor*
Date: _____	Date: _____

City Of Fayetteville

(Not a Purchase Order)

Requisition No.:		Date:	
P.O Number:		Expected Delivery Date:	ASAP
Vendor #: 61490	Vendor Name: OMI	Mail Yes: x No:	
Address: 1500 N Fox Hunter Rd	Fob Point:	Taxable Yes: x No:	Quotes Attached Yes: x
City: Fayetteville	State: AR	Zip Code: 72701	Ship to code:
Requester: WSIP	Requester's Employee #: 2737	Division Head Approval:	Extension: 670

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	WSIP WL-9 cutover/tieover	1	1	65,000.00	$65,000.00	4520-9520-5315.00	2133.0392		
2		1	1		$0.00				
3		1	1		$0.00				
4					$0.00				
5					$0.00				
6					$0.00				
7					$0.00				
8					$0.00				
9					$0.00				
10					$0.00				
	Shipping/Handling		Lot		$0.00				

Special Instructions:

_____

Subtotal:	$65,000.00
Tax:	
Total:	$65,000.00

Approvals:

Mayor: _____ Department Director: _____ Purchasing Manager: _____

Finance & Internal Services Director: _____ Budget Manager: _____ IT Manager: _____

Dispatch Manager: _____ Utilities Manager: _____ Other: _____

Revised 6/17/03

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

18-Mar-08
City Council Meeting Date

Leif Olson	Long Range Planning	Operations
Submitted By	Division	Department

Action Required:

ADM 07-2712: Approval of an ordinance amending the Unified Development Code to allow Accessory Dwelling Units as a use by right with administrative approval in all single family zoning districts.

$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 — 2.29.08 Date

City Attorney — 2-29-08

Finance and Internal Service Director — 3-3-08 Date

Mayor — 3/4/08 Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Received in City Clerk's Office ENTERED 2/29/08

Received in Mayor's Office ENTERED 2/29/08

Comments:

Left on the second reading 4/1/08
Left on the first reading 3/18/08

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: February 1, 2008

Subject: The request is to approve the proposed amendments to the Unified Development Code allowing Accessory Dwelling Units as a use-by-right in all residential zoning districts with administrative approval.

RECOMMENDATION

Planning Staff recommends approving the proposed Accessory Dwelling Unit Ordinance by the City Council.

BACKGROUND

The City Council has adopted a policy of addressing attainable housing as one of its top priorities. Planning Staff drafted a Housing White Paper in 2005 which outlined a series of policy alternatives that the City could implement in order to diversify the housing stock in terms of size and price points. One of the policy recommendations discussed in the white paper was to allow existing homeowners to construct accessory dwelling units on their property with administrative review and approval.

Accessory Dwelling Units (ADUs) are currently permitted by conditional use in residential districts of the City. The Conditional Use Permit process by its very nature can discourage residents from proposing ADUs. The current structure of the ordinance gives very little design guidance to the property owner and the public. The public hearing process can also have the undesired consequence of creating a reactionary response by the public and results in projects being re-designed by adjoining neighbors and appointed and elected officials. This is often a result because there are few guiding rules for the applicant, the public, Planning Staff or the appointed and elected officials to follow.

Planning Staff believes that a prescriptive ADU ordinance which addresses site design, bulk and area considerations, building heights, setbacks and architectural compatibility will ensure that new ADUs are appropriate in scale and design and that they will contribute to the community and neighborhood.

Planning Staff is bringing this ordinance forward at this time in order to advance three of the six goals adopted by the City Council's passage of City Plan 2025. Allowing ADUs by right is a benchmark in City Plan 2025 for the Fall 2006 – Summer 2007 schedule. Specifically, this ordinance is designed to address:

Goal 1: We will make appropriate infill and revitalization our highest priority,
Goal 2: We will discourage suburban sprawl, and
Goal 6: We will create attainable housing.

Administrative approval of ADUs will advance Goals 1 and 2 by encouraging the creation of dwelling units on property that has already been developed within the City. Low-density single-use residential property has the infrastructure already in place to allow for these infill opportunities. The larger lot sizes associated with low density zoning are prime locations for ADUs and will discourage sprawl by allowing appropriate and compatible small-scale residential uses to existing neighborhoods. ADUs by right are the very definition of infill and revitalization.

ADUs can create attainable housing in a number of ways. They are often designed as a housing alternative for members of the family who may have special needs or life circumstances, for instance the traditional role of an ADU as a "granny unit' for the mother-in-law. Families with college age children may choose to construct an ADU rather than pay rent for a dorm room or off-campus apartment. ADUs can be a very effective housing solution for a variety of familial circumstances that evolve over time. Additionally, ADUs as rental units can provide the necessary income needed for a family to meet their monthly mortgage obligations. There is an abundance of literature that can be found on the internet regarding the social and economic advantages of ADUs. Here is a brief list of links about ADU ordinances in other municipalities:

http://rainier.wa.us/Publications/adu30.pdf
http://www.ci.santa-cruz.ca.us/pl/hcd/ADU/adu.html
http://cosweb.ci.shoreline.wa.us/uploads/attachments/pds/handouts/ADU.pdf

DISCUSSION

The Planning Commission forwarded this item to the Ordinance Review Committee with a unanimous vote of 6-0. A concern brought up by the Planning Commission was that 600 sq. ft. would allow too large of a unit and perhaps 400 sq. ft. would be more appropriate. Staff has looked at the advantages and disadvantages of reducing the allowable square footage and is in favor of leaving it at 600 sq. ft. The downside of reducing the square footage is that you can reduce it to the point where it will in effect prescribe an efficiency type unit without a separate bedroom. An efficiency unit may be appropriate for younger people and students but most adults would not find it very practical. Staff believes that reducing the square footage will significantly limit the potential for a broad cross-section of the community to take advantage of this form of attainable housing.

The City Council Ordinance Review Committee forwarded this item to the full City Council with a unanimous 3-0 vote in favor of the proposed ordinance.

Planning Staff has met internally and with the Council of Neighborhoods in February to discuss the Accessory Dwelling Unit Ordinance and to make any additional changes that would create a stronger "by right" ordinance. Therefore, Planning Staff has made the following changes to the ordinance in order to address some of the concerns brought up during these meetings;

- Requirement of impact fees for all accessory dwelling units.
- Requirement for separate water and sewer taps for the accessory dwelling unit.
- Proof of occupancy of the owner of the residence with a registration requirement annually.
- Requirement of site plan review by the Urban Forester with mitigation requirements for the removal of significant trees on the building site.
- The maximum building heights have been amended in order to mirror the way building height is determined for single family development.
- Requirement for the removal of cooking facilities when the owner no longer resides in either the principal or accessory dwelling unit.

BUDGET IMPACT

None

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT CODE OF THE CODE OF FAYETTEVILLE TO AMEND CHAPTER 151: DEFINITIONS, CHAPTER 159: FEES, CHAPTER 161: ZONING REGULATIONS, CHAPTER 162: USE UNITS, CHAPTER 163: USE CONDITIONS AND CHAPTER 164 SUPPLEMENTARY DISTRICT REGULATIONS IN ORDER TO MAKE ACCESSORY DWELLING UNITS A PERMITTED USE IN ALL RESIDENTIAL ZONING DISTRICTS CONTINGENT UPON PLANNING DIVISION ADMINISTRATIVE APPROVAL.

WHEREAS, the City of Fayetteville recognizes that accessory dwelling units provide an additional housing choice for many residents of the City such as students and senior citizens; and

WHEREAS, the City of Fayetteville has identified the need for increased housing options and variations in the existing housing market; and

WHEREAS, the City of Fayetteville has determined that accessory dwelling units are appropriate in residential zoning districts; and

WHEREAS, the City of Fayetteville recognizes that strict design guidelines will minimize cited concerns about appearance, mass and scale; and

WHEREAS, the City of Fayetteville recognizes that an administrative approval process will streamline the development process and encourage the construction of additional accessory dwelling units; and

WHEREAS, Accessory dwelling units that exceed the maximum standards prescribed in the proposed ordinance may request a variance from specific standards to the Planning Commission;

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

Section 1. That Chapter 151: Definitions is amended by adding Accessory Dwelling Unit and Principal Dwelling Unit to §151.01, a copy of which marked Exhibit "A" is attached hereto and made a part hereof.

Section 2. That Chapter 159: Fees is amended by adding Accessory Dwelling Unit $100.00 to §159.01(B)(6).

Section 3. That Chapter 161: Zoning Regulations is amended by adding Use Unit 41: Accessory Dwelling Units in §161.03 (B)(1), §161.04 (B)(1), §161.05 (C), §161.06 (C), §161.07 (B)(1), §161.08 (B)(1), §161.09 (B)(1), and §161.23 (B)(1).

Section 4. That Chapter 162: Use Units is amended by adding Accessory Dwelling Units as Use Unit 41in §162.01

Section 5. That Chapter 163: Use Conditions is amended by removing Detached Second Dwelling Units (granny units) from §163.01: Listing, and removing all of §163.07: Detached Second Dwelling Units (Granny Units) and re-numbering the remainder of Chapter 163: Use Conditions accordingly.

Section 6. That Chapter 164: Supplementary District Regulations is amended by adding the proposed language in §164.19, a copy of which is marked Exhibit "B" attached hereto and made a part hereof.

PASSED and **APPROVED** this the ____ day of ____, 2008.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

EXHIBIT "A"

Chapter 151: Definitions is amended by adding Accessory Dwelling Unit and Principal Dwelling Unit to §151.01:

Accessory Dwelling Unit. (Zoning) An Accessory Dwelling Unit is a separate dwelling unit from the principal dwelling unit, located on a single family zoned lot. The owner of the lot shall permanently reside in either the principal dwelling unit or the accessory dwelling unit located on the property.

Principal Dwelling Unit. (Zoning) A Principal Dwelling Unit is the primary and larger of two dwelling units located on a single lot.

EXHIBIT "B"

Chapter 164: Supplementary District Regulations is amended by adding the following section §164.19: Accessory Dwelling Units:

164.19 Accessory Dwelling Units (ADU)

(A) *Purpose.* The purpose of the accessory dwelling unit ordinance is to authorize accessory dwelling units in certain zoning districts on lots already developed or that will be developed concurrently with single-family dwellings.

(B) *Intent.* Planning Staff shall evaluate the following criteria for the review and approval of an accessory dwelling unit application:

(1) Exterior design of the accessory dwelling unit should be compatible with the principal dwelling unit through architectural use of building forms, height, construction materials, and colors.

(2) The property shall have infrastructure (water, sewer, gas, electric, etc.) that meets City standards to serve the accessory dwelling unit.

(3) The location and design of the accessory dwelling unit shall meet the required setbacks of the zoning district.

(4) A two-story accessory dwelling unit should generally limit the major access stairs, decks, entry doors, and major windows to the walls facing the principal dwelling, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard should be minimized. The design of the accessory unit should relate to the design of the principal residence and not visually dominate it or the surrounding properties.

(5) The orientation and location of buildings, structures, open spaces and other features of the site should protect and maintain natural resources including significant trees and shrubs to the extent feasible and minimize alteration of natural land forms. Building profiles, location and orientation should relate to natural land forms.

(6) The site plan should incorporate low impact storm water mitigation techniques, such as cisterns, rain barrels, permeable pavers, rain gardens, indigenous plants and landscape berms.

(C) *Permitted Zoning Districts:* Accessory dwelling units shall be exempt from the density requirements of the underlying zoning district and shall be permitted by-right on lots containing 5,000 square feet or more in the following Zoning districts:

(1) R-A Residential Agricultural

(2) RSF – 0.5 Residential Single Family – One Half Unit per Acre

(3) RSF – 1 Residential Single Family – One Unit per Acre

(4) RSF – 2 Residential Single Family – Two Units per Acre

(5) RSF – 4 Residential Single Family – Four Units per Acre

(6) RSF – 7 Residential Single Family – Seven Units per Acre

(7) RSF – 8 Residential Single Family – Eight Units per Acre

(8) NC Neighborhood Conservation

(D) *Administrative Design Review and Approval.* All accessory dwelling units shall meet the following standards for administrative approval by the Zoning and Development Administrator. Prior to approval of an accessory dwelling unit, the Zoning and Development Administrator shall find that:

(1) *Maximum Square Feet and Number of Bedrooms.* The accessory dwelling unit shall not be greater than 600 square feet of habitable space with a maximum of one bedroom. Detached accessory dwelling units located above garage space shall be permitted so long as they meet the height requirement herein.

(2) *Zoning.* The accessory dwelling unit shall comply with all underlying zoning requirements including but not limited to building area, bulk and area, and setbacks with the exception of density.

(3) *Parking.* One parking space shall be provided on-site for each accessory dwelling unit. Required parking for the accessory dwelling unit is in addition to the required parking for the principal dwelling unit. On-street parking may be counted towards the total parking requirement where it is allowed in the public right-of-way adjacent to the subject property.

(4) *Existing Development on Lot.* A single-family dwelling shall exist on the lot or shall be constructed in conjunction with the accessory dwelling unit. No building permit shall be issued until this requirement is satisfied.

(5) *Maximum Number of Accessory Dwelling Units Per Lot.* A maximum of one accessory dwelling unit shall be permitted for each lot.

(6) *Other Code Requirements.* The accessory dwelling unit shall comply with the requirements of the City of Fayetteville Uniform Building Code.

(7) *Water and Sewer.* Water and sewer service for the accessory dwelling unit shall be connected directly to the pubic water and sewer system, where reasonably accessible in accordance with all applicable regulations, and shall be metered separately from the principal residence.

(8) *Impact Fees.* All impact fees for an accessory dwelling unit shall be paid in accordance with the regulations of Ch. 159 of the Unified Development Code, for a single family dwelling.

(9) *Occupancy.* The property owner must permanently occupy either the principal or accessory dwelling unit.

(10) *Maximum Occupancy of the Accessory Dwelling Unit.* A maximum of two persons shall reside in an accessory dwelling unit.

(11) *Registration of Dwelling Units.* The principal and accessory dwelling unit shall be registered on an annual basis, from the date of approval, with the Planning Division to verify occupancy requirements.

(12) Tree Preservation. To protect existing tree canopy to the greatest extent possible, prior to application for an accessory dwelling unit, the applicant shall consult with the Urban Forester, to prepare a site plan illustrating the location of all significant trees. All significant trees on the property shall be adequately protected during construction. Any proposed removal of significant trees on the site will require the following of the property owner:

(a) The applicant must show that the removal of a significant tree or trees is necessary in order to locate the accessory dwelling unit on the lot and also meet all contributing location requirements such as building setbacks, utility or drainage easements, topography, etc.

(b) For every significant tree removed the property owner shall replace said tree with a total of two (2) two-inch caliper large species shade trees from the list of approved tree species in a location deemed appropriate by the Urban Forester.

(c) Should the Urban Forester find justifiable cause to determine a significant tree or trees were removed in an attempt to thwart the intent of this ordinance prior to application for an accessory dwelling unit, the application shall not be approved administratively.

(13) *Building Height and Stories.*

(a) A one-story detached accessory dwelling unit shall be a maximum of 20 feet in height to the roof peak measured from the existing adjacent grade.

(b) A detached accessory dwelling unit above one story shall be a maximum of 25 feet in height to the roof peak measured from the existing adjacent grade.

(c) An attached accessory dwelling unit may occupy a first or second story of a principal dwelling unit and shall not in any instance be taller than the roof line of the principal dwelling unit.

(14) *Building Design.* The architectural design of the accessory dwelling unit shall relate to the design of the principal dwelling by the use of similar exterior wall materials, window types, door and window trims, roofing materials and roof pitch. The following materials must be submitted for review of an application:

(a) A material sample board indicating type of materials and colors to be used on the exterior of the building.

(b) An architectural elevation drawing of all sides of the proposed structure.

(c) Images or architectural elevations of the principal dwelling unit.

(E) *Site Plan Requirements.* Three sets of detailed site plans are required with the following information:

(1) Scale no smaller than 1" = 30' (one inch equals thirty feet)

(2) A north arrow

(3) Property lines

(4) Locations and dimensions of all rights-of-way, utility, drainage and tree preservation easements, and building setbacks

(5) All existing and proposed structures with accompanying uses

(6) Size of parcel in square feet or acres.

(7) Size of all existing and proposed structures in square feet

(8) Name of the applicant or property owner, plan preparer, project name and project address in a title block

(9) Pertinent special features such as drainage features, berms, fences, and retaining walls

(10) Parking areas, including driveways, with paving materials and dimensions

(11) A landscape plan showing the location of all proposed landscaping, size of plant materials and species

(12) Tree protection plan including all significant trees and protection measures

(F) Deed Restrictions. Before obtaining a building permit for an accessory dwelling unit the property owner shall file with the Washington County Clerk's Office a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:

(1) The accessory dwelling unit shall not be sold separately from the principal residence.

(2) The accessory unit is restricted to the approved size.

(3) The property owner shall at all times reside on the property.

(4) The above restrictions are binding upon any successor in ownership of the property and shall run with the property.

(G) *Planning Commission Approval.* An applicant may request approval from the Planning Commission of a variance from the maximum requirements for size (square feet), height, and materials for an accessory dwelling unit, where unique circumstances exist and the effect will not adversely affect adjoining or neighboring property owners. The applicant shall provide notification to adjacent property owners prior to the date of the meeting.

(H) *Existing Detached Second (Accessory) Dwelling Units.*

(1) Conforming Units. Existing detached second dwelling units approved by the Planning Commission by conditional use and constructed shall be considered a legal conforming accessory dwelling on the property. Property owners shall register the principal and accessory dwelling on an annual basis with the Planning Division.

(2) Nonconforming Units. Existing detached second dwelling units that were not approved by the Planning Commission shall be considered nonconforming. An application for administrative approval may be made to convert an existing nonconforming detached second dwelling unit to a conforming legal detached second dwelling unit, where the existing unit can meet the requirements herein. Where an existing nonconforming second dwelling unit exists as of the date of the adoption of

this ordinance that can not meet the requirements herein, the applicant may apply for a variance of the requirements stated.

(I) *Non-Conforming Structures.* Non-conforming structures may not be converted into an accessory dwelling unit unless a variance has been granted by the Board of Adjustment.

(J) *Removal of kitchen and cooking facilities.* The accessory dwelling unit shall be converted from a dwelling unit by the removal of kitchen and cooking facilities if the owner of the property no longer wishes to reside in either structure.

(K) *Violation.* Violation of the requirements herein shall be prosecuted to the maximum extent of the law.

DRAFT

DRAFT

ADM 07-2712: (ACCESSORY DWELLING UNITS): An ordinance amending the Unified Development Code to allow Accessory Dwelling Units by right in Residential Zoning Districts.

Tim Conklin, Planning and Development Management Director, explained that the accessory dwelling unit ordinance was one of the benchmarks adopted by the City Council. The proposed ordinance was drafted to allow existing homeowners to construct accessory dwelling units. He explained that accessory dwelling units also known as detached second dwelling units are currently permitted by conditional use. Planning staff was bringing forward a prescriptive ordinance that addresses site design, bulk and area, building height, setback, and architectural compatibility. The ordinance advances three of the six goals adopted in City Plan 2025: Allowing accessory dwelling units meets Goal 1, Appropriate Infill, discouraging suburban sprawl meets Goal 2, and creating attainable housing meets Goal 6. He suggested the Commissioners review what was adopted by other communities in Washington, Wisconsin, and California. A PowerPoint presentation was shown that discussed the benefits of the ordinance and how it relates specifically to Fayetteville.

Conklin asked that if the Commissioners had any additional requirements or suggestions above and beyond those discussed, that he be notified. Each exhibit was presented and summarized.

Commissioner Anthes asked if it will modify approved PZDs.

Conklin stated that no, it's too complicated to do so with all Residential PZDs. Instead, Use Unit 41, Accessory Dwelling Units, will be added to the UDC and could be used to amend an existing PZD through the City Council process.

Public Comment was received:

Joann Kvamme, neighbor, stated she is concerned about small lot sizes. She stated that the amount of coverage on a lot be considered by the amount of impervious surface. She expressed drainage concerns and how the additional units would change the flavor of neighborhood. She expressed that ADU's should be looked at on a case by case basis. She thought this proposed ordinance was too risky for the City to blanket approval ADU's. She understood PZDs won't change, but once a person buys the property, they could change it after it is built. She also expressed concern that off-street parking won't be enough to serve the ADU.

Dan Conner stated the main reason they haven't been approved is the whole neighborhood comes out and fights it. He suggested they keep ADU's as a conditional use permit.

Conklin stated that the City does have lot coverage standards, but they don't have them for actual paving. With regard to previous ones, they typically aren't a problem if they are done correctly. If this is something we want to encourage, as affordable housing, or if there needs to be additional requirements to make it more prescriptive, please let staff know your ideas.

Commissioner Anthes asked if development in PZDs can change.

Conklin stated that no, the PZD ordinance goes with the Land.

Commissioner Ostner asked about R-O zoning and ADU's.

Conklin stated they tried to stay with just single-family, because they currently only allow one single family dwelling.

Commissioner Ostner asked if there was an impact fee for an additional unit.

Conklin confirmed that impact fees would apply to each new unit.

Commissioner Ostner asked if there were separate water/sewer taps, or together?

Conklin stated that he has seen it done both ways.

Commissioner Ostner stated it can get expensive to build an ADU. He questioned trash pick up and how that would be handled. He stated that Mr. Conner had a good point that people fight these requested-for ADU's. He stated that there were no parameters in previous applications – no specific rules and that they probably should have been fought. He stated he thought 600 square feet was too big. He thought 400-500 s.f. would be more appropriate. He would like to see the ordinance say 400 s.f., instead. He stated that he lived in 420 s.f. with a roommate. He thought the Ordinance is terrific, to set up rules to promote ADU's. He stated that density is what is going to save this town. You can get more shops, and keep Dickson alive. This is a great way to do density right.

Commissioner Winston asked about the size of the dwelling unit on the right in the slideshow.

Conklin stated that he did not know but would find out.

Commissioner Ostner stated he hopes that the entire property, both ADU and primary dwelling don't becomes rent houses. And that you could have six people living in these houses.

Commissioner Anthes asked about a deed restriction on the property that requires owner occupancy for one of the units.

Commissioner Ostner asked about the potential problem of an unscrupulous owner who doesn't occupy one of the units.

Commissioner Bryant asked how the deed restriction worked and how it would be enforced. She asked what stops them from renting both out.

Pate stated that if there is a violation of UDC, it will be prosecuted.

Commissioner Cabe asked about the amount of buildable area, and how this ordinance would impact existing second dwelling units that did not go through CUP. He also asked about grandfathered units.

Motion:

Commissioner Myres made a motion to forward the request to ordinance review.

Commissioner Cabe seconded the motion.

Commissioner Anthes stated she appreciates staff's work on research to produce a predictable outcome with this process. She discussed the benefits of this ordinance with helping to create additional income to allow citizens afford housing, the downsizing of families, and being able to stay in neighborhood. She stated that she supported this ordinance.

Upon roll call the motion passed with a vote of 6-0-0.

Page Break

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

1-Apr-08
City Council Meeting Date

Karen Minkel	Long Range Planning	Operations
Submitted By	Division	Department

Action Required:

An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 151: Definitions, Chapter 152: Administration and Chapter 166: Development in order to prohibit decentralized sewer systems within the City limits.

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

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director — Date: 14 MAR 08

City Attorney — Date: 3-18-08

Finance and Internal Service Director — Date: 3-18-08

Mayor — Date: 3/19/08

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Received in City Clerk's Office ENTERED 3/14/08

Received in Mayor's Office ENTERED 3/18/08

Comments:

Left on the first reading 4/1/08

City Council Meeting of April 1, 2008
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
David Jurgens, Water and Wastewater Director
Ron Petrie, City Engineer

From: Karen Minkel, Senior Long Range Planner

Date: November 27, 2007

Subject: An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 151: Definitions, Chapter 152: Administration and Chapter 166: Development in order to prohibit or regulate decentralized sewer systems within the city limits

RECOMMENDATION

Planning Staff recommends approving an ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 151: Definitions, Chapter 152: Administration and Chapter 166: Development in order to prohibit or regulate decentralized sewer systems within the city limits.

BACKGROUND

City Council approved an ordinance to attach and incorporate 1,419.30 acres into the City of Fayetteville after a majority of citizens voted in favor of annexing the property during a special election held on October 10, 2006. Through this annexation, the City inherited two decentralized sewer systems, one that was already under construction and one that had yet to be constructed but had been approved by Washington County. This prompted collaboration among water and sewer, engineering and planning staff to generate a policy that would address decentralized sewer systems within the City boundaries and within the City's Planning Area.

The following policy recommendations provide a sensible solution for minimizing the costs of management and potential environmental damage within the City boundaries and for accommodating systems that are annexed into the City. The revised ordinance in Chapter 166.03, which addresses the sanitary sewer system, prohibits community sewage systems within the City boundaries. The ordinance further specifies the design of unconstructed systems that have been approved by the County and subsequently annexed into the City. Constructed systems in the County that have been annexed must connect to the City sanitary sewer system when a City sewer main is within 300 feet at the expense of the owner of the decentralized sewer system. Staff also proposes removing language in Sections 166.03 and 166.04 that is outdated or irrelevant.

Further amendments include adding a community sewage system definition to Chapter 151 and stating that the City Engineer is the administrator for water and sewer systems in Chapter 152.

The amendments were reviewed by the Water and Sewer Committee on February 27, 2007, and the committee agreed to forward the amendments to the City Council with a recommendation for approval.

BUDGET IMPACT
None.

ORDINANCE NO.

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT CODE OF THE CODE OF FAYETTEVILLE TO AMEND CHAPTER 151: DEFINITIONS, CHAPTER 152: ADMINISTRATION AND CHAPTER 166: DEVELOPMENT IN ORDER TO PROHIBIT OR REGULATE DECENTRALIZED SEWER SYSTEMS WITHIN THE CITY LIMITS

WHEREAS, the City Council has the authority under A.C.A. § 14-236-01 to regulate the disposal of waste and wastewater; and

WHEREAS, the City of Fayetteville provides a community sewer system that efficiently and safely disposes of water and wastewater; and

WHEREAS, the Community sewage systems or decentralized sewer systems pose potential environmental and management concerns.

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

Section 1: The City Council of the City of Fayetteville, Arkansas hereby amends §151.01 **Definitions** of the UDC by adding the definition of *Community sewage system* as shown below:

"*Community sewage system.* (Development) Any non-publicly owned system serving two (2) or more individual houses, housing units, apartments or other occupied structures for the collection and disposal of domestic, non-residential or industrial wastewater of a liquid nature, including various devices for the collection, conveyance and treatment of the treated wastewater effluent and the monitoring of the affected groundwater quality and the management of the associated solid waste by-products (septage and sludge). (Also known as decentralized sewer systems)"

Section 2: The City Council of the City of Fayetteville, Arkansas hereby amends §152.01 of the UDC by enacting a new subsection 152.01 (U) as follows:

"(U) *Water and Sewer Systems: City Engineer.*"

Section 3: The City Council of the City of Fayetteville, Arkansas, hereby repeals §166.03 (I) *Public sanitary sewer not accessible* in its entirety and enacts a new §166.03 (I) *Public sanitary sewer not accessible* as shown on Exhibit "A" attached.

Section 4: The City Council of the City of Fayetteville, Arkansas hereby repeals §166.04 (A)(10)(b) *Public sanitary sewer system not accessible* and enacts a replacement §166.04 (A)(10)(b) *Public sanitary sewer system not accessible* as shown on Exhibit "B" attached.

PASSED and **APPROVED** this ____ day of April, 2008.

APPROVED: ATTEST:

By: _____ By: _____
DAN COODY, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

EXHIBIT "A"

To be inserted at Chapter 166: Development:

166.03 (I)

(1) *Public sanitary sewer accessible.* Where a public sanitary sewer is reasonably accessible, the subdivider shall connect with such sewer, and each lot within the subdivision shall be provided with a connection thereto. All connections shall be subject to the approval of the City Engineer. Individual service lines shall be installed, and individual connections shall be made prior to the paving of the street, if possible.

(2) *Public sanitary sewer not accessible.* Where a subdivision is proposed so that each lot has a minimum gross area of one and one-half acres, an individual sewage disposal system for each lot may be used; for lots having a gross area of less than one and one-half acres, an individual sewage disposal system may be used for each individual lot when a permit for a septic system is granted by the Arkansas Department of Health. A copy of the Arkansas Department of Health permit granted for each lot shall be provided at the time the application is submitted for subdivision or lot split approval for all lots less than one and one-half acres. Existing septic systems, sewage disposal fields (leach fields), alternate disposal fields required by state law and water wells on-site or off-site within 100 feet shall be shown on all proposed subdivisions and lot splits.

(3) *Community sewage systems.* The construction of community sewage systems or decentralized sewer systems shall be prohibited within the City.

(4) *Annexation of community sewage systems.* Where a community sewage system is annexed into the City, then the following shall apply:

(a) *Unconstructed systems.* The wastewater system shall be designed such that the entire collection system is a traditional-style gravity sewer system that carries all wastewater flow to centralized treatment facilities and shall meet City standards for design construction. The system must also be designed such that there is one single point of connection from which a future gravity connection can be made to the City sanitary sewer system when the latter becomes available. This connection shall be made at the expense of the owner of the decentralized wastewater system.

(b) *Constructed systems.* Systems constructed prior to annexation into the City must tie to the City sanitary sewer system when a City sanitary sewer main is constructed within 300 feet of the community sewage system and such main is reasonably available to the community sewage system. This connection shall be made at the expense of the owner of the decentralized wastewater system.

State law reference(s)--"Arkansas Sewage Disposal Systems Act," A.C.A. §14-236-101 et seq.

EXHIBIT "B"

To be inserted at Chapter 166: Development:

166.04 (A)(10)

(b) *Public sanitary sewer not accessible.* Where a subdivision is proposed so that each lot has a minimum gross area of one and one-half acres, an individual sewage disposal system for each lot may be used; for lots having a gross area of less than one and one-half acres, an individual sewage disposal system may be used for each individual lot when a permit for a septic system is granted by the Arkansas Department of Health. A copy of the Arkansas Department of Health permit granted for each lot shall be provided at the time the application is submitted for subdivision or lot split approval for all lots less than one and one-half acres. Existing septic systems, sewage disposal fields (leach fields), alternate disposal fields required by state law and water wells on-site or off-site within 100 feet shall be shown on all proposed subdivisions and lot splits.

(Code 1965, App. C., Art. III, § A(2), (3); Ord. No. 1979, 2-5-74; Ord. No. 2353, 7-5-77; Ord. No. 2755, 9-1-81; Code 1991, §§ 159.31, 159.32; Ord. No. 4100, § 2 (Ex. A), 6-16-98; Ord. No. 4263, 8-1-00; Ord. 4660, 12-21-04)

additional fire hydrants shall be required.

(I) *Sanitary sewer system.*

(1) *Public sanitary sewer accessible.* Where a public sanitary sewer is reasonably accessible, the subdivider shall connect with such sewer, and each lot within the subdivision shall be provided with a connection thereto. All connections shall be subject to the approval of the City Engineer. Individual service lines shall be installed, and individual connections shall be made prior to the paving of the street, if possible.

(2) *Public sanitary sewer not accessible.* Where ~~a public sanitary sewer is not reasonably accessible, the subdivider shall be required to install a community sewage system, as defined by Act 402 of the 1977 Arkansas General Assembly, in compliance with state health department's standards and regulation; provided, if a community sewage system is not reasonably available or economically feasible, and~~ a subdivision is proposed so that each lot has a minimum gross area of one and one-half acres, an individual sewage disposal system for each lot may be used; for lots having a gross area of less than one and one-half acres, an individual sewage disposal system may be used for each individual lot when a permit for a septic system is granted by the Arkansas Department of Health. **A copy of the Arkansas Department of Health permit granted for each lot shall be provided at the time the application is submitted for subdivision or lot split approval for all lots less than one and one-half acres. Existing septic systems, sewage disposal fields (leach fields), alternate disposal fields required by state law and water wells on-site or off-site within 100 feet shall be shown on all proposed subdivisions and lot splits.** ~~Individual service lines and connections shall be installed prior to the paving of the street, if possible. The minimum gross area requirement prescribed hereby for an individual sewage disposal system shall not apply to any subdivision for which an approved plat has been filed of record prior to July 5, 1977.~~

(3) *Community sewage systems.* The construction of community sewage systems or decentralized sewer systems shall be prohibited within the City.

(4) *Annexation of community sewage systems.* Where a community sewage system is annexed into the City, then the following shall apply:

(a) *Unconstructed systems.* The wastewater system shall be designed such that the entire collection system is a traditional-style gravity sewer system that carries all wastewater flow to centralized treatment facilities and shall meet City standards for design construction. The system must also be designed such that there is one single point of connection from which a future gravity connection can be made to the City sanitary sewer system when the latter becomes available. This connection shall be made at the expense of the owner of the decentralized wastewater system.

(b) *Constructed systems.* Systems constructed prior to annexation into the City must tie to the City sanitary sewer system when a City sanitary sewer main is constructed within 300 feet of the community sewage system and such main is reasonably available to the community sewage system. This connection shall be made at the expense of the owner of the decentralized wastewater system.

State law reference(s)—"Arkansas Sewage Disposal Systems Act," A.C.A. §14-236-101 et seq.

166.04 Required On-Site Improvements – Subdivisions In Planning Area

(A) *Requirements.* Before the Planning Commission may grant final plat approval for a subdivision located within the city's designated planning area, the subdivider shall have installed, or shall have made a guarantee of in lieu of installation, as provided by Chapter 158, either at his expense or in accordance with the existing

policy of the city, the following improvements:

(1) *Monuments.* Reinforced concrete monuments 4 inches x 4 inches x 30 inches at quarter section corners and subdivision corners.

(2) *Lot stakes.* Metal stakes 1/2 inch x 30 inches at all lot corners, points of tangency, points of curvature and angles in property lines or easements.

(3) Streets.

(a) *Within One Mile of City Limits.* Street grading, base, and paving according to existing city standards and specifications as adopted by the City Council.

(b) *Beyond One Mile of City Limits.* Streets shall meet Washington County Standards.

(4) Curbs and gutters.

(a) Within One Mile of City Limits. Curbs and gutters according to existing city standards and specifications as adopted by the City Council.

(b) Beyond One Mile of City Limits. Curbs and gutters shall meet Washington County Standards.

(5) Sidewalks. Sidewalks shall be installed, within one mile of City Limits, according to existing city standards and specifications as adopted by the City Council. The construction of all sidewalks shall be inspected by the City Engineer or his designee to ensure compliance with city specifications. The developer shall guarantee the sidewalk installation according to §158.01.

(6) Streetlights. Standard 8,000 lumen streetlights shall be installed at each intersection or cul-de-sac and along one side of each street or cul-de-sac within one mile of the City Limits at intervals of no more than 300 feet; provided, streetlights of higher intensity may be required at intersections with collector streets or arterial streets.

(7) *Grading and storm drainage system.*

(a) The subdivider shall install storm drainage facilities, including drains, sewers, catch basins, and culverts necessary for the proper drainage of all surface water.

(b) All drainage facilities shall be so designed to serve the entire drainage area.

(c) All surface water drainage shall be transported to existing storm sewers, drainage facilities, or natural drainage ditches approved by the City Engineer.

(d) The City Engineer shall approve all drainage features.

(8) *Culverts and bridges.* Culverts and bridges shall be installed where needed in accordance with existing Arkansas State Highway Department standards and specifications.

(9) *Water supply.*

(a) *Accessible public water supply.* When an approved public water supply is reasonably accessible, the subdivider shall install a system of water mains and shall connect to such supply so that each lot within the subdivision shall be provided with a connection to said public water supply. All connections shall be approved by the City Engineer. Individual service lines shall be installed, and individual connections shall be made prior to the paving of the street, if possible.

(b) *Nonaccessible public water supply.* Where an approved public water supply is not reasonably accessible, any private water supply system proposed by the subdivider must be approved by the county sanitarian and the City Engineer in order to assure that the private water supply system will provide an adequate supply of potable water to every lot in the subdivision. Individual service lines shall be installed, and individual connections shall be made prior to the paving of the street, if possible.

(10) *Sanitary sewer system.*

(a) *Public sanitary sewer accessible.* Where a public sanitary sewer is reasonably accessible, the subdivider shall connect with such

sewer, and each lot within the subdivision shall be provided with a connection thereto. All connections shall be subject to the approval of the City Engineer. Individual service lines shall be installed, and individual connections shall be made prior to the paving of the street if possible.

(b) *Public sanitary sewer not accessible.* Where ~~a public sanitary sewer is not reasonably accessible, the subdivider shall be required to install a community sewage system, as defined by Act 402 of the 1977 Arkansas General Assembly, in compliance with State Health Department standards and regulations; provided, if a community sewage system is not reasonably available or economically feasible, and~~ a subdivision is proposed so that each lot has a minimum gross area of one and one-half acres, an individual sewage disposal system for each lot may be used; for lots having a gross area of less than one and one-half acres, an individual sewage disposal system may be used for each individual lot when a permit for a septic system is granted by the Arkansas Department of Health. A copy of the Arkansas Department of Health permit granted for each lot shall be provided at the time the application is submitted for subdivision or lot split approval for all lots less than one and one-half acres. Existing septic systems, sewage disposal fields (leach fields), alternate disposal fields required by state law and water wells on-site or off-site within 100 feet shall be shown on all proposed subdivisions and lot splits. ~~Individual service lines and connections shall be installed prior to the paving of the street, if possible. The minimum gross area requirement prescribed hereby for an individual sewage disposal system shall not apply to any subdivision for which an approved plat has been filed on record prior to July 5, 1977.~~

(Code 1965, App. C., Art. III, § A(2), (3); Ord. No. 1979, 2-5-74; Ord. No. 2353, 7-5-77; Ord. No. 2755, 9-1-81; Code 1991, §§ 159.31, 159.32; Ord. No. 4100, § 2 (Ex. A), 6-16-98; Ord. No. 4263, 8-1-00; Ord. 4660, 12-21-04)

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

1-Apr-08
City Council Meeting Date

David Jurgens	Water/Wastewater	Water/Wastewater
Submitted By	Division	Department

Action Required:

Approval of an ordinance changing the sewer rates based on the Cost of Service Study developed by HDR Engineering with input provided by the public, staff, Water/Sewer Committee, and City Council. Specifically, rescinding and replacing section 51.137 of the Fayetteville Code of Ordinances, and hold a public hearing.

$0.00	$0.00	Water and Wastewater
Cost of this request	Category / Project Budget	Program Category / Project Name
N/A	$ -	Water and Wastewater
Account Number	Funds Used to Date	Program / Project Category Name
N/A	$0.00	Water/Sewer
Project Number	Remaining Balance	Fund Name

Budgeted Item [XX] Budget Adjustment Attached [ ]

Department Director — 14 MAR 08 — Date

Previous Ordinance or Resolution # 49-08

Original Resolution Date: 4-Mar-08

Original Contract Number: N/A

City Attorney — 3/19/08 — Date

Received in City Clerk's Office ENTERED 3/14/08 aw

Finance and Internal Service Director — 3-19-08 — Date

Received in Mayor's Office ENTERED 3/19/08

Mayor — 3/19/08 — Date

Comments:

Left on the second reading 4/1/08

CITY COUNCIL AGENDA MEMO

To: Fayetteville City Council

Thru: Mayor Dan Coody

From: David Jurgens, Water and Wastewater Director
Fayetteville Sewer Committee

Date: 14 March 2008

Subject: Approval of an ordinance changing the sewer rates, and holding of a public hearing discussing these rate changes on 1 April, 2008 during the City Council meeting.

RECOMMENDATION

City Administration recommends approval of an ordinance changing the sewer rates based on the Cost of Service Study developed by HDR Engineering with input provided by the public, staff, Water/Sewer Committee, and City Council. Specifically, rescinding and replacing section 51.137 of the Fayetteville Code of Ordinances.

BACKGROUND

HDR, with input from City staff, has finalized the water and sewer rate study. The fundamental information was first presented to the City Council Water and Sewer Committee by Tom Gould, HDR, on July 27, 2007, and to the City Council on March 4, 2008.

State codes dictate a schedule and sequence of events for any change in sewer rates. These require that the rate change ordinance be read, a public hearing be scheduled and announced, the ordinance be published, and the public hearing take place at least ten days after the initial reading and publication of the ordinance. The rate ordinance can be approved any time after the public hearing.

DISCUSSION

The rate study reflects the following policy guidelines, as adopted by the Council on March 4, 2008:

1. The City shall adopt a cost of service rate schedule based on customer class.
2. The City shall use volumetric blocks within selected rate classes as appropriate:
   - Residential shall have an increasing block to reduce the cost burden of life critical water uses, encourage conservation, and capture system costs of irrigation through residential meters;
   - Non-residential shall have a declining block to match the reduced volumetric cost of service for larger non-residential users;
   - Industrial shall use a declining block to match the reduced volumetric cost of service for major users.
3. Rates shall be phased to true cost of service over several years.
4. A 3% annual increase shall be used thereafter to offset inflation.
5. All legitimate non-emergency water consumption shall be metered and billed at an appropriate rate.

BUDGET IMPACT

This rate change will increase the Water and Sewer Utility's revenues to match projected needs.

ORDINANCE #_____

AN ORDINANCE REPEALING AND REPLACING §51.137, MONTHLY SEWER RATES, OF THE FAYETTEVILLE CODE OF ORDINANCES.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby repeals §51.137, Monthly Sewer Rates, of the Fayetteville Code of Ordinances, and adopts an amended version of §51.137, Monthly Sewer Rates, as set forth in Exhibit A, attached hereto, and incorporate herein by reference as if set forth word-for-word in its entirety.

PASSED and **APPROVED** this _____ day of April, 2008.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

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

EXHIBIT A

51.137 Monthly Sewer Rates

(A) *Monthly sewer rates.*

(1) All monthly sewer charges shall be calculated from the customer's monthly water usage. The following monthly rates are hereby fixed as rates to be charged for sewer services:

Table D-1
Monthly Sewer Rates Per 1,000 Gallons Before January 1, 2009

Class	Usage Rate (In Gallons)	Cost per 1,000 gallons
Residential	First 2,000 gallons	$3.10
	Greater than 2,000 gallons	3.10
Non-Residential	All Usage	2.42
Major Industrial	All Usage	2.42
Farmington	All Usage	4.66
Outside city	All Usage	4.66
Elkins	85% of metered water usage	2.81
	Usage above 85% of metered water usage	1.98

Table D-2
Monthly Sewer Rates Per 1,000 Gallons After December 31, 2008

Class	Usage Rate (In Gallons)	Cost per 1,000 gallons
Residential	First 2,000 gallons	$3.00
	Greater than 2,000 gallons	4.00
Non-Residential	All Usage	3.02
Major Industrial	All Usage	3.03
Farmington	All Usage	5.13
Outside city	All Usage	5.57
Elkins	85% of metered water usage	3.53
	Usage above 85% of metered water usage	1.85

Table D-3
Monthly Sewer Rates Per 1,000 Gallons After December 31, 2009

Class	Usage Rate (In Gallons)	Cost per 1,000 gallons
Residential	First 2,000 gallons	$3.07
	Greater than 2,000 gallons	4.10
Non-Residential	All Usage	3.10
Major Industrial	All Usage	3.21
Farmington	All Usage	5.28
Outside city	All Usage	5.74
Elkins	85% of metered water usage	3.64
	Usage above 85% of metered water usage	1.91

Table D-4
Monthly Sewer Rates Per 1,000 Gallons After December 31, 2010

Class	Usage Rate (In Gallons)	Cost per 1,000 gallons
Residential	First 2,000 gallons	$3.14
	Greater than 2,000 gallons	4.18
Non-Residential	All Usage	3.18
Major Industrial	All Usage	3.40
Farmington	All Usage	5.44
Outside city	All Usage	5.91
Elkins	85% of metered water usage	3.75
	Usage above 85% of metered water usage	1.96

(2) Beginning January 1, 2012, all monthly sewer quantity charge- usage rates per 1,000 gallons shall be increased by 3% per year.

(3) Sewer related fees levied by the Cities of Farmington or Greenland shall be added to the wastewater utility bill at the request of Farmington or Greenland. These fees may be calculated on a per-thousand volumetric usage or a per month basis.

(B) *Monthly sewer service charge.*

(1) In addition to the above, each customer shall pay a monthly sewer service charge in accordance with the following schedule:

EXHIBIT A

Table E-1 Monthly Sewer Service Charge Prior to January 1, 2009			
Meter Size	Inside City	Outside City†	Farmington†
5/8" x ¾"	$ 10.36	$ 10.35	$ 10.35
1 inch	13.47	19.35	19.35
1½ inch	21.99	34.33	34.33
2 inch	31.44	49.32	49.32
3 inch	73.01	104.40	104.40
4 inch	120.26	171.97	171.97
6 inch	238.37	340.87	340.87
8 inch	356.48	509.76	509.76

Table E-2 Monthly Sewer Service Charge After December 31, 2008			
Meter Size	Inside City	Outside City†	Farmington†
5/8" x ¾"	$ 12.45	$ 12.40	$ 11.40
1 inch	16.20	23.10	21.30
1½ inch	26.45	41.10	37.80
2 inch	37.80	54.30	50.00
3 inch	87.75	125.50	115.30
4 inch	144.50	206.60	189.85
6 inch	286.45	409.60	376.40
8 inch	428.40	612.60	563.00

Table E-3 Monthly Sewer Service Charge After December 31, 2009			
Meter Size	Inside City	Outside City†	Farmington†
5/8" x ¾"	$ 12.80	$ 12.80	$ 11.70
1 inch	16.65	23.80	21.90
1½ inch	27.15	42.30	38.90
2 inch	38.85	55.90	51.50
3 inch	90.20	129.25	118.75
4 inch	148.60	212.80	195.55
6 inch	294.50	421.88	387.70
8 inch	440.45	631.00	579.90

Table E-4 Monthly Sewer Service Charge After December 31, 2010			
Meter Size	Inside City	Outside City†	Farmington†
5/8" x ¾"	$ 13.20	$ 13.20	$ 12.10
1 inch	17.15	24.50	22.60
1½ inch	28.00	43.60	40.10
2 inch	40.05	57.60	53.05
3 inch	93.00	133.10	122.30
4 inch	153.25	219.20	201.50
6 inch	303.70	434.50	400.00
8 inch	454.20	650.00	597.30

†Cost of Service Methodology required by contract.

(2) Beginning January 1, 2012, all monthly sewer service charges shall be increased by 3% per year.

(C) *Determination of sewer quantity charge for residential customers.*

(1) In the case of residential customers residing in a single family home, duplex, triplex, and/or fourplex, the average monthly water consumption for the preceding months of December, January, and February shall be computed separately for each customer, and a uniform monthly charge for each customer shall be determined by applying the schedule of rates set out in subsection (A) of this section to such average monthly water consumption. In the case of a residential user for whom a uniform monthly charge has been established and who moves to a new location the same uniform monthly charge shall apply at the new location. In the case of new residential customers, sewer averages shall be established based on the number of individuals residing within the dwelling unit, at a rate of 2,100 gallons per customer per month. This methodology of sewer averaging shall not apply to multi-family structures containing five (5) or more units in a contiguous building.

(2) In the case of sewer customers who do not have a water meter provided by a public water utility, the sewer usage volume billed shall be the average volume of all users in the sewer system in like dwellings from the most recent system-wide sewer average calculation.

(D) *Determination of charge for non-residential and major industrial customers.* In the case of non-residential and/or major industrial customers, the monthly sewer charge shall be determined by applying the schedule of rates prescribed in subsection (A) of this section to the monthly water usage of such customers. In the event that a non-residential or major industrial customer discharging waste into the city's sanitary sewer system produces evidence to the Water and Wastewater Director demonstrating that a substantial portion of

EXHIBIT A

the total amount of water from all sources used for all purposes does not reach the sanitary sewer which is in excess of the factors used in establishing the rates in subsection (A) of this section, an estimated percentage of total water consumption to be used in computing charges may be established by the Water and Wastewater Director. The factors used in establishing said rates are on file in the office of the Water and Wastewater Director and are incorporated herein by reference thereto. Any rate so adjusted by the Water and Wastewater Director shall be effective for a 12-month period beginning with the billing for the month when rates adjudged hereby go into effect.

(E) *Extra Strength Surcharge.*

(1) For all commercial and industrial customers whose wastewater discharge is greater than 300 mg/l of BOD_5 and/or TSS, the City shall levy an Extra Strength Surcharge for each parameter in accordance with the following unit charges:

Table F3 Extra Strength Surcharges				
	Before 1/1/08	After 12/31/08	After 12/31/09	After 12/31/10
Extra Strength BOD_5	$0.2669 per pound	$0.3336 per pound	$0.4170 per pound	$0.4421 per pound
Extra Strength TSS	$0.1334 per pound	$0.1668 per pound	$0.2084 per pound	$0.2209 per pound

(2) Extra Strength Surcharges shall be billed monthly and shall be computed on the basis of water meter reading (wastewater discharge volume).

(3) Starting after December 31, 2011, Extra Strength Surcharges shall be increased by 3% per year.

(4) Computation of extra strength surcharges shall be based on the following formula:

(a) Extra strength surcharge:

S = V x 8.34 x [BOD Unit Charge (BOD - 300) + SS Unit Charge (SS - 300)]

(b) Where:

S = Surcharge in dollars

V = Sewer volume in million gallons

8.34 = Pounds per gallon of water

BOD unit charge = Unit charge for BOD in dollars per pound

BOD = BOD strength index in parts per million

300 = Allowed BOD strength in parts per million

SS unit charge = Unit charge for suspended solids in dollars per pound

SS = Suspended solids strength index in parts per million by weight

300 = Allowed SS Strength in parts per million by weight

(F) *Elkins sewer charges.*

(1) Elkins' payment for wastewater treatment shall be based on 85% of the metered water purchased. The volume of wastewater received by Fayetteville at the "Point of Connection" shall be measured by the installed wastewater meter. Volumes of wastewater below or above the agreed upon percentage (85%) of metered water, as measured by the wastewater meter, shall be recorded on a monthly basis, with a reconciliation of the net difference to occur semiannually in June and December. If the reconciliation volume is over the agreed upon percentage, this amount shall be billed to Elkins in June and December at the actual computed cost of wastewater collection to and treatment at the Noland Wastewater Treatment Plant, not including the calculated rate of return and not including depreciation charges, but including any capacity surcharge, based on the most recent rate as determined in paragraph B of this Contract. If the reconciliation volume is below the agreed upon percentage, the actual amount billed for the difference shall be refunded to Elkins in June and December

(2) Elkins impact fee charges. The City of Elkins shall pay an additional $0.25 per 1,000 gallons of wastewater, for all wastewater volume charges including both the 85% of metered water volume and for wastewater in excess of the 85% of the metered water purchased billed volume.

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

15-Apr-08
City Council Meeting Date

Jeremy Pate	Planning	Operations
Submitted By	Division	Department

Action Required:

RZN 08-2936: (Mullins, 678): Submitted by John Mullins and Chad Bramlett Mullins Property Management/Inspired Builders for property located at 2846 South School Avenue. The property is zoned RSF-4, Residential Single Family, 4 units per acre, and contains approximately 0.2 acres. The request is to rezone the subject property to R-O, Residential Office.

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 — 3.27.08 — Date

City Attorney — 3-27-08

Finance and Internal Service Director — 3-27-08 — Date

Mayor — 3/31/08 — Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Received in City Clerk's Office ENTERED 3-27-08 LP

Received in Mayor's Office ENTERED 3/27/08

Comments:

City Council Meeting of April 15, 2008
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: March 25, 2008

Subject: Rezoning for Mullins (RZN 08-2936)

RECOMMENDATION

Staff and the Planning Commission recommend approval of rezoning the subject property from RSF-4, Residential Single-Family, 4 units per acre to R-O, Residential Office for approximately 0.2 acres located at 2846 South School Avenue.

BACKGROUND

The property contains approximately 0.2 acres located at the northeast corner of South School Avenue and Peach Street, south of Clydesdale Drive and east of the County Jail. Surrounding properties are a mix of single family residential, commercial and industrial uses with adjacent businesses including an auto repair service and the Tyson plant.

Several of the surrounding properties were rezoned from RSF-4 to R-O in 2003 and 2005. Similar to this request, the property to the south was rezoned in 2003 from RSF-4 to R-O to convert two single-family structures into office space. Staff recommended approval of those requests, finding that the requests were consistent with the current land use planning objectives, promoted consistent development patterns, and were compatible with the adjacent properties. The same findings are generally applicable to this proposal request.

DISCUSSION

This item was heard at the regular Planning Commission meeting on March 24, 2008. The Planning Commission voted 9-0-0 to recommend forwarding this rezoning request to the City Council with a recommendation for approval.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 08-2936, FOR APPROXIMATELY 0.2 ACRES, LOCATED AT 2846 SOUTH SCHOOL AVENUE FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE, TO R-O, RESIDENTIAL OFFICE.

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

Section 1: That the zone classification of the following described property is hereby changed as follows:

From RSF-4, Residential Single-Family, 4 units per acre, to R-O, Residential Office as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

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

PASSED and **APPROVED** this day of , 2008.

APPROVED: ATTEST:

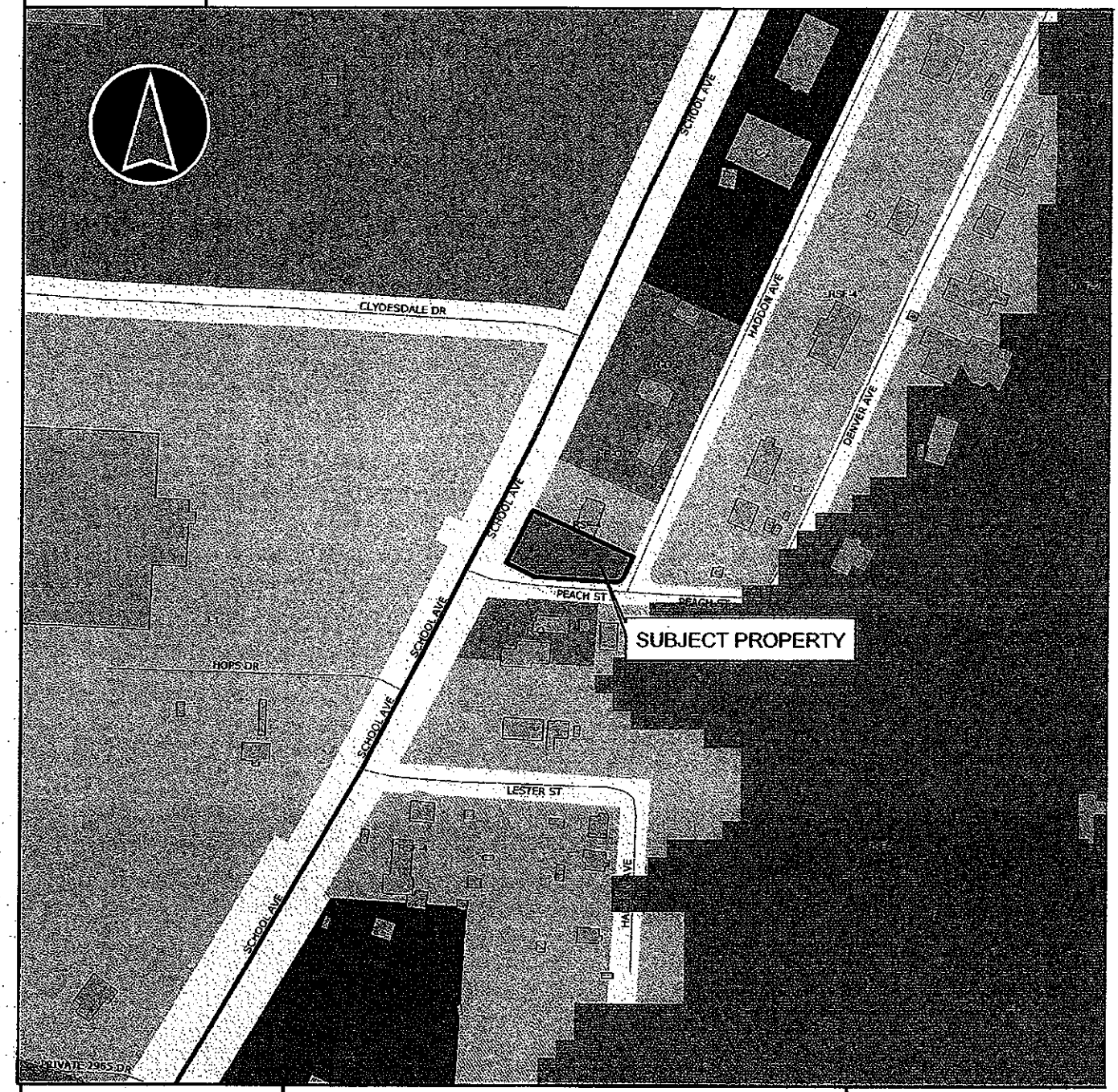
By: _____ By: _____
DAN COODY, Mayor **SONDRA SMITH**, City Clerk/Treasurer

EXHIBIT "A"

RZN08-2936

Close Up View

MULLINS



Overview

0 75 150 300 450 600
Feet

EXHIBIT "B"
RZN 08-2936

LOT 12 AND THE SOUTH 10 FEET OF LOT 11, GRANDVIEW HEIGHTS SUBDIVISION, FAYETTEVILLE, ARKANSAS, WASHINGTON COUNTY.

Fayetteville
ARKANSAS

PC Meeting of March 24, 2008

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO:	Fayetteville Planning Commission
FROM:	Dara Sanders, Current Planner
THRU:	Jeremy Pate, Director of Current Planning
DATE:	~~March 11, 2008~~ *March 25, 2008*

RZN 08-2936: (MULLINS, 678): Submitted by JOHN MULLINS & CHAD BRAMLETT MULLINS PROPERTY MGMT/INSPIRED BUILDERS for property located at 2846 S. SCHOOL AVENUE. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 0.2 acres. The request is to rezone the subject property to R-O, Residential Office.
Planner: Dara Sanders

BACKGROUND:

Property Description: The property contains approximately 0.2 acres located at the northeast corner of South School Avenue and Peach Street, south of Clydesdale Drive and east of the County Jail. The property contains one single family house, built in 1925.

Surrounding properties are a mix of single family residential, commercial and industrial uses with adjacent businesses including an auto repair service and the Tyson plant. Surrounding land use and zoning is depicted in *Table 1*. The area adjacent to School Avenue in this vicinity serves as a large commercial area with an existing assortment of residential, shopping, and industrial uses located in close proximity to each other, serving the surrounding community.

Several of the surrounding properties were rezoned from RSF-4 to R-O in 2003 and 2005. Similar to this request, the property to the south was rezoned in 2003 from RSF-4 to R-O to convert two single-family structures into office space. Properties to the north (2824 and 2826 South School, respectively) were rezoned in 2005 from RSF-4 to R-O. Staff recommended approval of those requests, finding that the requests were consistent with the current land use planning objectives, promoted consistent development patterns, and were compatible with the adjacent properties.

TABLE 1
SURROUNDING LAND USE AND ZONING:

Direction	Land Use	Zoning
North	Single family home	RSF-4, R-O
South	Bail Bonds Business	R-O
East	Single family houses	RSF-4
West	McBride Distributing Co.	I-1

Proposal: The applicant proposes to rezone the property from RSF-4 to R-O. The applicant would like to rezone the property and renovate the interior of the existing home so that it may be used for residential office space. Use of the property for office space will likely result in a need to provide parking. Parking for future uses on this property will be required to fully comply with the parking standars identified in the Unified Development Code, which may include paving, landscaping, etc.

Recommendation: Public Comment: Staff has received public comment from the adjacent property owner to the north, who has expressed support for the applicant's proposal.

RECOMMENDATION:
Staff recommends forwarding the rezoning request to the City Council with a recommendation of approval based on findings stated herein. The proposed zoning would be compatible with adjacent zoning, existing and approved development, and the future land use plan to provide non-residential uses where compatible.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
	☐ **Approved**	x **Forwarded**	☐ **Denied**
Motion: **Second:**	**Vote:**		
CITY COUNCIL ACTION:	**Required**	**YES**	
	☐ **Approved**		☐ **Denied**
Date:			

INFRASTRUCTURE:

Streets: The site has access to S. School Avenue and Peach Street. S. School Avenue is currently an improved five lane paved state highway. Peach Street is a two lane city street. Street improvements will be evaluated with the proposed development.

Water: Public water is located along the property. There is a 12" water main along S. School Avenue.

Sewer: Sanitary sewer is available to the site. There is a 6" sewer main along S. School 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 affected by the 100-year floodplain.

Fire: This property will be covered by Engine 7 located at 835 Rupple Road. It is 0.4 miles from the station with an anticipated response time of 2 minutes. The Fire Department anticipates that there will be 37 (24EMS-13 Fire/other) calls for service, per year, once this development is completed and maximum build out has occurred. The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2025 Future Land Use Plan designates this site as **Residential Neighborhood Area.** Staff finds that the R-O, Residential Office zoning is appropriate at this location and would result in potential uses that are needed in this area to support the existing and recent services and residential growth in southeast Fayetteville. With the incorporation of standard City ordinance requirements for development of non-residential uses adjacent to residential uses, the R-O zoning would be compatible with the adjacent single family residence and commercial uses along this State Highway and would help provide needed services for residents in southeast Fayetteville.*

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: **The property is designated as Residential Neighborhood Area in the City Plan 2025 Future Land Use Plan, which encourages traditional neighborhood development that incorporates low-intensity non-residential uses. The proposed R-O zoning is consistent with the City's land use planning objectives, principles and policies to encourage compatible and livable neighborhoods indicated by the Residential Neighborhood Area designation, as residential offices are generally low-intensity uses that generate very little traffic, light, or noise impacts.**

There are a large number of residences to the east of the proposed rezoning. Because of the I-1, Light Industrial/Heavy Commercial zoning district located along the west side of South School avenue and the single family neighborhood to the east of the subject property, staff finds that the R-O zoning district will serve as an appropriate transition and buffer between the two incompatible uses.

Staff finds that the request is consistent with the similar rezoning requests that were approved in the immediate vicinity. Based on no history of complaints filed with the surrounding rezoning requests and a site visit conducted, staff finds that the rezoning request would result in a compatible land use and development.

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

rezoning is proposed.

Finding: **Staff finds the proposed zoning is justified and needed. As stated in Finding No. 1, the proposed use would serve as a buffer between the light industrial and heavy commercial to the west and the single family neighborhood to the east. Furthermore, the use of this site for offices would generate less traffic than a higher commercial designation. Staff also finds that this property is more appropriate to be used for nonresidential uses instead of the current single family use.**

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

Finding: **It is expected that a rezoning from RSF-4 to R-O would create an increase in traffic compared with that allowed under the existing zoning. However, the property is in direct proximity to a Principal Arterial (South School Avenue/State Highway 71-B). Staff finds that the proposed zoning would not create or appreciably increase traffic danger and congestion. However, staff will review access to the property with the proposed future use and with redevelopment.**

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 the proposed zoning would not create undesirable impacts to public services, or a density that is incompatible with the surrounding area, based on a review of infrastructure, existing land uses, and the development potential of the property.**

Increased load on public services were taken into consideration and recommendations from Engineering, Fire, and Police Departments are included in this report.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

    a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

Finding: **Many of the surrounding properties have been developed and utilized for non-residential use. Residential offices are generally low-intensity uses that generate very little traffic and can serve as a buffer between high-intensity uses and**

neighboring residential developments. Because of the I-1, Light Industrial/Heavy Commercial zoning district located along the west side of South School avenue and the single family neighborhood to the east of the subject property, staff finds that the R-O zoning district will serve as an appropriate transition and buffer between the two incompatible uses.

It should be noted that if the property is rezoned to R-O, the existing single family residence would be located in the front setbacks. Should the applicant desire to redevelop the property, a variance may have to be approved by the Board of Adjustment prior to building permit.

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: **Not applicable. Staff recommends in favor of the requested zoning.**

Fayetteville Unified Development Code

161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.
Hillside Overlay District Lot minimum width	60 ft.	70 ft.
Hillside Overlay District Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

FRONT	SIDE	REAR
25 ft.	8 ft.	20 ft.
HOD Front	HOD Side	HOD Rear
15 ft.	5 ft.	15 ft.

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

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06)

Fayetteville Unified Development Code

161.16 District R-O, Residential Office

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 12	Offices, studios and related services
Unit 25	Professional offices

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 11	Manufactured home park
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Bulk and area regulations.*
(Per dwelling unit for residential structures)

(1) *Lot width minimum.*

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

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouses: Development Individual lot	 10,000 sq. ft. 2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	6,500 sq. ft.
Three or more	8,000 sq. ft.
Fraternity or Sorority	1 acre

(3) Land area per dwelling unit.

Manufactured home	3,000 sq. ft.
Townhouses & apartments: No bedroom One bedroom Two or more bedrooms	 1,000 sq. ft. 1,000 sq. ft. 1,200 sq. ft.
Fraternity or Sorority	500 sq. ft. per resident

(D) *Density.*

Units per acre	4 to 24

(E) *Setback regulations.*

Front	30 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Front, in the Hillside Overlay District	15 ft.
Side	10 ft.
Side, when contiguous to a residential district	15 ft.
Side, in the Hillside Overlay District	8 ft
Rear, without easement or alley	25 ft.
Rear, from center line of public alley	10 ft.
Rear, in the Hillside Overlay District	15 ft.

(F) *Height regulations.* There shall be no maximum height limits in R-O Districts, provided, however, that any building which exceeds the height of 20 feet shall be set back with any boundary line of any RSF or RMF District an additional distance of one foot for each foot of height in excess of 20 feet.

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

(Code No. 1965, App. A., Art. 5(x); Ord. No. 2414, 2-7-78; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.041; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4726, 7-19-05; Ord. 4943, 11-07-06)

ENGINEERING DIVISION COMMENTS

RZN 08-2936: (MULLINS, 678): Submitted by JOHN MULLINS & CHAD BRAMLETT MULLINS PROPERTY MGMT/INSPIRED BUILDERS for property located at 2846 S. SCHOOL AVENUE. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 0.33 acres. The request is to rezone the subject property to R-O, Residential Office. Planner: Dara Sanders

Public water is located along the property. There is a 12" water main along S. School Avenue.

Sanitary sewer is available to the site. There is a 6" sewer main along S. School 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

The site has access to S. School Avenue and Peach Street. S. School Avenue is currently an improved five lane paved state highway. Peach Street is a two lane city street. Street improvements will be evaluated with the proposed development.

Standard improvements and requirements for drainage will be required for the development. This property is affected by the 100-year floodplain.

Fayetteville Fire Department

MEMO

To: **Dara Sanders, Andrew Garner, Jeremy Pate, and Jesse Fulcher**

Thru: **Chief Tony Johnson**
Assistant Chief Bud Thompson

From: **Captain Dale Riggins**

Date: **March 11, 2008**

Re: **March 5, 2008 Zoning Review**

RZN 08-2936 (Mullins) Submitted by John Mullins and Chad Bramlett Mullins Property Mgmt/Inspired Builders for property located at 2846 S School Ave. The property is zoned RSF-4, Single Family – 4 units/Acre and contains approximately .33 acres. The request is to rezone the subject property to R-O, Residential Office.
This property will be covered by Ladder 3 located at the corner of Happy Hollow and Fairlane. It is 2.4 miles from the station with an anticipated response time of 5 minutes.
The Fire Department does not anticipate that there will be any calls for service in this area due to the size of this parcel and the maximum number of residents located on this parcel.
The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times

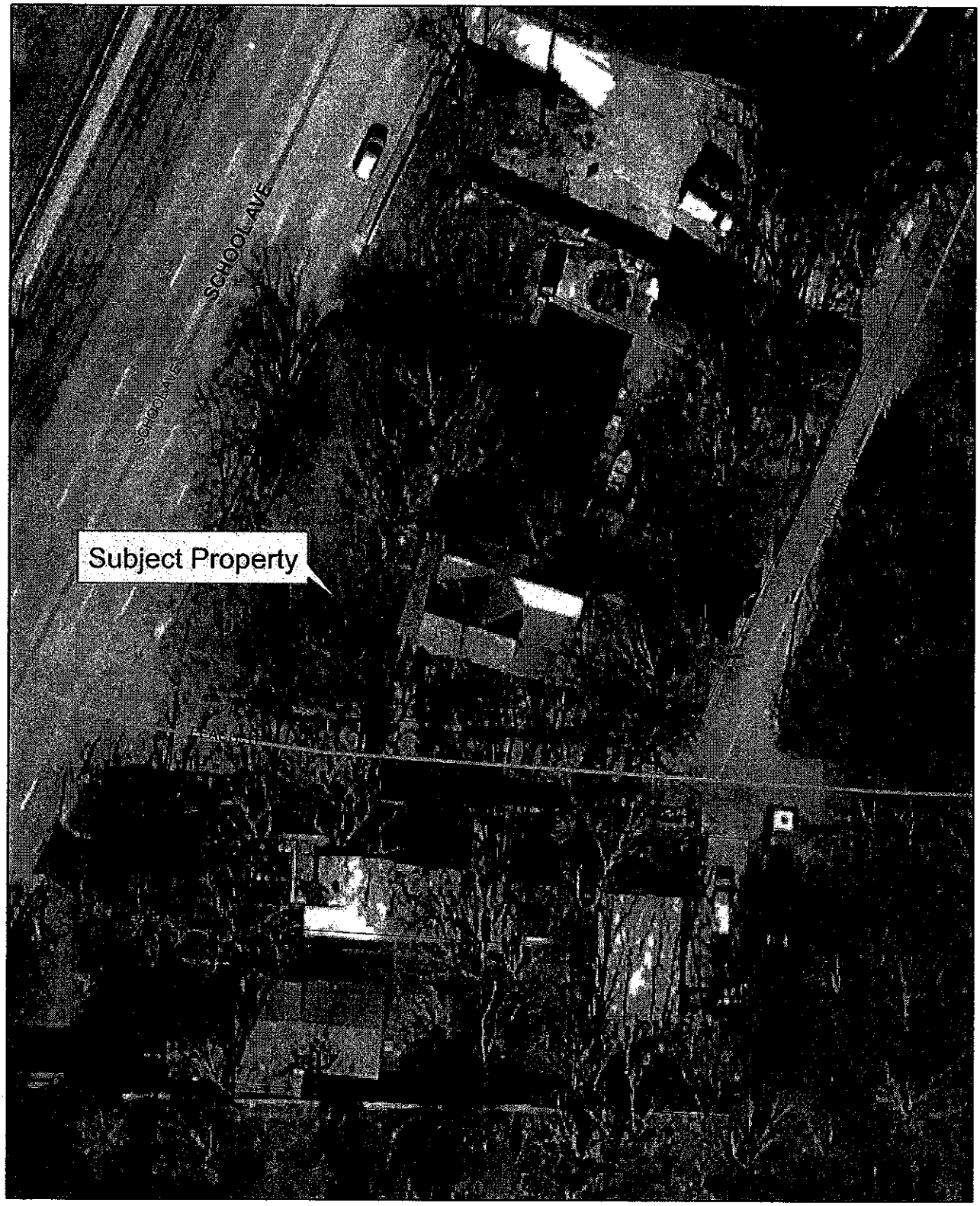
Dale Riggins, Captain,
Fayetteville Fire Department

APPLICANT'S PETITION

The property located at 2846 S School Ave is currently owned by Mullins Property Management LLC, an Arkansas limited liability company, and Inspired Builders LLC, an Arkansas limited liability company, as tenants in common. The reason we are requesting the rezoning is to promote the highest and best use of the property which we feel is R-O. The property to the south of 2846 S School is currently zoned R-O and three properties to the north of the property are zoned R-O. The property to the west across S School is zoned I-1. With our intent to rezone the property to R-O zoning we are planning to totally remodel the home where a person or entity would be able to live and work from the comfort of their home and or business. We feel the rezoning of the property enhances the marketability and appeal of the property. We are planning to gut the inside and to remodel both the interior and exterior of the property to both conform to the appearance of and enhance the further appeal of the surrounding properties. The traffic on site would not be affected by putting a small business on the property; the site has plenty of parking and is easily accessible from School Avenue. The surrounding R-O properties all have small signs displaying their business names in front, and we would stay uniformed in that respect with any business that occupies this site. There is a 6 inch sewer line adjacent to the site on Haddon Ave, there are two water lines, one 2 ¼ inch line on Peach and a 12 inch water line along S School.

Rezoning the property to an R-O zoning is consistent with the properties to the North and South on School Ave. There are currently four properties to the North and South that are zoned R-O. The property sits on a corner lot that faces S School in a non residential area surrounded by mainly small business. The proposed zoning will not increase traffic or cause congestion due to the fact that the surrounding properties tenants in each existing residence now house small businesses. The population density will not be affected by rezoning the property to R-O since the tenant would be a single family or a single business which is currently the status of the surrounding properties. The existing zoning of the property is RSF-4, which we feel is unsatisfactory for the property due to the noise and traffic that flow along S School or 71-B. The property faces a state highway that has constant traffic flow at all times of the day which we feel might be discouraging to a single family, whereas a small business could grow and prosper in this location due to the traffic flow possibly consisting of future clients seeing a business in that location that they might potentially need and/or use.

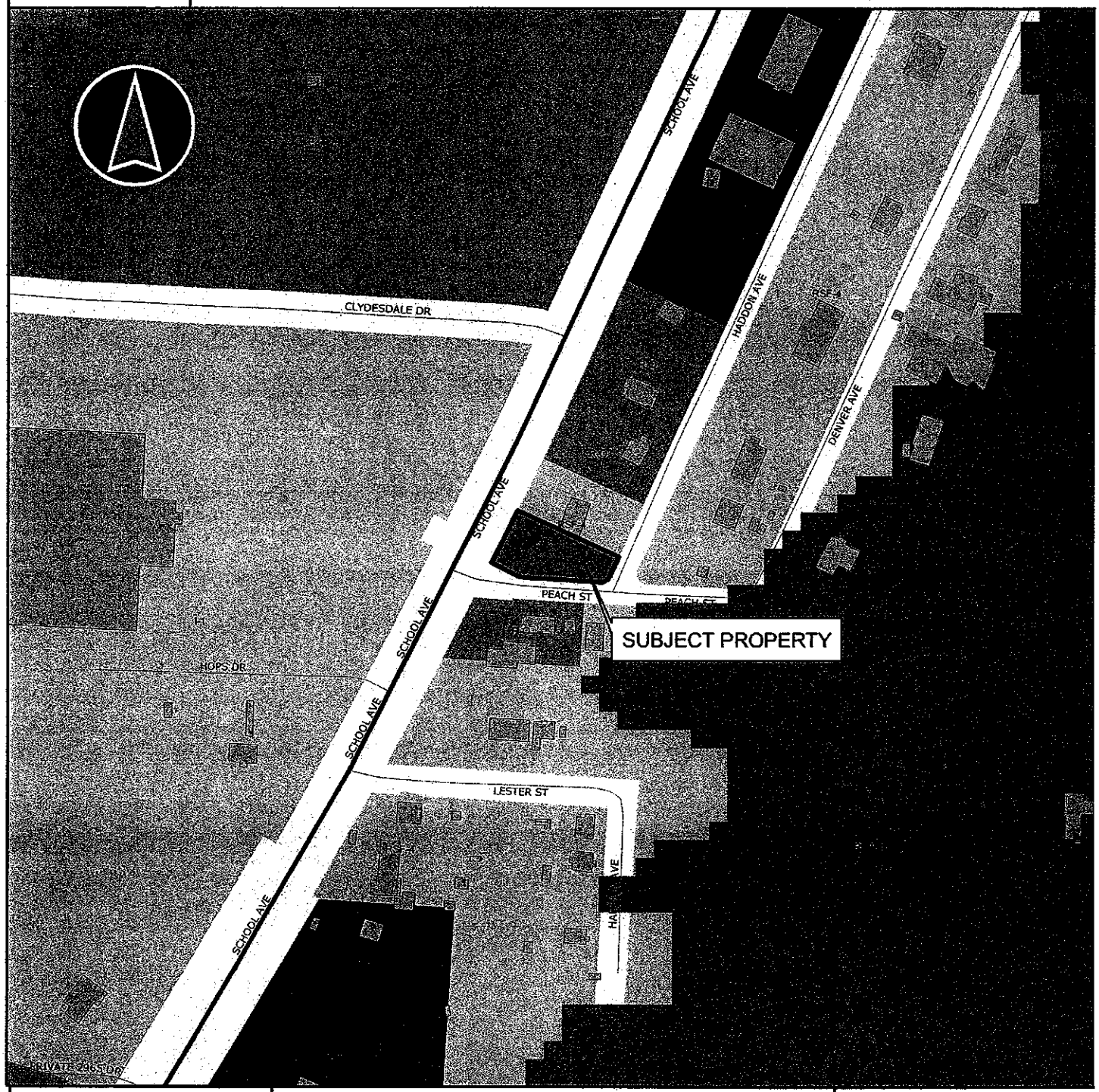
RZN 08-2936 (Mullins)



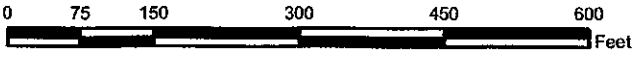
RZN08-2936

Close Up View

MULLINS



Overview

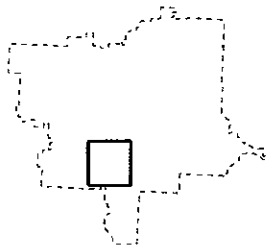


RZN08-2936

One Mile View

MULLINS

Overview



Legend

Subject Property

RZN08-2936

Boundary

Planning Area

Overlay District

Outside City

Legend

Hillside-Hilltop Overlay District

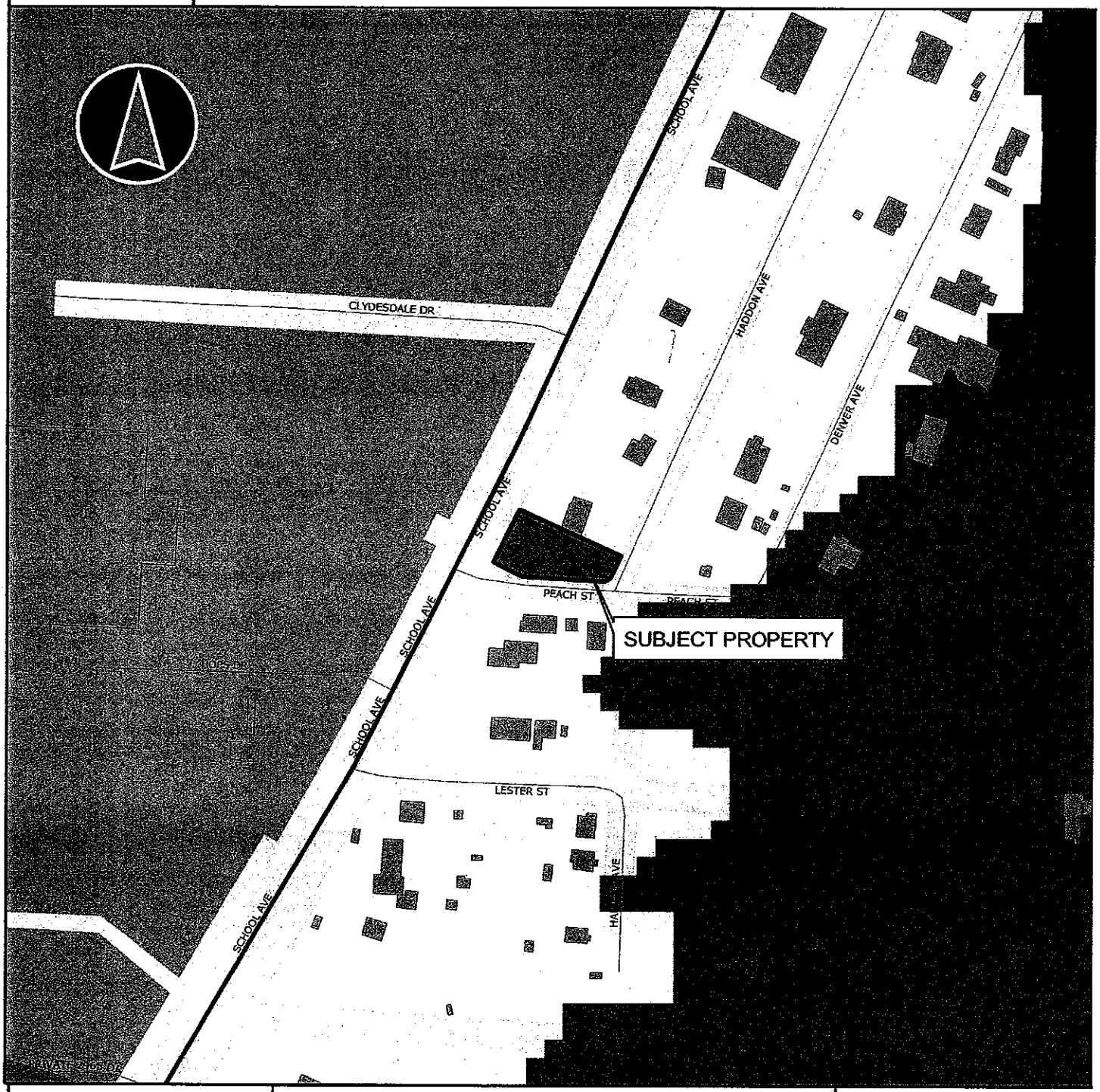
0 0.125 0.25 0.5

Miles

RZN08-2936

Future Land Use

MULLINS



Overview

Legend

RZN08-2936
vector.GDELFootprint_2004
Hillside-Hilltop Overlay District
Overlay District
FUTURE LAND USE 2025
CLASS
Natural Area
Rural Area
Residential Neighborhood Area
City Neighborhood Area
Urban Center Area
Industrial
Complete Neighborhood Plan
Civic and Private Open Space/Park
Civic Institutional
Non-Municipal Government
ROW
Fayetteville
Outside City

0 75 150 300 450 600
Feet

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

15-Apr-08
City Council Meeting Date

Jeremy Pate	Planning	Operations
Submitted By	Division	Department

Action Required:

RZN 08-2937: (Mountain Ranch Ph III, 478): Submitted by Jorgensen & Associates for property located at the west portion of Mountain Ranch Phase III, south of Phase I. The property is zoned RSF-4, Residential Single Family, 4 units per acre, and contains approximately 26.9 acres. The request is to rezone the subject property to RSF-4, Residential Single Family, 4 units per acre.

Action Required:	n/a	n/a
Cost of this request	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 — 3.27.08 Date

City Attorney — 3-27-08

Finance and Internal Service Director — 3-27-08 Date

Mayor — 3/31/08 Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Received in City Clerk's Office ENTERED 3-27-08

Received in Mayor's Office ENTERED 3/27/08

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: March 25, 2008

Subject: Rezoning for Mountain Ranch Phase III (RZN 08-2937)

RECOMMENDATION

Staff and the Planning Commission recommended to approve rezoning the subject property from RSF-4, Residential Single-Family, 4 units per acre to RSF-8, Residential Single Family, 8 units per acre for approximately 26.9 acres located south of Persimmon, east of the future extension of Rupple Road.

BACKGROUND

The property is currently vacant and is planned for development of Phase III of the Mountain Ranch Subdivision, containing approximately 26.87 acres. The applicant proposes to rezone the subject property from RSF-4 to RSF-8 to allow for a single-family neighborhood with more variety of building area and setback than those permitted within the RSF-4 zoning district. Allowable uses for the RSF-8 zoning district are the same as those for the RSF-4 zoning district, with single family dwellings by right and two-family dwellings by conditional use; however, the zoning change would allow for a varied lot/housing size within the same neighborhood, as the higher density would be surrounded on two sides (north and east) by the RSF-4 zoning districts. This situation is encouraged by the City's Future Land Use Plan in areas that can support the growth with adequate infrastructure.

This property is in an area that supports higher residential densities and residential services, which include Mountain Ranch Apartments, the Boys and Girls Club, Rupple Row, and Owl Creek School. I-540 and other major transportation corridors and non-residential support services are in close proximity to this property.

DISCUSSION

This item was heard at the regular Planning Commission meeting on March 24, 2008. The Planning Commission voted 9-0-0 to recommend forwarding this rezoning request to the City Council with a recommendation for approval.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 08-2937, FOR APPROXIMATELY 26.9 ACRES, LOCATED SOUTH OF MOUNTAIN RANCH PHASE I AND PERSIMMON STREET, EAST OF THE FUTURE EXTENSION OF RUPPLE ROAD, FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE TO RSF-8, RESIDENTIAL SINGLE-FAMILY, 8 UNITS PER ACRE.

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

Section 1: That the zone classification of the following described property is hereby changed as follows:

From RSF-4, Residential Single-Family, 4 units per acre to RSF-8, Residential Single-Family, 8 units per acre, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

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

PASSED and **APPROVED** this day of , 2008.

APPROVED: ATTEST:

By: _____
DAN COODY, Mayor

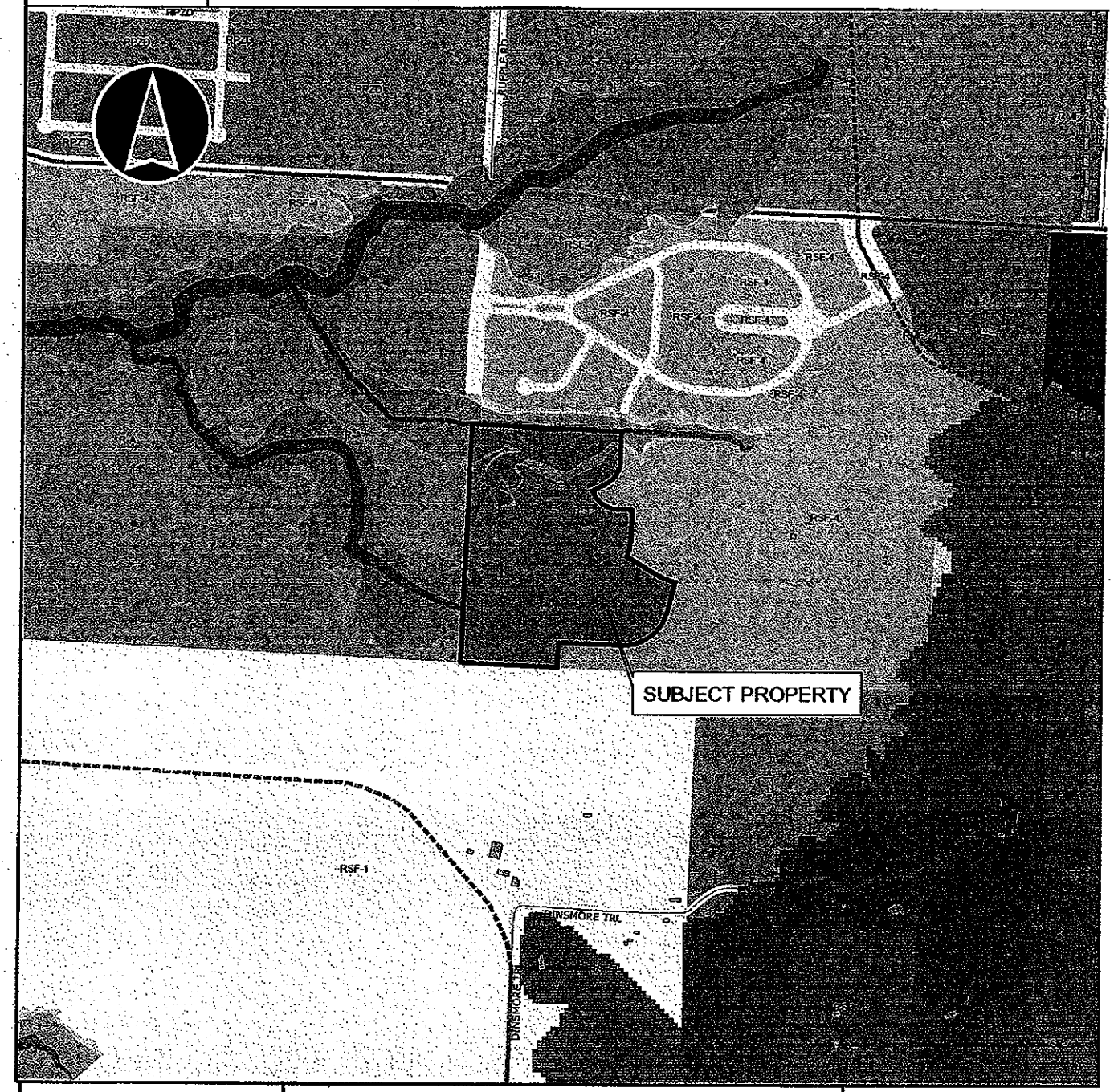
By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT "A"

RZN 08-2937

Close Up View

MOUNTAIN RANCH III



Overview

0 75 150 300 450 600
Feet

EXHIBIT "B"
RZN 08-2937

LEGAL DESCRIPTION: (RSF-4 TO RSF-8)

PART OF THE SE1/4 OF THE NE1/4 OF SECTION 13, T16N, R31W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SW CORNER OF SAID SE1/4, NE1/4 THENCE N02°20'35"E 1318.83 FEET, THENCE S87°11'28"E 825.16 FEET, THENCE S02°20'35"W 160.97 FEET, THENCE ALONG A CURVE TO THE RIGHT 157.08 FEET, SAID CURVE HAVING A RADIUS OF 150.00 FEET AND A CHORD BEARING OF S32°20'35"W 150.00 FEET, THENCE S62°20'35"W 82.78 FEET, THENCE S27°39'25"E 22.93 FEET, THENCE ALONG A CURVE TO THE LEFT 157.08 FEET, SAID CURVE HAVING A RADIUS OF 150.00 FEET AND A CHORD BEARING OF S57°39'25"E 150.00 FEET, THENCE S87°39'25"E 83.07 FEET, THENCE S02°20'35"W 161.95 FEET, THENCE ALONG A CURVE TO THE RIGHT 79.51 FEET, SAID CURVE HAVING A RADIUS OF 250.00 FEET AND A CHORD BEARING OF S11°27'16"W 79.18 FEET, THENCE S20°33'58"W 20.95 FEET, THENCE ALONG A CURVE TO THE RIGHT 42.26 FEET, SAID CURVE HAVING A RADIUS OF 200.00 FEET AND A CHORD BEARING OF S63°22'52"E 42.18 FEET, THENCE S57°19'41"E 108.76 FEET, THENCE ALONG A CURVE TO THE LEFT 154.13 FEET, SAID CURVE HAVING A RADIUS OF 500.00 FEET AND A CHORD BEARING OF S66°09'32"E 153.52 FEET, THENCE S15°00'36"W 170.42 FEET, THENCE ALONG A CURVE TO THE RIGHT 337.43 FEET, SAID CURVE HAVING A RADIUS OF 250.00 FEET AND A CHORD BEARING OF S53°40'36"W 312.39 FEET, THENCE N87°39'25"W 346.76 FEET, THENCE S02°20'35"W 138.36 FEET, THENCE N87°17'40"W 530.91 FEET TO THE P.O.B.; CONTAINING 26.87 ACRES MORE OR LESS.

Fayetteville
ARKANSAS

PC Meeting of March 24, 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:	Dara Sanders, Current Planner
THRU:	Jeremy Pate, Director of Current Planning
DATE:	~~March 14, 2008~~ *March 25, 2008*

RZN 08-2937: (MOUNTAIN RANCH III, 478): Submitted by JORGENSEN & ASSOC for property located at THE W PORTION OF MOUNTAIN RANCH PHASE III, S OF PHASE I. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 26.87 acres. The request is to rezone 26.9 acres of the subject property to RSF-8, Residential Single Family, 8 units per acre.

Planner: Dara Sanders

BACKGROUND:

Property Description: The subject property is Mountain Ranch Phase III, zoned RSF-4, and contains 26.87 acres. It is located south of Mountain Ranch Phase I. This property is in an area that supports higher residential densities and residential services, which include Mountain Ranch Apartments, the Boys and Girls Club, Rupple Row, and Owl Creek School. Surrounding land use and zoning is depicted in *Table 1.*

TABLE 1: SURROUNDING LAND USE AND ZONING:

Direction	Land Use	Zoning
North and East	Single family residential	RSF-4
South	Residential Agricultural	RSF-1
West	Vacant	R-A

Proposal: The property is currently vacant for development of Phase III of the Mountain Ranch Subdivision. The applicant proposes to rezone the subject property from RSF-4 to RSF-8 to allow for a single-family neighborhood with reduced building setbacks (15' front, 5' side and rear) than those permitted within the RSF-4 zoning district (25' front, 8' side, 20' rear). This would allow for a varied lot/housing size within the same neighborhood. The higher density would be surrounded on two sides (north and east) by the RSF-4 zoning districts.

Recommendation: Staff recommends approval of the rezoning based on findings stated herein. Development on this site will be regulated by the city allowing for a uniform and consistent development pattern. The higher density proposed in the interior of the Mountain Ranch Subdivision would transition with surrounding RSF-4 lots to the north and east in the subdivision. The RSF-8 designation allows the potential for a more traditional form of development with narrow lots and

homes closer to the street than would be allowed under a typical RSF-4 zoning. It also provides a greater opportunity to provide a variety of lot and house sizes within the same development, creating greater potential for an attainable housing product.

Public Comment: Staff has not received public comment.

INFRASTRUCTURE:

Streets: The site has access to Rupple Road and Powderhorn Drive. Powderhorn is currently an improved two lane paved city street that was installed with Phase I of Mountain Ranch. Rupple Road is constructed to the north property line of this development. In this area, Rupple is a 4-lane boulevard. Street improvements will be evaluated with the proposed development.

Water: Public water is located along the property. There is an 8" water main stubbed out to this property from Phase One of Mountain Ranch along Rupple and Powderhorn Drive. Water will need to be extended through the property at the time of development to meet the domestic and fire protection demands.

Sewer: Sanitary sewer is available to the site. There is an 8" sewer main stubbed out to this property from Mountain Ranch Phase I along Powderhorn Drive. 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 affected by the 100-year floodplain.

Fire: This property will be covered by Engine 7 located at 835 Rupple Road. It is 0.4 miles from the station with an anticipated response time of 2 minutes. The Fire Department anticipates that there will be 37 (24EMS-13 Fire/other) calls for service, per year, once this development is completed and maximum build out has occurred. The Fayetteville Fire Department does **not** feel this development will affect our calls for service or our response times.

Police: It is the opinion of the Fayetteville Police Department that this rezoning **will not** substantially alter the population density, create an undesirable increase in load on police services, or create an undesirable increase in traffic danger and congestion.

CITY PLAN 2025 FUTURE LAND USE PLAN: City Plan 2025 Future Land Use Plan designates this site as **Residential Neighborhood Area.** Rezoning this property to RSF-8 in the interior of the Mountain Ranch Subdivision is compatible to the surrounding density of adjacent residential development and consistent with the surrounding land uses. The RSF-8 zoning would allow for a more traditional form of residential development with narrower lots and buildings closer to the street.

This would allow for a mix of lot sizes in an area that currently has a number of standard suburban neighborhoods, consistent with the City Plan 2025 policies. .

RECOMMENDATION:
Staff recommends approval of the requested rezoning based on the findings herein.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
	☐ **Approved**	**X Forwarded**	☐ **Denied**
Motion:	**Second:**	**Vote:**	
Date: March 24, 2008			
CITY COUNCIL ACTION:	**Required**	**YES**	
	☐ **Approved**		☐ **Denied**
Date: April 15, 2008 (1st reading if recommended)			

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: **The property is designated as Residential Neighborhood Area in City Plan 2025 Future Land Use Plan. The proposed RSF-8 zoning is consistent with the City's land use planning objectives, principles and policies to encourage compatible and livable neighborhoods indicated by the Residential Neighborhood Area designation, providing compatible housing options within a traditional neighborhood development.**

The surrounding land to the north of the subject property has developed as medium to high density single-family residential use. Staff finds that the location of this property, adjacent to Rupple Road, south of Persimmon Street (Collector Street) and surrounded by the RSF-4 zoning district to the north and east, is an appropriate location for the proposed RSF-8 zoning.

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

Finding: **Future development with the proposed zoning is justified in order to provide for a variety of lot sizes and variation in development pattern consistent with City land use objectives and policies.**

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

Finding: **The proposed zoning will generate additional traffic on the surrounding street system over the existing RSF-4 zoning. This rezoning could yield additional single family lots, subject to preliminary plat approval. Street improvements will be reviewed as part of the Mountain Ranch III preliminary plat to account for these additional vehicle trips.**

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: **The proposed zoning would increase the potential for a higher population density in the area. However, this increase in single-family residences is consistent with land use, zoning, and development patterns in the immediate vicinity. Staff finds that the proposed zoning would not create undesirable impacts to public services, or a density that is incompatible with the surrounding area, based on a review of infrastructure, existing land uses, and the development potential of the property.**

Increased load on public services was 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;

Finding: **It is feasible to develop the property under the RSF-4 zoning classification. However, this property is in an area that has the potential to support higher residential densities and residential services. Staff finds that the proposal, surrounded by the RSF-4 zoning district on two sides, is appropriate at this location, as it will utilize the existing infrastructure and result in a single-family neighborhood with a variety of housing choices.**

    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: **Not applicable. Staff recommends in favor of the requested zoning.**

FAYETTEVILLE UNIFIED DEVELOPMENT CODE

161.09 District RSF-8, Residential Single-Family – 8 Units Per Acre

(A) *Purpose.* The RSF-8 Residential District is designed to bring historic platted development into conformity and to allow for the development of new single family residential areas with similar lot size, density, and land use as the historical neighborhoods in the downtown area.

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

(C) *Density.*

	By Right	Conditional Use
Single-family dwelling units per acre	8 or less	--
Two-family dwelling units per acre	--	8

(D) *Bulk and area regulations.*

(1) Lot width minimum.

Single-family	50 ft.
Two-family	50 ft.
Townhouse, no more than two attached	25 ft.

(2) Lot area minimum.

Single-family	5,000 sq. ft.
Two-family	5,000 sq. ft.

(3) Land area per dwelling unit.

Single-family	5,000 sq. ft.
Two-family	5,000 sq. ft.
Townhouse, no more than two attached	2,500 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
15 ft.	5 ft.	5 ft.

(F) *Height regulations.*

Building height maximum	45 ft.

(G) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area, except when a detached garage exists or is proposed; then the area occupied by all buildings shall not exceed 60% of the total lot area.

(Ord. 4783, 10-18-05)

161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.
Hillside Overlay District Lot minimum width	60 ft.	70 ft.
Hillside Overlay District Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

FRONT	SIDE	REAR
25 ft.	8 ft.	20 ft.
HOD Front	HOD Side	HOD Rear
15 ft.	5 ft.	15 ft.

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

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06)

ENGINEERING DIVISION COMMENTS

RZN 08-2937: (MOUNTAIN RANCH III, 478): Submitted by JORGENSEN & ASSOCIATES for property located at THE W. PORTION OF MOUNTAIN RANCH PHASE III, S. OF PHASE I. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 26.87 acres. The request is to rezone the subject property to RSF-8, Residential Single Family, 8 units per acre. Planner: Dara Sanders

Public water is located along the property. There is a 8" water main stubbed out to this property from Phase One of Mountain Ranch along Rupple and Powderhorn Drive. Water will need to be extended throughout the property at the time of development to meet the domestic and fire protection demands.

Sanitary sewer is available to the site. There is an 8" sewer main stubbed out to this property from Mountain Ranch Phase I along Powderhorn Drive. Improvements to the sewer system may be required dependent upon the demand placed by the development. The capacity of the existing main may need to be studied at the time of development

The site has access to Rupple Road and Powderhorn Drive. Powderhorn is currently an improved two lane paved city street that was installed with Phase I of Mountain Ranch. Rupple Road is constructed to the north property line of this development. In this area, Rupple is a 4 lane boulevard. Street improvements will be evaluated with the proposed development.

Standard improvements and requirements for drainage will be required for the development. This property is affected by the 100-year floodplain.

Date 3/18/08

Jeremy Pate
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Pate,

This document is in response to the request for a determination of whether the proposed **RZN 08-2937: (Mountain Ranch III, 478):** Submitted by **Jorgensen & Associates** for **property located at the W. portion of Mountain Ranch Phase III, S. of Phase I** would substantially alter the population density and thereby undesirably increase the load on public services and create an appreciable increase in traffic danger and congestion. The **property contains approximately 26.87 acres.**

It is the opinion of the Fayetteville Police Department that this **RZN** will not substantially alter the population density, and will not create an appreciable or undesirable increase in the load on police services. This **RZN** will not create an appreciable increase in traffic danger and congestion. If the density of the other sections in this area is increased, we could see calls and traffic congestion start to increase.

Sincerely,

Captain William Brown
Fayetteville Police Department

Fayetteville Fire Department

MEMO

To: Dara Sanders, Andrew Garner, Jeremy Pate, and Jesse Fulcher

Thru: Chief Tony Johnson
Assistant Chief Bud Thompson

From: Captain Dale Riggins

Date: March 14, 2008

Re: March 5, 2008 Zoning Review

RZN 08-2937 (Mountain Ranch III): Submitted by Jorgensen and Associates for property located at the W Portion of Mountain Ranch Phase III, S of Phase I. The property is zoned RSF-4, Single Family – 4 Units/acre and contains approximately 26.87 acres. The request is to rezone the subject property to RSF-8, Residential Single Family, 8 units per acre.
This property will be covered by Engine 7 located at 835 Rupple Road.
It is 0.4 miles from the station with an anticipated response time of 2 minutes.
The Fire Department anticipates that there will be 37 (24EMS-13 Fire/other) calls for service, per year, once this development is completed and maximum build out has occurred.
The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times

Dale Riggins, Captain,
Fayetteville Fire Department

JORGENSEN & ASSOCIATES
CIVIL ENGINEERS • SURVEYORS

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807
DAVID L. JORGENSEN, P.E., P.L.S.

2/7/08

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Attn: Jeremy Pate
Re: Rezoning of a portion of Mountain Ranch

Dear Jeremy;

Attached herewith please find the application for a rezoning of a portion of Mountain Ranch. The property to be rezoned consists of 26.87 acres located generally south of Mountain Ranch Phase 1. I have included the legal description along with a sketch that shows generally what out plan is.

The existing zone is RSF-4 and we wish to rezone to RSF-8. The reason for this request is as follows:

1) To allow for smaller lots. Some of our lots will be 50' wide.
2) To allow for a smaller front setback of 15' instead of 25'.
3) To allow for a smaller side setback of 5' instead of 8'.
4) To allow for a variety of lot sizes in this project.

In addition, we feel that this RSF-8 request will not be detrimental to the surrounding property and will actually fit with the neighborhood to the north. This property will be served by the new Owl Creek school, the new fire station at Rupple Road and the Girls and Boys Club location ¼ mile to the north.

Water and sewer service are available in Mountain Ranch Phase 1.

Please call concerning any questions you may have.

Thank you.

Sincerely;

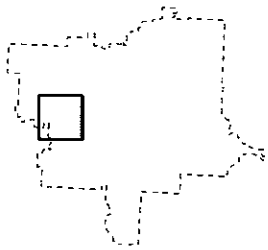
David L. Jorgensen, P.E.

RZN08-2937

One Mile View

MOUNTAIN RANCH III

Overview



Legend

Subject Property

RZN08-2937

Boundary

Planning Area

Overlay District

Outside City

Legend

Hillside-Hilltop Overlay District

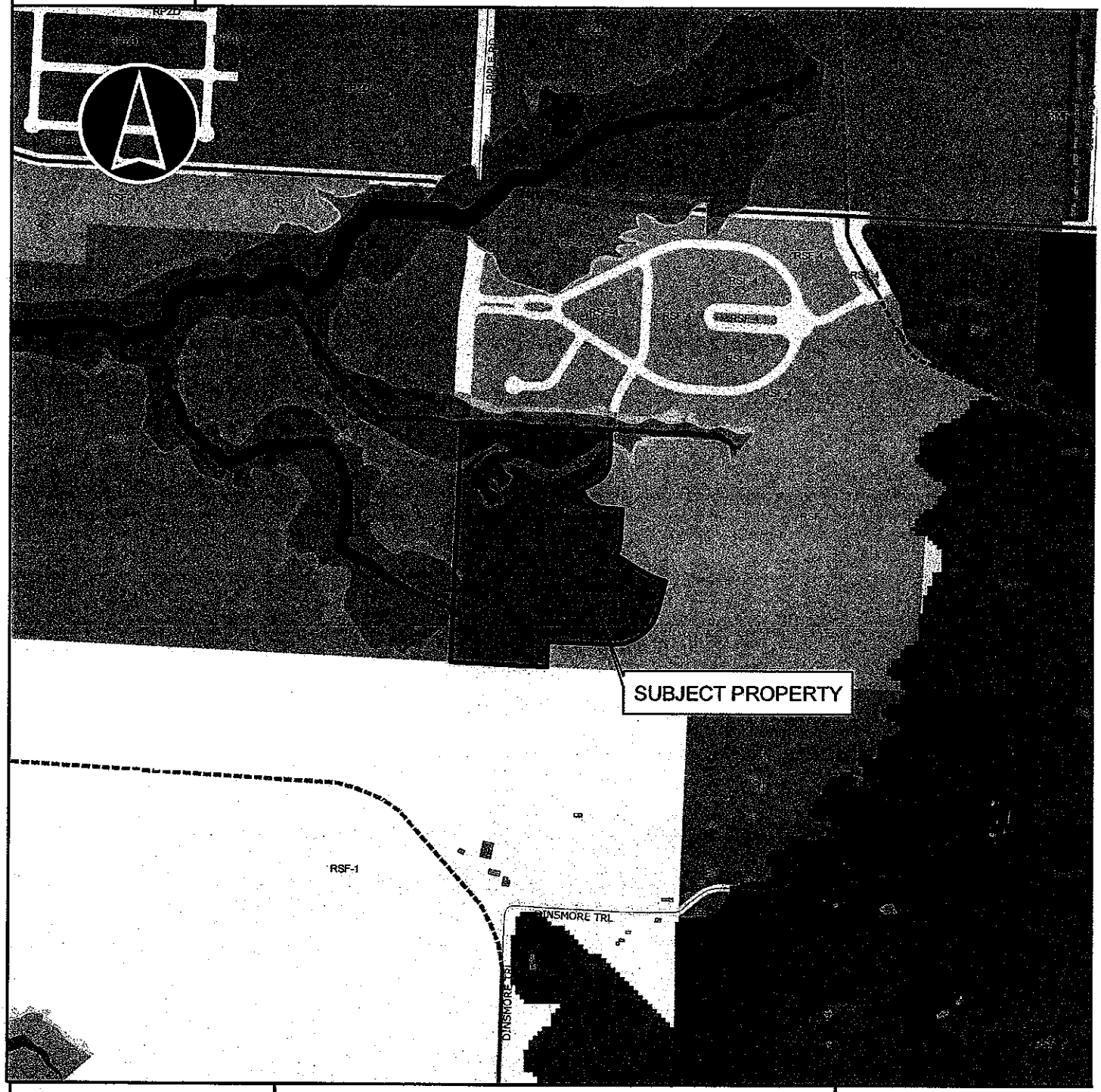
0 0.125 0.25 0.5

Miles

RZN 08-2937

Close Up View

MOUNTAIN RANCH III



Overview

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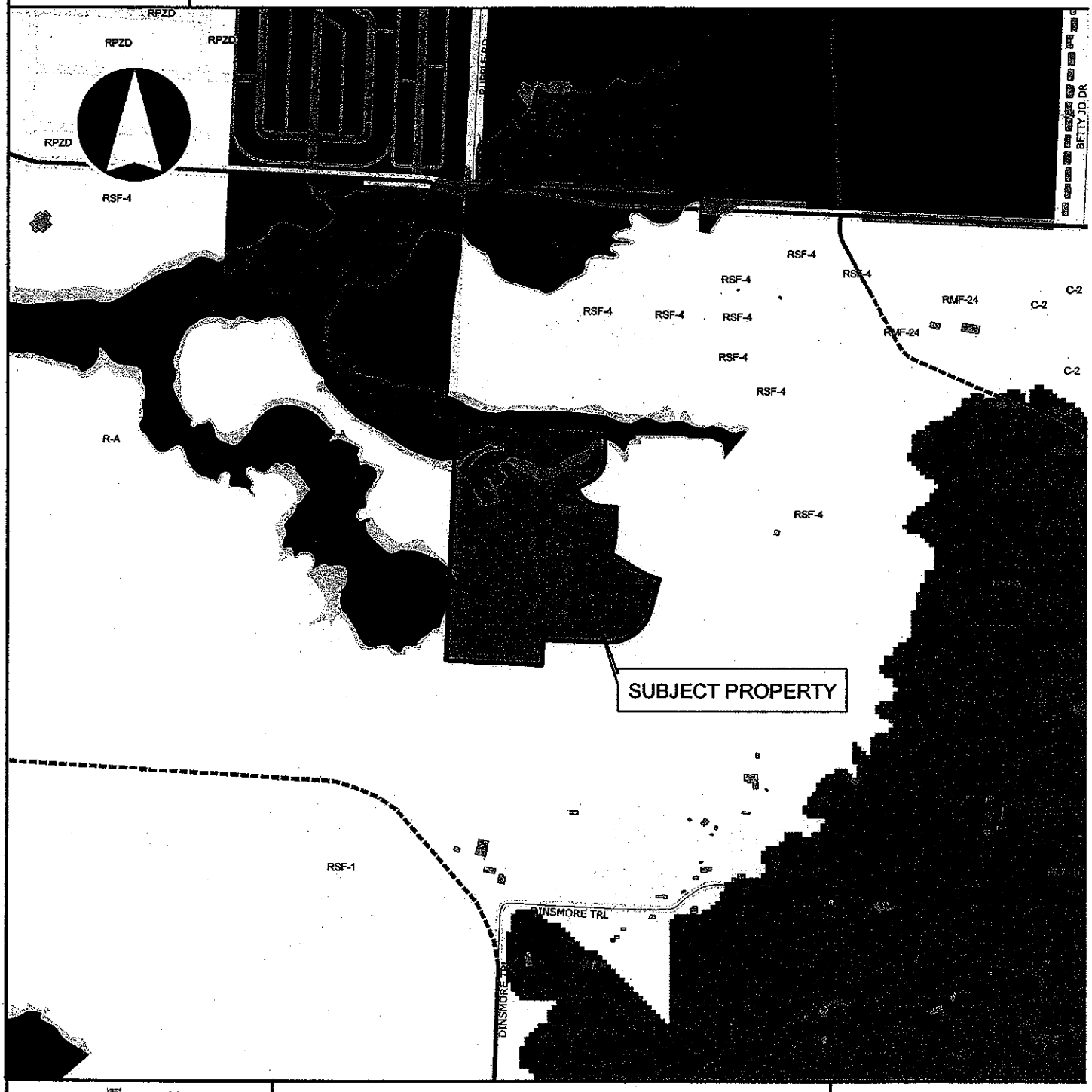
Feet

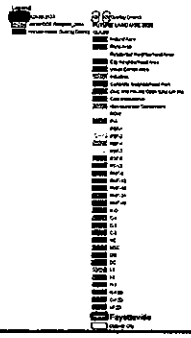
RZN 08-2937

Future Land Use

MOUNTAIN RANCH III



Overview



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Feet

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

15-Apr-08
City Council Meeting Date

Jeremy Pate	Planning	Operations
Submitted By	Division	Department

Action Required:

C-PZD 08-2894: Planned Zoning District (Park Centre, 136): Submitted by H2 Engineering, Inc. for property located at the northeast corner of Zion Road and Veterans Park entry drive and contains approximately 8.58 acres. The request is for approval of a Commercial Planned Zoning District with approximately 100,500 s.f. of office, retail and restaurant space and 15 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 — 3.28.08 Date

City Attorney — 3-28-08

Finance and Internal Service Director — 3-31-08 Date

Mayor — 3/31/08 Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Received in City Clerk's Office ENTERED 3/28/08 AW

Received in Mayor's Office ENTERED 3/31/08

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: March 27, 2008

Subject: Commercial Planned Zoning District for Park Centre (C-PZD 08-2894)

RECOMMENDATION

Staff and the Planning Commission recommend approval of an ordinance creating a Commercial Planned Zoning District (C-PZD) for Park Centre, based on the development standards, plans and statement of commitments submitted. This action will establish a unique zoning district for a mixed-use project on approximately 8.58 acres located on the north side of Zion Road, across the intersection of Zion Road/Vantage Drive, and adjacent to the entrance of Veteran's Park.

BACKGROUND

The subject property contains three parcels located at 1400, 1606 and 1520 Zion Road. The westernmost property line borders onto the access road to Veteran's Park and the northernmost property line borders Veteran's Park on the south shore of Lake Fayetteville. The property is zoned RSF-4 and R-A and contains three single family residences. The applicant requests rezoning, land use, and large scale development approval for a mixed use C-PZD consisting of approximately 100,500 square feet of office, retail, and restaurant space and 15 condominiums. The development proposes two one-story retail/restaurant buildings in the southern portion of the site facing Zion Road, and a six-story office/condo building in the northwest portion of the site. As recommended by the Park and Recreation Advisory Board, staff, and the Planning Commission, the development would extend Vantage Drive north through the development providing a new and improved public street connection to Veterans Park/Lake Fayetteville to the north. The existing vehicular access to Veteran's Park would be retained for non-vehicular access only. In addition, the Parks Board and Planning Commission both agreed that renaming Vantage Drive to Veteran's Park Boulevard, or something similar, would provide more recognition and knowledge of the park's whereabouts. This street name change would need to occur with a separate action.

DISCUSSION

On March 24, 2008 the Planning Commission voted 8-0-1 (Lack recused) in favor of forwarding this request to the City Council with a recommendation for approval.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE ESTABLISHING A COMMERCIAL PLANNED ZONING DISTRICT TITLED C-PZD 08-2894 PARK CENTRE, LOCATED AT THE NORTHEAST CORNER OF ZION ROAD/VETERANS PARK ENTRY DRIVE, CONTAINING APPROXIMATELY 8.58 ACRES; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE; AND ADOPTING THE ASSOCIATED MASTER DEVELOPMENT PLAN.

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

Section 1: That the zone classification of the following described property is hereby changed as follows:

From RSF-4, Residential Single Family, 4 units per acre and R-A, Residential Agricultural to C-PZD 08-2894 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 , 2008.

APPROVED: ATTEST:

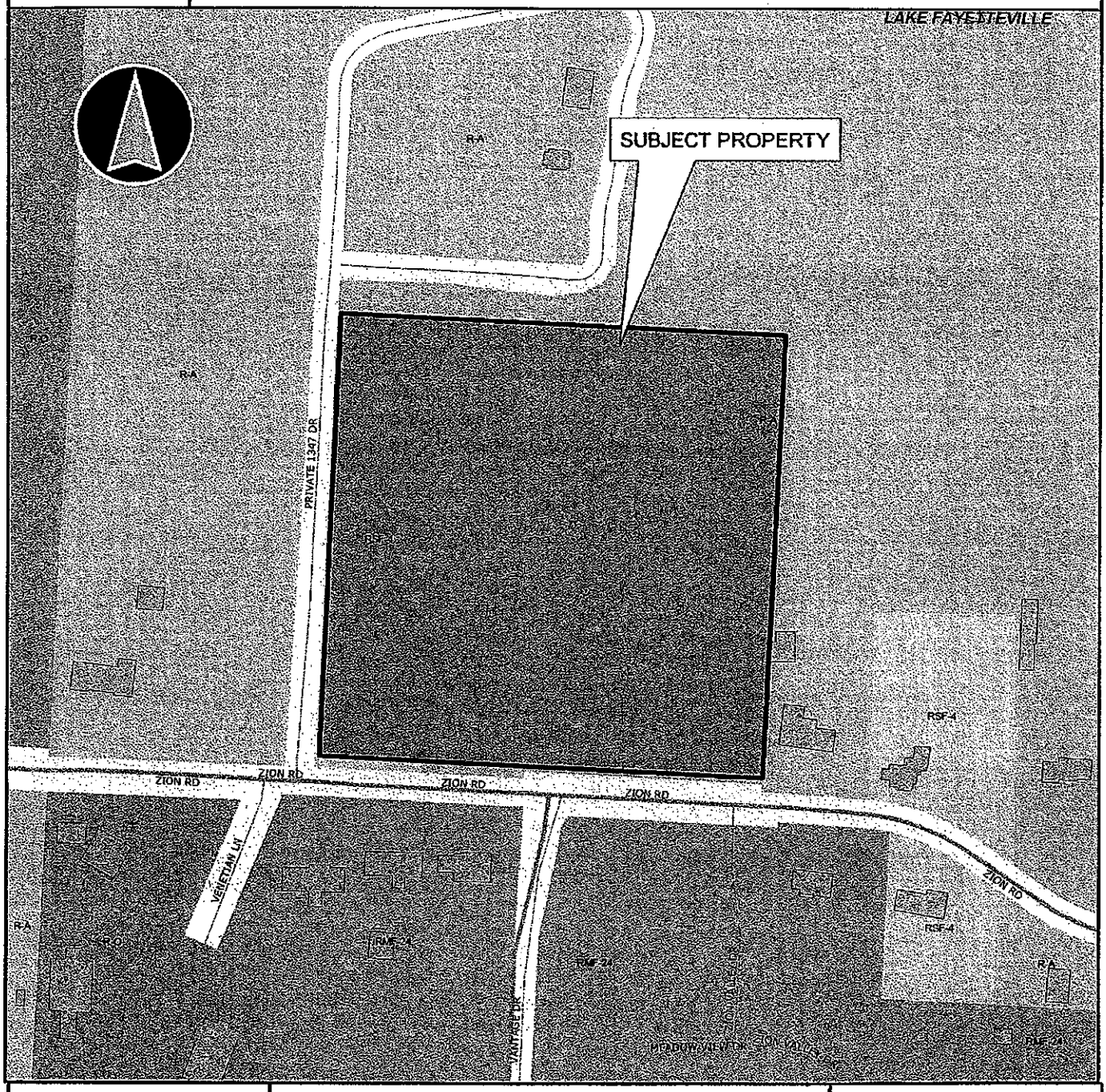
By: _____ By: _____

EXHIBIT "A"

CPZD08-2894

Close Up View

PARK CENTRE



Overview

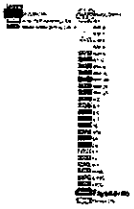


EXHIBIT "B"
C-PZD 08-2894

PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 17 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE ABOVE SAID NORTHWEST 1/4 BEING A FOUND NAIL IN WOODEN FENCE POST; THENCE S87°15'19"E, ALONG THE NORTH LINE OF THE ABOVE SAID NORTHWEST 1/4, A DISTANCE OF 370.01 FEET TO A SET 5/8" REBAR W/CAP (PS 1496) BEING THE TRUE POINT OF BEGINNING; THENCE S87°15'19"E, CONTINUING ALONG THE ABOVE SAID NORTH LINE, A DISTANCE OF 612.62 FEET TO A SET 5/8" REBAR W/CAP (PS 1496); THENCE S02°44'41"W, LEAVING THE ABOVE SAID NORTH LINE, A DISTANCE OF 611.07 FEET TO THE NORTH RIGHT-OF-WAY LINE OF ZION ROAD FROM WHICH A SET 5/8" REBAR W/CAP (PS 1496) BEARS S02°44'41"W A DISTANCE OF 8.63 FEET; THENCE N87°10'36"W, ALONG THE ABOVE SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 324.97 FEET TO A POINT FROM WHICH A FOUND 5/8" REBAR W/CAP (PS 1287) BEARS S02°31'47"W, A DISTANCE OF 7.30 FEET; THENCE N87°12'38"W, CONTINUING ALONG THE ABOVE SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 135.11 FEET TO A POINT FROM WHICH A FOUND 5/8" REBAR W/CAP (PS 1287) BEARS S02°33'11"E, A DISTANCE OF 7.14 FEET; THENCE N87°10'47"W, CONTINUING ALONG THE ABOVE SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 151.43 FEET TO A POINT FROM WHICH A 1/2" REBAR W/CAP (PS 1005) BEARS S02°38'22"W, A DISTANCE OF 6.65 FEET; THENCE N02°38'22"E, LEAVING THE ABOVE SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 610.32 FEET TO THE POINT OF BEGINNING AND CONTAINING 373,773 SQUARE FEET OR 8.58 ACRES, MORE OR LESS.

CONDITIONS OF APPROVAL:

C-PZD 08-2894

Page 1 of 6

Staff and the Planning Commission recommend the following conditions of approval associated with C-PZD 08-2894 (Park Centre).

Conditions of Approval:

1. Planning Commission determination of street improvements. Zion Road is currently being improved by the City adjacent to this property as part of the City's Bond Program Street Projects. This property is subject to Resolution No. 208-07 that specifies that the maximum for off-street improvements on Zion Road on this site is $42,030.00, as the City paid that amount to the developer to purchase the right-of-way for the Zion Road widening. This agreement was provided to the City Council with the understanding that they [the developer] will in turn re-pay this same amount to the City if their development is approved prior to the completion of the Zion Road project. *Staff recommends in favor of payment of that amount back to the City prior to building permit, consistent with Resolution No. 208-07. A significant cost of improvements for which the developer normally would be responsible is being borne by the City, in its current construction project along Zion Road. The applicant also proposes to construct a new public street from Zion Road approximately 600 feet through the site connecting to Veteran's Park. The intersection of Zion Road/Vantage Drive will likely be signalized at some point in the future with the addition of traffic from this development and others in the area. With this development proposing to construct the new public street staff is not recommending an additional assessment be paid toward that signal.*

   PLANNING COMMISSION RECOMMENDED IN FAVOR OF THE STREET IMPROVEMENTS AS STAFF RECOMMENDED, BUT WANTED TO LEAVE THE OPTION FOR THE APPLICANT TO DISCUSS CHANGING THE STREET IMPROVEMENT AGREEMENT WITH CITY COUNCIL (03/24/08).

2. Planning Commission determination of a waiver from Fayetteville Unified Development Code Section 166.08(C)(14) to allow for a portion of the new proposed street to have sidewalk only on one side when the Master Street Plan requires sidewalks on both sides of new streets. As proposed, sidewalks would be located along both sides of the new street from Zion Road to just north of the commercial buildings. No further development is proposed on the east side of the road north of this point. The applicant's waiver request discusses that having sidewalk only on the west side of the street through this area of the site helps transition from the retail area to office area and on into the thick tree canopy of the park, and preserves additional tree canopy. *Staff finds in favor of the applicant's waiver request and agrees with their justification for the waiver to help transition to the park and preserve trees, and also finds that sidewalk on the east side of the street is not needed because development and pedestrian activity is not anticipated in this area of the site.*

   PLANNING COMMISSION RECOMMENDED IN FAVOR OF THIS WAIVER (03/24/08).

3. Planning Commission determination of a waiver from Fayetteville Unified Development Code Section 171.02 requiring a 30' curb return radius at street intersections on a local street. The applicant proposes a 25' curb return radius on the west side of the project's new public street intersection with Zion Road. The applicant's waiver request discusses the 25' radius

CONDITIONS OF APPROVAL:

C-PZD 08-2894

allows a better alignment of the new street with the existing alignment of Vantage Drive to the south. This waiver makes it easier to provide a three-lane entrance that the applicant feels is crucial to traffic circulation at this intersection. *Staff finds in favor of this waiver request agreeing with the applicant's justification for the waiver.*

PLANNING COMMISSION RECOMMENDED IN FAVOR OF THIS WAIVER (03/24/08).

4. Planning Commission determination of commercial design standards.

    a. Planning Area 2 (Office and Residential District). Staff finds that building 1 generally meets the intent of commercial design standards as it does not have unpainted block walls, does not have metal siding that dominates the main façade, and does not have out of scale signs with flashy colors. However the proposed structure is a square "boxlike" structure and the large amount of relatively blank glass over all four of the 84-foot high facades could be considered large blank, unarticulated wall surfaces in contrast to UDC Section 166.14(C). *Staff recommends incorporating additional materials and/or design features to break up these glass facades. One suggestion may be to provide greater relief in the vertical metal accents.*
    b. Planning Area 1 (Market District). *Staff finds that buildings 2 and 3 are well-articulated and meet commercial design standards.*
    c. Identifiable Theme. The proposed buildings provide a recurring, unifying theme throughout the site by utilizing similar materials and colors in the commercial/retail buildings and the medical office/residential building.
    d. Cross-access. Cross-access is being provided for future development and to the park located directly north of the site.

PLANNING COMMISSION RECOMMENDED IN FAVOR OF COMMERCIAL DESIGN STANDARDS AS PROPOSED BY THE APPLICANT (03/24/08).

5. Planning Commission discussion of site layout. *Staff has discussed in several meetings with the applicant concern with the site layout not completely fitting with the goals of the City Neighborhood Area (City Plan 2025) to encourage buildings to better relate to the street, by orienting the buildings to the street with pedestrian walks and hiding the large parking lots behind the buildings. To more fully comply with City Plan 2025 staff would recommend a full evaluation/discussion of the layout of the two buildings in Planning Area 2 (Market District) be oriented north-south to the new public street. The addition of the public street connecting to the park has greatly aided the layout, as opposed to the previous large parking lot layout.*

PLANNING COMMISSION RECOMMENDED IN FAVOR OF THE SITE LAYOUT AS PROPOSED (03/24/08).

6. 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:

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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.

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

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

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

10. Future non-residential conditional uses in the zoning criteria shall comply with the minimum standards for development in the Unified Development Code.

11. Phasing: This project is required to obtain all building permits for the entire development within five years of City Council approval, with the opportunity for a one time, one year extension.

12. Signage:

    a. Planning Area 1 (Market District). Pole/pylon signs are prohibited. Freestanding and wall signs for this planning area are subject to the commercial requirements of Fayetteville Unified Development Code Chapter 174.
    b. Planning Area 2 (Office and Residential). Pole/pylon signs are prohibited. Freestanding and wall signs for this planning area are subject to the residential-office requirements of Fayetteville Unified Development Code Chapter 174.

13. Prior to building permit the three existing parcels should be combined into one legal lot or record, or the property lines adjusted to create three lots that correspond to the proposed development. If the property is intended to be subdivided or property lines adjusted, each new future lot shall have access to public water and sewer service in compliance with City ordinance.

14. Prior to building permit the construction plans shall be reviewed and approved by the City Fire Department to ensure compliance with applicable City and State fire codes.

15. The PZD plats and LSD site plan should be revised to increase the curb return radius to 20' for the two private driveway entrances onto Zion Road in accordance with the Unified Development Code.

Tree Preservation Conditions:

16. Preserved canopy in the northeastern corner of this site must be placed within a Tree Preservation and Recreational Area. This area will be dedicated with the easement plat using

CONDITIONS OF APPROVAL:

C-PZD 08-2894

the Tree Preservation and Recreational Area signature block for the Urban Forester.

17. All efforts should be made to preserve the trees as shown on the plan during construction. This includes, but is not limited to, the preserved trees around the detention basin within the tree preservation and recreational area, tree 141 near the construction entrance and tree 162 on the western edge of the site.

18. Mitigation will not be required as long as the preserved tree canopy remains at 25% or above. If the canopy falls below 25% during construction, mitigation will be required.

19. All revisions must be made to the Tree Preservation and Protection Plan before final approval.

Landscape Plan Conditions:

20. A vegetative buffer is required from the adjacent residential zoning districts. The buffer strip shall consist of a 12' area vegetated with a solid screening of trees and shrubs. The buffer strip shall extend the full length of the eastern and northern property boundary; existing preserved vegetation may be utilized for the buffer.

21. Street trees are required 1 every 30 feet unless there is existing preserved vegetation. If during the development process, any of the existing trees along the street are damaged or removed, additional trees may be warranted.

22. 15' of greenspace is required between parking lots and the right-of-way. Revise the landscape plan to label the right-of-way lines and add a 15' greenspace line, and provide 15' greenspace as needed.

23. All of the trees to be planted in urban tree wells shall utilize structural soil, and appropriate notes added to the plans.

24. Before construction document approval, the landscape plan must be stamped by a Landscape Architect licensed within the state of Arkansas.

25. It is understood that vegetation will not be removed within the detention area. Should vegetation be removed the detention area will need to be planted in accordance with City ordinance. The berms around the detention area to be stabilized and revegetated with a minimum of sod or hydroseed.

26. An estimate of material and labor is required for 150% the cost of the required landscape. Once this estimate is approved by the Urban Forester, a letter of credit, bond or check will be held until installation.

27. Chapter 177 requires street trees to be bonded for a 3-year term before final certificate of occupancy. This amount shall be held to ensure the maintenance of the required street trees.

CONDITIONS OF APPROVAL:

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Trails Conditions:

28. The primary alternative transportation route between Lake Fayetteville and Mud Creek Trail occurs through this project and down Vantage Street. The new road included in this project will improve this important connection by realigning the Veterans Park Entrance road so it lines up with Vantage Street. Many bicycles will use the new road to access the park so bike symbol chevrons and share the road signs are recommended to be spaced every 300 feet along the new entrance road. See picture attached to the Trails Coordinator's memo.

29. In addition, the existing park entrance road shall be closed to vehicles and become a trail to provide another point of pedestrian and bicycle access to the park. If any part of this road remains open to vehicles from Zion Road, there will be a potential conflict between vehicles turning north off Zion and the pedestrians and bicycles using the future 10 foot wide sidewalk along Zion. It is recommended to place bollards across this entrance only allowing emergency vehicles to enter at this point, if necessary.

Parks Conditions:

30. Payment of parks fees in the amount of $10,200.00 for 15 multi-family units shall be submitted prior to issuance of building permits for the residential units.

31. The diversion island located near the transition of the new public street and Veteran's Park shall be coordinated with Parks staff prior to building permit. Construction of the connection and diversion island shall be the responsibility of the developer, at the time the street is constructed.

Standard Conditions of Approval:

32. 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.

33. Trash enclosures shall be screened on three sides 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.

34. 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.

CONDITIONS OF APPROVAL:

C-PZD 08-2894

35. 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).

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

37. 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.

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

39. 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
March 24, 2008

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:	~~March 18, 2008~~ *Updated March 27, 2008*

C-PZD 08-2894: Planned Zoning District (PARK CENTRE, 136): Submitted by H2 ENGINEERING, INC. for property located at THE NE CORNER OF ZION ROAD/VETERANS PARK ENTRY DRIVE. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE AND R-A, RESIDENTIAL AGRICULTURAL, and contains approximately 8.58 acres. The request is for Zoning, Land Use and Development approval for a Commercial Planned Zoning District with approximately 100,500 s.f. of office, retail and restaurant space and 15 residential units.

Property Owner: Zion Properties, LLC
Planner: Andrew Garner

BACKGROUND:

Property Description: The subject property contains approximately 8.58 acres. The property is located on the north side of Zion Road, north of the intersection of Vantage Drive/Zion Road, and contains three parcels located at 1400, 1606, and 1520 Zion Road. The westernmost property line borders onto the paved access road to Veteran's Park and the northernmost property line borders Veteran's Park on the south shore of Lake Fayetteville. The property at 1400 Zion Road is zoned RSF-4 and contains a one-story frame house; the property at 1606 Zion Road is zoned R-A, Residential Agricultural and contains a one-story log house and two accessory structures; the property located at 1520 Zion Road contains a single family residence. The site is almost entirely covered with tree canopy. The surrounding zoning and land uses are listed in *Table 1.*

Table 1
Surrounding Land Use/Zoning

Direction from Site	Land Use	Zoning
North	Veteran's Park/Lake Fayetteville	R-A
South	Single- and Two-Family Residential	RMF-24
East and West	Single-Family Residential/Rural Residential	R-A

Previous Rezoning Request: On March 26, 2007 a request to rezone the western portion of this

property to R-O, Residential Office was tabled by the Planning Commission (RZN 07-2503 Moler). At that meeting the Planning Commissioners and staff discussed potential incompatible uses and development patterns that could under occur on this property in a typical Residential Office development. A PZD was suggested as a way to address concerns regarding the project and zoning issues.

Proposal: The applicant requests rezoning, land use, and large scale development approval for a mixed use project within a unique C-PZD zoning district on the subject property. The project would extend Vantage Drive north through the site providing a new and improved public street connection to Veterans Park/Lake Fayetteville to the north. The existing vehicular access to Veteran's Park would be retained for primarily non-vehicular access to the park. The development would consist of three buildings: two one-story retail/restaurant buildings in the southern portion of the site (Buildings 2 and 3 on the site plan), and one six-story medical office/condominium building in the northwestern portion of the site (Building 1 on the site plan). The size and uses proposed in the buildings are listed in *Table 2.* The land is not proposed to be subdivided at this time and would be under a common ownership, or property owner's association.

Table 2
Park Center PZD Uses and Buildings

Planning Area	Building No.	Land Use	Square Feet/Number of Units
1- Market District	1	Medical Office	65,292
		Condominiums	15
2- Office and Residential	2	Retail	15,122
		Restaurant	4,000
	3	Retail	12,369
		Restaurant	4,000
TOTAL			**100,783 SF/15 units**

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.

Access and Connectivity: Access to the proposed development would be directly off of the new public street extending north from Zion Road through the site to Veteran's Park. A new curb cut onto Zion Road is proposed in the southeast corner of the site directly across from the Zion Valley/Bellafont Gardens development, and access is also proposed off of the existing access road to Veteran's Park adjacent to the west. The applicant also proposes two parking lot drive aisle stub-outs to the adjacent property to the east for future cross access. Parking lots would be constructed interior to the property providing adequate vehicular circulation through the site.

Park Recreation Advisory Board (PRAB): On March 3, 2008 the PRAB recommended accepting money in lieu of land for the residential units proposed with this development. The PRAB recommended the new improved street to the park as depicted on the site plan, and to retain the existing drive to Veteran's Park for non-vehicular access. The PRAB also recommended further evaluation of non-park traffic, development of more defined traffic flows, and reconfiguring the

"Y" in the road from this development connecting to Veteran's Park to discourage the traffic from the development from entering the park unnecessarily. The PRAB also recommended renaming Vantage Drive to Veterans Memorial Boulevard from Joyce Boulevard to Veteran's Park.

After considerable in depth discussion with the Parks Board, the Parks Division and Trails Coordinator do not recommend the driveway connection to this development off of the parks drive as shown on the site plan. Staff recommends utilizing only southern entrance as shown on the site plan to accommodate controlled emergency access only, and revising the drive on the west side of the parking area to accommodate emergency access through the site as determined by the Fire Department. The concern is that increased commercial vehicular traffic would conflict with the pedestrian/cyclist trail that the existing road will become. To utilize the southern portion of the parks drive for emergency access the drive will need to be improved to meet Fire Department standards. Should the Planning Commission determine the cross-access is desireable, staff would recommend the following:

- The drive shall be restricted to one-way, exit traffic only, and shall only utilize the southernmost entry.
- The developer shall improve the drive to provide a minimum paved width to meet Fire Code and parking lot drive aisle standards.
- A separated pedestrian path shall be provided from the sidewalk on Zion Road to the north of the proposed driveway. Incorporate design features to alleviate potential vehicular/non-vehicular conflicts such as a pavement markings or a sidewalk along the portion of the drive for vehicles, or bollards on one side of the drive allowing vehicles to exit only on one side and pedestrians protected on the other side. Bollards will be installed restricting traffic from entering the park at this location.
- The applicant shall provide sight distance calculations to verify safety of egress for the proposed drive. Should the drive not meet sight distance standards, the drive shall not be permitted for public use, unless otherwise determined by the Planning Commission.

Phasing: The applicant does not propose a specific phasing plan, but proposes that all building permits for all buildings in the development be obtained within five years from City Council approval, with the opportunity for a one-time, one year extension.

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

Adjacent Master Street Plan Streets: Zion Road (Collector Street)

Street Improvements: Zion Road is currently being improved by the City adjacent to this property as part of the City's Street Bond Program. This property is subject to Resolution No. 208-07 that specifies that the maximum for off-street improvements on Zion Road for this site are $42,030.00 (see attached). The applicant also proposes to construct a new public street from Zion Road approximately 600 feet through the site connecting to Veteran's Park.

Tree Preservation:	Existing Canopy:	92.7%
	Preserved Canopy:	30.5.0%

Required Canopy: 25.0%
Mitigation Required: None required

Recommendation: Staff recommends forwarding **R-PZD 08-2894** to City Council recommending approval with the following conditions of approval:

Conditions of Approval:

1. Planning Commission determination of street improvements. Zion Road is currently being improved by the City adjacent to this property as part of the City's Bond Program Street Projects. This property is subject to Resolution No. 208-07 that specifies that the maximum for off-street improvements on Zion Road on this site is $42,030.00, as the City paid that amount to the developer to purchase the right-of-way for the Zion Road widening. This agreement was provided to the City Council with the understanding that they [the developer] will in turn re-pay this same amount to the City if their development is approved prior to the completion of the Zion Road project. *Staff recommends in favor of payment of that amount back to the City prior to building permit, consistent with Resolution No. 208-07. A significant cost of improvements for which the developer normally would be responsible is being borne by the City, in its current construction project along Zion Road. The applicant also proposes to construct a new public street from Zion Road approximately 600 feet through the site connecting to Veteran's Park. The intersection of Zion Road/Vantage Drive will likely be signalized at some point in the future with the addition of traffic from this development and others in the area. With this development proposing to construct the new public street staff is not recommending an additional assessment be paid toward that signal.*

PLANNING COMMISSION RECOMMENDED IN FAVOR OF THE STREET IMPROVEMENTS AS STAFF RECOMMENDED, BUT ALSO WANTED TO LEAVE THE OPTION FOR THE APPLICANT TO DISCUSS CHANGING THE STREET IMPROVEMENT AGREEMENT WITH CITY COUNCIL (03/24/08).

SUBDIVISION COMMITTEE REQUESTED STAFF TO PROVIDE EXAMPLES OF OTHER PROJECTS SIMILAR TO THIS WHERE AN INTERIOR PUBLIC STREET WAS CONSTRUCTED AND OFFSITE STREET IMPROVEMENTS WERE REQUIRED. (03/13/08)

Staff can discuss examples of several other projects in the vicinity where offsite street improvements in the form of road improvements and/or assessments were required in addition to constructing public streets within the development:

- *Timberlake Office Park Subdivision (improve Zion Road offsite and new onsite public street)*
- *Woodbury PZD/LSD (improve Zion Road offsite and several new onsite public streets)*
- *Lakewood Gardens PZD/PPL (improve Zion Road offsite and several onsite internal streets)*
- *Stearns Street Apartments LSD (extension of Shepherd Lane through the site and*

improvements to Vantage Drive offsite)

- *Bellafont LSD (Stearns Street extension offsite, assessment for all or a portion of two traffic signals offsite, improvements to Joyce Boulevard, Stearns Street, and Vantage Drive on and offsite)*
- *Vantage Center PZD (improvements to Frontage Road offsite and extension of Shepherd Lane through the site).*

The applicant commented at the March 13, 2008 Subdivision Committee that because they are building a public street into the site and connecting to Veteran's Park, they should not have to pay back the amount for right-of-way along Zion Road that was purchased by the City for the Zion Road widening. The applicant has also submitted a letter and cost estimate discussing the cost of constructing a public street through the site. Staff feels that for the applicant not to pay the $42,030.00 back would be a change in the original agreement that would require City Council approval. The agreement addresses offsite work and does not address onsite improvements. In staff's opinion, mixing the offsite agreement with the proposed onsite street is not appropriate. The onsite proposed public street will be a benefit to the developer and the City, although it is difficult to say who will obtain the greater benefit. If the applicant is in disagreement with constructing the public street, and obtaining approval of the current project, they have the ability to resubmit their plans without it and propose a different layout.

2. Planning Commission determination of a waiver from Fayetteville Unified Development Code Section 166.08(C)(14) to allow for a portion of the new proposed street to have sidewalk only on one side when the Master Street Plan requires sidewalks on both sides of new streets. As proposed, sidewalks would be located along both sides of the new street from Zion Road to just north of the commercial buildings. No further development is proposed on the east side of the road north of this point. The applicant's waiver request discusses that having sidewalk only on the west side of the street through this area of the site helps transition from the retail area to office area and on into the thick tree canopy of the park, and preserves additional tree canopy. *Staff finds in favor of the applicant's waiver request and agrees with their justification for the waiver to help transition to the park and preserve trees, and also finds that sidewalk on the east side of the street is not needed because development and pedestrian activity is not anticipated in this area of the site.*

PLANNING COMMISSION RECOMMENDED IN FAVOR OF THIS WAIVER (03/24/08).

SC RECOMMENDED IN FAVOR OF THIS WAIVER (03/13/08).

3. Planning Commission determination of a waiver from Fayetteville Unified Development Code Section 171.02 requiring a 30' curb return radius at street intersections on a minor street. The applicant proposes a 25' curb return radius on the west side of the project's new public street intersection with Zion Road. The applicant's waiver request discusses the 25' radius allows a better alignment of the new street with the existing alignment of Vantage Drive to the south. This waiver makes it easier to provide a three-lane entrance that the applicant feels is crucial to traffic circulation at this intersection. *Staff finds in*

favor of this waiver request agreeing with the applicant's justification for the waiver.

PLANNING COMMISSION RECOMMENDED IN FAVOR OF THIS WAIVER (03/24/08).

THE DETAILS OF THIS WAIVER WERE NOT YET AVAILABLE AT THE 03/13/08 SUBDIVISION COMMITTEE MEETING, ALTHOUGH THE COMMITTEE MEMBERS DISCUSSED THAT THEY WERE GENERALLY IN FAVOR OF WAIVERS NEEDED TO BETTER ALIGN THE INTERSECTION OF VANTAGE AND THE NEW PUBLIC STREET, AND WAIVERS NEEDED TO PROVIDE A THREE-LANE ENTRANCE (03/13/08).

4. Planning Commission determination of commercial design standards.

    a. Planning Area 2 (Office and Residential District). Staff finds that building 1 generally meets the intent of commercial design standards as it does not have unpainted block walls, does not have metal siding that dominates the main façade, and does not have out of scale signs with flashy colors. However the proposed structure is a square "boxlike" structure and the large amount of relatively blank glass over all four of the 84-foot high facades could be considered large blank, unarticulated wall surfaces in contrast to UDC Section 166.14(C). *Staff recommends incorporating additional materials and/or design features to break up these glass facades. One suggestion may be to provide greater relief in the vertical metal accents.*
    b. Planning Area 1 (Market District). *Staff finds that buildings 2 and 3 are well-articulated and meet commercial design standards.*
    c. Identifiable Theme. The proposed buildings provide a recurring, unifying theme throughout the site by utilizing similar materials and colors in the commercial/retail buildings and the medical office/residential building.
    d. Cross-access. Cross-access is being provided for future development and to the park located directly north of the site.

PLANNING COMMISSION RECOMMENDED IN FAVOR OF THIS WAIVER (03/24/08).

SUBDIVISION COMMITTEE RECOMMENDED IN FAVOR OF THE COMMERCIAL DESIGN STANDARDS AS PROPOSED (03/13/08).

5. Planning Commission discussion of site layout. *Staff has discussed in several meetings with the applicant concern with the site layout not completely fitting with the goals of the City Neighborhood Area (City Plan 2025) to encourage buildings to better relate to the street, by orienting the buildings to the street with pedestrian walks and hiding the large parking lots behind the buildings. To more fully comply with City Plan 2025 staff would recommend a full evaluation/discussion of the layout of the two buildings in Planning Area 2 (Market District) be oriented north-south to the new public street. The addition of the public street connecting to the park has greatly aided the layout, as opposed to the previous large parking lot layout.*

PLANNING COMMISSION RECOMMENDED IN FAVOR OF THE SITE LAYOUT AS PROPOSED (03/24/08).

SUBDIVISION COMMITTEE RECOMMENDED IN FAVOR OF THE SITE LAYOUT AS PROPOSED (03/13/08).

~~6. Planning Commission recommendation of access and use of the existing drive to Veteran's Park along the western property boundary. The applicant proposes two vehicular connections to the existing drive connecting to Veteran's Park.~~

~~**SUBDIVISION COMMITTEE RECOMMENDED IN FAVOR OF THE TWO VEHICULAR ACCESS POINTS TO THE DRIVE AS PROPOSED, AND ALSO REQUESTED ADDITIONAL INFORMATION FROM PARKS STAFF AND THE CITY TRAILS COORDINATOR REGARDING THE SAFETY OF UTILIZING THIS DRIVE FOR VEHICLES AND PEDESTRIANS (03/13/08).**~~

~~The *Park and Recreation Advisory Board recommended that with the construction of the new public street through this development, the existing Veteran's Park drive be utilized only for non vehicular access, to decrease the potential for vehicle/pedestrian conflicts with the increased traffic from the development. Parks staff and the City Trails Coordinator recommend that if the drive is utilized as it is proposed there would be conflicts with pedestrians accessing the trail and drivers turning into the drive off Zion Road.*~~

~~*If the existing southern portion of Veteran's Park drive is utilized for vehicular access staff recommends the following conditions of approval:*~~

~~*A. The drive shall be restricted to one way, exit traffic only, and shall only utilize the southernmost entry.*~~

~~*B. The developer shall improve the drive to provide a minimum paved width to meet Fire Code and parking lot drive aisle standards.*~~

~~*C. A separated pedestrian path shall be provided from the sidewalk on Zion Road to the north of the proposed driveway. Incorporate design features to alleviate potential vehicular/non vehicular conflicts such as a pavement markings or a sidewalk along the portion of the drive for vehicles, or bollards on one side of the drive allowing vehicles to exit only on one side and pedestrians protected on the other side. Bollards will be installed restricting traffic from entering the park at this location.*~~

~~*D. The applicant shall provide sight distance calculations to verify safety of egress for the proposed drive. Should the drive not meet sight distance standards, the drive shall not be permitted for public use, unless otherwise determined by the Planning Commission.*~~

WITH THE REVISIONS SUBMITTED FOR PLANNING COMMISSION THE APPLICANT REMOVED CONNECTIVITY TO THE VETERAN'S PARK ACCESS DRIVE, AND PROPOSED A NEW CURB CUT/VEHICULAR ACCESS TO JOYCE BOULEVARD AS DEPICTED ON THE REVISED DRAWING PROVIDED TO THE PLANNING COMMISSION (03/24/08).

7. 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.

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

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

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

11. Future non-residential conditional uses in the zoning criteria shall comply with the minimum standards for development in the Unified Development Code.

12. Phasing: This project is required to obtain all building permits for the entire development within five years of City Council approval, with the opportunity for a one time, one year extension.

13. Signage:

    a. Planning Area 1 (Market District). Pole/pylon signs are prohibited. Freestanding and wall signs for this planning area are subject to the commercial requirements of Fayetteville Unified Development Code Chapter 174.
    b. Planning Area 2 (Office and Residential). Pole/pylon signs are prohibited. Freestanding and wall signs for this planning area are subject to the residential-office requirements of Fayetteville Unified Development Code Chapter 174.

14. Prior to building permit the three existing parcels should be combined into one legal lot or record, or the property lines adjusted to create three lots that correspond to the proposed development. If the property is intended to be subdivided or property lines adjusted, each new future lot shall have access to public water and sewer service in compliance with City ordinance.

15. The plats and booklets should be revised with the Planning Commission submittal to address the following items:

    a. Booklet pg. 9 and pg. 12. Discussion on signage. Revise the discussion on signs to be consistent with the language on signage listed in Condition of Approval No. 12 of this report.
    b. Booklet. Elevations. Building #2. Label the east and west elevations.
    c. Booklet. Elevations/Site Plan. Retail Building #3. It appears that the westernmost end of the building has 2 tenant spaces on the site plan, but the elevations appear

to show 3 tenant spaces. Please revise the site plan or elevations to be consistent.

d. Plats. Label the centerline of the new public street, and add right-of-way dimensions and call-outs on the street at a couple of typical section points.
e. Plats. Extend curb/gutter all the way to the northern property line on the west side of the new public street.

Tree Preservation Conditions:

16. Please revise the tree canopy measurements on the Tree Preservation and Protection Plan to reflect the table on page one of this report.

17. Preserved canopy in the northeastern corner of this site must be placed within a Tree Preservation and Recreational Area. This area will be dedicated with the easement plat using the Tree Preservation and Recreational Area signature block for the Urban Forester.

18. All efforts should be made to preserve the trees as shown on the plan during construction. This includes, but is not limited to, the preserved trees around the detention basin within the tree preservation and recreational area, tree 141 near the construction entrance and tree 162 on the western edge of the site.

19. Mitigation will not be required as long as the preserved tree canopy remains at 25% or above. If the canopy falls below 25% during construction, mitigation will be required.

20. All revisions must be made to the Tree Preservation and Protection Plan before final approval.

Landscape Plan Conditions:

21. Expand the note on mulching to state that mulching is required around new trees and within landscape beds.

22. A vegetative buffer is required from the adjacent residential zoning districts. The buffer strip shall consist of a 12' area vegetated with a solid screening of trees and shrubs. The buffer strip shall extend the full length of the eastern and northern property boundary Existing preserved vegetation may be utilized for the buffer.

23. Street trees are required 1 every 30 feet unless there is existing preserved vegetation. If during the development process, any of the existing trees along the street are damaged or removed, additional trees may be warranted.

24. 15' of greenspace is required between parking lots and the right-of-way. Revise the landscape plan to label the right-of-way lines and add a 15' greenspace line, and provide 15' greenspace as needed. It appears that the northernmost parking bay on the west side of the street, and the southernmost parking bay on the east side of the street have parking spaces within the 15' greenspace that must be removed.

25. Chapter 177 requires all parking areas between the building and right-of-way to be screened with shrubs. There are some areas of parking lots that need these additional screening shrubs along the new public street. The northernmost parking bay needs screening shrubs on the east side of the parking lot, there is a small section of parking lot just south of the tree preservation area and adjacent to the public street that needs screening shrubs.

26. All of the trees to be planted in urban tree wells shall utilize structural soil, and appropriate notes added to the plans.

27. Before construction document approval, the landscape plan must be stamped by a Landscape Architect licensed within the state of Arkansas.

28. It is understood that vegetation will not be removed within the detention area. Should vegetation be removed it the detention area will need to be planted in accordance with City ordinance. The berms around the detention area to be stabilized and revegetated with a minimum of sod or hydroseed.

29. An estimate of material and labor is required for 150% the cost of the required landscape. Once this estimate is approved by the Urban Forester, a letter of credit, bond or check will be held until installation.

30. Chapter 177 requires street trees to be bonded for a 3-year term before final certificate of occupancy. This amount shall be held to ensure the maintenance of the required street trees.

Trails Conditions:

31. The primary alternative transportation route between Lake Fayetteville and Mud Creek Trail occurs through this project and down Vantage Street. The new road included in this project will improve this important connection by realigning the Veterans Park Entrance road so it lines up with Vantage Street. Many bicycles will use the new road to access the park so bike symbol chevrons and share the road signs are recommended to be spaced every 300 feet along the new entrance road. See picture attached to the Trails Coordinator's memo.

32. In addition, the existing park entrance road is recommended to be closed to vehicles and become a trail to provide another point of pedestrian and bicycle access to the park. If any part of this road remains open to vehicles from Zion Road, there will be a potential conflict between vehicles turning north off Zion and the pedestrians and bicycles using the future 10 foot wide sidewalk along Zion. It is recommended to place bollards across this entrance only allowing emergency vehicles to enter at this point.

Parks Conditions:

33. Payment of parks fees in the amount of $10,200.00 for 15 multi-family units shall be

submitted prior to issuance of building permits for the residential units.

34. The diversion island located near the transition of the new public street and Veteran's Park to be coordinated with Parks staff prior to building permit.

Standard Conditions of Approval:

35. 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.

36. Trash enclosures shall be screened on three sides 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.

37. 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.

38. 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).

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

40. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.

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

42. 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:

43. _____

44. _____

Planning Commission Action: ☐ **Tabled** **X Forwarded to C.C.**
Motion: **Graves**
Second: **Ostner**
Vote: **8-0-1 (Lack recused)**
Meeting Date: **March 24, 2008**
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 C-PZD 08-2894 (Park Centre)

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 largely 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 City Neighborhood Area.

Proposed Land Uses: Rezoning this property to C-PZD 08-2894 with approximately 100,500 square feet of retail/commercial/office space and 15 residential condominiums is consistent with the future land use plan and compatible with the mix of land uses in the immediate vicinity including a City park, duplexes, single-family residential, and offices.

Proposed Development Pattern: The proposed form of development is largely not consistent with the City Neighborhood Area policies for traditional urban design. The development is generally a suburban form with large parking areas fronting the street and the buildings generally set well off of the right-of-way as in a typical suburban strip center or office park. The development does have the sides of the two retail buildings directly adjacent to the new interior public street, creating an approximately 80-foot corridor out of the new 600-foot long street (approximately 13% of the street) with an urban feel with buildings close to the street, wide sidewalks, and urban tree wells. The buildings along this corridor are 15-20 feet high, and the space in between the walls is approximately 80 feet wide, creating a height/width ratio of 1:4. This ratio combined with the trees lining the street along this 80-foot corridor should create a sense of enclosure and a traditional urban feel. Goal 3 of the City Plan 2025 is to make traditional town form the standard throughout the City where development is taking place, with street-oriented buildings, walkability considered first, and vehicle mobility second, where the street showcases the high quality buildings. This type of development pattern is also encouraged in the Guiding Policies for a City Neighborhood Area. The transition of the urban form to a more suburban form does incorporate measures for preserving tree canopy, which should aid in the transition to the park, which is very anti-urban in nature. This transition has created difficulty for development patterns in this area.

(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. In addition, the City has begun construction of major infrastructure improvements along Zion Road adjacent to, and east and west of the property, at no cost to the developer.

(4) Whether the rezoning is compatible with the surrounding land uses;

FINDING: The rezoning request, combined with the Master Development Plan, would allow approximately 100,500 square feet of commercial/retail/office uses and 15 residential condominiums above the office space in the large office building. These uses are compatible with the surrounding land uses including the park, residential, and office uses in the vicinity. The appearance of the site would change dramatically from an almost entirely tree covered property with three small houses tucked back in among the trees, to a commercial node of development at the intersection of Zion/Vantage Roads, and an 84-foot high building adjacent to Lake Fayetteville park near the rear of the property. The uses in this vicinity quickly transition from the relatively high intense commercial corridor along Highway 71 B (College Avenue) to the west, to a mix of office and residential uses in the vicinity of this property, with non-residential uses operating out of several single family residences. The property along this immediate area of Zion Road is not highly developed and has dense, continuous tree canopy generally continuing from Zion Road north to Lake Fayetteville. The development proposes to preserve a large amount of tree canopy along Zion Road, maintain a large tree preservation area and vegetative buffer along the east property line, and have the large office building in the rear of the site away from the existing single family residences. The development also proposes to preserve several substantial clusters of the existing trees in large landscape islands in the parking lots. By preserving several large areas of trees along the perimeter of the property, land use impacts to surrounding residences should not be significant. Public users of Lake Fayetteville Park and drivers along Zion Road will see the large office building above the tree canopy with dark reflective glass. This building may present an incompatible appearance in the immediate area. However, as this area is designated as a City Neighborhood Area, staff finds that a six story building may be appropriate if placed and designed sensitively. The office building use is not incompatible with a park or development along Zion Road, but is rather a use that will encourage people to utilize the park and accentuate the difference in the built and natural environment. However, as discussed in Finding B.14, staff recommends some modification to the façades of the building to be more sensitive to public viewers and the natural environment.

(5) Whether the subject land is suitable for the intended use and is compatible with the natural environment;

FINDING: The subject property was developed many years ago for three single family residences on the 8.58 acres. The site is almost entirely wooded with many large trees throughout the site, and the topography is relatively flat, with more slope to the northeast. The development proposes to reduce the tree canopy on the site from 92% to 30.5%. The development would preserve six existing trees along Zion Road, and several other large groupings throughout the site. With the density and intensity proposed, staff finds that the development does a good job of incorporating the trees into the site. 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 uses: commercial, office, and residential, will impact the existing traffic conditions. Zion Road is a Collector Street and is currently being improved by the City to its Master Street Plan standard along the project frontage. Zion Road provides a major east-west connection in this area of Fayetteville. Access to College Avenue, a Principal Arterial, is 0.3 mile to the west. State Highway 71b (College Avenue) is the major north-south transportation corridor in Fayetteville. In addition, Vantage Drive will be extended through this site, and is a Collector Street connection 0.6 mile south to Joyce Boulevard, which is an east-west Principal Arterial. This site will also be a major pedestrian connection for the Fayetteville Alternative Transportation Plan. Lake Fayetteville Trail is adjacent to the north, and there is an on-street trail connection along Vantage Drive linking with Mud Creek Trail providing other linkages to trails throughout the City. This development will link these two trails by providing a new public street and on-street shared bicycle lane from Vantage Drive north to Veteran's Park. Staff finds that with the agreed-upon assessment for improvements to Zion Road and the construction of the new public street through this development that the existing road network is suitable for intended development and will not create a traffic burden.

(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 Park Centre PZD provides for appropriate commercial and residential development in an area transitioning from the College Avenue commercial corridor to Lake Fayetteville/Veteran's Park, and office and residential uses along Zion Road. Zion Road is a Collector Street moving relatively high volumes of traffic. Access and use of this site would be primarily off of a new north-south street intersecting with Zion Road, although the applicant is proposing a secondary access with a curb cut onto Zion Road in the southeast corner of the site, and access off of the existing drive to Veteran's Park along the western property line providing another access to Zion Road. Staff has concerns with the vehicular and pedestrian safety of the access to Veteran's Park drive due to probable limited site distance into this drive from Zion Road and the pedestrian activity that will be using this drive.

As discussed in Finding No. 1 in this report, the site has been designed in a primarily suburban pattern with parking lots facing the streets and buildings to the interior, inconsistent with City Plan 2025 policy. However, there is a an approximately 80-foot section where the sides of the retail buildings will be adjacent to the street creating an urban feel that makes this development more of a hybrid pattern rather than a true suburban strip center pattern. Interior access would be provided with driveways into parking lots off of the interior public street. The development proposes commercial drive-thru windows near the east and west property lines, however the uses in the zoning criteria have been limited to ensure that potential incompatibilities with the adjacent single family residences would not occur. As described in other findings in this report the site incorporates a large amount of tree preservation and vegetated buffers on the perimeter of the site, protecting adjacent land uses and incorporating natural features into the site design, and thus providing a transition to the park to the north.

(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 landscape plan incorporates such standard requirements as one tree every 30 feet along the street frontages, and parking lot shade trees. In addition a vegetative buffer will be provided between this development and the adjacent single family residence to the east, and Veteran's Park to the north.

(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 development will be provided mainly off of a new public street that intersects with Zion Road. Two other private access points are also proposed to Zion Road. Staff's concern with the safety of the western access point to Zion Road through the existing access drive to Veteran's Park have been discussed in Finding B.1. and in Condition of Approval No. 5. The development also proposes two parking lot drive aisle stub outs to the east for cross access.

(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 surface parking lots adjacent to Zion Road and the new public street. All parking ratios have been met and reviewed in detail.

(5) *Perimeter treatment.* Notwithstanding any other provisions of a planned zoning district, all uses of land or structures shall meet the open space, buffer or green strip provisions of this chapter of this code.

FINDING: This requirement has been met.

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

FINDING: A new multi-use trail is being constructed adjacent to the project along Zion Road and a public sidewalk is proposed along the new public street interior to the site. The applicant is requesting a waiver as described in Condition of Approval No. 2 to allow for sidewalk only on one side of the new public street for the northern section of the street. Staff is in support of this waiver for the reasons described in Condition No. 2.

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

FINDING: Street lights are to be provided along Zion Road as part of the City's current improvements to the street, and interior street lights along the new public street are to be provided at intersections and every 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: Public streets will be constructed to City standards.

(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: Not applicable; this project is a commercial PZD.

(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 Tree Preservation Plan has been submitted and reviewed as part of the Large Scale Development and complies with the requirements for tree preservation as set forth in Chapter 167. A large amount of tree canopy is being preserved along Zion Road, and in large tree islands in the interior of the development, as well as a 0.84 acre tree preservation area in the northeast corner of the site. The development is preserving 30.5% of the site in tree canopy.

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

FINDING: The development largely complies with commercial design standards by providing an identifiable theme for the three buildings and providing cross access. Staff recommends some modification to Building 1 due to its "boxlike" structure and large amount of glass over the majority of the 84-foot high facades that may be considered

"unarticulated".

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

FINDING: Staff considers the views of tall mature trees to drivers along Zion Road, and views of this heavily wooded property above Lake Fayetteville to be scenic. As discussed in Finding E.4, this development would substantially change the appearance of this 8.58-acre site and associated views from Zion Road and Lake Fayetteville. To drivers currently traveling east along Zion Road from College Avenue, the appearance of the road quickly changes from a commercial corridor to a tree-lined, two-lane rural residential highway appearance. With the current improvements to Zion Road being constructed by the City, and with the proposed development, the land use and views would change to a fully improved street with sidewalk on the south side, a multi-use trail on the north side, and large parking lots adjacent to Zion Road on the north side, with retail/commercial buildings set approximately 100 feet from the road in a typical suburban strip center configuration. This development preserves six large trees along Zion Road that will help preserve some of the scenic nature of Zion Road, and additional plantings will be required. Viewers of this property from Lake Fayetteville/Veterans Park currently see a heavily wooded site that appears undeveloped from a distance. This development proposes an 84-foot high building (six stories) that would be visible from many viewpoints, including Zion Road and Lake Fayetteville/Veterans Park. This building would extend above the surrounding tree canopy in the park and on the property. The facades of the building are almost entirely glass on all four sides. The proposed glass is a dark material that would be highly reflective. This would result in shiny reflective appearance above the tree line to many viewers. Where the building is surrounding by tree canopy the glass would reflect the appearance of the surrounding trees. Staff is not opposed to the height and appearance of a building in this location above the tree canopy, but recommends additional materials to break up the large expanse of glass on the office building as discussed in Condition of Approval No. 4. Additional materials and or a different type of glass above the tree canopy might lessen the visual impact to scenic viewers along Zion Road and at Lake Fayetteville Park.

(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. 161.29 Planned Zoning District

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

(1) Flexibility. Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.

(2) Compatibility. Providing for compatibility with the surrounding land uses.

(3) Harmony. Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.

(4) Variety. Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.

(5) No negative impact. Does not have a negative effect upon the future development

of the area;

(6) Coordination. Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.

(7) Open space. Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.

(8) Natural features. Maximum enhancement and minimal disruption of existing natural features and amenities.

(9) General Plan. Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the General Plan.

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

FINDING: Staff finds this proposal meets the intent of many of the parameters of City Plan 2025, as well as the above ten criteria, including compatibility, transition of land use, harmony, and flexibility to provide a commercial/retail center along with 15 residential condominiums in this area of transitional land uses. Staff has expressed some concerns with the form of the development and the appearance of the large office building.

(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.

(D) C-PZD, Commercial Planned Zoning District

(1) *Purpose and intent.* The C-PZD is intended to accommodate mixed-use developments containing any combination, including multiple combinations of commercial, office or residential uses in a carefully planned configuration in such a manner as to protect and enhance the availability of each independent use. The C-PZD is also intended to

accommodate single use commercial developments that are determined to be more appropriate for a PZD application than a general commercial rezone. The legislative purposes, intent and application of this district include, but are not limited to, the following:

(a) To encourage the clustering of commercial and office activities within areas specifically designated to accommodate such uses and to discourage the proliferation of commercial uses along major thoroughfares and noncommercial areas.

(b) To provide for orderly development in order to minimize adverse impact on surrounding areas and on the general flow of traffic.

(c) To encourage orderly and systematic commercial, office or mixed use development design or a combination thereof, providing for the rational placement of activities, vehicular and pedestrian circulation, access and egress, loading, landscaping and buffering strips.

(d) To encourage commercial development which is consistent with the city's General Plan.

(e) To accommodate larger scale suburban developments of mixed-uses in a harmonious relationship.

FINDING: With revisions to the project as discussed in the conditions of approval, staff is recommending approval of this application, finding the proposed PZD would meet the intent of the PZD ordinance as noted above, and is generally consistent with the city's General Plan/City Plan 2025 as discussed in Finding No. 1.

(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 commercial or office use area be less than fifty-one percent (51%) of the gross leasable floor area within the development.

FINDING: The majority of uses are principally commercial.

(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: This is a proposed commercial zoning. Although there is a residential component with 15 residential condominiums proposed in the top two floors of the six story office building. The proposed zoning criteria and residential density (1.74 units/acre) are appropriate given the mix of uses and intensity in this vicinity along Zion Road.

(2) *Lot area and setback requirements.* Taking into consideration the unique aspects of each project, preliminary development plans for Planned Zoning Districts shall conform as closely as possible to the existing standards for lot area minimums and setback requirements under this chapter.

FINDING: The building setbacks proposed provide a 15-foot setback from the perimeter property lines, and allow a 0-foot setback off of the new public street. This development is not proposed to be subdivided at this time, but the zoning criteria incorporates typical standards for commercial property should it ever be subdivided.

(3) *Building height.* There shall be no maximum building height except as may be determined by the Planning Commission during the review of the preliminary development plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. A lesser height may be established by the Planning Commission when it is deemed necessary to provide adequate light and air to adjacent property and to protect the visual quality of the community.

FINDING: Building heights proposed for this project are not typical of the surrounding area with an 84-high office building proposed in Planning Area 2. The office building is set in the rear of the property and is not in the immediate vicinity of a single family residence. The building is located approximately 100-feet from the closest property line (the north). The adjacent land use to the north is Veteran's Park. The proposed building height is appropriate given the location of the building in the interior of the property, and should not pose adverse impacts to light or air to adjacent property. As discussed in Finding B.14,

staff has concerns with the appearance of the office building to the community.

(4) *Building area.* The Planning Commission shall review specific proposed lot coverages which generally correspond to the guidelines for lot coverage in the respective residential, office, commercial or industrial district which most depicts said development scheme.

FINDING: The lot coverage or building area on this project is less than typical lot coverages in commercial zonings, indicative of the large amount of tree preservation and greenspace being provided.

***Required Findings for Rezoning Request.**

Land Use Plan: ***The City Plan 2025 Future Land Use Plan designates this site as City Neighborhood Area. Staff finds the application to be largely in compliance with the Master Development Plan Planned Zoning District criteria established by the City Council.***

Rezoning this property to C-PZD 08-2894 with approximately 100,500 square feet of retail/commercial/office space and 15 residential condominiums is consistent with the future land use plan and compatible with the mix of land uses in the immediate vicinity including a City park, duplexes, single-family residential, and offices. However, as discussed in Finding No. 1, the proposed form of development is not consistent with the City Neighborhood Area policies for traditional urban design. The development is a generally a suburban pattern with large parking areas fronting the street and the buildings generally set well off of the right-of-way as in a typical suburban strip center or office park. However the project does balance the goals of creating traditional urban environment and maintaining natural features – in this case tree canopy – at an acceptable level The proposed plan, commitments, design standards and other conditions placed upon the project result in a generally compatible development with surrounding land uses in the general vicinity, meeting many of the goals of the City Plan 2025 for new or re-developed property.

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 somewhat consistent with the land use planning objectives, principles and policies, as evidenced by several of the guiding policies for City Neighborhood Area this proposal meets. The development introduces a more intense development pattern to the area, but generally does an effective job of providing vegetative buffers, tree preservation, and setbacks from adjoining properties to protect them from potential adverse impacts associated with the development. This development provides non-residential uses that are easily accessible to the large number of vehicles that traverse through the Zion Road corridor each day by providing a variety of commercial uses that are easily

accessed with large parking lots next to the streets, and two commercial drive-thrus. Extending a public street through the site will provide a much improved linkage in the multi-use trail system connecting Lake Fayetteville and Mud Creek trail system, and the variety of commercial uses will be convenient to non-vehicular users of Lake Fayetteville Park and the overall Fayetteville Alternative Transportation system. The mix of residential, commercial, and office uses proposed helps establish a complete neighborhood. However the development is in a more conventional pattern, with one-story commercial buildings and large amounts of parking fronting onto public streets. The development would retain 30.5% of the site in existing tree canopy on the property. The site layout also proposes connections and access in all four directions. As discussed in Finding No. 1 at the beginning of this report, the form of the development is not as consistent with many of the design principals adopted as part of City Plan 2025.

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

Finding: The current RSF-4 and R-A zoning is probably not appropriate given the location of this property well within the City limits and along a major Collector Street. The proposed zoning to allow for a mix of commercial and residential uses is more consistent with the City Neighborhood Area designation than the current zoning. The proposed zoning is justified.

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, as discussed in Finding No. E.6 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: The potential population density would be increased slightly from that which currently exists. The 8.58-acre parcel is currently zoned RSF-4 and R-A, which allows four units and 0.5 units per acre, respectively. The proposed zoning would allow 15 residential units on the 8.58 acre site resulting in an overall density of 1.75 units per acre. This slight increase in residential density is minimal.

Engineering: **Public water is located adjacent to the site. There is a 12" water main along Zion Road.**

Sanitary sewer is not available to the site. Sewer improvements are being made by the developer as part of the project.

The site has access to Zion Road. Zion Road is currently being improved by the City of Fayetteville to be a three section in the area extending west to College Avenue.

Standard improvements and requirements for drainage will be required for the development. This property is not 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 1.7 miles from the Engine 4 and Ladder 4 located at 3385 N. Plainview, with an estimated response time of 4.75 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

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PC Meeting of March 24, 2008

THE CITY OF FAYETTEVILLE, ARKANSAS

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

LANDSCAPE REVIEW FORM

To: **Planning Commission**

From: **Andrew Garner, Senior Planner**

Date: **March 12, 2008**

ITEM #: 08-2894 CPZD: Planned Zoning District (Park Center)

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

Preliminary Submittal	Final Submittal	
N		**Perimeter landscaping** *Side and rear property lines (5' landscaped)* *Front property lines (15' grenspace)* *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*
Y		**Nonresidential Subdivision- 1 large species shade tree/30 L.F.** *tree planted within 15-25' greenspace*
N		**Urban Tree Wells-***urban streetscape only-8 foot sidewalk*
Y		**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)*
Y		**1 deciduous or evergreen tree/ 3000 square feet**
Y		**4 large shrubs (3 gal) or small trees / 3000 square feet**
Y		**6 shrubs or grasses (1 gal) / 3000 square feet**
Y		**Ground cover unless seed or sod is specified**
Y		**50% of facility planted with grass or grass like plants**

Conditions of Approval:

1. **Expand the note on mulching to state that mulching is required around new trees and within landscape beds.**
2. **A vegetative buffer is required from the adjacent residential zoning districts. The buffer strip shall consist of a 12' area vegetated with a solid screening of trees and shrubs. The buffer strip shall extend the full length of the eastern and northern property boundary Existing preserved vegetation may be utilized for the buffer.**
3. **Street trees are required 1 every 30 feet unless there is existing preserved vegetation. If during the development process, any of the existing trees along the street are damaged or removed, additional trees may be warranted.**
4. **15' of greenspace is required between parking lots and the right-of-way. Revise the landscape plan to label the right-of-way lines and add a 15' greenspace line, and provide 15' greenspace as needed. It appears that the northernmost parking bay on the west side of the**

street, and the southernmost parking bay on the east side of the street have parking spaces within the 15' greenspace that must be removed.

5. **Chapter 177 requires all parking areas between the building and right-of-way to be screened with shrubs. There are some areas of parking lots that need these additional screening shrubs along the new public street. The northernmost parking bay needs screening shrubs on the east side of the parking lot, there is a small section of parking lot just south of the tree preservation area and adjacent to the public street that needs screening shrubs.**
6. **All of the trees to be planted in urban tree wells shall utilize structural soil, and appropriate notes added to the plans.**
7. **Before construction document approval, the landscape plan must be stamped by a Landscape Architect licensed within the state of Arkansas.**
8. **It is understood that vegetation will not be removed within the detention area. Should vegetation be removed it the detention area will need to be planted in accordance with City ordinance. The berms around the detention area to be stabilized and revegetated with a minimum of sod or hydroseed.**
9. **An estimate of material and labor is required for 150% the cost of the required landscape. Once this estimate is approved by the Urban Forester, a letter of credit, bond or check will be held until installation.**
10. **Chapter 177 requires street trees to be bonded for a 3-year term before final certificate of occupancy. This amount shall be held to ensure the maintenance of the required street trees.**

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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: H2 Engineering, Inc.

From: Matt Mihalevich, Trails Coordinator

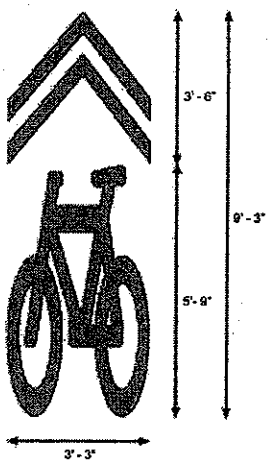
Date: March 18, 2008

Subject: Planning Commission Comments

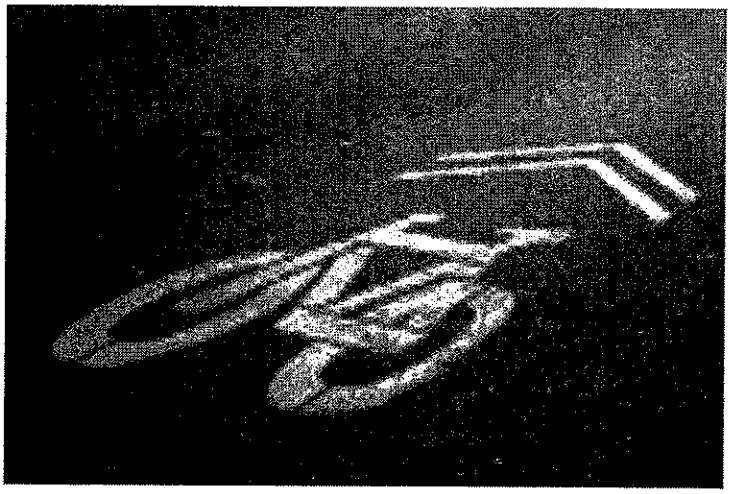
ITEM #: C-PZD: 08-2894: Park Center

TRAIL COMMENTS

1. The primary alternative transportation route between Lake Fayetteville and Mud Creek Trail occurs through this project and down Vantage Street. The new road included in this project will improve this important connection by realigning the Veterans Park Entrance road so it lines up with Vantage Street. Many bicycles will use the new road to access the park so bike symbol chevrons and share the road signs are recommended to be spaced every 300 feet along the new entrance road. See picture below.
2. In addition, the existing park entrance road is recommended to be closed to vehicles and become a trail to provide another point of pedestrian and bicycle access to the park. If any part of this road remains open to vehicles from Zion Road, there will be a potential conflict between vehicles turning north off Zion and the pedestrians and bicycles using the future 10 foot wide sidewalk along Zion. It is recommended to place bollards across this entrance only allowing emergency vehicles to enter at this point.



Bike and Chevron Symbol



Date 1/14/08

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 **C-PZD 08-2894: (Park Center, 136):** Submitted by **H2 Engineering**, Inc. for **property located at the NE corner of Zion Road and Public Road 1347, Adjacent to Lake Fayetteville Park,** would substantially alter the population density and thereby undesirably increase the load on public services and create an appreciable increase in traffic danger and congestion. The **property contains approximately 8.58 acres.**

It is the opinion of the Fayetteville Police Department that this C-PZD **will not** substantially alter the population density, and **will not** create an appreciable or undesirable increase in the load on police services. This C-PZD **will not** create an appreciable increase in traffic danger and congestion.

Sincerely,

Captain William Brown
Fayetteville Police Department

Fayetteville Fire Department

MEMO

To: Dara Sanders, Andrew Garner, Jeremy Pate, and Jesse Fulcher

Thru: Chief Tony Johnson
Assistant Chief Bud Thompson

From: Captain Dale Riggins

Date: January 22, 2008

Re: January 22, 2008 Zoning Review

C-PZD 07-2858: Planned Zoning District (FARMER'S MARKET / 6TH ST., 558):
Submitted by STEVE CLARK for property located at S SIDE OF 6TH STREET, BETWEEN E AND W FARMERS DRIVE. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 1.10 acres. The request is for rezoning, land use and large scale development approval for a C-PZD with a 5,000 s.f. commercial building with associated parking.
This property will be covered by Engine 6 located at 900 S Hollywood.
It is .7 miles from the station with an anticipated response time of 3 minutes.
The Fire Department does not calculate calls for service on commercial properties, but typically this type of development does not affect our response times or calls for service.
Measured hydrant flow in this area is 1620 gallons/minute.

C-PZD 08-2894: Commercial Planned Zoning Distri[redacted]
Submitted by H2 ENGINEERING, INC. for property located at THE NE CORNER OF ZION ROAD AND PUBLIC ROAD 1347, ADJACENT TO LAKE FAYETTEVILLE PARK. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE AND R-A, RESIDENTIAL AGRICULTURAL and contains approximately 8.58 acres. The request is for Zoning, Land Use and Development approval for a Commercial Planned Zoning District containing 100,000 s.f. of office, retail and restaurant space with associated parking.
This property will be covered by Engine 4 and Ladder 4 located at 3385 N Plainview.
It is 1.7 miles from the station with an anticipated response time of 4.75 minutes.
The Fire Department does not calculate calls for service on commercial properties, but typically this type of development does not affect our response times or calls for service.
No measured hydrant flow is recorded in this area.

RZN 07-2856: (PARKS AND RECREATION):
Submitted by CITY OF FAYETTEVILLE for property located at VARIOUS LOCATIONS THROUGHOUT THE CITY. The request is to rezone 44 city parks to P-1, Institutional.
This re-zoning is for existing properties within the City of Fayetteville. They are all served by the Fayetteville Fire Department and will not affect our calls for service and our response times. The Fire Department is in support of these re-zonings.

If you have any questions concerning these comments please don't hesitate to call me

Dale Riggins **Captain, Fayetteville Fire Department**

Fayetteville
ARKANSAS

PC Meeting of March 24, 2008

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 444-3472

TREE PRESERVATION and PROTECTION REPORT

To: Fayetteville Planning Commission

From: Carole Jones, Interim Urban Forester

Date: March 19, 2008

ITEM #: C-PZD 08-2894: Commercial PZD (Park Centre)

Requirements Submitted:

Y	Initial Review with the Urban Forester
Y	Site Analysis Map Submitted
Y	Site Analysis Written Report Submitted
N	Complete Tree Preservation and Protection Plan Submitted

Canopy Measurements:

Total Site Area	
acres	8.58
square feet	373,745
Net Site Area (less R/W dedication)	
acres	7.87
square feet	342,965
Existing Tree Canopy	
acres	7.29
square feet	317,600
percent of site area	92.6%
Existing Tree Canopy Preserved	
acres	2.40
square feet	104,717
percent of total site area	30.5%
Percent Minimum Canopy Required	**25.0%**

FINDINGS:

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

- **This site is has approximately 93% canopy with the majority of species consisting of post oak, red oak and white oak. An inventory of the site by a certified arborist revealed that there are 213 trees. The majority of them are significant trees as defined by the City of Fayetteville's Landscape Manual.**

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 as the riparian buffer will be maintained and protected.**

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. Trees will be saved along the northern and southern portion of the site. Additional screening in the form of landscape trees will also be added.**

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/or shape of the lot does not reduce flexibility.**

The general health and condition of the tree or group of trees, or the presence of any disease, injury or hazard.

- **The general health of these trees was determined to be fair. Several of the significant trees that are proposed for removal are in poor condition.**

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

- **Staff recommends that the group of saved canopy in the northeastern corner of the site be placed within a Tree Preservation and Recreational Area. This distinction will allow the continued preservation of these trees in perpetuity. The removed canopy is due to placement of structures, roadway and associated parking. Some trees shown as preserved may be compromised by construction. All efforts should be made to preserve the trees as shown on the plan during construction.**

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

- **Trees within the Tree Preservation and Recreational Area should not be affected by utilities.**

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

- **The proposed road and utilities have been designed to avoid damage to as much existing canopy as possible.**

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

- **N/A**

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

- **Mitigation will not be required on this site.**

The effect other chapters of the UDC, and departmental regulations have on the development design.

- **This is a Planned Zoning District project.**

The extent to which development of the site and the enforcement of this chapter are impacted by state and federal regulations:

- **N/A**

The impact a substantial modification or rejection of the application would have on the Applicant:

- **Staff is recommending approval of the submitted Tree Preservation and Protection Plan with the following conditions.**

Conditions of Approval:

1. Please revise the tree canopy measurements on the Tree Preservation and Protection Plan to reflect the table on page one of this report.
2. Preserved canopy in the northeastern corner of this site must be placed within a Tree Preservation and Recreational Area. This area will be dedicated with the easement plat using the Tree Preservation and Recreational Area signature block for the Urban Forester.
3. All efforts should be made to preserve the trees as shown on the plan during construction. This includes, but is not limited to, the preserved trees around the detention basin within the tree preservation and recreational area, tree 141 near the construction entrance and tree 162 on the western edge of the site.
4. Mitigation will not be required as long as the preserved tree canopy remains at 25% or above. If the canopy falls below 25% during construction, mitigation will be required.
5. All revisions must be made to the Tree Preservation and Protection Plan before final approval.

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ARKANSAS

THE CITY OF FAYETTEVILLE, ARKANSAS

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

TO: Andrew Garner, Planner

FROM: Alison Jumper, Park Planner

DATE: March 19, 2008

SUBJECT: Planning CommissionComments

****

Meeting Date: March 24, 2008
Item: C-PZD 08-2894 (Park Center, 136)
Park District: NE
Zoned: RSF-4, R-A
Billing Name & Address: Zion Properties, LLC 18 Corporate Hill Dr. Fayetteville, AR 72703

COMMENTS:

PRAB reviewed this project at the March 3rd meeting and recommended accepting money in lieu of land as well as looking at the non-park traffic, and develop more defined traffic flows, and reconfiguring the Y in the road to discourage the traffic from the development from entering the park unnecessarily.

Additionally, PRAB recommended renaming Vantage Dr. to Veterans Memorial Blvd. PRAB is coordinating with City Council to take this item forward for consideration.

The current entry into Veterans park is not a dedicated street right-of way.

Park Staff recommends having only the southern access point and widening the drive on the west side of the parking area to accommodate fire access. This would limit access to fire and emergency vehicles only.

PRAB and Park Staff recommend limiting the existing entry drive to Veterans Park to pedestrian and bicycle traffic, minimizing potential conflicts with vehicles and creating a safe, designated pedestrian access to the park.

Improvements to the existing drive to accommodate daily traffic to the proposed development would be necessary. This will likely include tree removal in the existing islands up to the north proposed access point.

RESOLUTION NO. 208-07

A RESOLUTION TO APPROVE A SETTLEMENT WITH ZION ROAD PROPERTIES, LLC IN THE AMOUNT OF $42,030.00 FOR RIGHT-OF-WAY AND EASEMENTS; AND ESTABLISHING ZION ROAD PROPERTIES, LLC's MAXIMUM ASSESSMENT FOR OFF-SITE IMPROVEMENTS.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a settlement with Zion Road Properties, LLC in the amount of $42,030.00 for right-of-way and easements.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby establishes the maximum assessment for off-site improvements required of Zion Road Properties, LLC at not more than $42,030.00.

PASSED and **APPROVED** this 4th day of December, 2007.

APPROVED:

By: Dan Coody
DAN COODY, Mayor

ATTEST:

By: Sondra E. Smith
SONDRA E. SMITH, City Clerk/Treasurer

CITY CLERK/TREASURER CITY OF FAYETTEVILLE ARKANSAS WASHINGTON COUNTY

RES
12/4/07
208
Zion Road
Properties, Inc.

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

12/4/2006
City Council Meeting Date

Ron Petrie	Engineering	Operations
Submitted By	Division	Department

Action Required:

A resolution to approve a settlement with Zion Road Properties, LLC in the amount of $42,030 for right of way and easements on Zion Road, and to establish the maximum assessment due from Zion Road Properties for off-site street improvements at $42,030.

$ 42,030.00	$ 24,496,473.00	Zion Road (College to Vantage)
Cost of this request	Category / Project Budget	Program Category / Project Name
4520.9520.5809.00	$ 2,082,457.43	Street Improvements
Account Number	Funds Used to Date	Program / Project Category Name
06035.1830	$ 22,414,015.57	2006A Sales Tax Construction
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] Budget Adjustment Attached [ ]

Department Director — 11-16-07 Date

City Attorney — 11/19/07 Date

Finance and Internal Service Director — 11-19-07 Date

Mayor — 11/19/07 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office — ENTERED 11/19/07

Received in Mayor's Office — ENTERED 11/19/07

Comments:

City Council Meeting of December 4, 2007

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Ron Petrie, City Engineer

Date: November 15, 2007

Subject: **A resolution to approve a settlement with Zion Road Properties, LLC in the amount of $42,030 for right of way and easements on Zion Road, and to establish the maximum assessment due from Zion Road Properties for off-site street improvements at $42,030.**

RECOMMENDATION:

Staff recommends approval of a settlement with Zion Road Properties, LLC in the amount of $42,030, for right of way and easements and to establish the maximum assessment due from Zion Road Properties for off-site street improvements at $42,030.

BACKGROUND:

The Zion Road Project is one of the projects to be constructed under the Transportation Bond Program. The project consists of widening approximately 2400 feet of Zion Road to 3 lanes from College Avenue to just east of Vantage Drive, installation of an underground storm drainage system, and construction of 6 foot sidewalks on both sides of the roadway, as approved by the City Council and Street Committee.

During the process of right of way and easement acquisition on the project, Zion Road Properties, LLC purchased two properties along Zion Road with the stated intention of developing the property. City staff then submitted an offer to Zion Road Properties for easements and right of way necessary across their property based on the appraised value. Zion Road Properties has since agreed to accept the City's offer of $42,030 for easements and right of way, with the understanding that they will in turn repay this same amount to the City if their development is approved prior to the completion of the Zion Road project. In addition, the Zion Road Properties, LLC has requested an assurance that there will be no additional offsite street assessments for the work associated with the Zion Road project.

DISCUSSION:

Staff has reviewed this proposal and has determined that it is fair to both the City and the property owner. Therefore, acceptance of this settlement is recommended.

A copy of a memo from the City Attorney regarding this issue is attached along with correspondence from Zion Road Properties indicating their willingness to accept the settlement terms.

It should be noted that if the Planning Commission determines that additional improvements beyond the scope of the Zion Road Improvement Project are required due to the impacts of development by Zion Road Properties, LLC, the cost of such improvements will be the responsibility of Zion Road Properties, LLC.

BUDGET IMPACT:

This payment will be funded with a portion of the 2006 Transportation Bond Issue proceeds. $2,540,000 has been budgeted for the Zion Road Improvements Project.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

TO: **Ron Petrie**, City Engineer

CC: **Jeremy Pate**, Director of Current Planning

FROM: **Kit Williams**, City Attorney

DATE: **November 9, 2007**

RE: **Assessments for new development when street is being widened by the City**

As you know §171.03 **Street Improvements** require developers with development "along any street which is not constructed according to the city's existing standards ... (to) dedicate sufficient right-of-way ... (and) install street paving, curbs, gutters and sidewalks ...."

If the City desires to begin widening construction along Zion Road prior to a landowner along Zion Road beginning its development, that landowner would not initially have to dedicate right-of-way nor pave, curb, and gutter Zion Road where it abuts the property. (See also §166.03 **Required On-Site Improvements – Subdivision In City Limits** (C) *Streets*)

However, if the landowner becomes a developer and proceeds to begin the development process while Zion is being improved, any money paid by the City to the developer to purchase right-of-way (which should now be legally dedicated as a condition for approval) should be refunded to the City. Otherwise, the City would be paying for street right-of-way it would legally be entitled to through mandatory dedication procedures.

In this particular instance, I would agree that the City should not seek further reimbursement for its paving, curb and gutter construction costs even though these might have at least partially be required of the developer through Fayetteville Code §166.03 (C) (D) and (E) and §171.03 (A) (2).

Therefore, I would recommend a compromise position for the City to seek and accept only repayment of the money spent by the City for right-of-way dedication, but not to seek reimbursement for paving, curb and gutter construction costs.

You and Jeremy Pate are the designated administrators and interpreters of the Unified Development Code, so you are free to arrive at your own interpretation and position regardless of my opinions.

Zion Road Properties, LLC
2397 Green Acres Road
Fayetteville, Arkansas 72703

Mr. Ron Petrie – City Engineer
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Dear Mr. Petrie:

We are in receipt of offers from the city of Fayetteville to purchase; tract no. n-4, tract no. n-5, & tract no. n-6 lands from us in order to widen Zion Road. We have reviewed the offered purchase price and we are willing to accept this offer as long as the city agrees that there will be no future assessments charged to our PZD in excess of the offered price.

We appreciate your willingness to work with us on this matter.

Sincerely,

Roger A. Boskus, II
Zion Road Properties, LLC

March 18, 2008

City of Fayetteville
Planning Staff
113 West Mountain Street
Fayetteville, AR 72701
Attention: Andrew Garner

Zion Road Properties, LLC
18 Corporate Hill Drive Suite 207
Little Rock, AR 72205

RE: PARK CENTRE

Dear Mr. Garner:

We have prepared the cost information for the public street that is going thru our development as discussed at the subdivision committee. This cost analysis is for the difference in cost for the public street we have been requested to provide vs. a private street which we originally planned and budgeted for.

It was previously agreed in city council Resolution No. 208.07 that we would be assessed no more than $42,030 for off site improvements. This was agreed when the development was proposed to have all private streets. In the planning process we willingly pursued, at planning staffs request, adding a public street thru the middle of our development. For the betterment of Veterans Park and to improve safety and traffic flow to the park we agreed to pursue this option. We presented this option to the parks board. The board initially vehemently opposed this street but eventually at the second meeting we sold the idea to the parks board. This required us to do a major re-design and caused an eight week delay in the PZD process. The additional engineering fees paid were over $10,000.

Additionally the technical review comments led us to believe that we were not going to have any assessments for our willingness to construct these improvements and provide a much better entrance to the park. Tech Plat #2 item # 27 reads: *Street improvements. This property is subject to Resolution No. 208.07 that specifies that the maximum for off-site street improvements on Zion Road on the site are $42,030.00. In addition, the intersection of Vantage / Zion is a likely location for a future traffic signal. With the development proposing to construct a new public street, staff would not be recommending an additional assessment be paid toward that signal.* This statement did not say that $42,030 was definitely going to be assessed. At subdivision committee, the language had been changed to make the $42,030 a definite fee but without an explanation of what the assessment was for. I have attached a cost estimate for your reference. As you can see this project will take a major hit in expenses for this change in road classification. This will be a total cost of at least $215,372. The land was valued at $146,906 and the improvements are valued at $68,466 above the cost of a private street.

It is our opinion that $215,372 is enough of an assessment for the development of this project. Given the circumstances outlined above we do not agree with the comments made at subdivision committee. The planning commissioners that were present at subdivision requested this cost information and I would like to discuss this further before the full planning commission Monday night.

We are very excited about this project and the potential benefits for both the park and our development as we work together to enhance the area. Thank you for your consideration in these matters.

Respectfully,

Roger Boskus
Managing Partner
Zion Road Properties, LLC

ESTIMATE

ENGINEERING, INC.

2758 Millennium Drive, Fayetteville, AR 72703
Phone 479-582-4234 Fax 479-582-9254

Date: 03/17/08

PROJECT NAME: PARK CENTRE

Item No.	Unit	Description of Item	Unit Price	PRIVATE ST. Quantity	PRIVATE ST. Extended Amount	PUBLIC ST. Quantity	PUBLIC ST. Extended Amount
1	CY	Additional Undercut & Haul Off	$ 10.50	0	$ -	106	$ 1,114.17
2	TY	Additional Select Fill	$ 11.00	0	$ -	138	$ 1,517.39
3	SY	Public Streets @ 8" SB2 / 3" ACHM Surface	$ 19.50	0	$ -	2,192	$ 42,744.00
4	SY	Private Streets @ 7" SB2 / 2" ACHM Surface	$ 16.00	2,192	$ 35,072.00	0	$ -
5	LF	Curb and Gutter	$ 10.75	0	$ -	1,146	$ 12,319.50
6	SF	Sidewalk	$ 3.50	0	$ -	5,237	$ 18,329.50
7	EA	4' Inlet Box	$ 2,240.00	0	$ -	3	$ 6,720.00
8	LF	18" CMP	$ 41.75	120	$ 5,010.00	0	$ -
9	LF	18" RCP	$ 50.75	0	$ -	179	$ 9,084.25
10	EA	Street Tree	$ 250.00	0	$ -	32	$ 8,000.00
11	EA	Street Screening Shrub	$ 40.00	0	$ -	148	$ 5,920.00
12	EA	Tree Well (in sidewalk)	$ 400.00	0	$ -	7	$ 2,800.00
13	SF	LAND	$ 4.75	0	$ -	30,927.60	$ 146,906.10
			TOTALS		**$ 40,082.00**		**$ 255,454.91**

TOTAL ADDITIONAL CONSTRUCTION EXPENSE FOR PUBLIC STREET: $ 68,466.81

TOTAL ADDITIONAL LAND EXPENSE FOR PUBLIC STREET: $ 146,906.10

H2
ENGINEERING, INC.

March 14, 2008

City of Fayetteville
Planning Department
113 West Mountain Street
Fayetteville, AR 72701

RE: PARK CENTRE – CURB CUT LOCATIONS

Dear Staff:

As requested, we have taken a look at our plan and your concerns about the 60'of distance between the main entrance and the curb cuts on the new public street. We understand your concern that this may not allow adequate stacking distance for vehicles leaving the site. If the center entrance were the only exit point from the development, we would share you concerns. However, with 2 other exits from the development at the southeast and southwest corners, we are not concerned. The 2 parking areas between the retail buildings and Zion Rd. both have access to the other exits which allow traffic from those parking areas to exit without utilizing the central exit. If there were ever excessive stacking at the center exit, vehicles could stack up past the front 2 parking area curb cuts. In this situation, vehicles in those areas would be able to exit the development at the southeast or southwest exits.

We hope that this addresses your concerns. Thank you for your review of this project.

Respectfully,

Jeremy Thompson, P.E.
Project Engineer
H2 Engineering

RECEIVED
MAR 17 2008
CITY OF FAYETTEVILLE
PLANNING DIVISION

ENGINEERING, INC.

March 14, 2008

City of Fayetteville
Planning Department
113 West Mountain Street
Fayetteville, AR 72701

RE: PARK CENTRE – WAIVER REQUESTS

Dear Staff:

We would like to request 2 waivers for Park Centre. We would like to request a waiver from Fayetteville Unified Development Code Section 166.08(C)(14) to allow for the northern half of the new proposed street to have sidewalk only on one side of the street when the Master Street Plan requires sidewalks on both sides of new streets. Our proposal is for sidewalks to be located along both sides of the new street from Zion Rd. to just north of the commercial buildings. No further development is proposed on the east side of the street north of this point. In fact, that entire side of the street is proposed as a permanent tree preservation area. We feel that only having a sidewalk on the west side of the street through this area helps to provide a sense of transition from the retail area to the office area and on into the park. Also, having a sidewalk on the east side of the street along the northern section would require additional grading in the tree preservation area, thereby reducing the amount of tree preservation area.

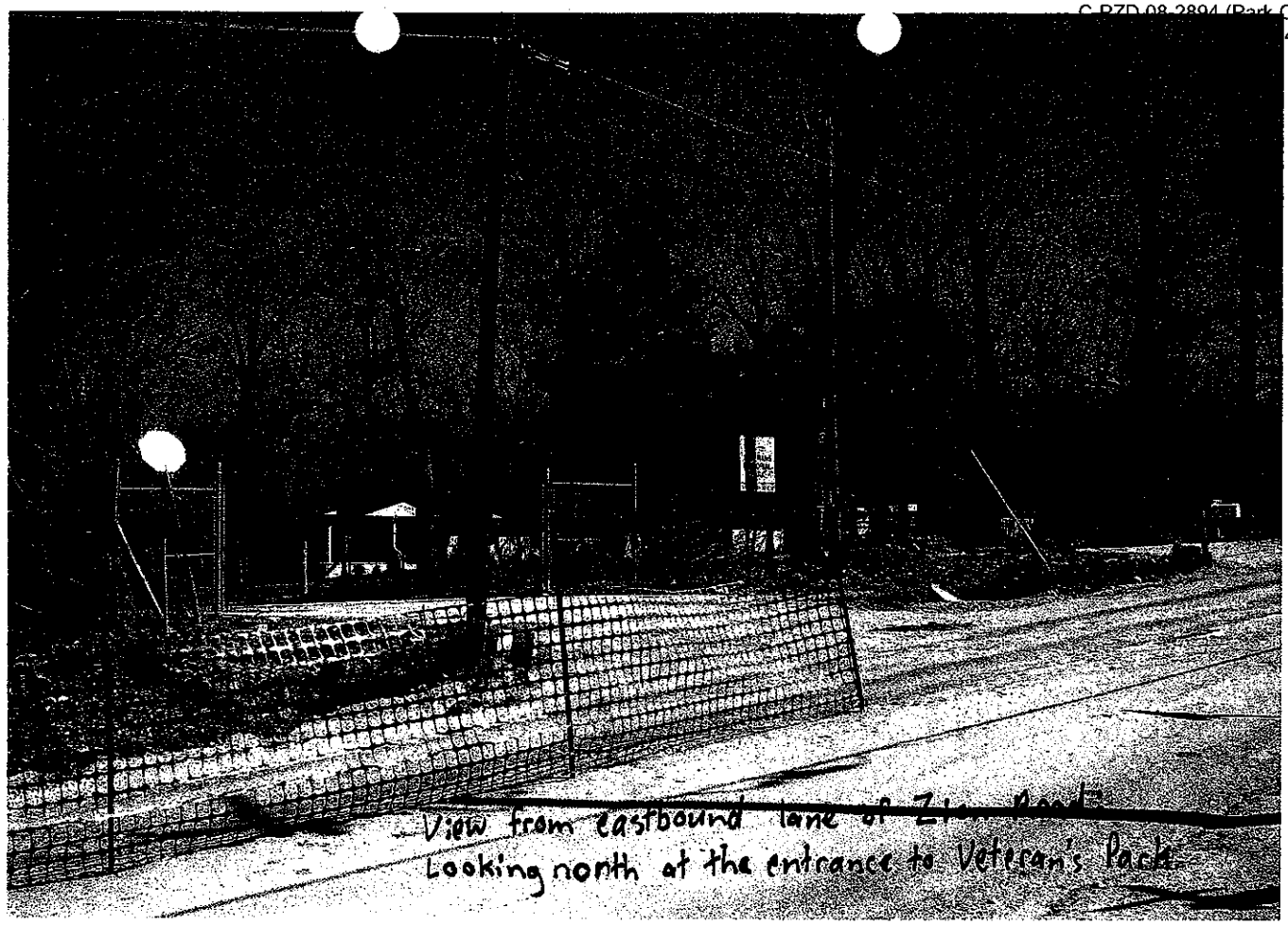
We would also like to request a waiver from City of Fayetteville standards requiring a 30 foot radius at street intersections. We are proposing a 25 foot radius on the east side of our main entrance onto Zion Rd. The 25 foot radius allows us to better align our new street with the existing alignment of Vantage Dr. to the south. This waiver will also make it easier to have a 3 lane entrance which we feel is crucial to traffic circulation at this intersection.

We are very excited about this project and appreciate your consideration of these waiver requests.

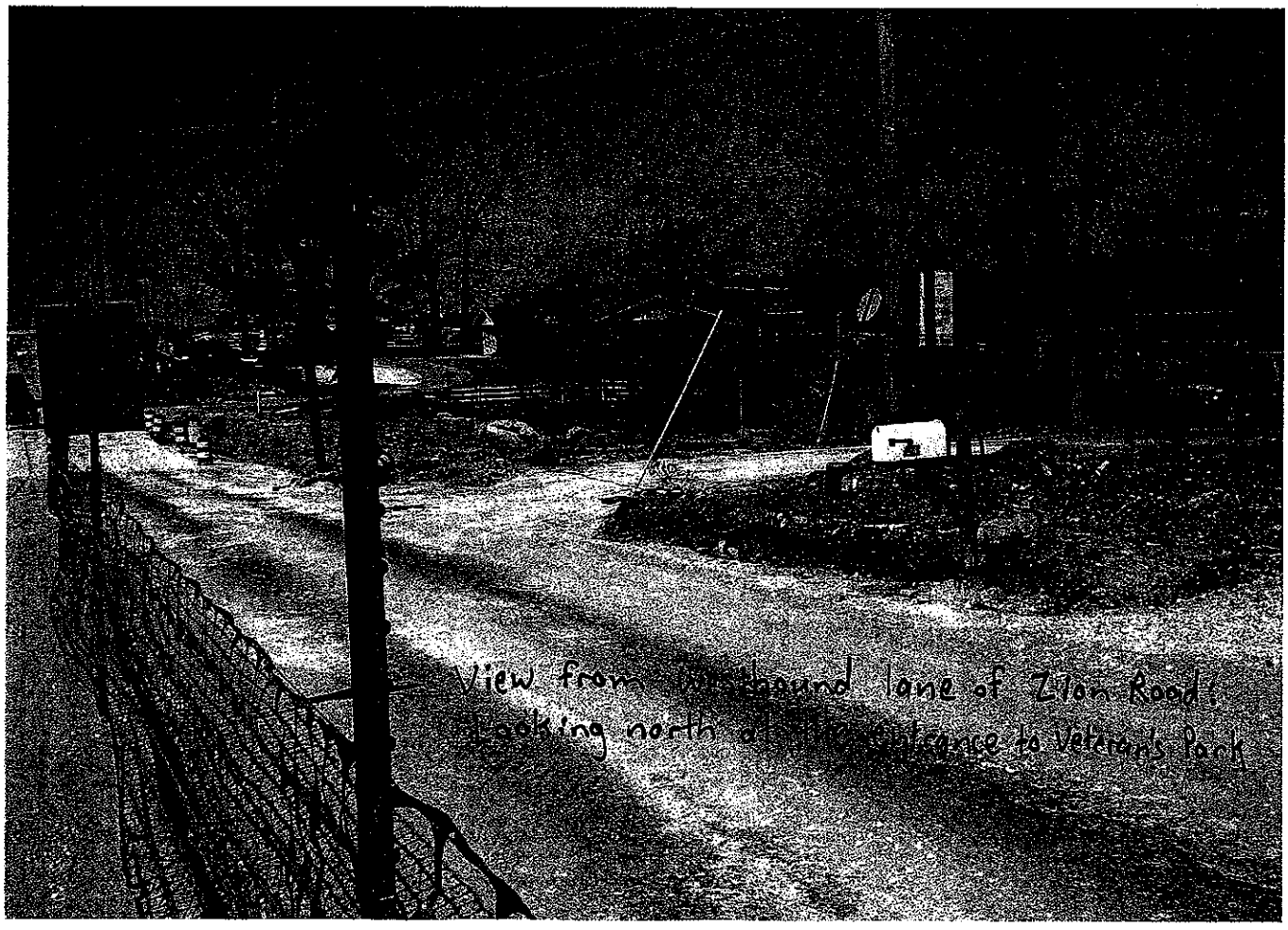
Respectfully,

Jeremy Thompson, P.E.
Project Engineer
H2 Engineering

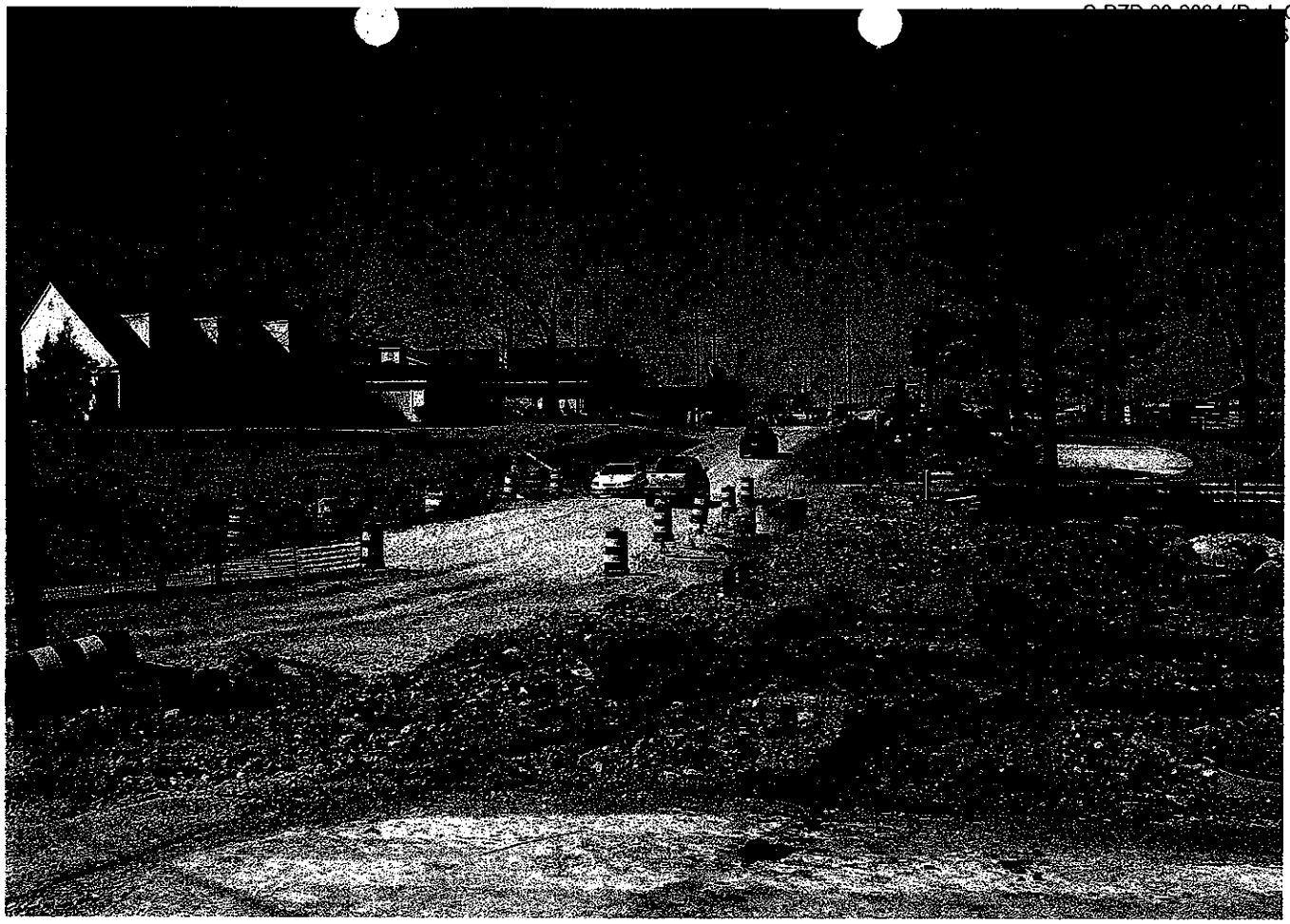
RECEIVED
MAR 17 2008
CITY OF FAYETTEVILLE
PLANNING DIVISION

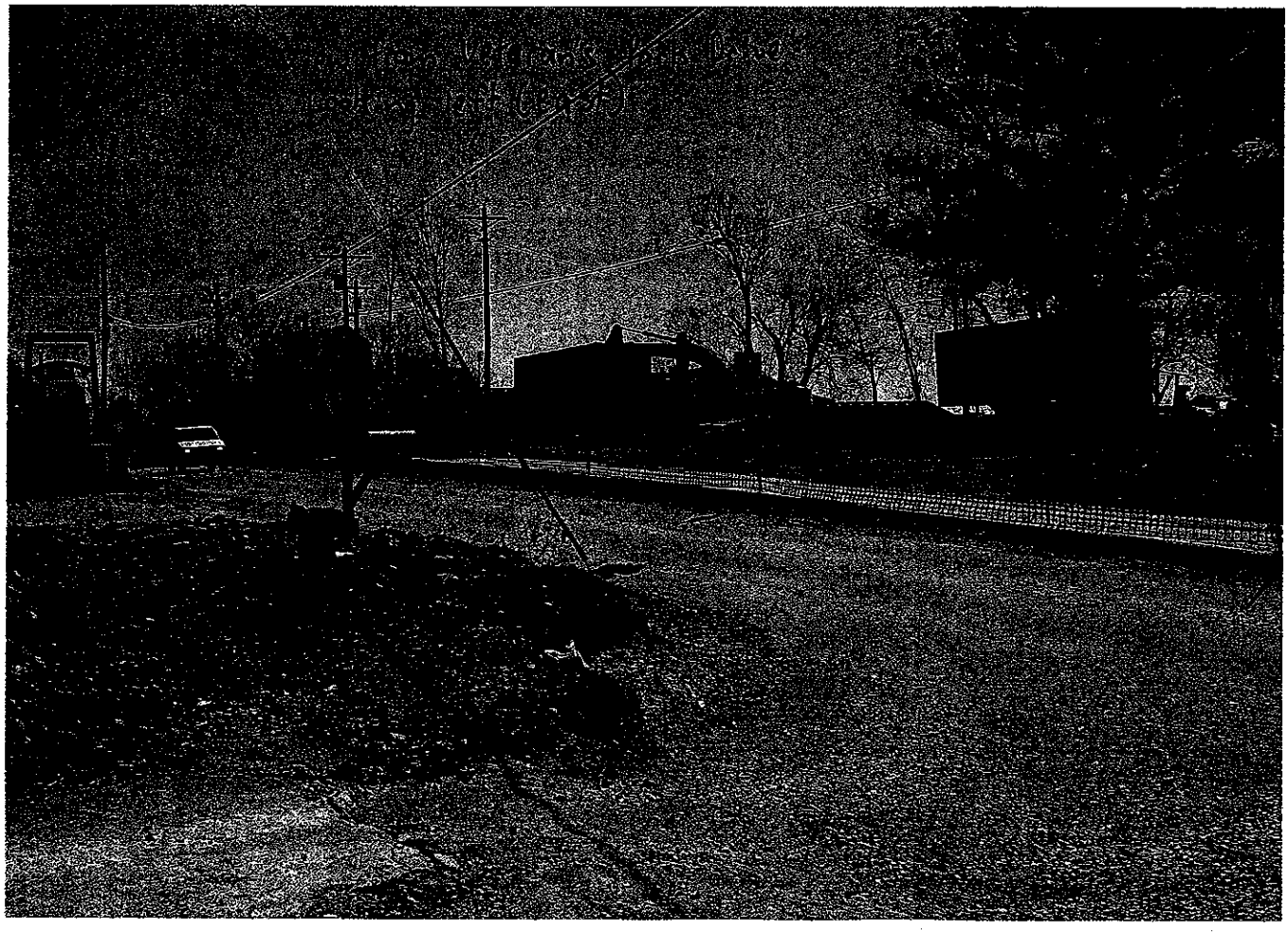


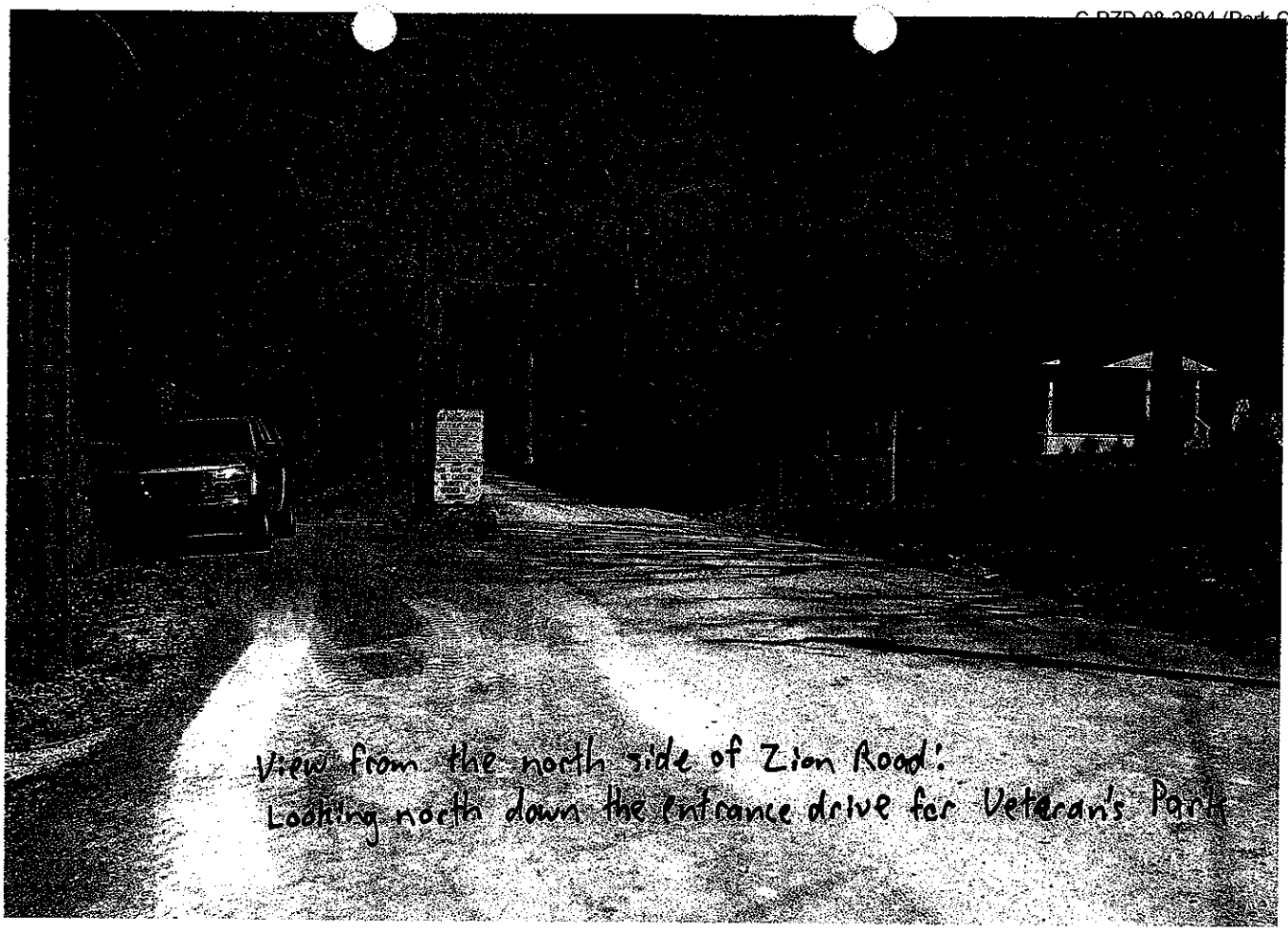
View from eastbound lane of Zion Road
Looking north at the entrance to Veteran's Park



View from westbound lane of Zion Road
Looking north at the entrance to Veteran's Park





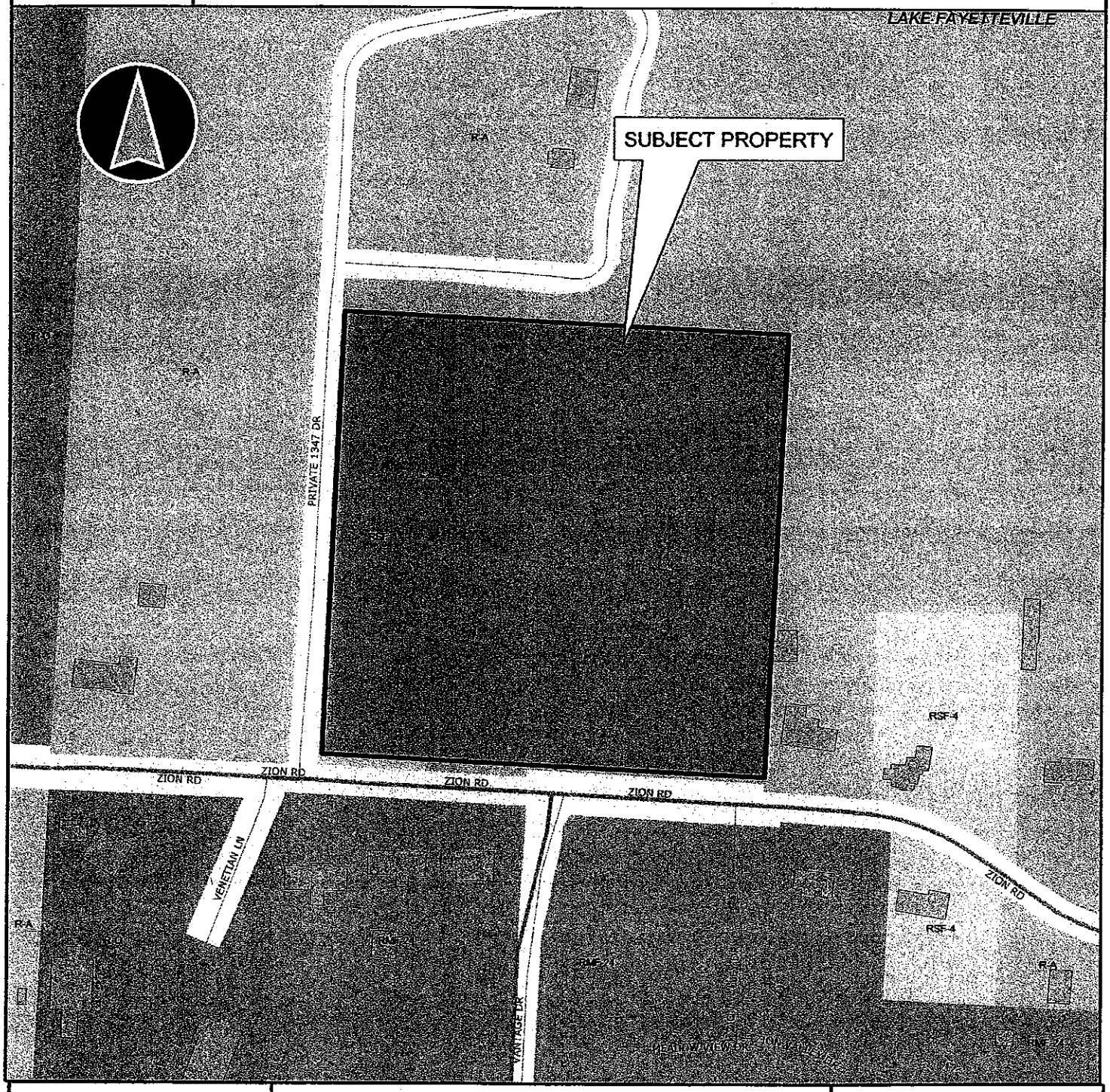


View from the north side of Zion Road.
Looking north down the entrance drive for Veteran's Park

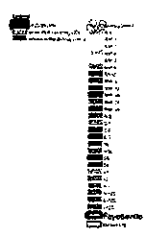
CPZD08-2894

Close Up View

PARK CENTRE



Overview

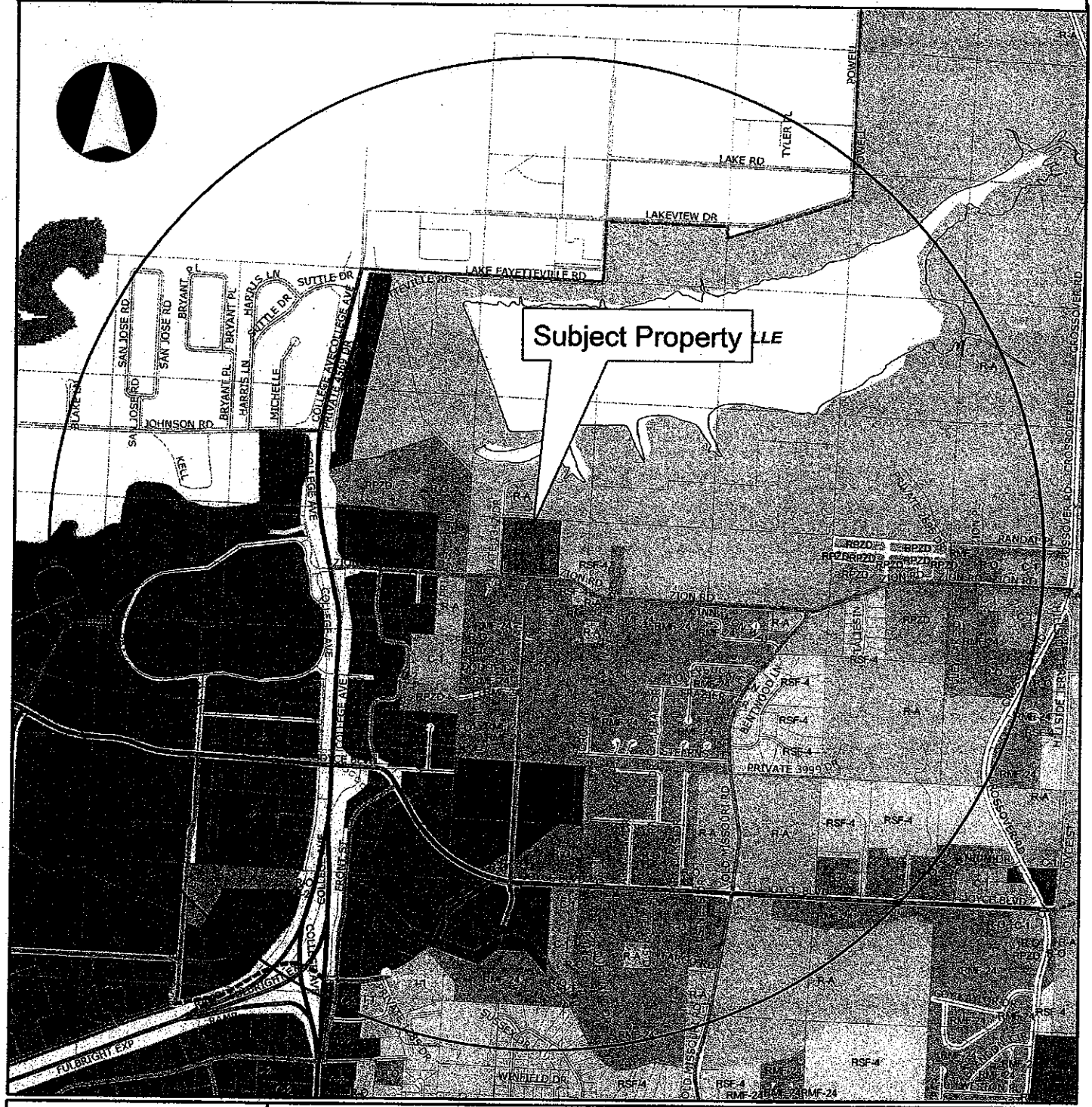


0 75 150 300 450 600 Feet

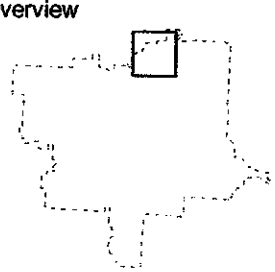
CPZD08-2894

One Mile View

PARK CENTRE



Overview



Legend

Subject Property

CPZD08-2894

Boundary

Planning Area

Overlay District

Outside City

Legend

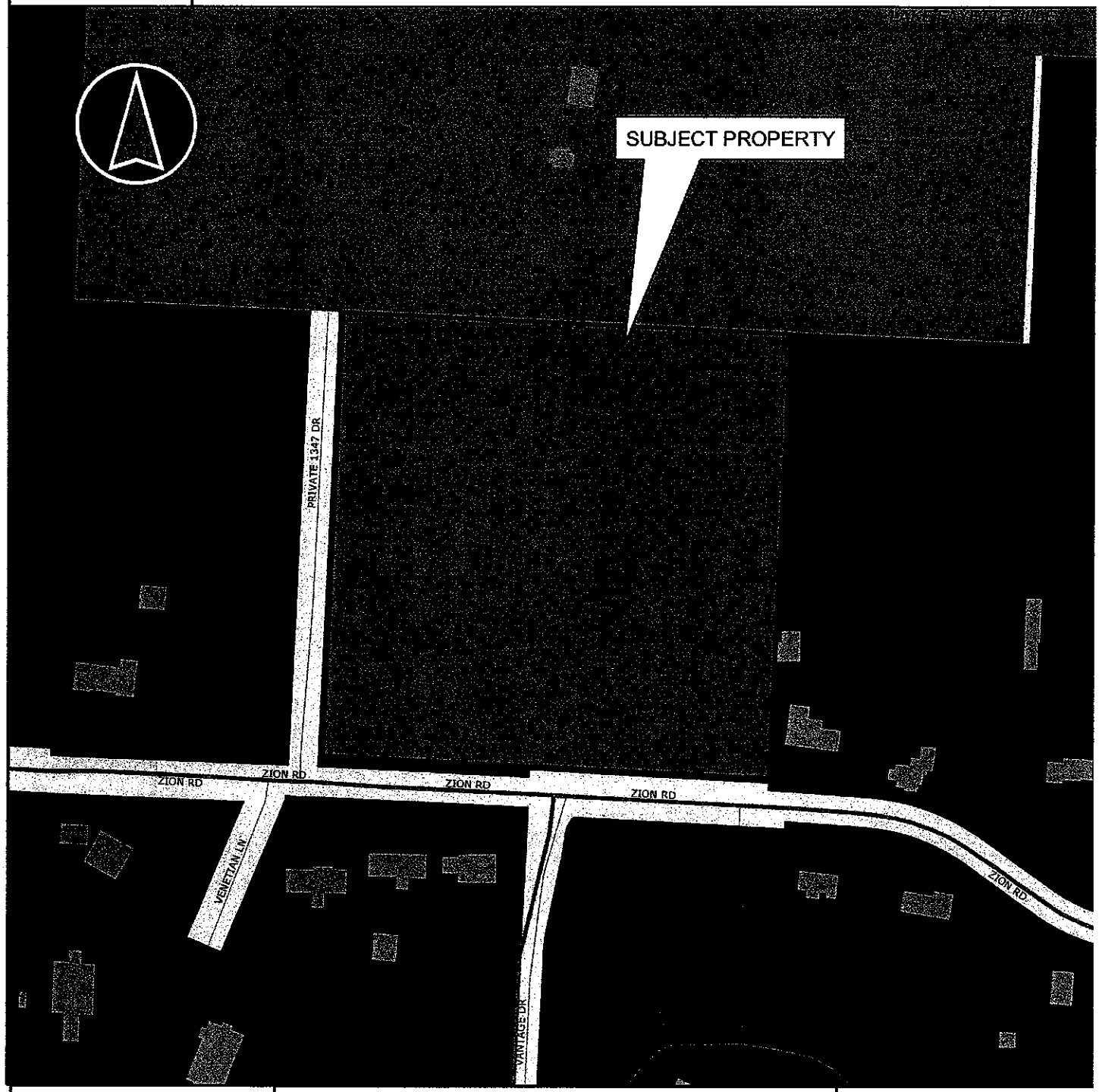
Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

CPZD08-2894

Future Land Use

PARK CENTRE



Overview

Legend

CPZD08-2894
vector.GDB.Footprint_2004
Hillside-Hilltop Overlay District
Overlay District
FUTURE LAND USE 2025
CLASS
Natural Area
Rural Area
Residential Neighborhood Area
City Neighborhood Area
Urban Center Area
Industrial
Complete Neighborhood Plan
Civic and Private Open Space/Parks
Civic Institutional
Non-Municipal Government
ROW
Fayetteville
Outside City

0 75 150 300 450 600
Feet

ALDERMAN AGENDA REQUEST

FOR: COUNCIL MEETING OF APRIL 15, 2008

FROM:
ALDERMAN BRENDA THIEL and ALDERMAN ADELLA GRAY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO AMEND CHAPTER 96: **NOISE CONTROL** OF THE CODE OF FAYETTEVILLE TO ENACT §96.09 TO RESTRICT THE USE OF A COMPRESSION RELEASE ENGINE BRAKE ALSO KNOWN AS "JAKE BRAKE"

APPROVED FOR AGENDA:

Brenda Thiel — 3/17/08
Brenda Thiel — Date
Alderman

Adella Gray — 3/25/08
Adella Gray — Date
Alderman

K Williams — 3-12-08
Kit Williams — Date
City Attorney (as to form)

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 96: **NOISE CONTROL** OF THE CODE OF FAYETTEVILLE TO ENACT §96.09 TO RESTRICT THE USE OF A COMPRESSION RELEASE ENGINE BRAKE ALSO KNOWN AS "JAKE BRAKE"

WHEREAS, the use of compression release engine brakes, also known as "jake brakes" within the city limits disturbs citizens and constitutes a nuisance and noise disturbance.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends Chapter 96: **Noise Control** of the Code of Fayetteville by enacting and adding a new section as shown below:

"**96.09** *Compression Release Engine Brake or 'Jake Brake'.*

(A) "A compression release engine brake, 'jake brake' or other hydraulically operated device that converts a power producing diesel or gas engine into a power absorbing retarding mechanism with a correspondingly increased amount of noise emission shall not be engaged or used within the city limits of Fayetteville except in the case of failure of the service brake system, adverse weather conditions, or other emergency necessitating the compression release engine brake's use.

(B) "Fire trucks are exempted from the requirements of this section."

PASSED and **APPROVED** this 15th day of April, 2008.

APPROVED: ATTEST:

By: _____ By: _____

DAN COODY, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

TO: **Alderman Brenda Thiel**
Alderman Adella Gray

FROM: **Kit Williams**, City Attorney

DATE: **March 12, 2008**

RE: **"Jake Brake" ordinance**

Attached is the updated and slightly amended version of "jake brake" prohibition ordinance for your consideration and approval. Please let me know if this meets with your approval. The original will be in Judy's possession when you wish to sign the Agenda Request form.

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

4/15/2008
City Council Meeting Date
Agenda Items Only

Brian Pugh	Solid Waste & Recycling	Operations
Submitted By	**Division**	**Department**

Action Required:

A resolution approving a contract with R.W. Beck in the amount of $110,700.00 to provide a Recycling Study for the City of Fayetteville and approve a budget adjustment in the amount of $10,700.

$ 110,700.00	$ 100,000.00	Materials Recovery Facility Study
Cost of this request	Category / Project Budget	Program Category / Project Name
5500.5060.5816.00	$ -	Solid Waste Improvements
Account Number	Funds Used to Date	Program / Project Category Name
07015	$ 100,000.00	Solid Waste
Project Number	Remaining Balance	Fund Name

Budgeted Item X **Budget Adjustment Attached** x

Department Director — Date 3-28-08

City Attorney — Date 3/28/08

Finance and Internal Service Director — Date 3-28-08

Mayor — Date 3/31/08

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office — ENTERED 3/28/08

Received in Mayor's Office — ENTERED 3/28/08

Comments:

City Council Agenda Item

Preprint agenda date and item number inserted by city clerk

To: Mayor and City Council

From: Gary Dumas

Date: March 26, 2008

Subject: A resolution approving a contract with R.W. Beck to provide a Recycling Study for the City and approve a budget adjustment in the amount of $10,700 to complete funding for the study.

Recommendation: Staff recommends that a resolution approving a contract with R.W. Beck to provide a recycling study and approve a budget adjustment in the amount of $10,700 to completely fund the study.

Background: In the 2007 Solid Waste and Recycling Budget, a CIP (Project 07015-Material Recovery Facility Study) in the amount of $100,000 was approved to fund a recycling study for the City. RFP 07-18 was issued in November 2007 to provide the study. A selection committee was established and three vendors were interviewed to provide the study. R.W. Beck was chosen by the selection committee to provide the study. A Scope of Work and contract have been negotiated with City staff and City Attorney's Office.

Discussion: Due the growth in the current recycling program, rising program expenses, and desire to expand to more commercial recycling options, City staff has planned and budgeted for a recycling study to focus on several aspects of the recycling program. The study will focus on 1) evaluating the current residential recycling collection and processing system and recommend improvements to lower costs and increase tonnages, 2) evaluate alternative residential recycling collection and process options, 3) explore options to provide effective and economical commercial and Apartment Recycling Services, 4) explore options for a Construction and Demolition recycling program, 5) a review of emerging technologies analysis.

This study is multifaceted and will provide a through study to evaluate the recycling program and possible future program expansions upon Council's direction. The study is scheduled to be completed in seven months from the beginning of the study. A final workshop covering two days will be provided by R.W. Beck to review findings. There will also be a final report and presentation to Council upon the completion of the study.

The selection committee who interviewed the vendors was comprised of Andrea Foren, Gary Dumas, Brian Pugh, Brenda Thiel, Vicki Deaton and Marsha Farthing.

Budget Impact: The Scope of Work presented by R.W. Beck exceeded the project budget by $10,700 to total $110,700 for the complete study. A budget adjustment in the amount of $10,700 is needed in order to completely fund the study. $10,700 will be taken from Building and Grounds Maintenance 5500.5000.5400.00 in order to fund the study. This will not adversely affect the Building and Grounds Maintenance because some projects have already been completed.

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONTRACT WITH R. W. BECK, INC. IN THE AMOUNT OF $110,700.00 TO CONDUCT A RECYCLING STUDY FOR THE CITY OF FAYETTEVILLE; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT IN $10,700.00.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a contract with R. W. Beck, Inc. in the amount of $110,700.00 to conduct a recycling study for the City of Fayetteville. A copy of the contract, marked Exhibit A, is attached hereto and made a part hereof.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount in $10,700.00.

PASSED and **APPROVED** this 15th day of April, 2008.

APPROVED: ATTEST:

By: _____ By: _____
DAN COODY, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Operations Division: Solid Waste & Recycling Program: Recycling	Date Requested	Adjustment Number
2007		4/15/2008	

Project or Item Added/Increased:
$10,700.00 is requested in the Solid Waste Improvements account.

Project or Item Deleted/Reduced:
Reduce the Building and Grounds Maintenance account $10,700.00.

Justification of this Increase:
Additional funds are needed to provide a Recycling Study for the City of Fayetteville.

Justification of this Decrease:
The Building and Grounds Maintenance account can be reduced because some projects have been completed.

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Solid Waste improvements	5500	5060	5816	00	10,700	07015	1

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Building & grounds maint	5500	5000	5400	00	10,700		

Approval Signatures

Requested By	Date
Budget Manager	3/31/08 Date
Department Director	3.28.08 Date
Finance & Internal Services Director	3-28-08 Date
Mayor	3/31/08 Date

Budget Office Use Only

Type: A B C (D) E

Posted to General Ledger	Initial	Date
Posted to Project Accounting	Initial	Date
Entered in Category Log	Initial	Date

PROFESSIONAL SERVICES AGREEMENT

This **PROFESSIONAL SERVICES AGREEMENT** ("Agreement") is dated March _____ 2008, by and between **R. W. Beck, Inc.** with offices at 5806 Mesa Drive, Suite 310, Austin, Texas, 78731 and **City of Fayetteville** with offices at 113 West Mountain Street, Fayetteville, Arkansas, 72701.

NOW, THEREFORE in consideration of the promises herein and for other good and valuable consideration, the parties agree as follows:

1. **Scope of Services**: R.W. Beck, Inc. and City of Fayetteville agree R.W. Beck, Inc. will perform services as described in the Scope of Services attached as Exhibit A in accordance with the schedule set forth therein.

2. **Independent Contractor**: R.W. Beck, Inc. is an independent contractor and is not an employee of City of Fayetteville. Services performed by R.W. Beck, Inc. under this Agreement are solely for the benefit of City of Fayetteville. Nothing contained in this Agreement creates any duties on the part of R.W. Beck, Inc. toward any person not a party to this Agreement.

3. **Standard of Care**: R.W. Beck, Inc. will perform services under this Agreement with the degree of skill and diligence normally practiced by professional engineers or R.W. Beck, Inc.'s performing the same or similar services. No other warranty or guarantee, expressed or implied, is made with respect to the services furnished under this Agreement and all implied warranties are disclaimed.

4. **Changes/Amendments**: This Agreement and its exhibits constitute the entire agreement between the Parties and together with its exhibits supersede any prior written or oral agreements. This Agreement may not be changed except by written amendment signed by both Parties. The estimate of the level of effort, schedule and payment required to complete the Scope of Services, as R.W. Beck, Inc. understands it, is reflected herein. Services not expressly set forth in this Agreement or its exhibits are excluded. R.W. Beck, Inc. shall promptly notify City of Fayetteville if changes to the Scope of Services affect the schedule, level of effort or payment to R.W. Beck, Inc. and the schedule and payment shall be equitably adjusted. If R.W. Beck, Inc. is delayed in performing its services due to an event beyond its control, including but not limited to fire, flood, earthquake, explosion, strike, transportation or equipment delays, act of war, or act of God, then the schedule or payment under the Agreement shall be equitably adjusted, if necessary, to compensate R.W. Beck, Inc. for any additional costs due to the delay.

5. **Fee for Services**: The fee for the services under this Agreement will be based on a fixed fee of $110, 700.00 U.S. dollars for the Scope of Services outlined in this Agreement.

PROFESSIONAL SERVICES AGREEMENT

6. **Payment**: City of Fayetteville shall pay R.W. Beck, Inc. for services furnished under this Agreement based upon monthly invoices which estimate the proportion of the services completed. City of Fayetteville shall pay R.W. Beck, Inc. in U.S. dollars within thirty (30) days of receipt of invoices less any disputed amounts. If City of Fayetteville disputes any portion of the invoice, the undisputed portion will be paid and R.W. Beck, Inc. will be notified in writing, within ten (10) days of receipt of the invoice of the exceptions taken. R.W. Beck, Inc. and City of Fayetteville will attempt to resolve the payment dispute within sixty (60) days or the matter may be submitted to arbitration as provided below. Additional charges for interest shall become due and payable at a rate of one and one-half percent (1-1/2%) per month (or the maximum percentage allowed by law, whichever is lower) on the unpaid, undisputed invoiced amounts.

   Any interest charges due from City of Fayetteville on past due invoices are outside any amounts otherwise due under this Agreement. If City of Fayetteville fails to pay undisputed invoiced amounts within sixty (60) days after delivery of invoice, R.W. Beck, Inc., at its sole discretion, may suspend services hereunder or may initiate collections proceedings, including mandatory binding arbitration, without incurring any liability or waiving any right established hereunder or by law.

7. **Reperformance of Services**: If City of Fayetteville believes any of the services provided under this Agreement do not comply with the terms of this Agreement, City of Fayetteville shall promptly notify R.W. Beck, Inc. to permit R.W. Beck, Inc. an opportunity to investigate. If the services do not meet the applicable standard of care, it will promptly reperform the services at no additional cost to City of Fayetteville, including assisting City of Fayetteville in selecting remedial actions. If City of Fayetteville fails to provide R.W. Beck, Inc. with prompt notice of non-compliance and an opportunity to investigate and reperform its services, R.W. Beck, Inc.'s total obligation to City of Fayetteville will be limited to the costs R.W. Beck, Inc. would have incurred to reperform the services.

8. **Insurance**: R.W. Beck, Inc. shall maintain insurance with the following required coverages and limits and upon request, will provide insurance certificates to City of Fayetteville:

Worker's Compensation	Statutory
Employer's Liability	U.S. $1,000,000
Commercial General Liability	U.S. $1,000,000 per occurrence
	U.S. $1,000,000 aggregate
Commercial Auto Liability	U.S. $1,000,000 combined single limit
Professional Liability	U.S. $1,000,000 per claim and in the aggregate

9. **Work Product**: City of Fayetteville shall have the unrestricted right to use the documents, analyses and other data prepared by R.W. Beck, Inc. under this Agreement ('Work Products'); provided, however City of Fayetteville shall not rely on or use the

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Work Products for any purpose other than the purposes under this Agreement and the Work Products shall not be changed without the prior written approval of R.W. Beck, Inc.. If City of Fayetteville releases the Work Products to a third party without R.W. Beck, Inc.'s prior written consent, or changes or uses the Work Products other than as intended hereunder, (a) City of Fayetteville does so at its sole risk and discretion, (b) R.W. Beck, Inc. shall not be liable for any claims or damages resulting from the change or use or connected with the release or any third party's use of the Work Products.

10. **Limitation of Liability:** No employee of R.W. Beck, Inc. shall have individual liability to City of Fayetteville. To the extent permitted by law, the total aggregate liability of R.W. Beck, Inc., its officers, directors, shareholders, employees and subconsultants for any and all claims arising out of this Agreement, including attorneys fees, and whether caused by negligence, errors, omissions, strict liability, breach of contract or contribution, R.W. Beck, Inc.'s for any and all claims arising out of this Agreement, including attorneys' fees, and whether caused by negligence, errors, omissions, strict liability, breach of contract or contribution shall not exceed the revenue received by R.W. Beck, Inc. under this Agreement or one hundred fifty thousand dollars (U.S. $150,000.00), whichever is greater.

11. **No Consequential Damages:** In no event and under no circumstances shall R.W. Beck, Inc. be liable to City of Fayetteville for any principal, interest, loss of anticipated revenues, earnings, profits, increased expense of operation or construction, loss by reason of shutdown or non-operation due to late completion or otherwise or for any other economic, consequential, indirect or special damages.

12. **Information Provided by Others:** City of Fayetteville shall provide to R.W. Beck, Inc. in a timely manner any information R.W. Beck, Inc. indicates is needed to perform the services hereunder. R.W. Beck, Inc. may rely on the accuracy of information provided by City of Fayetteville and its representatives.

13. **Opinions of Cost:** R.W. Beck, Inc. does not control the cost of labor, materials, equipment or services furnished by others, nor does it control pricing factors used by others to accommodate inflation, competitive bidding or market conditions. R.W. Beck, Inc. estimates of operation expenses or construction costs represent its best judgment as an experienced and qualified professional and are not a guarantee of cost. This section does not apply to the cost of R.W. Beck, Inc. performing the Scope of Services.

14. **Safety and Security:** R.W. Beck, Inc. has established and maintains programs and procedures for the safety of its employees. Unless specifically included as a service to be provided under this Agreement, R.W. Beck, Inc. specifically disclaims any authority or responsibility for job site safety and safety of persons other than R.W. Beck, Inc.'s employees. R.W. Beck, Inc. shall not provide any such services and disclaims any responsibility under this Agreement related to site security or the assessment, evaluation, review, testing, maintenance, operation or safety practices or procedures related to security.

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15. **Termination**: Either party may terminate this Agreement upon thirty (30) days prior written notice to the other party. City of Fayetteville shall pay R.W. Beck, Inc. for all services rendered to the date of termination plus reasonable expenses for winding down the services. If either party defaults in its obligations hereunder, the non-defaulting party, after giving seven (7) days written notice of its intention to terminate or suspend performance under this Agreement, may, if cure of the default is not commenced and diligently continued, terminate this Agreement or suspend performance under this Agreement.

16. **Dispute Resolution**: R.W. Beck, Inc. and City of Fayetteville shall attempt to resolve conflicts or disputes under this Agreement in a fair and reasonable manner and agree that if resolution cannot be made to attempt to mediate the conflict by a professional mediator.

17. **Non Exclusivity of Services:** R.W. Beck, Inc. may perform for other clients similar or identical services to those services contemplated under this Agreement, subject to applicable confidentiality and ethical obligations of R.W. Beck, Inc. In the event City of Fayetteville desires any level of exclusivity or other limitations on R.W. Beck, Inc.'s services to its other clients, City of Fayetteville and R.W. Beck, Inc. shall confer regarding the scope of requested exclusivity or other limitations and the additional compensation to be paid to R.W. Beck, Inc. for the requested exclusivity or other limitations on providing services to other clients. Any agreed exclusivity or other limitations on providing similar or identical services shall be confirmed in writing signed by both parties and shall expressly state such provision shall supersede this Section 17. No fiduciary or agency obligations shall be created as a result of any exclusivity obligations or other limitations on R.W. Beck, Inc.'s services to other clients.

18. **Miscellaneous**: This Agreement is binding upon and will inure to the benefit of City of Fayetteville and R.W. Beck, Inc. and their respective successors and assigns. Neither party may assign its rights or obligations hereunder without the prior written consent of the other party. Any notice required or permitted by this Agreement to be given shall be deemed to have been duly given if in writing and delivered personally or five (5) days after mailing by first-class, registered, or certified mail, return receipt requested, postage prepaid and addressed as follows:

City of Fayetteville:	City of Fayetteville
Attention:	Mayor Dan Coody
Address:	113 W. Mountain St.
	Fayetteville, AR 72701
R.W. Beck, Inc.:	R. W. Beck, Inc.
Attention:	Scott Pasternak, Senior Director
Address:	5806 Mesa Drive, Suite 310
	Austin, Texas 78731

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With a copy to:
Lin Ross (which will not be considered notice)
1001 Fourth Avenue
Suite 2500
Seattle, Washington 98154-1004

City of Fayetteville expressly agrees that all provisions of the Agreement, including the clause limiting the liability of R.W. Beck, Inc., were mutually negotiated and that but for the inclusion of the limitation of liability clause in the Agreement, R.W. Beck, Inc.'s compensation for services would otherwise be greater and/or R.W. Beck, Inc. would not have entered into the Agreement. If any provision of this Agreement is invalid or unenforceable, the remainder of this Agreement shall continue in full force and effect and the provision declared invalid or unenforceable shall continue as to other circumstances. This Agreement shall be governed by, and construed in accordance with, the laws of the State of Arkansas. In any action to enforce or interpret this Agreement, the prevailing party shall be entitled to recover, as part of its judgment, reasonable attorneys' fees and costs from the other party. Notwithstanding any statute to the contrary, the Parties agree that any action to enforce or interpret this Agreement shall be initiated within two (2) years from the time the party knew or should have known of the fact giving rise to its action, and shall not in any case be initiated later than six (6) years after R.W. Beck, Inc. completes its Scope of Services under this Agreement.

Freedom of Information Act: City of Fayetteville contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, R.W. Beck, Inc. will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 *et. seq*). Only legally authorized photo copying costs pursuant to the FOIA may be assessed for this compliance.

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IN WITNESS WHEREOF, the Parties have signed this Agreement the date first written above.

CITY OF FAYETTEVILLE

By: _____
DAN COODY, Mayor

Attest:

By: _____
Sondra E. Smith, City Clerk/Treasurer

R. W. BECK, INC.

By: _____
SCOTT PASTERNAK, Senior Director

Witness:

By: _____

E. Sines, Financial Administrator
Printed name & Title

SECTION 4

SCOPE OF WORK & SCHEDULE

Scope of Work

The following task descriptions present R. W. Beck's Scope of Work to complete a Recycling Program Study for the City of Fayetteville (City).

Project Initiation and Management

Initial Data Request and Review

Following receipt of the Notice to Proceed, R. W. Beck will provide the City with a detailed preliminary data request that will encompass data needs for completing the study. The data request will itemize our needs for understanding the operational and financial considerations that must be addressed. The RFI will primarily focus on data related to the City's on-going recycling programs and other solid waste programs. This task also includes organization and preliminary analysis of all data received. R. W. Beck would mention that we have already received some benchmarking data from the City.

Establish a Project Task Force

Completion of a Recycling Program Study requires input from multiple staff within the City. In order to get the best information possible and increase buy-in for the outcomes of this project, we recommend that the City establish a Project Task Force (PTF) to participate throughout the process. The PTF would ideally include 6 – 8 key representatives from diverse roles and levels of responsibility within the City. Based on experience applying this approach with other cities, it is our general recommendation that participants include:

- Solid Waste and/or Public Works Director
- Recycling Manager
- Financial Managers (Auditor or Finance Director)
- 1 – 2 City Council Aldermen (or their designee)

The PTF would participate in the kick-off meeting, help facilitate data collection, provide feedback on preliminary findings, and provide support to our Project Team throughout the project. By involving a variety of individuals with a wide range of skills and responsibilities, a complete picture of the solid waste system can be developed more quickly. The diverse experience and concerns of the participants will help identify problem areas and contribute meaningful input to the solutions. Full participation from the PTF members should also be expected to increase buy-in and would speed implementation of the project findings.

Kick-off Meeting and Project Management

Prior to commencing the study, members of the Project Team would conduct a kick-off meeting with key City staff. At this kick-off meeting we would discuss the project work plan, key issues to be addressed, key findings from previous engagements as well as confirm the timing associated with the various project tasks.

We would discuss our initial data request (as previously described) that we would have provided to the City staff 7 to 14 days prior to the kick-off meeting. We expect the kick-off meeting to be attended by two R. W. Beck professionals and last no longer than four hours. R. W. Beck will provide the agenda and any handout materials at least two days in advance.

During the meeting, we will also identify primary contacts for our Project Team and the City and establish protocol for the exchange of information and the resolution of issues that arise in the normal course of this engagement. To ensure effective communication between Project Team members and the City throughout the course of this project, it is proposed that R. W. Beck will:

- Schedule and participate in periodic conference calls as needed to discuss project matters (as identified in the specific tasks of this scope of work)
- Be available for other communication(s) as needed

It is R. W. Beck's understanding that the City's Waste Reduction Coordinator will be the primary contact for the study. We will channel our communication through this person, recognizing that there will be a need to limit interaction with other staff so not to interfere with their responsibilities. There will, however, be a need for some communication with other staff, and these requests will be coordinated with the City's Waste Reduction Coordinator.

Additional Data Request

The kick-off meeting will help identify and develop consensus about those project issues or practices that need further analysis as part of this project. Based on the feedback received at the kick-off meeting, we anticipate the issuance of a secondary data request to supplement the preliminary data request. The secondary data request would be sent along with a meeting summary packet, and would include an index of data in the preliminary and secondary data requests.

We recognize that the City may not have all information requested readily available or may track information differently than requested. We will work with the appointed Project Manager to arrive at reasonable substitutes for the key data, if needed.

Project Initiation and Management Deliverables

The deliverables from the Project Initiation and Management will include:

- Preliminary data request
- Electronic copies of the kick-off meeting agenda, handouts, and follow-up summary
- Participation of R. W. Beck Project Manager and key technical staff in kick-off meeting
- Secondary data request

Task 1 – Evaluate Current Residential Recycling Collection and Processing System

R. W. Beck will evaluate the City's current residential recycling collection and processing system. In conducting this evaluation, we will focus on understanding the cost structure and recommending improvements that would result in lower program costs and increased recycling tonnages. Our review will also evaluate the current system as well as the account for anticipated growth over the next 5, 10 and 20 years. Issues to be addressed during the review of the residential recycling collection and processing system include, but are not limited to, the following:

Collection Issues

- Collection efficiency (e.g., number of houses collected per route)
- Participation rate
- Set-out rate
- Recycling quantities
- Routing process
- On-route collection practices
- Non-collection time (travel, down time, breaks, etc.)
- Configuration of equipment
- Staffing, including use of overtime and temporary personnel
- Safety practices
- Policies and procedures
- Vehicle inspection, maintenance and replacement
- Public education
- Ordinances
- Other issues as identified

Processing Issues

- Staffing
- Facility and equipment
- Materials flow
- Contamination
- End markets
- Processing rates and throughputs
- Equipment downtime impacts
- Sorting station productivity and utilization rates and staffing levels
- Baling equipment capacity and optimization
- Assessment of incoming material to allow identification of contamination problems, compaction levels, etc
- Other issues as identified

Subtask 1A: Field Observations and Analysis

Although the information provided by the City in response to the data request will go a long way towards framing the issues, we believe that on-site observations of the City's collection and processing operating practices are critical to understanding this system. Field observations allow us to obtain a true feel for the challenges faced, productivity levels achieved, successes, and areas needing improvement. As part of this Task, R. W. Beck will perform field observations at the processing facility and for collection

operations. This analysis will include one-on-one interviews with key personnel, and management and administrative procedures review, observation of incoming material, material handling and processing and material preparation for market. We will also spend time in the field observing collection practices, which will include documenting staff practices as well as customer activity. Our project budget includes three staff spending two days each for field observations and interviews for this task.

Subtask 1B: Recommend Improvements to Lower Costs and Increase Tonnages

Based on the field observations and analysis, R. W. Beck will identify potential areas for improving the cost-effectiveness of current collection and processing operations. To undertake this analysis, we will develop recommendations that would improve program costs and recycling tonnages.

Subtask 1C: Informal Benchmarking

Due to the volume of solid waste assignments that R. W. Beck has completed for other local governments, our firm has developed a significant benchmark database of cost, performance, and service level parameters for recycling collection and processing systems across the country. We will leverage this database to provide a comparison of solid waste services and fee structures of cities across the country similar to Fayetteville. For example, we have completed operational and/or financial reviews for several cities such as Olathe, Kansas; Minneapolis, Minnesota; Killeen, Texas; and Jacksonville, Arkansas that utilize the same type of collection system as Fayetteville. Also, we have extensive benchmarking data from communities across the United States, including several cities with large universities (e.g. Denton, Texas; Austin, Texas; Tempe, Arizona; Tucson, Arizona; and Huntsville, Texas). Furthermore, we have recently completed recycling studies for the Pulaski County Solid Waste Management District, the North Central Texas Council of Governments and the Houston Galveston Area Council that provide R. W. Beck with recycling data from more than 70 cities in Arkansas and Texas.

Task 1 Deliverables

The deliverables from Task 1 will include:

- Draft report section for the current collection system
- Draft report section for the current processing system

Task 2 – Evaluate Alternative Residential Recycling Collection and Processing Options

Subtask 2A: Identify Possible Partnerships with Regional MRF Operators

R. W. Beck will evaluate options for the City of Fayetteville to develop partnerships with regional MRF operators. Our evaluation will focus on companies that are currently located in Arkansas, as well as other companies that may have an interest in establishing a new facility within or near the City. For example, in 2006, R. W. Beck assisted the City of El Paso, Texas in developing a partnership with a private company to build, own and operate a $6 million single stream MRF that will serve the City of El Paso for 15 years. Prior to this effort, El Paso did not have recycling processing capabilities.

R. W. Beck expects to interview several (likely 3 - 8) companies to determine their interest to partner with the City to develop a MRF. Each of the companies to be interviewed will be asked a series of questions that would allow R. W. Beck to develop alternative scenarios as to how the public-private partnership could potentially develop. Because of the competitive nature of the solid waste business, it is often a challenge to collect data from private solid waste companies. In order to ease concerns over

sharing data with R. W. Beck for use in the study, we will employ methods that we have used in obtaining sensitive data on other similar studies. Based on our track record, we believe that we will be able to obtain the needed data and input from the private companies.

During these discussions, we would expect to address the following issues identified in the City's RFP:

- Contract requirements
- Revenue generation
- Residual disposal costs
- Tipping fees
- Labor costs
- Transportation costs

In addition, R. W. Beck would also expect to address the following issues:

- What interest would your company have in either expanding existing or developing a new MRF in Fayetteville?
- Please describe your experience with the processing of dual and single stream recyclable materials. For what other communities are you providing recycling processing services?
- What challenges have you experienced or do you envision when processing single stream collected materials as compared to dual stream collected materials? How have you or what do you plan to do to overcome these processing challenges?
- What do you anticipate as an achievable range for the percentage of process residuals by weight utilizing dual and single stream processing technology?
- If the City of Fayetteville chooses to initiate a competitive process to procure processing services, what type of project structure would you prefer?
- Would you submit a proposal as part of a competitive procurement process requesting design build and operations services for a MRF located on City-owned property?
- Would you submit a proposal as a part of competitive procurement process to operate a publicly owned MRF?
- Would your firm be able to offer recyclable materials processing services to the City through your own facility or an alternative means? If so, when?
- What do you see as the optimal approach to a public/private partnership for the City in implementing a recyclable materials program?
- How is the pricing for the sale of recovered materials in this region of the U.S., as compared to other regions?
- How much material would you believe would need to be brought to the facility on a daily basis to allow it to operate in an efficient manner?
- Approximately how much material would your company expect to bring to the facility?
- Are there any other creative ideas that you have concerning the development of a partnership with the City that you would be willing to discuss?

Subtask 2B: Evaluate Options

During this task, R. W. Beck will help Fayetteville understand the how residential recycling services could be provided in the future, based on the following options:

- Current system
- Dual stream
- Single stream

From a processing perspective, we will complete our analysis based on a City owned and operated MRF, as well as a scenario based on the City entering into a public private partnership for the MRF.

R. W. Beck will expect to provide the City with a comparative understanding of these options based on the following criteria:

- Cost of service for collections
- Cost of service for processing
- Cost per ton of material recycled
- Recycling rate
- Types of material collected
- Participation rate
- Set-out rate
- Contamination levels
- Disposal cost and cost avoidance
- Value of commodities

R. W. Beck will specifically evaluate the projected cost of service based on our proprietary Refuse Collection Model and MRF Model. We have successfully used these models on behalf of other clients to help them understand the potential cost of services and to evaluate collection and processing options. The collection model will provide an understanding of factors to included but not be limited to the following types of costs:

- Rolling Stock
- Labor
- Facilities (e.g. maintenance, building, parking, fueling, offices)
- Fuel
- Containers
- Maintenance
- Administration/management
- Customer service

With regard to the MRF, the model will account for the following types of factors:

- Land acquisition

- Rolling Stock
- Labor
- Facilities (e.g. MRF, parking, offices)
- Equipment
- Disposal for residue

Our analysis will also include descriptions of the levels of effort associated with the costs included in the models. For example, we will provide the City with a description of the following for the MRF:

- Land requirements
- Description of processing equipment
- Rolling Stock
- Staffing plan
- Capital purchases

R. W. Beck would mention that the RFP included "possible locations for a MRF." Our scope of work does include providing the City with an understanding of the general characteristics that should be considered in selecting a potential site. R. W. Beck has not included a siting analysis in the Scope of Work since the City has not decided whether there is a need to develop a facility. If this decision occurs, R. W. Beck would be pleased to develop a scope of work and budget to help the City develop a siting analysis for the location of a MRF.

We will also account for project population increases that could affect the feasibility for a system change over the next 5, 10 and 20 years.

Task 2 Deliverables

The deliverables from Task 2 will include:

- Draft report section that evaluates options for public private partnerships
- Draft report section that evaluates recycling options (status quo, single stream and dual stream)
- Comparative table(s) regarding potential recycling options

Task 3 – Explore Options to Provide Effective and Economical Commercial and Apartment Recycling Services

In conducting Task 3, R. W. Beck would recommend that the City consider evaluating options to improve commercial recycling separate from the analysis of options for apartment recycling. The reason for this is that R. W. Beck would expect that material from apartment complexes would be collected differently than commercial recycling material. This is based on extensive research conducted by R. W. Beck that concluded that apartment complexes are best served with non-Dumpster containers (e.g. 90 gallon carts for single stream) versus the expectation that commercial businesses can be serviced with either Dumpsters or carts.[1] Therefore, we are providing the scope of work based on separate collection

[1] Source: Pasternak, Scott and Brent Matson (R. W. Beck). "Taking the Next Step: How Multi-Family Efforts Can Give Cities a Boost in Recycling Rates." *Resource Recycling*. March 2006.

operations for apartments and businesses, but would be open to discussing this decision with City staff, if needed.

Subtask 3A: Options for Commercial Recycling and Organic Waste Collection Services

For this subtask, R. W. Beck will develop a recommendation on how the City can provide recycling services to commercial businesses located within the City. In addition, R. W. Beck will provide a recommendation of how the City can provide collection of commercial organic food waste for composting. It is R. W. Beck's understanding that this material would be processed at the City's existing composting facility. In developing these program recommendations, R. W. Beck will draw on industry knowledge of how other communities and private companies are providing similar services. In addition, R. W. Beck will consider collection efficiency with existing commercial MSW collection routes. This analysis will include considerations of the following:

- Staffing needs
- Collection vehicles
- Collection containers
- Customer education
- Materials to be recycled

R. W. Beck would expect that a commercial recycling program in the City would focus on collection of fibers, but the specific nature of material to be collected would depend on the type of processing options that are expected to be provided in the future based on the results from this study.

R. W. Beck will specifically evaluate the cost of service for the proposed commercial recycling program (for recyclables as well as organic material). The costs to be considered as part of this analysis include:

- Cost of service for collection
- Cost of service for processing
- Participation rate
- Contamination levels
- Value of recyclable commodities
- Disposal for residual material
- Required capital purchases

After the cost of providing commercial recycling collection service is determined, R. W. Beck will work with the City to develop a rate structure for the commercial recycling program that provides incentives for participation, thereby increasing diversion. R. W. Beck will present options (likely 2-3) to the City of different rate structures that would to encourage recycling as well as recover the cost of service. These options may include, but are not limited to, volume-based rate structures. As part of this analysis, R. W. Beck will examine the existing rate structure for commercial MSW collection and will provide the City with options to adjust the MSW collection rates in such a way as to encourage recycling.

Subtask 3B: Options for Apartment Recycling Services

For this subtask, R. W. Beck will compare options for apartment recycling services. The options to be analyzed are:

- Drop off recycling (current system)
- Mandatory on-site recycling

Based on extensive research by R. W. Beck, if cities implement on-site apartment collection of recyclables, it is best for cities to mandate participation by apartment complexes.[2] Therefore, R. W. Beck developed this scope of work based on mandatory on-site recycling as one of the options to be considered. R. W. Beck is open to discussing this decision, as needed.

R. W. Beck will evaluate the current system of drop off recycling for multi-family residents. R. W. Beck will compare the participation and tonnage generated at the City's drop off center to other communities around the country, including communities in Arkansas. R. W. Beck will provide an operational comparison of drop-off and on-site apartment recycling based on the following considerations:

- Participation and diversion levels
- Contamination of recycled materials
- Public education requirements

In addition to an operational comparison, R. W. Beck will develop a comparative cost model for the current drop-off program as well as a potential on-site apartment program. The cost model will include considerations of:

- Collection costs
- Processing costs
- Participation rate
- Contamination levels
- Value of recyclable commodities
- Disposal of residual material
- Required capital purchases
- Public education

After the cost of providing apartment recycling collection service is determined, R. W. Beck will work with the City to develop a rate structure for this service that provides an incentive for apartment complex property managers to maximize diversion. R. W. Beck will present options (likely 2-3) to the City of different rate structures that would to encourage recycling as well as recover the cost of service. These options may include, but are not limited to, volume-based rate structures. As part of this analysis, R. W. Beck will examine the existing rate structure for apartment MSW collection and will provide the City with options to adjust the MSW collection rates in such a way as to encourage recycling.

We will also account for projected population increases that could affect commercial and apartment recycling over the next 5, 10 and 20 years.

Task 3 Deliverables

The deliverables from Task 3 will be:

[2] Source: Pasternak, Scott and Brent Matson (R. W. Beck). "Taking the Next Step: How Multi-Family Efforts Can Give Cities a Boost in Recycling Rates." *Resource Recycling*. March 2006.

- Draft report section that evaluates options for commercial recycling collection
- Draft report section that evaluates options for apartment recycling
- Comparative table(s) regarding potential recycling options

Task 4 – Explore Options for a Construction and Demolition Recycling Program

Subtask 4A: Options for a C&D MRF

During this task, R, W. Beck will explore the possibility for a construction and demolition (C&D) recycling program pertaining to the green building movement for reducing waste from job sites.

R. W. Beck will evaluate the feasibility to develop and operate a C&D MRF. While there are many options available for building and operating a C&D MRF, R. W. Beck will develop several assumptions, with input from City staff for the purposes of this analysis. These assumptions will primarily be based on the quantity and composition of material that could be brought to the facility on an annual basis. To estimate the quantity of material, R. W. Beck will review City roll-off collection data, as well as landfill tonnage records from existing Class 4 landfills. From a composition perspective, R. W. Beck will utilize data completed for other C&D waste characterization studies. This includes data that R. W. Beck collected in 2007 to evaluate the feasibility of developing a C&D MRF in North Central Texas (Dallas/Fort Worth area). After developing an estimate of the current quantity and composition, R. W. Beck will develop projections for the next 5, 10 and 20 years to understand how the costs for a C&D MRF may change over time.

R. W. Beck will develop a comparative cost model for a C&D MRF. The cost model will include considerations of:

- Processing equipment
- Staffing
- Land acquisition
- Revenue from recyclable commodities
- Disposal of residual material
- Rolling Stock
- Facilities (e.g. MRF, parking, offices)
- Disposal for residue

Our analysis will also include descriptions of the levels of effort associated with the costs included in the models. For example, we will provide the City with a description of the following for the MRF:

- Land requirements
- Description of processing equipment
- Rolling Stock
- Staffing plan
- Capital purchases

After the cost of a C&D MRF is determined, R. W. Beck will compare this cost to the tipping fees in place at Class 4 landfills. R. W. Beck will work with the City to develop a rate structure for a C&D MRF and Class 4 landfills that provides an incentive for builders to maximize diversion. R. W. Beck will present options (likely 2-3) to the City of different rate structures that would to encourage recycling as well as recover the cost of service. As part of this analysis, R. W. Beck will examine the existing rate structure for Class 4 landfills.

We will also account for projected population increases that could affect commercial and apartment recycling over the next 5, 10 and 20 years.

Task 4 Deliverables

The deliverables from Task 4 will be:

- Draft report section that evaluates options for C&D recycling
- Comparative table(s) regarding potential recycling options

Task 5 – Emerging Technologies Analysis

The purpose of this task is to conduct a planning level evaluation of new systems or technologies that could refine, modify, or completely change the City's current recycling system or even the entire waste management program. The city desires to look outside the box to determine if there are applicable emerging technologies that have not yet made the mainstream United States.

Based on direction from staff, R. W. Beck will evaluate the organic waste treatment unit (as proposed by Oxalor Group) on a planning level basis. We will also conduct a limited Internet, literature and industry search to identify any other companies that are utilizing a similar technology.

The assessment will include applying the following criteria:

- Applicability to the City's waste steam
- Commercial operating status
- Risks (i.e., technology, environmental, financial, land use)
- Waste diversion potential
- Materials flow
- Residuals
- Planning level capital and annual operations and maintenance costs

To the extent practicable, R. W. Beck will provide the City with an understanding of how this technology could change over the next 5, 10 and 20 years. Given that this is an emerging technology, our focus will be on the next 10 years. We would note that since we will be addressing an emerging technology, it is possible that changes could occur in the future that are not presently known.

Task 5 Deliverables

The deliverables from Task 5 will be:

- Draft report section that evaluates the emerging technology

Task 6 – Workshop with the Project Task Force

It is envisioned that a working group meeting would be held to present the key findings and recommendations of from Tasks 1 - 5. The working group meetings will provide an opportunity to present our findings and ensure buy-in for our recommendations. R. W. Beck will work with the City to schedule the meeting. This workshop will be attended by three R. W. Beck professionals and will occur over two-consecutive days. We will allocate approximately 2 – 3 hours to discuss each project task. R. W. Beck will develop power point presentations, handouts, and agendas, and other materials to use during the work session. Information and decisions made during these workshops will be key drivers for the recommendations that will be included in the draft and final reports.

Task 6 Deliverables

The deliverables from Task 6 will be:

- Power point presentations, handouts, and agendas, and other materials to use during the work session
- Three R. W. Beck professionals will attend and facilitate a two day workshop with members of the PTF to discuss key findings

Task 7 – Report Preparation and Presentations

R. W. Beck will prepare a report summarizing the findings of the study. A draft report will be provided to the City for review and comment. Most of the report will be a compilation of the draft report sections described in Tasks 1-6. Comments received from the City will be incorporated, as appropriate, and a Final Report will be delivered. As needed, R. W. Beck will meet with Staff and/or Council to discuss the findings and recommendations. Our budget assumes that we will conduct one presentation to City staff and/or the City Council.

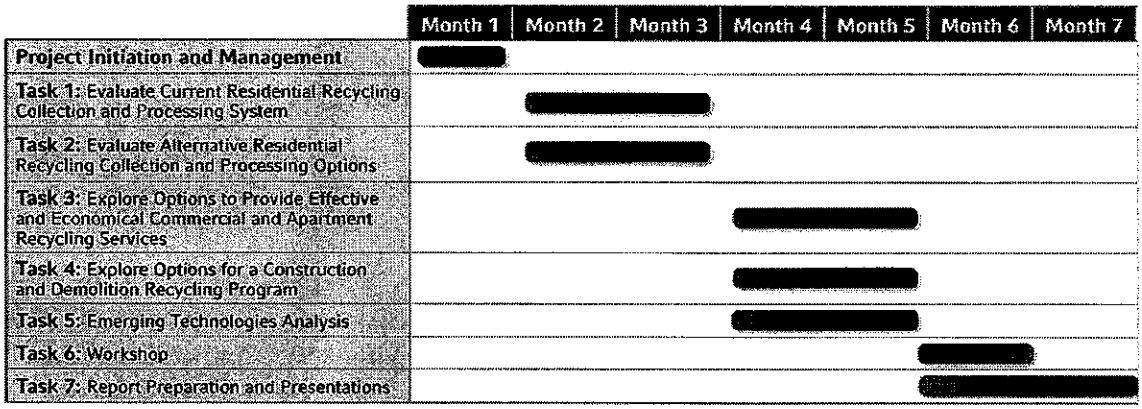
Task 7 Deliverables

The deliverables from Task 7 will include:

- Draft report – submittal of one PDF and 10 printed copies
- Final report – submittal of one PDF and 10 printed copies
- Presentation by the project manager at one City Council meetings or work sessions, including the development of Power Point presentation

Schedule

The following schedule presents R. W. Beck's timeline to complete a Recycling Program Study for the City of Fayetteville (City).



City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

4/15/2008
City Council Meeting Date
Agenda Items Only

John Nelson	Operations	Solid Waste & Recycling
Submitted By	**Division**	**Department**

Action Required:

A resolution approving a budget adjustment in the amount of $500,000.00 To [redacted] Solid Waste [redacted] and to recognize like revenue from the Cherokee Nation for reimbursement of costs associated with the operation of the Transfer Station.

$ 500,000.00	$ 1,780,318.00	
Cost of this request	Category / Project Budget	Program Category / Project Name
5500.5000.xxxx.xx	$ 488,564.00	Solid Waste Oper & Admin
Account Number	Funds Used to Date	Program / Project Category Name
08053	$ 1,291,754.00	Solid Waste
Project Number	Remaining Balance	Fund Name

Budgeted Item [ ] **Budget Adjustment Attached** [x]

3.26.08
Department Director — Date

3/28/08
City Attorney — Date

3-31-08
Finance and Internal Service Director — Date

3/31/08
Mayor — Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office 3.26.08 ENTERED

Received in Mayor's Office ENTERED 3/28/08

Comments:

City Council Agenda Item

To: Mayor and City Council

From: Gary Dumas, Director of Operations

Date: March 17, 2008

Subject: A resolution approving a budget adjustment in the amount of $500,000.00 for the Solid Waste Fund and to recognize like revenue from the Cherokee Nation for reimbursement of costs associated with the operation of the Transfer Station.

Recommendation: Staff recommends approving a budget adjustment in the amount of $500,000.00 to the Solid Waste Fund and to recognize like revenue from the Cherokee Nation for reimbursement of costs associated with the operation of the Transfer Station.

Background: Due to the closure of the Cherokee Nation landfill in October 2007, the Solid Waste and Recycling Division experienced a change in the operation of the Transfer Station. Solid Waste staff is operating the Transfer Station and processing waste on the tipping floor. The City is still under contract with the Cherokee Nation for the receiving, handling, hauling and disposing of municipal residential and commercial waste at the City of Fayetteville's Transfer Station, and the Cherokee Nation is reimbursing the City's cost operating the Transfer Station.

Discussion: In order to operate the Transfer Station, Solid Waste personnel have been pulled from their regular duties to process the waste at the Transfer Station. The costs involved with the hauling contract with Roll Off Services and internal personnel, equipment and fuel are being tracked and billed to the Cherokee Nation for reimbursement.

These additional expenses are estimated at $50,000.00 per month.

Budget Impact: Additional costs associated with the City operating the Transfer Station were not included in the 2008 operating budget because the Cherokee Nation landfill closure occurred after budget submission. The Solid Waste operating budget cannot cover these additional costs for a prolonged period of time. The use of reserve funds are necessary to absorb the additional expenses incurred and allow for the continued operation of the Transfer Station until the current situation has been resolved. The requested funds will be fully reimbursed by Cherokee Nation and returned to the Solid Waste Fund Balance upon closing the 2008 fiscal year.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF $500,000.00 TO THE SOLID WASTE FUND AND RECOGNIZING LIKE REVENUE FROM THE CHEROKEE NATION FOR REIMBURSEMENT OF COSTS ASSOCIATED WITH OPERATION OF THE TRANSFER STATION.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment to the Solid Waste Fund and recognizing like revenue from the Cherokee Nation For reimbursement of costs associated with operation of the Transfer Station.

PASSED and **APPROVED** this 15th day of April, 2008.

APPROVED: ATTEST:

By: _____ By: _____
DAN COODY, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Operations Division: Solid Waste & Recycling Program: Operations & Administration	Date Requested	Adjustment Number
2008		4/15/2008	

Project or Item Added/Increased:

$500,000 is requested in various accounts in the Operations & Administration program.

Project or Item Deleted/Reduced:

To receive $500,000 in reimbursement costs from the the Cherokee Nation.

Justification of this Increase:

This increase is needed for the operation of the Transfer Station. Funds will be recovered through collection of reimbursement costs from Cherokee Nation.

Justification of this Decrease:

Increase Budget

Account Name	Account Number				Amount	Project Number	
Personnel Services - Contra	5500	5000	5120	00	40,000	08053	1
Fuel	5500	5000	5213	04	70,000	08053	40
Contract Services	5500	5000	5315	00	5,000	08053	1
Solid Waste Disposal	5500	5000	5316	00	300,000	08053	1
Equipment Rental	5500	5000	5308	03	65,000	08053	40
Motor Pool-Contra	5500	5000	5331	99	10,000	08053	40
Vehicle & Machine Maint	5500	5000	5403	00	10,000	08053	40

Decrease Budget

Account Name	Account Number				Amount	Project Number	
inistrative Reimbursement/Franchise Rev	5500	0950	4448	00	500,000	08053	1

Approval Signatures

John Nelson — Requested By — 3/17/2008 Date

Budget Director — 3-31-08 Date

Department Director — 3.31.08 Date

Paul A. Beck — Finance Director — 3-31-08 Date

Mayor — Date

Budget & Research Use Only

Type: A B C D E

General Ledger Date

Approval Date — Initial — Date

Posted to General Ledger — Initial — Date

Posted to Project Accounting — Initial — Date

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

4/15/2008
City Council Meeting Date

Ray M. Boudreaux	Aviation & Economic Development	General Government
Submitted By	Division	Department

Action Required:

Action Required: Approve the recommendation of the Airport Advisory Board to designate Drake Field as "Fayetteville Executive Airport."

$ -		
Cost of this request		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 — 3/27/08 Date

City Attorney — 3/28/08 Date

Finance and Internal Service Director — 3-31-08 Date

Mayor — 3/31/08 Date

Previous Ordinance or Resolution # ____

Original Contract Date: ____

Original Contract Number: ____

Received in City Clerk's Office 3/28/08

Received in Mayor's Office ENTERED 3/28/08

Comments:

City Council Meeting of: April 15, 2008
Agenda Item Number:

CITY COUNCIL AGENDA MEMO/STAFF CONTRACT REVIEW MEMO

TO: Mayor

THRU: Staff/Contract Review Committee

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

DATE: March 28, 2008

SUBJECT: **Approval of Fayetteville Municipal Airport Name Change to Fayetteville *Executive* Airport, Drake Field.**

RECOMMENDATION: Approval of Airport name change. The Airport Board unanimously recommended the change at their meeting of March 14, 2008.

BACKGROUND: The Fayetteville airport has been Drake Field for its entire existence. When the commercial aircraft relocated to XNA, Northwest Arkansas Regional Airport, the airport changed signs and reemphasized the fact that Drake Field was Fayetteville *Municipal* as a way to differentiate between the two airports. While the new emphasis on municipal did reduce the number of people arriving in the Drake Field Terminal to pick up passengers or to catch a flight there are still an average of five people or groups, **EACH and EVERY DAY,** that must be told they are at the wrong airport and it is a 25 minute drive to the Regional Airport.

This recommendation was brought to the Fayetteville Airport Board by Dr. Vaughn DeCoster. Dr. DeCoster is a pilot and tenant who owns a single engine aircraft housed in one of the T Hangars. He is also a member of the Airport Board representing the pilot community. He brought the recommendation to the Board to help the marketing program being conducted by Million Air Fayetteville and the airport to bring more traffic and activity to the airport. Million Air Fayetteville, the Fixed Base Operator, fully supports the change and has encouraged the airport to approve the recommendation. Dr. DeCoster also emphasized the fact that the airport is functioning as an executive airport. I have attached a copy of the slides from his power point presentation recommending the change.

Our emphasis over the last several years has been to attract the corporate and business aircraft traveling to Northwest Arkansas to our airport. Our airport has the most convenient Interstate highway access, and provides easy, direct, and timely access to all business centers from Drake Field. Thus our business and corporate traffic continues to increase. This measure will reinforce our efforts to attract the business and corporate aircraft.

Million Air Fayetteville, our contract FBO markets to the corporate and business aviation industry. Million Air Fayetteville employs and trains its staff in high level customer service, and emphasizes the care of its customers: "Ladies and Gentlemen serving Ladies and Gentlemen." As a result of this market philosophy, the manpower needed to provide the level of service expected, the cost of amenities provided, etc., the Million Air Fayetteville Team needs to sell a lot of fuel. Ninety percent of fuel sold at Drake Field is jet fuel to corporate and business aircraft.

There are many advantages to the name change. First, the new name on the Interstate might help those wanting to catch or meet an airline to go to the right airport saving them and our customer service representatives from the stress and wasted time. The name change though not affecting anything in the Pilot Information Guides, will more accurately reflect the airports current mission and will assist Million Air Fayetteville in attracting business and corporate aircraft. Any additional traffic will help to fund the tower which costs and benefits are recomputed every two years and cost share computations are primarily dependent on traffic.

BUDGET IMPACT: Minimal. The State will change the Highway Sign at no cost to the airport. We will wait to replace stationary and business cards until we run out of current supplies.

Attachments: Staff Review Form
Power Point Presentation

RESOLUTION NO. _____

A RESOLUTION ADOPTING THE RECOMMENDATION OF THE AIRPORT BOARD AND RENAMING THE FAYETTEVILLE MUNICIPAL AIRPORT.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby adopts the Airport Board's recommendation to rename the Fayetteville Municipal Airport, and it shall henceforth be known as the "Fayetteville Executive Airport, Drake Field."

PASSED and **APPROVED** this 15th day of April, 2008.

APPROVED: ATTEST:

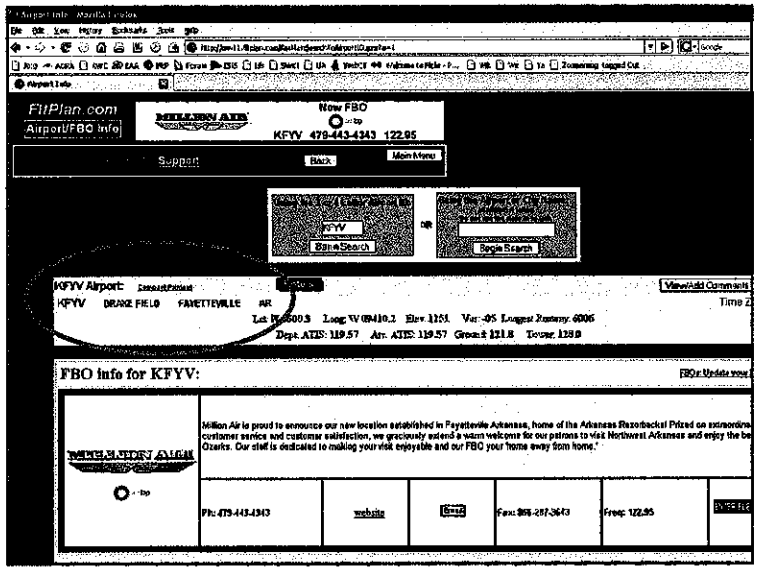
By: _____ By: _____

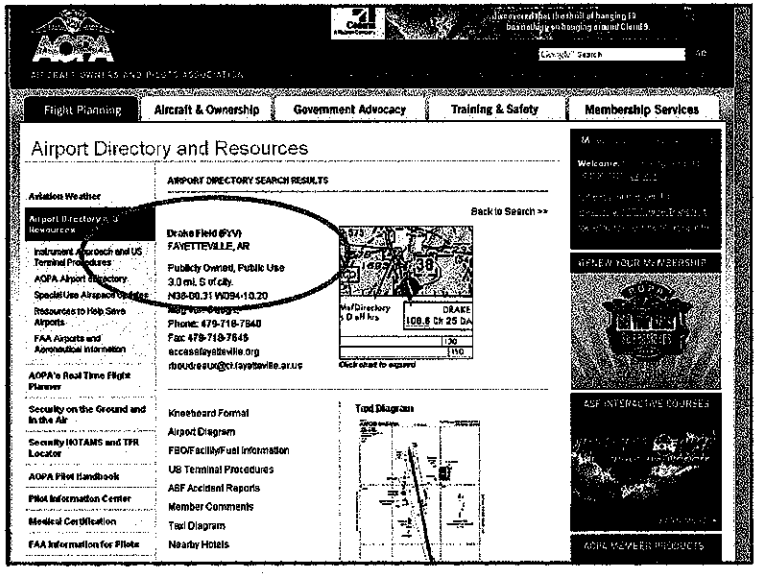
DAN COODY, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

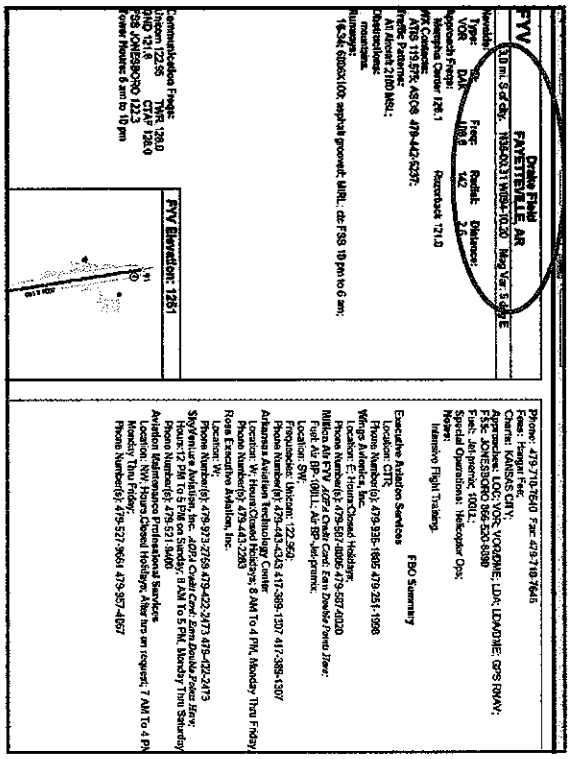
Fayetteville "Municipal" to Fayetteville "Executive" Airport: Making a name change?

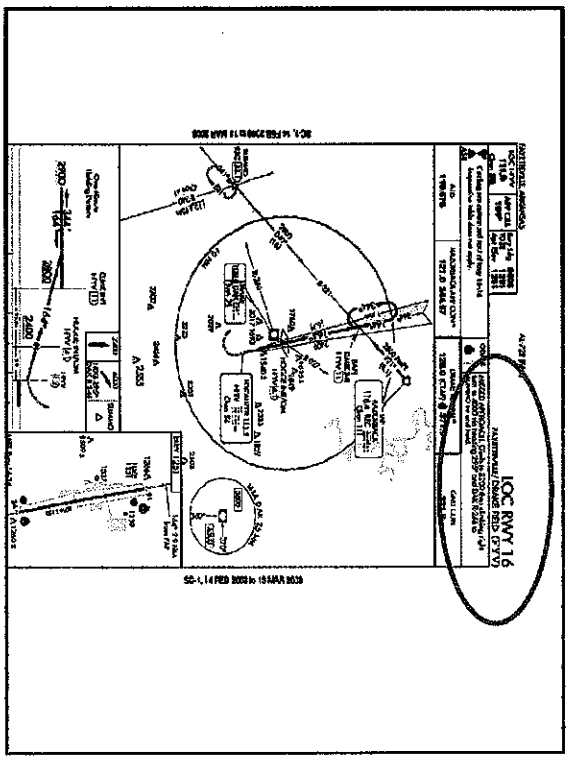
Concerns

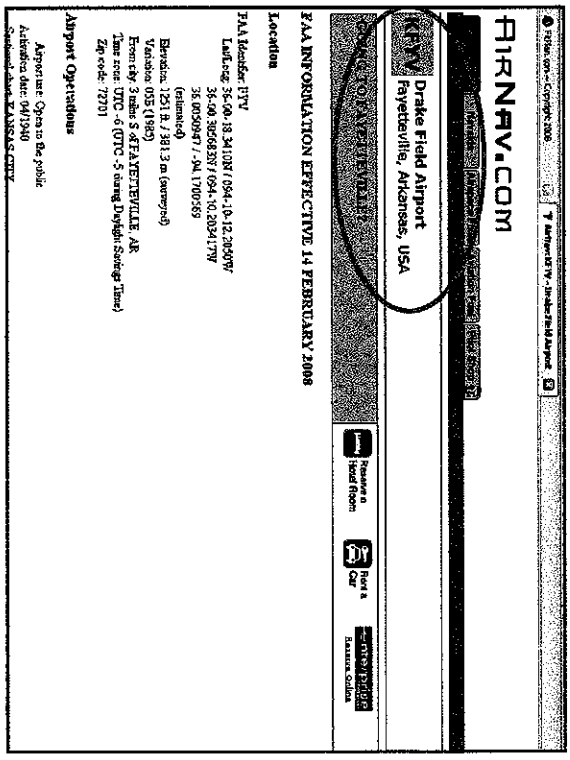
- Financial impact on customers?
- Public opinion?
- Aviation websites, guides, charting?

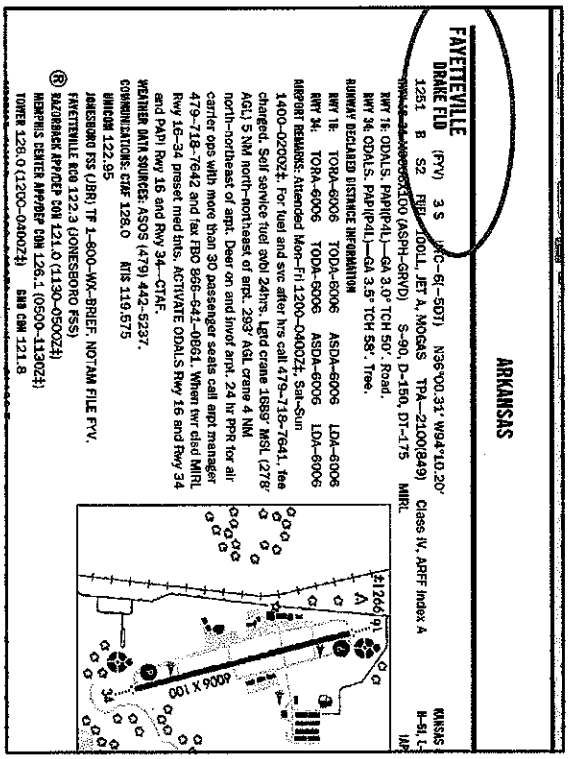


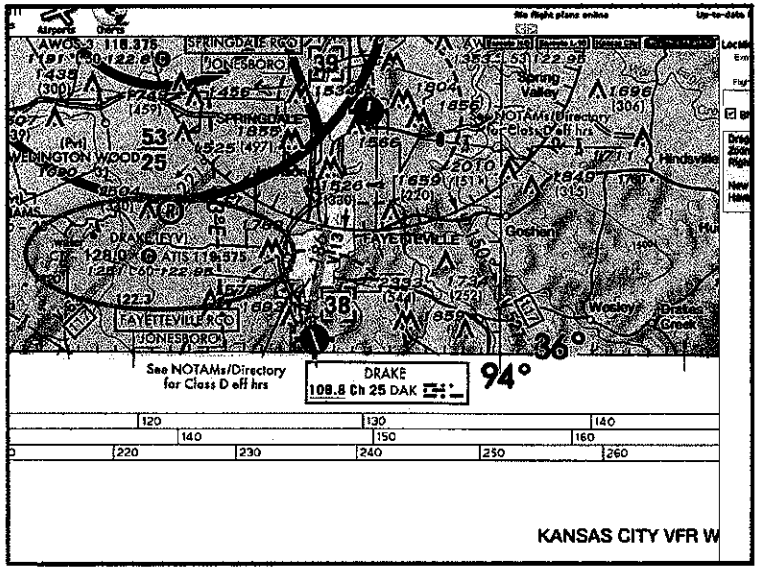



FYV
Drake Field
FAYETTEVILLE AR
Phone: 479/718-7640 Fax: 479/718-7645
Fuel: Jet-A, 100LL
Notams:
Type:
VOR
Frequency:
Radials:
Distances:
Approach Freqs:
Memphis Center 126.1
Rotating Beacon:
Runways:
16-34: 6006X100; asphalt grooved; MIRL; dtrt FSS 1100 to 0600.
Restrictions:
mountains.
All Aircraft 2100 MIRL:
FYV Elevation: 1251


FAYETTEVILLE AR
DRAKE FIELD (FYV)
LOC RWY 16
Communication Freqs:
ATIS 120.0
Unicom 122.95
CTAF 128.0
GND 121.9
TWR 120.2
FSS JONESBORO 122.3
Notam Reserve 6 am to 10 pm


AirNav.com
KFYV Drake Field Airport
Fayetteville, Arkansas, USA
FAA INFORMATION EFFECTIVE 14 FEBRUARY 2008
Location
Airport Operations


FAYETTEVILLE
DRAKE FLD
(FYV)
ARKANSAS
RUNWAY DECLARED DISTANCE INFORMATION
AIRPORT REMARKS:
WEATHER DATA SOURCES:
COMMUNICATIONS:
JONESBORO FSS (JBR) TF 1-800-WX-BRIEF. NOTAM FILE FYV.
FAYETTEVILLE ASOS 120.3 (JONESBORO FSS)
MEMPHIS CENTER APP/DEP CON 126.1 (0500-1130Z‡)
TOWER 128.0 (1200-0400Z‡)



Pro's & Con's

- Marketing/image opportunity
- Brands our "product"
- May attract "high dollar" customers
- Additional positive publicity in community
- Shift away from "municipal" (community) to elitists airport?
- *Municipal* doesn't show-up in charts, so why change to *Executive*?

Agenda Session 4/8/08

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

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
April 15, 2008

A meeting of the Fayetteville City Council will be held on April 15, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Agenda Session Presentations: Anti Graffiti and Tagging Presentation - Sergeant Gabbard

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

1. Approval of the April 01, 2008 City Council meeting minutes.

2. **Bid # 08-33 Professional Turf Products:** A resolution awarding Bid # 08-33 and approving the purchase of one (1) multi-deck mower from Professional Turf Products in the amount of $41,562.00 for use by the Parks & Recreation Division.

5. **Bid # 08-34 Truck Centers of Arkansas:** A resolution awarding Bid # 08-34 and approving the purchase of one (1) tandem-axle truck tractor from Truck Centers of Arkansas in the amount of $85,038.00 for use by the Transportation Division.

4. **Bid # 08-35 Williams Tractor:** A resolution awarding Bid # 08-35 and approving the purchase of one (1) compact track excavator from Williams Tractor in the amount of $26,264.00 for use by the Water & Sewer Division.

5. **Bid # 08-36 Warrior of Arkansas:** A resolution awarding Bid # 08-36 and approving the purchase of one (1) compact tractor backhoe from Warrior of Arkansas in the amount of $30,798.00 for use by the Parks & Recreation Division.

6. **Bid # 08-38 Wayest Safety:** A resolution awarding Bid # 08-38 and approving the purchase of one (1) breathing air station from Wayest Safety in the amount of $30,523.00 for use at the new fire station #3.

7. **Arkansas Recreational Trails Program Grant:** A resolution expressing the willingness of the City of Fayetteville, Arkansas to utilize federal-aid funds.

8. **OMI Agreement:** A resolution approving an out-of-scope agreement with OMI in the amount of $65,000.00 for WSIP West Side Cutover/Tieover Actions, WSIP Subproject WL-9; and approving a 5% contingency in the amount of $3,250.00.

B. Unfinished Business:

1. **Hiring Freeze:** Hiring Freeze Appeals:

2. **ADM 07-2712 Amend Chapters 151, 159, 161, 162, 163 and 164:** An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 151: Definitions, Chapter 159: Fees, Chapter 161: Zoning Regulations, Chapter 162: Use Units, Chapter 163: Use Conditions and Chapter 164: Supplementary District Regulations in order to make accessory dwelling units a permitted use in all residential zoning districts contingent upon Planning Division administrative approval. ***This ordinance was left on the First Reading at the March 18, 2008 City Council meeting. This ordinance was left on the Second Reading at the April 1, 2008 City Council meeting.***

3. **Amend Chapters 151, 152 and 166:** An ordinance amending Title XV: Unified Development of the Code of Fayetteville to amend Chapter 151: Definitions, Chapter 152: Administration and Chapter 166: Development in order to prohibit or regulate decentralized sewer systems within the city limits. ***This ordinance was left on the First Reading at the April 1, 2008 City Council meeting.***

4. **Repealing and Replacing § 51.137:** An ordinance repealing and replacing § 51.137, Monthly Sewer Rates, of the Fayetteville Code of Ordinances. ***This ordinance was left on the Second Reading at the April 1, 2008 City Council meeting.***

C. New Business:

1. **RZN 08-2936 (Mullins):** An ordinance rezoning that property described in rezoning petition RZN 08-2936, for approximately 0.2 acres, located at 2846 South School Avenue from RSF-4, Residential Single-Family, 4 units per acre, to R-O, Residential Office.

2. **RZN 08-2937 (Mountain Ranch Ph. III):** An ordinance rezoning that property described in rezoning petition RZN 08-2937, for approximately 26.9 acres, located south of Mountain Ranch Phase I and Persimmon Street, east of the future extension of Rupple Road, from RSF-4, Residential Single-Family, 4 units per acre to RSF-8, Residential Single-Family, 8 units per acre.

3. **C-PZD 08-2894 (Park Centre):** An ordinance establishing a Commercial Planned Zoning District titled C-PZD 08-2894 Park Centre, located at the northeast corner of Zion Road/Veterans Park Entry Drive, containing approximately 8.58 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.

4. **Amend Chapter 96 Noise Control:** An ordinance to amend Chapter 96: Noise Control of the Code of Fayetteville to enact §96.09 to restrict the use of a compression release engine brake also known as "Jake Brake."

5. **R.W. Beck, Inc:** A resolution approving a contract with R.W. Beck, Inc. in the amount of $110,700.00 to conduct a recycling study for the City of Fayetteville; and approving a budget adjustment in the amount of $10,700.00.

6. **Cherokee Nation:** A resolution approving a budget adjustment in the amount of $500,000.00 to the Solid Waste Fund and recognizing like revenue from the Cherokee Nation for reimbursement of costs associated with operation of the Transfer Station.

Consent

7. **Fayetteville Municipal Airport Name Change:** A resolution adopting the recommendation of the Airport Board and renaming the Fayetteville Municipal Airport.

Announcements:

1. **City Council Tour:** ~~April 14, 2008~~ NONE

Adjournment:

Add:

NB #1 Fayetteville Municipal Property Owners' Improvement District #25 - Falcon Ridge Subdivision Infrastructure Project.

Will not be added to Any Agenda – State Lottery Support

Pre Agenda Session 4-2-08

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

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Ward 1 Position 2 – Brenda Thiel
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2. **RZN 08-2937 (Mountain Ranch Ph. III):** An ordinance rezoning that property described in rezoning petition RZN 08-2937, for approximately 26.9 acres, located south of Mountain Ranch Phase I and Persimmon Street, east of the future extension of Rupple Road, from RSF-4, Residential Single-Family, 4 units per acre to RSF-8, Residential Single-Family, 8 units per acre.

3. **C-PZD 08-2894 (Park Centre):** An ordinance establishing a Commercial Planned Zoning District titled C-PZD 08-2894 Park Centre, located at the northeast corner of Zion Road/Veterans Park Entry Drive, containing approximately 8.58 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.

4. **Amend Chapter 96 Noise Control:** An ordinance to amend Chapter 96: Noise Control of the Code of Fayetteville to enact §96.09 to restrict the use of a compression release engine brake also known as "Jake Brake."

Announcements:

1. **City Council Tour: April 14, 2008**

Adjournment:

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: **David Whitaker**, Assistant City Attorney

DATE: **April 16, 2008**

RE: **Ordinances and Resolutions prepared by the City Attorney's Office and passed at the City Council meeting of April 15, 2008**

1. Bid #08-33 Professional Turf Products: A resolution to award Bid #08-33 and approve the purchase of one multi-deck mower from Professional Turf Products in the amount of $41,562.00 for use by the Parks & Recreation Division;

2. Bid #08-34 Truck Centers of Arkansas: A resolution awarding Bid #08-37 and approving the purchase of one tandem-axle truck tractor from Truck Centers of Arkansas in the amount of $85,038.00 for use by the Transportation Division;

3. Bid #08-35 Williams Tractor: A resolution awarding Bid #08-35 and approving the purchase of one compact track excavator from Williams Tractor in the amount of $26,264.00 for use by the Water & Sewer Division;

4. Bid #08-36 Warrior of Arkansas: A resolution awarding Bid #08-36 and approving the purchase of one compact tractor backhoe from Warrior of Arkansas in the amount of $30,798.00 for use by the Parks & Recreation Division;

5. Bid #08-38 Wayest Safety: A resolution awarding Bid #08-38 and approving the purchase of one breathing air station from Wayest Safety in the amount of $30,523.00 for use at the new Fire Station #3;

6. Arkansas Recreational Trails Program Grant: A resolution expressing the willingness of the City of Fayetteville, Arkansas to utilize federal-aid funds;

7. **OMI Agreement:** A resolution approving an out-of-scope agreement with OMI in the amount of $65,000.00 for WSIP West Side cutover/tieover actions, WSIP subproject WL-9; and approving a 5% contingency in the amount of $3,250.00;

8. **Cherokee Nation:** A resolution approving a budget adjustment in the amount of $500,000.00 to the Solid Waste Fund and recognizing like revenue from the Cherokee Nation for reimbursement of costs associated with operation of the transfer station;

9. **Hiring Freeze:** A resolution to approve the hiring of replacement employees;

10. **Repealing and Replacing §51.137:** An ordinance repealing and replacing §51.137 **Monthly Sewer Rates**, of the Fayetteville Code of Ordinances;

11. **Fayetteville Municipal Property Owners' Improvement District No. 25 – Falcon Ridge Subdivision Infrastructure Project:** An ordinance to establish and lay off Fayetteville Municipal Property Owners/ Improvement District No. 25 – Falcon Ridge Subdivision Infrastructure Project;

12. **Amend Chapter 96 Noise Control:** An ordinance to amend Chapter 96: **Noise Control** of the Code of Fayetteville to enact §96.09 to restrict the use of a compression release engine brake also known as "Jake Brake";

13. **R.W. Beck, Inc.:** A resolution approving a contract with R.W. Beck, Inc. in the amount of $110,700.00 to conduct a recycling study for the City of Fayetteville; and approving a budget adjustment in the amount of $10,700.00;

14. **Fayetteville Municipal Airport Name Change:** A resolution adopting the recommendation of the Airport Board and renaming the Fayetteville Municipal Airport.

From: Judy Cohea
To: Branson, Lisa
CC: Brown, William; Crisman, Rick; Gabbard, Shannon
Date: 3/18/2008 2:33 PM
Subject: Fwd: Re: Agenda Preview

I called Chief Tabor and he would like it on April 15, 2008 agenda meeting.

Judy Cohea
Support Services Manager
(479) 587-3581

>>> Lisa Branson 3/18/2008 12:40 PM >>>
Judy,

Do you want me to add the presentation to the April 1, 2008 Agenda? We will be running the agenda's tomorrow afternoon so let me know ASAP if you want it added to the upcoming agenda and who will be giving the presentation. The next agenda will be April 15, 2008.

Have a great day!
Lisa

>>> Susan Thomas 3/18/2008 10:51 AM >>>
Judy -

I've added your items to the preview. You will want to contact the Clerk's office to schedule the agenda session presentation.

Susan

>>> Judy Cohea 3/18/2008 10:27 AM >>>
Susan please add Animal Services award bid of Incinerator in April. Also we would like to have an Anti Graffiti and Tagging presentation on an agenda session in April

Judy Cohea
Support Services Manager
(479) 587-3581

>>> Susan Thomas 3/13/2008 1:57 PM >>>
Attached is the current Council Agenda Preview for April - May - June 2008. Please coordinate with your staff and report major activities, especially those requiring council action, that are coming up in the next few months. Please review the attachment and send an email to me with any additions or corrections by Thursday March 20.

Thanks,

Susan

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

RECEIVED

APR 22 2008

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

Arkansas Democrat Gazette

NORTHWEST ARKANSAS EDITION

Northwest Arkansas Times

Benton County Daily Record

P. O. BOX 1607

FAYETTEVILLE, AR 72702

PHONE: 479-571-6421

AFFIDAVIT OF PUBLICATION

I, Cathy Wiles, do solemnly swear that I am Legal Clerk of the Arkansas Democrat Gazette newspaper. Printed and published in Benton County Arkansas, (Lowell) and that from my own personal knowledge and reference to the files of said publication, the advertisement of: City of Fayetteville- Final Agenda

April 14, 2008

Publication Charge: $195.18

Subscribed and sworn to before me
This 18 day of April , 2008.

SANDRA D. BUSH
Notary Public – Arkansas
County of Washington
My Commission Exp. 01/08/2011

Notary Public Sandra D. Bush

My Commission Expires: Jan. 8, 2011

Do not pay from Affidavit, an invoice will be sent

RECEIVED
APR 22 2008
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

FINAL AGENDA
CITY OF FAYETTEVILLE ARKANSAS
CITY COUNCIL MEETING
APRIL 15, 2008

A meeting of the Fayetteville City Council will be held on April 15, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order
Roll Call
Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:
1. Approval of the April 01, 2008 City Council meeting minutes.
2. Bid # 08-33 Professional Turf Products: A resolution awarding Bid # 08-33 and approving the purchase of one (1) multi-deck mower from Professional Turf Products in the amount of $41,562.00 for use by the Parks & Recreation Division.
3. Bid # 08-34 Truck Centers of Arkansas: A resolution awarding Bid # 08-34 and approving the purchase of one (1) tandem-axle truck tractor from Truck Centers of Arkansas in the amount of $85,038.00 for use by the Transportation Division.
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9. Cherokee Nation: A resolution approving a budget adjustment in the amount of $500,000.00 to the Solid Waste Fund and recognizing like revenue from the Cherokee Nation for reimbursement of costs associated with operation of the Transfer Station.

B. Unfinished Business:
1. Hiring Freeze: Hiring Freeze Appeals:

City Prosecutor – One Hot Check Program Clerk

2. ADM 07-2712 Amend Chapters 151, 159, 161, 162, 163 and 164: An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 151: Definitions, Chapter 159: Fees, Chapter 161: Zoning Regulations, Chapter 162: Use Units, Chapter 163: Use Conditions and Chapter 164: Supplementary District Regulations in order to make accessory dwelling units a permitted use in all residential zoning districts contingent upon Planning Division administrative approval. *This ordinance was left on the First Reading at the March 18, 2008 City Council meeting. This ordinance was left on the Second Reading at the April 1, 2008 City Council meeting.*
3. Amend Chapters 151, 152 and 166: An ordinance amending Title XV: Unified Development of the Code of Fayetteville to amend Chapter 151: Definitions, Chapter 152: Administration and Chapter 166: Development in order to prohibit or regulate decentralized sewer systems within the city limits. *This ordinance was left on the First Reading at the April 1, 2008 City Council meeting.*
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