

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Allen
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Lioneld Jordan

**Final Agenda
City of Fayetteville Arkansas
City Council Meeting
May 20, 2008**

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

1. Wastewater System Improvement Project – David Jurgens, Water Wastewater Director

Agenda Additions: Expressing Gratitude Resolution to Tim Conklin.

A. Consent:

1. Approval of the May 6, 2008 City Council meeting minutes. **APPROVED.**
2. **Bid # 08-39 Insituform Technologies, Inc:** A resolution awarding Bid # 08-39 and approving a contract with Insituform Technologies, Inc. in the amount of \$330,000.00 for 2008 sanitary sewer main line and service lateral lining, cured in-place pipe method.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 104-08.

3. **Bid # 08-42 Southwest Trailer & Equipment:** A resolution awarding Bid # 08-42 and approving the purchase of one (1) light weight steel dump trailer from Southwest Trailer and Equipment in the amount of \$36,518.00 for use by the new Wastewater Treatment Plant; and approving a budget adjustment in like amount.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 105-08.

4. **Bid # 08-43 Wiese Planning and Engineering:** A resolution awarding Bid # 08-43 and approving the purchase of one (1) forklift from Wiese Planning and Engineering in the amount of \$24,803.00 for use by the new Wastewater Treatment Plant; and approving a budget adjustment in the amount of \$24,878.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 106-08.

5. **Bid # 08-44 Arkoma Playgrounds and Supply:** A resolution awarding Bid # 08-44 and approving a contract with Arkoma Playgrounds and Supply in the amount of \$34,214.00 for construction of a pavilion, sidewalk, and picnic tables at Gary Hampton Softball Complex; approving a project contingency in the amount of \$4,106.00; and approving a budget adjustment in the amount of \$50,000.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 107-08.

6. **RJN Group, Inc:** A resolution approving an Engineering Services Contract with RJN Group, Inc. in the amount of \$395,109.00 for a detailed sanitary sewer evaluation study in south Fayetteville and the City of Greenland; and approving a 5% contingency in the amount of \$19,800.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 108-08.

7. **Fayetteville Public Schools Contribution:** A resolution approving a budget adjustment in the amount of \$150,000.00 to the Fixed Assets Account and recognizing like revenue from the Fayetteville Public Schools for the installation of traffic signals at the intersections of Garland Avenue/Sixth Street and Starr Road/Mission Boulevard.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 109-08.

8. **Pinkley Sales Company:** A resolution approving the purchase of twelve (12) traffic signal preemption devices from Pinkley Sales Company in the amount of \$40,586.00; and approving a budget adjustment in the amount of \$12,000.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 110-08.

9. **Movies in the Park Program:** A resolution to approve a budget adjustment to recognize \$22,000.00 from the Community Development Block Grant Program for the Yvonne Richardson Center and \$2,500.00 from the Fayetteville Firefighters Association for the Parks Department "Movies in the Park" program.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 111-08.

- 10. Bid # 08-48 Video Production Switcher - Jim Lively & Associates:** A resolution awarding Bid # 08-48 and approving the purchase of one (1) video production switcher from Jim Lively and Associates in the amount of \$30,548.83 for use by the Peg Center.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 112-08.

- 11. South Industrial Park Lot 28E:** A resolution to accept approximately one acre from Lot 28E of the South Industrial Park to be attached to Lot 29E.

THIS ITEM WAS REMOVED FROM CONSENT FOR DISCUSSION.

The following item was removed from the Consent Agenda for discussion:

- 1. South Industrial Park Lot 28E:** A resolution to accept approximately one acre from Lot 28E of the South Industrial Park to be attached to Lot 29E.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 113-08.

Agenda Additions:

- 1. Fayetteville City Council's Gratitude to Tim Conklin:** A resolution to express the Fayetteville City Council's gratitude to Tim Conklin for his long years of effective, devoted, and valued service to Fayetteville.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 114-08.

B. Unfinished Business:

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

- (A) One Police Officer
- (B) One Telecommunications Technician
- (C) One Animal Services Caregiver
- (D) One Part-time Deputy Court Clerk

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 115-08.

- 2. 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 ordinance was left on the Second Reading and then tabled at the April 15, 2008 City Council meeting to the May 20, 2008 City Council meeting.*

THIS ITEM WAS TABLED TO THE JUNE 17, 2008 CITY COUNCIL MEETING.

3. **RZN 08-2934 (Newell/Morton):** An ordinance rezoning a portion of property described in rezoning petition RZN 08-2934, for approximately 0.37 acres, located at 1141 Hendrix from RSF-4, Residential Single Family, 4 units per acre, to RSF-8, Residential Single Family, 8 units per acre. *This ordinance was left on the First Reading at the May 6, 2008 City Council meeting.*

THIS ITEM FAILED.

4. **R-PZD 08-2915 (Hill Place):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 08-2915, Hill Place, located at the southwest corner of 6th Street and Hill Avenue; containing approximately 27.10 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the First Reading at the May 6, 2008 City Council meeting.*

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

5. **Bridgedale Plaza Appeal:** An ordinance establishing a Commercial Planned Zoning District titled C-PZD 08-2904 Bridgedale Plaza, located at the southeast corner of Highway 16 East and River Meadows Drive, containing approximately 15.95 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the Second Reading at the May 6, 2008 City Council meeting.*

THIS ITEM WAS TABLED TO THE JUNE 3, 2008 CITY COUNCIL MEETING.

C. New Business:

1. **RZN 08-2968 (Lazenby):** An ordinance rezoning that property described in rezoning petition RZN 08-2968, for approximately 0.49 acres, located at 3390 West 6th Street from R-O, Residential Office to C-1, Neighborhood Commercial.

THIS ITEM FAILED.

2. **VAC 08-2969 (Quality Lane Apartments):** An ordinance approving VAC 08-2969 submitted by Crafton, Tull, Sparks & Associates for property located northwest of Quality Lane and Gregg Avenue to vacate a portion of a utility easement within the subject property.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5144.

3. **Forest Hills PZD Rezone Appeal:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 07-2793 Forest Hills, located at Wedington Drive, south of Salem Road, containing approximately 82.38 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan.

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

- 4. Forest Hills Master Street Plan Amendment Request:** A resolution for R-PZD 07-2793 Forest Hills amending the Master Street Plan, realigning Golf Club Drive, a proposed north-south collector street, as described and depicted in the attached maps.

THIS ITEM WAS TABLED TO THE JUNE 3, 2008 CITY COUNCIL MEETING.

- 5. Hiring Freeze Amendment:** A resolution to amend Resolution No. 07-08 concerning the Hiring Freeze.

THIS ITEM FAILED.

- 6. Fayetteville Arts Festival Funding:** A resolution to request the Advertising and Promotion Commission to fund the Fayetteville Arts Festival.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 116-08.

Announcements:

- 1. City Council Tour: West Side Wastewater Treatment Plant**

Adjournment: Meeting adjourned at 11:40 p.m.

City Council Meeting:

May 20, 2008

Adjourn:

11:40 PM

Subject: Roll					
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Gray	Absent			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Mayor Coody	✓			

8-0

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

Subject: Consent		Item #11 removed - South Industrial Park Lot 28E			
Motion To:		Approve			
Motion By:		Jordan			
Seconded:		Lucas			
Minutes Approved Approved with Item # 11 moved to NB.	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Gray	absent			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Mayor Coody				

104-086112-08

7-0

Subject:		South Industrial Park Lot 28E			
Motion To:		Amendment	Pass		
Motion By:		Jordan	Jordan		
Seconded:		Thiel	Thiel		
Item #11 From Consent <u>Passed</u>	Rhoads	✓	✓		
	Ferrell	✓	✓		
	Lucas	✓	✓		
	Jordan	✓	✓		
	Gray	absent	absent		
	Thiel	✓	✓		
	Cook	✓	✓		
	Allen	✓	✓		
	Mayor Coody				

113-08

7-0

7-0

Subject: Agenda Addition Tim Conklin				
Motion To:		Add to Agenda	Approve	Resolution
Motion By:		Jordan ✓	Jordan	
Seconded:		Lucas	Ferrell	
Agenda Addition Tim Conklin Resolution Passed 1/14-08	Rhoads	✓	✓	
	Ferrell	✓	✓	
	Lucas	✓	✓	
	Jordan	✓	✓	
	Gray	Absent	Absent	
	Thiel	✓	✓	
	Cook	✓	✓	
	Allen	✓	✓	
	Mayor Coody			
		7-0	7-0	

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

Subject:		Hiring Freeze Appeals: One Police Officer (ONE)			
Motion To:		Approve!	Police Officer, Parttime Court Clerk, Telecommunication Engineer & Animal Caregiver.		
Motion By:		Rhoads			
Seconded:		Allen			
B.1. Unfinished Business <u>Approved</u> 115-08	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Gray	Absent			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Mayor Coody				

7-0

Subject:		Hiring Freeze Appeals: One Part Time Court Clerk			
Motion To:		Approved above			
Motion By:					
Seconded:					
B.1. Unfinished Business <u>Approved</u>	Rhoads				
	Ferrell				
	Lucas				
	Jordan				
	Gray				
	Thiel				
	Cook				
	Allen				
	Mayor Coody				

Subject: Hiring Freeze Appeals: Telecommunications Engineer					
Motion To:		<i>Approved</i>			
Motion By:					
Seconded:					
B.1. Unfinished Business <i>Approved</i>	Rhoads				
	Ferrell				
	Lucas				
	Jordan				
	Gray				
	Thiel				
	Cook				
	Allen				
	Mayor Coody				

Subject: Hiring Freeze Appeals: Animal Caregiver (Fulltime)					
Motion To:		<i>Approved</i>			
Motion By:					
Seconded:					
B.1. Unfinished Business <i>Approved</i>	Rhoads				
	Ferrell				
	Lucas				
	Jordan				
	Gray				
	Thiel				
	Cook				
	Allen				
	Mayor Coody				

Subject: Amend Chapters 151, 152 and 166				
Motion To:		Table - 2nd Meeting in June.		
Motion By:		Jordan		
Seconded:		Ferrell		
B.2. Unfinished Business <i>Tabled to June 17, 2008</i>	Rhoads	✓		
	Ferrell	✓		
	Lucas	✓		
	Jordan	✓		
	Gray	Absent		
	Thiel	✓		
	Cook	✓		
	Allen	✓		
	Mayor Coody			

7-0

Subject: RZN 08-2934 (Newell/Morton)				
Motion To:		2nd Read	3rd Read	Pass
Motion By:		Cook	Cook	
Seconded:		Ferrell	Ferrell	
B.3. Unfinished Business <i>Failed</i>	Rhoads	✓	✓	✓
	Ferrell	✓	✓	✓
	Lucas	✓	✓	N
	Jordan	✓	✓	N
	Gray	absent	absent	Absent
	Thiel	✓	✓	N
	Cook	✓	✓	N
	Allen	✓	✓	N
	Mayor Coody			

7-0

7-0

2-5

Subject: R-PZD 08-2915 (Hill Place)					
Motion To:		2nd Read	Amend the Condition of Approval.		
Motion By:		Jordan	Allen		
Seconded:		Lucas	Thiel		
B.4. Unfinished Business Left on the Second Reading	Rhoads	✓	✓		
	Ferrell	✓	✓		
	Lucas	✓	N		
	Jordan	✓	✓		
	Gray	Absent	Absent		
	Thiel	✓	✓		
	Cook	✓	✓		
	Allen	✓	✓		
Mayor Coody					

7-0

6-1

Subject: Bridgedale Plaza Appeal					
Motion To:		3rd Read		Table	
Motion By:		Ferrell		Ferrell	
Seconded:		Lucas		Jordan	
B.5. Unfinished Business Tabled to June 3, 2008	Rhoads	✓		✓	
	Ferrell	✓		✓	
	Lucas	✓		✓	
	Jordan	✓		✓	
	Gray	absent		Absent	
	Thiel	absent during the vote		✓	
	Cook	✓		✓	
	Allen	✓		✓	
Mayor Coody					

6-0

7-0

Failed

Passail

5144

Subject: Forest Hills PZD Rezone Appeal					
Motion To:		2nd Read			
Motion By:		Lucas ✓			
Seconded:		Jordan			
C.3 New Business <i>Left on the Second Reading</i>	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Gray	absent			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Mayor Coody				

7-0

Subject: Forest Hills Master Street Plan Amendment Request					
Motion To:		Table			
Motion By:		Jordan ✓			
Seconded:		Lucas			
C.4 New Business <i>Tabled to June 3, 2008</i>	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Gray	absent			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Mayor Coody				

7-0

Subject: Hiring Freeze Amendment					
Motion To:		Approve			
Motion By:		Rhoads			
Seconded:		Thiel			
C.5 New Business failed	Rhoads	✓			
	Ferrell	N			
	Lucas	N			
	Jordan	N			
	Gray	Absent			
	Thiel	✓			
	Cook	N			
	Allen	N			
	Mayor Coody				

2-5

Subject: Fayetteville Arts Festival Funding					
Motion To:		Amend Resolution	Pass		
Motion By:		Jordan	Allen		
Seconded:		Lucas	Thiel		
C.6 New Business Passed 116-08	Rhoads	✓	✓		
	Ferrell	✓	N		
	Lucas	✓	✓		
	Jordan	✓	✓		
	Gray	Absent	Absent		
	Thiel	✓	✓		
	Cook	✓	✓		
	Allen	✓	✓		
	Mayor Coody				

7-0

6-1

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
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One Police Officer – Police Department

One Part Time Court Clerk – District Court

2. **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 ordinance was left on the Second Reading and then tabled at the April 15, 2008 City Council meeting to the May 20, 2008 City Council meeting.*
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2. **VAC 08-2969 (Quality Lane Apartments):** An ordinance approving VAC 08-2969 submitted by Crafton, Tull, Sparks & Associates for property located northwest of Quality Lane and Gregg Avenue to vacate a portion of a utility easement within the subject property.
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4. **Forest Hills Master Street Plan Amendment Request:** A resolution for R-PZD 07-2793 Forest Hills amending the Master Street Plan, realigning Golf Club Drive, a proposed north-south collector street, as described and depicted in the attached maps.
5. **Hiring Freeze Amendment:** A resolution to amend Resolution No. 07-08 concerning the Hiring Freeze.

- 6. Fayetteville Arts Festival Funding:** A resolution to request the Advertising and Promotion Commission to fund the Fayetteville Arts Festival.

Announcements:

- 1. City Council Tour: None**

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

Added at
Agenda Session
5-13-08

A. 10
Bid # 08-48 Video Production
Switcher - Jim Lively & Associates
Page 1 of 24

5/20/2008

City Council Meeting Date

Susan Thomas

Submitted By

Public Information

Division

General Government

Department

Action Required:

A resolution awarding Bid 08-48, PEG Center Switcher Replacement to Jim Lively & Associates in the amount of \$30,548.83 for the purchase of a video production switcher.

\$ 30,548.83

Cost of this request

\$ 94,239.00

Category / Project Budget

PEG Equipment

Program Category / Project Name

4470-9470-5801-00

Account Number

\$ 10,396.25

Funds Used to Date

Other Capital Improvements

Program / Project Category Name

02061.3

Project Number

\$ 83,842.75

Remaining Balance

Sales Tax Capital Improvements

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

Previous Ordinance or Resolution #

Department Director

5/8/2008

Date

Original Contract Date:

City Attorney

5/8/08

Date

Original Contract Number:

Finance and Internal Service Director

5-8-08

Date

Received in City Clerk's Office



Mayor

5/9/08

Date

Received in Mayor's Office



Comments:

City Council Memo

TO: Mayor Coody and City Council

FROM: Susan B. Thomas, Ph.D., Public Information & Policy Advisor *SBT*

DATE: May 7, 2008

SUBJECT: PEG Studio Switcher Replacement

Recommendation

A resolution awarding Bid 08-48, PEG Center Switcher Replacement to Jim Lively & Associates in the amount of \$28,743.00 plus applicable taxes for the purchase of a video production switcher.

Background

The studio switcher is a device used to select between several different video sources and in some cases composite (mix) video sources together and add special effects. In effect, it allows a producer to switch from one camera (or some other video source) to another while producing a program. The City of Fayetteville PEG studio has been operating with an extremely outdated piece of equipment for almost as long as the studio has been operational. The current switcher was manufactured in 1973, has been repaired a number of times, and it has finally quit working. Staff requested bids on two different switcher products, the Braodcast Pix system and the Echolab System. We received four bids: two for the Echolab and two for the Broadcast Pix.

The PEG Equipment Committee met Wednesday May 7, 2008 and reached consensus that the lowest price bid meeting all bid specifications was the Echolab product from Jim Lively and Associates. While the Broadcast Pix system offered by EVS was the lowest overall bid at \$26,599, their bid was rejected for being non-responsive to requests for references, copy of warranty, and other missing materials. Fortunately, there are several additional factors that make the Echolab switcher a better overall purchase including display quality, availability of training, 3 years of extra warranty (\$2,600 value), and larger number of input/output sources which increases the equipment's longevity/usefulness. Of the two bids received for the Echolab switcher, Jim Lively and Associates provided the lowest bid at 28,743.

Current Status

Cable Administration and CAT staff members have been able to devise a temporary fix that is enabling the studio to limp along. However, the studio is not fully functional, and CAT has been forced to postpone/cancel some of their production activity. The switcher is an integral piece of equipment for any production studio. If we continue to expect CAT to meet their contract obligation and we continue to expect high quality productions from both CAT and Government Channel staff, it is critical that we replace the equipment and bring the studio back to 100%.

Budget Impact

The price of the equipment is \$28,743 plus sales tax. This purchase is a budgeted item included in the PEG Capital Improvements Plan.

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #08-48 AND APPROVING THE PURCHASE OF ONE (1) VIDEO PRODUCTION SWITCHER FROM JIM LIVELY AND ASSOCIATES IN THE AMOUNT OF \$30,548.83 FOR USE BY THE PEG CENTER.

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 #08-48 and approves the purchase of one (1) video production switcher from Jim Lively and Associates in the amount of \$30,548.83 for use by the PEG Center.

PASSED and APPROVED this 20th day of May, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

City Of Fayetteville

(Not a Purchase Order)

Vendor #: <u>New</u> Vendor Name: <u>Jim Lively & Associates</u>										Requisition No.: _____ Date: _____	
Address: <u>1206 Arbor Drive</u> City: <u>Bartlesville</u> State: <u>OK</u>										P.O. Number: _____ Expected Delivery Date: _____	
City: <u>Bartlesville</u> Requester: <u>Neal Bilbe</u> Ship to code: <u>165</u>										Mail Yes: _____ No: _____	
Requester's Employee #: <u>2390</u> Account Numbers: <u>4470-9470-5801-00</u>										Taxable Yes: _____ No: _____	
Extended Cost: <u>\$28,743.00</u> Unit Cost: <u>28,743.00</u> Unit of Issue: <u>1</u> Quantity: <u>1</u>										Quotes Attached Yes: _____ No: _____	
Description: <u>Echolab Overature 1 SD 812 Full System</u>										Division Head Approval: _____	
Item: <u>1</u> Extended Cost: <u>\$28,743.00</u> Unit Cost: <u>28,743.00</u> Unit of Issue: <u>1</u> Quantity: <u>1</u>										Extension: <u>438</u> Project/Subproject #: <u>02061-3</u>	
2 Extended Cost: <u>\$0.00</u> Unit Cost: <u>\$0.00</u> Unit of Issue: <u>1</u> Quantity: <u>1</u>										Inventory #: _____ Fixed Asset #: _____	
3 Extended Cost: <u>\$0.00</u> Unit Cost: <u>\$0.00</u> Unit of Issue: <u>1</u> Quantity: <u>1</u>											
4 Extended Cost: <u>\$0.00</u> Unit Cost: <u>\$0.00</u> Unit of Issue: <u>1</u> Quantity: <u>1</u>											
5 Extended Cost: <u>\$0.00</u> Unit Cost: <u>\$0.00</u> Unit of Issue: <u>1</u> Quantity: <u>1</u>											
6 Extended Cost: <u>\$0.00</u> Unit Cost: <u>\$0.00</u> Unit of Issue: <u>1</u> Quantity: <u>1</u>											
7 Extended Cost: <u>\$0.00</u> Unit Cost: <u>\$0.00</u> Unit of Issue: <u>1</u> Quantity: <u>1</u>											
8 Extended Cost: <u>\$0.00</u> Unit Cost: <u>\$0.00</u> Unit of Issue: <u>1</u> Quantity: <u>1</u>											
9 Extended Cost: <u>\$0.00</u> Unit Cost: <u>\$0.00</u> Unit of Issue: <u>1</u> Quantity: <u>1</u>											
10 Extended Cost: <u>\$0.00</u> Unit Cost: <u>\$0.00</u> Unit of Issue: <u>1</u> Quantity: <u>1</u>											
Shipping/Handling Lot											
Special Instructions: _____										Subtotal: <u>\$28,743.00</u>	
										Tax: <u>\$1,805.83</u>	
										Total: <u>\$30,548.83</u>	

Approvals: _____
 Mayor: _____
 Finance & Internal Services Director: _____
 Dispatch Manager: _____
 Department Director: _____
 Budget Manager: _____
 Utilities Manager: _____
 Purchasing Manager: _____
 IT Manager: _____
 Other: _____

City of Fayetteville
Bid 08-48, PEG Center Switcher Replacement - 2 of 2
Bid Form

*GUARANTEED DELIVERY DATE: 10 Days, A.R.O.

F.O.B. Cable Administration, 101 W. Rock Street, Fayetteville, AR 72701

ITEM:	DESCRIPTION:	QUANTITY:	*PRICE EACH:	*TOTAL PRICE
1.	PEG Center Switcher Replacement as specified	1	\$ <u>28,743.00</u>	\$ <u>28,743.00</u>
Please Specify for Unit(s) Bid:				
*MANUFACTURER:	<u>Echolab</u>		MODEL: <u>OVERTURE 1 SD 812 FULL SYSTEM</u>	

TOTAL BID PRICE: \$ 28,743.00

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: Jim Lively & Associates

Purchase Order/Payments shall be issued to this name

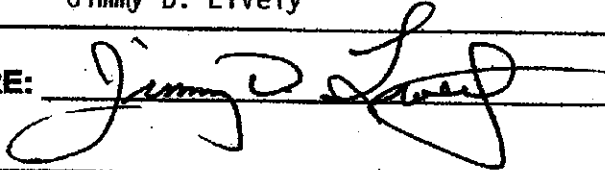
*BUSINESS ADDRESS: 1206 Arbor Drive

*CITY: Bartlesville *STATE: OK *ZIP: 74006

*PHONE: (918) 335-3187 FAX: (918) 335-3187

*E-MAIL: jmlively@cableone.net

*BY: (PRINTED NAME) Jimmy D. Lively

*AUTHORIZED SIGNATURE: 

*TITLE: Owner

City of Fayetteville
Bid 08-48, PEG Center Switcher Replacement - 2 of 2
Detailed Specification: Switcher Replacement 2 of 2

1.0 GENERAL -

- 1.1 The Fayetteville PEG Center will be replacing its existing production switcher, Model JVC-KM2500 with an Echolab Opera 804 model switcher with additional options installed and accessories. The Echolab 804 prior to January 1, 2008 was referred to as the Opera 1308.
- 1.2 All unit(s) bid must meet or exceed the minimum requirements or they will be deemed incomplete and will not be considered for bid award.

2.0 MANUFACTURER / MODEL -

- 2.1 Unit(s) bid must be of the latest standard production model as offered for commercial trade.

3.0 TECHNICAL SPECIFICATIONS - Echolab Opera 804 Base System and Additional Components

Please refer to 'Declarations' for additional information & warranty.

- ✓ 3.1 Echolab Opera 804 Base System * Note model # change to "OVERTURE 1 SD 812-
Full System"
- 3.2 Two (2) 4 Analog Input Module with the following connections
 - a. ✓ 3x Component Analog Camera CCU Connections
 - b. ✓ 1x Component Analog DVD Connection
 - c. ✓ 1x Y/C to SVIDEO DVCAM Deck Connection
 - d. ✓ 1x Composite Camera Connection
 - e. ✓ 1x Composite S-VHS Deck Connection
 - f. ✓ Include for each input 3-8000 FSF, 3-8000 FST
- ✓ 3.3 Four (4) Analog/ Digital Outputs
- ✓ 3.4 Opera Overture 1 Panel
- 3.5 FX Pack Consisting of:
 - a. ✓ 2 additional keyers with chromakey and pattern generator
 - b. ✓ Down Stream Keyer 2 (DSK2)
 - c. ✓ Two 2D DVE's with 2D rotation
 - d. ✓ Echolab graphics utility / CD
 - e. ✓ Additional wipe patterns
- ✓ 3.6 Additional System Components shall include
 - a. ✓ New equipment rack
 - ◆ 20 rack spaces

- ◆ 20 space rear rack rails included
- ◆ Depth of 18 inches
- ◆ Must be EIA Compliant and UL Listed

- ✓ 3.7 Link Electronics 812 OP/B Digital Black Burst Generator- Rack Card
- ✓ 3.8 Link Electronics SPG-812 Master Generator Chassis
- ✓ 3.9 Five (5) Middle Atlantic VTF-1 1RU Vent Panels, Fine Perforation Pattern
- ✓ 3.10 * All components, Y/C cables pre-assembled, all cabling to be Belden RG6 1694A Type, or approved equivalent. Approved equivalent cable substitutions must list appropriate 3 piece cable terminations, cutting tools, and crimping die, or compression style connectors and appropriate cutting tool. * Please see 'Declarations' for cabling we are offering to provide, with guidance from your technical group.
- ✓ 3.11 Additional cable (Type: Belden 1694A) to be available for onsite assembly of composite cables, or approved equivalent. Approved equivalent cable substitutions must list appropriate 3 piece cable terminations, cutting tools, and crimping die, or compression style connectors and appropriate cutting tool.
- ✓ 3.12 Fifty (50) Phillips rack screws with washers. Standard 3/4" long rack screws with 10-32 threads feature self-guiding pilot points
- ✓ 3.13 * Three (3) 14" Broadcast Color NTSC Monitors, either flat screen or CRT with composite BNC inputs, capable of displaying an NTSC D-1 image * Please see 'Declarations' for System Monitoring items, by type and model numbers, with warranty.
- ✓ 3.14 * One (1) NTSC Quad Splitter with composite BNC inputs and outputs with final output NTSC D-1 image * Please see 'Declarations' for item # and warranty information.
- ✓ 3.15 External Computer Video Server or "Clipstore"
Please see 'Declarations' for warranty information on Computer related items.
a. ✓ The entire system purchases shall meet or exceed the following specifications for hardware components:
 - ◆ Intel Xeon Quad Core 2 GHz processor
 - ◆ 4GB of ECC DDR2 667 RAM
 - ◆ Server class motherboard (dual processor capable)
 - ◆ Silent 4U rackmount case
 - ◆ 320 gig SATA system hard drive
 - ◆ 500 gig SATA video hard drive
 - ◆ NVidia PCI Express x16 video card with 512 mb video ram
 - ◆ Blackmagic DeckLink Extreme PCIe SDI in/ out card with analog audio and gunlock
 - ◆ Two 18x DVD±R drives
 - ◆ Memory card reader
 - ◆ One (1) 20" LCD monitor capable of displaying either DVI or RGB, 1680x1050 resolution
 - ◆ USB Keyboard and USB optical mouse

b. ☒ The entire system purchases shall meet or exceed the following specifications for software components:

- ◆ Microsoft Vista Ultimate operating system, Either 32 or 64 bit, but vendor must insure that the software and hardware will work with the version of Microsoft Windows provided.
- ◆ Adobe CS3 Production Suite (Premiere Pro, Photoshop Extended, After Effects Pro, Encore, Flash Pro, Illustrator, and Soundbooth)
- ◆ Microsoft Live OneCare Anti-virus
- ◆ Nero 7

4.0 ☒ **VENDOR REQUIREMENTS, QUALIFICATIONS & CONDITIONS --**

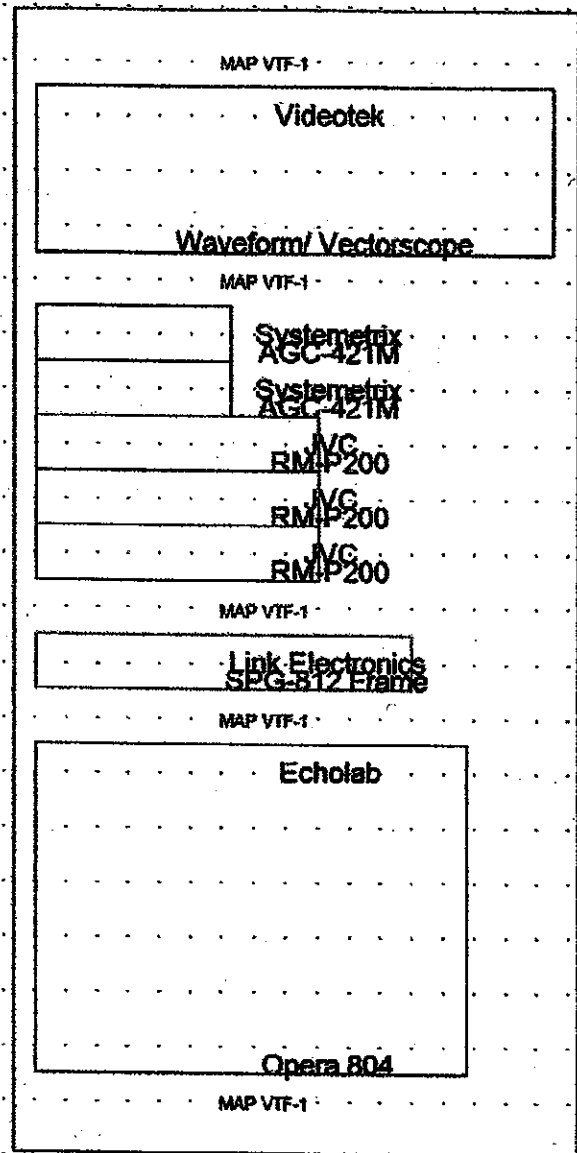
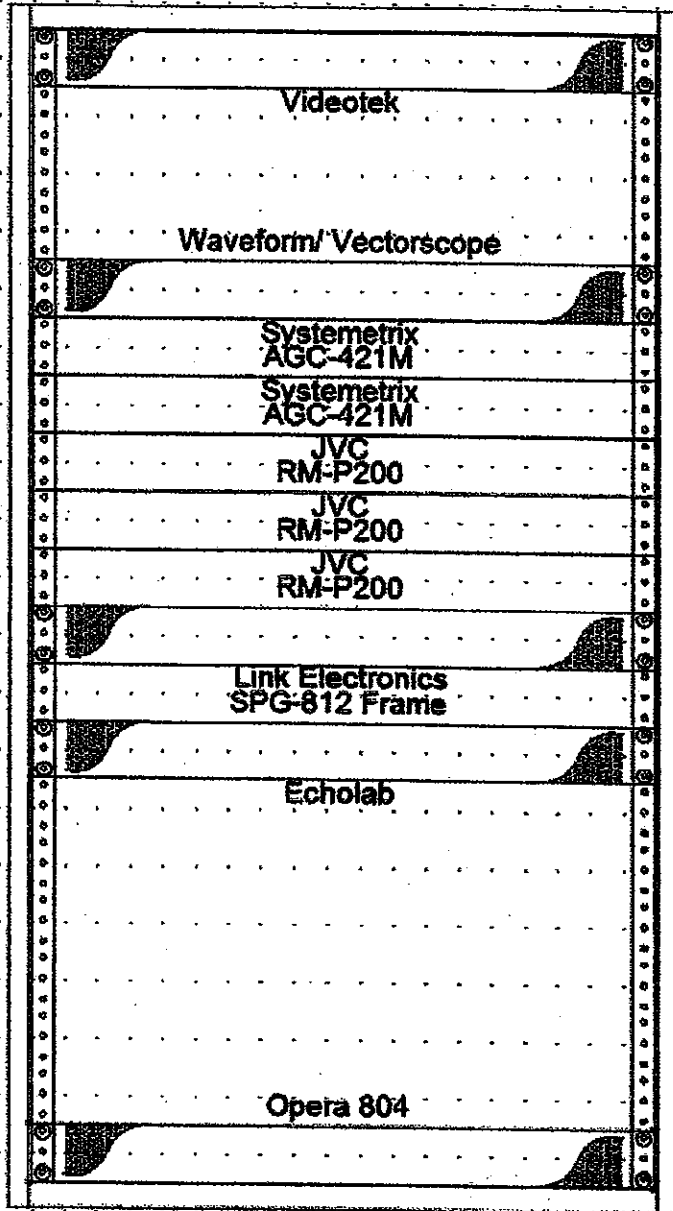
- ☒ 4.1 All bidders shall be able to provide onsite service within 6 hours of notification
- ☒ 4.2 **VENDOR QUALIFICATION:** All bidders shall provide a list of five (5) previous clients that have had the same type system bid that has been installed within the past three (3) years. Bidders shall provide the following contact information for each of the 5 references:
- a. ☒ Name of Company
 - b. ☒ Contact Person
 - c. ☒ Complete Address
 - d. ☒ Phone Number
 - e. ☒ E-Mail Address
 - f. ☒ Make and Model of Unit
 - g. ☒ Date of Installation Completion
 - h. ☒ Number of times system has failed or experienced significant system down time that exceeded 30 minutes
- ☒ 4.3 Terms for payment shall be within thirty (30) days of final installation and system completion approval by City Staff
- ☒ 4.4 Bidders shall have a relationship with manufacturer and factory that demonstrates excellent customer service which results in little or no down time of system after final installation. This relationship shall be reflected through references provided.
- ☒ 4.5 Vendor shall provide a rack layout based on complete products bid. Final vendor rack layout shall not be significantly different from visual provided herein.
- ☒ 4.6 Vendor shall have the ability to provide adequate temporary equipment in the event product(s) bid cause system failure.

City of Fayetteville
Bid 08-48, PEG Center Switcher Replacement – 2 of 2
Equipment Visual of Estimated Final Project

Please note that our final 'model' will be as is shown on this layout.

Front

Side



Middle Atlantic Products
BRK20

Middle Atlantic Products
BRK20

Bid 08-48, Addendum 1



Date: Monday, April 28, 2008

To: All Prospective Vendors

From: Andrea Foren, CPPB - 479.575.8220 - aforen@ci.fayetteville.ar.us

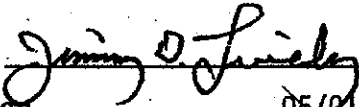
RE: Bid 08-48, PEG Center Switcher Replacement 2 of 2

This addendum is hereby made a part of the contract documents to the same extent as though it were originally included therein. Bidders should indicate their receipt of same in the appropriate blank of the Form of Proposal. Failure to do so may subject bidder to disqualification. Addendum shall be attached to the inside cover of the bidding documents, signed, and dated.

- 1.) The deadline for Bid 08-48, PEG Center Switcher Replacement 2 of 2 is changed to **Friday, May 2, 2008 at 2:30 PM, CST.**

Acknowledge Addendum #1:

Printed Name: Jimmy D. Lively

Signature: 

Title: Owner Date: 05/01/08

Company: Jim Lively & Associates

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Canada

consumer products

business products

industrial products

business products

TH-42PH10UKA

42" Widescreen Professional HD Plasma Display
MSRP: \$1,888.00

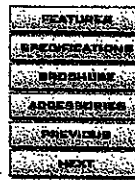
TH-50PH10UKA

50" Widescreen Professional HD Plasma Display
MSRP: \$2,428.00

- Industry leading 16-bit processing produces 3,072 steps of gradation
- Up to 10,000:1 contrast with new Real Black Creation technology
- New Deep Black Filter achieves the highest contrast ratio when viewed in brightly-lit rooms
- Multi-function plug-in slots for added connectivity/expandability options
- Outstanding service life of 60,000 hours
- Newly-developed phosphor significantly resists image-retention as effectively as CRT displays
- New advanced dual picture mode
- Multi-display function enhances system capability
 - Expanded configurations for multi-screen displays
 - Ability to enlarge an image up to 4x vertically and horizontally
- Weekly command timer
- Resolution: 1024 x 768 (TH-42PH10UKA)
- Resolution: 1366 x 768 (TH-50PH10UKA)
- Supports: VGA, SVGA, XGA, SXGA, and UXGA PC signal compatibility
- Supports 1080i/60i, 1080/60i, 1080/24p, 1080/25p, 1080/30p, 720/60p, 720/50p, 480/60p, 480/60i signal compatibility
- Go from an on-board PC to CAT5 to HD-SDI with a wide array of optional boards to customize a panel to suit practically any application



[CLICK TO ENLARGE](#)



[MAIN PAGE](#)

48-hour on-site service

[Click here to learn more about our 48-hour on-site service.](#)



Prices listed are suggested resale prices only. Dealer or reseller may sell for less.
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Canada

Panasonic Canada Inc.

consumer products
 business products
 industrial products

business products

Series 10 - Specifications

MAIN PAGE

Models / Features		TH-37PH10UK	TH-42PH10UKA	TH-50PH10UKA	TH-55PH10UKA
Display					
Screen size (diagonal)		37"	42"	50"	55"
Aspect ratio		16:9	16:9	16:9	16:9
Effective display area (W x H)		819 x 457 mm	922 x 518 mm	1,106 x 622 mm	1,287 x 725 mm
Resolution (H x V) (1 pixel = 3 cells for R, G and B)		1,024 x 720 pixels	1,024 x 768 pixels	1,366 x 768 pixels	1,366 x 768 pixels
Pixel pitch (H x V)		0.800 x 0.835 mm	0.900 x 0.675 mm	0.810 x 0.810 mm	0.942 x 0.942 mm
Brightness		1,200 cd/m ²			
Contrast ratio		10,000:1			
Gradation		3,072 steps (equivalent)			
Signal Compatibility					
Scan rate (frequency)	Horizontal	15-110 kHz			
	Vertical	48 -120 Hz			
PC signal compatibility		VGA, WVGA, SVGA, XGA, WXGA, SXGA, UXGA and WUXGA			
Supported video standards		NTSC, PAL, PAL 60, SECAM, modified NTSC			
Video signal compatibility		525 (480) / 60i, 60p, 625 (575) / 50i, 50p, 750 (720) / 60p, 50p, 1125 (1080) / 60i, 50i, 24p, 24pF, 25p, 30p, SMPTE27-4M, 1250 (1080) / 50i			
Input / Output					
Fixed terminal	PC IN	Mini D-sub 15pin x 1, analog RGB/component [Plug & Play (VESA DDC 2B)]			
	AUDIO IN	M3 jack x 1			
	SERIAL	D-sub 9-pin x 1, External control, RS-232C compatible			
Interchangeable terminals (slots)	Slot1	CVBS IN: BNC x 1 composite	Vacant		
		AUDIO IN (L/R): RCA pin jack x 2			
		S-VIDEO: x 1			
	Slot2	COMPONENT IN: BNC x 3, analog RGB/component	HDMI In: x 2		
		AUDIO IN (L/R): RCA pin jack x 2			
	Slot3	—	COMPONENT IN: BNC x 3, analog RGB / component AUDIO IN (L/R): RCA pin jack x 2		
—					
Audio output		16 W (8 W + 8 W) (10% THD)			
General					
Power requirements		120 V AC / 50 Hz/60 Hz			
Power consumption		340 W	380 W	505 W	660 W
Power off condition		0.2 W		0.1 W	
Stand-by condition		Save OFF 0.7 W / Save ON 0.5 W		Save OFF 0.6 W / Save ON 0.4 W	
Dimensions (W x H x D) / mm		920 x 550 x 89	1,020 x 610 x 89	1,210 x 724 x 95	1,399 x 843 x 99
Weight (approx)		22.0 kg	26.0 kg	36.0 kg	54.0 kg
Operating environment	Temperature	0°C - 40°C			
	Humidity	20% - 80% (non-condensation)			
	Altitude	0 - 2,500 m			
Storage environment	Temperature	-20°C - 60°C			
	Humidity	20% - 90% (non-condensation)			
	Altitude	0 - 3,300 m			
EMI regulations		FCC Part 15 (Class B digital devices)			
Safety standards		UL6500 Ver.2			

Note: Specifications are subject to change without notice.

48-hour on-site service

Click here to learn more about our 48-hour on-site service.





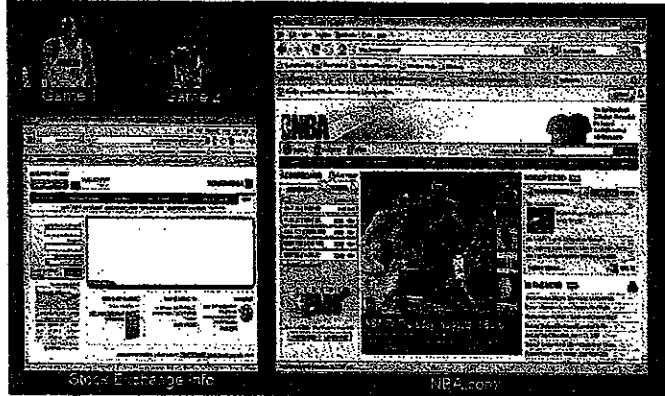
PRODUCT DATA SHEET

RAINIER SERIES

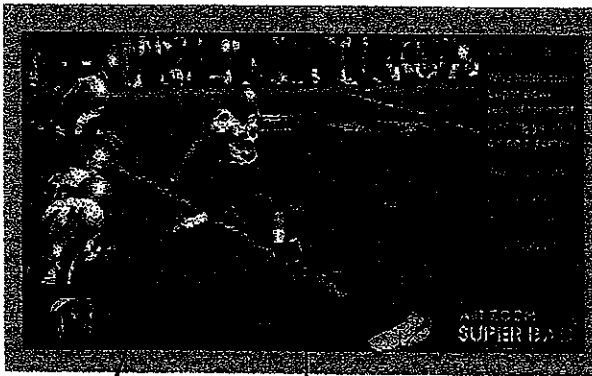
Entry-Level Multi-Image VGA / DVI & Video



RAINIER 4d - 4 auto-detect SD-SDI / composite video (PAL / NTSC)



RAINIER 2a2v - 2 auto-detect VGA / DVI (YPbPr)
PLUS 2 auto-detect composite video (PAL / NTSC)



Set-Top Box 1080P Input Computer 1080P Background Input

RAINIER 2v - 2 auto-detect VGA / DVI (YPbPr)

RAINIER OPTIONS INCLUDE:

- RAINIER-Blank - Blank front panel to attach to a single 1/2 RU for Rainier Series
- RAINIER-RMT - Rackmount for 2 1/2 RU for Rainier Series
- DVII-DB15 - DVI to VGA connector
- YPbPr - DVI to YPbPr breakout cable
- S-Video Adaptor



RAINIER 8d1v - 8 auto-detect SD -SDI / composite video
(PAL / NTSC) PLUS 1 auto-detect VGA / DVI (YPbPr)

HEADQUARTERS

Avitech International Corporation
15333 NE 90th Street
Redmond, WA 98052-3561
USA
Phone: +1 (425) 885 3863
Toll Free: +1 (877) AVITECH (284-8324)
Fax: +1 (425) 885-4726
E-Mail: info@avitechvideo.com
Press & Media: Delamere Marketing
admin@delameremarketing.com

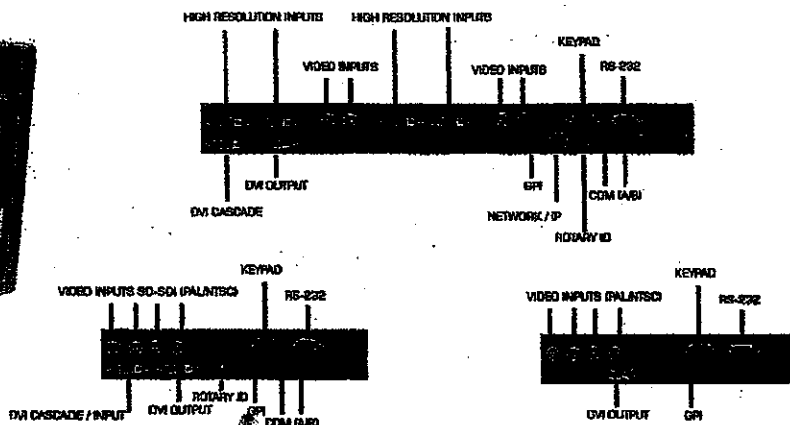
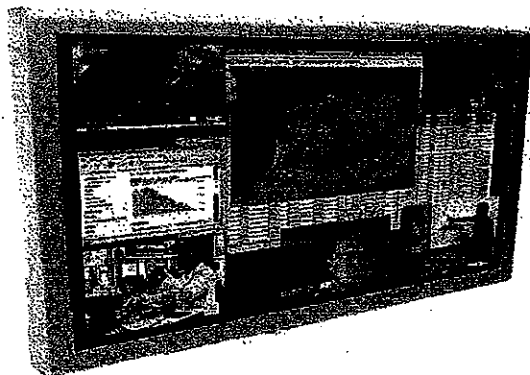
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Specifications subject to change without notice

www.avitechvideo.com

MONITORING MADE EASY

Entry-Level Multi-Image VGA / DVI & Video



- Input: 2 auto-detect VGA / DVI (NVIDIA) 480P 60 Hz, 720P 50/60 Hz, 576P 50 Hz, and 1080i 50/60 Hz
- Output Resolution up to 1600x1200 / 1920x1080 / 1920x1200
- Up to 26 internal presets
- On-screen labels, borders
- Built-in digital clock

- Input: 4 auto-detect VGA / DVI (VFPbP) 480P 60 Hz, 720P 60/60 Hz, 576P 50 Hz, and 1080i 50/60 Hz
- Output Resolution up to 1600x1200 / 1920x1080 / 1920x1200
- Up to 26 internal presets
- On-screen labels, borders
- Built-in digital clock

- **Input:** 2 auto-detect VGA / DV (YPbPr) 480P 60 Hz, 720P 50/60 Hz, 576P 50 Hz, and 1080i 50/60 Hz PLUS 2 auto-detect composite video (PAL / NTSC)
- **Output Resolution** up to 1600x1200 / 1920x1080 / 1920x1200
- Up to 26 internal presets
- On-screen labels, borders
- Built-in digital clock

- Input: 4 auto-detect VGA / DVI (VPA+P) 460P 60 Hz, 720P 50/60 Hz, 576P 50 Hz, and 1080i 50/60 Hz PLUS 4 auto-detect composite video (PAL / NTSC)
- Output Resolution up to 1600x1200 / 1920x1080 / 1920x1200
- Up to 28 internal presets
- On-screen labels, borders
- Built-in digital clock

- Input: 4 auto-detect composite video (PAL/NTSC)
- Output Resolution DV / VGA up to 1366 x 768 / 1440 x 900 / 1400 x 1050
- On-screen labels, borders
- Audio Mixers for Embedded Audio
- Supports direct TSI Tally Interface

- **Input: 4 auto-detect composite video (PAL / NTSC) PLUS 1 auto-detect VGA / DVI (Y/PbPr) 480P 60 Hz, 720P 50/60 Hz, 576P 50 Hz, and 1080i 50/60 Hz**
- **Output: Resolution up to 1600x1200 / 1920x1080 / 1920x1200**
- **On-screen labels, borders**
- **Audio Meters for Embedded Audio**
- **Supports direct TSL Tally Interface**
- **Cascade up to 4 modules for 16 video inputs PLUS 1 VGA/DVI input**

- Input: 8 auto-detect composite video (PAL / NTSC) PLUS 1 auto-detect VGA / DVI (YPrPb) 480P 60 Hz, 720P 50/60 Hz, 576P 50 Hz, and 1080i 50/60 Hz
- Output Resolution up to 1600x1200 / 1920x1080 / 1920x1200
- On-screen labels, borders
- Supports direct TSL Telly interface
- Cascade 2 modules for 16 video inputs PLUS 1 VGA/DVI input

- Input: 4 auto-detect SD-SDI / composite video (PAL / NTSC)
- Output Resolution DV / VGA up to 1280 x 768 / 1440 x 900 / 1400 x 1050
- On-screen labels, borders
- Audio Meters for Embedded Audio
- Supports direct TSL Tally Interface

- Input: 4 auto-detect SD - SDI / composite video (PAL / NTSC) PLUS 1 auto-detect VGA / DVI (YPbPr) 480P 60 Hz, 720P 50/60 Hz, 576P 50 Hz, and 1080i 50/60 Hz
- Output Resolution up to 1600x1200 / 1920x1080 / 1920x1200
- On-screen labels, borders
- Supports direct TSL Tally Interface
- Cascade up to 4 modules for 16 video inputs PLUS 1 VGA/DVI Input

- Input: 8 auto-detect SD-SDI / composite video (PAL / NTSC) PLUS 1 auto-detect VGA / DVI (YPbPr) 480P 60 Hz, 720P 50/60 Hz, 576P 50 Hz, and 1080i 50/60 Hz
- Output Resolution up to 1600x1200 / 1920x1080 / 1920x1200
- On-screen labels, borders
- Audio Meters for Embedded Audio
- Supports direct TSL Tally interface
- Cascade 2 modules for 16 video inputs PLUS 1 VGA/DVI input

General Specifications

Supplier shall ASSESSMENT AND
COMMITMENT TO THE COMPANY'S
VALUES AND CULTURE OF EXCELLENCE
AND INTEGRITY.

General Specifications: **Aluminum**, 24" x 36" x 1/2"
 • 100% Durable
 • Powder Coated
 • 10 Year Limited Warranty
 • Weight: 300 lbs.
 • Power: 300W

General: Shoreline 1000000000 1000000000 1000000000 1000000000
1000000000 1000000000 1000000000 1000000000 1000000000
1000000000 1000000000 1000000000 1000000000 1000000000
1000000000 1000000000 1000000000 1000000000 1000000000

Declarations for Bid # 08-48 PEG Center Switcher Replacement -2 OF 2

Detailed Specifications, (with respect to: P / N Identification and warranty).

Cable Administration Bid Preparation, page 5 of 9, Technical Specifications,

Item 3.1 Echolab Production switcher, part number has been updated to OVERTURE 1 SD 812- FULL SYSTEM, and includes EIGHT ANALOG INPUTS and EIGHT ANALOG COMPOSITE /SDI OUTPUTS AND FOUR SDI /COMPOSITE, Y/C, COMPONENT OUTPUTS.

WARRANTY ON SWITCHER IS FIVE YEARS, PARTS AND LABOR. STANDARD WARRANTY FROM FACTORY IS THREE YEARS, SO THE VALUE ADDED EXTENSION OF WARRANTY IS VALUED AT \$2,600.00 (\$1,300.00 / YEAR)

Item 3.7 Link Electronics Model 812 OP/B WARRANTY IS TEN YEARS

Item 3.8 Link Electronics Model SPG-812 Master Generator Chassis WARRANTY IS TEN YEARS

Item 3.10 Cabling will be provided to all inputs to the Echolab Switcher in the specified format by Cable Administration Technical Support staff, and will be a specified, (either Belden RG-59U for Composite / Component Cables , and in

Item 3.11 Belden 1694A for SDI cabling, and will be harnessed and terminated with BNC Connectors, as specified.

Item 3.13 Will be a Panasonic 42" Plasma Monitor, model # TH-42PH10UKA, and will display images provided to it by item 3.14. Warranty is Two Years, P & L. Specification sheet is provided.

Item 3.14 Is a NINE input Avitech International model # 8d1V Rainier series Multiviewer, and will accept either Composite or SDI (Digital) signals on eight of the inputs and on input # 9 may be (either a VGA or DVI Computer Input), and all signals may be placed on any position on the screen and sized to fit 4 X 3, or 16:9 operation. Warranty is FIVE YEARS. Specification sheet is provided.

Item 3.15 External Computer Video Server, Clip Store and 'Still Store', with Dual Frame Buffers from OVERTURE 1 Echolab switcher , using Photo Shop Plug In inside this Computer, as specified by your request. Please see below for additional information and warranty on Computer Peripherals listed below.

Item # 3.15 part a., and part b. YES, we meet the specifications, and also offer the following, for clarification purposes as to hardware and software components, and how they fit in with the switcher bid, overall.

Computer Specifications for City of Fayetteville, AR, - 05-/01/08

Capabilities Include: From the 'Program' (AUX BUS) Output of the OVERTURE 1 Switcher, and or 'Preview' (AUX BUS) of the switcher, in Composite, Y/C (S-VHS) and Component (Analog) inputs, and as above Analog outputs, as well as Serial Digital Outputs. The Computer will accomplish these parameters, at the minimum, and more after training.

- 1) Capture video of programming in full SDI resolution
- 2) Video editing (Adobe Premier)
- 3) DVD authoring
- 4) Graphic creation (still and motion)
- 5) Display information (playback) for conferences, etc, and videos on screens in various applications.

The system will meet or exceed the following specifications.

Hardware Components

- Intel Xeon Quad Core 2 GHz processor
- 4GB of ECC DDR2 667 RAM
- Server class motherboard (dual processor capable)
- Silent 4U rack-mount case
- 320 gig SATA system hard drive
- 500 gig SATA video hard drive
- N-NVIDIA PCI Express x16 video card with 512 mb video ram
- Blackmagic DeckLink Extreme PCIe SDI in/ out card with analog audio and genlock
- Two 18x DVD±R drives
- Memory card reader
- 20" LCD monitor
- USB Keyboard and optical mouse

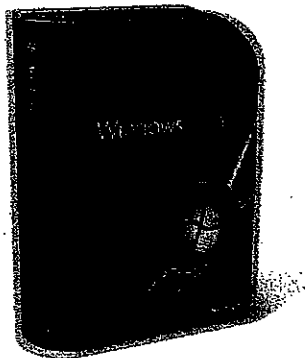
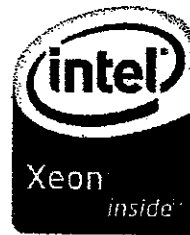
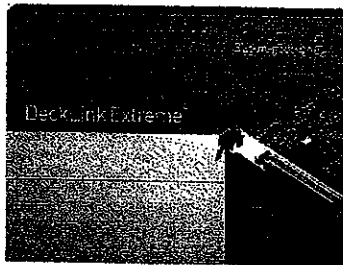
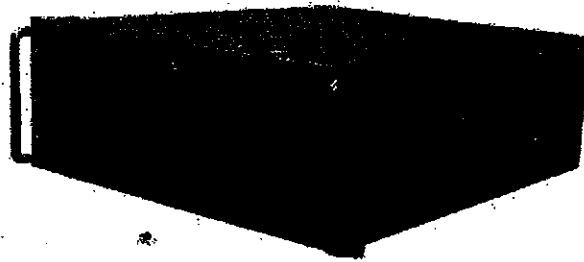
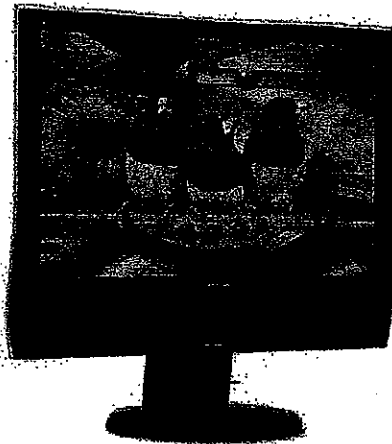
Software

- Microsoft Vista Ultimate operating system
- Adobe CS3 Production Suite (Premiere Pro, Photoshop Extended, After Effects Pro, Encore, Flash Pro, Illustrator, and Sound-booth)
- Microsoft Live OneCare Anti-virus
- Nero 7

Images of items we will supply, as shown below, and include the following:
22" Widescreen DVI / VGA Reference Monitor, 1680 X 1050 Resolution, with
Speakers. 4RU Rack Mount Case, and includes three trays for add on removable

Hard Drives (HDD) for additional SATA storage and transfer of information to alternate locations.

Images of Software Component cases, which will be provided, as shown below: Black Magic Deck-Link Extreme, Adobe CS-3 Production Suite, Intel Xeon Processor, Microsoft Vista Ultimate.



Warranty Information: On Computer hardware, is covered by a three year express replacement warranty. Next day replacement on items such as Intel, Kingston, Samsung internal processors, and includes the Motherboard, Processor, Ram, Video Card, Power Supply, Hard Drives, and the VGA /DVI Monitor. Balance of computer peripherals is one year.

SYSTEM TRAINING:

SYSTEM TRAINING WILL BE PROVIDED FOR A TOTAL OF TWO MAN- DAYS, ONE ON THE ECHOLAB SWITCHER, AND ONE ON THE OTHER SUB-SYSTEMS.

ADDITIONALLY WILL HAVE A FACTORY ECHOLAB PERSON TO DO AN AFTER SYSTEM INTEGRATION FOR A 'LUNCH AND LEARN' FOLLOW UP.

Item 4.2 Vendor Qualifications:

#1 Reference:

Company: Denver First Church of the Nazarene. Contact: Mike John

Address 3800 W. Hampden Avenue, Englewood, CO, 801113

Phone: (303) 761- 8370

Michael John (mikej@dfcnaz.org)

Echolab TWO OPERA 3408'S (two switchers, one for 'TV Broadcast & one for their four "IMAG" Screens

Installed: May 23, 2006

NO System failures.

#2 Reference:

Company: McKinney Memorial Bible Church Contact: David Hedrick

Address: 4805 Arborlawn Drive Fort Worth, TX, 76109

Phone: (817) 921-5200

David Hedrick davidhedrick@mckinneychurch.com

Echolab Nova 1716

Installed February 3, 2006

No System Failures

#3 Reference:

Company: Bethany Baptist Church Contact: Chrystal Gaines / Joel Kline

Address: 1115 Gibbsboro Road, Lindenwold, N.J. 08021

Phone (856) 784- 2220

Joel Kline (joel@infinityconcepts.net)

Echolab OPERA 3408

Installed August, 2006

No System Failures

4 Reference:

Company: Big Picture Productions **Contact:** Evan French
Address: 3407 Ambrose, Nashville, TN, 37207
Phone: (913) 461-5820
Evan French efrench@bigpictureprod.com
Echolab OPERA 1608 Base System
Installed January 16, 2008
No System failures

5 Reference:

Company: First Baptist Church, El Dorado, AR. **Contact:** Pastor Lynn Worthen
Address 200 W. Main St. El Dorado, AR, 71720
Phone (870) 863-7177
Dr. Lyndell P. Worthen, Jr. pastorfbs@suddenlinkmail.com
Echolab OPERA 3408
Installed February 2007
No System Failures

6 Reference:

Company: First Baptist Church, San Angelo, TX, **Contact:** Tom Dufresne
37 E. Harris St. San Angelo, TX 76903

Email: Tom.Dufresne@lcom.com

Phone: (325)277-2803
Echolab OVERTURE 1
Installed March 14, 2008
No System Failures

This completes my bid preparation package. Please feel free to call me if you have any questions.

Thank you for this opportunity to be of service.


Jimmy D. Lively

Jim Lively & Associates



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 08-48, PEG Center Switcher Replacement – 2 of 2

DEADLINE: Friday, May 09, 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: Wednesday, April 23, 2008

INVITATION TO BID

BID 08-48, PEG CENTER SWITCHER REPLACEMENT – 2 of 2

No late bids will be accepted. Bids shall be submitted in sealed envelopes labeled "Bid 08-48, PEG Center Switcher Replacement – 2 of 2" 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.

City of Fayetteville
Bid 08-48, PEG Center Switcher Replacement – 2 of 2
Terms & 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) or other City personnel. 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) 575-8289 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 Fayetteville Cable Administration, 101 W. Rock Street, 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 08-48, PEG Center Switcher Replacement – 2 of 2
Statement of No-Bid – If Applicable

We, the undersigned, have declined to bid for the following reason(s):

1. _____ We do not offer this service/product
2. _____ Our schedule would not permit us to perform
3. _____ Unable to meet specifications
4. _____ Insufficient time to respond to the Invitation to Bid
5. _____ We are unable to meet bond requirements
6. _____ Other (Explain) _____

*NAME OF FIRM: _____

*BUSINESS ADDRESS: _____

*CITY: _____ *STATE: _____ *ZIP: _____

*PHONE: _____ FAX: _____

*E-MAIL ADDRESS: _____

*BY : (PRINTED NAME) _____

*AUTHORIZED SIGNATURE: _____

*TITLE: _____ *DATE: _____

***PLEASE LIST OTHER COMMENTS BELOW:**

***Please note:** We appreciate your feedback on this form and are very interested in your reason for not submitting a bid. Please do not hesitate to contact Andrea Foren at 479-575-8220 if you have questions, comments, or concerns regarding these proposal documents.

AGENDA REQUEST

*Added at
Agenda Session
5/13/08*

A. 11
South Industrial Park Lot 28E
Page 1 of 2

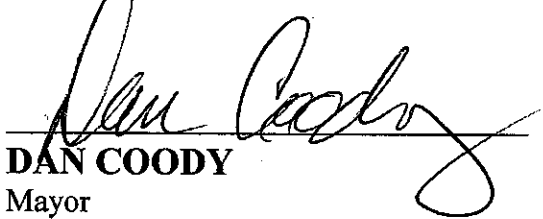
FOR: COUNCIL MEETING OF MAY 20, 2008

FROM:
MAYOR DAN COODY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A RESOLUTION TO ACCEPT APPROXIMATELY ONE ACRE FROM LOT 28E OF THE
SOUTH INDUSTRIAL PARK TO BE ATTACHED TO LOT 29E

APPROVED FOR AGENDA:


DAN COODY
Mayor

5/13/08
Date


Kit Williams
City Attorney (as to form)

5/13/08
Date

RESOLUTION NO. _____

**A RESOLUTION TO ACCEPT APPROXIMATELY ONE
ACRE FROM LOT 28E OF THE SOUTH INDUSTRIAL
PARK TO BE ATTACHED TO LOT 29E**

WHEREAS, if a lot line adjustment is approved, a new business enterprise desires to convey without charge to the City approximately one acre of the ten acre parcel, Lot 28E of the South Industrial Park back to the City to be attached to Lot 29E.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby agrees to accept the conveyance of that portion of Lot 28E as designated by an approved Lot Line Adjustment to be attached to Lot 29E of the South Industrial Park.

PASSED and APPROVED this 20th day of May, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Mayor Dan Coody and members of the City Council
From: Greg Tabor, Chief of Police 
Date: May 14, 2008
Re: Replacement of Police Officer

Recommendation: City Council approves the hiring of one (1) additional police officer to replace a recent termination.

Background: On January 4, 2008, the Fayetteville City Council approved a hiring freeze for replacement employees funded by General Fund. This hiring freeze allowed replacement of these positions with Council approval. On Tuesday, May 13, 2008, a patrol officer was terminated.

Discussion: The Fayetteville Police Department currently has 121 authorized slots. Two of these slots remained unfilled due to structured budget reductions. There are eight officers with military commitments. Three officers are currently deployed, one has orders for upcoming training followed by a lengthy deployment and three others have received word of their unit's deployment sometime at the end of 2008 or very early in 2009. Deployments typically last from 8-18 months.

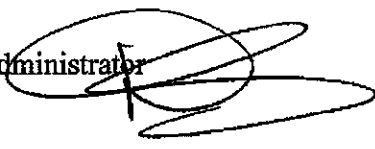
Budget Impact: The difference between the salary of the resigning officer and a newly hired officer is \$11,292.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
DISTRICT COURT DIVISION

JUDGE RUDY MOORE, JR.
CHIEF CLERK
DENA STOCKALPER

To: Sondra Smith, City Clerk

From: Dena Stockalper, District Court Administrator 

Subject: Council Agenda Notification

Date: May 13, 2008

By this memo, the Fayetteville District Court is asking to present justification to the council to fill a part time deputy clerk position. This position was held by Irene Jones who is now deceased.

Added at Agenda Session 5/13/08
AGENDA REQUEST

C. 5
Hiring Freeze Amendment
Page 1 of 4

FOR: COUNCIL MEETING OF MAY 20, 2008

FROM:

ROBERT RHOADS, ALDERMAN

MISSY LEFLAR, HUMAN RESOURCES DIRECTOR

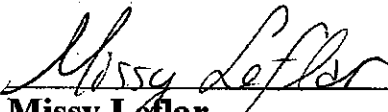
ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution To Amend Resolution No. 07-08 Concerning The Hiring Freeze

APPROVED FOR AGENDA:

Robert Rhoads
Alderman

Date


Missy Leflar
Human Resources Director

5-13-08
Date


Kit Williams
City Attorney (as to form)

5-8-08
Date



CITY COUNCIL AGENDA MEMO
City Council Meeting of May 20, 2008

TO: Mayor Dan Coody and the City Council
THRU: Gary Dumas, Operations Director *GD*
FROM: Missy Leflar, Human Resources Division Manager *ML*
DATE: May 1, 2008
SUBJECT: Council Review of Hiring Freeze

Recommendation

Per Council's prior expression of intent to review the Hiring Freeze after the 1st Quarter of 2008, Staff recommends that Council consider exempting the refilling of positions already approved by Council in the 2008 budget, allowing the supervisors to move forward with refilling their vacant positions but requiring them to provide Council with an informational memorandum explaining why in their judgment it was necessary for the position in question to be refilled.

Background

In late 2007, the City Council voted to implement a Hiring Freeze for general fund positions. Supervisors would have to receive formal Council approval to refill any general fund positions.

Discussion

The late 2007 budget discussions, along with the early 2008 Hiring Freeze, have created a heightened awareness of the importance of being mindful of the budget when considering staffing issues. The Hiring Freeze process itself creates an additional one to two week delay for supervisors needing to refill positions funded by the general fund, which extends the time during which – as with any employer - necessity dictates that either others (who may be entitled to overtime) shoulder the missing person's work, the missing person's work does not get done, and/or the missing person's work gets done instead of other people's work getting done. One possible suggestion might be to exempt the refilling of positions already approved by Council in the 2008 budget, allowing the supervisors to move forward with refilling their vacant positions but requiring them to provide Council with an informational memorandum explaining why in their judgment it was necessary for the position in question to be refilled. This might serve to perpetuate a culture of budget awareness, keep the supervisors accountable for their hiring decisions, and keep Council informed – yet not create additional delays in budgeted replacements for exiting employees.

Budget Impact

One could argue that there is no budget impact if re-filled positions are limited to those already in the 2008 budget previously approved by Council. One counterpoint might be that if the Hiring Freeze were to continue, money could possibly be saved to the extent positions, such as the part time parks patrol position, were not approved for re-filling.

RESOLUTION NO. _____

**A RESOLUTION TO AMEND RESOLUTION NO. 07-08
CONCERNING THE HIRING FREEZE**

WHEREAS, the City Council passed Resolution No. 07-08 to ensure it would remain informed of the necessity and have the ability to consent to the hiring of all replacement employees during this period of budget concern; and

WHEREAS, the budget and revenue forecasts by Finance Director Paul Becker have proven to be very accurate so that the budget remains on target; and

WHEREAS, the City Council has heard numerous replacement employee requests from City Directors and Division Heads to replace needed employees and approved all but one part-time employee; and

WHEREAS, the process requiring additional City Council approval at a City Council meeting before replacing these previous approved and funded positions have left positions vacant longer than previously; and

WHEREAS, the City Council could remain informed and the hiring process expedited by allowing the immediate rehire of replacement personnel, but requiring the Department Director or Division Head to supply the City Council with an informational memorandum explaining why it is necessary for the position to be filled.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends Resolution No. 07-08 by repealing subsection A of Section 1 of the Resolution and enacting a replacement subsection A as follows:

“A. If an employee leaves a General Fund budgeted position for any reason (retirement, transfer to another division, termination or otherwise), that position may be filled with a replacement employee provided that the Department Director or Division Head supplies a memo to the City Council explaining why it is necessary to refill that position.”

PASSED and APPROVED this 20th day of May, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
Sondra E. Smith, City Clerk/Treasurer

RESOLUTION NO. 07-08

**A RESOLUTION TO IMPOSE A HIRING FREEZE FOR ALL
EMPLOYEES PAID WITH GENERAL FUND REVENUES**

WHEREAS, City General Fund tax revenues have declined during 2007 necessitating a curtailed budget and a close examination of all expenditures by the staff and City Council; and

WHEREAS, the major portion of the operating budget of the General Fund is for personnel costs; and

WHEREAS, the City Council desires to implement a Hiring Freeze for 2008 to examine the necessity of refilling any General Fund employee position that becomes open due to retirement, transfer, termination, or otherwise.

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

Section 1: The City Council of the City of Fayetteville, Arkansas hereby adopts a Hiring Freeze for all of 2008 for all General Fund employees to be implemented as follows:

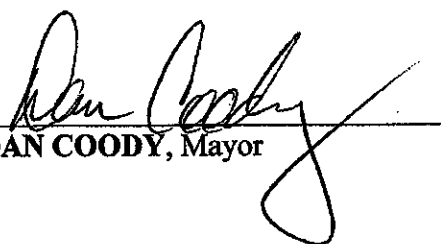
- A. If an employee leaves a General Fund budgeted position for any reason (retirement, transfer, termination, or otherwise), that position may not be refilled with another employee until and unless the City Council passes a Resolution authorizing the hiring of a replacement employee.
- B. Seasonal, temporary employee positions (primarily in the Parks Department) may be filled when scheduled (usually in the summer) without a separate Resolution.

PASSED and APPROVED this 3rd day of January, 2008.

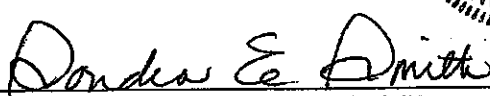
APPROVED:

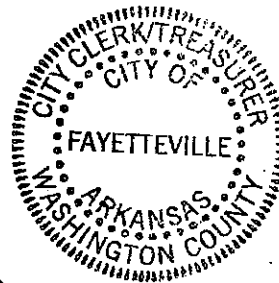
ATTEST:

By:


DAN COODY, Mayor

By:


SONDRA E. SMITH, City Clerk/Treasurer



Added at Agenda Session 5/13/08

AGENDA REQUEST

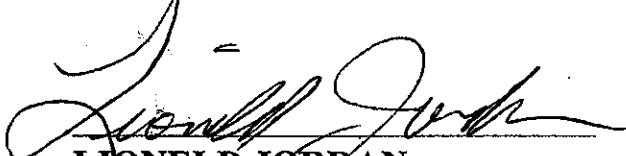
FOR: COUNCIL MEETING OF MAY 20, 2008

FROM:
ALDERMAN LIONELD JORDAN

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A RESOLUTION TO REQUEST THE ADVERTISING AND PROMOTION COMMISSION TO
FUND THE FAYETTEVILLE ARTS FESTIVAL

APPROVED FOR AGENDA:


LIONELD JORDAN
Alderman

5/13/08
Date


Kit Williams
City Attorney (as to form)

5-13-08
Date

RESOLUTION NO. _____

**A RESOLUTION TO REQUEST THE ADVERTISING AND
PROMOTION COMMISSION TO FUND THE FAYETTEVILLE
ARTS FESTIVAL**

WHEREAS, the Fayetteville Arts Festival is an essential thread in the fabric of the Fayetteville Cultural Arts Environment; and

WHEREAS, the Fayetteville Arts Festival attracts tourist and associated tourist dollars for the Advertising and Promotion Commission and generates sales tax for the City of Fayetteville; and

WHEREAS, the artistic community of the City of Fayetteville and the surrounding area is a vibrant community with outstanding contributions to our citizens; and

WHEREAS, the City of Fayetteville is and should be supported to remain the Cultural Arts Epicenter of Northwest Arkansas; and

WHEREAS, the Fayetteville Downtown Master Plan recognizes and promotes the development and support of the Arts Community through the development of a Cultural and Entertainment Arts District; and

WHEREAS, unlike in previous years, the A&P Commission has denied funding for the 2008 Arts Festival which endangers the viability of the Arts Festival and its location in Fayetteville.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby respectively urges the A&P Commission to reconsider its denial of funding for the 2008 Fayetteville Arts Festival.

PASSED and APPROVED this 20th day of May, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Allen
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Lioneld Jordan

**City of Fayetteville Arkansas
City Council Meeting Minutes
May 06, 2008**

A meeting of the Fayetteville City Council was held on May 06, 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:

Presentations, Reports and Discussion Items:

Confirmation of the Advertising and Promotion Commission appointment.

Alderman Cook moved to approve the appointment of Tim Freeman to the Advertising and Promotion Commission. Alderman Allen seconded the motion. Upon roll call the motion passed unanimously.

Quarterly Report of Financial Condition of the City.

The Quarterly Financial Condition of the City was presented in open session.

Paul Becker, Finance Director gave a brief update on the Financial Report.

Agenda Additions: None

Consent:

Approval of the April 15, 2008 City Council meeting minutes.

Approved

2008 Community Development Block Grant: A resolution approving a budget adjustment in the amount of \$20,047.00 to reflect a like reduction in the 2008 Community Development Block Grant Revenues.

Resolution 88-08 as Recorded in the office of the City Clerk.

Farmington Cost-Share Agreement - Farmington Lift Station: A resolution to approve a cost share agreement with Farmington in which Fayetteville pays \$482,078.52 (with credit to be given for some equipment), Farmington pays \$1,215,802.48, and Fayetteville authorizes a \$30,000.00 contingency for the Farmington Lift Station.

Resolution 89-08 as Recorded in the office of the City Clerk.

Oscar Renda Change Order # 3: A resolution approving Change Order # 3 to the contract with Oscar Renda Contracting, Inc. in the amount of \$115,749.41 for construction of the gravity sewer lines from Gregg Avenue to the Hamstring Lift Station, WSIP Subproject WL-4.

Resolution 90-08 as Recorded in the office of the City Clerk.

Black & Veatch Corporation Amendment No. 2: A resolution approving Amendment No. 2 to the agreement for professional engineering services with Black & Veatch Corporation in the amount of \$36,000.00 for construction phase services of Fayetteville Existing 36-Inch Water Transmission Line – Rehabilitation Study.

Resolution 91-08 as Recorded in the office of the City Clerk.

TIF District Interest Income: A resolution to approve a budget adjustment in the amount of \$20,119.00 to recognize interest income from the TIF Project Fund and allocate it to sidewalk improvements in the TIF District.

Resolution 92-08 as Recorded in the office of the City Clerk.

Anaconda Sports: A resolution to award a bid to Anaconda Sports in the amount of \$22,043.00 with a contingency of \$3,000.00.

Resolution 93-08 as Recorded in the office of the City Clerk.

Arkansas Department of Aeronautics Grant: A resolution to approve an application for Federal Assistance and an Arkansas Department of Aeronautics matching grant to help fund Task Order # 3 in the amount of \$128,337.00 of the total task order cost of \$158,700.00 and to accept the grants when awarded.

Resolution 94-08 as Recorded in the office of the City Clerk.

Arkansas Recreational Trails Grant: A resolution approving an Agreement of Understanding with the Arkansas Highway and Transportation Department for the acceptance of an Arkansas Recreational Trails Grant to utilize \$33,600.00 in federal-aid funds to replace the Mud Creek Trail Bridge near Front Street; and approving a budget adjustment in the amount of \$69,320.00.

Resolution 95-08 as Recorded in the office of the City Clerk.

Thompson Culvert Company: A resolution approving the purchase under Bid # 08-15 of one (1) prefabricated weathering steel pedestrian bridge for Mud Creek Trail from Thompson Culvert Company in the amount of \$44,320.00 plus \$4,099.60 in sales tax.

Resolution 96-08 as Recorded in the office of the City Clerk.

Kinco Contractors, LLC Change Order # 1: A resolution approving Change Order # 1 to the contract with Kinco Contractors, LLC in the amount of \$37,000.00 for the installation of one (1) trail bridge for Mud Creek Trail; and approving a 15% project contingency in the amount of \$5,550.00.

Resolution 97-08 as Recorded in the office of the City Clerk.

Arkansas Historic Preservation Program Grant: A resolution approving an amendment to the 2007-2008 Certified Local Government Grant to increase the amount by \$300.00 to fund travel and training for the Fayetteville Historic District Commission; and approving a budget adjustment recognizing the increased grant revenue.

Resolution 98-08 as Recorded in the office of the City Clerk.

PetSmart Grant: A resolution authorizing the Fayetteville Animal Services Division to accept a grant from PetSmart Charities in the amount of \$10,000.00 to cover costs associated with pre-adoption spay/neuter surgeries; and approving a budget adjustment to recognize the grant revenue.

Resolution 99-08 as Recorded in the office of the City Clerk.

BNSF Railway Co.: A resolution approving the purchase of approximately 6 acres of real property from BNSF Railway Co. in the amount of \$73,180.00 plus associated closing costs for the Scull Creek Trail.

Resolution 100-08 as Recorded in the office of the City Clerk.

Gordon Backhoe and Dozer Service Inc.: A resolution to approve a bid contract with Gordon Backhoe and Dozer Service, Inc. in the amount of \$17,068.00 with a contingency of \$2,000.00 and to approve a budget adjustment in the amount of \$19,068.00.

Resolution 101-08 as Recorded in the office of the City Clerk.

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

Unfinished Business:

Hiring Freeze: Hiring Freeze Appeals:

Information Technology - One Database Administrator Position

Paul Becker gave a summary of the Database Administrator Position.

Alderman Gray moved to approve the Database Administrator position. **Alderman Allen** seconded the motion. Upon roll call the motion passed unanimously.

Police Department – One Dispatcher Position

Greg Tabor, Police Chief: This is to replace a person that was previously hired but did not work out.

Alderman Rhoads moved to approve the Dispatcher position. **Alderman Gray** seconded the motion. Upon roll call the motion passed unanimously.

Resolution 102-08 as Recorded in the office of the City Clerk.

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 Ruppel Road, from RSF-4, Residential Single-Family, 4 units per acre to RSF-8, Residential Single-Family, 8 units per acre. *This ordinance was left on the Second Reading at the April 15, 2008 City Council meeting.*

Alderman Jordan moved to suspend the rules and go to the third and final reading. **Alderman Lucas** 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 5133 as Recorded in the office of the City Clerk

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 ordinance was left on the Third Reading and then Tabled at the April 15, 2008 City Council meeting.***

Jeremy Pate, Director of Current Planning gave a brief update on the project. Staff met with the applicant and they have provided a detailed cost estimate of the difference between a public street and private street. They indicate the difference is roughly \$50,163. Our recommendation has not changed.

A discussion followed on the proposed traffic signal at this location.

Roger Boskus, Managing Partner Zion Road Properties: Even though there is a cost difference associated with this, the issue about the traffic signal I think is really important and something I would like you to consider. I am concerned that the signal will not happen at a later date. If we are being assessed for the signal there should be some guarantee that we will be given a signal.

Alderman Ferrell: Safety is your main concern upon completion of this project. Financially you are satisfied with the way it has been proposed with the exception that upon completion you would like to have signalization at the Zion and Vantage intersection.

Roger Boskus: That's correct.

A discussion followed on the proposed traffic signal at this location.

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

Ordinance 5134 as Recorded in the office of the City Clerk

New Business:

Fayetteville Municipal Property Owners' Improvement District No. 28 - Legacy Heights, Phases 2 and 3 Subdivision Infrastructure Project: An ordinance to establish and lay off Fayetteville Municipal Property Owners' Improvement District No. 28 Legacy Heights, Phases 2 and 3 Subdivision Infrastructure Project.

City Attorney Kit Williams read the ordinance.

Don Conner, a citizen asked for an explanation of the improvement district.

Jim McCord, attorney for the improvement district explained the process.

Alderman Thiel 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 Ferrell** seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5135 as Recorded in the office of the City Clerk

Fayetteville Municipal Property Owners' Improvement District No. 29 - Ruskin Heights Subdivision Infrastructure Project: An ordinance to establish and lay off Fayetteville Municipal Property Owners' Improvement District No. 29 - Ruskin Heights Subdivision Infrastructure Project.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Ferrell moved to suspend the rules and go to the third and final reading. **Alderman Lucas** 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 5136 as Recorded in the office of the City Clerk

Northwest Arkansas Naturals – City of Springdale Congratulations: A resolution to congratulate the City of Springdale for building the Arvest Ballpark and acquiring the Northwest Arkansas Naturals.

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

Resolution 103-08 as Recorded in the office of the City Clerk

RZN 07-2708 (Fire Stations): An ordinance amending Ordinance Number 5074 to attach the correct Hansen Number to the exhibits of said ordinance.

City Attorney Kit Williams read the ordinance.

Jeremy Pate: This is an ordinance to correct a clerical error by my office. This is to correct the Hanson number that was assigned to the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Lucas 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 5137 as Recorded in the office of the City Clerk

RZN 08-2934 (Newell/Morton): An ordinance rezoning a portion of property described in rezoning petition RZN 08-2934, for approximately 0.37 acres, located at 1141 Hendrix from RSF-4, Residential Single Family, 4 units per acre, to RSF-8, Residential Single Family, 8 units per acre.

City Attorney Kit Williams read the ordinance.

Jeremy Pate: Staff and the Planning Commission recommend in favor of this rezoning request. The Planning Commission vote was 7-0. Jeremy gave a brief description of the proposed project.

Joyce Richards: We are afraid this might set a precedent. I would ask that you keep it at RSF-4.

Jake Newell, owner: The house is beyond a complete remodel. Our goal is to provide quality infill. We would like to build two attainable single family houses in that neighborhood and make that street nicer.

Alderman Thiel: Two family dwellings are only by conditional use in this zoning. They can not build a duplex. It has to be single family residential.

Jeremy Pate: The uses are the same for RSF-4 or RSF-8.

Alderman Thiel: This just basically enables them to build on a slightly smaller lot.

Jeremy Pate: That is correct.

Alderman Thiel: There are several adjacent lots that are 50 feet wide to this parcel that are already built out.

Alderman Allen: We had a ward meeting and ironed out some concerns of the neighborhood.

This ordinance was left on the First Reading.

R-PZD 08-2915 (Hill Place): An ordinance establishing a Residential Planned Zoning District titled R-PZD 08-2915, Hill Place, located at the southwest corner of 6th Street and Hill Avenue; containing approximately 27.10 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the project. Jeremy asked the Council to amend the PZD to add Condition of Approval #37.

Alderman Thiel moved to amend the ordinance to add Condition of Approval #37. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

Ryan Griffith, Developer with Place Properties gave a presentation about the project.

We have had a couple of meetings with the neighbors and have heard their concerns. We have tried to incorporate their concerns as much as possible into our design of this. I think a lot of the concerns are the drainage and grading. By you approving this and the development going forward it will take care of a lot of the problems that are down stream and the current eyesore of the site.

Todd Jacobs, Director of Design for Appian Centre for Design gave a PowerPoint presentation on the proposed project.

I think we have done about as much as we can to address the neighborhood concerns. The City Council and the neighborhood have to take a leap of faith if we want anything to get done on this project.

Alderman Thiel: Adella and I made a commitment to the neighborhood that we would have another neighborhood meeting regarding this.

Alderman Allen: Would some of the neighbors be willing to talk to us about the environmental impact and if the developers have done sufficient things to way lay their concerns?

Aubrey Shepherd, Town Branch Neighborhood: We appreciate all of you that came out to see this. It worries some people that the on site managers could disappear depending on problems the company might have. We know this is a good management company and we know these are good designers. There is the question of water and erosion from Rochier Heights. I believe if approved the completion of storm water should be the first thing done. Rain gardens will have to be constructed on this site.

This ordinance was left on the First Reading.

VAC 08-2951 (Shoppes at Wedington): An ordinance approving VAC 08-2951 submitted by McClelland Consulting Engineers for property located west of the intersection of Wedington Drive and Salem Road, to vacate a utility easement on the subject property, a total of 5,997 square feet.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief summary of the project. Staff and the Planning Commission recommended in favor of the proposed vacation.

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 Cook** was absent during the vote.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5138 as Recorded in the office of the City Clerk

Amend Chapter 97 Parks and Recreation: An ordinance to amend §97.070 of the Fayetteville Code to provide exemption of fees for use of Lake Fayetteville, Lake Wilson and Lake Sequoyah for juveniles within an approved government rehabilitation program.

City Attorney Kit Williams read the ordinance.

Connie Edmonston, Parks & Recreation Director: The Parks Board approved this. We believe that waiving the fees for these children and getting them hooked on a healthy alternative recreational activity such as fishing and kayaking will be very beneficial for them. It would almost be impossible for this organization to provide this service without us waiving the fees.

Jeff Courtway, Washington County Juvenile Detention Center: We have monthly meetings with the kids that are installed in our program. We will have supervisors at the lake to assist the kids. This gives the kids the opportunity to learn skills while under supervision.

Mayor Coody: We appreciate your involvement in this. The program is outstanding. This is a public service for our kids that are at risk and that need our attention. I think this is something that would be a good partnership for us and everyone involved.

Aubrey Shepherd: I whole heartily want you to agree to this. It is a wonderful idea.

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

City Attorney Kit Williams read the ordinance.

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.

Alderman Ferrell: I support this.

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

Ordinance 5139 as Recorded in the office of the City Clerk

Repeal and Replace §158.03 Maintenance: An ordinance to repeal §158.03 Maintenance of the Unified Development Code and to enact a replacement §158.03 Maintenance.

City Attorney Kit Williams read the ordinance.

Ron Petrie, City Engineer briefed the Council on what this change entails.

Mayor Coody: This is a good development for the building community and the citizens of Fayetteville.

Alderman Thiel: The Ordinance Review Committee reviewed this and supported it.

Alderman Ferrell 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.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5140 as Recorded in the office of the City Clerk

Repeal and Replace Chapter 168: Flood Damage Prevention Code: An ordinance repealing and replacing Chapter 168: Flood Damage Prevention Code of the Unified Development Code, Fayetteville Code of Ordinances.

City Attorney Kit Williams read the ordinance.

Ron Petrie: We were notified by FEMA that they had a revised model ordinance that we need to adopt. Many of the changes have to do with restrictions of mobile home parks and RV's. This is an ordinance that is applied state wide.

Alderman Jordan moved to suspend the rules and go to the second reading. **Alderman Allen** 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 Allen 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.

Alderman Jordan moved to approve an Emergency Clause. Alderman Thiel seconded the motion. Upon roll call the Emergency Clause passed unanimously.

Ordinance 5141 as Recorded in the office of the City Clerk

Downtown Off-Street Parking Improvement District: An ordinance to codify Ordinance No. 2292 of December 7, 1976, with amendments proposed by The Board of the Downtown Off-Street Parking Improvement District.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: The new Exhibit A has been modified to make it clear that the City Council appoints the commissioners.

John Burrows: My board members have discussed this for several years. They feel very strongly about this and would appreciate it if you would do this for us.

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

City Attorney Kit Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Lucas 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 5142 as Recorded in the office of the City Clerk

Pratt Place Inn Appeal: An ordinance amending a Commercial Planned Zoning District entitled C-PZD 05-1670, Pratt Place Inn, located at 2115 W. Markham Road, containing approximately 72.00 acres, to allow a monument sign in Planning Area 2 in-lieu of a sign in Planning Area 3, as described herein.

City Attorney Kit Williams read the ordinance.

Jeremy Pate briefly described the appeal. Staff is recommending approval.

Alderman Jordan: They are just moving the sign across the street.

Jeremy Pate: Yes.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Jordan asked Felicia Farris if she had talked to the neighborhood.

Felicia Farris: We have talked about it. We don't think it indicates how to direct people to the bed and breakfast. We think people are still going to get lost getting there and there is no lighting on the sign. I wanted to make sure there was nothing added to the paperwork.

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

Ordinance 5143 as Recorded in the office of the City Clerk

Bridgedale Plaza Appeal: An ordinance establishing a Commercial Planned Zoning District titled C-PZD 08-2904 Bridgedale Plaza, located at the southeast corner of Highway 16 East and River Meadows Drive, containing approximately 15.95 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the proposed project. Planning Commission had a split vote of 5-4. In general staff found in favor of the development pattern that was proposed. Staff did not find in favor of the PA-2, the self storage area, in this particular neighborhood. I would like to commend the applicant for working very hard with staff on several of the issues and the planning areas. While low impact development techniques certainly help mitigate some of the impervious surfaces and impact associated with development, particularly drainage, it really doesn't help the form of the development and the form of the neighborhood. It does not address the overall land use patterns. It was brought up that there could be a conditional use but the

PZD really takes the place of that. It is a zoning decision that you as a Council makes. We have included the conditions of approval for your consideration should you wish to pass this ordinance along with any other conditions that you may feel appropriate. We have discussed with the applicant some street improvements that might need to occur based on the development proposal if it does come forward. We tried to address as many things as we could that came up from neighborhood concerns. There was a lot of public comment both for and against this project. Staff recommended denial finding it did not meet the guiding policies of the adopted future land use plan.

Alderman Thiel asked about the building height and if the condition of approval needed to be amended to 18 feet.

Jeremy Pate: Yes.

Alderman Thiel: Was that the only thing you felt like we needed to amend?

Jeremy Pate: I believe so.

Alderman Thiel: We received a letter regarding the drainage and that the developers would eliminate the drainage problem that some of the neighbors on the east side of this project have. Does this need to be added as a condition of approval or will a letter guarantee us that this will be done?

Dave Jorgenson, engineer for the project: This is the first time I have had to appeal something to the City Council. We have gone to great lengths to try our best to make concessions and compromises to make a better project.

Mr. Jorgenson gave a brief description of the project and the changes that have been made to the project over the past few months.

Sarah Lewis, Springline Consulting Group: We work with the community as well as developers to help them implement low impact development technology. She shared with the Council what low impact development is. LID (Low Impact Development) is different than LEED. It is a way to match your post and pre development hydrology. The way it functions is infiltration and the frequency of volume and discharge is maintained for the natural stream systems. LID helps developers and the community save on infrastructure, site, and preparation cost. Bridgedale is incorporating LID in addition to incorporating the conventional storm water design. The infrastructure and site preparation cost are reduced when the conventional designs can be reduced. LID helps with compliance of the clean water act and the storm water management act. It benefits the developer, contractors, municipalities and the environment. LID gives options; it also minimizes impervious cover and promotes conservation in natural areas. It promotes sustainable communities.

Dave Jorgenson explained the drainage problem on the property. We have done a drainage study and we intend to drain this property and will add that to the conditions of approval if you want. It will be more costly to the developer. This is a rezoning; we have to submit a

preliminary plat and final plans on planning area one. We have to install the infrastructure for planning area one and a large scale development approval process for planning areas two, three and four. In addition we have promised to construct planning area one and build houses east of street number three to help block the view of the storage area. We have to do this before we start construction of the storage area.

Mayor Coody: The 18 foot limit that the City Council is considering is that the height of the wall and the storage units?

Dave Jorgenson: Maximum height.

Alderman Thiel: Where is it in the conditions of approval that they will have to build the residential first?

Jeremy Pate: That is not specifically called out.

Alderman Thiel: That is a concern of the neighborhood so we need to make that amendment too.

Jeff Collins: I think if there is any impact of the mini storage in terms of affect on property values it will be absorbed by the lots that are adjacent to it. The City of Fayetteville has been very forward looking in a lot of ways. I am not sure that we always think about the impact of the increase in petroleum prices and the effects of global warming on long term development. The long term projecturery for development is for density. As we look forward to what Fayetteville is like 20 to 30 years from now we will be looking at more density and the proximity of mini storage is not necessarily a bad thing. Mini storage is not an industrial use.

Lauren Ruff, 1125 South St Andrews Circle, Stonebridge Meadows Subdivision stated this is not about going green. There are other issues here and green is merely covering them up. The issues here deal with our property rights and the safety and welfare of the citizens of Washington County and the City of Fayetteville.

Ms. Ruff voiced her concern about drug activity that occurs at mini storage units and the drug activity in Washington County. She stated one of the ideal places for drug transportation and drug manufacture is mini storage, especially climate controlled mini storage. She asked what Bridgedale Plaza is going to do about the possible drug activity that could occur at the mini storage facility associated with this project. This is a very real problem and concern for the citizens of Fayetteville.

Dennis Blackwell, Stonebridge Meadows: I strongly oppose the project. I think it can do nothing but negatively impact property values. I feel that commercial development does not have any place in a residential and rural area. This will make the traffic worse.

Jim Luper, 1340 St Andrews Circle: Stonebridge is a neighborhood built around a golf course. It is a really nice place to live. We gathered a petition from 146 homes. We have mini storage units close to our development. We moved out here to escape the sprawl. Keep this residential.

Jimmy Smyth, McClelland, Smyth, LLC: I own six homes in Bridgedale Phase 1. I have been trying to sell them for two years. One of the hurdles I face in marketing these homes is the fact that there are not any amenities out there. I don't think about the drug use in storage facilities. I see the benefit in storage facilities as a home owner and consumer. I feel the development, as it is proposed right now with light commercial at the entrance of it, is very well planned. I see some traffic benefits from this development. I feel this type of development would add a feel of a community.

Joel Ray, Cherry Hill Drive: We are talking about a storage facility that is commercial and it needs to stay in commercial property and not in residential. Not one storage facility in the area is in a neighborhood.

Dick Hovey, 1262 River Meadows: I oppose this development. From what I hear there is a consensus that mini storage has a negative influence. None of us really know what goes on inside those units.

James Atwood: I would recommend to the Council to consider approving the development. It makes good economic sense. The developer has gone to great pains to try and minimize the environmental impact that this development would have. This is an opportunity for the City Council to clarify its policy as to how personal storage units are going to be treated in the future. I think this would be an opportunity for the Council to work with a developer who is committed to the prospect and concept of responsible development to have a responsible development and economically viable.

Glenda Patterson, 1106 St. Andrews Circle: I am opposed to this development. We have heard a lot about what the potential downside is from this development. The biggest argument against is it is a commercial enterprise in a totally residential area. People help build a community not stores. I think the people of Stonebridge Meadows have shown that they do not want this. In a housing down turn why are we building more houses that have the potential to not be sold at some point in time.

Greg Eisele, Stonebridge Meadows: I am concerned that if the PZD is passed even though they put the amendments in to phase in the residential before the commercial there is no way to hold them accountable for that. Once the PZD is passed the commercial storage could be built and none of those homes as buffers would go in there.

Mayor Coody: A PZD is a planned zoning district it has to go in as stipulated or it could be shut down.

Greg Eiley: I don't feel this zoning is compatible with surrounding land uses.

Anthony Sumlin 3851 River Bluff Cove: I stand in opposition to this measure, mainly because of the self storage units. Economic times are not the greatest and I don't see that self storage units are going to bring Fayetteville back to its past prominence. I don't think self storage units

are in the best interest of the long term future of Fayetteville. This does not contribute to the neighborhood fabric in close proximity to the area.

Mayor Coody: I would disagree with the idea that Fayetteville is in decline. We have made national news for planning and sustainability. People are moving here all the time because of our high quality of life. We have a two year inventory of homes versus towns to the north that have an 11 year inventory of homes. We don't have the world's largest corporation in town, we have local stores. Some of us think that Fayetteville is holding its own in ways that other cities in Arkansas only wish they could.

Anthony Sumlin: I appreciate your rebuttal. I appreciate the work that the Planning Commission and you have done.

Marty Powers, 1280 South Pinnacle: I ask you to put yourself in my position, if you had spent \$400,000 on a piece of property if you would appreciate a storage unit being built in your back yard. Storage units are not pretty, there is no way of making them pretty and they are not going to help our property value. I oppose the storage units.

Mark Willhite, 1048 River Meadows: I do not want to lose a lot of value in my home and I am afraid I will with this proposed project. I am concerned about the mini storage. There is water every where in that area, it stays saturated, there is no where to go with the water. The more hard surface that is going to run off the water it is going to make that worse in that area.

Gary Alderson: I am here in support of the project. I believe the property values will increase not decrease. The storage facility is a storage facility but the fact that the commercial in and around that area is in desperate need I think that area could use commercial business. As a realtor I talk to a lot of folks that like that area and want to live in that area but the first thing they say is where is the nearest spot to go to get groceries, etc.

Sue Hovey, 1262 South River Meadows: I talked to a realtor that knows the area very well and he said it would make a negative effect on our property values.

Eldon Roberts, 1197 South Roberts Road: The personal storage will be in my yard more so than anybody. We are for this project. Personal storage does not create loud music, loud parties, barking dogs and traffic zipping through the neighborhood at all hours. There is a traffic problem on Huntsville Road but it is mainly at rush hour just like it is in all parts of the City. If this commercial and personal storage is not allowed to go forward then eventually I see this acreage being built full of residences. I don't think it is fair to keep people from having amenities and services that they use every day out in our area because of the traffic problem. I am for anything we can do and this Council can allow that will start amenities out that way. I can't see this adding to the traffic. I asked about the drug activity at personal storage units and was told it would be lower than personal residences. One thing that concerns me is the drainage and flooding problem we have in that area. The developer said he would try his best to handle the drainage.

Alderman Allen: You said you owned property in that area; do you live on that property?

Eldon Roberts: Absolutely.

Jake McCullar: I like Fayetteville. I like this idea. I walked all over that area and there were several people in favor of this project. I would not consider these houses to be low income. I support mixed use development like this.

Janyce Blakenship, 1757 River Meadows Drive: I am opposed to the Bridgedale Subdivision. I am against the storage and sharing our drive with commercial. I beg you to oppose this.

Bruce Smith, 2059 Cherry Hills Drive: You have to make a decision on if you want to rezone this. In order to make a decision to rezone it really needs to be for the betterment of the community. If it is not for the betterment you should leave it the way it is. The storage unit is the problem. Most of the people that have spoken in favor of this are not residents here as far as I can tell. I don't think it is going to better the community to put a storage unit this close to residential.

Katrina StColumbia: I am in favor of this project. I believe it will bring amenities and conveniences to this area that is greatly needed. This will help increase the tax revenue for the City. It is a very eco friendly project with extremely impactful environmental sustainability initiatives. It is very much in line with the Fayetteville City Plan to minimize environmental impact. I believe the City should support this project. I think it will encourage other developers and future projects and hopefully challenge the developers to be more environmentally friendly with their developments in the future.

Mayor Coody: I bet you will find everybody in favor of the low impact development green elements put in this project. It sounds like ninety percent of the opposition is focused on the storage buildings, if that could be resolved it would be great.

Alderman Thiel: This is not going to be an easy decision. This is a divided issue. Staff has acknowledged that this project is appropriate for this neighborhood except for the storage units. I appreciate the people that live around this area that are in opposition to the storage units but they are all buffered by residential. There have been a lot of concessions made on this project. From the correspondence that I received there is a desire to have storage units.

Ron Petrie, City Engineer went over the drainage requirements for the property.

Dave Jorgenson stated they can design adequate drainage for the property.

Jeremy Pate: The following conditions of approval could be added:

- Building height within PA-2 self storage shall be reduced to 18 feet to achieve the lowest height possible.
- All homes located on the western boundary of Planning Area 2 shown on the plat as Lots 18 through 27 shall be constructed prior to the issuance of a building permit for any self storage building.

- A proper drainage system shall be extended to the low area located to the west of Roberts Road to adequately drain this area for a storm event equal to a 100 year rain fall event. This drainage system shall be designed and reviewed at the time of preliminary plat submittal and be found to meet all City drainage criteria by the Engineering Division.

Alderman Thiel moved to amend the ordinance to include the three new conditions of approval. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

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

City Attorney Kit Williams read the ordinance.

Alderman Gray: We have talked a lot about this and talked to the developers and I feel very strongly that they have worked very hard. We have struggled with this because we appreciate the word of the residents. I feel as developers they have done everything we have asked them. They have put a lot of money and time in this. I appreciate that and want to thank you.

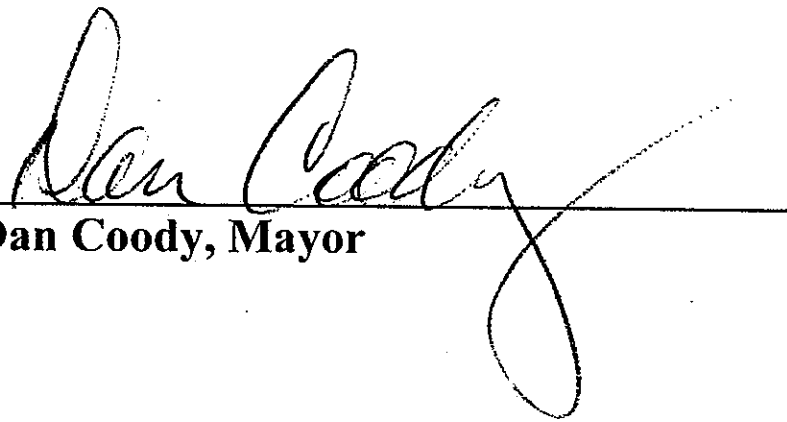
Alderman Rhoads: Is there good reason to wait on voting on this?

Alderman Allen: I would like to remediate on it a little bit. I think it is a really important thing. I just want to give it more thought.

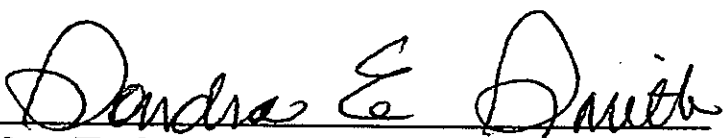
Alderman Rhoads: That is a good enough reason for me.

This ordinance was left on the Second Reading.

Meeting adjourned at 10:10 PM



Dan Coody, Mayor



Sondra E. Smith, City Clerk/Treasurer

Added at the 5/20/08 City Council Mtg.

B1

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

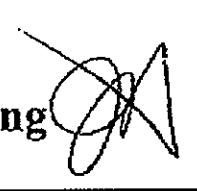
MEMORANDUM

TO: Mayor Dan Coody & City Council Members

THRU: Greg Tabor, Police Chief

FROM: Jill Hatfield, Animal Services Superintendent

DATE: May 20, 2008

SUBJECT: 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.

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



CITY OF FAYETTEVILLE
Position Description

POSITION TITLE: Animal Caregiver

EXEMPT (Y/N): No

SUPERVISOR: Animal Service Coordinator

CITY/STATE CODES: 10332

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.

AMENDED
Conditions of Approval
R-PZD 08-2915
Hill Place
Amended 06 May 2008

CONDITIONS OF APPROVAL:

R-PZD 08-2915

Page 1 of 6

Conditions of Approval for R-PZD 08-2915 (Hill Place) AS AMENDED AND ADOPTED BY THE CITY COUNCIL

1. Planning Commission determination of street improvements. *Staff recommends the following: The applicant shall complete the street improvements required for the Aspen Ridge development. These improvements include the following, some of which are already completed:*
 - Repair the broken pavement on 11th Street, directly south of the proposed intersection at the corner of 11th and Duncan, as part of the improvements to this street being utilized for primary ingress and egress, to the satisfaction of the Engineering Division.
 - Continue the existing sidewalk on the north side of 11th street to connect the proposed sidewalk on Greystone Drive (approximately 20 feet).
 - Complete the curb and gutter on the south side of 11th street from the bridge west to the constructed curb/gutter. Minimum street width should be 24 feet, face of curb to face of curb (approximately 240 feet in length).
 - Widen the intersection at Hill Avenue and 6th Street, including a turn lane, the cost of relocating traffic signals and any necessary costs to add a left-turn signal to the existing signal system.
 - Improve that portion of Hill Avenue adjacent to the subject property where necessary, to conform to City specifications. A six-foot sidewalk is required, at the right-of-way line.
 - Relocate the sidewalk along 6th Street to transition from the railroad bridge to the Master Street Plan right-of-way line along the frontage of this project.
 - Construct a secondary means of access to Phase II; The applicant proposes to construct a 24-foot wide public street within existing platted right-of-way of Brooks Avenue and turning south to connect to 12th Street.
 - There are still outstanding issues with the pavement and sidewalk at the intersection of Hill and 6th that were part of the Aspen Ridge project that need to be completed.
 - Connection of 12th Street/Brooks Avenue to the site with a Residential Street, with sidewalk on the east side of the street as approved with the Aspen Ridge project.
 - All drainage improvements, including the box culvert, removal of the sewer line, etc. shall be completed to the satisfaction of the Engineering Division
 - Add multiple speed tables on Duncan Avenue, and Hill Street, the location and number of which shall be determined by the City Engineer
 - Add bicycle symbol chevrons on Hill Avenue (Heritage Trail designation), per the requirements of the Trails Coordinator.
2. Planning Commission determination of a waiver from Fayetteville Unified Development Code Section 166.06(K)(10)(b) to allow two public streets to be connected with a private street. *The applicant is proposing a private street connection between Royal Oak Parkway (a new internal public street) and 11th Street by way of a new vehicular bridge. The applicant's waiver request states that a private connection is justified because traffic from 11th Street will flow to Hill Avenue to use the traffic signal to access Sixth Street rather than flow into the development for access to Sixth Street. In addition, an analysis of an alternative design, incorporating a public street with parallel parking, indicates a substantial amount of parking for the dwellings would be removed. At staff's request the applicant submitted this*

CONDITIONS OF APPROVAL:

R-PZD 08-2915

Page 2 of 6

additional information and an exhibit showing an alternative design with the internal private street, Royal Oak Parkway, as a public street with parallel parking spaces, resulting in a net loss of 40 parking spaces. A chart comparing the parking numbers for the development with public and private streets is provided below:

Parking Number Comparison: Proposed vs. Public Street Alternative		
Use	Unit	Parking Ratio
Number of Bedrooms	840	1:1
SF of Community Building	6500	1:500
Baseline Number of Spaces		853
Max Number of Spaces		1,109
Minimum Number of Spaces		597
Current Proposed Number of Spaces		828
Number of Spaces With Public Street		788

Staff finds that while a public street connection of Town Branch Creek can feasibly be constructed, in this case the proposed private connection provides much the same function in allowing a distribution of traffic to and from the site. The drive will be open for public access, and will still provide the parking needed to serve the primarily student population to which the project is targeted, a concern cited by area residents. The proposed connection over the creek provides much improved connectivity from the previously approved project, which ended in cul-de-sacs on both sides of the creek. Staff recommends in favor of this waiver request.

3. Planning Commission determination of a waiver from Chapter 170.02 Adopted Drainage Criteria Manual (Section 5.4.3), requiring that the limits of maximum ponding elevations are no closer than 100' horizontal from any building and greater than 2' below the lowest sill or floor elevation of any building. *Staff recommends approval of the requested waiver finding that the proposed retention pond will not be a detriment to the residents of the development, and is designed as an amenity to the neighborhood. Additionally, a decorative safety fence shall be required to be constructed around the wet detention pond, restricting direct access from area residents.*
4. Planning Commission determination to allow for a trash enclosure over a utility easement. The applicant proposes a permanent trash enclosure in the southern portion of the site within a utility easement. They state there is not a way to avoid placing the enclosure within an easement. *Staff recommends in favor of allowing the trash enclosure with the conditions that:*
 - a. *The trash enclosure location be noted and labeled on the easement plat for all utility companies to acknowledge and approve prior to the issuance of permits;*
 - b. *The trash enclosure shall be relocated at the owner/developer's expense if utilities within the easement need to be accessed or maintained.*
5. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall

CONDITIONS OF APPROVAL:

R-PZD 08-2915

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also be binding.

6. The buildings within this development shall be constructed to comply with the architectural standards and building elevations presented in the PZD booklets. Elevations of the structures shall be reviewed prior to building permit.
7. The storm water detention and Low Impact Development (LID) techniques (bioswales, rain gardens and depressed parking lot islands) as presented in the PZD shall be constructed as indicated in the plans submitted for PZD approval.
8. The internal sidewalks along internal private streets and parking lots as presented in the PZD shall be constructed as indicated.
9. Should a subdivision of land be desired, all applicable ordinances and processes shall be followed in order to meet city ordinances.
10. Public water and sewer lines and other improvements shall be extended as required by city ordinance at the time of development.
11. All development shall meet applicable building codes and other ordinances of the City of Fayetteville.
12. Future non-residential conditional uses in the zoning criteria shall comply with the minimum standards for development in the Unified Development Code.
13. Phasing: This project is required to obtain all building permits for the entire development within one year of City Council approval, with the opportunity for a one time, one year extension.
14. Signage for this development is subject to the residential multi-family requirements of Fayetteville Unified Development Code Chapter 174.
15. Parkland Dedication: Prior to issuance of a building permit, the applicant shall dedicate approximately 2.0 acres for a City park and 0.36 acre for the Tsa-La-Gi trail through the site, in addition to payment of fees in lieu to meet the remaining parkland dedication requirement, approximately \$5,600. In addition, the developer shall construct this multi-use trail to City standards, and will receive credit as agreed upon within the PRAB recommendation. *The Aspen Ridge project dedicated 1.21 acres previously, though the deed for this land is still in the name of the property owner. The proposed Hill Place project was reviewed at the December 2007 PRAB meeting and a recommendation was made to accept approximately 0.8 acres of additional parkland. Remaining parkland dedication requirements include payment of \$5,606.25 for remaining fees-in-lieu, and construction of the multi-use trail through the site per City standard construction details for an asphalt trail.*
16. The plats and booklets should be revised to address the following items:
 - a. Label the building setback lines on the plats, i.e., 20' BSB.

CONDITIONS OF APPROVAL:

R-PZD 08-2915

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- b. Parking spaces must be 19' long unless adjacent to greenspace. There are several places throughout the site where spaces are 17' long and hang over a sidewalk (for example, the 10 parking spaces to the north of Building 16 overhang a sidewalk and are 17'). Revise the site plan as needed to address this issue.
- c. Plats: Parking chart. Change the parking ratio for community building to use the ratio for a private clubhouse, 1 space per 500 SF or 1 per 3 occupants.
- d. Booklet. Cover sheet. The site plan should be revised to show the correct project boundary and not to include the parcel at the southwest corner of Hill/6th Street in color as it is not a part of this project.

Tree Preservation Conditions:

- 17. The majority of the preserved canopy (approximately 3.38 acres) on this project was placed within a Tree Preservation Area per the previous easement plat. This area shall remain as a dedicated easement with the new easement plat using the Tree Preservation Area signature block for the Urban Forester. The Tree Preservation Area may need to be revised on the new easement plat for this project since the pedestrian bridge has been changed to a vehicular bridge. If this is the case, the boundary revision will require City Council approval. Additionally, the canopy measurements may need to be revised accordingly.
- 18. It appears that a construction parking and storage area is shown in the 0.78-acre park land dedication area. Please revise the plans; parking and storage are not allowed on the park property during construction.
- 19. The applicant shall mitigate for the removal of 110,970 SF of tree canopy with on-site mitigation to consist of a minimum of (384) 2-inch caliper trees. The final amount of mitigation will depend on the disturbance of canopy located around the proposed vehicular bridge. Staff's final recommendation for tree mitigation will be subject to final calculations. Additionally, a tree mitigation form must be submitted and approved by the Urban Forester.
- 20. All mitigation trees must be planted prior to the issuance of a final certificate of occupancy. A 3-year bond, letter of credit, or check in the amount of \$96,000 shall be deposited with the City of Fayetteville before issuance of a certificate of occupancy. The actual amount of the bond shall be based on the final calculations.

Landscape Plan Conditions:

- 21. All parking lots shall be screened with a dense evergreen planting where adjacent to residential uses.
- 22. 15' of greenspace is required between parking lots and the right-of-way. Show the right-of-way and 15' greenspace buffer lines on the plan.
- 23. Before construction document approval, the landscape plan must be stamped by a Landscape Architect licensed within the state of Arkansas.

CONDITIONS OF APPROVAL:

R-PZD 08-2915

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Trails Conditions:

24. Tsa-La-Gi trail is identified on the Fayetteville Alternative Transportation and Trail Master Plan through this project. This 12' wide asphalt trail shall be constructed by the developer, to be reimbursed by a park land dedication credit. All expenses on the trail must be itemized separately to qualify for reimbursement.
25. Trail shall be constructed to meet City of Fayetteville and ADA guidelines including a 5% maximum longitudinal slope and 2% maximum cross slope. One location near the small retaining wall west of Hill Ave looks to have a longitudinal slope exceeding 5%.
26. Analyze the existing block wall at this location to insure it was constructed properly to construct the trail behind. Currently it doesn't look stable.
27. Please notify the Trails Coordinator prior to construction for periodic inspections.
28. Hill Avenue is part of the Heritage Trail. Due to this designation, the improved street must include bicycle facilities. Include thermoplastic bike symbol chevrons and share the road signs spaced every 300 feet along the all improved sections of Hill Avenue.

Standard Conditions of Approval:

29. 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.
30. 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.
31. 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.
32. 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).
33. Provide a CD containing the proposed Large Scale Development drawings in AutoCAD or similar digital format.
34. Staff approval of final detailed plans, specifications and calculations (where applicable) for

CONDITIONS OF APPROVAL:

R-PZD 08-2915

Page 6 of 6

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.

35. All existing utilities below 12kv shall be relocated underground. All proposed utilities shall be located underground.
36. Prior to the issuance of a building permit the following is required:
- Grading and drainage permits
 - An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - Separate easement plat for this project that shall include the tree preservation area and all utility easements.
 - Project Disk with all final revisions
 - One copy of final construction drawings showing landscape plans including tree preservation measures submitted to the Landscape Administrator.
 - 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.

ADDED CONDITION:

37. The applicant shall provide a guarantee acceptable to the City of Fayetteville prior to issuance of a grading/drainage permit in the amount of 100% of the total cost to install the approved erosion and sediment control plan to ensure the continuation of proper maintenance of the plan. The guarantee shall remain in place until permanent stabilization has been achieved for the site. Once permanent stabilization/revegetation has been achieved and approved by the City of Fayetteville, the guarantee will be released.

AS AMENDED BY THE CITY COUNCIL 05-06-08



CITY COUNCIL MEMO

TO: Mayor Dan Coody and the City Council
THRU: Gary Dumas, Operations Director
FROM: Sharon Crosson, Parking and Telecommunications Manager
DATE: May 15, 2008
SUBJECT: Telecommunications Engineer Position Opening

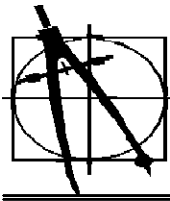
On Monday of this week, our Telecommunications Engineer position became vacant. I am requesting an approval to open this position to be refilled as soon as possible. This is the sole position that performs all telecommunications needs for 750 – 800 City employees. Telecommunication needs include all telephone lines and equipment, cell phone service and equipment, pager service and equipment, cabling needs for all city facilities, and all additions and changes to the City's communications systems that serve the public. This also includes critical 24/7 service for our police and fire departments.

We have several high priority projects that are pending such as the new Wastewater Treatment Plant, the new Fire Station 3, and the renovation of the Animal Shelter offices. Without this position occupied, the City will pay \$90.00 to \$140.00 per hour to contract out for these services. Plus, all work requests have a lead time of 4 to 12 days to complete. This lead time is unacceptable where it comes to public safety issues. With someone on staff, we respond to emergencies immediately on a 24/7 basis, and complete most routine work orders within 24 hours.

Again, this is the only position that provides telecommunications services for all city employees and facilities. Until we get this position filled, I will personally have to perform a lot of this work myself and with the help of high-priced outside contractors. Without this position, the negative impact on all city divisions will be immediately noticeable to both the employees and our citizens.

Thank you for your consideration on this request.

/slc



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.

May 6, 2008

City of Fayetteville
113 W. Mountain St.
Fayetteville, AR 72701

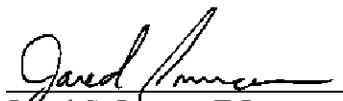
Attn: Brenda Thiel and Adella Gray,
Re: Bridgedale Plaza PZD

Attached herewith please find a petition of local residents in the area of the proposed Bridgedale Plaza who are in favor or unopposed to this development. This petition was compiled over the past few days. There have been rumors that possibly the misrepresentation of facts of Bridgedale Plaza could have affected the outcome of the other petition opposing the development. For example: the proposed homes would be in the eighty to ninety-thousand dollar range, which would decrease existing home values. This is not true. The homes will range in the two-hundred to two-hundred-and-fifty dollar range with nice amenities. It has also been stated, that the personal storage would create an environment for criminal activity, when in fact, personal storage has one of the lowest crime rates. Please see Page 53, of the Bridgedale Plaza Booklet provided, under "Addressing Additional Concerns" for more information.

Please call concerning any questions you may have.

Thank you for your time.

Sincerely,


Jared S. Inman, E.I.

Bridgedale Plaza Development

(Proposed Mix-Use Development on the corner of HWY 16 & River Meadows Dr.)

Ward 1-Fayetteville, AR

The following are in FAVOR or UNOPPOSED to Bridgedale Plaza

Name:

Date:

Address:

Phil Mila

5/5/08

201 Roberts Rd

David W. Caciari

5/6/08

10205 River Meadows

Will

5/6/08

10205 River Meadows

aren Fletcher

5/5/08

4065 Huntsville Rd

Chris

5/5/08

4067 Huntsville

Leta Mitchell

5/5/08

4125 E Huntsville Rd

Ray Old

5/5/08

4129 E. Huntsville Rd

Chris

5/5/08

1385 Robert Rd

Chris

5/5/08

1439 Roberts Rd

Ben T. St

5/5/08

2015 S. Pumpkin Ridge

Dale Brown

5/5/08

" " " "

Jim Mier

5/5/08

2010 S Pumpkin Ridge

Dale

5/5/08

1949 Pumpkin Ridge

Chris

5/5/08

4037 Huntsville

Thomson, Carolyn

5/5/08

Clayborne

Spencer Jackson

5/5/08

2350 HUNT LANE

Jim Smith

5/5/08

2350 HUNT Lane

Bridgedale Plaza Development

(Proposed Mix-Use Development on the corner of HWY 16 & River Meadows Dr.)

Ward 1-Fayetteville, AR

The following are in FAVOR or UNOPPOSED to Bridgedale Plaza

Name:

Date:

Address:

<u>Sequoia Flores</u>	<u>4-28-08</u>	<u>4242 E Broom Sage Dr.</u>
<u>Sally Parings</u>		<u>4292 E. Broom Sage Dr.</u>
<u>Mary Farish</u>		<u>" "</u>
<u>Peter Nelson</u>		<u>4293 E Broom Sage Dr</u>
<u>Joe Smith Carrier</u>		<u>4293 E Broom Sage Dr.</u>
<u>Janie Blagg</u>		<u>4367 E Falcon Dr.</u>
<u>Angela Huddleston</u>		<u>4383 Falcon Dr</u>
<u>[Signature]</u>		<u>4380 Falcon Dr</u>
<u>[Signature]</u>		<u>4438 E Falcon Dr.</u>
<u>Wanda Butterfly</u>		<u>4454 E Falcon dr.</u>
<u>Jose Granados</u>		<u>1045 LIBERTY</u>
<u>Mitzi Jones</u>		<u>4491 E. Falcon Dr.</u>
<u>Leslie Henry</u>		<u>963 S. Liberty Dr.</u>
<u>[Signature]</u>		<u>935 S. Liberty Dr</u>
<u>Monica Sigley</u>		<u>863 S. Liberty Dr.</u>
<u>Shannon Fitchel</u>		<u>846 S. Liberty Dr.</u>
<u>[Signature]</u>		<u>818 EASTVIEW DR.</u>

Bridgedale Plaza Development

(Proposed Mix-Use Development on the corner of HWY 16 & River Meadows Dr.)

Ward 1-Fayetteville, AR

The following are in FAVOR or UNOPPOSED to Bridgedale Plaza

Name:

Date:

Address:

Natalie Doster 5/4/08 10 ACORN Xing #2

Robert Bridwell 5/5/08 2567 Turtle Creek Dr

Colton White 4/5/08 2567 Turtle Creek Dr

[Signature] [Signature] [Signature]

[Signature] [Signature] [Signature]

[Signature] [Signature] 2572 Turtle Creek Dr

[Signature] [Signature] 2588 Turtle Creek Dr

[Signature] [Signature] 2620 E. Turtle Creek Dr

[Signature] [Signature] 2620 E. Turtle Creek Dr

[Signature] [Signature] 2620 E. Turtle Creek Dr

[Signature] [Signature] 1115 N LINDSEY AVE

[Signature] [Signature] 4286 E. LAUNDALE

[Signature] [Signature] 4155 EAST POINT

JAMES A SMYTH [Signature] 4117 East Point

[Signature] [Signature] 4103 EAST POINT

[Signature] [Signature] 4085 EAST POINT

[Signature] [Signature] [Signature]

Bridgedale Plaza Development

(Proposed Mix-Use Development on the corner of HWY 16 & River Meadows Dr.)

Ward 1-Fayetteville, AR

The following are in FAVOR or UNOPPOSED to Bridgedale Plaza

Name:

Date:

Address:

<u>[Signature]</u>		<u>4458 E. Huntsville Rd</u>
<u>[Signature]</u>		<u>1140 S. Paradise Ln</u>
<u>Shelly Roman</u>		<u>1140 S. Paradise Ln</u>
<u>[Signature]</u>	<u>Robt M. [Signature]</u>	<u>4600 S. HUNTSVILLE RD</u>
<u>[Signature]</u>		<u>1872 S. MALLY WAGON</u>
<u>[Signature]</u>		<u>121 N. Gen Trl Apr 12</u>
<u>[Signature]</u>		<u>121 N. Gen Trl Apr 12</u>
<u>[Signature]</u>		<u>121 N. Gen Trl Apr 11</u>
<u>[Signature]</u>		<u>1135 S. Paradise Ln May 3</u>
<u>[Signature]</u>		<u>135 S. Paradise Ln</u>
<u>[Signature]</u>		<u>1095 S. Liberty Dr</u>
<u>[Signature]</u>		<u>1125 Liberty Dr</u>
<u>[Signature]</u>		<u>1175 Liberty Dr</u>
<u>[Signature]</u>		<u>1201 Roberts Rd</u>
<u>[Signature]</u>		<u>1340 Lake Sequoyia Dr</u>
<u>[Signature]</u>		<u>901 S. Liberty</u>
<u>[Signature]</u>		<u>18713 Lake Sequoyia Dr</u>

Bridgedale Plaza Development

(Proposed Mix-Use Development on the corner of HWY 16 & River Meadows Dr.)

Ward 1-Fayetteville, AR

The following are in FAVOR or UNOPPOSED to Bridgedale Plaza

Name:

Date:

Address:

Judy Beard 5/2/08

5263 Mills Way

John Beard 5/2/08

5263 Mills Way

W. B. Baker

1510 Lake Sequoyia

Jerry Kirby 5/2/08

18713 Kingsley Fayetteville AR

Wiley Kirby 5/2/08

18713 Kingsley Fayetteville AR

Stuart Morgan

1388 Lake Sequoyia

W. C. S. 5/2/08

1388 Lake Sequoyia

Matt Gabbas

1210 Turner Hill Rd

Michael Gabbas

2073 Cherry Hills

Carolyn Roberts

1197 Roberts Rd

Elden Roberts

1197 Roberts Rd

Doris Roberts

4199 E Huntsville

Donald Brennan

1356 S Roberts Rd

John Bean

1356 S Roberts Rd

Ray Alfred

1160 Roberts Rd

Melba Alfred

"

Carl Alfred

9458 E. Huntsville Rd

Bridgedale Plaza Development

(Proposed Mix-Use Development on the corner of HWY 16 & River Meadows Dr.)

Ward 1-Fayetteville, AR

The following are in FAVOR or UNOPPOSED to Bridgedale Plaza

<u>Name:</u>	<u>Date:</u>	<u>Address:</u>
Brian Robinson	5/5/08	100 Tournamine Apt #1
Mat Robertson	5/5/08	100 Tournamine Way Apt #4
Adrian	5-5-08	100 Tournamine Way #4 72701
Alicia Belmore	5/5	68 Tournamine Way #1
Alicia Inge	5-5-08	
Talisha Gray	5-5-08	209 Lapis Lane Apt. 9
Bobby Sullivan	5-5-08	161 Lapis Ln #9
Frank Cooper	5-5-08	" " "
Frank	5-5-08	107 N. Lapis Ln. #8
Frank	5-5-08	" "
Frank	5-5-08	107 N. Lapis Lane #9
Frank	5/5/08	93 N. Lapis Ln Apt #7
Connie Vaughn	5/5/08	" " " "
Kae Wyland	5-5-08	93 Lapis Ln Apt. #2
Nicholas Bethies	5-5-08	" " " "
Alanna Cole		145 N. Lapis Lane Apt 1
Luca	5/5/08	145 Lapis Ln, Apt. 5

Bridgedale Plaza Development

(Proposed Mix-Use Development on the corner of HWY 16 & River Meadows Dr.)

Ward 1-Fayetteville, AR

The following are in FAVOR or UNOPPOSED to Bridgedale Plaza

Name:

Date:

Address:

Dallas Nichols

938 S. Eastview

James A. J.

938 S. Eastview

Fred Chaplin

891 EASTVIEW DR.

Kathy Smith

952 S. Eastview Dr.

Jim Hill

983 S. Eastview Dr.

Steve Davis

↑

River McElaine

905 S. Eastview Dr.

Spence John

1017 S. Eastview Dr.

MMO

955 S. Regency Dr.

Demetrius Howell

960 S. Regency Dr.

James Santos

961 S. Regency Dr.

Don Rouse

973 S. Regency Dr.

Paul Bradley

917 Parkwood St.

Quint Jackson

897 S. PARKWOOD DR.

James Hines

888 S. Parkwood Dr.

Dan Swan

961 S. Parkwood Dr.

B. J. J.

919 S. Regency Dr.

Bridgedale Plaza Development

(Proposed Mix-Use Development on the corner of HWY 16 & River Meadows Dr.)

Ward 1-Fayetteville, AR

The following are in FAVOR or UNOPPOSED to Bridgedale Plaza

Name:

Date:

Address:

Denny Wilson 4/30/08 4264 E. Landale Dr

Janet Adams 4/30/08 4300 E. Landale

Mark Hughes 5/1/08 5510 E. Country Ridge

Tanner Francis 5572 Country Ridge

Jose Marquez 5-1-08 5620 Country Ridge

Jeri Redman 5652 Country Ridge

Cassey Shreve 05/01/08 5682 Country Ridge

JE 05/01/08 5682 Country Ridge

Amanda Edgmon 5-1-08 5681 Country Ridge

Misty Seales 5-1-08 5681 Country Ridge

Ann L Biggett 5-1-08 5633 E Country Ridge Fayetteville AR

Kerry Biggett 5-1-08 5633 E Country Ridge Fayetteville AR

LEO PAOLO ESTORNAS 5-1-08 1278 DEERFIELD WAY

Erin Luper 1308 DEERFIELD WAY

DINA HARRIS 5538 E COUNTRY RIDGE

Jane Waters-Shawalter 1667 Tally Ho Drive

Cliff Shumaker 1667 Tally Ho Drive

Bridgedale Plaza Development

(Proposed Mix-Use Development on the corner of HWY 16 & River Meadows Dr.)

Ward 1-Fayetteville, AR

The following are in FAVOR or UNOPPOSED to Bridgedale Plaza

Name:

Date:

Address:

Mark Ross 5/5/08

Geoffrey Jenkins 5/5/08

Carol 5/5/08

Amanda Jones 5/5/08

Karl Ascoli

Ryan Smith

[Signature] 5/5/08

Bert Smith 5/5/08

Brianne E. Lindstrom 5/5/08

James Page

Rylee Miller

Amy Schillinger

Larry Dyer

Haley Barker

Lois Gentry

Josh Attoun

Shelly DeMott

[Signature]

1455 Lapis Ln, Fayetteville, AR 72701

201 Lapis Ln Fayetteville, AR 72701

1453 Lapis Ln Fayetteville, AR 72701

101 LAPIS LN #4 Fayetteville, AR 72701

1952 Spinel Link apt #1

1952 E. Spinel Link apt #7

1965 E Spinel Link

122 Aqua Crossing #2

122 Aqua Crossing #2

122 Aqua Crossing #1

44 Aqua Crossing

78 Aqua Crossing Apt 7

78 44 link & apt

78 Aqua Xing #10

70 Aqua Xing #9

70 Aqua Xing #7

70 Aqua Xing #7

70 Aqua Xing #7

Bridgedale Plaza Development

(Proposed Mix-Use Development on the corner of HWY 16 & River Meadows Dr.)

Ward 1-Fayetteville, AR

The following are in FAVOR or UNOPPOSED to Bridgedale Plaza

Name:

Date:

Address:

CAJ

Christopher L. Morton

Jay Boston

Laren Boston

Hal Alderson

Ray

Kance Swift

Jim Hill

Tripp Perry

Marica Smith

Harold D. May

Levi Netter

Keith Scott

Wade Wright

Deann

K. Martin

J. Ornel

1644 Tally Ho DR

1644 Tally Ho

1615 S. Tallgrass

1615 S. Tallgrass

1602 S. Tallgrass Dr.

1602 S. Tallgrass Dr.

1664 S. Tallgrass Dr.

1664 S. Tallgrass Dr.

1743 Tallgrass Dr.

1795 Tallgrass Dr.

1792 Tallgrass

1740 Tallgrass

1725 Tallgrass Dr.

1725 Tallgrass Dr.

1912 Rescue Ct.

1945 S. Fennel St

5320 Midway

(Proposed Mix-Use Development on the corner of HWY 16 & River Meadows Dr.)

The following are in FAVOR or UNOPPOSED to Bridgedale Plaza

Address:

[illegible]

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Allen
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Lioneld Jordan

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
May 20, 2008**

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

1. Office Staff: Permits, Inspections & Archives - Steve Cattaneo, Building Safety Inspector - Informational Only.
2. OMI Wastewater Operations Annual Report - Billy Ammons, OMI Regional Business Manager - Agenda Session Only

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

1. Wastewater System Improvement Project – David Jurgens, Water Wastewater Director

Agenda Additions:

A. Consent:

1. Approval of the May 6, 2008 City Council meeting minutes.

2. **Bid # 08-39 Insituform Technologies, Inc:** A resolution awarding Bid # 08-39 and approving a contract with Insituform Technologies, Inc. in the amount of \$330,000.00 for 2008 sanitary sewer main line and service lateral lining, cured in-place pipe method.
3. **Bid # 08-42 Southwest Trailer & Equipment:** A resolution awarding Bid # 08-42 and approving the purchase of one (1) light weight steel dump trailer from Southwest Trailer and Equipment in the amount of \$36,518.00 for use by the new Wastewater Treatment Plant; and approving a budget adjustment in like amount.
4. **Bid # 08-43 Wiese Planning and Engineering:** A resolution awarding Bid # 08-43 and approving the purchase of one (1) forklift from Wiese Planning and Engineering in the amount of \$24,803.00 for use by the new Wastewater Treatment Plant; and approving a budget adjustment in the amount of \$24,878.00.
5. **Bid # 08-44 Arkoma Playgrounds and Supply:** A resolution awarding Bid # 08-44 and approving a contract with Arkoma Playgrounds and Supply in the amount of \$34,214.00 for construction of a pavilion, sidewalk, and picnic tables at Gary Hampton Softball Complex; approving a project contingency in the amount of \$4,106.00; and approving a budget adjustment in the amount of \$50,000.00.
6. **RJN Group, Inc:** A resolution approving an Engineering Services Contract with RJN Group, Inc. in the amount of \$395,109.00 for a detailed sanitary sewer evaluation study in south Fayetteville and the City of Greenland; and approving a 5% contingency in the amount of \$19,800.00.
7. **Fayetteville Public Schools Contribution:** A resolution approving a budget adjustment in the amount of \$150,000.00 to the Fixed Assets Account and recognizing like revenue from the Fayetteville Public Schools for the installation of traffic signals at the intersections of Garland Avenue/Sixth Street and Starr Road/Mission Boulevard.
8. **Pinkley Sales Company:** A resolution approving the purchase of twelve (12) traffic signal preemption devices from Pinkley Sales Company in the amount of \$40,586.00; and approving a budget adjustment in the amount of \$12,000.00.
9. **Movies in the Park Program:** A resolution to approve a budget adjustment to recognize \$22,000.00 from the Community Development Block Grant Program for the Yvonne Richardson Center and \$2,500.00 from the Fayetteville Firefighters Association for the Parks Department "Movies in the Park" program.

B. Unfinished Business:

1. **Hiring Freeze:** Hiring Freeze Appeals:
2. **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 ordinance was left on the Second Reading and then tabled at the April 15, 2008 City Council meeting to the May 20, 2008 City Council meeting.*

3. **RZN 08-2934 (Newell/Morton):** An ordinance rezoning a portion of property described in rezoning petition RZN 08-2934, for approximately 0.37 acres, located at 1141 Hendrix from RSF-4, Residential Single Family, 4 units per acre, to RSF-8, Residential Single Family, 8 units per acre. *This ordinance was left on the First Reading at the May 6, 2008 City Council meeting.*
4. **R-PZD 08-2915 (Hill Place):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 08-2915, Hill Place, located at the southwest corner of 6th Street and Hill Avenue; containing approximately 27.10 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the First Reading at the May 6, 2008 City Council meeting.*
5. **Bridgedale Plaza Appeal:** An ordinance establishing a Commercial Planned Zoning District titled C-PZD 08-2904 Bridgedale Plaza, located at the southeast corner of Highway 16 East and River Meadows Drive, containing approximately 15.95 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the Second Reading at the May 6, 2008 City Council meeting.*

C. New Business:

1. **RZN 08-2968 (Lazenby):** An ordinance rezoning that property described in rezoning petition RZN 08-2968, for approximately 0.49 acres, located at 3390 West 6th Street from R-O, Residential Office to C-1, Neighborhood Commercial.
2. **VAC 08-2969 (Quality Lane Apartments):** An ordinance approving VAC 08-2969 submitted by Crafton, Tull, Sparks & Associates for property located northwest of Quality Lane and Gregg Avenue to vacate a portion of a utility easement within the subject property.
3. **Forest Hills PZD Rezone Appeal:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 07-2793 Forest Hills, located at Wedington Drive, south of Salem Road, containing approximately 82.38 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan.
4. **Forest Hills Master Street Plan Amendment Request:** A resolution for R-PZD 07-2793 Forest Hills amending the Master Street Plan, realigning Golf Club Drive, a proposed north-south collector street, as described and depicted in the attached maps.

Announcements:

1. **City Council Tour: May 19, 2008**

Adjournment:

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

A. 2
Bid # 08-39 Insituform Technologies, Inc.
Page 1 of 4

20-May-08

City Council Meeting Date

Shannon Jones
Submitted By

Engineering
Division

Water and Wastewater
Department

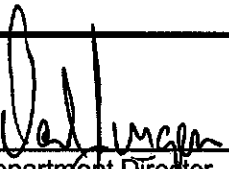
Action Required:

Approval of Bid #08-39 for a construction contract with Insituform Technologies, Inc. for 2008 sanitary sewer main line and service lateral lining, cured in place pipe method, and approving an authorization totalling \$330,000.00, for sanitary sewer lining services

\$ 330,000.00 Cost of this request	\$ 5,738,641.00 Category/Project Budget	Sanitary Sewer Rehabilitation Program Category / Project Name
5400.5700.5815.00 Account Number	\$ 1,934,531.10 Funds Used to Date	Water and Wastewater Program / Project Category Name
02017.0008 Project Number	\$ 3,804,109.90 Remaining Balance	Water and Sewer Fund Name

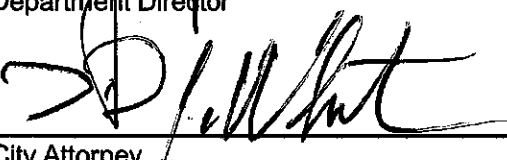
Budgeted Item ☒ XX

Budget Adjustment Attached ☐


Department Director

1 MAY 08
Date

Previous Ordinance or Resolution # _____


City Attorney

5/6/08
Date

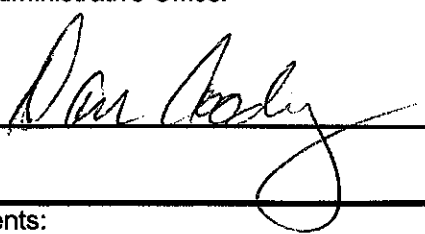
Original Contract Date: _____

Original Contract Number: _____


Chief Administrative Officer

5-6-08
Date

Received in Mayor's Office



Mayor

5/6/08
Date

Received in City Clerk's Office

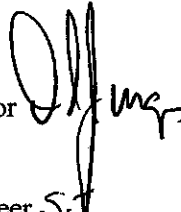

Comments:

City Council Meeting of May 20, 2008

CITY COUNCIL AGENDA

To: Fayetteville City Council

Thru: Mayor Dan Coody
David Jurgens, Water & Wastewater Director
Fayetteville Sewer Committee



From: Shannon Jones, Water & Wastewater Engineer

Date: May 1, 2008

Subject: Approval of Bid #08-39 for a construction contract with Insituform Technologies, Inc. for sanitary sewer main and service lateral cured in place lining, in the amount of \$330,000.00

RECOMMENDATION

Staff recommends approval of Bid #08-39 for a construction contract with Insituform Technologies, Inc. for sanitary sewer main and service lateral cured in place lining, in the amount of \$330,000.00.

BACKGROUND

The bid schedule includes specific unit prices for various items of work; with the sanitary sewer rehabilitation program then using the pricing to complete the annual rehabilitation program. The exact needs of each rehabilitation activity cannot be explicitly defined until the final design is completed, hence the unit price bid schedule to correlate costs to project scopes. The work order releases for the previous term maintenance contract averaged \$330,000.00 per year.

The contract is set up to have as many as five annual terms from 2008 through 2012, with restrictions on the unit price increases per year. While there is no obligation to execute future terms of the contract, this technique allows us to get the best possible prices, increases our flexibility, and greatly reduces the administrative demands involved. Each annual term would go through the City Council for approval.

DISCUSSION

The City received two responsive bids on April 8, 2007.

<u>Contractor</u>	<u>Total</u>
Insituform	\$ 298,750.60 (low bid)
Suncoast	\$ 322,160.00
Staff's Estimate	\$ 344,600.00

The direct contracting with Insituform Technologies allows the City of Fayetteville to execute its sanitary sewer rehabilitation program effectively and efficiently. It is effective as the administrative delays and costs are minimized due to the annual contract and pre-established pricing. Pipes being lined under this contract are either identified by City forces through normal maintenance operations or by consultants executing Sanitary Sewer Evaluation Studies. Either way, engineering and administrative costs are held to a bare minimum as formal plans and specifications are not required. This work is an integral part of the City's ongoing program to maintain its sewer system in the most long-term yet cost effective fashion, with cured-in-place linings being by far the lowest cost strategy for applications where it is appropriate.

Insituform has completed many sewer rehabilitation projects in Fayetteville, including the 2002 – 2006 maintenance term contract. They are excellent contractors who have completed all jobs to the City's satisfaction.

BUDGET IMPACT

Funds are available within the Fiscal Year 2008 Sanitary Sewer Rehabilitation Project.

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #08-39 AND APPROVING A CONTRACT WITH INSITUFORM TECHNOLOGIES, INC. IN THE AMOUNT OF \$330,000.00 FOR 2008 SANITARY SEWER MAIN LINE AND SERVICE LATERAL LINING, CURED IN-PLACE PIPE METHOD.

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 #08-39 and approves a contract with Insituform Technologies, Inc. in the amount of \$330,000.00 for 2008 sanitary sewer main line and service lateral lining, cured in-place pipe method.

PASSED and APPROVED this 20th day of May, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

2008 CIPP Bid Tabulation
April 16, 2008 at 2:00 p.m.

Item No.	Item Description	Approx. Qty.	Unit	Insituform Technologies		Suncoast Infrastructure	
				Unit Price In Figures	Total	Unit Price In Figures	Total
1	6" x 4.5mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place	3500	LF	\$ 36.50	\$ 127,750.00	\$ 30.60	\$ 107,100.00
2	8" x 6.0mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place	1500	LF	\$ 32.00	\$ 48,000.00	\$ 30.30	\$ 45,450.00
3	10" x 6.0mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place	500	LF	\$ 34.00	\$ 17,000.00	\$ 31.00	\$ 15,500.00
4	12" x 6.0mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place	500	LF	\$ 42.00	\$ 21,000.00	\$ 32.80	\$ 16,400.00
5	15" x 7.5mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place	100	LF	\$ 57.00	\$ 5,700.00	\$ 50.00	\$ 5,000.00
6	18" x 9mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place	100	LF	\$ 73.00	\$ 7,300.00	\$ 60.50	\$ 6,050.00
7	Internal reinstatement of Service Laterals	60	EA	\$ 0.01	\$ 0.60	\$ 150.00	\$ 9,000.00
8	Trenchless rehabilitation by CIPP of existing 4" Service Lateral	30	EA	\$ 2,000.00	\$ 60,000.00	\$ 2,900.00	\$ 87,000.00
9	Standard Mobilization (within 15 working days)	2	EA	\$ 2,000.00	\$ 4,000.00	\$ 2,500.00	\$ 5,000.00
10	Emergency Mobilization (within 3 working days)	1	EA	\$ 3,000.00	\$ 3,000.00	\$ 9,060.00	\$ 9,060.00
11	CIPP Point Repair, 6" - 12" Diameter, 10 LF	5	EA	\$ 1,000.00	\$ 5,000.00	\$ 3,320.00	\$ 16,600.00
	Total Bid				\$ 298,750.60		\$ 322,160.00

City of Fayetteville Staff Review Form

A. 3
Bid # 08-42 Southwest Trailer & Equipment
Page 1 of 8City Council Agenda Items
and
Contracts, Leases or Agreements

May 20, 2008

City Council Meeting Date
Agenda Items Only

David Bragg

Submitted By

Fleet Operations

Division

Operations

Department

Action Required:

A resolution awarding Bid #08-42 to Southwest Trailer and Equipment in the amount of \$36,518 for the purchase of a light weight steel dump trailer for use by the new Waste Water Treatment Plant, and approval of the Budget Adjustment to move funds to the Fleet Expense account.

\$ 36,518.00

Cost of this request

\$ 209,000.00

Category / Project Budget

Other Vehicles and Equipment

Program Category / Project Name

9700.1920.5802.00

Account Number

\$ -

Funds Used to Date

Vehicles and Equipment

Program / Project Category Name

02080.2008

Project Number

\$ 209,000.00

Remaining Balance

Shop

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☒

Ray D. 4-30-08
Department Director Date

Previous Ordinance or Resolution #

J. P. Whit 5/6/08
City Attorney Date

Original Contract Date:

Original Contract Number:

Paul A. Berlin 5-6-08
Finance and Internal Service Director Date

Received in City
Clerk's Office

4-30-08 KDB



Don Coady 5/6/08
Mayor Date

Received in
Mayor's OfficeENTERED
5/6/08
JH

Comments:



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



A. 3
Equipment
Page 2 of 8

Interdepartmental Correspondence

TO: MAYOR/CITY COUNCIL

THRU: GARY DUMAS, DIRECTOR OF OPERATIONS

FROM: DAVID BRAGG, FLEET OPERATIONS SUPT.

DATE: April 30, 2008

SUBJECT: Purchase of one Light Weight Steel Dump Trailer

RECOMMENDATION: That City Council approve the purchase of one steel dump trailer for the West side Waste Water Treatment Plant in the amount of \$36,518, and approve the Budget Adjustment to move funds to the Fleet expense account.

BACKGROUND: Bid #08-42 was opened on April 18, 2008 for one light weight steel dump trailer for assignment to the Waste Water Treatment Division. Three bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from Southwest Trailer and Equipment meets all specifications.

I recommend acceptance of the bid from Southwest Trailer and Equipment in the amount of \$36,518.00.

This unit is an expansion unit necessary for hauling sludge generated by the new West Side Wastewater Treatment Plant.

Funds for this purchase will be transferred from the wastewater treatment fund to 2008 Fleet Vehicle Special Project 02080 – Other Vehicles and Equipment.

The purchase of this expansion unit was approved by the Equipment Committee on April 29th, 2008.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #08-42 AND APPROVING THE PURCHASE OF ONE (1) LIGHT WEIGHT STEEL DUMP TRAILER FROM SOUTHWEST TRAILER AND EQUIPMENT IN THE AMOUNT OF \$36,518.00 FOR USE BY THE NEW WASTEWATER TREATMENT PLANT; AND APPROVING A BUDGET ADJUSTMENT IN LIKE AMOUNT.

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 #08-42 and approves the purchase of one (1) light weight steel dump trailer from Southwest Trailer and Equipment in the amount of \$36,518.00 for use by the new Wastewater Treatment Plant.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a Budget Adjustment in the amount of \$36,518.00.

PASSED and APPROVED this 20th day of May, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

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

A. 3
Bid # 08-42 Southwest Trailer & Equipment
Page 4 of 8

Budget Year 2008	Department: Operations Division: Fleet Operations Program: Capital Expenditures	Date Requested 4/23/2008	Adjustment Number
----------------------------	--	------------------------------------	-------------------

Project or Item Added/Increased: Increase the "Other Equipment" project #02080 by \$36,518 to provide the total amount needed to purchase a light weight steel dump trailer as an expansion for Water & Sewer's West Side Wastewater Treatment Plant. Fleet is recognizing revenue due to a transfer from Water and Sewer.	Project or Item Deleted/Reduced: Funds are budgeted and available in Water & Sewer account 4520.9520.5802.00, project 02133.0315.
--	---

Justification of this Increase: This unit is an expansion necessary for operating the new West side Wastewater treatment plant.	Justification of this Decrease: There are sufficient funds available in WWTP Sludge Equipment account for this purchase and to meet City objectives.
---	--

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Vehicles and equipment	9700	1920	5802	00	36,518	02080	2008
Transfer to Shop	4520	9520	7602	70	36,518	02133	0315

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Vehicles and equipment	4520	9520	5802	00	36,518	02133	0315
Trans from Water & Sewer	9700	0970	6602	40	36,518	02080	2008

Approval Signatures

<i>Barbara Ober</i>	<u>4-23-08</u>
Requested By	Date
<i>[Signature]</i>	<u>4-23-08</u>
Budget Manager	Date
<i>[Signature]</i>	<u>23 April</u>
Department Director	Date
<i>Paul A. Butler</i>	<u>4-23-08</u>
Finance & Internal Services Director	Date
<i>[Signature]</i>	<u>4/23/08</u>
Mayor	Date

Budget Office Use Only

Type: A B C D E

Posted to General Ledger Initial Date

Posted to Project Accounting Initial Date

Entered in Category Log Initial Date



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

A. 3
Bid #08-42 Southwest Trailer & Equipment
Page 5 of 8

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: April 22, 2008

SUBJECT: Award of Bid 08-42

Bid #08-42 was opened on April 18, 2008 for one light weight steel dump trailer for assignment to the Waste Water Treatment Division. Three bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from Southwest Trailer and Equipment meets all specifications.

I recommend acceptance of the bid from Southwest Trailer and Equipment in the amount of \$36,518.00.

This unit is an expansion unit necessary for hauling sludge generated by the new West Side Wastewater Treatment Plant.

Funds for this purchase will be transferred from the wastewater treatment fund to 2008 Fleet Vehicle Special Project 02080 – Other Vehicles and Equipment.

Cc:
Gary Dumas

APPROVED
4/29/08
JLB

BID: 08-42

4/18/2008

2:00 PM

CITY OF FAYETTEVILLE



Bid 08-42, Dump Truck

BIDDER	Manufacturer	Model	Total Bid Price
1 Downing Sales & Service, Inc.	Clement	Starlite 38'	\$37,093.00
2 Southern States Utility	Clement	Starlite	\$36,580.00
3 Southwest Trailers and Equipment	Clement	2009 Model	\$36,518.00

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

CERTIFIED: P. Vice
P. VICE PURCH MGR

[Signature]
WITNESS

4/18/08
DATE

City Of Fayetteville

(Not a Purchase Order)

City Of Fayetteville (Not a Purchase Order)										Requisition No.	Date: 4/23/2008
Vendor #										P.O Number	Expected Delivery Date:
Address:										Mail Yes: No: XX	
City:										Taxable Yes: No: XX	
Requester Barbara Olsen										Division Head Approval	Quotes Attached Yes: No:
Item Description										Extension: 485	
1	2009 MODEL CLEMENT LIGHT	Quantity 1	Unit of Issue EA	Unit Cost \$36,518.00	Extended Cost \$36,518.00	Account Numbers 9700.1920.5802.00	Project/Subproject # 02080.2008	Inventory #	Fixed Asset #		
2	WEIGHT STEEL DUMP TRAILER		EA		\$0.00						
3	PER BID #08-42, TO BE UNIT #9111		EA		\$0.00						
4	FIXED ASSET #709111		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: 36,518.00	
										Tax: EXEMPT	
										Total: 36,518.00	
Approvals:										Purchasing Manager:	
Mayor:										IT Manager:	
Finance & Internal Services Director:											
Dispatch Manager:											
Department Director:											
Budget Manager:											
Utilities Manager:											

City of Fayetteville Staff Review Form

A. 4
 Bid # 08-43 Wiese Planning And Engineering
 Page 1 of 8

**City Council Agenda Items
 and
 Contracts, Leases or Agreements**

May 20, 2008
City Council Meeting Date
Agenda Items Only

<u>David Bragg</u>	<u>Fleet Operations</u>	<u>Operations</u>
Submitted By	Division	Department

Action Required:

A resolution awarding Bid #08-43 to Wiese Planning and Engineering (Caterpillar) in the amount of \$24,803 for the purchase of a forklift for use by the new Waste Water Treatment Plant, and approval of the Budget Adjustment to move funds to the Fleet Expense account.

<u>\$ 24,803.00</u> Cost of this request	<u>\$ 209,000.00</u> Category / Project Budget	<u>Other Vehicles and Equipment</u> Program Category / Project Name
<u>9700.1920.5802.00</u> Account Number	<u>\$ 36,518.00</u> Funds Used to Date	<u>Vehicles and Equipment</u> Program / Project Category Name
<u>02080.2008</u> Project Number	<u>\$ 172,482.00</u> Remaining Balance	<u>Shop</u> Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☒

Harry D. ... 4-30-08
 Department Director Date

Previous Ordinance or Resolution # _____

J. J. White 5/6/08
 City Attorney Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Bach 5-6-08
 Finance and Internal Service Director Date

Received in City Clerk's Office 4-30-08 *WHP*

Don Peody 5/6/08
 Mayor Date

Received in Mayor's Office

Comments:



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

Bid #



A. 4
Engineering
Page 2 of 8

Interdepartmental Correspondence

TO: MAYOR/CITY COUNCIL

THRU: GARY DUMAS, DIRECTOR OF OPERATIONS

FROM: DAVID BRAGG, FLEET OPERATIONS SUPT.

DATE: April 30, 2008

SUBJECT: Purchase of one Fork lift

RECOMMENDATION: That City Council approve the purchase of one fork lift for the West side Waste Water Treatment Plant in the amount of \$24,803, and approve the Budget Adjustment to move funds to the Fleet expense account.

BACKGROUND: Bid #08-43 was opened on April 18, 2008 for one fork lift for assignment to the Waste Water Treatment Division. Four bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from Wiese Planning & Engineering (Mitsubishi) does not meet the engine horsepower and displacement specifications.

The second lowest bid from Wiese Planning & Engineering (Caterpillar) meets all specifications.

I recommend acceptance of the bid from Wiese Planning & Engineering (Caterpillar) in the amount of \$24,803.00.

This unit is an expansion unit necessary for operation of the new West Side Wastewater Treatment Plant.

Funds for this purchase will be transferred from the wastewater treatment fund to 2008 Fleet Vehicle Special Project 02080 – Other Vehicles and Equipment.

The purchase of this expansion unit was approved by the Equipment Committee on April 29th, 2008.

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #08-43 AND APPROVING THE PURCHASE OF ONE (1) FORKLIFT FROM WIESE PLANNING AND ENGINEERING IN THE AMOUNT OF \$24,803.00 FOR USE BY THE NEW WASTEWATER TREATMENT PLANT; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$24,878.00.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #08-43 and approves the purchase of one (1) forklift from Wiese Planning and Engineering in the amount of \$24,803.00 for use by the new Wastewater Treatment Plant.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a Budget Adjustment in the amount of \$24,878.00.

PASSED and APPROVED this 20th day of May, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

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

A. 4
Bid # 08-43 Wiese Planning And Engineering
Page 4 of 8

Budget Year 2008	Department: Operations Division: Fleet Operations Program: Capital Expenditures	Date Requested 4/23/2008	Adjustment Number
----------------------------	--	------------------------------------	-------------------

Project or Item Added/Increased: Increase the "Other Equipment" project #02080 by \$24,878 to provide the total amount needed to purchase a forklift as an expansion for Water & Sewer's West Side Wastewater Treatment Plant. Fleet is recognizing revenue due to a transfer from Water and Sewer.	Project or Item Deleted/Reduced: Funds are budgeted and available in Water & Sewer account 4520.9520.5802.00, project 02133.0210.
--	---

Justification of this Increase: This unit is an expansion necessary for operating the new West side Wastewater treatment plant.	Justification of this Decrease: There are sufficient funds available in WWTP Sludge Equipment account for this purchase and to meet City objectives.
---	--

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Vehicles and equipment	9700	1920	5802	00	24,878	02080	2008
Transfer to Shop	4520	9520	7602	70	24,878	02133	0210

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Vehicles and equipment	4520	9520	5802	00	24,878	02133	0210
Trans from Water & Sewer	9700	0970	6602	40	24,878	02080	2008

Approval Signatures

<i>Barbara Olsen</i>	4-23-08
Requested By	Date
<i>[Signature]</i>	4-23-08
Budget Manager	Date
<i>[Signature]</i>	23 APR 08
Department Director	Date
<i>[Signature]</i>	4-23-08
Finance & Internal Services Director	Date
<i>[Signature]</i>	4/23/08
Mayor	Date

Budget Office Use Only

Type: A B C D E

Posted to General Ledger	Initial	Date
Posted to Project Accounting	Initial	Date
Entered in Category Log	Initial	Date



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

A. 4
Bid #08-43 Wiese Planning And Engineering
Page 5 of 8

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: April 22, 2008

SUBJECT: Award of Bid 08-43

Bid #08-43 was opened on April 18, 2008 for one fork lift for assignment to the Waste Water Treatment Division. Four bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from Wiese Planning & Engineering (Mitsubishi) does not meet the engine horsepower and displacement specifications.

The second lowest bid from Wiese Planning & Engineering (Caterpillar) meets all specifications.

I recommend acceptance of the bid from Wiese Planning & Engineering (Caterpillar) in the amount of \$24,803.00.

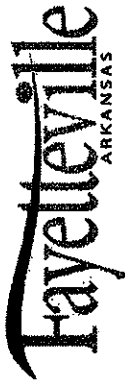
This unit is an expansion unit necessary for operation of the new West Side Wastewater Treatment Plant.

Funds for this purchase will be transferred from the wastewater treatment fund to 2008 Fleet Vehicle Special Project 02080 – Other Vehicles and Equipment.

Cc:
Gary Dumas

APPROVED
4/29/08
ZRB

BID: 08-43
4/18/2008
2:00 PM
CITY OF FAYETTEVILLE



Bid 08-43, Fork Lift

BIDDER	Manufacturer	Model	Total Bid Price
1 Barloworld Handling	Hyster	H60FT	\$30,790.46
2 Hugg & Hall Equipment	Toyota	8FGU25	\$27,889.00
3 Wiese Planning & Engineering DBA Grady Jones - OPT 1	Caterpillar	P5000	\$24,803.00
4 Wiese Planning & Engineering DBA Grady Jones - OPT 2	Mitsubishi	FG25N	\$21,647.00

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

CERTIFIED: P. Wiese
P. VICE PURCH MGR

Wiese 4/18/08
WITNESS DATE

City Of Fayetteville

(Not a Purchase Order)

City Of Fayetteville (Not a Purchase Order)										Requisition No. _____ Date: 4/23/2008	
Vendor # _____ Vendor Name: WIESE PLANNING & ENGINEERING										P.O Number _____ Expected Delivery Date: _____	
Address: _____ Fob Point: _____										Mail Yes: ___ No: XX Taxable Yes: ___ No: XX	
City: _____ State: _____										Division Head Approval Yes: ___ No: ___ 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	P5000 CATERPILLAR FORK LIFT	1	EA	\$24,803.00	\$24,803.00	9700.1920.5802.00	02080.2008				
2	PER BID SPECS #08-43, TO BE UNIT		EA		\$0.00						
3	818, FIXED ASSET #700818		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						
Subtotal: 24,803.00											
Tax: EXEMPT											
Total: 24,803.00											
Special Instructions: _____											
Approvals: _____											
Mayor: _____ Department Director: _____											
Finance & Internal Services Director: _____ Budget Manager: _____											
Dispatch Manager: _____ Utilities Manager: _____											
Purchasing Manager: _____ IT Manager: _____											

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

20-May-08
City Council Meeting Date

Alison Jumper
Submitted By

Parks and Recreation
Division

Operations
Department

Action Required:

A resolution awarding Bid # 08-44 and approval of a contract with Arkoma Playgrounds and Supply in the amount of \$34, 214 with a 12% project contingency of \$4,106 for a total project cost of \$38,320 for the construction of a pavilion, sidewalk connection and picnic tables at Gary Hampton Softball Complex.

\$	38,320.00
Cost of this request	
2250.9255.5806.00	
Account Number	
02013.0803	
Project Number	

	\$50,000
Category/Project Budget	
	\$0
\$	-
Funds Used to Date	
	\$50,000
	\$0
Remaining Balance	

Neighborhood Park Development
Program Category / Project Name
Park Improvements
Program / Project Category Name
Parks Development
Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☒

Gay D. ... 5.2.08
Department Director Date

Don P. Whit 5/6/08
City Attorney Date

Paul A. Bell 5-6-08
Finance and Internal Service Director Date

Alan Coody 5/6/08
Mayor Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office
5-2-08 

Received in Mayor's Office


Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Dan Coody and City Council
Thru: Gary Dumas, Operations Director
Connie Edmonston, Parks and Recreation Director
From: Alison Jumper, Park Planner
Date: April 30, 2008
RE: Gary Hampton Softball Complex Pavilion

RECOMMENDATION

A resolution awarding Bid # 08-44 and approval of a contract with Arkoma Playgrounds and Supply in the amount of \$34,214 with a 12% project contingency of \$4,106 for a total project cost of \$38,320 for the construction of a pavilion, sidewalk connection and picnic tables at Gary Hampton Softball Complex.

BACKGROUND

City Council approved for Parks and Recreation to apply for Act 1527, which was sponsored by Senator Barbara Horn for grants up to \$35,000 "for recreational parks" on January 3rd, 2008 (Resolution 04-08). This project would include a 24 foot pavilion at the Gary Hampton Softball Complex. Fayetteville Rotary Club has donated \$15,000 to Parks and Recreation to assist in building the pavilion at Gary Hampton Softball Complex.

The grants have not been awarded, however, permission was granted by Bryan Kellar with Arkansas Parks and Tourism Outdoor Grants Program to begin the bidding process for the project while the grant applications are being evaluated. If the grant is awarded to the City for this project after construction begins the City will be reimbursed.

The pavilion would be used by participants during softball games and tournaments, Holcomb Elementary students, community gatherings, as well as serving as part of a trail head for Clabber Creek Trail. Fayetteville Public Schools has approved this project.

DISCUSSION

The project was advertised on April 14th and April 21st, and bids were opened on April 30th, 2008. Twelve vendors submitted bids. Arkoma Playgrounds and Supply was the low bid in the amount of \$34,213.64. If approved, the construction of the project will begin in May 2008 and will be completed in July 2008.

BUDGET IMPACT

The project will initially be funded by Parks Development Funds through Park Land Dedication Funds in the northwest quadrant and the Rotary Club donation of \$15,000. If the grant it awarded to the City, the Parks Development fund will be reimbursed. There would be minimal maintenance of litter control for this project.

Attachments:

PRAB Minutes April 7th 2008
Bid Tabulation Sheet
Contract Signed by Contractor
School District Letter
Budget Adjustment
Purchase Requisition

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #08-44 AND APPROVING A CONTRACT WITH ARKOMA PLAYGROUNDS AND SUPPLY IN THE AMOUNT OF \$34,214.00 FOR CONSTRUCTION OF A PAVILION, SIDEWALK, AND PICNIC TABLES AT GARY HAMPTON SOFTBALL COMPLEX; APPROVING A PROJECT CONTINGENCY IN THE AMOUNT OF \$4,106.00; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$50,000.00.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas, hereby awards Bid #08-44 and approves a contract with Arkoma Playgrounds and Supply in the amount of \$34,214.00 for construction of a pavilion, sidewalk, and picnic tables at Gary Hampton Softball Complex. 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 Project Contingency in the amount of \$4,106.00.

Section 3. That the City Council of the City of Fayetteville, Arkansas, hereby approves a budget adjustment in the amount of \$50,000.00.

PASSED and APPROVED this 20th day of May, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

FAYETTEVILLE PARKS AND RECREATION ADVISORY BOARD

Meeting Minutes April 7, 2008

Opening:

The regular meeting of the Parks and Recreation Advisory Board was called to order by Chairman Wade Colwell at 5:32 p.m. on April 7, 2008 at the Botanical Gardens located at 4703 North Crossover Road, Fayetteville, Arkansas.

Present:

Park and Recreation Advisory Board members Davidson, Biendara, Waite, Hatfield, and Bitler, and Colwell were present; P. Jones and Mauritsen were absent. Park Staff Edmonston, Wright, Thomas, C. Jones, Jumper, Trails Coordinator Mihalevich and the audience were in attendance.

8. Park Land Dedication Fund Requests:

Rotary Club Pavilion:

Alison Jumper, Park Planner

Staff is requesting approval of \$35,000 from the NW Park Land Dedication Fund to assist in funding the pavilion at Gary Hampton Softball Complex in the event the Arkansas Department of Parks and Tourism General Improvement grant funds are not awarded for the project. The Rotary Club is funding \$15,000 for the 24 foot pavilion to serve the Hampton Complex, neighborhood, Holcomb School, as well as the trailhead for Clabber Creek Trail. This project is scheduled to be completed by the FayRo Classic Girls Softball Tournament on June 14th, 2008.

Davidson asked how much confidence Parks and Recreation had that they would receive the grant.

Edmonston replied that it is not known whether the grant would be given to Parks and Recreation.

Wright said that many people would use the pavilion.

Bitler asked how many years were left on the lease.

Edmonston said that the lease lasted ten years, and there was nine years to go.

PRAB Motion: Colwell motioned to approve the pavilion. Waite seconded it. The motion passed 6-0-0 by voice vote.



CELEBRATING THE PAST WHILE EMBRACING THE FUTURE
WWW.FAYAR.NET

April 15, 2008

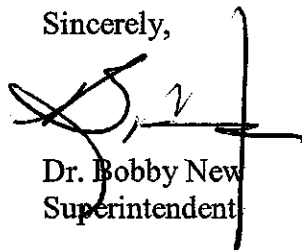
Connie Edmonston
Director
Parks and Recreation
The City of Fayetteville, Arkansas
113 West Mountain
Fayetteville, AR 72701

Dear Ms. Edmonston:

The Fayetteville Public School District is happy to approve the Gary Hampton Pavilion project, to be constructed on property owned by the district and leased to the Fayetteville Parks and Recreation Department at no cost to the district.

We are proud to partner with the city, and look forward to using the new pavilion for our students' benefit.

Sincerely,

A handwritten signature in black ink, appearing to read "Bobby New", is written over a horizontal line. The signature is stylized with a large, sweeping initial "B".

Dr. Bobby New
Superintendent

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

A. 5
Bid # 08-44 Arkoma Playgrounds and Supply
Page 6 of 16

Budget Year 2008	Department: Operations Division: Parks & Recreation Program: Parks Development Capital	Date Requested 4/10/2008	Adjustment Number
----------------------------	--	------------------------------------	-------------------

Project or Item Added/Increased: To increase the budget for the Gary Hampton Pavilion with funds of \$35,000 from the Greenspace Fees NW and recognize donated funds of \$15,000 from Rotary Club of Fayetteville.	Project or Item Deleted/Reduced: Decrease the Greenspace Fees NW budget to provide additional funding for the Gary Hampton Pavilion
Justification of this Increase: To provide funding for the Gary Hampton Pavilion from the Greenspace Fees in the NW Quadrant. There are available funds that were received from Park Land Dedication requirements after the Capital Budget was approved. Additionally, Rotary Club of Fayetteville donated funds for this project.	Justification of this Decrease: These funds are available in the NW Quadrant to fund this project. This project was approved with Greenspace Fees by the Parks and Recreation Advisory Board on 4/7/08

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Park improvements	2250	9255	5806	00	49,600	02013	0803
Public notification	2250	9255	5301	00	400	02013	0803

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Greenspace Fees NW	2250	0925	4419	00	35,000	02013	0803
Donations	2250	0925	4809	00	15,000	02013	0803

Approval Signatures

Requested By Connie Emerson Date 4-10-08
 Budget Manager [Signature] Date 4-11-08
 Department Director [Signature] Date 5-6-08
 Finance & Internal Services Director Paul A. Buhl Date 5-6-08
 Mayor [Signature] Date 5/6/08

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

Bid 08-44, Gary Hampton Pavilion
 Detailed Bid Tab: 4/30/08 - 2:00 PM, Central Standard Time

ITEM#	DESCRIPTION	UNIT	EST. QTY	Arkoma Playgrounds	Daniel Utility Construction	DC J Construction	Dixon Contracting	Fochman Enterprises	Noland Construction
				Unit Price	Unit Price	Unit Price	Unit Price	Unit Price	Unit Price
1	Mobilization	L.S.	1.00	\$330.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
2	Bid Bonds and Insurance	L.S.	1.00	\$1,000.00	\$500.00	\$2,500.00	\$1,600.00	\$700.00	\$2,500.00
3	Site Preparation	L.S.	1.00	\$2,200.00	\$6,000.00	\$6,500.00	\$4,500.00	\$4,000.00	\$5,700.00
4	Site Restoration	L.S.	1.00	\$1,270.00	\$1,500.00	\$3,300.00	\$5,000.00	\$4,000.00	\$19,101.75
5	Unclassified Excavation	C.Y.	48.00	\$31.74	\$1,460.00	\$25.00	\$20.00	\$15.00	\$16,067.25
6	Imported Hilside Material	C.Y.	40.00	\$33.00	\$1,320.00	\$30.00	\$40.00	\$600.00	\$3,450.00
7	Class 7 Base	C.Y.	8.00	\$82.50	\$660.00	\$40.00	\$45.00	\$256.00	\$2,980.00
8	Concrete Pavement Slab (5" Thickness)	S.Y.	59.00	\$52.20	\$3,080.00	\$89.49	\$127.12	\$3,894.00	\$9,027.00
9	24" Diameter Pavilion	EA	1.00	\$8,311.19	\$13,000.00	\$20,000.00	\$18,000.00	\$13,028.00	\$11,354.00
10	7" ADA Accessible Picnic Tables	EA	3.00	\$1,323.43	\$3,970.28	\$4,000.00	\$1,166.67	\$5,340.00	\$1,226.00
11	Pavilion Installation per manufacturer's instructions	L.S.	1.00	\$5,985.00	\$4,000.00	\$8,500.00	\$5,000.00	\$5,175.00	\$5,500.00
12	5" Wide ADA Accessible Concrete Sidewalk (4" Thickness)	S.Y.	28.00	\$83.57	\$2,340.00	\$40.00	\$75.00	\$1,064.00	\$2,016.00
13	Parking Striping and Signage	L.S.	1.00	\$690.00	\$2,500.00	\$1,500.00	\$750.00	\$1,840.00	\$650.00
14	Rotating Grill	EA	1.00	\$428.17	\$800.00	\$350.00	\$250.00	\$470.00	\$368.00
TOTAL BID AMOUNT				\$34,213.64	\$45,000.00	\$54,660.00	\$54,480.09	\$43,057.00	\$82,572.00

ITEM#	DESCRIPTION	UNIT	EST. QTY	Sweetser Construction	Tomlinson Asphalt Co.	Zachary & Associates	Perme Excavating	Stuck Pershall Building Co	RJR Enterprises
				Unit Price	Unit Price	Unit Price	Unit Price	Unit Price	Unit Price
1	Mobilization	L.S.	1.00	\$1,000.00	\$1,800.00	\$2,000.00	\$1,725.00	\$1,700.00	\$1,748.00
2	Bid Bonds and Insurance	L.S.	1.00	\$800.00	\$500.00	\$1,000.00	\$1,150.00	\$1,700.00	\$1,049.00
3	Site Preparation	L.S.	1.00	\$5,000.00	\$2,300.00	\$3,400.00	\$2,588.00	\$3,500.00	\$2,222.00
4	Site Restoration	L.S.	1.00	\$1,200.00	\$1,700.00	\$4,200.00	\$920.00	\$1,900.00	\$1,200.00
5	Unclassified Excavation	C.Y.	46.00	\$50.00	\$2,300.00	\$40.00	\$8.32	\$26.50	\$782.00
6	Imported Hilside Material	C.Y.	40.00	\$25.00	\$1,000.00	\$40.00	\$552.00	\$600.00	\$600.00
7	Class 7 Base	C.Y.	8.00	\$46.00	\$320.00	\$30.00	\$184.00	\$45.00	\$250.00
8	Concrete Pavement Slab (5" Thickness)	S.Y.	59.00	\$75.00	\$4,425.00	\$130.00	\$5,520.04	\$49.00	\$3,245.00
9	24" Diameter Pavilion	EA	1.00	\$16,950.00	\$14,000.00	\$13,675.00	\$13,027.00	\$9,660.00	\$11,890.00
10	7" ADA Accessible Picnic Tables	EA	3.00	\$1,735.00	\$5,265.00	\$900.00	\$4,252.98	\$1,468.17	\$4,404.50
11	Pavilion Installation per manufacturer's instructions	L.S.	1.00	\$75.00	\$2,100.00	\$3,740.00	\$5,175.00	\$8,165.00	\$6,000.00
12	5" Wide ADA Accessible Concrete Sidewalk (4" Thickness)	S.Y.	28.00	\$75.00	\$2,100.00	\$400.00	\$1,109.08	\$85.00	\$1,428.00
13	Parking Striping and Signage	L.S.	1.00	\$800.00	\$650.00	\$375.00	\$632.50	\$662.50	\$650.00
14	Rotating Grill	EA	1.00	\$410.00	\$500.00	\$180.00	\$278.00	\$572.00	\$200.00
TOTAL BID AMOUNT				\$41,310.00	\$39,477.00	\$46,200.00	\$37,496.32	\$42,038.00	\$34,964.00

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

CERTIFIED: P. Vice April For 5/2/08
 Peggy Vice, Purchasing Manager
 WITNESS DATE

Section 00 52 13

AGREEMENT

BETWEEN CITY OF FAYETTEVILLE AND ARKOMA PLAYGROUNDS SUPPLY

THIS AGREEMENT is dated as of the ____ day of _____ in the year 2008 by and between the City of Fayetteville, Arkansas (hereinafter called CITY OF FAYETTEVILLE) and Arkoma Playgrounds and Supply (herein after called CONTRACTOR).

CITY OF FAYETTEVILLE and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

Article 1. WORK.

CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents.

The work generally consists of the construction of a pavilion and concrete sidewalk at **Gary Hampton Pavilion** and all items indicated in the Drawings and Specifications.

Article 2. ENGINEER.

The Project has been designed by

City of Fayetteville Parks and Recreation Division
1455 South Happy Hollow Road
Fayetteville, Arkansas 72701

will be hereinafter called PARKS AND RECREATION DIVISION PROJECT MANAGER and who is to act as CITY OF FAYETTEVILLE's representative, assume all duties and responsibilities, and have the rights and authority assigned to ENGINEER in the Contract Documents in connection with completion of the Work in accordance with the Contract documents.

Article 3. CONTRACT TIME.

3.1. The Work for Gary Hampton Pavilion Construction shall be substantially completed within 75 consecutive calendar days after the date when the Contract Time commences to run as provided in paragraph 2.03 of the General Conditions, and completed and ready for final payment in accordance with paragraphs 14.07.B & C of the General Conditions within 100 consecutive calendar days after the date when the Contract Time commences to run.

3.2. *Liquidated Damages.* CITY OF FAYETTEVILLE and CONTRACTOR recognize that time is of the essence of the Agreement and that CITY OF FAYETTEVILLE will suffer financial loss if the Work is not completed within the times specified in paragraph 3.1 above, plus and extensions thereof allowed in accordance with Article 12 of the General Conditions. They also recognize the delays, expense and difficulties involved in proving the actual loss suffered by CITY OF FAYETTEVILLE if the Work is not completed on time. Accordingly, instead of requiring any such proof, City of Fayetteville and CONTRACTOR agree that as liquidated damages for delay (but not as a penalty) CONTRACTOR shall pay CITY OF FAYETTEVILLE Two hundred and fifty dollars (\$250.00) for each day that expires after the time specified in paragraph 3.1 for Substantial Completion until the Work is substantially complete. After

Substantial Completion, if CONTRACTOR shall neglect, refuse or fail to complete the remaining Work within the time specified in paragraph 3.1 for completion and readiness for final payment or any proper extension thereof granted by CITY OF FAYETTEVILLE, CONTRACTOR shall pay CITY OF FAYETTEVILLE Two hundred and fifty dollars (\$250.00) for each day that expires after the time specified in paragraph 3.1 for completion and readiness for final payment.

Article 4. CONTRACT PRICE.

CITY OF FAYETTEVILLE shall pay CONTRACTOR for completion of the Work in accordance with the Contract Documents an amount in current funds equal to the sum of the amounts determined from the following Schedule of Values pursuant to paragraphs 4.1 and 4.2 below:

4.1. For all Work other than Unit Price Work, an amount equal to the sum of the established lump sums for each separately identified item of Lump Sum Work; and

4.2. For all Unit Price Work, an amount equal to the sum of the established unit price for each separately identified item of Unit Price Work times the estimated quantity of that item as indicated in this paragraph 4.2.

PAYMENT ITEMS

ITEM#	DESCRIPTION	UNIT	EST. QTY.	UNIT PRICE	Total
1	Mobilization (1)	L.S.	1.00	\$330.00	\$330.00
2	Bid Bonds & Insurance	L.S.	1.00	\$1,000.00	\$1,000.00
3	Site Preparation - including erosion control, concrete washout and construction entrance	L.S.	1.00	\$2,230.00	\$2,230.00
4	Site Restoration (3)	L.S.	1.00	\$1,870.00	\$1,870.00
5	Unclassified Excavation (2)	C.Y.	46.00	\$31.74	\$1,460.00
6	Imported Hillside Material - complete in place	C.Y.	40.00	\$33.00	\$1,320.00
7	Class 7 Base - compacted in place	C.Y.	8.00	\$82.50	\$660.00
8	Concrete Pavilion Slab (5" Thickness) (5)(6)	S.Y.	59.00	\$52.20	\$3,080.00
9	24' Diameter Pavilion (6)	E.A.	1.00	\$8,931.19	\$8,931.19
10	7' Picnic tables (4)(6)	E.A.	3.00	\$1,323.43	\$3,970.28
11	Pavilion installation per manufacturer's instructions (4)(5)	L.S.	1.00	\$5,985.00	\$5,985.00
12	5' Wide ADA Accessible Concrete Sidewalk (4" Thickness) complete in place	S.Y.	28.00	\$83.57	\$2,340.00
13	Parking Striping and Signage	L.S.	1.00	\$609.00	\$609.00
14	Rotating Grill	E.A.	1.00	\$350.00	\$428.17

TOTAL

\$34,213.64

As provided in paragraph 11.03 of the General Conditions estimated quantities are not guaranteed, and determinations of actual quantities and classifications are to be made by PARKS AND RECREATION DIVISION PROJECT MANAGER as provided in paragraph 9.08 of the General Conditions. Unit prices have been computed as provided in paragraph 11.03.B of the General Conditions.

Article 5. PAYMENT PROCEDURES

CONTRACTOR shall submit Applications for Payment in accordance with Article 14 of the General Conditions or as modified in the Supplementary Conditions. Applications for Payment will be processed by PARKS AND RECREATION DIVISION PROJECT MANAGER as provided in the General Conditions.

5.1. *Progress Payments.* CITY OF FAYETTEVILLE shall make progress payments on account of the Contract Price on the basis of CONTRACTOR's Applications for Payment as recommended by PARKS AND RECREATION DIVISION PROJECT MANAGER, on or about the

1st day of each month during construction as provided in paragraphs 5.1.1 and 5.1.2 below and SC-14.02 . All such payments will be measured by the schedule of values established in paragraph 2.07 of the General Conditions and based on the number of units completed in the case of Unit Price Work or, in the event there is no schedule of values, as provided in the General Requirements.

5.1.1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in case, less the aggregate of payments previously made and less such amounts as PARKS AND RECREATION DIVISION PROJECT MANAGER shall determine, or CITY OF FAYETTEVILLE may withhold, in accordance with paragraphs 14.02.B.5 & 14.02.D of the General Conditions.

90 percent of Work completed (with the balance of 10 percent being retainage), If Work has been 50 percent completed as determined by the PARKS AND RECREATION DIVISION PROJECT MANAGER, and if the character and progress of the Work have been satisfactory to CITY OF FAYETTEVILLE and PARKS AND RECREATION DIVISION PROJECT MANAGER, CITY OF FAYETTEVILLE, on recommendation of PARKS AND RECREATION DIVISION PROJECT MANAGER, may determine that as long as the character and progress of the Work remain satisfactory to them, there will be no additional retainage on account of work completed, in which case the remaining progress payments prior to Substantial Completion will be in an amount equal to 100 percent of the Work completed.

100 percent of materials and equipment not incorporated in the Work but delivered, suitably stored, and accompanied by documentation satisfactory to CITY OF FAYETTEVILLE as provided in paragraphs 14.02.B.5 & 14.02.D of the General Conditions. That is, if any such items are setup for that type payment in the Specifications.

5.1.2. Upon Substantial Completion, in an amount sufficient to increase total payments to CONTRACTOR to 98 percent of the Contract Price (with the balance of 2 percent being retainage), less such amounts as PARKS AND RECREATION DIVISION PROJECT MANAGER shall determine, or CITY OF FAYETTEVILLE may withhold, in accordance with paragraphs 14.02.B.5 & 14.02.D of the General Conditions.

5.3 *Final Payment.* Upon final completion and acceptance of the Work in accordance with paragraphs 14.07.B & C of the General Conditions, CITY OF FAYETTEVILLE shall pay the remainder of the Contract Price as recommended by PARKS AND RECREATION DIVISION PROJECT MANAGER as provided in said paragraphs 14.07.B & C.

Article 6. CONTRACTOR'S REPRESENTATIONS.

In order to induce CITY OF FAYETTEVILLE to enter into this Agreement CONTRACTOR makes the following representations:

6.1. CONTRACTOR has examined and carefully studied the Contract Documents (including the Addenda listed in Article 7) and the other related data identified in the Bidding Documents including "technical data."

6.2. CONTRACTOR has visited the site and become familiar with and is satisfied as to the general, local, and site conditions that may affect cost, progress, performance, or furnishing of

the Work.

6.3. CONTRACTOR is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.

6.4. CONTRACTOR has carefully studied all reports of explorations and tests of subsurface conditions at or contiguous to the site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the site which have been identified in the Supplementary Conditions as provided in paragraph 4.02.A of the General Conditions. CONTRACTOR accepts the determination set forth in paragraph SC-4.02 of the Supplementary Conditions of the extent of the "technical data" contained in such reports and drawings upon which CONTRACTOR is entitled to rely as provided in paragraph 4.02 of the General Conditions.

CONTRACTOR acknowledges that such reports and drawings are not Contract Documents and may not be complete for CONTRACTOR's purposes. CONTRACTOR acknowledges that CITY OF FAYETTEVILLE and PARKS AND RECREATION DIVISION PROJECT MANAGER do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Contract Documents with respect to Underground Facilities at or contiguous to the site. CONTRACTOR has obtained and carefully studied (or assumes responsibility for having done so) all such additional supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the site or otherwise which may affect cost, progress, performance, or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by CONTRACTOR and safety precautions and programs incident thereto. CONTRACTOR does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the performance and furnishing of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.

6.5. CONTRACTOR is aware of the general nature of work to be performed by CITY OF FAYETTEVILLE and others at the site that relates to the Work as indicated in the Contract Documents.

6.6. CONTRACTOR has correlated the information known to CONTRACTOR, information and observations obtained from visits to the site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.

6.7. CONTRACTOR has given PARKS AND RECREATION DIVISION PROJECT MANAGER written notice of all conflicts, errors, ambiguities, or discrepancies that CONTRACTOR has discovered in the Contract Documents and the written resolution thereof by PARKS AND RECREATION DIVISION PROJECT MANAGER is acceptable to CONTRACTOR and the Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

Article 7. CONTRACT DOCUMENTS

The Contract Documents which comprise the entire agreement between CITY OF FAYETTEVILLE and CONTRACTOR concerning the Work consist of the following:

7.1. This Agreement (pages 1 to 7, inclusive).

- 7.2. Performance and Payment Bonds, (Exhibits A and B respectively).
- 7.3. Certificates of Insurance, (Exhibit C).
- 7.4. Documentation submitted by CONTRACTOR prior to Notice of Selection (Exhibit D).
- 7.5. General Conditions (pages 1 to 42, inclusive).
- 7.6. Supplementary Conditions (pages 1 to 13 inclusive).
- 7.7. Specifications consisting of Divisions 1 through 16 as listed in table of contents thereof.
- 7.8. Addenda numbers 1-3, inclusive.
- 7.9. One set of drawings (not attached hereto) consisting of six sheets with each sheet bearing the following general title: **Gary Hampton Pavilion.**
- 7.10. The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto:
 - 7.10.1. Notice to Proceed
 - 7.10.2. All Written Amendments and other documents amending, modifying or supplementing the Contract Documents pursuant to paragraph 3.04 of the General Conditions.

The documents listed in paragraphs 7.2 et seq. above are attached to this Agreement (except as expressly noted otherwise above).

There are no Contract Documents other than those listed above in this Article 7. The Contract Documents may only be amended, modified or supplemented as provided in paragraph 3.04 of the General Conditions.

Article 8. MISCELLANEOUS.

8.1. Terms used in the Agreement which are defined in Article 1 of the General Conditions will have the meanings indicated in the General Conditions.

8.2. No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an

assignment no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

8.3. CITY OF FAYETTEVILLE and CONTRACTOR each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements and obligations contained in the Contract Documents.

8.4. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon stricken provision or part thereof with a valid and enforceable provision that comes as close as possible expressing the intention of the stricken provision.

8.5. Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council in **advance** of the change in scope, cost or fees.

8.6. Freedom of Information Act. City contract 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, CONTRACTOR will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.) Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

IN WITNESS WHEREOF, CITY OF FAYETTEVILLE and CONTRACTOR have signed this Agreement in quadruplicate. One counterpart each has been delivered to CITY OF FAYETTEVILLE and PARKS AND RECREATION DIVISION PROJECT MANAGER, and two counterparts have been delivered to CONTRACTOR. All portions of the Contract Documents have been signed, initialed, or identified by CITY OF FAYETTEVILLE and CONTRACTOR or identified by PARKS AND RECREATION DIVISION PROJECT MANAGER on their behalf.

This Agreement will be effective on _____, 2008 (which is the Effective Date of the Agreement).

CITY OF FAYETTEVILLE: **City of Fayetteville**

CONTRACTOR:

By: _____
Mayor

By: *Becky Thompson*
Arkoma Playgrounds & Supply

Title *Owner*

[CORPORATE SEAL]

[CORPORATE SEAL]

Attest _____

* Attest

* If a Corporation, attest by the Secretary.

Address for giving notices

Address for giving notices

(If CITY OF FAYETTEVILLE is a public body, attach License No. _____)

evidence of authority to sign and resolution or other documents Agent for service of process:
authorizing execution of Agreement.)

(If CONTRACTOR is a corporation, attach evidence of authority to sign)

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

20-May-08

City Council Meeting Date

Shannon Jones
Submitted By

Engineering
Division

Water and Wastewater
Department

Action Required:

Approval of an engineering services contract with RJN Group, Inc., in the amount of \$395,109.00 for a detailed Sanitary Sewer Evaluation Study (SSES) in South Fayetteville and the City of Greenland, further described as White River Watershed Basins W-5, W-6, W-13A, W-20, & W-32, and approving a 5% contingency of \$19,800.00.

\$ 414,909.00

Cost of this request

\$ 5,738,641.00

Category/Project Budget

Sanitary Sewer Rehabilitation

Program Category / Project Name

5400.5700.5314.00

Account Number

\$ 1,934,531.10

Funds Used to Date

Water and Wastewater

Program / Project Category Name

02017.1000

Project Number

\$ 3,804,109.90

Remaining Balance

Water and Sewer

Fund Name

Budgeted Item

☒ XX

Budget Adjustment Attached

☐

[Signature]
Department Director

2 MAY 08
Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

[Signature]
City Attorney

5/6/08
Date

Original Contract Number: _____

Paul A. Beech
Chief Administrative Officer

5-6-08
Date

Received in Mayor's Office

5/2/08 UAB

[Signature]
Mayor

5/6/08
Date

Received in City Clerk's Office

Comments:

City Council Meeting of May 20, 2008

CITY COUNCIL AGENDA

To: Fayetteville City Council

Thru: Mayor Dan Coody
David Jurgens, Water & Wastewater Director
Fayetteville Sewer Committee

From: Shannon Jones, Water & Wastewater Engineer

Date: May 2, 2008

Subject: Approval of an engineering services contract with RJN Group, Inc., in the amount of \$395,109.00 for a detailed Sanitary Sewer Evaluation Study (SSES) in South Fayetteville and the City of Greenland, further described as White River Watershed Basins W-5, W-6, W-13A, W-20, & W-32, and approving a 5% contingency of \$19,800.00.

RECOMMENDATION

Staff recommends approval of an engineering services contract with RJN Group, Inc., in the amount of \$395,109.00 for a detailed Sanitary Sewer Evaluation Study in South Fayetteville and the City of Greenland, further described as White River Watershed Basins W-5, W-6, W-13A, W-20, & W-32, and approving a 5% contingency of \$19,800.00.

BACKGROUND

The wastewater flows from the City of Greenland and a portion of southern Fayetteville are transported to the sewer interceptor along south Fayetteville, ultimately resulting in treatment at the Noland WWTP. The service area for the SSES is depicted on the attached map.

Collection system rehabilitation reduces infiltration and inflow (I/I) in the system, therefore offsetting domestic flow increases, thus extending the life of pumping stations and interceptors and increasing the amount of future growth than can occur in the basins. This rehabilitation project is a major component of the City's larger action plan to proactively address the continued sewer challenges in the area.

DISCUSSION

This is not a generic, theoretical study, but a detailed and specialized physical examination of every selected manhole and every inch of selected pipe in our sewer system in this area, which evaluates almost every aspect of these sewer lines and manholes. The project is similar to those recently completed in other areas of town, which have been instrumental in stopping numerous sanitary sewer overflows.

The estimated work includes physical investigations of approximately 175,000 linear feet of sewer line and 810 manholes, smoke testing pipe, performing dyed water examinations, cleaning and televising sewer pipe, and providing a brief written report of the results.. The majority of the manholes in W-05, W-06, and W-13A were inspected under a previous project and are included in an ongoing rehabilitation contract and are not included in this study. Sewer flows and rainfall will be measured at key points throughout the basins. The basins contain significant amount of old construction (clay or truss pipe mains with some brick and some old concrete manholes) and some fairly new construction with PVC mains and vacuum tested concrete manholes. In order to not spend time and money investigating new sewer mains and manholes, most of the effort will be focused on the older lines in the system. Newer lines will be evaluated by flow evaluation; any sub-areas that appear to have significant I/I problems will be investigated more thoroughly.

BUDGET IMPACT

Funds are available within the Fiscal Year 2008 Sanitary Sewer Rehabilitation Project.

RESOLUTION NO. _____

A RESOLUTION APPROVING AN ENGINEERING SERVICES CONTRACT WITH RJN GROUP, INC. IN THE AMOUNT OF \$395,109.00 FOR A DETAILED SANITARY SEWER EVALUATION STUDY IN SOUTH FAYETTEVILLE AND THE CITY OF GREENLAND; AND APPROVING A 5% CONTINGENCY IN THE AMOUNT OF \$19,800.00.

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 Engineering Services Contract with RJN Group, Inc. in the amount of \$395,109.00 for a detailed Sanitary Sewer Evaluation Study in South Fayetteville and the City of Greenland. 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 5% contingency in the amount of \$19,800.00.

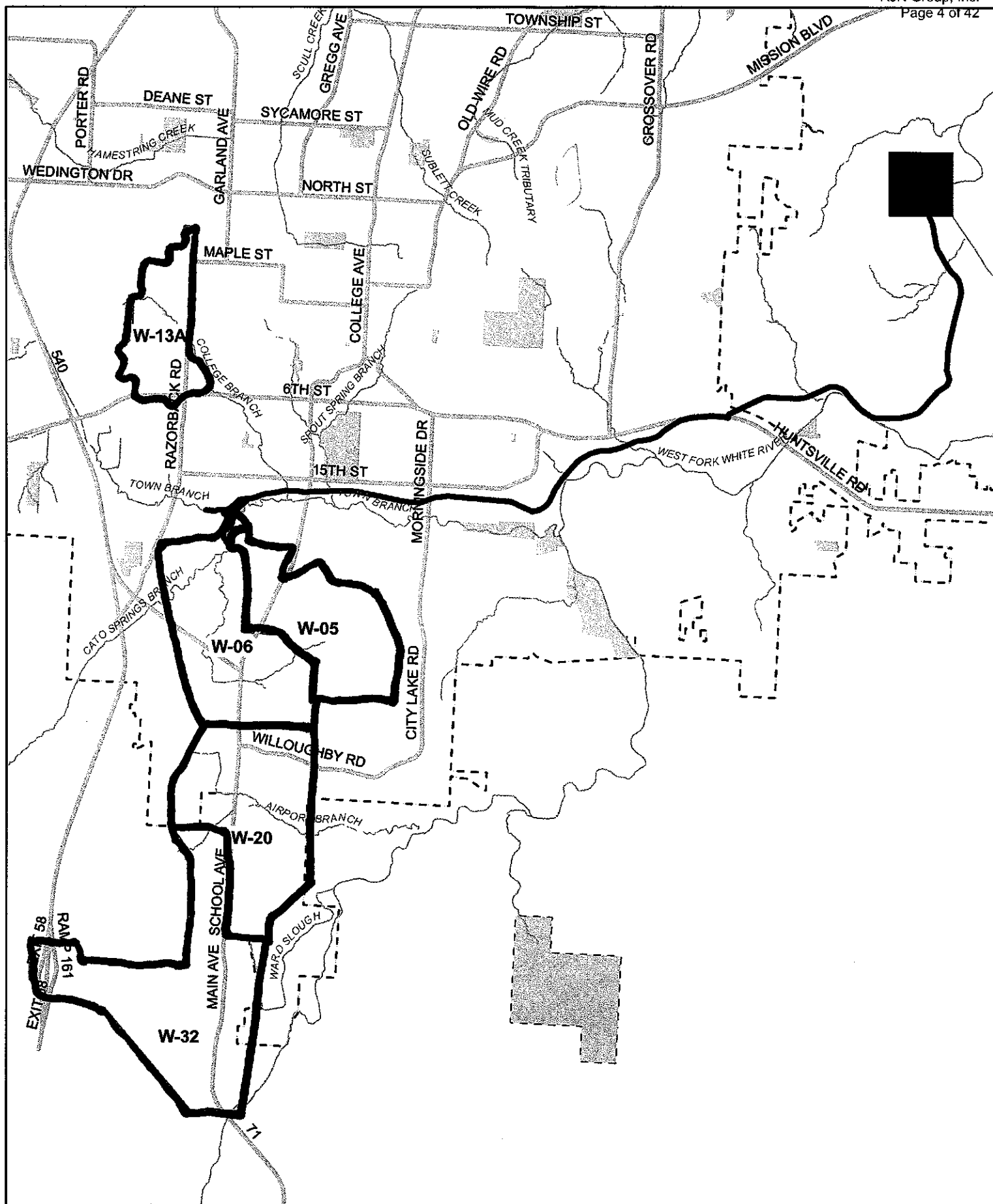
PASSED and APPROVED this 20th day of May, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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



**2008 SSES Map
South Fayetteville and
City of Greenland**



City Of Fayetteville (Not a Purchase Order)										Requisition No.: Date: 5/2/2008 Expected Delivery Date:	
Vendor #: 291		Vendor Name: RJN Group, Inc.		Fob Point:		Mail Yes: ☐ No: ☒		Quotes Attached Yes: ☐ No: ☒		No: ☐	
Address: 12160 Abrams Road, Suite 400				City: Dallas		State: TX		Zip Code: 75243		Division Head Approval: 	
Requester: Shannon Jones				Requester's Employee #: 2689		Account Numbers: 5400.5700.5314.00		Project/Subproject #: 2017.1000		Inventory #	
Item Description		Quantity	Unit of Issue	Unit Cost	Extended Cost						
1 Engineering Services, Sanitary Sewer Rehabilitation, SSES, Basins W-5, W-6, W-13A, W-20, & W-32		1	EA	395,109.00	\$395,109.00						
2					\$0.00						
3					\$0.00						
4					\$0.00						
5					\$0.00						
6					\$0.00						
7					\$0.00						
8					\$0.00						
9					\$0.00						
10					\$0.00						
Shipping/Handling			Lot		\$0.00						
Special Instructions:											
Subtotal: \$395,109.00 Tax: \$0.00 Total: \$395,109.00											
Approvals: Mayor: _____ Finance & Internal Services Director: _____ Dispatch Manager: _____  Department Director: _____ Budget Manager: _____ Utilities Manager: _____ Purchasing Manager: _____ IT Manager: _____ Other: _____											

AGREEMENT
For
PROFESSIONAL ENGINEERING SERVICES
Between
CITY OF FAYETTEVILLE, ARKANSAS
And
RJN GROUP, INC.

THIS AGREEMENT is made as of _____, 2008, by and between City of Fayetteville, Arkansas, acting by and through its Mayor (hereinafter called CITY OF FAYETTEVILLE) and RJN GROUP, INC. with offices located in Fayetteville, Arkansas (hereinafter called RJN GROUP, INC.).

CITY OF FAYETTEVILLE from time to time requires professional engineering services in connection with the investigation, planning, design, permitting, and construction of the Fayetteville Wastewater Collection System related to the sanitary sewer system known as White River Watershed Basins W-5, W-6, W-13A, W-20, & W-32. Therefore, CITY OF FAYETTEVILLE and RJN GROUP, INC. in consideration of their mutual covenants agree as follows:

RJN GROUP, INC. shall serve as CITY OF FAYETTEVILLE's professional engineering consultant in those assignments to which this Agreement applies, and shall give consultation and advice to CITY OF FAYETTEVILLE during the performance of RJN GROUP, INC.'s services. All services shall be performed under the direction of a professional engineer registered in the State of Arkansas and qualified in the particular field. If Construction Phase Services are to be provided by RJN GROUP, INC. under this Agreement, the construction shall be executed under the observation of a professional engineer registered in the State of Arkansas in accordance with Arkansas Code Amended §22-9-101.

SECTION 1 - AUTHORIZATION OF SERVICES

- 1.1 Services on any assignment shall be undertaken only upon written Authorization of CITY OF FAYETTEVILLE and agreement of RJN GROUP, INC.
- 1.2 Assignments may include services described hereafter as Basic Services or as Additional Services of RJN GROUP, INC.
- 1.3 Changes, modifications or amendments in scope, price or fees to this contract shall **not** be allowed without a formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, costs, fees, or delivery schedule.

SECTION 2 - BASIC SERVICES OF RJN GROUP, INC.

2.1 General

2.1.1 Perform professional design services in connection with the Project as hereinafter stated.

2.1.1.1 The Scope of Services to be furnished by RJN GROUP, INC. during the Preliminary Engineering Design Phase is included in Section 2.2 hereafter and in Appendix A attached hereto and made part of this Agreement.

2.1.1.2 The Scope of Services to be furnished by RJN GROUP, INC. during the Final Design Phase is included in Section 2.3 hereafter and in Appendix A attached hereto and made part of this Agreement.

2.1.1.3 The Scope of Services to be furnished by RJN GROUP, INC. during the Bidding Phase is included in Section 2.4 hereafter and in Appendix A attached hereto and made part of this Agreement.

2.1.1.4 The Scope of Services to be furnished by RJN GROUP, INC. during the Construction Phase, if any, will be finalized and contained in an amendment to this Agreement after Final Design is completed.

2.1.1.5 The Scope of Services to be furnished by RJN GROUP, INC. during the Post-Construction Phase, if any, will be finalized and contained in an amendment to this Agreement after Final Design is completed.

2.1.1.6 The preliminary Scope of Services to be furnished by RJN GROUP, INC. for Resident Services during Construction, if any, will be finalized and contained in an amendment to this Agreement after Final Design is completed. The preliminary Scope of Services for Resident Services during Construction is described in Appendix A.

2.1.2 RJN GROUP, INC. shall coordinate their activities and services with the CITY OF FAYETTEVILLE. RJN GROUP, INC. and CITY OF FAYETTEVILLE agree that RJN GROUP, INC. has full responsibility for the engineering design.

2.2 Sanitary Sewer Evaluation Study (SSES) and Engineering Report

2.2.1 Perform an SSES as described in the Scope of Services in Appendix A.

- 2.2.2 Prepare and submit an Engineering Report that describes the project's need, scope, and outcomes of the SSES. The report will include a description of sewer deficiencies, problem statements, evaluation of possible alternatives, recommended improvements, and project cost estimates.
- 2.2.3 Meet with CITY OF FAYETTEVILLE to discuss the Report. Revise the report based on comments from the reviewing parties.
- 2.3 Final Design Phase (Construction Drawings, Contract Documents and Specifications)
 - 2.3.1 Prepare for incorporation in the Contract Documents detailed drawings to show the character and scope of the Work to be performed by contractors on the Project (hereinafter called the "Contract Drawings"), and Invitation to Bid, Instructions to Bidders, Bid Form, Agreement and Bond forms, General Conditions, and Specifications (all of which, together with the Contract Drawings, are hereinafter called the "Bid Documents") for review and approval by CITY OF FAYETTEVILLE, its legal counsel, and other advisors as appropriate, and assist CITY OF FAYETTEVILLE in the preparation of other related documents.
 - 2.3.1.1 Bid documents shall be based on the appropriate Construction Specifications required by the CITY OF FAYETTEVILLE's standard general conditions and forms and RJN GROUP, INC.'s Technical Specifications as appropriate. Text documents shall be provided to CITY OF FAYETTEVILLE in Microsoft® Word version 2000 software. Contract drawings shall be prepared using standard borders, sheet sizes, title blocks and CADD standards provided by CITY OF FAYETTEVILLE. RJN GROUP, INC. may use their normal software for the preparation of drawings but the final product shall be provided to CITY OF FAYETTEVILLE in Autodesk AutoCAD version 2000.
 - 2.3.1.2 Develop and include in Appendix A of this Agreement for approval by CITY OF FAYETTEVILLE, a project design schedule in which RJN GROUP, INC. shall include, in an acceptable level of detail, the steps and milestone dates to be undertaken by RJN GROUP, INC. in the completion of this final design. This Schedule shall include reasonable allowances for review and approval times required by CITY OF FAYETTEVILLE, and review and approval times required by public authorities having jurisdiction over the Project. This schedule shall be equitably adjusted as the Project progresses, allowing for changes in scope, character or size of the Project requested by

CITY OF FAYETTEVILLE, or for delays or other causes beyond RJN GROUP, INC.'s reasonable control.

- 2.3.1.2.1 The progress design schedule shall consist of a bar chart schedule depicting the duration of the project and the discrete milestone activities which make up the project, but at a minimum shall include contract drawings, contract specifications, and design reviews as indicated in Section 2.3.9.
- 2.3.1.3 When requested by the CITY OF FAYETTEVILLE's Water and Sewer Maintenance Superintendent, prepare for and attend up to two City Council meetings to provide periodic updates on the progress of the final design.
- 2.3.1.4 If the plans and specifications for the project require bids on alternates in addition to a base bid, there shall be no more than three (3) alternates, and the alternates shall be developed and described in accordance with Title 22, Article 9-203 of the Arkansas Code.
- 2.3.2 Prepare technical criteria, written descriptions, design data, and applications necessary for filing applications for permits from or approvals of the following applicable governmental authorities having jurisdiction to review or approve the final design of the Project and assist in securing approvals. Actual Filing and Permit Fees will be paid by the CITY OF FAYETTEVILLE. Assist CITY OF FAYETTEVILLE in consultations with appropriate authorities.
 - 2.3.2.1 Arkansas Natural Resources Commission (ANRC)
 - 2.3.2.2 Arkansas Department of Health (ADH)
 - 2.3.2.3 Arkansas Department of Environmental Quality (ADEQ)
 - 2.3.2.4 U.S. Army Corps of Engineers (COE)
 - 2.3.2.5 Arkansas State Highway and Transportation Department (AHTD)
- 2.3.3 Advise CITY OF FAYETTEVILLE of adjustments in excess of five percent of the cost opinion for the Project caused by changes in scope, design requirements, or construction costs and furnish a revised cost opinion for the Project based on the final Bid Documents.

- 2.3.4 Advise CITY OF FAYETTEVILLE of final Opinion of Probable Project Costs
- 2.3.5 Furnish CITY OF FAYETTEVILLE with 5 copies of the final Bid Documents.
- 2.3.6 Determine land and easement requirements and provide consultation and assistance on property procurement as related to professional engineering services being performed.
- 2.3.7 Provide appropriate professional interpretations of data obtained through subcontract services for authorized Project services including property, boundary, easement, right-of-way, topographic, and utility surveys; noting zoning and deed restrictions.
- 2.3.8 Submit monthly Work Progress Reports to CITY OF FAYETTEVILLE.
- 2.3.9 Design shall be reviewed by CITY OF FAYETTEVILLE, or such parties as CITY OF FAYETTEVILLE shall designate, at the 90 percent completion level.
- 2.3.10 See Appendix A for additional services or clarification of services to be provided by RJN GROUP, INC.
- 2.4 Bidding Phase
 - 2.4.1 Arrange for bidding notices to be sent to contractors publishing services and direct mailing to contractors of record. The legal notice to be placed in legal notices section of a local newspaper(s) of countywide and statewide circulation and shall be coordinated with CITY OF FAYETTEVILLE purchasing agent and an affidavit of publication secured.
 - 2.4.2 Prepare addenda for drawings and Bid Documents as required and submit to CITY OF FAYETTEVILLE in timely manner such that addenda can be issued by RJN GROUP, INC. in accordance with Construction Contract General Conditions.
 - 2.4.3 Secure updated state wage rate decisions and incorporate into the Bid Documents. Update wage rate decision by addendum if necessary.
 - 2.4.4 Assist CITY OF FAYETTEVILLE by issuing and tracking Bid Documents, addenda and communications during bidding and maintain list of plan holders. Print and distribute copies of plans and specifications for all prospective bidders and plan rooms. Collect from prospective bidders an appropriate non-refundable fee to offset cost of reproducing and distributing Bidding Documents.

- 2.4.4.1 RJN GROUP, INC. shall attend a Pre-Bid Conference for each construction project to explain the project requirements and receive questions from prospective bidders. RJN GROUP, INC. shall consider the questions received and issue necessary clarifications and changes to the Bid Documents through the use of addenda.
- 2.4.5 Assist CITY OF FAYETTEVILLE in obtaining and evaluating bids and preparing construction contracts.
- 2.4.6 Consult with and advise CITY OF FAYETTEVILLE as to the acceptability of subcontractors and other persons and organizations proposed by the prime construction contractor(s), hereinafter called "Contractor(s)," for those portions of the work as to which such acceptability is required by the Bid Documents.
- 2.4.7 Make recommendations regarding award of construction contracts.
- 2.4.8 Attend Water and Sewer Committee meeting and the ensuing City Council meeting to recommend action by the respective bodies. Prepare and present a recommendation complete with such supporting information as necessary for the bodies to make an informed decision on the action recommended.
- 2.4.9 See Appendix A for additional services or clarification of services to be provided by RJN GROUP, INC.
- 2.5 Construction Phase
 - 2.5.1 The scope of Construction Phase Services, if any, will be negotiated following completion of Design Phase Services.
- 2.6 Post-Construction Phase
 - 2.6.1 The scope of Post-Construction Phase Services, if any, will be negotiated following completion of Design Phase Services.
- 2.7 Resident Services During Construction
 - 2.7.1 The scope of Resident Services During Construction, if any, will be negotiated following completion of Design Phase Services.

SECTION 3 - ADDITIONAL SERVICES OF RJN GROUP, INC.

3.1 General

If authorized in writing by the CITY OF FAYETTEVILLE Mayor and the City Council and agreed to in writing by RJN GROUP, INC., RJN GROUP, INC. shall furnish or obtain from others Additional Services of the following types that are not considered normal or customary Basic Services. The scope of Additional Services may include:

3.1.1 Grant and Loan Assistance

Prepare applications and supporting documents for governmental grants, loans, or advances that are not included in services described in Appendix A.

3.1.2 Financial Consultation

Consult with CITY OF FAYETTEVILLE's fiscal agents and bond attorneys and provide such engineering data as required for any bond prospectus or other financing requirements.

3.1.3 Administrative Assistance

Provide Contract and Project administration to the degree authorized by CITY OF FAYETTEVILLE.

3.1.4 Furnishing renderings or models of the Project for CITY OF FAYETTEVILLE's use.

3.1.5 Miscellaneous Studies

Investigations involving detailed consideration of operations, maintenance, and overhead expenses, and the preparation of rate schedules, earnings, and expense statements; feasibility studies; appraisals and valuations; detailed quantity surveys of material, equipment, and labor; and audits or inventories required in connection with construction performed by CITY OF FAYETTEVILLE.

3.1.6 Preparing to serve or serving as a witness for CITY OF FAYETTEVILLE in any litigation or other proceeding involving the Project.

3.1.7 Extra Services

3.1.7.1 Services not specifically defined heretofore that may be authorized by CITY OF FAYETTEVILLE.

3.2 Contingent Additional Services

3.2.1 If services described under Contingent Additional Services in Paragraph 3.2 are required due to circumstances beyond RJN GROUP, INC.'s control, RJN GROUP, INC. shall notify CITY OF FAYETTEVILLE and request a formal contract amendment approved by the Mayor and the City Council prior to commencing such services. If CITY OF FAYETTEVILLE deems that such services described in 3.2 are not required, CITY OF FAYETTEVILLE shall give prompt written notice to RJN GROUP, INC. If CITY OF FAYETTEVILLE indicates in writing that all or parts of such Contingent Additional Services are not required, RJN GROUP, INC. shall have no obligation to provide those services.

3.2.2 Making revisions in Drawings, Specifications, or other documents when such revisions are:

3.2.2.1 Required because of inconsistent approvals or instructions previously given by CITY OF FAYETTEVILLE, including revisions made necessary by adjustments in CITY OF FAYETTEVILLE's program or Project Budget.

3.2.2.2 Required by the enactment or revision of codes, laws, or regulations subsequent to the preparation of such documents.

SECTION 4 - RESPONSIBILITIES OF CITY OF FAYETTEVILLE

CITY OF FAYETTEVILLE shall, within a reasonable time, so as not to delay the services of RJN GROUP, INC.

4.1 Provide full information as to CITY OF FAYETTEVILLE's requirements for the Project.

4.2 Assist RJN GROUP, INC. by placing at RJN GROUP, INC.'s disposal all available information pertinent to the assignment including previous reports and any other data relative thereto.

4.3 Guarantee access to and make all provisions for RJN GROUP, INC. to enter upon public and private property as required for RJN GROUP, INC. to perform his services under this Agreement.

4.4 Examine all studies, reports, sketches, cost opinions, Bid Documents, Drawings, proposals, and other documents presented by RJN GROUP, INC. and render in writing decisions pertaining thereto.

- 4.5 Provide such professional legal, accounting, financial, and insurance counseling services as may be required for the Project.
- 4.6 The Water & Wastewater Engineer is the CITY OF FAYETTEVILLE's project representative with respect to the services to be performed under this Agreement. The Water & Wastewater Engineer shall have complete authority to transmit instructions, receive information, interpret and define CITY OF FAYETTEVILLE's policies and decisions with respect to materials, equipment, elements and systems to be used in the Project, and other matters pertinent to the services covered by this Agreement.
- 4.7 Give prompt written notice to RJN GROUP, INC. whenever CITY OF FAYETTEVILLE observes or otherwise becomes aware of any defect in the Project.
- 4.8 Furnish approvals and permits from all governmental authorities having jurisdiction over the Project and such approvals and consents from others as may be necessary for completion of the Project. Pay directly to the governmental authorities the actual filing and permit fees.
- 4.9 Pay for placement of legal notices and advertisements in newspapers or other publications required by the Project.
- 4.10 Furnish, or direct RJN GROUP, INC. to provide, necessary Additional Services as stipulated in Section 3 of this Agreement or other services as required.
- 4.11 If CITY OF FAYETTEVILLE's standard bidding requirements, Agreement forms and General Conditions are to be used, CITY OF FAYETTEVILLE shall provide copies of such documents for RJN GROUP, INC.'s use in coordinating the Contract Drawings and Specifications.
- 4.12 CITY OF FAYETTEVILLE and/or its representative will review all documents and provide written comments to RJN GROUP, INC. in a timely manner.
- 4.13 Provide water meter and water at no cost to the ENGINEER for use during dye water testing and sewer cleaning activities.

SECTION 5 - PERIOD OF SERVICE

- 5.1 This Agreement will become effective upon the first written notice by CITY OF FAYETTEVILLE authorizing services hereunder.

- 5.2 The provisions of this Agreement have been agreed to in anticipation of the orderly progress of the Project through completion of the services stated in the Agreement. RJN GROUP, INC. will proceed with providing the authorized services immediately upon receipt of written authorization from CITY OF FAYETTEVILLE. Said authorization shall include the scope of the services authorized and the time in which the services are to be completed. The anticipated schedule for this project is included as Appendix B.

SECTION 6 - PAYMENTS TO RJN GROUP, INC.

6.1 Compensation

6.1.1 Final Design/Bidding Phase Services

The maximum not-to-exceed amount authorized for this Agreement is **\$395,109.00**. The CITY OF FAYETTEVILLE shall compensate RJN GROUP, INC. based on a Unit Price or Lump Sum basis as described in Appendix C.

- 6.1.1.1 Subject to the City Council approval, adjustment of the not-to-exceed amount may be made should RJN GROUP, INC. establish and CITY OF FAYETTEVILLE agree that there has been or is to be a significant change in scope, complexity or character of the services to be performed; or if CITY OF FAYETTEVILLE decides to shorten the duration of work from the time period specified in the Agreement for completion of work and such modification warrants such adjustment. Changes, modifications or amendments in scope, price or fees to this Contract shall **not** be allowed without formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, cost, fees, or delivery schedule.
- 6.1.1.2 Monthly statements for each calendar month shall be submitted to CITY OF FAYETTEVILLE or such parties as CITY OF FAYETTEVILLE may designate for Design services consistent with RJN GROUP, INC.'s normal billing schedule. Once established, the billing schedule shall be maintained throughout the duration of the Project. Applications for payment shall be made in accordance with a format to be developed by RJN GROUP, INC. and approved by CITY OF FAYETTEVILLE. Applications for payment shall be accompanied each month by the updated project design schedule as the basis for determining the value earned as the work is accomplished. Final payment for Design services shall be made upon CITY OF FAYETTEVILLE's approval and acceptance with the satisfactory completion of the Design phase for the Project.

6.1.2 Construction Phase Services

This section is reserved for future details concerning this phase, if any. This Agreement shall be amended to include payment conditions following the completion of Design Phase Services.

6.1.3 Post-Construction Phase Services

This section is reserved for future details concerning this phase, if any. This Agreement shall be amended to include payment conditions following the completion of Design Phase Services.

6.1.4 Resident Services During Construction

This section is reserved for future details concerning this phase, if any. This Agreement shall be amended to include payment conditions following the completion of Design Phase Services.

6.1.5 Additional Services

For authorized Additional engineering services under Section 3, "Additional Services", compensation to RJN GROUP, INC. shall be negotiated at the time Additional services are authorized.

6.2 Statements

Statements and progress report for each calendar month will be submitted to CITY OF FAYETTEVILLE. Statements will be based on RJN GROUP, INC.'s actual cost plus fixed fee amount and justified by the updated progress schedule.

6.3 Payments

All statements are payable upon receipt and due within thirty (30) days. If a portion of RJN GROUP, INC.'s statement is disputed by CITY OF FAYETTEVILLE, the undisputed portion shall be paid by CITY OF FAYETTEVILLE by the due date. CITY OF FAYETTEVILLE shall advise RJN GROUP, INC. in writing of the basis for any disputed portion of any statement. CITY OF FAYETTEVILLE will make reasonable effort to pay invoices within 30 days of date the invoice is approved, however, payment within 30 days is not guaranteed.

6.4 Final Payment

Upon satisfactory completion of the work performed under this Agreement, as a condition before final payment under this Agreement, or as a termination settlement under this Agreement, RJN GROUP, INC.

shall execute and deliver to CITY OF FAYETTEVILLE a release of all claims against CITY OF FAYETTEVILLE arising under or by virtue of this Agreement, except claims which are specifically exempted by RJN GROUP, INC. to be set forth therein. Unless otherwise provided in this Agreement or by State law or otherwise expressly agreed to by the parties to this Agreement, final payment under this Agreement or settlement upon termination of this Agreement shall not constitute a waiver of CITY OF FAYETTEVILLE's claims against RJN GROUP, INC. or his sureties under this Agreement or applicable performance and payment bonds, if any.

SECTION 7 - GENERAL CONSIDERATIONS

7.1 Insurance

7.1.1 During the course of performance of these services, RJN GROUP, INC. will maintain (in United States Dollars) the following minimum insurance coverages:

<u>Type of Coverage</u>	<u>Limits of Liability</u>
Workers' Compensation Employers' Liability	Statutory \$500,000 Each Accident
Commercial General Liability Bodily Injury and Property Damage	\$1,000,000 Combined Single Limit
Automobile Liability: Bodily Injury and Property Damage	\$1,000,000 Combined Single Limit
Professional Liability Insurance	\$1,000,000 Each Claim

RJN GROUP, INC. will provide to CITY OF FAYETTEVILLE certificates as evidence of the specified insurance within ten days of the date of this Agreement and upon each renewal of coverage.

7.1.2 Construction Contractors shall be required to provide (or CITY OF FAYETTEVILLE may provide) Owner's Protective Liability Insurance naming CITY OF FAYETTEVILLE as a Named Insured and RJN GROUP, INC. as additional insureds, or, to endorse CITY OF FAYETTEVILLE and RJN GROUP, INC. as additional insured on construction Contractor's liability insurance policies covering claims for personal injuries and property damage. Construction Contractors shall be required to provide certificates evidencing such insurance to CITY OF FAYETTEVILLE and RJN GROUP, INC.

7.1.3 CITY OF FAYETTEVILLE and RJN GROUP, INC. waive all rights against each other and their officers, directors, agents, or employees for damage covered by property insurance during and after the completion of RJN GROUP, INC.'s services. If the services result in a Construction Phase, a provision similar to this shall be incorporated into all Construction Contracts entered into by CITY OF FAYETTEVILLE, and all construction Contractors shall be required to provide waivers of subrogation in favor of CITY OF FAYETTEVILLE and RJN GROUP, INC. for damage or liability covered by any construction Contractor's policy of insurance.

7.2 Professional Responsibility

7.2.1 RJN GROUP, INC. will exercise reasonable skill, care, and diligence in the performance of RJN GROUP, INC.'s services and will carry out its responsibilities in accordance with customarily accepted professional engineering practices. CITY OF FAYETTEVILLE will promptly report to RJN GROUP, INC. any defects or suspected defects in RJN GROUP, INC.'s services of which CITY OF FAYETTEVILLE becomes aware, so that RJN GROUP, INC. can take measures to minimize the consequences of such a defect. CITY OF FAYETTEVILLE and RJN GROUP, INC. further agree to impose a similar notification requirement on all construction contractors in the Bid Documents and shall require all subcontracts at any level to contain a like requirement. CITY OF FAYETTEVILLE retains all remedies to recover for its damages caused by any negligence of RJN GROUP, INC.

7.2.2 In addition, RJN GROUP, INC. will be responsible to CITY OF FAYETTEVILLE for damages caused by its negligent conduct during its activities at the Project Site to the extent covered by RJN GROUP, INC.'s Commercial General Liability and Automobile Liability Insurance policies as specified in Paragraph 7.1.1.

7.3 Cost Opinions and Projections

Cost opinions and projections prepared by RJN GROUP, INC. relating to construction costs and schedules, operation and maintenance costs, equipment characteristics and performance, and operating results are based on RJN GROUP, INC.'s experience, qualifications, and judgment as a design professional. Since RJN GROUP, INC. has no control over weather, cost and availability of labor, material and equipment, labor productivity, construction Contractors' procedures and methods, unavoidable delays, construction Contractors' methods of determining prices, economic conditions, competitive bidding or market conditions, and other factors affecting such cost opinions or projections,

RJN GROUP, INC. does not guarantee that actual rates, costs, performance, schedules, and related items will not vary from cost opinions and projections prepared by RJN GROUP, INC.

7.4 Changes

CITY OF FAYETTEVILLE shall have the right to make changes within the general scope of RJN GROUP, INC.'s services, with an appropriate change in compensation and schedule only after Fayetteville City Council approval of such proposed changes and, upon execution of a mutually acceptable amendment or change order signed by the Mayor of the CITY OF FAYETTEVILLE and the President or any Vice President of RJN GROUP, INC.

7.5 Termination

7.5.1 This Agreement may be terminated in whole or in part in writing by either party in the event of substantial failure by the other party to fulfill its obligations under this Agreement through no fault of the terminating party, provided that no termination may be effected unless the other party is given:

7.5.1.1 Not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate,

7.5.1.2 An opportunity for consultation with the terminating party prior to termination.

7.5.2 This Agreement may be terminated in whole or in part in writing by CITY OF FAYETTEVILLE for its convenience, provided that RJN GROUP, INC. is given:

7.5.2.1 Not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate,

7.5.2.2 An opportunity for consultation with the terminating party prior to termination.

7.5.3 If termination for default is effected by CITY OF FAYETTEVILLE, an equitable adjustment in the price provided for in this Agreement shall be made, but

7.5.3.1 No amount shall be allowed for anticipated profit on unperformed services or other work,

- 7.5.3.2 Any payment due to RJN GROUP, INC. at the time of termination may be adjusted to cover any additional costs to CITY OF FAYETTEVILLE because of RJN GROUP, INC.'s default.
- 7.5.4 If termination for default is effected by RJN GROUP, INC., or if termination for convenience is effected by CITY OF FAYETTEVILLE, the equitable adjustment shall include a reasonable profit for services or other work performed. The equitable adjustment for any termination shall provide for payment to RJN GROUP, INC. for services rendered and expenses incurred prior to the termination, in addition to termination settlement costs reasonably incurred by RJN GROUP, INC. relating to commitments which had become firm prior to the termination.
- 7.5.5 Upon receipt of a termination action under Paragraphs 7.5.1 or 7.5.2 above, RJN GROUP, INC. shall:
- 7.5.5.1 Promptly discontinue all affected work (unless the notice directs otherwise),
- 7.5.5.2 Deliver or otherwise make available to CITY OF FAYETTEVILLE all data, drawings, specifications, reports, estimates, summaries and such other information and materials as may have been accumulated by RJN GROUP, INC. in performing this Agreement, whether completed or in process.
- 7.5.6 Upon termination under Paragraphs 7.5.1 or 7.5.2 above CITY OF FAYETTEVILLE may take over the work and may award another party an agreement to complete the work under this Agreement.
- 7.5.7 If, after termination for failure of RJN GROUP, INC. to fulfill contractual obligations, it is determined that RJN GROUP, INC. had not failed to fulfill contractual obligations, the termination shall be deemed to have been for the convenience of CITY OF FAYETTEVILLE. In such event, adjustments of the agreement price shall be made as provided in Paragraph 7.5.4 of this clause.

7.6 Delays

In the event the services of RJN GROUP, INC. are suspended or delayed by CITY OF FAYETTEVILLE or by other events beyond RJN GROUP, INC.'s reasonable control, RJN GROUP, INC. shall be entitled

to additional compensation and time for reasonable costs incurred by RJN GROUP, INC. in temporarily closing down or delaying the Project.

7.7 Rights and Benefits

RJN GROUP, INC.'s services will be performed solely for the benefit of CITY OF FAYETTEVILLE and not for the benefit of any other persons or entities.

7.8 Dispute Resolution

7.8.1 Scope of Paragraph: The procedures of this Paragraph shall apply to any and all disputes between CITY OF FAYETTEVILLE and RJN GROUP, INC. which arise from, or in any way are related to, this Agreement, including, but not limited to the interpretation of this Agreement, the enforcement of its terms, any acts, errors, or omissions of CITY OF FAYETTEVILLE or RJN GROUP, INC. in the performance of this Agreement, and disputes concerning payment.

7.8.2 Exhaustion of Remedies Required: No action may be filed unless the parties first negotiate. If timely Notice is given under Paragraph 7.8.3, but an action is initiated prior to exhaustion of these procedures, such action shall be stayed, upon application by either party to a court of proper jurisdiction, until the procedures in Paragraphs 7.8.3 and 7.8.4 have been complied with.

7.8.3 Notice of Dispute

7.8.3.1 For disputes arising prior to the making of final payment promptly after the occurrence of any incident, action, or failure to act upon which a claim is based, the party seeking relief shall serve the other party with a written Notice;

7.8.3.2 For disputes arising within one year after the making of final payment, CITY OF FAYETTEVILLE shall give RJN GROUP, INC. written Notice at the address listed in Paragraph 7.14 within thirty (30) days after occurrence of any incident, accident, or first observance of defect or damage. In both instances, the Notice shall specify the nature and amount of relief sought, the reason relief should be granted, and the appropriate portions of this Agreement that authorize the relief requested.

7.8.4 Negotiation: Within seven days of receipt of the Notice, the Project Managers for CITY OF FAYETTEVILLE and RJN GROUP, INC. shall confer in an effort to resolve the dispute. If the dispute cannot be resolved at that level, then, upon written request of either side, the matter shall be referred to the President of RJN GROUP, INC. and the Mayor of CITY OF FAYETTEVILLE or his designee. These officers shall meet at the Project Site or such other location as is agreed upon within 30 days of the written request to resolve the dispute.

7.9 CITY OF FAYETTEVILLE represents that it has sufficient funds or the means of obtaining funds to remit payment to RJN GROUP, INC. for services rendered by RJN GROUP, INC.

7.10 Publications

Recognizing the importance of professional development on the part of RJN GROUP, INC.'s employees and the importance of RJN GROUP, INC.'s public relations, RJN GROUP, INC. may prepare publications, such as technical papers, articles for periodicals, and press releases, pertaining to RJN GROUP, INC.'s services for the Project. Such publications will be provided to CITY OF FAYETTEVILLE in draft form for CITY OF FAYETTEVILLE's advance review. CITY OF FAYETTEVILLE shall review such drafts promptly and provide CITY OF FAYETTEVILLE's comments to RJN GROUP, INC. CITY OF FAYETTEVILLE may require deletion of proprietary data or confidential information from such publications, but otherwise CITY OF FAYETTEVILLE will not unreasonably withhold approval. The cost of RJN GROUP, INC.'s activities pertaining to any such publication shall be for RJN GROUP, INC.'s account.

7.11 Indemnification

7.11.1 CITY OF FAYETTEVILLE agrees that it will require all construction Contractors to indemnify, defend, and hold harmless CITY OF FAYETTEVILLE and RJN GROUP, INC. from and against any and all loss where loss is caused or incurred or alleged to be caused or incurred in whole or in part as a result of the negligence or other actionable fault of the Contractors, or their employees, agents, Subcontractors, and Suppliers.

7.12 Computer Models (Not Applicable)

7.13 Ownership of Documents

All documents provided by CITY OF FAYETTEVILLE including original drawings, disks of CADD drawings and cross sections, estimates, specification field notes, and data are and remain the property of

CITY OF FAYETTEVILLE. RJN GROUP, INC. may retain reproduced copies of drawings and copies of other documents.

Engineering documents, drawings, and specifications prepared by RJN GROUP, INC. as part of the Services shall become the property of CITY OF FAYETTEVILLE when RJN GROUP, INC. has been compensated for all Services rendered, provided, however, that RJN GROUP, INC. shall have the unrestricted right to their use. RJN GROUP, INC. shall, however, retain its rights in its standard drawings details, specifications, databases, computer software, and other proprietary property. Rights to intellectual property developed, utilized, or modified in the performance of the Services shall remain the property of RJN GROUP, INC.

Any files delivered in electronic medium may not work on systems and software different than those with which they were originally produced. RJN GROUP, INC. makes no warranty as to the compatibility of these files with any other system or software. Because of the potential degradation of electronic medium over time, in the event of a conflict between the sealed original drawings/hard copies and the electronic files, the sealed drawings/hard copies will govern.

7.14 Notices

Any Notice required under this Agreement will be in writing, addressed to the appropriate party at the following addresses:

CITY OF FAYETTEVILLE's address:

113 West Mountain Street
Fayetteville, Arkansas 72701

RJN GROUP, INC.'s address:

12160 Abrams Road, Suite 400
Dallas, Texas 75243

7.15 Successor and Assigns

CITY OF FAYETTEVILLE and RJN GROUP, INC. each binds himself and his successors, executors, administrators, and assigns to the other party of this Agreement and to the successors, executors, administrators, and assigns of such other party, in respect to all covenants of this Agreement; except as above, neither CITY OF FAYETTEVILLE nor RJN GROUP, INC. shall assign, sublet, or transfer his interest in the Agreement without the written consent of the other.

7.16 Controlling Law

This Agreement shall be subject to, interpreted and enforced according to the laws of the State of Arkansas without regard to any conflicts of law provisions.

7.17 Entire Agreement

This Agreement represents the entire Agreement between RJN GROUP, INC. and CITY OF FAYETTEVILLE relative to the Scope of Services herein. Since terms contained in purchase orders do not generally apply to professional services, in the event CITY OF FAYETTEVILLE issues to RJN GROUP, INC. a purchase order, no preprinted terms thereon shall become a part of this Agreement. Said purchase order document, whether or not signed by RJN GROUP, INC., shall be considered as a document for CITY OF FAYETTEVILLE's internal management of its operations.

SECTION 8 - SPECIAL CONDITIONS

8.1 Additional Responsibilities of RJN GROUP, INC.

8.1.1 CITY OF FAYETTEVILLE's, review, approval, or acceptance of design drawings, specifications, reports and other services furnished hereunder shall not in any way relieve RJN GROUP, INC. of responsibility for the technical adequacy of the work. Neither CITY OF FAYETTEVILLE's review, approval or acceptance of, nor payment for any of the services shall be construed as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement.

8.1.2 RJN GROUP, INC. shall be and shall remain liable, in accordance with applicable law, for all damages to CITY OF FAYETTEVILLE caused by RJN GROUP, INC.'s negligent performance of any of the services furnished under this Agreement except for errors, omissions or other deficiencies to the extent attributable to CITY OF FAYETTEVILLE or CITY OF FAYETTEVILLE-furnished data.

8.1.3 RJN GROUP, INC.'s obligations under this clause are in addition to RJN GROUP, INC.'s other express or implied assurances under this Agreement or State law and in no way diminish any other rights that CITY OF FAYETTEVILLE may have against RJN GROUP, INC. for faulty materials, equipment, or work.

8.2 Remedies

Except as may be otherwise provided in this Agreement, all claims, counter-claims, disputes and other matters in question between CITY OF FAYETTEVILLE and RJN GROUP, INC. arising out of or relating to this Agreement or the breach thereof will be decided in a court of competent jurisdiction within Arkansas.

8.3 Audit: Access to Records

8.3.1 RJN GROUP, INC. shall maintain books, records, documents and other evidence directly pertinent to performance on work under this Agreement in accordance with generally accepted accounting principles and practices consistently applied in effect on the date of execution of this Agreement. RJN GROUP, INC. shall also maintain the financial information and data used by RJN GROUP, INC. in the preparation of support of the cost submission required for any negotiated agreement or change order and send to CITY OF FAYETTEVILLE a copy of the cost summary submitted. CITY OF FAYETTEVILLE, the State or any of their authorized representatives shall have access to all such books, records, documents and other evidence for the purpose of inspection, audit and copying during normal business hours. RJN GROUP, INC. will provide proper facilities for such access and inspection.

8.3.2 Records under Paragraph 8.3.1 above, shall be maintained and made available during performance on assisted work under this Agreement and until three years from the date of final payment for the project. In addition, those records which relate to any controversy arising out of such performance, or to costs or items to which an audit exception has been taken, shall be maintained and made available until three years after the date of resolution of such appeal, litigation, claim or exception.

8.3.3 This right of access clause (with respect to financial records) applies to:

8.3.3.1 Negotiated prime agreements:

8.3.3.2 Negotiated change orders or agreement amendments in excess of \$10,000 affecting the price of any formally advertised, competitively awarded, fixed price agreement:

8.3.3.3 Agreements or purchase orders under any agreement other than a formally advertised, competitively awarded, fixed price agreement. However, this right of access does not

apply to a prime agreement, lower tier subagreement or purchase order awarded after effective price competition, except:

- 8.3.3.3.1 With respect to record pertaining directly to subagreement performance, excluding any financial records of RJN GROUP, INC.;
- 8.3.3.3.2 If there is any indication that fraud, gross abuse or corrupt practices may be involved;
- 8.3.3.3.3 If the subagreement is terminated for default or for convenience.

8.4 Covenant Against Contingent Fees

RJN GROUP, INC. warrants that no person or selling agency has been employed or retained to solicit or secure this Agreement upon an agreement of understanding for a commission, percentage, brokerage or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by RJN GROUP, INC. for the purpose of securing business. For breach or violation of this warranty, CITY OF FAYETTEVILLE shall have the right to annul this Agreement without liability or at its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

8.5 Gratuities

- 8.5.1 If CITY OF FAYETTEVILLE finds after a notice and hearing that RJN GROUP, INC. or any of RJN GROUP, INC.'s agents or representatives, offered or gave gratuities (in the form of entertainment, gifts or otherwise) to any official, employee or agent of CITY OF FAYETTEVILLE, in an attempt to secure an agreement or favorable treatment in awarding, amending or making any determinations related to the performance of this Agreement, CITY OF FAYETTEVILLE may, by written notice to RJN GROUP, INC. terminate this Agreement. CITY OF FAYETTEVILLE may also pursue other rights and remedies that the law or this Agreement provides. However, the existence of the facts on which CITY OF FAYETTEVILLE bases such finding shall be in issue and may be reviewed in proceedings under the Remedies clause of this Agreement.
- 8.5.2 In the event this Agreement is terminated as provided in Paragraph 8.5.1, CITY OF FAYETTEVILLE may pursue the same remedies against RJN GROUP, INC. as it could pursue in the event of a breach of the Agreement by RJN GROUP, INC. As a penalty, in addition to any other damages to which it may be entitled by law, CITY OF

FAYETTEVILLE may pursue exemplary damages in an amount (as determined by CITY OF FAYETTEVILLE) which shall be not less than three nor more than ten times the costs RJN GROUP, INC. incurs in providing any such gratuities to any such officer or employee.

8.6 Arkansas Freedom of Information Act

City contracts and documents, including internal documents and documents of subcontractors and sub-consultants, prepared while performing City contractual work are subject to the Arkansas Freedom of Information Act (FOIA). If a Freedom of Information Act request is presented to the CITY OF FAYETTEVILLE, RJN GROUP, 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 photocopying costs pursuant to the FOIA may be assessed for this compliance.

IN WITNESS WHEREOF, CITY OF FAYETTEVILLE, ARKANSAS by and through its Mayor, and
RJN GROUP, INC., by its authorized officer have made and executed this Agreement as of
the day and year first above written.

CITY OF FAYETTEVILLE, ARKANSAS

By: _____
Mayor

ATTEST:

By: _____
City Clerk

RJN GROUP, INC.

By: _____

Title: Vice President

Changes, modifications or amendments in scope, price or fees to this Contract shall **not** be allowed
without formal contract amendment approved by the Mayor and the City Council **in advance** of the
change in scope, cost, fees, or delivery schedule.

END OF AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES

EXHIBIT A SCOPE OF SERVICES

CITY OF FAYETTEVILLE WHITE RIVER WATERSHED BASINS W-5, W-6, W-13A, W-20, & W-32 SEWER SYSTEM STUDY

This section is a detailed description of the Work Plan that will be implemented for this project. Specific Work items were developed based on our understanding of the project needs, our familiarity with the City of Fayetteville's Wastewater Collection System, and our experience with many similar projects. The project will include the field investigations and development of recommended sewer improvements located in South Fayetteville and the City of Greenland, further described as White River Watershed Basins W-5, W-6, W-13A, W-20, & W-32. This area is estimated to contain approximately 175,000 linear feet of sewer line and 810 manholes. The majority of the manholes in W-05, W-06, and W-13A were inspected under a previous project and are included in an ongoing rehabilitation contract and are not included in this study.

A description of the Work Plan is included in the following sections.

Work Plan

The Work Plan for the City of Fayetteville includes all the necessary engineering, planning, and field work for developing a Sewer Rehabilitation Plan.

SEWER SYSTEM STUDY

A. Project Administration

1. Mobilize project team.
2. Meet with CITY staff on a bi-monthly basis to develop project strategy, coordinate upcoming work, and receive CITY input.
3. Prepare a final schedule of work activities.
4. Provide general consultation with representative CITY staff on an as-needed basis.
5. Perform internal project control procedures on a monthly basis including schedule and budget control, quality control review, and monthly progress reports.
6. Perform administration and coordination of subconsultants including contract finalization, performance, coordination, and payment requests.

B. Data Management Program

1. Review previous study report and incorporate necessary data into project database.
2. Develop listing of all buried and inaccessible manholes and provide to CITY.
3. Perform final review of system maps to verify boundaries of subdrainage areas and location of flow monitoring sites.
4. Prepare a map of the study areas utilizing the numbering system developed by the City. The GIS numbering system will be cross referenced with the earlier numbering system.
5. Obtain preliminary sewer segments length and diameters from existing database. Review and modify database as differences are found during field survey activities.
6. Correct map as differences are found during the field investigation.

C. Public Relations

Public relation activities will be included to inform the public and industries in the study are of upcoming field work. The primary focus will be on smoke testing activities. Specific tasks will include:

1. Coordinate smoke testing activities with representatives of the City of Greenland.
2. Provide door hangers for notification of residents during smoke testing activities.

D. Flow Monitoring

Flow monitoring will be conducted at specific locations within the study area. It is anticipated that six (6) temporary flow meters will be utilized during the study period. The ENGINEER staff will service the meters on a weekly basis for a period of 60 days. The ENGINEER will also utilize the CITY's rain gauge network during the study and will install two to three temporary rain gauges to supplement the network.

1. Service the six (6) temporary flow meters on a weekly basis for a period of 60 days. Obtain weekly manual depth and velocity profiles to verify the accuracy of the meters.
2. Service rain gauges on a weekly basis.
3. Analyze flow data from the existing metering station to determine the following:

- a. Average daily dry-weather flow and peaking factors.
- b. Peak infiltration rates if possible.
- c. Peak inflow rates for selected rainfall events and establish the relationship between peak inflow and rainfall (Q vs I) for each monitoring site.

E. Manhole Inspection

A comprehensive below ground inspection of manholes in White River Watershed Basins W-20 and W-32 will be performed. All subsurface components from the frame seal, walls, cleanout risers, and bench and trough are inspected. The rim to invert dimension for all connecting lines will be recorded. The data management computer model is used to process and analyze the inspection data. Flow rates for major I/I sources in each of the manholes inspected will be estimated. Specific work tasks include the following:

1. Perform inspection at manholes and cleanouts and record data on computerized data form. (A total of 400 inspections are assumed in the cost proposal.)
2. Perform computerized analysis of I/I inspection data with quantification of observed defects.

F. Rainfall Simulation

This task will specifically identify sections of sewer lines and sources where excessive infiltration and inflow may be expected to occur during wet-weather periods, including locations of stormwater transfer into the sanitary sewer system. Work will include smoke testing and dyed water flooding using comprehensive testing techniques developed by ENGINEER for such studies. A dual blower intensified smoke technique will be utilized to test sewer lines in the selected study areas where possible. This enhanced method uses two smoke blowers for each test segment instead of the conventional technique of one blower, and includes partial plugging of the segment. The objective is to identify connections from typical sources such as catch basins, roof leaders, yard drains, area drains, and detectable main line and lateral defects. Smoke testing will be performed only during dry periods to maximize the effectiveness of the smoke testing program. It is anticipated that 100 percent of the sewer lines in both areas will be smoke tested.

Inflow sources will also be identified by means of dyed water flooding of storm sewer sections and suspected overflows, stream sections, ditch sections, and ponding areas that may be contributing to inflow. Some of the test areas are based on results of the ENGINEER'S smoke testing program. Positive dye tests are quantified for leakage rate. Field test data are input to the computerized data management system and analyzed.

Specific tasks to be included are the following:

1. Perform dual blower smoke testing with partial plugging on adjacent manholes, secure photographs of defects, and record results on computerized data form. 175,000 linear feet assumed for the cost proposal.
2. Perform computerized analysis of smoke testing data and select dyed water flooding locations.
3. Perform dyed water flooding at selected locations and record data on computerized data forms and perform computerized analysis of data. 60 locations are assumed in the cost proposal.
4. Perform computerized data analysis of smoke test and dyed water data with quantification of observed defects.

G. TV Inspection Coordination

A remote-controlled television camera will be placed in the sewer line to observe the leakage of water from simultaneous dyed water flooding of defects along the main sewer lines. This inspection will allow the proper identification of each defect and selection of the correct rehabilitation method. Cleaning and television inspection will be provided by a subcontractor to the ENGINEER. Heavy cleaning is not included in the cost proposal. Some cleaning and televising support may be provided by the City.

ENGINEER will provide coordination of the inspection and simultaneous dyed water flooding of the suspect defects.

H. Data Analysis and Report

This part of the project includes performing an engineering analysis of field survey data and developing recommendations for cost-effective I/I source repairs and maintenance repairs. A description of field investigations, engineering analysis, and recommended action to reduce I/I in the study area will be included in the report.

1. Compare monitored and source flows using flow monitoring results and computerized listing of quantified defect flows.
2. Balance monitored flows and source flows based on evaluation of identified source flow rates and unaccounted remaining flow per monitoring location.
3. Develop rehabilitation and improvement costs for various types of infiltration/inflow defect repairs and sewer improvements including, but not limited to:
 - a. Main Replacement

- b. Point Repair
 - c. Chemical Grouting of Joints
 - d. Sliplining
 - e. Inversion Lining
 - f. Expansion Lining
 - g. Manhole Rehabilitation
 - h. Manhole Replacement
- 4. Perform analysis for recommended infiltration rehabilitation plan based on applicable rehabilitation method, material, and costs.
 - 5. Perform analysis for recommended inflow rehabilitation based on applicable rehabilitation method, material, and costs. Quantify all public and private I/I sources identified.
 - 6. Develop recommendations for rehabilitation of both public and private I/I sources in priority order, cost estimates by individual rehabilitation type, and estimated I/I reduction as a result of the recommendations.
 - 7. Prepare and submit two (2) copies of a draft report which includes results of the I/I investigations, findings, cost estimates, recommended plan to reduce I/I, and a preliminary schedule of implementation for sewer rehabilitation. The draft report will be presented and discussed with CITY staff. After comments are received, a final brief report will be prepared and submitted to the CITY. ENGINEER will provide three (3) copies of the final report.

FUTURE SERVICES

The ENGINEER will provide the final engineering design and construction observation for the recommended rehabilitation as future services. The compensation for these future services will be negotiated after the extent of the improvements are known. The detailed scope of future services are as follows:

FINAL ENGINEERING DESIGN/BIDDING ASSISTANCE

A. Manhole Rehabilitation Design

1. Review reports from the Manhole Inspection Program to determine I/I sources to be rehabilitated.
2. Evaluate site specific manhole repair alternatives including cover type, grade adjustments, sealing techniques, manhole interior repairs, and/or manhole replacement.
3. Using RJN's basic specifications, prepare project specifications which shall include but not be limited to: (1) bidding documents, (2) contractual documents, (3) conditions of the contract, (4) standard project forms, (5) technical specifications, (6) schedule of manhole rehabilitation, (7) location map and (8) general details.
4. Prepare Engineer's Opinion of Probable Construction Cost.
5. Submit two (2) copies of the draft contract documents to the CITY for review.
6. Perform final changes to contract documents based on CITY review.
7. Submit two (2) copies of the final contract documents to the CITY.

B. Sewer Line Rehabilitation

The extent of sewer rehabilitation is not known at this time. The actual quantities of design will be determined after the review of the previous inspection data and any subsequent inspections are performed. Generally, the sewer line design activities will include the following:

1. Review reports for infiltration and inflow sources to be rehabilitated, sewer line maintenance items, and sewer line replacement.
2. Perform sewer profile level survey and site inspections for sewer replacement.
3. Investigate public utility locations.
4. Evaluate pipe repair alternatives including pipe replacement, pipe bursting, and lining options as necessary because of site conditions.
5. Provide the CITY with the technical information for location of the easements, if any, required for construction of the project. Information to include width and general location of the easements, and distances from the property lines. Property

line information shall be obtained from existing maps provided by the CITY to the ENGINEER.

6. Prepare contract design drawings for I/I rehabilitation, sewer replacement and/or sewer lining. Drawings shall indicate permanent and temporary easements for construction based on information supplied by CITY. Drawings shall include but not be limited to: (1) title sheet/drawing index, (2) location maps, (3) schedule of manhole rehabilitation, (4) plan and profile of replacement segments, (5) plan of repair line segments, (6) special details, and (7) general details.
7. Using Engineer's basic specifications, prepare project specifications which shall include but not be limited to: (1) bidding documents, (2) contractual documents, (3) conditions of the contract, (4) standard project forms, and (5) technical specifications.
8. Prepare Engineer's Opinion of Probable Construction Cost by major items.
9. Submit two (2) copies of the draft plans and specifications to the CITY for review.
10. Perform final changes to contract documents.
11. Submit five (5) copies of the final project drawings and contract specifications to the CITY for review.
12. Assist the CITY in obtaining permit approvals from regulatory authorities.

C. Additional Services

1. Conduct horizontal and vertical control survey necessary for design of the project.
2. Obtain typical soil boring data for replacement sewer locations, as required.
3. After approval by the CITY, the ENGINEER will prepare, type, and issue legal description of easements. The CITY will secure easements as necessary.
4. Assistance in obtaining permit from Highway Department, Health Department, and any other state permits, if necessary, for sewer construction.

D. Bidding Assistance

It is anticipated that two (2) construction contracts will be bid. The first contract to be completed and bid shall include justified manhole rehabilitation activities and any other readily confirmed cost-effective maintenance activities. The second contract bid shall include justified sewer line and appurtenant elements, including maintenance, repair,

rehabilitation and replacement work. The following bidding assistance services are included for the two contracts.

1. Assist the CITY in advertising, obtaining, and evaluating Bid Proposals for the construction contract and awarding thereof. Provide assistance to the CITY in responding to bidder inquiries during advertisement of the construction contract, and participate in project pre-bid conference. Provide and distribute bidding documents and addendum. Non-refunded bid deposits shall remain the property of RJN for administrative, printing, and handling cost.
2. Assist the CITY in reviewing the bids for completeness and accuracy. Develop bid tabulations and submit a written recommendation of contract award to the CITY along with three (3) copies of the bid tabulations.
3. Consult with and advise the CITY on the responsibility and responsiveness of contractors, the acceptability of subcontractors, substitute materials, and equipment proposed by the project bidders.

RESIDENT ENGINEERING

RJN GROUP, INC. is available to provide resident engineering services under a separate negotiated amendment. These services may include the following:

A. Resident Engineering

1. Provide the successful bidder(s) with three (3) sets of the contract specifications for execution and the insertion of the required insurance certificates. Provide the successful bidder(s) with five (5) sets of the contract documents for construction purposes.
2. Assist the CITY in conducting a pre-construction conference with the Contractors by notifying utilities, governmental agencies, and other interested parties, and answer questions at the conference.
3. Review shop drawings, scheduling, test results, and other submittals which the Contractor is required to submit.
4. Consult with CITY and act as the CITY's engineering representative in dealings with the Contractor. Issue instructions of CITY to Contractor and issue necessary interpretations and clarification of the contract specifications.
5. Provide engineering survey(s) for construction to establish horizontal and vertical reference points which are necessary for the Contractor to construct the work. Coordinate the taking of preconstruction photos and surface video taping with the Contractor as necessary.

6. Provide resident observation for rehabilitation and sewer replacement construction for general conformance to the contract drawings and contract specifications. Also provide resident observation of acceptance testing and restoration work by the Contractor.
7. Review and respond to complaints received by CITY and report any differences of opinion between the Contractor, ENGINEER and complaining party.
8. Review applications for partial payment with the Contractor for compliance with contract specifications and submit to the CITY a recommendation for payment.
9. Issue field orders to Contractor after consultation with the CITY. Review any change orders proposed by the Contractor and provide recommendations to the CITY.
10. Conduct an on-site review to determine if the projects are substantially complete and submit to the Contractor a list of observed items requiring completion or correction.
11. Conduct a final on-site review, in the company of the CITY and Contractor, to verify the projects are fully complete. Submit a recommendation for final acceptance of the projects to the CITY.
12. Provide the CITY with three (3) sets of black line prints of the record drawings.
13. Provide the CITY with a report that summarizes I/I sources that have been removed and listing of line segments and their attributes that have been added.
14. RJN will not be responsible for the means or sequences of the construction work or the implementation program for safety of the construction contractor and subcontractors and it will be stipulated as such in the contract documents.

EXHIBIT B

AUTHORIZATION PROGRESS AND COMPLETION

The City and ENGINEER agree that the project is planned to be completed according to the schedule below with anticipated Notice to Proceed in late May 2008.

<u>Major Tasks</u>	<u>Months from Notice to Proceed</u>
Sewer System Study	9

The ENGINEER shall employ manpower and other resources and use professional skill and diligence to meet the schedule; however, he shall not be responsible for schedule delays resulting from conditions beyond his control. With mutual agreement, the City and the ENGINEER may modify the project schedule during the course of the project and if such modifications affect the ENGINEER's compensation, it shall be modified accordingly, subject to City Council approval.

For Special Services, the authorization by the City shall be in writing and shall include the definition of the services to be provided, the schedule for commencing and completing the services and the basis for compensation therefore, all as agreed upon by the City and ENGINEER in writing.

EXHIBIT C

SUMMARY OF COST

CITY OF FAYETTEVILLE

WHITE RIVER WATERSHED BASINS W-5, W-6, W-13A, W-20, & W-32 SEWER SYSTEM STUDY

Task Description	Quantity	Unit Cost	Cost (\$)
<u>PHASE 1</u>			
<u>Sewer System Study</u>			
A. Project Administration	1	\$20,576.00/LS	20,576.00
B. Data Management	1	\$16,880/LS	16,880.00
C. Public Relations	1	\$5,128.00/LS	5,128.00
D. Flow Monitoring/Analysis	1	\$37,540.00/LS	37,540.00
E. Manhole Inspection	400	\$94.19/EA	37,675.00
F. Rainfall Simulation			
Smoke Testing (Dual-Blower)	175,000	\$0.408/LF	71,010.00
Dyed Water Flooding	60	\$386.00/EA	23,160.00
G. TV Inspection Coordination			
Cleaning/TV Inspection	<u>1/</u>	<u>1/</u>	88,800.00
Concurrent Dye Testing/Tape Review	35,000	\$1.70/LF	59,500.00
Data Analysis and Report	1	\$34,840/LS	<u>34,840.00</u>
Total Phase I Cost			395,109.00
<u>PHASE II FINAL DESIGN</u>	<u>2/</u>	<u>2/</u>	<u>2/</u>
<u>PHASE III CONSTRUCTION</u>	<u>3/</u>	<u>3/</u>	<u>3/</u>

1/ Allowance for cleaning and TV inspection will be invoiced based on the unit prices contained in Exhibit D.

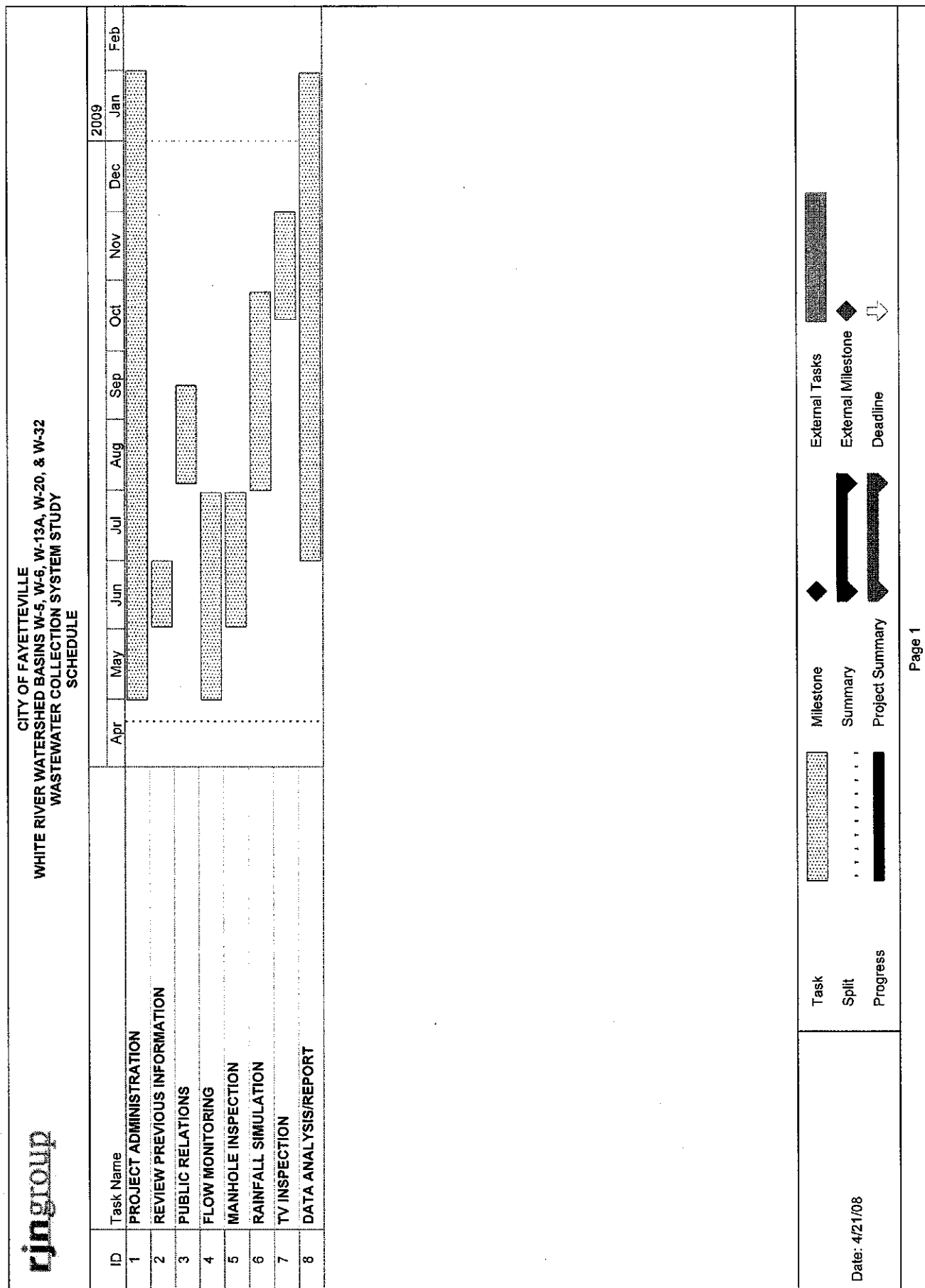
2/ To be negotiated under a separate amendment to this Agreement

3/ To be negotiated under a separate amendment to this Agreement

EXHIBIT D

**TELEVISION INSPECTION COMPENSATION
2008 SSES**

Task Description	Unit Cost (\$)
Cleaning – Standard 6-15"	1.10
Cleaning – Standard 18-21"	1.38
Cleaning – Standard 24-27"	1.60
Television Inspection – 6-24" CCTV	1.38
Traffic Control (EA)	250.00
Mobilization and Demobilization Fee	2,200.00



City of Fayetteville Staff Review Form

A. 7
Fayetteville Public Schools Contribution
Page 1 of 4

City Council Agenda Items
and
Contracts, Leases or Agreements

5/20/2008

City Council Meeting Date
Agenda Items Only

Perry Franklin
Submitted By

Transportation
Division

Operations
Department

Action Required:

Staff recommends a resolution approving the acceptance of \$150,000.00 contributed by Fayetteville Public Schools for the installation of new traffic signals at the intersections of Garland & 6th and Starr & Mission and a budget adjustment to recognize this revenue.

\$ -	\$ 170,742.00	Traffic Signal Improvements
Cost of this request	Category / Project Budget	Program Category / Project Name
4470-9470-5801.00	\$ 64,645.86	Transportation Improvements
Account Number	Funds Used to Date	Program / Project Category Name
02063 / 0802	\$ 106,096.14	Sales Tax Capital Improvements
Project Number	Remaining Balance	Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☒


Department Director

Date

4-30-08

Previous Ordinance or Resolution #

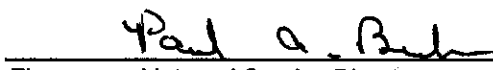
Original Contract Date:

Original Contract Number:


City Attorney

Date

5/8/08


Finance and Internal Service Director

Date

5-6-08


Mayor

Date

5/6/08

Received in City
Clerk's Office

4-30-08 UAP

Received in
Mayor's Office

ENTERED
5/6/08
PH

Comments:



City Council Agenda Item

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations 

From: Perry Franklin, Transportation Superintendent 

Date: April 29, 2008

Subject: Fayetteville Public Schools contribution for traffic signal installations acceptance and budget adjustment

Recommendation:

Staff requests a resolution approving a budget adjustment recognizing and accepting a contribution of \$150,000 by the Fayetteville Public School System for two traffic signal installations. The funds will be used to purchase materials and traffic signal equipment for the Garland/6th (Hwy 180) and Starr/Mission (Hwy 45) intersections.

Background:

For several years two locations have been identified as critical areas for traffic signal installations needed to provide safety for students crossing state highways. The two locations of concern are the Garland and Sixth (Hwy 180) intersection at Fayetteville High School and the Starr Rd/Mission Blvd (Hwy 45) intersection near both Vandergriff Elementary and McNair Middle School. Many years of traffic counting, meetings with concerned parents, and input from school officials have resulted in approval of traffic signal installations by the Arkansas Highway and Transportation Division at these locations.

Discussion:

Due to lack of funding, the AHTD has indicated it would be three years before a 90/10 project could be implemented. The Fayetteville Public Schools and the City of Fayetteville Transportation Division desire to expedite this project in order to improve the safety of students crossing these highways. The Fayetteville Public Schools and the City of Fayetteville have agreed to partner together on both projects. The Fayetteville Public Schools will provide \$150,000 toward the purchase of traffic signal equipment and materials for these intersections. The City of Fayetteville Transportation Division will provide all plans, permits, equipment, and labor required to install both traffic signals.

Budget Impact:

The Fayetteville Public School System deposited \$150,000 with the City of Fayetteville to purchase the capital equipment and materials required to install two traffic signals at the above referenced locations. The Transportation Division will be responsible for all future utility and maintenance costs associated with these traffic signal installations.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$150,000.00 TO THE FIXED ASSETS ACCOUNT AND RECOGNIZING LIKE REVENUE FROM THE FAYETTEVILLE PUBLIC SCHOOLS FOR THE INSTALLATION OF TRAFFIC SIGNALS AT THE INTERSECTIONS OF GARLAND AVENUE/SIXTH STREET AND STARR ROAD/MISSION BOULEVARD.

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 Fixed Assets Account and recognizing like revenue from the Fayetteville Public Schools for the installation of traffic signals at the intersections of Garland Avenue/Sixth Street and Starr Road/Mission Boulevard.

PASSED and APPROVED this 20th day of May, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

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

A. 7
Fayetteville Public Schools Contribution
Page 4 of 4

Budget Year 2008	Department: Citywide Division: Citywide Program: Sales Tax Capital Improvements	Date Requested 5/20/2008	Adjustment Number
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Project or Item Added/Increased: \$150,000 is requested in the Fixed Assets account of the Fay School: Garland/6th & Starr/Mission sub-project in the Traffic Signal Improvements capital project.	Project or Item Deleted/Reduced: None. This budget adjustment recognizes \$150,000 in revenue from the Payments By Property Owners account within the same capital project.
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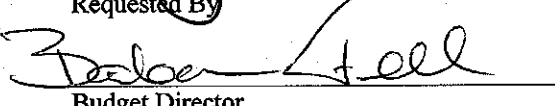
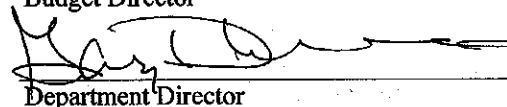
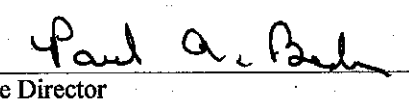
Justification of this Increase: Funding is necessary for the installation of traffic signals at the intersections of Garland & 6th and Starr & Mission.	Justification of this Decrease: Fayetteville Public Schools has agreed to contribute \$150,000 for the purchase of materials and equipment necessary for the installation of the new traffic signals. The City of Fayetteville Transportation Division has agreed to provide the labor and installation of the traffic signals at no charge.
---	--

Increase Budget

Account Name	Account Number				Amount	Project Number	
Fixed Assets	4470	9470	5801	00	150,000	02063	0802

Decrease Budget

Account Name	Account Number				Amount	Project Number	
Payments by Property Owners	4470	0947	4420	00	150,000	02063	0802

Approval Signatures  Requested By  Budget Director  Department Director  Finance Director Mayor		4/29/08 Date 5/6/08 Date 4/30/08 Date 5-6-08 Date Date		Budget & Research Use Only Type: A B C <u>D</u> E General Ledger Date _____ Approval Date _____ Initial Date Posted to General Ledger _____ Initial Date Posted to Project Accounting _____ Initial Date	
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City of Fayetteville Staff Review Form

A. 8
Pinkley Sales Company
Page 1 of 12

City Council Agenda Items
and
Contracts, Leases or Agreements

May 20, 2008

City Council Meeting Date
Agenda Items Only

Tony Johnson

Submitted By

Fire

Division

Fire

Department

Action Required:

A resolution approving a purchase of traffic pre-emption devices for (12) intersections within the city from Pinkley Sales in the amount of \$40,586 and to approve a budget adjustment in the amount of \$12,000.

\$ 40,586.00

Cost of this request

\$ 30,000.00

Category / Project Budget

Traffic Pre-Emption

Program Category / Project Name

2300.9300.5801.04

Account Number

\$ -

Funds Used to Date

Fixed Assets

Program / Project Category Name

08046.1

Project Number

\$ 30,000.00

Remaining Balance

Impact Fees

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☒

Department Director

4-25-08
Date

Previous Ordinance or Resolution # 3606 / 4789

Original Contract Date:

Original Contract Number:

City Attorney

5/5/08
Date

Received in City
Clerk's Office

Finance and Internal Service Director

5-5-08
Date

Received in
Mayor's Office

Mayor

5/6/08
Date

Comments:



The City of Fayetteville Fire Department

303 W. Center St. Fayetteville, AR. 72701

Phone (479) 575-8365 Fax (479) 575-0471
www.accessfayetteville.org

April 29, 2008

To: Mayor Coody and
Fayetteville City Council

From: Tony Johnson, Fire Chief *TJ*

Subject: Purchase of Traffic Pre-emption Devices

Recommendation

I recommend that you review and approve the department's request for the aforementioned project and budget adjustment. The project encompasses the purchase of twelve (12) traffic signal pre-emption devices for the following intersections:

Highway 112 and Truckers
Fifteenth and Morningside
Happy Hollow and Huntsville
Highway 112 and I-540 NB Ramp
Highway 112 and Drake
Weddington and I-540 East Side

Fifteenth and Armstrong/Curtis
Huntsville and Crossover
Weddington and I-540 West Side/Shiloh
Highway 112 and I-540 SB Ramp
Fifteenth and South School
Weddington and Garland

Background

In an effort to reduce the risk of emergency vehicles accidents at high-volume, signal controlled intersections; the department has identified high-risk intersections that are in need of having pre-emption devices installed. The purchase, installation, and utilization of the pre-emption devices will reduce the risk of emergency vehicles being involved in accidents by allowing the unit to transmit a strobe-coded signal that will pre-empt the traffic signal, thus granting the right-of-way to the emergency vehicle actuating the signal.

Discussion

The initial submission by the department was for nine intersections that have been impacted by the city's growth. On our final review, we noticed that we had overlooked three intersections that have been impacted by increase traffic and congestion. I believe it's in the best interest of public safety to amend the initial request by including the three additional devices.

Budget Impact

The proposed funding mechanism for the project is the Fire Department Impact Fees Account. This project is a part of the Fire Department's 2008 Capital Improvement Project.

RESOLUTION NO. _____

A RESOLUTION APPROVING THE PURCHASE OF TWELVE (12) TRAFFIC SIGNAL PREEMPTION DEVICES FROM PINKLEY SALES COMPANY IN THE AMOUNT OF \$40,586.00; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$12,000.00.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the purchase of Twelve (12) traffic signal preemption devices from Pinkley Sales Company in the amount of \$40,586.00.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of \$12,000.00.

PASSED and APPROVED this 20th day of May, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

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

A. 8
Pinkley Sales Company
Page 4 of 12

Budget Year 2008	Department: Citywide Division: Citywide Program: Impact Fee Expense	Date Requested 4/23/2008	Adjustment Number
--------------------------------	--	--	-------------------

Project or Item Added/Increased: \$12,000 is requested to be moved to the Traffic Pre Emption project	Project or Item Deleted/Reduced: \$12,000 is requested to be moved from the Impact Fee project
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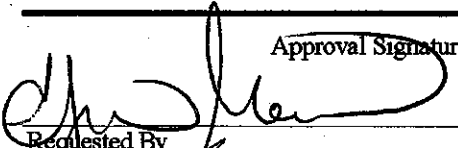
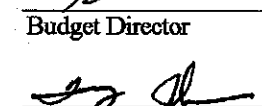
Justification of this Increase: The original budget estimate is not enough to cover the twelve locations to be done in 2008.	Justification of this Decrease:
--	---------------------------------

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Fixed Assets - Fire Impact	2300	9300	5801	04	12,000	08046	1

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Fixed Assets - Fire Impact	2300	9300	5801	04	12,000	07003	1

Approval Signatures  Requested By 4/23/08 Date  Budget Director 4-24-08 Date  Department Director 4-23-08 Date Paul A. Bucher Finance Director 4-23-08 Date Mayor Date		Budget & Research Use Only Type: A B C <u>D</u> E General Ledger Date Approval Date Posted to General Ledger Initial Date Posted to Project Accounting Initial Date
--	--	---

ORDINANCE NO. 3606

AN ORDINANCE WAIVING THE REQUIREMENT OF
COMPETITIVE BIDDING FOR THE PURCHASE OF
TRAFFIC SIGNAL EQUIPMENT FOR THE TRAFFIC
DIVISION.

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF
FAYETTEVILLE, ARKANSAS:

Section 1. That the Board of Directors hereby waives the requirements of competitive bidding for the purchase of traffic signal equipment for the Traffic Division for the reason that said requirements are not feasible in that they are proprietary to one manufacturer due to factors of compatibility, standardization and maintainability.

Section 2. That the Board of Directors determines that the Traffic Division of the City of Fayetteville is in immediate need of the materials enumerated in Section 1 above and the passage of this Ordinance is necessary to enable the immediate and continuing purchase of said materials without undue cost of the City. Therefore, an emergency is hereby declared to exist and this Ordinance being necessary for the public welfare shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 7th day of April, 1992.

APPROVED:

By: 

Mayor

ATTEST:

By: 

City Clerk

AGENCY	JOB #	COUNTY	STATE
CITY of FAYETTEVILLE	FORMAL QUOTE	WASHINGTON	ARKANSAS
DATE:	4/2/2008	OPTICAL PREEMPTION	
DESCRIPTION	QTY	UNIT	EXT.

**HWY.112 & TRUCKERS
ONE CHANNEL W/VEHICLE I.D.**

1881 Card cage and cable harness	1	150.00	150.00
M913 Detector cable, 3 conductor shielded.	250	0.44	110.00
2091-SD StrobeCom II preemption detector. Fully potted unit with internal terminal block for field wiring.	1	274.00	274.00
3140-M1SPM StrobeCom II motherboard with communications module, 16k EEPROM module. Real Time Clock module, and 1 signal processor module.	1	1,248.00	1,248.00
			=====
			1,782.00

**FIFTEENTH & ARMSTRONG/CURTIS
TWO CHANNEL W/VEHICLE I.D.**

Preempt "D" Module Plug	1	10.00	10.00
1881 Card cage and cable harness	1	150.00	150.00
M913 Detector cable, 3 conductor shielded.	400	0.44	176.00
2091-SD StrobeCom II preemption detector. Fully potted unit with internal terminal block for field wiring.	2	274.00	548.00
3140-M2SPM StrobeCom II motherboard with communications module, 16k EEPROM module. Real Time Clock module, and 2 signal processor modules.	1	1,495.00	1,495.00
			=====
			2,379.00

**FIFTEENTH & MORNINGSIDE
TWO CHANNEL W/VEHICLE I.D.**

1881 Card cage and cable harness	1	150.00	150.00
M913 Detector cable, 3 conductor shielded.	400	0.44	176.00
2091-SD Strobecom II preemption detector. Fully potted unit with internal terminal block for field wiring.	2	274.00	548.00
3140-M2SPM Strobecom II motherboard with communications module, 16k EEPROM module. Real Time Clock module, and 2 signal processor modules.	1	1,495.00	1,495.00
			=====
			2,369.00

**HUNTSVILLE & CROSSOVER
TWO CHANNEL W/VEHICLE I.D.**

Preempt "D" Module Plug	1	10.00	10.00
1881 Card cage and cable harness	1	150.00	150.00
M913 Detector cable, 3 conductor shielded.	400	0.44	176.00
2091-SD Strobecom II preemption detector. Fully potted unit with internal terminal block for field wiring.	2	274.00	548.00
3140-M2SPM Strobecom II motherboard with communications module, 16k EEPROM module. Real Time Clock module, and 2 signal processor modules.	1	1,495.00	1,495.00
			=====
			2,379.00

**HAPPY HOLLOW & HUNTSVILLE
THREE CHANNEL W/VEHICLE I.D.**

1881 Card cage and cable harness	1	150.00	150.00
M913 Detector cable, 3 conductor shielded.	600	0.44	264.00
2091-SD Strobecom II preemption detector. Fully potted unit with internal terminal block for field wiring.	3	274.00	822.00
3140-M3SPM Strobecom II motherboard with communications module, 16k EEPROM module. Real Time Clock module, and 3 signal processor modules.	1	1,748.00	1,748.00
			=====
			2,984.00

**WEDDINGTON & I-540 WEST SIDE/SHILOH
THREE CHANNEL W/VEHICLE I.D.**

Preempt "D" Module Plug	1	10.00	10.00
<u>1881</u> Card cage and cable harness	1	150.00	150.00
<u>M913</u> Detector cable, 3 conductor shielded.	600	0.44	264.00
<u>2091-SD</u> StrobeCom II preemption detector. Fully potted unit with internal terminal block for field wiring.	3	274.00	822.00
<u>3140-M3SPM</u> StrobeCom II motherboard with communications module, 16k EEPROM module. Real Time Clock module, and 3 signal processor modules.	1	1,748.00	1,748.00
			=====
			2,994.00

**HWY.112 & I-540 NB ON RAMP
THREE CHANNEL W/VEHICLE I.D.**

<u>1881</u> Card cage and cable harness	1	150.00	150.00
<u>M913</u> Detector cable, 3 conductor shielded.	600	0.44	264.00
<u>2091-SD</u> StrobeCom II preemption detector. Fully potted unit with internal terminal block for field wiring.	3	274.00	822.00
<u>3140-M3SPM</u> StrobeCom II motherboard with communications module, 16k EEPROM module. Real Time Clock module, and 3 signal processor modules.	1	1,748.00	1,748.00
			=====
			2,984.00

**HWY.112 & I-540 SB ON RAMP
THREE CHANNEL W/VEHICLE I.D.**

<u>1881</u> Card cage and cable harness	1	150.00	150.00
<u>M913</u> Detector cable, 3 conductor shielded.	600	0.44	264.00
<u>2091-SD</u> StrobeCom II preemption detector. Fully potted unit with internal terminal block for field wiring.	3	274.00	822.00
<u>3140-M3SPM</u> StrobeCom II motherboard with communications module, 16k EEPROM module. Real Time Clock module, and 3 signal processor modules.	1	1,748.00	1,748.00
			=====
			2,984.00

**HWY.112 & DRAKE
THREE CHANNEL W/VEHICLE I.D.**

1881 Card cage and cable harness	1	150.00	150.00
M913 Detector cable, 3 conductor shielded.	600	0.44	264.00
2091-SD Strobecom II preemption detector. Fully potted unit with internal terminal block for field wiring.	3	274.00	822.00
3140-M3SPM Strobecom II motherboard with communications module, 16k EEPROM module. Real Time Clock module, and 3 signal processor modules.	1	1,748.00	1,748.00
			=====
			2,984.00

**FIFTEENTH & SOUTH SCHOOL
FOUR CHANNEL W/VEHICLE I.D.**

Preempt "D" Module Plug	1	10.00	10.00
1881 Card cage and cable harness	1	150.00	150.00
M913 Detector cable, 3 conductor shielded.	800	0.44	352.00
2091-SD Strobecom II preemption detector. Fully potted unit with internal terminal block for field wiring.	4	274.00	1,096.00
3140-M4SPM Strobecom II motherboard with communications module, 16k EEPROM module. Real Time Clock module, and 4 signal processor modules.	1	1,999.00	1,999.00
			=====
			3,607.00

**WEDDINGTON & I-540 EAST SIDE/FUTRALL
FOUR CHANNEL W/VEHICLE I.D.**

Preempt "D" Module Plug	1	10.00	10.00
1881 Card cage and cable harness	1	150.00	150.00
M913 Detector cable, 3 conductor shielded.	800	0.44	352.00
2091-SD Strobecom II preemption detector. Fully potted unit with internal terminal block for field wiring.	4	274.00	1,096.00
3140-M4SPM Strobecom II motherboard with communications module, 16k EEPROM module. Real Time Clock module, and 4 signal processor modules.	1	1,999.00	1,999.00
			=====
			3,607.00

**WEDDINGTON & GARLAND
FOUR CHANNEL W/VEHICLE I.D.**

Preempt "D" Module Plug	1	10.00	10.00
1881 Card cage and cable harness	1	150.00	150.00
M913 Detector cable, 3 conductor shielded.	800	0.44	352.00
2091-SD Strobecon II preemption detector. Fully potted unit with internal terminal block for field wiring.	4	274.00	1,096.00
3140-M4SPM Strobecon II motherboard with communications module, 16k EEPROM module. Real Time Clock module, and 4 signal processor modules.	1	1,999.00	1,999.00
			=====
			3,607.00

AGENCY	JOB #	COUNTY	STATE
CITY of FAYETTEVILLE	FORMAL QUOTE	WASHINGTON	ARKANSAS
DATE:			
	4/2/2008	OPTICAL PREEMPTION	
DESCRIPTION	QTY	UNIT	EXT.
EMITTER			

3060 Strobecom II single head 45 watt emitter - 3 x 7 rectangular head, waterproof construction with port for coding module.	5	695.00	3,475.00
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**City Council Agenda Items
and
Contracts, Leases or Agreements**

May 20, 2008

City Council Meeting Date
Agenda Items Only

Connie Edmonston [Signature]
Submitted By

Parks and Recreation
Division

Operations
Department

Action Required:

Resolution to accept grant awarded from the Community Development Block Grant fund in the amount of \$22,000. Additionally, recognize donated funds from the Fayetteville Firefighter Association in the amount of \$2,500. Approval of a budget adjustment for funds donated for Movies in the Park and for programs and cost associated with programs at the Yvonne Richardson Community Center.

\$ 24,500.00 -
Cost of this request
1010.5280.5342.00
2250.9250.5315.00
Account Number
08054
N/A
Project Number

22,000.00
\$ 2,500.00
Category / Project Budget
-
\$ -
Funds Used to Date
\$ 24,500.00
Remaining Balance

Yvonne Richardson Center
Parks Development
Program Category / Project Name
Services and Charges
Services and Charges
Program / Project Category Name
General
Parks Development
Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☒

[Signature]
Department Director
5-7-08
Date

[Signature]
City Attorney
5-7-08
Date

Paul A. Bush
Finance and Internal Service Director
5-7-08
Date

[Signature]
Mayor
5/7/08
Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City
Clerk's Office



5/7/08

Received in
Mayor's Office

Comments:

City Council Meeting of May 20, 2008

Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor Dan Coody and City Council
Thru: Gary Dumas, Operations Director
From: Connie Edmonston, Parks and Recreation Director 
Date: May 7, 2008
Subject: Budget Adjustment to reflect donations and grant award

RECOMMENDATION

Approval of a resolution to accept grant funds from the Community Development Block Grant and a budget adjustment in the amount of \$22,000 for the Yvonne Richardson Community Center Program for the FUN4KIDS program and the Make the Grade Program. Additionally, accept a donation from the Fayetteville Firefighters Association in the amount of \$2,500 and a budget adjustment to reflect the donation for public movies to be shown at Wilson Park Swimming Pool and the Yvonne Richardson Community Center (YRCC).

BACKGROUND

During the budget approval process last fall, one of the programs cut due to lack of funding was Friday Night at the Movies. This program began in 2005 and included 6 – 8 movies during the summer months. The program took place in several parks including, but not limited to Walker, Gulley, Wilson, Gary Hampton, Dale Clark, Wilson Park Swimming Pool and the Yvonne Richardson Center. After learning of the cuts during the budget meetings, members of the Fayetteville Firefighters Association voted to make a donation in the amount of \$2,500 to Parks and Recreation to allow the public movies to continue.

On April 28, Parks and Recreation was officially awarded \$22,000 from the Community Development Block Grant for the operation of recreation programs. This will allow for funding of the FUN4KIDS program that includes field trips, game equipment, transportation, a mentoring / tutoring program and special events. Special Events will include back-to-school parties and Christmas parties. These events assist financially challenged families the opportunity to receive free school supplies and Christmas gifts for their children.

DISCUSSION

After receiving the donation from the local Firefighters Association, Parks and Recreation scheduled five free public movies. Two movies will be hosted at the Wilson Park Swimming Pool and are themed as "Dive In Movies." Pending approval of this donation and budget adjustment, these movies will take place on June 20 and July 25. The remaining three movies will take place during the summer months at the Yvonne Richardson Center.

City Council Meeting of May 20, 2008

Agenda Item Number

The Community Development Block Grant Funds will allow for a comprehensive recreation program for the children who rely on the Yvonne Richardson Community Center. The participants of the YRCC, for the most part, come from low income families and need inviting places where they learn positive life skills and participate in healthy activities. Since Parks and Recreation acquired supervision of the YRCC in April 2007, the Center has developed a program to assist youth participants with homework and studying for schoolwork. For voluntarily participating in this program, children are awarded with field trips and prizes. Further, YRCC Staff is beginning to partner with Big Brothers and Big Sisters of Northwest Arkansas. Partnering our youth participants with a Big Brother / Big Sister, provides a positive role model for each of these children in need.

BUDGET IMPACT

By approving this resolution, the overall budget for the Parks Development Fund will increase. The Parks Development Program will increase \$2,500 to reflect the cost of the five movies and promotional expenses. This \$2,500 to reimburse the City of Fayetteville for these expenses has been received and the money is currently in the Parks Development Donation Revenue Account.

Like the movie donation, the Community Development Block Grant budget adjustment will not cost the taxpayers additional funds. The Community Development Block Grant is administered by the Community Resources Division. Grant expenses are in their operation budget. The budget adjustment for the Yvonne Richardson Center budget is necessary because the expenses will reflect from this program. After the expenses occur and receipts are provided to Community Resources, a reimbursement payment will be received by the City of Fayetteville for the expenses in this program.

Attachments:

CDBG Grant Agreement
Fayetteville Firefighters Payment
Budget Adjustment
YRCC Summer Schedule (Draft)

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT TO RECOGNIZE \$22,000.00 FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR THE YVONNE RICHARDSON CENTER AND \$2,500.00 FROM THE FAYETTEVILLE FIREFIGHTERS ASSOCIATION FOR THE PARKS DEPARTMENT "MOVIES IN THE PARK" PROGRAM

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the attached Budget Adjustment to recognize \$22,000.00 from the Community Development Block Grant Program for the Yvonne Richardson Center and \$2,500.00 from the Fayetteville Firefighters Association for the Parks Department "Movies In The Park" program.

PASSED and APPROVED this 20th day of May, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
Sondra E. Smith, City Clerk/Treasurer

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

A. 9
Movies in the Park Program
Page 5 of 22

Budget Year 2008	Department: Operations Division: Parks & Recreation Program: Parks Development	Date Requested 5/20/08	Adjustment Number
--------------------------------	--	--------------------------------------	-------------------

Project or Item Added/Increased: Increase contract services and promotional activities budget in recognition of funds received by grant awarded from the Community Development Block Grant fund in the amount of \$22,000. Additionally, recognize donated funds from the Fayetteville Firefighter Association in the amount of \$2,500 for Movies in the Park.	Project or Item Deleted/Reduced: Recognize donated and grant amounts into the budget.
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Justification of this Increase: These funds were donated or received by grant for Yvonne Richardson Center programs and for Fayetteville Parks and Recreation Movies in the Park.	Justification of this Decrease: Adequate funds are available for these programs.
---	--

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Contract services	2250	9250	5315	00	2,500		
Promotional activities	1010	5280	5342	00	22,000	08054	1

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Donations	2250	0925	4809	00	2,500		
Federal Grant-Operational	1010	0001	4309	01	22,000	08054	1

Approval Signatures

Connie Edmonson 5-9-08
 Requested By Date

Barbara Lee 5/7/08
 Budget Manager Date

Department Director Date
Paul A. Bush 5-7-08
 Finance & Internal Services Director Date

Mayor *Alan Cody* 5/2/08
 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



COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

GRANT YEAR 2008 | SUB-RECIPIENT GRANT AGREEMENT

This Agreement is entered into on this day, **Monday, April 28, 2008**, between the **City of Fayetteville**, hereinafter known as *the City*, and **City of Fayetteville Parks and Recreation** hereinafter known as the *Sub-recipient*.

WHEREAS the City has received funding under Title I of the Housing and Community Development Act of 1974, hereunder known as the "Act", through the United States Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) from the Entitlement Cities program established under the Act as amended, and the rules, regulations, policy memoranda, and other authority; and,

WHEREAS the Act contains certain requirements regarding the use of CDBG funds to fulfill a National Objective as defined in the Act; and,

WHEREAS the Act prohibits discrimination under any program or activity funded with CDBG monies on the basis of race, color, national origin, sex, age or handicap; and,

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the City and the Sub-recipient agree as follows:

1. **TERM OF AGREEMENT:** The funding for this Agreement shall begin on the date first written above and expire on December 31, 2008; any funds not obligated prior to this date will revert back to the City.
2. **COMPLIANCE WITH APPROVED PROGRAM:** The City hereby designates and the Sub-recipient hereby agrees to receive the City's CDBG Entitlement Grant and to administer such grant in accordance with this agreement, and the Act; and, the Sub-recipient certifies that the activities carried out with funds provided under this Agreement will meet at least one the CDBG Program's National Objective set forth by HUD as indicated in **Attachment A (National Objective Form)**.
3. **LIMITATION ON FUNDING:** It is expressly agreed and understood that upon execution of the Agreement, the City agrees to allocate no more than the amount of **Twenty-two Thousand dollars (\$22,000)** for the full and complete satisfactory performance of this Agreement. Drawdowns for the payment of eligible expenses shall be made against the line item budgets specified in **Attachment B** and in accordance with performance.
4. **AMENDMENTS:** Any revision to this Agreement, including Attachments, shall only be made by a written amendment, approved by the City, to this Agreement.
5. **SCOPE OF PROJECT:** The Sub-recipient shall perform all services according to the Statement of Work as indicated in **Attachment C (Project Description)**. Any deviation from the provisions detailed in the Statement of Work shall be prohibited unless approved by the City and made as an amendment to the Agreement.
6. **FISCAL AND ADMINISTRATIVE RESPONSIBILITIES:** The Sub-recipient agrees to comply with the provisions of 24 CFR 570.502 (a) or (b), as applicable, and all requirements and standards which include but are not limited to the following:



COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

which include but are not limited to the following:

- A. **Allowable and Allocable Costs:** Costs must be necessary, reasonable and directly related to the scope of the project in this agreement. In addition, costs must be legal and proper. The budget included in **Attachment B (Project Budget)** shall control amounts of allowable expenditures within budget categories.
- B. **Timeliness Requirement:** Seventy-five percent of the current grant allocation must be disbursed to the Sub-recipient by September 15th of the current grant year.
- C. **Disbursement of Funds:** The Sub-recipient shall render to the City a request for reimbursement of project expenditures.
- D. **Procurement:** All contracts for services and procurement for materials shall be carried out in compliance with **24 CFR Part 85.36 Administrative Requirements for Grants** and all other applicable federal, state, and local rules and regulations, including regulations and policies from the City's Purchasing Division.
- E. **Documentation of Costs:** The Sub-recipient shall maintain records on materials purchased, services performed, individuals and families served. All costs shall be supported by evidencing in proper detail the nature and propriety of charges. All checks, payrolls, invoices, contracts, vouchers, orders, or other accounting documents pertaining in whole or in part to this Agreement shall be clearly identified and readily accessible.
- F. **Records and Reports:** The Sub-recipient shall, at a minimum, submit the following reports to the City:
 - 1) **Monthly progress reports** due fifteen days after month ends shall be submitted to the City on projects and its particulars. Monthly progress reports shall outline activities undertaken during each month toward completion of the subject program and the progress in meeting the prescribed CDBG National Objective as indicated in **Attachment A**. Failure to provide the required documentation and information will affect the funding in this agreement and future requests for funding.
 - 2) **Monthly financial statements** due fifteen days after month ends shall be submitted to the City on projects and its particulars. Monthly financial statements shall outline all expenses applicable to the CDBG assisted projects.
 - Recipient of the funds
 - Objective for the expense
 - Permanent location of product from expense
 - Total amount of funds spent
 - 3) **A Final Summary Report** due within thirty (30) days after the term of this agreement shall include a summary of all complied information described in paragraphs 6(E) (1) and (2) above.
 - 4) The Sub-recipient agrees to maintain records and reports related to the project for a period of no less than **five years** following the term of this Agreement.
7. **CDBG PROGRAM INCOME:** Any gross income directly generated from the use of the CDBG grant funds shall be used only for those activities delineated in the Statement of Work and all relevant provisions of this Agreement shall apply to such activities. Disposition of CDBG Program Income



COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

received by the Sub-recipient shall be governed by the requirements outlined in the Statement of Work, and in compliance with **24 CFR 570.502 (b) and (c) Eligible Rehabilitation and Preservation Activities.**

8. **ACCESS TO RECORDS:** At any time during normal business hours and as often as the City deem necessary, the Sub-recipient shall make available to the City for examination of all its records with respect to all matters covered by this Agreement. Further, the Sub-recipient shall permit the City to make excerpts of transcripts from such records, make audits of all contracts, invoices, materials, payrolls, records of personnel, conditions of employment and other data relating to all matters covered by this Agreement.
9. **MONITORING AND AUDITS:** The City is required by the federal Office of Management and Budget Circular A-133 to ensure that federal CDBG program requirements are met, that the funds are used for the purpose of the program, and the Sub-recipient complies with reporting and auditing requirements. The City will monitor and audit the Sub-recipient to assure the compliance of project progress as stated in **Attachment D (Project Schedule)**, along with all other attachments.

A. **Remedies for Non-Compliance:** If the Sub-recipient fails to comply with any term in this Agreement, the City may take one or more of the following actions as indicated in **24 CFR Part 85.43 (Enforcement)**.

10. **AGREEMENT TERM EXTENSION:** The City may consider an extension of the term of performance based on justifiable circumstances beyond the control of the Sub-recipient. The Sub-recipient shall make application and submit documentation to the City regarding such circumstances, and a proposal for the new time of constitutes an amendment to the agreement. Any such request for extensions shall be subject to the written approval of the City, acted upon by the City within fourteen (14) days of the receipt of the notice of request to terminate. The decision of the City shall be final and conclusive, provided that such approval shall not be unreasonably withheld.

11. **PROGRAM CLOSE-OUT:**

A. Termination of Agreement:

- 1) **Termination by City:** Notification shall be provided in the form of a written notice specifying the effective date of termination. The City may terminate this Agreement in whole or in part for cause, which shall include:

- Failure, for any reason, of the Sub-recipient to fulfill in a timely and proper manner its obligations under this Agreement, including compliance with approved program and Agreement conditions, and such statutes, executive orders, and HUD directives as may become applicable at any time,
- Submission by the Sub-recipient to the City of reports that are incorrect or incomplete in any material respect,
- Ineffective or improper use of funds provided under this Agreement;
- Failure of the Sub-recipient to supply the City with monthly reports and audits as required by the City herein;
- Failure of the Sub-recipient to comply with the City's corrective action plan respective to audits required by the City herein;

- 2) **Termination by the Sub-recipient:** The Sub-recipient may propose to terminate this



COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Agreement in whole or in part, for good cause only by giving at least thirty (30) days written notice specifically stating the cause for such requested termination. Any such request for termination shall be subject to the written approval of the City, acted upon by the City within ten (10) days of the receipt of the notice of request to terminate. The decision of the Recipient shall be final and conclusive, provided that such approval shall not be unreasonably withheld.

- 3) **Mutual Termination:** This Agreement may also be terminated by either the City or the Sub-recipient in whole or in part, by mutual agreement setting forth the reasons for such termination, the effective date, and in the case of partial termination, the portion to be terminated. However, in the case of partial termination, if the City determines that the remaining portion of the award will not accomplish the purpose for which the award was made, the City may terminate the award in its entirety.

- B. **Use and Reversion of Assets:** The Sub-recipient shall use all CDBG-assisted property acquired under this Agreement in accordance with **24 CFR 570.505(Use of Real Property)** for a period of five (5) years following the date the City issued a "Certificate of Completion" respective to the CDBG Program. Unless specified otherwise within this Agreement, at the conclusion, cancellation, assignment or termination of this Agreement, the disposition of assets under this Agreement shall be in compliance with **24 CFR 570.503(Agreements with Subrecipients)**, **24 CFR 570.504(Program Income)**, **24 CFR 570.505(Use of Real Property)**, as applicable, which include but are not limited to the following:

- 1) If this agreement is terminated or canceled in accordance with the terms, conditions, and procedures of this Agreement, thirty (30) days after termination of this agreement the Sub-recipient shall provide and turn over to the City all materials, books, accounts, records, files and other papers, or items pertaining to the project.
- 2) Any real property acquired or improved in whole or in part with CDBG funds in excess of \$500.00 under the Sub-recipient's control upon expiration or termination of this agreement shall be used to meet one of the national objectives contained in **24 CFR 570.208(Public Access to Program Records)** for a period of five (5) years after the expiration of the agreement, or for such longer period of time as determined to be appropriate by the City.
- 3) In the event the Sub-recipient does not expend the amount allocated under this Agreement or the project is canceled, expired, assigned or terminated for any reason, any funds not claimed by the Sub-recipient and approved by the City for allowable costs by the end of the term or by the date of cancellation, expiration, or termination of this Agreement, as the case may be, shall no longer be payable to the Sub-recipient under this Agreement.

12. **COMPLIANCE WITH FEDERAL RULES AND REGULATIONS:** The Sub-recipient agrees to comply with all applicable rules and regulations, as amended from time to time, including but not limited to those federal rules and regulations referred to in this Agreement. Unearned payments under this Agreement may be suspended or terminated upon refusal to accept any additional conditions that may be imposed by HUD at any time or if the grant to the City under Title I of the Housing and Community Development Act of 1974, is suspended or terminated.

13. **CLAIMS AGAINST THE CITY:** The Sub-recipient agrees to defend, indemnify and save harmless the City from any and all claims of any nature whatsoever which may arise from the Sub-recipient's performance of this Agreement; provided, however, that nothing contained in this Agreement shall



COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

be construed as rendering the Sub-recipient liable for acts of the City, its officers, agents or employees.

14. **CONFLICTS OF INTEREST:** The Sub-recipient represents that none of its employees, officers, or directors presently have any interest, either directly or indirectly, which would conflict in any manner with the Sub-recipient's performance or procurement under this Agreement, and that no person having such interest will be appointed or employed by the Sub-recipient.
15. **NOTICES:** Communication and details concerning the Agreement shall be directed to the following contract representatives:

City of Fayetteville
Community Resources Division
Yolanda Fields
Community Resources Director
113 W. Mountain St.
Fayetteville, AR 72701

City of Fayetteville Parks and Recreation
Connie Edmonston
Director
113 W Mountain
Fayetteville, AR 72701

16. **BINDING AFFECT:** This Agreement shall be binding upon and shall ensure to the benefit of the parties hereto and their respective heirs and assigns; provided, however, that no assignment shall be effective to relieve a party of any liability under this Agreement unless the other party has consented in writing to the assignment and agreed to the release of such liability. The City and the Sub-recipient hereby acknowledges receipt of a duly executed copy of this Agreement complete with all Exhibits attached hereto.

EXECUTION/SIGNATORIES TO AGREEMENT PROVIDED ON SUCCEEDING PAGE



COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

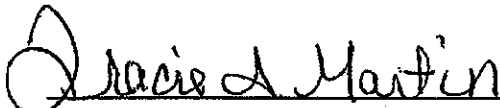
IN WITNESS WHEREOF, we have hereunto set our hands on the date first written above.

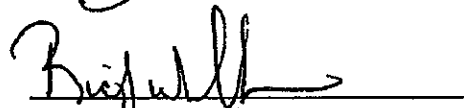
City of Fayetteville Parks and Recreation


Connie Edmonston, Director

City of Fayetteville


Yolanda Fields, Community Resources Director


Attested By:


Attested By:

ATTACHMENT A



community resources
CITY OF FAYETTEVILLE

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

ATTACHMENT A

9. **National Objective.** Please check the National Objectives and the subcategories that apply to this project.

I. Administrative Agency: Yvonne Richardson Center / Fayetteville Parks and Recreation

II. Project Name: FUN4KIDS Program

III. Project Amount: \$22,000

IV. Project Description: Funding for transportation, educational and recreational programs at the YRCC.

Benefiting Low and Moderate-Income Persons

- ☒ Area Benefit
- ☒ Limited Clientele
- ☐ Housing
- ☐ Jobs

Prevention/Elimination of Slums or Blight

- ☐ Area Basis
- ☐ Spot Basis
- ☐ Urban Renewal Area

Urgent Community Development Needs

- ☐ Basis for this category determination

Connie Edmonston
Organization Executive Director

8-31-07
Date

ATTACHMENT B



community resources
 CITY OF FAYETTEVILLE

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

10. **Project Budget.** Provide a precise and descriptive line-item budget of requested CDBG funds.

Expenses

Bus Rental \$ 7,500

Spring Programs

Field Trip	\$ 1,500
Movies	\$ 600
Spring Break Program	\$ 500
Make the Grade	
Tutors (2 @ 120 hours)	\$ 960
College Prep	\$ 800
Nintendo Room Supplies / Renovations	\$ 2,500

Summer Programs

Fun4Kids Programs	
Field Trips	\$ 3,000
Back to School Party	\$ 800

Fall Programs

Field Trips	\$ 1,000
Movies	\$ 600
Make the Grade	
School Supplies	\$ 800
Tutors (2 @ 120 hours)	\$ 940
Art Supplies	\$ 500

Total Expenses \$22,000

ATTACHMENT C



community resources
CITY OF FAYETTEVILLE

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

11. Project Description. Describe the proposed activities to be held at the available location.

The Yvonne Richardson Community Center is experiencing a very exciting period of growth changes. For years, this center has been a place where children and adults alike come for open recreation. Since the Community Center has come under the guidance of Fayetteville Parks and Recreation, the Center is offering several structured recreation opportunities.

Open recreation also remains an important component of the community center. Neighbors are offered the opportunity to utilize the playground, computer room or to play basketball. However, more than thirty percent of this target area has an income below the poverty level. Many of the families in this neighborhood are single parent families or families where parents may work two jobs. The Richardson Center will provides children with the opportunity to have a safe place for recreation, plus positive leadership influences.

With parents often working afternoon shifts, children may also need assistance with homework and other educational programs. Of the 2,807 residents that are twenty five years of age and older, only 73.7% have a high school diploma and 13.6% have a bachelor's degree or higher. The Richardson Center is creating a program titled "Make the Grade." This program will offer children homework assistance, pre-ACT and SAT testing studies, assistance with financial aid for college bound students, and classes that assist with manners and other social skills required to function successfully in today's society.

Other forms of structured recreation programs take place during times when children are usually lacking constructive activities to occupy their time. For example, the summer time includes many off-site field trips to places such as miniature golf courses, Lokomotion, swimming, Botanical Gardens, bowling alleys, kayak/hiking trips and more. Other structured activities include Movie Nights on Friday nights. This event features a motion picture on a 20' inflatable movie screen. Often, a cookout is accompanied where families eat burgers and hot dogs at the YRCC.

These structured recreational programs occupy the youth participant's leisure time, to ensure they are spending time constructively. These changes in programming eliminate the perception of being a basketball facility only and evolve the Richardson Center into a full fledged Community Center. Children now benefit socially and intellectually, as well as physically.

ATTACHMENT D



community resources
CITY OF FAYETTEVILLE

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

ATTACHMENT D

12. **Project Schedule.** Complete and specific schedule of all activities.

Projected Schedule of Events

Spring Programs

Field Trips	Weekly field trips to places such as Gator Golf, Lokomotion, area museums, Fayetteville Public Library, bowling, and others.
Movies	Once a month, movies are offered at the center on Friday nights. These are family friendly movies that are chosen by the kids who regularly attend activities at the YRCC.
Spring Break Program	Program will involve structured activities throughout the week. Activities may include events such as day long field trips to Devil's Den State Park, Jones Center or other places, and pizza parties where movies are shown,
Make the Grade Program	Educational program that includes tutoring and assisting with homework, as well as college prep and classes to encourage self esteem and manners.
Nintendo Room	Parks and Recreation was donated four, 37" flat screen televisions and Nintendo Wii's that will be utilized in a Nintendo Room. This room will be part of the everyday curriculum at the YRCC. This room will be opened daily, but will have set hours for supervision.

Summer Programs

Field Trips	Weekly field trips to places such as Gator Golf, Lokomotion, area museums, Fayetteville Public Library, swimming pool, bowling, and others.
--------------------	---



community resources
CITY OF FAYETTEVILLE

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Special Events

Summer events taking place at the Richardson Center. includes pizza Mondays where kids are provided with a meal, periodical cookouts with hamburgers and hot dogs, etc.

Movies

Once a month, movies are offered at the center on Friday nights. These are family friendly movies that are chosen by the kids who regularly attend activities at the YRCC.

Summer Camps

Kids are given the opportunity to participate in Parks and Recreation's Summer Camps. These half-day camps include introducing participants into healthy activities such as tennis, soccer, outdoor recreation, drama and swimming. Transportation is provided to and from the camp site. Participants will also have the opportunity to utilize the Fayetteville Boys and Girls Club Programs and free lunch program.

Back to School Party

This major event will provide 50 – 75 children with school supplies for the upcoming school year. The day long event includes inflatable toys, presentations, fun activities and chicken, burgers and dogs for everyone in attendance.

Fall Programs

Field Trips

Weekly field trips to places such as Gator Golf, Lokomotion, area museums, Fayetteville Public Library, bowling, and others.

Movies

Once a month, movies are offered at the center on Friday nights. These are family friendly movies that are chosen by the kids who regularly attend activities at the YRCC.

Make the Grade Program

Educational program that includes tutoring and assisting with homework, as well as college prep and classes to encourage self esteem and manners.

Adult Basketball League

Program will offer participants with affordable adult league basketball program.

FAYETTEVILLE FIREFIGHTERS 00-94
LOCAL 2866
P.O. BOX 638
FAYETTEVILLE, AR 72702-0638

81-161/829
20008163

1037

DATE 3/13/08

PAY TO *Fay. Parks & Rec - Movies in the Park.* \$ *2,500.00*
THE ORDER OF *Two thousand five hundred and 00/100* DOLLARS

ONE SOUTH BLOCK STREET
FAYETTEVILLE, ARKANSAS 72701
THE BANK OF FAYETTEVILLE
479-444-4444 MEMBER FDIC

MEMO *Movies In the Park*

AB Bailey



MISSION: To provide a structured recreation, socialization, and extra-curricular learning environment in the Southeast quadrant for the citizens of Fayetteville, Arkansas. Our Center strives to create a safe place for youth and adults to learn, grow, and play **for free**.

SUMMER THINGS TO DO AT YRCC: June 9, 2008 through August 16, 2008 there are many things scheduled for youth to participate in at no cost. **Youth must have a guardian signed permission slip on file to be transported by YRCC staff to and from activities.** Outings are free of charge for kids.

- **MONDAY IS ART DAY**—Mondays youth will be transported to the Community Imagination Studio at 818 N. Sang, Fayetteville from 2:00pm-5:00pm to partake in a weekly art project. The final week of summer vacation, youth will display their projects for Family viewing.
- **TEAMBUILDING TUESDAYS**—Youth learn skills needed to work together in a fun filled setting at YRCC.
- **WATER WEDNESDAYS**—Fun in the sun off-site. Transportation Provided.
- **CULTURAL EXPANSION THURSDAYS**—Outings to expand your child's mind and world. See Schedule for specific outings.
- **PARK EXCURSION FRIDAYS**—Come explore trails and parks in the Fayetteville Parks system. Get to know your city!

June 2008

Date	Outing	Time	Description
6/5/2008 (Thursday)	Family Game Night	5-8pm	Come to YRCC and join a table for Dominoes, Cards, or Uno
6/6/2008 (Friday)	Walker Park	2-5pm	Handball/Basketball/Playground Families bring your chair, pillow or blanket to throw down in our gym to watch a family movie on a 25' movie screen - a drive in without the car! Sponsored by the Fayetteville Parks & Recreation Association
6/7/2008 (Saturday)	Movie Night at YRCC #1	7-9:30pm	Fayetteville Parks & Recreation Association
6/9-10/2008 (Monday & Tuesday)	First Tee Golfing	10:30am-12pm	Learn Life Skills and Goal Setting while playing the game of golf.
6/9/2008 (Monday)	Art Day	2-5pm	Art for the Heart of Youth ages 6-18 years old.
6/11/2008 (Wednesday)	Springdale Aquatic Center	2-5pm	Water Park like fun for youth ages 6-18 years old
6/12/2008 (Thursday)	Library Card Day	2-5pm	Take this day to renew your Fayetteville Library card and walk the Fritico Trail behind the library.
6/16/2008 (Monday)	Art Day	2-5pm	Art for the Heart of Youth ages 6-18 years old.
6/18/2008 (Wednesday)	Wilson Park Swim	2-5pm	Fun in the sun. Bring sunblock.
6/13/2008 (Friday)	Charles J. Finger Park	2-5pm	Playground, Wipe Ball, and Park Exploration.
6/19/2008 (Thursday)	Rogers Historical Museum	2-5pm	Tour the Hawkins House, an 1895 restored middle-class family home.
6/20/2008 (Friday)	Lake Fayetteville Park	2-5pm	Fishing and Disc Golf.
6/23/2008 (Monday)	Art Day	2-5pm	Art for the Heart of Youth ages 6-18 years old.
6/25/2008 (Tuesday)	Water Wednesdays	2-5pm	Fun in the sun. Bring sunblock.
6/26/2008 (Wednesday)	Lokomotion	2-5pm	Wear bathing suits on this day, the bumper boats are included in the rides available to the youth ages 6-18.
6/27/2008 (Friday)	Lowell Mud Town Days	5-9pm	Yearly celebration of Lowell Historical Mud Town Days. Free Carnival Rides for kids. Parents are encouraged to come with our group.
6/30/2008 (Monday)	Art Day	2-5pm	Art for the Heart of Youth ages 6-18 years old.



Community Development Block Grant

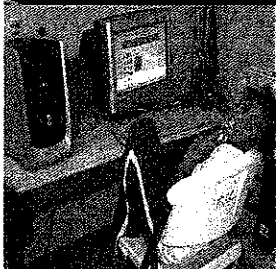
If you are a Fayetteville low-income homeowner who has lived in their home for over a year, you could qualify for funding to help improve your home. The Housing Rehabilitation program helps improve your home so that it is safe, secure and healthy. The Redevelopment program helps remove unsightly or overgrown areas of your property. The Taxi and Transit programs help seniors with coupons for taxis. For information about these programs call (479) 575-8270.

Call for info
(479) 444-3461

CONCERTS IN THE PARK: The Fayetteville Parks and Recreation Department sponsors a free family music concert at Gully Park. Concerts are on Thursdays at 7:00pm, June 3rd, July 24th, and August 7th. Bring a chair or blanket and enjoy!

Free Things to Do In Fayetteville

Fayetteville Farmer's Market: From 7am-1pm starting April 5, 2008 every Tuesday, Thursday and Saturday mornings take a stroll to the old town square and visit the vendors, artisans and atmosphere of the market. Market runs through November 22nd. For information, go to <http://www.fayettevillefarmersmarket.com/>. Call Market manager, James Phillips at (479) 236-2910.





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YRCC SUMMER FUN4KIDS PROGRAM SCHEDULE July 2008

Date	Outing	Time	Description
7/2/2008 (Wednesdays)	Wilson Park Swim	2-5pm	Bring your towel, swimming cap, goggles, we are swimming outdoors.
7/3/2008 (Thursday)	Independence Day Educational Hour	10:30am-12pm	Fun activities to help your child learn about 4th of July and why we celebrate.
7/3/2008 (Thursday)	Mount Sequoyah Trail Hike	2-5pm	Short hike on a local trail in Fayetteville.
7/4/2008 (Friday)	INDEPENDENCE DAY - 4th of JULY - YRCC CLOSED HAVE A HAPPY & SAFE HOLIDAY		
7/9/2008 (Wednesday)	Mount Sequoyah Pool and Play	2-5pm	Enjoy an outing to the Mount Sequoyah Pool and Playground.
7/10/2008 (Tuesday)	Botanical Gardens of the Ozarks and Lake Fayetteville Trail	2-5pm	Tour of the Hawk's Nest and Kids' Area then a short hike on Lake Fayetteville North Trail
7/11/2008 (Friday)	Lake Fayetteville Park	2-5pm	Kayaking and Mountain Biking at local Fayetteville park.
7/11/2008 (Friday)	Movies in the Park Wilson Park Swimming Pool	8:30pm-Movie End	COMMUNITY EVENT —Grab an inner tube provided by the pool and watch a movie floating in style for the whole family. Families bring your chair, pillow or blanket to throw down in our gym to watch a family movie on a 25' movie screen—a
7/12/2008 (Saturday)	Movie Night at YRCC #2	7-9:00pm	

Fayetteville Parks & Recreation
SAFETY 2008

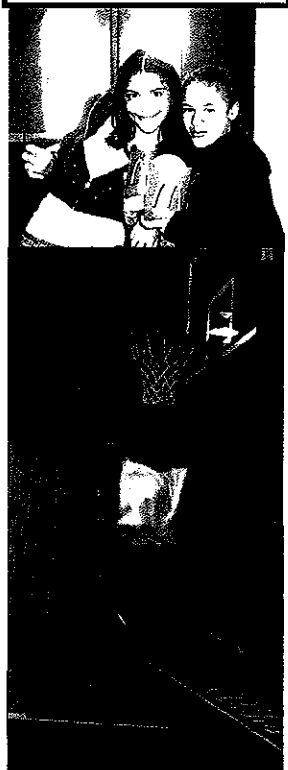
Fayetteville Public Library:

Want to start your own business? Need to find a job? Write a resume? Does your toddler need a story time? There is much more at the FPL to do than just check out a book. Go to www.faylib.org for more information and their schedule. Call 521-2222.



Trails and Parks of Fayetteville:

Use your computer (or the Fayetteville Public Library's) to find out about many great parks and trails in our city. Go to www.accessfayetteville.org. Click on Parks and Recreation Department, then Trails to find out where to walk, skate, hike or bike! Call (479) 444-3471 for a more personal touch.



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Get to know your city!

YRCC SUMMER FUN4KIDS PROGRAM SCHEDULE July 2008 (continued)

Date	Outing	Time	Description
7/17/2008 (Thursday)	Ozark Air Museum	2-5pm	Come see vintage WWII planes and heavy equipment.
7/18/2008 (Friday)	Tulsa Zoo	10am-8pm	Get on the bus and see the animals at the Tulsa Zoo.
7/22/2008 (Tuesday)	First Tee Golfing	10:30-12:00pm	Learn Life Skills and Goal Setting while playing the game of golf.
7/23-26/2008 (Wednesday - Saturday)	Fayetteville Christian Athletes	9-12pm each day	Third to eighth graders (ages 9-12) will participate in a variety of sports challenges for all abilities at Walker Park.
7/23/2008 (Wednesday)	Springdale Aquatic Center	2-5pm	Water Park like fun for youth ages 6-18
7/24/2008 (Thursday)	Ozark Bowling Lanes	2-5pm	Have a rolling good time for ages 6-18.
7/25/2008 (Friday)	Movies in the Park & Wilson Park Swim	3:00pm - to Movie End	Swim from 3-5:15pm, Hotdogs in Park and Chalk Walk then at 8:30pm the pool reopens for an outdoor movie.
7/28-29/2008 (Monday & Tuesday)	First Tee Golfing	10:30am-12pm	Learn Life Skills and Goal Setting while playing the game of golf.
7/30/2008 (Wednesday)	Wilson Park Swim	2-5pm	Bring your towel, swimming cap, goggles, we are swimming outdoors.
7/31/2008 (Thursday)	University of Arkansas Walking Tour	12:30-1pm 1-2:00pm	Youth will tour campus and familiarize themselves with the architecture and historical markers.

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Need to find a job?
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Does your toddler need a story time?
There is much more at the FPL to do than just check out a book. Go to www.faylib.org for more information and their schedule. Call 521-2222.



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YRCC SUMMER FUN4KIDS

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YRCC SUMMER FUN4KIDS PROGRAM SCHEDULE August 2008

Date	Outing	Time	Description
8/1/2008 (Friday)	Wilson Park Play Day	2-5pm	Frisbee, Willie Ball, Swings and a Castle to explore.
8/6/2008 (Wednesday)	Lokomotion	2-5pm	Wear bathing suits on this day, the bumper boats are included in the rides available to the youth ages 6-18.
8/8/2008 (Friday)	Van Buren Train Trip	7am-4pm	Travel by train to Van Buren, AR on the Ark-Missouri Railroad passenger car.
8/9/2008 (Saturday)	Movie Night at YRCC #3	7-9pm	Families bring your chair, pillow or blanket to throw down in our gym to watch a family movie on a 25' movie screen - a drive in without the car! Sponsored by the  Fayetteville Fire Fighters Association IAFF Local 266
8/11/2008 (Monday)	Art Show at Community Imagination Studios	5-7pm	Families come see your child's work of art from the Community Imagination Art Studios.
8/13/2008 Wednesday	Wilson Park Pool	2-5pm	Bring your towel, swimming cap, goggles, we are swimming outdoors.
8/16/2008 (Saturday)	Back to School Blast	11-3pm	Youth and parents are invited to eat a burger, have fun, at the back to school party. Free backpacks and school supplies to the first 150 participants.

Call for info
(479) 444-3461

MOVIES IN THE PARK: Free outdoor movies at Wilson Park Swimming Pool on July 11th and 25th.



MOVIES AT YRCC: Bring your blanket, pillow or chair to throw down in our gym to watch a 25" movie screen. These movies have been sponsored by the Fayetteville Fire Fighters Association and are free to families in Fayetteville. See schedule for dates and times.



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

1-Apr-08

City Council Meeting Date

Karen Minkel

Submitted By

Long Range Planning

Division

Operations

Department

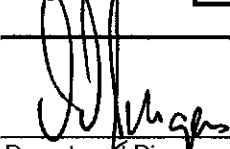
Action Required:

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

14 Mar 08
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a


City Attorney

3-18-08
Date

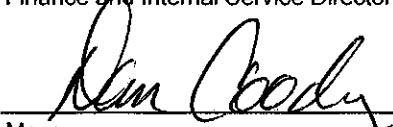
Original Contract Number: n/a

Paul A. Buehn
Finance and Internal Service Director

3-18-08
Date

Received in City Clerk's Office

ENTERED
3/14/08


Mayor

3/19/08
Date

Received in Mayor's Office

ENTERED
3/18/08

Comments:

Tabled to May 20, 2008 4/15/08
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.

City Council Meeting of April 1, 2008
Agenda Item Number

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: _____
DAN COODY, Mayor

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

EXHIBIT "A"

To be inserted at Chapter 166: Development:

166.03 (l)

- (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

6-May-08
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

RZN 08-2934: (Newell/Morton, 404) : Submitted by Jake Newell and Clay Morton MNI, LLC for property located at 1141 Hendrix. The property is zoned RSF-4, Residential Single Family, 4 units per acre, and contains approximately 0.37 acres. The request is to rezone the subject property to RSF-8, Residential Single Family, 8 units per acre, subject to the offered Bill of Assurance.

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

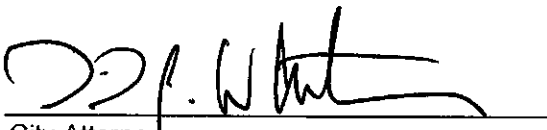
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Department Director

4-16-08
Date

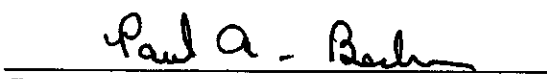
Previous Ordinance or Resolution # n/a

Original Contract Date: n/a


City Attorney

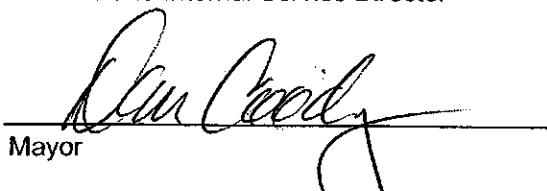
4/17/08
Date

Original Contract Number: n/a


Finance and Internal Service Director

4-17-08
Date

Received in City Clerk's Office
4-17-08
ENTERED


Mayor

4/17/08
Date

Received in Mayor's Office
4/17/08
ENTERED

Comments:

left on the first reading 5/6/08

City Council Meeting of May 6, 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 8

Date: April 16, 2008

Subject: Rezoning for Newell/Morton (RZN 08-2934)

RECOMMENDATION

Staff and the Planning Commission recommend approval of 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 0.37 acres located at 1141 Hendrix Street, subject to the offered Bill of Assurance.

BACKGROUND

The 0.37-acre property contains one single family residence. The applicant proposes to rezone the subject property from RSF-4 to RSF-8 to allow for the development of two single family residences. The applicant has submitted a Bill of Assurance that would limit development on the parcel to a maximum of two principal residential structures and a maximum building area of 35% of the lot. The applicant has also submitted a conceptual rendering showing the style of the single family residence they anticipate on constructing. Allowable uses for the RSF-8 zoning district are the same as those for the surrounding RSF-4 zoning district, with single family dwellings by right and two-family dwellings by conditional use. The zoning change would allow for a smaller lot size consistent with many of the older lots in the neighborhood. This situation is encouraged by the City's Future Land Use Plan in areas that can support appropriate infill and revitalization. This property is in an established neighborhood with a number of older single family homes on relatively small lots, similar to the lot size that would be allowed under the proposed RSF-8 zoning. The applicant participated in a neighborhood meeting prior to Planning Commission to address some neighbors' concerns. The neighborhood meeting seemed to alleviate some of the neighbors' objections to the rezoning, and no public comments were presented at the Planning Commission meeting.

DISCUSSION

This item was heard at the regular Planning Commission meeting on April 14, 2008. The Planning Commission voted 7-0-0 to recommend forwarding this rezoning request to the City Council with a recommendation for approval.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING A PORTION OF PROPERTY DESCRIBED IN REZONING PETITION RZN 08-2934, FOR APPROXIMATELY 0.37 ACRES, LOCATED AT 1141 HENDRIX 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 and described on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2: That the rezoning of the subject property is subject to the Bill of Assurance offered by the applicant as shown in exhibit "C" attached hereto and made a part hereof.

Section 3: That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to reflect the zoning change provided in Section 1 above.

PASSED and APPROVED this day of , 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT "A"

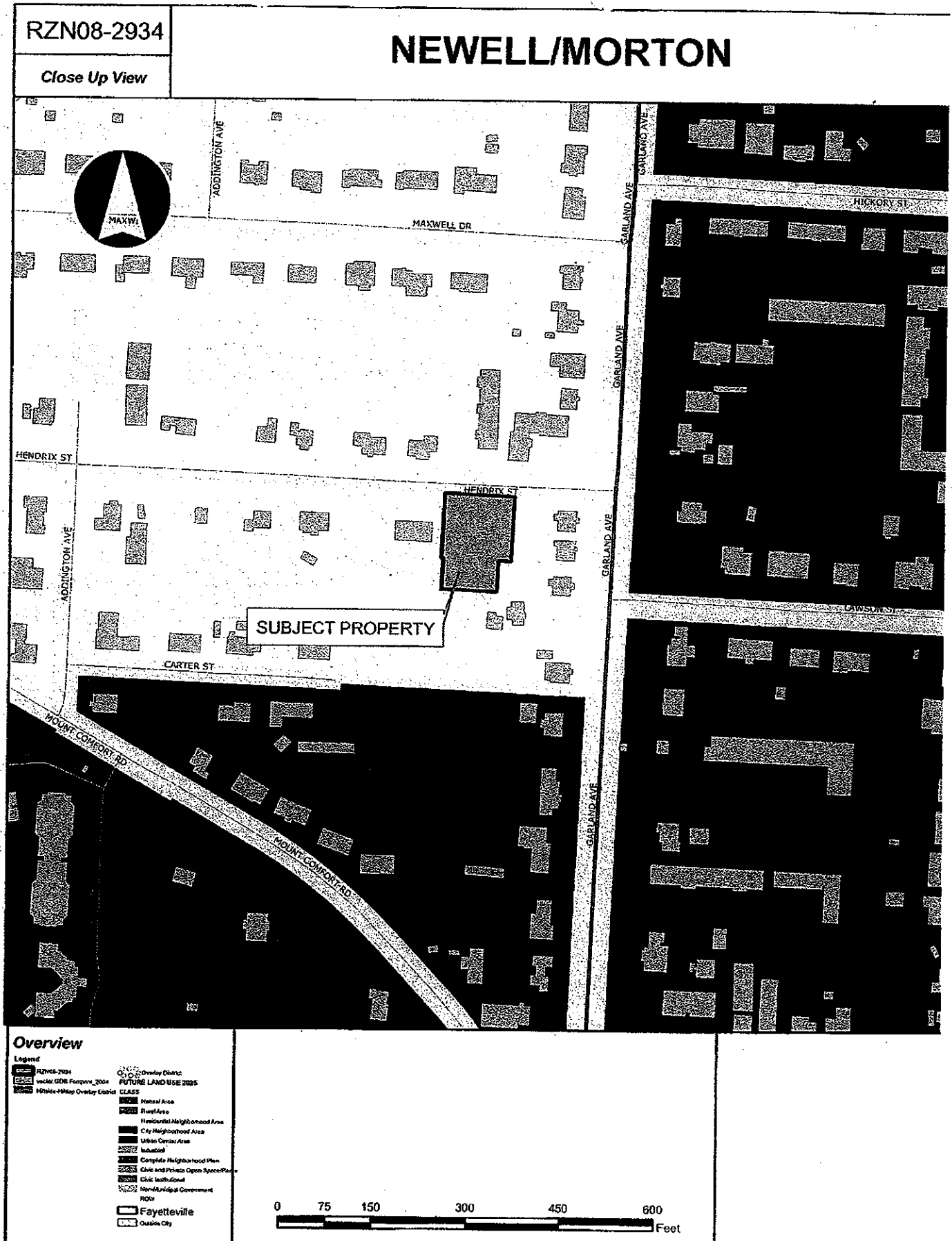


EXHIBIT "B"
RZN 08-2934

A PART OF LOTS 3 AND 4 OF BLOCK 4 OF THE HENDRIX ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS AS PER PLAT OF SAID ADDITION ON FILE IN PLAT BOOK 1 AT PAGE 105 IN THE RECORDS OF WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 3 AND RUNNING THENCE N90°00'00"W 130.08' ALONG THE NORTH LINE THEREOF TO THE POINT OF BEGINNING, THENCE N 89°44'25" W ALONG SAID NORTH LINE, THENCE LEAVING SAID NORTH LINE S00°20'21"W 50.21" THENCE N 90°00'00"W 89.92", THENCE N 00°20'21"E 50.00' TO THE NORTH LINE OF SAID LOT 3, THENCE N 90°00'00"W 3.03' ALONG SAID NORTH LINE. THENCE LEAVING SAID NORTH LINE, N00°09'39"E 103.82' TO THE NORTH LINE OF SAID LOT 4, THENCE N89°56'05"E 113.23' ALONG SAID NORTH LINE, THENCE LEAVING SAID NORTH LINE S00°09'39"W 103.84' TO THE POINT OF BEGINNING, CONTAINING 0.37 ACRES, MORE OR LESS.

EXHIBIT "C" RZN 08-2934

BILL OF ASSURANCE FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") MNT LLC, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, substantial irreparable damage justifying injunctive relief has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will reasonable rely upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning request.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows IF Petitioner's rezoning is approved by the Fayetteville City Council.

1. The use of Petitioner's property shall be limited to 2
principal residential structures

2. Other restrictions including number and type of structures upon the property are limited to Not to exceed 35% building area of
the total area of the lot. J.N.

3. Specific activities will not be allowed upon petitioner's property include

4. (Any other terms or conditions)

EXHIBIT "C" RZN 08-2934

5. Petitioner specifically agrees that all such restrictions and terms shall **run with the land** and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, MNI LLC, as the owner, developer or buyer (Petitioner) voluntarily offer all such assurances and sign my name below.

3/11/08
Date

Jahe Newell
Printed Name

5371 S. 48th
Address
Springdale AR
72762

[Signature]
Signature

NOTARY OATH

STATE OF ARKANSAS }

COUNTY OF WASHINGTON }

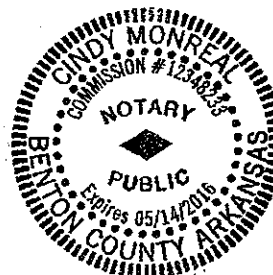
.ss.

And now on this the 11th day of March, 2008, appeared before me, Cindy Monreal, a Notary Public, and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

[Signature]
NOTARY PUBLIC

My Commission Expires:

5/14/2016





PC Meeting of April 14, 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: Andrew Garner, Senior Planner
THRU: Jeremy Pate, Director of Current Planning
DATE: April 9, 2008 Updated April 16, 2008

RZN 08-2934: (NEWELL/MORTON, 404): Submitted by JAKE NEWELL & CLAY MORTON MNI, LLC for property located at 1141 HENDRIX. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 0.37 acres. The request is to rezone the subject property to RSF-8, Residential Single Family, 8 units per acre, subject to a Bill of Assurance.

Planner: Andrew Garner

BACKGROUND:

Property Description: The subject property a 0.37-acre parcel located at 1141 Hendrix. The property is zoned RSF-4 and contains a single family residence and shed. Surrounding land use and zoning is depicted in *Table 1*.

TABLE 1: SURROUNDING LAND USE AND ZONING:

Direction	Land Use	Zoning
North	Multi-family residential	RT-12
South, East, West	Single-family residential	RSF-4

Proposal: The applicant proposes to rezone the subject property from RSF-4 to RSF-8 to allow for the development of two single family residences. The applicant has submitted a Bill of Assurance that would limit development on the parcel to a maximum of two principal residential structures and a maximum building area of 35% of the lot. The applicant has also submitted a conceptual rendering showing the style of the single family residence they anticipate on constructing.

Public Comment and Participation: Staff received one phone call and one in-person visit from neighbors in the area. The comments indicated in favor of constructing two new single family residences on the property, but concern that the rezoning would be "spot zoning" and may lead to future multi-family development in the neighborhood. The applicant requested this item to be tabled at the March 24, 2008 Planning Commission meeting in order to have a neighborhood meeting and address some neighbor's concerns. This meeting has taken place and the applicant, staff, and neighbors can provide an update to the Planning Commission. The neighborhood meeting seemed to alleviate some of the neighbor's objections to the rezoning.

INFRASTRUCTURE:

Streets: The site has access to Hendrix Street. Hendrix Street is currently an improved two lane paved city street. Street improvements will be evaluated with the proposed development.

Water: Public water is located along the property. There is a 6" water main along Hendrix Street.

Sewer: Sanitary sewer is available to the site. There is a 6" sewer main along Hendrix Street. 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.

Fire: This property will be covered by Engine 2 located at 708 North Garland. It is 0.6 miles from the station with an anticipated response time of 2.5 minutes. The Fire Department does not anticipate that there will be any calls for service in this area due to the size of parcel and the maximum number of residences located on this parcel. 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 a neighborhood with a variety of single family lot sizes, including several 50-foot wide lots, is compatible to the surrounding development pattern and 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, and would allow for two homes on the subject property, consistent with the City Plan 2025 Goal 1 for infill development.

RECOMMENDATION:

Staff recommends approval of the rezoning based on findings stated herein. The smaller lot size allowed under this zoning is appropriate in this neighborhood with a mix of lot sizes and the four adjacent single family lots to the east being approximately 50-foot wide. 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. The RSF-8 zoning would also allow the subject property to be legally split into two lots, allowing for an additional single family property to be constructed in an infill situation, creating greater potential for an attainable housing product.

PLANNING COMMISSION ACTION:			Required	<u>YES</u>	
			☐ Approved	☒ Forwarded	☐ Denied
Motion: <u>Graves</u>	Second: <u>Winston</u>	Vote: <u>7-0-0</u>			
Date: <u>April 14, 2008</u>					
CITY COUNCIL ACTION:			Required	<u>YES</u>	
			☐ Approved	☐ Denied	
Date: <u>May 6, 2008 (1st reading if recommended)</u>					

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 east, west, and south of the subject property has developed as medium density single-family residential use. As shown in the exhibits attached to this report, there are several lots in the vicinity with very similar bulk and area requirements to RSF-8. The property adjacent to the north was developed for multi-family residences several years ago. City Staff finds that the location of this property surrounded by a variety of single family lot sizes under the RSF-4 zoning district is an appropriate location for the proposed RSF-8 zoning, and is a perfect opportunity for infill development identified as Goal 1 of the City Plan 2025. The re-zoning is not considered to be a "spot zone" as it would be compatible and appropriate to have this lot be zoned RSF-8, based on the Future Land Use Plan for the area, and the parcel is not gaining special and privileged treatment with the construction of single family homes.

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. The current RSF-4 zoning would not allow for the property to be developed for two residences, unless substantial variances for lot width and lot area were first obtained by the Board of Adjustment. Staff

finds that it is appropriate to redevelop the property for two single family residences, and that the issue to substantially change the bulk and area of two lots is a zoning issue more appropriate for the Planning Commission and City Council, rather than the Board of Adjustment that typically deals with existing nonconforming building setback issues.

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 from one additional residence on the surrounding street system over the existing RSF-4 zoning. This impact would be negligible and would not increase traffic danger or congestion.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: The proposed zoning would increase the potential for a higher population density in the area by one residential unit. The proposed zoning would allow for one additional single family lot in this neighborhood. This additional residence 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 allow the property to remain under the RSF-4 zoning classification. However, this property is in a neighborhood that has the potential to support sensitive and appropriate infill and redevelopment. Staff finds that the proposal, surrounded by the RSF-4 zoning district on three sides, is appropriate at this location, as it will utilize the existing infrastructure and result in the potential for an additional single-family infill lot.

- 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)

BILL OF ASSURANCE FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") MNI LLC, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, **substantial irreparable damage justifying injunctive relief** has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will **reasonable** rely upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning request.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows IF Petitioner's rezoning is approved by the Fayetteville City Council.

1. The use of Petitioner's property shall be limited to 2
principal residential structures

2. Other restrictions including number and type of structures upon the property are limited to Not to exceed 35% building area of
the total area of the lot. J.N.

3. Specific activities will not be allowed upon petitioner's property include

4. (Any other terms or conditions)

5. Petitioner specifically agrees that all such restrictions and terms shall **run with the land** and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, MNI LLC, as the owner, developer or buyer (Petitioner) voluntarily offer all such assurances and sign my name below.

3/11/08
Date

Jahe Newell
Printed Name

5371 S. 48th
Address
Springdale AR
72762

[Signature]
Signature

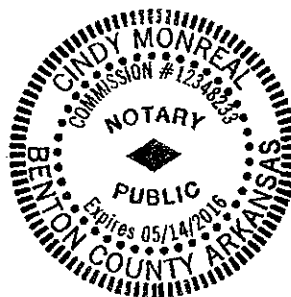
NOTARY OATH

STATE OF ARKANSAS }
COUNTY OF WASHINGTON } .ss

And now on this the 11th day of March, 2008, appeared before me, Cindy Monreal, a Notary Public, and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

[Signature]
NOTARY PUBLIC

My Commission Expires:
5/14/2016





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 19, 2008
Re: March 5, 2008 Zoning Review

RZN 08-2934 (Newell/Morton) Submitted by Jake Newell and Clay Morton MNI, LLC for property located at 1141 Hendrix. The property is zoned RSF-4, Residential Single Family 4 units / acre and contains approximately .37 acres. The request is to rezone the subject property to RSF-8, Residential Single Family, 8 units / acre.

This property will be covered by Engine 2 and located at 708 N Garland.

It is .6 mile from the station with an anticipated response time of 2.5 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.

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

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 Ruppel 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



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 08-2934: (Newell / Morton, 404)** Submitted by **Jake Newell & Clay Morton MNI, LLC** for **property located at 1141 Hendrix** would substantially alter the population density and thereby undesirably increase the load on public services and create an appreciable increase in traffic danger and congestion. The **property contains approximately 0.37 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.

Sincerely,

Captain William Brown
Fayetteville Police Department

ENGINEERING DIVISION COMMENTS

RZN 08-2934: (NEWELL/MORTON, 404): Submitted by JAKE NEWELL & CLAY MORTON MNI, LLC for property located at 1141 HENDRIX. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY 4 UNITS/ACRE and contains approximately 0.37 acres. The request is to rezone the subject property to RSF-8, Residential Single Family, 8 units per acre. Planner: Andrew Garner

Public water is located along the property. There is a 6" water main along Hendrix Street.

Sanitary sewer is available to the site. There is a 6" sewer main along Hendrix Street. 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 Hendrix Street. Hendrix Street is currently an improved two lane paved 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.

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.

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

Applicant's Petition

5.

This request is to rezone the property at 1141 Hendrix from RSF4- to RSF 8. This rezoning would allow M.N.I LLC to build two new houses and revitalize the NW corner of Hendrix and Garland. Property owners have 113 feet of frontage. A rezone to RSF-8 would allow for 50 foot wide lots. The project also allows property owners to provide quality infill and attainable housing to the City of Fayetteville. Property would be in complete conformance to the surrounding properties. Four out of the five adjoining lots have lot widths that would be in close conformance to the lots at the property at 1141 Hendrix if splits are allowed by the city through a rezone to RSF 8. Currently there is one house on the property. This house would be demolished and two new houses built. The addition of one house would not adversely affect the traffic of neighborhood or future land use.

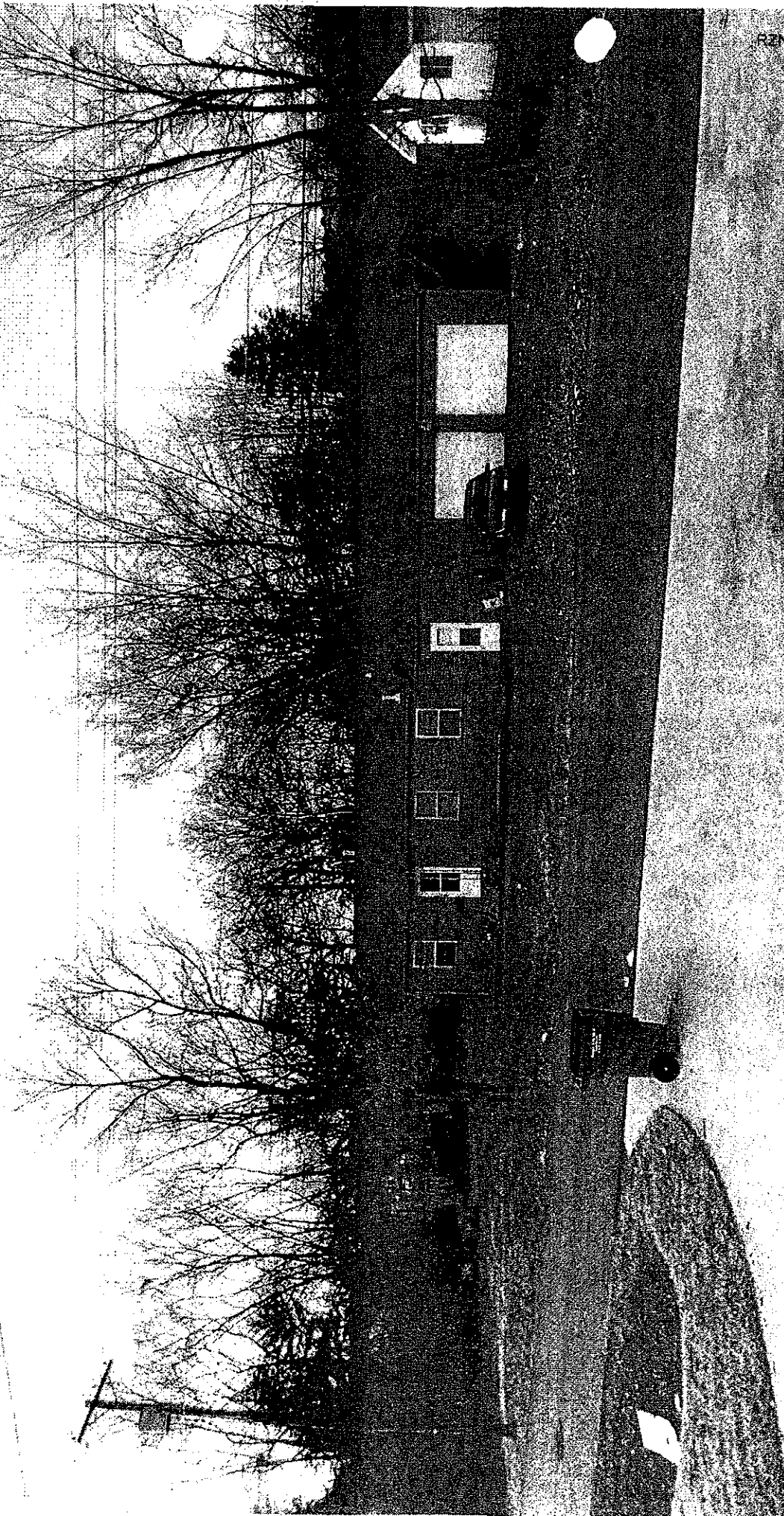
6.

Rezoning to RSF 8 is consistent with Fayetteville future land use. This project will go hand in hand to the Cities 2025 plan to provide quality infill and revitalization. This project will allow property owners to clean up an old lot and add quality single family housing in an area that has a single family as its future land use plan.

Proposed zoning is needed to allow the applicant to pursue the goals of the City plan 2025. It allows property owner to revitalize a property in a way that is in conformance with future land use of the neighborhood. This Proposed zoning will not increase or alter traffic danger nor will it have undesirable affect on public services.

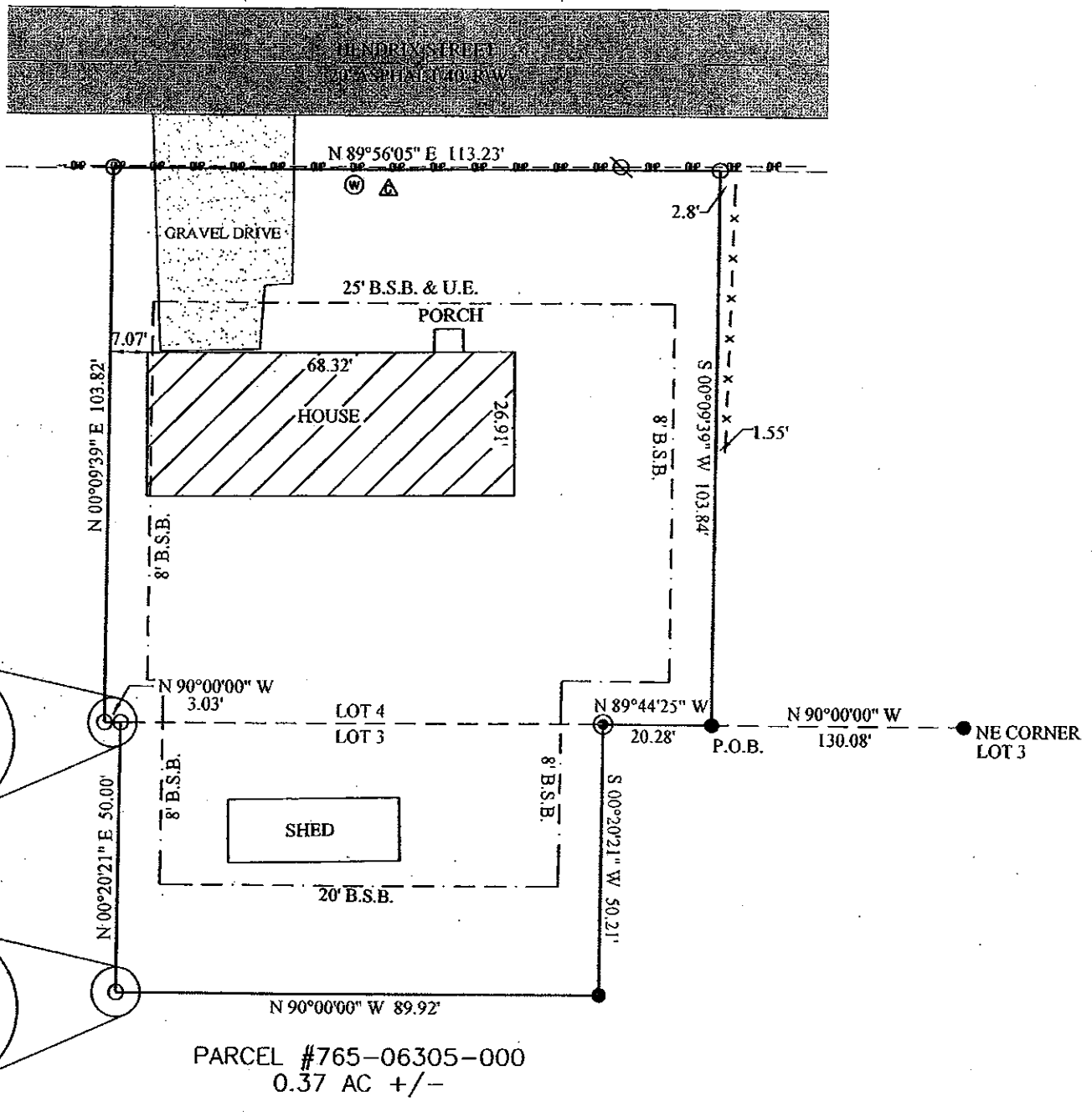
It is impractical to use the land for uses under the existing zoning conditions because owners of property under these zoning conditions can not pursue providing quality infill to the city of Fayetteville with the current zoning. City Plan 2025 calls for quality infill and reduction of urban sprawl. It is impractical for property owner to pursue revitalization and development of quality infill with current zoning.

Current Property

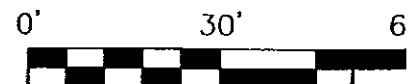


PLAT OF SURVEY

B. 3
RZN 08-2934 (Newell/Morton)
Page 22 of 28



SURVEY DESCRIPTION:
A PART OF LOTS 3 AND 4 OF BLOCK 4 OF THE HENDRIX ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS AS PER PLAT OF SAID ADDITION ON FILE IN PLAT BOOK 1 AT PAGE 105 IN THE RECORDS OF WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 3 AND RUNNING THENCE N90°00'00" W 130.08'



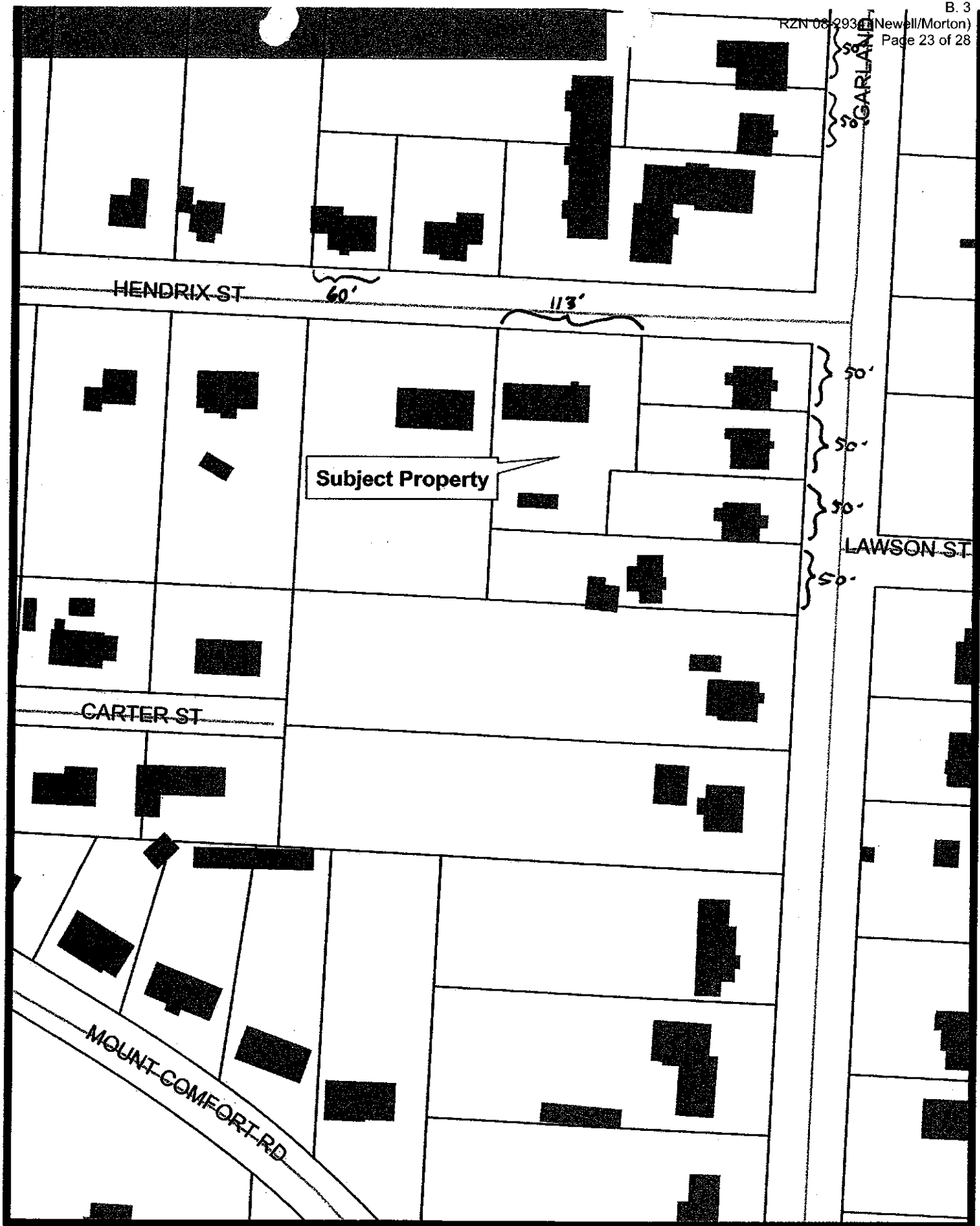
GRAPHIC SCALE (IN FEET)
1 inch = 30ft.

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 15 DAY OF Jan.

REMARKS:
FILED
PAGE 32758
ADDITION
BOOK 1 AT PAGE 105

AS SHOWN
EFFECTIVE OF
FOR THIS
BACKS ARE
AT OF HENDRIX
PLAT BOOK 1

VICINITY MAP

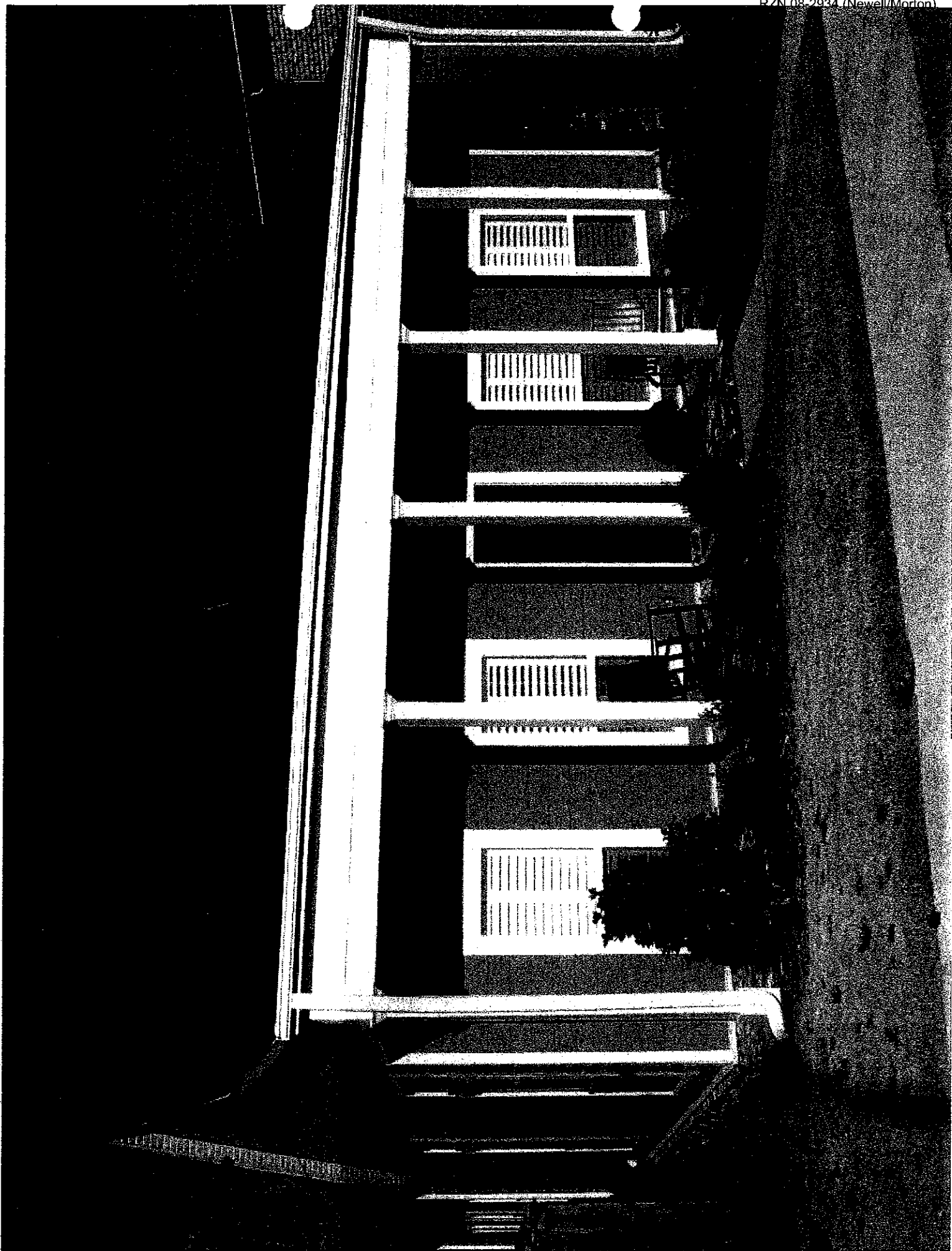


1 inch equals 100 feet

RZN 08-2934 (Newell/Morton)

140 70 0 140 Feet





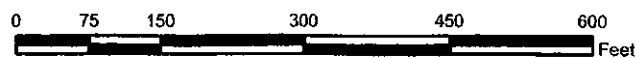
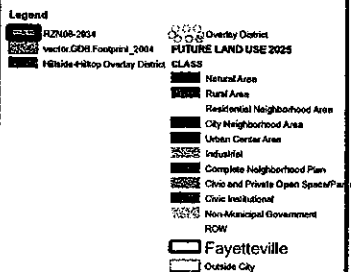
RZN08-2934

NEWELL/MORTON

Close Up View



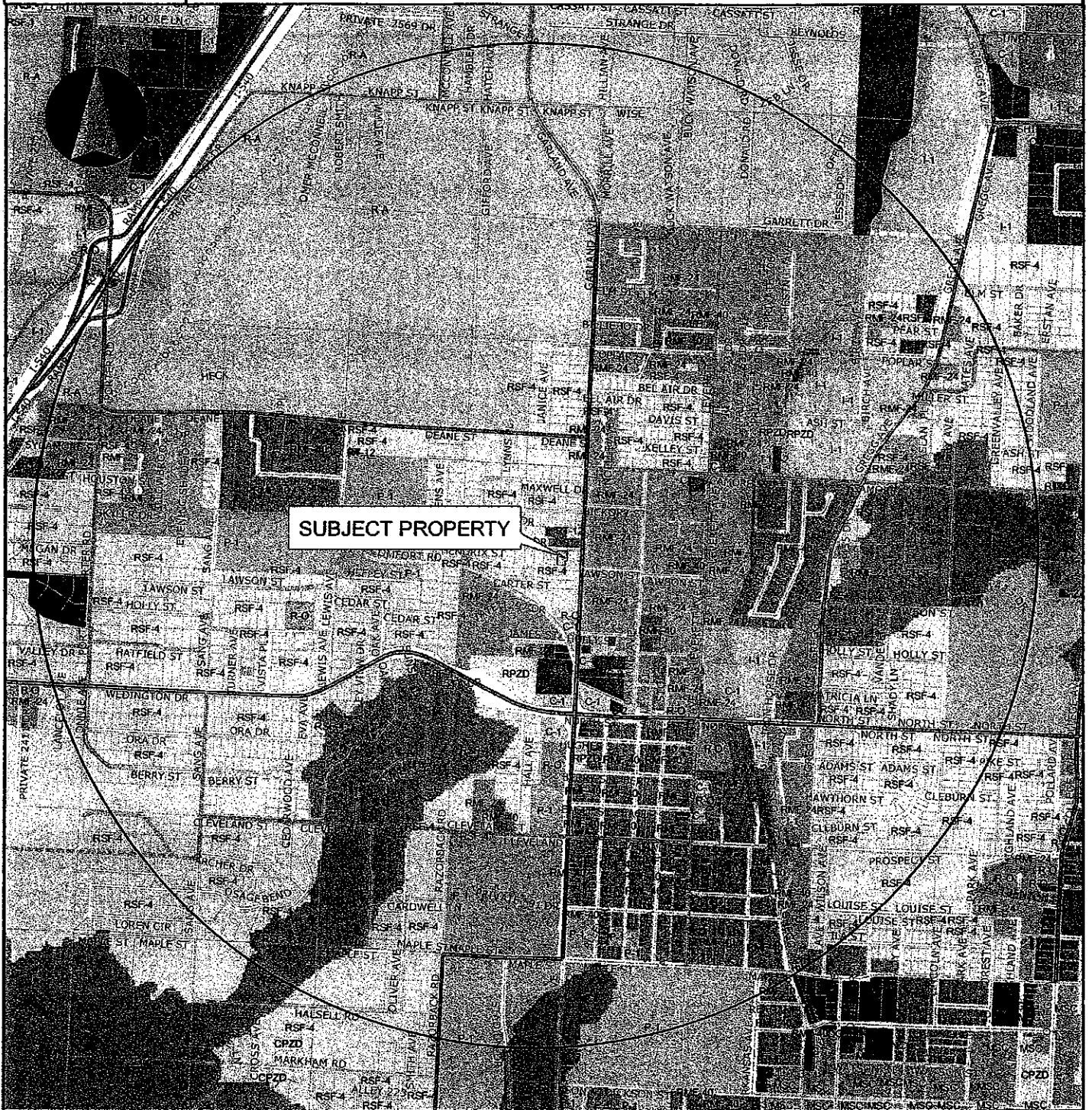
Overview



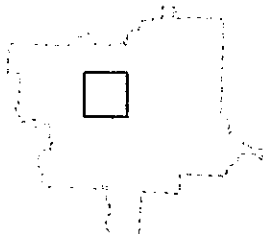
RZN08-2934

One Mile View

NEWELL/MORTON



Overview



Legend

Subject Property

RZN08-2934

Boundary

- Planning Area
- Overlay District
- Outside City

Legend

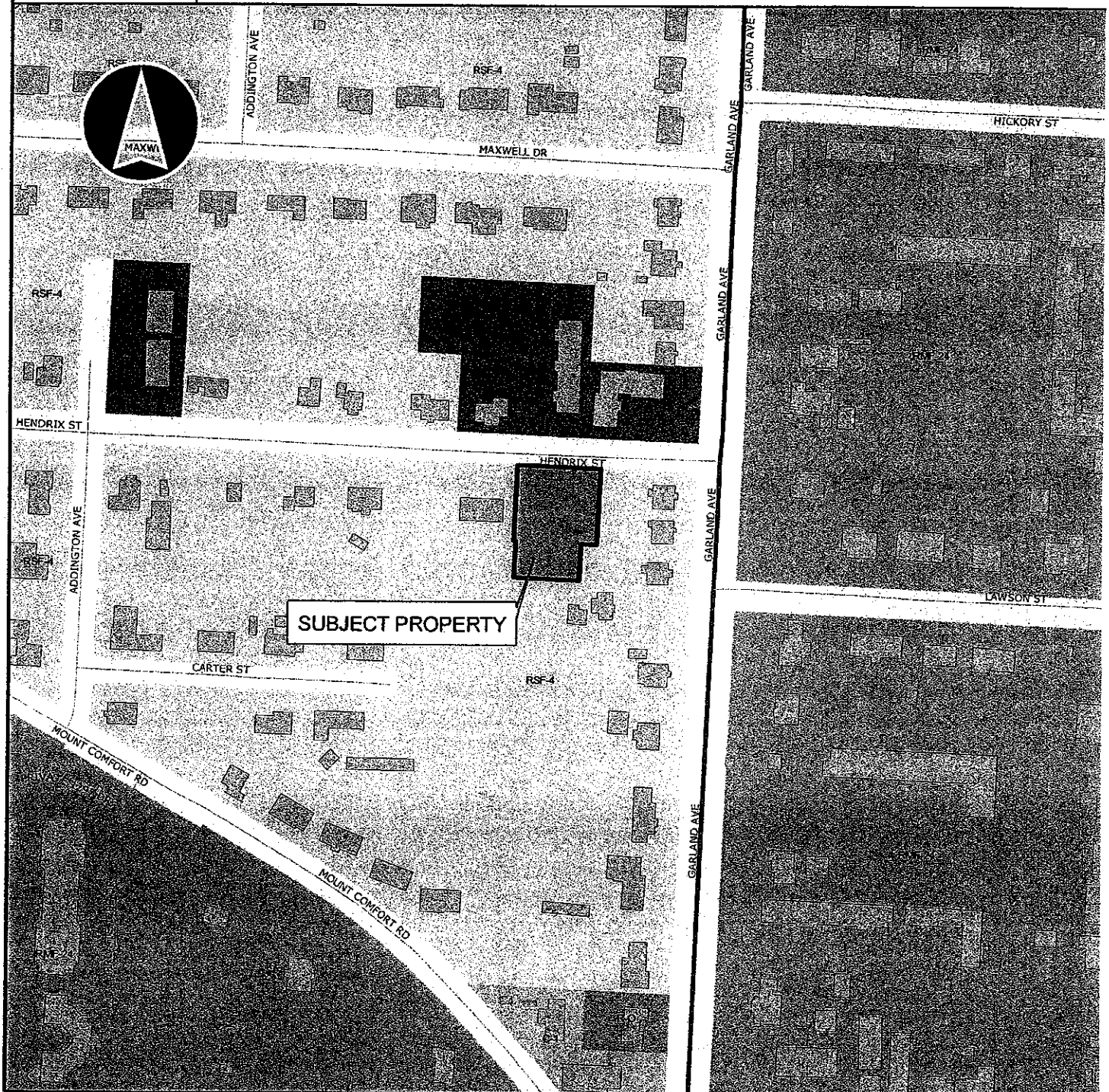
Hillside-Hilltop Overlay District

0.0 0.125 0.25 0.5
Miles

RZN08-2934

NEWELL/MORTON

Close Up View



Overview



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

6-May-08
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

R-PZD 08-2915: Planned Zoning District (Hill Place, 561): Submitted by Appian Center for Design for property located at the southwest corner of 6th Street and Hill Avenue containing approximately 27.10 acres. The request is for zoning, land use, and large scale development review, and approval for a Master Development Plan of a Residential Planned Zoning District for 288 multi-family dwelling units, a community building and associated parking.

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

Budgeted Item ☐

Budget Adjustment Attached ☐

[Signature] 4/16/08
Department Director Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

[Signature] 4/17/08
City Attorney

Original Contract Number: n/a

Paul A. Buh 4-17-08
Finance and Internal Service Director Date

Received in City Clerk's Office
4-16-08 ENTERED

[Signature] 4/17/08
Mayor Date

Received in Mayor's Office
ENTERED 4/17/08

Comments:

Left on the first reading 5/6/08

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

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

Date: April 15, 2008

Subject: Commercial Planned Zoning District for Hill Place (C-PZD 08-2915)

RECOMMENDATION

Staff and the Planning Commission recommend approval of an ordinance creating a Commercial Planned Zoning District (C-PZD) for Hill Place, based on the development standards, plans and statement of commitments submitted. This action will establish a unique zoning district for a single-use project on approximately 27.10 acres located on the south side of 6th Street (State Highway 62) and west of Hill Avenue.

BACKGROUND

This site was most recently designed and approved under the name Aspen Ridge, Residential Planned Zoning District, in January 2005. This approval rezoned the property from RMF-24 to R-PZD 04-1307 (Aspen Ridge), for 220 attached residential units with an overall density of 7.87 units/acre. As part of the Aspen Ridge project 49 mobile homes, 6 single family residences, and several tons of trash, debris, and tires were removed from the property. Much of the street and utility infrastructure for Aspen Ridge has been installed and approved by the City, however, for various reasons, building permits were never obtained for the project and the approval expired. The currently proposed Hill Place project will utilize much of the existing street and utility infrastructure, however, the applicant is requesting virtually all of the existing easements and rights-of-way on the property be abandoned, and new easements and right-of-way dedicated with the Hill Place development. This is in large part due to the new site layout, while retaining as much existing infrastructure as possible.

The applicant requests rezoning, land use, and large scale development approval for a single use R-PZD consisting of 288 multi-family dwelling units in 17 three story buildings.

DISCUSSION

On April 14, 2008 the Planning Commission voted 7-0-0 in favor of forwarding this request to the City Council with a recommendation for approval.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 08-2915, HILL PLACE, LOCATED AT THE SOUTHWEST CORNER OF 6TH STREET AND HILL AVENUE; CONTAINING APPROXIMATELY 27.10 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 zoning classification of the following described property is hereby changed as follows:

From R-PZD 04-1307, Aspen Ridge to R-PZD 08-2915, Hill Place, 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: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT "A"

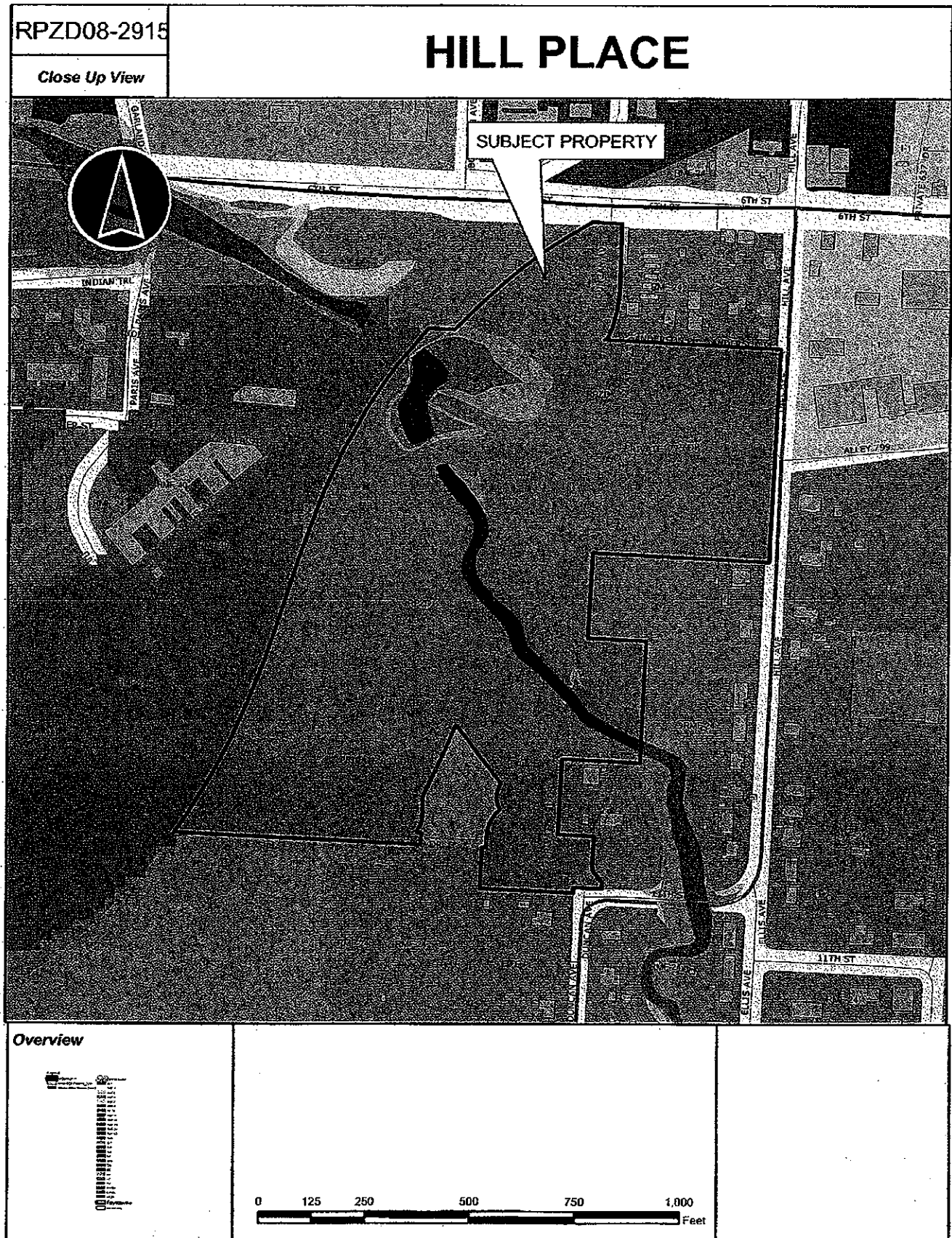


EXHIBIT "B"
R-PZD 08-2915

TRACT 1 OF PROPERTY LINE ADJUSTMENT PLAT FILED FOR RECORD AT PLAT 23A-000132 AT THE CIRCUIT CLERK'S OFFICE OF WASHINGTON COUNTY: PART OF THE SOUTH 1/2 OF THE SW 1/4 OF SECTION 16, AND A PART OF THE NORTH 1/2 OF THE NW 1/4 OF SECTION 21, T-16-N, R-30-W, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 21; THENCE S87°04'09"E ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 21 A DISTANCE OF 5.92 FEET TO THE POINT OF BEGINNING; THENCE S87°04'09"E 418.49 FEET; THENCE S02°49'04"W 514.14 FEET; THENCE N87°04'09"W 424.40 FEET; THENCE S02°49'04"W 204.82 FEET; THENCE S87°04'09"E 139.00 FEET; THENCE S02°48'48"W 293.00 FEET; THENCE N87°05'54"W 183.58 FEET; THENCE S02°48'00"W 181.27 FEET; THENCE S87°04'02"E 84.31 FEET; THENCE S02°40'05"W 79.86 FEET; THENCE S37°07'40"E 39.06 FEET; THENCE S02°40'05"W 15.00 FEET; THENCE N87°18'29"W 65.13 FEET; THENCE S02°40'17"W 13.01 FEET; THENCE N87°13'13"W 222.57 FEET; THENCE N02°39'07"E 98.08 FEET; THENCE S 87°11'50" E 9.25 FEET; THENCE N02°39'07"E 27.35 FEET TO THE POINT OF CURVATURE OF A 87.50 FEET RADIUS CURVE TO THE RIGHT; THENCE NORTHEASTERLY ALONG SAID CURVE AN ARC DISTANCE OF 66.20 FEET (SAID CURVE HAVING A CHORD BEARING OF N24°19'39"E AND A CHORD DISTANCE OF 64.64 FEET) TO THE POINT OF COMPOUND CURVATURE OF A 24.50 FEET RADIUS CURVE TO THE LEFT; THENCE NORTHEASTERLY ALONG SAID CURVE AN ARC DISTANCE OF 7.97 FEET (SAID CURVE HAVING A CHORD BEARING OF N36°40'43"E AND A CHORD DISTANCE OF 7.94 FEET) TO A POINT ON A NON-TANGENT 58.50 RADIUS CURVE TO THE RIGHT; THENCE NORTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 64.58 FEET (SAID CURVE HAVING A CHORD BEARING OF N02°58'13"E AND A CHORD DISTANCE OF 61.35 FEET); THENCE N38°00'00"W 176.19 FEET; THENCE S24°45'38"W 180.97 FEET TO THE POINT OF CURVATURE OF A 37.50 FEET RADIUS CURVE TO THE LEFT; THENCE SOUTHWESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 15.62 FEET (SAID CURVE HAVING A CHORD BEARING OF S12°49'31"W AND A CHORD DISTANCE OF 15.51 FEET) TO THE POINT OF TANGENCY; THENCE S00°53'24"W 41.19 FEET TO THE POINT OF CURVATURE OF A 47.50 FEET RADIUS CURVE TO THE RIGHT; THENCE SOUTHWESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 34.83 FEET (SAID CURVE HAVING A CHORD BEARING OF S21°53'48"W AND A CHORD DISTANCE OF

34.06 FEET) TO THE POINT OF COMPOUND CURVATURE OF A 2.50 FEET RADIUS CURVE TO THE LEFT; THENCE SOUTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 5.47 FEET (SAID CURVE HAVING A CHORD BEARING OF S19°49'19"E AND A CHORD DISTANCE OF 4.44 FEET) TO THE POINT OF TANGENCY; THENCE S82°32'50"E 10.50 FEET; THENCE S07°27'10"W 27.46 FEET; THENCE N87°11'50"W 74.95 FEET; THENCE N87°13'26"W 514.88 FEET THE EAST RIGHT-OF-WAY LINE OF THE BURLINGTON-NORTHERN RAILROAD; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF SAID RAILROAD THE FOLLOWING COURSES: N35°29'31"E 52.81 FEET; THENCE N32°17'21"E 103.24 FEET; THENCE N28°25'22"E 103.51 FEET; THENCE N24°16'00"E 103.08 FEET; THENCE N21°19'30"E 102.24 FEET; THENCE N18°44'44"E 102.31 FEET; THENCE N17°42'23"E 150.90 FEET; THENCE N19°09'44"E 46.21 FEET; THENCE N19°55'12"E 130.59 FEET; THENCE N24°20'10"E 111.27 FEET; THENCE N28°56'24"E 112.03 FEET; THENCE N33°22'01"E 78.14 FEET; THENCE N36°27'09"E 61.08 FEET; THENCE N40°40'51"E 107.01 FEET; THENCE S86°14'53"E 62.45 FEET TO A POINT ON A NON-TANGENT 1381.79 FEET RADIUS CURVE TO THE RIGHT; THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY AND CURVE AN ARC DISTANCE OF 397.22 FEET (SAID CURVE HAVING A CHORD BEARING OF N51°13'28"E AND A CHORD DISTANCE OF 395.85 FEET) TO THE SOUTH LINE OF ARKANSAS HIGHWAY 180 (WEST 6TH STREET) PER WARRANTY DEED TO THE CITY OF FAYETTEVILLE RECORDED IN DOCUMENT NO. 2006-9895; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID HIGHWAY S88°04'12"E 87.55 FEET; THENCE LEAVING SAID RIGHT-OF-WAY S01°44'50"W 143.30 FEET TO THE POINT OF CURVATURE FOR A 315.50 FEET RADIUS CURVE TO THE RIGHT; THENCE SOUTHWESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 81.06 FEET (SAID CURVE HAVING A CHORD BEARING OF S09°06'25"W AND A CHORD DISTANCE OF 80.83 FEET) TO THE POINT OF TANGENCY; THENCE S16°28'1"W 8.54 FEET TO THE POINT OF CURVATURE OF A 215.50 FEET RADIUS CURVE TO THE RIGHT; THENCE SOUTHWESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 40.68 FEET (SAID CURVE HAVING A CHORD BEARING OF S21°52'28"W AND A CHORD DISTANCE OF 40.62 FEET) TO THE POINT OF BEGINNING. LESS AND EXCEPT ALL OF THAT SHOWN AS TRACT 3 ON THE PROPERTY LINE ADJUSTMENT PLAT FILED FOR RECORD AT PLAT 23A-000132 AND BEING DESCRIBED IN WARRANTY DEED TO THE CITY OF FAYETTEVILLE RECORDED IN DOCUMENT NO. 2006-9894, WITH THE REMAINDER OF TRACT 1 CONTAINING 26.736 ACRES, MORE OR LESS, IN FAYETTEVILLE, ARKANSAS. THE ABOVE DESCRIBED TRACT BEING SUBJECT TO THE RIGHT-OF-WAY OF ROYAL OAK PARKWAY, WYNSTONE DRIVE, HILL AVENUE, GRACEWOOD DRIVE AND ALL EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORD.

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Staff and the Planning Commission recommend the following conditions of approval associated with C-PZD 08-2915 (Hill Place).

Conditions of Approval:

1. Planning Commission determination of street improvements. *Staff recommends the following: The applicant shall complete the street improvements required for the Aspen Ridge development. These improvements include the following, some of which are already completed:*
 - Repair the broken pavement on 11th Street, directly south of the proposed intersection at the corner of 11th and Duncan, as part of the improvements to this street being utilized for primary ingress and egress, to the satisfaction of the Engineering Division.
 - Continue the existing sidewalk on the north side of 11th street to connect the proposed sidewalk on Greystone Drive (approximately 20 feet).
 - Complete the curb and gutter on the south side of 11th street from the bridge west to the constructed curb/gutter. Minimum street width should be 24 feet, face of curb to face of curb (approximately 240 feet in length).
 - Widen the intersection at Hill Avenue and 6th Street, including a turn lane, the cost of relocating traffic signals and any necessary costs to add a left-turn signal to the existing signal system.
 - Improve that portion of Hill Avenue adjacent to the subject property where necessary, to conform to City specifications. A six-foot sidewalk is required, at the right-of-way line.
 - Relocate the sidewalk along 6th Street to transition from the railroad bridge to the Master Street Plan right-of-way line along the frontage of this project.
 - Construct a secondary means of access to Phase II; The applicant proposes to construct a 24-foot wide public street within existing platted right-of-way of Brooks Avenue and turning south to connect to 12th Street.
 - There are still outstanding issues with the pavement and sidewalk at the intersection of Hill and 6th that were part of the Aspen Ridge project that need to be completed.
 - Connection of 12th Street/Brooks Avenue to the site with a Residential Street, with sidewalk on the east side of the street as approved with the Aspen Ridge project.
 - All drainage improvements, including the box culvert, removal of the sewer line, etc. shall be completed to the satisfaction of the Engineering Division
 - Add multiple speed tables on Duncan Avenue, and Hill Street, the location and number of which shall be determined by the City Engineer
 - Add bicycle symbol chevrons on Hill Avenue (Heritage Trail designation), per the requirements of the Trails Coordinator.
2. Planning Commission determination of a waiver from Fayetteville Unified Development Code Section 166.06(K)(10)(b) to allow two public streets to be connected with a private street. *The applicant is proposing a private street connection between Royal Oak Parkway (a new internal public street) and 11th Street by way of a new vehicular bridge. The applicant's waiver request states that a private connection is justified because traffic from 11th Street will flow to Hill Avenue to use the traffic signal to access Sixth Street rather than flow into the development for access to Sixth Street. In addition, an analysis of an alternative*

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design, incorporating a public street with parallel parking, indicates a substantial amount of parking for the dwellings would be removed. At staff's request the applicant submitted this additional information and an exhibit showing an alternative design with the internal private street, Royal Oak Parkway, as a public street with parallel parking spaces, resulting in a net loss of 40 parking spaces. A chart comparing the parking numbers for the development with public and private streets is provided below:

Parking Number Comparison: Proposed vs. Public Street Alternative

Use	Unit	Parking Ratio
Number of Bedrooms	840	1:1
SF of Community Building	6500	1:500
Baseline Number of Spaces		853
Max Number of Spaces		1,109
Minimum Number of Spaces		597
Current Proposed Number of Spaces		828
Number of Spaces With Public Street		788

Staff finds that while a public street connection of Town Branch Creek can feasibly be constructed, in this case the proposed private connection provides much the same function in allowing a distribution of traffic to and from the site. The drive will be open for public access, and will still provide the parking needed to serve the primarily student population to which the project is targeted, a concern cited by area residents. The proposed connection over the creek provides much improved connectivity from the previously approved project, which ended in cul-de-sacs on both sides of the creek. Staff recommends in favor of this waiver request.

3. Planning Commission determination of a waiver from Chapter 170.02 Adopted Drainage Criteria Manual (Section 5.4.3), requiring that the limits of maximum ponding elevations are no closer than 100' horizontal from any building and greater than 2' below the lowest sill or floor elevation of any building. *Staff recommends approval of the requested waiver finding that the proposed retention pond will not be a detriment to the residents of the development, and is designed as an amenity to the neighborhood. Additionally, a decorative safety fence shall be required to be constructed around the wet detention pond, restricting direct access from area residents.*
4. Planning Commission determination to allow for a trash enclosure over a utility easement. The applicant proposes a permanent trash enclosure in the southern portion of the site within a utility easement. They state there is not a way to avoid placing the enclosure within an easement. *Staff recommends in favor of allowing the trash enclosure with the conditions that:*
 - a. *The trash enclosure location be noted and labeled on the easement plat for all utility companies to acknowledge and approve prior to the issuance of permits;*
 - b. *The trash enclosure shall be relocated at the owner/developer's expense if utilities within the easement need to be accessed or maintained.*
5. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property.

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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.

6. The buildings within this development shall be constructed to comply with the architectural standards and building elevations presented in the PZD booklets. Elevations of the structures shall be reviewed prior to building permit.
7. The storm water detention and Low Impact Development (LID) techniques (bioswales, rain gardens and depressed parking lot islands) as presented in the PZD shall be constructed as indicated in the plans submitted for PZD approval.
8. The internal sidewalks along internal private streets and parking lots as presented in the PZD shall be constructed as indicated.
9. Should a subdivision of land be desired, all applicable ordinances and processes shall be followed in order to meet city ordinances.
10. Public water and sewer lines and other improvements shall be extended as required by city ordinance at the time of development.
11. All development shall meet applicable building codes and other ordinances of the City of Fayetteville.
12. Future non-residential conditional uses in the zoning criteria shall comply with the minimum standards for development in the Unified Development Code.
13. Phasing: This project is required to obtain all building permits for the entire development within one year of City Council approval, with the opportunity for a one time, one year extension.
14. Signage for this development is subject to the residential multi-family requirements of Fayetteville Unified Development Code Chapter 174.
15. Parkland Dedication: Prior to issuance of a building permit, the applicant shall dedicate approximately 2.0 acres for a City park and 0.36 acre for the Tsa-La-Gi trail through the site, in addition to payment of fees in lieu to meet the remaining parkland dedication requirement, approximately \$5,600. In addition, the developer shall construct this multi-use trail to City standards, and will receive credit as agreed upon within the PRAB recommendation. *The Aspen Ridge project dedicated 1.21 acres previously, though the deed for this land is still in the name of the property owner. The proposed Hill Place project was reviewed at the December 2007 PRAB meeting and a recommendation was made to accept approximately 0.8 acres of additional parkland. Remaining parkland dedication requirements include payment of \$5,606.25 for remaining fees-in-lieu, and construction of the multi-use trail through the site per City standard construction details for an asphalt trail.*

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16. The plats and booklets should be revised to address the following items:
 - a. Label the building setback lines on the plats, i.e., 20' BSB.
 - b. Parking spaces must be 19' long unless adjacent to greenspace. There are several places throughout the site where spaces are 17' long and hang over a sidewalk (for example, the 10 parking spaces to the north of Building 16 overhang a sidewalk and are 17'). Revise the site plan as needed to address this issue.
 - c. Plats: Parking chart. Change the parking ratio for community building to use the ratio for a private clubhouse, 1 space per 500 SF or 1 per 3 occupants.
 - d. Booklet. Cover sheet. The site plan should be revised to show the correct project boundary and not to include the parcel at the southwest corner of Hill/6th Street in color as it is not a part of this project.

Tree Preservation Conditions:

17. The majority of the preserved canopy (approximately 3.38 acres) on this project was placed within a Tree Preservation Area per the previous easement plat. This area shall remain as a dedicated easement with the new easement plat using the Tree Preservation Area signature block for the Urban Forester. The Tree Preservation Area may need to be revised on the new easement plat for this project since the pedestrian bridge has been changed to a vehicular bridge. If this is the case, the boundary revision will require City Council approval. Additionally, the canopy measurements may need to be revised accordingly.
18. It appears that a construction parking and storage area is shown in the 0.78-acre park land dedication area. Please revise the plans; parking and storage are not allowed on the park property during construction.
19. The applicant shall mitigate for the removal of 110,970 SF of tree canopy with on-site mitigation to consist of a minimum of (384) 2-inch caliper trees. The final amount of mitigation will depend on the disturbance of canopy located around the proposed vehicular bridge. Staff's final recommendation for tree mitigation will be subject to final calculations. Additionally, a tree mitigation form must be submitted and approved by the Urban Forester.
20. All mitigation trees must be planted prior to the issuance of a final certificate of occupancy. A 3-year bond, letter of credit, or check in the amount of \$96,000 shall be deposited with the City of Fayetteville before issuance of a certificate of occupancy. The actual amount of the bond shall be based on the final calculations.

Landscape Plan Conditions:

21. All parking lots shall be screened with a dense evergreen planting where adjacent to residential uses.
22. 15' of greenspace is required between parking lots and the right-of-way. Show the right-of-way and 15' greenspace buffer lines on the plan.
23. Before construction document approval, the landscape plan must be stamped by a Landscape

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Architect licensed within the state of Arkansas.

Trails Conditions:

24. Tsa-La-Gi trail is identified on the Fayetteville Alternative Transportation and Trail Master Plan through this project. This 12' wide asphalt trail shall be constructed by the developer, to be reimbursed by a park land dedication credit. All expenses on the trail must be itemized separately to qualify for reimbursement.
25. Trail shall be constructed to meet City of Fayetteville and ADA guidelines including a 5% maximum longitudinal slope and 2% maximum cross slope. One location near the small retaining wall west of Hill Ave looks to have a longitudinal slope exceeding 5%.
26. Analyze the existing block wall at this location to insure it was constructed properly to construct the trail behind. Currently it doesn't look stable.
27. Please notify the Trails Coordinator prior to construction for periodic inspections.
28. Hill Avenue is part of the Heritage Trail. Due to this designation, the improved street must include bicycle facilities. Include thermoplastic bike symbol chevrons and share the road signs spaced every 300 feet along the all improved sections of Hill Avenue.

Standard Conditions of Approval:

29. 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.
30. 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.
31. 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.
32. 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).
33. Provide a CD containing the proposed Large Scale Development drawings in AutoCAD or similar digital format.

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34. 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.
35. All existing utilities below 12kv shall be relocated underground. All proposed utilities shall be located underground.
36. 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.



PC Meeting April 14, 2008

THE CITY OF FAYETTEVILLE, ARKANSAS

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: April 9, 2008 Updated April 15, 2008

R-PZD 08-2915: (HILL PLACE, 561): Submitted by APPIAN CENTER FOR DESIGN for property located at THE SW CORNER OF THE 6TH STREET AND HILL AVENUE INTERSECTION. The property is zoned R-PZD, RESIDENT. PLANNED ZONING DISTRICT (ASPEN RIDGE) and contains approximately 27.10 acres. The request is for zoning, land use, and large scale development approval for a Residential Planned Zoning District with 288 multi-family dwelling units, a community building and associated parking.

Planner: Andrew Garner

BACKGROUND:

Property Description and History: The subject property contains approximately 27.10 acres located in south Fayetteville, on the south side of 6th Street (State Highway 62), west of Hill Avenue, east of the Arkansas-Missouri railroad, with Town Branch Creek traversing southeast-northwest through the site. The site has been disturbed and developed over the years, but retains some substantial natural resources associated with Town Branch Creek, wetlands, and significant areas of tree canopy and vegetation. The property abuts a major highway arterial, is adjacent to the University of Arkansas and a variety of other uses, including single-family, multi-family, industrial and commercial properties.

This site was most recently designed and approved under the name Aspen Ridge, Residential Planned Zoning District, in January 2005. This approval rezoned the property from RMF-24 to R-PZD 04-1307 (Aspen Ridge). The Aspen Ridge project was approved for 220 attached residential units with an overall density of 7.87 units/acre. As part of the Aspen Ridge project 49 mobile homes, 6 single family residences, and several tons of trash, debris, and tires were removed from the property. Much of the street and utility infrastructure for Aspen Ridge has been installed and approved by the City, however, for various reasons, building permits were never obtained for the project and the approval expired. The currently proposed Hill Place project will utilize much of the existing street and utility infrastructure, however, the applicant is requesting virtually all of the existing easements and rights-of-way on the property be abandoned, and new easements and right-of-way dedicated with the Hill Place development. This is in large part due to the new site layout, while retaining as much existing infrastructure as

possible. The surrounding zoning and land uses are listed in *Table 1*.

Table 1
Surrounding Land Use/Zoning

Direction from Site	Land Use	Zoning
North	6 th Street (Highway 62) – busy arterial	RMF-40; RMF-24
South	Pinnacle Foods; Single Family Residential	I-2; RMF-24
East	Single-Family Residential; Coors plant; Brenda's Burgers	RMF-24; I-1
West	Arkansas-Missouri Railroad	RMF-24

Proposal and Project Description: The applicant requests rezoning, land use, and large scale development approval for a single use project within a unique R-PZD zoning district on the subject property. The project would utilize much of the existing street, water, sewer and storm water and infrastructure from the previous Aspen Ridge project with some minor changes, and develop a total of 288 residential units in 17 three-story buildings, and a community building and pool in the northern portion of the site.

A large tree preservation area would be retained along the Town Branch Creek riparian corridor. In addition, this development would dedicate approximately 2 acres of land in the southern portion of the site for a new City park, and 0.35 acres for a public multi-use trail corridor. The main access point would be off of 6th Street, with secondary access points off of Hill Street, 11th Street, and 12th Street. Interior public streets off of these access points would transition to private drives into the parking lots for the new apartment buildings. Vehicular connectivity would be provided over the Town Branch Creek with a new vehicular/pedestrian bridge through the site. Vehicular connectivity is proposed to the north, east, and south, with the existing railroad corridor providing a barrier to the west. The Tsa-La-Gi Trail identified on the Fayetteville Trails Master Plan map will ultimately extend east-west through this site along an old railroad corridor, and continue under the Arkansas-Missouri railroad to the west, providing a pedestrian connection to businesses along 6th Street, the University of Arkansas, and the greater trail system throughout the city.

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.

Parks and Recreation Advisory Board (PRAB): The Aspen Ridge project dedicated approximately 1.21 acres of parkland to the City in 2005, including a park and trail corridor. The proposed Hill Place project was reviewed at the December 2007 PRAB meeting and a recommendation was made to accept approximately 0.8 acres of additional parkland for a total of 2 acres, 0.36 acre for the Tsa-La-Gi trail through the site, installation of the trail at a cost of approximately \$54,163, and payment of fees in lieu (approximately \$5,600) to meet the remaining parkland dedication requirement.

Phasing: The applicant proposes that all building permits for all buildings in the development be obtained within one year from City Council approval, with the opportunity for a one-time, one year extension pursuant to Chapter 166 of the Unified Development Code.

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

Adjacent Master Street Plan Streets: 6th Street (Principal Arterial); Hill Avenue, 11th Street, Duncan Avenue (Collector), Brooks Avenue

Street Improvements: Staff recommends the following:

- Complete the street improvements required for the Aspen Ridge development. These improvements included the following, some of which are already completed:
 - Repair the broken pavement on 11th Street, directly south of the proposed intersection at the corner of 11th and Duncan, as part of the improvements to this street being utilized for primary ingress and egress, to the satisfaction of the Engineering Division.
 - Continue the existing sidewalk on the north side of 11th street to connect the proposed sidewalk on Greystone Drive (approximately 20 feet).
 - Complete the curb and gutter on the south side of 11th street from the bridge west to the constructed curb/gutter. Minimum street width should be 24 feet, face of curb to face of curb (approximately 240 feet in length).
 - Widen the intersection at Hill Avenue and 6th Street, including a turn lane, the cost of relocating traffic signals and any necessary costs to add a left-turn signal to the existing signal system.
 - Improve that portion of Hill Avenue adjacent to the subject property where necessary, to conform to City specifications. A six-foot sidewalk is required, at the right-of-way line.
 - Relocate the sidewalk along 6th Street to transition from the railroad bridge to the Master Street Plan right-of-way line along the frontage of this project.
 - Construct a secondary means of access to Phase II; The applicant proposes to construct a 24-foot wide public street within existing platted right-of-way of Brooks Avenue and turning south to connect to 12th Street.
 - There are still outstanding issues with the pavement and sidewalk at the intersection of Hill and 6th that were part of the Aspen Ridge project that need to be completed.
 - Connection of 12th Street/Brooks Avenue to the site with a Residential Street, with sidewalk on the east side of the street as approved with the Aspen Ridge project.
 - All drainage improvements, including the box culvert, removal of the sewer line, etc. shall be completed to the satisfaction of the Engineering Division
- Add multiple speed tables on Duncan Avenue, and Hill Street, the location and number of which shall be determined by the City Engineer
- Add bicycle symbol chevrons on Hill Avenue (Heritage Trail designation), per the requirements of the Trails Coordinator.

<i>Tree Preservation:</i>	Existing Canopy:	56.7%
	Preserved Canopy:	15.1%
	Required Canopy:	25.0%
	Mitigation Required:	384 two-inch caliper trees.

Public Comment: Several people from the neighborhood discussed concerns with this development at the April 3, 2008 Subdivision Committee meeting. Some of the issues discussed by the neighbors at that meeting included drainage, flooding, and environmental issues associated with the previous development that has been abandoned, concerns that this development does not comply with City Plan 2025, and concerns that student housing is different than owner-occupied condominiums and not appropriate in this area. The minutes from the Subdivision Committee meeting are attached to this report.

Residents in the surrounding neighborhoods were very vocal and active in the approval process of the Aspen Ridge project, voicing concerns with drainage and flooding associated with Town Branch Creek, and the impact of development on natural resources in the area, and discussing concerns with increased traffic, among other issues. Some neighbors have discussed the Hill Place project with Planning staff voicing similar concerns as during the Aspen Ridge project.

Staff Recommendation: Based on a review of the PZD proposal for Hill Place, staff finds that while the urban form of the development pattern could be improved upon, the project meets a majority of the City's adopted goals and policies, while salvaging already constructed infrastructure from an abandoned project. Particularly, the project is cited in close proximity to readily available infrastructure, commercial goods and services, the University, and achieves the goal of providing an infill project with an appropriate density. Several environmental and physical constraints are associated with this particular site, and the applicants have worked to address these as best as possible. Staff recommends forwarding **R-PZD 08-2915** to the City Council with a recommendation of approval, with the following conditions:

Conditions of Approval:

1. Planning Commission determination of street improvements. *Staff recommends the following: The applicant shall complete the street improvements required for the Aspen Ridge development. These improvements include the following, some of which are already completed:*
 - Repair the broken pavement on 11th Street, directly south of the proposed intersection at the corner of 11th and Duncan, as part of the improvements to this street being utilized for primary ingress and egress, to the satisfaction of the Engineering Division.
 - Continue the existing sidewalk on the north side of 11th street to connect the proposed sidewalk on Greystone Drive (approximately 20 feet).
 - Complete the curb and gutter on the south side of 11th street from the bridge west to the constructed curb/gutter. Minimum street width should be 24 feet, face of curb to face of curb (approximately 240 feet in length).
 - Widen the intersection at Hill Avenue and 6th Street, including a turn lane, the cost of relocating traffic signals and any necessary costs to add a left-turn signal to the existing signal system.

- Improve that portion of Hill Avenue adjacent to the subject property where necessary, to conform to City specifications. A six-foot sidewalk is required, at the right-of-way line.
- Relocate the sidewalk along 6th Street to transition from the railroad bridge to the Master Street Plan right-of-way line along the frontage of this project.
- Construct a secondary means of access to Phase II; The applicant proposes to construct a 24-foot wide public street within existing platted right-of-way of Brooks Avenue and turning south to connect to 12th Street.
- There are still outstanding issues with the pavement and sidewalk at the intersection of Hill and 6th that were part of the Aspen Ridge project that need to be completed.
- Connection of 12th Street/Brooks Avenue to the site with a Residential Street, with sidewalk on the east side of the street as approved with the Aspen Ridge project.
- All drainage improvements, including the box culvert, removal of the sewer line, etc. shall be completed to the satisfaction of the Engineering Division
- Add multiple speed tables on Duncan Avenue, and Hill Street, the location and number of which shall be determined by the City Engineer
- Add bicycle symbol chevrons on Hill Avenue (Heritage Trail designation), per the requirements of the Trails Coordinator.

PLANNING COMMISSION RECOMMENDED IN FAVOR OF THIS CONDITION (04/14/08).

2. Planning Commission determination of a waiver from Fayetteville Unified Development Code Section 166.06(K)(10)(b) to allow two public streets to be connected with a private street. *The applicant is proposing a private street connection between Royal Oak Parkway (a new internal public street) and 11th Street by way of a new vehicular bridge. The applicant's waiver request states that a private connection is justified because traffic from 11th Street will flow to Hill Avenue to use the traffic signal to access Sixth Street rather than flow into the development for access to Sixth Street. In addition, an analysis of an alternative design, incorporating a public street with parallel parking, indicates a substantial amount of parking for the dwellings would be removed. At staff's request the applicant submitted this additional information and an exhibit showing an alternative design with the internal private street, Royal Oak Parkway, as a public street with parallel parking spaces, resulting in a net loss of 40 parking spaces. A chart comparing the parking numbers for the development with public and private streets is provided below:*

Parking Number Comparison: Proposed vs. Public Street Alternative		
Use	Unit	Parking Ratio
Number of Bedrooms	840	1:1
SF of Community Building	6500	1:500
Baseline Number of Spaces		853
Max Number of Spaces		1,109
Minimum Number of Spaces		597
Current Proposed Number of Spaces		828
Number of Spaces With Public Street		788

Staff finds that while a public street connection of Town Branch Creek can feasibly be constructed, in this case the proposed private connection provides much the same function in allowing a distribution of traffic to and from the site. The drive will be open for public access, and will still provide the parking needed to serve the primarily student population to which the project is targeted, a concern cited by area residents. The proposed connection over the creek provides much improved connectivity from the previously approved project, which ended in cul-de-sacs on both sides of the creek. Staff recommends in favor of this waiver request.

PLANNING COMMISSION RECOMMENDED IN FAVOR OF THIS CONDITION (04/14/08).

3. Planning Commission determination of a waiver from Chapter 170.02 Adopted Drainage Criteria Manual (Section 5.4.3), requiring that the limits of maximum ponding elevations are no closer than 100' horizontal from any building and greater than 2' below the lowest sill or floor elevation of any building. *Staff recommends approval of the requested waiver finding that the proposed retention pond will not be a detriment to the residents of the development, and is designed as an amenity to the neighborhood. Additionally, a decorative safety fence shall be required to be constructed around the wet detention pond, restricting direct access from area residents.*

PLANNING COMMISSION RECOMMENDED IN FAVOR OF THIS CONDITION (04/14/08).

4. Planning Commission determination to allow for a trash enclosure over a utility easement. The applicant proposes a permanent trash enclosure in the southern portion of the site within a utility easement. They state there is not a way to avoid placing the enclosure within an easement. *Staff recommends in favor of allowing the trash enclosure with the conditions that:*
 - a. *The trash enclosure location be noted and labeled on the easement plat for all utility companies to acknowledge and approve prior to the issuance of permits;*
 - b. *The trash enclosure shall be relocated at the owner/developer's expense if utilities within the easement need to be accessed or maintained.*

PLANNING COMMISSION RECOMMENDED IN FAVOR OF THIS CONDITION (04/14/08).

5. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.
6. The buildings within this development shall be constructed to comply with the architectural standards and building elevations presented in the PZD booklets. Elevations of the structures shall be reviewed prior to building permit.
7. The storm water detention and Low Impact Development (LID) techniques (bioswales, rain gardens and depressed parking lot islands) as presented in the PZD shall be

constructed as indicated in the plans submitted for PZD approval.

8. The internal sidewalks along internal private streets and parking lots as presented in the PZD shall be constructed as indicated.
9. Should a subdivision of land be desired, all applicable ordinances and processes shall be followed in order to meet city ordinances.
10. Public water and sewer lines and other improvements shall be extended as required by city ordinance at the time of development.
11. All development shall meet applicable building codes and other ordinances of the City of Fayetteville.
12. Future non-residential conditional uses in the zoning criteria shall comply with the minimum standards for development in the Unified Development Code.
13. Phasing: This project is required to obtain all building permits for the entire development within one year of City Council approval, with the opportunity for a one time, one year extension.
14. Signage for this development is subject to the residential multi-family requirements of Fayetteville Unified Development Code Chapter 174.
15. Parkland Dedication: Prior to issuance of a building permit, the applicant shall dedicate approximately 2.0 acres for a City park and 0.36 acre for the Tsa-La-Gi trail through the site, in addition to payment of fees in lieu to meet the remaining parkland dedication requirement, approximately \$5,600. In addition, the developer shall construct this multi-use trail to City standards, and will receive credit as agreed upon within the PRAB recommendation. *The Aspen Ridge project dedicated 1.21 acres previously, though the deed for this land is still in the name of the property owner. The proposed Hill Place project was reviewed at the December 2007 PRAB meeting and a recommendation was made to accept approximately 0.8 acres of additional parkland. Remaining parkland dedication requirements include payment of \$5,606.25 for remaining fees-in-lieu, and construction of the multi-use trail through the site per City standard construction details for an asphalt trail.*
16. The plats and booklets should be revised to address the following items:
 - a. Label the building setback lines on the plats, i.e., 20' BSB.
 - b. Parking spaces must be 19' long unless adjacent to greenspace. There are several places throughout the site where spaces are 17' long and hang over a sidewalk (for example, the 10 parking spaces to the north of Building 16 overhang a sidewalk and are 17'). Revise the site plan as needed to address this issue.
 - c. Plats: Parking chart. Change the parking ratio for community building to use the ratio for a private clubhouse, 1 space per 500 SF or 1 per 3 occupants.
 - d. Booklet. Cover sheet. The site plan should be revised to show the correct project

boundary and not to include the parcel at the southwest corner of Hill/6th Street in color as it is not a part of this project.

Tree Preservation Conditions:

17. The majority of the preserved canopy (approximately 3.38 acres) on this project was placed within a Tree Preservation Area per the previous easement plat. This area shall remain as a dedicated easement with the new easement plat using the Tree Preservation Area signature block for the Urban Forester. The Tree Preservation Area may need to be revised on the new easement plat for this project since the pedestrian bridge has been changed to a vehicular bridge. If this is the case, the boundary revision will require City Council approval. Additionally, the canopy measurements may need to be revised accordingly.
18. It appears that a construction parking and storage area is shown in the 0.78-acre park land dedication area. Please revise the plans; parking and storage are not allowed on the park property during construction.
19. The applicant shall mitigate for the removal of 110,970 SF of tree canopy with on-site mitigation to consist of a minimum of (384) 2-inch caliper trees. The final amount of mitigation will depend on the disturbance of canopy located around the proposed vehicular bridge. Staff's final recommendation for tree mitigation will be subject to final calculations. Additionally, a tree mitigation form must be submitted and approved by the Urban Forester.
20. All mitigation trees must be planted prior to the issuance of a final certificate of occupancy. A 3-year bond, letter of credit, or check in the amount of \$96,000 shall be deposited with the City of Fayetteville before issuance of a certificate of occupancy. The actual amount of the bond shall be based on the final calculations.

Landscape Plan Conditions:

21. All parking lots shall be screened with a dense evergreen planting where adjacent to residential uses.
22. 15' of greenspace is required between parking lots and the right-of-way. Show the right-of-way and 15' greenspace buffer lines on the plan.
23. Before construction document approval, the landscape plan must be stamped by a Landscape Architect licensed within the state of Arkansas.

Trails Conditions:

24. Tsa-La-Gi trail is identified on the Fayetteville Alternative Transportation and Trail Master Plan through this project. This 12' wide asphalt trail shall be constructed by the developer, to be reimbursed by a park land dedication credit. All expenses on the trail

must be itemized separately to qualify for reimbursement.

25. Trail shall be constructed to meet City of Fayetteville and ADA guidelines including a 5% maximum longitudinal slope and 2% maximum cross slope. One location near the small retaining wall west of Hill Ave looks to have a longitudinal slope exceeding 5%.
26. Analyze the existing block wall at this location to insure it was constructed properly to construct the trail behind. Currently it doesn't look stable.
27. Please notify the Trails Coordinator prior to construction for periodic inspections.
28. Hill Avenue is part of the Heritage Trail. Due to this designation, the improved street must include bicycle facilities. Include thermoplastic bike symbol chevrons and share the road signs spaced every 300 feet along the all improved sections of Hill Avenue.

Standard Conditions of Approval:

29. 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.
30. 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.
31. 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.
32. 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).
33. Provide a CD containing the proposed Large Scale Development drawings in AutoCAD or similar digital format.
34. 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.

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

36. 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:

37. _____

38. _____

Planning Commission Action:

☐ Tabled

☒ Forwarded to C.C.

Motion: Lack

Second: Cabe

Vote: 7-0-0

Meeting Date: April 14, 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 R-PZD 08-2915 (Hill Place)

Sec. 166.06. Planned Zoning Districts (PZD).

(E) Approval or Rejection Criteria for Planned Zoning Districts

The following criteria shall be considered by the Planning Commission and City Council in the review of a planned zoning district application based on the proposed master development plan:

- (1) Whether the application is in compliance with the requirements of the UDC and the City Plan 2025;

FINDING: Staff finds the application to be in compliance with the Master Development Plan Planned Zoning District criteria established by the City Council, and is largely in compliance with City Plan 2025.

Goal 1 of City Plan 2025 is to *"...make appropriate infill and revitalization our highest priorities."* The Hill Place project is infill as this site is in central south Fayetteville and is entirely surrounded by developed property. This site is a brownfield site as it has been a historic dumping site for trash and debris over the years. The property has been utilized in the past for a number of single family residences and mobile homes. The most recent Aspen Ridge project cleaned up the previous trash, debris, and removed the old residences, but was stalled in the middle of construction. This has left the site in a state of environmental degradation with exposed dirt, rock, and construction fill that have eroded into the nearby stream and potentially exacerbated a problematic drainage and flooding problem in the neighborhood. This Hill Place project would not only provide 288 residential units in an infill situation in central Fayetteville, it would revitalize a property that has become an eyesore and environmental problem over the years.

By providing a medium density project at 10.6 units per acre (288 units on 27.10 acres) in central Fayetteville, the Hill Place project will comply with Goal 2 of City Plan 2025 to *"...discourage suburban sprawl."* If these units were not built in the core of the City, the market might demand their development on the periphery of the City, resulting in a suburban sprawl development pattern.

Though several are met, this project does not comply with all aspects of Goal 3 of City Plan 2025, *"We will make traditional town form the standard."* This is a single-use apartment/student housing development over the entire 27.10-acre site. Due to this property being located at the corner of an arterial (6th Street) and a collector (Hill Street), there is opportunity for non-residential services and development to be mixed into the site, although the two-acre parcel right on the corner of Hill/6th Street is not being developed at this time, and has been discussed previously for a commercial use. The Hill Place project places 17 three-story apartment buildings over the 27.10 acres resulting in a typical apartment complex feel, although there are some variations in the footprint and façade colors of the buildings. In addition, there are several environmental and physical

constraints, including Town Branch Creek and the presence of the railroad to the west, that create design challenges. The project does provide for meaningful open spaces and will dedicate land for a neighborhood park and trail, and will preserve natural features around the Town Branch Creek that will contribute to the character of the development and neighborhood as a whole. The overall proposed density and multi-family residential use is appropriate in this location, as the site has historically been zoned for multi-family use, and helps to complete the larger neighborhood unit. This project does provide a good level of vehicular and pedestrian connectivity to the north, east, and south, and the multi-use trail through the site will encourage east-west pedestrian activity. Sited near bus routes and the University, the project takes advantage of existing infrastructure in place and provides the opportunity for residents to bike or walk to work/school. The dedication and construction of the trail, the preservation of tree canopy along Town Branch Creek and the expansion of the park, which is adjacent to a protected wetland area, helps to meet Goal 5, *"We will assemble an enduring green network."* And finally, the provision of a multi-family development as the neighborhood transitions from commercial along the busy arterial Highway 16 to more traditional single family development to the south, provides a wider array of housing opportunities to *"create attainable housing"*, which is Goal 6 of City Plan 2025.

- (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. It is anticipated that this development will help improve the existing drainage and local flooding problem in the area.

- (4) Whether the rezoning is compatible with the surrounding land uses;

FINDING: The rezoning request, combined with the Master Development Plan, would allow multi-family residential uses in 17 three-story apartment buildings over the 27.10 acres. The north, west, and much of the south boundaries of the site are isolated by a busy arterial street, a railway corridor, and industrial use. There are portions of the east and southern boundaries of the site that transition to a single family residential neighborhood. The portions of this development that border the single family neighborhood are proposed to be planted with a vegetated evergreen buffer and provide an expanded park area. This

development is largely compatible with the surrounding land uses, particularly as a transition from the busy arterial to the north to the more traditional single family neighborhood to the south. There is also opportunity for higher density and non-residential uses in the northern and eastern portions of the site at a busy signalized intersection of a state highway (6th Street) and Hill Street.

- (5) Whether the subject land is suitable for the intended use and is compatible with the natural environment;

FINDING: As discussed in Finding No. 1, this development would halt the environmental degradation of this property. This development would utilize a majority of the existing street and utility infrastructure on the site to minimize additional grading and disturbance of the land. The development preserves approximately 3.73 acres of riparian corridor and wetlands along Town Branch Creek, and also proposes Low Impact Development (LID) stormwater techniques. The LID features in this project include rain gardens, bioswales, and parking lot infiltration islands, among other techniques, to help remove pollutants from the stormwater before it leaves the site. It should be noted that this level of stormwater pretreatment is not required by any ordinance or law and is a commitment of this project. As part of compliance with the City Tree Preservation Ordinance, several hundred mitigation trees would be planted which will revegetate the site and contribute to the urban forest and natural corridors.

- (6) Whether the intended land use would create traffic congestion or burden the existing road network;

FINDING: The intended land use, residential, will impact the existing traffic conditions; although the existing street infrastructure will be adequate with final completion of the street improvements associated with the previous Aspen Ridge project. In addition to completing the street improvements from the Aspen Ridge project, this development will place speed bumps along Hill Avenue/Duncan Avenue to prevent speeding, and will paint bicycle chevron symbols on Hill Avenue as part of the Heritage Trail link. In addition, the student residents within the development will have the opportunity to walk or bike to class or work, given the proximity to campus. With these improvements traffic congestion or burden on the existing road network will not occur.

- (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 Hill Place PZD provides for needed residential infill development and revitalization in an area in the vicinity of the University of Arkansas campus, and in an area with a mix of commercial, industrial, railway, and single- and multi-family residential land uses. This development achieves a relatively high level of compatibility with adjoining properties and enhances the surrounding neighborhood by preserving a large riparian corridor along Town Branch Creek and by dedicating land for a neighborhood park and trail. This development will result in an overall improvement on the property that was halfway under construction before the previous project was halted almost two years ago and the property left in disrepair. Access and circulation into this development provides for four connections to surrounding public streets, and provides a vehicular bridge over Town Branch Creek interior to the site for connectivity through the site. The new public trail being constructed with this project will provide for an east west multi-modal linkage parallel and off of the main arterial (6th Street). The proposed moderate density of 10.6 units per acre is appropriate in this setting surrounded by a mixture of land uses. Landscaping, tree preservation and overall public amenities and cleaning up the site further the health, safety, amenity, and welfare of the community as a whole and enhance this neighborhood.

- (2) *Screening and landscaping.* In order to enhance the integrity and attractiveness of the development, and when deemed necessary to protect adjacent properties, the Planning Commission shall require landscaping and screening as part of a PZD. The screening and landscaping shall be provided as set forth in §166.09 Buffer Strips and Screening. As part of the development plan, a detailed screening and landscaping plan shall be submitted to the Planning Commission. Landscape plans shall show the general location, type and quality (size and age) of plant material. Screening plans shall include typical details of fences, berms and plant material to be used.

FINDING: Screening and landscaping will be required for any parking areas adjacent to public streets, and dense evergreen plantings are required when adjacent to offsite residential uses. The landscape plan incorporates such standard requirements as one tree

every 30 feet along public and private street frontage, and parking lot shade trees.

(3) *Traffic circulation.* The following traffic circulation guidelines shall apply:

- (a) The adequacy of both the internal and external street systems shall be reviewed in light of the projected future traffic volumes.
- (b) The traffic circulation system shall be comprised of a hierarchal scheme of local collector and arterial streets, each designed to accommodate its proper function and in appropriate relationship with one another.
- (c) Design of the internal street circulation system must be sensitive to such considerations as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, access to dwelling units and the proper relationship of different land uses.
- (d) Internal collector streets shall be coordinated with the existing external street system, providing for the efficient flow of traffic into and out of the planned zoning development.
- (e) Internal local streets shall be designed to discourage through traffic within the planned zoning development and to adjacent areas.
- (f) Design provisions for ingress and egress for any site along with service drives and interior circulation shall be that required by Chapter 166 Development of this code.

FINDING: Exterior access into the site will be provided in four locations: 6th Street, Hill Avenue, 11th Street, and 12th Street/Brooks Avenue. The internal street system consists of public streets that transition into private streets and parking lot drive aisles internal to the site. The internal and external street system provides good connectivity and logical movement through the site, without any dead end streets. The relatively narrow width and looping configuration of the streets/drive aisles provides for safety and convenience for those living in and those traveling through this site. Sidewalks are located along streets and parking lots throughout the development to encourage safe pedestrian activity.

The applicant is requesting a waiver of the Fayetteville Unified Development Code to allow for two public streets to be connected with a private street. It would be desirable to have at least one continuous public street connection through the site to improve public street connectivity in the area. The current site plan configuration does not allow for a public street due to the large amount of surface parking that must be provided throughout the site to support the 288 multi-family units in 17 three-story buildings. A modification to the site plan to provide a public street, while retaining the same number of units and parking spaces, would require substantial modifications to the building location and potentially to the building footprint. For example, some of the three-story buildings may need to be increased in height, and/or some of the larger buildings separated into smaller buildings.

Another option would be to have the first floor of the buildings be parking, and the building height increased to four stories, though these are significant design changes. Staff is supportive of the applicant's proposed option, finding that it provides increased connectivity within the neighborhood while retaining the needed parking for the project.

- (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 large surface parking lots. Some of the parking stalls will be placed under covered parking. All parking ratios have been met and reviewed in detail as part of the large scale development.

- (5) *Perimeter treatment.* Notwithstanding any other provisions of a planned zoning district, all uses of land or structures shall meet the open space, buffer or green strip provisions of this chapter of this code.

FINDING: This requirement has been met. As discussed under previous findings buffer screening will be provided between any parking lots and adjacent residential property.

- (6) *Sidewalks.* As required by §166.03.

FINDING: Public sidewalks have been constructed adjacent to the project Hill Avenue and internal to the internal public streets. In addition, this project proposes sidewalk throughout the development along the parking lots to provide for safe pedestrian connectivity. These internal private sidewalks are being provided as part of the commitments with this PZD. A 12-foot wide multi-use trail is also being constructed east-west through this development along an old railroad corridor.

- (7) *Street Lights.* As required by §166.03.

FINDING: Street lights are to be provided adjacent to all public streets and at intersections at a separation of no greater than 300 feet.

- (8) *Water.* As required by §166.03.

FINDING: Public water lines are being extended in accordance with city codes.

- (9) *Sewer.* As required by §166.03.

FINDING: Public sewer lines are being extended in accordance with city codes.

- (10) *Streets and Drainage.* Streets within a residential PZD may be either public or private.

- (a) *Public Streets.* Public streets shall be constructed according to the adopted standards of the City.
- (b) *Private Streets.* Private streets within a residential PZD shall be permitted subject to the following conditions:
 - (i) Private streets shall be permitted for only a loop street, or street ending with a cul-de-sac. Any street connecting one or more public streets shall be constructed to existing City standards and shall be dedicated as a public street.
 - (ii) Private streets shall be designed and constructed to the same standards as public streets with the exceptions of width and cul-de-sacs as noted below.
 - (iii) All grading and drainage within a Planned Zoning District including site drainage and drainage for private streets shall comply with the City's Grading (Physical Alteration of Land) and Drainage (Storm water management) Ordinances. Open drainage systems may be approved by the City Engineer.
 - (iv) Maximum density served by a cul-de-sac shall be 40 units. Maximum density served by a loop street shall be 80 units.
 - (v) The plat of the planned development shall designate each private street as a "private street."
 - (vi) Maintenance of private streets shall be the responsibility of the developer or of a neighborhood property owners association (POA) and shall not be the responsibility of the City. The method for maintenance and a maintenance fund shall be established by the PZD covenants. The covenants shall expressly provide that the City is a third party beneficiary to the covenants and shall have the right to enforce the street maintenance requirements of the covenants irrespective of the vote of the other parties to the covenants.
 - (vii) The covenants shall provide that in the event the private streets are not maintained as required by the covenants, the City shall have the right (but shall not be required) to maintain said streets and to charge the cost thereof to the property owners within the PZD on a pro rata basis according to assessed valuation for ad valorem tax purposes and shall have a lien on the real property within the PZD for such cost. The protective covenants shall grant the City the right to use all private streets for purposes of providing fire and police protection, sanitation service and any other of the municipal functions. The protective covenants shall provide that such covenants shall not be amended and shall not terminate without approval of the City Council.
 - (viii) The width of private streets may vary according to the density served. The following standard shall be used:

Paving Width
(No On-Street Parking)

Dwelling Units	One-Way	Two-Way
1 - 20	14'	22'
21+	14'	24'

***Note:** If on-street parking is desired, 6 feet must be added to each side where parking is intended.

- (ix) All of the traffic laws prescribed by Title VII shall apply to traffic on private streets within a PZD.
- (x) There shall be no minimum building setback requirement from a private street.
- (xi) The developer shall erect at the entrance of each private street a rectangular sign, not exceeding 24 inches by 12 inches, designating the street a "private street" which shall be clearly visible to motor vehicular traffic.

FINDING: All public streets for the proposed development are to be constructed according to the adopted standards of the City, as approved as part of the Aspen Ridge project with a few slight variations. Interior, or private drives to each of the units shall also be constructed to adopted City standards, as reflected herein. Private drives shall be maintained by the developer or a POA; the method and maintenance shall be set forth through the PZD covenants or other such language.

- (11) *Construction of nonresidential facilities.* Prior to issuance of more than eight building permits for any residential PZD, all approved nonresidential facilities shall be constructed. In the event the developer proposed to develop the PZD in phases, and the nonresidential facilities are not proposed in the initial phase, the developer shall enter into a contract with the City to guarantee completion of the nonresidential facilities.

FINDING: All development on the site shall be phased according to the phasing plan and conditions herein.

- (12) *Tree preservation.* All PZD developments shall comply with the requirements for tree preservation as set forth in Chapter 167 Tree Preservation and Protection. The location of trees shall be considered when planning the common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels.

FINDING: A full Tree Preservation Plan has been submitted as part of the Large Scale Development and complies with the requirements for tree preservation as set forth in Chapter 167. Tree canopy found along the Town Branch Creek is a high priority for preservation. The applicant proposes a large contiguous preservation area along the creek, coinciding with the deed-restricted wetland area and riparian corridor. The applicant proposes to retain 15.1% of the tree canopy on-site, and to utilize on-site mitigation in an effort to create larger, healthier canopy coverage in this area. Primary areas of emphasis for the mitigation trees are along the creek corridor and within the established Tree Preservation Area. Other mitigation trees will be combined with required landscaping trees both along the perimeter and interior to the site.

- (13) *Commercial design standards.* All PZD developments that contain office or commercial structures shall comply with the commercial design standards as set forth in §166.14 Site Development Standards and Construction and Appearance Design Standards for Commercial Structures.

FINDING: All structures are principally residential in nature and are not subject to commercial design standards.

- (14) *View protection.* The Planning Commission shall have the right to establish special height and/or positioning restrictions where scenic views are involved and shall have the right to insure the perpetuation of those views through protective covenant restrictions.

FINDING: No scenic views are identified, and the height of structures proposed (three stories) are not out of proportion for the existing single-family, industrial, and commercial uses in the area.

(E) *Revocation.*

- (1) *Causes for revocation as enforcement action.* The Planning Commission may recommend to the City Council that any PZD approval be revoked and all building or occupancy permits be voided under the following circumstances:
- (a) *Building permit.* If no building permit has been issued within the time allowed.
 - (b) *Phased development schedule.* If the applicant does not adhere to the phased development schedule as stated in the approved development plan.
 - (c) *Open space and recreational facilities.* If the construction and provision of all common open spaces and public and recreational facilities which are shown on the final plan are proceeding at a substantially slower rate than other project components.

Planning staff shall report the status of each ongoing PZD at the first regular meeting of each quarter, so that the Planning Commission is able to compare the actual

development accomplished with the approved development schedule. If the Planning Commission finds that the rate of construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and public recreational facilities have been constructed and provided, then the Planning Commission may initiate revocation action or cease to approve any additional final plans if preceding phases have not been finalized. The city may also issue a stop work order, or discontinue issuance of building or occupancy permits, or revoke those previously issued.

(2) *Procedures.* Prior to a recommendation of revocation, notice by certified mail shall be sent to the landowner or authorized agent giving notice of the alleged default, setting a time to appear before the Planning Commission to show cause why steps should not be made to totally or partially revoke the PZD. The Planning Commission recommendation shall be forwarded to the City Council for disposition as in original approvals. In the event a PZD is revoked, the City Council shall take the appropriate action in the city clerk's office and the public zoning record duly noted.

(3) *Effect.* In the event of revocation, any completed portions of the development or those portions for which building permits have been issued shall be treated to be a whole and effective development. After causes for revocation or enforcement have been corrected, the City Council shall expunge such record as established above and shall authorize continued issuance of building permits.

(F) *Covenants, trusts and homeowner associations.*

(1) *Legal entities.* The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction, and maintenance of private roads, parking areas, common usable open space, community facilities, recreation areas, building, lighting, security measure and similar common elements in a development. The city encourages the creation of homeowner associations, funded community trusts or other nonprofit organizations implemented by agreements, private improvement district, contracts and covenants. All legal instruments setting forth a plan or manner of permanent care and maintenance of such open space, recreation areas and communally-owned facilities shall be approved by the City Attorney as to legal form and effect, and by the Planning Commission as to the suitability for the proposed use of the open areas. The aforementioned legal instruments shall be provided to the Planning Commission together with the filing of the final plan, except that the Guarantee shall be filed with the preliminary plan or at least in a preliminary form.

(2) *Common areas.* If the common open space is deeded to a homeowner association, the developer shall file with the plat a declaration of covenants and restrictions in the Guarantee that will govern the association with the application for final plan approval. The provisions shall include, but not necessarily be limited to, the following:

- (a) The homeowner's association must be legally established before building permits are granted.
- (b) Membership and fees must be mandatory for each home buyer and successive buyer.
- (c) The open space restrictions must be permanent, rather than for a period of years.
- (d) The association must be responsible for the maintenance of recreational and other common facilities covered by the agreement and for all liability insurance, local taxes and other public assessments.
- (e) Homeowners must pay their pro rata share of the initial cost; the maintenance assessment levied by the association must be stipulated as a potential lien on the property. The association must be able to adjust the assessment to meet changing needs.

FINDING: The applicant shall comply with these requirements.

Sec. 161.25 Planned Zoning District

- (A) Purpose. The intent of the Planned Zoning District is to permit and encourage comprehensively planned developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the combination of development and zoning review into a simultaneous process. The rezoning of property to the PZD may be deemed appropriate if the development proposed for the district can accomplish one or more of the following goals.
- (1) Flexibility. Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.
 - (2) Compatibility. Providing for compatibility with the surrounding land uses.
 - (3) Harmony. Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.
 - (4) Variety. Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.
 - (5) No negative impact. Does not have a negative effect upon the future development of the area;
 - (6) Coordination. Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.

- (7) Open space. Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.
- (8) Natural features. Maximum enhancement and minimal disruption of existing natural features and amenities.
- (9) General Plan. Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the General Plan.
- (10) Special Features. Better utilization of sites characterized by special features of geographic location, topography, size or shape.

FINDING: Staff finds this proposal meets the intent of many of the parameters of the PZD criteria listed above. An overall positive impact is anticipated from this project by cleaning up an environmentally degraded site, and by providing for needed student housing. This development contributes several amenities including proposed lakes/ponds, creek frontage, tree preservation and planting areas, a neighborhood park and public trail that will be enjoyed by future residents of this development and the surrounding neighborhood. Natural features are being protected along the creek, which provide the existing neighborhood with a unique character that will be protected with the proposed PZD. The overall density of this project is compatible with the surrounding mix of uses. The development provides an alternative housing type to that within the surrounding existing neighborhood, while transitioning to a busy highway corridor. The developers are coordinating revitalization of this area of south Fayetteville, and planning for future trail connections and parkland as meaningful open spaces. Though a great deal of the site experienced earthwork and disruption with the previous project, the retention of existing infrastructure will help to reduce the amount of land disturbance needed for this project. Staff finds that the overall project and Master Development Plan is appropriate and will be a benefit to the public for reasons discussed throughout this report. See further discussion of this project's compliance with City Plan 2025 in Finding No. 1.

(B) **Rezoning.** Property may be rezoned to the Planned Zoning District by the City Council in accordance with the requirements of this chapter and Chapter 166, Development. Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and development standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of a specific master development plan and development standards.

FINDING: The submitted development plats and Master Development Plan booklets, along with the conditions of approval found applicable and appropriate, are binding with the approval of the requested rezoning. Should the Planning Commission forward this item to the City Council, an ordinance will be drafted for consideration of rezoning this property

in accordance with the submittal herein.

(C) R – PZD, Residential Planned Zoning District.

- (1) *Purpose and intent.* The R-PZD is intended to accommodate mixed-use or clustered residential developments and to accommodate single-use residential developments that are determined to be more appropriate for a PZD application than a general residential rezone. The legislative purposes, intent, and application of this district include, but are not limited to, the following:
- (a) To encourage a variety and flexibility in land development and land use for predominately residential areas, consistent with the city's City Plan 2025 and the orderly development of the city.
 - (b) To provide a framework within which an effective relationship of different land uses and activities within a single development, or when considered with abutting parcels of land, can be planned on a total basis.
 - (c) To provide a harmonious relationship with the surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and excessive demands on planned and existing public facilities.
 - (d) To provide a means of developing areas with special physical features to enhance natural beauty and other attributes.
 - (e) To encourage the efficient use of those public facilities required in connection with new residential development.

FINDING: Staff is recommending approval of this application, finding the proposed PZD meets the intent of the PZD ordinance as noted above.

- (2) *Permitted Uses.* All permitted uses identified within §162 Use Units of the Unified Development Code shall be allowed as permissible uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.
- (3) *Conditional Uses.* All conditional uses allowed within (Residential, Commercial, Industrial) zoning Districts established in the Unified Development Code shall be allowed with Planning Commission approval, unless otherwise specified, subject to the code governing Conditional Use requests.

FINDING: Permitted and Conditional uses are outlined in both the Master Development Plan booklets and plats.

- (4) *Condition.* In no instance shall the residential use area be less than fifty-one percent (51%) of the gross floor area within the development.

FINDING: The majority of uses are principally residential, with non-residential uses allowed as a conditional use, and with a proposed clubhouse and pool accessory to the principal residential uses.

(F) *Bulk and area regulations*

(1) *Residential density.* Residential densities shall be determined on the basis of the following considerations:

- (a) The densities of surrounding development;
- (b) the densities allowed under the current zoning;
- (c) the urban development goals and other policies of the city's General Plan;
- (d) the topography and character of the natural environment; and
- (e) the impact of a given density on the specific site and adjacent properties.

FINDING: Surrounding development contains a mix of uses and density. This site is relatively isolated along much of its perimeter by an existing railway corridor and steep slopes, a busy arterial street to the north, industrial and park use on portions of the south and east property lines. To the north across 6th Street are a mix of multi-family and single family neighborhoods, and some of the adjacent properties to the south and east are detached single family residential. Staff finds that the overall density is compatible with surrounding development, given the variety of existing land uses and density, and meets some of the urban development goals in City Plan 2025 as this site is designated as a City Neighborhood Area. The previous project was approved with an overall density of approximately 7.87 units per acre and this development is proposing 10.6 units acre, a relatively minor increase. While the form of the development could provide a higher level of compatibility and transition with the existing single family residences by providing more street-oriented buildings, the application does not, in staff's opinion, create an incompatible component of the overall neighborhood.

Environmental impacts to the site will be minimized by providing a large tree preservation area along the Town Branch Creek riparian corridor. This development will help repair ongoing environmental and erosion damage on the property. Density and the development pattern proposed under the current zoning (R-PZD Aspen Ridge) would not allow for the proposed multi-family development in the configuration proposed.

(2) *Lot area and setback requirements.* Taking into consideration the unique aspects of each project, preliminary development plans for Planned Zoning Districts shall conform as closely as possible to the existing standards for lot area minimums and setback requirements under this chapter.

FINDING: Building setbacks proposed are smaller than a typical multi-family zoning to allow for the building to be closer to the public streets, which is consistent with the City Plan 2025 goals for infill development in a more urban settings such as the subject site. The site is not proposed to be subdivided and lot area is not applicable. The project is being developed without subdivision of land as it is a student housing project all under a common ownership.

- (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 (three stories) are typical of multi-family development in the surrounding area.

- (4) *Building area.* The Planning Commission shall review specific proposed lot coverages which generally correspond to the guidelines for lot coverage in the respective residential, office, commercial or industrial district which most depicts said development scheme.

FINDING: In a typical multi-family zoning there is no designated maximum building area to compare to the proposed project. This development proposes to retain 52% of the site in impervious surface area post development, which is much higher than typical large scale developments that are required to retain 15% greenspace.

***Required Findings for Rezoning Request.**

Land Use Plan: *The City Plan 2025 Future Land Use Plan designates this site as a City Neighborhood Area. These areas are a denser and still primarily residential urban fabric, which is the case with the Hill Place project. The building types vary in size, but not necessarily in type (single, sideyard, rowhouses, etc.) However, when analyzing the surrounding neighborhood, staff would argue that this 27-acre site helps to complete the neighborhood, the residential uses of which are primarily single family detached, two-family or small multi-family structures. Moreover, this project provides a transition from the existing neighborhood to the south and east to the commercial corridor along 6th Street. Staff finds a high level of connectivity with the development, with the exception to the west, which is constrained by the steep slope leading up to the railroad. Non-residential uses are not provided within the development, but are close in proximity, and help to reduce the length and number of vehicle trips generated by typical residential development by enhancing accessibility to these resources. The goal of producing traditional residential urban design is not a strong point in this application; front setbacks have been reduced to bring buildings closer to the street, and*

buildings have been fronted onto streets in some instances. Overall, staff finds that this project's compliance with applicable Land Use Plans and the PZD ordinance will provide a contributing component to the overall neighborhood.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: The proposed rezoning of the existing R-PZD Aspen Ridge property to the proposed R-PZD Hill Place development with a single use multi-family development at a density of approximately 10.6 units/acre is consistent with many of the goals of City Plan 2025. Goal 1 of City Plan 2025 states that infill and revitalization are the highest priorities, and Goal 2 discourages suburban sprawl. This development will provide infill and revitalization on a property that has been environmentally degraded over the years, and will discourage suburban sprawl by keeping 288 residential units in the City's core. This development also complies with Goal 5 to assemble an enduring green network by preserving 3.73 acres of riparian corridor along Town Branch Creek, providing a trail corridor and expanding a park along a protected wetland area. The project is not a traditional town form as encouraged in Goal 3, and does not provide variety or flexibility within the 27-acre site needed to create a viable neighborhood. However, staff finds the site does provide a missing component of the overall surrounding neighborhood, and transitions from the busy commercial corridor to the predominantly single family neighborhood to the south and east, thereby providing a variety of housing in the larger area. The project attempts to meet Goal 6 to create attainable housing, as the multi-family project is proposed to provide housing primarily for students. It will not create owner-occupied housing, however, which has been a criticism of neighboring residents. By fully complying with the top two goals, adding to the green network within the City and providing for one type of attainable housing, staff finds this project overrides the inconsistencies of this project with some of the other goals and policies outlined in City Plan 2025.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: At this time the property is zoned R-PZD 04-1307 (Aspen Ridge). The current PZD zoning has expired, and a new zoning is required to develop the property. A standard multi-family zoning would not allow the proposed development that is utilizing the existing infrastructure from the Aspen Ridge project.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: Staff finds this proposal will not create or appreciably increase traffic danger and congestion, with the street improvements recommended.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: Staff finds that in evaluating this proposal, the population density would undoubtedly increase from that which currently exists. Staff finds, however, that the load created on public services is not an undesirable or detrimental impact, with the improvements as recommended by staff for this project.

Engineering: Public water and sewer have been constructed throughout the property with the previously approved Aspen Ridge project.

The site has access to Hill, 11th, and 6th Street. Improvements that were required with the previously approved Aspen Ridge project are mostly complete. Hill has been widened and improved with curb and gutter and storm drainage. Drainage and pavement improvements have also been made on 11th.

Standard improvements and requirements for drainage will be required for the development. This property is affected by the 100-year floodplain.

Police: It is the opinion of the Fayetteville Police Department that this rezoning will possibly alter population density and create an undesirable increase on police services.

Fire: The subject property is 1 mile from the Engine 1 and Ladder 1 located at 303 West Center with an anticipated response time of 3 minutes. No adverse impacts on call volume or response time are anticipated.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A



PC Meeting of April 14, 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: April 8, 2008

ITEM #:R-PZD 08-2915: Planned Zoning District (Hill Place)

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
Y		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 <i>Side and rear property lines (5' landscaped)</i> <i>Shade trees as described in street tree planting standards,</i> <i>Parking lot adjacent to R.O.W.- continuous planting of shrubs-at least 8 per tree- and ground cover -50% evergreen)</i>
		Overlay District Requirements
NA		Greenspace adjacent to street R.O.W. (25' wide)
NA		Large street trees planted every 30' L.F. along R.O.W.
NA		25% of total site area left in greenspace (80% landscape)
NA		Parking lots and outdoor storage screened with landscaping
		Street Tree Planting Standards <i>(time of F.P. or permit)</i>
Y		Residential Subdivisions- 1 large species shade tree/ lot tree planted within R.O.W. if possible
NA		Nonresidential Subdivision- 1 large species shade tree/30 L.F. tree planted within 15-25' greenspace
NA		Urban Tree Wells-urban streetscape only-8 foot sidewalk
NA		Structural Soil-if urban wells are used, a note or detail of structural soil must be indicated on the landscape plan
NA		Timing of planting indicated on plans (subdivisions only)
NA		Written description of the method for tracking plantings
		Stormwater Facilities <i>(time of F.P. or permit)</i>
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. All parking lots shall be screened with a dense evergreen planting where adjacent to residential uses.**
- 2. 15' of greenspace is required between parking lots and the right-of-way. Show the right-of-way and 15' greenspace buffer lines on the plan.**
- 3. Before construction document approval, the landscape plan must be stamped by a Landscape Architect licensed within the state of Arkansas.**



PC Meeting of April 14, 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: April 8, 2008

ITEM #: R-PZD 08-2915: Residential PZD (Hill Place, formerly Aspen Ridge)

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	25.11
square feet	1,093,792
Existing Tree Canopy	
acres	14.04
square feet	611,582
percent of total site area	55.9%
Existing Tree Canopy Preserved	
acres	3.73
square feet	162,479
percent of total site area	14.9%
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.

- **The desirability of preserving the trees located along Town Branch Creek is very high due to their location, size, and species. Many of these trees are in the best health of those on the property, which contains many significant trees that have been abused and are in poor condition.**

The extent to which the area would be subject to environmental degradation due to removal of the tree or group of trees.

- **Several of the trees that were originally on this property were removed during the construction of the Aspen Ridge development. Since the construction from that development has ceased, other trees that were previously shown to be preserved have died. Significant environmental degradation would occur if the trees along the creek were removed, for they retain the slope and hold the bank from eroding completely along this stretch of the creek. The root systems help retain the soil, and canopy coverage helps to reduce the temperature of the stream run-off from adjacent impervious surfaces.**

The impact of the reduction in tree cover on adjacent properties, the surrounding neighborhood and the property on which the tree or group of trees is located.

- **The greatest impact in tree cover reduction would be to the properties to the east. However, existing canopy continues onto these properties, as well, so a significant reduction may not be realized. Additionally, as part of the mitigation efforts, screening and buffering will be required to protect the surrounding single family homes.**

Whether alternative construction methods have been proposed to reduce the impact of development on existing trees.

- **N/A**

Whether the size or shape of the lot reduces the flexibility of the design.

- **The shape and size of the overall property does much to inhibit the design flexibility. There is little frontage onto public streets, a creek corridor with associated wetlands divides the property, an old railroad bed dictates much of the grading that has to occur in order to utilize it for the proposed trail corridor, and an existing railroad limits access to the west.**

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 trees on this site is poor. The site has been developed around, graded in years past, filled with debris and generally abused. Several tons of trash were removed in the past from**

this site, much of which was located underneath canopy on the east side of the creek. An arborist was retained to evaluate the condition of the trees on-site and determined, based on his criteria, which were significant. In conjunction with the applicant, staff then evaluated the other trees and classified them based on size, location, type, and health, among other criteria in the City of Fayetteville ordinance.

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

- **Staff recommends that the trees located along Town Branch Creek 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. Utilities will not encroach upon the trees designated as preserved.**

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.

- **Much of the grading to construct roads and pads for the units for this development was dictated by the existing elevations of the railroad corridor to be used for the trail and the creek along with off-site elevations. Existing topography, therefore, has been utilized for design of the roads and utilities and routed, where possible, to avoid canopy.**

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

- **N/A**

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

- **Mitigation will be required on this site. On-site mitigation will increase the canopy on the subject property and is located appropriately in the Tree Preservation and Recreational Area where it will survive in perpetuity.**

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:

- **Wetland mitigation is enforced by the U.S. Army Corps of Engineers. The property is located south of U.S. Highway 62 (Sixth Street) and is subject to federal and state ROW requirements.**

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. The majority of the preserved canopy on this project was placed within a Tree Preservation Area per the previous easement plat. This area shall remain as a dedicated easement and shall be dedicated with the new easement plat using the Tree Preservation and Recreational Area signature block for the Urban Forester. The Tree Preservation and Recreational Area may need to be revised on the new easement plat for this project since the pedestrian bridge has been changed to a vehicular bridge. Additionally, the canopy measurements may need to be revised accordingly.
2. It appears that a construction parking and storage area is shown in the 0.78-acre park land dedication area. Please revise the plans; parking and storage are not allowed on the park property during construction.
3. The applicant shall mitigate for the removal of 110,970 SF of tree canopy with on-site mitigation to consist of a minimum of (384) 2-inch caliper trees. The final amount of mitigation will depend on the disturbance of canopy located around the proposed vehicular bridge. Staff's final recommendation for tree mitigation will be subject to final calculations. Additionally, a tree mitigation form must be submitted and approved by the Urban Forester.
4. All mitigation trees must be planted prior to the issuance of a final certificate of occupancy. A 3-year bond, letter of credit, or check in the amount of \$96,000 shall be deposited with the City of Fayetteville before issuance of a certificate of occupancy. The actual amount of the bond shall be based on the final calculations.



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: Appian Center for Design

From: Matt Mihalevich, Trails Coordinator

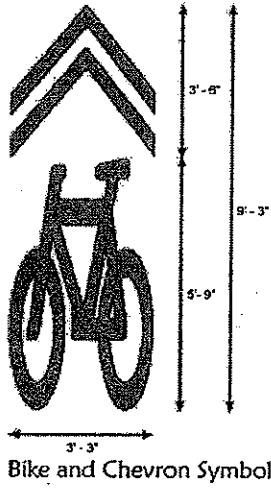
Date: April 1, 2008

Subject: Subdivision Committee Review Comments

ITEM #: R-PZD: 08-2915: Hill Place

TRAIL COMMENTS

1. Tsa-La-Gi trail is identified on the Fayetteville Alternative Transportation and Trail Master Plan through this project. As previously decided, this 12' wide asphalt trail will be constructed by the developer, to be reimbursed by a park land dedication credit. All expenses on the trail must be tracked separately to qualify for reimbursement.
2. Trail shall be constructed to meet City of Fayetteville and ADA guidelines including a 5% maximum longitudinal slope and 2% maximum cross slope. One location near the small retaining wall west of Hill Ave looks to have a longitudinal slope exceeding 5%.
3. Analyze the existing block wall at this location to insure it was constructed properly to construct the trail behind. Currently it doesn't look stable.
4. Please notify the Trails Coordinator prior to construction for periodic inspections.
5. Hill Ave is part of the Heritage Trail. Due to this designation, the improved street must include bicycle facilities. Include thermoplastic bike symbol chevrons and share the road signs spaced every 300 feet along the all improved sections of Hill Ave. See Below.





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: April 1, 2008
SUBJECT: Parks & Recreation Subdivision Committee Comments

Meeting Date: April 3, 2008
Item: R-PZD Hill Place, 561
Park District: SW
Zoned: RMF-24
Billing Name & Address: Broyles Development 4921 Clear Creek Blvd. Fayetteville, AR 72704

	<u>Land Dedication Requirement</u>	<u>Money in Lieu</u>
Single Family	@ .024 acre per unit = _____ acres	@ \$555 per unit = \$ _____
Multi Family	@ .017 acre per unit = _____ acres	@ \$393 per unit = \$ _____
Mobile Home	@ .024 acre per unit = _____ acres	@ \$555 per unit = \$ _____
Lot Split		@ \$555 per unit = \$ _____

COMMENTS:

- PRAB reviewed this development at the December 2007 PRAB meeting and recommending accepting approximately 0.8 additional acres, pay remaining fees in lieu. Dedicated land must be free from debris and stockpiles and graded to match adjacent park land.
- The park and trail land must be split out to create a separate lot.
- Additionally the developer is subject to the previous requirements as approved on November 8th, 2006.

Dedicate approximately 0.36 acres of land for the trail and construct 856 lf of 12' trail. All trail layout, design and construction shall be approved by park staff. Trail shall be constructed per City standard construction details for an asphalt trail. Approximately 500 lf of the trail will serve

as the sidewalk; therefore, costs for land and construction for this portion will not be counted towards the park land dedication requirement.

In addition, approximately 0.86 acres located on the southern edge of the development will be dedicated.

Resolution 190-04 regarding the park land dedication requirements for the project was passed and approved December 7th, 2004.

The trail corridor (0.3532 acres) and park land (0.8581 acres) deeds have been received. A payment of \$23,704.06 for remaining fees in lieu has been received.

The current proposal includes 288 multi-family units. This is a change from 220 single family units.

288 MF units = 4.9 acres
4.9 - 1.32 acres (credit for 55 existing SF homes) = 3.58 acres
3.58 acres - 1.21 (acres previously dedicated) = 2.37 acres
4.9 acres - 2.37 = 2.53 acres owed
2.53 - 0.8 additional acres = 1.73 acres owed
1.73 acres x \$40,000/acre = \$69,200 owed
\$69,200 - \$23,704.26 previously paid = \$45,495.74
\$45,495.74 - \$54,163.49 (trail construction costs) = -\$8,667.75
-\$8,667.75 + \$1,338 (land for sidewalk area) + \$12,936 (sidewalk construction costs) = \$5,606.25 owed

**The trail construction costs are based on approximately 500 l.f. of 7' trail and 356 lf of 12' trail. Typical sidewalk construction costs are included for the 500 lf of trail that functions as a sidewalk.

Actual amount for construction credit will be calculated when the final alignment has been determined.

From: Brian Pugh
To: Fulcher, Jesse; Garner, Andrew; Sanders, Dara
Date: 3/31/08 2:27PM
Subject: Subdivision committee 4-3-08

LSD 08-2903 (Shoppes at Wedington) Please contact Solid Waste about enclosure location. Curb in front of enclosure will not allow for straight collection on southern most dumpster. Cannot sign off on current design.

LSD 08-2933 (Springwoods Behavioral Health) Please contact Solid Waste about enclosure size. Old plans had correct size of 30' x 12'. New plans show 15' x 20'. Cannot service this size and cannot sign off if this size remains.

LSD 08-2854 (Emeritus Assisted Living) Please show enclosure with 15' clear opening on architectural plans.

R-PZD (Hill Place) Dumpster enclosure must be 15' x 12'. Locations previously approved. Spoke with Austin Rowser about possibility of adding city recycling drop off to plans.

R-PZD (Villas at Stonebridge) Please contact Solid Waste to discuss trash collection. Single family to receive residential carts. Townhomes and multifamily must be collected with commercial dumpster service along with commercial businesses. No dumpster enclosures identified on plans. Cannot sign off until enclosures identified.

Brian Pugh
Waste Reduction Coordinator
Fayetteville Solid Waste and Recycling
479-718-7685
479-444-3478 Fax

479-110-2000

Date 2/15/08

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 **R-PZD 08-2915: (Hill Place)** Submitted by **Appian Center for Design** for **property located at the SW corner of 6th Street and Hill Avenue intersection** 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 27.10 acres.**

It is the opinion of the Fayetteville Police Department that this **R-PZD will possibly** substantially alter the population density, and create an appreciable or undesirable increase in the load on police services at its completion. This **R-PZD will possibly** create an appreciable increase in traffic danger and congestion on already overloaded 6th Street.

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: April 8, 2008
Re: February 20, 2008 Zoning Review

R-PZD 08-2915: Planned Zoning District (HILL PLACE, 561): Submitted by APPIAN CENTER FOR DESIGN for property located at THE SW CORNER OF THE 6TH STREET AND HILL AVENUE INTERSECTION. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT (Aspen Ridge) and contains approximately 27.10 acres. The request is to review a Master Development Plan for a Residential Planned Zoning District with 288 multi-family dwelling units, community building and associated parking.

This property will be covered by Engine 1 and Ladder 1 located at 303 W Center.

It is 1 mile from the station with an anticipated response time of 3 minutes.

The Fire Department anticipates 53(34 EMS- 19 Fire/other) calls for service once the 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.

RZN 08-2913: (JB Hanna, LLC, 715/676): Submitted by MCCLELLAND CONSULTING ENGINEERS for property located at I-540 AND FULBRIGHT. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 14.27 acres. The request is to rezone the subject property to C-2.

This property will be covered by Engine 6 located at 900 S Hollywood.

It is 1.5 miles from the station with an anticipated response time of 4 minutes.

We do not figure calls for service on Commercial developments, although this type of development typically does not affect our calls for service.

If you have any questions concerning these comments please don't hesitate to call me



Captain, Fayetteville Fire Department



April 7, 2008

Andrew Garner, Senior Planner
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

RE: Hill Place (R-PZD 08-2915)

Dear Mr. Garner:

We are submitting this addendum to our waiver request letter dated March 6, 2008 to provide further documentation regarding item no. 1 from said waiver request. We have analyzed the site with Royal Oak Parkway being a public right-of-way from its intersection with Wynstone Drive to its intersection with 11th Street. By making this portion of Royal Oak Parkway a public right-of-way, the head-in parking that is currently proposed must be replaced with parallel parking (as shown on the attached Exhibit A). Under the currently proposed PZD regulations, we have 828 parking spaces, which is less than 1 space per bedroom (there are 840 total bedrooms); however, Place Properties averages 95% occupancy for their holdings nationwide. Using 95% occupancy, the Hill Place development will require 798 parking spaces for the residential units and 26 parking spaces for the community building for a total of 824 spaces. The current site plan will be sufficient to meet this need. However, by converting portions of Royal Oak Parkway to a public right-of-way, 40 parking spaces will be lost, for a total of 788 parking spaces. This is well below the number of parking spaces needed for this development. We respectfully request that you consider this information when considering our request for a waiver from UDC Section 166.06(K)(10)(b). Thank you for your time in considering this matter. I look forward to hearing from you. If you have any comments or questions, please do not hesitate to contact me.

Best regards,

Austin E. Rowser, P.E.
Appian Centre for Design, Inc.
Design Team Leader
217 East Dickson Street, Suite 104
Fayetteville, AR 72701



PLANNING
URBAN DESIGN
LANDSCAPE ARCHITECTURE
CIVIL ENGINEERING

APPIAN CENTRE FOR DESIGN

March 6, 2008

Andrew Garner, Senior Planner
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

RE: Hill Place (R-PZD 08-2915)

Dear Mr. Garner:

Appian Centre for Design is writing to request waivers granting permission to:

1. Construct Private Streets internal to the Hill Place Development, but connecting 11th Street to Royal Oak Parkway
2. Grade on the property within 5' of a property line
3. Place a trash enclosure in a utility easement
4. Place buildings up to 15' from the 100-year water surface elevation of a detention/ retention pond provided that the buildings are at least 2' above the 100-year water surface elevation

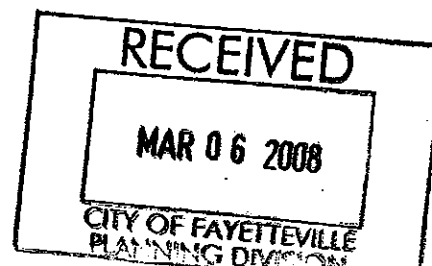
Please consider the following as grounds for granting the waivers:

1. UDC Section 166.06(K)(10)(b) requires that public streets be connected by a public street; we are proposing a connection between Royal Oak Parkway and 11th Street with a private drive. We believe that a private connection is justified because traffic from 11th Street will flow to Hill Avenue to use the traffic signal to access Sixth Street rather than flow into the development for access to Sixth Street.
2. Since this project is a retrofit of the partially constructed Aspen Ridge Townhomes project, there are a few locations where minor grading is needed to within 1' of the Hill Place property line. The needed grading will not impact adjacent properties and will not be steeper than a 3:1 slope.
3. We have one location in the southern portion of the property that has a need for a trash enclosure, and there is no way to avoid placing the enclosure within an easement. We are willing to agree to replace the trash enclosure at the cost of the developer in the event the utility mains within the easement need to be accessed.
4. Since this project is a retrofit of the partially constructed Aspen Ridge Townhomes project, there are a few buildings that will need to be placed as close as 15' to the 100-year water surface elevation of the existing retention/detention ponds. All buildings will be constructed at least 2' above the 100-year water surface elevation.

Thank you for your time in considering this matter. I look forward to hearing from you. If you have any comments or questions, please do not hesitate to contact me.

Best regards,

Austin E. Rowser, P.E.
Appian Centre for Design, Inc.
Design Team Leader
217 East Dickson Street, Suite 104
Fayetteville, AR 72701



Meeting Minutes

April 3, 2008 Subdivision Committee

*Subdivision Committee**April 3, 2008**Page 11 of 16*

R-PZD 08-2915: (HILL PLACE, 561): Submitted by APPIAN CENTER FOR DESIGN for property located at THE SW CORNER OF THE 6TH STREET AND HILL AVENUE INTERSECTION. The property is zoned R-PZD, RESIDENT. PLANNED ZONING DISTRICT (ASPEN RIDGE) and contains approximately 27.10 acres. The request is for zoning, land use, and large scale development approval for a Residential Planned Zoning District with 288 multi-family dwelling units, a community building and associated parking.

Andrew Garner, Senior Planner, gave the staff report, giving the history of the site and the project previously approved and partially constructed, Aspen Ridge. Prior to Aspen Ridge, the project was zoned for multi-family use, at 24 units per acre. Aspen Ridge was a PZD that allowed 220 units on the property, a density of 8 units per acre. This project proposes 288 units in a different configuration, but utilizing much of the already installed infrastructure, at 10.6 units per acre. Garner added a condition from the Fire Dept. for approval of a FDP connection prior to building permit. Staff recommend forwarding the item to the Planning Commission with a recommendation of approval with conditions as listed in the staff report.

Carole Jones, Urban Forester, described the tree preservation area on the site, and mitigation for removed trees required on site. The developers are preserving trees as before, but may need to amend the Tree Preservation Area for the new bridge.

Todd Jacobs, applicant, described the history of the project. He stated that Place Properties will be the ultimate owner and manager of the properties. Each building will have an individual manager to be the eyes and ears for the area. Jacobs described the bridge, which is intended to draw traffic up to 6th Street and out of neighborhoods to the south. The density is currently at 13-14 dwelling units per acre. They are trying to address issues as they come up, and will continue to do so.

Austin Rowser, applicant, described the Low-Impact Development techniques that will be employed on the property. He stated he concurs with staff on the site improvements. Rowser discussed drainage problems in the area and how they will improve the situation. They are hoping to capture urban pollutants before they get into the streams. In terms of the Tree Preservation Area, they are not 100% sure of where the abutments for the bridge will be right now, and they will have to see as we get further in to address Tree Preservation Plan comments.

Don Hoodenpyle, neighbor, described the sewer line that went in under the bridge, and the concrete that was dumped out into the creek. His place has flooded with 1½" of rain. He discussed flooding and problems with the previous development. He has tried to work with everyone; he is not against the project, but would like to have his property straightened out. They need to have around-the-clock property management available to student renters.

Commissioner Lack stated that there was not a lot that the Planning Commission can do to take corrective action on previous issues, so they applaud the efforts of this development to make corrective measures.

Robert Williams, neighbor, S. Hill Ave., discussed drainage, flooding concerns, and environmental

concerns. Retaining walls are failing all over the site. Historically the neighborhood has always been single-family, but it is now going to have approximately 1000 college students in and out every year.

Cynthia Hadden, citizen, stated she was speaking on behalf of her parents who live on Hill Avenue. She stated she has been to two neighborhood meetings on this project. She knows that the developers are making a good effort to remedy the impacts of the abandoned development. At the meetings, they promised there would be supervision such as that done at UA dorms, management, good efforts at mitigating water issues. In order to make it happen, it needs to be written into the PZD. What guarantees are there that this level of quality management will continue? What about security, trash management, bus stops, environmental protection, tree plantings, etc.? Her problem is the basic concept of bringing in this type of development to a traditionally single-family neighborhood. As years go by, the quality goes down, and this is the main concern. Property values will change for those around this area, and will pressure other areas to sell for multi-family development. Quality of life issues exist. Student apartments are different than owner occupied condominiums, thereby adding continuity to the area. Students are very transient, and a very different demographic. More noise, traffic, crime, etc. They deserve something more like Ruskin Heights, if those are the standards the City has set. Hadden discussed other concerns. All multi-family developments should be doing this low impact development. She stated her argument is with the basic premise and concept of the development here. She described other properties in the area in transition, how it fits into surrounding environment. She would like to see this area looked at like the Walker Park neighborhood was. There are a lot of other uses in the area. Her last concern is with opening Brooks Avenue – she is very much for encouraging that opening; the more points of access available, the better the traffic will be distributed. Brooks Ave would be even better if it went all the way to 15th Street, but it has been vacated. At least get a bike lane out there.

Aubrey Shepherd, citizen, stated he still does not understand the private streets in the development. The only thing he doesn't agree with from the previous speaker is that no street should be connected to Brooks Ave & 12th Ave. He would prefer a trail. Shepherd discussed drainage concerns, and how the outlets become clogged. He hopes native plant species will be used, and would like to discourage the use of herbicides and pesticides. He stated he appreciates all the good planning going on.

Commissioner Lack asked about the retaining walls failing.

Matt Casey, City Engineer, stated that many of the walls will be removed and reconstructed. All improvements will be evaluated and inspected.

Jeremy Pate, Director of Current Planning, discussed to what extent the City can meet the discussed requirements. The City does not exist to enforce operational responsibility of individual projects, that is not really something for which the City can assume responsibility. The City can require commitments within the PZD for items related to City codes, such as low impact development techniques, detention, retaining wall design, street standards, etc. He also discussed how 15th Street could be connected to in the future by Brooks Avenue. Though some right-of-way has been vacated,

Subdivision Committee

April 3, 2008

Page 13 of 16

it is not out of the realm of possibility.

Lack asked about the public street vs. private street question.

Jacobs discussed the exhibits they will be providing for a public street, which removes a lot of parking.

Commissioner Lack discussed how he wouldn't want to jeopardize the bridge provided, but would be interested to see their options, to understand the ramifications. He does understand, though, why staff would not put forth a recommendation at this time.

Pate stated that staff is recommending approval of the project based on the described plans and the commitments provided.

Motion:

Commissioner Bryant made a motion to forward the request to the Planning Commission in favor of the condition #1 as recommended by staff, holding a recommendation on #2 for more detail, and in support of #3, #4, and all others. **Commissioner Cabe** seconded the motion. **Upon roll call the motion passed with a vote of 3-0-0.**

April 14, 2006

Dear Fayetteville Planners

I regret that I am not able to be there in person today due to the current version of the flu. The following are my thoughts on this project.

- 1. When massive amounts of red dirt are brought in to fill in an area of the 100 year flood plain in order to raise it above flood plain level, as was the case here, the water that once flowed through that area is then forced to go somewhere else. Oftentimes homes along the creek that have not flooded before are faced with higher water levels to contend with and then begin to flood due to the manmade changes upstream.**
- 2. Once the pavement and the buildings are in, there is less exposed soil to soak up rains. This will further compound the possibility of downstream flooding.**
- 3. A development is planned for the top of the mountain by Mr. Broyles. Once pavement and buildings are in, this could further complicate the problem.**
- 4. There is one house on 15th Street that is frequently flooded. I fear future flooding caused by this is project would probably include houses on the southern end of Hill Ave., parts of Ellis Ave., and additional houses on 15th St.**
- 5. The earth friendly plan that was presented by the man from Utah sounded very good in most ways. I think the concept was good. However, from my past experience**

watching the water rise within 50 ft. of the house I own and was raised in as a child at 915 S. Hill, this plan will in no way be adequate to handle the water I have seen go through there at times. My house is on the west side of Hill Street and backs up on this development. Also, I cannot help but wonder if they have mosquitoes and snakes in Utah because it appears this plan would be a perfect breeding ground for both. Our area has been trying to avoid areas of standing water where mosquitoes breed in order to prevent West Nile Virus.

6. It is not likely that my house will flood though I am certain the yard will. However, many of the people in the affected area were once my neighbors. Some are elderly and cannot be here. Some are too timid to take part in a meeting of this sort. Others don't keep up with current news and some are uneducated. But, all deserve to have their interest represented, and I will be right here looking out for them as well as myself.
7. I asked recently at one of the meetings who would be financially responsible for the houses that flooded downstream due to this project. I got stares from the speaker but no answer.

Since everyone involved in the project is either incorporated or an LLC, I am sure they plan to accept no responsibility because liability protection is one of the main reasons these entities are formed.

If the project is approved, that leaves only the City of Fayetteville left for victims to attempt to recover their losses by using the argument that the City was at blame for approving a plan that was faulty. If the City

approves a plan for part of the area close to the creek to be vacated and left to the City, depending on the area and circumstances, this might compound the City's problems even more. I hope the City will think very strongly about this.

- 8. There is a problem with some of the retaining walls that were built with landscape stone. They need to all be rechecked. Some may need to be replaced with more sturdy material. If they are not holding well now, they won't last over the long haul.**

With proper corrections, this might be a doable project.

Sincerely,

Vicki M. Norvell,

**Owner: 915 S. Hill Ave.
Fayetteville, Ar. 72701**

**Residence: 10831 Spring Mountain Dr.
Farmington, Ar. 72730**

Phone: 267-5580

**ADJOINING PROPERTY OWNERS NOTIFICATION
OF UPCOMING PUBLIC HEARING
FOR THE SUMMIT COMMUNITY**

March 19, 2008

APPLICANT/REPRESENTATIVE CONTACT INFO:

Appian Centre for Design
217 E. Dickson St., Suite 104
Fayetteville, AR 72701
Contact: James Gibson
Office 479-442-1444
Fax 479-442-1450

Broyles Development
4921 Clear Creek Blvd.
Fayetteville, AR 72701
Contact: Hank Broyles
Office 479-442-5756

Subdivision Meeting:

Thursday, 04-03-2008 9:00 am
Fayetteville City Administration Building
113 W. Mountain Street, Room 219

Planning Commission Meeting:

Monday, 04-14-2008 5:30 pm
Fayetteville City Administration Building
113 W. Mountain Street, Room 219

PROJECT DESCRIPTION:

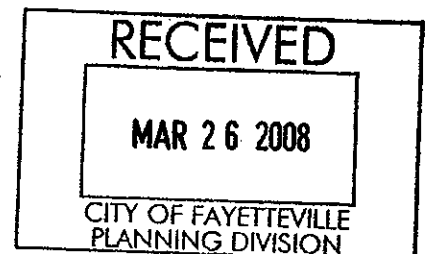
The Hill Place Project is a proposed residential development located on approximately 26.33 acres located 6th Street and Hill Ave. The current conceptual plan calls for a total of 16 apartment buildings with a total of 288 units as well as a community building and two pools connected by a series of roads and parking areas designed to the City of Fayetteville engineering standards. The site will also be drained per the city of Fayetteville drainage manual.

The site is located south of 6th Street (Arkansas Hwy 180). It is bordered by Hill Avenue to the east, 11th Ave. to the south and the Arkansas Missouri Railroad to the west. Access to the site is from 6th St., Hill Ave and 11th St. A new road will also be built connecting the site to 12th Ave. The new Tsa La Gi trail will cross the site from east to west.

ADJOINING PROPERTY OWNERS COMMENTS
Return Comments concerning The Hill Place PZD back to
City of Fayetteville Planning Division
125 W. Mountain Street
Fayetteville, AR 72701

- ☒ I have been notified of the above meetings for the described project.
- ☒ I do not object to the project described above.
- ☐ I do object to the project described above because:

RAYMOND F. VAUGHN
Name of Property Owner (Printed)
Leon Harmon For Raymond F. Vaughn
Signature of Property Owner *RFV*



**ADJOINING PROPERTY OWNERS NOTIFICATION
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ADJOINING PROPERTY OWNERS COMMENTS

Return Comments concerning ~~The Hill Place PZD~~ back to
City of Fayetteville Planning Division
125 W. Mountain Street
Fayetteville, AR 72701

* ☒

I have been notified of the above meetings for the described project.

☐ I do not object to the project described above.

☐ I do object to the project described above because:

James & Diane Strayhorn

Name of Property Owner (Printed)

James & Diane Strayhorn

Signature of Property Owner

* We no longer own this property. We sold it to Robert Williams & Phyllis Williams who live next door to this property. Thanks,
Strayhorns

**ADJOINING PROPERTY OWNERS NOTIFICATION
OF UPCOMING PUBLIC HEARING
FOR THE SUMMIT COMMUNITY**

March 19, 2008

APPLICANT/REPRESENTATIVE CONTACT INFO:

Appian Centre for Design
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The site is located south of 6th Street (Arkansas Hwy 180). It is bordered by Hill Avenue to the east, 11th Ave. to the south and the Arkansas Missouri Railroad to the west. Access to the site is from 6th St., Hill Ave and 11th St. A new road will also be built connecting the site to 12th Ave. The new Tsa La Gi trail will cross the site from east to west.

ADJOINING PROPERTY OWNERS COMMENTS
Return Comments concerning The Hill Place PZD back to
City of Fayetteville Planning Division
125 W. Mountain Street
Fayetteville, AR 72701

I have been notified of the above meetings for the described project.

☒ I do not object to the project described above.

I do object to the project described above because:

Norman Karen Beaton
Name of Property Owner (Printed)
Norman Beaton
Signature of Property Owner

RECEIVED

APR 02 2008

**ENGINEERING DIV.
PLANNING**

BALL & MOURTON, LTD., PLLC

E.J. BALL (1917-2004)
KENNETH R. MOURTON
SHANNON L. POORE

A Professional Limited Liability Company
Attorneys at Law
Est. 1950

All Attorneys Licensed in Arkansas

Post Office Box 1948
E.J. Ball Plaza
112 West Center Street, Suite 700
Fayetteville, Arkansas 72702
Telephone: (479) 442-6213
Facsimile: (479) 442-6233
www.ballandmourton.com

March 25, 2008

City of Fayetteville Planning Division
125 W. Mountain Street
Fayetteville, AR 72701

RE: The Hill Place Project

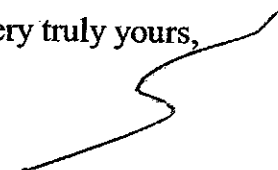
Dear Sir or Madam:

Enclosed please find the signed Adjoining Property Owners Notification which contains my comments as an adjoining property owner of the above-captioned proposed project.

If you should have any questions, please do not hesitate to call me.

With highest personal regards.

Very truly yours,


Kenneth R. Mourton

KRM:kj

Enclosure

**ADJOINING PROPERTY OWNERS NOTIFICATION
OF UPCOMING PUBLIC HEARING
FOR THE SUMMIT COMMUNITY**

March 19, 2008

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The site is located south of 6th Street (Arkansas Hwy 180). It is bordered by Hill Avenue to the east, 11th Ave. to the south and the Arkansas Missouri Railroad to the west. Access to the site is from 6th St., Hill Ave and 11th St. A new road will also be built connecting the site to 12th Ave. The new Tsa La Gi trail will cross the site from east to west.

ADJOINING PROPERTY OWNERS COMMENTS

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☒ I have been notified of the above meetings for the described project.

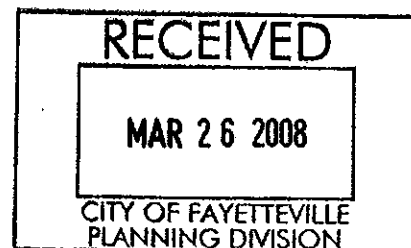
☒ I do not object to the project described above. - As long as it does not effect the

☐ I do object to the project described above because: zoning for warehouses. Coors of Western Arkansas is a warehouse located at 750 South Hill.

Coors of Western Arkansas

Name of Property Owner (Printed)

- Kenneth R. Moulton
Signature of Property Owner President



turn over every year. We have also been told that it will not increase ^{the} ~~the~~ noise or the traffic. The proposed projects water engineer is under the impression that by the ponds being on springs, that is a good thing as it will provide irrigation during the summer." While that may hold true in Utah, where he obtained his degree, in Arkansas that statement does not hold water, or that dog won't hunt, whichever way you ~~like~~ prefer.

When you add the square footage of the proposed buildings, parking roofs, sidewalks, pavement and other covered areas, this creek will flood.

We do not need to compound the mistakes of the failed development with this proposed development. At the last meeting I hope someone from the City was paying attention when they said, "they wanted to deed the proposed greenways to the City." Because that will leave the City (ie taxpayers) liable for the flooding downstream that will surely happen.

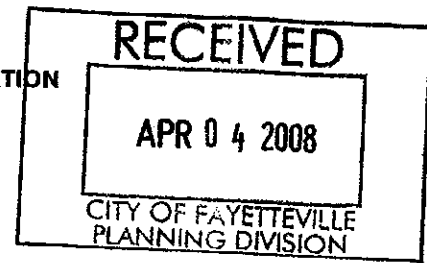
I would like to close by asking where else can you obtain 26 acres in the City?

Sincerely,

Robert C. Williams

P.S. Due to the large amount of clay fill brought in behind my property, my backyard no longer drains properly. As it used to run to the creek, now it hits the fill and fights to get off. I would like french drains placed at the end of my property so it will properly drain again. Thank you

**ADJOINING PROPERTY OWNERS NOTIFICATION
OF UPCOMING PUBLIC HEARING
FOR THE SUMMIT COMMUNITY**



March 19, 2008

APPLICANT/REPRESENTATIVE CONTACT INFO:

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Monday, 04-14-2008 5:30 pm
Fayetteville City Administration Building
113 W. Mountain Street, Room 219

PROJECT DESCRIPTION:

The Hill Place Project is a proposed residential development located on approximately 26.33 acres located 6th Street and Hill Ave. The current conceptual plan calls for a total of 16 apartment buildings with a total of 288 units as well as a community building and two pools connected by a series of roads and parking areas designed to the City of Fayetteville engineering standards. The site will also be drained per the city of Fayetteville drainage manual.

The site is located south of 6th Street (Arkansas Hwy 180). It is bordered by Hill Avenue to the east, 11th Ave. to the south and the Arkansas Missouri Railroad to the west. Access to the site is from 6th St., Hill Ave and 11th St. A new road will also be built connecting the site to 12th Ave. The new Tsa La Gi trail will cross the site from east to west.

ADJOINING PROPERTY OWNERS COMMENTS

Return Comments concerning The Hill Place PZD back to
City of Fayetteville Planning Division
125 W. Mountain Street
Fayetteville, AR 72701

_____ I have been notified of the above meetings for the described project.

_____ I do not object to the project described above.

X I do object to the project described above because: the project has not properly addressed many of my concerns. Mainly concerning the run off of rain from Razor

Robert C. Williams
Name of Property Owner (Printed)
Robert C. Williams
Signature of Property Owner

Heights, know that it has been here. earthed. The Railroad Lines are in jeopardy. Three of the four "in-out" holding ponds are on springs and will never work as designed. Originally we were told that we would have a set number of new neighbors, that would own their property. Since this has always been single family residences, that would have been fine. Now we are told with this project that we will have thousands of college students, that will

A handwritten signature, possibly "Jag", followed by a large arrow pointing to the right.

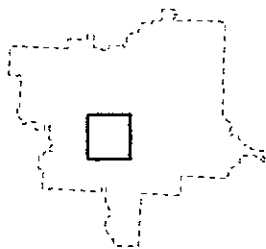
RPZD08-2915

One Mile View

HILL PLACE



Overview



Legend

Subject Property
RPZD08-2915

Boundary

Planning Area
Overlay District
Outside City

Legend

Hillside-Hilltop Overlay District



RPZD08-2915

Close Up View

HILL PLACE



Overview



A horizontal scale bar with markings at 0, 125, 250, 500, 750, and 1,000 feet. The bar is divided into segments corresponding to these values.

RPZD08-2915

HILL PLACE

Future Land Use

SUBJECT PROPERTY

Legend

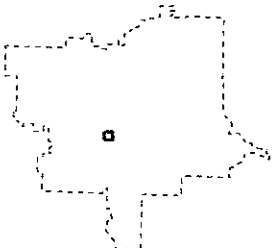
Building (2004)

Future Land Use 2025

CLASS

- Industrial
- Non-Municipal Government
- Complete Neighborhood
- Natural Area
- Rural Area
- Residential Neighborhood Area
- General Urban/City Neighborhood Area
- Urban Center Area
- Civic and Private Open Space/Parks
- Civic/Institutional
- Unclassified
- ROW

Overview



Legend

Subject Property

RPZD08-2915

Streets

Existing

Planned

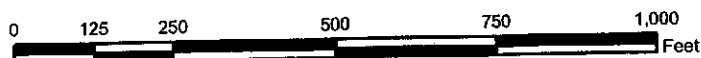
Boundary

Planning Area

Overlay District

Outside City

Legend





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.

April 1, 2008

City of Fayetteville – City Council
113 W. Mountain Street
Fayetteville, AR 72701

RECEIVED

APR 01 2008

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

RE: BRIDGEDALE PLAZA PZD APPEAL

Dear Council Members,

On behalf of our client, Clint McDonald, we would like to appeal the March 24, 2008 Planning Commission decision to deny C-PZD 08-2904. We are requesting that this item be put on the May 6, 2008 City Council Agenda.

This project is located at the southeast corner of Hwy. 16E and River Meadow Drive. The property is currently zoned R-A, Residential Agricultural and RSF-4, Single Family - 4 Units/Acre and contains approximately 15.95 acres. We are proposing dividing the property into 4 Planning Areas. *Planning Area 1* will be designated as single family and contain 27 single-family detached lots on 6.41 acres, a density of 4.2 dwelling units/acre. *Planning Area 2* will be designated as self storage, containing approximately 114,000 SF of self storage facility within 5.62 acres. *Planning Area 3* will be designated as residential office, contains 1.98 acres, and serves as a buffer and screen between Highway 16 and the proposed self-storage facility. *Planning Area 4* will be designated as neighborhood commercial, containing approximately 20,000 SF of neighborhood commercial uses (dry cleaner, restaurant, bank, etc.) within 2.01 acres.

This project was presented at the March 24, 2008 Planning Commission meeting and denied with a 5-4 vote. The Planning Commissioners present at this meeting found in favor of Planning Areas 1, 3, & 4. However, the Commissioners that voted against the project felt that Planning Area 2 did not fit well within a predominately residential area. Planning Commission felt that the storage facility did not contribute in form or use to this neighborhood. We respectfully disagree with this decision, as we feel that the self storage facility will benefit this area. There are approximately 1100 lots either proposed or ready to be built on in this area; therefore there will be a demand for storage facilities. We feel that the properties directly to the east of this project will develop as a commercial node and feel that the storage facility will provide an adequate buffer between residential and commercial uses. The general concern of how storage facilities usually look is not unfounded, as the majority of them are generally flat-roofed, one-story structures arranged in long, monotonous rows. Our proposal implements many features to both screen the facility and make the structure itself aesthetically appealing. We also worked with Springline Consulting Group to implement many Low-Impact Development (LID) strategies into this development. One example of an LID strategy utilized is rain barrels

left on the second reading 5/6/08

in the storage facility that will collect water from the rooftops, of the storage buildings, that will be stored in cisterns. These cisterns will then provide irrigation to the surrounding landscape buffer and residential units. If you would like more information on these strategies, we would be happy to provide you with a copy.

Please contact us if you have any questions or would like more information regarding this project.

Sincerely,


Jared S. Inman, E.I.



City Council Meeting of May 6, 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: April 10, 2008

Subject: Appeal for Bridgedale Plaza (C-PZD 08-2904)

RECOMMENDATION

Staff and the Planning Commission recommend denial of an ordinance creating a Commercial Planned Zoning District (C-PZD) for Bridgedale Plaza, finding that the self storage component of the project is an incompatible and inappropriate land use for the surrounding neighborhoods and does not meet the guiding policies of the City's adopted Future Land Use Plan.

BACKGROUND

The subject property contains approximately 15.95 acres located at the southeast corner of Highway 16 East and River Meadows Drive and is zoned R-A, Residential Agricultural and RSF-4, Residential Single Family, 4 units per acre. Surrounding properties are single family residential within the R-A, RSF-4, RSF-8, and RMF-24 zoning districts. The applicant proposes to rezone the property into four distinct planning areas:

Planning Area 1 is designated as single family residential and contains 27 single-family detached lots on 6.41 acres, a density of 4.2 dwelling units/acre, with 0.6 acres of open green space. This area serves as a residential buffer and transition between the adjacent single-family neighborhood to the west, Stonebridge Meadows Subdivision, and the proposed self storage facility to the east.

Planning Area 2 is designated as self storage, containing approximately 114,000 SF of self storage facility within 5.62 acres. In an effort to obtain approval of this traditionally light industrial/warehousing use classification in close proximity to residences, the applicant has proposed several Low Impact Development (LID) techniques to reduce the overall impact of the use. The applicant proposes permeable pavement for a majority of the facility's internal drive aisles, as well as cisterns and rain barrels throughout the planning area. The applicant proposes to berm and landscape a green belt, approximately 20 feet wide, around Planning Area 2, in addition to motion sensors for the exterior lighting to reduce energy consumption and light trespass.

Planning Area 3 is designated as residential office, contains 1.98 acres, and serves as a buffer and screen between Highway 16 and the proposed self-storage facility. The applicant proposes reduced setbacks along the proposed street, building orientation, and parking located behind the proposed office buildings in order to create a pedestrian and cyclist friendly streetscape. Approximately 20,000 SF of non-residential space and 24 dwelling units are proposed within this planning area.

City Council Meeting of May 6, 2008
Agenda Item Number

Planning Area 4, located at the corner of Highway 16 and River Meadows Drive, is designated as neighborhood commercial and contains 2.01 acres. The applicant proposes approximately 20,000 SF of neighborhood commercial uses (dry cleaner, restaurant, bank, etc.), with more pedestrian orientation to the interior street and reduced building setbacks of 20 feet along the proposed Street #4 are proposed to create the same streetscape intent for Planning Area 3. Typical neighborhood commercial uses that will support surrounding residents are planned for this area.

Since the proposal was initially submitted, the applicant has made several significant improvements to the proposal, in response to concerns expressed by staff, the Planning Commission, and area residents, including responding to neighborhood concerns regarding lot size and greenspace, creating more pedestrian friendly streetscapes within the development, enlarging buffer areas surrounding the self-storage units, and extending a public street to the east property line as a stub-out for future connectivity to Roberts Road.

DISCUSSION

This item was heard at the regular Planning Commission meeting on March 24, 2008. The Planning Commission voted 5-4-0 to deny this C-PZD request.

In general, staff found in favor of the development pattern that is proposed for PA-1 (single family), PA-3 (residential office) and PA-4 (neighborhood commercial). All of these uses contribute to the fabric of a traditional neighborhood in close proximity, providing places to live, work, and interact on a daily basis. The development pattern of the single family component is more in keeping with the goals and policies adopted by the City; the arrangement of buildings for the neighborhood commercial and office/loft living space provides an internal neighborhood streetscape that is more pedestrian friendly and appropriate for a neighborhood than the major thoroughfare of Hwy 16. Along Hwy 16, the proposal is to provide an attractive building elevation facing the street, and to provide landscape buffers that will enhance this particular major corridor for through travelers. Internally, pedestrian sidewalks and narrow streets provide a safer neighborhood environment, and landscape buffers and a half-acre park will provide greenspace and recreational opportunities.

With regard to PA-2 (self-storage), staff can not find in favor of this particular use within the neighborhood proposed. Self-storage facilities are not particularly attractive, as they are flat-roofed, one-story structures arranged in long, monotonous rows. Significant efforts to heavily screen this use and lessen the overall impact include: construction of a landscaped berm and "living fence" screen surrounding the use; provision of brick facades along the north and west elevations of the buildings; and the inclusion of low impact development (LID) techniques such as pervious paving to decrease stormwater runoff, cisterns to capture and recycle roof runoff; and bio-retention to collect rainwater and provide infiltration and enhance water quality. All of these efforts achieve a better, more environmentally friendly and well-screened self-storage facility. However, in staff's opinion, the rezoning of the site to permit this use does not contribute to the quality of the neighborhood, and thus does not fit well within a predominantly residential neighborhood. The City strives to promote and encourage a mixture of uses and good development within neighborhoods. The self-storage facility, though, does not contribute in form or use to this neighborhood, in staff's opinion. Rather, it breaks up the continuity and the complete, compact and connected environment that is desired, and does not enhance the surrounding community.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE ESTABLISHING A COMMERCIAL PLANNED ZONING DISTRICT TITLED C-PZD 08-2904 BRIDGEDALE PLAZA, LOCATED AT THE SOUTHEAST CORNER OF HIGHWAY 16 EAST AND RIVER MEADOWS DRIVE, CONTAINING APPROXIMATELY 15.95 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 08-2904 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: _____
DAN COODY, Mayor

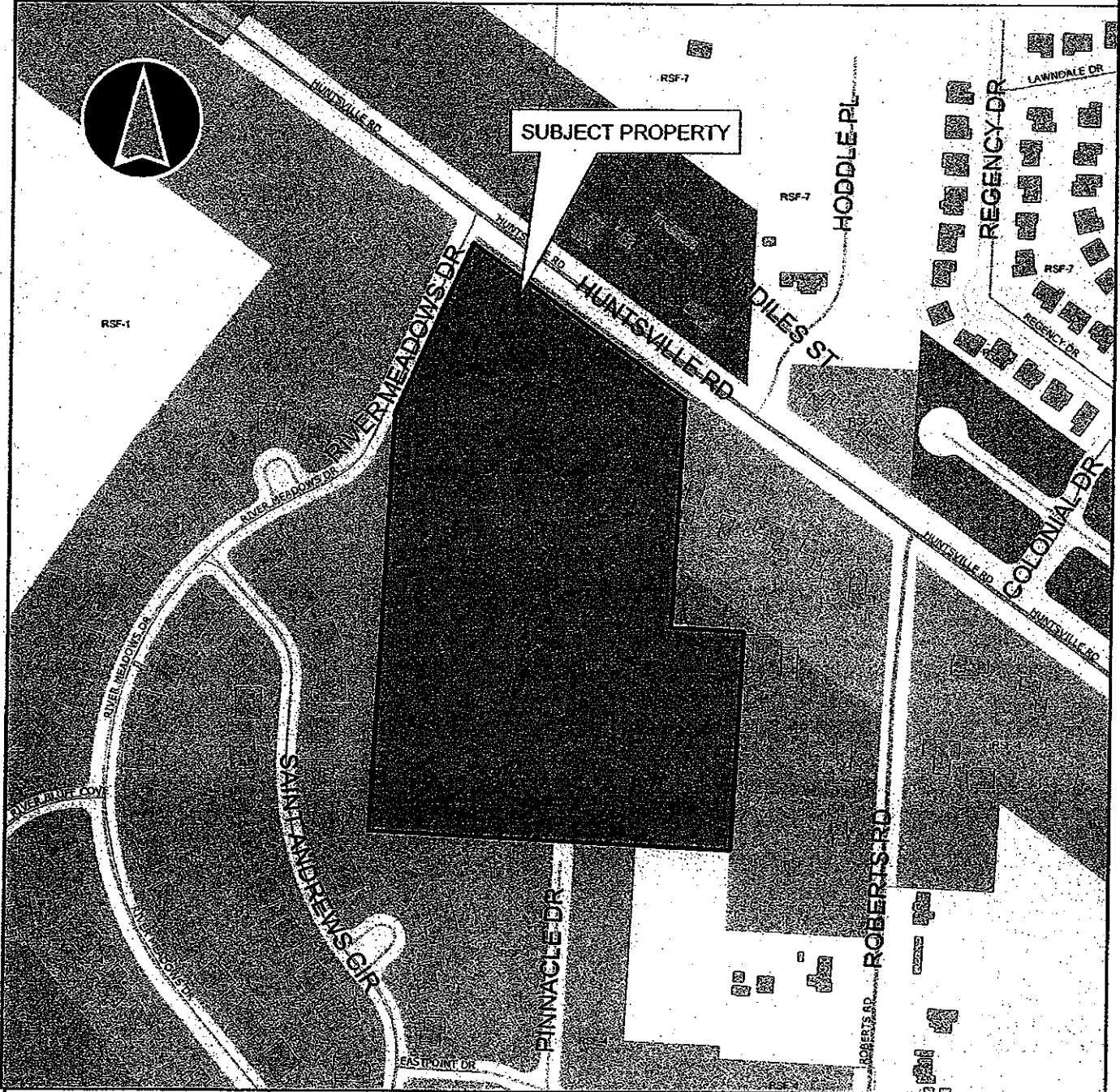
By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT "A"

IPZD08-2904

Close Up Map

BRIDGEDALE PLAZA



Overview



0 125 250 500 750 1,000 Feet

EXHIBIT "B"
C-PZD 08-2904

A PART OF THE W $\frac{1}{2}$ OF THE NW $\frac{1}{4}$ OF SECTION 19, T16N, R29W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF SAID SECTION 19 THENCE N02°46'52"E 3400.63 FEET TO THE P.O.B., THENCE N02°51'17"E 857.50 FEET, THENCE N24°33'07"E 381.72 FEET, THENCE S54°18'58"E 95.42 FEET, THENCE S53°59'33"E 444.17 FEET, THENCE S02°54'07"W 469.87 FEET, THENCE S86°54'34"E 150.65 FEET, THENCE S02°46'49"W 446.94 FEET, THENCE N87°12'11"W 513.27 FEET, THENCE N87°02'40"W 230.74 FEET TO THE P.O.B.; CONTAINING 15.95 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

CONDITIONS OF APPROVAL:

C-PZD 08-2904

Page 1 of 4

Conditions of Approval for C-PZD 08-2904 (Bridgedale Plaza)

Should the City Council determine the rezoning request is appropriate, compatible and meets the City's approval criteria for Planned Zoning Districts, the Future Land Use Plan, and the required findings for a rezoning request, staff recommends the approval contain the following conditions:

1. *Street improvements.* The Planning Commission will make final determinations of street improvements at the time of development. *All proposed streets shall be constructed according to City standards, including pavement, curb, gutter, storm drains, and a 5' sidewalk on both sides, where applicable. Offsite improvements will likely consist of:*
 - *River Meadows Drive to include a right-turn lane and a left-turn lane at Highway 16.*
 - *Highway 16 to include all standard improvements in accordance with the Master Street Plan, with the potential for a left turn lane.*
 - *Potential for construction of or contribution of payment for a traffic signal at River Meadows and Highway 16.*
2. *Planning Commission determination of adequate connectivity. Staff recommends in favor of the proposed connectivity finding that the proposed alignment will be beneficial to the neighborhood. A street stub-out and cross-access to the east in two points will provide needed east-west connections with future development.*
3. *Planning Commission determination of the allowance of the proposed self-storage/warehousing use within a C-PZD. As outlined in Ch. 161.29 (E)(3)(c) of the UDC, for commercial planned zoning districts, warehousing and light industrial uses shall not have a gross floor area exceeding 5,000 SF or 20% of the floor area used for retail sales within the PZD. The subject proposal well exceeds that requirement, at approximately 114,000 SF of proposed storage area. Staff assigned the commercial-PZD classification, as opposed to a residential or industrial classification, due to the rather "in-between" nature of self-storage, and its both commercial and industrial characteristics. As noted above, staff does not support the proposed PZD with the inclusion of this use and its associated development pattern; however, staff does support the applicant's proposal for consideration of the commercial PZD by the Planning Commission and City Council, as inherently the PZD permits a mixture of uses and a proposed development pattern from which the appointed and elected officials may make this policy decision. Should the Planning Commission determine the commercial PZD is not appropriate, and the industrial PZD more appropriate, this designation can be changed, and appropriate findings provided.*
4. *Signage.* Staff recommends signage typical for single family residential districts for Planning Area 1; typical Commercial district signage in Planning Areas 2 and 4; and typical Residential-Office district signage in Planning Area 3. No pole or pylon signs shall be permitted on the property.
5. *Phasing.* Staff is recommending the applicant be required to obtain subdivision approval within two years from City Council approval of the PZD. After final plat approval, the applicant shall obtain large scale development approval of PA-2 and PA-3 within two years

CONDITIONS OF APPROVAL:

C-PZD 08-2904

Page 2 of 4

- and of PA-4 within 3 years, with all building permits for each respective planning area required to be issued within one year of development approval. A one year extension shall be available for each time limit pursuant to Chapter 166.20 of the Unified Development Code. For each development approval, the standard maximum of three years for construction shall be permitted, in accordance with the Unified Development Code. All screening (berms, landscaping, living fence, etc.) for PA-2 (self-storage) shall be installed prior to occupancy.
6. Planning Area 1 shall receive preliminary plat and final plat approval prior to construction. Planning Areas 2, 3, and 4 shall receive large scale development review and approval prior to construction.
 7. *Outdoor Lighting.* All outdoor lighting shall comply with applicable regulations within the UDC. Due to the inherent lighting issues typically associated with storage facilities, all lighting within Planning Area 2 shall be mounted at a low height (12 feet or less) and shall be a full cut-off fixture, with no light trespass to adjacent properties. Lights within Planning Area 2 shall not be permitted to remain on past the hours of operation, and shall be motion-sensored for security, as offered by the applicant. A lighting plan shall be submitted and reviewed at the time of large scale development.
 8. *Storage Materials.* Storage within Planning Area 2 shall be limited to dead storage only. No flammable, hazardous chemicals or explosives may be stored on-site. No auctions or sales may be permitted on the premises. Servicing of equipment (automobiles, appliances, etc.) may not be permitted. Outdoor storage shall not be permitted (recreational vehicles, boats, trailers, automobiles, etc.)
 9. *Low Impact Development (LID).* The LID practices described within the project booklet shall be implemented as proposed including but not limited to: bio-retention, cisterns, permeable pavement and a "living fence." Permeable pavement may not be installed as solely a gravel lot; rather, it shall consist of an approved, engineered permeable paver system, to be reviewed at the time of large scale development.
 10. *Hours of Operation.* In order to reduce the potential detrimental impact of large truck and customer noise/activity traveling to and from and unloading/loading during quiet/night-time hours, staff recommends limiting the hours of operation of the self-storage facility (PA-2) to 6am to 10pm.
 11. *Building Elevations.* Due to the street frontage along the proposed public street along the south of PA-2, staff recommends the southern façade of all buildings adjacent to Street #2 be designed and constructed with a brick façade in a manner similar to those described for the north and west sides of the storage buildings.
 12. *Building Height.* Staff recommends the building height within PA-2 (self storage) be reduced from the 35 feet currently proposed, to achieve the lowest height possible.
 13. *Living Fence Screen.* To achieve the greatest amount of screening possible for the self-storage facility, the applicant proposes a "living fence" screen, consisting of native flowering

CONDITIONS OF APPROVAL:

C-PZD 08-2904

Page 3 of 4

vines growing on a chainlink fence. Staff finds in favor of the proposal, as long as:

- a) the vine type is approved by the Urban Forester as an appropriate evergreen screen species;
- b) the cost of the materials and installation of the living fence is guaranteed by letter of credit/bond prior to issuance of a building permit;
- c) all sides of the facility (north, south, east, and west) are screened

14. Prior to development submittal, the applicant shall submit the development plans to the Parks Recreation and Advisory Board for review and recommendations regarding parkland dedication.
15. Lot 28 of Planning Area 1 shall be designated as an unbuildable lot for open green space.
16. No portion of any structure (i.e. porches, overhangs, etc.) shall encroach into building setbacks or utility easements.
17. Buildings shall be constructed to be consistent with the elevations and concepts depicted in the building elevations in the booklet as specified. Building elevations will be reviewed at the time of preliminary plat, final plat, large scale development and building permit to ensure compliance with bulk, area, greenspace, and commercial design requirements.
18. 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.

Standard conditions of approval:

19. Impact fees for fire, police, water, and sewer shall be paid in accordance with City ordinance.
20. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
21. Trash enclosures shall be screened with access not visible from the street. **The trash enclosures shall be constructed with materials that are complimentary to and compatible with the proposed building. A detail of the proposed screening shall be submitted and approved by the Planning Division prior to issuance of the building permit.** Any additional dumpsters located on site shall be screened from the right-of-way.
22. All mechanical/utility equipment (roof and ground mounted) shall be screened using materials that are compatible with and incorporated into the structure. **A note shall be clearly placed on the plat and all construction documents indicating this requirement.**

CONDITIONS OF APPROVAL:

C-PZD 08-2904

Page 4 of 4

23. All freestanding and wall signs shall comply with ordinance specifications for location, size, type, number, etc. Any proposed signs shall be permitted by a separate sign permit application prior to installation.
24. All existing utilities below 12kv shall be relocated underground. All proposed utilities shall be located underground.



THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting March 24, 2008

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dara Sanders, Current Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: ~~March 13, 2008~~ Updated March 25, 2008

C-PZD 08-2904: Planned Zoning District (BRIDGEDALE PLAZA, 569): Submitted by DAVE JORGENSEN for property located at THE SE CORNER OF HWY 16E AND RIVER MEADOWS DRIVE. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 15.95 acres. The request is for land use and zoning approval for a C-PZD, Commercial Planned Zoning District, with 27 single family residential dwelling units, 114,000 SF of self storage, 20,000 SF of Residential Office, and 20,000 SF of Neighborhood Commercial. Planner: Dara Sanders

Findings:

Request: The request is rezoning and land use approval only for a Master Development Plan of a Commercial Planned Zoning District divided into 4 Planning Areas. If the PZD is approved as proposed the project would be required to go through preliminary and final plat approval prior to development.

Property Description: The subject property currently contains older single family residences and accessory structures and is located at the southeast corner of Highway 16 East and River Meadows Drive, east of the White River. Surrounding land use and zoning are listed in *Table 1*.

Table 1: Surrounding Land Use/Zoning

Direction	Land Use	Zoning
North	Single family	RSF-7, Single Family Res. 7 DU/Acre RMF-24, Multiple Family 24 DU/Acre
South	Single family	RSF-4, Single Family Res. 4 DU/Acre
East	Single family	RSF-4, Single Family Res. 4 DU/Acre R-A, Residential Agricultural
West	Single family	RSF-4, Single Family Res. 4 DU/Acre

Proposal: The applicant has submitted a Zoning and Land Use only PZD application. If approved, the development would be reviewed at a later date. The applicant proposes to rezone the property into four distinct planning areas:

Planning Area 1 is designated as single family residential and contains 27 single-family detached lots on 6.41 acres, a density of 4.2 dwelling units/acre. The applicant has designated Lot 28 as open green space, approximately 0.6 acres in size. This area serves as a residential buffer and transition between the adjacent single-family neighborhood to the west, Stonebridge Meadows Subdivision, and the proposed self storage facility to the east. The applicant proposes to construct a public street, Street #3, running north/south through Planning Area 1, and then connecting to the existing stub-out of Pinnacle Drive. The residential lots along the west and south sides of the proposed street utilize shared driveways, while the lots on the east side are accessed by an alley located between Planning Areas 1 and 2. This typical lay-out allows a greater green buffer and backyard space adjacent to the lots within Stonebridge Meadows and Bridgedale Subdivision, thus creating a more compatible adjacent land use. The average lot size is 6,600 square feet, compared to 8000 square feet permitted within RSF-4. Curb-cuts for Planning Area 1 shall be limited to a maximum width of 16' at the right-of-way and shall be at least 5' from the property line. Shared driveways may be located on the property line. All residential and commercial driveways shall otherwise meet the standards established in Chapter 172 Parking and Loading.

Planning Area 2 is designated as self storage, containing approximately 114,000 SF of self storage facility within 5.62 acres. In an effort to obtain approval of this traditionally light industrial/warehousing use classification in close proximity to residences, the applicant has proposed several Low Impact Development (LID) techniques to reduce the overall impact of the use. The applicant proposes permeable pavement for a majority of the facility's internal drive aisles, as well as cisterns and rain barrels throughout the planning area. To reduce visibility and the impact of the proposed self storage on the surrounding neighborhoods, the applicant proposes to berm and landscape a green belt, approximately 20 feet wide, around Planning Area 2, as indicated on the site plan, in addition to a "living fence" screen. An elevation detail, provided by the applicant and included in the packet, illustrates the screening effect of the proposed green belt, berm, landscaping, and fence. The applicant proposes to use motion sensors for the exterior lighting to reduce energy consumption and light trespass. Finally, the building facades are proposed to be brick and would utilize architectural features on the north and west sides to better treat these potentially visible facades.

Planning Area 3 is designated as residential office, contains 1.98 acres, and serves as a buffer and screen between Highway 16 and the proposed self-storage facility. The applicant proposes reduced setbacks along the proposed street, building orientation, and parking located behind the proposed office buildings in order to create a pedestrian and cyclist friendly streetscape. Approximately 20,000 SF of non-residential space and 24 dwelling units are proposed within this planning area.

Planning Area 4, located at the corner of Highway 16 and River Meadows Drive, is designated as neighborhood commercial and contains 2.01 acres. The applicant proposes approximately 20,000 SF of neighborhood commercial uses (dry cleaner, restaurant, bank, etc.), with more pedestrian orientation to the interior street. Reduced building setbacks of 20 feet along the proposed Street #4 are proposed to create the same streetscape intent for Planning Area 3. Typical neighborhood commercial uses that will support surrounding residents are planned for this area.

Adjacent Master Street Plan Streets: Huntsville Road/Highway 16 (Principal Arterial)

Right-of-way to be dedicated: Right-of-way in the amount of 48.5' from centerline for Huntsville Road/Highway 16 shall be dedicated with approval of the preliminary plat or large scale development. Additional right-of-way may need to be dedicated along River Meadows Drive, depending upon the street improvements that are necessary.

Connectivity: Currently, Pinnacle Drive ends in a temporary cul-de-sac south of the subject property, and is stubbed out for future street connection. The applicant proposes to connect the proposed street in Planning Area 1 to the south with Pinnacle Drive. This connection will extend north to the second proposed street, connecting west to River Meadows Drive and northeast to Highway 16. Also, the applicant proposes to extend Street #2 to the east property line as a public stub-out for future connectivity to Roberts Road, which will help provide needed east-west connections in this area.

Street Improvements: The applicant proposes to construct two new public streets with 21 feet of pavement, curb, and gutter. In addition to the proposed streets, the applicant proposes to construct a 5' sidewalk along Highway 16 at the Master Street Plan right-of-way, and to improve River Meadows at Highway 16 to include a right-turn lane and a left-turn lane. All street improvements will be reviewed at the time of development and shall comply with City code and design standards. Further review of the traffic study at the time of development may require installation of or contribution toward a signal at Highway 16 and River Meadows Drive, and/or the installation of a turning lane along Highway 16. The applicant will need to coordinate with AHTD to determine the improvements that will be permitted along this state highway.

Phasing: The applicant is proposing to develop the property in two phases. It is the applicant's intent to develop the storage facility early in the development, therefore the timing of the phasing plan is essential to adequately screen and buffer Planning Area 2 with the surrounding residential and office uses. The applicant proposes to install the necessary infrastructure throughout the site and to construct the single family houses east of Street #3, Planning Area 2 with the 20' green perimeter, and Planning Area 3 in the first phase, as these are the elements that buffer and screen the storage facility from the surrounding area. As currently proposed, phasing is as follows:

Phase 1:

- Preliminary and Final Plat approval of Planning Area 1
- Installation of all required infrastructure (water, sewer, streets, and drainage)
- Large Scale Development approval of Planning Areas 2 and 3
- Construction of Planning Area 1 – Single family houses east of Street #3
- Construction of Planning Area 2 – Self-storage facility with 20' landscaped, fence, and bermed perimeter
- Construction of Planning Area 3

Phase 2:

- Large Scale Development approval of Planning Area 4

- Construction of Planning Area 4
- Construction of Planning Area 1 – Single family houses west of Street #3 and south of Street # 2

Staff is recommending the applicant be required to obtain subdivision approval within two years from City Council approval of the PZD. After final plat approval, the applicant shall obtain large scale development approval of PA-2 and PA-3 within two years, with all building permits for each respective planning area required to be issued within one year of development approval. A one year extension shall be available for each time limit pursuant to Chapter 166.20 of the Unified Development Code. All screening (berms, landscaping, living fence, etc.) for PA-2 (self-storage) shall be installed prior to occupancy.

Water & Sewer: All necessary improvements and connections to complete the proposed development will be evaluated with the Preliminary Plat and Large Scale Development reviews.

Tree Preservation: This development will be required to comply with the Tree Preservation requirements as set forth in the Unified Development Code at the time of development with a 25% preservation requirement. The applicant's proposal is arranged in a manner that will save some of the significant trees on site, retaining a natural buffer from adjacent residents.

Infrastructure:

- Streets:** The site has access to Huntsville Road and River Meadows Drive. Huntsville Road is currently an improved two lane paved state highway. Street improvements will be evaluated with the proposed development.
- Water:** Public water is located adjacent to the site. There is an 8" water main along River Meadows Drive.
- Sewer:** Sanitary sewer is available to the site. There is a 6" sewer main along Huntsville Road. 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 not affected by the 100-year floodplain.
- Fire:** This property will be covered by Ladder 3 located at 1050 S Happy Hollow Rd. It is 2 miles from the station with an anticipated response time of 4 minutes. The Fire Department anticipates 4 (3 EMS-2 Fire/other) calls for service once the development is completed and maximum build out has occurred. We do not figure calls for service on Commercial developments, although this type of development typically does not affect our calls for service. Measured hydrant flow is 1560 gallon per minute in

this area.

Police: 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.

Public Comment: Staff has received several emails and phone calls regarding this proposal. The applicant presented the project at a Ward meeting and has attempted to address some of the concerns voiced there. Several letters of support and objection have been included in this packet. Stated reasons of objections to the project include concern with compatibility and decreasing property value, though staff has not received evidence that the proposal will decrease the property value of the surrounding residential neighborhoods. Stated reasons for support of the project include compatibility, commercial and storage need/demand in the area, and desire for environmentally friendly development.

Discussion:

Since the proposal was initially submitted, the applicant has made several significant improvements to the proposal, in response to concerns expressed by staff, the Planning Commission, and area residents, including responding to neighborhood concerns regarding lot size and greenspace, creating more pedestrian friendly streetscapes within the development, enlarging buffer areas surrounding the self-storage units, and a public street to the east property line as a stub-out for future connectivity to Roberts Road. In addition to the site plan changes, the applicant has committed to a more specific phasing plan addressing the timing for development of Planning Areas 1, 3 and 4 in relation to the development of Planning Area 2.

In general, staff finds in favor of the development pattern that is proposed for PA-1 (single family), PA-3 (residential office) and PA-4 (neighborhood commercial). All of these uses contribute to the fabric of a traditional neighborhood in close proximity, providing places to live, work, and interact on a daily basis. The development pattern of the single family block is more in keeping with the goals and policies adopted by the City; the arrangement of buildings for the neighborhood commercial and office/loft living space provides an internal neighborhood streetscape that is more pedestrian friendly and appropriate for a neighborhood than the major thoroughfare of Hwy 16. Along Hwy 16, the proposal is to provide an attractive building elevation facing the street, and to provide landscape buffers that will enhance this particular major corridor for through travelers. Internally, pedestrian sidewalks and narrow streets provide a safer neighborhood environment, and landscape buffers and a half-acre park will provide greenspace and recreational opportunities.

With regard to PA-2 (self-storage), staff can not find in favor of this particular use within the neighborhood proposed. Self-storage facilities are not particularly attractive; they are generally flat-roofed, one-story structures arranged in long, monotonous rows. Significant efforts to heavily screen this use and lessen the overall impact include: construction of a landscaped berm and "living fence" screen surrounding the use; provision of brick facades along the north and

west elevations of the buildings; and the inclusion of low impact development (LID) techniques such as pervious paving to decrease stormwater runoff, cisterns to capture and recycle roof runoff; and bio-retention to collect rainwater and provide infiltration and enhance water quality. All of these efforts achieve a better, more environmentally friendly and well-screened self-storage facility. However, in staff's opinion, the use does not contribute to the quality of the neighborhood, and thus does not fit well within a predominantly residential neighborhood. The City strives to promote and encourage a mixture of uses within neighborhoods. The form of the development pattern, rather than the separation of uses generated by traditional zoning, can overcome much in the way of creating quality places within the community. The self-storage facility, though, does not contribute in form or use to this neighborhood, in staff's opinion. Rather, it breaks up the continuity and the complete, compact and connected environment that is desired, and does not enhance the surrounding community.

Recommendation:

While staff can support rezoning of a majority of this property in the manner proposed, the self-storage facility planning area is a major component of the project. Therefore, based on the findings included herein, staff recommends denial of C-PZD 08-2904 (Bridgedale Plaza).

Should the Planning Commission or City Council determine the rezoning request is appropriate, compatible and meets the City's approval criteria for Planned Zoning Districts, the Future Land Use Plan, and the required findings for a rezoning request, staff recommends the approval contain the following conditions:

1. *Street improvements.* The Planning Commission will make final determinations of street improvements at the time of development. *All proposed streets shall be constructed according to City standards, including pavement, curb, gutter, storm drains, and a 5' sidewalk on both sides, where applicable. Offsite improvements will likely consist of:*
 - *River Meadows Drive to include a right-turn lane and a left-turn lane at Highway 16.*
 - *Highway 16 to include all standard improvements in accordance with the Master Street Plan, with the potential for a left turn lane.*
 - *Potential for construction of or contribution of payment for a traffic signal at River Meadows and Highway 16.*
2. *Planning Commission determination of adequate connectivity. Staff recommends in favor of the proposed connectivity finding that the proposed alignment will be beneficial to the neighborhood. A street stub-out and cross-access to the east in two points will provide needed east-west connections with future development.*
3. *Planning Commission determination of the allowance of the proposed self-storage/warehousing use within a C-PZD. As outlined in Ch. 161.29 (E)(3)(c) of the UDC, for commercial planned zoning districts, warehousing and light industrial uses shall not have a gross floor area exceeding 5,000 SF or 20% of the floor area used for retail sales within the PZD. The subject proposal well exceeds that requirement, at approximately 114,000 SF of proposed storage area. Staff assigned the commercial-PZD*

classification, as opposed to a residential or industrial classification, due to the rather "in-between" nature of self-storage, and its both commercial and industrial characteristics. As noted above, staff does not support the proposed PZD with the inclusion of this use and its associated development pattern; however, staff does support the applicant's proposal for consideration of the commercial PZD by the Planning Commission and City Council, as inherently the PZD permits a mixture of uses and a proposed development pattern from which the appointed and elected officials may make this policy decision. Should the Planning Commission determine the commercial PZD is not appropriate, and the industrial PZD more appropriate, this designation can be changed, and appropriate findings provided.

4. *Signage.* Staff recommends signage typical for single family residential districts for Planning Area 1; typical Commercial district signage in Planning Areas 2 and 4; and typical Residential-Office district signage in Planning Area 3. No pole or pylon signs shall be permitted on the property.
5. *Phasing.* Staff is recommending the applicant be required to obtain subdivision approval within two years from City Council approval of the PZD. After final plat approval, the applicant shall obtain large scale development approval of PA-2 and PA-3 within two years and of PA-4 within 3 years, with all building permits for each respective planning area required to be issued within one year of development approval. A one year extension shall be available for each time limit pursuant to Chapter 166.20 of the Unified Development Code. For each development approval, the standard maximum of three years for construction shall be permitted, in accordance with the Unified Development Code. All screening (berms, landscaping, living fence, etc.) for PA-2 (self-storage) shall be installed prior to occupancy.
6. Planning Area 1 shall receive preliminary plat and final plat approval prior to construction. Planning Areas 2, 3, and 4 shall receive large scale development review and approval prior to construction.
7. *Outdoor Lighting.* All outdoor lighting shall comply with applicable regulations within the UDC. Due to the inherent lighting issues typically associated with storage facilities, all lighting within Planning Area 2 shall be mounted at a low height (12 feet or less) and shall be a full cut-off fixture, with no light trespass to adjacent properties. Lights within Planning Area 2 shall not be permitted to remain on past the hours of operation, and shall be motion-sensored for security, as offered by the applicant. A lighting plan shall be submitted and reviewed at the time of large scale development.
8. *Storage Materials.* Storage within Planning Area 2 shall be limited to dead storage only. No flammable, hazardous chemicals or explosives may be stored on-site. No auctions or sales may be permitted on the premises. Servicing of equipment (automobiles, appliances, etc.) may not be permitted. Outdoor storage shall not be permitted (recreational vehicles, boats, trailers, automobiles, etc.)
9. *Low Impact Development (LID).* The LID practices described within the project booklet

shall be implemented as proposed including but not limited to: bio-retention, cisterns, permeable pavement and a "living fence." Permeable pavement may not be installed as solely a gravel lot; rather, it shall consist of an approved, engineered permeable paver system, to be reviewed at the time of large scale development.

10. *Hours of Operation.* In order to reduce the potential detrimental impact of large truck and customer noise/activity traveling to and from and unloading/loading during quiet/night-time hours, staff recommends limiting the hours of operation of the self-storage facility (PA-2) to 6am to 10pm.
11. *Building Elevations.* Due to the street frontage along the proposed public street along the south of PA-2, staff recommends the southern façade of all buildings adjacent to Street #2 be designed and constructed with a brick façade in a manner similar to those described for the north and west sides of the storage buildings.
12. *Building Height.* Staff recommends the building height within PA-2 (self storage) be reduced from the 35 feet currently proposed, to achieve the lowest height possible.
13. *Living Fence Screen.* To achieve the greatest amount of screening possible for the self-storage facility, the applicant proposes a "living fence" screen, consisting of native flowering vines growing on a chainlink fence. Staff finds in favor of the proposal, as long as:
 - a) the vine type is approved by the Urban Forester as an appropriate evergreen screen species;
 - b) the cost of the materials and installation of the living fence is guaranteed by letter of credit/bond prior to issuance of a building permit;
 - c) all sides of the facility (north, south, east, and west) are screened
14. Prior to development submittal, the applicant shall submit the development plans to the Parks Recreation and Advisory Board for review and recommendations regarding parkland dedication.
15. Lot 28 of Planning Area 1 shall be designated as an unbuildable lot for open green space.
16. No portion of any structure (i.e. porches, overhangs, etc.) shall encroach into building setbacks or utility easements.
17. Buildings shall be constructed to be consistent with the elevations and concepts depicted in the building elevations in the booklet as specified. Building elevations will be reviewed at the time of preliminary plat, final plat, large scale development and building permit to ensure compliance with bulk, area, greenspace, and commercial design requirements.
18. 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.

19. The following revisions shall be completed to the booklets/plats prior to re-submittal for City Council consideration:

- a. Pg. 8. PA-2 (Storage) – height is at 35' and should be reduced
- b. Pg. 9. Screening. Add east side to screening, as shown on the plans
- c. Pg. 10. PA-3 – need number of dwelling units/density listed (c) (24 dwellings?)
- d. Pg. 15. Density. Add numbers for Intensity here.
- e. Pg. 16. Density listed as 24 units, 12 units per acre – should this be the same as PA-3?
- f. Pg. 16. RSF-4 height – correct to read maximum 45'.
- g. Pg. 16. RSF-4 Uses – incorrect (only 1 and 8 permitted by right)
- h. Pg. 16. RSF-4 building area maximum is 40% (says none)
- i. Pg. 17. RSF-4 uses – incorrect (only 1 and 8 permitted by right)
- j. Pg. 20. Phasing – adjust phasing per the recommended condition of approval
- k. Pg. 21. O. Screening – add “west” to screening component.

Standard conditions of approval:

20. Impact fees for fire, police, water, and sewer shall be paid in accordance with City ordinance.
21. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
22. Trash enclosures shall be screened with access not visible from the street. **The trash enclosures shall be constructed with materials that are complimentary to and compatible with the proposed building. A detail of the proposed screening shall be submitted and approved by the Planning Division prior to issuance of the building permit.** Any additional dumpsters located on site shall be screened from the right-of-way.
23. All mechanical/utility equipment (roof and ground mounted) shall be screened using materials that are compatible with and incorporated into the structure. **A note shall be clearly placed on the plat and all construction documents indicating this requirement.**
24. All freestanding and wall signs shall comply with ordinance specifications for location, size, type, number, etc. Any proposed signs shall be permitted by a separate sign permit application prior to installation.

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

Planning Commission Action: ☐ Tabled ☐ Forwarded to C.C. ☒ Denied

Motion: Myres

Second: Lack

Vote: 5-4-0

Meeting Date: March 24, 2008

Sec. 166.06. Planned Zoning Districts (PZD).

(E) Approval or Rejection Criteria for Planned Zoning Districts

The following criteria shall be considered by the Planning Commission and City Council in the review of a planned zoning district application based on the proposed master development plan:

- (1) Whether the application is in compliance with the requirements of the UDC and the City Plan 2025;

FINDING: Staff finds the application to be in compliance with some of the goals of City Plan 2025, in particular the mixed-use nature of the commercial, office and different residential uses to create a viable neighborhood. Goal 2 states that we will discourage suburban sprawl by discouraging the separation of uses that have encouraged sprawling development patterns. This PZD proposal promotes the mixed-use strategy that provides neighborhood services in an area where services are limited. These services will serve the surrounding primarily residential uses for daily commercial goods and services, and provide an area in which residents can live, work and recreate. Staff finds that providing nodes of neighborhood commercial support uses discourages sprawl, decreases a neighborhood's reliance on regional commercial developments, and can potentially reduce the number of vehicle trips in the area.

Goal 3 states that we will make traditional town form the standard, which promotes a variety of uses within a neighborhood for the ability to live, work, shop and have daily needs and services within walking distance. It requires compact, complete, and connected development. Staff finds that the proposed development will provide connectivity, a development scale that is compatible and proportionate between residential and nonresidential land uses, and a mixture of uses that will support and serve the surrounding area. In particular, the creation of a pedestrian streetscape with mixed-use buildings and residences close to the street, screening parking areas, and providing sidewalks creates a more traditional town form. However, the inclusion of the storage facility does not contribute to this goal. Rather, it becomes an area that is screened off and segregated from the surrounding environment, due to its rather unattractive nature, and detracts from the complete, compact and connective goals the City is promoting. The storage facility is not a daily neighborhood commercial use, but is a service that fulfills occasional warehousing and storage needs primarily of residents and small businesses in a regional area.

Goal 6 states that we will create attainable housing for residents of Fayetteville that make more than the income limit established for federal subsidies but struggle in the current housing market. By preserving and creating mixed-income neighborhoods, the City of Fayetteville can offer a variety of housing types. For Planning Area 1, the applicant proposes typical single family dwellings on lots that contain approximately 6,600 square feet, slightly smaller than the 8,000 square foot minimum of the RSF-4 zoning district. The applicant proposes to provide loft-style dwellings above the residential offices in Planning Area 3. The development pattern of this PZD proposal will add to the variety of housing

types that currently exist in the surrounding area, and typically enhances property values in the area.

This site is designated as a Residential Neighborhood Area, which encourages traditional neighborhood development that incorporates low-intensity non-residential uses. Staff finds that the mixture of residential, office, and neighborhood commercial uses proposed in this development meets the goals of City Plan 2025 and the designated land use.

Self storage is often designated as a medium- to high-intensity non-residential use; within Fayetteville, this use is only permitted by conditional use in the C-2, Thoroughfare Commercial zoning district, and industrial zones (I-1, Heavy Commercial and Light Industrial; I-2, General Industrial). Staff finds that while the current proposal for high-end storage, with extensive screening and buffering, pervious pavement, cisterns, and other LID techniques decreases the intensity of the use, it remains a highly segregated use that does not fit well within or contribute to a neighborhood. Attesting to this fact is that the screening requirements are perhaps more substantial than most other uses within the City, in order to hide the particularly unattractive buildings and grounds. It is a fact that self-storage facilities typically have very low volumes of traffic, which does help to decrease its impact. However, issues with fencing, screening, noise, lights, materials being stored, hours of operation, security and activities within the facility all tend to be potentially objectionable to a neighborhood. These issues can be addressed with a number of restrictions via conditions of approval; however, it would be more appropriate to simply locate this use, as is the case with industrial or other warehousing uses, in a more appropriate location.

While the proposed storage facility is not consistent with the land use plan, staff finds rezoning a majority of this property to C-PZD with the current proposal meets several of the goals of City Plan 2025, is consistent with the development trend along Huntsville Road, and would be beneficial to the surrounding neighborhood. However, due to the substantial role the self-storage facility plays in the zoning proposal, staff can not support the request.

(2) Whether the application is in compliance with all applicable statutory provisions;

FINDING: The application has been reviewed and found to be compliant with the 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. As indicated in the submittal and the staff report, certain measures have been taken in the proposed phasing of development by the developer to ensure adequate infrastructure improvements are made to ensure the level of service will not decline due to the proposed development. Additional improvements

will be determined at the time of development by the Planning Commission.

- (4) Whether the rezoning is compatible with the surrounding land uses;

FINDING: Staff finds that the proposed single family residential, neighborhood commercial, and residential office developments in Planning Areas 1, 3, and 4 are compatible with the surrounding land uses, which are primarily single family in nature. The proposed uses and vehicular circulation pattern are designed to promote and encourage pedestrian safety and interaction within a well-defined streetscape in a traditional town form. The single family residential uses in Planning Area 1 are proposed with a maximum allowable density of 4.2 dwelling units per acre. This density is compatible with the surrounding RSF-4, RSF-7, and RMF-24 zoning districts, and will contribute to the neighborhood. In addition, the commercial and office uses in Planning Areas 3 and 4 will provide daily services and goods to the surrounding, neighboring community, thereby meeting several goals of the City.

Staff finds that though much effort has been taken to reduce the impact of the self-storage facility in Planning Area 2, the proposed location within a residential neighborhood is not compatible with the surrounding area, and will not necessarily contribute to the community in this location.

The proposed storage facility will yield a higher intensity and a different use than those of the surrounding neighborhoods and zoning districts. Use unit 38, Mini-storage units, are not allowed by right or by conditional use in any residential zoning district, as this type of development is typically an intense and unattractive warehousing type development that includes significant paving of the site. Furthermore, mini-storage is not allowed by right in any zoning district, though it is allowed by conditional use in the C-2, I-1, and I-2 zoning districts. Staff agrees with the applicant in that a self storage facility is a commercial use that generates a very low traffic count and provides a service to a residential demand for storage. However, after much research and discussion, staff finds that the use proposed is not a contributing enhancement to this neighborhood, and will disrupt the complete, compact and connected form that is promoted and encouraged for all development.

A self storage facility serves a community-wide or regional market easily accessed off of a major thoroughfare. If approved, the current proposal would provide a small storage service for the immediate residential area; however, staff is concerned that the location of the proposed storage facility within the subject property may result in future requests for the expansion of storage to the east of the site, or for other, more intense uses typically found "compatible" with self-storage uses. Staff finds that creating a regional destination point is inappropriate at this location due to the predominantly residential use of the surrounding area.

- (5) Whether the subject land is suitable for the intended use and is compatible with the natural environment;

FINDING: The intended use is suitable for the subject property and the surrounding development. The majority of the site will be developed, though the houses, commercial buildings, and storage facility would be arranged and built in a manner that will preserve the significant tree canopy along the property lines. Drainage has been cited as a primary concern in this area, and will need to be addressed at the time of development. Post-development drainage is typically required not to exceed pre-development flow at peak hours.

- (6) Whether the intended land use would create traffic congestion or burden the existing road network;

FINDING: Any additional development in the area will certainly increase the amount of neighborhood traffic on surrounding streets; however, the Fayetteville Police Department has submitted a statement verifying that the proposal will not substantially alter the population density, create an appreciable or undesirable increase in the load on police services, or create an appreciable increase in traffic danger and congestion. The applicant has also conducted a traffic study, of which key recommendations have been included on the site plan. As suggested in the traffic study, the applicant proposes to improve River Meadows Drive to include one inbound lane and two outbound lanes to accommodate an increase in traffic due to Planning Areas 3 and 4. Staff will also evaluate the potential for the construction of a turn-lane on Hwy 16 and contribution for a future traffic signal. In general, combining residential and non-residential uses in a traditional town form that are appropriate and compatible will help reduce the traffic increase, providing better pedestrian opportunities and the ability for persons within close proximity to travel smaller distances for daily goods and services.

- (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 majority of the subject development should be compatible with surrounding development as several measures have been taken to reduce the potential impact of the development on the surrounding area. The proposed single family residences of a slightly higher density will serve as a good transition to the adjacent single family neighborhood and the residential office and commercial services. The proposed neighborhood commercial and residential office developments are designed to lessen potential impact on the surrounding residential neighborhoods with LID techniques, landscaping and screening, and a vehicular circulation pattern designed to contain pass-by traffic at the northwest corner of the subject property. Staff finds that, with the proposed location, access points, screening, and buffering included herein, PA-1, 3 and 4 meet the intent and purpose of the PZD. However, the self-storage in PA-2 does not further the commitment to complete, compact and connected neighborhoods as identified in the City's Future Land Use Plan, and does not contribute or enhance the neighborhood, in staff's findings. Rather, significant effort has been undertaken to screen the use from view, as a typical single-use storage facility that is gated off for security does not create an amenity or become a part of a traditional neighborhood.

Since the proposal is not for development rights, a tree preservation plan has not been reviewed; however, the applicant proposes to preserve and utilize the existing tree canopy at the eastern portion of the subject property to screen the proposed storage facility. Furthermore, the applicant proposes to implement several Low Impact Development techniques, such as rain barrels and cisterns for rain water collection, rain gardens in key locations, and permeable pavement in designated locations in the storage facility. Staff finds that these techniques will work to reduce the impact and the intensity of the proposed use.

- (2) *Screening and landscaping.* In order to enhance the integrity and attractiveness of the development, and when deemed necessary to protect adjacent properties, the Planning Commission shall require landscaping and screening as part of a PZD. The screening and landscaping shall be provided as set forth in §166.09 Buffer Strips and Screening. As part of the development plan, a detailed screening and landscaping plan shall be submitted to the Planning Commission. Landscape plans shall show the general location, type and quality (size and age) of plant material. Screening plans shall include typical details of fences, berms and plant material to be used.

FINDING: The applicant proposes to utilize existing tree canopy along the west property line to preserve existing natural features along the property line of the adjacent residential neighborhood to the west. The proposed single family residences in PA-1 are the same use,

and do not require screening from adjacent properties. The applicant proposes to provide an evergreen perimeter buffer approximately 20 feet wide and to construct a berm approximately 4 feet high to reduce visibility of the proposed self storage facility within Planning Area 2. The applicant also proposes to utilize the existing tree canopy along the eastern portion of the subject property to screen the storage facility from the adjacent properties to the east, and to construct a "living fence" to more adequately screen the use from view. Landscaping along all public streets will be installed to meet City codes.

(3) *Traffic circulation.* The following traffic circulation guidelines shall apply:

(a) The adequacy of both the internal and external street systems shall be reviewed in light of the projected future traffic volumes.

(b) The traffic circulation system shall be comprised of a hierarchal scheme of local collector and arterial streets, each designed to accommodate its proper function and in appropriate relationship with one another.

(c) Design of the internal street circulation system must be sensitive to such considerations as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, access to dwelling units and the proper relationship of different land uses.

(d) Internal collector streets shall be coordinated with the existing external street system, providing for the efficient flow of traffic into and out of the planned zoning development.

(e) Internal local streets shall be designed to discourage through traffic within the planned zoning development and to adjacent areas.

(f) Design provisions for ingress and egress for any site along with service drives and interior circulation shall be that required by Chapter 166 Development of this code.

FINDING: The applicant has applied to the site plan key recommendations from a traffic study of the development in order to address the projected traffic volumes generated from the proposed uses. Access to Planning Areas 2, 3, and 4 is designed to discourage through traffic within the subject property by containing the pass-by traffic at the northern portion of the property and redirecting it to Huntsville Road/Highway 16. The internal street circulation is designed and intended for local residential traffic for access to Planning Area 1 and for the surrounding residential neighborhoods to access the self storage and neighborhood commercial node. The self storage is accessible from the north by Huntsville Road/Highway 16 to Street #4 and from the south by Street #2.

All properties within Planning Area 1 will front onto Streets #2 and #3. The houses on the west and south sides of Streets #2 and #3 are designed to utilize shared driveways, while the remaining houses are accessed by the public alley located between Planning Areas 1 and 2. Shared driveways may be located on the property line. All residential and commercial

driveways shall otherwise meet the standards established in Chapter 172 Parking and Loading.

- (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 is to be provided on-site for each residential lot. On-street parking will be permitted in accordance with city codes for the streets constructed. Each commercial use within Planning Area 3 and 4 will be required to provide adequate parking as required by Chapter 172 of the UDC.

- (5) *Perimeter treatment.* Notwithstanding any other provisions of a planned zoning district, all uses of land or structures shall meet the open space, buffer or green strip provisions of this chapter of this code.

FINDING: The applicant's proposal has met the open space requirements, designating Lot 28 within Planning Area 1 as common open space. Furthermore, the applicant proposes a fenced, landscaped and bermed perimeter around Planning Area 2.

- (6) *Sidewalks.* As required by §166.03.

FINDING: A 5' sidewalk is to be constructed at the right-of-way line along Highway 16 and on both sides of all proposed streets at the time of development request.

- (7) *Street Lights.* As required by §166.03.

FINDING: Street lights are to be provided at all intersection and with a maximum separation of 300 feet.

- (8) *Water.* As required by §166.03.

FINDING: Public water will be provided to the project site, pursuant to city code. Improvements to water services may be required and shall be reviewed at the time of preliminary plat and large scale development submittal.

- (9) *Sewer.* As required by §166.03.

FINDING: Public sewer will be provided to the project site, pursuant to city code. Improvements to sewer services may be required and shall be reviewed at the time of preliminary plat or large scale development submittal.

- (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)

Dwellin g Units	One- Way	Two-Way
1 - 20	14'	22'
21+	14'	24'

***Note:** If on-street parking is desired, 6 feet must be added to each side where parking is intended.

- (ix) All of the traffic laws prescribed by Title VII shall apply to traffic on private streets within a PZD.
- (x) There shall be no minimum building setback requirement from a private street.
- (xi) The developer shall erect at the entrance of each private street a rectangular sign, not exceeding 24 inches by 12 inches, designating the street a "private street" which shall be clearly visible to motor vehicular traffic.

FINDING: All public and private streets/drives shall conform to city standards, as indicated in the submitted statement of commitments. Public and private streets shall not be gated, unless permitted by express approval from the City Council.

- (11) *Construction of nonresidential facilities.* Prior to issuance of more than eight building permits for any residential PZD, all approved nonresidential facilities shall be constructed. In the event the developer proposed to develop the PZD in phases, and the nonresidential facilities are not proposed in the initial phase, the developer shall enter into a contract with the City to guarantee completion of the nonresidential facilities.

FINDING: All development on the site shall be phased according to the phasing plan and conditions herein.

- (12) *Tree preservation.* All PZD developments shall comply with the requirements for tree preservation as set forth in Chapter 167 Tree Preservation and Protection. The location of trees shall be considered when planning the common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels.

FINDING: A tree preservation plan shall be submitted at the time of development for each planning area. Canopy calculations shall be based upon a minimum 25% canopy preservation required.

- (13) *Commercial design standards.* All PZD developments that contain office or commercial structures shall comply with the commercial design standards as set forth in §166.14 Site Development Standards and Construction and Appearance Design Standards for Commercial Structures.

FINDING: The applicant has proposed design standards for residential structures and concept drawings for the commercial/office buildings and the proposed self storage facility. Buildings shall be constructed to be consistent with the elevations and concepts depicted in the building elevations in the booklet as specified. Building elevations will be reviewed at the time of preliminary plat, final plat, large scale development and building permit to ensure compliance with bulk, area, greenspace, and commercial design requirements.

- (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 finds no specific scenic views to be protected on the subject property.

(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.

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 many components of this proposal meet the intent of the parameters of City Plan 2025, as well as the above criteria, including flexibility in density, compatibility with the surrounding land uses and integration of a variety of uses and

intensities. The proposal best fits the flexibility and variety goals of the intent of the Planned Zoning District, offering single-family housing types and recreational green space, and providing opportunity for local goods and services for area residents, as well as places to live, work and recreate. It promotes the mixed-use strategy that provides neighborhood services in an area where services are limited, connectivity, a development scale that is compatible and proportionate between residential and nonresidential land uses, and a mixture of uses that will support and serve the surrounding area. However, staff can not find the same for the 6-acre self-storage facility that is proposed. Staff finds this use to be incompatible with surrounding land uses, and that it tends to disrupt and discourage the complete, compact and connected neighborhood form that is promoted and encouraged by the City.

The following guiding policies within Residential Neighborhood Areas are applicable to this development and help to achieve some of the primary goals of the City Plan 2025:

Residential Neighborhood Areas

- a) *Where possible, encourage a block-and-street layout that promotes walkable, cyclist-friendly road designs with slow design speeds.*
- b) *Utilize principles of traditional residential urban design to create compatible, livable, and accessible neighborhoods.*
- c) *Discourage design elements that prohibit complete, compact, connected neighborhoods such as cul-de-sacs, gated communities, etc.*
- d) *Minimize through traffic on minor residential streets, while providing connections between neighborhoods to encourage openness and neighborliness.*
- e) *Site new residential areas accessible to roadways, alternative transportation modes, community amenities, infrastructure, and retail and commercial goods and services.*

Staff finds that while the residential, commercial and office components meet these goals, the self-storage does not contribute to or provide amenity to the community.

(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.

FINDINGS: 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 that is consistent with the City's General Plan.
- (e) To accommodate larger scale suburban developments of mixed-uses in a harmonious relationship.

FINDING: Staff recommends denial of this application, finding that while much of the proposed C-PZD meets the intent of the PZD ordinance as noted above, the requested self-storage facility does not provide an orderly arrangement of uses, does not meet the commercial development patterns consistent with the City Plan 2025 goals, does not provide a harmonious and compatible arrangement of land use adjacency, and creates a commercial/industrial area that begins to detract from the neighborhood as a cohesive unit. The requested uses of commercial, office and residential uses within the C-PZD provides variety and flexibility in land development and a compact node of pedestrian-friendly clustering of neighborhood commercial services while also providing a compatible relationship with surrounding land uses with the conditions as noted herein. The development promotes an orderly flow of vehicular traffic that will not adversely affect the surrounding residential uses. Furthermore, the proposed PZD will provide connectivity to the south and an additional future east/west connection in an area of limited connectivity. However, the positive nature of much of the development does not outweigh the more permanent zoning request, and while potentially an "interim use," the self-storage would exist for many years to come, without contributing to the neighborhood.

- (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.

FINDING: The applicant has proposed a wide variety of different uses, including those of residential, commercial, office and industrial nature. Staff find in favor of all uses proposed, with the exception of Use Unit 38, Mini-storage facilities.

(3) *Conditions.*

- (a) In no instance shall the commercial or office use area be less than fifty-one percent (51%) of the gross leaseable floor area within the development.
- (b) Residential uses must be appropriate to the design of the project.
- (c) Warehousing and light industrial uses shall have a gross area per use that does not exceed five thousand (5,000) square feet and at least twenty percent (20%) of the floor area used for sales.

FINDING: Staff has assigned a Commercial PZD classification to this project, based on the land use plan presented. Approximately 4 acres of the property is proposed for primarily commercial/office use; 6.4 acres for residential use; and 5.6 acres for self-storage use, which is classified as a mini-storage use. Mini-storage is typically associated with light industrial or storage/warehousing uses, though it has been separated from the warehousing use unit in Fayetteville's Code, and is in some places considered a commercial use. Due to this rather transitional commercial/mini-storage warehousing use, staff felt it was appropriate to assign the commercial designation, as opposed to a residential or industrial designation. However, the mini-storage use will certainly exceed the 5,000 SF or 20% of the floor area used for sales, therefore a Planning Commission determination of this provision has been included. As stated throughout the findings of this staff report, staff does not support this use in this location, and finds it more appropriate in a higher intensity commercial or industrial setting. This particular requirement tends to support this recommendation.

- (4) *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.

(F) *Bulk and area regulations*

- (1) *Residential density.* Residential densities shall be determined on the basis of the following considerations:

- (a) The densities of surrounding development;
- (b) the densities allowed under the current zoning;
- (c) the urban development goals and other policies of the city's General Plan;
- (d) the topography and character of the natural environment; and
- (e) the impact of a given density on the specific site and adjacent properties.

FINDING: The surrounding residential development with large lot residential properties and platted subdivisions is consistent with the proposed residential development, indicative of the RSF-4 zoning district, for Planning Area 1. A density of 4.2 units/acre is appropriate for the transition from the larger residential lots to the west of Planning Area 1 and the proposed non-residential uses to the east of Planning Area 1. Such a transition is not as apparent on the east side of the project, though the applicant has indicated these property owners, in general, are supportive of the project plans.

- (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: Residential lot area minimum is 6,600 square feet with structures oriented to the street. The applicant proposes a reduced (10') front setback in Planning Area 1 to increase the distance between the existing neighborhood to the west and the proposed single-family dwellings, as well as provide distance between Planning Areas 1 and 2 for more usable greenspace. Staff finds that the proposed setbacks are consistent throughout the proposed development and meet the intent of a planned zoning district.

- (3) *Building height.* There shall be no maximum building height except as may be determined by the Planning Commission during the review of the preliminary development plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. A lesser height may be established by the Planning Commission when it is deemed necessary to provide adequate light and air to adjacent property and to protect the visual quality of the community.

FINDING: The maximum building height proposed for this project is typical of single-family in the surrounding area, and shall not exceed 35'. However, staff has recommended that if the project receives a favorable recommendation, the building height for PA-2 be reduced, to lessen the potential impact of this component of the development.

- (4) *Building area.* The Planning Commission shall review specific proposed lot coverages

which generally correspond to the guidelines for lot coverage in the respective residential, office, commercial or industrial district which most depicts said development scheme.

FINDING: The residential lot coverage for building area on this project is very similar to the RSF-4 zoning district, with a maximum of 50% buildable area permitted. The commercial and residential lot coverages for building area are similar to the C-1 and R-O zoning districts. Staff finds that the proposed building area for this development is appropriate and compatible with the surrounding neighborhood.

***Required Findings for Rezoning Request.**

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

FINDING: Staff finds the proposal is generally consistent with the land use planning objectives, principles, and policies, as evidenced by the number of guiding policies for Residential Neighborhood Areas this proposal meets. The revised proposal for this C-PZD zoning district will accommodate the future land use plan for a strategically arranged mixture of nonresidential and residential uses in this area. However, a determination of the degree to which the project meets the land use plan does not support the inclusion of the rather inconsistent land use and development pattern of the self-storage facility that is proposed. In this particular aspect of the proposal, staff can not find that the land use proposed is consistent with the City's adopted land use plans, principles and policies to promote and encourage complete, compact and connected neighborhoods, and achieve a high degree of compatibility with adjoining land uses.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

FINDING: Staff finds that a rezoning of the property is justified, in that development in its current zoning of R-A and RSF-4 is not overly desirable in close proximity to a major highway and surrounded by existing neighborhoods. The proposal for commercial, office and residential uses is appropriate for the subject property and will allow for a development pattern that will provide a low-intensity node of neighborhood commercial support for the surrounding residential neighborhoods and that is unique in comparison to the residential development pattern in the surrounding neighborhood, while also maintaining a level of compatibility and sensitivity to surrounding properties. The self-storage use in the area, however, has not been adequately justified, and staff does not find that it is needed in this location.

3. A determination as to whether the proposed zoning would create or appreciably increase

traffic danger and congestion.

FINDING: Based on an analysis of traffic generated from the development, staff finds this proposal will not create or appreciably increase traffic danger and congestion. Storage facilities generally do not significantly increase traffic counts. The proposed neighborhood commercial and residential office uses, located at the northwest corner of the subject property, will not generate an appreciable amount of traffic to create congestion or traffic danger, with appropriate street improvements in the area.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

FINDING: Staff finds that this proposal will not create an undesirable increase in load on public services based on an increase in population density.

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: Staff finds the land could be utilized with its present zoning classification, or the proposal modified to provide a land use that is more appropriate and compatible with surrounding properties.

- 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: Staff does not find any extenuating circumstances that justify or overcome the findings herein.



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: February 7, 2008
Re: February 6, 2008 Zoning Review

R-PZD 08-2170:

Planned Zoning District (VILLAS AT STONEBRIDGE, 645/646): Submitted by APPIAN CENTER FOR DESIGN for property located S OF HWY. 16E AND E OF GOFF FARM ROAD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 53.03 acres. The request is for a Master Development Plan for a Residential Planned Zoning District with 322 dwelling units and 30,000 s.f. of commercial space all with associated parking.

This property will be covered by Ladder 3 located at 1050 S Happy Hollow Rd.

It is 2.2 miles from the station with an anticipated response time of 5 minutes.

The Fire Department anticipates 56 (36 EMS-20 Fire/other) calls for service once the 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. There is no measured hydrant flow in this area.

I-PZD 08-2904:

Planned Zoning District (BRIDGEDALE PLAZA, 569): Submitted by DAVE JORGENSEN for property located at THE SE CORNER OF HWY 16E AND RIVER MEADOWS DRIVE. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 15.95 acres. The request is for 6.8 acres of self storage, 5.23 acres of single family residential, 1.96 acres of Residential Office, and 1.96 acres of C-1.

This property will be covered by Ladder 3 located at 1050 S Happy Hollow Rd.

It is 2 miles from the station with an anticipated response time of 4 minutes.

The Fire Department anticipates 4 (3 EMS-2 Fire/other) calls for service once the development is completed and maximum build out has occurred. We do not figure calls for service on Commercial developments, although this type of development typically does not affect our calls for service.

Measured hydrant flow is 1560 gallon per minute in this area.

Date 1/31/08

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 **I-PZD 08-2904 (Bridgedale Plaza, 569)**: Submitted by **Dave Jorgensen** for **property located at the SE corner of HWY 16E and River Meadows Drive** would substantially alter the population density and thereby undesirably increase the load on public services and create an appreciable increase in traffic danger and congestion. The **property contains approximately 15.95 acres.**

It is the opinion of the Fayetteville Police Department that this **I-PZD will not** substantially alter the population density, and **will not** create an appreciable or undesirable increase in the load on police services. This **I-PZD will not** create an appreciable increase in traffic danger and congestion.

Sincerely,

Captain William Brown
Fayetteville Police Department

R-PZD 08-2170: Planned Zoning District (VILLAS AT STONEBRIDGE, 645/646): Submitted by APPIAN CENTER FOR DESIGN for property located S OF HWY. 16E AND E OF GOFF FARM ROAD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 53.03 acres. The request is for a Master Development Plan for a Residential Planned Zoning District with 322 dwelling units and 30,000 s.f. of commercial space all with associated parking. Planner: Jesse Fulcher

Public water is located adjacent to the site along Dead Horse Mountain Road. There are water improvements being made as part of the Southeast Fayetteville Regional Water and Sewer Improvements project that will bring an additional source of water from under the White River to provide adequate service to this area.

Sanitary sewer is available to the site. There are sewer improvements being made as part of the Southeast Fayetteville Regional Water and Sewer Improvements project that will bring additional capacity under the White River to provide adequate service to this area.

The site has access to Dead Horse Mountain Road. Dead Horse Mountain Road is currently an unimproved two lane partially paved roadway. Street improvements will be evaluated with the proposed development.

Standard improvements and requirements for drainage will be required for the development. This property is not affected by the 100-year floodplain.

→ **I-PZD 08-2904:** Planned Zoning District (BRIDGEDALE PLAZA, 569): Submitted by DAVE JORGENSEN for property located at THE SE CORNER OF HWY 16E AND RIVER MEADOWS DRIVE. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 15.95 acres. The request is for 6.8 acres of self storage, 5.23 acres of single family residential, 1.96 acres of Residential Office, and 1.96 acres of C-1. Planner: Dara Sanders

Public water is located adjacent to the site. There is an 8" water main along River Meadows Drive.

Sanitary sewer is available to the site. There is a 6" sewer main along Huntsville Road. 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 Huntsville Road. Huntsville Road is currently an improved two lane paved state highway. Street improvements will be evaluated with the proposed development.

Standard improvements and requirements for drainage will be required for the development. This property is not affected by the 100-year floodplain.

PLANNING COMMISSION MEETING MINUTES

MARCH 24, 2008

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New Business:

C-PZD 08-2904: Planned Zoning District (BRIDGEDALE PLAZA, 569): Submitted by DAVE JORGENSEN for property located at THE SE CORNER OF HWY 16E AND RIVER MEADOWS DRIVE. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and RSF-4, SINGLE FAMILY – 4 UNITS/ACRE and contains approximately 15.95 acres. The request is for land use and zoning approval for a C-PZD, Commercial Planned Zoning District, with 27 single-family residential dwelling units, 114,000 SF of self storage, 20,000 SF of Residential Office, and 20,000 SF of Neighborhood Commercial.

Dara Sanders, Current Planner, gave the staff report in detail, describing each planning area, uses, density and intensity, along with all improvements to the plan that has occurred through the review process. Sanders reviewed various findings for the rezoning request, the changes in the project, etc. Though many of the components of project are positive, including the residential, office and commercial uses, staff recommended denial of the PZD request, finding the self-storage component of the project does not achieve an adequate level of compatibility with the surrounding neighborhood, nor will it meet the goals of the Planned Zoning District, Unified Development Code, and City Plan 2025. In staff's opinion, the storage facility use proposed does not contribute or add value to the neighborhood, and thus recommends denial. Should the City Council or Planning Commission find in favor, staff has attempted to anticipate conditions of approval to address several issues, and those are included in the staff report.

Clint McDonald, applicant, described working with staff and the changes that occurred through the review. He stated he feels the project is appropriate, due to the screening from the single family to the west; to the east of the project, he feels this area will undoubtedly become a commercial node. McDonald stated he has the support of neighbors to the east. This project will provide development in the area, but may decrease traffic in the area. Development is needed in the area (SE Fayetteville). People will buy goods in the local area. Low impact development (LID) strategies will help this area; storm facilities (cisterns), etc., will help. Storage facility will help provide service to people working out of homes, including pharmaceutical sales, etc.. He stated he has implemented every change requested over the past seven months.

Sarah Lewis, Springline Consulting Group, applicant, presented the LID (Low Impact Development) techniques used with the mini-storage portion of the project, dealing with stormwater management. Her PowerPoint presentation discussed how LID focuses entirely on stormwater; it helps match pre-development hydrology. She gave a PowerPoint presentation describing LID techniques, and the detailed examples for implementation in Bridgedale Plaza, including pervious pavement, cisterns, rain gardens, landscape buffers and the potential for solar power.

Public Comment:

Rosemary Rouff, citizen, stated the development would disrupt the established neighborhood. There will be increased traffic with the commercial uses; with 24-hour service for the storage areas, a few yards from where children play, this will be unsafe. She stated she likes the neighborhood

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without commercial there. Zoning exceptions can only be made for good cause, based on State codes. Ms. Rouff quoted from several Supreme Court cases that stated financial rewards/economic benefit can not be the only reason to rezone the property, and incompatibility of adjacent land uses is to be used as a consideration.

Hardin Hanks III, citizen, lives at 1440 S. River Meadows Dr., stated he spoke at the last meeting. Flooding is his biggest concern, especially along the property bordering Roberts Rd, Stonebridge Rd. (passed out photos of flooding conditions).

Joe Ray, citizen, stated there were no examples of mini-storage units in residential areas in the City and expressed that he believes there should not be mini-storage units in close proximity to residential areas here, either.

?? Alley, citizen, cited 2025 Plan, states that storage is not compatible with surrounding neighborhood, and she does not support the plan.

Anthony Sumlin, citizen, lives at River Bluff Dr., and stated he is in favor of staff's recommendation. While he appreciates the LID techniques, he feels this development is not congruent to this area. He does not favor, however, placing a "green" sticker on it to get it passed.

Jim Looper, citizen, lives at 1340 St. Andrews Circle, stated he is puzzled why no one in Bridgedale Subdivision was notified of this project and inquired about the notification process. He expressed his belief that Bridgedale will suffer in property values and lead to traffic problems. He claimed that mini-storage is a new home for drug dealers setting up "meth labs" and storing drugs in the units. He also discussed drainage issues.

Eldon Roberts, citizen, 1197 Roberts Road, stated he has no problem with the development as proposed. He owns and borders the property to the east. He has lived there 60 years, and sold the property to Clint McDonald. He stated that a storage facility doesn't have noise, barking dogs, etc and that he would like to see commercial uses integrated with the existing residential uses. He discussed the history and extent of the drainage issues. (Passed out photos)

Gary Alderson, citizen, stated he supports Clint and the project. He stated that he owns commercial property on Huntsville, that he believes this project will increase our property values, and that he plans to utilize the storage facility if approved.

Richard Huffy, citizen, lives on River Meadows Dr., stated that obtaining maximum potential financial gain is not a criterion for rezoning and claimed that emphasis has been placed on improving services, offering new facility to area, which disguises the real intent.

James Smyth, citizen, owns six houses in Bridgedale subdivision. He is here to support the development, as he believes that a lack of services hinders real estate sales in the area. He expressed his favorable opinion of the proposed design and screening techniques for the mixture of uses.

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Gregory Carter, citizen, Stonebridge Meadows resident, stated that everything he has is invested in his home and would like the area to remain residential.

John David Smith, citizen, lives at 2350 Hunton Lane, stated he supports development. He stated he lives in close proximity to this development and stores medical/x-ray supplies in climate controlled facilities across town. He believes that the applicant has made an extensive effort to make this fit and satisfy all parties involved.

Sean Marriott, citizen, lives on Spring Street, stated that the cottage style is not cookie cutter. He stated he was in support of denial.

Mr. Craig, citizen, lives in Bridgedale Phase I, stated that the proposal concerns him greatly, because of the proposed development's affect on property value and traffic in the area.

Glenda Patterson, citizen, lives at Stonebridge Meadows, stated that the development bothers her because the people for it are people in business, not those in the area. She stated she was not in support of the project, along with several of the neighbors.

Dean Thomey, citizen, lives at 1015 River Meadows Dr., and is concerned about the use and stated that he never would have moved in if this project was there.

Mark Wilhite, citizen, lives at 1043 River Meadows Dr., and is concerned with the development and would rather see a park.

Michelle Bailey, citizen, lives at 1274 River Meadows Circle, and stated she is against the development. (Submitted photos). Her major concern is with drainage.

Vicki Campbell, citizen, lives in Bridgedale subdivision and stated opposition and that in June 2007 she was told the development was going to be all residential.

Public comment period ended.

Commissioner Winston stated that he prepared comments, and read them, as follows:
I'm not convinced that self-storage is appropriate in this kind of development. I think that the concerns of staff are well thought out and well founded. I'm most troubled by the very possible reality of the self-storage being constructed and the rest of the project not coming to fruition.

That said: I'm sure that it will be a long while before we will see a self-storage facility as well integrated into a neighborhood area as this. The points I would like to make in favor of the project are as follows:

- 1) In our packet on page 3, the phases of construction are outlined. I was happy to see that the developer is committed to build the houses between street three and the storage facility (lost 18-27).

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- 2) It is visually insulated from the neighbors who have already built, at least from a ground floor vantage point.
- 3) Onsite management, limited hours of access, rules barring storage of hazardous materials, sales and auctions as well as installing crime prevention technologies will help make the facility a safe and quiet neighbor.
- 4) Low Impact Development strategies such as pervious paving, rainwater collection and solar power further raise the standards of such a facility.
- 5) The developers have made changes that Subdivision committee recommended regarding connectivity to the east and screening to the south from existing neighbors.
- 6) This area is growing rapidly and very well might present a demand for self-storage. We have an opportunity to raise standards on self-storage design in Fayetteville.
- 7) Allowing this facility carries a risk of integrating uses that don't seem to support one another, but we may be surprised that having a nearby storage facility will encourage people to live in these smaller houses.

I would further support this use if we implement the following conditions on the project:

- 1) In regard to Item 3 concerning the type of PZD, I would support keeping the C-PZD designation over the I-PZD designation because the storage facility primarily caters to residential rather than industrial clients.
- 2) With regard to item 10 concerning hours of operation, I would support changing the hours of operation from 6am-10pm to 7am-9am except by appointment.
- 3) With regard to item 11 concerning building heights, I would recommend limiting the building height of the storage buildings to 18 feet which would allow for a large single story plus parapet, while allowing the 35 foot height limit to remain for the management office. This would insure that a height restriction would not keep the design of this building from appearing in context with either the residential or commercial buildings.
- 4) In regard to phasing: I would be in support of this project if the houses on the south side of Street 2, those are lots 8 thru 17 were constructed before the actual buildings comprising the storage facility were open for business.
- 5) I am concerned that in the future the storage facility could expand to the east. I would like to have a bill of assurances that the facility would not expand beyond its current bounds.

Commissioner Graves asked about typical traffic and a storage facility.

Jeremy Pate, Director of Current Planning, discussed the traffic study, and that storage facilities typically have a lower traffic volume. Staff is not as concerned with the traffic volume from this particular use.

Commissioner Graves asked about the use of an I-PZD v. a C-PZD, as mentioned in the staff report.

Pate described the determination of this rather hybrid self-storage use, which is partly commercial, partly industrial. The Commercial Planned Zoning District ordinance allows a maximum of 5,000

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square feet of warehousing/storage space. The proposed warehousing obviously exceeds that, at 114,000 square feet. Staff did initially consider classifying this project as an industrial planned zoning district. However, in our review of the project, it became apparent that the industrial classification does not fit as well as the commercial classification. Self-storage is not a manufacturing use, or a commercial warehousing use; rather, it is individually accessed by citizens, typically. Staff interpreted the use as a hybrid between an industrial use and commercial use, and found it fit more appropriately into the commercial classification. This is an interpretation of the UDC; staff felt it was appropriate to bring it to the Planning Commission's attention, however, in order to make everyone aware of the use. The alternative is to classify it as an industrial PZD, which would be much more difficult to apply findings to. In staff's review, while we do not support the mini-storage use within the neighborhood, for we do not find it fits with the idea of a mixed-use project in that it does not contribute to the neighborhood, we do find it appropriate to classify this PZD as a commercial one, as opposed to an industrial one.

Commissioner Graves stated he disagreed with staff's position about self-storage. This seems to be what we want for the storage units. Traffic doesn't seem to be that big of a concern. Mixed-use projects are supposed to be supported. He stated he does support the project.

Commissioner Lack stated he was supportive of the commercial along Hwy 16, and found it beneficial to the neighborhood. He stated he was in favor of slightly greater density of the residential portion of project. The Planning Commission is charged with a new task of reviewing mixed-use projects. However, he is not able to support the mini-storage component. This use is only allowed in higher intensity areas, such as industrial and commercial zoning districts. He stated he applauds the LID practices, and hopes they would follow the self-storage, wherever it goes. But he is not supportive of this use at this site. The overall use is a concern. Phasing is a secondary concern; he asked staff to elaborate on how the project would work, if the phasing did not occur as planned.

Pate discussed the revoking of a PZD zoning, and the process it entails. A PZD that does not occur in the phasing as it was intended does not necessarily return to the original zoning. Ultimately the City Council decides the zoning of the property.

Commissioner Lack stated he was concerned with the less compatible portion of the project being constructed, and the community being left with that.

Commissioner Graves stated he had a question for the City Attorney regarding the order of phasing. Could they require some portion of it to be constructed first? What would happen if no houses were built, and the mini-storage constructed? That would be a concern.

Kit Williams, City Attorney, stated that because this is a rezoning, if the Planning Commission is concerned about whether this particular use fits into the community, they could require the homes to be constructed first, as part of the phasing. However, Jeremy is more familiar with the code, I would ask him.

Pate stated that yes, the phasing conditions could go to that level of detail, requiring houses to be

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constructed first. This is not something that has been done before, in his experience, and was one more item staff was concerned about with this project. Ultimately, if the use needed to be screened this much, perhaps it did not belong in the neighborhood.

Commissioner Myres stated that there are a lot of things she likes about the project, and appreciates the changes to make it more acceptable. The changes have certainly helped the project. However, she stated she still has a real problem with the section devoted to mini-storage. She liked the idea of mixed-use, but can't support the proposal with the storage use, as designed. She will support staff's recommendation.

Commissioner Winston stated that the only ideas he came up with to use LID techniques on this property other than the use proposed is parks and playgrounds, but that's not reality. The project needs to be economically feasible.

Motion:

Commissioner Myres made a motion to deny the request, based on the staff findings and recommendation. **Commissioner Lack** seconded the motion. **Upon roll call the motion passed with a vote of 5-4-0, with Commissioners Graves, Ostner, Winston and Trumbo voting no.**

Break.

Public Correspondence

Letters of Support

From: "Elly Parizek" <gparizek1@cox.net>
To: <jpate@ci.fayetteville.ar.us>, <dasanders@ci.fayetteville.ar.us>
Date: 2/24/2008 9:18 PM
Subject: Bridgedale Plaza

This is to let you know I live a very short distance from the proposed Bridgedale Plaza on Hwy 16 East and that I am in support of this development. I have also know the developer, Clint McDonald for a few years and he will do what is good for the area.

Please vote to allow this development, it is something that is needed out Hwy 16 East for all of the population that is in this area.

Thank you very much for your consideration

Elly Parizek

From: Gary Alderson <gary.alderson@coldwellbanker.com>
To: <dasanders@ci.fayetteville.ar.us>
Date: 2/24/2008 1:53 PM
Subject: I support Bridgedale Plaza and ask for your support on this development

Dara Sanders

I am writing to ask for your support of the proposed Bridgedale Plaza on the corner of Hwy 16 East and River Meadows Drive. I think this development would be great asset for this location and the surrounding neighborhoods. My Family and I have owned a business on Huntsville Rd for 23 years now. It is at least a twenty five minute round trip to Hwy 45/ Crossover or Elkins to get goods and service such as Food and Groceries. I need climate control space for my BBQ business that I have. It is nice to see a self storage this state of the art and so planned out. I could use this for my Business for sure.

Best regards,
Gary Alderson

From: <Debbiegathright@aol.com>
To: <jpate@ci.fayetteville.ar.us>, <jsanders@ci.fayetteville.ar.us>
Date: 2/25/2008 9:39 AM
Subject: Bridgedale Plaza

Dear Mr. Pate and Mr. Sanders,
I am a resident of Fayetteville and have seen the layout of Bridgedale Plaza and think it will be a great asset to Southeast Fayetteville. I appreciate the environmental friendly items that Mr. McDonald has incorporated into this development. I am asking for your support for the approval of Bridgdale Plaza.

Sincerely,
Deborah C. Wilson

*****Ideas to please picky eaters. Watch video on AOL Living.
(<http://living.aol.com/video/how-to-please-your-picky-eater/rachel-campos-duffy/2050827?NCID=aolcmp00300000002598>)

From: <hank@broylesdevelopment.com>
To: <dasanders@ci.fayetteville.ar.us>
Date: 2/25/2008 10:24 AM
Subject: Bridgedale

We support this project for our area.

Hank Broyles

From: "Gumbo Madison" <gumbo@sellingnwa.com>
To: "dasanders@ci.fayetteville.ar.us" <dasanders@ci.fayetteville.ar.us>
Date: 2/25/2008 10:56 AM

Dear Mr. Pate,

I am Fayetteville citizen and am writing for your support of Bridgedale Plaza. I have seen the layout and talked with Mr. McDonald about this development. I think it is a great development for southeast Fayetteville and is much over due. It is nice to see a storage facility that is planned and not one that is inherited into the city later that is unappealing. I ask for your support for Bridgedale Plaza.

Sincerely,
Gumbo Madison

From: Scott Ellis <smellis73@yahoo.com>
To: <jpate@ci.fayetteville.ar.us>
Date: 2/25/2008 10:55 AM
Subject: Bridgedale Plaza

Jeremy,

I wanted to add my support for this project. I am the developer of the Addison Acres S/D very near to this project and am in full support of adding more affordable housing options for Fayetteville.

Regards

Scott Ellis

Be a better friend, newshound, and know-it-all with Yahoo! Mobile. Try it now.

From: "Sarah Lewis" <sarah.lewis@spring-line.com>
To: <dasanders@ci.fayetteville.ar.us>
Date: 2/25/2008 12:58 PM
Subject: Bridgedale Plaza

Ms. Sanders,

I am writing to encourage the support of Low Impact Development (LID) and energy efficiency in new developments. The Bridgedale Plaza project comes before Planning this evening and in reviewing the final layout of the project, it looks like they have incorporated a variety of environmentally friendly designs, including LID techniques, as well as energy efficiency techniques. This is the type of effort that the City should encourage.

Thank you for your time and consideration.

Sarah Lewis

--

Sarah E. Lewis
Environmental Dynamics Doctoral Program
Applied Sustainability Center
University of Arkansas Fayetteville
479-575-6603

From: "Michael Wingo" <MWingo@SBofA.com>
To: <dasanders@ci.fayetteville.ar.us>
Date: 2/25/2008 12:40 PM

Dara,

I live in Stonebridge Meadows subdivision, and would like for you to support the proposed Bridgedale Plaza Project. I have seen the plans, and think it is a suitable development for this area of town. We do not have these types of amenities available to us currently, and this development will help change that. In addition, if done properly, I feel these types of developments will increase adjacent property values. I appreciate your service and representation on these matters.

With Highest Regard,

Michael J. Wingo

Signature Bank of Arkansas

Treasury Services

Office: 479-684-3745

Cell: 479-601-6071

Fax: 479-684-3795

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From: "Ron Daniels" <rdaniels72@gmail.com>
To: <dasanders@ci.fayetteville.ar.us>
Date: 2/25/2008 12:37 PM
Subject: Bridgedale Plaza

Dear Dara Sanders,

I am Fayetteville citizen and am writing for your support of Bridgedale Plaza. I have seen the layout of this development. I think it is a great development for southeast Fayetteville and is much over due. I ask you for approval of this development.

Sincerely,
Ron Daniels

From: "Jon" <jon@RobinsonWooten.Com>
To: <jpate@ci.fayetteville.ar.us>
CC: <dasanders@ci.fayetteville.ar.us>
Date: 2/25/2008 12:07 PM

Dear Mr. Pate:

I am a Fayetteville business owner and am writing for your support of the Bridgedale Plaza project. The layout looks terrific and I have spoken with Clint McDonald about this development. I believe this development would be beneficial to Fayetteville. I would respectfully ask for your support of Bridgedale Plaza.

From: Atwood James <jameseatwood@sbcglobal.net>
To: <dasanders@ci.fayetteville.ar.us>
Date: 2/25/2008 1:25 PM
Subject: Bridgedale Plaza

Dear Ms. Sanders,

I am Fayetteville citizen and am writing for your support of Bridgedale Plaza. I have seen the layout and talked with Mr. McDonald about this development. I think it is a great development for southeast Fayetteville and is much over due. It is nice to see a storage facility that is planned and not one that is inherited into the city later that is unappealing. I ask for your support for Bridgedale Plaza.

Sincerely,
James Atwood

From: "Regina Young" <regina@reginaryoungcpa.com>
To: <dasanders@ci.fayetteville.ar.us>
Date: 2/25/2008 1:50 PM

Dara Sanders,

I am Fayetteville citizen and am writing for your support of Bridgedale Plaza. I have seen the layout of this development. I think it is a great development for southeast Fayetteville and is much over due. I have seen other works of Mr. McDonald, and he seems to handle his developments in a responsible way to both the citizens of Fayetteville and the city. It looks like Mr. McDonald has gone over and beyond what would be required in most developments. It is nice to see an environmentally sensitive development. I think this development is one that would be nice to support.

Sincerely,
Regina Young

Regina R Young CPA

Office of Regina R Young CPA

Fayetteville AR 72701

479-444-8820

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From: "Jeff Collins" <jcollins@Streetsmartdata.com>
To: <dasanders@ci.fayetteville.ar.us>
Date: 2/25/2008 3:09 PM
Subject: Bridgedale Plaza

Dear Ms. Sanders,

I am writing for your support of Bridgedale Plaza. I have had the opportunity to examine at the plans and talked extensively with Mr. McDonald about this development. I think it is a that it would be a significant positive development for southeast Fayetteville and judging from the data relating demand for housing by price point to supply, is much over due. Finally, although I am aware that storage facilities are not the most desired developments in the city, land use patterns, the nature of the design, and finally, the care that Mr. McDonald ahs taken to minimize any negative impact that might be perceived by surrounding property owners I believe make this a reasonable development that warrants approval. Moreover, it sets a standard for future developments of this type that improves the current baseline significantly. I hope you will choose to support the project.

Sincerely,

Jeff Collins

From: "David Callison" <dcalli@cox.net>
To: <jpate@ci.fayetteville.ar.us>, <dasanders@ci.fayetteville.ar.us>
CC: <clintonneal@aol.com>
Date: 2/26/2008 5:34 PM
Subject: need a designer???

Hey Clint,

I haven't met you yet. I'm David Callison's wife, Dee. I think the addition going in behind us looks to be nice and somewhat upscale. Are you the main developer? I would love to be part of the color/design team for the houses. I have worked for 2 years for Hometown Development. I've been responsible for design in everything from the floorplans to the landscaping. If there might be a place I could be used, please let me know. I have a vested interest, since this will be in my backyard!

Thanks,
Dee Callison
479-200-6516 cell

From: <clintonneal@aol.com>
To:
Date: 2/26/2008 6:14 AM
Subject: Bridgedale Plaza

This is?a letter sent from David Callison(adjacent property owner to Bridgedale Plaza)?to me and Brenda Theil. David lives in the first house on the left with pulling into River Meadows Drive. He is adjacent to Bridgedale Plaza.

Thank you,
Clint McDonald

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

From: David Callison <dcalli@cox.net>
To: bthiel@cox.net
Cc: clintonneal@aol.com
Sent: Thu, 4 Oct 2007 3:17 pm
Subject: Stonebridge Plaza and Self Storage

Brenda,

?

I live at 1020 S River Meadows Dr. in Fayetteville. ? My house/property backs up to 6 of the lots to the Stonebridge Plaza development. ? I have spoken with Clint McDaniel and David Jorgenson about the development and they have address my concerns, which were:

?

1.? Do they plan to keep the tree line on the property line where my land the their land meet?? The answer is yes and I am satisfied with their explanation.

?

2.? What style and quality of house are they building on the lots?? Clint informed me that they would be smaller homes put with high quality, which will push the appraisal values up per square foot. ? My concern was that they were going to be small houses at a low price point per square foot therefore having a negative affect on my property values. ? I am pleased to hear that the per square foot value is in line with the other homes in Stonebridge Meadows subdivision.

?

The only small concern I have is the additional traffic from the commercial property, and I have not spoken with Clint about this,(I honestly done know how much that will affect me being down the street from the entrance...maybe none). ? Also, I think the location of the Self Storage is a great location and will be a positive for all the residents in Stonebridge Meadows and the other subdivisions in the area.

?

I do not have any objections to the development at this time.

?

David Callison

1020 S River Meadows

Fayetteville, AR? 72701

200-6630

?

?

?

?

More new features than ever. Check out the new AOL Mail ! - <http://webmail.aol.com>

To Whom It May Concern:

I live at 4/25 E Huntsville #2 in Fayetteville Arkansas and I support the
Bridgedale Plaza development on the corner of Huntsville/Hwy16 and River
Meadows Drive.

Sincerely,

Sheta Mitchell

To Whom It May Concern:

I live at 4125 E Huntsville^{RD.} in Fayetteville Arkansas and I support the
Bridgedale Plaza development on the corner of Huntsville/Hwy 16 and River
Meadows Drive.

Sincerely,

Ryan [Signature]

From: <clintonneal@aol.com>
To: <dasanders@ci.fayetteville.ar.us>
Date: 3/4/2008 4:28 PM
Subject: Fwd: Bridgedale Plaza

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

From: jimmy <jimmy@concreteincorporated.com>
To: clintonneal@aol.com
Sent: Tue, 4 Mar 2008 9:33 am
Subject: FW: Bridgedale Plaza

Jimmy Smyth

Vice President

Concrete Services of NW Arkansas, Inc.

479-751-7522

479-751-5201 (fax)

From: jimmy [mailto:jimmy@concreteincorporated.com]
Sent: Tuesday, March 04, 2008 9:30 AM
To: 'balliehi@sbcglobal.net'; 'cmyres@sbcglobal.net'; 'jgraves@bassetlawfirm.com'; 'janthes@uark.edu'; 'strumbo@nicklehill.com'; 'alan.ostner@sbcglobal.net'; 'audy@mbi-arch.com'; 'matthew@allarch.com'; 'porterwinston@netzero.com'
Subject: Bridgedale Plaza

Dear Commissioners,

As the owner of six properties in the Bridgedale subdivision I am writing to once again voice my support for the proposed Bridgedale Plaza development. I feel that the area East of the Hwy 265 and Hwy 16 East intersection is lacking in many of the amenities that make living in that area attractive to the average homeowner. The addition of office, retail and other service oriented businesses would be a great asset to

current and future development of this and surrounding areas.

As I've stated before, I've seen Mr. McDonald's other commercial and residential developments and they are always done with a high level of quality and curb appeal. I disagree with those that may think that development other than residential would harm the values of their properties. As a resident of Har-Ber Meadows in Springdale, I can say that the most appealing aspect of living in that development is its close proximity to the very conveniences that Mr. McDonald is proposing.

Sincerely,

Jimmy Smyth

Member

McLeod & Smyth, LLC

479-751-7522

479-751-5201 (fax)

Public Correspondence

Letters of Opposition

1. I have 2 houses (\$425,000.00) each and a lot (55,000.0) in Bridgedale S/D.
2. We bought with the understanding that we were in Phase I – Phase II would be north going up to 16Hwy with like houses and a “grand” entrance off of 16Hwy.
3. There were covenants that were required to ensure the integrity of the S/D.
 - Square footage
 - Sprinkler system
 - Fescue sod
 - Landscaping
4. Bridgedale is a great neighborhood -one that absolutely compliments the Stonebridge Subdivision.

This will all change if the zoning change request is approved.

1. Random traffic going through my neighborhood at all hours. Random people going through my neighborhood 24/7.
2. Our neighborhood is peaceful – this would definitely affect the calmness and peace of mind that you get coming home and relaxing.
3. The rain runoff would be substantial. Flooding issues with the additional blacktop. Retention pond and park area have flooding issues right now.
4. Don't want South Pinnacle and Eastpoint Drive to be access streets for all the additional traffic. Leave the cul-de-sac on Pinnacle alone: Have the entrance and exit from 16 Hwy.
5. Place the commercial development off of 16Hwy – not back in a neighborhood. Bright lights – noise – traffic. If it would look as good as developer states, then there should be no problem keeping up Hwy 16.
6. The devaluation of my property values.

I would have a \$425,000.00 rent house right outside the proposed entrance off South Pinnacle.

This is not the vision/promise of future expansion that was sold to us when we bought our property. There were drawings depicting and Phase II of Bridgedale- lots drawn out – that were similar in size and having the same covenants as Phase I. With this proposal, everything has completely changed.

If the zoning is changed maybe there would be storage units and other commercial projects, or possibly the rezoning efforts are to make the property attractive to an outside investor. Get the zoning change approved – then sell – not actually planning on building anything. Just to change it to sell it- with no intention of building. Then we will be right back here again.

I implore you to not subject the adjoining neighborhoods with the inconclusive direction of the owners. We have suffered enough by half truths and unfulfilled promises.

Who is there to protect our investments?

283

Who will pay for the financial "hit" that will be taken if this proposal is approved?
Who will rent my \$425,000.00 rent house???

If it will not affect my neighborhood – don't run it through my neighborhood.

A BIG fence at the end of South Pinnacle. No through street. This would be great. And a BIG fence surrounding the entire project. Make the entrance and exit off of 16 Hwy and not go through these wonderful family neighborhoods.

Take a drive through both of these neighborhoods at night and you will "see" and "hear" the peace and quite that we hold so dearly for ourselves and our families. Let us protect that!!!

Thank you again for your consideration in this matter-

Sandra Clegg.

From: <Mousiemom2000@yahoo.com>
To: <webmaster@ci.fayetteville.ar.us>
Date: 3/6/2008 6:11 PM
Subject: [Form mail from AccessFayetteville] - Bridgedale Development
CC: <planning@ci.fayetteville.ar.us>

From: Leslie Harvey
Email: Mousiemom2000@yahoo.com
To: planning@ci.fayetteville.ar.us
Subject: Bridgedale Development

Message:

Dear Members of the Fayetteville Planning Commission,

My name is Leslie Harvey and my family lives in Stonebridge Meadows Subdivision in southeast Fayetteville. I am writing you regarding the discussion of the proposed Bridgedale development that is on the agenda for March 10th's meeting. I want to strongly voice my family's opposition to the proposed development.

Stonebridge Meadows is a quiet subdivision on the southeast corner of Fayetteville. The residents chose to live here because of the peaceful atmosphere that exists among the farmland and golf course. Our neighborhood is quiet and our children are able to play without too much concern.

When I did a search on the NWA Times website to find out more about this development, I was also linked to articles about the failed Aspen Ridge development. I have no doubt that Bridgedale will become the east side's Aspen Ridge. In the NWA Times article that I read, Mr. McDonald was quoted as saying, "It's a project that's in dire need in southeast Fayetteville." Whether or not Mr. McDonald subjectively feels that this type of project is needed in southeast Fayetteville is, of course, irrelevant to the ultimate question of whether this type of project is compatible with the surrounding residential uses and in compatibility with the current zoning designation and future zoning designations.

The additional traffic congestion this commercial project would add to Highway 16 alone is cause for our great concern, and I know this problem has been a concern for the City of Fayetteville as well. Each morning when I take my son to school, I am unable to make a left turn onto Highway 16 unless someone stops and lets me out. We understand that there are plans to widen 16 and put a light at Stonebridge, but even with these "fixes", traffic is busy enough that we will still have congestion in the mornings. Adding additional commercial traffic into the mix would be a nightmare. In addition, River Meadows, the road before the proposed development, can be a dangerous left hand turn because Highway 16 rises and you can't see traffic coming from Elkins until it is nearly upon you. The proposed development would bring more traffic coming over that rise.

I realize that growth is inevitable, and that we will not always have our tranquil farmland behind us. We have expected residential development at some point to occur, but certainly not commercial. It was our understanding that the proposed area was zoned residential and agricultural, and we all purchased our homes with the expectation that surrounding properties would remain in compatibility with the residential developments in the area. Hwy 16/Huntsville Road is changing. From Stonebridge Road west into town, many of the houses are for sale for commercial development. It isn't necessary to extend this development to back up to our homes. The proposed development not only includes commercial space, but self storage units. The lights and added traffic would drastically change the quiet atmosphere that we all enjoy, and I certainly don't think we can rely on Mr. McDonald's remark that "unless they were Superman flying over the project or the Six Million Dollar Man looking through it, they would not realize it

was a storage facility." It doesn't matter if it is promised that the lights are dim or shine in a way that doesn't reflect, we're going to see and be impacted by this incompatible development in our backyards and we will hear the traffic and deal with the congestion it will add to the roads daily.

My husband and I are life-long residents of Fayetteville. We chose to stay here and raise a family because we believe that communities like Fayetteville are rare, and we appreciate that the Fayetteville Planning Commission and City Council has placed a high value on issues of compatibility and the long term impact of non-residential developments on Fayetteville's residential neighborhoods. A drive to the north of Fayetteville along the I-540 corridor illustrates the negative impact of development decisions made with only short term interests in mind. It is our firm belief with this high value and attention to such issues and planning values, other communities in this region cannot hold a candle to Fayetteville.

We respectfully ask that you please vote against this proposed development. We are all willing to fight for our neighborhood and the lifestyle that we love.

Thank you,

Leslie Harvey
1198 River Meadows Drive
973-9520

From: <nobody@accessfayetteville.org>
To: <webmaster@ci.fayetteville.ar.us>
Date: 3/8/2008 9:42 AM
Subject: [Form mail from AccessFayetteville] - Bridgedale Plaza

CC: <planning@ci.fayetteville.ar.us>

From: Michelle Bailey
To: planning@ci.fayetteville.ar.us
Subject: Bridgedale Plaza

Message:

I am writing to the board to restate my opinion on the development of Bridgedale Plaza. I feel that the installation of storage units in a residential area and the addition of commercial sites will have a negative effect to our property values. I ask the board to consider that so many in this neighborhood do not wish to see this type of development. Please leave it residential. Thank you for your time and consideration.

From: <jluper24@yahoo.com>
To: <webmaster@ci.fayetteville.ar.us>
Date: 2/25/2008 8:14 AM
Subject: [Form mail from AccessFayetteville] - Bridgedale Subdivision Phase II
CC: <planning@ci.fayetteville.ar.us>

From: Jim Luper
Email: jluper24@yahoo.com
To: planning@ci.fayetteville.ar.us
Subject: Bridgedale Subdivision Phase II

Message:

I regret I cannot attend tonight's planning meeting concerning Phase 2. I live in Stonebridge adjacent to Phase 1 and one house down from Phase 2. There are many concerns. (1) Traffic out this way is terrible. You take your life into your own hands to pull out in the morning and evening. (2) Storage buildings right behind our homes. According to Police Departments from Fay, Springdale and Rogers, Storage buildings are the new home of drug dealers. They have even gone so far as setting up Meth Labs in them. (3) Loss in home value. They propose smaller homes that would knock down our home values. The average home in Stonebridge is \$250,000. Bridgedale Phase 1 is over \$300,000. This developer is ruining the value of his own subdivision. Since these homes are going on 2 years sitting empty, the banks are about to foreclose and sell them below value. This developer has already affected our home values. This proposed addition does not fit in any way, shape or form with the existing neighborhoods. This developer is over extended and needs the revenue of the storage buildings. This is in our neighborhoods opinion a desperate attempt by the developer to recoup his failed subdivision losses. Please do not allow this to happen to our quiet neighborhood.
Jim Luper

From: Laddy Diebold <laddddiebold@yahoo.com>
To: <jpate@ci.fayetteville.ar.us>
Date: 2/25/2008 12:57 PM
Subject: Mini-storage re-zoning

Hey Jeremy,

My name is Laddy Diebold and I am a Realtor with Re/Max Associates in Fayetteville. I have been a Realtor in Fayetteville for 8 years. As a former partner of Clint McDonald, I am well aware of the Bridgedale subdivision and the surrounding area. I have sold many homes to clients in that area and have received calls from some who are concerned with Clint's proposed changes. Clint is a nice guy, but this project is not nice. It is a complete contradiction to what was going in there and people have invested in property and homes who would not otherwise have done so if they new that mini-storage units were even being considered.

Besides the people directly affected, the vacancy rate in the mini-storage business is at an all time high in Fayetteville...check it out for yourself. Bob Schmidt just completed one off east Joyce and it is 100% vacant and he is trying to sell it. These PODS have really changed the way people look at storage now. Please keep it it zoned for residential.

Sincerely,

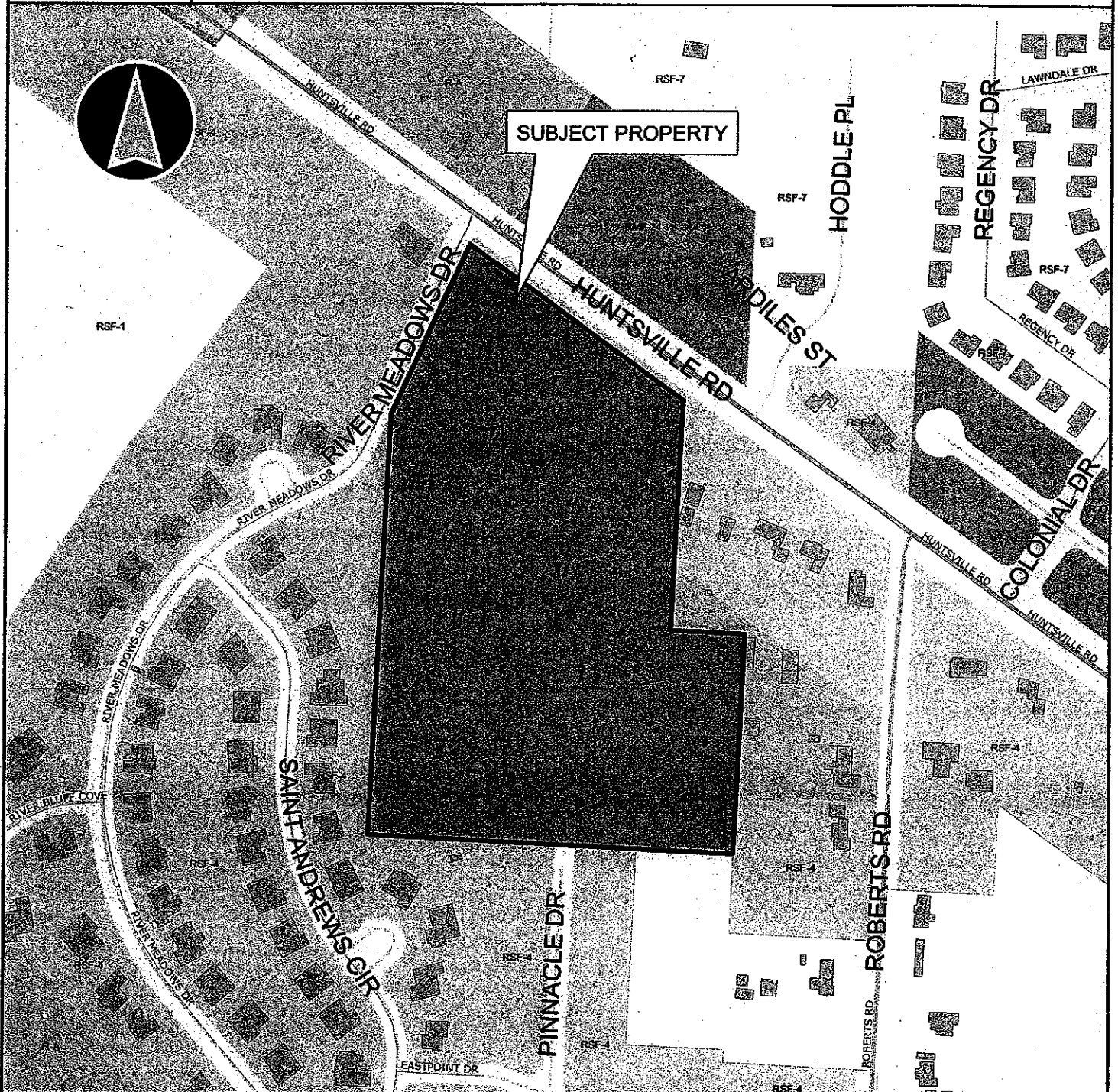
Laddy Diebold
Associate Broker
Re/Max Associates
(479) 841-1000

Be a better friend, newshound, and
know-it-all with Yahoo! Mobile. Try it now.
http://mobile.yahoo.com/;_ylt=Ahu06i62sR8HDtDypao8Wcj9tAcJ

PZD08-2904

Close Up Map

BRIDGEDALE PLAZA



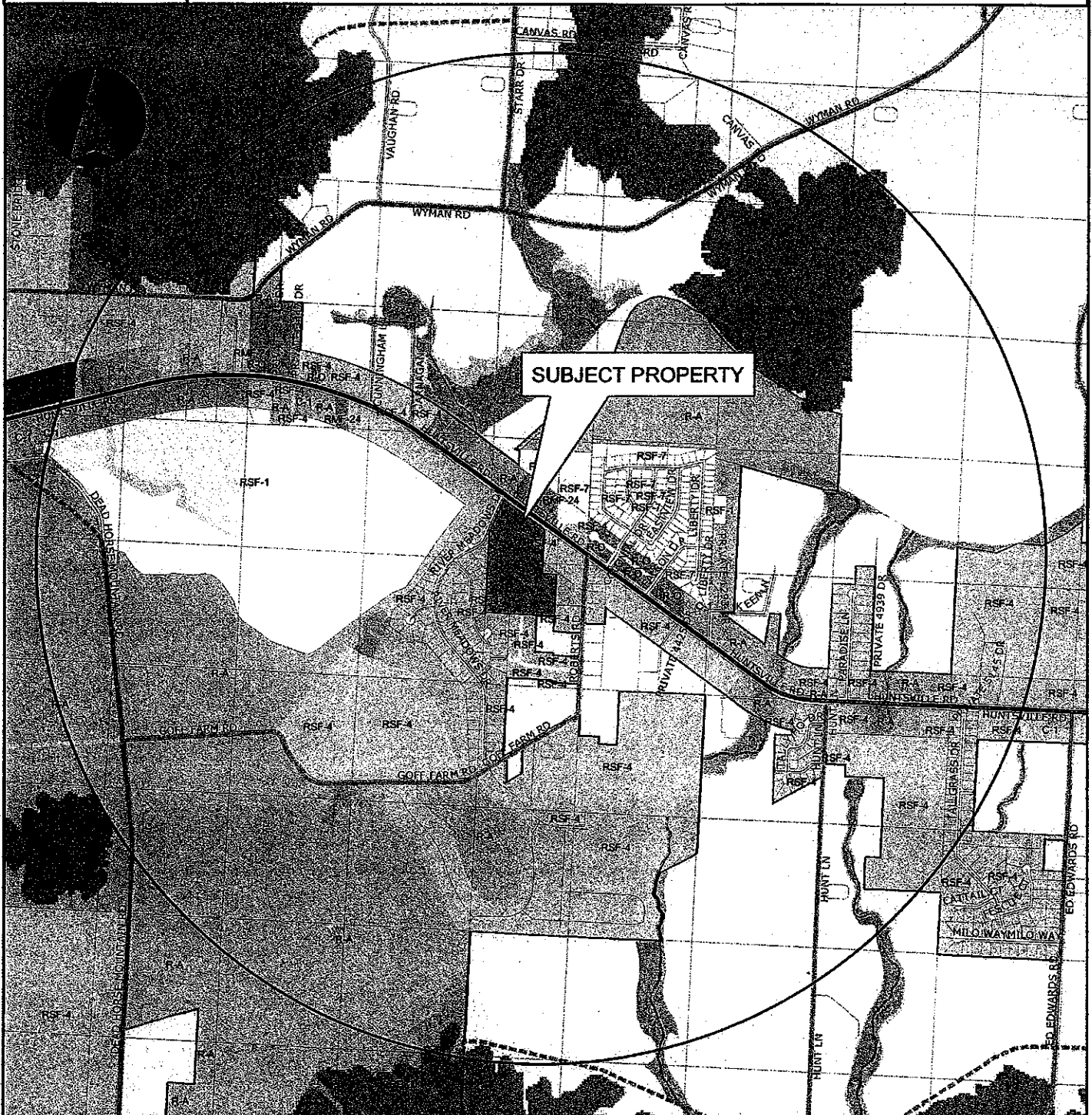
Overview



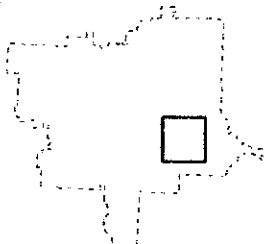
IPZD08-2904

BRIDGEDALE PLAZA

One Mile View



Overview



Legend

Subject Property

IPZD08-2904

Boundary

Planning Area

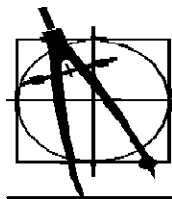
Overlay District

Outside City

Legend

Hillside-Hilltop Overlay District





JORGENSEN & ASSOCIATES

CIVIL ENGINEERS • SURVEYORS

B. 5
Bridgedale Plaza Appeal
Page 81 of 92

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807
DAVID L. JORGENSEN, P.E., P.L.S.

May 6, 2008

City of Fayetteville
113 W. Mountain St.
Fayetteville, AR 72701

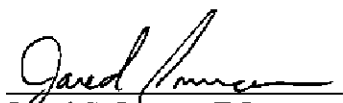
Attn: Brenda Thiel and Adella Gray,
Re: Bridgedale Plaza PZD

Attached herewith please find a petition of local residents in the area of the proposed Bridgedale Plaza who are in favor or unopposed to this development. This petition was compiled over the past few days. There have been rumors that possibly the misrepresentation of facts of Bridgedale Plaza could have affected the outcome of the other petition opposing the development. For example: the proposed homes would be in the eighty to ninety-thousand dollar range, which would decrease existing home values. This is not true. The homes will range in the two-hundred to two-hundred-and-fifty dollar range with nice amenities. It has also been stated, that the personal storage would create an environment for criminal activity, when in fact, personal storage has one of the lowest crime rates. Please see Page 53, of the Bridgedale Plaza Booklet provided, under "Addressing Additional Concerns" for more information.

Please call concerning any questions you may have.

Thank you for your time.

Sincerely,


Jared S. Inman, E.I.

Bridgedale Plaza Development

(Proposed Mix-Use Development on the corner of HWY 16 & River Meadows Dr.)

Ward 1-Fayetteville, AR

The following are in FAVOR or UNOPPOSED to Bridgedale Plaza

Name:

Date:

Address:

<u>[Signature]</u>	<u>5/5/08</u>	<u>201 Roberts Rd</u>
<u>David W. Caciari</u>	<u>5/6/08</u>	<u>10205 River Meadows</u>
<u>[Signature]</u>	<u>5/6/08</u>	<u>10205 River Meadows</u>
<u>aren Fletcher</u>	<u>5/5/08</u>	<u>4065 Huntsville Rd</u>
<u>[Signature]</u>	<u>5/5/08</u>	<u>4067 Huntsville</u>
<u>Leta Mitchell</u>	<u>5/5/08</u>	<u>4125 E Huntsville Rd</u>
<u>[Signature]</u>	<u>5/5/08</u>	<u>4129 E. Huntsville Rd</u>
<u>[Signature]</u>	<u>5/5/08</u>	<u>1385 Robert Rd</u>
<u>[Signature]</u>	<u>5/5/08</u>	<u>1439 Roberts Rd</u>
<u>[Signature]</u>	<u>5/5/08</u>	<u>2015 S. Pumpkin Ridge</u>
<u>[Signature]</u>	<u>5/5/08</u>	<u>" " " "</u>
<u>[Signature]</u>	<u>5/5/08</u>	<u>2010 S Pumpkin Ridge</u>
<u>[Signature]</u>	<u>5/5/08</u>	<u>1949 Pumpkin Ridge</u>
<u>[Signature]</u>	<u>5/5/08</u>	<u>4037 Huntsville</u>
<u>Thomson, Carolyn</u>	<u>5/5/08</u>	<u>Clayborne</u>
<u>[Signature]</u>	<u>5/5/08</u>	<u>2350 HUNT LANE</u>
<u>[Signature]</u>	<u>5/5/08</u>	<u>2350 HUNT Lane</u>

Bridgedale Plaza Development

(Proposed Mix-Use Development on the corner of HWY 16 & River Meadows Dr.)

Ward 1-Fayetteville, AR

The following are in FAVOR or UNOPPOSED to Bridgedale Plaza

Name:

Date:

Address:

<u>Sequoia Flores</u>	<u>4-28-08</u>	<u>4242 E Broom Sage Dr.</u>
<u>Shelly Parings</u>		<u>4292 E. Broom Sage Dr.</u>
<u>Mary Farish</u>		<u>" "</u>
<u>Peter Nelson</u>		<u>4293 E Broom Sage Dr</u>
<u>Joe Smith Carrier</u>		<u>4293 E Broom Sage Dr.</u>
<u>Janie Blagg</u>		<u>4367 E Falcon Dr.</u>
<u>Angela Huddleston</u>		<u>4383 Falcon Dr</u>
<u>[Signature]</u>		<u>4380 Falcon Dr</u>
<u>[Signature]</u>		<u>4438 E Falcon Dr.</u>
<u>Wanda Butterfly</u>		<u>4454 E Falcon dr.</u>
<u>Jose Granados</u>		<u>1045 LIBERTY</u>
<u>Mitzi Jones</u>		<u>4491 E. Falcon Dr.</u>
<u>Leslie Henry</u>		<u>963 S. Liberty Dr.</u>
<u>[Signature]</u>		<u>935 S. Liberty Dr</u>
<u>Monica Sigley</u>		<u>863 S. Liberty Dr.</u>
<u>Shannon Fitchel</u>		<u>846 S. Liberty Dr.</u>
<u>[Signature]</u>		<u>818 EASTVIEW DR.</u>

Bridgedale Plaza Development

(Proposed Mix-Use Development on the corner of HWY 16 & River Meadows Dr.)

Ward 1-Fayetteville, AR

The following are in FAVOR or UNOPPOSED to Bridgedale Plaza

Name:

Date:

Address:

Natalie Doster 5/4/08 10 ACORN Xing #2

Robert Bridwell 5/5/08 2567 Turtle Creek Dr

Coltrane White 4/5/08 2567 Turtle Creek Dr,

[Signature] [Signature] [Signature]

[Signature] [Signature] [Signature]

[Signature] [Signature] 2572 Turtle Creek Dr

[Signature] [Signature] 2588 Turtle Creek Dr

[Signature] [Signature] 2620 E. Turtle Creek Dr.

[Signature] [Signature] 2620 E. Turtle Creek Dr.

[Signature] [Signature] 2620 E. Turtle Creek Dr

[Signature] [Signature] 115 N LINDSEY AVE

[Signature] [Signature] 4286 E. LAUNDALE

[Signature] [Signature] 4155 EAST POINT

JAMES A SMYTH [Signature] 4117 East Point

[Signature] [Signature] 4103 EAST POINT

[Signature] [Signature] 4085 EAST POINT

[Signature] [Signature] [Signature]

Bridgedale Plaza Development

(Proposed Mix-Use Development on the corner of HWY 16 & River Meadows Dr.)

Ward 1-Fayetteville, AR

The following are in FAVOR or UNOPPOSED to Bridgedale Plaza

Name:

Date:

Address:

<u>E. Amy Allen</u>		<u>4458 E. Huntville Rd</u>
<u>W. E.</u>		<u>1140 S. Paradise Ln</u>
<u>Shelly Roman</u>		<u>1140 S. Paradise Ln</u>
<u>Bob M. Roman</u>		<u>4600 S. HUNTSVILLE RD</u>
<u>Bob M. Roman</u>		<u>1872 S. MALLY WAGON</u>
<u>Mark Allen</u>		<u>121 N. Gen Trl Apr 12</u>
<u>Mark Allen</u>		<u>121 N. Gen Trl Apr 12</u>
<u>Mark Allen</u>		<u>121 N. Gen Trl Apr 11</u>
<u>W. H. Mackey</u>		<u>1135 S. Paradise Ln May 3</u>
<u>W. H. Mackey</u>		<u>135 S. Paradise Ln</u>
<u>Kate Springer</u>		<u>1095 S. Liberty Dr</u>
<u>Denise Williams</u>		<u>1125 Liberty Dr</u>
<u>W. H. Mackey</u>		<u>1175 Liberty Dr</u>
<u>W. H. Mackey</u>		<u>1201 Roberts Rd</u>
<u>W. H. Mackey</u>		<u>1340 Lake Sequoyia Dr</u>
<u>Denise M. Roberts</u>		<u>901 S. Liberty</u>
<u>W. H. Mackey</u>		<u>18713 Lake Sequoyia Dr</u>

Bridgedale Plaza Development

(Proposed Mix-Use Development on the corner of HWY 16 & River Meadows Dr.)

Ward 1-Fayetteville, AR

The following are in FAVOR or UNOPPOSED to Bridgedale Plaza

Name:

Date:

Address:

Judy Beard 5/2/08

5263 Mills Way

John Beard 5/2/08

5263 Mills Way

W. B. Baker

1510 Lake Sequoyal

Jerry Kirby 5/2/08

18713 Kingsley Fayetteville AR

Wiley Kirby 5/2/08

18713 Kingsley Fayetteville AR

Stuart Morgan

1388 Lake Sequoyal

W. C. S. 5/2/08

1388 Lake Sequoyal

Matt Gabb

1210 Turner Hill Rd

Michael Gabb

2073 Cherry Hills

Carolyn Roberts

1197 Roberts Rd

Elden Roberts

1197 Roberts Rd

Doris Roberts

4199 E Huntsville

Donald Brennan

1356 S Roberts Rd

John Bean

1356 S Roberts Rd

Ray Albright

1160 Roberts Rd

Melba Allred

"

Carl Allred

9458 E. Huntsville Rd

Bridgedale Plaza Development

(Proposed Mix-Use Development on the corner of HWY 16 & River Meadows Dr.)

Ward 1-Fayetteville, AR

The following are in FAVOR or UNOPPOSED to Bridgedale Plaza

<u>Name:</u>	<u>Date:</u>	<u>Address:</u>
Brian Robinson	5/5/08	100 Tourmaline Apt #1
Mat Abbott	5/5/08	100 Tourmaline Way Apt #4
Adrian	5-5-08	100 Tourmaline Way #4 72701
Alicia Belmore	5/5	68 Tourmaline Way #1
Alicia Inge	5-5-08	
Talisha Gray	5-5-08	209 Lapis Lane Apt. 9
Bobby Sullivan	5-5-08	161 Lapis Ln #9
Frank Cooper	5-5-08	" " "
Frank	5-5-08	107 N. Lapis Ln. #8
Frank	5-5-08	" "
Frank	5-5-08	107 N. Lapis Lane #9
Jim Vachon	5/5/08	93 N. Lapis Ln Apt #7
Connie Vachon	5/5/08	" " " "
Kae Wyland	5-5-08	93 Lapis Ln Apt. #2
Nicholas Bethies	5-5-08	" " " "
Alanna Cane		145 N. Lapis Lane Apt 1
Luca	5/5/08	145 Lapis Ln, Apt. 5

Bridgedale Plaza Development

(Proposed Mix-Use Development on the corner of HWY 16 & River Meadows Dr.)

Ward 1-Fayetteville, AR

The following are in FAVOR or UNOPPOSED to Bridgedale Plaza

Name:

Date:

Address:

Dallas Nichols

938 S. Eastview

David A. f

938 S. Eastview

Fred Chaplin

891 EASTVIEW DR

Kathy Smith

952 S. Eastview Dr.

Joe Hill

983 S. Eastview Dr.

Steve Davis

↑

River McElaine

905 S. Eastview Dr.

Spencer Johnson

1017 S. Eastview Dr.

MM40

955 S. Regency Dr

Demetrius Howell

960 S. Regency Dr

Jesse Santos

961 S. Regency Dr

Don Rouse

973 S. Regency Dr.

Steve Bradley

917 Parkwood St

Quint Jackson

897 S. PARKWOOD DR

Langhorne

888 S. Parkwood Dr

Dan Swann

261 S. Parkwood Dr

B. J. J.

919 S. Regency Dr

Bridgedale Plaza Development

(Proposed Mix-Use Development on the corner of HWY 16 & River Meadows Dr.)

Ward 1-Fayetteville, AR

The following are in FAVOR or UNOPPOSED to Bridgedale Plaza

<u>Name:</u>	<u>Date:</u>	<u>Address:</u>
<u>Denny Wilson</u>	<u>4/30/08</u>	<u>4264 E. Landale Dr</u>
<u>Janet Adams</u>	<u>4/30/08</u>	<u>4300 E. Landale</u>
<u>Mark Hughes</u>	<u>5/1/08</u>	<u>5510 E. Country Ridge</u>
<u>Tanner Francis</u>		<u>5572 Country Ridge</u>
<u>Jose Marquez</u>	<u>5-1-08</u>	<u>5620 Country Ridge</u>
<u>Jeri Redman</u>		<u>5652 Country Ridge</u>
<u>Cassey Shreve</u>	<u>05/01/08</u>	<u>5682 Country Ridge</u>
<u>[Signature]</u>	<u>05/01/08</u>	<u>5682 Country Ridge</u>
<u>Amanda Edgmon</u>	<u>5-1-08</u>	<u>5681 Country Ridge</u>
<u>Misty Seales</u>	<u>5-1-08</u>	<u>5681 Country Ridge</u>
<u>Ann L Biggett</u>	<u>5-1-08</u>	<u>5633 E Country Ridge Fayetteville AR</u>
<u>Kerry Biggett</u>	<u>5-1-08</u>	<u>5633 E Country Ridge Fayetteville AR</u>
<u>LEO PAOLO ESTORNALIS</u>	<u>5-1-08</u>	<u>1278 DEERFIELD WAY</u>
<u>Erin Luper</u>		<u>1308 DEERFIELD WAY</u>
<u>DINA HARRIS</u>		<u>5538 E COUNTRY RIDGE</u>
<u>Jane Waters-Shawalter</u>		<u>1667 Tally Ho Drive</u>
<u>Cliff Shumaker</u>		<u>1667 Tally Ho Drive</u>

Bridgedale Plaza Development

(Proposed Mix-Use Development on the corner of HWY 16 & River Meadows Dr.)

Ward 1-Fayetteville, AR

The following are in FAVOR or UNOPPOSED to Bridgedale Plaza

Name:

Date:

Address:

Mark Ross 5/5/08

Geoffrey Jenkins 5/5/08

Carol 5/5/08

Amanda Jones 5/5/08

Karl Ascoli

Ryan Smith

[Signature] 5/5/08

Bert Smith 5/5/08

Brianne E. Lindstrom 5/5/08

James Page

Rylee Miller

Amy Schillinger

Larry Dwyer

Haley Barker

Lois Gentry

Josh Attoun

Shelly DeMott

1455 Lapis Ln, Fayetteville, AR 72701

201 Lapis Ln Fayetteville, AR 72701

1453 Lapis Ln Fayetteville, AR 72701

101 LAPIS LN #4 Fayetteville, AR 72701

1952 Spinel Link apt #1

1952 E. Spinel Link #7

1965 E Spinel Link

122 Aqua Crossing #2,

122 Aqua Crossing #2-

122 Aqua Crossing #1

44 Aqua Crossing

78 Aqua Crossing Apt 7

78 44 link & apt

78 Aqua Xing #10

70 Aqua Xing #9

70 Aqua Xing #7

70 N Aqua Xing #7

Bridgedale Plaza Development

(Proposed Mix-Use Development on the corner of HWY 16 & River Meadows Dr.)

Ward 1-Fayetteville, AR

The following are in FAVOR or UNOPPOSED to Bridgedale Plaza

Name:

Date:

Address:

CAJ

Christopher L. Morton

Jay Boston

Haven Boston

Hal Alderson

Ray

Kance Swift

Jim Hill

Tripp Perry

Marcia Smith

Harold D. May

Levi Netter

Keith Scott

Wade Wright

Deann

K. Martin

J. Ornel

1644 Tally Ho DR

1644 Tally Ho

1615 S. Tallgrass

1615 S. Tallgrass

1602 S. Tallgrass Dr.

1602 S. Tallgrass Dr.

1664 S. Tallgrass Dr.

1604 S. Tallgrass Dr.

1743 Tallgrass Dr.

1795 Tallgrass Dr.

1792 Tallgrass

1740 Tallgrass

1725 Tallgrass Dr.

1725 Tallgrass Dr.

1912 Rescue Ct.

1945 S. Farnest St

5320 Midway

Ward 1-Fayetteville, AR

[illegible]

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

20-May-08
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

RZN 08-2968: (Lazenby, 557): Submitted by Dave Jorgensen for property located at 3390 West 6th Street. The property is zoned R-O, Residential Office, and contains approximately 0.49 acres. The request is to rezone the subject property to C-1, Neighborhood Commercial.

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 ☐

[Signature] 5-1-08
Department Director Date

[Signature] 5-2-08
City Attorney Date

Paul A. Buh 5-5-08
Finance and Internal Service Director Date

[Signature] 5/5/08
Mayor Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Received in City Clerk's Office
5/1/08 [Signature]

Received in Mayor's Office
5/5/08 [Signature]

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: April 29, 2008

Subject: Rezoning for Lazenby (RZN 08-2968)

RECOMMENDATION

Staff and the Planning Commission recommend approval of rezoning the subject property from R-O, Residential Office to C-1, Neighborhood Commercial for approximately 0.49 acres located at 3390 West Sixth Street.

BACKGROUND

The property is located at the northeast corner of Highway 62 (Principal Arterial) and Old Farmington Road (Collector) and is zoned R-O. The 0.49 acre tract contains a vacant commercial building, constructed in 1975 according to Washington County property records.

The surrounding area currently serves as a regional commercial area with an existing assortment of residential, professional office, and retail uses located in close proximity to each other, serving several communities. Businesses in the vicinity include Lowe's, Wal-Mart, automobile sales, hotels, and various retail shopping centers.

Staff finds that this property is more appropriate to be developed under the C-1 zoning classification, as the subject property is designated as an Urban Center Area and located at an intersection of a Collector Street and a Principal Arterial Street. Corner locations as such are generally encouraged to develop with uses at a higher intensity than that allowed by-right in the R-O zoning district. Access to the property will be reviewed in detail at the time of development.

DISCUSSION

This item was heard at the regular Planning Commission meeting on April 28, 2008. The Planning Commission voted 7-0-0 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 08-2968, FOR APPROXIMATELY 0.49 ACRES, LOCATED AT 3390 WEST 6TH STREET FROM R-O, RESIDENTIAL OFFICE TO C-1, NEIGHBORHOOD COMMERCIAL.

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

Section 1: That the zone classification of the following described property is hereby changed as follows:

From R-O, Residential Office to C-1, Neighborhood Commercial as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2: That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to reflect the zoning change provided in Section 1 above.

PASSED and APPROVED this day of , 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT "A"

Lazenby Rezoning



EXHIBIT "B"
RZN 08-2968

A PART OF THE FRL. SW1/4 OF THE FRL. NW1/4 OF SECTION 19, T16N, R30W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS:
COMMENCING AT THE SW CORNER OF SAID FRL. NW1/4 THENCE S02°01'00"W 27.70 FEET, THENCE N75°47'00"E 1475.90 FEET, THENCE N20°27'26"W 20.00 FEET TO THE P.O.B., THENCE N20°27'26"W 142.61 FEET, THENCE N66°13'07"E 132.50 FEET, THENCE S20°48'15"E 185.00 FEET, THENCE S75°42'00"W 12.40 FEET, THENCE N89°17'00"W 77.60 FEET, THENCE S75°47'00"W 49.00 FEET TO THE P.O.B.;
CONTAINING 0.49 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.



PC Meeting of April 28, 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: April 18, 2008 Updated April 29, 2008

RZN 08-2968: (LAZENBY, 557): Submitted by DAVE JORGENSEN for property located at 3390 W. 6TH ST., NE CORNER OF HWY 62W & OLD FARMINGTON RD. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 0.49 acres. The request is to rezone the subject property to C-1, Neighborhood Commercial. Planner: Dara Sanders

BACKGROUND:

Property Description: The property is located at the northeast corner of Highway 62 (Principal Arterial) and Old Farmington Road (Collector) and is zoned R-O. The 0.49 acre tract contains a vacant retail building, constructed in 1975 according to Washington County property records, which was previously used for a printing business, Skat Printing.

The surrounding properties are a mixture of residential, office, retail and commercial uses with varying intensities. Businesses in the vicinity include Lowe's, Wal-Mart, automobile sales, hotels, and various retail shopping centers. Surrounding land use and zoning is depicted in *Table 1*. This area currently serves as a regional commercial area with an existing assortment of residential, professional office, and retail uses located in close proximity to each other, serving several communities.

**TABLE 1
SURROUNDING LAND USE AND ZONING:**

Direction	Land Use	Zoning
North	Single family home	R-O
South	Vacant	C-2, R-O
East	Vacant	R-O
West	Single family home	C-2

Proposal: The applicant proposes to rezone the property from R-O to C-1 for future retail development. While Neighborhood Shopping Goods (Use Unit 15) it is permitted by Conditional Use Permit in the R-O zoning district, which would allow for retail development, the applicant has discussed with staff that they do not want to apply for a conditional use.

Public Comment: Staff has not received public comment.

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, as well as the future land use plan for intense and dense development patterns within this area.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
		☐ Approved	☒ Forwarded
		☐ Denied	
Motion: Cahn	Second: Myres	Vote: 7-0-0	
CITY COUNCIL ACTION:		Required	<u>YES</u>
		☐ Approved	☐ Denied
Date:			

INFRASTRUCTURE:

- Streets:** The site has access to Old Farmington Rd. and Sixth Street. Sixth Street is currently an improved five lane paved state highway. Old Farmington Rd. is an unimproved two lane city street. Street improvements will be evaluated with the proposed development.
- Water:** Public water is available to the property. There is an 8" water main along across Old Farmington Road on the west side of this property.
- Sewer:** Sanitary sewer is available to the site. There is an 8" sewer main along the north property line of this parcel. 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.
- Police:** 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.
- Fire:** It is 1.3 miles from the station with an anticipated response time of 4.0 minutes to the beginning of the development. We do not figure calls for service on this type of development but typically this will not affect our response times.

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2025 Future Land Use Plan designates this site as an Urban Center Area, which encourages intense, dense, mixed-use development patterns for the improvement and expansion of regional commercial centers. Staff finds that the C-1, Neighborhood Commercial zoning is appropriate at this location and would result in potential retail uses that are needed in this area to encourage expansion of regional shopping and entertainment attractions.*

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 an Urban Center Area in the City Plan 2025 Future Land Use Plan, which encourages intense, dense, mixed-use development patterns for the improvement and expansion of regional commercial centers. The proposed C-1 zoning is consistent with the City's land use planning objectives, principles and policies to improve and expand an existing regional commercial destination point and will complement the existing undeveloped parcels in the immediate area that are currently zoned C-2, Thoroughfare Commercial.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: Staff does not find that the proposed zoning is necessarily needed at this time for the property to develop, as the current zoning would allow for uses such as eating places and neighborhood shopping with conditional use approval and several parcels in the immediate area remain undeveloped with underlying zoning designations that would allow for a variety of retail developments.

However, staff finds that this property is more appropriate to be developed under the C-1 zoning classification, as the subject property is designated as an Urban Center Area and located at an intersection of a Collector Street and a Principal Arterial Street. Corner locations as such are generally encouraged to develop with uses at a higher intensity than that allowed by-right in the R-O zoning district. Staff also finds that the potential redevelopment of the existing site could benefit the surrounding area and contribute to the improvement and expansion of an existing regional commercial center. An image of the existing site and structure is included in the packet.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: It is expected that a rezoning from R-O to C-1 would create an increase in traffic compared with that allowed under the existing zoning. However, the property is located at the intersection of a Collector (Old Farmington Road) and a Principal Arterial (Highway 62). Staff, as well as the Fayetteville Police Department, 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. Based on the size of the tract and its proximity to Old Farmington Road, it is anticipated that direct access will be limited to Old Farmington Road.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: The proposed zoning would not increase population density. 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;

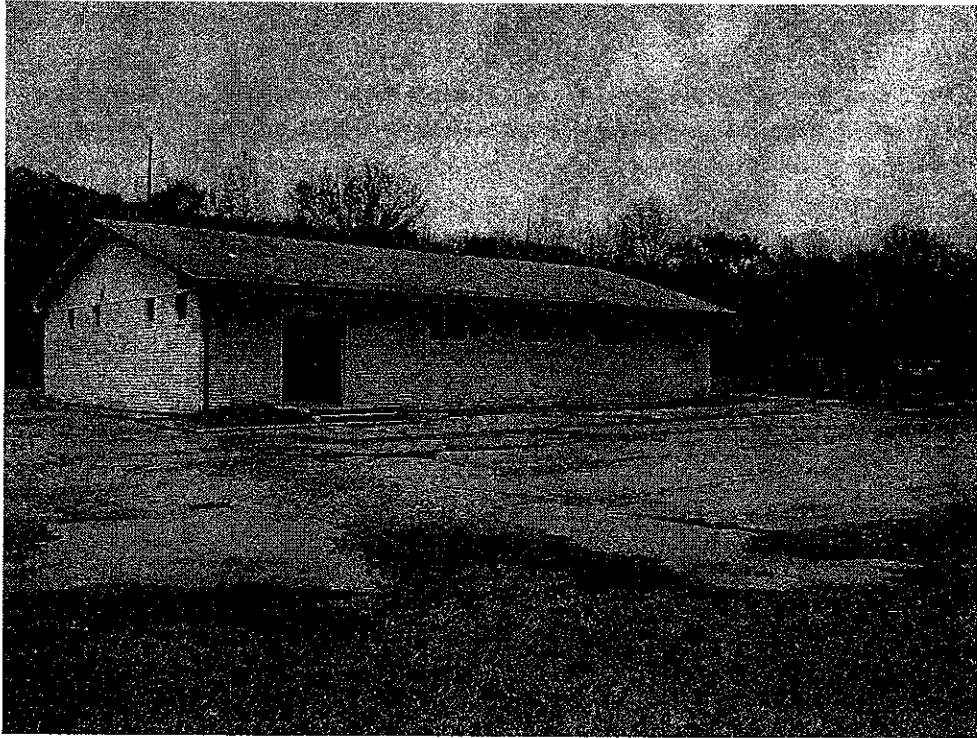
Finding: The subject property is designated as an Urban Center Area and located at an intersection of a Collector Street and a Principle Arterial Street. As such, staff finds that this property is more appropriate to be developed under the C-1 zoning classification to encourage and allow for intense by-right development.

Many of the surrounding properties have been developed and utilized for intense neighborhood and regional retail shopping, such as those included in Use Units 15 and 16. As a majority of the properties adjacent to Highway 62 are zoned C-2, Thoroughfare Commercial just west of I-540, staff finds that the C-1 zoning will contribute to the existing mixture of uses in the surrounding area, promote intense and dense commercial development as encouraged in City Plan 2025, and allow appropriate by-right development at an intersection.

- 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.

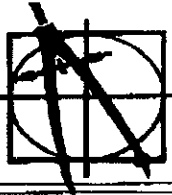
RZN 08-2968 (LAZENBY)



Existing structure and parking

RZN 08-2968 (Lazenby)





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.

4/21/08

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Attn: Dara Sanders
Re: Rezoning for Lazenby
(3390 W. 6th Street)

Attached herewith please find the application and documents for the rezoning of the property at 3390 W. 6th Street. This is located at the NE corner of Old Farmington Road and 6th Street. The previous use was for printing business (Skat Printing).

The existing zoning is R-0 and the proposed is C-1.

Property to the West is C-2, to the South is C-2, to the East is C-2 and the North is R-0.

The owner wishes to rezone to C-1 to allow for future businesses in this zoning. The owner has had several retail oriented inquiries.

This property is served by city water and sewer.

Please call concerning any questions you may have.

Thank you.

Sincerely;


David L. Jorgensen, P.E.

ENGINEERING COMMENTS

RZN 08-2968: Rezoning (LAZENBY, 557): Submitted by DAVE JORGENSEN for property located at 3390 W. 6TH ST., NE CORNER OF HWY 62W & OLD FARMINGTON RD. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 0.49 acres. The request is to rezone the subject property to C-1, Neighborhood Commercial. Planner: Dara Sanders

Public water is available to the property. There is an 8" water main along across Old Farmington Road on the west side of this property.

Sanitary sewer is available to the site. There is an 8" sewer main along the north property line of this parcel. 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 Old Farmington Rd. and Sixth Street. Sixth Street is currently an improved five lane paved state highway. Old Farmington Rd. is an unimproved 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.



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

To: Dara Sanders, Andrew Garner, Jeremy Pate, and Jesse Fulcher
Thru: Chief Tony Johnson
Assistant Chief Bud Thompson
From: Captain Dale Riggins
Date: April 22, 2008
Re: April 9, 2008 Zoning Review

RZN 08-2968: Rezoning (LAZENBY, 557): Submitted by DAVE JORGENSEN for property located at 3390 W. 6TH ST., NE CORNER OF HWY 62W & OLD FARMINGTON RD. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 0.49 acres. The request is to rezone the subject property to C-1, Neighborhood Commercial. It is 1.3 miles from the station with an anticipated response time of 4.0 minutes to the beginning of the development. We do not figure calls for service on this type of development but typically this will not affect our response times.

If you have any questions please feel free to contact me.

Dale Riggins

Date 4/7/08

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 08-2968: (Lazenby, 557): Submitted by Dave Jorgensen for property located at 3390 W. 6th Street, NE corner of Hwy 62 W & Old Farmington Road** would substantially alter the population density and thereby undesirably increase the load on public services and create an appreciable increase in traffic danger and congestion. **The property contains approximately 0.49 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.

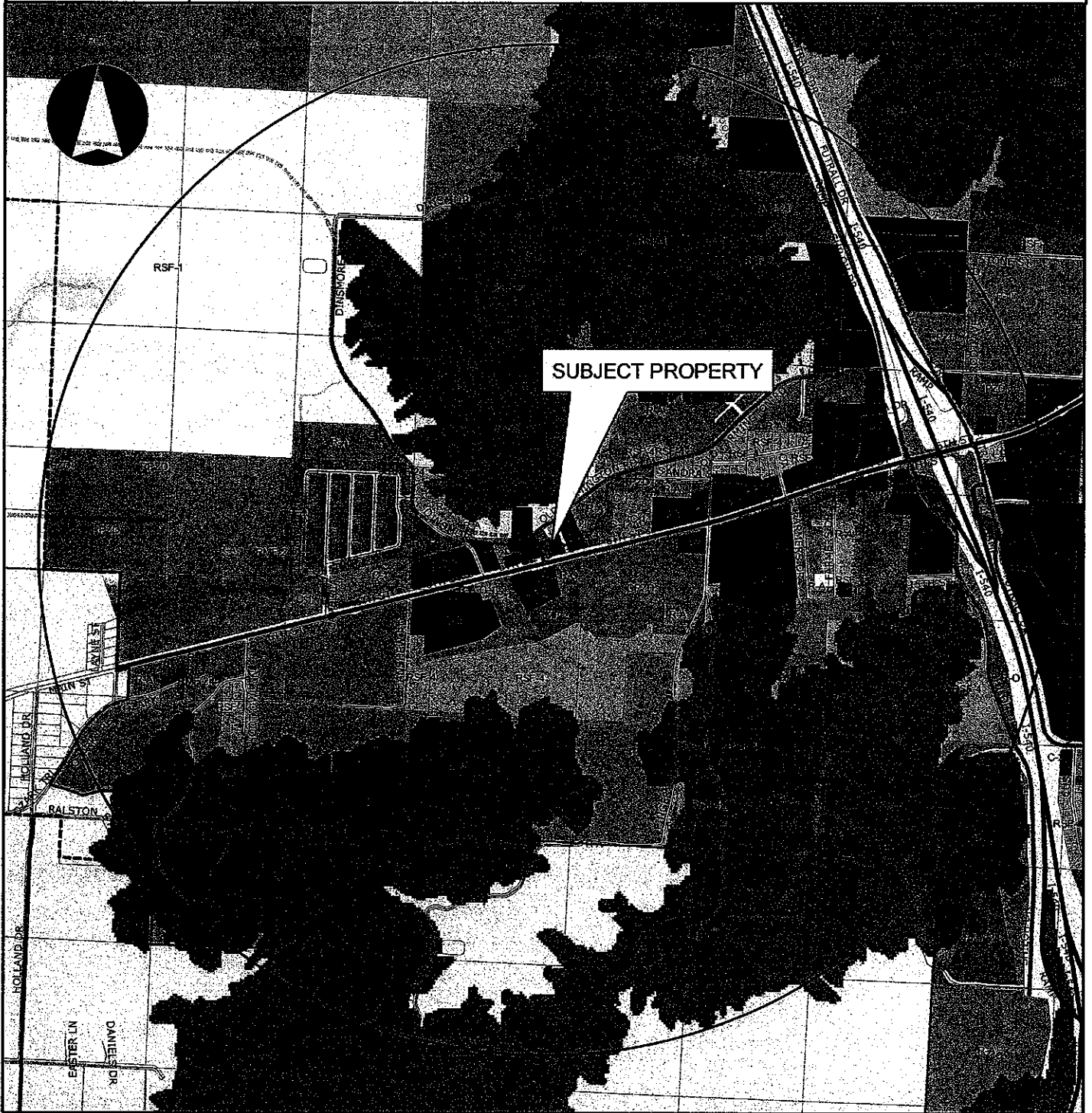
Sincerely,

Captain William Brown
Fayetteville Police Department

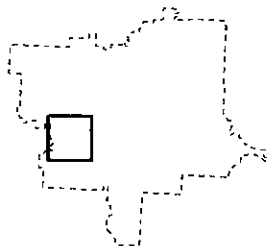
RZN08-2968

LAZENBY

One Mile View



Overview



Legend

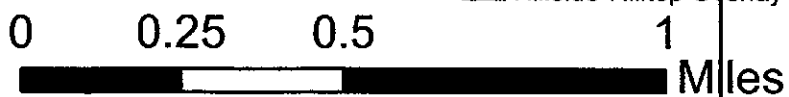
Subject Property
RZN08-2968

Boundary

Planning Area
Overlay District
Outside City

Legend

Hillside-Hilltop Overlay District



RZN08-2968

Future Land Use

LAZENBY

SUBJECT PROPERTY

OLD FARMINGTON RD

6TH ST

Natural Area

Rural Area

Residential Neighborhood Area

General Urban/City Neighborhood Area

Urban Center Area

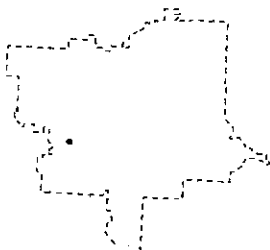
Civic and Private Open Space/Parks

Civic Institutional

Unclassified

ROW

Overview



Legend

Subject Property

RZN08-2968

Streets

Existing

Planned

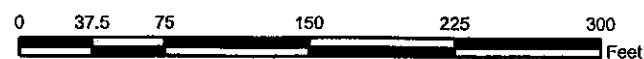
Boundary

Planning Area

Overlay District

Outside City

Legend



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

20-May-08

City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

VAC 08-2969: (Quality Lane Apartments, 289): Submitted by Crafton, Tull, Sparks, & Associates for property located northwest of Quality Lane and Gregg Avenue. The request is to vacate a portion of a utility easement on the subject property.

\$0.00

n/a

n/a

Cost of this request

Category/Project Budget

Program Category / Project Name

n/a

n/a

n/a

Account Number

Funds Used to Date

Program / Project Category Name

n/a

n/a

n/a

\$

Project Number

Remaining Balance

Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☐

[Signature]
Department Director

5-1-08
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

[Signature]
City Attorney

5-2-08
Date

Original Contract Number: n/a

Paul A. Bueh
Finance and Internal Service Director

5-5-08
Date

Received in City Clerk's Office

5-1-08

[Signature]
Mayor

5/5/08
Date

Received in Mayor's Office

ENTERED
5/5/08
[Signature]

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: April 29, 2008

Subject: Easement Vacation for Quality Lane Apartments (VAC 08-2969)

RECOMMENDATION

Staff and the Planning Commission recommend approval of an ordinance vacating a portion of a utility easement on the subject property containing approximately 0.12 acre.

BACKGROUND

The subject property contains 6.43 acres, located west of Gregg Avenue, north of Sunbridge Drive, and is zoned RMF-24, Residential Multi Family. This site is developed with the Village at Scull Creek Apartments (LSD 05-1799 Village Apartments) assisted living facility. There is a retaining wall on the site that was constructed over a section of public sanitary sewer pipe. To resolve this issue to the satisfaction of the City Engineering Division, the applicant proposes to make that section of sanitary sewer line a private line that the owner will be responsible to maintain. The Engineering Division has agreed to this resolution, and recommends approval of the vacation. However, other utility companies have requested to retain the rights for the utility easement.

The applicant is requesting to vacate the City rights and maintenance to a 0.12 acre portion of general utility easements dedicated as part of the Village at Scull Creek development, in order to allow the sanitary sewer line underneath the retaining wall to become a private sewer line under the maintenance of the property owner. This request does not vacate rights of franchise utilities to this utility easement, just the City. All other utilities would maintain rights of ingress/egress and maintenance or installation therein.

DISCUSSION

Notification was provided to the City with no objections to the requested utility easement vacation. This item was heard at the regular Planning Commission meeting on April 28, 2008 and forwarded by vote of 6-0-0 on the consent agenda to recommend this vacation request to the City Council.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 08-2969 SUBMITTED BY CRAFTON, TULL, SPARKS & ASSOCIATES FOR PROPERTY LOCATED NORTHWEST OF QUALITY LANE AND GREGG AVENUE TO VACATE A PORTION OF A UTILITY EASEMENT WITHIN THE SUBJECT PROPERTY.

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of the platted utility easement is not required for corporate purposes;

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the utility easement as depicted in Exhibit "B" attached hereto and made a part hereof.

Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached hereto and labeled Exhibit "A" shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 3: That this vacation approval is subject to the Conditions of Approval as follows, and shall not be in effect until all conditions are met herein.

1. This approval only vacates the rights of the City to utilize the subject easement, and does not in any way affect the rights of franchise utilities to install and maintain their utilities within the easement.
2. The City maintenance of the sewer line stops at manhole 1-3 that is indicated on Exhibit "A"; from manhole 1-3 to the west is private.

Page 2
Ord.

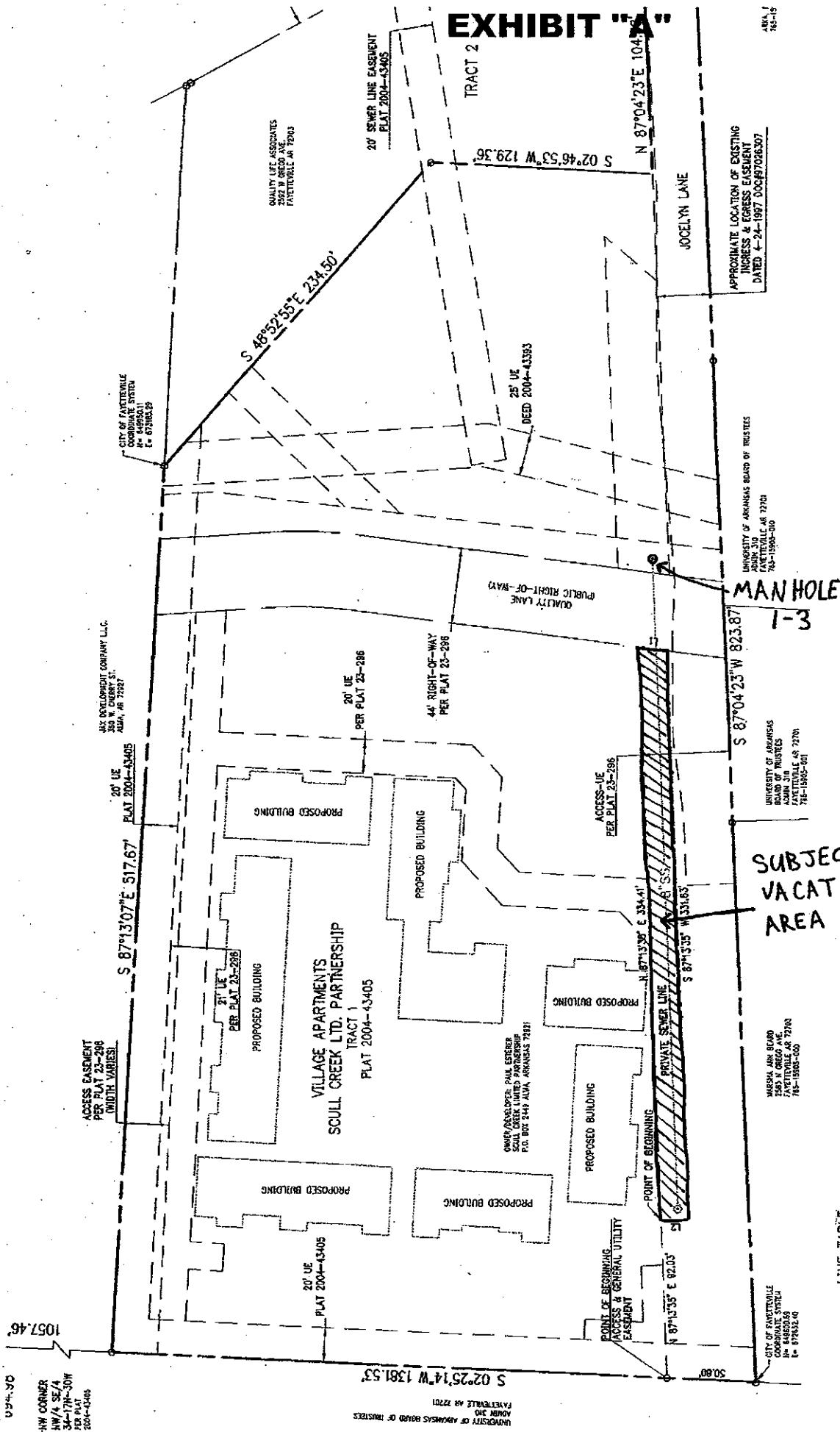
PASSED and **APPROVED** this day of , 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer



BOUNDARY DESCRIPTION FOR VACATION OF PRIVATE SEWER LINE:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER (NW 1/4 OF THE SE 1/4) OF SECTION THIRTY-FOUR (34), TOWNSHIP SEVENTEEN NORTH (TWP. 17 N.),

LINE TABLE

NUMBER	BEARING	DISTANCE
L1	S 07°04'23" W	16.24'
L2	N 02°46'25" W	15.00'

EXHIBIT "B"
VAC 08-2969

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER (NW ½ OF THE SE ½) OF SECTION THIRTY-FOUR (34), TOWNSHIP SEVENTEEN NORTH (TWP. 17N.), RANGE THIRTY WEST (RNG. 30W.), WASHINGTON COUNTY, ARKANSAS, THENCE SOUTH 87°34'46"EAST 694.98 FEET; THENCE SOUTH 02°25'14"WEST 1381.53 FEET TO THE NORTHWEST CORNER OF THE UTILITY AND ACCESS EASEMENT AS SHOWN ON THE EASEMENT DEDICATION PLAT RECORDED AS WASHINGTON COUNTY PLAT RECORD 0023-00000296; THENCE NORTH 87°13'35"EAST 92.03 FEET ALONG THE NORTH LINE OF SAID UTILITY AND ACCESS EASEMENT TO THE POINT OF BEGINNING AND RUN THENCE SOUTH 87°13'35"EAST 334.41 FEET; ALONG SAID NORTH LINE OF THE UTILITY AND ACCESS EASEMENT TO THE WESTERLY RIGHT OF WAY LINE OF QUALITY LAND; THENCE SOUTH 07°04'23"WEST 16.24 FEET; THENCE SOUTH 87°13'35"WEST 331.63 FEET; THENCE NORTH 02°46'25"WEST 16.00 FEET TO THE POINT OF BEGINNING, CONTAINING 5328 SQUARE FEET OR 0.122 ACRES, MORE OR LESS.



PC Meeting of April 28, 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: Andrew Garner, Senior Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: April 22, 2008 Updated April 29, 2008

VAC 08-2969: (QUALITY LANE APARTMENTS, 289): Submitted by CRAFTON, TULL, SPARKS & ASSOC. for property located NW OF QUALITY LANE AND GREGG AVENUE. The property is zoned RMF-24, MULTI FAMILY - 24 UNITS/ACRE and contains approximately 6.43 acres. The request is to vacate a portion of a utility easement.

Planner: Andrew Garner

Findings:

Property and Background: The subject property contains 6.43 acres, located west of Gregg Avenue, north of Sunbridge Drive, and is zoned RMF-24, Residential Multi Family. This site is developed with the Village at Scull Creek Apartments (LSD 05-1799 Village Apartments) assisted living facility. There is a retaining wall on the site that was constructed over a section of public sanitary sewer pipe. To resolve this issue to the satisfaction of the City Engineering Division, the applicant proposes to make that section of sanitary sewer line a private line that the owner will be responsible to maintain. The Engineering Division has agreed to this resolution, and recommends approval of the vacation. However, other utility companies have requested to retain the rights for the utility easement.

Surrounding Land Use/Zoning: Surrounding zoning and land use are depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Vacant	RMF-24, Residential Multi-Family
South	Single Family Home/Vacant	C-2, Thoroughfare Commercial/I-1 Heavy Commercial/Light Industrial
East	Apartment Complex	RMF-24, Residential Multi-Family
West	Vacant-University Farm	RA, Residential Agriculture

Request: The applicant is requesting to vacate the City rights and maintenance to a 0.12 acre portion of general utility easements dedicated as part of the Village at Scull Creek development, in order to allow the sanitary sewer line underneath the retaining wall to become a private sewer line under the maintenance of the property owner. This request

does not vacate rights of franchise utilities to this utility easement, just the City. All other utilities would maintain rights of ingress/egress and maintenance or installation therein.

The applicant has submitted the required notification forms to the City with the results summarized below.

CITY OF FAYETTEVILLE:

RESPONSE

Water/Sewer

No objections. The City maintenance of the sewer line stops at manhole 1-3 that is indicated on the prints; from manhole 1-3 to the west is private.

Transportation

No Objections

Solid Waste

No Objections

Recommendation: Staff recommends forwarding VAC 08-2969 to the City Council with a recommendation of approval to vacate the easement as depicted herein with the following condition:

1. This approval only vacates the rights of the City to utilize the subject easement, and does not in any way affect the rights of franchise utilities to install and maintain their utilities within the easement.
2. The City maintenance of the sewer line stops at manhole 1-3 that is indicated on the prints; from manhole 1-3 to the west is private.

CITY COUNCIL ACTION: Required

PLANNING COMMISSION ACTION: Required

Planning Commission Action: ☒ Forwarded ☐ Denied ☐ Tabled

Date: April 28, 2008

Motion: Cabe

Second: Winston

Vote: 6-0-0

Comments: _____

The "CONDITIONS OF APPROVAL", as stated in this report, are accepted in total without exception by the entity requesting approval of this development item.

By _____

Date _____



Crafton Tull Sparks

architecture | engineering

Birmingham
Conway
Little Rock
Oklahoma City
Rogers
Russellville
Tulsa
Wichita

March 20, 2008

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

RE: Village Apartments
CTS Job No. 051098-00

Dear Mr. Fulcher:

We are submitting the Easement Vacation Request for the Village at Scull Creek Apartments that we've been discussing for some time. We are making this request to resolve the fact that a retaining wall on the site was constructed over a section of sanitary sewer pipe. In resolving this with Engineering, they recommended that we make that section of sanitary sewer line a private line that the owner will be responsible to maintain. We've noted our record drawings in this manner and have secured the concurrence of each of the affected City entities in order to process this request.

I would like to remind you that this request is not vacating the rights to franchise utilities to install and maintain their facilities within this easement, but rather just the rights of the City to install and maintain water or sewer lines in the easement.

If you have any questions or concerns, please feel free to call my direct number at (479) 878-2475.

Sincerely,

Steven Beam, P.E.
Project Manager

PETITION TO VACATE

PETITION TO VACATE CITY OF FAYETTEVILLE'S RIGHTS TO AN EASEMENT LOCATED IN TRACT 1 OF PLAT RECORD 2004-43405, KNOWN AS THE VILLAGE APARTMENTS OR VILLAGE AT SCULL CREEK, CITY OF FAYETTEVILLE, ARKANSAS

TO: The Fayetteville City Planning Commission and
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the easements hereinafter sought to be abandoned and vacated, lying in *TRACT 1 OF PLAT RECORD 2004-43405, KNOWN AS THE VILLAGE APARTMENTS OR VILLAGE AT SCULL CREEK*, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate rights to an easement which is described as follows:

Commence at the northwest corner of the Northwest Quarter of the Southeast Quarter (NW ¼ of the SE ¼) of Section Thirty-four (34), Township Seventeen North (Twp. 17 N.), Range Thirty West (Rng. 30 W.), Washington County, Arkansas, thence South 87°34'46" East 694.98 feet; thence South 02°25'14" West 1381.53 feet to the northwest corner of the Utility and Access Easement as shown on the Easement Dedication Plat recorded as Washington County Plat Record 0023-00000296; thence North 87°13'35" East 92.03 feet along the north line of said Utility and Access Easement to the Point Of Beginning and run thence North 87°13'35" East 334.41 feet along said north line of the Utility and Access Easement to the westerly right of way line of Quality Lane; thence South 07°04'23" West 16.24 feet; thence South 87°13'35" West 331.63 feet; thence North 02°46'25" West 16.00 feet to the Point Of Beginning, containing 5328 square feet or 0.122 acres, more or less.

That there is no abutting real estate affected by said abandonment of the easement within the City of Fayetteville except that owned by the petitioner used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the rights of the above described easement.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the their rights to the above described easement, subject, however, to the existing utility easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law. Franchise Utility companies approved to operate within the City of Fayetteville will maintain their rights to the above described easement in order to protect their facilities located in the easement. The petitioners are making this request due to resolve a conflict of having a privately owned sewer line located within a public utility easement.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easements of the public for the use of said alley.

Dated this 17th day of March, 2008.

X M. ELISE ALEXANDER

Printed Name

M. Elise Alexander

Signature

Printed Name

Signature

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 2-22-08

UTILITY COMPANY: CITY OF FAYETTEVILLE SOLD WASTE DIVISION

APPLICANT NAME: SCULL CREEK LIMITED PARTNERSHIP APPLICANT PHONE: 877-253-6010
REQUESTED VACATION (*applicant must check all that apply*):

- X Utility Easement
- ~ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ~ Alley
- ~ Street right-of-way

I have been notified of the petition to vacate the following *easement*, described as follows:

General location / Address

TRACT 1 OF PLAT RECORD 2004-43405, KNOWN AS THE VILLAGE APARTMENTS OR VILLAGE AT
SCULL CREEK

VACATION OF CITY OF FAYETTEVILLE'S RIGHTS TO A PORTION OF EASEMENT OVER A PRIVATE SEWER LINE ON THE SOUTH SIDE OF THE PROJECT

Commence at the northwest corner of the Northwest Quarter of the Southeast Quarter (NW ¼ of the SE ¼) of Section Thirty-four (34), Township Seventeen North (Twp. 17 N.), Range Thirty West (Rng. 30 W.), Washington County, Arkansas, thence South 87°34'46" East 694.98 feet; thence South 02°25'14" West 1381.53 feet to the northwest corner of the Utility and Access Easement as shown on the Easement Dedication Plat recorded as Washington County Plat Record 0023-00000296; thence North 87°13'35" East 92.03 feet along the north line of said Utility and Access Easement to the Point Of Beginning and run thence North 87°13'35" East 334.41 feet along said north line of the Utility and Access Easement to the westerly right of way line of Quality Lane; thence South 07°04'23" West 16.24 feet; thence South 87°13'35" West 331.63 feet; thence North 02°46'25" West 16.00 feet to the Point Of Beginning, containing 5328 square feet or 0.122 acres, more or less.

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

-
-
- No objections provided the following conditions are met:
-
-

Brian Pugh

Signature of Utility Company Representative

Waste Reduction Coordinator

Title

UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE:

2/26/08UTILITY COMPANY: CITY OF FAYETTEVILLE TRANSPORTATION DIVISIONAPPLICANT NAME: SCULL CREEK LIMITED PARTNERSHIP APPLICANT PHONE: 877-253-6010
REQUESTED VACATION (*applicant must check all that apply*):

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following *easement*, described as follows:

General location / Address

TRACT 1 OF PLAT RECORD 2004-43405, KNOWN AS THE VILLAGE APARTMENTS OR VILLAGE AT
SCULL CREEKVACATION OF CITY OF FAYETTEVILLE'S RIGHTS TO A PORTION OF EASEMENT OVER A PRIVATE
SEWER LINE ON THE SOUTH SIDE OF THE PROJECT

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UTILITY COMPANY COMMENTS:

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- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

-
-
- No objections provided the following conditions are met:
-
-

 2/26/08
Signature of Utility Company Representative

Transportation Supt
Title
Transportation Division
Operations Dept
City of Fayetteville

PH 575 8227

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 3-10-08

UTILITY COMPANY: CITY OF FAYETTEVILLE WATER/SEWER DIVISION

APPLICANT NAME: SCULL CREEK LIMITED PARTNERSHIP APPLICANT PHONE: 877-253-6010

REQUESTED VACATION (*applicant must check all that apply*):

- X Utility Easement
- ~ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ~ Alley
- ~ Street right-of-way

I have been notified of the petition to vacate the following *easement*, described as follows:

General location / Address

TRACT 1 OF PLAT RECORD 2004-43405, KNOWN AS THE VILLAGE APARTMENTS OR VILLAGE AT SCULL CREEK

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UTILITY COMPANY COMMENTS:

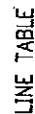
- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

- No objections provided the following conditions are met:

City main stops at Manhole 1-3 that is indicated on the prints
from Manhole 1-3 going ^{west} ~~east~~ is private.

W & S 3-11-08
Signature of Utility Company Representative

W & S Operations Manager
Title



LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	S 07°04'23" W	16.24'
L2	N 02°46'25" W	16.00'

VAC08-2969

Close Up View

QUALITY LANE APARTMENTS



SUBJECT PROPERTY

Overview



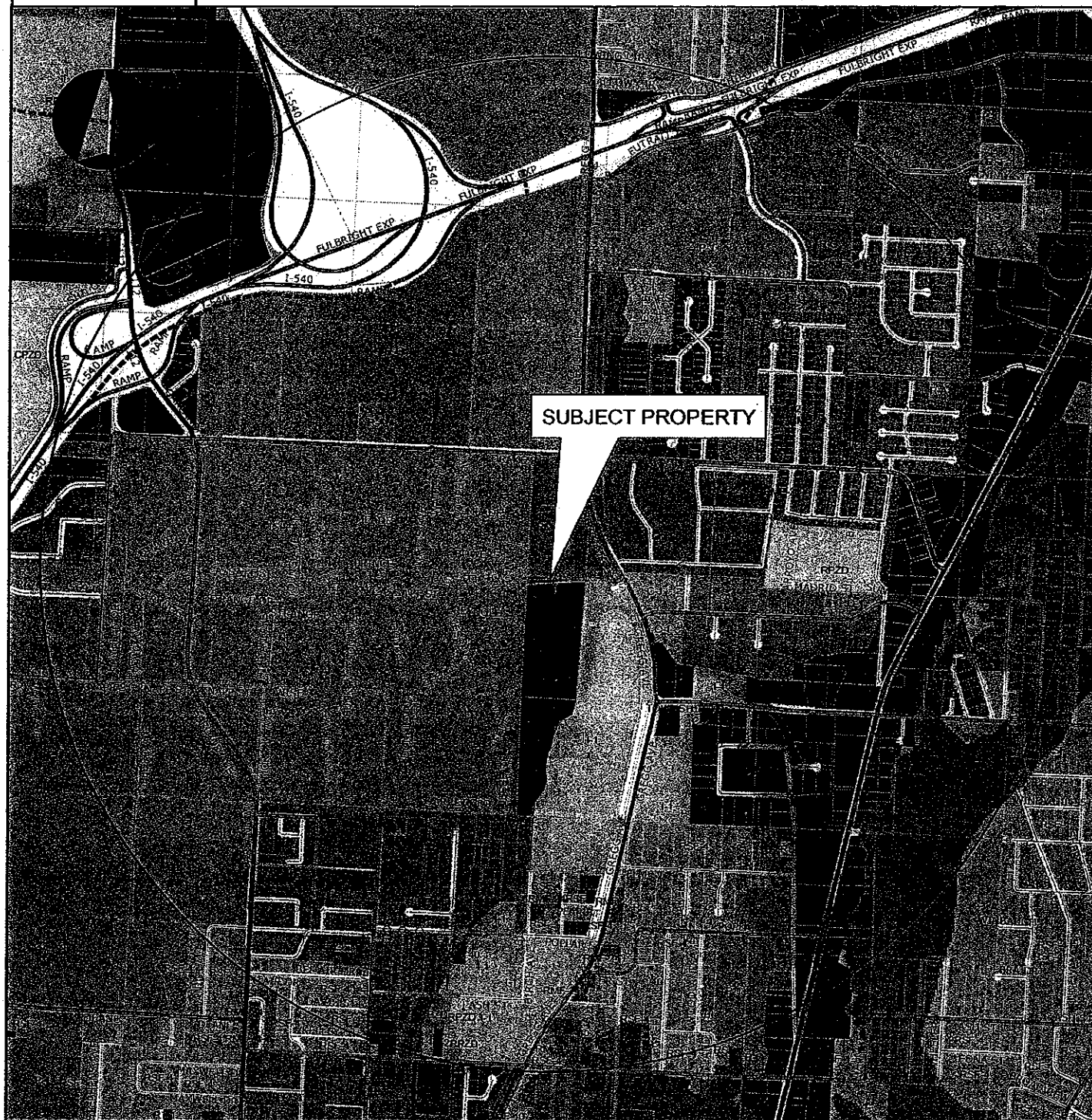
0 37.5 75 150 225 300 Feet

VAC08-2969

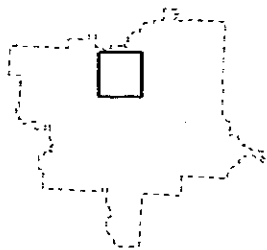
One Mile View

QUALITY LANE APARTMENTS

C. 2
VAC 08-2969
Quality Lane Apartments
Page 19 of 20



Overview



Legend

Subject Property

VAC08-2969

Boundary

Planning Area

Overlay District

Outside City

Legend

Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles



April 16, 2008

Ms. Sondra Smith, City Clerk
City Administration Bldg
113 W Mountain St, Room 308
Fayetteville, AR 72701
479-575-8323

(Via Hand-Delivered)

**Re: Forest Hills PZD Rezone
Appeal Request**

Dear Ms. Smith:

On behalf of the applicant, Forest Hills Partners, LLC and managing member John Alford, we respectfully request an appeal of Planning Commission's decision to deny the rezone request as presented in the April 14th meeting. As you may be aware, only five planning commissioners were able to vote on this request. Out of the five, four voted in favor of the rezone.

The rezone request is for an 82 acre tract on the south side of Wedington across from Salem Street. As shown in the master development plan, the rezone to Planned Zoning Development will allow this property to develop with commercial, office, and residential uses over the next ten years. If approved, Neighborhood Market intends to immediately initiate the commercial development with a 40,000 square foot facility located near Wedington. The grocery store will provide economic benefit to the surrounding smaller out-parcels within the development which in turn will provide a benefit to the community living on the west side of Fayetteville. West Fayetteville residents will not have to travel as far for goods and services.

We would like this item to appear on the May 20th City Council Agenda. If you have any questions or concerns, please feel free to contact me at (479) 273-2209.

Sincerely,
Morrison-Shipley Engineers, Inc.

Heather M. Robason, P.E.
Representative for the Applicant, Forest Hills Partners, LLC

cc: City of Fayetteville Planning



April 16, 2008

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Representative for the Applicant, Forest Hills Partners, LLC

cc: City of Fayetteville Planning

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning 

Date: 02 May 2008

Subject: Appeal for Forest Hills Residential Planned Zoning District (R-PZD 07-2793)

RECOMMENDATION

Staff recommends denial of an ordinance to create a Residential Planned Zoning District for Forest Hills (R-PZD 07-2793) as proposed in its current form. Staff finds the rezoning and land use proposal is inconsistent with the adopted goals and policies of City Plan 2025.

If this ordinance is approved, the action would establish a unique zoning district for a multiple-use project with a maximum of 600 dwelling units and approximately 206,000 square feet of nonresidential space on an 82.39-acre tract. The Planning Commission voted to deny the application; the applicant has appealed the Planning Commission decision to the City Council in the time period required by ordinance.

BACKGROUND

The subject property contains approximately 82 acres located south of the intersection of Wedington Drive and Salem Road, extending south to Persimmon Street. The property is primarily zoned R-A, Residential Agricultural and contains a recreational facility, with the majority of the property being undeveloped and either tree-covered or open field.

The request is rezoning and land use approval for a Master Development Plan of a Residential Planned Zoning District with a maximum of 600 dwelling units and approximately 206,000 sq. ft. of nonresidential/commercial space all within five separate Planning Areas. The proposed density overall is 7.28 dwelling units per acre, located on approximately 60% of the site area. If the PZD is approved as proposed the project would be required to go through preliminary and final plat approval and/or large scale development approval prior to construction.

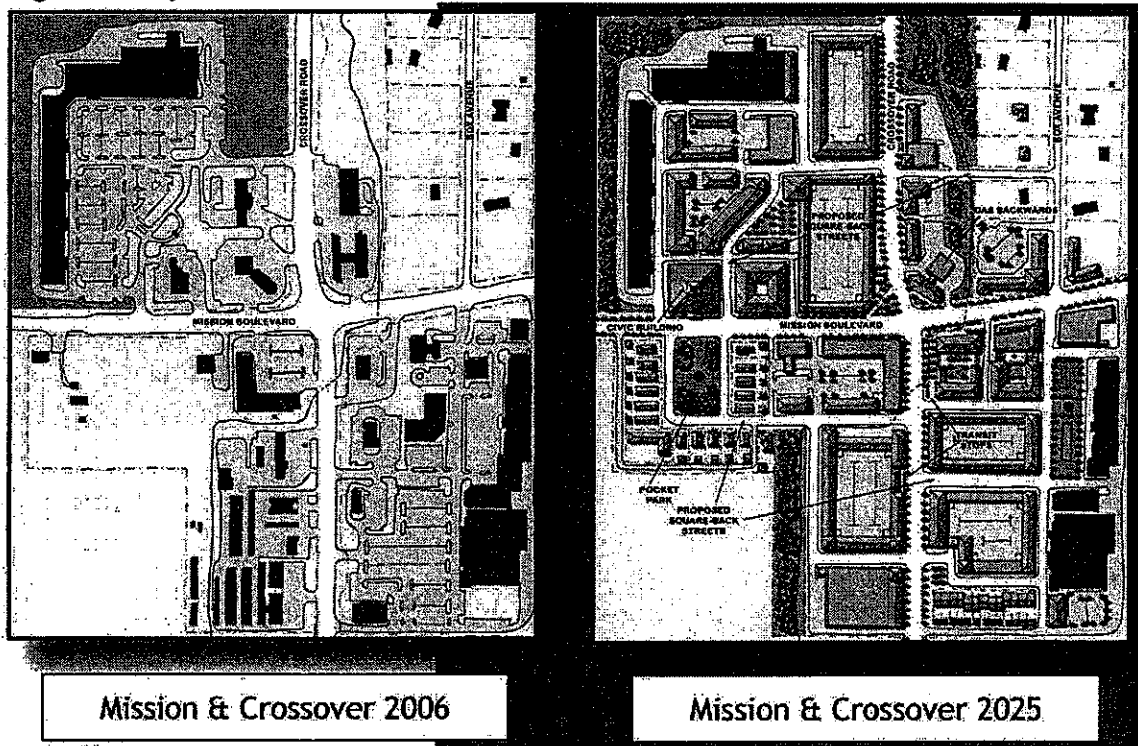
On April 14, 2008, the Planning Commission voted 4-1-2 on a motion to approve this request with Commissioner Cabe voting 'No', Commissioners Lack, Winston, Kennedy and Bryant voting 'Yes', Commissioners Trumbo and Graves recusing, and Commissioners Myres and Anthes absent. The motion to approve failed and the applicant has appealed this decision to the City Council. The main concerns with the project are centered on this R-PZD not complying with the purpose and intent of the PZD ordinance and the City's adopted land use planning objectives, principles, and policies, in particular the Future Land Use Plan.

DISCUSSION

The applicants have stated in their application that this project is designed to be a Traditional Neighborhood Development (TND) containing a variety of commercial businesses, smaller retail storefronts, and residential office areas, built in close proximity to condominiums, zero-lot line garden homes, and townhomes. In staff's opinion, the proposed development does share some common traits with a TND: 1) The development provides a variety of dwelling types; 2) there are

shops and offices for the convenience of the neighbors; 3) some of the buildings are located close to the street; and 4) some of the parking lots and garages are located in the rear yard. However, the aspects of the development that are commonly found in a TND are limited to Planning Areas 2-5, and even they are highly segregated uses. Planning Area 1, which is the commercial hub of the development, lacks any similarities with a Traditional Neighborhood Development. Planning Area 1 consists of large parking lots, drive aisles, and drive-thru lanes situated around the buildings, which prohibits the placement of buildings close to the street or in proximity to one another, thereby discouraging a pedestrian-friendly environment. Staff is not of the opinion that this development, or any Planned Zoning District, is required to develop as a TND; however, traditional town form is a primary goal of City Plan 2025. As such, conventional strip-center developments along major thoroughfares are not encouraged. This particular point is emphasized in the City Plan 2025 diagrams, which discourage the conventional separated, inefficient commercial outlot and parking lot use of land in favor of a more complete, compact and connected, highly efficient use of land. The adopted policy states the desired land use pattern "allows the economic recapture of land value for the developer while producing development that shortens trips for residents and uses existing infrastructure."

Page 10-4, City Plan 2025



City Neighborhood Area: The property is currently designated as a City Neighborhood Area on the Future Land Use Plan. These areas are denser, while still primarily residential in urban fabric, and encourage traditional neighborhood development that incorporates low-intensity nonresidential uses. The land uses proposed can be compatible with the variety of surrounding land uses. While staff does not have a great deal of concern with the proposed density and intensity of the development, provided significant infrastructure improvements and street connections are made to alleviate traffic congestion, the development pattern proposed for the commercial area along Wedington Drive is not in compliance with the adopted land use planning policies and goals.

Beginning with the initial submittal, staff has expressed concerns with the proposed development pattern, finding it to be inconsistent with that which is encouraged by the City for new development. The project is proposed in a conventional development pattern, not unlike other grocery store shopping centers with commercial outlots and multi-family developments in Fayetteville. This is a common development pattern that has been created in large part out of efficiencies of construction for individual product lines and marketability for separate, distinct uses. While this development pattern is allowed by right in most standard commercial and residential zoning districts, the City Council has adopted specific policies discouraging this development pattern with future zoning requests, as it does not contribute to the creation of desirable neighborhoods. The City's adopted policies call for development that is complete, compact and connected, with traditional town form as the primary development pattern. Staff finds that the proposed project is not consistent with the majority of the six goals and policies of the City's Future Land Use plan, and has provided discussion in detail on these findings within the staff report.

Goal 1: *We will make appropriate infill and revitalization our highest priorities.*

Goal 2: *We will discourage suburban sprawl.*

Goal 3: *We will make traditional town form the standard.*

Goal 4: *We will grow a livable transportation network.*

Goal 5: *We will assemble an enduring green network.*

Goal 6: *We will create attainable housing.*

The project does have many of the uses that are essential to a successful neighborhood – places to live, work and shop for daily goods. However, the form of the development lacks identity as a neighborhood and instead seems to be five very separate areas that will be constructed without relationship to one another: residential types are clearly separated from one another, creating a monotonous street environment without a true mixture of housing types; the open space is not located in a place that would strategically provide character / economic / social value for the community and instead is concentrated primarily in areas of detention ponds; the neighborhood market turns its back to the immediate residential community it proposes to serve and fronts the large parking area; commercial areas are surrounded by individual parking lots and do not seem to relate to any of the other uses within the site, nor one another; pedestrian circulation is secondary to the vehicle, which is highly emphasized, as evidenced by the 6-7 lane street sections along Wedington/Salem that are proposed to accommodate the 16,556 vehicle trips per day that are expected to be generated to/from this site; and connectivity by public street is low to adjacent properties, creating higher potential for traffic congestion. Ultimately, the commercial area of the site is modeled after a conventional strip-center development pattern where vehicles, not pedestrians, dominate the environment, and is indicative of older, existing commercial strip centers along 6th Street and College Avenue and the housing is designed as separated pods of buildings types.

Opportunities to improve the site plan are evident, in staff's opinion, and could lead to a project that utilizes the land more efficiently, more economically, and creates more of a community than stand-alone, separated uses that does not reflect the community character Fayetteville envisions. However, significant changes are necessary to meet the guiding policies for a City Neighborhood Area:

- Utilize principles of traditional urban design to create compatible, livable, and accessible neighborhoods, including a mixture of housing types, small lots/blocks, shared and hidden parking lots and slow traffic streets

City Council Meeting of May 20, 2008
Agenda Item Number

- The form of multi-family uses within the development could be mixed, with larger buildings adjacent to the main road and smaller, less dense structures transitioning to adjacent properties. This would discourage the very repetitive nature of duplex/garden home buildings all in a row and the creation of another apartment complex.
- Commercial structures could be grouped into areas along the street that encourage pedestrian friendly environments, and at least provide the opportunity for alternative modes of transportation
- Commercial, office and multi-family uses could relate to one another better, transitioning along the proposed streets in a lot and block pattern, creating the desired urban form
- Parking could be shared between commercial uses, instead of each and every building designed for an anticipated peak-hour demand
- Greenspace should be functionally designed for the neighborhood residents
- Additional street connections could be utilized in order to distribute traffic and reduce the level of service "F" that is currently planned to occur at the Salem/Wedington intersection with several of the turning movements. This would include construction of a street at the Golf Links Road/Wedington intersection, which could greatly reduce traffic congestion and provide multiple points of access into the neighborhood.

In summary, staff finds the rezoning and land use proposal is inconsistent with the adopted goals and policies of City Plan 2025, and does not meet the criteria for approval of rezoning 82 acres as proposed. Several design changes have occurred through the review process to help alleviate some concerns, but the proposal for a conventional strip-center development pattern and separated land use patterns, instead of a traditional town form that provides the community character envisioned with the adoption of the City's Future Land Use Plan, is in direct contrast with City policy. Consequently, staff has recommended denial of the rezoning proposal.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 07-2793 FOREST HILLS, LOCATED AT WEDINGTON DRIVE, SOUTH OF SALEM ROAD, CONTAINING APPROXIMATELY 82.38 ACRES; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE; AND ADOPTING THE ASSOCIATED MASTER DEVELOPMENT PLAN.

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

Section 1: That the zone classification of the following described property is hereby changed as follows:

From R-A, Residential Agricultural, R-O, Residential Office and C-1, Neighborhood Commercial to R-PZD 07-2793 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: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT "A"

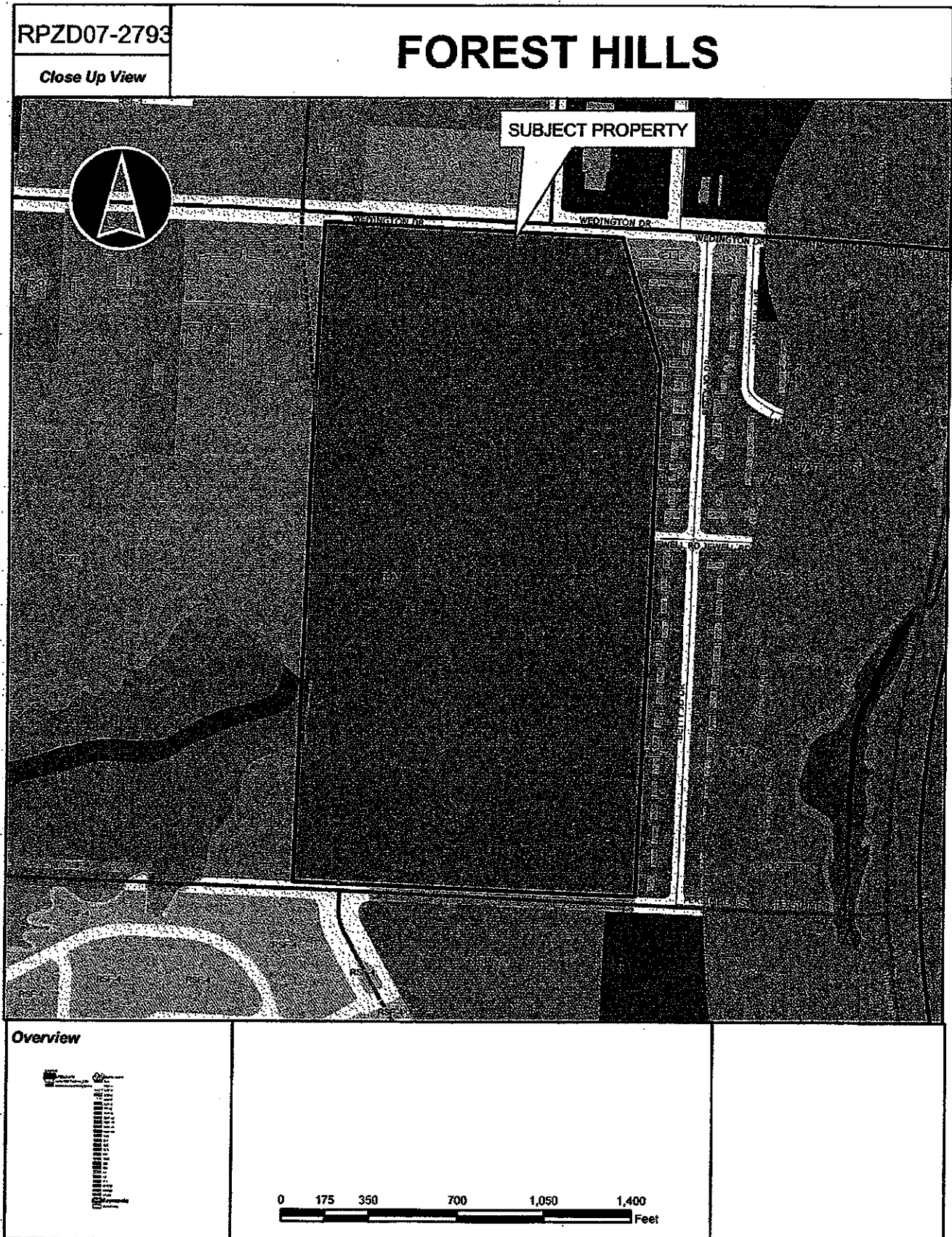


EXHIBIT "B"
R-PZD 07-2793

PART OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHWEST QUARTER (SW1/4), AND PART OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHWEST QUARTER (SW1/4), ALL IN FRACTIONAL SECTION 7, TOWNSHIP 16 NORTH, RANGE 30 WEST, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING THAT PARCEL DESCRIBED IN DEED 93-07592 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SE CORNER OF THE SW1/4 OF THE SW1/4 OF SAID SECTION 7; THENCE ALONG THE SOUTH LINE OF SAID SW1/4 OF THE SW1/4 N87°34'57"W 1369.42 FEET; THENCE N01°54'40"E 1685.93 FEET; THENCE N02°29'51"E 711.94 FEET; THENCE N03°21'53"E 255.36 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF WEDINGTON DRIVE (ARKANSAS STATE HIGHWAY 16); THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE S87°01'26"E 863.49 FEET; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE S87°04'49"E 330.00 FEET; THENCE S16°39'02"E 535.19 FEET; THENCE; S02°07'38"W 2136.02 FEET TO THE POINT OF BEGINNING, CONTAINING 3,588,472.8 SQUARE FEET OR 82.38 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

CONDITIONS OF APPROVAL:

R-PZD 07-2793

Page 1 of 3

Conditions of Approval for R-PZD 07-2793 (Forest Hills)

1. *Street improvements.* All final street improvements will be determined by the Planning Commission at the time of development review. It should be noted that staff has consistently recommended the applicant acquire the necessary approvals to provide a public street connection to the Links at Fayetteville, in order to alleviate the congestion and traffic delays in turning movements anticipated by the traffic engineer at Salem and Wedington. This connection could provide a much better level of service, and would provide greater accessibility into the site, as well as providing a direct connection to Ruppel Road, a major north-south arterial. *The following street improvements were recommended based on the findings of the traffic study:*
 - *Roadway lane geometry constructed as shown in Figure 9 of the updated traffic study.*
 - *The westbound approach on Wedington Drive and Salem Road widened to accommodate dual westbound left-turn lanes.*
 - *The eastbound approach on Wedington Drive and Salem Road widened to accommodate the addition of an eastbound right-turn lane.*
 - *The southbound approach on Salem Road and Wedington Drive widened to accommodate a second southbound left-turn lane.*
 - *Salem Road, south of Wedington Drive to Drive C, constructed to consist of two northbound lanes and two southbound lanes.*
 - *Salem Road, at the northbound approach to Wedington Drive, shall be widened to accommodate a northbound right-turn lane, a northbound thru-lane, dual northbound left-turn lanes and two southbound receiving lanes.*
 - *The existing traffic signal at Wedington Drive and Salem shall be re-constructed to accommodate the addition of a south leg to the intersection and the additional proposed lanes on the existing legs.*
 - *Drive B, eastbound and westbound approaches to Salem Road constructed to consist of left-turn lane, a thru-right-turn lane and a receiving lane.*
 - *Drive C eastbound approach to Salem Road constructed to consist of dual left-turn lanes, a thru-right-turn lane and a receiving lane*
 - *Drive C westbound approach to Salem Road constructed to consist of a left-turn lane, a thru-right-turn lane and a receiving lane.*
 - *A fully-actuated traffic signal be installed at the intersection of Salem Road and Drive C coincident with full building-out of the site development (after Phase I).*
 - *Jewell Road eastbound and westbound to Salem Road constructed as single-lane approaches and one receiving lane.*
 - *Salem Road northbound and southbound approaches to Jewell Road constructed to consist of a left-turn lane, a thru/right-turn lane and a receiving lane.*
 - *Salem Road southbound approach to Persimmon Street align with Mountain Ranch Blvd., and constructed to consist of a left-turn lane, a thru/right-turn lane and a receiving lane.*
 - *Jewell Road shall be extended through the development to Salem Road and constructed with single-lane approaches*
 - *Improvements to Persimmon Street shall be in accordance with the current Master Street Plan street section design.*
2. *Planning Commission determination of adequate connectivity.* Staff recommends in favor of the proposed connectivity finding that the proposed alignment will be beneficial to the area. Jewell Road will be extended into the development, connecting to Salem Road, which will be extended from Wedington Drive to Persimmon Street. Additionally, a street stub-out will be provided to

CONDITIONS OF APPROVAL:

R-PZD 07-2793

Page 2 of 3

the west property line that lines up with the centerline of an existing stub-out from Westside Village. Staff does recommend that the applicant continue to pursue connection to the Links at Fayetteville public street, in order to create a safer and more accessible traffic condition.

3. Planning Commission determination of a Master Street Plan amendment. *Staff supports the relocation of the collector street from the west property line, provided that the street connection between Salem Road and Mountain Ranch Boulevard is provided. However, staff does find the need for a public street connection from this development to the Links at Fayetteville/Wedington future signalized intersection, as has been consistently recommended. The Master Street Plan amendment shall be approved by the City Council prior to construction, or preliminary plat approval, whichever occurs first. (See associated resolution to amend the Master Street Plan).*
4. Curb-cuts shall be limited to a maximum width based on width of the lot as prescribed by Chapter 172.11 and shall at least 5' from the property line. Shared driveways may be located on the property line and may be up to 24' wide, or as determined at the time of preliminary plat approval. All driveways, drive aisles, parking lots, etc. shall otherwise meet the standards established in Chapter 177 Parking and Loading.
5. Any existing utility easements which conflict with building footprint locations shall be vacated and any existing utility lines relocated at the owner/developers expense prior to construction approval.
6. *Access.* The Planning Commission shall determine, at the time of development, the appropriate access points to surrounding public streets. Individual access points to Wedington Drive shall be prohibited; shared access points to Wedington Drive will be considered based on existing and anticipated traffic, proximity to curb cuts and signalized intersections. Due to the projected delayed traffic turning movements in the area, each curb cut shall be reviewed carefully to ensure traffic movement is not detrimentally effected.
7. *Design Standards.* Buildings shall be constructed to be consistent with the elevations and concepts depicted in the building elevations in the booklet as specified. Building elevations will be reviewed at the time of preliminary plat, final plat and building permit to ensure compliance. All homes shall be designed with a "front façade" facing onto adjacent public streets, when present, and to have varied facades to provide variety within the overall development. All urban residential buildings shall comply with urban residential design standards; all non-residential buildings shall comply with commercial design standards.
8. *Signage.* Signage shall be permitted as noted in the project booklet. The only types of freestanding signs permitted are monument signs. Pole/pylon sign are prohibited.
9. *Phasing.* Phasing shall be completed as described in the project booklet. For each large scale development approved, all building permits for that large scale development shall be obtained within one year of Planning Commission approval. For each Preliminary Plat approved, all permits necessary to construct the subdivision shall be obtained within one year of Planning Commission approval. All projects within the PZD shall be completed within three years of obtaining building permits or construction permits, for large scale developments and preliminary plats, respectively.

CONDITIONS OF APPROVAL:

R-PZD 07-2793

Page 3 of 3

10. *Outdoor Lighting.* All outdoor lighting shall comply with applicable regulations within the Unified Development Code. Single-family and two-family structures are exempt from the Outdoor Lighting Ordinance; however, all other residential, commercial and office structures are subject to said requirements.
11. No portion of any structure (i.e. porches, overhangs, etc.) shall encroach into building setbacks or utility easements.
12. Landscape requirements as outlined in Chapter 177 shall be required with development plat approval.
13. This development shall be required to comply with the Tree Preservation requirements as set forth in the Unified Development Code at the time of development, with a minimum of 25% canopy, subject to approval by the Urban Forester.
14. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.
15. The following revisions shall be completed to the booklets/plats prior to re-submittal for City Council consideration:

Standard conditions of approval:

16. Impact fees for fire, police, water, and sewer shall be paid in accordance with City ordinance.
17. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
18. Trash enclosures shall be screened with access not visible from the street. **The trash enclosures shall be constructed with materials that are complimentary to and compatible with the proposed building. A detail of the proposed screening shall be submitted and approved by the Planning Division prior to issuance of the building permit.** Any additional dumpsters located on site shall be screened from the right-of-way.
19. All mechanical/utility equipment (roof and ground mounted) shall be screened using materials that are compatible with and incorporated into the structure. **A note shall be clearly placed on the plat and all construction documents indicating this requirement.**
20. All freestanding and wall signs shall comply with ordinance specifications for location, size, type, number, etc. Any proposed signs shall be permitted by a separate sign permit application prior to installation.
21. All existing utilities below 12kv shall be relocated underground. All proposed utilities shall be located underground.



THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting April 14, 2008

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Current Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: April 8, 2008 Updated April 16, 2008

R-PZD 07-2793: (FOREST HILLS, 440): Submitted by MORRISON SHIPLEY ENGINEERS, INC. for property located at WEDINGTON DRIVE, S OF SALEM ROAD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 82.38 acres. The request is for Zoning and Land Use approval for a Residential Planned Zoning District with a maximum 600 dwelling units and 206,102 s.f. of non-residential space.

Planner: Jesse Fulcher

Background:

Property Description: The subject property contains approximately 82 acres located south of the intersection of Wedington Drive and Salem Road, extending south to Persimmon Street. The property is primarily zoned R-A, Residential Agricultural and contains a recreational facility. There is also a small amount of R-O, Residential Office and C-1, Neighborhood Commercial property in the northeast corner, which is currently developed as an insurance office building. Surrounding land use and zoning are listed in *Table 1*.

Table 1: Surrounding Land Use/Zoning

Direction	Land Use	Zoning
North	Commercial-Banks and Retail	C-1 and C-2
South	Multi-family/Single-family	RSF-4, RMF-24 and C-2
East	Multi-family	RMF-24, R-O and C-1
West	Ozarks Electric	R-A

Proposal and Project Description: The request is rezoning and land use approval only for a Master Development Plan of a Residential Planned Zoning District with a maximum of 600 dwelling units and approximately 206,000 sq. ft. of nonresidential/commercial space all within 5 Planning Areas. The proposed density overall is 7.28 dwelling units per acre (see each Planning Area in table below), located on approximately 60% of the site area. If the PZD is approved as proposed the project would be required to go through preliminary and final plat approval and/or large scale development approval prior to construction.

Master Development Plan: The proposed uses planned for the site are listed in *Table 2*.

Table 2
Forest Hills PZD 07-2793
Land Use Summary

USE	PLANNING AREA	DENSITY (UNITS/ ACRE)	DWELLING UNITS	NON-RESIDENTIAL INTENSITY (SQ.FT./ACRE)	NON-RESIDENTIAL SQUARE FEET	ACRES	% OF SITE
Commercial	PA-1	N/A	N/A	5,349	119,866	22.41	27.19%
Mixed Use	PA-2	9.17	100	7,912	86,236	10.90	13.22%
Multi-family	PA-3	22.72	354	N/A	N/A	15.58	18.91%
Two-family	PA-4	4.82	86	N/A	N/A	17.83	21.64%
Multi-family	PA-5	3.83	60	N/A	N/A	15.67	19.02%
TOTAL		7.28	600	2,501	206,102	82.38	100%

Parks and Recreation Advisory Board (PRAB): The Parks and Recreation Advisory Board reviewed this project on December 3, 2007 and made a recommendation of accepting money in-lieu of land based on the proximity to Dale Clark Park, adjacent to the Boys and Girls Club. Fees will be due prior to final plat or building permit approval and will be based on the type of unit constructed.

Solid Waste Service: The multi-family, mixed use and nonresidential portions of this development will require dumpsters and/or compactors. Locations shall be reviewed at the time of large scale development. Detached, single-family residences will be serviced by standard residential trash pick-up.

Phasing: The applicant is proposing to develop the property in four phases between 2008 and 2018 with development occurring as follows:

Phase 1 (2008-2015):

- File lot split application for creation of Wal-Mart property
- Construction of Wal-Mart Neighborhood Market and necessary utilities
- Improve existing traffic signal at Salem Road
- Construct Salem Road from Wedington to Jewell Road
- Install traffic signal at Salem and Jewell Roads
- Extend Jewell from Betty Jo to Salem
- Construct detention facilities
- A preliminary and final plat will be submitted after development of Wal-Mart to create future lots for development in Phase I.
- Development of remaining lots in Planning Area 1

Phase 2 (2011-2013):

- Extension of Salem Road to Persimmon Street
- Construction of homes and necessary infrastructure in Planning Area 4-Garden Homes.

Phase 3 (2013-2016):

- Construction of condominiums and mixed use buildings located in Planning Areas 2 and 3.

Phase 4 (2016-2018):

- Construction of townhomes located in Planning Area 5.

Water & Sewer: All necessary improvements and connections to complete the proposed development will be evaluated with the Preliminary Plat and Large Scale Development reviews.

Adjacent Master Street Plan Streets: Wedington Drive (a Principal Arterial); Persimmon Street (a collector street); Jewell Road (a local street); and Gulf Club Drive (a collector street)

Right-of-way Dedication: Right-of-way in the amount of 48.5' from centerline for Wedington Drive, 35' from centerline for Persimmon, 50' for Jewell Road and 70' for Salem Road, which will be extended through the development. The applicant is requesting a Master Street Plan amendment to relocate the north-south Collector Street that extends from Persimmon to Wedington at the intersection of Gulf Club Drive (Links at Fayetteville) to instead extend Salem Road to Persimmon. Additional right-of-way for new interior streets shall be dedicated as noted on the plats.

Access and Connectivity: Currently, Jewell Road is located at the east of the subject property, and is stubbed out for a future street connection. The applicant proposes to extend Salem Road through the development from Wedington Drive to Persimmon Street. Jewell Road will be extended from the east and connect to Salem Road. A new public street will be stubbed out to the west to line up with a street stub-out from Westside Village, which is under construction on Ruppel Road. Also, a private street will be stubbed out to the west to provide access for Ozarks Electric vehicles and large delivery vehicles for Wal-Mart. Additional public streets will be constructed to serve each area of the development, as noted on the plats.

Master Street Plan Amendment: A Master Street Plan Amendment to relocate the future extension of Gulf Club Drive, collector street that is currently under construction north of Wedington as part of the Links at Fayetteville project, has been submitted by the applicant and will need to be approved by the City Council. As shown on the Master Street Plan map, the collector street is positioned to be constructed north and south along the west side of the subject property. The purpose of the street is to provide a north-south connection from Persimmon Street through the Links at Fayetteville development, which is currently under construction, to Ruppel Road. At the request of staff, the applicants for Forest Hills approached Ozarks Electric Co., who owns the property to the west, and the developers of The Links at Fayetteville to discuss shifting the Link's street further east or otherwise providing this important connection, so that a through connection could be made through Forest Hills (see attached correspondence). Based on comments provided from the applicant, engineers for the development of The Links have stated construction is too far underway to redesign the street connection. Additionally, the location at which the street would enter the Forest Hills property is currently owned by Ozarks Electric Co. The developers of Forest Hills have the parcel under contact; however, Ozarks Electric has stated that they will not sell the property if the street were required to be relocated. The Master Street Plan amendment would allow for the construction of a collector street through the subject development, providing a north-south street connection from Persimmon to Wedington; it would not, however, provide the planned connection to Ruppel Road, a 4-lane boulevard that will ultimately provide a major north-south corridor.

Street Improvements: A traffic study has been conducted based on the overall development with a projected generation of 16,556 vehicle trips per day with full build-out. The traffic study also includes the impacts of surrounding projects approved for development. This is a significant increase over the existing traffic in the area; in comparison, 18,305 vehicle trips per day on Wedington were counted with a 2007 study with the Links at Fayetteville development. The project traffic from this development alone will almost double the traffic that is currently on Wedington, not including that generated by the Links or other projects under construction in the area. While not all traffic will travel to/from Wedington, this is anticipated to be the primary access point as it is the only access to I-540 in the vicinity, and will certainly result in increased congestion and difficulty in turning movements, as noted in the traffic study. All streets constructed interior to the development shall be constructed to Master Street Plan standards. The intersection of Salem Road and Wedington Drive is currently a signalized intersection. Improvements proposed to this intersection include the construction of additional traffic lanes on Salem and Wedington, which will require widening Wedington and the installation of additional traffic signals on the south side of the intersection. Improvements to the north side of Persimmon Street shall occur at the time of development along said street, in compliance with the Master Street Plan. Should the PZD be approved, the Planning Commission will determine all final improvements at the time of development, pursuant to the Unified Development Code.

Public Comment/Review Process:

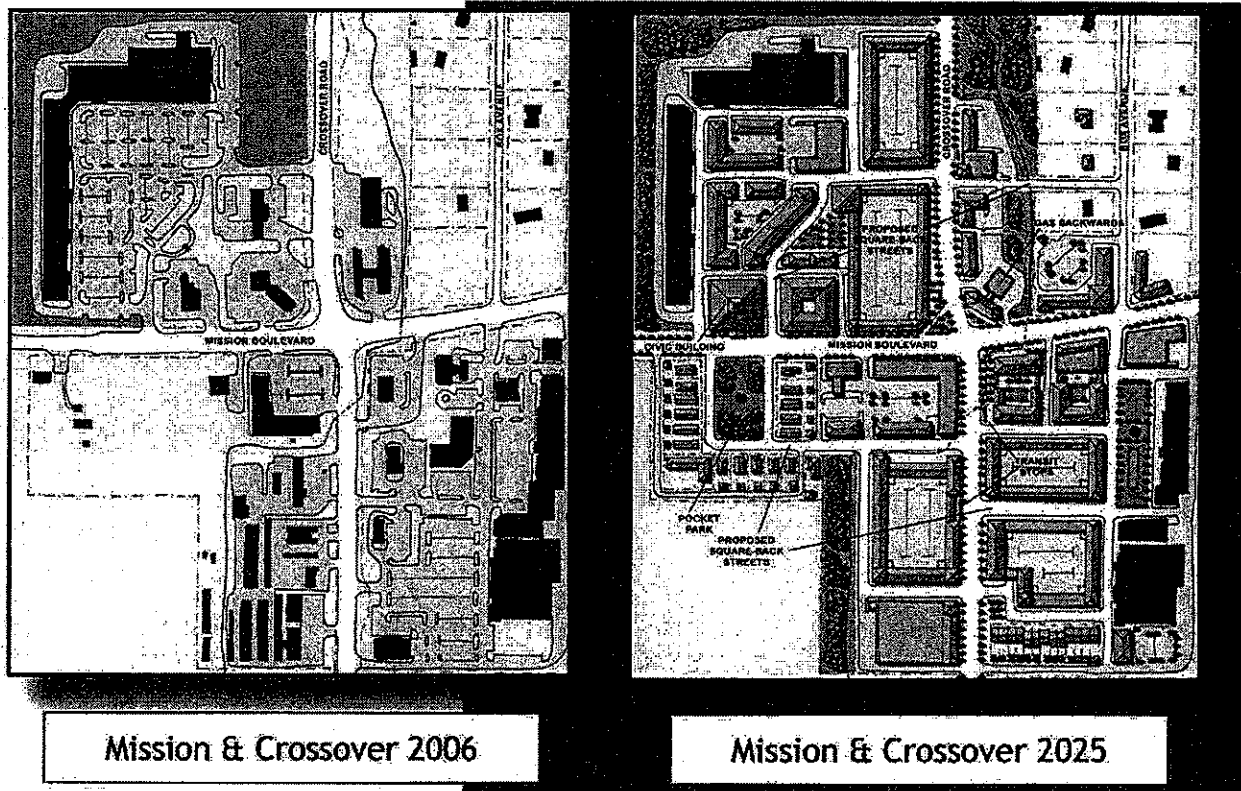
The subject proposal was originally submitted to the City Planning Department on October 18, 2007 with comments provided to the applicant at the Technical Plat Review meeting on October 31, 2007. Staff recommended that the request be reviewed again at the Technical Plat Review meeting based on comments received. The plans were not submitted again for review until March 6, 2008 with comments provided to the applicant at the Technical Plat Review meeting on March 19, 2008. Revisions were submitted on April 7, 2008 for the April 14, 2008 Planning Commission meeting. Staff has noted issues of concern regarding the segregation of land uses, conventional strip commercial development not consistent with the City's adopted goals and policies, and a lack of public street connections at each meeting. Staff has not received any comments from adjacent property owners or members of the public, other than the Ozarks Electric comment regarding the Master Street Plan amendment.

Tree Preservation: This development will be required to comply with the Tree Preservation requirements as set forth in the Unified Development Code at the time of development with a 25% preservation requirement.

Discussion: The applicants have stated in their application that this project is designed to be a Traditional Neighborhood Development (TND) containing a variety of commercial businesses, smaller retail storefronts, and residential office areas, built in close proximity to condominiums, zero-lot line garden homes, and townhomes. In staff's opinion, the proposed development does share some common traits with a TND: 1) The development provides a variety of dwelling types; 2) there are shops and offices for the convenience of the neighbors; 3) some of the buildings are located close to the street; and 4) some of the parking lots and garages are located in the rear yard. However, the aspects of the development that are commonly found in a TND are limited to Planning Areas 2-5, and they are highly segregated uses. Planning Area 1, which is the commercial hub of the development, lacks any similarities with a Traditional Neighborhood Development. Planning Area 1 consists of large parking lots, drive aisles, and drive-thru lanes situated in front of the buildings, which prohibits the placement of buildings close to the street. Staff is not of the opinion that this

development, or any Planned Zoning District, be required to develop as a TND; however, traditional town form is a primary goal of City Plan 2025. As such, conventional strip-center developments along major thoroughfares should not be encouraged. This particular point is emphasized in the City Plan 2025 diagrams, which discourage the conventional separated, inefficient commercial outlot and parking lot use of land in favor of a more complete, compact and connected, highly efficient use of land. The adopted policy states this practice "allows the economic recapture of land value for the developer while producing development that shortens trips for residents and uses existing infrastructure."

Page 10-4, City Plan 2025



City Neighborhood Area: The property is currently designated as a City Neighborhood Area on the Future Land Use Plan. These areas are denser, while still primarily residential in urban fabric, and encourage traditional neighborhood development that incorporates low-intensity nonresidential uses. The land uses proposed can be compatible with the variety of surrounding land uses and is reasonable based on the street system and infrastructure currently in place. However, significant changes to Planning Area 1 are necessary to meet the guiding policies for a City Neighborhood Area, including; 1) Encouraging pedestrian-friendly, commercial buildings that address the street; 2) encourage a block-and-street layout that promotes walkability, 3) provide cyclist-friendly road designs with slow design speeds; and 4) utilize principles of traditional urban design to create compatible, liveable, and accessible neighborhoods.

Recommendation:

While staff does not have a great deal of concern with the proposed density and intensity of the development, provided significant infrastructure improvements and street connections are made to alleviate traffic congestion, the development pattern proposed for the commercial area along Wedington Drive is not in compliance with the adopted land use planning policies and goals. Beginning with the initial submittal, staff has expressed concerns with the proposed development pattern, finding it to be inconsistent with those encouraged by the City for new development. While certain changes have been incorporated into the plans through the review process, the primary concern of creating a contributing neighborhood environment that is complete, compact and connected has not been addressed. Based on the findings included herein, staff recommends the Planning Commission deny R-PZD 07-2793 (Forest Hills).

Should the Planning Commission or City Council determine the rezoning request is appropriate, compatible and meets the City's approval criteria for Planned Zoning Districts, the Future Land Use Plan, and the required findings for a rezoning request, staff recommends the approval contain the following conditions:

1. *Street improvements.* All final street improvements will be determined by the Planning Commission at the time of development review. It should be noted that staff has consistently recommended the applicant acquire the necessary approvals to provide a public street connection to the Links at Fayetteville, in order to alleviate the congestion and traffic delays in turning movements anticipated by the traffic engineer at Salem and Wedington. This connection could provide a much better level of service, and would provide greater accessibility into the site, as well as providing a direct connection to Ruppel Road, a major north-south arterial. *The following street improvements were recommended based on the findings of the traffic study:*
 - *Roadway lane geometry constructed as shown in Figure 9 of the updated traffic study.*
 - *The westbound approach on Wedington Drive and Salem Road widened to accommodate dual westbound left-turn lanes.*
 - *The eastbound approach on Wedington Drive and Salem Road widened to accommodate the addition of an eastbound right-turn lane.*
 - *The southbound approach on Salem Road and Wedington Drive widened to accommodate a second southbound left-turn lane.*
 - *Salem Road, south of Wedington Drive to Drive C, constructed to consist of two northbound lanes and two southbound lanes.*
 - *Salem Road, at the northbound approach to Wedington Drive, shall be widened to accommodate a northbound right-turn lane, a northbound thru-lane, dual northbound left-turn lanes and two southbound receiving lanes.*
 - *The existing traffic signal at Wedington Drive and Salem shall be re-constructed to accommodate the addition of a south leg to the intersection and the additional proposed lanes on the existing legs.*
 - *Drive B, eastbound and westbound approaches to Salem Road constructed to consist of left-turn lane, a thru-right-turn lane and a receiving lane.*
 - *Drive C eastbound approach to Salem Road constructed to consist of dual left-turn lanes, a thru-right-turn lane and a receiving lane*
 - *Drive C westbound approach to Salem Road constructed to consist of a left-turn lane, a thru-right-turn lane and a receiving lane.*

- *A fully-actuated traffic signal be installed at the intersection of Salem Road and Drive C coincident with full building-out of the site development (after Phase I).*
 - *Jewell Road eastbound and westbound to Salem Road constructed as single-lane approaches and one receiving lane.*
 - *Salem Road northbound and southbound approaches to Jewell Road constructed to consist of a left-turn lane, a thru/right-turn lane and a receiving lane.*
 - *Salem Road southbound approach to Persimmon Street align with Mountain Ranch Blvd., and constructed to consist of a left-turn lane, a thru/right-turn lane and a receiving lane.*
 - *Jewell Road shall be extended through the development to Salem Road and constructed with single-lane approaches*
 - *Improvements to Persimmon Street shall be in accordance with the current Master Street Plan street section design.*
2. *Planning Commission determination of adequate connectivity. Staff recommends in favor of the proposed connectivity finding that the proposed alignment will be beneficial to the area. Jewell Road will be extended into the development, connecting to Salem Road, which will be extended from Wedington Drive to Persimmon Street. Additionally, a street stub-out will be provided to the west property line that lines up with the centerline of an existing stub-out from Westside Village. Staff does recommend that the applicant continue to pursue connection to the Links at Fayetteville public street, in order to create a safer and more accessible traffic condition.*
3. *Planning Commission determination of a Master Street Plan amendment. Staff supports the relocation of the collector street from the west property line, provided that the street connection between Salem Road and Mountain Ranch Boulevard is provided. However, staff does find the need for a public street connection from this development to the Links at Fayetteville/Wedington future signalized intersection, as has been consistently recommended. The Master Street Plan amendment shall be approved by the City Council prior to construction, or preliminary plat approval, whichever occurs first. (See associated resolution to amend the Master Street Plan).*
4. *Curb-cuts shall be limited to a maximum width based on width of the lot as prescribed by Chapter 172.11 and shall at least 5' from the property line. Shared driveways may be located on the property line and may be up to 24' wide, or as determined at the time of preliminary plat approval. All driveways, drive aisles, parking lots, etc. shall otherwise meet the standards established in Chapter 177 Parking and Loading.*
5. *Any existing utility easements which conflict with building footprint locations shall be vacated and any existing utility lines relocated at the owner/developers expense prior to construction approval.*
6. *Access. The Planning Commission shall determine, at the time of development, the appropriate access points to surrounding public streets. Individual access points to Wedington Drive shall be prohibited; shared access points to Wedington Drive will be considered based on existing and anticipated traffic, proximity to curb cuts and signalized intersections. Due to the projected delayed traffic turning movements in the area, each curb cut shall be reviewed carefully to ensure traffic movement is not detrimentally effected.*

7. *Design Standards.* Buildings shall be constructed to be consistent with the elevations and concepts depicted in the building elevations in the booklet as specified. Building elevations will be reviewed at the time of preliminary plat, final plat and building permit to ensure compliance. All homes shall be designed with a "front façade" facing onto adjacent public streets, when present, and to have varied facades to provide variety within the overall development. All urban residential buildings shall comply with urban residential design standards; all non-residential buildings shall comply with commercial design standards.
8. *Signage.* Signage shall be permitted as noted in the project booklet. The only types of freestanding signs permitted are monument signs. Pole/pylon sign are prohibited.
9. *Phasing.* Phasing shall be completed as described in the project booklet. For each large scale development approved, all building permits for that large scale development shall be obtained within one year of Planning Commission approval. For each Preliminary Plat approved, all permits necessary to construct the subdivision shall be obtained within one year of Planning Commission approval. All projects within the PZD shall be completed within three years of obtaining building permits or construction permits, for large scale developments and preliminary plats, respectively.
10. *Outdoor Lighting.* All outdoor lighting shall comply with applicable regulations within the Unified Development Code. Single-family and two-family structures are exempt from the Outdoor Lighting Ordinance; however, all other residential, commercial and office structures are subject to said requirements.
11. No portion of any structure (i.e. porches, overhangs, etc.) shall encroach into building setbacks or utility easements.
12. Landscape requirements as outlined in Chapter 177 shall be required with development plat approval.
13. This development shall be required to comply with the Tree Preservation requirements as set forth in the Unified Development Code at the time of development, with a minimum of 25% canopy, subject to approval by the Urban Forester.
14. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.
15. The following revisions shall be completed to the booklets/plats prior to re-submittal for City Council consideration:

Standard conditions of approval:

16. Impact fees for fire, police, water, and sewer shall be paid in accordance with City ordinance.
17. Staff approval of final detailed plans, specifications and calculations (where applicable) for

grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.

18. Trash enclosures shall be screened with access not visible from the street. **The trash enclosures shall be constructed with materials that are complimentary to and compatible with the proposed building. A detail of the proposed screening shall be submitted and approved by the Planning Division prior to issuance of the building permit.** Any additional dumpsters located on site shall be screened from the right-of-way.
19. All mechanical/utility equipment (roof and ground mounted) shall be screened using materials that are compatible with and incorporated into the structure. **A note shall be clearly placed on the plat and all construction documents indicating this requirement.**
20. All freestanding and wall signs shall comply with ordinance specifications for location, size, type, number, etc. Any proposed signs shall be permitted by a separate sign permit application prior to installation.
21. All existing utilities below 12kv shall be relocated underground. All proposed utilities shall be located underground.

Planning Commission Action: ☐ Tabled ☐ Forwarded to C.C. ☒ Denied

Motion: Lack

Second: Kennedy

Vote: 4-1-2 (The motion to forward with a recommendation for approval failed)

Meeting Date: April 14, 2008

Sec. 166.06. Planned Zoning Districts (PZD) R-PZD 07-2793 Forest Hills

(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 that while there are aspects of the development/rezoning proposal that meet the intent and purpose of the Unified Development Code, it is not to a degree that justifies the rezoning request as meeting the policies and objectives of City Plan 2025 as established by the City Council.

The Future Land Use Map adopted as part of City Plan 2025 designated this site as a City Neighborhood Area. City Neighborhood Areas are intended to have a wide range of residential building types, encourage complete, compact and connected neighborhoods, provide non-residential uses that are accessible for the convenience of individuals living in residential districts, encourage walkability as part of the street function, provide neighborhood shopping within walking distance of residential uses, or approximately one-quarter mile, and encourage pedestrian-friendly, mixed-use buildings through the use of transparent glass for commercial uses at street level and building entrances that address the street.

The development incorporates a range of residential uses, including tradition apartment buildings, townhouses and two-family/garden home structures, and provides residents with the ability to live, work and shop in one area. However, all of the different residential types are complete separated from one another, creating a monotonous street environment, without a true mixture of housing types in close proximity. The commercial district does not encourage walkability, or address the street, creating a pedestrian friendly environment. Ultimately, the commercial area of this development is modeled after a conventional strip-center development pattern where vehicles, not pedestrians, dominate the environment. In staff's opinion, the development style proposed for the commercial area is in direct contrast with the goals of City Plan 2025, as noted in the diagrams and stated policies within that land use document. The development pattern is instead much like almost directly across the street, where Harps Grocery anchors a large commercial strip center, with surrounding outlots occupied by banks, restaurants, and other commercial uses.

Goal 1 of City Plan 2025 is to "...make appropriate infill and revitalization our highest priorities." This site is surrounded by developed properties and is located between a principal arterial and collector street with indirect access to I-540. The density and intensity of this development is appropriate and compatible with surrounding properties and is supported by existing infrastructure. The site is primarily a greenfield development,

due to the fact that much of the site has not been developed before; this would be the first major land disturbance, other than for agricultural uses and the small amount of land currently utilized for the recreational facility. However, there are uses either developed or developing on all sides. The objectives of this goal, however, are to “minimize the impacts of sprawl, ensuring quality development and promote appropriate development that reflects the existing community character of Fayetteville’s neighborhoods.” Staff does not find that this project reflects the community character Fayetteville envisions.

Goal 2 states “we will discourage suburban sprawl.” The subject property is located well within the City boundaries with access to major roadways, an elementary school, parks and adequate infrastructure to support the development intensity, with appropriate improvements in place. However, the commercial component of the development, specifically, is not compact, and indeed sprawls over the site, with conventional outlot and parking lot development patterns indicative of conventional strip commercial centers along College Avenue or 6th Street. In addition, the separation of uses over the site is prevalent, which does not encourage social interaction or community neighborliness.

Goal 3 states “We will make traditional town form the standard.” As noted previously, the development proposes some aspects of a traditional development style, incorporating a variety of dwelling types and providing commercial and office services in close proximity. However, the development lacks meaningful and useful open spaces, a true “center” to the development, small blocks and is proposed to be established by a commercial node that lacks any traditional town form. The range of housing type that are proposed are separated by major roads into distinct pods. While staff understands the need for efficiency in construction/marketability for units, many very successful projects have incorporated a variety of housing types alongside one another, thereby contributing to the community diversity. This goal is the source of the “complete, compact and connected” concept that is required of new growth. Staff finds the proposal in contrast to this adopted policy.

Goal 4 states “we will grow a livable transportation network.” Internal streets south of the commercial area have provided more walkable, pedestrian and cyclist-friendly opportunities as part of the street function. Connections to Betty Jo Drive and Persimmon will help alleviate traffic congestions at Wedington Drive and provide several points of ingress/egress. Additionally, a stub-out to the west has been provided, which lines up with a stub-out from Westside Village. Staff finds that the proximity to I-540 can support a range of density and intensity of development, and maintain community character, if designed in a traditional town form. One of the objectives of this policy is that community design should precede and outrank traffic planning; once the community design is established, the transportation plans for balanced mobility should follow. The proposal to create a 7-lane wide highway section in order to increase the level of service is in contrast to the adopted policy to create “multiple corridors instead of single oversized ones.” An additional connection to the Links at Fayetteville/Wedington interchange would begin to create a street network capable of distributing traffic in multiple directions, at signalized intersections, instead of funneling everyone through one primary intersection.

Goal 5 states “we will assemble an enduring green network.” The developers have proposed a trail system through the tree preservation areas, with connections to public sidewalks, which

together should be a great benefit to the general public. Trees will be required along all public streets. In addition, the applicant is proposing to preserve a large tree preservation area to the south, with several smaller pockets internal to the development. Regional detention is planned to provide the open spaces within the development, though meaningful, useful open spaces have not been planned.

Goal 6 states "we will create attainable housing." The development will provide a variety of housing types and sizes, which could create a wider variety of opportunity for the homebuyer, in differing price points. However, as noted by the applicants in the project booklet, "attainable housing is challenging to accomplish when developers are required to fund and/or construct large amounts of public improvements, set aside large amounts of land for park land dedication, and retain 25% of the existing tree canopy." Staff finds that the land being proposed for development could be utilized, as noted in the City Plan 2025 study, much more efficiently, with less expenditure on infrastructure internal to the development, and with preservation of more tree canopy, (no parkland dedication is occurring on this site), in a traditional town form. Less land would initially be developed, with perhaps the same density and intensity.

In summary, staff finds the rezoning and land use proposal is inconsistent with the adopted goals and policies of City Plan 2025. Several design changes have occurred through the review process to help alleviate some concerns, but the larger policy issue of the proposal for a conventional strip-center development pattern and separated land use patterns, is in direct contrast with City policy. Consequently, staff has recommended denial of the PZD proposal.

(2) Whether the application is in compliance with all applicable statutory provisions;

FINDING: The application has been reviewed and found to be compliant with the 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. As indicated in the submittal and the staff report, certain measures have been taken in the proposed phasing of development by the developer to ensure infrastructure improvements are made so the level of service will not decline due to the proposed development. Sections of the traffic study have been included as part of the report to provide a detailed summary of intersection improvements and design. Should the project be approved, staff will work with the applicants to determine the necessary and ultimate improvements for each phase of the project.

(4) Whether the rezoning is compatible with the surrounding land uses;

FINDING: The rezoning request, combined with the Master Development Plan, would allow a mix of uses and density over the site. The proposed zoning criteria concentrates the

commercial out-lots along the major thoroughfare, State Highway 16/Wedington Drive, and then transitions to office and then residential uses. Staff finds that the combination of residential, office and commercial uses to be compatible with the surrounding land uses, which are comprised of a similar mixture of uses.

- (5) Whether the subject land is suitable for the intended use and is compatible with the natural environment;

FINDING: The intended uses are suitable for the subject property. However, natural site features including floodplain, tree canopy and wetlands will have to be carefully considered at the time of development.

- (6) Whether the intended land use would create traffic congestion or burden the existing road network;

FINDING: The project will burden the existing road network. Approximately 18,000 vehicle trips per day are currently logged on Wedington Avenue; this project alone will contribute 16,000 more vehicle trips in the vicinity, with a majority of those traveling to Wedington. The applicant has conducted a traffic study, of which key recommendations have been included on the site plan. As suggested in the traffic study, the applicant proposes to improve and expand the intersection of Wedington and Salem, so that an acceptable level of service is maintained. A 7-lane section is proposed along portions of the development frontage, in order to "average out" the level of service that is anticipated to be delayed for turning movements around the Salem/Wedington interchange. In general, combining residential and non-residential uses could help reduce the traffic generated by this development, by providing better pedestrian opportunities and the ability for persons within close proximity to travel smaller distances for daily goods and services. Additionally, future connections to Betty Jo and Permission will provide alternative routes for vehicular traffic, dispersing traffic to streets other than Wedington Drive. Staff has also recommended the applicant continue discussions with the adjacent property owner to provide a public street connection to the future signalized intersection of the Links/Wedington interchange. This would further distribute traffic and provide a direct connection to Ruppel Road.

- (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 uses for the site should be compatible with surrounding development as there is a variety of land uses surrounding the property. Commercial properties have been situated along Wedington Drive with 2-family dwellings and townhomes located near Persimmon Street, which is being developed with residential units on the south side of the road. Mixed use office and multi-family buildings will line the east side of the property, adjacent to existing multi-family buildings along Betty Jo. Drive. However, staff finds the overall development pattern will not enhance the surrounding neighborhoods, and will instead perpetuate a pattern of development that is not encouraged within the City.

Since the proposal is not for development rights, a detailed tree preservation plan has not been reviewed; however, the applicant proposes to preserve a large section of existing canopy adjacent to Persimmon Street with smaller areas of tree preservation provided interior to the development, where possible. There are two existing ponds on the property that will be expanded to serve as detention for the development. Additionally, preliminary studies have identified two small wetland areas. A great deal of common usable space is not provided, though the proposal does include a trail within the tree preservation area, and the Boys and Girls Club/Dale Clark Park is in close proximity.

In staff's opinion the land uses proposed are appropriate for this site. However, building locations, vehicular circulation and parking areas have not been designed to further the health, safety amenity and welfare of the community. The commercial area is comprised of large expanses of parking, which will be utilized during peak hour demands, but will ultimately be underutilized during off-peak hours. Vehicular circulation on Salem Road, between Jewell Road and Wedington Drive will likely be congested given the number of travel lanes required to be constructed to maintain an acceptable level of service. High peak hour traffic generating businesses combined with a multitude of turning movements will result in similar problems experience by other shopping areas, which are solely reliant on the automobile. This may in turn result in increased driving times and congestion for the overall region.

- (2) *Screening and landscaping.* In order to enhance the integrity and attractiveness of the development, and when deemed necessary to protect adjacent properties, the Planning Commission shall require landscaping and screening as part of a PZD. The screening and landscaping shall be provided as set forth in §166.09 Buffer Strips and Screening. As part of the development plan, a detailed screening and landscaping plan shall be submitted to the Planning Commission. Landscape plans shall show the general location, type and quality (size and age) of plant material. Screening plans shall include typical details of fences, berms and plant material to be used.

FINDING: The applicant proposes to utilize existing tree canopy along the east and south property lines to preserve existing natural features and to provide a natural buffer adjacent to the residential neighborhood to the east. Where necessary, screening shall be provided between residential and nonresidential land uses. A landscape plan will be provided at the time of development and trees along the frontages of all streets, both public and private, will be required.

- (3) *Traffic circulation.* The following traffic circulation guidelines shall apply:
- (a) The adequacy of both the internal and external street systems shall be reviewed in light of the projected future traffic volumes.
 - (b) The traffic circulation system shall be comprised of a hierarchal scheme of local collector and arterial streets, each designed to accommodate its proper function and in appropriate relationship with one another.
 - (c) Design of the internal street circulation system must be sensitive to such considerations as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, access to dwelling units and the proper relationship of different land uses.
 - (d) Internal collector streets shall be coordinated with the existing external street system, providing for the efficient flow of traffic into and out of the planned zoning development.
 - (e) Internal local streets shall be designed to discourage through traffic within the planned zoning development and to adjacent areas.
 - (f) Design provisions for ingress and egress for any site along with service drives and interior circulation shall be that required by Chapter 166 Development of this code.

FINDING: The applicant has applied recommendations from a traffic study of the development in order to address the projected traffic volumes generated from the proposed uses. Salem Road, which will extend through the development, is planned to be constructed with six travel lanes at the north end of the property to serve the high volume of traffic associated with the commercial area. Salem Road will be reduced to a two-lane

section adjacent to the residential properties, which should create slower, safer vehicle speeds. Traffic congestion near the intersection of Wedington Drive and Salem Road is expected due to the proposed and existing land uses. Staff has recommended an additional connection to the future signalized intersection at Wedington and the Links, to help distribute traffic and relieve congestion and delayed turning movements at Salem and Wedington. No specific traffic improvements or street designs are being reviewed and approved with this master plan proposal.

- (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 is to be provided on-site for each residential lot. Each commercial use within Planning Area 1 and 2 will be required to provide adequate parking as required by Chapter 172 of the UDC.

- (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: Buffer strips, open space and screening shall be reviewed in detail at the time of development and shall be provided as required by ordinance.

- (6) *Sidewalks.* As required by §166.03.

FINDING: A 5' sidewalk is to be constructed at the right-of-way line along Wedington Drive and on both sides of all proposed streets at the time of development request.

- (7) *Street Lights.* As required by §166.03.

FINDING: Street lights are to be provided at all intersections and with a maximum separation of 300 feet.

- (8) *Water.* As required by §166.03.

FINDING: Public water will be provided to the project site, pursuant to city code. Improvements to water services may be required and shall be reviewed at the time of preliminary plat and large scale development submittal.

- (9) *Sewer.* As required by §166.03.

FINDING: Public sewer will be provided to the project site, pursuant to city code. Improvements to sewer services may be required and shall be reviewed at the time of preliminary plat or large scale development submittal.

(10) *Streets and Drainage.* Streets within a residential PZD may be either public or private.

(a) *Public Streets.* Public streets shall be constructed according to the adopted standards of the City.

(b) *Private Streets.* Private streets within a residential PZD shall be permitted subject to the following conditions:

- (i) Private streets shall be permitted for only a loop street, or street ending with a cul-de-sac. Any street connecting one or more public streets shall be constructed to existing City standards and shall be dedicated as a public street.
- (ii) Private streets shall be designed and constructed to the same standards as public streets with the exceptions of width and cul-de-sacs as noted below.
- (iii) All grading and drainage within a Planned Zoning District including site drainage and drainage for private streets shall comply with the City's Grading (Physical Alteration of Land) and Drainage (Storm water management) Ordinances. Open drainage systems may be approved by the City Engineer.
- (iv) Maximum density served by a cul-de-sac shall be 40 units. Maximum density served by a loop street shall be 80 units.
- (v) The plat of the planned development shall designate each private street as a "private street."
- (vi) Maintenance of private streets shall be the responsibility of the developer or of a neighborhood property owners association (POA) and shall not be the responsibility of the City. The method for maintenance and a maintenance fund shall be established by the PZD covenants. The covenants shall expressly provide that the City is a third party beneficiary to the covenants and shall have the right to enforce the street maintenance requirements of the covenants irrespective of the vote of the other parties to the covenants.
- (vii) The covenants shall provide that in the event the private streets are not maintained as required by the covenants, the City shall have the right (but shall not be required) to maintain said streets and to charge the cost thereof to the property owners within the PZD on a pro rata basis according to assessed valuation for ad valorem tax purposes and shall have a lien on the real property within the PZD for such cost. The protective covenants shall grant the City the right to use all private streets for purposes of providing fire and police protection, sanitation service and any other of the municipal functions. The protective covenants shall provide that such covenants shall not be amended and shall not terminate without approval of the City Council.
- (viii) The width of private streets may vary according to the density served. The following standard shall be used:

Paving Width

(No On-Street Parking)

Dwelling Units	One-Way	Two-Way
1 - 20	14'	22'
21+	14'	24'

***Note:** If on-street parking is desired, 6 feet must be added to each side where parking is intended.

- (ix) All of the traffic laws prescribed by Title VII shall apply to traffic on private streets within a PZD.
- (x) There shall be no minimum building setback requirement from a private street.
- (xi) The developer shall erect at the entrance of each private street a rectangular sign, not exceeding 24 inches by 12 inches, designating the street a "private street" which shall be clearly visible to motor vehicular traffic.

FINDING: All public and private streets/drives shall conform to city standards, as indicated in the submitted statement of commitments. Public and private streets shall not be gated, unless permitted by express approval from the City Council.

- (11) *Construction of nonresidential facilities.* Prior to issuance of more than eight building permits for any residential PZD, all approved nonresidential facilities shall be constructed. In the event the developer proposed to develop the PZD in phases, and the nonresidential facilities are not proposed in the initial phase, the developer shall enter into a contract with the City to guarantee completion of the nonresidential facilities.

FINDING: All development on the site shall be phased according to the phasing plan and conditions herein.

- (12) *Tree preservation.* All PZD developments shall comply with the requirements for tree preservation as set forth in Chapter 167 Tree Preservation and Protection. The location of trees shall be considered when planning the common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels.

FINDING: A tree preservation plan shall be submitted at the time of development for each planning area. Canopy calculations shall be based upon a minimum 25% canopy preservation required.

- (13) *Commercial design standards.* All PZD developments that contain office or commercial structures shall comply with the commercial design standards as set forth in

§166.14 Site Development Standards and Construction and Appearance Design Standards for Commercial Structures.

FINDING: The applicant has proposed design standards for residential structures and concept drawings for the commercial/office buildings. Buildings shall be constructed to be consistent with the elevations and concepts depicted in the building elevations in the booklet as specified. Building elevations will be reviewed at the time of preliminary plat, final plat, large scale development and building permit to ensure compliance with bulk, area, greenspace, commercial design requirements, and urban residential design standards.

- (14) *View protection.* The Planning Commission shall have the right to establish special height and/or positioning restrictions where scenic views are involved and shall have the right to insure the perpetuation of those views through protective covenant restrictions.

FINDING: Staff finds no specific scenic views to be protected on the subject property.

(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.

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 that some components of this proposal meet the intent of the above criteria, including flexibility in density, compatibility with the surrounding land uses and integration of a variety of uses and intensities. The proposal best fits the flexibility and

variety goals of the intent of the Planned Zoning District, offering several types of housing choices, and providing opportunity for local goods and services for area residents, as well as places to live and work. Staff is hopeful that natural site amenities including water ways and trees are considered in the final design of each planning area, and that useful, open spaces are preserved for the enjoyment of the general public and residents of the area.

Staff finds that the development is not consistent with the majority of the guiding policies of the Future Land Use Plan. This greenfield development will have large expanses of parking areas, which in staff's opinion will ultimately become future sites for infill and revitalization, to make a more efficient and sustainable use of the land. It seems that creating sites for future infill opportunities is in direct opposition with a policy that encourages infill. Furthermore, buildings are located 40-50' from the street, a development pattern that discourages pedestrian activity. The proposed development could have a negative impact on the surrounding area, by increasing traffic congestion near the I-540 interchange, which has already been determined in need of improvements. The project does not provide a harmonious, creative arrangement of land uses as stated in the above goals; rather, the land use pattern is generally in a more conventional separated land use pattern.

(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.

FINDINGS: The submitted development plats and Master Development Plan booklets, along with the conditions of approval found applicable and appropriate, are binding with the approval of the requested rezoning. Should the Planning Commission forward this item to the City Council, an ordinance will be drafted for consideration of rezoning this property in accordance with the submittal herein.

(C) *R – PZD, Residential Planned Zoning District.*

(1) *Purpose and intent.* The R-PZD is intended to accommodate mixed-use or clustered residential developments and to accommodate single-use residential developments that are determined to be more appropriate for a PZD application than a general residential rezone. The legislative purposes, intent, and application of this district include, but are not limited to, the following:

(a) To encourage a variety and flexibility in land development and land use for predominately residential areas, consistent with the city's City Plan 2025 and the orderly development of the city.

- (b) To provide a framework within which an effective relationship of different land uses and activities within a single development, or when considered with abutting parcels of land, can be planned on a total basis.
- (c) To provide a harmonious relationship with the surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and excessive demands on planned and existing public facilities.
- (d) To provide a means of developing areas with special physical features to enhance natural beauty and other attributes.
- (e) To encourage the efficient use of those public facilities required in connection with new residential development

FINDING: Staff finds the project proposes a variety and flexibility of land uses that is predominantly available in a PZD application, but in a manner that is inconsistent with the City's City Plan 2025. Heavy traffic and congestion are anticipated by the development, and will place demands on public infrastructure in the area without significant improvements. In general, the overall land use pattern is more typical of a strict rezoning application: C-2, R-O, RMF-24 and RT-12 could be considered in each of the planning areas, respectively, with the exception of reduced building setbacks in some instances.

- (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) *Conditions.* In no instance shall the residential use area be less than fifty-one percent (51%) of the gross leaseable floor area within the development.

FINDING: The residential uses on this property are at least 51% of the overall land area within the development.

(F) *Bulk and area regulations*

- (1) *Residential density.* Residential densities shall be determined on the basis of the following considerations:

- (a) The densities of surrounding development;
- (b) the densities allowed under the current zoning;
- (c) the urban development goals and other policies of the city's General Plan;
- (d) the topography and character of the natural environment; and
- (e) the impact of a given density on the specific site and adjacent properties.

FINDING: Surrounding development is multi-family residential and commercial. Therefore, a mixture of housing types and densities combined with office and commercial uses is appropriate. Additionally, the city's development goals, future land use plan, and infrastructure for this area supports a higher density.

- (2) *Lot area and setback requirements.* Taking into consideration the unique aspects of each project, preliminary development plans for Planned Zoning Districts shall conform as closely as possible to the existing standards for lot area minimums and setback requirements under this chapter.

FINDING: Lot area minimums and setbacks are varied on this project with residential structures oriented to the street and minimal front setbacks. This project provides for a variety of building footprints, though located in separate planning areas and separated, with a mixed unit type and mixed density.

Setbacks have also been reduced for the commercial areas along Wedington Drive; however, this has not transferred to buildings being located at and addressing the street. Rather, parking lots, drive aisles and drive-thru lanes disconnect the public realms from the private developments, creating an auto-dependent environment.

- (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 are varied on this project, due to the mixture of uses proposed. However, sufficient setbacks have been provided based on the proximity of adjacent developments, to provide adequate light and air.

- (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 maximum building areas are very similar to those found in comparable zoning districts and are therefore found to be appropriate.

***Required Findings for Rezoning Request.**

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

FINDING: Staff finds that a proposal for a mixture of land uses on the subject property to be appropriate giving the location with direct access to Wedington Drive and Persimmon Street and indirect access to I-540. Additionally, the property is located within one mile of Owl Creek Elementary School, the Boys and Girls Club and Dale Clark Park. Adequate infrastructure and access to public and commercial services supports the development of a dense, mixed use development.

However, the proposal is not consistent with the City's policy to make traditional town form standard and to discourage the proliferation of conventional strip-commercial uses along major thoroughfares. The development ultimately lacks several key aspects of a traditional town form, including meaningful open spaces, small blocks, civic uses and street oriented buildings. Furthermore, there are only three building types proposed for 600 dwelling units. A greater variety and mixture of housing would be beneficial. The most conflicting aspect of the development is the placement and orientation of the commercial structures along Wedington Drive. Standard strip centers, big-box retail and commercial out lots are associated with expansive and underutilized parking lots which are highly visible from the street. These areas are auto-dominated and prevent the creation of a pedestrian friendly environment. Images of car dominated shopping centers were included as part of the City Plan 2025 document to illustrate the City's desire to avoid this development pattern and to reinvent existing developments, reinvesting in a more efficient, economic development pattern.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

FINDING: Staff finds that a rezoning of the property is justified, in that development under the current zoning of R-A is not overly desirable in close proximity to a major highway and surrounded by existing neighborhoods. The proposal for commercial, office and residential uses is appropriate for the subject property and could allow for a development pattern that is a benefit to the citizens of Fayetteville. However, in staff's opinion, significant and fundamental changes to the form of this development are necessary to create a new neighborhood that is consistent with the City's adopted policies and goals.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

FINDING: Based on an analysis of traffic generated from the development, staff finds this proposal will certainly appreciably increase traffic congestion, and may contribute to traffic danger in the area; however, traffic congestion is currently a problem and therefore congestion will continue to increase as development occurs under the same development patterns. The applicants have conducted a traffic study based on development of the subject property in conjunction with other developing properties along Wedington Road. Improvements to the surrounding streets are proposed with development. Staff has recommended, as outlined in the adopted policy by the City Council, that the applicant pursue multiple means of access, as opposed to creating one, over-sized intersection.

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 this proposal will alter population density in the area with the addition of 600 dwelling units, but with improvements to water and sewer systems, should not create an undesirable increase in load on public services based on the increase in population density.

Fire: These 76 acres are covered by Engine 7 located at 835 Ruppel Road. It is 0.7 miles from the station with an anticipated response time of 2.75 minutes.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
 - a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

FINDING: N/A



THE CITY OF FAYETTEVILLE, ARKANSAS

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

TO: Jesse Fulcher, Planner
FROM: Alison Jumper, Park Planner
DATE: March 12, 2008
SUBJECT: Parks & Recreation Technical Plat Review Comments

Meeting Date: March 19, 2008
Item: C-PZD 08-2793 Forest Hills, 440))
Park District: NW
Zoned: RSF-4
Billing Name & Address:

	<u>Land Dedication Requirement</u>	<u>Money in Lieu</u>
Single Family	_____ @ .024 acre per unit = _____ acres	_____ @ \$960 per unit = \$ _____
Multi Family	_____ @ .017 acre per unit = _____ acres	_____ @ \$680 per unit = \$ _____
Lot Split		_____ @ \$960 per unit = \$ _____

COMMENTS:

- PRAB reviewed this project at the December 3rd 2007 meeting and recommended accepting money in lieu of land due to the proximity to Dale Clark park and the greenspace being provided by the POA.
- Fee is due at time of building permit.
- Each additional housing unit that is constructed in Fayetteville places an increased demand on the Parks and Recreation System. The money collected as part of this lot split will be used to fund future park acquisitions and improvements for this park quadrant.



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

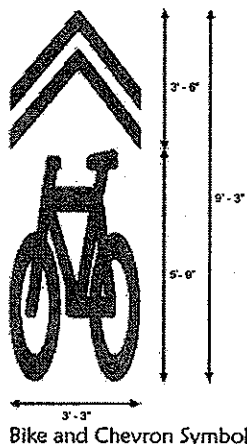
Date: March 18, 2008

Subject: Technical Plat Review Comments

ITEM #: C-PZD: 08-2793: Forest Hills

TRAIL COMMENTS

1. Owl Creek Trail is identified on the Fayetteville Alternative Transportation and Trails Master Plan along the north side of Persimmon Street. Show and label the 12 foot wide asphalt trail along the proposed south right of way line for Persimmon from the west to east property lines.
2. Salem Road is designated as an on-street bikeway. Please include thermoplastic bike symbol "sharrows" spaced every 300 feet along entire distance of the new Salem Street. Share the Road signs shall also be installed every 900 feet or as needed. Contact the Trails Coordinator for exact layout prior to installation.





THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of April 14, 2008

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 444-3472

PARKS AND RECREATION DIVISION CORRESPONDENCE

To: Fayetteville Planning Commission

From: Carole Jones, Interim Urban Forester

Date: April 8, 2008

ITEM #: C-PZD 07-2793: Master Development Plan (Forest Hills)

TREE PRESERVATION PLAN

1. A full Tree Preservation Plan will be required when the development comes through the planning process. This should include but will not be limited to:
 - A full tree inventory of all significant trees;
 - Canopy calculations including existing canopy, preserved canopy and removed canopy;
 - A site analysis report; and
 - A survey of the location of significant trees and those directly affected by the development.
2. At the time of development, staff will assess the plans with a minimum canopy cover of at least 25%. Mitigation will not likely be supported by staff without detailed supportive information such as an arborist report.
3. Significant trees and canopy found within floodway are a high priority for preservation. Groupings of quality trees are also a high priority for preservation.
4. All preserved canopy in the southern portion of the site and preserved canopy found on POA maintained lots is required to be placed within Tree Preservation Areas to ensure protection in perpetuity.

LANDSCAPE REGULATIONS

1. Landscape Regulations as defined in Chapter 177 will be required with development plan approval. This shall include but not be limited to street trees, detention facility plantings, adequate greenspace, etc.



Fayetteville Fire Department

303 W Center
Fayetteville, AR 72701
575-8365

TECH PLAT REVIEW COMMITTEE

Item: C-PZD 08-2793 (Forest Hills)
Presented by: Morrison Shipley Engineers, Inc
Reviewed by: Dale Riggins, Captain, Fayetteville Fire Department
Date: March 18, 2008

FIRE DEPARTMENT REQUIREMENTS:

1. **AFC 505.** New buildings shall have an approved address numbers, building numbers, or approved building identification placed in a position to be plainly legible and visible from the street or road fronting the property.
2. **AFC 503.2.1.** Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.
3. **Aerial Apparatus Access**
 - a. **D105.1 Where required.** Buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.
 - b. **D105.2 Width.** Fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm) in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height.
 - c. **D105.3 Proximity to building.** At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building.
4. **AFC D103.6.1.** Fire apparatus access roads 20 – 26 feet wide shall be posted on both sides of the fire lane.
5. **AFC D103.6.2.** Fire apparatus access roads 26 - 32 feet wide shall be posted on one side of the fire lane.

6. **AFC C105.** Maximum distance between hydrants is 500' in residential developments. Closer distances may be required in area of commercial development.

7. **Fire Department Connections**

- a. **912.2 Location.** With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be located within 100' of a dedicated hydrant and so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. The location of fire department connections shall be approved and shown on the plat.
 - b. **912.2.1 Visible location.** Fire department connections shall be located on the street side of buildings, fully visible and recognizable from the street or nearest point of fire department vehicle access or as otherwise approved by the fire code official.
 - c. Fire department connection shall be located no closer than the height of the building + 15% from the structure.
 - d. All Fire Department Connections are required to have signage that will indicate which structure the connection serves.
8. **503.2.4 Turning radius.** The required turning radius of a fire apparatus access road shall be determined by the fire code official. The Fayetteville Fire Department recommends a 30' turning radius to meet the needs of our aerial apparatus.
9. **503.2.5 Dead ends.** Dead-end fire apparatus access roads in excess of 50 feet in length, shall be provided with an approved area for turning around fire apparatus.
10. **503.2.5 Dead ends.** Dead-end fire apparatus access roads in excess of 50 feet in length, shall be provided with an approved area for turning around fire apparatus.

If you have any questions, please feel free to contact the Fire Marshal (718-7639) or myself (575-8365) to discuss these fire code requirements

 **FAYETTEVILLE**

Dale Riggins
Fayetteville Fire Department



Fayetteville Fire Department

MEMO

To: Dara Sanders, Andrew Garner, Jeremy Pate, and Jesse Fulcher
Thru: Chief Tony Johnson
Asst. Chief Bud Thompson
From: Captain Dale Riggins
Date: November 8, 2007
Re: November 7, 2007 Zoning Review – Fire Department Comments

C-PZD 07-2793 (Forrest Hills)

These 76 acres are covered by Engine 7 located at 835 Ruppel Road. It is 0.7 miles from the station with an anticipated response time of 2.75 minutes. Measure hydrant flow in this area is measured at 1696 gallons per minute. The Fire Department anticipates 118 (72 EMS and 46 Fire/Other) calls for service after the development is completed and all units are filled.

The service impact of this development will typically take eighteen months, after the development is started, to occur. We do not anticipated any effects on our response times or calls for service with this development. We can not calculate the calls for service regarding the commercial development located on this property. Typically commercial developments, like these, do not affect our calls for service.

R-PZD 07-2794 (Stonewood Gardens)

These 4.64 acres are covered by Engine 5 located at the corner of Crossover and Old Wire Road.

It is 2.5 miles from the station with an anticipated response time of 3.25 minutes. Measured hydrant flow in this area is measured at 1710 gallons per minute.

The Fire Department anticipates 4 (3 EMS and 1 Fire/Other) calls for service after the development is completed and all units are filled.

The service impact of this development will typically take eighteen months, after the development is started, to occur. We do not anticipated any effects on our response times or calls for service with this development.

Please feel free to contact me if you have any questions concerning these comments.

Dale Riggins



APPLICANT'S DOCUMENTS



ENGINEERS • SURVEYORS

March 4, 2008

City of Fayetteville
Mr. Jesse Fulcher
125 W. Mountain Street
Fayetteville, AR 72701
479-575-8267

Re: *The Shoppes and Residences at Forest Hills*
 R-PZD 07-2793
 Master Street Plan Amendment

Dear Mr. Fulcher:

On behalf of Mr. John Alford of Forest Hills Development Group, LLC., I would like to request a Master Street Plan amendment for the planned extension of a collector street across the west side of Mr. Alford's property and across the east side of Ozarks Electric's property. According to the latest approved Master Street Plan, this proposed collector street would connect the driveway at the southeast corner of The Links at Fayetteville development to Mountain Ranch Boulevard which is located on the south side of Persimmon Street and at the southwest corner of Mr. Alford's property. We would like to relocate this connection as Salem Street, which goes through the interior of our site. Our current planned zoning district layout shows this street transitioning between 3 different cross sections. The northern 750' (plus or minus) will be a Minor Arterial, residential neighborhood street with an 85' right-of-way and a 54' face of curb to face of curb dimension. The middle 520' (plus or minus) will be a Collector (Intersection), residential neighborhood/city neighborhood street with a 70' right-of-way and a 41' face of curb to face of curb dimension. The southern 1700' (plus or minus) will be a Through Collector, residential neighborhood/city neighborhood street with a 59' right-of-way and a 30' face of curb to face of curb dimension.

This Master Street Plan amendment has also been discussed and agreed upon by Mr. Mitchell Johnson who is the President/CEO of Ozarks Electric Cooperation Corporation.

If you have any questions or concerns, please feel free to contact me at (479) 273-2209.

Sincerely,



N. Cory Roberts, ASLA

ELDRIDGE LAW FIRM
P.O. BOX 580
201 N. EAST AVENUE, SUITE 100
FAYETTEVILLE, ARKANSAS 72702-0580

JOHN R. ELDRIDGE, III
johnr@eldridgelawfirm.com

REBECCA L. PRICE
rlpriceatty@msn.com
Licensed AR and TX

TELEPHONE 479.443.0908
FACSIMILE 479.443.2713

March 31, 2008

VIA U.S. MAIL and EMAIL

Mr. John D. Alford
John D. Alford, P.A.
6301 Cliff Dr.
P. O. Box 10210
Fort Smith, AR 72917

Re: Ozarks Electric Cooperative Corporation – Forest Hills Partners, LLC

Dear John:

This letter confirms our meeting of March 29, 2008, held at Ozarks Electric Cooperative Corporation between you, Mitchell Johnson, CEO/President of Ozarks Electric, and me.

At that time, you provided us with copies of correspondence, memos, and other documents from the City of Fayetteville, Arkansas, in connection with your development on property immediately adjacent to and east of Ozarks Electric.

We have entered into a general understanding between Ozarks and Forest Hills Partners concerning that development which involves the possible sale to Forest Hills Partners by Ozarks of a one-acre tract of land on the northwest corner of the proposed development and on the northeast corner of the Ozarks' property.

The documents you provided show, among other things, that the City has asked Forest Hills Partners to explore a proposed public road from the Links project north of Highway 16 to line up with the west line of the Forest Hills development which would cross the one-acre tract which Ozark is considering selling to Forest Hills Partners. The purpose of this letter is to advise you that if the City makes that requirement, Ozarks will not sell the one-acre tract as such a road would interfere with the use of the Ozarks property. Not only would that proposed street be contrary to the traffic situation and usage of the Ozarks' property; it is definitely a deal killer to the proposed sale of the one-acre tract to the Forest Hills Partners, LLC. We hope that the City of Fayetteville will not make such a requirement of your development and that we are able to enter into a sale of this property to Forest Hills Partners based on the terms and conditions we have discussed.

Mr. John D. Alford
Page Two
March 31, 2008

If you desire additional information about our position, please do not hesitate to contact me.

Yours very truly,

John R. Eldridge, III

JRE/mlb

cc: Mr. Mitchell Johnson



March 4, 2008

City of Fayetteville
Ms. Carol Jones
125 W. Mountain Street
Fayetteville, AR 72701
479-444-3470

Re: *The Shoppes and Residences at Forest Hills*
 R-PZD 07-2793
 Technical Plat Review Response Letter

Dear Ms. Jones:

The following responses correspond with Sarah Patterson's review of Forest Hills Master Development Plan letter dated October 29, 2007.

TREE PRESERVATION PLAN:

1. It is understood that a full Tree Preservation Plan will be required once this development comes through large scale development. The tree inventory has been completed and two copies are enclosed herein.
2. It is understood that we will be required to preserve 25% of existing tree canopy in order to receive staff's approval.
3. It is understood that significant trees and canopy found within the floodway are a high priority for preservation.
4. The decision to use a paved path or soft surface footpath will be made at the time of the large scale development.
5. The referenced staff recommendation of tree preservation locations has been considered in the revised plan layout. Every effort will be made to preserve trees throughout the entire project development.

LANDSCAPE REGULATION

1. It is understood that Landscape Regulations as defined by Chapter 177 will be required with the development plan approval and this shall include but not be limited to street trees, detention facilities, adequate green space, etc.

If you have any questions or concerns, please feel free to contact me at (479) 273-2209.

Sincerely,

N. Cory Roberts, ASLA

- b. **D105.2 Width.** Fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925mm) in the immediate vicinity of any building or portion of building more than 30 feet (9144mm) in height.
- c. **D105.3 Proximity to building.** At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572mm) and a maximum of 30 feet (9144mm) from the building, and shall be positioned parallel to one entire side of the building.
- 4. **AFCD103.6.1** Fire apparatus access roads 20-26 feet wide shall be posted on both sides of the fire lane.
- 5. **AFCD103.6.2** Fire apparatus access roads 26-32 feet wide shall be posted on one side of the fire lane.
- 6. **AFCD105** Minimum distance between hydrants is 500' in residential developments. Closer distances may be required in area of commercial development.
- 7. **Fire Department Connections**
 - a. **912.2 Location.** With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be located within 100' of a dedicated hydrant and so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. The location of fire department connection shall be approved and shown on the plat.
 - b. **912.2.1. Visible location.** Fire department connections shall be located on the street side of buildings, fully visible and recognizable from the street or nearest point of fire department vehicle access or as otherwise approved by the fire code official.
 - c. Fire department connection shall be located no closer than the height of the building + 15% from the structure.
 - d. All Fire Department Connections are required to have signage that will indicate which structure the connection serves.
- 8. **503.2.4 Turning radius.** The required turning radius of a fire apparatus access road shall be determined by the fire code official. The Fayetteville Fire Department recommends a 30' turning radius to meet the needs of our aerial apparatus.
- 9. **503.2.5 Dead ends.** Dead-end fire apparatus access roads in excess of 50 feet in length, shall be provided with an approved area for turning around fire apparatus.

If you have any questions, please feel free to contact Fire Marshal (718-7639) or myself (575-8365) to discuss these fire code requirements.

GLENN NEWMAN-STAFF ENGINEER COMMENTS:

- 1. Recommend meeting with the Links of Fayetteville to discuss changing the alignment of the proposed public road on the Links project to line up with the west property line of the Forrest Hills Development which would provide two signalized intersections for this project ultimately providing a higher level of service at Salem and Wedington.

✓ Please see response to the second Planning comment under "General Comments". In addition to conversations with Ozarks Electric, I contacted Jerry Kelso at Crafton Tull on 3/27/08. Jerry's opinion was that they were too far into construction to consider realigning

the road. He thought the water and storm along Links Drive was installed. Also moving the road from their west property line to the east would impact their tree preservation area. And lastly, Jerry said that this road was designed to line-up with the club house which is currently under construction. By moving the road, this would not be the case and more than likely not be supported by the owner.

2. Remove the commercial drive immediately south of the Salem and Wedington intersection.
✓ Done.
3. Increase the length of the transition for pavement widening at the intersection of Salem and Wedington based on formula $L=(W*S^2)/60$ where W is the width in feet and S is design speed in MPH and L is the length in feet. Provide Grading for transitions.
✓ The transitions along Salem and Wedington were increased to the appropriate lengths.
4. Move Drive B and the apposing driveway south so that the driveways are not in the transition length for the extra lanes.
✓ As discussed with staff, we have increased the transition length but will leave drive B in the original location.
5. Increase the right of way on Wedington and Salem as required for the new lanes, greenspace, and sidewalk relocations.
✓ Done.
6. Increase the distance between Drive C and Jewel to allow for a transition between the required 100 ft stacking at each intersection.
✓ As discussed with Peters, 100 ft stacking is not the actual peak queue length (see appendix capacity and LOS calculations). For PM peak flows the stacking for NBL at drive C is 28' and stacking for SBL at Jewell is 4'. 200' between the two intersections should be more than adequate.
7. Provide transitions as required east and west of the street widening along Persimmon.
✓ Persimmon will connect to the widened section on the west (currently being widened by Ozarks Electric). A taper on the east side is shown.
8. Redesign so that alley's do not intersect with the public street in an extreme curve.
✓ Revised so alley does not intersect public street.
9. Designate the potential wetlands as described in the Olloson Report on the existing survey map.
 - a. Explain how the wetlands will affect this project.
✓ This will be done during the design phase and after the Corps has made a wetlands determination.
10. Remove the existing utility easement from the site plan for clarity.
✓ We were asked to show and label all existing utility easements on the tech review comments from 10-31-07. We have revised the shading for clarity.
11. Off site sanitary sewer improvements are anticipated for full build out.
✓ Please explain.
12. This project is located in the potential assessment area for the future Salem bridge over Hamstring Creek.
✓ We are waiting to hear from staff on the location of the assessment area.
13. This review was for the concept of this project only. Further comments and requirements will be presented after a review of more detailed plans.

TRAFFIC STUDY DOCUMENTS

Traffic Study

Mixed-Use Development

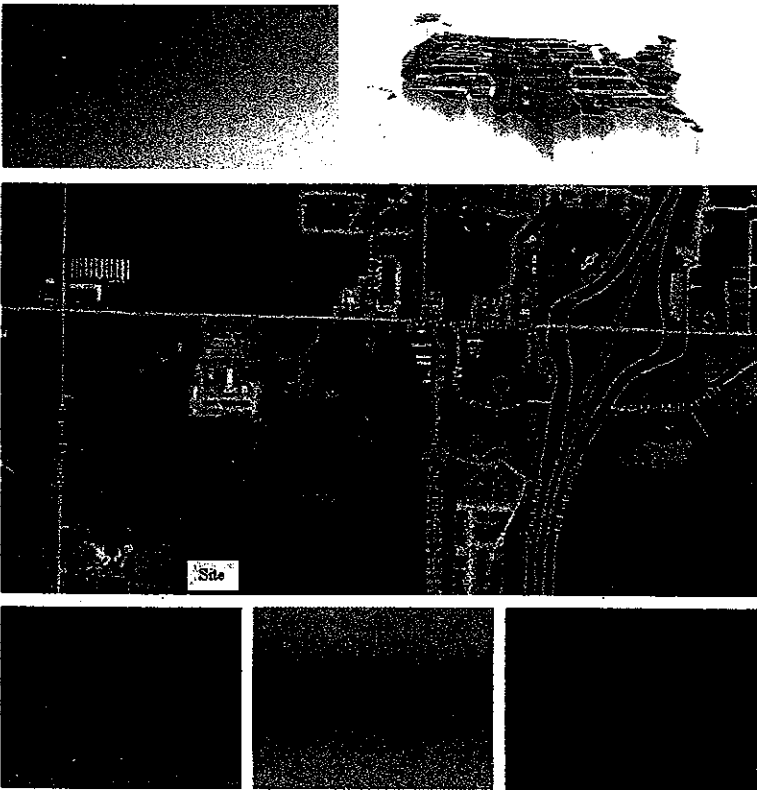
prepared for:

The essential building blocks...



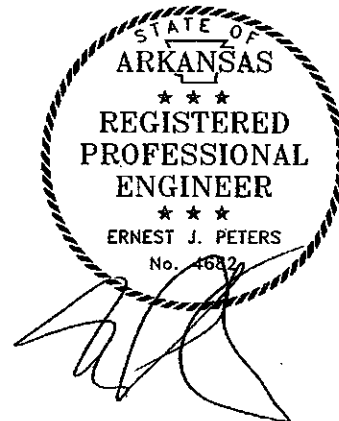
Civil Engineers - Landscape Architects - Land Surveyors

Freeland - Kauffman & Fredeen, Inc.



Wedington Drive
and
Salem Road

Fayetteville, Arkansas



PETERS & ASSOCIATES
ENGINEERS, INC.

• CIVIL & TRAFFIC ENGINEERING •

5507 Ranch Drive - Suite 205 (501) 868-3999
Little Rock, Arkansas 72223 Fax (501) 868-9710

Project No.: P-1261

March 4, 2008

Traffic Study

EXECUTIVE SUMMARY

Peters & Associates Engineers, Inc., has conducted a traffic engineering study relating to a proposed mixed-use development to be located on the south side of Wedington Drive (also Highway 16), immediately south of the Wedington Drive and Salem Road existing T-intersection in Fayetteville, Arkansas. The site is approximately 0.3 mile west of I-540. As a part of this development, Salem Road is proposed to be constructed south of Wedington Drive. Eventually, Salem Road will connect to Persimmon Street, south of the site. Also, Jewell Road is proposed to connect to Betty Jo Drive, immediately east of the site. The mixed-use development is proposed to consist of a variety of retail, office and residential uses as indicated on the project site plan. As a part of this study, additional analysis was conducted to include trips expected to be generated by the development of Planning Area 1 (retail uses only) of the site and not including a connection to Persimmon Street.

There are no planned roadway improvements by AHTD or the City of Fayetteville in the immediate vicinity of the site.

Existing AM and PM peak hours vehicle turning movement counts were made by this consultant for the intersection of Wedington Drive and Salem Road.

Projected traffic volumes for full build-out of the proposed development were calculated. These projected site-generated trips were added to the existing traffic volumes (with vehicle trips expected to be generated by other planned developments in the vicinity included). Per the City of Fayetteville Plat Review comments dated October 29, 2007, other planned developments in the vicinity have been included in projected traffic conditions at full build-out. These other developments are the following:

- o The Links at Fayetteville
- o Woodstock Community
- o Mountain Ranch Phase 1
- o Mountain Ranch Phase 2
- o Westside Village
- o Ruppel Row.

Traffic Study

Additionally, projected traffic volumes for Planning Area 1 only of the proposed development were calculated with-
out Salem Road connection to Persimmon Street. These projected Planning Area 1 site-generated trips were added to the existing traffic volumes (with vehicle trips expected to be generated by other planned developments in the vicinity also included).

Recommendations of this study are summarized as follows:

- It is recommended that the roadway lane geometry be constructed as shown on Figure 9, "Recommended Schematic Lane Geometry." These improvements should be constructed coincident with full site development.
- It is recommended that the westbound approach on Wedington Drive at Salem Road be widened to accommodate dual westbound left-turn lanes and a westbound right-turn lane.
- It is recommended that the eastbound approach on Wedington Drive at Salem Road be widened to accommodate the addition of an eastbound right-turn lane.
- It is recommended that the southbound approach on Salem Road at Wedington Drive be widened to accommodate a second southbound left-turn lane.
- It is recommended that Salem Road, south of Wedington Drive to Drive C be constructed to consist of two northbound lanes and two southbound lanes. At the northbound approach to Wedington Drive, Salem Road should widen to accommodate a northbound right-turn lane, a northbound thru lane, dual northbound left-turn lanes and two southbound receiving lanes.

Traffic Study

- It is recommended that the existing traffic signal at Wedington Drive and Salem Road be re-constructed to accommodate the addition of a south leg to this intersection and the additional proposed lanes on the existing legs.
- It is recommended that Drive A (right-in / right-out) intersecting Wedington Drive be constructed to consist of an inbound lane and an outbound lane with a raised right-turn channelizing island.
- It is recommended that the Drive B eastbound and westbound approaches to Salem Road be constructed to consist of a left-turn lane, a thru / right-turn lane and a receiving lane.
- It is recommended that the Drive C eastbound approach to Salem Road be constructed to consist of dual left-turn lanes, a thru / right-turn lane and a receiving lane, and the westbound approach to Salem Road be constructed to consist of a left-turn lane, a thru / right-turn lane and a receiving lane.
- It is recommended that a fully-actuated traffic signal be installed at the intersection of Salem Road and Drive C coincident with full build-out of the site development (after the completion of Planning Area 1). This recommended traffic signal should have provisions to be interconnected to the exiting traffic signal at the intersection of Wedington Drive and Salem Road.
- It is recommended that the Jewell Road eastbound and westbound approaches to Salem Road be constructed as single-lane approaches and one receiving lane. It is recommended that the Salem Road northbound and southbound approaches to Jewell Road be constructed to consist of a left-turn lane, a thru / right-turn lane and a receiving lane.

Traffic Study

- It is recommended that the Salem Road southbound approach to Persimmon Street align with Mountain Ranch Boulevard and be constructed to consist of a left-turn lane, a thru / right-turn lane and a receiving lane.
- Intersection improvements and curb cuts along Wedington Drive should be constructed in accordance with intersection design standards of AHTD and the City of Fayetteville and will require approval by both AHTD and the City.
- New intersections and traffic signal design along the planned Salem Road south of Wedington Drive and north of Persimmon Street should be constructed in accordance with intersection design standards of the City of Fayetteville and will require approval by the City.

Traffic Study

TRIP GENERATION and SITE TRAFFIC PROJECTIONS

The Trip Generation, an Informational Report (7th Edition), 2004, published by the Institute of Transportation Engineers (ITE) and The Trip Generation Software (Version 5 by Microtrans), were utilized in calculating the magnitude of traffic volumes expected to be generated by the proposed residential, office and retail land uses of this development. These are reliable sources for this information and are universally used in the traffic engineering profession.

Using the selected trip-generation rates, calculations were made as a part of this study to provide a reliable estimate of traffic volumes that can be expected to be associated with the development as proposed. Applying the appropriate trip-generation rates to the land-uses proposed for the development makes these calculations. Results of this calculation are summarized on Table 1, "Trip Generation Summary - Full Build-Out," below.

FULL BUILD-OUT				24-HOUR TWO-WAY WEEKDAY VOLUME	AM PEAK HOUR VOLUME		PM PEAK HOUR VOLUME	
LOT REFERENCE	PROPOSED LAND USE	APPROXIMATE SIZE	ITE CODE		ENTER	EXIT	ENTER	EXIT
Retail	Grocery Store	40,461 Sq. Ft.	850	4,137	80	51	216	207
Outparcel 1	Assumed Pharmacy with Drive-Thru*	15,000 Sq. Ft.	881	1,058	18	14	50	53
Outparcel 2	Assumed Coffee Shop*	1,800 Sq. Ft.	933	1,190	54	51	22	20
Outparcel 3	Assumed Sit-Down Restaurant*	5,000 Sq. Ft.	932	509	24	22	26	17
Outparcel 4	Assumed Bank*	4,000 Sq. Ft.	912	789	22	18	73	73
Outparcel 5	Assumed Sit-Down Restaurant*	5,000 Sq. Ft.	932	509	24	22	26	17
Outparcel 6	Assumed Quality Restaurant*	5,000 Sq. Ft.	931	360	0	0	20	10
Outparcel 7	Assumed Specialty Retail *	10,000 Sq. Ft.	814	354	0	0	10	12
Outparcel 8	Assumed Specialty Retail *	2,162 Sq. Ft.	814	77	0	0	2	2
	General Office	2,162 Sq. Ft.	710	24	3	0	1	3
Outparcel 9	Gas Station*	8 Fuel Positions	944	1,078	38	38	44	44
Retail	Assumed Specialty Retail *	18,637 Sq. Ft.	814	690	0	0	18	22
Office Park	General Office	48,500 Sq. Ft.	710	534	66	9	12	60
Office Park	Assumed Specialty Retail *	37,720 Sq. Ft.	814	1,338	0	0	36	46
Office Park	Multi-Family Residential Apartments	100 Units	220	672	10	41	40	22
Residential	Single-Family Detached Housing	86 Lots	210	823	16	48	55	32
Residential	Residential Condominiums	354 Units	230	2,074	25	131	124	60
Residential	Residential Townhomes	58 Units	230	340	4	21	20	10
*These volumes adjusted to reflect 20% internal capture				TOTALS:	16,556	384 466	795	710
TOTAL ENTERING + EXITING					850		1,505	

Table 1 – Trip Generation Summary - Full Build-Out

Traffic Study

CAPACITY ANALYSIS

Results and Level of Service Analysis

Existing Traffic Conditions

Capacity and level of service analysis was performed for existing traffic conditions for the adjacent street AM and PM peak hours for the intersection of Wedington Drive and Salem Road.

As indicated in Table 2, "Level of Service Summary – Existing Traffic Conditions," all existing vehicle movements for existing traffic conditions at the intersection of Wedington Drive and Salem Road presently operate at what calculates as an acceptable LOS "C" or better for the AM and PM peak hours. Traffic volumes used for this analysis are shown on Figure 3, "Existing Traffic Volumes."

EXISTING TRAFFIC CONDITIONS			Traffic Control				WB-LT	WB-TH	WB-RT				Overall Intersection
INTERSECTION													
PEAK HR		PEAK HOUR - LEVEL OF SERVICE											
AM	Wedington Drive and Salem Road	SIGNAL	A	A			A			C		C	B
PM			A	A			B			C		C	B

Table 2 - Level of Service Summary - Existing Traffic Conditions

Traffic Study

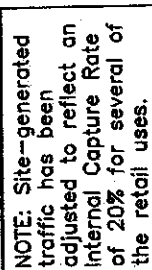
- Eastbound left-turn vehicle movement on Drive B at Salem Road with "Stop" sign control (LOS "E") during the PM peak hour. Vehicle delay associated with this movement should only occur for a short time during the PM peak hour with all other hours operating at better LOS.
- Eastbound left-turn vehicle movement on Drive C at Salem Road with "Stop" sign control during the PM peak hour (LOS "F"). These vehicle movements improve to an acceptable LOS "D" with proposed traffic signal control.

As a part of this study, for projected traffic conditions, queue length analysis was conducted for the study intersections. With the recommended lane geometry, analysis shows vehicle queue lengths will not exceed proposed storage lengths. The queue length analysis is included in the Capacity and Level of Service section in the Appendix for reference.

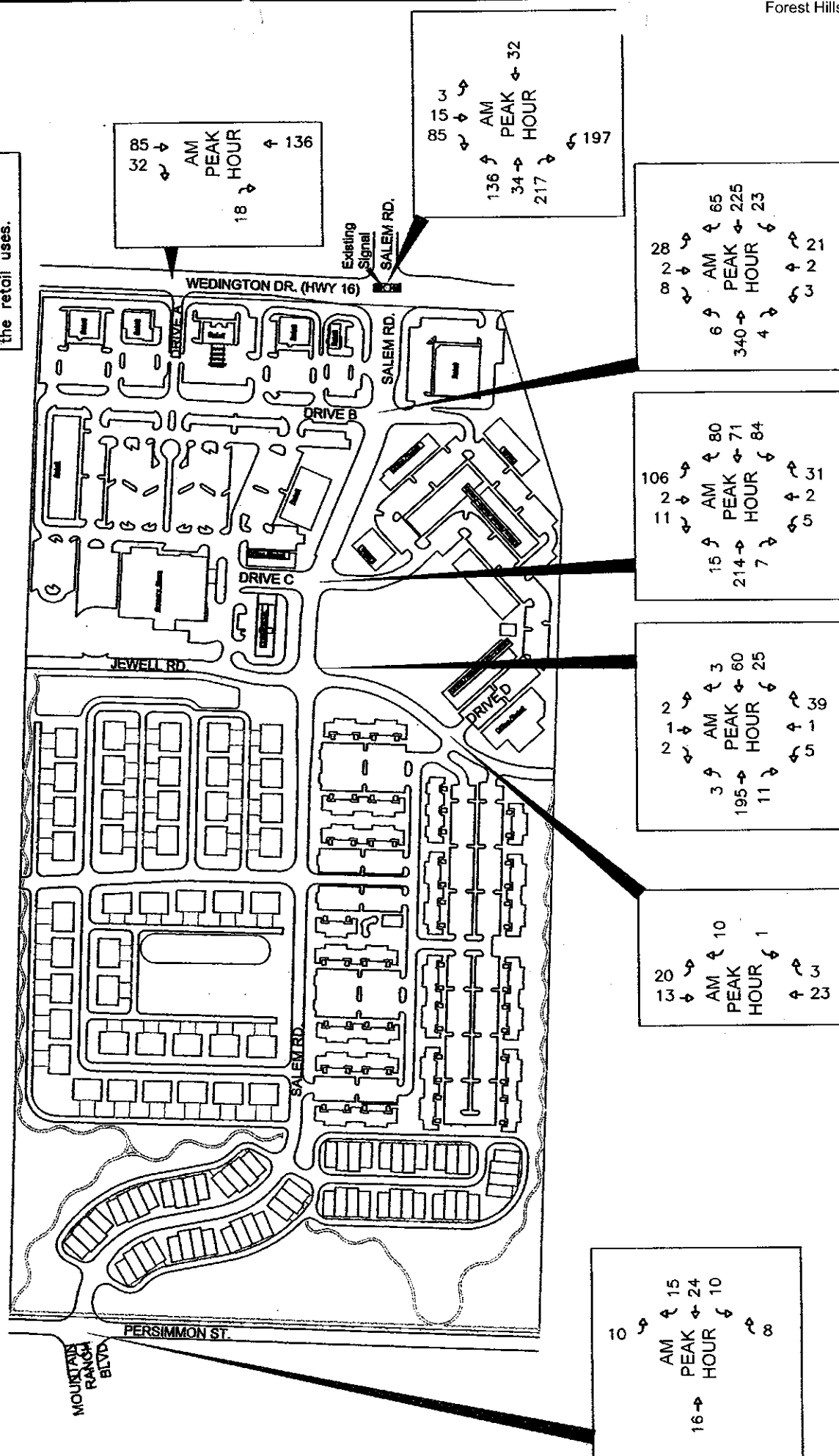
PROJECTED TRAFFIC CONDITIONS FULL BUILD-OUT			Traffic Control													Overall Intersection
INTERSECTION				PEAK HOUR - LEVEL OF SERVICE												
PEAK HR																
AM	Wedington Drive and Salem Road	SIGNAL	D	D	A	D	B	A	D	D	C	D	D	C		
PM			D	A C	B	D	B C	B A	D	D	D	D	C			
AM	Wedington Drive and Drive A	SIGN		A		A				C				n/a		
PM				A		A				C				n/a		
AM	Salem Road and Drive B	SIGN	C	B	C	B		A			A			n/a		
PM			E	B	C	B		A			A			n/a		
AM	Salem Road and Drive C	SIGN	C	B	C	B	A	A	A	A	A	A		n/a		
		SIGNAL	D	D	D	D	A	A	A	A	A	A		B		
		SIGN	D	B	C	B	A	A	A	A	A	A		n/a		
PM		SIGNAL	D	C	D	D	A	A	A	A	A	A		C		
AM	Jewell Road and Drive D	SIGN	A			A				A			A	n/a		
PM			A			A				A			A	n/a		
AM	Salem Road and Jewell Road	SIGN	B			B	A	A	A	A	A	A		n/a		
PM			B			B	A	A	A	A	A	A		n/a		
AM	Salem Road and Persimmon Street	SIGN	A	A	A	A	C	B	C	B	C	B		n/a		
PM			A	A	A	A	C	B	C	B	C	B		n/a		

Table 3 - Level of Service Summary - Projected Traffic Conditions

Table 3 - Level of Service Summary - Projected Traffic Conditions



NOTE: Site-generated traffic has been adjusted to reflect an Internal Capture Rate of 20% for several of the retail uses.



2020 Report of the Appeals
6 of 70

MIXED-USE DEVELOPMENT TRAFFIC STUDY

FAYETTEVILLE, ARKANSAS

PROJECT No. P-1261
DATE: 2-25-2008

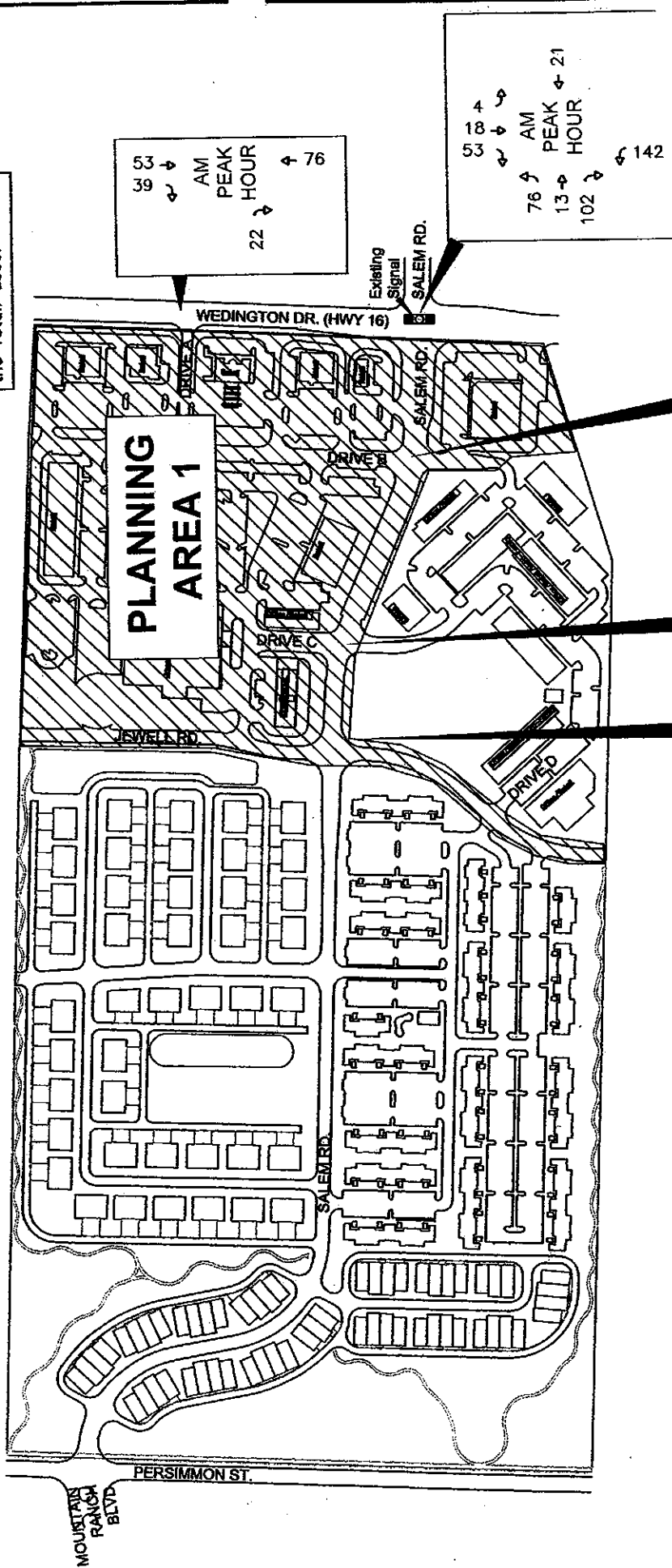
**PETERS & ASSOCIATES
ENGINEERS, INC.**
• CIVIL & TRAFFIC ENGINEERING





NOTE: Site-generated traffic has been adjusted to reflect an Internal Capture Rate of 20% for several of the retail uses.

NOTE: Planning Area 1 does not include connection to Persimmon Street.



PLANNING
AREA 1

WEDINGTON DR. (HWY 16)

Existing
Signal
SALEM RD.

SALEM RD.

JEWELL RD.

SALEM RD.

PERSIMMON ST.

MOUNTAIN
RANCH
BLVD

4
18
53
AM
PEAK
HOUR
76
13
102
21
142

53
39
22
AM
PEAK
HOUR
76

56
1
2
AM
PEAK
HOUR
92
105
18
6
1
2

127
2
3
AM
PEAK
HOUR
100
9
11

6
1
AM
PEAK
HOUR
5
6
8
1

PLANNING AREA 1 SITE-GENERATED
TRAFFIC VOLUMES
AM PEAK HOUR

MIXED-USE DEVELOPMENT
TRAFFIC STUDY

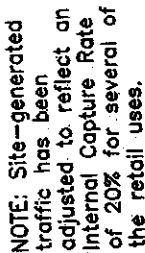
FAYETTEVILLE, ARKANSAS

PROJECT No. P-1261
DATE: 2-25-2008

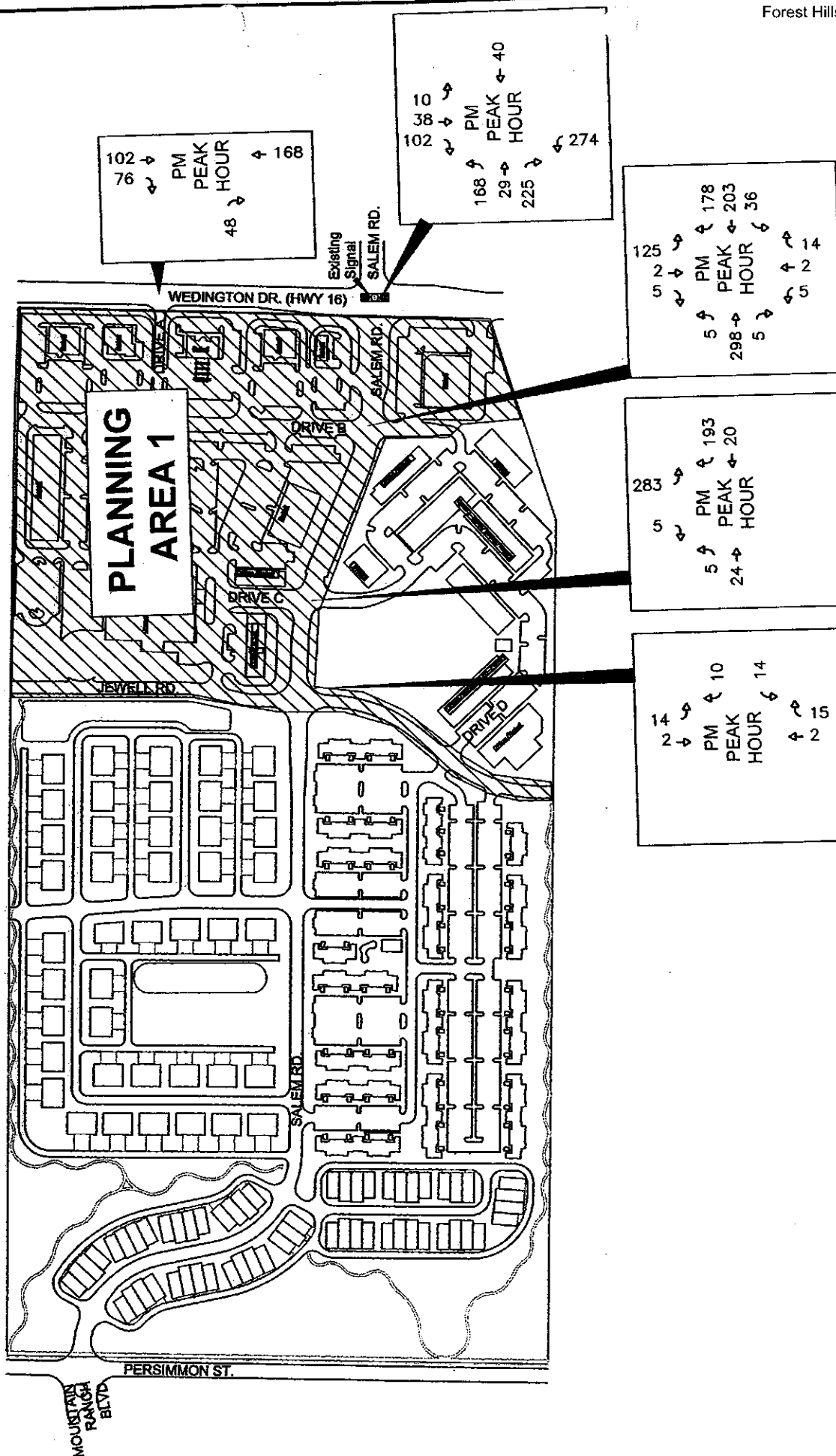
PETERS & ASSOCIATES
ENGINEERS, INC.
CIVIL & TRAFFIC ENGINEERING



FIGURE NO. 5-A
C. 3



NOTE: Planning Area 1 does not include connection to Persimmon Street.



PROJECT No. P-1261
DATE: 2-25-2008

**PETERS & ASSOCIATES
ENGINEERS, INC.**



MIXED-USE DEVELOPMENT
TRAFFIC STUDY
FAYETTEVILLE, ARKANSAS

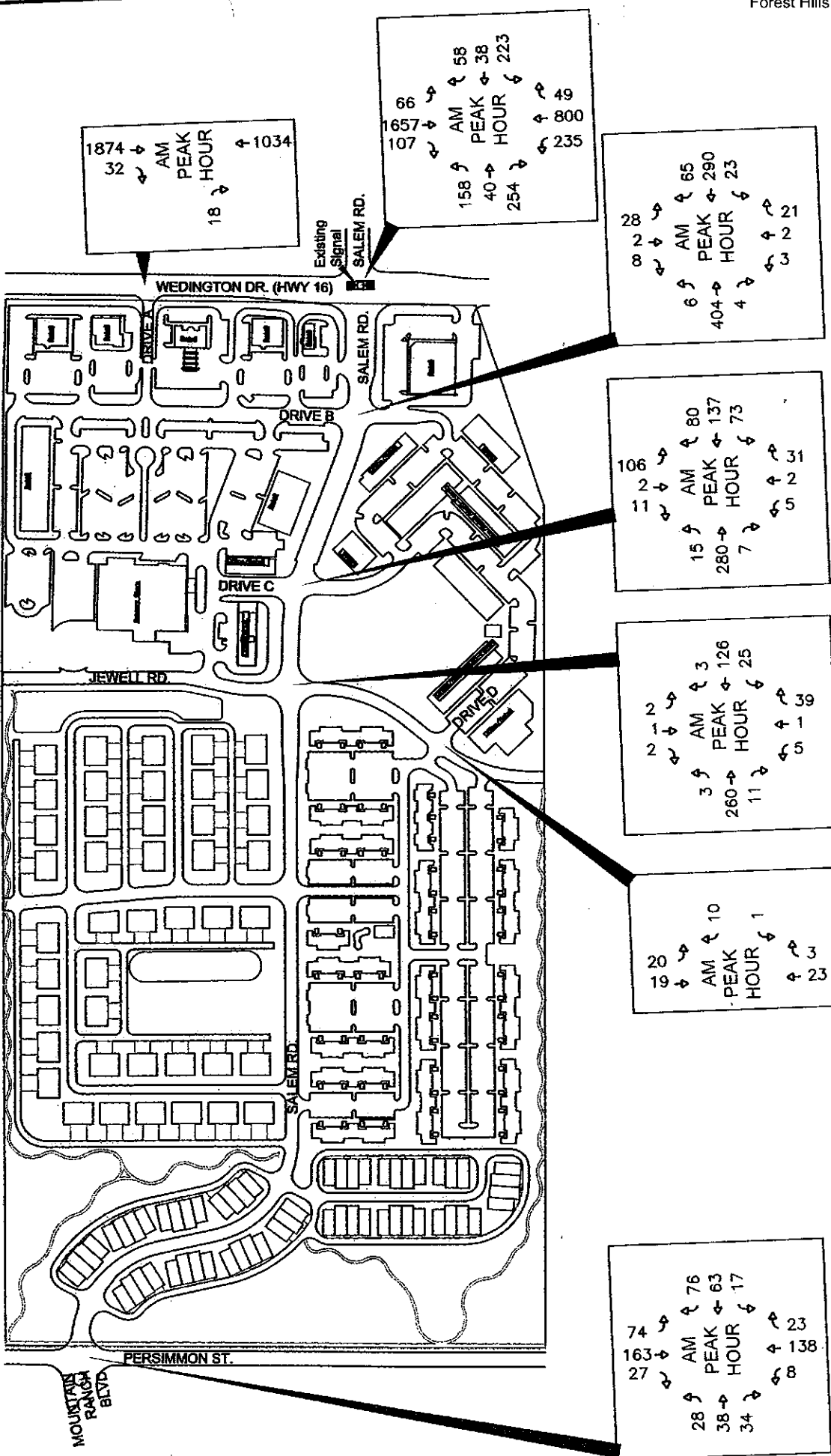
**PLANNING AREA 1 SITE-GENERATED
TRAFFIC VOLUMES
PM PEAK HOUR**

FIGURE 6-4
6-4



NOTE: Vehicle trips expected to be generated by planned developments by others in the vicinity (Woodstock Community, The Links at Fayetteville, Mountain Ranch, Westside Village and Ruppel Row) are included in the volumes depicted on this figure.

NOTE: Site-generated traffic has been adjusted to reflect an Internal Capture Rate of 20% for several of the retail uses.



SITE-GENERATED TRAFFIC PLUS
EXISTING TRAFFIC VOLUMES
AM PEAK HOUR

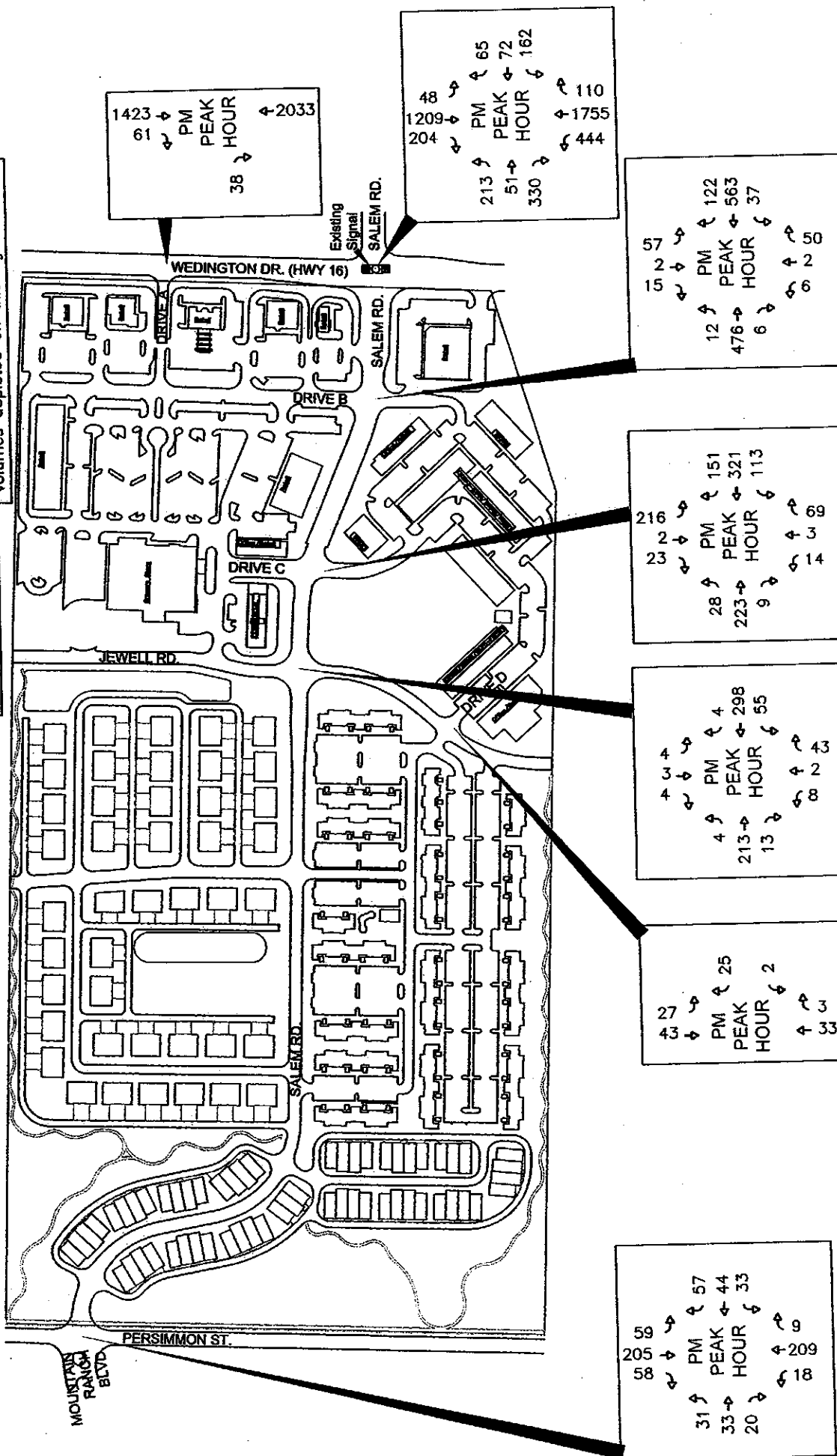
MIXED-USE DEVELOPMENT
TRAFFIC STUDY

FAYETTEVILLE, ARKANSAS

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DATE: 2-25-2008
PETERS & ASSOCIATES
ENGINEERS, INC.
CIVIL & TRAFFIC ENGINEERING



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**SITE-GENERATED TRAFFIC PLUS
EXISTING TRAFFIC VOLUMES
PM PEAK HOUR**

MIXED-USE DEVELOPMENT TRAFFIC STUDY

FAYETTEVILLE, ARKANSAS

PROJECT No. P-1261
DATE: 2-25-2008

PETERS & ASSOCIATES

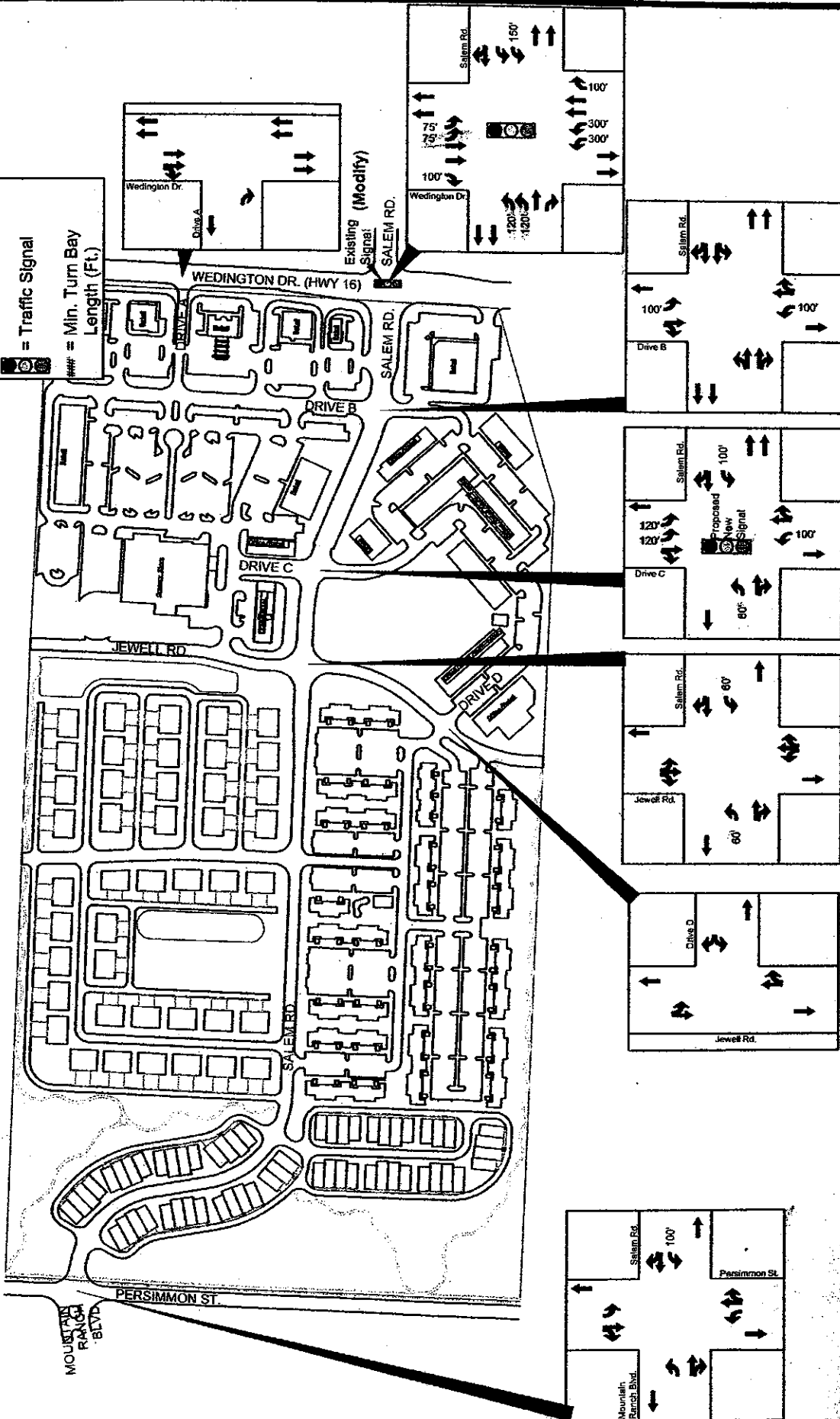
ENGINEERS, INC.
CITY & TRAFFIC ENGINEERING •



4-14-08 PC Forest Hills ZxLU CPZD 07-2793



- ↓ = Existing Lane
- ↓ = Proposed New Lane
- ⬇ = Traffic Signal
- ### = Min. Turn Bay Length (Ft.)



RECOMMENDED SCHEMATIC
LANE GEOMETRY

MIXED-USE DEVELOPMENT
TRAFFIC STUDY

FIGURE No. 9

FAYETTEVILLE, ARKANSAS

PROJECT No. P-1261
DATE: 4-3-2008

PETERS & ASSOCIATES
ENGINEERS, INC.

• CIVIL & TRAFFIC ENGINEERING •



CPZD07-2793

Close Up View

FOREST HILLS



SUBJECT PROPERTY.

WESTINGHOUSE

WEDINGTON DA

WEDINGTON OF

BETTY LOON

RD JEWELL RD

1. A

100

Overview

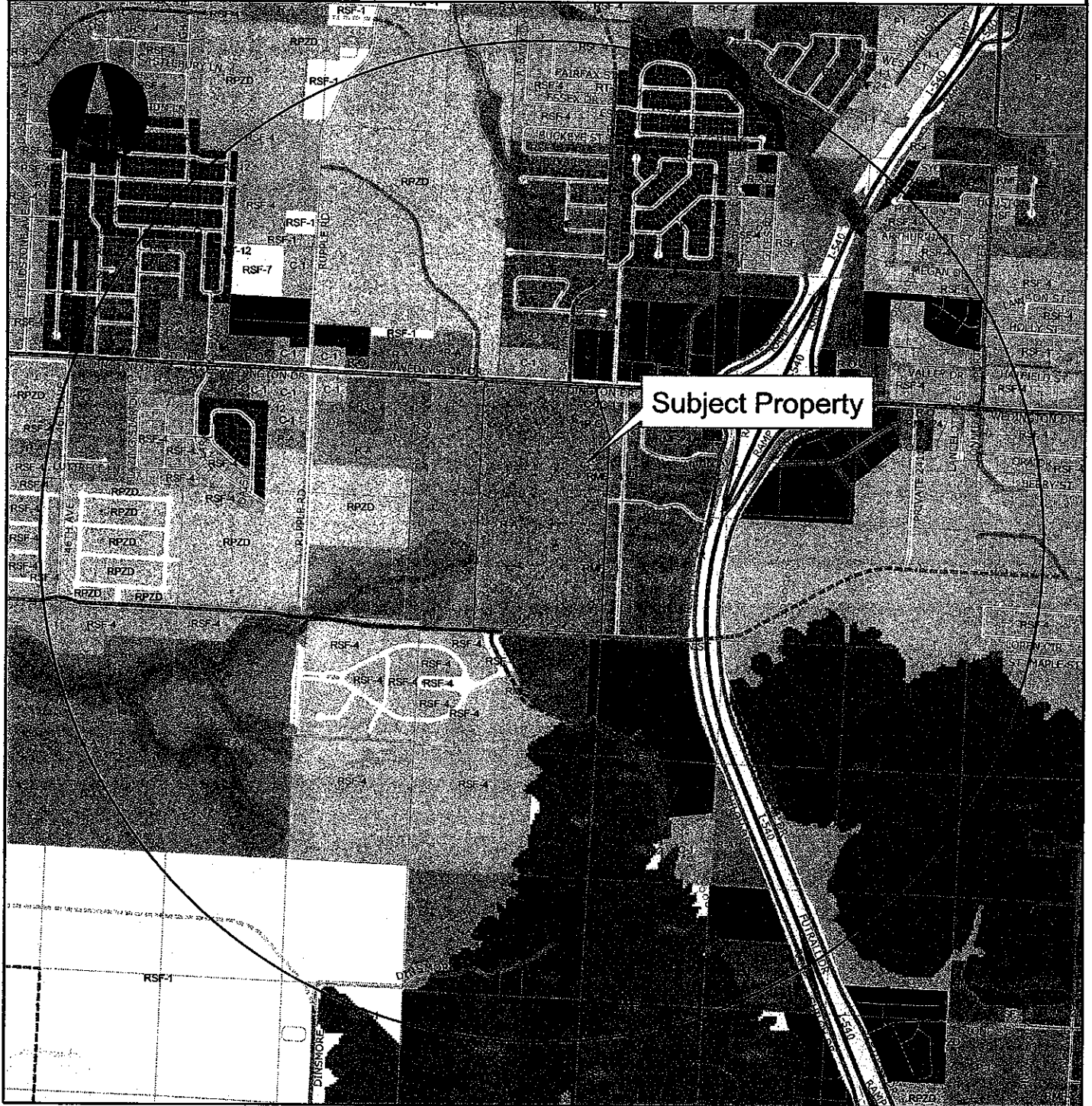


0 175 350 700 1,050 1,400 Feet

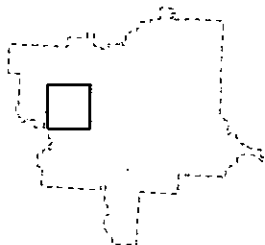
CPZD08-2793

FOREST HILLS

One Mile View



Overview



Legend

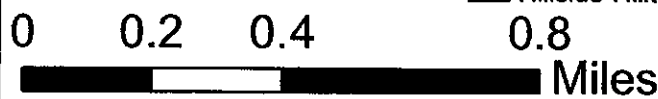
Subject Property
CPZD08-2793

Boundary

- Planning Area
- Overlay District
- Outside City

Legend

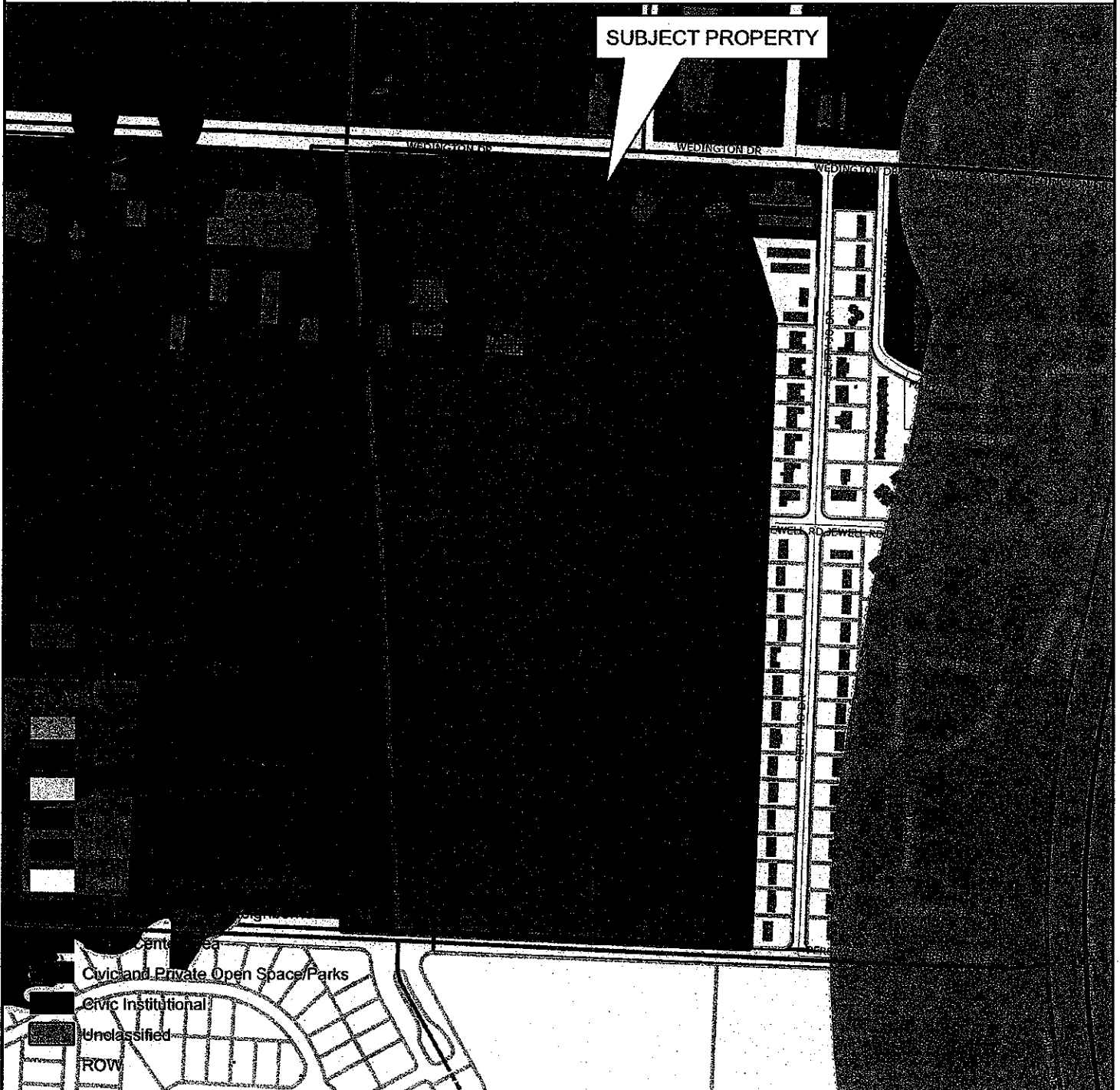
Hillside-Hilltop Overlay District



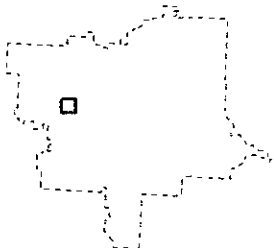
CPZD07-2793

Future Land Use

FOREST HILLS



Overview



Legend

Subject Property

CPZD07-2793

Streets

Existing

Planned

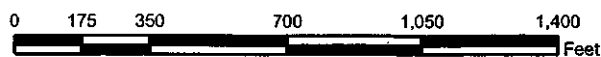
Boundary

Planning Area

Overlay District

Outside City

Legend





RECEIVED

APR 17 2008

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

April 17, 2008

Ms. Sondra Smith, City Clerk
City Administration Bldg
113 W Mountain St, Room 308
Fayetteville, AR 72701
479-575-8323

(Via Hand-Delivered)

**Re: Forest Hills
Master Street Plan Amendment Request**

Dear Ms. Smith:

On behalf of the applicant, Forest Hills Partners, LLC and managing member John Alford, we respectfully request a Master Street Plan Amendment for the future extension of a collector street across Ozarks Electric Cooperative Corporation's property and the southwest corner of Forest Hills Partners' property. According to the latest approved Master Street Plan, this proposed collector street would connect Wedington to Persimmon Street. We are requesting to relocate this connection by extending Salem Street through the subject property to Persimmon Street.

This Master Street Plan amendment has been discussed and agreed upon by Mr. Mitchell Johnson who is the President/CEO of Ozarks Electric.

We would like this item to appear on the May 20th City Council Agenda. If you have any questions or concerns, please feel free to contact me at (479) 273-2209.

Sincerely,

Morrison-Shipley Engineers, Inc.

Heather M. Robason, P.E.
Representative for the Applicant, Forest Hills Partners, LLC

cc: City of Fayetteville Planning

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

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

Date: April 15, 2008

Subject: Forest Hills (R-PZD 07-2793) Master Street Plan Amendment

RECOMMENDATION

Staff recommends approval of a Master Street Plan Amendment to a north-south Collector Street (Golf Club Drive), associated with the Forest Hills Residential Planned Zoning District Master Development Plan.

BACKGROUND

On April 14, 2008, the Planning Commission voted 4-1-2 on a motion to approve the Forest Hills Residential Planned Zoning District Master Development Plan. The motion to approve failed and the applicant has appealed the request to the City Council. As part of the planned zoning district request, the applicant has proposed to extend Salem Road, a Collector Street, through the development and amend the Master Street Plan to remove the future extension of Golf Club Drive.

As shown on the Master Street Plan map (see attached), Golf Club Drive is positioned to extend south from The Links at Fayetteville project on the north side of Wedington Drive, through Ozarks Electric property before entering the Forest Hills development and connecting to Persimmon Street. The purpose of the street is to provide a north-south connection from Persimmon Street through the Links at Fayetteville development, which is currently under construction, to Ruppel Road.

The applicant requests the following amendment:

- 1) Remove the designated extension of Golf Club Drive, a Collector Street, from the Master Street Plan and in its place, extend Salem Road, a Collector Street, through the development from Wedington Drive to Persimmon Street.

Staff does not recommend removing Golf Club Drive entirely from the Master Street Plan map. Though the designed north-south extension of Salem Rd. will provide a connection from Persimmon to Wedington, it will not provide the connection through to Ruppel Road. Rather, staff finds that Golf Club Drive should be realigned, south of Wedington Drive, to intersect the west property line of Forest Hills, which will provide the ability for a connection to Ruppel Road with future development of Ozarks Electric's property. Staff has consistently voiced concern that the associated development, Forest

Hills PZD, should provide this second street connection in order to not create significant traffic congestion at the Salem/Wedington intersection. The traffic anticipated to result from this development will result in a poor level of service at the Salem/Wedington intersection for several turning movements. Approval of the Master Street Plan amendment as recommended by staff would still allow for this important connection now, or in the future, and will ultimately reduce traffic congestion.

DISCUSSION

At the request of staff, the applicants for Forest Hills approached Ozarks Electric Co., who owns the property to the west, and the developers of The Links at Fayetteville to discuss shifting the Link's street further east or otherwise providing this important connection, so that a through connection could be made through Forest Hills (see attached correspondence). Based on comments provided from the applicant, engineers for the development of The Links have stated construction is too far underway to redesign the street connection. Additionally, the location at which the street would enter the Forest Hills property is currently owned by Ozarks Electric Co. The developers of Forest Hills have a parcel of land owned by Ozarks Electric under contract; however, Ozarks Electric has stated that they will not sell the property if the street were required to be relocated to align with Golf Club Drive.

BUDGET IMPACT

None.

RESOLUTION NO. _____

A RESOLUTION FOR R-PZD 07-2793 FOREST HILLS AMENDING THE MASTER STREET PLAN, REALIGNING GOLF CLUB DRIVE, A PROPOSED NORTH-SOUTH COLLECTOR STREET, AS DESCRIBED AND DEPICTED IN THE ATTACHED MAPS.

WHEREAS, Collector Streets are intended to provide traffic circulation within residential, commercial and industrial areas, collecting traffic to channel it into the arterial system, and providing direct connections between arterials in order to disperse traffic throughout the City; and

WHEREAS, Salem Road is proposed to be extended through the Forest Hills development, providing a north-south connection from Wedington Drive to Persimmon Street; and

WHEREAS, realigning the extension of Golf Club Drive to connect to the proposed public street within the Forest Hills PZD will provide a future connection to Ruppel Road as intended by the Master Street Plan; and

WHEREAS, the City Council finds that the proposed realignment of Golf Club Drive as indicated on the attached maps maintains the integrity of each Collector Street connection while also providing alternative transportation routes and connectivity between neighborhoods;

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends the Master Street Plan to realign the extension of Golf Club Drive to connect to the proposed public street within the Forest Hills PZD as indicated in Exhibit "A", attached hereto and made a part hereof.

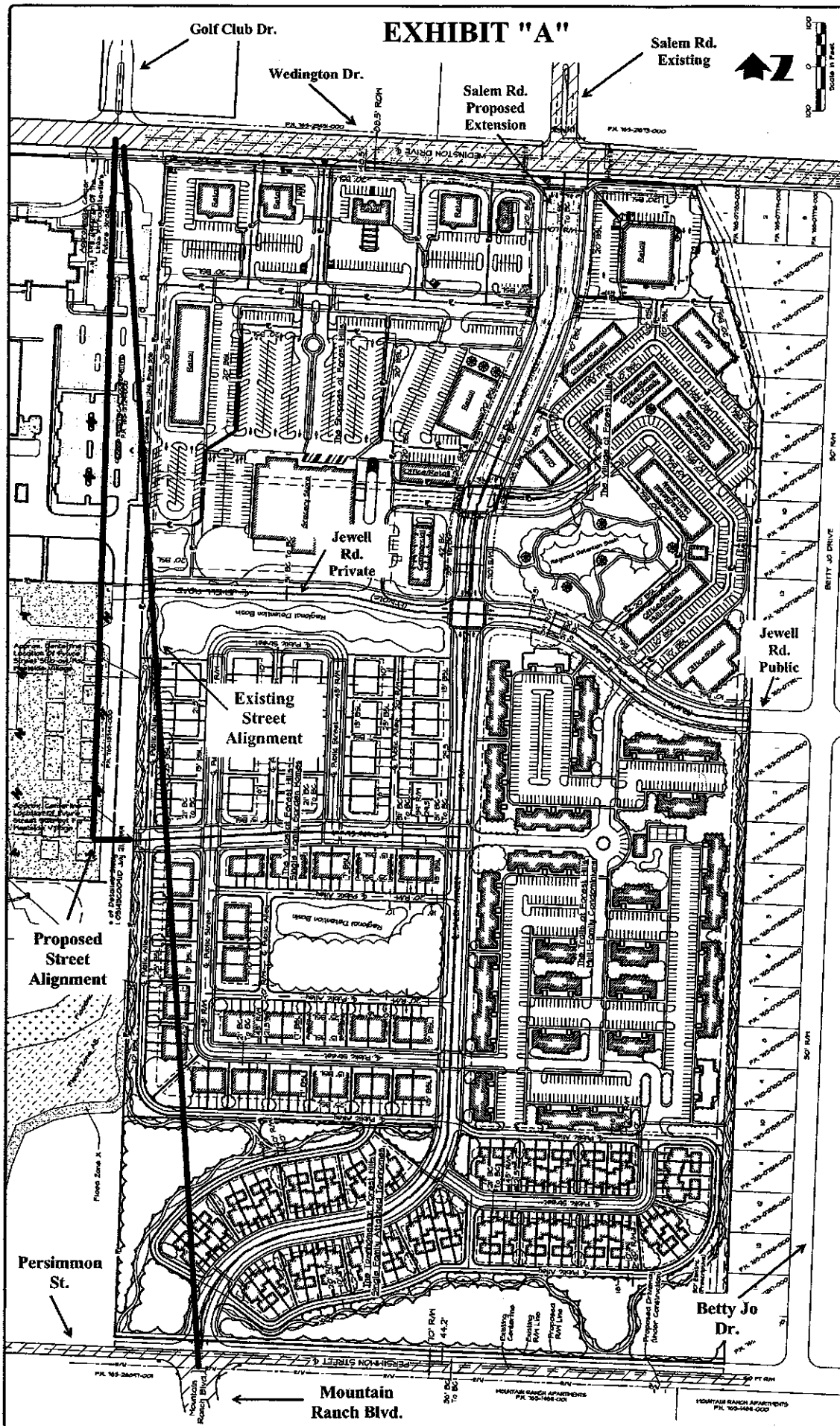
PASSED and APPROVED this day of , 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer



**THE SHOPPES AND
RESIDENCES AT FOREST HILLS**
Fayetteville, Washington County, Arkansas

A circular professional seal for the State of Arkansas. The outer ring contains the text "STATE OF ARKANSAS" at the top and "J. R. NEOF" at the bottom. The inner circle contains the text "REGISTERED PROFESSIONAL ENGINEER" and "No. 0728".

MORRISON SHIPLEY
ENGINEERS • SURVEYORS

Revision	By	Date
Reviewed For Technical File Review Comments	NAR	12-4-01
Reviewed For Technical File Review Comments	LLJ	1-2-02

Agenda Session

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Allen
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Lioneld Jordan

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith



Tentative Agenda City of Fayetteville Arkansas City Council Meeting May 20, 2008

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

- ✓ 1. Office Staff: Permits, Inspections & Archives - Steve Cattaneo, Building Safety Inspector - Informational Only.
- ✓ 2. OMI Wastewater Operations Annual Report - Billy Ammons, OMI Regional Business Manager - Agenda Session Only

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

- ✓ 1. Wastewater System Improvement Project – David Jurgens, Water Wastewater Director

Agenda Additions:

A. Consent:

- ✓ 1. Approval of the May 6, 2008 City Council meeting minutes.

3. **RZN 08-2934 (Newell/Morton):** An ordinance rezoning a portion of property described in rezoning petition RZN 08-2934, for approximately 0.37 acres, located at 1141 Hendrix from RSF-4, Residential Single Family, 4 units per acre, to RSF-8, Residential Single Family, 8 units per acre. *This ordinance was left on the First Reading at the May 6, 2008 City Council meeting.*
4. **R-PZD 08-2915 (Hill Place):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 08-2915, Hill Place, located at the southwest corner of 6th Street and Hill Avenue; containing approximately 27.10 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the First Reading at the May 6, 2008 City Council meeting.*
5. **Bridgedale Plaza Appeal:** An ordinance establishing a Commercial Planned Zoning District titled C-PZD 08-2904 Bridgedale Plaza, located at the southeast corner of Highway 16 East and River Meadows Drive, containing approximately 15.95 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the Second Reading at the May 6, 2008 City Council meeting.*

C. New Business:

- ✓ 1. **RZN 08-2968 (Lazenby):** An ordinance rezoning that property described in rezoning petition RZN 08-2968, for approximately 0.49 acres, located at 3390 West 6th Street from R-O, Residential Office to C-1, Neighborhood Commercial.
- ✓ 2. **VAC 08-2969 (Quality Lane Apartments):** An ordinance approving VAC 08-2969 submitted by Crafton, Tull, Sparks & Associates for property located northwest of Quality Lane and Gregg Avenue to vacate a portion of a utility easement within the subject property.
- ✓ 3. **Forest Hills PZD Rezone Appeal:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 07-2793 Forest Hills, located at Wedington Drive, south of Salem Road, containing approximately 82.38 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan.
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Announcements:

1. ~~City Council Tour May 19, 2008~~

Adjournment:

Add:
Consent } Bid # 08-48 Video Production
 Switcher.

Consent } South Industrial Park Lot
 28 E.

New Business } Hiring freeze amendment

New Business } Fayetteville Arts Festival
 Funding.

Pre Agenda Session Meeting
5/17/08

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Allen
Ward 3 Position 1 – Robert K. Rhoads
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A. Consent:

1. Approval of the May 6, 2008 City Council meeting minutes.

2. **Bid # 08-39 Insituform Technologies, Inc:** A resolution awarding Bid # 08-39 and approving a contract with Insituform Technologies, Inc. in the amount of \$330,000.00 for 2008 sanitary sewer main line and service lateral lining, cured in-place pipe method.
3. **Bid # 08-42 Southwest Trailer & Equipment:** A resolution awarding Bid # 08-42 and approving the purchase of one (1) light weight steel dump trailer from Southwest Trailer and Equipment in the amount of \$36,518.00 for use by the new Wastewater Treatment Plant; and approving a budget adjustment in like amount.
4. **Bid # 08-43 Wiese Planning and Engineering:** A resolution awarding Bid # 08-43 and approving the purchase of one (1) forklift from Wiese Planning and Engineering in the amount of \$24,803.00 for use by the new Wastewater Treatment Plant; and approving a budget adjustment in the amount of \$24,878.00.
5. **Bid # 08-44 Arkoma Playgrounds and Supply:** A resolution awarding Bid # 08-44 and approving a contract with Arkoma Playgrounds and Supply in the amount of \$34,214.00 for construction of a pavilion, sidewalk, and picnic tables at Gary Hampton Softball Complex; approving a project contingency in the amount of \$4,106.00; and approving a budget adjustment in the amount of \$50,000.00.
6. **RJN Group, Inc:** A resolution approving an Engineering Services Contract with RJN Group, Inc. in the amount of \$395,109.00 for a detailed sanitary sewer evaluation study in south Fayetteville and the City of Greenland; and approving a 5% contingency in the amount of \$19,800.00.
7. **Fayetteville Public Schools Contribution:** A resolution approving a budget adjustment in the amount of \$150,000.00 to the Fixed Assets Account and recognizing like revenue from the Fayetteville Public Schools for the installation of traffic signals at the intersections of Garland Avenue/Sixth Street and Starr Road/Mission Boulevard.
8. **Pinkley Sales Company:** A resolution approving the purchase of twelve (12) traffic signal preemption devices from Pinkley Sales Company in the amount of \$40,586.00; and approving a budget adjustment in the amount of \$12,000.00.

Consent

B. Unfinished Business:

1. **Hiring Freeze:** Hiring Freeze Appeals:
2. **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 ordinance was tabled at the April 15, 2008 City Council meeting.* *what reading*
3. **RZN 08-2934 (Newell/Morton):** An ordinance rezoning a portion of property described in rezoning petition RZN 08-2934, for approximately 0.37 acres, located at 1141 Hendrix from RSF-4, Residential Single Family, 4 units per acre, to RSF-8, Residential Single Family, 8 units per acre. *This ordinance was left on the First Reading at the May 6, 2008 City Council meeting.*

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1. **City Council Tour: May 19, 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: **Kit Williams, City Attorney**

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

DATE: **May 21, 2008**

RE: **Ordinances and Resolutions prepared by the City Attorney's Office and passed at the City Council meeting of May 20, 2008**

1. **Bid #08-39 Insituform Technologies, Inc.:** A resolution awarding Bid #08-39 and approving a contract with Insituform Technologies, Inc. in the amount of \$330,000.00 for 2008 Sanitary Sewer Main Line and Service Lateral Lining, cured in-place pipe method;
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8. **Movies in the Park Program:** A resolution to approve a budget adjustment to recognize \$22,000.00 from the Community Development Block Grant program for the Yvonne Richardson Center and \$2,500.00 from the Fayetteville Firefighters Association for the Parks Department "Movies In The Park" program;
9. **Bid #08-48 Video Production Switcher:** A resolution awarding Bid #08-48 and approving the purchase of one video production switcher from Jim Lively and Associates in the amount of \$30,548.83 for use by the PEG Center;
10. **South Industrial Park Lot 28E:** A resolution to accept approximately 3.5 acres from Lot 28E and Lot 25E of the South Industrial Park to be attached to Lot 29E;
11. **Hiring Freeze:** A resolution to approve the hiring of replacement employees, one Police Officer, one Telecommunications Technician, one Animal Services Caregiver and one Part-time Deputy Court Clerk;
12. **Fayetteville Arts Festival Funding:** A resolution to request the Advertising and Promotion Commission to fund the Fayetteville Arts Festival;
13. **City Gratitude to Tim Conklin:** A resolution to express the Fayetteville City Council's gratitude to Tim Conklin for his long years of effective, devoted and valued service to Fayetteville.

May 20th

From: Sondra Smith
To: Branson, Lisa
Date: 4/4/2008 3:05 PM
Subject: Fwd: Agenda

>>> Steve Cattaneo 4/3/2008 4:10 PM >>>

Sondra, I would like to have 5-10 minutes before the next 4 agenda sessions if possible.
These are informational only.

The first will be to explain the approval and inspection process for building location on the site. (with Jeremy Pate)
Title: Site approval and inspection process

The three following will be based on our division responsibilities and the up coming Building Safety Week.

1. Office staff: permits, inspections & archives
2. Field staff: the inspection process
3. Administration: Building Safety and the community

I am flexible on the dates so if the agenda becomes too busy I can always reschedule.

Steve Cattaneo, MCP, LEED®-AP
Building Safety Director,
City of Fayetteville
113 W Mountain St.
Fayetteville, AR 72701
phone: 479-575-8239
fax: 479-575-8316
www.accessfayetteville.org

Paul Becker

Arkansas Democrat Gazette
NORTHWEST ARKANSAS EDITION

Northwest Arkansas Times
Benton County Daily Record
P. O. BOX 1607
FAYETTEVILLE, AR 72702
PHONE: 479-571-6421

RECEIVED

MAY 20 2008

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

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

May 19, 2008

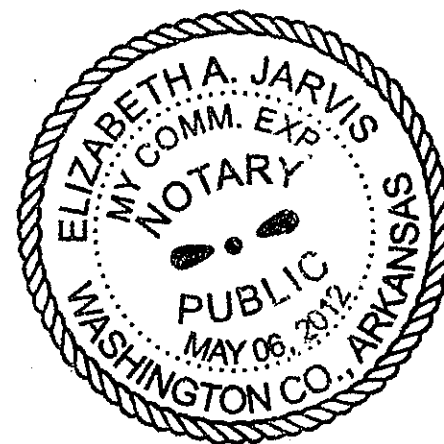
Publication Charge : \$211.00

Subscribed and sworn to before me
This 19 day of May, 2008.

Notary Public Elizabeth A. Jarvis

My Commission Expires: 5-6-2012

Do not pay from Affidavit, an invoice will be sent



**FINAL AGENDA
CITY OF FAYETTEVILLE ARKANSAS
CITY COUNCIL MEETING
MAY 20, 2008**



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

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A. Consent:

1. Approval of the May 6, 2008 City Council meeting minutes.
2. **Bid # 08-39 Insituform Technologies, Inc:** A resolution awarding Bid # 08-39 and approving a contract with Insituform Technologies, Inc. in the amount of \$330,000.00 for 2008 sanitary sewer main line and service lateral lining, cured in-place pipe method.
3. **Bid # 08-42 Southwest Trailer & Equipment:** A resolution awarding Bid # 08-42 and approving the purchase of one (1) light weight steel dump trailer from Southwest Trailer and Equipment in the amount of \$36,518.00 for use by the new Wastewater Treatment Plant; and approving a budget adjustment in like amount.
4. **Bid # 08-43 Wiese Planning and Engineering:** A resolution awarding Bid # 08-43 and approving the purchase of one (1) forklift from Wiese Planning and Engineering in the amount of \$24,803.00 for use by the new Wastewater Treatment Plant; and approving a budget adjustment in the amount of \$24,878.00.
5. **Bid # 08-44 Arkoma Playgrounds and Supply:** A resolution awarding Bid # 08-44 and approving a contract with Arkoma Playgrounds and Supply in the amount of \$34,214.00 for construction of a pavilion, sidewalk, and picnic tables at Gary Hampton Softball Complex; approving a project contingency in the amount of \$4,106.00; and approving a budget adjustment in the amount of \$50,000.00.
6. **RJN Group, Inc:** A resolution approving an Engineering Services Contract with RJN Group, Inc. in the amount of \$395,109.00 for a detailed sanitary sewer evaluation study in south Fayetteville and the City of Greenland; and approving a 5% contingency in the amount of \$19,800.00.
7. **Fayetteville Public Schools Contribution:** A resolution approving a budget adjustment in the amount of \$150,000.00 to the Fixed Assets Account and recognizing like revenue from the Fayetteville Public Schools for the installation of traffic signals at the intersections of Garland Avenue/Sixth Street and Starr Road/Mission Boulevard.
8. **Pinkley Sales Company:** A resolution approving the purchase of twelve (12) traffic signal preemption devices from Pinkley Sales Company in the amount of \$40,586.00; and approving a budget adjustment in the amount of \$12,000.00.
9. **Movies in the Park Program:** A resolution to approve a budget adjustment to recognize \$22,000.00 from the Community Development Block Grant Program for the Yvonne Richardson Center and \$2,500.00 from the Fayetteville Firefighters Association for the Parks Department "Movies in the Park" program.
10. **Bid # 08-48 Video Production Switcher - Jim Lively & Associates:** A resolution awarding Bid # 08-48 and approving the purchase of one (1) video production switcher from Jim Lively and Associates in the amount of \$30,548.83 for use by the Peg Center.
11. **South Industrial Park Lot 28E:** A resolution to accept approximately one acre from Lot 28E of the South Industrial Park to be attached to Lot 29E.

B. Unfinished Business:

1. **Hiring Freeze:** Hiring Freeze Appeals:
One Police Officer – Police Department
One Part Time Court Clerk – District Court
2. **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 ordinance was left on the Second Reading and then tabled at the April 15, 2008 City Council meeting to the May 20, 2008 City Council meeting.
3. **RZN 08-2934 (Newell/Morton):** An ordinance rezoning a portion of property described in rezoning petition RZN 08-2934, for approximately 0.37 acres, located at 1141 Hendrix from RSF-4, Residential Single Family, 4 units per acre, to RSF-8, Residential Single Family, 8 units per acre. This ordinance was left on the First Reading at the May 6, 2008 City Council meeting.
4. **R-PZD 08-2915 (Hill Place):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 08-2915, Hill Place, located at the southwest corner of 6th Street and Hill Avenue; containing approximately 27.10 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan. This ordinance was left on the First Reading at the May 6, 2008 City Council meeting.
5. **Bridgedale Plaza Appeal:** An ordinance establishing a Commercial Planned Zoning District titled C-PZD 08-2904 Bridgedale Plaza, located at the southeast corner of Highway 16 East and River Meadows Drive, containing approximately 15.95 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan. This ordinance was left on the Second Reading at the May 6, 2008 City Council meeting.

C. New Business:

1. **RZN 08-2968 (Lazenby):** An ordinance rezoning that property described in rezoning petition RZN 08-2968, for approximately 0.49 acres, located at 3390 West 6th Street from R-O, Residential Office to C-1, Neighborhood Commercial.
2. **VAC 08-2969 (Quality Lane Apartments):** An ordinance approving VAC 08-2969 submitted by Crafton, Tull, Sparks & Associates for property located northwest of Quality Lane and Gregg Avenue to vacate a portion of a utility easement within the subject property.
3. **Forest Hills PZD Rezone Appeal:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 07-2793 Forest Hills, located at Wedington Drive, south of Salem Road, containing approximately 82.38 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan.
4. **Forest Hills Master Street Plan Amendment Request:** A resolution for R-PZD 07-2793 Forest Hills amending the Master Street Plan, realigning Golf Club Drive, a proposed north-south collector street, as described and depicted in the attached maps.
5. **Hiring Freeze Amendment:** A resolution to amend Resolution No. 07-08 concerning the Hiring Freeze.
6. **Fayetteville Arts Festival Funding:** A resolution to request the Advertising and Promotion Commission to fund the Fayetteville Arts Festival.

Announcements:

1. **City Council Tour:** West Side Wastewater Treatment Plant

RECEIVED

MAY 20 2008

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE