Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Aldermen

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

Final Agenda
City of Fayetteville Arkansas
City Council Meeting
August 5, 2008

A meeting of the Fayetteville City Council will be held on August 5, 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: None.

Presentations, Reports and Discussion Items:

A. Off Street Parking Improvement District No. 1 Board Vacancy:
Approve the appointment of Tonya L. Patrick and George B. Morton
(Appointed by the District and Approved by the City Council)
Approved.

B. Washington County Regional Ambulance Committee Appointments:
Appoint two people to the committee
(Appointed by the City Council)
Appointed Fire Chief Tony Johnson and Alderman Bobby Ferrell

Agenda Additions: Fayetteville Downtown Partners - Fayetteville Arts Festival. This item was added at the City Council meeting under New Business, Item No. 13.

A. Consent:

1. Approval of the July 1 and the July 15, 2008 City Council meeting minutes.

   APPROVED.

2. **Arkansas Parks and Tourism Outdoor Recreation Grant:** A resolution authorizing the Mayor to apply for an Arkansas Parks and Tourism Outdoor Recreation Grant in the amount of $150,000.00 for the development of the park property on Fairlane Drive.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 149-08.

3. **Arkoma Playgrounds and Supply, Inc., Bid # 08-05:** A resolution awarding Bid # 08-05 and approving a contract with Arkoma Playgrounds and Supply, Inc. in the amount of $199,969.00; and approving a 5% contingency in the amount of $9,998.00 for the construction of Rodney Ryan Park.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 150-08.

4. **Bestech Environmental Resources, Inc., Bid # 08-31:** A resolution to approve the purchase of a G-8 Therm-Tec animal crematory for $58,700.00 for use by the Animal Shelter and approve a budget adjustment of $8,700.00.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 151-08.

5. **Future Link of Illinois, Bid # 08-53:** A resolution awarding Bid # 08-53 and approving the purchase of twenty-seven (27) mobile computer systems from Future Link of Illinois, Inc. in the amount of $148,818.33 for use in Fayetteville Police Patrol Vehicles; and approving a budget adjustment in the amount of $149,000.00.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 152-08.

6. **Automatic Vehicle Wash Program:** A resolution approving a budget adjustment in the amount of $60,000.00 to transfer funds from Project 02082 – (Solid Waste Vehicles/Equipment) to Project 06012 – (Wash Bay and Covered Storage) to complete the installation of the Vehicle Wash System and the Hand-Wash Truck Wash Area.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 153-08.

B. Unfinished Business:

1. **Hiring Freeze:** Hiring Freeze Appeals: A resolution to approve the hiring of two replacement Fayetteville Police Officers.

   <u>Two Police Officers</u>

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 154-08.

2. **ADM 07-2711 (UDC Amendment – Chapter 166.08 Street Design and Access Management Ordinance):** An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 166: Development in order to adopt street design and access management design standards. ***This ordinance was left on the First Reading at the July 15, 2008 City Council meeting.***

   Left on the First Reading

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5156.

3. **Amend Chapter 173 Building Regulations:** An ordinance to enact the Arkansas Energy Code as a part of the Unified Development Code and to amend the energy code to add a provision for an energy efficiency certificate. ***This ordinance was left on the Second Reading at the July 15, 2008 City Council meeting.***

   Left on the Second Reading

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5157.

C. New Business:

1. **Crossland Heavy Contractors, Inc.:** A resolution awarding Bid #08-50 and approving a construction contract with Crossland Heavy Contractors, Inc. in the amount of $2,439,646.00; and approving a 10% contingency in the amount of $244,000.00 for improvements at the Noland Wastewater Treatment Plant, WSIP Subproject EP-3.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 155-08.

2. **2009 Employee Benefits:** A resolution to approve the same level and cost of employee benefits in 2009 as are being provided in 2008.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 156-08.

3. **Amend § 33.018, Parks and Recreation Advisory Board:** An ordinance to amend § 33.018 Parks and Recreation Advisory Board of the Code of Fayetteville.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5158.

4. **Amend Chapter 174 Signs:** An ordinance to amend Unified Development Code Ch. 174.08, Prohibited Signs, to allow "A" frame sandwich/menu board signs under certain conditions.

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

5. **Bid Waiver for Asphalt:** An ordinance waiving the requirements of formal competitive bidding throughout the remainder of the year for the purchase of asphalt materials for use by the Transportation Division.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5159.

6. **2009 Budget Request:** A resolution to request that the budget to be submitted to the City Council by the Administration be balanced.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 157-08.

7. **R-PZD 08-2980, Markham Hill Cottage Courts:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 08-2980, Markham Hill Cottage Courts, located north of Maine Street, between Sang and Cross Avenue; containing approximately 2.54 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.

8. **R-PZD 08-3006, Porchscapes:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 08-3006, Porchscapes, located at the southern extension of Seven Hills Drive, south of Huntsville Road; containing approximately 8.81 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5160.

9. **R-PZD 08-3022, Stonewood Gardens:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 08-3022, Stonewood Gardens, located near the south east corner of Crossover and Albright Road; containing approximately 3.36 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5161.

10. **RZN 08-3027, Pathway Baptist Church:** An ordinance rezoning that property described in rezoning petition RZN 08-3027, for approximately 14.36 acres, located at the southeast corner of Mount Comfort and Salem Road from RSF-4, Residential Single-family, 4 units per acre and R-A, Residential Agricultural to R-O, Residential Office and P-1, Institutional.

    PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5162.

11. **ANX 08-3029, Holcomb Heights III:** An ordinance annexing that property described in annexation petition ANX 08-3029, located at the northwest corner of Weir Road and North Salem Road, containing approximately 3.23 acres.

    PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5163.

12. **RZN 08-3030, Holcomb Heights III:** An ordinance rezoning that property described in rezoning petition RZN 08-3030, for approximately 3.23 acres, located at the northwest corner of Weir Road and North Salem Road from R-A, Residential Agricultural, to RSF-4, Residential Single-family, 4 units per acre.

    PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5164.

13. **Fayetteville Downtown Partners-Fayetteville Arts Festival:** An ordinance waiving the requirements of § 34.23(A) of the Fayetteville Code requiring quotation bids and approving a contract for services with Fayetteville Downtown Partners in the amount of $12,500 to promote, produce and manage the 2008 Fayetteville Arts Festival and approving a budget adjustment in the amount of $12,500.00.

    THIS ITEM WAS ADDED AT THE CITY COUNCIL MEETING, PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5165.

14. **Amend § 161.23, Neighborhood Conservation:** An ordinance to amend § 161.23 Neighborhood Conservation to add Use Unit 26, Multi-family dwellings as conditional use.

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

Announcements:

1. **City Council Tour: None**

Adjournment: Meeting adjourned at 7:55 p.m.

City Council Meeting: **August 5, 2008** **Adjourn:** 7:55 P.M.

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

9-0

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

City Council Meeting: August 5, 2008

Subject: Off Street Parking Improvement District No. 1 Board Vacancy					
Motion To:		Approve			
Motion By:		Ferrell			
Seconded:		Cook			
Tonya R. Patrick & George B. Morton Approved	**Thiel**	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Gray	✓			
	Mayor Coody				

8-0

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

City Council Meeting: August 5, 2008

Subject:	Washington County Regional Ambulance Committee Appointments				
Motion To:		Appoint	Tony Johnson &		
Motion By:		Cook	Bobby Ferrell		
Seconded:		Lucas			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
Fire Chief	**Rhoads**	✓			
Tony	**Ferrell**	recuse.			
Johnson	**Lucas**	✓			
and	**Jordan**	✓			
Bobby	**Gray**	✓			
Ferrell appointed	**Mayor Coody**				

7-0

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

City Council Meeting: August 5, 2008

Subject: Consent					
Motion To:		Approve			
Motion By:		Jordan			
Seconded:		Lucas			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
Passed	**Ferrell**	✓			
	Lucas	✓			
Res. 149-08 to 153-08	**Jordan**	✓			
	Gray	✓			
	Mayor Coody				

8-0

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

City Council Meeting: August 5, 2008

Subject:	**Hiring Freeze Appeals: Two Police Officers**				
Motion To:		Approve			
Motion By:		Jordan			
Seconded:		Gray			
B.1. Unfinished Business	**Thiel**	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
Approved	**Lucas**	✓			
	Jordan	✓			
	Gray	✓			
154-08	**Mayor Coody**				

8-0

Subject:	**Hiring Freeze Appeals:**				
Motion To:					
Motion By:					
Seconded:					
B.1. Unfinished Business	**Thiel**				
	Cook				
	Allen				
	Rhoads				
	Ferrell				
	Lucas				
	Jordan				
	Gray				
	Mayor Coody				

City Council Meeting: **August 5, 2008**

Subject:	**ADM 07-2711 (UDC Amendment – Chapter 166.08 Street Design and Access Management Ordinance)**				
Motion To:		2nd Reading	Amend to new plan A	3rd Reading	Pass
Motion By:		Thiel	Ferrell	Ferrell	
Seconded:		Cook	Cook	Cook	
B.2. Unfinished Business	**Thiel**	✓	✓	✓	✓
	Cook	✓	✓	✓	✓
	Allen	✓	✓	✓	✓
	Rhoads	✓	✓	✓	✓
	Ferrell	✓	✓	✓	✓
passed	**Lucas**	✓	✓	✓	✓
	Jordan	✓	✓	✓	✓
	Gray	✓	✓	✓	✓
5156	**Mayor Coody**				
		8-0	8-0	8-0	8-0

Subject:	**Amend Chapter 173 Building Regulations**				
Motion To:		3rd Read	Pass		
Motion By:		Jordan			
Seconded:		Cook			
B.3. Unfinished Business	**Thiel**	✓	✓		
	Cook	✓	✓		
	Allen	✓	✓		
	Rhoads	✓	✓		
	Ferrell	✓	✓		
passed	**Lucas**	✓	✓		
	Jordan	✓	✓		
	Gray	✓	✓		
5157	**Mayor Coody**				
		8-0	8-0		

City Council Meeting: August 5, 2008

Subject:	**Crossland Heavy Contractors, Inc.**				
Motion To:		Pass			
Motion By:		Jordan			
Seconded:		Gray			
C.1 New Business	**Thiel**	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
Approved	**Lucas**	✓			
	Jordan	✓			
	Gray	✓			
155-08	**Mayor Coody**				

8-0

Subject:	**2009 Employee Benefits**				
Motion To:		Approve			
Motion By:		Thiel			
Seconded:		Jordan			
C.2 New Business	**Thiel**	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
Passed	**Lucas**	✓			
	Jordan	✓			
	Gray	✓			
156-08	**Mayor Coody**				

8-0

City Council Meeting: August ., 2008

Subject: Amend § 33.018, Parks and Recreation Advisory Board					
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Thiel	Cook		
Seconded:		Jordan	Thiel		
C.3 New Business	**Thiel**	✓	✓	✓	
	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
Passed	**Lucas**	✓	✓	✓	
	Jordan	✓	✓	✓	
5158	**Gray**	✓	✓	✓	
	Mayor Coody				
		8-0	8-0	8-0	

Subject: Amend Chapter 174 Signs					
Motion To:					
Motion By:					
Seconded:					
C.4 New Business	**Thiel**				
	Cook				
	Allen				
	Rhoads				
Left on	**Ferrell**				
the First	**Lucas**				
Reading	**Jordan**				
	Gray				
	Mayor Coody				

City Council Meeting: August 5, 2008

Subject:	**Bid Waiver for Asphalt**				
Motion To:		2nd Read	To the end of the year Amendment	3rd Read	Pass
Motion By:		Cook	Ferrell	Ferrell	
Seconded:		Jordan	Jordan	Jordan	
C.5	**Thiel**	✓	✓	✓	✓
New	**Cook**	✓	✓	✓	✓
Business	**Allen**	✓	✓	✓	✓
	Rhoads	✓	✓	✓	✓
	Ferrell	✓	✓	✓	✓
	Lucas	✓	✓	✓	✓
Passed	**Jordan**	✓	✓	✓	✓
	Gray	✓	✓	✓	✓
5159	**Mayor Coody**				
		8-0	8-0	8-0	8-0

Subject:	**2009 Budget Request**				
Motion To:		Amend to say as balanced as possible	Original Resolution Pass		
Motion By:		Allen	Ferrell		
Seconded:		Thiel	Lucas		
C.6	**Thiel**	✓	N		
New	**Cook**	N	✓		
Business	**Allen**	✓	✓		
	Rhoads	N	N		
	Ferrell	N	✓		
Passed	**Lucas**	N	✓		
	Jordan	N	✓		
	Gray	✓	N		
157-08	**Mayor Coody**				
		3-5 Failed	5-3 Passed		

City Council Meeting: August 5, 2008

Subject:	R-PZD 08-2980, Markham Hill Cottage Courts				
Motion To:		2nd Read			
Motion By:		Jordan			
Seconded:		Lucas			
C.7 New Business	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
Left on the Second Reading	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Gray	✓			
	Mayor Coody				
		8-0			

Subject:	R-PZD 08-3006, Porchscapes				
Motion To:		Amend to add	2nd Read	Amend Name	
Motion By:		Condition of approval Thiel	Thiel	Gray	
Seconded:		Allen	Allen	Ferrell	
C.8 New Business	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
	Mayor Coody				
		8-0	8-0	8-0	

City Council Meeting: 2008 August 5, 2008

Subject:		R-PZD 08-3006, Porchscapes			
Motion To:		3rd Read	Pass		
Motion By:		Jordan			
Seconded:		Ferrell			
C. 8. New Business	**Thiel**	✓	✓		
	Cook	✓	✓		
	Allen	✓	✓		
	Rhoads	✓	✓		
	Ferrell	✓	✓		
passed	**Lucas**	✓	✓		
	Jordan	✓	✓		
	Gray	✓	✓		
5160	**Mayor Coody**				

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

City Council Meeting: August 5, 2008

Subject:	R-PZD 08-3022, Stonewood Gardens				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Ferrell	Ferrell		
Seconded:		Jordan	Jordan		
C.9	**Thiel**	✓	✓	✓	
New	**Cook**	✓	✓	✓	
Business	**Allen**	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
Passed	**Lucas**	✓	✓	✓	
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
5161	**Mayor Coody**				
		8-0	8-0	8-0	

Subject:	RZN 08-3027, Pathway Baptist Church				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Jordan	Jordan		
Seconded:		Lucas	Lucas		
C.10	**Thiel**	absent during the vote	✓	✓	
New	**Cook**	✓	✓	✓	
Business	**Allen**	✓	✓	✓	
	Rhoads	✓	✓	✓	
Passed	**Ferrell**	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
5162	**Mayor Coody**				
		7-0	8-0	8-0	

City Council Meeting: August 5, 2008

Subject:	ANX 08-3029, Holcomb Heights III				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Jordan	Jordan		
Seconded:		Lucas	Lucas		
C.11	**Thiel**	✓	✓	✓	
New	**Cook**	✓	✓	N	
Business	**Allen**	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
Passed	**Jordan**	✓	✓	✓	
	Gray	✓	✓	✓	
5163	**Mayor Coody**				
		8-0	8-0	7-1	

Subject:	RZN 08-3030, Holcomb Heights III				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Jordan	Jordan		
Seconded:		Lucas	Lucas		
C.12	**Thiel**	✓	✓	✓	
New	**Cook**	✓	✓	✓	
Business	**Allen**	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
Passed	**Lucas**	✓	✓	✓	
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
5164	**Mayor Coody**				
		8-0	8-0	8-0	

City Council Meeting: 008 August 5, 2008

Arts Festival

Subject:	Add: Fayetteville Downtown Partners - 2008 Fayetteville			
Motion To:	Add to Agenda	Amend Amount $32,500	Amend Amount to $12,500	
Motion By:	Jordan	Jordan	Rhoads	
Seconded:	Thiel	Allen	Gray	
Thiel	✓	N	✓	
Cook	✓	✓	✓	
Allen	✓	✓	✓	
Rhoads	✓	N	✓	
Ferrell	✓	N	✓	
Lucas	✓	N	✓	
Jordan	✓	✓	✓	
Gray	✓	N	✓	
Mayor Coody				
	8-0	3-5 Failed	8-0 Passed	

Subject:	Fayetteville Downtown Partners - 2008 Fayetteville			Arts
Motion To:	2nd Read	3rd Read	Pass	Festival
Motion By:	Jordan	Jordan		
Seconded:	Thiel	Allen		
Thiel	✓	✓	✓	
Cook	✓	✓	✓	
Allen	✓	✓	✓	
Rhoads	✓	✓	✓	
Ferrell	✓	✓	✓	
Lucas	✓	✓	✓	
Jordan	✓	✓	✓	
Gray	✓	✓	✓	
Mayor Coody				
	8-0	8-0	8-0	

passed as amended

5165

City Council Meeting: August 5, 2008

Subject: Amend § 161.23, Neighborhood Conservation					
Motion To:		2nd Read			
Motion By:		Ferrell			
Seconded:		Cook			
C.13 New Business	**Thiel**	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
Left on the Second Reading	**Ferrell**	✓			
	Lucas	✓			
	Jordan	✓			
	Gray	✓			
	Mayor Coody				

8-0

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

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

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City of Fayetteville Arkansas
City Council Meeting
August 5, 2008

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Pledge of Allegiance

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Approve the appointment of Tonya L. Patrick and George B. Morton
(Appointed by the District and Approved by the City Council)

B. Washington County Regional Ambulance Committee Appointments:
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(Appointed by the City Council)

Agenda Additions:

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

   Two Police Officers

2. **ADM 07-2711 (UDC Amendment – Chapter 166.08 Street Design and Access Management Ordinance):** An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 166: Development in order to adopt street design and access management design standards. ***This ordinance was left on the First Reading at the July 15, 2008 City Council meeting.***

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   Left on the Second Reading

C. New Business:

1. **Crossland Heavy Contractors, Inc.:** A resolution awarding Bid #08-50 and approving a construction contract with Crossland Heavy Contractors, Inc. in the amount of $2,439,646.00; and approving a 10% contingency in the amount of $244,000.00 for improvements at the Noland Wastewater Treatment Plant, WSIP Subproject EP-3.

2. **2009 Employee Benefits:** A resolution to approve the same level and cost of employee benefits in 2009 as are being provided in 2008.

3. **Amend § 33.018, Parks and Recreation Advisory Board:** An ordinance to amend § 33.018 Parks and Recreation Advisory Board of the Code of Fayetteville.

4. **Amend Chapter 174 Signs:** An ordinance to amend Unified Development Code Ch. 174.08, Prohibited Signs, to allow "A" frame sandwich/menu board signs under certain conditions.

5. **Bid Waiver for Asphalt:** An ordinance waiving the requirements of formal competitive bidding indefinitely for the purchase of asphalt materials for use by the Transportation Division.

6. **2009 Budget Request:** A resolution to request that the budget to be submitted to the City Council by the Administration be balanced.

7. **R-PZD 08-2980, Markham Hill Cottage Courts:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 08-2980, Markham Hill Cottage Courts, located north of Maine Street, between Sang and Cross Avenue; containing approximately 2.54 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan.

8. **R-PZD 08-3006, Porchscapes:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 08-3006, Porchscapes, located at the southern extension of Seven Hills Drive, south of Huntsville Road; containing approximately 8.81 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan.

9. **R-PZD 08-3022, Stonewood Gardens:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 08-3022, Stonewood Gardens, located near the south east corner of Crossover and Albright Road; containing approximately 3.36 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan.

10. **RZN 08-3027, Pathway Baptist Church:** An ordinance rezoning that property described in rezoning petition RZN 08-3027, for approximately 14.36 acres, located at the southeast corner of Mount Comfort and Salem Road from RSF-4, Residential Single-family, 4 units per acre and R-A, Residential Agricultural to R-O, Residential Office and P-1, Institutional.

11. **ANX 08-3029, Holcomb Heights III:** An ordinance annexing that property described in annexation petition ANX 08-3029, located at the northwest corner of Weir Road and North Salem Road, containing approximately 3.23 acres.

12. **RZN 08-3030, Holcomb Heights III:** An ordinance rezoning that property described in rezoning petition RZN 08-3030, for approximately 3.23 acres, located at the northwest corner of Weir Road and North Salem Road from R-A, Residential Agricultural, to RSF-4, Residential Single-family, 4 units per acre.

13. **Amend § 161.23, Neighborhood Conservation:** An ordinance to amend § 161.23 Neighborhood Conservation to add Use Unit 26, Multi-family dwellings as conditional use.

Announcements:

1. **City Council Tour: None**

Adjournment:

RECEIVED
JUL 17 2008
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

PETITION TO FILL VACANCY ON THE BOARD OF IMPROVEMENT OF THE OFF STREET PARKING IMPROVEMENT DISTRICT NO. 1 OF THE CITY OF FAYETTEVILLE, ARKANSAS

To: Mayor Dan Coody and the City Council of the City of Fayetteville, Arkansas.

I, Tonya L. Patrick, an owner of real property located within the boundaries of the Off Street Parking Improvement District No. 1 of the City of Fayetteville, Arkansas, do hereby petition the City Council of the City of Fayetteville, Arkansas, that I be appointed to the Board of Improvement of the Off Street Parking Improvement District No. 1 of the City of Fayetteville, Arkansas.

Dated this 17 day of July, 2008.

Tonya L. Patrick
Petitioner

RECEIVED
JUL 17 2008
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

PETITION TO FILL VACANCY ON THE BOARD OF IMPROVEMENT OF THE OFF STREET PARKING IMPROVEMENT DISTRICT NO. 1 OF THE CITY OF FAYETTEVILLE, ARKANSAS

To: Mayor Dan Coody and the City Council of the City of Fayetteville, Arkansas.

I, GEORGE B. MORTON, an owner of real property located within the boundaries of the Off Street Parking Improvement District No. 1 of the City of Fayetteville, Arkansas, do hereby petition the City Council of the City of Fayetteville, Arkansas, that I be appointed to the Board of Improvement of the Off Street Parking Improvement District No. 1 of the City of Fayetteville, Arkansas.

Dated this 17 day of July, 2008.

Petitioner

ORDINANCE NO. 5142

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

WHEREAS, after a petition to form an improvement district was signed by a majority in assessed value of the owners of real property within the proposed Downtown Off-Street Parking Improvement District in November of 1976, the Board of Directors of the City of Fayetteville enacted Ordinance No. 2292 to create the District on December 7, 1976; and

WHEREAS, this improvement district has obtained property and paved parking lots within the district and functioned well for over thirty years; and

WHEREAS, the improvement district's board has requested that the City Council expand its membership to five.

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 hereby amends Chapter 33: **Departments, Boards Commissions and Authorities** of the Fayetteville Code by enacting new sections 33.062 – 33.064 as shown on Exhibit A attached hereto.

PASSED and **APPROVED** this 6th day of May, 2008.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

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

CITY CLERK/TREASURER CITY OF FAYETTEVILLE ARKANSAS WASHINGTON COUNTY

EXHIBIT A

Off-Street Parking Development District No. 1

33.062 Establishment and Purposes

(A) The Off-Street Parking Development District No. 1 was established on December 7, 1976, by Ordinance No. 2292 with its commissioners appointed by the Fayetteville City Board of Directors. The District encompasses the property described in Exhibit A to Ordinance No. 2292.

(B) The Off-Street Parking Development District was created for the purpose of constructing facilities for the off-street parking of vehicles on lands to be purchased by the District.

33.063 Membership of the Board, Terms of Office

(A) The City Council shall appoint five owners of real property located within the District to be commissioners for the Off-Street Parking Development District Board.

(B) The three current commissioners shall continue in their office for the remainder of their normal six year terms and may be reappointed. One new appointment shall be for an initial four year term of office. The other new appointment and all reappointments shall thereafter be for six year terms.

33.064 Powers and Responsibilities

(A) The District Board shall have the power to acquire real property and construct facilities for off-street parking of vehicles on lands it owns. The District Board shall generally have the statutory power of a municipal improvement district pursuant to Subtitle 5 **Improvement Districts Generally** of Title 14, **Local Government** of the Arkansas Code.

(B) The District Board shall comply with all responsibilities and restrictions for boards of improvement districts mandated by Subtitle 5, **Improvement Districts Generally** of Title 14, **Local Government** of the Arkansas Code.
§

14-88-301. Appointment of commissioners.

(a) (1) (A) (i) In the ordinance creating a municipal improvement district, the city or town council shall appoint three (3) owners of real property therein as commissioners, who shall compose a board of improvement for the district.

(ii) The number of commissioners for any improvement district created under this section may be increased by ordinance of the city or town council from three (3) to five (5) members.

(B) (i) (*a*) Beginning on and after July 1, 1999, in cities of the first class with a population of between sixty-one thousand five hundred (61,500) and sixty-two thousand (62,000) persons according to the 1990 federal decennial census, the commissioners serving at that time and any board of commissioners of new districts created after that date shall have terms of office of six (6) years and shall serve until their successors are duly selected and qualified.

(*b*) These terms of office shall begin January 1, 2000, for commissioners serving at that time or the January 1 next following the creation of the district.

(ii) For the initial terms, the commissioners shall select one (1) of their number to serve for two (2) years, one (1) to serve for four (4) years, and one (1) to serve for six (6) years.

(iii) The names and terms so selected shall be certified to the city clerk on or before January 1 of the applicable year.

(iv) (*a*) Before the end of a commissioner's term, the city council shall appoint an owner of real property in the district as a new commissioner.

(*b*) Except for persons having been removed as a commissioner, any person serving or having served as a commissioner may be reappointed, but need not necessarily be reappointed.

(2) In cities operating under a commission form of government, the mayor and city commissioners, by virtue of their offices, shall be commissioners of each improvement district and shall compose the board of improvement of each district.

(b) The ordinance may be in the following form:

"AN ORDINANCE ESTABLISHING IMPROVEMENT DISTRICT NO. . "WHEREAS, parties claiming to be the owners of two-thirds in assessed value of the property located within the territory hereinafter described have filed a petition praying that an improvement district be established for the purpose hereinafter set out. "WHEREAS, after due notice as required by law, the City (or Town) Council of the City (or Town) of has heard all parties desiring to be heard, and has ascertained that said petition was signed by two-thirds in assessed value of the owners of real property within said territory; "NOW, THEREFORE, BE IT ORDAINED by the City (or Town) Council of the City (or Town) of . "Section 1. There is hereby established an improvement district embracing the following property (here describe territory) for the purpose of (here describe the purpose) "Said district shall be known as Improvement District No. ; and , and are hereby named commissioners, who shall compose the Board of Improvement for said district. "Section 2. This ordinance shall take effect and be in force from and after its passage."

Click to view form.

History. Acts 1929, No. 64, § 4; 1935, No. 145, § 3; Pope's Dig., § 7283; Acts 1941, No. 7, § 1; A.S.A. 1947, § 20-109; Acts 1999, No. 1505, § 1; 2003, No. 550, § 1.

14-88-303. Vacancies generally.

(a) All vacancies that may occur after a municipal board shall have been organized shall be filled by the city or town council.

(b) If all places on the board shall become vacant or those appointed shall refuse or neglect to act, new members shall be appointed by the council, as in the first instance, except that after July 1, 1999, in cities of the first class with a population of between sixty-one thousand five hundred (61,500) and sixty-two thousand (62,000) persons according to the 1990 federal decennial census, new members shall be appointed only for the remainder of the vacant term and no person who is removed as a commissioner shall qualify.

History. Acts 1881, No. 84, § 3, p. 161; 1909, No. 81, § 1, p. 224; C. & M. Dig., § 5716; Pope's Dig., § 7356; Acts 1961, No. 70, §§ 1, 2; A.S.A. 1947, § 20-116; Acts 1999, No. 1505, § 2.

14-88-304. Petition of property owners to fill vacancy.

(a) When there is a vacancy on the board of commissioners of any improvement district due to the death of a commissioner or due to the fact that a commissioner has ceased to reside in the state where such a district was created by any town or city council, and in such case, if five (5) or more property owners of the district petition the city or town council, calling attention to the vacancy on the board of commissioners and requesting the appointment of a new commissioner to fill the vacancy, it shall be the duty of the council to take forthwith the necessary steps to fill the vacancy by appointment of a new commissioner, who shall be a property owner in the district.

(b) Upon the filing of a petition with the council signed by five (5) or more property owners in the district affected, reciting that any commissioner is no longer a property owner in the district, accompanied by a corroborative certificate of an abstractor, the person shall automatically cease to be a commissioner. His office is declared to be vacant from the date of filing the petition, and the council that created the district shall forthwith name as commissioner of the district to fill the vacancy the person named in the petition and recommended for commissioner of the district if the person is a property owner in the district.

History. Acts 1941, No. 74, § 1; A.S.A. 1947, § 20-117.

Karen\EMS-RevisedInterlocalAgreement.doc 01/29/08

AGREEMENT
FOR AMBULANCE SERVICES

THIS INTERLOCAL AGREEMENT FOR AMBULANCE SERVICES ("Agreement") is made and entered into by and between WASHINGTON COUNTY, ARKANSAS, ("County") and the Cities of ELKINS, FARMINGTON, FAYETTEVILLE, GOSHEN, GREENLAND, LINCOLN, PRAIRIE GROVE, WEST FORK, WINSLOW and JOHNSON ("Cities").

WHEREAS, A.C.A. §14-14-910 and A.C.A. §25-20-101 authorizes cities and counties to enter into contracts to co-operate or join with each other to provide services; such to specify the responsibilities of all parties; and,

WHEREAS, all parties acknowledge that the continued provision of ambulance service is crucial for the continued health and safety of the residents of the named Cities and the County; and,

WHEREAS, the County and Cities mutually agree that the creation of an Ambulance Authority or similar entity as provided for in A.C.A. §14-14-910, A.C.A. §25-20-101 and A.C.A. §14-266-101 et. seq is in the best long-term interests of the parties; and,

WHEREAS, said Authority should consist of representatives of the above named Cities and the County; and,

WHEREAS, all parties acknowledge that the formation of such an Authority will demand close and continued cooperation of all parties.

NOW, THEREFORE, IT IS AGREED:

ARTICLE 1. AUTHORITY ORGANIZATION.

(a) One individual selected by each entity shall represent said entity on the Board of Directors of the Authority to be known as the Washington County Regional Ambulance Authority.

(1) Each Board member shall serve a term of three (3) years and be eligible to serve two (2) consecutive terms.

(2) The initial term of each Board member shall be determined by the drawing of lots or similar method so as to provide staggered terms.

(b) The Board shall meet on no less than on a quarterly basis to transact all business associated with the powers and responsibilities conferred upon it. However, the Board shall reserve to itself the right to meet on whatever basis it determines is appropriate.

(c) The Board shall employ an executive director to manage a regional ambulance system.

(d) In order to insure maximum efficiency and effectiveness of the operation, an executive committee shall be formed to be charged with the oversight of the day-to-day operation of the system. The members of said executive committee shall be as follows:

(1) The County board appointee who shall reside in the unincorporated service area.

(2) The Fayetteville board appointee;

(3) A second Fayetteville appointee;

(4) A small city appointee to be chosen by the aforestated cities, excluding the City of Fayetteville;

(5) A Nursing Home or medical profession representative who shall reside in the City of Fayetteville to be chosen by the County appointee; the Fayetteville appointees, and the small city appointee.

(6) A Hospital representative who shall reside in the City of Fayetteville to be chosen by the County appointee; the Fayetteville appointees, and the small city appointee.

(7) A representative of the financial community residing in the service area to be chosen by the County appointee, the Fayetteville appointees and the small city appointee.

ARTICLE 2. PURPOSES, POWERS, RIGHTS, OBLIGATIONS AND RESPONSIBILITIES OF THE CREATED ENTITY.

(a) All parties acknowledge that the need to create an entity to own, operate and manage an ambulance service is necessary and appropriate.

(b) The Authority created herein shall have the following powers:

(1) To provide advanced life support emergency ambulance service in the designated area;

(2) To provide emergency medical dispatch including pre-arrival instructions in accordance with approved dispatch protocols;

(3) To set ambulance user fees;

(4) To own system revenues;

Added at Agenda Session
7-29-08

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: July 28, 2008

Re: **Replacement of Police Officer**

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

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 Monday , July 28, 2008, a patrol officer resigned.

Discussion: The Fayetteville Police Department currently has 121 authorized slots. Two of these slots remained unfilled due to structured budget reductions. There are nine officers with military commitments. Three officers are currently deployed, one has orders for upcoming training followed by a lengthy deployment and four 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: There is no difference between the salary of the resigning officer and a newly hired officer.

Handed out at Agenda Session 7-29-08

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations
Karen Minkel, Interim Long Range Planning Director

From: Leif Olson, Long Range Planner

Date: July 25, 2008

Subject: UDC Amendment to Chapter 166.08 - Street Design and Access Management Standards (ADM 07-2711)

RECOMMENDATION

Staff recommends approval of an ordinance amending Chapter 166 – Development to adopt Street Design and Access Management Standards.

BACKGROUND

The City Attorney and Planning Staff worked on some additional changes to the language of the ordinance in order to clarify the variance process and remove inconsistencies. With these additional changes both the City Attorney and Staff can support the legality and the effectiveness of this ordinance. The major changes were to: add variance language to the block layout/connectivity section, clarify situations where cul-de-sacs are warranted, and add variance language to the access management section. The attached ordinance shows the new language in a bold font.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT CODE OF THE CODE OF FAYETTEVILLE TO AMEND CHAPTER 166: DEVELOPMENT IN ORDER TO ADOPT STREET DESIGN AND ACCESS MANAGEMENT DESIGN STANDARDS.

WHEREAS, the City of Fayetteville has adopted City Plan 2025 as its future land use plan; and

WHEREAS, three of the six primary goals of City Plan 2025 are to: discourage suburban sprawl, make traditional town form the standard, and to grow a livable transportation network; and

WHEREAS, the City of Fayetteville recognizes that street design and access management standards will encourage the development of complete, compact and connected neighborhoods; and

WHEREAS, the City of Fayetteville recognizes that development that does not conform to the desired standards may request variances or waivers from the adopted standards from the Planning Commission at a public hearing,

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

Section 1. That Chapter 166: Development is amended by repealing and replacing all of section §166.08 – Design Standards, a copy of which marked Exhibit "A" is attached hereto and made a part hereof.

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

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

EXHIBIT "A"

Chapter 166: Development is amended by replacing §166.08 Design Standards with the following language.

166.08 Street Design and Access Management Standards

(A) *Intent.* These standards are intended to ensure that development is designed to be inherently safe, walkable, and efficient for the facilitation of traffic and pedestrian movements.

(B) *Fitness for development.* Based on topographic maps, soil surveys prepared by the Department of Agriculture and drainage information from the Future Land Use Plan and the Hillside/Hilltop Overlay District, the Planning Commission may require that steep grades, unstable soil and flood plains be set aside and not subdivided until corrections are made to protect life, health, and property.

(C) *Applicability.* The standards set forth herein shall apply to land which is proposed to be developed or redeveloped where the creation of public streets are required, or proposed, or in which new or existing access is created or modified. Developments that create private streets shall utilize these standards as guidelines.

(D) *Street design principles.*

(1) *Extensions.* All street extensions shall be constructed to Minimum Street Standards. Street extension stub-outs to adjacent properties are required to meet block layout/connectivity standards unless existing development or physical barriers prohibit such.

(2) *Substandard widths.* Developments that adjoin existing streets shall dedicate additional right-of-way to meet the Master Street Plan.

(3) *Street names.* Names of streets shall be consistent with natural alignment and extensions of existing streets, and new street names shall not duplicate or be similar to existing street names. Developers shall coordinate the naming of new streets through the GIS Office during the plat review process.

(4) *Tangents.* A straight tangent at least 100 feet long shall separate reverse curves for Collector and Arterial streets.

(5) *Pedestrian.* Pedestrian-vehicular conflict points should be controlled through signalized intersections and proven traffic calming design principles.

(6) *Street standards.* All street requirements shall be met as set forth in the City of Fayetteville Master Street Plan and adopted Minimum Street Standards.

(E) *Block Layout / Connectivity.*

(1) *Block Length.* Block lengths and street intersections are directly tied to the functional hierarchy of the street pattern that exists or is proposed.

(a) *Principal and Minor Arterial Streets.* Signalized intersections should be located at a minimum of one every 2,640 feet (half a mile) along principal and minor arterials and should be based on traffic warrants.

(b) *Collectors.* Intersections should be located at a minimum of one every 1,320 feet (quarter of a mile) along collector streets.

(c) *Locals.* Intersections shall occur at a minimum of one every 800 feet.

(d) *Residential.* Intersections shall occur at a minimum of one every 600 feet.

(e) *Variances.* Block length standards may be varied by the Planning Commission when terrain, topographical features, existing barriers or streets, size or shape of

the lot, or other unusual conditions justify a departure.

(2) *Topography.* Local streets should be designed to relate to the existing topography and minimize the disturbance zone.

(3) *Dead-end streets.* Dead end streets are discouraged and should only be used in situations **where they are needed for design and development efficiency, reduction of necessary street paving, or where proximity to floodplains, creeks, difficult topography or existing barriers warrant their use.** All dead end streets shall end in a cul-de-sac with a radius of 50 feet, or an alternative design approved by the City and the Fire Department. The maximum length of a dead end street (without a street stub-out) shall be 500 feet.

(F) *Access Management.* Safe and adequate vehicular, bicycle, and pedestrian access shall be provided to all parcels. Local streets and driveways shall not detract from the safety and efficiency of bordering arterial routes. Property that fronts onto two public streets shall place a higher priority on accessing the street with the lower functional classification, ex. Local and Collector.

(1) *Curb cut minimum distance from intersection.*

(a) *Principal and Minor Arterial Streets.* Where a street with a lower functional classification exists that can be accessed, curb cuts shall access onto those streets. When necessary, curb cuts along arterial streets shall be shared between two or more lots. Where a curb cut must access the arterial street, it shall be located a minimum of 250 feet from the center line of an intersection or driveway.

Number of Curb Cuts Permitted	
Length of Street Frontage	Maximum Number of Curb Cuts
0-500 ft.	1
501-1000 ft.	2
1001-1500 ft.	3
More than 1500 ft.	4

(b) *Collector Streets.* Curb cuts shall be located a minimum of 100 feet from the center line of an intersection or driveway. When necessary, curb cuts along collector streets shall be shared between two or more lots.

Number of Curb Cuts Permitted	
Length of Street Frontage	Maximum Number of Curb Cuts
0-100 ft.	1
101-250 ft.	2
251-500 ft.	3
More than 500 ft.	4

(c) *Local and Residential Streets.* Curb cuts shall be located a minimum of 50 feet from the center line of an intersection or driveway. In no case shall a curb cut be located within the radius return of an adjacent curb cut or intersection. Curb cuts shall be a minimum of fifteen (15') feet from the adjoining property line, **unless shared.**

Number of Curb Cuts Permitted	
Length of Street Frontage	Maximum Number of Curb Cuts
0-50 ft.	1
51-125 ft.	2
126-250 ft.	3
More than 250 ft.	4

(d) *Residential Subdivisions.* In the case of residential subdivisions, curb cuts shall be discouraged along arterial and collector streets. When necessary, curb cuts along arterial and collector streets shall be shared between two or more lots. Curb cuts along all streets shall be located a minimum of five feet (5') from the adjoining property line, **unless shared.**

(e) ***Variance.* In order to protect the ingress and egress access rights to a street of an abutting property owner, a variance to the curb cut minimums shall be granted by the Planning Commission to allow an ingress/egress curb cut at the safest functional location along the property. Such a curb cut may be required to be shared with an adjoining parcel if feasible. If a parcel**

on the corner of an arterial or collector street provides such short frontage along a major street that there is no safe ingress/egress functional location on that street, the Planning Commission may deny the curb cut or may limit such curb cut to ingress or egress only.

(2) *Speed.* All streets should be designed to discourage excessive speeds.

(G) *Non-conforming Access Features.*

(1) *Existing.* Permitted access connections in place on the date of the adoption of this ordinance that do not conform with the standards herein shall be designated as nonconforming features and shall be brought into compliance with the applicable standards under the following conditions:

(a) When new access connection permits are requested;

(b) Upon expansion or improvements greater than 50% of the assessed property value or gross floor area or volume;

(c) As roadway improvements allow.

(H) *Easements.* Utility and drainage easements shall be located along lot lines and/or street right-of-way where necessary to provide for utility lines and drainage. The Planning Commission may require larger easements for major utility lines, unusual terrain or drainage problems.

(I) *Residential lots.* The use and design of lots shall conform to the provisions of zoning where City zoning is in effect. When no City zoning applies, the following standards shall govern unless in conflict with more stringent city, county or state regulations:

(1) *Bulk and area regulations:*

	Planning Area
Lot area minimum	10,000 sq. ft.
Lot width minimum	75 ft.
Side setback	10 ft.
Front Setback	25 ft.
Rear setback	20 ft.
Frontage on improved street	75 ft.

(2) *Size.* The size and shape of the lots shall not be required to conform to any stipulated pattern, but insofar as practicable, side lot lines should be at right angles to straight street lines or radial to curved street lines. When a tract of land is subdivided into larger than normal lots, such lots shall be so arranged as to permit the logical location and opening of future streets and appropriate resubdivision of the lots, with provisions for adequate utility connections for such resubdivision.

(3) *Developments outside city developed to all inside the city standards.* If the City Council grants access to the City's sewer system pursuant to § 51.113 (C) and the owner/developer agrees to petition for annexation as soon as legally possible and develop the subdivision in accordance with all city development requirements including payment of all impact fees, the bulk and area requirements for this subdivision shall conform to those within the RSF-4 Zoning District rather than those within the planning area.

(Code 1965, App. C., Art. IV, §§C, D, F--H; Ord. No. 1750, 7-6-70; Ord. No. 1801, 6-21-71; Ord. No. 2196, 2-17-76; Ord. No. 2353, 7-5-77; Code 1991, §§159.45, 159.58, 159.51--159.53; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4757, 9-6-05; Ord. 4919, 9-05-06)

Cross reference(s)--Bonds and Guarantees, Ch. 158; Variances. Ch. 156; Notification and Public Hearings, Ch. 157.

Fayetteville
ARKANSAS

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

To: City Council, Mayor Dan Coody
From: Jeremy Pate, Director of Current Planning
Date: 27 July 2008
Subject: Porchscapes PZD – Solid Waste Service

Additional Condition of Approval:

Condition of approval #4 for the Porchscapes PZD requires a City Council determination of a waiver request from the Solid Waste regulations for this project. The applicant requests to utilize individual solid waste carts and recycling bins, a Residential Service, as opposed to the Commercial Service utilizing dumpster containers, as required by city codes. At the time of the publication of the agenda for the City Council, the applicant and Solid Waste had not yet agreed to a resolution regarding this matter. Since that time, however, both parties have agreed to a set of conditions that will maintain a safe and efficient operational environment for the Solid Waste Division and create the sense of home-ownership and neighborhood desired by the applicant.

Staff recommends that condition #4 be modified as follows, as recommended by Solid Waste staff:

4. City Council determination of a waiver from Solid Waste Department requirements (commercial service vs. residential service). *Chapter 50 of the City Code requires this development to utilize commercial (dumpster) services. The applicant is requesting residential service instead.* ~~*At this time the Solid Waste Department has determined that residential cart service is not feasible due to the narrow street widths within the development and that the vehicles may compromise the safety of the development. Solid Waste recommends either dumpster or compactor collection for trash. However, the applicant and Solid Waste staff continue to meet in an effort to find a compromise solution; new information will be presented to the City Council at the meeting.*~~

    a. The development should have identified areas on the plans that signify the locations set for trash cart and recycling bin collection. These areas cannot be set on the road. In order to determine the correct size of the pads please use the following as a guideline to develop appropriate size: The largest residential cart is 30 inches wide and we need approximately two feet between carts in order to service with the automated arms. Please plan on 54 inches for each cart and space for automated arm per cart set out. Also you will need to plan for stacking of recycling bins in each area but cannot place bins directly next to carts because of the automated arm collection. Automated recycling could occur in the future so extra space configured for recycling would be wise. Residents should put their bins in the same area as their carts as long as they do not put them directly next to the carts.

b. Any overhead obstacles or overhanging trees will not be permitted in areas set aside for Solid Waste and Recycling collection due to the automated arms.
c. On Plat no. 4, no. 5 and no. 6 provided, center intersection is too small to successfully negotiate curves. This area should be widened and trees reconfigured in order to access area.
d. Reinforced concrete should be used in crosswalk / sidewalk areas where trucks will travel to avoid damage due to weight of vehicles.
e. On plate no 15, turnaround should not be blocked at anytime for any reason including overflow parking. Also, sidewalk shown on westside should be reinforced concrete since truck movements show trucks will access a portion of the sidewalk.
f. Parking with this development will be of significant concern on collection days. There can be no on-street parking allowed due to tight roadways causing our vehicles to cross the center line in order to make turns.
g. Safety is a primary concern. The Solid Waste Division feels bringing large trash and recycling vehicles down into these tight areas is a safety concern for pedestrians, especially children, and vehicles and every effort should be made to widen areas and streets.

Recommendation:
Staff recommends the City Council find in favor of the waiver for residential solid waste service for this project, with the additional conditions as noted above.

Fayetteville
ARKANSAS

7-23-08

Chris Suneson
McClelland Consulting Engineers, Inc.
1810 N. College Avenue
Fayetteville, AR 72703

RE: Porchscapes Development / Solid Waste and Recycling Issues

Mr. Suneson,

Pursuant to the meeting we had last week with Katie Breshears, Ronnie Caudle and the both of us, Solid Waste staff have reviewed the truck movements you provided and have come up with the following requirements in order for our Division to successfully provide trash cart and recycling services to this development. The following should be considered mandatory in order for Solid Waste to sign off on the development:

1. The development should have identified areas on the plans that signify the locations set for trash cart and recycling bin collection. These areas cannot be set on the road. In order to determine the correct size of the pads please use the following as a guideline to develop appropriate size: The largest residential cart is 30 inches wide and we need approximately two feet between carts in order to service with the automated arms. Please plan on 54 inches for each cart and space for automated arm per cart set out. Also you will need to plan for stacking of recycling bins in each area but cannot place bins directly next to carts because of the automated arm collection. Automated recycling could occur in the future so extra space configured for recycling would be wise. Residents should put their bins in the same area as their carts as long as they do not put them directly next to the carts.
2. Any overhead obstacles or overhanging trees will not be permitted in areas set aside for Solid Waste and Recycling collection due to the automated arms.
3. On Plate no. 4, no. 5 and no. 6 provided, center intersection is too small to successfully negotiate curves. This area should be widened and trees reconfigured in order to access area.
4. Reinforced concrete should be used in crosswalk / sidewalk areas where trucks will travel to avoid damage due to weight of vehicles.
5. On plate no 15, turnaround should not be blocked at anytime for any reason including overflow parking. Also, sidewalk shown on westside should be reinforced concrete since truck movements show trucks will access a portion of the sidewalk.

6. Parking with this development will be of significant concern on collection days. There can be no on-street parking allowed due to tight roadways causing our vehicles to cross the center line in order to make turns.
7. Safety is a primary concern. The Solid Waste Division feels bringing large trash and recycling vehicles down into these tight areas is a safety concern for pedestrians, especially children, and vehicles and every effort should be made to widen areas and streets.

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Aldermen

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

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

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

Mayor Coody called the meeting to order.

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

ABSENT: Alderman Gray

Alderman Rhoads arrived at 6:05 PM.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Mayor Coody recognized the Spring International students. He welcomed them and asked them to stand and be recognized. He stated we appreciate you being here and we hope you enjoy America.

Presentations, Reports and Discussion Items:

1. **Van Scoyoc Presentation: Kevin Kelly**

   Kevin Kelly with Van Scoyoc a lobbying firm gave a presentation on acquiring Federal Funds. He also discussed the things that they have done for the City of Fayetteville in Washington.

   Alderman Ferrell: Do you know if there are other cities in Arkansas that employ advocates in Washington to help them with their money?
   Kevin Kelly: There are cities that so do. I could check and get a number back to you.

Alderman Ferrell: That would be interesting if you could do that.

Mayor Coody described a story that he read in the Business Journal.

Alderman Cook: We always get comments from citizens when we authorize money to keep you guys on board. Over a 30 day timeline what exactly does your agency do?

Kevin Kelly: At the beginning of the year you have to get your course materials together and that is what we do here. You have six or seven initiatives organized by the agencies of jurisdiction. What we will do is work with the department heads here. We will formulate the entire agenda accordingly. Then from there we will package those things together, get them edited and bring the Mayor up to speed. We will spend a whole day walking the halls of Congress trying to educate them. After that process happens we end up going through an iterative process where there are a whole series of forms.

Mr. Kelly gave an in depth description of what the Agency does.

Alderman Rhoads: How long have we employed Van Scoyoc?

Mayor Coody: 2005 I think is when we hired them.

Alderman Rhoads: We have debated getting a grant writer. Listening to your report and keeping track of what you have been doing over the last few years I really think that the return investment on the dollars that we spend with his firm is solid and will continue to get better.

Alderman Rhoads explained the benefits of using Van Scoyoc.

Mayor Coody gave examples of past experiences with Van Scoyoc. He stated staff appreciates his help and I think you have done a good job for us.

Kevin Kelly described other instances where their company has been a benefit to other states.

Mayor Coody: Thank you for coming this evening. We look forward to many happy returns when it comes earmark time.

2. Regional Ambulance Authority Executive Board Appointment Discussion

Mayor Coody: I understand that at the last Agenda Session the question came up about the appointments of the members of the board.

Alderman Cook: I remember when we voted on the resolution there was still a question at the end of that debate on how we were going to appoint those members. The resolution mentions that those are appointed by City Council. I would suggest a Nominating Committee meeting and ask for any possible appointees from other Council members. We can then bring a recommendation back to the City Council.

Mayor Coody: Every committee has a different process to nominate people. I wish there was one uniform method to do this. John Gibson asked me when I was going to make the appointments I asked Tony if he would stay on. I asked if he knew anybody that he would recommend and he was said Rick Johnson, who is a State employee, and is on the Ambulance Committee now. He said he did a good job from his perspective, so I just named him. If you guys take it to the Nominating Committee that is something that I don't have to worry about and I am glad for you to do it.

Alderman Cook: I'll get with Sondra and the members of the committee and we will work on a meeting time. I understand the County needs these appointments made quickly. We will try to schedule a meeting pretty quickly.

A discussion followed on the application process.

Alderman Cook: I don't think it needs to go through the application process because it is not really that kind of a process. We take names and debate on who we want to put on there. We will come up with a recommendation and at Council level we will debate it.

Mayor Coody: I hope you pick Tony because he has been very good.

Alderman Cook: I wouldn't argue with that.

Agenda Additions:

Consent:

Approval of the June 3, 2008 and June 17, 2008 City Council meeting minutes.

Approved

Bid 08-45 Benchmark Construction of NWA, Inc: A resolution to approve a bid and award a contract in the amount of $79,900.00 to Benchmark Construction of NWA, Inc. to construct a concrete pad for Solid Waste with a contingency of $7,290.00.

Resolution 132-08 as Recorded in the office of the City Clerk.

Bid 08-49 Deerskin Manufacturing, Inc: A resolution to award Bid 08-49 to Deerskin Manufacturing, Inc. to purchase a chassis mounted animal control body in the amount of $19,770.00 plus tax of $1,828.73 for a total of $21,598.73.

Resolution 133-08 as Recorded in the office of the City Clerk.

Police Department Policy Amendment: A resolution to approve an amendment to Fayetteville Police Department Policy 1.2.3.

Resolution 134-08 as Recorded in the office of the City Clerk.

Frisco Trail Art Sculpture Donation: A resolution to accept a donated metal art sculpture to be placed upon the Frisco Trail in honor of the Hoover Family.

Resolution 135-08 as Recorded in the office of the City Clerk.

McClelland Consulting Engineers, Inc. Amendment # 2: A resolution to approve Amendment # 2 to an agreement with McClelland Consulting Engineers, Inc. for engineering services for an additional year.

Resolution 136-08 as Recorded in the office of the City Clerk.

Arkansas Historic Preservation Program Grant: A resolution to approve a budget adjustment and a contract with the Arkansas Historic Preservation Program to receive a Certified Local Government Grant in the amount of $7,500 to provide travel and training funds for the Historic District Commission and Staff.

Resolution 137-08 as Recorded in the office of the City Clerk.

Arkansas Natural Resources Commission Grant: A resolution authorizing the Engineering Division to apply for a grant from the Arkansas Natural Resources Commission for water quality sampling, analysis and annual load determinations for TSS, nitrogen and phosphorus at the Mally Wagnon Road Bridge on the West Fork of the White River.

This resolution was removed from the Consent Agenda for discussion.

Alderman Jordan moved to approve the Consent Agenda as read with Item #8 Arkansas Natural Resources Commission Grant removed for discuss. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

Alderman Allen: I just wondered what the Police Department Policy amendment was.

City Attorney Kit Williams: It's in your agenda. I can read the resolution if you would like me to.

Mayor Coody: Yes, would you please.

Alderman Allen: I just thought the folks might want to know what that was.

City Attorney Kit Williams read the resolution.

Alderman Allen: A very important amendment to be added.

City Attorney Kit Williams: It amends the current policy but we already had a policy in place to do this. There has been a change in State Law and we needed to change the policy to be in conformance with the State Law.

Mayor Coody: We just changed the language but the intent was the same.

The following resolution was removed from the Consent Agenda for discussion.

Arkansas Natural Resources Commission Grant: A resolution authorizing the Engineering Division to apply for a grant from the Arkansas Natural Resources Commission for water quality sampling, analysis and annual load determinations for TSS, nitrogen and phosphorus at the Mally Wagnon Road Bridge on the West Fork of the White River.

Mayor Coody: Would you like me to go ahead and read it?

City Attorney Kit Williams: I thought you would just read the new one that just says we are not only going to apply for the grant but we are going to accept the grant.

Mayor Coody read the amended resolution.

City Attorney Kit Williams: And approve a budget adjustment recognizing the grant revenue. We need a motion to amend the current one that is before you to this particular resolution.

Alderman Jordan moved to amend the resolution to state apply and accept. Alderman Thiel seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

Alderman Jordan moved to approve the resolution. Alderman Thiel seconded the motion. Upon roll call the resolution passed 7-0. Alderman Gray was absent.

Resolution 138-08 as Recorded in the office of the City Clerk.

Unfinished Business:

Hiring Freeze: Hiring Freeze Appeals: **None**

Boardwalk Property Owners Association: An ordinance waiving the requirements of formal competitive bidding and approving a cost-share with the Boardwalk Property Owners Association (POA) in an amount not to exceed $69,674.00 to dredge the Boardwalk POA pond. ***This ordinance was left on the First Reading at the August 7, 2007 City Council meeting. This ordinance was left on the Second Reading at the August 23, 2007 City Council meeting. This ordinance was left on the Second Reading at the September 4, 2007 City Council meeting and Tabled to the October 2, 2007 City Council meeting. This ordinance was tabled indefinitely at the October 2, 2007 City Council meeting. This ordinance was left on the Second Reading.***

City Attorney Kit Williams: The City Council approved by resolution that all things that would be indefinitely tabled would be deemed denied on December 31st of each year except for a few resolutions and this was one of them. It was tabled until this meeting so it's now off the table. I think Alderman Thiel had some comments.

Alderman Thiel: I think Ron did too.

Ron Petrie, City Engineer: I have been in contact with the POA President and they respectfully request that we table it for two months. They are looking at the construction cost numbers. Those numbers are old and they would not apply. They are also looking at their level of commitment to the project as well. They thought two months would be a sufficient time to address those two issues.

Alderman Thiel moved to table the ordinance for two months. Alderman Jordan seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

This ordinance was left on the Second Reading and Tabled to the September 2, 2008 City Council meeting.

Northwest Arkansas Regional Mobility Authority: An ordinance providing for Fayetteville's participation in the Northwest Arkansas Regional Mobility Authority and approving an agreement with participating members of the Northwest Arkansas Regional Mobility Authority. ***This ordinance was left on the Second Reading at the June 17, 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 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

Mayor Coody: We have some folks here to see us tonight, Scott Van Laningham and Mike Malone. Does the Council have any questions on the Regional Mobility Authority discussion?

Lioneld Jordan: That was shown at the Ward 4 Meeting last night and it was a great presentation with a lot of great feedback. I really appreciate you all coming and doing that.

Scott Van Laningham: We appreciate the opportunity. If these projects are going to come to fruition we are going to have to have educational sessions just like that with folks all over these two counties to present the program and the process. We also thought it was a good discussion.

Alderman Cook: People were asking about the taxation, where you have projects that cross multiple counties in this case. How is that going to work if one county supported it and another county didn't support it as far as how the funding for the project would work?

Mike Malone, with the Northwest Arkansas Council: Under the Arkansas Constitution sales tax funds raised in one particular county have to be spent in that county. So even though this would be a two county regional mobility authority if sales taxes are a part of funding any of these projects those funds would remain within the county in which they were generated. It really is going to depend on the projects. It's going to be the RMA Board that decides which projects get worked on.

Scott Van Laningham: The only thing I would add to that is it's important to remember that the Regional Mobility Board is going to be made up of either the mayor's of cities of the First Class or their designees who serve at the pleasure of those mayor's.

Alderman Cook: Imminent domain always comes up and how that is going to be handled. Basically the project, to move forward, is going to get support through all the voters. It's a political process so people will know as they move forward where imminent domain could take place. To follow up on that is at that point we will know what routes we will be at that point so imminent domain won't be something illusive out there.

Scott Van Laningham: Yes. Two things to stress, the Regional Mobility Authority will be a public entity subject to the freedom of information. From my experience with the Airport I can tell you that, our instructions from the Airport Authority Board, were that imminent domain was always the last resort and never the first resort.

Mayor Coody: We all know that the cost of building highways is sky rocketing due to the cost of cement, etc. We are collecting less money to build much more expensive roads, which is the wrong way to try to get something done. From the RMA's Board position, this new world that we are facing right now where the days of one person, one car, and driving as far as you want are coming to an end. Will the RMA take a look at mass transit, even though we don't have the population densities yet, with this new thing going on in society, are we going to look at doing different things than just roads?

Scott Van Laningham: It's hard to speak for a board that has not yet been created. I will tell you that mass transit has to be a part of the package that is looked at. It has to be evaluated. There are a lot of smaller steps that we could be looking at right now.

Mike Malone: In addition to the park and ride and other examples that Scott gave, HOV lanes are something that the RMA Board would be able to consider as it looks at transportation projects.

Alderman Ferrell: How soon do you think the first meeting will be?

Mike Malone: All 13 First Class Cities in two counties are eligible to join. We want to make sure that all of the cities have had a chance to meet and consider it before scheduling a board meeting. We think all the cities will have had a council meeting and have taken this up by the end of July. In August, I would think if it works with the schedule of the board members.

Scott Van Laningham: We really think that first meeting is going to need to be an educational session bringing them up to speed on these projects and where they are at.

Alderman Cook: Once a board is formed are they self sufficient at that point?

Scott Van Laningham: Regional Planning has been involved and they have offered support and office space. That would be a perfect place to house the Regional Mobility Authority. What the council has offered is Mike Malone as staff support for that process so there won't be an expenditure or a request for an expenditure to pick up the cost.

Alderman Cook: You had a chart that outlined some of the ideas that are potentially on the table. I assume that Regional Planning is in lock step with that?

Scott Van Laningham: Yes. It's also important to remember the statute requires that any RMA project has to be consistent with the long range plan. Regional Planning has to be a part of this.

Alderman Jordan: Last night we discussed a lot of the same questions you are asking. It was very good last night.

Alderman Allen: Thank you for your time last night.

Alderman Lucas: I want to thank Scott Van Laningham and Jeff Hawkins for coming to the Ward 4 meeting. It was great and there was a lot of information. One thing people need to understand is that by virtue, the Washington County Quorum Court voting in as part of the Authority, that the citizens of Fayetteville are in and whether we vote up or down tonight they will be part of this. Whatever the Board of Directors decides the citizens of Fayetteville will be affected by it as a result of the vote of the Quorum Court. What we are voting on tonight is just a representative on the board which I think is very important. I think it is also important that the citizens of Fayetteville get as educated as possible about this.

Alderman Thiel: I think it is important for the public to understand that it is important that the City of Fayetteville is a part of this. It's critical that we have the input. We need to have our voice representing our citizens on this authority. I certainly support that we move forward with this.

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

Ordinance 5150 as Recorded in the office of the City Clerk
New Business:

VAC 08-2916 (Hill Place): An ordinance approving VAC 08-2916 submitted by Appian Centre for Design for property located at the southwest corner of 6th Street and Hill Avenue intersection, to vacate various utility easements and rights-of-way, within the subject property.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Current Planning gave a brief description of the item. He also listed the conditions of approval. He stated staff and Planning Commission recommended approval of this ordinance.

Alderman Lucas: It says the corner of Sixth Street and Hill Avenue intersection. I didn't think that was part of the project.

Jeremy Pate: There is actually one lot that is not part of it at the very corner of the intersection and it surrounds both sides of that lot.

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

City Attorney Kit Williams read the ordinance.

Alderman Thiel moved to suspend the rules and go to the third and final reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5151 as Recorded in the office of the City Clerk

RZN 08-2971 (Walker Park Neighborhood): An ordinance rezoning that property described in rezoning petition RZN 08-2971, for approximately 304.3 acres, bounded by Archibald Yell Boulevard, Huntsville Road, Morningside Drive, 15th Street and South School Avenue from RMF-24, Residential Multi-family, 24 units per acre, C-2, Thoroughfare Commercial, and P-1, Institutional to NC, Neighborhood Conservation, DG, Downtown General, RMF-18, Residential Multi-family, 18 units per acre, and MSC, Main Street Center.

City Attorney Kit Williams read the ordinance.

Karen Minkel, Director of Long Range Planning gave a brief description of the ordinance. I passed out a modified Exhibit A. That was at Alderman Thiel's request and deals with property on South School. It is a parcel where there is split zoning currently with commercial in the front and industrial in the back. The current use conforms with that zoning. The compromise is to maintain that split zoning but make it Downtown General at the front part of the parcel, which would make the current use conforming, and also be in line with what we are envisioning in this master plan.

Alderman Thiel: I intend on making that an amendment because that would satisfy the people I have heard from on that side. I am really concerned about that commercial corridor because there are well established businesses there. The amendment, regarding waiving the fee for a conditional use application, I think that would satisfy the property owners on the other side regarding them being nonconforming. Six months is what we kind of thought was a fair amount of time for them to get the applications in and the fees waived on that process?

Kit Williams: Six months would be fine with me.

Alderman Thiel: If for some reason someone doesn't get one in under the wire we could come back and ask.

Kit Williams: I would suggest we do that by separate ordinance that we could consider at the next meeting rather than trying to amend this one and put a conditional use in there as part of the UDC.

Alderman Thiel: We can make this adjustment because that is part of it.

City Attorney Kit Williams: Yes, the adjustment of the map, certainly. I was just thinking that the UDC doesn't need a six month moratorium on fees for a conditional use to be a part of it. That is a permanent document like this will be. I will draft that up and try to get it on the agenda for the 15th.

Alderman Thiel: I would appreciate that if you would go ahead and do that. As far as the other recommendation, I am not willing to follow through on that one. I heard from someone that lives on Wood and I would like to go ahead and make that part of my amendment to the map. To include that in Downtown General. That is what she wanted right?

Karen Minkel: That is correct.

Alderman Thiel: I am a little confused about Tony Wappell's concerns. Do you understand that?

Karen Minkel pointed out on the map the area of discussion.

Originally we had proposed neighborhood conservation for that particular block. The owner of those properties, Steve Winkler, came to a Planning Commission meeting and wanted them to remain either multi-family or be zoned Downtown General. The rational in changing it to the Downtown General, is that particular block, would certainly benefit from revitalization. He would agree with that and that was intent as some point in the future. The zoning districts around it are compatible with Downtown General. It is one of those instances where Neighborhood Conservation would also be compatible. I think that is the issue that has been brought forward that Mr. Wappell has concerns about. He owns property to the west on South Street.

Alderman Ferrell: Brenda, when you said you weren't going to go forward with the other recommendation were you talking about Commissioner Trumbo's concern about allowing a multi use as a conditional use in the neighborhood conservation?

Alderman Thiel: Yeah. I have asked Kit to draft up something about the waiving the fee on conditional use. I have a commercial property owner that will accept this if that is done.

Alderman Ferrell: For nonconforming?

Alderman Thiel: No, a conditional use. In other words they will be nonconforming. I have not been asked to do what Mr. Trumbo wants.

City Attorney Kit Williams: I think both of those are really separate issues from this whole general plan. The individual parcels that Alderman Thiel was talking about changing the map that should be done tonight.

Alderman Ferrell: Is there a downside to allowing the conditional use? They have to come before the Planning Commission to receive a conditional use.

City Attorney Kit Williams: Yes. Someone might prefer not to have to do anything. The compromise that the Planning Commission and Alderman Thiel suggested, that they would waive the permit fees to do that conditional use request for a six month period.

Alderman Ferrell: Karen I would like to visit with you on this multi family.

Alderman Thiel moved to amend the ordinance to the Modified Exhibit A and to leave 636 S Wood as Downtown General. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

Tony Wappell, resident of 11 East South Street voiced his concerns about the ordinance. He stated it is very narrow and making that denser is going to cause more problems, until the street is widened to conform to allow for more dense housing. I am all for revitalization but I think right now that making it denser is not a good idea.

Alderman Thiel: It was your understanding that that was going to remain Neighborhood Conservation?

Tony Wappel: Yes. I looked online and the June 9th map still had it as neighborhood conservation. Then I got the postcard that said that is was Downtown General.

Alderman Thiel: So that got changed as Karen said. I am reluctant to do anything about that tonight. Between now and the next meeting maybe we can hear from more people.

Aubrey Shepherd, a citizen stated so many people did not attend those charettes. He stated we need to meet with the people who live there now to find out more about it in many cases. What we allow up stream can affect those folks down there. He expressed his concerns with the ordinance and the lack of people that attended the meetings.

Alderman Lucas: What was South Street originally?

Karen Minkel: It was originally Neighborhood Conservation. The property owner who owns all four parcels came to the June 9th Planning Commission meeting and requested that it be changed to Downtown General. His comments are in your minutes.

Randy Nicks, a resident of South College Street spoke in favor of the overall plan. There are going to be individual issues. It is good to be a part of a community that has allowed those of us that are interested to come to meetings, to speak, and have our input. I am glad steps are being taken to insure the integrity that is there. Affordable housing is very difficult to find. If we can continue to bring stability and integrity to neighborhoods that have this kind of potential for affordable housing for working people it will continue to increase the overall integrity of our community. We are glad these ideas have come this far and we look forward to hear what the next steps will be.

Alderman Thiel: I attended most of the meetings and I thought they were well attended. You don't get everyone that lives there or owns property there to participate. I am excited and want this to move forward because currently a large part of this property is zoned far too dense and it is on a watershed. I am supportive of it. I think we should leave it at this reading and possibly straighten out that issue. At the next meeting we can add the conditional use fee waiver ordinance.

Mayor Coody complimented the staff on their hard work. He stated we won't see the results of this for 30 years. Good cities make great neighborhoods and great neighborhoods make great cities so this is going to be something that over time we will be a better town.

This ordinance was left on the First Reading.

Arkansas Department of Aeronautics Grant: A resolution authorizing the Fayetteville Executive Airport staff to apply for a grant in the amount of $68,235.00 from the Arkansas Department of Aeronautics to fund an Airfield Security Project.
Alderman moved to approve the resolution. Alderman seconded the motion. Upon roll call the resolution passed 7-0. Alderman Gray was absent.

Paul Becker, Finance and Internal Services Director: There is no available fund balance but there is cash on hand, if we subtract the liability that is owed to ourselves, which will be paid back over time. Under normal circumstances I would not recommend anything of this nature or an increase in the budget if there was not an available fund balance.

Mayor Coody: The airport has $600,000 in the bank and they owe us $700,000, but that debt is being repaid to us by leasing hangars out there. If you look at the debt and the assets that do not have any money but if you look at the fact that the hangars are paying back the debt then you can look at it like there is some working cash out there.

Alderman Jordan: In other words you are bringing in revenue to cover whatever the debt would be.

Mayor Coody: Correct.

Paul Becker: On a traditional analysis this normally wouldn't be something to consider. I felt that something that was important to transmit to the Council.

Alderman Ferrell: How do you see the trajectory of the funding at the airport?

Paul Becker: My analysis at this point would be that right now they are holding their own on an operating basis year to year. There is a concern of long term, about the replacement of fixed assets, because we are not covering historical thoughts. We are not covering depreciation. There is going to be a concern long term about the replacement of assets over time. So far that has been addressed through federal grants. You can't always count on that. The long term viability of the airport is something that should be a concern to everybody.

Alderman Ferrell: Is that something that you could make some recommendations on? That's our Airport and we want to keep it but we have to also ensure the fiscal integrity of it

Paul Becker: I would recommend that the airport really be looked at and you consider what you want the airport to be in long term. Can it be scaled down, what is the availability of federal grants, and how we are going to fund those long term liabilities.

Mayor Coody: Right now all the airports are struggling because of the price of jet fuel. Ray and everybody are doing everything they can. We have to count on forces outside of Fayetteville to help us keep it going.

Alderman Ferrell: Is there any linkage between the possibilities of some of the property down there for development, perhaps that happening and some revenue flowing to the airport?

Paul Becker: Sure, that is a possibility.

James Nicholson, Financial Coordinator for the Airport: Before we can commit any airport funds to this project the grant has to be approved by the state. Second of all we need to put out a request for proposals on this project. When the contractor provides us with the project in its full scale that will come before you as well and at that time if you feel like this project is not valuable then you can stop it then

City Attorney Kit Williams: I was very concerned when we lost the commercial business at the airport. That was our nest egg. At first I thought we should hold onto that as long as we can and not spend money but I think Ray had a better idea when he got on board and started developing the Airport and building a lot more hangars. I think we are the rare exception of general aviation airports where the City of Fayetteville has not had to subsize that airport in many years. That is not the norm nationwide, so there might come a time, where some City Council is going to decide, whether they want to maintain the economic benefits of that airport by investing in it.

James Nicholson: Because of all the redevelopment that we have done at the airport since the airlines left ten years ago, this year for the first time in ten years, our revenue over expense for the first half of the year in the operational part of the budget is in the black. That is something to be proud of.

Mayor Coody complimented them on the good job they have done. I have not seen anyone bring in grant money like Ray can. We appreciate that very much.

James Nicholson: I would not say we are self sufficient yet but we have worked very hard to aim in that direction. I think we have been fairly successful at it.

Alderman Thiel also complimented Ray Boudreaux on the good job he has done at the Airport.

Mayor Coody also gave credit to the Airport Board for their efforts.

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

Resolution 139-08 as Recorded in the office of the City Clerk.

Ruskin Heights - Amend Ordinance No. 4994: An ordinance to amend Ordinance No. 4994, Condition of Approval No. 1 of Ruskin Heights R-PZD 06-2299 regarding street improvements.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the amended ordinance.

The applicants went through with construction plans and submitted the traffic analysis to the Highway Department. In May there was a letter received from the AHTD which stated they would not permit the improvements that were not in front of the project, which includes the curb and gutter and the widening of Highway 45. Staff is recommending money in lieu of those improvements that are not adjacent to this project site but what we consider off site improvements. The Greenview Drive improvements would still remain as they were recommended. The commitment to the traffic signal would remain. What would change is an assessment for the improvements west and east of the project.

Jeremy went over the assessments and conditions of approval.

Alderman Thiel: My understanding was that the turn lanes would still have to be built onto Greenview?

Jeremy Pate: The Highway Department at this point in time is not permitting any of those other improvements.

Alderman Thiel: They are just not allowing that to happen?

Jeremy Pate: They utilize a system of warrants. We discussed this before at Council meetings.

Alderman Thiel: I understand that but that is one thing they are saying they can't do right now.

Jeremy Pate: That is correct.

Alderman Thiel: I was under the impression that the turn lane was going to be added but the three lane was not.

Jeremy Pate: They studied several intersections along this area with a traffic study and presented those findings. None of those met the warrants for turn lanes at this time for the Highway Department and their policies to actually be able to approve those improvements.

Alderman Thiel: It's not warranted so that means they legally cannot do it?

Jeremy Pate: That is correct. The Highway Department has to permit any improvements to their road. This is their highway.

He went on to give an explanation of the improvements.

Alderman Thiel: Who assessed the value of what we are accepting.

Jeremy Pate: A detailed cost estimate was submitted to our City Engineering office and as normal we require them to look over those assessments. They typically look at the most recent completed construction cost and assess those accordingly.

Alderman Thiel: Is there another letter that follows up about the section I was talking about?

Jeremy Pate: This would be referring to both of those sections, anything outside the scope of the improvements directly adjacent to this property.

Alderman Thiel: It is not forbidding that they go ahead and make a turn lane there; it is just forbidding the curb and gutter.

Jeremy Pate: The traffic study on page 15 included five different intersections that they studied to determine if a turn lane would be warranted. The traffic study evaluated those turning movements and utilizing Highway Department criteria to determine if they would meet those warrants for a turn lane. It would not meet those warrants in any of those five intersections.

Alderman Thiel: Greenview is supposed to be improved before they started utilizing it for construction and they are utilizing it now. Is that not how it was stated in the PZD?

Jeremy Pate: Greenview Drive was to be improved once the actual street was constructed out and that phase was constructed.

Alderman Thiel: What phase?

Jeremy Pate: I believe it is phase 5 or phase 6.

Alderman Thiel: The very last phase?

Jeremy Pate: Yes.

Alderman Thiel: So Greenview wasn't supposed to be redone until then?

Jeremy Pate: That is correct. When residents of Ruskin Heights actually begin utilizing that street the improvements will have to be completed.

Joann Kvamme, a resident of Greenview Drive: I was disappointed that none of the neighbors knew about any of the changes. I feel Ruskin Heights is back peddling on some of the concessions that were given to the neighbors. Obviously they can't do things the Highway Department doesn't allow.

She voiced several concerns about the project.

Mayor Coody: Jeremy would you address Joann's concerns on Greenview?

Jeremy Pate: The conditions she referenced are exactly what she states, at the time of connection with Greenview Drive, those improvements would occur to Greenview Drive. I have been assured by the engineers that it can occur within the existing right of way for that assurance.

Joann Kvamme: How larger is the right of way on Greenview?

Ron Petrie, City Engineer: My understanding is there is enough right of way to do the street widening and a sidewalk. You will have to reduce your green space.

Mayor Coody: Between the sidewalk and the curb?

Ron Petrie: Yes sir. But the sidewalk and the street widening will fit. This developer does not have the capability of requiring right of way. That is the issue, when we put an item on the developer that more than likely he will be unable to achieve.

Joann Kvamme: My question is, if we start having money given to the City in lieu of doing things that we have been promised, where does the money come from to do our project.

Mayor Coody: The money is held in an account specific to that job and it won't be spent on anything except that job. We wouldn't spend it on something else. It is earmarked specifically for that purpose.

Joann Kvamme: That helps. I am still concerned about changing the wording that it has to be in the right of way. At least half of the area that is affected would mean that Ruskin would have to move onto their own property for a few extra feet.

Alderman Thiel: Actually if you look at the map there is a big chunk that is not theirs.

City Attorney Kit Williams: Anything that is their property, we are going to require them to dedicate sufficient right of way. They won't be able to use less of their property. This is only when it is abutting someone else's property that the City doesn't already have enough right of way for the full normal street, so the green space might have to be reduced as the City Engineer said.

Joann Kvamme: I just worry because the street is very narrow and I can't imagine how it's going to work.

Mayor Coody: Ron, do you have any input on that median on Greenview?

Ron Petrie: That was an item that was decided by the Council to be a right in and right out at Greenview to prevent people from going south on Greenview from the subdivision. It is a very narrow dimension, but large enough to prevent a car from making that movement.

Joann Kvamme: They have used that as a road all this time and it is really unfair to the people that live on Greenview. We were also surprised at the scope of work. I would thank you for keeping on top of this.

Don Conner, a citizen spoke against the ordinance.

We fought against this project on the density and traffic considerations. Community by Design assured us and the Council that they had all the permits in place, everything except for the traffic signal warrant. We were also assured that we would be notified of any major changes in this PZD. Brenda worked long and hard to get the concessions that we got on this PZD and we really don't want to see any of them go away.

Cynthia Parker, resident of 1680 East Shadow Ridge stated I am against the amendment to the ordinance also. She said she would like to see the improvements to Greenview completed. She also voiced her concern with the traffic.

Mayor Coody: The sidewalk is going to be going from Greenview over to the eastern side of their property is that right?

Jeremy Pate: There are two properties that do not have sidewalks in front of them. That would all occur prior to the final plat of this phase. The sidewalks adjacent to the property will be constructed when the buildings are constructed, which is pretty typical. The challenge on the western portion between this site and Greenview is the right of way and the drainage ditch. We have recommended money in lieu of improvements there so that when this project does develop or a future project that develops there that can be put on top of the storm drain once that is constructed. We are not recommending that the short section between Greenview and this property at this time. We are just recommending an assessment in lieu of that.

Caroline Cameron, a resident of Viewpoint: The first thing Ruskin Heights did was connect to Greenview. So, if they are suppose to make those improvements, when they connect to Greenview then I feel they need to go ahead and do that. I would like to see the improvements to Highway 45 but if the State says you can't do it, I guess your hands are tied.

Mayor Coody: We would live to see those improvements on Highway 45.

Pamela Conner, resident of 1686 Shadowridge: It has truly been a nightmare living there. This project is ruining our homes. Now to think that the things we did get, and were suppose to happen, are not going to happen, is a major slap in the face. I would urge you to make them do what they said they would do or come to some other compromise. We can't continue building houses here without a way for people to access back and forth.

Mayor Coody: If the big issue is Greenview, what can we have them do to complete their obligations?

Jeremy Pate: The improvements to Greenview Drive were tied to when the traffic from the development was generating onto Greenview Drive. They are utilizing Greenview Drive and an entrance to Mission as a construction entrance.

Alderman Thiel: They were not going to use Greenview, I remember that. They were going to build their own drive.

Jeremy Pate: I don't recall a discussion about where the construction entrance was going to be.

Alderman Thiel: Well three of us do. We need to fix that before I can approve this.

City Attorney Kit Williams: We need to put things like that in the conditions of approval. It is not a condition of approval for them to do that. We have in other cases restricted construction traffic. I don't remember this being a condition of approval so it is not something that we can enforce.

Alderman Thiel: It will factor into how I vote on this.

Mayor Coody: Do we have any alternatives Kit that we can think of where we might be able to accomplish the goal that has been stated with this?

Kit Williams: I am stumped right now.

Alderman Thiel: I would like to leave this on this reading. There have been so many complaints and concerns about this project and how it is being done. I understand the Highway Department not allowing them to widen it but I would like to think about this a little bit before I support this.

Mayor Coody: On these warrants for putting in the turn lanes, is there a chance that I could appeal to Joe Shipman to change his mind on this. We all know those turn lanes are needed on Mission Boulevard.

Ron Petrie: I really have no idea. They are generally a black and white organization. It meets it and you get the approval to do it. It would be very hard to convince them.

Mayor Coody: Would you happen to know what the number that they need to meet is versus what is actually out there right now?

Ron Petrie: No, I would have to do a study to get that exact information. The level of service is what we have now. It is saying the same level of service before and after.

Mayor Coody: So it is like Lowe's where they said we couldn't put up the traffic signal until Lowe's was built. After that it generated enough traffic.

Joann Kvamme: It did say that one of the conditions was the improvements. It said the improvements on Greenview had to be made before that was a road and it has been a road. That is a real issue.

Alderman Thiel: It's a construction entrance and so it's not really a road.

Joann Kvamme: It's a road.

Mayor Coody: Ron, we might visit with them about what they can do to resolve this issue because obviously it is a concern.

Alderman Thiel: I hope we can get something worked out before the next meeting.

Mayor Coody: Ron is going to be talking with them and we will see if we can't bring them to the table.

Alderman Thiel: At least to Greenview. I know we can't change Mission.

Mayor Coody: I want to talk to the Highway Department. I think it is important that at least we try it.

This ordinance was left on the First Reading.

Meeting adjourned at 8:20 PM

Dan Coody, Mayor

Sondra E. Smith, City Clerk/Treasurer

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Aldermen

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

City of Fayetteville Arkansas
City Council Meeting Minutes
July 15, 2008

A meeting of the Fayetteville City Council was held on July 15, 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, Jordan, Mayor Coody, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Lucas

Pledge of Allegiance.

Mayor's Announcements, Proclamations and Recognitions:

Mayor Coody welcomed and introduced guests from France whom are descendants of General LaFayette and presented them with a plaque.

Sabine Renault-Sabloniere: Thank you very much. I am very happy by your welcome here in Fayetteville. I think LaFayette was a visionary and Mayor Coody is a visionary too. I am very happy to be here with you. It is a great honor.

Mayor Coody welcomed the Spring International students. We appreciate you being here and we hope you enjoy your visit to Fayetteville and America.

Presentations, Reports and Discussion Items: None

Agenda Additions: None

Consent:

Bid #08-04 Ameripride Services Inc: A resolution awarding Bid #08-04 and approving a five-year contract with Ameripride Services, Inc. to supply rental uniforms for various city divisions.

Resolution 140-08 as Recorded in the office of the City Clerk.

Bid #08-32 Williams Tractor: A resolution awarding Bid #08-32 and approving the purchase of four (4) 4WD tractor backhoes from Williams Tractor in the amount of $227,976.00 for use by the Water & Sewer and Transportation Divisions.

Resolution 141-08 as Recorded in the office of the City Clerk.

Bid #08-52 Truck Centers of Arkansas: A resolution awarding Bid #08-52 and approving the purchase of one (1) Truck-Mounted Sewer Jetter from Truck Centers of Arkansas in the amount of $154,458.00 for use by the Water & Sewer Division.

Resolution 142-08 as Recorded in the office of the City Clerk.

Stephens, Inc. Contract: A resolution approving the renewal of the contract with Stephens, Inc. as amended to act as the City of Fayetteville's benefits broker and advisor.

Resolution 143-08 as Recorded in the office of the City Clerk.

Ozarks Electric Cooperative Corporation: A resolution to approve three contracts for interconnection with Ozarks Electric Cooperative Corporation to allow the City's generators to synchronize and connect with Ozarks Electric's power grid.

Resolution 144-08 as Recorded in the office of the City Clerk.

Walker Park Neighborhood Master Plan Fee: A resolution to waive the fee normally required for a conditional use permit for property owners adversely affected by the Walker Park Neighborhood Master Plan rezonings.

Resolution 145-08 as Recorded in the office of the City Clerk.

Carter and Burgess, Inc: A resolution to approve Supplemental Agreement No. 1 to the contract with Carter & Burgess, Inc. for engineering services for the Fayetteville Expressway Economic Development Corridor Project in the amount of $700,215.31 and approving a budget adjustment in the amount of $560,173.00.

Resolution 146-08 as Recorded in the office of the City Clerk.

Alderman Jordan moved to approve the Consent Agenda as read. Alderman Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman Lucas was absent.

<u>Unfinished Business:</u>

Hiring Freeze Appeals:

<u>One Building Services Manager</u>

Hiring Freeze: A resolution to approve the hiring of a Building Services Manager replacement employee.

Gary Dumas, Operations Director: This position has two primary responsibilities. The first one is the oversight of the Building Maintenance Division. There are 14.5 employees and 64 buildings that they maintain. They provide janitorial services to 15 of these buildings. The second portion of that job is project management. We would like to request the ability to refill this position.

Alderman Thiel had questions regarding the salary of this position and if it would be more cost efficient if the City only hired a project manager when needed or hired one person for both.

Gary Dumas: I think it is more efficient and more fiscally responsible to have the project manager position in house if we can.

Alderman Thiel: I am not arguing the need for a project manager. I think that is critical.

Gary Dumas: I think it is more efficient if we can have that service internally and combine it with other activities also. You are going to pay $50,000 for the Building Maintenance Supervisor and then whatever the cost of the project manager is on top of that, which would be well more than $25,000 a year.

Alderman Ferrell: Does the current position have exempt employees reporting to him and if so, how many.

Gary Dumas: If there are exempt employees reporting to this position it is probably only one. I will verify that.

Alderman Ferrell: When will we start on the Courts Building project?

Mayor Coody: We are fine tuning all the details with the architect and purchasing.

Paul Becker, Financial Director: We would like to have a project manager look at the final proposal before we go out to bid. We are probably three to four weeks away from going out to bid once we get a project manager on board. We would like to see a project manager look at the specs and insure that everything is complete.

A discussion followed on the Court building and the time frame to complete the building.

Fire Chief Tony Johnson: It saves a considerable amount of money to have a person in that position. This position not only is the city's construction manager but they play a role in maintaining the buildings.

Alderman Thiel: I feel that is a good explanation.

A discussion followed on projected upcoming projects.

Alderman Thiel moved to approve one Building Services Manager position. Alderman Gray seconded the motion. Upon roll call the resolution passed 7-0. Alderman Lucas was absent.

Resolution 147-08 as Recorded in the office of the City Clerk.

Amend Chapters 151, 152 and 166: 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. ***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 ordinance was tabled at the May 20, 2008 City Council meeting to the June 17, 2008 City Council meeting. This ordinance was left on the Third Reading and then tabled at the June 17, 2008 City Council meeting to the July 15, 2008 City Council meeting.***

David Jurgens, Water and Wastewater Director: In reviewing the white paper that we discussed at the Water and Sewer Committee, and the changes within this ordinance, and in talking to Kit, it looks like the only tweak that we would have to make to the ordinance that was proposed is to add on 166.03 (i), subparagraph 3, the phrase, "unless expressly permitted by resolution of the City Council." We also had some discussion relating to impact fees but in that discussion with Kit he said that needed to say within the impact fee ordinance that we are in the process of modifying. The only change to this would add in the caveat that the City Council has the authority by resolution to make an exception to the prohibition on decentralized sewers within the city limits.

Kit Williams, City Attorney: It would have to be authorized by City Council resolution. If somebody wanted to build one, they would have to come and get a resolution from the City Council in order to authorize a decentralized sewage system within the city limits.

Alderman Ferrell moved to amend the ordinance. Alderman Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman Lucas was absent.

Alderman Cook: I am adamantly opposed to the decentralized systems in Fayetteville. I can see that there are certain circumstances where we might allow that. I would hope those would be few and far between. I am usually opposed to expanding our sewer system outside the city limits. We had issues with that before. In this cause I will probably support this.

Mayor Coody: I agree with what you said.

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

Ordinance 5152 as Recorded in the office of the City Clerk.

RZN 08-2971 (Walker Park Neighborhood): An ordinance rezoning that property described in rezoning petition RZN 08-2971, for approximately 304.3 acres, bounded by Archibald Yell Boulevard, Huntsville Road, Morningside Drive, 15th Street and South School Avenue from

RMF-24, Residential Multi-family, 24 units per acre, C-2, Thoroughfare Commercial, and P-1, Institutional to NC, Neighborhood Conservation, DG, Downtown General, RMF-18, Residential Multi-family, 18 units per acre, and MSC, Main Street Center. ***This ordinance was left on the First Reading at the July 1, 2008 City Council meeting.***

Alderman Gray moved to suspend the rules and go to the second reading. Alderman Thiel seconded the motion. Upon roll call the motion passed 7-0. Alderman Lucas was absent.

City Attorney Kit Williams read the ordinance.

Karen Minkel, Director of Long Range Planning: Exhibit A that was passed out reflects the amendment that the City Council made to the map two weeks ago, which was to the Ashworth property on Wood Avenue and Sixth Street. That was Neighborhood Conservation and the Council amended the map to show it as Downtown General. The second map that was passed out that is entitled July 15, 2008 modified, that was at the request of Alderman Thiel. It shows the block on South Street that is Downtown General on Exhibit A as Neighborhood Conservation. When a property owner comes forward and requests something different, from what we had in the proposed zoning map, we look at the overall integrity of the plan and if there is a way that we could accommodate the property owner and still maintain the integrity of the plan, then we support that change. Mr. Winkler came forward, he is the owner of the four parcels on South Street, it was initially shown as Neighborhood Conservation, and he requested that it be changed to Downtown General. Staff looked at the surrounding zoning districts. Across the street is Downtown General and Residential Office and to the east is Downtown General. It was an instance where Neighborhood Conservation would be appropriate and Downtown General could also be appropriate. Staff supported the change to Downtown General which the Planning Commission passed at their last meeting.

Alderman Ferrell: That would resolve the letter that we received? That is what they were requesting, to go to Downtown General from Neighborhood Conservation.

Karen Minkel: Right.

Alderman Thiel: If we approved it like it is now that would be to satisfy the Winkler's. At the last meeting we heard from Mr. Wappell that they would rather it go back to Neighborhood Conservation.

The Winkler's want to keep it zoned Downtown General so that they can build an apartment building. Currently in the Neighborhood Conservation they can only build a two family permitted and a three family with a conditional use. In Downtown General they can build the multi-family dwelling permitted.

Karen Minkel, Long Range Planning Director: The Neighborhood Conservation zoning district has a maximum density of 10 units per acre. The Downtown General does not have a maximum density but it does have a four story limit. You are also limited by the parcels you have. The four parcels together are about .63 acres. Under the Neighborhood Conservation zoning district roughly six units would be allowed. Because of the topography in that area and the limitations of the site itself when staff looked at it today we are not sure you could get more than ten to twelve units on that site, given your parking needs and tree preservation, with any sort

of multi family development. The difference between Downtown General and any of the multi family zoning districts would be the set backs. In the multi family zoning districts the setback requirements would likely cause the property owner to have to ask for a number of variances in order to build a multi family building on that lot. The Downtown General zoning district does not have that setback requirement. You could build right up to the street. It would also allow other uses. The bottom line is the Downtown General is in line with the overall plan in terms of mass and appearance. The multi family zoning district would probably require the property owner when they chose to develop that property to come forward and ask for a number of variances.

A discussion followed on the different zoning districts.

Steve Winkler, property owner pointed to the area they are talking about on the map. He said the objection at a previous meeting had to do with street width and the alley. He stated he measured the streets. He described the area to the Council, the streets in the area, and the street widths. He stated we bought those specifically for apartments. Across the street is Downtown General.

What we are trying to do is to get our equity in real estate. This is our investment. We are a five minute walk from the square. We have tried to help with low income housing. We try to keep the rent low. Because of the way the neighborhood has progressed we want to maximize our intelligent land use. We want to be what they are across the street, Downtown General; there is more flexibility in that. Whatever is going to go in on that North side is going to be new and big. We do not think that is a very good place across the street from there to try to invest money in building a single family residential. Real estate principles would say you want to build something that is compatible with that side of the street. The idea is to make the division, the demarcations between the Neighborhood Conservation and the Downtown General at the back of our property line which is a standard way of doing it. That idea is done all over there. All those property demarcations are in the back of the property, so when you are going down the street you see the same kind of zoning on each side of the street. That is a common technique in urban planning. When you have an obvious different use on one side of the road then you run the line down the middle of the road, otherwise it is a standard way to transition zones. We figure we are more compatible with the Downtown General. That is the zone that we want. Staff and the Planning Commission approved it. The objection that has been made had to do with the street width. I have not heard any other objects except for the alley and the street width.

Alderman Ferrell: Have you shared your comparative analysis information with the citizens that are voicing concerns.

Mr. Winkler: I have not met with Mr. Wappell. I shared the information with the Planning Department.

Jimmy Glenn, resident of the neighborhood: I am speaking for the neighborhood association. I have a petition of 30 immediate neighbors to Mr. Winkler's property that have objections to the zoning of Downtown General for that specific property. Our concern as a neighborhood association is to refer back to the Dover-Kohl issue of connectivity.

He gave an overview of the original Downtown Master Plan and the zoning areas. He stated their concern with the increase density is that at some point you run into an immediate problem of connectivity based on that density. That is their main concern. He stated we would like to see South Street maintained as the barrier between Downtown General and Neighborhood Conservation if at all possible. Just this last week this area was written up in the online *This Old House* as one of the best places to buy a house in the entire south. We appreciate your consideration.

Alderman Ferrell: The signatures on the petition are they all property owners?

Jimmy Glenn: Yes. Owner occupied.

Alderman Thiel: In the Neighborhood Conservation you can have home occupations, offices, studios, and professional services but the main difference is the density. That is what the neighborhood is most opposed to?

Jimmy Glenn: That is our biggest concern. There have been adjustments to this plan with property on Sixth Street and pre-existing property that is already denser. We have no problem with that. We have a concern if that density is increased and the neighborhood character is somehow lost. That is our main concern to maintain the neighborhood character.

Aubrey Shepherd, a citizen: I agreed that should be Neighborhood Conservation for many reasons. He has a right to use his property. There is a rock house in that area that I think we should really want to conserve. If we make this a commercial zone it almost guarantees that will come down.

He is concerned with construction in riparian zones and protecting this area of Fayetteville. He stated these are the kind of considerations I think we have to look at.

Alderman Thiel: If we make an amendment to put this back in a Neighborhood Conservation, which it was prior to the Planning Commission ruling to change it to Downtown General. In that Neighborhood Conservation you can build two family dwellings, three family dwellings with a conditional use, home occupations, professional services, offices, studios, and related services with conditional uses. I feel like the neighborhood put a lot into this plan. They were at the meetings. The delineation was in streets in some of the Downtown General, we did make the change in the streets. I feel like the neighborhood feels very strongly about this and they weighted in early, they worked on this plan and this is what they wanted. If we start making changes to this plan we are going to be back to RMF-24 and RMF-40, which is what it's zoned now, and I really don't want to see that. I will make the amendment to take that section back to the Neighborhood Conservation.

Alderman Thiel moved to amend the ordinance. Alderman Allen seconded the motion. Upon roll call the motion passed 6-1. Alderman Ferrell voting no. Alderman Lucas was absent.

Alderman Cook: I seem to be having déjà vu from the Downtown Master Plan conversation. We went back and forth on several properties on that. The bottom line with this is it is a rezoning for a lot of areas but it is a plan that can be changed at any moment. If somebody

brings a different rezoning forward, we can always discuss different properties then. I agree with the change on the Neighborhood Conservation. I support what has been brought forward at this point. I think the neighbors have all spoken, it has been a process, and staff has done a good job on it.

Alderman Thiel: That is true. You can come and request a rezoning; particularly in a situation like this where there have been a lot of changes. I think what is appealing about that is the public understands what you're going to do. In the Downtown General there are a lot of things you can do without any approval by the community or Planning Commission.

Alderman Ferrell: Before this plan was being developed if the property owner wanted to apply to go to multi-family would he have had a shot at doing this?

Karen Minkel: It was previously zoned RMF-24 so it would have been allowed by right.

Alderman Ferrell: I respect all the people that live down there. I know this area well. This area is in the shadow of the square where they are building condominiums and other growth. With all due respect to everybody there I think this is another example of a possible infill and density. I won't support the amendment.

Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman Thiel seconded the motion. Upon roll call the motion passed 6-1. Alderman Ferrell voting no. Alderman Lucas was absent.

City Attorney Kit Williams read the ordinance.

Alderman Thiel: Staff's original recommendation was that this be Neighborhood Conservation. It was changed by the Planning Commission.

Alderman Ferrell: Did staff support the change by the Planning Commission.

Alderman Thiel: They had to, the Planning Commission voted for it.

Karen Minkel: We did support the Downtown General in the draft. When property owners come forward we re-examined those properties and for some properties we didn't support a change and for some we felt comfortable with it. This was a situation where we felt comfortable with Neighborhood Conversation or Downtown General so we supported Downtown General.

Mayor Coody: These plans are important as long as we stick to them. This is 304 acres and I think this one parcel here is two thirds of an acre out of 304. I think generally speaking this plan is well put together and I think it's going to help improve the face of Fayetteville over time. I'm very glad that we do these plans. I think it's good for the long term health of Fayetteville.

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

Ordinance 5153 as Recorded in the office of the City Clerk.

Ruskin Heights - Amend Ordinance No. 4994: An ordinance to amend Ordinance No. 4994, Condition of Approval No. 1 of Ruskin Heights R-PZD 06-2299 regarding street improvements. ***This ordinance was left on the First Reading at the July 1, 2008 City Council meeting.***

Alderman Thiel moved to suspend the rules and go to the second reading. Alderman Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman Lucas was absent.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Current Planning gave a brief overview of the ordinance.

The Highway Department has stated that the improvements that were planned along Mission Boulevard does not meet their warrants or criteria for construction; therefore they will not permit those improvements. Staff prepared our own traffic analyses independent of the developer. Staff recommends that money be paid in lieu for the turn lanes, curve and gutters, and sidewalks to the west of this project.

Alderman Thiel: Is that what we originally had in our packet, so they haven't increased.

Jeremy Pate: That's correct. When we did our own rational nexus calculation, the city is not suppose to charge more for a developments proportional impact than what they are making an impact on the street system. We felt we could not recommend any further then what is currently there.

Alderman Thiel: I appreciate that the City went ahead and did the study. I think I asked did the projected traffic count change from the proposal that was given when this was being reviewed by the Council. There were assurances that more than likely, based on the traffic that was being given at the state at that time that the state would probably approve this widening. I know there was some question about the light. Has any of that changed?

Jeremy Pate: We did look at that. There were two traffic studies by two different traffic engineers conducted. One utilized a very detailed breakout of what the uses could be and conducted that traffic study based on that. The other which utilized roughly half retail and half office, so they used less detail. The traffic numbers dropped on that particular study. They are a little hard to compare because the two traffic engineers utilized different means of comparing the data.

Alderman Thiel: Why was a different traffic study presented at all? Why didn't they just use the original one?

Jeremy Pate: I would have to ask the developer to answer that specifically.

Alderman Thiel: Then I'll ask did that have to be done again. Why did they have to do another one?

Jeremy Pate was not sure about that.

Alderman Thiel: Why was another study done? Was it required?

Dirk VanVeen, Ruskin Heights: We probably should have used a local engineer the first time. Peters & Associates is the recommended AHTD traffic engineer. I don't know of another traffic engineer in the state. We used Rick Shellman because he kind of comes with the PZD package. He was out of state. We needed to examine other intersections. We like turn lanes, the more access we have to our project the better. We feel confident if Peter & Associates goes back and reviews the turn lanes in front of our project that they may remove two out of three because there won't be warrants for them. They use a standard commercial general shopping center and they don't get into any other specifics. That is what AHTD likes to see. There were comments stated at the last meeting about how we were getting out of some things. I think that the study on rough proportionality showed that we were actually far in excess. The fact that we are paying money instead of paying to do the improvements is a wash. It's still money. It's the same amount of money. I'm not clear on the issue that we are getting out of things.

Alderman Thiel: I've heard because of your request on Greenview that all improvements shall occur within existing right of way with final placement of the sidewalk to be determined by the city engineer. That particular part became a real concern. Has the size of the median changed?

Dirk VanVeen: We will address that median in the last phase. Our project develops from the east side to the west side. Our construction entrance comes in from the east side. This is how it's always been planned, and this is how it was approved. Our construction entrance gets shorter and shorter on our site because we're developing to Greenview. When it's all done then the construction entrance is removed and we turn that into a street. It already has the waterline and infrastructure under it. We will pave it and put in the median.

Alderman Thiel: The people are very frustrated with the traffic on Greenview. They thought with the phases that the work would be coming up from Mission and weren't aware that it would be coming from Greenview. Anytime the contractors can utilize the Mission entrance I would certainly support that.

Dirk VanVeen: They have been excavating on the face of the site for the past 75 days and they have been using Mission versus Greenview. We've been the only ones coming in and out of there so it's probably fewer than seven vehicle trips a day. It goes by two houses. It is a construction entrance and I think it is a good one. We have to have one and we were approved for one.

Alderman Gray: You're not using Greenview as a construction entrance.

Dirk VanVeen: We are, but we haven't been for about the past 75 days because much of the excavation has happened on Mission and will continue to for another 45 days as we lower the fiber optic line. There really hasn't been much traffic up Greenview. There will be more construction traffic on Greenview.

Alderman Gray: How many days have you been under construction?

Dirk VanVeen: We started in November of last year. That entrance is 200 to 250 feet from Mission Boulevard.

Joann Kvamme, 1982 Greenview voiced her concern about the construction entrance and the noise. I want to remind you that in the 2025 Plan, when the consultants came and talked to us about how we need to develop our city, one of the main things that was said was we need to come by a set of rules and stop giving variances and exceptions to everything or nothing is going to change. We have this happening over and over. We have to trust you guys to protect all of us. Some of you have personal relationships with these guys and I would ask you guys not to vote, because we don't want it to look improper. I know you guys don't want it to either.

Alderman Thiel: Is there any evidence that there will not be enough width there?

Jeremy Pate: The improvements that we're discussing that occur within existing right of way are on the portion of Greenview that they do not have access to. Adjacent to their property, under our Unified Development Code, they are required to dedicate right of way. There will be a dedication of right of way for those lots and the street that actually accesses Greenview in that location. It will widen out there and the sidewalk will be set back with green space and whatever it takes to get that median in there. Because that requirement was placed upon this project that is something they will have to construct and dedicate the right of way necessary to make that happen. If you would like to add the word "all off site improvements" that would clarify that.

Alderman Thiel moved to amend the ordinance to add "all off site improvement". Alderman Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman Lucas was absent.

Pamela Carter, 1686 Shadowridge: I would like to ask for a clarification of something that was brought up in the ITE traffic study. The numbers state there were 18,000 cars on Mission per day and 5,300 cars would be generated by the Ruskin Heights development is that correct?

Jeremy Pate: I don't believe there were 18,000 currently. The 17,600 that I quoted is based on the full design service volume of Mission once it's constructed and built out. I am not sure what the actual traffic today is.

Pamela Carter: Are we looking at 23,000 vehicles with the completed Ruskin Heights.

Jeremy Pate: No.

Pamela Carter: 18,000 is the max if we add in the Ruskin Heights at full measure.

Jeremy Pate: Yes, generally yes.

Pamela Carter: Basically we are looking at adding 5,300 cars to an already overcrowded road and we do not have turn lanes which is going to cause anyone entering or existing Ruskin Heights to have to dart in and out there into traffic. You really owe it to all the people that use Mission to think about what this development means to them in getting to work and getting to places they need to go without turn lanes. I just think they're essential to keeping this traffic moving.

I am going to specifically ask that Alderman Gray recuse herself from voting. I would also like to ask Mayor Coody to recuse.

Jeremy Pate: I would like to clarify one statement. The amendments that are proposed do not change the turn lanes in front of this development. So traffic entering and exiting Ruskin Heights onto Mission and in front of the school at Lisa Lane, those turn lanes will be constructed. I wanted to make sure that the public knows that.

Alderman Gray: I would like to ask our Attorney if he will give me a definition of this situation.

Kit Williams: The only time that our rules or the state rules would recommend that a Council member recuse from a decision would be one where there's a financial interest of the Council member. Specifically our rule states that no member of the City Council with a direct or indirect financial interest in any items before the City Council shall participate in a discussion or voting on such matters. Obviously in a town like Fayetteville we are going to know lots of people and if you didn't vote every time that you have seen somebody or that you've been to a party with them, we'd have trouble getting quorums on lots of issues. This is still a personal decision to some extent, in that if you feel that you are too close to a situation, then you can recuse. Usually on a lot of these issues you've got friends on all sides. The only thing you must recuse from is if you have any financial interest in it. Other than that it is pretty much a judgment call. If you believe that you can decide the issue fairly I would ask that you vote in most cases. I don't want to see a lot of people recusing all the time just because they know people that come up before them.

Mayor Coody: Every time we have an issue there's always somebody that we know or have worked with. I would be glad to vote against this if I thought it was a bad idea. I'd be glad to vote for it if I thought it was a good idea. One thing in this job you lose friends over time, you don't make friends at least in this position. Good ole boy networks exist in other towns and they are stifled because of it, Fayetteville doesn't have that problem. I don't think that anyone here is going to vote one way or the other based on friendships or if you went to a party. I would be glad to vote against somebody if the betterment of the town was at risk and I think Adella would too.

Alderman Gray: Yes.

Don Conner, 1686 Shadowridge: We were told that they had their streets approved by the AHTD. Now they are coming back with different traffic counts and a different decision. They are trying to change the way they want to do the off site improvements. I don't believe the City should change this.

Alderman Thiel: I sympathize with the neighborhood. I have tried to clarify everything that we have had questions on. They are requesting this because the highway department will not let them build these at this time, with the exception of the frontage of the actual project; they have to build that out. They are putting money in lieu of for their portion of these projects. We can't reduce the amount of units because of this.

Alderman Allen: I had a lot of trouble voting for this the first time. This has greatly impacted the neighbor's way of life.

Alderman Jordan: When we approved this I was concerned about the trees that were going to be taken down. The runoff that we have seen in that area makes it difficult to look at what the neighbors have already lost.

Alderman Thiel discussed a project that failed and the problems that have resulted from the project sitting. This project is moving forward and we see a lot of projects in this City that are not. I would be very concerned that if this project stopped I think the neighbors would be very upset.

Mayor Coody: We all want more turn lanes everywhere. I think Brenda's comments are very good.

Alderman Ferrell: There is not another project like this around here.

Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman Allen seconded the motion. Upon roll call the motion passed 7-0. Alderman Lucas was absent.

City Attorney Kit Williams read the ordinance.

Alderman Cook: We have taken money in lieu of before when street improvements where proposed on a highway and the Highway Department decides it is not warranted haven't we?

Jeremy Pate: Typically it goes through the Planning Commission. It is not uncommon along state highways.

Alderman Cook: I think the confusion here is that when we approved this I was thinking these improvements were going to be done. I should know that you have to go through the Highway Department approval process. What we are doing here is not uncommon with what we have done in the past. I voted for the project originally and I want them to get it done.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 5-2. Alderman Allen and Jordan voting no. Alderman Lucas was absent.

Ordinance 5154 as Recorded in the office of the City Clerk

<u>New Business:</u>

Thornton Condemnation: A resolution to authorize the City Attorney's Office to seek condemnation and possession of 6,320 square feet of land owned by Ruth Caroline Thornton for a trail easement.

Matt Mihalevich, Trails Coordinator: This is our last parcel of property that is necessary for Scull Creek to be complete from Maple Street to Mud Creek Trail. We have been working on this since 2006. The owner requested two curb cuts on Gregg Avenue which was denied by the Planning Commission and City Council. The appraised value that we are offering is $5,000.

Alderman Thiel: Ms. Thornton does not object to the amount?

Matt Mihalevich: She is okay with the amount. She really wants these two curb cuts for future development. She is supportive of the trail.

Alderman Ferrell: Kit, do you feel confident that we will prevail if this goes to litigation.

City Attorney Kit Williams: In a condemnation, once we pay the appraised value, then we get an order of possession so we can construct the trail. The issue before the court and jury is how much should we pay. We can not grant her more curb cuts than what the Unified Development Code would allow.

Alderman Ferrell: A jury can not come back and say that she should get the curb cuts?

City Attorney Kit Williams: No. The jury only determines compensation.

Alderman Cook: This is not a route we want to go for trail easements. Matt has worked with those folks for a while and unfortunately we had to get to this process. This is the last piece we need.

Mayor Coody: This is the only piece we had to condemn.

Matt Mihalevich: Over the past several years 40 acres of land and easement has been acquired for the Scull Creek trail. That is 25 separate properties, 18 of the 25 property owners donated the land and easements. That results to 80% of the land for free.

Alderman Cook: Easement acquisition is difficult.

Alderman Cook moved to approve the resolution. Alderman Thiel seconded the motion. Upon roll call the resolution passed 7-0. Alderman Lucas was absent.

Resolution 148-08 as Recorded in the office of the City Clerk

ADM 07-2711 (UDC Amendment – Chapter 166.08 Street Design and Access Management Ordinance): An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 166: Development in order to adopt street design and access management design standards.

City Attorney Kit Williams read the ordinance.

Leif Olson gave an overview of the ordinance. He also gave a PowerPoint presentation on the proposed changes.

Alderman Ferrell: I understand where you are coming from. What did the Planning Commission have to say about this?

Leif Olson: This did not go through the Planning Commission. We had elected officials asking for an access management ordinance. We developed the ordinance and took it to the Street

Committee. They gave us feedback, we worked some more on it, and took it back to the Street Committee.

Alderman Ferrell: If an elected official asks for an ordinance then is it heard by the Planning Commission?

Leif Olson: They can be taken before the Planning Commission for their approval and then forwarded or they can be brought straight to the elected officials.

Alderman Ferrell: What if you have an elected official that requests that this go before the Planning Commission?

Leif Olson: That is something you as a body can decide to do.

City Attorney Kit Williams: When you change the Unified Development Code we almost always want to go through the Planning Commission to get their expertise. You do not have to because you are the governing body but in the normal course of events it does.

Mayor Coody: I would not mind this going to the Planning Commission. I feel certain if anything they will just improve it.

Alderman Ferrell asked about the variance process.

Jeremy Pate explained the process.

Alderman Ferrell voiced his concern about the variance.

A discussion followed on cul-de-sacs.

Matthew Petty stated he thinks this is a smart ordinance. In almost every situation cul-de-sacs create more problems than they provide benefits. He stated this does not need to go back before the Planning Commission.

City Attorney Kit Williams: I sent you a memo pointing out that there are certain parts of this ordinance which I believe are illegal and unconstitutional and violates the rights of property owners that abut certain streets. When we look at access management, we need to make sure that we are not violating the constitution and legal rights of property owners who abut the streets. I would ask you to be very careful about that. It is the City Council's responsibility as stewards of the tax payer's money not to put yourselves in a position where we might be liable for inversely condemning property because we have denied a curb cut.

Mayor Coody: I thought we made some changes in the ordinance based on Kit's recommendation.

Leif Olson: Kit recommended that we take all the "shall" statements and make those "should" statements. Planning staff does not agree with that. This is being done in other parts of the state.

Rob Sharp, Fayetteville citizen: I believe the access management and the block length issue are the most important City planning issues. Our system actually discourages connection. I think sending it back to the Planning Commission is not necessary. I think it is time to act and that we should approve this. I agree with the City Attorney that we can't have things that egregiously takes peoples property, but I think if you take the "shall" out and make it "should" what you are going to get is the same thing we have always gotten.

Alderman Allen: I think this is a good administrative amendment. I am very much in favor of this amendment.

Alderman Thiel: I do not think we need to send this to the Planning Commission because we have already debated it tonight.

Alderman Ferrell: Do you have concerns about what the City Attorney presented about the possibility of some legal problems?

Alderman Thiel: No.

Alderman Rhoads: I have concerns. Maybe sending it to the Planning Commission is not the answer. Maybe we should leave it on this reading and let Kit and the staff work out the issues. When your City Attorney tells you it is unconstitutional it should make you stop and think about things. I also agree that I would rather see "shall's" than "should's" on some of these issues. I am in favor of this.

Mayor Coody: I think the intent of the City Council is to follow this as close as we can. If we can come as close as we can to matching Rogers and Bentonville's ordinance and still give you the comfort zone you need to where we can accomplish this goal.

City Attorney Kit Williams: Mayor, I have to take my advice from the Supreme Court of Arkansas and not from the Rogers planners. I have already given you my advice and my advice is that we could possibly put a variance procedure in just for this that would remove the problems. That would certainly make it more legal.

This ordinance was left on the First Reading.

ADM 08-3020 (UDC Amendment – Chapter 166.20 Expiration of Plans): An ordinance to repeal and replace Unified Development Code Ch. 166.20, Expiration of Approved Plans and Permits, to allow administrative extensions and other amendments as noted herein.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief summary of the ordinance. He stated this maintains the same intent as the existing ordinance but allows a couple of different options. In our opinion the Planning Commission does not need to see this at least the first time. We are recommending this be an administrative extension within one year. The second part of it adds six months, so if an applicant misses the filing deadline for an administrative extension they would have an additional six months to apply before the Planning Commission. It also gives the Planning Commission the ability to extend that one more year. There would be a maximum of three years

to obtain all permits if all the extensions are granted. There are a couple of items that we have added to this section as well, if a project receives an extension it has to meet all the ordinance requirements at the time that extension is received. And if there is a specific issue that an ordinance has been approved since that time, that the applicant could not meet, there would be a variance procedure for that. Staff is recommending approval. Planning Commission voted 8-0 to recommend approval.

City Attorney Kit Williams: I strongly support this.

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

City Attorney Kit Williams read the ordinance.

Aubrey Shepherd: I agree that a lot of these things need to be simplified. If there is a way that people will know these changes are coming and if notification is done well to the neighborhood then maybe staff approval for these things would be workable.

A discussion followed on the ordinance and the Aspen Ridge project.

Jeremy Pate: With this ordinance staff can not do any more or any less than the Planning Commission.

Alderman Cook asked Jeremy Pate to clarify the process.

Jeremy Pate clarified the process.

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 Lucas was absent.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5155 as Recorded in the office of the City Clerk

Amend Chapter 173 Building Regulations: An ordinance to enact the Arkansas Energy Code as a part of the Unified Development Code and to amend the energy code to add a provision for an energy efficiency certificate.

City Attorney Kit Williams read the ordinance.

Thad Kelly: I am on your ad hoc committee. We enjoyed working for you. It has been an honor and a privilege for us to work on your energy committee. We are proud to present our work to you.

Jeff Beaver, member of the ad hoc committee gave a brief history of the committee.

Jason Brannen, Arkansas Western Gas Company and committee member gave an overview of how the energy code would work and the spreadsheet the committee formulated.

Mayor Coody: Do we have any questions or comments for the committee?

Alderman Thiel: I think we covered some of this at the agenda meeting.

Mayor Coody: This is a way, when someone buys a home, to let them know if they are going to use disposable income to pay for utilities unnecessarily, or if they will have a more efficient home, and put some of that money that they would be wasting toward whatever it is they want to spend the money on instead of waste.

Thad Kelly: This is a voluntary program but it is a way for the city to have something that is quantifiable and qualifiable.

Mr. Kelly requested that this be placed on the website. He also asked the Council to consider a study of incentives that would show that Fayetteville appreciates a green solid sustainable community. Then after a monitoring period another incentive could be given to the home owner. This would show that the home owner is a good citizen and they are doing their part over and above what the house was designed for. He went on to list other ways to offer incentives to citizens to build energy efficient homes. He also commented on the fact that Steve Cattaneo became LEED Certified.

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

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: Before we go to the third reading, if you will look at Section 2, I took that directly out of the statute, and it states that there must be three copies available and open for public examination. Unfortunately there is only one. We can't pass the ordinance and adopt this code until we meet the statutory requirements. We can't pass it tonight.

Mayor Coody: I know the State is very interested in looking at this program and seeing how it unfolds here so they can roll it out state wide. That shows how Fayetteville is leading the charge in the state and this part of the country.

This ordinance was left on the Second Reading

Public Forums was discussed before the Fayetteville Government Channel Policy during the City Council meeting.

Fayetteville Government Channel Policy: A resolution to follow current Fayetteville Government Channel policy that was approved by the Telecommunications Board and the

Fayetteville City Council in 2006 as Resolution No. 27-06 until a new policy is approved by the City Council.

Mayor Coody: We are going to be at a disadvantage because Susan is on vacation this week so she will not be able to fill in some blanks that we need.

Alderman Allen: It is more logical to me to flip these two items. Does it take a vote?

Mayor Coody: No. I think I can just move along to the next one and come back to this one.

City Attorney Kit Williams: Normally we suspend the rules to change the agenda but whatever you want to do.

Mayor Coody: Let's just go ahead and move to #6 then.

Public Forums: A resolution to allow the two previously planned forums (the location of Fayetteville High School and the future of the Walton Arts Center) to be televised on the Fayetteville Government Channel.

Alderman Allen: These forums were planned several months back. We had them set in place and then we had the forum on forums and this one was shut down. We asked that the Telecom Board review all of its policies and bring it back to us this following month, prior to that the Telecom Board voted to move forward on this particular item. I also have a number of petitions that have been signed by citizens who support the idea that we continue with these two forums before next month. I am asking that the Council allow us to move forward with these forums.

Mayor Coody: In the planning process, who was doing all the work to put all this together, was it the staff?

Alderman Allen: I requested the forum and the staff and I had worked together and gotten the balanced participants and then it was shut down. Now that we have gotten a written document from the Telecom Board saying that they would like us to move forward I would like for us to discuss it and vote on this.

Mayor Coody: I called the League of Women Voters, who is in charge of directing forums, and they said they took the request to do the forum for the schools to the board of League of Women Voters and they voted not to do it because they wanted to focus on candidate forums. If that is the case what organization was it that was doing the planning?

Alderman Allen: Well the way I found out that it had been canceled was through Joyce Hale who is the head of the League of Women Voters. She said that when the Telecom Board was asked to review their policy that they were pulling out of it. I did not learn about it from the city.

Mayor Coody: Yes, I think Susan apologized.

Alderman Allen: She has apologized.

Alderman Gray: I wonder about the Walton Arts Center forum because I received a call today asking about whom was serving on that panel because they had not been informed. It sounds like the panels had been chosen and no one from the Walton Arts Center was considered?

Alderman Allen: No, we are not that far along with the Arts Center forum. Possibly Mr. Hilton would know the answer to that question but I don't.

Mayor Coody: So if the League of Women Voter's isn't involved in any of this then who is doing the planning?

Alderman Allen: Well, we just stopped the planning.

Mayor Coody: Who was doing the planning until it stopped then?

Alderman Allen: I talked with Mr. Hilton. We talked with people on both sides of the issue, we informed the committee, and talked with the League. The way I learned it was stopped was from the League.

Mayor Coody: We will just need to figure out where we are on that. I am sure you are right.

Alderman Allen: I have the email if you would like me to send it to you.

Alderman Thiel: I don't disagree with the way this has been handled, but because we are waiting for a recommendation about whether to have forums, and these two forums are not anywhere close to being completed, these probably couldn't even be produced by the time we get a recommendation back from the Telecom Board.

Alderman Allen: I think that quite a few people are here to speak to that and maybe that can happen.

Alderman Jordan: Basically what I see is the Telecom Board made a recommendation to show the forums. Nancy asked to have these forums shown and it was denied again. We have had a citizen appeal that decision. We are obligated to listen to the concerns and either vote it up or down.

Alderman Thiel: I don't disagree with that.

Alderman Jordan: It is not just necessarily whether they are going to be shown but I believe that we need to vote because the Telecom Board has made a recommendation and sent us letters to that effect.

Alderman Cook: When we change policies on other things it is usually grandfathered in under the previous rules. These forums were in process and since they were already in process it's like they are grandfathered in. Why not just do these two forums and then let the Telecom Board bring forward their recommendation and we will tackle it from there.

Mayor Coody: That is certainly a council decision.

Alderman Jordan: If a decision had not been made and letters had not been sent that would be one thing, but since it has been and we have received a letter I think we need to vote it up or down.

Mayor Coody: How does this square with the last Council decision to send it back to the Telecom Board?

Alderman Jordan: We are talking about the overall policy.

Alderman Ferrell: I go along with the notion that we asked the Telecom Board to look at this and come back to us. My recollection of this is it was after that that they sent us a correspondence saying that they recommended that it be reconsidered if that happened. It was my understanding that we were going to wait until we got the report back.

Alderman Jordan: My interpretation was the policy was one issue and the forums are another issue. From what I understood they made a recommendation to show those two forums.

Mayor Coody: You are certainly welcome to do whatever you want to do with this. Obviously the policy needs to be more clearly worded.

Alderman Thiel: I just want to clarify one thing; they have not been produced yet. There is a cost and time associated with getting them made. I want to make sure the public understands that they have not even been produced yet.

Alderman Jordan: I am not arguing that point either I am just saying we need to vote them up or down.

Alderman Thiel: To produce them.

Mayor Coody: You don't mean show them you mean produce them and then show them.

Alderman Jordan: Yes.

Mayor Coody: So who would be doing the producing?

Alderman Jordan: I don't know Dan all I am telling you is they sent us a recommendation to show the forums.

Aubrey Shepherd, a Telecommunications Board member stated we have had two sub-committee meetings trying to get these recommendations ready for August. At the sub-committee meeting we voted that these should continue forward under the existing rules. These were in stages and they can't be done as fast as we would like to see them. I think we should consider letting those go forward.

Alderman Thiel confirmed whether the full Telecommunications Board voted on it or just the subcommittee.

Aubrey Shepherd: We confirmed what we wrote in the letter. That was a unanimous vote by the full board.

Sky Blaylock, CAT Manager: I understand what the City has to go though with this liability thing. If the city were to program the channel with something that someone decided to sue the city about, the citizens would be paying for that suit. The CAT Board discussed this also and any of this programming that needs to come to the CAT Channel is welcome. I would hate to see a staff member of CAT have to develop programming for people. We can show them how to do it and help them with the process. CAT is up for the task.

Jim Bemis, a citizen spoke on the forums and asked are the forums legal and constitutional.

City Attorney Kit Williams: You can create an unlimited public forum on the Government Channel and that would be legal to do that. If you try to create a limited public forum, that is very difficult to do in a first amendment context because any time you start trying to decide who gets to speak and who doesn't, government can't be in that decision making process. We can't decide which viewpoint gets expressed and which viewpoint doesn't. When we talk about a limited public forum I think we are kidding ourselves. We have not had any problems that I am aware of, with forums that have been on the government channel, but if we ever do, it is too bad because we can not choose which viewpoints we want and we shouldn't. That is why it is a three part; public, education and government. Public is the free speech, education is for the schools and government is for the government.

Jim Bemis gave examples of past forums that have been held on the Government Channel. He stated the Telecom Board has control of policy but City staff administration has control over procedures. The limited public forums language was put in procedures so you won't find them in policy. The sub-committee suggested putting the limited public forum language back into the policy. We have had that for fifteen years and it's worked with no complaints. You have had a City employee deny an elected public official a forum twice. How do you want the City to operate in terms of denying any public officials request for a forum?

Marvin Hilton, a citizen stated there was a recent clarification sent by Shelli Bell and it basically says that you can have a meeting in any kind of format. He went on to read a definition of "Limited Public Forums" from the city of University Place, Washington.

Mayor Coody: So it says that the Government Channel is open to certain groups?

Marvin Hilton: It says a public forum that refers to a non public forum that the government has intentionally opened up to certain groups or to certain topics.

Mayor Coody: So the government would be dictating what certain groups or topics are acceptable for on the Government Channel?

Marvin Hilton: Yes.

Mayor Coody: That is exactly what Kit has been arguing against because the government should not be saying you can or you can't. That is not where we want to be.

Marvin Hilton: What it gets down to is if you are going to have a Government Channel you have a perfect right to determine what the concerns of the governments are.

Alderman Allen: Would you explain to the Council the fairness committee, the purpose of it, and what you intend it to be. What will be recommended to the full Telecom Board from your sub-committee?

Marvin Hilton: In the new policy we have included something we are calling a fairness committee. It will be up to the committee if there is a question about a forum or other program to see that they are done according to policy.

Mayor Coody: Assuming that the City Council votes yes to move forward with the forums, who sets them up, picks the panels, produces the shows, and all that?

Marvin Hilton: The one about the Fayetteville High School, I had that one pretty much put together. Usually you can find someone in the community who has a great interest in these things. You can set up an Ad Hoc Committee to see the process through and make sure that everybody is satisfied with the participants and the moderator. In the future the fairness committee would do that.

Chris Harlow, a producer for Community Access Television stated CAT would be the appropriate place for public forums because the City wouldn't be liable if these were broadcasted on our station versus the Government Channel.

Bernard Sulliban, a member of the CAT Board stated I would like to support Alderman Jordan's viewpoint as well as Alderman Allen's concern and appeal to you folks to at least green light this particular agenda item for these two public forums. He went on to speak on the liability and limited forums. He stated the CAT Channel is the proper channel for the issue forums and is both willing and able to offer assistance to the citizens of Fayetteville. He went on to give other reasons why CAT should handle the public forums.

Mayor Coody: So essentially CAT would welcome this?

Bernard Sulliban: Yes, the full board was unanimous in its assessment that it would be an appropriate and available venue to do indefinitely for issue forums.

Mayor Coody: I am still confused about the production of all this and who would actually be producing it.

Bernard Sulliban: Depending on which channel, if it is on the Government Channel it would be a city employee making the phone calls and inviting the panelist and if it is on the CAT Channel it is the producer.

Mayor Coody: If it is on the CAT Channel the volunteers get together and do it and if it is the Government Channel we have to pay staff to do it.

Bernard Sulliban: Exactly. That is a concern for persons like me. If I want to host something on CAT I can invite anyone I want to and you can't do anything about it except the producer on the show. That is the downside to it, if there is one.

City Attorney Kit Williams: We are kind of at a loss because we do not have Susan here. I am afraid we might put her in a box at this point in time. At the last meeting where this was discussed she said she was enforcing the policy as she believed it was written at this point but subject to change by the City Council or upon recommendation of the Telecom Board. Because of the problem of trying to figure out what a limited public forum was she felt it was improper to continue putting public forums on the Government Channel.

There were some comments made that limited public forums were taken out of policy and put in procedures. I call your attention to page 8 of 22 in the agenda packet, which is the most recent policy on the use of programming the Government Access channel. The policy states limited public forums are the third level priority. The policy needs some work. I would think it is premature tonight to decide if something should be cable cast. I think the issue still remains on where you want the public forums shown. Everyone is in favor of public forums on these issues.

Alderman Allen: When these forums began in 1992 why was it not until 2008 before you became alarmed?

City Attorney Kit Williams: We have answered this before but I will try to answer it again. I don't get cable television therefore I do not watch the government channel or CAT so I was not aware of these forums. I have been on a forum but I assumed it was going to be shown on CAT, the public access station. I did not realize this was happening until the forum on forums at that point I was educated. That is when it dawned on me that we were creating a forum on the government channel and I was aware that there had been court rulings that when you create a forum, especially if you do it knowingly, even if you don't want to continue it in the future the courts might not let you close it. There can be problems with public forums, especially if you don't want the public to turn on the government channel and think that you are endorsing some sort of radical, political position, that this is the government speaking. I think we should try to get all the partisan possibilities off the government channel, let's just make it be the government. That was my recommendation to Susan.

Alderman Allen: I don't know whose responsibility it is to be appraised of those things but I thought it was yours.

City Attorney Kit Williams: Unfortunately I just can't know everything that the government is doing at all times. I will certainly admit I do not know everything this government does. I will give you my best advice when something comes up that I know about and that is what I have done in this case.

Alderman Thiel: If the Telecom Board recommends that we have issue forums and if we take their advice and do that we are going to have to look at adding back a position because this does take money. I think that is going to have to be part of the discussion. I am not saying I am opposed to it.

Alderman Rhoads: What does it cost a citizen to put on the forum on the high school on CAT?

Sky Blaylock: There are several ways you can go. You can get a community access producer who is already producing programs, which is free. You can ask for a long take which is thirty minutes and that is free as well. If CAT produces a show it is $50 per hour. $200 is a normal budget for a production at CAT and sometimes less.

Alderman Rhoads: I am having a difficult time understanding why we have to potentially hire someone else to work on the government channel. Why is this even an issue when if you want to put these two forums on you can do it three different ways and two of them will cost nothing and the other one will cost $200? I am not sure why we are sitting here talking about all of this.

Alderman Gray: The main issue is the money, why can't we put all these things on CAT, is it because it cost money?

Alderman Thiel: We have talked about the fairness of CAT. The government channel is mandated that it must be a fair and balanced program.

Jim Bemis: It is not about money, it is about fairness. It is about how the government channel was set up in the first place. If you have unlimited money you can have an unlimited number of programs on CAT. I am a big proponent of CAT, but CAT's job is not to do government programs. You are going to have to go back to the difference between a program that meets limited public forum criteria and those that are produced on CAT which does not have to meet any.

Alderman Rhoads: I have absolute confidence that between the Telecom Board and this City Council that down the road we can come up with the right answer on where these things should be, but in the meantime if everyone is hot to produce these two shows why not go to CAT and produce them and let's move on and see what we can do down the road.

Alderman Thiel: I don't want the public to misunderstand. I know the difference between CAT and the government station. I agree with Jim about what can be shown on which one. At some point when we discuss whether or not we are going to continue having forums we are going to have to discuss replacing an FTE that we do not have right now.

Alderman Ferrell: It is my understanding that they have an existing person that has been given more responsibility. This is going to be resolved. As far as I am concerned the government channel could show only government meetings and candidate forums.

Mayor Coody: The concern I have is if we went to court and the judge asked "did you know that if you produced and showed these shows on the government channel that you were opening yourselves up to a public access move on the government channel" the answer would be yes. The next question would be "and then did you do it" and the answer is yes again. Then we have two public access television stations whether we want them or not. I like the separation of duties. CAT is very good at what they do. It is important for Fayetteville to have freedom of expression and speech on Community Access Television. The government channel needs to be a way for people to know what their government is doing.

City Attorney Kit Williams: I am concerned that if we have talked about this and we go ahead and do it, then we have intentionally created a public forum. Up until this point in time we have

done these public forums but I don't think that we realized the implications of that. Now we will be taping those after we know that we a creating more unlimited public forums than I would be comfortable with.

Alderman Allen moved to approve the resolution. Alderman Jordan seconded the motion. Upon roll call the resolution failed 3-4. Alderman Cook, Allen and Jordan voting yes. Alderman Gray, Thiel, Rhoads and Ferrell voting no. Alderman Lucas was absent.

This resolution failed.

Fayetteville Government Channel Policy: A resolution to follow current Fayetteville Government Channel policy that was approved by the Telecommunications Board and the Fayetteville City Council in 2006 as Resolution No. 27-06 until a new policy is approved by the City Council.

Alderman Allen: I think we have already hashed this out. The Telecom Board recommended that we continue to keep things in place until they bring us their new policy.

Aubrey Shepherd: You can watch the subcommittee discussing these items.

Bernard Sulliban: This seems to be mute at this point.

Alderman Allen moved to approve the resolution. Alderman Jordan seconded the motion. Upon roll call the resolution failed 3-4. Alderman Cook, Allen and Jordan voting yes. Alderman Gray, Thiel, Rhoads and Ferrell voting no. Alderman Lucas was absent.

This resolution failed.

Meeting adjourned at 10:20 PM

Dan Coody, Mayor

Sondra E. Smith, City Clerk/Treasurer

RECEIVED
AUG 04 2008
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

August 1, 2008

Fayetteville City Council Members
113 West Mountain Street
Fayetteville, AR 72701

Dear Fayetteville Council Members:

I am writing to you concerning the proposed development called *Markham Hill Cottage Courts*. The southern boundary line of my property adjoins the entire northern boundary of the proposed development.

I believe this use of the land not only would help provide for some sorely needed affordable housing but would also be an asset to the neighborhood due to its creative and attractive design.

It would be a welcome addition to our neighborhood.

Sincerely,

Jane N. Steele

Jane Steele
P.O. Box 11
Fayetteville, AR 72702

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Aldermen

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

Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
August 5, 2008

A meeting of the Fayetteville City Council will be held on August 5, 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. Electronic City Council Agenda Presentation

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

1. Approval of the July 1 and the July 15, 2008 City Council meeting minutes.

2. **Arkansas Parks and Tourism Outdoor Recreation Grant:** A resolution authorizing the Mayor to apply for an Arkansas Parks and Tourism Outdoor Recreation Grant in the amount of $150,000.00 for the development of the park property on Fairlane Drive.

3. **Arkoma Playgrounds and Supply, Inc., Bid # 08-05:** A resolution awarding Bid # 08-05 and approving a contract with Arkoma Playgrounds and Supply, Inc. in the amount of $199,969.00; and approving a 5% contingency in the amount of $9,998.00 for the construction of Rodney Ryan Park.

4. **Bestech Environmental Resources, Inc., Bid # 08-31:** A resolution to approve the purchase of a G-8 Therm-Tec animal crematory for $58,700.00 for use by the Animal Shelter and approve a budget adjustment of $8,700.00.

5. **Future Link of Illinois, Bid # 08-53:** A resolution awarding Bid # 08-53 and approving the purchase of twenty-seven (27) mobile computer systems from Future Link of Illinois, Inc. in the amount of $148, 818.33 for use in Fayetteville Police Patrol Vehicles; and approving a budget adjustment in the amount of $149,000.00.

6. **Automatic Vehicle Wash Program:** A resolution approving a budget adjustment in the amount of $60,000.00 to transfer funds from Project 02082 – (Solid Waste Vehicles/Equipment) to Project 06012 – (Wash Bay and Covered Storage) to complete the installation of the Vehicle Wash System and the Hand-Wash Truck Wash Area.

B. Unfinished Business:

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

   One Police Officer

2. **ADM 07-2711 (UDC Amendment – Chapter 166.08 Street Design and Access Management Ordinance):** An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 166: Development in order to adopt street design and access management design standards. ***This ordinance was left on the First Reading at the July 15, 2008 City Council meeting.***

   Left on the First Reading

3. **Amend Chapter 173 Building Regulations:** An ordinance to enact the Arkansas Energy Code as a part of the Unified Development Code and to amend the energy code to add a provision for an energy efficiency certificate. ***This ordinance was left on the Second Reading at the July 15, 2008 City Council meeting.***

   Left on the Second Reading

C. New Business:

1. **Crossland Heavy Contractors, Inc.:** A resolution awarding Bid #08-50 and approving a construction contract with Crossland Heavy Contractors, Inc. in the amount of

$2,439,646.00; and approving a 10% contingency in the amount of $244,000.00 for improvements at the Noland Wastewater Treatment Plant, WSIP Subproject EP-3.

2. **2009 Employee Benefits:** A resolution to approve the same level and cost of employee benefits in 2009 as are being provided in 2008.

3. **Amend § 33.018, Parks and Recreation Advisory Board:** An ordinance to amend § 33.018 Parks and Recreation Advisory Board of the Code of Fayetteville.

4. **Amend Chapter 174 Signs:** An ordinance to amend Unified Development Code Ch. 174.08, Prohibited Signs, to allow "A" frame sandwich/menu board signs under certain conditions.

5. **Bid Waiver for Asphalt:** An ordinance waiving the requirements of formal competitive bidding indefinitely for the purchase of asphalt materials for use by the Transportation Division.

6. **2009 Budget Request:** A resolution to request that the budget to be submitted to the City Council by the Administration be balanced.

7. **Amberwood Place Appeal:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 08-2965, Amberwood Place, located south and east of Double Springs and Dot Tipton Road; containing approximately 39.98 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan.

8. **R-PZD 08-2980, Markham Hill Cottage Courts:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 08-2980, Markham Hill Cottage Courts, located north of Maine Street, between Sang and Cross Avenue; containing approximately 2.54 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan.

9. **R-PZD 08-3006, Porchscapes:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 08-3006, Porchscapes, located at the southern extension of Seven Hills Drive, south of Huntsville Road; containing approximately 8.81 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan.

10. **R-PZD 08-3022, Stonewood Gardens:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 08-3022, Stonewood Gardens, located near the south east corner of Crossover and Albright Road; containing approximately 3.36 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan.

11. **RZN 08-3027, Pathway Baptist Church:** An ordinance rezoning that property described in rezoning petition RZN 08-3027, for approximately 14.36 acres, located at the southeast corner of Mount Comfort and Salem Road from RSF-4, Residential Single-family, 4 units per acre and R-A, Residential Agricultural to R-O, Residential Office and P-1, Institutional.

12. **ANX 08-3029, Holcomb Heights III:** An ordinance annexing that property described in annexation petition ANX 08-3029, located at the northwest corner of Weir Road and North Salem Road, containing approximately 3.23 acres.

13. **RZN 08-3030, Holcomb Heights III:** An ordinance rezoning that property described in rezoning petition RZN 08-3030, for approximately 3.23 acres, located at the northwest corner of Weir Road and North Salem Road from R-A, Residential Agricultural, to RSF-4, Residential Single-family, 4 units per acre.

14. **Amend § 161.23, Neighborhood Conservation:** An ordinance to amend § 161.23 Neighborhood Conservation to add Use Unit 26, Multi-family dwellings as conditional use.

Announcements:

1. **City Council Tour: August 4, 2008**

Adjournment:

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

8/5/2008
City Council Meeting Date
Agenda Items Only

Connie Edmonston	Parks and Recreation	Operations
Submitted By	**Division**	**Department**

Action Required:

Resolution approving Parks and Recreation to submit an Outdoor Recreation Grant to the Arkansas Department of Parks and Tourism in the amount of $150,000 for the development of the park property on Fairlane Drive.

$ 150,000.00	$ 4,252,701.00	Neighborhood Park Development
Cost of this request	Category / Project Budget	Program Category / Project Name
2250.9255.5806.00	$ 366,516.89	Neighborhood Park Development Parks Development
Account Number	Funds Used to Date	Program / Project Category Name
n/a	$ 3,886,184.11	Parks Development / PLDO (SE)
Project Number	Remaining Balance	Fund Name

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

Department Director — Date 7/21/08

City Attorney — Date 7/21/08

Finance and Internal Service Director — Date 7-21-08

Mayor — Date 7/22/08

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office — ENTERED 7/18/08 ED.

Received in Mayor's Office — ENTERED 7/21/08 BRA

Comments:

Fayetteville
ARKANSAS

PARKS & RECREATION
113 West Mountain
Fayetteville, AR 72701

To: Mayor Dan Coody and City Council

Thru: Gary Dumas, Operations Director
Connie Edmonston, Parks and Recreation Director

From: David Wright, Recreation Superintendent

Date: July 15, 2008

Re: Resolution to apply for Arkansas Outdoor Recreation Grant Program

Background

The Land and Water Conservation Fund (LWCF) is a federal program with funds derived from the sale of federal surplus real estate property, federal motor boat fuel tax, and Outer Continental Shelf mineral receipts. The Natural and Cultural Resources Grant and Trust Fund (NCRGTF) is a state program with funds collected from a tax on the transfer of certain real estate in the State of Arkansas. LWCF and NCRGTF funds are included in the Department of Parks and Tourism's Outdoor Recreation Grants Program for funding outdoor recreation facilities. Only incorporated cities and counties may apply. This is a 50/50 reimbursable matching grant with a $250,000 maximum request on matching funds. Last year, Arkansas Parks and Tourism awarded our City with $100,000 for the development of Eagle Park, which is currently out to bid. In 2007, the City was awarded $100,000 for the renovation of Sweetbriar Park and Bryce Davis Parks. Re-Grand Openings were held this spring for both of these parks.

Other parks funded in part by this grant include Braden Park, Grinders Skate Park at Walker Park, Gulley Park, Veterans Memorial Park at Lake Fayetteville and the Botanical Gardens of the Ozarks at Lake Fayetteville Park. This year's grant deadline is August 31. A resolution from the City of Fayetteville is required to apply for the grant.

Current Status

On June 18, a public meeting was held at the public park property on Fairlane Drive to gather input from the public of their recreation desires and to prioritize an eligible grant program. An outreach to groups such as ethnic minority populations, the elderly and persons with disabilities was attained through group meetings. It was determined, after obtaining public input, that a grant for improvements to the Fairlane property be submitted. Improvements to this property will include a walking trail, playground and pavilion. The conceptual design will be presented to the neighborhood in August for feedback and then forwarded to the Parks and Recreation Advisory Board for final approval of the park's master plan, along with a potential name for the park.

The grant application must include detailed budgets, plans, specifications and bid documents that are ready for immediate bid and construction. The planned improvements for the Fairlane property will be ADA accessible. The grant asks the application to specify how funding meets the needs of the community. These improvements will provide for a safe play area as well as ADA accessible equipment for all citizens, which was a request in the Parks and Recreation Ten Year Master Plan. Developing facilities at this park will help achieve this goal.

This grant contains twelve (12) obligations covering everything from compliance of the Americans for Disabilities Act to property retained in perpetuity for outdoor recreation use. The Fairlane Property project meets these obligations.

Section 6(f)(3) of the LWCF Act states "No property acquired or developed with the assistance under this section shall, without the approval of the Secretary of the United States Department of the Interior, be converted to other than public outdoor recreation use. The Secretary shall approve such conversion only if he/she finds it to be in accordance with the then existing Statewide Comprehensive Outdoor Recreation Plan (SCORP) and only upon such conditions as he/she deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonable equivalent usefulness and location." If this property must ever be used for anything other than outdoor recreation use, it is possible to covert the park boundary.

Budget Impact

This grant application is for $150,000. The Arkansas Outdoor Recreation Grant is a 50/50 Matching Grant. If the full amount requested is awarded, the City is responsible for applying $150,000 towards the project, resulting in a $300,000 project.

Currently, the Fairlane project has $100,000 budgeted for 2009. If the full $150,000 is awarded, Parks Staff will request Parks and Recreation Advisory Board to approve $50,000 from funds currently available in the Neighborhood Park Projects. This would provide the $150,000 from the City of Fayetteville and $150,000 from the State of Arkansas. If the grant is awarded, this item will be brought back to City Council to be approved and a budget adjustment if needed for an additional $50,000.

Recommendation

Parks and Recreation requests City Council approval of a resolution to authorize the City to apply $150,000 from the Arkansas Parks and Tourism Outdoor Recreation Grant Program for the development of Fairlane public property.

Attachments:
Public Meeting Minutes from June 18, 2008
Conditions of Arkansas Outdoor Recreation Grant
Public Advertisement
Sample Resolution

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AN ARKANSAS PARKS AND TOURISM OUTDOOR RECREATION GRANT IN THE AMOUNT OF $150,000.00 FOR THE DEVELOPMENT OF THE PARK PROPERTY ON FAIRLANE DRIVE.

WHEREAS, the City of Fayetteville, Arkansas seeks to improve recreation facilities and wishes to seek grant funding assistance; and,

WHEREAS, in order to obtain the funds necessary to develop and/or improve the site for such a recreation area, it is necessary to obtain a 50/50 Matching Grant from the Arkansas Department of Parks and Tourism's Outdoor Recreation Grant Program; and,

WHEREAS, the plans for such recreation areas have been prepared and the price therefore has been established; and,

WHEREAS, the City Council of the City of Fayetteville, Arkansas understands the grantee and grantor will enter into a binding agreement which obligates both parties to the policies and procedures contained in the *Land and Water Conservation Fund Grants Manual* including, but not limited to the following: the park area defined by the project boundary map, submitted in the application, must remain in outdoor recreation use in perpetuity, regardless if the property is bought or developed with matching grant funds and; all present and future overhead utility lines within the project boundary must be routed away or placed underground and; the project area must remain open and available for use by the public at all reasonable times of the day and year; facilities can be reserved for special events, league play, etc. but cannot be reserved, leased, or assigned for exclusive use, and; the project area must be kept clean, maintained, and operated in a safe and healthful manner. The City Council of the City of Fayetteville, Arkansas is well aware and apprised of the above-mentioned project, and will provide the local portion of the development cost of the entire project.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor to make application to the Arkansas Department of Parks and Tourism for assistance, in the amount of $150,000.00, for the development of the park property on Fairlane Drive. Therefore, such application shall be submitted as expediently as possible.

PASSED and **APPROVED** this 5th day of August, 2008.

APPROVED: ATTEST:

By: _____ By: _____

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

Fairlane Public Meeting
Wednesday, June 18, 2008

The meeting began at 5:30 in the vacant field on Fairlane. Eighteen citizens attended. Staff attending was Connie Edmonston, Carole Jones, and Melanie Thomas. Billy Waite from the Parks and Recreation Advisory Board also attended.

Connie began the meeting by talking about the grant from the Land Water Conservation Fund (LWCF) that would help fund this park. She then asked the citizens for suggestions on what type of park they wanted, what type of amenities, etc.

Some suggestions were:

- Make it a family park, with lots of things for children.
- Fayetteville needs a dog park, and Fairlane would be a good place. Someone else added that lots of people walk their dogs in this area. Connie told them that a minimum of two acres is needed for a dog park, which would be most of the area of this field.
- A walking trail would be good around the border of the park. It was suggested that it be ADA accessible, such as a smooth walking trail for wheelchair bound citizens.
- A wooden gym set for the children was requested.
- A citizen wanted the park closed at dusk because there were pedophiles in the area.
- Someone suggested a small ball park.
- Benches were requested.
- Trees were suggested, especially around the slide.
- Maybe a basketball court could be put on site, to keep the kids from playing basketball in the street.
- Someone suggested a small pavilion or gazebo for shade. Also needed were picnic tables and grills.

A vote was taken. Each suggestion was read, and the number of votes was recorded. Each person could vote on three items.

1. Walking trail- 13 votes
2. Playground- 10 votes
3. Small ballpark- 1 vote
4. Basketball court- 9 votes
5. Pavilion- 9 votes

A tie breaker vote was taken for the basketball court and pavilion.

1. Basketball court- 5 votes
2. Pavilion- 9 votes

The top three amenities chosen for the new park are the walking trail, playground, and a pavilion.

The meeting adjourned at 6:20.

2009 Outdoor Recreation 50/50 Matching Grant
Public Meeting
1582 Fairlane Street
5:30 PM Wednesday, June 18, 2008

Please use this sheet to submit your written comments to the Parks and Recreation Division to help us identify potential outdoor parks and recreation needs and priorities for 2009. You are not required to include your name and address, but we have provided a space for you to do so if you would like. Please send your completed form to the address at the bottom of this sheet. Thank you for your input.

Upgrades needed at Walker Park.

The park upgrades that I see that could improve the baseball complex are :

1) ADA compliant sidewalks from main entrances. We have no sidewalk from the parking lot by the batting cages and main parking area.The sidewalks that are in the park are broken and in disrepair. This was a complaint from people using the park that it is difficult for strollers and wheel chairs to be pushed in to watch a game. They have to walk through the mud to get to the fields.

2) The bleachers for field 3,4,5, are 40 years old and need replacement . The screens that are over them need replaced as well as some other fields do not have screens creating a hazard to fans watching the game.

3) The umpire room/ concession stand / restroom in the middle of the park is 40 plus years old and is in constant disrepair. This park is going to be here for the future and it needs to be replaced.

Name Address Phone E-mail

Return to: Fayetteville Parks and Recreation Division
113 West Mountain Street
Fayetteville, AR 72701
Phone: (479) 444-3471 ext. 471
Fax: (479) 521-7714
Email: parks_and_recreation@ci.fayetteville.ar.us

2009 Outdoor Recreation 50/50 Matching Grant
Public Meeting
1582 Fairlane Street
5:30 PM Wednesday, June 18, 2008

	Name	Address	Phone	E-mail
1.	Diane Ferguson	529 So. Sherman Fayetteville	521-8581	None
2.	Ralph Ferguson	" " "	"	"
3.	Nancy Varvil	531 E Rock	871-7023	nvarvil@yahoo.com
4.	M Melnichak	Times	571 6416	
5.	Theresa Walker	1215 Emily Fayetteville	444-0166	—
6.	Cory Walker	1215 Emily Dr	" "	"
7.	Allen Walker	1215 Emily Dr.		
8.	Walt Eilers	2014 Archer Dr. Fayetteville	582.0784	walteilers@sbcglobal.net
9.	BRYCE SALSBURY	1083 S. SHERMAN AVE	571-8512	
10.	ERICA ASFAHL	1065 S. SHERMAN AVE.	444.0514	easfahl@gmail.com
11.	Rachel Burton	47 E Rock Street		rburton@walton.uark.edu
12.	Victoria Sowder	PO Box 1814 72702	236.0940	VCSowder@gmail.com
13.	Shay Pittman	" "		shaypittman@yahoo.com
14.	Mike Ehrig	2007 W. Custer	571-4420	
15.	Billy Waite			
16.	KEN SCHOBY	2135 HUNTSVILLE RD	443 2322	TINSMITH@SWBELL.NET
17.	Shelly Chandler	1158 Nelson	575 9456	
18.	Wayne Morgan	" "	" "	
19.	Joseph Paul Pistole Rev Clifton	908 S. Erika Ave	870 411 6 2080	JClifto@uark.edu
20.				
21.				
22.				
23.				

dog p

PoA Pres.

deadline. If the Form 424 is faxed, the entire application containing original signatures must be postmarked on or before the application deadline, August 29, 2008.

Where to Send the Application

Outdoor Recreation Grants Program
Department of Parks and Tourism
Number One Capitol Mall
Little Rock, Arkansas 72201

Who can prepare the application?

- The application can be prepared locally.
- The application can be prepared by consultants. (Grant preparation cannot be paid for with grant funds).
- The application can be prepared by the local areawide Planning or Economic Development Districts or the Regional Planning Commissions.

What Are Our Obligations if we recieve a grant?

We are jointly committed! Both the Department of Parks and Tourism's Outdoor Recreation Grants Program and the project sponsor are committed to long term program compliance. After the project is completed and all grant funds have been disbursed, our commitment to the requirements of the Arkansas Matching Grant Program continues. These ongoing commitments include:

1. Once a public park project boundary has been identified by the local project sponsor and provided to the Department of Parks and Tourism, all facilities constructed within that boundary, at any future time, must be in compliance with the rules and regulations of the Outdoor Recreation Grants Program *Project Management Guide*. This also applies to those facilities constructed in whole or in part with local funds.

2. Property acquired or developed with grant funds must be retained in perpetuity for outdoor recreation use and will be subject to inspection by the State at least once every five years. In addition each project will be inspected by the State during construction and before final reimbursement is made.

3. No overhead utility lines are allowed within the project boundary. All existing utility lines located within the park boundaries must be placed underground. This regulation applies to any overhead lines including electric lines, phone lines and public announcement system wiring. No vehicular right-of-way easements are allowed within the boundary.

4. A permanent sign stating that federal LWCF or state NCRGTF moneys were used to acquire and/or develop public outdoor recreation facilities must be maintained within the park in perpetuity. Guidelines for the size, placement and design of the signs will be presented to each applicant after grant approval. Upon project completion the applicant will be required to describe the location of the sign, and state that the sign location will not change.

5. All public recreation facilities constructed within a Matching Grant Program assisted park must be accessible to the handicapped. This also applies to those facilities constructed in whole or part with local funds.

6. Property acquired or developed with assistance from the fund must be open to entry and use by all persons regardless of race, color, religion, sex, or national origin. Discrimination on the basis of residence, including preferen-

tial reservation or membership systems, is prohibited, except to the extent that reasonable differences in admission and other fees may be maintained on the basis of residence.

7. Property acquired or developed with assistance from the Matching Grant Program shall be operated and maintained in perpetuity. The property shall be maintained so as to appear attractive and inviting to the public. Sanitation and sanitary facilities shall be maintained in accordance with applicable health standards. Properties shall be kept safe for public use. Fire prevention, lifeguards, and the like should be provided for proper public safety. Buildings, roads, trails, and other structures and improvements shall be kept in reasonable repair throughout their functional lifetime to prevent undue deterioration and to encourage public use. Facilities that have reached an age that renders them obsolete or worn out may be removed with written permission of the Arkansas Department of Parks and Tourism's Outdoor Recreation Grants Program Director. Permission must be obtained prior to removal of the facilities.

8. The Arkansas ORGP staff will conduct periodic post completion inspections of the project area to ensure that program compliance continues after the project is completed. These inspections will be unannounced. Sponsors who fail to comply with long term commitment may jeopardize future eligibility for matching grant funds for new projects and/or be subject to legal actions by the State or Federal government to enforce program compliance.

9. The property shall be kept open for public use at reasonable hours and times of the year, according to the type of area or facility. Property which is not operated and maintained in good condition may jeopardize the awarding of future grant funds to that jurisdiction.

10. Participants may impose reasonable limits on the type and extent of use of areas and facilities acquired or developed with Matching Grant Program assistance when such a limitation is necessary for maintenance or preservation. Thus, limitations may be imposed on the type of users (i.e. hunters or four-wheelers, etc.). All limitations must be in accord with the applicable grant agreement and amendments.

11. All recipients of Matching Grant Program moneys must comply with the Architectural Barriers Act of 1968, Section 504 of the Rehabilitation Act of 1973, and the Americans With Disabilities Act, of 1990 Title II and Title III.

12. Properties (parks and recreation areas) acquired or developed with LWCF/NCRGTF assistance are prohibited by Section 6(f)(3) of the LWCF Act of 1965, as amended, from conversion to any use other than public outdoor recreation use.
Section 6(f)(3) of the LWCF Act states that "No property acquired or developed with assistance under this section shall, without the approval of the Secretary, U. S. Department of the Interior, be converted to other than public outdoor recreation use. The Secretary shall approve such conversion only if he/she finds it to be in accordance with the then existing Statewide Comprehensive Outdoor Recreation Plan (SCORP) and only upon such conditions as he/she deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonable equivalent usefulness and location."

Arkansas Democrat Gazette
NORTHWEST ARKANSAS EDITION

Northwest Arkansas Times
Benton County Daily Record
P. O. BOX 1607
FAYETTEVILLE, AR 72702
PHONE: 479-571-6421

AFFIDAVIT OF PUBLICATION

I, Cathy Wiles, do solemnly swear that I am Legal Clerk of the Arkansas Democrat Gazette newspaper. Printed and published in Benton County Arkansas, (Lowell) and that from my own personal knowledge and reference to the files of said publication, the advertisement of: City of Fayetteville –Public Meeting

June 9, 2008

Publication Charge : $52.75

Subscribed and sworn to before me
This 10 day of June , 2008.

Notary Public Elizabeth A Jarvis

ELIZABETH A. JARVIS
MY COMM. EXP.
NOTARY
PUBLIC
MAY 06, 2012
WASHINGTON CO. ARKANSAS

My Commission Expires: May 6, 2012

Do not pay from Affidavit, an invoice will be sent

PUBLIC MEETING

Fayetteville Parks and Recreation invites citizens and other interested persons to a public meeting to be held at the Public Park land located at 1582 Fairlane Drive Wednesday, June 18, 2008 at 5:30 pm.

The purpose of this meeting is to identify potential outdoor parks and recreation needs and priorities for 2009. Following the identification process, city officials will select those priorities to be submitted to the Arkansas Department of Parks and Tourism for matching grant application.

Ethnic minorities, persons with special needs, elderly persons over 55, youth and special interest groups are encouraged to attend and participate.

In case of inclement weather, the meeting will take place at the Yvonne Richardson Community Center at 240 E. Rock Street.

For those unable to attend the meeting, you may call Fayetteville Parks and Recreation at 479-444-3471. Written comments may be submitted to Fayetteville Parks and Recreation, 113 West Mountain, Fayetteville, AR 72701.

City of Fayetteville
Staff Review Form
City Council Agenda Items
and Contracts, Leases or Agreements

5-Aug-08
City Council Meeting Date

Alison Jumper	Parks and Recreation	Operations
Submitted By	Division	Department

Action Required:

A resolution awarding RFP # 08-05 to Arkoma Playgrounds and Supply in the amount of $199,969 with a 5% project contingency of $9,998 for a total project cost of $209,967 for the construction of Rodney Ryan park.

$209,967	$ 787,862	Neighborhood Park Development
Cost of this request	Category/Project Budget	Program Category / Project Name
2250.9255.5806.00	$ 185,203	Neighborhood Park Development Parks Development
Account Number	Funds Used to Date	Program / Project Category Name
02013.0801	$602,659	Parks Development
Project Number	Remaining Balance	Fund Name

Budgeted Item [x] Budget Adjustment Attached [ ]

Department Director — Date 7-21-08

City Attorney — Date 7/21/08

Finance and Internal Service Director — Date 7-21-08

Mayor — Date 7/21/08

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office ENTERED 7/18/08 GD

Received in Mayor's Office ENTERED 7/21/08 BRP

Comments:

City Council Meeting of August 5th, 2008

Agenda Item Number

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: July 17, 2008
RE: **RFP 08-05, Eagle Park Development**

RECOMMENDATION

A resolution awarding RFP # 08-05 to Arkoma Playgrounds and Supply in the amount of $199,969 with a 5% project contingency of $9,998 for a total project cost of $209,967 for the construction of Rodney Ryan park.

BACKGROUND

This land was obtained through the Park Land Dedication Ordinance as a requirement of the Stonebridge Meadows development. Subsequent phases of Stonebridge Meadows dedicated additional land as they were developed creating an approximately 7.27 acre park located at 1852 S. River Meadows Drive south of Hwy. 16 East, east of the Stonebridge Meadows golf course.

Eagle Park has been renamed to Rodney Ryan Park through the Park Facility Naming Policy based on his contributions to the community. Parks and Recreation Advisory Board reviewed the name change at the July 7th, 2008 meeting where neighbors and community members overwhelmingly supported the change.

On August 7, 2007, City Council passed Resolution #146-07 authorizing Parks and Recreation to apply for a 50/50 matching grant from Arkansas Department of Parks and Tourism. This grant requires the City to keep these parks for outdoor recreational use in perpetuity. The grant was awarded in the amount of $100,000 to the City. Resolution # 18-08 to accept the grant was passed and approved on February 5th, 2008.

Two public meeting were conducted to involve the neighborhood and assess the community's needs and desires for amenities within the park. Based on the findings, a park master plan that includes age appropriate playgrounds, a picnic area with a pavilion and an open area to allow for wiffle ball was designed by Park Staff and presented to the neighborhood. The plan was approved by the neighborhood on August 1, 2007 and by the Parks and Recreation Advisory Board on August 6th 2007.

Arkansas Department of Parks and Tourism issued the Notice to Proceed on June 13th, 2008 and a Request for Proposals was advertised on June 18th and June 25th, 2008 with a budget of $200,000. Funding will be used to construct a pavilion, sidewalks, ADA parking space as required by the grant, wiffleball field, tree planting and playground for ages 2-12.

DISCUSSION

Proposals were submitted by four vendors, Arkoma Playground and Supply and RJR Enterprises, Inc., Boulder Construction, and Benchmark Construction. A selection committee was formed and met July 17th to review and select preferred playground designs for each of the parks. The committee selected Arkoma Playground and Supply's proposal. If approved, the construction of the project will begin in August 2008 and will be completed in December 2008.

BUDGET IMPACT

This project is funded with Parks Development Funds ($109, 967) and the Arkansas Department of Parks and Tourism Outdoor Recreation Grant ($100,000). Total project cost including a 5% project contingency is $209,967. Additional maintenance costs are anticipated to be $4,026 annually.

Attachments:

Resolution 146-07
Resolution 18-08
Location Map
Arkansas Department of Parks and Tourism Notice to Proceed
RFP 08-05 Arkoma Playground and Supply, Inc.
Contract Signed by Contractors
Purchase Requisition

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #08-05 AND APPROVING A CONTRACT WITH ARKOMA PLAYGROUNDS AND SUPPLY, INC. IN THE AMOUNT OF $199,969.00; AND APPROVING A 5% CONTINGENCY IN THE AMOUNT OF $9,998.00 FOR THE CONSTRUCTION OF RODNEY RYAN PARK.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #08-05 and approves a contract with Arkoma Playgrounds and Supply, Inc. in the amount of $199,969.00 for the construction of Rodney Ryan Park. 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 $9,998.00.

PASSED and **APPROVED** this 5th day of August, 2008.

APPROVED: ATTEST:

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

City of Fayetteville

RFP 08-05, Rodney Ryan Park Development

This contract executed this 18 day of July, 2008, between the City of Fayetteville, Arkansas, 113 W Mountain, Fayetteville, Arkansas, 72701 and Arkoma Playgrounds and Supply at 93 W. Colt Square Suite 5, Fayetteville, Arkansas 72703.

In consideration of the mutual covenants contained herein, the parties agree as follows:

1. Arkoma Playgrounds and Supply at its own cost and expense shall furnish all labor, materials, supplies, machinery, equipment, tools, supervision, bonds, insurance, tax, permits, and all other accessories and services necessary to complete items bid as stated in Arkoma Playgrounds and Supply proposal, and in accordance with specifications attached hereto and made a part hereof under RFP# 08-05, all included herein as if spelled out word for word.

2. Total cost for the project is $199,968.52.

3. The City of Fayetteville shall pay for completion of the project based on prices indicated in Arkoma Playgrounds and Supply proposal. Payments will be made after approval and acceptance of work and submission of invoices. Payments will be made approximately 30 days after receipt of invoice.

4. The Work for Rodney Ryan Park Development shall be substantially completed within 120 consecutive calendar days from issuance of Notice to Proceed and completed and ready for final payment 10 days consecutive calendar days thereafter.

5. Liquidated Damages. CITY OF FAYETTEVILLE and Arkoma Playgrounds and Supply recognize that time is of the essence and that CITY OF FAYETTEVILLE will suffer financial loss if the Work is not completed within the times specified in paragraph 4 above. They also recognize the delays, expense and difficulties involved in proving the actual loss suffered by CITY OF FAYETEVILLE if the Work is not completed on time. Accordingly, instead of requiring any such proof, CITY OF FAYETTEVILLE and Arkoma Playgrounds and Supply agree that as liquidated damages for delay (but not as a penalty) Arkoma Playgrounds and Supply shall pay CITY OF FAYETTEVILLE Two hundred and fifty dollars ($250.00) for each day that expires after the time specified in paragraph 4 for Substantial Completion until the Work is substantially complete. After Substantial Completion, if Arkoma Playgrounds and Supply shall neglect, refuse or fail to complete the remaining Work within the time specified in paragraph 4 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 4 for completion and readiness for final payment.

6. The Contract documents which comprise the contract between the City of Fayetteville and Arkoma Playgrounds and Supply consist of this Contract and the following documents attached hereto, and made a part hereof:

   A. Form identified as RFP# 08-05 with the specifications and conditions typed thereon.

   B. Construction Drawings entitled Construction of Eagle Park.

   C. Arkoma Playgrounds and Supply proposal.

   D. The Notice to Prospective Proposers.

7. These Contract documents constitute the entire agreement between the City of Fayetteville and Arkoma Playgrounds and Supply and may be modified only by a duly executed written instrument signed by the City of Fayetteville and Arkoma Playgrounds and Supply.

8. Arkoma Playgrounds and Supply shall not assign its duties under the terms of this agreement.

9. Arkoma Playgrounds and Supply agrees to hold the City of Fayetteville harmless and indemnify the City of Fayetteville, against any and all claims for property damage, personal injury or death, arising from Arkoma Playgrounds and Supply performance of this contract. This clause shall not in any form or manner be construed to waive that tort immunity set forth under Arkansas Law.

10. Arkoma Playgrounds and Supply shall furnish a certificate of insurance addressed to the City of Fayetteville, showing that he carries the following insurance which shall be maintained throughout the term of the Contract. Any work sublet, the contractor shall require the subcontractor similarly to provide worker's compensation insurance. In case any employee engaged in work on the project under this contract is not protected under Worker's Compensation Insurance, Arkoma Playgrounds and Supply shall provide and shall cause each Subcontractor to provide adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

    1. <u>Workmen's Compensation:</u>
       Statutory Amount

    2. <u>Comprehensive General & Automobile Insurance</u>
       $500,000 for each accident.

3. Bodily Injury Liability:
   $500,000 for each accident.

4. Property Damage Liability:
   $500,000 aggregate.

The premiums for all insurance required herein shall be paid by Arkoma Playgrounds and Supply.

11. Arkoma Playgrounds and Supply to furnish proof of licensure as required by all local and state agencies.

12. This contract may be terminated by the City of Fayetteville or Arkoma Playgrounds and Supply with 10 days written notice.

13. Freedom of Information Act: City of Fayetteville contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the contractor will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. 25-19-101 et. Seq.). Only legally authorized photo coping costs pursuant to the FOIA may be assessed for this compliance.

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

15. Jurisdiction: Legal jurisdiction to resolve any disputes must be **Arkansas** with **Arkansas law** applying to the case.

16. Arbitration/Mediation: We will not agree to be forced to mediate or arbitrate any dispute.

17. Interest charges for late payments by the City: The City of Fayetteville does NOT agree to any interest or penalty for "untimely" payments.

WITNESS OUR HANDS THIS_____DAY OF _____, 2008.

CITY OF FAYETTEVILLE,
FAYETTEVILLE, ARKANSAS

BY_____
DAN COODY, Mayor

ATTEST:

Sondra Smith, City Clerk

Susan Barst

BY Susan Barst
PRINTED NAME AND TITLE

ATTEST: ~~**COMPANY SECRETARY**~~
Ashley Corey

BUSINESS ADDRESS
93 Colt Sq. Ste 5
Fayetteville, AR 72703

ASHLEY COREY
NOTARY
My Comm. Expires
10/10/2016
Commission
Number
12351003
PUBLIC
WASHINGTON COUNTY, ARK.

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

All Purchases under $2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions)

All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us

Requisition No.:	Date: July 18-2008
P.O Number:	Expected Delivery Date:
Vendor #: 7122	Vendor Name: Arkoma Playground and Supply
Mail Yes:__ No:____	
Address: 93 Colt Square Suite 5	Fob Point:
Taxable Yes:__ No:____	Quotes Attached Yes: x No:____
City: Fayetteville	State: AR
Zip Code: 72703	Ship to code:
Divison Head Approval:	
Requester:	Requester's Employee #: 2369
Extension: 469	

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1									
2	Rodney Ryan Park Development RFP # 08-05	1	L.S	199,969.00	$199,969.00	2250.9255.5806.00	02013.0801		
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:	$199,969.00
Tax:	$18,497.13
Total:	$218,466.13

Approvals:

Mayor: _____ Department Director: _____ Purchasing Manager: _____

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

Dispatch Manager: _____ Utilities Manager: _____ Other: _____

Revised 1/2/2008

RESOLUTION NO. 18-08

A RESOLUTION AUTHORIZING THE PARKS AND RECREATION DIVISION TO ACCEPT AN ARKANSAS PARKS AND TOURISM OUTDOOR RECREATION 50/50 MATCHING GRANT IN THE AMOUNT OF $100,000.00 FOR THE DEVELOPMENT OF EAGLE PARK.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Parks and Recreation Division to accept an Arkansas Parks and Tourism Outdoor Recreation 50/50 Matching Grant in the amount of $100,000.00 for the development of Eagle Park.

PASSED and **APPROVED** this 5th day of February, 2008.

APPROVED: ATTEST:

By: Dan Coody
DAN COODY, Mayor

By: Sondra E. Smith
SONDRA E. SMITH, City Clerk/Treasurer

CITY CLERK/TREASURER CITY OF FAYETTEVILLE ARKANSAS WASHINGTON COUNTY

RESOLUTION NO. 146-07

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AN ARKANSAS PARKS AND TOURISM OUTDOOR RECREATION GRANT IN AN AMOUNT NOT TO EXCEED $125,000.00 FOR IMPROVEMENTS TO EAGLE PARK.

WHEREAS, the City of Fayetteville, Arkansas seeks to improve recreation facilities and wishes to seek grant funding assistance; and,

WHEREAS, in order to obtain the funds necessary to develop and/or improve the site for such a recreation area, it is necessary to obtain a 50/50 Matching Grant from the Arkansas Department of Parks and Tourism's Outdoor Recreation Grant Program; and,

WHEREAS, the plans for such recreation areas have been prepared and the price therefore has been established; and,

WHEREAS, the City Council of the City of Fayetteville, Arkansas understands the grantee and grantor will enter into a binding agreement which obligates both parties to the policies and procedures contained in the Land and Water Conservation Fund Grants Manual including, but not limited to the following: the park area defined by the project boundary map, submitted in the application, must remain in outdoor recreation use in perpetuity, regardless if the property is bought or developed with matching grant funds and; all present and future overhead utility lines within the project boundary must be routed away or placed underground and; the project area must remain open and available for use by the public at all reasonable times of the day and year; facilities can be reserved for special events, league play, etc. but cannot be reserved, leased, or assigned for exclusive use, and; the project area must be kept clean, maintained, and operated in a safe and healthful manner. The City Council of the City of Fayetteville, Arkansas is well aware and apprised of the above-mentioned project, and will provide the local portion of the development cost of the entire project.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor to make application to the Arkansas Department of Parks and Tourism for assistance, in an amount not to exceed $125,000.00, for improvements to Eagle Park. Therefore, such application shall be submitted as expediently as possible.

PASSED and APPROVED this 7th day of August, 2007.

CITY CLERK/TREASURER CITY OF FAYETTEVILLE ARKANSAS WASHINGTON COUNTY

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

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

Rodney Ryan Park

0 330 660 1,320 Feet

DEPARTMENT OF PARKS & TOURISM
1 Capitol Mall
Little Rock, AR 72201
501-682-7777
Arkansas.com
History Commission
501-682-6900 (V/TT)
Ark-ives.com
Keep Arkansas Beautiful Division
501-682-3507
KeepArkansasBeautiful.com
Personnel Section
501-682-7742 (V/TT)
State Parks Division
501-682-1191 (V/TT)
ArkansasStateParks.com
Tourism Division
501-682-7777 (V/TT)

Mike Beebe
GOVERNOR

Richard W. Davies
EXECUTIVE DIRECTOR

STATE PARKS, RECREATION & TRAVEL COMMISSION
Jay Bunyard
CHAIRMAN
Steve Arrison
VICE-CHAIRMAN
Bill Barnes
Danny Ford
Jim Gaston
Darin Gray
Debra Hook
Bob Knight
Billy Lindsey
Montine McNulty
Mike Mills
Ness Sechrest
Jim Shomburger
Wade Williams

DIVISION DIRECTORS
Larry Cargile
ADMINISTRATION
Greg Bults
STATE PARKS
Joe David Rice
TOURISM
Nancy Clark
GREAT RIVER ROAD
Dr. Wendy Richter
HISTORY COMMISSION
Robert Phelps
KEEP ARKANSAS BEAUTIFUL

AN EQUAL OPPORTUNITY/ AFFIRMATIVE ACTION/ AMERICANS WITH DISABILITIES ACT EMPLOYER

Arkansas®
THE NATURAL STATE

RECEIVED
JUN 17 2008
CITY OF FAYETTEVILLE
MAYOR'S OFFICE

June 13, 2008

The Honorable Dan Coody
Mayor of Fayetteville
113 West Mountain
Fayetteville, Arkansas 72701

RE: Project #A-10540-08-WA
Eagle Park

Dear Mayor Coody:

This letter serves as your Official Notification to Proceed. A copy of the contract agreement booklet is enclosed for your records. **Please retain this copy in the permanent files of the City of Fayetteville.** This booklet contains the Application Guide that was used to prepare your grant application, the Management Guide that outlines a summary of the regulations and procedures for administering your grant project, and a copy of the signed contract.

Part of our responsibility in administering Arkansas's Outdoor Recreation Grant Program is to inform and remind you of the federal Land and Water Conservation Fund program regulations that you have agreed to abide by in this contract. Listed below are some of those major responsibilities. Please re-read the enclosed documents carefully. If you have any questions concerning this information, please contact Bryan Kellar, Director, Outdoor Recreation Grants Program, at (501) 682-1301.

1. The Project site must be retained and maintained for outdoor recreation **in perpetuity**. This means that the land and facilities within the project boundary cannot be converted to uses other than outdoor recreation (i.e., no public, civic or private buildings such as a city hall, fire station, chamber of commerce, community center, etc.).

2. If the site is converted to some other use, it will have to be replaced entirely at your own cost with land and facilities of equal value and usefulness. Should the need for conversion ever arise, suitable replacement property will have to be approved by the Secretary of the Interior through this office, prior to any action taking place.

3. **All** existing and future utility lines within the project boundary must be placed underground.

4. If you plan to add additional outdoor recreation facilities, please notify our office. Certain other facilities, such as local recreation centers may be eligible to be located within the project site. Please contact our office before making any improvements to the project site to determine what regulations apply.

5. A permanent LWCF/NCRGTF acknowledgment sign is required on all project sites. If, at any time, a new sign is needed, one is available "at cost" from this office.

6. If your project is locked at any time, you must post hours stating when the facility is open to the public. School-sponsored projects must display hours of public use.

7. All sites must comply with regulations under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, assuring access by the handicapped.

8. Your recreational facility must remain open to the general public and you must assure that no person is subjected to discrimination on the basis of race, color, or national origin.

Additionally, **all grant recipients are required to follow the same bidding and purchasing procedures required by law of state agencies.** These procedures are explained in the Management Guide which is part of the enclosed contract agreement booklet. I do not have the authority to waive or make exceptions to these procedures. Lately, several grantees have been denied grant reimbursements for failing to follow these procedures. Before advertising for bids or purchasing goods and services, make sure all procedures have been followed.

If I can provide you with any additional information, please feel free to contact me.

Sincerely,

Richard W. Davies
Executive Director

Enclosures

Fayetteville
ARKANSAS

City of Fayetteville, Arkansas
Purchasing Division – Room 306
113 W. Mountain
Fayetteville, AR 72701
Phone: (479) 575-8220

RFP (REQUEST FOR PROPOSAL)

REQUEST FOR PROPOSAL: RFP 08-05, Eagle Park Development
DEADLINE: **Friday, July 11, 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: Issued: 6/18/08, Ad Dates: 6/18/08 & 6/25/08

REQUEST FOR PROPOSAL
RFP 08-05, EAGLE PARK DEVELOPMENT

No late proposals will be accepted. RFP'S shall be submitted in sealed envelopes labeled "RFP 08-05, Eagle Park Development" with the name and address of the Proposer.

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

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

Name of Firm: Arkoma Playgrounds and Supply

Contact Person: Susan Charst Title: Project Manager

E-Mail: susan@arkoma.net Phone: 479-443-0066

Business Address: 93 W. Colt Square Suite 5

City: Fayetteville State: AR Zip: 72703

Signature: Susan Charst Date: 7-15-08

City of Fayetteville
RFP 08-05, Eagle Park Development
Proposal Form

The Proposer understands the City of Fayetteville reserves the right to reject any or all bids and to waive formalities deemed to be in the City's best interest.

Total price for this project shall not exceed $200,000 which includes: required bonds and insurance; labor cost; equipment, materials and supplies; grading and site preparation; playground equipment and installation; playground concrete sub-base and surface tiles with installation; benches; bike rack; wiffleball field; entry sign; pavilion with picnic tables; sidewalk for ADA accessibility to the new amenities; one ADA accessible handicap parking space; tree planting, site restoration; shipping; and all applicable sales tax. In addition, the "Price per Proposal Specifications" is to include FOB to actual park project site in Fayetteville, AR and sales tax as regulated by the Arkansas Department of Finance Administration. Failure to meet this requirement could result in your proposal being rejected.

PRICE PER PROPOSAL SPECIFICATIONS: $_____

CONTRACTOR'S NAME Arkoma Playgrounds and Supply

CONTRACTOR'S LICENSE # 0138590309

CONTACT PERSON Susan Barst

TITLE Project Manager

ADDRESS 93 W. Colt Square Suite 5
Fayetteville, AR 72703

TELEPHONE 479-443-0060 **FAX** 479-443-9202

EMAIL ADDRESS susan@arkoma.net

AUTHORIZED SIGNATURE Susan Barst

All inclusive proposals must be submitted no later than **Friday, July 11th, 2008 at 2:00 PM, CST**, to the City of Fayetteville, Purchasing Office, Room 306, 113 West Mountain Street, Fayetteville, Arkansas, 72701 in a sealed envelope marked **"RFP 08-05, Eagle Park Development"**. Each bidder will be required to meet or exceed the specifications attached. **Any deviation must be noted with specifications attached to bid proposal.** Questions related to the proposal process should be directed to Andrea Foren, City of Fayetteville Purchasing Division, (479) 575-8220, or by e-mail aforen@ci.fayetteville.ar.us.

A non-mandatory pre-proposal conference will be held on Thursday, June 26, 2008 at 9:30 AM, CST at the actual job site at Eagle Park located at 1852 S. River Meadows Drive. Please contact Alison Jumper at 479-444-3469 if you need directions.

City of Fayetteville
RFP 08-05, Eagle Park Development
Proposal Cost Breakdown

Note: Proposal may be rejected if all the information requested is not included in this package.

Project is estimated at $200,000.

Grading and Site Preparation: (Includes Erosion Control, Concrete Washout & Construction Entrance)	$	17,960.00
Playground for Ages 2 - 12: (Complete in Place)	$	66,003.03
Surface Tiles: (Sofsurfaces®SofTILE KrosLock® Interlocking Tiles - Plus Series or Approved Equivalent)	$	20,177.39
Concrete Sub-Base for Surface Tiles: (Complete in Place)	$	11,600.00
Unclassified Excavation: (90 C.Y.)	$	2,720.00
Imported Hillside Material: (105 C.Y.) Compacted in Place	$	1,500.00
Installation of Wiffleball Field: (Includes 5' Fencing and Permanent Bases)	$	7,100.00
Entry Sign: (Complete in Place)	$	6,305.00
Concrete Sidewalks (4" Thickness): (374 S.Y.)	$	18,140.00
Concrete ADA Accessible Parking Space:	$	11,200.00
Concrete Shelter Slab (5" Thickness): (45 S.Y.)	$	4,000.00

Pavilion (20' Diameter, Steel): (Complete in Place) Icon Shelters Systems HX20M-P6-20-90-20 or Approved Equivalent	$	17,655.38
Two (2) - 7' Handicap Accessible Picnic Tables: (Complete in Place) Wabash Valley SY135P or Approved Equivalent	$	2,119.45
Two (2) - 6' Benches: (Complete in Place) Wabash Valley CY420S or Approved Equivalent	$	1,761.11
Three (3) - 6' Benches: (Complete in Place) Wabash Valley SG303P or Approved Equivalent	$	3,690.16
One Bike Rack: (Complete in Place) Creative Pipe, Inc. Model No. SU-20-E-P or Approved Equivalent	$	897.00
Site Restoration Includes Seed/Straw: (2.60 Acres)	$	6,040.00
Three (3) Sugar Maples (Complete in place):	$	450.00
Three (3) Bur Oaks (Complete in place):	$	450.00
One (1) Umbrella magnolia (Complete in place):	$	200.00
TOTAL COST:	$	199,968.52

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

8/5/2008
City Council Meeting Date
Agenda Items Only

Jill Hatfield	Police	Animal Services
Submitted By	**Division**	**Department**

Action Required:

Approval to purchase a G-8 Therm-Tec animal crematory for the incineration of animals at the animal shelter. The unit will replace the existing incinerator that is no longer operating effectively. ALSO TO APPROVE THE ATTACHED BUDGET ADJUSTMENT.

$58,700.00	$ 50,000.00	Incinerator Replacement
Cost of this request	Category / Project Budget	Program Category / Project Name
	$ -	
Account Number	Funds Used to Date	Program / Project Category Name
08005	$ 50,000.00	Sales Tax Fund
Project Number	Remaining Balance	Fund Name

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

Department Director — Date: 7-18-08

City Attorney — Date: 7-18-08

Finance and Internal Service Director — Date: 7-21-08

Mayor — Date: 7/21/08

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office — ENTERED 7/18/08 CLD

Received in Mayor's Office — ENTERED 7/21/08 BCP

Comments:

Fayetteville
ARKANSAS

Fayetteville Animal Services
1640 Armstrong Road
Fayetteville, AR 72701
Telephone: (479) 444-3456
Fax: (479) 444-3459

Environmental Resources, Inc.
Bid # 08-31
Page 2 of 26

Departmental Correspondence

To: Mayor Dan Coody and Fayetteville City Council

Thru: Greg Tabor, Chief of Police

From: Jill Hatfield, Animal Services Superintendent

Date: July 18, 2008

Re: **Approval to purchase animal crematory for incineration of dead animals**

Recommendation
Staff recommends approval to purchase a G-8 Therm-Tec animal crematory for the incineration of dead animals at the animal shelter.

Background
The incinerator will replace the existing incinerator that has been operating at full capacity for 15 years. The current unit utilizes twice the amount of natural gas as compared to a modern, energy efficient incinerator. A standard 400 pound cremation load currently costs an additional $60 to operate each day as compared to the hours and gas needed to cremate in a new incinerator. Operating the current incinerator is costing the City an additional $18,000 each year due to its inefficiency. The current unit must be loaded by two staff members due to its four foot high loading level. Animal Services staff must lift animals weighing up to 200 pounds to chest level. The G-8 Therm-Tec crematory loads at ground level to reduce back and muscle strain.

Discussion
The lowest bidder was disqualified due to their inability to produce five references that utilized the same unit outlined in the bid specifications. The next lowest bidder met all the requirements stipulated in the bid.

Budget Impact
The bid is $8,700 over the project budget amount. Additional funds from the Animal Services operating budget will be utilized to purchase the incinerator.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE THE PURCHASE OF A G-8 THERM-TEC ANIMAL CREMATORY FOR $58,700.00 FOR USE BY THE ANIMAL SHELTER AND APPROVE A BUDGET ADJUSTMENT OF $8,700.00

WHEREAS, the lowest qualified bidder, Bestech Environmental Resources, Inc, submitted the lowest bid of $58,700.00 to supply a G-8 Therm-Tec animal crematory for the Fayetteville Animal Shelter.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves and awards the bid of $58,700.00 to Bestech Environmental Resources, Inc. to purchase a G-8 Therm-Tec animal crematory for the Animal Shelter.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves the attached budget adjustment of $8,700.00.

PASSED and **APPROVED** this 5th day of August, 2008.

APPROVED: ATTEST:

_____ _____

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

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Police Division: Animal Services Program: Animal Services	Date Requested	Adjustment Number
2008		7/16/2008	

Project or Item Added/Increased:
$8,700 into the Animal Services Incinerator Replacement Project.

Project or Item Deleted/Reduced:
$4,700 from Travel and Training and $4,000 from Minor Equipment in the Animal Services Division.

Justification of this Increase:
Additional Funding for the purchase of the Incinerator for Animal Services is needed due to the disqualification of the lowest bidder because of references not available.

Justification of this Decrease:
The funding is being transferred to the Sales Tax Fund to address the shortfall in the project. Only the needed funds will be transferred and any remaining funding in General Fund will revert back to Animal Services.

Increase Budget

Account Name	Account Number				Amount	Project Number	
Fixed Assets	4470	9470	5801	00	8,700	08005	1
Transfer to Cap Improvement Fund	1010	6600	7602	47	8,700	06039	0802

Decrease Budget

Account Name	Account Number				Amount	Project Number	
Transfer from General	4470	0947	6602	01	8,700	08005	1
Travel & Training	1010	2710	5304	00	4,700		
Minor Equipment	1010	2710	5210	00	4,000		

Approval Signatures

Requested By	7/18/08 Date
Budget Director	7-16-08 Date
Department Director	7-18-08 Date
Finance Director	7-21-08 Date
Mayor	7/22/08 Date

Budget & Research Use Only

Type: A B C (D) E

General Ledger Date

	Initial	Date
Approval Date		
Posted to General Ledger		
Posted to Project Accounting		

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:** BESTECH ENVIRONMENTAL RESOURCES, INC.

***BUSINESS ADDRESS:** 3053 MOUNTAINVIEW WAY

***CITY:** BESSEMER ***STATE:** AL ***ZIP:** 35020

***PHONE:** 205-428-0210 **FAX:** 205-428-0211

***E-MAIL ADDRESS:** SONNY@BESTECHINC.COM

***BY :(PRINTED NAME)** W. E. HALL

***AUTHORIZED SIGNATURE:** W. E. Hall

***TITLE:** PRESIDENT

Acknowledge Addendums:

Addenda No._____ Dated: _____

Addenda No. _____ Dated: _____

Addenda No. _____ Dated: _____

Printed Name: _____

Signature: _____

Title: _____

Company: _____

Date: _____

City of Fayetteville
Bid 08-31, Animal Shelter Incinerator Replacement
Product Details and Specifications: Mass Burn Crematory

PART 1 - GENERAL SPECIFICATION: CREMATORY

1.) **Type:** Controlled air, multi-stage, factory assembled, packaged crematory with control system, burners and stack. Burners shall be designed for natural gas. Crematory shall be Therm Tec G-8-P or approved equal.

2.) **Service:** Designed for manual batch loading with schedules and waste material as specified.

3.) **Performance:**

a. Crematory shall meet the emissions and operational requirements of the State of Arkansas Air division with permit fees to be the responsibility of the City of Fayetteville.

b. Weight Reduction of Waste: Minimum 95% of combustible portion.

c. Burn rate: The crematory shall be capable of being batch loaded with up to 750 pounds of Type 4 (animal carcasses) with a burn cycle up to 8 hours for each load.

d. Rated Capacity (in pounds – initial load) = 750

4.) **Operation:**

a. **Primary Chamber:**

i. Primary temperature controller will shut burner gas off at 1500 deg. F. and primary burner overfire air off at 1600 deg. F.

ii. Primary chamber shall be designed to operate under a negative pressure. Panel mount a Dwyer Magnehelic brand pressure gage .5-0-.5"W.C. (or equal) to monitor pressure.

iii. Primary burner to be Midco J83-DS (or equal) capable of 800,000 BTU/hr output. The primary burner is to be controlled on/off by primary temperature controller. All burners to have discrete blowers integrally mounted to burner.

iv. Specifications:

1. Volume: 41.43 cubic feet
2. Ignition Burner: 800,000 Btu's Per Hour

b. **Secondary Chamber:**

i. The inner shell of the secondary chamber shall be 3/16" plate and the outer shell shall be of 12-gauge steel.

ii. Refractory: Refractory lining to be 3" of 3000 degree F., 126#/cu. ft. Alkaline Resistant castable.

iii. Secondary chamber volume to be 6.5 cu. ft and shall be designed for 1/3 second residence time. Chamber size shall be limited to 1/3 second for fuel conservation.

c. **Stack:**

i. Stack shall be three 6' sections of 22" OD, 14" ID stack with 3" of 2300 degrees F., 126 #/cu. ft. castable. Shell shall be 14-gauge steel. Total stack height above grade to be a minimum of 24 feet.

ii. Stack shall be self supporting to main unit with no bracing to roof required.

d. **Control Panel:**

i. Control panel shall be NEMA (National Electrical Manufacturers Association) 12 enclosure. Primary and secondary temperature controllers shall be type K and shall be visible through door. Panel shall include all timers for automatic sequencing and control. Panel to be mounted on side of crematory and shall be pre-piped and pre-wired to all components.

ii. Control system must not use PLC based timer/relay processor system. Control system must have individual microprocessor temperature controllers, individual timers, and relays so in house personal can troubleshoot problems and make operational changes as needed.

e. **Crematory:**

i. Unit to be a stand alone structure with no supports to building or roof required.

ii. Provide two 1/2 inch lag bolt anchor tie points in base of unit for seismic stability.

PART 2 - INSTALLATION OF CREMATORY

1.) **Installation:**

a. Existing roof to be removed for access to slab and replaced once new unit is installed by awarded vendor. Existing openings in roof to be sealed off by awarded vendor. Vendor to cut new opening in roof to allow for new stack and provide new Flashing / Counter-Flashing to seal roof opening.

VENDOR FORM

Please print or type

City of Fayetteville
Purchasing Division
113 W. Mountain
Fayetteville, AR 72701
Phone: (479) 575-8256
Fax: (479) 575-8257
www.accessfayetteville.org

VENDOR INFORMATION

Section 1

1. Social Security Number – (Owner SS# required for sole proprietorship, DBA's, & individuals): - -

2. Taxpayer ID Number (Federal TIN used to file federal tax return): 63-0963127

3. Payee Name (as shown on your tax return): Bestech Environmental Resources, Inc.

4. Business Name (if different from above - include DBA's here):

5. Business Address: 3053 Mountain View Way

6. City: Bessemer | 7. State: AL | 8. Zip Code: 35020

9. Phone: (205) 428-0210 | 10. Fax: (205) 428-0211 | 11. Contact Name: Sonny Hall

12. E-Mail Address: sonny@bestechinc.com

13. Do you accept Visa as a method of payment? Please check one: ☑ YES ☐ NO

VENDOR TAX ACKNOWLEDGEMENT

Section 2

14. What does your business provide (Check all that apply):	15. Is your business incorporated?	16. Is your business filed as an LLC (Limited Liability Corporation)?	16a. What is your LLC formed as?	17. Business Type (LLC's must also fill out this section) - Box 1 in Section 1 must be filled in
☑ Services	☑ Yes *(skip to Section 3)*	☐ Yes *(go to 16a)*	☐ Sole Proprietorship *(go to 17)*	☐ Sole Proprietorship: Enter Owners Name
☑ Supplies	☐ No *(go to 16)*	☐ No *(go to 17)*	☐ Partnership *(go to 17)*	☐ Operated as a "DBA": Enter Name
			☐ Corporation *(skip to Section 3)*	☐ Partnership: Enter name used on tax return

VENDOR ADDRESS & REMITTANCE INFORMATION

Section 3

18. MAILING ADDRESS: *Please check if same as above* ☐		19. PAYMENT REMITTANCE ADDRESS: *Please check if same as above* ☐	
Street: PO Box 727		Street: PO Box 368	
City: Fultondale		City: Fultondale	
State: AL	Zip Code: 35068	State: AL	Zip Code: 35068

SIGNATURE & PAYEE ACKNOWLEDGEMENT

Section 4

Under penalties of perjury, I hereby certify the payee's above TIN is correct, the payee is not subject to backup withholding due to failure to report interest and dividend income, and that the payee is a U.S. person

SIGN HERE Signature of U.S. person → W. E. Hall (Signature) | 2/29/08 (Date)

Printed Name: W. E. HALL

Title: PRESIDENT

CITY OF FAYETTEVILLE – OFFICE USE ONLY

Section 5 - Office Use Only

PURCHASING OFFICE ONLY

VENDOR NUMBER

DATE ENTERED / /

DATE MAPPED / /

Entered by:

REQUESTER INFORMATION

Name of Requester:

Please check one:
☐ New Vendor
☐ Vendor Change

Request Date:

Requester Ext.

Requester Dpt.

P-Card Vendor? circle one: YES NO

therm-tec
Design, Engineering and Mfg.

Animal Cremation Series

Model G-8

Specifically Designed For:

- Humane Societies
- Animal Control Facilities
- Private Pet Cremation Services
- Veterinary Practices

Capacity
G-8
750 lbs Batch Load Capacity

Easy To Load --- Easy To Operate
15" Load Height
48" Diameter Load Opening
No Visible Emission - No Odors
Meets State And Federal Regulations
No Grease Leakage
Built In Liquid Retention Dam
Built For Long Life
Constructed Of 3/16" Plate Steel, Lined With 1 1/2" 1,900 Insulation And 4 1/2" Heavy Duty Refractory
Pre- piped & Pre-wired And Assembled At Factory
(Stack Sections Installed On Site)
Automatic Temperature Control For Maximum Efficiency
Fuel Saving Feature Of High - Low Control for Secondary Burner
On - Off Control for Primary Burner
Fuel Saving Preheated Air For Primary & Secondary Chambers
Timer Controls For Burn Cycle

CONSTRUCTION	G-8-P
Dimensions: W x L x H	64" x 99" x 223"
Primary Chamber Volume	41.43 Cu. Ft.
Stack Sections, 20" x 6' Flanged	Total 18'
(12 Gauge With 3" 2,300°F Refractory Lining)	
Load Door Lined With Hi-Temp Composite	4"
Ash Removal Door Opening	48" Diameter
Primary Burner Firing Rate	800,000 BTU Avg.
Secondary Burner Firing Rate	800,000 BTU Avg.
Control Panel, NEMA 12, U.L. #508A	Included
Natural Gas Requirements	1600 CFH
Electrical Requirements	115/60/1 30AMP
Paint & Primer, Hi-Temp	800°F To 1,200°F
Weight	9,662 Pounds

Recommended Building or Pad with
Fence Size: 14' x 16'
Recommended Pad Size: 10' x 14'

Distributed by:

Bestech Environmental Resources, Inc.
3053 Mountain View Way
Bessemer, AL 35020
Phone: (205) 428-0210 Fax: (205) 428-0211
www.bestechinc.com – info@bestechinc.com

City of Fayetteville
Bid 08-31, Animal Shelter Incinerator Replacement
General Terms and Conditions

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

Recent Installations

City of Nashville Animal Control
Nashville, Tennessee
G20P-1 rated at 2000 # per batch load
Ms. Judy Laderbashay, Dir.
615-862-7930

Cobb County Animal Control
Marietta, Georgia
G50P rated at 5000 # per batch load
Ms. Debra Cook, Manager
770-590-5601

Tuskegee Inst. Lg. Animal Research
Tuskegee, Alabama
G8P rated at 750 # per batch load
Dr. Billups, Dir.
334-724-4172

Charlotte/Mecklenburg Animal Control
Charlotte, North Carolina
G16P rated at 1400 # batch load
Lorrie Todd, Mgr.
704-336-6693

Cookeville Animal Control
Cookeville, TN
G8P rated at 750 # per batch load
Lauri Green, Dir.
931-526-3647

Albany Humane Society
Albany, GA
G-16 rated at 1400 # per batch
S-27 for private cremation
Ms. Donna Strickland
229-888-1677

Henry County Animal Control
McDonough, GA
G-16 rated 1400 # per batch
Walk In freezer
Gerrie, Dir.
770-954-2100

Morgan County Animal Control
Madison, GA
S-18-P rated at 300 # per batch load
Donna Mayra
706-752-1195

Madison/Oglethorpe County Animal Control
Danielsville, GA
S-27-P rated at 400 # per batch load
Catherine Lindsey, Ast. Dir.
706-795-2868

Animal Care Hospital
Dyersburg, TN
S-18-P rated at 300 # per batch load
Ms. Stacie Mgr.
731-285-6270

Hot Springs Animal Control
Hot Springs, AR
S-27-P rated at 400 # per batch load
G-8-P rated at 750 # per batch load
Dan Bugg, Dir.
501-262-2091

Cherokee County Animal Control
Canton, GA
G-12-P-.5H rated 1100 # batch load
Cindy Foster, Dir.
770-345-7270

Beaufort County Animal Control
Washington, NC
G-16 rated 1400 # per batch
Sandy Ward, Dir.
252-946-6481

Spaulding County Animal Control
Griffin, GA
G-12 rated 1100 # per batch
Brent Foster, Dir.
770-467-4772

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:** BESTECH ENVIRONMENTAL RESOURCES, INC.

***BUSINESS ADDRESS:** 3053 MOUNTAINVIEW WAY

***CITY:** BESSEMER ***STATE:** AL ***ZIP:** 35020

***PHONE:** 205-428-0210 **FAX:** 205-428-0211

***E-MAIL ADDRESS:** sonny@bestechinc.com

***BY :(PRINTED NAME)** W. E. HALL

***AUTHORIZED SIGNATURE:** W. E. Hall

***TITLE:** PRESIDENT

Acknowledge Addendums:

Addenda No._____ Dated: _____

Addenda No. _____ Dated: _____

Addenda No. _____ Dated: _____

Printed Name: _____

Signature: _____

Title: _____

Company: _____

Date: _____

City of Fayetteville
Bid 08-31, Animal Shelter Incinerator Replacement
Bid Form

***GUARANTEED DELIVERY FROM DATE OF PO ISSUED:** 55 working days
Please specify calendar OR working days

ITEM:	DESCRIPTION:	QUANTITY:	*PRICE EACH:	*TOTAL PRICE
1	Mass Animal Incinerator/Crematory as specified	1	$ 53,700.00	$ 53,700.00

Please Specify for Unit(s) Bid:

***MANUFACTURER:** THERM TEC **MODEL:** G-8-P

TOTAL BID PRICE: $ 53,700.00

*******ALL BIDDERS SHALL SUBMIT A COMPLETED & SIGNED VENDOR FORM.**
FAILURE TO DO SO COULD RESULT IN YOUR BID BEING REJECTED*****

This bid form continues on the next page and shall be complete in order for your bid to be responsive. . .

City of Fayetteville
Bid 08-31, Animal Shelter Incinerator Replacement
Product Details and Specifications: Mass Burn Crematory

PART 1 - GENERAL SPECIFICATION: CREMATORY

1.) **Type:** Controlled air, multi-stage, factory assembled, packaged crematory with control system, burners and stack. Burners shall be designed for natural gas. Crematory shall be Therm Tec G-8-P or approved equal.

2.) **Service:** Designed for manual batch loading with schedules and waste material as specified.

3.) **Performance:**

a. Crematory shall meet the emissions and operational requirements of the State of Arkansas Air division with permit fees to be the responsibility of the City of Fayetteville.

b. Weight Reduction of Waste: Minimum 95% of combustible portion.

c. Burn rate: The crematory shall be capable of being batch loaded with up to 750 pounds of Type 4 (animal carcasses) with a burn cycle up to 8 hours for each load.

d. Rated Capacity (in pounds – initial load) = 750

4.) **Operation:**

a. **Primary Chamber:**

i. Primary temperature controller will shut burner gas off at 1500 deg. F. and primary burner overfire air off at 1600 deg. F.

ii. Primary chamber shall be designed to operate under a negative pressure. Panel mount a Dwyer Magnehelic brand pressure gage .5-0-.5"W.C. (or equal) to monitor pressure.

iii. Primary burner to be Midco J83-DS (or equal) capable of 800,000 BTU/hr output. The primary burner is to be controlled on/off by primary temperature controller. All burners to have discrete blowers integrally mounted to burner.

iv. Specifications:

1. Volume: 41.43 cubic feet
2. Ignition Burner: 800,000 Btu's Per Hour

b. **Secondary Chamber:**

i. Secondary burner shall fire at maximum during preheat and shall be controlled at 1800 degrees F. Secondary burner to be Midco J83-DS (or equal) capable of 800,000 BTU/hr output. All burners to have discrete blowers integrally mounted to burner.

ii. Secondary temperature shall be measured in the stack outlet of the secondary chamber. Stack mounted Type K thermocouple. No flame impingement of the burner upon the thermocouple will be allowed.

iii. Secondary and primary combustion air shall be supplied by 1 HP Blower and shall have dampers to restrict air during preheat and to control air input during burn cycle.

iv. Secondary chamber shall be vertical design to allow low roof installation.

5.) **Design:**

a. **Primary Chamber:**

i. The primary chamber shall be constructed with an air shroud around the primary chamber for preheating the primary underfire combustion air and shall be an integral part of the construction. The air shroud channels the air to the underfire air system.

ii. Under fire air ports in hearth of primary chamber shall have external cleanout ports. All primary air ports shall be cleanable from the exterior of primary chamber with cover to be spring loaded cap.

iii. The primary chamber shall have a volume of 42 cubic feet.

iv. Refractory: The refractory lining shall consist of 1" of 1900 degree F. insulation block and 4" of 2600 degree F. castable.

v. Primary charge door to be the 48" in diameter hinged type (with heavy duty ball bearings) and must swing open to access the entire chamber. Door to include a minimum 2 ½" view-port. Primary charge door to be lined with 1 inch 1900-degree insulation block and 4 inch 2600-degree F. castable and must include door gasket. Door to have single handle, 90-degree rotation, wedge lock mechanism.

vi. The hearth shall be constructed with a liquid retention dam located at the ash removal door end to prevent liquid escaping the chamber. The loading height of the hearth shall be no higher than 15".

b. **Secondary Chamber:**

i. The inner shell of the secondary chamber shall be 3/16" plate and the outer shell shall be of 12-gauge steel.

ii. Refractory: Refractory lining to be 3" of 3000 degree F., 126#/cu. ft. Alkaline Resistant castable.

iii. Secondary chamber volume to be 6.5 cu. ft and shall be designed for 1/3 second residence time. Chamber size shall be limited to 1/3 second for fuel conservation.

c. **Stack:**

i. Stack shall be three 6' sections of 22" OD, 14" ID stack with 3" of 2300 degrees F., 126 #/cu. ft. castable. Shell shall be 14-gauge steel. Total stack height above grade to be a minimum of 24 feet.

ii. Stack shall be self supporting to main unit with no bracing to roof required.

d. **Control Panel:**

i. Control panel shall be NEMA (National Electrical Manufacturers Association) 12 enclosure. Primary and secondary temperature controllers shall be type K and shall be visible through door. Panel shall include all timers for automatic sequencing and control. Panel to be mounted on side of crematory and shall be pre-piped and pre-wired to all components.

ii. Control system must not use PLC based timer/relay processor system. Control system must have individual microprocessor temperature controllers, individual timers, and relays so in house personal can troubleshoot problems and make operational changes as needed.

e. **Crematory:**

i. Unit to be a stand alone structure with no supports to building or roof required.

ii. Provide two 1/2 inch lag bolt anchor tie points in base of unit for seismic stability.

PART 2 - INSTALLATION OF CREMATORY

1.) **Installation:**

a. Existing roof to be removed for access to slab and replaced once new unit is installed by awarded vendor. Existing openings in roof to be sealed off by awarded vendor. **Vendor** to cut new opening in roof to allow for new stack and provide new Flashing / Counter-Flashing to seal roof opening.

b. Existing crematories to be dismantled, removed, and disposed of by **awarded vendor**.

c. New equipment to be installed on existing concrete slab. All crane services shall be provided by awarded vendor. All interconnection of piping and wiring between control panel and crematory by awarded vendor. After completion of installation awarded vendor to perform, cure out of refractory. Refractory cure out schedule to be provided by manufacturer with awarded vendor providing documentation that cure out was performed as per schedule. Awarded vendor to reset all controls for operation and to perform up to 4 hours training.

d. Vendor and manufacturer to warrant all equipment for one year from the date of start up. Start up constitutes first beneficial use of the equipment by **City of Fayetteville.**

e. Manufacturer to supply all necessary documentation and test reports necessary to obtain permit from the State of Arkansas for the construction and operation of this crematory. Any required testing by the State of Arkansas to be the responsibility of the **Customer**.

f. **Customer** to supply all utility final connection to crematory and to include the following:

i. Natural gas lines to be connected to gas train by **City of Fayetteville.** Gas requirements to be 1600 CFH at 2 – 5 psi. **Gas pressure regulator to be included with crematory.**

ii. Electrical supply to be 115 volt/1 ph/60 cy for a total of 30 amps. Electrical supply will be brought into bottom of control panel by **City of Fayetteville.** Disconnect by **City of Fayetteville** at the request of awarded vendor.

PART 3 - BIDDER QUALIFICATIONS

1.) Qualifications:

a. Bidders shall have been in the manufacturing of animal crematories of the type and size bid for over 10 years and shall provide at least 5 references of the type and size of the crematory proposed with date of installation, contact person and phone number installed in past 5 years.

VENDOR FORM

Please print or type

City of Fayetteville
Purchasing Division
113 W. Mountain
Fayetteville, AR 72701
Phone: (479) 575-8256
Fax: (479) 575-8257
www.accessfayetteville.org

VENDOR INFORMATION

Section 1

1. Social Security Number – (Owner SS# required for sole proprietorship, DBA's, & individuals): - -
2. Taxpayer ID Number (Federal TIN used to file federal tax return): 63-0963127
3. Payee Name (as shown on your tax return): Bestech Environmental Resources, Inc.
4. Business Name (if different from above - include DBA's here):
5. Business Address: 3053 Mountain View Way
6. City: Bessemer
7. State: AL
8. Zip Code: 35020
9. Phone: (205) 428-0210
10. Fax: (205) 428-0211
11. Contact Name: Sonny Hall
12. E-Mail Address: sonny@bestechinc.com
13. Do you accept Visa as a method of payment? Please check one: ☑ YES ☐ NO

VENDOR TAX ACKNOWLEDGEMENT

Section 2

14. What does your business provide (Check all that apply):
- ☑ Services
- ☑ Supplies

15. Is your business incorporated?
- ☑ Yes *(skip to Section 3)*
- ☐ No *(go to 16)*

16. Is your business filed as an LLC (Limited Liability Corporation)?
- ☐ Yes *(go to 16a)*
- ☐ No *(go to 17)*

16a. What is your LLC formed as?
- ☐ Sole Proprietorship *(go to 17)*
- ☐ Partnership *(go to 17)*
- ☐ Corporation *(skip to Section 3)*

17. Business Type (LLC's must also fill out this section) - Box 1 in Section 1 must be filled in
- ☐ Sole Proprietorship: Enter Owners Name
- ☐ Operated as a "DBA": Enter Name
- ☐ Partnership: Enter name used on tax return

VENDOR ADDRESS & REMITTANCE INFORMATION

Section 3

18. MAILING ADDRESS: *Please check if same as above* ☐
- Street: PO Box 727
- City: Fultondale
- State: AL
- Zip Code: 35068

19. PAYMENT REMITTANCE ADDRESS: *Please check if same as above* ☐
- Street: PO Box 368
- City: Fultondale
- State: AL
- Zip Code: 35068

SIGNATURE & PAYEE ACKNOWLDEGEMENT

Section 4

Under penalties of perjury, I hereby certify the payee's above TIN is correct, the payee is not subject to backup withholding due to failure to report interest and dividend income, and that the payee is a U.S. person

SIGN HERE Signature of U.S. person → W. E. Hall (Signature) 2/29/08 (Date)

Printed Name: W. E. HALL

Title: PRESIDENT

CITY OF FAYETTEVILLE – OFFICE USE ONLY

Section 5 - Office Use Only

PURCHASING OFFICE ONLY

VENDOR NUMBER

DATE ENTERED / /

DATE MAPPED / /

Entered by:

REQUESTER INFORMATION

Name of Requester:

Please check one:
- ☐ New Vendor
- ☐ Vendor Change

Request Date:

Requester Ext.

Requester Dpt.

P-Card Vendor? circle one: YES NO

therm-tec
BOX 1105, TUALATIN, OREGON 97062
20525 S.W. CIPOLE RD., SHERWOOD, OREGON
97140 (503) 625-7575 • FAX: (503) 625-6161
E-MAIL: thermtec@earthlink.net

Crematory Warranty Statement

The crematory / incinerator system shall be manufactured per the **THERM TEC, INC** specifications attached. The equipment shall be test fired and safety checked before shipment from **THERM TEC, INC** plant. **THERM TEC, INC.** and collateral equipment sold are warranted free from defects in workmanship and materials under normal use and operation for one (1) year from date of start-up, when operated according to manufacturer's instructions. **THERM TEC INC's** obligation is for any part or parts F.O.B. Sherwood, Oregon which may prove defective under normal use and operation within one (1) year from start-up and which are found by our inspection to be thus defective. This warranty shall not apply to any **THERM TEC** incinerator or collateral equipment which has been repaired or altered outside of our factory in anyway so as, in our judgment to affect its performance, safety, stability, and reliability. This warranty shall not apply to **THERM TEC** incinerator which has been installed outdoors and unprotected from the elements unless an outdoor package has been installed. No warranty is given for deterioration under normal use including but not limited to thermocouples, spark arrestor, gasket seals, light bulbs, brick and refractory. This warranty shall not cover damages caused by operator misuse or abuse. No warranty is given for damages resultant from Acts of God such as lighting or storm damages and also electrical power surges.

It shall be further understood that certain routine maintenance and servicing of the equipment by the facility's personnel is to be considered normal and requires owner responsibility. Functions to be included but not limited to tasks such as: changing of light bulbs, cleaning and or replacing U.V. flame detectors (flame rods) and burner control relays, and simple diagnostic troubleshooting via telephone contact with a **THERM TEC** service technician. The normal diagnostics and replacement procedures are detailed in the operation and maintenance manuals, all procedures shall be reviewed and demonstrated at the time of start up and training and the personnel shall be further guided through the procedure over the phone by a **THERM TEC** technician on an as needed basis.

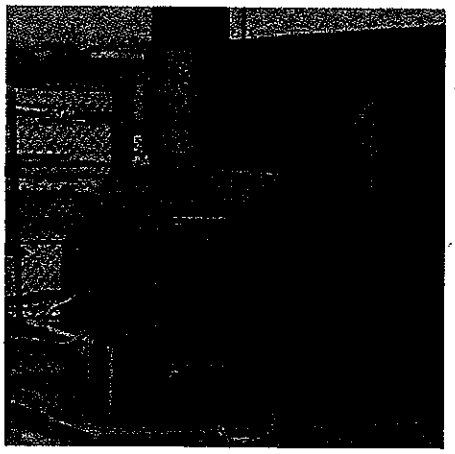
therm-tec
Design, Engineering and Mfg.

Animal Cremation Series

Model G-8

Specifically Designed For:

- Humane Societies
- Animal Control Facilities
- Private Pet Cremation Services
- Veterinary Practices



Capacity
G-8
750 lbs Batch Load Capacity

Easy To Load --- Easy To Operate
15" Load Height
48" Diameter Load Opening
No Visible Emission - No Odors
Meets State And Federal Regulations
No Grease Leakage
Built In Liquid Retention Dam
Built For Long Life
Constructed Of 3/16" Plate Steel, Lined With 1 1/2" 1,900 Insulation And 4 1/2" Heavy Duty Refractory
Pre- piped & Pre-wired And Assembled At Factory
(Stack Sections Installed On Site)
Automatic Temperature Control For Maximum Efficiency
Fuel Saving Feature Of High - Low Control for Secondary Burner
On - Off Control for Primary Burner
Fuel Saving Preheated Air For Primary & Secondary Chambers
Timer Controls For Burn Cycle

CONSTRUCTION	G-8-P
Dimensions: W x L x H	64" x 99" x 223"
Primary Chamber Volume	41.43 Cu. Ft.
Stack Sections, 20" x 6' Flanged	Total 18'
(12 Gauge With 3" 2,300°F Refractory Lining)	
Load Door Lined With Hi-Temp Composite	4"
Ash Removal Door Opening	48" Diameter
Primary Burner Firing Rate	800,000 BTU Avg.
Secondary Burner Firing Rate	800,000 BTU Avg.
Control Panel, NEMA 12, U.L. #508A	Included
Natural Gas Requirements	1600 CFH
Electrical Requirements	115/60/1 30AMP
Paint & Primer, Hi-Temp	800°F To 1,200°F
Weight	9,662 Pounds

Recommended Building or Pad with
Fence Size: 14' x 16'
Recommended Pad Size: 10' x 14'

Distributed by:

Bestech Environmental Resources, Inc.
3053 Mountain View Way
Bessemer, AL 35020
Phone: (205) 428-0210 Fax: (205) 428-0211
www.bestechinc.com – info@bestechinc.com

CITY OF FAYETTEVILLE

113 W. Mountain St.
Fayetteville, Arkansas 72701

INVITATION TO BID
BID # 08-31
Animal Shelter Incinerator Replacement

BID #: 08-31

DATE ISSUED: Monday, February 18, 2008

DEADLINE & BID OPENING: Friday, March 07, 2008 at 3:00 PM, Central Standard Time

BID DELIVERY LOCATION: City of Fayetteville, 113 W. Mountain, Purchasing Division - Room 306, Fayetteville, AR 72701

PURCHASING AGENT: Andrea Foren, (479) 575-8220, aforen@ci.fayetteville.ar.us

PRODUCT F.O.B. City of Fayetteville Animal Shelter, 1640 South Armstrong, Fayetteville, Arkansas, 72701

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

City of Fayetteville
Bid 08-31, Animal Shelter Incinerator Replacement
General Terms and Conditions

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

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

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

18. Items bid must be delivered FOB City of Fayetteville Animal Shelter, 1640 S. Armstrong, Fayetteville, Arkansas, 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. All questions regarding approvals shall be directed to Andrea Foren, CPPB, City of Fayetteville, Purchasing Agent at aforen@ci.fayetteville.ar.us .

20. 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.

21. All products bid must meet or exceed the minimum requirements or they will be deemed incomplete and will be subject to non-consideration for bid award.

22. **All bidders shall submit a completed "Vendor Form" (City of Fayetteville substitute for a W-9). Failure to submit this form could result in your bid being disqualified.**

23. The attached documents, drawings, and illustrations are included as bid product specifications and are hereby made part of this bid.

Recent Installations

City of Nashville Animal Control
Nashville, Tennessee
G20P-1 rated at 2000 # per batch load
Ms. Judy Laderbashay, Dir.
615-862-7930

Cobb County Animal Control
Marietta, Georgia
G50P rated at 5000 # per batch load
Ms. Debra Cook, Manager
770-590-5601

Tuskegee Inst. Lg. Animal Research
Tuskegee, Alabama
G8P rated at 750 # per batch load
Dr. Billups, Dir.
334-724-4172

Charlotte/Mecklenburg Animal Control
Charlotte, North Carolina
G16P rated at 1400 # batch load
Lorrie Todd, Mgr.
704-336-6693

Cookeville Animal Control
Cookeville, TN
G8P rated at 750 # per batch load
Lauri Green, Dir.
931-526-3647

Albany Humane Society
Albany, GA
G-16 rated at 1400 # per batch
S-27 for private cremation
Ms. Donna Strickland
229-888-1677

Henry County Animal Control
McDonough, GA
G-16 rated 1400 # per batch
Walk In freezer
Gerrie, Dir.
770-954-2100

Morgan County Animal Control
Madison, GA
S-18-P rated at 300 # per batch load
Donna Mayra
706-752-1195

Madison/Oglethorpe County Animal Control
Danielsville, GA
S-27-P rated at 400 # per batch load
Catherine Lindsey, Ast. Dir.
706-795-2868

Animal Care Hospital
Dyersburg, TN
S-18-P rated at 300 # per batch load
Ms. Stacie Mgr.
731-285-6270

Hot Springs Animal Control
Hot Springs, AR
S-27-P rated at 400 # per batch load
G-8-P rated at 750 # per batch load
Dan Bugg, Dir.
501-262-2091

Cherokee County Animal Control
Canton, GA
G-12-P-.5H rated 1100 # batch load
Cindy Foster, Dir.
770-345-7270

Beaufort County Animal Control
Washington, NC
G-16 rated 1400 # per batch
Sandy Ward, Dir.
252-946-6481

Spaulding County Animal Control
Griffin, GA
G-12 rated 1100 # per batch
Brent Foster, Dir.
770-467-4772

Rockdale County Animal Control
Conyers, GA
G-8 rated 750 # per batch
Curtis Trickler, Dir.
770-785-5927

Winchester SPCA
Winchester, VA
G-8 rated 750 # per batch
Mr. Wood, Dir.
540-662-8616

York County Animal Control
York, SC
G-16 rated 1400 # per batch
Steve Rolan, Dir.
803-628-3190

Paulding County Animal Control
Dallas, GA
G-8 rated 750 # per batch
Tracy Thompson, Dir.
770-445-1511

Sevier County Humane Society
Sevierville, TN
G-16 rated 1400 # per batch
Jayne Vaughn, Dir
865-654-3657

Glynn County Animal Services
Brunswick, GA
G-12 rated at 1100# per batch
Marcia Stewart, Dir.
912-554-7500

City of Oak Ridge Animal Control
Oak Ridge, TN
G-8 rated 750# per batch
Rhonda Bender, Dir
865-482-8472

Fairfax County Animal Control
Fairfax, VA
G-16 rated 1400# per batch
Dr. Karen Diviney, Dir.
703-324-0206

Lyon County Animal Shelter
Silver Springs, NV
S-18 rated 300 # per batch
Ted Bolzle, Dir.
775-577-5005

Bartow County Animal Control
Cartersville, GA
G-20 rated 2,300 # per batch
Debbie Elrod, Dir.
770-387-5153

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

8/5/08
~~8/5/2008~~

City Council Meeting Date
Agenda Items Only

Greg Tabor	Police	Police
Submitted By	**Division**	**Department**

Action Required:

Council adopt a resolution approving the purchase of twenty-seven(27) mobile computer systems from Future Link of Illinois Inc. as per bid #08-53.

$ 148,818.33	$ $ 149,000.00 ~~150,000.00~~	Police Mobile Computers
Cost of this request	Category / Project Budget	Program Category / Project Name
447094705210.00	$ -	Materials and Supplies
Account Number	Funds Used to Date	Program / Project Category Name
08060	$ $ 149,000.00 ~~150,000.00~~	Capital Improvements
Project Number	Remaining Balance	Fund Name

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

William K Brown — 7-18-08
Department Director — Date

D. P. Whit — 7/21/08
City Attorney — Date

Paul A. Becker — 7-21-08
Finance and Internal Service Director — Date

Dan Coody — 7/22/08
Mayor — Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office — ENTERED 7/28/08 - EP

Received in Mayor's Office — ENTERED 7/21/08 BCP

Comments:

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: July 18, 2008

RE: Police Mobile Computer System replacement

Recommendation:

It is recommended City Council adopt a resolution approving the purchase of twenty-seven (27) Datalux Tracer IV mobile computers from Future Link of Illinois Inc. as per bid #08-53 in the amount of $148,818.33.

Background:

The Police Department deployed mobile computer terminals in Patrol vehicles in 1999. Those units became obsolete and were replaced in 2003. Most of the current computers have met their lifespan, are over 4 and 5 years old, out of warranty and are in need of major repair work. Broken keyboards, fading screens and crashing hard drives can extend the repair cost past the value of the computer. This project is a scheduled replacement project.

Discussion:

These computer systems interface with the New World Systems Computer Aided Dispatch, Mobile Messaging and AVL systems as well as provide access to the Arkansas and National Crime Information Center databases. These computers are also essential to run Electronic Ticketing, Accident Reconstruction and in-car word processing software. Also, the current laptop computer systems are very large, heavy and take up an extraordinary amount of room inside the police vehicles. Removal of these laptop type computers and replacement with a one piece, "Tablet" type computer would save some much needed space inside the vehicles.

Budget Impact:

This project funded as a Capitol Improvement Project in the proposed 2009 Budget. However, it is in the city's best interest to replace this equipment now. The attached Budget Adjustment would allow a project transfer from the CIP Drainage Improvement Project Account in 2008 and a replenishment of that account in 2009 from the Police Account.

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: July 18, 2008

RE: Police Mobile Computer System replacement

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Budget Impact:

This project already funded as a Capitol Improvement Project.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #08-53 AND APPROVING THE PURCHASE OF TWENTY-SEVEN (27) MOBILE COMPUTER SYSTEMS FROM FUTURE LINK OF ILLINOIS, INC. IN THE AMOUNT OF $148,818.33 FOR USE IN FAYETTEVILLE POLICE PATROL VEHICLES; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF $149,000.00.

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 #08-53 and approves the purchase of twenty-seven (27) Mobile Computer Systems from Future Link of Illinois, Inc. in the amount of $148,818.33 for use in Fayetteville Police patrol vehicles.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a Budget Adjustment in the amount of $149,000.00.

PASSED and **APPROVED** this 5th day of August, 2008.

APPROVED: ATTEST:

By: _____ By: _____

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

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Citywide Division: Citywide Program: Sales Tax Capital Improvements	Date Requested	Adjustment Number
2008		7/18/2008	

Project or Item Added/Increased:
Police Mobile Computer System

Project or Item Deleted/Reduced:
None, this funding will be replaced in 2009 with the proposed budget for the Mobile Computer Terminal project.

Justification of this Increase:
Replacement of Motorola ML900 laptop with Datalux Tracer IV mobile computers is required due to the age deteriorating condition of the Motorola ML 900 laptops.

Justification of this Decrease:
The Mobile Computer Terminal Project is being moved forward due to the ongoing maintenance expenses of our current ML 900 Laptops.

Increase Budget

Account Name	Account Number				Amount	Project Number	
Minor Equipment	4470	9470	5210	00	149,000	08060	1

Decrease Budget

Account Name	Account Number				Amount	Project Number	
Bridge & Drainage Improve	4470	9470	5817	00	149,000	02108	1

Approval Signatures

Requested By	7/22/08 Date
Budget Director	7-22-08 Date
Department Director	7-22-08 Date
Finance Director	7-22-08 Date
Mayor	7/22/08 Date

Budget & Research Use Only

Type: A B C (D) E

General Ledger Date: 3/31/2008

Approval Date — Initial — Date

Posted to General Ledger — Initial — Date

Posted to Project Accounting — Initial — Date

City Of Fayetteville

(Not a Purchase Order)

Requisition No.:		Date: 7/18/2008	
P.O Number:		Expected Delivery Date:	
Vendor #:	Vendor Name: Future Link of Illinois Inc.	Mail Yes:__ No:____	
Address: 25 W. 658 St. Charles Road	Fob Point:	Taxable Yes:_ No:____	Quotes Attached Yes:_____ No:_____
City: Carol Stream	State: IL	Zip Code: 60188	Ship to code: 21
Divison Head Approval: W. Brown			
Requester:	Requester's Employee #:	Extension:	

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Police Mobile Computer Systems	27	EA	4,541.00	$122,607.00	4470-9470-5210.00	08060/1		
2	Mounts Expedition	3	EA	721.00	$2,163.00	4470-9470-5210.00	08060/1		
3	Mounts - Crown Victoris	23	EA	676.00	$15,548.00	4470-9470-5210.00	08060/1		
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:	$140,318.00
Tax:	$8,500.33
Total:	$148,818.33

Approvals:

Mayor: _____ Department Director: _____ Purchasing Manager: _____

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

Dispatch Manager: _____ Utilities Manager: _____ Other: _____

Revised 6/17/03

BID: 08-53
DATE: 7/18/08
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Fayetteville ARKANSAS

Bid 08-53, Police Mobile Computer Systems

	Description	Est Qty	Datalux Corporation		Fleet Safety Equipment		Future Link		Hubb Systems, LLC dba Data911		PST Technologies, Inc.	
			Per Item	Extended	Per Item	Extended	Per Item	Extended	Per Item	Per Item	Per Item	Extended
1	Police Mobile Computer System, as specified	27	$5,095.00	$137,565.00	$3,699.000	$99,873.00	$4,541.00	$122,607.00	$5,799.80	$156,594.60	$5,277.50	$142,492.50
2	Mounts - Ford Expedition	3	$900.00	$2,700.00	$199.990	$599.97	$721.00	$2,163.00	$563.60	$1,690.80	$736.00	$2,208.00
3	Mounts - Ford Crown Victoria	23	$760.00	$17,480.00	$199.99	$4,599.77	$676.00	$15,548.00	$159.20	$3,661.60	$736.00	$16,928.00
	MANUFACTURER		Datalux		FS-CAM		Datalux		Data911		Datalux	
	MODEL		Tracer IV		Commander P-12		Tracer IV		M6		Tracer IV	
			TOTAL BID	$157,745.00	TOTAL BID	$105,072.74	TOTAL BID	$140,318.00	TOTAL BID	$161,947.00	TOTAL BID	$161,628.50

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

CERTIFIED: A. FOREN PURCH AGENT

WITNESS

07/21/08
DATE

* Bid tab revised 7/21/08 @ 9:00 AM

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

8/5/2008
City Council Meeting Date

Barbara Olsen	Fleet Operations	Operations
Submitted By	Division	Department

Action Required:

A resolution approving a budget adjustment to move rebudgeted 2007 from Project 02082 (Solid Waste Vehicles/Equipment) to Project 06012 (Automatic Vehicle Wash System) to cover air, electrical, gas, and plumbing hookups in the truck wash and the covered hand wash truck wash.

$0	$ 205,136	Automatic Vehicle Wash System
Cost of this request	Category / Project Budget	Program Category / Project Name
9700.1920.5804.00	$ 188,535	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
06012	$ 16,601	Shop
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] Budget Adjustment Attached [X]

Department Director — Date: 7-18-08

City Attorney — Date: 7/22/08

Finance Director — Date: 7-22-08

Mayor — Date: 7/23/08

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office ENTERED 7/21/08 aw

Received in Mayor's Office ENTERED 7/22/08 BOP

Comments:

Fayetteville
ARKANSAS

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

100 BEST STREETS

Interdepartmental Correspondence

TO: MAYOR/CITY COUNCIL

THRU: GARY DUMAS, DIRECTOR OF OPERATIONS

FROM: BARBARA OLSEN, FLEET OPERATIONS OFFICE MANAGER

DATE: July 18, 2008

SUBJECT: Budget Adjustment to move funds for vehicle wash

RECOMMENDATION: That City Council approve the Budget adjustment to move funds for the truck wash project.

BACKGROUND: The Automatic Vehicle wash system has two phases. The first phase addresses the bay inside the shop which is nearing completion. The contract for this phase was awarded to Ark-O Petroleum but addresses the system only. It does not include electric, plumbing, gas hookups, nor interior painting.

Phase two, which is a hand truck wash system located outside the shop, has not been bid. This will also require electric, air and plumbing. In addition, this system will require some type of cover which currently does not exist.

At this time there are not sufficient funds in the project budget to complete both phases. However, sufficient funds are available (after all expenditures are made) in the Solid Waste Vehicle/Equipment project which can be transferred at this time to complete the Automated Wash System. Funds are available in the Solid Waste Vehicle project because some Solid Waste units came in under the budgeted amount. The amount required to be transferred is $60,000.

The Solid Waste Vehicle/Equipment project is the most logical project from which to transfer funds as Solid Waste trucks are the primary user of the truck wash system.

The present hand-wand truck wash area is not covered and is not in compliance with current codes. This transfer of funds will allow the project to be completed. Solid Waste trucks also use the outside hand wash system to wash out the inside of the refuse body.

There will be zero total dollar impact as this BA is moving funds from one project to another.

CC: Gary Dumas

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF $60,000.00 TO TRANSFER FUNDS FROM PROJECT 02082 - (SOLID WASTE VEHICLES/EQUIPMENT) TO PROJECT 06012 - (WASH BAY AND COVERED STORAGE) TO COMPLETE THE INSTALLATION OF THE VEHICLE WASH SYSTEM AND THE HAND-WASH TRUCK WASH AREA.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment to transfer funds from Project 02082 - (Solid Waste Vehicles/Equipment) to Project 06012 - (Wash Bay and Covered Storage) to complete the installation of the Vehicle Wash System and the Hand-Wash Truck Wash Area.

PASSED and **APPROVED** this 5th day of August, 2008.

APPROVED: ATTEST:

By: _____ By: _____

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

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Operations Division: Fleet Operations Program: Capital Expenditures	Date Requested	Adjustment Number
2008		7/18/2008	

Project or Item Added/Increased:

Increase the "Wash Bay and Covered Storage" project 06012 by $60,000 to provide the total amount needed to complete the installation of the vehicle wash system (compressed air, electrical, gas and plumbing hookups) and to complete the hand-wash truck wash area.

Project or Item Deleted/Reduced:

Reduce project 02082 - funds were rebudgeted from 2007 for the purpose of transferring to truck wash project to cover shortfall.

Justification of this Increase:

Project 02121 is being completed in conjunction with project #06012. As project 06012 was a 2006 project, cost estimate was low. Funds were rebudgeted in project 02082 to be transferred to cover the shortfall in truck wash project and wash bay and covered storage project. The hand wash area North of Fleet building is not covered and as such is not in compliance with current codes.

Justification of this Decrease:

Funds were rebudgeted expressly for this purpose. Sufficient funds are available for this transfer and to meet City objectives.

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Building costs	9700	1920	5804	00	60,000	06012	1

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Building costs	9700	1920	5802	00	60,000	02082	1

Approval Signatures

Barbara Olson — 7-18-8
Requested By — Date

7-17-08
Budget Manager — Date

Department Director — Date

Paul A. Becker — 7-23-08
Finance & Internal Services Director — Date

Mayor — Date

Budget Office Use Only

Type: A B C D E

Posted to General Ledger — Initial — Date

Posted to Project Accounting — Initial — Date

Entered in Category Log — Initial — Date

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: July 18, 2008

Re: **Replacement of Police Officer**

RECEIVED
JUL 1 8 2008
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

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 Friday, June 18, 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 nine officers with military commitments. Four 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 terminated officer and a newly hired officer is $2,649.

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

15-Jul-08
City Council Meeting Date

Leif Olson	Long Range Planning	Operations
Submitted By	Division	Department

Action Required:

ADM 07-2711: (UDC Amendent - Chapter 166: Development - 166.08 Street Design and Access Management Ordinance): Submitted by the City of Fayetteville, an ordinance amending Chapter 166– Development, to adopt Street Design and Access Management Standards

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

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director 6-27-08 Date

City Attorney (as to form) 6-27-08 Date

Paul A. Becker Finance and Internal Service Director 6-30-08 Date

Dan Coody Mayor 7/2/08 Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Received in City Clerk's Office 6-27-08

Received in Mayor's Office ENTERED 6/30/08

Comments:

Left on the first reading 7/15/08

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations
Karen Minkel, Interim Long Range Planning Director

From: Leif Olson, Long Range Planner

Date: June 25, 2008

Subject: UDC Amendment to Chapter 166.08 - Street Design and Access Management Standards (ADM 07-2711)

RECOMMENDATION

Staff recommends approval of an ordinance amending Chapter 166 – Development to adopt Street Design and Access Management Standards, as recommended by the Street Committee.

BACKGROUND

Staff was directed by elected officials to develop an access management plan that ensures that development is designed to be inherently safe, walkable and efficient for the facilitation of traffic and pedestrian movement. In addition, this was to further implement the adopted goals of the City Council to create complete, compact and connected neighborhoods throughout the city. Planning and Engineering staff have worked closely together since the fall of 2007 to create a clear, consistent and enforceable ordinance. Many of the suggestions contained within the document are modeled after ordinances from Bentonville and Rogers.

This ordinance was discussed at the May 12 and June 23, 2008 Street Committee meetings and was forwarded to the City Council by a 3 to 1 vote at the June 23, 2008 Street Committee meeting with a recommendation for approval.

The Street Design and Access Management ordinance was drafted and subsequent research and graphic examples were created by Planning Staff because of specific requests from the Street Committee for solutions to ongoing access and connectivity issues related to development. Therefore, staff felt that it was appropriate to have the Street Committee discuss this item in order to ensure that staff was proceeding in the right direction. Normally, the Planning Commission would discuss and amend an ordinance changing the Unified Development Code prior to the item moving forward to a body of the City Council. If the City Council so desires Planning Staff can present this ordinance amendment to the Planning Commission for approval and bring this item back at a later date. However, the UDC allows for ordinance amendments to be considered by the City Council without referral from the Planning Commission (Section 154.01(B) of the City of Fayetteville Unified Development Code), and staff is proceeding as directed by the Street Committee.

DISCUSSION

As noted, the Street Committee has considered the proposed ordinance on multiple occassions. In addition, the City Attrorney has offered several policy questions and comments in the attached memos. Staff recommends the ordinance that is presented as Exhibit "A" be considered for adoption by the City Council.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT CODE OF THE CODE OF FAYETTEVILLE TO AMEND CHAPTER 166: DEVELOPMENT IN ORDER TO ADOPT STREET DESIGN AND ACCESS MANAGEMENT DESIGN STANDARDS.

WHEREAS, the City of Fayetteville has adopted City Plan 2025 as its future land use plan; and

WHEREAS, three of the six primary goals of City Plan 2025 are to: discourage suburban sprawl, make traditional town form the standard, and to grow a livable transportation network; and

WHEREAS, the City of Fayetteville recognizes that street design and access management standards will encourage the development of complete, compact and connected neighborhoods; and

WHEREAS, the City of Fayetteville recognizes that development that does not conform to the desired standards may request variances or waivers from the adopted standards from the Planning Commission at a public hearing,

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

Section 1. That Chapter 166: Development is amended by repealing and replacing all of section §166.08 – Design Standards, a copy of which marked Exhibit "A" is attached hereto and made a part hereof.

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

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

EXHIBIT "A"

Chapter 166: Development is amended by replacing §166.08 Design Standards with the following language.

166.08 Street Design and Access Management Standards

(A) *Intent.* These standards are intended to ensure that development is designed to be inherently safe, walkable, and efficient for the facilitation of traffic and pedestrian movements.

(B) *Fitness for development.* Based on topographic maps, soil surveys prepared by the Department of Agriculture and drainage information from the Future Land Use Plan and the Hillside/Hilltop Overlay District, the Planning Commission may require that steep grades, unstable soil and flood plains be set aside and not subdivided until corrections are made to protect life, health, and property.

(C) *Applicability.* The standards set forth herein shall apply to land which is proposed to be developed or redeveloped where the creation of public streets are required, or proposed, or in which new or existing access is created or modified. Developments that create private streets shall utilize these standards as guidelines.

(D) *Street design principles.*

(1) *Extensions.* All street extensions shall be constructed to Minimum Street Standards. Street extension stub-outs to adjacent properties are required to meet block layout/connectivity standards unless existing development or physical barriers prohibit such.

(2) *Substandard widths.* Developments that adjoin existing streets shall dedicate additional right-of-way to meet the Master Street Plan.

(3) *Street names.* Names of streets shall be consistent with natural alignment and extensions of existing streets, and new street names shall not duplicate or be similar to existing street names. Developers shall coordinate the naming of new streets through the GIS Office during the plat review process.

(4) *Tangents.* A straight tangent at least 100 feet long shall separate reverse curves for Collector and Arterial streets.

(5) *Pedestrian.* Pedestrian-vehicular conflict points should be controlled through signalized intersections and proven traffic calming design principles.

(6) *Street standards.* All street requirements shall be met as set forth in the City of Fayetteville Master Street Plan and adopted Minimum Street Standards.

(E) *Block Layout / Connectivity.*

(1) *Block Length.* Block lengths and street intersections are directly tied to the functional hierarchy of the street pattern that exists or is proposed. Waivers from the following maximum block length standards may be granted by the Planning Commission, when justifiable.

(a) *Principal and Minor Arterial Streets.* Signalized intersections should be located at a minimum of one every 2,640 feet (half a mile) along principal and minor arterials and should be based on traffic warrants.

(b) *Collectors.* Intersections should be located at a minimum of one every 1,320 feet (quarter of a mile) along collector streets.

(c) *Locals.* Intersections shall occur at a minimum of one every 800 feet.

(d) *Residential.* Intersections shall occur at a minimum of one every 600 feet.

(2) *Topography.* Local streets should be designed to relate to the existing topography and minimize the disturbance zone.

(3) *Dead-end streets.* Dead end streets are discouraged and should only be used in situations dictated by difficult topography or existing barriers to connecting adjoining properties. All dead end streets shall end in a cul-de-sac with a radius of 50 feet, or an alternative design approved by the City and the Fire Department. The maximum length of a dead end street (without a street stub-out) shall be 500 feet.

(F) *Access Management.* Safe and adequate vehicular, bicycle, and pedestrian access shall be provided to all parcels. Local streets and driveways shall not detract from the safety and efficiency of bordering arterial routes. Property that fronts onto two public streets shall place a higher priority on accessing the street with the lower functional classification, ex. Local and Collector.

(1) *Curb cut minimum distance from intersection.*

(a) *Principal and Minor Arterial Streets.* Where a street with a lower functional classification exists that can be accessed, curb cuts shall access onto those streets. When necessary, curb cuts along arterial streets shall be shared between two or more lots. Where a curb cut must access the arterial street, it shall be located a minimum of 250 feet from the center line of an intersection or driveway.

Number of Curb Cuts Permitted	
Length of Street Frontage	Maximum Number of Curb Cuts
0-500 ft.	1
501-1000 ft.	2
1001-1500 ft.	3
More than 1500 ft.	4

(b) *Collector Streets.* Curb cuts shall be located a minimum of 100 feet from the center line of an intersection or driveway. When necessary, curb cuts along collector streets shall be shared between two or more lots.

Number of Curb Cuts Permitted	
Length of Street Frontage	Maximum Number of Curb Cuts
0-100 ft.	1
101-250 ft.	2
251-500 ft.	3
More than 500 ft.	4

(c) *Local and Residential Streets.* Curb cuts shall be located a minimum of 50 feet from the center line of an intersection or driveway. In no case shall a curb cut be located within the radius return of an adjacent curb cut or intersection. Curb cuts shall be a minimum of fifteen (15') feet from the adjoining property line.

Number of Curb Cuts Permitted	
Length of Street Frontage	Maximum Number of Curb Cuts
0-50 ft.	1
51-125 ft.	2
126-250 ft.	3
More than 250 ft.	4

(d) *Residential Subdivisions.* In the case of residential subdivisions, curb cuts shall be discouraged along arterial and collector streets. When necessary, curb cuts along arterial and collector streets shall be shared between two or more lots. Curb cuts along all streets shall be located a minimum of five feet (5') from the adjoining property line.

(2) *Speed.* All streets should be designed to discourage excessive speeds.

(G) *Non-conforming Access Features.*

(1) *Existing.* Permitted access connections in place on the date of the adoption of this ordinance that do not conform with the standards herein shall be designated as nonconforming features and shall be brought into compliance with the applicable standards under the following conditions:

(a) When new access connection permits are requested;

(b) Upon expansion or improvements

greater than 50% of the assessed property value or gross floor area or volume;

(c) As roadway improvements allow.

(H) *Easements.* Utility and drainage easements shall be located along lot lines and/or street right-of-way where necessary to provide for utility lines and drainage. The Planning Commission may require larger easements for major utility lines, unusual terrain or drainage problems.

(I) *Residential lots.* The use and design of lots shall conform to the provisions of zoning where City zoning is in effect. When no City zoning applies, the following standards shall govern unless in conflict with more stringent city, county or state regulations:

(1) *Bulk and area regulations:*

	Planning Area
Lot area minimum	10,000 sq. ft.
Lot width minimum	75 ft.
Side setback	10 ft.
Front Setback	25 ft.
Rear setback	20 ft.
Frontage on improved street	75 ft.

(2) *Size.* The size and shape of the lots shall not be required to conform to any stipulated pattern, but insofar as practicable, side lot lines should be at right angles to straight street lines or radial to curved street lines. When a tract of land is subdivided into larger than normal lots, such lots shall be so arranged as to permit the logical location and opening of future streets and appropriate resubdivision of the lots, with provisions for adequate utility connections for such resubdivision.

(3) *Developments outside city developed to all inside the city standards.* If the City Council grants access to the City's sewer system pursuant to § 51.113 (C) and the owner/developer agrees to petition for annexation as soon as legally possible and develop the subdivision in accordance with all city development requirements including payment of all impact fees, the bulk and area requirements for this subdivision shall conform to those within the RSF-4 Zoning District rather than those within the planning area.

(Code 1965, App. C., Art. IV, §§C, D, F--H; Ord. No. 1750, 7-6-70; Ord. No. 1801, 6-21-71; Ord. No. 2196, 2-17-76; Ord. No. 2353, 7-5-77; Code 1991, §§159.45, 159.58, 159.51--159.53; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4757, 9-6-05; Ord. 4919, 9-05-06)

Cross reference(s)--Bonds and Guarantees, Ch. 158; Variances. Ch. 156; Notification and Public Hearings, Ch. 157.

Fayetteville
ARKANSAS

THE CITY OF FAYETTEVILLE, ARKANSAS

STREET COMMITTEE MEMO

To: Street Committee Members

Through: Karen Minkel, Interim Long Range Planning Director
Ron Petrie, City Engineer

From: Leif Olson, Long Range Planner

Date: June 18, 2008

Subject: Access Management Ordinance

Background:
Following the Street Committee meeting of May 12, 2008, Planning Staff began a project to apply the proposed street connectivity regulations in order to compare them with the typical sub-division design that has been constructed in the recent past. Staff created two different scenarios on the same tracts of land located west of Rupple Rd. and south of Persimmon St. This area is relatively flat with a significant flood plain bisecting the 40 acre quarter sections.

In the first scenario, Planning Staff laid out a series of streets in a typical cul-de-sac design with low connectivity. Like most of the development in the surrounding area the homes face inward on dead-end streets. Access is limited by a small number of connections with adjoining subdivisions and collector and arterial streets. Neighbors that live in close proximity, but on different cul-de-sacs, are required to travel a long distance by street to visit one another. On a small scale, this type of development pattern may not look that bad. However, after complete build-out, the conglomeration of this kind of development creates disjointed auto-centric sprawl accessed by way of a board fence lined collector street. This neighborhood discourages pedestrian traffic and increases vehicular traffic congestion at the small number of points of ingress and egress along the surrounding arterial and collector streets.

The second scenario utilizes the proposed street connectivity standards. A grid street pattern is established utilizing local, residential, low-impact and alley cross-sections. There is a high degree of connectivity. Houses front onto the collector and local streets, and alleys provide access to minimize curb cuts along collector streets. Cul-de-sacs are utilized in situations that warrant them, such as proximity to the floodplain. This type of development pattern provides superb walkability and fits into the larger context of what

is required to make great neighborhoods. A traditional grid also allows for change over time and the ability to provide a mix of housing types and sizes.

The following is a breakdown of the buildable lot area and the square footage of the proposed streets and alleys within the development scenarios.

	Total Area	Buildable Area	Street Pavement S.F.	% Street Pavement in Project
Cul-De-Sac	5,809,202.7 Sq. Ft. / 133 Acres	5, 193,174 Sq. Ft. / 119 Acres	616, 028.7 Sq. Ft. / 14 Acres	11%
Traditional Grid	5,809,202.7 Sq. Ft. / 133 Acres	5, 194, 189 Sq. Ft. / 119 Acres	615, 013.5 Sq. Ft. / 14 Acres	11%

Conclusion:

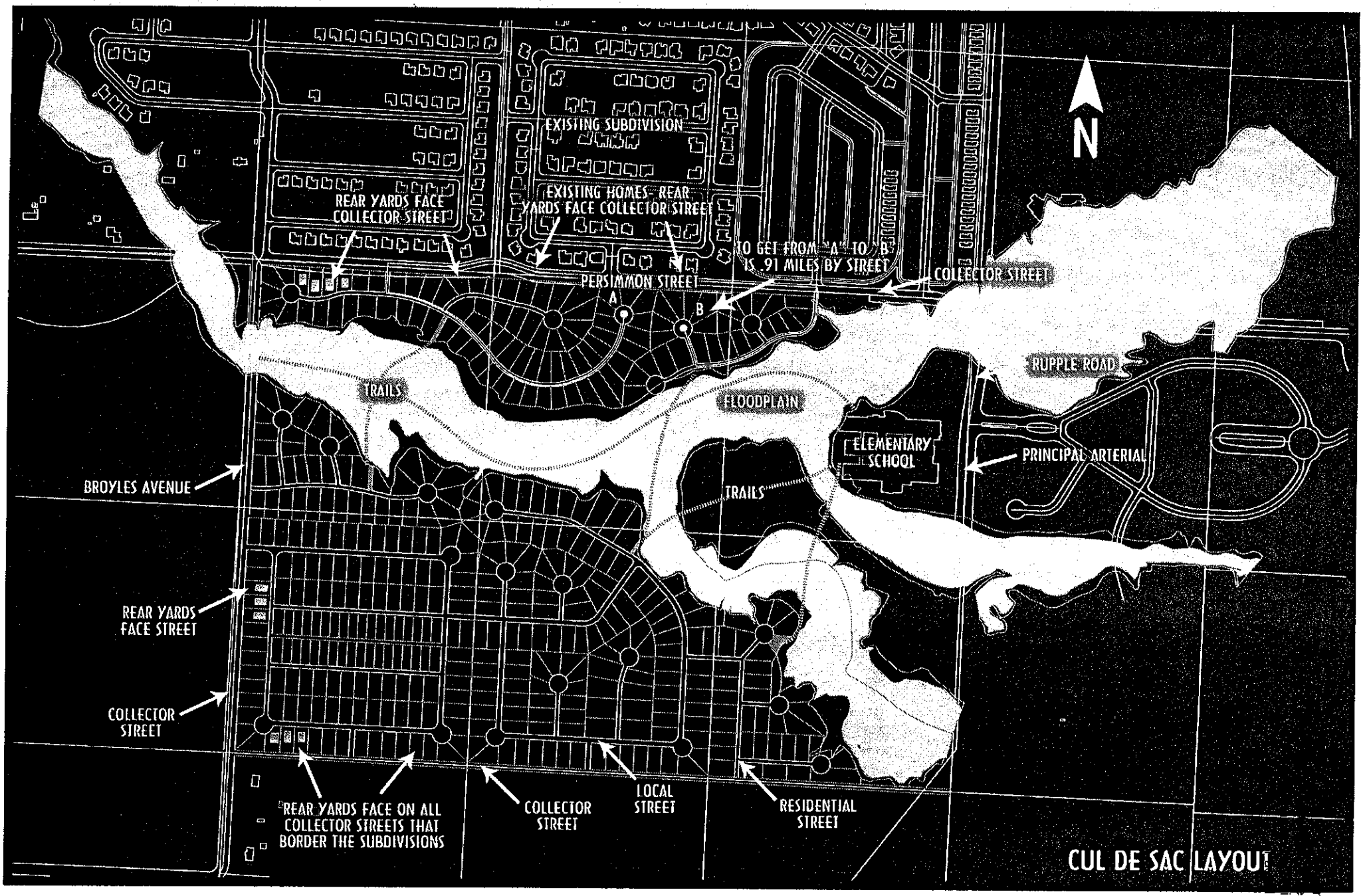
The benefits of a grid street network can be measured in both city infrastructure efficiencies and community cohesiveness. Benefits to city infrastructure include:

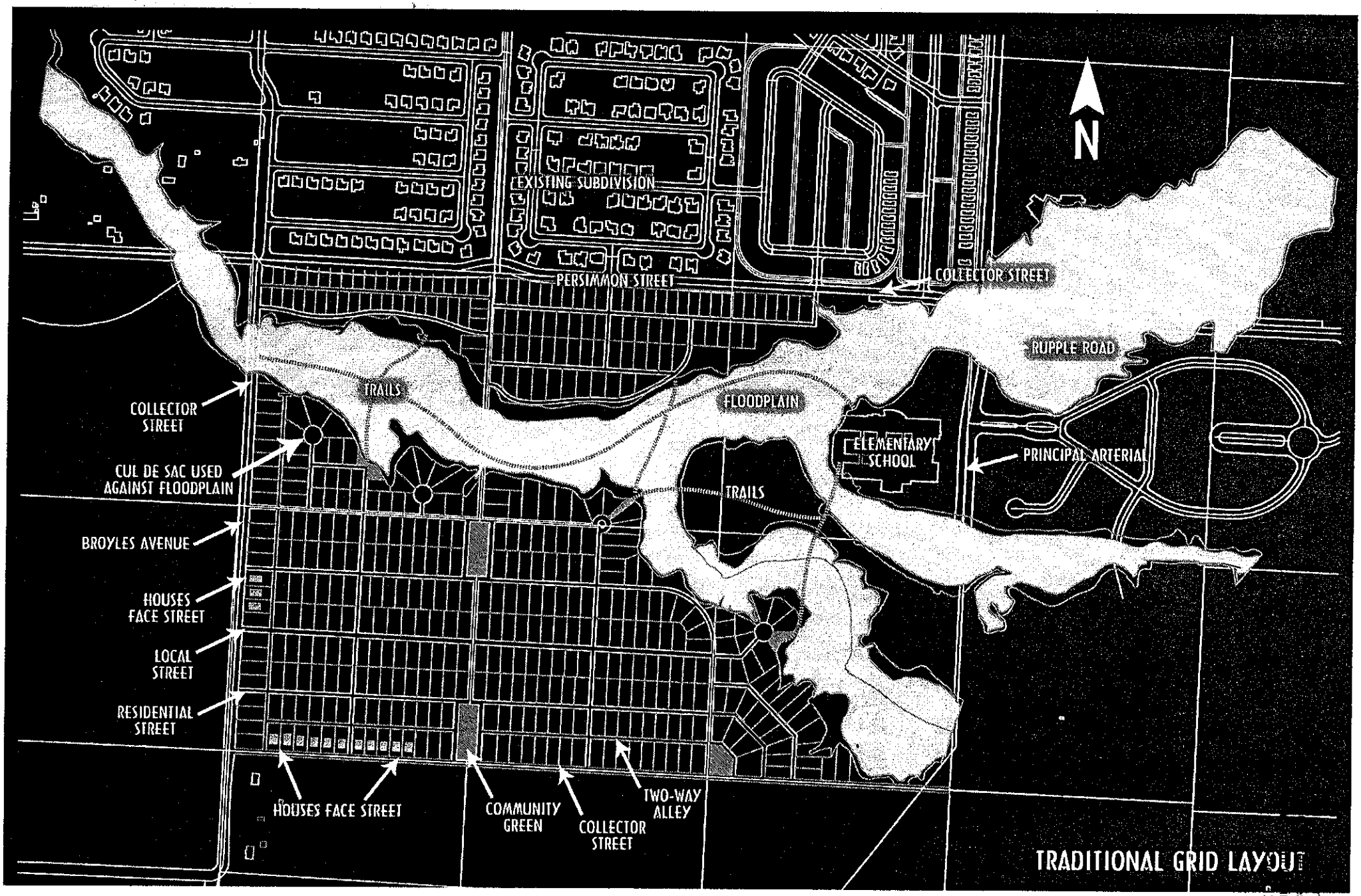
- Efficient dispersal of vehicular traffic in the context of the larger neighborhood,
- "Looping" of water and sewer services is preferable,
- Emergency services have multiple points of neighborhood entry,
- Solid waste, school buses and delivery services gain efficiency,
- Increased alternative transportation opportunities reduce automobile dependence and lead to less traffic congestion.

Benefits to the greater community and neighborhood include:

- Superbly walkable neighborhoods,
- Promotes active lifestyles for people of all ages,
- Reduces automobile dependency for all ages,
- Encourages a mixture of housing types, sizes and densities,
- Promotes mixed use neighborhoods – residentially as well as commercially.

Planning Staff recommends that the Street Committee forward the proposed Street Design, Block Layout/Connectivity and Access Management ordinance to the full City Council for discussion and adoption.


N
EXISTING SUBDIVISION
REAR YARDS FACE COLLECTOR STREET
EXISTING HOMES- REAR YARDS FACE COLLECTOR STREET
TO GET FROM "A" TO "B" IS .91 MILES BY STREET
PERSIMMON STREET
A
B
COLLECTOR STREET
RUPPLE ROAD
TRAILS
FLOODPLAIN
ELEMENTARY SCHOOL
PRINCIPAL ARTERIAL
TRAILS
BROYLES AVENUE
REAR YARDS FACE STREET
COLLECTOR STREET
REAR YARDS FACE ON ALL COLLECTOR STREETS THAT BORDER THE SUBDIVISIONS
COLLECTOR STREET
LOCAL STREET
RESIDENTIAL STREET
CUL DE SAC LAYOUT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EXISTING SUBDIVISION
PERSIMMON STREET
COLLECTOR STREET
RUPPLE ROAD
TRAILS
FLOODPLAIN
ELEMENTARY SCHOOL
PRINCIPAL ARTERIAL
TRAILS
COLLECTOR STREET
CUL DE SAC USED AGAINST FLOODPLAIN
BROYLES AVENUE
HOUSES FACE STREET
LOCAL STREET
RESIDENTIAL STREET
HOUSES FACE STREET
COMMUNITY GREEN
COLLECTOR STREET
TWO-WAY ALLEY
TRADITIONAL GRID LAYOUT

Fayetteville
ARKANSAS

THE CITY OF FAYETTEVILLE, ARKANSAS

STREET COMMITTEE MEMO

To: Street Committee Members

Through: Tim Conklin, Planning and Development Management Director
Ron Petrie, City Engineer

From: Leif Olson, Long Range Planner

Date: November 27, 2007

Subject: Access Management Ordinance

Background:
Access Management is generally defined as: a means of ingress or egress between a public street and abutting property or the intersection of public streets. In lay terms, access is also defined as entrances or driveways from properties to a public street system.

Access management is needed because the City's street system serves to move through traffic while also enabling access to adjacent properties. The efficiency and safety of the street system is impacted by the frequency and character of traffic interruptions and vehicular turning movements. Conflicts are created by vehicular movements to and from businesses, residences, streets and other developments.

The goal of an Access Management Policy is to preserve roadway capacity and create a safer environment for the entire transportation network by:

- Reducing the number of conflicts
- Separating potential conflict points
- Removing or minimizing turning vehicles and queues from through traffic movements
- Protecting the City's investment in the current and future capacity of the roadway
- Ensuring that access to future development is planned in the safest and most effective manner

The benefit of adopting a strict and enforceable Access Management Ordinance is to provide a safe street system and decreasing the number of severe crashes and congestion. The public receives operational benefits when conflicts points are minimized or separated, street capacity is increased, delays are reduced and the free flow of traffic is

expedited. Environmental benefits are also gained because vehicle emissions are reduced, fuel economy is increased, and travel time is reduced.

The Unified Development Ordinance currently regulates street design, connectivity and access management in Chapter 166: Development, Section 166.08 Design Standards. Currently curb cuts are allowed no closer than 50 feet from an intersection for local streets and 60 feet for collector and arterial streets. The distance between curb cuts is a minimum of 25 feet for local streets and 30 feet for collector and residential streets. While these standards are straight forward and enforceable, they are not necessarily appropriate for all development generally. Streets with high traffic volumes or travel speeds such as collectors and arterials need a much larger spacing between such conflict points.

Access Management Ordinance Intent:
The Planning Staff was directed by the elected officials to develop an access management plan that would ensure that development is designed to be inherently safe, walkable and efficient for the facilitation of traffic and pedestrian movements. The regulations currently in place are not as specific or as binding as what is desired in order to achieve safe and accessible development patterns.

Planning and Engineering staff have worked to develop a policy that will be unambiguous and enforceable. The Access Management Ordinance that is proposed was modeled after the policies that have been adopted in Bentonville and Rogers. The City Attorney has raised issues with some of the "shall" statements that are included in the proposed regulations. For instance Section 166.08(E) (1) (c) *Locals* reads: "Intersections shall occur at a minimum of one every 800 feet". The City Attorney would prefer to make all "shall" statements into "should" statements. Staff feels that to make these changes per the City Attorney's advice would make the ordinance non-binding and difficult for staff to enforce.

Resources:
The following links are access management policies and ordinances that have been developed and adopted by other regional municipalities:

Bentonville's Access Management Requirements
See Page 11 of 20 - SEC. 1100.9 ACCESS REQUIREMENTS
http://www.bentonvillear.com/docs/planning/subdivision_regulations/art1100_design_standards.pdf

Rogers's Access Management Requirements
http://www.rogersarkansas.com/planning/Access_management_doc_%20(4).pdf

Recommendation:
Staff recommends that the Street Committee forward the Draft Access Management Policy to the City Council for adoption with no amendments to the current language.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

TO: **City Council Street Committee**

FROM: **Kit Williams**, City Attorney

DATE: **May 10, 2008**

RE: **Street Design Standards**

At least as far back as 1976 and probably much earlier, Dead-end or cul-de-sac streets have been authorized and regulated by the Fayetteville Code of Ordinances. **These regulations have not prohibited or discouraged dead-end streets**, but tried to limit their length to 500′ in ordinary terrain and 1,000′ in hilly terrain. (Ordinance No. 1801 of 6-21-71; Ordinance No. 2196 of 2-17-76; Appendix IV §D of the 1965 Code of Fayetteville).

The 1991 Code of Fayetteville as supplemented through January 1998 had somewhat more detailed requirements for street construction, but continued to allow and **not discourage** dead-end streets. (See §159.49 **Street design principles** of the 1991 Code of Fayetteville) Three of these street design principles probably encourage dead-end streets. First, subsection (G) "*Through traffic*. Local Street systems should be designed to minimize through traffic movements." Disallowing dead-end streets so that every street is on a grid system encourages through traffic on this grid system of local streets. Through traffic is discouraged by dead-end streets.

Second, subsection "(J) *Economy*. A minimum amount of space should be devoted to street uses." Use of dead-end or cul-de-sac streets in new subdivisions often reduces the amount of street surface needed to access housing lots.

Finally, "(L) *Street pattern*. The arrangement of local streets should permit economical and practical patterns, shapes and sizes of development parcels." Requiring all streets to connect (grid pattern) necessarily prevents the design option of cul-de-sacs to efficiently and practically use different shapes and sizes of development parcels.

So, ten years ago (and for at least 20 years before then) the Fayetteville Code's development section's street design principles favored at least the occasional use of dead-end or cul-de-sac streets to discourage through traffic and promote efficiency and practicality.

The development code went through two major reviews and codification (1998 Unified Development Ordinance and 2003 Unified Development Code). The street design principles in code have remained exactly the same as to dead-end streets. §166.08 **Design Standards** (C) *Street design principles.* Subsection (7) *Through traffic* still states: "Local street systems should be designed to minimize through traffic movements."

Subsections (10) *Economy* and (12) *Street pattern* also remain unchanged and thus supportive of the availability of dead-end streets in the developer's tool box.

There is a new subsection (15) *Dead-end streets* which now require a 50′ radius cul-de-sac. There is even a one-third of a page chart on dead-end street design criteria (Chapter 166, page 31).

Dead-end streets that would not connect over Mount Sequoyah were **mandated** by a unanimously supported 1996 City Council Resolution which was reaffirmed a few years ago by this City Council.

In the face of unanimous and clear City Council intent to allow dead-end streets and cul-de-sacs, Planning Staff has presented a revised §166.08 **Street Design Standards** that basically would outlaw future dead-end streets unless a developer can prove a dead-end street is "**dictated by difficult topography or existing barriers to connecting adjoining properties.**" Even short cul-de-sacs designed to most efficiently use a developer's land or avoid having to build a bridge over a creek would now be denied by the Planning Commission.

It is probably within the City Council's lawful power to reverse the decades old policy of at least allowing, if not promoting, the occasional use of dead-end streets or cul-de-sacs. The policy question for the City Council is: **Do you want to remove a new home buyer's choice to live on a cul-de-sac because you "know better" than the citizens where they should live?**

Our General Land Use Plans (2010, 2020 and 2025) have long generally promoted connectivity. I believe these general guidelines have been enough to prevent any real problems with new developments and new cul-de-sacs. **What development approved in the past decade has had so many dead-end or cul-de-sac streets that our Planning Department thinks it should not have been approved?** There should be a major problem, not just an academic or theoretical concern, before an established principle is reversed. This is especially true when the government seeks to restrict one of its citizens' most important rights ... where to live.

I was on the City Council in the 90's when we approved Mayor Coody's well designed, attractive and desirable development at the end of a long dead-end street, Rogers Drive. Should the City have forced Mayor Coody to build a street "to connecting adjoining properties" such as the Methodist Assembly land or down to Happy Hollow? Such a policy would serve only to destroy land and trees and to waste money, thereby driving up the costs for home owners. Instead Mayor Coody wisely preserved most of his land. The development ordinances worked well allowing an efficient, ecologically beneficial design, even though it extended a dead-end street.

The current Unified Development Code's restrictions on the length of a dead-end street coupled with our General Land Use Plan's encouragement of connectivity have served Fayetteville well. Planning's suggested change appears to be a solution in search of a problem that does not really exist.

The City Council needs to realize the significance of the amendment proposed by the Planning Department. This would, in effect, ban virtually any new cul-de-sac or dead-end street in Fayetteville.

166.08 Street Design, Block Layout / Connectivity and Access Management Standards

(A) *Intent.* These standards are intended to ensure that development is designed to be inherently safe, walkable, and efficient for the facilitation of traffic and pedestrian movements.

(B) *Fitness for development.* Based on topographic maps, soil surveys prepared by the Department of Agriculture and drainage information from the Future Land Use Plan and the Hillside Overlay District, the Planning Commission may require that steep grades, unstable soil and flood plains be set aside and not subdivided until corrections are made to protect life, health, and property.

(C) *Applicability.* The standards set forth herein shall apply to land which is proposed to be developed or redeveloped in which the creation of public streets are required or proposed or in which new or existing access is created or modified. Developments which create private streets shall utilize these standards as guidelines.

(D) *Street design principles.*

(1) *Extensions.* All street extensions shall be constructed to Minimum Street Standards. Street extension stub-outs to adjacent properties are required to meet block layout/connectivity standards unless existing development or physical barriers prohibit such.

(2) *Substandard widths.* Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the minimum widths listed.

(3) *Street names.* Names of streets shall be consistent with natural alignment and extensions of existing streets, and new street names shall not duplicate or be similar to existing street names. Developers shall coordinate the naming of new streets through the GIS Office during the plat review process.

(4) *Tangents.* A straight tangent at least 100 feet long shall separate reverse curves for Collector and Arterial streets.

(5) *Pedestrian.* Pedestrian-vehicular conflict points should be controlled through signalized intersections and proven traffic calming design principles.

(6) *Street standards.* All street requirements shall be met as set forth in the City of Fayetteville Master Street Plan and adopted Minimum Street Standards.

(E) *Block Layout / Connectivity.*

(1) *Block Length.* Block lengths and street intersections are directly tied to the functional hierarchy of the street pattern that exists or is proposed. Waivers from the following maximum block length standards may be granted by the Planning Commission, when justifiable.

(a) *Principal and Minor Arterials.* Signalized intersections should be located at a minimum of one every 2,640 feet (half a mile) along principal and minor arterials and should be based on traffic warrants.

(b) *Collectors.* Intersections should be located at a minimum of one every 1,320 feet (quarter of a mile) along collector streets.

(c) *Locals.* Intersections shall occur at a minimum of one every 800 feet.

(d) *Residential.* Intersections shall occur at a minimum of one every 600 feet.

(2) *Topography.* Local streets should be designed to relate to the existing topography and minimize the disturbance zone.

(3) *Dead-end streets.* Dead end streets are discouraged and should only be used in situations dictated by difficult topography or existing barriers to connecting adjoining properties. All dead end streets shall end in a cul-de-sac with a radius of 50 feet, or an alternative design approved by the City and the Fire Department. The maximum length of a dead end street (without a street stub-out) shall be 500 feet.

(F) *Access Management.* Safe and adequate vehicular, bicycle, and pedestrian access shall be provided to all parcels. Local streets and driveways shall not detract from the safety and efficiency of bordering arterial routes. Property that fronts onto two public streets shall place a higher priority on accessing the street with the lower functional classification, ex. Local and Collector.

(1) *Curb cut minimum distance from intersection.*

(a) *Principal and Minor Arterial.* Where a street with a lower functional classification exists that can be

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

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

DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

TO: **City Council**

CC: **Tim Conklin**, Planning & Development Planning Director
Leif Olson, City Planner

FROM: **Kit Williams**, City Attorney

DATE: **December 12, 2007**

RE: **Proposed Amendments to §166.08 Design Standards**

When the proposed changes to §166.08 **Design Standards** (for streets) of the UDC was considered by the Street Committee on Monday (December 10th), it had been about three months since I had reviewed the Planning Department's proposal and suggested numerous changes. I had not been provided a copy of the Planning Department's memo before the meeting and so was pretty rusty about their proposal. I probably did not explain my concerns very well to the Street Committee. Therefore, I have prepared this memo to explain some of the significant changes to current City policy as enacted in the Unified Development Code that will occur if this proposal is adopted.

You might want to compare our current §166.08 **Design Standards** of the Unified Development Code (attached) to the proposed new §166.08 **Street Design, Block Layout/Connectivity and Access Management Standards** to ensure you are aware of all of the changes being proposed.

INTENT

The changes begin in the first subsection (A) *Intent* that would in the future state that these "standards are intended to ensure that development is designed to be inherently **safe, walkable** and **efficient** ...." Currently these "standards are intended to help the developer achieve development that is **safe, efficient, pleasant, economical to build and easy to maintain.**"

CONNECTIVITY

In the proposed standards, "Street extension stub-outs to adjacent properties are **required** to meet block layout/connectivity standards ...." No such requirement exists in the current subsection. This requirement works in tandem with the new virtual ban on dead-end streets found in §166.08 (E)(3), and discussed below.

DEAD-END STREETS

Although dead-end streets now require a cul-de-sac with a radius of 50 feet, they may extend up to 1,000 feet in "Hilly" areas (where several now already probably extend that far – Lovers Lane, 28th Street, Rogers Drive). Our current standards do not "**discourage**" dead-end streets, nor state they "**should only be used** in situations dictated by difficult topography or existing barriers to connecting adjoining properties." This newly proposed language seems to run counter to City Council's previous unanimous rejection of forced connectivity over Mt. Sequoyah (which had also been proposed by the Planning Department in the 90's).

Although planning theorists dislike dead-end streets, many citizens all over our nation and within Fayetteville have chosen to buy a home on a dead-end street where available. Should government remove that choice from new home buyers because government "knows better" than its citizens? Our current regulations in §166.08 place restrictions as to length for dead-end streets, but otherwise allow our citizens the opportunity to choose whether to live on a grid street or cul-de-sac.

The "should **only** be used in situations dictated by difficult topography or existing barriers" language would probably be interpreted and used by the Planning Commission to ban virtually any new cul-de-sacs. So if the City Council wants to ban dead-end streets, this is the appropriate language to adopt. If you wish to continue the current UDC's regulations that allow developers and new home buyers the freedom to have homes on cul-de-sacs, then the above restrictive language should not be adopted.

TANDEM LOTS

I recommend against using "shall" in subsection (E) *Access Management* which would require pedestrian access "to all parcels." A tandem lot is a parcel without sufficient street frontage and is allowed only by a conditional use granted

by the Planning Commission to be behind a parcel with adequate street frontage. There are many tandem lots throughout Fayetteville (some predating our regulations). Requiring sidewalk access back behind the house on the street for a house without street frontage seems illogical. Changing "shall" to "should" would alleviate those situations where sidewalks make no sense. I would also remove "bicycle" from "vehicular, bicycle and pedestrian access" since bicycles are vehicles and share the same access rights in most cases.

CURB CUTS

The primary reason for this ordinance should be to lengthen the distance between allowed curb cuts (as our neighbors to the north have already done). However, we cannot legally **prohibit** curb cuts on arterials or collectors simply because a lot also has frontage on a lower classified street (**unless we want to pay the owner for taking his access easement**). Therefore the proposed new (F)(1)(a) needs to be redrafted to remove the language that "curb cuts shall access only those (lower functional classification) streets." I also recommend my other proposed changes to F (1) which will give Planning Staff and developers more flexibility, but still result in fewer curb cuts and more shared driveways.

CONCLUSION

This is important legislation that proposes numerous far-reaching changes in our current Unified Development Code policy and regulations. Thus, **it should be examined and considered very carefully, sentence-by-sentence**. Examples of current application and proposed application (including possible unintended consequences) should be considered for each new subsection. The City Council Street Committee or Ordinance Review Committee may wish to forward the current and newly proposed §166.08 to local developers for their input. The developers might note unanticipated consequences or technical issues that we could have missed.

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

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

DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

TO: **Dan Coody**, Mayor
Jeremy Pate, Director of Current Planning
Tim Conklin, Planning & Development Management Director

FROM: **Kit Williams**, City Attorney

DATE: **September 6, 2007**

RE: **Access Management, Curb Cuts**

I have reviewed the proposed changes to the City's access management code sections of the UDC and have written suggested changes in red (attached). My changes in the Block Layout section merely states what I believe is more clear language than what Planning is recommending. I also used the "should" language of arterials and collectors for locals and residentials rather than their "shall" wording.

In (F) *Access Management*, the first sentence uses mandatory "shall" language that could have unanticipated problems (such as with tandem lots: should we require public sidewalk to access all rear tandem lots?)

The biggest legal problem is in (F)(1)(a) which attempts to prohibit access to arterials or collectors if a lot also fronts on a lower classification street. This has clearly been rejected in every case I have found. Just as with the rest of this paragraph, replacing "shall" with "should" removes the illegal mandatory prohibition while expressing the City's preference and goals of better and safer traffic management. The "should" also makes our development ordinance more flexible so that unusual land or lot configurations can be more sensibly addressed. The mandatory "shall" could force us to reject a proposal that actually makes sense in the context proposed.

166.08 Street Design, Block Layout / Connectivity and Access Management Standards

(A) *Intent.* These standards are intended to ensure that development is designed to be inherently safe, walkable, and efficient for the facilitation of traffic and pedestrian movements.

(B) *Fitness for development.* Based on topographic maps, soil surveys prepared by the Department of Agriculture and drainage information from the Future Land Use Plan and the Hillside Overlay District, the Planning Commission may require that steep grades, unstable soil and flood plains be set aside and not subdivided until corrections are made to protect life, health, and property.

(C) *Applicability.* The standards set forth herein shall apply to land which is proposed to be developed or redeveloped in which the creation of public streets are required or proposed or in which new or existing access is created or modified. Developments which create private streets shall utilize these standards as guidelines.

(D) *Street design principles.*

(1) *Extensions.* All street extensions shall be constructed to Minimum Street Standards. Street extension stub-outs to adjacent properties are required to meet block layout/connectivity standards unless existing development or physical barriers prohibit such.

(2) *Substandard widths.* Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the minimum widths listed.

(3) *Street names.* Names of streets shall be consistent with natural alignment and extensions of existing streets, and new street names shall not duplicate or be similar to existing street names. Developers shall coordinate the naming of new streets through the GIS Office during the plat review process.

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(5) *Pedestrian.* Pedestrian-vehicular conflict points should be controlled through signalized intersections and proven traffic calming design principles.

(6) *Street standards.* All street requirements shall be met as set forth in the City of Fayetteville Master Street Plan and adopted Minimum Street Standards.

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(b) *Collectors.* Intersections should be located at a minimum of one every 1,320 feet (quarter of a mile) along collector streets.

(c) *Locals.* Intersections shall occur at a minimum of one every 800 feet.

(d) *Residential.* Intersections shall occur at a minimum of one every 600 feet.

(2) *Topography.* Local streets should be designed to relate to the existing topography and minimize the disturbance zone.

(3) *Dead-end streets.* Dead end streets are discouraged and should only be used in situations dictated by difficult topography or existing barriers to connecting adjoining properties. All dead end streets shall end in a cul-de-sac with a radius of 50 feet, or an alternative design approved by the City and the Fire Department. The maximum length of a dead end street (without a street stub-out) shall be 500 feet.

(F) *Access Management.* Safe and adequate vehicular, bicycle, and pedestrian access shall be provided to all parcels. Local streets and driveways shall not detract from the safety and efficiency of bordering arterial routes. Property that fronts onto two public streets shall place a higher priority on accessing the street with the lower functional classification, ex. Local and Collector.

(1) *Curb cut minimum distance from intersection.*

(a) *Principal and Minor Arterial.* Where a street with a lower functional classification exists that can be

Probably illegal unless we pay for the lost access to the other street.

accessed, curb cuts shall access onto those streets. When necessary, curb cuts along arterial and collector streets shall be shared between two or more lots. Where a curb cut must access the arterial street, it shall be located a minimum of 250 feet from the center line of an intersection or driveway.

where feasible

should

Arterial streets

Number of Curb Cuts Permitted on a Lot	
Length of Street Frontage	Maximum Number of Curb Cuts
0-500 ft.	1
501-1000 ft.	2
1001-1500 ft.	3
More than 1500 ft.	4

(b) *Collector Streets.* Curb cuts shall be located a minimum of 100 feet from the center line of an intersection or driveway. When necessary, curb cuts along arterial and collector streets shall be shared between two or more lots. if feasible.

should

Collector Streets

Number of Curb Cuts Permitted	
Length of Street Frontage	Maximum Number of Curb Cuts
0-100 ft.	1
101-250 ft.	2
251-500 ft.	3
More than 500 ft.	4

(c) *Local and Residential Streets.* Curb cuts shall be located a minimum of 50 feet from the center line of an intersection or driveway. In no case shall a curb cut be located within the radius return of an adjacent curb cut or intersection. Curb cuts shall be a minimum of fifteen (15') feet from the adjoining property line. unless

should

should

Local and Residential Streets

Number of Curb Cuts Permitted	
Length of Street Frontage	Maximum Number of Curb Cuts
0-50 ft.	1
51-125 ft.	2
126-250 ft.	3
More than 250 ft.	4

(d) *Residential Subdivisions.* In the case of residential subdivisions, curb cuts shall be discouraged along arterial and collector streets. When necessary, curb cuts along arterial and collector streets shall be shared between two or more lots. Curb cuts along all streets shall be located a minimum of five feet (5') from the adjoining property line. unless

if feasible

should.

(2) *Speed.* All streets should be designed to discourage excessive speeds.

(G) *Nonconforming Access Features.*

(1) *Existing.* Permitted access connections in place at the date of the adoption of this ordinance that do not conform with the standards herein shall be designated as nonconforming features and shall be brought into compliance with the applicable standards under the following conditions:

(a) When new access connection permits are requested;

(b) Upon expansion or improvements greater than 50% of the assessed property value or gross floor area or volume;

(c) As roadway improvements allow.

(G) *Easements.* Utility and drainage easements shall be located along lot lines and/or street right-of-way where necessary to provide for utility lines and drainage. The Planning Commission may require larger easements for major utility lines, unusual terrain or drainage problems.

(H) *Residential lots.* The use and design of lots shall conform to the provisions of zoning where City zoning is in effect. When no City zoning applies, the following standards shall govern unless in conflict with more stringent city, county or state regulations:

(1) *Bulk and area regulations:*

	Planning Area
Lot area minimum	10,000 sq. ft.
Lot width minimum	75 ft.
Side setback	10 ft.
Rear setback	20 ft.
Frontage on improved street	75 ft.

(2) *Size.* The size and shape of the lots shall not be required to conform to any stipulated pattern, but insofar as practicable, side lot lines should be at right angles to straight street lines or radial to curved street lines. When a tract of land is subdivided into larger than normal lots, such lots shall be so arranged as to permit the logical location and opening of future streets and appropriate

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

7/15/2008
City Council Meeting Date
Agenda Items Only

Steve Cattaneo	Building Safety	Operations
Submitted By	**Division**	**Department**

Action Required:

Council approval of an ordinance amending the Unified Development Code §§ 173 adopting the Arkansas Energy Code with a local amendment requiring an "energy efficiency certificate" to be afixed inside the electrical panel door in new homes.

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

Budgeted Item ☐ **Budget Adjustment Attached** ☐

6.27.08
Department Director — Date

6-27-08
City Attorney — Date

Paul A. Becker 6-30-08
Finance and Internal Service Director — Date

7/2/08
Mayor — Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office — ENTERED 6.27.08

Received in Mayor's Office — ENTERED 6/30/08

Comments:

Left on the second reading 7/15/08

Fayetteville
ARKANSAS

The City of Fayetteville, Arkansas

BUILDING SAFETY DIVISION

CITY COUNCIL AGENDA MEMO

TO: Mayor and City Council

THRU: Gary Dumas, Operations Director

FROM: Steve Cattaneo, Building Safety Director

DATE: June 26, 2008

RE: Ordinance amending the UDC §§ 173 adopting the Arkansas Energy Code with amendment

Intent:

To adopt the Arkansas Energy Code and to amend the Code to require a certificate that indicates the energy efficiency of new residences.

Background:

Mayor Coody initiated an ad-hoc committee early this year to develop a program to promote energy efficient construction. The committee has been meeting regularly twice monthly. One of the recommendations from the committee is to require an energy efficiency certificate (stick on label) to be installed inside the electrical panel cover that contains information to assist the owner, occupant or buyer in making decisions about energy efficient construction as well as information for future owners. John Coleman and I are the City liaisons for the committee.

The Arkansas Energy Code is enforceable as part of the Arkansas Fire Prevention Code. Staff recommends the adoption of the Arkansas Energy Code and to amend the Code to require an energy efficiency certificate in all new residences.

ORDINANCE NO. _____

AN ORDINANCE TO ENACT THE ARKANSAS ENERGY CODE AS A PART OF THE UNIFIED DEVELOPMENT CODE AND TO AMEND THE ENERGY CODE TO ADD A PROVISION FOR AN ENERGY EFFICIENCY CERTIFICATE

WHEREAS, the Building Safety Division has been using the Arkansas Energy Code in advising home builders about energy savings measures; and

WHEREAS, Building Safety and the Mayor's Ad Hoc Sustainability Committee recommend adopting the Arkansas Energy Code as a part of the City's Unified Development Code; and

WHEREAS, Building Safety and the Ad Hoc Sustainability Committee recommend an addition to the Energy Code of a certificate to evaluate and attest to the energy efficiency measures built into a new home; and

WHEREAS, Building Safety has been awarded a grant to pay for costs to print the certificates.

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 renumbers §§ 173.08, 173.09 and 173.10 of the Unified Development Code to §173.09, 173.10 and 173.11 respectively and enacts a new §173.08 as follows:

"§173.08 Arkansas Energy Code

"(A) *Adoption by reference.* The Arkansas Energy Code, its Rules and Regulations as adopted and promulgated by the Arkansas Energy Office, and as may from time to time hereafter may be amended, is hereby adopted by reference pursuant to A.C.A. §14-55-206 and §14-55-207.

"(B) *The Arkansas Energy Code is amended by adding a provision for an Energy Efficiency Certificate for new home construction.*

"The Building Safety Division is authorized to design, approve and may later amend an Energy Efficiency Certificate to be affixed inside the main electrical panel indicating the operational energy efficiency measures incorporated into the building at the time of the completion of its construction."

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby notifies the public that three copies of the Arkansas Energy Code are available and open to public examination in the City Clerk's Office prior to the passage of this ordinance and that copies shall be available and open to public examination in the Office of Building Safety after passage of this Ordinance.

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

APPROVED: ATTEST:

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

Proposed amendments:

§ 173.01 General Provisions
In addition to the specific provisions provided hereinafter, the following general provisions shall apply to the Building Code, Energy Code, Electric Code, Gas Code, Mechanical Code and the Plumbing Code.

§ 173.08 Energy Code (New section, other sections renumbered)
(A) *Adoption by reference.* There is hereby adopted by the City Council by reference thereto the provisions set forth in the Arkansas Energy Code, Rules and Regulations duly adopted and promulgated by the Arkansas Energy Office, Little Rock, Arkansas, pursuant to the authority expressly conferred by the laws of the State of Arkansas, as may from time to time hereafter be amended, save and except such portions of said code as may be deleted, modified, or amended herein.

(B) Amendments, additions, and deletions. The Arkansas Energy Code shall be amended as follows:

(1) Certificate. Every new residence shall have a certificate affixed inside the main electrical panel indicating the energy efficiency measures incorporated into the operation of the building at the time of completion of construction. The certificate may be amended and shall be approved by the Building Official.

Budget considerations:
2008 budget of the Building Safety Division can absorb the initial cost of 100 certificates (stick on labels) which is about $250, but we are expecting to receive grant funding that will cover this cost. These certificates will last well into 2009 where they may be budgeted as a separate line item.

Conclusion:
Adopting the Arkansas Energy Code with a local amendment that requires the certificate will increase the consumer's awareness of the energy efficiency for the various building elements in the home. The energy efficiency of a building is a function of many elements considered as separate parts of the whole, which can lead to confusion for the average homebuyer. The certificate is intended to provide the owner, occupant or buyer with a simple to understand overview of the buildings energy efficiency in order to easily make an informed decision.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

TO: **Steve Cattaneo**, Building Safety Director
Gary Dumas, Director of Operations

CC: **Sondra Smith**, City Clerk
Jeremy Pate, Director of Current Planning

FROM: **Kit Williams**, City Attorney

DATE: **June 13, 2008**

RE: **Amending Chapter 173: Building Regulations of the Unified Development Code**

The proposed amendment to the Unified Development Code should go through the Planning Commission prior to consideration of the City Council.

Planning Commission Minutes

ADM 08-3033

UDC Amendment §173 Building Regulations

Recommended for approval 23 June 2008

ADM 08-3033: (UDC Amendment – Ch. 173 Building Regulations): Submitted by Steve Cattaneo, Building Safety Director, requesting an amendment to Ch. 173 of the UDC, adopting the Arkansas Energy Code with local amendments.

Steve Cattaneo, Building Safety Director, gave the background on an ad-hoc committee created for reviewing the Arkansas Energy Code. Staff would like to develop a method for new homebuyers to compare homes on energy usage between homes. We would like to educate builders, consumers, and realtors. We would also like to create a competitive market and educational programs. The program would be voluntary, not required. A label would be required to be placed inside the electrical panel, and it would indicate if the home exceeded energy codes, etc., so any potential buyer could see where the home is at. The label will have information that will be useful for future owners to tell about the qualities of the house.

Jason Brown, Arkansas Western Gas representative and committee member, stated the committee had settled on a metric of the carbon footprint of a residence. We are currently in process of creating a spreadsheet that would produce a score using a code-compliant residence as a baseline, and with alterations and improvements the methodology will calculate how the carbon footprint has been reduced by those changes. The methodology uses the "manual J" calculation, which is the load calculation of peak cooling and heating loads already required for the city, and are input with the square footage numbers to calculate a baseline to run on. From there, the major energy users in the home such as HVAC equipment, water heaters, washer and dryers, lighting etc. are added into the scorecard, which produces a rolling carbon footprint calculation based on percentage improvement for all the things the homeowner does. It results in a standardized score from 0-100, where 0 means it is merely code-compliant, and 100 means the carbon footprint has been completely eliminated. Information would be readily available to builders and inspectors. The label would include pertinent information including the score and what items contributed to that score for the information for the home owner.

John Coleman, Sustainability Coordinator, stated that some of the things we wanted to include were a checklist based on other checklists from other cities and the U.S. Green Building Council, in the process of applying scores to those so we can relate that back to the scorecard. It will be a simple checklist where builders will be able to -- once they provide the manual J, which is the main portion of the scorecards, they can go in and determine what kind of HVAC system has been added, whether they did a programmable thermostat, what type of installations have been done. All these things accrue points in that way. Coleman provided a draft of a scorecard showing how the score is calculated. It will be simple enough so the consumer will be able to easily judge what homes are more energy efficient relative to others. It will also have more pertinent information such as the R value of the roof and ceilings, things they would not notice coming in 5 years later to purchase the home. The minimum requirement would be that the scorecard will be posted in the electrical panel.

No public comment was received.

Commissioner Graves asked if the certificate in the electrical panel would be the scorecard.

Coleman stated that it would be.

Commissioner Anthes asked if the request was to adopt the Arkansas Energy Code, which is currently considered but not officially adopted, and then amend it by requiring the scorecard.

Cattaneo stated that that was correct.

Commissioner Anthes stated she was confused because she was being asked to require this certificate but does not know what is actually going to be on it. It is only a draft at this stage. She would feel better knowing things for certain about the scorecard before approving it, such as: what building elements would be listed on the label, who verifies the numbers listed, who verifies the installed items meet the criteria of the drawing, whose time will be spent doing that, and do we have a budget allocated toward that staff time if indeed staff and not the builder will be doing it. She is blown away by the comment about the possibility of 100% removing the carbon footprint. She stated she is very confused about what is being proposed.

Cattaneo discussed the Arkansas energy code; as for the scorecard, it is intended to allow consumers to know where their residence stands.

Commissioner Anthes asked if this will add time for inspectors.

Cattaneo stated it will add some time, but feels it is manageable with what we're doing already.

Brown stated that a significant portion of the discussion among the committee has been about how to make it easy for the inspectors and home builders. Regarding Commissioner Anthes' carbon footprint question, the intent of the committee was to work on the operation of the actual home. It was originally energy efficiency, we chose carbon footprint to be the best metric to judge that by.

Commissioner Anthes stated she did not have a problem with the idea of doing this, but asked if we need to know all of the information from this scorecard before we send it forward with a recommendation of approval.

Kit Williams, City Attorney, stated that he thinks that with this presentation and the information that has been presented that it would be appropriate to have it forwarded to City Council, allowing some more details to be worked out.

Commissioner Anthes stated she would like to see the code adopted and the program put in place.

Williams stated that with the kind of enforcement measures that will not be intense enforcement measures, this is a voluntary program which the committee is seeking acceptance for. As any ordinance or code goes, there are always modifications and improvements, so it will be looked at as a first step, not the last step.

Cattaneo stated that the committee did not perceive the amendment as being set in stone, and there would likely be revisions over a period of time.

Commissioner Anthes stated she was concerned with the program being meaningful, in that it should be properly verified.

Commissioner Winston asked if the sticker goes in with the Certificate of Occupancy, and if you get a sticker whether you take part in the program or not.

Cattaneo stated this was correct.

Commissioner Winston asked if the sticker could work retroactively for homes.

Coleman stated it would be very difficult to do that without inspections in place at the time of initial construction.

Commissioner Winston asked about remodels.

Brown stated that if you do an extensive remodel - the building block of all of this starts with the manual J calculations, so you have to know the peak heating and cooling loads and that requires an intimate knowledge of the building shell, so it is required to know how much insulation there is and specifications on the doors and windows. So it would be possible to determine the score if the house were to be gutted to the shell, but as time goes by you lose the baseline information you need for the manual J calculation upon which the score is built. So it depends on the extent of the remodel.

Commissioner Winston asked if a brand new house was built but did not have major appliances in it, could the house still be able to qualify for the sticker?

Brown stated the committee has not yet discussed that.

Coleman stated that if the builder is not going to provide appliances and the house has obtained its C of O, it seems reasonable that they would not be awarded any points for those upgrades. The y are not going to send an inspector back out to see if they have added Energy Star appliances after the C of O has been issued.

Commissioner Winston asked if there was an allowance for something experimental or unusual, and if people could be awarded "creativity points."

Coleman stated he has discussed that and will likely try and do that with this proram.

Commissioner Graves asked if the certificate could be changed over time to incorporate experimental things or alterations that might come up. He asked if it could be amended to clarify that we are talking about the operation of the building at the time of construction. Right now it says "energy efficiency measures incorporated into the building," and maybe it could say, "incorporated into the operation of the building at the time of construction." It seems like B-1 could be more flexible to allow Building Safety staff to modify that.

Commissioner Trumbo stated he would encourage an amendment to include Commissioner Graves' suggestion.

Motion:

Commissioner Graves made a motion to amend part B-1 to read "Every new residence shall have a certificate affixed inside the main electrical panel indicating the energy efficiency measures incorporated into the operation of the building at the time of completion of construction. The certificate may be amended and shall be approved by the Building Official." **Commissioner Cabe** seconded the motion. **Upon roll call the motion passed with a vote of 9-0-0.**

Commissioner Lack stated he had a comment regarding the number 100. He would probably not recommend a "100" possibility, reducing the carbon footprint entirely. He is in agreement with adopting the energy code and using the sticker program. He is also in agreement that the idea of appliances which can be modified readily should not be included in this sticker program. One could change the score by simply not maintaining the appliance.

Motion:

Commissioner Myres made a motion to forward the ordinance to the City Council as amended, with a recommendation of approval. **Commissioner Lack** seconded the motion. **Upon roll call the motion passed with a vote of 9-0-0.**

CITY COUNCIL INFORMATIONAL PACKET:

Fayetteville Residential Energy Efficiency Program

The intent of the program is to promote energy efficiency above the code minimum by providing:

- A method for potential homeowners to compare the efficiency of homes in an easy to interpret format (Scorecard Label).
- Education and incentives to participating builders.
- General education about the program to the public and specific education to realtors and potential buyers.

The committee is devoted to keeping this initial program simple for builders as well as inspectors, and has developed an easy to understand score that potential home buyers can use to compare homes they consider for purchase. Including the education of buyers and realtors to know to look for the label, and a general understanding of what the values mean.

The program provides understandable and consistent information to prospective owners about the energy efficiency of dwelling units to assist them in making educated choices concerning energy usage. To accomplish this, the committee has developed a scoring system with a label that will be displayed inside the primary electrical panel cover indicating the expected energy performance of the envelope and base systems relative to buildings that meet the minimum performance requirements of the Arkansas Energy Code. The scorecard must be installed inside the electrical panel door and is a requirement for the Certificate of Occupancy.

Under the program, builders are permitted to demonstrate compliance using the Arkansas Energy Code as a baseline, but a scorecard will be required to be displayed in every new home.

The builder will have two options:

1. Do not participate and follow the provisions of the Arkansas Energy Code to receive the baseline score indicating they have met the minimum requirements.

2. Participate in the program by providing readily available information and input it into the scorecard spreadsheet to receive the efficiency score for the home. The spreadsheet is designed to take just a few minutes to fill out and receive a score.

The Committee will promote participation in the program by announcing a builder's participation and offering web site recognition, media resources and other accolades. Builders will be encouraged to display signage that will indicate they are participating in the "Fayetteville Residential Energy Efficiency Program".

This is a dynamic program that will continue to evolve over time. Provisions have been made to receive feedback and incorporate a review process on a regular basis. We anticipate the program will continue in some form indefinitely.

The use of design innovation and on-site energy is encouraged. The committee is available to review alternative items and award additional points based on such merits.

We believe that the consumer will make educated decisions when provided with the proper information that will result in a consumer driven move towards high performance building practices. The market will shift towards higher efficiencies as builders compete to meet consumer demand.

ATTACHED:

A SAMPLE RESIDENTIAL LOAD CALCULATION USING ACCA MANUAL J

THE INITIAL INPUT PAGE FROM THE PROGRAM SPREADSHEET

A DRAFT EXAMPLE OF "EXTRA POINT ITEMS" THAT HAVE BEEN INCORPORATED INTO THE SPREADSHEET

A SAMPLE COPY OF THE CERTIFICATE TO BE ATTACHED INSIDE THE ELECTRICAL PANEL DOOR.

1	**Name of Room** Smith Residence					**Entire House**							
2	**Running Feet of Exposed Wall**					2 x (56 + 32) = 176							
3	**Ceiling Height (Ft) and Gross Wall Area (SqFt)**					8 & 10	1,408 + 696 = 2,104						
4	**Room Dimensions (Ft) and Floor Plan Area (SqFt)**					56 x 32	1,792						
5	**Ceiling Slope (Deg.) and Gross Ceiling Area (SqFt)**					0	1,792						
Type of Exposure			**Const.. Number**	**Panel Faces**	**HTM**		**Area or Length**	**Btuh**			**Area or Length**	**Btuh**	
					Htg.	**Clg.**		**Heating**	**S-Clg.**	**L-Clg.**		**Heating**	**S-Clg.**	**L-Clg.**
6a	**Windows and Glass Doors**	a	Unit A = 1G	N	37.24	11.09	43.75	1,629	485					
		b	Unit A = 1G	E / W	37.24	37.10	43.75	1,629	1,623					
		c	Unit B = 1G	N	33.44	11.16	14.00	468	156					
		d	Unit B = 1G	S	33.44	15.81	28.00	936	443					
		e	Unit C = 1G	W	41.04	39.63	58.00	2,380	2,299					
		f	Unit D = 1G	S	41.04	17.30	47.13	1,934	815					
		g	Unit E = 1G	N	31.92	12.58	10.31	329	130					
		h	Unit E = 1G	S	31.92	22.88	10.31	329	236					
		i												
		j												
6b	**Skylights**	a	Unit 1 = 8G	N	98.42	100.75	8.00	787	806					
		b	Unit 2 = 8G	S	68.97	92.94	32.00	2,207	2,974					
		c												
7	**Wood and Metal Doors**	a	11N		26.60	9.1	21.0	559	191					
		b	11N		26.60	9.1	21.0	559	191					
		c												
8	**Above Grade Walls and Partitions**	a	14A-8		6.92	1.16	1,207	8,347	1,395					
		b	15A-4sffc wall		10.41	2.10	600	6,246	1,257					
		c	15A-4sffc part		0.90	0.18	96	87	17					
		d												
		e												
		f												
		g												
9	**Below Grade Walls**	a	15A-4sffc-4		6.00		284	1,705						
		b	15A-4ffc-8		4.71		224	1,055						
		c												
10	**Ceilings**	a	16B-30ad		2.43	1.60	1,752	4,261	2,803					
		b												
		c												
11	**Floors**	a	19B-osp		2.43	0.48	736	1,788	352					
		b	22B-5ph		44.76		64	2,865						
		c	21A-32		1.52		544	827						
		d												
12	**Infiltration**	**Heating Load (Btuh)**			Effect ACH	0.408	WAR 1.00	11,237			WAR			
		Sensible Load (Btuh)				0.194			1,054					
		Latent Load (Btuh)								1,651				
13	**Internal**	a	**Occupants at 230 and 200 Btuh**				4		920	800				
		b	**Scenario Number**		1				2,400					
		c	**Default Adjustments**		None									
		d	**Custom Appliances**		NA									
		e	**Plants**		None									
14	**Subtotals**	Sum lines 5 through 12						52,164	20,548	2,451				
15	**Duct Loads**	**EHLF & ESGF**			0.049	0.026		2,561	530					
		ELG								565				
16	**Ventilation Loads**	**Vent Cfm**	70	**E Cfm**	70			1,987	459	1,755				
17	**Winter Humidification Load**	**Gal / Day**	7.1					2,614						
18	**Piping Load**													
19	**Blower Heat**								1,707					
20	**AED Excursion & Latent Moisture Migration Load**								563					
21	**Total Load**	Sum Lines 13 Through 19						59,326	23,807	4,771				

*The Eighth Edition of **Manual J** (MJ8™ – ACCA/ ANSI) is the American National Standard for residential heating and cooling load calculations.*

FAYETTEVILLE ENERGY EFFICIENCY PROGRAM

: BASIC INPUT TAB

Score: 17

Project Location:	Smith Residence (SAMPLE)
Street Address:	123 main st
City:	Fayetteville
State:	AR
Zip:	72701

Conditioned Square Footage:	1792	SF
Peak Cooling Load:	23807	BTU
Peak Heating Load:	59326	BTU

NOTE: Peak heating and cooling loads are to be supplied from the output form of an ACCA Manual J version 8 load calculation program.

Extra Credit Check list

24" OC
studs
2 stud corners and wall intersections
Efficient Headers
Stacked joists and studs to eliminate top plate
"solar board" or reflective roof surface (SRI ≥ 78)
Reflective wall sheathing
SIP's
ICF's

Mech equip centrally located
Energy star program (or others)
Ductwork sealed with mastic
No Ductwork in conditioned space
Insulate all hot water piping ≥ R 2.5

Ground source Heat Pump
Programmable thermostat
Whole house fan
Tankless HWH
Air to air heat exchanger (ERV)

Energy Star appliances
Clothesline (inside or outside)
Energy efficient clothes washer (from list on www.cee1.org – Tier 2 or higher)
Compact fluorescent bulbs/LED lights
Lighting Occupancy sensors
No can lights into unconditioned space
Humidistat / exhaust fan timers

Natural cooling (no air conditioning)
Vertical shading devices for East and West windows
Reflective film on E/W windows
Landscaping shades E/W windows within 5 years
Overhangs to shade South windows (or shading devices)

Solar heating system for Hot Water
Pre-plumbing for active solar heat and/or hot water
Low consumption water fixtures and appliances
On-site energy generation

Sq. footage credit

Fayetteville ARKANSAS

Residential Energy Efficiency Program

The City of Fayetteville, Arkansas

Window/walls ratio 15 %

R-value of the predominate insulation:

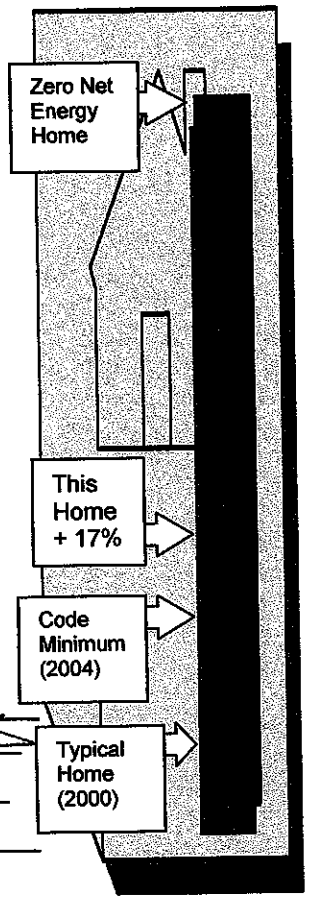
Roof/ceilings	40
Walls	19
Perimeter slab	4
Crawl space	N/A
Ductwork installed in Un-conditioned space	6

U-factor of:

Windows	.55
Exterior doors	.35

Type and Efficiency of:

Heating	Gas	94	AFUE
	Electric		HP COP
Cooling		16	SEER
Water heater		GAS 84	



Builder signature: _____

Address: 123 MAIN ST

Date of completion: 6/29/2008

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

5-Aug-08
City Council Meeting Date

David Jurgens	Wastewater System Imprv Project	Water/Wastewater
Submitted By	Division	Department

Action Required:

Approval of a construction contract in the amount of $2,439,646 for a contract with Crossland Heavy Contractors for improvements at the Noland Wastewater Treatment Plant, WSIP Subproject EP-3, Bid 08-50, and approve a 10% contingency of $244,000.

	$ 48,836,390	
$ 2,683,646	$ 199,243	Wastewater System Imp Project
Cost of this request	Category / Project Budget	Program Category / Project Name
5400.5800.5801.00	$ 27,635,114	
4520-9530.5315.00	$ 8,800	Water and Wastewater
Account Number	Funds Used to Date	Program / Project Category Name
02069-1	$ 21,201,276	
02133.0333	$ 190,443	Water/Sewer
Project Number	Remaining Balance	Fund Name

Budgeted Item [XX] Budget Adjustment Attached [ ]

Department Director — Date: 15 Jul 08

City Attorney — Date: 7/17/08

Finance and Internal Service Director — Date: 7-17-08

Mayor — Date: 7/21/08

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office
7-16-08 ENTERED

Received in Mayor's Office
ENTERED 7/17/08

Comments:

Fayetteville
ARKANSAS

CITY COUNCIL AGENDA MEMO

To: Fayetteville City Council

From: David Jurgens, Water and Wastewater Director
Fayetteville Sewer Committee

Date: 15 July 2008

Subject: Approval of a construction contract in the amount of $2,439,646 for a contract with Crossland Heavy Contractors for improvements at the Noland Wastewater Treatment Plant, WSIP Subproject EP-3, Bid 08-50, and approve a 10% contingency of $244,000.

RECOMMENDATION

City Administration recommends approval of a construction contract in the amount of $2,439,646 for a contract with Crossland Heavy Contractors for improvements at the Noland Wastewater Treatment Plant, WSIP Subproject EP-3, Bid 08-50, and approve a 10% contingency of $244,000.

BACKGROUND

This project includes the construction of installation of denitrification pumps, non-potable water pumps, final clarifier drives, structural repairs, roofing replacement and other miscellaneous improvements at the Noland Wastewater Treatment Plant. This is the final of four WSIP contracts to be executed at Noland. The majority of this work could not be completed prior to the West Side WWTP becoming fully operational.

DISCUSSION

The City received bids on 19 June, 2008 for this project:

Contractor	Bid
Crossland Heavy Contractors (low bid)	$2,439,646
J. L. Bryson	$2,470,000
VEI General Contractors	$2,867,000
Engineer's Estimate	$2,019,000

This bid is higher than the Engineer's estimate but is within the amount that allows the City to award the contract. Discussions with Crossland Heavy indicate that increased fuel and electrical component costs are the major contributor to the higher costs. Given this and the small difference between the first and second bidders, staff and the Engineer feel this is a fair and valid bid for this work.

Crossland Heavy has executed a number of projects in this area, including WSIP subproject WL-7, the Gregg Avenue Lift Station. Their work on this job was excellent. Black and Veatch, the Engineer, has verified the bid and recommends approval.

BUDGET IMPACT

Funds are available in the WSIP project budget. $50,000 is being paid out of the WWTP Clarifier Maintenance project, # 02069-1, as this work had to be executed after the West Side WWTP came on line and bundling the work together created a savings to the City due to economy of scale.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #08-50 AND APPROVING A CONSTRUCTION CONTRACT WITH CROSSLAND HEAVY CONTRACTORS, INC. IN THE AMOUNT OF $2,439,646.00; AND APPROVING A 10% CONTINGENCY IN THE AMOUNT OF $244,000.00 FOR IMPROVEMENTS AT THE NOLAND WASTEWATER TREATMENT PLANT, WSIP SUBPROJECT EP-3.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #08-50 and approves a contract with Crossland Heavy Contractors, Inc. in the amount of $2,439,646.00 for improvements at the Noland Wastewater Treatment Plant, WSIP Subproject EP-3. 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 10% contingency in the amount of $244,000.00.

PASSED and **APPROVED** this 5th day of August, 2008.

APPROVED: ATTEST:

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

DOCUMENT 00500 – AGREEMENT

BETWEEN THE CITY OF FAYETTEVILLE AND CONTRACTOR

Project Name: Wastewater System Improvement Project

Contract Name: Noland Wastewater Treatment Plant Improvements

Contract No.: EP-3

THIS AGREEMENT is dated as of the _____ day of _____ in the year 2008 by and between CITY OF FAYETTEVILLE and CROSSLAND HEAVY CONTRACTORS, INC.

ARTICLE 1 - WORK

1.01 CROSSLAND HEAVY CONTRACTORS, INC. shall complete all Work as specified or indicated in the Contract Documents. The Work under this Contract is generally described as follows:

The Contract provides for the installation of pumps, concrete repair, roof repair, clarifier drive replacement, and other miscellaneous improvements at the Noland Wastewater Treatment Plant, 1500 N. Foxhunter Road, Fayetteville, Arkansas 72701 in accordance with the documents prepared by Black & Veatch Corporation.

1.02 The Contract for which the Work under the Contract Documents may be the whole or only a part is generally described as follows:

The City of Fayetteville, Arkansas is undertaking a project to redirect sewer flows from portions of the City in the Illinois River drainage basin to a new wastewater treatment plant on the west side of the City and upgrade sewers in the City which are in the White River drainage basin and upgrade the existing wastewater treatment plant on the east side of the City. The project is known as the Wastewater System Improvement Project and includes, but may not be limited to, four areas of improvements as follows:

1. Westside Wastewater Treatment Plant.
2. Westside Collection System Improvements.
3. Paul R. Noland Wastewater Treatment Plant Improvements.
4. Eastside Collection System Improvements.

DOCUMENT 00500 – AGREEMENT (continued)

ARTICLE 2 - ENGINEER

2.01 The Contract has been designed by BLACK & VEATCH CORPORATION. BLACK & VEATCH CORPORATION assumes all duties and responsibilities, and has the rights and authority assigned to BLACK & VEATCH CORPORATION in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.

ARTICLE 3 - CONTRACT TIME

3.01 TIME OF THE ESSENCE:

A. All time limits for milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

3.02 DATES FOR SUBSTANTIAL COMPLETION AND FINAL PAYMENT:

A. The Work will be Substantially Completed within Two Hundred Seventy **(270)** calendar days after the date when the Contract Times commence to run as provided in the GENERAL CONDITIONS, and completed and ready for final payment in accordance with the GENERAL CONDITIONS within Three Hundred **(300)** calendar days after the date when the Contract Times commence to run.

1. Substantially Complete by date stated above shall be defined as the completion of all major work items as required for a fully operational system.

3.03 LIQUIDATED DAMAGES:

A. THE CITY OF FAYETTEVILLE and CROSSLAND HEAVY CONTRACTORS, INC. recognize that time is of the essence of this Agreement and that THE CITY OF FAYETTEVILLE will suffer financial loss if the Work is not completed within the time specified above, plus any extensions thereof allowed in accordance with the GENERAL CONDITIONS. The parties also recognize the delays, expense, and difficulties involved in proving the actual loss suffered by THE CITY OF FAYETTEVILLE if the Work is not Substantially Completed on time. Accordingly, instead of requiring any such proof, THE CITY OF FAYETTEVILLE and

DOCUMENT 00500 – AGREEMENT (continued)

CROSSLAND HEAVY CONTRACTORS, INC. agree that as liquidated damages for delay (but not as a penalty) CROSSLAND HEAVY CONTRACTORS, INC. shall pay THE CITY OF FAYETTEVILLE One Thousand Dollars ($1,000.00) for each calendar day that expires after the time specified above in Paragraph 3.02 for Substantial Completion until the Work is Substantially Complete. After Substantial Completion, if CROSSLAND HEAVY CONTRACTORS, INC. shall neglect, refuse, or fail to complete the remaining Work within the time specified in Paragraph 3.02 for completion and readiness for final payment or any proper extension thereof granted by THE CITY OF FAYETTEVILLE, CROSSLAND HEAVY CONTRACTORS, INC. shall pay THE CITY OF FAYETTEVILLE Five Hundred Dollars ($500.00) for each calendar day that expires after the time specified for completion and readiness for final payment.

ARTICLE 4 - CONTRACT PRICE

4.01 THE CITY OF FAYETTEVILLE shall pay CROSSLAND HEAVY CONTRACTORS, INC. for completion of the Work in accordance with the Contract Documents an amount in current funds equal to the sum of the amounts determined pursuant to paragraphs below:

A. LUMP SUM CONTRACT PRICE: For all Work a Lump Sum of:
Two Million, Four Hundred Thirty Nine Thousand, Six Hundred Forty Six Dollars ($2,439,646).

4.02 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.

ARTICLE 5 - PAYMENT PROCEDURES

5.01 SUBMITTAL AND PROCESSING OF PAYMENTS:

A. CROSSLAND HEAVY CONTRACTORS, INC. shall submit Applications for Payment in accordance with the GENERAL CONDITIONS. Applications for Payment will be processed by THE CITY OF FAYETTEVILLE as provided in the GENERAL CONDITIONS.

DOCUMENT 00500 – AGREEMENT (continued)

5.02 PROGRESS PAYMENTS, RETAINAGE:

A. THE CITY OF FAYETTEVILLE shall make progress payments on account of the Contract Price on the basis of CROSSLAND HEAVY CONTRACTORS, INC.'s Applications for Payment as recommended by BLACK & VEATCH CORPORATION or about the 20th day of each month during construction. All such payments will be measured by the schedule of values established in the GENERAL CONDITIONS or, in the event there is no schedule of values, as provided in the General Requirements.

1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in each case, less the aggregate of payments previously made and less such amounts as BLACK & VEATCH CORPORATION shall determine, or THE CITY OF FAYETTEVILLE may withhold, in accordance with the GENERAL CONDITIONS.

a. 90% of Work Completed (with the balance being retainage). If Work has been 50% completed as determined by BLACK & VEATCH CORPORATION and if the character and progress of the Work have been satisfactory to THE CITY OF FAYETTEVILLE and BLACK & VEATCH CORPORATION, THE CITY OF FAYETTEVILLE on recommendation of BLACK & VEATCH CORPORATION may determine that as long as the character and progress of the Work subsequently remain satisfactory to them a 5 percent retainage will be withheld on the remaining progress payments prior to Substantial Completion; and

b. 100% of Equipment and Materials not incorporated in the Work but delivered, suitably stored, and accompanied by documentation satisfactory to THE CITY OF FAYETTEVILLE as provided in the GENERAL CONDITIONS.

DOCUMENT 00500 – AGREEMENT (continued)

2. Upon Substantial Completion, THE CITY OF FAYETTEVILLE shall pay an amount sufficient to increase total payments to CROSSLAND HEAVY CONTRACTORS, INC. to 95% of the Contract Price (with the balance being retainage), less such amounts as BLACK & VEATCH CORPORATION. shall determine, or THE CITY OF FAYETTEVILLE may withhold, in accordance with the GENERAL CONDITIONS.

5.03 FINAL PAYMENT:

A. Upon final completion and acceptance of the Work in accordance with the GENERAL CONDITIONS, THE CITY OF FAYETTEVILLE shall pay the remainder of the Contract Price as recommended by BLACK & VEATCH CORPORATION and as provided in the GENERAL CONDITIONS.

ARTICLE 6 - CROSSLAND HEAVY CONTRACTORS, INC. REPRESENTATIONS

6.01 In order to induce THE CITY OF FAYETTEVILLE to enter into this Agreement, CROSSLAND HEAVY CONTRACTORS, INC. makes the following representations:

A. CROSSLAND HEAVY CONTRACTORS, INC. has examined and carefully studied the Contract Documents including the Addenda and other related data identified in the Bid Documents.

B. CROSSLAND HEAVY CONTRACTORS, INC. 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, and furnishing of the Work.

C. CROSSLAND HEAVY CONTRACTORS, INC. 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.

D. CROSSLAND HEAVY CONTRACTORS, INC. has carefully studied all:

(1) 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; and

DOCUMENT 00500 – AGREEMENT (continued)

(2) reports and drawings of a Hazardous Environmental Condition, if any, at the Site. CROSSLAND HEAVY CONTRACTORS, INC. acknowledges that THE CITY OF FAYETTEVILLE and BLACK & VEATCH CORPORATION 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.

E. CROSSLAND HEAVY CONTRACTORS, INC. has obtained and carefully studied (or assumes responsibility of 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, and furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by CROSSLAND HEAVY CONTRACTORS, INC. and safety precautions and programs incident thereto.

F. CROSSLAND HEAVY CONTRACTORS, INC. does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the performing 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.

G. CROSSLAND HEAVY CONTRACTORS, INC. is aware of the general nature of work to be performed by THE CITY OF FAYETTEVILLE and others at the Site that relates to the Work as indicated in the Contract Documents.

H. CROSSLAND HEAVY CONTRACTORS, INC. has correlated the information known to CROSSLAND HEAVY CONTRACTORS, INC., 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.

DOCUMENT 00500 – AGREEMENT (continued)

I. CROSSLAND HEAVY CONTRACTORS, INC. has given BLACK & VEATCH CORPORATION written notice of all conflicts, errors, ambiguities, or discrepancies that CROSSLAND HEAVY CONTRACTORS, INC. has discovered in the Contract Documents and the written resolution thereof by BLACK & VEATCH CORPORATION is acceptable to CROSSLAND HEAVY CONTRACTORS, INC.

J. 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

7.01 CONTENTS:

A. The Contract Documents which comprise the entire Agreement between THE CITY OF FAYETTEVILLE and CROSSLAND HEAVY CONTRACTORS, INC. concerning the Work consist of the following and may only be amended, modified, or supplemented as provided in the GENERAL CONDITIONS:

1. This Agreement.

2. Exhibits to this Agreement (enumerated as follows):

   a. Notice to Proceed.

   b. CROSSLAND HEAVY CONTRACTORS, INC. 's Bid.

   c. Documentation submitted by CROSSLAND HEAVY CONTRACTORS, INC. prior to Notice of Award.

3. Performance, Payment, Maintenance, and other Bonds.

4. General Conditions.

5. Supplementary Conditions.

6. Labor-Related Regulations.

DOCUMENT 00500 – AGREEMENT (continued)

7. Specifications consisting of divisions and sections as listed in table of contents of Project Manual.

8. Drawings consisting of a cover sheet and sheets as listed in the table of contents thereof, with each sheet bearing the following general title:

   Noland Wastewater Treatment Plant Improvements

9. Addenda number 1, inclusive.

10. The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto: All Written Amendments and other documents amending, modifying, or supplementing the Contract Documents pursuant to the GENERAL CONDITIONS.

ARTICLE 8 - MISCELLANEOUS

8.01 TERMS:

A. Terms used in this Agreement which are defined in the GENERAL CONDITIONS shall have the meanings stated in the GENERAL CONDITIONS.

8.02 ASSIGNMENT OF CONTRACT:

A. 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.

8.03 SUCCESSORS AND ASSIGNS:

A. THE CITY OF FAYETTEVILLE and CROSSLAND HEAVY CONTRACTORS, INC. each binds himself, his partners, successors, assigns, and legal representatives

DOCUMENT 00500 – AGREEMENT (continued)

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.

8.04 SEVERABILITY:

A. 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 THE CITY OF FAYETTEVILLE and CROSSLAND HEAVY CONTRACTORS, INC., who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

8.05 OTHER PROVISIONS: Not Applicable.

8.06 CONTROLLING LAW

A. 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.

8.07 ARKANSAS OF INFORMATION ACT

A. 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, CROSSLAND HEAVY CONTRACTORS, 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.

DOCUMENT 00500 – AGREEMENT (continued)

IN WITNESS WHEREOF, THE CITY OF FAYETTEVILLE and CROSSLAND HEAVY CONTRACTORS, INC.have signed this Agreement in quadruplicate. One counterpart each has been delivered to THE CITY OF FAYETTEVILLE, CROSSLAND HEAVY CONTRACTORS, INC. and BLACK & VEATCH CORPORATION. All portions of the Contract Documents have been signed, initialed, or identified by THE CITY OF FAYETTEVILLE and CROSSLAND HEAVY CONTRACTORS, INC.

This Agreement will be effective on _____, 2007, which is the Effective Date of the Agreement.

Crossland Heavy Contractors, Inc.
Columbus, Kansas
By: [signature]
Title: President

(SEAL)

Attest Misty Hamo
Address for giving notices
PO Box 350
Columbus, KS 66725
License No. 0067301108

Agent for Service of process
Mark Sell

(If Crossland Heavy Contractors _____ is a corporation, attach evidence of authority to sign.)

City of Fayetteville
Fayetteville, Arkansas
By: _____
Title: Mayor

(SEAL)

Attest _____
Address for giving notices
_____
_____

(If Owner is a public body, attach evidence of authority to sign and resolution or other documents authorizing execution of Agreement)

Approved As to Form:
By: _____
Attorney For: City of Fayetteville

END OF DOCUMENT 00500

CROSSLAND
HEAVY CONTRACTORS

833 S. East Avenue • P.O. Box 350

Columbus, Kansas 66725

tel 620.429.1410

fax 620.429.2977

Corporate Resolution

BE IT RESOLVED: that at the monthly meeting of the Board of Directors of Crossland Heavy Contractors, Inc., held on the 11th day of June, 2008, the Board of Directors did, by unanimous decision, authorize Mark Sell or Darrell Moorman or Ivan Crossland, Jr. to sign on behalf of said Corporation all documents and papers pertaining to the business of said Corporation.

All documents signed by Mark Sell or Darrell Moorman or Ivan Crossland, Jr. on behalf of Crossland Heavy Contractors, Inc. shall be legally binding on Crossland Heavy Contractors, Inc. and their successors and assigns.

Mark Sell, President

ATTEST: Misty Harris
Misty Harris, Secretary

State of Kansas, County of Cherokee:

Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared Mark Sell, President of Crossland Heavy Contractors, Inc. a corporation duly organized and existing in the State of Kansas, and he acknowledged the same on behalf of said Corporation.

It witness thereof I have set my hand and affixed my seal this 17th day of July, 2008.

Holly Jarrett
Notary Public

Holly Jarrett
Notary Public
State Of Kansas
My Appt. Expires: 8/17/11

My Commission Expires: August 17, 2011

DOCUMENT 00400 - BID FORM

Project Name: Wastewater System Improvements Project

Contract Name: Noland Wastewater Treatment Plant Improvements

Contract No.: EP-3

Bid No.: 08-50

BID TO:

Owner: The City of Fayetteville, Arkansas
113 West Mountain Street
Fayetteville, Arkansas 72701

BID FROM:

Bidder: Crossland Heavy Contractors, Inc
PO Box 350, 833 S. East Ave.
Columbus, KS 66725
620-429-1410

ARTICLE 1 - INTENT

1.01 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an agreement with Owner in the form included in the Contract Documents to perform and furnish all Work as specified or indicated in the Contract Documents for the Bid price and within the Bid time indicated in this Bid and in accordance with the other terms and conditions of the Contract Documents.

ARTICLE 2 - TERMS AND CONDITIONS

2.01 Bidder accepts all of the terms and conditions of the Invitation to Bid and Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 90 days after the day of Bid opening. Bidder will sign and deliver the required number of counterparts of the Agreement with the Bonds and other documents required by the Bidding Requirements within 15 days after the date of Owner's Notice of Award.

DOCUMENT 00400 - BID FORM (continued)

ARTICLE 3 - BIDDER'S REPRESENTATIONS

3.01 In submitting this Bid, Bidder represents, as more fully set forth in the Agreement, that:

A. Bidder has examined and carefully studied the Bid Documents, and the following Addenda, receipt of all which is hereby acknowledged:

Number	Date
1	6/12/08

B. Bidder 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, and furnishing of the Work.

C. Bidder 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.

D. Bidder has carefully studied all: (1) 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; and (2) reports and drawings of a Hazardous Environmental Condition, if any, at the Site. Bidder acknowledges that such reports and drawings are not Contract Documents and may not be complete for Bidder's purposes. Bidder acknowledges that Owner and Engineer do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Bid Documents with respect to Underground Facilities at or contiguous to the Site.

E. Bidder has obtained and carefully studied (or assumes responsibility for having done so) all such additional or 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,

DOCUMENT 00400 - BID FORM (continued)

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 Bidder and safety precautions and programs incident thereto.

F. Bidder does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performing and furnishing of the Work in accordance with the times, price, and other terms and conditions of the Contract Documents.

G. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to Work for which this Bid is submitted as indicated in the Contract Documents.

H. Bidder has correlated the information known to Bidder, 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.

I. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Contract Documents, and the written resolution thereof by Engineer is acceptable to Bidder.

J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performing and furnishing the Work for which this Bid is submitted.

K. This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm, or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization, or corporation; Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham bid; Bidder has not solicited or induced any person, firm, or a corporation to refrain from bidding; and Bidder has not sought by collusion to obtain for himself any advantage over any other Bidder or over Owner.

DOCUMENT 00400 - BID FORM (continued)

L. Bidder will perform the Work in compliance with all applicable trench safety standards set forth in Occupational Safety and Health Administration (OSHA) Part 1926 – Subpart P – Excavations.

ARTICLE 4 - BID PRICE

4.01 Bidder will complete the Work in accordance with the Contract Documents for the following price:

A. Lump Sum Price:

Two million four hundred thirty-nine thousand six hundred forty-six dollars Dollars ($ 2,439,646).

If the required quantities of the items listed below are increased by Change Order due to unforeseen conditions, the adjustment unit prices named shall apply to such quantities:

Item	Unit	Unit Price
Horizontal Expansion Joint Repair at Aeration Basin Per Specification 03711	lf	$ 200.00
Excavation Per Sections 02200 and 02202	cy	$ 8.00
Backfill Per Sections 02200 and 02202	cy	$ 14.00
Asphaltic Concrete Paving Per Section 02512	cy	$ 250.00
Concrete – Slab on Grade Per Section 03302	cy	$ 325.00
Concrete – Walls Per Section 03302	cy	$ 580.00
Flanged In Building Ductile Iron Pipe – 6 inch Per Section 15061	lf	$ 38.00
Restrained Buried Ductile Iron Pipe – 6 inch Per Section 15061	lf	$ 27.00

DOCUMENT 00400 - BID FORM (continued)

If time charges are required by the Contractor's employees listed below as a result of a Change Order due to unforeseen conditions, the hourly wage rate ranges named shall apply to such time charges:

Title	Hourly Wage Rate Range
Laborers	$ 18.00 - $ 21.00
Carpenters	$ 24.00 - $ 28.00
Welders	$ 26.00 - $ 31.00
Foreman	$ 45.00 - $ 48.00
Operators	$ 22.00 - $ 31.00
Supervisors	$ 56.00 - $ 61.00

ARTICLE 5 - CONTRACT TIMES

5.01 Bidder agrees that the Work will be substantially completed and ready for final payment within the number of calendar days indicated in the Agreement.

5.02 Bidder accepts the provisions of the Agreement as to liquidated damages in the event of failure to complete the Work within the times specified in the Agreement.

ARTICLE 6 - BID CONTENT

6.01 The following documents are attached to and made a condition of this Bid:

A. Required Bid security in the form of a certified or bank cashier's check or a Bid Bond and in the amount of 5% of bid _____ Dollars ($_____).

B. Required Bidder's Qualification Statement with supporting data (DOCUMENT 00140 - Bidder's Qualification Statement).

C. Manufacturer's data where called for in Specifications (DOCUMENT 00450 - Equipment Questionnaire).

D. DOCUMENT 00430 - List of Subcontractors.

DOCUMENT 00400 - BID FORM (continued)

ARTICLE 7 - COMMUNICATIONS

7.01 Communications concerning this Bid shall be addressed to the Bidder as follows:

Crossland Heavy Contractors, Inc.
PO Box 350, 833 S. East Ave
Columbus, KS 66725

Phone No. 620-429-1410

FAX No. 620-429-2977

ARTICLE 8 - TERMINOLOGY

8.01 The terms used in this Bid which are defined in the GENERAL CONDITIONS or Instructions to Bidders will have the meanings assigned to them.

SUBMITTED on June 19, 2008.

Arkansas State Contractor License No. 0067301108.

If Bidder is:

An Individual

Name (type or printed): _____

By: _____(SEAL)
(Individual's Signature)

Doing business as: _____

Business address: _____

_____

Phone No.: _____ FAX No.: _____

DOCUMENT 00400 - BID FORM (continued)

A Partnership

Partnership Name: _____ (SEAL)

By: _____

(Signature of general partner – attach evidence of authority to sign)

Name (type or printed): _____

Business address: _____

_____

Phone No.: _____ FAX No.: _____

A Corporation

Corporation Name: Crossland Heavy Contractors (SEAL)

State of Incorporation: Kansas

Type (General Business, Professional, Service, Limited Liability): General Business

By: [signature]

(Signature – attach evidence of authority to sign)

Name (type or printed): Mark Sell

Title: President

(CORPORATE SEAL)

Attest: Misty Harris

Misty Harris (Signature of Corporate Secretary)

Business address: PO Box 350, 833 S. East Ave.
Columbus, KS 66725

Phone No.: 620-429-1410 FAX No.: 620-429-2977

END OF DOCUMENT 00400

DOCUMENT 00410 - BID BOND

KNOW ALL MEN BY THESE PRESENTS: that we

Crossland Heavy Contractors, Inc.
PO Box 350
Columbus, KS 66725

as Principal, hereinafter called the Principal, and

Fidelity & Deposit Co. of Maryland
1400 American Lane, Tower I, 19th Fl.
Schaumburg, IL 60196-1056

a corporation duly organized under the laws of the State of MD as Surety, hereinafter called Surety, are held and firmly bound unto

City of Fayetteville, Arkansas
113 West Mountain Street
Fayetteville, Arkansas 72701

as Obligee, hereinafter called Owner, in the sum of Five Percent of Amount Bid --- Dollars ($ 5% ----------), for the payment of which sum, well and truly to be made, Principal and said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, Principal has submitted a Bid for the construction of Contract No. EP-3, Fayetteville Wastewater Treatment Plant Improvement Project.

NOW, THEREFORE, if the Owner shall accept the Bid of Principal and the Principal shall enter into a Contract with the Owner in accordance with the terms of such Bid, and give such Bond or Bonds as may be specified in the Bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of Principal to enter such Contract and give such Bond or Bonds, if the Principal shall pay to the Owner the difference not to exceed the penalty hereof between the amount specified in said Bid and such larger amount for

DOCUMENT 00410 - BID BOND (continued)

which the Owner may in good faith contract with another party to perform the Work covered by said Bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 19th day of June ~~XXXX~~ 2008

PRINCIPAL (CORPORATE SEAL)

Crossland Heavy Contractors, Inc.

By

Mark Sell, President

SURETY

Fidelity & Deposit Co. of Maryland

By

Pamela K. Hays, Resident Agent & Atty-in-fact

ATTORNEY-IN-FACT (CORPORATE SEAL)

See above

(This Bond shall be accompanied with Attorney-in-Fact's authority from Surety)

END OF DOCUMENT 00410

Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, corporations of the State of Maryland, by FRANK E. MARTIN JR., Vice President, and GREGORY E. MURRAY, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint **Benson A. CASHION, Matthew K. CASHION, JR., William H. GRIFFIN, Judy SCHOGGEN, Cynthia L. TRICKEY, Pamela K. HAYS and Nick W. PETERS, all of Little Rock, Arkansas, EACH** its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings,** and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of Benson A. CASHION, Matthew K. CASHION, JR., William H. GRIFFIN, Judy SCHOGGEN, Cynthia L. TRICKEY, Pamela K. HAYS, Nick W. PETERS, Karen W. FREELAND, dated January 4, 2005.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seals of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, this 6th day of March, A.D. 2007.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY

FIDELITY AND DEPOSIT COMPANY OF MARYLAND INCORPORATED 1890 — COLONIAL AMERICAN CASUALTY AND SURETY COMPANY SEAL

By:

Gregory E. Murray Assistant Secretary — *Frank E. Martin Jr. Vice President*

State of Maryland
City of Baltimore } ss:

On this 6th day of March, A.D. 2007, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came FRANK E. MARTIN JR., Vice President, and GREGORY E. MURRAY, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself deposeth and saith, that they are the said officers of the Companies aforesaid, and that the seals affixed to the preceding instrument is the Corporate Seals of said Companies, and that the said Corporate Seals and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.

CONSTANCE A. DUNN NOTARY PUBLIC BALTIMORE COUNTY

Constance A. Dunn — *Notary Public*
My Commission Expires: July 14, 2007

EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND

"Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertaking, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto."

EXTRACT FROM BY-LAWS OF COLONIAL AMERICAN CASUALTY AND SURETY COMPANY

"Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertaking, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto."

CERTIFICATE

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the respective By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990 and of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies,

this 19th day of June, 2008.

Gerald F. Haley

Assistant Secretary

DOCUMENT 00430 - LIST OF SUBCONTRACTORS

In compliance with the Instructions to Bidders and other Contract Documents, the undersigned submits the following names of Subcontractors to be used in performing the Work for Contract No. EP-3, Noland Wastewater Treatment Plant Improvements.

Bidder certifies that all Subcontractors listed are eligible to perform the Work.

Subcontractor's Work	Subcontractor's Name	License No.	Work. Comp. EMR	% of Contract Value
Roofing	Harness Roofing	0018900409		23
Mechanical	CAE			
Electrical	Oil Capitol	015408 1008		26

NOTE: This form must be submitted in accordance with the Instructions to Bidders.

Bidder's Signature
Mark Sell

END OF DOCUMENT 00430

DOCUMENT 00450 – EQUIPMENT QUESTIONNAIRE

The Bidder shall enter in the spaces provided the names of the manufacturers of equipment which Bidder proposes to furnish, and shall submit this Questionnaire with its Bid. Owner will review and evaluate the information before award of the Contract.

Only one manufacturer's name shall be listed for each item. Upon award of a contract, the named equipment shall be furnished. Substitutions will be permitted only if named equipment does not meet the requirements of the Contract Documents, the manufacturer is unable to meet the delivery requirements of the construction schedule, or the manufacturer is dilatory in complying with the requirements of the Contract Documents. Substitutions shall be subject to concurrence of Owner and shall be confirmed by Change Order.

Preliminary acceptance of equipment listed by manufacturer's name shall not in any way constitute a waiver of the specifications covering such equipment; final acceptance will be based on full conformity with the Contract Documents.

Failure to furnish all information requested or entering more than one manufacturer's name for any item in this Equipment Questionnaire may be cause for rejection of the Bid.

Equipment	Manufacturer
1. Denitrification Pumps	Flygt
2. W3 Pumps	Peerless
3. Clarifier Drives	Dorr - Oliver

END OF DOCUMENT 00450

Section 00452

INSTRUMENTATION AND CONTROL SYSTEM SUPPLIER QUESTIONNAIRE

The Bidder shall submit with its Bid a copy of this Instrumentation and Control System Supplier Questionnaire completed by Bidder's Intended Instrumentation and Control System Supplier. Owner will review and evaluate the information before award of the Contract.

Upon award of a contract, the named Instrumentation and Control System Supplier shall be employed to perform the work, unless changes are specifically authorized by Owner.

Failure to furnish all information requested in this Instrumentation and Control System Supplier Questionnaire may be cause for rejection of the Bid.

1. Instrumentation system supplier	Bauman Instrument Corporation
Address	P. O. Box 470583 Tulsa, OK 74147-0583
Telephone number	(918) 254-2424
2. Number of full-time Design personnel on Staff	8
3. Number of full-time Service personnel on Staff (not including Personnel in item 2 above)	6
4. Geographic location of service personnel for this Project	Tulsa, OK
5. Number of years Supplier has successfully provided similar work	23
a. Reference – Project owner's Name	City of Springfield, Southwest WWTP
Address	3302 S. FF Hwy. Springfield, MO 65802

479-575-8257

Contact person's name	Charlie Smith, Charlie Young
Telephone number	417/891-1600
General description of project	Southwest WWTP Improvements, Ph 3
b. Reference – Project owner's Name	Board of Public Utilities Nearman Water Treatment Plant
Address	4301 Brenner Rd. Kansas City, KS 66104
Contact person's name	D.J. Johnson
Telephone number	913/573-9200
General description of Project	Instrumentation for new water treatment plant
c. Reference – Project owner's Name	Springdale WWTP
Address	Springdale, AR
Contact person's name	Loren Sharp
Telephone number	479/871-1385
General description of project	Instrumentation and SCADA System for Renovation of Waste Water Treatment Plant

End of Section

DOCUMENT 00140 – BIDDER'S QUALIFICATION STATEMENT

Project Name: Wastewater System Improvement Project

Contract Name: Noland Wastewater Treatment Plant Improvements

Contract No.: EP-3

Date: 6/19/08

SUBMITTED TO:

The City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, Arkansas 72701

SUBMITTED BY:

Company Crossland Heavy Contractors, Inc.

Name Mark Sell

Address PO Box 350

Principal Office Columbus, KS 66725

Corporation, partnership, individual, joint venture, other Corporation

Arkansas State General Contractor's License Number

0006730108

EXPERIENCE STATEMENT

1. Bidder has been engaged as a General Contractor in construction for 15 years and has performed work of the nature and magnitude of this Contract for 15 years. Bidder has been in business under its present name for 15 years.

2. Bidder now has the following bonded projects under contract: (On a separate sheet, list project name, owner, name of owner contact, engineer / architect, name of engineer/architect contact, amount of contract, surety, and estimated completion date.)

3. Bidder has completed the following (list minimum of 3) contracts consisting of work similar to that proposed by this Contract: (On a separate sheet, list project name, owner, name of owner contact, engineer / architect, name of engineer/architect

DOCUMENT 00140 – BIDDER'S QUALIFICATION STATEMENT (CONTINUED)

contact, amount of contract, surety, and date of completion and percentage of the cost of the Work performed with Bidder's own forces.)

4. Has Bidder ever failed to complete any project? If so, state when, where, and why.

NO

5. Bidder normally performs the following work with his own forces:

All work except electrical - Water + wastewater treatment plants, lift + pump stations, water + sewer lines, storm drainage, earthwork, concrete, bridge

6. Construction experience of key individuals in the organization is as follows (continued on attached sheets if needed):

See attached sheets

7. In the event the Contract is awarded to Bidder, the required surety Bonds will be furnished by the following surety company and name and address of agent:

Fidelity + Deposit Company of Maryland
Agent: IMA of Kansas, Inc.
1251 SW Arrowhead, Ste C.
Topeka, KS 66604

8. Bidder's Workmen's Compensation Experience Modifier Factor is: .92

KEY PERSONNEL EXPERIENCE HISTORY

Mark Sell
President
Bachelor of Science in Construction Science, Kansas State University

Peter Kiewit Sons, Inc. Omaha, NE (1982 – 1993)

Work history included numerous road & bridge projects throughout the Midwest. River intake pump station, sheet pile river weir across the Kansas River. Subway renovation and light commuter rail projects in Chicago. Lock & Dam #16 renovation in Muscatine Iowa.

Crossland Heavy Contractors, Inc. Columbus, KS(1993 – Present)

Started Crossland Heavy Contractors to pursue civil oriented projects including bridge work, water & wastewater treatment facilities, site utilities and pipe work.

Darrell Moorman
Vice President
Bachelor of Science in Engineering Technology, Oklahoma State University

Utility Contractors, Inc. Tulsa, OK (1992 – 1996)

Work history includes managing projects that include sewer and storm sewer line installation, wastewater treatment facilities, along with road work.

M.L. Young Construction, Inc. Jenks, OK (1996 – 1998)

Managed construction of wastewater treatment facilities.

Crossland Heavy Contractors, Inc. Columbus, KS(1998 – Present)

Over construction of several utility projects, pump stations and treatment plant work
In 2001 took over Vice President responsibilities and oversees operations in Tulsa area. Work included in this roll are a number of utility, storm drainage, trails and plant work.

Ivan Crossland, Jr.
Vice President
Bachelor of Science in Engineering Technology,
Construction Management, Pittsburg State University

Crossland Construction Company, Inc.

Work experience includes 25 years as project superintendent, estimator, and project manager. Served as president of Crossland Construction from 1991 to 2002 and is currently serving as C.E.O.

Bennie Crossland
Corporate Treasurer
Crossland Construction, Company Inc.

Work experience includes over twenty years of experience with Crossland Construction, and currently serves as President of Crossland Construction. He oversees the company financial operations, assists in project Design/Build and Construction Management negotiations, and also acts as Project Manager.

DOCUMENT 00140 – BIDDER'S QUALIFICATION STATEMENT (CONTINUED)

FINANCIAL STATEMENT

Bidder possesses adequate financial resources as indicated by the following:

1. Assets and Liabilities: Attach a financial statement, audited if available, including Bidder's latest balance sheet and income statements showing the following items:

   a. Current assets (cash, joint venture accounts, accounts receivable, notes receivable, accrued income, deposits, materials inventory, and prepaid expenses).

   b. Net fixed assets.

   c. Other assets.

   d. Current liabilities (accounts payable, notes payable, accrued expenses, provision for income taxes, advances, accrued salaries, and accrued payroll taxes).

   e. Other liabilities (capital, capital stock, authorized and outstanding shares par values, earned surplus, and retained earnings).

   f. Name of firm preparing financial statement and date thereof:

If financial statement is not for identical organization named herein, explain relationship and financial responsibility of the organization furnished.

2. Current Judgments: The following judgments are outstanding against Bidder:

	Judgment Creditors	Where Docketed and Date	Amount
a.	none		$
b.			$

DOCUMENT 00140 – BIDDER'S QUALIFICATION STATEMENT (CONTINUED)

Bidder hereby represents and warrants that all statements set forth herein are true and correct.

Date: June 19, 2008

(OFFICIAL SEAL)

Name of Organization:

Crossland Heavy Contractors, Inc.

By _____

Title President

(If Bidder is a partnership, the partnership name shall be signed, followed by the signature of at least one of the partners. If Bidder is a corporation, the corporate name shall be signed, followed by the signature of a duly-authorized officer and with the corporate seal affixed.)

END OF DOCUMENT 00140

DOCUMENT 00610 - PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS: that

Crossland Heavy Contractors, Inc.

PO Box 350

Columbus, Kansas 66725

as Principal, hereinafter called Contractor, and

_____

_____

_____

as Surety, hereinafter called Surety, are held and firmly bound unto

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, Arkansas 72701

as Obligee, hereinafter called Owner, in the amount of Two Million, Four Hundred Thirty Nine Thousand, Six Hundred Forty Six Dollars ($2,439,646) for the payment whereof Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, Contractor has by written Agreement dated _____, 20___, entered into a contract with Owner for construction of Noland WWTP Improvements, EP-3, which contract is by reference made a part hereof, and is hereinafter referred to as the Contract.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that, if Contractor shall promptly and faithfully perform said Contract, then this obligation shall be null and void; otherwise it shall remain in full force and effect.

The Surety hereby waives notice of any alteration or extension of time made by the Owner.

Whenever Contractor shall be, and declared by Owner to be in default under the Contract, the Owner having performed Owner's obligations, thereunder, the Surety may promptly remedy the default, or shall promptly:

DOCUMENT 00610 - PERFORMANCE BOND (continued)

A. Complete the Contract in accordance with its terms and conditions, or

B. Obtain a bid or bids for completing the Contract in accordance with its terms and conditions, and upon determination by Surety of the lowest responsible bidder, or, if the Owner elects, upon determination by the Owner and the Surety jointly of the lowest responsible bidder, arrange for a contract between such bidder and Owner, and make available as Work progresses (even though there should be a default or a succession of defaults under the contract or contracts of completion arranged under this paragraph) sufficient funds to pay the cost of completion less the balance of the Contract Price; but not exceeding, including other costs and damages for which the Surety may be liable hereunder, the amount set forth in the first paragraph hereof. The term "balance of the Contract Price," as used in this paragraph, shall mean the total amount payable by Owner to Contractor under the Contract and any amendments thereto, less the amount properly paid by Owner to Contractor.

Any suit under this Bond must be instituted before the expiration of two years from the date on which final payment under the Contract falls due.

No right of action shall accrue on this Bond to or for the use of any person or corporation other than the Owner named herein or the heirs, executors, administrators, or successors of the Owner.

Signed and sealed this _____ day of _____ 20___.

CONTRACTOR (CORPORATE SEAL)

_____

By _____

_____

DOCUMENT 00610 - PERFORMANCE BOND (continued)

SURETY

_____

By _____

_____

ATTORNEY-IN-FACT

_____

_____

(This Bond shall be accompanied with Attorney-in-Fact's authority from Surety)

COUNTERSIGNED: Resident Agent

State of Arkansas

_____

By _____

_____

(CORPORATE SEAL)

Approved as to Form:

_____

_____

Attorney for _____

END OF DOCUMENT 00610

DOCUMENT 00611 - LABOR AND MATERIAL PAYMENT BOND

KNOW ALL MEN BY THESE PRESENTS: that

Crossland Heavy Contractors, Inc.

PO Box 350

Columbus, Kansas 66725

as Principal, hereinafter called Contractor, and

_____

_____

_____

as Surety, hereinafter called Surety, are held and firmly bound unto

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, Arkansas 72701

as Obligee, hereinafter called Owner, for the use and benefit of claimants as herein below defined, in the amount of Two Million, Four Hundred Thirty Nine Thousand, Six Hundred Forty Six Dollars ($2,439,646) for the payment whereof Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, Contractor has by written Agreement dated _____, 20___, entered into a contract with Owner for construction of Fayetteville Wastewater System Improvement Project , Noland WWTP Improvements, EP-3, which contract is by reference made a part hereof, and is hereinafter referred to as the Contract.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that, if Contractor shall promptly make payment to all claimants as hereinafter defined, for all labor and material used or reasonably required for use in the performance of the Contract, then this obligation shall be void; otherwise it shall remain in full force and effect, subject, however, to the following conditions:

A. A claimant is defined as one having a direct contract with the Contractor or with a Subcontractor of the Contractor for labor, material, or both, used or reasonably required for

DOCUMENT 00611 - LABOR AND MATERIAL PAYMENT BOND (continued)

use in the performance of the Contract, labor and material being construed to include that part of water, gas, power, light, heat, oil, gasoline, telephone service, or rental of equipment directly applicable to the Contract.

B. The above-named Contractor and Surety hereby jointly and severally agree with the Owner that every claimant as herein defined, who has not been paid in full before the expiration of a period of 90 days after the date on which the last of such claimant's work or labor was done or performed, or materials were furnished by such claimant, may sue on this Bond for the use of such claimant, prosecute the suit to final judgment for such sum or sums as may be justly due claimant, and have execution thereon. The Owner shall not be liable for the payment of any costs or expenses of any such suit.

C. No suit or action shall be commenced hereunder by any claimant:

1. Unless claimant other than one having a direct contract with Principal, shall have given written notice to any two of the following: the Contractor, the Owner, or the Surety within 90 days after such claimant did or performed the last of the work or labor, or furnished the last of the materials for which said claim is made, stating with substantial accuracy the amount claimed and the name of the party to whom the materials were furnished, or for whom the work or labor was done or performed. Such notice shall be served by mailing the same by registered mail or certified mail, postage prepaid, in an envelope addressed to Contractor, Owner or Surety, at any place where an office is regularly maintained for the transaction of business, or served in any manner in which legal process may be served in the state in which the aforesaid Project is located, save that such service need not be made by a public officer.

2. After the expiration of one year following the date on which Contractor ceased Work on the Contract, it being understood, however, that if any limitation embodied in this Bond is prohibited by any Law controlling the construction hereof, such limitation shall be deemed to be amended so as to be equal to the minimum period of limitation permitted by such Law.

DOCUMENT 00611 - LABOR AND MATERIAL PAYMENT BOND (continued)

3. Other than in a state court of competent jurisdiction in and for the county or other political subdivision of the state in which the Project, or any part thereof, is situated, or in the United States District Court for the district in which the Project, or any part thereof, is situated, and not elsewhere.

D. The amount of this Bond shall be reduced by and to the extent of any payment or payments made in good faith hereunder, inclusive of the payment by Surety of mechanics' liens which may be filed of record against said improvement, whether or not claim for the amount of such lien be presented under and against this Bond.

Signed and sealed this _____ day of _____ 20___.

CONTRACTOR

(CORPORATE SEAL)

_____

By _____

_____

SURETY

COUNTERSIGNED: Resident Agent

State of Arkansas

_____

By _____

_____

_____

By _____

_____

DOCUMENT 00611 - LABOR AND MATERIAL PAYMENT BOND (continued)

ATTORNEY-IN-FACT

(CORPORATE SEAL)

_____

_____

(This Bond shall be accompanied with
Attorney-in-Fact's authority from Surety)

Approved as to Form:

_____

_____

Attorney for _____

END OF DOCUMENT 00611

DOCUMENT 00612 – MAINTENANCE BOND

BOND NUMBER_____

KNOW ALL MEN BY THESE PRESENTS, That we, Crossland Heavy Contractors, Inc., PO Box 350, Columbus, Kansas 66725 (hereinafter called the Principal), and _____, a corporation (hereinafter called the Surety), are held and firmly bound unto City of Fayetteville, Arkansas,113 West Mountain Street, Fayetteville, Arkansas 72701 (hereinafter called the Obligee), in the full and just sum of Two Million, Four Hundred Thirty Nine Thousand, Six Hundred Forty Six Dollars ($2,439,646), lawful money of the United States, for the payment of which, well and truly to be made, we bind ourselves, our heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, said Principal has entered into a certain contract with the Obligee dated _____

_____

_____

which contract has been or is about to be accepted.

AND WHEREAS, specifications and contract provided that _____

_____

should guarantee the project free from defects caused by faulty workmanship and materials for a period of two years after substantial completion, general wear and tear excepted.

NOW, THEREFORE, if the said project shall be free from defects of workmanship and materials, general wear and tear excepted, for a period of two years after substantial completion, then this obligation shall be null and void; otherwise to remain in full force and effect.

Signed, sealed and delivered _____

Witness as to

_____(Seal)

Principal

_____(Seal)

_____(Seal)

_____
Attorney-in-fact

BLACK & VEATCH
Building a **world** of difference.

City of Fayetteville, Arkansas
Noland WWTP Improvements
Contract EP-3

B&V Project 135045
B&V File B-1.1
July 1, 2008

Mr. David Jurgens
Director of Water and Wastewater
113 West Mountain Street
Fayetteville, Arkansas 72701

Subject: Bid Results and Recommendation

Dear Mr. Jurgens:

Bids were received and opened on June 19, 2008 in the City of Fayetteville City Council Chambers, for the above mentioned project. The following is a list of the Contractor's lump sum bids.

	Lump Sum Bid
Crossland Heavy Contractors, Inc.	$2,439,646
J.L. Bryson, Inc.	$ 2,470,000
VEI General Contractors, Inc.	$ 2,867,000

The low bid was submitted by Crossland Heavy Contractors, Inc. for $2,439,646. The Engineer's Opinion of Probable Cost was $2,019,000. A Bid Tabulation is attached. Additionally, a detailed breakdown of the lump sum bid was requested from Crossland Heavy and has been included as an attachment to this letter. There was a discrepancy between the Engineer's Opinion of Probable Cost and Contractor's bid pricing for the instrumentation and electrical work. This would account for the majority of the difference between the Engineer's Opinion of Probable Cost and Contractor's bid price. The discrepancy could have been caused by the volatile current market conditions and rising material prices. The other line items are similar to the Engineer's Opinion of Probable Cost.

Crossland Heavy Contractors, Inc. has provided information about their firm, financial performance, a list of key personnel in the corporation, and project experience. A Dun & Bradstreet report was run on the Crossland Heavy. Crossland Heavy Contractors, Inc has a credit score of 3 and Financial Stress score of 1. These scores indicate that Crossland Heavy Contractors, Inc is a financially stable firm. Their Workman's Compensation Experience Modifier is less than 1.0 which indicates a good safety history.

According to Mark Sell of Crossland Heavy, a project specific team has not been assigned at this time. Once we receive this information, we will review their qualifications to make sure appropriate staff has been assigned.

Mr. David Jurgens
City of Fayetteville, Arkansas
Contract EP-3

B&V Project 135045
B&V File B-1.1
July 1, 2008

We have contacted five (5) references from past projects performed by Crossland Heavy. The projects ranged in price from $1.5 million to $26 million. The Owners interviewed were satisfied with the work that Crossland Heavy had performed and commented that Crossland Heavy Contractors, Inc. maintained their schedule, were organized, and communicated well with the Engineer and Owners. Safety had not been an issue on the projects discussed with the references. Change orders were also kept to a minimum and the staff felt their prices were fair when a change order was required.

Furthermore, Crossland Heavy Contractors, Inc. has completed and submitted a "Bidder's Qualification Statement". The form has been included for your information and review. Crossland Heavy has provided their Arkansas Contractor's license number.

Based on their bid and past work performance, we recommend that Contract EP-3 be awarded to Crossland Heavy Contractors, Inc. for $2,439,646.

If you have any questions or comments regarding the above information, call me at (913) 458-3147.

Very Truly Yours,

BLACK & VEATCH CORPORATION

Katie M. Funderburk
Project Engineer

Enclosures: 5 copies of the following
- Bid Tabulation
- Agreement
- Bid Documents
- Performance Bond
- Labor and Material Bond
- Maintenance Bond
- Experience
- Financial Statement
- Lump Sum Bid Breakdown

cc: Lynn Hyke, City of Fayetteville w/ attachments

* * * BID TABULATION * * *

BLACK & VEATCH CORPORATION

Project No. 135045.400

FOR: City of Fayetteville
Noland WWTP Improvements
Contact EP-3

BIDS RECEIVED:
Until 1:30 P.M. June 19, 2008
At 113 West Mountain Street
Fayetteville, Arkansas 72701

PROJECT PERSONNEL
Project Engineer: Katie Funderburk

NAME OF BIDDER ADDRESS OF BIDDER		ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COST	Crossland Heavy Contractors, Inc PO Box 350, 833 S. East Ave Columbus, Kansas 66725	J.L. Bruson, Inc. PO Box Madison 2110 Huntsville, Arkansas 72740	VEI General Contractors, Inc. PO Box 1032 Russellville, Arkansas 72811
Item Description					
BID SIGNED			Yes	Yes	Yes
BID SECURITY INCLUDED			Yes	Yes	Yes
LIST OF SUBCONTRACTORS INCLUDED			Yes	Yes	Yes
EQUIPMENT QUESTIONNAIRE INCLUDED			Yes	Yes	Yes
BIDDER QUESTIONNAIRE COMPLETED			Yes	Yes	Yes
PAST EXPERIENCE INCLUDED			Yes	Yes	Yes
ADDENDUM ACKNOWLEDGED					
NO 1			Yes	Yes	Yes
CERTIFIED FUNDS	2,200,000				
Lump Sum Bid		2,019,000.00	2,439,646.00	2,470,000.00	2,867,000.00

City Of Fayetteville

(Not a Purchase Order)

Requisition No.:

Date: 7/15/2008

P.O Number:

Expected Delivery Date: ASAP

Vendor # 13383

Vendor Name: Crossland Heavy Construction

Mail Yes:__ No:__x__

Address: Principle: PO Box 350

Fob Point: 1400 Fox Hunter Rd Fayetteville, AR 72701

Taxable Yes:__ No:__x__

Quotes Attached Yes:____ No:_x____

City: Columbus

State: KS

Zip Code: 66725

Ship to code:

Division Head Approval:

Requester: David Jurgens

Requester's Employee #: 490

Extension: 330

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	WSIP EP-3 Noland WWTP-Effluent Pump Station/Aeration Basin	1	EA		$2,389,646.00	4520.9530.5315.00	02133-0333		
2	WSIP EP-3 Noland WWTP-Clarifier Maintenance	1	EA		$50,000.00	5400.5800.5801.00	02069-1		
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:

East Plant Wet Weather Basin

Subtotal: $2,439,646.00

Tax:

Total: $2,439,646.00

Approvals:

Mayor: _____

Department Director: _____

Purchasing Manager: _____

Finance & Internal Services Director: _____

Budget Manager: _____

IT Manager: _____

Dispatch Manager: _____

Utilities Manager: _____

Other: _____

Revised 6/17/03

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

8/5/2008
City Council Meeting Date

Missy Leflar, HR Division Mgr.	Human Resources	Operations
Submitted By	Division	Department

Action Required:

Staff requests approval to renew City paid employee benefits for 2009, for the same cost as in 2008. Please refer to the attached memo.

$3,461,417 (est. 2009)	$3,461,417 (est. 2009)	Personnel Services
Cost of this request	Category / Project Budget	Program Category / Project Name
		Citywide
Account Number	Funds Used to Date	Program / Project Category Name
		Citywide
Project Number	Remaining Balance	Fund Name

Budgeted Item [Yes] Budget Adjustment Attached [ ]

Department Director	7.21.08 Date	Previous Ordinance or Resolution #
		Original Contract Date:
City Attorney	7-18-08 Date	Original Contract Number:
Finance and Internal Service Director	7-21-08 Date	Received in City Clerk's Office ENTERED 7/18/08
Mayor	7/22/08 Date	Received in Mayor's Office ENTERED 7/21/08

Comments:

CITY COUNCIL AGENDA MEMO
For August 5, 2008 Council Meeting

TO: Mayor Dan Coody and the City Council
THRU: Gary Dumas, Operations Director
FROM: Missy Leflar, Human Resource Division Manager
DATE: July 18, 2008
SUBJECT: Approval of City paid employee benefits for 2009

RECOMMENDATION:

Staff recommends approval of the proposed City paid employee benefits for 2009, the cost of which will be the same as in 2008.

Specifically, Council approval is requested for renewal of the City's Blue Cross health insurance plan, ACE-USA Accidental Death & Dismemberment insurance, Datapath Flexible Spending Account/Summary Plan Description/COBRA Administration, and Delta Trust & Banking Corp.Health Savings Account services. Council approval is also requested for a continuation of the same ratio of employer/employee contributions to the health insurance and the same employer contributions to the health savings accounts as in 2008.

Cost: Due to the City's Benefits Brokers' negotiations with our insurance companies, the costs for the health insurance, accidental death & dismemberment insurance, Flexible Spending Account/Summary Plan Description/COBRA Administration and Health Savings Account services will remain the same in 2009 as they were in 2008. This is especially welcome news with regard to the health insurance, given the national trend of annual increases averaging 8% - 10%.

Changes in coverage: There would be no changes in offered coverage of the above, except that – at no extra cost - in 2009 the age for dependent children who are full time students will go up from age 23 to age 25 on the City paid health insurance, the employee paid dental insurance, and employee paid vision insurance. This will be helpful to employees.

BACKGROUND:

The entire 2009 employee benefits package, including the employee paid benefits as well as the City paid life and long term disability insurance (which is not up for renewal this year, having previously been approved for 2009 by Council) would consist of:

- Blue Cross Blue Shield health insurance (both traditional and high deductible).
- Delta Dental dental insurance.
- Starmount/Always Care vision insurance.
- Colonial supplemental medical insurance for cancer, critical illness, and accidents.
- Reliance insurance for life and long term disability.
- Reliance insurance for Short Term Disability.
- ACE-USA Accidental Death and Dismemberment.

- Flexible Spending Accounts for dependent care reimbursement and health care reimbursement.
- Delta Trust & Banking Corp. Health Savings Accounts.
- Retirement Plans.
- In addition, Sam's Club has offered City employees a discount on its memberships.
- Pending Fayetteville School Board approval: The School District may partner with the City in offering City employees (who are eligible for regular benefits) memberships to the Fayetteville Public Schools Fitness Center at a cost of $15 per month to the employee. This would fit into the City's wellness program efforts and would be handled by payroll deduction.

Of the above, the City would financially contribute to: Health insurance, life insurance, long term disability insurance, accidental death & dismemberment, health savings accounts and the retirement plan. In addition, the City would continue to utilize the services of Datapath to provide its expertise at administering the legally required Section 125 Summary Plan Description and COBRA Administration services, as well as its Flexible Spending Accounts.

DISCUSSION:

Health insurance: Inasmuch as the health insurance rates have not changed, staff recommends that Council authorize a continuation of the same employer/employee contributions as the City had in 2008.

Health savings accounts: Staff recommends that the City's contributions to employee health savings accounts remain the same as in 2008. This is an integral part of the overall High Deductible health insurance plan.

Dental insurance: The employees eligible for benefits were surveyed by Human Resources to see if they preferred the dental insurance to continue to be "tied" to the purchase of health insurance, versus having the option of buying the health insurance and/or dental insurance as separate products (where one could be purchased without the other having to be purchased). It was explained that if they were offered as separate purchases, the cost of the Dental insurance might increase more than it might otherwise increase. A clear majority of the responding employees voted to keep the two products as one purchase. The renewal for the dental insurance is still pending. The City's Benefit Brokers are reviewing the market for competitive quotes. The cost of the dental insurance is fully paid by the employee.

Life insurance: Last year was an "open enrollment" for life insurance involving a one time opportunity for large, guaranteed amounts of coverage with no questions asked. (The same will continue to be offered to brand new employees on an ongoing basis.) This one time opportunity on the guaranteed coverage was communicated to employees via benefits packet handouts, as well as at educational meetings which approximately 400 employees elected to attend. For 2009, and moving forward, employees who have already had the one time opportunity for the "guaranteed coverage" may increase their life insurance coverage in increments of $10,000, which may be subject to medical approval.

Annual Enrollment: Pending Council approval, the proposed enrollment schedule is for employees to be sent their benefits packets in September, have the educational meetings in September, and – for those wishing to make benefits changes - have one on one meetings with the HR Benefits Administrator throughout October.

BUDGET IMPACT:

These planned items are being budgeted for in the City's 2009 budget.

Staff is available to answer any questions you may have.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE THE SAME LEVEL AND COST OF EMPLOYEE BENEFITS IN 2009 AS ARE BEING PROVIDED IN 2008

WHEREAS, the City's health and insurance benefits brokers, Stephens, Inc., negotiated so well for the City that they were able to obtain substantially identical health and insurance coverages for the City employees at no cost increase for either the City or the employees.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the Human Resources Division's recommendation to award for 2009 all current employee health and insurance plan coverages to the same companies for the same level of benefits at the same premium cost that the City and the employees have be paying in 2008.

PASSED and **APPROVED** this 5th day of August, 2008.

APPROVED: ATTEST:

_____ _____

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

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

5-Aug-08
City Council Meeting Date

Connie Edmonston	Parks & Recreation	Operations
Submitted By	Division	Department

Action Required:

To ammend the Code of Fayetteville §33.018 Parks and Recreation Advisory Board by changing the Board from eight members to nine and increasing the terms from two years to three.

n/a		Gulley Park Improvements
Cost of this request	Category/Project Budget	Program Category / Project Name
		Gulley Park Improvements
Account Number	Funds Used to Date	Program / Project Category Name
		Parks Development Sales Tax
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director — Date 7-21-08

City Attorney — 7-21-08

Finance and Internal Service Director — Date 7-21-08

Mayor — Date 7/22/08

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office ENTERED 7/28/08 EO

Received in Mayor's Office ENTERED 7/21/08 BCP

Comments:

City Council Meeting of
August 5, 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: July 18, 2008
Subject: **Ammendment to the Code of Fayetteville §33.018 Parks and Recreation Advisory Board**

RECOMMENDATION To ammend the Code of Fayetteville §33.018 Parks and Recreation Advisory Board by changing the Board from eight members to nine and increasing the terms from two years to three.

BACKGROUND
Currently, the Parks and Recreation Advisory Board (PRAB) has eight board members who serve two year terms with four positions being renewed each year. In reviewing the terms and number of members of other City Council appointed commissions, boards and committees, a combination of different terms and number of members depending on their responsibilities was found. The Planning Commission, Environmental Concerns Committee, and Arts Council all have nine members serving for three year terms. After reviewing this issue, City Attorney Kit Williams recommended in addition to increasing the terms to three years, the number of members should be increased to nine in the event a tie needs to be broken by the PRAB Chair.

DISCUSSION
For the past several years, PRAB members have discussed it takes about two years to fully understand the diverse responsibilities of the Parks and Recreation Division. Changing the terms from two to three years would help provide them with the experience needed to serve on this board. In addition, instead of possibly changing the composition of half the board each year, there could potentially be only three members, or one third of the members changed with having nine members. As the parks and recreation system continues to grow, this would add more consistancy and also allow for more citizens to be involved.

PRAB recommended changing the ordinance creating the Board to increase the board members to nine and the terms to three years at their July 7, 2008 meeeting.

BUDGET IMPACT
There is no budget impact with this change.

Attachments:
Code of Fayetteville §33.018 Parks and Recreation Advisory Board.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §33.018 **PARKS AND RECREATION ADVISORY BOARD** OF THE CODE OF FAYETTEVILLE

WHEREAS, the Parks and Recreation Advisory Board makes long term plans and important recommendations to the Fayetteville City Council concerning city-wide park development and use of the over Two Million Dollars from the Parks HMR tax collected annually; and

WHEREAS, lengthening the terms from two years to three and increasing the membership from 8 members to 9 would be similar to the Planning Commission and allow three appointments to be made annually by the City Council.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends §33.018 (A) *Composition* by repealing all of subsection (1) and enacting a replacement subsection (1) as shown below:

> "(1) The Parks and Recreation Advisory Board shall be composed of nine members appointed by the City Council for terms of three years. Such terms shall be staggered so that three members will be appointed each year."

PASSED and **APPROVED** this 5th day of August, 2008.

APPROVED: ATTEST:

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

other activities in connection with the park, recreation and cultural needs of the inhabitants of the city, as the City Council shall from time to time provide.

(Code 1965, §2-97; Ord. No. 1526, 1-3-67; Code 1991, §33.017)

33.018 Parks And Recreation Advisory Board

(A) *Composition.*

(1) The Parks and Recreation Advisory Board shall be composed of eight members appointed by the City Council. Each member of the Parks and Recreation Advisory Board shall serve a term of two years.

(2) All members of the Parks and Recreation Advisory Board shall serve without compensation.

(B) *Meetings of advisory board and responsibilities.* The Parks and Recreation Advisory Board shall meet monthly with the director of parks and recreation. The advisory board shall advise and recommend to the director of parks and recreation, mayor and City Council on all aspects of parks and recreation activities. Annually, the advisory board shall develop a suggested work program and operating budget to be submitted to the city by November of each year for the subsequent year. The advisory board shall also recommend priorities for capital improvements and means for financing same, and shall prepare an annual progress report on parks and recreation activities.

(C) *Attendance requirements for members of the Parks and Recreation Advisory Board.*

(1) Any members of the Parks and Recreation Advisory Board who fails to attend at least 70% of all meetings (regularly scheduled and specially called) within the member's yearly periods of service shall immediately tender his or her letter of resignation and that position shall be deemed vacant."

(2) Any board member who has been required to tender a letter of resignation may present extenuating circumstances within the letter of resignation and request that the resignation not be accepted by the City Council. If the letter of resignation is not accepted by the City Council, the position shall not be deemed vacant and the member shall be reinstated to complete the normal term of appointment.

(Code 1965, §§2-98, 2-99; Ord. No. 1526, 1-3-67; Ord. No. 3058, 12-18-84; Ord. No. 3074, 3-19-85; Ord. No. 4290, 2-20-01; Code 1991, §33.018; Ord. 5023, 6-5-07)

33.019-33.029 Reserved

ARTICLE IV
POLICE DEPARTMENT

33.030 Appointment Of Chief Of Police

The mayor is hereby authorized to appoint the chief of police, subject to the approval of the City Council.

(Code 1965, §16-1; Ord. No. 884, 3-5-45; Code 1991, §33.030)

Cross reference(s)--Payment for unused sick leave, §37.03.

State law reference(s)--Municipal police departments generally, A.C.A. §14-52-101 et seq.; Appointment and removal of department heads, A.C.A. §14-42-110.

33.031-33.044 Reserved

ARTICLE V
FIRE DEPARTMENT

33.045 Separate Office Of Chief Of Fire Department Created

The separate office of chief of the fire department of the city is hereby created, to be filled in the manner provided by law.

(Code 1965, §9-1; Ord. No. 909, 3-3-47; Code 1991, §33.045)

State law reference(s)--Municipal fire departments, - A.C.A., §14-53-101 et seq.; Appointment and removal of department heads, A.C.A. §14-42-110.

33.046 Providing Fire Protection Services Outside City

The city fire department shall not provide fire protection services beyond the corporate limits and shall not combat any fire located outside the corporate limits except pursuant to:

(A) A mutual aid agreement, approved by the City Council, with another municipal corporation or

ALDERMAN AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF August 05, 2008

FROM: Nancy Allen

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:
Amendment to Ch. 174.08 Signs of the Unified Development Code

An ordinance to amend Ch. 174.08 of the Unified Development Code, to allow "A" frame sandwich / menu board signs under certain conditions.

APPROVED FOR AGENDA:

Nancy Allen
Alderman **Nancy Allen**

July 10, 2008
Date

Jeremy C. Pate
Jeremy Pate
Director of Current Planning

07.10.2008
Date

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: July 11, 2008

Subject: UDC Amendment – Ch. 174.08 Prohibited Signs – "A" frame sandwich boards

RECOMMENDATION

Staff recommends the City Council approve an ordinance amending Ch. 174.08 of the Unified Development Code sign regulations. This amendment would permit, under the listed conditions, the use of "A" frame sandwich / menu boards for use by business owners to list menu items and specials for pedestrian view.

BACKGROUND

Alderwoman Allen recently inquired of staff about whether sandwich boards were permitted within the City under our sign ordinances, after discussing the issue with a local business. Ch. 174.08 (C) of the UDC specifically prohibits this type of sign, and Planning Staff has required several business owners, specifically in the downtown, to remove these types of signs under the current code. Utilization of this type of sign, which is used in many cities to advertise lunch or dinner specials primarily for pedestrians along a sidewalk, requires an ordinance amendment by the City Council.

DISCUSSION

Staff is recommending the Council amend the sign ordinance in favor of allowing "A" frame sandwich/menu boards for permitted businesses within the City. These signs would only be allowed for commercial properties, and may be located on the property or the sidewalk adjacent to the property, as long as pedestrian movement is not impeded. One sign for one business is permitted on a lot. The code amendment reserves the right for immediate removal of the sign if at any time it is determined that pedestrian flow is being impeded, such as a Farmer's Market or a narrow sidewalk. These types of signs should generally be placed outside the flow of traffic, and illustrate menu items and specials for the adjacent business only.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND UNIFIED DEVELOPMENT CODE CH. 174.08, PROHIBITED SIGNS, TO ALLOW "A" FRAME SANDWICH/MENU BOARD SIGNS UNDER CERTAIN CONDITIONS.

WHEREAS, the Unified Development Code currently prohibits all portable or temporary attraction sign boards, including "A" frame sandwich boards; and

WHEREAS, in certain instances, these types of signs that are typically placed on sidewalks during business hours may better inform pedestrians of menu options available; and

WHEREAS, certain businesses within the City depend upon pedestrian traffic more so than vehicular traffic for advertising;

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals and replaces Ch. 174.08 (C) of the Unified Development Code with Exhibit "A," attached hereto and made a part hereof.

PASSED and **APPROVED** this___day of ___, 2008.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

Exhibit "A"
ADM 08-3055

Chapter 174.08 (C) of the Unified Development Code shall be repealed and the following placed in its stead:

§174.08 Prohibited Signs

(C) *Portable swinger or temporary attraction sign boards.* It shall be unlawful for any person to continue to display or erect any portable swinger, "A" frame, sandwich, or temporary attraction sign board in the city, except under the following conditions:

(1) One (1) freestanding, "A" frame sandwich / menu board for a single permitted business may be permitted on a commercially zoned lot or on the adjacent public or private sidewalk in front of the respective business for the duration of the business' hours of operation. The temporary sign shall be removed and placed inside after business hours.

(2) The permitted sign may not interfere with pedestrian traffic, as determined by the Sign Administrator. Should the Sign Administrator determine said sign interferes with pedestrian traffic, it shall be immediately removed.

(3) The permitted sign shall only advertise for the adjacent business, and is to be utilized for display of menu items or advertised specials.

(4) The size of the sign shall be limited to 36" tall by 24" wide.

(5) No sign may be displayed or erected that swings, rotates, flashes, fluctuates, or is illuminated, or in any other manner that would violate the provisions of §174.08.

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

8/5/2008
City Council Meeting Date
Agenda Items Only

Terry Gulley	Transportation	Operations
Submitted By	**Division**	**Department**

Action Required:

Staff requests an ordinance waiving the requirements of formal competitive bidding for the purchase of asphalt materials for the Transportation Division.

	$ 2,358,575.00	In-House Pavement Improvements
Cost of this request	Category / Project Budget	Program Category / Project Name
4470-9470-5417.00	$ 1,242,485.40	Transportation Improvements
Account Number	Funds Used to Date	Program / Project Category Name
02052 / 1	$ 1,116,089.60	Sales Tax Capital Improvements
Project Number	Remaining Balance	Fund Name

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

Department Director — Date: 7.16.08

City Attorney — Date: 7/17/08

Finance and Internal Service Director — Date: 7-17-08

Mayor — Date: 7/21/08

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office — ENTERED 7-16-08

Received in Mayor's Office — ENTERED 7/17/08

Comments:

Fayetteville
ARKANSAS

City Council Agenda Item

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Terry Gulley, Transportation Manager

Date: August 5, 2008

Subject: Bid Waiver for Asphalt

Recommendation: Staff requests an ordinance waiving the requirements of formal competitive bidding for the purchase of asphalt materials for the Transportation Division.

Background: The spike in asphalt costs is fueled by the record high price of crude oil. Asphalt consists of an aggregate and a petroleum-based tar which binds the mix together. The tar is rooted in crude oil which has doubled in price on the New York Mercantile Exchange futures market during the past year. The NYMEX for crude oil was $144 per barrel on July 14, 2008. The cost of the binder has increased 16 percent since April and more than 40 percent since last year. Information provided by APAC-Arkansas, Inc. confirms that the price of AC has increased over $400.00 per ton since February. The prices of fuel and freight have also increased significantly and can vary over a short period of time. Type 2 RAP surface mix asphalt requires a 4.08% AC mixture and the local asphalt suppliers implement an increased unit price for this material based on the increased price of raw materials purchased. Refiners are manufacturing much less asphalt, and because sources are limited, the price changes day to day.

Discussion: Bid 08-11 was awarded to Kiewit Southern Co. for purchase of asphalt materials and Hutchens Construction and McClinton-Anchor as alternate suppliers in February 2008. Escalating prices have deemed yearly bids unpractical. These suppliers cannot continue to provide materials at the original prices submitted with their bids. Additionally, Kiewit Southern Co. staff recently informed the City of a temporary plant shut-down, due to an inability to obtain oil, resulting in the need for City staff to utilize alternate suppliers at a higher price. Because of volatile pricing, staff recommends obtaining quotes on an as needed basis to guarantee the lowest possible price.

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING INDEFINITELY FOR THE PURCHASE OF ASPHALT MATERIALS FOR USE BY THE TRANSPORTATION DIVISION.

WHEREAS, the crude oil market continues to experience extreme price volatility; and,

WHEREAS, this volatility has greatly increased the price of asphalt, making normal competitive bidding procedures unworkable, impractical and not feasible; and,

WHEREAS, the Transportation Division proposes, on an "as needed" basis, to obtain telephone or fax bids by direct solicitation of suppliers and accept the lowest bid in this abbreviated process.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby finds that such circumstances constitute an exceptional situation where competitive bidding is not feasible or practical, and therefore indefinitely waives the requirements of formal competitive bidding for the purchase of asphalt materials, but requires that the Transportation Division solicit telephone or fax bids and accept the lowest bid submitted.

PASSED and **APPROVED** this 5th day of August, 2008.

APPROVED: ATTEST:

By: _____ By: _____

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

From: Andrea Foren
To: Apperson, Ginny
Date: 7/14/2008 1:36 pm
Subject: Fwd: RE: Asphalt quote adjustment request

>>> On 7/14/2008 at 12:56 pm, in message <B9F4D6DE7EEE3D49B1689D1FF679B8271BEA41@apac2mail01.apac2.crhomg.com>, "Foster, David (APAC McClinton Anchor)" <David.Foster@apac.com> wrote:
Andrea,

I am trying to put together the invoice and information that you will need to support this adjustment. I understand that you will be buying more material from us tomorrow, so I want to make sure that we have this in place prior to that so that there won't be any surprises.

Just to give you an idea of what kind of increase we are talking about:

Old AC price, delivered to Sharps was $291.81
Current AC price, delivered to Sharps is $642.63
Difference is $350.82

Type 2 RAP surface mix (mix type you are purchasing tomorrow) requires 4.08% AC; therefore the actual increase (with no markup) is $14.31/ton ($350.82 x 0.0408). This makes the revised price per ton of $49.21 (bid price was $34.90).

Any other mixes, including a Type 2 surface without RAP, will have different AC percentages and thus a different adjustment.

When I receive a copy of the invoice and freight bill for the current AC, I will fax everything over for you.

Let me know if you have any questions.

David L. Foster, PE
Sales Manager
APAC-Arkansas, Inc.
McClinton-Anchor Division
(479) 587-3345 office
(479) 263-4479 cell

-----Original Message-----
From: Andrea Foren [mailto:aforen@ci.fayetteville.ar.us]
Sent: Wednesday, July 02, 2008 11:00 AM
To: Foster, David (APAC McClinton Anchor)
Cc: Apperson, Ginny; Foren, Andrea
Subject: Re: Asphalt quote adjustment request

David,

Thanks for your e-mail. I hate to hear your supply prices have jumped

up. I'll be glad if/when the fuel nightmare goes away!

We can allow an increase in your price; however, it has to be for the same increase per unit that your price has increased. So, if your price has increased say $1.00 per ton, then we can allow $1.00 per ton to be added to your price. Whatever the price per unit increase is, we have to justify it based on your receipts so show the increase. Does that make sense? Let me know if you have questions, it might be easier for me to explain over the phone.

Thanks,
Andrea

Andrea Foren, CPPB
City of Fayetteville, Purchasing Agent
113 W. Mountain
Fayetteville, AR 72701
Phone: (479) 575-8220
aforen@ci.fayetteville.ar.us
www.accessfayetteville.org
P Please consider the environment before printing my e-mail

>>> On 7/2/2008 at 7:19 am, in message
<B9F4D6DE7EEE3D49B1689D1FF679B8271BE861@apac2mail01.apac2.crhomg.com>,
"Foster, David (APAC McClinton Anchor)" <David.Foster@apac.com> wrote:

Andrea,

As of yesterday, our asphalt cement price that we are paying has dramatically increased; therefore we must request an adjustment in our prices from our quote for Bid 08-11. Can you give me some direction on how I need to go about that?

Thanks,

David L. Foster, PE
Estimating Manager
APAC-Arkansas, Inc.
McClinton-Anchor Division
(479) 587-3345 office
(479) 263-4479 cell

McCLINTON | ANCHOR

COMPANIES

240 N. Block Avenue
Fayetteville, AR 72701
Tel: 479 587-3300, Fax: 479 521-2826

FAX TRANSMITTAL FORM

TO: *Andrea Foren*
Purchasing Agent

FAX #: *479-575-8257*

COMPANY: *City of Fayetteville*

FROM: David L. Foster, PE
Sales Manager

DATE: 7/11/08

TIME: 9:20 am

NUMBER OF PAGES (INCLUDING COVER SHEET): 5

IF YOU HAVE PROBLEMS WITH THIS TRANSMISSION, PLEASE CALL (479) 587-3300.

MESSAGE

Andrea,

I've attached an invoice and haul ticket to show what we were paying for material and haul last month. The material we bought earlier this week was from our sister division in Missouri and those costs will all be handled internally, thus there will not be an invoice.

It also appears that we will be utilizing NuStar from this point forward. Their current price as of today is $675.00/ton and our haul rate from their terminal at Catoosa is currently $19.60/ton. Therefore, as of today our price for the Type 2 RAP material is $51.33. If you need any other type of material, just let me know and I'll calculate the price. The material you got yesterday will be billed at $49.21 since we were able to get AC at $620.00/ton with a freight charge of $22.63.

Increase to the bid price is solely based on actual increases in AC prices, with no markup of any kind applied to the increase.

Any questions, please call me.

David
479-587-3345 office
479-263-4479 cell

NOTICE OF CONFIDENTIALITY

This facsimile may contain information that is privileged and confidential and/or exempt from disclosure under applicable law. This transmission is intended solely for the individual or entity designated above. If you are not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you should understand that any distribution, copying or use of the information contained in this facsimile by anyone other than the designated recipient is unauthorized and strictly prohibited. If you have received this facsimile in error, please immediately notify the sender by telephone.

Copy B# 462

SemMaterials, L.P.

COMMERCIAL INVOICE

Sharps - Bernel
Jackett - 15.96 16.82

Page 1 of 1

APAC McClinton-Anchor
P.O. Box 1367
Fayetteville, AR 72702
United States

Invoice Number: 0828607
Date: 6/5/2008
Remit To: See EFT Instructions Below

Contact: Invoice Contact
Phone: (800) 949-0982
Fax: 479-695-1774

Federal ID: 57-1215443

Project: Block
Project Reference:
Contract Reference: APP08T9037740

Customer Contact: Lee Duchanois
Customer Reference: 202120

Date	Description	Quantity	UOM	Price	US Dollars
6/3/2008	BOL: S2370-08-000655				
	Origin: Muskogee PLT, OK	Delivery Term:	Collect		
	Destination: Benton CO, AR	Purchase Order:			
	Sales - Asphalt: PG 64-22	26.6900	Ton	275.00000	7,339.75
					7,339.75

Invoice	Terms	Cash Discount If Paid By	Cash Discount Amount	Due Date	Invoice Total
0828607	2% 10 Days Drafted by EFT	6/14/2008	146.79	6/14/2008	~~7,339.75~~ 7192.96

WIRE PAYMENT TO:
Bank of Oklahoma N.A.
Tulsa, OK
ABA # 103 900 036
Account # 209028263
SemMaterials, L. P.

PURCHASER TO PAY ANY APPLICABLE TAXES. ACCOUNTS NOT PAID BY THE DUE DATE ARE SUBJECT TO 1 1/2% SERVICE CHARGE PER MONTH (18% PER YEAR).

For questions regarding this invoice, please contact Jean Baucom by calling 918-524-7194 or faxing (918) 524-8061.

MATERIAL - $275.00/TON
HAUL - $16.81/TON
$291.81/TON DELIVERED

Pd Cmpt
A78944

COPY

FileBound - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Address https://apac.filebound.com/Documents.esp?FileID=1114208&Clipboard=

Documents | Signature | Revisions

- AC-7106
- AC-7107
- AC-7108
- AC-7109
- AC-7110
- AC-7111
- AC-7112
- AC-7113
- AC-7114
- AC-7115
- AC-7119
- AC-7120
- AC-7121
- AC-7122
- AC-7139
- AC-7146
- AC-8001
- AC-8006
- AC-8013
- AC-8014
- AC-8022
- AC-8023
- AC-8080
- AC-8087
- AC-8088
  - 6/24/2008
    - Page 0001
    - Page 0002
- AC-8092
- AC-8094
- AC-8096
  - 7/0/2008
    - Page 0001
    - Page 0002
- AC-8098
- AC-8099
  - 7/8/2008
    - Page 0001

Tackett Trucking LLC

1408 West Deer Run Road
Fort Gibson, OK 74434

RECEIVED
JUN 11 2008
B# 7142

Invoice

Date	Invoice #
6/8/2008	AC-8088

v# 134541
PAID
ck 20080618127
6-18-8

Bill To
APAC-McClinton Anchor Div. 240 N. Block Street Fayetteville, AR 72702

P.O. No.	Terms	Project
Lowell	Due on receipt	

Quantity	Description	Rate	Amount
26.69	FG 64-22	14.25	380.33
380.33	Fuel Surcharge	0.18	68.46

File Notes | 1Doc Notes | File Detail | Frequent Tasks | Annotations

2183777 AC-8088; Tackett Trucking LLC; 134541; 06/09/2008; 20

Done: C:\Importer\APAC\Division 5.04.192

AC-8088; Tackett Trucking LLC; 134541; 06/08/2008; 20

Internet

To: All NuStar Energy Customers

Date: July 9, 2008

From: Bill Wood

Subject: Catoosa Terminal Price Increase

Effective July 16, 2008 the rack price for liquid asphalt will increase for all products. Please note the following price increases for each product listed below:

PG 64-22--$675 per ton

PG 70-22--$785 per ton

PG 70-28--$785 per ton

PG 76-22--$810 per ton

PG 76-28--$810 per ton

Please call if you require product and do not have committed volumes with NuStar, of if you require product over your current committed NuStar volumes.

If you have any questions please give me a call for further discussion.

Kind Regards,

Bill Wood
Office: 817 613 0947
Mobile: 817 550 3487

QUOTE

Tackett Trucking LLC

INVOICE # 105
DATE: DECEMBER 24, 2007

EXPIRATION DATE DECEMBER 31, 2008

1408 W. Deer Run Road,Ft. Gibson, Ok. 74434
Phone 918-478-3782 Fax 918-478-3782
Cell: 918-351-5407

TO Guy Washburn
Apac-Arkansas
McClinton-Anchor

Hauls to Arkansas Plants

SALESPERSON	JOB	PAYMENT TERMS	DUE DATE
Darwin Tackett	Liquid Asphalt Haul Rates	Due on receipt	

QTY	DESCRIPTION	UNIT PRICE	LINE TOTAL
1	From Wynnewood to West Fork	*38.50 per ton	
1	From Wynnewood to Sharp's	*38.50 per ton	
1	From Port of Catoosa to West Fork	*17.50 per ton	
1	From Port of Catoosa to Sharp's or Centerton	*15.25 per ton	
1	From Port of Muskogee to Siloam Springs	*13.25 per ton	
1	From Port of Muskogee to Sharp's or Centerton	*14.25 per ton	
1	From Port of Catoosa to Siloam Springs	*13.25 per ton	
1	From Port of Muskogee to West Fork	*16.50 per ton	
		SUBTOTAL	
		SALES TAX	
		TOTAL	

Quotation prepared by: Darwin P. Tackett

*Fuel Surcharge is included up to [redacted]. Then [redacted]
This is based on Oklahoma Fuel Prices.

*4.75 DIESEL = +1.90 INCREASE
= 28.5% SURCHARGE
*15.25 + 28.5% = *19.60/TON

THANK YOU FOR YOUR BUSINESS!

AGENDA REQUEST

FOR: COUNCIL MEETING OF AUGUST 5, 2008

FROM:
ALDERMAN BOBBY FERRELL

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution To Request That The Budget To Be Submitted To The City Council By The Administration Be Balanced

APPROVED FOR AGENDA:

Bobby Ferrell

Bobby Ferrell
Alderman

7-17-08
Date

Kit Williams
City Attorney (as to form)

7-9-08
Date

7/18/08

RESOLUTION NO. _____

A RESOLUTION TO REQUEST THAT THE BUDGET TO BE SUBMITTED TO THE CITY COUNCIL BY THE ADMINISTRATION BE BALANCED

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 requests that the proposed annual budget submitted to the City Council for consideration by the City Administration be balanced in that its underlying, reasonable projections of annual revenue to be received and annual expenditures to be made shall be equal or that the projected revenue exceed projected expenditures. Revenues and expenditures tied to bond issues (including taxes, bond proceeds, expenditures for bond projects, etc.) shall not be considered. Expenditures to complete capital projects already funded in the current year shall not be considered except for any additional, new expenditures to be paid for with new revenue.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby requests that the General Fund budget that is submitted to the City Council be balanced pursuant to the same provisions as above.

PASSED and **APPROVED** this 5th day of August, 2008.

APPROVED: ATTEST:

_____ _____

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

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.

July 17, 2008

City of Fayetteville – City Council
113 W. Mountain Street
Fayetteville, AR 72701

RECEIVED
JUL 17 2008
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

RE: AMBERWOOD PLACE PZD

Dear Council Members,

On behalf of our client, JRJBCS, LLC, we would like to appeal the July 14, 2008 Planning Commission decision to deny R-PZD 08-2965. We are requesting that this item be put on the August 5, 2008 City Council Agenda.

Amberwood Place is being presented as a land use and zoning conceptual PZD. This project is located just south of Dot Tipton Road, east of Double Springs and west of 54th Street. This property was annexed into the city of Fayetteville last year, by the developer, with the encouragement of some the ward alderman who also had concerns and showed strong interest in the need for affordable housing in this area. This project has three planning areas as follows;

Planning Area #1: Single family, 102 units, 19.87 acres, 5.13 units/acre,
Planning Area #2: Single family, 41 units, 9.12 acres, 4.50 units/ acre
Planning Area #3: Single family, 39 units, 10.99 acres, 3.55 units/ acre
Total single family = 182 units on 39.98 acres; 4.55 units/acre

The current zoning is R-A and the surrounding zoning is RSF-1 and RSF-2 to the south with RSF-4 and RMF-6 due north..

This project was presented at the July 14, 2008 Planning Commission meeting and denied with only one vote for it. It seemed the Planning Commission in general liked the project layout and idea but were a little uneasy about the density and timing of the project. The general comments from the surrounding property owners that spoke at the meeting were about the side setbacks in planning area 3, which was simply a misprint in the PZD booklet, and the size of some of the homes in planning area 3. The developers are more than willing to work with the property owners on these issues and plan to be in contact with them before the August 5th meeting. The planning staff recommended denial of this project sighting that it doesn't meet all the goals of the City 2025 Plan. We however, feel that it does meet many of the goals and could be a very desirable and valuable project for this area now and in the future. We would like to stress that the developers build out date for this project could be up to 8 years with the first Planning Area being completed in the next 2-3 years. The driving force behind this project is creating attainable housing

without losing focus on the City 2025 Plan and creating an isolated pocket of smaller homes.

Please contact us if you have any questions or would like more information regarding this project.

Sincerely,

Justin Lee Jorgensen, E.I.
Representative

Charlie Sloan
Developer/Owner

City Council Meeting of August 5, 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: July 16, 2008

Subject: Residential Planned Zoning District for Amberwood Place (R-PZD 08-2965)

RECOMMENDATION

Planning Staff and Planning Commission recommend denial of an ordinance creating a Residential Planned Zoning District (R-PZD) for Amberwood Place, based on the findings that the proposed zoning is not consistent with the land use planning objectives, principles, and policies established by the City Council with the adoption of City Plan 2025 to make infill and revitalization our highest priority, and to discourage suburban sprawl; and finding that the proposed zoning is not compatible with surrounding existing agricultural and rural residential land uses and zoning.

BACKGROUND

The subject property, zoned R-A, Residential Agricultural, is located south and east of Double Springs Road on the south side of Dot Tipton Road. If City Council overturns the Planning Commission decision to deny, this action will establish a unique zoning district for a single-use project on approximately 39.98 acres. The proposal consists of 182 single family dwelling units and an overall density of 4.55 units/acre. The property is undeveloped agricultural pasture land, surrounded by rural residential and agricultural land uses. Dot Tipton Road, currently a partially paved/gravel road, provides access to the residences in this area, from Double Springs Road to 54th Avenue. Some infrastructure for the now-abandoned Windsor/Dunnerstock subdivision adjacent to the south has been installed, although this development has been abandoned for some time and the application is considered voided. Rezoning applications for this adjacent site to RSF-4 have been previously denied by the Planning Commission.

DISCUSSION

The Planning Commission voted 6-1-0 (Commissioner Kennedy voting 'No') to deny this request on July 14, 2008. The Planning Commission stated agreement with staff findings that the project does not comply with main goals and policies of City Plan 2025 to discourage suburban sprawl, and that the relatively high density proposed is not compatible with surrounding rural residential and agricultural land uses.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 08-2965, AMBERWOOD PLACE, LOCATED SOUTH AND EAST OF DOUBLE SPRINGS AND DOT TIPTON ROAD; CONTAINING APPROXIMATELY 39.98 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 to R-PZD 08-2965 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:

By: _____
DAN COODY, Mayor

ATTEST:

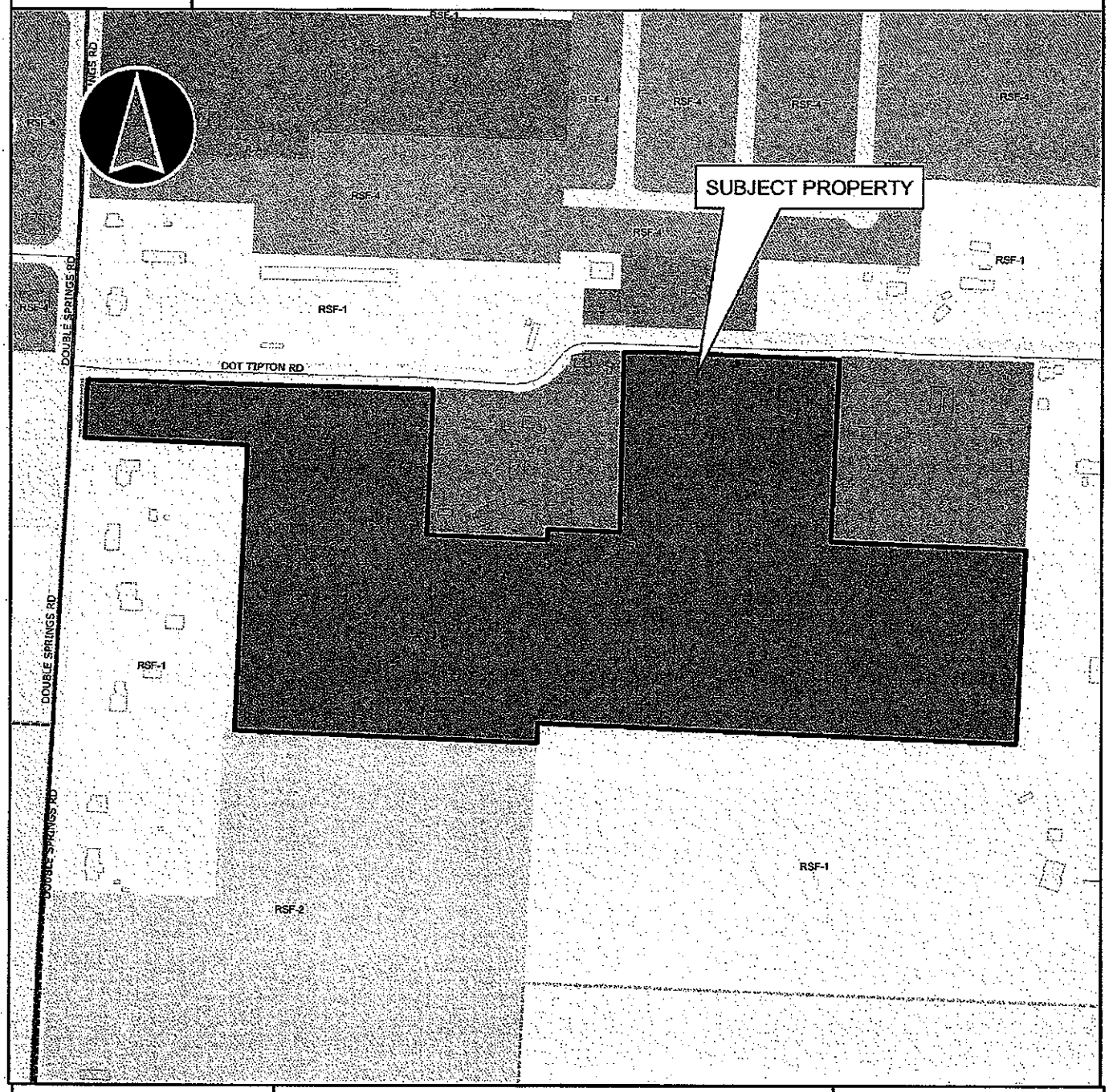
By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT "A"

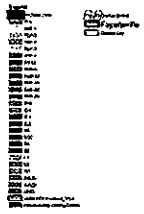
RPZD08-2965

Close Up View

AMBERWOOD PLACE



Overview



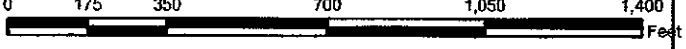


EXHIBIT "B"
R-PZD 08-2965

PART OF THE SE1/4 OF THE NE1/4 OF SECTION 15 AND PART OF THE SW1/4 OF THE NW1/4 OF SECTION 14 ALL IN T16N, R31W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SE CORNER OF SAID SE1/4, NE1/4 THENCE S89°46'03"W 825.57 FEET, THENCE N00°01'18"W 788.63 FEET, THENCE S89°52'44"W 448.54 FEET, THENCE N00°29'58"E 159.86 FEET, THENCE N88°55'29"E 947.20 FEET, THENCE S00°02'16"E 401.26 FEET, THENCE N89°57'44"E 328.25 FEET, THENCE N00°15'06"E 30.31 FEET, THENCE N89°56'37"E 196.61 FEET, THENCE N01°15'52"W 496.68 FEET, THENCE N87°12'01"E 84.38 FEET, THENCE N89°42'27"E 514.78 FEET, THENCE S00°07'57"W 502.35 FEET, THENCE N89°53'47"E 537.01 FEET, THENCE S00°11'49"W 536.03 FEET, THENCE S89°54'10"W 1320.92 FEET, THENCE S00°28'05"W 55.08 FEET TO THE P.O.B.; CONTAINING 39.98 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

CONDITIONS OF APPROVAL:

R-PZD 08-2965

Conditions of Approval for R-PZD 08-2965 (Amberwood Place)

1. The applicant shall be responsible for the following street improvements. Street improvements at the time of development shall include those determined necessary by the Planning Commission, based upon the development proposed. Staff will recommend street improvements warranted with development of the subject property. *Based on an initial review of the conceptual development plan, staff will likely recommend, at a minimum, the following street improvements:*
   a. *Pavement, curb and gutter, storm drainage, and sidewalks to be constructed along the project frontage for Double Springs Road and Dot Tipton Road including the gap of project frontage in the middle of the project along Dot Tipton Road.*
   b. *Off-site street improvements will be required along Dot Tipton Road to pave the roadway to a minimum of 20' wide pavement plus the appropriate shoulders from the project boundary east approximately 0.34 mile to 54th Street.*

2. Determination of adequate connectivity. Three points of access are provided to the north on Dot Tipton Road. Street stub-outs are provided in the southwest corner, the south-central, and the eastern borders of the site. No street connection is currently being provided to the existing rural residential land uses to the west that border Double Springs Road. The project proposes internal pedestrian connectivity in approximately 3.5 acres of dedicated greenspace with several pedestrian trails to be constructed by the developer. This project also proposes a north-south greenbelt from the northern property line connecting south across the two major internal east-west streets and roundabouts, but ends one lot south of the southern property line.
   a. *To improve pedestrian connectivity and provide a more meaningful linkage of greenspace, staff recommends that the greenbelt be extended all the way to the southern property line to provide the opportunity for the greenbelt to be connected to the south.*
   b. *Staff recommends an additional street stub-out be provided to the west in the vicinity of lots 12/13, to break up the approximately 1,000-foot block length between the north and south property lines on the westernmost street and another in the vicinity of lots 78/79 to provide a neighborhood connection to the tract or Dot Tipton Road surrounded on three sides by the proposed development.*

3. This project is required to go through preliminary plat review and approval prior to construction.

4. The applicant shall dedicate right-of-way a minimum of 42.5' from centerline right-of-way along the project's Double Springs Road frontage and 25' from centerline along the project's Dot Tipton Road frontage. Dedication of 50' right-of-way width for interior streets and stub-outs.

5. The project is subject to the project phasing noted below. Final plat approval is required to be obtained for the various Planning Areas in this project within the specified timeframe. Extensions may be permitted, pursuant to City ordinance.

CONDITIONS OF APPROVAL:

R-PZD 08-2965

Page 2 of 4

Project Phasing
Amberwood Place R-PZD

Phase	Planning Area	Milestone	Deadline
1	Planning Area 1 (first half)	Preliminary Plat Approval	within 1 year from CC approval
2	Planning Area 1 (second half)	Preliminary Plat Approval	within 3 years from CC approval
3	Planning Area 2	Preliminary Plat Approval	within 4 years from CC approval
4	Planning Area 3	Preliminary Plat Approval	within 6 years from CC approval

Construction permits shall be obtained within 1 year of preliminary plat approval, and construction shall be completed with a final plat recorded within 3 years of permit issuance, in accordance with City ordinance.

6. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements.

7. 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 building permit.

8. The project will be required to go through the Parks and Recreation Advisory Board prior to preliminary plat submittal.

11. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code for single family subdivisions.

12. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.

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 percent minimum canopy of 25%.

14. Street trees shall be provided along public streets pursuant to city codes at the time of development.

15. As indicated in the PZD plats and booklets all lot owners will be required to plant two trees on their lot along the perimeter of the property.

16. The pedestrian trails and dedicated greenspace indicated in the PZD plats and booklets shall be constructed and landscaped by the developer and inspected prior to Final Plat approval for the lots surrounding the greenspace.

17. A landscape plan showing street tree plantings (including plantings in the traffic circles), the proposed perimeter plantings, landscaped greenspace and pedestrian trails will be required at the time of preliminary plat.

CONDITIONS OF APPROVAL:

R-PZD 08-2965

18. Plat/booklet revisions:

    a. Pg. 9. Remove reference to Lot 16 from (D).
    b. Pg. 9. Section D and E. Reduce to 7,000 sq. ft.
    c. Planning Areas 1-3. Staff recommends consistent maximum building area of 30% for all planning areas.
    d. Pg. 21. Item 17. PA #2. Change '100 SF' to '1,700 SF'

19. 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.

20. The site has little existing tree canopy. The development should be designed to work around as many existing trees as possible, particularly trees that are not located in existing or proposed utility easements. Mitigation will not likely be supported by staff without detailed supportive information such as an arborist report.

21. Significant trees and canopy found within floodway are a high priority for preservation. Groupings of quality trees are also a high priority for preservation.

22. 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.

Standard Conditions of Approval:

23. 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).

24. 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.

25. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.

26. Street lights shall be installed adjacent to all public and private streets (not alleys), with a separation of no greater than 300 feet.

CONDITIONS OF APPROVAL:

R-PZD 08-2965

27. Impact fees for fire, police, water, and sewer shall be paid in accordance with City ordinance.

28. 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.
    d. Project Disk with all final revisions
    e. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

Fayetteville
ARKANSAS

Planning Commission Meeting
July 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
	Matt Casey, Assistant City Engineer
THRU:	Jeremy Pate, Director of Current Planning
DATE:	~~July 7, 2008~~ *Updated July 16, 2008*

R-PZD 08-2965: (AMBERWOOD PLACE, 474/475): Submitted by DAVE JORGENSEN for property located S & E OF DOUBLE SPRINGS RD. AND DOT TIPTON RD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 39.98 acres. The request is for Zoning and Land Use approval for a Residential Planned Zoning District with 182 single-family dwelling units. Planner: Andrew Garner

Findings:

Property: The subject property contains 39.98 acres, located southeast of the intersection of Double Springs/Dot Tipton Roads. The property is undeveloped agricultural pasture land, surrounded by rural residential and agricultural land uses. Dot Tipton Road, currently a partially paved/gravel road, provides access to the residences in this area, from Double Springs Road to 54th Avenue. Some infrastructure for the now-abandoned Windsor/Dunnerstock subdivision adjacent to the south has been installed, although this development has been abandoned for some time and the application is considered voided. Rezoning applications for this adjacent site to RSF-4 have been previously denied by the Planning Commission. The immediately adjacent surrounding land use and zoning are listed in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Agricultural/rural residential	RSF-1; R-A
South	Agricultural/Dunnerstock Windsor Subdivision (not developed)	RSF-1; RSF-2
East	Agricultural/rural residential	RSF-1
West	Single family residential	Washington County Planning Area (1 unit/acre)

Proposal: The request is for rezoning and land use approval only for a Master Development Plan of a Residential Planned Zoning District with 182 detached single family dwellings in three planning areas. Planning Area 1 is on the east side of the property and has 102 lots that are approximately 45' x 100' with a density of 5.13 units/acre. Planning Area 2 is in the middle of the property and has 41 lots that are approximately 60' x 100' with a density of 4.50 units/acre.

Planning Area 3 is on the west side of the property and will have 39 lots that are approximately 70' wide with a density of 3.55 units/acre. The development proposes 3.5 acres of public pedestrian trails and greenspace throughout the development to be built by the developer. The overall proposed density for the project is 4.55 units/acre.

If the PZD is approved as proposed the project would be required to go through subdivision/preliminary plat approval prior to development.

Access: Three access points to the site are provided from Dot Tipton Road to the north. Two street stub-outs are provided to the south and a street stub-out is also provided to the east. Vehicular access to the 182 single family residences is provided as follows:

- 84 lots - front loaded individual curb cuts
- 54 lots - front loaded shared driveways
- 44 lots - rear loaded off of alleys

Adjacent Master Street Plan Streets: Double Springs Road (Minor Arterial), Dot Tipton Road (Local).

Right-of-way to be dedicated: 42.5' from centerline right-of-way along the project's Double Springs Road frontage and 25' from centerline along the project's Dot Tipton Road frontage. Dedication of 50' right-of-way width for interior streets and stub-outs.

Connectivity: Three points of access are provided to the north on Dot Tipton Road. Street stub-outs are provided in the southwest corner, the south-central, and the eastern borders of the site. No street connection is proposed to the existing rural residential lots to the west. These lots are approximately two acre in size. The project proposes internal pedestrian connectivity with sidewalks on both sides of the streets and pedestrian trails in approximately 3.5 acres of dedicated greenspace. This project also proposes a north-south greenbelt from the northern property line connecting south across the two major internal east-west streets and roundabouts, but ends one lot south of the southern property line. *A potential improvement for future pedestrian connectivity would be to extend the greenbelt all the way to the southern property line to provide the opportunity for a greenbelt linkage to the south. Potential improvements to street connectivity include additional street stub-outs to the west in the vicinity of lots 12-14, to break up the block length between the north and south property lines and allow connectivity for future infill to the west, and to the 'out-parcel' along Dot Tipton Road that is surrounded on three sides by the proposed development, near lots 78/79.*

Parking: Parking is provided in attached and detached garages for all of the single family homes. 138 homes will have front-loaded garages, and 44 of the homes will have alley-loaded garages. 98 homes will have garages in the rear of the homes, and 84 homes will have garages in the front of the homes.

Phasing: Four phases are planned for Amberwood Place over the next several years as listed below and provided in the PZD Booklet. Final plat approval is required to be obtained for the various Planning Areas in this project within the specified timeframe. A one-year extension may be permitted, subject to Planning Commission approval.

Project Phasing
Amberwood Place R-PZD

Phase	Planning Area	Milestone	Deadline
1	Planning Area 1 (first half)	Preliminary Plat Approval	within 1 year from CC approval
2	Planning Area 1 (second half)	Preliminary Plat Approval	within 3 years from CC approval
3	Planning Area 2	Preliminary Plat Approval	within 4 years from CC approval
4	Planning Area 3	Preliminary Plat Approval	within 6 years from CC approval

Construction permits shall be obtained within 1 year of preliminary plat approval, and construction shall be completed with a final plat recorded within 3 years of permit issuance, in accordance with City ordinance.

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

Parks: The developer has met with City Parks staff and anticipates donating off-site land in lieu of payment of parks fees. This project will be required to go through Park Recreation Advisory Board prior to preliminary plat submittal.

Solid Waste Service: Solid waste service will be provided with standard curbside carts for each home as typical of single family residential development.

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. Tree canopy minimum of 25% shall be required.

Public Comment: City staff has received a phone call from an adjacent property owner opposed to the project citing concerns that the proposed density is too high and is not compatible with surrounding farms and rural-residential uses. He also discussed concerns with runoff issues. Staff also received several public comments opposed to other RSF-4 rezoning in this immediate vicinity. The applicant has also presented the project at a Street Committee and Ward 4 meeting to area residents, most specifically to discuss cost-sharing the improvements to Dot Tipton Road.

Recommendation: Finding that the proposed rezoning and development approval does not meet most of the primary goals of the Planned Zoning District ordinance and policies adopted within the City Plan 2025 as noted herein, and primarily based on the compatibility/density of the development pattern in an area under-served by adequate infrastructure and service to support such a density, staff recommends denial of **R-PZD 08-2965.**

Should the Planning Commission forward this project to the City Council with a recommendation for approval, staff recommends the following conditions of approval:

Conditions of Approval:

1. Planning Commission determination of street improvements. Street improvements at the time of development shall include those determined necessary by the Planning Commission, based upon the development proposed. Staff will recommend street

improvements warranted with development of the subject property. *Based on an initial review of the conceptual development plan, staff will likely recommend, at a minimum, the following street improvements:*

a. *Pavement, curb and gutter, storm drainage, and sidewalks to be constructed along the project frontage for Double Springs Road and Dot Tipton Road including the gap of project frontage in the middle of the project along Dot Tipton Road.*
b. *Off-site street improvements will be required along Dot Tipton Road to pave the roadway to a minimum of 20' wide pavement plus the appropriate shoulders from the project boundary east approximately 0.34 mile to 54th Street.*

2. Planning Commission determination of adequate connectivity. Three points of access are provided to the north on Dot Tipton Road. Street stub-outs are provided in the southwest corner, the south-central, and the eastern borders of the site. No street connection is currently being provided to the existing rural residential land uses to the west that border Double Springs Road. The project proposes internal pedestrian connectivity in approximately 3.5 acres of dedicated greenspace with several pedestrian trails to be constructed by the developer. This project also proposes a north-south greenbelt from the northern property line connecting south across the two major internal east-west streets and roundabouts, but ends one lot south of the southern property line.
   a. *To improve pedestrian connectivity and provide a more meaningful linkage of greenspace, staff recommends that the greenbelt be extended all the way to the southern property line to provide the opportunity for the greenbelt to be connected to the south.*
   b. *Staff recommends an additional street stub-out be provided to the west in the vicinity of lots 12/13, to break up the approximately 1,000-foot block length between the north and south property lines on the westernmost street and another in the vicinity of lots 78/79 to provide a neighborhood connection to the tract or Dot Tipton Road surrounded on three sides by the proposed development.*

3. This project is required to go through preliminary plat review and approval prior to construction.

4. The applicant shall dedicate right-of-way a minimum of 42.5' from centerline right-of-way along the project's Double Springs Road frontage and 25' from centerline along the project's Dot Tipton Road frontage. Dedication of 50' right-of-way width for interior streets and stub-outs.

5. The project is subject to the project phasing noted below. Final plat approval is required to be obtained for the various Planning Areas in this project within the specified timeframe. Extensions may be permitted, pursuant to City ordinance.

Project Phasing
Amberwood Place R-PZD

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4	Planning Area 3	Preliminary Plat Approval	within 6 years from CC approval

Construction permits shall be obtained within 1 year of preliminary plat approval, and construction shall be completed with a final plat recorded within 3 years of permit issuance, in accordance with City ordinance.

6. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements.

7. 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 building permit.

8. The project will be required to go through the Parks and Recreation Advisory Board prior to preliminary plat submittal.

11. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code for single family subdivisions.

12. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.

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 percent minimum canopy of 25%.

14. Street trees shall be provided along public streets pursuant to city codes at the time of development.

15. As indicated in the PZD plats and booklets all lot owners will be required to plant two trees on their lot along the perimeter of the property.

16. The pedestrian trails and dedicated greenspace indicated in the PZD plats and booklets shall be constructed and landscaped by the developer and inspected prior to Final Plat approval for the lots surrounding the greenspace.

17. A landscape plan showing street tree plantings (including plantings in the traffic circles), the proposed perimeter plantings, landscaped greenspace and pedestrian trails will be required at the time of preliminary plat.

18. Plat/booklet revisions:

    a. Pg. 9. Remove reference to Lot 16 from (D).
    b. Pg. 9. Section D and E. Reduce to 7,000 sq. ft.
    c. Planning Areas 1-3. Staff recommends consistent maximum building area of 30% for all planning areas.
    d. Pg. 21. Item 17. PA #2. Change '100 SF' to '1,700 SF'

19. 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.

20. The site has little existing tree canopy. The development should be designed to work around as many existing trees as possible, particularly trees that are not located in existing or proposed utility easements. Mitigation will not likely be supported by staff without detailed supportive information such as an arborist report.

21. Significant trees and canopy found within floodway are a high priority for preservation. Groupings of quality trees are also a high priority for preservation.

22. 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.

Standard Conditions of Approval:

23. 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).

24. 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.

25. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.

26. Street lights shall be installed adjacent to all public and private streets (not alleys), with a

separation of no greater than 300 feet.

27. Impact fees for fire, police, water, and sewer shall be paid in accordance with City ordinance.

28. 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.
    d. Project Disk with all final revisions
    e. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

Planning Commission Action:
☐ **Tabled** ☐ **Forwarded to C.C. (recommendation for approval)** X **Denied**
Motion: Myres
Second: Graves
Vote: 6-1-0 (Kennedy voting 'No')
Meeting Date: July 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 R-PZD 08-2965 (Amberwood Place at Fayetteville)

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 that much of this application is in conflict with the criterion and policies established in City Plan 2025. The applicant conducted pre-application meetings with City Planning staff, who advised the applicant against a development of this type of density in this area at this time. Some of the issues discussed with the applicant in pre-application and at the technical plat review meetings included concerns that this development with a density 4.55 units/acre is not compatible with surrounding rural-residential/low density land uses. Staff also advised the applicant of the relatively recent zoning denial by the Planning Commission of adjacent property, to RSF-4. Staff has also discussed that this type of subdivision encourages suburban sprawl in an area without adequate infrastructure or non-residential services or employment centers in the vicinity. Traffic concerns already being discussed on surrounding roads, particularly Wedington, will likely be exacerbated, and the attainable housing element of the project is jeopardized due to the requirement of every resident to drive miles for any good or service.

Staff has concerns that this development does not meet several of the primary Goals of City Plan 2025, is incompatible with surrounding land uses as a re-zoning request, and is not served by adequate public services as discussed in the bulleted points below:

- **Goal 1: Infill and revitalization highest priority: This site is a green field development on the west side of Fayetteville, surrounded by large rural residential lots and agricultural land. The project is not considered infill or revitalization.**
- **Goal 2: Discourage suburban sprawl: As discussed in City Plan 2025, sprawl makes people solely dependent upon the automobile to get from here to there, increasing traffic congestion. Based on the input from the community throughout the planning process, it is apparent Fayetteville residents want to maintain a high quality of life and support increased growth in the center of the city, or assess where services are provided, and limit growth on the edges of the city. The proposed development, while using a higher density development pattern, is not near urban service centers, and is solely auto-dependent, thereby placing a greater burden on not only adjacent streets, but others in the area. Development at the proposed density in this area may be appropriate at a later date; however, at this time, it is not supported by adequate levels of infrastructure or services. Examples of density and lot size of this nature currently in the city are the Washington/Willow, Wilson Park, and Rupple Row neighborhoods, which contain high levels of connectivity and close proximity to**

high-capacity streets, commercial services and goods.

- **<u>Goal 3: Make traditional town form the standard:</u> This goal encourages a variety of uses, not just houses, to make a neighborhood. This goal encourages development with the provision of places to live and work in the same area with less daily vehicle trips on surrounding streets. While this development varies the size of lot/house, it does not contribute to or gain from a surrounding neighborhood of mixed uses at this time.**
- **<u>Goal 6: Creating attainable housing:</u> This plan aspires to this goal, which is a very positive aspect of this plan. However, attainable houses should not exist in isolation. Traditional, mixed-income neighborhoods should result in pedestrian-friendly environments, enabling households to save on transportation costs, which can affect their ability to obtain housing. By locating this project far from goods and services and the potential for jobs, additional burden, time, and expense is created for a future homebuyer to supply travel to and from the development for daily needs. Many case studies have proved that a mixed-use environment with these amenities is the only desirable and successful way to create attainable housing, as opposed to many failed projects that aspired to do so in single-use areas.**
- **<u>This area is planned for Residential Neighborhood Areas on City Plan 2025.</u> These areas are predominantly residential in land use, which is consistent with the uses proposed with Amberwood Place. This zone encourages traditional neighborhood development; developments should have a strong sense of connectivity where appropriate. New residential areas should be sited where they are accessible to roadways, alternative transportation nodes, community amenities, schools and infrastructure and retail goods and services. Staff has concerns that this development, while attempting to meet one of the City's goals to provide "attainable housing", is being located in an area that severely lacks infrastructure and services at a sufficient level to serve the future residents. There are no nearby services that can serve the planned neighborhood, thus requiring a greater density of residents to drive for common, daily needs.**
- **<u>Harmonious relationship/degree of compatibility with adjacent land uses.</u> Staff finds the surrounding land uses to be large, rural lots and agricultural land, at very low densities. The density and land development pattern proposed in this location, while perhaps desirable nearer to higher density areas with services and adequate infrastructure, is very much out of place with the surrounding rural character of the area.**
- **<u>Demands on public facilities</u>. The proposed density, at this time, will create a greater burden on existing infrastructure in the area; currently the site is accessed by way of gravel roads or recently paved county roads. Future residents will likely demand improvement of streets in the area by the City, at a level that is not viable at this time.**
- **<u>Permitted/Conditional Uses.</u> Staff finds the proposed single family residential land use is appropriate.**

In summary, staff finds the proposal does not meet the goals of the City's adopted Future Land Use Plan to a degree that is appropriate for a rezoning approval as proposed.

(2) Whether the application is in compliance with all applicable statutory provisions;

FINDING: As discussed in Finding No. 1 above, the application has been reviewed and found to be inconsistent with several of the applicable City policies. The application has been submitted in accordance with all 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, in order to function at acceptable levels. Without improvements to existing infrastructure, the proposal would certainly adversely affect public facilities and services. The Fayetteville Police Department has stated that the development could increase traffic danger and congestion and would place an undesirable load on police services. As discussed in Finding No. 1 this site is accessed by way of gravel roads or recently paved county roads. This development proposes to contribute $150,000 for the City to pave Dot Tipton Road. In order for staff to find that the project would not adversely impact public facilities in the area, many more improvements than are recommended here would have to occur. However, staff does not find that this particular developer should bear the burden of all of those expenses, based on typical rational nexus calculations. This is ultimately one reason why staff has recommended denial of the application, finding that at this time, the project is not appropriate for the area.

(4) Whether the rezoning is compatible with the surrounding land uses;

FINDING: As discussed in Finding No. 1, the surrounding land uses are large, rural lots and agricultural land, at very low densities. The density and land development pattern proposed in this location, while perhaps desirable nearer to higher density areas with services and adequate infrastructure, is very much out of place and thus incompatible with the surrounding rural character of the area.

(5) Whether the subject land is suitable for the intended use and is compatible with the natural environment;

FINDING: The 39.98-acre property is a generally level, undeveloped pasture with minimum tree canopy. The intended land use, while incompatible with surrounding land uses, could be suitable on the subject property at some time in the future, when adequate services have been extended and are available to this area.

(6) Whether the intended land use would create traffic congestion or burden the existing road network;

FINDING: The proposed development, which will allow for the construction of 182

dwelling units, will have a significant impact on surrounding infrastructure, all of which is substandard. With the incorporation of the recommended street improvements listed in the conditions of approval, staff finds that while the surrounding roads would likely still be congested and inconvenient, the proposed development would not create a traffic danger. Staff does find that due to the number of units proposed in a low density agricultural/rural residential area, a burden on the existing road network would be created.

(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 Planned Zoning District has been reviewed in light of all applicable development and zoning ordinances. The Master Development Plan sets out the basic guidelines, development and zoning criteria, commitments and design standards offered by the applicant. As discussed under Findings No. 1 and No. 4, staff finds that the proposal will not achieve a high level of compatibility with adjacent properties. Staff finds that the overall density of 4.55 units/acre is not appropriate when surrounded by rural-residential/agricultural land uses. Density within a project under a PZD is to be determined on the basis of the density of surrounding development, urban development goals, and the impact of a given density on the site and adjacent property. The City's urban development goals encourage a variety and mixture of densities within neighborhoods. However, the density of development must be supported with adequate infrastructure and services in order to create a viable, functioning neighborhood that contributes to the City as opposed to a separate "island" of development that is auto-

dependent for all goods and services. Staff finds this proposal to be located well away from supporting goods and services, and may adversely impact the character of surrounding low density residential and agricultural uses.

The site does not have any significant natural features to be incorporated into the subdivision, although approximately 3.5 acres of greenspace and pedestrian trails are provided. The developer also proposes to have all perimeter lots plant two trees in the backyard to help provide some vegetative screening around this subdivision.

(2) *Screening and landscaping.* In order to enhance the integrity and attractiveness of the development, and when deemed necessary to protect adjacent properties, the Planning Commission shall require landscaping and screening as part of a PZD. The screening and landscaping shall be provided as set forth in §166.09 Buffer Strips and Screening. As part of the development plan, a detailed screening and landscaping plan shall be submitted to the Planning Commission. Landscape plans shall show the general location, type and quality (size and age) of plant material. Screening plans shall include typical details of fences, berms and plant material to be used.

FINDING: No screening is proposed or required for this single family subdivision. Approximately 54% of the proposed lots (98 out of 182 lots) have garages at the rear of the homes to help create a pedestrian oriented streetscape and an attractive public realm. This development proposes 3.5 acres of landscaped greenspace and pedestrian trails and two trees planted in the backyard of each perimeter lot. A landscape plan showing street tree plantings, the proposed perimeter plantings, landscaped greenspace and pedestrian trails will be required at the time of preliminary plat.

(3) *Traffic circulation.* The following traffic circulation guidelines shall apply:

(a) The adequacy of both the internal and external street systems shall be reviewed in light of the projected future traffic volumes.

(b) The traffic circulation system shall be comprised of a hierarchal scheme of local collector and arterial streets, each designed to accommodate its proper function and in appropriate relationship with one another.

(c) Design of the internal street circulation system must be sensitive to such considerations as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, access to dwelling units and the proper relationship of different land uses.

(d) Internal collector streets shall be coordinated with the existing external street system, providing for the efficient flow of traffic into and out of the planned zoning development.

(e) Internal local streets shall be designed to discourage through traffic within the

planned zoning development and to adjacent areas.

(f) Design provisions for ingress and egress for any site along with service drives and interior circulation shall be that required by Chapter 166 Development of this code.

FINDING: The vehicular circulation system is comprised of two main public streets leading into the central portion of the project where the streets are slowed down by traffic circles and a north-south greenbelt crossing the streets. The lots in Planning Area 1 are accessed off of alleys or shared driveways with the garages in the rear of the homes. The lots in Planning Areas 2 and 3 are accessed directly off of the street with individual curb cuts and garages in the front of the homes. The street system provides a hierarchy of circulation that encourages an efficient flow of traffic. The external street system consists of two access roads, Double Springs Road, a minor arterial, and Dot Tipton Road, a local street, that is substandard and in need of improvements.

(4) *Parking standards.* The off-street parking and loading standards found in Chapter 172 Parking and Loading shall apply to the specific gross usable or leasable floor areas of the respective use areas.

FINDING: Standard parking ratios for the single family residential uses shall apply. Two garage parking spaces are provided for each home.

(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 proposes that each lot on the perimeter of the project plant two trees in the backyard of the homes. The project will comply with all open space requirements.

(6) *Sidewalks.* As required by §166.03.

FINDING: Sidewalks and other pedestrian connections will be evaluated at the time of preliminary plat to ensure compliance. In general the Master Development Plan provides for sidewalks along public streets, and interior pedestrian trails in the designated greenspace lots.

(7) *Street Lights.* As required by §166.03.

FINDING: Street lights are to be provided adjacent to all public streets at a separation of no greater than 300 feet.

(8) *Water.* As required by §166.03.

FINDING: Public water will be provided to the project site, pursuant to city code.

(9) *Sewer*. As required by §166.03.

FINDING: Public sewer will be provided to the project site, pursuant to city code.

(10) *Streets and Drainage.* Streets within a residential PZD may be either public or private.

(a) *Public Streets.* Public streets shall be constructed according to the adopted standards of the City.

(b) *Private Streets.* Private streets within a residential PZD shall be permitted subject to the following conditions:

(i) Private streets shall be permitted for only a loop street, or street ending with a cul-de-sac. Any street connecting one or more public streets shall be constructed to existing City standards and shall be dedicated as a public street.

(ii) Private streets shall be designed and constructed to the same standards as public streets with the exceptions of width and cul-de-sacs as noted below.

(iii)All grading and drainage within a Planned Zoning District including site drainage and drainage for private streets shall comply with the City's Grading (Physical Alteration of Land) and Drainage (Storm water management) Ordinances. Open drainage systems may be approved by the City Engineer.

(iv) Maximum density served by a cul-de-sac shall be 40 units. Maximum density served by a loop street shall be 80 units.

(v) The plat of the planned development shall designate each private street as a "private street."

(vi) Maintenance of private streets shall be the responsibility of the developer or of a neighborhood property owners association (POA) and shall not be the responsibility of the City. The method for maintenance and a maintenance fund shall be established by the PZD covenants. The covenants shall expressly provide that the City is a third party beneficiary to the covenants and shall have the right to enforce the street maintenance requirements of the covenants irrespective of the vote of the other parties to the covenants.

(vii) The covenants shall provide that in the event the private streets are not maintained as required by the covenants, the City shall have the right (but shall not be required) to maintain said streets and to charge the cost thereof to the property owners within the PZD on a pro rata basis according to assessed valuation for ad valorem tax purposes and shall have a lien on the real property within the PZD for

such cost. The protective covenants shall grant the City the right to use all private streets for purposes of providing fire and police protection, sanitation service and any other of the municipal functions. The protective covenants shall provide that such covenants shall not be amended and shall not terminate without approval of the City Council.

(viii) The width of private streets may vary according to the density served. The following standard shall be used:

Paving Width
(No On-Street Parking)

Dwelling Units	One-Way	Two-Way
1 - 20	14'	22'
21+	14'	24'

***Note:** If on-street parking is desired, 6 feet must be added to each side where parking is intended.

(ix) All of the traffic laws prescribed by Title VII shall apply to traffic on private streets within a PZD.

(x) There shall be no minimum building setback requirement from a private street.

(xi) The developer shall erect at the entrance of each private street a rectangular sign, not exceeding 24 inches by 12 inches, designating the street a "private street" which shall be clearly visible to motor vehicular traffic.

FINDING: The proposed project proposes public streets and alleys that comply with the adopted development standards.

(11) *Construction of nonresidential facilities.* Prior to issuance of more than eight building permits for any residential PZD, all approved nonresidential facilities shall be constructed. In the event the developer proposed to develop the PZD in phases, and the nonresidential facilities are not proposed in the initial phase, the developer shall enter into a contract with the City to guarantee completion of the nonresidential facilities.

FINDING: 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 to comply with Chapter 167 of the UDC. The site has little existing tree canopy which should be incorporated into the design as much as possible.

(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: Not applicable. All proposed structures are single-family residential.

(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.

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 does not meet some of the primary goals of the City Plan 2025, and the overall urban development goals of the City as discussed in Staff Finding No. 1. The proposed PZD provides a mix of lot and house sizes, rather than the typical RSF-4 single family lot size. The proposed development pattern is consistent with several of the goals of the PZD ordinance, Chapter 161, including providing a variety of housing types and providing usable and suitably located open space areas. However, an average density of 4.5 units/acre is not compatible with the surrounding rural residential/agricultural properties, with the lack of goods and services, schools or other amenities typically associated with urban development form. Development of surrounding properties, which could provide a higher level of compatibility with the Amberwood Place PZD, may require several years or even decades to occur. Furthermore, core public services, including schools, jobs and commercial services are not readily available to this area and are at least two miles away. Ultimately, the residents of the development will continue to be auto-dependent due to the current isolated location of the property.

(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 subject described real property is proposed to be rezoned to R-PZD 08-2965, with three (3) unique Planning Areas. The development standards, statement of commitments and Master Development Plan approved shall be adopted with the rezoning.

(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 denial of this application, finding the proposed PZD does not meets the intent of the PZD ordinance and City Plan 2025 as noted above. Staff finds that the higher density single family land uses within the development do not consider abutting parcels of land. A harmonious relationship with surrounding properties does not exist, and will result in land use incompatibility, traffic congestion and inconvenience for existing and future residents, and encourage suburban sprawl and leap-frog development.

(2) *Permitted Uses.* All permitted uses identified within §162 Use Units of the Unified Development Code shall be allowed as permissible uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.

(3) *Conditional Uses.* All conditional uses allowed within (Residential, Commercial, Industrial) zoning Districts established in the Unified Development Code shall be allowed with Planning Commission approval, unless otherwise specified, subject to the code governing Conditional Use requests.

FINDING: Permitted and Conditional uses are outlined in both the Master Development Plan booklets and plats.

(4) *Condition.* In no instance shall the residential use area be less than fifty-one percent (51%) of the gross floor area within the development.

FINDING: The residential uses on this property will be at least fifty-one percent of the gross floor area within the development.

(F) *Bulk and area regulations*

(1) *Residential density.* Residential densities shall be determined on the basis of the following considerations:

(a) The densities of surrounding development;

(b) the densities allowed under the current zoning;

(c) the urban development goals and other policies of the city's General Plan;

(d) the topography and character of the natural environment; and

(e) the impact of a given density on the specific site and adjacent properties.

FINDING: The subject property is adjacent to large undeveloped agricultural lands with sparsely located single-family homes. The property is zoned R-A, Residential Agricultural, which would permit one dwelling unit per two acres, resulting in a maximum of 20 dwelling units on 39.98 acres. The applicants are requesting 182 dwelling units, a density of approximately 4.5 units per acre. While this is not a normally high density in much of the developed City, and in general the City's development goals and policies do support the development pattern proposed by Amberwood Place in a designated Residential Neighborhood Area, the density of the development is not appropriate in the rural landscape that it is proposed. Staff has communicated to the applicant that this project may be appropriate in other Residential Neighborhood Areas that have an adequate level of services and infrastructure for development.

(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 vary from 4,500 – 7,700 square feet, a little smaller than standard single family zoning districts; setbacks are not varied and are consistent with the RSF-8 zoning district setbacks. This project would provide for some variety in the size and mass of residential homes over this 39.98 acre subdivision with homes varying from 1,000 – 1,700 square feet. The structures are generally oriented to the street with 15-foot front setbacks, with the smaller lots in Planning Area 1 accessed off of either shared drives or alleys.

(3) *Building height.* There shall be no maximum building height except as may be determined by the Planning Commission during the review of the preliminary development plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. A lesser height may be established by the Planning Commission when it is deemed necessary to provide adequate light and air to adjacent property and to protect the visual quality of the community.

FINDING: Building heights proposed for this project are a maximum of 45-feet, consistent with the height requirements of the surrounding zoning.

(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 proposed lot coverage varies from 25-30% compared with 40-50% lot coverage allowed under typical single family zoning. This indicates more greenspace on the lots than in a typical subdivision.

***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: Please reference findings under compliance with Planned Zoning District ordinance and Future Land Use Plan. As discussed in these previous findings, this project can be characterized as suburban sprawl as it: 1) is located on the fringe of an urbanized area; 2) "leap frogs" over large, undeveloped properties; 3) is auto-dependent due to isolation from core public services; 4) and is developed before necessary infrastructure improvements are made. Ultimately, the development is inconsistent with land use planning principles and policies to a degree that would not support the rezoning.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: The subject property is just within the limits of the City and is adjacent to large agricultural and rural residential properties. Rezoning the property for 182 residential dwellings is not justifiable or needed at this time. The development will "leap frog" over and around many acres of undeveloped farmland and low density rural residential land uses, and will exacerbate the traffic congestion in the area. Improvements to Dot Tipton and Double Springs roads will facilitate future development in the area, including agricultural and rural residential land in the vicinity. Currently though, the development is too early based on existing infrastructure and inconsistent with the goals and policies adopted by the City Council for rezoning applications.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: Staff finds this proposal will likely increase traffic congestion and inconvenience, without several improvements to surrounding infrastructure. The Fayetteville

Police Department has commented that this project may create an appreciable increase in traffic danger and congestion, although a traffic study has not been completed. Overall, the area has a lack of infrastructure or services to serve a high density suburban development pattern, as proposed. With the minimum of improvements recommended by staff, an appreciable increase in traffic danger would not likely occur. This project is several miles away from public services and employment centers, and would therefore contribute to congestion on main arterials, particularly to Wedington Drive.

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 to a great extent, and that the 182 residential units proposed would create additional demand on public services. The applicants have noted in the project booklet that water and sewer services are being constructed to serve the subject development. Therefore, an undesirable load on water and sewer services is not expected.

Engineering: **Public water is located adjacent to the site. There is an 8-inch water main along Double Springs Road and one located through this site.**

Sanitary sewer is available to the site. There is an 8-inch sewer main through the site as well as a newly installed lift station. 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 Dot Tipton Road and Double Springs Road. Dot Tipton is an unimproved two lane gravel city street, with pavement near the intersection of Double Springs Road. Street improvements including pavement, curb and gutter, storm sewer and sidewalks will be required along the project frontage including the gap of project frontage in the middle of the project along Dot Tipton. Off-site street improvements will be required along Dot Tipton Road to pave the roadway to a minimum of 20-feet wide pavement width plus the appropriate shoulders from the project boundary east to 54th Street.

Standard improvements and requirements for drainage will be required for the development.

Police: **It is the opinion of the Fayetteville Police Department that this R-PZD <u>would</u> substantially alter the population density, and <u>would</u> create an appreciable or undesirable increase in the load on police services. This R-PZD <u>will possibly</u> create an appreciable increase in traffic danger and congestion.**

***Fire*:** **This property will be covered by Engine 7 located at 835 North Rupple Road. It is 2.3 miles from the station with an anticipated response time of 7 minutes. The Fire Department anticipates 32 (20 EMS-12 Fire/other) calls for service each year once the development is completed and maximum build out has occurred. The Fire Department does not feel this development will affect calls for service or response time.**

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: **As discussed in the findings throughout this report, staff recommends denial of the requested R-PZD 08-2965, finding the proposal inconsistent with several adopted goals and policies of the City Plan 2025; finding the project encourages suburban sprawl in an area without adequate public services and infrastructure and incompatible with surrounding agricultural and rural residential land uses.**

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: **June 3, 2008**

Re: **April 9, 2008 Zoning Review**

PZD 08-2965: Planned Zoning District (AMBERWOOD PLACE, 474/475): Submitted by DAVE JORGENSEN for property located at S & E OF DOUBLE SPRINGS RD. AND DOT TIPTON RD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 39.98 acres. The request is for Zoning and Land Use approval for a Residential Planned Zoning District with 182 single-family dwelling units.
It is 2.3 miles from the station with an anticipated response time of 6.0 minutes to the beginning of the development and 7.0 minutes to the western edge.
The Fire Department anticipates 32 (20 EMS – 12 Fire/Other) calls for service each year after the development is completed and maximum build-out has occurred. Typically, this type of development usually takes 12 – 18 months, after the development is started, before maximum build-out occurs.
The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

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.

RZN 08-2971: Rezoning (WALKER PARK NEIGHBORHOOD): Submitted by THE CITY OF FAYETTEVILLE. THE SUBJECT PROPERTIES ARE ROUGHLY BOUNDED BY ARCHIBALD YELL BLVD., HUNTSVILLE RD., 15TH STREET AND S. SCHOOL AVE. The properties are zoned RMF-24, MULTI FAMILY - 24 UNITS/ACRE, C-2, THOROUGHFARE COMMERCIAL AND P-1, INSTITUTIONAL and contain approximately 303.45 acres. The request is to rezone the various properties within the boundaries of the Walker Park Neighborhood to NC, Neighborhood Commercial (128.19 acres), DG, Downtown General (107.41 acres), MSC, Main Street Center (19.94 acres) and P-1, Institutional (47.91 acres).
The fire department does not anticipate any additional calls for service or reduced response times on re-zoning these properties to the proposed re-zonings.

If you have any questions please feel free to contact me.

ENGINEERING COMMENTS

PZD 08-2965: Planned Zoning District (AMBERWOOD PLACE, 474/475): Submitted by DAVE JORGENSEN for property located at S & E OF DOUBLE SPRINGS RD. AND DOT TIPTON RD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 39.98 acres. The request is for Zoning and Land Use approval for a Residential Planned Zoning District with 182 single-family dwelling units. Planner: Andrew Garner

Public water is available to the property. There is an 8" water main along Double Springs Rd; and one located running through this site.

Sanitary sewer is available to the site. There is an 8" sewer main through the site as well as a newly installed lift station. 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 Dot Tipton Rd. and Double Springs Rd.. Dot Tipton is currently an un-improved two lane gravel city street. Double Springs Rd. is currently an unimproved two lane paved city street. Street improvements including pavement, curb and gutter, storm sewer and sidewalks will be required along the project frontage for Double Springs Road and Dot Tipton Road including the gap of project frontage in the middle of the project along Dot Tipton. Off-site street improvements will be required along Dot Tipton Road to pave the roadway to a minimum of 20' wide pavement width plus the appropriate shoulders from the project boundary east to 54th Street.

Standard improvements and requirements for drainage will be required for the development. This property is not affected by the 100-year floodplain.

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.

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 **PZD 08-2965: (Amberwood Place 474 / 475):** Submitted by **Dave Jorgensen** for **property located at S & E of Double Springs Road and Dot Tipton 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 39.98 acres.**

It is the opinion of the Fayetteville Police Department that this PZD will substantially alter the population density, and will possibly create an appreciable or undesirable increase in the load on police services. This PZD will possibly create an appreciable increase in traffic danger and congestion.

Sincerely,

Captain William Brown
Fayetteville Police Department

PC Meeting of June 9, 2008

THE CITY OF FAYETTEVILLE, ARKANSAS

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: June 3, 2008

ITEM #: C-PZD 08-2965-: Planned Zoning District (Amberwood Place)

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. The site has little existing canopy. The development should be designed to work around as many existing trees as possible, particularly trees that are not located in existing or proposed utility easements. 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.

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.

PC Meeting of July 14, 2008

Fayetteville ARKANSAS
THE CITY OF FAYETTEVILLE, ARKANSAS
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: July 8, 2008

ITEM #: R-PZD 08-2965-: Planned Zoning District (Amberwood Place)

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. The site has little existing canopy. The development should be designed to work around as many existing trees as possible, particularly trees that are not located in existing or proposed utility easements. 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.

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.

PLANNING COMMISSION MEETING MINUTES
JULY 14, 2008

AMBERWOOD PLACE R-PZD 08-2965

R-PZD 08-2965: (AMBERWOOD PLACE, 474/475): Submitted by DAVE JORGENSEN for property located S & E OF DOUBLE SPRINGS RD. AND DOT TIPTON RD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 39.98 acres. The request is for Zoning and Land Use approval for a Residential Planned Zoning District with 182 single-family dwelling units.

Andrew Garner, Senior Planner, gave the staff report, describing surrounding properties, which is surrounded by rural, residential, and agricultural land uses. Dot Tipton along northern border of site is a partially paved and gravel road. Infrastructure for a now-abandoned subdivision to the south has been installed, but the development has been abandoned for some time. There have been rezoning applications for an adjacent site to RSF-4, which have been previously denied by the Planning Commission. The applicant is proposing rezoning and land use approval for a RPZD with 182 SF dwellings, overall density is 4.55 du/acre, 3 planning areas consist of different densities. PA 1 on east side with 102 lots that are 45'x100', PA 2 in the middle with 60'x100' ft lots, PA 3 has 39 lots, 79 feet wide. Access proposed is at three points from Dot Tipton to the north, two street stub-outs are provided to the south, and a street stub-out is provided to the east. Staff recommends additional connectivity to the west. Staff has received public comment from adjacent property owners opposed to the project, citing concerns with density and property not being compatible with surrounding rural residential uses. Staff finds that much of the application is in conflict with the goals and policies established with City Plan 2025. In addition, staff finds that the proposed density of 4.55 units/acre is not compatible with surrounding rural residential and low-density zoning. Staff has concern that this subdivision encourages suburban sprawl in an area without adequate infrastructure. City Plan 2025 discourages growth on the edges of the City. Development may be appropriate at a later date, when infrastructure is available. Staff does not recommend the rezoning as proposed, but instead recommends denial of the application.

Justin Jorgensen, applicant, described project. In 2006, when this was annexed, developer Charlie Sloan was encouraged by City Council to build attainable housing in the area. The applicant has worked with Water and Sewer Department to install a new pump station west of the detention pond, along with new water line, so there is already water and sewer within the subdivision. Goal of project was attainable housing. The applicant also wanted to create a traditional town form by focusing on goals of City Plan 2025. He cannot say this is the best example of infill, but it is within 1.6 miles of school and Boys and Girls Club, ½ mile from RSF-4. In time, the development will fit in to where it is at. Probably is not the ideal project for City Plan 2025, but in time it will fit in.

Public Comment:

Dave Yeomans, neighbor, stated he lives in corner house, affected in two sides by the subdivision. Built home in 1991. Many nearby homeowners, including owners of two-acre tracts adjacent to Double Springs Rd., are frustrated by the notification procedures. There is a lot of opposition to this. Homeowners will not accept anything less than what is built in Silverthorne Subdivision – 100x100' lots, big houses. Have worked hard for a nice home, find

myself fighting for that value. He does not have a problem with attainable housing, but this is not the area for it. He discussed concerns adjacent to property and a more ideal land-use arrangement for the area.

Maurice Rankin, neighbor, lives at 105 N. Double Springs Rd, directly across road from proposed development. She is concerned with Planning Area 3 on the property (west side). Cherishes the area for its view, but the proposal for 5' side setback allowances will destroy view of area – they will be looking at nothing but roofs and walls. City has received a number of awards, don't think any of them had to do with looking at roofs and houses, but instead involved the presence of greenspace.

No more public comment was received.

Commissioner Myres stated that a lot of what she likes about the site is the way it is laid out, but this density is not appropriate at this time and place. Stretching it a bit to consider it infill. Do not agree with this development and therefore will not support approval.

Commissioner Graves stated he will have to agree with Commissioner Myres. Typically he is supportive of development, voted in support of a number of the projects these developers have done on this side of the town, but I don't think I've seen any of them where it was proposed to drop something so dense in the middle of agricultural, one-acre, and two-acre property. May just be a matter of time when this is a typical zoning request, but it is not infill at this time since it is at the edge of the City, and surrounded by lower density property. Cannot support.

Commissioner Kennedy asked about building minimum differences throughout the phases of the development.

Jorgensen stated that PA 1 will be a 1200-1300 SF home, then moving up into PA 3 into 1700 SF homes

Commissioner Kennedy asked if 2400-2500 SF homes were completely out of the question.

Jorgensen stated that they were.

Commissioner Trumbo stated that the Planning Commission is seeing dense developments come through on the outskirts of town and are bringing up the word "sprawl" quite a bit, certainly wouldn't consider this project infill, but if we let it develop as RSF-4 or RSF-2, it will in turn down the road be all sprawl. I agree that at this time it is possibly too soon for this project, but I'm getting to the point where I need a better definition of sprawl just to clarify, if we are going to approve RSF-4 in 25 years it will be sprawl. Another issue is the traffic coming back east and west, other than Wedington, you're going to have to go to Farmington. There is Persimmon, but it is not developed all the way, it's a very small street. To have a lot more traffic on that road going to the school and the Boys and Girls club might be considered dangerous, and it might be too much traffic, so I would imagine most of these folks are going to come down Persimmon instead of going to Wedington. If Persimmon were built out to a wider degree I

might be more in support of this project.

Commissioner Winston stated he would encourage more mixed use. One of the problems we're seeing is that it's all housing, with no infrastructure to support daily needs. There is a lot of potential for the site, and something creative can happen. Would like to see something with more mixed use.

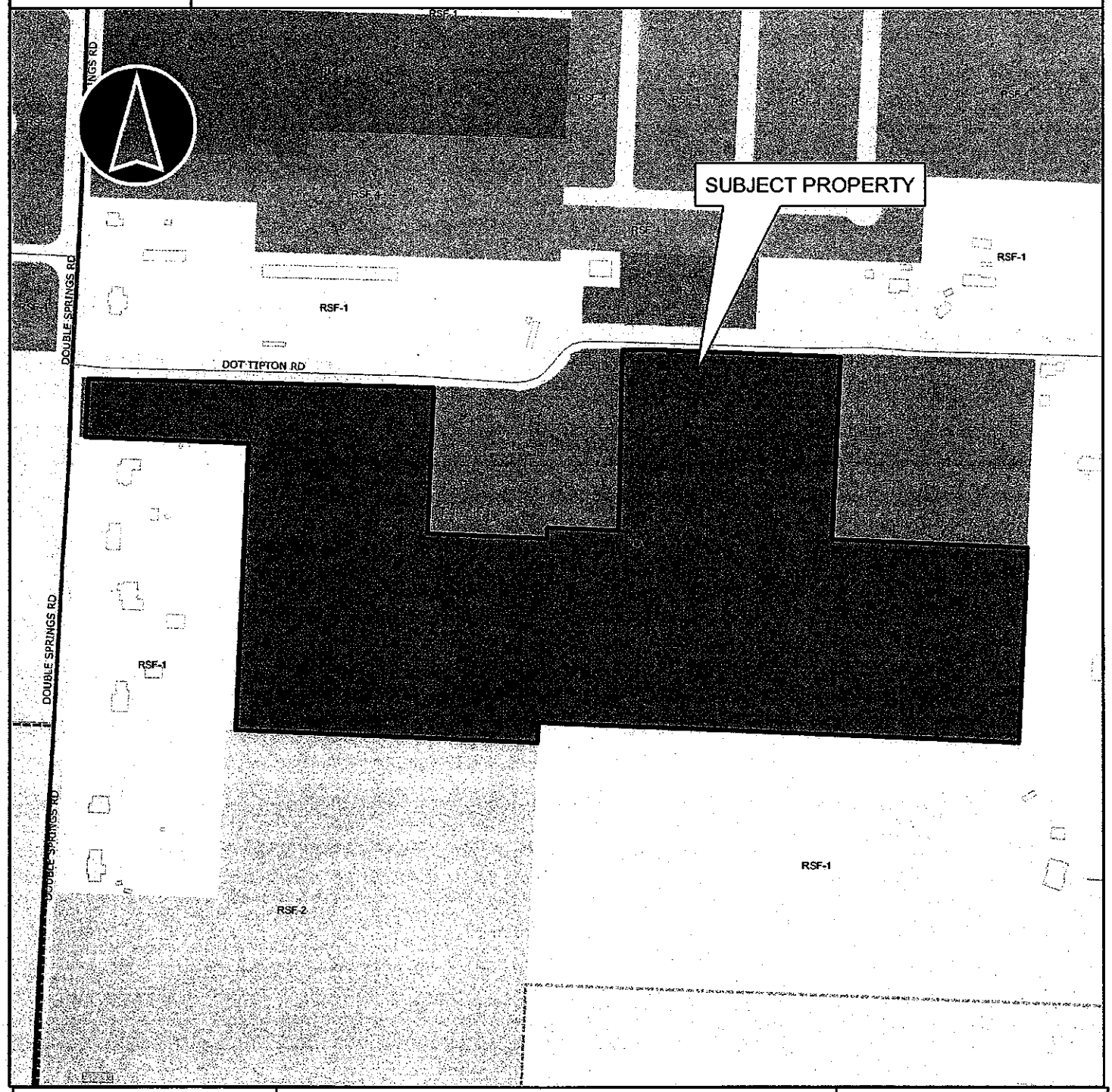
Motion:

Commissioner Myres made a motion to deny the request. **Commissioner Graves** seconded the motion. **Upon roll call the motion passed with a vote of 6-1-0, with Commissioner Kennedy voting no.**

RPZD08-2965

Close Up View

AMBERWOOD PLACE



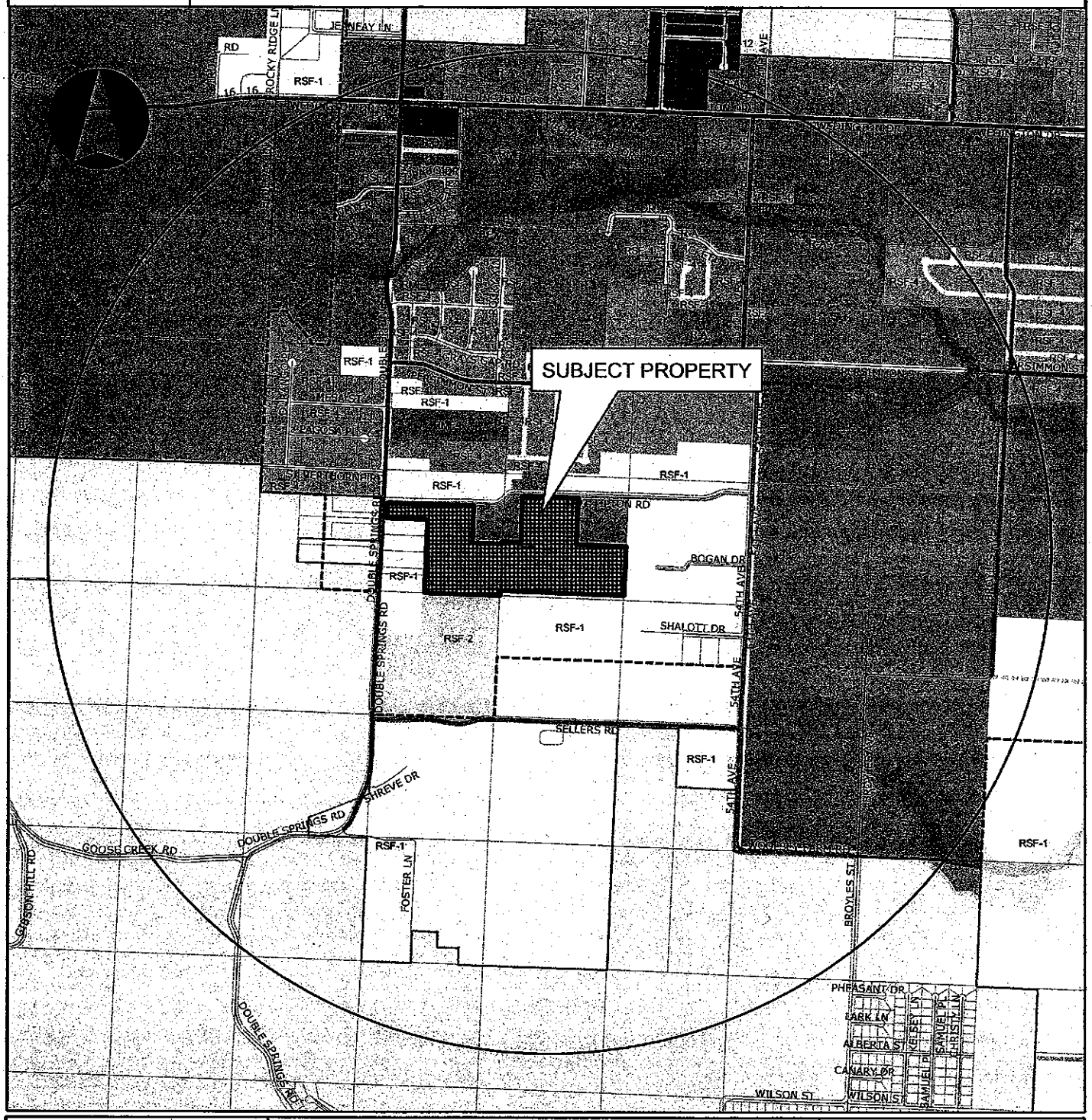
Overview

0 175 350 700 1,050 1,400 Feet

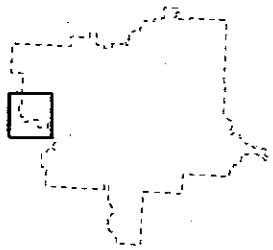
RPZD08-2965

One Mile View

AMBERWOOD PLACE



Overview



Legend

Subject Property

RPZD08-2965

Boundary

Planning Area

Overlay District

Outside City

Legend

Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

JORGENSEN & ASSOCIATES
CIVIL ENGINEERS • SURVEYORS
124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807

AMBERWOOD PLACE

LAND USE & ZONING PZD
FAYETTEVILLE, AR

Owner

JRJBCS, LLC
P.O. Box 9180
Fayetteville, AR 72703

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APPENDIX A 24

A. CURRENT OWNERSHIP OF PROPERTY AND REPRESENTATIVE

The owner of this property is JRJBCS, LLS, P.O. Box 9180, Fayetteville, AR 72703.

The representative for this project is David Jorgensen or Justin Jorgensen of Jorgensen and Associates.

B. SUMMARY (SCOPE, NATURE, AND INTENT)

Amberwood Place is being presented as a land use and zoning conceptual PZD. This project is located just south of Dot Tipton Road, east of Double Springs and west of 54th Street. This property was annexed into the city of Fayetteville last year, by the developer, at the suggestion of some the ward alderman who also had concerns and showed strong interest in the need for affordable housing in this area. Legacy Heights is just north of this property. This project has three planning areas as follows;

Planning Area #1: Single family, 102 units, 19.87 acres, 5.13 units/acre
Planning Area #2: Single family, 41 units, 9.12 acres, 4.50 units/ acre
Planning Area #3: Single family, 39 units, 10.99 acres, 3.55 units/ acre
Total single family = 182 units on 39.98 acres; 4.55 units/acre

The current zoning is R-A and the surrounding zoning is RSF-1 and RSF-2.

Planning Area #1 is located on the East side of this project and has 102 single family lots that are approximately 45' wide x 100' deep. Our intent is to create a traditional neighborhood and minimize driveways onto the streets. We plan on rear access by using an alley with some shared drives. We call for a 15' front setback and 5' side setbacks.

Planning Area #2 is located in the middle of this development and will have 41 single family lots that are approximately 60'x100' with a 15' front setback and 5' side setbacks.

Planning Area #3 is located on the West side of this project and will have 39 single family lots that are a average 70' wide with two lots around a curve that are 51' wide and all have variable depth. Setbacks on this planning area will also be 15' front and 5' side.

Residents who participated in the 2007 Citizen Survey made by the U of A for the City of Fayetteville, showed a strong interest in seeing more affordable housing and more houses for first time home buyers. There are too few options for the first time buyers (70% of the responders) and 79% of the respondents felt that there were too few affordable housing units. To that end, this project will focus on "attainable" housing without creating an isolated node of all small homes in the future. While the focus of this PZD is on "attainable" houses the intent is to create a traditional town form that promotes a community feel through the use and mix of the three Planning Areas.

Planning Area #1 will have house sizes that range from 1000-1250 SF. These houses will be quality built, all brick homes.

Planning Area #2 will also have "attainable" housing but to a lesser degree simply because the lots are larger. Houses to be built in this PA #2 will range from 1250 SF to 1600 SF and will be all brick.

Planning Area #3 will have even larger lots than the other two planning areas. This planning area #3 will have house sizes of 1700 SF and up and will also be all brick houses.

In addition, the developer has met with the City Street Committee and has agreed to donate $150,000.00 to the City for the City to pave Dot Tipton from Double Springs Road to 54th Street 24' wide. However; the City Council has not approved a cost share for these street improvements at this time. The developer will also install curb and gutter, and storm drainage on the South side of Dot Tipton where this project touches Dot Tipton.

With the new sewer pump station just installed at the southwest corner of PA #1 and the new waterline installed at this same point and with agreed improvements to Dot Tipton Road, we feel we have addressed the concerns the City may have about infrastructure.

One other point of interest is that this developer will not only install all of the water, sewer, street and storm drainage for this subdivision, but will also build out most of the houses planned. This insures that we have a final product envisioned by the developer.

C. *GENERAL PROJECT CONCEPT*

1) Street and Lot Layout: As mentioned, Planning Area #1 will have shared drives and alleys to minimize curb cuts, increase green space and provide curb appeal. Connectivity is provided by a street to the south, west, and east.
2) Site Plan: Please refer to the Conceptual PZD Plan at the beginning of this booklet.
3) Buffer Areas: Currently there are very few trees within this property or around it. The developer plans to write the covenants so that each lot owner will be required to plant at least two trees in the back of each lot adjacent to the

surrounding properties to help create a vegetated buffer. Please refer to the site plan.

4) Tree Preservation: As per the present City ordinance, tree preservation will be required. Coordination with utility companies and other infrastructures will be important to preserve any existing trees while many more trees will be planted.(see above)

5) Storm Water Detention Areas: A storm water detention pond is planned on the south side of this project to insure that post development flow does not exceed predevelopment

6) Undisturbed Natural Areas: The majority of this site will be developed. As mentioned, we will improve a tree lined perimeter around the site. Extensive landscaping and vegetation will be planned and planted in the various Green Spaces throughout the development.

7) Existing and Proposed Utility Connections and Extensions: An 8" sewer line and a pump station have been installed to service this proposed PZD along with Legacy Heights Ph 1, 2, and 3.This pump station is operational. In addition, an 8" waterline has been extended from Legacy Heights and into this subdivision.

8) Development and Architectural Design Standards: For Planning Area #1 the single family residents will have shared driveways and alleys to minimize the curb cuts. The houses will have a covered front entrance with a covered concrete patio in the back. There will be attached and detached garages in the back which will match the façade of the house. All houses in the planning areas will have brick exterior and will be similar to those shown in Appendix A.

9) Building Elevations: Exterior Elevations and site-layout have been included for your review. (Appendix A)

D. *PROPOSED DEVELOPMENT PHASING AND TIME FRAME*

After approval of this zoning and land use PZD, we will then submit a preliminary plat for planning area #1. Planning area #1 (PA# 1) will be submitted in two phases. The developer will build houses in PA# 1 first and will continue to build in Phase 2 of PA #1 and the rest of the development as the demand is needed.

Following build out of PA #1, the preliminary plat for PA # 2 will be submitted and constructed with PA # 3 started after PA # 2 is built. Dot Tipton Road will be built along with PA # 1 (entire length from Double Springs to 54th Street). The anticipated time frame for build out of PA #1 and the subsequent phases is as follows:

PA # 1	Submit preliminary plat Nov, 2008
	Start construction March., 2009
	Finish construction Nov, 2009 (Phase 1)
	Build houses Nov – Dec. 2010
	Start Construction on Phase 2Jan 2011
	Finish Construction on Phase 2 Dec. 2011
PA # 2	Submit Preliminary Plat Jan. 2012
	Start Construction March 2012
	Finish Construction Nov. 2012
	Build Houses Dec. 2012 – Dec 2013
PA # 3	Submit Preliminary Plat Jan. 2014

Start Construction March 2014

Finish Construction Dec. 2014

Build Houses Jan 2015

PA # 1: 3.08 years to complete (Nov 2008 – Dec. 2011)

PA# 2: 2 years to complete (Jan. 2012 – Dec. 2013)

PA# 3: 1 year to complete (Jan. 2014 – Dec. 2014)

E. *PROPOSED PLANNING AREAS*

This project has three planning areas. We referred to them as Planning Area #1, Planning Area #2, and Planning Area #3.

Planning Area #1 _____ 19.87 Acres (102 Lots)

Planning Area #2 _____ 9.12 Acres (41 Lots)

Planning Area #3 _____ 10.99 Acres (39 Lots)

F. *PROPOSED ZONING AND DEVELOPMENT STANDARDS*

Planning Area #1: Single Family Residential:

Purpose: The purpose of Planning Are #1 is to permit and encourage the development of single family detached dwelling units with a density similar to RSF-7. This is for 102 units on 19.87 acres, which will have a density of 5.13 units/acre.

Land Use Designation (Planning Area #1)

A. *Permitted Uses*:

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings

B. *Conditional Uses*:

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 24	Home occupations

C. *Density*:

Acreage	19.87 acres
Number of Dwelling Units	102 units
Density	5.13 units/acre

Bulk and Area Regulations (1000 – 1250 s.f.)

D. *Lot width minimum* = 30 feet

E. *Lot area minimum* = 4500 square feet

F. *Land area per dwelling unit* = 4500 square feet (minimum).

G. *Setback Requirements*

Front	Side	Rear
15 ft	5 ft	20 ft

H. *Height Regulations:* Structures in this district are limited to a building height of 45 feet.

I. *Building Area:* Area occupied by all buildings shall not exceed 30% of the total lot footage.

Site Planning

J. *Screening and Landscaping:* The screening and landscaping will be provided as set forth in the Unified Development Code. The subdivision covenants will require each lot to plant at least two trees around the perimeter to act as a buffer in addition to the trees and landscaping the developer will provide at the entrances, around the turn-a rounds and in the green spaces.

K. *Parking:* All parking shall comply with chapter 172 of the Unified Development Code.

L. *Architectural Design Standards:* Conceptual architectural renderings have been provided in Appendix A. It is the interest of the developer to obtain approval of this PZD for construction of single family detached houses. Please note that all of the houses in PA #1 are accessed from alleys or shared drives. Garages shall be attached or detached in the back of the houses. Houses in PA #2 and #3 have individual drives for each house. All houses will have brick exterior with composite shingles with roof slopes of 7:12. All yards will be sodded. Please refer to the appendix for exterior elevations.

M. *Signage:* Signs shall be permitted and approved and shall be installed in accordance with the Single-Family Unified Development Code.

Planning Area #2: Single Family Residential:

Purpose: The purpose of Planning Are #2 is to permit and encourage the development of single family detached dwelling units with a density similar to RSF-4. This is for 41 units on 9.12 acres, which will have a density of 4.50 units/acre.

A. *Permitted Uses*:

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings

B. *Conditional Uses*:

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 24	Home occupations

C. *Density*:

Acreage	9.12 acres
Number of Dwelling Units	41 units
Density	4.50 units/acre

Bulk and Area Regulations (1250 – 1600 S.F.)

D. *Lot width minimum* = 60 feet

E. *Lot area minimum* = 6000 square feet

F. *Land area per dwelling unit* = 6000 square feet (minimum)

G. *Setback Requirements:*

Front	Side	Rear
15 ft	5 ft	20 ft

H. *Height Regulations:* Structures in this district are limited to a building height of 30 feet.

I. *Building Area:* The area occupied by all buildings shall not exceed 27% of the total lot footage.

Site Planning

J. *Screening and Landscaping:* The screening and landscaping will be provided as set forth in the Unified Development Code. The subdivision covenants will require each lot to plant at least two trees around the perimeter to act as a buffer in addition to the trees and landscaping the developer will provide at the entrances, around the turn-a rounds and in the green spaces.

K. *Parking:* All parking shall comply with chapter 172 of the Unified Development Code.

L. *Architectural Design Standards:* Conceptual architectural renderings have been provided in Appendix A. It is the interest of the developer to obtain approval of this PZD for construction of single family detached houses with a front porch. Please refer to the appendix for exterior elevations.

M. *Signage:* Signs shall be permitted and approved and shall be installed in accordance with the Single-Family Unified Development Code.

Planning Area #3: Single Family Residential:

Purpose: The purpose of Planning Area #3 is to permit and encourage the development of single family detached dwelling units with a density similar to RSF-4. This is for 39 units on 10.99 acres, which will have a density of 3.55 units/acre.

A. *Permitted Uses*:

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings

B. *Conditional Uses*:

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 24	Home occupations

C. *Density*:

Acreage	10.99 acres
Number of Dwelling Units	39 units
Density	3.55 units/acre

Bulk and Area Regulations (1700 – 2000 s.f.)

D. *Lot width minimum* = 51 feet (Lot 16)

E. *Lot area minimum* = 7888 square feet

F. *Land area per dwelling unit* = 7888 square feet (minimum)

G. *Setback Requirements:*

Front	Side	Rear
15 ft	8 ft	20 ft

H. *Height Regulations:* Structures in this district are limited to a building height of 30 feet.

I. *Building Area:* The area occupied by all buildings shall not exceed 25% of the total lot footage.

Site Planning

J. *Screening and Landscaping:* The screening and landscaping will be provided as set forth in the Unified Development Code. The subdivision covenants will require each lot to plant at least two trees around the perimeter to act as a buffer in addition to the trees and landscaping the developer will provide at the entrances, around the turn-a rounds and in the green spaces.

K. *Parking:* All parking shall comply with chapter 172 of the Unified Development Code.

L. *Architectural Design Standards:* Conceptual architectural renderings have been provided in Appendix A. It is the interest of the developer to obtain approval of this PZD for construction of single family detached dwellings. Please refer to the appendix for exterior elevations.

M. *Signage:* Signs shall be permitted and approved and shall be installed in accordance with the Single-Family Unified Development Code.

G. ***MASTER DEVELOPMENT PLAN AS COMPARED TO CURRENT ZONING REQUIREMTNS***

A. PA-1 (Single Family)

Existing Zoning		Proposed Zoning	
R-A Residential-Agricultural		PA-1 (Single Family)	
Permitted Uses			
Unit 1	City-wide uses by right	Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities	Unit 8	Single-family dwellings
Unit 6	Agriculture		
Unit 7	Animal husbandry		
Unit 8	Single-family dwellings		
Unit 9	Two-family dwellings		
Unit 37	Manufactured homes		
Conditional Uses			
Unit 2	City-wide uses by conditional use permit	Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities	Unit 3	Public protection and utility facilities
Unit 20	Commercial recreation, large sites	Unit 24	Home occupations
Unit 24	Home occupations		
Unit 36	Wireless communications facilities		
Density			
Units per acre	One-half	Acreage	19.87 acres
		Dwelling Units	102 units
		Density	5.13 units/acre
Bulk and Area Regulations			
Lot width minimum	200 ft.	30 ft	
Lot Area Minimum			
Residential	2 acres	4500 sq. ft.	
Land area per dwelling unit	2acres	4500 sq. ft.	
Setback Requirements			
Front	25 ft	15 ft	
Side	20 ft	5 ft	
Rear	25 ft	20 ft	
Height Requirements			
There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.		Maximum building height of 30 feet.	
Building Area			
None		On any lot, the area occupied by all the buildings shall not exceed 30% of the total area of such lot.	

A. PA-2 (Single Family)

Existing Zoning		Proposed Zoning	
R-A Residential-Agricultural		PA-2 (Single Family)	
Permitted Uses			
Unit 1	City-wide uses by right	Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities	Unit 8	Single-family dwellings
Unit 6	Agriculture		
Unit 7	Animal husbandry		
Unit 8	Single-family dwellings		
Unit 9	Two-family dwellings		
Unit 37	Manufactured homes		
Conditional Uses			
Unit 2	City-wide uses by conditional use permit	Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities	Unit 3	Public protection and utility facilities
Unit 20	Commercial recreation, large sites	Unit 24	Home occupations
Unit 24	Home occupations		
Unit 36	Wireless communications facilities		
Density			
Units per acre	One-half	Acreage	9.12 acres
		Dwelling Units	41 units
		Density	4.50 units/acre
Bulk and Area Regulations			
Lot width minimum	200 ft.	60 ft	
Lot Area Minimum			
Residential	2 acres	6000 sq. ft.	
Land area per dwelling unit	2acres	6000 sq. ft.	
Setback Requirements			
Front	25 ft	15 ft	
Side	20 ft	5 ft	
Rear	25 ft	20 ft	
Height Requirements			
There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.		Maximum building height of 30 feet.	
Building Area			
None		On any lot, the area occupied by all the buildings shall not exceed 27% of the total area of such lot.	

A. PA-3 (Single Family)

Existing Zoning		Proposed Zoning	
R-A Residential-Agricultural		PA-3 (Single Family)	
Permitted Uses			
Unit 1	City-wide uses by right	Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities	Unit 8	Single-family dwellings
Unit 6	Agriculture		
Unit 7	Animal husbandry		
Unit 8	Single-family dwellings		
Unit 9	Two-family dwellings		
Unit 37	Manufactured homes		
Conditional Uses			
Unit 2	City-wide uses by conditional use permit	Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities	Unit 3	Public protection and utility facilities
Unit 20	Commercial recreation, large sites	Unit 24	Home occupations
Unit 24	Home occupations		
Unit 36	Wireless communications facilities		
Density			
Units per acre	One-half	Acreage	10.99 acres
		Dwelling Units	39 units
		Density	3.55 units/acre
Bulk and Area Regulations			
Lot width minimum	200 ft.	51 ft (70' average)	
Lot Area Minimum			
Residential	2 acres	7700 sq. ft.	
Land area per dwelling unit	2acres	7700sq. ft.	
Setback Requirements			
Front	25 ft	15 ft	
Side	20 ft	5 ft	
Rear	25 ft	20 ft	
Height Requirements			
There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.		Maximum building height of 30 feet.	
Building Area			
None		On any lot, the area occupied by all the buildings shall not exceed 25% of the total area of such lot.	

Analysis of the Site Characteristics:

No environmentally hazardous, sensitive, or natural resource areas have been found on this site.

H. ***RECREATIONAL FACILITIES:***

The developer has previously met with the Parks Department and agreed to donate land for Parks Credit on this project. The park land credit is located to the Northeast and will eventually create a larger park that will extend from Rupple Road to Broyles Street. The recreational facilities within the development include the greenspaces that will provide connectivity from PA # 3 to PA # 2. These green spaces will be landscaped and have pedestrian trails to provide connectivity throughout the project. In addition, this project is less than 2 miles from the Girls and Boys Club and about 1.50 miles from the school.

I. ***REASON FOR REZONING REQUEST:***

The present zoning of this property is R-A. As previously mentioned, the 2007 Citizen Survey made by the U of A Survey Research Center for the City of Fayetteville showed a strong interest in seeing more affordable housing and more houses for first time buyers. 70% of the responders said there were too few options for first time buyers and 79% of the respondents felt there were to few affordable housing units. In addition, this developer has had numerous requests for quality built affordable houses in this area. The land cost for more centrally

located land is too expensive to provide attainable housing. Therefore we are requesting this property be zoned as per this R-PZD.

J. *RELATIONSHIP TO THE EXISTING AND ADJACENT LAND USES:*

Property to the North of PA #1 is zoned R-A, and made up of 2-3 residence and Legacy Pointe Subdivision is approximately 200' north of Dot Tipton Road. Other surrounding property is generally larger parcels of property. The City limits are at Double Springs Road (West is Farmington). Windsor Subdivision is to the South of PA #3 and is partially constructed. Traffic from Amberwood will access Dot Tipton and travel east or west. This property is in the Farmington School District and access will be by Double Springs or 54th Street. It is anticipated that this project will not be built out until 2013 or 2014 at which time, continued growth will occur in this area. It is true that if this project were built in the next year it would not be similar to the surrounding uses, but with build out not expected for another 5-6 years growth will occur in this area. We feel this will be a much better fit in the future for this area rather than developing larger (1-2 acre) lots now that will not conform to the surrounding properties in the future.

K. *COMPLINACE WITH CITY OF FAYETTEVILLE PLAN 2025:*

The intent of this Conceptual PZD is to provide attainable housing while at the same time focusing on traditional town form. We feel this development will provide this by creating a unique community environment through the use of shared drives and alleys while promoting walk ability using designated green spaces throughout the development. It is true that this project is proposed on pastureland on the west side of

town and is generally surrounded by large rural residential lots. With build out not anticipated for 5-6 years, surrounding use will look different in the future – growth will occur in this area. In fact in the last 5 – 8 years, the following projects were built; Legacy Pointe Phase 1,2,3,4,&5, Silver thorn Subdivision, and further to the northeast is Persimmon Place, Cross Keys and Rupple Row. An argument could be made that this project represents infill within this area.

Concerning urban sprawl, I believe the meaning is somewhat subjective…my thought is that the sprawl represents proposed growth in the "hinterland" – out in the Country. As mentioned above, growth has been allowed in the immediate area in the past to the north and that didn't represent sprawl. You can ride a bike or walk to the Girls and Boys Club since it is only 1.5 miles away. I don't think it is fair to imagine this project being similar to Washington/Willow or Wilson Park.

Concerning City goal #3 – to make a traditional town form, I do believe we are creating a neighborhood with a variety of single family detached houses. We have attempted to provide houses with front and rear access, attached and detached garages. There will not be a variety of uses – that is no businesses will be located in this project.

Goal #4 is to grow a livable transportation network. As mentioned, we have provided landscaped green spaces with pedestrian trails, throughout the different planning areas, to connect the whole neighborhood and promote walking or riding a bike from this neighborhood to the surrounding areas.

Goal #5 is to provide a green network. We have planned for this by calling for a greenbelt from Double Springs Road into PA #2. Also we have provided centrally located parks within each planning area.

Concerning goal #6 – creating attainable housing, this PZD is our best attempt to provide quality built units with a variety of other houses (PA #2 and PA #3). PA #1 is more specifically intended for attainable houses with an option of rear alley access or shared drives. We feel these neighborhoods are pedestrian friendly however we do not plan to provide businesses within this project. We believe that a more likely location for business is at the corner of Double Springs Road and Wedington. (0.8 miles north)

L. *TRAFFIC STUDY*:

As mentioned, the developer has met with the City Street Department and has agreed to donate $150,000.00 to the City to pave Dot Tipton from this property east to 54th Street. In addition, this developer will improve Dot Tipton the full length of the development. Once again, this cost share has not been approved by the City Council at this time. Also the developer will be providing engineering, material and labor to improve two drainage problems along 54th Street. If a traffic study is required, we will provide this at the appropriate time.

M. *IMPACTS ON CITY SERVICES*:

There are no significant impacts to city services associated with this project. Water and sewer have been addressed in other areas of the booklet. Waste will be managed by each single family dwelling being assigned a plastic trash container in accordance with the City of Fayetteville waste management practices.

N. STATEMENT OF COMMITMENTS:

1) Dedication of Public Facilities:

This project will consist of public streets, which will be dedicated to the City of Fayetteville. Utility infrastructure will be dedicated to the City of Fayetteville and utility easements will be dedicated by the Final Plat.

2) On or Off-Site Improvements:

The development of on or off-site infrastructure necessary to serve this project shall be completed prior to Final Plat approval.

3) Natural Resources and Environmentally Sensitive Areas:

There are no known natural resources or environmentally sensitive areas on this site.

4) Project Phasing Restrictions:

As mentioned previously, we anticipate submitting PA #1 preliminary plat in Nov 2008. PA #1 will have 2 phases and we estimate that PA #2 will be built out in 3.0 years. PA #2 will be submitted Jan. 2012 and built out in Dec. 2013 (2 years) and PA #3 submitted in Jan. 2014 and built out in Jan 2015 (1 year) for a total of 6 years.

5) Fire Protection:

This project will be served by the Fayetteville Fire Department. The closest station is on Rupple Road which is about 1.9 miles east.

6) Other Commitments Imposed by the City:

There are currently no other commitments imposed by the City.

7) Parks, Trails, and Open Space Commitments:

Tree preservation and protection will be implemented in accordance with the City of Fayetteville Code of Ordinances Title XV Unified Development Code: Chapter 167 Tree Preservation and Protection. As previously mentioned the developer has met with the Park Department and agreed to donate land in lieu of money. This land is located to the Northeast and eventually will create a large park that will extend from Ripple Road to Broyles Street. In addition, this project will dedicate a minimum of 3.5

acres of public open space with pedestrian trails built by developer and maintained by POA.

8) Proposed Preliminary Building Elevations:

Conceptual architectural elevations are provided in Appendix A at the end of this booklet.

O. DEVELOPMENT STANDARDS, CONDITIONS, AND REVIEW GUIDELINES:

1) Screening and Landscaping:

At present there are very few existing trees on this property. Before each house is finished at least one tree is required in the front of each house and a minimum of two tress on the exterior perimeter of each lot. The house owner will be required to maintain the trees. Also, the developer will be landscaping with trees, shrubs and raised landscape beds at the entrances and in common areas around the project.

2) Traffic and Circulation:

Connectivity will be provided to the east, south, and north. Dot Tipton Road will be improved from Double Springs Road to 54th Street.

3) Parking Standards:

Parking will be provided in driveways and garages to minimize parking on the street.

4) Perimeter Treatment:

As noted earlier all lot owners will be required to plant 2 trees along the perimeter of the property. The developer will also provide fencing and landscaping around the perimeter in all common areas. The lot owners will also be responsible for constructing a privacy fence around their lot. The covenants will state the type and style of fence to be constructed in order to assure that the perimeter fencing will be consistent throughout the development.

5) Sidewalks:

Sidewalks will be designed and constructed on both sides of the proposed streets.

6) Street Lights:

Street lights will be designed and constructed in accordance with the Unified Development Code.

7) Water:

Water lines will be designed and constructed in accordance with the City of Fayetteville Water and Sewer Specifications.

8) Sewer:

Sewer lines will be constructed in accordance with the City of Fayetteville Water and Sewer Specifications.

9) Streets and Drainage:

Streets and drainage will be designed and constructed in accordance with the Unified Development Code.

10) Construction of Non-Residential Facilities:

Exterior fence will be installed at the time of house construction along with trees for each lot. Public green space, including the landscaping, trails, trees, and privacy fence, will be installed at the time the infrastructure is built for each planning area.

11) Tree Preservation:

Tree preservation and protection will be implemented in accordance with Section 167 of the Unified Development Code.

12) Architectural Design Standards:

Conceptual architectural renderings are provided at the end of this booklet.

13) Signage:

Signage will be permitted in accordance with the regulations for single family residential subdivision, pursuant to Ch 174 of the UDC.

14) View Protection:

We are not anticipating that any improvements to this property will impact any view of surrounding properties.

15) Revocations:

The developer understands causes for revocation and will take all measures necessary to avoid revocation.

16) Covenants, Trusts, and Homeowner Associations:

The developer will create a property owners association for the purpose of owning and maintaining the common landscape areas. The developer will prepare protective covenants to establish home building standards.

17) Intent/Purpose of PZD Ordinance:

Utilizing a PZD allows for slight modification to traditional setbacks, lot width and lot area minimums. On this project we are requesting a 15' front setback with a 5' side setback. This allows us to maximize the use of the lot and move the houses closer to the street. In addition, we have provided a variety of house sizes;

PA #1.....1000 SF – 1250 SF

PA #2.....1250 SF – 100 SF

PA #3.....1700 SF and up

All houses will be all brick with sodded yards. PA #1 can be accessed by way of rear alley with attached or detached garages and also by way of shared drives. PA #2 and PA #3 will be accessed by way of individual drives form the street.

Green space is provided in each planning area and traffic calming round – abouts planned for PA #2 and #3. In addition a pedestrian trail has been provided in PA #3.

Overall density is 4.55 lots/ acre and the surrounding area is generally large rural residential lots. However, we do not expect full build out for 5-6 years. Naturally growth will occur in the surrounding area.

In our opinion, this does not represent urban sprawl because in the last 5-8 years the following subdivisions were built; Legacy Pointe Phase 1,2,3,4,&5, Silver thorn Subdivision, and further to the northeast is

Persimmon Place, Cross Keys and Rupple Row. An argument could be made that this project represents infill within this area.

Concerning infrastructure, a new sewer pump station has just been installed that will accommodate this project. Also an 8" waterline has been installed to this pump station. Street connectivity has been provided to the north, south, east and west. The developer has agreed to donate $150,000.00 to the City for paving Dot Tipton from Double Springs to 54th Street.

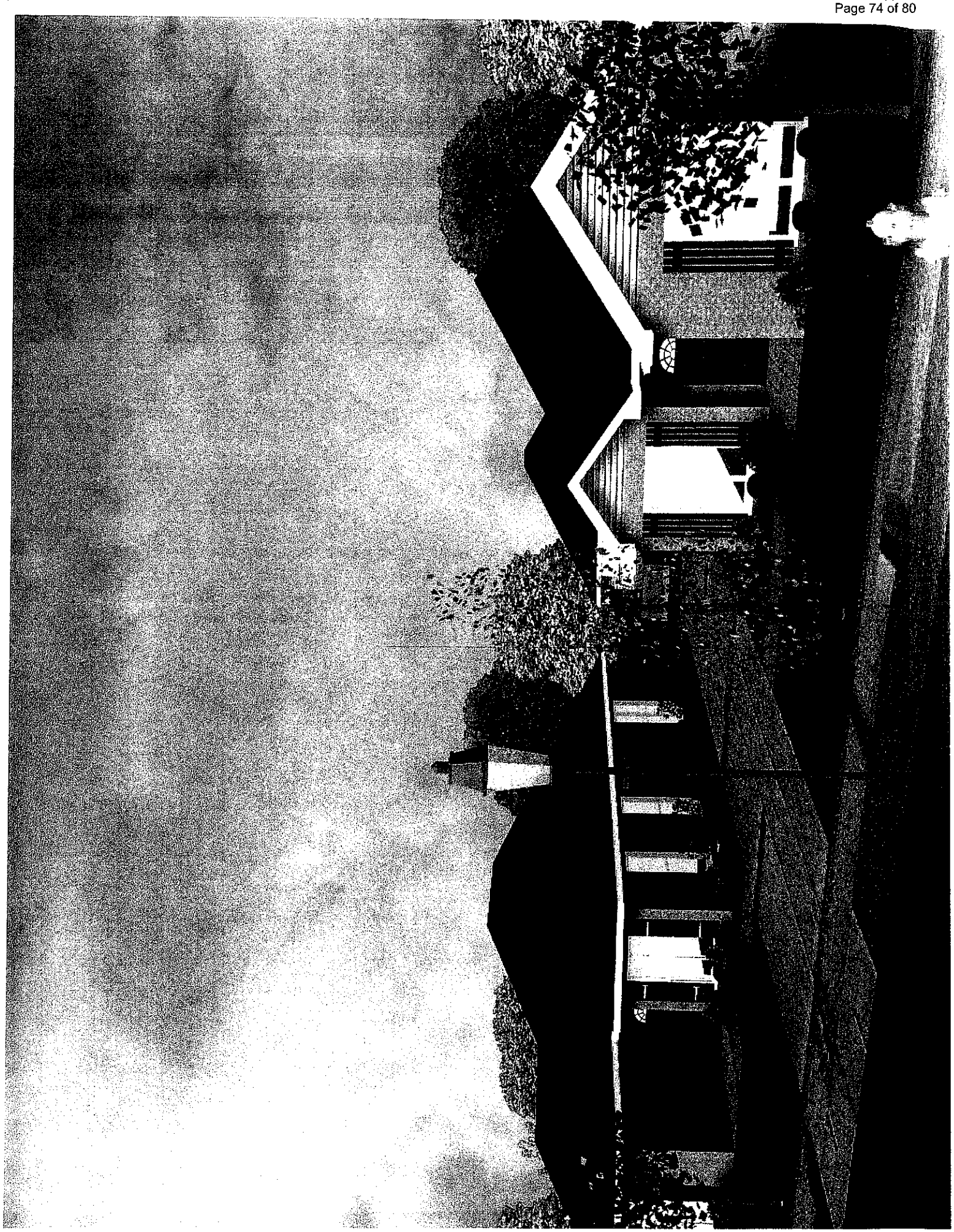
This project does not have any businesses planned within this neighborhood. We did not feel that a convenience store would be appropriate in this area. The closest business node is 0.80 miles to the north at Double Springs and Wedington. In addition, the Girls and Boys Club is located 1 ½ miles to the east. The school is located about 1.70 miles away.

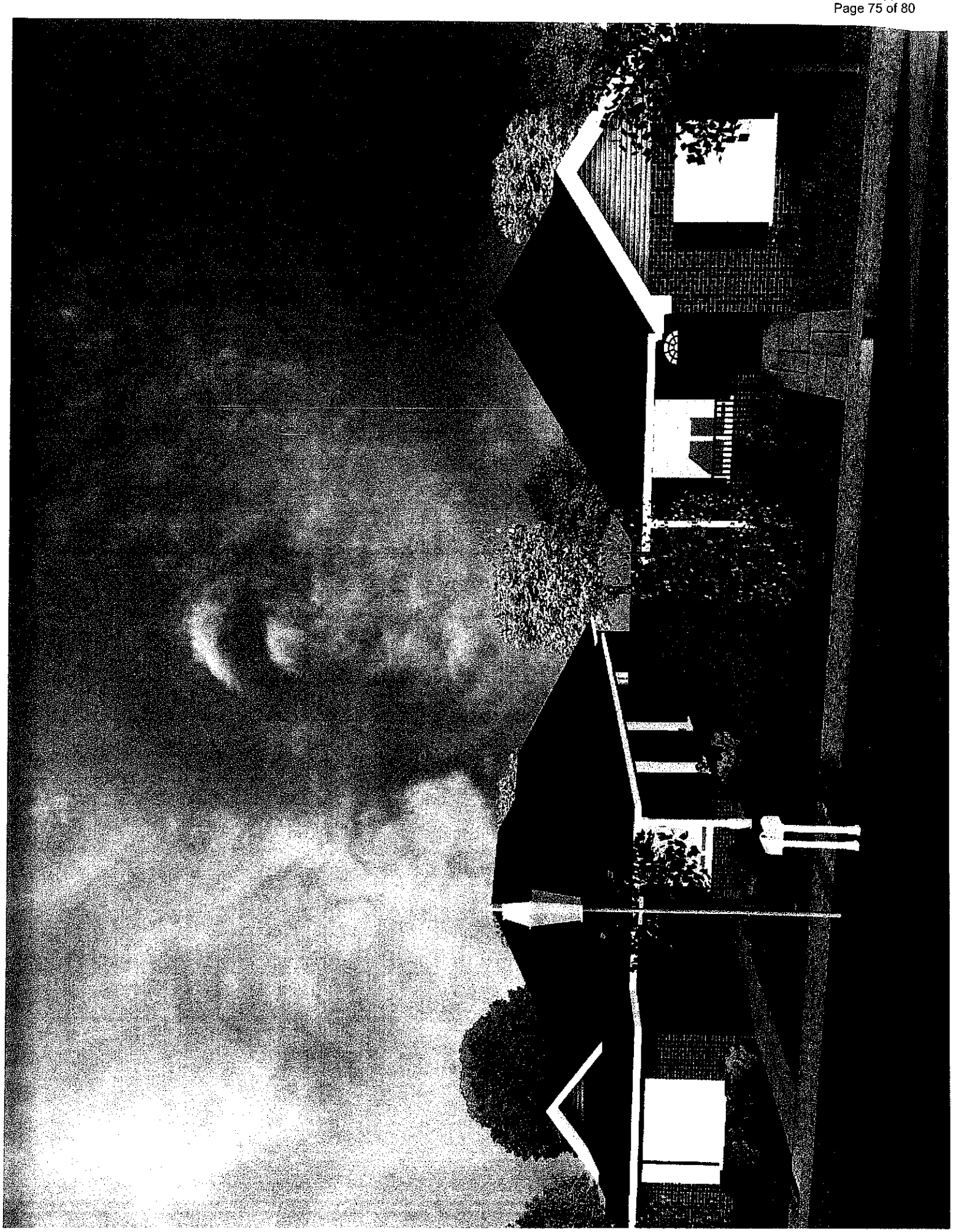
Regarding the use of natural features of this property, there is an existing farm pond that is relatively small and is not significant enough to incorporate into the layout. There is a drainage path that runs through PA #1 and we will be installing a detention pond on the south property line. Please note that this pond is heavily landscaped and will be a feature (green space) in this area. There are no significant trees on this site and more trees will exist on this site after developed.

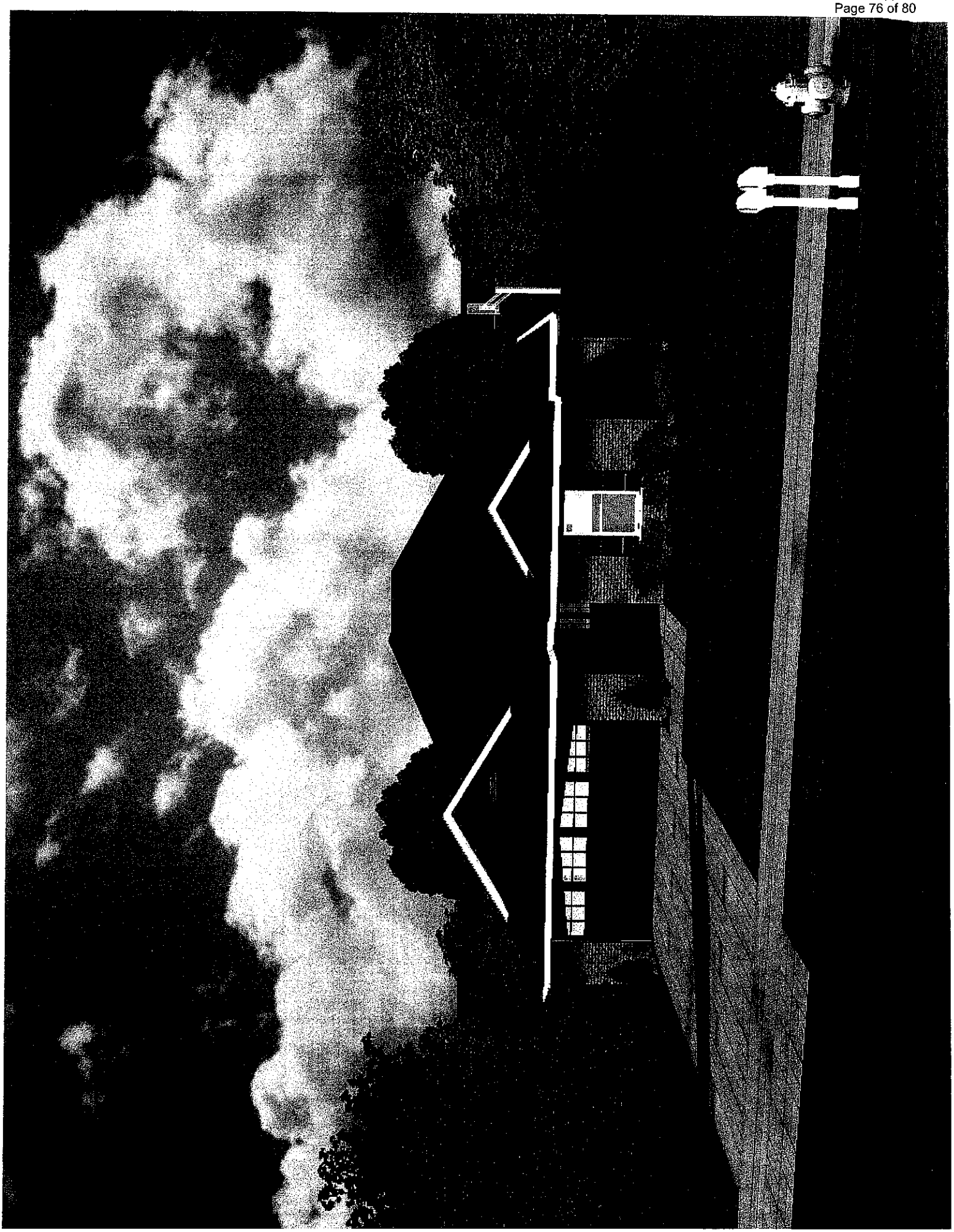
In summary, at the present time the surrounding area is larger residential tracts but we do not expect a build out for 5-6 years. Legacy Point Phase

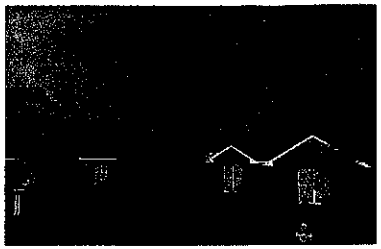
4 is about 200' to the north and as mentioned several other projects to the north have been built therefore this is a continuation of what has already been developed. This PZD would provide some attainable houses which the City needs badly. Infrastructure currently exists except for Dot Tipton Road which will be improved at the time PA #1 is constructed. Additional services are available 0.8 miles to the north. The school is very accessible as is the Girls and Boys Club.

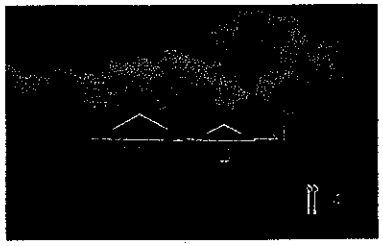
APPENDIX A







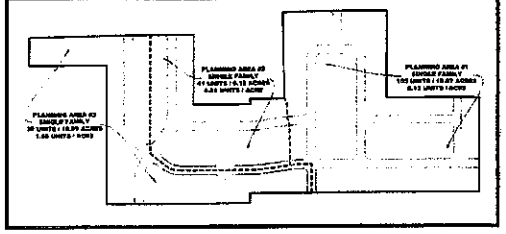




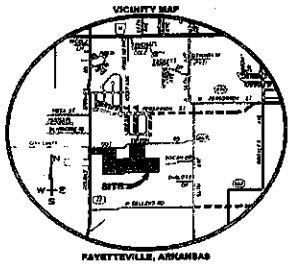
LEGAL DESCRIPTION

PART OF THE SE1/4 OF THE NE1/4 OF SECTION 15 AND PART OF THE SW1/4 OF THE NW1/4 OF SECTION 14, ALL IN T16N, R31W OF WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SE CORNER OF SAID SE1/4, NE1/4 THENCE S89°56'03"W 823.57 FEET, THENCE N00°59'16"W 718.65 FEET, THENCE S89°52'44"W 648.54 FEET, THENCE N00°29'58"E 159.86 FEET, THENCE N88°55'20"E 647.20 FEET, THENCE S00°02'16"E 401.26 FEET, THENCE N89°57'44"E 328.25 FEET, THENCE N00°15'06"E 30.31 FEET, THENCE N89°44'57"E 198.61 FEET, THENCE N01°15'52"W 496.64 FEET, THENCE N89°12'01"E 66.38 FEET, THENCE N88°42'27"E 516.78 FEET, THENCE S00°07'57"W 502.35 FEET, THENCE N89°53'47"E 637.91 FEET, THENCE S00°12'49"W 936.03 FEET, THENCE S89°56'10"W 1320.92 FEET, THENCE S00°28'05"W 55.08 FEET TO THE P.O.B.; CONTAINING 39.98 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD

PLANNING AREA MAP



VICINITY MAP



N
W E
S

LEGEND

- BOUNDARY CORNER
- 5/8" INCH PIN
- CENTERLINE MARKER
- POWER POLE
- STREET LIGHT
- FIRE HYDRANT
- SEWER MANHOLE
- DOUBLE METER SET
- SINGLE METER SET
- WATER SERVICE
- SEWER SERVICE
- EX. 4" FORCE MAIN
- UTILITY EASEMENT
- FRONT BUILDING SETBACK L.U.E.
- STREET CENTERLINE
- 8" WATERLINE
- 8" SEWER LINE
- STORM DRAINAGE
- NEW SIDEWALK
- UTILITY CROSSING
- OVERHEAD ELECTRIC

A CONCEPTUAL R-PZD
THIS SITE CONSISTS OF 3 PLANNING AREAS

SYM	LAND USE	DENSITY (UNITS/ACRE)	ACRES	# HOUSES	FRONT	SIDE	REAR	MIN. LOT SIZE
PLANNING AREA #1	SINGLE FAMILY	6.43	15.87	102	15'	5'	20'	45' X 100' = 4500 S.F.
PLANNING AREA #2	SINGLE FAMILY	6.66	6.15	41	15'	5'	20'	50' X 100' = 6000 S.F.
PLANNING AREA #3	SINGLE FAMILY	3.28	10.99	36	15'	5'	20'	60' X 150' = 9000 S.F.

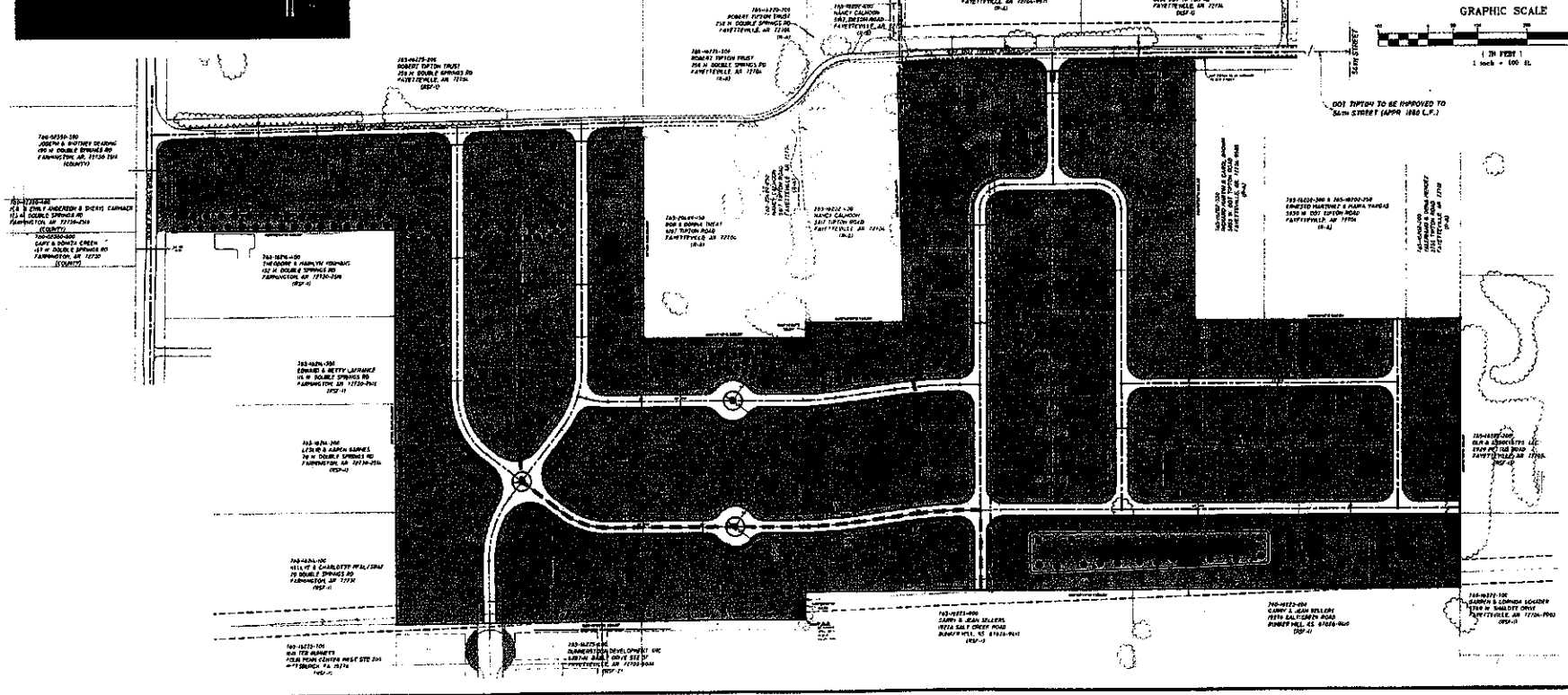
OWNER/DEVELOPER

JLJACS, LLC
PO BOX 9180
FAYETTEVILLE, AR 72702
(479) 444-8404

ENGINEER

JORGENSEN & ASSOCIATES
CONSULTING ENGINEERS, INC.
126 WEST SUNBRIDGE SUITE B
FAYETTEVILLE, AR 72703
(479) 442-9127

GRAPHIC SCALE
(IN FEET)
1 inch = 100 ft.



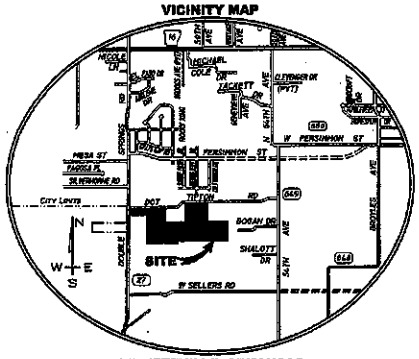
PLAT PAGE 474 & 475

JORGENSEN & ASSOCIATES
CIVIL ENGINEERS • SURVEYORS

SCALE: 1"=100'
DATE: 6/14/2004
DATE REVISED:
CHECKED BY: DLJ
DRAWN BY: BJR
SURVEYOR/DEPT/FIRM
1/3

AMBERWOOD PLACE
CONCEPTUAL R-PZD

VICINITY MAP



FAYETTEVILLE, ARKANSAS

Zoning & Land Use Plan

for

AMBERWOOD PLACE

Residential Planned Zonning District

FAYETTEVILLE, ARKANSAS

May 2008

OWNER/DEVELOPER

JRJBCS, LLC.
P.O. Box 9180
Fayetteville, Arkansas 72702

PREPARED BY:

JORGENSEN & ASSOCIATES
CIVIL ENGINEERS • SURVEYORS

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 443-9127 • FAX (479) 582-4887

LEGAL DESCRIPTION:

PART OF THE SE1/4 OF THE NE1/4 OF SECTION 15 AND PART OF THE SW1/4 OF THE NW1/4 OF SECTION 14 ALL IN T16N, R31W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SE CORNER OF SAID SE1/4, NE1/4 THENCE S89°46'03"W 825.57 FEET, THENCE N00°01'18"W 788.63 FEET, THENCE S89°52'44"W 448.54 FEET, THENCE N00°29'56"E 159.86 FEET, THENCE N88°56'29"E 947.20 FEET, THENCE S00°02'16"E 401.26 FEET, THENCE N89°57'44"E 328.25 FEET, THENCE N00°15'06"E 30.31 FEET, THENCE N89°56'37"E 196.61 FEET, THENCE N01°15'52"W 496.68 FEET, THENCE N87°12'01"E 64.38 FEET, THENCE N89°42'27"E 514.78 FEET, THENCE S00°07'57"W 502.35 FEET, THENCE N89°53'47"E 537.01 FEET, THENCE S00°11'49"W 536.03 FEET, THENCE S89°54'10"W 1320.92 FEET, THENCE S00°28'05"W 55.08 FEET TO THE P.O.B.; CONTAINING 39.98 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

FLOOD PLAIN NOTE:

THIS PROPERTY IS NOT AFFECTED BY THE 100 YEAR FLOOD PLAIN AS PER FIRM #05143C0084 D DATED 7-21-99.

GENERAL PROVISIONS

AUTHORITY

THIS PZD MASTER DEVELOPMENT PLAN IS AUTHORIZED BY SECTION 161 AND 166 PLANNED ZONING DISTRICTS OF THE CITY OF FAYETTEVILLE UNIFIED DEVELOPMENT CODE. THE PROVISIONS OF THIS PZD MASTER DEVELOPMENT PLAN SHALL RUN WITH THE LAND. THE LANDOWNERS, THEIR SUCCESSORS, HEIRS, OR ASSIGNS SHALL BE BOUND BY THIS MASTER DEVELOPMENT PLAN, AS AMENDED AND APPROVED BY THE CITY COUNCIL.

ADOPTION

THE ADOPTION OF THE PZD MASTER DEVELOPMENT PLAN SHALL EVIDENCE THE FINDING AND DECISIONS OF THE FAYETTEVILLE CITY COUNCIL THAT THIS PLANNED ZONING DISTRICT ARCADIAN COURT IS IN GENERAL CONFORMITY WITH THE FAYETTEVILLE UNIFIED DEVELOPMENT CODE.

THE PROVISIONS OF THE PZD MASTER DEVELOPMENT PLAN SHALL PREVAIL AND GOVERN THE DEVELOPMENT OF THE ARCADIAN COURT, PROVIDED, HOWEVER, THAT WHERE THE PROVISIONS OF THIS MASTER DEVELOPMENT PLAN DO NOT ADDRESS A PARTICULAR SUBJECT, THE RELEVANT PROVISIONS OF THE CITY OF FAYETTEVILLE UNIFIED DEVELOPMENT CODE, AS AMENDED, OR ANY OTHER APPLICABLE RESOLUTIONS OR REGULATION OF THE CITY OF FAYETTEVILLE.

ENFORCEMENT

TO FURTHER THE MUTUAL INTEREST OF THE RESIDENTS, OCCUPANTS, AND OWNERS OF THE PZD MASTER DEVELOPMENT PLAN AND OF THE PUBLIC IN THE PRESERVATION OF THE INTEGRITY OF THE PLAN, THE PROVISIONS OF THIS PLAN RELATING TO THE USE OF LAND, STATEMENT OF COMMITMENTS, DEVELOPMENT AND ARCHITECTURAL STANDARDS, AND THE LOCATION OF COMMON OPEN SPACE SHALL RUN IN FAVOR OF THE CITY OF FAYETTEVILLE AND SHALL BE ENFORCEABLE AT LAW OR IN EQUITY BY THE CITY WITHOUT LIMITATION ON ANY POWER OR REGULATION OTHERWISE GRANTED BY LAW.

CONFLICT

WHERE THERE IS MORE THAN ONE PROVISION WITHIN THE PZD MASTER DEVELOPMENT PLAN THAT COVERS THE SAME SUBJECT MATTER, THE PROVISION WHICH IS MOST RESTRICTIVE OR IMPOSES HIGHER STANDARDS OR REQUIREMENTS SHALL GOVERN UNLESS DETERMINED OTHERWISE BY THE ZONING AND DEVELOPMENT ADMINISTRATOR.

MAXIMUM LEVEL OF DEVELOPMENT

THE TOTAL NUMBER OF DWELLINGS OR THE TOTAL COMMERCIAL, BUSINESS, OR INDUSTRIAL INTENSITY APPROVED FOR DEVELOPMENT WITHIN THE PLANNING AREAS IS THE MAXIMUM DEVELOPMENT REQUESTED FOR PLATTING OR CONSTRUCTION. THE ACTUAL NUMBER OF DWELLINGS OR LEVEL OF DEVELOPMENT FOR COMMERCIAL, BUSINESS, OR INDUSTRIAL PROPERTIES MAY BE LESS DUE TO SUBDIVISION OR SITE IMPROVEMENT PLAN REQUIREMENTS OR OTHER REQUIREMENTS OF THE CITY COUNCIL.

PROJECT TRACKING

AT THE TIME OF SUBDIVISION FINAL PLAT OR LARGE SCALE DEVELOPMENT THE APPLICANT SHALL PROVIDE A SUMMARY OF THE DEVELOPMENT, TO DATE, TO THE PLANNING DIVISION, IN ORDER TO ASSURE MAXIMUM DEVELOPMENT LIMITS ARE NOT EXCEEDED.

INDEX OF SHEETS

1 COVER SHEET
2 ZONING & DEVELOPMENT PLAN
3 MASTER DEVELOPMENT PLAN

AMBERWOOD PLACE

THIS SITE CONSISTS OF THREE PLANNING AREAS.

PROPOSED ZONING & DEVELOPMENT STANDARDS

PLANNING AREA #1	PLANNING AREA #2	PLANNING AREA #3
A. PA-1 (Single Family)	A. PA-2 (Single Family)	A. PA-3 (Single Family)
Proposed Zoning	Proposed Zoning	Proposed Zoning
PA-1 (Single Family)	PA-2 (Single Family)	PA-3 (Single Family)
Unit 1 — City-wide uses by right	Unit 1 — City-wide uses by right	Unit 1 — City-wide uses by right
Unit 6 — Single-family dwellings	Unit 6 — Single-family dwellings	Unit 6 — Single-family dwellings
Unit 2 — City-wide uses by conditional use permit	Unit 2 — City-wide uses by conditional use permit	Unit 2 — City-wide uses by conditional use permit
Unit 3 — Home occupations and other facilities	Unit 3 — Home occupations and other facilities	Unit 3 — Home occupations and other facilities
Unit 24 — Home occupations	Unit 24 — Home occupations	Unit 24 — Home occupations
Acreage: 19.87 acres	Acreage: 9.12 acres	Acreage: 10.99 acres
Existing Units: 102 units	Existing Units: 41 units	Existing Units: 39 units
Density: 5.13 units/acre	Density: 4.50 units/acre	Density: 3.55 units/acre
40 ft	40 ft	50 ft (17.2 acreage)
4000 sq. ft.	8000 sq. ft.	17000 sq. ft.
4000 sq. ft	8000 sq. ft	17000 sq. ft
15 ft	15 ft	15 ft
5 ft	5 ft	5 ft
30 ft	30 ft	30 ft
Maximum building height of 45 feet	Maximum building height of 45 feet	Maximum building height of 45 feet
On any lot, the area occupied by all the buildings shall not exceed 25% of the total area.	On any lot, the area occupied by all the buildings shall not exceed 25% of the total area.	On any lot, the area occupied by all the buildings shall not exceed 25% of the total area.

GRAPHIC SCALE

(IN FEET)
1 inch = 100 ft.

N
W E
S

OWNER/DEVELOPER:

JR/BDS, LLC
PO BOX 9183
FAYETTEVILLE, AR 72702
(479) 444-8404

ENGINEER:

JORGENSEN & ASSOCIATES
CONSULTING ENGINEERS, INC.
181 WEST RUNNYMEDE STATE 8
FAYETTEVILLE, AR 72703
(479) 442-9127

LEGAL DESCRIPTION:

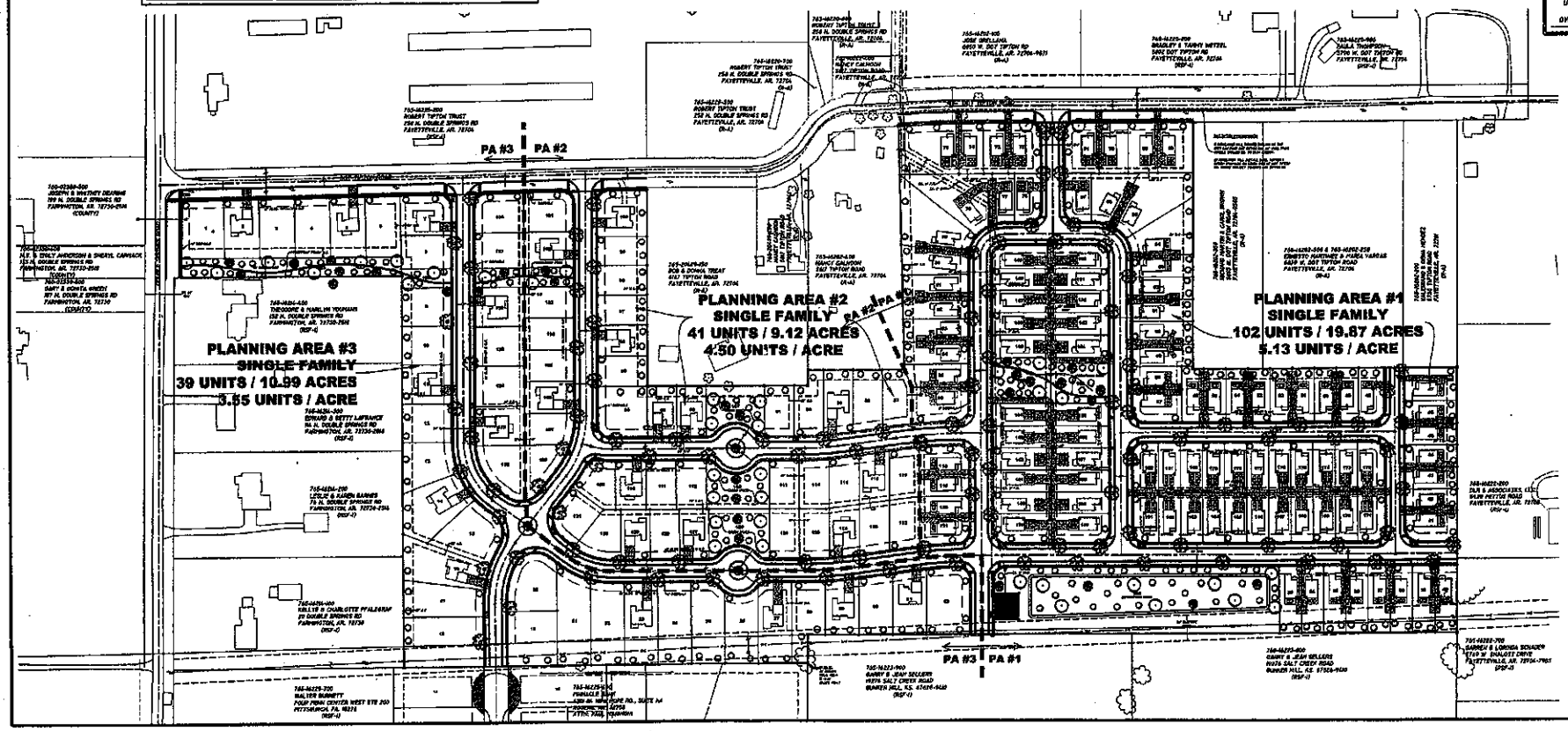
PART OF THE SE1/4 OF THE NE1/4 OF SECTION 15 AND PART OF THE SW1/4 OF THE NW1/4 OF SECTION 14 ALL IN T16N, R30W IN WASHINGTON COUNTY, ARKANSAS AND MORE DESCRIBED AS FOLLOWS: BEGINNING AT THE SE CORNER OF SAID SE1/4, NE1/4; THENCE S89°46'03"W 825.67 FEET, THENCE N00°01'18"W 788.65 FEET, THENCE S89°52'44"W 448.54 FEET, THENCE N00°09'58"E 189.86 FEET, THENCE N89°55'29"E 947.23 FEET, THENCE S00°02'10"E 401.26 FEET, THENCE N89°57'44"E 328.25 FEET, THENCE N00°15'05"E 30.31 FEET, THENCE N89°56'37"E 196.61 FEET, THENCE N00°15'52"W 496.68 FEET, THENCE N87°12'01"E 84.38 FEET, THENCE N89°42'27"E 51.78 FEET, THENCE S00°07'57"W 502.55 FEET, THENCE N89°53'44"E 537.51 FEET, THENCE S00°11'49"W 536.03 FEET, THENCE S89°54'10"W 1320.92 FEET, THENCE S00°28'05"W 55.08 FEET TO THE P.O.B.; CONTAINING 39.98 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

FLOOD PLAIN NOTE:

THIS PROPERTY IS NOT AFFECTED BY THE 100 YEAR FLOOD PLAIN AS PER FIRM #0843C0088 D DATED 7-19-99.

LEGEND

- BOUNDARY CORNER
- SET IRON PIN
- CENTERLINE MARKER
- POWER POLE
- STREET LIGHT
- FIRE HYDRANT
- SEWER MANHOLE
- DOUBLE METER SET
- SINGLE METER SET
- WATER SERVICE
- SEWER SERVICE
- F.S. 4" FORCE MAIN
- UTILITY EASEMENT
- FRONT BUILDING SETBACK & U.E.
- STREET CENTERLINE
- 8" WATERLINE
- 8" SEWER LINE
- STORM DRAINAGE
- NEW SIDEWALK
- UTILITY CROSSING
- OVERHEAD ELECTRIC



PLAT PAGE: 67A & 67B

JORGENSEN & ASSOCIATES
CIVIL ENGINEERS • SURVEYORS

SCALE: 1"=50' | DATE: 3/14/08 | DATE REVISED | CHECKED BY: DLJ | DRAWN BY: JJ

AMBERWOOD PLACE
ZONING & DEVELOPMENT PLAN

2/3

AMBERWOOD PLACE

THIS SITE CONSISTS OF THREE PLANNING AREAS.

GRAPHIC SCALE

(IN FEET)
1 inch = 100 ft.

N
W E
S

LEGAL DESCRIPTION:

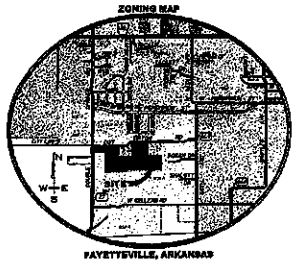
PART OF THE SE1/4 OF THE NE1/4 OF SECTION 13 AND PART OF THE SW1/4 OF THE NW1/4 OF SECTION 14 ALL IN T16N, R31W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SE CORNER OF SAID SE1/4, NE1/4; THENCE S89°44'15"W 820.57 FEET, THENCE N00°01'19"W 786.63 FEET, THENCE S89°52'45"W 448.56 FEET, THENCE N00°29'58"E 159.85 FEET, THENCE N89°55'29"E 947.20 FEET, THENCE S00°02'15"E 601.26 FEET, THENCE N89°57'44"E 328.25 FEET, THENCE N00°15'06"E 30.31 FEET, THENCE N89°54'37"E 193.61 FEET, THENCE N00°15'52"W 495.05 FEET, THENCE N87°12'04"E 61.38 FEET, THENCE N89°52'27"E 514.78 FEET, THENCE S00°07'37"W 602.35 FEET, THENCE N89°33'47"E 337.01 FEET, THENCE S00°11'49"W 536.03 FEET, THENCE S89°54'10"W 1320.92 FEET, THENCE S00°28'15"W 51.06 FEET TO THE P.O.B.; CONTAINING 30.98 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

FLOOD PLAIN NOTE:

THIS PROPERTY IS NOT AFFECTED BY THE 100 YEAR FLOOD PLAIN AS PER FIRM #0501SC0061 D DATED 7-21-09.

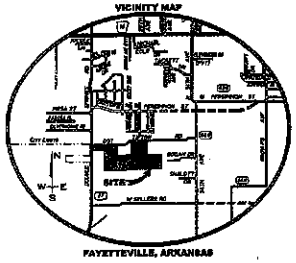
LAND USE TABLE					
SYMBOL	LAND USE	DENSITY/INTENSITY	UNITS/SF	ACRES	%
SF	SINGLE FAMILY	4.85	HZ	30.98	100

ZONING MAP



FAYETTEVILLE, ARKANSAS

VICINITY MAP



FAYETTEVILLE, ARKANSAS

OWNER/DEVELOPER:

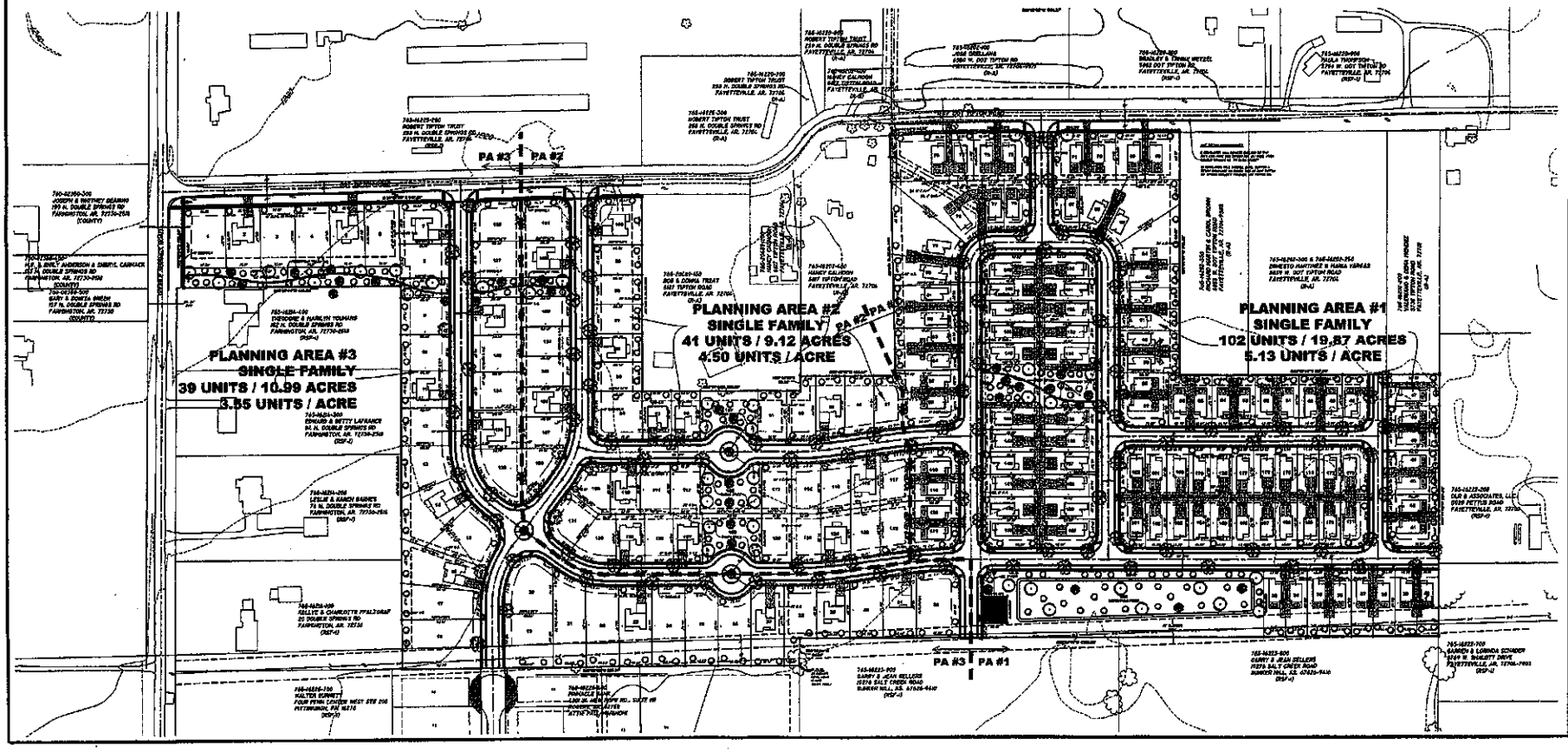
JP,MCS, LLC
PO BOX 9189
FAYETTEVILLE, AR 72702
(479) 444-8404

ENGINEER:

JORGENSEN & ASSOCIATES
CONSULTING ENGINEERS, INC.
126 WEST SUNBRIDGE SUITE 6
FAYETTEVILLE, AR 72703
(479) 443-9123

LEGEND

- BOUNDARY CORNER
- SET IRON PIN
- CENTERLINE MARKER
- POWER POLE
- STREET LIGHT
- FIRE HYDRANT
- SEWER MANHOLE
- DOUBLE METER SET
- SINGLE METER SET
- WATER SERVICE
- SEWER SERVICE
- 8" & 4" FORCE MAIN
- UTILITY EASEMENT
- RIGHT BUILDING SETBACK & U.E.
- STREET CENTERLINE
- 8" WATERLINE
- 8" SEWER LINE
- STORM DRAINAGE
- NEW SIDEWALK
- UTILITY CROSSING
- OVERHEAD ELECTRIC



PLAT PAGE: 474 & 475

JORGENSEN & ASSOCIATES
CIVIL ENGINEERS • SURVEYORS

SCALE: 1"=50' | DATE: 12/14/10 | DATE REVISED | CHECKED BY: DLJ | DRAWN BY: JJ | JOB NUMBER: 09-0143 | 3/3

AMBERWOOD PLACE
MASTER DEVELOPMENT PLAN

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

August 5, 2008
City Council Meeting Date
Agenda Items Only

Jeremy Pate	Planning	Operations
Submitted By	**Division**	**Department**

Action Required:

R-PZD 08-2980: Planned Zoning District (Markham Hill Cottage Courts, 520): Submitted by Robert Sharp for property located north of Maine Street, between Sang and Cross Avenue containing approximately 2.54 acres. The request is for zoning, land use, and development approval of a Residential Planned Zoning District with 18 single family and 5 two-family cottages (28 units total).

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

Budgeted Item ☐ **Budget Adjustment Attached** ☐

Department Director — Date 7-17-08

Previous Ordinance or Resolution #

Original Contract Date:

City Attorney — Date 7-17-08

Original Contract Number:

Received in City Clerk's Office 7/17/08 ENTERED

Finance and Internal Service Director — Date 7-18-08

Received in Mayor's Office 7/18/08 ENTERED

Mayor — Date 7/21/08

Comments:

City Council Meeting of August 5, 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: July 16, 2008

Subject: Residential Planned Zoning District for Markham Hill Cottage Courts (R-PZD 08-2980)

RECOMMENDATION

Staff and the Planning Commission recommend approval of an ordinance creating a Residential Planned Zoning District (R-PZD) for Markham Hill Cottage Courts, 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 2.54 acres. The proposal consists of 23 detached cottages (18 single family and 5 two-family units) for a total of 28 residential units.

BACKGROUND

The subject property, zoned RMF-24, Residential Multi-Family 24 units/acre, is located north of Maine Street and west of Cross Avenue. The heavily wooded site is on the south slope of Markham Hill and within the Hillside Hilltop Overlay District (HHOD). The Master Development Plan includes 23 detached cottages (28 residential units) and amenities including a bocce court, stone paths, a small park, a tree house, community gardens and a potting shed. The proposed zoning criteria allows for single and two-family dwellings and a density of approximately 11 units/acre, when the existing zoning allows for multi-family dwellings and 24 units/acre. The cottages would generally be clustered around shared motor courts as opposed to individual curb cuts typically seen in a single family subdivision. All of the cottages would have the appearance of a detached single-family residence, however five of the cottages (Units 1, 5, 11, 12, and 13) would have an efficiency apartment in the basement.

DISCUSSION

The Planning Commission voted 7-0-0 in favor of this request on July 14, 2008. Recommended conditions were approved by the Planning Commission and are reflected in the attached staff report.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 08-2980, MARKHAM HILL COTTAGE COURTS, LOCATED NORTH OF MAINE STREET, BETWEEN SANG AND CROSS AVENUE; CONTAINING APPROXIMATELY 2.54 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 RMF-24, Residential Multi-Family, 24 units per acre to R-PZD 08-2980 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:

By: _____
DAN COODY, Mayor

ATTEST:

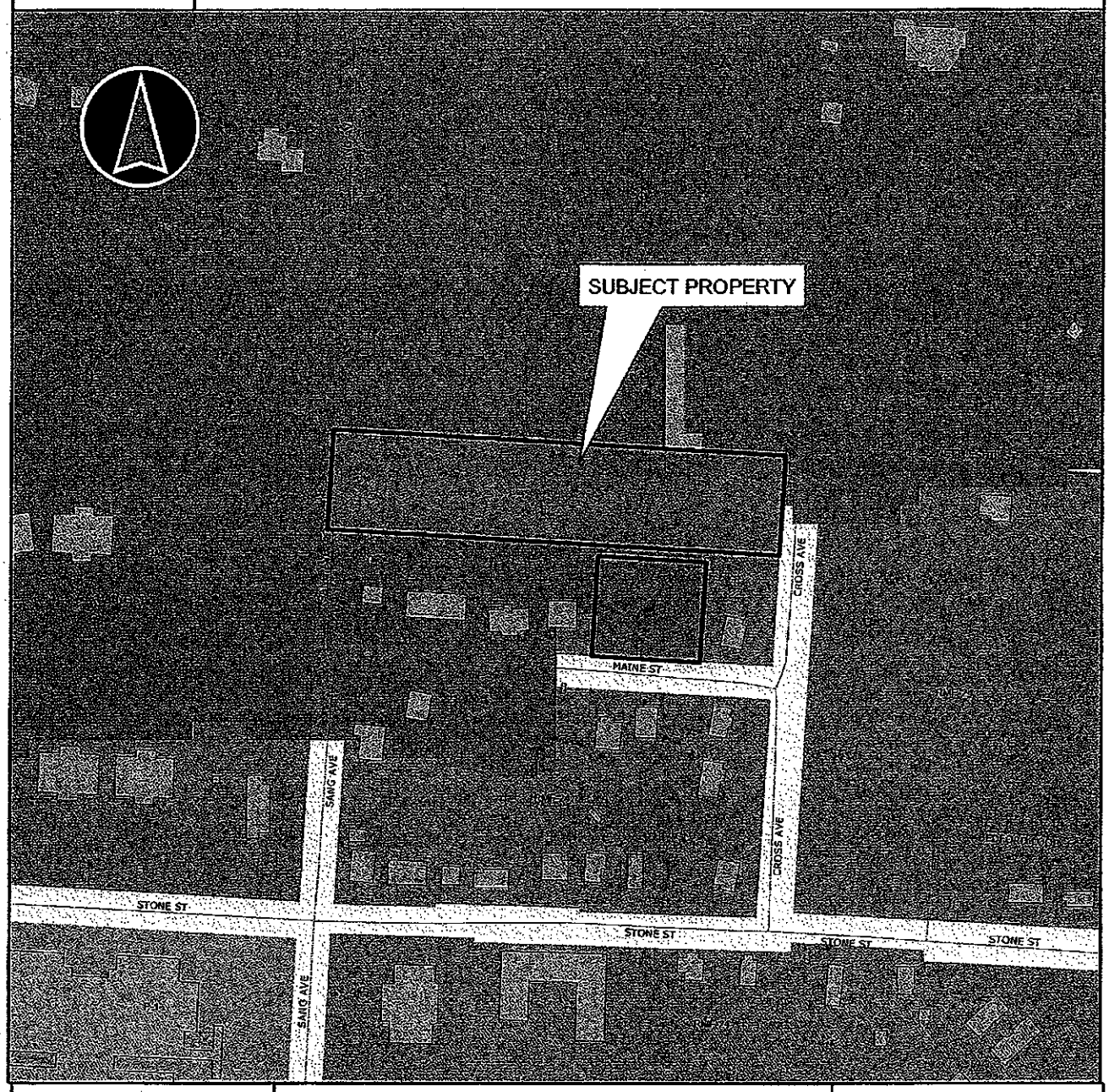
By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT "A"

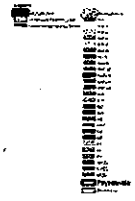
RPZD08-2980

Close Up View

MARKHAM HILL COTTAGE COURTS



Overview



0 75 150 300 450 600 Feet

EXHIBIT "B"
R-PZD 08-2980

LOTS 16, 17, 18, 28, THRU 39 OF BLOCK NUMBER 1, OF WEST END ADDITION, PLAT BOOK 4 AT PAGE 61 AND PLAT BOOK 5 AT PAGE 75, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS.

CONDITIONS OF APPROVAL:

R-PZD 08-2980

Conditions of Approval for R-PZD 08-2980 (Markham Hill Cottages)

Streets

1. The applicant shall be responsible for the following street improvements.

    a. A minimum pavement width of 20', curb, gutter, storm drain, and sidewalk on Maine Street and Cross Avenue along the project frontage and along the lot at the intersection of Cross/Maine; (no sidewalk along this off-site frontage) – see drawings for clarification;
    b. Extension of storm drains off-site as necessary.
    c. The intersection of the new Nettleship Street and the existing Cross Avenue shall be realigned in a three-way stop as indicated on the plans. Prior to construction permits being issued, adequate offsite right-of-way shall be dedicated to complete these improvements as indicated on the plans.
    d. Street lights along Maine, Cross and Nettleship as required by code.

2. The applicant shall dedicate right-of-way as follows by easement plat or separate document prior to building permit:

    a. 21.5' from centerline along Maine Street and Cross Avenue;
    b. 39' for Nettleship Street and 30.50' for Sutherland Lane as indicated on the approved plans.
    c. Adequate right-of-way to construct the three-way intersection of the new Nettleship Street and Cross Avenue.

3. Determination of a variance of minimum street design standards:

    a. The applicant requests a variance to allow different street cross sections than required by the current Master Street Plan standard (UDC §166.06 (K)(10)(a) and 166.08(C)(14)). The applicant proposes on-street parallel parking on both sides of the street in the Hillside/Hilltop Overlay District, sidewalks on one side of the street, a narrow two-way alley/lane with sidewalk on one side, and right-of-way width of 39' for Nettleship Street and 30.50' for Sutherland Lane. The Master Street Plan does not have cross-sections in the design as proposed. *Staff recommends in favor of the requested street design standards finding they deal with a unique site allowing for reduced grading and pavement and increased tree preservation in the HHOD, and will result in safe ingress/egress into and out of the development.*

4. No parallel parking spaces are allowed within 30' of a stop sign (Fayetteville Code of Ordinance Section 72.03(G)). The applicant shall coordinate all striping of streets and parallel spaces with the Transportation Division and Fire Department, as the ultimate administrators of these code sections.

5. Solid Waste Service. All comments regarding solid waste service shall be addressed prior to building permit approval. Residential carts/recycle bins are anticipated to be utilized at common collection points.

6. A sign indicating a future street extension shall be installed at the Nettleship Street stub-out on the western property line prior to certificate of occupancy for those units in that vicinity of the site as

CONDITIONS OF APPROVAL:
R-PZD 08-2980

determined by Planning staff.

Parking

7. Determination of a request to allow fewer off-street parking spaces than allowed by ordinance. As depicted in *Table 2* provided earlier in this report, the applicant proposes to provide 25 off-street parking spaces when 33 are required and 32 on-street parking spaces to accommodate the additional parking spaces required. *Staff recommends approval of this request, recognizing that the streets throughout this development, as amended from the City's Master Street Plan, would provide parallel parking and can safely satisfy the additional demands for parking not provided off-street as depicted in Table 2. Staff also finds that five of the units will be efficiency basement apartment units and do not need two parking spaces each as required by code. Although not required by ordinance for single or two-family residences, this development provides at least one bicycle rack at each motor court which will encourage alternative transportation and reduce vehicular parking demand. However, staff does have concern with the following access and parking issue:*
    a. *In order to provide convenience for unloading and loading vehicles associated with Units 5 and 6 that do not have garages or parallel parking spaces in the immediate vicinity, the applicant shall install a temporary 'Loading and Unloading Area' designated with signage or pavement markings in front of Units 3 and 23.*

Water/Sewer/Drainage

8. Off-site water and sewer, and drainage improvements shall be installed as determined necessary by the Engineering Division to provide domestic service and fire protection to the development, and to ensure the project meets all applicable drainage criteria.

Phasing

9. Determination of the proposed phasing plan. Staff recommends approval of the phasing as indicated within the submittal, with the following change. This project is required to obtain all permits in accordance with the Phasing as listed and depicted in the PZD booklet and noted below. A one-year extension may be approved by the Planning Commission (subject to the criteria in UDC Chapter 166 for extensions).
    - The applicant shall obtain all construction permits for construction of streets and all other public infrastructure within one year of PZD approval.
    - The applicant shall obtain all building permits for all residential units and accessory structures within five years from City Council approval of the PZD.

Parks and Trails

10. Payment of fees in lieu of parkland dedication in the amount of $20,680 for 28 single and two-family units shall be paid prior to issuance of a building permit for the first unit in this development.

11. A multi-use trail connection (Hotz Park Trail) is identified on the Fayetteville Trails Master Plan utilizing the Sang Avenue right-of-way adjacent to the western border of this site and connecting through this site to Cross Avenue, and ultimately to Hotz Park. This development shall construct a multi-use trail connection from the proposed Nettleship Street through the existing Sang

CONDITIONS OF APPROVAL:
R-PZD 08-2980

Avenue right-of-way, connecting south to Maine Street. The details of the trail construction shall be coordinated with the City Trails Coordinator prior to construction permits. The trail shall be constructed at the time Nettleship is extended.

PZD Booklet

12. Booklet. Pg. 8. Delete the paragraph following the zoning criteria, and replace it with the Landscaping, Parking, Architectural Design Standards, and signage standards as included on Sheet A2 of the PZD plats.

Landscape Plan

13. Before construction document approval, the landscape plan must be stamped by a Landscape Architect licensed within the state of Arkansas.

14. All landscaping shown on this landscape plan and referenced in the PZD Master Development Plan, including the evergreen hedgerows along the perimeter property lines, is required to be planted and maintained as a condition of the PZD approval.

15. Prior to building permit, a cost estimate for all required landscaping is to be submitted to the Urban Forester for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy.

16. Under the Landscape Regulations Chapter 177, street trees must be bonded for a 3 year period. This bond is for the maintenance of the trees. This amount must be deposited with the City before issuance of certificate of occupancy.

Tree Preservation

17. The two groups of preserved canopy in the northern portion of this site must be placed within Tree Preservation Areas. This includes the grouping that contains trees #11, 12 and 13 and the grouping that contains trees #3-6 and 9 and 10. These areas will be dedicated with the easement plat using the Tree Preservation Area signature block for the Urban Forester. Portions of these Tree Preservation Areas are located within an alley that must be vacated before final approval can be granted.

18. The extended grading and street ROW in the northeast corner of the site appears to extend onto the adjacent property. No off-site tree removal (outside of right-of-way or easements) is permitted without written consent of the adjacent property owner. Final approval of the project is conditional upon receiving this written consent. Additionally, mitigation will be required for 100% of tree removal on adjacent property. Furthermore, all trees planted for mitigation for tree removal on the adjacent property shall be planted on the adjacent property, preferably near the area where the removal takes place. The trees will also require final inspection by the Urban Forester and bonding for three years after planting in addition to the on-site mitigation requirements for the development. Final approval of the project will be subject to final calculations.

CONDITIONS OF APPROVAL:

R-PZD 08-2980

19. Reinforced concrete retaining walls may be required as opposed to block walls to preserve trees located adjacent to the walls.

20. The applicant shall mitigate for the removal of 3,936 SF of tree canopy with on-site mitigation to consist of a minimum of (14) 2-inch caliper large species trees. Mitigation trees cannot be planted within utility easements or street ROW.

21. 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 $3,500 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.

22. Construction drawings must be submitted to and approved by the Urban Forester prior to the issuance of a grading permit.

General

23. The small parks, community gardens, greenspace, footpaths, potting shed, tree house, and other amenities as shown on the PZD and LSD plans shall be included as requirements of the project. These amenities shall be constructed prior to issuance of Certificate of Occupancy for the surrounding cottages, to be determined by Planning staff at the time of construction. At a minimum, nonresidential facilities shall be built prior to the ninth building permit in accordance with Section 166.06 (K) of the UDC.

24. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements. Encroachment of structures or any portion of a structure shall comply with all applicable Building Codes unless otherwise and specifically approved by the City Council at the time of development.

25. Buildings shall be constructed to be consistent with the concepts depicted in the building elevations in the PZD booklet.

26. Prior to building permits, architectural elevations will be required to be submitted for review to ensure consistency with the elevations and renderings presented in the PZD booklet.

27. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code, and shall be subject to signage requirements for residential development.

28. 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.

29. All development shall meet applicable zoning and development criteria, unless specifically waived or varied by the Planning Commission as part of the PZD approval.

Engineering Division Conditions:

30. Determination of a waiver of Fayetteville Unified Development Code Chapter 171.C.1 in order to

CONDITIONS OF APPROVAL:
R-PZD 08-2980

allow for a 4-5' retaining wall at the back of the right-of-way/sidewalk when the UDC requires a minimum 2-foot separation. The applicant's request discusses that the waiver is needed in order to preserve a significant oak tree. *Staff recommends in favor of this request finding that it will preserve significant tree canopy and will not create an unsafe condition.*

31. All designs are subject to the City's latest design criteria (water, sewer, streets and drainage). Review for plat approval is not approval of public improvements, and all proposed improvements are subject to further review at the time construction plans are submitted.

32. Prior to building permit, bonds in the amount of 150% of the construction cost for all public improvements will need to be submitted.

33. In accordance with Section 170.08 of the UDC, either the Developer, Property Owner, or Property Owner Association shall comply with the required maintenance responsibilities for storm water management as set forth under section (B)(5) and (B)(6).

34. Written permission is required to grade within 5 ft of the property line. Specifically the property to the south 765-11940-000 required to install the Bocce Court.

35. Written permission is required to grade/install retaining wall on adjacent property. Specifically the property to the north 765-14582-000.

36. Any retaining wall more than four feet in height shall be designed by a registered professional engineer in the state of Arkansas and shall be field inspected by the design engineer.

37. Safety railings are required on any retaining wall greater than 30" in height. The safety railing shall be built in to the more stringent requirements of the SBCC or AASHTO.

38. Provide capacity analysis of the existing 6 in sanitary sewer system which this development will connect to the first 8" main downstream.

Standard Conditions of Approval

39. Technical 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).

40. Trash enclosures shall be screened on three sides with materials compatible with the surrounding structures, with access not visible from the street.

41. All mechanical and utility equipment located on the wall and/or on the ground shall be screened. All roof-mounted utilities and mechanical equipment shall be screened by incorporating screening into the structure utilizing materials compatible with the supporting buildings. Mechanical and utility equipment over 30 inches in height shall meet building setbacks. Smaller ground-mounted equipment may be screened with tall grasses or shrubs. Add this note to the site plan and all construction documents.

42. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking

CONDITIONS OF APPROVAL:

R-PZD 08-2980

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.

43. All overhead utility lines under 12kv shall be relocated underground. All proposed utilities shall be located underground.

44. 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.

45. Prior to the issuance of a building permit the following is required:
    a. Grading and drainage permits
    b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
    b. Easement plat that shall include all right-of-way, easements and the tree preservation area.
    c. Project Disk with all final revisions
    d. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

Fayetteville
ARKANSAS

Planning Commission Meeting
July 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
	Matt Casey, Assistant City Engineer
THRU:	Jeremy Pate, Director of Current Planning
DATE:	~~July 9, 2008~~ *Updated July 16, 2008*

R-PZD 08-2980: (MARKHAM HILL COTTAGE COURTS, 520): Submitted by ROBERT SHARP for property located at NORTH OF MAINE ST., BETWEEN SANG AND CROSS. The property is zoned RMF-24, MULTI FAMILY - 24 UNITS/ACRE and contains approximately 2.54 acres located within the Hillside Hilltop Overlay District. The request is for Zoning, Land Use, and Development approval of a Residential Planned Zoning District with 18 single family and 5 two-family cottages (28 units total). Planner: Andrew Garner

Findings:

Property Description and Setting: The subject property consists of approximately 2.54 acres located north of Maine Street and west of Cross Avenue, less than 0.25 mile west of the University of Arkansas Campus. The site is zoned RMF-24, and has not been previously developed except for a single family home and associated accessory structures and driveways. The site is located on the south slope of Markham Hill and is almost entirely wooded (73.3% tree canopy) and within the Hillside/Hilltop Overlay District.

As depicted in *Table 1*, the property is surrounded by a mix of residential uses ranging from undeveloped wooded hillside to the north, multi-family development to the west and east, single- and two- family residential to the south, and Ramay Junior High School approximately one block to the south.

Table 1
Surrounding Land Use/Zoning

Direction	Land Use	Zoning
North	Undeveloped wooded hillside	RSF-4
South	Single- and two- family residences	RMF-24
East	Bedford Apartments	RMF-24
West	Meadow Brook Apartments	RMF-24

Proposal: The request is for rezoning and large scale development approval for a Master Development Plan of a Residential Planned Zoning District with 23 detached cottages and amenities included a bocce court, stone paths, a small park, a tree house, community gardens and potting shed. This development is proposed under a horizontal property regime similar to a typical condominium

ownership where the owner of the cottage does not own the land, but owns the unit. A property owner's association would own and maintain the property and amenities.

The proposed zoning criteria allows for single and two-family dwellings and a density of approximately 11 units/acre, while the existing zoning allows for multi-family dwellings and 24 units/acre. The small 23 cottages are generally be clustered around shared motor courts as opposed to individual curb cuts typically seen in a single family subdivision. All of the cottages would have the appearance of a detached single-family residence; however five of the cottages (Units 1, 5, 12, 11, 12 and 13) have an efficiency apartment in the basement making those units two-family. This site layout and proposal is not allowed under any standard zoning criteria. One of the purposes for which the Planned Zoning District ordinance was created is to promote and encourage projects that meet the adopted goals and policies of the city, yet do not fit the mold of current development or zoning requirements; and to allow for surrounding property owners to see the project's product with the rezoning request, as opposed to a request for a blanket zoning district with few limitations. The proposed zoning criteria for this project is provided in the project booklet and on the plats. Please reference this provided material for more information. These documents are binding to the zoning of the property.

Access and Connectivity: The main entry into this neighborhood is off of Cross Avenue with a new east-west street (Nettleship Street) through the site. A secondary point of connectivity is from a new two-way alley/lane (Sutherland Lane) that connects the extended Nettleship Street to Maine Street. A majority of the residences are accessed through shared motor courts with garages tucked into the hillside under the cottages. Several of the cottages will be provided with parallel parking on the new street, and the remainder of the cottages will have separate garage entries from the new alley/lane. Staff recommends that Nettleship Street be stubbed-out to the western property line to allow the potential for a future connection west.

The two proposed interior streets are narrow with sidewalks on one side to eliminate unnecessary disturbance of tree canopy and the hillside, and for traffic calming. On-street parking is provided on both sides of Nettleship Street. Variances are requested for these two streets as neither fit into the approved Master Street Plan cross-sections.

Parking: Parking for the residences are proposed in garages, on-street parallel parking, and a few surface parking spaces in the motor courts. Planning Commission determination to allow for on-street parking for single-family residences is required for several of the units without garages, see *Table 2*. Staff recommends that the parking situation for Units 5 and 6 be evaluated as these units do not have a garage and the closest parallel parking space is approximately 80' away down a steep slope. Proposed parking is atypical of standard parking lots or garages for single family residences. Several of the garages will require multiple point turns for ingress and egress and the overall parking and access will be very compact. Although not required by ordinance for single and two-family residences, in order to encourage alternative transportation and alleviate some vehicular parking demand, this development proposes a bicycle rack in each of the motor courts.

Phasing: The applicant anticipates construction of streets and infrastructure within one year of PZD approval. Building permits for all cottages and accessory structures shall be obtained within five years from City Council PZD approval. A one-year extension may be permitted, subject to Planning Commission approval. All infrastructure serving each unit must be installed and inspected prior to

any occupancy for that respective dwelling unit.

Table 2
Off-Street Parking Requirements

Use One /Two-Family Residential	**Unit Amount** 28	**Parking Ratio** 2 per unit	**Parking Spaces Required** 56
Baseline Parking Required by Ratio			**56**
Minimum Number of Parking Spaces Required (30% Under Ratio)			**40**
Total Number of Spaces Provided			**55**
Bicycle Racks Provided			**3 provided (0 required)**
Number of Off-street spaces required (18 single family units)*			**36 minus 3 bike racks = 33**
Number of Off-street Spaces Provided (garage and surface parking)			**25**
Off-street Deficit (Requiring Planning Commission Approval)			***8***

*Two-family units are permitted to count on-street parking spaces towards required parking.
Three bicycle racks count for three required parking spaces in accordance with ordinance.

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

Adjacent Master Street Plan Streets: Maine Street, Cross Avenue, and Sang Avenue (residential streets).

Right-of-way Dedication: Right-of-way in the amount of 21.5' from centerline along Main Street and Cross Avenue; 39' for the construction of Nettleship Street and 30.50' for the construction of Sutherland Lane shall be dedicated by easement plat prior to building permit. Nettleship Street shall be constructed all the way to the western property line and a street stub-out sign installed. No additional right-of-way dedication is required for Sang Avenue.

Street Improvements: Maine Street and Cross Avenue shall be improved along the entire property frontage including curb and gutter, storm drains, 5' sidewalks and a minimum pavement width of 20'. The gap of Maine Street and Cross Avenue that is not directly adjacent to the subject property is also to be improved to the same standard, without the sidewalks. The intersection of the new Nettleship Street and Cross Avenue shall be aligned to create a three-way intersection with final design to be approved by the City Engineering Division.

Multi-Use Trail: A multi-use trail connection (Hotz Park Trail) is identified on the Fayetteville Trails Master Plan utilizing the Sang Avenue right-of-way adjacent to the western border of this site and connecting through this site to Cross Avenue, and ultimately to Hotz Park. This development provides a multi-use trail connection from Nettleship Street through the existing Sang Avenue right-of-way, connecting south to Maine Street.

Parks: The Parks and Recreation Advisory Board (PRAB) recommended on March 3, 2008 to accept money in lieu of land. Fees in the amount of $20,680 for 18 single and 5 two-family units will be assessed and are due prior to building permit.

Solid Waste Service: Solid waste collection for individual residential carts will be provided in

designated collection points. The exact details to be determined prior to issuance of building permit.

Tree Preservation:	Existing Canopy:	73.3%
	Preserved Canopy:	26.44%
	Required Canopy:	30%
	Mitigation:	14 two-inch caliper large species trees

Public Comment: City staff has received some phone calls inquiring about this development, and received one email in support of this project. Some public comment was received at the Subdivision Committee meeting, some in favor, and one person discussing concerns with parking and fire hazards.

Recommendation: Staff recommends that **R-PZD 08-2980** be forwarded to the City Council with a recommendation of approval, with the following conditions:

Conditions of Approval:

Streets

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

    a. A minimum pavement width of 20', curb, gutter, storm drain, and sidewalk on Maine Street and Cross Avenue along the project frontage and along the lot at the intersection of Cross/Maine; (no sidewalk along this off-site frontage) – see drawings for clarification;
    b. Extension of storm drains off-site as necessary.
    c. The intersection of the new Nettleship Street and the existing Cross Avenue shall be realigned in a three-way stop as indicated on the plans. Prior to construction permits being issued, adequate offsite right-of-way shall be dedicated to complete these improvements as indicated on the plans.
    d. Street lights along Maine, Cross and Nettleship as required by code.

    PLANNING COMMISSION RECOMMENDED IN FAVOR OF THIS CONDITION (07/14/08).

2. The applicant shall dedicate right-of-way as follows by easement plat or separate document prior to building permit:

    a. 21.5' from centerline along Maine Street and Cross Avenue;
    b. 39' for Nettleship Street and 30.50' for Sutherland Lane as indicated on the approved plans.
    c. Adequate right-of-way to construct the three-way intersection of the new Nettleship Street and Cross Avenue.

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

    a. The applicant requests a variance to allow different street cross sections than required by the current Master Street Plan standard (UDC §166.06 (K)(10)(a) and

166.08(C)(14)). The applicant proposes on-street parallel parking on both sides of the street in the Hillside/Hilltop Overlay District, sidewalks on one side of the street, a narrow two-way alley/lane with sidewalk on one side, and right-of-way width of 39' for Nettleship Street and 30.50' for Sutherland Lane. The Master Street Plan does not have cross-sections in the design as proposed. *Staff recommends in favor of the requested street design standards finding they deal with a unique site allowing for reduced grading and pavement and increased tree preservation in the HHOD, and will result in safe ingress/egress into and out of the development.*

PLANNING COMMISSION RECOMMENDED IN FAVOR OF THIS CONDITION (07/14/08).

4. No parallel parking spaces are allowed within 30' of a stop sign (Fayetteville Code of Ordinance Section 72.03(G)). The applicant shall coordinate all striping of streets and parallel spaces with the Transportation Division and Fire Department, as the ultimate administrators of these code sections.

5. Solid Waste Service. All comments regarding solid waste service shall be addressed prior to building permit approval. Residential carts/recycle bins are anticipated to be utilized at common collection points.

6. A sign indicating a future street extension shall be installed at the Nettleship Street stub-out on the western property line prior to certificate of occupancy for those units in that vicinity of the site as determined by Planning staff.

<u>Parking</u>

7. Planning Commission determination of a request to allow fewer off-street parking spaces than allowed by ordinance. As depicted in *Table 2* provided earlier in this report, the applicant proposes to provide 25 off-street parking spaces when 33 are required, and 32 on-street parking spaces to accommodate the additional parking spaces required. *Staff recommends approval of this request, recognizing that the streets throughout this development, as amended from the City's Master Street Plan, would provide parallel parking and can safely satisfy the additional demands for parking not provided off-street as depicted in Table 2. Staff also finds that five of the units will be efficiency basement apartment units and do not need two parking spaces each as required by code. Although not required by ordinance for single or two-family residences, this development provides at least one bicycle rack at each motor court which will encourage alternative transportation and reduce vehicular parking demand. However, staff does have concern with the following access and parking issue:*
    a. *Staff recommends that the parking situation for Units 5 and 6 be evaluated as these unit do not have a garage and the closest parallel parking space is approximately 80' down a steep stone path. In order to provide convenience for unloading and loading vehicles associated with Units 5 and 6 that do not have garages or parallel parking spaces in the immediate vicinity, staff recommends that a 'Loading and Unloading Area' be designated with signage or pavement markings in front of Units 3 and 23.*

PLANNING COMMISSION RECOMMENDED IN FAVOR OF THIS CONDITION (07/14/08).

Water/Sewer/Drainage

8. Off-site water and sewer, and drainage improvements shall be installed as determined necessary by the Engineering Division to provide domestic service and fire protection to the development, and to ensure the project meets all applicable drainage criteria.

Phasing

9. Planning Commission determination of the proposed phasing plan. Staff recommends approval of the phasing as indicated within the submittal, with the following change. This project is required to obtain all permits in accordance with the Phasing as listed and depicted in the PZD booklet and noted below. A one-year extension may be approved by the Planning Commission (subject to the criteria in UDC Chapter 166 for extensions).
    - The applicant shall obtain all construction permits for construction of streets and all other public infrastructure within one year of PZD approval.
    - The applicant shall obtain all building permits for all residential units and accessory structures within five years from City Council approval of the PZD.

Parks and Trails

10. Payment of fees in lieu of parkland dedication in the amount of $20,680 for 28 single and two-family units shall be paid prior to issuance of a building permit for the first unit in this development.

11. A multi-use trail connection (Hotz Park Trail) is identified on the Fayetteville Trails Master Plan utilizing the Sang Avenue right-of-way adjacent to the western border of this site and connecting through this site to Cross Avenue, and ultimately to Hotz Park. This development shall construct a multi-use trail connection from the proposed Nettleship Street through the existing Sang Avenue right-of-way, connecting south to Maine Street. The details of the trail construction shall be coordinated with the City Trails Coordinator prior to construction permits. The trail shall be constructed at the time Nettleship is extended.

PZD Booklet

12. Booklet. Pg. 8. Delete the paragraph following the zoning criteria, and replace it with the Landscaping, Parking, Architectural Design Standards, and signage standards as included on Sheet A2 of the PZD plats.

Landscape Plan

13. Before construction document approval, the landscape plan must be stamped by a Landscape Architect licensed within the state of Arkansas.

14. All landscaping shown on this landscape plan and referenced in the PZD Master Development Plan, including the evergreen hedgerows along the perimeter property lines, is required to be planted and maintained as a condition of the PZD approval.

15. Prior to building permit, a cost estimate for all required landscaping is to be submitted to the Urban Forester for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy.

16. Under the Landscape Regulations Chapter 177, street trees must be bonded for a 3 year period. This bond is for the maintenance of the trees. This amount must be deposited with the City before issuance of certificate of occupancy.

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17. The two groups of preserved canopy in the northern portion of this site must be placed within Tree Preservation Areas. This includes the grouping that contains trees #11, 12 and 13 and the grouping that contains trees #3-6 and 9 and 10. These areas will be dedicated with the easement plat using the Tree Preservation Area signature block for the Urban Forester. Portions of these Tree Preservation Areas are located within an alley that must be vacated before final approval can be granted.

18. The extended grading and street ROW in the northeast corner of the site appears to extend onto the adjacent property. No off-site tree removal (outside of right-of-way or easements) is permitted without written consent of the adjacent property owner. Final approval of the project is conditional upon receiving this written consent. Additionally, mitigation will be required for 100% of tree removal on adjacent property. Furthermore, all trees planted for mitigation for tree removal on the adjacent property shall be planted on the adjacent property, preferably near the area where the removal takes place. The trees will also require final inspection by the Urban Forester and bonding for three years after planting in addition to the on-site mitigation requirements for the development. Final approval of the project will be subject to final calculations.

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Engineering Division Conditions:

30. Planning Commission determination of a waiver of Fayetteville Unified Development Code Chapter 171.C.1 in order to allow for a 4-5' retaining wall at the back of the right-of-way/sidewalk when the UDC requires a minimum 2-foot separation. The applicant's request discusses that the waiver is needed in order to preserve a significant oak tree. *Staff recommends in favor of this request finding that it will preserve significant tree canopy and will not create an unsafe condition.*

    PLANNING COMMISSION RECOMMENDED IN FAVOR OF THIS CONDITION (07/14/08).

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Property Owner Association shall comply with the required maintenance responsibilities for storm water management as set forth under section (B)(5) and (B)(6).

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38. Provide capacity analysis of the existing 6 in sanitary sewer system which this development will connect to the first 8" main downstream.

Standard Conditions of Approval

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42. 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.

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    b. Easement plat that shall include all right-of-way, easements and the tree preservation area.
    c. Project Disk with all final revisions
    d. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

Planning Commission Action:

☐ **Tabled** **X Forwarded to C.C. (recommendation for approval)** ☐ **Denied**

Motion: Myres
Second: Cabe
Vote: 7-0-0
Meeting Date: July 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 R-PZD 08-2980 (Markham Hill Cottage Courts)

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: The Future Land Use Map adopted as part of City Plan 2025 designated this site 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, and encourage walkability as part of the street function. The development proposes a maximum of 23 detached cottages (18 single family and 5 two-family for a total of 28 units) with amenities including a bocce court, stone paths, a small park, a tree house, community gardens and potting shed in a compact and connected community with meaningful open space. The site is located in central Fayetteville within walking distance of the University of Arkansas campus, Ramay Junior High School, and the 6th Street commercial corridor. The development meets the intent of the City Neighborhood Area designation.

The project complies with the overall main goals of City Plan 2025 as follows:

Goal 1: We will make appropriate infill and revitalization our highest priorities.	This project is an infill project in a well-developed area of Fayetteville. The relatively under-developed property is largely surrounded by existing development and infrastructure, with the exception of substandard streets. This infill development provides the City an opportunity to revitalize the existing infrastructure and street system in the immediate vicinity with contributions from the development.
Goal 2: We will discourage suburban sprawl.	By being an infill development, the project discourages suburban sprawl, and keeps greenfields green on the perimeter of the City.
Goal 3: We will make traditional town form the standard.	Due to its small size (2.54 acres) and location, this project can not provide a complete neighborhood with mixed uses. However, the design and layout of the residential cottages encourages pedestrian activity and an active public realm and contributes to the surrounding complete neighborhood environment. The small cottages will help provide a mix of housing types in the area, and the proximity of this site to non-residential services and employment centers is consistent with traditional town planning principles.

Goal 4: We will grow a livable transportation network.	This project will provide an opportunity to improve the existing substandard street system on Maine Street and Cross Avenue. This project will also provide a connection for the Hotz Park Trail through the site, encouraging multi-modal transportation. By being an infill project within walking distance to many destinations, this development helps with City grow while minimizing impacts to the overall street system.
Goal 5: We will assemble an enduring green network.	This project has taken care to incorporate many of the existing significant trees into the design, and will provide several pockets of greenspace for public use throughout the development.
Goal 6: We will create attainable housing.	The small size of the cottages proposed by this development help provide variety to the overall housing market in the City and contribute to a mixed-income neighborhood.

(2) Whether the application is in compliance with all applicable statutory provisions;

FINDING: The application has been reviewed and found to be compliant with applicable statutory provisions.

(3) Whether the general impact of the rezoning would adversely impact the provision of public facilities and services;

FINDING: The impact of the rezoning and subsequent development would require the provision of public facilities, at the cost of the developer. Without improvements to existing infrastructure, the proposal would certainly adversely affect public facilities and services. However, as indicated in the submittal and the staff report, certain measures are to be taken to ensure adequate infrastructure improvements are made by the developer to ensure the level of service does not decline due to the proposed development.

(4) Whether the rezoning is compatible with the surrounding land uses;

FINDING: The rezoning request, combined with the Master Development Plan, would allow for a maximum of 23 small single and two-family detached cottages, maximum of 28 dwelling units. The proposed development pattern and density would be compatible with the surrounding multi- and single-family land uses. This PZD would reduce the residential density from 24 units/acre to 11 units/acre.

(5) Whether the subject land is suitable for the intended use and is compatible with the natural environment;

FINDING: The 2.54-acre property currently has one residence and accessory structures. The two main natural resources on the property include the steep topography and tree canopy. The majority of the site is steep and within the Hillside/Hilltop Overlay District, with 77% of the site covered in tree canopy. The street and site plan layout generally follow the contours and natural landform of the site. This project complies with the requirements of the Hillside/Hilltop Overlay District in terms of its development pattern. This project has incorporated the topography and many of the significant trees on the site as environmental

design features of the project, rather than mass grading the property. The tree preservation numbers fall just below the 30%, and on-site mitigation will create a healthy canopy cover. The natural environment is suitable for the type of development proposed, with the plans that are sensitive to that environment, as proposed.

(6) Whether the intended land use would create traffic congestion or burden the existing road network;

FINDING: The proposed 28 homes will impact the existing traffic conditions. Currently this development proposes two points of ingress and egress, one on Maine Street and one on Cross Avenue. Both of these roads are unimproved and very narrow with open ditch on both sides. With the incorporation of the recommended street improvements listed in the conditions of approval, staff finds that the proposed development would not create traffic congestion or overburden the existing road network. Staff recommends that Main Street and Cross Avenue be improved to provide a minimum pavement width of 20', curb, gutter, storm drain, and sidewalk in this area and that the intersection of the extended Nettleship Street and the existing Cross Avenue be realigned in a three-way stop. Staff finds that with the recommended street improvements this development will not create traffic congestion or burden the existing road network. This development is also providing a multi-use trail connection through the site. Providing pedestrian improvements may encourage many to walk or bicycle through the site to utilize those services in the area, thereby decreasing the use of the vehicular network.

(7) Whether the planned development provides for unified development control under a unified plan;

FINDING: The booklet and master development plans submitted provide for said unified development control.

(8) Whether any other recognized zoning consideration would be violated in this PZD.

FINDING: No other zoning considerations are proposed to be violated.

(B) *Development standards, conditions and review guidelines*

(1) *Generally.* The Planning Commission shall consider a proposed PZD in light of the purpose and intent as set forth in Chapter 161 Zoning Regulations, and the development standards and review guidelines set forth herein. Primary emphasis shall be placed upon achieving compatibility between the proposed development and surrounding areas so as to preserve and enhance the neighborhood. Proper planning shall involve a consideration of tree preservation, water conservation, preservation of natural site amenities, and the protection of watercourses from erosion and siltation. The Planning Commission shall determine that specific development features, including project density, building locations, common usable open space, the vehicular circulation system, parking areas, screening and landscaping, and perimeter treatment shall be combined in such a way as to further the health, safety, amenity and welfare of the community. To these ends, all applications filed pursuant to this ordinance shall be reviewed in accordance with the same general review guidelines as those utilized for zoning and subdivision applications.

FINDING: Markham Hill Cottage Courts proposes a unique form of single family housing that is smaller and more compact than typical single family detached residences in the area. This project adds variety to the housing market and is compatible with the surrounding multi-family and single family residences.

The architectural style of the residences provides for well-articulated structures that present attractive façades to the street and a consistent and overriding theme. The integration of many significant trees into the design will help retain the overall character of the wooded hillside.

The infill location encourages a balance of people living and working in the same area reducing daily vehicle trips that rely on the regional road network. Several public spaces are proposed that will be a benefit to the neighborhood and provide meaningful open space in this compact residential community. Circulation is compact and connected and the inclusion of landscaping/mitigation trees will define the streets and replace removed canopy from the hillside. Also see Staff Findings No. 1 and No. 4.

(2) *Screening and landscaping.* In order to enhance the integrity and attractiveness of the development, and when deemed necessary to protect adjacent properties, the Planning Commission shall require landscaping and screening as part of a PZD. The screening and landscaping shall be provided as set forth in §166.09 Buffer Strips and Screening. As part of the development plan, a detailed screening and landscaping plan shall be submitted to the Planning Commission. Landscape plans shall show the general location, type and quality (size and age) of plant material. Screening plans shall include typical details of fences, berms and plant material to be used.

FINDING: An evergreen hedgerow is proposed along perimeter property lines. Parking lot screening is not required as there are not large surface parking areas or other areas requiring screening facing streets. A landscape plan has been supplied, and trees along the frontages of all streets, both public and private, are required.

(3) *Traffic circulation.* The following traffic circulation guidelines shall apply:

(a) The adequacy of both the internal and external street systems shall be reviewed in light of the projected future traffic volumes.

(b) The traffic circulation system shall be comprised of a hierarchal scheme of local collector and arterial streets, each designed to accommodate its proper function and in appropriate relationship with one another.

(c) Design of the internal street circulation system must be sensitive to such considerations as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, access to dwelling units and the proper relationship of different land uses.

(d) Internal collector streets shall be coordinated with the existing external street system, providing for the efficient flow of traffic into and out of the planned zoning development.

(e) Internal local streets shall be designed to discourage through traffic within the planned zoning development and to adjacent areas.

(f) Design provisions for ingress and egress for any site along with service drives and interior circulation shall be that required by Chapter 166 Development of this code.

FINDING: The vehicular circulation system is comprised of two public streets, as described earlier in this report, accessing Maine Street and Cross Avenue. The dwellings face onto greenspaces or streets, and are generally accessed off of shared driveways or motor courts, providing a hierarchy of circulation that encourages an efficient flow of traffic. Also see Staff Finding No. 6.

(4) *Parking standards.* The off-street parking and loading standards found in Chapter 172 Parking and Loading shall apply to the specific gross usable or leasable floor areas of the respective use areas.

FINDING: Parking for a majority of the residences is provided in garages; parking for a few of the units is provided on-street. Planning Commission and City Council approval is required in order to allow on-street parking to count for required off-street parking spaces for some of the residences. Staff recommends in favor of the request finding that adequate parking on- and off- street is provided.

(5) *Perimeter treatment.* Notwithstanding any other provisions of a planned zoning district, all uses of land or structures shall meet the open space, buffer or green strip provisions of this chapter of this code.

FINDING: This requirement has been met.

(6) *Sidewalks.* As required by §166.03.

FINDING: Public sidewalks are to be constructed on one side of the new internal public streets and on Maine Street and Cross Avenue adjacent to the project. The development would also construct a multi-use trail connection from the proposed Nettleship Street through the existing Sang Avenue right-of-way, connecting south to Maine Street.

(7) *Street Lights.* As required by §166.03.

FINDING: Street lights are to be provided adjacent to all public and private streets at a separation of no greater than 300 feet.

(8) *Water.* As required by §166.03.

FINDING: Public water lines are being extended in accordance with city codes.

(9) *Sewer.* As required by §166.03.

FINDING: Public sewer lines are being extended in accordance with city codes.

(10) *Streets and Drainage.* Streets within a residential PZD may be either public or private.

(a) *Public Streets.* Public streets shall be constructed according to the adopted standards of the City.

(b) *Private Streets.* Private streets within a residential PZD shall be permitted subject to the following conditions:

(i) Private streets shall be permitted for only a loop street, or street ending with a cul-de-sac. Any street connecting one or more public streets shall be constructed to existing City standards and shall be dedicated as a public street.

(ii) Private streets shall be designed and constructed to the same standards as public streets with the exceptions of width and cul-de-sacs as noted below.

(iii) All grading and drainage within a Planned Zoning District including site drainage and drainage for private streets shall comply with the City's Grading (Physical Alteration of Land) and Drainage (Storm water management) Ordinances. Open drainage systems may be approved by the City Engineer.

(iv) Maximum density served by a cul-de-sac shall be 40 units. Maximum density served by a loop street shall be 80 units.

(v) The plat of the planned development shall designate each private street as a "private street."

(vi) Maintenance of private streets shall be the responsibility of the developer or of a neighborhood property owners association (POA) and shall not be the responsibility of the City. The method for maintenance and a maintenance fund shall be established by the PZD covenants. The covenants shall expressly provide that the City is a third party beneficiary to the covenants and shall have the right to enforce the street maintenance requirements of the covenants irrespective of the vote of the other parties to the covenants.

(vii) The covenants shall provide that in the event the private streets are not maintained as required by the covenants, the City shall have the right (but shall not be required) to maintain said streets and to charge the cost thereof to the property owners within the PZD on a pro rata basis according to assessed valuation for ad valorem tax purposes and shall have a lien on the real property within the PZD for such cost. The protective covenants shall grant the City the right to use all private streets for purposes of providing fire and police protection, sanitation service and any other of the municipal functions. The protective covenants shall provide that such covenants shall not be amended and shall not terminate without approval of the City Council.

(viii) The width of private streets may vary according to the density served. The following

standard shall be used:

Paving Width
(No On-Street Parking)

Dwelling Units	One-Way	Two-Way
1 - 20	14'	22'
21+	14'	24'

***Note:** If on-street parking is desired, 6 feet must be added to each side where parking is intended.

(ix) All of the traffic laws prescribed by Title VII shall apply to traffic on private streets within a PZD.

(x) There shall be no minimum building setback requirement from a private street.

(xi) The developer shall erect at the entrance of each private street a rectangular sign, not exceeding 24 inches by 12 inches, designating the street a "private street" which shall be clearly visible to motor vehicular traffic.

FINDING: Variances of the minimum street design standards are requested as the proposed street cross sections do not meet the current Master Street Plan standards. The proposed cross-sections are designed to calm traffic and encourage pedestrian comfort and activity throughout the site and they respond to unique site conditions that will enable greater tree preservation and less land disturbance. Staff recommends in favor of the waivers for street and alley design, with the revisions submitted for Planning Commission consideration.

(11) *Construction of nonresidential facilities.* Prior to issuance of more than eight building permits for any residential PZD, all approved nonresidential facilities shall be constructed. In the event the developer proposed to develop the PZD in phases, and the nonresidential facilities are not proposed in the initial phase, the developer shall enter into a contract with the City to guarantee completion of the nonresidential facilities.

FINDING: All development on the site shall be phased according to the phasing plan and conditions herein.

(12) *Tree preservation.* All PZD developments shall comply with the requirements for tree preservation as set forth in Chapter 167 Tree Preservation and Protection. The location of trees shall be considered when planning the common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels.

FINDING: The applicant has worked with the Urban Forester to alter several previous site

plans, bringing forward a plan that accomplishes more of the goals for tree preservation. Mitigation trees will serve to provide an increased overall canopy on the site, providing for an urban canopy.

(13) *Commercial design standards.* All PZD developments that contain office or commercial structures shall comply with the commercial design standards as set forth in §166.14 Site Development Standards and Construction and Appearance Design Standards for Commercial Structures.

FINDING: This PZD does not contain office or commercial structures.

(14) *View protection.* The Planning Commission shall have the right to establish special height and/or positioning restrictions where scenic views are involved and shall have the right to insure the perpetuation of those views through protective covenant restrictions.

FINDING: This site is located within the Hillside/Hilltop Overlay District (HHOD), and is visible from surrounding hillsides, residences, and distant streets. The development has complied with the building height requirements of the HHOD and has limited the heights for all structures to 45 feet. With compliance of the HHOD height requirements, existing views of this property and from this property will be adequately preserved.

(E) *Revocation.*

(1) *Causes for revocation as enforcement action.* The Planning Commission may recommend to the City Council that any PZD approval be revoked and all building or occupancy permits be voided under the following circumstances:

(a) *Building permit.* If no building permit has been issued within the time allowed.

(b) *Phased development schedule.* If the applicant does not adhere to the phased development schedule as stated in the approved development plan.

(c) *Open space and recreational facilities.* If the construction and provision of all common open spaces and public and recreational facilities which are shown on the final plan are proceeding at a substantially slower rate than other project components.

Planning staff shall report the status of each ongoing PZD at the first regular meeting of each quarter, so that the Planning Commission is able to compare the actual development accomplished with the approved development schedule. If the Planning Commission finds that the rate of construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and public recreational facilities have been constructed and provided, then the Planning Commission may initiate revocation action or cease to approve any additional final plans if preceding phases have not been finalized. The city may also issue a stop work order, or discontinue issuance of building or occupancy permits, or revoke those previously issued.

(2) *Procedures.* Prior to a recommendation of revocation, notice by certified mail shall be sent to the landowner or authorized agent giving notice of the alleged default, setting a time to

appear before the Planning Commission to show cause why steps should not be made to totally or partially revoke the PZD. The Planning Commission recommendation shall be forwarded to the City Council for disposition as in original approvals. In the event a PZD is revoked, the City Council shall take the appropriate action in the city clerk's office and the public zoning record duly noted.

(3) *Effect.* In the event of revocation, any completed portions of the development or those portions for which building permits have been issued shall be treated to be a whole and effective development. After causes for revocation or enforcement have been corrected, the City Council shall expunge such record as established above and shall authorize continued issuance of building permits.

(F) *Covenants, trusts and homeowner associations.*

(1) *Legal entities.* The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction, and maintenance of private roads, parking areas, common usable open space, community facilities, recreation areas, building, lighting, security measure and similar common elements in a development. The city encourages the creation of homeowner associations, funded community trusts or other nonprofit organizations implemented by agreements, private improvement district, contracts and covenants. All legal instruments setting forth a plan or manner of permanent care and maintenance of such open space, recreation areas and communally-owned facilities shall be approved by the City Attorney as to legal form and effect, and by the Planning Commission as to the suitability for the proposed use of the open areas. The aforementioned legal instruments shall be provided to the Planning Commission together with the filing of the final plan, except that the Guarantee shall be filed with the preliminary plan or at least in a preliminary form.

(2) *Common areas.* If the common open space is deeded to a homeowner association, the developer shall file with the plat a declaration of covenants and restrictions in the Guarantee that will govern the association with the application for final plan approval. The provisions shall include, but not necessarily be limited to, the following:

(a) The homeowner's association must be legally established before building permits are granted.

(b) Membership and fees must be mandatory for each home buyer and successive buyer.

(c) The open space restrictions must be permanent, rather than for a period of years.

(d) The association must be responsible for the maintenance of recreational and other common facilities covered by the agreement and for all liability insurance, local taxes and other public assessments.

(e) Homeowners must pay their pro rata share of the initial cost; the maintenance assessment levied by the association must be stipulated as a potential lien on the property. The association must be able to adjust the assessment to meet changing needs.

FINDING: The applicant shall comply with these requirements.

Sec. 161.25 Planned Zoning District

(A) Purpose. The intent of the Planned Zoning District is to permit and encourage comprehensively planned developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the combination of development and zoning review into a simultaneous process. The rezoning of property to the PZD may be deemed appropriate if the development proposed for the district can accomplish one or more of the following goals.

(1) Flexibility. Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.

(2) Compatibility. Providing for compatibility with the surrounding land uses.

(3) Harmony. Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.

(4) Variety. Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.

(5) No negative impact. Does not have a negative effect upon the future development of the area;

(6) Coordination. Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.

(7) Open space. Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.

(8) Natural features. Maximum enhancement and minimal disruption of existing natural features and amenities.

(9) General Plan. Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the General Plan.

(10) Special Features. Better utilization of sites characterized by special features of geographic location, topography, size or shape.

FINDING: Staff finds this proposal meets the intent of many of the parameters of the City Plan 2025 as discussed in Staff Finding No. 1, as well as the above ten criteria, including compatibility and harmony with existing surrounding land uses, provision of a variety of housing types and common open spaces.

(B) Rezoning. Property may be rezoned to the Planned Zoning District by the City Council in accordance with the requirements of this chapter and Chapter 166, Development. Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and development standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of a specific master development plan and development standards.

FINDING: The submitted development plats and Master Development Plan booklets, along with the conditions of approval found applicable and appropriate, are binding with the approval of the requested rezoning. Should the Planning Commission forward this item to the City Council; an ordinance will be drafted for consideration of rezoning this property in accordance with the submittal herein.

(C) *R – PZD, Residential Planned Zoning District.*

(1) *Purpose and intent.* The R-PZD is intended to accommodate mixed-use or clustered residential developments and to accommodate single-use residential developments that are determined to be more appropriate for a PZD application than a general residential rezone. The legislative purposes, intent, and application of this district include, but are not limited to, the following:

(a) To encourage a variety and flexibility in land development and land use for predominately residential areas, consistent with the city's City Plan 2025 and the orderly development of the city.

(b) To provide a framework within which an effective relationship of different land uses and activities within a single development, or when considered with abutting parcels of land, can be planned on a total basis.

(c) To provide a harmonious relationship with the surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and excessive demands on planned and existing public facilities.

(d) To provide a means of developing areas with special physical features to enhance natural beauty and other attributes.

(e) To encourage the efficient use of those public facilities required in connection with new residential development.

FINDING: Staff is recommending approval of this application, finding the proposed PZD meets the intent of the PZD ordinance as noted above.

(2) *Permitted Uses.* All permitted uses identified within §162 Use Units of the Unified Development Code shall be allowed as permissible uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.

(3) *Conditional Uses.* All conditional uses allowed within (Residential, Commercial, Industrial)

zoning Districts established in the Unified Development Code shall be allowed with Planning Commission approval, unless otherwise specified, subject to the code governing Conditional Use requests.

FINDING: Permitted and Conditional uses are outlined in both the Master Development Plan booklets and plats.

(4) *Condition.* In no instance shall the residential use area be less than fifty-one percent (51%) of the gross floor area within the development.

FINDING: The residential uses on this property will be at least fifty-one percent of the gross floor area within the development.

(F) *Bulk and area regulations*

(1) *Residential density.* Residential densities shall be determined on the basis of the following considerations:

(a) The densities of surrounding development;

(b) the densities allowed under the current zoning;

(c) the urban development goals and other policies of the city's General Plan;

(d) the topography and character of the natural environment; and

(e) the impact of a given density on the specific site and adjacent properties.

FINDING: Surrounding development is solely residential and mixed in density and form, from an apartment complex, duplexes, various multi-family residences, to single family residences. The proposed project is a down-zoning, reducing the allowable density from 24 units/acre to 11 units/acre. The impact of the proposed density on the site and adjacent properties would be less intensive than currently allowed by right. Also see Staff Findings Nos. (E)(1), (E)(4), (E)(5), and (B)(1).

(2) *Lot area and setback requirements.* Taking into consideration the unique aspects of each project, preliminary development plans for Planned Zoning Districts shall conform as closely as possible to the existing standards for lot area minimums and setback requirements under this chapter.

FINDING: Lot area minimums and setbacks are small on this project with structures oriented to the street or greenspaces and minimal front setbacks. This project provides for a variety of building footprints and unit types. Due to the unique nature of layout and type of structures being proposed, it is not possible to conform to existing standards for lot area minimums and setback requirements.

(3) *Building height.* There shall be no maximum building height except as may be determined by the Planning Commission during the review of the preliminary development plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. A lesser height may be established by the Planning Commission when it is deemed necessary to provide adequate light and air to adjacent property and to protect the visual quality of the community.

FINDING: Building heights proposed for this project are typical of single family development in the surrounding area, and consistent with the height requirements of the HHOD.

(4) *Building area.* The Planning Commission shall review specific proposed lot coverages which generally correspond to the guidelines for lot coverage in the respective residential, office, commercial or industrial district which most depicts said development scheme.

FINDING: The lot coverage or building area is consistent with the existing RMF-24 zoning on the property and in the surrounding vicinity.

***Required Findings for Rezoning Request.**

Land Use Plan: The City Plan 2025 Future Land Use Plan designates this site as a City Neighborhood Area. The proposed plan, commitments, design standards and other conditions placed upon the project result in a compatible development with surrounding land uses in the general vicinity, meeting many of the goals of the City Plan 2025 for new development.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: Staff finds the proposal is highly consistent with the land use planning objectives, principles and policies, as evidenced by the number of guiding policies for City Neighborhood Areas this proposal meets, and the six major goals of City Plan 2025 as discussed in Staff Finding No. (E)(1). Rezoning the property will accommodate the future land use plan for residential uses and allow for integration of a variety of housing types, sizes and development pattern, thus providing more choices for more citizens.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: The property is zoned RMF-24 which allows for primarily residential use. The proposed reduced density and site layout included with this rezoning is more appropriate than the existing RMF-24 zoning given the steep terrain and wooded nature of the site. The proposed PZD zoning allows flexibility to vary building setbacks, bulk and area requirements, to allow for a more organic design that integrates the topography and tree canopy into the development and still obtain a feasible number of units. Rezoning of this property as proposed is advisable.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: Staff finds this proposal will not create or appreciably increase traffic danger and congestion, with the street improvements recommended

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: The proposed PZD would reduce the population density from that allowed under the current RMF-24 zoning. The current zoning would allow for 61 units and the proposed PZD would allow a maximum of 28 units. The development of this site with 28 units would create demand on public services. Staff finds, however, that the load created on public services is not an undesirable or detrimental impact, with the improvements as recommended by staff for this project.

Engineering: **Public water is available to the property. There is a 24" along the west property line of this property. Water will need to be extended through the property at the time of development to provide domestic service and fire protection.**

Sanitary sewer is available to the site. There is a 6" sewer main along Main Street. Sewer will need to be extended through the property at the time of development. The capacity of the existing main will need to be studied at the time of development.

The site has access to Main Street, Cross and Nettleship which are narrow unimproved two lane city streets. 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.

Police: **It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter population density and will not create an undesirable increase on police services. The Police Department states that the rezoning may increase traffic danger and congestion.**

Fire: **The subject property is located 0.6 miles from the Station No. 6 located at 900 Hollywood with an expected 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: Not applicable. Staff recommends approval of the proposed zoning.

Fayetteville
ARKANSAS

PC Meeting of July 14, 2008

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 444-3472

THE CITY OF FAYETTEVILLE, ARKANSAS

TREE PRESERVATION and PROTECTION REPORT

To: Fayetteville Planning Commission

From: Carole Jones, Interim Urban Forester

Date: July 8, 2008

ITEM #: R-PZD 08-2980: Residential PZD (Markham Hill Cottage Courts)

Requirements Submitted:

Y	Initial Review with the Urban Forester
Y	Site Analysis Map Submitted
Y	Site Analysis Written Report Submitted
Y	Complete Tree Preservation and Protection Plan Submitted

Canopy Measurements:

Total Site Area	
acres	2.54
square feet	110,541
Existing Tree Canopy	
acres	1.86
square feet	81,027
percent of site area	73.3%
Existing Tree Canopy Preserved	
acres	0.67
square feet	29,226
percent of total site area	26.44%
Percent Minimum Canopy Required	30.0%

FINDINGS:

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

- **This site is has approximately 73% canopy with the majority of species consisting of white oak. An inventory of the site by a certified arborist revealed that there are 18 significant trees as defined by the City of Fayetteville's Landscape Manual. Removal is proposed for six of the**

significant trees. The majority of this site is within the Hillside/Hilltop Overlay District.

The extent to which the area would be subject to environmental degradation due to removal of the tree or group of trees.

- **Some environmental degradation is likely to occur on the site due to the removal of trees on steep slopes.**

The impact of the reduction in tree cover on adjacent properties, the surrounding neighborhood and the property on which the tree or group of trees is located.

- **Adjacent properties should not be affected by the removal of tree canopy with the exception of the extended grading and street ROW in the northeast corner of the site which appears to extend onto the adjacent property. Trees are shown as preserved along the northern and southern portions of the site. Additional screening in the form of landscape trees will also be added.**

Whether alternative construction methods have been proposed to reduce the impact of development on existing trees.

- **N/A**

Whether the size or shape of the lot reduces the flexibility of the design.

- **The size and shape of the lot do reduce flexibility. The site has steep slopes that also limit the flexibility of the design.**

The general health and condition of the tree or group of trees, or the presence of any disease, injury or hazard.

- **The general health of these trees was determined to be fair. One of the significant trees that is proposed for removal is in good condition. Two of the significant trees that are proposed for removal are in poor condition.**

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

- **Staff recommends that the two groups of preserved canopy in the northern portion of the site be placed within Tree Preservation Areas. 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.**

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 Areas should not be affected by utilities.**

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

- **The proposed road and utilities have been designed in relation to the existing topography. The design has also attempted to avoid damage to as much existing canopy as possible.**

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

- **N/A**

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

- **Mitigation will be required on this site since the canopy falls below 30%. On-site mitigation is proposed.**

The effect other chapters of the UDC, and departmental regulations have on the development design.

- **This is a residential Planned Zoning District project. The majority of this site is within the Hillside/Hilltop Overlay District.**

The extent to which development of the site and the enforcement of this chapter are impacted by state and federal regulations:

- **N/A**

The impact a substantial modification or rejection of the application would have on the Applicant:

This project is proposed as a Planned Zoning District with the majority of the site within the Hillside/Hilltop Overlay District. The existing site is heavily wooded. There are few trees that meet the significant status, and the majority of the significant trees (12 out of 18) are proposed as preserved. The applicant has worked hard to meet all planning, engineering and tree preservation requirements for this project, and the site has been revised several times as a result.

Typically, staff has not supported mitigation of canopy below 30% for PZD projects located within the HHOD. The current zoning of the property is RMF-24. Use of this zoning for the project design would have resulted in a minimum tree preservation of 25% (20% for RMF-24 plus additional 5% for HHOD). The proposed project meets those minimum requirements.

- **Staff is recommending forwarding the submitted Tree Preservation Plan to the City Council for approval with the following conditions:**

1. The two groups of preserved canopy in the northern portion of this site must be placed within Tree Preservation Areas. This includes the grouping that contains trees #11, 12 and 13 and the grouping that contains trees #3-6 and 9 and 10. These areas will be dedicated with the easement plat using the Tree Preservation Area signature block for the Urban Forester. Portions of these Tree Preservation

Areas are located within an alley that must be vacated before final approval can be granted.

2. The extended grading and street ROW in the northeast corner of the site appears to extend onto the adjacent property. No off-site tree removal (outside of right-of-way or easements) is permitted without written consent of the adjacent property owner. Final approval of the project is conditional upon receiving this written consent. Additionally, mitigation will be required for 100% of tree removal on adjacent property. Furthermore, all trees planted for mitigation for tree removal on the adjacent property shall be planted on the adjacent property, preferably near the area where the removal takes place. The trees will also require final inspection by the Urban Forester and bonding for three years after planting in addition to the on-site mitigation requirements for the development. Final approval of the project will be subject to final calculations.
3. Reinforced concrete retaining walls may be required as opposed to block walls to preserve trees located adjacent to the walls.
4. The applicant shall mitigate for the removal of 3,936 SF of tree canopy with on-site mitigation to consist of a minimum of (14) 2-inch caliper large species trees. Mitigation trees cannot be planted within utility easements or street ROW.
5. 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 $3,500 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.
6. Construction drawings must be submitted to and approved by the Urban Forester prior to the issuance of a grading permit.

Fayetteville
ARKANSAS

PC Meeting of July 14, 2008

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

THE CITY OF FAYETTEVILLE, ARKANSAS

LANDSCAPE REVIEW FORM

To: **Fayetteville Subdivision Committee**

From: **Andrew Garner, Senior Planner**

Date: **July 08, 2008**

ITEM #:R-PZD 08-2980: Planned Zoning District (Markham Hill Cottages)

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*
Y		**Mulch** *notes indicate organic mulching around trees and within landscape beds*
N		**Plans stamped by a licensed Landscape Architect**
Y		**Planting details according to Fayetteville's Landscape Manual**
		Site Development & Parking Lot Standards
Y		**Wheel stops/ curbs**
NA		**Interior landscaping** *Narrow tree lawn (8' min width, 17' min length/ 1 tree per 12 spaces)*

		Tree island (8' min. width/1 tree per 12 spaces)
Preliminary Submittal	**Final Submittal**	
Y		**Perimeter landscaping** *Side and rear property lines (5' landscaped)* *Shade trees as described in street tree planting standards,* *Parking lot adjacent to R.O.W.- continuous planting of shrubs-at least 8 per tree- and ground cover -50% evergreen)*
		Overlay District Requirements
NA		**Greenspace adjacent to street R.O.W. (25' wide)**
NA		**Large street trees planted every 30' L.F. along R.O.W.**
NA		**25% of total site area left in greenspace (80% landscape)**
NA		**Parking lots and outdoor storage screened with landscaping**
		Street Tree Planting Standards *(time of L.P. or permit)*
Y		**Residential Subdivisions- 1 large species shade tree/ lot** *tree planted within R.O.W. if possible*
NA		**Nonresidential Subdivision- 1 large species shade tree/30 L.F.** *tree planted within 15-25' greenspace*
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 *(time of L.P. or permit)*
N		**1 deciduous or evergreen tree/ 3000 square feet**
N		**4 large shrubs (3 gal) or small trees / 3000 square feet**
N		**6 shrubs or grasses (1 gal) / 3000 square feet**
N		**Ground cover unless seed or sod is specified**
N		**50% of facility planted with grass or grass like plants**

Conditions of Approval:

1. **Before construction document approval, the landscape plan must be stamped by a Landscape Architect licensed within the state of Arkansas.**
2. **All landscaping shown on this landscape plan and referenced in the PZD Master Development Plan, including the evergreen hedgerows along the perimeter property lines, is required to be planted and maintained as a condition of the PZD approval.**
3. **Prior to building permit, a cost estimate for all required landscaping is to be submitted to the Urban Forester for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy.**
4. **Under the Landscape Regulations Chapter 177, street trees must be**

bonded for a 3 year period. This bond is for the maintenance of the trees. This amount must be deposited with the City before issuance of certificate of occupancy.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
113 West Mountain St.
Fayetteville, AR 72701

ENGINEERING DIVISION CORRESPONDENCE **479-575-8206**

To: Andrew Garner, Planner June 30, 2008

From: Glenn E. Newman, Jr., P.E.
Staff Engineer

Re: Plat Review Comments (July 03, 2008 Subdivision Committee)

Development: **R-PZD 08-2980 Markham Hill Cottages**

Engineer: **Northstar Engineering Consultants, Inc.**

1. All designs are subject to the City's latest design criteria (water, sewer, streets and drainage). Review for plat approval is not approval of public improvements, and all proposed improvements are subject to further review at the time construction plans are submitted.
2. Prior to building permit, bonds in the amount of 150% of the construction cost for all public improvements will need to be submitted.
3. In accordance with Section 170.08 of the UDC, either the Developer, Property Owner, or Property Owner Association shall comply with the required maintenance responsibilities for storm water management as set fort under section (B)(5) and (B)(6).
4. Written permission is required to grade within 5 ft of the property line. Specifically the property to the south 765-11940-000 required to install the Bocce Court.
5. Written permission is required to grade/install retaining wall on adjacent property. Specifically the property to the north 765-14582-000.
6. Any retaining wall more than four feet in height shall be designed by a registered professional engineer in the state of Arkansas and shall be field inspected by the design engineer.
7. Safety railings are required on any retaining wall greater than 30" in height. The safety railing shall be built in to the more stringent requirements of the SBCC or AASHTO.
8. Provide capacity analysis of the existing 6 in sanitary sewer system which this development will connect to the first 8" main downstream.

From: Glenn Newman
To: Garner, Andrew
Date: 7/2/08 1:22PM
Subject: Re: Fwd: Markham Hill: Retaining Wall variance

Andrew,

Engineering has discussed this issue with Chuck Rutherford (ADA Administrator) and agree that allowing the retaining wall to be installed adjacent to the sidewalk will not cause an unsafe condition. Since the request to allow this variance is in an effort to preserve existing significant canopy, we will support the requested variance dated June 25, 2008.

Please let me know if you have any additional questions.

Glenn

Glenn E. Newman, Jr., P.E.
City of Fayetteville
Staff Engineer
479-575-8206

>>> Andrew Garner 6/30/2008 4:34 PM >>>
See below.

Andrew M. Garner
Senior Planner
City of Fayetteville
125 West Mountain Street
Fayetteville, Arkansas 72701

Tel.479.575.8262
Fax.479.575.8202
agarner@ci.fayetteville.ar.us
www.accessfayetteville.org

>>> "Dan" <Dan@sharparch.net> 06/30/08 10:59 AM >>>
Andrew,

The attached letter is to request a variance for the retaining wall shown within 5 feet of the ROW for Nettleship Street.

I neglected to include it in our submittal for Subdivision Committee.

We will include it in the Planning Commission submittal if it is too late to include now.

We understand that it would be included as a condition for approval by Planning and Engineering.

Thank you,

Dan

From: Brian Pugh
To: Fulcher, Jesse; Garner, Andrew; Sanders, Dara
Date: 7/2/08 10:56AM
Subject: Subdivision Committee 7-3-08

R-PZD 08-2980 (Markham Hill Cottage Cts) The proposed trash pick up points are not all labeled with the sizes identified. Spoke with Daniel Dean with Rob Sharp about getting these labeled to be clearly identified on the plans. Plans must identify these areas before approval from Solid Waste. The 3' x 7' size will be too small to adequately hold and service the carts. The largest residential cart is 30 inches wide and we need approximately two feet between carts in order to service with the automated arms. Please plan on 54 inches for each cart and space for automated arm per cart set out. Counting the houses and the pads, 4 out of the 5 areas will hold 3 carts with one holding 4 carts. Also need to plan for stacking of recycling bins in each area but cannot place bins directly next to carts because of automated arm. Automated recycling could occur in the future so extra space configured for recycling would be wise. Also Solid Waste does not want to run trucks on Sutherland Lane due to small size of road. Please move Recycling shed to access off Maine St. or show another shaded area sized accordingly for the houses on the southern end of development. 28 recycling bins in one area is too much and residents should put recycling bins in the same area as their carts as long as they do not put them directly next to the carts. Overhanging trees will not be permitted in areas set aside for Solid Waste and Recycling collection due to the automated arms, please remove them from plans.

LSD 08-3023 (The Gardens of Persimmon) Please show size of double enclosure on plans. Double enclosure should be 30' x 12' in size. Please provide architectural plans showing gate plans for enclosure.

LSD 08-2946 (Wedington Medical Center) Southeast area designated for 2 dumpsters is not large enough. Please show enclosure area as 30' x 12' for 2 dumpsters. Also, please show gate design on architectural plans and send to solid Waste for approval.

R-PZD 08-2990 (Creekside, 360) All non single family homes require commercial service. Please show appropriate number of enclosure for dumpsters for the number of units on plans. Enclosures should be 15' wide x 12' deep and identified on the plans.

Brian Pugh
Waste Reduction Coordinator
Fayetteville Solid Waste and Recycling
479-718-7685
479-444-3478 Fax

Fayetteville
ARKANSAS
THE CITY OF FAYETTEVILLE, ARKANSAS

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

TO: Andrew Garner, Planner

FROM: Alison Jumper, Park Planner

DATE: June 30, 2008

SUBJECT: Parks & Recreation Subdivision Committee Comments

****

Meeting Date: July 3, 2008
Item: R-PZD 08-2980 (Markham Hill Cottage Courts, 520)
Park District: SW
Zoned: RMF-24
Billing Name & Address: Robert Alberston 1934 Maine Street, Fayetteville, AR 72701

	Land Dedication Requirement	***Money in Lieu***
Single Family	_____@ .024 acre per unit = _____ acres	18 @ $960 per unit = $17,280
Multi Family	_____@ .017 acre per unit = _____ acres	5 @ $680 per unit = $ 3,400

COMMENTS:

- PRAB recommended money in lieu of land on March 3, 2008 due to the small size of park land requirement.
- Fees in the amount of $20,680 for 18 single family units and 5 multi-family units will be assessed and are due prior to building permits.

Date 4/28/08

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 08-2980: (Markham Hill Cottage Courts, 520): Submitted by Robert Sharp for property located North of Main St., Between Sang and Cross, 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 2.65 acres.

It is the opinion of the Fayetteville Police Department that this R-PZD will not substantially alter the population density, and will not create an appreciable or undesirable increase in the load on police services. This R-PZD will possibly create an appreciable increase in traffic danger and congestion.

Sincerely,

Captain William Brown
Fayetteville Police Department

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**

From: **David Williams, Battalion Chief**

Date:

Re:

PZD 08-2980: Planned Zoning District (MARKHAM HILL COTTAGE COURTS, 520): Submitted by ROBERT SHARP for property located NORTH OF MAINE ST., BETWEEN SANG AND CROSS. The property is zoned RMF-24, MULTI FAMILY - 24 UNITS/ACRE and contains approximately 2.65 acres. The request is for Zoning, Land Use, and Development approval of a Master Development Plan for a Residential Planned Zoning District with 23 single family dwelling units and various amenities in the Hillside Hilltop Overlay District.

This development will be protected by Engine 6 located at 900 Hollywood.
It is 0.6 miles from the station with an anticipated response time of 3 minutes to the beginning of the development.
The Fire Department anticipates 4 (3 EMS – 1 Fire/Other) calls for service each year after the development is completed and maximum build-out has occurred. Typically, this type of development usually takes 12 – 18 months, after the development is started, before maximum build-out occurs.
The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.
Measured hydrant flow in this area is [redacted] gallons per minute.

If you have any questions please me.

David Williams

David Williams
Fire Marshal
Fayetteville Fire Department

From: <hank@broylesdevelopment.com>
To: "Jeremy Pate" <jpate@ci.fayetteville.ar.us>
Date: 6/9/08 3:56PM
Subject: Subdivision Committee

Dear Jeremy,

I own two development lots on Maine Street close to the Markham Hill Cottage Courts project.

I am unavailable this Thursday Morning to attend the Subdivision Meeting. Please pass on my written comments below:

"I have reviewed the Markham Hill Cottage Courts proposal and I fully support the project."

Thank you,
Hank Broyles

CC: "Rob Sharp" <rob@sharparch.net>

REGISTERED
ROBERT SHARP, ARCHITECT, INC.
525 SOUTH SCHOOL AVE | STE 220
FAYETTEVILLE | AR | 72701
PHONE: 479-442-0229
FAX: 479-442-8721
RSA

June 25, 2008

City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701

RE: RETAINING WALL VARIANCE REQUEST
MARKHAM HILL COTTAGE COURTS

The office of Robert Sharp Architect Inc. respectfully requests a variance from the right-of-way distance requirement and sidewalk clearance for one retaining wall at the Shade Garden at the western portion of the site.

Allowing the retaining wall at the south end of the Shade Garden to extend to the right-of-way line for Nettleship Street will provide an additional 137 square feet of preserved tree canopy, specifically that of significant tree number 12, a 23" DBH White Oak with approximately 40' diameter canopy. Curving this wall such that it will touch the right-of-way will reduce the separation between the wall and edge of sidewalk below the two foot minimum outlined in Chapter 171C1 of the City sidewalk criteria for a distance of approximately 50 feet. This wall will be between 4 and 5 feet tall. The sidewalk is buffered from street traffic by an on-street parking stall and a landscaping bulb-out. Nettleship Street has been designed using the Hillside/Hilltop residential street cross section with on-street parking intermittent on both sides. We believe that extending this wall to the right-of-way line does not present a significant safety hazard. We request a variance for placing this retaining wall within the ROW and reducing the required separation distance between this wall and the sidewalk to zero.

Thank you for your consideration.

Sincerely,

Daniel Dean, Architect

ROBERT SHARP, ARCHITECT, INC.
525 SOUTH SCHOOL AVE | STE 220
FAYETTEVILLE | AR | 72701
PHONE: 479-442-0229
FAX: 479-442-8721
R S A

June 4, 2008

Letter to the City Council
113 West Mountain Street
Fayetteville, Arkansas 72701

RE: VARIANCE REQUESTS
MARKHAM HILL COTTAGE COURTS

The office of Robert Sharp Architect Inc. respectfully requests a variance from two requirements of the Hillside/Hilltop Overlay District local street cross-section for Nettleship Street, and a waiver of standard efficient parking dimensions for motor court two in the Markham Hill Cottage Courts project.

The HHOD local street cross-section allows for one seven foot wide lane for on-street parking. In the locations illustrated on the enclosed site plan, we have shown seven foot wide parallel parking on both sides of the street. On-street parking is an important tool for proper hillside development: on-street parking requires about 170 square feet of paving, while an off-street parking stall requires about 350 square feet of paving for the parking stall and access drives. This results in about 50% less paving, thereby reducing storm water runoff and the extent of cut-and-fill grading. We request a waiver from the Hillside/Hilltop local street cross-section to permit parallel parking on both sides of Nettleship street as indicated, to provide the required number of stalls and minimize paving area.

The enclosed site plan also illustrates the sidewalk abutting the curb in some places, as called for in the HHOD local street cross-section, and allows for planting and trees between curb and sidewalk in others. This variation will enliven the streetscape and allow for closer relationships between the public sidewalk, residences, and amenities. We request a waiver from the Hillside local street cross-section, allowing the sidewalk to not abut the curb in the designated locations.

City staff has noted concern about the automobile turning movements for motor court two. We recognize that the multi-point turns required are less than ideal. In order to maintain the tree preservation area on the north property line and create a pedestrian friendly development, curb cuts are minimized and this motor court is tucked away from the street. Because the neighborhood plan is intended to promote sustainable transportation options, we believe that residents will choose to use their automobiles infrequently, own smaller vehicles with tighter than average turning radii, and/or be willing to experience some maneuvering challenges in exchange for the benefits the design provides. We request a waiver from City standard efficiency parking dimensions for motor court two in order to preserve the pedestrian-scaled atmosphere of the neighborhood.

Thank you for your consideration.

Sincerely,

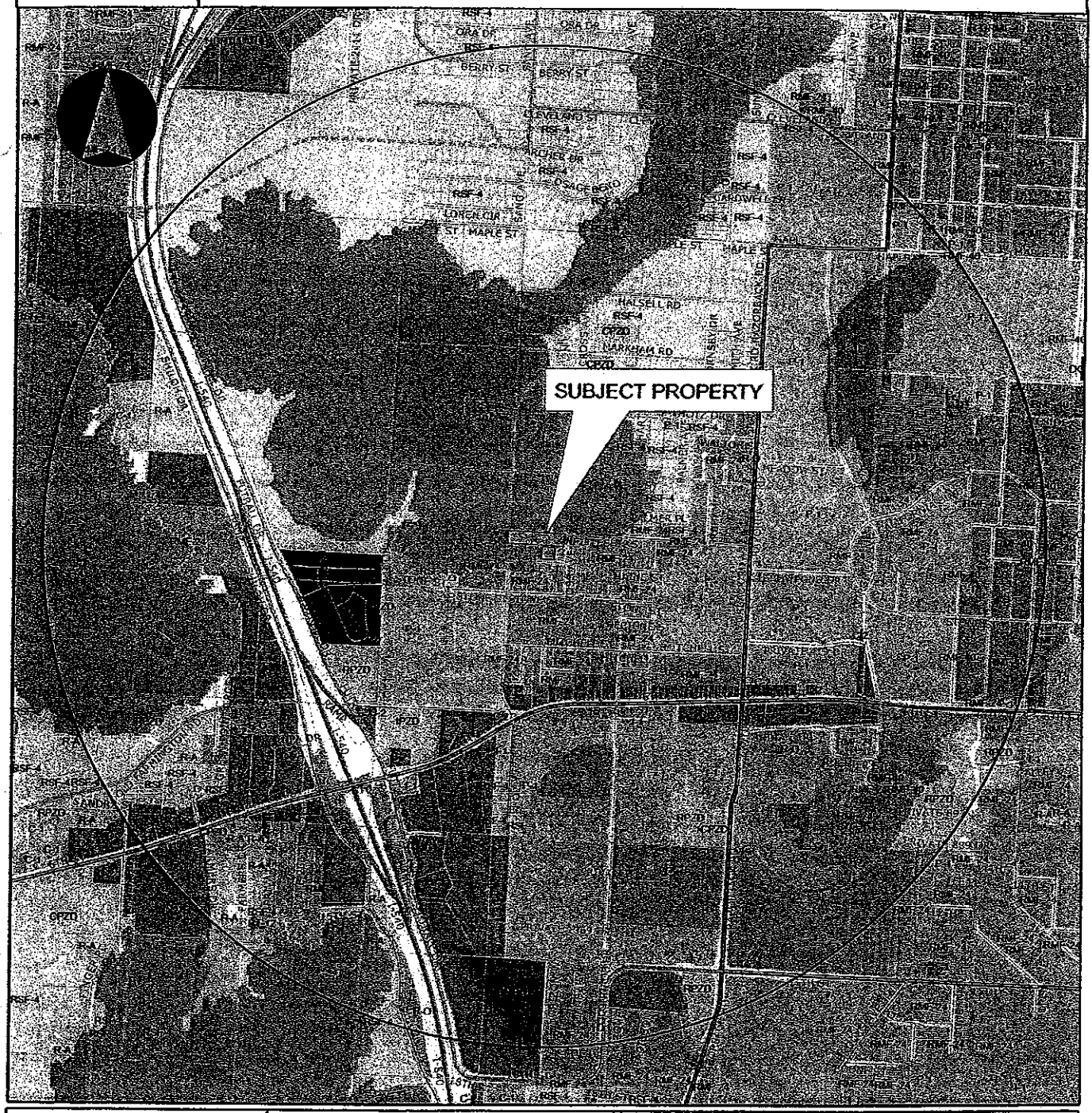
R Sharp

Robert Sharp, Architect

RPZD08-2980

One Mile View

MARKHAM HILL COTTAGE COURTS



Overview

Legend

Subject Property

RPZD08-2980

Boundary

Planning Area

Overlay District

Outside City

Legend

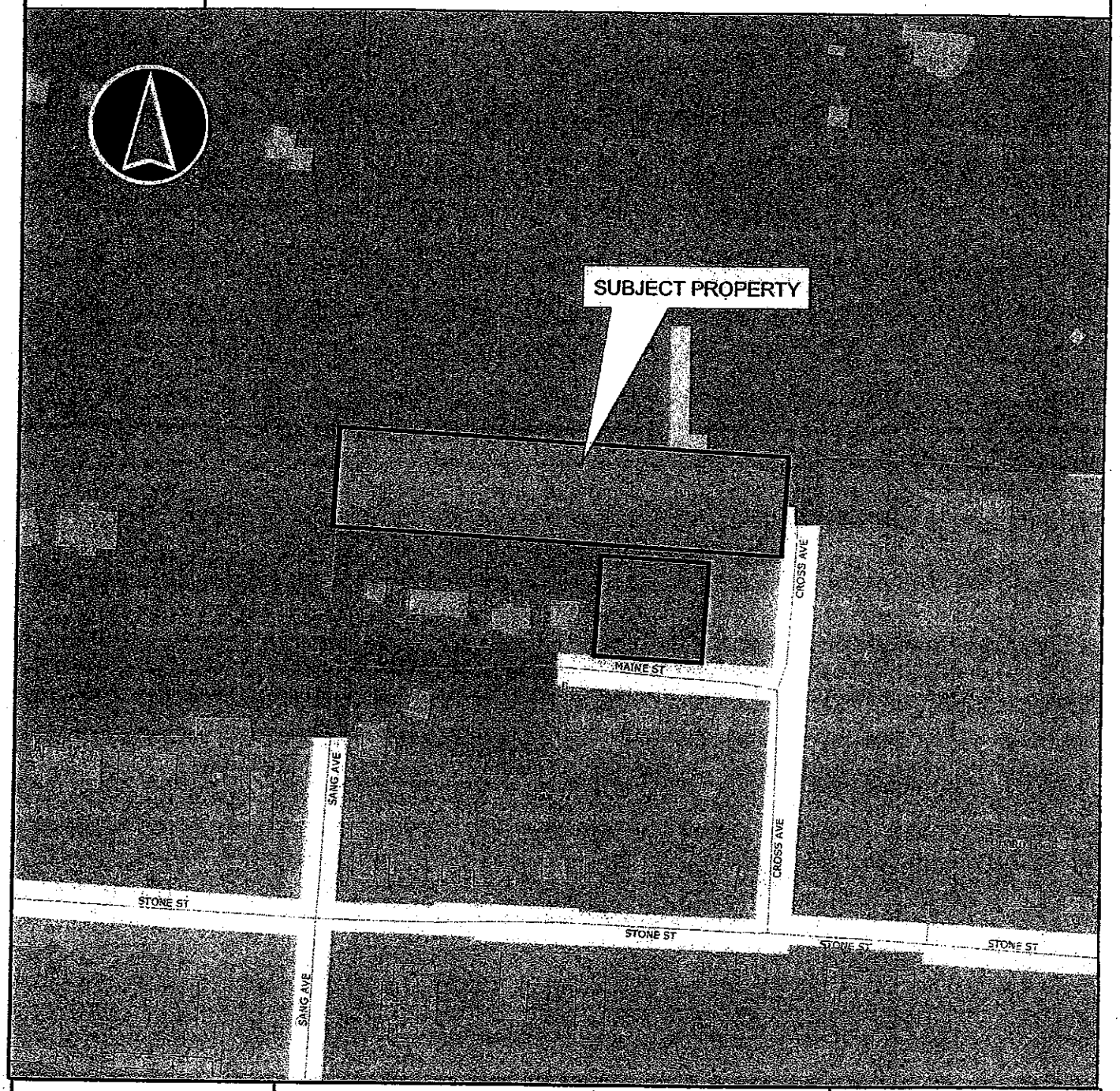
Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

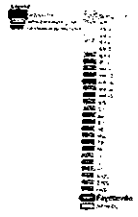
RPZD08-2980

Close Up View

MARKHAM HILL COTTAGE COURTS



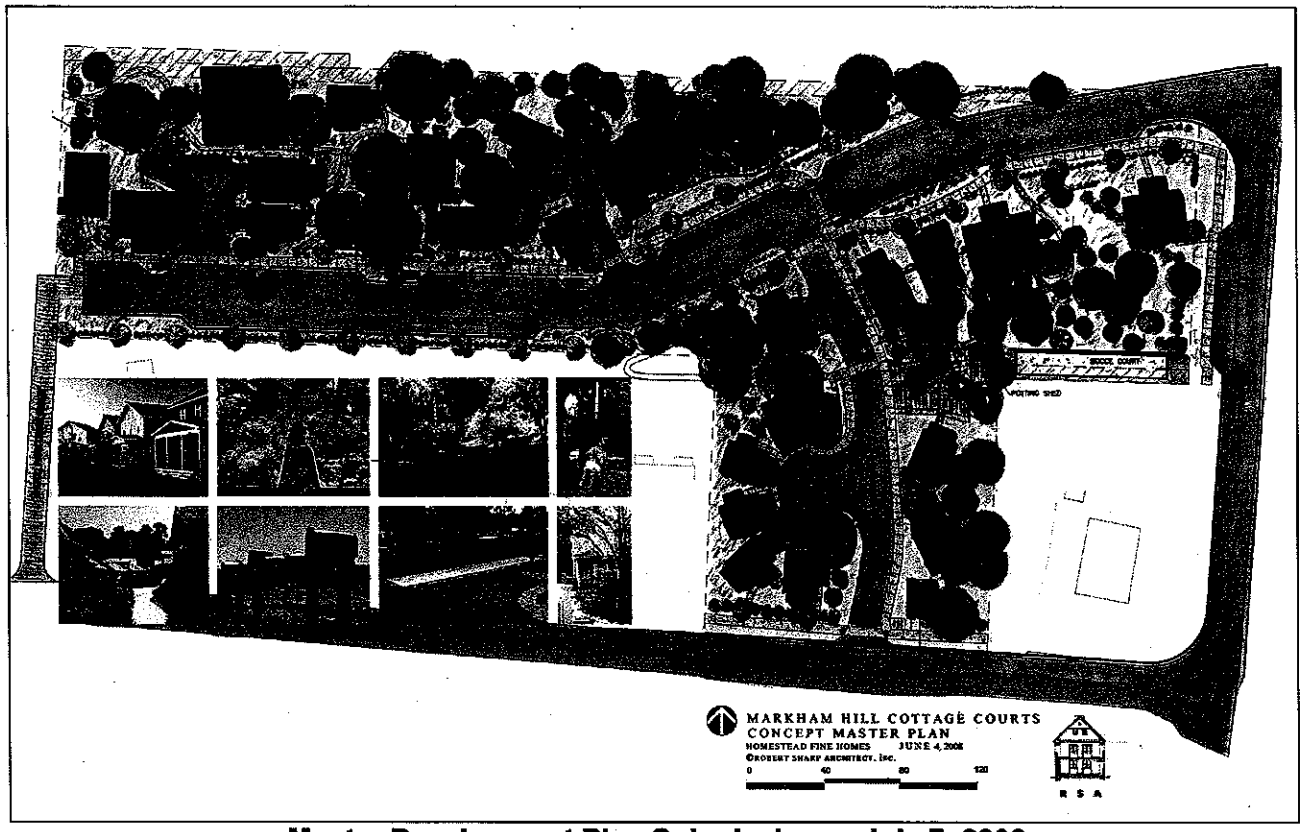
Overview



0 75 150 300 450 600 Feet

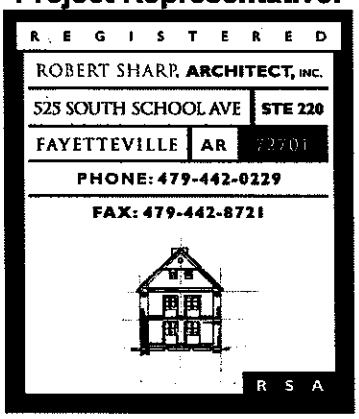
MARKHAM HILL COTTAGE COURTS

A Homestead Homes, LLC Development



Master Development Plan Submission July 7, 2008
City Council Review July 16, 2008

Project Representative:



Robert Sharp Architect, Inc.
525 South School Avenue
Fayetteville, AR 72701

Northstar Engineering Consultants, Inc.
207 South Main Street
Bentonville, AR 72712

a. MARKHAM HILL COTTAGE COURTS

Property owner: Robert Albertson
Developer: Homestead Homes, LLC
Project Representative: Robert Sharp Architect, Inc.

b. Summary Description: Combining concepts of the Fayetteville City Comprehensive 2025 plan with the particular needs of the City of Fayetteville Hillside/Hilltop Overlay District (HHOD), the design approach for Markham Hill Cottage Courts focuses on the spaces between the homes and the community-building features such as front porches, landscaping, and shared amenities that will work with the natural features of the site to create unique and meaningful shared space. A more typical development within the currently allowed RMF-24 zoning would not suit the site, contribute to the existing neighborhood, or be consistent with the vision of the 2025 plan.

The plan consists of twenty-three detached cottages of varying sizes and types that will fit with the spirit of the area, along with the reconditioning of the existing house. Eighteen of the cottages will be single family and five of the cottages will be two-family with efficiency apartments in the lower level. The homes will exhibit a good deal of variety in terms of color, site relationships, and architectural details to transcend the homogenous monotony of typical large scale residential developments. The homes will appeal to small families and empty nesters as well as single professionals and young adults. Each individual cottage will be offered for sale and is intended to be owner occupied. The Markham Hill Cottage Courts are not designed as low cost housing for a transient student population. The site is 2.54 acres and the overall proposed density is 11 units/acre. The cottages will be sold under a Horizontal Property Regime and the land will be under common ownership of a Property Owner's Association.

The home and street designs for Markham Hill Cottage Courts respond to the existing contours of the hillside instead of imposing a simpler but less visually and environmentally appealing strategy, thereby minimizing site disturbance from retaining walls. Community vegetable gardens, crushed stone footpaths, tree-shaded sidewalks, a children's play area, and a Bocce ball court will beautifully functionalize the interstitial spaces between homes, encourage interaction between neighbors, and contribute to the village atmosphere of the neighborhood.

The site's proximity to Ramay Junior High School, the commercial services provided by Sixth Street, and the University of Arkansas campus make it an appropriate spot for residential development in terms of the goals of the City of Fayetteville 2025 Comprehensive Plan. Its location just south of the City's planned Hotz Park Trail will afford residents the opportunity to use the components of Fayetteville's rapidly growing Green Network and help foster a livable transportation network for Fayetteville. The land lies on the "downtown" side of I-540, facilitating pedestrian and sustainable transportation options for the residents and illustrating the preferable alternative to disconnected sprawl development. The homes will be attainably priced while still exemplifying high-quality, durable and attractive design and material characteristics.

(3) **Buffer Areas**: The site's hillside topography will provide some natural buffering with surrounding developments and natural areas. Evergreen hedgerows supply screening and privacy along Nettleship Street. Garages for the homes along Nettleship Street are pulled back from the right-of-way to maintain the pedestrian scale of the street front. The community spaces serve both as gathering points and as buffers between the clusters of homes. The Landscape plan submitted by Northstar Engineering as part of the Large Scale Development shows the proposed landscaping in detail.

(4) **Tree Preservation Areas:** As many of the existing valuable trees as possible will be kept on site both to comply with the Fayetteville HHOD and to preserve the many benefits of mature canopy to the neighborhood. Two white oak trees in the northwest portion of the site will serve as sheltering canopy for a neighborhood shade garden. Canopy will be preserved adjacent to the community vegetable gardens, children's play area, and along property lines where possible. A tree preservation plan has been submitted as part of the Large Scale Development.

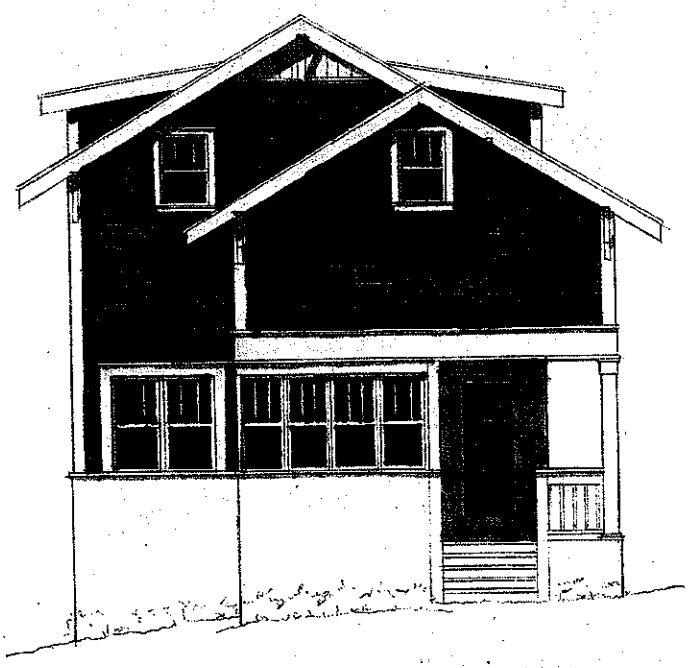
(5) **Storm Water Detention Areas and Drainage**: Refer to "Storm Water Pollution Prevention Plan", sheet 3 and "Grading Plan", sheet 4 by Northstar Engineering for details of storm water management during and after construction. All storm water will be retained on site during a storm event and released slowly to match pre-development drainage patterns.

(6) **Undisturbed Natural Areas:** The tree preservation area featuring existing trees on the north property boundary will be left undisturbed. Some work will be required around other canopy areas, including plantings in the Shade Garden area and play equipment in the children's area. Additionally, curbs will be constructed around generous planting areas for trees adjacent to roadways, footpaths, and sidewalks. This work will follow the City of Fayetteville Landscape Manual in terms of mulching and fencing to protect root systems during construction.

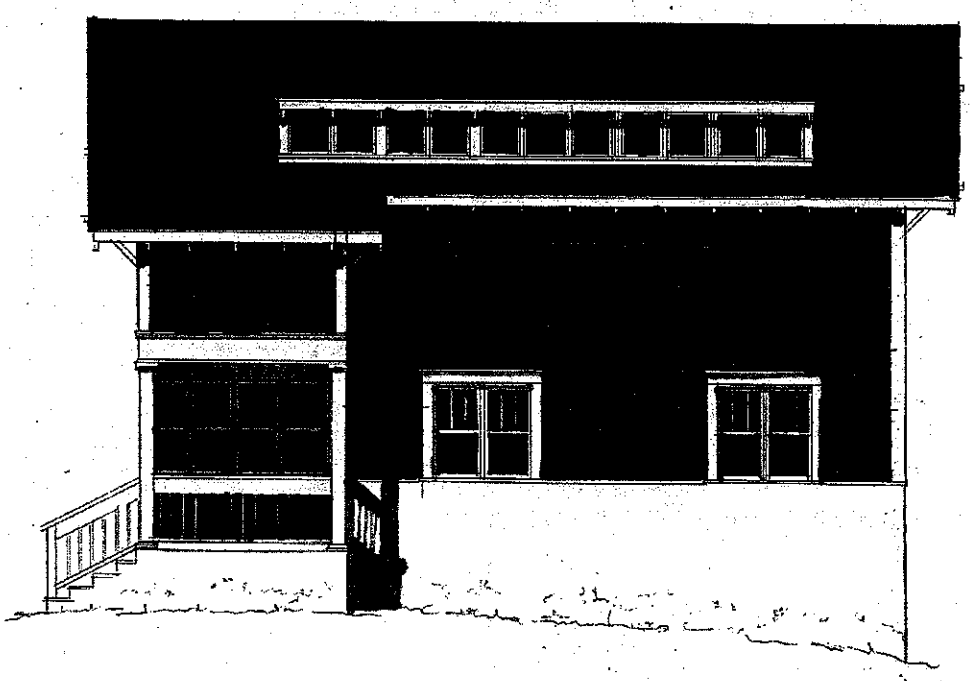
(7) **Existing and Proposed Utility Connections and Extensions:** Refer to "Utility Plan," sheet 11 by Northstar Engineering for details of utility connections and extensions. All utilities are available at the site.

(8) **Development and Architectural Design Standards:** Though variation in terms of color, scale elements, and architectural detailing is desirable to avoid monotony, the buildings will exhibit a coherent relationship to one another in terms of amenities such as front porches, simple roof lines, and the use of a conscientious palette of quality, durable materials. Please see the design standards listed in the zoning criteria, and the building elevations provided in this booklet.

(9) **Building Elevations**: The elevation drawings illustrate the typical architectural treatment throughout the project. Features which communicate the human scale relationships with the facades, such as window proportions, porch detailing, trim and sheathing and finish materials will remain consistent with the elevation drawings. Likewise, larger scale elements such as simple roof lines with dormer windows and site relationships to community amenities and natural features will fulfill the vision for the neighborhood put forth in the Summary Description above.



The Cook's Cottage, Preliminary Front Elevation:
Scale: 1/8" = 1'-0"



The Cook's Cottage, Preliminary Side Elevation:
Scale: 1/8" = 1'-0"

d. Proposed development phasing and time frame: The project will begin construction of streets and infrastructure within one year of PZD approval. Construction will be completed over a one to five year timeline, depending on sales of the cottages and the financial goals of the developer. Building permits for all cottages in this development will be obtained within five years from PZD approval.

e. Proposed Planning Areas: The entire project will take place in a single phase and will not necessitate separate planning areas.

f. Proposed Zoning and Development Standards:

(A) **Permitted uses by Use Unit:**

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 8	Single-family dwelling
Unit 9	Two-family dwelling

(B) **Conditional uses by Use Unit**

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 24	Home occupations

(C) **Land Use Density and/or Intensity**

Total Acreage: 2.54
Number of Dwelling Units: 28
Density: 11 units/acre

Units per acre	11

(D) **Bulk and area regulations**

(1)Lot Width Minimum:

21 feet

(2) Lot Area Minimum:

588 sq ft

(3) *Land Area per Dwelling Unit:*

Cottage Houses:	800 s.f.

(B) **Conditional uses by Use Unit**

Unit 2	City-wide uses by conditional use permit		Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities		Unit 3	Public protection and utility facilities
Unit 24	Home occupations		Unit 4	Cultural and recreational facilities
			Unit 11	Manufactured home park
			Unit 25	Professional Offices
			Unit 24	Home Occupations
			Unit 36	Wireless communications facilities

(D) **Land Use Density and/or Intensity**
Total Acreage: 2.54
Number of Dwelling Units: 28
Density: 11 units/acre

Units per acre	11		Units per acre	4 to 24

(D) **Bulk and area regulations**

(1)Lot Width Minimum:

21 feet		Manufactured home park	100'
		Lot within a Manufactured home park	50'
		Single-Family	60'
		Two-family	60'
		Three or more	90'
		Professional offices	100'

(2) Lot Area Minimum:

588 sq ft		Manufactured home park	3 acres
		Lot within a Manufactured home park	4,200 sq. ft.
		Townhouses: • Development • Individual lot	 10,000 sq. ft. 2,500 sq. ft.
		Single-family	6,000 sq. ft.
		Two-family	7,000 sq. ft.
		Three or more	9,000 sq. ft.

(3) *Land Area per Dwelling Unit:*

N/A			Manufactured home	3,000 sq. ft.
Cottage Houses:	800 s.f.		Apartments: -No bedroom -One Bedroom -Two bedroom	 1,700 sq. ft. 1,700 sq. ft. 2,000 sq. ft.
N/A			Fraternity or Sorority	1,000 sq. ft./ resident

l. Traffic study when required: not required

m. Impacts on City services: The impact of the project will be minimal in terms of creating a significant load on city services. Water, sewer, police and fire protection should be compensated for any additional needs by the impact fees that will be paid by the developer prior to completion of the cottages.

n. "STATEMENT OF COMMITMENTS"

(1) Dedication: As per attached drawings by Northstar Engineering showing extension of Nettleship Street, a public alley, and utility easements.

(2) On or off site Improvements: As per attached drawings by Northstar Engineering showing extension of Nettleship Street, a public alley, and utility easements. The development will provide offsite street improvements from the southeast property corner along Maine Street to the southeast property corner along Cross Avenue, including 20 feet of asphalt pavement, curb and gutter, and storm drain improvements.

(3) Natural Resources and Environmentally Sensitive Areas: The project is located within the City of Fayetteville HHOD. The small footprint homes are nestled among existing trees to minimize disturbance of existing root systems. Shared drives and the narrow cross section of the two-way alley minimize the area of impervious surfaces, thereby allowing infiltration and evaporation to handle some of the rainwater on the site. The development will follow the requirements of the HHOD.

(4) Project Phasing restrictions: The project will begin construction of streets and infrastructure within one year of PZD approval. Construction will be completed over a one to five year timeline, depending on sales of the cottages and the financial goals of the developer. Building permits for all cottages in this development will be obtained within five years from PZD approval.

(5) Fire Protection: Markham Hill Cottage Courts will be served by the Fayetteville Fire Department. Fire hydrants will be spaced at or below the minimum intervals required by the Fayetteville Unified Development Code.

(6) Other Commitments imposed by the City: No commitments other than those outlined in the City of Fayetteville Planned Zoning District process are imposed by the City at this time.

(7) Parks/Trails/Open Space Commitments: The property is adjacent to the City's proposed Hotz Park Trail which will connect to Hotz Park as well as to Ramay Junior High School outdoor facilities. The project will provide a multi-use trail to be constructed as indicated on plans through the existing Sang Avenue right-of-way to Maine Street as recommended by the City Trails Coordinator. The Fayetteville Parks board has approved a fee In lieu of land dedication.

(8) Proposed Preliminary Building Elevations: Buildings will be constructed consistent with the concepts illustrated by the enclosed elevation drawings in item C9, above.

(11) **Tree Preservation:** The developed areas of Markham Hill Cottage Courts preserve and take advantage of the many benefits of mature significant trees. The site layout attempts to not only protect but to showcase significant specimens, such as the 25" DBH white oak that will shelter the children's play area and the 23" DBH white oak in the shade garden area. In situations where trees will be removed for the construction, their loss will be mitigated as called for by the City of Fayetteville Tree Protection and Preservation Ordinance.

(12) **Architectural Design Standards:** Though variation in terms of color, scale elements, and architectural detailing is desirable to avoid monotony, the buildings will exhibit a coherent relationship to one another in terms of amenities such as front porches, simple roof lines, and the use of a conscientious palette of quality, durable materials. The designs will be consistent with the preliminary elevations included in this booklet.

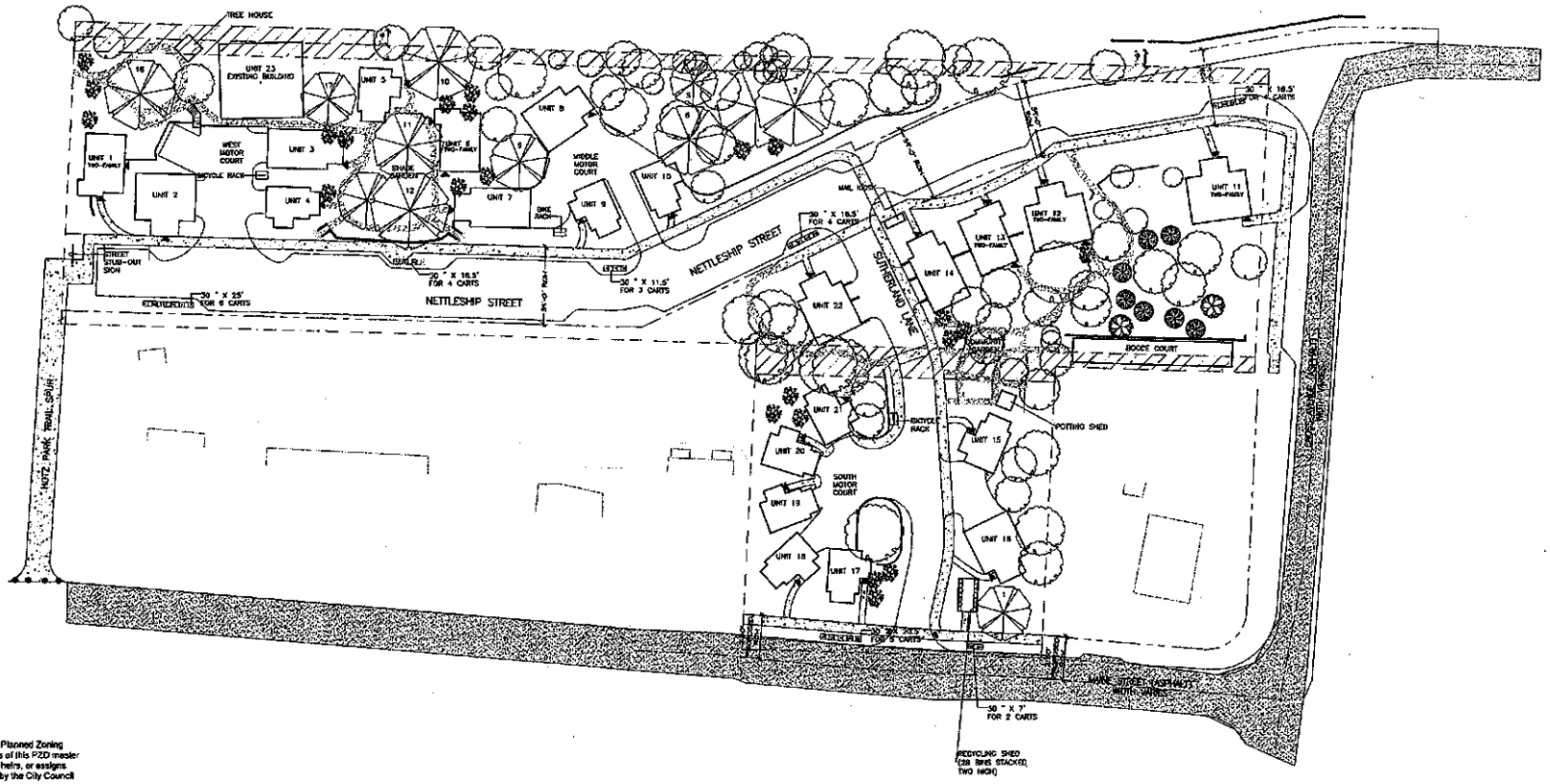
(13) **Proposed Signage (type and size):** None, except for street signs, house number signs as requested by emergency responders, and a street stub-out sign as requested by City Planning staff.

(14) **View Protection:** The proposed three story height limit assures protection of the view of the uphill neighbors, as well as the view of the hillside from the valley.

(15) **Revocations:** The developer understands that failure to comply with the commitments and standards being proposed by this PZD are cause for revocation of approval.

(16) **Covenants, Trusts, and Homeowner Associations:** A Property Owners Association will be established to maintain common elements such as shared gardens, Bocce ball court, and non-residential structures.

p. **Response as to how the proposal fulfills the intent/purpose of the Planned Zoning District:** The plan for Markham Hill Cottage Courts illustrates a vision for neighborhood development that coincides with the intent of the Planned Zoning Development District. Careful consideration of the particular challenges and opportunities presented by site topography and existing natural features make the project compatible with the land in which it will be built. The general plan provides variety within the development through building orientation, clustering, and deference to existing trees. The proposed cottages are smaller and more affordable than typical single-family detached homes and will add to the variety of housing types in the City as a whole. The project will exhibit cohesion in terms of architectural detail, amenities, scale and proportion, and site connection through pedestrian facilities that encourage neighborhood interaction. Useful and meaningful shared outdoor spaces and special features such as the children's play area, and vegetable gardens will also contribute to a community atmosphere. This siting strategy would not be possible without the Planned Zoning Development process. It is our hope that this project will serve as an exemplar for future development of the type promoted by the Fayetteville City Plan 2025, rather than that of a typical development in the current RMF-24 zoning.



MARKHAM HILL COTTAGE COURTS
(Master Development Plan)

GENERAL PROVISIONS

Authority

This PZD master development plan is authorized by Sections 161 and 166 – Planned Zoning Districts of the City of Fayetteville Unified Development Code. The provisions of this PZD master development plan shall run with the land. The landowners, their successors, heirs, or assigns shall be bound by this master development plan, as amended and approved by the City Council

Adoption
The adoption of this PZD master development plan shall evidence the findings and decision of the Fayetteville City Council that this Planned Zoning District for Markham Hill Cottage Courts is in general conformity with the Fayetteville General Plan 2025; is authorized by the provisions of Section 161 and 166 of the City of Fayetteville Unified Development Code.

The provisions of this PZD master development plan shall prevail and govern the development of Markham Hill Cottage Courts, provided, however, that where the provisions of this Master development plan do not address a particular subject, the relevant provisions of the City of Fayetteville Unified Development code, as amended, or any other applicable resolutions or regulations of the City of Fayetteville, shall be applicable.

Enforcement
To further the mutual interest of the residents, occupants, and owners of the PZD Master development plan and of the public in the preservation of the integrity of the Plan, the provisions of this Plan relating to the use of land, statement of commitments, development and architectural standards, and the location of common open space shall run in favor of the City of Fayetteville and shall be enforceable at law or in equity by the City without limitation on any power or regulation otherwise granted by law.

Conflict
Where there is more than one provision within the PZD Master Development Plan that covers the same subject matter, the provision which is most restrictive or imposes higher standards or requirements shall govern unless determined otherwise by the Zoning and Development Administrator.

Maximum Level of Development
The total number of dwellings or the total commercial, business, or industrial intensity approved for development within the Planning Areas is the maximum development requested for platting or construction. The actual number of dwellings or level of development for commercial, business, or industrial properties may be less due to subdivision or site improvement plan requirements or other requirements of the City Council.

Project Tracking
At the time of subdivision that plat of large scale development the applicant shall provide a summary of the development, to date, to the Planning Division, in order to assure maximum development limits are not exceeded.

CONCEPT / MASTER PLAN (A1)

30' 120'
0 60' 180'

LEGAL DESCRIPTION:

LOTS 16, 17, 18, 28 THRU 39 OF BLOCK NUMBER 1
OF WEST END SUBDIVISION, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS.

ROBERT SHARP ARCHITECT, INC
325 S. SCHOOL AVE | STE 200
FAYETTEVILLE | AR | 72701
PHONE: 501-442-0225 FAX: 501-442-8721

MARKHAM HILL COTTAGE COURTS
MAINE STREET
FAYETTEVILLE | AR
72701

HOMESTEAD HOMES, LLC
1370 SOUTH OLD MISSOURI ROAD
SPRINGDALE, AR 72764

JOB NO. 07018
7/07/2008
COVER SHEET
A1

Unit 1	Public protection and utility facilities
Unit 2	Single-family dwelling
Unit 3	Two-family dwelling

(B) Additional uses by Use Unit

Unit 1	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 24	Home occupations

(C) Residential Density
- Acreage: 2.54 including vacated alleys
- Number of dwelling units: 28
- Nonresidential square feet: 0
- Density: 11.02 DU/Acre

Bulk and area regulations

(D) Lot Width Minimum:

21 feet

(E) Lot Area Minimum:

588 sq ft

(F) Land Area per Dwelling Unit:

N/A	
Cottage Houses:	500 s.f.
N/A	

(G) Setback requirements

Front	5 ft (0 ft @ lot 2 & Hell Kiln)
Side	Minimum building separation will be provided in accordance with applicable building and fire codes.
Perimeter, Side, and Rear Property Lines	5 ft

(H) Height Regulations

Structures may not exceed 45 feet as per Hillside/Ridge Overlay District Best Management Practices Manual

(I) Building Area

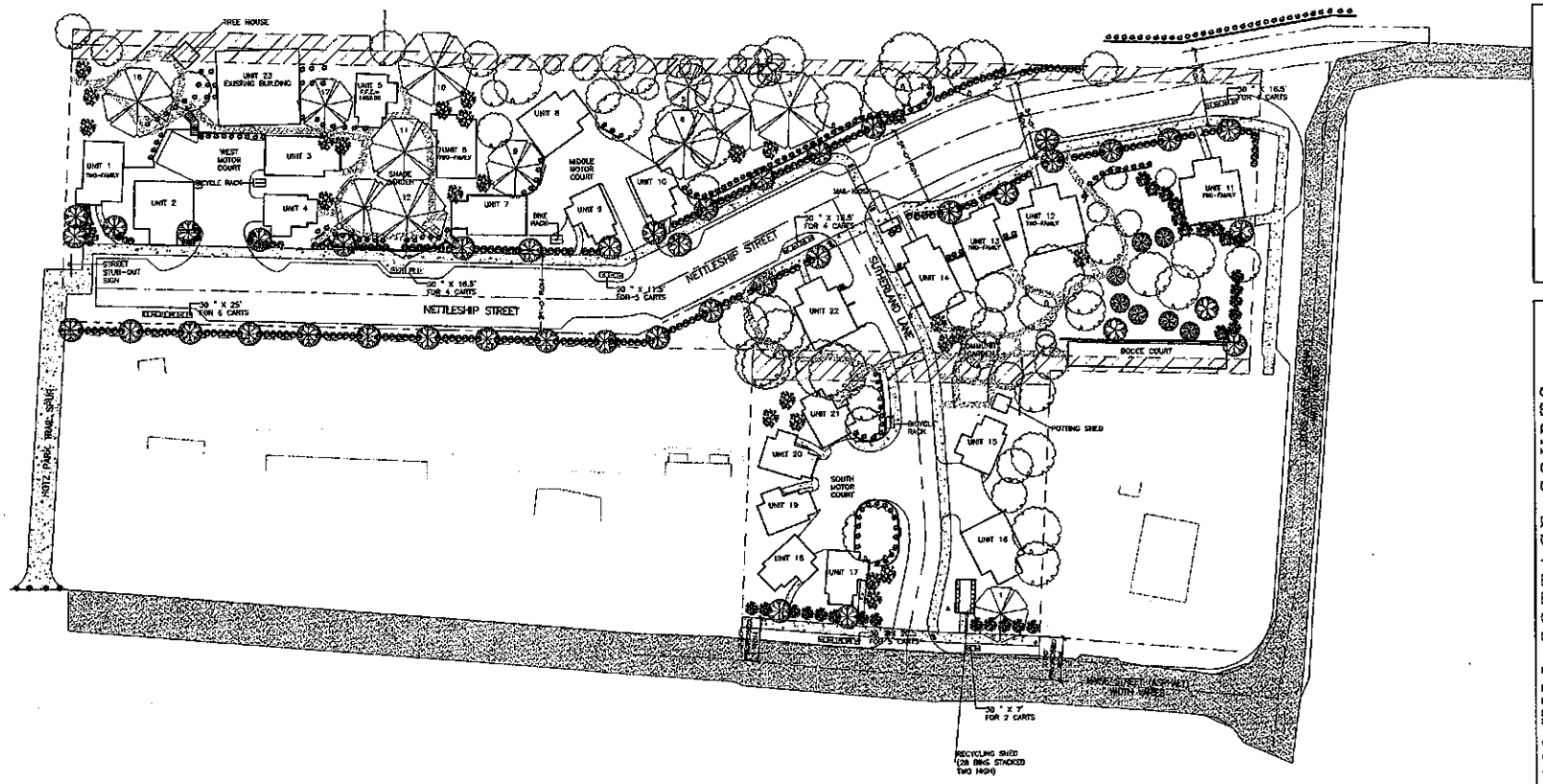
None

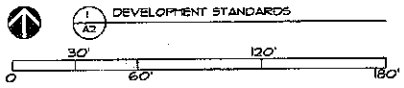
(J) Landscaping: In accordance with City of Fayetteville Unified Development Code and City of Fayetteville Landscape Manual. Landscaping above and beyond the UDC will be provided as indicated on the Landscape Plan.

(K) Parking: In accordance with City of Fayetteville Unified Development Code. 55 parking stalls including private garages and on-street stalls.

(L) Architectural Design Standards: The buildings will be consistent in appearance with the concepts presented in the preliminary elevation drawings included in the PZD booklet.

(M) Signage: All signage on the property will comply with City of Fayetteville sign ordinance





ROBERT SHARP ARCHITECT, INC
325 S. SCHOOL AVE | STE 220

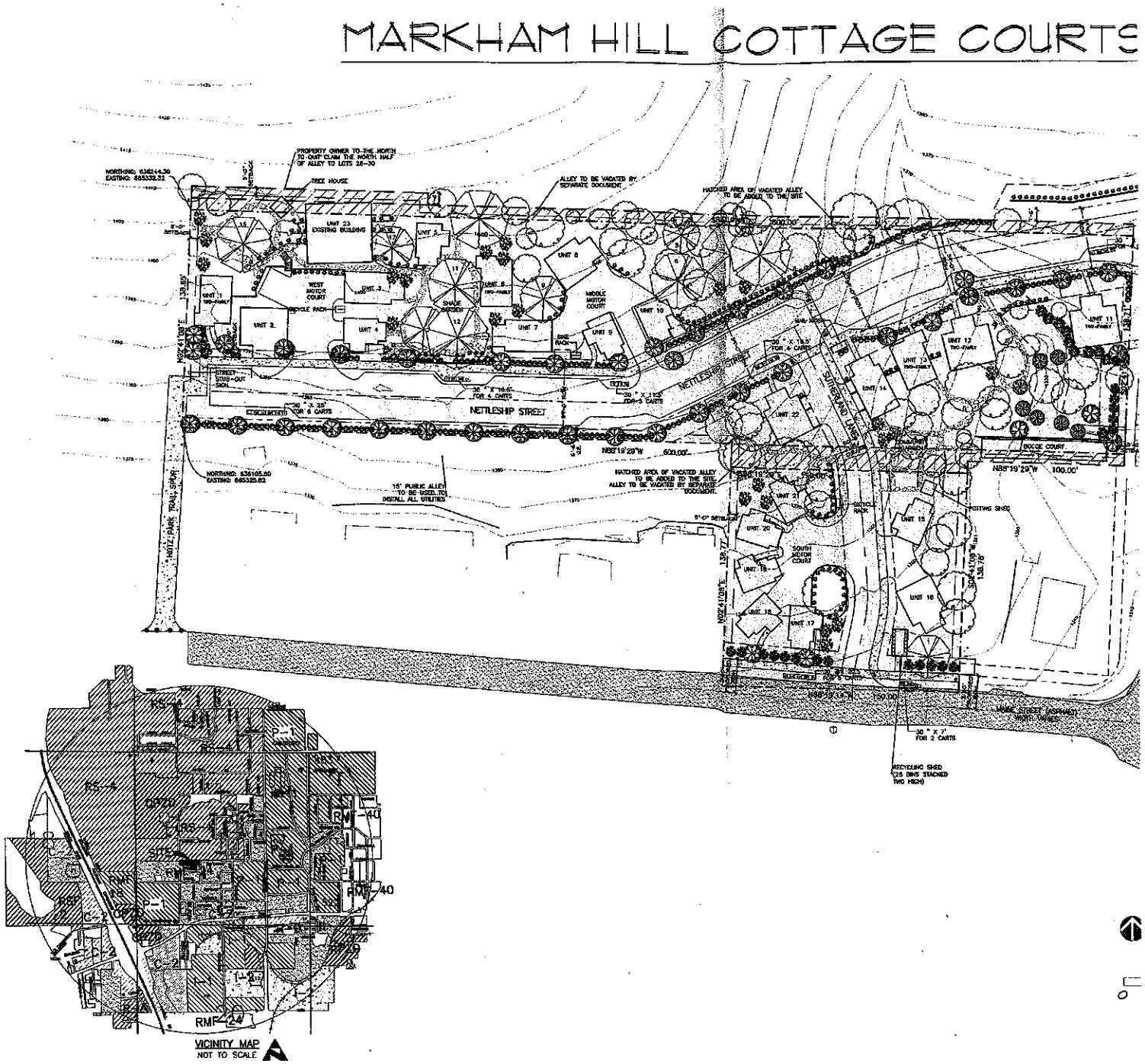
MARKHAM HILL COTTAGE COURTS
MAINE STREET
HOMESTEAD HOMES, LLC

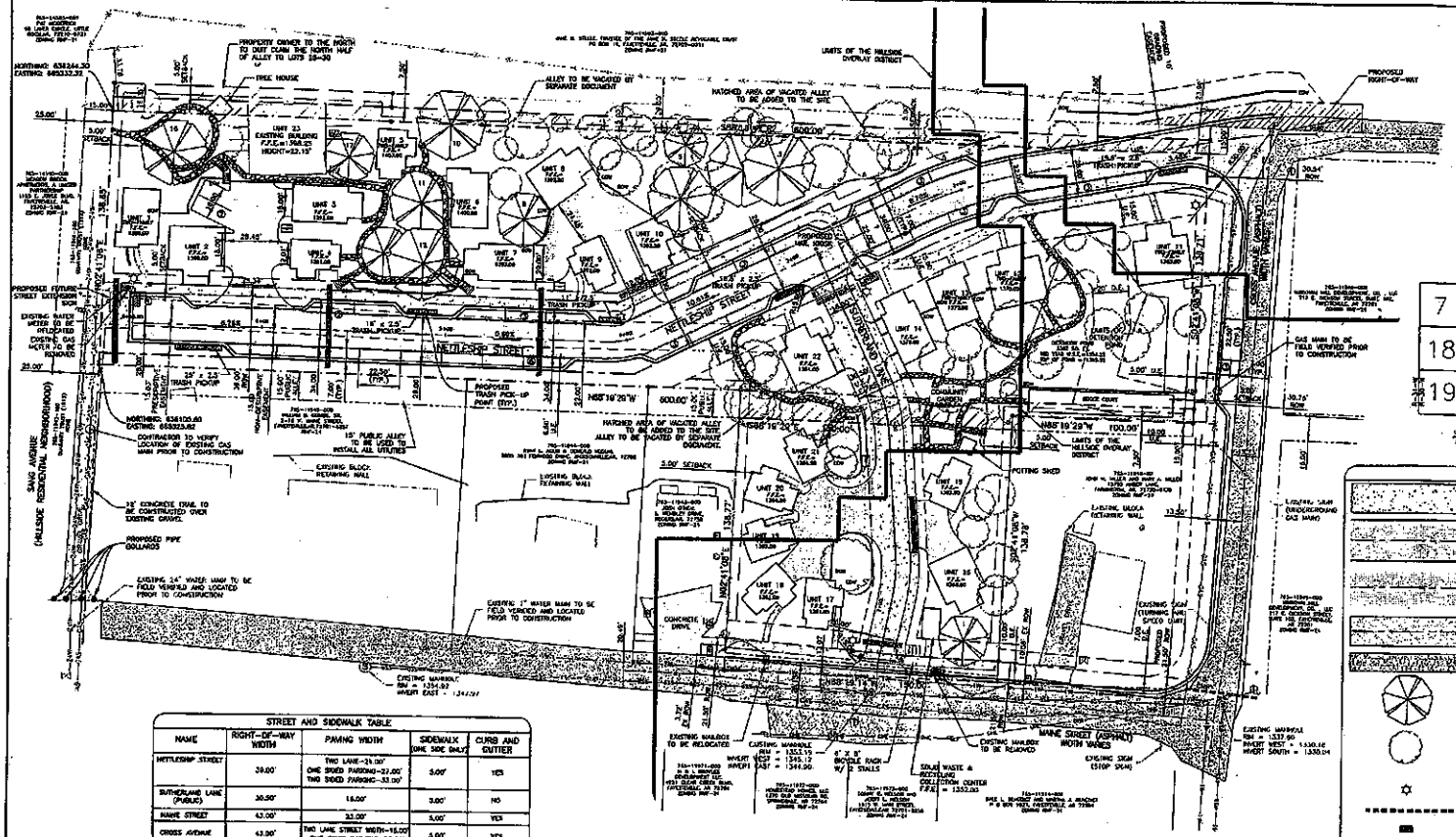
JOB NO.
7/07/2

DEVELOP STANDA

A

MARKHAM HILL COTTAGE COURTS





7	8	9
18	17	16
19	20	21

LEGEND

- PROPOSED CONCRETE (WIDTH VARIES)
- PROPOSED ASPHALT WITH CONCRETE CURB AND GUTTER (WIDTH VARIES)
- PROPOSED ASPHALT (WIDTH VARIES)
- EXISTING ASPHALT (WIDTH VARIES)
- EXISTING GRAVEL (WIDTH VARIES)
- PRESERVED SIGNIFICANT TREE
- PRESERVED NON-SIGNIFICANT TREE
- STREET LIGHT
- EXISTING STORM SEWER
- PROPOSED TRASH CAN PICKUP AREA
- PROPOSED CONCRETE CROSSING
- PROPOSED BICYCLE RACK
- FOUND IRON PIN
- SET IRON PIN
- EXISTING UTILITY POLE
- EXISTING GUY WIRE
- EXISTING TELEPHONE PEDESTAL
- EXISTING GAS METER
- EXISTING WATER METER
- EXISTING SANITARY SEWER MANHOLE
- EXISTING SANITARY SEWER CLEAN OUT
- EXISTING SATELLITE DISH
- EXISTING ELECTRIC TRANSFORMER
- EXISTING ELECTRIC METER
- EXISTING AREA DRAIN
- PROPERTY LINE
- FUTURE PROPERTY LINE
- EXISTING RIGHT-OF-WAY
- EXISTING CENTERLINE OF ROAD
- EXISTING BARBED WIRE FENCE
- EXISTING OVER HEAD ELECTRIC
- EXISTING 1" WATER MAIN
- EXISTING 24" WATER MAIN
- EXISTING 8" SEWER MAIN
- PROPOSED RIGHT-OF-WAY
- PROPOSED CENTERLINE
- PROPOSED UTILITY EASEMENT
- PROPOSED RETAINING WALL
- PROPOSED LANDSCAPING RAILROAD TIES
- PROPOSED MOUNTED CURB
- PROPOSED 5' CONCRETE SIDEWALK
- PROPOSED 3' CONCRETE SIDEWALK
- PROPOSED 3' GRAVEL WALK

STREET AND SIDEWALK TABLE

NAME	RIGHT-OF-WAY WIDTH	PAVING WIDTH	SIDEWALK (ONE SIDE ONLY)	CURB AND GUTTER
NETTLESHIP STREET	39.00'	TWO LANE-24.00' ONE SIDED PARKING-27.00' TWO SIDED PARKING-33.00'	5.00'	YES
SUTHERLAND LANE (PUBLIC)	30.50'	16.00'	3.00'	NO
MAINE STREET	43.00'	33.00'	5.00'	YES
CROSS AVENUE	43.00'	TWO LANE STREET WIDTH-16.00' ONE SIDED PARKING-26.00'	5.00'	YES

PARKING SUMMARY

NO. OF SINGLE FAMILY UNITS	RATIO	BASELINE PARKING SPACES	ALLOWABLE NUMBER OF SPACES (+/- 30%)	PARKING SPACES PROVIDED		
				GARAGE	ON-STREET	TOTAL
25 UNITS	2 SPACES PER UNIT	50 SPACES	35-73	23	32	55

ZONING: PLANNED ZONING DISTRICT (PZD)

FRONT SETBACK	5' (5' BUILDING SETBACK IS PERMITTED FOR UNIT 5 AND ACCESSORY STRUCTURES ONLY)
SIDE SETBACK	5'
REAR SETBACK	5'

GARAGE TABLE

UNIT #	GARAGE
1	HOME
2	DOUBLE CAR
3	DOUBLE CAR
4	SINGLE CAR
5	HOME
6	HOME
7	DOUBLE CAR
8	SINGLE CAR
9	SINGLE CAR
10	DOUBLE CAR
11	HOME
12	HOME
13	HOME
14	DOUBLE CAR
15	SINGLE CAR
16	DOUBLE CAR
17	SINGLE CAR
18	SINGLE CAR
19	SINGLE CAR
20	SINGLE CAR
21	SINGLE CAR
22	DOUBLE CAR
23	HOME

OWNER:
ROBERT ALBERTSON
1934 MAINE STREET
FAYETTEVILLE, ARKANSAS 72701

DEVELOPER:
HOMESTEAD HOMES, L.L.C.
1370 SOUTH OLD MISSOURI ROAD
SPRINGDALE, ARKANSAS 72764
(479) 927-9923

ENGINEER/SURVEYOR:
NORTHSTAR ENGINEERING CONSULTANTS, INC.
207 SOUTH MAIN STREET
BENTONVILLE, ARKANSAS 72712
(479) 271-0606

LEGAL DESCRIPTION:
LOTS 16, 17, 18, AND LOTS 23 THRU 29 OF BLOCK NUMBER 1, OF WEST END ADDITION, PLAT BOOK 4 AT PAGE 81 AND PLAT BOOK 3 AT PAGE 75, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS.

EXISTING ZONING:
RMF-24

PROPOSED ZONING:
PLANNED ZONING DISTRICT (PZD)

ABBREVIATIONS:
U.E. - UTILITY EASEMENT
A.E. - ACCESS EASEMENT
D.E. - DRAINAGE EASEMENT
ROW - RIGHT OF WAY
B.O.W. - BEGINNING OF RETAINING WALL
E.O.W. - END OF RETAINING WALL

WETLANDS NOTE:
NO WETLANDS HAVE BEEN FOUND ON THIS PROPERTY.

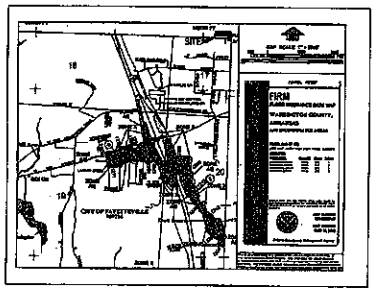
FLOOD ZONE NOTE:
THIS PROPERTY IS SHOWN AS BEING OUTSIDE THE FLOOD ZONE, AS GRAPHICALLY SCALED FROM F.I.R.M. MAP NUMBERS 05143C0213 F DATED MAY 18, 2009 & 05143C0229 F DATED MAY 18, 2009.

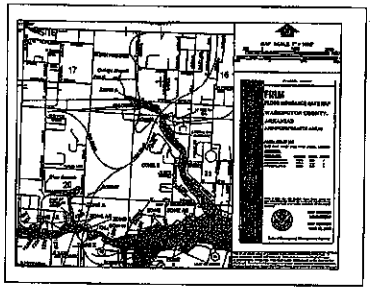
NOTES:
1. ADDRESSES FOR UNITS NOT VISIBLE FROM THE STREET OR NOT FACING THE ROAD (UNITS 3-8) SHALL BE PLACED ON A SIGN LOCATED AT THE NEAREST STREET.
2. ALL LIGHTING SHALL COMPLY WITH THE CITY OF FAYETTEVILLE'S LIGHTING ORDINANCE.
3. ALL EXISTING UTILITIES UNDER 12kV SHALL BE RELOCATED UNDERGROUND, AND ALL NEW UTILITIES SHALL BE PLACED UNDERGROUND.
4. TRASH CANS SHALL BE STORED AT INDIVIDUAL UNITS WHEN IT IS NOT TRASH DAY.
5. SIDEWALK IS ONLY PROVIDED ON ONE SIDE OF THE STREET AT A TIME.
6. ALL MECHANICAL AND UTILITY EQUIPMENT LOCATED ON THE WALL AND/OR ON THE GROUND SHALL BE SCREENED. ALL ROOF-MOUNTED UTILITIES AND MECHANICAL EQUIPMENT SHALL BE SCREENED BY INCORPORATED SCREENS INTO THE STRUCTURE UTILIZING MATERIALS COMPATIBLE WITH THE SUPPORTING BUILDINGS. MECHANICAL AND UTILITY EQUIPMENT OVER 30 INCHES IN HEIGHT SHALL MEET BUILDING SETBACKS. SMALLER GROUND-MOUNTED EQUIPMENT MAY BE SCREENED WITH TALL GRASSES AND SHRUBS.

THE BUILDING HEIGHTS WILL VARY DEPENDING ON THE GRADING BUT SHOULD TYPICALLY BE AROUND 31' FROM HISTORIC GRADE AND ALWAYS UNDER THE 45' MAXIMUM

NOTE: LOCATED IN THE HILLSIDE OVERLAY DISTRICT.

NOT FOR CONSTRUCTION





FIRM MAPS NOT TO SCALE

3	PER CITY OF FAYETTEVILLE COMMENTS	JRH	07/07/08	JCI	07/07/08
2	PER CITY OF FAYETTEVILLE COMMENTS	JRH	06/24/08	JCI	06/24/08

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NORTHSTAR ENGINEERING CONSULTANTS, INC.
Civil Engineering
Environmental Engineering
Land Surveying
Planning
207 South Main Street
(479) 271 - 0606
Bentonville, Arkansas 72712
(479) 271-5144 Fax

CERTIFICATE OF AUTHORITY NORTHSTAR No. 74

STATE OF ARKANSAS REGISTERED PROFESSIONAL ENGINEER No.11411 JAMES R. HARRIS III

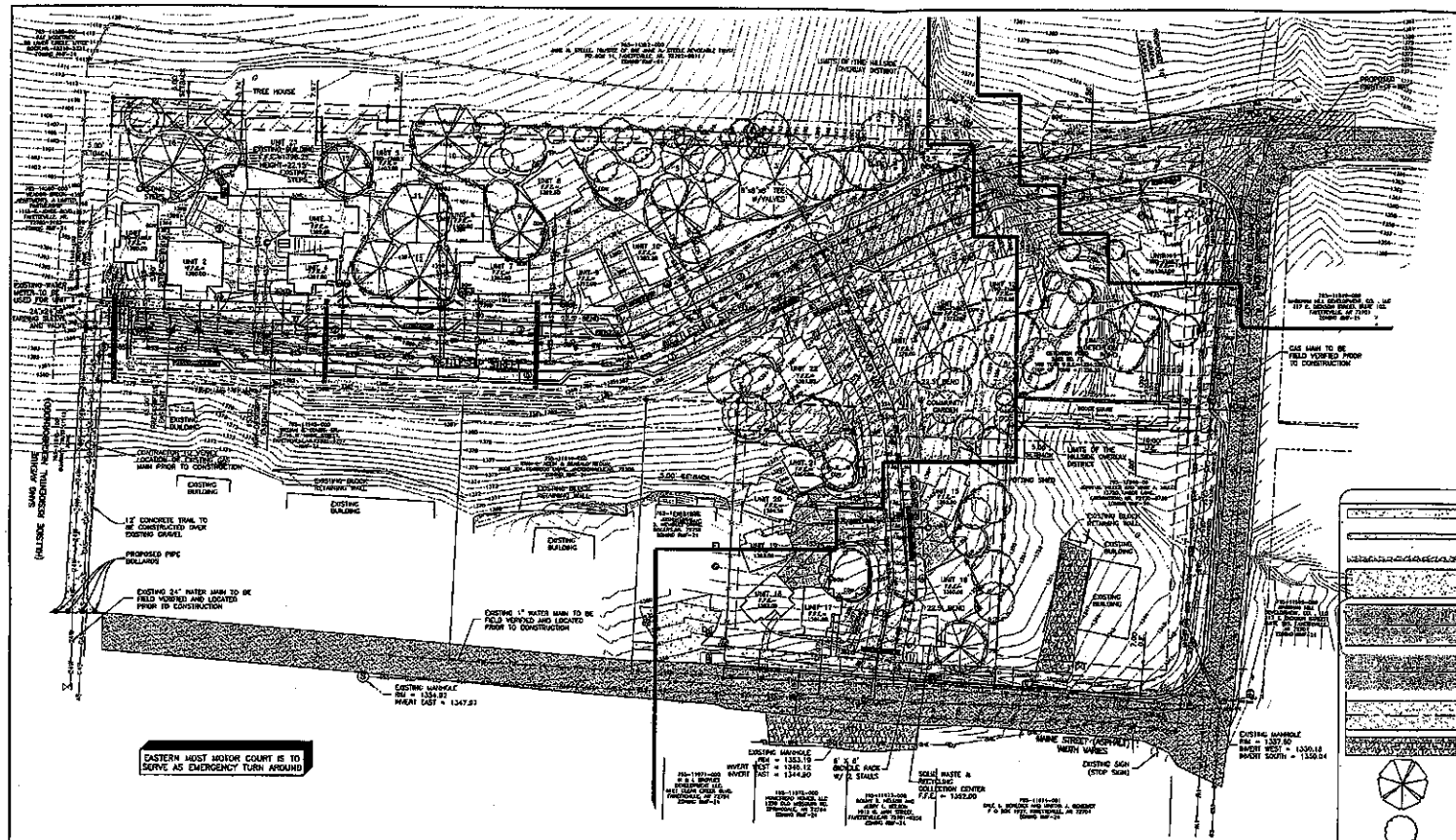
MARKHAM HILL COTTAGES PLANNED ZONING DISTRICT (P.Z.D.) CITY PLAT PAGE #520

1934 MAINE STREET
FAYETTEVILLE, ARKANSAS

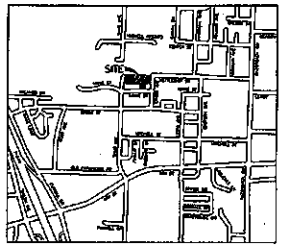
SITE PLAN

DRAWN BY: JCI
CHECKED BY: JRH 7/7/08
APPROVED BY: JRH 7/7/08
DATE: 07/07/08
PROJECT NO.: 567-01
FILE REFERENCE: 07/07/08
SHEET No.: 1

T:\567-01\dwg\567-01.dwg, 7/7/2008 8:46:56 AM, 1:30



SCALE 1" = 30'



LEGEND

PROPOSED 5' CONCRETE SIDEWALK	FOUND RIGHT PIN
PROPOSED 3' CONCRETE SIDEWALK	SET IRON PIN
PROPOSED 3' GRAVEL WALK	EXISTING UTILITY POLE
PROPOSED CONCRETE (WIDTH VARIES)	EXISTING GUY WIRE
PROPOSED ASPHALT WITH CONCRETE CURB AND GUTTER (WIDTH VARIES)	EXISTING TELEPHONE PEDESTAL
PROPOSED ASPHALT (WIDTH VARIES)	EXISTING GAS METER
EXISTING ASPHALT (WIDTH VARIES)	EXISTING WATER METER
EXISTING GRAVEL (WIDTH VARIES)	EXISTING SANITARY SEWER MANHOLE
PRESERVED SIGNIFICANT TREE	EXISTING SANITARY SEWER CLEAN OUT
PRESERVED NON-SIGNIFICANT TREE	EXISTING SATELLITE DISH
STREET LIGHT	EXISTING ELECTRIC TRANSFORMER
EXISTING STORM SEWER	EXISTING ELECTRIC METER
	EXISTING MAIL BOX
	PROPERTY LINE
	FUTURE PROPERTY LINE
	EXISTING RIGHT-OF-WAY
	EXISTING CENTERLINE OF ROAD
	EXISTING BARBED WIRE FENCE
	EXISTING OVER HEAD ELECTRIC
	EXISTING 1" WATER MAIN
	EXISTING 24" WATER MAIN
	EXISTING 6" SEWER MAIN
	PROPOSED 8" SEWER MAIN
	PROPOSED 8" WATER MAIN
	PROPOSED 4" SEWER SERVICE
	PROPOSED SANITARY SEWER MANHOLE
	PROPOSED FIRE HYDRANT
	PROPOSED WATER VALVE
	PROPOSED DOUBLE 5/8" METER SETTER
	PROPOSED SINGLE 5/8" METER SETTER
	PROPOSED RIGHT-OF-WAY
	PROPOSED CENTERLINE
	PROPOSED UTILITY EASEMENT
	PROPOSED RETAINING WALL
	PROPOSED LANDSCAPING AMONGAD TIES
	PROPOSED CONCRETE CROSSWAD

NOT FOR CONSTRUCTION

WATER LINE NOTES:

1. ALL POTABLE WATER LINES TO BE DR14 (C900) PRESSURE CLASS 200 PVC PIPE WITH 48" MINIMUM COVER.
2. USE 1" SERVICE TUBING FOR SERVICE CONNECTIONS.
3. AIR RELEASE VALVES FOR WATER MAINS SHALL BE APCO NO. 200-UL OR EQUAL.
4. INSTALL AIR RELEASE VALVES AT TOPOGRAPHIC HIGH POINTS IN WATER LINE. PLACE HIGH POINT TO CLOSEST PROPERTY LINE.
5. THRUST BLOCKING SHALL BE PLACED PER CITY OF FAYETTEVILLE STANDARD WATER SPECIFICATIONS AND DETAILS.
6. ALL PVC PIPE SHALL HAVE A #14 CHARGE INSULATED COPPER TRACER WIRE FASTENED OVER 10 FEET ON TOP PRIOR TO BEING BURIED. TRACER WIRE SHALL BE ACCESSIBLE AT VALVE BOXES AND METER BOXES.
7. MAINTAIN A 10' MINIMUM HORIZONTAL CLEARANCE BETWEEN WATER LINES AND SEWER MAINS AND SERVICE LINES. A MINIMUM OF 18" OF VERTICAL SEPARATION IS REQUIRED AT WATER AND SEWER LINE CROSSINGS.
8. ALL WORK SHALL BE IN COMPLIANCE WITH THE CITY OF FAYETTEVILLE WATER UTILITIES STANDARD SPECIFICATIONS.

UTILITY SERVICE NOTES:

1. WATER SERVICE LINE IS TO BE EXTENDED 3' BEYOND METER BOX.
2. AN RPZ TYPE BACKFLOW PREVENTER WILL BE REQUIRED ON ALL DOMESTIC WATER SERVICES.
3. IRRIGATION SYSTEM SERVICE CONNECTIONS SHALL BE PROTECTED BY AN RP TYPE BACKFLOW PREVENTER.

SANITARY SEWER NOTES:

1. MAINTAIN A 10' MINIMUM HORIZONTAL CLEARANCE BETWEEN WATER LINES AND SEWER MAINS AND SERVICE LINES.
2. A MINIMUM OF 18" OF VERTICAL SEPARATION IS REQUIRED AT WATER AND SEWER LINE CROSSINGS.
3. ALL WORK SHALL BE IN COMPLIANCE WITH NORTHSTAR ENGINEERING CONSULTANTS, INC. SANITARY SEWER UTILITIES STANDARD SPECIFICATIONS.
4. THE CITY OF FAYETTEVILLE WILL TAP ALL SANITARY SEWER SERVICES ON EXISTING SEWER MAINS AT OWNER/DEVELOPER'S EXPENSE.

OWNER:

ROBERT ALBERTSON
1834 MAINE STREET
FAYETTEVILLE, ARKANSAS 72701

DEVELOPER:

HOMESTEAD HOMES, L.L.C.
1370 SOUTH OLD MISSOURI ROAD
SPRINGDALE, ARKANSAS 72764
(479) 927-9925

ENGINEER/SURVEYOR:

NORTHSTAR ENGINEERING CONSULTANTS, INC.
207 SOUTH MAIN STREET
BENTONVILLE, ARKANSAS 72712
(479) 271-0906

EXISTING ZONING:

RMF-24

PROPOSED ZONING:

PLANNED ZONING DISTRICT (PZD)

ABBREVIATIONS:

U.E. - UTILITY EASEMENT
A.E. - ACCESS EASEMENT
D.E. - DRAINAGE EASEMENT
R.O.W. - RIGHT OF WAY
B.O.W. - BEGINNING OF RETAINING WALL
E.O.W. - END OF RETAINING WALL

3	PER CITY OF FAYETTEVILLE COMMENTS	JRH	07/07/08	JEI	07/07/08
2	PER CITY OF FAYETTEVILLE COMMENTS	JRH	06/24/08	JEI	06/24/08
1	PER THE CITY OF FAYETTEVILLE	JRH	06/03/08	JEI	06/03/08

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Civil Engineering
Environmental Engineering
Land Surveying
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207 South Main Street
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Bentonville, Arkansas 72712
(479) 271-8144 Fax

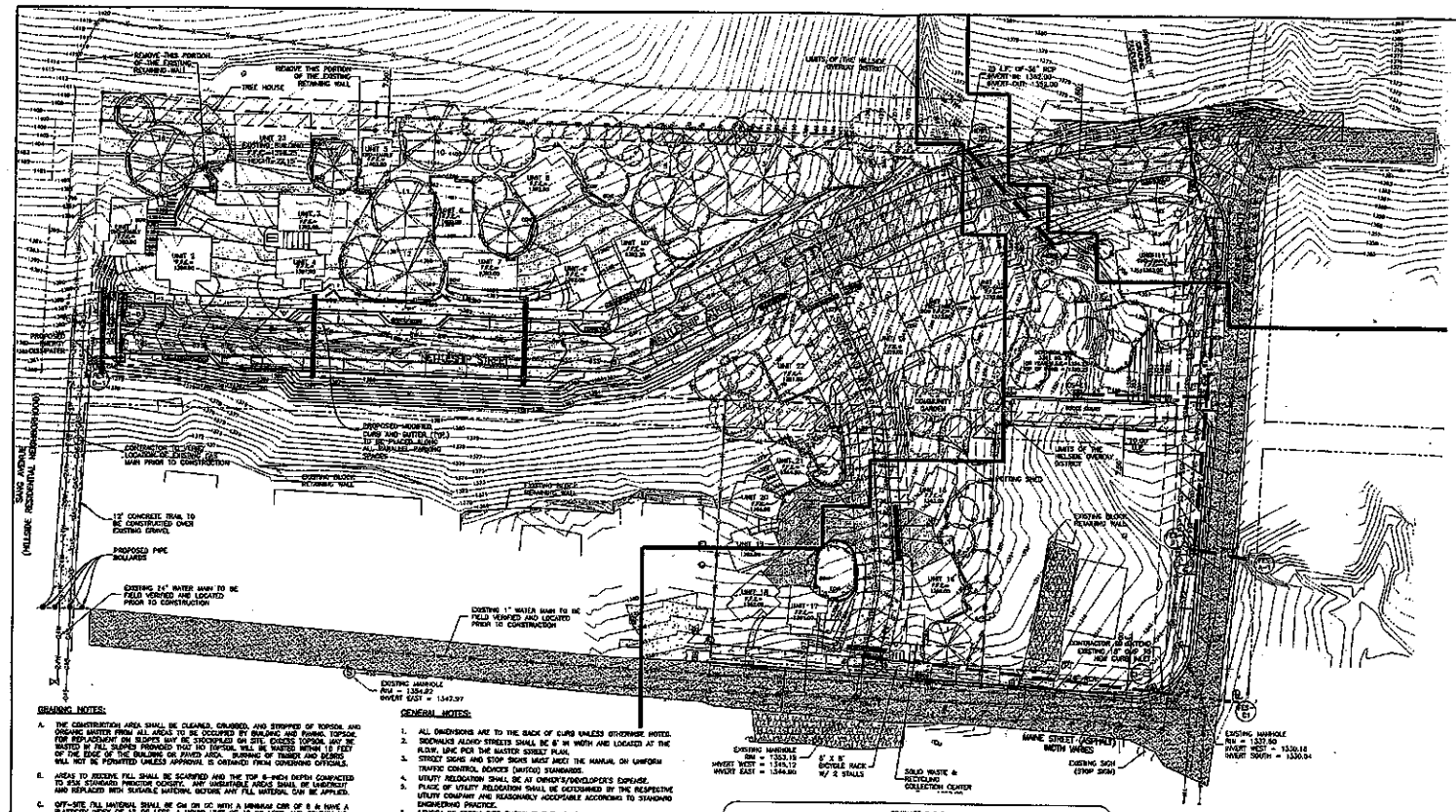
CERTIFICATE OF AUTHORIZATION NORTHSTAR No. 74 ARKANSAS

STATE OF ARKANSAS REGISTERED PROFESSIONAL ENGINEER No.11411 JASON E. IRWIN

MARKHAM HILL COTTAGES
PLANNED ZONING DISTRICT (P.Z.D.)
CITY PLAT PAGE #520
1934 MAINE STREET
FAYETTEVILLE, ARKANSAS

UTILITY PLAN

DESIGN: JEI 7/1/08
DRAWN: JRH 7/1/08
CHECKED: JEI 7/1/08
FILE NAME: 387-01.dwg
PROJECT No.: 387-01
PLOT SATURDAY: 07/07/08 3
SHEET No.: 2



SCALE 1" = 30'

LEGEND

- FOUND IRON PIN
- SET IRON PIN
- EXISTING UTILITY POLE
- EXISTING GUY WIRE
- EXISTING TELEPHONE PEDESTAL
- EXISTING GAS METER
- EXISTING WATER METER
- EXISTING SANITARY SEWER MANHOLE
- EXISTING SANITARY SEWER CLEAN OUT
- EXISTING SATELLITE DISH
- EXISTING ELECTRIC TRANSFORMER
- EXISTING ELECTRIC METER
- EXISTING MAIL BOX
- PROPERTY LINE
- FUTURE PROPERTY LINE
- EXISTING RIGHT-OF-WAY
- EXISTING CENTERLINE OF ROAD
- EXISTING BARBED WIRE FENCE
- EXISTING OVER HEAD ELECTRIC
- EXISTING 1" WATER MAIN
- EXISTING 24" WATER MAIN
- EXISTING 8" SEWER MAIN
- PROPOSED RIGHT-OF-WAY
- PROPOSED CENTERLINE
- PROPOSED UTILITY EASEMENT
- PROPOSED RETAINING WALL
- EXISTING CONTOUR
- PROPOSED CONTOUR
- PROPOSED 8" WATER MAIN
- PROPOSED 8" SANITARY SEWER MAIN
- PROPOSED FIRE HYDRANT
- PROPOSED WATER VALVE
- PROPOSED SANITARY SEWER MANHOLE
- PROPOSED 5' CONCRETE SIDEWALK
- PROPOSED 3' CONCRETE SIDEWALK
- PROPOSED 3' GRAVEL WALK
- PROPOSED RETAINING WALL
- PROPOSED LANDSCAPING RAILROAD TIES
- PROPOSED CONCRETE CROSSINGS
- PROPOSED ASPHALT WITH CONCRETE CURB AND GUTTER (WIDTH VARIES)
- PROPOSED ASPHALT (WIDTH VARIES)
- EXISTING ASPHALT (WIDTH VARIES)
- EXISTING GRAVEL (WIDTH VARIES)
- PRESERVED TREES

GRADING NOTES:

A. THE CONSTRUCTION AREA SHALL BE CLEARED, GRUBBED, AND STRIPPED OF TOPSOIL AND ORGANIC MATTER FROM ALL AREAS TO BE OCCUPIED BY BUILDING AND PAVING. TOPSOIL FOR REPLACEMENT ON SLOPES MAY BE STOCKPILED ON SITE. EXCESS TOPSOIL MAY BE WASTED IN FILL SLOPES PROVIDED THAT NO TOPSOIL WILL BE WASTED WITHIN 15 FEET OF THE EDGE OF THE BUILDING OR PAVED AREA. BURNING OF TIMBER AND DEBRIS WILL NOT BE PERMITTED UNLESS APPROVAL IS OBTAINED FROM GOVERNING OFFICIALS.

B. AREAS TO RECEIVE FILL SHALL BE SCARIFIED AND THE TOP 6-INCH DEPTH COMPACTED TO 95% STANDARD PROCTOR DENSITY. ANY UNSUITABLE AREAS SHALL BE UNDERCUT AND REPLACED WITH SUITABLE MATERIAL BEFORE ANY FILL MATERIAL CAN BE APPLIED.

C. OFF-SITE FILL MATERIAL SHALL BE CH OR CC WITH A MINIMUM CBR OF 6 & HAVE A PLASTICITY INDEX OF 15 OR LESS. A GROUND LIMIT OF 40 OR LESS, AND CONTAIN NO ROCK LARGER THAN FOUR INCHES. OFF-SITE FILL MATERIAL SHALL BE APPROVED BY THE DEVELOPER'S REPRESENTATIVE PRIOR TO BRINGING ON SITE.

D. AREAS THAT ARE TO BE CUT TO SUBGRADE LEVELS SHALL BE PROOFROLLED WITH A FULLY LOADED TANDEM-AXLE DUMP TRUCK OR SIMILAR APPROVED CONSTRUCTION EQUIPMENT TO DETECT UNSUITABLE SOIL CONDITIONS. CUT AREAS ARE TO BE SCARIFIED AND RECOMPACTED TO 95% STANDARD PROCTOR AND TESTED BY A GEOTECHNICAL ENGINEER PRIOR TO PLACEMENT OF BASE MATERIAL.

E. IN ALL AREAS OF EXCAVATION, IF UNSUITABLE SOIL CONDITIONS ARE ENCOUNTERED, A QUALIFIED GEOTECHNICAL ENGINEER SHALL RECOMMEND TO THE DEVELOPER'S CONSTRUCTION DIVISION ON THE METHODS OF UNDERCUTTING AND REPLACEMENT OF PROPERLY COMPACTED, APPROVED FILL MATERIAL. ALL PROOFROLLING AND UNDERCUTTING SHALL BE PERFORMED DURING A PERIOD OF DRY WEATHER.

F. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CONTROL OF DUST AND DUST RISING AND SCATTERING IN THE AIR DURING CONSTRUCTION AND SHALL PROVIDE WATER SPRINKLING OR OTHER SUITABLE METHODS OF CONTROL. THE CONTRACTOR SHALL COMPLY WITH ALL GOVERNING REGULATIONS PERTAINING TO ENVIRONMENTAL PROTECTION.

G. AN INDEPENDENT TESTING LABORATORY, SELECTED AND PAID BY THE CONTRACTOR, APPROVED BY THE DEVELOPER, SHALL BE RETAINED TO PERFORM CONSTRUCTION TESTING OF THE SUBGRADE FOR COMPLIANCE WITH THE MINIMUM REQUIREMENTS OF SUBGRADE DESIGNED. FOR BASE COURSE AND ASPHALT PAVING SEE DETAIL SHEET.

H. ALL SLOPES ARE TO BE 3:1 OR FLATTER UNLESS OTHERWISE INDICATED. SLOPES EXCEEDING 3:1 SHALL BE STABILIZED BY AN APPROVED VEGETATIVE LAYER OR OTHER APPROVED METHODS AND APPROVED BY THE CITY OF FAYETTEVILLE.

I. ALL SLOPES EXCEEDING 3:1 SHALL BE PROTECTED BY NATIVE STONE AND PLACED SUCH THAT THE SURFACE IS FLUSH WITH SURROUNDING GROUND AND SHAPED TO CHANNEL WATER IN DIRECTIONS INDICATED AS APPROVED BY THE CITY OF FAYETTEVILLE.

J. ALL SLOPES AND AREAS DISTURBED BY CONSTRUCTION SHALL BE GRADED SMOOTH AND FOUR INCHES OF TOPSOIL APPLIED. IF ADEQUATE TOPSOIL IS NOT AVAILABLE ON SITE, THE CONTRACTOR SHALL PROVIDE TOPSOIL APPROVED BY THE OWNER/DEVELOPER AS NEEDED. THE AREA SHALL THEN BE SEEDED, FERTILIZED, MULCHED, MULTERED, AND WATERED UNTIL ADEQUATE GRASS GROWTH IS ESTABLISHED IN ALL AREAS. ANY AREAS DISTURBED FOR ANY REASON PRIOR TO FINAL ACCEPTANCE OF THE PROJECT SHALL BE CORRECTED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER/DEVELOPER.

SIDEWALK NOTE:

SIDEWALKS TO BE CONTINUOUS THROUGH DRIVEWAYS WITH A MAXIMUM OF 2% CROSS SLOPE

BENCHMARK TABLE

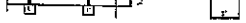
BENCHMARK	ELEVATION	NORTHING	EASTING
TBM-1 NORTH RIM RM A-1	1353.19	635930.12	663748.51

GENERAL NOTES:

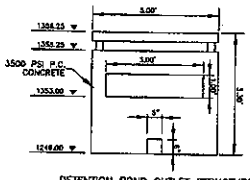
1. ALL DIMENSIONS ARE TO THE BACK OF CURB UNLESS OTHERWISE NOTED.
2. SIDEWALKS ALONG STREETS SHALL BE 6' IN WIDTH AND LOCATED AT THE FLOW LINE PER THE MASTER STREET PLAN.
3. STREET SIGNS AND STOP SIGNS MUST MEET THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) STANDARDS.
4. UTILITY RELOCATION SHALL BE AT OWNER'S/DEVELOPER'S EXPENSE.
5. PLACE OF UTILITY RELOCATION SHALL BE DETERMINED BY THE RESPECTIVE UTILITY COMPANY AND REASONABLY ACCEPTABLE ACCORDING TO STANDARD ENGINEERING PRACTICE.
6. LENGTH OF STORM PIPE SHOWN IS THE HORIZONTAL LENGTH OF THE STORM PIPE DETERMINED AS FOLLOWS:
   A. MEASURE FROM THE CENTER OF THE DRAINAGE STRUCTURE TO THE END OF THE FLARED END SECTION.
   B. MEASURE FROM CENTER TO CENTER OF DRAINAGE STRUCTURES, OR
   C. MEASURE FROM END TO END OF PIPE IF WITHOUT DRAINAGE STRUCTURE OR FLARED END SECTION
8. INLET AND JUNCTION BOX DIMENSIONS ARE BASED ON INSIDE MEASUREMENTS.
9. ALL STORM PIPES SHALL BE CONSTRUCTED TO FLUSH WITH THE INSIDE WALL OF DRAINAGE STRUCTURE. CONTRACTOR SHALL DETERMINE THE ACTUAL INSTALLATION LENGTH BASED ON DRAINAGE STRUCTURE SIZE, WALL THICKNESS, ETC.
10. SHOULD THE PLAN AND PROFILE OF THE RESPECTIVE STORM PIPE (IF INCLUDED IN THIS PLAN SET) SHOW DIFFERENT LENGTHS FOR THE STORM PIPE, THEN THE LATTER SHALL PREVAIL.

DRAINAGE TABLE

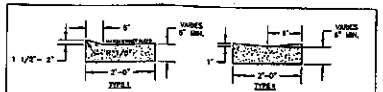
STRUCTURE TYPE	STRUCTURE	I.D. PIPE IN	I.D. PIPE OUT	BOX SIZE (INSIDE END) LENGTH X WIDTH	EXTENSION LEFT	LENGTH RIGHT	RIM	INVERT ELEVATION
FLARED END SECTION	FES-A1	24" RCP						1339.50
CURB INLET	G-A2	24" CMP	24" RCP	4'X8'			1341.69	1337.80
CURB INLET	G-A3	18" RCP	24" CMP	4'X8'			1337.09	1332.46
CURB INLET	G-A4	18" CMP	18" RCP	4'X8'			1336.50	1332.00
CURB INLET	G-A5	18" RCP	18" RCP	4'X8'			1336.00	1330.25
CURB INLET	G-A6	18" RCP	18" RCP	4'X8'			1332.00	1328.50
FLARED END SECTION	FES-B1		18" CMP					1339.50
FLARED END SECTION	FES-C1	18" CMP						1335.50
CURB INLET	G-C2	18" RCP	18" CMP	4'X8'			1338.25	1334.50
CURB INLET	G-C3		18" RCP				1333.00	1330.00
FLARED END SECTION	FES-D1	18" CMP						1335.15
CURB INLET	G-D2	18" RCP	18" CMP	4'X8'			1338.25	1335.15
CURB INLET	G-D3		18" RCP	4'X8'			1332.00	1329.25
OUTLET STRUCTURE	OS-E1		24" CMP	5'X5'			1333.50	1329.00



PROPOSED METAL HANDRAIL ELEVATION
NOT TO SCALE



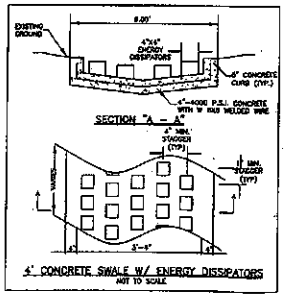
DETENTION POND OUTLET STRUCTURE
NOT TO SCALE



NOTES:

1. CONCRETE FOR CURB AND GUTTER TO BE CLASS A, 3000 PSI, 5.5 SK MIX WITH 4-7% AIR ENTRAINMENT.
2. ALL CURB AND GUTTER SHALL HAVE A BROOMED FINISH UNLESS OTHERWISE SPECIFIED.
3. MODIFIED CURB (TYPE I) SHALL BE PLACED ACROSS ALL DRIVEWAY ENTRANCES.
4. MODIFIED CURB (TYPE II) SHALL BE PLACED ACROSS ALL SIDE STREETS WHERE LONGITUDINAL GRADE IS LESS THAN 3%.
5. SAW CUT JOINTS AT 10' O.C. SEAL WITH ONE PART COLD APPLIED SILICONE JOINT SEALER OR OTHER APPROVED SEALANT. ALL JOINTS TO BE SEALED PRIOR TO FINAL ASPHALT PLACEMENT.
6. PROVIDE 1/2" PREFORMED EXPANSION JOINT MATERIAL (ASPHALT IMPREGNATED FIBERBOARD OR OTHER APPROVED MATERIAL) AT STATIONARY STRUCTURES, (DROP INLETS, END OF CURBS, DRIVEWAYS - SEE DETAIL) OR AS DIRECTED BY THE ENGINEER.

MODIFIED CURB AND GUTTER
NOT TO SCALE



4' CONCRETE SWALE W/ ENERGY DISSIPATORS
NOT TO SCALE

EXCAVATION FOR RETAINING WALLS SHALL NOT EXCEED 4' BEYOND RETAINING WALL

ALL RETAINING WALLS OVER 30" IN HEIGHT SHALL SHALL HAVE A SAFETY RAILING.

ALL RETAINING WALLS OVER 4' IN HEIGHT SHALL BE DESIGNED BY A PROFESSIONAL ENGINEER

NOT FOR CONSTRUCTION

3	PER CITY OF FAYETTEVILLE COMMENTS	JRH	07/07/08	JEI	07/07/08
2	PER CITY OF FAYETTEVILLE COMMENTS	JRH	06/24/08	JEI	06/24/08

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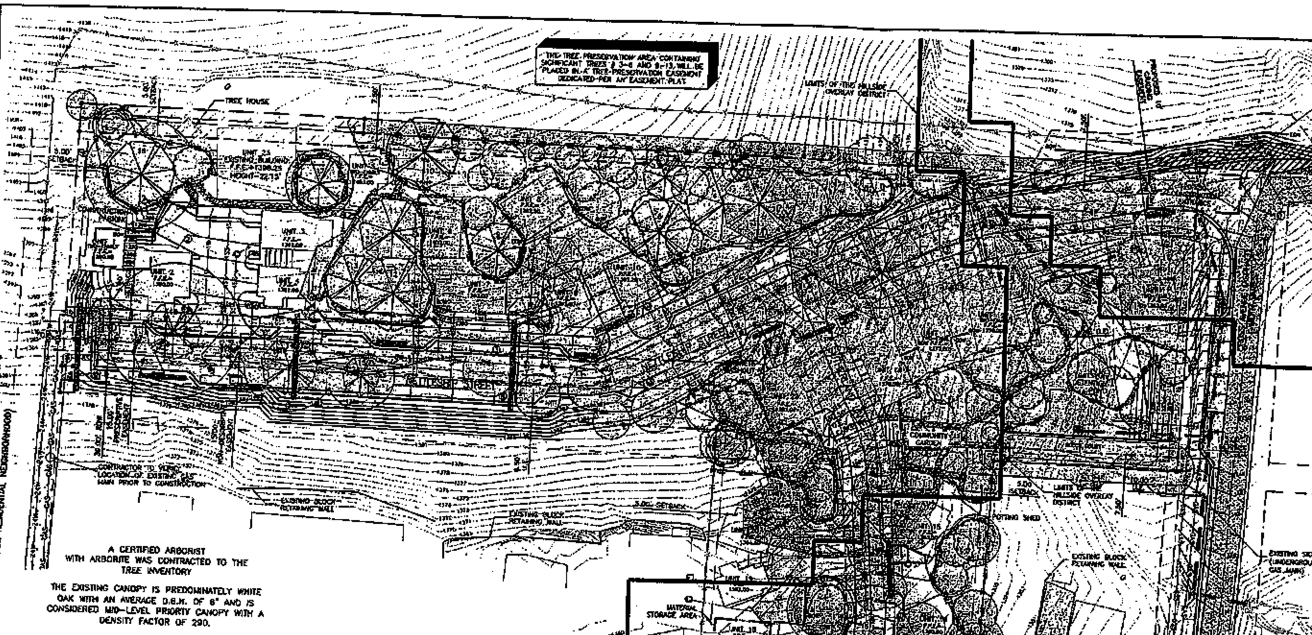
CERTIFICATE OF AUTHORIZATION NORTHSTAR No. 74 ARKANSAS ENGINEER

STATE OF ARKANSAS REGISTERED PROFESSIONAL ENGINEER No. 11411 JEFFREY E. IRWIN

MARKHAM HILL COTTAGES
PLANNED ZONING DISTRICT
(P.Z.D.)
CROSS AVENUE
FAYETTEVILLE, ARKANSAS

GRADING PLAN

DESIGN: JRH 7/7/08
DRAWN: JRH 7/7/08
CHK: JEI 7/7/08
FILE NAME: 347-01.dwg
PROJECT No.: 347-01
PLOT DATE/REV.: 07/07/08 3
SHEET No.: 5



LEGEND

PROPOSED ASPHALT WITH CONCRETE CURB AND GUTTER (WIDTH VARIES)	FOUND IRON PIN
PROPOSED ASPHALT (WIDTH VARIES)	SET IRON PIN
EXISTING ASPHALT (WIDTH VARIES)	EXISTING UTILITY POLE
EXISTING GRAVEL (WIDTH VARIES)	EXISTING GUY WIRE
PRESERVED SIGNIFICANT TREE	EXISTING TELEPHONE PEDESTAL
REMOVED SIGNIFICANT TREE	EXISTING GAS METER
PRESERVED NON-SIGNIFICANT TREE	EXISTING WATER METER
	EXISTING SANITARY SEWER MANHOLE
	EXISTING SANITARY SEWER CLEAN OUT
	EXISTING SATELLITE DISH
	EXISTING ELECTRIC TRANSFORMER
	EXISTING ELECTRIC METER
	EXISTING MAIL BOX
	PROPERTY LINE
	FUTURE PROPERTY LINE
	EXISTING RIGHT-OF-WAY
	EXISTING CENTERLINE OF ROAD
	EXISTING BARBED WIRE FENCE
	EXISTING OVER HEAD ELECTRIC
	EXISTING 1" WATER MAIN
	EXISTING 24" WATER MAIN
	EXISTING 8" SEWER MAIN
	EXISTING STORM PIPE
	EXISTING CONTOUR MAJOR
	EXISTING CONTOUR MINOR
	PROPOSED RIGHT-OF-WAY
	PROPOSED CENTERLINE
	PROPOSED UTILITY EASEMENT
	PROPOSED RETAINING WALL
	PROPOSED LANDSCAPING RAILROAD TIES
	PROPOSED TREE PRESERVATION FENCE
	PROPOSED 6' CONCRETE SIDEWALK
	PROPOSED 3' CONCRETE SIDEWALK
	PROPOSED 3' GRAVEL WALK
	PROPOSED STORM PIPE

NOTE: LOCATED IN THE HILLSIDE OVERLAY DISTRICT.

A CERTIFIED ARBORIST WITH ARBORITE WAS CONTRACTED TO THE TREE INVENTORY

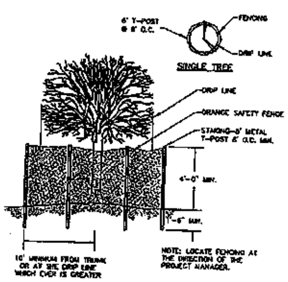
THE EXISTING CANOPY IS PREDOMINATELY WHITE OAK WITH AN AVERAGE D.B.H. OF 6" AND IS CONSIDERED MID-LEVEL PRIORITY CANOPY WITH A DENSITY FACTOR OF 290.

CANOPY MEASUREMENT TABLE

TOTAL SITE – MASTER STREET PLAN ROW	EXISTING CANOPY	TOTAL CANOPY PRESERVED	TOTAL CANOPY REMOVED	REQUIRED MITIGATED TREES
112,853–2082	73.30% OF TOTAL SITE	26.44% OF TOTAL SITE	46.86% OF TOTAL SITE	3.56%
110,541 SQ. FT.	81,027 SQ. FT.	29,328 SQ. FT.	51,801 SQ. FT.	3938 SQ. FT.
2.54 ACRES	1.86 ACRES	0.67 ACRES	1.19 ACRES	14 TREES

SIGNIFICANT TREE INVENTORY

TREE#	D.B.H.	SPECIES	CANOPY	CANOPY SQ.FT.	HEALTH	STATUS
1	18"	WHITE OAK	28'	616	FAIR	PRESERVED
2	18"	WHITE OAK	50'	1964	GOOD	REMOVED
3	22"	WHITE OAK	40'	1257	POOR	PRESERVED
4	14"	WHITE OAK	40'	1257	GOOD	PRESERVED
5	18"	WHITE OAK	24'	452	POOR	PRESERVED
6	18"	WHITE OAK	36'	1018	FAIR	PRESERVED
7	20"	WHITE OAK	30'	707	FAIR	REMOVED
8	18"	WHITE OAK	24'	452	FAIR	REMOVED
9	18"	WHITE OAK	30'	707	FAIR	PRESERVED
10	19"	WHITE OAK	30'	707	GOOD	PRESERVED
11	18"	WHITE OAK	36'	1018	POOR	PRESERVED
12	23"	WHITE OAK	40'	1253	FAIR	PRESERVED
13	18"	WHITE OAK	30'	707	FAIR	PRESERVED
14	20"	RED OAK	30'	707	FAIR	REMOVED
15	19"	WHITE OAK	20'	314	POOR	REMOVED
16	23"	WHITE OAK	36'	1018	GOOD	PRESERVED
17	25"	SILVER MAPLE	28'	616	GOOD	PRESERVED
18	23"	SILVER MAPLE	30'	707	POOR	REMOVED



TREE PRESERVATION FENCE DETAIL
NOT TO SCALE

BORING

ANY AND ALL INSTALLATIONS THAT WILL HAVE IMPACT ON PUBLIC TREES IN RELATION TO UNDERGROUND UTILITIES ARE SUBJECT TO THE REVIEW AND APPROVAL OF THE URBAN FORESTER BEFORE THE PROJECT STARTS. WHEN POSSIBLE, A PLAN SHOWING THE PATH OF THE UNDERGROUND UTILITY IN RELATIONSHIP TO THE SURROUNDING TREES SHALL BE SUBMITTED TO THE URBAN FORESTER TWO (2) WEEKS BEFORE ANY WORK BEGINS FOR APPROVAL OF UTILITY PLACEMENT AND TECHNIQUE. OPEN-CUT EXCAVATING IS ALLOWED ONLY UP TO THE DISTANCE FROM VARIOUS SIZE TREES, AS LISTED BELOW. WHERE THERE IS INSUFFICIENT SPACE FOR TRENCHING TO BYPASS THE TREE PROTECTION ZONE (TPZ), BORING MUST BE USED IN PLACE OF TRENCHING. SEE FIGURES 1 AND 2. YOU MUST BORE AT A MINIMUM DEPTH OF THREE (3) FEET. THE SURFACE AREA AND SUBSOIL DIRECTLY ADJACENT TO STREET TREES SHALL NOT BE DISTURBED AS FOLLOWS:

TREE DIAMETER (DBH) TREE PROTECTION ZONE (TPZ)

0 – 2 INCHES IN DIAMETER BORE 3 FOOT FROM TRUNK OF THE TREE IN ALL DIRECTIONS IF TRENCH IS LOCATED WITHIN OR INTERSECTS THIS RADIUS FROM THE TREE.
3 – 4 INCHES IN DIAMETER BORE 3 FEET FROM TRUNK OF THE TREE IN ALL DIRECTIONS IF TRENCH IS LOCATED WITHIN OR INTERSECTS THIS RADIUS FROM THE TREE.
5 – 9 INCHES IN DIAMETER BORE 8 FEET FROM TRUNK OF THE TREE IN ALL DIRECTIONS IF TRENCH IS LOCATED WITHIN OR INTERSECTS THIS RADIUS FROM THE TREE.
10 – 14 INCHES IN DIAMETER BORE 10 FEET FROM TRUNK OF THE TREE IN ALL DIRECTIONS IF TRENCH IS LOCATED WITHIN OR INTERSECTS THIS RADIUS FROM THE TREE.
15 – 19 INCHES IN DIAMETER BORE 12 FEET FROM TRUNK OF THE TREE IN ALL DIRECTIONS IF TRENCH IS LOCATED WITHIN OR INTERSECTS THIS RADIUS FROM THE TREE.
19+ INCHES IN DIAMETER BORE 18 FEET FROM TRUNK OF THE TREE IN ALL DIRECTIONS IF TRENCH IS LOCATED WITHIN OR INTERSECTS THIS RADIUS FROM THE TREE.

TRENCHING

TRENCHING OPERATIONS, WHEN ALLOWED TO BE USED IN THE TPZ CAUSES DAMAGE TO THAT TREE'S ROOT SYSTEM. TRENCHING THROUGH THE TREE'S TPZ WILL CAUSE ANY OR ALL OF THE FOLLOWING DAMAGE TO OCCUR TO THE TREE: SLOWING OF GROWTH RATE, DIE-BACK AND DECLINE OF THE TREE'S CROWN AND OR ROOT SYSTEM, DEADWOOD FORMATION, WIND THROW, INVASION OF WOOD-DECAYING FUNGI AND/OR INSECTS, OR TOTAL TREE MORTALITY. SEE FIGURE 3. OPEN TRENCHING IN THE TPZ OF A PUBLIC TREE IS PROHIBITED. IN SOME INSTANCES, EXCEPTIONS MAY BE ALLOWED IF IN THE OPINION OF THE URBAN FORESTER THE IMPACT OF TRENCHING UPON THE TREE WILL BE NEGLIGIBLE. IT IS ALSO RECOGNIZED THAT THERE MAY BE SITUATIONS WHERE UTILITIES MUST BE INSTALLED OR REPAIRED WITHIN THE TREE'S TPZ, AND TRENCHLESS EXCAVATION IS NOT POSSIBLE. THE URBAN FORESTER SHALL HAVE THE AUTHORITY TO DETERMINE WHETHER TRENCHLESS EXCAVATION IS IMPOSSIBLE, IN WHICH CASE PERMISSION TO PROCEED MAY BE GRANTED UNDER THE FOLLOWING CONDITIONS. OTHE URBAN FORESTER WILL DETERMINE THE LOCATION AND SIZE OF THE PIT OR TRENCH. OPRE-CONSTRUCTION ROOT PRUNING MAY BE REQUIRED. SEE SECTION TWO (ROOT PRUNING). OANY ROOTS ENCOUNTERED DURING CONSTRUCTION, WHICH CAN NOT BE SAVED, MUST BE CLEANLY CUT AS DESCRIBED IN SECTION TWO (ROOT PRUNING). OALL TRENCHES/EXCAVATIONS SHALL BE BACKFILLED AS SOON AS POSSIBLE TO PREVENT ROOTS FROM DRYING OUT. OSEE SECTION SIX (GENERAL). 2. ROOT PRUNING

PRE-CONSTRUCTION ROOT PRUNING

SOME CONSTRUCTION ACTIVITIES MAY REQUIRE PRE-CONSTRUCTION ROOT PRUNING. PRE-CONSTRUCTION ROOT PRUNING WILL BE AN OPTION CONSIDERED WHEN ROOT LOSS IS UNAVOIDABLE IN THE TPZ, AND SHALL ONLY BE PERFORMED UNDER FORESTRY DEPT. SUPERVISION. THIS PROCEDURE RESULTS IN ROOTS BEING CUT, BUT IF DONE PROPERLY IT WILL MINIMIZE DAMAGE TO THE TREE AND AFFORD THE PRUNED ROOTS AN OPPORTUNITY TO QUICKLY REGENERATE. IF APPROVED BY THE URBAN FORESTER, A MECHANICAL ROOT CUTTING MACHINE DESIGNED FOR SUCH PURPOSE MAY BE USED TO CUT ROOTS. TRENCHING MACHINES ARE NOT ALLOWED IN ROOT PRUNING OPERATIONS. AREAS TO BE ROOT PRUNED WILL BE DETERMINED BY THE URBAN FORESTER. SEE SECTION SIX (GENERAL).

DURING CONSTRUCTION

ROOTS THAT ARE ONE (1) INCH IN DIAMETER OR LARGER THAT CAN'T AVOID BEING DESTROYED DURING CONSTRUCTION, SUCH AS TRENCHING OR EXCAVATING A BORING PIT, MUST BE CLEANLY AND SHARPLY CUT BY HAND. SEE SECTION SIX (GENERAL). MAKE THE CUT FLUSH WITH THE SIDE OF THE TRENCH CLOSEST TO THE TREE. THERE IS NO NEED TO PAINT OR TREAT THE ENDS.

SPECIFICATIONS

BACKFILLING AND LANDSCAPING SHALL BE DONE BY USE OF HAND IMPLEMENTS WITHIN THE DRIPLINE (OUTERMOST REACH OF BRANCHES) OF BOULEVARD TREES. ALL CUTTING FOR THE REMOVAL OF SOD AND SOIL IN ORDER TO ESTABLISH A FINISHED GRADE WITHIN FOUR (4) FEET OF EXISTING TREES MUST BE DONE MANUALLY IF NECESSARY. THE TOP ONE (1) FOOT OF ALL EXCAVATIONS IN THE TREE BORDER (BETWEEN THE CURB AND SIDEWALK/PROPERTY LINE) AND IN ALL BOULEVARD MEDIANS SHALL BE BACKFILLED ONLY WITH CLEAN, USABLE SOIL, NO CONCRETE, SLURRY, GRAVEL, STONE, SAND, OR OTHER SUCH MATERIALS SHALL BE USED FOR BACKFILL. FLUSH BACKFILLED EXCAVATIONS TO SETTLE MATERIAL. RESTORATION SHALL BE TO ORIGINAL GRADE, UNLESS OTHERWISE SPECIFIED.

TREE PROTECTION ZONE (TPZ) – SHALL MEAN A ZONE OF PROTECTED SPACE SURROUNDING ANY PUBLIC TREE EXTENDING FROM THE TOPMOST BRANCH OR LEADER DOWNWARD TO A DISTANCE OF THIRTY-SIX (36) INCHES BELOW THE SURROUNDING GROUND SURFACE LEVEL. THE RADIAL DIMENSIONS FROM THE CENTER OF THE TREE TO THE OUTERMOST HORIZONTAL LIMIT OF THE ZONE IS DETERMINED BY THE DIAMETER OF SAID TREE AS MEASURED AT FOUR AND ONE HALF (4 1/2) FEET ABOVE GROUND SURFACE LEVEL, AND AS FURTHER DEFINED IN THE CFORESTRY SPECIFICATIONS FOR CONSTRUCTION ON PUBLIC LANDS.

GENERAL PRESERVATION NOTES:

1. ALL TREES AND NATURAL AREAS SHOWN ON THIS PLAN TO BE PRESERVED SHALL BE PROTECTED DURING CONSTRUCTION WITH TEMPORARY FENCING.
2. PROTECTIVE FENCES SHALL BE ERECTED ACCORDING TO CITY OF FAYETTEVILLE STANDARDS FOR TREE PROTECTION.
3. PROTECTIVE FENCES SHALL BE INSTALLED PRIOR TO THE START OF ANY SITE PREPARATION WORK AND SHALL BE MAINTAINED THROUGHOUT ALL PHASES OF THE CONSTRUCTION PROJECT.
4. EROSION AND SEDIMENTATION CONTROL BARRIERS SHALL BE INSTALLED OR MAINTAINED IN A MANNER WHICH DOES NOT RESULT IN SOIL BUILD-UP WITHIN TREE DRIPLINES.
5. PROTECTIVE FENCES SHALL SURROUND THE TREES OR GROUP OF TREES AND WILL BE LOCATED AT THE DRIPLINE.FOR NATURAL AREAS. PROTECTIVE FENCES SHALL FOLLOW THE LIMIT ON CONSTRUCTION, IN ORDER TO PREVENT THE FOLLOWING:
   A. SOIL COMPACTION IN THE ROOT ZONE OF AREA RESULTING FROM VEHICULAR TRAFFIC OR STORAGE OF EQUIPMENT.
   B. ROOT ZONE DISTURBANCES DUE TO GRADE CHANGES (GREATER THAN 6") ROOT TRENCHING NOT VIEWED BY CITY ARBORISTS.
   C. WOUNDS TO EXPOSED ROOTS, TRUNK OR LIMBS BY MECHANICAL EQUIPMENT.
   D. OTHER ACTIVITIES DETRIMENTAL TO TREES SUCH AS CHEMICAL STORAGE, CONCRETE TRUCK CLEANING AND FIRES.
6. EXCEPTIONS TO INSTALLING FENCES AT TREE DRIPLINES MAY BE PERMITTED IN THE FOLLOWING CASES:
   A. WHERE THERE IS TO BE AN APPROVED GRADE CHANGE, IMPERMEABLE PAVING SURFACE, TREE WELL, OR OTHER SUCH SITE DEVELOPMENT.
   B. WHERE PERMEABLE PAVING IS TO BE INSTALLED WITHIN A TREE'S DRIPLINE, ERECT THE FENCE AT THE OUTER LIMITS OF THE PERMEABLE PAVING AREA (PRIOR TO SITE GRADING SO THIS AREA IS GRADED SEPARATELY PRIOR TO PAVING INSTALLATION TO MINIMIZE ROOT DAMAGE)
   C. WHERE TREES ARE CLOSE TO PROPOSED BUILDINGS, ERECT THE FENCE TO ALLOW 6 TO 10 FEET OF WORK SPACE.
   D. WHERE THERE ARE SEVERE SPACE CONSTRAINTS DUE TO TRACT SIZE OR OTHER SPECIAL REQUIREMENTS.
7. WHERE ANY OF THE ABOVE EXCEPTIONS RESULT IN A FENCE BEING CLOSER THAN 4 FEET TO A TRUNK, PROTECT THE TRUNK WITH STRAPPED ON PLANKING TO HEIGHT OF 8 FEET (OR LIMITS OF LOWER BRANCHING) IN ADDITION TO THE REDUCED FENCING PROVIDED.
8. TREES APPROVED FOR REMOVAL SHALL BE REMOVED IN A MANNER WHICH DOES NOT IMPACT TREES TO BE PRESERVED.
9. ANY ROOTS EXPOSED BY CONSTRUCTION ACTIVITY SHALL BE PRUNED FLUSH WITH THE SOIL. BACKFILL ROOT AREAS WITH GOOD QUALITY TOPSOIL AS SOON AS POSSIBLE. IF EXPOSED ROOT AREAS ARE NOT BACKFILLED WITHIN 2 DAYS, COVER WITH ORGANIC MATERIAL IN A MANNER WHICH REDUCES SOIL TEMPERATURE AND MINIMIZES WATER LOSS DUE TO EVAPORATION.
10. ANY TRENCHING REQUIRED FOR THE INSTALLATION OF LANDSCAPE IRRIGATION SHALL BE PLACED AS FAR FROM EXISTING TREE TRUNKS AS POSSIBLE.
11. NO LANDSCAPE TOPSOIL DRESSING GREATER THAN 4 INCHES SHALL BE PERMITTED WITHIN THE DRIPLINE OF TREES. NO SOIL IS PERMITTED ON THE ROOT FLARE OF ANY TREE.
12. PRUNING TO PROVIDE CLEARANCE FOR STUCTURES, VEHICULAR TRAFFIC, AND EQUIPMENT SHALL TAKE PLACE BEFORE CONSTRUCTION BEGINS.
13. ALL FINISHED PRUNING MUST OCCUR ACCORDING TO RECOGNIZED, APPROVED STANDARDS OF THE INDUSTRY (REFERENCE THE NATIONAL ARBORIST ASSOCIATION PRUNING STANDARDS FOR SHADE TREES AVAILABLE UPON REQUEST FROM THE CITY ARBORIST).
14. DEVIATIONS FROM THE ABOVE NOTES MAY BE CONSIDERED ORDINANCE VIOLATIONS IF THERE IS SUBSTANTIAL NON-COMPLIANCE OR IF A TREE SUSTAINS DAMAGE AS AS RESULT.

DEVELOPER/OWNER:

HOMESTEAD HOMES, L.L.C.
1370 SOUTH OLD MISSOURI ROAD
SPRINGDALE, ARKANSAS 72764
(479) 927-9925

ENGINEER/SURVEYOR:

NORTHSTAR ENGINEERING CONSULTANTS, INC.
207 SOUTH MAIN STREET
BENTONVILLE, ARKANSAS 72712
(479) 271-0906

EXISTING ZONING:

RMF-24

PROPOSED ZONING:

PZD

ABBREVIATIONS:

U.E. – UTILITY EASEMENT
A.E. – ACCESS EASEMENT
D.E. – DRAINAGE EASEMENT
R.O.W. – RIGHT OF WAY

CERTIFICATE OF AUTHORIZATION — NORTHSTAR No. 74 — ARKANSAS ENGINEERS

NOT FOR CONSTRUCTION

3	PER CITY OF FAYETTEVILLE COMMENTS	JRH	07/07/08	JEI	07/07/08
2	PER CITY OF FAYETTEVILLE COMMENTS	JRH	06/24/08	JEI	06/24/08
1	PER THE CITY OF FAYETTEVILLE	JRH	06/05/08	JEI	06/05/08

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NORTHSTAR ENGINEERING CONSULTANTS, INC.
207 South Main Street
(479) 271 – 0906
Civil Engineering
Environmental Engineering
Land Surveying
Planning
Bentonville, Arkansas 72712
(479) 271–8144 Fax

STATE OF ARKANSAS REGISTERED PROFESSIONAL ENGINEER No. 11411 Jason E. Ingalls

LOTS 16, 17, 18, 28 THRU 39 OF BLOCK NUMBER 1 OF WEST END SUBDIVISION
CROSS AVENUE
FAYETTEVILLE, ARKANSAS

TREE PRESERVATION

PROJECT No.: 567-01
PLOT DATE/REV.: 07/07/08 3
SHEET No.: 6

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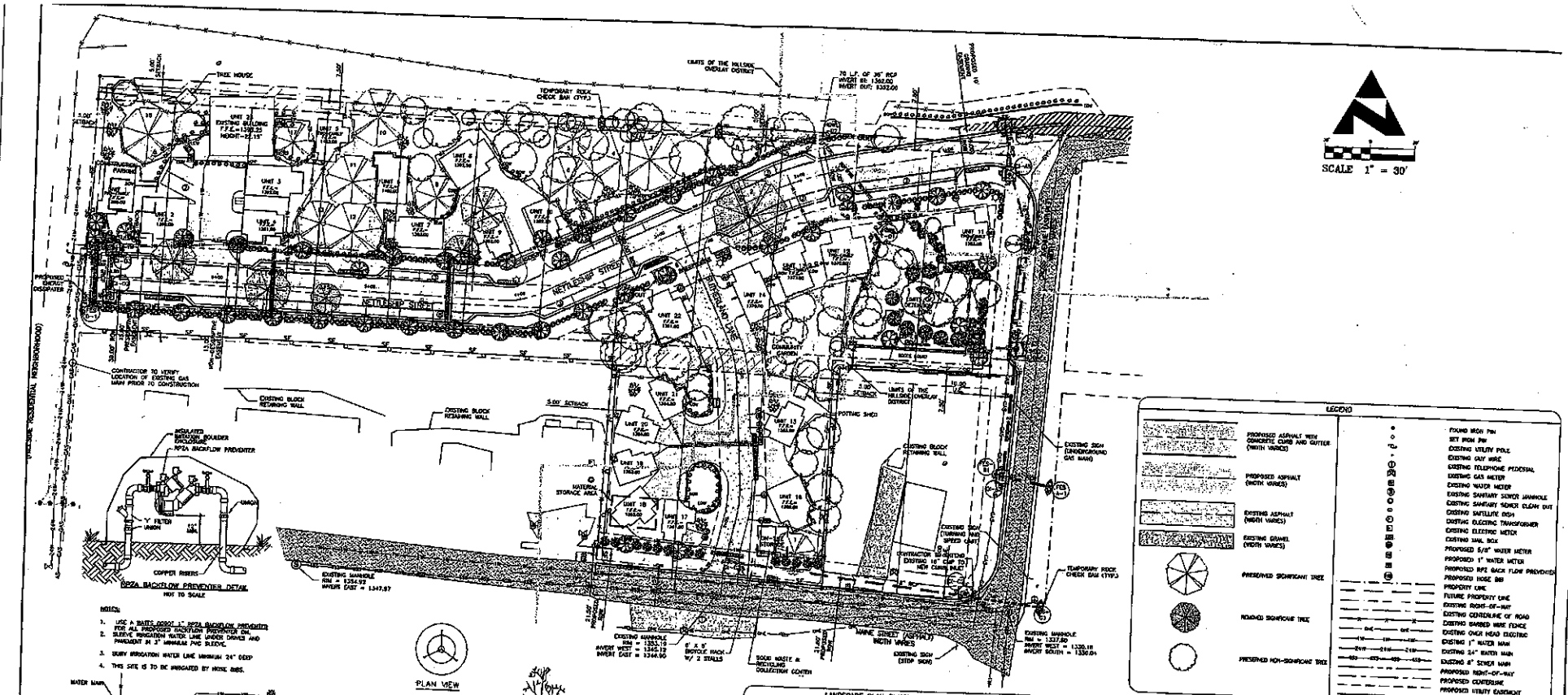

LANDSCAPE PLAN PLANT SCHEDULE

SYMBOL	COMMON NAME	BOTANICAL NAME	QUANTITY	SIZE (MIN.)	SPACING
	NORTHERN RED OAK	QUERCUS RUBRA	43	2" CAL	AS SHOWN
	BLUE MUSTY VIBURNUM	VIBURNUM DENTATUM	19	3 GALLON	AS SHOWN
	COMPACT JAPANESE HOLLY	ILEX CRENATA "COMPACTA"	135	3 GALLON	AS SHOWN
	ENGLISH IVY (PLANT AT BOTTOM OF RETAINING WALLS AS DEPICTED ON DRAWINGS)	HEDERA HELIX	127	1 GALLON	AS SHOWN

TREE MITIGATION PLANT SCHEDULE

SYMBOL	COMMON NAME	BOTANICAL NAME	QUANTITY	SIZE (MIN.)	SPACING
	SUGAR MAPLE	ACER SACCHARUM	14	2" CAL	AS SHOWN

DETENTION POND LANDSCAPE REQUIREMENTS

2 LARGE DECIDUOUS TREES & 2 SMALL DECIDUOUS TREES.
12 SHRUBS PER 3,000 SQ. FT.

PROPOSED DETENTION POND CONTAINS 5334 SQ. FT. SIZE OF POND PLANTED WITH GRADE OF GRASS LIKE PLANTS

DETENTION POND PLANT SCHEDULE

SYMBOL	COMMON NAME	BOTANICAL NAME	QUANTITY	SIZE (MIN.)	SPACING
	WEEPING WILLOW	SALIX BABYLONICA	2	2" CAL	AS SHOWN
	SERVICEBERRY	AMELANCHIER ALNIFOLIA	8	3 GALLON	AS SHOWN
	AMERICAN BEAUTYBERRY	CALLICARPA AMERICANA	12	1 GALLON	AS SHOWN

3	PER CITY OF FAYETTEVILLE COMMENTS	JRH	07/07/08	JEI	07/07/08
2	PER CITY OF FAYETTEVILLE COMMENTS	JRH	06/24/08	JEI	06/24/08
1	PER THE CITY OF FAYETTEVILLE	JRH	06/03/08	JEI	06/03/08

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City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

August 5, 2008
City Council Meeting Date
Agenda Items Only

Jeremy Pate	Planning	Operations
Submitted By	**Division**	**Department**

Action Required:

R-PZD 08-3006: Planned Zoning District (Porchscapes, 564): Submitted by McClelland Consulting Engineers for property located at the southern extension of Seven Hills Drive, south of Huntsville Road containing approximately 8.81 acres. The request is for zoning and land use approval of a Residential Planned Zoning District with 43 attached and detached residential dwelling units.

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

Budgeted Item ☐ **Budget Adjustment Attached** ☐

Department Director — Date: 7·17·08

City Attorney — Date: 7-17-08

Finance and Internal Service Director — Date: 7-18-08

Mayor — Date: 7/21/08

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office 7/17/08 ENTERED

Received in Mayor's Office ENTERED 7/18/08

Comments:

City Council Meeting of August 5, 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: July 15, 2008

Subject: Residential Planned Zoning District for Porchscapes (R-PZD 08-3006)

RECOMMENDATION

Staff recommends approval of an ordinance creating a Residential Planned Zoning District (R-PZD) for Porchscapes, 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 8.81 acres located south of the newly constructed Seven Hills Transitional Housing on Huntsville Road.

BACKGROUND

The property is zoned RSF-4 and RMF-12 and is currently undeveloped pasture land with floodplain along the south and east portions of the site. The Master Development Plan includes a maximum of 43 dwelling units comprised of 26 single-family units, 8 two-family units and 9 three-family units, all of which will be located and sold on individual lots. The proposed density is 4.88 dwelling units per acre, located on approximately 46% of the site area. If the PZD is approved as proposed the project would be required to go through preliminary and final plat approval prior to construction.

The Porchscapes neighborhood is a Low Impact Development (LID) demonstration project sponsored by the Environmental Protection Agency and the Arkansas Natural Resources Commission for Habitat for Humanity of Washington County. LID technologies differ from conventional engineering techniques in that the natural landscape is used to treat urban stormwater run-off through infiltration, filtration and storage mechanisms prior to being released into the watershed. The objective of the development is to build a demonstration project following Leadership in Energy and Environmental Design for Neighborhood Development (LEED-ND) criteria, a pilot certification program of the U.S. Green Building Council (USGBC).

DISCUSSION

The Planning Commission voted 7-0-0 in favor of this request on July 14, 2008. Recommended conditions were approved by the Planning Commission and are reflected in the attached staff report.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 08-3006, PORCHSCAPES, LOCATED AT THE SOUTHERN EXTENSION OF SEVEN HILLS DRIVE, SOUTH OF HUNTSVILLE ROAD; CONTAINING APPROXIMATELY 8.81 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 RMF-12, Residential Multi Family, 12 units per acre to R-PZD 08-3006 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:

By: _____
DAN COODY, Mayor

ATTEST:

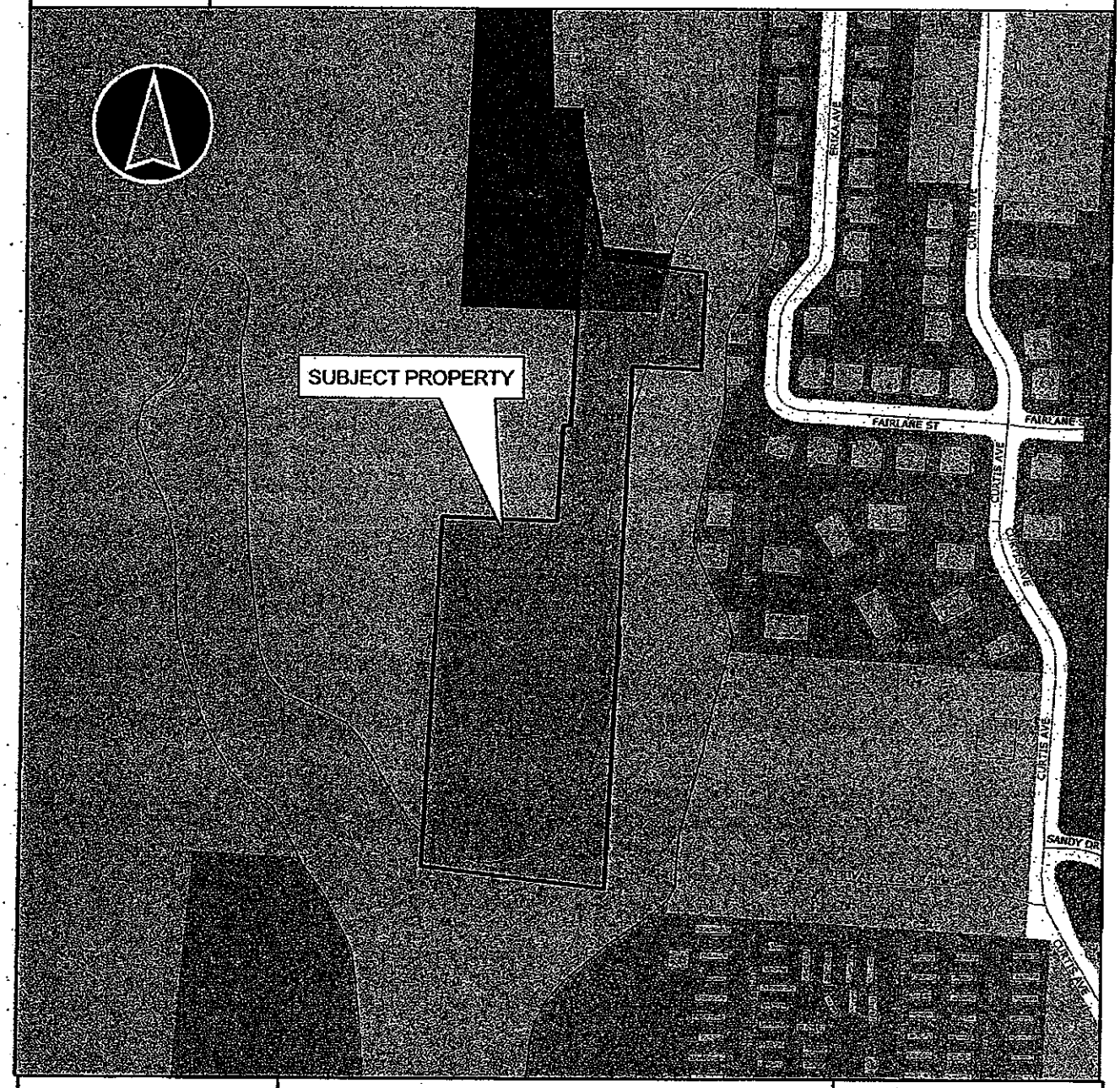
By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT "A"

PZD08-3006

Close Up View

PORCHSCAPES NEIGHBORHOOD



Overview

0 125 250 500 750 1,000 Feet

EXHIBIT "B"
R-PZD 08-3006

A PART OF THE EAST HALF (E ½) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION TWENTY-TWO (22), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, OF THE FIFTH (5TH) PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID EIGHTY (80) ACRE TRACT; THENCE ALONG THE WEST LINE OF SAID TRACT SOUTH 02°42'46" WEST 58.35 FEET TO THE SOUTH RIGHT-OF-WAY OF HUNTSVILLE ROAD, SAID RIGHT-OF-WAY BEING 45 FEET SOUTHERLY OF THE EXISTING CENTERLINE PER EASEMENT PLAT 023A-00000240; THENCE CONTINUING ALONG SAID WEST LINE SOUTH 02°42'46 WEST 1104.92 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID WEST LINE SOUTH 87°49'52 EAST 238.90 FEET; THENCE NORTH 02°45'38" EAST 201.20 FEET TO THE SOUTH LINE OF ZOLA DRIVE; THENCE ALONG SAID SOUTH LINE SOUTH 87°08'48" EAST 14.96 FEET; THENCE ALONG THE EAST LINE OF SAID ZOLA DRIVE NORTH 02°46'54" EAST 479.61 FEET; THENCE SOUTH 87°13'06" EAST 18.17 TO THE EASTERLY PROPERTY LINE OF A PROPERTY DESCRIBED IN INSTRUMENT NUMBER 2001-11773 WITH THE CIRCUIT CLERK OF WASHINGTON COUNTY, ARKANSAS; THENCE ALONG SAID EASTERLY LINE OF SAID PARCEL SOUTH 09°53'23" EAST 132.12 FEET; THENCE CONTINUING ALONG SAID EASTERLY LINE SOUTH 82°38'23" EAST 213.47 FEET; THENCE CONTINUING ALONG SAID EASTERLY LINE SOUTH 02°14'18" WEST 204.01 FEET; THENCE LEAVING SAID EASTERLY LINE NORTH 87°08'48" WEST 143.27 FEET; THENCE SOUTH 02°14'18" WEST 1088.14 FEET TO THE CENTERLINE OF THE OLD PACIFIC AND GREAT EASTERN RAILROAD RIGHT-OF-WAY; THENCE ALONG SAID CENTERLINE NORTH 83°15'47" WEST 382.72 FEET TO THE WEST LINE OF SAID EIGHTY (80) ACRE TRACT; THENCE LEAVING SAID CENTERLINE AND ALONG SAID WEST LINE NORTH 02°42'46" EAST 728.11 FEET TO THE POINT OF BEGINNING, CONTAINING 8.818 ACRES, MORE OR LESS.

CONDITIONS OF APPROVAL:
R-PZD 08-3006

Conditions of Approval for R-PZD 08-3006 (Porchscapes)

1. All final street improvements will be determined by the Planning Commission at the time of development review.

2. Determination of adequate connectivity. *Staff recommends in favor of the proposed connectivity to the south and west. Connectivity to the east is not recommended due to the location of the parkland.*

3. Determination of the following waivers:
   a. The applicant requests a waiver to allow parking lot maneuvering to occur within the street right-of-way and to allow vehicles to back onto the street from the parking areas at the north and south shared street plazas (reference pages 22-23 of the project booklet). (UDC Section 172.04(A)). *Staff has reviewed this pilot project request and finds in favor of the waivers, due to the "shared" nature of the street, which will result in reduced vehicle speeds, allowing vehicles to safely back onto public streets. In each of these scenarios, the planned road splits into a one-way section, creating reduced traffic conflicts.*
   b. The applicant requests a variance to allow off-site parking lots and on-street parking spaces to meet the parking demands of the development (UDC Section 172.06 (C)). *Staff has reviewed this request and finds in favor of the waivers. Habitat projects do not typically provide carports or garage spaces for the homes and therefore parking must be provided within driveways or by other means. The subject development locates each home on a small individual lot, which does not provide space for individual driveways in each case. Therefore, parking has been provide on-street, or in designated auto-courts, and in some cases these areas double as infiltration zones for stormwater. Staff finds in favor of the request due to the unique nature of the pilot project and the restrictions of Habitat projects, finding that adequate parking will be provided for the neighborhood.*

4. City Council determination of a waiver from Solid Waste Department requirements (commercial service vs. residential service). *Chapter 50 of the City Code requires this development to utilize commercial (dumpster) services. The applicant is requesting residential service instead. At this time the Solid Waste Department has determined that residential cart service is not feasible due to the narrow street widths within the development and that the vehicles may compromise the safety of the development. Solid Waste recommends either dumpster or compactor collection for trash. However, the applicant and Solid Waste staff continue to meet in an effort to find a compromise solution; new information will be presented to the City Council at the meeting.*

5. The following variances may be requested with development review of the project; staff will make a detailed recommendation at that time:
   a. Variances from Urban Residential Design Standards may be required to allow:
      i. parking to occur within the front build-to zone
      ii. buildings to be located outside of the build-to zone
      iii. similar or identical building styles
   b. Variances from the Master Street Plan and/or street design standards may be required for:
      i. street cross-sections that differ from the Master Street Plan
      ii. curb radii
      iii. curb and gutter sections due to LID techniques
      iv. street geometry

CONDITIONS OF APPROVAL:

R-PZD 08-3006

6. *Fire Code.* The first phase of development shall be limited to 15 building lots until an acceptable second point of ingress/egress is provided, unless otherwise approved by the Fayetteville Fire Department.

7. A Conditional Letter of Map Revision (CLOMR) shall be filed and approved by the Engineering Department prior to construction approval of the infrastructure. A Letter of Map Revisions (LOMR) shall be filed and approved by the Engineering Department prior to final plat approval, in order to create the lots affected by the floodplain boundary.

8. All parking stalls shall meet dimensional requirements as prescribed by Chapter 172.04 (C).

9. All public street stub-outs shall be constructed to meet City street standards.

10. A preliminary plat and final plat shall be required prior to development.

11. 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 two and three-family residential buildings shall comply with urban residential design standards.

12. *Signage.* Signage shall be permitted in accordance with Chapter 174.10(G) for residential districts.

13. *Phasing.* Phase 1 of the development shall be limited to 15 buildable lots, with preliminary plat approval to be obtained within two (2) years of City Council approval of the planned zoning district, and final plat approval to be obtained within three (3) years of preliminary plat approval of Phase 1.

    Phase 2 for the remaining lots shall be obtained within five (5) years of City Council approval of the planned zoning district, and final plat approval to be obtained within three (3) years of the preliminary plat approval of Phase 2.

14. 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.

15. No portion of any structure (i.e. porches, overhangs, etc.) shall encroach into building setbacks or utility easements.

16. Landscape requirements as outlined in Chapter 177 shall be required with development plat approval.

17. 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.

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

CONDITIONS OF APPROVAL:

R-PZD 08-3006

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. If required, 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.

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.

Fayetteville
ARKANSAS

PC Meeting July 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:	Jesse Fulcher, Current Planner
	Matt Casey, Assistant City Engineer
THRU:	Jeremy Pate, Director of Current Planning
DATE:	~~July 9, 2008~~ *Updated July 15, 2008*

R-PZD 08-3006: (PORCHSCAPES NEIGHBORHOOD, 564): Submitted by MCCLELLAND CONSULTING ENGINEERS for property located at THE SOUTHERN EXTENSION OF SEVEN HILLS DRIVE, S OF HUNTSVILLE ROAD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE AND RMF-12, RESIDENTIAL TWO AND THREE FAMILY and contains approximately 8.81 acres. The request is for Zoning and Land Use approval of a Residential Planned Zoning District with 43 attached and detached residential dwelling units.

Planner: Jesse Fulcher

Background:

Property Description: The subject property contains approximately 8.81 acres located south of the newly constructed Seven Hills Transitional Housing on Huntsville Road. The property is zoned RSF-4 and RMF-12 and is currently undeveloped pasture land with floodplain along the south and east portions of the site. Surrounding land use and zoning are listed in *Table 1.*

Table 1: Surrounding Land Use/Zoning

Direction	Land Use	Zoning
North	7 Hills Shelter	RT-12, Residential Two and Three Family
South	Undeveloped	RMF-24
East	Two-family Neighborhood	RMF-24
West	Undeveloped	RSF-4

Proposal and Project Description: The request is for rezoning and land use approval only for a Master Development Plan of a Residential Planned Zoning District with a maximum of 43 dwelling units comprised of 26 single-family units, 8 two-family units and 9 three-family units, all of which will be located and sold on individual lots. The proposed density is 4.88 dwelling units per acre (see each Planning Area in table below), located on approximately 46% of the site area. If the PZD is approved as proposed the project would be required to go through preliminary and final plat approval prior to construction.

Master Development Plan: The proposed uses planned for the site are listed in *Table 2*.

Table 2
Porchscapes PZD 08-3006
Land Use Summary

USE	PLANNING AREA	DENSITY (UNITS/ ACRE)	DWELLING UNITS	NON-RESIDENTIAL INTENSITY (SQ.FT./ACRE)	NON-RESIDENTIAL SQUARE FEET	ACRES	% OF SITE
Single-family	PA-1	11	26	N/A	N/A	2.53	28.68%
Two-family	PA-2	11	8	N/A	N/A	0.79	8.96%
Three-family	PA-3	13	9	N/A	N/A	0.74	8.39%
Community Commons	PA-4	N/A	N/A	N/A	N/A	4.76	53.97%
TOTAL		**4.88**	**43**	**N/A**	**N/A**	**8.82**	**100%**

Parkland Requirements: The Fayetteville City Council granted a variance from the parkland dedication requirements (Resolution No. 16-08), since the adjacent three acre tract was being dedicated by the City for use as a park. The University of Arkansas Community Design Center received a grant from the U.S. Environmental Protection Agency to provide planning and design services for the project and will work to restore an existing open ditch on the parkland to a functioning natural stream.

Solid Waste Service: The Solid Waste Department has requested dumpsters to be located on the property due to the narrow street widths. All dumpster pad locations shall be located on the site plan prior to City Council review. It is staff's understanding that the applicant plans to request individual cart service of the City Council.

Fire Department: Currently, Seven Hills Drive is the only access serving the Seven Hills Transitional Facility and as currently proposed, will also be the only access to serve the Porchscapes development. The Fire Department has reviewed the number of units and buildings for each development and determined that a maximum of 15 additional units may be permitted to access Seven Hills Drive before a second ingress/egress is constructed. Therefore, the Porchscapes development will have to be developed in at least two phases, or as permitted by the future construction of an additional access.

<u>Phase 1:</u>

- Restricted to a maximum of 15 buildable lots.
- Preliminary Plat approval shall be obtained within two years of City Council approval.
- Final Plat approval shall be obtained within three years of Preliminary Plat approval.

<u>Phase 2:</u>

- Preliminary Plat for remaining lots shall be obtained within "5" year of City Council approval.

- Final plat approval for remaining lots shall be obtained within "3" years of Preliminary Plat approval.

Shared Streets: Conventional street design isolates pedestrians from vehicles, by clearly delineating a travel lane and a pedestrian lane. As described by the applicant, a shared street or *woonerf* is a street design concept that is intended to blend these distinct spaces, with the goal to create lower traffic speeds, visual interaction between drivers and pedestrians, and an overall safer street. The Porchscapes development will implement these design techniques throughout the development as made evident by the various street materials, sidewalk locations adjacent to the right-of-way, and green-parking courts within or adjacent to the right-of-way. Detailed street design will be reviewed at the time of construction; however, staff is supportive of the street concept presented, with the understanding that the public street and sidewalk pavement sections will be constructed to City standards.

Right-of-way Dedication: Right-of-way interior to the development shall be dedicated as indicated on the plat.

Access and Connectivity: Currently, Seven Hills Drive is the only access to the site. A second ingress/egress is required to be provided to allow the construction of more than 15 residential units. At full build-out, two stub-outs will be provided to the west to allow connections with future development on the adjacent tract and Morningside Drive, and a stub-out is provided to undeveloped property to the south to connect to 15th Street.

Adjacent Master Street Plan Streets: Seven Hills Drive (a residential street)

Street Improvements: Street improvements will be evaluated at the time of development.

Water & Sewer: All necessary improvements and connections to complete the proposed development will be evaluated with the Preliminary Plat review.

Public Comment: Staff has received a call from an adjacent property owner who had questions regarding drainage from the site and the current sewer capacity. The Engineering Department will review final drainage reports at the time of development and examine the capacity of the existing sewer mains and if necessary, improvements to existing line(s) shall be provided at the developer's expense.

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 Porchscapes neighborhood is a Low Impact Development (LID) demonstration project sponsored by the Environmental Protection Agency and the Arkansas Natural Resources Commission for Habitat for Humanity of Washington County. LID technologies differ from conventional engineering techniques in that the natural landscape is used to treat urban stormwater run-off through infiltration, filtration and storage mechanisms prior to being released into the watershed. The objective of the development is to build a demonstration project following Leadership in Energy and Environmental Design for Neighborhood Development (LEED-ND)

criteria, a pilot certification program of the U.S. Green Building Council (USGBC).

City Neighborhood Area: The property is currently designated as a City Neighborhood Area on the Future Land Use Plan. These areas are denser with a primarily residential urban fabric, providing a range of residential building types. Rezoning the property to RPZD 08-3006 Porchscapes will be consistent with this designation by 1) allowing a range of residential building types; 2) clustering homes around common green areas; 3) minimizing traffic speeds, while still providing connectivity between neighborhoods; and 4) providing a block and street layout that promotes walkability, slow design speeds and a sense of community.

Recommendation:
Porchscapes is a Low Impact Development pilot project for Habitat for Humanity, a nonprofit organization dedicated to providing affordable owner-occupied housing. Attainable housing is a primary goal of City Plan 2025 and as in most cases attainable housing is provided through the combined work of multiple partnerships among the public, non-profit and private sectors. In the case of the subject development, the City of Fayetteville, Arkansas Natural Resources Commission for Habitat for Humanity of Washington County, and the University of Arkansas Community Design Center all participated to help bring the project to realization. In addition to providing a project that will offer attainable housing, the project complies with the adopted goals and policies of City Plan 2025 and the Planned Zoning District ordinance, as it situates this higher density development model in close proximity to infrastructure, commercial services and goods. It is therefore staff's recommendation that R-PZD 08-3006 Porchscapes be forwarded to the City Council with a recommendation for approval with the following conditions:

Conditions of Approval:

1. All final street improvements will be determined by the Planning Commission at the time of development review.

2. Planning Commission determination of adequate connectivity. *Staff recommends in favor of the proposed connectivity to the south and west. Connectivity to the east is not recommended due to the location of the parkland.*

7/14/08: THE PLANNING COMMISSION FOUND IN FAVOR OF CONNECTIVITY.

3. Planning Commission determination of a the following waivers:
   a. The applicant requests a waiver to allow parking lot maneuvering to occur within the street right-of-way and to allow vehicles to back onto the street from the parking areas at the north and south shared street plazas (reference pages 22-23 of the project booklet). (UDC Section 172.04(A)). *Staff has reviewed this pilot project request and finds in favor of the waivers, due to the "shared" nature of the street, which will result in reduced vehicle speeds, allowing vehicles to safely back onto public streets. In each of these scenarios, the planned road splits into a one-way section, creating reduced traffic conflicts.*
   b. The applicant requests a variance to allow off-site parking lots and on-street parking spaces to meet the parking demands of the development (UDC Section 172.06 (C)). *Staff has reviewed this request and finds in favor of the waivers. Habitat projects do not typically provide carports or garage spaces for the homes and therefore parking must be*

provided within driveways or by other means. The subject development locates each home on a small individual lot, which does not provide space for individual driveways in each case. Therefore, parking has been provide on-street, or in designated auto-courts, and in some cases these areas double as infiltration zones for stormwater. Staff finds in favor of the request due to the unique nature of the pilot project and the restrictions of Habitat projects, finding that adequate parking will be provided for the neighborhood.

7/14/08: THE PLANNING COMMISSION FOUND IN FAVOR OF BOTH REQUESTED WAVIERS.

4. City Council determination of a waiver from Solid Waste Department requirements (commercial service vs. residential service). *Chapter 50 of the City Code requires this development to utilize commercial (dumpster) services. The applicant is requesting residential service instead. At this time the Solid Waste Department has determined that residential cart service is not feasible due to the narrow street widths within the development and that the vehicles may compromise the safety of the development. Solid Waste recommends either dumpster or compactor collection for trash. However, the applicant and Solid Waste staff continue to meet in an effort to find a compromise solution; new information will be presented to the City Council at the meeting.*

5. The following variances may be requested with development review of the project; staff will make a detailed recommendation at that time:
   a. Variances from Urban Residential Design Standards may be required to allow:
      i. parking to occur within the front build-to zone
      ii. buildings to be located outside of the build-to zone
      iii. similar or identical building styles
   b. Variances from the Master Street Plan and/or street design standards may be required for:
      i. street cross-sections that differ from the Master Street Plan
      ii. curb radii
      iii. curb and gutter sections due to LID techniques
      iv. street geometry

6. *Fire Code.* The first phase of development shall be limited to 15 building lots until an acceptable second point of ingress/egress is provided, unless otherwise approved by the Fayetteville Fire Department.

7. A Conditional Letter of Map Revision (CLOMR) shall be filed and approved by the Engineering Department prior to construction approval of the infrastructure. A Letter of Map Revisions (LOMR) shall be filed and approved by the Engineering Department prior to final plat approval, in order to create the lots affected by the floodplain boundary.

8. All parking stalls shall meet dimensional requirements as prescribed by Chapter 172.04 (C).

9. All public street stub-outs shall be constructed to meet City street standards.

10. A preliminary plat and final plat shall be required prior to development.

11. 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 two and three-family residential buildings shall comply with urban residential design standards.

12. *Signage.* Signage shall be permitted in accordance with Chapter 174.10(G) for residential districts.

13. *Phasing.* Phase 1 of the development shall be limited to 15 buildable lots, with preliminary plat approval to be obtained within two (2) years of City Council approval of the planned zoning district, and final plat approval to be obtained within three (3) years of preliminary plat approval of Phase 1.

    Phase 2 for the remaining lots shall be obtained within five (5) years of City Council approval of the planned zoning district, and final plat approval to be obtained within three (3) years of the preliminary plat approval of Phase 2.

14. 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.

15. No portion of any structure (i.e. porches, overhangs, etc.) shall encroach into building setbacks or utility easements.

16. Landscape requirements as outlined in Chapter 177 shall be required with development plat approval.

17. 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.

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. IF REQUIRED (ADDED BY PLANNING COMMISSION), 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.**

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.

Planning Commission Action: ☐ **Tabled** √ **Forwarded to C.C.** ☐ **Denied**

Motion: Graves
Second: Winston
Vote: 7-0-0

Meeting Date: July 14, 2008

Sec. 166.06. Planned Zoning Districts (PZD) R-PZD 08-3006 Porchscapes

(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 the subject request is in compliance with the requirements of the UDC and City Plan 2025. 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, variable setbacks and landscaping, with medium-sized blocks, and a high level of connectivity between neighborhoods.

The development incorporates a range of residential housing types clustered around common green areas and shared street plazas. The block and street layout promotes walkability, slow vehicle design speeds and a sense of community, but still provides the ability to connect to future developments. Overall the development provides flexibility in the distribution of land uses, compatibility with a range of surrounding developments, a variety of housing types, coordination with the City to provide improvements to the newly dedicated parkland, usable and suitably located open space, and maximum enhancement of existing natural features.

Goal 1 of City Plan 2025 is to "*...make appropriate infill and revitalization our highest priorities.*" The subject development is proposed on underutilized land that is located in close proximity to the City's core and where sufficient infrastructure is currently in place.

Goal 2 states "*we will discourage suburban sprawl.*" The subject property is located well within the City boundaries with access to major roadways, parks and adequate infrastructure to support the development intensity.

Goal 3 states "*we will make traditional town form the standard.*" The development incorporates a mixture of housing types, located on small, pedestrian oriented blocks. Houses address the street and the residents are provided meaningful open spaces and numerous pedestrian connections.

Goal 4 states "*we will grow a livable transportation network.*" The development proposes road designs that will allow vehicular traffic and pedestrian activities to coexist.

Goal 5 states "*we will assemble an enduring green network.*" The development preserves several acres of greenspace and small pocket parks, both to retain the naturalistic value of the land, and to provide passive greenspace for residents. Sidewalks have been provided throughout the site, connecting each part of the development to the newly dedicated

parkland.

Goal 6 states "*we will create attainable housing.*" As a Habitat for Humanity project, the core of the project is to provide attainable housing. The project will provide a small neighborhood of housing exclusively targeted for low to moderate income individuals. Staff has expressed concerns with some projects that solely target an income range; however, the size of the project and its proximity to other parcels that have a high likelihood of developing with different land use patterns is a positive, and this project will eventually form a part of a larger neighborhood form.

In summary, the proposed development is very consistent with the adopted goals and policies 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 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 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: The rezoning request, combined with the Master Development Plan, would allow a mix of residential housing types, which are compatible with the variety of land uses surrounding the subject property. The rezoning to a residential project, intended to be owner-occupied, will provide a variation of development pattern, but plans for connections to surrounding, developing properties.

(5) Whether the subject land is suitable for the intended use and is compatible with the natural environment;

FINDING: The proposed residential uses are suitable for the subject property and through the use of low impact development technologies, tree preservation and minimal disruption of the floodplain, the development will be compatible with the natural environment. Identified wetlands have been buffered and protected as part of the project.

(6) Whether the intended land use would create traffic congestion or burden the existing road network;

FINDING: Any additional development in the area will increase the amount of traffic on Huntsville Road; however, the overall density should not create an appreciable amount of traffic above that which can be managed with the streets in the area. Future development will also provide access to Morningside Drive and 15th Street.

(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 development is very appropriate when considering the goals of the planned zoning district. The development accomplishes the following goals:

- **Flexibility: The dwelling units are clustered in areas to minimize disruption of the floodplain and wetlands, but while also maintaining a cohesive, neighborly development.**
- **Compatibility: The development will contain mostly single-family dwelling units, but also include some two-family and three-family units. All of these uses are compatible with surrounding developments, which include two-family and multi-family developments.**
- **Harmony: The development is a unique and creative arrangement of residential units that blend the natural and built environments in a way that**

will be beneficial to the surrounding communities as well as the future residents.

- **Variety: The development incorporates a variety of housing types which are mixed throughout the development.**
- **No negative impact: The development should not have a negative impact on future development in the area; rather, it will hopefully serve as a pilot project for others in the City.**
- **Coordination: Coordination between several agencies has provided an opportunity to rehabilitate an existing open ditch into a functioning stream, which will provide a great amenity to all City residents, since it will be located within a public park. Additionally, this coordination will provide attainable housing well within the boundaries of the City.**
- **Open Space: Several acres of open space have been preserved for use by the residents of the development, which could have been developed. The project is also situated around a 3-acre public park, providing green space use for future residents.**
- **Natural Features: The development will maximum the existing natural features, including rehabilitation of a waterway on the adjacent park property. Minimal disruption will occur within the floodplain.**
- **General Plan: The development incorporates innovative planning and engineering techniques as well as architectural design to create a neighborhood that is harmonious with surrounding developments and consistent with City policy.**
- **Special Features: The development recognizes the special features of the site and incorporates them into the final product with minimal disruption and maximum benefit to the community.**

(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 is not required around a residential development.

(3) *Traffic circulation.* The following traffic circulation guidelines shall apply:

(a) The adequacy of both the internal and external street systems shall be reviewed in light of the projected future traffic volumes.

(b) The traffic circulation system shall be comprised of a hierarchal scheme of local collector and arterial streets, each designed to accommodate its proper function and in appropriate relationship with one another.

(c) Design of the internal street circulation system must be sensitive to such considerations as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, access to dwelling units and the proper relationship of different land uses.

(d) Internal collector streets shall be coordinated with the existing external street system, providing for the efficient flow of traffic into and out of the planned zoning development.

(e) Internal local streets shall be designed to discourage through traffic within the planned zoning development and to adjacent areas.

(f) Design provisions for ingress and egress for any site along with service drives and interior circulation shall be that required by Chapter 166 Development of this code.

FINDING: The vehicular circulation system will be comprised of public streets that are designed to be "shared" by vehicles and pedestrians. The shared street or "woonerf" is designed to slow traffic speeds and support pedestrian use and safety. The streets in the development will also serve as a part of the low impact development design, allowing water to reach infiltration areas throughout the neighborhood.

(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: Garages and carports are not typically permitted for Habitat projects and the small lot sizes have prohibited adequate room for driveway spaces in most cases. However, two parking spaces are required to be provided for each residential unit, resulting in the need for 86 parking spaces. Therefore, parking has been located both on street and in shared street plazas, resulting in 87 total spaces. In keeping with LID techniques, parking has been provided in small groupings to avoid large parking lots. Due to the location and design of the parking areas, waivers of Chapter 172.04 and 172.06 will be requested at the time of development or within the PZD approval.

(5) *Perimeter treatment.* Notwithstanding any other provisions of a planned zoning district, all uses of land or structures shall meet the open space, buffer or green strip provisions of this chapter of this code.

FINDING: This requirement has been met.

(6) *Sidewalks.* As required by §166.03.

FINDING: 5' sidewalks shall be provided as indicated on the site plan.

(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 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 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: Several waivers of minimum street design standards are required to allow for the implementation of the shared street design and LID techniques. These waivers or variances will be reviewed at the time of development, when more details are presented.

(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: There are no nonresidential facilities proposed.

(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: N/A

(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: As stated in the finding for (B)(1) in the staff report, staff finds that the development accomplishes all of the above mentioned goals.

(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 of residential building types and a flexibility of land uses that could only be accomplished with PZD application. The development provides a harmonious relationship with surrounding developments while also valuing the natural site features.

(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 comprised of several land uses, including multi-family, two family and rural residential. Therefore, a mixture of housing types is appropriate. Additionally, the city's development goals, future land use plan, and infrastructure for this area supports the type of development 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: Lot area minimums and setbacks are varied on this project with residential structures oriented to the street. Homes are arranged around green spaces, auto courts and shared street plazas.

(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 heights are very similar to those found in comparable zoning districts and are therefore found to be appropriate.

(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 higher than those found in comparable zoning districts, but the intent of the development is to provide small home sites to keep home prices down. Clustering the homes on small sites also allows minimal disruption to the floodplain and other natural features of the property, allowing larger spaces to be preserved and utilized by the entire neighborhood. Given the overall concept of the development, the maximum building areas are appropriate.

<u>*Required Findings for Rezoning Request.</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: Staff finds the proposal is 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, as discussed within this report. The proposal for this R-PZD zoning district will accommodate both the future land use plan for residential uses in this area, create a pedestrian friendly environment, and also allow for a variety of housing types, sizes and development pattern, thus providing more choice for more citizens.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

FINDING: As discussed herein, the proposed development could not be developed under a conventional zoning district and therefore the rezoning to R-PZD 08-3006 is necessary and justified.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

FINDING: Staff finds this proposal will not create or appreciably increase traffic danger and congestion. Comments from the Police Department have been included.

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 does not find that an undesirable increase in load on public services would be created.

Fire: The property will be covered by Engine 3 located at 1050 S. Happy Hollow Road. It is 0.6 miles from the station with an anticipated response time of 2 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

PC Meeting of July 14, 2008

THE CITY OF FAYETTEVILLE, ARKANSAS

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: July 8, 2008

ITEM #: R-PZD 08-3006-: Planned Zoning District (Porchscapes Neighborhood)

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. The development should be designed to work around as many existing trees as possible, particularly trees that are not located in existing or proposed utility easements. 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.

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.

~~**PZD 08-2980: Planned . ning District (MARKHAM HILL C TAGE COURTS, 520)**~~: Submitted by ROBERT SHARP for property located NORTH OF MAINE ST., BETWEEN SANG AND CROSS. The property is zoned RMF-24, MULTI FAMILY - 24 UNITS/ACRE and contains approximately 2.65 acres. The request is for Zoning, Land Use, and Development approval of a Master Development Plan for a Residential Planned Zoning District with 23 single family dwelling units and various amenities in the Hillside Hilltop Overlay District. Planner: Dara Sanders

Public water is available to the property. There is a 24" main along Sang Ave. and a 1" main along Maine St. Water will need to be extended through the property at the time of development to provide domestic service and fire protection.

Sanitary sewer is available to the site. There is a 6" public main along Maine Street. Sewer will need to be extended through the property at the time of development. The capacity of the existing main will need to be evaluated at the time of development.

The site has access to Maine Street and Cross Avenue. Maine Street is a paved two lane city street of sufficient width. Cross is a paved two lane city street that is extremely narrow. Street improvements are recommend along Cross and Maine from the intersection with Nettleship to the west side of the proposed alley entrance on Maine Street.

Standard improvements and requirements for drainage will be required for the development. This property is not affected by the 100-year floodplain.

PZD 08-3006: Planned Zoning District (PORCHSCAPES NEIGHBORHOOD, 564): Submitted by MCCLELLAND CONSULTING ENGINEERS for property located at THE SOUTHERN EXTENSION OF ZOLA DRIVE, S OF HUNTSVILLE ROAD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE AND RMF-12, RESIDENTIAL TWO AND THREE FAMILY and contains approximately 8.81 acres. The request is for Zoning and Land Use review of a Residential Planned Zoning District with 43 attached and detached single family residential dwelling units. Planner: Jesse Fulcher

Public water is available to the property. There is an 8" water main along Seven Hills Drive. Water may need to be extended through the property at the time of development to provide domestic service and fire protection.

Sanitary sewer is available to the site. There is an 8" sewer main along the east property line of this project.. Sewer may need to be extended through the property at the time of development. The capacity of the existing main may need to be evaluated at the time of development.

The site has access to Seven Hills Drive. Seven Hills Drive is an improved paved 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**

From: **David Williams, Battalion Chief**

Date: **July 9, 2008**

Re:

PZD 08-3006: Planned Zoning District (PORCHSCAPES NEIGHBORHOOD, 564): Submitted by MCCLELLAND CONSULTING ENGINEERS for property located at THE SOUTHERN EXTENSION OF ZOLA DRIVE, S OF HUNTSVILLE ROAD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE AND RMF-12, RESIDENTIAL TWO AND THREE FAMILY and contains approximately 8.81 acres. The request is for Zoning and Land Use review of a Residential Planned Zoning District with 43 attached and detached single family residential dwelling units.

This development will be protected by Ladder 3 located at 1050 S. Happy Hollow Rd.
It is 0.6 miles from the station with an anticipated response time of 2 minutes to the beginning of the development.
The Fire Department anticipates 7 (5 EMS – 2 Fire/Other) calls for service each year after the development is completed and maximum build-out has occurred. Typically, this type of development usually takes 12 – 18 months, after the development is started, before maximum build-out occurs.
The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.
Measured hydrant flow in this area is ??? gallons per minute.

If you have any questions please me.

David Williams

David Williams
Fire Marshal
Fayetteville Fire Department

From: Brian Pugh
To: Fulcher, Jesse
Date: 7/9/2008 10:52 AM
Subject: Re: Porchscapes

Yes, after reviewing this with Carrol and Ronnie it won't be feasible for us to use residential service. Please add the following comments for us:

Solid Waste vehicles are too large to access this development for residential trash and recycling collection. Solid Waste does not have smaller vehicles to access this development. Current vehicles compromise the safety aspect highlighted with the development. Solid Waste recommends either dumpster or compactor collection for trash. Please contact Solid Waste to set up a meeting to discuss collection procedures.

Brian

Brian Pugh
Waste Reduction Coordinator
Fayetteville Solid Waste and Recycling
479-718-7685
479-444-3478 Fax

>>> Jesse Fulcher 7/9/2008 10:03 AM >>>
Brian,

Are there any comments that I need to add to the staff report for this project? I will finishing it today for the Planning Commission meeting on Monday.

Thanks, Jesse

RESOLUTION NO. 16-08

A RESOLUTION TO GRANT A VARIANCE FROM THE PARKLAND DEDICATION REQUIREMENT, IN ACCORDANCE WITH §156.03(B) OF THE UNIFIED DEVELOPMENT CODE FOR THE HABITAT FOR HUMANITY LOW IMPACT DEVELOPMENT (LID) DEMONSTRATION PROJECT; AND DESIGNATING THE THREE AND ONE-HALF ACRES ADJACENT TO THE PROJECT AS A CITY PARK

WHEREAS, Habitat for Humanity is a non profit organization dedicated to providing affordable single-family owner-occupied housing in Fayetteville; and

WHEREAS, The City of Fayetteville has enter into a contract to sell approximately 8.8 acres to Habitat for Humanity to design this project as a LID demonstration subdivision along with approximately a three and one-half acre City park adjacent to the project; and

WHEREAS, The University of Arkansas Community Design Center will provide planning and design services through an EPA grant to restore the existing open ditch to a functioning more natural stream.

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, determines that granting the variance to the parkland dedication requirement serves the public interest and is beneficial to the City as a whole, and hereby grants such variance in accordance with § 156.03 (B) of the Unified Development Code.

Section 2: That the City Council of the City of Fayetteville, Arkansas, designates the three and one-half acres adjacent to the project as a City Park.

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

CITY CLERK/TREASURER CITY OF FAYETTEVILLE ARKANSAS WASHINGTON COUNTY

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

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

Applicant's Supplemental Materials
-Shared Street Principles-

APPENDIX "A"

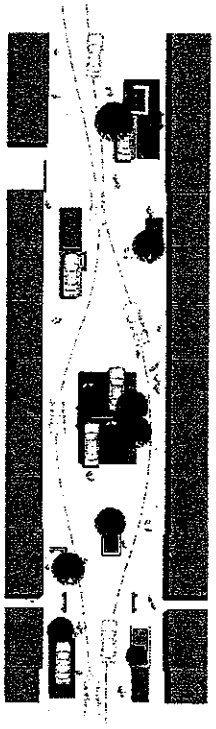
Shared Street Principles: From Corridors to Rooms

"Traffic in residential streets is governed to a large extent, by the degree to which residents have psychologically retreated from their street."

David Engwicht, *Mental Speed Bumps: The Smarter Way to Tame Traffic*

Pioneered more than 30 years ago in the Netherlands, shared streets are integrated systems that combine social uses of streets with local traffic throughways. Essentially designed as a park or urban room, streets combine landscaped pedestrian gathering areas, playgrounds, walkways, and parking with traffic right-of-ways. Much like a square or plaza, traffic is never isolated from the social world. In the effort to naturally calm traffic, street geometries favor meandering flow patterns over straight corridors. The goal of the shared street is to reclaim pedestrian activity in residential contexts warranting traffic speeds under 17 mph. "The same design principles that make a great room make a great street", states David Engwicht, innovator in street design.

1. Streets are designed as spatial systems or rooms defined by building edges and landscapes to naturally calm vehicular movement without compromising traffic carrying capacity (thus not an anti-car policy). Physical design productively influences traffic speed where regulatory means like signs, bumps, humps, tables, and line markings fail.
2. Shared streets have a remarkable record of safety. Motorists are capable of maintaining intimate eye contact with pedestrians at speeds up to 17 mph. An exemplary local model of a mixed-modal street is the Fayetteville town square where motorists behave as social beings.
3. The shared street is a rare street type that functions as an environmental asset rather than a liability. Since the entire street is considered to be a pedestrian room, the ground surface is flush and without curbs to separate pedestrian walks from traffic corridors. Shared streets readily accommodate rain water gardens and other LID technologies into their "green" right-of-ways.
4. The benchmarks for evaluating shared streets are not measured solely in terms of traffic carrying capacity but also in terms of social activity, noise, pollution, pedestrianization, and aesthetics.



Shared Street Diagram

For additional information on the shared street, see the following attached articles.

Bibliography

Michael Southworth and Eran Ben-Joseph. "The Shared Street Concept", *Streets and the Shaping of Towns and Cities*, New York: McGraw-Hill, 1997, pp 109-118.

David Engwicht. *Mental Speed Bumps: The Smarter Way to Tame Traffic*, Annandale, Australia: Envirobook, 2005.

Woonerf, Royal Dutch Touring Club ANWB, Traffic Department (BA The Hague: Post Box 932000. 2509).

Stephen Kellert, Judith Heeragen, Martin Mador. *Biophilic Design: The Theory, Science and Practice of Bringing Buildings to Life*, New York: John Wliey & Sons, 2008.

Tom McNichol, "Roads Gone Wild", *Wired*, December, 2004, pp 108-110.

TRAFFIC ENGINEERING

Roads Gone Wild

No street signs. No crosswalks. No accidents. Surprise: Making driving seem more dangerous could make it safer.

Hans Monderman is a traffic engineer who hates traffic signs. Oh, he can put up with the well-placed speed limit placard or a dangerous curve warning on a major highway, but Monderman considers most signs to be not only annoying but downright dangerous. To him, they are an admission of failure, a sign – literally – that a road designer somewhere hasn't done his job. "The trouble with traffic engineers is that when there's a problem with a road, they always try to add something," Monderman says. "To my mind, it's much better to remove things."

Monderman is one of the leaders of a new breed of traffic engineer – equal parts urban designer, social scientist, civil engineer, and psychologist. The approach is radically counterintuitive: Build roads that seem dangerous, and they'll be safer.

Monderman and I are tooling around the rural two-lane roads of northern Holland, where he works as a road designer. He wants to show me a favorite intersection he designed. It's a busy junction that doesn't contain a single traffic signal, road sign, or directional marker, an approach that turns eight decades of traditional traffic thinking on its head.

Wearing a striped tie and crisp blue blazer with shiny gold buttons, Monderman looks like the sort of stout, reliable fellow you'd see on a package of pipe tobacco. He's worked as a civil engineer and traffic specialist for more than 30 years and, for a time, ran his own driving school. Droll and reserved, he's easy to underestimate – but his ideas on road design, safety, and city planning are being adopted from Scandinavia to the Sunshine State.

Riding in his green Saab, we glide into Drachten, a 17th-century village that has grown into a bustling town of more than 40,000. We pass by the performing arts center, and suddenly, there it is: the Intersection. It's the confluence of two busy two-lane roads that handle 20,000 cars a day, plus thousands of bicyclists and pedestrians. Several years ago, Monderman ripped out all the traditional instruments used by traffic engineers to influence driver behavior – traffic lights, road markings, and some pedestrian crossings – and in their place created a roundabout, or traffic circle. The circle is remarkable for what it doesn't contain: signs or signals telling drivers how fast to go, who has the right-of-way, or how to behave. There are no lane markers or curbs separating street and sidewalk, so it's unclear exactly where the car zone ends and the pedestrian zone begins. To an approaching driver, the intersection is utterly ambiguous – and that's the point.

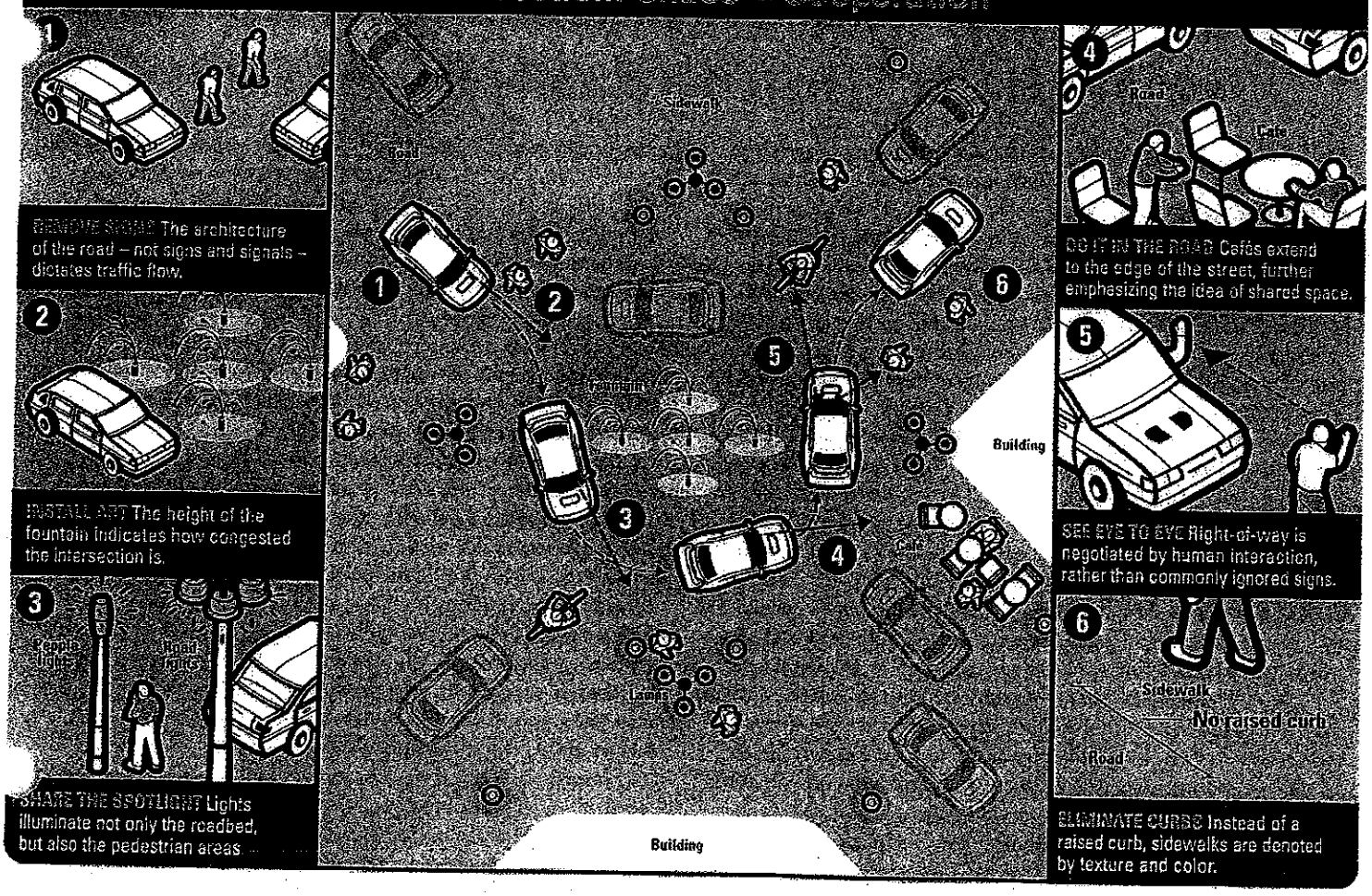
Monderman and I stand in silence by the side of the road a few minutes, watching the stream of motorists, cyclists, and pedestrians make their way through the circle, a giant concrete mixing bowl of transport. Somehow it all works. The drivers slow to gauge the intentions of crossing bicyclists and walkers. Negotiations over right-of-way are made through fleeting eye contact. Remarkably, traffic moves smoothly around the circle with hardly a brake screeching, horn honking, or obscene gesture. "I love it!" Monderman says at last. "Pedestrians and cyclists used to avoid this place, but now, as you see, the cars look out for the cyclists, the cyclists look out for the pedestrians, and everyone looks out for each other. You can't expect traffic signs and street markings to encourage that sort of behavior. You have to build it into the design of the road."

It's no surprise that the Dutch, a people renowned for social experimentation in practically every facet of life, have embraced new ideas in traffic management. But variations of Monderman's less-is-more approach to traffic engineering are spreading around the globe, showing up in Austria, Denmark, France, Germany, Spain, Sweden, the UK, and the US.

In Denmark, the town of Christianfield stripped the traffic signs and signals from its major intersection and cut the number of serious or fatal accidents a year from three to zero. In England, towns in Suffolk and Wiltshire have removed lane lines from secondary roads in an effort to slow traffic – experts call it "psychological traffic calming." A dozen other towns in the UK are looking to do the same. A study of center-line removal in Wiltshire, conducted by the Transport Research Laboratory, a UK transportation consultancy, found that drivers with no center line to guide them drove more safely and had a 35 percent decrease in the number of accidents.

In the US, traffic engineers are beginning to rethink the dictum that the car is king and pedestrians are well advised to get the hell off the road. In West Palm Beach, Florida, planners have redesigned several major streets, removing traffic signals and turn lanes, narrowing the roadbed, and bringing people and cars into much closer

How to Build a Better Intersection: Chaos = Cooperation



contact. The result: slower traffic, fewer accidents, shorter trip times. "I think the future of transportation in our cities is slowing down the roads," says Ian Lockwood, the transportation manager for West Palm Beach during the project and now a transportation and design consultant. "When you try to speed things up, the system tends to fail, and then you're stuck with a design that moves traffic inefficiently and is hostile to pedestrians and human exchange."

The common thread in the new approach to traffic engineering is a recognition that the way you build a road affects far more than the movement of vehicles. It determines how drivers behave on it, whether pedestrians feel safe to walk alongside it, what kinds of businesses and housing spring up along it. "A wide road with a lot of signs is telling a story," Monderman says. "It's saying, go ahead, don't worry, go as fast as you want, there's no need to pay attention to your surroundings. And that's a very dangerous message."

We drive on to another project Monderman designed, this one in the nearby village of Oosterwolde. What was once a conventional road junction with traffic lights has been turned into something resembling a public square that mixes cars, pedestrians, and cyclists. About 5,000 cars pass through the square each day, with no serious accidents since the redesign in 1999. "To my mind, there is one crucial test of a design such as this," Monderman says. "Here, I will show you."

With that, Monderman tucks his hands behind his back and begins to walk into the square – backward – straight into traffic, without being able to see oncoming vehicles. A stream of motorists, bicyclists, and pedestrians ease around him, instinctively yielding to a man with the courage of his convictions.

THEN HE TUCKS HIS HANDS BEHIND HIM AND WALKS BACKWARD STRAIGHT INTO TRAFFIC.

From the beginning, a central premise guiding American road design was that driving and walking were utterly incompatible modes of transport, and that the two should be segregated as much as possible.

The planned suburban community of Radburn, New Jersey, founded in 1929 as "a town for the motor age," took the segregation principle to its logical extreme. Radburn's key design element was the strict separation of vehicles and people; cars were afforded their own generously proportioned network, while pedestrians were tucked safely away in residential "super blocks," which often terminated in quiet cul de sacs. Parents could let kids walk to the local school without fearing that they might be mowed down in the street. Radburn quickly became a template for other communities in the US and Britain, and many of its underlying assumptions were written directly into traffic codes.

The psychology of driver behavior was largely unknown. Traffic engineers viewed vehicle movement the same way a hydraulics engineer approaches water moving through a pipe – to increase the flow, all you have to do is make the pipe fatter. Roads became wider and more "forgiving" – roadside trees were cut down and other landscape elements removed in an effort to decrease fatalities. Road signs, rather than road architecture, became the chief way to enforce behavior. Pedestrians, meanwhile, were kept out of the traffic network entirely or limited to defined crossing points.

The strict segregation of cars and people turned out to have unintended consequences on towns and cities. Wide roads sliced through residential areas, dividing neighborhoods, discouraging pedestrian activity, and destroying the human scale of the urban environment.

The old ways of traffic engineering – build it bigger, wider, faster – aren't going to disappear overnight. But one look at West Palm Beach suggests an evolution is under way. When the city of 82,000 went ahead with its plan to convert several wide thoroughfares into narrow two-way streets, traffic slowed so much that people felt it was safe to walk there. The increase in pedestrian traffic attracted new shops and apartment buildings. Property values along Clematis Street, one of the town's main drags, have more than doubled since it was reconfigured. "In West Palm, people were just fed up with the way things were, and sometimes, that's what it takes," says Lockwood, the town's former transportation manager. "What we really need is a complete paradigm shift in traffic engineering and city planning to break away from the conventional ideas that have got us in this mess. There's still this notion that we should build big roads everywhere because the car represents personal freedom. Well, that's bullshit. The truth is that most people are prisoners of their cars."

Today some of the most car-oriented areas in the US are rethinking their approaches to traffic, mainly because they have little choice. "The old way doesn't work anymore," says Gary Toth, director of project planning and development for the New Jersey Department of Transportation. The 2004 Urban Mobility Report, published by the respected Texas Transportation Institute, shows that traffic congestion is growing across the nation in towns and cities of all sizes. The study's conclusion: It's only going to get worse.

Instead of widening congested highways, New Jersey's DOT is urging neighboring or contiguous towns to connect their secondary streets and add smaller centers of development, creating a series of linked minivillages with narrow roads, rather than wide, car-choked highways strewn with malls. "The cities that continue on their conventional path with traffic and land use will harm themselves, because people with a choice will leave," says Lockwood. "They'll go to places where the quality of life is better, where there's more human exchange, where the city isn't just designed for cars. The economy is going to follow the creative class, and they want to live in areas that have a sense of place. That's why these new ideas have to catch on. The folly of traditional traffic engineering is all around us."

Back in Holland, Monderman is fighting his own battle against the folly of traditional traffic engineering, one sign at a time. "Every road tells a story," Monderman says. "It's just that so many of our roads tell the story poorly, or tell the wrong story."

As the new approach to traffic begins to take hold in the US, the road ahead is unmarked and ambiguous. Hans Monderman couldn't be happier. ■ ■ ■

Contributing editor Tom McNichol (mcnichol@pacbell.net) *wrote about bowling in Issue 12.09.*

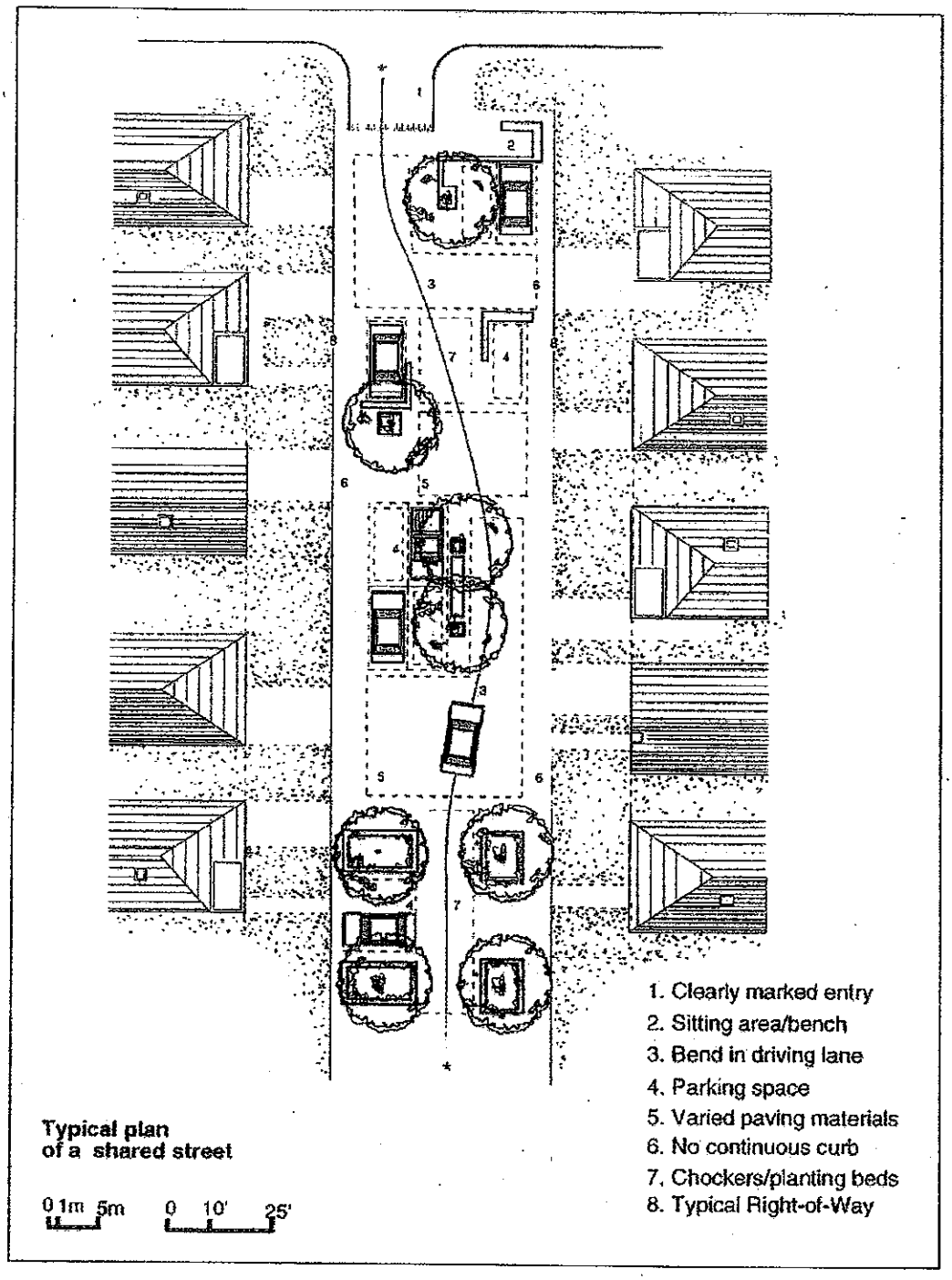
THE SHARED STREET CONCEPT

One of the most intriguing design innovations of the last twenty years has been the shared street or integration concept for residential streets. That the street is properly a physical and social part of the living environment, and is used simultaneously for vehicular movement, social contacts, and civic activities, has long been argued by many authors including Kevin Lynch, Donald Appleyard, Jane Jacobs, J. B. Jackson, and William Whyte. However, these characteristics of traditional European and American streets, though still found in many neighborhoods of American inner cities, have long disappeared from contemporary American suburbs. Yet in suburbs of European and other foreign cities a major shift in residential street design has occurred. In countries such as The Netherlands, Germany, England, Australia, Japan, and Israel, the integration of traffic and residential activity in the same space is a concept that has stimulated new design configurations that increase social interaction and safety on the street and promote pedestrian movement.[10-15]

The underlying concept of the shared street system is one of integration, with an emphasis on the community and the residential user. Pedestrians, children at play, bicyclists, parked cars, and moving cars all share the same street space. Even though it seems these uses conflict with each other, the physical design is such that drivers are placed in an inferior position. Such conditions are actually much safer for the pedestrian than in common residential street layouts. By redesigning the physical aspects of the street, the social and physical public domain of the pedestrian is reclaimed. Since this "emancipation" of the pedestrian environment is done with full integration of vehicular traffic, it is not an anticar policy.

The shared street concept gained popularity in Europe and has been applied in several countries, most notably in The Netherlands where it was first developed and executed. Its philosophical roots can be found in a 1963 report published in England by Colin Buchanan and the *Traffic in Towns* team.[16] In 1959 the Ministry of Transportation commissioned Buchanan to investigate the issue of improving urban transport.[17] This was to be done "both in terms of reducing congestion and to come to terms with the car." Buchanan, a road engineer as well as an architect, brought to the team an innovative point of view. He was able to see the conflict between providing for

In the shared street or *woonerf*, pedestrians and vehicles share the same space, which is designed to slow traffic and to support play and social uses. Since motorists sense they are intruding into a pedestrian zone, they drive more cautiously and accident rates decline.
(© Eran Ben-Joseph)

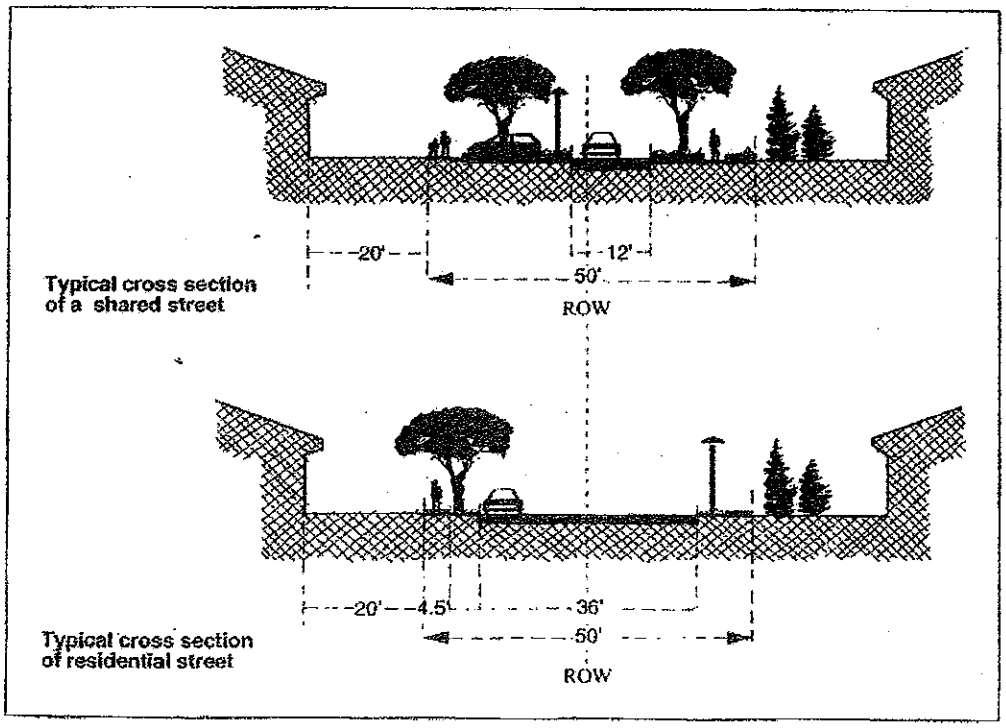


easy traffic flow and the destruction of the residential and architectural fabric of the street. In the context of the prevailing philosophy of the late 1950s and early 1960s this was a unique, if not revolutionary, approach. The team came up with a technique for evaluating and restructuring the urban traffic system by creating specific zones, which they called *environmental areas* or *urban rooms*. These were to be of a different character from typical streets, with traffic levels that would vary according to their functions. Streets would not only

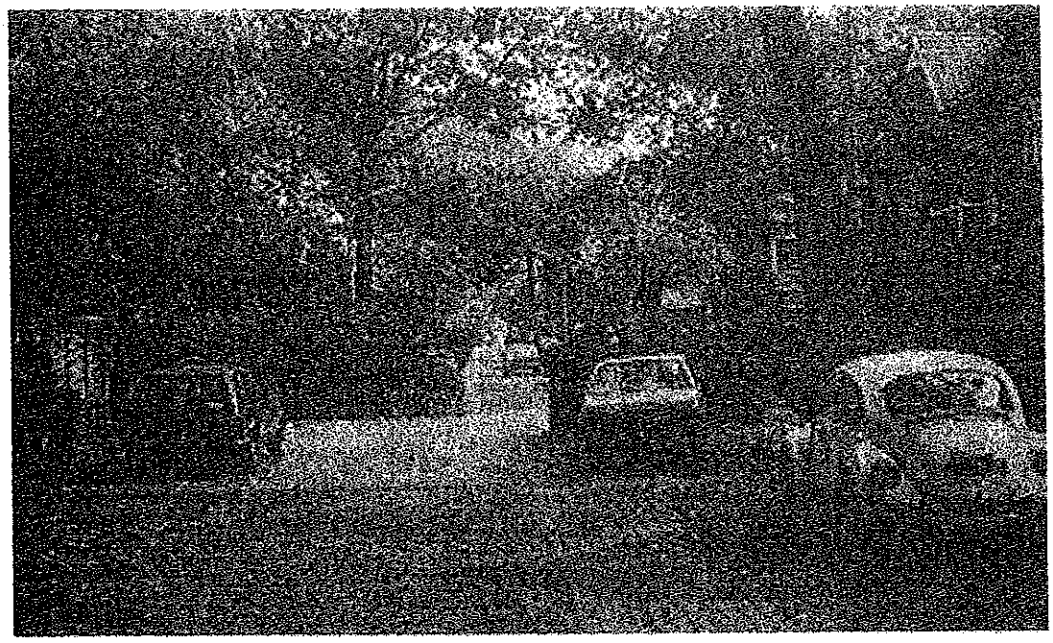
be evaluated in terms of their capacity to carry traffic, but also environmental quality as measured by noise, pollution, social activity, pedestrianization, and visual aesthetics. This criterion of environmental capacity would then be used in setting standards and limitations.[18] Thus, certain environmental areas would segregate traffic and pedestrians completely, while others would allow pedestrians and vehicles to mix safely in the street. The public domain would be reclaimed for pedestrians by redesigning the physical aspects of the street.

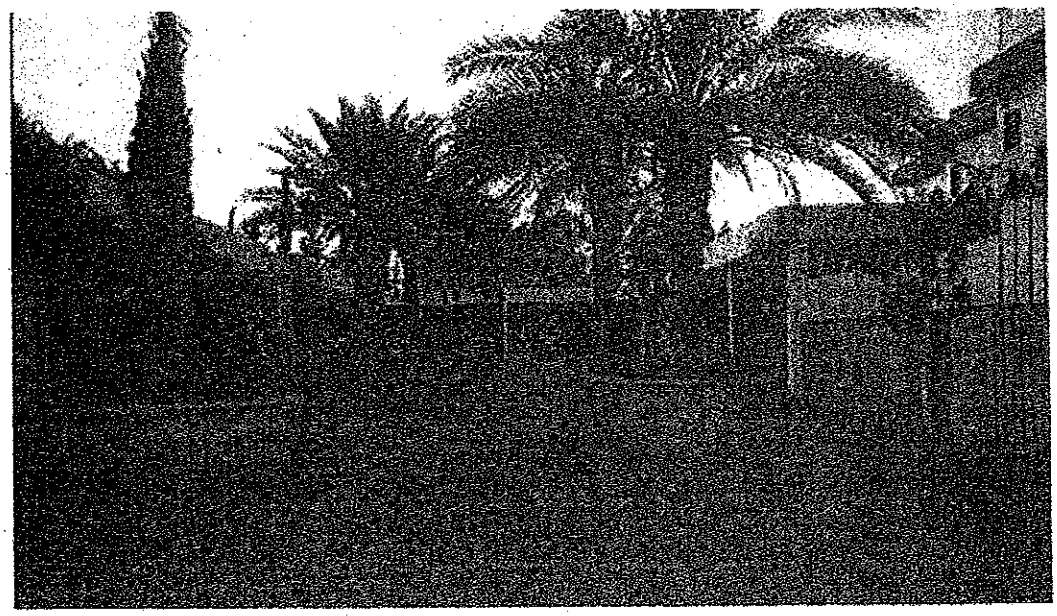
In the beginning the concepts of "traffic integration" and "traffic calming" in the environmental capacity zones were not well received by the British policymakers, since they seemed to run counter to the major governmental policies of promoting economic development through road construction and railway improvements. However, the report surfaced again in the late 1970s and provided its major impact when the British Government combined two departments, the Ministry of Transport and the Ministry of Housing and Local Government, into the new Department of the Environment.[19] This was the first attempt to address both land use issues and transportation planning as a single entity, yet physical changes were slow to appear.

Interestingly, the *Traffic in Towns* report had much more impact in continental Europe. German and Dutch planners enthusiastically adopted the ideas and many still refer to Buchanan as the "father of traffic calming." In The Netherlands, Buchanan's theoretical concepts inspired Niek De Boer, professor of urban planning at Delft University of Technology and the University of Emmen. Trying to overcome the contradiction between streets as places for children's play, as well as car use, he saw in Buchanan's concept of coexistence a possible solution. He designed streets so that motorists



Shared Street Sections: shared street and typical street.
(© Eran Ben-Joseph)

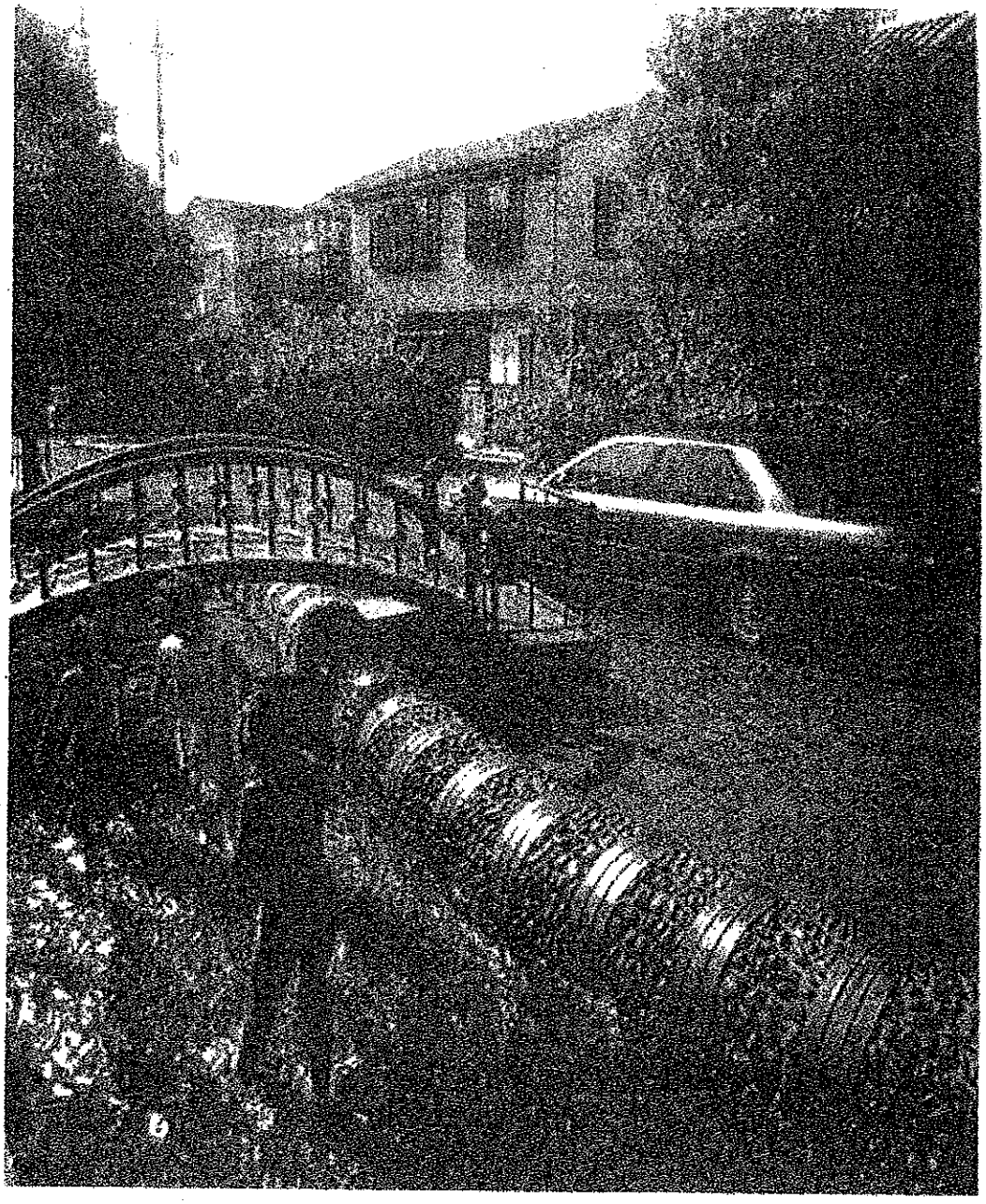




Shared streets have been successful in many countries, including the Netherlands (a), Israel (b), and Tokyo (c). *(a: © Tim Pharoah; b: © Eran Ben-Joseph; c: The Wheel Extended)*

would feel as if they were driving in a "garden" setting, forcing drivers to consider other road users. De Boer renamed the street a *woonerf*, or "residential yard." At the same time, in 1969 the Municipality of Delft, which was considering redesigning and upgrading road surfaces in inner-city locations, decided to implement De Boer's ideas in some of the lower-income neighborhoods where more child play areas were urgently needed, but which lacked play sites. With resident participation, the design integrated sidewalks and roadways into one surface, creating the impression of a yard. Trees, benches, and small front gardens further enhanced the space.[20, 21]

The Delft experience was a success and the *woonerf* concept spread throughout The Netherlands in the form of guidelines and regulations. The first set of minimum design standards and traffic regulations for the *woonerf*



was adopted and legalized by the Dutch government in 1976. A brief excerpt from the *Traffic Regulations for the Woonerf*,[22] translated from Dutch, illustrates their innovative and rigorous nature:

- Article 88a RVV
  Pedestrians may use the full width of the highway within an area defined as a "*Woonerf*"; playing on the roadway is also permitted.
- Article 88b RVV
  Drivers within a "*Woonerf*" may not drive faster than at a walking pace. They must make allowance for the possible presence of pedestrians, including children at play, unmarked objects and irregularities in the road surface, and the alignment of the roadway.

These regulations were the basis of the guidelines for shared streets adopted shortly thereafter in many other countries: in Germany in 1976, in England, Sweden, and Denmark in 1977, in France and Japan in 1979, in Israel in 1981, and in Switzerland in 1982. By 1990 over 3,500 shared streets had been constructed in The Netherlands and Germany, more than 300 in Japan, and 600 in Israel. In some new residential areas the concept was so popular that it became the major type of street. In each country it is called by a different name: *wohnstraßen*, or *living street*, in Germany; *shared street* or *mixed court* in England; *community doro*, or *community street*, in Japan; and *rehov meshulav*, or *integrated street*, in Israel. Today, *unified street system* is a global term that encompasses the basic ideas represented by the original *woonerf*.[23-30]

Design Characteristics of Shared Streets

Shared streets integrate pedestrian activity and vehicular movement on one shared surface. In this approach the street has first and foremost the functions of a residence, a playground, and a meeting area. It has the additional functions of carrying access traffic and providing parking spaces, but is not designed for intentional through traffic. The unified street system is fully adaptable to any residential street setting and to various physical shapes. Looking at the evolution of the form since its inception, several design characteristics are typical:

- It is a residential, public space.
- Through traffic is discouraged.
- Paved space is shared by pedestrians and cars, with pedestrians having priority over the entire street. Walking and playing are allowed everywhere.
- It can be a single street, a square (or other form), or a combination of connected spaces.
- Its entrances are clearly marked.
- There are no conventional, straight stretches of pavement with raised curbs, and the pavement (carriageway) and sidewalk (footway) are not rigidly demarcated.
- Car speed and movement are restricted by physical barriers and deviations, bends, and undulations.
- Residents have automobile access to their dwelling fronts.
- The area has extensive landscaping and street furnishings.

Typically the entire right-of-way is paved in the same way, often with a special paving texture such as brick or stone. Elimination of curb and grade changes creates a continuous surface and enhances the sense of continuous

space. Even when a curb is needed for drainage purposes, the same paving material usually covers the entire space. Such features have a powerful effect on drivers. Without the familiar two-curb lines and an asphalt roadway, drivers tend to slow down. A "restrictive" approach, on the other hand, can use any number of devices to intimidate drivers so that they are inclined to slow down: tight curves, narrow pavements, natural obstacles such as trees or rocks, visual cues such as pavement color, and rough pavements. Directional changes and the placement of planting beds provide further driver inhibition. Drivers must negotiate and pass through narrow sections of roadway which are just over 11 feet (3.3 m) wide, allowing the passage of one car at a time in a two-way traffic situation (the width might vary to allow clear passage for local service vehicles). The traveled route shifts from side to side every 125 feet (40 m), discouraging speed buildup. Planting beds are laid out in a manner that does not obstruct the passing of large emergency vehicles; they are usually low—12 inches (30 cm) high—and are made from durable materials. Their height and material allow large vehicles, such as a hook-and-ladder firetruck, to drive over them in case of an emergency; they do not hinder the opening of car doors and can provide informal seating.

Parking design follows a variety of patterns. In some configurations spaces are clustered together in groups of no more than six spaces and are at a right angle to traffic. This layout demands more attention from the driver and can be better used by children when the spaces are empty. Other patterns provide parking spaces near dwelling entrances. Such schemes satisfy residents' desires to park as close as possible to their homes. Parking is not a hindrance to the aesthetic quality of the street. In many designs parking spaces are not clearly marked. The early practices of marking parking areas with signs and paving have been replaced by physical elements; planting beds, street furniture, and trees define the spaces where parked cars can fit. While visually the street is perceived as one coherent unit, the underlying physical structure controls driver conduct in through movements and parking.

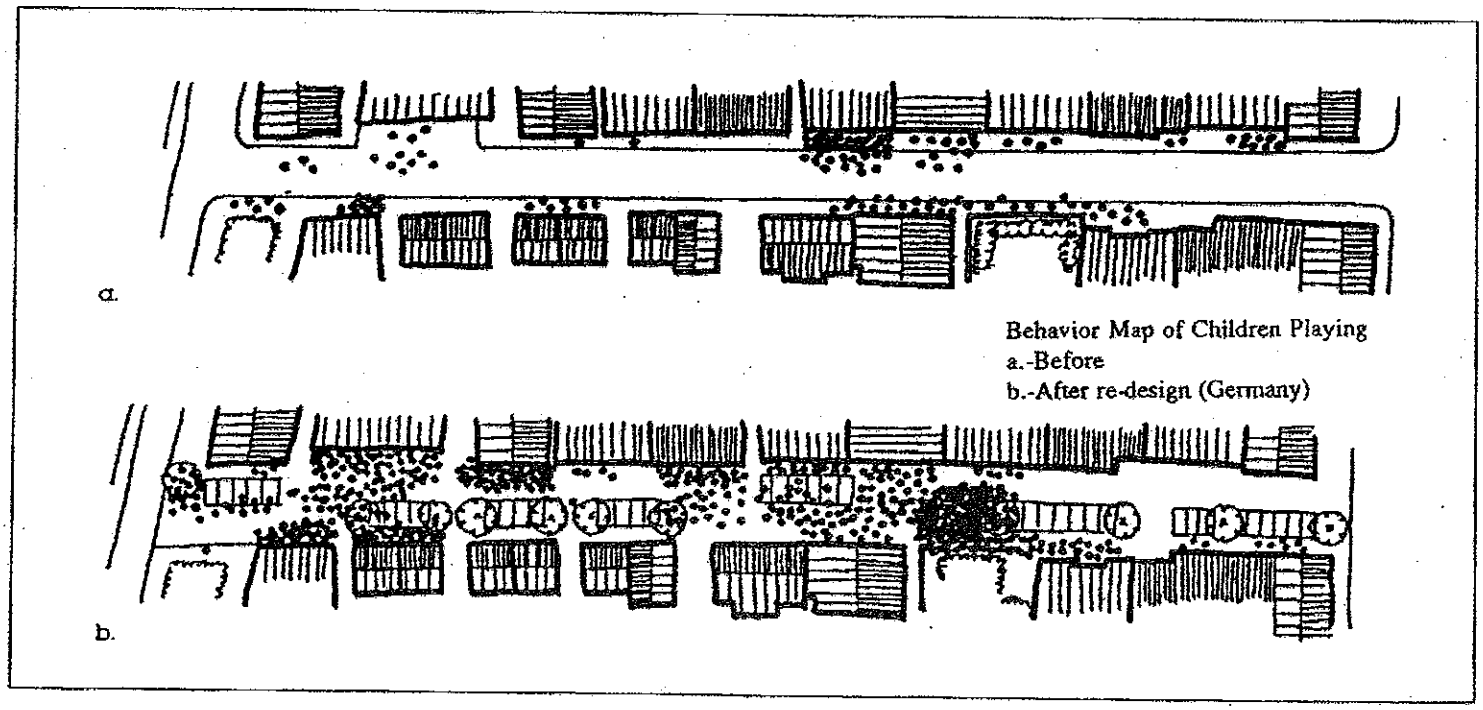
Although most of these physical characteristics apply to a linear street layout, the unified street principles can be applied to any configuration. In 1974 the concept of shared streets was introduced in Britain for new developments. By allowing clusters of houses to be accessed by pedestrians and drivers through a shared undemarcated surface, designers were able to develop new urban forms. With favorable reaction from residents, the British Department of the Environment and the Department of Transportation published a set of guidelines for shared surface design in 1977.[31] Recently, new town developments in Japan and Israel have incorporated the unified street concept as a basic design layout, as well. In these developments most residential streets are shared spaces branching off a main collector. Both pedestrians and drivers reach the clusters of houses across a shared undemarcated surface. This arrangement has freed designers to develop new spatial patterns, unconstrained by the regularity of linear streets.

The Social Benefits

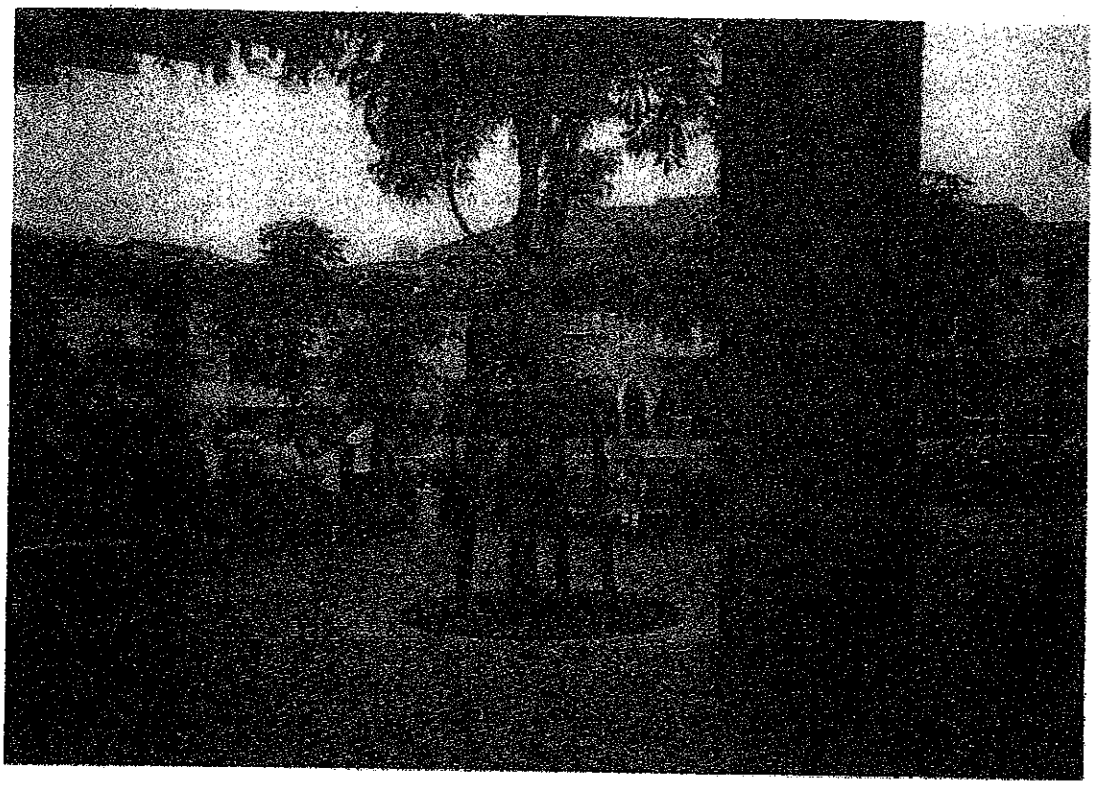
Shared streets establish a social milieu and make the street a mixed-use public domain as it was prior to mass ownership of the automobile. More than transportation channels, streets are places suited for pedestrian interaction, where people choose to pause and socialize. They are especially supportive of children's activities, providing more play options and social contact within a safe home-base territory. Residents of shared streets tend to view the street as an extension of their personal space and often maintain and landscape the planting beds near their homes. Research indicates that as people spend more time on the street, the chances for social interaction also increase. This is particularly true for children's play. A study of two *woonerven* in Hanover, Germany before and after conversion revealed that street redesign led to a 20 percent increase in play activity, as well as a greater variety of activities. Children stayed longer, and without adult supervision, and play became more complex. Games requiring more space and the use of bicycles and toy vehicles also increased. Most notable was the shift in play location: from narrow street sidewalks to the *woonerf*'s entire width, including the former traffic lane.[32]

Similar studies in Japan report that 90 percent of those surveyed said the shared street was for people's use rather than for automobile use; 67 percent said that their children played in the street and that it was considered a safe place to play. People expressed great satisfaction with a street space that could be used for more than one purpose, and with the fact that children could play throughout, not just in the play lots or sidewalks. A majority of the residents (66 percent) felt that the shared street encouraged social interaction and conversation between neighbors.[33]

A study of shared streets in Germany before and after conversion revealed that shared streets attracted more play activity, and more complex activity, without adult supervision, than regular streets before conversion. *(© Eubank)*



Behavior Map of Children Playing
a.-Before
b.-After re-design (Germany)



Shared streets make the street space a mixed-use public domain for a variety of activities like playing, talking, relaxing, watching, or gardening. *(© Eran Ben-Joseph)*

Surveys in Israel also showed that shared streets foster encounters and communication between neighbors. Most residents preferred a dead-end street (cul-de-sac) to a through one-way street, indicating that a dead-end street improved the environment and safety of their neighborhood. The majority of the children (81 percent) played in the street every day, using it as their main play zone. Between 88 and 100 percent of the residents said they were willing to maintain the public planting beds within the streets, and almost 50 percent said they were actually doing so.[34,35]

A nationwide study in The Netherlands indicates that residents' attitudes toward shared streets are strongly influenced by the level of satisfaction with the design and social performance of the public spaces, rather than by the functioning of the traffic system.[36,37] Moreover, residents are willing to accept restraints on traffic and driving in order to improve their social and residential environment. The surveys found that mothers, as well as children, consider the shared street safer than an ordinary street. It is also clear that the amount of knowledge one has about shared streets directly corresponds with attitudes toward them. Thus, opposition to implementation is mainly correlated with general lack of knowledge about the shared street concept.

Safety

Even though it might seem that vehicular traffic and pedestrians would be in conflict, the physical design of shared streets actually subordinates the traffic, a situation that is much safer for the pedestrian than the usual street layout. In terms of safety, studies in Germany, Denmark, Japan, and Israel

show that there are over 20 percent fewer accidents in shared streets and over 50 percent fewer severe accidents compared with standard residential streets. The groups that benefit the most are pedestrians, children, and cyclists.[38, 39] The most prevalent traffic accidents on standard residential streets are child-related accidents. According to a study in England, half of all road accidents with children under five occur within 100 meters of their homes. The same survey showed that very few such accidents occur on streets with restrictive devices and shared surfaces or cul-de-sac design.[40] The suggestion often encountered, that safety improvements in one area increase the accidents in neighboring areas, was not proven. Interestingly, the safety results in Europe and in Asia appear to be similar.[41–49]

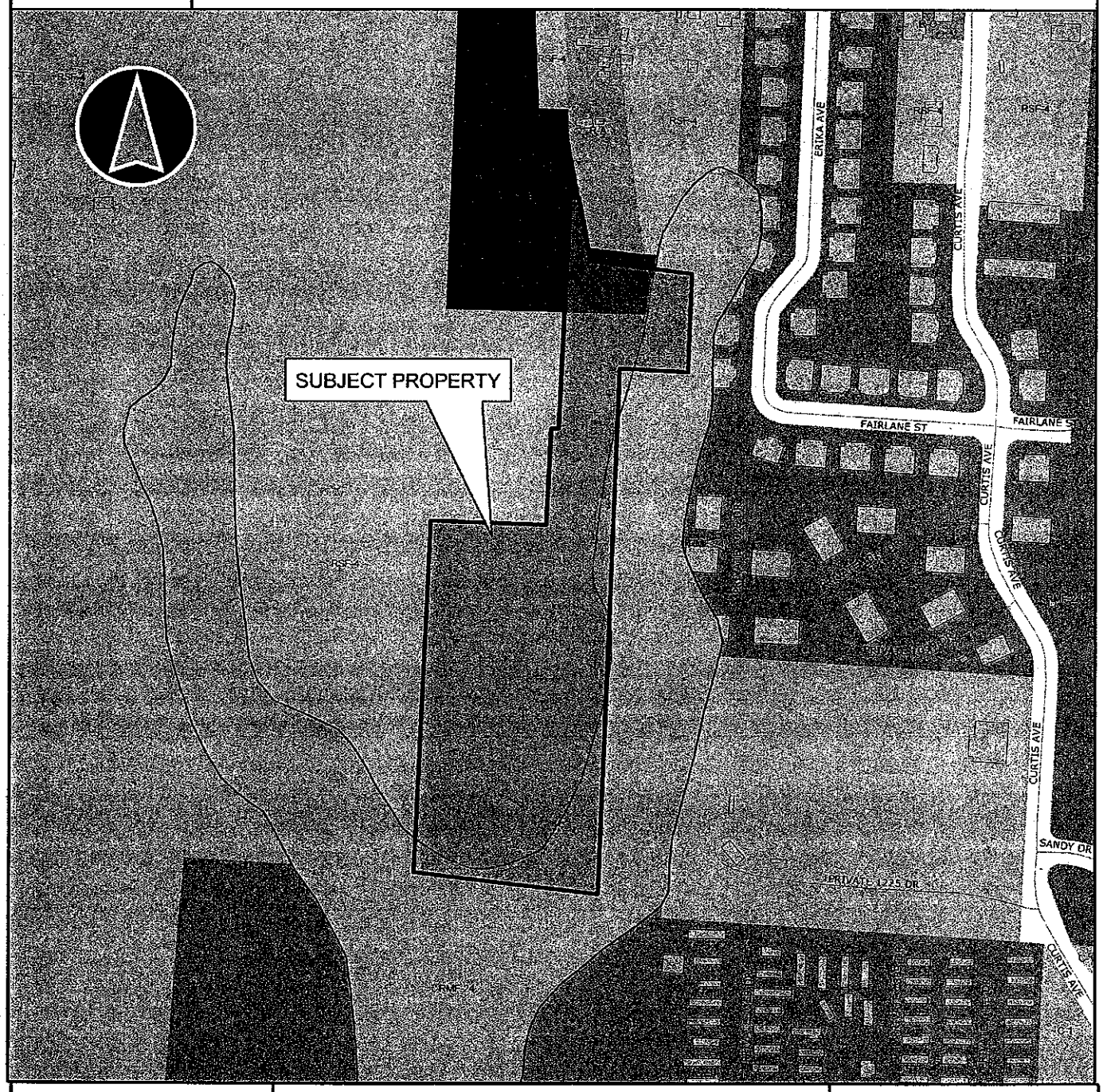
Another promising finding showed a reduction of vehicle trips of up to 14 percent.[50] The performance of pavement types was studied in Japan; fewer traffic accidents and safer driving were found when interlocking pavers were used. The use of different colors and the vibrations of the blocks make drivers slow down, in addition to reducing the distance required for a complete stop when compared with asphalt paving.[51]

These results are contrary to the logic of most road engineering. What is the explanation? The shared street layout establishes a pedestrian orientation by giving pedestrians primary rights; the driver is the intruder and is forced to realize he/she is entering a zone where the pedestrian has preeminent privileges. The motorist then recognizes the probability of sudden conflicts and exercises particular caution. This combination of an alerted driver and low vehicle speed substantially reduce the likelihood of a serious accident; the maximum speed in a shared street was recorded at 13.5 mph (21.8 kph).[52]

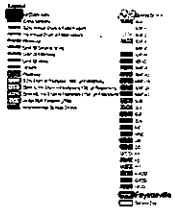
PZD08-3006

Close Up View

PORCHSCAPES NEIGHBORHOOD



Overview

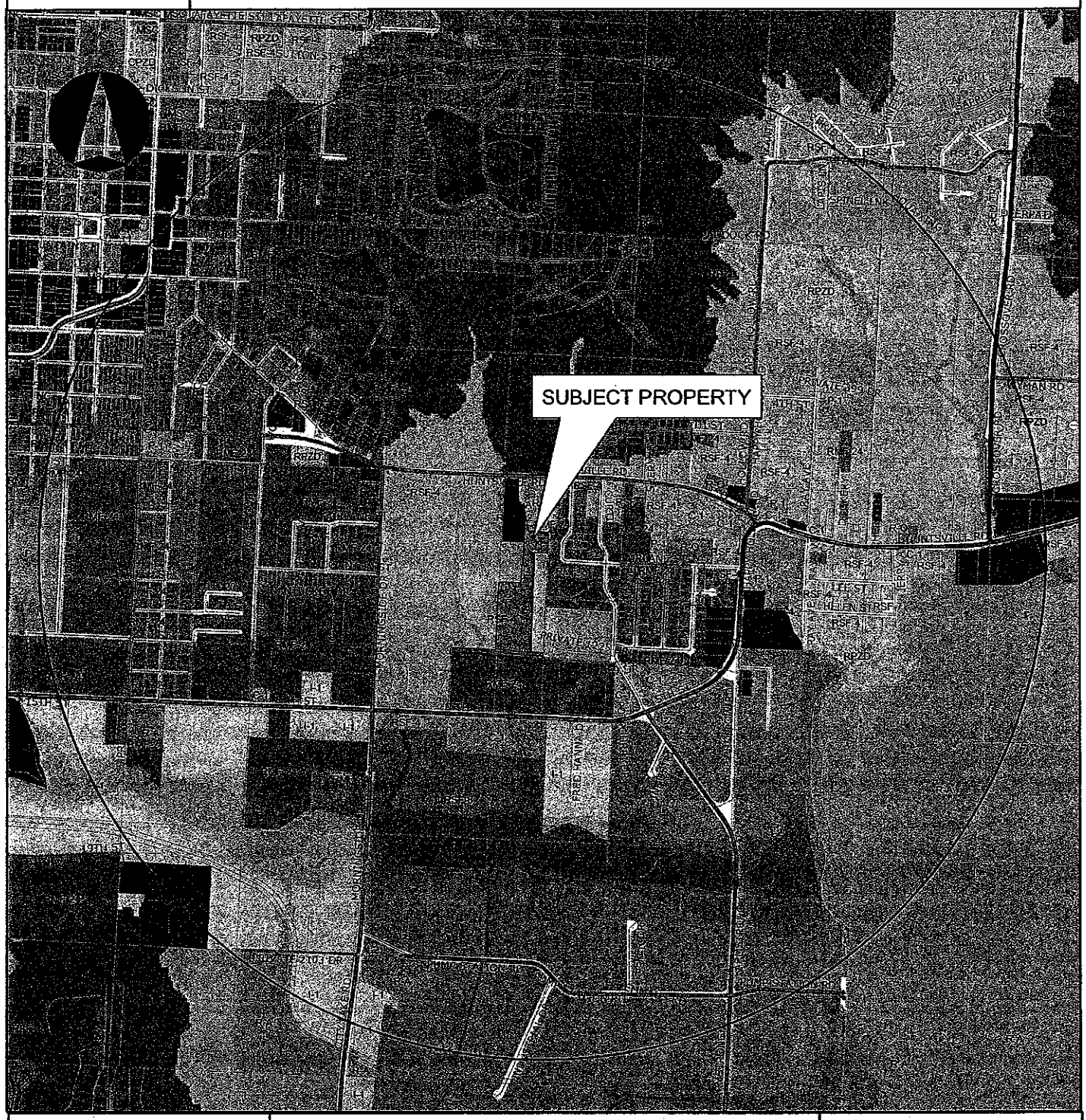


0 125 250 500 750 1,000 Feet

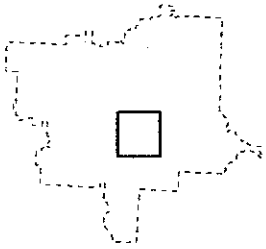
RPZD08-3006

One Mile View

PORCHSCAPES NEIGHBORHOOD



Overview



Legend

Subject Property

RPZD08-3006

Boundary

Planning Area

Overlay District

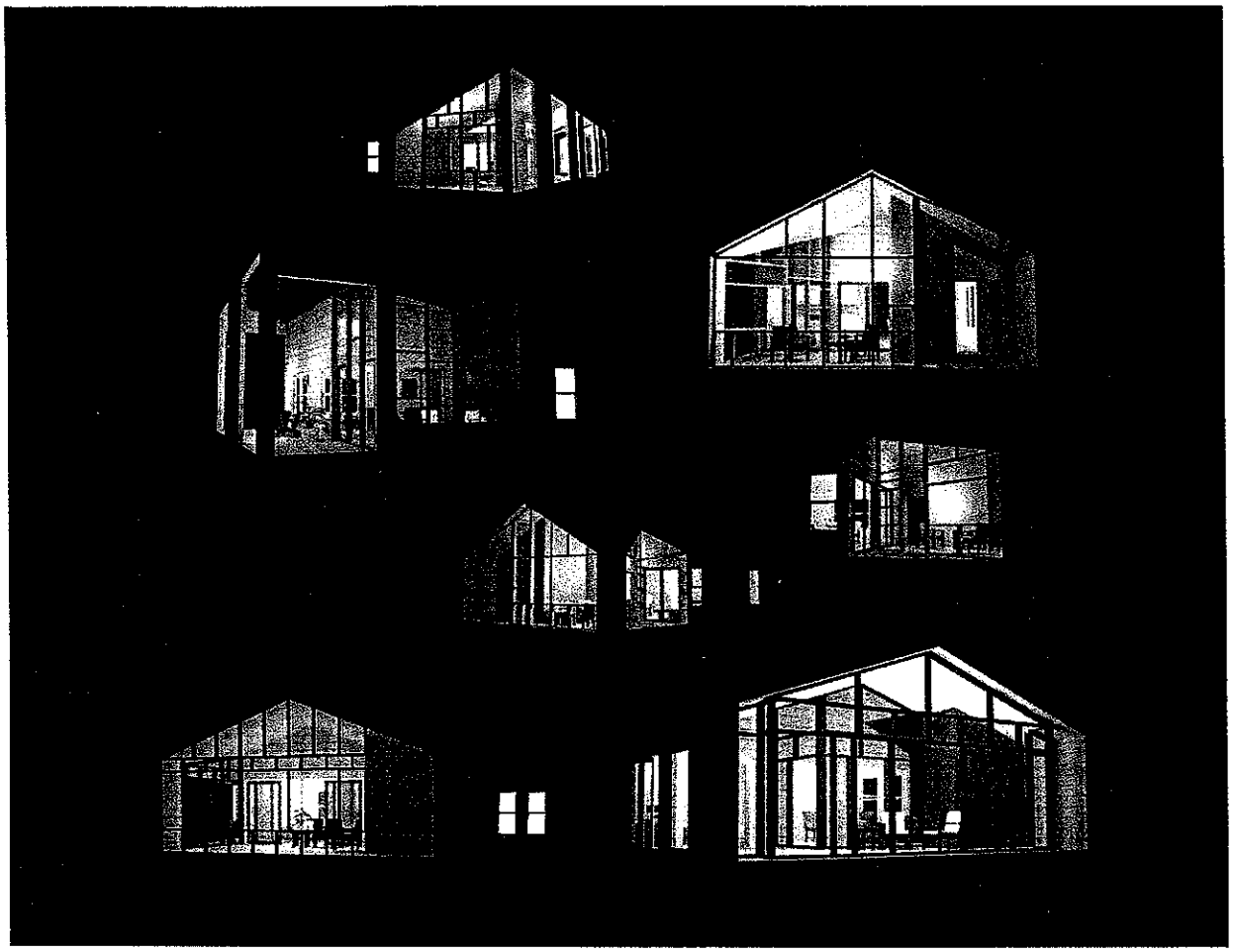
Outside City

Legend

Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

Porchscapes:
A Low Impact Development Neighborhood for Habitat for Humanity



Habitat for Humanity Washington County

UACDC UNIVERSITY OF ARKANSAS COMMUNITY DESIGN CENTER

MCE McCLELLAND CONSULTING ENGINEERS, INC.

A. Current Ownership Information:

Parcel # 765-15079-001
8.818 Acres

Habitat for Humanity of Washington County
419 W. Rock Street
Fayetteville, AR 72701
Ph. (479) 575-9696

B. Summary description of the scope, nature, and intent of the proposal:

The 43-unit residential project, south of Seven Hills Homeless Center, is a demonstration Low Impact Development (LID) sponsored by the U.S. Environmental Protection Agency (USEPA) and the Arkansas Natural Resources Commission for Habitat for Humanity of Washington County. LID is an ecological storm water management approach that sustains a site's predevelopment hydrologic regime as it undergoes development. Different from the conventional hard engineered solution, which uses the street to transport runoff elsewhere, LID technologies use the natural "carrying capacity" of the landscape to infiltrate, filter, store, and evaporate urban storm water runoff close to its source.

The planning and policy objective is to build a demonstration project following Leadership in Energy and Environmental Design for Neighborhood Development (LEED-ND) criteria, a pilot certification program of the U.S. Green Building Council (USGBC). Porchscapes is one of 238 projects selected internationally to participate in the LEED-ND pilot program, and a Low Impact Development (LID) project being sponsored under the USEPA's Section 319 Program for Nonpoint Source Pollution. The project goal is to provide an affordable 8.8-acre housing development for Habitat for Humanity with projected housing construction costs of $60 per square foot. The challenge is to create a high-value development that solves for the triple bottom line (social-economic-environmental) on a challenging green field site from modest one-story, single-family houses.

Planning begins with a Green Neighborhood Transect, enhancing connections among the porch, yard, street, and open space. Neighborhoods are developed as landscaped sub-watersheds to localize treatment of storm water runoff. These LID landscapes offer a unique neighborhood aesthetic, allowing low-income property owners additional equity appreciation in their home investments. This development model embeds ecological metrics into planning, land-use policy, and infrastructural design, offering an exemplary template for all market grades of housing.

C. General Project Concept:

(1) Street and Lot Layout: (Image 1) The entrance to the proposed neighborhood extends Seven Hills Drive south of Huntsville road. The general concept for this linear site arranges lots around a string of successive auto courts and shared street plazas.

(see Appendix "A" for information on shared street plazas) The shared street configurations transform the street into a park, providing pedestrian facilities that create a safer street for children and pedestrian activity. Street extensions are planned for connections to future developments to the south and west. The connection to the south, for now, will be an emergency access easement to 15th Street, provided and maintained by Habitat for Humanity, and constructed to meet emergency response vehicle requirements. All lots front the street, shared street plazas, or public green spaces.

(2) Site Plan Showing Proposed Improvements: Illustrated on the Master Development Plan and Image 1.

(3) Buffer Areas: The proposal designates one hundred foot buffer areas around two small delineated wetlands. The first wetland is a farm pond along the eastern site boundary. The second wetland is a sink hole located along the southern boundary line. These buffers are illustrated on the Master Development Plan.

(4) Tree Preservation Areas: Trees to be preserved include trees located in the farm pond fringe wetland, the legacy pecan tree on the south side of the property, and significant trees located in the existing drainage ditches along the east and northwest sides of the property. Trees to be preserved are illustrated on the Master Development plan and shall be in accordance with Section 167 of the Unified Development Code.

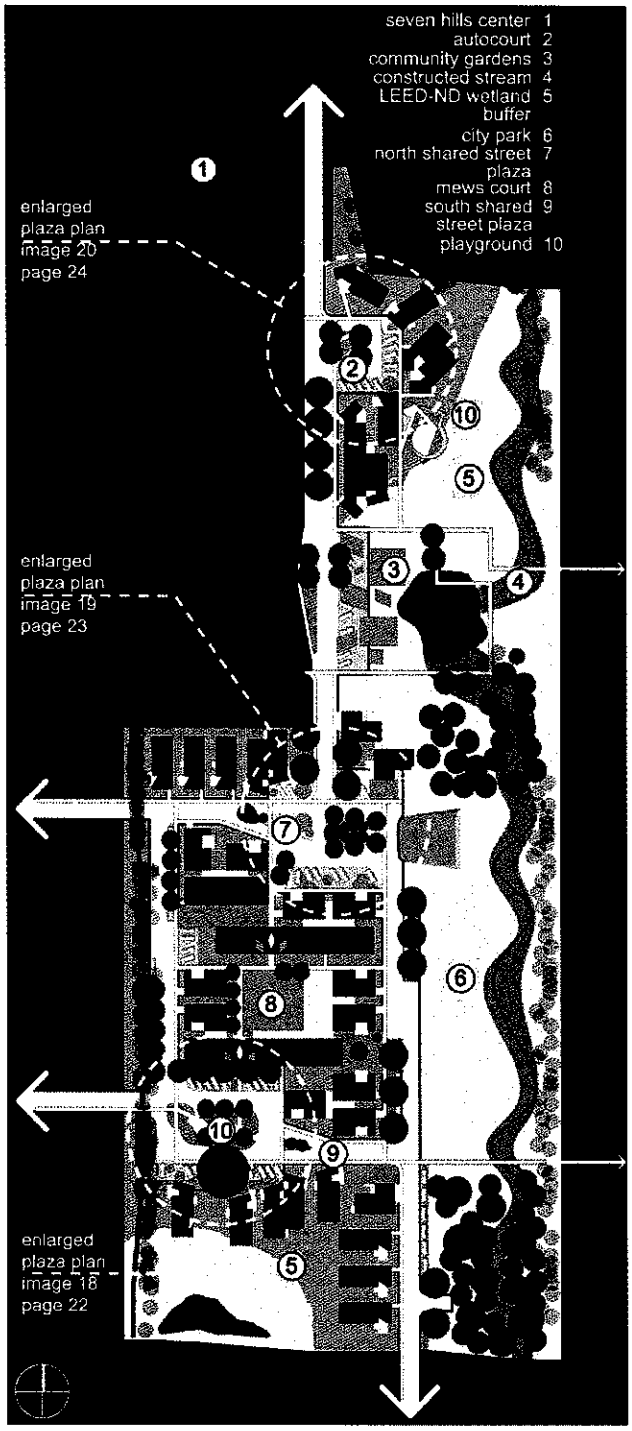


Image 1 – Site Plan

(5) Storm Water Detention Areas and Drainage: Storm water management shall be in compliance with Chapter 170 of the Unified Development Code. As a Low Impact Development (LID), storm water runoff will be managed in localized treatment facilities located in the shared street plazas and adjacent to the roads (Image 2). These facilities or Best Management Practices (BMP) are connected, creating an ecologically-based water treatment train. This follows the intent of the Unified Development Code to prevent the increase in magnitude and frequency of storm water runoff while controlling soil erosion and stream sedimentation. Proposed BMPs include bioswales, infiltration trenches, sediment traps, tree box filters, and permeable paving (Image 3). Excess storm water runoff for design flows (2, 10, and 100 year 24-hour events) that is not infiltrated or evapotranspirated on site will be directed to a wildgrass retention meadow on the adjacent 3.6-acre park to the east of the site. The storm water will be treated through a diverse and native wetland plant community, resulting in discharge cleaner than that from a traditional pipe-and-pond system, which simply stores water. This "productive landscape" will increase biodiversity and provide a novel and desirable neighborhood aesthetic. The project goal is to increase the level of ecological serves typically offered in neighborhood development. The Property Owner's Association covenants will govern the maintenance of all BMP's.

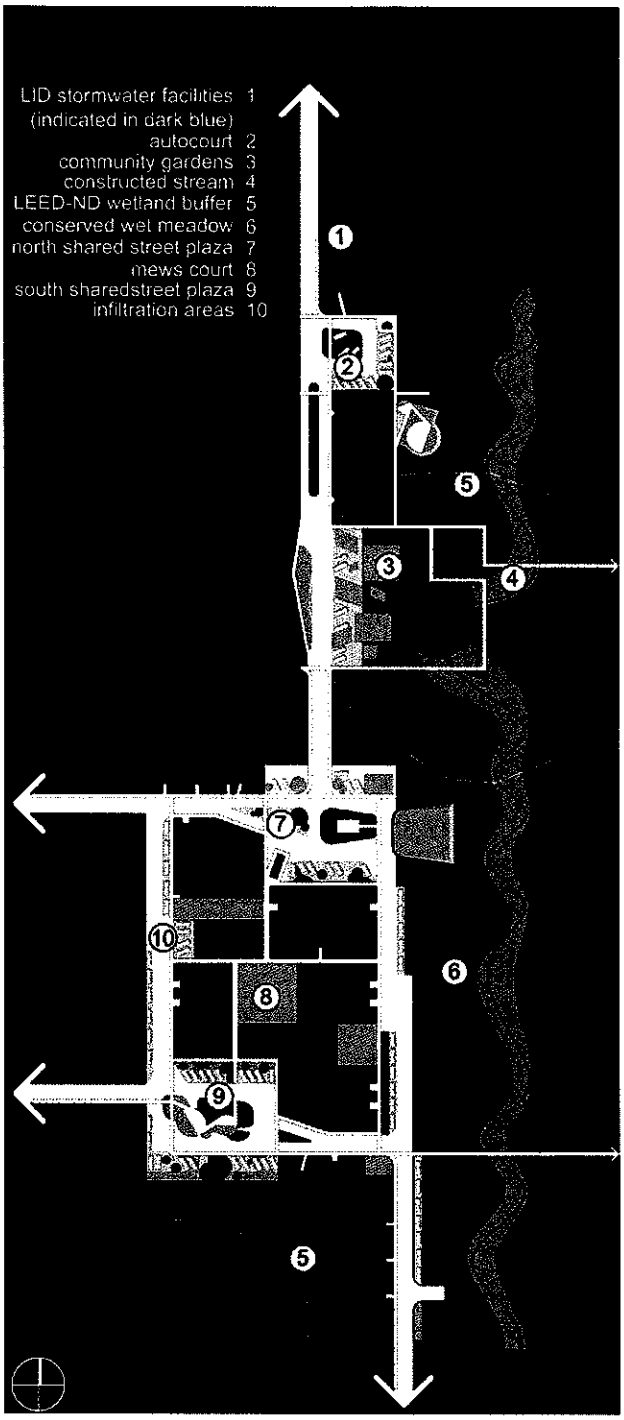


Image 2 – Storm Water Retention Areas

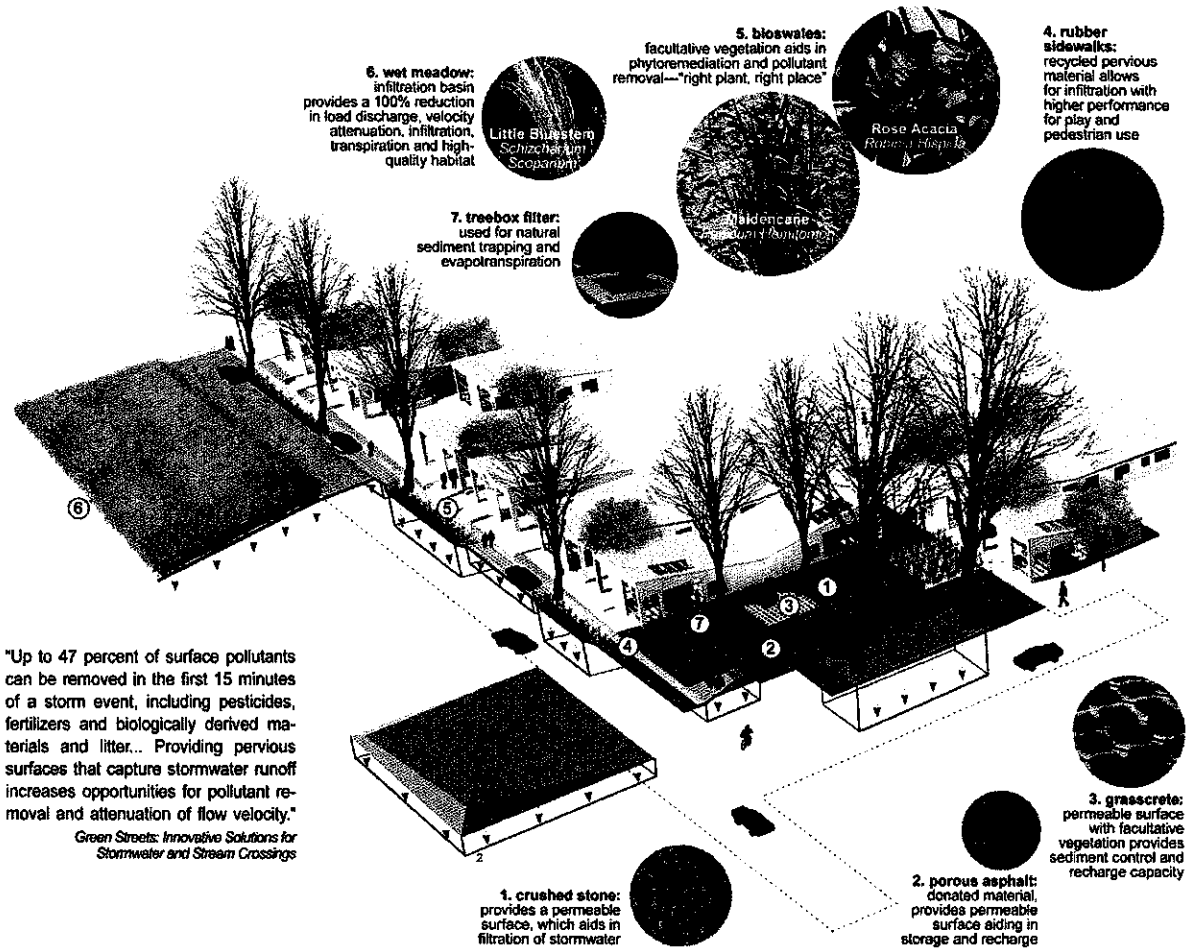


Image 3 – Low Impact Development Best Management Practices

(6) Undisturbed Natural Areas: The areas delineated as wetlands and the majority of their 100' buffers will remain as undisturbed natural areas as illustrated in the Master Development plan.

(7) Existing and Proposed Utility Connections and Extensions: Water service is planned to extend from an existing 8" main located on the Seven Hills development west of Seven Hills Drive. The project will continue this 8" main southward, loop through the proposed neighborhood, and terminate into an existing 8" main on the north side of Shenandoah Mobile Home Park. A sanitary sewer main currently traverses the western edge of the Seven Hills Drive right-of-way, running southward, and turns eastward through the project's site, abutting the park land. This 8" sewer main connects to another 8" main, which runs north-south along the park land's eastern boundary. Sewer service for the project is planned with 8" main extensions through the neighborhood, terminating in an existing manhole on the southwest corner of the American Legion Ball Park.

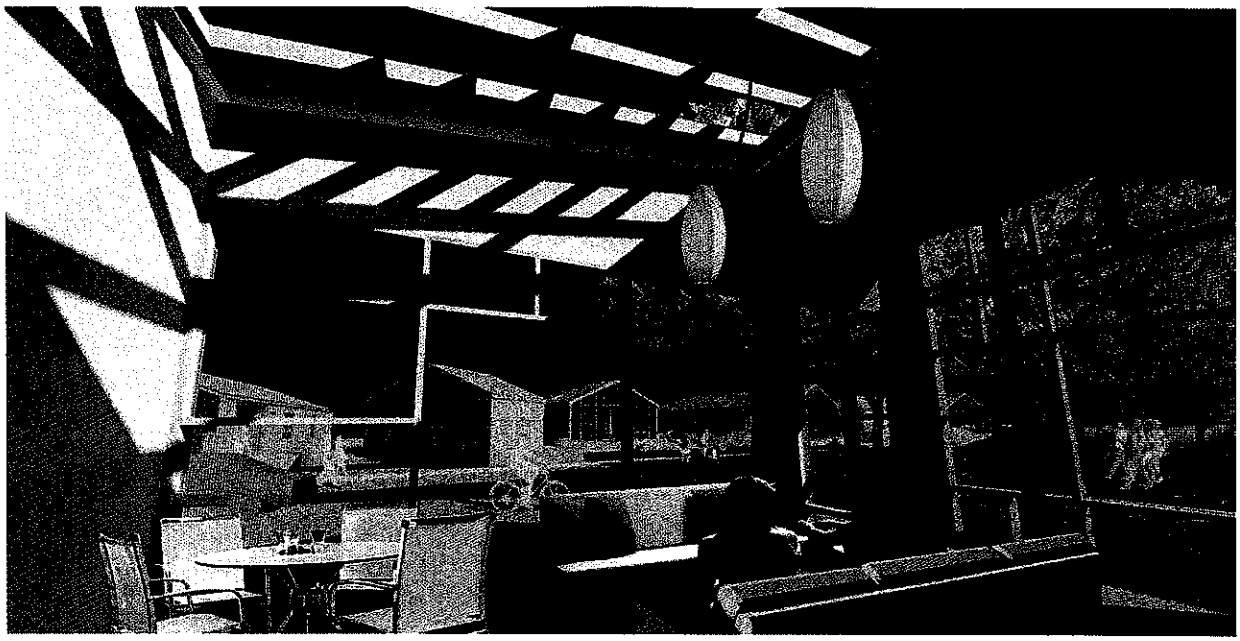


Image 4 – View from Porch onto Shared Street Plaza

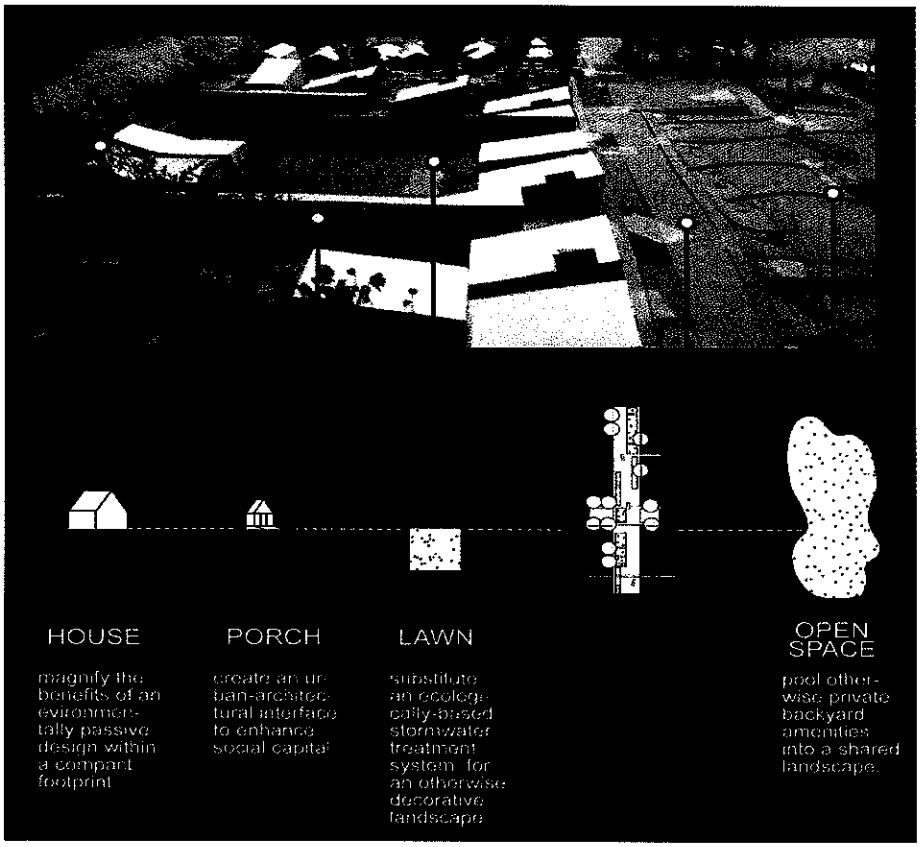


Image 5 – Green Neighborhood Transect

(8) Development and Architectural Design Standards: The design intention is to integrate horizontal infrastructural planning with individual property development through the use of a Green Neighborhood Transect (Image 5). While house plans meet the modest design standards stipulated by Habitat for Humanity International, each unit will be fronted with a generous porch component accessorized with screens, patios, planters, ivy-clad walls, and storage units (Image 6). Porches as rooms that define street space are, in some cases, built tight to the right-of-way edge without compromising the privacy of the unit's interior. (Image 4). Housing density is higher than currently zoned in order to create definable pedestrian plazas, community gardens, and courtyard spaces. Frontage components will be clad with cement fiberboard and screened walls.

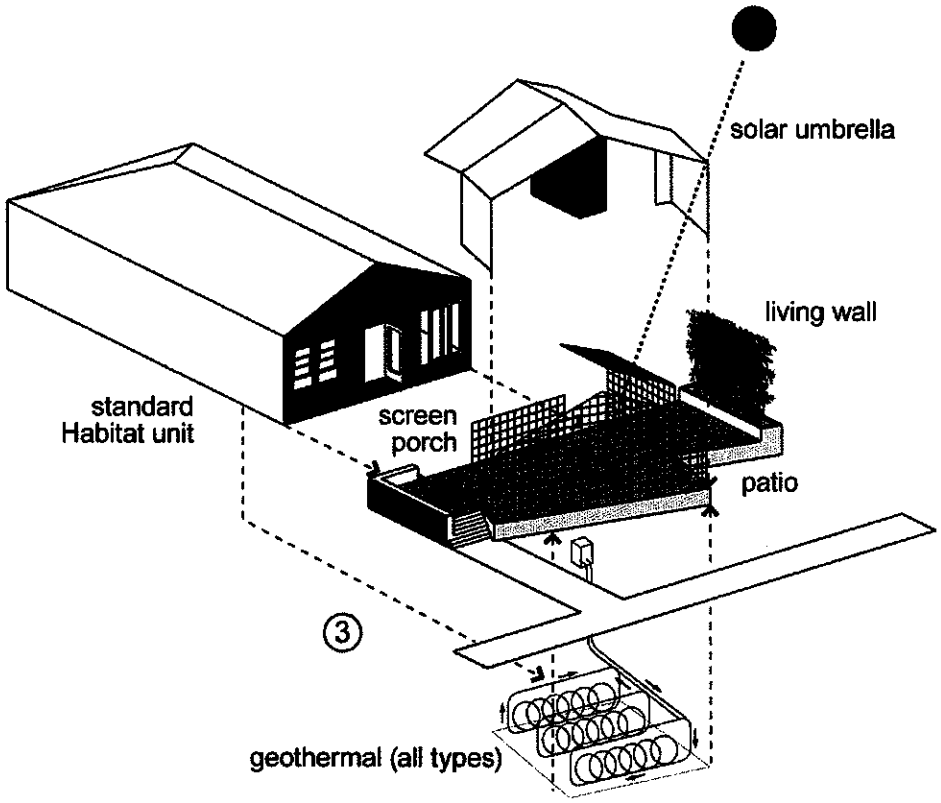


Image 6 – Accessorized Habitat Unit

(9) Building Elevations: Housing is based on four basic one-story types, which are combined to create larger groupings (Image 7). Since Habitat requires construction costs to be under $60 per square foot, architectural merit is derived from frontage components consisting of screened porch rooms or loggias. Porch geometry and frontage accessories create articulated corner conditions in each house, adding variety to the street edge. Screen, cement fiberboard, and vinyl siding will be used in interlocking patterns in a similar aesthetic as represented Image 7 and in the Zoning and Development Standards for each PA.

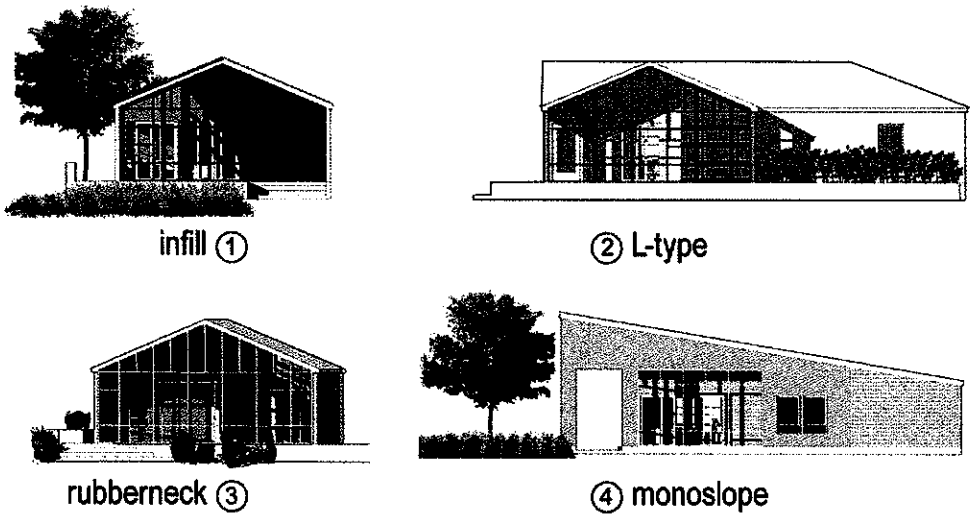


Image 7 – Typical Elevations

D. Proposed development phasing and time frame:

Phase 1 of the development shall be limited to 15 buildable lots, with preliminary plat approval to be obtained within two (2) years of City Council approval of the planed zoning district, and final plat approval to be obtained within three (3) years of preliminary plat approval of Phase 1. Phase 2 for the remaining lots shall be obtained within five years of City Council approval of the planned zoning district, and final plat approval to be obtained within three (3) years of the preliminary plat approval of Phase 2.

E. Proposed Planning Areas (PA's):

There are four Planning Areas (Image 8) proposed as depicted on the plan sheet labeled 'Zoning and Development Standards by Planning Area'.

- Planning Area 1 – Single Family Dwelling
- Planning Area 2 – Two Family Dwelling
- Planning Area 3 – Three Family Dwelling
- Planning Area 4 – Community Commons

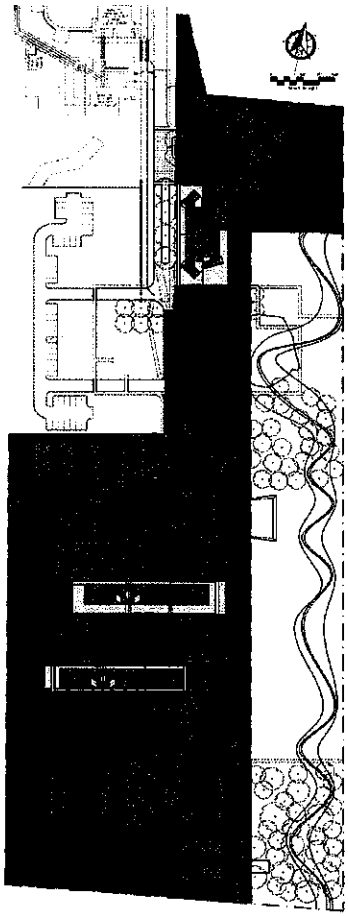
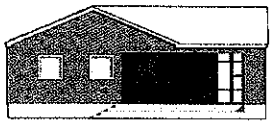
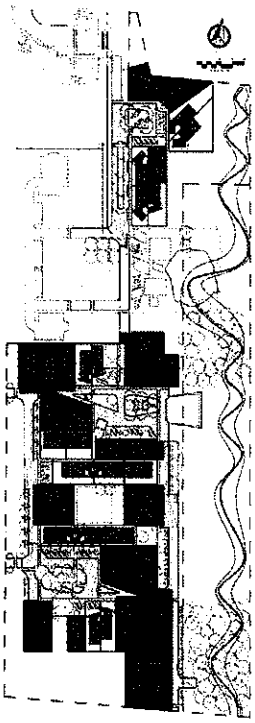


Image 8 – Proposed Planning Areas

F. Proposed Zoning and Development Standards for each PA:

Planning Area 1 – Single Family Dwelling





(A) Permitted Uses

Unit 1	City-Wide Uses by right
Unit 8	Single-Family Dwellings

(B) Conditional Uses

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 4	Cultural and Recreation Facilities
Unit 24	Home Occupation

(C) Residential Density

Acreage	2.53 Acres
Number of Dwelling Units	26 Units
Density	11 Units/Acre

(D) Lot Width Minimum

Single Family	0 ft.

(E) Lot Area Minimum

Single Family	2500 sq. ft.

(F) Land Area per Dwelling

Single Family	2500 sq. ft.

(G) Setback Requirements

Front	0 ft
Side	3 ft
Rear	5 ft

(H) Height Regulations

Structures cannot exceed	25 ft

(I) Building Area

Requirements	Building area shall not exceed 70% of site.

(J) Landscaping

Requirements	A minimum of 1 tree shall be provided per lot.

(K) Parking

Requirements	2 per Unit- Shall be located on street or in community commons

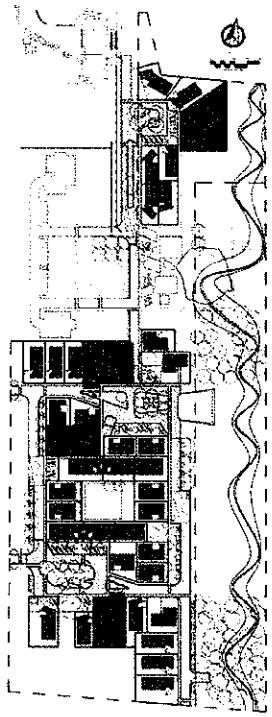
(L) Architectural Design Standards

Requirements	Materials to be cement fiberboard and vinyl siding. Dwelling shall face a street, green space or community commons.

(M) Signage

Requirements	Area sign shall be permitted in accord w/ Ch 174

Planning Area 2– Two Family Dwelling



(A) Permitted Uses

Unit 1	City-Wide Uses by right
Unit 9	Two-Family Dwellings

(B) Conditional Uses

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 4	Cultural and Recreation Facilities
Unit 24	Home Occupation

(C) Residential Density

Acreage	.79 Acres
Number of Dwelling Units	8 Units
Density	11 Units/Acre

(D) Lot Width Minimum

Two Family	0 ft.

(E) Lot Area Minimum

Two Family	2500 sq. ft.

(F) Land Area per Dwelling

Two Family	2500 sq. ft.

(G) Setback Requirements

Front	0 ft
Side	0 ft
Rear	5 ft

(H) Height Regulations

Structures cannot exceed	25 ft

(I) Building Area

Requirements	Building area shall not exceed 70% of site.

(J) Landscaping

Requirements	A minimum of 1 tree shall be provided per lot.

(K) Parking

Requirements	2 per Unit- Shall be located on street or in community commons

(L) Architectural Design Standards

Requirements	Materials to be cement fiberboard and vinyl siding. Dwelling shall face a street, green space or community commons.

(M) *Signage*

Requirements	Area sign shall be permitted in accord w/ Ch 174

Planning Area 3– Three Family Dwelling

(A) Permitted Uses

Unit 1	City-Wide Uses by right
Unit 10	Three-Family Dwellings

(B) Conditional Uses

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 4	Cultural and Recreation Facilities
Unit 24	Home Occupation

(C) Residential Density

Acreage	.74 Acres
Number of Dwelling Units	9 Units
Density	13 Units/Acre

(D) Lot Width Minimum

Three Family	0 ft.

(E) Lot Area Minimum

Three Family	2500 sq. ft.

(F) Land Area per Dwelling

Three Family	2500 sq. ft.

(G) Setback Requirements

Front	5 ft
Side	0 ft
Rear	0 ft

(H) Height Regulations

Structures cannot exceed	25 ft

(I) Building Area

Requirements	Building area shall not exceed 80% of site.

(J) Landscaping

Requirements	A minimum of 1 tree shall be provided per lot.

(K) Parking

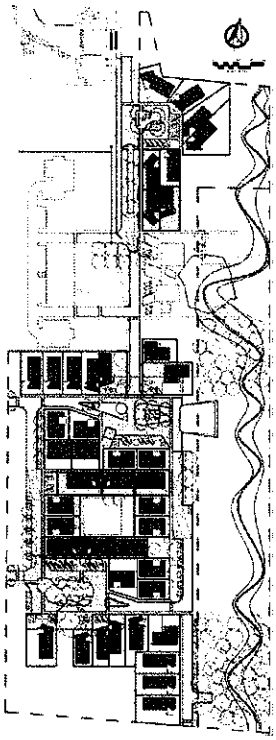
Requirements	2 per Unit- Shall be located on street or in community commons

(L) Architectural Design Standards

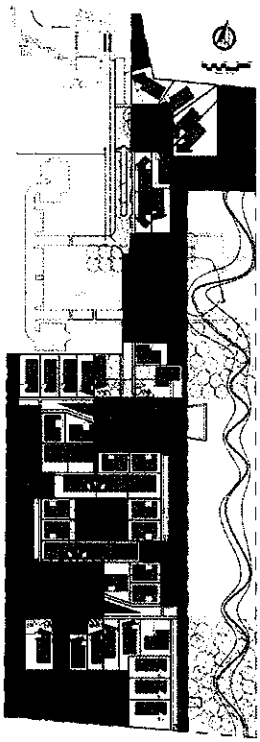
Requirements	Materials to be cement fiberboard and vinyl siding. Dwelling shall face a street, green space or community commons.

(M) Signage

Requirements	Area sign shall be permitted in accord w/ Ch 174



Planning Area 4– Community Commons



(A) Permitted Uses

Unit 1	City-Wide Uses by right
Unit 4	Cultural and Recreation Facilities

(B) Conditional Uses

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities

(C) Residential Density

N/A	

(D) Lot Width Minimum

N/A	

(E) Lot Area Minimum

N/A	

(F) Land Area per Dwelling

N/A	

(G) Setback Requirements

Front	0 ft
Side	0 ft
Rear	0 ft

(H) Height Regulations

Structures cannot exceed	25 ft

(I) Building Area

Requirements	None

(J) Landscaping

Requirements	Shall be in compliance with Low Impact Development techniques. Landscape Plan shall be submitted during development approval.

(K) Parking

Requirements	Residential Parking may take place in Community Commons

(L) Architectural Design Standards

Requirements	No buildings shall be constructed in community commons.

(M) Signage

Requirements	Area sign shall be permitted in accord w/ Ch 174

G. Comparison Chart:

Description	Current Zoning RSF-4 Requirements	Current Zoning RMF-12 Requirements	PZD Proposed Zoning Requirements Planning Area 1 (PA-1)
Permitted Use Units Allowed	Unit 1: City-Wide uses by right Unit 8: Single-Family Dwelling	Unit 1: City-Wide uses by right Unit 8: Single-Family Dwellings Unit 9: Two-Family Dwellings Unit 10: Three-Family Dwellings Unit 26: Multi-Family Dwellings	Unit 1: City-Wide Uses by right Unit 8: Single-Family Dwellings
Conditional Use Units Allowed	Unit 2: City-wide uses by conditional use permit Unit 3: Public Protection and utility facilities Unit 4: Cultural and recreational facilities Unit 5: Government facilities Unit 9: Two-Family Dwellings Unit 24: Home Occupations Unit 36: Wireless communications facilities	Unit 2: City-Wide uses by conditional use permit Unit 3: Public protection and utility facilities Unit 4: Cultural and recreational facilities Unit 5: Government Facilities Unit 11: Manufactured home park Unit 24: Home Occupations Unit 25: Professional offices Unit 36: Wireless communications facilities	Unit 2: City-Wide Uses by Conditional Use Permit Unit 3: Public Protection and Utility Facilities Unit 4: Cultural and Recreation Facilities Unit 24: Home Occupation
Density	Single-Family: 4 or less Two-Family: 7 or less	Units per acre: 4 to 12	Units per acre: 11 or less
Lot Minimum Width	Single-Family: 70 ft. Two-Family: 80 ft.	Manufactured home park: 100 ft Lot within manufactured home park: 50 ft. Single-Family: 60 ft. Two-Family: 60 ft. Three and more: 90 ft. Professional Offices: 100 ft.	Single-Family: 0 ft.
Lot Area minimum	Single-Family: 8,000 sq. ft Two-Family: 12,000 sq. ft.	Manufactured home park: 3 acres Lot within manufactured home park: 4,200 sq. ft. Townhouse Development: 10,000 sq. ft. Townhouse Individual lot: 2,500 sq. ft. Single-Family: 6,000 sq. ft. Two-Family: 7,000 sq. ft. Three or more: 9,000 sq. ft. Fraternity or Sorority: 2 Acres Professional Offices: 1 acre	Single-Family: 2,500 sq. ft.
Land Area Per Dwelling Unit	Single-Family: 8,000 sq. ft. Two-Family: 6,000 sq. ft	Manufactured Home: 3,000 sq. ft. Apartment - No Bedrooms: 1,700 sq. ft. Apartment - One Bedroom: 1,700 sq. ft. Apartment - Two or more Bedrooms: 2,000 sq. ft. Fraternity or Sorority: 1,000 sq. ft. per resident	Single-Family: 2,500 sq. ft.
Setback requirements	Front: 25 ft. Side: 8 ft. Rear: 20 ft	Front: 25 ft. Side: 8 ft. Rear: 25 ft	Front: 0 ft. Side: 3 ft. Rear: 5 ft.
Height	45 ft. maximum	Any building which exceeds the height of 20 feet shall be set back from any side boundary line an additional distance of one foot for each foot in excess of 20 feet.	25 ft. maximum
Building Area	Not to exceed 40% of total lot area	None	Not to exceed 70 % of total lot area

Description	PZD Proposed Zoning Requirements Planning Area 2 (PA-2)	PZD Proposed Zoning Requirements Planning Area 3 (PA-3)	PZD Proposed Zoning Requirements Planning Area 4 (PA-4)
Permitted Use Units Allowed	Unit 1: City-Wide uses by right Unit 9: Two-Family Dwellings	Unit 1: City-Wide uses by right Unit 10: Three-Family Dwellings	Unit 1: City-Wide Uses by right Unit 4: Cultural and Recreation Facilities
Conditional Use Units Allowed	Unit 2: City-wide uses by conditional use permit Unit 3: Public Protection and utility facilities Unit 4: Cultural and recreational facilities Unit 24: Home Occupations	Unit 2: City-Wide uses by conditional use permit Unit 3: Public protection and utility facilities Unit 4: Cultural and recreational facilities Unit 24: Home Occupations	Unit 2: City-Wide Uses by Conditional Use Permit Unit 3: Public Protection and Utility Facilities
Density	Units per acre: 11 or less	Units per acre: 13 or Less	N/A
Lot Minimum Width	Two-Family: 0 ft.	Three-Family: 0 ft.	N/A
Lot Area minimum	Two-Family: 2,500 sq. ft.	Three-Family: 2,500 sq. ft.	N/A
Land Area Per Dwelling Unit	Two-Family: 2,500 sq. ft.	Three-Family: 2,500 sq. ft.	N/A
Setback requirements	Front: 0 ft. Side: 0 ft. Rear: 5 ft	Front: 5 ft. Side: 0 ft. Rear: 0 ft	Front: 0 ft. Side: 0 ft. Rear: 0 ft.
Height	25 ft. maximum	25 ft. maximum	25 ft. maximum
Building Area	Not to exceed 70% of total lot area	Not to exceed 80% of total lot area	None

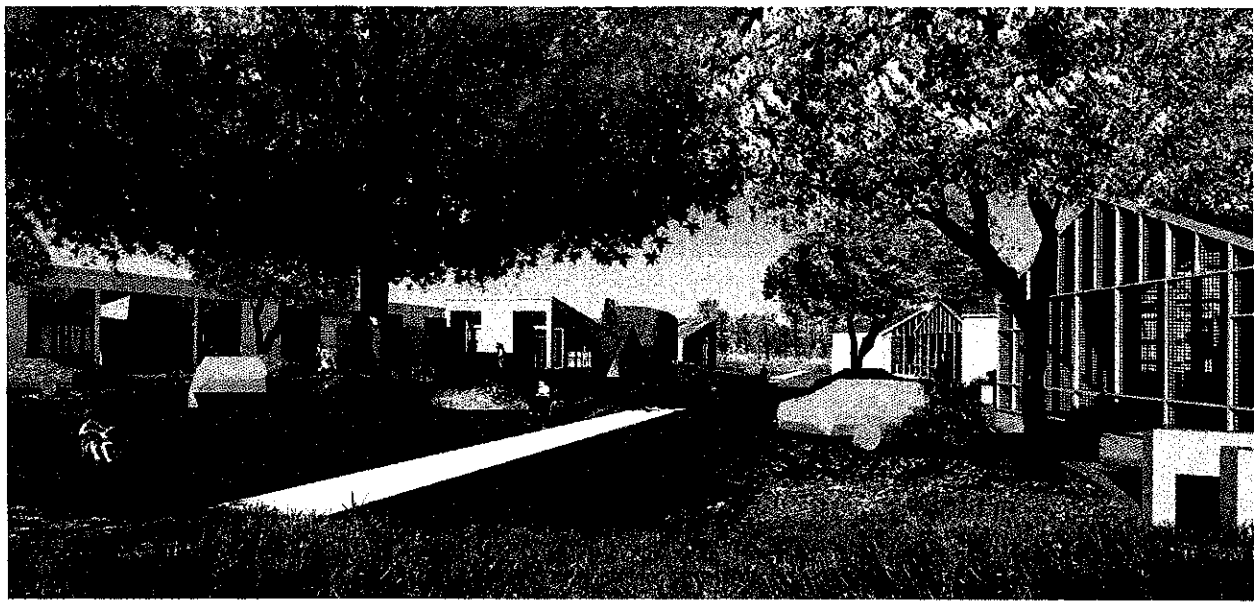


Image 9 – Shared Street Plaza with play area

H. Recreational Facilities:

Both active and passive community recreational facilities will be provided throughout the development. Each shared street plaza will house designated areas for playgrounds or pocket parks. A community garden space will be provided for use by all residents with an adjacent playground. Facilities within the adjacent 3.6-acre park will include a multi-use trail and boardwalk along wetlands and a new vegetated riparian corridor (upgrade from a ditch to a stream) as well as lawn space for passive recreational use.

I. Reason for requesting the zoning change:

In order to provide an affordable neighborhood for Habitat for Humanity and to meet LEED-ND prerequisites of at least seven units per acre, it is necessary to increase allowable density from the current RSF-4 zoning, which covers the majority of the site. The project also introduces the "shared street" as a primary street type (Image 9). Known in Holland as the *woonerf* or "residential yard", in Britain as "home zones", in Australia as "slow streets", and the "living street" in Japan and Germany, shared streets are designed as parks, combining pedestrian gathering spaces, parking, landscape systems, and stormwater facilities with traffic throughways. (Image 10)

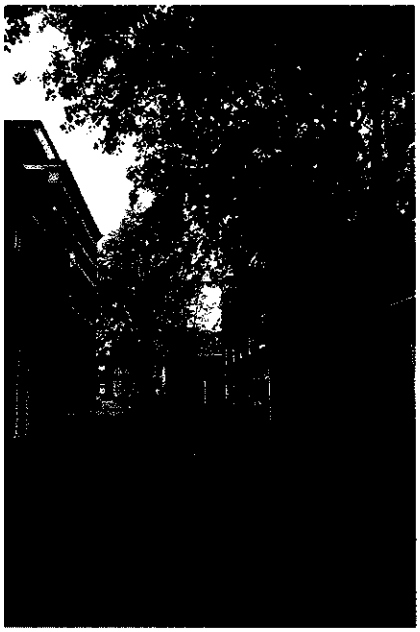


Image 10 – Urban Shared Street Precedent

Similar to a square or plaza, shared streets facilitate the return of context sensitivity and social life in street design (Image 11). Despite their remarkable safety record and superior residential environments, shared streets are unknown in the United States. This infrastructural concept is not currently supported by RSF-4 or RMF-12 zoning since the shared street: 1) is not a recognized street section, 2) does not conform to recognized parking geometries and standard stall designations and, 3) favors house clustering, small-lot development, and build-to street lines over the use of recognized set-back lines and front yards. (Images 12 and 13) As a demonstration project, Porchscapes would like to be the first residential project in the United States to implement the shared street concept (See Appendix "A" for additional information).

Image 11 – Downtown Shared Street Precedent

Image 12 – Suburban Shared Street Precedent

Image 13 – Suburban Shared Street Precedent

J. Statement of how the development will relate to existing and surrounding properties in terms of land use, traffic, appearance, and signage:

As a demonstration LID, Porchscapes provides a new development template that reconciles density with unique environmental sensitivity. The project increases both the urban and ecological services typically provided in a comparable development at similar capital costs. The development will be beneficial to the surrounding uses/communities in four ways.

1. Habitat will enhance the adjacent 3.6-acre property as a community park, featuring construction of a first order riparian corridor with vegetated banks and new aquatic life surrounded by a wildgrass meadow. Multi-use trails and boardwalks will connect the park with the project's open space and street system, and neighboring property owners to the east if they desire.

2. Porchscapes enhances the area's street connectivity ratios through provision of a walkable, pedestrian-scaled block system, an emergency access easement to 15th Street, and stubbed street connections to the west (Image 14). The project also provides pedestrian connections to the east should property owners reverse their decision to allow connections. The area currently exhibits superblock street patterns with little connectivity, which unwittingly promotes higher traffic speed. Porchscape's shared street geometry provides natural traffic calming since streets are designed to promote the kind of motorist behavior desired—17 mph or less, speeds at which motorist are able to maintain intimate eye contact with pedestrians.

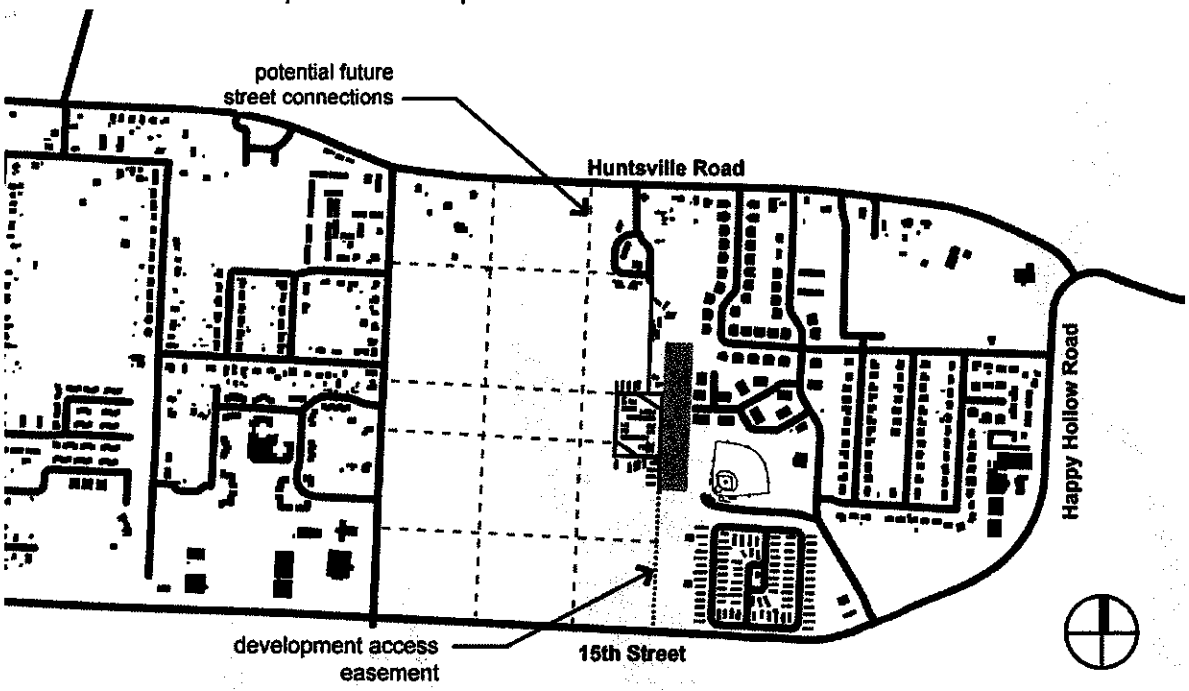


Image 14 – Connectivity to Surrounding Developments

3. The regional modernism of Porchscape's architecture will blend with traditional residential buildings to the east while the more modern materials and detailing will blend with the contemporary and attractive Seven Hills Shelter to the north.

4. The project team consulted with Sage House and Peace at Home and master planned their adjacent property to ensure compatibility with project development. The project team is committed to providing further pro bono design services as required to meet neighborhood quality standards as outlined in this PZD.

K. Statement of the project's compliance with the Fayetteville City Plan 2025:

Goal 1: Make Infill and Revitalization the highest Priority
Goal 2: Discourage Suburban Sprawl
Goal 3: Make traditional Town Form the standard
Goal 4: Create a Livable Transportation Network
Goal 5: Assemble an Enduring Green Network
Goal 6: Create Attainable Housing

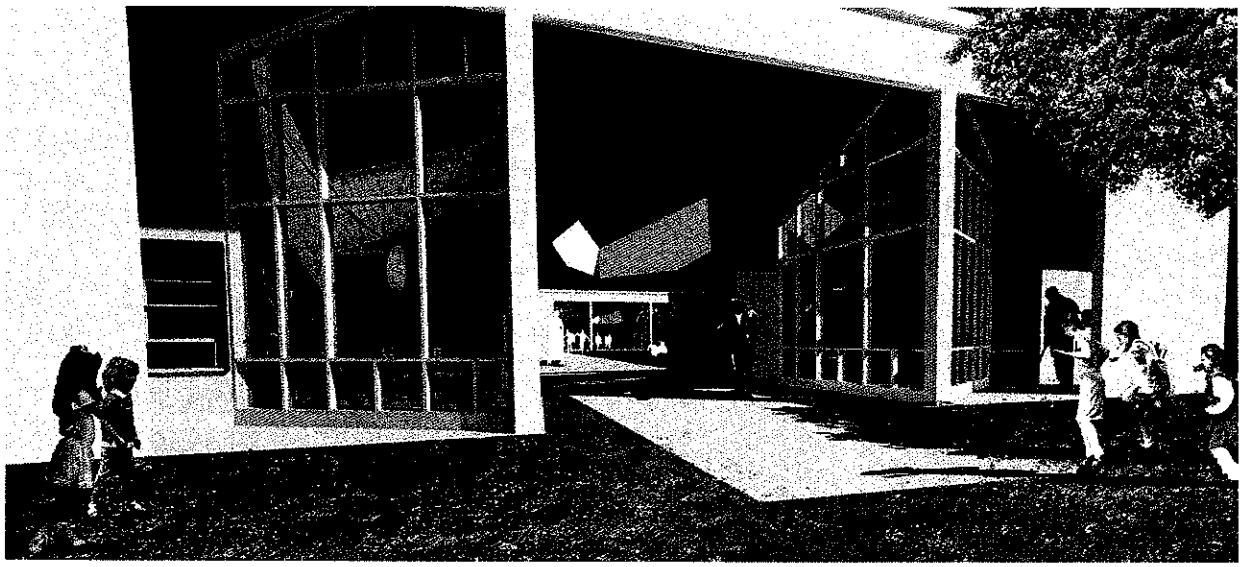


Image 15 – Perspective of Porches fronting Shared Street

Porchscapes complies with the goals for the Fayetteville City Plan 2025. The site is located within one mile of downtown Fayetteville and is designated within the City Neighborhood Area on the Future Land Use 2025 map, rendering it a key urban infill site. Due to its location near the Highway 16 corridor, the property is easily accessed by existing infrastructure and public transit provided by Ozark Regional Transit. The property is adjacent to existing high-density housing and to the proposed site for the new Fayetteville High School. There are at least six existing shops, services and facilities located within one-half mile of the development, making it possible to live, work, and shop within walking distance. The project follows traditional town form through a variety of housing types and groupings connected by a public space network. The shared streets, as signature public spaces, are designed to calm traffic and to reward walking. Streets are narrow with on-street parking, enhancing pedestrian safety. Housing with generous porch/patio frontage amenities and build-to right-of-way requirements defines the street space, placing "eyes on the street", fundamental to crime watch efforts and general public safety (Image 15). The project is located adjacent to a 3.6-acre park, which will contribute to the assemblage of an enduring green urban network. Small scale pocket parks, greenspaces, and community gardens distributed throughout the development align urban neighborhood amenities close to all housing units. As a project for Habitat for Humanity, attainable housing is the core of the development.

L. A traffic study when required by Planning/Engineering Divisions:

A traffic study will not be required due to the size of the development.

M. Impacts on City services, including the availability of water and sewer:

Water service is planned to extend from an existing 8" main located on the Seven Hills development west of Seven Hills Drive. The project will continue this 8" main southward, loop through the proposed neighborhood, and terminate into an existing 8" main on the north side of Shenandoah Mobile Home Park.

A sanitary sewer main currently traverses the western edge of the Seven Hills Drive right-of-way, running southward, and turns eastward through the project's site, abutting the park land. This 8" sewer main connects to another 8" main, which runs north-south along the park land's eastern boundary. Sewer service for the project is planned with 8" main extensions through the neighborhood, terminating in an existing manhole on the southwest corner of the American Legion Ball Park.

Property Owner's Association covenants will govern maintenance of LID improvements according to Section 170.08 of the UDC.

N. "Statement of Commitments"

(1) Dedication: Given the eastern adjacency of the 3.6 acre of, Porchscapes has obtained a variance from the parkland dedication requirement. Upon approval of the City of Fayetteville and at the time of recording of the final plat with the Washington County Circuit Clerk, all proposed land to be

dedicated to the City of Fayetteville, which includes sanitary sewer easements, water service easements, and street right of ways, shall be legally conveyed.

(2) On or off-site improvements: On-site improvement shall include public green spaces for use by all development homeowners and the community. Other on-site improvements will include the construction of new streets and sidewalks, as well as shared streets (Image 16) which will include areas for parking, driving, play and pedestrian use. Off-site improvements shall be made to the adjacent parkland. Some of these improvements include the construction of a new stream, walking trails, a raised lawn for recreational activities, and improvements to the existing wetlands to allow for more diverse ecological uses. These improvements will be designed by the UACDC and their consultants so that they seamlessly integrate with the Habitat for Humanity Development, however, Habitat for Humanity will not be funding the construction of these off-site improvements.

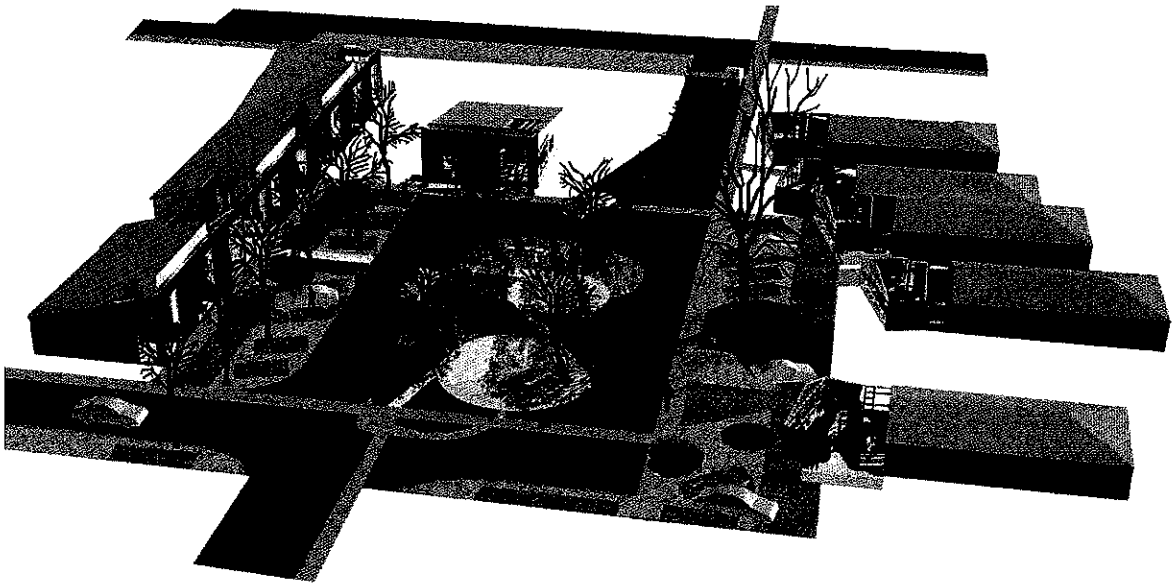


Image 16 – Aerial of South Shared Street Plaza

(3) Natural Resources and Environmentally Sensitive Areas: Wetlands found on the site as well as the 100' buffers (with some development allowed to no more than 10% of total buffer area) shall be protected or enhanced using LID technologies. The portion of land located within the 100-year floodplain shall also be protected or enhanced using LID technologies. All trees designated by the urban forester will also be preserved. A Property Owners Association authorized and managed by Habitat for Humanity will be assembled to maintain community commons and infrastructure not owned by the city.

(4) Project phasing restrictions: Due to the holistic criteria of LID, the infrastructure shall be in place before the start of housing construction. Once house construction begins, infrastructure shall be protected from construction pollutants and runoff using LID best management and staging practices.

(5) Fire Protection: The infrastructure has been informally reviewed by the City of Fayetteville Fire Chief and meets emergency access requirements for all fire trucks. Hydrants shall be installed as required per International Fire Code and/or the City of Fayetteville Fire Chief.

(6) Other commitments imposed by the City: All conditions required by the City of Fayetteville and agreed upon by the owner shall be completed (or bonded) prior to the approval of the final plat.

(7) Parks/Trails/Open Space Commitments: Any land to be dedicated shall be agreed upon during the design review process and conveyed to the City of Fayetteville when the final plat is recorded with the Washington County Circuit Clerk.

(8) Proposed Preliminary Building Elevations: Please refer to the building elevations found within the General Project Concept. There are no commercial buildings planned for this development.

O. Conceptual Description of Development Standards, Conditions and Review Guidelines:

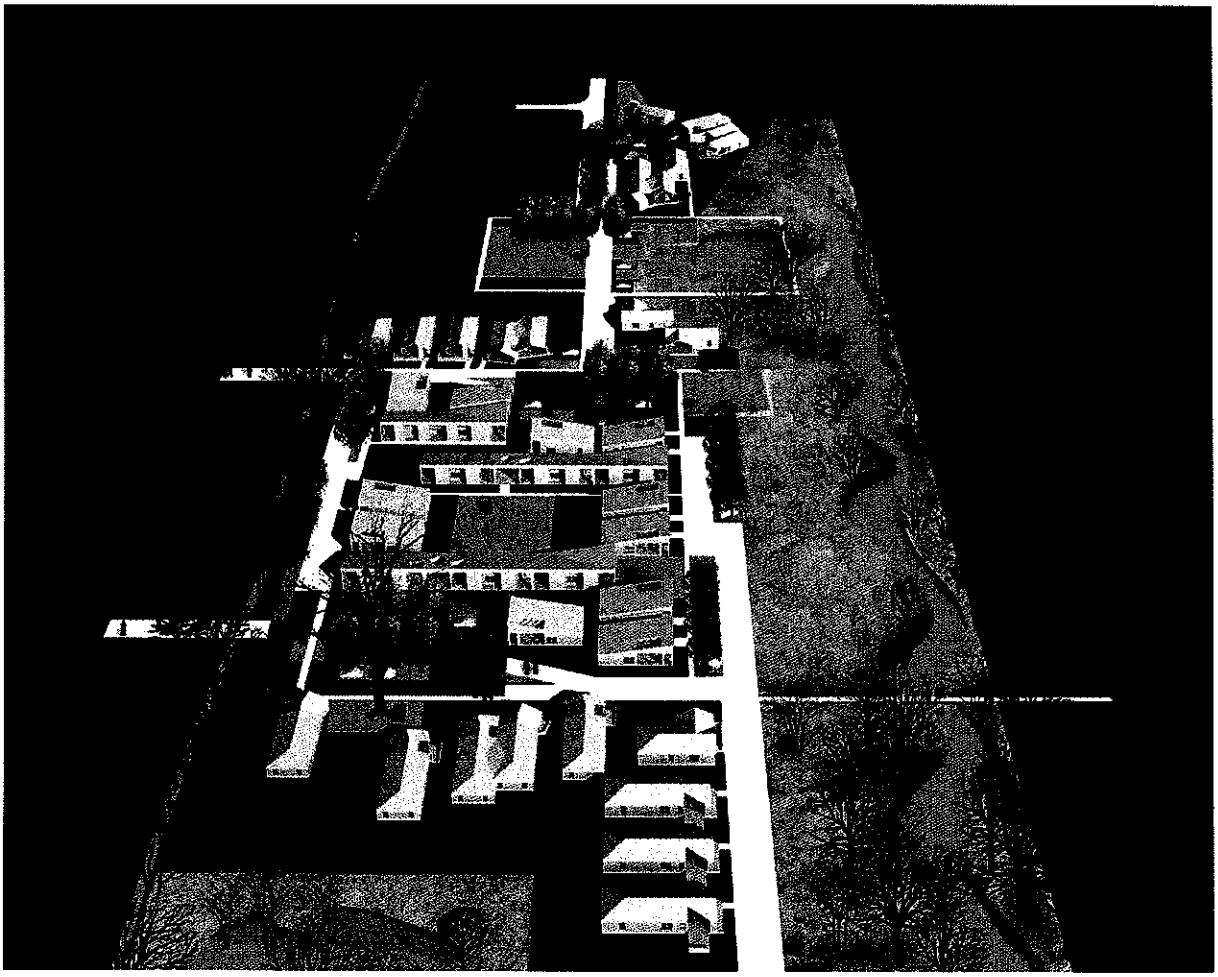


Image 17 – Aerial of Concept Master Plan

(1) Screening and Landscaping: Existing hedgerows with drainage ditches screen the eastern and western boundaries. A portion of the northern boundary is also screened by existing trees. Dry wetland plant communities with native drought resistant grasses and reedy material will be incorporated into storm water treatment facilities and the dedicated park. Trees will also be planted along each street either in median bioswales or along the street edge. Community gardens will be organic, prohibiting use of toxic agricultural products known to harm the environment. Landscaping will be maintained as directed by the Property Owners Association and as recommended by the Site Development Standards of the City of Fayetteville Landscape Manual.

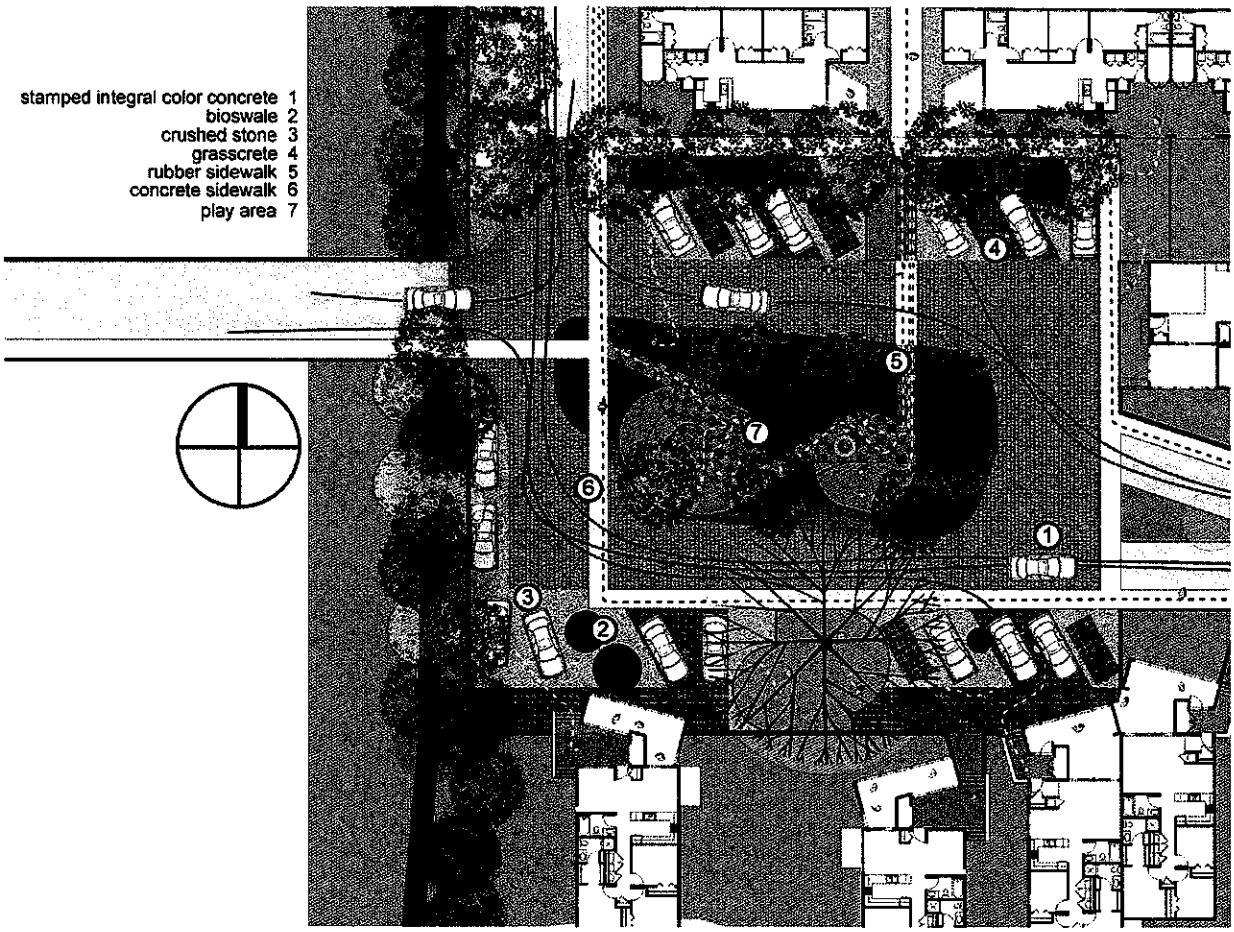


Image 18 –South Shared Street Plaza with traffic and circulation patterns

(2) Traffic and circulation: Traffic and circulation patterns adhere to shared street geometries (see Appendix "A" for additional information). Traffic calming will naturally occur due to the integration of housing, pedestrian facilities, and on-street parking (Image 18). Traffic lanes will be designated and designed for emergency vehicle use.

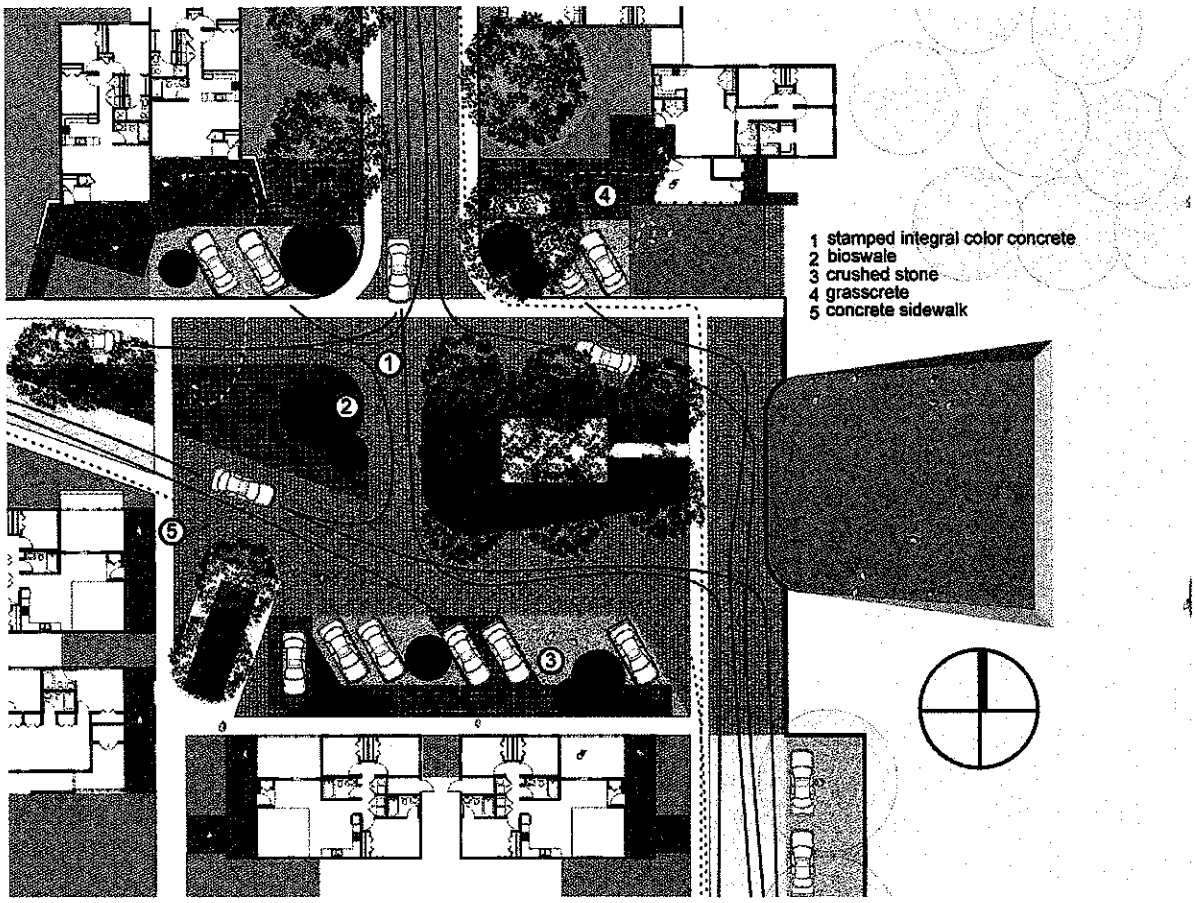


Image 19 – North Shared Street Plaza

(3) Parking Standards: There shall be at least two parking spaces for each residence as per Fayetteville City Code, plus an additional 10% for guests. The parking shall be located on street and in shared street plazas (Image 19) as the planned parcel sizes do not accommodate vehicles on a homeowner's lot. Aligned with LID facilities, parking is decentralized to avoid large parking lots and parking within the small-lot parcels. Since Habitat does not permit garages or carports, parking will be integrated with the street and other public spaces (Image 20). As such, the project seeks a waiver for Section 172.04(A) requiring that maneuvering within a parking area not to encroach on streets or sidewalks. The project also asks that Section 172.06(C), requiring a conditional use for off-site parking locations, be waived.

(4) Perimeter Treatment: Existing hedgerow vegetation borders a majority of the perimeter. Street sections and dedicated park space that border adjacent properties shall incorporate shared landscaped spaces to enhance area connectivity.

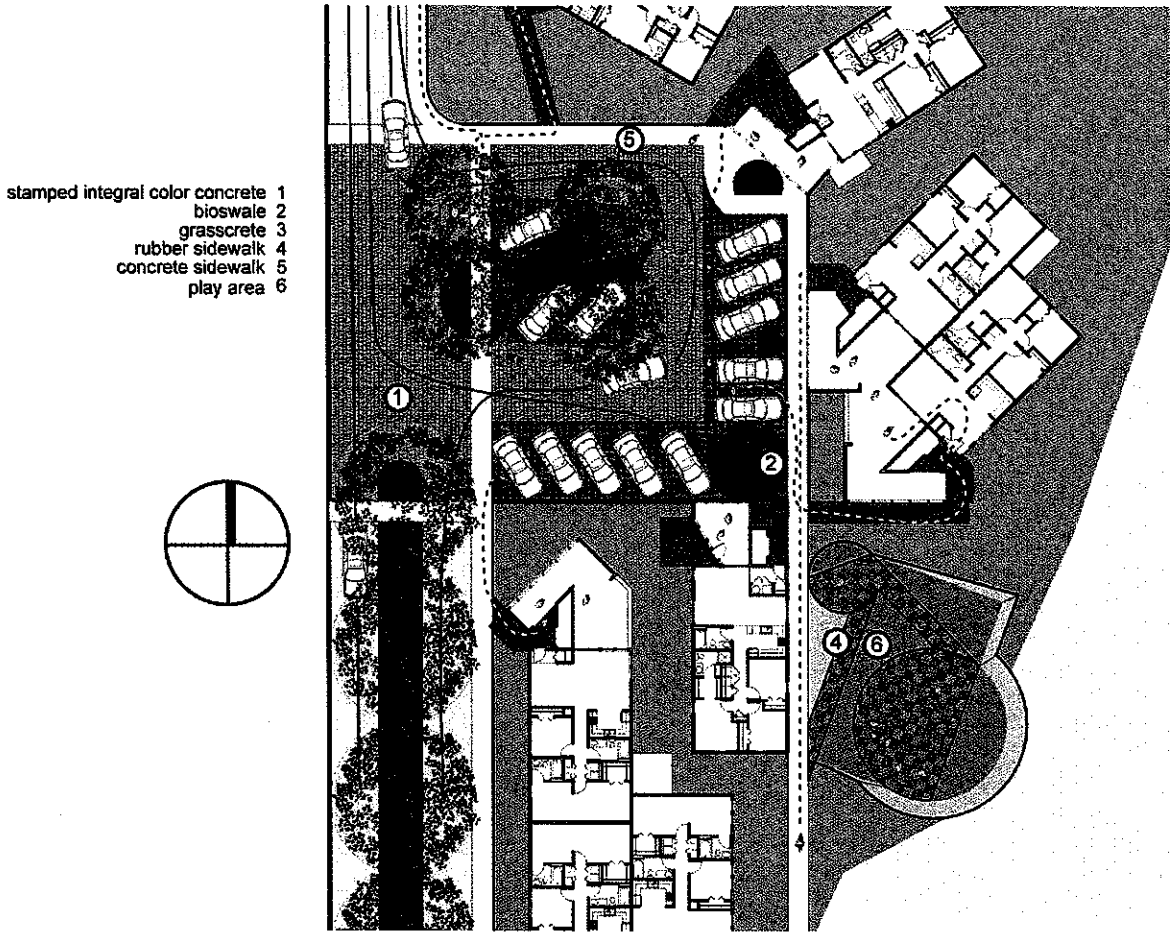


Image 20 –North Auto Court

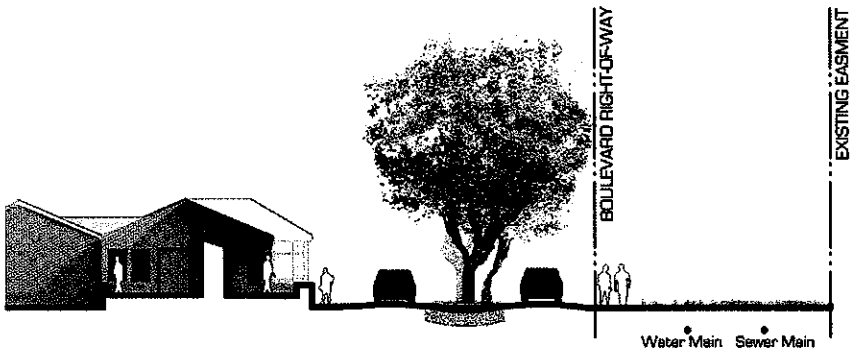
(5) Sidewalks: Minimum five-foot wide sidewalks shall be installed along at least one side of all proposed right-of-ways and within mid-block sections to enhance pedestrian connectivity between neighborhoods. The site plan illustrates various sidewalk-street configurations, including the shared street plazas as pedestrian zones.

(6) Streetlights: Streetlights shall be provided within the development as per the requirements of the City of Fayetteville Unified Development Code and Lighting Ordinance.

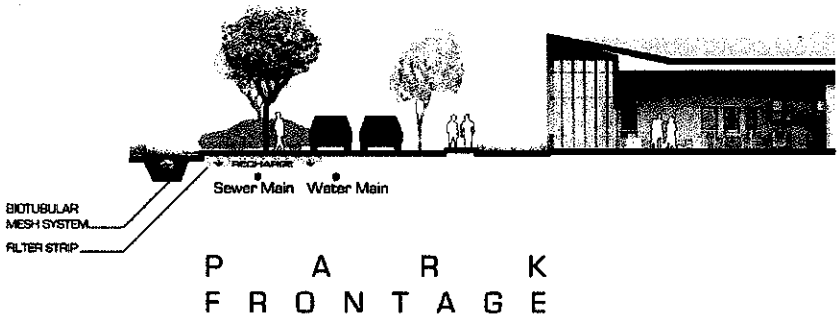
(7) Water: All homes within the neighborhood shall be served with water service via connections to proposed main extensions that will loop from the Seven Hills development to the Shenandoah Mobile Home Park.

(8) Sewer: All homes within the neighborhood shall be served with sewer service via connections to proposed main extensions that will extend through the development and terminate at the southwest corner of the American Legion Ball Park.

(9) Streets and Drainage: The streets located within the development shall be dedicated as public streets. Storm water drainage will be contained and filtered on site with discharge of post-development flows being at a rate equal to or less than pre-development levels. This development is seeking a waiver of Master Street Plan's cross sectional requirements. While meeting the spirit and intent of the Plan's Low Impact Development cross section, constraints and the nature of the project dictate alternative street sections (Image 21). Please see street sections on Sheet 3 – Master Development Plan.

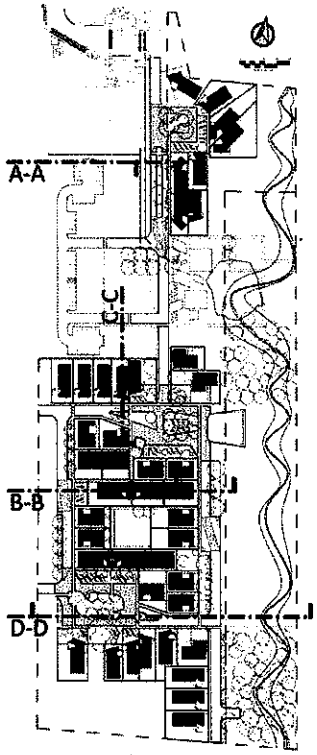


Section A-A

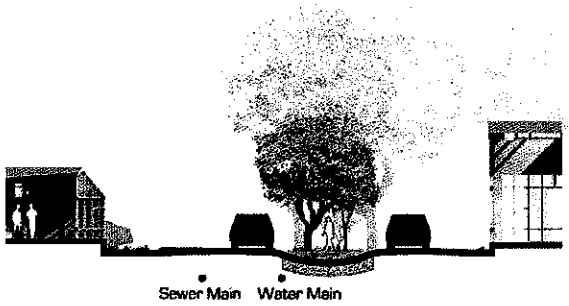


P A R K
F R O N T A G E

Section B-B



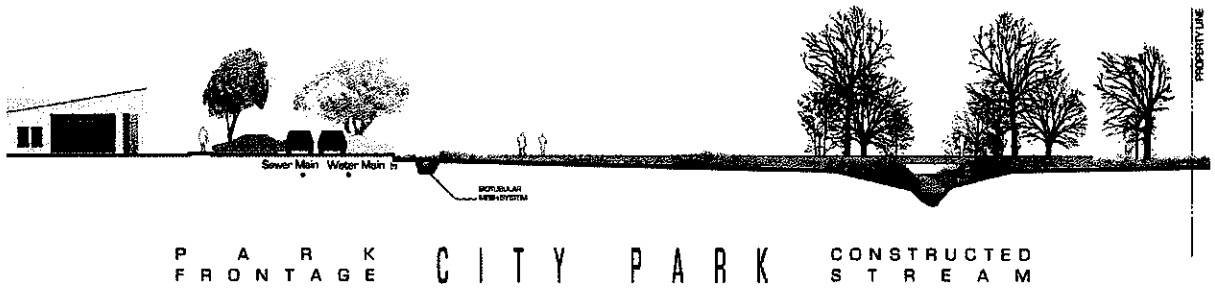
Plan Key



S H A R E D
S T R E E T - P L A Z A

Section C-C

Section D-D West



Section D-D East

Image 21 – Street Sections

(10) Construction of Nonresidential Facilities: There shall be no nonresidential building facilities located on site.

(11) Tree Preservation: All trees designed by the urban forester shall be preserved. The sole tree on the site, outside of the hedgerows and farm pond, is a heritage pecan tree around which a green space is planned to protect its root zone and to showcase the tree.

(12) Architectural Design Standards: Each one-story residence shall be constructed per Habitat for Humanity International's standards at 1,250 square feet or less. Each of the four residential types includes a porch or loggia component to be accessorized with patios, screens, ivy walls, planters, and steps in response to street frontage context and adjacent units. Unit frontage shall maintain transparency in porches spaces from the street, and a reasonable level of visual porosity between unit interior and porch (i.e. sliding doors, large windows, and glass doors) as originally intended (Image 22).

(13) Proposed signage: An area sign shall be permitted in accordance with Chapter 174. A shared street zone sign will be used at the entrance to the shared street zones in lieu of a stop sign. (Image 23).

(14) Revocations: Any and all revocations shall follow the due process as per the rules and regulations of the City of Fayetteville and/or the planned Property Owners Association.

(15) Covenants, Trusts and Homeowner Associations: A Property Owners Association with associated covenants shall be established to maintain LID storm water infrastructure and other public areas (wetland and wetland buffers, shared street zones, community gardens, playgrounds, and pedestrian trails) not owned by the city. Covenants governing individual properties will be implemented to sustain LID facilities that may exist on private properties, and to uphold the architectural integrity of building frontages.

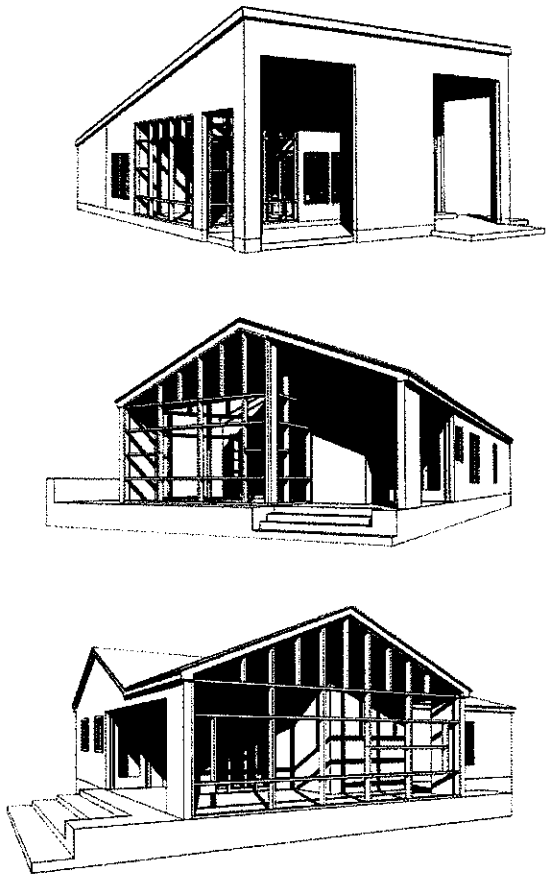


Image 22 – House Frontage Components

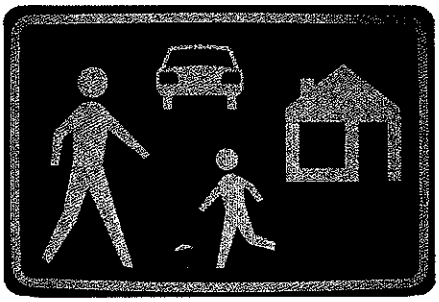
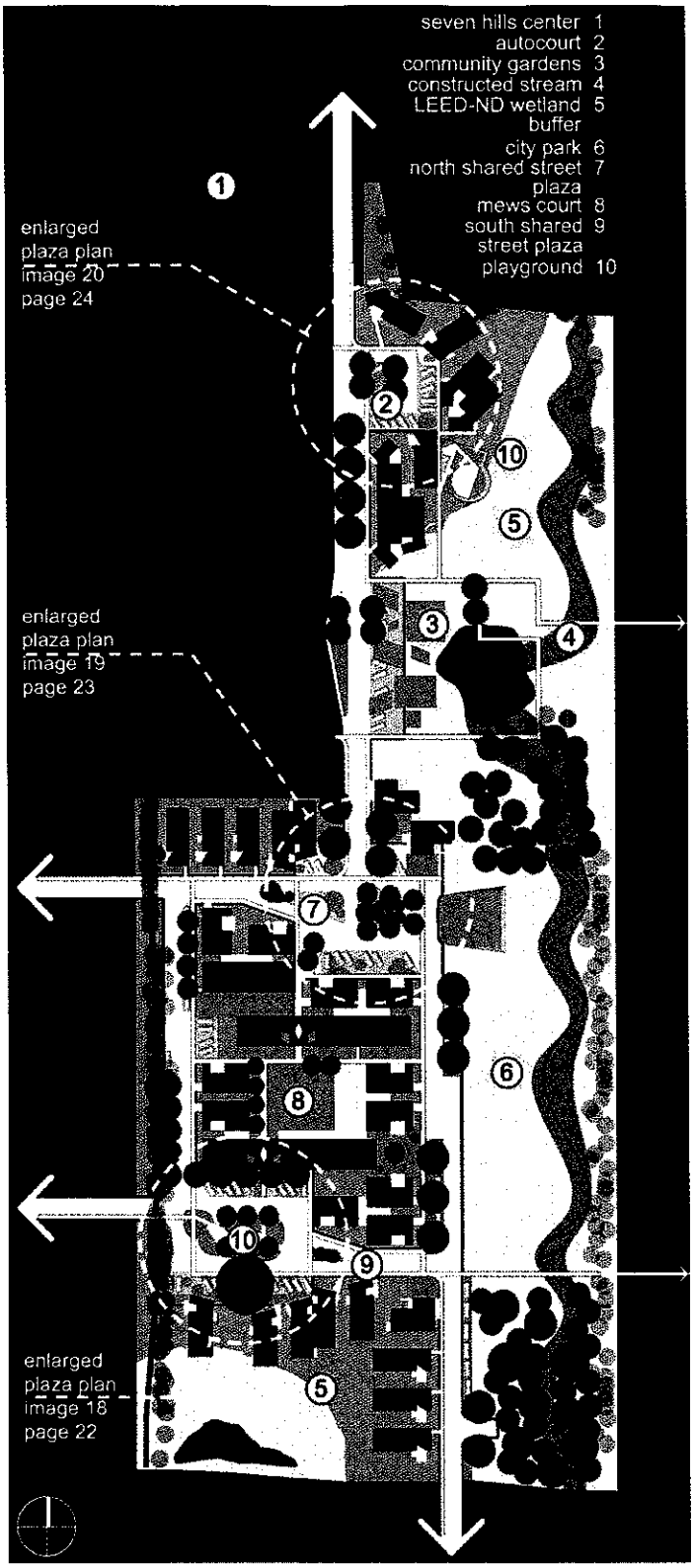
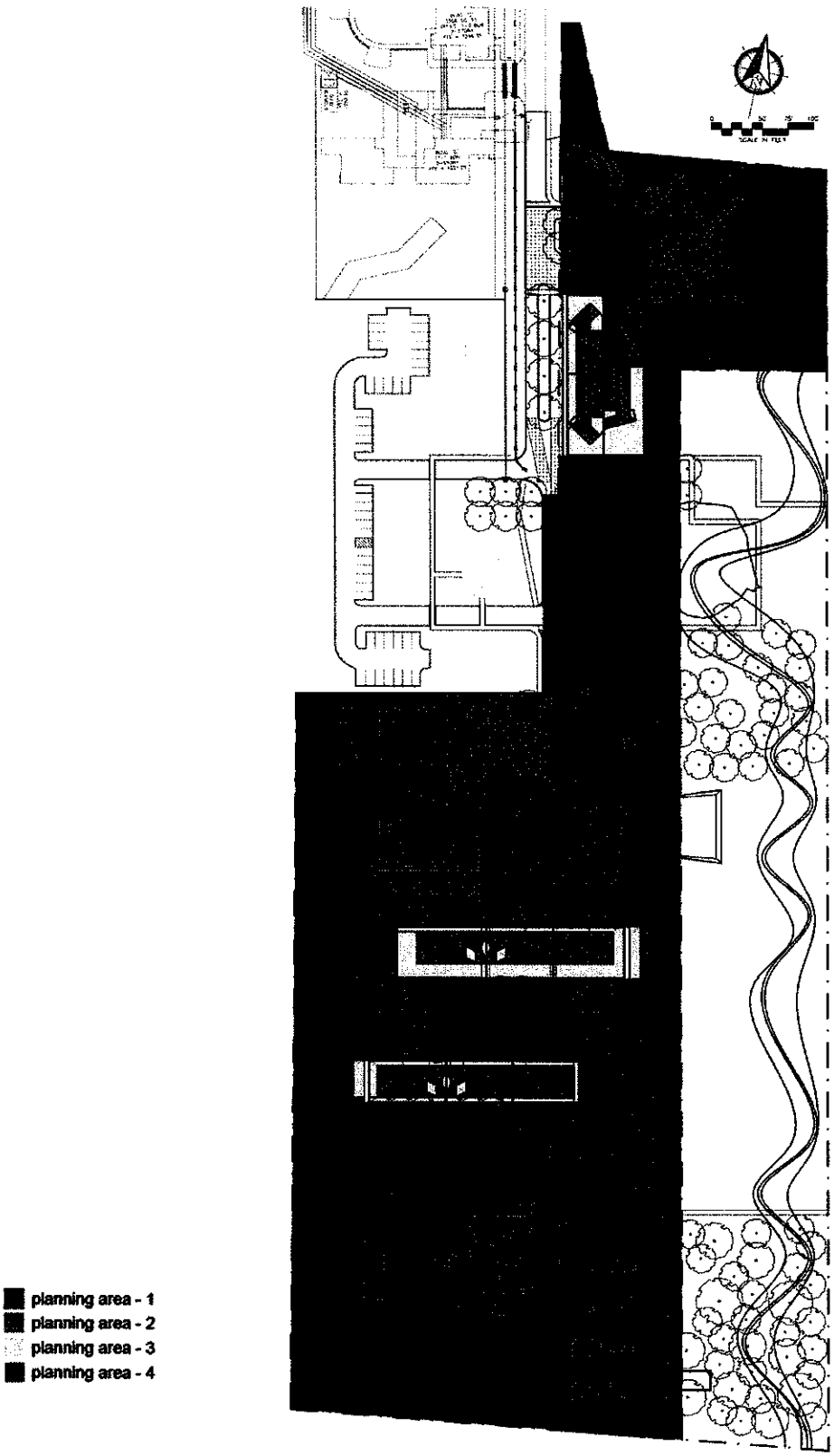


Image 23 – Shared Street Zone Signage Precedent

P. Compliance with the Intent/Purpose of the Planned Zoning District:

Porchscapes is a comprehensively planned development following both the parameters of a Low Impact Development and the United States Green Building Council's LEED for Neighborhood Developments with the purpose of solving for the triple bottom line: social, economic, and environment. The goals of the project are aligned with the City of Fayetteville's Planned Zoning District to encourage innovation and context sensitivity in development. Flexibility is necessary for facilitating demonstration LID techniques (particularly in regards to the shared street) and small-lot patterns not anticipated by existing city codes. The development adopts proven residential development and street models with superior architectural guidelines, street connectivity and geometries, and shared public open space. These shared street environments require small-lot development patterns to be reciprocated by generous neighborhood amenities. The development will have a positive impact on regional ecosystems through the use of new best management practices yielding greater: 1) water quality, 2) watershed protection and improvement through reduction of non-point source pollution from storm water runoff, and 3) urban biodiversity enhancements. The development also sets new standards for affordable housing generally, and specifically within Habitat for Humanity International's stipulated planning standards and cost structures. The concept master plan for Porchscapes has already been recognized nationally for its integrative community vision with a 2008 ASLA Honor Award for Planning and Analysis from the American Society of Landscape Architects, one of six such awards granted this year internationally.


seven hills center 1
autocourt 2
community gardens 3
constructed stream 4
LEED-ND wetland 5
buffer
city park 6
north shared street 7
plaza
mews court 8
south shared 9
street plaza
playground 10
enlarged
plaza plan
image 20
page 24
enlarged
plaza plan
image 19
page 23
enlarged
plaza plan
image 18
page 22


planning area - 1
planning area - 2
planning area - 3
planning area - 4

PORCHSCAPES

A LOW IMPACT DEVELOPMENT NEIGHBORBOOD FOR HABITAT FOR HUMANITY

GENERAL PROVISIONS

AUTHORITY
THIS PZD MASTER DEVELOPMENT PLAN IS AUTHORIZED BY SECTIONS 161 AND 166 PLANNED ZONING DISTRICTS OF THE CITY OF FAYETTEVILLE UNIFIED DEVELOPMENT CODE. THE PROVISIONS OF THIS PZD MASTER DEVELOPMENT PLAN SHALL RUN WITH THE LAND. THE LANDOWNERS, THEIR SUCCESSORS, HEIRS, OR ASSIGNS SHALL BE BOUND BY THIS MASTER DEVELOPMENT PLAN, AS AMENDED AND APPROVED BY THE CITY COUNCIL.

ADOPTION
THE ADOPTION OF THIS PZD MASTER DEVELOPMENT PLAN SHALL EVIDENCE THE FINDINGS AND DECISION OF THE FAYETTEVILLE CITY COUNCIL THAT THIS PLANNED ZONING DISTRICT FOR PORCHSCAPES IS IN GENERAL CONFORMITY WITH THE FAYETTEVILLE CITY PLAN 2025; IS AUTHORIZED BY THE PROVISIONS OF SECTIONS 161 AND 166 OF THE CITY OF FAYETTEVILLE UNIFIED DEVELOPMENT CODE.

THE PROVISIONS OF THIS PZD MASTER DEVELOPMENT PLAN SHALL PREVAIL AND GOVERN THE DEVELOPMENT OF PORCHSCAPES, PROVIDED, HOWEVER, THAT WHERE THE PROVISIONS OF THIS MASTER DEVELOPMENT PLAN DO NOT ADDRESS A PARTICULAR SUBJECT, THE RELEVANT PROVISIONS OF THE CITY OF FAYETTEVILLE UNIFIED DEVELOPMENT CODE, AS AMENDED, OR ANY OTHER APPLICABLE RESOLUTIONS OR REGULATIONS OF THE CITY OF FAYETTEVILLE, SHALL BE APPLICABLE.

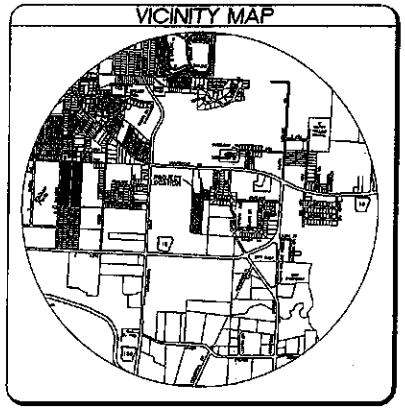
ENFORCEMENT
TO FURTHER THE MUTUAL INTEREST OF THE RESIDENTS, OCCUPANTS, AND OWNERS OF THE PZD MASTER DEVELOPMENT PLAN AND OF THE PUBLIC IN THE PRESERVATION OF THE INTEGRITY OF THE PLAN, THE PROVISIONS OF THIS PLAN RELATING TO THE USE OF LAND, STATEMENT OF COMMITMENTS, DEVELOPMENT AND ARCHITECTURAL STANDARDS, AND THE LOCATION OF COMMON OPEN SPACE SHALL RUN IN FAVOR OF THE CITY OF FAYETTEVILLE AND SHALL BE ENFORCEABLE AT LAW OR IN EQUITY BY THE CITY WITHOUT LIMITATION ON ANY POWER OR REGULATION OTHERWISE GRANTED BY LAW.

CONFLICT
WHERE THERE IS MORE THAN ONE PROVISION WITHIN THE PZD MASTER DEVELOPMENT PLAN THAT COVERS THE SAME SUBJECT MATTER, THE PROVISION WHICH IS MOST RESTRICTIVE OR IMPOSES HIGHER STANDARDS OR REQUIREMENTS SHALL GOVERN UNLESS DETERMINED OTHERWISE BY THE ZONING AND DEVELOPMENT ADMINISTRATOR.

MAXIMUM LEVEL OF DEVELOPMENT
THE TOTAL NUMBER OF DWELLINGS OR THE TOTAL COMMERCIAL, BUSINESS, OR INDUSTRIAL INTENSITY APPROVED FOR DEVELOPMENT WITHIN THE PLANNING AREAS IS THE MAXIMUM DEVELOPMENT REQUESTED FOR PLATTING OR CONSTRUCTION. THE ACTUAL NUMBER OF DWELLINGS OR LEVEL OF DEVELOPMENT FOR COMMERCIAL, BUSINESS, OR INDUSTRIAL PROPERTIES MAY BE LESS DUE TO SUBDIVISION OR SITE IMPROVEMENT PLAN REQUIREMENTS OR OTHER REQUIREMENTS OF THE CITY COUNCIL.

PROJECT TRACKING
AT THE TIME OF SUBDIVISION FINAL PLAT OR LARGE SCALE DEVELOPMENT THE APPLICANT SHALL PROVIDE A SUMMARY OF THE DEVELOPMENT, TO DATE, TO THE PLANNING DIVISION, IN ORDER TO ASSURE MAXIMUM DEVELOPMENT LIMITS ARE NOT EXCEEDED.

VICINITY MAP



INDEX OF SHEETS:

SHEET	TITLE
1.0	COVER / GENERAL PROVISIONS SHEET
2.0	ZONING AND DEVELOPMENT STANDARDS
3.0	MASTER DEVELOPMENT PLAN
4.0	SETBACK EXHIBIT

SURVEY DESCRIPTION:

A PART OF THE EAST HALF (E ½) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION TWENTY-TWO (22), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, OF THE FIFTH (5TH) PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID EIGHTY (80) ACRE TRACT; THENCE ALONG THE WEST LINE OF SAID TRACT SOUTH 02°42'48" WEST 58.35 FEET TO THE SOUTH RIGHT-OF-WAY OF HUNTSVILLE ROAD, SAID RIGHT-OF-WAY BEING 45 FEET SOUTHERLY OF THE EXISTING CENTERLINE PER EASEMENT PLAT 023A-00000240; THENCE CONTINUING ALONG SAID WEST LINE SOUTH 02°42'48 WEST 1104.92 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID WEST LINE SOUTH 87°49'52 EAST 238.90 FEET; THENCE NORTH 02°45'36" EAST 201.20 FEET TO THE SOUTH LINE OF ZOLA DRIVE; THENCE ALONG SAID SOUTH LINE SOUTH 87°05'48" EAST 14.96 FEET; THENCE ALONG THE EAST LINE OF SAID ZOLA DRIVE NORTH 02°46'54" EAST 479.61 FEET; THENCE SOUTH 87°13'08" EAST 18.17 TO THE EASTERLY PROPERTY LINE OF A PROPERTY DESCRIBED IN INSTRUMENT NUMBER 2001-11773 WITH THE CIRCUIT CLERK OF WASHINGTON COUNTY, ARKANSAS; THENCE ALONG SAID EASTERLY LINE OF SAID PARCEL SOUTH 02°53'23" EAST 132.12 FEET; THENCE CONTINUING ALONG SAID EASTERLY LINE SOUTH 82°38'23" EAST 213.47 FEET; THENCE CONTINUING ALONG SAID EASTERLY LINE SOUTH 02°14'18" WEST 284.01 FEET; THENCE LEAVING SAID EASTERLY LINE NORTH 87°08'48" WEST 143.27 FEET; THENCE SOUTH 02°14'18" WEST 1088.14 FEET TO THE CENTERLINE OF THE OLD PACIFIC AND GREAT EASTERN RAILROAD RIGHT-OF-WAY; THENCE ALONG SAID CENTERLINE NORTH 83°15'47" WEST 362.72 FEET TO THE WEST LINE OF SAID EIGHTY (80) ACRE TRACT; THENCE LEAVING SAID CENTERLINE AND ALONG SAID WEST LINE NORTH 02°42'48" EAST 728.31 FEET TO THE POINT OF BEGINNING, CONTAINING 8.816 ACRES, MORE OR LESS.

OWNERSHIP:

HABITAT FOR HUMANITY - WASHINGTON COUNTY
419 WEST ROCK #2
PO BOX 1863
FAYETTEVILLE, ARKANSAS 72701

Habitat for Humanity®
Washington County

FAYETTEVILLE, ARKANSAS

JULY 2008

FY082128

PLAT PAGE: 564

NO.	DATE	DRW.	APPVD.	DESCRIPTION

REVISIONS

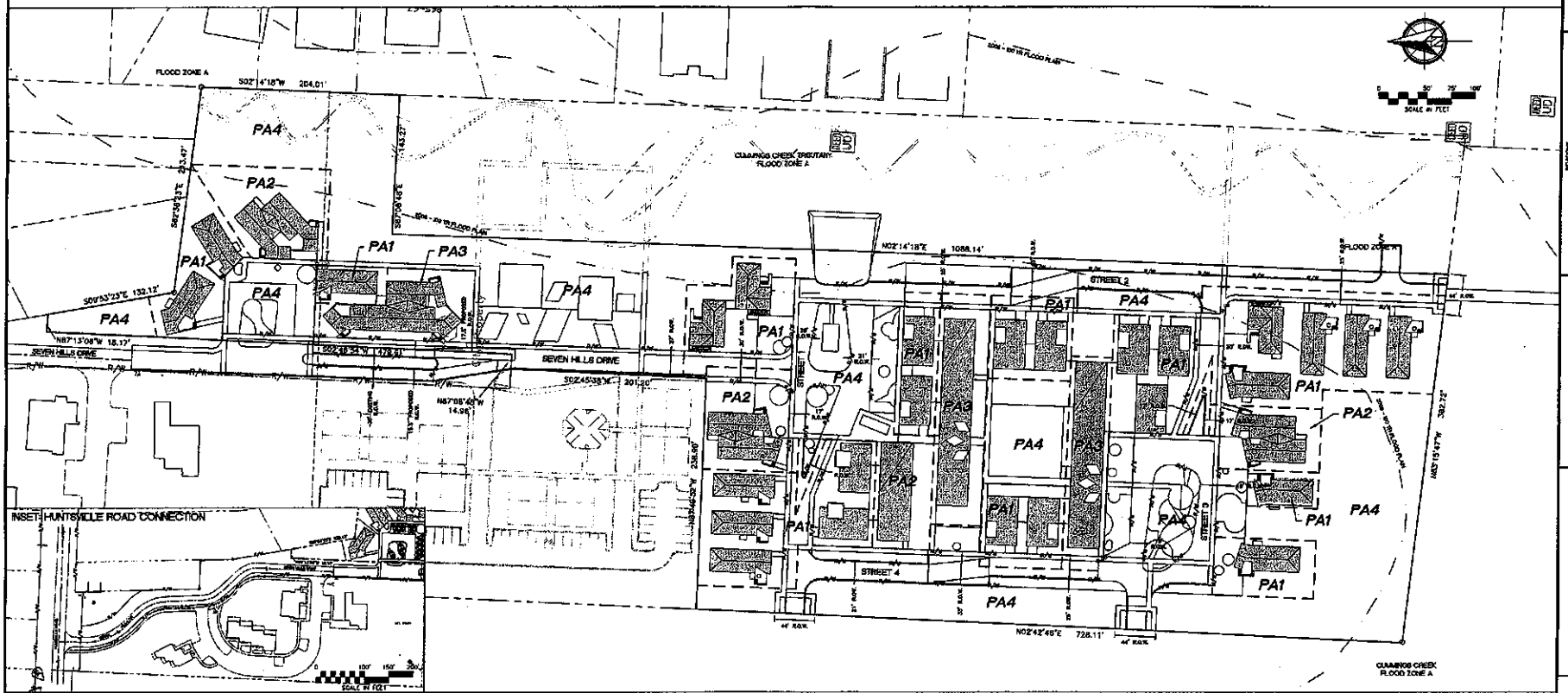
UNIVERSITY OF ARKANSAS COMMUNITY DESIGN CENTER
104 North East Avenue
Bentonville, Arkansas 72712-6038
Tel 479-575-5272

McCLELLAND CONSULTING ENGINEERS, INC.
CIVIL ENGINEERING • SURVEYING
Fayetteville
3360 N. College
Little Rock
500 W. Markham

COVER / GENERAL CONDITIONS SHEET
HABITAT FOR HUMANITY OF WASHINGTON CO.
PORCHSCAPES NEIGHBORHOOD
FAYETTEVILLE, ARKANSAS

DRAWN BY	APPROVED
CDS	CDS
SCALE	DATE
-	JULY 2008
JOB NO. FY082128	FIELD BOOK -
SHEET 1	REV. PZ4

PORCHSCAPES



PLANNING AREA 1 (PA1) - SINGLE FAMILY DWELLINGS

(A) PERMITTED USES.
- UNIT 1 — CITY-WIDE USES BY RIGHT
- UNIT 6 — SINGLE FAMILY DWELLINGS

(B) 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 24 — HOME OCCUPATION

(C) RESIDENTIAL DENSITY.
- ACREAGE — 2.53 ACRES
- NUMBER OF DWELLING UNITS — 28
- DENSITY — 11 UNITS/ACRE

(D) BULK AND AREA REGULATIONS
- LOT WIDTH MINIMUM — 0 FEET
- LOT AREA MINIMUM — 2,500 SQUARE FEET
- LAND AREA PER DWELLING — 2,500 SQUARE FEET

(E) SETBACK REQUIREMENTS.
- FRONT — 0 FEET
- SIDE — 3 FEET
- REAR — 5 FEET

(F) HEIGHT REGULATIONS.
- BUILDING HEIGHT MAXIMUM — 25 FEET

(G) BUILDING AREA.
- REQUIREMENTS — BUILDING AREA SHALL NOT EXCEED 70% OF SITE.

(H) SITE PLANNING.
- LANDSCAPING — A MINIMUM OF 1 TREE SHALL BE PROVIDED PER LOT.
- PARKING — 2 PER UNIT, SHALL BE LOCATED ON STREET OR IN COMMUNITY COMMONS.
- ARCHITECTURAL DESIGN STANDARDS — MATERIALS TO BE CEMENT FIBERBOARD AND VINYL SIDING. DWELLING SHALL FACE A STREET, GREEN SPACE OR COMMUNITY COMMONS.
- SIGNAGE — AREA SIGN SHALL BE PERMITTED IN ACCORDANCE WITH CHAPTER 174.

PLANNING AREA 2 (PA2) - TWO FAMILY DWELLINGS

(A) PERMITTED USES.
- UNIT 1 — CITY-WIDE USES BY RIGHT
- UNIT 9 — TWO-FAMILY DWELLINGS

(B) 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 24 — HOME OCCUPATION

(C) RESIDENTIAL DENSITY.
- ACREAGE — 0.79 ACRES
- NUMBER OF DWELLING UNITS — 8 UNITS
- DENSITY — 13 UNITS/ACRE

(D) BULK AND AREA REGULATIONS
- LOT WIDTH MINIMUM — 0 FEET
- LOT AREA MINIMUM — 2,500 SQUARE FEET
- LAND AREA PER DWELLING — 2,500 SQUARE FEET

(E) SETBACK REQUIREMENTS.
- FRONT — 0 FEET
- SIDE — 0 FEET
- REAR — 5 FEET

(F) HEIGHT REGULATIONS.
- BUILDING HEIGHT MAXIMUM — 25 FEET

(G) BUILDING AREA.
- REQUIREMENTS — BUILDING AREA SHALL NOT EXCEED 70% OF SITE.

(H) SITE PLANNING.
- LANDSCAPING — A MINIMUM OF 1 TREE SHALL BE PROVIDED PER LOT.
- PARKING — 2 PER UNIT, SHALL BE LOCATED ON STREET OR IN COMMUNITY COMMONS.
- ARCHITECTURAL DESIGN STANDARDS — MATERIALS TO BE CEMENT FIBERBOARD AND VINYL SIDING. DWELLING SHALL FACE A STREET, GREEN SPACE OR COMMUNITY COMMONS.
- SIGNAGE — AREA SIGN SHALL BE PERMITTED IN ACCORDANCE WITH CHAPTER 174.

PLANNING AREA 3 (PA3) - THREE FAMILY DWELLINGS

(A) PERMITTED USES.
- UNIT 1 — CITY-WIDE USES BY RIGHT
- UNIT 10 — THREE-FAMILY DWELLINGS

(B) 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 24 — HOME OCCUPATION

(C) RESIDENTIAL DENSITY.
- ACREAGE — 0.74 ACRES
- NUMBER OF DWELLING UNITS — 9 UNITS
- DENSITY — 13 UNITS PER ACRE

(D) BULK AND AREA REGULATIONS
- LOT WIDTH MINIMUM — 30 FEET
- LOT AREA MINIMUM — 2,500 SQUARE FEET
- LAND AREA PER DWELLING — 2,500 SQUARE FEET

(E) SETBACK REQUIREMENTS.
- FRONT — 5 FEET
- SIDE — 0 FEET
- REAR — 0 FEET

(F) HEIGHT REGULATIONS.
- BUILDING HEIGHT MAXIMUM — 25 FEET

(G) BUILDING AREA.
- REQUIREMENTS — BUILDING AREA SHALL NOT EXCEED 80% OF SITE.

(H) SITE PLANNING.
- LANDSCAPING — A MINIMUM OF 1 TREE SHALL BE PROVIDED PER LOT.
- PARKING — 2 PER UNIT, SHALL BE LOCATED ON STREET OR IN COMMUNITY COMMONS.
- ARCHITECTURAL DESIGN STANDARDS — MATERIALS TO BE CEMENT FIBERBOARD AND VINYL SIDING. DWELLING SHALL FACE A STREET, GREEN SPACE OR COMMUNITY COMMONS.
- SIGNAGE — AREA SIGN SHALL BE PERMITTED IN ACCORDANCE WITH CHAPTER 174.

PLANNING AREA 4 (PA4) - COMMUNITY COMMONS

(A) PERMITTED USES.
- UNIT 1 — CITY-WIDE USES BY RIGHT
- UNIT 4 — CULTURAL AND RECREATIONAL FACILITIES

(B) CONDITIONAL USES.
- UNIT 2 — CITY-WIDE USES BY CONDITIONAL USE PERMIT
- UNIT 3 — PUBLIC PROTECTION AND UTILITY FACILITIES

(C) RESIDENTIAL DENSITY.
- ACREAGE — 4.76 ACRES
- UNITS PER ACRE — N/A

(D) BULK AND AREA REGULATIONS
- LOT WIDTH MINIMUM — N/A
- LOT AREA MINIMUM — N/A
- LAND AREA PER DWELLING — N/A

(E) SETBACK REQUIREMENTS.
- FRONT — 0 FEET
- SIDE — 0 FEET
- REAR — 0 FEET

(F) HEIGHT REGULATIONS.
- BUILDING HEIGHT MAXIMUM — 25 FEET

(G) BUILDING AREA.
- NONE

(H) SITE PLANNING.
- LANDSCAPING — SHALL BE IN COMPLIANCE WITH LOW IMPACT DEVELOPMENT TECHNIQUES. LANDSCAPE PLAN SHALL BE SUBMITTED DURING DEVELOPMENT APPROVAL.
- PARKING — RESIDENTIAL PARKING MAY TAKE PLACE IN COMMUNITY COMMONS.
- ARCHITECTURAL DESIGN STANDARDS — NO BUILDINGS SHALL BE CONSTRUCTED IN COMMUNITY COMMONS.
- SIGNAGE — AREA SIGN SHALL BE PERMITTED IN ACCORDANCE WITH CHAPTER 174.

PLAT PAGE 664

NO.	DATE	DWN.	APPV'D.	REVISIONS DESCRIPTION

UNIVERSITY OF ARKANSAS COMMUNITY DESIGN CENTER
104 North East Avenue
Fayetteville, Arkansas 72701-6035
Tel 479-575-4272

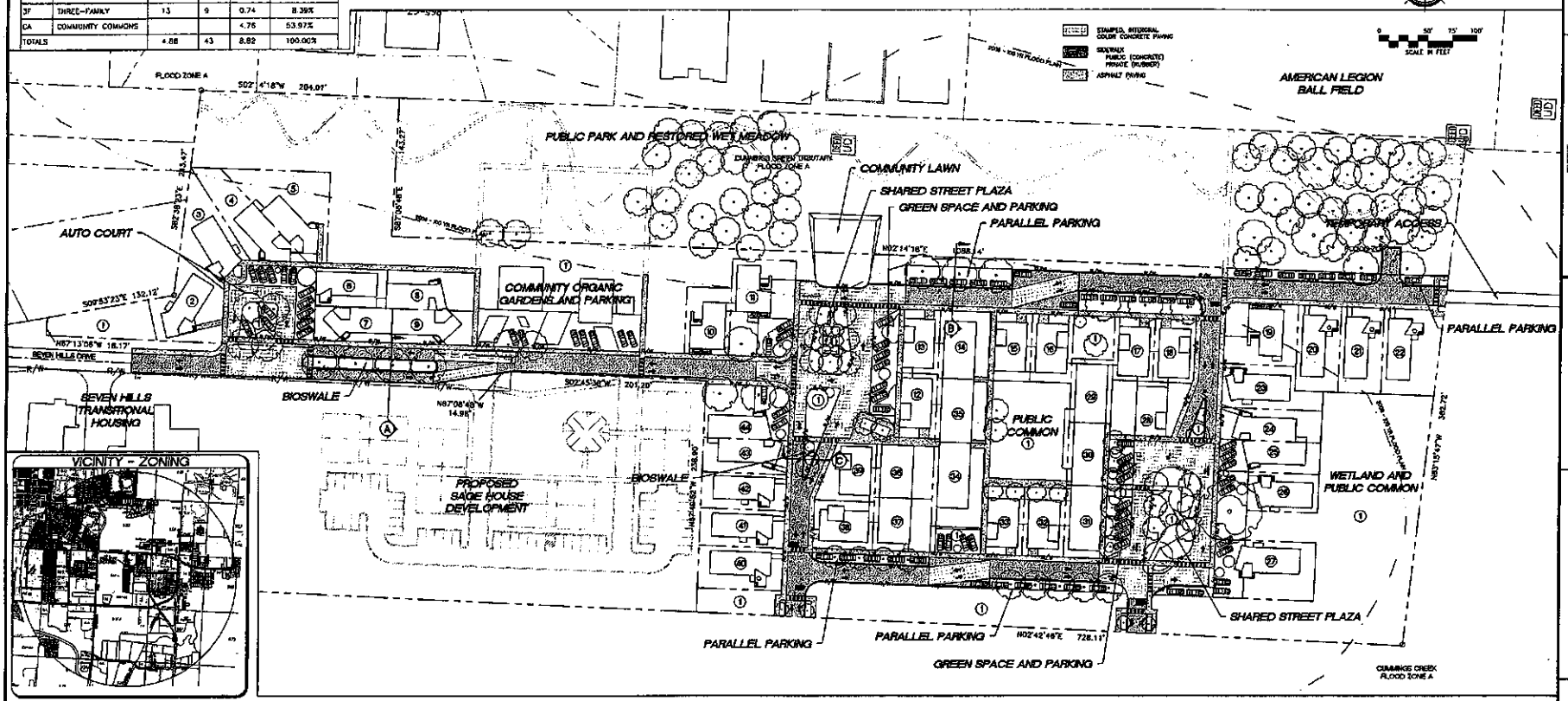
McCLELLAND CONSULTING ENGINEERS, INC.
Little Rock: 500 W. Markham
Fayetteville: 1550 N. College

ZONING AND DEVELOPMENT STANDARDS
HABITAT FOR HUMANITY OF WASHINGTON CO.
PORCHSCAPES NEIGHBORHOOD
FAYETTEVILLE, ARKANSAS

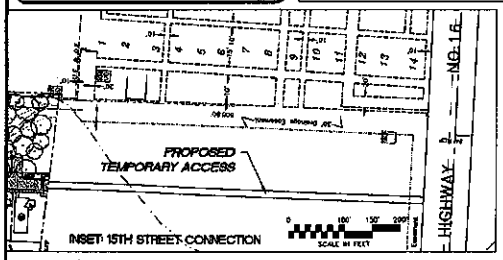
DRAWN BY	APPROVED
CDS	CDS
SCALE	DATE
1" = 50'	JULY 2008
JOB NO.	FIELD BOOK
FX0803129	--
SHEET 2	BOK FZ4

PORCHSCAPES

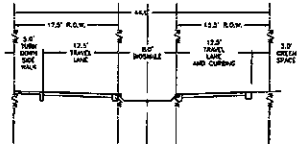
LAND USE TABLE					
SYMBOL	LAND USE	DENSITY	UNITS	ACRES	PERCENTAGE
SF	SINGLE FAMILY	11	29	2.53	28.68%
2F	TWO-FAMILY	11	8	0.79	8.95%
3F	THREE-FAMILY	13	9	0.74	8.39%
CA	COMMUNITY COMMONS			4.76	53.97%
TOTALS		4.88	43	8.82	100.00%



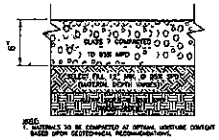
VICINITY - ZONING



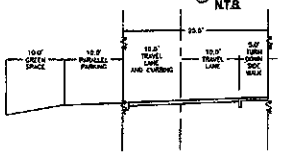
INSET: 15TH STREET CONNECTION



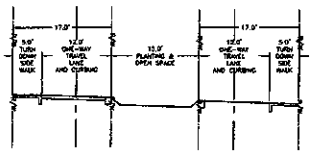
SECTION A-A
N.T.S.



ACCESS PAVEMENT SECTION

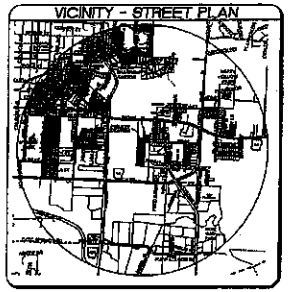


SECTION B-B
N.T.S.



SECTION C-C
N.T.S.

VICINITY - STREET PLAN



FLAT PAGE: 564

REVISIONS

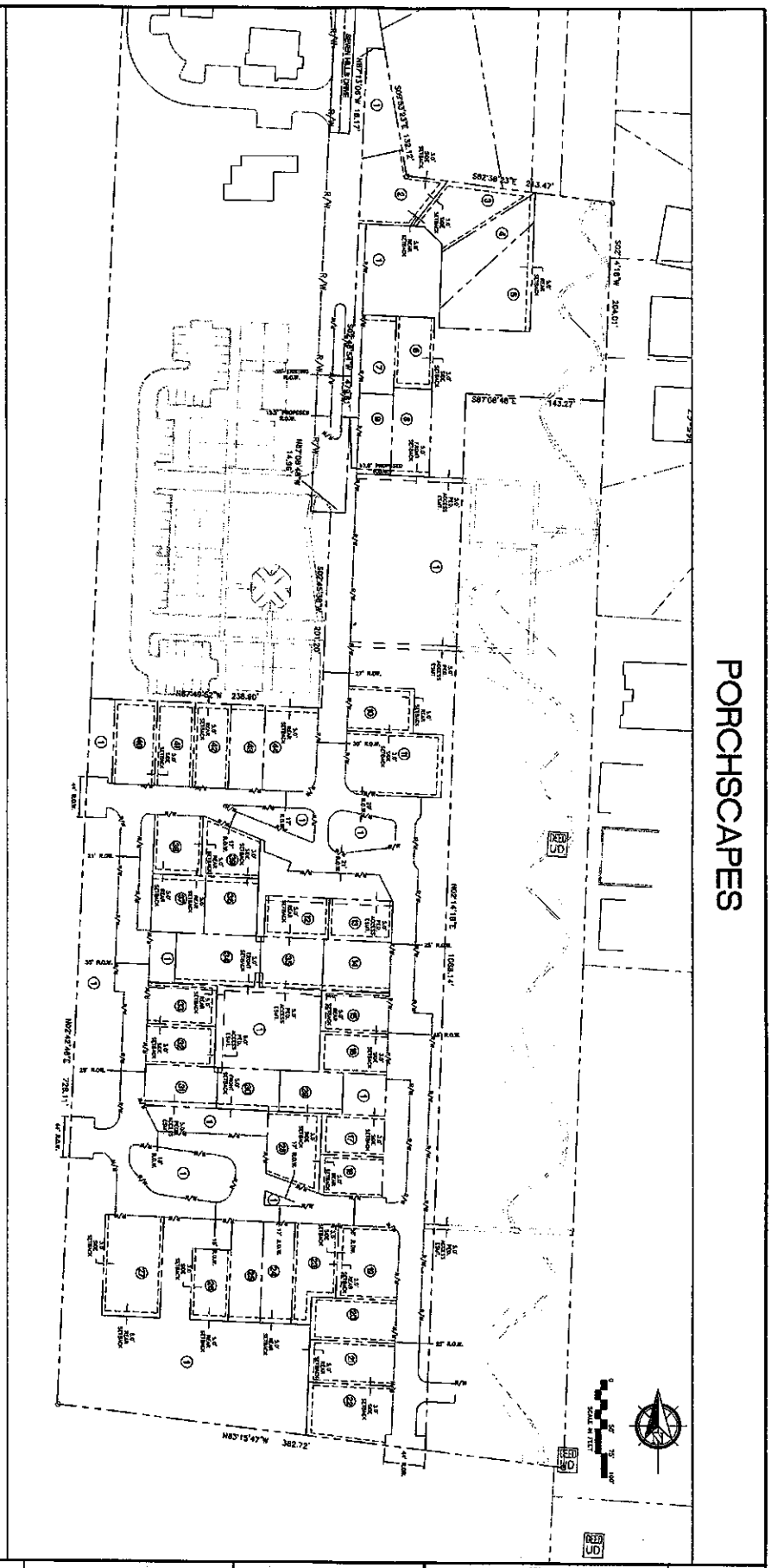
NO.	DATE	DRN.	APPV'D.	DESCRIPTION

UNIVERSITY OF ARKANSAS COMMUNITY DESIGN CENTER
104 North Block Avenue, Fayetteville, Arkansas 72701-6035
Tel 479-575-8272

McCLELLAND CONSULTING ENGINEERS, INC.
Little Rock, 500 W. Markham
Fayetteville, 2550 N. College

MASTER DEVELOPMENT PLAN
HABITAT FOR HUMANITY OF WASHINGTON CO.
PORCHSCAPES NEIGHBORHOOD
FAYETTEVILLE, ARKANSAS

DRAWN BY: CDS	APPROVED CDS
SCALE 1" = 50'	DATE MAY 2008
JOB NO. P1008112B	FIELD BOOK -
SHEET 9	REV. PZ4



PLAT PAGE 594

SHEET 4	DRAWN BY:	APPROVED	
	SCALE: 1" = 30'	DATE:	
	FIELD BOOK:	APP. BY:	
	PAGE NO.	FIELD BOOK	
	PZ4		

SETBACK EXHIBIT

HABITAT FOR HUMANITY OF WASHINGTON CO.

PORCHSCAPES NEIGHBORHOOD

FAYETTEVILLE, ARKANSAS

MCE McCLELLAND CONSULTING ENGINEERS, INC.
Fayetteville 1815 N. College
Little Rock 900 W. Markham

UA UNIVERSITY OF ARKANSAS COMMUNITY DESIGN CENTER
104 North East Avenue
Fayetteville, Arkansas 72701-6038
Tel 479-575-5772

REVISIONS

NO.	DATE	DRW.	APP'V'D.	DESCRIPTION

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

August 5, 2008
City Council Meeting Date
Agenda Items Only

Jeremy Pate JP	Planning	Operations
Submitted By	**Division**	**Department**

Action Required:

R-PZD 08-3022: Planned Zoning District (Stonewood Gardens, 60): Submitted by Jorgensen & Associates for property located near the southeast corner of Crossover and Albright Road containing approximately 3.36 acres. The request is for zoning and land use approval of a Residential Planned Zoning District with 15 single family dwelling units.

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

Budgeted Item ☐ **Budget Adjustment Attached** ☐

Department Director — Date 7-17-08

City Attorney — Date 7-17-08

Finance and Internal Service Director — Date 7-18-08

Mayor — Date 7/21/08

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office 7/17/08 ENTERED

Received in Mayor's Office 7/18/08 ENTERED

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: July 15, 2008

Subject: Residential Planned Zoning District for Stonewood Gardens (R-PZD 08-3022)

RECOMMENDATION

Staff recommends approval of an ordinance creating a Residential Planned Zoning District (R-PZD) for Stonewood Gardens, 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 3.36 acres. The proposal consists of 15 detached single-family homes with shared drives and zoning criteria indicative of the RSF-8 zoning district.

BACKGROUND

In May of 2004, the City Council approved a Residential Planned Zoning District (R-PZD) on the subject property for 12 single family dwellings on a gated, private street that ended in a cul-de-sac in the R-PZD zoning district. Prior to that approval, the property was zoned R-O, Residential Office. Because the original developer could not finish the project, the applicant submitted a revised proposal in 2007 that included the subject property and two additional properties to the south for a total of 4.64 acres within two planning areas, containing 21 attached dwelling units and 7 detached dwelling units and a street connecting to the cul-de-sac south of the subject property. On November 26, 2007, the Planning Commission voted to forward the revised request to the City Council with a recommendation of approval and the condition that the applicant construct an additional street and stub-out to the east.

Unable to move forward to the City Council with the second proposal, the applicant submitted a revised zoning and land use proposal for the original 3.36 acres, containing one planning area with designated green space and 15 detached single family homes with shared drives. The density proposed for the project (15 dwelling units on 3.36 acres) is 4.46 dwelling units/acre. The proposal includes one interior public street, to which all lots will front, with a stub out to the east for future connectivity and a public pedestrian access easement and 4' sidewalk for future connection to the properties zoned R-O located to the south of the subject property. Similar to the previous proposal, the single-family lots are indicative of the RSF-8 zoning district criteria with a typical lot width of 50 feet and reduced front setbacks.

DISCUSSION

The Planning Commission voted 7-0-0 in favor of this request on July 14, 2008. Recommended conditions were approved by the Planning Commission and are reflected in the attached staff report.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 08-3022, STONEWOOD GARDENS, LOCATED NEAR THE SOUTH EAST CORNER OF CROSSOVER AND ALBRIGHT ROAD; CONTAINING APPROXIMATELY 3.36 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-PZD 04-04.00, Residential Planned Zoning District to R-PZD 08-3022 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:

By: _____
DAN COODY, Mayor

ATTEST:

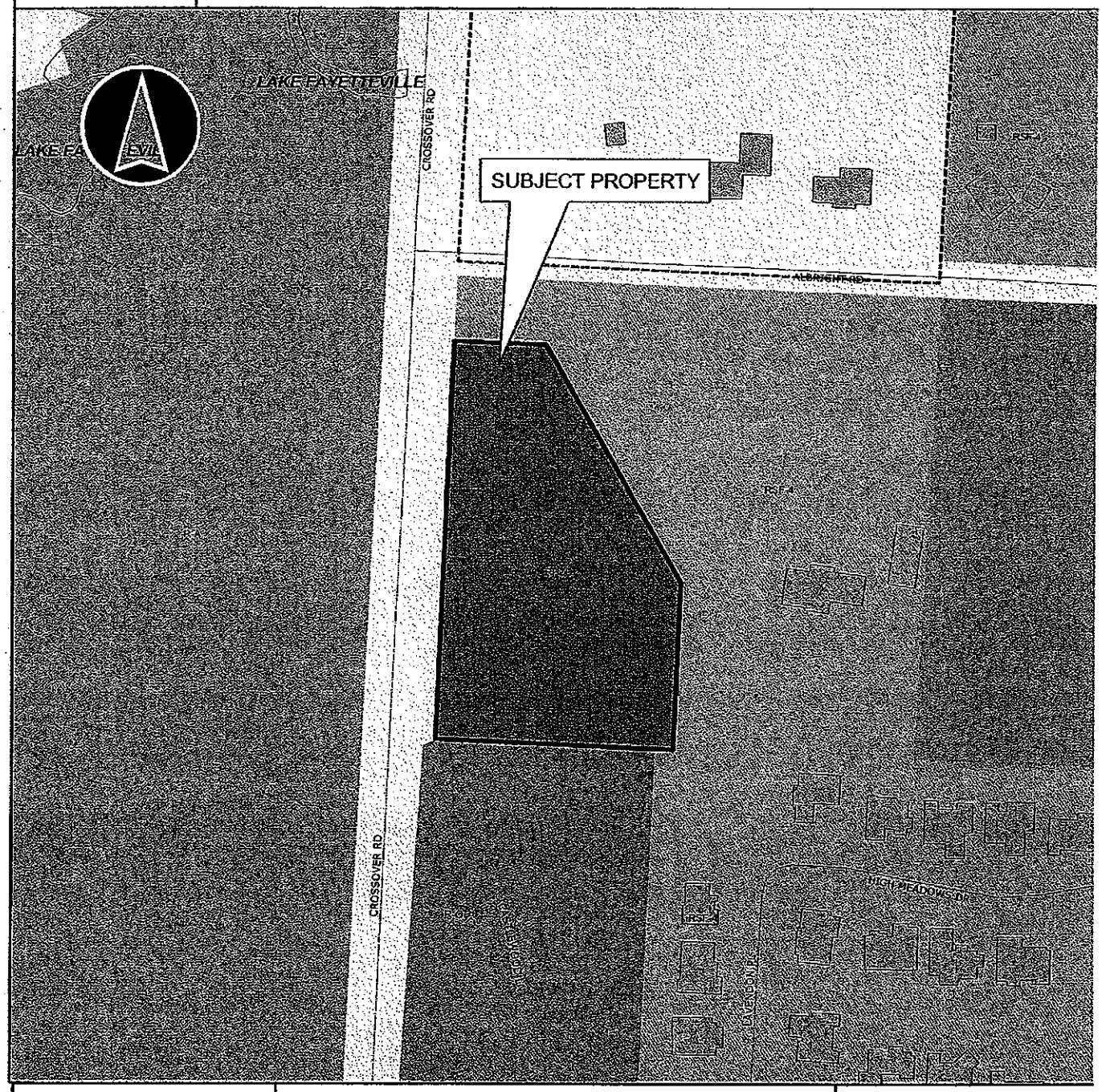
By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT "A"

RPZD08-3022

Close Up View

STONEWOOD GARDENS



Overview

0 75 150 300 450 600 Feet

EXHIBIT "B"
R-PZD 08-3022

PART OF THE SE ¼ OF THE SW ¼ OF SECTION 18, T17N, R29W IN WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF SAID SE 1/4 , SW ¼ THENCE S00°26'02"E 110.00 FEET TO THE P.O.B., THENCE N89°33'58"E 122.33 FEET, THENCE S32°50'29"E 378.17 FEET, THENCE S00°26'02"E 231.35 FEET, THENCE S89°40'40"W 325.00 FEET, THENCE N00°26'02"W 549.99 FEET TO THE P.O.B.; CONTAINING 3.36 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

CONDITIONS OF APPROVAL:
R-PZD 08-3022

Conditions of Approval for R-PZD 08-3022 (Stonewood Gardens):

1. *At minimum, staff will recommend that Stonewood Court be constructed to include a stub out for a future east connection, including pavement, curb, gutter, storm drains, and a 5' sidewalk on both sides. A turn lane may be needed at the entry to Crossover Road. Staff will likely recommend money in lieu of sidewalk construction and other street improvements along Crossover Road.*

2. *Staff recommends in favor of the proposed connectivity finding that the proposed future connection will be beneficial to the neighborhood. In addition, the applicant is proposing pedestrian access to the south, to provide connectivity to those undeveloped lots.*

3. Curb-cuts 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 driveways shall otherwise meet the standards established in Chapter 172 Parking and Loading.

4. This project is required to go through preliminary plat and final plat review and approval.

5. The applicant shall dedicate right-of-way for Crossover Road and Stonewood Court pursuant to the Master Street Plan at the time of final plat approval.

6. Project phasing. The applicant shall have one year from City Council approval of the PZD to receive preliminary plat approval, one year from the date of preliminary plat approval to obtain all development permits, and three years to obtain final plat approval with a one year extension available for each time limit pursuant to Chapter 166.20 of the Unified Development Code.

7. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements.

8. 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" fronting onto Stonewood Court and to have varied facades to provide variety within the overall development. Articulation shall be required for the west facades of the houses adjacent to Crossover Road (Lots 1 – 5).

9. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code for single family residential subdivisions.

10. The Master Development Plan, Statement of Commitments, and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.

11. This development shall be required to comply with the Tree Preservation requirements (25% minimum canopy) as set forth in the Unified Development Code at the time of development, subject to approval by the Urban Forester.

12. Prior to preliminary plat submittal, the applicant shall submit the development plans to the Parks Recreation and Advisory Board for review and recommendations regarding parkland dedication.

13. Landscape requirements as outlined in Chapter 177 shall be required with development plat approval.

14. An ornamental fence shall be constructed along Crossover Road at the time of development as proposed in the Master Development Plan; along with a vegetative buffer of trees and shrubs. The fence shall not impede pedestrian access at the south boundary of the subject property.

15. The location of fire department connections shall be approved and shown on the final plat.

16. All new street names and addresses shall be approved by the GIS Division.

17. The following revisions shall be made:

    a. Page 4. Include in the paragraph about phasing and timeframe a statement regarding the timeframe for final plat approval, as the development will be required to receive Planning Commission approval of both preliminary and final plat requests prior to the issuance of a building permit.
    b. Page 5. Add a column for a 0-foot side setback requirement for accessory structures to allow for the proposed shared garage on Lots 10 and 11.
    c. Page 7. Add "Accessory Structures" to the far left column under Setback Requirements.
    d. Page 2 of the site plan. Add "Lot Width Minimum" under Bulk and Area Regulations.
    e. Page 2 of the site plan. Add the setback requirement for accessory structures.
    f. Extend the 8' pedestrian access easement between Lots 7 and 8 to the southern boundary of the subject property.

Standard Conditions of Approval:

18. Impact fees for fire, police, water, and sewer shall be paid in accordance with City ordinance.

19. 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).

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. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.

22. Street lights shall be installed adjacent to all public and private streets (not alleys), with a separation of no greater than 300 feet.

23. 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.

24. 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.
    d. Project Disk with all final revisions
    e. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

Fayetteville
ARKANSAS

PC Meeting July 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:	Dara Sanders, Current Planner
	Matt Casey, Assistant City Engineer
THRU:	Jeremy Pate, Director of Current Planning
DATE:	~~July 8, 2008~~ *Updated July 15, 2008*

R-PZD 08-3022: (STONEWOOD GARDENS, 060): Submitted by JORGENSEN & ASSOCIATES for property located at THE SE CORNER OF CROSSOVER AND ALBRIGHT. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 3.36 acres. The request is for Zoning and Land Use approval of a Residential Planned Zoning District with 15 single family dwelling units.

Planner: Dara Sanders

Findings:

Property Background: The subject property is located adjacent to Crossover Road and was initially approved by the City Council in May of 2004 for 12 single family dwellings on a gated, private street that ended in a cul-de-sac in the R-PZD zoning district. Prior to that approval, the property was zoned R-O, Residential Office. Most of the waterlines and sewer lines have been installed, a portion of the drainage has been installed, and the street has been "cut-in".

Because the original developer could not finish the project, the applicant submitted a revised proposal in 2007 that included the subject property and two additional properties to the south for a total of 4.64 acres within two planning areas. The proposal contained 21 attached dwelling units and 7 detached dwelling units, an overall density of 6.03 dwelling units/acre, designated green space, and a street connecting to the cul-de-sac south of the subject property.

On November 26, 2007, the Planning Commission forwarded the revised request to the City Council with a recommendation of approval and the condition that the applicant construct an additional street and stub-out to the east. Unable to move forward to the City Council with the second proposal, the applicant has submitted a revised zoning and land use proposal for the original 3.36 acres.

Proposal: The applicant proposes one planning area with designated green space and 15 detached single family homes with shared drives. The density proposed for the project (15 dwelling units on 3.36 acres) is 4.46 dwelling units/acre. The proposal includes one interior public street, to which all lots will front, with a stub out to the east for future connectivity and a

public pedestrian access easement and 4' sidewalk for future connection to the properties zoned R-O located to the south of the subject property. Similar to the previous proposal, the single-family lots are indicative of the RSF-8 zoning district criteria with a typical lot width of 50 feet and reduced front setbacks. The applicant proposes hidden garages and shared drives to reduce pavement and promote traditional residential development. Surrounding land use and zoning are listed in *Table 1*.

Table 1: Surrounding Land Use/Zoning

Direction	Land Use	Zoning
North	Single family	RSF-4, Single Family Res. 4 DU/Acre
South	Single family	R-O, Residential Office
East	Single family	RSF-4, Single Family Res. 4 DU/Acre
West	Lake Fayetteville, Botanical Gardens	R-A, Residential Agricultural

Request: The request is for zoning and land use approval only for a Master Development Plan of a Residential Planned Zoning District with 15 single-family detached lots and 1 detention pond. If the PZD is approved as proposed the project would be required to go through preliminary and final plat approval prior to development.

Adjacent Master Street Plan Streets: Crossover Road (Principal Arterial Parkway)

Right-of-way to be dedicated: Right-of-way in the amount of 53.5' from centerline for Crossover Road and 25' from centerline for Stonewood Court shall be dedicated with approval of the final plat. Staff recommends money in lieu of sidewalk construction along Crossover Road for the preliminary plat of the development.

Connectivity: Currently, Castlewood Lane ends in a cul-de-sac. The applicant proposes to remove the cul-de-sac and curve Stonewood Court to the east property line for a future connection to the neighboring residential developments.

Phasing: The applicant is proposing to develop the property in one phase. The applicant shall have one year from City Council approval of the PZD to receive preliminary plat approval, one year to obtain all development permits, and three years to obtain final plat approval with a one year extension available for each time limit pursuant to Chapter 166.20 of the Unified Development Code.

Infrastructure:

Streets: The site has access to Crossover Road. Crossover Road is an unimproved paved 3 lane highway and designated as highway 265. Street improvements will be evaluated with the proposed development.

Water: Public water is available to the property. The previously approved development for this property installed an 8" main and fire hydrants that connect to the existing 8" watermain in Stonewood Subdivision. Water may need to be relocated within

the property based on the revised street layout at the time of development to provide domestic service and fire protection.

Sewer: Sanitary sewer is available to the site. The previously approved development for this property installed 8" sanitary sewer mains and a sanitary sewer lift station that will discharge into the Stonewood Subdivision sanitary sewer gravity system. Sewer may need to be relocated within the property based on the revised street layout at the time of development to provide sanitary sewer service. The sanitary sewer lift station will also be required to meet current requirements at the time of development.

Fire: This development will be protected by Engine 5 located at 2979 N. Crossover. It is 2.7 miles from the station with an anticipated response time of 4 minutes to the beginning of the development. The Fire Department anticipates 3(2 EMS – 1 Fire/Other) calls for service each year after the development is completed and maximum build-out has occurred. Typically, this type of development usually takes 12 – 18 months, after the development is started, before maximum build-out occurs. 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 R-PZD will not substantially alter the population density, and create an appreciable or undesirable increase in the load on police services. This R-PZD will not create an appreciable increase in traffic danger and congestion.

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.

Public Comment: Staff has received public comment from the property owner to the east, citing concerns with the existing detention pond regarding weeds and mosquitoes.

Recommendation: Finding that the proposed rezoning and development approval meets many of the primary goals of the Planned Zoning District ordinance and policies adopted within the City Plan 2025 as noted herein, staff recommends forwarding **R-PZD 08-3022** to the City Council with a recommendation of approval with the following conditions:

Conditions of Approval:

1. Planning Commission determination of street improvements. The Planning Commission will make final determinations of street improvements at the time of development. *At minimum, staff will recommend that Stonewood Court be constructed to include a stub out for a future east connection, including pavement, curb, gutter, storm drains, and a 5' sidewalk on both sides. A turn lane may be needed at the entry to Crossover Road. Staff will likely recommend money in lieu of sidewalk construction and other street*

improvements along Crossover Road.

7/14/08: THE PLANNING COMMISSION FOUND IN FAVOR OF STREET IMPROVEMENTS.

2. Planning Commission determination of adequate connectivity. A future connection from Stonewood Court to the east is proposed. *Staff recommends in favor of the proposed connectivity finding that the proposed future connection will be beneficial to the neighborhood. In addition, the applicant is proposing pedestrian access to the south, to provide connectivity to those undeveloped lots.*

7/14/08: THE PLANNING COMMISSION FOUND IN FAVOR OF CONNECTIVITY.

3. Curb-cuts 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 driveways shall otherwise meet the standards established in Chapter 172 Parking and Loading.

4. This project is required to go through preliminary plat and final plat review and approval.

5. The applicant shall dedicate right-of-way for Crossover Road and Stonewood Court pursuant to the Master Street Plan at the time of final plat approval.

6. Project phasing. The applicant shall have one year from City Council approval of the PZD to receive preliminary plat approval, one year from the date of preliminary plat approval to obtain all development permits, and three years to obtain final plat approval with a one year extension available for each time limit pursuant to Chapter 166.20 of the Unified Development Code.

7. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements.

8. 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" fronting onto Stonewood Court and to have varied facades to provide variety within the overall development. Articulation shall be required for the west facades of the houses adjacent to Crossover Road (Lots 1 – 5).

9. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code for single family residential subdivisions.

10. The Master Development Plan, Statement of Commitments, and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the

City Council shall also be binding.

11. This development shall be required to comply with the Tree Preservation requirements (25% minimum canopy) as set forth in the Unified Development Code at the time of development, subject to approval by the Urban Forester.

12. Prior to preliminary plat submittal, the applicant shall submit the development plans to the Parks Recreation and Advisory Board for review and recommendations regarding parkland dedication.

13. Landscape requirements as outlined in Chapter 177 shall be required with development plat approval.

14. An ornamental fence shall be constructed along Crossover Road at the time of development as proposed in the Master Development Plan; along with a vegetative buffer of trees and shrubs. The fence shall not impede pedestrian access at the south boundary of the subject property.

15. The location of fire department connections shall be approved and shown on the final plat.

16. All new street names and addresses shall be approved by the GIS Division.

17. The following revisions shall be made:

    a. Page 4. Include in the paragraph about phasing and timeframe a statement regarding the timeframe for final plat approval, as the development will be required to receive Planning Commission approval of both preliminary and final plat requests prior to the issuance of a building permit.
    b. Page 5. Add a column for a 0-foot side setback requirement for accessory structures to allow for the proposed shared garage on Lots 10 and 11.
    c. Page 7. Add "Accessory Structures" to the far left column under Setback Requirements.
    d. Page 2 of the site plan. Add "Lot Width Minimum" under Bulk and Area Regulations.
    e. Page 2 of the site plan. Add the setback requirement for accessory structures.
    f. Extend the 8' pedestrian access easement between Lots 7 and 8 to the southern boundary of the subject property.

Standard Conditions of Approval:

18. Impact fees for fire, police, water, and sewer shall be paid in accordance with City ordinance.

19. 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).

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. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.

22. Street lights shall be installed adjacent to all public and private streets (not alleys), with a separation of no greater than 300 feet.

23. 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.

24. 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.
    d. Project Disk with all final revisions
    e. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

Planning Commission Action: Tabled x Forwarded to C.C. Denied

Motion: Graves
Second: Myres
Vote: 7-0-0
Meeting Date: **July 14, 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 the Master Development Plan-Planned Zoning District criteria established by the City Council. City Plan 2025 designates this site as a Residential Neighborhood Area. The proposed zoning and development criteria encourage a layout that promotes walkability and traditional residential urban design. Rezoning this property to R-PZD 08-3022 with single-family dwelling units at an average density of 4.46 units per acre is consistent with the land use plan and the surrounding land use.

Goal 2: We will discourage suburban sprawl. **Staff finds that the proposed development is an infill project that promotes walkability in close proximity to two large city/community parks and neighborhood services and will utilize existing infrastructure and city services that are nearby while protecting the integrity of the predominantly single-family residential neighborhood to the north, east, and south.**

Goal 3: We will make traditional town form the standard. **Staff finds that the proposed development supports the City's goal to promote traditional town form, contributing a variety of housing types and lot sizes in close proximity to a commercial node (Crossover and Zion intersection) in a growing neighborhood with an overall mixture of uses that include eating places, professional offices, retail stores, recreational establishments, and a variety of residential types and densities.**

Goal 4: We will grow a livable transportation network. **Staff finds that the proposed development supports the City's goal to create a multi-modal transportation network. The applicant proposes to construct a public street (Stonewood Court) to City standards and a stub out to the east for a future connection to several dead-end streets within the residential development less than one half mile to the east of the subject property. The applicant also proposes a pedestrian access easement and sidewalk to connect with the property to the south, which under the current zoning could potentially contain professional offices, neighborhood retail shopping, restaurants, a video store, etc – all of which could serve this development and the surrounding neighborhoods.**

(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. As indicated in the submittal and the staff report, certain measures have been taken 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: The proposed development will yield a slightly higher density than the developed neighborhood to the southeast. However, an overall density of 4.46 units/acre is compatible with surrounding developments, given that the proposal incorporates this higher density, single-family development adjacent to Crossover Road, designated a Principal Arterial Parkway by the Master Street Plan.

(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 will be arranged and built in a manner that will preserve the significant canopy. Furthermore, Lot 16 has been designated as an unbuildable lot detention and recreational space. The applicant proposes to coordinate with the utility companies the placement of all utility easements in an attempt to increase canopy preservation.

(6) Whether the intended land use would create traffic congestion or burden the existing road network;

FINDING: Any additional development in the area will increase the amount of traffic on Crossover Road; however, the overall density should not create an appreciable amount of traffic above that which can be managed with the streets in the area. Improvements to Crossover Road are anticipated to be recommended with preliminary plat approval.

(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 subject infill development should be compatible with surrounding developments, as single-family detached residences of a slightly higher density will be the primary use permitted. Since the proposal is not for development rights a tree preservation plan has not been reviewed. However, the applicant has designed the site in a manner that will provide sufficient green space and preserve canopy.

(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 screening along Crossover Road for the residential uses proposed.

(3) *Traffic circulation.* The following traffic circulation guidelines shall apply:

(a) The adequacy of both the internal and external street systems shall be reviewed in light of the projected future traffic volumes.

(b) The traffic circulation system shall be comprised of a hierarchal scheme of local collector and arterial streets, each designed to accommodate its proper function and in appropriate relationship with one another.

(c) Design of the internal street circulation system must be sensitive to such considerations as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, access to dwelling units and the proper relationship of different land uses.

(d) Internal collector streets shall be coordinated with the existing external street system, providing for the efficient flow of traffic into and out of the planned zoning development.

(e) Internal local streets shall be designed to discourage through traffic within the planned zoning development and to adjacent areas.

(f) Design provisions for ingress and egress for any site along with service drives and interior circulation shall be that required by Chapter 166 Development of this code.

FINDING: All properties will front onto Stonewood Court and will be served by shared access driveways as indicated on the site plan. Curb-cuts 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 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 street constructed.

(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 for single-family developments and further designates Lot 15 as common, open space.

(6) *Sidewalks.* As required by §166.03.

FINDING: A 5' sidewalk is to be constructed on both sides of Stonewood Court and money in lieu of a sidewalk along Crossover Road will likely be recommended at the time of development submittal.

(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 along all streets.

(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 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 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, which have been indicated in the submitted statement of commitments. Public and Private streets shall not be gated, unless permitted by express approval from the City Council.

(11) *Construction of nonresidential facilities.* Prior to issuance of more than eight building permits for any residential PZD, all approved nonresidential facilities shall be constructed. In the event the developer proposed to develop the PZD in phases, and the nonresidential facilities are not proposed in the initial phase, the developer shall enter into a contract with the City to guarantee completion of the nonresidential facilities.

FINDING: All development on the site shall be phased according to the phasing plan and conditions herein. There are no nonresidential facilities proposed.

(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. 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; no commercial uses are proposed.

(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.

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 that the proposed development is compatible with the surrounding and adjacent land uses, will be beneficial to the community, and is a result of consideration of the existing natural features specific to the subject property. Page 2 of the site plan indicates the existing trees that are proposed to be preserved. The applicant proposes a pedestrian access easement and sidewalk for future pedestrian access to the property to the south in order to better utilize special features of both sites. This access was coordinated with the lot arrangements and setbacks proposed for Stonewood Gardens and the easements and lot arrangements of the adjacent property.

Staff finds this proposal meets the intent of many of the parameters of the City Plan 2025, as well as the above criteria, including flexibility in density, compatibility with surrounding land uses and integration of a varied housing type and lot size in an infill situation. The proposal best fits the flexibility and variety goals of the intent of the Planned Zoning District, offering attached and detached single-family housing types, recreational green space, a variety of lot arrangements, and lot dimensions.

The following guiding policies within Residential Neighborhood Areas are applicable to this

development, and help to achieve the nine 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.***

(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 R-PZD meets the intent of the PZD ordinance as noted above. The requested R-PZD provides variety and flexibility in land development while also providing a compatible relationship with surrounding land uses.

(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, and Industrial) zoning Districts established in the Unified Development Code shall be allowed with Planning Commission approval, unless otherwise specified, subject to the code governing Conditional Use requests.

FINDING: Permitted and Conditional uses are outlined in both the Master Development Plan booklets and plats.

(4) *Condition.* In no instance shall the residential use area be less than fifty-one percent (51%) of the gross floor area within the development.

FINDING: The residential uses on this property will be 100 percent of the gross floor area within the development.

(F) *Bulk and area regulations*

(1) *Residential density.* Residential densities shall be determined on the basis of the following considerations:

(a) The densities of surrounding development;

(b) the densities allowed under the current zoning;

(c) the urban development goals and other policies of the city's General Plan;

(d) the topography and character of the natural environment; and

(e) the impact of a given density on the specific site and adjacent properties.

FINDING: The surrounding development is consistent in density with large lot residential properties and platted subdivisions typical of the RSF-4 zoning district. A density of 4.46 units/acre is appropriate given that the project is an infill development that is adjacent to a State highway and located near retail and commercial establishments, as well as recreational

facilities, meets the urban development goal of the City's City Plan 2025, and will not have a detrimental impact on the site and adjoining properties.

(2) *Lot area and setback requirements.* Taking into consideration the unique aspects of each project, preliminary development plans for Planned Zoning Districts shall conform as closely as possible to the existing standards for lot area minimums and setback requirements under this chapter.

FINDING: Lot area minimums are varied on this project with structures oriented to the street. Due to the unique nature of this development, it is not possible to conform to existing standards for lot area minimums and setback requirements in a typical single-family district without increasing the total pavement area.

(3) *Building height.* There shall be no maximum building height except as may be determined by the Planning Commission during the review of the preliminary development plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. A lesser height may be established by the Planning Commission when it is deemed necessary to provide adequate light and air to adjacent property and to protect the visual quality of the community.

FINDING: Building heights proposed for this project are typical of the single-family developments in the surrounding area, and shall not exceed 40'.

(4) *Building area.* The Planning Commission shall review specific proposed lot coverages which generally correspond to the guidelines for lot coverage in the respective residential, office, commercial or industrial district which most depicts said development scheme.

FINDING: The lot coverage or building area on this project is lower than the RSF-4 zoning district, with a maximum of 35% buildable area permitted.

<u>*Required Findings for Rezoning Request.</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: Staff finds the proposal is 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, as discussed on Page 6 of this report. The revised proposal for this R-PZD zoning district will accommodate both the future land use plan for residential uses in this area, create a pedestrian friendly environment, and also allow for a variety of housing types, sizes and development pattern, thus providing more choice for more citizens.

2. A determination of whether the proposed zoning is justified and/or needed at the time the

rezoning is proposed.

Finding: The proposal is appropriate for the current R-PZD zoning and will allow for an infill development that is somewhat unique in comparison to the residential development pattern in the surrounding neighborhood, while also maintaining a level of compatibility and sensitivity to surrounding properties.

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.

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 does not find that an undesirable increase in load on public services would be created.

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: Not applicable. Staff is recommending approval of the request.

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.

June 5, 2008

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

Attn: Planning Department
Re: Stonewood Gardens, PZD

Enclosed herewith please find 10 copies of the Zoning & Development plans and 5 copies of the booklet for the project mentioned above. This property is currently zoned R-PZD and was recently brought through the city but tabled by the developer in order to make some changes. The main request from the Planning Commission was street connectivity so the street was continued to the east property as shown on the plan. The developer has also reduced the amount of lots and this project will all be single family detached homes. It contains 3.36 acres and has 15 units with lot 16 being green space and a detention pond.

Please call concerning any questions you may have.

Thank you.

Sincerely;

Justin L. Jorgensen, E.I.

PC Meeting of July 14, 2008

THE CITY OF FAYETTEVILLE, ARKANSAS

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: July 8, 2008

ITEM #: R-PZD 08-3022-: Planned Zoning District (Stonewood Gardens)

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. The site has little existing canopy. The development should be designed to work around as many existing trees as possible, particularly trees that are not located in existing or proposed utility easements. Mitigation will not likely be supported by staff without detailed supportive information such as an arborist report.
3. Significant trees are a high priority for preservation. Groupings of quality trees are also a high priority for preservation.

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.

Date 6/27/08

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 08-3022: (Stonewood Gardens,060): Submitted by Jorgensen & Associates for property located at the SE corner of Crossover and Albright 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 2.97 acres.

It is the opinion of the Fayetteville Police Department that this R-PZD will not substantially alter the population density, and create an appreciable or undesirable increase in the load on police services. This R-PZD will not create an appreciable increase in traffic danger and congestion.

Sincerely,

Captain William Brown
Fayetteville Police Department

Engineering Division

R-PZD 08-3022: (STONEWOOD GARDENS, 060): Submitted by JORGENSEN & ASSOCIATES for property located at THE SE CORNER OF CROSSOVER AND ALBRIGHT. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 2.97 acres. The request is for Zoning and Land Use approval of a Residential Planned Zoning District with 15 single family dwelling units. Planner: Dara Sanders

Public water is available to the property. The previously approved development for this property installed an 8" main and fire hydrants that connect to the existing 8" watermain in Stonewood Subdivision. Water may need to be relocated within the property based on the revised street layout at the time of development to provide domestic service and fire protection.

Sanitary sewer is available to the site. The previously approved development for this property installed 8" sanitary sewer mains and a sanitary sewer lift station that will discharge into the Stonewood Subdivision sanitary sewer gravity system. Sewer may need to be relocated within the property based on the revised street layout at the time of development to provide sanitary sewer service. The sanitary sewer lift station will also be required to meet current requirements at the time of development.

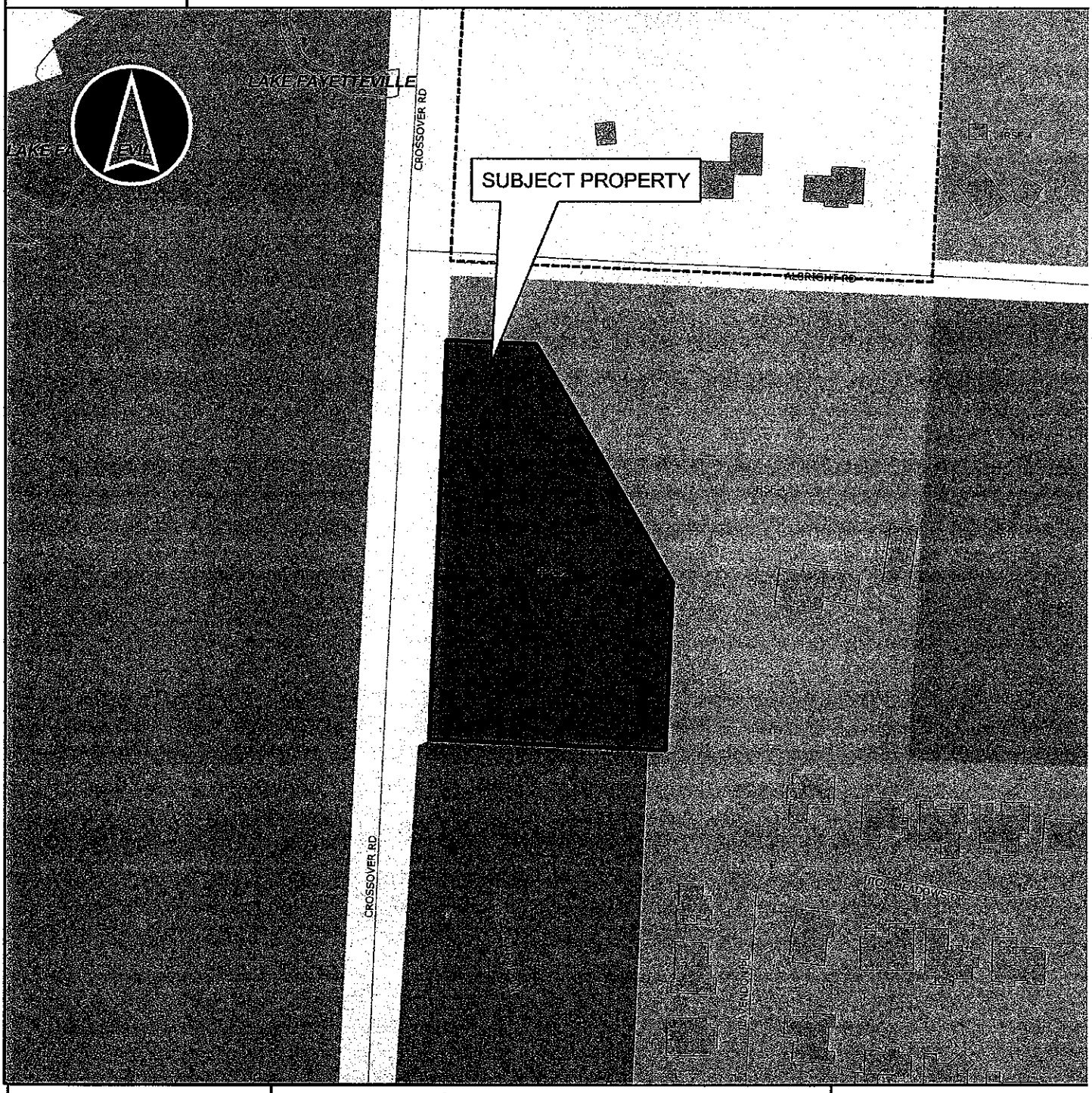
The site has access to Crossover Road. Crossover Road is an unimproved paved 3 lane highway with a TWLTL and designated as highway 265. Street improvements will be evaluated with the proposed development.

Standard improvements and requirements for drainage will be required for the development. This property is not affected by the 100-year floodplain.

RPZD08-3022

STONEWOOD GARDENS

Close Up View



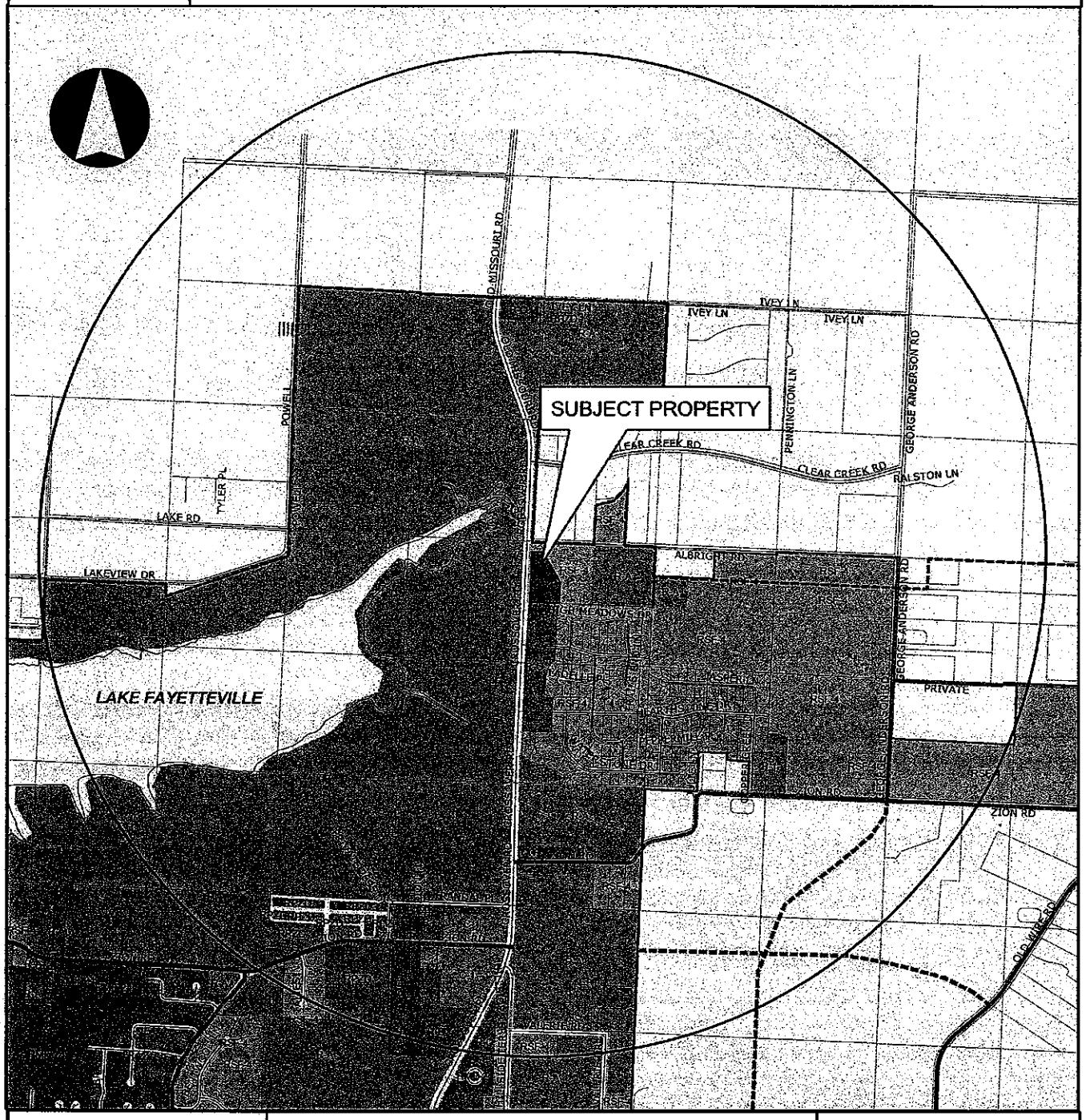
Overview

0 75 150 300 450 600 Feet

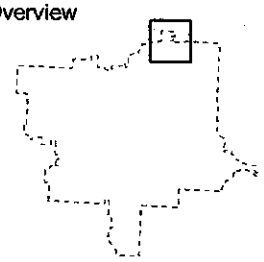
RPZD08-3022

One Mile View

STONEWOOD GARDENS



Overview



Legend

Subject Property

RPZD08-3022

Boundary

Planning Area

Overlay District

Outside City

Legend

Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

JORGENSEN & ASSOCIATES
CIVIL ENGINEERS • SURVEYORS
124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807

STONEWOOD GARDENS

ZONING & LAND USE PLAN
FAYETTEVILLE, AR

June 5, 2008
Revised June 24, 2008
Revised July 7, 2008

Owner

Stonewood Gardens, LLC
Fayetteville, AR 72703

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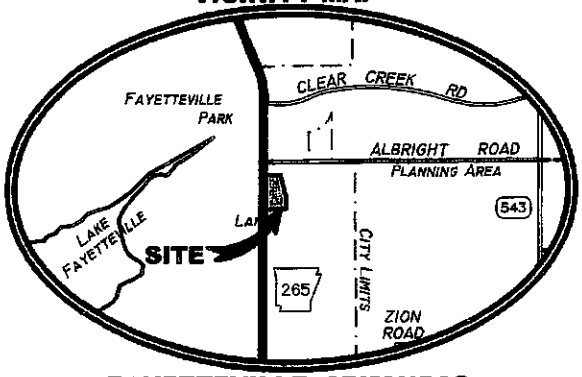
VICINITY MAP



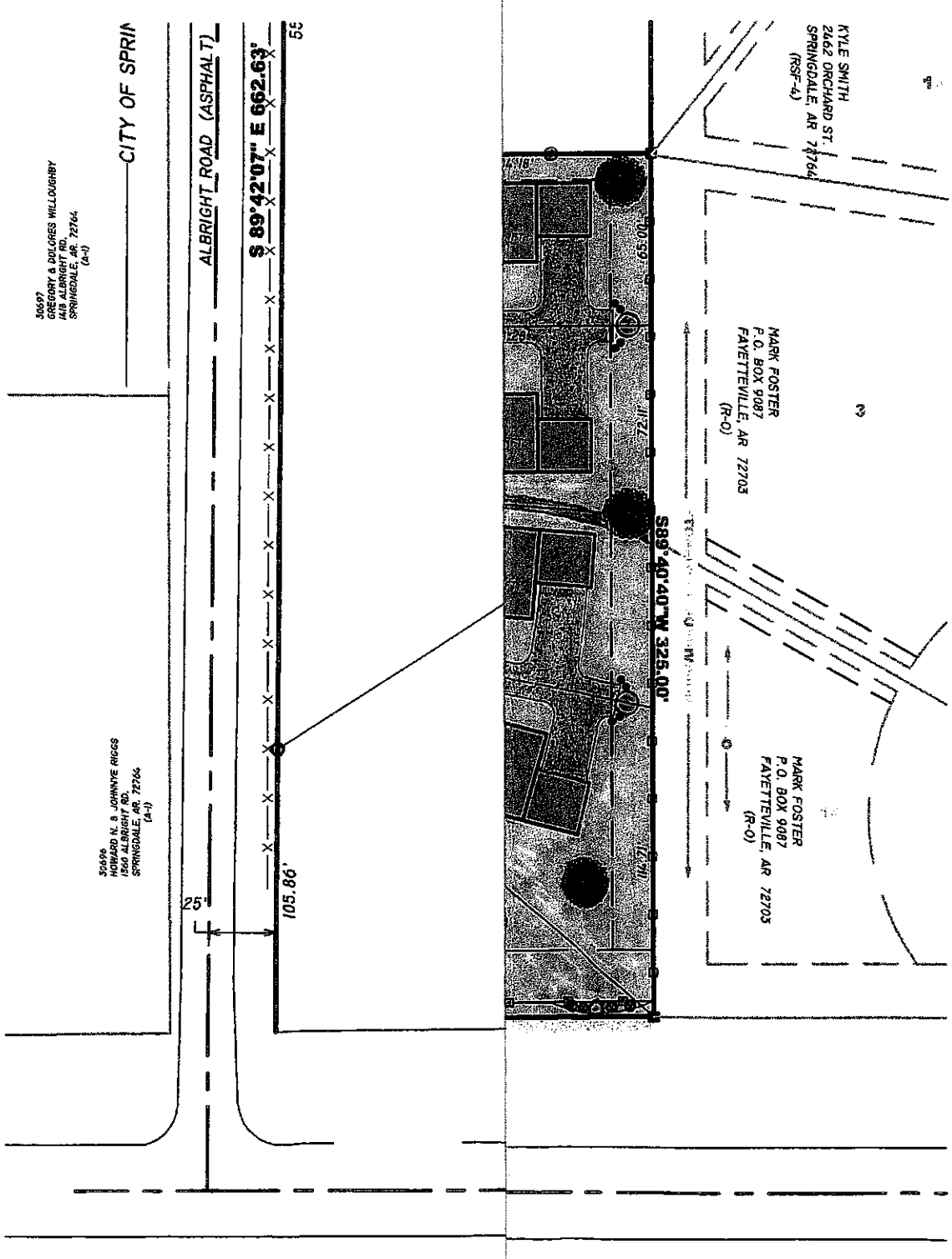
FAYETTEVILLE, ARKANSAS

SF	ACRES	%
	3.36	100

N S W E

OWNER / DEVELOPER:

BUDDY PEOPLES
1923 CANDLESHOP DR
FAYETTEVILLE, AR. 72701



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SCALE: 1"=60'	DATE REVISED	CHECKED BY:	DRAWN BY: JLJ
DATE: 4JUNE08		DLJ	J:\Stuart\2002\221\221

STONEWOOD GARDENS

ZONING & LAND USE PLAN

1/1

A. CURRENT OWNERSHIP OF PROPERTY AND REPRESENTATIVE

The owner of this property is B.R. Peoples. The developers are Stonewood Gardens, LLC.

The representative for this project is Jorgensen and Associates.

B. SUMMARY (SCOPE, NATURE, AND INTENT)

Stonewood Gardens PZD was originally approved by the City May 4th, 2004. Most of the waterlines and sewer lines have been installed. A portion of the drainage has been installed and the street has been "cut-in." For numerous reasons, the original developer could not finish the project. The cost of the project exceeded expectations and the demand for lots is too low. A revised PZD was reviewed by the Planning Commission on 11/26/07 and forwarded to the City Council with a recommendation of approval subject to adding a connection to the east. The owner decided to table the project in order to analyze some changes and then move forward or change the layout. As a result, we are submitting this new revised conceptual PZD for consideration by the City. The intent of this submittal is to create an infill project that will help meet the demands of the affordable housing market while focusing on the goals of the City Plan 2025. This can be achieved by striving to create a unique atmosphere that promotes traditional town form and a friendly community environment.

The revised layout has one planning area with Single Family Detached dwelling units. The overall density of this project is 4.46 dwelling units per acre, which is based on 15 units on 3.36 acres, and falls between the RSF-8 zoning and the RSF-4 zoning. The street will be in the same location as previously planned but instead of having a cul-de-sac at the end; the road will curve to the east and connect the adjacent property. The water and sewer will have to be extended. This revised plan proposes a minimum lot width of 21.3 feet, an average lot width of approximately 50 feet, a minimum lot area of 4,635 square feet, and setback requirements similar to the RSF-8 zoning district.

The revised plan has 15 lots with shared drives on the property line that will provide access to the garages. Most of the houses that are along the street will have a front porch that faces the street with a garage hidden from the street on the side of the house. This will create the feel of the traditional town form and promote walkability within this project. Sidewalks will be built on both sides of Stonewood Court with an additional pedestrian access easement and sidewalk between lots 7 and 8. This is an important connection that will help promote *Traditional Town Form* by giving residence pedestrian access to future amenities to the south. The lots to the south are currently zoned residential office and could contain professional offices, neighborhood retail shops, restaurants, a video store, etc. This would not only be beneficial to the residence of Stonewood Gardens, but also to the surrounding neighborhoods to provide access to these amenities. Lot 16 is designated open/common area for neighborhood amenities and the location of the detention pond. This lot will be maintained by the POA and cannot be built on.

C. GENERAL PROJECT CONCEPT

1) Street and Lot Layout: The current PZD shows a cul-de-sac street which will be removed and a, 21-foot wide, street will curve to the east to the adjacent property for a future east/west connection. In addition, a pedestrian access easement and sidewalk has been added between lots 7 and 8 for future connection to the residential office zoning to the south. We feel this connection will promote *Traditional Neighborhood Development* through the use of pedestrian connectivity to possible future amenities such as professional offices, neighborhood retail shopping, restaurants, a video store, etc..

2) Site Plan: Please refer to the Master Development Plan.

3) Buffer Areas: There will be decorative fencing along with detailed landscaping added along Hwy. 265 to provide a buffer between this project and the highway. There is already a fence along the east side of the property, but additional trees and landscaping will help provide needed buffers. The entrance, to the development from Hwy 265 will also be addressed with raised landscaped beds and trees to add a buffer and aesthetics from the highway.

4) Tree Preservation: As per the present City ordinance, tree preservation will be required. Lot 16 open/common space is reserved for green space as well as to preserve a number of existing trees in the southeast corner of the lot. The houses will be arranged and built in a manner to preserve all trees if available. We will work with all utility companies to evaluate any opportunities to move easements in order to save trees.

5) Storm Water Detention Areas: As required by the current drainage manual, our post development flow will not exceed the pre-development. A detention pond will be installed on the north side of the project and will be subject to the City's Landscaping requirements for Stormwater Facilities.

6) Undisturbed Natural Areas: The majority of this site will be developed. Additional plantings will be made on the perimeter of this project.

7) Existing and Proposed Utility Connections and Extensions: This project will connect to an existing 8" waterline to the south and west. In addition, a wastewater pump station has been installed to collect and pump wastewater to an existing 8" sewer in Stonewood Subdivision. All utilities will try to be located in the rear of the lots to preserve and maintain curb appeal.

8) Development and Architectural Design Standards: All buildings in Stonewood Gardens shall conform conceptually to the "Craftsman" and or "Bungalow" Architectural style (See Appendix A). Most of the houses will have rear or side loaded garages and shall have street facing porches incorporated in their design. Restrictive covenants will be provided that will determine details such as material use, roof pitch, etc. to ensure high quality and consistency on the design of the houses. Because lots 1-5 are adjacent to Hwy 265 the west facade of these houses will be required to be articulated for visual aesthetics from the road.

9) Building Elevations: Architectural renderings and building elevations have been included with this project booklet (see appendix A). These illustrations show general layout, style, and floor plan.

D. PROPOSED DEVELOPMENT PHASING AND TIMEFRAME

One year from City Council approval to receive preliminary plat approval, one year to obtain all development permits, and then start building houses and depending on the market demand, achieve final build out over next 4 years.

E. PROPOSED PLANNING AREAS

This project has one planning area.

F. PROPOSED ZONING AND DEVELOPMENT STANDARDS

Planning Area #1: Single Family Residential:

Purpose: The purpose of this PZD, is to permit and encourage the development of single family detached dwelling units which will have a density of 4.46 lots/acre, which is based on the proposed 15 units on 3.36 acres.

A. Uses:

1) Permitted Uses. (Planning Area #1).

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings

B. Conditional Uses.

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 24	Home occupations

C. Density:

	Single Family Dwellings
Units Per Acre	5.0

D. Bulk and Area Regulations:

	Single Family Dwellings
Lot minimum width	21.3 feet
Lot area minimum	4,635 square feet
Land area per dwelling unit	4,635 square feet

E. Setback Requirements:

Front	Side	Rear
15'	5'	20'

F. Maximum building height: 40 feet.

G. Building Area: The square footage of improvements shall not exceed 35% of the total lot footage.

Site Planning:

H. Screening and Landscaping: The screening and landscaping will be provided as set forth in the Unified Development Code. The developer will install decorative fencing with landscaping along the West side, adjacent to Hwy. 265, and along the South side. They are also going to landscape the front entrance and plant trees to provide screening from Hwy 265 into the subdivision.

I. *Parking:* All parking shall comply with chapter 172 of the Unified Development Code.

J. *Architectural Design Standards:* Conceptual architectural renderings have been provided in Appendix A.

K. *Signage:* Signs shall be permitted and approved and shall be installed in accordance with the Single-Family Unified Development Code.

G. MASTER DEVELOPMENT PLAN AS COMPARED TO CURRENT ZONING REQUIREMENTS

As noted before, this property is currently zoned R-PZD. The property due North and East are zoned RSF-4. There are subdivisions located to the South of this property. The property due North is currently a field with a few trees. The property to the West across Hwy 265 is the Lake Fayetteville property. Included with this property are: jogging trails, bike riding trails, baseball felids, and numerous other recreational facilities. This property also consists of the new site of the Botanical Gardens of the Ozarks. The land to the South of the subject property is zoned R-O to create a transition zone between the R-A to the East, Hwy. 265 and the RSF-4 to the East.

1. PA-1 (Single Family)

Existing Zoning		Proposed Zoning	
PZD (Single Family)		PZD: PA-1 (Single Family)	
Permitted Uses			
Unit 1	City-wide uses by right	Unit 1	City-wide uses by right
Unit 8	Single-family dwellings	Unit 8	Single-family dwellings
Conditional Uses			
Unit 2	City-wide uses by conditional use permit	Unit 2	City-wide uses by conditional use permit
Unit 4		Unit 3	Public protection and utility facilities
Unit 24	Home occupations	Unit 24	Home occupations
Density			
Acreage	3.36	Acreage	3.36 acres
Dwelling Units	12 units	Dwelling Units	15 units
Density	3.57 units/acre	Density	5.0 units/acre
Bulk and Area Regulations			
Lot width minimum	19.88 ft.	21.3 ft	
Lot Area Minimum			
Residential	4568 sq. ft.	4635 sq. ft.	
Land area per dwelling unit	4568 sq. ft	4635 sq. ft.	
Setback Requirements			
Front	0 ft	15 ft	
Side	5 ft	5 ft	
Rear	0 ft	20 ft	
		0'	
Height Requirements			
Maximum building height of 35 feet.		Maximum building height of 40 feet.	
Building Area			
On any lot, the area occupied by all the buildings shall not exceed 78% of the total area of such lot.		On any lot, the area occupied by all the buildings shall not exceed 35% of the total area of such lot.	

2. Analysis of the Site Characteristics:

No environmentally hazardous, sensitive, or natural resource areas have been found on this site.

H. RECREATIONAL FACILITIES:

Recreational Facilities are not proposed for this site; however, this property is east of the Lake Fayetteville recreation area which has an extensive walking trail, bike trail, softball field, etc. A parks fee will be assessed at the appropriate time for these lots.

I. REASON FOR REZONING REQUEST:

The reason for this PZD request is to provide a planned development that does not fit the present standard zonings that the City has. We feel there is a need for smaller single family quality homes built in a traditional neighborhood form at a slightly higher allowable density than the RSF-4 Zoning District requirements.

J. RELATIONSHIP TO THE EXISTING AND ADJACENT LAND USES:

The properties due North and to the West are zoned RSF-4. There are subdivisions located to the East and South of this property. The property due North is currently a field with a few trees. The property to the West across Hwy 265 is the Lake Fayetteville property. Included with this property are: jogging trails, bike riding trails, baseball felids, and numerous other recreational facilities. This property also consists of the new site of the Botanical Gardens of the Ozarks. The land to the South of the subject property is zoned R-O. We feel this zoning and density will be a good transition from the R-O to the South, Hwy 265 to the west, and the RSF-4 and R-A zoning to the North and East. The homes in this PZD are going to be high quality brick homes that should blend nicely with the surrounding style of houses. Because of the existing high volume of traffic on Hwy 265, the current housing demands, and the R-O zoning due south it is hard to market larger homes on larger lots directly adjacent to a principal arterial parkway such as Hwy 265. We feel the requested density is a needed transition for this property location without compromising the quality of these and the surrounding homes.

K. COMPLIANCE WITH CITY OF FAYETTEVILLE PLAN 2025:

It is true that this project is not mixed use that would provide neighborhood services. However, in our opinion we feel that daily commercial goods and service needs are within a couple of miles – gas and convenience store, Fayetteville Athletic Club, numerous restaurants and other businesses at the corner of Hwy. 265 and Zion Road. The adjacent land to the south is zoned residential office and could potentially have many of these amenities. In addition, the Botanical Gardens and Lake Fayetteville facilities are directly west.

Goal 2 of the Fayetteville City Plan 2025 is to discourage suburban sprawl. We do not feel that this project represents urban sprawl and in fact we believe that this represents "infill" within this area. Property to the south is R-O, to the east and north is residential. We feel this R-PZD compliments and is a good transition for the surrounding areas.

Goal 3 of the Fayetteville City Plan 2025 is make traditional town form the standard. We find this project represents traditional town form with sidewalks providing walkability and connectivity and smaller front setbacks. All the lots besides lot 1 will have a shared common drive along the property line to reduce curb cuts and the number of driveways from the road. The pedestrian access easement and sidewalk between lots 7 and 8 will help create this traditional town form by promoting walkability to the close amenities directly to the south in the future. In addition, we are providing future connectivity to the east.

Goal 4 of the Fayetteville City Plan 2025 is to grow a livable transportation network. The entrance to this PZD is off of Hwy 265 and we have made a stub out for future connection to the property to the east. We have also added numerous sidewalks to promote pedestrian movement with the most important being the access easement and sidewalk between lots 7 and 8. This is important because it will give residence of not only Stonewood Gardens but future residence to the north and ease pedestrian access to future amenities to the

south. The property to the south is currently zoned residential office and could contain professional offices, neighborhood retail shopping, restaurants, a video store, etc. We have also provided pedestrian connectivity to a future sidewalk along Hwy 265. This can easily transport people from this PZD and surrounding properties to close amenities such as the Fayetteville Athletic Club, Lake Fayetteville Park, restaurants, gas stations, etc.

Although the houses that we are proposing are not "attainable" to all income levels, we feel that we are offering an alternative product that will hopefully meet the demand of the market for smaller lots, less yard to mow, reduced setbacks and curb appeal with quality built homes that compliment the surrounding properties.

L. TRAFFIC STUDY:

We feel that the added traffic to the surrounding area with this development is minimal. No traffic study has been initiated since the impact of this project would not be expected to warrant such a study.

M. IMPACTS ON CITY SERVICES:

There are no significant impacts to city services associated with this project. Water and sewer have been addressed in other areas of the booklet. Waste will be managed by each single family dwelling being assigned a plastic trash container in accordance with the City of Fayetteville waste management practices.

N. STATEMENT OF COMMITMENTS:

1) Dedication of Public Facilities:

This project will consist of one public street, which will be dedicated to the City of Fayetteville. Utility infrastructure will be dedicated to the City of Fayetteville and utility easements will be dedicated by the Final Plat.

2) On or Off-Site Improvements:

The development of on or off-site infrastructure necessary to serve this project shall be completed prior to Final Plat approval.

3) Natural Resources and Environmentally Sensitive Areas:

There are no known natural resources or environmentally sensitive areas on this site.

4) Project Phasing Restrictions:

The applicant shall have one year from City Council approval of the PZD to receive preliminary plat approval, one year to obtain all development permits, and three years to obtain final plat approval with a one year extension available for each time limit pursuant to Chapter 166.20 of the Unified Development Code.

5) Fire Protection:

This project will be served by the Fayetteville Fire Department. The closest station is at Hwy 265 and Old Wire Road.

6) Other Commitments Imposed by the City:

There are currently no other commitments imposed by the City.

7) Parks, Trails, and Open Space Commitments:

Tree preservation and protection will be implemented in accordance with the City of Fayetteville Code of Ordinances Title XV Unified Development Code: Chapter 167 Tree Preservation and Protection.

8) Proposed Preliminary Building Elevations:

Conceptual architectural elevations and floor plans are provided in Appendix A of this booklet.

O. DEVELOPMENT STANDARDS, CONDITIONS, AND REVIEW GUIDELINES:

1) Screening and Landscaping:

This development shall comply with the landscaping requirements as outlined in Chapter 177 of the Fayetteville Unified Development Code. An ornamental fence shall be constructed along Crossover Road and on the south side of the property at the time of development, as well as vegetative buffer of trees and shrubs. The fence along the south side shall not prohibit pedestrian movement in along the pedestrian easement and sidewalk to the south. The fence will be of the same materials along all the lots and will be constructed prior to Final plat.

2) Traffic and Circulation:

Access to this property is by way of a public street to the west onto Hwy 265

3) Parking Standards:

Residential parking will be provided and all driveways shall meet the standards as required by Chapter 172 of the Fayetteville Unified Development Code for single-family residences. Curb cuts shall be limited to a maximum width of 16 feet at the right-of-way and shall be at least 5 feet from the property line. Shared driveways may be located on the property line and shall be placed in a private shared access easement.

4) Perimeter Treatment:

Perimeter fencing and landscaping will be provided to the west and south. There is an existing privacy fence along the east and northeast side of the project.

5) Sidewalks:

Sidewalks will be designed and constructed on both sides of the proposed street along with a pedestrian access easement and sidewalk between lots 5 and 6 for connectivity to the south.

6) Street Lights:

Street lights will be designed and constructed in accordance with the Unified Development Code.

7) Water:

Water lines will be designed and constructed in accordance with the City of Fayetteville Water and Sewer Specifications.

8) Sewer:

Sewer lines will be constructed in accordance with the City of Fayetteville Water and Sewer Specifications.

9) Streets and Drainage:

Streets and drainage will be designed and constructed in accordance with the Unified Development Code.

10) Construction of Non-Residential Facilities:

There are no non residential areas proposed on the subject property.

11) Tree Preservation:

This development shall comply with the Tree Preservation requirements as set forth in the Fayetteville Unified Development Code at the time of development, subject to approval by the Urban Forester.

12) Architectural Design Standards:

It is the interest of this Owner to obtain approval of this PZD for construction of single family houses with a front porch and rear access with shared driveways.

13) Signage:

Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code for single family residential subdivisions.

14) View Protection:

We are not anticipating that any improvements to this property will impact any view of surrounding properties.

15) R evocations:

The developer understands causes for revocation and will take all measures necessary to avoid revocation.

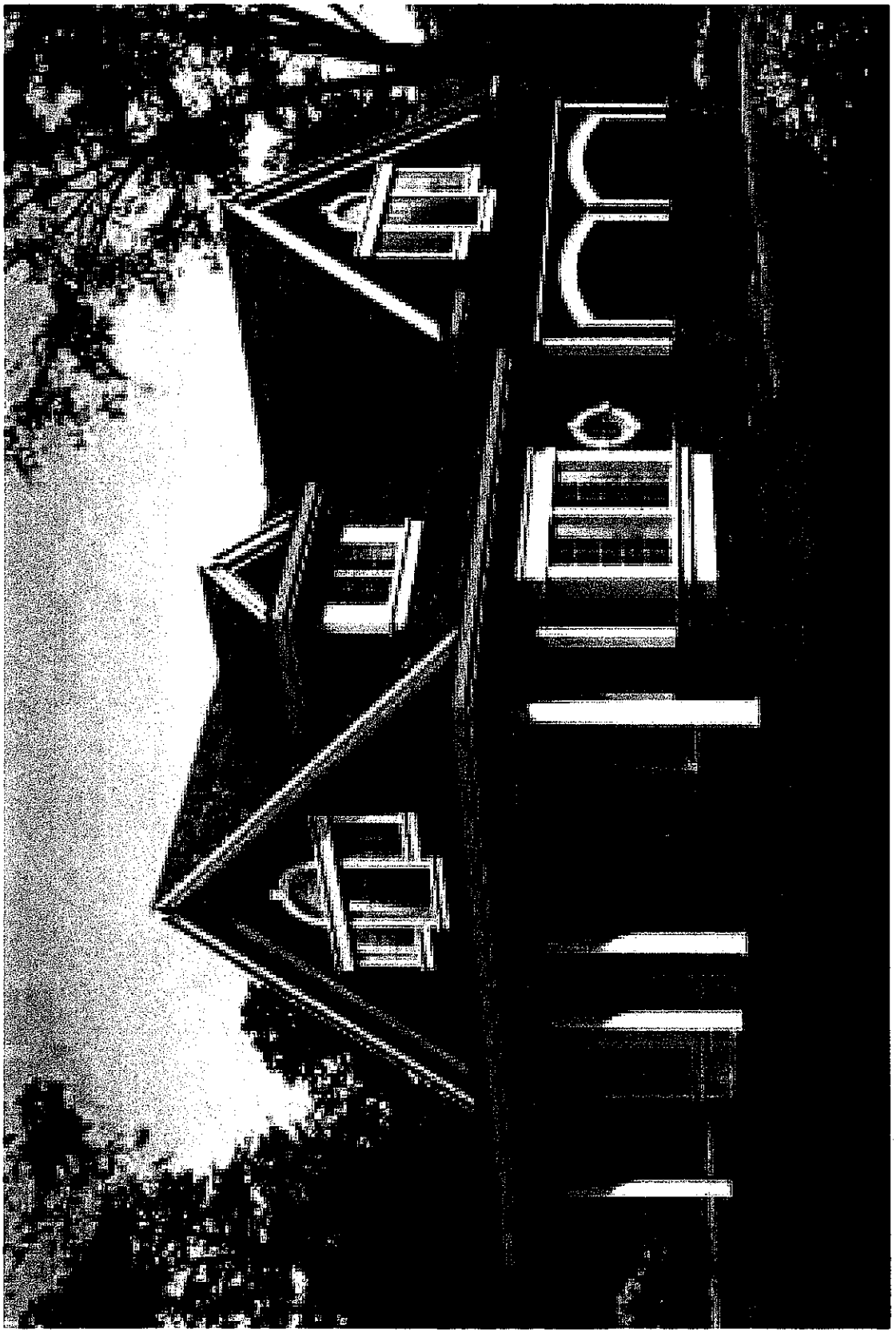
16) Covenants, Trusts, and Homeowner Associations:

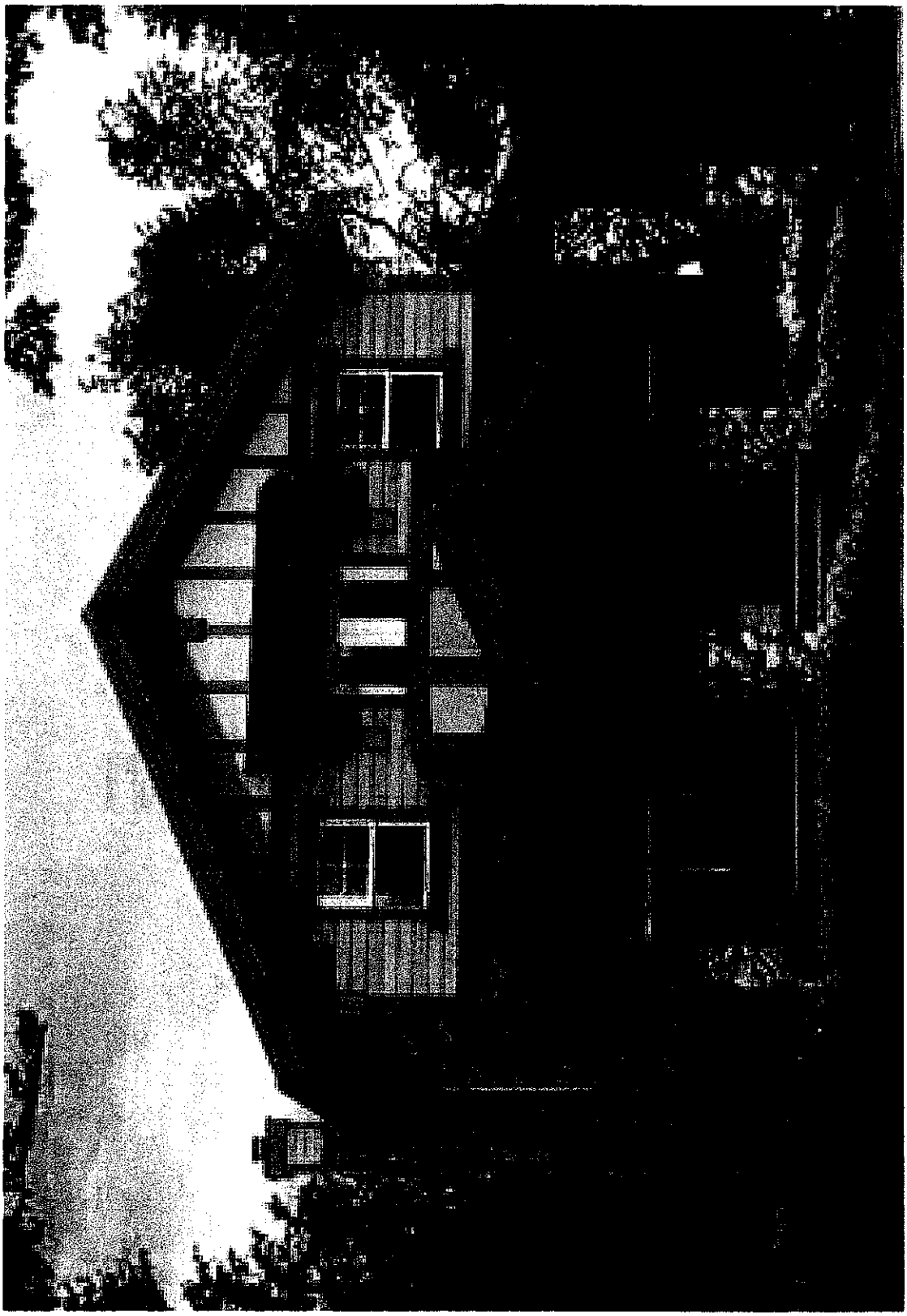
The developer will create a property owners association for the purpose of owning and maintaining the detention pond and greenspace. The developer will prepare protective covenants to establish home building standards.

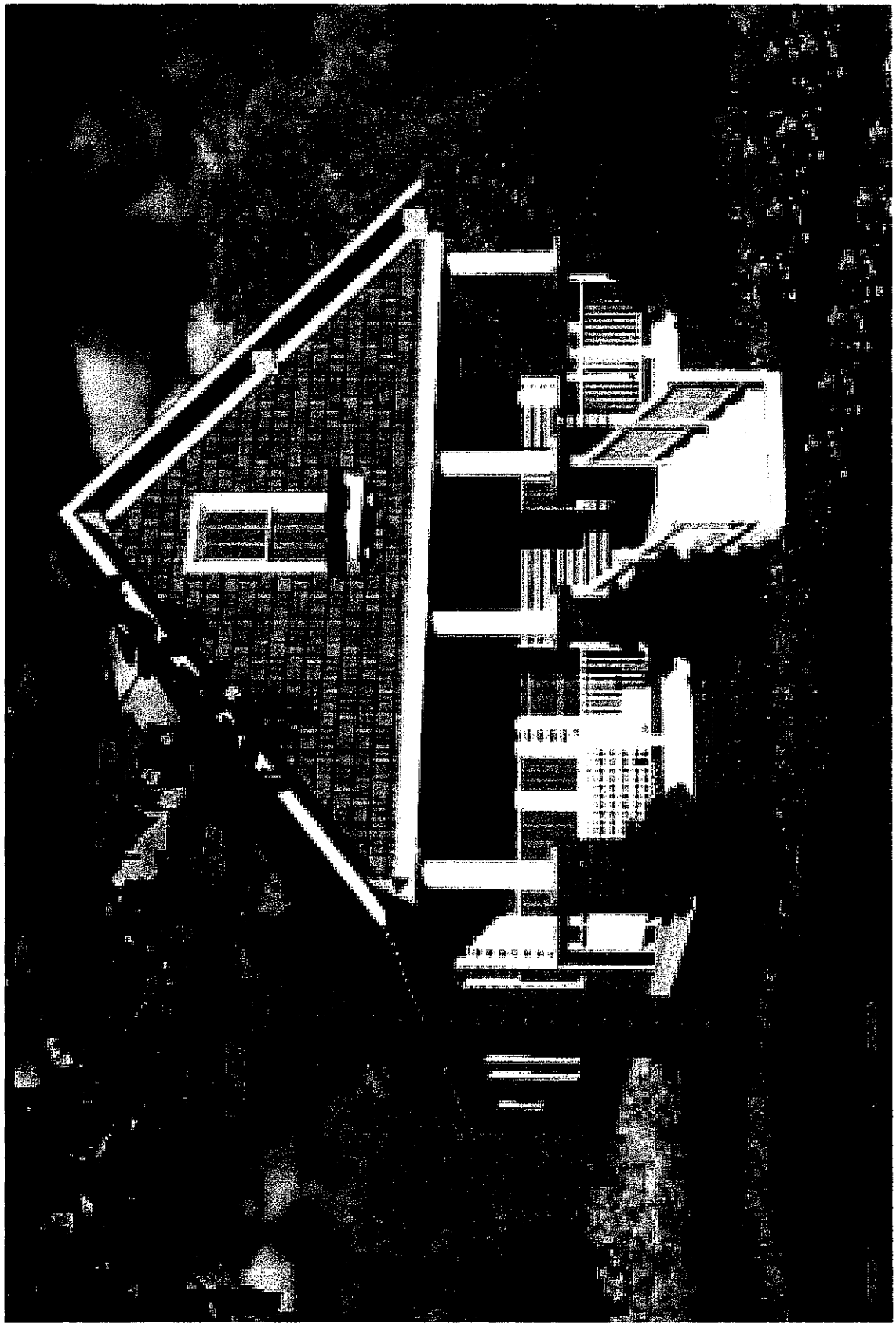
17) Intent/Purpose of PZD Ordinance:

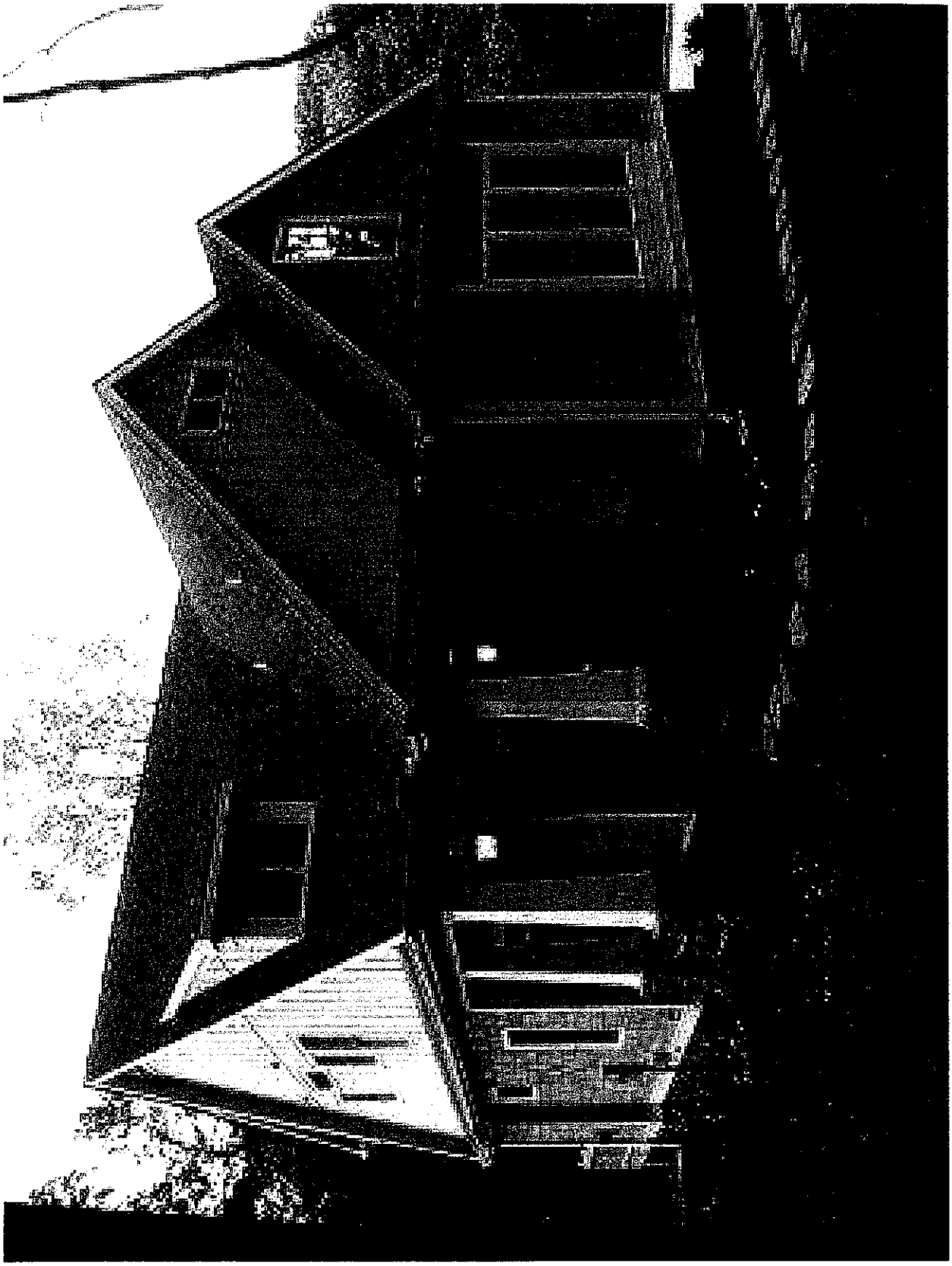
The PZD Ordinance provides this project the ability to create a unique infill development. Utilizing a PZD allows for slight modifications to traditional setbacks, lot widths, and lot area minimums while keeping the focus on the City Plan 2025.

APPENDIX A

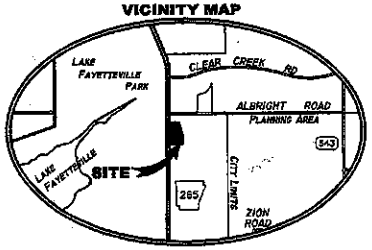




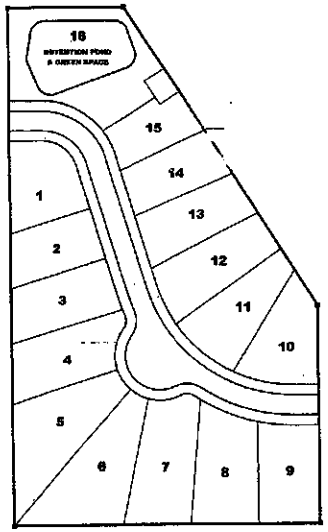




VICINITY MAP



FAYETTEVILLE, ARKANSAS



LEGAL DESCRIPTION:

PART OF THE SE1/4 OF THE SW1/4 OF SECTION 18, T17N, R29W IN WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF SAID SE1/4, SW1/4 THENCE S00°26'02"E 110.00 FEET TO THE P.O.B., THENCE N89°33'58"E 122.33 FEET, THENCE S32°50'29"E 378.17 FEET, THENCE S00°26'02"E 231.35 FEET, THENCE S89°40'40"W 325.00 FEET, THENCE N00°26'02"W 549.99 FEET TO THE P.O.B.; CONTAINING 3.36 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

THIS PROPERTY IS NOT SUBJECT TO A SPECIAL FLOOD HAZARD AREA AS PER FIRM #05143C0101E DATED 7-21-99.

Zoning & Land Use Plan

for

STONEWOOD GARDENS

FAYETTEVILLE, ARKANSAS

June 2008

OWNER/DEVELOPER

Buddy Peoples
1923 Candleshop Dr.
Fayetteville, Arkansas 72701

PREPARED BY:

JORGENSEN & ASSOCIATES
CIVIL ENGINEERS • SURVEYORS
124 WEST SUMMIT, SUITE 1 • FAYETTEVILLE, ARKANSAS 72703 • (479) 443-0137 • FAX (479) 582-4827

GENERAL PROVISIONS

AUTHORITY

THIS PZD MASTER DEVELOPMENT PLAN IS AUTHORIZED BY SECTION 161 AND 166 PLANNED ZONING DISTRICTS OF THE CITY OF FAYETTEVILLE UNIFIED DEVELOPMENT CODE. THE PROVISIONS OF THIS PZD MASTER DEVELOPMENT PLAN SHALL RUN WITH THE LAND. THE LANDOWNERS, THEIR SUCCESSORS, HEIRS, OR ASSIGNS SHALL BE BOUND BY THIS MASTER DEVELOPMENT PLAN, AS AMENDED AND APPROVED BY THE CITY COUNCIL.

ADOPTION

THE ADOPTION OF THE PZD MASTER DEVELOPMENT PLAN SHALL EVIDENCE THE FINDING AND DECISIONS OF THE FAYETTEVILLE CITY COUNCIL THAT THIS PLANNED ZONING DISTRICT STONEWOOD GARDENS IS IN GENERAL CONFORMITY WITH THE FAYETTEVILLE UNIFIED DEVELOPMENT CODE.

THE PROVISIONS OF THE PZD MASTER DEVELOPMENT PLAN SHALL PREVAIL AND GOVERN THE DEVELOPMENT OF THE STONEWOOD GARDENS, PROVIDED, HOWEVER, THAT WHERE THE PROVISIONS OF THIS MASTER DEVELOPMENT PLAN DO NOT ADDRESS A PARTICULAR SUBJECT, THE RELEVANT PROVISIONS OF THE CITY OF FAYETTEVILLE UNIFIED DEVELOPMENT CODE, AS AMENDED, OR ANY OTHER APPLICABLE RESOLUTIONS OR REGULATION OF THE CITY OF FAYETTEVILLE.

ENFORCEMENT

TO FURTHER THE MUTUAL INTEREST OF THE RESIDENTS, OCCUPANTS, AND OWNERS OF THE PZD MASTER DEVELOPMENT PLAN AND OF THE PUBLIC IN THE PRESERVATION OF THE INTEGRITY OF THE PLAN, THE PROVISIONS OF THIS PLAN RELATING TO THE USE OF LAND, STATEMENT OF COMMITMENTS, DEVELOPMENT AND ARCHITECTURAL STANDARDS, AND THE LOCATION OF COMMON OPEN SPACE SHALL RUN IN FAVOR OF THE CITY OF FAYETTEVILLE AND SHALL BE ENFORCEABLE AT LAW OR IN EQUITY BY THE CITY WITHOUT LIMITATION ON ANY POWER OR REGULATION OTHERWISE GRANTED BY LAW.

CONFLICT

WHERE THERE IS MORE THAN ONE PROVISION WITHIN THE PZD MASTER DEVELOPMENT PLAN THAT COVERS THE SAME SUBJECT MATTER, THE PROVISION WHICH IS MOST RESTRICTIVE OR IMPOSES HIGHER STANDARDS OR REQUIREMENTS SHALL GOVERN UNLESS DETERMINED OTHERWISE BY THE ZONING AND DEVELOPMENT ADMINISTRATOR.

MAXIMUM LEVEL OF DEVELOPMENT

THE TOTAL NUMBER OF DWELLINGS OR THE TOTAL COMMERCIAL, BUSINESS, OR INDUSTRIAL INTENSITY APPROVED FOR DEVELOPMENT WITHIN THE PLANNING AREAS IS THE MAXIMUM DEVELOPMENT REQUESTED FOR PLATTING OR CONSTRUCTION. THE ACTUAL NUMBER OF DWELLINGS OR LEVEL OF DEVELOPMENT FOR COMMERCIAL, BUSINESS, OR INDUSTRIAL PROPERTIES MAY BE LESS DUE TO SUBDIVISION OR SITE IMPROVEMENT PLAN REQUIREMENTS OR OTHER REQUIREMENTS OF THE CITY COUNCIL.

PROJECT TRACKING

AT THE TIME OF SUBDIVISION FINAL PLAT OR LARGE SCALE DEVELOPMENT THE APPLICANT SHALL PROVIDE A SUMMARY OF THE DEVELOPMENT, TO DATE, TO THE PLANNING DIVISION, IN ORDER TO ASSURE MAXIMUM DEVELOPMENT LIMITS ARE NOT EXCEEDED.

INDEX OF SHEETS

1 COVER SHEET
2 ZONING & DEVELOPMENT PLAN
3 MASTER DEVELOPMENT PLAN

STONEWOOD GARDENS

THIS SITE CONSISTS OF ONE PLANNING AREA.

PROPOSED ZONING & DEVELOPMENT STANDARDS

PLANNING AREA #1

A. PA-1 (Single Family)	
Proposed Zoning	
PA-1 (Single Family)	
Permitted Uses	
Unit 1	City-wide uses by right
Unit 9	Single-family dwellings
Conditional Uses	
Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 24	Home occupations
Density	
Acreage	3.36 acres
Dwelling Units	15 units
Density	4.5 units/acre
Lot area and width requirements	
Lot Area Minimum	
Residential	4635 sq. ft.
Land area per dwelling unit	4635 sq. ft.
Minimum Yard Requirements	
15ft	
5ft	
20ft	
Maximum Height	
Maximum building height of 40 feet	
Maximum Coverage	
On any lot, the area occupied by all the buildings shall not exceed 35% of the total area of such lot.	

LEGAL DESCRIPTION:

PART OF THE SE1/4 OF THE SW1/4 OF SECTION 18, T17N, R29W IN WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF SAID SE1/4, SW1/4 THENCE S00°26'02"E 110.00 FEET TO THE P.O.B., THENCE N89°33'58"E 122.33 FEET, THENCE S32°50'29"E 378.17 FEET, THENCE S00°26'02"E 231.35 FEET, THENCE S89°40'40"W 325.00 FEET, THENCE N00°26'02"W 549.99 FEET TO THE P.O.B.; CONTAINING 3.36 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

THIS PROPERTY IS NOT SUBJECT TO A SPECIAL FLOOD HAZARD AREA AS PER FIRM #05143C0101E DATED 7-21-99.

LOTS 1-5 DO NOT HAVE DIRECT ACCESS TO CROSSOVER ROAD.

OWNER / DEVELOPER:

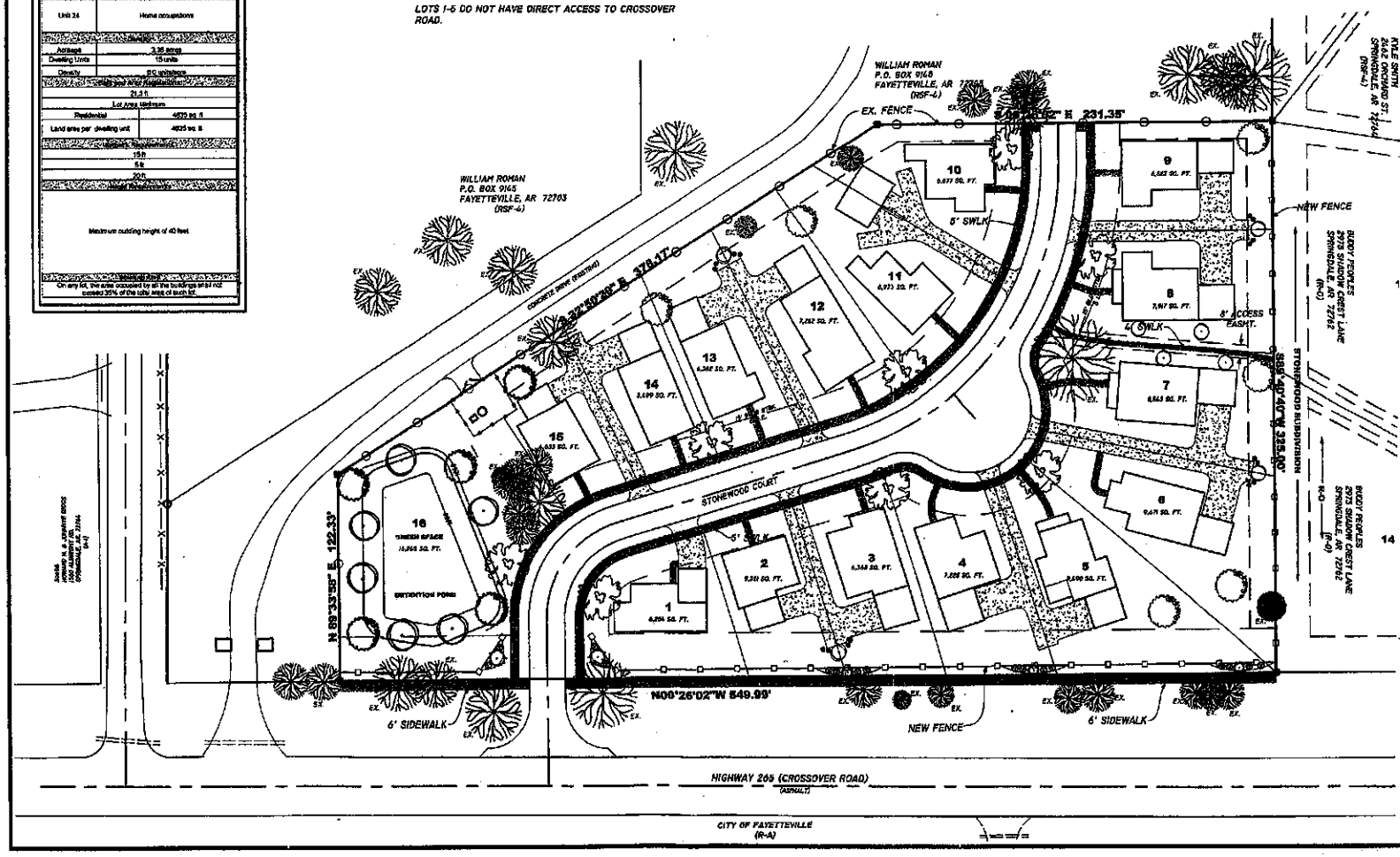
BUDDY PEOPLES
1923 CANDLESHOP DR
FAYETTEVILLE, AR. 72701

ENGINEER:

JORGENSEN & ASSOCIATES
CONSULTING ENGINEERS, INC.
124 WEST SUNBRIDGE SUITE 5
FAYETTEVILLE, AR. 72703
(479) 442-9127

LEGEND

- BOUNDARY CORNER
- SET IRON PIN
- CENTERLINE MARKER
- POWER POLE
- NEW MANHOLE
- STREET LIGHT
- EXISTING TREE
- NEW TREE
- NEW TREE
- STORM DRAIN PIPE
- CENTERLINE STREET
- BUILDING SETBACK & U.E.
- UTILITY EASEMENT
- NEW 8" WATERLINE
- NEW 8" SEWER LINE
- EXISTING 24" WATERLINE
- EXISTING 6" SEWER LINE
- UTILITY CROSSING
- NEW SIDEWALK



JORGENSEN & ASSOCIATES
CIVIL ENGINEERS • SURVEYORS

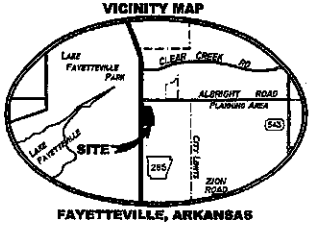
SCALE: 1"=40'	DATE REVISED	CHECKED BY:	DRAWN BY:	2 / 3
DATE: 3JUN08	23JUN08	DLJ	JHS/BRA/DW/RW/BWD	

STONEWOOD GARDENS
ZONING & DEVELOPMENT PLAN

STONEWOOD GARDENS

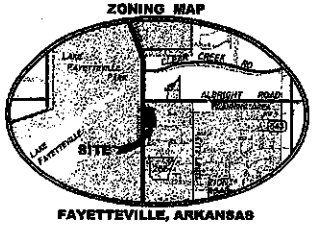
THIS SITE CONSISTS OF ONE PLANNING AREA.

VICINITY MAP



FAYETTEVILLE, ARKANSAS

ZONING MAP



FAYETTEVILLE, ARKANSAS

LAND USE TABLE					
SYMBOL	LAND USE	DENSITY/INTENSITY	UNITS/SF	ACRES	%
SF	SINGLE FAMILY	4.46	15	3.36	100

N E S W

OWNER / DEVELOPER:

BUDDY PEOPLES
1925 CANDLESHOP DR
FAYETTEVILLE, AR. 72701

ENGINEER:

JORGENSEN & ASSOCIATES
CONSULTING ENGINEERS, INC.
124 WEST SUNBRIDGE SUITE 5
FAYETTEVILLE, AR. 72703
(479) 442-9127

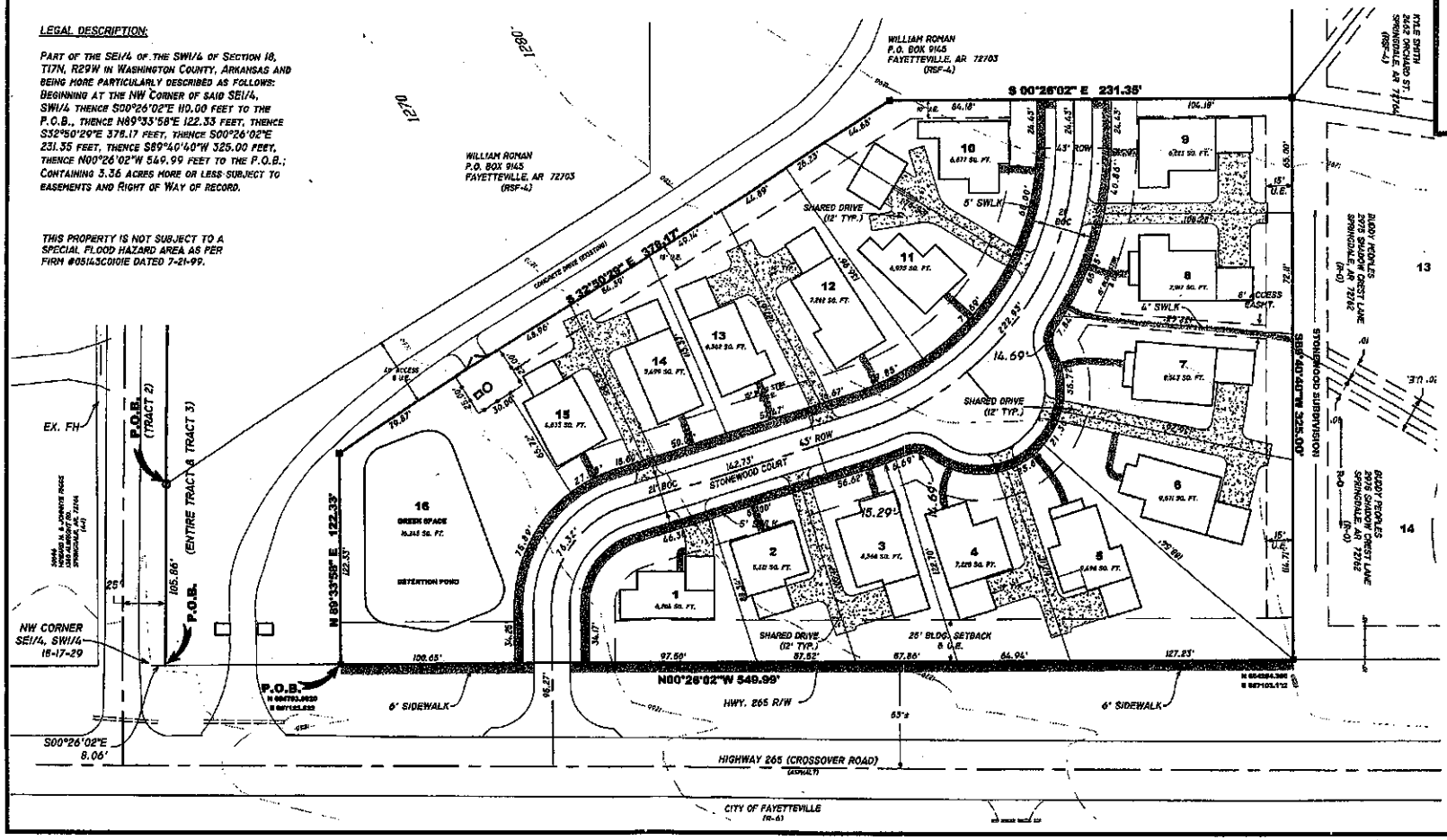
LEGEND

- BOUNDARY CORNER
- SET IRON PIN
- CENTERLINE MARKER
- POWER POLE
- NEW MANHOLE
- STREET LIGHT
- FIRE HYDRANT
- THRUST BLOCK
- GATE VALVE
- WATER TEE
- D.M.S. DOUBLE METER SET
- S.M.S. SINGLE METER SET
- SEWER SERVICE S.E.S.
- WATER SERVICE W.S.
- STORM DRAIN PIPE
- CENTERLINE STREET
- BUILDING SETBACK & U.E.
- UTILITY EASEMENT
- NEW 8" WATERLINE
- NEW 8" SEWER LINE
- EXISTING 24" WATERLINE
- EXISTING 6" SEWER LINE
- UTILITY CROSSING
- NEW SIDEWALK

LEGAL DESCRIPTION:

PART OF THE SE1/4 OF THE SW1/4 OF SECTION 18, T17N, R29W IN WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF SAID SE1/4, SW1/4 THENCE S00°26'02"E 110.00 FEET TO THE P.O.B., THENCE N89°33'58"E 122.33 FEET, THENCE S32°50'29"E 378.17 FEET, THENCE S00°26'02"E 231.35 FEET, THENCE S89°40'40"W 325.00 FEET, THENCE N00°26'02"W 549.99 FEET TO THE P.O.B.; CONTAINING 3.36 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

THIS PROPERTY IS NOT SUBJECT TO A SPECIAL FLOOD HAZARD AREA AS PER FIRM #05143C0101E DATED 7-21-99.



PLAT PAGE: #365

SCALE: 1"=40'	DATE REVISED	CHECKED BY: DLJ	DRAWN BY: B.R.J.L.
DATE: 3-MAR-08			J:\SUBDIVISION\PZD

JORGENSEN & ASSOCIATES
CIVIL ENGINEERS • SURVEYORS

STONEWOOD GARDENS

MASTER DEVELOPMENT PLAN

3 / 3

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

August 5, 2008
City Council Meeting Date
Agenda Items Only

Jeremy Pate	Planning	Operations
Submitted By	**Division**	**Department**

Action Required:

RZN 08-3027: (Pathway Baptist Church, 362): Submitted by Jorgensen and Associates for property located at the southeast corner of Mount Comfort and Salem Road. The property is zoned RSF-4, Residential Single Family, 4 units per acre and R-A, Residential Agricultural, and contains approximately 14.36 acres. The request is to rezone the subject property to R-O, Residential Office and P-1, Institutional.

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

Budgeted Item ☐ **Budget Adjustment Attached** ☐

Department Director — Date: 7-17-08

City Attorney — Date: 7-17-08

Finance and Internal Service Director — Date: 7-18-08

Mayor — Date: 7/21/08

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office — ENTERED 7/17/08-CO

Received in Mayor's Office — ENTERED 7/18/08

Comments:

City Council Meeting of August 5, 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: July 10, 2008

Subject: Rezoning for Pathway Baptist Church (RZN 08-3027)

RECOMMENDATION

Staff and the Planning Commission recommend approval of rezoning the subject property from RSF-4, Residential Single-Family, 4 units per acre and R-A, Residential Agricultural to P-1, Institutional and R-O Residential Office for approximately 14.36 located at the southeast corner of Mount Comfort and Salem Road.

BACKGROUND

The applicant intends to utilize the property for a church on the southern 12.15 acres and a day care or other supporting non-residential use on the northern 2.21 acres adjacent to Mount Comfort Road. Therefore the applicant is proposing to re-zone the northern 2.21 acres to R-O, Residential Office, and the southern 12.15 acres to P-1, Institutional, the allowable zoning for a church (Use Unit 4). The City Plan 2025 Future Land Use Plan designates a majority of this site as a City Neighborhood Area and a small southern portion of the site associated with the Hamestring Creek floodplain as Natural Area. While still a primarily residential urban fabric, City Neighborhood Areas support denser development patterns, a wide range of building types, a high level of connectivity and non-residential uses that reduce the length and number of vehicle trips generated by residential development. Rezoning this property to R-O, Residential-Office and P-1, Institutional for non-residential uses including a church is compatible with surrounding properties that are primarily residential and provides a support service to the surrounding, growing community.

DISCUSSION

This item was heard at the regular Planning Commission meeting on July 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 THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 08-3027, FOR APPROXIMATELY 14.36 ACRES, LOCATED AT THE SOUTHEAST CORNER OF MOUNT COMFORT AND SALEM ROAD FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE AND R-A, RESIDENTIAL AGRICULTURAL TO R-O, RESIDENTIAL OFFICE AND P-1, INSTITUTIONAL.

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

Section 1: That the zone classification of the following described property is hereby changed as follows:

From RSF-4, Residential Single-Family, 4 units per acre and R-A, Residential Agricultural to R-O, Residential Office and P-1, Institutional 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:

By: _____
DAN COODY, Mayor

ATTEST:

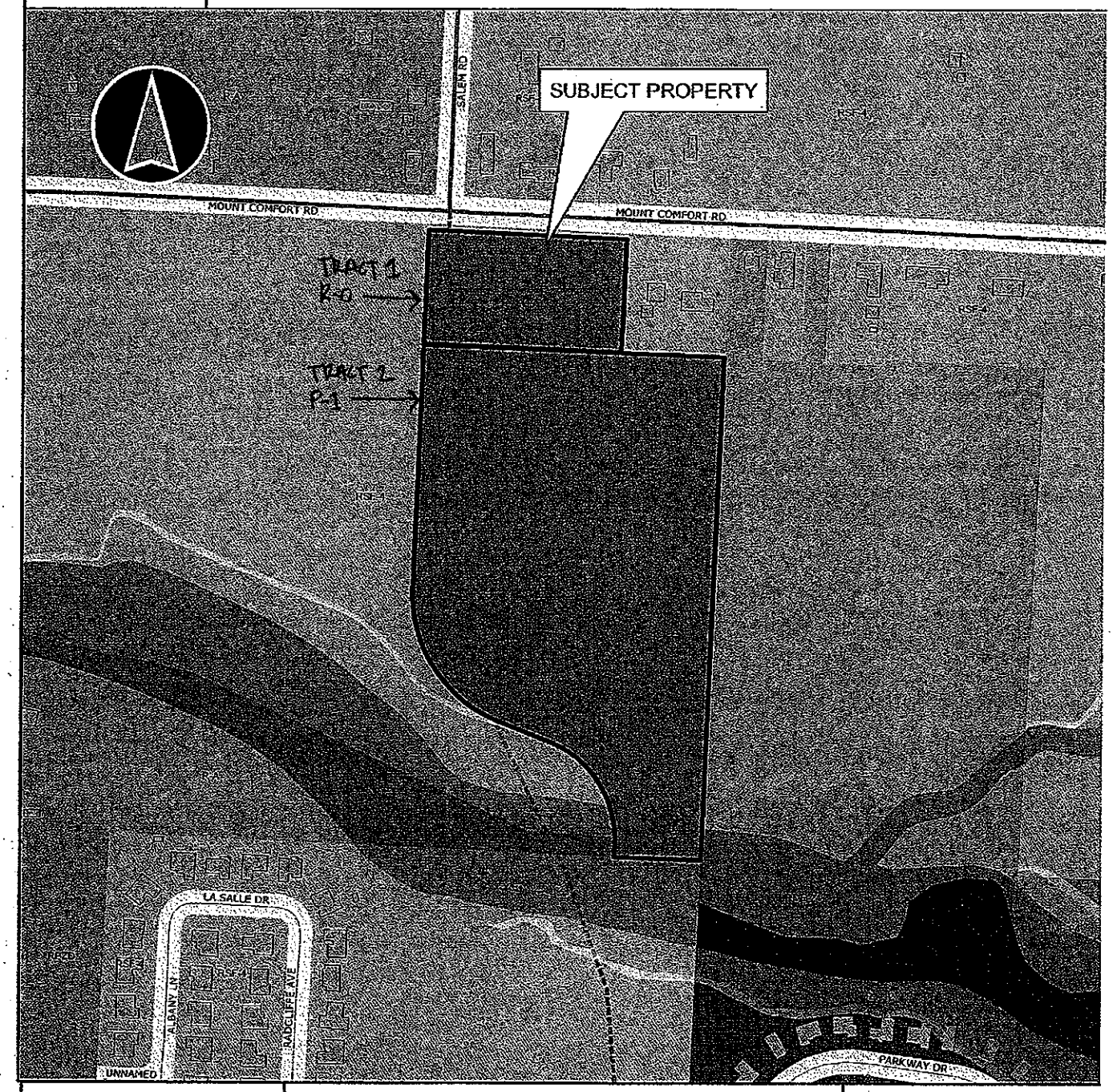
By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT "A"

RZN08-3027

Close Up View

PATHWAY BAPTIST CHURCH



Overview

0 125 250 500 750 1,000 Feet

EXHIBIT "B"
RZN 08-3027

LEGAL DESCRIPTION: (TRACT 1 RSF-4 TO R-O)

A PART OF THE NW1/4 OF THE SW1/4 OF SECTION 6, T16N, R30W IN WASHINGTON COUNTY, ARKANSAS AND BEEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF SAID NW1/4, SW1/4 THENCE N89°52'33"W 2I0.00 FEET, THENCE SOUTH 42.50 FEET TO THE P.O.B., THENCE SOUTH 234.66 FEET, THENCE WEST 410.02 FEET, THENCE NORTH 235.55 FEET, THENCE S89°52'33"E 410.02 FEET TO THE P.O.B.; CONTAINING 2.21 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RTGHT-OF-WAY OF RECORD.

LEGAL DESCRIPTION: (TRACT 2 RSF-4 and R-A TO P-1)

A PART OF THE NW1/4 OF THE SW1/4 OF SECTION 6, T16N, R30W IN WASHINGTON COUNTY. ARKANSAS AND BEING DESCRIBED AS FOLLOWS; BEGINNING AT THE SE CORNER OF SAID NW1/4, SW1/4 THENCE N89°59'34"W 176.50 FEET, THENCE N00°00'26"E 27.76 FEET, THENCE ALONG A CURVE TO THE LEFT 264.77 FEET, SAID CURVE HAVING A RADIUS OF 2I5.00 FEET AND A CHORD BEARING OF N35°16'19"W 248.35 FEET, THENCE N70°33'04"W 116.66 FEET, THENCE ALONG A CURVE TO THE RIGHT 350.93 FEET, SAID CURVE HAVING A RADIUS OF 285.00 FEET AND A CHORD BEARING OF N35°16'32"W 329.18 FEET, THENCE NORTH 505.14 FEET, THENCE EAST 620.02 FEET, THENCE SOUTH 1043.27 FEET TO THE P.O.B.; CONTAINING 12.15 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

Fayetteville
ARKANSAS

PC Meeting of July 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:	~~July 8, 2008~~ *Updated July 17, 2008*

RZN 08-3027: (PATHWAY BAPTIST CHRUCH, 361): Submitted by JORGENSEN & ASSOC for property located at THE SE CORNER OF MT. COMFORT AND SALEM ROAD. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and R-A, RESIDENTIAL AGRICULTURAL and contains approximately 14.36 acres. The request is to rezone the subject property to R-O, Residential Office and P-1, Institutional.

Property Owner: PATHWAY BAPTIST CHURCH
Planner: ANDREW GARNER

BACKGROUND:

Property: The subject property contains 14.36 acres and is located at the southeast corner of Mount Comfort and Salem Road. Salem Road is shown on the Master Street Plan as a Collector Street to extend south through the subject property, eventually connecting Mount Comfort Road to Wedington Drive, once a bridge is constructed over Hamestring Creek. Surrounding land use and zoning is depicted on *Table 1*. A lot split (LSP 08-3025) was approved by the Subdivision Committee on July 3, 2008 to divide the subject property into two tracts, as depicted on the attached survey/site plan.

Table 1
Surrounding Land Use/Zoning

Direction from Site	Land Use	Zoning
North	Single family dwellings	RSF-4, Residential Single Family-4 units/acre; R-A, Residential Agricultural
South	Vacant	R-A, Residential Agricultural
East	Church of Christ	P-I, Institutional; RSF-4, Residential Single Family-4 units/acre
West	Vacant	RSF-4, Residential Single Family-4 units/acre; R-A, Residential Agricultural

Proposal: The applicant intends to utilize the property for a church on the southern 12.15 acres and a day care or other supporting non-residential use on the northern 2.21 acres adjacent to Mount Comfort Road. Therefore the applicant is proposing to re-zone the northern 2.21 acres to R-O, Residential Office, and the southern 12.15 acres to P-1, Institutional, the allowable zoning for a church (Use Unit 4).

INFRASTRUCTURE:

Streets: Access to the site is provided by Mount Comfort Road, a Minor Arterial. The City is improving this street as part of the City's Transportation Improvement Bond Program street improvements in this area. Salem Road, a Collector, is identified on the Master Street Plan as being extended south through the site.

Water: Public water is adjacent to the site. There is a 12" water main along Mount Comfort Road. Water may need to be extended through the property at the time of development to provide domestic service and fire protection.

Sewer: Sanitary sewer is adjacent to the site. There is a 12" sewer main along the south property line of this project. Sewer may need to be extended through the property at the time of development. There is also a 6" sanitary sewer on the north end of the site in the Mount Comfort right-of-way; however the capacity of the existing 6" main may need to be evaluated at the time of development.

Fire: The Fayetteville Fire Department has reviewed the request and has estimated that the response time would be within acceptable limits of service delivery, estimated at three minutes from Fire Station No. 7.

Police: It is the opinion of the Fayetteville Police Department that this rezoning **will not** substantially alter the population density and thereby undesirably increase the load on police services.

LAND USE PLAN: The Future Land Use Plan designates a majority of this site as a City Neighborhood Area and a small southern portion of the site associated with the Hamestring Creek floodplain as Natural Area. While still a primarily residential urban fabric, City Neighborhood Areas support denser development patterns, a wide range of building types, a high level of connectivity and non-residential uses that reduce the length and number of vehicle trips generated by residential development. These areas also encourage developers to designate and plan for mixed-use corners to properly plan for accessibility to these areas. Rezoning this property to R-O, Residential-Office and P-1, Institutional for non-residential uses including a church is compatible with surrounding properties that are primarily residential and provides a support service to the surrounding, growing community.

RECOMMENDATION: Staff recommends approval of the rezoning request. Granting a rezone to R-O and P-1 would allow uses that are compatible with surrounding land uses that are in large part being developed for residential uses. The addition of non-residential uses including a church in this area would be able to serve and be supported by the future population of the surrounding areas. Specific conditions for screening, landscaping, etc. will aid in diminishing the presence of the non-residential use in a residential area. Further, Mount Comfort Road is designated as a Minor Arterial on the Master Street Plan, and is planned to support traffic that would be generated by the proposed church and other non-residential use.

RECOMMENDATION:

Staff recommends approval of the requested rezoning based on the findings herein.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
	X Forwarded to C.C.		**☐ Denied**
Motion: Graves			
Second: Winston			
Vote: 7-0-0			
Date: July 14, 2008			
CITY COUNCIL ACTION:	**Required**	**YES**	
	☐ Approved		**☐ Denied**
Date: August 5, 2008 (1st reading if recommended)			

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: **The proposed rezoning is consistent with current land use planning objectives and policies and is compatible with adjacent properties in the same district. Surrounding properties are primarily residential in nature with some undeveloped area, and function within a residential district that has several churches along Mount Comfort Road, including one adjacent to the east. The intersection of Mount Comfort Road/Salem Road is appropriate for non-residential services. This area of Mount Comfort Road is indicated on the Future Land Use plan as City Neighborhood Area, with a small area around the Hamestring Creek in the southern portion of the site as Natural Area. The proposed church and other low-intensity non-residential uses would be compatible with the existing and future residential uses as it would serve and be supported by the future population of the surrounding areas. The proposed church would be best facilitated by a P-1 zoning, which would more accurately reflect the proposed use than the current RSF-4 zoning. The non-residential uses allowed under the proposed R-O zoning at the intersection of Mount Comfort Road/Salem Road would be appropriate give the relatively high volume of traffic at the intersection of a Minor Arterial and a Collector, and would provide opportunities for goods/services in closer proximity to residents of the area.**

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: **The proposed zoning is justified in order to promote orderly and consistent**

development patterns and to allow for the build out of the area consistent with the City Plan 2025. The City Plan 2025 identifies some Guiding Policies for City Neighborhood Areas that are applicable to the proposed rezoning:

Guiding Policies:

b. ***Provide non-residential uses that are accessible for the convenience of individuals living in residential districts and where compatibility with existing desirable development patterns occurs.***
c. ***Reduce the length and number of vehicle trips generated by residential development by enhancing the accessibility to these areas…***
d. ***Encourage developers to designate and plan for mixed-use corners at the time of approval to properly plan for accessibility to these areas.***

The proposed use would be compatible to adjacent land uses and would encourage continued growth of this identified mixed use area. The proposed church and non-residential uses would serve the existing and future population of the surrounding areas and would not create a nuisance or adversely affect the public interest.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: **Future development with the proposed zoning would increase traffic accessing onto Mount Comfort Road more than that which exists today. Mount Comfort Road is a Minor Arterial roadway that is being improved by the City as part of the Transportation Improvement Bond Program. As approved with Condition of Approval No. 1 from the Pathway Baptist Church lot split (LSP 08-3025), in consideration for the applicant dedicating additional right-of-way along Mount Comfort Road for these street improvements, staff will not be recommending assessments for street improvements to Mount Comfort Road at the time of development. Salem Road is a Collector shown on the Master Street plan to extend south through the subject property. Portions of this street will need to be constructed at the time of development. With the improvements being completed to Mount Comfort Road and the construction of Salem Road, the proposed zoning will not create or appreciably increase traffic danger or congestion. Additional review of cross-access to adjacent properties will also be evaluated at the time of development.**

Police – **It is the opinion of the Fayetteville Police department that an appreciable increase in traffic danger and congestion will not be created by this rezoning request.**

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: **The proposed zoning would not substantially alter the population density in the area. Public service providers have responded accordingly:**

Police – **This rezoning will not substantially alter the population density thereby undesirably increasing the load on police services.**

Fire – **This rezoning would not adversely impact adequate response times for City Fire Department to this development.**

Engineering - **Water: Public water is adjacent to the site. There is a 12" water main along Mount Comfort Road. Water may need to be extended through the property at the time of development to provide domestic service and fire protection.**

Sewer: Sanitary sewer is adjacent to the site. There is a 12" sewer main along the south property line of this project. Sewer may need to be extended through the property at the time of development. There is also a 6" sanitary sewer on the north end of the site in the Mount Comfort right-of-way, however the capacity of the existing 6: main may need to be evaluated at the time of development.

Streets: Access to the site is provided by Mount Comfort Road, a Minor Arterial, as identified in the Master Street Plan is an improved paved two lane city street. The City is improving this street as part of the City's Transportation Improvement Bond Program street improvements in this area. Salem Road, a Collector, is identified on the Master Street Plan as being extended south through the site.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

   a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

   b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

161.07 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 5	Government 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; Ord. 5028, 6-19-07)

161.08 District RSF-7, Residential Single-Family – Seven Units Per Acre

(A) *Purpose.* The RSF-7 Residential District is designed to permit and encourage the development of detached dwellings in suitable environments.

(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 5	Government 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	7 or less	8.5
Two-family dwelling units per acre	--	Option: 15% of the lot, maximum

(D) *Bulk and area regulations.*

(E) *Lot width minimum.*

Single-family	60 ft.
Two-family	60 ft.

Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouses: Development Individual lot	 10,000 sq. ft. 2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	6,500 sq. ft.
Three or more	8,000 sq. ft.
Fraternity or Sorority	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Townhouses & Apartments No bedroom One bedroom Two or more bedrooms	 1,000 sq. ft 1,000 sq. ft. 1,200 sq. ft.
Fraternity or Sorority	500 sq. ft. per resident

(E) *Setback requirements.*

Front	Side	Rear
25 ft.	8 ft.	20 ft.

Cross reference(s)—Variance, Ch. 156.

(F) *Height regulations.* Any building which exceeds the height of 20 feet shall be set back from any side boundary line an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(IV); Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81; Ord. No. 1747, 6-29-70; Code 1991, §160.034; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07)

161.16 District R-O, Residential Office

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 12	Offices, studios and related services
Unit 25	Professional offices

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 11	Manufactured home park
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Bulk and area regulations.*
(Per dwelling unit for residential structures)

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouses: Development Individual lot	 10,000 sq. ft. 2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	6,500 sq. ft.
Three or more	8,000 sq. ft.
Fraternity or Sorority	1 acre

(3) Land area per dwelling unit.

Manufactured home	3,000 sq. ft.
Townhouses & apartments: No bedroom One bedroom Two or more bedrooms	 1,000 sq. ft. 1,000 sq. ft. 1,200 sq. ft.
Fraternity or Sorority	500 sq. ft. per resident

(D) *Density.*

Units per acre	4 to 24

(E) *Setback regulations.*

Front	30 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Front, in the Hillside Overlay District	15 ft.
Side	10 ft.
Side, when contiguous to a residential district	15 ft.
Side, in the Hillside Overlay District	8 ft
Rear, without easement or alley	25 ft.
Rear, from center line of public alley	10 ft.
Rear, in the Hillside Overlay District	15 ft.

(F) *Height regulations.* Any building which exceeds the height of 20 feet shall be set back from any side boundary line an additional distance of one foot for each foot of height in excess of 20 feet except for the HHOD. Within the HHOD, the maximum building height is 60 feet as measured from the lowest point of the structure at the historic grade prior to development to the highest point of the structure, allowing three stories on the uphill side and four stories on the downhill side of the building. If the building is placed on a graded pad, then the height of the building is reduced, allowing a maximum of three stories as measured from the historic grade, pre-development

(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

(Code No. 1965, App. A., Art. 5(x); Ord. No. 2414, 2-7-78; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.041; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4726, 7-19-05; Ord. 4943, 11-07-06; Ord. 5079, 11-20-07)

161.17 District C-1, Neighborhood Commercial

(A) *Purpose.* The Neighborhood Commercial District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government Facilities
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 18	Gasoline service stations and drive-in restaurants
Unit 25	Professional offices

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 40	Sidewalk Cafes

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	50 ft.
Side	None
Side, when contiguous to a residential district	10 ft.
Rear	20 ft.

(F) *Height regulations.* There shall be no maximum height limits in C-1 District, provided, however, that any building which exceeds the height of 10 feet shall be setback from any boundary line of any residential district a distance of one foot for each foot of height in excess of 10 feet.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1965, App. A., Art. 5(V); Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.035; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07)

161.18 District C-2, Thoroughfare Commercial

(A) *Purpose.* The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 15	Neighborhood shopping goods

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 5	Government Facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 12	Offices, studios and related services
Unit 18	Gasoline service stations & drive-in restaurants
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 22	Manufacturing
Unit 23	Heavy industrial
Unit 28	Center for collecting recyclable materials

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 31	Facilities emitting odors and facilities handling explosives.
Unit 36	Wireless communications facilities
Unit 38	Mini-storage Units
Unit 39	Auto salvage and junk yards

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) Setback regulations.

Front, when adjoining A or R districts	100 ft.
Front, when adjoining C, I or P districts	50 ft.
Side, when adjoining A or R districts	50 ft.
Side, when adjoining C, I or P districts	25 ft.
Rear	25 ft.

(F) *Height regulations.* There shall be no maximum height limits in I-2 Districts, provided, however, that any building which exceeds the height of 25 feet shall be setback from any boundary line of any residential district a distance of one foot for each foot of height in excess of 25 feet.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(IX); Ord. No. 2351, 6-21-77; Ord. No. 2516, 4-3-79; Ord. No. 1747, 6-29-70; Code 1991, §160.040; Ord. No. 3971, §2, 5-21-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4992, 3-06-07; Ord. 5028, 6-19-07)

161.26 District P-1, Institutional

(A) *Purpose.* The Institutional District is designed to protect and facilitate use of property owned by larger public institutions and church related organizations.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) Setback regulations.

Front	30 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	20 ft.
Side, when contiguous to a residential district	25 ft.
Rear	25 ft.
Rear, from center line of public alley	10 ft.

(F) *Height regulations.* There shall be no maximum height limits in P-1 Districts, provided, however, that any building which exceeds the height of 20 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 60 % of the total area of such lot.

(Code 1965, App. A., Art. 5(XI); Ord. No. 2603; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.042; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5073, 11-06-07)

161.27 District E-1, Extraction

(A) *Purpose.* The Extraction District is designed to provide areas for the commercial removal of natural accumulations of sand, clay, silt, gravel, rock, and any mineral where such removal may cause groundwater problems, noise, dust, traffic problems, erosion, and safety concerns.

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**

From: **David Williams, Battalion Chief**

Date: **July 9, 2008**

Re:

RZN 08-3027: (PATHWAY BAPTIST CHURCH, 361): Submitted by JORGENSEN & ASSOCIATES for property located at THE SE CORNER OF MT. COMFORT AND SALEM ROAD. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 14.36 acres. The request is to rezone the subject property to R-O, Residential Office and P-1, Institutional.

This development will be protected by Engine 7 located at 835 N. Rupple Rd.
It is 1.5 miles from the station with an anticipated response time of 3 minutes to the beginning of the development.
The Fire Department anticipates [redacted] EMS – [redacted] Fire/Other) calls for service each year after the development is completed and maximum build-out has occurred. Typically, this type of development usually takes 12 – 18 months, after the development is started, before maximum build-out occurs.
The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.
Measured hydrant flow in this area is [redacted] gallons per minute.

If you have any questions please me.

David Williams

David Williams
Fire Marshal
Fayetteville Fire Department

Date 6/27/08

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 08-3027: (Pathway Baptist Church, 361): Submitted by Jorgensen & Associates for property located at the SE corner of Mt. Comfort and Salem 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 14.36 acres.

It is the opinion of the Fayetteville Police Department that this RZN will not substantially alter the population density, and 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

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.

6/2/08

City of Fayetteville
113 W. Markham
Fayetteville, AR 72701

Attn: Jeremy Pate
Re: Pathway Baptist Church (Rezoning)

Attached herewith please find the application for a rezoning property for Pathway Baptist Church. The existing zoning is RSF-4 and the request is to rezone the north portion (2.21 Ac) to R-0 and the south portion (12.15 Ac) to P-1. The reason for the rezoning to R-0 is for a day care facility. In addition there will be other R-0 related uses. The reason for the P-1 request is for the proposed church on this site.

Salem Road will be extended along the west side of the R-0 property and a portion of the P-1 property.

Water and sewer will be extended to these properties.

The Church of Christ was recently built to the east of this property.

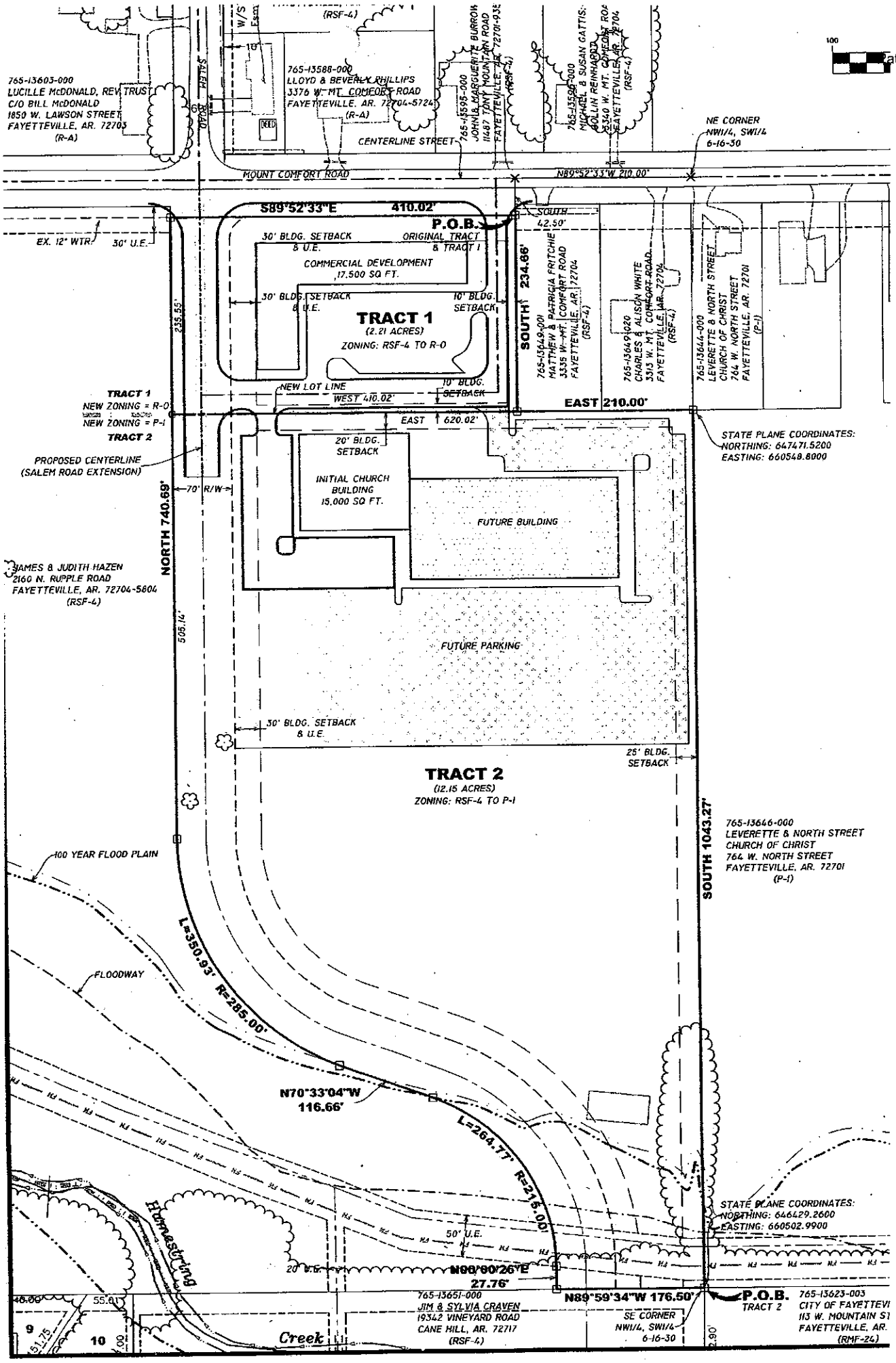
Please review and call concerning any questions you may have.

Thank you.

Sincerely;

Justin L. Jorgensen

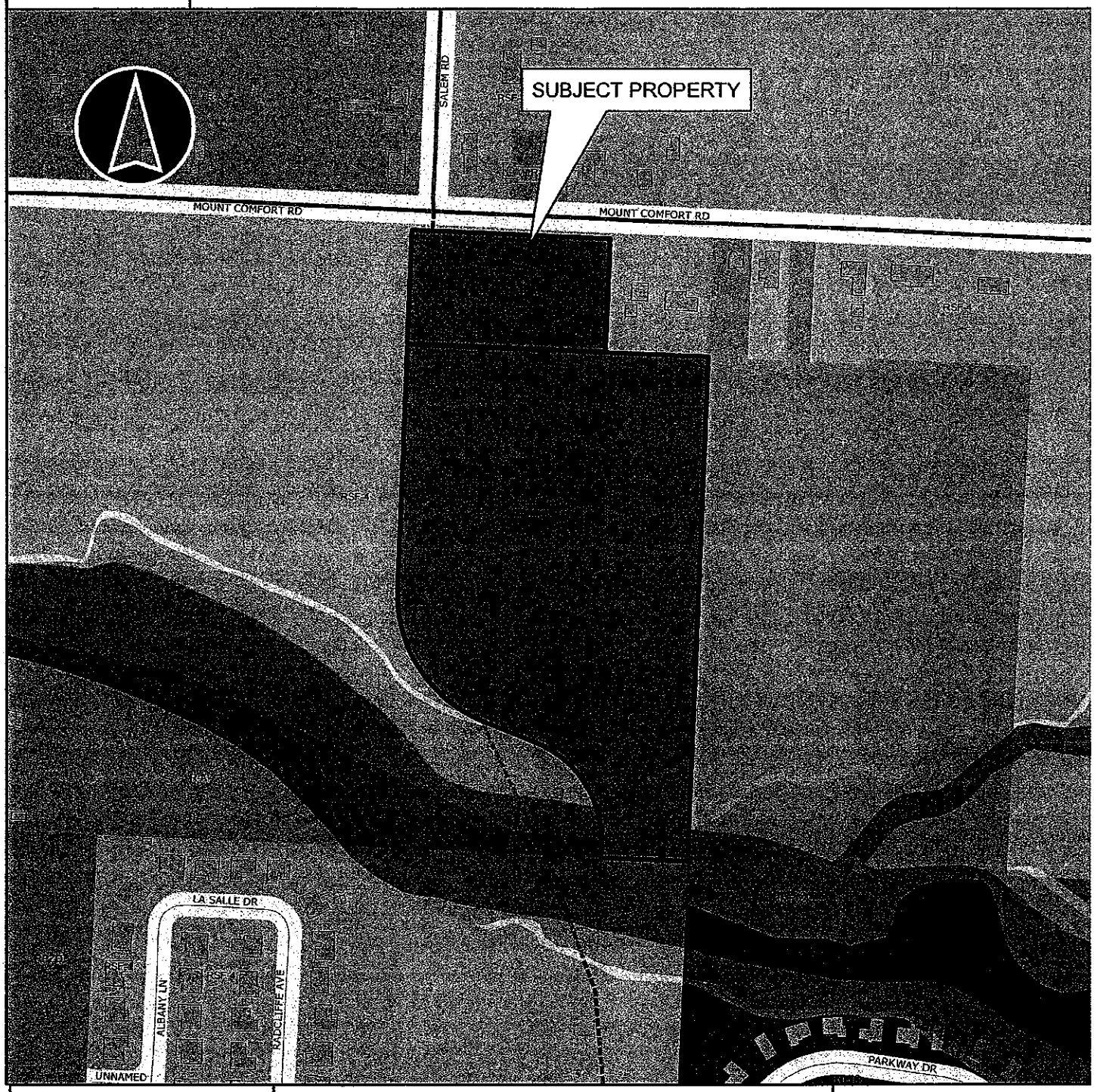
Justin Jorgensen, E.I.


765-13603-000
LUCILLE McDONALD, REV. TRUST
C/O BILL McDONALD
1850 W. LAWSON STREET
FAYETTEVILLE, AR. 72703
(R-A)
765-13588-000
LLOYD & BEVERLY PHILLIPS
3376 W. MT. COMFORT ROAD
FAYETTEVILLE, AR. 72704-5724
(R-A)
CENTERLINE STREET
MOUNT COMFORT ROAD
N89°52'33"W 210.00'
NE CORNER
NW1/4, SW1/4
6-16-30
S89°52'33"E 410.02'
P.O.B.
ORIGINAL TRACT
& TRACT 1
30' BLDG. SETBACK
& U.E.
COMMERCIAL DEVELOPMENT
17,500 SQ FT.
TRACT 1
(2.21 ACRES)
ZONING: RSF-4 TO R-O
10' BLDG. SETBACK
SOUTH 234.66'
SOUTH 42.50'
EX. 12" WTR.
30' U.E.
NEW LOT LINE
WEST 410.02'
EAST 210.00'
EAST 620.02'
TRACT 1
NEW ZONING = R-O
NEW ZONING = P-I
TRACT 2
PROPOSED CENTERLINE
(SALEM ROAD EXTENSION)
70' R/W
NORTH 740.69'
20' BLDG. SETBACK
INITIAL CHURCH
BUILDING
15,000 SQ FT.
FUTURE BUILDING
FUTURE PARKING
STATE PLANE COORDINATES:
NORTHING: 647471.5200
EASTING: 660548.8000
JAMES & JUDITH HAZEN
2160 N. RUPPLE ROAD
FAYETTEVILLE, AR. 72704-5804
(RSF-4)
505.14'
30' BLDG. SETBACK
& U.E.
25' BLDG. SETBACK
TRACT 2
(12.15 ACRES)
ZONING: RSF-4 TO P-I
SOUTH 1043.27'
765-13646-000
LEVERETTE & NORTH STREET
CHURCH OF CHRIST
764 W. NORTH STREET
FAYETTEVILLE, AR. 72701
(P-1)
100 YEAR FLOOD PLAIN
FLOODWAY
L=350.93' R=285.00'
N70°33'04"W
116.66'
L=264.77' R=215.00'
STATE PLANE COORDINATES:
NORTHING: 646429.2600
EASTING: 660502.9900
50' U.E.
20' U.E.
N00°00'26"E
27.76'
N89°59'34"W 176.50'
P.O.B.
TRACT 2
765-13651-000
JIM & SYLVIA CRAVEN
19342 VINEYARD ROAD
CANE HILL, AR. 72717
(RSF-4)
SE CORNER
NW1/4, SW1/4
6-16-30
765-13623-003
CITY OF FAYETTEVI
113 W. MOUNTAIN ST
FAYETTEVILLE, AR.
(RMF-24)
Hornsburg
Creek

RZN08-3027

Close Up View

PATHWAY BAPTIST CHURCH



Overview

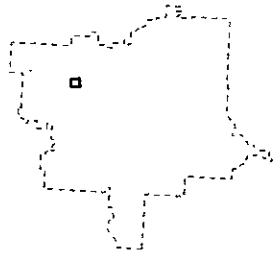
0 125 250 500 750 1,000 Feet

RZN08-3027

Future Land Use

PATHWAY BAPTIST CHURCH

Overview



Legend

Subject Property

RZN08-3027

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

Outside City

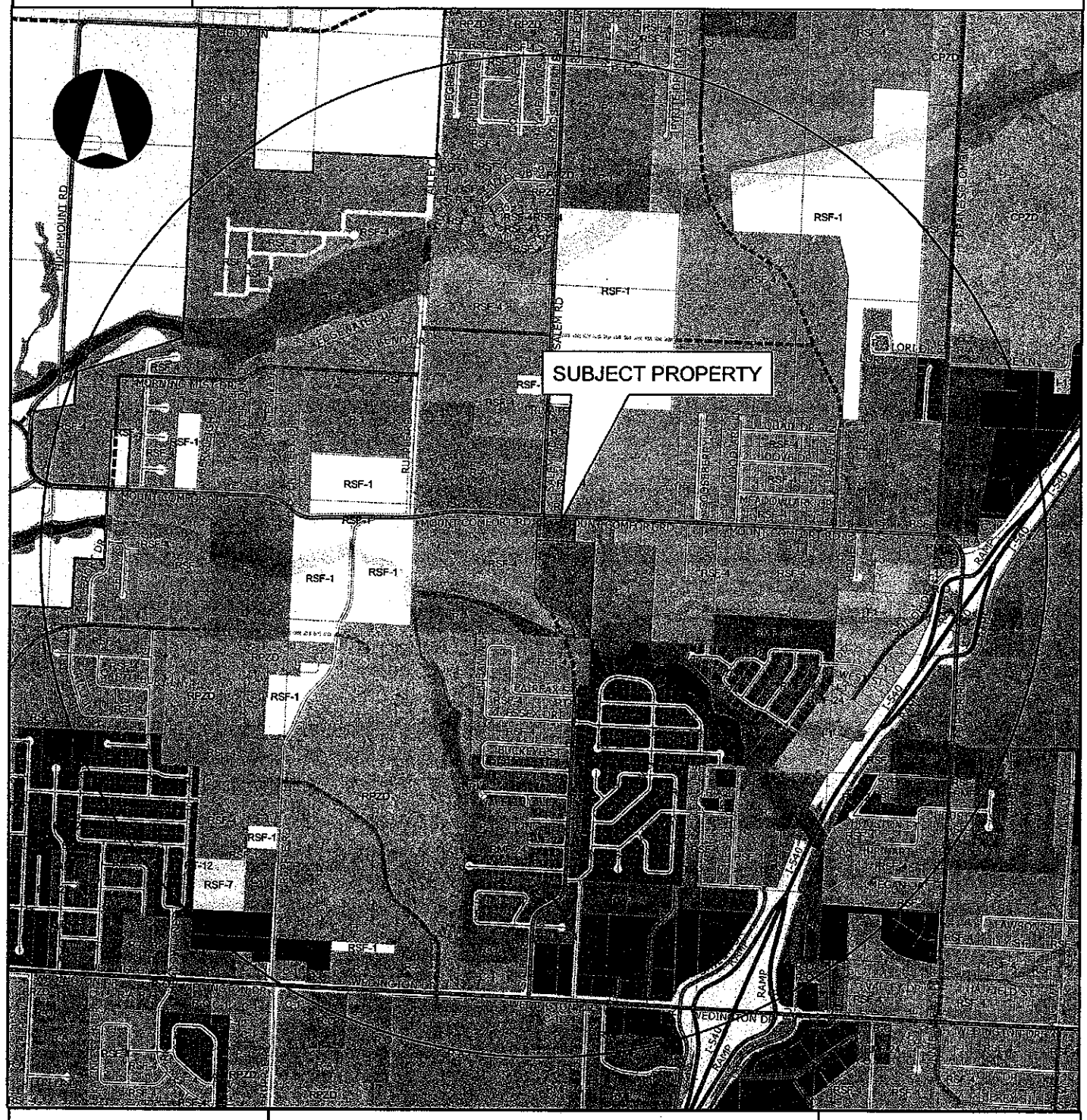
Legend

0 125 250 500 750 1,000 Feet

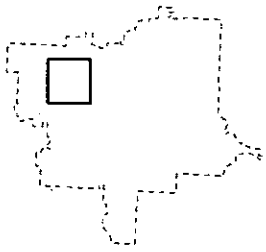
RZN08-3027

One Mile View

PATHWAY BAPTIST CHURCH



Overview



Legend

Subject Property

RZN08-3027

Boundary

Planning Area

Overlay District

Outside City

Legend

Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

August 5, 2008
City Council Meeting Date
Agenda Items Only

Jeremy Pate JP	Planning	Operations
Submitted By	**Division**	**Department**

Action Required:

ANX 08-3029 (Holcomb Heights III, 245): Submitted by Appian Center For Design for property located at the northwest corner of Weir Road and North Salem Road. The property is in the Planning Area and contains approximately 3.23 acres. The request is to annex the subject property into the City of Fayetteville.

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

Budgeted Item ☐ **Budget Adjustment Attached** ☐

Department Director — Date: 7-17-08

City Attorney — Date: 7-17-08

Finance and Internal Service Director — Date: 7-18-08

Mayor — Date: 7/21/08

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office 7/17/08 ENTERED

Received in Mayor's Office ENTERED 7/18/08

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: January 18, 2008

Subject: Annexation for Holcomb Heights III (ANX 08-3029)

RECOMMENDATION

Planning staff and the Planning Commission recommended approval of the subject annexation request for approximately 3.23 acres of property located at the northwest corner of Weir Road and N. Salem Road.

BACKGROUND

The subject property contains 3.23-acres and is located at the northwest corner of Weir Road and N. Salem Road. There are two accessory structures and an existing single-family home, which recently suffered substantial fire damage, located on the property.

The property owner has offered a Bill of Assurance that will require the removal of an existing damaged structure on the property within 30 days from the date of annexation and rezoning of the subject property by the Fayetteville City Council.

DISCUSSION

This item was heard at the regular Planning Commission meeting on January 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 ANNEXING THAT PROPERTY DESCRIBED IN ANNEXATION PETITION ANX 08-3029, LOCATED AT THE NORTHWEST CORNER OF WEIR ROAD AND NORTH SALEM ROAD, CONTAINING APPROXIMATELY 3.23 ACRES.

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

Section 1: That the City Council hereby confirms the annexation to the City of Fayetteville, Arkansas, as shown in Exhibit "A" and depicted in Exhibit "B" attached hereto and made a part hereof.

Section 2: That the official map of the City of Fayetteville, Arkansas, is hereby amended to reflect the change provided in Section 1 above.

Section 3: That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to assign the zoning designation of R-A, Residential Agricultural to the subject property.

Section 4: That the above-described property is hereby assigned to Ward No. Four.

PASSED and **APPROVED** this of , 2008.

APPROVED: ATTEST:

By: _____ By: _____

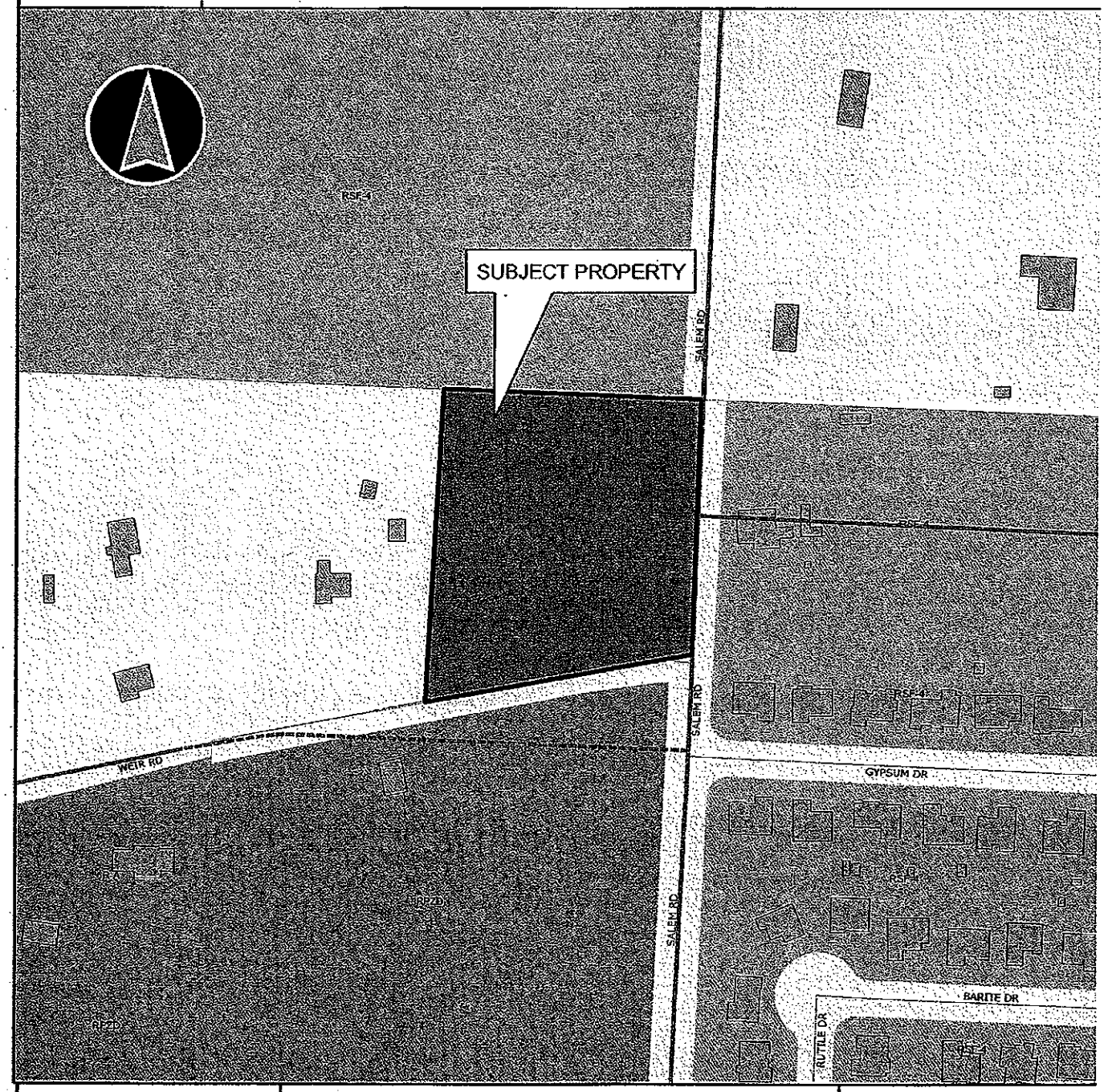
DAN COODY, Mayor **SONDRA SMITH**, City Clerk

EXHIBIT "A"

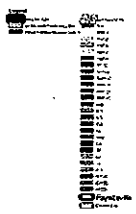
ANX08-3029

Close Up View

HOLCOMB HEIGHTS III



Overview



0 75 150 300 450 600 Feet

EXHIBIT "B"
ANX 08-3029

A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHEAST CORNER OF SAID FOURTY ACRE TRACT AND RUNNING THENCE S01°50'13"W 352.66' TO A FOUND COTTON SPINDLE, THENCE S79°49'59"W 371.73', THENCE N03°09'28"E 433.28' TO.A FOUND IRON PIN, THENCE S87°38'44"E 353.63' TO THE POINT OF BEGINNING. CONTAINING 3.23 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT-OF-WAY OF RECORD, IF ANY.

Fayetteville
ARKANSAS

PC Meeting of July 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:	Jesse Fulcher, Current Planner
THRU:	Jeremy Pate, Director of Current Planning
DATE:	~~July 7, 2008~~ *Updated July 15, 2008*

ANX 08-3029: (HOLCOMB HEIGHTS III, 245): Submitted by APPIAN CENTER FOR DESIGN for property located at the NW CORNER OF WEIR AND N. SALEM ROAD. The property is in the Planning Area and contains approximately 3.23 acres. The request is to annex the subject property into the City of Fayetteville.

Planner: JESSE FULCHER

BACKGROUND:

Property description: The subject property contains 3.23-acres and is located at the northwest corner of Weir Road and N. Salem Road. There are two accessory structures and an existing single-family home, which recently suffered substantial fire damage, located on the property. Surrounding land uses and zoning is depicted in Table 1.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Agricultural	RSF-4, Res. Single Family – 4 units/acre
South	Holcomb Heights Ph. I and II	Residential Planned Zoning District
East	Single Family Home	RSF-4, Res. Single Family – 4 units/acre
West	Single Family Home	Planning Area

Proposal: The applicant proposes annexation of 3.23 acres into the City of Fayetteville.

INFRASTRUCTURE:

Streets: The property has frontage on Weir Road (a collector street) and Salem Road (a collector street). Weir Road currently intersects Salem Road north of Gypsum Drive, which creates an off-set intersection. As agreed to with the approval of Holcomb Heights Ph. I, Weir Road is required to be removed and reconstructed to the south of the current street location to create a 4-way intersection with left hand turn-lanes. Additional street improvements will be evaluated with future development.

Water: Public water is adjacent to the site. There is an 8" water main along N. Salem Road that was installed as part of an adjacent development to the east. A water service extension through the subject property to provide domestic service and fire protection may be required, depending on improvements associated with Holcomb Heights Ph. I.

Sewer: Sanitary sewer is available near the site. There is an 8" sewer main on Gypsum Drive on the east side of Salem that may be adequate to serve future development; however, the capacity of the existing main will need to be evaluated at the time of development. A sewer service extension through the subject property may be required, depending on improvements associated with Holcomb Heights Ph. I.

Fire: The subject property is located approximately 3 miles from the Fire Station #7 with a projected response time of 7 minutes. The Fire Department does not figure calls for service on properties that are only being considered for annexation. There should be no adverse effects on call volume or response time to this annexation.

Police: It is the opinion of the Fayetteville Police Department that this annexation **will not** substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

RECOMMENDATION:
Staff recommends forwarding the requested annexation with a recommendation for approval based on the findings included as part of this report.

PLANNING COMMISSION ACTION:	Required	YES
	√ Forwarded	☐ Denied
Date: July 14, 2008	Motion: Graves	
	Second: Winston	
	Vote: 7-0-0	
CITY COUNCIL ACTION:	Required	YES
	○ Approved	○ Denied
Date: August 5, 2008 (1st reading if recommended)		

LAND USE PLAN: General Plan 2025 identifies this property within the Planning Area as a **Residential Neighborhood Area.**

FINDINGS:

12.3.4 POTENTIAL ANNEXATION AREAS
The potential annexation areas should be identified by the City using the following criteria:

1. Areas that are already urban in character.

Finding: **The subject property is surrounded on three sides by several established residential subdivisions, with several others in the construction stage. Property to the west is largely rural/residential. Holcomb Elementary School and Clabber Creek Trail are located south of the property, providing recreational opportunities to area residents.**

2. Areas that can be developed at urban densities.

Finding: **The subject property can support a traditional urban design given the location of the property at the corner of two collector streets, proximity to an elementary school, public parks and trail system. Additionally, the area already supports more urban development styles as is evident by Salem Village Planned Unit Development and the more recently approved Holcomb Heights Planned Zoning Districts.**

3. Immediate areas are those that are peninsulas or islands, where municipal services have already been extended.

Finding: **There are existing water and sewer lines available to the subject development, with additional line extensions proposed with surrounding developments. The city's police and fire departments service surrounding developments.**

4. Vacant lands that are subject to development pressure.

Finding: **The subject property is surrounded on three sides by either developed subdivisions, or by properties which have been approved for development. It is unknown whether this area will continue to experience development pressure.**

5. Areas where urban services are already provided.

Finding: **Surrounding properties are currently developed or developing and are provided with city services.**

6. Areas where urban services are needed.

Finding: **Urban services are available to developments in the surrounding areas.**

12.3.5 ANNEXATION GUIDING POLICIES
<u>BOUNDARIES</u>

12.3.5.a Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.

Finding: **Annexation of the property will not create an island or a peninsula. Rather, annexation of the property would begin to fill in an unincorporated area that is surrounded on three sides by property within the City limits.**

12.3.5.b Proposed annexation area must be adjacent, or contiguous, to city limits.

Finding: **The proposed annexation area is adjacent to the City Limits to the north, south, and east.**

12.3.5.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.

Finding: **The subject property is not a part of a platted subdivision.**

12.3.5.d Boundaries for annexed areas should follow natural corridors.

Finding: **Proposed boundaries follow property lines of the existing parcels and right-of-way. The north, south and east property lines are adjacent to incorporated property.**

12.3.5.e The provisions of services should be concurrent with development.

Finding: **Current conditions result in a response time of 7 minutes for fire protection from Fire Station #7.**

ENVIRONMENTALLY SENSITIVE AREAS

12.3.5. f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

Finding: **There are no known environmentally sensitive areas that could be impacted by development.**

EMERGENCY AND PUBLIC SERVICES

12.3.5.g Public services must be able to be provided efficiently in newly annexed areas.

Finding: **Water is accessible to the subject property. Sanitary sewer would be required to be extended to the development should the property be annexed into the City. The police department reports that current levels of service would not be compromised and that coverage in this area can be provided. Fire service would also be provided to the site at adequate levels.**

12.3.5.h Annexed areas should receive the same level of service of areas already in the city limits.

Finding: **Fire and police service will be required to be provided to this area with the same level of response and service as other properties in this area, if annexed in the City of Fayetteville. This property is adjacent to areas already being served by the city.**

12.3.5.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

Finding: These factors were taken into consideration in the responses and recommendations included in this report.

INFRASTRUCTURE AND UTILITIES

12.3.5.j Areas currently served by utilities and other public services should be annexed.

Finding: Water and sewer services and fire and police protection are currently provided to adjacent properties. Additionally, land to the north is located within the City limits and once developed, will require city services.

12.3.5.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.

Finding: Annexation and development of this property will result in an increased demand on the existing infrastructure systems. Improvements to sewer and street systems would be made necessary by the annexation should development occur on the subject property.

12.3.5.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

Finding: The proposed annexation is not part of a phased annexation initiated by the City.

INTERGOVERNMENTAL RELATIONS

12.3.5.m Promote long-range planning with adjacent jurisdictions.

Finding: N/A

12.3.5.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

Finding: N/A

ADMINISTRATION OF ANNEXATIONS

12.3.5.o Develop a land use plan for annexation initiated by the city.

Finding: N/A

12.3.5.p Designate zoning districts for the property during the annexation process.

Finding: The applicants have requested that the property be rezoned to RSF-4 if the annexation request is approved.

12.3.5.q An annexation study should be completed on all annexation proposals.

Finding: **Planning staff has asked the Engineering Division, Fire Department and Police Department to study this annexation request to determine if facilities and services are available to serve this property. Comments from each department have been provided herein.**

12.3.5.r Development proposals require a separate review from the annexation proposals.

Finding: **Development of this property has not been proposed.**

12.3.5.s Residents should be fully informed of annexation activities.

Finding: **Adjoining neighbors have been notified of the annexation request and a public notice sign has been placed on the property. A legal ad and display have both been submitted with a local newspaper prior to the Planning Commission meeting for which this item is scheduled.**

12.3.5.t Encourage larger annexations to create acceptable boundaries.

Finding: **While the annexation request is for a small tract of land, the annexation of the property will create a more desirable city boundary, by continuing to annex an area of land, that is surrounding on three sides by incorporated property.**

12.3.5.u Conduct a fiscal impact assessments on large annexations.

Finding: **No fiscal impact assessment was conducted for this annexation of 3.23 acres.**

From Fayetteville General Plan 2020 – 2002 Revision

11.6 Annexation Guiding Policies

Boundaries

11.6.a Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.
11.6.b Proposed annexation area must be adjacent, or contiguous, to city limits.
11.6.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.
11.6.d Boundaries for annexed areas should follow natural corridors.
11.6.e Timing of services within annexation areas should be considered.

Environmentally Sensitive Areas

11.6. f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

Emergency and Public Services

11.6.g Public services must be able to be provided efficiently in newly annexed areas.
11.6.h Annexed areas should receive the same level of service of areas already in the city limits.
11.6.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

Infrastructure and Utilities

11.6.j Areas currently served by utilities and other public services should be annexed.
11.6.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.
11.6.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

Intergovernmental Relations

11.6.m Promote long-range planning with adjacent jurisdictions.
11.6.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

Administration of Annexations

11.6.o Designate zoning districts for the property during the annexation process.
11.6.p An annexation study should be completed on all annexation proposals.
11.6.q Development proposals require a separate review from the annexation proposals.
11.6.r Residents should be fully informed of annexation activities.
11.6.w Encourage larger annexations to create acceptable boundaries.
11.6.t Conduct a fiscal impact assessments on large annexations.

ANX 08-3029: (HOLCOMB HEIGHTS III, 245): Submitted by APPIAN CENTER FOR DESIGN for property located at NW CORNER OF WEIR AND N. SALEM ROAD. The property is in the Planning Area and contains approximately 3.23 acres. The request is to annex the subject property into the City of Fayetteville. Planner: Jesse Fulcher

RZN 08-3030: (HOLCOMB HEIGHTS III, 245): Submitted by APPIAN CENTER FOR DESIGN for property located at THE NW CORNER OF WEIR ROAD AND N. SALEM ROAD. The property is zoned R-A, Residential Agricultural and contains approximately 3.23 acres. The R-A, Residential Agricultural and contains approximately 3.23 acres. The request is to rezone the subject property to RSF-4, Residential Single Family, 4 units per acre. Planner: Jesse Fulcher

Public water is available to the property. There is an 8" water main along N. Salem Road that was required with the Rockhaven Subdivision. Phase I of Holcomb Heights indicate an 8" main will also be stubbed out to this location, however the construction for Phase I has stalled. Water may need to be extended through the property at the time of development to provide domestic service and fire protection.

Sanitary sewer is available near the site. There is an 8" main on Gypsum Drive on the east side of Salem that may be adequate grade however the capacity of the existing main and may need to be evaluated at the time of development. Phase I of Holcomb Heights indicate an 8" sewer main will also be stubbed out to this location, however the construction for Phase I has stalled. Sewer may need to be extended through the property at the time of development. There is also a 6" sanitary sewer on the north end of the site in the Mount Comfort right-of-way,

The site has access to both Salem and Weir Road. Salem Road is an improved paved two lane city street. Street improvements will be evaluated with the proposed development. Weir Road is an improved paved two lane city/county street. Phase I of Holcomb Heights indicate Weir Road will be re-aligned and improved in this location, however the construction for Phase I has stalled 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.

Date 6/27/08

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 ANX 08-3029: (Holcomb Heights 111, 245): Submitted by Appian Center for Design for property located at the NW corner of Weir and N. Salem 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 3.23 acres.

It is the opinion of the Fayetteville Police Department that this ANX will not substantially alter the population density, and create an appreciable or undesirable increase in the load on police services. This ANX will not create an appreciable increase in traffic danger and congestion.

Sincerely,

Captain William Brown
Fayetteville Police Department

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**

From: **David Williams, Battalion Chief**

Date: **July 9, 2008**

Re:

ANX 08-3029: (HOLCOMB HEIGHTS III, 245): Submitted by APPIAN CENTER FOR DESIGN for property located at NW CORNER OF WEIR AND N. SALEM ROAD. The property is in the Planning Area and contains approximately 3.23 acres. The request is to annex the subject property into the City of Fayetteville.

This development will be protected by Engine 7 located at 835 N. Rupple Rd.
It is 3 miles from the station with an anticipated response time of 7 minutes to the beginning of the development.
The Fire Department anticipates [redacted] EMS – [redacted] Fire/Other) calls for service each year after the development is completed and maximum build-out has occurred. **See RZN 08-3030.** Typically, this type of development usually takes 12 – 18 months, after the development is started, before maximum build-out occurs.
The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.
Measured hydrant flow in this area is [redacted] gallons per minute.

If you have any questions please me.

David Williams

David Williams
Fire Marshal
Fayetteville Fire Department

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

IN THE MATTER OF THE PETITION OF CERTAIN REAL PROPERTY FOR ANNEXATION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS

FILED
2008 APR -4 AM 10: 43
KATHY COMBS-FAULKNER
CO. & PROBATE CLERK
WASHINGTON CO. ARK.

NO. CC2008-5

PETITION TO ANNEX TERRITORY TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS

Broyles Commercial Funding, LLC, an Arkansas limited liability company, hereby submits its Petition to annex certain real property into the City of Fayetteville, Washington, County, Arkansas, pursuant to A.C.A. Section 14-40-601, et. Seq. as follows:

1. That Petitioner owns the real property described on the Plat Map, Exhibit "A", attached hereto and made a part hereof (the "Real Property"), and said Real Property is situated in Washington County, Arkansas, and is contiguous with the City of Fayetteville, Arkansas, and is within the City of Fayetteville, School District.

2. The Petitioner names James Atwood, Attorney at Law, P.A. as the person authorized to act on its behalf with respect to this Petition.

3. The Petitioner desires that the Real Property become part of the City of Fayetteville, Arkansas, and petitions the County Judge for annexation of the Real Property into the City of Fayetteville.

4. A true and correct presentation of the Real Property and how it is contiguous to the City of Fayetteville, Arkansas is shown on the Plat Map, Exhibit "A", attached hereto.

5. The Petitioner herein desires that the Real Property become part of the City of Fayetteville, Washington County, Arkansas, and Petitioner states that it will do any and all legal acts necessary to accomplish the objective set forth herein.

THEREFORE, Petitioner respectfully prays that this Court set a hearing, and after notice of such hearing, that the County Judge sign an Order annexing the above described Real Property into the City of Fayetteville, Washington County, Arkansas, and to order such other relief as is appropriate under applicable law.

Respectfully executed this 4 day of April, 2008.

Hank Broyles

Hank Broyles, Managing Member of
Broyles Commercial Funding, LLC

SUBSCRIBED AND SWORN TO before me, a Notary Public, on this the 4 day of April, 2008.

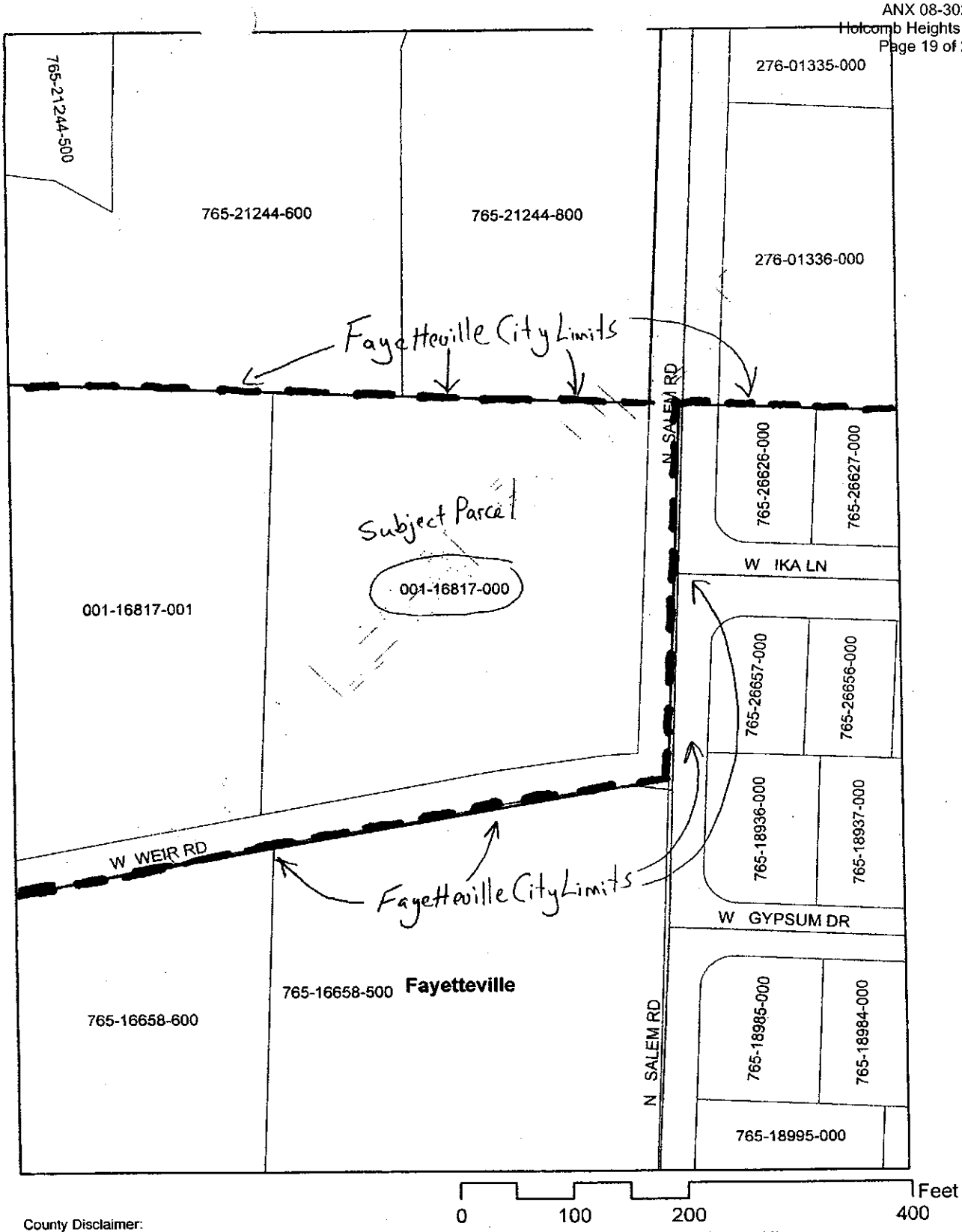
James Atwood

My Commission Expires:

OFFICIAL SEAL
JAMES ATWOOD
NOTARY PUBLIC-ARKANSAS
WASHINGTON COUNTY
MY COMMISSION EXPIRES: 08-31-15

Exhibit A
Plat Map and Legal Description

A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE S01°50'13"W 352.66' TO A FOUND COTTON SPINDLE, THENCE S79°49'59"W 371.73', THENCE N03°09'28"E 433.28' TO A FOUND IRON PIN, THENCE S87°38'44"E 353.63' TO THE POINT OF BEGINNING. CONTAINING 3.23 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.



County Disclaimer:

This map was created by Washington County using data created or acquired by its Assessor's office, Dept. of Emergency Managment, and Road Department and in accordance with Arkansas Code 15-21-502 (2) (B), which states "The digital cadastre manages and provides access to cadastral information. Digital cadastre does not represent legal property boundary descriptions, nor is it suitable for boundary determination of the individual parcels included in the cadastre." and Arkansas Code 15-21-502 (6) which indicates that "'Digital cadastre' means the storage and manipulation of computerized representations of parcel maps and linked databases."

This map has been developed from the best available sources. No guarantee of accuracy is granted, nor is any responsibility for reliance thereon assumed. In no event shall said Washington County be liable for direct, indirect, incidental, consequential or special damages of any kind, including, but not limited to, loss of anticipated profits or benefits arising out of use of or reliance on the map.

The parcel lines shown are considered a graphical representation of the actual boundaries. Washington County is in no way responsible for or liable for any misrepresentation or re-use of this map. Distribution of this map is intended for informational purposes and should not be considered authoritative for engineering, legal and other site-specific uses.

N

(Page 1 of 1)

SURVEYING NOTES

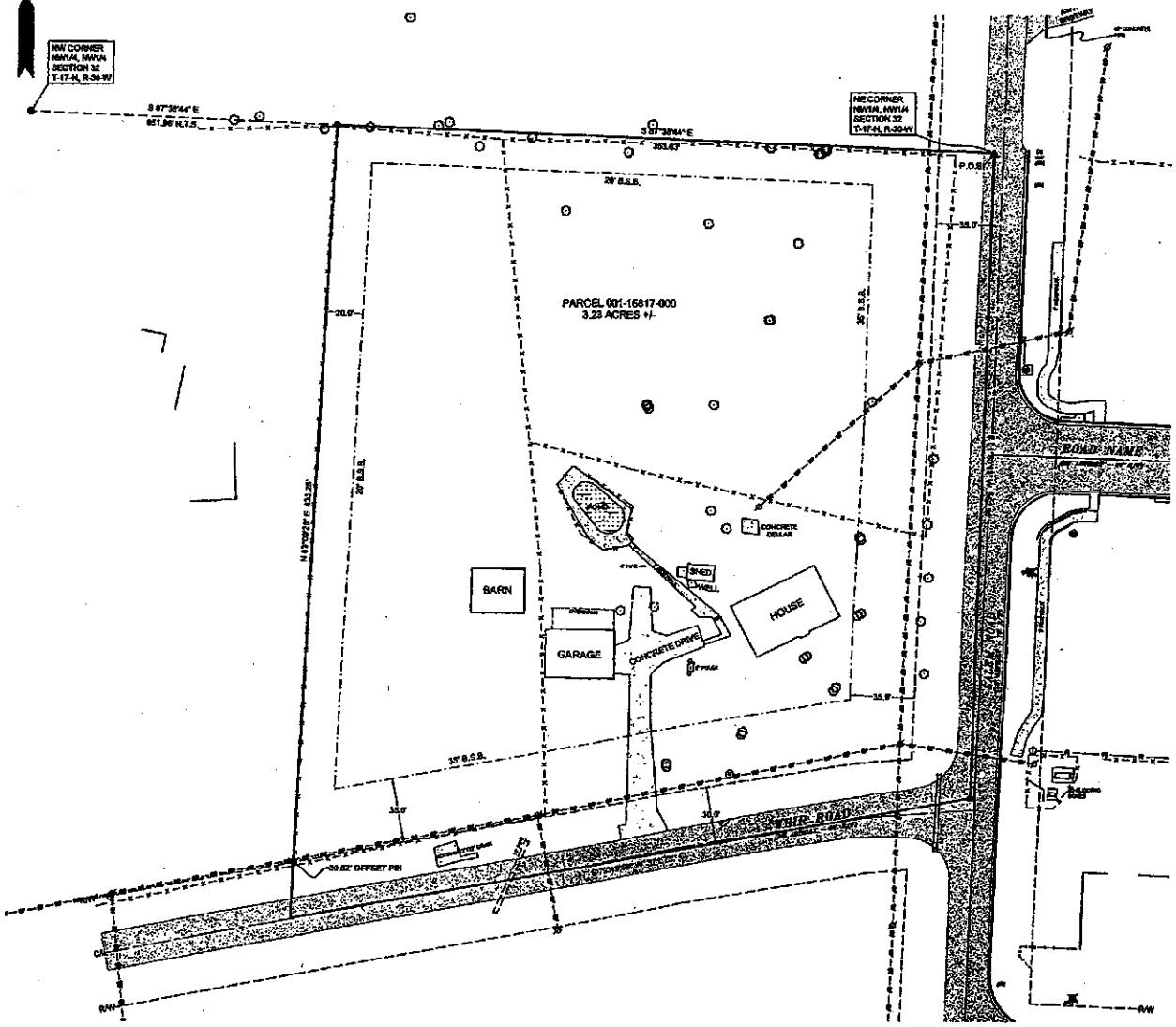
STATE RECORDING NUMBER:
500-17N-30W-0-32-440-72-1538

COMPLETED FIELD WORK:
SEPTEMBER 31, 2007

BASIS OF BEARING:
U.S. STATE PLANE 1983
ARKANSAS STATE PLANE NORTH ZONE

REFERENCE DOCUMENTS:
1. WARRANTY DEED FILED IN DEED BOOK 2003 AT PAGE 17015.
2. SURVEY PLAT FILED IN PLAT BOOK 2006 AT PAGE 46622.

FLOOD CERTIFICATION:
NO PORTION OF THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "A" OR "AE" AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR WASHINGTON COUNTY, ARKANSAS. (FIRM PANEL #05143C0063 D DATED 07/21/1999)



SURVEY DESCRIPTION:
A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE S01°09'13"W 362.66' TO A FOUND COTTON SPINDLE, THENCE S79°49'59"W 371.73', THENCE N01°09'18"E 433.28' TO A FOUND IRON PIN, THENCE S87°38'44"E 363.83' TO THE POINT OF BEGINNING. CONTAINING 3.23 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

STANDARD LEGEND

SURVEY FEATURES	SURVEYING SYMBOLS	
BOUNDARY LINE	SET/FOUND 5/8" REBAR	SET/FOUND ALUM. MONUMENT
PROPERTY LINE	SET/FOUND NAIL	SET/FOUND COTTON SPINDLE
CENTERLINE OF ROAD	FENCE CORNER POST	SET IRON/NAIL
RIGHT-OF-WAY	FOUND STONE	RAILROAD SPIKE
FENCE	STONE MONUMENT	TEMP BENCH MARK (ELEV.)
TREE LINE	FOUND PIPE	STAKE ON LINE
(M) FIELD MEASUREMENT	COMPUTED POINT	TREE
(R) RECORDED MEASUREMENT		
EASEMENTS	**UTILITY SYMBOLS**	
INGRESS & EGRESS EASEMENT	SANITARY SEWER	TELEPHONE PEDESTAL
BUILDING SET BACK	MANHOLE	WATER METER
UTILITY EASEMENT	POWER POLE	HYDRANT
UTILITY LINES	WATER VALVE	FIRE HYDRANT
WATER LINE	GAS METER	STORM WATER
OVERHEAD POWER LINE	ELECTRICAL BOX	LIGHT
SEWER LINE	**SURVEY FEATURE HATCHES**	
FLOW LINE	ASPHALT	CONCRETE
GAS LINE	GRAVEL	POND
FIBER OPTIC	FLOOD ZONE	
TELEPHONE LINE		

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 21ST DAY OF SEPTEMBER, 2007.

REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF ARKANSAS
NO. 1320
DAVID BLEW CERTIFIED

IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT BLUE IN COLOR THEN IT SHOULD BE ASSUMED THAT THIS PLAT MAY HAVE BEEN ALTERED. THE ABOVE CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.

Doc ID: 012170440001 Type: REL
Recorded: 04/04/2008 at 03:04:42 PM
Fee Amt: $15.00 Page 1 of 1
Washington County, AR
Keith Simons Circuit Clerk
File 2008-00011152

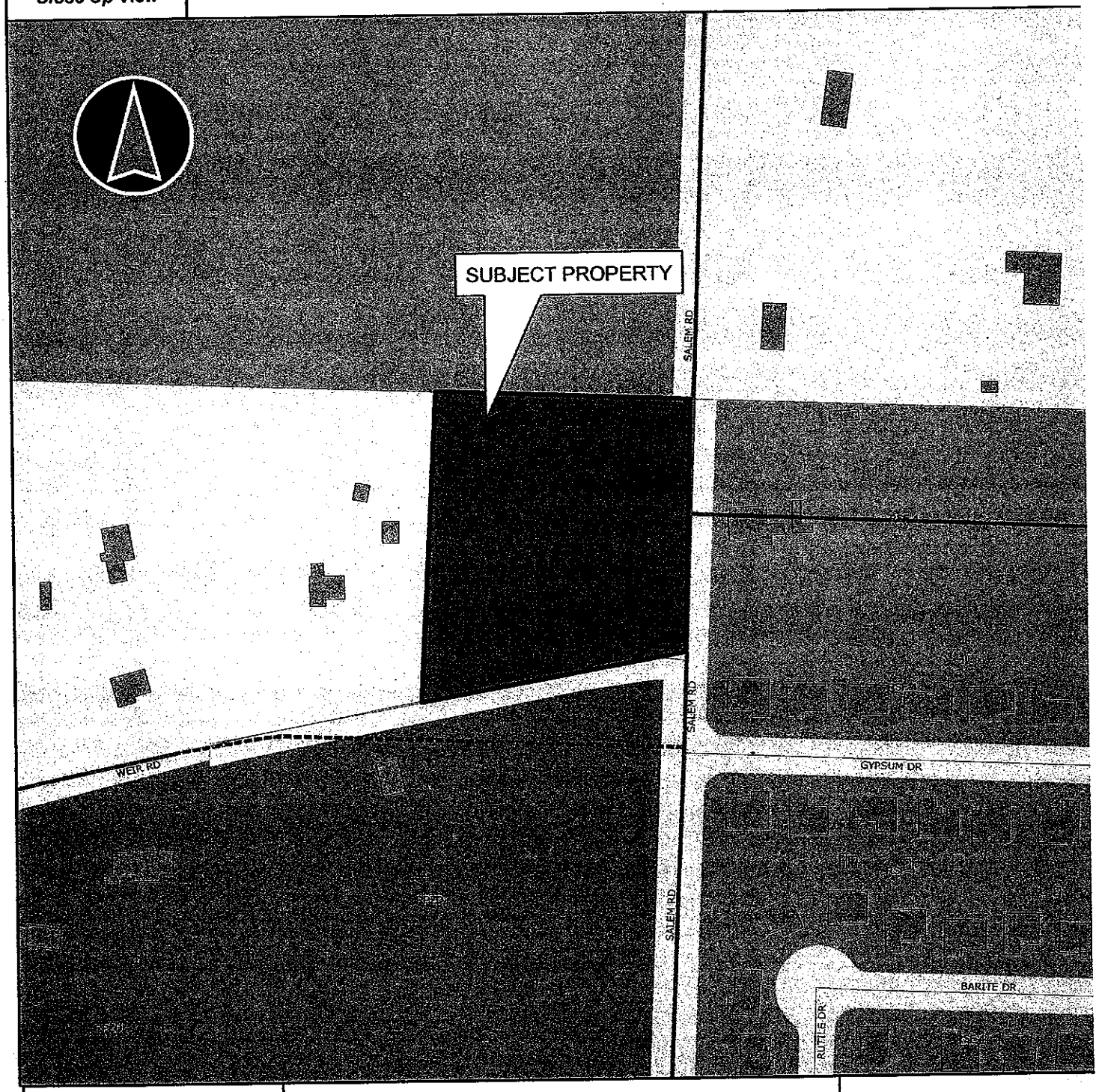
0' 40' 80' 120'
1 inch = 40 feet

BLEW & ASSOCIATES PROFESSIONAL LAND SURVEYORS 2434 E JOYCE BLVD SUITE 2 FAYETTEVILLE, AR 72703 PH. (479) 443-4506 FAX (479) 443-4663 http://www.blewinc.com	FOR THE USE AND BENEFIT OF APPIAN CENTRE FOR DESIGN HOLCOMB HEIGHTS PHASE III	
	JOB # 07-535	DRAWN BY SERO
LOCATION:	SECTION 32, TOWNSHIP 17 NORTH, RANGE 30 WEST	SURVEYED BY W.A.
COUNTY/STATE:	WASHINGTON COUNTY, ARKANSAS	DATE: 09/24/2007

ANX08-3029

Close Up View

HOLCOMB HEIGHTS III



Overview

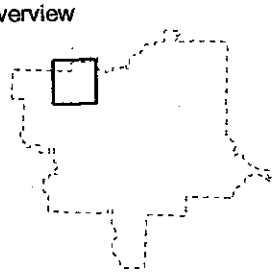
0 75 150 300 450 600 Feet

ANX08-3029

One Mile View

HOLCOMB HEIGHTS III

Overview



Legend

Subject Property

ANX08-3029

Boundary

Planning Area

Overlay District

Outside City

Legend

Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

August 5, 2008
City Council Meeting Date
Agenda Items Only

Jeremy Pate	Planning	Operations
Submitted By	**Division**	**Department**

Action Required:

RZN 08-3030: (Holcomb Heights III, 245): Submitted by Appian Center for Design for property located at the northwest corner of Weir Road and North Salem Road. The property is zoned R-A, Residential Agricultural, and contains approximately 3.23 acres. The request is to rezone the subject property to RSF-4, Residential Single Family, 4 units per acre.

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

Budgeted Item ☐ **Budget Adjustment Attached** ☐

Department Director — Date 7.17.08

City Attorney — Date 7-17-08

Finance and Internal Service Director — Date 7-18-08

Mayor — Date 7/21/08

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office 7/17/08-CC ENTERED

Received in Mayor's Office 7/18/08 ENTERED

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: January 18, 2008

Subject: Rezoning for Holcomb Heights III (RZN 08-3030)

RECOMMENDATION

Planning staff and the Planning Commission recommended to approve rezoning the subject property from R-A, Residential Agricultural to RSF-4, Residential Single-Family, 4 units per acre for approximately 3.23 acres located at the northwest corner of Weir Road and N. Salem Road.

BACKGROUND

The subject property contains 3.23-acres and is located at the northwest corner of Weir Road and N. Salem Road. There are two accessory structures and an existing single-family home, which recently suffered substantial fire damage, located on the property.

The property owner has offered a Bill of Assurance that will require the removal of an existing damaged structure on the property within 30 days from the date of annexation and rezoning of the subject property by the Fayetteville City Council.

DISCUSSION

This item was heard at the regular Planning Commission meeting on July 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 THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 08-3030, FOR APPROXIMATELY 3.23 ACRES, LOCATED AT THE NORTHWEST CORNER OF WEIR ROAD AND NORTH SALEM ROAD FROM R-A, RESIDENTIAL AGRICULTURAL, TO RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE.

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

Section 1: That the zone classification of the following described property is hereby changed as follows:

From R-A, Residential Agricultural to RSF-4, Residential Single-Family, 4 units per acre, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2: That the 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:

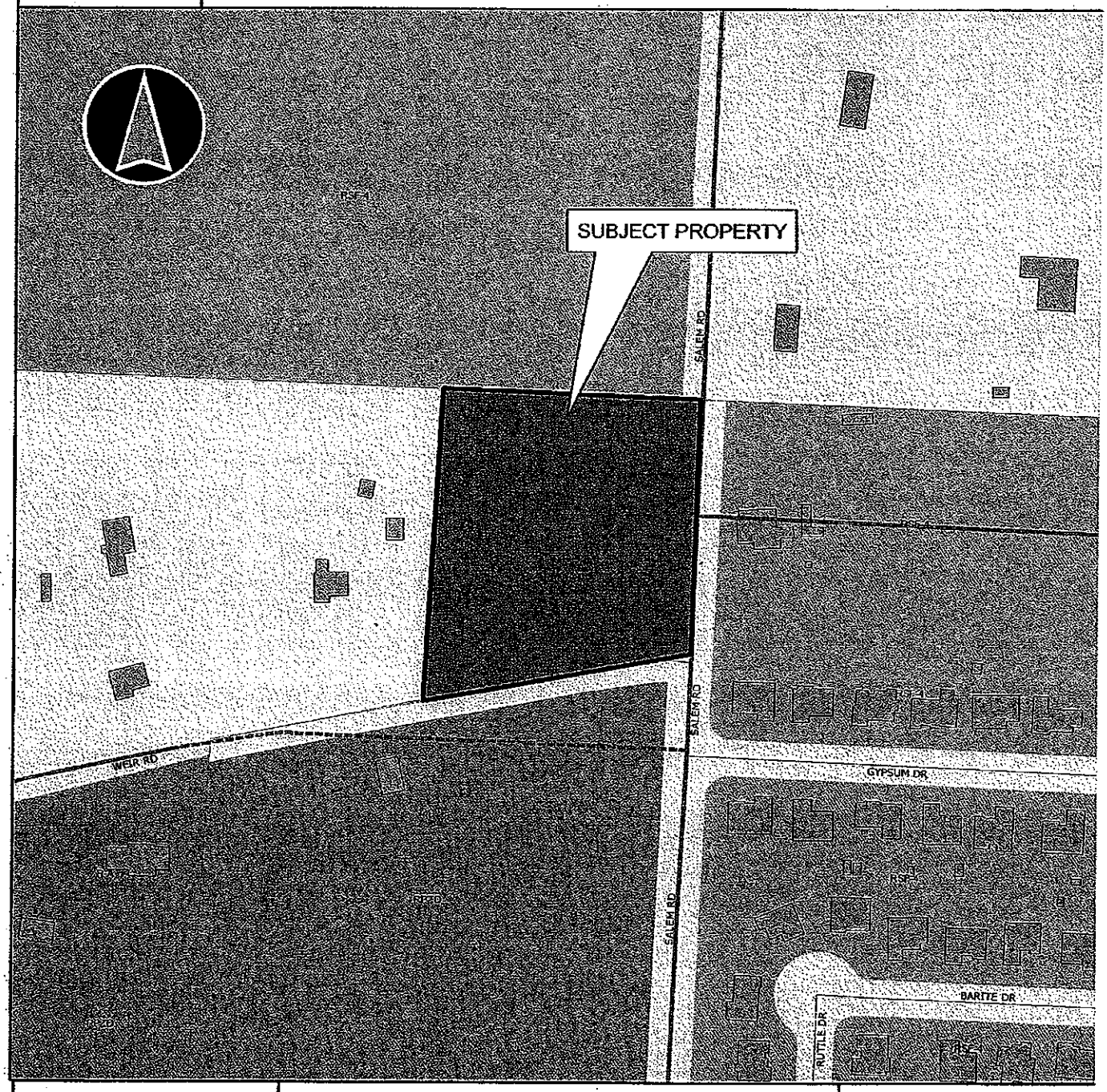
By: _____ By: _____
DAN COODY, Mayor **SONDRA SMITH,** City Clerk/Treasurer

EXHIBIT "A"

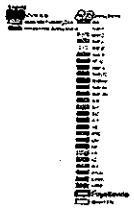
RZN08-3030

Close Up View

HOLCOMB HEIGHTS III



Overview



0 75 150 300 450 600 Feet

EXHIBIT "B"
RZN 08-3030

A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHEAST CORNER OF SAID FOURTY ACRE TRACT AND RUNNING THENCE S01°50'13"W 352.66' TO A FOUND COTTON SPINDLE, THENCE S79°49'59"W 371.73', THENCE N03°09'28"E 433.28' TO A FOUND IRON PIN, THENCE S87°38'44"E 353.63' TO THE POINT OF BEGINNING. CONTAINING 3.23 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT-OF-WAY OF RECORD, IF ANY.

EXHIBIT "C"
RZN 08-3030

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") NOCK-BROYLES LAND DEVELOPMENT, 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 existing damaged structure on the property will be removed within 30 days of annexation and rezoning approval as requested in the associated applications for Holcomb Heights III ANX 08-3029 and RZN 08-3030.

2. 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, HANK BROYLES, as the owner, developer or buyer (Petitioner) **voluntarily offer** all such assurances and sign my name below.

7-10-08
Date

HANK BROYLES
Printed Name

509 W. SPRING #120
Address
FAYETTEVILLE, AR 72701

Hank Broyles

EXHIBIT "C"
RZN 08-3030

Signature

NOTARY OATH

STATE OF ARKANSAS }
} .ss
COUNTY OF WASHINGTON }

And now on this the 9th day of July, 2008, appeared before me, Hank Broyles, 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.

Sharon Bishop
NOTARY PUBLIC

My Commission Expires:

8/19/2014

Notary Public
Sharon Bishop
State of Arkansas, Washington County
My Commission Expires August 19, 2014

Fayetteville
ARKANSAS

PC Meeting of July 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:	Jesse Fulcher, Current Planner
THRU:	Jeremy Pate, Director of Current Planning
DATE:	~~July 8, 2008~~ *Updated July 15, 2008*

RZN 08-3030: (HOLCOMB HEIGHTS III, 245): Submitted by APPIAN CENTER FOR DESIGN for property located at THE NW CORNER OF WEIR ROAD AND N. SALEM ROAD. The property is zoned R-A, Residential Agricultural and contains approximately 3.23 acres. The request is to rezone the subject property to RSF-4, Residential Single Family, 4 units per acre.

Planner: Jesse Fulcher

BACKGROUND:

Property Description: The subject property contains 3.23-acres and is located at the northwest corner of Weir Road and N. Salem Road. There are two accessory structures and an existing single-family home, which recently suffered substantial fire damage, located on the property. Surrounding land uses and zoning is depicted in Table 1.

SURROUNDING LAND USE AND ZONING (Table 1)

Direction	Land Use	Zoning
North	Agricultural	RSF-4, Res. Single Family – 4 units/acre
South	Holcomb Heights Ph. I and II	Residential Planned Zoning District
East	Single Family Home	RSF-4, Res. Single Family – 4 units/acre
West	Single Family Home	Planning Area

Proposal: The applicant proposes to rezone the property to RSF-4, Residential Single-family, 4 Units per Acre.

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 a residential development pattern within this area.

PLANNING COMMISSION ACTION:	Required YES	
Date: July 14, 2008	☐ Approved	√ Forwarded ☐ Denied
Motion: Graves		
Second: Winston		
Vote: 7-0-0		
CITY COUNCIL ACTION:	Required YES	
	☐ Approved	☐ Denied
Date: August 5, 2008 (1st reading if recommended)		

INFRASTRUCTURE:

Streets: The property has frontage on Weir Road (a collector street) and Salem Road (a collector street). Weir Road currently intersects Salem Road north of Gypsum Drive, which creates an off-set intersection. As agreed to with the approval of Holcomb Heights Ph. I, Weir Road is required to be removed and reconstructed to the south of the current street location to create a 4-way intersection with left hand turn-lanes. Additional street improvements will be evaluated with future development.

Water: Public water is adjacent to the site. There is an 8" water main along N. Salem Road that was installed as part of an adjacent development to the east. A water service extension through the subject property to provide domestic service and fire protection may be required, depending on improvements associated with Holcomb Heights Ph. I.

Sewer: Sanitary sewer is available near the site. There is an 8" sewer main on Gypsum Drive on the east side of Salem that may be adequate to serve future development; however, the capacity of the existing main will need to be evaluated at the time of development. A sewer service extension through the subject property may be required, depending on improvements associated with Holcomb Heights Ph. I.

Drainage: Standard improvements and requirements for drainage will be required for the development.

Police: It is the opinion of the Fayetteville Police Department that this annexation **will not** substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

Fire: The subject property is located approximately 3 miles from the Fire Station #7 with a projected response time of 7 minutes. The Fire Department figures

2 (1 EMS and 1 Fire/other) calls for service each year after the development is completed and maximum build-out has occurred. There should be no adverse effects on call volume or response time to this annexation.

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2025 Future Land Use Plan designates this site as an **Residential Neighborhood Area,** which recognizes conventional subdivision development, but encourages traditional neighborhood development that incorporates low-intensity non-residential uses. Staff finds that the RSF-4 zoning is appropriate at this location and would result in a residential development pattern that is consistent with the Future Land Use Plan.*

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 Residential Neighborhood Area in the City Plan 2025 Future Land Use Plan, which recognizes conventional subdivision development, but encourages traditional neighborhood development that incorporates low-intensity non-residential uses. The proposed RSF-4 zoning is consistent with the City's land use planning objectives, principles and policies to residential development.**

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: **Staff finds that the rezoning is necessary at this time to allow for development that is consistent with the Future Land Use Plan. A zoning classification of R-A, Residential Agricultural, which is automatically applied to lands annexed into the City, would not permit either a conventional, or traditional neighborhood design.**

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 to RSF-4 would create an increase in traffic compared with that allowed under the R-A zoning district applied to lands annexed into the City. However, the property is located at the intersection of two collectors, with several community amenities within walking distance. Additionally, the Fayetteville Police Department finds that the proposed rezoning would not create or appreciably increase traffic danger and 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: **A zoning classification of RSF-4 will allow morehousing units to be permitted than the R-A zoning district. However, it is unlikely that the increase in population density would undesirably increase the load on public services given the proximity of the property to an elementary school and water and sewer lines. Increased loads 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: **N/A**

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**

ANX 08-3029: (HOLCOMB HEIGHTS III, 245): Submitted by APPIAN CENTER FOR DESIGN for property located at NW CORNER OF WEIR AND N. SALEM ROAD. The property is in the Planning Area and contains approximately 3.23 acres. The request is to annex the subject property into the City of Fayetteville. Planner: Jesse Fulcher

RZN 08-3030: (HOLCOMB HEIGHTS III, 245): Submitted by APPIAN CENTER FOR DESIGN for property located at THE NW CORNER OF WEIR ROAD AND N. SALEM ROAD. The property is zoned R-A, Residential Agricultural and contains approximately 3.23 acres. The R-A, Residential Agricultural and contains approximately 3.23 acres. The request is to rezone the subject property to RSF-4, Residential Single Family, 4 units per acre. Planner: Jesse Fulcher

Public water is available to the property. There is an 8" water main along N. Salem Road that was required with the Rockhaven Subdivision. Phase I of Holcomb Heights indicate an 8" main will also be stubbed out to this location, however the construction for Phase I has stalled. Water may need to be extended through the property at the time of development to provide domestic service and fire protection.

Sanitary sewer is available near the site. There is an 8" main on Gypsum Drive on the east side of Salem that may be adequate grade however the capacity of the existing main and may need to be evaluated at the time of development. Phase I of Holcomb Heights indicate an 8" sewer main will also be stubbed out to this location, however the construction for Phase I has stalled. Sewer may need to be extended through the property at the time of development. There is also a 6" sanitary sewer on the north end of the site in the Mount Comfort right-of-way,

The site has access to both Salem and Weir Road. Salem Road is an improved paved two lane city street. Street improvements will be evaluated with the proposed development. Weir Road is an improved paved two lane city/county street. Phase I of Holcomb Heights indicate Weir Road will be re-aligned and improved in this location, however the construction for Phase I has stalled 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.

Date 6/27/08

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 08-3030: (Holcomb Heights 111, 245): Submitted by Appian Center for Design for property located at the NW corner of Weir Road and N. Salem 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 3.23 acres.

It is the opinion of the Fayetteville Police Department that this RZN will not substantially alter the population density, and 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

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**

From: **David Williams, Battalion Chief**

Date: **July 9, 2008**

Re:

RZN 08-3030: (HOLCOMB HEIGHTS III, 245): Submitted by APPIAN CENTER FOR DESIGN for property located at THE NW CORNER OF WEIR ROAD AND N. SALEM ROAD. The property is zoned R-A, Residential Agricultural and contains approximately 3.23 acres. The request is to rezone the subject property to RSF-4, Residential Single Family, 4 units per acre.

This development will be protected by Engine 7 located at 835 N Rupple Rd.
It is 3 miles from the station with an anticipated response time of 7 minutes to the beginning of the development.
The Fire Department anticipates 2(1 EMS – 1 Fire/Other) calls for service each year after the development is completed and maximum build-out has occurred. Typically, this type of development usually takes 12 – 18 months, after the development is started, before maximum build-out occurs.
The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.
Measured hydrant flow in this area is [redacted] gallons per minute.

If you have any questions please me.

David Williams

David Williams
Fire Marshal
Fayetteville Fire Department

ACD

PLANNING
URBAN DESIGN
LANDSCAPE ARCHITECTURE
CIVIL ENGINEERING

APPIAN CENTRE FOR DESIGN

June 2, 2008

City of Fayetteville
125 West Mountain
Fayetteville AR 72701

RE: Request for Annexation and Rezoning of parcel # 001-16817-001

The subject property is located on the northwest corner of Weir Road and Salem Road, address 3434 W. Weir Road. It contains 3.23 acres, which is owned by Nock-Broyles Land Development, LLC, and has been approved for de-annexation from Washington County. The property is currently adjoining the city limits on three sides. Surrounding the property to the north and east is zoned RSF-4, to the south is zoned R-PZD (Holcomb Heights), and the property to the west is within Washington County. We are proposing to be annexed into the City of Fayetteville and zoned RSF-4.

We feel like the subject property would be a great addition to the City of Fayetteville for numerous reasons. One, it would potentially provide close neighborhoods and amenities for the area just a quarter mile north of Holcomb Elementary School and a short distance down the future extension of Rupple Road to Holt Middle School. This project will be a nice continuation to the surrounding neighborhoods of the area. The developer is improving and realigning approximately 660 linear feet of Weir Road to provide a safer connection to Salem Road. Weir Road will eventually be connected to the major thoroughfare of the Rupple Road extension less than a quarter mile to the west of the property. It is anticipated that the traffic will not be adversely affected by this proposal. There is an existing 4" water line available along Salem Road. We are placing a new 12" water line down the south side realignment of Weir Road with the construction of the Holcomb Heights Neighborhood. At which time an 8" water line and an 8" sewer line will be extended to serve the subject site. With this proposal, attractive building facades will be designed to face on to the local streets to give the neighborhood and surrounding area a nice identity and character.

We hope that the City of Fayetteville will consider this property a great asset. If the City has any questions or concerns, please don't hesitate to let us know.

Respectfully,

Lee Stewart
Designer
Appian Centre for Design
217 East Dickson Street, Suite 104
Fayetteville, Arkansas 72701
Office: 479-442-1444
Fax: 479-442-1450

SURVEYING NOTES

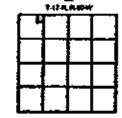
STATE RECORDING NUMBER:
500-17N-30W-0-32-440-72-1329

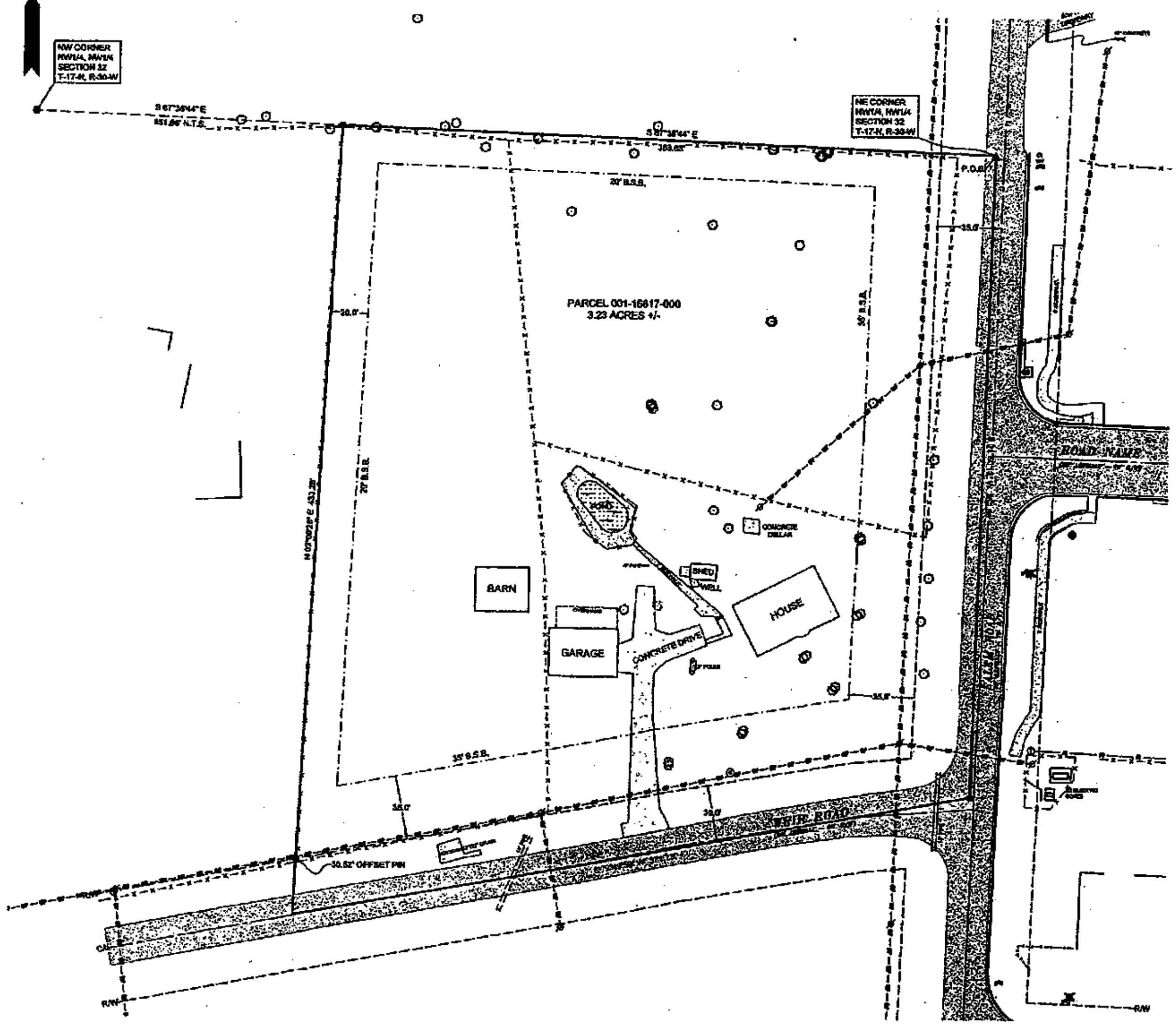
COMPLETED FIELD WORK:
SEPTEMBER 21, 2007

BASIS OF BEARING:
U.S. STATE PLANE 1983
ARKANSAS STATE PLANE NORTH ZONE

REFERENCE DOCUMENTS:
1. WARRANTY DEED FILED IN DEED BOOK 2003 AT PAGE 17013.
2. SURVEY PLAT FILED IN PLAT BOOK 2006 AT PAGE 46622.

FLOOD CERTIFICATION:
NO PORTION OF THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "A" OR "AE" AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR WASHINGTON COUNTY, ARKANSAS. (FIRM PANEL #05143C0063 D DATED 07/21/1999)





SURVEY DESCRIPTION:
A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE S01°60'13"W 362.64' TO A FOUND COTTON SPINDLE, THENCE S79°49'59"W 371.73', THENCE N03°09'28"E 433.29' TO A FOUND IRON PIN, THENCE S87°38'44"E 383.63' TO THE POINT OF BEGINNING. CONTAINING 3.23 ACRES, MORE OR LESS, SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

STANDARD LEGEND

SURVEY FEATURES: BOUNDARY LINE; FORTY LINE; CENTERLINE OF ROAD; RIGHT-OF-WAY; FENCE; TREE LINE; FIELD MEASUREMENT; RECORDED MEASUREMENT

EASEMENTS: INGRESS & EGRESS EASEMENT; BUILDING SET BACK; UTILITY EASEMENT

UTILITY LINES: WATER LINE; OVERHEAD POWER LINE; SEWER LINE; FLOW LINE; GAS LINE; FIBER OPTIC; TELEPHONE LINE

SURVEYING SYMBOLS: SET/FOUND 5/8" REBAR; SET/FOUND NAIL; FENCE CORNER POST; FOUND STONE; STATE MONUMENT; FOUND PIPE; COMPUTED POINT; SET/FOUND AXIAL MONUMENT; SET/FOUND COTTON SPINDLE; SET/FOUND PK NAIL; RAILROAD SPIKE; TEMP BENCH MARK (ELEV.); EDGE ON LINE; TREE

UTILITY SYMBOLS: SANITARY SEWER; MANHOLE; POWER POLE; WATER VALVE; GAS METER; ELECTRICAL BOX; TELEPHONE PEDESTAL; WATER METER; SEPTIC LID; FIRE HYDRANT; STORM WATER; LIGHT

SURVEY FEATURE HATCHES: ASPHALT; CONCRETE; POND; GRAVEL; FLOOD ZONE

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 21ST DAY OF SEPTEMBER, 2007.

REGISTERED PROFESSIONAL LAND SURVEYOR, STATE OF ARKANSAS, NO. 1390

IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT BLUE IN COLOR THEN IT SHOULD BE ASSUMED THAT THIS PLAT MAY HAVE BEEN ALTERED. THE ABOVE CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.

Doc ID: 012176430001 Type: REL
Recorded: 04/04/2008 at 03:01:42 PM
Fee Amt: $15.00 Page 1 of 1
Washington County, AR
Bette Stamps Circuit Clerk
File 2008-00011152

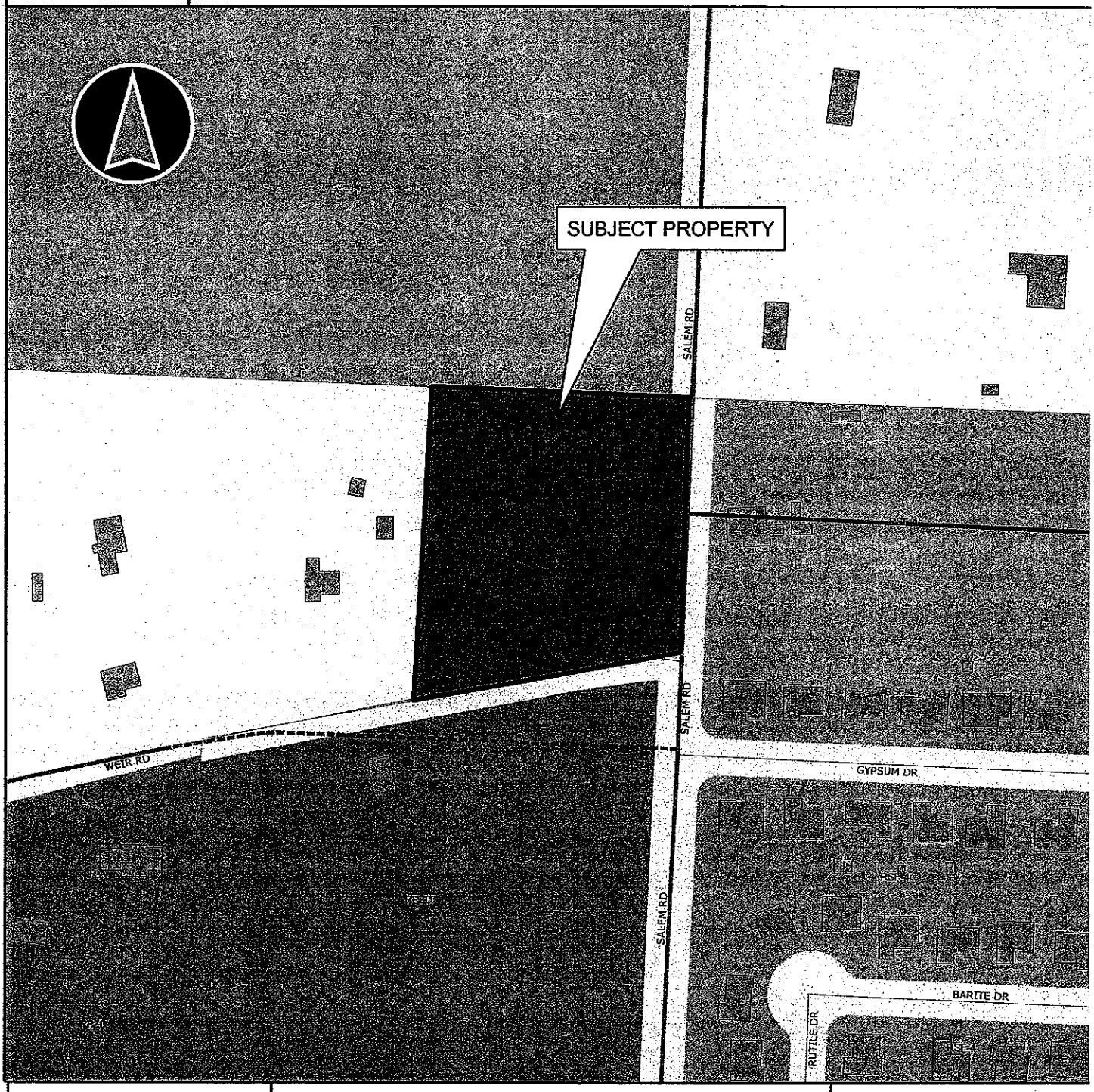
0' 40' 80' 120'
1 inch = 40 feet

	BLEW & ASSOCIATES PROFESSIONAL LAND SURVEYORS 2434 E JOYCE BLVD SUITE 2 FAYETTEVILLE, AR 72703 PH. (479) 443-4506 FAX (479) 582-1883 http://www.blewinc.com	FOR THE USE AND BENEFIT OF APPIAN CENTRE FOR DESIGN HOLCOMB HEIGHTS PHASE III	
		JOB # 07-535	DRAWN BY SEBO
LOCATION:	SECTION 32, TOWNSHIP 17 NORTH, RANGE 30 WEST		SURVEYED BY W.A.
COUNTY/STATE:	WASHINGTON COUNTY, ARKANSAS		DATE: 09/24/2007

RZN08-3030

Close Up View

HOLCOMB HEIGHTS III



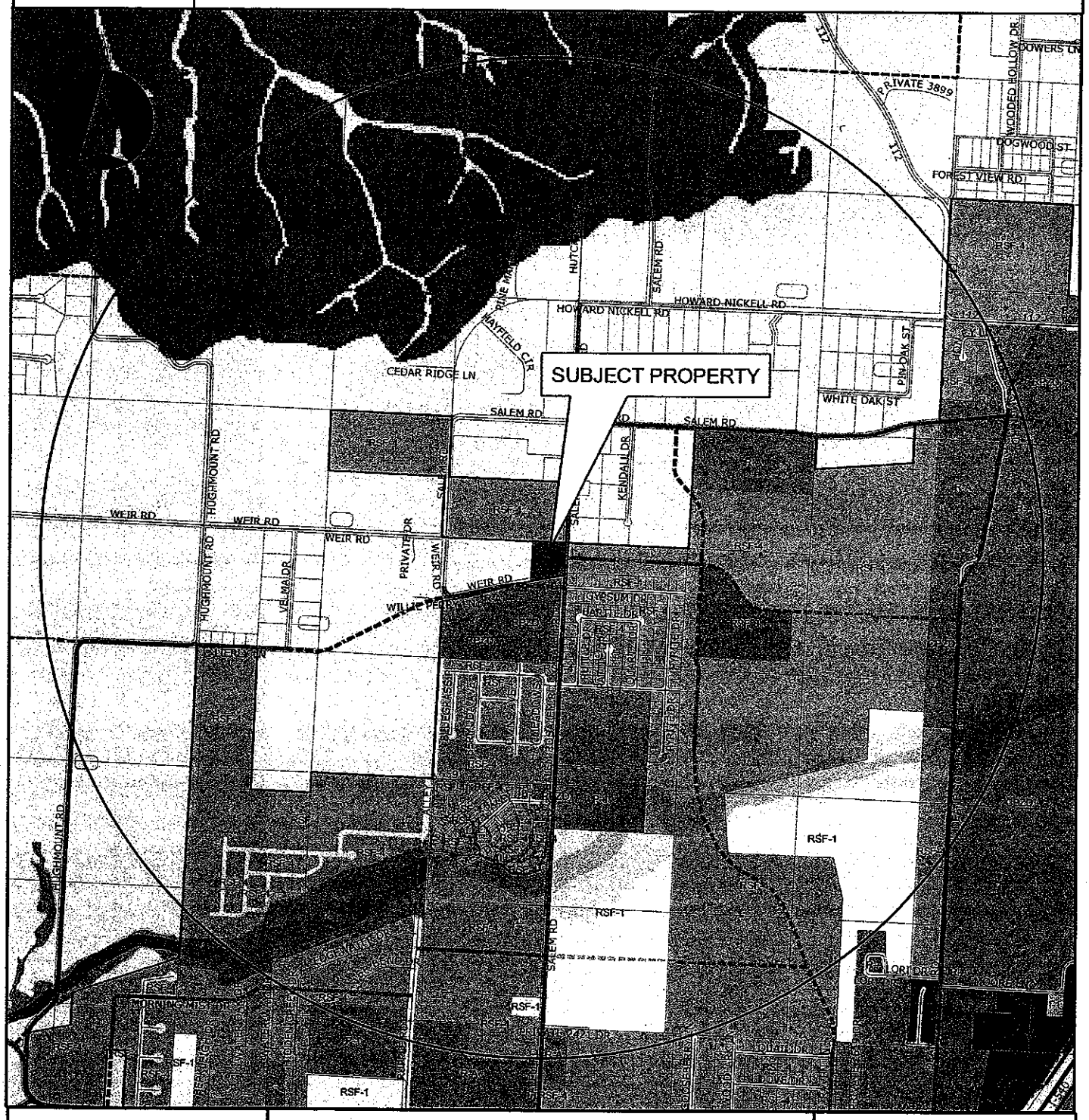
Overview

0 75 150 300 450 600 Feet

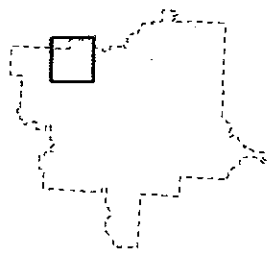
RZN08-3030

One Mile View

HOLCOMB HEIGHTS III



Overview



Legend

Subject Property

RZN08-3030

Boundary

Planning Area

Overlay District

Outside City

Legend

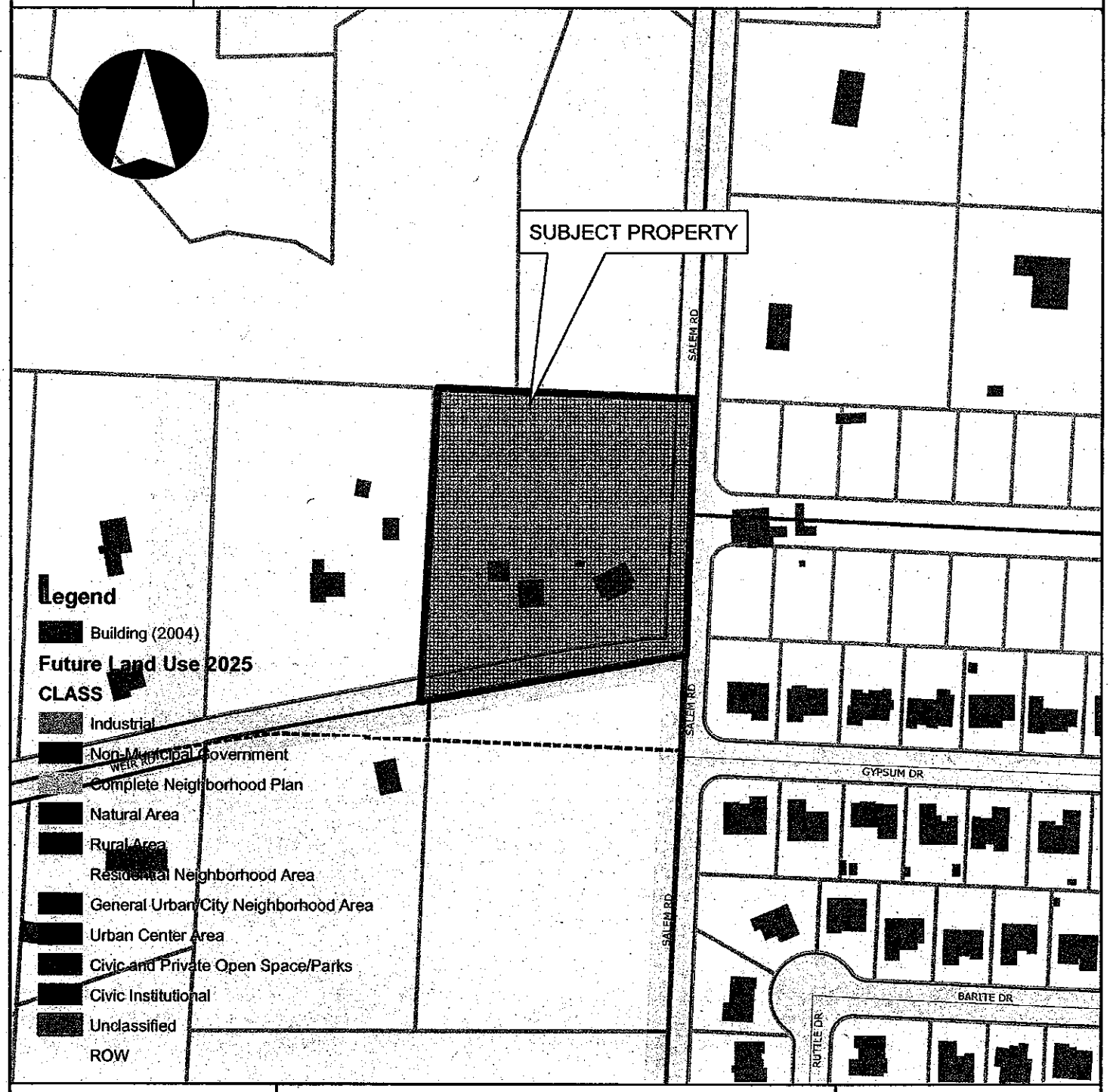
Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

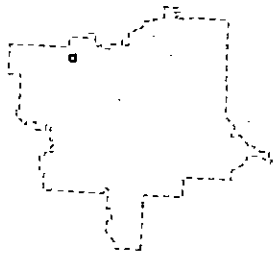
RZN08-3030

Future Land Use

HOLCOMB HEIGHTS III



Overview



Legend

Subject Property

RZN08-3030

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

Outside City

Legend

0 75 150 300 450 600 Feet

AGENDA REQUEST

FOR: COUNCIL MEETING OF AUGUST 5, 2008

FROM:
ALDERMAN BOBBY FERRELL

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Amend §161.23 Neighborhood Conservation To Add Use Unit 26, Multi-Family Dwellings As A Conditional Use

APPROVED FOR AGENDA:

Bobby Ferrell — 7-17-08
Bobby Ferrell — Date
Alderman

See 7/18/08

7-9-08
Kit Williams — Date
City Attorney (as to form)

ORDINANCE NO. _____

AN ORDINANCE TO AMEND **§161.23 NEIGHBORHOOD CONSERVATION** TO ADD USE UNIT 26, MULTI-FAMILY DWELLINGS AS A CONDITIONAL USE

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends **§161.23 Neighborhood Conservation** by adding under subsection (B)(2) *Conditional uses* Use Unit 26, Multi-family dwellings and amends subsection (D)(1) *Lot width minimum* by changing the chart to read:

" Single Family Detached	40 ft.
Townhouse (per dwelling)	25 ft.
Two Family	50 ft.
Three Family	60 ft.
Multi-family	90 ft. "

PASSED and **APPROVED** this 5th day of August, 2008.

APPROVED: ATTEST:

DAN COODY, Mayor

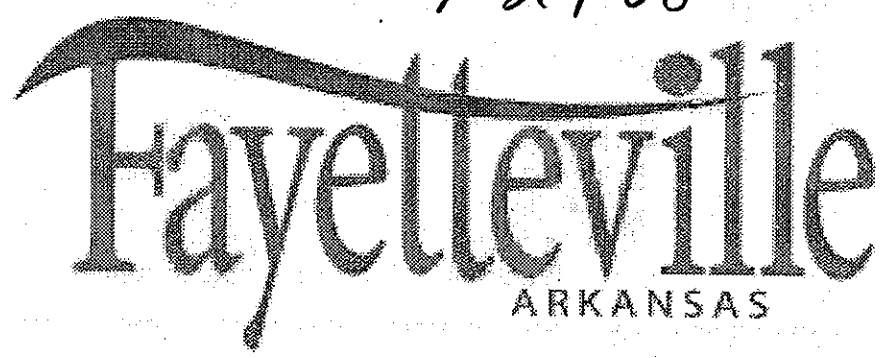
SONDRA E. SMITH, City Clerk/Treasurer

Agenda Session
7-29-08

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith



Aldermen

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

Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
August 5, 2008

A meeting of the Fayetteville City Council will be held on August 5, 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. Electronic City Council Agenda Presentation

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items: add to Final: Appt. Off Street Parking

Agenda Additions:

A. Consent: Appt. to Ambulance Committee

1. Approval of the July 1 and the July 15, 2008 City Council meeting minutes.

113 West Mountain 72701 (479) 521-7700 (479) 575-8257 (Fax)
accessfayetteville.org

2. **Arkansas Parks and Tourism Outdoor Recreation Grant:** A resolution authorizing the Mayor to apply for an Arkansas Parks and Tourism Outdoor Recreation Grant in the amount of $150,000.00 for the development of the park property on Fairlane Drive.

3. **Arkoma Playgrounds and Supply, Inc., Bid # 08-05:** A resolution awarding Bid # 08-05 and approving a contract with Arkoma Playgrounds and Supply, Inc. in the amount of $199,969.00; and approving a 5% contingency in the amount of $9,998.00 for the construction of Rodney Ryan Park.

4. **Bestech Environmental Resources, Inc., Bid # 08-31:** A resolution to approve the purchase of a G-8 Therm-Tec animal crematory for $58,700.00 for use by the Animal Shelter and approve a budget adjustment of $8,700.00.

5. **Future Link of Illinois, Bid # 08-53:** A resolution awarding Bid # 08-53 and approving the purchase of twenty-seven (27) mobile computer systems from Future Link of Illinois, Inc. in the amount of $148, 818.33 for use in Fayetteville Police Patrol Vehicles; and approving a budget adjustment in the amount of $149,000.00.

6. **Automatic Vehicle Wash Program:** A resolution approving a budget adjustment in the amount of $60,000.00 to transfer funds from Project 02082 – (Solid Waste Vehicles/Equipment) to Project 06012 – (Wash Bay and Covered Storage) to complete the installation of the Vehicle Wash System and the Hand-Wash Truck Wash Area.

B. Unfinished Business:

1. **Hiring Freeze:** Hiring Freeze Appeals: (2)

Two. **~~One~~ Police Officer** ~ added one at agenda Session

2. **ADM 07-2711 (UDC Amendment – Chapter 166.08 Street Design and Access Management Ordinance):** An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 166: Development in order to adopt street design and access management design standards. ***This ordinance was left on the First Reading at the July 15, 2008 City Council meeting.***

Left on the First Reading

3. **Amend Chapter 173 Building Regulations:** An ordinance to enact the Arkansas Energy Code as a part of the Unified Development Code and to amend the energy code to add a provision for an energy efficiency certificate. ***This ordinance was left on the Second Reading at the July 15, 2008 City Council meeting.***

Left on the Second Reading

C. New Business:

1. **Crossland Heavy Contractors, Inc.:** A resolution awarding Bid #08-50 and approving a construction contract with Crossland Heavy Contractors, Inc. in the amount of $2,439,646.00; and approving a 10% contingency in the amount of $244,000.00 for improvements at the Noland Wastewater Treatment Plant, WSIP Subproject EP-3.

2. **2009 Employee Benefits:** A resolution to approve the same level and cost of employee benefits in 2009 as are being provided in 2008.

3. **Amend § 33.018, Parks and Recreation Advisory Board:** An ordinance to amend § 33.018 Parks and Recreation Advisory Board of the Code of Fayetteville.

4. **Amend Chapter 174 Signs:** An ordinance to amend Unified Development Code Ch. 174.08, Prohibited Signs, to allow "A" frame sandwich/menu board signs under certain conditions.

5. **Bid Waiver for Asphalt:** An ordinance waiving the requirements of formal competitive bidding indefinitely for the purchase of asphalt materials for use by the Transportation Division.

6. **2009 Budget Request:** A resolution to request that the budget to be submitted to the City Council by the Administration be balanced.

Remove Would like to postpone for 2 meetings

7. **Amberwood Place Appeal:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 08-2965, Amberwood Place, located south and east of Double Springs and Dot Tipton Road; containing approximately 39.98 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan.

Sept 2

#7 Add to Sept 2, 2008 Agenda

8. **R-PZD 08-2980, Markham Hill Cottage Courts:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 08-2980, Markham Hill Cottage Courts, located north of Maine Street, between Sang and Cross Avenue; containing approximately 2.54 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan.

9. **R-PZD 08-3006, Porchscapes:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 08-3006, Porchscapes, located at the southern extension of Seven Hills Drive, south of Huntsville Road; containing approximately 8.81 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan.

10. **R-PZD 08-3022, Stonewood Gardens:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 08-3022, Stonewood Gardens, located near the south east corner of Crossover and Albright Road; containing approximately 3.36 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan.

11. **RZN 08-3027, Pathway Baptist Church:** An ordinance rezoning that property described in rezoning petition RZN 08-3027, for approximately 14.36 acres, located at the southeast corner of Mount Comfort and Salem Road from RSF-4, Residential Single-family, 4 units per acre and R-A, Residential Agricultural to R-O, Residential Office and P-1, Institutional.

12. **ANX 08-3029, Holcomb Heights III:** An ordinance annexing that property described in annexation petition ANX 08-3029, located at the northwest corner of Weir Road and North Salem Road, containing approximately 3.23 acres.

13. **RZN 08-3030, Holcomb Heights III:** An ordinance rezoning that property described in rezoning petition RZN 08-3030, for approximately 3.23 acres, located at the northwest corner of Weir Road and North Salem Road from R-A, Residential Agricultural, to RSF-4, Residential Single-family, 4 units per acre.

14. **Amend § 161.23, Neighborhood Conservation:** An ordinance to amend § 161.23 Neighborhood Conservation to add Use Unit 26, Multi-family dwellings as conditional use.

Announcements:

1. **City Council Tour:** ~~August 4, 2008~~ NONE

Adjournment:

Pre-Agenda Mtg
7-23-08

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Aldermen

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

Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
August 5, 2008

A meeting of the Fayetteville City Council will be held on August 5, 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. Electronic City Council Agenda Presentation

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

1. Approval of the July 1 and the July 15, 2008 City Council meeting minutes.

NB#1

2. **Crossland Heavy Contractors, Inc.:** A resolution awarding Bid #08-50 and approving a construction contract with Crossland Heavy Contractors, Inc. in the amount of $2,439,646.00; and approving a 10% contingency in the amount of $244,000.00 for improvements at the Noland Wastewater Treatment Plant, WSIP Subproject EP-3.

3. **Arkansas Parks and Tourism Outdoor Recreation Grant:** A resolution authorizing the Mayor to apply for an Arkansas Parks and Tourism Outdoor Recreation Grant in the amount of $150,000.00 for the development of the park property on Fairlane Drive.

Should be Bid: Get new resolution from Jody

4. **Arkoma Playgrounds and Supply, Inc., Bid # 08-05:** A resolution awarding Bid # 08-05 and approving a contract with Arkoma Playgrounds and Supply, Inc. in the amount of $199,969.00; and approving a 5% contingency in the amount of $9,998.00 for the construction of Rodney Ryan Park.

5. **Bestech Environmental Resources, Inc., Bid # 08-31:** A resolution to approve the purchase of a G-8 Therm-Tec animal crematory for $58,700.00 for use by the Animal Shelter and approve a budget adjustment of $8,700.00.

NB#2

6. **2009 Employee Benefits:** A resolution to approve the same level and cost of employee benefits in 2009 as are being provided in 2008.

7. **Future Link of Illinois, Bid # 08-53:** A resolution awarding Bid # 08-53 and approving the purchase of twenty-seven (27) mobile computer systems from Future Link of Illinois, Inc. in the amount of $148, 818.33 for use in Fayetteville Police Patrol Vehicles; and approving a budget adjustment in the amount of $149,000.00.

OK per Barbara Olsen & Paul Becker

~~8. Automatic Vehicle Wash Program~~

May stay on - Paul is checking with Barbara Olsen to see if this has been to the Equipment Committee.

B. **Unfinished Business:**

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

<u>One Police Officer</u>

2. **ADM 07-2711 (UDC Amendment – Chapter 166.08 Street Design and Access Management Ordinance):** An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 166: Development in order to adopt street design and access management design standards. ***This ordinance was left on the First Reading at the July 15, 2008 City Council meeting.***

Left on the First Reading

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C. New Business:

NB #6 1. **2009 Budget Request:** A resolution to request that the budget to be submitted to the City Council by the Administration be balanced.

NB #4 2. **Amend Chapter 174 Signs:** An ordinance to amend Unified Development Code Ch. 174.08, Prohibited Signs, to allow "A" frame sandwich/menu board signs under certain conditions.

NB #5 3. **Bid Waiver for Asphalt:** An ordinance waiving the requirements of formal competitive bidding indefinitely for the purchase of asphalt materials for use by the Transportation Division.

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11. **Amend § 161.23, Neighborhood Conservation:** An ordinance to amend § 161.23 Neighborhood Conservation to add Use Unit 26, Multi-family dwellings as conditional use.

NB# 3

12. **Amend § 33.018, Parks and Recreation Advisory Board:** An ordinance to amend § 33.018 Parks and Recreation Advisory Board of the Code of Fayetteville.

Announcements:

1. **City Council Tour: August 4, 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

DATE: **August 6, 2008**

RE: **Ordinances and Resolutions prepared by the City Attorney's Office and passed at the City Council meeting of August 5, 2008**

1. **AR Parks & Tourism Outdoor Recreation Grant:** A resolution authorizing the Mayor to apply for an Arkansas Parks and Tourism Outdoor Recreation Grant in the amount of $150,000.00 for the development of the park property on Fairlane Drive;

2. **Bid # 08-05 Arkoma Playgrounds:** A resolution awarding Bid #08-05 and approving a contract with Arkoma Playgrounds and Supply, Inc. in the amount of $199,969.00 and approving a 5% contingency in the amount of $9,998.00 for the construction of Rodney Ryan Park;

3. **Bid #08-31 Bestech Environmental Resources, Inc.:** A resolution approving the purchase of a G-8 Therm-tec Animal Crematory for $58,700.00 for use by the Animal Shelter and approve a budget adjustment of $8,700.00;

4. **Bid #08-53 Future Link of Illinois, Inc.:** A resolution awarding Bid #08-53 and approving the purchase of 27 mobile computer systems from Future Link of Illinois, Inc. in the amount of $148,818.33 for use in Fayetteville Police Patrol Vehicles; and approving a budget adjustment in the amount of $149,000.00;

5. **Automatic Vehicle Wash Program:** A resolution approving a budget adjustment in the amount of $60,000.00 to transfer funds from Project 02082 – (Solid Waste Vehicles/Equipment) to Project 06012 – (Wash Bay & Covered Storage) to complete the installation of the vehicle wash system and the hand-held truck wash area;

6. **Hiring Freeze:** A resolution to approve the hiring of two replacement Fayetteville Police Officers;

7. **Amend Chapter 173 Building Regulations:** An ordinance to enact the Arkansas Energy Code as a part of the Unified Development Code and to amend the Energy Code to add a provision for an Energy Efficiency Certificate;

8. **Crossland Heavy Contractors, Inc.** A resolution awarding Bid #08-50 and approving a construction contract with Crossland Heavy Contractors, Inc. in the amount of $2,439,646.00; approving a 10% contingency in the amount of $244,000.00 for improvements at the Noland Wastewater Treatment Plant, WSIP Subproject EP-3;

9. **2009 Employee Benefits:** A resolution to approve the same level and cost of employee benefits in 2009 as are being provided in 2008;

10. **Amend §33.018 Parks and Recreation Advisory Board:** An ordinance to amend §33.018 Parks and Recreation Advisory Board of the Code of Fayetteville;

11. **Bid Waiver for Asphalt:** An ordinance waiving the requirements of formal competitive bidding throughout the remainder of the year for the purchase of asphalt materials for use by the Transportation Division;

12. **2009 Budget Request:** A resolution to request that the budget to be submitted to the City Council by the Administration be balanced;

13. **Contract for Services with Fayetteville Downtown Partners:** An ordinance waiving the requirements of §34.23(A) of the Fayetteville Code requiring quotation bids and approving a contract for services with Fayetteville Downtown Partners in the amount of $12,500.00 to promote, produce and manage the 2008 Fayetteville Arts Festival and approving a budget adjustment in the amount of $12,500.00.

From: Sondra Smith
To: Branson, Lisa
CC: Pate, Jeremy
Date: 7/2/2008 3:49 PM
Subject: August 5, 2008 City Council Agenda
Attachments: Sondra Smith.vcf

Hi Lisa

Please add the following presentation to the August 5, 2008 City Council agenda to be presented at **Agenda Session:**

1. Electronic City Council Agenda Presentation

Thanks!

Sondra Smith
City Clerk
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701
(479) 575-8323
(479) 718-7695 (Fax)
ssmith@ci.fayetteville.ar.us

From: "Marty Mingl" <marty@FutureLinkIT.com>
To: "Andrea Foren" <aforen@ci.fayetteville.ar.us>
Date: 7/18/2008 4:19 pm
Subject: RE: Bid 08-53, Police Mobile Computer Systems - clarification requested

Andrea,
That's great news about being the low bidder.
I'm sorry if I didn't mark the bid properly! Yes, we do conform to all of the bid specs.
If you have any other questions please feel free to call me.

Thanks,
Marty
630-742-2641

-----Original Message-----
From: "Andrea Foren" <aforen@ci.fayetteville.ar.us>
To: "marty@futurelinkit.com" <marty@futurelinkit.com>
Cc: "Brown, William" <wbrown@ci.fayetteville.ar.us>; "Foren, Andrea" <aforen@ci.fayetteville.ar.us>
Sent: 7/18/08 4:03 PM
Subject: Bid 08-53, Police Mobile Computer Systems - clarification requested

Marty,

Thank you for your bid. It appears that Future Link is the low apparent bid; however, we need to obtain some more information to further evaluate your bid. Our bid form instructed all bidders to mark "yes" or "no" to each specification for the project. This task was not completed in the bid submitted by Future Link. Can you please confirm via e-mail that you take no exceptions to the bid?

Thank you,
Andrea

Andrea Foren, CPPB
City of Fayetteville, Purchasing Agent
113 W. Mountain
Fayetteville, AR 72701
Phone: (479) 575-8220
aforen@ci.fayetteville.ar.us
www.accessfayetteville.org
P Please consider the environment before printing my e-mail

Lisa Branson - Fwd: A-Frame Sandwich/Menu Board Amendment

From: Sondra Smith
To: Branson, Lisa
Date: 8/5/2008 12:50 PM
Subject: Fwd: A-Frame Sandwich/Menu Board Amendment
Attachments: Sondra Smith.vcf

>>> Sondra Smith 8/5/2008 12:49 PM >>>
Hello all

Jeremy requested that this email be forwarded to you.

Sondra Smith
City Clerk
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701
(479) 575-8323
(479) 718-7695 (Fax)
ssmith@ci.fayetteville.ar.us

>>> Jeremy Pate 8/4/2008 3:37 PM >>>
Sondra,
Could you please send this to the Council members, as public comment I received regarding the proposed amendment to the sign ordinance?

thanks,
Jeremy

Jeremy C. Pate, APA, ASLA
Director of Current Planning
City of Fayetteville

>>> "Brandon Karn" <brandon@thebbbrrr.com> 8/1/2008 9:38 AM >>>

Jammin' Java supports the passing of the "A" frame sign proposal. As you know we are tucked back off the main square drive with little to no signage. Due to the downtown sign ordinances (which help keep the square area non intrusive to pedestri), we have used a heavy duty, professionally made "A" frame sign for the past couple years on and off. this helps drive business to our door. We keep the sign out of pedestrian walk way and take it inside the shop nightly. We are for this ordinance being restrictive to food establishments and any other guide lines such as approved dimensioons and materials; to keep Fayetteville's ambiance clean, non cluttered, and attractive.

thank you and feel free to contact me with any further questions or comments

brandon karn

Arkansas Democrat Gazette
NORTHWEST ARKANSAS EDITION
Northwest Arkansas Times
Benton County Daily Record
P. O. BOX 1607
FAYETTEVILLE, AR 72702
PHONE: 479-571-6421

AFFIDAVIT OF PUBLICATION

I, Cathy Wiles, do solemnly swear that I am Legal Clerk of the Arkansas Democrat Gazette newspaper. Printed and published in Benton County Arkansas, (Lowell) and that from my own personal knowledge and reference to the files of said publication, the advertisement of: City of Fayetteville Final Agenda Notice

August 4, 2008

Publication Charge : $195.18

Subscribed and sworn to before me
This 5 day of August , 2008.

Notary Public Elizabeth A. Jarvis

My Commission Expires: May 6, 2012

Do not pay from Affidavit, an invoice will be sent

ELIZABETH A. JARVIS
MY COMM. EXP.
NOTARY
PUBLIC
MAY 06, 2012
WASHINGTON CO., ARKANSAS

RECEIVED
AUG 06 2008
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

Final Agenda
City of Fayetteville Arkansas
City Council Meeting
August 5, 2008

Fayetteville
ARKANSAS

A meeting of the Fayetteville City Council will be held on August 5, 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:
Off Street Parking Improvement District No. 1 Board Vacancy: Approve the appointment of Tonya L. Patrick and George B. Morton (Appointed by the District and Approved by the City Council)
Washington County Regional Ambulance Committee Appointments: Appoint two people to the committee (Appointed by the City Council)
Agenda Additions:
Consent:
Approval of the July 1 and the July 15, 2008 City Council meeting minutes.
Arkansas Parks and Tourism Outdoor Recreation Grant: A resolution authorizing the Mayor to apply for an Arkansas Parks and Tourism Outdoor Recreation Grant in the amount of $150,000.00 for the development of the park property on Fairlane Drive.
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Two Police Officers
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Announcements:
City Council Tour: None
Adjournment:

RECEIVED
AUG 06 2008
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CITY CLERK'S OFFICE