

Aldermen

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith



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

**Final Agenda
City of Fayetteville Arkansas
City Council Meeting
September 4, 2007**

A meeting of the Fayetteville City Council will be held on September 4, 2007 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Sam's Club Presentation

A. CONSENT:

- 1. Disadvantaged Business Enterprise Program:** A resolution to accept and approve the updated Fayetteville Municipal Airport Disadvantaged Business Enterprise (DBE) program participation goal for FY2008.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 154-07.

- 2. Law Enforcement Firing Range Partnership:** A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and Washington County, Arkansas to build a new law enforcement firing range; and approving a budget adjustment in the amount of \$40,000.00 as the City of Fayetteville's share of the construction costs.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 155-07.

- 3. Powell Johnson Investments, LLC Donation:** A resolution accepting the donation of a golf cart from Powell Johnson Investments, LLC for use in the Fayetteville Police Department's DWI/DUI prevention program.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 156-07.

4. **Roll Off Service:** A resolution authorizing the Mayor to execute a contract with Roll Off Service, Inc. to haul and dispose of solid waste within the city limits of Fayetteville.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 157-07.

5. **Garney Companies, Inc:** A resolution approving a construction contract with Garney Companies, Inc. in the amount of \$1,393,880.00 for the replacement of the 2.6 mgd Mally Wagon Lift Station and 16-inch force main, WSIP Subproject EL-1; and approving an 8% contingency in the amount of \$110,000.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 158-07.

6. **Rosetta Construction, LLC:** A resolution approving a construction contract with Rosetta Construction, LLC in the amount of \$10,431,995.00 for construction of 26,458 feet of 42-inch gravity sewer pipeline, WSIP Subproject EL-2; and approving a 7% contingency in the amount of \$730,000.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 159-07.

B. UNFINISHED BUSINESS:

1. **Amend Ordinance 4971 (R-PZD 04-1307 Aspen Ridge):** An ordinance repealing and replacing Ordinance No. 4971, extending the expiration date for R-PZD 04-1307 (Aspen Ridge) to June 29, 2008. *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 ITEM WAS TABLED INDEFINITELY.

2. **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 ITEM WAS TABLED TO THE OCTOBER 2, 2007 CITY COUNCIL MEETING.

3. **ADM 07-2577 (Downtown Design Overlay District Architecture Standards):** An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 151: Definitions and Chapter 166: Development to adopt a Downtown Design Overlay District, Parking Garage Design Standards, DDOD Boundary Map and related definitions. *This ordinance was left on the First Reading at the August 23, 2007 City Council meeting.*

PASS AND SHALL BE RECORDED AS ORDINANCE NO. 5056.

NEW BUSINESS:

1. **Amend Chapter 177 Landscape Regulations:** An ordinance amending Chapter 177, Landscape Regulations, of the Unified Development Code to require minimum width of tree wells to be three feet and minimum area to be fifteen square feet when utilizing urban tree wells.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5057.

2. **R-PZD 07-2576 (Woodstock Community):** An ordinance establishing a residential planned zoning district titled R-PZD 07-2576, Woodstock Community, located south of Wedington Drive from 46th to Broyles Avenue; containing approximately 28.90 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.

3. **R-PZD 07-2634 (The Coves at Walnut Crossing):** An ordinance establishing a residential planned zoning district titled R-PZD 07-2634, The Coves at Walnut Crossing, located north of Highway 62 West and west of Walnut Crossing planned zoning district; containing approximately 50.40 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. 5058.

4. **ADM 07-2079 (Cultural Arts District Boundary):** A resolution to create a Cultural Arts District and specify its borders.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 160-07.

5. **ADM 07-2625 (Master Street Plan Update):** A resolution to adopt a revised Master Street Plan for Fayetteville including revised street cross sections.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 161.07.

6. **Amend Chapter 96 Noise Ordinance:** An ordinance to Amend §96.05 Motor Vehicle and Motorcycle Sound limit by adding a new Subsection (E) to prohibit excessive engine revving.

THIS ITEM WAS TABLED TO THE SEPTEMBER 18, 2007 CITY COUNCIL MEETING.

C. INFORMATIONAL:

City Council Tour: None

Meeting adjourned at 8:35 p.m.

Adjourn 8:35 PM

Subject: Roll					
Motion To:					
Motion By:					
Seconded:					
Robert Rhoads arrived at 6:05 PM Kyle Cook was Absent	Gray	✓			
	Thiel	✓			
	Cook	Absent			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Mayor Coody	✓			

Subject: Consent					
Motion To:		Approve			
Motion By:		Jordan			
Seconded:		Gray			
<u>Passed</u> Res. 154-07 to 159-07	Gray	✓			
	Thiel	✓			
	Cook	Absent			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Mayor Coody				

Subject: Amend Ordinance 4971 R-PZD 04-1307 Aspen Ridge					
Motion To:		Table Indefinitely			
Motion By:		Thiel			
Seconded:		Gray			
B.1. Unfinished	Gray	✓			
	Thiel	✓			
	Cook	Absent			
Tabled Indefinitely	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Mayor Coody				

7-0

Subject: Boardwalk Property Owners Association					
Motion To:		Table for 4 Weeks			
Motion By:		Gray			
Seconded:		Thiel			
B.2. Unfinished	Gray	✓			
	Thiel	✓			
	Cook	Absent			
Tabled to October 2, 2007	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Mayor Coody				

7-0

Subject: ADM 07-2577 Downtown Design Overlay District					
Motion To:		2nd Read	3rd read	Pass	Architecture Standards
Motion By:		Gray	Gray		
Seconded:		Ferrell	Thiel		
B.3. <u>Unfinished</u> <u>Passed</u> 5056	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	Absent	Absent	Absent	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Mayor Coody				
		7-0	7-0	7-0	

Subject: Amend Chapter 177 Landscape Regulations					
Motion To:		2nd Read	3rd read	Pass	
Motion By:		Jordan	Jordan		
Seconded:		Lucas	Lucas		
C. 1. <u>New Business</u> <u>Passed</u> 5057	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	Absent	absent	absent	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Mayor Coody				
		7-0	7-0	7-0	

Subject: R-PZD 07-2576 Woodstock Community					
Motion To:		2nd Read			
Motion By:		Jordan			
Seconded:		Lucas			
C.2. New Business Left on the Second Reading	Gray	✓			
	Thiel	✓			
	Cook	Absent			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Mayor Coody				
7-0					

Subject: R-PZD 07-2634 The Coves at Walnut Crossing					
Motion To:		2nd Read	3rd Read	Pass	Crossing
Motion By:		Jordan	Jordan		
Seconded:		Lucas	Lucas		
C.3. New Business Passed 5058	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	Absent	absent	Absent	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Mayor Coody				
		7-0	7-0	7-0	

Subject: ADM 07-2079 Cultural Arts District Boundary					
Motion To:		Approve			
Motion By:		Gray			
Seconded:		Ferrell			
C.4, New Business <u>Passed</u> 160-07	Gray	✓			
	Thiel	✓			
	Cook	Absent			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Mayor Coody				

7-0

Subject: ADM 07-2625 Master Street Plan Update					
Motion To:		Amend the Exhibit	Approve		
Motion By:			Jordan		Amber Hyde
Seconded:			Rhoads		
C.5. New Business <u>Passed</u> 161-07	Gray	✓	✓		
	Thiel	✓	✓		
	Cook	absent	Absent		
	Allen	✓	✓		
	Rhoads	✓	✓		
	Ferrell	✓	✓		
	Lucas	✓	✓		
	Jordan	✓	✓		
	Mayor Coody				

7-0

7-0

Subject: Amend Chapter 96 Noise Ordinance					
Motion To:		2nd Read	3rd read	Table to next meeting	
Motion By:		Thiel	Gray	Allen	
Seconded:		Gray	Thiel	Jordan	
New Business C. 6. Tabled to 9/18/07	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	Absent	Absent	absent	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Mayor Coody				
		7-0	7-0	7-0	

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

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



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Roll Call
Pledge of Allegiance**

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C. NEW BUSINESS:

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D. INFORMATIONAL:

City Council Tour: None

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

7-Aug-07
City Council Meeting Date

Jeremy Pate 
Submitted By

Planning
Division

Operations
Department

Action Required:

Approval of a waiver from the Unified Development Code Ch. 166.20 Expiration of Approved Plans and Permits, to permit an extension for the Aspen Ridge Planned Zoning District until June 29, 2008.

\$0.00

n/a

n/a

Cost of this request

Category/Project Budget

Program Category / Project Name

n/a

n/a

n/a

Account Number

Funds Used to Date

Program / Project Category Name

n/a

n/a

n/a

\$

-

Project Number

Remaining Balance

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐


Department Director

7-23-07
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a


City Attorney

7-20-07

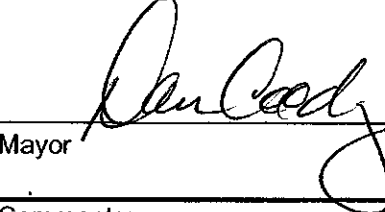
Original Contract Number: n/a

Paul A. Boehr
Finance and Internal Service Director

7-20-07
Date

Received in City Clerk's Office

ENTERED
7/20/07


Mayor

7/23/07
Date

Received in Mayor's Office

ENTERED
7/23/07

Comments:

Left on the second reading 8/23/07
Left on the first reading 8/7/07

Town Creek Construction & Development

RE: Aspen Ridge Townhomes

June 28, 2006 ~~7~~

113 W. Mountain
Fayetteville, AR

Dear Mr. Pate,

On December 28th of last year we requested an extension on the requirement for obtaining our building permits at Aspen Ridge. Following this request we completed the installation of the city streets and sidewalks in Phase I of our project. During this period we also have been working to settle the situation with our prior general contractor, who had allowed the project to fall several months behind schedule before their termination. This has unfortunately caused us to be unable to meet our obligation on the building permit extension time.

As you may remember from when we first took this project through city council. We had spent several years purchasing and cleaning up the 29 separate parcels of land that made up this project. This development has helped promote one of the cities top priorities of revitalizing the south Fayetteville area. As Mayor Dan Coody mentioned during our opening ceremony, this project has provided the city with an upgraded sewer system, along with a re-development of the site and the surrounding area.

With the current market conditions and the delay by the prior contractor, we would like to request an extension of 12 months to complete the building permit requirement. The difficulties that have arisen during this process have been reflected in several other projects in town and throughout the nation.

We would again like to thank you for your consideration of this matter and we will be working very hard to resolve the current issues, so we can proceed with this project in a timely manner.

Sincerely,

Hal Forsyth
President
Town Creek Construction & Development, LLC

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 17, 2007

Subject: Aspen Ridge Planned Zoning District Expiration

RECOMMENDATION

Planning staff recommends approval of an ordinance repealing and replacing Ordinance No. 4971, waiving the Unified Development Code, §166.20 *Expiration of Approved Plans and Permits* for Aspen Ridge R-PZD and extending the expiration date for R-PZD 04-1307 (Aspen Ridge), with the condition that all building permits be obtained by the applicant prior to June 29, 2008 or the project shall return through the Planned Zoning District review process, in accordance with the ordinances in place at the time of submittal.

BACKGROUND

The subject property contains approximately 27.929 acres, located in south Fayetteville, near the intersection of Hill Avenue and 6th Street. The City Council adopted an ordinance granting approval of a Planned Zoning District (R-PZD 04-1307) on the site on January 18, 2005. The combination zoning and development action allowed for the development of 220 condominium units in two phases, along with dedication of 0.86 acres for parkland and 0.36 acres of land for construction of a public trail through an old railroad corridor. A large tree preservation and deed-restricted wetland area along the floodplain of the on-site creek is also integrated with the project.

The subject Planned Zoning District was approved in January of 2005, prior to the adoption of the current Planned Zoning District Ordinance that allows for larger projects to request a more reasonable period of time in which to obtain building permits. When this project was approved, there was in place a blanket one-year time period in which to obtain all building permits associated with the project. The one-year time frame expired in January of 2006; the City Council approved an ordinance permitting an extension of that time frame for all building permits to be obtained by December 31, 2006. In January of 2007 the City Council waived UDC 166.20 to allow for a 180-day extension for building permits to be obtained by June 29, 2007 (Ordinance No. 4971). On June 28, 2007 the applicant submitted a letter to the Planning Division requesting an additional one year extension within which to obtain all building permits, otherwise the project (and PZD zoning) will be null and void.

The applicant has installed a great deal of the required public infrastructure for this project, including most streets, sidewalks, curb and gutter, storm drainage, etc. All of the city streets and sidewalks for Phase I of the project have been installed. However, in order for the applicant to obtain building permits for the project, all public improvements have to be installed or guaranteed. The resulting guarantee in the form of a letter of credit, cash, or bond approaches \$500,000. All other requirements to obtain building permits for this project have been met. The applicant has indicated several issues with contractors and current market conditions have created delays in the past year.

Staff would support a waiver from the Unified Development Code to allow for this project to continue in the process of obtaining building permits without having to halt all construction and process a new Planned Zoning District application through the development review process, also meeting all new submittal requirements. We feel it is evident the applicant/developer is actively pursuing the development of this project, which was the intent of the ordinance adoption, and it is not the applicant's intent to leave this project unfinished. Staff proposes a time limit on the extension of the approval of approximately one year to expire on June 29, 2008. All building permits for Aspen Ridge PZD would have to be obtained for this project by that date, or the approvals would expire without the ability to request renewal by the Planning Commission.

DISCUSSION

None.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE REPEALING AND
REPLACING ORDINANCE NO. 4971,
EXTENDING THE EXPIRATION DATE FOR R-
PZD 04-1307 (ASPEN RIDGE) TO JUNE 29,
2008.

WHEREAS, after the Aspen Ridge R-PZD was approved in 2004 the City Council amended the Planned Zoning District ordinance to allow a greater period of time for large and complex projects to obtain building permits; and

WHEREAS, Aspen Ridge PZD is such a large R-PZD that construction of all necessary public improvements, such as streets, sidewalks, trails, water and sewer mains and other infrastructure improvements, could not be accomplished within the period of time granted; and

WHEREAS, the developer of Aspen Ridge has shown considerable progress in recent months in completing public improvements, and building permits are expected to be issued in the near future;

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 Ordinance No. 4971 that extended the approved plans to June 29, 2007.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby extends the expiration date of R-PZD 04-1307 (Aspen Ridge) adopted on January 18, 2005 for the applicant to obtain all building permits by June 29, 2008.

PASSED and APPROVED this ___ day of ___, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk

ORDINANCE NO. 4971

**AN ORDINANCE REPEALING AND REPLACING ORDINANCE
NO. 4848, EXTENDING THE EXPIRATION DATE FOR R-PZD 04-
1307 (ASPEN RIDGE) TO JUNE 29, 2007**

WHEREAS, after the Aspen Ridge R-PZD was approved in 2004 the City Council amended the Planned Zoning District ordinance to allow a greater period of time for large and complex projects to obtain building permits; and

WHEREAS, Aspen Ridge PZD is such a large R-PZD that construction of all necessary public improvements, such as streets, sidewalks, trails, water and sewer mains and other infrastructure improvements, could not be accomplished within the period of time granted; and

WHEREAS, the developer of Aspen Ridge has shown considerable progress in recent months in completing public improvements, and building permits are expected to be issued in the near future;

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

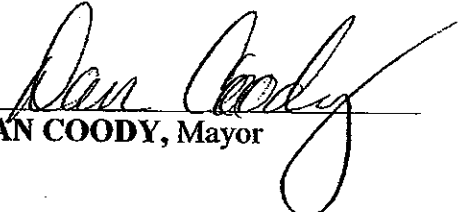
Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals and replaces Ordinance No. 4848 that extended the approved plans to December 31, 2006.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby extends the expiration date of R-PZD 04-1307 (Aspen Ridge) adopted on January 18, 2005 for the applicant to obtain all building permits by June 29, 2007.

PASSED and APPROVED this 2nd day of January, 2007.

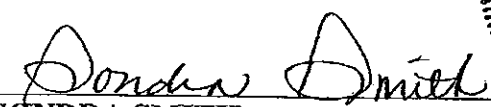
APPROVED:

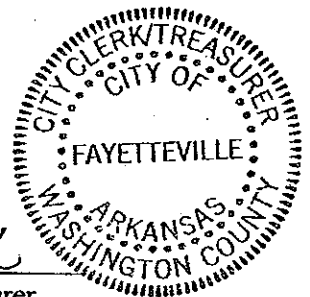
By:


DAN COODY, Mayor

ATTEST:

By:


SONDRA SMITH, City Clerk/Treasurer



Added at Agenda Session 12/28/06

ALDERMAN AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF January 02, 2007

FROM: Brenda Thiel

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

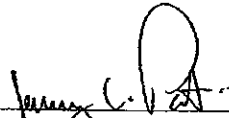
Aspen Ridge Planned Zoning District - Project Extension

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO.
4848, EXTENDING THE EXPIRATION DATE FOR R-PZD 04-1307
(ASPEN RIDGE)

APPROVED FOR AGENDA:


Alderman

12/28/06
Date


Jeremy Pate
Director of Current Planning

12-28-06
Date

**CITY COUNCIL
APPROVED**

DATE: 01.02.07
JP

Town Creek Construction & Development

RE: Aspen Ridge Townhomes

December 28, 2006

113 W. Mountain
Fayetteville, AR

Dear Alderwoman Thiel,

We would like to request an extension on the requirement for obtaining our building permits at our Aspen Ridge Project, located at 6th & Hill Ave in Fayetteville. We are currently completing the sidewalks on Phase I and we are working on the entrance area for Phase II.

The contractor that was formally employed by us has delayed the project. The site work subcontractor and the general contractor was unable to complete the work on time, due to poor performance and other delays from their lack of management on the project. Both of these companies have been terminated and we are currently working with new contractors for the remaining work.

We are requesting an extension of 180 days to complete all of the remaining civil work required. The landscaping around the buildings will be finished as the buildings are completed. We will also pave each of the alleyways as we complete each building section.

We appreciate your consideration in this matter and we are very excited about the future of this project. The continued improvements in the southern corridor of Fayetteville will greatly enhance all of the citizens of this area.

Sincerely,

Hal Forsyth
President
Town Creek Construction & Development, LLC

NOTED & FILED
CLERK OF COURT
JAN 2 2007

City Council Meeting of January 02, 2007
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning *JK*

Date: December 28, 2006

Subject: Aspen Ridge Planned Zoning District Expiration

RECOMMENDATION

Planning staff recommends approval of an ordinance repealing and replacing Ordinance No. 4848, waiving the Unified Development Code, *§166.20 Expiration of Approved Plans and Permits* for Aspen Ridge R-PZD and extending the expiration date for R-PZD 04-1307 (Aspen Ridge), with the condition that all building permits be obtained by the applicant prior to June 29, 2007 or the project shall return through the Planned Zoning District review process, in accordance with the ordinances in place at the time of submittal.

BACKGROUND

The subject property contains approximately 27.929 acres, located in south Fayetteville, near the intersection of Hill Avenue and 6th Street. The City Council adopted an ordinance granting approval of a Planned Zoning District (R-PZD 04-1307) on the site on January 18, 2005. The combination zoning and development action allowed for the development of 220 condominium units in two phases, along with dedication of 0.86 acres for parkland and 0.36 acres of land for construction of a public trail through an old railroad corridor. A large tree preservation and deed-restricted wetland area along the floodplain of the on-site creek is also integrated with the project.

The subject Planned Zoning District was approved in January of 2005, prior to the adoption of the current Planned Zoning District Ordinance that allows for larger projects to request a more reasonable period of time in which to obtain building permits. When this project was approved, there was in place a blanket one-year time period in which to obtain all building permits associated with the project. The one-year time frame expired in January of 2006; the City Council approved an ordinance permitting an extension of that time frame for all building permits to be obtained by December 31, 2006, thus if all building permits are not obtained by this date, the project (and PZD zoning) will be null and void.

The applicant has installed a great deal of the required public infrastructure for this project, including most streets, sidewalks, curb and gutter, storm drainage, etc. However, in order for the applicant to obtain building permits for the project, all public

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Agenda Item Number

improvements have to be installed or guaranteed. The resulting guarantee in the form of a letter of credit, cash, or bond approaches \$500,000. All other requirements to obtain building permits for this project have been met. The applicant has indicated several issues with contractors have created delays in the past year.

Staff would support a waiver from the Unified Development Code to allow for this project to continue in the process of obtaining building permits without having to halt all construction and process a new Planned Zoning District application through the development review process, also meeting all new submittal requirements. We feel it is evident the applicant/developer is actively pursuing the development of this project, which was the intent of the ordinance adoption, and it is not the applicant's intent to leave this project unfinished. Staff proposes a time limit on the extension of the approval of approximately 180 days to expire on June 29, 2007. All building permits for Aspen Ridge PZD would have to be obtained for this project by that date, or the approvals would expire without the ability to request renewal by the Planning Commission.

DISCUSSION

None.

BUDGET IMPACT

None.

ORDINANCE NO. _____

**AN ORDINANCE REPEALING AND
REPLACING ORDINANCE NO. 4848,
EXTENDING THE EXPIRATION DATE FOR R-
PZD 04-1307 (ASPEN RIDGE) TO JUNE 29,
2007.**

WHEREAS, after the Aspen Ridge R-PZD was approved in 2004 the City Council amended the Planned Zoning District ordinance to allow a greater period of time for large and complex projects to obtain building permits; and

WHEREAS, Aspen Ridge PZD is such a large R-PZD that construction of all necessary public improvements, such as streets, sidewalks, trails, water and sewer mains and other infrastructure improvements, could not be accomplished within the period of time granted; and

WHEREAS, the developer of Aspen Ridge has shown considerable progress in recent months in completing public improvements, and building permits are expected to be issued in the near future;

**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 Ordinance No. 4848 that extended the approved plans to December 31, 2006.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby extends the expiration date of R-PZD 04-1307 (Aspen Ridge) adopted on January 18, 2005 for the applicant to obtain all building permits by June 29, 2007.

PASSED and APPROVED this ___ day of ___, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk

ORDINANCE NO. 4848

**AN ORDINANCE TO WAIVE § 166.20 EXPIRATION OF
APPROVED PLANS AND PERMITS FOR R-PZD 04-1307
(ASPEN RIDGE)**

WHEREAS, after the Aspen Ridge R-PZD was approved the City Council amended §166.20 to allow a greater period of time before an approved PZD must have all building permits issued; and

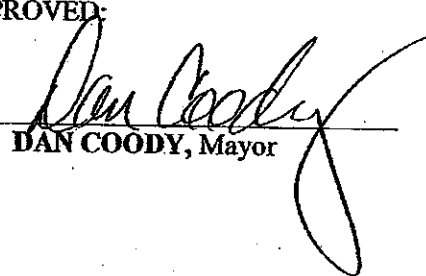
WHEREAS, Aspen Ridge is such a large R-PZD that construction of the streets, water mains, sewer mains, sidewalks, trail and other infrastructure improvements could not be accomplished so that all building permits could be obtained within one year of approval.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby waives the one year time limitation of R-PZD 04-1307 (Aspen Ridge) adopted on January 18, 2005 to obtain all building permits and extends that period to December 31, 2006.

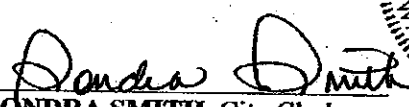
PASSED and APPROVED this 21st day of March, 2006.

APPROVED:

By: 

DAN COODY, Mayor

ATTEST:

By: 

SONDRA SMITH, City Clerk



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

3/21/06
4848
Waive 16620/
R-PZD 04-1307

21-Mar-06
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

Approval of a waiver from the Unified Development Code Ch. 166.20 Expiration of Approved Plans and Permits, to permit an extension for the Aspen Ridge Planned Zoning District until December 31, 2006.

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

Budgeted Item ☐

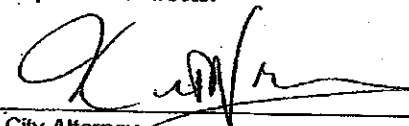
Budget Adjustment Attached ☐


Department Director
3-2-06
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

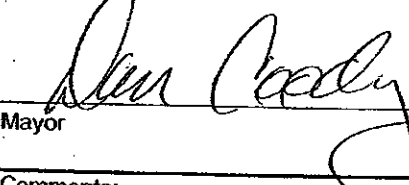
Original Contract Number: n/a


City Attorney
3-6-06
Date

Received in City Clerk's Office
ENTERED
3/6/06


Finance and Internal Service Director
3-6-06
Date

Received in Mayor's Office
ENTERED
3/6/06


Mayor
3/6/06
Date

Comments:



Crafton, Tull & Associates, Inc.

901 N. 47th Street, Suite 200, Rogers, AR 72756 479.636.4838 Fax: 479.631.6224 www.crafttull.com

March 2, 2006

Mr. Jeremy Pate
Senior Planner
City of Fayetteville
125 West Mountain Street
Fayetteville, AR 72701

RE: PZD Expiration
Aspen Ridge
CTA Job No. 021111-00

Dear Mr. Pate:

On behalf of Mr. Hal Forsyth (a.k.a. Town Creek Construction & Development LLC), we request the city council's consideration to allow the construction of the Aspen Ridge project to continue. The approval for this project was conditioned on the PZD only being valid for one calendar year, and the approval was granted by the city council on January 18, 2005. The city staff approved the infrastructure construction plans on May 2, 2005 and construction proceeded shortly after that. Construction has continued steadily since that time, with the infrastructure on Phase I now nearing completion and work on the Phase II earthwork, drainage, utilities and streets on-going.

As you know, Aspen Ridge is a large and very complex project. Due to the size and complexity, completion of the project within a year of the PZD approval was not possible. Mr. Forsyth intends to obtain building permits for all of the buildings no later than December 31, 2006.

We appreciate your assistance with this project and ask that the city council look favorably on this request. When completed, we believe Aspen Ridge will be one of the premier housing developments in the region, aiding the city in its goal to revitalize south Fayetteville and setting a high standard for quality in the city.

Sincerely,

Crafton, Tull & Associates, Inc.

Matt Crafton, P.E.
Chief Operating Officer

A r c h i t e c t s , E n g i n e e r s & S u r v e y o r s

ORDINANCE NO. 467.2

AN ORDINANCE ESTABLISHING A RESIDENTIAL
PLANNED ZONING DISTRICT TITLED R-PZD 04-1307,
ASPEN RIDGE LOCATED SOUTH OF 6TH STREET,
WEST OF HILL AVENUE, NORTHEAST OF 11TH
STREET ALONG TOWN BRANCH CREEK
CONTAINING APPROXIMATELY 27.969 ACRES,
MORE OR LESS; AMENDING THE OFFICIAL ZONING
MAP OF THE CITY OF FAYETTEVILLE; AND
ADOPTING THE ASSOCIATED RESIDENTIAL
DEVELOPMENT PLAN AS APPROVED BY THE
PLANNING COMMISSION

**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 04-1307 as shown in Exhibit "A" attached
hereto and made a part hereof.

Section 2: That the change in zoning classification is based upon the approved
master development plan and development standards as shown on the plat and approved by
the Planning Commission on December 13, 2004.

Section 3: That this ordinance shall take effect and be in full force at such time as
all of the requirements of the 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 18th day of January, 2005.

APPROVED:

By:

Dan Coody
DAN COODY, Mayor

By:

Sondra Smith
SONDRA SMITH, City Clerk



EXHIBIT "A"
R-PZD 04-1307

PART OF THE SOUTH ½ OF THE SW ¼ OF SECTION 16, AND A PART OF THE NORTH ½ OF THE NW ¼ OF SECTION 21, T-16-N, R-30-W, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING A THE NORTHWEST CORNER OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SAID SECTION 21, SAID POINT BEING AN EXISTING IRON PIPE; THENCE S87°04'09"E ALONG THE NORTH LINE OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SAID SECTION 21 A DISTANCE OF 5.92 FEET TO THE POINT OF BEGINNING; THENCE S87°04'09"E 418.49 FEET; THENCE S02°49'04"W 514.14 FEET; THENCE N87°04'09"W 424.40 FEET TO A SET ½" REBAR; THENCE S02°49'04"W 204.82 FEET; THENCE SOUTH 87°04'09"E 139.00 FEET; THENCE S02°48'48"W 293.00 FEET TO A SET ½" IRON REBAR; THENCE N87°05'54"W 183.58 FEET TO AN EXISTING IRON; THENCE S02°48'00"W 181.27 FEET; THENCE S87°04'02"E 84.31 FEET; THENCE S02°40'05"W 79.86 FEET; THENCE S37°07'40"E 39.06 FEET THENCE S07°40'05"W 15.00 FEET; THENCE N87°18'29"W 65.13 FEET THENCE S02°40'17"W 13.01 FEET; THENCE N87°13'13"W 222.57 FEET; THENCE N02°39'07"E 98.08 FEET; THENCE N87°11'50"W 222.77 FEET; THENCE N87°13'26"W 514.88 FEET TO AN EXISTING IRON ON THE EAST RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN RAILROAD; THENCE ALONG THE EAST RIGHT OF WAY LINE OF SAID RAILROAD N35°29'31"E 52.81 FEET; THENCE N32°17'21"E 103.24 FEET; THENCE N28°25'22"E 103.51 FEET; THENCE N24°16'00"E 103.08 FEET; THENCE N21°19'30"E 102.24 FEET; THENCE N18°44'44"E 102.31 FEET; THENCE N17°42'23"E 150.90 FEET; THENCE N19°09'44"E 46.21 FEET; THENCE N19°55'12"E 130.59 FEET; THENCE N24°20'10"E 111.27 FEET; THENCE N28°56'24"E 112.03 FEET; THENCE N33°22'01"E 78.14 FEET; THENCE N36°27'09"E 61.08 FEET; THENCE N40°40'51"E 107.01 FEET; THENCE S86°14'53"E 62.45 FEET TO AN EXISTING IRON ON A 1381.79 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHEASTERLY ALONG SAID RIGHT OF WAY AND CURVE 417.54 FEET, THE CHORD FOR WHICH BEING N51°38'45"E 415.96 FEET, TO AN EXISTING ARKANSAS HIGHWAY COMMISSION RIGHT OF WAY MONUMENT ON THE SOUTH LINE OF ARKANSAS HIGHWAY 180 (WEST 6TH STREET); THENCE ALONG THE SOUTH RIGHT OF WAY LINE OF SAID HIGHWAY S87°41'42"E 40.98 FEET TO AN EXISTING AHC MONUMENT; THENCE S87°40'49"E 26.16 FEET TO AN EXISTING AHC MONUMENT; THENCE S88°18'0"E 3.15 FEET; THENCE LEAVING SAID RIGHT OF WAY S01°44'50"W 153.30 FEET; THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 315.50 FEET AND A DISTANCE OF 81.06 FEET; THENCE S16°28'1"W 8.54 FEET; THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 215.50 FEET A DISTANCE OF 40.68 FEET TO THE POINT OF BEGINNING, CONTAINING 27.969 ACRES, MORE OR LESS, FAYETTEVILLE, ARKANSAS. THE ABOVE DESCRIBED 27.969 ACRE TRACT BEING SUBJECT TO THE RIGHT OF WAY OF DUNCAN AVENUE, ANDERSON PLACE, HILL AVENUE AND ALL EASEMENTS AND/OR RIGHTS OF WAY OF RECORD.

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Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 - Robert Reynolds
Ward 1 Position 2 - Brenda Thiel
Ward 2 Position 1 - Kyle B. Cook
Ward 2 Position 2 - Don Marr
Ward 3 Position 1 - Robert K. Rhoads
Ward 3 Position 2 - Bobby Ferrell
Ward 4 Position 1 - Shirley Lucas
Ward 4 Position 2 - Lioneld Jordan

**City Council
Meeting Minutes
January 18, 2005**

A meeting of the Fayetteville City Council was held on January 18, 2005 at 6:00 p.m. 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 Reynolds, Thiel, Cook, Marr, Rhoads, Ferrell, Lucas, Jordan, Mayor Coody, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

State of the City Address:

Mayor Dan Coody gave the State of the City Address. A copy of the address is attached.

Election of the Vice Mayor:

Alderman Lucas moved to appoint Alderman Jordan to serve as Vice Mayor. Alderman Marr seconded the motion. Upon roll call the City Council unanimously voted for Alderman Jordan to become Vice Mayor.

Board Appointments by the Fayetteville Housing Authority Board: Robin Ross & Deborah Olsen:

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Alderman Marr moved to approve the Housing Authority Board appointments. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.

CONSENT:

Approval of the Minutes: Approval of the December 7, 2004, December 28, 2004, January 4, 2005, and January 6, 2005 City Council meeting minutes.

The January 4, 2005 and the January 6, 2005 meeting minutes were pulled from the agenda.

ESRI, Inc. Annual Maintenance Agreement: A resolution approving the annual maintenance agreement in the amount of \$28,124.72 with ESRI, Inc. for Geographic Information System (GIS) software maintenance and upgrades.

Resolution 09-05 as Recorded in the Office of the City Clerk.

Hansen Technology, Inc. Purchase Request: A resolution approving a purchase request to Hansen Technology, Inc. in the amount of \$55,086.88 for 2005 service and maintenance fees.

Resolution 10-05 as Recorded in the Office of the City Clerk.

Pumping Unit Purchase: A resolution approving the purchase of one (1) portable, hydraulic-powered centrifugal pumping unit from Thompson Pump and Manufacturing Co., Inc. in the amount of \$24,431.50.

Resolution 11-05 as Recorded in the Office of the City Clerk.

McClelland Consulting Engineers, Inc. Contract (Wedington Drive): A resolution approving a contract with McClelland Consulting Engineers, Inc. in an amount not to exceed \$54,000.00 for survey and preliminary design services for water and sewer relocation for highway improvements to Wedington Drive.

Resolution 12-05 as Recorded in the Office of the City Clerk.

McClelland Consulting Engineers, Inc. Contract (Razorback Road): A resolution approving a contract with McClelland Consulting Engineers, Inc. in an amount not to exceed \$22,800.00 for survey and preliminary design services for water and sewer relocation for highway improvements to Razorback Road.

Resolution 13-05 as Recorded in the Office of the City Clerk.

Police Vehicle Purchase: A resolution authorizing the purchase of thirteen (13) Ford Crown Victoria Police Interceptors from the North Point Ford of Little Rock at a total cost of \$261,989.00.

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Resolution 14-05 as Recorded in the Office of the City Clerk.

Insituform Technologies, Inc. Contract Renewal: A resolution approving a contract renewal with Insituform Technologies, Inc.; and authorizing the expenditure of an amount not to exceed \$338,250.00 for sanitary sewer lining services.

Resolution 15-05 as Recorded in the Office of the City Clerk.

South Fayetteville Community Development Corporation Fee Waiver: A resolution to waive the building permit fee and other developmental fees for homes to be constructed by the South Fayetteville Community Development Corporation.

Resolution 16-05 as Recorded in the Office of the City Clerk.

Alderman Jordan moved to approve the Consent Agenda with the January 4 and January 6 meeting minutes removed. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.

UNFINISHED BUSINESS:

RZN 04-1330 (Dunnerstock): An ordinance rezoning that property described in Rezoning Petition RZN 04-1330 for property located on the west side of Ruppel Road containing approximately 19.84 acres from RSF-1, Residential Single Family, One Unit per Acre to RSF-4, Residential Single Family, Four Units per Acre. *This ordinance was left on the second reading at the January 4, 2005 City Council Meeting.*

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

Mr. Williams read the ordinance.

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

Ordinance 4671 as Recorded in the Office of the City Clerk.

R-PZD 04-1307 (Aspen Ridge): An ordinance establishing a Residential Planned Zoning District titled R-PZD 04-1307, Aspen Ridge located south of 6th Street, west of Hill Avenue, northeast of 11th Street along Town Branch Creek containing approximately 27.969 acres, more or less; amending the Official Zoning Map of the City of Fayetteville; and Development Plan as approved by the Planning Commission. *This ordinance was left on the second reading at the January 4, 2005 City Council Meeting.*

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

Mr. Williams read the ordinance.

Alderman Cook stated he would have to recuse from this vote.

Alderman Thiel: I would like to compliment Mr. Broyles, the owners and the other developers of this project. They have gone out of their way; I think Mr. Broyles has in particular, visiting with the neighborhood and addressing the impact of the stream. They have also worked with the Audubon representatives on ways they can protect and enhance the water way. I have had and the neighborhood has had a lot of concerns about potential flooding at this project. The more I have visited with Mr. Broyles and looked at this project, we have to depend upon the engineers that they will design this properly. The city has a good staff of engineers that will oversee this project. They have to guarantee that they will not increase the problem; they can't guarantee that they will make it better but they have to guarantee that their project will not increase it. One thing that has been pointed out is that the water way will probably, through this project, stay much cleaner than it has over the past few years. Some of the debris and so forth that gets in this water way contributes to some of the flooding downstream. I think that in itself is valuable that the stream will be kept cleaner. I at this point will probably support this project. I think it will certainly enhance that neighborhood. I am really glad that most of the project is going to be owner occupied; I think that complements that neighborhood.

Mitch Woody: I am all for this project. Most of the residents that live around there feel like it is a lot better to have beautiful town homes than to have what was there before. The Planning Commission, Mayor and city officials have done a lot of hard work to make this project go through. As a former real estate broker from Texas I can appreciate that hard work.

He handed out a packet to the City Council that showed the extension of Brooks Avenue from Phase 2 of Aspen Subdivision. It shows that Brooks Avenue will be built and tie in with Twelfth Street. He said there are 12 families living on Twelfth Street and that they are very happy with the way it is now but progress has to go on. It is a dead end street right now. He is concerned with the possibility of in the future extending Brooks Street all the way to Fifteen Street. Originally when the subdivision was platted to show the street, Brooks Avenue was going all the way to Fifteenth Street, it was vacated back to the property owner in 1993. He said as it stands right now the only options that we have would be to tie it in with Twelfth Street which wouldn't be that bad.

Mr. Woody explained the map that he presented to the City Council and the different routes around this area. He also discussed the traffic study that was completed in this area. He stated he did not feel the numbers were accurate. He stated the engineers are from Little Rock and it is difficult for them to tell what the traffic flow actually is. He stated he is concerned about their numbers.

I am not here to try to put a halt to this. I believe the project should go through rapidly. I just wanted to let everyone know how we feel around the neighborhood. Mayor Coody indicated

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today that Mr. Dumas and Mr. Pate were going to try to put together a package for the Mayor so the Mayor could contact Pinnacle at some future date and see if they wouldn't agree to donate a strip of land through there for the street. Of course we couldn't ask the developer to come back and put a street in after everything is already done. Mr. Dumas suggested that the City might later put in a street through a street improvement project. It is really needed. I would like to thank the Mayor for working with us and talking to Pinnacle.

Mayor Coody: I did hear from Pinnacle this afternoon and they said the immediate answer was no but they were going to kick it up the chain of command.

Mitch Woody: Whatever you can do in the future. I would hope that the City Council would agree that that street is needed. Thank you so much. I know it is a lot of hard work and this is a great project.

Aubrey Sheppard a resident of the neighborhood: I agree with most everything everybody said. I was asked the last time I was here who has problems with this. I said a lot of people feel that if they take the trouble to come down they do not think they will be listened to. That is a fact. I talked to one lady and she stated if she comes here and tells people how close that water came to her house three different times last year and she decides to move and sell, she might not be able to sell her home because the water goes almost out to the street without getting in her house. Just a little bit of change in the floodplain up stream could make that difference that is something hard to guarantee. It is close to being dangerous anytime you live in a floodplain or very near one. When these houses were built it wasn't a dangerous situation because we didn't have all the paving on the University campus or a lot of things built up there. Each project that is done from now on and as it has been for years will increase, as it has, the potential of flooding downstream. That is why we spoke with Mr. Broyles many times and with this Council about the significance of being sure that we don't increase it at all if possible. We can't keep a 10 inch rain from coming and we can't guarantee it won't get up a little higher than it ever has even now. It is sort of like the global warming argument even if mankind's acts are not causing it then maybe we still need to be sure that what we do choose to do doesn't aggravate it, if it is occurring naturally. We know it is occurring for some reason.

He showed the Council some photographs of the property and the water that floods the property.

Alderman Rhoads: Are these the same photographs that are on your website?

Aubrey Sheppard: One of these is on the website the other one isn't.

Alderman Rhoads: Mr. Sheppard are you contending that you are very certain that because of this development that all these things are going to happen. That people's homes are going to be flooded or that it is just a possibility.

Aubrey Sheppard: Three times last year the water got very near property.

Alderman Rhoads: Are you contenting it is just a possibility or are you fairly certain that it is going to happen?

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Aubrey Sheppard: Well, I don't make it rain so I am not going to make it happen but rain comes and if it should come as it did three times last year and get out of the banks then it's basically a slew parallel to the town branch.

Alderman Rhoads: Have you talked to the developers about this issue?

Aubrey Sheppard: Sure. We talked about it first last April as I recall.

Alderman Rhoads: What did they say?

Aubrey Sheppard: They are hoping their engineers get it right so that it can't happen. What I was pointing out, that I am not sure the engineers concluded, was that the over flow when the creek gets up as it did last year, then the water gets out there. If that doesn't occur, water goes down stream faster.

Mayor Coody: Mr. Sheppard what is your recommendation to the City Council? Are you asking the Council to deny the development?

Aubrey Sheppard: Not at all. I am not sure I am doing anything but maybe talking about the future. When you look at developments and when your engineers get plans in, in a water shed area that may not be identified on a map as an over flow or flood plain area it may not say wet land. The Corp of Engineers and the Department of Environmental Quality get their information from what the engineers give them from the site. I think they are hoping that it will not cause any problems. I don't think that they would willingly create that problem. I would ask them to adjust those plans a little bit to see that as much of the flood plain is there to allow the water to flow as it does now. That could possibility help the situation.

Mayor Coody: I know this development has been in the works for about two years and they have done a lot of changing to the plans. They have worked with our storm water engineers and the neighborhood extensively to make something that would be palatable to pretty much everyone.

Aubrey Sheppard: Some of us in the neighborhood have tried to be available every chance we had to visit with them and look at things with them and they have been very good about that, this is not a complaint about that at all. Planning Commission when this was finally announced put one sign on Sixth Street, that didn't show the people that there was development coming anywhere else down the street or anywhere connected to it. So, people didn't know they should come to comment except when they were told it would affect them. There was one story in one of the newspapers that actually mentioned the limits of this development site. I would say we need to notify more people not just adjacent property owners. Thank you.

Mary Bassett, owner of Bassett Mix Real Estate Company stated she appreciated the opportunity to speak. She said she is very familiar with this property and what it looked like before the developers bought it. She stated none of this property was listed. She represented the developers in acquiring it; they went to each tract of land individually and approached them about selling their property. The majority of them got more financial gain by these developers.

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buying their property. They gave more than the appraised value for many of these properties to accumulate the property to make it a whole 30 acres that they could develop in a feasible way and to help in the redefining of south Fayetteville. She stated it is going to be a beautiful project and she is very proud to represent them.

Melissa Terry with Audubon Arkansas: The developers have been very good about working with us. Audubon has tried to be a third party to help broker some of this discussion. I think a lot of the tension that has come up is a natural consequence of some of these downtown areas getting infilled. The reason they weren't in the first place is because they were problematic environmentally. Audubon has over the past year and a half worked with the developer and the neighborhood association. We have invested approximately \$200,000 in grant funds along this drainage. We see this as an investment in green infrastructure, a piece of infrastructure that's just as important as the city sewer or cable. This infrastructure has vital long term economic consequences for our community. We will do everything we can to keep working with the parties and I ask for your support as we go along.

Alderman Lucas: You had originally recommended 28 feet for that street with the idea that it would be going on to Fifteenth. Should we go back to 28 feet, does that allow a turn lane or why were you recommending 28 feet?

Jeremy Pate: The initial recommendation for 28 feet would allow on street parking. We were looking initially at the number of traffic that would be generated and the potential for it to get to Fifteenth Street. That would probably become much more of a through connection south to Fifteenth Street. The Planning Commission voted to recommend that go to 24 feet; it is just connecting to Twelfth. As the traffic study indicates only about 4% of the traffic will leave Phase 2 along Brooks and then Twelfth Street to go south. I feel comfortable recommending the 24 foot wide street as the Planning Commission has also indicated.

Alderman Lucas: Does that allow a turn lane later?

Jeremy Pate: It does not.

Larry Smith voiced his concern about the traffic.

Alderman Thiel: We should be very cautious whenever we vacate streets and alleys. This is a good example of no one foreseeing this project. I hope everyone understands that this is not something that we can do without condemning that property and paying money for it. I hope everyone understands that our hands are kind of tied in trying to make this extension.

Alderman Reynolds: Brenda and I have spent a lot of time in this area, we have done a lot of extra clean ups, we have taken tons of trash out of this area. When I heard Mr. Broyles was going to come in and take out these eyesores, which was the worst nightmare this city has ever had, those two parks, I thought it was a blessing for us and for our neighborhoods. For him to take on a project this size, you are not always lucky enough to get a home town guy to do a job like this. I know he is going to do a good job and he is going to do it right. I am going to support the project and I hope the neighbors do too at this point.

City Council Meeting Minutes
January 18, 2005
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Alderman Marr: I want to thank the Audubon, the neighborhood association and the developer for working together because I do believe we need to push infill development in our city. I think it keeps us from annexing and putting in infrastructure outside of the core that cost us a lot more than continuing to invest in areas that are already there. I do realize we are going to have some difficult situations in doing that. I think it takes creativity to get through that, I appreciate the people who have done that. I am thrilled that we are having an infill project in south Fayetteville.

Alderman Jordan: I want to be sure that a 24 foot wide street is going to work. I am a big proponent of planning and what might occur. In your expert opinion we do not need a 28 foot street?

Jeremy Pate: A 28 foot wide street is considered a local street it handles 3,000 to 5,000 vehicle trips per day. That is not something we anticipate in this area. The 24 foot wide street in our Master Street Plan is considered a residential street and is probably more appropriate in this area. Most of the streets are actually a little wider and Twelfth Street is approximately 31 feet wide. It was developed like that to meet our ordinances in the past. The amount of traffic will probably never get to that point. We feel it is an adequate number at this point. It will allow for on street parking. Many of the streets downtown that handle much the same amount of traffic are the same width or narrower.

Alderman Lucas: If we do get the street through to Fifteenth Street will there be room for a turn lane?

Jeremy Pate: Yes that could be accommodated.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. **Alderman Cook** recused.

Ordinance 4672 as Recorded in the Office of the City Clerk.

Downtown Master Plan Redevelopment District Number Two Adoption: An ordinance forming the Downtown Master Plan Redevelopment District Number Two pursuant to Amendment 78 of the Arkansas Constitution and authorizing the preparation of a project plan. *This ordinance was left on the first reading at the January 4, 2005 City Council Meeting.*

Mayor Coody: I suspect this will be tabled at this meeting?

Kit Williams: Mr. Mayor I think you are correct on that, at this point until we have some resolution from the legislative or more likely from the courts I think that the TIF Districts, all of them in the State are kind of up in the air. My recommendation would be that you simply move to table this district indefinitely and then if something changes in the future we can bring it back.



PC Meeting of December 13, 2004

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Jeremy Pate, Senior Planner
Brent O'Neal, Staff Engineer
THRU: Dawn Warrick, A.I.C.P., Zoning & Development Administrator
DATE: December 08, 2004 Revised 12-16-04

R-PZD 04-1307: Planned Zoning District (ASPEN RIDGE, 522/561): Submitted by MATT CRAFTON CRAFTON, TULL & ASSOC. for property located at THE SW CORNER OF HWY 62, S ON HILL AVENUE AND BORDERED BY 11TH STREET AND THE BURLINGTON NORTHERN RR. The property is zoned RMF-24, MULTI FAMILY - 24 UNITS/ACRE and contains approximately 27.969 acres. The request is to approve a Residential Planned Zoning District with 220 condominiums in two phases proposed.

Property Owner: HANK BROYLES

Planner: JEREMY PATE

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: December 13, 2004	☒ Approved	☐ Denied	
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date: January 04, 2005 (1 reading - 3 recommended)	☐ Approved	☐ Denied	

Findings:

Property Description: The property consists of a total of 27.969 acres located in south Fayetteville, south of Hwy 62 (6th Street), west of Hill Avenue, east of the Railroad, along Town Branch Creek. The property previously was inhabited by a mobile home park, which was recently removed by the applicant. Several tons of trash, debris, tires, etc. were separated and removed from this property, beginning the cleaning up process. A total of 49 mobile homes and 6 single family homes were removed in an effort to combine the property for development. The applicant has contributed much time and money in an effort to clean this particular site, which is not readily recognized in the development review process. Approximately half of the site is underneath tree canopy, the majority of which is located along College Branch Creek, a stream

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that bisects the site north and south. This stream, and associated runoff from surrounding development, has been the source of many neighborhood concerns in past years, due to high water, flooding and debris being washed into and down the creek during heavy rainfalls. There are existing wetlands in the area, as well, much of which the developer is proposing to retain or enhance.

Existing Development: The site is currently vacant, with remnants of the previous mobile home park development evident.

Surrounding Land Use/Zoning:

Direction	Land Use	Zoning
North	Hwy 62 – 6 th Street, busy arterial	RMF-24, C-2
South	Pinnacle Foods, Single Family homes, approved MF development	I-2, RMF-24
East	SF homes, Coors, Brenda's Burgers	RMF-24, I-1
West	Burlington-Northern Railroad	RMF-24

Proposal: The applicant requests a rezoning and large scale development approval for a residential development within a unique R-PZD zoning district. The proposed use of the site is for a condominium-style development consisting of 220 attached residential dwelling units. Two separate phases are identified. Phase I consists of 113 units on the east side of College Branch Creek, and Phase II consists of 107 units on the west side of the creek. A future Phase III consisting of mixed-use office/retail/commercial is indicated on the site plans at the corner of 6th Street and Hill Avenue, but is not the subject of this request.

Process: Currently, the project proposal is submitted as one large tract of land, consisting of 27.969 acres. There are several independent parcels that create this tract, all of which are being combined into one for the purposes of development. Plans consist of all proposed buildings, parking, driveways, public and private streets, landscaping, tree preservation and mitigation, wetland mitigation, parkland dedication, trail construction, public utility extensions, etc., typically reviewed with a Large Scale Development. The developer intends to construct the project much as a typical multi-family development, with all structures, public infrastructure and utilities being constructed simultaneously. Though the process by which the request is being reviewed is a Large Scale Development consisting of 220 *condominiums*, the intent is to sell each of the 220 *townhomes* as a single-family residence and plat each townhome as a separate lot once the infrastructure has been constructed and the exact locations of the buildings are set in the field.

To clarify, a condominium and townhome are distinct from one another: **Condo unit owners own the inside of their units. Townhouse owners own the complete unit, including exterior surfaces and the land on which the unit is built.**

Condominium: a multiple-unit complex, the units of which are individually owned, with each owner receiving a deed to the unit purchased . . . and sharing in joint ownership of any common grounds, passageways, etc. (through an established POA/HOA) (*paraphrased from Webster's*

College Dictionary, 1991). This type of dwelling unit typically does not have land attached to its deed, it is merely the unit alone, inside the walls of the structure.

Townhome: a row house on a small lot, which has exterior limits common to other similar units. Title to the unit and its lot is vested in the individual owner with a fractional interest in common areas, if any. (Source: *mortgagewarehousemb.com*) A townhouse is a home that is attached to one or more other houses, but which sits directly on a parcel of land that you also own (if you don't own the land, it is a condominium).

In order to plat individual lots for the townhomes in the future, an amended Planned Zoning District plat will have to be processed and approved by the Planning Commission and City Council, at that time. This will likely take the form of a Concurrent Plat, if it meets the appropriate criteria. Otherwise, a Preliminary and Final Plat process will be required.

Proposed Land Uses:

- Use Unit 1: City-wide Uses by Right
- Use Unit 8: Single Family Dwellings
- Use Unit 26: Multi-family Dwellings – Townhouse development, more than three attached units.

The total proposed number dwelling units on the 27.969-acre site is 220, therefore the proposed density for the R-PZD is 7.87 DU/acre. The project site is currently zoned RMF-24, allowing for a much higher density of development as a traditional multi-family complex. The potential for a townhouse-style division of land, the inclusion of the public trail system, a public park, a large Tree Preservation and riparian corridor protection area, the challenges presented by existing natural conditions (drainage, slope and railway); all of these contribute to the need to process a Planned Zoning District in order for the best project to result for both the applicant and the city.

Building Setbacks: Building setbacks are proposed as indicated on the plat. Most setbacks are 8' or 10', with an exception at the 6th Street frontage (20 feet) and Duncan/11th Street frontage (25 feet).

Building Height: Maximum building height shall be 40 feet.

Greenspace: 51.6% Impervious (greenspace), 48.4% pervious (streets, buildings, trail, parking)

Wetlands: A small percentage of wetlands on the property are being filled and mitigated for in the riparian corridor along Town Branch Creek. As part of the Corps of Engineers permit to do so, a buffer area is to be deed-restricted for protection from future development. A portion of this area will also serve as the Tree Preservation and mitigation area.

Water & Sewer: Water and sewer lines are being extended to serve the development. The applicant is extending public lines to service each unit individually, in order to legally subdivide the property in the future.

Access: Access is from several streets in the area:

North: 6th Street (one-way entrance and exit, with a right-turn only allowed when exiting)

South: Phase I has no access across the creek.

Phase II: 11th and Duncan

: Brooks Avenue and 12th Street. This separate access point is recommended to provide a safe means of access into Phase II and alleviate potential congestion at the intersection of 11th and Duncan.

East: Phase I access east to Hill Avenue.

Phase II access south and east onto Duncan/11th/12th Streets.

West: No access is available over the railroad.

The ingress/egress to the proposed 113 units in Phase I is from 6th Street and Hill Avenue. Based on a traffic study prepared for this project, a turn lane and widening of the intersection is warranted at Hill and 6th Street due to the increase in number of vehicle trips per day, and plans by the developer have been prepared accordingly. Ingress and egress to Phase II is more difficult due to the lack of frontage for this particular parcel. Staff has recommended, and the developer consented, to constructing an additional means of access within platted right-of-way known as Brooks Avenue, to connect to the portion of 12th Street that is constructed. The other entrance to this phase is at the corner of 11th and Duncan, which has been reviewed and determined to be satisfactory by the Engineering Division.

Interior to the project, public streets are being provided within a varying right-of-way, with sidewalks on both sides in most cases. Staff recommends that where possible, the sidewalk be located at the right-of-way line, with a minimum distance of six feet from the curb, to meet Master Street Plan requirements.

Adjacent Master Street Plan Streets: 6th Street (Principal Arterial), Hill Avenue, 11th Street, Duncan Avenue (Historic Collector)

Street Improvements: Staff recommends street improvements to surrounding streets to bring them to a safe and adequate level of service for the additional units proposed in this area. A significant number of units are being added to this area, and much of the property being developed has no direct frontage onto adjacent right-of-way. The following are staff's street improvement recommendations for the developer to meet ordinance requirements for this development's proportionate share:

- Repair the broken pavement on 11th Street, directly south of the proposed intersection at the corner of 11th and Duncan, as part of the improvements to this stretch of street.
- Continue the existing sidewalk on the north side of 11th street to connect the proposed sidewalk on Greystone Drive (approximately 20 feet).
- Complete the curb and gutter on the south side of 11th street from the bridge west to the constructed curb/gutter. Minimum street width should be 24 feet, face of curb to face of curb (approximately 240 feet in length).
- Widen the intersection at Hill Avenue and 6th Street, including a turn lane, the cost of relocating traffic signals and any necessary costs to add a left-turn signal to the existing

signal system. (Recommended in traffic study)

- Improve that portion of Hill Avenue adjacent to the subject property where necessary, to conform to City specifications. A six-foot sidewalk is required, at the right-of-way line.
- Relocate the sidewalk along 6th Street to transition from the railroad bridge to the Master Street Plan right-of-way line along the frontage of this project.
- Construct a secondary means of access to Phase II; The applicant proposes to construct a 24-foot wide public street within existing platted right-of-way of Brooks Avenue and turning south to connect to 12th Street. The Master Street Plan calls for a 28-foot wide street in this location, based on the platted right-of-way and number of vehicle trips per day to be generated. The applicant disagrees with this recommendation, stating the Traffic Study indicates only 4% of all traffic from Phase II will utilize Brooks Avenue. Based on this same report, the following is applicable:
 - o Phase II will generate approximately 627 vehicle trips per day.
 - o Figure 3 of the Traffic Report indicates slightly more vehicles will travel south from Phase II than north (358 vs. 303) in a 24 hour period.

A 24-foot wide Residential Street is designed to serve a range of 300-500 vehicles per day, maximum. Should ½ of the traffic within Phase II of the development travel south, many of them will utilize the Brooks Avenue access. Typical traffic calculations by the City of Fayetteville, when two access points are provided, are based on ½ of the traffic potentially traveling in either direction. This would result in approximately 313 vehicles trips per day accessing the Brooks Avenue access. Additionally, the street to be constructed to provide the only secondary means of access to this site also fronts onto other properties that are vacant and have the potential to develop in the future, thereby increasing their volume. A Local Street, by contrast, is developed with a 28-foot width and can support up to 4,000 vehicles per day, per the Master Street Plan. Staff recommends a 28-foot wide street be constructed, to transition to the existing 31-foot wide 12th Street. This is based on providing a safe and adequate means of access to the proposed development, planning for this development along with potential other developments in the area that may access the street, and Master Street Plan requirements.

<i>Tree Preservation:</i>	Existing:	52.5%
	Preserved:	15.1%
	Mitigation:	On-site mitigation, to 25% minimum

Parks: The Parks and Recreation board recommends a combination of money, land and services to meet park land dedication requirements. This will include 0.36 acres of land on which a 12-foot public trail is to be constructed by the developer, per the City of Fayetteville specifications. In addition, approximately 0.86 acres of land on the southern edge of the property is to be dedicated as a public park. *Credit will be applied to the developer to account for 55 existing inhabited homes that were removed from the property.* If remaining fees are due above and beyond the requirements herein, they will be applied to amenities for the park.

Temporary Office Space: The applicant proposes to operate one (1) temporary office within the development specifically for the purpose of selling townhomes for Aspen Ridge. One of the constructed units in the Phase I area will be used as the location of the sales office, with office hours of Monday through Friday, 8 am to 8 pm, Saturday and Sunday 10:00 am to 6:00 pm.

Once all of the units in the development are sold, the sales office will be closed and sold as a single-family residence.

Neighborhood Involvement: The applicant has met several times with adjoining property owners and neighbors on Duncan, both in groups and individually. Much concern has been voiced regarding the drainage and flooding problems associated with the Town Branch Creek. Many of the homes that are adjacent to this creek are within the 100-year floodplain or floodway. The developer has been involved with his engineers from the beginning of the process to best address these concerns, and others voiced by the neighborhood. Though not all are pleased with all aspects of the proposal, staff has received numerous calls from residents in this area pleased with the clean-up effort, removal of the mobile home park and the efforts to better the drainage situation, along with the proposal for single family attached units, rather than typical multi-family units that are allowed by right on the property.

A draft of the future plat of lots, as well as the applicant's response to the Planned Zoning District requirements and description of the project have been submitted and are included in the staff report.

Recommendation: Staff recommends the Planning Commission forward R-PZD 04-1307 to the City Council with a recommendation of approval for the requested rezoning and associated development plans, with the following conditions of approval:

Conditions of Approval:

1. Allowed uses in this R-PZD shall be restricted to Use Unit 1: City-wide Uses by Right, Use Unit 8: Single Family Dwellings and Use Unit 26: Multi-family Dwellings – Townhouse development, more than three attached units.
2. Planning Commission recommendation for future vacation of portions of existing Duncan Avenue and Anderson Place rights-of-way to facilitate the proposed development. *Staff recommends approval of the vacation of these platted rights-of-way, due to the changes in circulation proposed with the submitted site plans. The connection these two streets make will be in an improved configuration, with a boulevard section that enters into this neighborhood.* PLANNING COMMISSION DETERMINED IN FAVOR OF THE RECOMMENDED FUTURE VACATIONS.
3. No structure shall be permitted that falls into existing platted right-of-way. Formal vacation requests for Duncan Avenue and Anderson Place shall be submitted prior to permitting of affected buildings.
4. Planning Commission determination of the applicant's request for a temporary sales office. *Staff recommends approval, with the following conditions: One (1) dwelling unit shall be permitted to house a temporary sales office for the sole purpose of selling dwelling units within the Aspen Ridge Planned Zoning District. The sales office shall appear in all manners as a dwelling unit, and shall cease operation and revert to its intended use as a single family residence once the remaining units have been sold.*

PLANNING COMMISSION DETERMINED IN FAVOR OF THE REQUESTED OFFICE.

5. Planning Commission determination of appropriate off-site street improvements. *Staff recommends the following improvements for this development:*

- Repair the broken pavement on 11th Street, directly south of the proposed intersection at the corner of 11th and Duncan, as part of the improvements to this street being utilized for primary ingress and egress, to the satisfaction of the Engineering Division.
- Continue the existing sidewalk on the north side of 11th street to connect the proposed sidewalk on Greystone Drive (approximately 20 feet).
- Complete the curb and gutter on the south side of 11th street from the bridge west to the constructed curb/gutter. Minimum street width should be 24 feet, face of curb to face of curb (approximately 240 feet in length).
- Widen the intersection at Hill Avenue and 6th Street, including a turn lane, the cost of relocating traffic signals and any necessary costs to add a left-turn signal to the existing signal system. (Recommended in traffic study)
- Improve that portion of Hill Avenue adjacent to the subject property where necessary, to conform to City specifications. A six-foot sidewalk is required, at the right-of-way line.
- Relocate the sidewalk along 6th Street to transition from the railroad bridge to the Master Street Plan right-of-way line along the frontage of this project.
- Construct a secondary means of access to Phase II; *The applicant proposes to construct a 24-foot wide public street within existing platted right-of-way of Brooks Avenue and turning south to connect to 12th Street. Staff recommends a 28-foot street to meet Master Street Plan requirements for the vehicle trips per day generated by this development.*

PLANNING COMMISSION DETERMINED IN FAVOR OF THE RECOMMENDED STREET IMPROVEMENTS, WITH A 24-FOOT WIDE STREET FOR BROOKS AVENUE.

6. Atypical interior street widths, sidewalk location, etc. shall be reviewed and approved by the Engineering Division at the time of more detailed construction plan review, to ensure emergency service vehicles, public service providers, solid waste, etc. is able to access the proposed development.
7. A combination of land, money and services shall be contributed by the developer to meet parkland dedication requirements, including 0.36 acres for a public trail, construction of said 12-foot wide trail, 0.86 acres land dedication for a park and all remaining fees due in excess of the above requirements for 220 units to be utilized for park amenities. *Credit in the amount of \$30,525 (\$55 units * \$555/unit) will be applied to the developer to account for 55 existing homes that were removed from the property prior to development.* All fees and deeds for land shall be submitted prior to building permit.
8. The developer shall mitigate for the removal of 115,440 sf of tree canopy to meet Tree
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Preservation ordinance requirements. On-site mitigation shall consist of a minimum of 420 trees. If all trees can not be planted on-site, the balance shall be contributed into the Tree Fund, as determined by the Landscape Administrator.

9. Specific location of the on-site mitigation trees shall be coordinated with the Landscape Administrator for approval. Several sites exist on the property where mitigation trees could benefit the overall development and enhance the creek corridor, currently not indicated on the plans.
10. The property line adjustments to create the described 27.969-acre parcel shall be processed, approved and recorded prior to this item appearing before the City Council for consideration.
11. Staff recommends a second pedestrian path be constructed from approximately between buildings 35 and 36 in Phase II to connect to the public trail through an existing creek crossing (see plat). A hard-surface (concrete or asphalt) path is desired. However, at minimum, the path shall be constructed of a 4" minimum depth shredded mulch (or equal) with appropriate edging on both sides. Trail slope, width, location through existing tree canopy and specifications shall be approved by the City prior to construction.
12. Signage for the development shall be limited to one (1) monument sign at each of the three primary entrances to the development. Sign size, location, height, etc. shall be limited to the monument sign restrictions in an RMF zoning district, per city code. (Maximum 16 square feet display surface area, six feet in height, 10 feet from the property line).
13. All dumpsters shall be enclosed on a minimum of three sides with access not visible from the street. Landscape screening as shown shall be required.
14. No structures shall be constructed over public utility easements, per city ordinance (including, but not limited to, trash enclosures).
15. Should the applicant desire to subdivide the land to create townhomes, an amended Planned Zoning District will be required. The development review process will likely be a Concurrent Plat, if all criteria are met. If not, a standard Preliminary and Final Plat will be required to subdivide the property.
16. All comments as itemized in the attached memo from the City Floodplain Administrator shall be addressed at the appropriate time and are considered, by reference, a part of the official Conditions of Approval (see attached).
17. The maximum separation for fire hydrants shall be 500 feet in distance.
18. Entrances into the subject property shall utilize a minimum width of 20 feet clear, to allow for the passage of emergency vehicles.

19. Maximum spacing for public street lights shall be 300 feet, along the proposed and existing public streets.

Standard Conditions of Approval:

20. 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)
21. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
22. Planned Zoning District approval shall be valid for one calendar year, per city ordinance.
23. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
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.
 - b. Separate easement plat for this project that shall include the tree preservation area.
 - c. Project Disk with all final revisions
 - d. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by §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: yes Required

Date: December 13, 2004

✓ Approved Denied
§-0-0

The "CONDITIONS OF APPROVAL", stated in this report, are accepted in total without exception by the entity requesting approval of this development item.

By _____

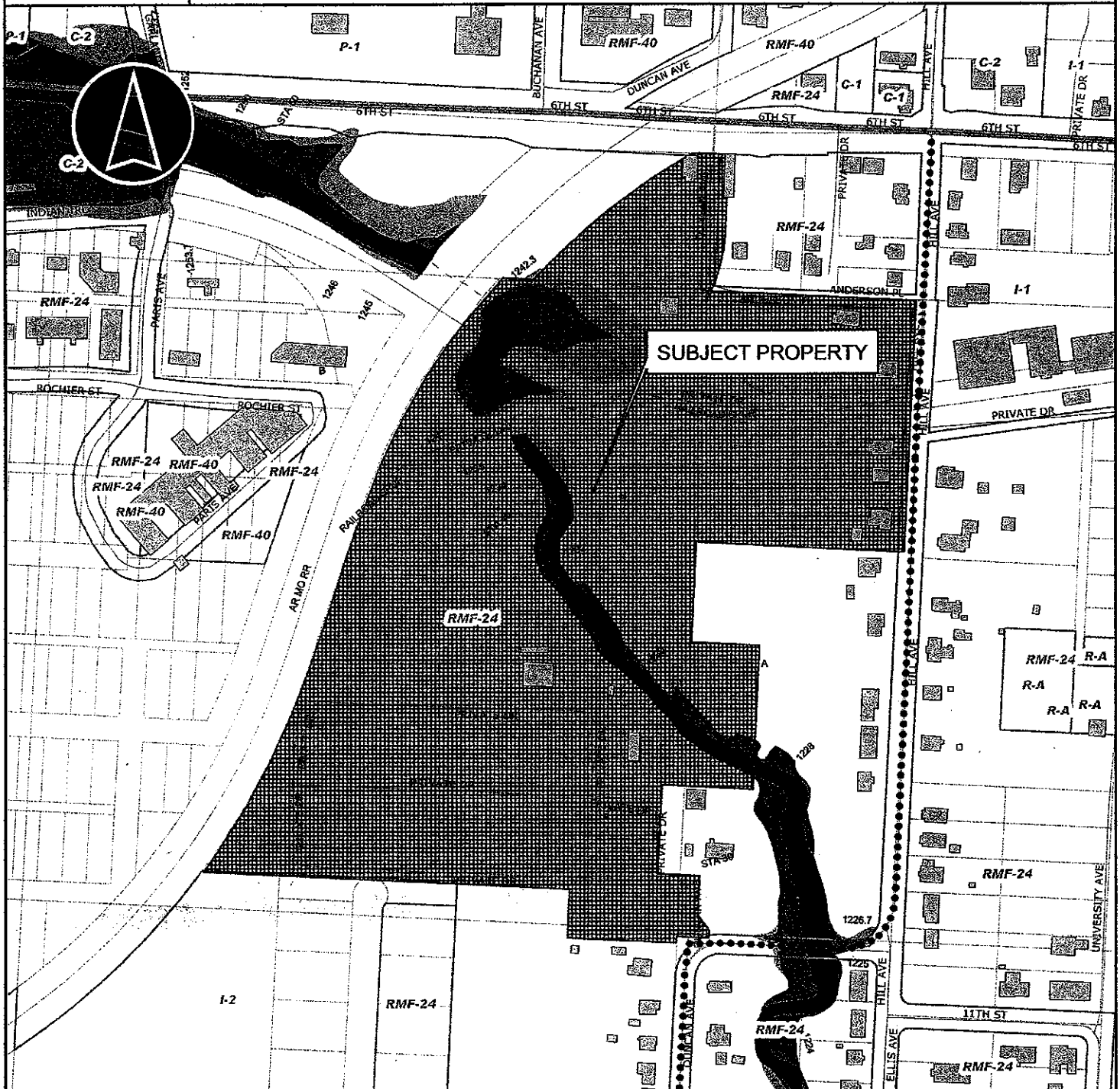
Date _____

Added to Final Agenda

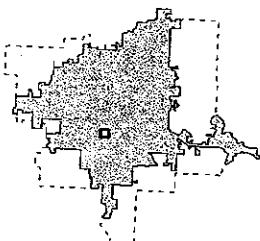
RPZD04-1307

Close Up View

ASPEN RIDGE



Overview



Legend

RPZD04-1307

Overlay District

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

FLOODWAY

100 YEAR

500 YEAR

LIMIT OF STUDY

BaseLine Profile

Fayetteville

Outside City

0 75 150 300 450 600 Feet

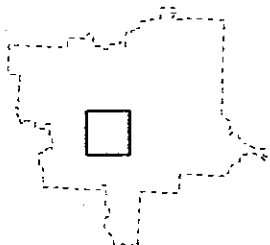
R-PZD04-1307

ASPEN RIDGE

One Mile View



Overview



Legend

Subject Property

R-PZD04-1307

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

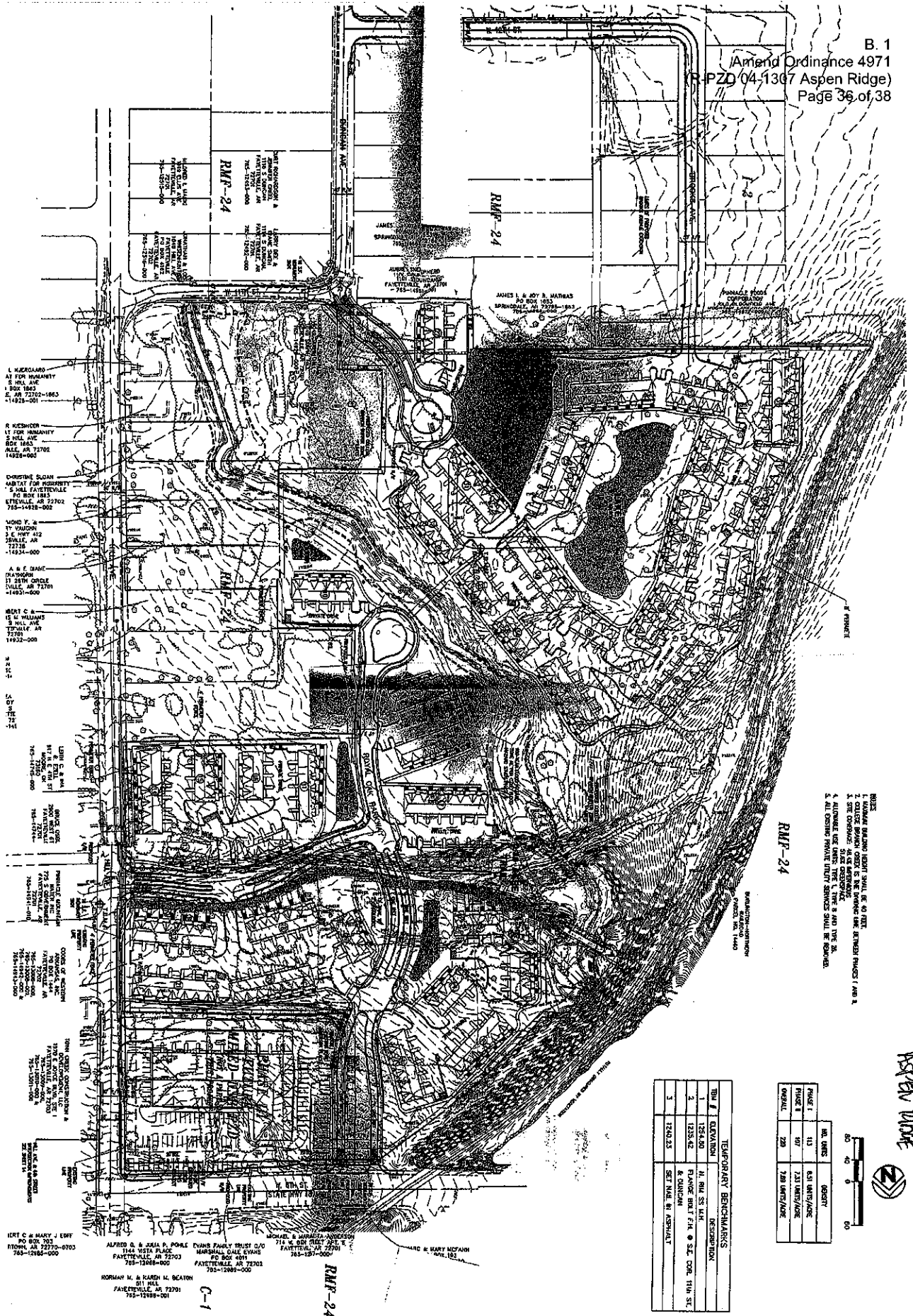
Minor Arterial

Collector

Historic Collector

0.05 0.2 0.3 0.4

Miles



- NOTES
1. EXISTING BUILDING HEIGHT SHALL BE 40 FEET.
 2. EXISTING BUILDING SETBACKS SHALL BE 10 FEET.
 3. EXISTING BUILDING SETBACKS SHALL BE 10 FEET.
 4. EXISTING BUILDING SETBACKS SHALL BE 10 FEET.
 5. ALL EXISTING PRIVATE UTILITY SERVICES SHALL BE REMOVED.

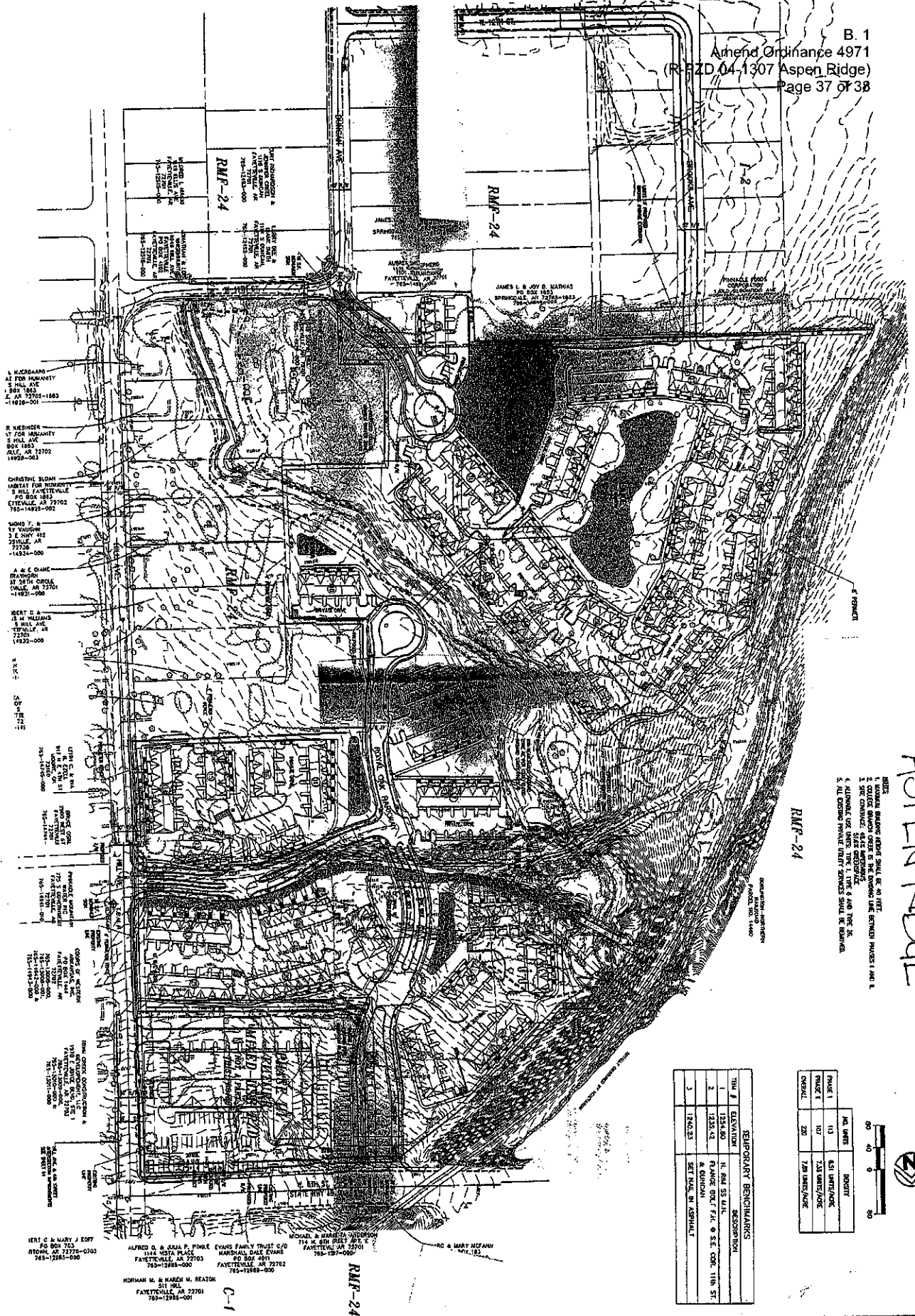
RMF-24

ASPHEN RIDGE

NO.	DATE	REVISION
1	11/13	631 WATKINS
2	11/17	1231 WATKINS
3	11/17	1231 WATKINS
4	11/17	1231 WATKINS

TEMPORARY BENCHMARKS

BM #	ELEVATION	DESCRIPTION
1	1254.80	N. 100' S. 100' E.
2	1255.42	FLANGE END F.H. @ S.E. COR. 11th SE & OLDFIELD
3	1240.25	SET NAIL IN ASPHALT



ASPEN RIDGE

- NOTES:
1. EXISTING BUILDING HEIGHT SHALL BE 40 FEET.
 2. EXISTING BUILDING SHALL BE 40 FEET.
 3. EXISTING BUILDING SHALL BE 40 FEET.
 4. EXISTING BUILDING SHALL BE 40 FEET.
 5. ALL EXISTING PRIVATE UTILITY SERVICES SHALL BE REMOVED.

RFP-24

NO.	DATE	REVISION
1	11/13	AS PER PLAN
2	11/13	AS PER PLAN
3	11/13	AS PER PLAN
4	11/13	AS PER PLAN
5	11/13	AS PER PLAN

TRAIL #	LOCATION	DESCRIPTION
1	11/13	AS PER PLAN
2	11/13	AS PER PLAN
3	11/13	AS PER PLAN
4	11/13	AS PER PLAN
5	11/13	AS PER PLAN

AS
PLANNED ZONING
DISTRICT

Crafton, Tull & Associates, Inc.
3448 E. 84th Street, Suite 1700 Tulsa, OK 74123-4222
918.584.0247 FAX: 918.584.3753 www.ctai.com

FAYETTEVILLE, ARKANSAS

Engineers & Surveyors



Site Plan

Scale: 1" = 100'

North Arrow

Legend

Property Lines

Lot Lines

Streets

Water Features

Other Features

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

7-Aug-07

City Council Meeting Date

Ron Petrie

Submitted By

Engineering

Division

Operations

Department

Action Required:

Approval of a cost-share and bid waiver in the amount of \$69,674.00 with the Boardwalk Subdivision Property Owners Association for the dredging of the Boardwalk POA Pond.

\$69,674.00

Cost of this request

4470.9470.5817.00

02108

Project Number

\$

579,566.00

Category/Project Budget

\$

-

Funds Used to Date

\$

579,566.00

Remaining Balance

Other Drainage Improvements

Program Category / Project Name

Bridge and Drainage

Improvements

Program / Project Category Name

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

Finance and Internal Service Director

Date

Received in City Clerk's Office

ENTERED

Received in Mayor's Office

ENTERED

Comments:

Left on the second reading 8/23/07
Left on the first reading 8/7/07

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Ron Petrie, P.E., City Engineer

Date: July 18, 2007

Subject: Proposed Cost Share and bid waiver in the amount of \$69,674.00 with the Boardwalk Subdivision Property Owners Association for the dredging of the Boardwalk POA Pond.

RECOMMENDATION

Staff recommends approval of the proposed cost-share with the Boardwalk Subdivision POA for the dredging of the pond that is contained on the common property of the Boardwalk Property Owners Association.

BACKGROUND

The Boardwalk Subdivision was developed in 1992 around an existing 5 acre pond that is estimated to have built in the early 1980's. This 83 home subdivision is located to the west of Crossover Road approximately one-half mile south of Mission Boulevard. The pond and the property surrounding the pond were platted as common property that is owned & maintained by the POA. The pond has a drainage basin of approximately 190 acres that drain to the pond through three different drainage systems that are owned and maintained by the City. Since the creation of this pond there have been numerous developments & projects that have occurred within the watershed including the Summersby Subdivision, the Highway 265 Widening, and the actual construction of the Boardwalk Subdivision. All of the developments have over time deposited silt and debris into the pond that has led to numerous complaints from the property owner's within the Boardwalk Subdivision. According to the residents, the depth of the upper end of the pond has decreased from 5-6' to 1-2'.

DISCUSSION

Due to the number of concerns raised by the residents, elected officials and city staff began meeting with the POA approximately 2 years ago to discuss possible solutions to the problem. The Engineering Division originally designed a structure at the main inflow channel to catch the sediment and debris. This design would require on-going maintenance and require a capital investment of approximately \$50,000 if done by the Transportation Division. After studying this option and determining that the bulk of the

watershed is now developed, it was decided that we should explore other options. After meeting with numerous contactors onsite, it was determined that it is feasible to lower the pond elevation at a sufficient depth to remove the majority of the sediment that has been deposited in the upper portion of the 5 acre pond. This sediment would need to be placed in dump trucks and removed from the site. On behalf of the Boardwalk POA, the Engineering Division began soliciting proposals to perform the work and we have received a proposal from Wilson Excavating, LLC in the amount of \$77,274.00 with the condition that the City lower & maintain the water level within the pond. The Boardwalk POA met on June 12, 2007 and agreed to pay for \$7,600.00 of the proposed work.

Below is a summary of the costs as provided by Wilson Excavation, LLC:

Boardwalk POA Offered Share	\$ 7,600.00
Proposed City's Share	\$ <u>69,674.00</u>
Total	\$ <u>77,274.00</u>

BUDGET IMPACT

The funds for this drainage cost-share project are proposed to come from "Other Drainage Improvements" project in the Bridge and Drainage Improvements fund. There is currently \$579,566 remaining in this project fund.

The final costs to the City will be based upon actual costs as documented by the Boardwalk Subdivision POA subject to review by the City and may, or may not exceed the submitted estimate. However, the City's share will not exceed the estimate without additional authorization.

ORDINANCE NO. ____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A COST-SHARE WITH THE BOARDWALK PROPERTY OWNERS ASSOCIATION (POA) IN AN AMOUNT NOT TO EXCEED \$69,674.00 TO DREDGE THE BOARDWALK POA POND.

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 this constitute an exceptional situation where competitive bidding is not feasible or practical, and waives the requirements of formal competitive bidding to approve a cost-share with the Boardwalk Property Owners Association (POA) in an amount not to exceed \$69,674.00 to dredge the Boardwalk POA pond.

PASSED and APPROVED this 7th day of August, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

Wilson Excavating, LLC.

703 N. Thompson Suite 105

Office: (479) 927-2797 Fax: (479) 927-2438

PROPOSAL

Date: July 18, 2007

Company:

Project: Pond Restoration

Attention: Mat Casey

Location: Fayetteville Ark.

Phone/Fax: 575-8202

We propose to furnish all material, equipment, and labor necessary to perform and complete the following:

DESCRIPTION:	QUANTITY:	Unit:	Unit Cost:	COST:
Export Material	400.00	lds	\$ 85.00	\$ 34,000.00
Remove and load material from pond	4720.00	Cu. Yds	\$ 7.95	37,524.00
Repair temp road and Seed	1.00	Lump Sum	\$ 5,750.00	5,750.00
				0.00
9400 SF @ 4' = 1392 cu yd				0.00
22320 SF @ 3' = 2480 Cu Yd				0.00
10000 SF @ 2' = 740 Cu Yd				0.00
2920 SF @ 1' = 108 Cu Yd				0.00
Total 4720 Cu. YD.				0.00
				0.00
				0.00
				0.00
				0.00
				0.00
ANY Additional WORK TO BE PAID ON Quantity prices				0.00
NOT Included: Lowering Water Level, Maintaining water level				0.00
				0.00

We propose to furnish all material, equipment, and labor, complete in accordance with the above specifications, for the sum of:

Dollars \$77,274.00 Page 1 Total\$77,274.00 Proposal Total

Payments to be made as follows:

Monthly Progress Payments for Percentage of Work Complete.

Contractors Signature:

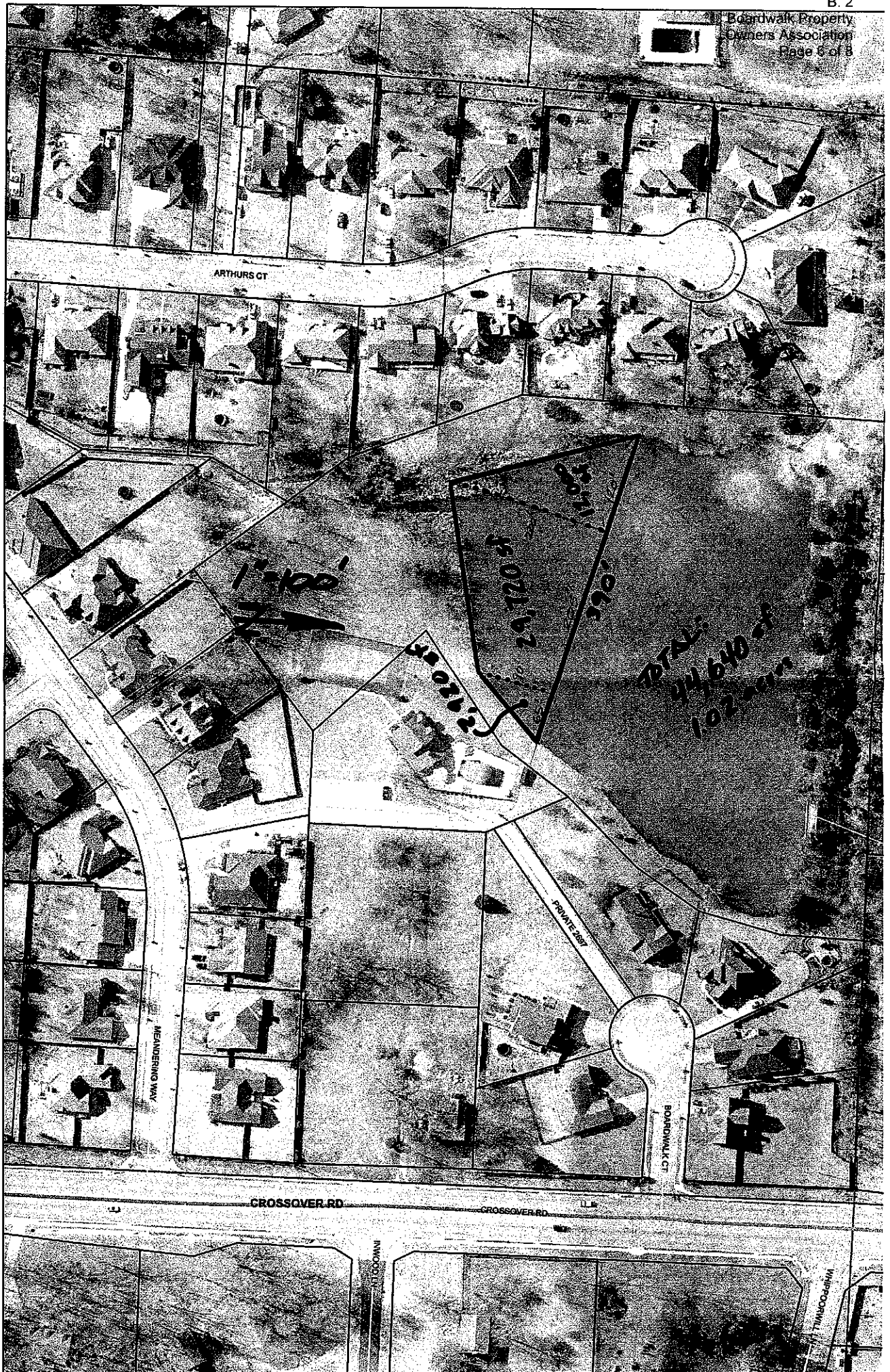
H. Mat Casey 7-18-07

Acceptance of proposal - The above pricing, specifications, and conditions are satisfactory and are hereby accepted. Wilson Paving & Excavation, Inc. is authorized to perform the work as specified. Payments to be made as outlined above.

* Above Pricing is guaranteed for 30 Days from date of this document, If Proposal remains unsigned after 30 calendar days from date specified, pricing is subject to change.

Owner / Agent Signature: _____

Date Approved: _____



CONTRACTUAL AGREEMENT

This Agreement, made and entered into this _____, by and between the City of Fayetteville, Arkansas and the Boardwalk Subdivision POA Witnesseth:

WHEREAS, Boardwalk Subdivision POA has in their development a 5 acre pond that the development was constructed around; and

WHEREAS, this pond has been affected by the development and highway construction in the area over the past several years; and

WHEREAS, these construction activities have caused silt and debris to be deposited in this pond and reducing the depth and volume of the pond considerably; and

WHEREAS, it would benefit the residents in this development to have this pond dredged to remove the accumulated silt; and

NOW, THEREFORE, the City of Fayetteville and Boardwalk Subdivision POA agree as follows:

1. Upon the City Council and/or the Mayor approving the Cost-Share, the City of Fayetteville agrees to:
 - A. Pay a maximum-not-to-exceed cost of \$69,674.00 of the \$77,274.00 for the afore mentioned pond dredging as was provided by Wilson Excavating, LLC, the contractor, and made a part of this agreement.
 - B. Reconsider the costs if the future and actual construction prices exceed the maximum-not-to-exceed amount that was furnished by the contractor. The contractual agreement shall be required to be reevaluated and re-approved by the Mayor and/or City Council as appropriate prior to proceeding with construction.
 - C. Make all efforts to provide payment to Wilson Excavating, LLC within thirty (30) days after receipt of the invoice(s) but cannot guarantee the thirty day schedule.
2. Boardwalk Subdivision POA agrees to:
 - A. Pay a maximum-not-to-exceed cost of \$7,600.00 of the \$77,274.00 for the afore mentioned pond dredging as was provided by Wilson Excavating, LLC, the contractor, and made a part of this agreement.

**IN AGREEMENT WITH ALL THE TERMS AND CONDITIONS ABOVE, WE
SIGN BELOW:**

CITY OF FAYETTEVILLE

Boardwalk Subdivision POA

By: _____
DAN COODY, Mayor

By: _____

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

21-Aug-07
City Council Meeting Date

Tim Conklin
Submitted By

Planning
Division

Operations
Department

Action Required:

ADM 07-2577: (Downtown Design Overlay District Architecture Standards): Submitted by Planning Staff to adopt an ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to adopt a Downtown Design Overlay District and Architecture Code.

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

Budgeted Item ☐

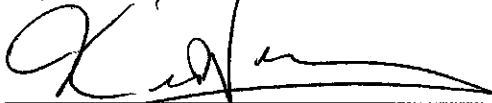
Budget Adjustment Attached ☐


Department Director

8-2-07
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a


City Attorney

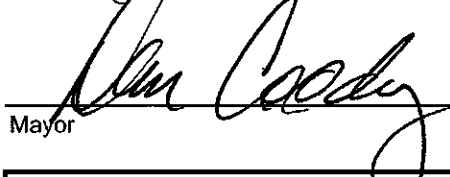
8-2-07
Date

Original Contract Number: n/a


Finance and Internal Service Director

8/3/07
Date

Received in City Clerk's Office
ENTERED
8/2/07


Mayor

8/24/07
Date

Received in Mayor's Office
ENTERED
8/23/07

Comments:

Left on the first reading 8/23/07

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Leif Olson, Long Range Planner
Tim Conklin, Planning and Development Management Director

Date: Aug. 2, 2007

Subject: ADM 07-2577. An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to adopt a Downtown Design Overlay District and Architecture Code.

RECOMMENDATION

The Ordinance Review Committee voted to send the proposed ordinance with a recommendation for approval to the full Council to adopt the Downtown Design Overlay District Architecture Standards.

BACKGROUND

On October 3, 2006, the City Council adopted the Downtown Zoning Districts and Map, which prescribe the building form and site development standards for the downtown area. In November of 2006, the Planning Commission designated a committee of local architects and designers to review and redraft the architecture code that was provided by Dover Kohl and Partners as part of the Downtown Master Plan. The Architecture Committee enjoyed a diverse makeup of traditional and modern viewpoints and professional work. The Committee members were:

Audy Lack - Planning Commissioner and local architect
Alan Ostner - Planning Commissioner and landscape architect
Sharon Hoover - Local architect and former Chairperson of the Planning Commission
Todd Ferguson - University of Arkansas
Rob Sharp - Local Architect
David Tanner - Local Architect

Beginning in January, the Architecture Committee met eight times for three hours a meeting, going through the proposed code line by line. Early on, the goal became to create a code that focused on quality design and materials. The Architecture Committee was focused on producing standards that would allow for Planning Staff administrative approval of development projects downtown with a simple and effective code that could be easily understood and administered. The Committee compromised on many of the

elements in this Code and everyone was willing to work together to get to an overall agreement.

Planning Staff brought the draft code before the Planning Commission on June 11, 2007. The Planning Commission unanimously approved the draft code and forwarded it to the City Council Ordinance Review Committee without any public input.

The City Council Ordinance Review Committee met to discuss this item on July 10, 2007 and July 31, 2007. Amendments that were made to the Architecture Code are as follows:

1. Clarified the requirement for allowing bays to encroach within the right-of-way above the first or ground floor.
2. Removed the requirement for operable shutters.
3. Removed the prohibition on "products that imitate natural wood through the use of raised, embossed or applied patterns.
4. Removed the requirement for columns to be spaced no farther apart than they are tall.

On July 31, 2007, the City Council Ordinance Review Committee forwarded this item to the full City Council without any public input.

This packet contains the ordinance, a boundary map, building element cross-sections designed to show the dimensional requirements of the code, the minutes from the June 11, 2007 Planning Commission meeting, and the original Dover Kohl Architecture Code Draft.

Upon City Council approval, Planning Staff will develop a Downtown Design Overlay District Manual with text and images. This manual will mirror the approved code and will be designed to aid the public in interpreting the Architecture Standards.

BUDGET IMPACT

None

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT CODE OF THE CODE OF FAYETTEVILLE TO AMEND CHAPTER 151: DEFINITIONS AND CHAPTER 166: DEVELOPMENT TO ADOPT A DOWNTOWN DESIGN OVERLAY DISTRICT, PARKING GARAGE DESIGN STANDARDS, DDOD BOUNDARY MAP AND RELATED DEFINITIONS.

WHEREAS, the City of Fayetteville recognizes the unique and significant role that the downtown area plays in the vitality of the City and the region; and

WHEREAS, the City of Fayetteville has determined that development in the downtown area should be compatible with the traditional town form; and

WHEREAS, developments that are compatible with the surrounding area and harmonious with the character of the neighborhood, have a positive effect upon the future development of the area; and

WHEREAS, the Downtown Master Plan has been developed through an extensive process involving the public, elected and appointed officials, and staff; and

WHEREAS, the Downtown Design Overlay District follows the same boundary as the Downtown Master Plan Zoning District Boundary;

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

Section 1. That Chapter 151 Definitions is amended by inserting new definitions into §151.01 Definitions, a copy of which marked Exhibit "A" is attached hereto and made a part hereof.

Section 2. That Chapter 166 Development is amended by inserting §166.21 Downtown Design Overlay District, a copy of which marked Exhibit "B" is attached hereto and made a part hereof.

Section 3. That Chapter 166 Development is amended by inserting §166.22 Parking Garages in the Downtown Core, Main Street Center and Downtown General Zoning Districts, a copy of which marked Exhibit "C" is attached hereto and made a part hereof.

Section 4. The City of Fayetteville adopts an official map delineating the Downtown Design Overlay District, a copy of which marked Exhibit "D" is attached hereto and made a part hereof.

PASSED and APPROVED this the _____ day of _____, 2007.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

EXHIBIT "A"

To be inserted in Chapter 151 Definitions:

Appurtenances. (DDOD) Architectural features consisting of awnings, marquees, porches, stoops, balconies, turrets, cupolas, balconies, colonnades, and arcades.

Arcade. (DDOD) A colonnade composed of counterthrusting arches.

Awning. (DDOD) A flexible roof-like cover that extends out from an exterior wall and shields a window, doorway, sidewalk, or other space below from the elements.

Balcony. (DDOD) An open habitable portion of an upper floor extending beyond a building's exterior wall that is not supported from below by vertical columns or piers but is instead supported by either a cantilever or brackets.

Baluster. (DDOD) A short vertical member used to support a railing or coping.

Balustrade. (DDOD) A railing together with its supporting balusters or posts, often used at the front of a parapet.

Barrel roof. (DDOD) Like a covered wagon, or inverted ship; barrel vault is an arch of uniform cross-section.

Colonnade. (DDOD) A roofed structure, extending over the sidewalk, open to the street except for supporting columns or piers.

Cornice. (DDOD) A projecting horizontal decorative molding along the top of a wall or building.

Column. (DDOD) A supporting pillar usually consisting of a round shaft, a capital, and a base.

Domed roof. (DDOD) A vaulted roof having a circular, polygonal, or elliptical base and a generally hemispherical or semispherical shape.

Cupola. (DDOD) A domelike structure surmounting a roof or dome, often used as a lookout or to admit light and air.

EIFS. (Exterior Insulating and Finish Systems). (DDOD) A cement based synthetic material used as an alternative to natural stucco.

First or ground floor. (DDOD). The finished floor facing a street right of way.

Floor. (DDOD) A story within a building.

Gable. (DDOD) The vertical triangular end of a building from cornice or eaves to ridge.

Gabled roof. (DDOD) A double sloping roof that forms a gable at each end.

Gambrel roof. (DDOD) A roof where each side has two slopes; a steeper lower slope and a flatter upper one; a "barn roof".

Hipped roof. (DDOD) A roof with slopes on all four sides. The "hips" are the lines formed when the slopes meet at the corners.

Lintel. (DDOD) A horizontal beam that supports the weight of the wall above a window or door.

Mansard roof. (DDOD) A roof type with two slopes on each of the four sides, the lower slope being steeper than the other; capped off with a cupola, typically Victorian.

Mullions. (DDOD) Strips of wood or metal that separate and hold in place the panes of a window.

Muntin. (DDOD) A short vertical or horizontal bar used to separate panes of glass in a window or panels in a door. The muntin extends from a stile, rail, or bar to another bar. This term is often confused with mullion.

Parking garage. (DDOD) Layers of parking stacked vertically.

Pedestal. (DDOD) The base or support of an upright structure.

Porch. (DDOD) A covered area adjoining an entrance to a building.

Projected bay. (DDOD) A window or series of windows forming a bay in a room and projecting outward from the wall.

Retail. (DDOD) The sale of commodities or goods in small quantities to ultimate consumers.

Shed roof. (DDOD) A roof type with one high pitched plane covering the entire structure.

Stoop. (DDOD) A small platform and / or entrance stairway at a house door, commonly covered by a secondary roof or awning.

Story. (DDOD) A floor level within a building.

Terne. (DDOD) An alloy of lead with about 15% tin. Used to coat sheet steel to inhibit corrosion.

Turret. (DDOD) A small tower or tower-shaped projection on a building.

EXHIBIT "B"

To be inserted in Chapter 166 Development:

166.21 Downtown Design Overlay District

(A) *Purpose.* The intent of this ordinance is to encourage good architectural form through the use of quality design and materials. The goal of the code is to promote functional architecture that creates attractive and usable space. Downtown Fayetteville has a rich architectural history spanning many decades and styles; therefore, architecture should be respectful of the existing built environment and should strive to enhance the public realm. A strong emphasis shall be placed upon designing and implementing sustainable and green architecture practices.

(B) *Applicability.* The Downtown Design Overlay District applies to parcels of land located within the boundaries of the Downtown Design Overlay District. The Downtown Design Overlay District Architecture Standards are applicable in the following instances:

- (1) These standards shall supersede the City's Commercial Design Standards in the Downtown Design Overlay District.
- (2) All new construction shall comply with these standards, including structural renovation and/or new additions that increase the building footprint or volume of habitable space by 50% or more.
- (3) Building designs that strictly comply with these standards are to be considered approved for matters of aesthetics and shall not require further discretionary review for architectural character or appearance.
- (4) Building designs that do not comply with these standards may be permitted by a variance after review and approval by the Planning Commission.
- (5) Building designs that are denied or approved by the Planning Commission may be appealed to the City Council.

(C) *Downtown Design Overlay District Manual.*

- (1) The City of Fayetteville Downtown Overlay District Manual shall be used in support of this chapter to explain specific objectives and principles and to provide a resource for guidance in implementing these standards.
- (2) Copies of the Manual are to be made readily available to the public in the Planning Division.

(D) *Special Building Elements and Appurtenances.* If a building has a marquee, awning, balcony, colonnade, arcade, turret, cupola, porch or stoop then it shall comply with the following regulations:

(1) *Marquees and Awnings.*

(a) *Standard.* These dimensional requirements apply to first or ground floor awnings and marquees. There are no minimum standards for awnings above the first floor.

(i) *Depth.* To the back of the curb maximum.

(ii) *Height.* 7 ft. minimum clear.

(b) *Right-of-Way Encroachment.* Marquees and Awnings shall occur forward of the principal façade and may encroach within the right-of-way, in accordance with the Building Code adopted by the City of Fayetteville.

(c) *Placement.* Placement of awnings or marquees shall not interfere with street trees, street lights, street signs or other such civic infrastructure.

(d) *Prohibited Materials.* High-gloss or plasticized fabrics are prohibited.

(2) *Balconies.*

(a) *Standard.*

(i) *Depth.* To the back of the curb maximum. Balconies above the second floor shall have a maximum projection of 4 ft. from the principal façade.

(ii) *Height.* 10 ft. minimum clear to the underside of the horizontal floor. Supports or appendages may not extend below 7 ft. clear.

(iii) *Length.* 80% maximum of principal building façade for the second floor. 40% maximum for all balconies above the second floor.

(iv) *Roofs.* Balconies may have roofs, but are required to be open, non-air conditioned parts of the building.

(b) *Right-of-Way Encroachment.* Balconies may encroach within the right-of-way, in accordance with the Building Code adopted by the City of Fayetteville.

(c) *Placement.* Balconies shall not interfere with street trees, street lights, street signs or other such civic infrastructure.

(3) *Colonnades and Arcades.*

(a) *Standard.*

(i) *Depth.* 8 ft. minimum from the principal façade to the inside of the column face. Columns must be set back 18 inches from the outside of the column face to the back of the curb.

(ii) *Height.* 10 ft. minimum clear.

(iii) *Length.* 75-100% of the principal façade.

(b) *Right-of-Way Encroachment.* Colonnades shall only be constructed where the minimum

depth can be obtained. Colonnades shall occur forward of the principal façade, and may encroach within the right-of-way, but shall not extend past 18 inches from the back of the curb, in accordance with the Building Code adopted by the City of Fayetteville.

(c) *Placement.* Colonnades may replace street trees along their length.

(4) *Turrets and Cupolas.*

(a) *Standard.*

(i) *Area.* 20 ft. X 20 ft. maximum footprint.

(ii) *Height.* If the footprint is larger than 10 ft. X 10 ft., then the cupola/turret may extend a maximum of 25 ft. above the eave or top of the parapet of the highest story. If the footprint is less than 10 ft. X 10 ft. then the turret or cupola may extend to maximum of 50 ft. above the eave or top of the parapet of the highest story.

(5) *Front Porches.*

(a) *Standard.*

(i) *Depth.* 6 ft. minimum from the principal façade to the inside of the column face.

(ii) *Length.* 25 to 100% of the principal facade. Front porches may be multi-story and are required to be open or screened and non-air conditioned.

(b) *Right-of-Way Encroachment.* Front porches may occur forward of the principal façade. Porches shall not extend into the right-of-way. Front porches and stoops shall not be built within 18 inches of the side property line on attached unit types.

(6) *Stoops.*

- (a) *Standard.* Stoops may be covered or un-covered and stairs may run to the front or to the side.
 - (i) *Depth.* 4 ft. minimum from the principal façade to the inside of the column face for stoops with a covered landing.
 - (ii) *Height.* 30 inches minimum from grade to top of the first finished floor; 96 inches maximum.
 - (iii) *Length.* 10% to 25% of the principal façade, not including stairs.
- (b) *Right-of-Way Encroachment.* Stoops may occur forward of the principal façade, but shall not extend into the right-of-way.
- (c) *Placement.* Sidewalks shall have a minimum 5 ft. clear access for pedestrian movements. Front porches and stoops shall not be built within 18 inches of the side property line on attached unit types.

(7) *Projected Bay.*

- (a) *Standard.* Bays shall consist of habitable space.
 - (i) *Depth.* 4 ft. maximum from the principal facade.
 - (ii) *Second Story Height.* Bays above the first or ground floor shall have a minimum of 10 ft. clear to the underside of the horizontal floor. Supports or appendages shall not extend below 7 ft. clear.
 - (iii) *Length.* 20% maximum of the principal façade length.
- (b) *Second Story Right-of-Way Encroachment.* Bays above the first or ground floor may encroach within the right-of-way, in

accordance with the Building Code adopted by the City of Fayetteville.

- (c) *Placement.* Projected Bays shall not interfere with street trees, street lights, street signs or other such civic infrastructure.
- (E) *Exterior Architectural Elements.* The lists of permitted materials and configurations have been selected for their durability, sustainability and responsiveness to climate. The primary goal of the Architectural Elements is authenticity; the elements encourage construction that is straightforward and functional and draws its ornament and variety from the assembly of genuine materials. Items not listed in the Architectural Elements may be approved upon review by the Planning Commission.
- (1) *Rear Yards Only.* The following shall only be located only in the rear yard:
 - (a) *Trash dumpsters.*
 - (b) *Trash and recycling carts and bins.*
 - (2) *Exterior Prohibited Materials.* The following shall be prohibited:
 - (a) *Undersized Shutters.* Shutters shall be sized so as to equal the width required to cover the window opening.
 - (b) *Shutters made of plastic.*
 - (c) *Glass with reflective coatings other than clear glass with Low-E coatings.* (See opacity and façade section).
 - (d) *Plastic or PVC roof tiles.*
 - (e) *Exposed cell phone towers.*
 - (f) *Aluminum siding.*
 - (g) *Vinyl siding.*
 - (h) *Wood fiber board.*
 - (i) *Unfinished pressure-treated wood.*

(j) *EIFS* (Exterior Insulation Finish System) located on the first or ground floor.

stucco, stone, structural steel, cast iron, wrought iron, and glass.

(3) *Columns, Arches, Pedestals, Railings and Balustrades.*

(4) *Windows, Skylights, and Doors.*

(a) *Permitted Configurations.*

(a) *General Requirements.*

(i) Square columns shall have a minimum width of 6 inches with or without capitals and bases.

(i) Sills are required for all windows.

(ii) Round columns shall have a minimum 6 inch outer diameter with or without capitals and bases.

(ii) Windows shall have trim on the sides and top when the exterior of the building is wood or lap sided. Window trim shall have a minimum dimension of 0.75 inches X 3.5 inches (a normal 1X4).

(iii) Pedestals shall have a minimum width of 8 inches.

(iii) A minimum of 10% of the window area per floor shall be operable with the exception of the first or ground floor.

(b) *Permitted Materials.*

(b) *Permitted Configurations.*

(i) *Columns and Pedestals.* Brick, painted stained or natural wood, Terra Cotta, stained painted or un-painted concrete with a smooth finish, cast-in-place concrete with or without stucco, pre-cast concrete, fiber cement board, concrete masonry units with stucco, stone, structural steel, and cast iron.

(i) All window configurations are allowed.

(ii) *Arches, Lintels and Sills.* Brick, painted stained or natural wood, Terra Cotta, stained painted or un-painted concrete with a smooth finish, cast-in-place concrete with or without stucco, pre-cast concrete, fiber cement board, concrete masonry units with stucco, stone, structural steel, and cast iron.

(c) *Permitted Finish Materials*

(i) *Windows.* Windows may be made of wood, aluminum, copper, steel, clad wood, thermally broken vinyl or aluminum. No false grids except for where mullions and muntins are permanently adhered to both the interior and exterior of a pane of thermally broken glass separated by a spacer aligned with the mullions or muntins in between panes of thermally broken glass. (Commonly referred to as simulated divided light windows).

(iii) *Railings and Balusters.* Brick, painted stained or natural wood, Terra Cotta, stained painted or un-painted concrete with a smooth finish, cast-in-place concrete with or without stucco, pre-cast concrete, concrete masonry units with

(ii) *Doors.* Doors may be made of wood, glass, fiberglass or metal. (I.e. steel, aluminum, copper, bronze, etc.)

(5) *Roofs and Gutters.*

(a) *General Requirements.*

- (i) Roofs may be gabled, hipped, mansard, shed, gambrel, barrel-vaulted, or domed.
- (ii) Applied mansard roofs are not permitted.
- (iii) Low sloped roofs (less than 1 in 12 pitch) shall have light colored finish materials.

(b) *Permitted Configurations.*

- (i) Metal panel roofs shall expose the panel ends at the overhang.
- (ii) Gutters may be rectangular, square, half-round, or Ogee sections.

(c) *Permitted Finish Materials*

- (i) *Metal Roofs.* Metal roofs may be made of galvanized steel, copper, aluminum, zinc-alum, lead coated copper, terne, or powder coated steel.
- (ii) *Shingles.* Shingles shall be made of asphalt, metal, concrete, terra-cotta, slate, or cedar shingles or shakes.
- (iii) *Gutters.* Gutters shall be made of copper, aluminum, galvanized steel, lead coated copper, terne, or powder coated steel.

(6) *Garden Walls, Fences and Hedges.*

(a) *General Requirements.*

- (i) Fences, garden walls, or hedges are encouraged along side yards, rear yards, and all property lines which abut public streets or alleys.
- (ii) Fences and garden walls shall be at a minimum 25% opaque, with the exception of the requirements set forth in §166.21(E)(5)(c)(ii).

(b) *Height.*

- (i) Front yard (in front of the primary structure) maximum height of 42 inches.
- (ii) Fences located in the rear and side yards (behind the principal façade of the primary structure) shall have a minimum height of 36 inches and a maximum height of 6 feet.

(c) *Permitted Configurations*

- (i) *Wood Fences.* Picket fences with corner posts, and split rail.
- (ii) *Metal Fence.* Fence shall be comprised of primarily vertical pickets with a minimum 5/8 inch diameter, and 4 inch maximum clear space between the pickets.

(iii) *Brick and Stone.*

(d) *Permitted Finish Materials*

- (i) Wood.
- (ii) Wrought iron, steel and cast iron.
- (iii) Brick and stone.
- (iv) Concrete masonry units with or without stucco so long as the primary structure corresponds.
- (v) Reinforced concrete with or without stucco as long as the primary structure corresponds.

(7) *Opacity and Facades.*

(a) *General Requirements.*

- (i) Each floor of any principal building façade above the first floor facing a park, square or street shall contain windows covering from 15% to 60% of

the principal facade area.

- (ii) The permitted percentage of glass may be increased to 80% for any two floors above the fourth floor provided that there is a minimum setback of 15 ft. from the principal facade.
 - (iii) A minimum of 10% of the window area per floor shall be operable with the exception of the first or ground floor.
 - (iv) All glass shall be clear and / or have a Low-E coating.
 - (v) Glass used above the first or ground floor shall have a visible transmittance rating of 0.4 or higher.
- (b) *First or Ground Floor Requirements of any principle facade.*
- (i) Glass on the first or ground floor shall have a visible

transmittance rating of 0.6 or higher.

- (ii) Commercial space and storefronts shall have a minimum of 75% glass on the first or ground floor of any principle facade.
- (iii) Multi-Family Residential space shall have a minimum of 40% and a maximum of 75% glass on the first or ground floor.
- (iv) Single Family Residential space shall have a minimum of 5% glass on the first or ground floor.
- (v) Doors or entrances for pedestrian access shall be provided at intervals no greater than 50 ft. apart along the principal facade.

EXHIBIT "C"

To be inserted in Chapter 166 Development:

166.22 Parking Garages in the Downtown Core, Main Street Center, and Downtown General Zoning Districts

(A) *Purpose.* Parking garages by their nature tend to overwhelm the built environment due to their scale and repetitious construction. Parking garages must be detailed carefully in order for them to enhance the built environment in terms of scale, appearance, and pedestrian safety.

(1) Parking Garages located at the right-of-way line in the DC, MSC, and DG zoning districts shall meet at least one of the following criteria:

(a) The entire length of the principal façade of the parking garage on the first or ground floor is comprised of habitable area, such as retail, office, or lobby space at a minimum depth of 15 ft. The habitable area may be interrupted for a maximum width of 30 ft. to allow for vehicle and pedestrian access to the parking garage. Entrances or door openings to the habitable space shall be provided at intervals no greater than 50 ft. apart. The upper floors of a parking garage in this configuration may extend over the first or ground floor to create a covered walkway.

(b) The principal façade of the parking garage on the first or ground floor is composed of a series of display windows. Display windows shall be arranged so that there are no more than 4 ft. of blank wall space between display windows. Entrances or door openings shall be provided at intervals no greater

than 50 ft. apart. The upper floors of a parking garage in this configuration may extend over the first or ground floor to create a covered walkway.

(c) The principal façade of the parking garage is covered with a trellis that will support vines and other landscaping materials to create a living green façade. Parking garages in this configuration are required to utilize storm water harvesting techniques such as cisterns, green roofs, or by directing runoff through a series of planter boxes along the front of the façade. The upper floors may not extend over the first or ground floor to create a covered walkway.

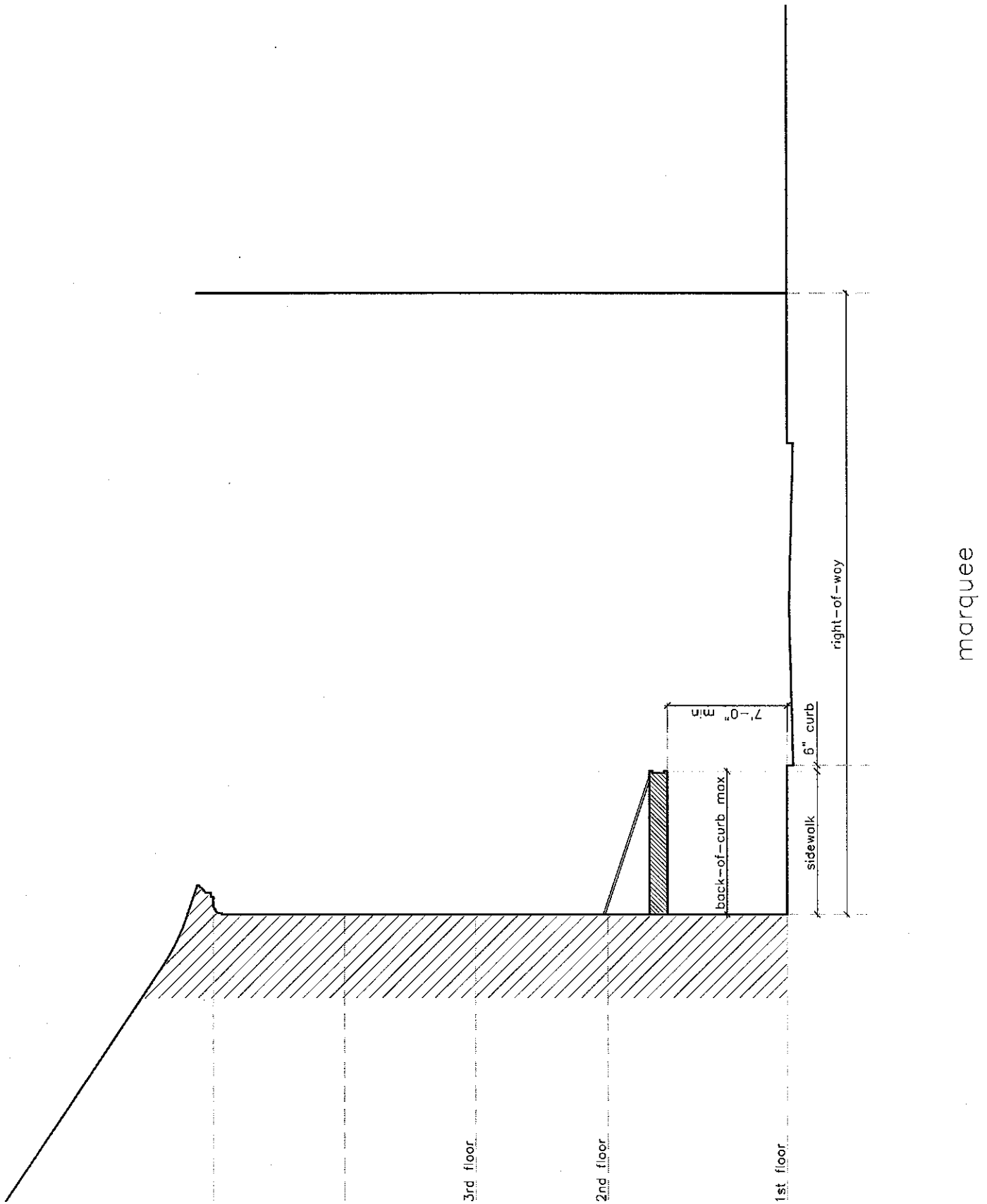
(2) All other parking garages not located at the right-of-way line in the Downtown Core, Main Street Center and Downtown General Zoning Districts shall be located at a build-to line located 25 ft. from the right-of-way line. The 25 ft. buffer created shall be landscaped in accordance with the regulations contained in Chapter 177: Landscape Regulations of Fayetteville's UDC. The 25 ft. landscape buffer may be developed at some point in the future with habitable space that meets the requirements above.

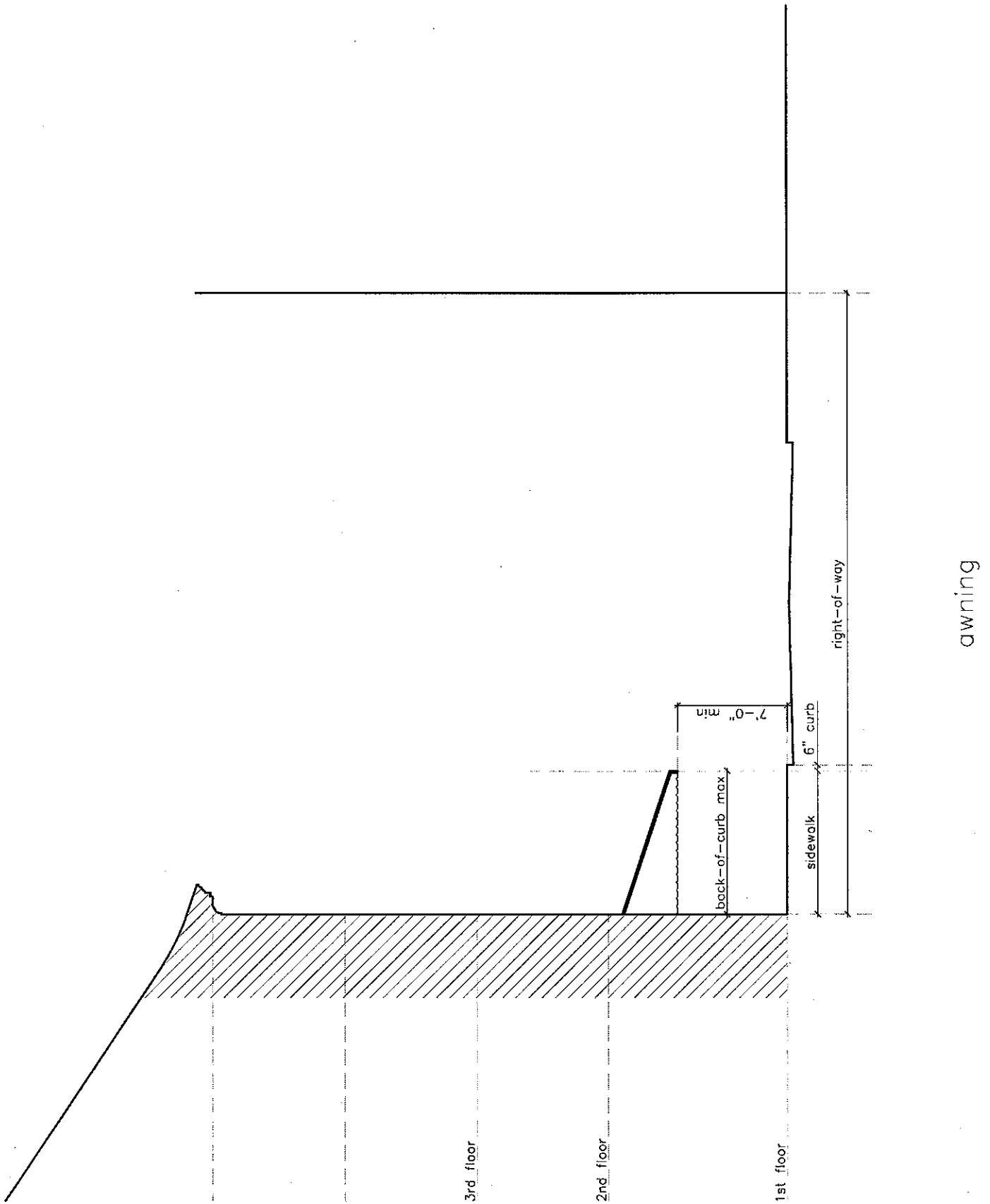
(3) Internal parking garage configuration and circulation shall be determined by Planning Staff utilizing credible industry standards outlined in publications such as the Urban Land Institute or the National Parking Association.

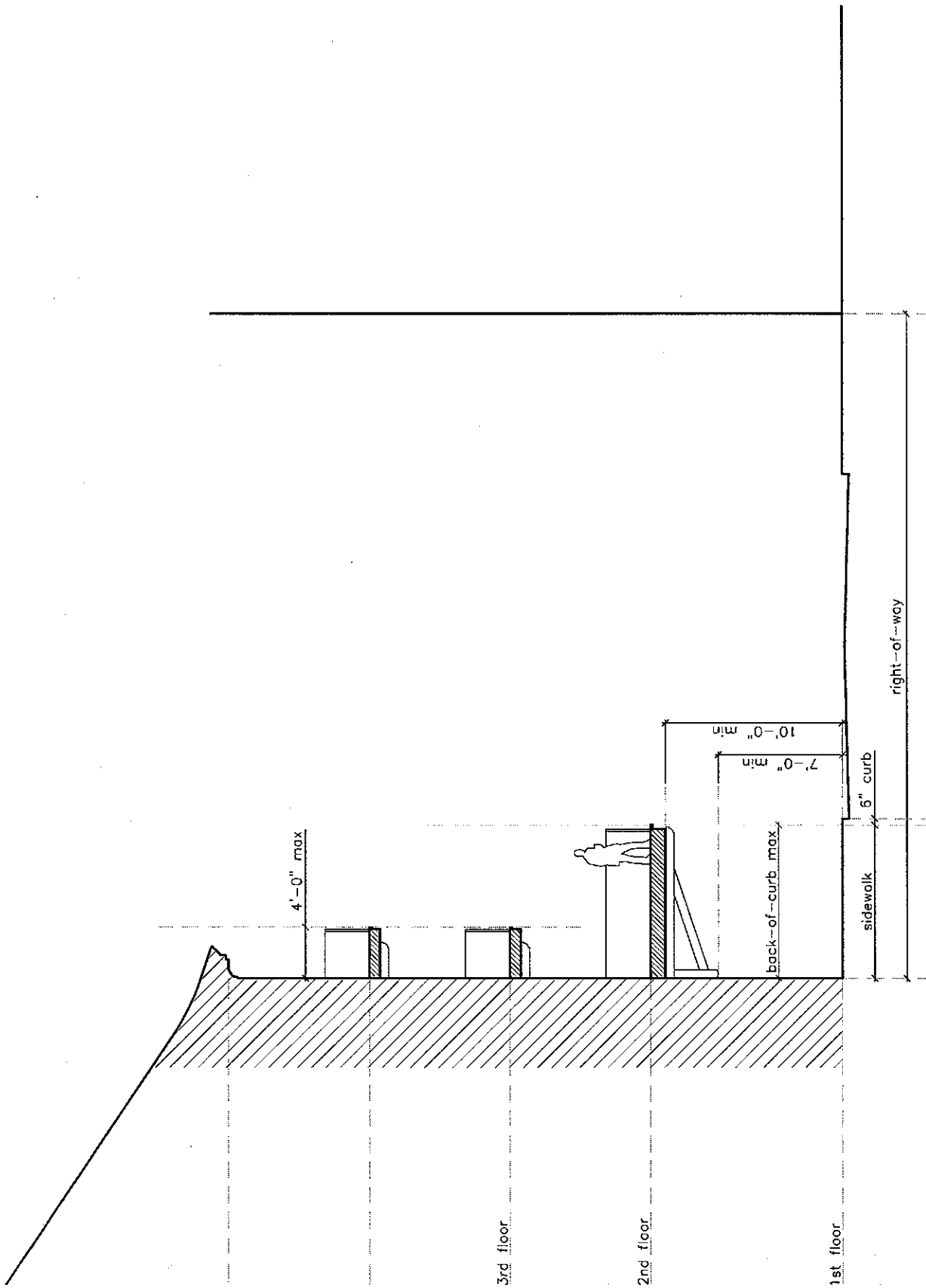
Exhibit "D"

Official Downtown Design Overlay District Map:

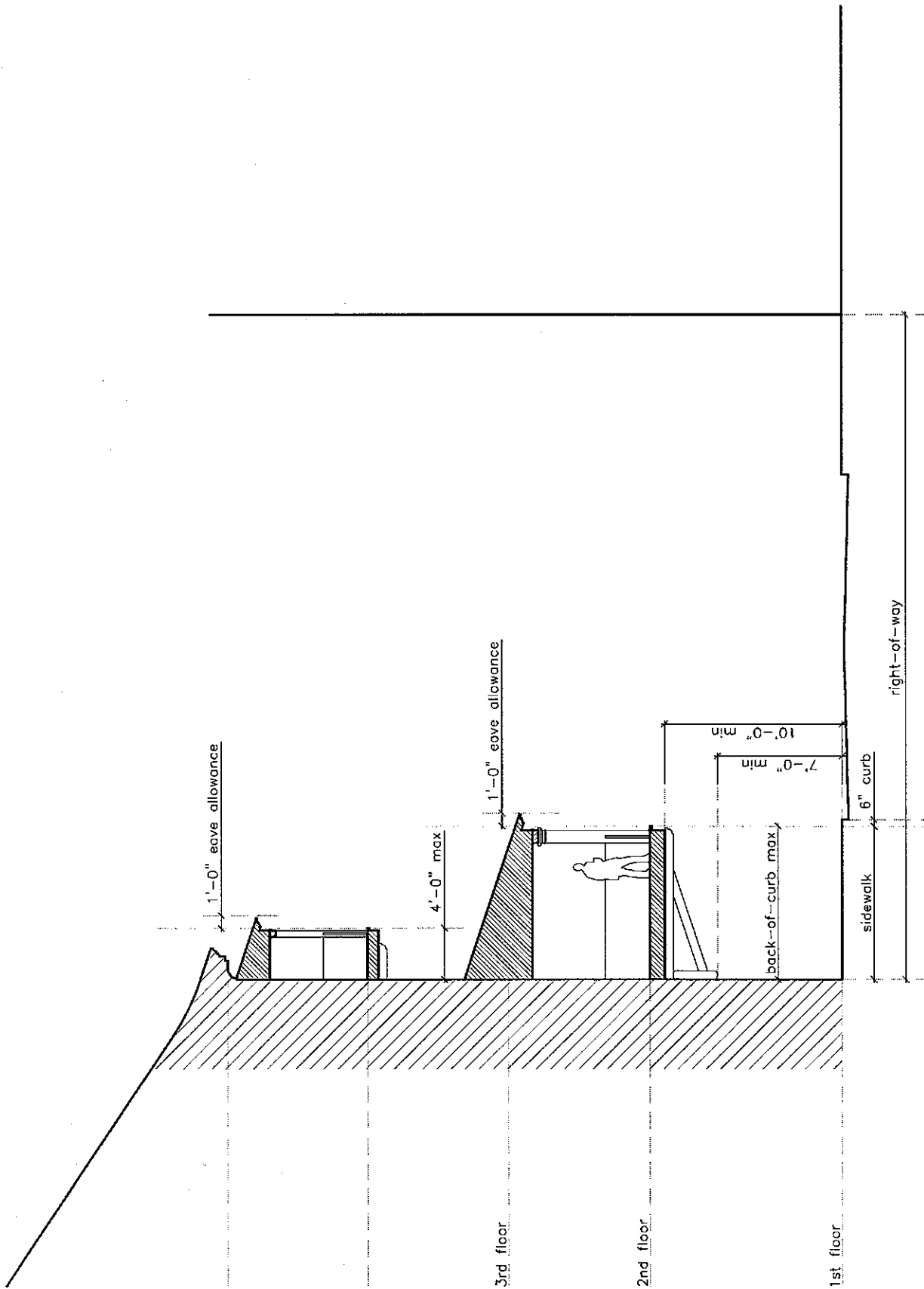




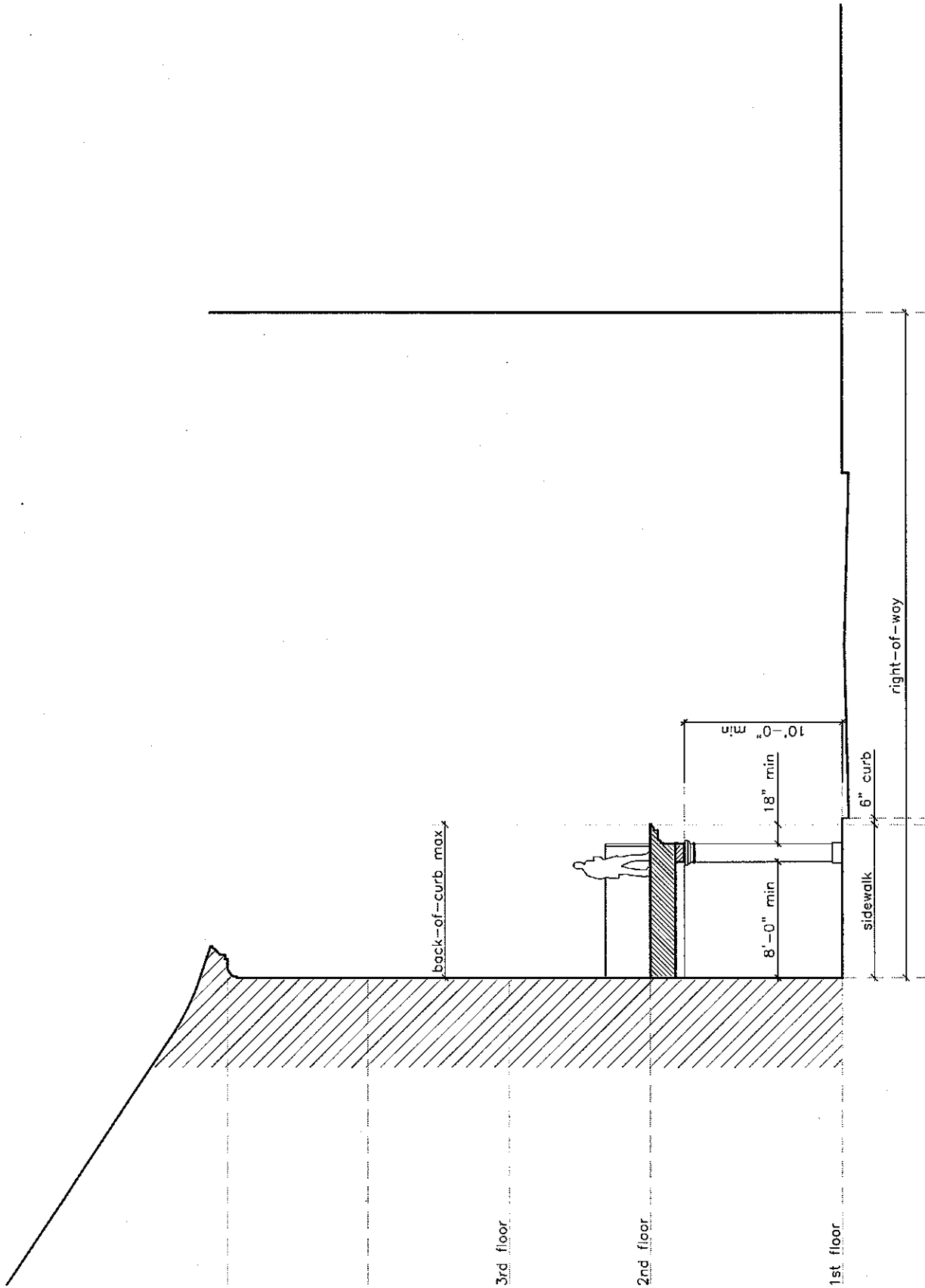




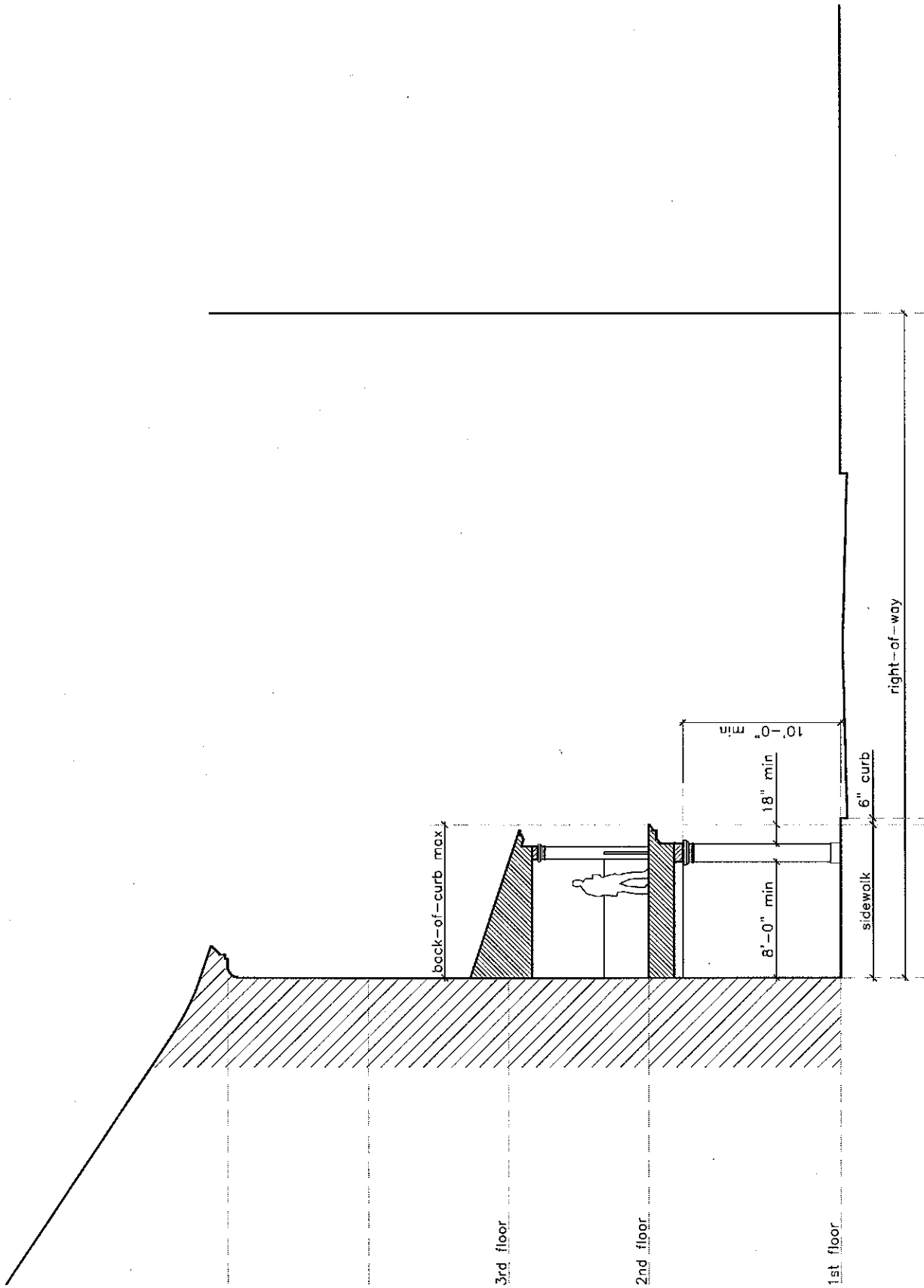
balcony – uncovered



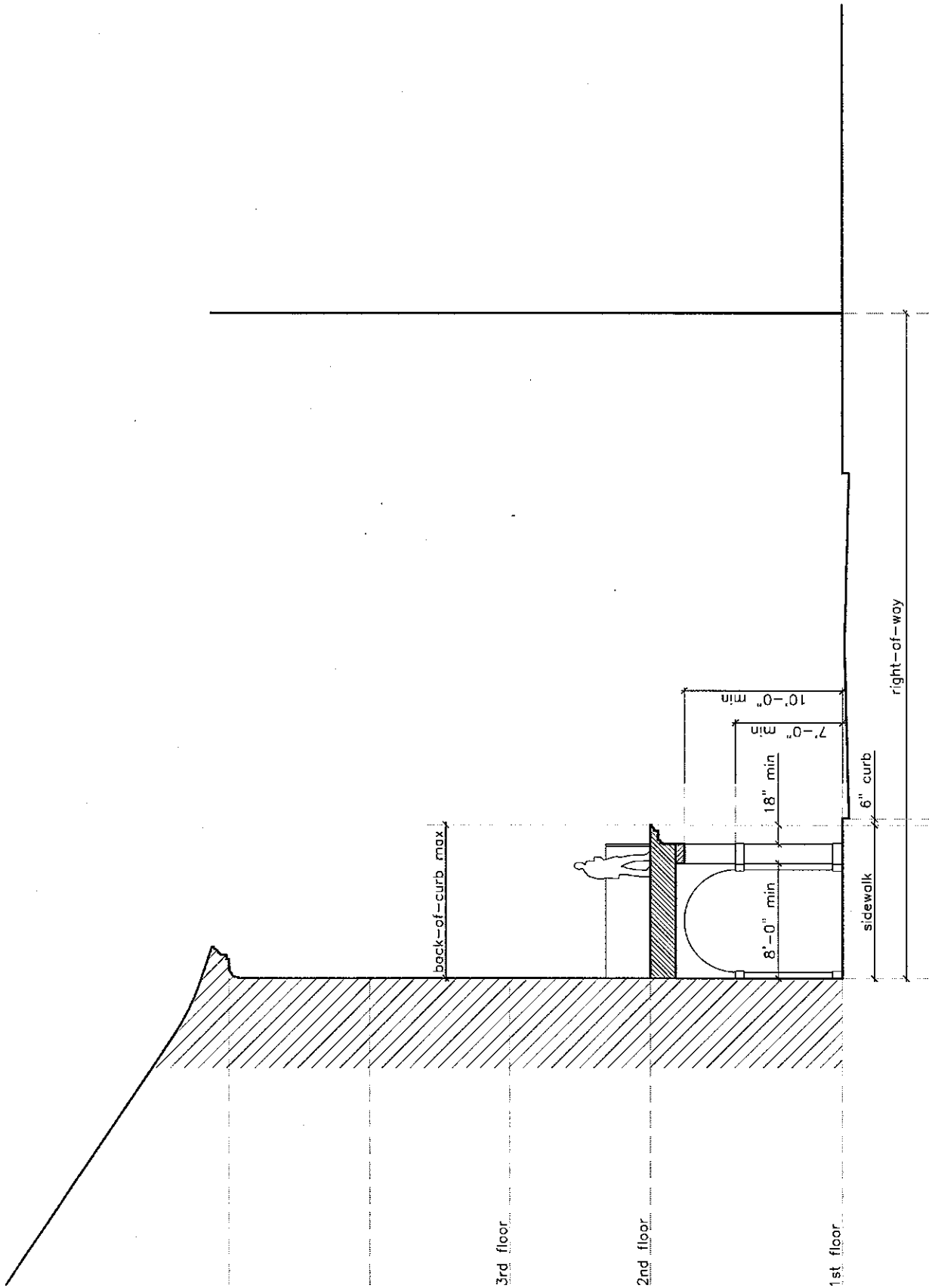
balcony – covered



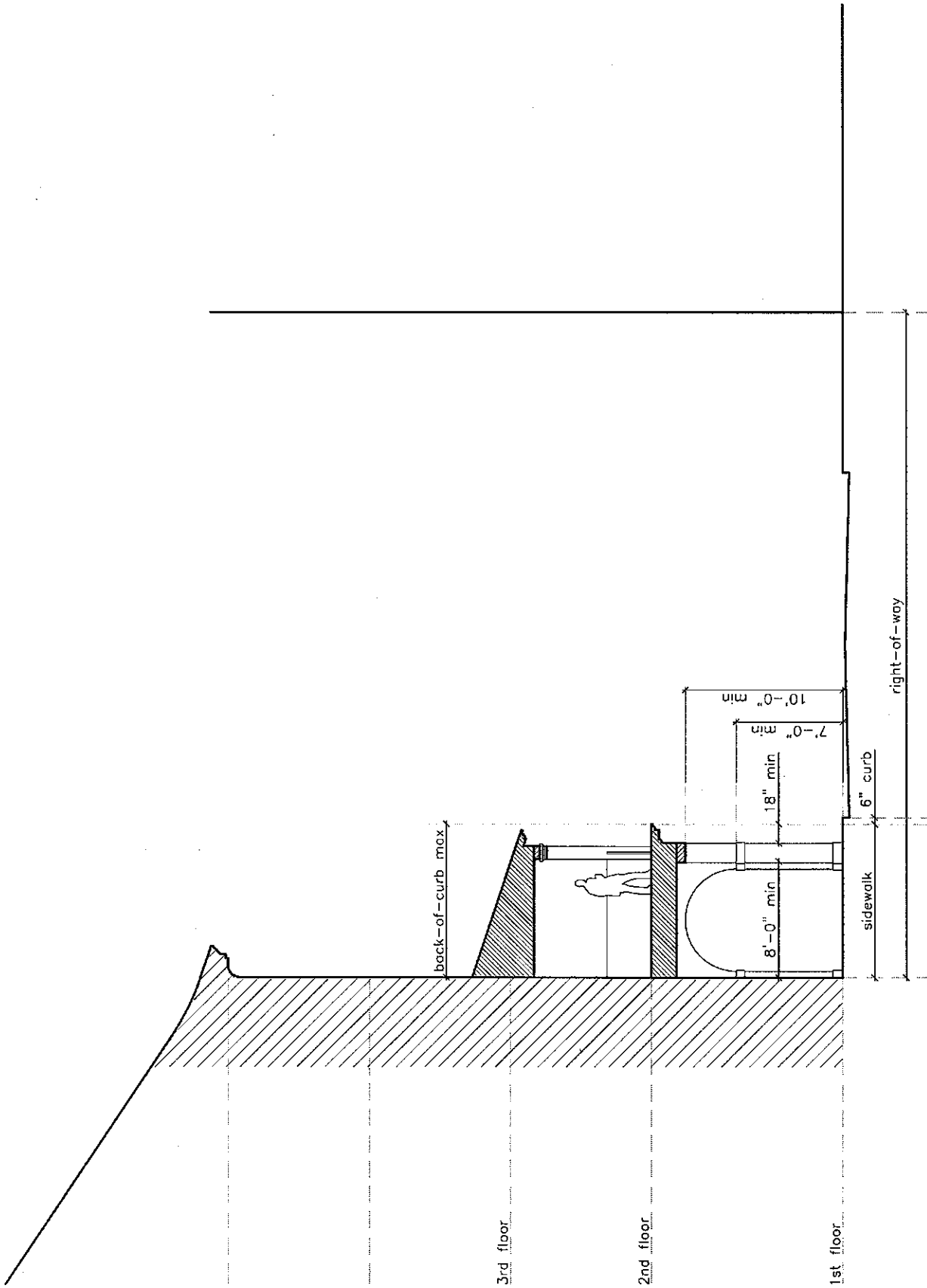
colonnade -- uncovered



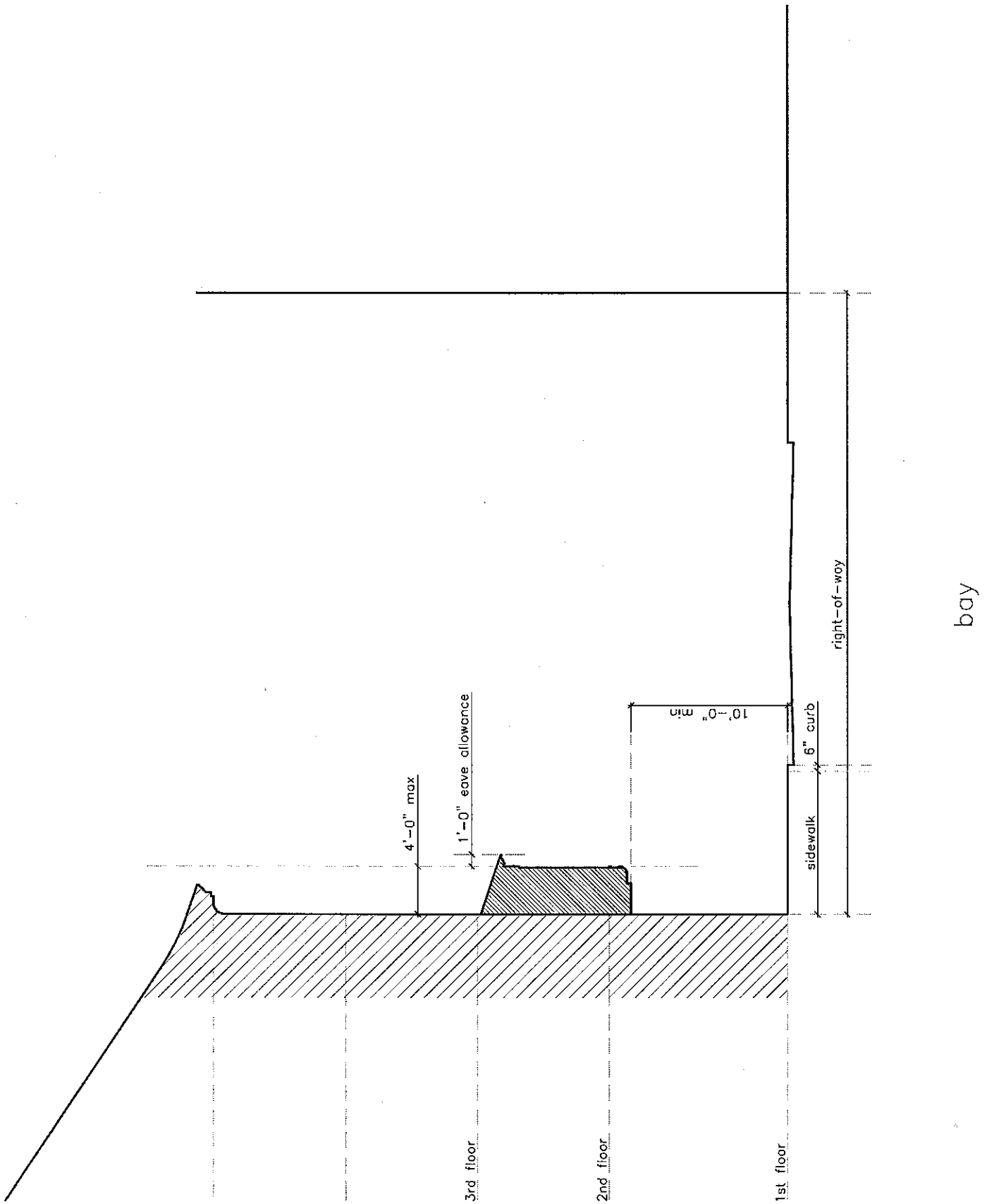
colonnade — covered

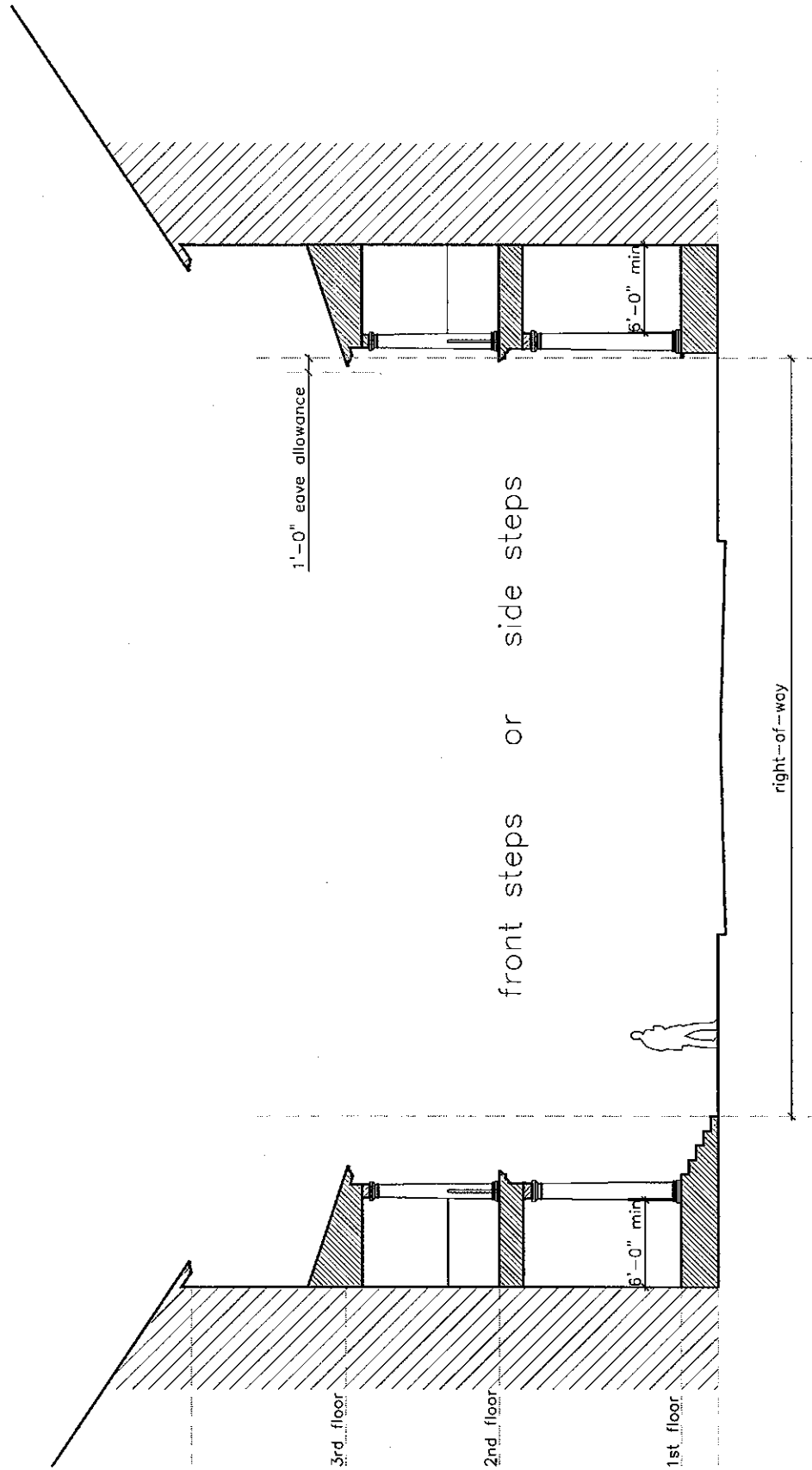


arcade -- uncovered

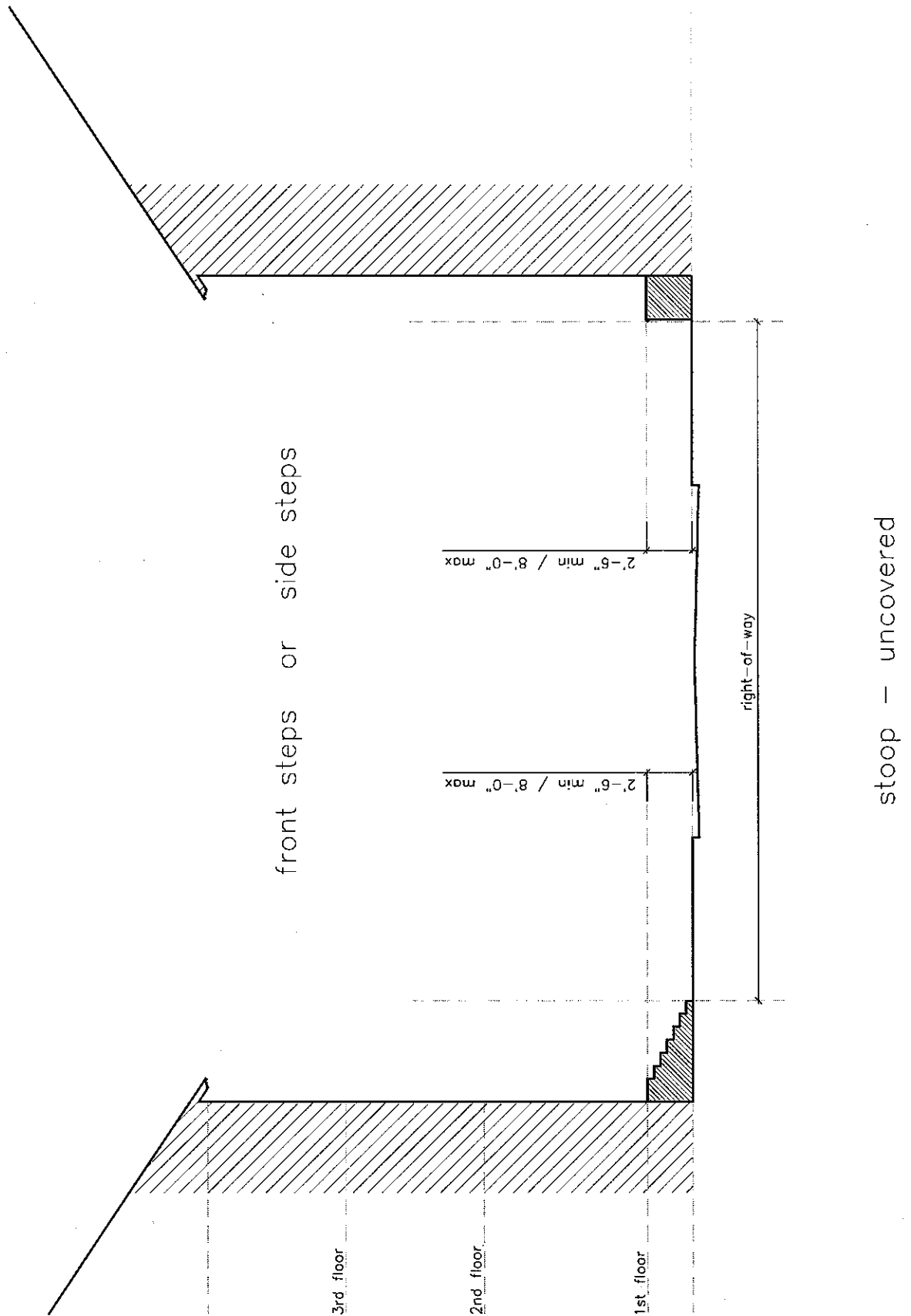


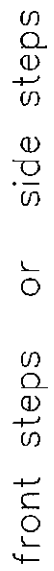
arcade — covered



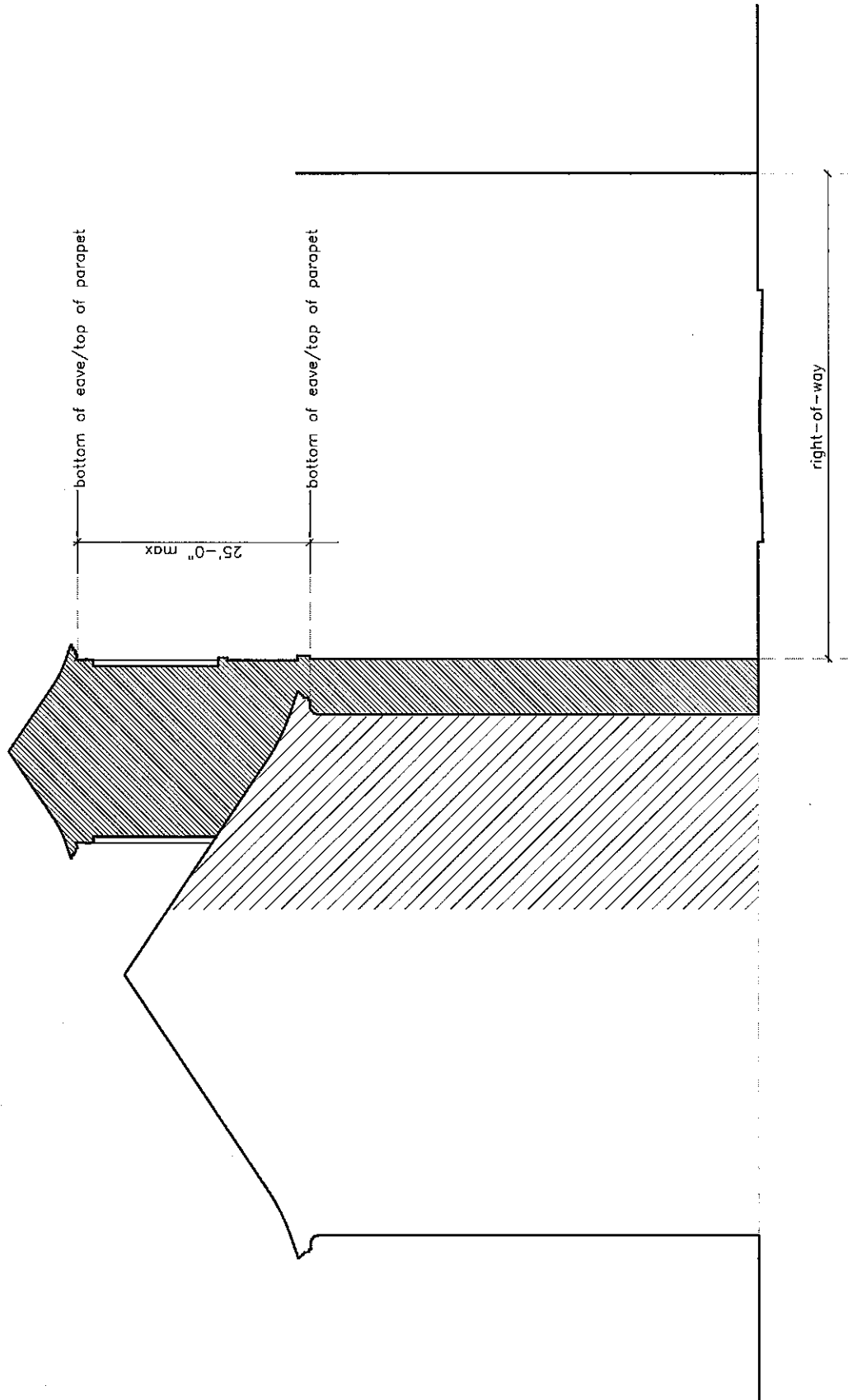


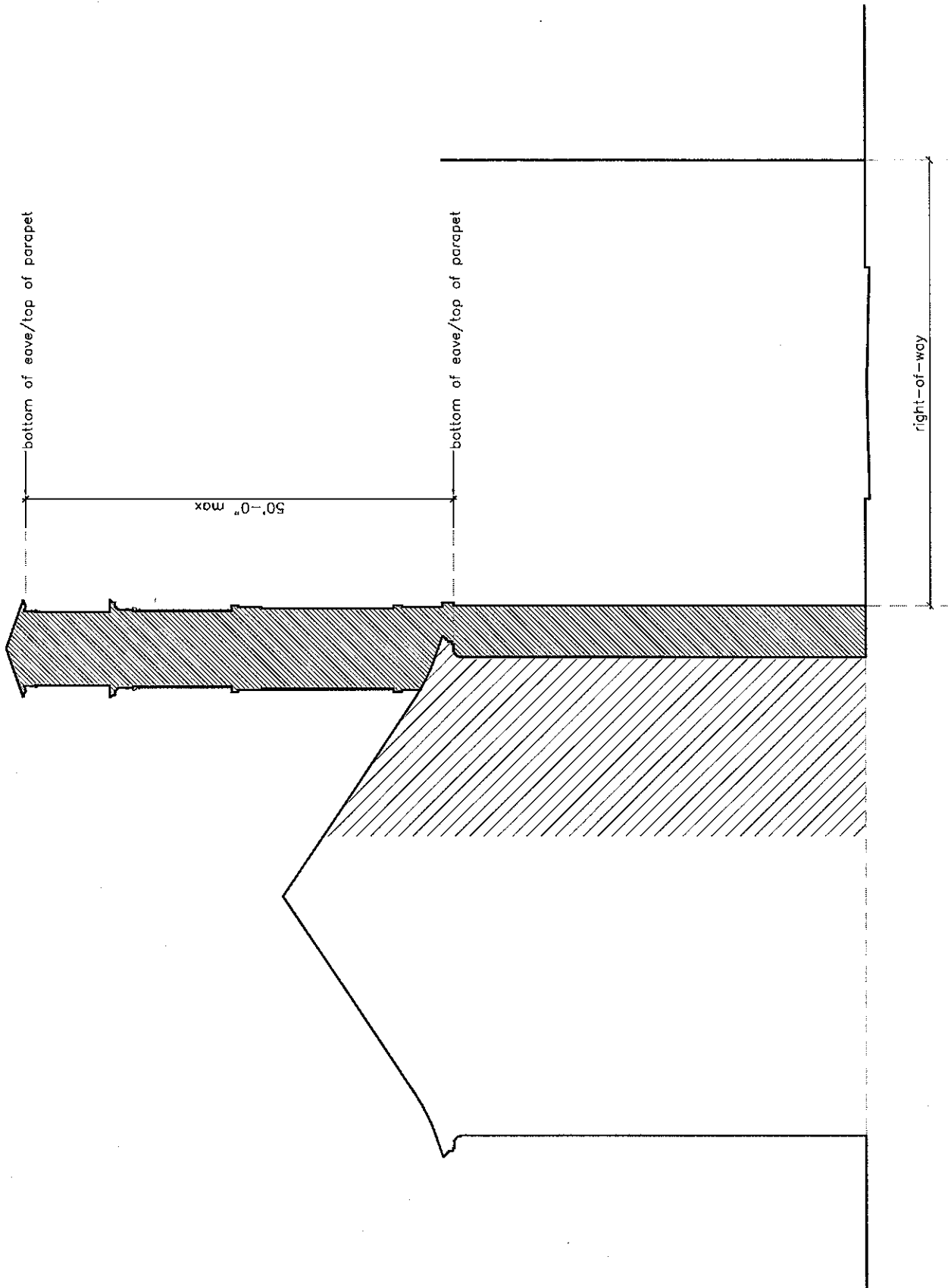
porch — one or two stories



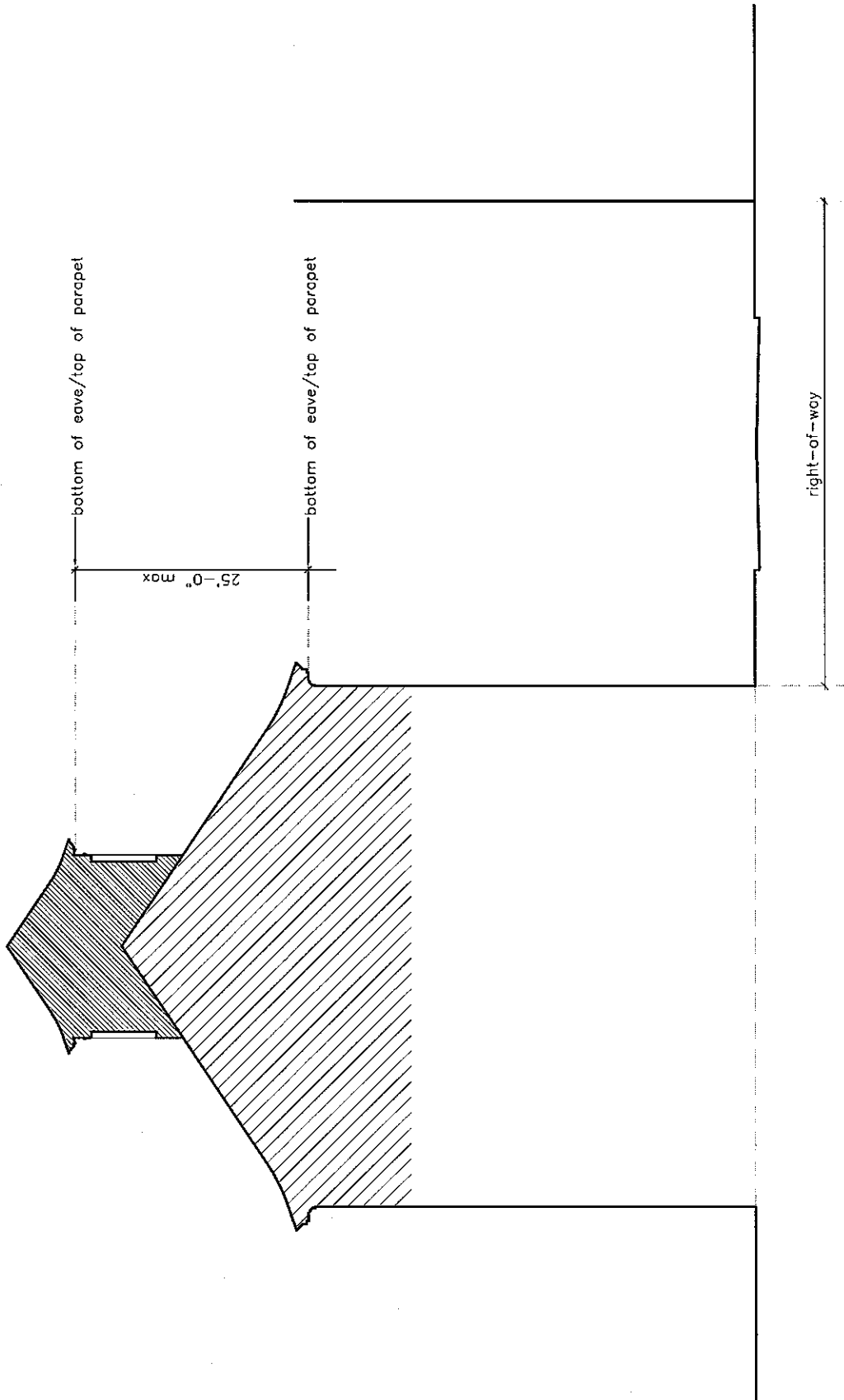


stoop – covered

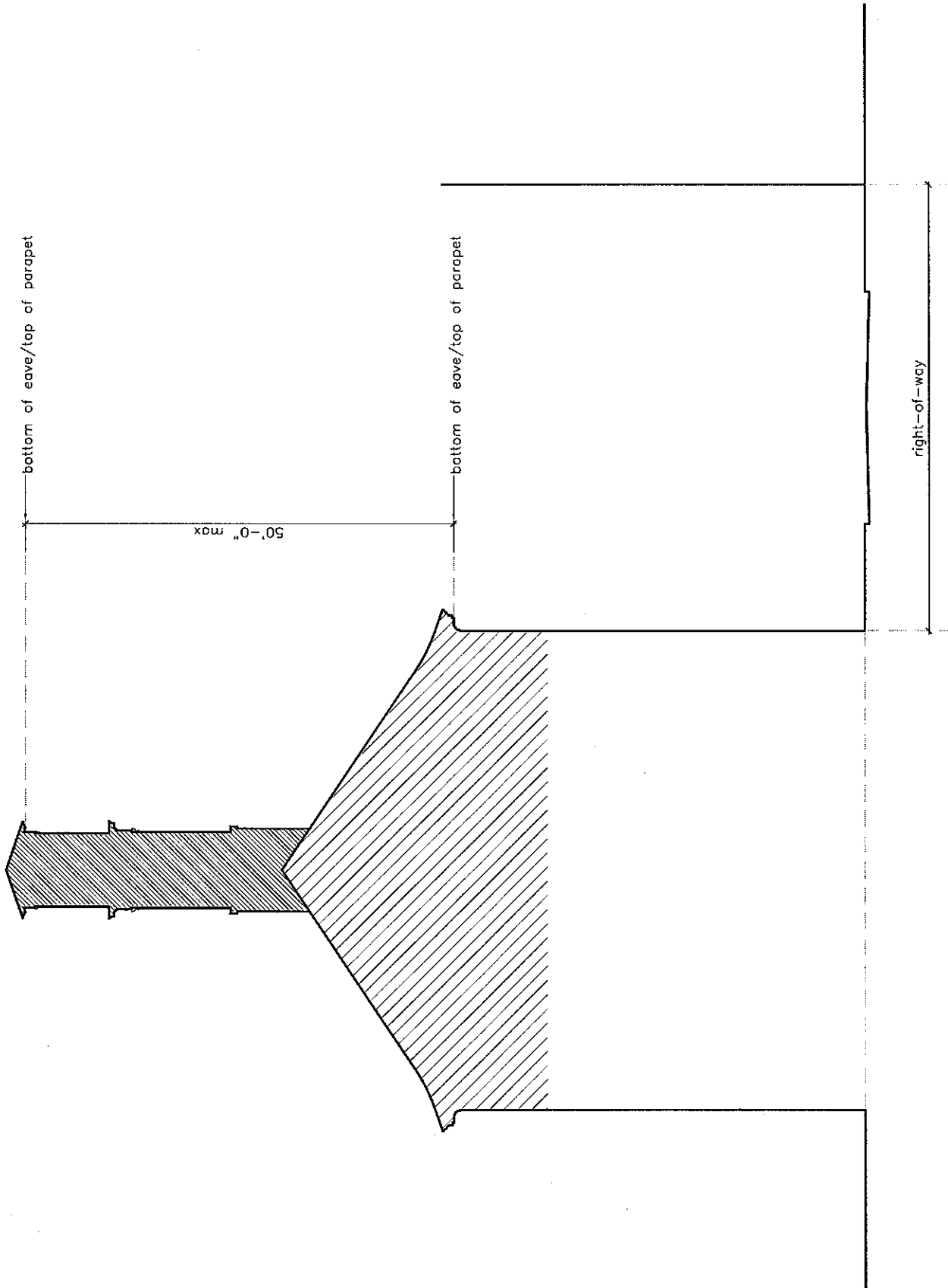




tower - 100sf max



cupola - 400sf max



cupola - 100sf max

ADM 07-2577: (DOWNTOWN DESIGN OVERLAY DISTRICT (DDOD))

Submitted by Long Range Planning Staff an Ordinance creating a Downtown Design Overlay District with a set of architectural standards for all new construction in the DDOD.

Leif Olson, Long Range Planner, gave the staff report which reviewed the process for bring these standards forward. In 2004, the City Council adopted the Downtown Master Plan. The Chair of the Planning Commission appointed a committee of designers and architects to produce the draft downtown architectural design guidelines. In the packet there are four drafts. The original Dover Kohl and Partners Draft (April 2004), the committee's draft, the mark up draft by the City Attorney, and the Planning Division's recommendation draft.

Leif Olson advised that staff will develop a manual and diagrams.

The planning commission should review and discuss this draft this evening.

Audy Lack, Planning Commissioner, thanked Commissioner Anthes for the selection of the committee. Thought the committee was diverse and that none came away with everything that they wanted to see in the draft but there was a compromise and consensus to forward the draft to the Planning Commission. He also stated that he thought this was calibrated to the region., thanked planning staff for sticking with the committee, and also thought the proposed draft was manageable and clear. Commissioner Lack asked about why the non-conforming structure was taken out.

Leif Olson stated that staff thought is an act of God happened that we would want to see what was rebuilt meet the design standards.

Commissioner Lack asked why the appeal is not in the UDC chapter for appeals.

Leif Olson stated that this draft was presented to provide context for definitions and appeals.

Kit Williams, City Attorney, stated that we need to stick with the UDC format and show definitions in the definitions sections and appeals in the appeal section.

Commissioner Lack asked why staff removed the enclosed porch section.

Leif Olson, stated that we wanted to allow screened porches.

Jeremy Pate, Director of Current Planning, stated that in Washington Willow there are home owners that screen and put in removable windows during certain times of the year

Commissioner Lack thought that screening may be appropriate and stated he had concerns about exposed Cell towers.

Kit Williams stated that this section could be placed in the conditional section to add stealth design.

Commissioner Lack wanted to know why false grids was removed by staff.

Leif Olson explained that staff thought it would be difficult to administer.

Commissioner Lack thought the parking garage section was a good addition to the code but had concerns making it Citywide.

James Graves, Planning Commissioner, clarified that we still need to take out the references to the DMP code.

Jill Anthes, Planning Commissioner, asked if including this in the DMP ADS would delay the process

General Discussion, there was discussion regarding if this should be left in with the DMP ADS or stand alone.

Christina Myres, Planning Commissioner, stated she was not concerned with it coming out. She also question why we require window sills and thought you could have mid century type windows without sills

Commissioner Lack stated that it was a compromise to leave in all material types

Jeremy Pate reminded the Planning commission that the intent is to develop a design code that allows development "as-of- right" when it complies with the code and other designs would come before the commission.

Commissioner Myres thanked Mr. Pate for reminding the commission that this was not stating everything must meet this code.

Matthew Cabe, Planning Commissioner, asked why we had standards for window trim size

Commissioner Anthes stated that the committee felt it was necessary

Leif Olson stated that there are some standard dimensions that "look" appropriate when you trim a window. Also, that it is seldom individual used oversized trim.

Commissioner Cabe stated he had concerns regarding the inoperable shutter and undersized shutters. He also asked to clarify why we have lists that allow almost everything and list that prohibit certain things.

Lois Bryant, Planning Commissioner, stated that we see more recycled materials in the future and may become an issue that will have to be reviewed. She also asked about the low e coating and window tinting

Commissioner Lack stated that this issue of window glazing and tinting will come up and that Kit Williams brought up the issue of stained glass. He talked the importance of have being able to see through the windows and having “openness” and the need to balance energy efficiency and design for accent. He also stated that he thought the front porch and exposed cell towers should be left in the ordinance.

Commissioner Anthes asked why we reference the building code.

Leif Olson stated that they may be code requirements when certain element encroach into the right-of-way.

Kit Williams asked to clarify the store front section of the ordinance and if applied to all sides of the building. He also stated that leaving the windows un-shuttered at night was not a zoning issue

General Discussion, there was additional discussion to clarify the commercial design standards section and the need to use the term variance instead of waiver. He recommended that we develop criteria for granting a variance from this section.

Kit Williams asked why the committee recommended the 25% opaque for fences and pointed out that it didn't work for metal fences.

Commissioner Anthes asked the commission to comment on each page of the proposed ordinance

General Discussion, there was discussion about the purpose statement and if it needed to be more descriptive

Tim Conklin, Planning and Development Management Director, informed the commission that he had received a comment that the prohibition of embossed raised simulated wood grain material and that smooth material like “hardy board” has an increased cost and was not readily available at building supply stores.

Commissioner Lack stated that the market would catch up with the demand for smooth materials overtime as these standards are implemented.

Commissioner Anthes stated that all of the window requirements should be left in the proposed ordinance.

Kit Williams asked that the metal fence requirement be excluded from the 25% opaque requirement.

Commissioner Graves recommended language to clarify the fence requirement.

Commissioner Lack shutter???

Commissioner Anthes recommended that we keep exhibit C as original presented by the committee.

Motion:

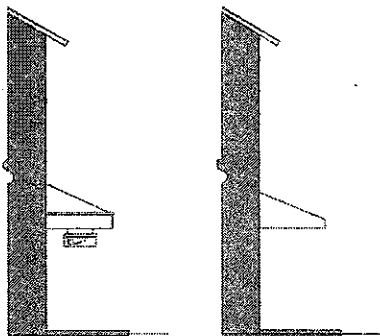
Commissioner Lack made a motion to approve and forward to the City Council with the recommended changed for approval. **Commissioner Myres** seconded the motion. **Upon roll call, the motion passed with a vote of 6-0-0.**

TITLE XV UNIFIED DEVELOPMENT CODE

(1) *Special Building Elements & Appurtenances.*

Retail Frontage is required to have at least one of the following: marquee, awning, balcony, colonnade, arcade. Residential buildings are required to have either a stoop or porch. If a building has a marquee, awning, balcony, colonnade, arcade, turret, cupola, porch, or stoop, then it shall comply with the following regulations:

(a) *Marquees and Awnings*



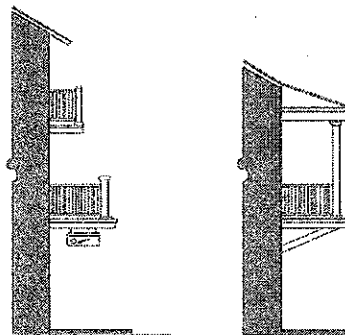
Depth = 6 ft minimum.
 Height = 8 ft minimum clear.
 Length = 50% to 100% of Building Front. (for storefronts only).

The above requirements apply to first-floor awnings. There are no minimum requirements for awnings above the first floor.

Marquees and Awnings shall occur forward of the principal façade and may encroach within the right-of-way.

Awnings shall be made of fabric or metal. High-gloss or plasticized fabrics are prohibited.

(b) *Balconies*



Depth = 4 ft minimum for 2nd floor balconies.
 Height = 10 ft minimum clear.
 Length = up to 100% of Building Front. (for storefronts only).

Balconies shall occur forward of the principal façade and may encroach within the right-of-way.

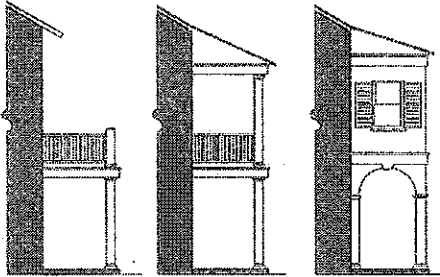
Balconies may have roofs, but are required to be open, un-airconditioned parts of the buildings.

On corners, balconies may wrap around the side of the building facing the side street.



TITLE XV UNIFIED DEVELOPMENT CODE

(c) Colonnades and Arcades

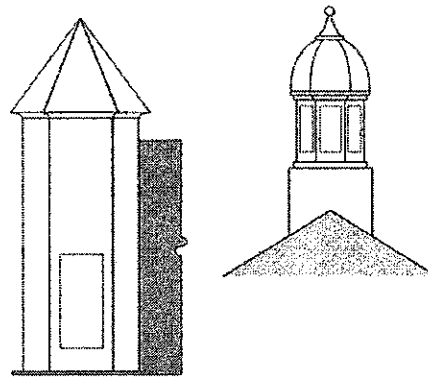


- Depth = 8 ft minimum from the principal façade to the inside column face. 18 from outside column face to curb.
- Height = 10 ft minimum clear.
- Length = 75-100% of Building Front. (for storefronts only).

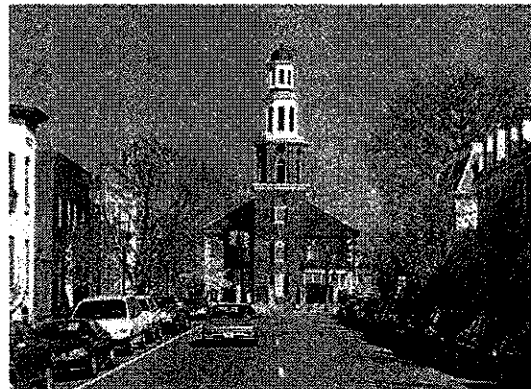
Open multi-story porches, awnings, balconies, and enclosed useable space shall be permitted above the colonnade.

Colonnades shall only be constructed where the minimum depth can be obtained. Colonnades shall occur forward of the principal façade, but may not encroach within the right-of-way, and shall not extend past the curb line. Colonnades may replace street trees along their length. On corners, colonnades may wrap around the side of the building facing the side street.

(d) Turrets and Cupolas

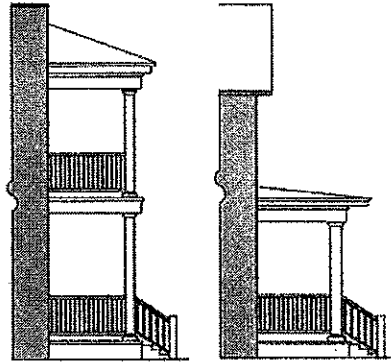


- Plan Area = 20 x 20 Maximum Footprint
- Height = If footprint is larger than 10 x 10, then the cupola / turret may extend a maximum of 25 above the roofline of the highest story. If footprint is below 10 x 10, then the turret or cupola may extend to a maximum of 50 above the roofline of the highest story.



TITLE XV UNIFIED DEVELOPMENT CODE

(e) Front Porches



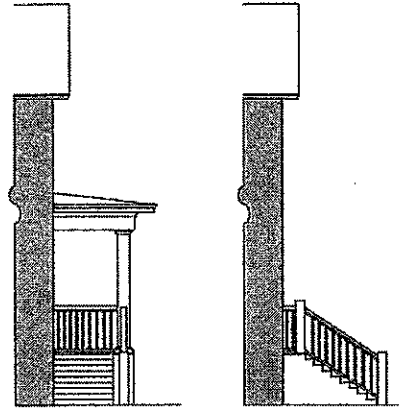
- Depth = 8 ft minimum from building face to inside column face.
- Length = 25% to 100% of Building Front.
= 25% to 100% of Building Side for wrap-around porches.
- Height = 30" min. from grade to top of stairs; 96" maximum.

Front Porches may be multi-story.

Front Porches may occur forward of the principal façade. Porches shall not extend into the right-of-way.

Front Porches are required to be open and un-airconditioned. No more than 25% of the floor area of a porch may be screened if the porch extends forward of the Build-to Line.

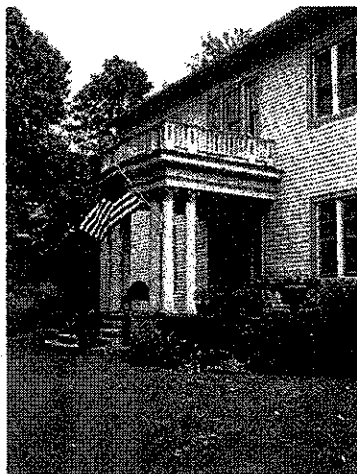
(f) Stoops



- Depth = 4 ft minimum from principal façade to inside column face for stoops with covered landing.
- Length = 10% to 25% of Building Front. (length does not include stairs)
- Height = 30" minimum from grade to top of first finished floor; 96" maximum.

Stoops may occur forward of the principal façade, but shall not extend into the right-of-way. Stoop stairs may run to the front or to the side. Sidewalks shall have a minimum 5' clear access for pedestrians. Stoops may be covered or uncovered.

*Front Porches and Stoops shall not be built within 18' of the side property line on attached unit types.



TITLE XV UNIFIED DEVELOPMENT CODE

(2) *Architectural Elements*

The lists of permitted materials and configurations have been selected for their visual appropriateness and responsiveness to climate. The primary goal of the Architectural Elements is authenticity. The Elements encourage construction which is straightforward and functional, and which draws its ornament and variety from the traditional assembly of genuine materials. All items not listed in the *Architectural Elements* may be allowed upon review by the Review of Architects.

(a) *General Requirements:*

The following shall be located in rear yards or sideyards not facing side streets:

- * Window and Wall Air Conditioners;
- * Electrical Utility Meters;
- * Air Conditioning Compressors (may be located on rooftops if screened from view by roof or parapet wall); and
- * Irrigation and pool pumps.

The following shall be located in the rear yards only:

- * Antennas;
- * Permanent Barbecues;
- * Satellite dishes;
- * Clotheslines.

The following are prohibited:

- * Undersized shutters (the shutter or shutters shall be sized so as to equal the width that would be required to cover the window opening.);
- * Shutters made of plastic;
- * Reflective and/or bronze-tint glass;
- * Plastic or PVC roof tiles;
- * Backlit awnings;
- * Glossy-finish awnings;
- * Exposed cell phone towers

TITLE XV UNIFIED DEVELOPMENT CODE

(b) Building Walls

Required for all buildings:

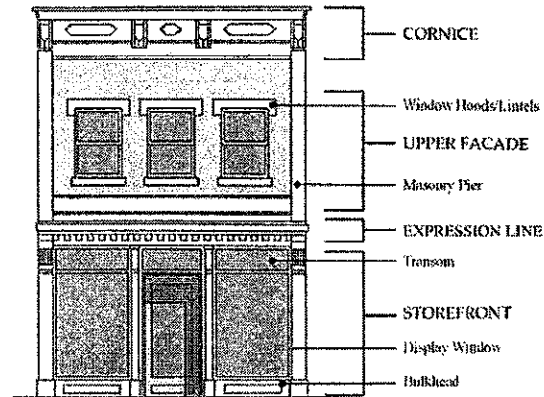
- * Exposed foundation walls (below the first floor elevation) shall be concrete (painted and/or stuccoed C.B.S.), brick, or natural/manufactured stone.
- * All Chimneys shall be finished with brick, stucco, or natural or manufactured stone.
- * The façades of buildings are encouraged to be finished with more than one finish material. Heavier materials (Stone, Brick, Concrete with Stucco, etc.) shall be located below lighter materials (Wood, Fiber Cement Board, Siding, etc). The change in material should occur along a horizontal line, preferably at the floor level.

Required for all buildings except attached and detached single family houses:

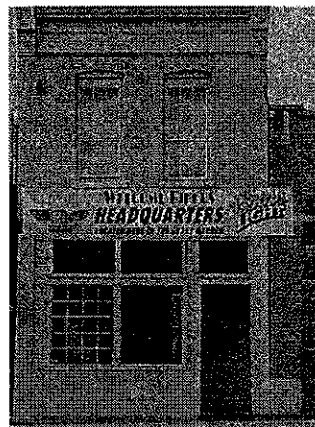
An expression line and a cornice.

Permitted Finish Materials:

- * Concrete masonry units with stucco (C.B.S.)
- * Reinforced concrete with stucco
- * Pre-cast concrete with stucco
- * Fiber cement board such as "Hardie-Plank" siding (50-year siding product)
- * Wood (termite resistant, 50-year siding product): painted white, left natural, or painted/stained with earth-toned colors.
- * Brick
- * Stone (natural or manufactured)
- * E.I.F.S., Fiberglass (as cornice material), and composite materials: shall be located out of reach of pedestrians and shall visually appear to have a hand troweled finish.
- * Wherever possible, Green building materials are encouraged in the construction of building walls, including recycled-content sheathing, siding composed of reclaimed or recycled material, salvaged masonry brick or block, and locally produced stone or brick.



Façade Elements Diagram



TITLE XV UNIFIED DEVELOPMENT CODE

(c) Columns, Arches, Piers, Railings & Balustrades

General Requirements:

- * Column and Pier spacing:
 Columns and Piers shall be spaced no farther apart than they are tall.

For classical column proportions refer to *American Vignola: A Guide to the Making of Classical Architecture* by William R. Ware, W.W. Norton & Company, New York, 1977.

Permitted Finish Materials:

- * Columns:
 Wood (termite resistant), painted or natural
 Cast Iron
 Concrete with smooth finish, painted or unpainted
 Brick
 Stone
- * Arches, Lintels, and Sills:
 Concrete Masonry Units with Stucco (C.B.S.)
 Reinforced Concrete with Stucco
 Brick
 Stone (natural or manufactured)
- * Piers:
 Concrete Masonry Units with Stucco (C.B.S.)
 Reinforced Concrete with Stucco
 Brick
 Stone (natural or manufactured)
- * Railings & Balusters:
 Wood (termite resistant), painted or natural
 Wrought Iron
 Stone (natural or manufactured)

Permitted Configurations:

- * Columns:
 Square, 6" minimum, with or without capitals and bases
 Round, 6" minimum outer diameter, with or without capitals and bases
 Classical orders
- * Arches: Semi-circular, Jack, & Segmental
- * Piers: 8" minimum dimension
- * Porches:
 Top Rail: 2-3/4" minimum diameter
 Balusters: 4 o.c. spacing minimum, 6 o.c. spacing maximum. All dimensions shall also conform with local building codes.



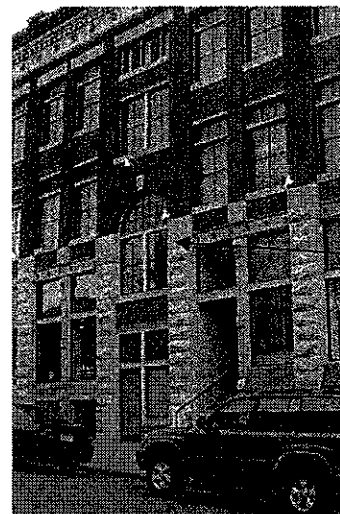
Square Column

Wood Railing

Stone Pier



Railing & Balusters



Arched Entranceway

TITLE XV UNIFIED DEVELOPMENT CODE

(d) Windows, Skylights, & Doors

General Requirements:

- * Window and door openings shall be taller than they are wide.
- * Window openings may be grouped horizontally.
- * Masonry Construction: A header and sill are required for all windows.
- * Wood Construction: Windows are required to have trim on all four sides.
- * The following accessories are permitted: Shutters, Window Boxes, Mullions, Fabric or Metal Awnings (no backlighting; no glossy-finish fabrics)



Masonry
construction:
arch header,
sill

Permitted Finish Materials:

- * Windows & Storefronts: Wood, Aluminum, Copper, Steel, Clad Wood
- * Doors: Wood or Metal
- * Whenever possible, Green building materials shall be used for windows & doors, including wood/composite windows, finger-jointed wood windows, and reconstituted or recycled-content doors



Header

Sill

Permitted Configurations:

- * Windows: Rectangular, Round, Semi-circular, Octagonal, Transom, Sidelite
- * Window Operations: Casement, Single- and Double-Hung, Industrial, Fixed Frame (36 square feet max.)
- * Door Operations: Casement, French



Wood
Construction:
trim on four
sides

TITLE XV UNIFIED DEVELOPMENT CODE

(e) Roofs & Gutters

General Requirements:

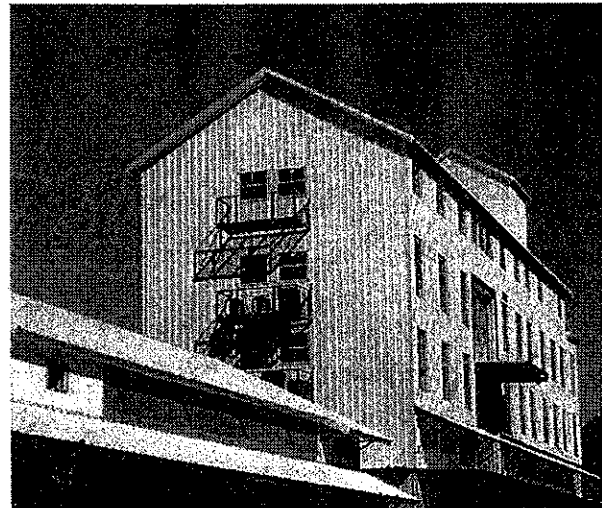
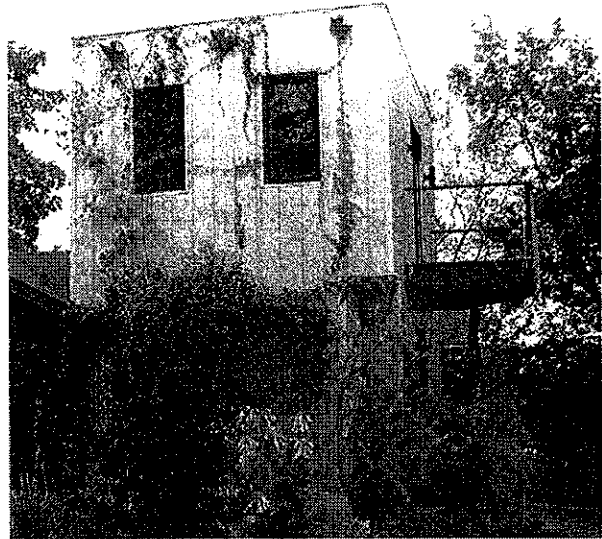
- * Permitted Roof Types: gabled, hipped, mansard shed, gambrel, barrel vaulted & domed. Flat roofs shall be concealed with parapets along the street frontage. Applied mansard roofs are not permitted.
- * Downspouts are to match gutters in material and finish.

Permitted Finish Materials:

- * Metal: Galvanized, Copper, Aluminum, Zinc-Alum
- * Shingles: Asphalt or Metal, "dimensional" type, Slate, Composite Slate
- * Gutters: Copper, Aluminum, Galvanized Steel
- * Recycled-content, 30- or 40-year roofing material.

Permitted Configurations:

- * Metal: Standing Seam or "Five-vee," 24" maximum spacing, panel ends exposed at overhang
- * Shingles: Square, Rectangular, Fishscale, Diamond
- * Gutters: Rectangular section, Square section, Half-round section, Ogee Section



TITLE XV UNIFIED DEVELOPMENT CODE

(f) Garden Walls, Fences & Hedges

General Requirements:

Fences, garden walls, or hedges are required along all property lines which abut streets and alleys as shown in the diagram below. Fences, garden walls, or hedges are encouraged along side yards and rear yards. Fences, garden walls and hedges shall be minimum 25% opaque.

Height :

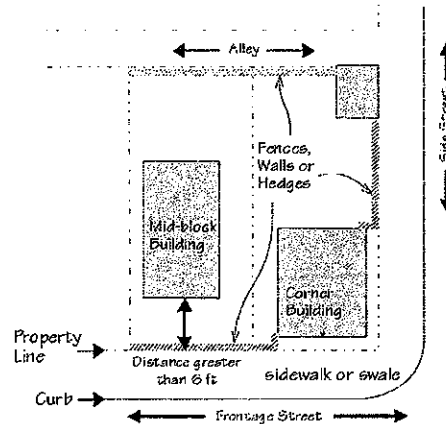
- * Front Yard (in front of the primary structure): maximum height of 42 inches. Pillars and posts may extend farther.
- * Rear Yards and Side Yards (behind the principal façade of the primary structure): minimum height of 36 inches, maximum height 6 feet.

Permitted Finish Materials:

- * Wood (termite resistant): painted white, left natural, or painted/stained with colors.
- * Wrought Iron
- * Brick
- * Stone
- * Concrete Masonry Units with Stucco (if primary structure is masonry)
- * Reinforced Concrete with Stucco - if primary structure is masonry

Permitted Configurations:

- * Wood: picket fences with corner posts; split rail
- * Wrought iron: Vertical, 5/8" minimum dimension with 4 maximum clear space between vertical members.
- * Brick
- * Stone
- * Stucco: with texture and color to match building walls



TITLE XV UNIFIED DEVELOPMENT CODE

(g) *Opacity & Facades*

General Requirements:

Each floor of any building facade facing a park, square or street shall contain transparent windows covering from 15% to 70% of the wall area.

Storefronts only:

In order to provide clear views of merchandise in stores and to provide natural surveillance of exterior street spaces, the ground-floor along the building frontage shall have untinted transparent storefront windows and / or doors covering no less than 75% of the wall area. Low emissivity glass with high visual light transmittance is permitted. Bottoms of the storefront windows shall be between 1 and 3 feet above sidewalk grade. Storefronts shall remain unshuttered at night and shall provide clear views of interior spaces lit from within. Doors or entrances for public access shall be provided at intervals no greater than 50 feet, unless otherwise approved by the City Planning Staff.



(F) *Street and Parking Standards.*

(1) *Downtown Streets.*

All applications for development in the Downtown District must include the design of street elements adjacent to the applicant's property. These designs must be according to the thoroughfare type adjacent to the property, as identified in the Thoroughfare Atlas 161.26 (F)(1)(a). The Thoroughfare Atlas provides the thoroughfare type and the appropriate thoroughfare sections to inform the applicant regarding how parking, sidewalk, tree planting and other elements are to be sized and arranged. Contact with City Planning and Engineering staff will provide clarification regarding the required design for each thoroughfare.



Fayetteville Fire Department

MEMO

To: Dara Sanders, Andrew Garner, Jeremy Pate, and Jesse Fulcher
Thru: Chief Tony Johnson
Chief Bud Thompson
From: Captain Dale Riggins
Date: August 21, 2007
Re: August 21, 2007 Zoning Review – Fire Department Comments

RZN 07-2691 (JB Hays)

These 1.80 acres are covered by Ladder 3 located at Happy Hollow Rd and Fairlane. It is 3.3 miles from the station with an anticipated response time of 5.5 minutes. The Fire Department does not figure calls for service on R-0, Residential Office, but there should be no adverse effects on our call volume or response time to this development. Measured hydrant flow in the area is over 1500 gallons per minute.

R-PZD 07-2634 (The Coves @ Walnut Crossing)

These 50.40 acres are covered by Engine 7 located at 835 S Ruppel Road. It is 2.1 miles from the station with an anticipated response time of 6 minutes. The Fire Department anticipates 44 (27 EMS/17 Fire-Other) calls for service each year after the project is completed and all units are occupied. There should be no adverse effects on our call volume or response time with this development. There is no recorded hydrant flow in the area at this time.

If you have any questions concerning these comments please don't hesitate to call me

Captain Dale Riggins
Fayetteville Fire Department

Date 8/17/07

Jeremy Pate
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Pate,

This document is in response to the request for a determination of whether the proposed **R-PZD 07-2634: (Walnut Valley, 555):** Submitted by **Raush Coleman Homes** for property located **N of Hwy. 62 and W of Walnut Crossing PZD**, would substantially alter the population density and thereby undesirably increase the load on public services and create an appreciable increase in traffic danger and congestion. **The property is zoned RSF-1 and contains approximately 50.40 acres. The request is to review the Zoning and Land Use for a R-PZD with 195 single family dwelling units.**

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 not create an appreciable increase in traffic danger or congestion.

Sincerely,

Captain William Brown
Fayetteville Police Department

AGENDA REQUEST

This item was
Added to the
September 4, 2007
City Council meeting.

FOR: COUNCIL MEETING OF AUGUST 7, 2007

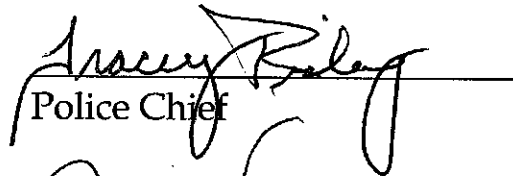
FROM:

GREG TABOR, POLICE CHIEF

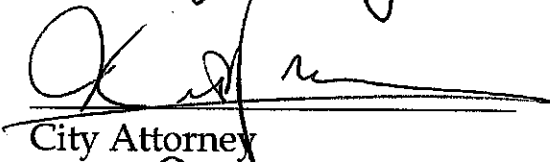
ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Amend §96.05 Motor Vehicle And Motorcycle Sound Limit By Adding A New Subsection (E) To Prohibit Excessive Engine Revving

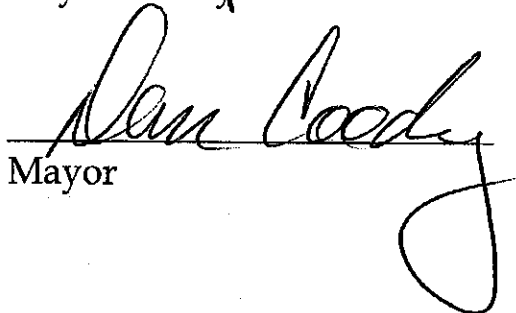
APPROVED FOR AGENDA:


Police Chief

7-23-07
Date


City Attorney

7-20-07
Date


Mayor

7/23/07
Date



This item failed on 8/7/07

DEPARTMENTAL CORRESPONDENCE

MEMORANDUM

TO: Mayor Dan Coody and members of the City Council

FROM: Chief Greg Tabor 

DATE: July 11, 2007

SUBJECT: Amendment of Noise Ordinance Chapter 96

Recommendation:

City Council amends Noise Ordinance Chapter 96 to simplify enforcement in relation to excessive noise from motor vehicles and motorcycles.

Background:

Currently, Ordinance 96.05 requires officers to obtain noise level readings to determine if the noise is in violation as listed in Ordinance 96.05 Table II. This section does not specifically address excessive noise created by rapid throttle advancement (revving an engine).

Discussion:

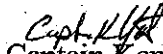
The Fayetteville Police Department would like the amendment made to this ordinance to become more efficient in enforcement. The current noise ordinance does not specifically address rapid engine advancement (revving) which has become a complaint with citizens in recent years. In summary this amendment would make violation determination and enforcement much simpler.

Budget Impact:

There would be no budget impact in this amendment.

DEPARTMENTAL CORRESPONDENCE

MEMORANDUM

TO: Kit Williams
FROM: 
Captain Kenny Yates
DATE: July 19, 2007
SUBJECT: City Noise Ordinance Chapter 96

The Fayetteville Police Department would like to request an amendment be made to Fayetteville City Ordinance Chapter 96 concerning noise from motor vehicles. Noise from motor vehicles and motorcycles is currently addressed in Fayetteville City Ordinance 96.05 Table II. The current ordinance does not specifically address rapid throttle advancement, which has become a complaint in recent years.

We would like to see the following terminology or similar added to some portion of Chapter 96: "It shall be prohibited to permit or cause excessive noise by rapid throttle advance (revving) of an internal combustion engine resulting in increased noise from the engine".

Thank you for your consideration in helping us make this amendment.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

DEPARTMENTAL CORRESPONDENCE

C. 6
Amend Chapter 91 Noise Ordinance
Page 4 of 6



LEGAL DEPARTMENT

TO: **Dan Coody, Mayor**
City Council
Chief Tabor
Captain Yates

FROM: **Kit Williams, City Attorney**

A handwritten signature in black ink, appearing to read 'Kit Williams', written over a horizontal line.

DATE: **July 20, 2007**

RE: **Proposed Noise Ordinance amendment**
to prohibit loudly revving an engine

The police have requested that we simplify enforcement of the Noise Ordinance by permitting the arrest and prosecution of persons loudly revving their cars or motorcycles without having to prove a decibel level by use of a noise meter. I, therefore, have crafted subsection (E) to §96.05 **Motor Vehicle And Motorcycle Sound Limit**.

My proposal uses existing definitions within the Code of "noise disturbance" to describe the conduct which the police seek to prohibit. "Stationary Run-up" above 78 dB measured 25 feet from the motor vehicle is already banned by §96.05. Unfortunately, this requires an officer trained for and using one of our noise meters at the right distance for the right length of time which is very difficult to achieve in the real world.

This new subsection is more subjective, but mirrors the current prohibition in §96.02 against a "noise disturbance" which is defined in §96.01. I will leave it to Captain Kenny Yates (his memo is attached) or Chief Tabor to explain why the Police Department asked for this change in the law.

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND §96.05 MOTOR VEHICLE AND
MOTORCYCLE SOUND LIMIT BY ADDING A NEW SUBSECTION
(E) TO PROHIBIT EXCESSIVE ENGINE REVVING**

WHEREAS, unnecessary rapid throttle advance (revving) of a car or motorcycle engine can annoy or disturb a reasonable person of normal sensitivity.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends §96.05 **Motor Vehicle and Motorcycle Sound Limit** by enacting a new subsection (E) as follows:

"(E) No person shall operate or cause to be operated a motor vehicle or motorcycle by rapidly advancing its throttle (revving) such that a noise disturbance occurs."

PASSED and APPROVED this 4th day of September, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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



BASSETT MIX

AND ASSOCIATES, INC.

FAX TRANSMISSION COVER SHEET

To: City Clerk
Company: _____Fax No. 718-7695

Tel. No. _____

From: Mary BassettFax No. 479-521-3259Tel. No. 479-521-5600Date: 9-4-07Time: 2:00Number of Pages, including cover: (2)

Comment:

Please pass-out to City Council
Members and Mayor Cordy for
tonight's Meeting. (Attached Letter)

Thank you, Mary Bassett

Thank you,

Mary Bassett

Confidentiality Alert:

The information being transmitted is intended for the exclusive use of the addressee named above and may constitute information that is privileged or confidential, or otherwise legally exempt from disclosure. If you are not named addressee or an employee or agent responsible for delivering this message to the named addressee, you are not authorized to retain, read, copy or disseminate this message or any part of it. If you have received this facsimile message in error, please notify us immediately by telephone. Thank you.

Bassett Mix and Associates, Inc.

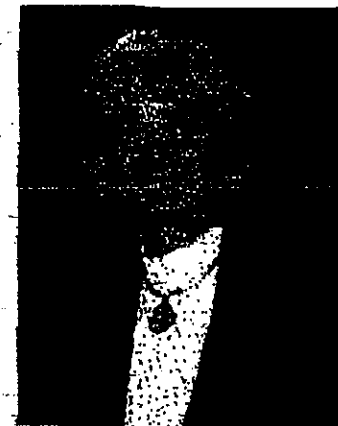
3263 N. Colloge

Fayetteville, AR 72704

E-mail: mary@bassettmix.comWebsite: www.bassettmix.com

THE STANDARD OF EXCELLENCE

Working For You



To Whom It May Concern:

In regard to Woodstock Development located at 4847 Wedington Road. As a resident of Cross Keys Subdivision, I believe it is my duty to respond to the controversy surrounding this positive development by lending my support.

There are many positive outcomes Woodstock will bring to the community, as well as the residents who will live on the property and around the property. One of the most important points will be that this development discourages suburban sprawl by integrating commercial with residential real estate. By mixing these two types of real estate it allows the residents of the property to eat, work and purchase goods without ever getting into their car. It will also provide services to current residents who live in other subdivisions in the area like myself. Woodstock is one of the few traditional subdivisions in our community where the homes face toward the street with rear-loading garages. Traditional neighborhoods give a feeling of simple pleasures and the idea that we can all enjoy a place built on values.

I thank you for allowing me to express heart felt thoughts.

Regards,



Renita Clark Trumbo

9-4-07

City Clerk's office

718-7695

Please give this letter to
all Council Members & Mayor
Coady, for tonight's Meeting.

Thank You

To Whom It May Concern:

In regard to Woodstock Development located at 4847 Wedington Road. As a resident of Cross Keys Subdivision, I believe it is my duty to respond to the controversy surrounding this positive development by lending my support.

There are many positive outcomes Woodstock will bring to the community, as well as the residents who will live on the property and around the property. One of the most important points will be that this development discourages suburban sprawl by integrating commercial with residential real estate. By mixing these two types of real estate it allows the residents of the property to eat, work and purchase goods without ever getting into their car. It will also provide services to current residents who live in other subdivisions in the area like myself. Woodstock is one of the few traditional subdivisions in our community where the homes face toward the street with rear-loading garages. Traditional neighborhoods give a feeling of simple pleasures and the idea that we can all enjoy a place built on values.

I thank you for allowing me to express heart felt thoughts.

Regards,



Renita Clark Trumbo

Doug Walsh

ADM 07-2079 Cultural Arts District Boundary

From: alan ostner [alan.ostner@sbcglobal.net]
Sent: Tuesday, September 04, 2007 5:13 PM
To: Doug Walsh
Subject: Re: Cultural District

Dear Aldermen-

As Neighborhood President of the Jennings- Plus Addition, the Cultural Arts District could directly affect our neighborhood. Since the exact definition of this district has yet to be determined, many of us are tentatively in favor of it at this time. Our N.A. has not had a formal meeting on this topic, but from the conversations I have had with my neighbors, most folks are IN FAVOR of the district. On the issue of the boundary, I can also say that most of the neighbors I have spoken to are IN FAVOR of our neighborhood being included in this District. However, without knowing the meaning of this district it is hard to be completely in favor of it.

Some of the items folks seem to be interested in encouraging in this District are:

1. Allowing and encouraging Artist Live/Work units that are neighborly and don't bother neighbors with noise or fumes, or too much traffic from customers.
2. Public Art being in more public spaces.
3. Festivals and other outdoor events occurring easily as long as their general impact is neighborly.
4. Including the Jefferson Building in any of these proposals.

Most of the neighbors would appreciate a meeting with specific proposals for the activities in this district. If the City Staff could suggest a template and possibly let the neighbors add or subtract from the list I believe a Cultural Arts District could be established.

Thanks-

A L A N O S T N E R , A.S.L.A.

Howell + Vancuren, Inc.

Landscape Architecture+Master Planning+Site Planning

110 West Meadow Avenue

Fayetteville, AR 72701-5229

479.575.0204 phone

aostner@howellvancuren.com

www.howellvancuren.com

9/4/2007

Key Points for City Council to consider, regarding MSP for Howard Nickell Rd
Robert Costrell, 3683 W. Howard Nickell Rd., 9/4/07

1. The city's traffic analysis does not support the need for a 4-lane artery on HN.
 - a. I requested from the city their analysis of traffic flows to support the plan (8/30/07 FOI request to Mayor Coody, attachment)
 - b. City provided BRW report of 2003, in response.
 - c. BRW report's provides no traffic projections for proposed expansion of HN at Ruppel.
 - d. BRW report's Long Range (2023) recommendation for HN/Ruppel is **"2 Lanes."** Map (Figure ES-4) and Table (ES-3) note that this is within the MSP's Principal Arterial R/W, but does not recommend filling it out to 4 lanes by 2023.

2. Whatever the projected traffic flow in this part of town, has the city considered alternative and/or parallel routes?
 - a. City's stated principle is that two 2-lane roads are better than one 4-lane road: grid vs. arteries.
 - b. I requested from the city their analysis of alternative and/or parallel routes
 - c. none was provided, except BRW map proposes Deane Solomon at 3 lanes + bike lanes. No response to specific request re analysis of "Northwest Loop" proposed 2/6/06 by Park West.

3. When the city approved the Estates at Salem Hills, how did it anticipate making it consistent with the MSP for arterial road through it?
 - a. in response to FOI, the city provided records & minutes of meetings approving the developments. This record reveals:

 staff was clearly uncomfortable with a development that had houses facing onto proposed artery: that is why they proposed limit of 5 curb cuts, through shared driveways, etc.

 At the request of developers this was expanded, and there are now 15 curb cuts (plus 1-2 when the last lot on HN is built). There are about another 20 in the next neighborhood on HN. (see attached aeriels)

 This level of access appears to be inconsistent with city's access management principles for arteries.

4. Conclusion:
 - (i) city appears to have knowingly approved a development facing onto proposed artery – unlike, say, Crossover (where new developments back onto the road) – which inevitably created inconsistencies with city policy on safety.
 - (ii) city has provided no research basis for this expansion in the next 20 years & their own commissioned report does not recommend it – they recommend 2 lanes. Therefore,
 - (iii) city should scale back its MSP for HN to 2 lanes.

August 30, 2007

Mayor Dan Coody
City Administration Bldg
113 W Mountain St
Fayetteville, AR 72701

mayor@ci.fayetteville.ar.us

Subject: FOIA request for analyses and planning documents behind proposed expansion of Howard Nickell Road to "principal arterial parkway"

Dear Mayor Coody:

On behalf of our neighborhood association, The Estates at Salem Hills, I would like to request, under the Arkansas Freedom of Information Act, the city's analyses and planning documents pertaining to the proposed expansion of Howard Nickell Road. Since the City Council has recently been forwarded this proposal, under the revised Master Street Plan, we would like to receive this information in the timeliest fashion possible, in order to prepare for City Council hearings.

In submitting this request, I recognize that FOIA requires only the provision of existing documents, rather than the preparation of new ones. I also recognize that some of the questions itemized below may not be addressed in any of the city's planning documents, but of course I do not know which ones. Therefore, in replying to this request, I would request that the city provide the relevant documents that do exist and also indicate which questions that the city has not addressed in any of its planning documents.

Specifically, we seek any of the city's analyses and planning documents concerning:

- (1) traffic flows. Since the proposed artery specifies up to 17,600 vehicles per day, we would like to see the city's analyses of projected traffic that would require such an artery through our neighborhood. What are the assumptions that underlie these projections, regarding the growth in the number of residential units that would feed into it? (Since the City Plan 2025 designates this entire area as "residential neighborhood," there is presumably no commercial development anticipated.) What are the assumptions regarding the origination of such traffic and the destination?

What are the assumptions regarding development of the downtown vs. any peripheral destination, to which the artery might be aimed, and how do such assumptions accord with the city's stated intent to promote growth in the downtown core in order to prevent urban sprawl?

Did the city in fact perform any such traffic analyses? I was told by Senior planning officer Karen Minkel (on July 11) that her office prepared no such

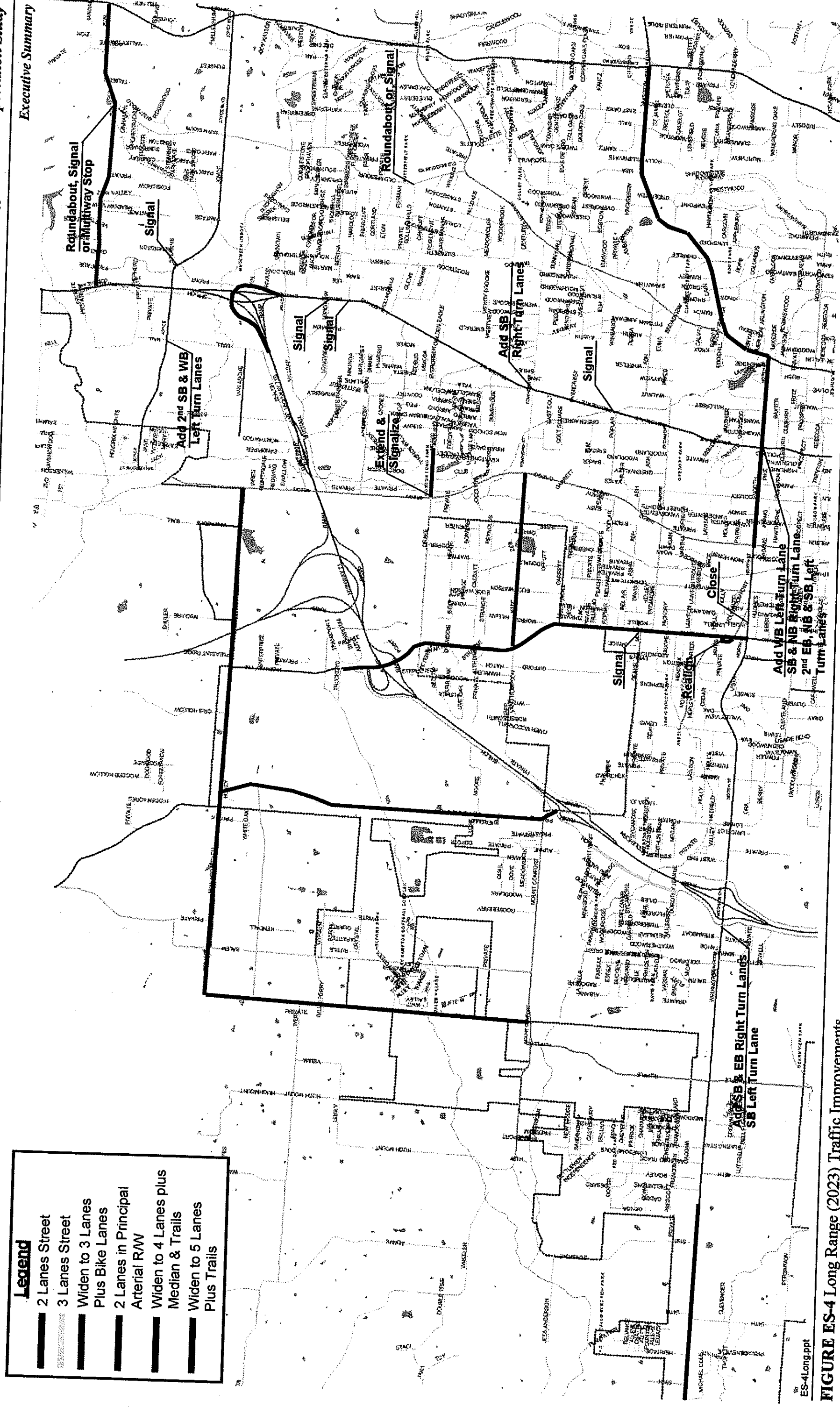


FIGURE ES-4 Long Range (2023) Traffic Improvements



Map created with ArcIMS - Copyright (C) 1992-2007 ESRI Inc.

Hwy 112

Park West Blvd

Salem Road

Ripple Road

Northwest Loop Fayetteville, AR

2-6-06

Image © 2006 Arkansas GIS

Google

Point: 36°06'28.59"

94°11'40.12" W elev 1201 ft

Streaming 100%

Eye alt 13066 ft



I-540

Aldermen

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith



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

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
September 4, 2007**

A meeting of the Fayetteville City Council will be held on September 4, 2007 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

HR Factor Presentation – Phase III – Update Focus Group Results, and Plan Design Updates - Agenda Session Only.

Commercial Recycling Presentation given by Brian Pugh – Agenda Session Only

A. CONSENT:

- 1. Approval of the August 23, 2007 City Council meeting minutes.**
- 2. Disadvantaged Business Enterprise Program:** A resolution to accept and approve the updated Fayetteville Municipal Airport Disadvantaged Business Enterprise (DBE) program participation goal for FY2008.
- 3. Law Enforcement Firing Range Partnership:** A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and Washington County, Arkansas to build a new law enforcement firing range; and approving a budget adjustment in the amount of \$40,000.00 as the City of Fayetteville's share of the construction costs.
- 4. Powell Johnson Investments, LLC Donation:** A resolution accepting the donation of a golf cart from Powell Johnson Investments, LLC for use in the Fayetteville Police Department's DWI/DUI prevention program.

5. **Roll Off Service:** A resolution authorizing the Mayor to execute a contract with Roll Off Service, Inc. to haul and dispose of solid waste within the city limits of Fayetteville.

B. UNFINISHED BUSINESS:

Any unfinished business will be added to the Final Agenda.

C. NEW BUSINESS:

1. **Amend Chapter 177 Landscape Regulations:** An ordinance amending Chapter 177, Landscape Regulations, of the Unified Development Code to require minimum width of tree wells to be three feet and minimum area to be fifteen square feet when utilizing urban tree wells.
2. **Garney Companies, Inc:** A resolution approving a construction contract with Garney Companies, Inc. in the amount of \$1,393,880.00 for the replacement of the 2.6 mgd Mally Wagon Lift Station and 16-inch force main, WSIP Subproject EL-1; and approving a 8% contingency in the amount of \$110,000.00.
3. **Rosetta Construction, LLC:** A resolution approving a construction contract with Rosetta Construction, LLC in the amount of \$10,431,995.00 for construction of 26,458 feet of 42-inch gravity sewer pipeline, WSIP Subproject EL-2; and approving a 7% contingency in the amount of \$730,000.00.
4. **R-PZD 07-2576 (Woodstock Community):** An ordinance establishing a residential planned zoning district titled R-PZD 07-2576, Woodstock Community, located south of Wedington Drive from 46th to Broyles Avenue; containing approximately 28.90 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.
5. **R-PZD 07-2634 (The Coves at Walnut Crossing):** An ordinance establishing a residential planned zoning district titled R-PZD 07-2634, The Coves at Walnut Crossing, located north of Highway 62 West and west of Walnut Crossing planned zoning district; containing approximately 50.40 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.
6. **ADM 07-2079 (Cultural Arts District Boundary):** A resolution to create a Cultural Arts District and specify its borders.
7. **ADM 07-2625 (Master Street Plan Update):** A resolution to adopt a revised Master Street Plan for Fayetteville including revised street cross sections.

D. INFORMATIONAL:

City Council Tour: September 3, 2007

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

A. 2
Disadvantaged Business
Enterprise Program
Page 1 of 16

9/4/2007

City Council Meeting Date

Ray M. Boudreaux

Submitted By

Aviation & Economic Development

Division

General Government

Department

Action Required:

Action Required: A Resolution to accept and approve the updated Fayetteville Municipal Airport Disadvantaged Business Enterprise (DBE) Program Participation Goal in 2008 for Airport Improvement Grant Project 3-05-0020-0036-2008.

<u>\$ -</u> Cost of this request	<u>\$ -</u> Budget	<u> </u> Program Category / Project Name
<u> </u> Account Number	<u>\$ -</u> Funds Used to Date	<u> </u> Program / Project Category Name
<u> </u> Project Number	<u>\$ -</u> Remaining Balance	<u> </u> Airport
		<u> </u> Fund Name

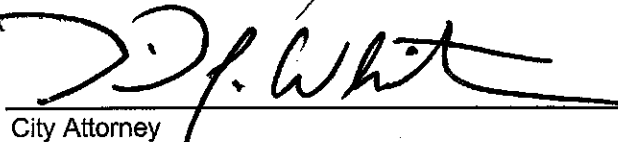
Budgeted Item

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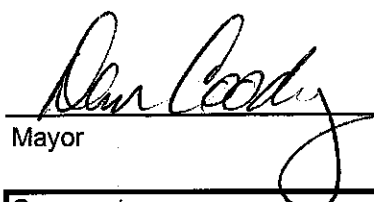
Budget Adjustment Attached

☐

 8/16/07
Department Director Date

 8/21/07
City Attorney Date

 8-21-07
Finance and Internal Service Director Date

 8/22/07
Mayor Date

147-00, 150-01, 81-03

Previous Ordinance or Resolution # 97-04, 87-05
202-05, 143-06

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office

ENTERED

8/16/07

Received in Mayor's Office

ENTERED

8/21/07

Comments:

Staff Review Memorandum

TO: Fayetteville City Council
THRU: Ray M. Boudreaux, Director
Fayetteville Municipal Airport Advisory Board
Staff Review Committee
FROM: James L. Nicholson, Financial Coordinator / DBE Liaison
DATE: August 8, 2008
SUBJECT: Disadvantaged Business Enterprise (DBE) Program Goal Update for FY2008

Recommendation: Review & Approval of a Resolution to accept the Fayetteville Municipal Airport Disadvantaged Business Enterprise (DBE) Program Goal Update for FY2008.

Background: On October 14, 2000, the Fayetteville City Council approved the Fayetteville Municipal Airport's revised Disadvantaged Business Enterprise Program. The Airport's DBE Program is federally mandated under 49 CFR Part 26 for all Department of Transportation (DOT/FAA) grant recipients which anticipate receiving more than \$250,000 in federal funds in the fiscal year. Drake Field anticipates receiving approximately \$1,000,000, "Correct Runway 16 Safety Area Deficiency Phase I" from the DOT/FAA in FY 2008.

The DBE Program assures that Minority & Women-owned businesses, and other economically disadvantaged small businesses have an equal opportunity, or "level playing field," in competing for Airport procurement contracts.

49 CFR Part 26 requires that our DBE Program Goal be updated annually, and its acceptance acknowledged by the sponsoring city's executive body. The Updated Goal describes the overall DBE participation percentage and value of procurement contracts targeted for award to DBE contractors in the fiscal year. The regulation provides the methodology to be used to set contract DBE participation goals.

Discussion: The purpose of this item is a new resolution approving the updated annual percentage goal established by Fayetteville City Council Resolution No. 143-06 and previous annual updates for DOT/FAA grant assisted contracts entered into by the City of Fayetteville Municipal Airport.

The Airport Board has reviewed the update goal and recommended at their meeting of August 8, that the document be forwarded to the City Council for approval. The new resolution will accept and approve the airport's updated DBE participation goal for FY 2008.

Budget Considerations: No budget effect.

/jn
Attachment: FY 2008 Goal Update & Methodology
Resolution 143-06

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

RESOLUTION NO. _____

**A RESOLUTION TO ACCEPT AND APPROVE THE UPDATED
FAYETTEVILLE MUNICIPAL AIRPORT DISADVANTAGED
BUSINESS ENTERPRISE (DBE) PROGRAM PARTICIPATION
GOAL FOR FY2008.**

**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 accepts and approves the updated Fayetteville Municipal Airport Disadvantaged Business Enterprise (DBE) Program participation goal for FY2008.

PASSED and APPROVED this 4th day of September, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

RESOLUTION NO. 143-06

A RESOLUTION TO ACCEPT AND APPROVE THE UPDATED
FAYETTEVILLE MUNICIPAL AIRPORT DISADVANTAGED
BUSINESS ENTERPRISE (DBE) PROGRAM PARTICIPATION
GOALS FOR FY2007.

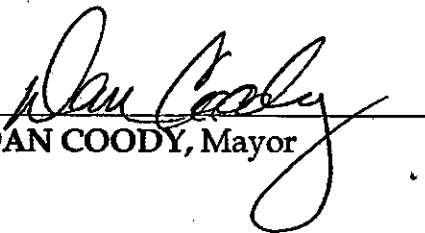
**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
FAYETTEVILLE, ARKANSAS:**

Section 1. That the City Council of the City of Fayetteville, Arkansas
hereby accepts and approves the updated Fayetteville Municipal Airport
Disadvantaged Business Enterprise (DBE) Program participation goals for
FY2007.

PASSED and APPROVED this 5th day of September, 2006.

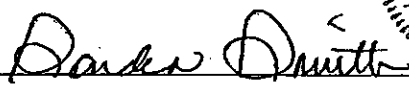
APPROVED:

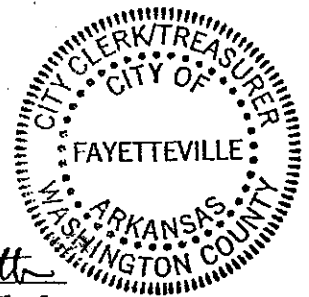
By:


DAN COODY, Mayor

ATTEST:

By:


SONDRA SMITH, City Clerk



**Overall Goal and Methodology
Fayetteville Municipal Airport / Drake Field (FYV)
FY 2008 Update**

Airport Sponsor: City of Fayetteville
Name of Preparer: James Nicholson, Financial Coordinator
Fayetteville Municipal Airport/Drake Field
4500 S School Ave., Suite F, Fayetteville, AR 72701

Goal Period: 10/01/07 thru 9/30/08 – AIP Grant No. 3-05-0020-0036-2008
Overall DBE Goal: 0.75%

Introduction to 2008 DBE Goal update: The City of Fayetteville / Fayetteville Municipal Airport DBE Goal update for Fiscal Year (FY) 2008 and extending through the completion of the Airport Improvement Project (AIP) noted above, is provided to describe the Airport Projects which are funded in part with Department of Transportation (DOT) / Federal Aviation Administration (FAA) funds, and to determine by the federally prescribed methodology the portion or percentage of those funds targeted for contract award to Disadvantaged Business Enterprises (DBE's) in accordance with Federal Regulations 49 CFR Part 26.

The Goal Update is a prerequisite for AIP grant funding for airports which anticipate receiving more than \$250,000 in federal funding from the DOT / FAA in the 2008 fiscal year.

The 2008 DBE Goal Update revises the DBE participation goal in federally funded airport contracts anticipated for the 2008 fiscal year, from that originally described in the airport's previously published DBE Program Plan and successive annual goal updates. The FY 2008 Goal Update is effective concurrent with the solicitation of bids through completion of the grant funded project.

Public Participation and Consultation in the DBE Goal Update process is a requirement under federal regulations at §26.45(g). The updated Goal and Methodology is published for 30 days prior to submittal to the FAA for approval. Comments on the Goal Update are accepted for 45 days after the date of public notification of its availability for public review. A number of interested private and public entities were selected to review and comment on the Goal Update, (see attachment #1 - list of consulting agencies). Public comments on the updated goal and methodology are incorporated with the submission to the FAA. *Public comments on the proposed FY 2008 Goal will be received until 8/31/07, (see attachment #2 – comments)*

Comments on the FY 2008 DBE Goal Update may be submitted to the Fayetteville Municipal Airport's DBE Liaison Officer by phone, writing, fax, or e-mail to the following:

James Nicholson, DBE Liaison Officer
Fayetteville Municipal Airport / Drake Field
4500 South School Ave., Suite F
Fayetteville, AR 72701
479-718-7643
479-718-7646 fax
jnicholson@ci.fayetteville.ar.us

**Overall Goal and Methodology
Fayetteville Municipal Airport / Drake Field (FYV)
FY 2008 Update**

OVERALL GOALS (\$26.45)

Goal Period

10/1/07 – 9/30/08

Amount of Goal

Fayetteville Municipal Airport's overall goal for FY2008 is: **0.75%**

Fayetteville Municipal Airport anticipates one AIP (federally funded) project in FY 2008. The estimated project costs are \$1,000,000 "Correct Runway 16 RSA Deficiency Phase I". Thus, the total projected dollar amount of DBE participation in the projects is: **\$7,500.**

Determination of Market Area

Step 1 of the methodology for determining DBE percentage goal requires an assessment of the relative availability of DBE's in the local market area. The local market area is the area which provides, or is most likely to provide, the firms considered qualified to perform the needed work.

Correct RW 16 RSA Deficiency Phase I, Engineering, Land Acquisition, Environmental:
The Airport has selected, and has contracted with a consulting Engineering firm which will be used to perform the first phase of the above noted project. The Engineering consultant was selected in accordance with the requirements of 49CFR Part18.36, Procurement, and as permitted under paragraphs (d)(3)(v), by *competitive proposals* (A/E professional services). The Contract with the engineering firm includes a specific Disadvantaged Business Enterprise DBE Assurances clause stating the firm's responsibility to offer DBE's the "maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this agreement."

Considerations in selecting Market Area

Correct RW 16 RSA Deficiency Phase I, Engineering, Land Acquisition, Environmental:
The project phase consists of preliminary design, engineering, geologic investigation, environmental assessment, survey and appraisal, and property acquisition. Excepting the necessary field work, many of the tasks to be accomplished need not be performed on site. It is desirable, but not essential, to enlist skilled personnel who are experienced and knowledgeable of local conditions. However, professionals certified by the State of Arkansas are presumed to have the qualities necessary to perform the work adequately. Therefore, the selected Market Area for this project phase is determined to be the entire State of Arkansas.

**Overall Goal and Methodology
Fayetteville Municipal Airport / Drake Field (FYV)
FY 2008 Update**

The consulting Engineer under contract to the airport lists at least one DBE (WBE) as an associate team partner for airport work. Additionally, a list of the DBE contractors in the State of Arkansas presumed to meet qualifications for subcontracted work under the consulting Engineer's contract will be compiled and issued to the Engineering firm. The consulting Engineer will be directed to inquire with the DBE firms as to their fitness and availability for any subcontracted work required by the consulting Engineering firm.

The available DBE Contractors in the Local Market Area are those listed as being certified DBE by the Arkansas State Highway & Transportation Department (AHTD), and listed in AHTD's "Disadvantaged Business Enterprise Directory," published April 25, 2007.

Overall Goal and Methodology
Fayetteville Municipal Airport / Drake Field (FYV)
FY 2008 Update

Methodology - Step 1

The Fayetteville Municipal Airport / Drake field anticipates awarding one AIP funded project contract in FY 2008. The project is: 1. Correct Runway 16 RSA Deficiency Phase I, which entails design and engineering, land acquisition, and environmental review preliminary to an offering to bidders for the construction phase of the project.

Project No. 1: Correct RW 16 RSA Deficiency Phase I, Engineering, Land Acquisition, Environmental

2002 NAICS Code	Work Item	DBE's in Local Market Area	All Available Firms*
53121	Real Estate Agents & Brokers	1	548
53132	Appraisal offices	1	142
54133	Engineering services	1	275
54136	Geophysical surveying and mapping	1	6
54138	Testing laboratories	0	40
54162	Environmental Consulting services	3	42
	Totals for this Contract	7	1053

* US Census – 2002 Economic Census data

Weighting

Approximately 70% of the project expense is allocated to land acquisition, and 30% to Design & Engineering and Environmental Assessment. Therefore, the tasks associated with each category are calculated separately and summed.

Calculation of Base Figure

The base figure is calculated as: the number of available DBE contractors as a percentage of all available contractors in the Local Market Area.

Base Figure = DBE contractors / all contractors

Base Figure = (2/690) + (5/363) = 0.001 + .014 = .015

Overall Goal and Methodology
Fayetteville Municipal Airport / Drake Field (FYV)
FY 2008 Update

Methodology - Step 2

Step 2 is an adjustment to the base figure percentage from Step 1 so that the updated goal accurately reflects the actual attainable DBE participation in FY 2008 airport contracts.

Past years DBE accomplishment results data for similar projects are examined and the *median* percentage is averaged with the base figure to determine the adjusted percentage goal. Only projects comprising like work are used for comparison. In this case, for the purpose of fair analysis, only the design / engineering portion of the projects noted are compared. DBE Goal Accomplishments for construction contracts are not used.

DBE Goal Accomplishments - Historical Information

Year	Goal %	Accomplishment %	Project Type
2000	1.74	0	Access Road Construction
2001	.93	0	Taxiway / Runway Rehabilitation
2003	.73	0	Taxiway Construction
2004	1.18	0	Taxiway Construction
2005	1.0	0	Aircraft Apron
2006	1.31	0	Aircraft Apron
Median %	1.09	0	

Calculation of adjustment to DBE Base Figure

The calculation of the adjusted figure is determined by averaging the base figure and the historical average for like projects.

Base Figure + Historical Avg. / 2 = Adjusted Figure

$(1.5 + 0.00) / 2 = 0.75$

**Overall Goal and Methodology
Fayetteville Municipal Airport / Drake Field (FYV)
FY 2008 Update**

Other Factors

Disparity

Research was conducted to determine if any DBE / small business disparity studies for the region were available. While no document specifically described as a disparity study could be located for the region or state, the U.S. Department of Commerce / Minority Business Development Agency has published a two-page document titled "The State of Minority Business in the State of Arkansas", which offers some comparative analysis of minority percent of population vs. share of business ownership and percent of sales.

In broad terms, the brief suggests that minority business ownership in the state remains significantly less than proportional with population. There is no specific breakout of businesses engaged in professional consulting services, design or engineering. However, it may be inferred from the overall data that a similar discrepancy likely exists in that business sector. Interestingly, Hispanic and American Indian & Alaska Native categories participate in business ownership as a percentage of population of the category at a level greater than the national rate. Taken with the dramatic increase in Hispanic population in the state over the last decade, this greater business ownership rate may be indicative of the perceived opportunities Arkansas offers to Hispanic minority emigrants, and of the permanence of their settlement.

Financial

Research was conducted to determine the number of, and the services provided by, DBE-owned financial institutions in the state. A listing from the U.S. Federal Reserve of all minority-owned banks in the U.S., sorted by state, indicates that there are no minority-owned banks in the State of Arkansas.

Census Information

The latest U.S. Census Data for Hispanic population in the Northwest Arkansas Regional area indicates an increase of 55% since the US Census in 2000. This is indicative of the continuing influx of Hispanic emigrants to the area. According to the 2002 US Census Survey of Business Owners, there are only 143 Hispanic professional, scientific, & technical services firms in Arkansas. Again, no breakout of firms engaged in Engineering or Real Estate is provided by the data. The greatest percentages of all Hispanic-owned firms appear to be concentrated in the service industries. However, it may be conjectured that the Hispanic-owned service industry business base could be parlayed into better opportunities for higher education in succeeding generations and thus establish the foundation for future growth in the professional sector.

None of the factors described above were determined to warrant an adjustment to the calculated Goal percentage. The information does provide insight into the conditions of the local and regional business environment for DBE's. If any conclusion can be drawn, it is that added validation is given to the choice of Race-Conscious measures in order to promote DBE participation in our AIP projects. No other factors regarding the local DBE environment could be determined to be an influence on the adjusted DBE goal figure.

Overall Goal and Methodology
Fayetteville Municipal Airport / Drake Field (FYV)
FY 2008 Update

Breakout of Estimated Race-Neutral and Race-Conscious Participation

In determining what percentage of the 2008 adjusted goal could be met through race-neutral means, we again reviewed historical DBE accomplishments for Fayetteville / Drake Field. FYV did not have any DBE participants in Professional Services contracts on any AIP projects for the last six years. Therefore, we estimate that in meeting our overall 2008 adjusted goal of 0.75%, we will obtain 0% from race-neutral participation and 0.75% from race-conscious measures (e.g. setting contract goals).

**Overall Goal and Methodology
Fayetteville Municipal Airport / Drake Field (FYV)
FY 2008 Update**

Attachment #1 - List of Consulting Agencies

DBE OFFICER
ARKANSAS DEVELOPMENT FINANCE AUTHORITY
P.O. BOX 8023
LITTLE ROCK AR 72203
(501) 682-5904
geagle@adfa.state.ar.us
www.state.ar.us/adfa

ARKANSAS STATE HIGHWAY &
TRANSPORTATION DEPARTMENT
MR JAMES MOORE, DBE COODINATOR
PO BOX 2261
LITTLE ROCK AR 72203-2261
james.moore@ahtd.state.ar.us

ARKANSAS SBDC COLLEGE OF
BUSINESS ADMINISTRATION
100 SOUTH MAIN SUITE 401
LITTLE ROCK AR 72201

SMALL BUSINESS ADVANCEMENT NATIONAL CENTER
UNIVERSITY OF CENTRAL ARKANSAS
COLLEGE OF BUSINESS ADMINISTRATION
UCA BOX 5018201 DONAGHEY AVENUE
CONWAY AR 72035-0001

SMALL BUSINESS ASSOCIATION (SBA)
ARKANSAS DISTRICT OFFICE
CAROL J SILVERSTROM
2120 RIVERFRONT DRIVE SUITE 100
LITTLE ROCK AR 72202-1794
Fax: (501) 324-5199 or (501) 324-5491
carol.silverstrom@sba.gov
patricia.walker@sba.gov
www.sba.gov/ar/

Overall Goal and Methodology
Fayetteville Municipal Airport / Drake Field (FYV)
FY 2008 Update

ARKANSAS STATE CHAMBER OF COMMERCE
410 S CROSS
PO BOX 3645
LITTLE ROCK AR 72203-3645

VETERANS BUSINESS DEVELOPMENT OFFICE
ANDY LAMONICA
ARKANSAS DISTRICT OFFICE
2120 RIVER FRONT DRIVE ROOM 100
LITTLE ROCK AR 72202

ARKANSAS DEPARTMENT OF
ECONOMIC DEVELOPMENT
DBE OFFICER
ONE CAPITOL MALL
LITTLE ROCK AR 72201

FAYETTEVILLE CHAMBER OF COMMERCE
PO BOX 4216
FAYETTEVILLE AR 72702-4216
FCC@arkansasUSA.com

AIRPORT MINORITY ADVISORY COUNCIL
SHIRLINGTON GATEWAY
2800 SHIRLINGTON RD. SUITE 940
ARLINGTON VA 22206
PHONE (703) 379-5701 FAX (703) 379-5703

MINORITY BUSINESS DEVELOPMENT AGENCY
MR. JOHN F. IGLEHART
DALLAS REGIONAL DIRECTOR
DALLAS NATIONAL ENTERPRISE CENTER
1100 COMMERCE STREET
ROOM 726
DALLAS, TX 75242

AMERICAN ASSOC OF AIRPORT EXECUTIVES
DBE OFFICER
601 MADISON STREET
ALEXANDRA VA 22314
703-824-0500 PHONE
703-820-1395 FAX

Overall Goal and Methodology
Fayetteville Municipal Airport / Drake Field (FYV)
FY 2008 Update

AIRPORTS COUNCIL INTERNATIONAL-NORTH AMERICA
DBE OFFICER
1775 K STREET NW SUITE 500
WASHINGTON DC 20006
PHONE: 202 293-8500
FAX: 202 331-1362

HISPANIC WOMEN'S ORGANIZATION OF ARKANSAS
DBE OFFICER
PO BOX 6132
SPRINGDALE AR 72766
479-751-9494
hwoa@jcf.jonesnet.org

ARKANSAS WOMEN'S BUSINESS DEVELOPMENT CENTER
SOUTHERN FINANCIAL PARTNERS
605 MAIN STREET SUITE 203
ARKADELPHIA AR 71923
info@southernfinancialpartners.org

ARK MINORITY SUPPLIER DEVEL COUNCIL
ARMSDC/TEAM
300 SPRING BLDG SUITE 415
LITTLE ROCK, AR 72201
Tel (501) 374-7026 • Fax (501) 371-04
info@armsdc.org

DIVERSITYBUSINESS.COM
200 PEQUOT AVENUE
SOUTHPORT, CT 06890
<http://www.div2000.com/>

Overall Goal and Methodology
Fayetteville Municipal Airport / Drake Field (FYV)
FY 2008 Update

FEDERAL ACCESS WEBSITE
LAW OFFICES OF J. COBBIE DE GRAFT
WORLDGATE PLAZA
12801 WORLDGATE DRIVE SUITE 500
HERNDON VA 20170
703-726-0197
703-726-0198 FAX
<http://www.fedaccess.com/>

MINORITY BUSINESS ENTREPRENEUR
3528 TORRANCE BLVD. SUITE 101
TORRANCE CA 90503
310-540-9398
310-792-8263
<http://www.mbemag.com/>
kbarnett@mbemag.com

NORTHWEST ARKANSAS LULAC COUNCIL 754
PO BOX 218
ROGERS AR 727157
TELEPHONE: 479-544-2769
contact@nwalulac754.org

SOUTHERN FINANCIAL PARTNERS
DBE OFFICER
605 MAIN ST SUITE 203
ARKADELPHIA AR 71923
info@southernfinancialpartners.org
www.southernfinancialpartners.org

ARKANSAS CAPITAL CORPORATON
DBE OFFICER
700 RESEARCH CENTER BLVD SUITE 1608
FAYETTEVILLE AR 72701
(800) 705-9295
(479) 444-8881
Fax: (479) 444-8882

NORTHWEST ARKANSAS HISPANIC COUNCIL
PO BOX 833
SPRINGDALE AR 72765-0833

**Overall Goal and Methodology
Fayetteville Municipal Airport / Drake Field (FYV)
FY 2008 Update**

Attachment #2 – Comments

Three comments were received as of 8/8/07

Dwight Stroud of Dwight Stroud & Associates LLC requested information about enrolling in the City's DBE program. Mr. Stroud was referred to the Arkansas Unified DBE Certification program and The City of Fayetteville's website for bid solicitations, RFPs, and RFQs.

Mary Parham of J. Kelly Referrals & Information Services requested information about the City's DBE program. Ms. Parham was referred to the Arkansas Unified DBE Certification program and The City of Fayetteville's website for bid solicitations, RFPs, and RFQs.

Jerry Johnson of Unisexx Consultants & Communications, LLC requested information about the City's DBE program. Mr. Johnson was referred to the Arkansas Unified DBE Certification program and The City of Fayetteville's website for bid solicitations, RFPs, and RFQs.

Any additional comments will be received until 8/31/2007 and submitted to the FAA.

City of Fayetteville Staff Review Form

A. 3
Law Enforcement Firing
Range Partnership
Page 1 of 12

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

9/4/2007

City Council Meeting Date
Agenda Items Only

Chief Greg Tabor
Submitted By

Police
Division

Police
Department

Action Required:

City Council adopts a resolution authorizing the Mayor to join in a partnership with Washington County in building a new law enforcement firing range. The resolution will also approve a budget adjustment in the amount of \$40,000.00.

\$40,000.00

Cost of this request

\$

517,428.00

Category / Project Budget

Services/Charges

Program Category / Project Name

1010.2900.5315.00

Account Number

\$

400,456.00

Funds Used to Date

Support Services

Program / Project Category Name

\$

116,972.00

Remaining Balance

General

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

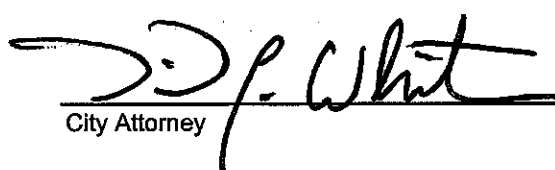
☒


Department Director

Date

8-15-07

Previous Ordinance or Resolution #

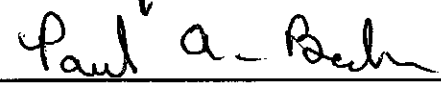

City Attorney

Date

8/21/07

Original Contract Date:

Original Contract Number:

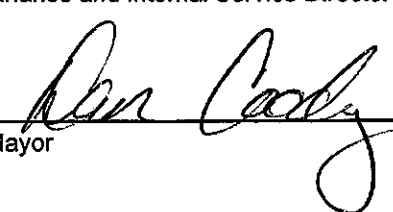

Finance and Internal Service Director

Date

8-21-07

Received in City
Clerk's Office




Mayor

Date

8/22/07

Received in
Mayor's Office



Comments:

DEPARTMENTAL CORRESPONDENCE

MEMORANDUM

TO: Mayor Dan Coody and members of the City Council

FROM: Chief Greg Tabor 

DATE: August 15, 2007

SUBJECT: Firing Range Partnership with Washington County Sheriff's Department

Recommendation:

City Council adopts a resolution authorizing the Mayor to sign a memorandum of understanding with Washington County in building a new law enforcement firing range. The resolution will also approve a budget adjustment in the amount of \$40,000.00.

Background:

The Fayetteville Police Department has been using the current location for a police firing range since the early 1960's. Since that time many things have changed. Police firearms training and qualification courses have become much more advanced and require more space. Firearms safety regulations are much more stringent than in years past. There are many safety issues that should be noted with our current location. The land around the current range location has grown into residential areas. If a round fired from a weapon happened to go over the current dirt backstop, it could easily reach one of the residential areas. Noise from the training in this area often generates complaints from citizens in the area. In our current location, weather often dictates our ability to conduct training and classes. Anytime we receive a substantial amount of rainfall the range becomes completely submerged in water and remains submerged until river levels fall to normal levels. We cannot place or leave any equipment for training at the range unless it is completely waterproof. Photos of our current firing range are attached, showing the condition after a heavy rain. After the water level falls enough to start using the range again, many man hours have to be spent to remove mud and silt that the flooding caused.

The Washington County Sheriffs Department is in the process of building a new police firing range on their property and has invited the Fayetteville Police Department to join with them on this project. They have an ideal location for the range and it would be a tremendous cost savings for the city in lieu of building our own range. A range in this location would eliminate all of our current safety and weather related issues. Also

attached are aerial photos of this area indicating the residential areas, which are now around our current range location. This clearly shows the safety issues of a stray round being shot over the backstop area of our current range.

The area of the new range on Washington County Property is inside the Fayetteville City Limits however the noise from firing weapons would be controlled by a baffling system covering the range. This type of baffling system will also prevent any stray round from exiting the area.

Discussion:

The Fayetteville Police Department would like the city council to adopt the resolution for this joint range project. This project would address current safety and weather related issues for firearms training.

Other local, state and federal law enforcement agencies will utilize this facility. Requests have also been made to these agencies to assist with funding for construction and operational expenses.

The Fayetteville Police Chief will serve as one of the board members overseeing the terms of the intergovernmental agreement between agencies using the facility.

Budget Impact:

A budget adjustment in the amount of \$40,000.00 is attached. These funds are requested from General Fund Unreserved Fund Balance. The Intergovernmental agreement states the Fayetteville Police Department will attempt to secure funds for on-going maintenance and improvements. These funds will be requested through the annual budget process.

RESOLUTION NO. _____

A RESOLUTION APPROVING AN INTER-LOCAL AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND WASHINGTON COUNTY, ARKANSAS TO BUILD A NEW LAW ENFORCEMENT FIRING RANGE; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$40,000.00 AS THE CITY OF FAYETTEVILLE'S SHARE OF THE CONSTRUCTION COSTS.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves an Inter-Local Agreement between the City of Fayetteville, Arkansas and Washington County, Arkansas to build a new law enforcement firing range. A copy of the agreement, marked Exhibit "A" is attached hereto, and made a part hereof.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of \$40,000.00 as the City of Fayetteville's share of the construction costs.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor and City Clerk to execute the Inter-Local Agreement with Washington County, Arkansas.

PASSED and APPROVED this 4th day of September, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

**AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE,
ARKANSAS AND WASHINGTON COUNTY, ARKANSAS PERTAINING TO
THE USE OF THE WASHINGTON COUNTY SHERIFF'S FIRING RANGE BY
THE FAYETTEVILLE POLICE DEPARTMENT**

WHEREAS, pursuant to A.C.A. § 14-14-910 the County and the City are authorized to enter into an Agreement to pursue joint endeavors; and,

WHEREAS, the Washington County Sheriff has, or will soon have, a new firing range; and,

WHEREAS, in the past the Washington County Sheriff has been allowed to use the firing range of the City of Fayetteville; and,

WHEREAS, the parties desire to share the new firing range of the Washington County Sheriff.

NOW, THEREFORE, IT IS AGREED:

1. The new firing range of the Washington County Sheriff will be ready for use soon.
2. For the sum of forty thousand dollars (\$40,000) the Washington County Sheriff does hereby agree that the Fayetteville Police Department may share in the use of said range at any and all reasonable times as agreed upon by the parties.
3. That the duration of this agreement shall be perpetual unless terminated by withdrawal as set out below.
4. Either party may withdraw from this agreement upon six (6) months written notice pursuant to A.C.A. § 14-14-910.
5. It is further agreed that each of the parties will endeavor to supply additional funds necessary and/or labor if needed to maintain and improve said firing

range. However, neither party may financially obligate the other without the approval of the governing body of each.

6. The parties may acquire real or personal property individually or jointly. In the event of termination or withdrawal, each shall be entitled to property purchased with its own funds. The parties shall agree as to the disposal of property purchased with joint funds. Any dispute concerning such will be settled by the board created herein.
7. Pursuant to A.C.A. § 14-14-910 a Board is hereby created for the purposes of administering this agreement. The Board shall consist of the Washington County Sheriff, the Chief of Police of the City of Fayetteville and a third person to be mutually agreed upon by the Sheriff and the Chief of Police.
8. The Board shall meet as needed. Minutes of meetings shall be kept and copies of such shall be provided to the County Judge and the Mayor, or any other person who requests copies of such.
9. It is agreed and understood that each party has tort immunity, which is specifically preserved, and that both are members of separate risk management programs.
10. This agreement may be amended from time to time upon approval of the governing bodies of each; in the event that this agreement is terminated then sums contributed by the City shall be refunded on a *pro rata* basis.

Jerry Hunton, Washington County Judge

Date

Tim Helder, Washington County Sheriff

Date

Dan Coody, City of Fayetteville Mayor

Date

Greg Tabor, Fayetteville Chief of Police

Date

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

A. 3
Law Enforcement Firing
Range Partnership
Page 8 of 12

Budget Year 2006	Department: Police Division: Police Program: Support Services	Date Requested 8/15/2007	Adjustment Number
-------------------------	---	---------------------------------	-------------------

Project or Item Added/Increased:
Contribution to Washington County Sheriff's Office for construction and equipping a Firing Range.

Project or Item Deleted/Reduced:
None

Justification of this Increase:
The firing range currently being used by the Fayetteville Police Department is close to the river and often floods. Also with increased residential building just east of the site it is becoming a safety factor as well.

Justification of this Decrease:

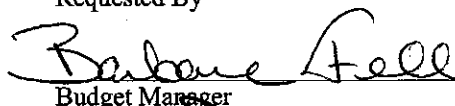
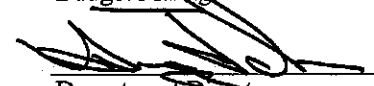
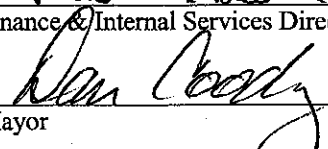
Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number
Contract services	1010	2900	5315	00	40,000	

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number
Use of fund balance	1010	0001	4999	99	40,000	

Approval Signatures

Requested By	Date
	8/21/07
Budget Manager	Date
	8-15-07
Department Director	Date
	8-21-07
Finance & Internal Services Director	Date
	8/22/07
Mayor	Date

Budget Office Use Only

Type: A B C D E

Posted to General Ledger

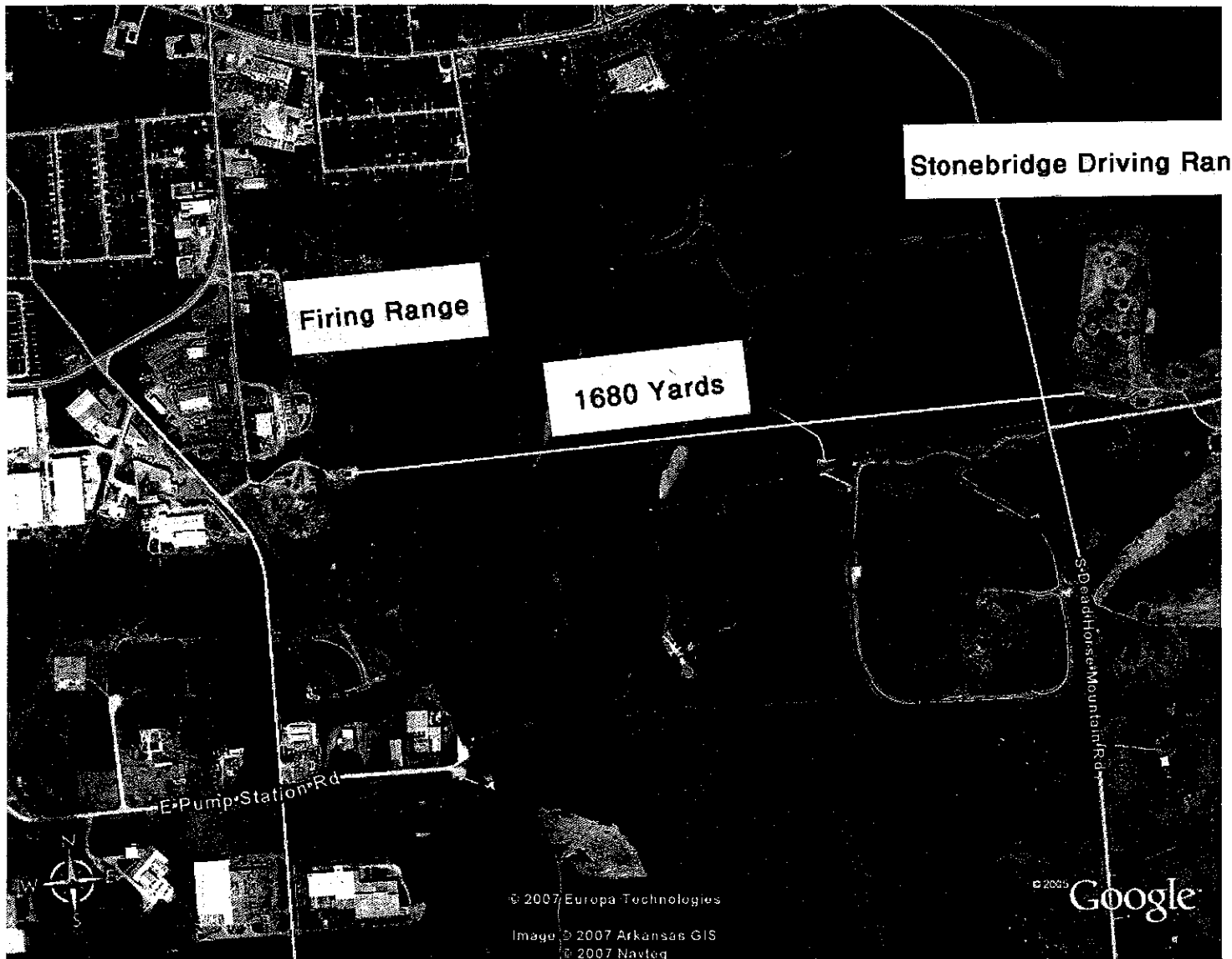
Initial Date

Posted to Project Accounting

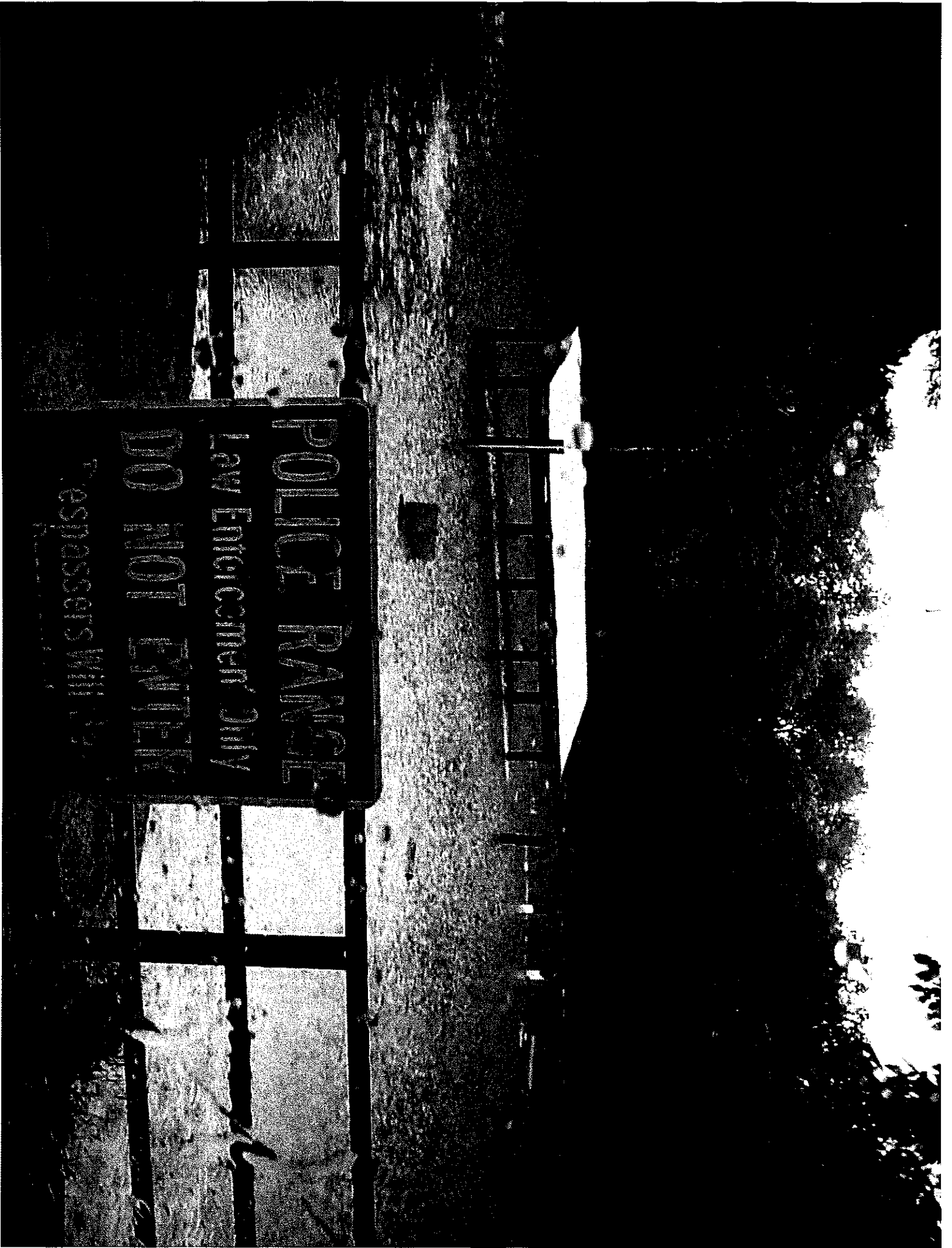
Initial Date

Entered in Category Log

Initial Date







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

A. 4
Powell Johnson
Investments, LLC Donation
Page 1 of 4

9/4/2007

City Council Meeting Date

Greg Tabor, Chief of Police
Submitted By

Police
Division

Police
Department

Action Required:

The City Council approves the donation of a golf cart from Powell Johnson Investments, LLC.

\$0.00

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

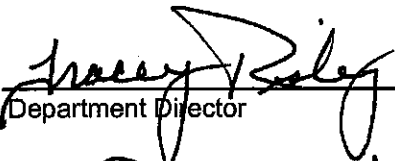
Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

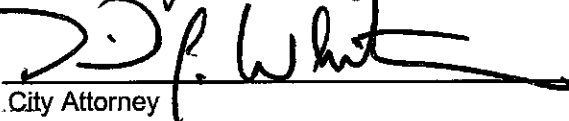

Department Director

8/17/2007
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:


City Attorney

8/21/07
Date

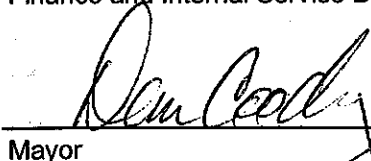

Finance and Internal Service Director

8-21-07
Date

Received in City Clerk's Office

ENTERED

8/17/07


Mayor

8/22/07
Date

Received in Mayor's Office

ENTERED

8/24/07

Comments:

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Dan Coody and Members of the City Council

FROM: Greg Tabor, Chief of Police *GT by TR*

DATE: August 17, 2007

SUBJECT: Golf Cart for alcohol awareness

Recommendation: The City Council approves the donation of this golf cart from Powell Johnson Investments, LLC. The Fayetteville Police Department will recognize the positive benefits of this donation in regard to the enhancement of our DWI /DUI prevention program.

Background: The Fayetteville Police Department has instructed several DWI/DUI prevention classes in the Fayetteville Public Schools at the Junior High level since 1999. We recognize prevention and education to be as important as enforcement when it come to alcohol abuse. The design of the prevention classes consists of one day of classroom teaching regarding the history, laws and consequences pertaining to alcohol abuse and the second day is spent conducting practical exercises with the Fatal Vision goggles and golf cart. During the practical exercise, the students wear the Fatal Vision Goggles that simulate alcohol impairment. An instructor accompanies the student as he drives the golf cart through a course marked by cones. This portion of the instruction is the most interactive and tends to be the best received for this age group. We have borrowed golf carts from community partners to complete this portion of the class in the past. Cart availability can be limited depending on the time of the year. The availability of a golf cart is less during the warmer months due to peak golf season so we have the need for this dedicated resource. We must schedule these classes at the Junior High Schools when the schools afford us this opportunity and scheduling does not always align with the availability of the carts.

Discussion: The donation of this golf cart, as a dedicated resource, allows the Fayetteville Police Department to conduct more DWI/DUI classes and allows more flexibility for scheduling with the Junior High Schools. The golf cart will be equipped with distinctive markings and lettering to distinguish it as a Fayetteville Police Department vehicle. The cart will also be used at special events such as Bikes, Blues, and BBQ, Springfest and Autumnfest. The cart is powered by electricity, which means it will not require any fuel and minimal maintenance costs. We will also have the ability to deploy it from various locations by means of a small trailer already in our possession.

Budget Impact: Minimal maintenance costs.

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE DONATION OF A GOLF CART FROM POWELL JOHNSON INVESTMENTS, LLC FOR USE IN THE FAYETTEVILLE POLICE DEPARTMENT'S DWI/DUI PREVENTION PROGRAM.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas, hereby accepts the donation of a golf cart from Powell Johnson Investments, LLC for use in the Fayetteville Police Department's DWI/DUI Prevention Program.

PASSED and APPROVED this 4th day of September, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

City of Fayetteville Staff Review Form

A. 5
Roll Off Service
Page 1 of 10

City Council Agenda Items
and
Contracts, Leases or Agreements

9/4/2007

City Council Meeting Date
Agenda Items Only

Gary Dumas

Submitted By

Division

Operations

Department

Action Required:

Resolution Approving Agreement with Roll Off Service, Inc. to haul and dispose of solid waste in the City of Fayetteville

NA

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

8/17/2007

Date

Previous Ordinance or Resolution #

Original Contract Date:

City Attorney

8/21/07

Date

Original Contract Number:

Finance and Internal Service Director

8-21-07

Date

Received in City
Clerk's Office

ENTERED

8/20/07

Mayor

8/22/07

Date

Received in
Mayor's Office

ENTERED

8/24/07

Comments:



OPERATIONS DEPARTMENT

Interdepartmental Correspondence

To: Mayor and City Council

From: John Nelson, Operations Mgmt. Accounting Coordinator

Date: August 15, 2007

Subject: Agreement with Roll Off Service, Inc. to haul and dispose of solid waste in the City of Fayetteville

Recommendation: A resolution approving an agreement between the City of Fayetteville, Arkansas and Roll Off Service, Inc. to haul and dispose of solid waste in the City of Fayetteville.

Background: Roll Off Service, Inc. has requested to renew their contract to haul and dispose of waste within the City of Fayetteville. The contract will permit Roll Off Service, Inc. to haul and dispose of waste in containers twenty (20) cubic yards and greater in size. The agreement requires Roll Off Service, Inc. to pay a monthly fee to the City of Fayetteville of ten (10%) percent of the gross revenue.

Discussion: Roll Off Service, Inc. entered into their current agreement in May 2007. The term of this agreement was ninety days due to non-compliance issues during their first contract period. Roll Off Service, Inc. requests to be permitted to continue to operate within the City of Fayetteville.

During the duration of this agreement, no non-compliance issues were noted and fees were remitted accordingly.

Staff proposes approval for Roll Off Service, Inc. to haul and dispose of waste within the City of Fayetteville, per the terms and conditions outlined in the attached agreement, and the hauler's continued remittance of the Required Supporting Information Form with the payment of their monthly franchise fees.

Additionally, language has been inserted into the agreement which will require a 25% penalty for late payment and a provision for immediate and automatic termination of the contract if more than one late payment occurs within a 180 day period, no review by the City Council would be necessary.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH ROLL OFF SERVICE, INC. TO HAUL AND DISPOSE OF SOLID WASTE WITHIN THE CITY LIMITS OF FAYETTEVILLE.

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 execute a contract with Roll Off Service, Inc. to haul and dispose of solid waste within the city limits of Fayetteville. A copy of the contract marked Exhibit "A" is attached hereto and made a part hereof.

PASSED and APPROVED this 4th day of September, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

**AGREEMENT TO HAUL AND DISPOSE OF SOLID WASTE
IN THE CITY OF FAYETTEVILLE**

This Agreement (the "Agreement"), is entered into on this ____ day of _____, 2007, between the **City of Fayetteville, Arkansas**, a municipal corporation (the "City"), and _____ (the "Hauler"), and shall be in full force and effect on the date first written above. City and Hauler agree as follows:

1. Hauler agrees that from and after the original date of this Agreement, all customer service Agreements for facilities within the corporate limits of the City entered into before or after the effective date of this Agreement, or renewed shall have terms of no more than two (2) years and any subsequent extensions shall be for terms of no more than one (1) year.
2. The term of this Agreement shall be for three (3) years, unless otherwise terminated pursuant to the terms hereof.
3. Hauler agrees and understands that it may only collect and haul Solid Waste using the type equipment commonly referred to as open-top roll-off style containers with capacities of twenty (20) cubic yards or greater, or roll-off style compactor containers with capacities of twenty (20) cubic yards or greater, containing waste generated from industrial, large commercial or construction/demolition activities, or which is classified as Special Waste, Hazardous Waste, grease or any other type Solid Waste which requires special handling or disposal. Hauler shall not collect any Class 1 or Class 4 material in other containers. No unseparated recyclables collected in any type container shall be hauled from any customer within the corporate limits of the City of Fayetteville. The collection of scrap metal, cardboard and other source-separated recyclables are not controlled or affected by this contract.
4. Hauler agrees and understands that it may utilize the City's transfer station for all Class 1 waste collected pursuant to this Agreement and shall deliver all Class 4 waste to a properly licensed landfill facility. Hauler shall pay all transfer station fees to the transfer station operator and all landfill fees to the landfill operator, as they may be established and amended, from time to time.
5. Hauler shall pay all fees due hereunder, along with the required supporting information, on or before the 15th of each calendar month for the immediately preceding calendar month. Payments of fees received after the due date shall be assessed a 25% penalty per month. If Hauler fails to pay the fees within forty-five (45) days of the due date, the City may revoke this Agreement upon delivery of one (1) written notice to the Hauler. The supporting information shall be sufficient to demonstrate the accuracy of the fee calculation, and shall include the following information: (i) Hauler's worksheet calculating the fees remitted; (ii) a blind list of payments received from customers within the City; (iii) such list shall clearly indicate whether each payment was from a permanent or temporary customer, and (iv) the fee shall be based upon all activity from each customer account within the City, and shall include the normal billing charges for all free or discounted services (excluding those for non-profit organizations) including but not limited to delivery, pull charges, disposal charges, transportation charges, final pull charges, and return charges. The City shall have the right to conduct an audit of Hauler's customer files and records for all customers located within the City, provided that such audit privilege shall be limited to once per calendar quarter. If such audit reveals the

hauler should have paid at least 5% more than reported, the cost of the audit shall be paid by the Hauler to the City. During such audit, the City may review certain trade secret information, including rates, frequency of service, customer lists, and other customer information provided that such trade secret information may not be copied or removed by the City. Nor shall such information be divulged to any third party by the City, its employees, officers, or elected officials without the express written consent of the Hauler.

5A. Roll Off Services, Inc. agrees and understands that a failure to pay all fees due in a timely manner will result in an automatic revocation of this agreement. The meaning of "failure to pay in a timely manner" for the purposes of such revocation includes Roll Off Services, Inc. having more than one late payment within a 180 day period. "Automatic revocation" means that following the one (1) written notice, any available enforcement action may be employed by the City to assure contract compliance.

6. Hauler agrees and understands that it shall submit to the City on an annual basis a list of all commercial vehicles used to provide services in the City, proof of appropriate vehicle registration, and proof of the insurance required under Section 16.
7. Hauler agrees and understands that it shall provide a list of vehicle operators collecting and hauling waste in the City of Fayetteville, along with proof of their valid and appropriate commercial drivers' licenses issued by the State of Arkansas. The Hauler shall also provide, maintain, and implement a plan to ensure that the vehicle operators maintain their commercial driver's licenses in accordance with applicable federal and state laws.
8. Hauler agrees that it shall comply with all federal, state and local laws applicable to the safety, environmental and transportation matters related to providing solid waste collection services under this Agreement. Hauler agrees that all open-top roll-off style containers will be properly covered during transit on streets and highways within Fayetteville.
9. In consideration of the right to provide the services described under this Agreement, Hauler agrees and understands that it shall be required to pay a monthly fee of ten (10%) percent (the "Fee") of the gross revenue received for all services provided under this Agreement. Upon execution of this Agreement, a deposit shall be paid in advance to the City. The deposit shall be equal to one-half of the total fees that were or would have been paid by the Hauler within to the City during the previous twelve (12) months. Such deposit shall be reviewed on an annual basis. Any reasonable disagreement in estimated gross revenue will be decided in the favor of the City. The deposit shall be refunded, less any unpaid fees, when the Hauler ceases operation within the City or this Agreement is terminated, whichever is earlier.
10. The City reserves the right to inspect all vehicles and containers to ensure that the vehicles are safe and well-maintained and that all containers are well-maintained and water tight, if necessary.
11. Hauler agrees and understands that it shall be required to establish an individual credit or service relationship with the City of Fayetteville transfer station operator. Hauler agrees that it shall comply with all practices, policies and procedures as established by the transfer station operator from time to time. Any tipping fee deposits required by the

transfer station or landfill operators shall be refunded, less any unpaid tipping fees, when the Hauler ceases hauling activities governed by this Agreement.

12. This Agreement has been entered into freely and voluntarily by Hauler which agrees to abide by all of the terms and conditions as a matter of contractual obligation pursuant to applicable city ordinances. This is a contractual Agreement and is not intended to be part of or related in any way to any license or ordinance created pursuant to A.C.A. §26-77-102.
13. Neither this Agreement, nor any rights or obligations hereunder may be assigned or transferred to any third party or affiliate.
14. For the purpose of this contract, the Point of Contact of the City of Fayetteville shall be Gary Dumas or his successor. The Point of Contact for the Hauler shall be _____. Communications pertaining to day-to-day aspects of this contract shall be through these individuals. Either party may change its designated Point of Contact upon ten (10) days prior written notice to the other party.
15. Hauler agrees to protect, indemnify, defend and save harmless the City, its officials, officers, employees, agents, subcontractors, representatives and assigns from any loss, claim, liability, penalty, fine, forfeiture, demand, cause of action, suit and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), to the extent caused by (i) Hauler's breach of any term, condition, covenant or warranty contained in this Agreement, or (ii) Hauler's negligent act or omission or willful misconduct related to the delivery of waste to the City transfer station or a properly licensed landfill facility.
16. Insurance: Hauler shall maintain the following insurance coverage during the term of this Agreement:
 - (a) Hauler shall provide and maintain, during the term of this Agreement, comprehensive general liability insurance, to protect against all claims arising out of the performance of its services hereunder that result in bodily injury, death or property damage. The policy or policies shall contain a clause that the insurer will not cancel or decrease the insurance coverage without first giving the City sixty (60) days notice in writing.
 - (b) Upon written request, Hauler shall furnish the City with evidence that the insurance required of it is in force.
 - (c) The types of coverage and limits of liability of all insurance required herein shall be as follows:

COVERAGE	LIMITS OF LIABILITY
Workmen's Compensation	Statutory
Employer's Liability	\$500,000

Bodily Injury Liability except Automobile	\$1,000,000 each occurrence
Property Damage Liability Except Automobile	\$1,000,000 each aggregate
Automobile Bodily Injury	\$1,000,000 each person
Comprehensive General Liability	\$1,000,000 each occurrence
Automobile Property Damage Liability	\$1,000,000 each occurrence
Excess Umbrella Liability	\$1,000,000 each occurrence

17. Termination:

- (a) Except as otherwise provided herein, if Hauler breaches this Agreement or defaults in the performance of any of the requirements or conditions contained herein, and such breach continues for fifteen (15) days after the City has given the Hauler written notice of such breach or default, the City may: (i) terminate this Agreement fifteen (15) days after the fifteen (15) days in which to cure; or (ii) cure the breach or default at the expense of the Hauler; and (iii) have recourse to any other right or remedy to which it may be entitled by law.
- (b) The City may terminate this Agreement upon written notice to the Hauler if the Hauler makes an assignment for the benefit of creditors, or files a voluntary petition in bankruptcy, receivership or insolvency, or files an answer in any involuntary proceeding of that nature admitting the material allegations of the petition, or if a proceeding in bankruptcy, receivership or insolvency shall be instituted against the offending and such proceeding is not dismissed within sixty (60) days.
- (c) In the event that this Agreement is terminated for any reason, any amounts payable to the City by Hauler for services rendered for any reason whatsoever shall become immediately due and payable as of the date of such termination.

18. All notices required or permitted under this contract shall be submitted in writing to the other party to this contract, by certified mail, return receipt requested, which notice shall be effective three (3) days after deposit therein addressed to the following:

City of Fayetteville
Dan Coody, Mayor
113 West Mountain Street
Fayetteville, AR 72701

Attn: _____

19. Hauler agrees and understands that this Agreement and documents submitted to the City pursuant hereto are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville requesting such documents, Hauler 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.
20. This agreement shall be interpreted according to and enforced under the laws of the State of Arkansas. Capitalized terms herein shall have the same meaning as set forth in ADEQ Reg. No. 22.
21. A waiver by either party of any of the terms or conditions herein shall be limited to that particular instance, and shall not be construed as a general waiver of either party's right to seek appropriate remedies for any other breaches by either party.
22. Each paragraph of this Agreement is severable from all other paragraphs. In the event any court of competent jurisdiction determines that any paragraph or subparagraph is invalid or unenforceable for any reason, all remaining paragraphs and subparagraphs shall remain in full force and effect.
23. This contract constitutes the entire understanding of the parties and no modification or variation of the terms of this contract shall be valid unless made in writing and signed by the duly authorized agents of the City of Fayetteville and the Hauler.
24. Each of the undersigned warrants that he or she has the full right, power, and authority to execute this contract on behalf of the party indicated for the purposes herein contained.
25. To the extent a definition or a specific term is not provided herein but is nonetheless required by the context, it is the intention of the parties to incorporate herein the definitions contained in applicable law and regulation in effect as the date hereof, except to the extent subsequent law or regulation shall expressly or implicitly mandate a revised definition.
26. The obligations of the parties to this Agreement, which by their nature would continue beyond the termination, cancellation or expiration of this Agreement, shall survive the termination (for any reason), cancellation or expiration of this Agreement.

IN WITNESS WHEREOF, we have hereunto set our hands on the date first written above.

CITY OF FAYETTEVILLE

By: _____
DAN COODY, as Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk

By: _____

President

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

4-Sep-07
City Council Meeting Date

Sarah Patterson
Submitted By

Parks and Recreation
Division

Operations
Department

Action Required:

Approval of an ordinance amending Chapter 177: Landscape Regulations of the Unified Development Code, requiring the minimum width of an urban tree well to be 3 feet with a minimum area of 15 square feet utilized in conjunction with the Urban Streetscape Tree Planting option.

\$0.00

n/a

n/a

Cost of this request

Category/Project Budget

Program Category / Project Name

n/a

n/a

n/a

Account Number

Funds Used to Date

Program / Project Category Name

n/a

n/a

n/a

\$

-

Project Number

Remaining Balance

Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☐

[Signature] 8-17-07
Department Director Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

[Signature] 8-17-07
City Attorney

Original Contract Number: n/a

Paul A. Beebe 8-20-07
Finance and Internal Service Director Date

Received in City Clerk's Office
ENTERED
8/17/07

[Signature] 8/22/07
Mayor Date

Received in Mayor's Office
ENTERED
8/22/07

Comments:

City Council Meeting of September 4, 2007
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council
Thru: Gary Dumas, Director of Operations
From: Sarah K. Patterson, Urban Forester 
Date: August 15, 2007
Subject: Amend Ch. 177 Landscape Regulations of the UDC

RECOMMENDATION

Planning Staff and the Urban Forester recommend approval of an ordinance amending the Unified Development Code, Ch. 177 Landscape Regulations, which would revise the size of the required width of an urban tree well.

BACKGROUND

The City Council on September 05, 2006 adopted Ordinance No. 4917, which created Chapter 177, Landscape Regulations, a consolidated landscape code. One of the new proposals adopted in this ordinance was to address the planting of trees within urban conditions, specifically where buildings are adjacent to a wider sidewalk, which is adjacent to the street, much like Downtown Fayetteville is developed today. In the initial code, staff recommended the minimum width of the tree well to be four-foot, with a minimum area of 16 square feet. This requirement would not allow for grates of a different shape, such as rectangle. Staff finds that there are situations where a grate of a different shape would be beneficial for pedestrian access and/or aesthetics. It is the recommendation of staff that Chapter 177 be amended to require a minimum width of a tree well to be three-foot, with a minimum area of 15 square feet. This would allow tree wells at a minimum to measure three by five feet, four by four feet, or larger. The Urban Forester is in support of this amendment finding that adequate surface area will still be provided for the tree and finding that the area of structural soil would not be affected. The size and shape of the urban tree well would be assessed with every development and a recommendation by the Urban Forster will be made for the appropriate specification in that area.

DISCUSSION

City Council approval of an ordinance amendment to Chapter 177 of the Unified Development Code, Landscape Regulations, on the minimum width and square footage of an urban tree well.

BUDGET IMPACT

None.

Proposed Amendments to Ch. 177 Landscape Regulations

177.05 Street Tree Planting Standards

(B)

- (3) *Street Tree Planting Plan Requirements for Urban Streetscapes.* Submittals for all proposed developments that incorporate an urban streetscape, in which wide (eight feet or greater) pedestrian sidewalks are adjacent to the curb and building replace those development patterns mentioned above, shall include a street tree planting plan at the time of development submittal.
- (a) A minimum of one (1) two-inch caliper, large species tree per 30 linear feet of street frontage or every 10 parking spaces, whichever provides the most trees, shall be planted with this option.
 - (b) Location of trees shall be approved by the Urban Forester to ensure adequate spacing, access and visibility is maintained. To meet this goal for the public health, safety and welfare, the spacing of trees may be varied with approval of the Urban Forester.
 - (c) Trees shall be planted within urban tree wells. The minimum width of an urban tree well shall be ~~four feet (4')~~ three feet (3'); the minimum area shall be ~~46-15~~ square feet. This option is only permitted to allow trees planted within wide sidewalks, in a downtown/urban fashion. Size and shape of urban tree well shall be approved by the Urban Forester.
 - (d) Tree wells shall be covered with either a tree grate or some form of permeable pavers, (brick or stone), to be approved by the Urban Forester.
 - (e) Structural soil or similar treatment shall be utilized with this option (see Landscape Manual for specifications).
 - (f) Street tree planting plans utilizing this option shall follow the construction procedures and details as outlined in the Landscape Manual.
 - (g) Development applications approved for the use of Urban Tree Wells shall not be required to also provide the landscape area exclusive of the right-of-way.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 177, LANDSCAPE REGULATIONS, OF THE UNIFIED DEVELOPMENT CODE TO REQUIRE MINIMUM WIDTH OF TREE WELLS TO BE THREE FEET AND MINIMUM AREA TO BE FIFTEEN SQUARE FEET WHEN UTILIZING URBAN TREE WELLS.

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

Section 1: That § 177.05 (B)(3): Landscape Regulations, of the Code of Fayetteville, is hereby repealed in its entirety and a new §177.05 (B)(3) is hereby enacted in its stead as follows:

§177.05 Street Tree Planting Standards

"(B)(3) Street Tree Planting Plan Requirements for Urban Streetscapes.

(c) Trees shall be planted within urban tree wells. The minimum width of an urban tree well shall be three feet; the minimum area shall be fifteen square feet. This option is only permitted to allow trees planted within wide sidewalks, in a downtown/urban fashion. Size and shape of urban tree well shall be approved by the Urban Forester."

PASSED and APPROVED this 4th day of September, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

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

4-Sep-07
City Council Meeting Date

David Jurgens
Submitted By

Wastewater System Imprv Project
Division

Water/Wastewater
Department

Action Required:

Approval of a construction contract with Garney Construction in the amount of \$1,393,880, for the replacement of the 2.6 mgd Mally Wagon Lift Station and 16" force main, WSIP Subproject EL-1, and approve an 8% contingency of \$110,000.

\$1,503,880.00
Cost of this request

\$ 99,013,095
Category / Project Budget

Wastewater System Imp Project
Program Category / Project Name

4520.9520.5315.00
Account Number

\$ 76,348,805
Funds Used to Date

Water and Wastewater
Program / Project Category Name

02133.0311
Project Number

\$ 22,664,290
Remaining Balance

Water/Sewer
Fund Name

Budgeted Item

XX

Budget Adjustment Attached

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

Date

Finance and Internal Service Director

Date

Mayor

Date

Received in City Clerk's Office

Received in Mayor's Office

Comments:

City Council Meeting of September 4, 2007

CITY COUNCIL AGENDA MEMO

To: Fayetteville City Council

Thru: Mayor Dan Coody

From: David Jurgens, Water and Wastewater Director
Fayetteville Sewer Committee



Date: 31 July 2007

Subject: Approval of a construction contract with Garney Construction in the amount of \$1,393,880, for the replacement of the 2.6 mgd Mally Wagon Lift Station and 16" force main, WSIP Subproject EL-1, and approve an 8% contingency of \$110,000

RECOMMENDATION

City Administration recommend approval of a construction contract with Garney Construction in the amount of \$1,393,880, for the replacement of the 2.6 mgd Mally Wagon Lift Station and 16" force main, WSIP Subproject EL-1, and approve an 8% contingency of \$110,000.

BACKGROUND

This project involves construction of the replacement Mally Wagon Lift Station (LS 19) and force main. The new station, located on Mally Wagon Road adjacent to the existing lift station that is being abandoned, will pump up to 2.6mgd through 4,000' of 16" diameter force main to the 36" and 42" sewer lines (EL-2).

The City received seven bids on July 31, 2007 for this project, shown below. Bidders could bid on either one or both of the components; Garney was the low bidder for both.

BIDDER	EL-1 Lift Station	EL-1 Force Main	Total
Basic Construction Co., Inc.	\$1,319,400.00	\$939,950.00	\$2,259,350.00
C-2 Projects, LLC	No Bid	\$774,540.00	
Construction & Engineering Solutions LLC	No Bid	\$851,548.75	
Garney Companies, Inc. (Low Bidder)	\$715,150.00	\$678,730.00	\$1,393,880.00
Mobley Contractors, Inc.	\$1,076,701.87	\$778,639.18	\$1,855,341.05
Redford Construction, Inc.	No Bid	\$848,312.00	
S & J Construction Co., Inc.	No Bid	\$775,071.76	
Engineer's Estimate	\$986,950.00	\$812,200.00	\$1,799,150.00

DISCUSSION

The bid is being reviewed by Garver, the Engineer; their award recommendation is attached. Garney has executed a number of large jobs for the City over the years, and has always performed excellently. Their most recent job was WL-5 force mains, which was completed well and on time.

BUDGET IMPACT

Funds are available in the WSIP project budget.

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONSTRUCTION CONTRACT WITH GARNEY COMPANIES, INC. IN THE AMOUNT OF \$1,393,880.00 FOR THE REPLACEMENT OF THE 2.6 mgd MALLY WAGNON LIFT STATION AND 16-INCH FORCE MAIN, WSIP SUBPROJECT EL-1; AND APPROVING A 8% CONTINGENCY IN THE AMOUNT OF \$110,000.00.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a Construction Contract with Garney Companies, Inc. in the amount of \$1,393,880.00 for the replacement of the 2.6 mgd Mally Wagnon Lift Station and 16-inch force main, WSIP Subproject EL-1. 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 8% contingency in the amount of \$110,000.00.

PASSED and APPROVED this 4th day of September, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

Garver Engineers, LLC

1088 East Millsap Road
Fayetteville, Arkansas 72703

479-527-9100
FAX 479-527-9101

www.garverengineers.com

GARVER ENGINEERS

August 1, 2007

David Jurgens, P.E.
Water/Wastewater Director
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Re: East Wastewater Collection System Improvements
EL-1 Lift Station, EL-1 Force Main, and EL-2 Gravity Sewer
Recommendation to Award

Dear Mr. Jurgens:

Bids were received by the City of Fayetteville for the referenced projects at City Hall, 113 West Mountain Street, Fayetteville, Arkansas, 72701, at 1:30 p.m., Tuesday, July 31, 2007.

A total of 3 bids were received for the EL-1 Lift Station contract, a total of 7 bids were received for the EL-1 Force Main contract, and a total of 6 bids were received for the EL-2 Gravity Line contract. The low bid for the EL-1 Lift Station and EL-1 Force Main was submitted by Garney Companies, Inc. of Kansas City, Missouri in the amount of \$715,150.00 and \$678,730.00 respectively. The low bid for the EL-2 Gravity line was submitted by Rosetta Construction, LLC. of Springfield, Missouri in the amount of \$10,431,995.00 which includes a \$100,000.00 deductive alternate. A copy of the tabulation of bids received, including a summary and Engineer's estimate, is attached.

We recommend that the City of Fayetteville award the construction contract for the EL-1 Lift Station and the EL-1 Force Main to Garney Companies, Inc. of Kansas City, Missouri. In addition, we recommend that the City of Fayetteville award the construction contract for the EL-2 Gravity Line to Rosetta Construction, LLC. of Springfield, Missouri. We believe this represents the best value for the City.

Please call me if you have any questions.

Sincerely,

GARVER ENGINEERS, LLC



Chris Buntin, P.E.
Senior Design Engineer

Attachments: As Noted

**CITY OF FAYETTEVILLE
EAST WASTEWATER COLLECTION SYSTEM IMPROVEMENTS**

Summary

Bid Tabulation - Bids Opened 1:30pm Tuesday, July 31, 2007

EL-1 Lift Station	Total Bid Amount
ENGINEERS ESTIMATE	\$ 986,950.00
Garney Contractors, Inc.	\$ 715,150.00
Mobley Contractors, Inc.	\$ 1,076,701.87
Basic Construction Co., Inc.	\$ 1,319,400.00

EL-1 Force Main	Total Bid Amount
ENGINEERS ESTIMATE	\$ 812,200.00
Garney Companies, Inc.	\$ 678,730.00
C-2 Projects, LLC	\$ 774,540.00
S&J Construction Co., Inc.	\$ 775,071.76
Mobley Contractors, Inc.	\$ 778,639.18
Redford Construction, Inc.	\$ 848,312.00
Construction & Engineering Solutions, LLC	\$ 851,548.75
Basic Construction Co., Inc.	\$ 939,950.00

EL-2 Gravity Line	Total Bid Amount	Deductive Alternate	Total Bid Amount Less Deductive Alternate
ENGINEERS ESTIMATE	\$ 14,546,590.00	\$ 100,000.00	\$ 14,446,590.00
Rossetta Construction, LLC	\$ 10,431,995.00	\$ 76,000.00	\$ 10,355,995.00
Garney Companies, Inc.	\$ 10,949,390.00	\$ 139,600.00	\$ 10,809,790.00
Redford Construction, Inc.	\$ 12,349,485.00	\$ 134,400.00	\$ 12,215,085.00
S.J. Louis Construction of Texas, Ltd.	\$ 13,781,007.00	\$ 54,800.00	\$ 13,726,207.00
Kraus Construction Co., LLC	\$ 14,016,410.00	\$ 120,000.00	\$ 13,896,410.00
Sweetser Construction, Inc.	\$ 16,903,825.00	\$ 120,400.00	\$ 16,783,425.00

EL-1 Lift Station
EL-1 Force Main
EL-2 Gravity Line

Requestion No.: _____ Date: 7/31/2007
P.O Number: _____ Expected Delivery Date: _____

Vendor Number: 66480 Vendor Name: Garney Construction, Inc. Mail Yes: ☒ No: ☒

Address: 1333 NW Vivion Road Fayetteville Taxable Yes: ☒ No: ☒ Quotes Attached No: _____
City: Kansas City State: MO Zip Code: 64118 Ship to code: _____ Division Head Approval: _____

Requester: David Jurgens Requester's Employee #: 490 Extension: \$30

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	WSIP, EL-1, Mally Wagnon Lift Station and Force Main	1	EA	1,393,880.00	\$1,393,880.00	4520.9520.5315.00	02133-0311		
2					\$0.00				
3					\$0.00				
4					\$0.00				
5					\$0.00				
6					\$0.00				
7					\$0.00				
8					\$0.00				
9					\$0.00				
10					\$0.00				
	Shipping/Handling		Lot		\$0.00				
Special Instructions:									

Subtotal: \$1,393,880.00
Tax: \$0.00
Total: \$1,393,880.00

Approvals: _____

Mayor: _____ Department Director: 

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

Dispatch Manager: _____ Utilities Manager: _____ Other: _____

DOCUMENT 00140 - BIDDER'S QUALIFICATION STATEMENT

Project Name: Wastewater System Improvement Project
Contract Name: Construction Contract Numbers EL-1 & EL-2
Contract No.: EL-1 Lift Station; EL-1 Force Main; EL-2 Gravity Line
Date: July 31, 2007

SUBMITTED TO:

The City of Fayetteville, Arkansas
113 West Mountain Street
Fayetteville, Arkansas 72701

SUBMITTED BY:

Company GARNEY COMPANIES, INC.
1333 N. W. VIVION ROAD
Name KANSAS CITY, MISSOURI 64118
Address GARNEY COMPANIES, INC.
1333 N. W. VIVION ROAD
Principal Office KANSAS CITY, MISSOURI 64118
Corporation, partnership, individual, joint
venture, other Corporation
Arkansas State General Contractor's License Number
003211 0308

EXPERIENCE STATEMENT

1. Bidder has been engaged as a General Contractor in construction for 45 years and has performed work of the nature and magnitude of this Contract for 45 years. Bidder has been in business under its present name for 45 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.) See attached
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 contact, amount of contract, surety, and date of completion and percentage of the cost of the Work performed with Bidder's own forces.) See attached

DOCUMENT 00140 - BIDDER'S QUALIFICATION STATEMENT (CONTINUED)

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:

Pipe Installation, Excavation &
Backfill, Concrete Work, Mechanical
Piping, and Pump Installation

6. Construction experience of key individuals in the organization is as follows
(continued on attached sheets if needed):

See Attached Resumes

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:

Western Surety Co - PO Box 5077 Sioux Falls SD
Liberty Mutual Ins - Co - 450 Plymouth Rd, Suite
400, Plymouth Meeting PA 19462
Surety - Thomas McGe (816) 843-4144

8. Bidder's Workmen's Compensation Experience Modifier Factor is: .90

DOCUMENT 00140 – BIDDER'S QUALIFICATION STATEMENT (CONTINUED)

FINANCIAL STATEMENT

Bidder possesses adequate financial resources as indicated by the following:

- See Financial Statements*
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:

	<u>Judgment Creditors</u>	<u>Where Docketed and Date</u>	<u>Amount</u>
a.	<u>NONE</u>	_____	\$ _____
b.	_____	_____	\$ _____

DOCUMENT 00140 – BIDDER'S QUALIFICATION STATEMENT (CONTINUED)

Bidder hereby represents and warrants that all statements set forth herein are true and correct.

Date: July 31, 2007

(OFFICIAL SEAL)

Name of Organization:

GARNEY COMPANIES, INC.

By

Title

J.W. YOUNGBLOOD
EXECUTIVE VICE 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 00410 - BID BOND

KNOW ALL MEN BY THESE PRESENTS: that we

Garney Companies, Inc.

1333 NW Vivion Road

Kansas City MO 64118

as Principal, hereinafter called the Principal, and

Western Surety Company

PO Box 5077, Sioux Falls, SD 57117-5077 800/331-6053 and

Liberty Mutual Insurance Company 610/832-8240

450 Plymouth Road, Suite 400

Plymouth Meeting, PA 19462

SD & MA,

a corporation duly organized under the laws of the State of respectively as Surety,
hereinafter called Surety, are held and firmly bound unto

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, Arkansas, 72701

as Oblige, hereinafter called Owner, in the sum of Five (5%) Percent of Amt. Bid Dollars
(\$), 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 Fayetteville Wastewater
System Improvement Project, Construction Contract Numbers EL-1 & EL-2, Contract No.: EL-1
Lift Station; EL-1 Force Main; EL-2 Gravity Line (for each bid as applicable).

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 31 day of JULY, 2007 2006.

PRINCIPAL

(CORPORATE SEAL)

Garney Companies, Inc.

By

[Signature]
J.W. YOUNGBLOOD
EXECUTIVE VICE PRESIDENT

SURETY

Western Surety Company and
Liberty Mutual Insurance Company

By

[Signature]
Linda L. Nutt, Attorney-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

Western Surety Company

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

Barbara A Miller, Brenda L Linze, J Douglas Joyce, Eric Van Buskirk, Linda L Nutt, Lawrence S Kaminsky, Michael T Kelly, Eugene A Klein, Thomas P Latz, Thomas M English, Michael Lee Swift, Individually

of Kansas City, MO, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Senior Vice President and its corporate seal to be hereto affixed on this 23rd day of January, 2007.



WESTERN SURETY COMPANY

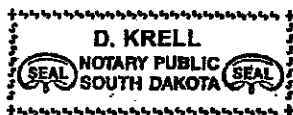
Paul T. Bruflat, Senior Vice President

State of South Dakota }
County of Minnehaha } ss

On this 23rd day of January, 2007, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Senior Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

November 30, 2012



D. Krell, Notary Public

CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 31 day of JULY, 2007



WESTERN SURETY COMPANY

L. Nelson, Assistant Secretary

Authorizing By-Law

ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, and Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

2108195

THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

LIBERTY MUTUAL INSURANCE COMPANY
BOSTON, MASSACHUSETTS
POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS: That Liberty Mutual Insurance Company (the "Company"), a Massachusetts stock insurance company, pursuant to and by authority of the By-law and Authorization hereinafter set forth, does hereby name, constitute and appoint

ERIC VAN BUSKIRK, THOMAS M. ENGLISH, J. DOUGLAS JOYCE, LAWRENCE S. KAMINSKY, MICHAEL T. KELLY, EUGENE A. KLEIN, THOMAS P. LATZ, LINDA L. NUTT, BARBARA A. MILLER, BRENDA L. LINZE, MICHAEL L. SWIFT, ALL OF THE CITY OF KANSAS CITY, STATE OF MISSOURI

each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations in the penal sum not exceeding **ONE HUNDRED MILLION AND 00/100** DOLLARS (\$ **100,000,000.00**) each, and the execution of such undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents, shall be as binding upon the Company as if they had been duly signed by the president and attested by the secretary of the Company in their own proper persons.

That this power is made and executed pursuant to and by authority of the following By-law and Authorization:

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

By the following instrument the chairman or the president has authorized the officer or other official named therein to appoint attorneys-in-fact:

Pursuant to Article XIII, Section 5 of the By-Laws, Garnet W. Elliott, Assistant Secretary of Liberty Mutual Insurance Company, is hereby authorized to appoint such attorneys-in-fact as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

That the By-law and the Authorization set forth above are true copies thereof and are now in full force and effect.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Liberty Mutual Insurance Company has been affixed thereto in Plymouth Meeting, Pennsylvania this 15th day of March, 2007.

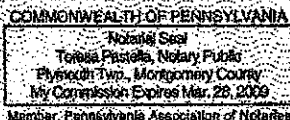
LIBERTY MUTUAL INSURANCE COMPANY

By Garnet W. Elliott
Garnet W. Elliott, Assistant Secretary

COMMONWEALTH OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 15th day of March, 2007, before me, a Notary Public, personally came Garnet W. Elliott, to me known, and acknowledged that he is an Assistant Secretary of Liberty Mutual Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Liberty Mutual Insurance Company thereto with the authority and at the direction of said corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



By Teresa Pastella
Teresa Pastella, Notary Public.

CERTIFICATE

I, the undersigned, Assistant Secretary of Liberty Mutual Insurance Company, do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the officer or official who executed the said power of attorney is an Assistant Secretary specially authorized by the chairman or the president to appoint attorneys-in-fact as provided in Article XIII, Section 5 of the By-laws of Liberty Mutual Insurance Company.

This certificate and the above power of attorney may be signed by facsimile or mechanically reproduced signatures under and by authority of the following vote of the board of directors of Liberty Mutual Insurance Company at a meeting duly called and held on the 12th day of March, 1980.

VOTED that the facsimile or mechanically reproduced signature of any assistant secretary of the company, wherever appearing upon a certified copy of any power of attorney issued by the company in connection with surety bonds, 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 seal of the said company, this 31 day of JULY, 2007.



By David M. Carey
David M. Carey, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, bank deposit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

DOCUMENT 00900 - ADDENDUM NO. 1:

Issued to All Bid Document Holders of Record

Date: July 18, 2007

Project Name: Fayetteville Wastewater System Improvements Project

Contract Name: Construction Contract Numbers EL-1 & EL-2

Contract No.: EL-1 Lift Station; EL-1 Force Main; EL-2 Gravity Line

Project Nos.: 02133-0311

Bid No.: 07-57

This Addendum forms a part of the Contract described above. The original Contract Documents and any prior Addenda remain in full force and effect except as modified by the following which shall take precedence over any contrary provisions in the prior documents.

ADDENDUM NO. 1.

DOCUMENTS:

1. Pages 00005-1 to 3 – Index and Certification: Replace with revised pages 0005-1 to 3 (enclosed).
2. Pages 00010-1 to 4 – Table of Contents: Replace with revised pages 00010-1 to 4 enclosed.
3. Page 00120-2 – Invitation to Bid: Replace “purchase price of *Two Hundred Dollars* (\$200.00)” with “purchase price of *Two Hundred and Fifty Dollars* (\$250.00)”.
4. Pages 1 to 140 – Property Descriptions and Side Letters as of 06-27-2007: Add 2 pages after page 140 (enclosed).
5. Pages 00400-1 to 9 – EL-1 Lift Station Bid Form: Replace with Revised pages 00400-1 to 9 (enclosed).
6. Pages 00400-1 to 12 – EL-2 Gravity Line Bid Form: Replace with Revised pages 00400-1 to 12 (enclosed).
7. Page 00700-10 – General Conditions: Replace Paragraph 5.02.A. 2.a with the following:
 - a. Umbrella General Liability of \$5,000,000 for any contract over \$1,000,000, and an Umbrella General Liability of \$2,000,000 for any contract less than or equal to \$1,000,000

SPECIFICATIONS:

8. Pages 01025-1 to 19 – Measurement and Payment: Replace with revised pages 01025-1 to 19 (enclosed).
9. Pages 02223-1 to 7 – Explosives and Blasting: Replace with revised pages 02223-1 to 7 (enclosed).

DOCUMENT 00900 - ADDENDUM NO. 1 (continued)

10. Pages 02615-1 to 8 – Ductile Iron Pipe and Fittings: Replace with revised pages 02615-1 to 9 (enclosed).
11. Pages 02624-1 to 6 – Fiberglass Reinforced Pipe and Fittings: Replace with revised pages 02624-1 to 7 (enclosed).
12. Pages 02722-1 to 7 – Sanitary Sewer Systems: Replace with revised pages 02722-1 to 8 (enclosed).
13. Pages 09900-1 to 5 – Painting: Replace with revised pages 09900-1 to 5 (enclosed).
14. Pages 09960-1 to 10 – Interior Coatings: Replace with revised pages 09960-1 to 10 (enclosed).
15. Pages 11306-1 to 14 – Sewage Pump Station: Replace with revised pages 11306-1 to 14 (enclosed).
16. Pages 15100-1 to 4 – Sewer Valves: Replace with revised pages 15100-1 to 4 (enclosed).

CONTRACT DRAWINGS:

17. INDEX. Replace with revised drawing (enclosed).
18. Drawing C3. Replace with revised drawing (enclosed).
19. Drawing C9. Replace with revised drawing (enclosed).
20. Drawing C10. Replace with revised drawing (enclosed).
21. Drawing C13. Replace with revised drawing (enclosed).
22. Drawing C14. Replace with revised drawing (enclosed).
23. Drawing C15. Replace with revised drawing (enclosed).
24. Drawing C16. Replace with revised drawing (enclosed).
25. Drawing C17. Replace with revised drawing (enclosed).
26. Drawing C18. Replace with revised drawing (enclosed).
27. Drawing C23. Replace with revised drawing (enclosed).
28. Drawing C24. Replace with revised drawing (enclosed).
29. Drawing C25. Replace with revised drawing (enclosed).
30. Drawing D7. Replace with revised drawing (enclosed).
31. Drawing D12. Replace with revised drawing (enclosed).
32. Drawing D16. Replace with revised drawing (enclosed).
33. Drawings EC-1 to EC-12. Replace with revised drawings EC-1 to EC-12 (enclosed).

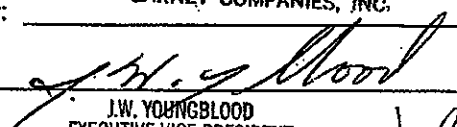
DOCUMENT 00900 - ADDENDUM NO. 1 (continued)

Each Bidder shall acknowledge receipt of this Addendum by affixing his signature below, by noting this Addendum on his Bid Form, and by attaching this Addendum to his Bid.

Garver Engineers, LLC (Engineer)
1088 East Millsap Road
Fayetteville, AR 72703

ACKNOWLEDGEMENT

The undersigned acknowledges receipt of this Addendum and the Bid submitted is in accordance with information, instructions and stipulations set forth herein.

Bidder: GARNEY COMPANIES, INC.
By: 
Date: JULY 31, 2007
J.W. YOUNGBLOOD
EXECUTIVE VICE PRESIDENT

END OF ADDENDUM NO.1

DOCUMENT 00400 - BID FORM

Project Name: Wastewater System Improvement Project
Contract Name: Construction Contract Numbers EL-1 & EL-2
Contract No.: EL-1 Force Main

BID TO:

Owner: The City of Fayetteville, Arkansas
113 West Mountain Street
Fayetteville, Arkansas 72701

BID FROM:

Bidder: GARNEY COMPANIES, INC.
1333 N. W. VIVION ROAD
KANSAS CITY, MISSOURI 64118

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 to the Engineer prior to the Owner's consideration to approve the Agreement. Within 15 days after the Owner's approval of the Agreement the Contractor shall deliver the required number of Bonds, insurances and other documents required by the Bidding Requirements.

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:

<u>Number</u>	<u>Date</u>
<u>1</u>	<u>July 18th 2007</u>
<u>GARNEY COMPANIES, INC.</u>	
<u>1333 N.W. 11TH AVE.</u>	
<u>KANSAS CITY, MISSOURI 64108</u>	

- 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(s):

Item	Description	Est. Quantity	Unit	Unit Price	Total Amount
1.2	Mobilization	1	LS	\$15,000.00	\$ 15,000.00
2.2	Site Work	1	LS	\$5,000.00	\$ 5,000.00
3.2	Trench and Excavation Safety	1	LS	\$3,000.00	\$ 3,000.00
4.2	Erosion Control	1	LS	\$10,000.00	\$ 10,000.00
5.2	Maintenance of Traffic	1	LS	\$2,000.00	\$ 2,000.00
6.2	Construction Staking	1	LS	\$10,000.00	\$ 10,000.00
7.2	Trench Compaction Testing	1	LS	\$2,000.00	\$ 2,000.00
8.2	8" Plug Valve	3	EA	\$2,500.00	\$ 7,500.00
9.2	16" Plug Valve	8	EA	\$6,280.00	\$ 50,240.00
10.2	Air Release Valve Assembly	2	EA	\$7,200.00	\$ 14,400.00
11.2	16" Forcemain Trench Excavation and Backfill	3,840	LF	\$10.00	\$ 38,400.00

DOCUMENT 00400 - BID FORM (continued)

12.2	8" Forcemain Trench Excavation and Backfill	20	LF	\$ 9.00	\$ 180.00
13.2	Rock Excavation	300	CY	\$ 13.00	\$ 3,900.00
14.2	16" Ductile Iron Pipe Forcemain (Class 250)	3,840	LF	\$ 78.50	\$ 301,440.00
15.2	8" Ductile Iron Pipe Forcemain (Class 350)	20	LF	\$ 36.00	\$ 720.00
16.2	Ductile Iron Fittings for Forcemain	5,500	LBS	\$ 3.00	\$ 16,500.00
17.2	Authorized Undercut and Granular Backfill	150	CY	\$ 15.00	\$ 2,250.00
18.2	Forcemain EL-1 River Crossing	1	LS	\$180,000.00	\$ 180,000.00
19.2	Pipe Bollard	8	EA	\$ 200.00	\$ 1,600.00
20.2	Air Release Valve Passive Odor Control System	2	EA	\$ 6,500.00	\$ 13,000.00
21.2	Interior Coating Proposed Concrete Structures	100	SF	\$ 16.00	\$ 1,600.00

TOTAL BID PRICE EL-1 Force Main

Six hundred seventy-eight thousand seven hundred thirty and 1/2% (678,730.00)
Words Numbers

B. Bidder acknowledges that quantities are not guaranteed and final payment will be based on actual quantities determined as provided in the Contract Documents.

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.

DOCUMENT 00400 - BID FORM (continued)

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 Five Percent of the bid amount Dollars (\$ 5% Bid Amt).
- 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.

ARTICLE 7 - COMMUNICATIONS

7.01 Communications concerning this Bid shall be addressed to the Bidder as follows:

GARNEY COMPANIES, INC.
1333 N. W. VIVION ROAD
KANSAS CITY, MISSOURI 64118

Phone No. (816) 746-7223

FAX No. (816) 746-7288

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 July 31, 2007

Arkansas State Contractor License No. 0032110308

DOCUMENT 00400 - BID FORM (continued)

If Bidder is:

J.W. YOUNGBLOOD
EXECUTIVE VICE PRESIDENT

An Individual

Name (type or printed): _____

By: _____ (SEAL)

(Individual's Signature)

Doing business as: _____

Business address: _____

Phone No.: _____ FAX No.: _____

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: GARNEY COMPANIES, INC. (SEAL)

State of Incorporation: MISSOURI

Type (General Business, Professional, Service, Limited Liability): _____

General Business

By: J.W. Youngblood

(Signature – attach evidence of authority to sign)

J.W. YOUNGBLOOD
EXECUTIVE VICE PRESIDENT

DOCUMENT 00400 - BID FORM (continued)

Name (type or printed): J.W. YOUNGBLOOD
EXECUTIVE VICE PRESIDENT

Title: _____

(CORPORATE SEAL)

Attest: *S. McCandless*
Stephen M. McCandless
Corp. Secretary (Signature of Corporate Secretary)

Business address: GARNEY COMPANIES, INC.
1333 N. W. VIVION ROAD
KANSAS CITY, MISSOURI 64118

Phone No.: (816) 746-7223 FAX No.: (816) 746-7288

END OF DOCUMENT 00400



100% Employee Owned

CERTIFIED COPY OF RESOLUTION

OF

BOARD OF DIRECTORS

OF

GARNEY COMPANIES, INC.

The undersigned, Stephen M. McCandless hereby certifies that he is the duly elected and qualified Secretary of the Garney Companies, Inc. a Missouri Corporation (the "Company"), and that as Secretary, he maintains the records and the corporate seal of the Company. The undersigned further certifies that the following is a true and correct copy of the resolutions adopted by the unanimous consent of the members of the Board of Directors of the Company on the 1st day of March, 2007 and that such resolutions are now in full force and effect:

RESOLVED: That J.W. Youngblood is hereby recognized as the Executive Vice President of the Corporation to serve until the next annual meeting of the Directors and authorized and instructed to execute and deliver on behalf of the Corporation and its name, contracts, offers and bids pertaining to contracting and construction work to be performed by the Company.

IN WITNESS WHEREOF, the undersigned has hereby affixed his name as Secretary and caused the corporate seal of the Company to be affixed hereto this 31st day of July, 2007.



Stephen M. McCandless, Corporate Secretary

1331 N.W. Vivion Road • Kansas City, Missouri 64118-4554

Phone 816-741-4600 • Fax 816-741-4488

DOCUMENT 00400 - BID FORM

Project Name: Wastewater System Improvement Project
Contract Name: Construction Contract Numbers EL-1 & EL-2
Contract No.: EL-1 Lift Station

BID TO:

Owner: The City of Fayetteville, Arkansas
113 West Mountain Street
Fayetteville, Arkansas 72701

BID FROM:

Bidder: GARNEY COMPANIES, INC.
1333 N.W. VIVION ROAD
KANSAS CITY, MISSOURI 64118

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 to the Engineer prior to the Owner's consideration to approve the Agreement. Within 15 days after the Owner's approval of the Agreement the Contractor shall deliver the required number of Bonds, insurances and other documents required by the Bidding Requirements.

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:

<u>Number</u>	<u>Date</u>
<u>1</u>	<u>July 18, 2007</u>

- 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(s):

NOTE: The description of item 13.1 is to be completed by Bidder. Bidder is to fill in blank with type of pipe proposed for use. Approved alternatives for use in the noted items are:

1. Ductile Iron Pipe (DIP);
2. Fiberglass Reinforced Pipe (FRP)

Item	Description	Est. Quantity	Unit	Unit Price	Total Amount
1.1	Mobilization	1	LS	\$ 10,000.00	\$ 10,000.00
2.1	Site Work	1	LS	\$ 4,000.00	\$ 4,000.00
3.1	Trench and Excavation Safety	1	LS	\$ 10,000.00	\$ 10,000.00
4.1	Erosion Control	1	LS	\$ 5,000.00	\$ 5,000.00
5.1	Maintenance of Traffic	1	LS	\$ 1,000.00	\$ 1,000.00
6.1	Construction Staking	1	LS	\$ 3,500.00	\$ 3,500.00
7.1	Trench Compaction Testing	1	LS	\$ 1,500.00	\$ 1,500.00
8.1	Air Release Valve Assembly	1	EA	\$ 7,500.00	\$ 7,500.00
9.1	4' I.D. Sanitary Sewer Manhole, 0' to 8' Depth	5	EA	\$ 2,500.00	\$ 12,500.00
10.1	4' I.D. Sanitary Sewer Manhole Additional Depth	65	VF	\$ 150.00	\$ 9,750.00

DOCUMENT 00400 - BID FORM (continued)

11.1	18" Gravity Sewer Trench Excavation and Backfill	260	LF	\$ 28.00	\$ 7,280.00
12.1	Rock Excavation	1,800	CY	\$ 52.00	\$ 93,600.00
13.1	18" DI Gravity Sewer Pipe	260	LF	\$ 56.00	\$ 14,560.00
14.1	Authorized Undercut and Granular Backfill	50	CY	\$ 50.00	\$ 2,500.00
15.1	Crushed stone for Traffic Bound Surfacing, Base Course and/or Backfill	150	TON	\$ 15.00	\$ 2,250.00
16.1	Private Driveway Abandonment and Replacement	1	LS	\$ 3,500.00	\$ 3,500.00
17.1	Lift Station EL-1 Access Drive	150	SY	\$ 28.00	\$ 4,200.00
18.1	Construction, Installation, and Startup for Lift Station EL-1	1	LS	\$ 454,650.00	\$ 454,650.00
19.1	Lift Station Active Odor Control System	1	EA	\$ 10,000.00	\$ 10,000.00
20.1	Air Release Valve Passive Odor Control System	1	EA	\$ 3,000.00	\$ 3,000.00
21.1	Abandon Existing Lift Station EL-1	1	LS	\$ 7,500.00	\$ 7,500.00
22.1	Connect 18" Gravity Sewer to Existing Manhole	1	EA	\$ 1,500.00	\$ 1,500.00
23.1	Interior Coating Existing Concrete Manhole	90	SF	\$ 23.00	\$ 2,070.00
24.1	Interior Coating Proposed Concrete Structures	2,300	SF	\$ 10.00	\$ 23,000.00
25.1	Exterior Coating Proposed Concrete Structures	3,000	SF	\$ 1.00	\$ 3,000.00
26.1	24" RC Pipe Culvert (Class III)	40	LF	\$ 46.00	\$ 1,840.00

DOCUMENT 00400 - BID FORM (continued)

27.1	24" RC Flared End Section (Class III)	4	EA	\$ 450.00	\$ 1,800.00
28.1	Replace Existing Fence	300	LF	\$ 6.00	\$ 1,800.00
29.1	6' Chain Link Fence	450	LF	\$ 15.00	\$ 6,750.00
30.1	16' Double Swing Gate	1	EA	\$ 500.00	\$ 500.00
31.1	Pipe Bollard	8	EA	\$ 200.00	\$ 1,600.00
32.1	1" Water Service Line	120	LF	\$ 10.00	\$ 1,200.00
33.1	Water Line Backflow Preventer	1	EA	\$ 1,500.00	\$ 1,500.00
34.1	1" Frost Proof Yard Hydrant	1	EA	\$ 350.00	\$ 350.00
35.1	Water Meter Setting and Pressure Regulator	1	EA	\$ 450.00	\$ 450.00

TOTAL BID PRICE EL-1 Lift Station

Seven hundred & fifteen thousand one hundred fifty & 00/100 (\$ 715,150.00)
Words Numbers

B. Bidder acknowledges that quantities are not guaranteed and final payment will be based on actual quantities determined as provided in the Contract Documents.

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.

DOCUMENT 00400 - BID FORM (continued)

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 Five Percent of The bid Amount Dollars (\$ 5% Bid Amt.).
 - 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.

ARTICLE 7 - COMMUNICATIONS

- 7.01 Communications concerning this Bid shall be addressed to the Bidder as follows:

By: GARNEY COMPANIES, INC.
1333 N.W. VIVION ROAD
KANSAS CITY, MISSOURI 64118

Phone No. (816) 746-7223

FAX No. (816) 746-7288

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 July 31, 2007

Arkansas State Contractor License No. 0032110308

DOCUMENT 00400 - BID FORM (continued)

If Bidder is:

An Individual

Name (type or printed): _____

By: _____ (SEAL)

(Individual's Signature) _____

Doing business as: _____

Business address: _____

Phone No.: _____ FAX No.: _____

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: _____ (SEAL)

State of Incorporation: Missouri

Type (General Business, Professional, Service, Limited Liability): _____

General Business

By: J. H. y. Mord

(Signature - attach evidence of authority to sign)

DOCUMENT 00400 - BID FORM (continued)

Name (type or printed): J.W. YOUNGBLOOD
EXECUTIVE VICE PRESIDENT

Title: _____

(CORPORATE SEAL)

Attest: *S.M. McCandless*
Stephen M. McCandless
Corp. Secretary (Signature of Corporate Secretary)

Business address: GARNEY COMPANIES, INC.
1333 N.W. VIVION ROAD
KANSAS CITY, MISSOURI 64118

Phone No.: (816) 746-7223 FAX No.: (816) 746-7288

END OF DOCUMENT 00400

THE STATE OF MISSOURI - (continued)

EXECUTIVE VICE PRESIDENT
J.W. YOUNGBLOOD

(continued)

Secretary
Garney Companies, Inc.

GARNEY COMPANIES, INC.
100 WEST WILSON ROAD
KANSAS CITY, MISSOURI 64114

Garney Companies, Inc.

END OF DOCUMENT (cont)

DOCUMENT 00400 - BID FORM

Project Name: Wastewater System Improvement Project
Contract Name: Construction Contract Numbers EL-1 & EL-2
Contract No.: EL-2 Gravity Line

BID TO:

Owner: The City of Fayetteville, Arkansas
113 West Mountain Street
Fayetteville, Arkansas 72701

BID FROM:

Bidder: GARNEY COMPANIES, INC.
1333 N. W. VIVION ROAD
KANSAS CITY, MISSOURI 64118

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 to the Engineer prior to the Owner's consideration to approve the Agreement. Within 15 days after the Owner's approval of the Agreement the Contractor shall deliver the required number of Bonds, insurances and other documents required by the Bidding Requirements.

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:

<u>Number</u>	<u>Date</u>
<u>1</u>	<u>July 18, 2007</u>
GARNEY COMPANIES, INC. 2008 W. WYOMING ROAD KANSAS CITY, MISSOURI 64111	

- 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.

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(s):

NOTE: The description of items 23.3, 26.3, 27.3, 28.3 and 29.3 are to be completed by Bidder. Bidder is to fill in blanks with type of pipe proposed for use. Approved alternatives for use in the noted items are:

1. Ductile Iron Pipe (DIP);
2. Fiberglass Reinforced Pipe (FRP)

Item	Description	Est. Quantity	Unit	Unit Price	Total Amount
1.3	Mobilization	1	LS	\$ 400,000.00	\$ 400,000.00
2.3	Site Work	1	LS	\$ 55,000.00	\$ 55,000.00
3.3	Trench and Excavation/Safety	1	LS	\$ 50,000.00	\$ 50,000.00
4.3	Erosion Control	1	LS	\$ 65,000.00	\$ 65,000.00
5.3	Maintenance of Traffic	1	LS	\$ 7,500.00	\$ 7,500.00
6.3	Construction Staking	1	LS	\$ 40,000.00	\$ 40,000.00
7.3	Trench Compaction Testing	1	LS	\$ 7,500.00	\$ 7,500.00
8.3	Wetlands Restoration	1	LS	\$ 5,000.00	\$ 5,000.00
9.3	Replace Existing Fence and Gates	4,000	LF	\$ 6.00	\$ 24,000.00

DOCUMENT 00400 - BID FORM (continued)

10.3	16' Metal Field Gate	35	EA	\$ 1,000.00	\$ 35,000.00
11.3	42" Gravity Sewer Trench Excavation and Backfill, 0'-8' Depth	11,760	LF	\$ 20.00	\$ 235,200.00
12.3	42" Gravity Sewer Trench Excavation and Backfill, 8'-12' Depth	5,600	LF	\$ 35.00	\$ 196,000.00
13.3	42" Gravity Sewer Trench Excavation and Backfill, 12'-16' Depth	2,660	LF	\$ 50.00	\$ 133,000.00
14.3	42" Gravity Sewer Trench Excavation and Backfill, 16'-20' Depth	1,720	LF	\$ 80.00	\$ 137,600.00
15.3	42" Gravity Sewer Trench Excavation and Backfill, 20'-24' Depth	240	LF	\$ 120.00	\$ 28,800.00
16.3	42" Gravity Sewer Trench Excavation and Backfill, Over 24' Depth	660	LF	\$ 150.00	\$ 99,000.00
17.3	36" Gravity Sewer Trench Excavation and Backfill	180	LF	\$ 50.00	\$ 9,000.00
18.3	30" Gravity Sewer Trench Excavation and Backfill	230	LF	\$ 45.00	\$ 10,350.00
19.3	18" Gravity Sewer Trench Excavation and Backfill	550	LF	\$ 40.00	\$ 22,000.00
20.3	14" Force Main Trench Excavation and Backfill	240	LF	\$ 35.00	\$ 8,400.00
21.3	8" Force Main Trench Excavation and Backfill	80	LF	\$ 25.00	\$ 2,000.00
22.3	Rock Excavation	20,500	CY	\$ 55.00	\$ 1,127,500.00
23.3	42" DI Gravity Sewer Pipe, Buried	14,030	LF	\$ 193.00	\$ 2,707,790.00
24.3	42" Ductile Iron Gravity Sewer Pipe, Buried	8,610	LF	\$ 193.00	\$ 1,661,730.00
25.3	42" Ductile Iron Gravity Sewer Pipe, Elevated	180	LF	\$ 146.00	\$ 26,280.00

DOCUMENT 00400 - BID FORM (continued)

26.3	42"	DI	Gravity Sewer Pipe, Elevated	2,760	LF	\$ 146.00	\$ 402,960.00
27.3	36"	DI	Gravity Sewer Pipe	180	LF	\$ 400.00	\$ 72,000.00
28.3	30"	DI	Gravity Sewer Pipe	230	LF	\$ 275.00	\$ 63,250.00
29.3	18"	DI	Gravity Sewer Pipe	550	LF	\$ 100.00	\$ 55,000.00
30.3	14"		Ductile Iron Pipe Force Main (Class 250)	240	LF	\$ 75.00	\$ 18,000.00
31.3	8"		Ductile Iron Pipe Force Main (Class 350)	80	LF	\$ 72.00	\$ 5,760.00
32.3			Ductile Iron Fittings for Forcemain	1,000	LBS	\$ 5.00	\$ 5,000.00
33.3	4'		I.D. Sanitary Sewer Manhole, 0' to 8' Depth	3	EA	\$ 3,000.00	\$ 9,000.00
34.3	4'		I.D. Sanitary Sewer Manhole Additional Depth	10	VF	\$ 110.00	\$ 1,100.00
35.3	6'		I.D. Sanitary Sewer Manhole, 0' to 12' Depth	65	EA	\$ 9,000.00	\$ 585,000.00
36.3	6'		I.D. Sanitary Sewer Manhole Additional Depth	195	VF	\$ 250.00	\$ 48,750.00
37.3			Cut and Plug Existing Sewer Pipe	6	EA	\$ 500.00	\$ 3,000.00
38.3			Connect 18" Gravity Sewer to Existing Manhole	1	EA	\$ 3,500.00	\$ 3,500.00
39.3			Reinforced Concrete Piers, 0'-8' High	55	EA	\$ 7,300.00	\$ 401,500.00
40.3			Reinforced Concrete Piers, 8'-10'	33	EA	\$ 7,800.00	\$ 257,400.00
41.3			Reinforced Concrete Piers, 10'-12'	28	EA	\$ 9,300.00	\$ 260,400.00

DOCUMENT 00400 - BID FORM (continued)

42.3	Reinforced Concrete Piers, 12'-14'	31	EA	\$ 9,100.00	\$ 282,100.00
43.3	Reinforced Concrete Piers, 14'-16'	8	EA	\$ 9,800.00	\$ 78,400.00
44.3	Reinforced Concrete Piers, 16'-18'	9	EA	\$ 11,100.00	\$ 99,900.00
45.3	Reinforced Concrete Pier Higher Than 18'	5	EA	\$ 12,250.00	\$ 61,250.00
46.3	Reinforced Concrete Pier for Pipe Bridge	2	EA	\$ 10,000.00	\$ 20,000.00
47.3	Pipe Bridge	1	LS	\$ 100,000.00	\$ 100,000.00
48.3	Concrete Anchor	82	EA	\$ 1,750.00	\$ 143,500.00
49.3	36" RC Pipe Culvert (Class III)	88	LF	\$ 70.00	\$ 6,160.00
50.3	36" RC Flared End Section (Class III)	4	EA	\$ 1,500.00	\$ 6,000.00
51.3	30" RC Pipe Culvert (Class III)	34	LF	\$ 65.00	\$ 2,210.00
52.3	30" RC Flared End Section (Class III)	4	EA	\$ 1,000.00	\$ 4,000.00
53.3	54" Bored Steel Encasement Pipe	83	LF	\$ 1,500.00	\$ 124,500.00
54.3	Concrete Encasement	70	CY	\$ 200.00	\$ 14,000.00
55.3	6" Concrete Ditch Paving	40	SY	\$ 60.00	\$ 2,400.00
56.3	Authorized Undercut and Granular Backfill	1,100	CY	\$ 25.00	\$ 27,500.00
57.3	Paved Driveway, Street, and Parking Lot Repair	2,400	SY	\$ 30.00	\$ 72,000.00

DOCUMENT 00400 - BID FORM (continued)

58.3	11'x12' Junction Box	1	LS	\$30,000.00	\$30,000.00
59.3	8'x44' Junction Box	1	LS	\$75,000.00	\$75,000.00
60.3	Pedestrian Barricade	20	EA	\$2,500.00	\$50,000.00
61.3	Abandon Existing Manhole	4	EA	\$1,500.00	\$6,000.00
62.3	Modify Existing Manhole	8	EA	\$2,500.00	\$20,000.00
62.3D	Modify Existing Manhole	20	EA	\$2,500.00	\$50,000.00
63.3	Interior Coating Existing Concrete Manholes	1,400	SF	\$32.00	\$44,800.00
63.3D	Interior Coating Existing Concrete Manholes	2,800	SF	\$32.00	\$89,600.00
64.3	Interior Coating Proposed Concrete Structures	15,500	SF	\$15.00	\$232,500.00
65.3	Exterior Coating Proposed Concrete Structures	20,000	SF	\$12.00	\$240,000.00
66.3	Water Loading Station	1	LS	\$8,000.00	\$8,000.00
67.3	42" Sewer Pipe Plug	2	EA	\$2,800.00	\$5,600.00
68.3	36" Sewer Pipe Plug	2	EA	\$2,800.00	\$5,600.00
69.3	AWG Access Drive Abandonment and Replacement	1	LS	\$5,500.00	\$5,500.00
70.3	Guard Rail	160	LF	\$35.00	\$5,600.00

DOCUMENT 00400 - BID FORM (continued)

TOTAL BID PRICE EL-2 Gravity Line*

Ten million Nine hundred forty-nine thousand three hundred ninety + 00/100 (\$ *10,949,390.00*)
Words Numbers

*Total amount to complete project including all items listed above.

DEDUCTIVE ALTERNATE**

One hundred thirty-nine thousand six hundred + 00/100 (\$ *139,600.00*)
Words Numbers

**Total amount for items 62.3D and 63.3D listed above.

TOTAL BID PRICE EL-2 Gravity Line LESS DEDUCTIVE ALTERNATE

Ten million eight hundred Nine thousand seven hundred ninety + 00/100 (\$ *10,809,790.00*)
Words Numbers

B. Bidder acknowledges that quantities are not guaranteed and final payment will be based on actual quantities determined as provided in the Contract Documents.

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:

DOCUMENT 00400 - BID FORM (continued)

- A. Required Bid security in the form of a certified or bank cashier's check or a Bid Bond and in the amount of _____ 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.

ARTICLE 7 - COMMUNICATIONS

- 7.01 Communications concerning this Bid shall be addressed to the Bidder as follows:

GARNEY COMPANIES, INC.
1333 N.W. VIVION ROAD
KANSAS CITY, MISSOURI 64118

Phone No. (816) 746-7223

FAX No. (816) 746-7288

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 July 31, 2007

Arkansas State Contractor License No. 0032110308

DOCUMENT 00400 - BID FORM (continued)

If Bidder is:

An Individual

Name (type or printed):

By:

(Individual's Signature)

Doing business as:

Business address:

Phone No.:

FAX No.:

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:

GARNEY COMPANIES, INC.

(SEAL)

State of Incorporation:

Missouri

Type (General Business, Professional, Service, Limited Liability):

General Business

By:

(Signature – attach evidence of authority to sign)

J.W. YOUNGBLOOD
EXECUTIVE VICE PRESIDENT

DOCUMENT 00400 - BID FORM (continued)

Name (type or printed): I.W. YOUNGBLOOD
EXECUTIVE VICE PRESIDENT

Title: _____

(CORPORATE SEAL)

Attest: Stephen M. McCandless
Signature of Corporate Secretary
Corp. Secretary

Business address: GARNEY COMPANIES, INC.
1333 N. W. VIVION ROAD
KANSAS CITY, MISSOURI 64118

Phone No.: (816) 746-7223 FAX No.: (816) 746-7288

END OF DOCUMENT 00400

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. EL-1 Lift Station; EL-1 Force Main; EL-2 Gravity Line.

Contract No.: _____

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
Pipelaying	Garney Co.			
Excavation/Grading	Garney Co.			
Concrete	Garney Co.			
Painting	Garney Co.			
Mechanical	Garney Co.			
Mechanical	Garney Co.			
Instrumentation	Owner Provided			
Plumbing	Garney Co.			
Fencing	Modern Fence	0018101107		
Waterproofing	Garney Co.			
Blasting	Pex Co			

NOTE: This form must be submitted in accordance with the Instructions to Bidders.


Bidder's Signature

END OF DOCUMENT 00430

J.W. YOUNGBLOOD
EXECUTIVE VICE PRESIDENT

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 Equipment 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 of equipment. 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.

<u>Equipment</u>	<u>Manufacturer</u>
1. Pumps	<u>KSB</u>
2. Odor Control	<u>Pura Fil</u>
3. Motor Control Center	<u>N/A</u>
4. Power Generators	<u>Kohler</u>

END OF DOCUMENT 00450

License No. 0032110308

State of Arkansas
Contractors Licensing Board

GARNEY COMPANIES, INC.
1333 NW VIVION RD
KANSAS CITY, MO 64089

GARNEY COMPANIES, INC.

This is to Certify That _____

is duly licensed under the provisions of Act 150 of the 1965 Acts as amended
and is entitled to practice Contracting in the State of Arkansas within the
following classification:

HEAVY CONSTRUCTION
HIGHWAY, RAILROAD, AIRPORT
CONSTRUCTION
MUNICIPAL & UTILITY
CONSTRUCTION

with the following suggested bid limit UNLIMITED

from March 9, 2007 until March 31, 2008

when this Certificate expires.

Witness our hands of the Board, dated at North Little Rock, Arkansas:



Decil L. Malone

CHAIRMAN

Ray [Signature]

SECRETARY

March 9, 2007

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

4-Sep-07
City Council Meeting Date

David Jurgens
Submitted By

Wastewater System Imprv Project
Division

Water/Wastewater
Department

Action Required:

Approval of a construction contract with Rosetta Construction in the amount of \$10,431,995, for the construction of 26,458 ft. of 42 inch gravity sewer pipe line, WSIP Subproject EL-2, and approve a 7% contingency of \$730,000.

\$11,161,995.00

Cost of this request

\$

99,013,095

Category / Project Budget

Wastewater System Imp Project

Program Category / Project Name

4520-9520.5315.00
~~4480-9480.5815.00~~ P.A.B.

Account Number

\$

76,348,805

Funds Used to Date

Water and Wastewater

Program / Project Category Name

02133-0321

Project Number

\$

22,664,290

Remaining Balance

Water/Sewer

Fund Name

Budgeted Item

☒ XX

Budget Adjustment Attached

☐

David Jurgens
Department Director

2 Aug 07
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

David J. White
City Attorney

8/7/07
Date

Received in City Clerk's Office

Paul A. Bechtel
Finance and Internal Service Director

8-8-07
Date

Received in Mayor's Office

Ken Coody
Mayor

8/14/07
Date



Comments:

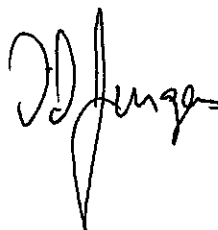
City Council Meeting of September 4, 2007

CITY COUNCIL AGENDA MEMO

To: Fayetteville City Council

Thru: Mayor Dan Coody

From: David Jurgens, Water and Wastewater Director
Fayetteville Sewer Committee



Date: 31 July 2007

Subject: Approval of a construction contract with Rosetta Construction in the amount of \$10,431,995, for the construction of 26,458 ft. of 42 inch gravity sewer pipe line, WSIP Subproject EL-2, and approve a 7% contingency of \$730,000

RECOMMENDATION

City Administration recommends approval of a construction contract with Rosetta Construction in the amount of \$10,431,995, for the construction of 26,458 ft. of 42 inch gravity sewer pipe line, WSIP Subproject EL-2, and approve a 7% contingency of \$730,000.

BACKGROUND

This project is the gravity sewer transmission main from Happy Hollow Road to the Noland WWTP, paralleling the existing 36" main. This project involves installation of 25,000' of 42" gravity sewer pipe, 1,240' of 18" – 25" gravity sewer, 70 manholes, 170 concrete piers, and removal of the Happy Hollow lift station. The new line will parallel the existing main. Construction will take slightly over one year.

The City received six bids on July 31, 2007 for this project, as follows:

Rosetta Construction	\$10,431,995.00 (low bid)
Garney Companies, Inc.	\$10,949,390.00
Redford Construction	\$12,349,485.00
S. J. Louis	\$13,781,007.00
Kraus Construction	\$14,166,410.00
Sweetser Construction	\$16,903,825.00
Engineer's Estimate	\$14,546,590.00

DISCUSSION

The bid has been reviewed by Garver, the Engineer; their letter recommending award is attached. Rosetta Construction had not performed any work for the City, but has been thoroughly investigated by Garver. All investigations indicate they have a track record of success with large projects involving large diameter pipe.

BUDGET IMPACT

Funds are available in the WSIP project budget.

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONSTRUCTION CONTRACT WITH ROSETTA CONSTRUCTION, LLC IN THE AMOUNT OF \$10,431,995.00 FOR CONSTRUCTION OF 26,458 FEET OF 42-INCH GRAVITY SEWER PIPELINE, WSIP SUBPROJECT EL-2; AND APPROVING A 7% CONTINGENCY IN THE AMOUNT OF \$730,000.00.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a Construction Contract with Rosetta Construction, LLC in the amount of \$10,431,995.00 for construction of 26,458 feet of 42-inch gravity sewer pipeline, WSIP Subproject EL-2. 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 7% contingency in the amount of \$730,000.00.

PASSED and APPROVED this 4th day of September, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

Garver Engineers, LLC

1088 East Millsap Road
Fayetteville, Arkansas 72703

479-527-9100
FAX 479-527-9101

www.garverengineers.com

GARVER ENGINEERS

August 1, 2007

David Jurgens, P.E.
Water/Wastewater Director
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Re: East Wastewater Collection System Improvements
EL-1 Lift Station, EL-1 Force Main, and EL-2 Gravity Sewer
Recommendation to Award

Dear Mr. Jurgens:

Bids were received by the City of Fayetteville for the referenced projects at City Hall, 113 West Mountain Street, Fayetteville, Arkansas, 72701, at 1:30 p.m., Tuesday, July 31, 2007.

A total of 3 bids were received for the EL-1 Lift Station contract, a total of 7 bids were received for the EL-1 Force Main contract, and a total of 6 bids were received for the EL-2 Gravity Line contract. The low bid for the EL-1 Lift Station and EL-1 Force Main was submitted by Garney Companies, Inc. of Kansas City, Missouri in the amount of \$715,150.00 and \$678,730.00 respectively. The low bid for the EL-2 Gravity line was submitted by Rosetta Construction, LLC. of Springfield, Missouri in the amount of \$10,431,995.00 which includes a \$100,000.00 deductive alternate. A copy of the tabulation of bids received, including a summary and Engineer's estimate, is attached.

We recommend that the City of Fayetteville award the construction contract for the EL-1 Lift Station and the EL-1 Force Main to Garney Companies, Inc. of Kansas City, Missouri. In addition, we recommend that the City of Fayetteville award the construction contract for the EL-2 Gravity Line to Rosetta Construction, LLC. of Springfield, Missouri. We believe this represents the best value for the City.

Please call me if you have any questions.

Sincerely,

GARVER ENGINEERS, LLC



Chris Buntin, P.E.
Senior Design Engineer

Attachments: As Noted

**CITY OF FAYETTEVILLE
EAST WASTEWATER COLLECTION SYSTEM IMPROVEMENTS**

Summary

Bid Tabulation - Bids Opened 1:30pm Tuesday, July 31, 2007

EL-1 Lift Station	Total Bid Amount
ENGINEERS ESTIMATE	\$ 986,950.00
Garney Contractors, Inc.	\$ 715,150.00
Mobley Contractors, Inc.	\$ 1,076,701.87
Basic Construction Co., Inc.	\$ 1,319,400.00

EL-1 Force Main	Total Bid Amount
ENGINEERS ESTIMATE	\$ 812,200.00
Garney Companies, Inc.	\$ 678,730.00
C-2 Projects, LLC	\$ 774,540.00
S&J Construction Co., Inc.	\$ 775,071.76
Mobley Contractors, Inc.	\$ 778,639.18
Redford Construction, Inc.	\$ 848,312.00
Construction & Engineering Solutions, LLC	\$ 851,548.75
Basic Construction Co., Inc.	\$ 939,950.00

EL-2 Gravity Line	Total Bid Amount	Deductive Alternate	Total Bid Amount Less Deductive Alternate
ENGINEERS ESTIMATE	\$ 14,546,590.00	\$ 100,000.00	\$ 14,446,590.00
Rosetta Construction, LLC	\$ 10,431,995.00	\$ 76,000.00	\$ 10,355,995.00
Garney Companies, Inc.	\$ 10,949,390.00	\$ 139,600.00	\$ 10,809,790.00
Redford Construction, Inc.	\$ 12,349,485.00	\$ 134,400.00	\$ 12,215,085.00
S.J. Louis Construction of Texas, Ltd.	\$ 13,781,007.00	\$ 54,800.00	\$ 13,726,207.00
Kraus Construction Co., LLC	\$ 14,016,410.00	\$ 120,000.00	\$ 13,896,410.00
Sweetser Construction, Inc.	\$ 16,903,825.00	\$ 120,400.00	\$ 16,783,425.00

EL-1 Lift Station
EL-1 Force Main
EL-2 Gravity Line

City Of Fayetteville

(Not a Purchase Order)

Requisition No.: 7/31/2007 Date: 7/31/2007
 P.O. Number: Expected Delivery Date:

Vendor Number: Roseetta Construction Vendor Name: Roseetta Construction Mail Yes: X No: X

Address: P. O. Box 14024 State: MO Fob Point: Construction Site, Fayetteville Taxable Yes: X No: X Quotes Attached No: No

City: Springfield, MO, 65814 Zip Code: 65814 Ship to code: 490 Division Head Approval: [Signature]

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, EL-2, 42" Grav Line Happy Hollow to Noland	1	EA	10,431,995.00	\$10,431,995.00	4520.9520.5315.00	02133-0321		
2	-			\$0.00				
3				\$0.00				
4				\$0.00				
5				\$0.00				
6				\$0.00				
7				\$0.00				
8				\$0.00				
9				\$0.00				
10				\$0.00				
Shipping/Handling		Lot		\$0.00				
Special Instructions:								

Subtotal: \$10,431,995.00
 Tax: \$0.00
 Total: \$10,431,995.00

Approvals: _____

Mayor: _____ Department Director: [Signature] Purchasing Manager: _____

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

Dispatch Manager: _____ Utilities Manager: _____ Other: _____

BID BOND

Conforms with The American Institute of
Architects, A.I.A. Document No. A-310

KNOW ALL BY THESE PRESENTS, That we, Rosetta Construction, LLC.

_____ as Principal, hereinafter called the Principal,
and the Hartford Fire Insurance Company,
of P.O. Box 2103, 690 Asylum Avenue, Hartford, CT. 06115 (888) 266-3488, a corporation duly organized under
the laws of the State of Connecticut, as Surety, hereinafter called the Surety, are held and firmly bound unto

City of Fayetteville, Arkansas as Obligee, hereinafter called the Obligee,
in the sum of 5% of Bid Amount -----

Dollars (\$ 5% of Bid Amount), for the payment of which sum well and truly to be made, the said Principal and the said
Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for Fayetteville Wastewater System Improvement Project EL-2

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a Contract with the Obligee
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 the Principal to enter such Contract and give such bond or bonds, if the
Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such
larger amount for which the Obligee 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 31st day of July, 2007

Teresa Rosetta
Witness

Rosetta Construction, LLC. (Seal)
Principal
Victor Rosetta
PRESIDENT Title

Sharon Beasley
Witness

Hartford Fire Insurance Company
By Callae J. Doty
Attorney-in-Fact

POWER OF ATTORNEY

Direct Inquiries/Claims to:

THE HARTFORD

BOND, T-4

P.O. BOX 2103, 690 ASYLUM AVENUE
HARTFORD, CONNECTICUT 06115

call: 888-266-3488 or fax: 860-757-5835

Agency Code: 37-280517

KNOW ALL PERSONS BY THESE PRESENTS THAT:

- ☒ Hartford Fire Insurance Company, a corporation duly organized under the laws of the State of Connecticut
- ☒ Hartford Casualty Insurance Company, a corporation duly organized under the laws of the State of Indiana
- ☐ Hartford Accident and Indemnity Company, a corporation duly organized under the laws of the State of Connecticut
- ☐ Hartford Underwriters Insurance Company, a corporation duly organized under the laws of the State of Connecticut
- ☐ Twin City Fire Insurance Company, a corporation duly organized under the laws of the State of Indiana
- ☐ Hartford Insurance Company of Illinois, a corporation duly organized under the laws of the State of Illinois
- ☐ Hartford Insurance Company of the Midwest, a corporation duly organized under the laws of the State of Indiana
- ☐ Hartford Insurance Company of the Southeast, a corporation duly organized under the laws of the State of Florida

having their home office in Hartford, Connecticut, (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint, up to the amount of unlimited:

Callae J. Doty, Gary L. Yost, De Elda F. Rogers, William L. Southworth, Jr.
of
Springfield, MO

their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety(ies) only as delineated above by ☒, and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

In Witness Whereof, and as authorized by a Resolution of the Board of Directors of the Companies on July 21, 2003 the Companies have caused these presents to be signed by its Assistant Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.



Paul A. Bergenholtz

Paul A. Bergenholtz, Assistant Secretary

David T. Akers

David T. Akers, Assistant Vice President

STATE OF CONNECTICUT

COUNTY OF HARTFORD

ss. Hartford

On this 4th day of August, 2004, before me personally came David T. Akers, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hampden, Commonwealth of Massachusetts; that he is the Assistant Vice President of the Companies, the corporations described in and which executed the above instrument; that he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that he signed his name thereto by like authority.



CERTIFICATE

Scott E. Paseka

Scott E. Paseka

Notary Public

My Commission Expires October 31, 2007

I, the undersigned, Assistant Vice President of the Companies, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force effective as of July 31, 2007.

Signed and sealed at the City of Hartford.



Gary W. Stumper

Gary W. Stumper, Assistant Vice President

DOCUMENT 00900 - ADDENDUM NO. 1 (continued)

Each Bidder shall acknowledge receipt of this Addendum by affixing his signature below, by noting this Addendum on his Bid Form, and by attaching this Addendum to his Bid.

Garver Engineers, LLC (Engineer)
1088 East Millsap Road
Fayetteville, AR 72703

ACKNOWLEDGEMENT

The undersigned acknowledges receipt of this Addendum and the Bid submitted is in accordance with information, instructions and stipulations set forth herein.

Bidder: ROSETTA CONSTRUCTION LLC

By: Victor Rosetta

Date: 7/31/07

END OF ADDENDUM NO.1

DOCUMENT 00400 - BID FORM

Project Name: Wastewater System Improvement Project
Contract Name: Construction Contract Numbers EL-1 & EL-2
Contract No.: EL-1 Lift Station

BID TO: **No Bid**

Owner: The City of Fayetteville, Arkansas
113 West Mountain Street
Fayetteville, Arkansas 72701

BID FROM:

Bidder: ROSETTA CONSTRUCTION LLC
P.O. Box 14024
SPRINGFIELD, MO. 65814

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 to the Engineer prior to the Owner's consideration to approve the Agreement. Within 15 days after the Owner's approval of the Agreement the Contractor shall deliver the required number of Bonds, insurances and other documents required by the Bidding Requirements.

DOCUMENT 00400 - BID FORM

Project Name: Wastewater System Improvement Project
Contract Name: Construction Contract Numbers EL-1 & EL-2
Contract No.: EL-2 Gravity Line

BID TO:

Owner: The City of Fayetteville, Arkansas
113 West Mountain Street
Fayetteville, Arkansas 72701

BID FROM:

Bidder:

5/13/17
ROSETTA CONSTRUCTION LLC
P.O. Box 14024
SPRINGFIELD, MO. 65814

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 to the Engineer prior to the Owner's consideration to approve the Agreement. Within 15 days after the Owner's approval of the Agreement the Contractor shall deliver the required number of Bonds, insurances and other documents required by the Bidding Requirements.

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	7/25/07
<i>ADDENDUM NO. 1</i>	
<i>ADDENDUM NO. 2</i>	
<i>ADDENDUM NO. 3</i>	

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(s):

NOTE: The description of items 23.3, 26.3, 27.3, 28.3 and 29.3 are to be completed by Bidder. Bidder is to fill in blanks with type of pipe proposed for use. Approved alternatives for use in the noted items are:

1. Ductile Iron Pipe (DIP);
2. Fiberglass Reinforced Pipe (FRP)

Item	Description	Est. Quantity	Unit	Unit Price	Total Amount
1.3	Mobilization	1	LS	\$50,000	\$50,000
2.3	Site Work	1	LS	\$100,000	\$100,000
3.3	Trench and Excavation Safety	1	LS	\$5,000	\$5,000
4.3	Erosion Control	1	LS	\$75,000	\$75,000
5.3	Maintenance of Traffic	1	LS	\$2,500	\$2,500
6.3	Construction Staking	1	LS	\$50,000	\$50,000
7.3	Trench Compaction Testing	1	LS	\$2,000	\$2,000
8.3	Wetlands Restoration	1	LS	\$5,000	\$5,000
9.3	Replace Existing Fence and Gates	4,000	LF	\$2.00	\$8,000

DOCUMENT 00400 - BID FORM (continued)

10.3	16" Metal Field Gate	35	EA	\$ 750.00	\$ 26,250.00
11.3	42" Gravity Sewer Trench Excavation and Backfill, 0'-8' Depth	11,760	LF	\$ 1.00	\$ 11,760.00
12.3	42" Gravity Sewer Trench Excavation and Backfill, 8'-12' Depth	5,600	LF	\$ 1.00	\$ 5,600.00
13.3	42" Gravity Sewer Trench Excavation and Backfill, 12'-16' Depth	2,660	LF	\$ 1.00	\$ 2,660.00
14.3	42" Gravity Sewer Trench Excavation and Backfill, 16'-20' Depth	1,720	LF	\$ 1.00	\$ 1,720.00
15.3	42" Gravity Sewer Trench Excavation and Backfill, 20'-24' Depth	240	LF	\$ 1.00	\$ 240.00
16.3	42" Gravity Sewer Trench Excavation and Backfill, Over 24' Depth	660	LF	\$ 1.00	\$ 660.00
17.3	36" Gravity Sewer Trench Excavation and Backfill	180	LF	\$ 1.00	\$ 180.00
18.3	30" Gravity Sewer Trench Excavation and Backfill	230	LF	\$ 1.00	\$ 230.00
19.3	18" Gravity Sewer Trench Excavation and Backfill	550	LF	\$ 1.00	\$ 550.00
20.3	14" Force Main Trench Excavation and Backfill	240	LF	\$ 1.00	\$ 240.00
21.3	8" Force Main Trench Excavation and Backfill	80	LF	\$ 1.00	\$ 80.00
22.3	Rock Excavation	20,500	CY	\$ 40.00	\$ 820,000.00
23.3	42" ERP Gravity Sewer Pipe, Buried	14,030	LF	\$ 225.00	\$ 3,156,750.00
24.3	42" Ductile Iron Gravity Sewer Pipe, Buried	8,610	LF	\$ 279.00	\$ 2,402,190.00
25.3	42" Ductile Iron Gravity Sewer Pipe, Elevated	180	LF	\$ 293.00	\$ 52,740.00

DOCUMENT 00400 - BID FORM (continued)

26.3	42" <u>DIP</u> Gravity Sewer Pipe, Elevated	2,760	LF	\$ 253.00	\$ 698,280.00
27.3	36" Gravity Sewer Pipe	180	LF	\$ 190.00	\$ 34,200.00
28.3	30" Gravity Sewer Pipe	230	LF	\$ 150.00	\$ 34,500.00
29.3	18" Gravity Sewer Pipe	550	LF	\$ 85.00	\$ 46,750.00
30.3	14" Ductile Iron Pipe Force Main (Class 250)	240	LF	\$ 80.00	\$ 19,200.00
31.3	8" Ductile Iron Pipe Force Main (Class 350)	80	LF	\$ 50.00	\$ 4,000.00
32.3	Ductile Iron Fittings for Forcemain	1,000	LBS	\$ 10.00	\$ 10,000.00
33.3	4' I.D. Sanitary Sewer Manhole, 0' to 8' Depth	3	EA	\$ 1,500.00	\$ 4,500.00
34.3	4' I.D. Sanitary Sewer Manhole Additional Depth	10	VF	\$ 100.00	\$ 1,000.00
35.3	6' I.D. Sanitary Sewer Manhole, 0' to 12' Depth	65	EA	\$ 6,000.00	\$ 390,000.00
36.3	6' I.D. Sanitary Sewer Manhole Additional Depth	195	VF	\$ 225.00	\$ 43,875.00
37.3	Cut and Plug Existing Sewer Pipe	6	EA	\$ 200.00	\$ 1,200.00
38.3	Connect 18" Gravity Sewer to Existing Manhole	1	EA	\$ 500.00	\$ 500.00
39.3	Reinforced Concrete Piers, 0'-8' High	55	EA	\$ 510.00	\$ 28,050.00
40.3	Reinforced Concrete Piers, 8'-10'	33	EA	\$ 580.00	\$ 19,140.00
41.3	Reinforced Concrete Piers, 10'-12'	28	EA	\$ 6,100.00	\$ 170,800.00

DOCUMENT 00400 - BID FORM (continued)

42.3	Reinforced Concrete Piers, 12'-14'	31	EA	\$6700.00	\$207,700.00
43.3	Reinforced Concrete Piers, 14'-16'	8	EA	\$7200.00	\$57,600.00
44.3	Reinforced Concrete Piers, 16'-18'	9	EA	\$8000.00	\$72,000.00
45.3	Reinforced Concrete Pier Higher Than 18'	5	EA	\$8800.00	\$44,000.00
46.3	Reinforced Concrete Pier for Pipe Bridge	2	EA	\$7,000.00	\$14,000.00
47.3	Pipe Bridge	1	LS	\$50,000.00	\$50,000.00
48.3	Concrete Anchor	82	EA	\$1,000.00	\$82,000.00
49.3	36" RC Pipe Culvert (Class III)	88	LF	\$75.00	\$6,600.00
50.3	36" RC Flared End Section (Class III)	4	EA	\$1,000.00	\$4,000.00
51.3	30" RC Pipe Culvert (Class III)	34	LF	\$60.00	\$2,040.00
52.3	30" RC Flared End Section (Class III)	4	EA	\$600.00	\$2,400.00
53.3	54" Bored Steel Encasement Pipe	83	LF	\$1,000.00	\$83,000.00
54.3	Concrete Encasement	70	CY	\$150.00	\$10,500.00
55.3	6" Concrete Ditch Paving	40	SY	\$50.00	\$2,000.00
56.3	Authorized Undercut and Granular Backfill	1,100	CY	\$20.00	\$22,000.00
57.3	Paved Driveway, Street, and Parking Lot Repair	2,400	SY	\$20.00	\$48,000.00

DOCUMENT 00400 - BID FORM (continued)

(continued) DOCUMENT 00400 - BID FORM

58.3	11'x12' Junction Box	1	LS	\$50,000.00	\$50,000.00
59.3	8'x44' Junction Box	1	LS	\$10,000.00	\$10,000.00
60.3	Pedestrian Barricade	20	EA	\$250.00	\$5,000.00
61.3	Abandon Existing Manhole	4	EA	\$100.00	\$400.00
62.3	Modify Existing Manhole	8	EA	\$300.00	\$2,400.00
62.3D	Modify Existing Manhole	20	EA	\$300.00	\$6,000.00
63.3	Interior Coating Existing Concrete Manholes	1,400	SF	\$25.00	\$35,000.00
63.3D	Interior Coating Existing Concrete Manholes	2,800	SF	\$25.00	\$70,000.00
64.3	Interior Coating Proposed Concrete Structures	15,500	SF	\$10.00	\$155,000.00
65.3	Exterior Coating Proposed Concrete Structures	20,000	SF	\$2.00	\$40,000.00
66.3	Water Loading Station	1	LS	\$15,000.00	\$15,000.00
67.3	42" Sewer Pipe Plug	2	EA	\$2,600.00	\$5,200.00
68.3	36" Sewer Pipe Plug	2	EA	\$2,600.00	\$5,200.00
69.3	AWG Access Drive Abandonment and Replacement	1	LS	\$500.00	\$500.00
70.3	Guard Rail	160	LF	\$30.00	\$4,800.00

DOCUMENT 00400 - BID FORM (continued)

TOTAL BID PRICE EL-2 Gravity Line*

TEN MILLION FOUR HUNDRED THIRTY-ONE THOUSAND **Words** \$ **10,431,995.00** **Numbers**
NINE HUNDRED TWENTY-FIVE DOLLARS AND NO CENTS

*Total amount to complete project including all items listed above.

DEDUCTIVE ALTERNATE**

SEVENTY-SIX THOUSAND DOLLARS **Words** \$ **76,000.00** **Numbers**

**Total amount for items 62.3D and 63.3D listed above.

TOTAL BID PRICE EL-2 Gravity Line LESS DEDUCTIVE ALTERNATE

TEN MILLION THREE HUNDRED FIFTY-FIVE THOUSAND **Words** \$ **10,355,995.00** **Numbers**
THIRTY-NINE HUNDRED TWENTY-FIVE DOLLARS AND NO CENTS

B. Bidder acknowledges that quantities are not guaranteed and final payment will be based on actual quantities determined as provided in the Contract Documents.

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:

DOCUMENT 00400 - BID FORM (continued)

- 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 AMOUNT 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.

ARTICLE 7 - COMMUNICATIONS

- 7.01 Communications concerning this Bid shall be addressed to the Bidder as follows:

ROSEFFA CONSTRUCTION LLC

P.O. Box 14024

SPRINGFIELD, MO. 65814

Phone No. 417-886-2094

FAX No. 417-881-5758

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 July 31 2007

Arkansas State Contractor License No. 0172540408

Approved: 10/24/2008

~~March 2, 1964~~ March 1, 1964

(CLASSIFIED)

9: ~~Other~~ ~~and~~

Financial statement to accompany

(Individual's Signature)

09.09.2019

~~SECRET~~ ON CONFIDENTIAL

04/09/2005 FAX No. 011-26109111

(SEAL)

FAX No.: _____

ROSETTA CONSTRUCTION LLC

(SEAL)

MISSOURI

LLC

Victor Reuther

Garver Project No. 0605-1300(1)

DOCUMENT 00400 - BID FORM (continued)

Name (type or printed): VICTOR ROSETTA

Title: PRESIDENT

(CORPORATE SEAL)

Attest: Jeresa Rosetta

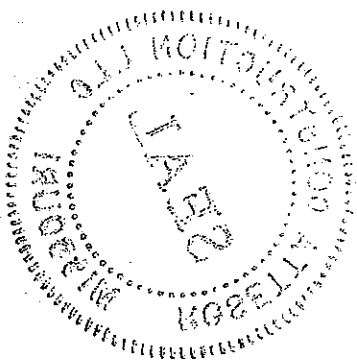
(Signature of Corporate Secretary)

Business address: P.O. Box 14024

SPRINGFIELD, MO. 65814

Phone No.: 417-886-2094 FAX No.: 417-881-5758

END OF DOCUMENT 00400



STATEMENT OF BIDDER'S QUALIFICATIONS

All questions must be answered and the date given must be clear and comprehensive. This statement must be notarized. If necessary, questions may be answered on separate attached sheets. The bidder may submit any additional information he so desires.

1. Name of bidder:

Rosetta Construction LLC

2. Permanent main office address:

PO Box 14024 Springfield MO 65814

3. When organized:

August 31, 2005

4. If a corporation, where incorporated:

Missouri

5. How many years have you been engaged in construction under your present firm name or trade name:

Since August 31, 2005

6. General character of work performed by you:

Underground utilities (sewer and water)

7. List the more important contracts recently completed by you, stating approximate gross cost for each, and the month and year completed:

See attached Resume of Contracts Completed

8. Contracts on hand: (schedule these, showing gross amount of each contract and the respective anticipated dates of completions).

See attached Resume of Open Contracts

9. Have you ever failed to complete any work awarded to you? If so where and why?

No

10. Have you ever been put on liquidated damages on any contract awarded to you? If so, where and why?

No

11. Have you ever defaulted on a contract? If so, where and why?

No

12. Has your firm ever engaged in litigation for the settlement of claims of disputes arising out of a construction contract? If so, give particulars.

No

13. List your major equipment available for Public Works Projects:

See attached Resume of Equipment

14. To what extent would you expect to employ subcontractors?

Generally we do our own work unless it is specialized or required by law

15. Experience in construction work similar in importance to Public Works Projects:

See attached Resume of Contracts Completed

16. Background and experience for the principal members of your organization including the officers:

See attached Resume of Working Officers

17. Give bank reference:

See attached Credit Information

18. Will you, upon request fill out a detailed financial statement and furnish any information that may be required by the owner?

Yes

19. The undersigned hereby authorizes and request any person, firm, or corporation to furnish any information requested by the owner in verification of the recitals comprising this Statement of Bidder's Qualifications.

Dated at Springfield, Missouri this 20th day of July 2006.

Name of Organization: Rosetta Construction LLC

By:

Victor Rosetta
Victor Rosetta

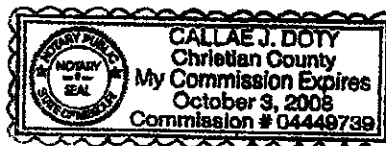
President
Title

State of Missouri)
County of Greene)

Victor Rosetta, being duly sworn, deposes and says that he is President of Rosetta Construction LLC, and that the answers to the foregoing questions and all statements therein contained are true and correct. Subscribed and sworn before me this 20th day of July 2006.

Callae J. Doty
Notary Public

My commission expires 10/3/08
(Seal)



ROSETTA CONSTRUCTION LLC
EQUIPMENT LIST

963B 2-134 Ser# 9BL00933
963B 2-135 Ser# 9BL02950
963C 2-136 Ser# 2DS00957

NPK E-216 S/N 74717, EQ#4571
NPK GH-12 S/N 80359, EQ#4650
NPK E-225 S/N 77204, EQ#4602
NPK E-225 S/N 77215, EQ#4601

Komatsu PC300LC-7 S/N A86085, EQ#50390
Komatsu PC300LC-7 S/N 45160, EQ#50516

Komatsu WA250-5 QC S/N A73699, EQ#50535
Komatsu WA200-5 QC S/N 65922, EQ#50537

Komatsu PC400LC-7 S/N A86709, EQ#50577
Komatsu PC400LC-7 S/N A86750, EQ#50588

Current Contract List

Roark Creek Interceptor \$2,109,480.00 Jan.2007-Current

Owner: Roark Water & Sewer Company
Contact: Mr. Rick Helms, PE 417-294-0590
Engineer: Scott Consulting Engineers
Contact: Mr. Milton Dickensheet, PE 417-866-8644

Project Description:

21090 LF of 24" Vylon Gravity Sewer
850 LF of 21" Vylon Gravity Sewer
101 LF of 36" Open Cut Steel Casing

Contract 210 calendar days completion
Estimated completion Aug. 2007

Bee Creek Watershed Wastewater \$4,274,050.00 Dec.2006-Current

Owner: Taney County Sewer District
Contact: Mr. John Souttee, PE 417-546-7220
Engineer: Archer
Contact: Mr. Dean Sooter, PE 816-347-1153

Project Description:

32485 LF of 10" & 8" PVC Gravity Sewer
174 EA Precast Manholes
4719 LF of 4" PVC Service Lateral
160 LF of 16" Bore
12000 LF Asphalt Pavement Restoration
280 EA Service Lateral Tee & Cleanout

Contract 365 calendar days completion
Estimated completion Dec. 2007

Completed Contract List

Pea Ridge Trunk Sewer \$3,913,369.50

Owner: City of Springfield, MO
Contact: Mr. Robert Schaefer, PE 417-864-1920
 Mr. Ed Malter, PE 417-864-1910
General Contractor: Journagan Construction
Contact: Mr. Allen Journagan 417-839-7222
Subcontractor: Rosetta Construction, LLC

Project Description:

1905 LF of 42" Sewer
9357 LF of 36" Sewer
105 LF of 24" Sewer
20 LF of 18" Sewer
220 LF of 48" Bore
45 EA 6ft. Dia. Manholes
2 EA 4ft. Dia. Manholes
Trench depths avg. 12', Deepest cut 20'
90% Rock, No Blasting

Contract 365 calendar day completion, completed in 180 days

Blossom Way Parallel Sewer & Pinnacle Hills Relief Sewer \$3,971,406

Owner: Rogers Water Utilities
Contact: Mr. Mark Johnson, PE 479-936-5406

Project Description:

2040 LF of 42" Sewer
4960 LF of 30" Sewer
3620 LF of 18" Sewer
915 LF of 12" Sewer
410 LF of 60" Bore
282 LF of 48" Bore
390 LF of 60" Open cut Casing
500 LF of 54" Open cut Casing
280 LF of 30" Open cut Casing
6 EA 8ft. Dia. Manholes
27 EA 6ft. Dia. Manholes
2 EA 4ft. Dia. Manholes
Trench depths avg. 16', Deepest cut 30'
Rock Excavation 2167 CY

Contract 120 calendar day completion, completed in 90 Days

Madison Valley Estates Phase 1 \$1,406,200.00

June 2006-Jan.2007

Owner: Madison River Investment LLC
Contact: Scott Starrett 417-546-4712

Project Description:

6800 LF of 8" Sewer
4400 LF of 6" Force Main
6000 LF of 8" & 10" Water
26 EA. 4ft. Dia. Manholes
Pump Station

Contract 210 calendar day completion
Estimated completion Jan. 2007

Short Creek Lift Station \$64,043.00

June 2006-Oct. 2007

Owner: Taney County Regional Sewer District
Contact: John Souttee 417-546-7220

Project Description:

Pump Station Rehabilitation

Contract 120 calendar day completion
Estimated completion Oct. 2006

North Valley Trunk Sewer \$246,341.00

July 2006-Oct. 2006

Owner: City of Springfield, MO
Contact: Ed Malter 417-864-1923

Project Description:

4656 LF of 12", 10" & 8" Sewer
21 EA 4ft. Dia. Manholes
118 LF of Road Bores

Contract 120 calendar day completion
Estimated completion Oct. 2006

Crossroads Interceptor Sewer Phase 2 \$3,363,107.40

Sept.2006-May2007

Owner: City of Joplin
Contact: Dan Johnson 417-624-0820
Engineer: Allgeier, Martin & Assoc., Inc.
Contact: Mr. Chris Erisman, PE 417-624-5703

Project Description:

11854 LF of 48" Sewer
685 LF of 36" & Down Sewer
319 LF of 66" Tunnel
31 EA 6'Dia- 10'Dia Manholes
5 EA Junction Structures
Trench depths avg 12' deepest cut 16'

Contract 395 calendar days completion
Estimated completion March 2007

Westside Sewer & Water System Improvement \$2,469,416.00 Sept.2006-July 2007

Owner: City of Osage Beach, MO
Contact: Mr. John Ballard, PE 573-302-2042
Engineer: Archer
Contact: Mr. Eric Hibdon, PE 573-348-3222

Project Description:

9270 LF of 18" Dip Force Main
3561 LF of 6" & Down Force Main
5510 LF of 12" & Down Water Line
155 LF of 30" Bore
189 LF of 18" Bore
9 EA Pump Stations

Contract 210 calendar days completion
Estimated completion August 2007

MoDot Utility Relocate One-Way Couple \$660,473.00 Feb.2007-June 2007

Owner: City of Osage Beach, MO
Contact: Mr. Nick Edelman, PE 573-302-2042
Engineer: Archer
Contact: Mr. Eric Hibdon, PE 573-348-3222

Project Description:

3395 LF of 16" DIP Force Main
3556 LF of 16" DIP Water Line
650 LF of 24" Open Cut Steel Casing
140 LF of 30" Bore

Contract 120 calendar days completion
Estimated completion June 2007

ROSETTA CONSTRUCTION LLC RESUME OF MANAGEMENT PERSONNEL

Victor Rosetta, President

27 years of construction experience as Project Manager, Project Engineer, and Project Estimator.

Mike Alexander, Foreman

31 years experience in construction related activities.

Randy Edwards, Foreman

16 years experience in construction related activities.

Mike Hargis, Foreman

15 years experience in construction related activities.

GENERAL CREDIT APPLICATION

LLC Formed: August 2005
Type of Business: Utility Contractor
Federal Tax ID#: 65-1262877
Officer: Victor Rosetta, President

BANK REFERENCES

Citizens Union State Bank
321 W. Battlefield, Spfd. MO. 65807
Phone (417) 889-9191 Becky Lea
Fax (417) 823-9577

CREDIT REFERENCES

Journagan Construction
3003 E. Chestnut Expwy. Spfd. MO. 65802
Phone (417) 869-7222 John View
Fax (417) 869-7421

United Waterworks
2510 E. Jean St., Spfd. MO. 65803
Phone (417) 869-7733 Jerry Clemons
Fax (417) 869-7734

Saco Petroleum
500 N. National Spfd. MO. 65802
Phone (417) 869-7333
Fax (417) 831-4671

Regional Ready Mix
1819 N. O Hara Spfd. MO. 65802
Phone (417) 864-7762 Randy Hawkins
Fax (417) 864-7786

BONDING COMPANY

The Hartford
Barker Phillips Jackson, Inc.
P.O. Box 4207
Spfd. MO. 65808
Phone (417) 887-3550 Gary Yost
Fax (417) 887-3252

NOTE: Additional information, please contact Terry Rosetta, Office Mgr.

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

4-Sep-07
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

R-PZD 07-2576: Woodstock Community, 438: Submitted by Appian Center for Design for property located south of Wedington Drive from 46th to Broyles Avenue containing approximately 28.90 acres. The request is for a Residential Planned Zoning District for re-zoning and land use approval of an R-PZD, Residential Planned Zoning District with 382 dwelling units in mixed use, single family, townhome configuration, 100,390 s.f. of commercial space in mixed use and restaurants in addition to a civic center building and park to be constructed in 7 phases over an 8 year time frame.

\$0.00

n/a

n/a

Cost of this request

Category/Project Budget

Program Category / Project Name

n/a

n/a

n/a

Account Number

Funds Used to Date

Program / Project Category Name

n/a

n/a

n/a

\$

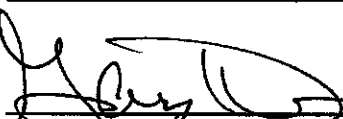
Project Number

Remaining Balance

Fund Name

Budgeted Item

Budget Adjustment Attached


Department Director

8-17-07
Date

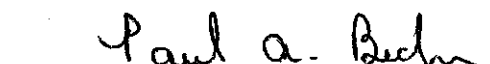
Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a


City Attorney

8-17-07
Date


Finance and Internal Service Director

8-20-07
Date

Received in City Clerk's Office

ENTERED
8/17/07

Received in Mayor's Office

ENTERED
8/20/07

Mayor

8/20/07
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning JP

Date: August 14, 2007

Subject: Residential Planned Zoning District for Woodstock Community (R-PZD 07-2576)

RECOMMENDATION

The Planning Commission unanimously voted to forward the subject request, recommending approval of an ordinance creating a Residential Planned Zoning District (R-PZD) for Woodstock Community. This action would establish a unique zoning district for a mixed use development on a 28.90-acre tract located on the south side of Wedington Drive, between 46th Avenue and Broyles Avenue.

BACKGROUND

The site is zoned R-A, and is generally flat hay pasture with trees along the fence rows. The property is generally surrounded by single family residences, with some duplexes located adjacent to the property on the north side of Wedington. The site has direct access to Wedington Drive (State Highway 16), Broyles Avenue, and 46th Street. Wedington Drive is a Principal Arterial on the City's Master Street Plan and is state highway that is currently being widened by the State to a five-lane section adjacent to the property. Broyles Avenue is a Collector Street that has been improved by the City to a 28-foot wide street. 46th Street is an unimproved local street adjacent to the property. The request is for rezoning, Preliminary Plat, and partial development approval for a Master Development Plan of a Residential Planned Zoning District with 382 attached and detached planned dwellings as well as 100,390 square feet of non-residential/commercial space. Should the PZD be approved as proposed, it would result in approval of all of the non-residential/commercial space (100,390 square feet), 104 townhouses, and 224 condominiums at this time. Total density for this project is proposed at 12.96 units per acre. The single family lots would require a preliminary and final plat approval. Zoning criteria identifying permitted and conditional uses, building setbacks, bulk and area requirements and architectural guidelines are included within the project booklet provided by the applicant.

DISCUSSION

On July 23, 2007 the Planning Commission voted 8-0-0 in favor of forwarding this request to the City Council.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 07-2576, WOODSTOCK COMMUNITY, LOCATED SOUTH OF WEDINGTON DRIVE FROM 46TH TO BROYLES AVENUE; CONTAINING APPROXIMATELY 28.90 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 RA, Residential-Agricultural to R-PZD 07-2576, Woodstock Community, as shown in Exhibit "A" and depicted in Exhibit "B" attached hereto and made a part hereof.

Section 2: That the change in zoning classification is based upon the approved master development plan, development standards, statement of commitments and the conditions of approval as submitted, determined appropriate and approved by the City Council; further, that the conditions of approval shall be filed and available for viewing in the office of the City Clerk/Treasurer of the City of Fayetteville.

Section 3: That this ordinance shall take effect and be in full force at such time as all of the requirements of the master development plan have been met.

Section 4: That the official zoning map of the City of Fayetteville, Arkansas, is hereby amended to reflect the zoning change provided in Section 1 above.

PASSED and APPROVED this day of , 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

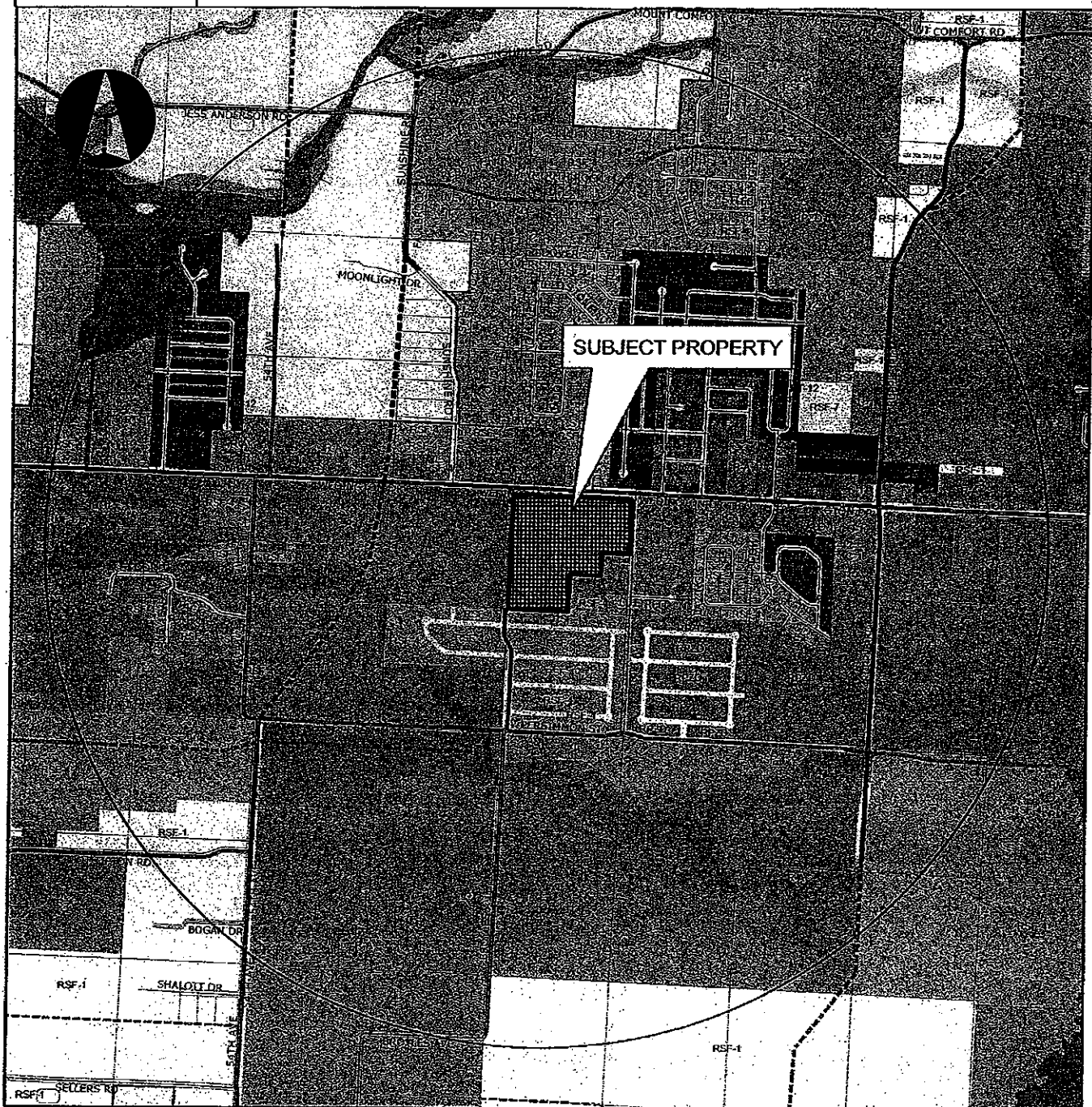
By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT "A"

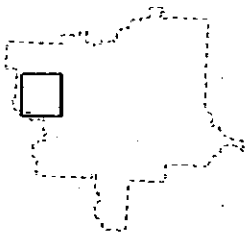
RPZD07-2576

One Mile View

WOODSTOCK COMMUNITY



Overview



Legend

Subject Property

RPZD07-2576

Boundary

Planning Area

Overlay District

Outside City

Legend

Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

EXHIBIT "B"
R-PZD 07-2576

A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S87°15'08"E 3.06' FROM THE SOUTHWEST CORNER OF SAID FORTY ACRE TRACT SAID POINT BEING ON THE EAST RIGHT-OF-WAY OF BROYLES AVENUE AND RUNNING THENCE ALONG SAID RIGHT-OF-WAY N02°06'49"E 733.46', N02°21'11"E 511.99' TO THE SOUTH RIGHT-OF-WAY OF ARKANSAS STATE HIGHWAY #16, THENCE ALONG SAID RIGHT-OF-WAY S87°34'33"E 139.56', N83°35'24"E 44.55', S88°01'12"E 87.99', S67°36'50"E 53.26', S87°22'34"E 27.88', N82°00'44"E 81.38', S87°19'33"E 819.69', S51°33'46"E 28.62' TO THE WEST RIGHT-OF-WAY OF NORTH 46TH AVENUE, THENCE ALONG SAID RIGHT-OF-WAY OF NORTH 46TH AVENUE S01°52'14"W 575.81', THENCE LEAVING SAID RIGHT-OF-WAY N87°16'34"W 300.48' TO A SET IRON PIN, THENCE S02°30'08"W 249.48' TO A SET IRON PIN, THENCE N87°16'34"W 332.21' TO A SET IRON PIN, THENCE S02°30'08"W 410.65' TO A SET IRON PIN, THENCE N87°15'06"W 639.76' TO THE POINT OF BEGINNING. CONTAINING 28.90 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

CONDITIONS OF APPROVAL:

R-PZD 07-2576

Page 1 of 8

The Planning Commission and Staff recommends the following conditions of approval associated with R-PZD 07-2576 (Woodstock Community).

Streets and Right-of-Way

1. **Planning Commission determination of street improvements.** This property has frontage on three streets: Wedington Drive, Broyles Avenue, and 46th Street. Wedington is being fully improved along the project frontage by the Arkansas State Highway Department, Broyles Avenue has recently been fully improved by the City, and 46th Street is an unimproved two-lane paved street along the project frontage and continues south until improvements to this street begin with the Cross Keys Subdivision. Based on the condition of the immediate surrounding street system and the impact of the amount of traffic generated by 100,390 square feet of non-residential spaces and 382 dwelling units from this project, staff recommends the following street improvements as being proportional to the development:
 - A. The applicant shall contribute half the cost of a traffic signal at Broyles/Wedington in the amount not to exceed \$62,500.00. The delayed off-site improvement assessment shall be paid proportionally through the first three phases, prior to issuance of a building permit for each respective phases, as follows:
 - (1) Phase I: \$20,833.34
 - Phase II: \$20,833.34
 - Phase III: \$20,833.34
 - B. The applicant shall pay for and construct improvements on 46th Avenue concurrent with Phase I to include the following:
 - (1) 28-foot wide street cross section, including curb, gutter, storm drains, on both sides along the property frontage.
 - (2) South of the property frontage, 46th Avenue shall be improved to a 24' wide pavement width, with no other improvements recommended.
 - C. Street lights and sidewalks shall be installed along all public streets adjacent to the project boundaries pursuant to City codes.

PLANNING COMMISSION DETERMINED IN FAVOR OF THE STREET IMPROVEMENTS AS RECOMMENDED BY STAFF (07/23/07).

2. **Right-of-way dedication.** 55' from centerline along Wedington Drive by warranty deed is required. 35' from centerline along Broyles Avenue by easement plat; 25' from centerline along 46th Street by easement plat; variable right-of-way dedication along the internal streets as depicted on the site plan by easement plat; private drives would be under an access

CONDITIONS OF APPROVAL:

R-PZD 07-2576

Page 2 of 8

easement owned and maintained by the property owner's association and dedicated by easement plat.

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

- a. The applicant requests a waiver to allow a 20' curb return radius (CRR) at all interior street intersections and driveways when City Code requires a 30' CRR for streets (UDC Section 171.02(C)) and 25' CRR for the street intersections with Broyles, a Collector. *Engineering staff has reviewed this request and is in favor of the CRR waiver requests, finding that adverse impacts to traffic and pedestrian safety would not occur.*

PLANNING COMMISSION RECOMMENDED IN FAVOR OF THIS CONDITION (07/23/07).

- b. The applicant requests a waiver to allow a different street cross sections than required by the current Master Street Plan standard (UDC Section 166.06 (k)(10)(a) and 166.08(C)(14)). The applicant proposes on-street parallel parking, when the Master Street Plan does not have a cross-section that allows parallel parking as proposed. In addition, the palette of street widths proposed is not allowed under the Master Street Plan – there are not Master Street Plan street cross-sections with the exact width and dimensions proposed.

1. *Staff recommends in favor of a waiver to construct the street cross sections as requested (see plat sheet 2 of 16) finding the more narrow street widths will help in traffic calming and are consistent with the overall TND development philosophy for this project to help encourage pedestrian activity. Provided that 7.5' parking lane is maintained, as measured to the face of curb, and that all sidewalks to be used by the public be constructed with a 5' minimum width.*

PLANNING COMMISSION RECOMMENDED IN FAVOR OF THIS CONDITION (07/23/07).

- ii. *Alley cross-section/private drive aisle width. Staff recommends in favor of the alley widths as depicted on the revised alley exhibits showing turning movements on these alleys. The bump outs directly adjacent to the garages shall be a flat, paved driving surface to allow for vehicular movement as shown on the exhibit.*

PLANNING COMMISSION RECOMMENDED THAT STAFF WORK WITH THE APPLICANT FOR A RECOMMENDATION TO THE CITY COUNCIL (07/23/07).

THE APPLICANT AND STAFF MET SINCE THE PLANNING COMMISSION MEETING AND CAME TO AN AGREEMENT ON THE ALLEY WIDTHS AS DEPICTED ON THE REVISED ALLEY WIDTHS EXHIBITS ATTACHED TO THIS REPORT (08/14/07).

- c. The applicant requests a waiver of the centerline radii required by the City of

CONDITIONS OF APPROVAL:

R-PZD 07-2576

Page 3 of 8

Fayetteville Minimum Street Standards due to site constraints. The applicant proposes a 50' centerline radius on Street Four, where 150' is the minimum. *Staff recommends in favor of this request.*

PLANNING COMMISSION RECOMMENDED IN FAVOR OF THIS CONDITION (07/23/07).

- d. Curb sections. The applicant requests 18" curb on all streets versus a standard 24" curb, in contrast to the City's street design standards. *Staff finds in favor of this request, agreeing with the applicant's justification that a narrow curb is acceptable in a Traditional Neighborhood Development as proposed.*

PLANNING COMMISSION RECOMMENDED IN FAVOR OF THIS CONDITION (07/23/07).

- ~~4. Planning Commission determination of appropriate curb cut location onto Wedington, a Principal Arterial. Staff does not support the curb cut directly east of Broyles Avenue approximately 100' to the east of the intersection onto Hwy 16/Wedington, a Principal Arterial. Staff finds that this curb cut may create a dangerous traffic condition in direct conflict with a future signalized intersection. Staff also has concern with the full turning movement proposed with the access west of 46th Street, and recommends the following revisions to the access proposed onto Wedington:~~

- ~~a) Remove the curb cut currently east of Building A.~~
- ~~b) Relocate the curb cut currently west of Building J to align with the drive aisle west of Building H.~~

~~Staff finds these two revisions will greatly enhance safety and provide mobility of pedestrians and traffic from this development, and also create a more traditional lot/block access pattern, serving multiple uses.~~

PLANNING COMMISSION RECOMMENDED IN FAVOR OF THIS CONDITION (07/23/07).

THE APPLICANT HAS FULLY ADDRESSED THIS CONDITION WITH THE REVISED SUBMITTAL (08/14/07).

5. All private drives and alleys and any sidewalks outside the right-of-way shall be included in a shared access easement. This access easement shall be included on the easement plat.
6. A minimum of 26' clear of any structure (fence, building, wall, etc.) shall be provided along all alleys utilizing residential trash service to provide adequate room for a trash truck and arm to pick up residential trash carts.
7. Signs indicating future street extension shall be installed at all street stub-outs.

Commercial Design Standards

8. Planning Commission determination of commercial design standards for the commercial

CONDITIONS OF APPROVAL:

R-PZD 07-2576

Page 4 of 8

portion of the mixed use structures, and the stand-alone commercial structures, and overall compatibility and transition in the proposed development. *Staff finds in favor of this determination. The building elevations of other structures in this development are well-articulated and provide for a consistent and overriding theme throughout the development, which transitions well between the mixed use buildings/flats, commercial structures, townhouses, and single-family detached houses. The zoning criteria and elevations for the residential and non-residential structures requires buildings to front the street, and small building setbacks help create a streetscape and facilitate an overall compact and complete development. There is a wide variety of uses and structures prevent a visual monotony while maintaining a compatible architectural design throughout the site.*

PLANNING COMMISSION RECOMMENDED IN FAVOR OF THIS CONDITION, BUT REQUIRED THAT THE APPLICANT SHALL PROVIDE REVISED ELEVATIONS TO CITY COUNCIL TO SHOW GRADING/GARAGE ENTRIES FROM UNDERNEATH (07/23/07).

REVISED ELEVATIONS HAVE BEEN PROVIDED IN THE BOOKLET TO ADDRESS THE PLANNING COMMISSION'S COMMENT (08/13/07).

General

9. A preliminary and final plat approval is required prior to development of the single family portion of this project.
10. All infrastructure necessary to support Phase I of the project, including streets, is required to be constructed prior to final occupancy permits.
11. Buildings shall be constructed to be consistent with the concepts depicted in the building elevations in the PZD booklet. All buildings shall be designed and constructed to front onto public rights-of-way. All non-residential buildings or mixed use buildings shall adhere to Commercial Design Standards.
12. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code, and shall be subject to signage requirements for commercial development for Planning Area 1, and for residential development for all other Planning Areas.
13. 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.
14. Due to the very complex nature of this project, a detailed review of all aspects of the site and landscape plans in each phase of construction shall take place prior to issuance of building permits. The development shall be consistent with the site plan and mix of uses as approved in the PZD. All development shall meet applicable zoning and development criteria, unless

CONDITIONS OF APPROVAL:

R-PZD 07-2576

Page 5 of 8

specifically waived or varied by the Planning Commission as part of the PZD approval.

15. Should the detention pond area be approved as part of this project, it shall be formally incorporated into the property by way of a property line adjustment prior to issuance of construction permits.

Phasing

16. This project is required to obtain all permits in accordance to the Phasing as listed below. A one-year extension may be approved by the Planning Commission (subject to the criteria in UDC Chapter 166 for extensions). *The PZD booklet should be revised to reflect this phasing, including an exhibit graphically depicting the limits of construction for each phase.*

Phase No.	Timeframe for Permits (years)	Timeframe for Construction (years)
Phase 1	1	2.5
Phase 2	2	3.5
Phase 3	3	4.5
Phase 4	4	5.5
Phase 5	5	6.5
Phase 6	6	7.5
Phase 7	7	8

Parks

17. PRAB reviewed this project on March 15, 2007 and made a recommendation of accepting 6.87 acres of park land (the total amount required for the complete development including the future 54 single family lots) offsite along the south side of Owl Creek commencing at Broyles Ave. The required park land dedication for the current development request is 5.57 acres. A deed for the land must be submitted to the city land agents for review and filed at the County. A copy of the filed deed must be provided to Parks prior to issuance of building permits.

Landscape and Tree Preservation Plan Conditions

18. Planning Commission determination of a waiver of Unified Development Code Section 177.04(D)(3). *Staff finds in favor of the waiver for greenspace. Currently Chapter 177.04(D)(3) requires street trees to either be planted in a 15 foot greenspace or within an urban streetscape option utilizing tree grates. The applicant is proposing to plant the trees within a 7 foot greenspace between the sidewalk and the curb. Staff feels this space is adequate for tree growth and a superior environment to that found within a sidewalk. This waiver will meet the intent of the ordinance in supplying a tree lined street to encourage a walkable environment.*

PLANNING COMMISSION RECOMMENDED IN FAVOR OF THIS CONDITION (07/23/07).

CONDITIONS OF APPROVAL:

R-PZD 07-2576

Page 6 of 8

19. Installation of the sidewalk north of Building H needs to be coordinated with the Urban Forester and the Sidewalk Administrator to achieve the highest amount of preservation.
20. Mitigation will be required on the site. The applicant has requested and been approved to utilize the Residential On-site Planting option. Using a combination of low and high priority trees, 215 (2) inch caliper large species trees will be required for this development.
21. The 215 mitigation trees will be planted at the time of C of O for the building they are associated with. If all the trees can not be located on the site, outside of utility easements, money in lieu will be accepted.
22. A 3-year bond, letter of credit, or check will be required before issuance of a final certificate of occupancy for the buildings in phase I. This should amount to \$53,750.
23. The Tree Preservation Calculations do not include canopy removed for the proposed single family homes. At the time of development approval, this canopy will be assessed for preservation and subsequent mitigation.
24. Before construction plan approval, the landscape plan must be stamped by a licensed landscape architect with the state of Arkansas.
25. Prior to building permit, a cost estimate for all required landscape is to be submitted to the Urban Forester for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy.
26. Under Landscape Regulations Chapter 177, street trees must be bonded for a 3 year period. This bond is for the maintenance of the trees. This amount must be deposited with the City before issuance of a final certificate of occupancy.

Plat and Booklet Revisions

27. Plat revisions to be completed prior to Planning Commission:
 - a. Provide two points in Arkansas State Plane Coordinates on the plat.

Standard Conditions of Approval

28. 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).
29. Trash enclosures shall be screened on three sides with materials compatible with the surrounding structures, with access not visible from the street. Add this note to the site plan and all construction documents. Elevations shall be submitted to Planning staff for review and approval prior to building permit.

CONDITIONS OF APPROVAL:

R-PZD 07-2576

Page 7 of 8

30. 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.
31. 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.
32. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
33. 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.
34. Prior to the issuance of a building permit the following is required:
- a. Grading and drainage permits
 - b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - b. Final plat for this project that shall include all easements and the tree preservation area.
 - c. Project Disk with all final revisions
 - d. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

~~35. The PZD booklet shall be revised to add a note to the maximum building height for PA-1 to 62' as measured to the top of the parapet.~~

THE PLANNING COMMISSION ADDED THIS CONDITION (07/23/07).

THIS CONDITION HAS BEEN ADDRESSED WITH THE REVISIONS SUBMITTED FOR CITY COUNCIL (08/14/07).

~~36. The PZD booklet shall be revised to change the setbacks in PA-3 to note that the side setback for Lot 7 shall be 8'.~~

CONDITIONS OF APPROVAL:

R-PZD 07-2576

Page 8 of 8

THE PLANNING COMMISSION ADDED THIS CONDITION (07/23/07).

THIS CONDITION HAS BEEN ADDRESSED WITH THE REVISIONS SUBMITTED FOR CITY COUNCIL (08/14/07).

37. The PZD booklet shall be revised to correct reference to on-street parking on page 6, change note that sidewalk cafes are allowed only by conditional use, and eliminate the duplicate text on alleys on page 32.

THE PLANNING COMMISSION ADDED THIS CONDITION (07/23/07).



Planning Commission Meeting
July 23, 2007

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Planning Commission Members
FROM: Andrew Garner, Senior Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: July 18, 2007 Updated August 13, 2007

R-PZD 07-2576: Planned Zoning District (WOODSTOCK COMMUNITY, 438): Submitted by APPIAN CENTER FOR DESIGN for property located ALONG W. WEDINGTON DRIVE FROM 46TH TO BROYLES AVENUE. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 28.90 acres. The request is for re-zoning and land use approval of an R-PZD, Residential Planned Zoning District with 382 dwelling units in mixed use, single family, townhome configuration, 100,390 s.f. of commercial space in mixed use and restaurants in addition to a civic center building and park to be constructed in 7 phases over an 8 year time frame. The request also includes development approval for the non-residential, mixed use, and multi-family portion of the project at this time.

Property Owner: HANK BROYLES
Planner: ANDREW GARNER

Findings:

July 12, 2007 Subdivision Committee: Meeting minutes from the July 12, 2007 Subdivision Committee meeting are attached to this report.

Property Description: The subject property consists of approximately 28.90 acres located on the south side of Wedington Drive (State Highway 16) between 46th Street and Broyles Avenue. The site is zoned R-A, and is generally flat hay pasture with trees along the fence rows. The property is undeveloped.

Surrounding Land Use/Zoning:

Direction from Site	Land Use	Zoning
North	Single family residences; Ozark Electric facility, Duplexes	R-A; RSF-4; RT-12
South	Single family residences	RSF-4; R-A
East	Single family residences	R-A
West	Pasture	R-A

Proposal: The request is for rezoning and partial development approval for a Master Development Plan of a Residential Planned Zoning District with 382 attached and detached planned dwellings as well as 100,390 square feet of non-residential/commercial space. Should the PZD be approved as proposed, it would result in development approval of all of the non-residential/commercial space (100,390 square feet), 104 townhouses, and 224 condominiums. The 54 single family lots are not proposed to be subdivided or developed at this time, and would be required to go through preliminary and final plat prior to development.

Master Development Plan: The proposed uses over the site are listed in *Table 1*.

Table 1
Woodstock PZD 07-2576
Land Use Summary

TYPE OF USE	PLANNING AREA	DENSITY (UNITS/ACRE)	DWELLING UNITS	NON-RESIDENTIAL INTENSITY (SQ.FT./ACRE)	NON-RESIDENTIAL SQUARE FEET	ACRES	% OF SITE
Mixed Use	PA-1	21.92	224	9,661	98,740	10.22	34.67%
Townhouse	PA-2	13.76	104	NA	NA	7.56	15.51%
Single Family	PA-3	6.46	54	NA	NA	8.36	20.30%
Civic Building	PA-4	0.00	0	494	1,650	3.34	10.18%
TOTAL		12.96	382	3,405	100,390	29.48	100%

This project is designed to be a Traditional Neighborhood Development (TND) including a variety of housing types and land uses in a defined area. Rather than a typical, sprawling subdivision, this development attempts to create an eclectic, urban neighborhood of various uses connected by a network of sidewalks, streets and lanes suitable for pedestrians as well as vehicles. The north side of the property fronts onto Wedington Drive (State Highway 16), a Principal Arterial, the west fronts onto Broyles Avenue, a Collector Street, and the east side of the property fronts onto 46th Street, a Local Street. The property is located in an area designated for a City Neighborhood Area on the Future Land Use Map.

The proposed zoning criteria and site plan allow for a denser layout of single-family residences (6.46 units per acre in Planning Area 3) along the southern edge of the property adjacent to existing single family residences, with mixed-use buildings, townhouses, non-residential buildings, and private open space interspersed throughout the remainder of the site. This site layout and proposal would not be allowed under any standard zoning criteria. The zoning criteria are provided in duplicate in the project booklet and on the plats. Please reference this provided material for more information. These documents are binding to the zoning of the property.

Access and Connectivity: Access is proposed directly off of Wedington Drive, 46th Street, and Broyles Avenue with several points of ingress/egress. The development has a number of well-

connected interior public streets, alleys, and private drives. A variety of street cross-sections is proposed and is designed to calm traffic and encourage pedestrian comfort and activity throughout the development. These street sections are narrow with small curb return radii consistent with the concepts of the Institute of Transportation Engineers and Smart Code, but do not meet the City's Unified Development Code or current Master Street Plan criteria. All streets with the exception of the Streets Three and Five will have designated on-street, parallel parking. The project provides vehicular connection to Wedington Drive, Broyles Avenue, and 46th Street to the north, west, and east respectively. Connectivity to the south is provided with a public street stub-out, and by providing public alleys along much of the southern property line.

Parking: The majority of the mixed use buildings will face onto Wedington Drive, with surface parking in the rear of these buildings, as well as in underground garages. Parking is provided on the public streets and along private drives, and garage parking is provided for the townhouses and single family residences.

Phasing: Several phases are planned for Woodstock Community over the next several years as listed below. *The Project Phase exhibit provided in the PZD Booklet needs to be updated to reflect the phases as listed in the most recent submittal.* All permits required for development within these phases are required to be obtained and constructed within the specified timeframe. A one-year extension will be permitted, subject to Planning Commission approval.

Phase No.	Timeframe for Permits (years)	Timeframe for Construction (years)
Phase 1	1	2.5
Phase 2	2	3.5
Phase 3	3	4.5
Phase 4	4	5.5
Phase 5	5	6.5
Phase 6	6	7.5
Phase 7	7	8

Water & Sewer: Water and sewer lines would be extended to serve the development.

Adjacent Master Street Plan Streets: Wedington Drive (Principal Arterial); Broyles Avenue (Collector Street); 46th Street (Local Street)

Right-of-way Dedication: 55' from centerline along Wedington Drive by warranty deed is required. 35' from centerline along Broyles Avenue; 25' from centerline along 46th Street; variable right-of-way dedication along the internal streets as depicted on the site plan; private drives would be under an access easement owned and maintained by the property owner's association.

Street Improvements: The proposed addition of over 100,000 SF of non-residential space and 382 dwelling units will have a significant impact on surrounding infrastructure. However, much of the surrounding infrastructure has been improved or is being improved in the near future. The City constructed Broyles Avenue to the west which is a 28-foot wide street without a turn lane at the intersection of Wedington. The State is currently in the process of widening Hwy 16 along

the north property line. While these improvements will aid in accommodating additional traffic load generated by this development, 46th Street is currently an unimproved and narrow street, and will undoubtedly bear a substantial burden of traffic, given the proximity of the Boys and Girls Club and Owl Creek elementary School. Additionally, a traffic signal to moderate movements into and out of the site onto Hwy 16 at Broyles Avenue, a Collector Street, will be warranted in the near future. Staff's recommendation for street improvements at the Subdivision Committee did not coincide with the applicant's proposal. At that time it included the following:

- A full assessment for a traffic signal at Broyles and Wedington (the State Highway Department is installing conduit for a future signal at this location) in the amount of \$125,000 prior to issuance of a building permit.
- Continuation of street improvements on both sides of 46th Avenue, from Wedington south to where the street is currently improved (28-foot section with curb, gutter, pavement).
- Install street lights every 300' along Broyles Avenue and at intersections, where needed.

After a meeting with the applicant explaining staff's position for these recommendations, the applicant has presented a different proposal, which indicated the paying for half of the traffic signal over the first three phases of development (\$62,500.00) and improvements to both sides of 46th Street along the property frontage, with the first phase of development.

Staff has further evaluated the traffic study prepared for this development with the City's transportation engineer, and concurs that this development alone does not warrant a traffic signal, though it will increase the vehicle trips at this intersection. Further, property to the south of this property currently exists as large-lot residential, with the potential for redevelopment in the future. Based on these factors, staff has revised its recommendation for street improvements to include the following:

- The applicant shall contribute half the cost of a traffic signal at Broyles/Wedington in the amount not to exceed \$62,500.00. The delayed off-site improvement assessment shall be paid proportionally through the first three phases, prior to issuance of a building permit for each respective phase, as follows:
 - (1) Phase I: \$20,833.34
 - Phase II: \$20,833.34
 - Phase III: \$20,833.34
- The applicant shall pay for and construct improvements on 46th Avenue concurrent with Phase I to include the following:
 - (1) 28-foot wide street cross section, including curb, gutter, storm drains, on both sides along the property frontage.
 - (2) South of the property frontage, 46th Avenue shall be improved to a 24' wide pavement width, with no other improvements recommended.
- Street lights and sidewalks shall be installed along all public streets adjacent to the

project boundaries pursuant to City codes.

The City does not participate in the purchase of right-of-way or realigning utilities for private development projects, when the need for the improvement is deemed to be the responsibility of the developer.

Staff is recommending the cost of these improvements be the responsibility of the developer, without a cost-share by the City, based on the impact of the development proposed. *Without these improvements, staff is not comfortable recommending approval of the project. The applicant has submitted a letter describing a different recommendation for the street improvements, attached to this staff report.*

Parks: Park Recreation Advisory Board reviewed this project on March 15, 2007 and made a recommendation of accepting 6.87 acres of park land (the total amount required for the complete development including the future 54 single family lots) offsite along the south side of Owl Creek commencing at Broyles Ave. The required park land dedication for the current development request is 5.57 acres.

Solid Waste Service: The mixed use and non-residential portion of this development will dispose of solid waste in several trash compactors spaced throughout the development. The single family residences will be serviced by standard residential trash pick-up.

Tree Preservation: Existing Canopy: 7.55%
Preserved Canopy: 1.95%
Required Canopy: 7.55%
Mitigation: Required; 215 two-inch caliper trees planted onsite.

Public Comment: Eight members of the public spoke at the July 12, 2007 Subdivision Committee and were generally opposed to the project, citing concerns with community character, traffic, and property values (see attached minutes from the meeting).

Recommendation: Staff recommends forwarding **R-PZD 07-2576** to the City Council with the following conditions of approval:

Issues/Conditions to Address:

Streets and Right-of-Way

1. **Planning Commission determination of street improvements.** This property has frontage on three streets: Wedington Drive, Broyles Avenue, and 46th Street. Wedington is being fully improved along the project frontage by the Arkansas State Highway Department, Broyles Avenue has recently been fully improved by the City, and 46th Street is an unimproved two-lane paved street along the project frontage and continues south until improvements to this street begin with the Cross Keys Subdivision. Based on the condition of the immediate surrounding street system and the impact of the amount of traffic generated by 100,390 square feet of non-residential spaces and 382 dwelling units

from this project, staff recommends the following street improvements as being proportional to the development:

- A. The applicant shall contribute half the cost of a traffic signal at Broyles/Wedington in the amount not to exceed \$62,500.00. The delayed off-site improvement assessment shall be paid proportionally through the first three phases, prior to issuance of a building permit for each respective phases, as follows:
 - (1) Phase I: \$20,833.34
 - Phase II: \$20,833.34
 - Phase III: \$20,833.34
- B. The applicant shall pay for and construct improvements on 46th Avenue concurrent with Phase I to include the following:
 - (1) 28-foot wide street cross section, including curb, gutter, storm drains, on both sides along the property frontage.
 - (2) South of the property frontage, 46th Avenue shall be improved to a 24' wide pavement width, with no other improvements recommended.
- C. Street lights and sidewalks shall be installed along all public streets adjacent to the project boundaries pursuant to City codes.

PLANNING COMMISSION DETERMINED IN FAVOR OF THE STREET IMPROVEMENTS AS RECOMMENDED BY STAFF (07/23/07).

- 2. Right-of-way dedication. 55' from centerline along Wedington Drive by warranty deed is required. 35' from centerline along Broyles Avenue by easement plat; 25' from centerline along 46th Street by easement plat; variable right-of-way dedication along the internal streets as depicted on the site plan by easement plat; private drives would be under an access easement owned and maintained by the property owner's association and dedicated by easement plat.
- 3. Planning Commission determination of a waiver of minimum street design standards:
 - a. The applicant requests a waiver to allow a 20' curb return radius (CRR) at all interior street intersections and driveways when City Code requires a 30' CRR for streets (UDC Section 171.02(C)) and 25' CRR for the street intersections with Broyles, a Collector. *Engineering staff has reviewed this request and is in favor of the CRR waiver requests, finding that adverse impacts to traffic and pedestrian safety would not occur.*

PLANNING COMMISSION RECOMMENDED IN FAVOR OF THIS CONDITION (07/23/07).

- b. The applicant requests a waiver to allow a different street cross sections than required by the current Master Street Plan standard (UDC Section 166.06 (k)(10)(a) and 166.08(C)(14)). The applicant proposes on-street parallel parking, when the Master Street Plan does not have a cross-section that allows parallel parking as proposed. In addition, the palette of street widths proposed is not allowed under the Master Street Plan – there are not Master Street Plan street cross-sections with the exact width and dimensions proposed.
- i. *Staff recommends in favor of a waiver to construct the street cross sections as requested (see plat sheet 2 of 16) finding the more narrow street widths will help in traffic calming and are consistent with the overall TND development philosophy for this project to help encourage pedestrian activity. Provided that 7.5' parking lane is maintained, as measured to the face of curb, and that all sidewalks to be used by the public be constructed with a 5' minimum width.*

PLANNING COMMISSION RECOMMENDED IN FAVOR OF THIS CONDITION (07/23/07).

- ii. *Alley cross-section/private drive aisle width. The Unified Development Code 172.04 requires a minimum of 24' of pavement for a one-way drive aisle with 90 degree parking. For most of the rear alley access for the townhouses, the alleys are well below 24' wide, some with a 12' dimension. The applicant has provided a brief recommendation from a traffic engineer on the alley widths. The AutoTurn analysis provided depicting with the revisions for Planning Commission appears to indicate that only one of the vehicles backing out onto the one-way alleys would be able to make a functional turning movement out of these two car garages. Staff recommends further graphical analysis clearly showing that the alleys will function at the narrow width proposed, or the alleys should be widened to a minimum 16' width, to allow adequate turning movements into and out of garages. Staff recommends in favor of the alley widths as depicted on the revised alley exhibits showing turning movements on these alleys. The bump outs directly adjacent to the garages shall be a flat, paved driving surface to allow for vehicular movement as shown on the exhibit.*

PLANNING COMMISSION RECOMMENDED THAT STAFF WORK WITH THE APPLICANT FOR A RECOMMENDATION TO THE CITY COUNCIL (07/23/07).

THE APPLICANT AND STAFF HAVED MET SINCE THE PLANNING COMMISSION MEETING AND COME TO AN AGREEMENT ON THE ALLEY WIDTHS AS DEPICTED ON THE REVISED ALLEY WIDTHS EXHIBITS ATTACHED TO THIS REPORT (08/14/07).

- c. The applicant requests a waiver of the centerline radii required by the City of Fayetteville Minimum Street Standards due to site constraints. The applicant

proposes a 50' centerline radius on Street Four, where 150' is the minimum. *Staff recommends in favor of this request.*

PLANNING COMMISSION RECOMMENDED IN FAVOR OF THIS CONDITION (07/23/07).

- d. Curb sections. The applicant requests 18" curb on all streets versus a standard 24" curb, in contrast to the City's street design standards. *Staff finds in favor of this request, agreeing with the applicant's justification that a narrow curb is acceptable in a Traditional Neighborhood Development as proposed.*

PLANNING COMMISSION RECOMMENDED IN FAVOR OF THIS CONDITION (07/23/07).

- ~~4. Planning Commission determination of appropriate curb cut location onto Wedington, a Principal Arterial. Staff does not support the curb cut directly east of Broyles Avenue approximately 100' to the east of the intersection onto Hwy 16/Wedington, a Principal Arterial. Staff finds that this curb cut may create a dangerous traffic condition in direct conflict with a future signalized intersection. Staff also has concern with the full turning movement proposed with the access west of 46th Street, and recommends the following revisions to the access proposed onto Wedington:~~

~~A. Remove the curb cut currently east of Building A.~~

~~B. Relocate the curb cut currently west of Building J to align with the drive aisle west of Building H.~~

~~Staff finds these two revisions will greatly enhance safety and provide mobility of pedestrians and traffic from this development, and also create a more traditional lot/block access pattern, serving multiple uses.~~

PLANNING COMMISSION RECOMMENDED IN FAVOR OF THIS CONDITION (07/23/07).

THE APPLICANT HAS FULLY ADDRESSED THIS CONDITION WITH THE REVISED SUBMITTAL (08/14/07).

5. All private drives and alleys and any sidewalks outside the right-of-way shall be included in a shared access easement. This access easement shall be included on the easement plat.
6. A minimum of 26' clear of any structure (fence, building, wall, etc.) shall be provided along all alleys utilizing residential trash service to provide adequate room for a trash truck and arm to pick up residential trash carts.
7. Signs indicating future street extension shall be installed at all street stub-outs.

Commercial Design Standards

8. Planning Commission determination of commercial design standards for the commercial

portion of the mixed use structures, and the stand-alone commercial structures, and overall compatibility and transition in the proposed development. *Staff finds in favor of this determination. The building elevations of other structures in this development are well-articulated and provide for a consistent and overriding theme throughout the development, which transitions well between the mixed use buildings/flats, commercial structures, townhouses, and single-family detached houses. The zoning criteria and elevations for the residential and non-residential structures requires buildings to front the street, and small building setbacks help create a streetscape and facilitate an overall compact and complete development. There is a wide variety of uses and structures prevent a visual monotony while maintaining a compatible architectural design throughout the site.*

PLANNING COMMISSION RECOMMENDED IN FAVOR OF THIS CONDITION, BUT REQUIRED THAT THE APPLICANT SHALL PROVIDE REVISED ELEVATIONS TO CITY COUNCIL TO SHOW GRADING/GARAGE ENTRIES FROM UNDERNEATH (07/23/07).

REVISED ELEVATIONS HAVE BEEN PROVIDED IN THE BOOKLET TO ADDRESS THE PLANNING COMMISSION'S COMMENT (08/13/07).

General

9. A preliminary and final plat approval is required prior to development of the single family portion of this project.
10. All infrastructure necessary to support Phase I of the project, including streets, is required to be constructed prior to final occupancy permits.
11. Buildings shall be constructed to be consistent with the concepts depicted in the building elevations in the PZD booklet. All buildings shall be designed and constructed to front onto public rights-of-way. All non-residential buildings or mixed use buildings shall adhere to Commercial Design Standards.
12. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code, and shall be subject to signage requirements for commercial development for Planning Area 1, and for residential development for all other Planning Areas.
13. 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.
14. Due to the very complex nature of this project, a detailed review of all aspects of the site and landscape plans in each phase of construction shall take place prior to issuance of building permits. The development shall be consistent with the site plan and mix of uses

as approved in the PZD. All development shall meet applicable zoning and development criteria, unless specifically waived or varied by the Planning Commission as part of the PZD approval.

15. Should the detention pond area be approved as part of this project, it shall be formally incorporated into the property by way of a property line adjustment prior to issuance of construction permits.

Phasing

16. This project is required to obtain all permits in accordance to the Phasing as listed below. A one-year extension may be approved by the Planning Commission (subject to the criteria in UDC Chapter 166 for extensions). *The PZD booklet should be revised to reflect this phasing, including an exhibit graphically depicting the limits of construction for each phase.*

Phase No.	Timeframe for Permits (years)	Timeframe for Construction (years)
Phase 1	1	2.5
Phase 2	2	3.5
Phase 3	3	4.5
Phase 4	4	5.5
Phase 5	5	6.5
Phase 6	6	7.5
Phase 7	7	8

Parks

17. PRAB reviewed this project on March 15, 2007 and made a recommendation of accepting 6.87 acres of park land (the total amount required for the complete development including the future 54 single family lots) offsite along the south side of Owl Creek commencing at Broyles Ave. The required park land dedication for the current development request is 5.57 acres. A deed for the land must be submitted to the city land agents for review and filed at the County. A copy of the filed deed must be provided to Parks prior to issuance of building permits.

Landscape and Tree Preservation Plan Conditions

18. Planning Commission determination of a waiver of Unified Development Code Section 177.04(D)(3). *Staff finds in favor of the waiver for greenspace. Currently Chapter 177.04(D)(3) requires street trees to either be planted in a 15 foot greenspace or within an urban streetscape option utilizing tree grates. The applicant is proposing to plant the trees within a 7 foot greenspace between the sidewalk and the curb. Staff feels this space is adequate for tree growth and a superior environment to that found within a sidewalk. This waiver will meet the intent of the ordinance in supplying a tree lined street to encourage a walkable environment.*

PLANNING COMMISSION RECOMMENDED IN FAVOR OF THIS CONDITION (07/23/07).

19. Installation of the sidewalk north of Building H needs to be coordinated with the Urban Forester and the Sidewalk Administrator to achieve the highest amount of preservation.
20. Mitigation will be required on the site. The applicant has requested and been approved to utilize the Residential On-site Planting option. Using a combination of low and high priority trees, 215 (2) inch caliper large species trees will be required for this development.
21. The 215 mitigation trees will be planted at the time of C of O for the building they are associated with. If all the trees can not be located on the site, outside of utility easements, money in lieu will be accepted.
22. A 3-year bond, letter of credit, or check will be required before issuance of a final certificate of occupancy for the buildings in phase I. This should amount to \$53,750.
23. The Tree Preservation Calculations do not include canopy removed for the proposed single family homes. At the time of development approval, this canopy will be assessed for preservation and subsequent mitigation.
24. Before construction plan approval, the landscape plan must be stamped by a licensed landscape architect with the state of Arkansas.
25. Prior to building permit, a cost estimate for all required landscape is to be submitted to the Urban Forester for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy.
26. Under Landscape Regulations Chapter 177, street trees must be bonded for a 3 year period. This bond is for the maintenance of the trees. This amount must be deposited with the City before issuance of a final certificate of occupancy.

Plat and Booklet Revisions

27. Plat revisions to be completed prior to Planning Commission:
 - a. Provide two points in Arkansas State Plane Coordinates on the plat.

Standard Conditions of Approval

28. 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).
29. Trash enclosures shall be screened on three sides with materials compatible with the

surrounding structures, with access not visible from the street. Add this note to the site plan and all construction documents. Elevations shall be submitted to Planning staff for review and approval prior to building permit.

30. 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.
31. 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.
32. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
33. 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.
34. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - b. Final plat for this project that shall include all easements and the tree preservation area.
 - c. Project Disk with all final revisions
 - d. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

~~35. The PZD booklet shall be revised to add a note to the maximum building height for PA-1 to 62' as measured to the top of the parapet.~~

THE PLANNING COMMISSION ADDED THIS CONDITION (07/23/07).

THIS CONDITION HAS BEEN ADDRESSED WITH THE REVISIONS SUBMITTED FOR CITY COUNCIL (08/14/07).

36. The PZD booklet shall be revised to change the setbacks in PA 3 to note that the side setback for Lot 7 shall be 8'.

THE PLANNING COMMISSION ADDED THIS CONDITION (07/23/07).

THIS CONDITION HAS BEEN ADDRESSED WITH THE REVISIONS SUBMITTED FOR CITY COUNCIL (08/14/07).

37. The PZD booklet shall be revised to correct reference to on-street parking on page 6, change note that sidewalk cafes are allowed only by conditional use, and eliminate the duplicate text on alleys on page 32.

THE PLANNING COMMISSION ADDED THIS CONDITION (07/23/07).

Planning Commission Action:	Approval	Tabled	<u>X</u> Forwarded to C.C.
Motion:	<u>Lack</u>		
Second:	<u>Myres</u>		
Vote:	<u>8-0-0</u>		
Meeting Date:	<u>July 23, 2007</u>		
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 07-2576 (Woodstock Community)

Sec. 166.06. Planned Zoning Districts (PZD).

(E) Approval or Rejection Criteria for Planned Zoning Districts

The following criteria shall be considered by the Planning Commission and City Council in the review of a planned zoning district application based on the proposed master development plan:

- (1) Whether the application is in compliance with the requirements of the UDC and the City Plan 2025;

FINDING: Staff finds the application to be in compliance with the Master Development Plan Planned Zoning District criteria established by the City Council. The Future Land Use Map adopted as part of City Plan 2025 designated this site City Neighborhood. City Neighborhoods are intended to have a wide range of residential building types, encourage complete, compact and connected neighborhoods, provide non-residential uses that are accessible for the convenience of individuals living in residential districts, encourage walkability as part of the street function, neighborhood shopping should be within walking distance of residential uses, or approximately one-quarter mile, and to encourage pedestrian-friendly, mixed use buildings through the use of transparent glass for commercial uses at street level and building entrances that address the street.

Rezoning this property to R-PZD 07-2576 for a traditional town form development with a majority of residential uses is consistent with the City Neighborhood designation, and is also consistent with several of the six major goals of the City Plan 2025. There are a number of waivers from the City's UDC that are applied for, and required, in order to develop a traditional neighborhood development, whether on this site or another.

The development proposes a maximum of 382 units and 100,390 square feet of non-residential space in a complete, compact, and connected community with meaningful open space. This development is different in use and density than most of the surrounding single-family lots in the immediate area. However, the site is located on a major transportation corridor (State Highway 16/Wedington Drive) with improvements currently taking place. The most intense uses front onto Wedington with the mixed use and stand-alone commercial buildings. The intensity and density decreases as the project site goes south, transitioning to townhouses, then detached single family residences along the southern property line adjacent to the Persimmon Place Subdivision.

Staff finds that the project is both different and compatible with the surrounding land uses and zoning, and that appropriate building setbacks have been provided adjacent to the surrounding single-family residences to provide a reasonable level of transition.

- (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 a mix of uses and density over the site. The proposed zoning criteria concentrates the density and intensity along the major thoroughfare, State Highway 16/Wedington Drive, and provides a transition to the existing single family residences adjacent to the south by providing single family residences along the southern property line.

While this traditional neighborhood development introduces a different development pattern to this area, the layout has been done sensitively and is compatible with surrounding land uses. The proposed non-residential uses are needed and appropriate in the area, and will be used by surrounding existing neighborhoods.

- (5) Whether the subject land is suitable for the intended use and is compatible with the natural environment;

FINDING: The 28.90-acre property is flat undeveloped pasture with trees generally concentrated along the fencerows. The natural environment is suitable for the type of development proposed.

- (6) Whether the intended land use would create traffic congestion or burden the existing road network;

FINDING: The intended land uses, a mix of residential, commercial, and civic, will impact the existing traffic conditions. Currently this development proposes several points of ingress and egress onto Wedington Drive to the north, and other points of ingress/egress onto Broyles Avenue and 46th Street to the west and east. As noted in the conditions of approval, staff recommends that the eastern and western curb cuts onto Wedington Drive either be eliminated or relocated further away from Broyles Avenue. 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 assessments for half the cost of a traffic signal be installed at the intersection of Wedington/Broyles Avenue be

constructed with the final three phases of development, and that 46th Street be fully improved on both sides of the street adjacent to the project and the pavement section widened to 24' south to where it is currently improved to improve this section of 46th Street, tying into the existing improvements completed with the Persimmon Place and Cross Keys subdivisions. Staff finds that with the recommended street improvements this development will not create traffic congestion or burden the existing road network. Additionally, providing a mix of commercial and residential uses and providing pedestrian improvements may encourage many to walk or bicycle to utilize those services in the area, thereby decreasing the use of the vehicular network.

- (7) Whether the planned development provides for unified development control under a unified plan;

FINDING: The booklet and master development plans submitted provide for said unified development control.

- (8) Whether any other recognized zoning consideration would be violated in this PZD.

FINDING: No other zoning considerations are proposed to be violated.

(B) Development standards, conditions and review guidelines

- (1) *Generally.* The Planning Commission shall consider a proposed PZD in light of the purpose and intent as set forth in Chapter 161 Zoning Regulations, and the development standards and review guidelines set forth herein. Primary emphasis shall be placed upon achieving compatibility between the proposed development and surrounding areas so as to preserve and enhance the neighborhood. Proper planning shall involve a consideration of tree preservation, water conservation, preservation of natural site amenities, and the protection of watercourses from erosion and siltation. The Planning Commission shall determine that specific development features, including project density, building locations, common usable open space, the vehicular circulation system, parking areas, screening and landscaping, and perimeter treatment shall be combined in such a way as to further the health, safety, amenity and welfare of the community. To these ends, all applications filed pursuant to this ordinance shall be reviewed in accordance with the same general review guidelines as those utilized for zoning and subdivision applications.

FINDING: The proposed Woodstock Community PZD provides for a different form of development than surrounding single family residences. This development is a traditional town form of development that integrates a variety of housing types and non-residential uses into one neighborhood, rather than single family residential suburban development in the existing surrounding developed areas. This project provides appropriate transition between these mixes of uses adjacent to a principal arterial street. The mix of uses proposed enhances the existing surrounding neighborhoods and transportation corridor. The transition in this development involves the careful use of single family detached units adjacent to existing single family residences, with the most retail and more intense residential areas located in the northern portion of the site adjacent to Wedington Drive.

This development is a compact, complete development pattern, all connected with a system of sidewalks, pedestrian walkways, and narrow streets. The architectural style of the development provides for well-articulated structures and a consistent and overriding theme. The variety of uses and structures prevent a visual monotony while maintaining a compatible architectural design throughout the site. The mix of uses and relatively high density encourages a balance of people living and working in the same area reducing daily vehicle trips that rely on the regional road network. Several public spaces are proposed that will be a benefit to the community. Circulation is compact and connected, adequate parking has been provided, and the inclusion of landscaping/mitigation trees will create a healthy urban canopy. Also see Staff Findings No. 1 and No. 4.

- (2) *Screening and landscaping.* In order to enhance the integrity and attractiveness of the development, and when deemed necessary to protect adjacent properties, the Planning Commission shall require landscaping and screening as part of a PZD. The screening and landscaping shall be provided as set forth in §166.09 Buffer Strips and Screening. As part of the development plan, a detailed screening and landscaping plan shall be submitted to the Planning Commission. Landscape plans shall show the general location, type and quality (size and age) of plant material. Screening plans shall include typical details of fences, berms and plant material to be used.

FINDING: No screening is proposed, as there are not large surface parking areas or other areas requiring screening facing streets. All structures are oriented toward the streets. Surface parking for the mixed use buildings and stand-alone commercial buildings will be internal and screened from the 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 a system of public streets and alleys, and private drives as described earlier in this report accessing Wedington Drive, Broyles Avenue, and 46th Street. The dwellings face onto streets, and are generally accessed off of internal alleys, providing a hierarchy of circulation that encourage an efficient flow of traffic. Also see Staff Finding No. 6.

- (4) *Parking standards.* The off-street parking and loading standards found in Chapter 172 Parking and Loading shall apply to the specific gross usable or leasable floor areas of the respective use areas.

FINDING: The majority of the mixed use buildings will face onto Wedington Drive, with surface parking in the rear of these buildings, as well as in underground garages. Parking is provided on the public streets and along private drives, and garage parking is provided for the townhouses and single family residences. Parking proposed is in compliance with City code.

- (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, five-foot sidewalks are to be constructed adjacent to Wedington Drive and 46th Street along the property frontage and south offsite to tie into the existing sidewalk on 46th Street, sidewalks currently exist on Broyles Avenue. Internal to the development, sidewalks are provided along both sides of the public streets. A public sidewalk is provided around the civic building and green, and a public crushed stone trail will be provided around the stormwater detention area.

- (7) *Street Lights.* As required by §166.03.

FINDING: Street lights are to be provided adjacent to all public and private streets at a separation of no greater than 300 feet.

- (8) *Water.* As required by §166.03.

FINDING: Public water lines are being extended in accordance with city codes.

(9) *Sewer.* As required by §166.03.

FINDING: Public sewer lines are being extended in accordance with city codes.

(10) *Streets and Drainage.* Streets within a residential PZD may be either public or private.

(a) *Public Streets.* Public streets shall be constructed according to the adopted standards of the City.

(b) *Private Streets.* Private streets within a residential PZD shall be permitted subject to the following conditions:

(i) Private streets shall be permitted for only a loop street, or street ending with a cul-de-sac. Any street connecting one or more public streets shall be constructed to existing City standards and shall be dedicated as a public street.

(ii) Private streets shall be designed and constructed to the same standards as public streets with the exceptions of width and cul-de-sacs as noted below.

(iii) All grading and drainage within a Planned Zoning District including site drainage and drainage for private streets shall comply with the City's Grading (Physical Alteration of Land) and Drainage (Storm water management) Ordinances. Open drainage systems may be approved by the City Engineer.

(iv) Maximum density served by a cul-de-sac shall be 40 units. Maximum density served by a loop street shall be 80 units.

(v) The plat of the planned development shall designate each private street as a "private street."

(vi) Maintenance of private streets shall be the responsibility of the developer or of a neighborhood property owners association (POA) and shall not be the responsibility of the City. The method for maintenance and a maintenance fund shall be established by the PZD covenants. The covenants shall expressly provide that the City is a third party beneficiary to the covenants and shall have the right to enforce the street maintenance requirements of the covenants irrespective of the vote of the other parties to the covenants.

(vii) The covenants shall provide that in the event the private streets are not maintained as required by the covenants, the City shall have the right (but shall not be required) to maintain said streets and to charge the cost thereof to the property owners within the PZD on a pro rata basis according to assessed valuation for ad valorem tax purposes and shall have a lien on the real property within the PZD for such cost. The protective covenants shall grant the City the right to use all private

streets for purposes of providing fire and police protection, sanitation service and any other of the municipal functions. The protective covenants shall provide that such covenants shall not be amended and shall not terminate without approval of the City Council.

- (viii) The width of private streets may vary according to the density served. The following standard shall be used:

Paving Width
(No On-Street Parking)

Dwelling Units	One-Way	Two-Way
1 - 20	14'	22'
21+	14'	24'

***Note:** If on-street parking is desired, 6 feet must be added to each side where parking is intended.

- (ix) All of the traffic laws prescribed by Title VII shall apply to traffic on private streets within a PZD.
- (x) There shall be no minimum building setback requirement from a private street.
- (xi) The developer shall erect at the entrance of each private street a rectangular sign, not exceeding 24 inches by 12 inches, designating the street a "private street" which shall be clearly visible to motor vehicular traffic.

FINDING: A variety of waivers of the minimum street design standards are requested as the proposed street cross sections do not meet the current Master Street Plan standards. The proposed cross-sections are designed to calm traffic and encourage pedestrian comfort and activity throughout the site. Staff recommends in favor of the waivers for street and alley design, with the revisions submitted for Planning Commission consideration.

- (11) *Construction of nonresidential facilities.* Prior to issuance of more than eight building permits for any residential PZD, all approved nonresidential facilities shall be constructed. In the event the developer proposed to develop the PZD in phases, and the nonresidential facilities are not proposed in the initial phase, the developer shall enter into a contract with the City to guarantee completion of the nonresidential facilities.

FINDING: All development on the site shall be phased according to the phasing plan and conditions herein.

- (12) *Tree preservation.* All PZD developments shall comply with the requirements for tree preservation as set forth in Chapter 167 Tree Preservation and Protection. The location of trees shall be considered when planning the common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels.

FINDING: The applicant has worked with the Urban Forester to alter the previous site plans, bringing forward a plan that accomplishes more of the goals for tree preservation. Mitigation trees will serve to provide an increased overall canopy on the site, providing for an urban canopy.

- (13) *Commercial design standards.* All PZD developments that contain office or commercial structures shall comply with the commercial design standards as set forth in §166.14 Site Development Standards and Construction and Appearance Design Standards for Commercial Structures.

FINDING: The non-residential structures on the site include the mixed use and stand-alone commercial buildings in PA-1. Staff recommends in favor of commercial design standards for these structures as reflected in the conditions of approval.

- (14) *View protection.* The Planning Commission shall have the right to establish special height and/or positioning restrictions where scenic views are involved and shall have the right to insure the perpetuation of those views through protective covenant restrictions.

FINDING: No scenic views are identified, and the height of structures proposed (four stories facing Wedington Drive) are appropriate along this major transportation corridor.

(E) *Revocation.*

- (1) *Causes for revocation as enforcement action.* The Planning Commission may recommend to the City Council that any PZD approval be revoked and all building or occupancy permits be voided under the following circumstances:

(a) *Building permit.* If no building permit has been issued within the time allowed.

(b) *Phased development schedule.* If the applicant does not adhere to the phased development schedule as stated in the approved development plan.

(c) *Open space and recreational facilities.* If the construction and provision of all common open spaces and public and recreational facilities which are shown on the final plan are proceeding at a substantially slower rate than other project components.

Planning staff shall report the status of each ongoing PZD at the first regular meeting of each quarter, so that the Planning Commission is able to compare the actual

development accomplished with the approved development schedule. If the Planning Commission finds that the rate of construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and public recreational facilities have been constructed and provided, then the Planning Commission may initiate revocation action or cease to approve any additional final plans if preceding phases have not been finalized. The city may also issue a stop work order, or discontinue issuance of building or occupancy permits, or revoke those previously issued.

(2) *Procedures.* Prior to a recommendation of revocation, notice by certified mail shall be sent to the landowner or authorized agent giving notice of the alleged default, setting a time to appear before the Planning Commission to show cause why steps should not be made to totally or partially revoke the PZD. The Planning Commission recommendation shall be forwarded to the City Council for disposition as in original approvals. In the event a PZD is revoked, the City Council shall take the appropriate action in the city clerk's office and the public zoning record duly noted.

(3) *Effect.* In the event of revocation, any completed portions of the development or those portions for which building permits have been issued shall be treated to be a whole and effective development. After causes for revocation or enforcement have been corrected, the City Council shall expunge such record as established above and shall authorize continued issuance of building permits.

(F) *Covenants, trusts and homeowner associations.*

(1) *Legal entities.* The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction, and maintenance of private roads, parking areas, common usable open space, community facilities, recreation areas, building, lighting, security measure and similar common elements in a development. The city encourages the creation of homeowner associations, funded community trusts or other nonprofit organizations implemented by agreements, private improvement district, contracts and covenants. All legal instruments setting forth a plan or manner of permanent care and maintenance of such open space, recreation areas and communally-owned facilities shall be approved by the City Attorney as to legal form and effect, and by the Planning Commission as to the suitability for the proposed use of the open areas. The aforementioned legal instruments shall be provided to the Planning Commission together with the filing of the final plan, except that the Guarantee shall be filed with the preliminary plan or at least in a preliminary form.

(2) *Common areas.* If the common open space is deeded to a homeowner association, the developer shall file with the plat a declaration of covenants and restrictions in the Guarantee that will govern the association with the application for final plan approval. The provisions shall include, but not necessarily be limited to, the following:

- (a) The homeowner's association must be legally established before building permits are granted.
- (b) Membership and fees must be mandatory for each home buyer and successive buyer.
- (c) The open space restrictions must be permanent, rather than for a period of years.
- (d) The association must be responsible for the maintenance of recreational and other common facilities covered by the agreement and for all liability insurance, local taxes and other public assessments.
- (e) Homeowners must pay their pro rata share of the initial cost; the maintenance assessment levied by the association must be stipulated as a potential lien on the property. The association must be able to adjust the assessment to meet changing needs.

FINDING: The applicant shall comply with these requirements.

Sec. 161.25 Planned Zoning District

- (A) Purpose. The intent of the Planned Zoning District is to permit and encourage comprehensively planned developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the combination of development and zoning review into a simultaneous process. The rezoning of property to the PZD may be deemed appropriate if the development proposed for the district can accomplish one or more of the following goals.
- (1) Flexibility. Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.
 - (2) Compatibility. Providing for compatibility with the surrounding land uses.
 - (3) Harmony. Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.
 - (4) Variety. Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.
 - (5) No negative impact. Does not have a negative effect upon the future development of the area;
 - (6) Coordination. Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.

- (7) Open space. Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.
- (8) Natural features. Maximum enhancement and minimal disruption of existing natural features and amenities.
- (9) General Plan. Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the General Plan.
- (10) Special Features. Better utilization of sites characterized by special features of geographic location, topography, size or shape.

FINDING: Staff finds this proposal meets the intent of many of the parameters of the City Plan 2025 as discussed in Staff Finding No. 1, as well as the above ten criteria, including flexibility in density, compatibility and transition of land use, provision of a variety of housing types and common open spaces. The following guiding policies within City Neighborhood Areas are applicable to this development, and help to achieve the six primary goals of the City Plan 2025:

City Neighborhood Areas:

- a. *Protect adjoining properties from the potential adverse impacts associated with non-residential uses adjacent to and within residential areas with proper mitigation measures that address scale, massing, traffic, noise, appearance, lighting, drainage, and effects on property values.*
- 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.*
- c. *Reduce the length and number of vehicle trips generated by residential development by enhancing the accessibility to these areas; encourage walkability as part of the street function. Neighborhood shopping should be within walking distance of residential use, or approximately on-quarter mile.*
- d. *Encourage developers to designate and plan for mixed-use corners at the time of approval to properly plan for accessibility to these areas.*
- e. *Encourage pedestrian-friendly, mixed-use buildings through the use of transparent glass for commercial uses at street level and building entrances that address the street.*
- f. *Where possible, encourage a block-and-street layout that promotes walkable, cyclist-friendly*

road designs with slow design speeds.

g. Encourage mixed-use development that is sensitive to surrounding residential uses and allows for day and night utilization of available parking.

h. Utilize principles of traditional residential urban design to create compatible, livable and accessible neighborhoods.

i. Protect and restore Fayetteville's outstanding residential architecture of all periods and styles.

j. Utilize the Master Street Plan and incorporate bike lanes, parkways and landscaped medians to preserve the character of the City and enhance the utilization of alternative modes of transportation.

k. Manage non-residential development within and adjoining residential neighborhoods to minimize nuisances.

l. Minimize through traffic on minor residential streets, while providing connections between neighborhoods to encourage openness and neighborliness.

m. Limit uses within City Neighborhood areas to those that primarily serve residents of Fayetteville rather than a regional population.

n. Develop strategies with the University of Arkansas to encourage students to live in the area, providing density sufficient to support public transit.

(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 single family residential and agricultural. Although a majority of the surrounding uses are single family residential at a density of approximately four units per acre, density under the current zoning (RSF-4) is not appropriate for development of this site for a traditional neighborhood. The city's development goals, future land use plan, and infrastructure for this area supports a higher density. Also see Staff Findings Nos. (E)(1), (E)(4), (E)(5), and (B)(1).

- (2) *Lot area and setback requirements.* Taking into consideration the unique aspects of each project, preliminary development plans for Planned Zoning Districts shall conform as closely as possible to the existing standards for lot area minimums and setback requirements under this chapter.

FINDING: Lot area minimums and setbacks are varied on this project with structures oriented to the street and minimal front setbacks. This project provides for a variety of building footprint types of unit, with a mixed unit type and mixed density. Due to the unique nature of this traditional neighborhood development, it is not possible to conform to existing standards for lot area minimums and setback requirements.

- (3) *Building height.* There shall be no maximum building height except as may be determined by the Planning Commission during the review of the preliminary development plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. A lesser height may be established by the Planning Commission when it is deemed necessary to provide adequate light and air to adjacent property and to protect the visual quality of the community.

FINDING: Building heights proposed for this project are typical of single and multi-family development, with the four-story mixed use buildings facing Wedington Drive providing adequate light and air to adjacent property, and the single family residences along the southern property line with a maximum height of 40'. With this development the aesthetics of this area would change from rural hay pasture, to a City neighborhood. This is a complete change, however this change is consistent with the future land use plan designation for this property.

- (4) *Building area.* The Planning Commission shall review specific proposed lot coverages which generally correspond to the guidelines for lot coverage in the respective residential, office, commercial or industrial district which most depicts said development scheme.

FINDING: The lot coverage or building area on this project is relatively high, given the high density and mix of commercial uses. The lot coverages are appropriate given the urban environment proposed.

***Required Findings for Rezoning Request.**

Land Use Plan: The City Plan 2025 Future Land Use Plan designates this site as a City Neighborhood Area. Rezoning this property to R-PZD 07-2576, with the associated Master Development Plan, allows this future land use to vary by integrating non-residential uses throughout the site, though the principal use on the property will remain residential. The proposed plan, commitments, design standards and other conditions placed upon the project result in a compatible development with surrounding land uses in the general vicinity, meeting many of the goals of the City Plan 2025 for new development.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: Staff finds the proposal is highly consistent with the land use planning objectives, principles and policies, as evidenced the number of guiding policies for 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 both the future land use plan for residential and non-residential uses, and also allow for a variety of uses and housing types, sizes and development pattern, thus providing more choices for more citizens.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: At this time the property is zoned R-A, which allows for residential and agricultural uses on minimum two-acre lots. The proposed mix of uses, residential density and site layout included with this re-zoning is more appropriate for this area than the existing zoning. Rezoning of this property as proposed is advisable.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: Staff finds this proposal will not create or appreciably increase traffic danger and congestion, with the street improvements recommended.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: Staff finds that in evaluating this proposal, the population density would undoubtedly increase from that which currently exists, and that the commercial uses proposed would create additional demand on public services. Staff finds, however, that the load created on public services is not an undesirable or detrimental impact, with the improvements as recommended by staff for this project.

Engineering: Public water is located adjacent to the site. There are waterlines along Wedington, Broyles, and 46th. Water service will need to be extended through the property at the time of development.

Sanitary sewer is available adjacent to the site. Sewer service will need to be extended within the property at the time of development. Improvements to the sewer system may be required dependent upon the demand placed by the development.

The site has access to Wedington Drive, Broyles Avenue, and 46th Street. Wedington Drive is under construction to be an improved 4 lane state highway in this location, Broyles Avenue is an improved two-lane road, and 46th Street is an unimproved local street adjacent to this property. Staff is recommending improvements to the public streets as reflected in the conditions of approval.

Standard improvements and requirements for drainage will be required for the development.

Police: It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter population density and will not create an undesirable increase on police services. The Police Department expressed similar concerns with the curb cuts onto Wedington Drive as the Planning and Engineering Divisions.

Fire: The subject property is located 1 mile from the Station No. 7 located at 835 Ruppel Road with an expected response time of 2.25 minutes. No adverse impacts on call volume or response time are anticipated.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed

zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

R-PZD 07-2576

WOODSTOCK COMMUNITY

**Staff Recommended Alley Width Cross Section
Updated After July 23, 2007 Planning Commission**

From: "Evan Niehues" <eniehues@appiancenterfordesign.com>
To: "Andrew Garner" <agarner@ci.fayetteville.ar.us>, "Jeremy Pate" <jpate@ci.fayetteville.ar.us>
Date: 8/1/07 7:53AM
Subject: Woodstock Alleys

Jeremy and Andrew,

Here are the alley exhibits we talked about. Please, keep in mind most of the templates are shown from the edge of the garage not where they will actually be parked in the garages. For a more accurate view of a parked car next to a backing up car see Exhibit 4 T-02/T-03 and Exhibit 2 T-64. Most views are of two cars backing up next to each other. Also, the part that seems to be cut out of the asphalt will actually be stamped asphalt to delineate the driving lane.

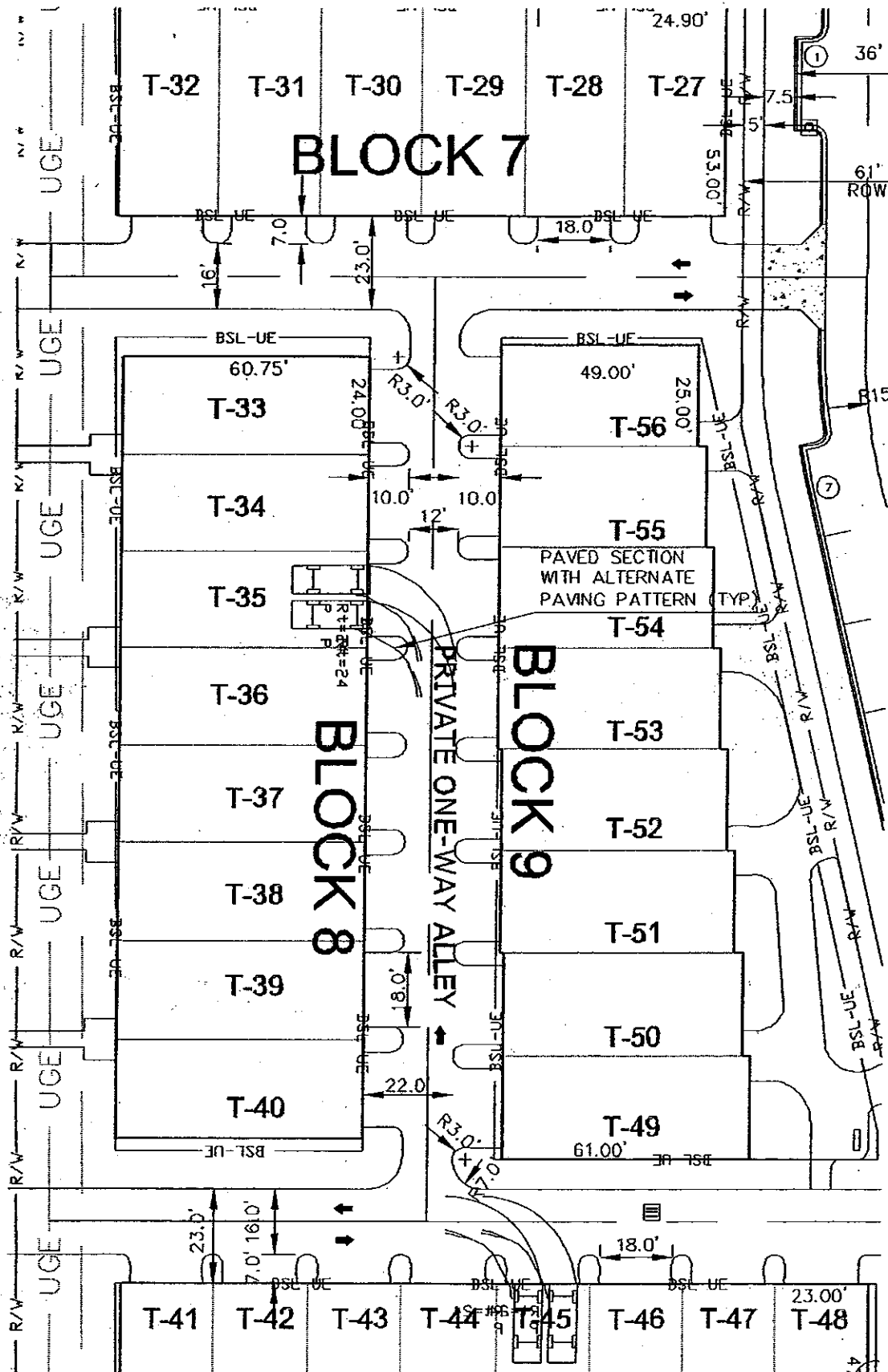
Thank you,

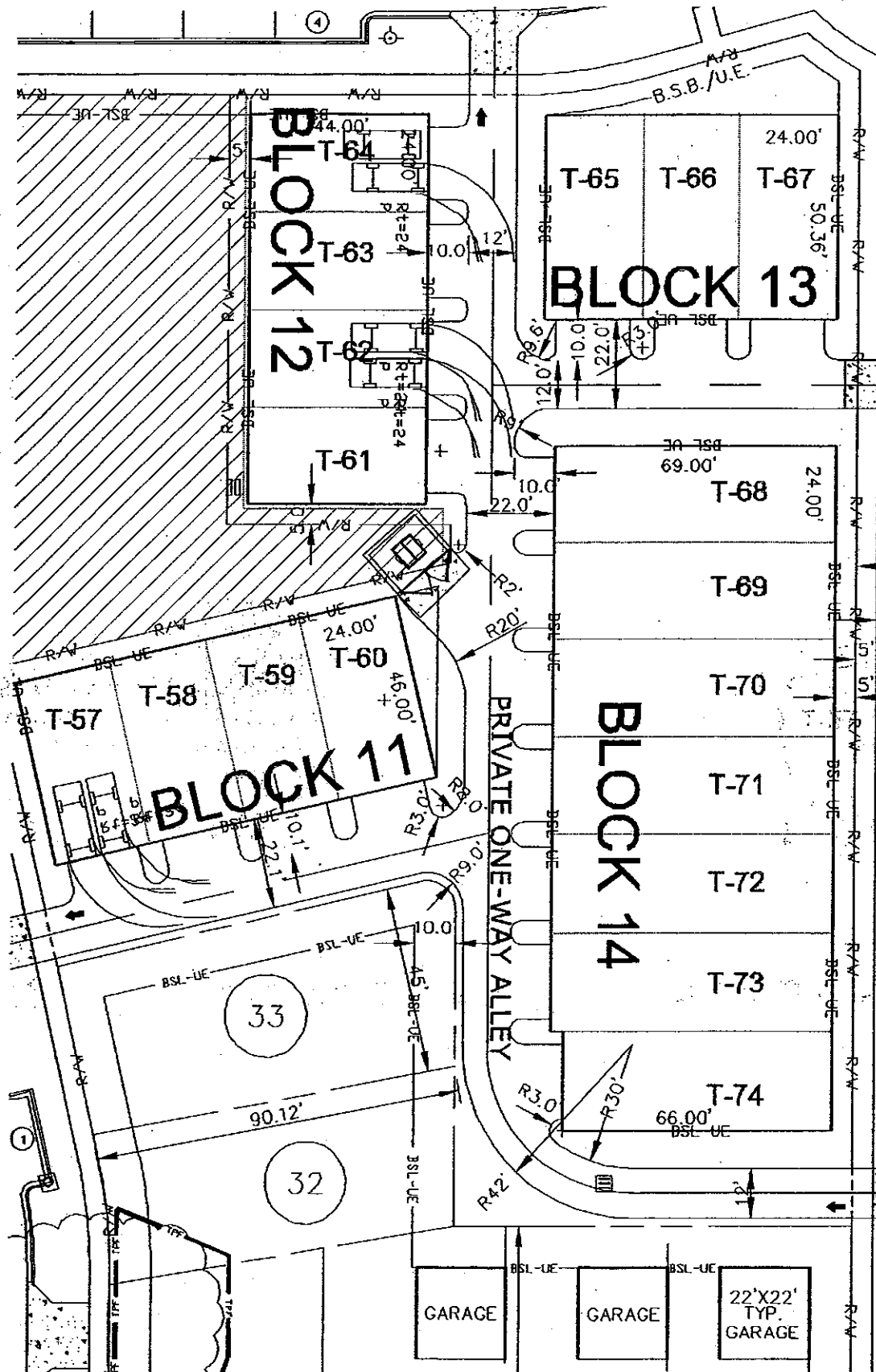
Evan Niehues

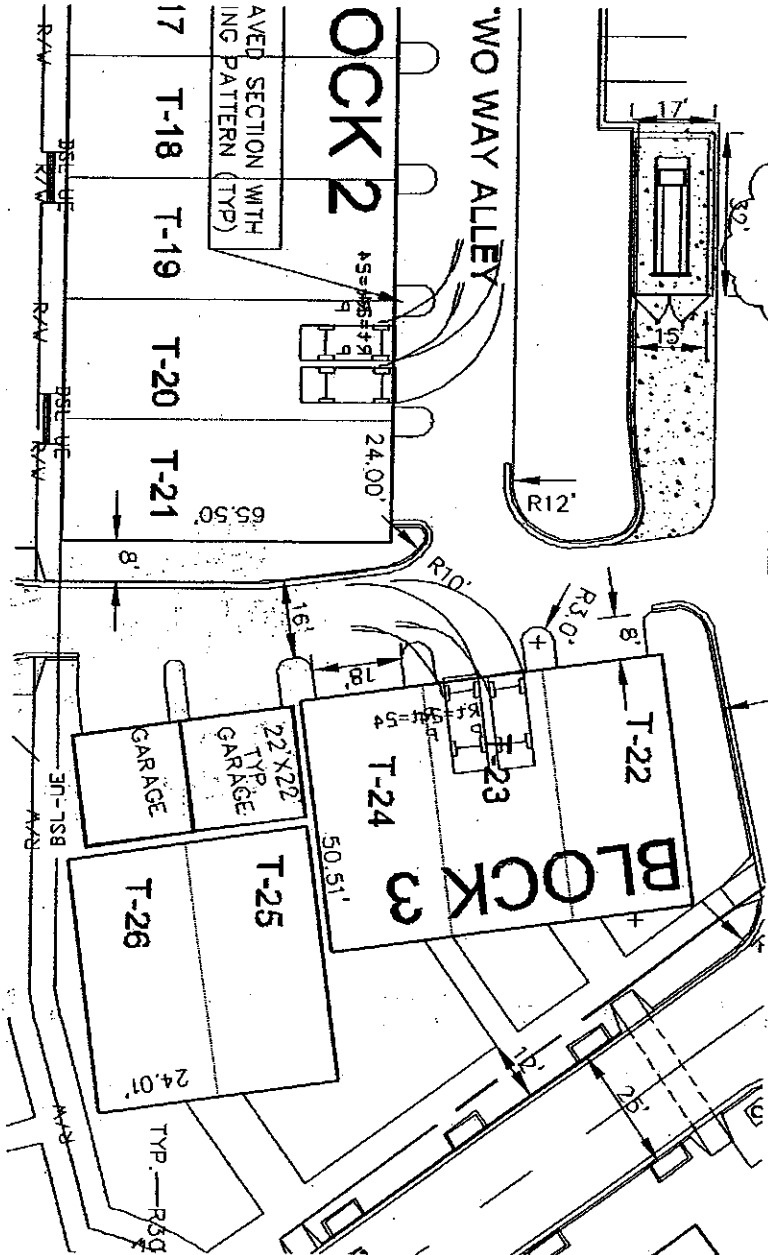
Appian Centre IV Design, Inc

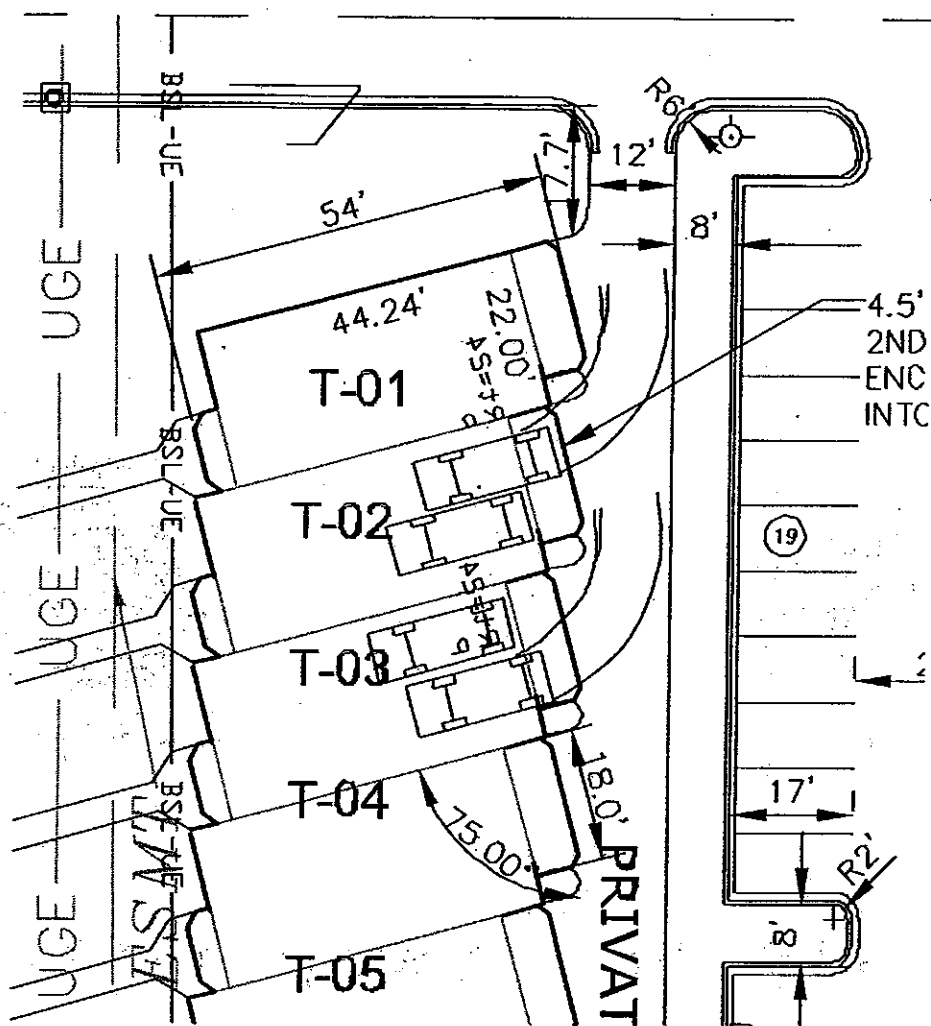
Phone: (479) 445-6009

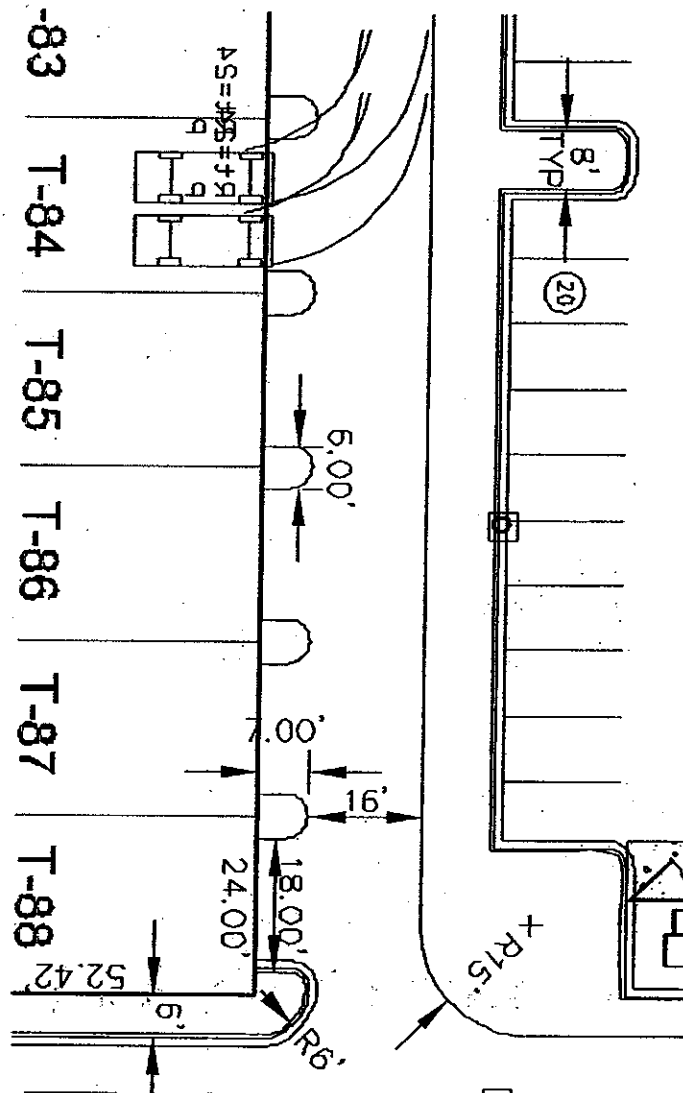
Fax: (479) 445-6050

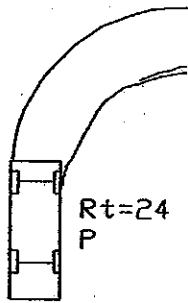




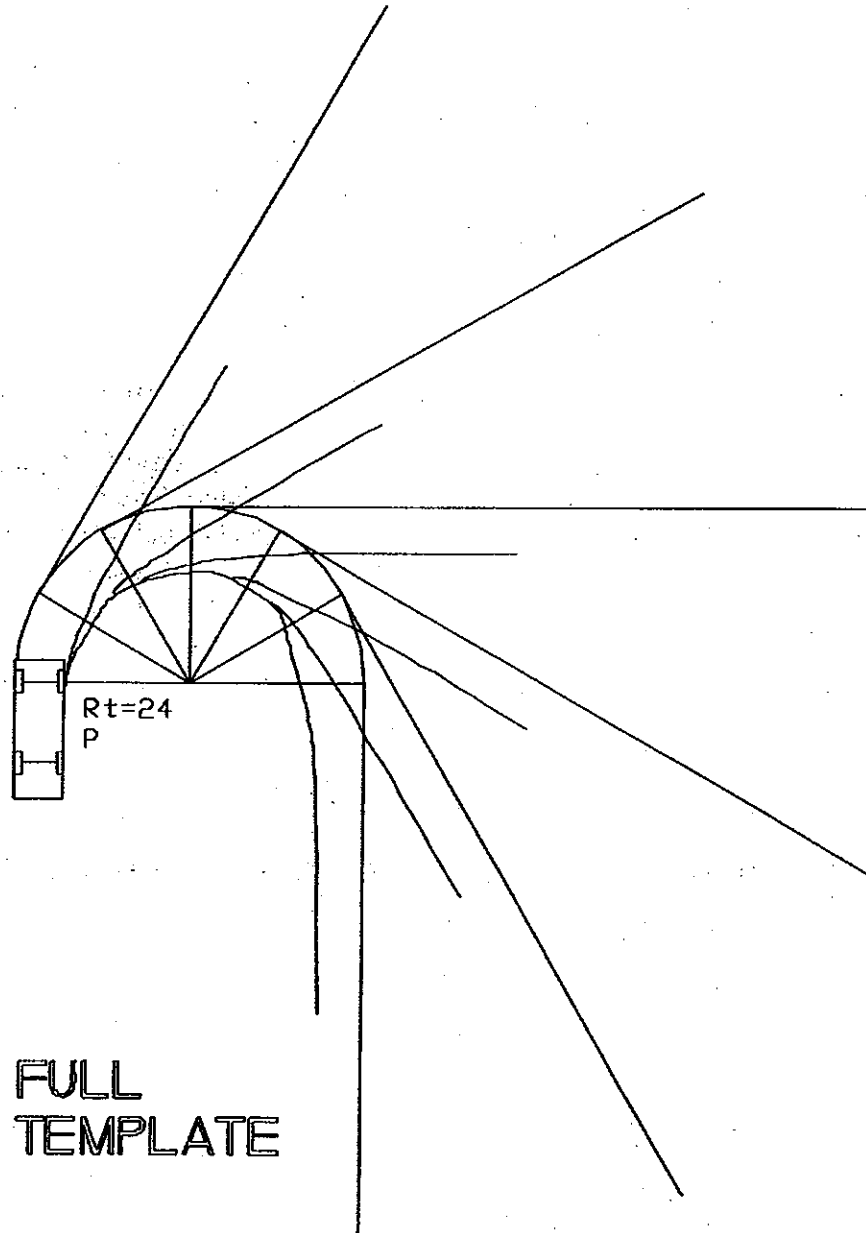








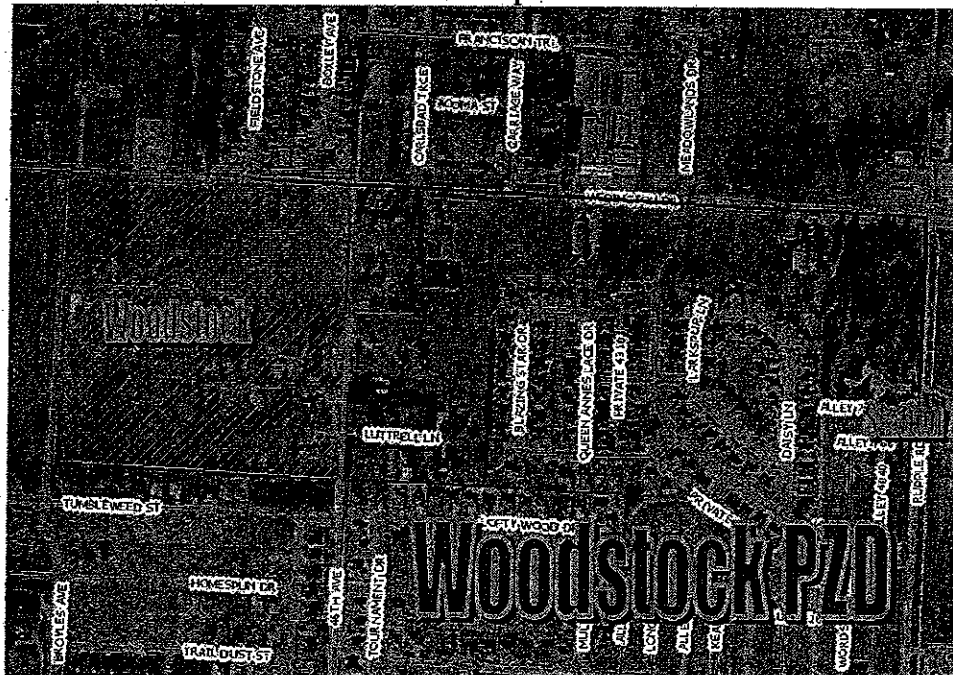
7' x 19' TRAFFIC TEMPLATE EQUIVALENT TO FULL-SIZE EXTENDED CAB CHEVY PICK-UP



FULL
TEMPLATE

MEMO

The Fire Department anticipates 87 (53 EMS & 34 Fire/Other) calls for service per year once the development is completed and maximum build-out has occurred. We do not calculated calls for service in Commercial Space but typically this will not affect our Call Volume. The development is to be constructed in 7 phases over an 8 year time frame and should not affect our call volume or response times.



Captain Dale Riggins
Fayetteville Fire Department



PC Meeting of July 23, 2007

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 444-3470

LANDSCAPE REVIEW FORM

To: City of Fayetteville Planning Commission

From: Sarah K. Patterson, Urban Forester

Date: July 17, 2007

ITEM #: R-PZD 07-2576: Planned Zoning District (Woodstock Community)

Applicable Requirements:

Y	Site Development & Parking Lot Standards
NA	T-540 Design Overlay
Y	Street Tree Planting Standards
Y	Stormwater Facilities

Plan Checklist:

Y= submitted by applicant

N=requested by City of Fayetteville

NA= not applicable

Preliminary Submittal	Final Submittal	
		All Landscape Plans
Y	Y	Irrigation notes either automatic or hose bib
Y	Y	Species of plant material identified
Y	Y	Size of plant material at time of installation indicated
Y	Y	Soil amendments notes include that soil is amended and sod removed
Y	Y	Mulch notes indicate organic mulching around trees and within landscape beds
N	N	Plans stamped by a licensed Landscape Architect
Y	Y	Planting details according to Fayetteville's Landscape Manual
		Site Development & Parking Lot Standards
Y	Y	Wheel stops/ curbs
Y	Y	Interior landscaping Narrow tree lawn (8' min width, 17' min length/ 1 tree per 12 spaces) Tree island (8' min. width/1 tree per 12 spaces)

Preliminary Submittal	Final Submittal	
Y	Y	Perimeter landscaping <i>Side and rear property lines (5' landscaped)</i> <i>Shade trees as described in street tree planting standards,</i> <i>Parking lot adjacent to R.O.W.- continuous planting of shrubs-at least</i> <i>8 per tree- and ground cover -50% evergreen)</i>
		Overlay District Requirements
NA		Greenspace adjacent to street R.O.W. (25' wide)
NA		Large street trees planted every 30' L.F. along R.O.W.
NA		25% of total site area left in greenspace (80% landscape)
NA		Parking lots and outdoor storage screened with landscaping
		Street Tree Planting Standards (time of P. or permit)
Y	Y	Residential Subdivisions- 1 large species shade tree/ lot tree <i>planted within R.O.W. if possible</i>
Y	Y	Nonresidential Subdivision- 1 large species shade tree/30 L.F. <i>tree planted within 15-25' greenspace</i>
NA		Urban Tree Wells-urban streetscape only-8foot sidewalk
NA		Structural Soil-if urban wells are used, a note or detail of structural <i>soil must be indicated on the landscape plan</i>
NA		Timing of planting indicated on plans (subdivisions only)
N	Y	Written description of the method for tracking plantings
		Stormwater Facilities (time of P. or permit)
N	Y	1 deciduous or evergreen tree/ 3000 square feet
N	Y	4 large shrubs (3 gal) or small trees / 3000 square feet
N	Y	6 shrubs or grasses (1 gal) / 3000 square feet
N	Y	Ground cover unless seed or sod is specified
N	Y	50% of facility planted with grass or grass like plants

Findings

- Staff finds in favor of the waiver for greenspace. Currently Chapter 177 requires street trees to either be planted in a 15 foot greenspace or within an urban streetscape option utilizing tree grates. The applicant is proposing to plant the trees within a 7 foot greenspace between the sidewalk and the curb. Staff feels this space is adequate for tree growth and a superior environment to that found within a sidewalk. This waiver will meet the intent of the ordinance in supplying a tree lined street to encourage a walkable environment.

Conditions of Approval:

1. Before construction plan approval, the landscape plan must be stamped by a licensed landscape architect with the state of Arkansas.
2. Prior to building permit, a cost estimate for all required landscape is to be submitted to the Urban Forester for review. Once approval

is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy.

- 3. Under Landscape Regulations Chapter 177, street trees must be bonded for a 3 year period. This bond is for the maintenance of the trees. This amount must be deposited with the City before issuance of a final certificate of occupancy.**



113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 444-3472

THE CITY OF FAYETTEVILLE, ARKANSAS

TO: Andrew Garner, Planner
FROM: Carole Jones, Park Planner
DATE: July 10, 2007
SUBJECT: Parks & Recreation Subdivision Committee Review Comments

Meeting Date: July 12, 2007
Item: PZD 07-2576 Woodstock Community
Park District: SW
Zoned: R-A
Billing Name & Address: Nock-Broyles Land Development
4921 Clear Creek Blvd., Fayetteville, AR 72704
PH: (479) 283-9545

Current Land Dedication Requirement

Money in Lieu

Single Family	_____	@ .024 acre per unit = _____ acres	_____ @ \$960 per unit = \$ _____
Multi Family	328	@ .017 acre per unit = 5.57 acres	_____ @ \$680 per unit = \$ _____

COMMENTS:

- PRAB reviewed this project on March 15, 2007 and made a recommendation of accepting 6.87 acres of park land (the total amount required for the complete development including the future 54 single family lots) offsite along the south side of Owl Creek commencing at Broyles Ave. The required park land dedication for the current development request is 5.57 acres.
- A deed for the land must be submitted to the city land agents for review and filed at the County. A copy of the filed deed must be provided to Parks prior to issuance of building permits.
- Parks will review each phase as it is submitted for large scale development review.



PLANNING
LANDSCAPE ARCHITECTURE
URBAN DESIGN
ENGINEERING

APPIAN CENTRE FOR DESIGN

July 17th, 2007

Mr. Jeremy Pate and Mr. Ron Petrie
City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701

Proposal #2

RE: Woodstock Community Traffic Signal Assessment and 46th St. Street improvements

The following is Appian Centre for Design's proposal to the City of Fayetteville for a traffic signal at the intersection of N. Broyles Ave and Wedington Dr. and street improvements for N. 46th Street.

Intersection of Broyles Avenue and Wedington Drive Traffic Light: Appian Centre for Design proposes that the Woodstock Community project be assessed half (\$62,500 of \$125,000) of the costs for construction of a new traffic signal to be located at the intersection of N. Broyles Ave. and Wedington Drive. We are requesting that the associated fees be staggered proportionally (1/3 of the assessment paid at each phase) through the first three phases.

Phase 1:	\$20,833.34
Phase 2:	\$20,833.33
Phase 3:	\$20,833.33

Total Cost: \$62,500.00

N. 46th Ave Improvements: Nock-Broyles Land Development will be funding and installing improvements on the west and east side of 46th street along approximately 680 LF bordering the Woodstock Community. Improvements to N. 46th Ave. will occur during construction of Phase I.

*The City of Fayetteville assumes all responsibility for acquiring necessary right of ways and realigning necessary utilities along N. 46th Ave.

Sincerely,

Todd Jacobs
Appian Centre for Design, Inc.
Director of Design
One East Center Street Suite. 212
Fayetteville, AR 72701
Phone: 445-6009
Fax: 445-6050

Proposal #2
QD



PLANNING
LANDSCAPE ARCHITECTURE
URBAN DESIGN
ENGINEERING

APPIAN CENTRE FOR DESIGN

Proposal #1
(84)

June 14, 2007

Mr. Ron Petri and Mr. Jeremy Pate
City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701

RE: Woodstock Community Traffic Signal Assessment and 46th St. Street improvements assessment

The following is Appian Centre for Design's proposal to the City of Fayetteville for a traffic signal at the intersection of N. Broyles Ave and Wedington Dr. and street improvements for N. 46th Street.

Concerning the intersection of Broyles Avenue and Wedington Drive, Appian Centre for Design proposes that the Woodstock Community project be assessed for a percentage of the construction costs proportional to the traffic generated from this development for construction of a new traffic signal to be located at the intersection of N. Broyles Ave. and Wedington Drive. This proposal is based upon the relatively small percentage of traffic generated from the Woodstock Community entering this intersection.

Concerning 46th street... Nock-Broyles Land Development will be funding and installing improvements on the west side of 46th street bordering the Woodstock Community, however we request the City of Fayetteville cost share 50% in the of improvements to the east side of 46th street. Appian Centre for Design also proposes the Woodstock Community project not is assessed any costs for construction of street improvements south of the projects property line based on the minimal traffic volumes generated by the Woodstock Community.

Woodstock Projected Traffic for Full Build Out = 5,844 vpd

- 27% (1,578) of Woodstock-generated traffic will use the intersection of Broyles and Wedington
- 35% (2,045) of Woodstock-generated traffic will use N. 46th going north to Wedington Drive.
- 5% (292) of Woodstock-generated traffic will use N. 46th going south from Woodstock.

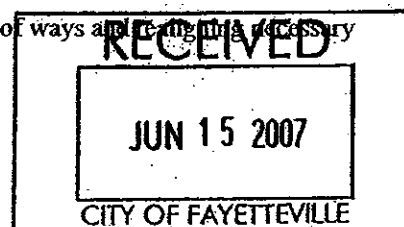
Traffic Signal Assessment

Probable Costs of Traffic Signal Plus Intersection Improvements	= \$150,000
Projected traffic from full build-out of Phase I using Traffic Signal	= 1578 vpd
Minor Arterial traffic capacity	= 14,800 vpd
% traffic from full build out	= 11%
Woodstock Community Signal Assessment Costs	= \$16,000

N. 46th Ave Assessment on East Side North of N 87° 05' 38" W

Probable Costs for East Side of 46 th Ave. North of N 87° 05' 38" W	= \$55,000
Projected traffic using 46 th Ave. bordering property	= 2,045 vpd
Local street traffic capacity	= 4,000 vpd
% traffic from full build-out	= 51%
Woodstock Community 46 th Ave Assessment Costs after 50% cost share	= \$27,500

*The City of Fayetteville assumes all responsibility for acquiring necessary right of ways and engineering necessary utilities

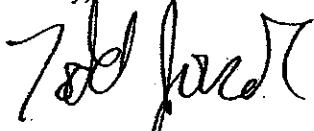


Construction of the Woodstock Community is expected to take approximately 2 to 8 years. As the improvements will occur over time, we are requesting that the collection of the associated assessment fees be staggered per construction phase to better account for the true time of impact. Construction to improvements along the west side of N. 46th Ave is to occur at time of construction to Phase II.

Woodstock Community Total Assessment

= \$43,500

Sincerely,



Todd Jacobs
Appian Centre for Design, Inc.
Director of Design
One East Center Street Suite, 212
Fayetteville, AR 72701
Phone: 445-6009
Fax: 445-6050



PLANNING
LANDSCAPE ARCHITECTURE
URBAN DESIGN
ENGINEERING

APPIAN CENTRE FOR DESIGN

July 16th, 2007

Jeremy Pate
Director of Current Planning
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

RE: Woodstock Community Phasing Plan

CC: [REDACTED] Assistant City Engineer
Matt Casey P.E.

Mr. Pate,

Appian Centre for Design would like to propose the following phasing plan for the construction of the Woodstock Community:

Phase 1: Permits will be pulled within one year of Fayetteville City Counsel approval. Construction will be completed within two and one half years of approval.

Phase 2: Permits will be pulled within two years of Fayetteville City Counsel approval. Construction will be completed within three and one half years of approval. Improvements to the west side of 46th Ave. will be completed in phase two.

*Payment for the traffic signal at the intersection of Broyles Ave. and Wedington Dr. will be split proportionally (according to number of units) between phases one and two.

Phase 3: Permits will be pulled within three years of Fayetteville City Counsel approval. Construction will be completed within four and one half years of approval.

Phase 4: Permits will be pulled within four years of Fayetteville City Counsel approval. Construction will be completed within five and one half years of approval.

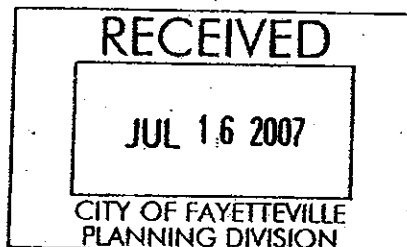
Phase 5: Permits will be pulled within five years of Fayetteville City Counsel approval. Construction will be completed within six and one half years of approval.

Phase 6: Permits will be pulled within six years of Fayetteville City Counsel approval. Construction will be completed within seven and one half years of approval.

Phase 7: Permits will be pulled within seven years of Fayetteville City Counsel approval. Construction will be completed within eight years of approval.

Sincerely,

Todd Jacobs
Appian Centre for Design, Inc.
Director of Design
One East Center Street Suite. 212
Fayetteville, AR 72701
Phone: 445-6009
Fax: 445-6050





PLANNING
LANDSCAPE ARCHITECTURE
URBAN DESIGN
ENGINEERING

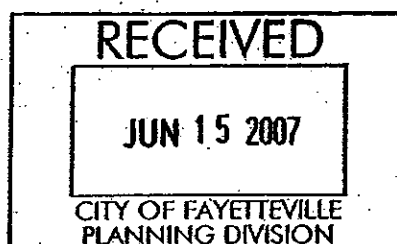
APPIAN CENTRE FOR DESIGN

June 14th, 2007

Jeremy Pate
Director of Current Planning
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

RE: Woodstock Community

CC: Glen Newman P.E. Staff Engineer
Andrew Garner Senior Planner
Matt Casey P.E. Assistant City Engineer



Mr. Pate,

Appian Centre for Design is writing to request waivers granting permission to:

1. Construction curb return radii (CRR) of 20' on all interior street and alley intersections
2. Implementation of street cross sections different than those required by the current Master Street Plan standard with regards to street width, greenspace, and sidewalk width.
3. Waiver for a minimum centerline curve radius on Street Four of 31.5
4. The option to use 18" curb versus the standard 24" curb

Please consider the following as grounds for granting the waivers:

1. The request is to allow a 20' curb return radius (CRR) at all interior street intersections in order to reduce the speed of turning automobiles and to reduce the in-street walking distance required for pedestrians crossing the street. Excessive CRR allows traffic to take turns too fast, raising the design speed of streets to levels that are uncomfortable and unsafe to pedestrians. A 20' CRR will create a safe pedestrian environment that promotes walking and pedestrian safety.

No above ground obstructions, such as fire hydrants, street lights, trees or traffic signs will be permitted within fifteen feet (15') of an intersection of streets. Along with the reinforced curbs and no parking zones designed to allow apparatus to utilize curbs for their turning needs if the roadway is otherwise restricted.

2. This request is for a waiver granting permission to implement street cross sections with the following conditions: 10 feet driving lanes, 7.5 feet wide parallel on-street parking, 1.5 feet of curb and gutter, 7 feet of green space or greater, and five feet sidewalks. The current Master Street Plan Cross sections were created in regards to RS-4 development. Appian Centre for Design believes that for the Woodstock Community to be successful

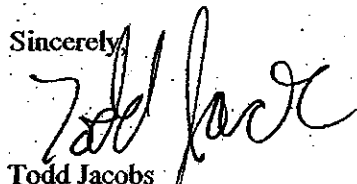
as a Traditional Neighborhood it must adopt street sections that lend toward a more compact, safer, and pedestrian friendly environment.

On-street parking will provide pedestrians with a feeling of separation from moving traffic along the street not obtained with greenspace. A greenspace of seven feet has proven adequate for proper tree growth in community developments throughout the United States and will prove a welcome alternative to the urban tree well with regards to the desired aesthetic quality along public streets within the Woodstock Community. A seven and a half feet parallel parking space will serve adequate for typically sized automobiles to be parked along the Woodstock Community's residential streets. A five feet sidewalk is wide enough for two large adults to walk abreast of each other on.

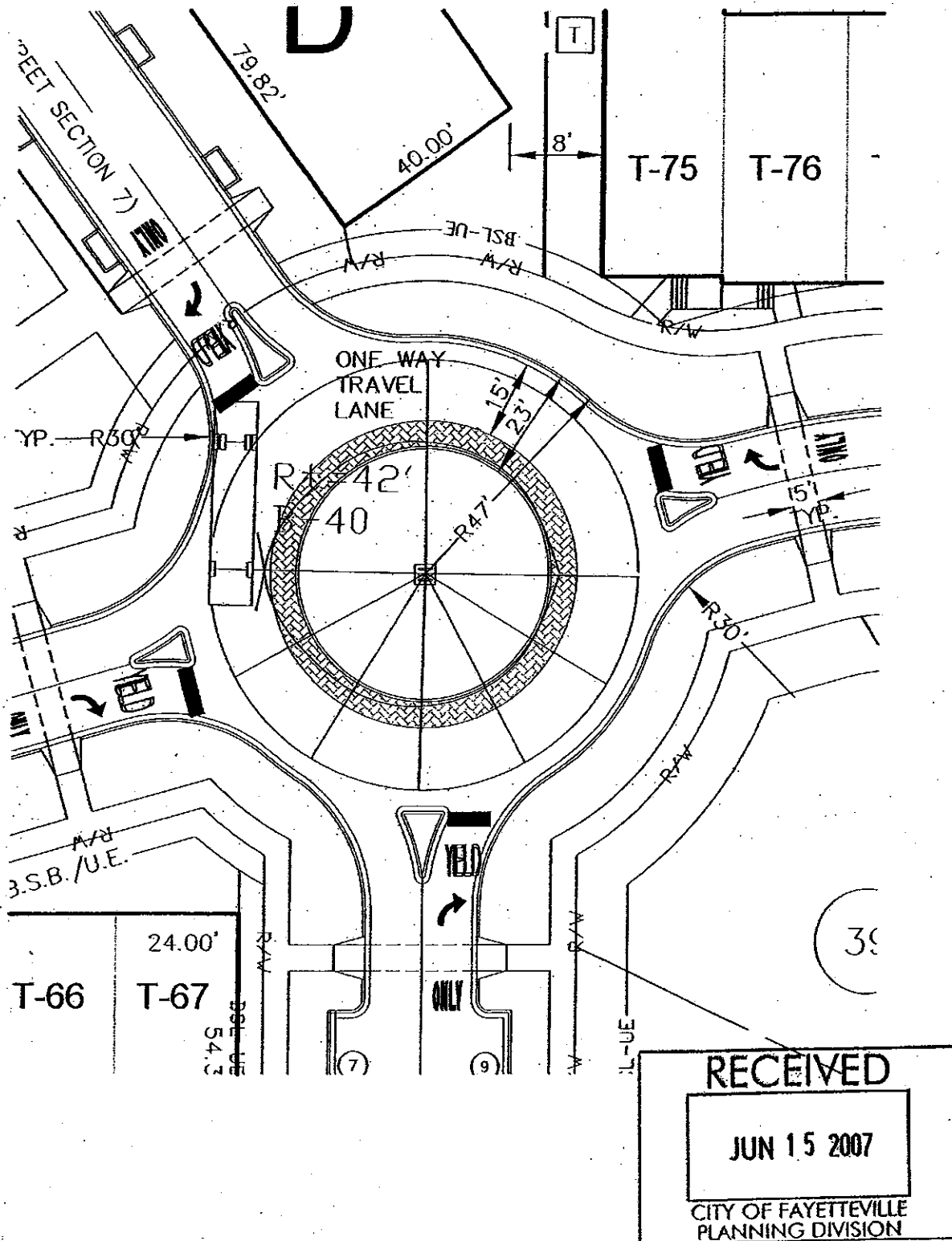
3. Due to site constraints, we are proposing a 31.5' centerline radius on Street Four. This radius will prove adequate for the small amount of residential traffic on the street along with any service or emergency vehicles that will require access into the rear of the Woodstock Community.
4. An 18" curb versus a standard 24" curb uses less concrete and is consistent with traditional neighborhood design in which aesthetics play a large role.

Thank you for your time in considering this matter. I look forward to hearing from you. If you have any comments or questions, please do not hesitate to contact me.

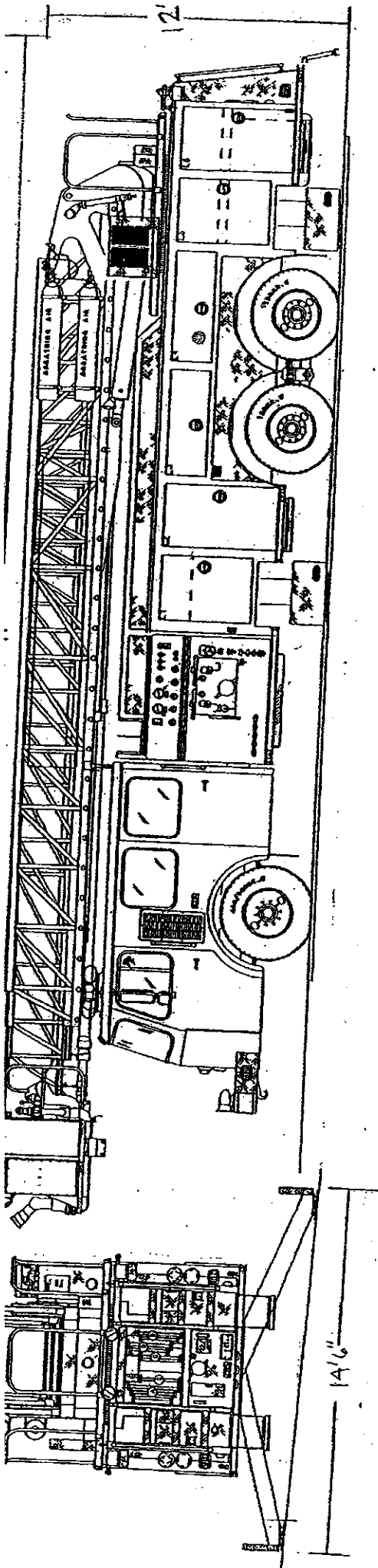
Sincerely,



Todd Jacobs
Appian Centre for Design, Inc.
Director of Design
One East Center Street Suite. 212
Fayetteville, AR 72701
Phone: 445-6009
Fax: 445-6050



FAYETTEVILLE'S LARGEST FIRE TRUCK

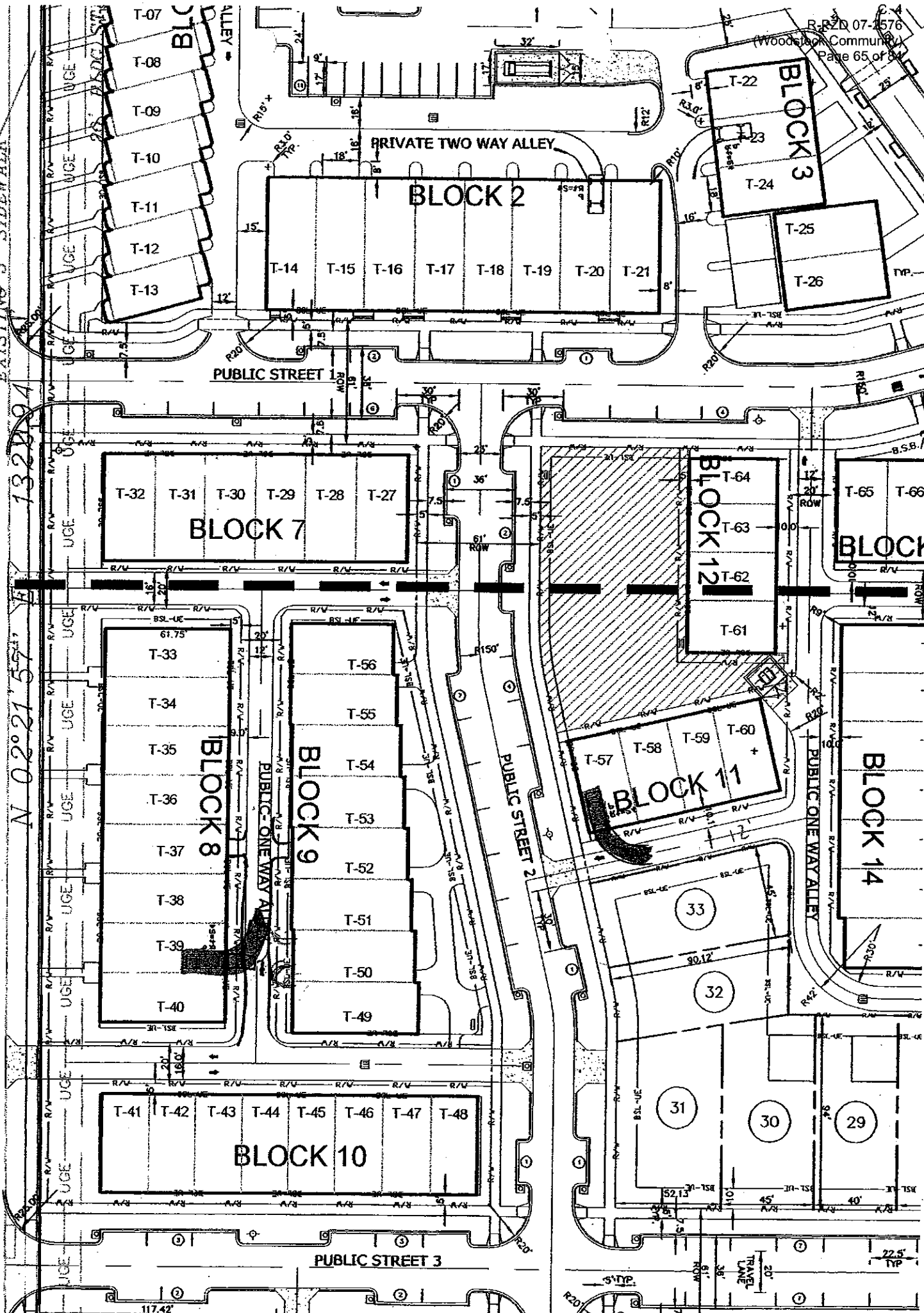


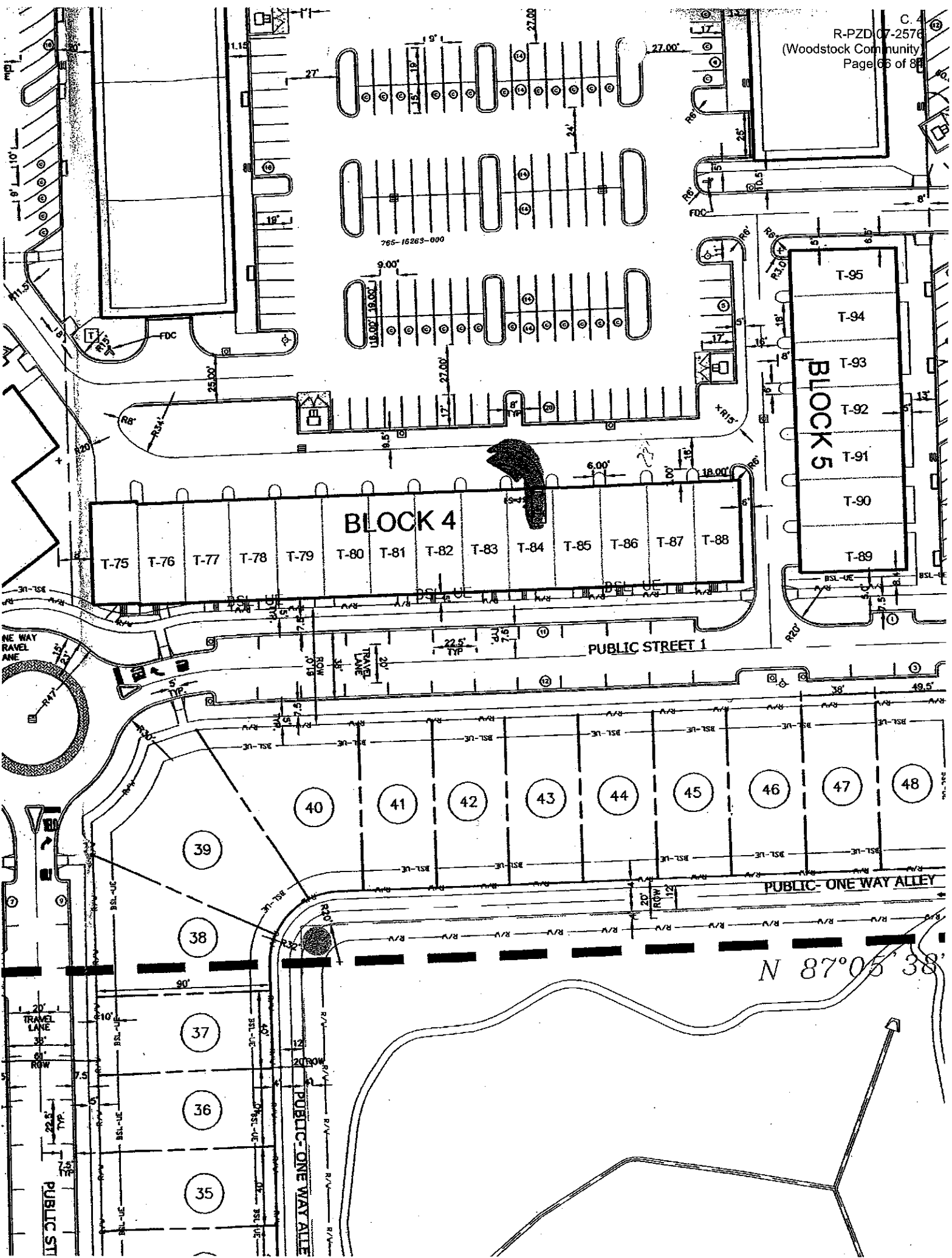
95' Platform Ladder
Vertical Height: 92 ft.
Horizontal Reach: 80.8 ft.
Wheel Base: 245 in.
Vehicle Length: 45 ft. 11 in.
Vehicle Height: 12 ft.
Turning Radius: 40 ft.
Vehicle Weight: 70,000 - 75,000 lbs.

EXISTING 5' SIDEWALK

1322094

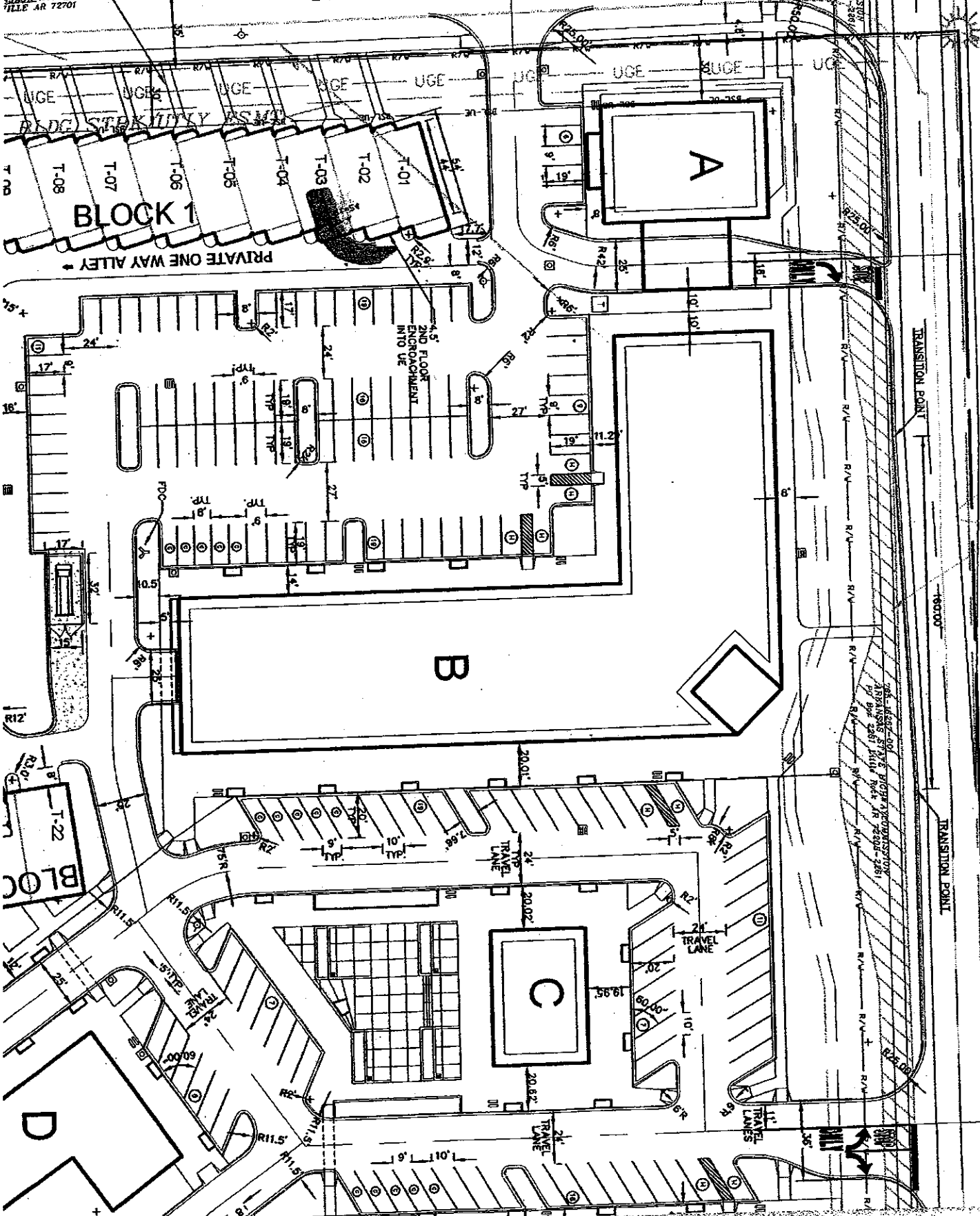
N 02°21'59"





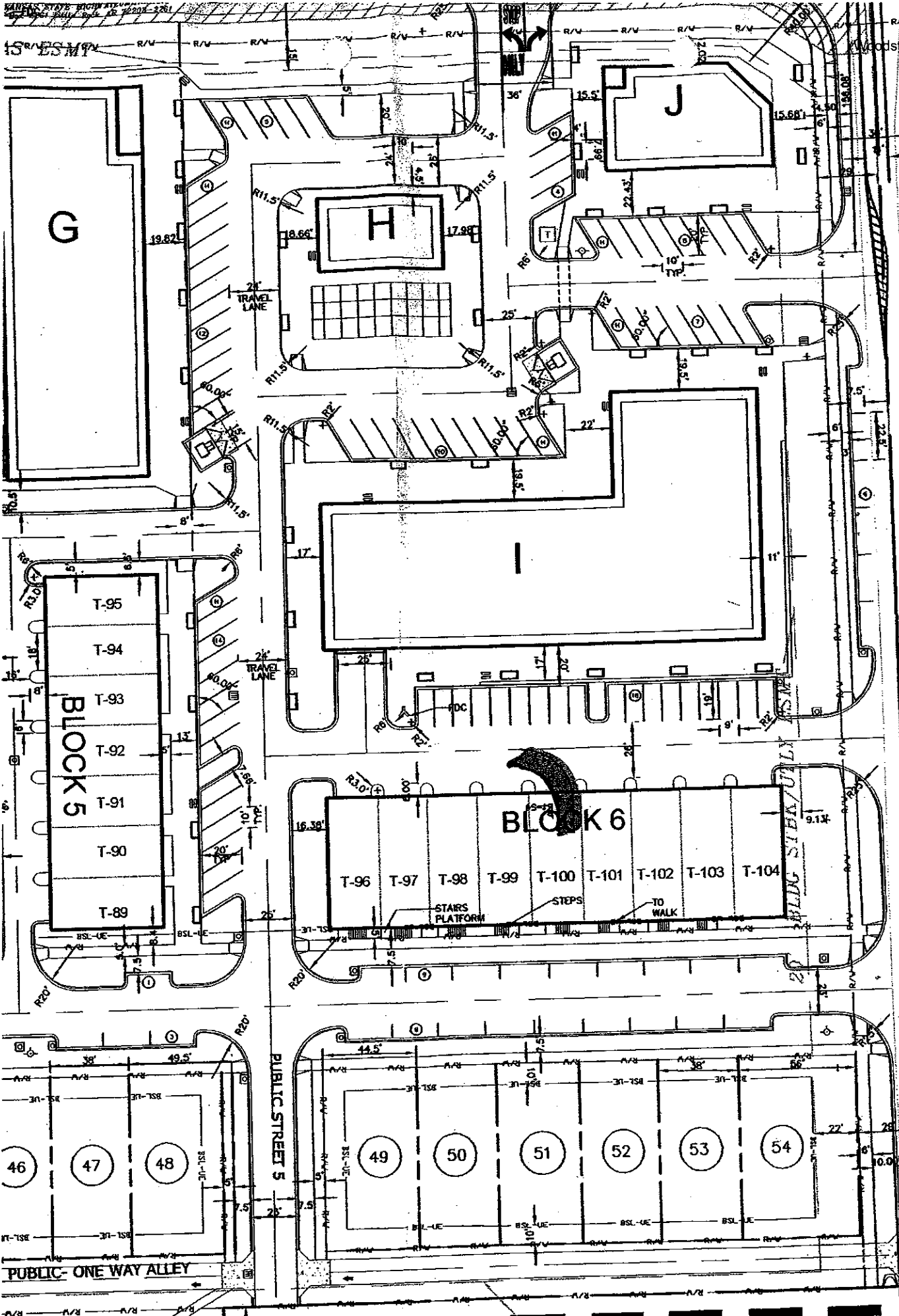
VSASA MUNICIPAL CORPORATION
FILE AR 72701

N. BROYLES AVE.



785-0042347
ARIZONA STATE HIGHWAY COMMISSION
FILE # 2005-00042347

S 87°05'38" E 1305.70'



S 02°21'43" W 660.00' N. 46TH AVE



PETERS & ASSOCIATES
ENGINEERS, INC.

July 10, 2007

Mr. Evan Niehues
Appian Centre for Design
1 East Center Street
Fayetteville, AR 72701

Re: P1251
Woodstock Development
Fayetteville, Arkansas
Alley Turning Movement Geometry Comments

Dear Mr. Niehues:

Peters & Associates Engineers, Inc. reviewed the alley turning movement geometry for the proposed Woodstock Development site plan provided by Appian Centre for Design on July 2, 2007. We offer the following recommendations to enable more safe and efficient access to residential units adjacent to the alleys:

- Shift townhouse T-01 south ten feet to allow adequate room to back into the alley without entering the travel lane to the north.
- Change the radii on U-shaped islands between townhouse driveways to three feet. These islands should not obstruct the view on T-01 to T-13.
- Change alley south of TH-27 to TH-29 from one-way to two-way.

It was found that the other alley setbacks will provide adequate access to the residential units they serve.

If you have any questions or need additional information, please contact us.

Sincerely,
PETERS & ASSOCIATES ENGINEERS, INC.

Gregory B. Simmons
Vice-President

Traffic Study

FINAL RESULTS:			Traffic Signal Warrants Analysis						
Projected Conditions			Hour warrant was met:						
Major St.:	Wedington Drive		VOLUME		COMB.		4 Hr.	Peak	
Minor St.:	N. 46th Ave.		600	900	480	720			
			150	75	120	60			
HOUR	SUM MAJOR	MAX. MINOR	1A	1B	1AB		2	3	
7:00	1431	11	0	0	0	0	0	0	
8:00	958	7	0	0	0	0	0	0	
9:00	951	6	0	0	0	0	0	0	
10:00	998	7	0	0	0	0	0	0	
11:00	965	10	0	0	0	0	0	0	
12:00	996	10	0	0	0	0	0	0	
13:00	1048	10	0	0	0	0	0	0	
14:00	1028	10	0	0	0	0	0	0	
15:00	1219	11	0	0	0	0	0	0	
16:00	1393	11	0	0	0	0	0	0	
17:00	1631	17	0	0	0	0	0	0	
18:00	1316	13	0	0	0	0	0	0	
19:00	1052	11	0	0	0	0	0	0	
20:00	741	8	0	0	0	0	0	0	
21:00	589	8	0	0	0	0	0	0	
			0	0	0		0	0	
This intersection DOES NOT SATISFY the warrants for signalization as outlined in the "M.U.T.C.D."									

Table 7
Traffic Signal Warrants Results
Wedington Drive and
North 46th Avenue
Projected Traffic Conditions.

FINAL RESULTS:			Traffic Signal Warrants Analysis						
Projected Conditions			Hour warrant was met:						
Major St.:	Wedington Drive		VOLUME		COMB.		4 Hr.		Peak
Minor St.:	Broyles Ave.		600	900	480	720			
			150	75	120	60			
HOUR	SUM MAJOR	MAX. MINOR	1A	1B	1AB		2	3	
7:00	1262	26	0	0	0	0	0	0	
8:00	852	16	0	0	0	0	0	0	
9:00	858	14	0	0	0	0	0	0	
10:00	883	19	0	0	0	0	0	0	
11:00	817	22	0	0	0	0	0	0	
12:00	858	25	0	0	0	0	0	0	
13:00	885	23	0	0	0	0	0	0	
14:00	870	23	0	0	0	0	0	0	
15:00	1052	27	0	0	0	0	0	0	
16:00	1207	25	0	0	0	0	0	0	
17:00	1293	33	0	0	0	0	0	0	
18:00	1135	28	0	0	0	0	0	0	
19:00	899	25	0	0	0	0	0	0	
20:00	628	19	0	0	0	0	0	0	
21:00	522	16	0	0	0	0	0	0	
			0	0	0		0	0	
This intersection DOES NOT SATISFY the warrants for signalization as outlined in the "M.U.T.C.D."									

Table 8
Traffic Signal Warrants Results
Wedington Drive and
Broyles Avenue
Projected Traffic Conditions.

RECOMMENDED
SCHEMATIC
LANE GEOMETRY

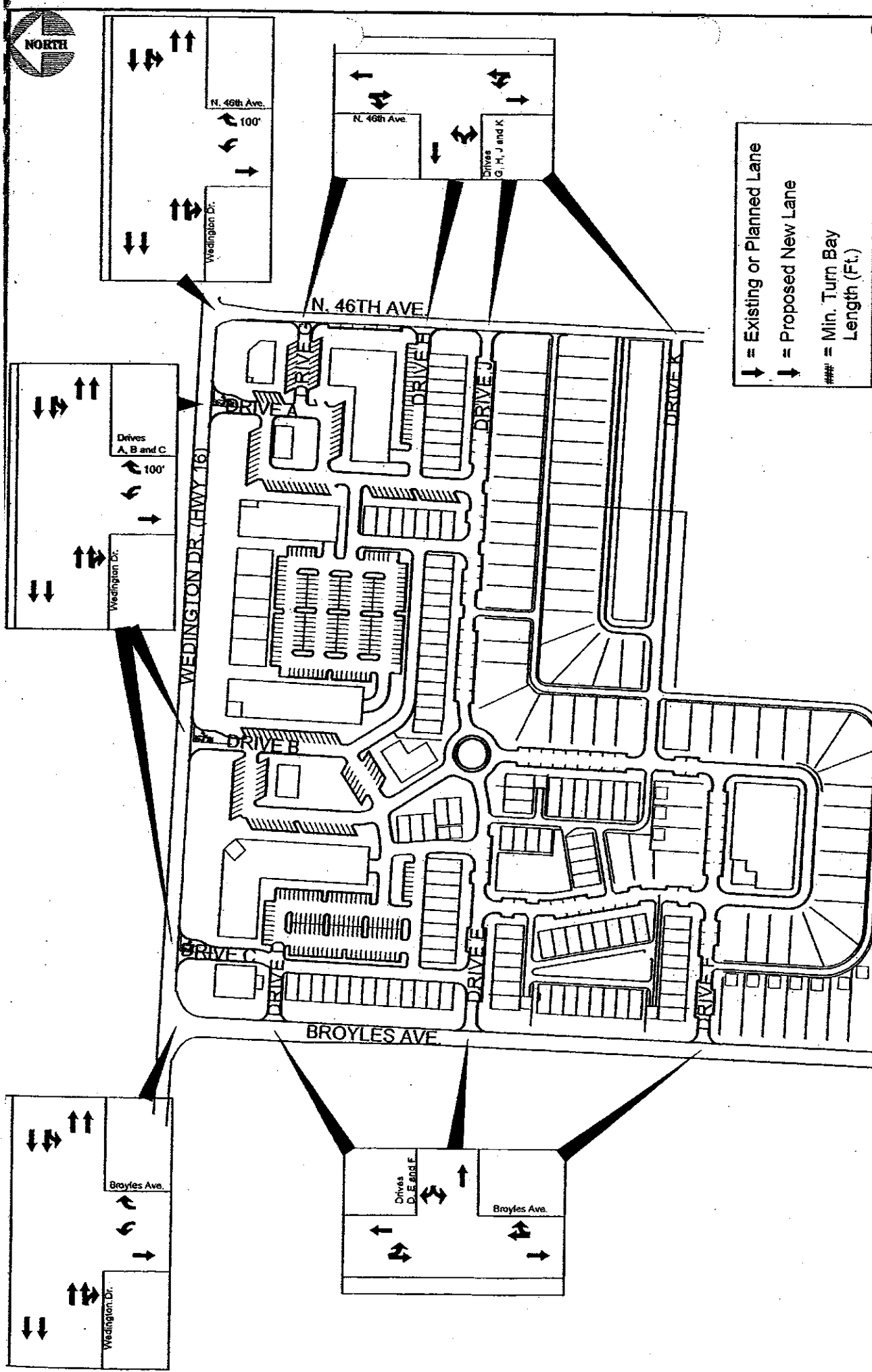
WOODSTOCK COMMUNITY
TRAFFIC STUDY

FAYETTEVILLE, ARKANSAS

PROJECT No. P-1251
DATE: 3-21-2007

PETERS & ASSOCIATES
ENGINEERS, INC.

CIVIL & TRAFFIC ENGINEERING



↓ = Existing or Planned Lane
↓ = Proposed New Lane
= Min. Turn Bay Length (Ft.)

Woodstock Community
07-2576

ADJOINING PROPERTY OWNERS COMMENTS
Return Comments concerning ~~Project~~ ~~to~~
City of Fayetteville Planning Division
125 W. Mountain Street
Fayetteville, AR 72701

- ☐ I have been notified of the above meetings for the described project.
- ☒ I do not object to the project described above.
- ☐ I do object to the project described above because:

UNITY CHURCH OF FAYETTEVILLE

Name of Property Owner (Printed)

Robert A. Borden; BOARD TREAS.

Signature of Property Owner

William Bown - President

ADJOINING PROPERTY OWNERS COMMENTS
Return Comments concerning Holcomb Heights PZD back to
City of Fayetteville Planning Division
125 W. Mountain Street
Fayetteville, AR 72701

- X I have been notified of the above meetings for the described project.
- X I do not object to the project described above.
- _____ I do object to the project described above because:

Name of Property Owner (Printed)

Signature of Property Owner

Paul Marinoni

PAUL MARINONI, JR.
4995 WEDINGTON DRIVE
FAYETTEVILLE, AR 72704-5858

Planning Commission
July 23, 2007
Page 15 of 22

R-PZD 07-2576: Planned Zoning District (WOODSTOCK COMMUNITY, 438): Submitted by APPIAN CENTER FOR DESIGN for property located ALONG W. WEDINGTON DRIVE FROM 46TH TO BROYLES AVENUE. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 28.90 acres. The request is for re-zoning and land use approval of an R-PZD, Residential Planned Zoning District with 382 dwelling units in mixed use, single family, townhome configuration, 100,390 s.f. of commercial space in mixed use and restaurants in addition to a civic center building and park to be constructed in 7 phases over an 8 year time frame. The request also includes development approval for a portion of the project at this time.

Andrew Garner, Senior Planner, gave the staff report. He described the request, surrounding land uses and street system. The proposed PZD is to create an urban neighborhood with streets designed to be narrow for safety and pedestrian activity. The property is designated as a City Neighborhood Area on the Future Land Use Plan. Waivers are required for narrow street sections. The project is proposed to be developed in seven phases over eight years. Garner discussed staff's recommended street improvements as described in the staff report, and the revised recommendations on street improvements to that presented to the Subdivision Committee. At the Subdivision Committee eight members of the public spoke and were against the project. The City Neighborhood Designation of the site encourages a variety of residential uses. The proposal is consistent with many of the CityPlan 2025 goals. Garner described the site layout describing that the most intense uses including commercial and mixed use are along Wedington Drive, and that the density and intensity reduces away from Wedington, and that the southern portion of the property is wrapped with single family residential uses adjacent to the existing single family neighborhood to the south. The City Police Department provided a memo consistent with staff's recommendations to limit curb cuts onto Wedington for traffic safety reasons. Staff recommends additional alley width on several of the alleys to ensure adequate turning movement. Garner discussed condition of approval No. 4 regarding recommendations to limit and modify the curb cuts as they are proposed. Staff recommends in favor of Commercial Design Standards. Garner also discussed a requested greenspace waiver and gave staff's recommendation for approval of that waiver. Staff recommends that two conditions of approval be added including: No. 36 that the PZD booklet be revised to add a note for a maximum of 60' building height for PA-1 at the street level instead of 70' as proposed; and No. 37 that the PZD booklet be revised to change the setbacks in PA-3 to note that the side setback for Lot 7 shall be 8'.

Commissioner Cabe stated that he is not connected with the development, but has had some business dealings with the development team. These dealings will in no way affect or influence his decision on this project.

Bob Estes (public) had concerns with three main issues: density, infrastructure, and Peters and Associates, Inc. 46th Street is a Local Street and this project will increase traffic on it such that it would be a Collector Street in violation of its current Master Street Plan designation. Density should be based on five factors according to City policy: (1) Density of surrounding development; (2) current zoning designations; (3) urban development goals; (4) natural character of the site; and (5) impact of density on the surrounding properties. This project could meet one out of five of those goals, and would fail on the other four goals. Cannot improve 46th street because it is a Local Street.

Planning Commission
July 23, 2007
Page 16 of 22

In his experience taking several legal depositions of Peters and Associates (the applicant's consultant for the traffic study for this project), Peter's and Associates has never present himself as a traffic engineering expert.

Commissioner Anthes asked Estes to refrain from making personal comments.

Bassam Ziada (public) lives at 723 46th Street and has lived here since 2000. Background in traffic engineering, civil engineering, member of ITE, member of ITE Advisory Board. He discussed several details in the traffic study. The traffic counts were taken on the week of spring break and are therefore not accurate. 65% of traffic generate from the east will be from 46th Street. The applicant and staff recommend a traffic signal cost share at Broyles/Wedington. May need one at Broyles, but will certainly need one at 46th Street. The applicant is not showing any trips heading south on 46th Street. 46th Street goes south to Persimmon, and will be used to travel south from this development. He requests to table this item until the applicant provided a traffic study that shows accurate traffic movements. The City doesn't know if Wedington is four or five lanes. He assumed a four-lane section. Water that never came from the north will now come through the detention pond in the south portion of this property from the Highway Department improvements. This project is not compatible with the neighborhood. 100,000 square feet of retail/commercial and four-story building will be the highest on the west side of I-540 besides the Holiday Inn. He requests this item be tabled until actually have good information regarding the traffic impacts to Wedington. How many trips will be generated from the Links? 16,000 or 28,000?

Valerie Bandera (public) is a Fieldstone Neighbor to the north. She likes the project, looks like a City neighborhood. But she doesn't want to live near a city neighborhood area, residential fits in best. She is concerned about the commercial development and types of shops, buildings. She doesn't want a replication of Dickson Street with noise and other problems, etc. She is concerned about four stories looking into her backyard. She will have to rely on compassion and mercy of developers to not put in offending business. She realizes a grocery, gas station, apartment complex could go in on 46th Street, a very narrow road. She likes the limited number of curb cuts onto Wedington, in favor of that. Please consider the existing residents.

Jim Gurlock (public) lives on Lofty Wood Drive. Urges to vote against. Wishes all planning commissioners were neighbors. They would feel the same. No affordable housing in this project. Persimmon is a free way. 46th will be a mess with this project.

Craig Hanshell (public) 4555 Wedge Drive. He talked with neighbors and found recurring issues: property value, crime, traffic. Meadowlands at 9 PM – crime. Girls Gone Wild bus was ran out last year. Persimmon Place and Ruppel Row developments. A development like this will strip away the only thing he can call his own. Condominiums for families? He has lived on the west side of town for 13 years, and is an expert. Building an ant hill with this. Persimmon and 46th Street don't have safe passage with sidewalks to get to school. If families are going in, where are students going? Has safety been considered with a police substation? Phasing over 8 years? Persimmon will be a horrible headache. He doesn't understand where traffic is going.

Planning Commission
July 23, 2007
Page 17 of 22

Ben Fuller (public) 620 Mulligan. Wants to voice opposition because of resale value. He saw growth of the school and other development in this area. What better place to live than this area of Fayetteville? The west side of town has always been considered the rental side of town. If assurance could be given that no dwelling would be leased, go for it. But that won't happen.

Public comment was closed.

Hank Broyles (applicant) is a partner in Nock-Broyles Land Development, owners of the project. The city decided with the 2025 plan not to continue RSF-4 and annexing 20,000 acres. They specifically selected this site because of its adjacency to Highway 16, to feed people onto the highway instead of neighborhood streets. They are alley loaded so the streets won't have driveways to create a nice streetscape that will be pedestrian friendly. They need 62 feet for four stories. Have contracted with Live/Learn/Work/Play, Inc. to see what type of mix of uses should be at this site. No strip clubs, adult book stores, etc. Expect one large commercial retail grocery store 20 – 25,000 square feet. All of the other shops will be small (800-1,000 square feet) such as a deli, bakery, clothing stores, cafes, pizza place, banker, dry cleaner. They will target essentials you need to shop for. Research show that these types of developments are attractive to couples, empty nesters, 25-44 year old age group.

Todd Jacobs (applicant) discussed the site location. Need parks system on west side like Wilson Park. They are trying to contribute to that along Owl Creek for a 26-acre park. This development will be with 1/3 mile of a trail linkage to that park, which is within walking distance. They could have proposed a standard strip mall, but wanted to approach the development differently, with deference to the surrounding neighborhood and City Plan 2025. They agree to limit this development to two curb cuts onto Wedington as recommended by staff, when a standard strip commercial would likely have had 6-7 curb cuts. Jacobs presented a powerpoint presentation describing the project.

Commissioner Myres interrupted and asked about the setback off of Wedington and it was clarified by Andrew Garner (senior planner) that the setback is 14' from the edge of the right-of-way.

Jacobs continued that based on research across the country in the past year and a half, this type of development has brought up property values more than any other type of project. This project will improve 46th Street from Wedington south to existing improved street, and will contribute half of the assessment amount for a traffic signal as recommended by staff. It took a lot of work to bring a different type of project, but it is better quality and has hit almost all of the City's guiding policies. They believe this project will benefit that side of town, if not the City as a whole.

Commissioner Lack stated he doesn't see entrances to parking garages on the elevations.

Jacobs discussed grading and how the buildings access to parking garages underground.

Commissioner Trumbo asked about the traffic projected.

Jeremy Pate, Director of Current Planning, stated this development will generate 5,044 average daily trips, based on the traffic study numbers.

Glenn Newman, Staff Engineer, discussed that with the projected traffic for development in the area the vehicle trips will exceed the design service volume of a five-lane roadway, as indicated in the Master Street Plan.

Commissioner Trumbo asked staff to explain a Local Street.

Pate explained that a Local Street can be and usually is a through street. Cut-through traffic should be discouraged. Nothing in City policy or ordinance forbids a Local Street from being a through street. Pate described that streets in a typical subdivision are usually Local Streets.

Kit Williams, City Attorney, stated that the Master Street Plan is a moving and changing document. Local Streets can still function to a higher level than their designation.

Commissioner Graves discussed speed humps. He doesn't know about 46th Street enough to know if speed humps are needed, but it is an option to prevent cut through traffic.

Pate discussed that speed tables are used when determined by Street Committee/Engineering Division to be needed; there is an established City Council policy for installation of speed tables.

Commissioner Anthes discussed revisions that needed to be included in the PZD booklet: on-street parking on page 5; page 8 sidewalk cafes should be a conditional use; text on the alley on page 32 is duplicate text. She asked about the alley comments from staff.

Pate discussed that more information is needed to make a recommendation on alley widths as proposed.

Commissioner Anthes asked about custom street lights, spacing, and height of the proposed lights.

Pate responded that a development may use custom street lights, but the City does not pay for electricity or maintenance, etc.

Jacobs stated that they understand the additional cost of installation, etc., and that the street lights, if they are custom, would meet the lighting ordinance.

Commissioner Anthes asked about connectivity with a potential stub-out east at lot 5.

Pate answered that there is alley connection all the way to the right-of-way line if the adjacent property is developed they could tie in to the alley.

Jacobs explained the street connection from Street 5 to the north.

Planning Commission
July 23, 2007
Page 19 of 22

Commissioner Anthes asked about stormwater treatment.

Jacobs responded that City streets don't have a lot of flexibility in stormwater treatment, but that in the private portion of the development, bioswales would be used and pervious spaces would be used to capture and treat runoff. They are looking at both volume and quality of stormwater treatment.

Commissioner Anthes asked to confirm if traffic counts were over spring break.

Newman responded the date listed on the document is March 21, 2007 and doesn't know if that was during spring break. It may or may not have an impact on the counts.

Jacobs stated that they typically hire a traffic consultant when asked for a traffic study by the City. This study looks at a two year growth period for all projects on this side of town and incorporated additional growth based on this project.

Commissioner Anthes asked about the designation of 46th Street, would the right-of-way dedication limit this road to a Local Street in the future.

Pate compared a Local/Collector streets and their function. Persimmon/Broyles are Collector Streets and have a very different function than 46th Street. To answer the question, 46th street will likely stay as a local street.

Commissioner Anthes went through all of the conditions of approval with the other commissioners.

No. 3.b.i. – **Pate** described the concerns with narrow alley cross sections and functional turning movements. **Commissioner Anthes** described concerns with a zero-lot line garages on narrow alleys. **Commissioner Lack** stated that if there is 24' right-of-way the pavement width could vary and could be adequate. **Pate** discussed that certain turning movement scenarios will not work and we want to make sure we're recommending something that works. **Commissioner Lack** stated that he is fine with staff working the alley widths out with the applicant prior to City Council, but that it would need to be resolved.

Commissioner Lack discussed that the elevations meet commercial design standards, but had concerns that the elevations don't accurately represent the grade, and that the elevations don't exactly match the plans.

Commissioner Anthes asked about building height where the book specifies 70' height, staff recommends 60', and the applicant stated in their presentation that 62' height is needed.

Garner clarified that 60' maximum height is recommended only on the street side elevation.

Todd Jacobs (applicant) stated that the maximum building height would be 56', with an additional 6' needed for the parapet wall, making the total 62'.

Planning Commission
July 23, 2007
Page 20 of 22

Pate discussed that the maximum height in the Downtown General zoning classification is 56' to the top of the building/roof, and that parapets are not typically included in the building height calculation.

Commissioner Myres stated that she is okay with 62'.

Motion:

Commissioner Myres made a motion to amend the new recommended condition by staff, (No. 36) to limit the height to 62' in PA-1 (four story building not to exceed 62' height total, including parapet). **Commissioner Cabe** seconded the motion. **Upon roll call the motion passed 8-0-0.**

Commissioner Lack discussed that any difference in the elevations due to grade would not cause the buildings to be outside of commercial design standards. He can have faith because of that.

Commissioner Anthes stated that for the benefit of the neighbors could the Planning Commission discuss transition of the development and how it related to the surroundings.

Commissioner Myres discussed that she has no issues with the surrounding land uses adjacent to this development. The development proposes single family residential adjacent to single family residential. There is much residential development mixed throughout the commercial areas. The streetscape is at the pedestrian level. The development transitions back from Wedington to single family neighborhoods nicely. The non-residential uses face onto Wedington.

Commissioner Lack discussed height, transition, and density of the development. He stated he believes this project can be a good neighbor and can contribute to where we're going in Fayetteville. He does have pause about four-story buildings right across from Wedington, more so than the southern portion of the development. The higher density in the multi-family residential is viewed as somewhat of a spot zone because of the magnitude of change with the surrounding land uses. It would be more consistent if it were closer to the center and other city services.

Commissioner Anthes also discussed agreement with Commissioner Lack's comment that she would prefer this density further in the interior portion of the city. However, land is not available to do this type of density and development in the interior portion of the city. This is in close proximity to Ruppel Road. There is a vast amount of RSF-4 both built and un-built. Services are needed without driving to the mall or downtown. Higher density and mixed use could help in this area, by allowing residents not to drive so far. She has some concerns about a height of 4 stories, but not enough to withhold support.

Commissioner Trumbo stated that this is in his backyard. This project has really hit home for him. It has been insinuated that he can sell his home, or that he has ties to the developer, which he does not. However, it is a good project here, or anywhere, and he won't have to get out of the neighborhood for services. He would vote for this project anywhere in Fayetteville, because it meets the City's adopted goals.

Planning Commission
July 23, 2007
Page 21 of 22

Commissioner Anthes discussed Condition No. 19 for the landscape waiver and there was general agreement from the Planning Commission.

Motion:

Commissioner Lack made a motion to forward the project to City Council with a recommendation for approval, **Commissioner Myres** seconded the motion.

Garner asked to clarify the recommendation on alley width.

Commissioner Lack stated that he would be comfortable leaving the alley widths up to staff to work out with the applicant and come up with a recommendation for City Council. However, it would need to be resolved prior to City Council consideration.

Commissioner Graves asked the motioner if commercial design standards needed to be straightened out before City Council.

Commissioner Lack responded that if it is changed dramatically at building permit staff would bring it forward as a Major Modification. He also stated that would like to add to his motion to condition No. 8 that the applicant shall provide revised elevations to City Council to show grading/garage entries from underneath.

Commissioner Graves also asked about the changes to the PZD booklet that **Commissioner Anthes** noted earlier.

Pate read through the items **Anthes** mentioned earlier.

Commissioner Lack added condition No. 38 that the list of items to the PZD booklet noted by **Commissioner Anthes** be addressed.

Commissioner Graves asked about overloading schools, and how should we deal with that issue.

Williams responded that the City doesn't have authority over the school board or school district. The school is a state agency and handles those issues. The City can't make decisions based on schools, whether they are crowded or not because the City can't control those issues.

Upon roll call the motion passed with a vote of 8-0-0.

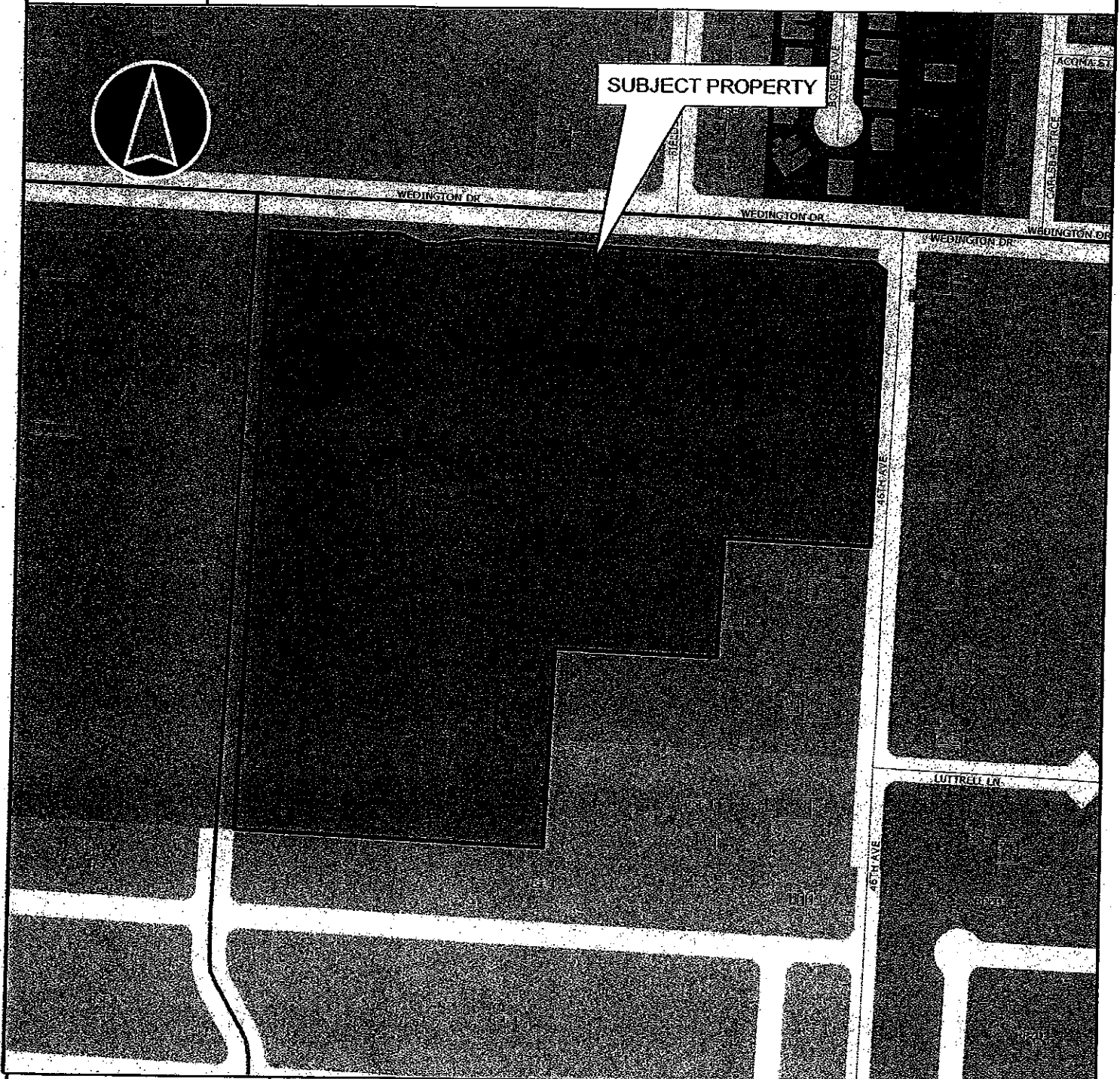
ANNOUNCEMENTS:

No Subdivision Committee this week.

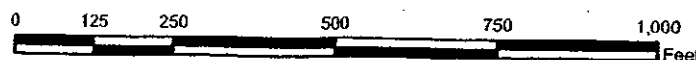
RPZD07-2576

Close Up View

WOODSTOCK COMMUNITY



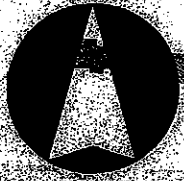
Overview



RPZD07-2576

WOODSTOCK COMMUNITY

Future Land Use



SUBJECT PROPERTY

WEDINGTON DR.

WEDINGTON DR.

WEDINGTON DR.

WEDINGTON DR.

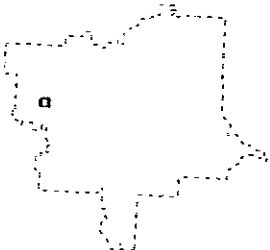
202

Boyle

Boyle

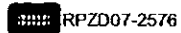
- Rural Area
- Residential Neighborhood Area
- General Urban/City Neighborhood Area
- Urban Center Area
- Civic and Private Open Space/Parks
- Civic Institutional
- Unclassified
- ROW

Overview



Legend

Subject Property



RPZD07-2576

Boundary

Planning Area

Overlay District

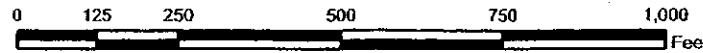
Outside City

Streets

Existing

Planned

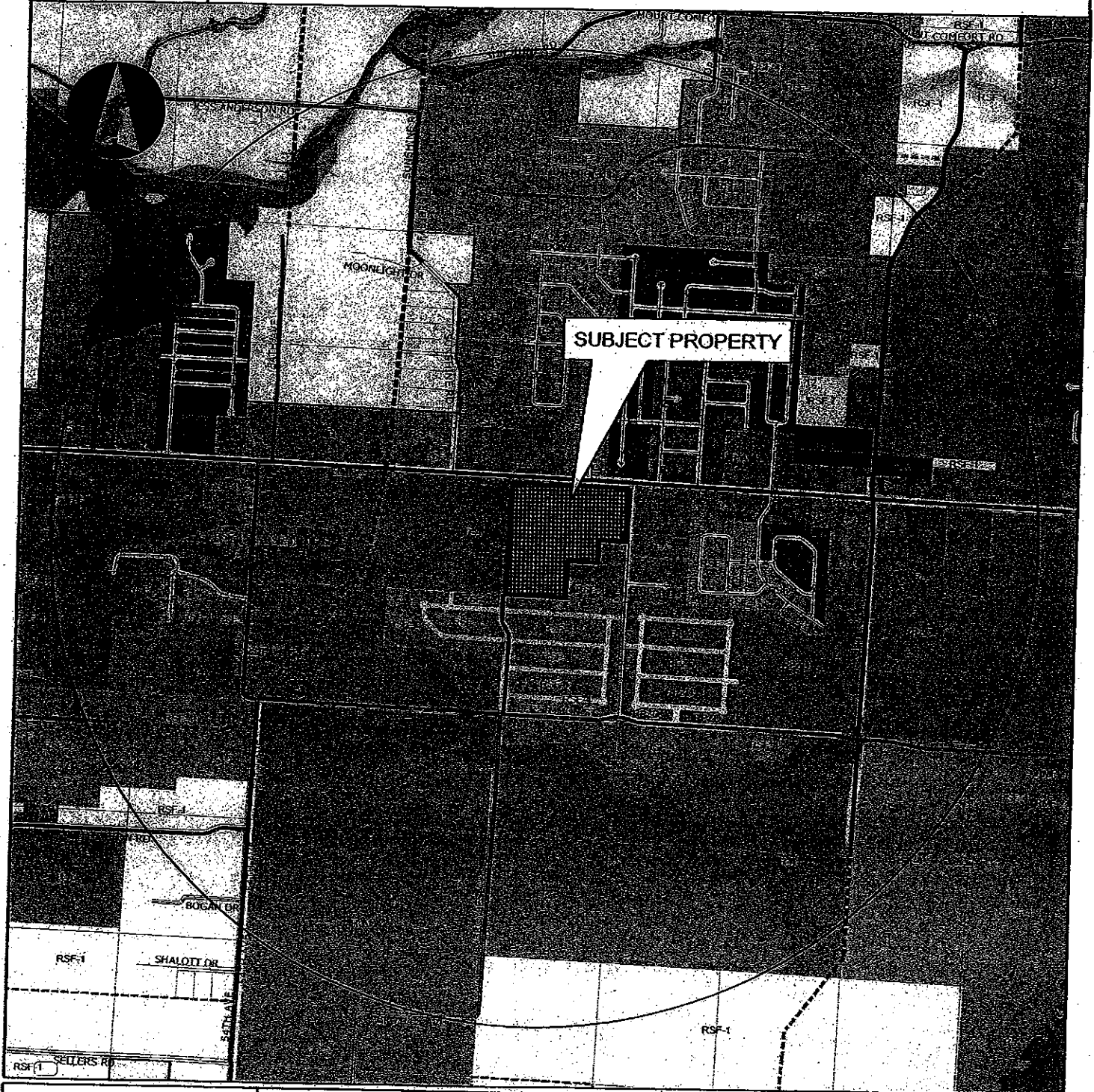
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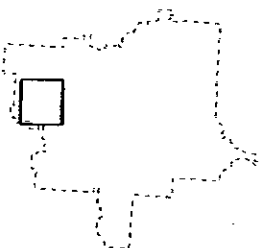
RPZD07-2576

One Mile View

WOODSTOCK COMMUNITY



Overview



Legend

Subject Property

RPZD07-2576

Boundary

Planning Area

Overlay District

Outside City

Legend

Hillside-Hilltop Overlay District

0 0.25 0.5 1
Miles

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

4-Sep-07
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

R-PZD 07-2634: The Coves at Walnut Crossing, 555: Submitted by Rausch Coleman Homes for property located north of Highway 62 West and west of Walnut Crossing Planned Zoning District containing approximately 50.40 acres. The request is to approve the zoning and land use for a Residential Planned Zoning District with 184 single family dwelling units.

\$0.00

n/a

n/a

Cost of this request

Category/Project Budget

Program Category / Project Name

n/a

n/a

n/a

Account Number

Funds Used to Date

Program / Project Category Name

n/a

n/a

n/a

\$

Project Number

Remaining Balance

Fund Name

Budgeted Item

Budget Adjustment Attached


Department Director

8-17-07
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a


City Attorney

8-17-07

Original Contract Number: n/a

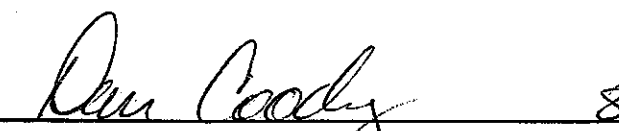

Finance and Internal Service Director

8-20-07
Date

Received in City Clerk's Office

ENTERED

8/17/07


Mayor

8/20/07
Date

Received in Mayor's Office

ENTERED

8/20/07
PH

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning X

Date: August 16, 2007

Subject: Residential Planned Zoning District for The Coves at Walnut Crossing (R-PZD 07-2634)

RECOMMENDATION

Planning Staff recommends approval of an ordinance creating a Residential Planned Zoning District (R-PZD) for The Coves at Walnut Crossing, 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 50.40 acres located between north of 6th Street (Hwy 62), adjacent to Walnut Crossing PZD and east of the Farmington City limits. The proposal is for a residential development consisting of 184 single-family residential dwelling units.

BACKGROUND

The subject property is located north of 6th Street (HWY 62), adjacent to Walnut Crossing PZD and east of the Farmington City limits. The property contains approximately 50.40 acres and is undeveloped, with primarily agricultural pasture land. There is a large grouping of trees located adjacent to Goose Creek, which borders the northern portion of the property. The request is rezoning and land use approval only for a Master Development Plan of a Residential Planned Zoning District with 184 single-family lots. If the PZD is approved as proposed the project would be required to go through preliminary and final plat approval prior to development.

As noted in the booklet, the subject development is designed in a "coving" concept. As stated by the applicant, the coving concept is a site planning method that creates coves of greenspace in the front and rear of houses through varied setbacks and winding streets. Though the density is generally similar to that of a conventional subdivision the coved design results in considerably less street length and more greenspace. Additionally, safety is improved with reduced traffic speeds due to curvilinear streets designed to loop versus a grid design.

DISCUSSION

On August 13, 2007 the Planning Commission voted 7-0-0 in favor of forwarding this request to the City Council.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 07-2634, THE COVES AT WALNUT CROSSING, LOCATED NORTH OF HIGHWAY 62 WEST AND WEST OF WALNUT CROSSING PLANNED ZONING DISTRICT; CONTAINING APPROXIMATELY 50.40 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-1, Residential Single Family, 1 unit per acre to R-PZD 07-2634 The Coves at Walnut Crossing as shown in Exhibit "A" and depicted in Exhibit "B" attached hereto and made a part hereof.

Section 2: That the change in zoning classification is based upon the approved master development plan, development standards, statement of commitments and the conditions of approval as submitted, determined appropriate and approved by the City Council; further, that the conditions of approval shall be filed and available for viewing in the office of the City Clerk/Treasurer of the City of Fayetteville.

Section 3: That this ordinance shall take effect and be in full force at such time as all of the requirements of the master development plan have been met.

Section 4: That the official zoning map of the City of Fayetteville, Arkansas, is hereby amended to reflect the zoning change provided in Section 1 above.

PASSED and APPROVED this day of , 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

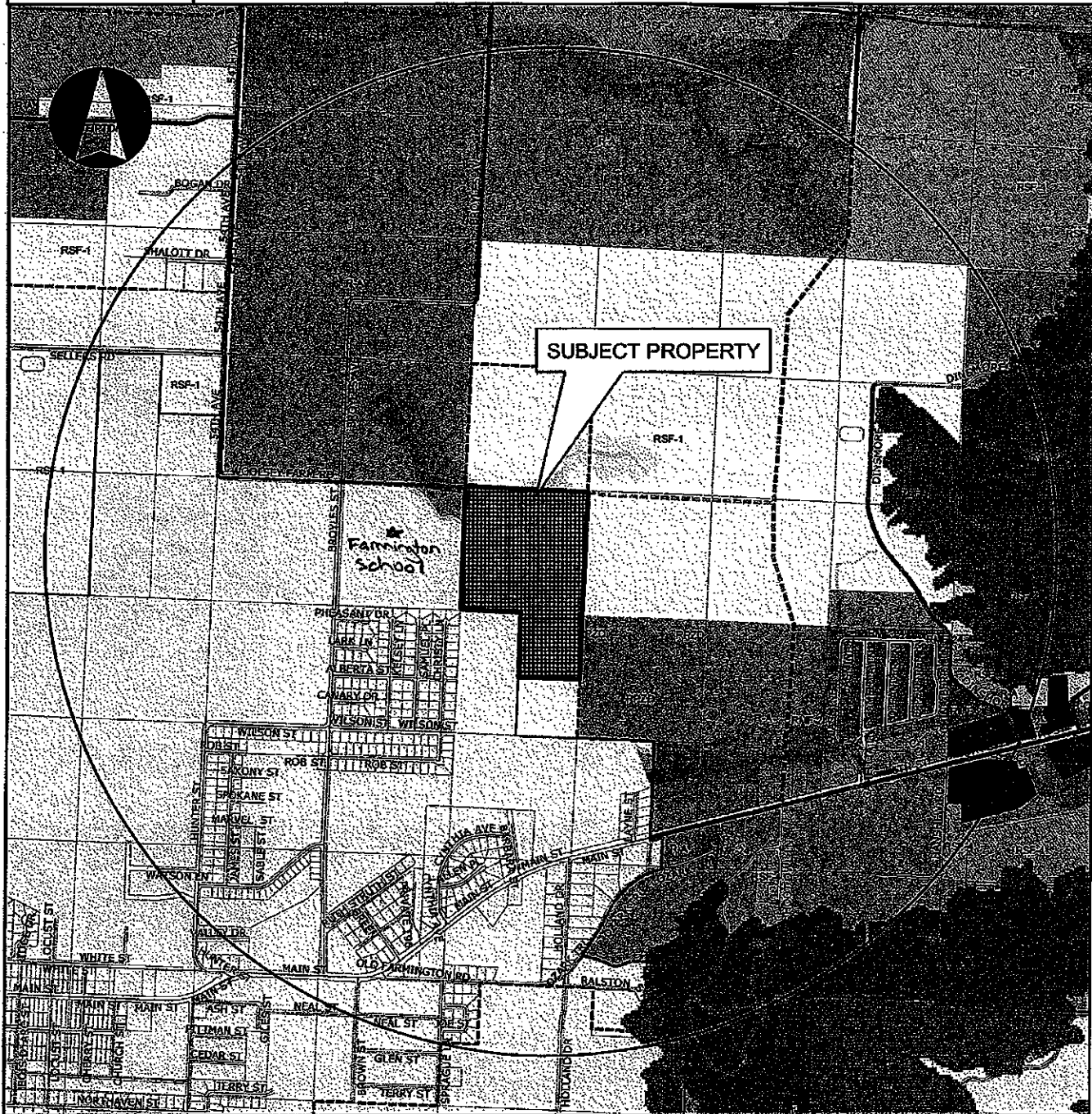
By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT "A"

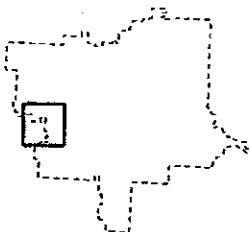
RPZD07-2634

THE COVES @WALNUT CROSSING

One Mile View



Overview



Legend

Subject Property

RPZD07-2634

Boundary

Planning Area

Overlay District

Outside City

Legend

Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

EXHIBIT "B"
R-PZD 07-2634

BEGINNING AT A POINT WHICH IS THE NORTHWEST CORNER OF SECTION 24, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, SAID POINT HAVING COORDINATES OF N:634,927.30, E:652,814.77; THENCE WITH A BEARING OF S 87°00'52" E A DISTANCE OF 1323.67 FEET TO A POINT; THENCE WITH A BEARING OF S 02°36'47" W A DISTANCE OF 1316.30 FEET TO A POINT, SAID POINT BEING THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (SW ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION 24, T-16-N, R-31-W; THENCE WITH A BEARING OF S 01°52'36" W A DISTANCE OF 699.94 FEET TO A POINT ON THE NORTHERN RIGHT OF WAY OF ALBERTA STREET; THENCE WITH SAID RIGHT OF WAY A BEARING OF N 87°48'47" W A DISTANCE OF 653.96 FEET TO A POINT; THENCE LEAVING SAID RIGHT OF WAY WITH A BEARING OF N 01°53'47" E A DISTANCE OF 705.80 FEET TO A POINT HAVING COORDINATES N:633574.23, E:653423.59; THENCE WITH A BEARING OF N 87°17'55" W A DISTANCE OF 653.78 FEET TO A POINT; THENCE WITH A BEARING OF N 01°54'57" E A DISTANCE OF 1322.99 FEET TO THE POINT OF BEGINNING.; CONTAINING 2195573.30 SQUARE FEET OR 50.403 ACRES.

CONDITIONS OF APPROVAL:

R-PZD 07-2634

Page 1 of 3

Staff recommends the following conditions of approval associated with R-PZD 07-2634 (The Coves at Walnut Crossing).

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 actual development proposed. It should be noted that Alberta Street was developed as a Collector Street and continues west from the Walnut Crossing development, connecting to Farmington as an off-site improvement. This is an important street in the area to promote connectivity between neighborhoods. Staff has also recommended that the applicant work diligently with the City of Farmington and Arkansas Highway and Transportation Department to coordinate future signalization at Hwy 62 and the primary entry to this area, to provide for safer turning movements. Staff will also be in contact with the City of Farmington to understand their concerns, if any, with the additional traffic generated by the development in Fayetteville, but access thru Farmington.

Street improvements shall be reviewed at the time of Preliminary Plat submittal.

2. Planning Commission determination of adequate connectivity. Two connections to Alberta Street are proposed with Phase I of the development and two stub-outs for future connectivity are proposed to the east and west of Phase II. Connectivity to the north was not provided due to the presence of Goose Creek and associated floodplain along the entire northern border. *Staff recommends in favor of the proposed connectivity finding that sufficient connections for future development have been provided.*

The Planning Commission found in favor of the proposed connectivity with the addition of a street stub-out to the east property line. Said stub-out has been indicated on the revised plans between Lots 15 and 16 (Street G).

3. Planning Commission determination of a waiver of minimum street design standards. The applicant requests a waiver of the following:
 - a. A waiver of Chapter 166.08 (C)(4) Tangents. *Staff is supportive of the requested waiver, finding that adequate site distance will be provided between reverse curves given the large arc lengths and slow design speeds.*
 - b. The applicants have requested to construct roll over curbs within the development. This waiver will be evaluated at the time of development review.

The Planning Commission found in favor of the requested waivers.

4. Planning Commission determination of a Master Street Plan amendment. *Staff does not support the construction of Sellers Road in the vicinity of Goose Creek as shown on the Master Street Plan map and is supportive of the proposed amendment.* The Master Street Plan amendment shall be approved by the City Council prior to submittal of the preliminary plat(s), unless it is approved first by the current proposal to amend the City's Master Street Plan in its entirety.

The Planning Commission recommended in favor of the requested Master Street Plan amendment.

5. 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 increased to 24' at the right-of-way and may be located on the property line. Each lot shall be limited to one curb-cut along the street, unless

CONDITIONS OF APPROVAL:

R-PZD 07-2634

Page 2 of 3

accessed by way of an alley. Lots with alley access shall be prohibited from curb-cuts onto the street.

6. This project is required to go through preliminary plat and final plat review and approval prior to construction.
7. The applicant shall dedicate right-of-way for all proposed streets as noted on the plats at the time of final plat approval, with the exception of the temporary road that will be constructed within the City of Farmington. Said road shall be constructed to support construction, emergency and public traffic and shall be located within a public access easement. At the time of development of the adjacent property, a public street shall be designed, constructed and dedicated that connects this development to Alberta Street.
8. The project is subject to the project phasing listed in the project booklet. The first phase of construction is to include approximately 72 lots and both street connections to Alberta Street. Construction is proposed to begin within one year from Planning Commission approval of the Planned Zoning District with completion within 2 years of approval. Construction of Phase II is to begin no later than 3 years after Planning Commission approval of the Planned Zoning District with completion within 5 years.
9. Trash service shall be fully reviewed and approved by the Solid Waste Division at the time of preliminary/final plat review.
10. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements.
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 large scale development and building permit. All homes shall be designed with a "front façade" facing onto adjacent public streets, when present.
12. The Park and Recreation Advisory Board (PRAB) recommended on June 4, 2007 to accept money in lieu of land for this project in the amount of \$176,640.00.
13. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code for RSF-4 zoning districts, which includes the provision for an area sign as defined in Chapter 151.
14. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.
15. 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, subject to approval by the Urban Forester.
16. Landscape requirements as outlined in Chapter 177 shall be required with development plat approval.

CONDITIONS OF APPROVAL:

R-PZD 07-2634

Page 3 of 3

17. The following revisions shall be made:

- a. A land use table shall be included on Page 3 of the plats as outlined in the PZD ordinance.

Standard Conditions of Approval:

18. 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).
19. 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.
20. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
21. Street lights shall be installed adjacent to all public and private streets (not alleys), with a separation of no greater than 300 feet.
22. 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.
23. 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 Meeting
August 13, 2007

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Current Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: August 8, 2007 Updated August 16, 2007

R-PZD 07-2634 Planned Zoning District (THE COVES AT WALNUT CROSSING, 555):
Submitted by RAUSCH COLEMAN HOMES for property located N OF HWY 62W AND W OF WALNUT CROSSING PZD. The property is zoned RSF-1, SINGLE FAMILY - 1 UNIT/ACRE and contains approximately 50.40 acres. The request is to approve the Zoning and Land Use for a Residential Planned Zoning District with 184 single family dwelling units.

Planner: Jesse Fulcher

Findings:

Property: The subject property is located north of 6th Street (HWY 62), adjacent to Walnut Crossing PZD and east of the Farmington City limits. The property contains approximately 50.40 acres and is undeveloped, with primarily agricultural pasture land. There is a large grouping of trees located adjacent to Goose Creek, which borders the northern portion of the property. Surrounding land use and zoning are listed in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Agricultural	RSF-1
South	Agricultural/Single-family	Farmington
East	Walnut Crossing-Single family homes	R-PZD
West	Agricultural/Single-family-Farmington City limits	Farmington

Proposal: The request is rezoning and land use approval only for a Master Development Plan of a Residential Planned Zoning District with 184 single-family lots. If the PZD is approved as proposed the project would be required to go through preliminary and final plat approval prior to development.

As noted in the booklet, the subject development is designed in a "coving" concept. As stated by the applicant, the coving concept is a site planning method that creates coves of greenspace in the front and rear of houses through varied setbacks and winding streets. Though the density is generally

similar to that of a conventional subdivision the coved design results in considerably less street length and more greenspace. Additionally, safety is improved with reduced traffic speeds due to curvilinear streets designed to loop versus a grid design.

Adjacent Master Street Plan Streets: Alberta Road (Local Street), *Sellers Road (Minor Arterial).

Access: Access to the site is provided from Alberta Road. The primary entrance to the development will be from Alberta Road with stub-outs proposed to the south, east and west. A second point of ingress/egress will be by means of a temporary road, which extends south from the development through the City of Farmington to Alberta Road. The road will be located within a public access easement and will be designed to support construction vehicles, emergency vehicles and public traffic, until such time as the property is developed and a full public street is constructed.

* A Master Street Plan Amendment to remove Sellers Road from the Master Street Plan map in this location has been submitted by the applicant and will need to be approved by the City Council. As shown on the Master Street Plan map, Sellers Road is positioned to be constructed in approximately the same location as Goose Creek and the associated floodplain along the north boundary of the subject property. The requested removal of Sellers Road in this location is consistent with staff's proposed updates to the Master Street Plan. Rather than leaving Sellers Road in the vicinity of Goose Creek and further disturbing sensitive environment areas, staff has proposed to relocate the future connection between Broyles Road and Ruppel Road further to the north.

Right-of-way to be dedicated: Alberta Street was constructed and right-of-way dedicated with the development of Walnut Crossing PZD and The Commons at Walnut Crossing, providing an off-site street improvement that connects to Farmington neighborhoods.

Connectivity: Two connections to Alberta Street are proposed with Phase I of the development and two stub-outs for future connectivity are proposed to the east and west of Phase II. Approximately 60% of the homes are alley loaded. Alleys have been connected through to streets in most cases, keeping below the maximum 200 vehicles per day recommended for alleys. The other 40% of the homes are proposed to be access from the local streets within the development at a reduced width of 16' per curb-cut.

Phasing: Two phases are planned for The Coves at Walnut Crossing over the next several years as provided in the PZD Booklet. The first phase of construction is to include approximately 72 lots and both street connections to Alberta Street. Construction is proposed to begin within one year from Planning Commission approval of the Planned Zoning District with completion within 2 years of approval. Construction of Phase II is to begin no later than 3 years after Planning Commission approval of the Planned Zoning District with completion within 5 years.

Parks: The Park and Recreation Advisory Board (PRAB) recommended on June 4, 2007 to accept money in lieu of land for this project in the amount of \$176,640.00. The money will be used for the development of the 5 acre park located in Walnut Crossing PZD.

Water & Sewer: Water and sewer lines would be extended to serve the 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, requiring a 25% tree preservation percentage as a baseline.

Public Comment: City staff has not received public comment on this R-PZD.

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 07-2634** to the City Council with a recommendation for 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 actual development proposed. It should be noted that Alberta Street was developed as a Collector Street and continues west from the Walnut Crossing development, connecting to Farmington as an off-site improvement. This is an important street in the area to promote connectivity between neighborhoods. Staff has also recommended that the applicant work diligently with the City of Farmington and Arkansas Highway and Transportation Department to coordinate future signalization at Hwy 62 and the primary entry to this area, to provide for safer turning movements. Staff will also be in contact with the City of Farmington to understand their concerns, if any, with the additional traffic generated by the development in Fayetteville, but access thru Farmington.

STREET IMPROVEMENTS ARE TO BE REVIEWED AT THE TIME OF PRELIMINARY PLAT.

2. Planning Commission determination of adequate connectivity. Two connections to Alberta Street are proposed with Phase I of the development and two stub-outs for future connectivity are proposed to the east and west of Phase II. Connectivity to the north was not provided due to the presence of Goose Creek and associated floodplain along the entire northern border. *Staff recommends in favor of the proposed connectivity finding that sufficient connections for future development have been provided.*

8-13-07: THE PLANNING COMMISSION FOUND IN FAVOR OF THE PROPOSED CONNECTIVITY WITH A REQUEST FOR ANOTHER STUB-OUT TO THE EAST IN THE VICINITY OF LOTS 13-18.

3. Planning Commission determination of a waiver of minimum street design standards. The applicant requests a waiver of the following:
 - a. A waiver of Chapter 166.08 (C)(4) Tangents. *Staff is supportive of the requested waiver, finding that adequate site distance will be provided between reverse curves given the large arc lengths and slow design speeds.*
 - b. ~~A waiver of Chapter 166.08 (C)(16) Distance from intersections to curb cuts. In most instances the minimum separation between curb cuts and intersections can be provided within the development. However, given the unique design proposed with smaller lot sizes and the quantity of internal connectivity, staff understands the necessity for a waiver of this requirement. Staff is supportive of this waiver when absolutely necessary; however, staff recommends the Planning Commission review these waivers at the time of preliminary plat review, given the amount of design detail that will be presented at that time, and staff will make a detailed recommendation at~~

~~that time.~~—THE PLANNING COMMISSION REMOVED WAIVER “b”. IT WILL BE REVIEWED WITH THE PRELIMINARY PLAT.

- c. The applicants have requested to construct roll over curbs within the development. This waiver will be evaluated at the time of development review.

8-13-07: THE PLANNING COMMISSION FOUND IN FAVOR OF WAIVER “a”, BUT REQUESTED THAT WAIVER “b” BE REMOVED AND INSTEAD REQUESTED THAT IT BE REVIEWED AT THE TIME OF PRELIMINARY PLAT. A DETERMINATION OF WAIVER “c” WAS NOT REQUIRED.

4. Planning Commission determination of a Master Street Plan amendment. *Staff does not support the construction of Sellers Road in the vicinity of Goose Creek as shown on the Master Street Plan map and is supportive of the proposed amendment.* The Master Street Plan amendment shall be approved by the City Council prior to submittal of the preliminary plat(s), unless it is approved first by the current proposal to amend the City’s Master Street Plan in its entirety.

8-13-07: THE PLANNING COMMISSION FOUND IN FAVOR OF THE REQUESTED MASTER STREET PLAN AMENDMENT.

5. 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 increased to 24’ at the right-of-way and may be located on the property line. Each lot shall be limited to one curb-cut along the street, unless accessed by way of an alley. Lots with alley access shall be prohibited from curb-cuts onto the street.
6. This project is required to go through preliminary plat and final plat review and approval prior to construction.
7. The applicant shall dedicate right-of-way for all proposed streets as noted on the plats at the time of final plat approval, with the exception of the temporary road that will constructed within the City of Farmington. Said road shall be constructed to support construction, emergency and public traffic and shall be located within a public access easement. At the time of development of the adjacent property, a public street shall be designed, constructed and dedicated that connects this development to Alberta Street.
8. The project is subject to the project phasing listed in the project booklet. The first phase of construction is to include approximately 72 lots and both street connections to Alberta Street. Construction is proposed to begin within one year from Planning Commission approval of the Planned Zoning District with completion within 2 years of approval. Construction of Phase II is to begin no later than 3 years after Planning Commission approval of the Planned Zoning District with completion within 5 years.
9. Trash service shall be fully reviewed and approved by the Solid Waste Division at the time of preliminary/final plat review.
10. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements.

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 large scale development and building permit. All homes shall be designed with a "front façade" facing onto adjacent public streets, when present.
12. The Park and Recreation Advisory Board (PRAB) recommended on June 4, 2007 to accept money in lieu of land for this project in the amount of \$176,640.00.
13. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code for RSF-4 zoning districts, which includes the provision for an area sign as defined in Chapter 151.
14. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.
15. 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, subject to approval by the Urban Forester.
16. Landscape requirements as outlined in Chapter 177 shall be required with development plat approval.
17. The following revisions shall be made prior to submittal for City Council review:
 - a. The statement within the PZD booklet for signage shall be modified to include the following: "All signage shall be subject to the requirements of Chapter 174 for residential subdivisions."
 - b. A land use table shall be included on Page 3 of the plats as outlined in the PZD ordinance.
 - c. The booklet Planning Area table (Page *) and that on the plats need to be consistent in the name of the Planning Areas (PA1/Residential Dwellings, PA2/Greenspace).
 - d. Include the setback note from the plat in the booklet.

Standard Conditions of Approval:

18. 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).
19. 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.
20. All overhead electric lines 12kv and under shall be relocated underground. All proposed

utilities shall be located underground.

21. Street lights shall be installed adjacent to all public and private streets (not alleys), with a separation of no greater than 300 feet.
22. 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.
23. 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. ☐ Denied

Motion: Ostner

Second: Cabe

Vote: 7-0-0

Meeting Date: August 13, 2007

Comments: _____

The "Conditions of Approval" listed in the report above are accepted in total without exception by the entity requesting approval of this development item.

Signature

Date

Findings associated with R-PZD 07-2634 (The Coves at Walnut Crossing)

Sec. 166.06. Planned Zoning Districts (PZD).

(E) Approval or Rejection Criteria for Planned Zoning Districts

The following criteria shall be considered by the Planning Commission and City Council in the review of a planned zoning district application based on the proposed master development plan:

- (1) Whether the application is in compliance with the requirements of the UDC and the City Plan 2025;

FINDING: Staff finds the application to be in compliance with the Master Development Plan Planned Zoning District criteria established by the City Council. The City Plan 2025 designates this site as a Residential Neighborhood Area. Rezoning this property to R-PZD 07-2634 with single-family dwelling units at a density of 3.65 units per acre is consistent with the land use plan and the surrounding land use. The proposed lot sizes are consistent with adjacent developments, which include Walnut Crossing PZD and The Commons at Walnut Crossing PZD, and are more in keeping with the City's adopted goal of encouraging traditional neighborhood development patterns by providing a variety of lot sizes, alley-loaded lots, and meaningful open spaces that can be used by the neighborhood.. Additionally, the development incorporates varied building setbacks, common usable open space and a unique design that is compatible with surrounding developments.

- (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 consistent with a majority of the goals and requirements of the Planned Zoning District ordinance and City Plan 2025.

- (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 the provisions of these facilities, 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: Although the proposed development proposes smaller setbacks and lot sizes as compared to standard RSF-4 development, the overall density is comparable to RSF-4 developments due to the significant amount of greenspace made available through the "Coving" design. A harmonious relationship with surrounding developments is achieved by utilizing detached single-family dwelling units throughout the development at a density

comparable to surrounding developed subdivisions.

- (5) Whether the subject land is suitable for the intended use and is compatible with the natural environment;

FINDING: The subject property is remnant farm land that is mostly clear; however, there are areas of dense tree canopy along Goose Creek which borders the north side of the property. Approximately 10 acres of the property will be maintained in POA greenspace. Tree preservation will be reviewed at the time of preliminary plat submittal.

- (6) Whether the intended land use would create traffic congestion or burden the existing road network;

FINDING: Any additional development in the area will certainly increase the amount of traffic on surrounding streets; however, the overall density should not create an appreciable amount of traffic above that which can be managed with the streets in the area. As part of adjacent developments a street connection was made from 6th Street through to the Farmington City Limits to Broyles Road. These two principal arterials will help facilitate traffic movements through both cities.

- (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: This development is a compact, complete development pattern with rear alley access provided to a majority of the lots and connected by a system of meandering sidewalks. Rather than turning the rear of the houses to the surrounding streets, as is common in many developments, the homes will either face onto the surrounding streets, or onto common greenspace. Curvilinear streets with sidewalks separated from the street will provide adequate vehicular circulation and connectivity, while also reducing vehicle speeds and increase pedestrian safety. Common open space and smaller "pocket parks" throughout the development will add further to the health, safety and welfare of 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 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: Many of the lots will be rear loaded from alley ways interior to the site. The remaining lots will be accessed directly from the public streets, although a condition of approval has been included in the staff report restricting the width of the curb-cuts to 16' at the right-of-way line.

- (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.

- (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: In general the Master Development Plan provides 6' sidewalks that will meander separately from the public street right-of-way and will be placed on one side of the street in most cases. Typically sidewalks are constructed on both sides of a local street within residential developments. Sidewalks and other pedestrian connections will be evaluated by staff at the time of development to ensure compliance. Any sidewalks that are to be constructed outside of the public right-of-way shall be located within pedestrian access easements.

- (7) *Street Lights.* As required by §166.03.

FINDING: Street lights are to be provided at all intersections and 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 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: A variety of waivers of the minimum street design standards are requested as the proposed street designs do not meet current ordinance requirements. The proposed street layout and design are intended to reduce street length, impervious surface area, construction and maintenance costs, while also reducing traffic speeds and encouraging pedestrian activity. Staff is recommending in favor of most of the requested waivers, while some are recommended to be reviewed in more detail at the time of development. No private streets are proposed.

- (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 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, common open spaces, and enhancement of existing natural features. The proposal best fits the flexibility and variety goals of the intent of the Planned Zoning District, offering detached single-family housing types, a variety of lot arrangements, lot dimensions and building setbacks.

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 PZD meets the intent of the PZD ordinance as noted above. The requested R-PZD provides an effective relationship between similar land uses and activities on abutting parcels, while also providing a compact, complete and connected neighborhood.

- (2) *Permitted Uses.* All permitted uses identified within §162 Use Units of the Unified Development Code shall be allowed as permissible uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.
- (3) *Conditional Uses.* All conditional uses allowed within (Residential, Commercial, Industrial) zoning Districts established in the Unified Development Code shall be allowed with Planning Commission approval, unless otherwise specified, subject to the code governing Conditional Use requests.

FINDING: Permitted and Conditional uses are outlined in both the Master Development Plan booklets and plats.

- (4) *Condition.* In no instance shall the residential use area be less than fifty-one percent (51%) of the gross floor area within the development.

FINDING: The residential uses on this property will be at least fifty-one percent of the gross floor area within the development.

(F) *Bulk and area regulations*

- (1) *Residential density.* Residential densities shall be determined on the basis of the following considerations:
 - (a) The densities of surrounding development;
 - (b) the densities allowed under the current zoning;
 - (c) the urban development goals and other policies of the city's General Plan;
 - (d) the topography and character of the natural environment; and
 - (e) the impact of a given density on the specific site and adjacent properties.

FINDING: Surrounding development is mixed in density and use, from traditional neighborhoods developed under RSF-4 type zoning regulations, large undeveloped agricultural properties, Farmington Elementary School, Walnut Crossing PZD and The Commons at Walnut Crossing, which are currently under development. The density proposed for this development is appropriate given that the site is clear pasture land adjacent to an elementary

school and existing infrastructure, 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 and setbacks are varied on this project with structures oriented to the street and varied front setbacks. Due to the unique nature of this traditional neighborhood development, it is not possible to conform to existing standards for lot area minimums and setback requirements.

- (3) *Building height.* There shall be no maximum building height except as may be determined by the Planning Commission during the review of the preliminary development plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. A lesser height may be established by the Planning Commission when it is deemed necessary to provide adequate light and air to adjacent property and to protect the visual quality of the community.

FINDING: Building heights proposed for this project are typical of single-family development in the surrounding area.

- (4) *Building area.* The Planning Commission shall review specific proposed lot coverages which generally correspond to the guidelines for lot coverage in the respective residential, office, commercial or industrial district which most depicts said development scheme.

FINDING: The lot coverage or building area on this project is very similar to a RSF-4 zoning district.

***Required Findings for Rezoning Request.**

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: Staff finds the proposal is 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. Rezoning the property will accommodate both the future land use plan for residential uses in this area and also allow for a variety of housing types, sizes and development pattern, thus providing more choice for more citizens.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: The rezoning is needed to allow for the creation of a unique neighborhood development that is also sensitive to the surrounding developed community.

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: N/A



THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 444-3470

PARKS AND RECREATION DIVISION CORRESPONDENCE

To: Rausch Colman Homes

From: Sarah K. Patterson, Urban Forester

Date: August 8, 2007

ITEM #: R-PZD 07-2634: Planned Zoning District (The Coves @ Walnut Crossing)

TREE PRESERVATION PLAN

1. A full Tree Preservation Plan will be required once this development comes through large scale development.
2. At the time of Large Scale Development, staff will assess the plans with a minimum canopy cover of at least 25%.
3. Tree canopy found along the creek and within floodway is high priority for preservation.
4. There is a large amount of canopy that looks to be removed with this concept. Supportive information, such as an arborist report, will need to be submitted to the Urban Forester at time of development proposal.
5. Preserved canopy found on POA maintained lots is required to be placed within a Tree Preservation Area to ensure protection in perpetuity.
6. Please explore options of removing the utility easements along the east and west property lines as this shared canopy buffer is a high priority for preservation.

LANDSCAPE REGULATION

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, etc.



THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 444-3469

TO: Jesse Fulcher, Planner
FROM: Alison Jumper, Park Planner
DATE: August 8, 2007
SUBJECT: Parks & Recreation Technical Plat Review Comments

Meeting Date: August 8, 2007
Item: R-PZD 07-2634 The Coves at Walnut Crossing
Park District: SW
Zoned: R-PZD
Billing Name & Address: Rausch Coleman Land Development
308 East Main
Farmington, AR 72730

	<u>Land Dedication Requirement</u>	<u>Money in Lieu</u>
Single Family	___ @ .024 acre/ unit = ___ acres	184 @ \$960 per unit = \$ 176,640
Multi Family	___ @ .017 acre/ unit = ___ acres	___ @ \$680 per unit = \$ _____

COMMENTS:

- Parks and Recreation Advisory Board made a recommendation of accepting money in lieu of land for the park land dedication requirement for this development on June 4, 2007. Money in lieu will be used for the development of parkland located in Walnut Crossing PZD. Rausch Coleman will administer the design and construction on the park.
- Additionally Rausch Coleman will work with the Trails Coordinator to locate an easement for a trail corridor along the existing gas easement.
- A contract between the City of Fayetteville and Rausch Coleman will be necessary prior to designing the park.



July 24, 2007

Mr. Matt Casey, PE
City of Fayetteville, AR
113 West Mountain
Fayetteville, AR 72701

Dear Mr. Casey,

Pursuant to your comments regarding the Walnut Valley Master Development Plan we hereby request a waiver of certain City design standards. They are as follows:

1. **Tangent Length.** Our design uses large radius centerline curves and very short to nonexistent tangents between reverse curves to accommodate the lot layout concept referred to as "coving". The intent of the 100 foot tangent length minimum, in our view, was to avoid unsafe driving situations caused by reverse curvature when small radius curves are employed. We feel that because the radii we are proposing are much greater than the minimum allowed and the arc lengths are typically longer than conventional designs that an unsafe condition will not be created when the tangents between reverse curves are less than 100'. Our request is to waive the 100' tangent requirement in all occurrences that may appear on the preliminary plat for Walnut Valley.
2. **Curb Cut Separation.** The narrowness of some of the proposed lots will make adhering to the requirement to keep all curb cuts 50' from all intersections difficult. We request a waiver of this requirement. The low speed limits within this residential subdivision and increased building setbacks will mitigate the need for such large separations from intersections.
3. **Roll Over Curb.** We wish to be permitted to use a roll over type curb section. This will eliminate the need for curb cuts when driveways are poured and reduce maintenance costs for the City.

Please feel free to call should you have any questions or need additional information.

Respectfully Yours,

Andy Feinstein
Project Manager



July 3, 2007

City Council
City of Fayetteville, AR
113 West Mountain
Fayetteville, AR 72701

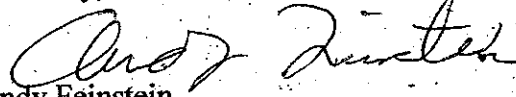
Dear Sir or Madam,

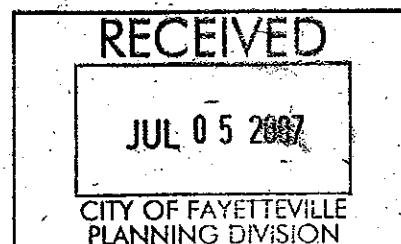
On behalf of Rausch Coleman Homes I respectfully request an Amendment to the Master Street Plan to remove a portion of Sellers Rd. adjacent to our property located in Section 24, Township 16, Range 31. The attached exhibit shows the relationship of the Sellers Rd. alignment to the proposed Walnut Valley subdivision and the recently constructed Walnut Crossing subdivision. Please note that Alberta Street has been constructed with an 80' right of way from the eastern limit of Walnut Crossing to the Farmington City Limits. At that point the r/w reduces to 65', continues through an existing subdivision and terminates at Broyles Rd. An eventual eastern extension of Alberta St. could connect to the eventual southern extension of Ruppel Rd.

Also note that the Sellers Rd. alignment places it directly on the Goose Creek channel. Construction of a minor arterial street on this section line would be not only extremely expensive but would entail relocation or piping of the drainage way along approximately 1,300 feet of our north line.

In our view, the desire to have east to west connectivity in this area is achievable by using the Alberta Street corridor thus somewhat mitigating the removal of the Sellers Rd. alignment from the Master Street Plan should you agree to this request.

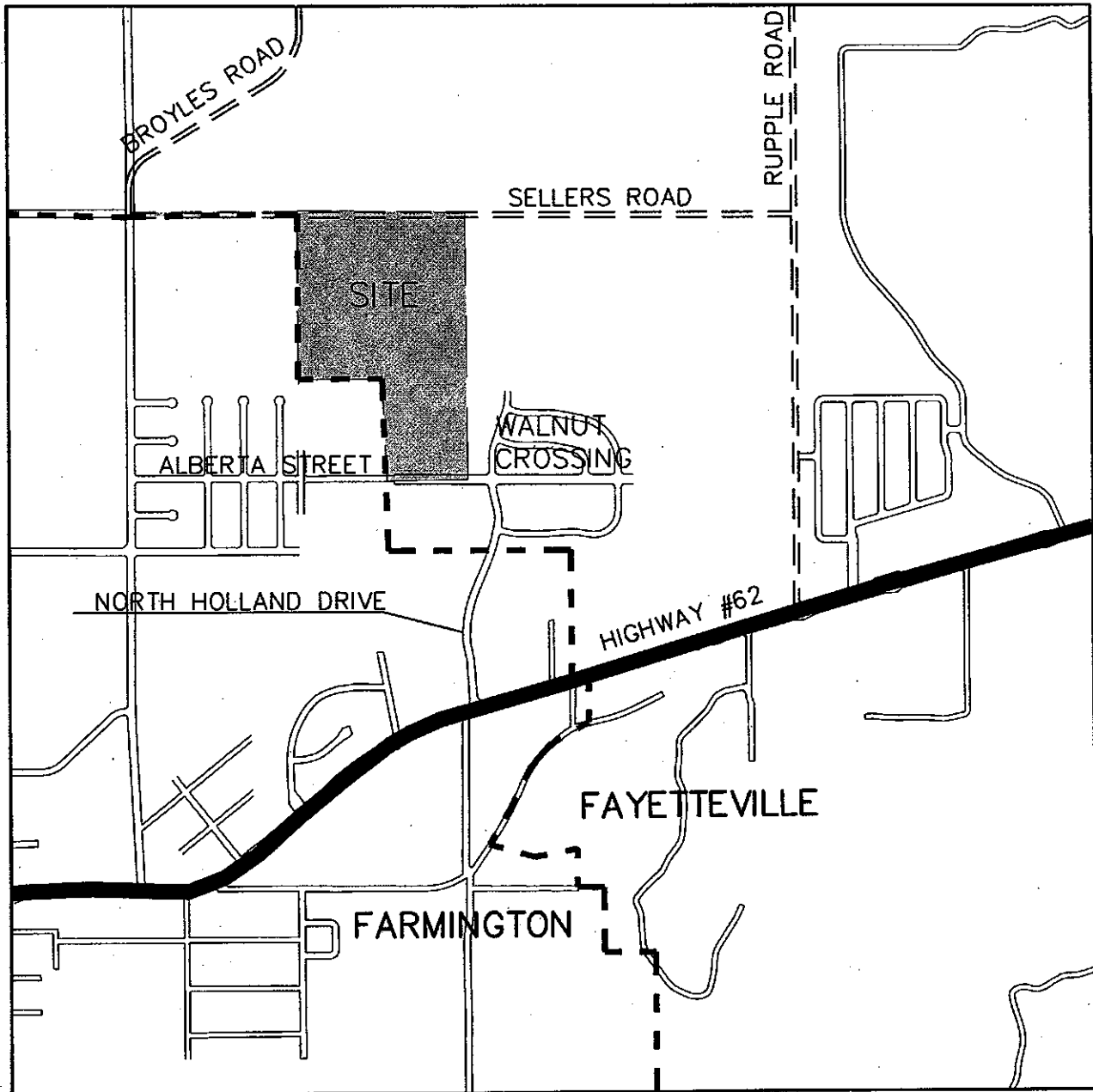
Sincerely,


Andy Feinstein
Project Manager



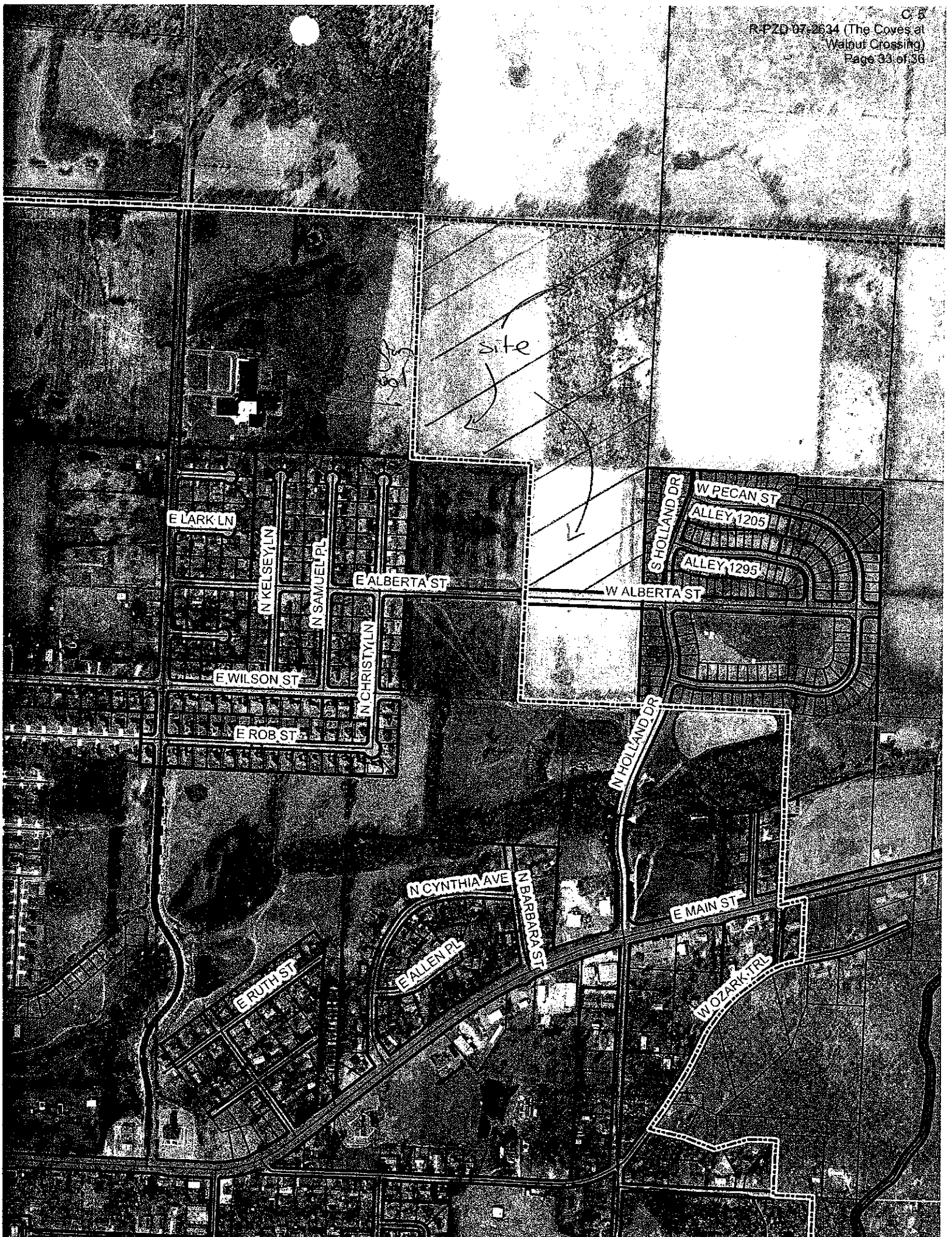
308 East Main Street Farmington, AR 72730 Phone (479) 267-6008 Fax (479) 267-5241

MASTER STREET PLAN AMENDMENT EXHIBIT



Not to Scale

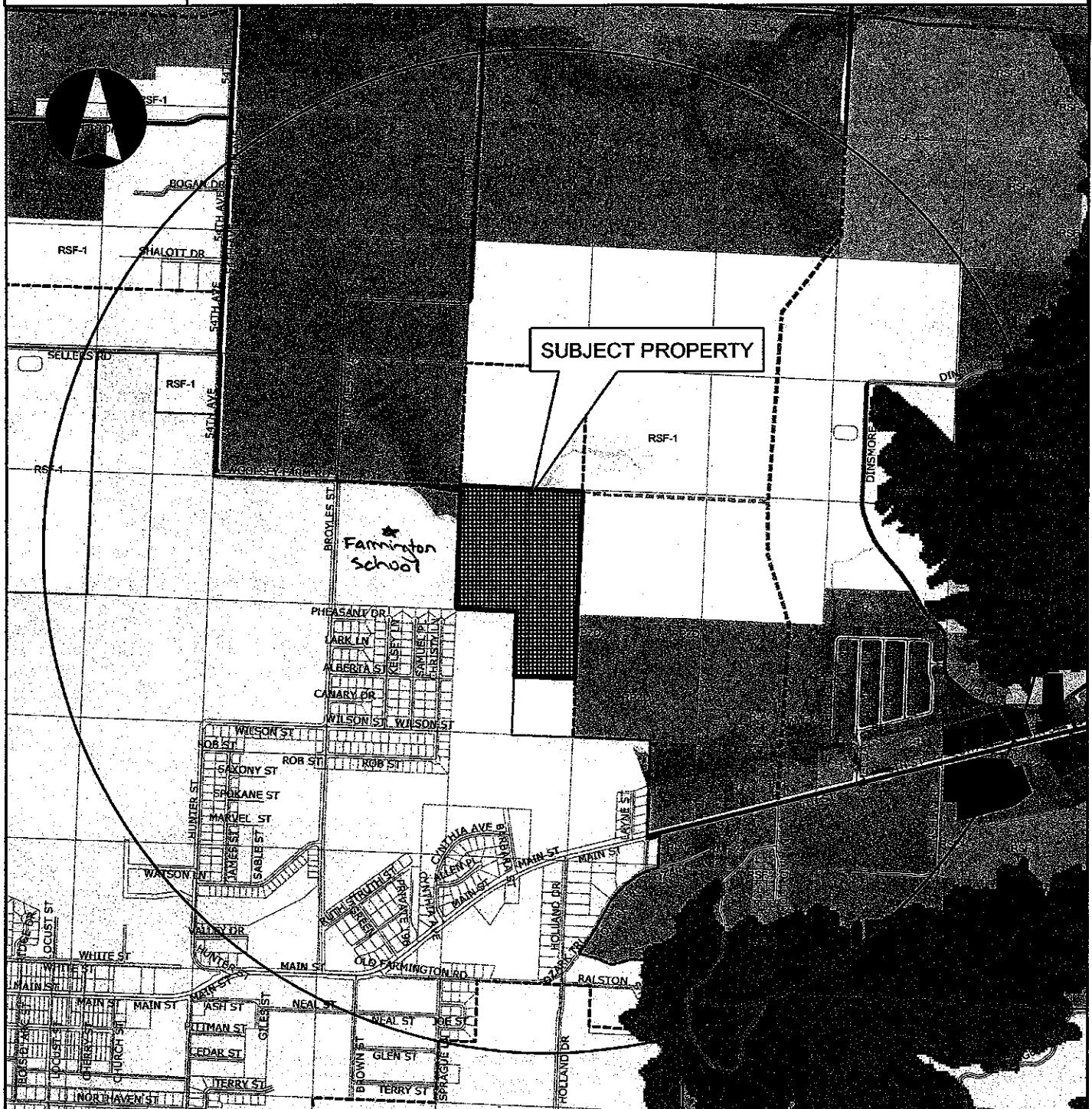
1 of 1	DATE: July, 2007	RAUSCH COLEMAN LAND DEVELOPMENT 308 EAST MAIN FARMINGTON, AR 72730 479-267-6008
	SCALE: NA	
	REVISIONS:	



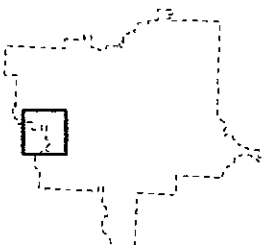
RPZD07-2634

One Mile View

THE COVES @WALNUT CROSSING



Overview



Legend

Subject Property



Boundary

 Planning Area

Overlay District

 Outside City

Legend

Hillside-Hilltop Overlay District

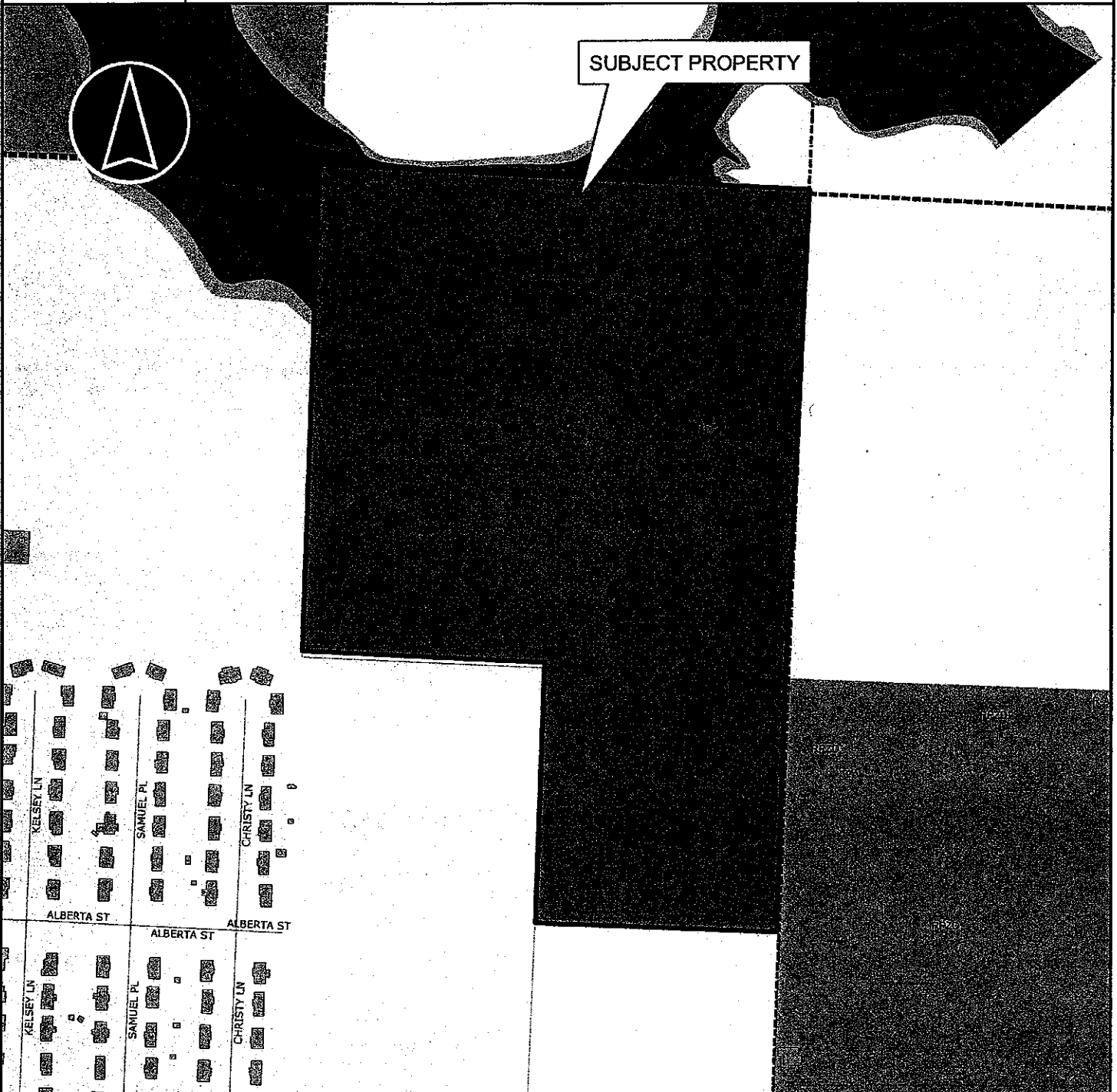
0 0.25 0.5 1 Miles

RPZD07-2634

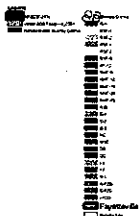
THE COVES @WALNUT CROSSING

Close Up View

SUBJECT PROPERTY



Overview



0 150 300 600 900 1,200 Feet

RPZD07-2634

Future Land Use

THE COVES @WALNUT CROSSING

SUBJECT PROPERTY

Legend

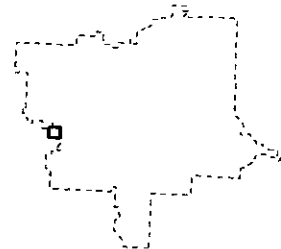
Building (2004)

Future Land Use 2026

CLASS

- Industrial
- Non-Municipal Government
- Complete Neighborhood Plan
- Natural Area
- Rural Area
- Residential Neighborhood Area
- General Urban/City Neighborhood Area
- Urban Center Area
- Civic and Private Open Space/Parks
- Civic Institutional
- Unclassified
- ROW

Overview



Legend

Subject Property

RPZD07-2634

Boundary

Planning Area

Overlay District

Outside City

Streets

Existing

Planned

Legend

0 150 300 600 900 1,200 Feet

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

4-Sep-07
City Council Meeting Date

Leif Olson
Submitted By

Planning
Division

Operations
Department

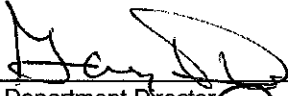
Action Required:

ADM 07-2079: (Cultural Arts District Boundary): Submitted by Planning Staff to adopt a boundary map for a Cultural Arts District.

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

Budgeted Item ☐

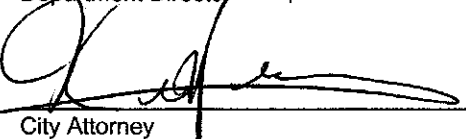
Budget Adjustment Attached ☐

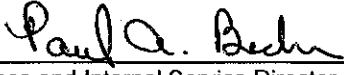

Department Director 8-17-07
Date

Previous Ordinance or Resolution # n/a

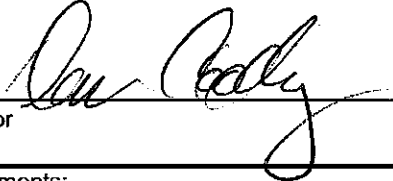
Original Contract Date: n/a

Original Contract Number: n/a


City Attorney 8-17-07
Date


Finance and Internal Service Director 8-20-07
Date

Received in City Clerk's Office



Mayor 8/20/07
Date

Received in Mayor's Office


Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations
Tim Conklin, Planning and Development Management Director T.C.

From: Leif Olson, Long Range Planner

Date: August 14, 2007

Subject: Administrative item to adopt a Cultural Arts District Boundary (ADM 07-2709)

RECOMMENDATION

Planning Staff recommends approval of a resolution to adopt a Cultural Arts District boundary.

BACKGROUND

The Downtown Master Plan process created six key principles to guide the future development. These principles were derived as the result of citizen input and good urban design principles. The six key principles are:

- A superbly walkable environment
- Downtown living
- Smart parking
- Smart rules
- Special places
- An experience economy

Planning staff has been advancing the action steps associated with these key principles since the Downtown Master Plan was adopted in 2004. The City Council has adopted or approved new downtown zoning districts, building height regulations, one-way street conversions, creation of a TIF district, sidewalk improvements, acquisition of open space for parks and trails, etc.

A Cultural Arts District is directly related to the sixth principle, "an experience economy". Dover Kohl recommended the creation of a Cultural Arts District to "be an affirmation of the City's commitment to keep Downtown a center for creativity, innovation, and fun. The City, business organizations and cultural institutions should also promote the overlay district in tourist brochures and regional media, and recruit businesses that will enhance the scene to locate there."

In late 2004, the Fayetteville Downtown Partners Board of Directors formed the Cultural Arts District Initiative (CADI) to bring together the arts community and business leaders in order to understand the needs of the arts community and determine how to stimulate the growth of the creative economy. CADI pursued public input through the development of the website www.fayettevillearts.org and an online arts survey which garnered 107 responses. The initiative also hosted informative and participatory monthly meetings of artists and supporters. One of the action items identified was to "Define boundaries of the Fayetteville Cultural Arts District."

In 2006, the Planning Commission formed the Cultural Arts District Committee to review the tentative fuzzy boundary proposed by CADI and to recommend a boundary to the Planning Commission and City Council.

In July of 2007, the Planning Commission Chairperson requested that Planning Staff review the previous work that has been completed by Fayetteville Downtown Partners, CADI, and the Planning Commission Committee and to then propose hard lines on a map for adoption. Planning staff developed the attached map, which was forwarded to the City Council by the Planning Commission at its August 13, 2007 meeting.

DISCUSSION

The Planning Commission voted 7-0-0 in favor of this request on August 13, 2007.

BUDGET IMPACT

None.

RESOLUTION NO. _____

**A RESOLUTION TO CREATE A CULTURAL
ARTS DISTRICT AND SPECIFY ITS BORDERS**

**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 creates the Cultural Arts District as shown on the map attached as Exhibit A and specifies that its borders shall be as shown on the map.

PASSED and APPROVED this 21st day of August, 2007.

APPROVED:

ATTEST:

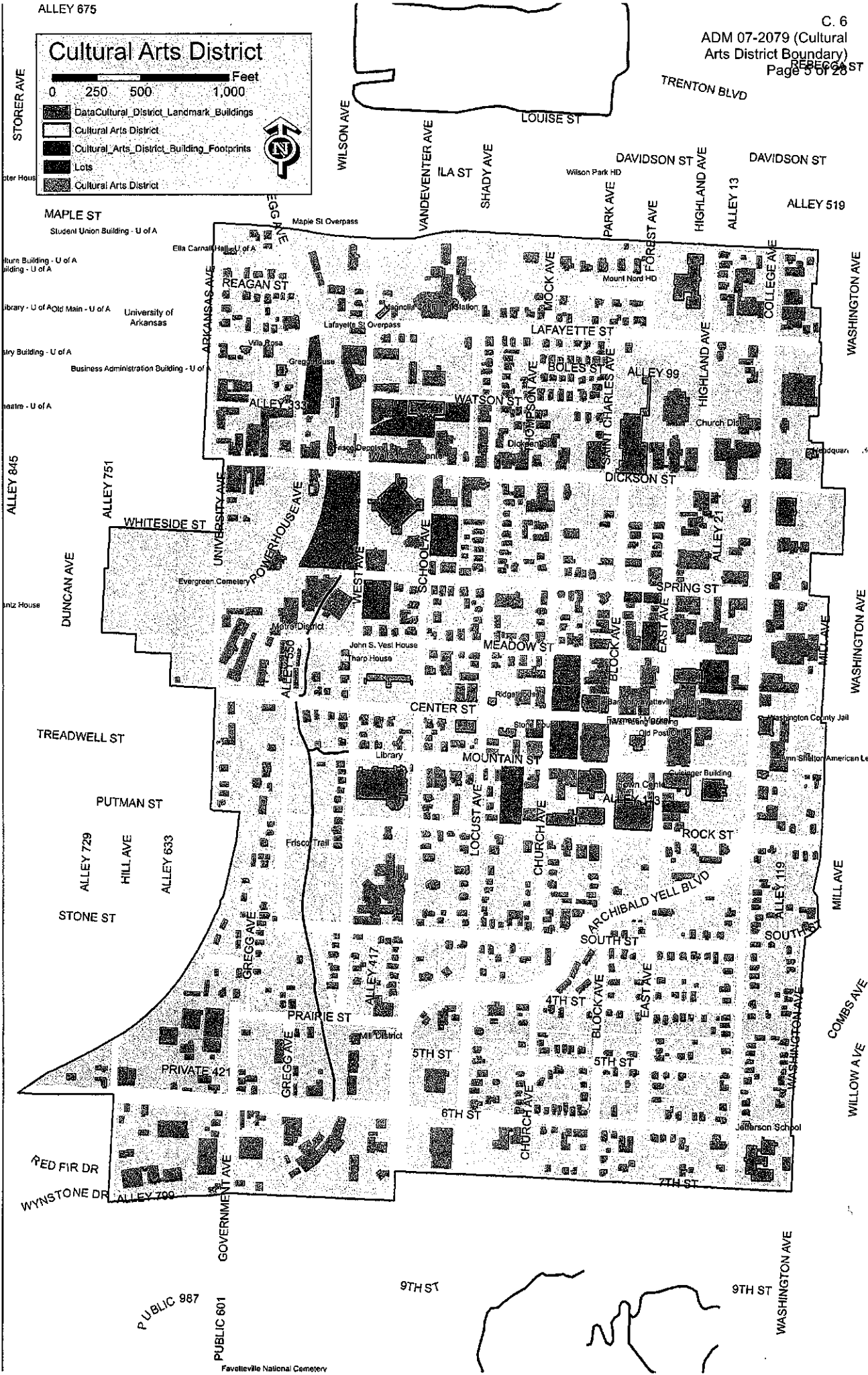
By: _____
DAN COODY, Mayor

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

Cultural Arts District

0 250 500 1,000 Feet

- Data Cultural District Landmark Buildings
- Cultural Arts District
- Cultural Arts District Building Footprints
- Lots
- Cultural Arts District



PUBLIC 987

PUBLIC 601

Fayetteville National Cemetery

9TH ST

9TH ST

WASHINGTON AVE

COMES AVE
WILLOW AVE

MILL AVE

WASHINGTON AVE

WASHINGTON AVE

ALLEY 519

DAVIDSON ST

TRENTON BLVD

LOUISE ST

SHADY AVE

ILA ST

VANDEVENTER AVE

WILSON AVE

MAPLE ST

Student Union Building - U of A

Ella Canning Hall - U of A

Library Building - U of A

Library - U of A

University of Arkansas

Library Building - U of A

Business Administration Building - U of A

Theatre - U of A

ALLEY 845

DUNCAN AVE

ALLEY 751

WHITESIDE ST

UNIVERSITY AVE

POWERHOUSE AVE

WEST AVE

SCHOOL AVE

WATSON ST

DICKSON ST

SPRING ST

MEADOW ST

CENTER ST

MOUNTAIN ST

LOCUST AVE

CHURCH AVE

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232ND ST

Draft Minutes from the Planning Commission Meeting August 13, 2007

ADM 07-2709: Administrative Item (Cultural Arts District Boundary): Submitted by PLANNING STAFF to create a Cultural Arts District Boundary.

Commissioner Anthes, read a background report verbatim discussing the work that had been done by various groups and organizations beginning in 2004.

Leif Olson, Long Range Planner, presented a map with Planning Staffs proposed boundary for the Cultural Arts District. Stated that boundary is meant to define the area and be a tool for future discussions concerning arts proposals or initiatives. The boundaries primarily follow the Downtown Master Plan Zoning District boundaries and extend further south to incorporate all of the Mill District and the area around Jefferson School.

Public Comment

Daniel Hintz, Fayetteville Downtown Partners, stated that this has been an on-going intensive project and that this is a great first step towards creating a great place for artists in the City.

Motion:

Commissioner Myers made a motion to forward the Cultural Arts District boundary to the City Council for their consideration and adoption.

Commissioner Winston seconded the motion.

Commissioner Ostner questioned forwarding the map tonight without knowing what it meant in terms of activities that would occur inside this boundary.

Olson stated that much of that was yet to be determined. Staff was not involved in the development of this proposal and feels that it will be used as a tool to help to define future discussions and arts initiatives.

Commissioner Ostner asked what are the current ideas or discussions that are occurring downtown.

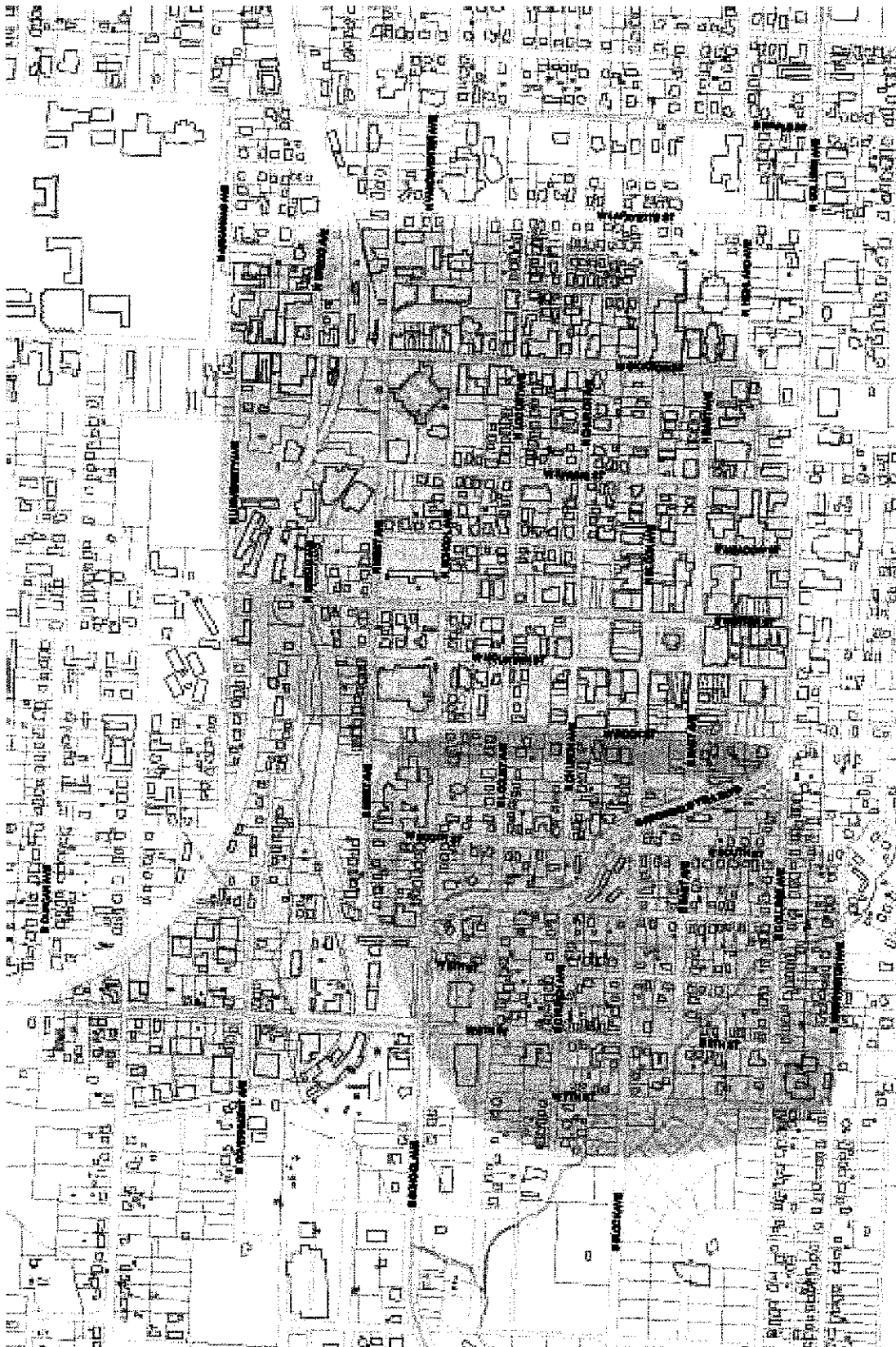
Hintz explained that the original proposal included three attitude zones which were distinctly different from each other in terms of the experience of the location. Some City codes have already been amended to facilitate the Arts such as the artist live work permitted use ordinance that was recently passed by the City Council.

Commissioner Anthes said that Fayetteville Downtown Partners had outlined the next steps in an eight phase plan that is provided with the background materials.

Commissioner Lack stated that he was also concerned about the ramifications of what would go on in this area and that it would take support to follow up and create a feasible Cultural Arts District. Staff should keep this going forward and keep the Planning Commission and the public involved in the process.

Upon roll call the motion passed 7-0-0.

PROPOSED DISTRICT BOUNDARIES AND INTERNAL ATTITUDE ZONES



Report to City of Fayetteville Planning Commission
Fayetteville Downtown Cultural Arts District Boundaries

The Downtown Master Plan identified arts and culture as anchor functions of downtown – to be embraced as vital to downtown's economic makeup and as part of the lure of downtown for the next generation of residents and investors. In late 2004, the Fayetteville Downtown Partners Board of Directors formed a task force to respond to the Plan's objective to **"make Fayetteville a real cultural destination."**

The Cultural Arts District Initiative, or CADI, was formed to bring Fayetteville's arts and business leaders together to stimulate the growth of creative enterprise. Our goal was to understand the needs of the creative sector and to determine how those needs might be met to the benefit of downtown's experience economy.

Beginning in October 2004, the Cultural Arts District Initiative hosted an online arts survey, which garnered 107 responses to questions ranging from "what kind of arts do you support?" to "what resources are important to your arts practice?" to "what portion of your income comes from your participation in the arts?" The answers to this survey formed the basis of a dialog to establish goals for the Initiative.

By July 2005, the group had established www.fayettevillearts.org – a website to share arts-related news and information for the region. This website has experienced over 25,700 visitors since its inception, with 13,589 visitors to date in 2007 alone.

Perhaps most importantly, however, the Initiative hosted informative and participatory monthly meetings of artists and arts supporters. Over time, this group generated a list of over 100 projects cataloged under four objectives, as well as six immediate action items for a sustainable creative community, which are summarized in the handout you received this evening. Using this list, Fayetteville Downtown Partners developed an eight-phase implementation strategy, outlined in the white paper you received at the agenda session.

One of the action items was to **"Define boundaries of the Fayetteville Cultural Arts District."** The Initiative had several discussions centered on a downtown arts district, and a proposed district with "fuzzy" boundaries was drafted to include three *experience* zones, which were identified by three colors on the proposed map.

In 2006, the planning commission formed the Cultural Arts District committee* to review the tentative boundary drafted by the CADI, to provide a narrative for why it is important to identify the district, and to recommend a boundary for consideration of the Planning Commission and City Council.

Once sentence of the committee report summarizes the intent of creating the district:

"The creation of the Fayetteville Downtown Cultural Arts District formalizes our city's intent to remain the center of innovation and creativity in Northwest Arkansas."

The boundary for the Fayetteville Downtown Cultural Arts District presented tonight is unchanged from the map originally drafted by the CADI. The map has been endorsed by CADI, the Fayetteville Downtown Partners Board of Directors and Staff, the Planning Commission Cultural Arts District Committee, and the newly formed Fayetteville Arts Council. Staff has

reviewed the committee report and supplemental information in your packet, as well as the proposed district map, and has proposed the hard boundary before you for a vote tonight. We hope that the full planning commission will also support the creation of this District and forward the map to City Council this evening.

It is important to note that setting the district boundary, while an important step, only puts lines on the map. No programs or funding mechanisms are attached to the formation of the District. It will be up to the City, artists, arts patrons, residents, and business leaders to complete and support the steps necessary to create a viable and relevant Downtown Cultural Arts District that supports the creative sector and promotes Fayetteville's creative economy.

**The committee was comprised of Commissioners Clark, Bryant, and Anthes and three members of the arts community, Jodi Beznoska of the WAC, Julie Gabel of Ceramic Cow Productions, and Dede Peters of ddp gallery. The committee was staffed by Daniel Hintz, Executive Director of FDP, under a contract for services with the City of Fayetteville. Two of these committee members have since been appointed to the new Fayetteville Arts Council, the creation of which was another deliverable of the CADI.*

fayettevillearts.org - fayetteville arkansas cultural arts district initiative

2007 Fayetteville Arts Festival

CADI Objectives

Cultural Arts District Initiative

ACTION ITEMS

- Establish a Fayetteville Arts Commission
- Produce an expanded Fayetteville Arts Festival
- Define boundaries of the Fayetteville Cultural Arts District
- Write and implement a Public Art Policy/Define and develop a Museum Without Walls
- Develop and support a sustainable Downtown Gallery Arts Walk
- Facilitate certification of AIE/Rostered Artists at the state level

OUR OBJECTIVES

- Increase opportunities for artists.
- Strengthen the arts infrastructure.
- Increase audiences for the arts.
- Enhance young people's access to the arts.

Objective 1: Increase opportunities for artists.

- Expand the Fayetteville Arts Festival
- Offer opportunities for artists to show work
- Offer educational opportunities such as filing taxes, marketing, resume development, curating, grant writing
- Develop alternative rehearsal/performing space and art venues
- Offer art hanging service to local businesses
- Negotiate bulk rates and discount opportunities for artists with frequently used merchants
- Expand marketing opportunities
- Offer professional services to artists, such as taxes, health care, etc.
- Develop "healing arts" programming with hospitals, schools, etc.
- Develop a resource clearinghouse for artists including sources for materials, shows/contests, galleries, frame shops, etc.
- Strengthen partnership opportunities between artists and mediums
- Develop residency programs
- Public Art Initiatives
- Buy a van to advertise artists
- Bring in big budget films
- Create mentoring opportunities between newer artists and established artists
- Develop partnerships between artists and producers/sellers, business/art

- Strengthen advocacy for local artists with local, state and federal officials

Objective 2: Strengthen the arts infrastructure.

- Develop an arts advocacy group such as a Fayetteville Arts Commission
- Develop a sister city program for artists to help get work out into a more broad community
- Support existing venues, establish new, sustainable spaces
- Offer inexpensive studio spaces
- Create incentives through business partnerships to invest in the arts infrastructure
- Create a interactive and usable website
- Promote the positives of buying local
- Create a walkable and accessible Cultural Arts District
- Health Insurance
- Develop affordable live/work space for artists
- Actively fundraise for sustainable programming
- 1% for the arts
- Art Walk/Gallery Walk
- Develop a resource center for all things art and arts related
- Create a tax incentive for investing in arts
- Be a granting agency
- Build an arts incubator space
- Create an art co-op

Objective 3: Increase audiences for the arts.

- % for the arts program to expand public exposure to the arts
- Bring in arts workshops, seminars
- More media coverage
- A regular arts review column in the paper
- Local art in homes during events, parties – rental opportunities
- Media/marketing campaign about Fayetteville and the arts
- Advertise in local and state publications
- Partner with community television
- Public art projects
- Database of art collectors/buyers in the region
- Creating a directory of artists and their work
- Expand and really market the Fayetteville Arts Festival

Objective 4: Enhance young people's access to the arts.

- Advertise private art classes
- Art classes for young and old
- Educational Workshops
- Residencies
- Public art
- Make the Fayetteville Arts Festival hip, cool and inviting for young people
- Create jobs in the arts for young people, paid summer internships
- Kids and film programs
- All ages music shows

FAYETTEVILLE DOWNTOWN CULTURAL ARTS DISTRICT

PART ONE: Recommendations of the City of Fayetteville Planning Commission | Cultural Arts District Committee

CITY OF FAYETTEVILLE PLANNING COMMISSION | CULTURAL ARTS DISTRICT COMMITTEE

**SUMMARY AND RECOMMENDATIONS FOR THE
FAYETTEVILLE DOWNTOWN CULTURAL ARTS DISTRICT**

PURPOSE

The purpose of the Fayetteville Downtown Cultural Arts District is to strengthen the creative sector, which is of direct financial benefit to the city. A downtown cultural arts district will capitalize on local and regional assets and investment, while enhancing the cultural, economic, and social framework of Fayetteville.

DEFINITION

A cultural arts district is generally:

- a geographically defined area generating creative goods and services that promote and enhance a city's identity while strengthening economic development efforts
- a mixed-use area with a high concentration of cultural facilities and related activities
- a reflection of a city's unique environment, including historic land use, future urban growth, and cultural development

The creation of the Fayetteville Downtown Cultural Arts District formalizes our city's intent to remain the center of innovation and creativity in Northwest Arkansas.

BENEFITS

Cultural Arts Districts across the country have proven their worth by creating jobs, broadening municipal tax bases, retaining residents, and attracting visitors. These districts also influence business development and expansion decisions, inspire downtown revitalization and historic preservation, build community identity, and stimulate the growth of creative enterprise.

The Fayetteville Downtown Cultural Arts District is expected to:

- attract new visitors
- support recruitment of an innovative and competitive workforce
- spur continued investment in area properties
- increase new and existing business activity
- enhance sales and HMR tax revenues

BOUNDARIES

Downtown Fayetteville has distinct areas where cultural activities already occur, making them logical places for inclusion into a cultural arts district:

Dickson Street, in close proximity to the Walton Arts Center and the University of Arkansas, has long been associated with activities that support a cultural arts district.

Artists are finding affordable studio and gallery space in the Mill District on the southern edge of downtown. This dynamic district is home to the Thursday night Farmer's Market, La Maison des Tartes, and Nightbird Books. Several new developments are underway, bringing more housing and storefront retail/restaurant opportunities.

The Jennings Plus neighborhood, just south of Archibald Yell and north of Sixth Street, is home to several artists and studio spaces, and there is momentum to establish the former Jefferson Elementary School as the Jefferson Center for Arts and Education.

The proposed boundaries for the Fayetteville Downtown Cultural Arts District, therefore, serve to formalize the current cultural and physical development and market trends that overlap within downtown.

The proposed boundary is roughly Maple Street to Sixth Street and Arkansas Avenue to College Avenue / South School per the attached map.

NEXT STEPS

A viable and relevant cultural arts district is tied to services that support the creative sector. The committee therefore, supports the following recommendations of Fayetteville Downtown Partners as necessary steps in the process:

- identify and/or create an entity to implement and manage district
- conduct a comprehensive inventory of the creative sector within the district
- develop a comprehensive cultural arts district strategic plan that includes short and long-term goals and milestones to measure the success of the plan
- work with the State of Arkansas and Washington County to identify district investment incentives and opportunities
- develop local incentives that fill the investment incentive gaps
- establish short- and long-term funding mechanisms

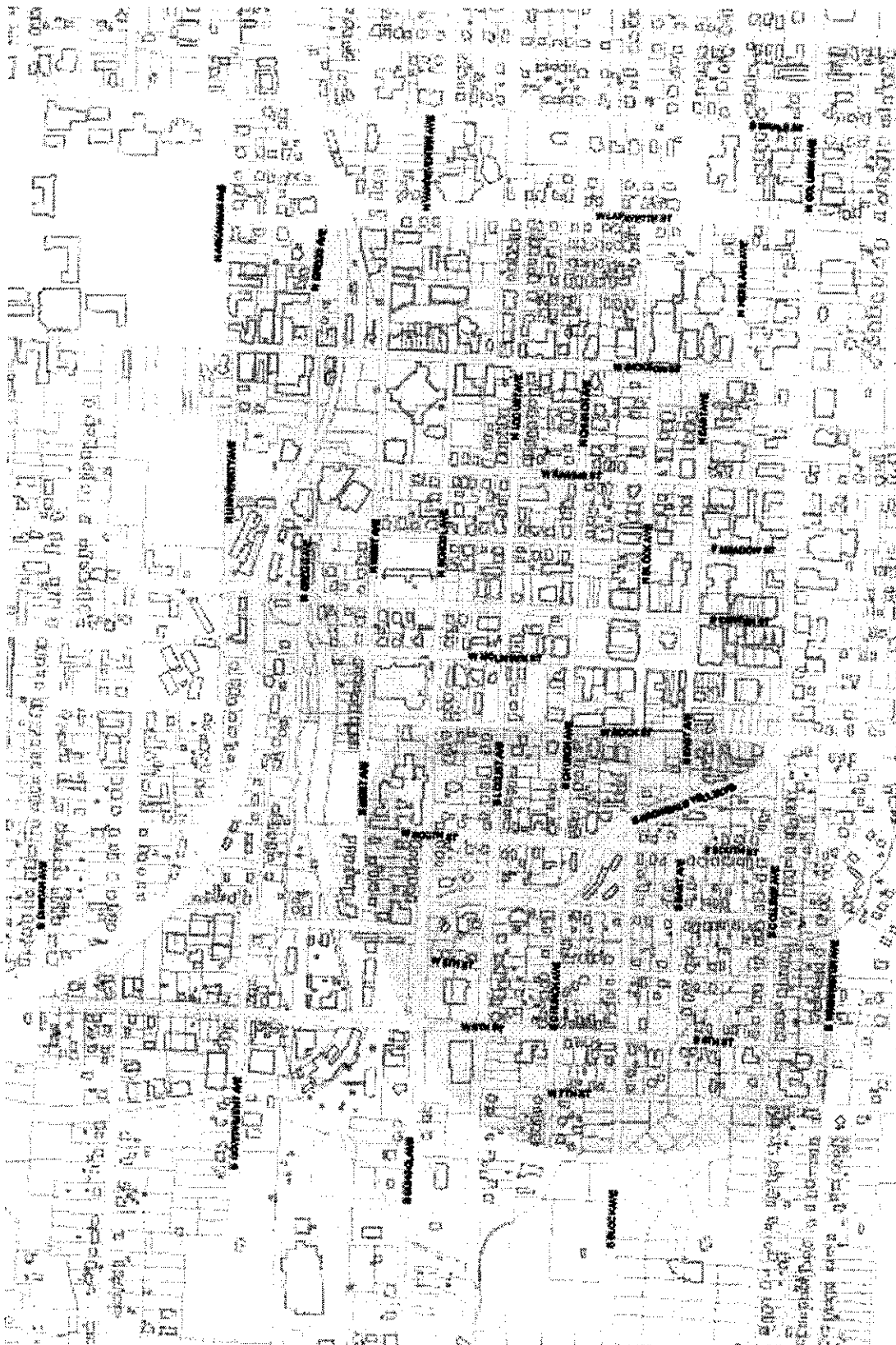
BACKGROUND

The Cultural Arts District Committee was charged with the following tasks:

- to review the tentative boundary drafted by the Cultural Arts District Initiative (www.fayettevillearts.org)
- to provide a narrative for why it is important to identify the district
- to recommend a boundary for consideration of the full Planning Commission

The Cultural Arts District Committee members included Planning Commissioners Jill Anthes, Lois Bryant, and Candy Clark; Jodi Beznoska, Walton Arts Center; Julie Gabel, Ceramic Cow Productions; and Dede Peters, ddp gallery.

The Cultural Arts District Committee was staffed by Daniel Hintz of Fayetteville Downtown Partners, under contract with the City of Fayetteville.



FAYETTEVILLE DOWNTOWN CULTURAL ARTS DISTRICT

**PART TWO: Supporting material, prepared by
Fayetteville Downtown Partners**

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



THE CULTURAL ARTS DISTRICT INITIATIVE

In 2005, the City of Fayetteville contracted with Fayetteville Downtown Partners (FDP) to identify the structure, boundaries, and services of a downtown Cultural Arts District. The Cultural Arts District Initiative (CADI) has taken a multi-phase approach in order to create a sustainable district. Those phases are as follows:

Phase 1: Create and maintain www.fayettevillearts.org

Phase 2: Expand the Fayetteville Arts Festival

Phase 3: Participate in Americans for the Arts "Arts & Economic Prosperity III" study

Phase 4: Develop and define an artist live/work use unit for the Unified Development Code of Fayetteville

Phase 5: Enact a Public Art Policy for the City of Fayetteville

Phase 6: Create a Fayetteville Arts Council

Phase 7: Define boundaries and potential services of a Cultural Arts District

Phase 8: Implement Cultural Arts District plan

FDP initiated Phase 7 with the submission of this report to Planning Commission in late 2006.

DEFINITION OF A CULTURAL ARTS DISTRICT

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

DEFINITION OF THE CREATIVE SECTOR

The creative sector includes people and companies whose product or intellectual property is associated with art, design or performance, services are defined by art or design, and/or companies that sell, supply or contribute to art or design-dependent products. Examples include potters, jewelers, musicians, advertising agencies, architects, galleries, theatre companies and high fashion clothing boutiques.

PURPOSE OF A CULTURAL ARTS DISTRICT

The purpose of the Fayetteville Cultural Arts District is to strengthen and enhance the creative sector of the city, which provides direct benefit to the city in which they live, work, and play. It may be helpful to consider a Cultural Arts District as an "industrial park" for the Creative Sector – a defined area generating creative goods and services that promotes and enhances Fayetteville's identity as a culturally rich city, while strengthening current economic development efforts. The creation of the district ensures our city remains the region's epicenter of innovation and creativity – paying substantial dividends across the economic and social spectrum.

BENEFITS OF A CULTURAL ARTS DISTRICT

The Fayetteville Cultural Arts District is expected to attract new visitors and knowledge-based industry and to spur continued investment in the area's properties. The creation of the Fayetteville Cultural Arts District is projected to increase new and existing business activity and enhance sales and HMR tax revenues.

PROPOSED BOUNDARIES

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

PROJECT OVERVIEW

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

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

THE FINDINGS

The establishment of a Cultural Arts District should be recognized as an ongoing initiative. Fully realizing the benefits of such a district will take coordination between several groups, including City of Fayetteville staff, the Mayor’s office, the Fayetteville Arts Council, City Council, Planning Commission, individual artists and arts organizations, and businesses. Establishing a Cultural Arts District in Fayetteville will involve long-term vision, planning and commitment, and should seek to capitalize on regional assets that are specific to the cultural, economic and social issues of Fayetteville. A sustainable district will require specialized management.

Cultural Arts Districts vs. Entertainment Districts

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

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

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

Definition of a Cultural Arts District

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

Generally, cultural arts districts support the fine arts (concert halls, theaters, and galleries) as well as libraries, historical museums and educational institutions. The district can include restaurants, nightclubs and other forms of popular entertainment as well. They can also include the companion commercial businesses that provide necessary supplies or support for these endeavors.

Overall, however, a cultural arts district can emphasize major fine arts and entertainment as well as primary cultural activities in the district including arts presentations, productions, and education.

Factors in creating a Cultural Arts District

Structural

1. *Perceived need for revitalization*
The perceived need for revitalization of an area is a key factor affecting the creation of a cultural district.
2. *Extent of investment near target site*
Extensive redevelopment in neighboring areas may indicate that property owners and developers have an interest in protecting their investment by ensuring that adjacent areas are also revitalized.
3. *Number of preexisting cultural facilities*
In most of the cultural districts, at least two or three important cultural facilities predated to the development or designation of the district.
4. *Presence of tourist sites*
Cultural districts benefit from the crossover traffic of convention centers, unique historic or heritage sites, parks or other natural areas located close by.
5. *Preexisting Land Use*
The other types of land uses such as current and potential housing, retail and office space are important to the siting and eventual constitution of a cultural district.
6. *Property Value*
If costs associated with property acquisition, construction, taxes, parking and other accessibility issues, regulation, and zoning are not competitive with other parts of the city, attracting new investment could prove difficult.
7. *Zoning and other development restrictions*
To encourage the type of growth desired, cultural districts may require modifications of zoning ordinances and building codes to, for example, permit housing or develop living or work space for artists. Zoning issues can lead to creative financing arrangements, and legislation can be created to provide exemptions on sales and income taxes to artists and performers who live within the whole district or particular development zones within the district.

Community Leadership

1. *Arts organizations, artists and other local arts agencies*
A cultural district may form where the demand by arts organizations for cultural arts spaces coincides with an interest in revitalization and where old theaters, schools, and other facilities are available at below-market prices. In many cities, the local arts agencies have served as the primary instigator in the development of the cultural arts district.
2. *Government agencies*
The development of virtually every cultural district in the United States has relied to some degree on the cooperation and support of city, county and/or state government officials for funding, planning assistance, favorable zoning ordinances, and arrangement for services such as policing and sanitation. Government financing for cultural districts may include grants, loan and bond authority for capital development or tax-based subsidies for operations.
3. *Development authorities*
These quasi- or nongovernmental agencies often hold public authority to plan development citywide or in a designated portion of the city, often exercising bonding authority to promote the development of facilities.
4. *Downtown business groups*
Most of the cultural districts created under the primary leadership of downtown business groups tend to be of the arts and entertainment type.

5. *Property owners, residents and historic preservation groups*
The coordination of the interests of multiple owners and users of a proposed cultural district is one of the most complicated issues facing the development and maintenance of the district.
6. *"Competing" cultural facilities*
The number and strength of cultural facilities in other parts of the city can be key to the designation and development of a cultural district. Non-district groups, however, may create some resistance over development of a district in which they do not reside because they fear they will no longer be considered for funding or lose patrons.

Social Forces

1. *General economic status*
The general economic status of a city may be a significant factor in cultural district development.
2. *City demographics*
Undesirable gentrification is a huge issue to consider in cultural district development. In some cities, arts development played a key role in displacing lower-income residents and ironically, those artists who had been at the development's vanguard. The district also needs to ensure that cultural events and activities reflect every citizen's experience and culture. Cultural districts must respond to this challenge by providing access to diverse arts organizations and programming.
3. *Political forces*
Declining federal and state funds for capital investment in urban development and shrinking subsidies for social and cultural programs are among the political forces at work. Proponents of cultural districts must identify new sources of private funding for the development and support of their facilities and programming.

Boundaries of a Cultural Arts District

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

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

Other areas, however, are also developing and attracting a variety of unique mix of endeavors. Artists are finding affordable studio and gallery space in the Mill District on the southern edge of downtown. This dynamic district is home to the Thursday night Farmer's Market, La Maison des Tartes and Nightbird Books. In addition, several new developments are currently being built, bringing more housing and storefront retail/restaurant opportunities.

The Jennings Plus neighborhood, just south of Archibald Yell and north of Sixth Street is home to several artists and studio spaces, and there is momentum to establish the former Jefferson Elementary School as the Jefferson Center for Arts and Education.

To capture these types of activity currently happening within Fayetteville, the proposed boundaries for the Fayetteville Cultural Arts District are composed of soft edges that flow with the cultural and physical development, as well as current and future market trends, that overlap within the downtown area.

Benefits of a Cultural Arts District

The assets that communities once touted as unique now represent nothing more than the opportunity to compete in today's market for jobs and industry. Cultural Arts Districts across the country have proven their worth by creating jobs, broadening the tax base, and attracting and retaining people to live, work and play in the cities in which these districts were established. These districts also influence business development and expansion decisions, inspire downtown revitalization and historic preservation, build community identity, and stimulate the growth of creative enterprise. The creation of the district ensures our city remains the region's epicenter of innovation and creativity – paying substantial dividends across the economic and social spectrum. The Fayetteville Cultural Arts District focuses attention on our creative sector, which helps to generate real wealth.

Arts, Culture, and Economics

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

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

Northwest Arkansas

Northwest Arkansas was one of 156 communities that participated in the 2007 *Arts and Economic Prosperity III: The Economic Impact of Nonprofit Arts and Cultural Organizations and Their Audiences in Northwest Arkansas*. This regional study was commissioned by the Walton Arts Center, Fayetteville Downtown Partners and several economic development agencies. The study focuses solely on the economic impact of nonprofit arts and cultural organizations and the event-related spending by their audiences. While limited in scope, the study still provides an overview of the economic impact of the arts.

Data was collected from 17 nonprofit arts and cultural organizations in Northwest Arkansas. Total spending for those nonprofit arts and cultural organizations and their audiences totaled \$16.21 million in 2005. The direct impact – that is, the initial economic effect of these expenditures – is as follows:

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

These numbers highlight the current revenue gap between Northwest Arkansas and peer cities, opening opportunities (and a subsequent return on investment) for further investment in the creative sector.

These direct economic impacts create an additional indirect economic impact. Of particular interest is the indirect impact of the creative economy. By calculating the direct and indirect impact (TOTAL IMPACT), Full Time Equivalent jobs increase by 76%, Resident Household Income increases by 100% and Local Government Revenue increases by 117%. The gap between Northwest Arkansas and Similar Study Regions also increases. The following numbers reflect the total economic impact – direct and indirect.

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

Arkansas

According to *Creativity in the Natural State: Growing Arkansas' Creative Economy* released by Regional Technology Strategies (RTS) in 2007, 40% of all non-governmental jobs in Arkansas were in manufacturing in 1984. Between 2000 and 2004, the state lost about 10,000 of those jobs, with manufacturing employment dropping to 20% for the first time since 1942. When compared to more conventional clusters presented to the state by the Monitor Group in 2007, the creative economy ranks as the third fastest growing economic cluster in the state, ranking ahead of major state industries such as forest products, automotive, and even hospitality and tourism.

RTS also examined how the size of the creative economy affects various economic indicators. They discovered that a concentration of arts and design workers has a significant impact on employment growth. Actual employment growth in Arkansas between 1990 and 2000 grew by 24%. The model they developed through their study indicated that without Arkansas' creative economy, that growth would have only been 15%. Similarly, Arkansas' new businesses, which grew 18%, would have only grown 13%.

United States

According to the 2007 national study done by Americans for the Arts, the nonprofit arts and cultural industries generates \$166.2 billion in economic activity annually – a 24% increase over the past five years. This spending supports 5.7 million full time jobs – an increase of 850,000 since their 2002 study on the nonprofit creative economy. This industry generates nearly \$30 billion in revenue to local, state, and federal governments per year. In comparison, these three levels of government spend less than \$4 billion annually to support arts and culture. This is a 7:1 return on investment in the nonprofit creative economy. These nonprofit cultural institutions also leverage additional spending by their audiences – pumping vital revenue into restaurants, hotels, retail stores, and other businesses.

Research by the Travel Industry Association of America and Partners in Tourism indicate that 65% of all adult travelers included a cultural event while on a trip of 50 miles or more away from home of which 32% extended their trip because of that event. Compared to all U.S. travelers, cultural travelers spend more (\$631 vs. \$457), use hotels, motels, or bed-and-breakfasts (62% vs. 56%) and are likely to shop (44% vs. 33%).

FAYETTEVILLE DOWNTOWN PARTNERS' RECOMMENDATIONS

A viable and relevant Cultural Arts District is not simply about its boundaries. This district is also the sum of its services that support the creative sector within its boundaries. We recommend the following for the creation of a sustainable and relevant Cultural Arts District:

1. Identify and/or create an entity to implement and manage district.
2. The district should be bounded as roughly West Lafayette Street on the North, Arkansas Avenue/University Avenue on the West, North College Avenue/Archibald Yell/South School Avenue on the East, and Sixth Street on the South.
3. Conduct a comprehensive inventory of the creative sector within the district.
4. Develop a comprehensive Cultural Arts District strategic plan that includes short- and long-term goals and milestones to measure success of plan.
5. Identify codes and ordinances that support Cultural Arts District goals, with understanding that Dickson Street issues will need specific focus as an entertainment focused area.
6. Work with the State of Arkansas and Washington County to identify district investment incentives and opportunities, and develop local incentives that fill the investment incentive gaps.
7. Establish short- and long-term funding mechanisms.

INFORMATION SOURCES

- ⇒ Arts & Economic Prosperity III, Americans for the Arts, 2007
- ⇒ Arts & Economic Prosperity III: The Economic Impact of Nonprofit Arts and Cultural Organizations and Their Audiences, Americans for the Arts, 2007
- ⇒ The Creative City: A Tool Kit for Urban Innovators, Landy, Charles, 2000
- ⇒ Cultural Districts: The Arts as a Strategy for Revitalizing Our Cities, Americans for the Arts, 1998
- ⇒ The Creative City Policy Sourcebook: Developing an Urban Agenda for the New Economy, Partners for Livable Communities, 2004
- ⇒ "Developing an Arts-Based Economic Development Strategy in Your Community", Neighborhood Reinvestment Training Institute, 2002
- ⇒ Arts & Economic Prosperity: The Economic Impact of Nonprofit Arts Organizations and Their Audiences II, Americans for the Arts, 2002
- ⇒ "The Arts in the GDP: Consumers Spent \$9.4 Billion on Admission Receipts for Performing Arts Events in 1998"; National Endowment for the Arts, 2000
- ⇒ Americans for the Arts database of 133 cities with designated cultural districts, 24 cities with cultural master plans and 58 cities with percentage for the arts plans.
- ⇒ ePodunk (www.epodunk.com) provided the "Top Ten College Towns" list, which we used to identify zones and codes that support a cultural arts district or entertainment district with a student population in mind.
- ⇒ Fayetteville Downtown Partners staff conducted online research on 54 city websites for special downtown, entertainment district, and/or cultural district zones/codes and conducted follow-up informational interviews with 17 city planning departments. Of those 54 cities, 23 had relevant and/or downloadable information. We can provide copies of these ordinances by request.

APPENDIX

Some local nonprofit arts organizations projected economic impact can be identified through the Americans for the Arts *Arts & Economic Prosperity Calculator*. The analyses is based on research findings from the 91 communities that were part of *Arts & Economic Prosperity*, Americans for the Arts' national economic impact study of nonprofit arts organizations and their audiences.

Arts and Economic Prosperity Calculator Definitions

Total Expenditures: The total dollars spent by nonprofit arts organization and its audiences; event-related spending by arts audiences is estimated using the average dollars spent per person by arts event attendees in similarly populated communities.

FTE Jobs: The total number of full-time equivalent (FTE) jobs in the community that are supported by the expenditures made by arts organization and/or its audiences. An FTE can be one full-time employee, two half-time employees, or four employees who work quarter-time.

Household Income: The total dollars paid to community residents as a result of the expenditures made by an arts organization and/or its audiences. Household income includes salaries, wages, and proprietary income.

Government Revenue: The total dollars received by local and state governments (e.g. license fees, taxes) as a result of the expenditures made by an arts organization and/or its audiences.

http://www3.artsusa.org/information_resources/economic_impact/calculator.html

Walton Arts Center (www.waltonartscenter.org)

Total Expenses - \$6,000,000

Total Arts Audiences - 140,000

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

2006 Fayetteville Arts Festival (www.fayettevillearts.org)

Total Expenses - \$98,000

Total Arts Audiences - 9,000

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

Ceramic Cow Productions

Total Expenses – \$13,500

Total Arts Audiences – 1,135

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

TheatreSquared (www.theatresquared.org)

Total Expenses – \$134,595

Total Arts Audiences – 3,350

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

North Arkansas Symphony Orchestra (www.nasymphony.org)

Total Expenses – \$581,025

Total Arts Audiences – 4,335

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

Arts Live Theatre (www.artslivetheatre.com)

Total Expenses – \$109,145

Total Arts Audiences – 2,322

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

Dance Coalition (www.dancecoalition.com)

Total Expenses - \$13,822

Total Arts Audiences – 450

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

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

4-Sep-07
City Council Meeting Date

Karen Minkel
Submitted By

Planning
Division

Operations
Department

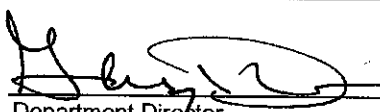
Action Required:

ADM 07-2625: (Master Street Plan Update): Submitted by Planning Staff to adopt the Master Street Plan update.

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

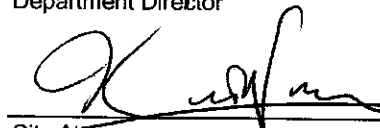
Budgeted Item ☐

Budget Adjustment Attached ☐

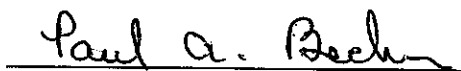
 8-17-07
Department Director Date

Previous Ordinance or Resolution # n/a

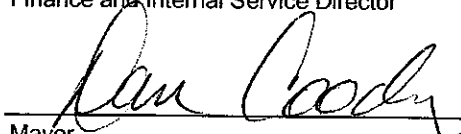
Original Contract Date: n/a

 8-17-07
City Attorney

Original Contract Number: n/a

 8-20-07
Finance and Internal Service Director Date

Received in City Clerk's Office
ENTERED
8/17/07

 8/20/07
Mayor Date

Received in Mayor's Office
ENTERED
8/20/07

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations
Tim Conklin, Planning and Development Management Director *T.C.*
Ron Petrie, City Engineer *RP*
Jeremy Pate, Director of Current Planning *J.P.*

From: Karen Minkel, Senior Long Range Planner *K.M.*

Date: August 14, 2007

Subject: Administrative item to adopt the Master Street Plan update (ADM 07-2625)

RECOMMENDATION

Planning Staff recommends approval of a resolution to adopt the Master Steet Plan update.

BACKGROUND

The Planning and Engineering staffs were charged with updating the Master Street Plan (MSP) to reflect the goals of City Plan 2025 and to complement the Future Land Use Map. In addition, staff wanted to standardize cross-sections in order to minimize the number of requests for individual street cross-sections in proposed developments. Staff developed the attached street cross-sections through multiple meetings, and the proposed MSP has been reviewed by the engineering and planning divisions, the fire department, solid waste division and the urban forester. Staff also utilized professional guidelines and manuals for the update, including *A Policy on Geometric Design of Highways and Streets* by the American Association of State Highway and Transportation Officials and the proposed *Context Sensitive Solutions* by the Institute of Transportation Engineers.

Changes to the map include:

- (1) Policy decisions that have been made by the City Council since the last update;
- (2) More small, connecting streets, mostly in the form of Collector streets;
- (3) Greater sensitivity to the Future Land Use Map;
- (4) Classification of streets in the newly annexed area;
- (5) Alignment with the Fayetteville Alternative Transportation and Trails Plan; and
- (6) Alignment changes to streets based on hillside and floodplain data.

Changes to the street cross-sections include:

- (1) Better accommodation of pedestrians and cyclists;

- (2) Greater sensitivity to context, offering low-impact development, suburban and urban street cross-section options;
- (3) Reduction of curb and gutter from two feet to one-and-a-half feet;
- (4) Overall reduction of right-of-way requirements;
- (5) Lane width measured from face of curb instead of back of curb in order to better describe the visual width of the road; and
- (6) Downtown street cross-section rights-of-way increased in order to make the downtown cross-sections consistent with the City's sidewalk and landscaping ordinances.

Street	Previous R-O-W	Proposed R-O-W
Alleys (3)	20'	20', 24' for commercial alley
Residential	40'	43'
Residential (LID)	N/A	50'
Hillside Residential	27'	27'
Local	50'	50'
Local Urban	N/A	53'
Hillside Local	33'	33'
Collector	70'	59', 70' at intersections
Minor Arterial	90'	85'
Principal Arterial	110'	97'
Principal Arterial Parkway	N/A	107'
DMP 2-Lane Urban	30'	37'
DMP 2-Lane Urban	38'	45'
DMP 1-Lane Urban	40'	43'
DMP College	N/A/	63'

Staff solicited feedback from three groups and the general public before presenting the proposed MSP to the Planning Commission. The Plan was presented initially to the Street Committee on May 31, 2007 and members expressed interest in hearing feedback from the public. The Plan was then presented to utility companies at a meeting hosted by Ozarks Electric, and the companies provided text that has been added to the front page of the MSP. A third session was held specifically for local engineers and developers to provide comments on June 26, 2007. Nine engineers, developers and architects attended the session. No changes were requested.

A MSP Open House was held at the Town Center Plaza during the Farmers Market on June 23, 2007. Between 50 and 60 citizens took the self-guided walking tour during the Open House and five left comments. A second Open House was held at Gulley Park on July 26, 2007 during one of the summer concerts. Between 150 and 200 citizens viewed the proposed map and street cross-sections. Ten written comments were left at the Open Houses, which are shown below:

What are the strengths of the MSP?

- Providing bike lanes and green space
- Bike lanes
- More bike lanes
- More boulevards
- Coordination with F.A.T.T. plan for on-street bike linkages
- Vision-this is the City we want to see
- Multi-modal transport—alternative transport options
- L.I.D. cross-section
- The collector streets make good sense to me.

What would you like to see changed in the MSP update?

- Extension of turning lanes whenever possible to prevent bottlenecking
- It looks like a great plan
- I'm still a little unclear about how the middle section is going to be when things are changed and how that will work.
- The chevron and bike symbol allow proper vehicle behavior for all roadway users. The solid bike lane stripe creates conflict at intersections that can be resolved, but takes extra attention.
- Rock St./71B intersection needs pedestrian crossing.

Are there any important connections missing?

- It appears to be thorough
- Nothing that I know of
- Needs more bike lanes at West Deane St.
- My concern has not been added to the MSP-yet. But it does relate to College Ave./South School. Rock Street at intersection should be closed. Traffic from Huntsville Road at Jefferson light should be channeled there. Don't ruin the Spout Spring Neighborhood by running commuter traffic at high counts through. Many supporting safety, costs, etc. for this choice. I am suspicious of this. Trust me, the people in the hollow will not be able to access Huntsville at Rock so don't pretend to be making this decision for them. This is specifically accommodating commuters over community. Two blocks, maybe saved by the short cut. No real time due to curves, etc. Winter-Rock St. vs. S. College? Please re-engineer this dangerous intersection BUT you can do it with better intentions. Close the Rock St. access. Channel the 16E traffic down to the Jefferson light.
- I like the improvements that have already been taking place around Wilson Park with speed bumps and look forward to more of this, and more

- greenery on College Ave.
- Bike lanes for commuting will be important and useful when completing.

Planning Commission Discussion: The Planning Commission first reviewed the proposed Master Street Plan at a meeting on July 9, 2007 and requested that Staff address design speeds, particularly in regard to the relationship between speed and lane width. Staff added the desired operating speed to each street cross-section as shown in the table below.

Street	Desired Operating Speed
Residential	15-20 mph
Local	20-25 mph
Collector	25-30 mph
Minor Arterial	35-40 mph
Principal Arterial	40-45 mph

The Engineering and planning staff also reviewed the proposed *Context Sensitive Solutions* in order to reassess the width of travel lanes in the street cross-sections. The travel lane recommendation for Collector Thoroughfares was 10-11 feet, which is consistent with the proposed Collector street cross-section. Collector streets that are part of the Trails Master Plan require a 15-foot shared motorist and cyclist lane; collector streets without on-street linkages would have a 10-foot and a 9-foot travel lane. The desired operating speed of 25-30 mph is also consistent with the proposed *Context Sensitive Solutions*.

The recommended travel lane width for arterials with two to four lanes is 10-12 feet depending on whether the area is residential or commercial. The proposed Master Street Plan is consistent with this recommendation, requiring 11' travel lanes for Minor and Principal Arterials.

The *Context Sensitive Solutions* document does not address Residential or Local streets. Staff reevaluated two of these street cross-section recommendations based on comments from commissioners and amended the Low Impact Development street cross section and the Hillside Local street cross-section. Staff reduced the lane widths of the Low-Impact Development street cross-section by one foot on either side, creating 9' travel lanes, which are consistent with the standard Residential street cross-section measurements. The two feet were added to the greenspace to make additional room for trees and maintain the proposed right-of-way of 50 feet. Commissioners also questioned the width of the Hillside Local street cross-section and asked whether the 12.5' travel lanes could be reduced. Staff has added 7-foot on-street parking on one side to this cross-section, reducing the lane widths to 9.5 feet.

City Council Meeting of September 4, 2007

Agenda Item Number

The Planning Commission also requested that staff clarify the "green" neighborhood elements that would accompany the use of the low-impact development street cross-sections. Staff used the U.S. Green Building Council's guide to LEED Neighborhood Development projects to identify key elements of "green" neighborhoods, but wanted to provide developers with some flexibility to allow for innovative techniques and does not intend for the listed elements to represent an exhaustive list.

The following text has been added:

The Low-Impact Development street cross-section will be recommended by staff only if used in conjunction with other "green" neighborhood building practices. These practices may include, but are not limited to, increasing energy and water efficiency, decreasing vehicle miles traveled, avoiding floodplains, conserving wetlands and water bodies, providing a diversity of housing types, utilizing a compact development pattern, including certified green buildings, minimizing site disturbance through site design and during construction, decreasing polluted stormwater run-off, building where jobs and services are accessible by foot or transit, and improving air quality.

Collector Boulevards: In a second review of the proposed Master Street Plan, the fire department found that the Collector Boulevard street cross-section was inconsistent with Fayetteville Fire Code. The fire department requires 20 feet free and clear on either side of the boulevard, not including on-street parking. Attempting to reconcile this requirement with the Collector Boulevard concept did not produce a workable standard street cross-section, and Planning and Engineering staff recommend removing this street cross-section. The fire department has expressed willingness to work with individual developers who would like to utilize this type of street cross-section to find an acceptable solution, but staff did not feel comfortable recommending a standard collector boulevard given the fire code regulations. The Planning Commission did not discuss this recommendation on August 13; staff recommends that the City Council remove the Collector Boulevard street cross-section and the accompanying text.

Public Comment: In addition, Planning staff received written comments and letters, which are attached to the report. Letters from Jeff Gaddy and Bob Gaddy support the removal of a proposed north-south minor arterial east of Oakland Zion Road in favor of upgrading Oakland Zion Road to a minor arterial. Bob Gaddy further added that the Commission should consider connecting Sagely Lane to N. Altus Drive rather than extending Sagely Lane to E. Skillern Road. Skillern Road could then be extended to connect with N. Altus Drive. An email was received from John McClarty, Transportation Study Director with Northwest Arkansas Regional Planning, supporting the upgrade of Highway 112 from a minor arterial to a principal arterial parkway, although Regional Planning preferred N. Salem Road.

The Planning Commission received letters from several members of the Estates at Salem Hills neighborhood opposing the designation of Howard Nickell as a Principal Arterial Parkway, which are also attached. This designation was adopted by City Council (Res. 209-05) in October 2005 when the City Council changed Ruppel Road from a Minor to

Principal Arterial. When the Estates at Salem Hills was platted in 2003, 90' of right-of-way was acquired in order to eventually accommodate a four-lane Minor Arterial.

DISCUSSION

The Planning Commission voted 6-1-0 in favor of this request on August 13, 2007. Commissioner Myres cast the dissenting vote and stated that while she thought the street cross-sections were well-designed, she was dissatisfied with some of the designations on the map.

BUDGET IMPACT

None.

RESOLUTION NO. _____

**A RESOLUTION TO ADOPT A REVISED MASTER STREET
PLAN FOR FAYETTEVILLE INCLUDING REVISED STREET
CROSS SECTIONS**

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby adopts a revised Master Street Plan of 2007 for Fayetteville including revised street cross sections. The Master Street Plan of 2007 replaces the existing Master Street Plan which is hereby repealed.

PASSED and APPROVED this 4th day of September, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

Connecting Fayetteville to other population centers and to provide for circulation within the community requires consistent planning. New development must be provided with proper access to alleviate problems associated with congestion and safety by requiring streets in sufficient number and of adequate size to accommodate peak traffic volumes.

The following street cross-sections are functionally classified in accordance with the U.S. Department of Transportation's National Highway Functional Classification Study Manual. In addition, the street cross-sections provide sensitivity to context by providing options for both suburban and urban developments and accommodating cyclists and low-impact development neighborhoods.

The International Fire Code (IFC), which the State of Arkansas has adopted, requires a 20-foot minimum of unobstructed width on all roads, which is reflected in the proposed street cross-sections. If structures on either side of the road exceed 30 feet or three stories, then the IFC requires a 26-foot minimum of unobstructed width.

Additional Utility Easements will be required outside of the specified Right-of-Way on a project specific basis, as determined by the utility companies.

* ACCESS MANAGEMENT: providing access to land development in such a way as to preserve safety and reasonable traffic flow on public streets. Low, moderate and high designations are used for the level of access restrictions. A high level of access management uses medians to restrict mid-block turns, consolidates driveways and controls the spacing of intersections. A low level of access management limits full access at some intersections.

ALLEYS are used in conjunction with streets to provide rear access to properties, garages, and off-street parking. Greenspace and alleys prohibit fences and parking. They have a low level of access management.

1a. RESIDENTIAL REAR ALLEY: ONE-WAY

Design Service Volume:	< 200 vpd
Travel Lanes:	One 10' lane
Parking:	Not Allowed
Paved Width:	12' from outer edge of concrete strip
Right of Way:	20'
Sidewalks:	None
Greenspace:	Both sides of alley, min. 4' wide, unencumbered
Curb cuts:	Continuous access possible. No curb required

1b. RESIDENTIAL REAR ALLEY: TWO-WAY

Design Service Volume:	< 200 vpd
Travel Lanes:	Two 7' lanes
Parking:	Not Allowed
Paved Width:	16' from outer edge of concrete strip
Right of Way:	20'
Sidewalks:	None
Greenspace:	Both sides of alley, min. 2' wide, unencumbered
Curb cuts:	Continuous access possible. No curb required

1c. COMMERCIAL REAR ALLEY: TWO-WAY

Design Service Volume:	< 200 vpd
Travel Lanes:	Two 9' lanes
Parking:	Not Allowed
Paved Width:	20' from outer edge of concrete strip
Right of Way:	24'
Sidewalks:	None
Greenspace:	Both sides of alley, min. 2' wide, unencumbered
Curb cuts:	Continuous access possible. No curb required

RESIDENTIAL STREETS provide for the lowest level of traffic and service. They provide access to residential property and are intended to be used only by local traffic. A high degree of street connectivity is strongly encouraged for easy dispersal of traffic. Residential Street block lengths shall not exceed 600 feet. The Low-Impact Development street cross-section will be recommended by staff only if used in conjunction with other “green” neighborhood building practices. These practices may include, but are not limited to, increasing energy and water efficiency, decreasing vehicle miles traveled, avoiding floodplains, conserving wetlands and water bodies, providing a diversity of housing types, utilizing a compact development pattern, including certified green buildings, minimizing site disturbance through site design and during construction, decreasing polluted stormwater run-off, building where jobs and services are accessible by foot or transit, and improving air quality. Residential streets have a low level of access management.

2a. RESIDENTIAL:

Design Service Volume:	< 300 vpd
Desired Operating Speed:	15-20 mph
Travel Lanes:	Two 9' lanes
Parking:	Not Allowed
Paved Width:	20' from face of curb
Right of Way:	43'
Sidewalks:	Both sides of street, min. 5' wide, located in R.O.W. at R.O.W. line
Greenspace:	Both sides of street, min. 6' wide

2b. RESIDENTIAL LOW-IMPACT DEVELOPMENT:

Design Service Volume:	< 300 vpd
Desired Operating Speed:	15-20 mph
Travel Lanes:	Two 9' lanes
Parking:	Not Allowed
Paved Width:	20'
Right of Way:	50'
Sidewalks:	One, at least 5' wide, adjoining 5' greenspace
Greenspace:	One side of street, min. 5' wide
Bio-Swale:	Both sides of street, 10' wide, tree plantings may be permitted by the Urban Forester

LOCAL STREETS provide for a moderate level of traffic flow and service. They provide access to abutting land uses and provide connections to higher order street classifications. Local Urban streets are encouraged in City Neighborhood and Urban Center areas as depicted on the Future Land Use Map. Local Urban Streets are also appropriate for areas that may function as a main street for a neighborhood, offering mixed uses and a pedestrian-friendly environment. They have a low to medium level of access management.

3a. LOCAL:

Design Service Volume:	< 4,000 vpd
Desired Operating Speed:	20-25 mph
Travel Lanes:	One 10' lane, One 9' lane
Parking:	One 7' lane
Paved Width:	27' from face of curb
Right of Way:	50'
Sidewalks:	Both sides of street, min. 5' wide, located in R.O.W. at R.O.W. line
Greenspace:	Both sides of street, min. 6' wide

3b. LOCAL URBAN:

Design Service Volume:	< 4,000 vpd
Desired Operating Speed:	20-25 mph
Travel Lanes:	Two 9' lanes
Parking:	Two 8' lanes with bump-outs
Paved Width:	20' from face of bump-out curb 36' entire width to face of curb
Right of Way:	53'
Sidewalks:	Both sides of street, min. 8' wide with grated tree wells against curb
Greenspace:	Both sides of street, tree wells

DRAFT: CITY COUNCIL
 September 4, 2007

COLLECTOR STREETS provide traffic circulation within residential, commercial, and industrial areas. They collect traffic from local or residential streets in neighborhoods and facilitate movement into the arterial system. Connections between arterials should be direct in order to disperse traffic throughout the city. Collector streets vary in width and function as they respond to the context of the adjacent land uses. A minimum right-of-way of 59 feet shall be provided where a collector is depicted on the Master Street Plan with a 70-foot right-of-way provided at intersections with other collectors, minor arterials and principal arterials. The intersection right-of-way must extend a minimum of 200 feet from the intersection. A 70-foot right-of-way may be required if the volume of traffic generated or predicted warrants a continuous turning lane.

Where on-street linkages are not shown on the Fayetteville Alternative Trails and Transportation (FATT) Plan, the paved width of 27 feet shall be constructed, and the design should be consistent with the paved width of the Local street cross-section. A Collector street without the on-street linkages would have one 10-foot lane, one 9-foot lane, a 7-foot lane for parking, a 10-and-a-half-foot greenspace and a 5-foot sidewalk on both sides of the street. All Collectors have a moderate level of access management.

A Collector Boulevard street cross-section with a 65-foot right-of-way is encouraged in City Neighborhood and Urban Center areas as identified on the Future Land Use Map. A Collector Boulevard is also encouraged for areas that will receive or encourage significant pedestrian traffic. All Collectors have a moderate level of access management.

4a. **COLLECTOR (THROUGH):**

Design Service Volume:	< 4,000 vpd, < 6000 vpd with left turn bays
Desired Operating Speed:	25-30 mph
Travel Lanes:	Two 14' shared motorist and cyclist lanes
Turn Lane:	12' turn bays where warranted
Bicycle Lanes:	Shared with drive lane
Parking:	None
Paved Width:	30' from face of curb
Right of Way:	59'
Sidewalks:	Both sides of street, min. 5' wide, located in R.O.W. at R.O.W. line
Greenspace:	Both sides of street, min. 9' wide

DRAFT: CITY COUNCIL
September 4, 2007

4b. COLLECTOR (INTERSECTION):

Design Service Volume: < 4,000 vpd, < 6000 vpd with left turn bays
Desired Operating Speed: 25-30 mph
Travel Lanes: Two 14' shared motorist and cyclist lanes
Turn Lane: 11' turn bays where warranted
Bicycle Lanes: Shared with drive lane
Parking: None
Paved Width: 41' from face of curb
Right of Way: 70'
Sidewalks: Both sides of street, min. 5' wide, located at R.O.W.
Greenspace: Both sides of street, min. 9' wide

4c. COLLECTOR BOULEVARD:

Design Service Volume: < 4,000 vpd, < 6000 vpd with left turn bays
Desired Operating Speed: 25-30 mph
Travel Lanes: Two 10' lanes
Median/Turn Lane: 10'
Parking: Two 8' lanes
Paved Width: 19' from face of curb
48' entire width including median
Right of Way: 65'
Sidewalks: Both sides of street, min. 8' wide, with grated tree wells
against curb
Greenspace: None

MINOR ARTERIAL STREETS provide mobility throughout the city, providing multiple modes of transportation within the arterial network. Access should be limited to controlled intersections where possible. They have a moderate level of access management.

5 MINOR ARTERIAL:

Design Service Volume: < 12,200 vpd
Desired Operating Speed: 35-40 mph
Travel Lanes: Four 11' lanes
Bicycle Lanes: 5' wide, both sides of street next to curb
Parking: None
Paved Width: 54' from face of curb
Right of Way: 85'
Sidewalks: Both sides of street, min. 5' wide, located in R.O.W. at R.O.W. line
Greenspace: Both sides of street, min. 10' wide

DRAFT: CITY COUNCIL
 September 4, 2007

PRINCIPAL ARTERIAL STREETS carry high volumes of through traffic. They are designed as boulevards for beauty and safety. They have a high level of access management and access should be primarily by way of streets rather than curb cuts.

6. PRINCIPAL ARTERIAL BOULEVARD:

Design Service Volume:	< 17,600 vpd
Desired Operating Speed:	40-45 mph
Travel Lanes:	Four 11' lanes Four 11' lanes at intersections
Bicycle Lanes:	5' wide, both sides of street next to curb
Median:	10', 12' turn lane at intersections
Parking:	None
Paved Width:	28' from face of curb 66' entire width including median
Right of Way:	97'
Sidewalks:	Both sides of street, min. 5' wide, located in R.O.W. at R.O.W. line
Greenspace:	Both sides of street, min. 10' wide

PRINCIPAL ARTERIAL PARKWAYS carry high volumes of through traffic and are designed for beauty and safety. They have a high level of access management and access should be primarily by way of streets rather than curb cuts.

7. PRINCIPAL ARTERIAL PARKWAY:

Design Service Volume:	< 17,600 vpd
Desired Operating Speed:	40-45 mph
Travel Lanes:	Four 11' lanes
Bicycle Lanes:	5' wide, both sides of street against curb
Median/Turn Lane:	20' median, or 8' median with 12' turn lane
Parking:	None
Paved Width:	28' from face of curb with median 40' from face of curb with turn lane 76' entire width including median
Right of Way:	107'
Sidewalks:	Both sides of street, min. 5' wide, located in R.O.W. at R.O.W. line
Greenspace:	Both sides of street, min. 10' wide

H.H.O.D. (HILLTOP-HILLSIDE OVERLAY DISTRICT) STREETS

are designed with a narrow right-of-way in order to minimize grading disturbance and tree removal, while still accommodating utility locations, vehicular and pedestrian movements. (See example in street cross-section.) Hillside Residential streets carry limited traffic through neighborhoods, while Hillside Local streets collect traffic from the neighborhoods and disperse it to minor arterials. They have a low level of access management.

8a. HILLSIDE RESIDENTIAL:

Design Service Volume:	< 500 vpd
Desired Operating Speed:	15-20 mph
Travel Lanes:	Two 9.5' lanes
Parking:	Not Allowed
Paved Width:	21' from face of curb
Right of Way:	27'
Sidewalks:	One, at least 5' wide, abutting curb
Greenspace:	None
Utility Easements:	Two, 15' at R.O.W.

8b. HILLSIDE LOCAL:

Design Service Volume:	< 4000 vpd
Desired Operating Speed:	20-25 mph
Travel Lanes:	Two 9.5' lanes
Parking:	One 7' lane
Paved Width:	27' from face of curb
Right of Way:	33'
Sidewalks:	One, at least 5' wide, abutting curb
Greenspace:	None
Utility Easements:	Two, 15' at R.O.W.

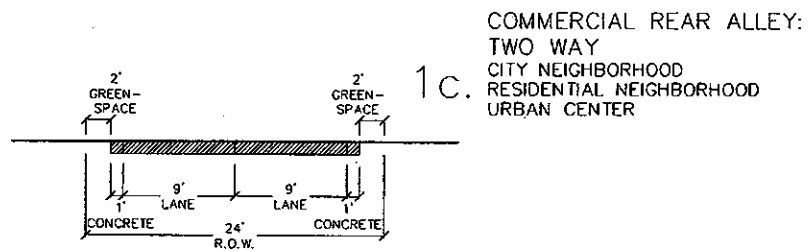
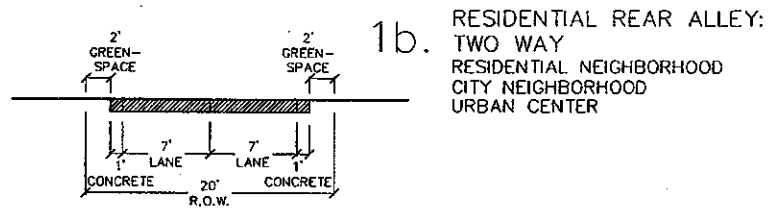
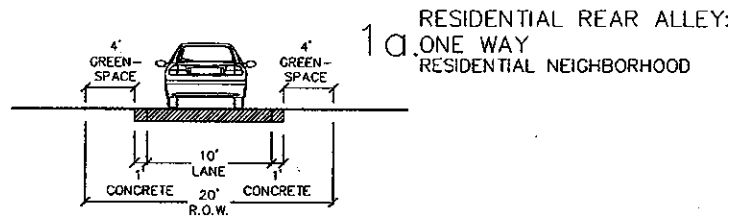
DOWNTOWN MASTER PLAN STREETS are specific to the Downtown Master Plan area.

- 1 ST 37 9/9
Design Service Volume: < 300 vpd
Traffic Lanes: Two 9' lanes
Parking: Not Allowed
Paved Width: 20' from face of curb
Right of Way: 37'
Sidewalks: Both sides of street, min. 8' wide with grated tree wells against curb
Greenspace: Both sides of street, tree wells
- 2 ST 45 8/10/9
Design Service Volume: < 300 vpd
Traffic Lanes: One 10' lane, one 9' lane
Parking: One 8' lane
Paved Width: 28' from face of curb
Right of Way: 45'
Sidewalks: Both sides of street, min. 8' wide with grated tree wells against curb
Greenspace: Both sides of street, tree wells
- 3 ST 40 8/10/8
Design Service Volume: < 4,000 vpd
Traffic Lanes: One 10' lane
Parking: Two 8' lanes
Paved Width: 26' from face of curb
Right of Way: 43'
Sidewalks: Both sides of street, min. 8' wide with grated tree wells against curb
Greenspace: Both sides of street, tree wells
- 4 ST 63 11/11/11/11
Design Service Volume: <17,600
Traffic Lanes: Four 11' lanes
Bicycle Lanes: None
Parking: None
Paved Width: 46' from face of curb
Right of Way: 63'
Sidewalks: Both sides of street, min. 8' wide with grated tree wells against curb
Greenspace: Both sides of street, tree wells

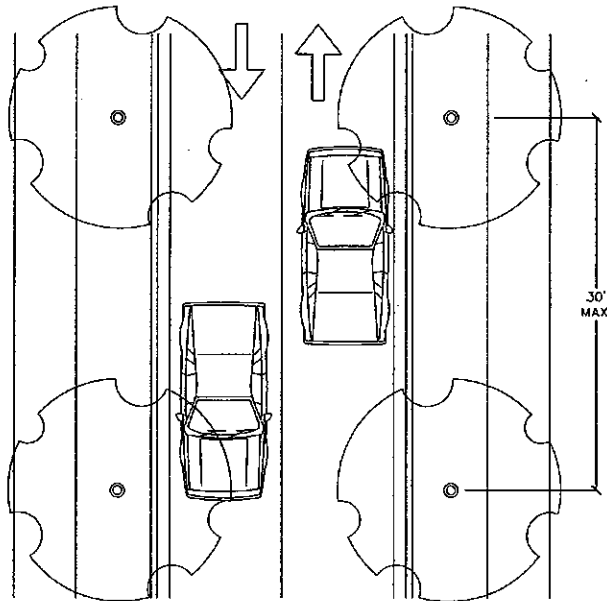
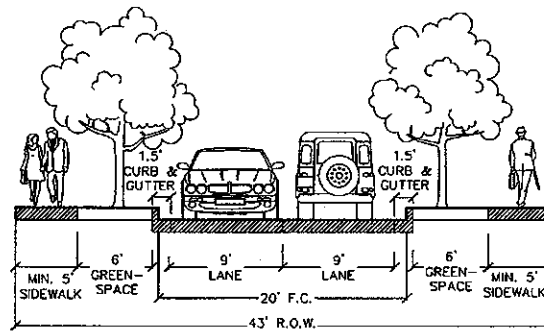
Master Street Plan Guiding Policies

In order to guide the formulation of a Master Street Plan and direct the Planning Commission regarding land use decisions that affect transportation issues, the following policies are suggested:

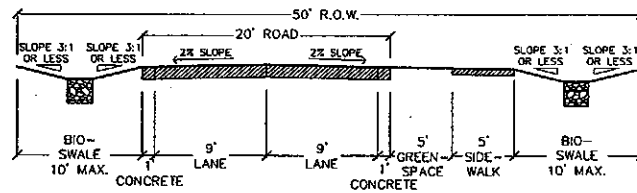
- 12.2.20.a Promote the coordinated and efficient use of all available and future transportation modes. (Goal 4)
- 12.2.20.b Meet the diverse transportation needs of the people of the City, including rural and urban populations and the unique mobility needs of the elderly and disability communities.
- 12.2.20.c Ensure the repair and necessary improvements of roads and bridges throughout the City to provide a safe, efficient and adequate transportation network.
- 12.2.20.d Minimize the harmful effects of transportation on public health and on air and water quality, land and other natural resources.
- 12.2.20.e Promote reliance on energy-efficient forms of transportation.
- 12.2.20.f Incorporate a public participation process in which the public has timely notice and opportunity to identify and comment on transportation concerns.
- 12.2.20.g Monitor and improve transportation facilities to conveniently serve the intra-city and regional travel needs of Fayetteville residents, business and visitors.
- 12.2.20.h Monitor the incidence of traffic accidents and implement physical and operational measures to improve public safety.
- 12.2.20.i Support the Razorback Transit service and the Ozark Regional Transit, which offer convenient and reliable alternatives to the automobile. (Goal 4e)
- 12.2.20.j Establish facilities that accommodate safe and convenient travel for pedestrians and bicyclists. (Goal 4e)
- 12.2.20.k Promote mixed-use and traditional neighborhood development to reduce roadway demand and change travel patterns. (Goal 3b, Goal 4)
- 12.2.20.l Encourage consideration of the impacts on the transportation network in land use decisions made by the Planning Commission.
- 12.2.20.m Periodically update the Master Street Plan in order to evaluate the context sensitivity and the appropriateness of right-of-way dedication requirements.
- 12.2.20.n Encourage the construction of sheltered bus stops and bicycle parking facilities at transit stops, shopping centers and employment centers.



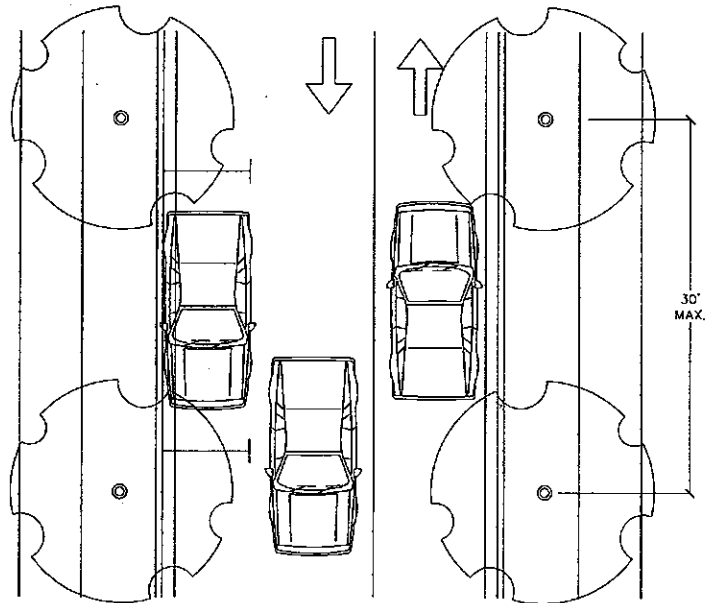
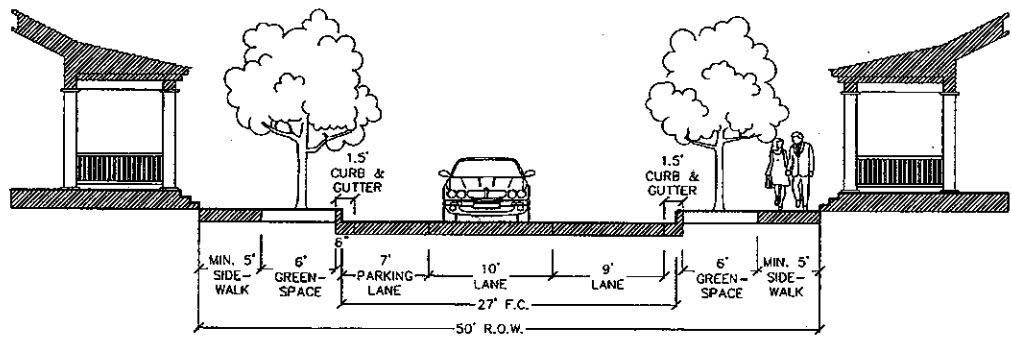
2a. RESIDENTIAL RESIDENTIAL NEIGHBORHOOD



2b. RESIDENTIAL LOW-IMPACT DEVELOPMENT RESIDENTIAL NEIGHBORHOOD



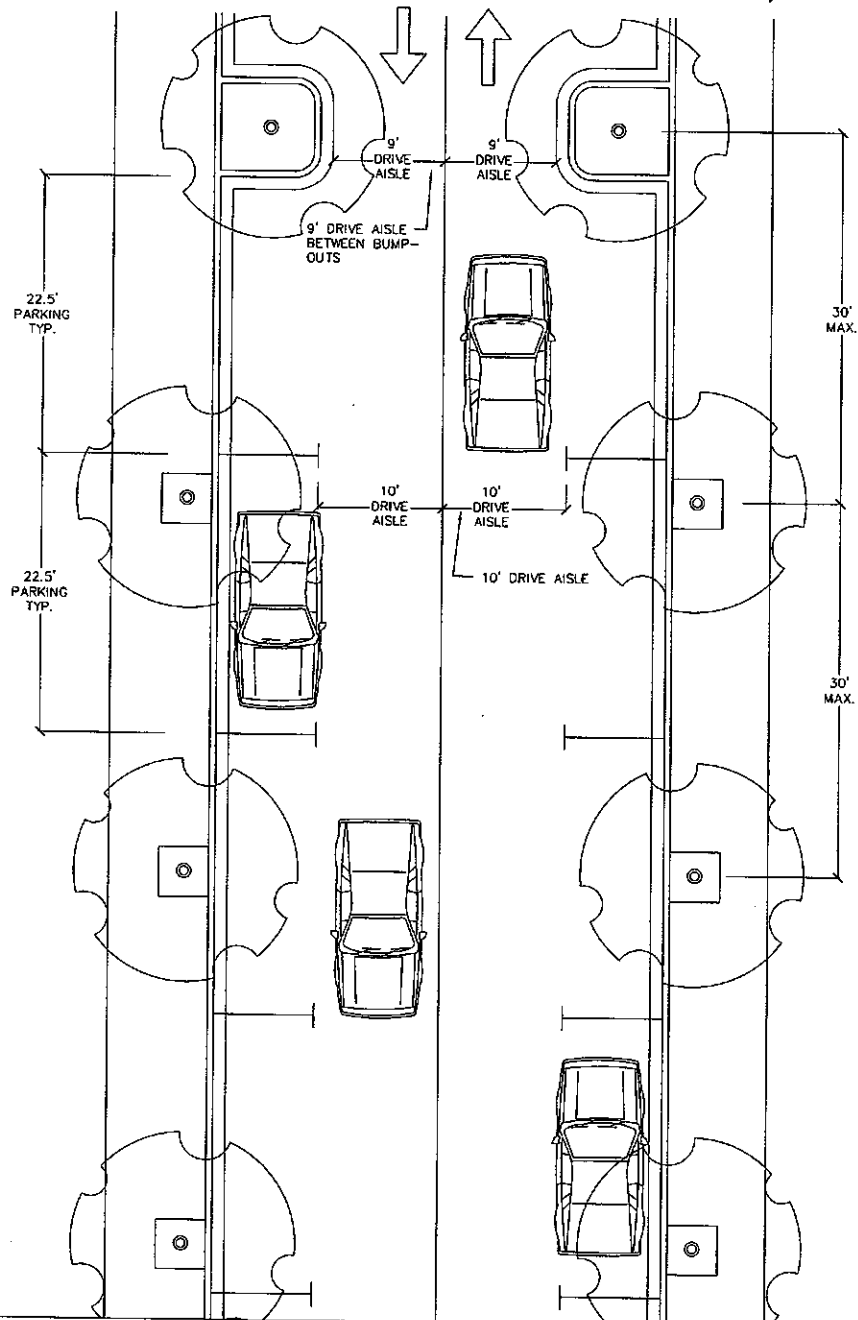
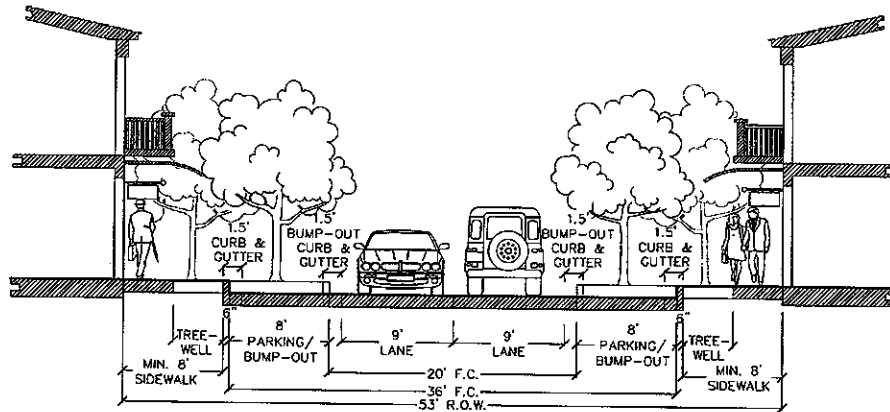
3a. LOCAL
 RESIDENTIAL NEIGHBORHOOD
 CITY NEIGHBORHOOD



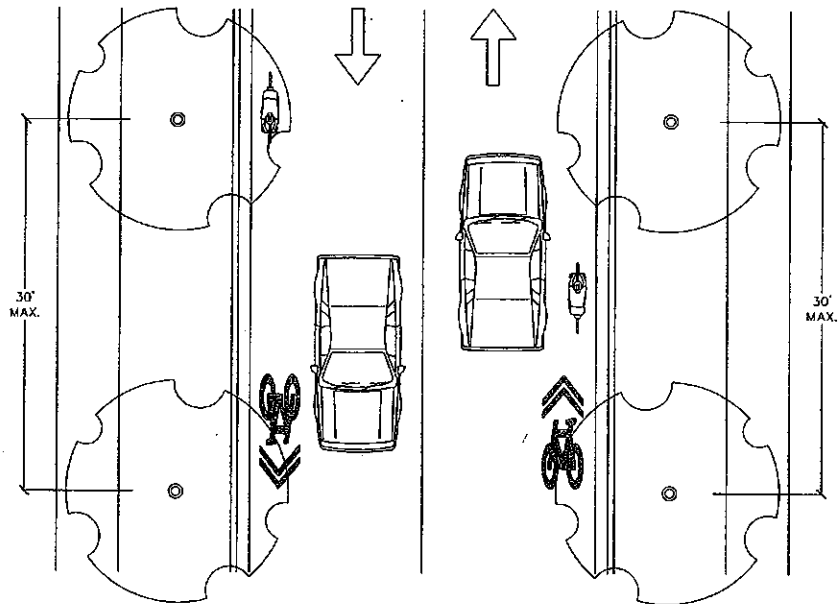
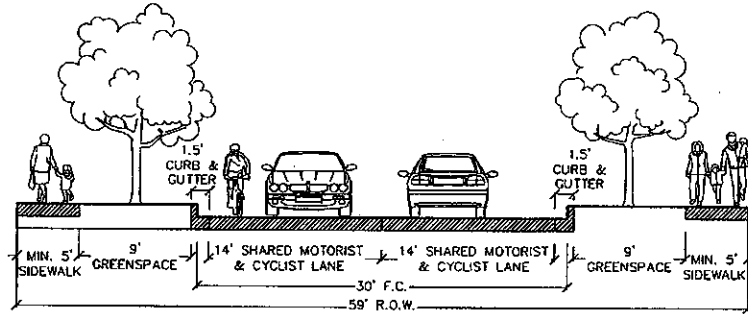
3b. LOCAL URBAN
CITY NEIGHBORHOOD
URBAN CENTER

C. 7
ADM 07-2625 (Master
Street Plan Update)

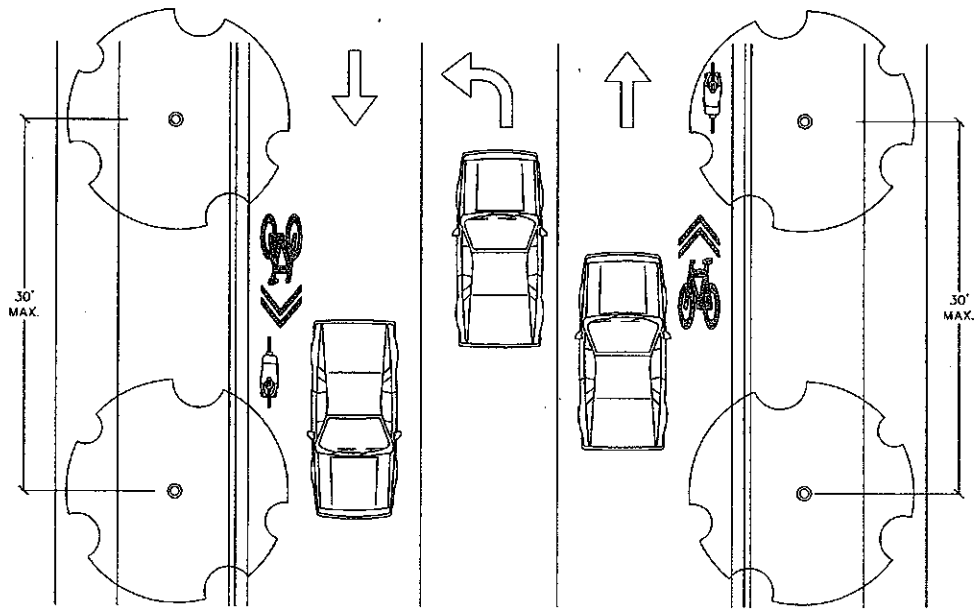
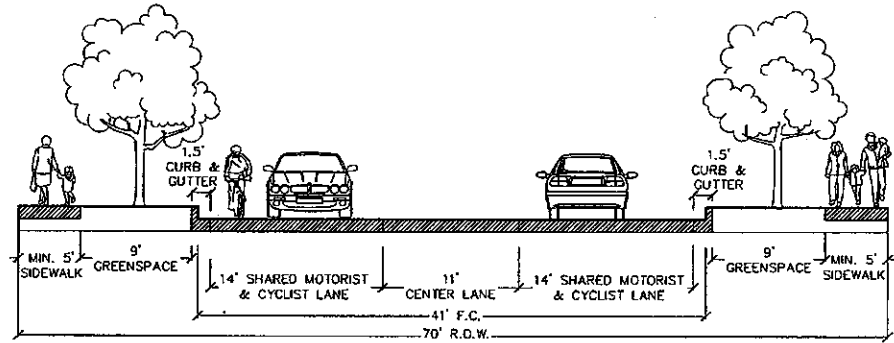
Page 23 of 60
SCALE: 1' = 10'



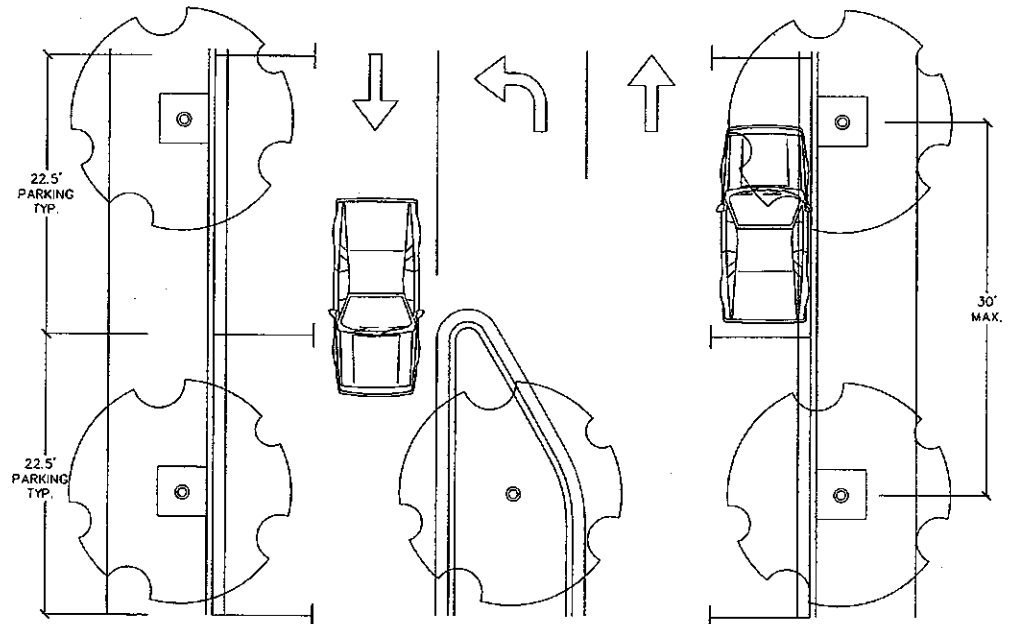
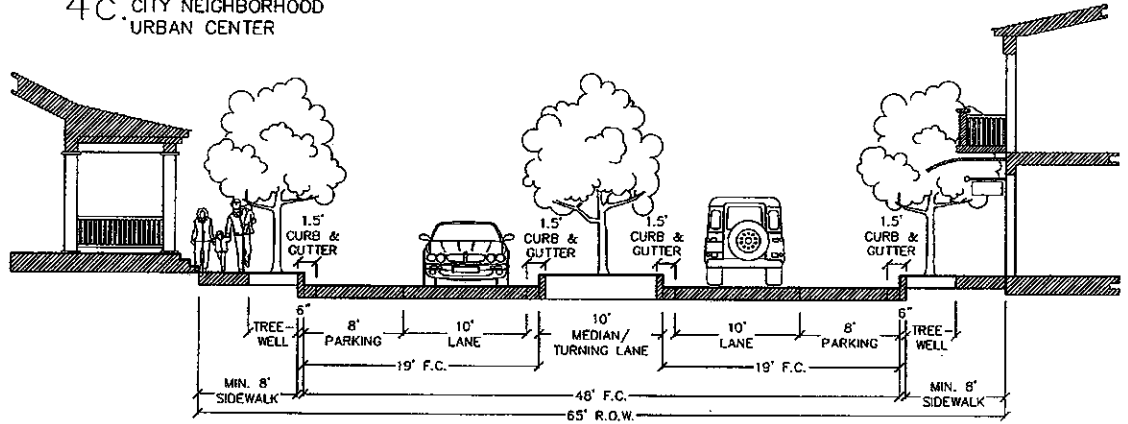
4a. COLLECTOR (THROUGH)
 .RESIDENTIAL NEIGHBORHOOD
 CITY NEIGHBORHOOD



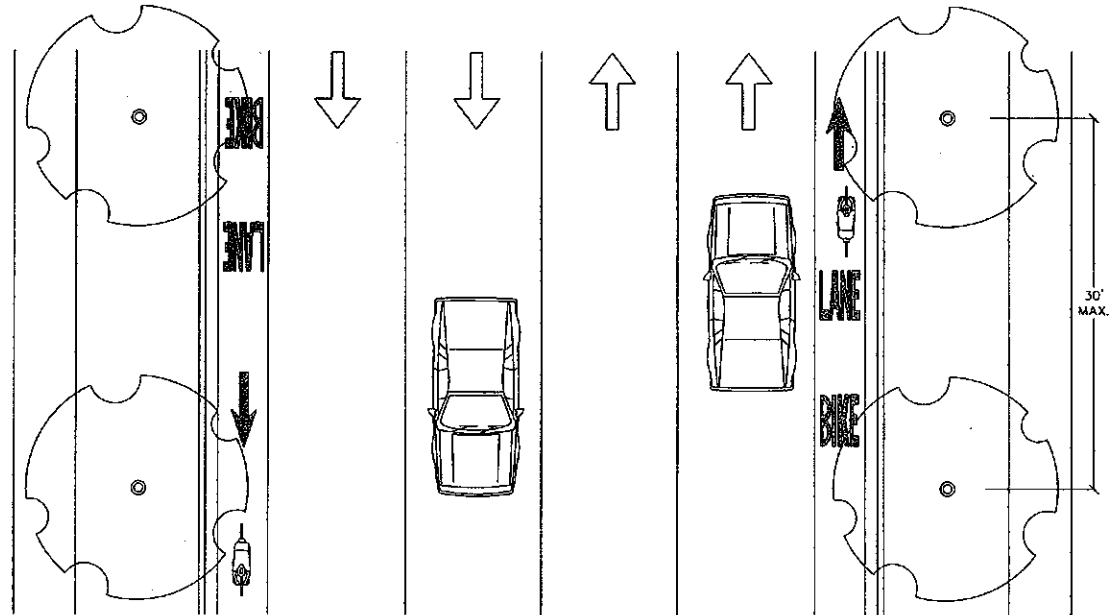
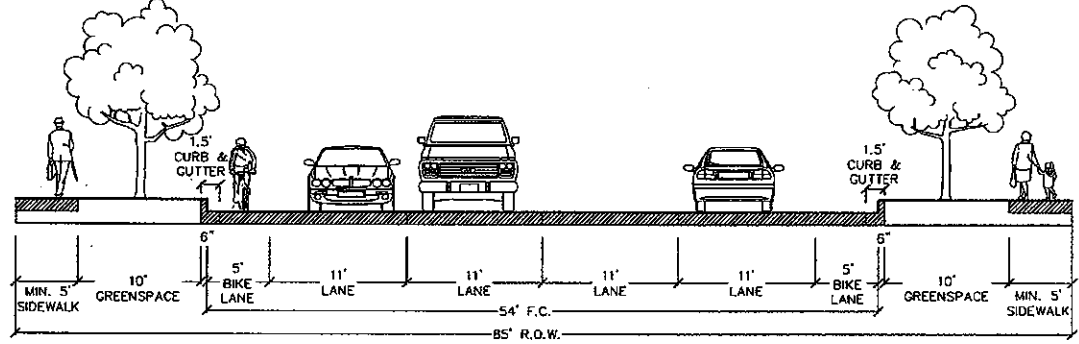
4b COLLECTOR (INTERSECTION)
 RESIDENTIAL NEIGHBORHOOD
 CITY NEIGHBORHOOD



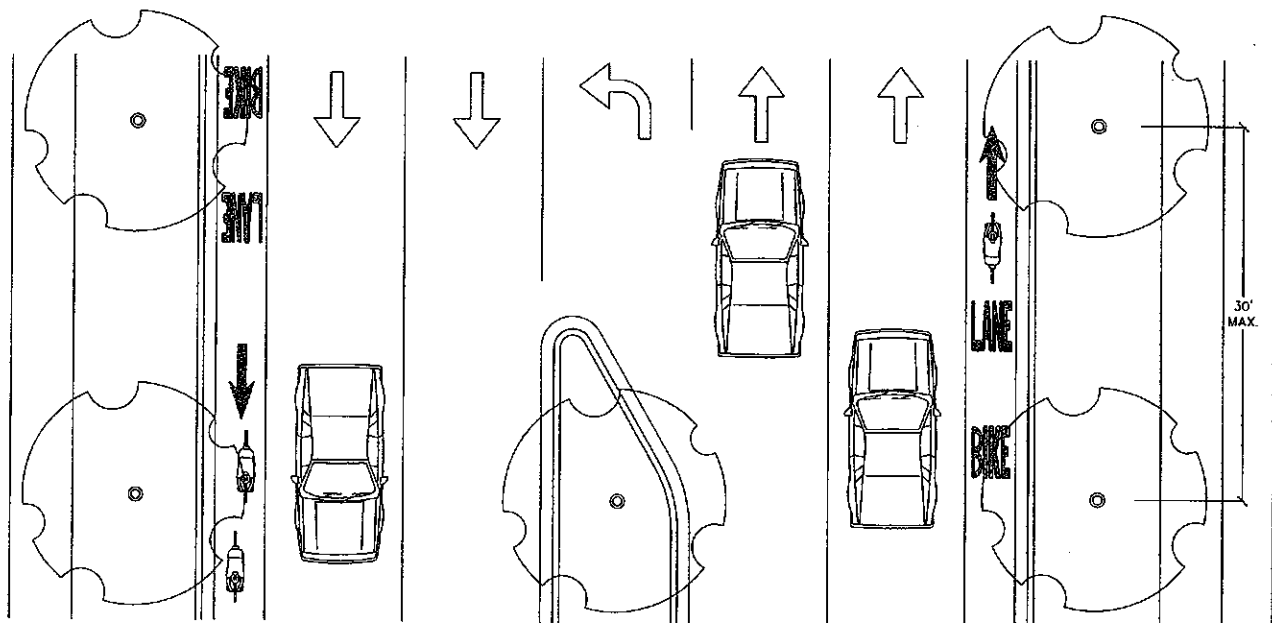
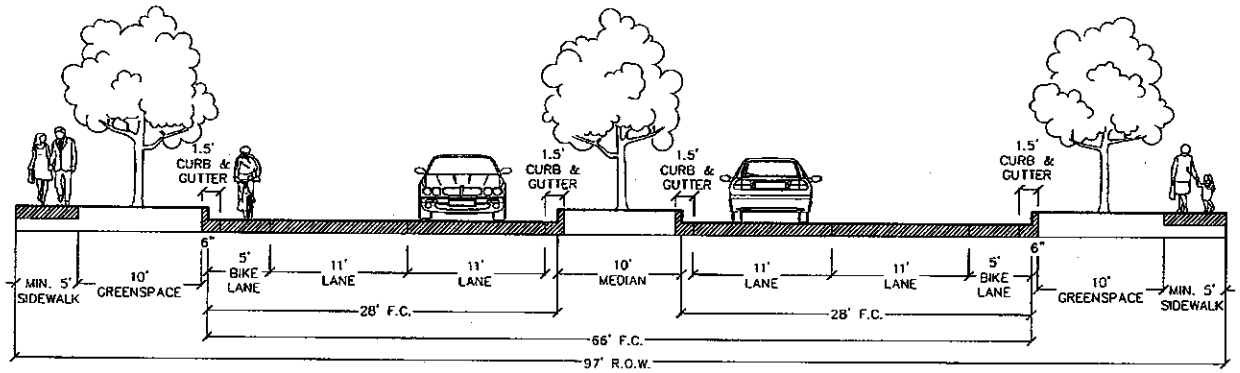
4C. COLLECTOR BOULEVARD
 CITY NEIGHBORHOOD
 URBAN CENTER



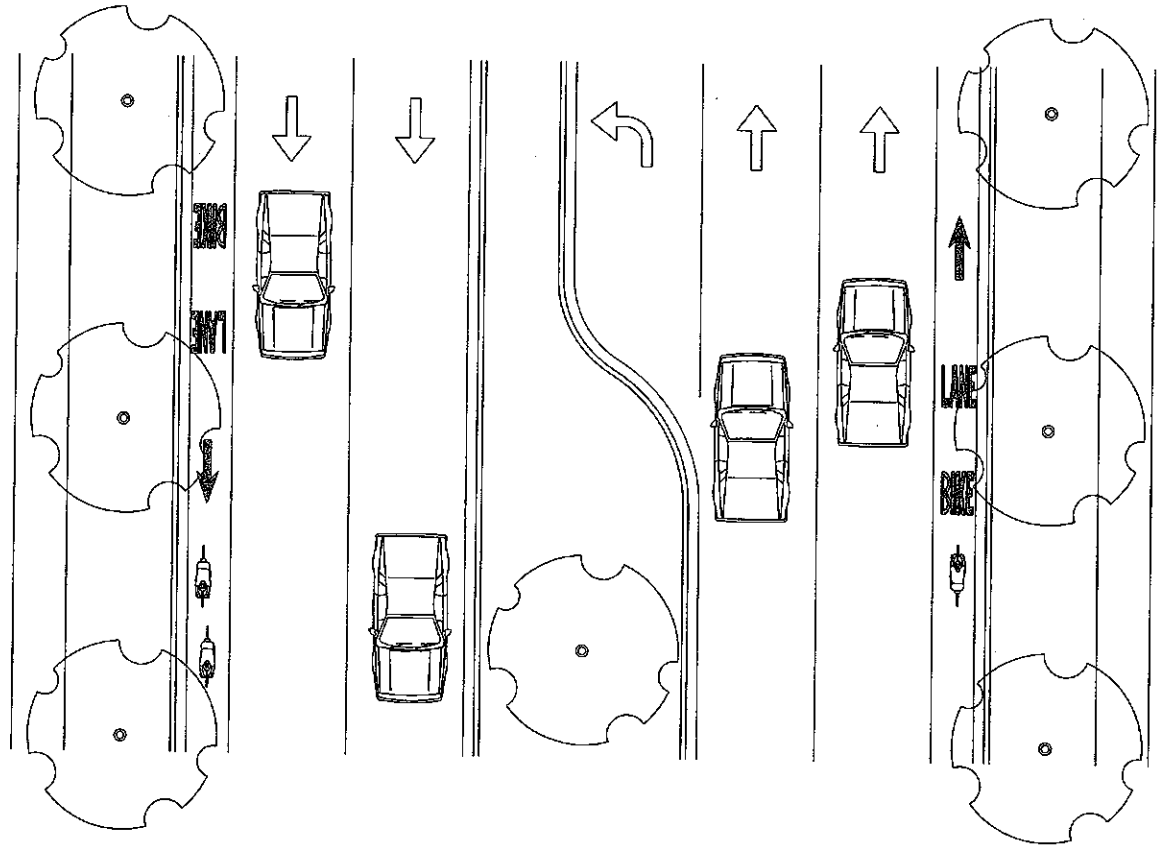
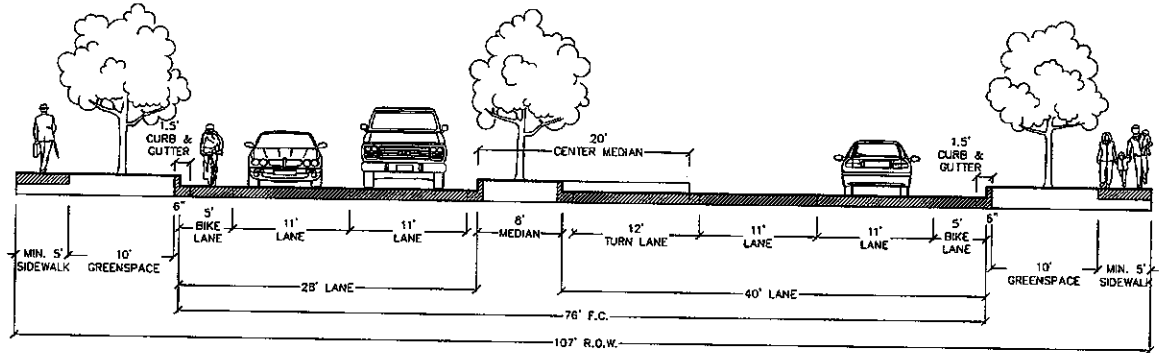
5 MINOR ARTERIAL
 RESIDENTIAL NEIGHBORHOOD



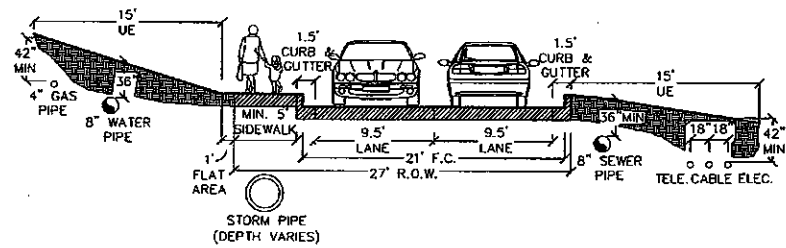
6 PRINCIPAL ARTERIAL BOULEVARD:
 RESIDENTIAL NEIGHBORHOOD
 CITY NEIGHBORHOOD
 URBAN CENTER



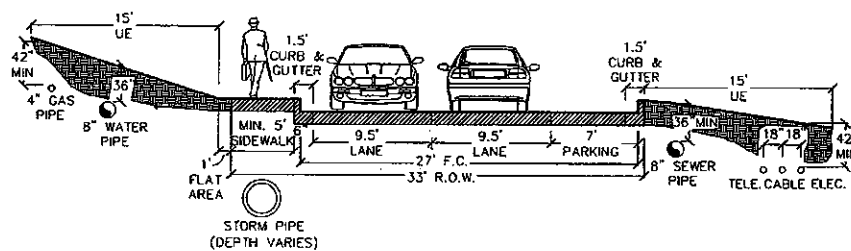
7 PRINCIPAL ARTERIAL PARKWAY:
RESIDENTIAL NEIGHBORHOOD
CITY NEIGHBORHOOD
URBAN CENTER



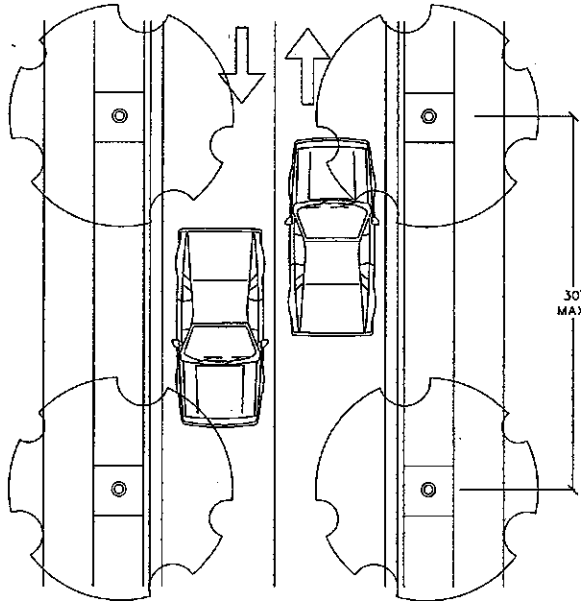
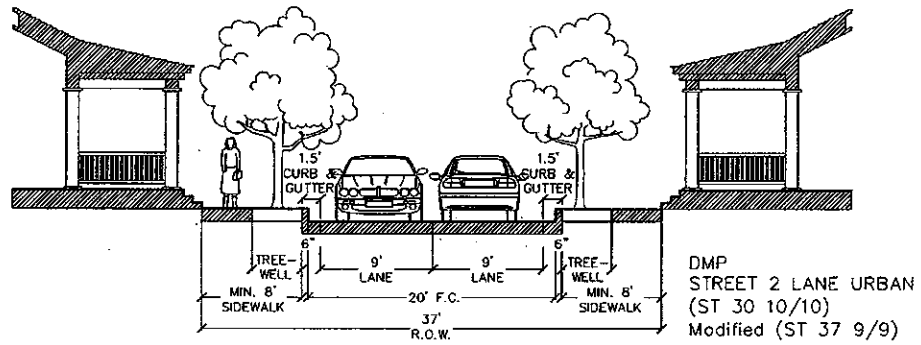
8a. HILLSIDE RESIDENTIAL RESIDENTIAL NEIGHBORHOOD



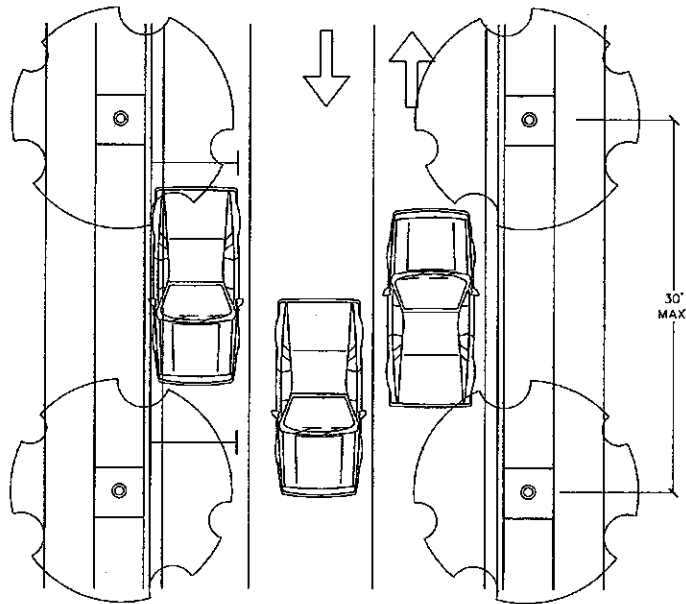
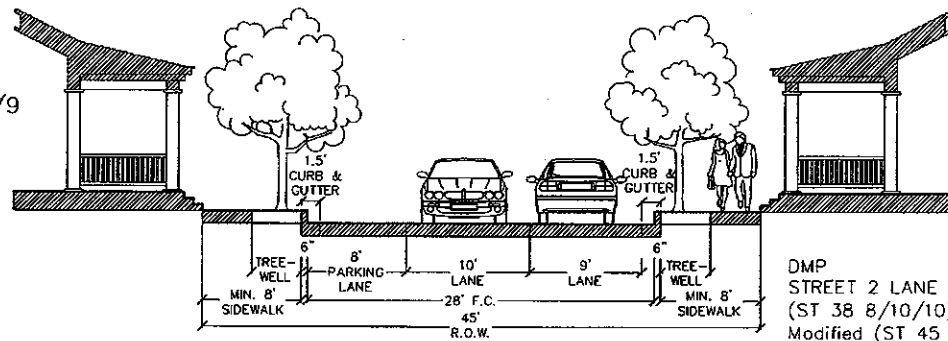
8b. HILLSIDE LOCAL RESIDENTIAL NEIGHBORHOOD



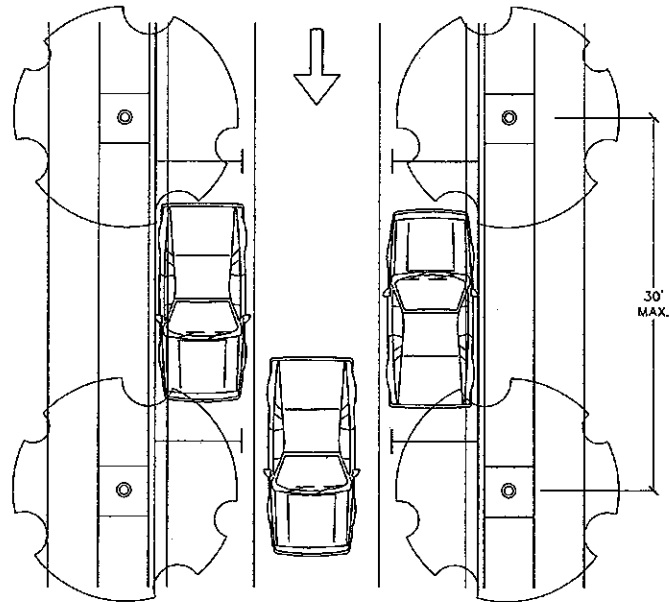
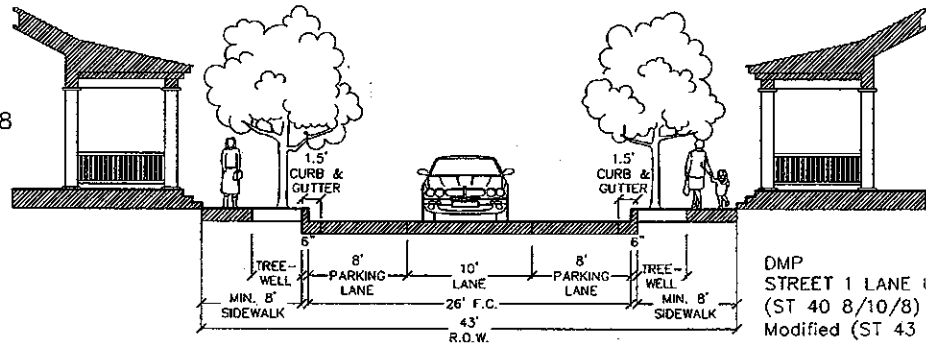
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 ST 37 9/9



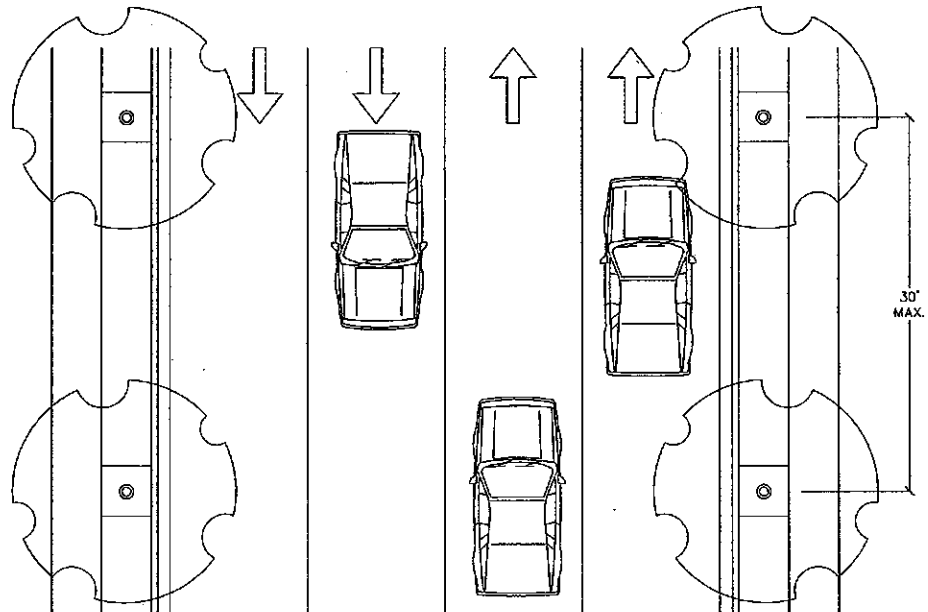
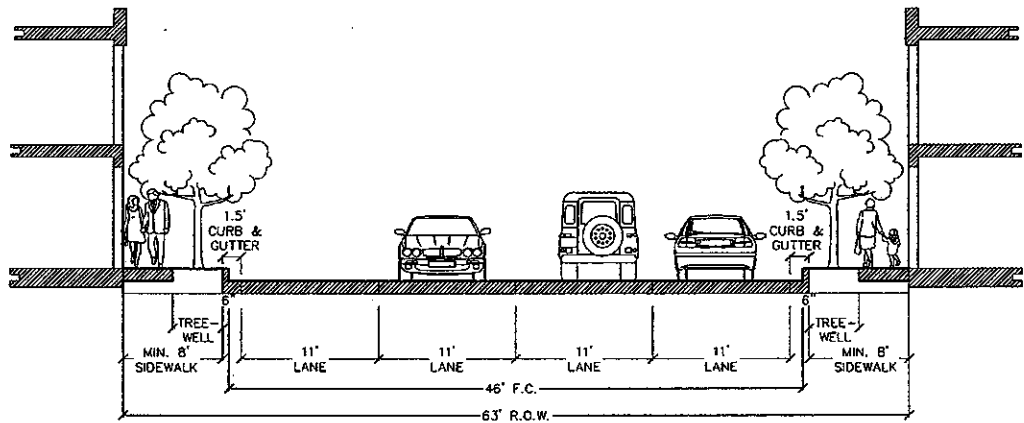
2
 ST 45 8/10/9



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 ST 43 8/10/8



4
 63 11/11/11/11



August, 6, 2007

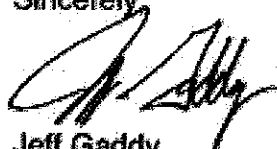
Planning Commission
City of Fayetteville
Administration Building
125 W. Mountain
Fayetteville, AR 72701

Members of the Planning Commission:

I was told that the Planning Commission will be discussing a revision of the street plan that would involve the removal of the proposed north-south minor arterial east of Oakland Zion Road and instead, upgrading Oakland Zion to serve that purpose. I want to express my enthusiastic support for this idea. The proximity of the proposed minor arterial to my home on Gulley Road has been a major concern to me for a long time, and it is a huge relief to know that Oakland Zion Road might be used for that purpose instead. Oakland Zion has always seemed to me be the more appropriate route, and I am excited that many leaders appear to be in agreement.

I plan to attend the meeting on August 13, but I just wanted to make it known in advance that I give two big thumbs up to the proposed change!

Sincerely,



Jeff Gaddy
4501 E. Gulley Rd
Fayetteville

GADDY
INVESTMENT
COMPANY

August 6, 2007

Planning Commission
City of Fayetteville
Administration Building
125 W. Mountain
Fayetteville, AR 72701

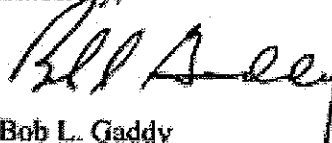
Members of the Planning Commission:

I understand that a proposal is being made to the Planning Commission to alter the long-range street plan by removing the proposed north/south minor arterial east of Oakland Zion Road and, instead, use Oakland Zion Road to carry the traffic load. I am writing to let the Planning Commission know that I fully support that plan. My company, Gaddy Investment Company, owns more than 200 acres east of Fayetteville, which would have been virtually split down the middle by the proposed road. Removal of that planned road will allow me to build a new personal residence on the land without fear that direct access to our horse barn and riding arena might be cut off by a future road. I believe there are many good reasons to use Oakland Zion Road for that purpose, and I want to express my total agreement for that plan.

I would also recommend revision to the plan for the extension of Sagely Lane west from Sloan Estates through Gaddy Investment Company property to connect to Skillern Road at Oakland Zion Road. I believe it would be more efficient to run Sagely Lane west to connect to Altus Drive, which dead ends close to Sloan Estates, rather than to run Sagely Lane parallel to Altus Drive only a few feet away from Altus. Gaddy Investment Company owns a significant portion of the land fronting Altus Drive. Then, Skillern Road could be connected to Altus Drive (Sagely Lane) by extending Skillern Road straight east along the border of Gaddy Investment Company property. This approach would ultimately allow the beauty of the acreage to be better protected; i.e. Mud Creek, trees, green space, etc.

Thank you very much for your consideration of my opinions.

Sincerely,



Bob L. Gaddy
Chairman and Chief Executive Officer

BLG/kjm

From: "John McLarty" <john@nwarpc.com>
To: "Karen Minkel" <kminkel@ci.fayetteville.ar.us>
Date: 6/29/07 2:34PM
Subject: Fw: Fayetteville Master Street Plan

Karen,

While we think that the N. Salem Road "shortcut" should still be considered for a future arterial connection, we would also agree with and urge the City of Fayetteville to upgrade the part of Highway 112 that proceeds north of Howard Nickell Road from a Minor Arterial Road to a Principal Arterial Parkway.

Regards,

John McLarty
NWARPC
Transportation Study Director

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

From: John McLarty
To: Karen Minkel
Sent: Wednesday, June 27, 2007 4:47 PM
Subject: Fayetteville Master Street Plan

Karen,

Here is the link to the high resolution 2030 Regional Network. This Network was adopted as part of the 2030 NWA Regional Transportation Plan
It is a large file, so you might want to save it to your hard drive.

http://www.nwarpc.com/Maps/2030proposednetwork_hirez.pdf

This email is to verify the Regional Planning MPO comment on adding N. Salem Road to the Fay MSP as a connection from Howard Nickel Road to Hwy 112.
The 2030 Network shows a modest curve where N. Salem intersect Howard Nickel. When we developed the 2030 Plan this was a universally accepted regional arterial link connecting Fayetteville's Ruppel Road Project to Springdale's 56th Street Project. This will create an alternate arterial on the west side of I-540 from south Fayetteville to north Springdale.
The ideal cross section would be the boulevard type and hopefully Springdale would carry the boulevard concept through on their part.

Please feel free to call if you have any questions.

From my memory of earlier discussions, I think that Tim Conklin and Ron Petrie would also favor this addition to the Fayetteville MSP

Regards,

John McLarty
NWARPC
Transportation Study Director

July 9, 2007

To the Planning Commission:

Thank you for the opportunity to present a resident's view of the proposed Master Street Plan. We would like to express our opposition to the proposed widening of Howard Nickell Road, as part of a "principal arterial parkway."

We moved into our home at 3683 Howard Nickell Road last August. The first residents moved into this neighborhood approximately two years ago, and within months expressed the homeowners' association's unanimous opposition to the proposal, through a letter addressed to a member of the City Council. That letter – which is being reiterated by our association again today – put forth compelling objections, including issues of safety for the neighborhood's children, speed, and neighborhood integrity. The letter also requested that the city involve the homeowners' association – The Estates at Salem Hills – in further discussions of this proposal.

Since that letter, about 1-1/2 years ago, the neighborhood has filled out, more children have moved in, and the neighborhood has established itself as a lovely, coherent community. The homeowners' association has become more active, we have established ourselves as a neighborhood-watch community, we have installed street lights that operate at our expense, we have semi-annual cookouts, and friendships have developed. This is now a well-established neighborhood, which is threatened by this proposal.

As other individuals have cogently explained in their own letters, the proposal would threaten safety and would also physically divide the neighborhood. Opposition to the proposal has grown with the neighborhood. It is opposed both by residents of Howard Nickell Road and by residents of the neighborhood's other streets. We are surprised to learn that the neighborhood's request to be consulted on this proposal was not honored by the city as the plan was revised.

Our neighborhood is not in the City of Fayetteville. If the city plans to propose the annexation of our neighborhood, I would think the city would want to make annexation attractive. The development of this artery through our neighborhood would definitely not achieve that end. In addition to the issues of safety and neighborhood integrity, the residents of Howard Nickell Road would also stand to lose very substantial portions of our front yards: between 17 and 25.5 feet, depending on whether the right-of-way is exercised for 90 or 107 feet. This would also come at the expense of numerous trees along Howard Nickell, some of which are already quite mature and others of which will become mature by time this proposal is implemented.

In short, the proposal would require the annexation of our neighborhood for the purpose of cannibalizing it to improve traffic flows for other neighborhoods in Fayetteville, including those yet to be built. I think you will agree that this is not an attractive proposition for us.

We have created a lovely neighborhood, which could become a valuable addition to the City of Fayetteville in its own right. Please do not destroy this little gem with the proposed master plan.

Sincerely,

Robert and Rochelle Costrell
3683 W. Howard Nickell Rd.
Fayetteville, AR 72704
479-442-5199, bobcostrell@msn.com

Robert costrell

From: "Ron and Maggie Lee" <ronmaglee@cox.net>
To: <bobcostrell@msn.com>
Sent: Friday, July 06, 2007 1:48 PM
Subject: road

I will not be able to attend the July 9 meeting due to our annual beach trip. Please pass on my comments.

I have several concerns about the road, specifically in the Estates at Salem Hills (Howard Nickkle/Salem Road) area. My address is 3615 Hayfield Circle.

1. Planning- I am in agreement with planning ahead, but it seems like we might want to slow down on committing to build this road. What will happen if they build the high school in this area? Will Howard Nickkle really be the best choice for a major road, or will Salem Road be a better choice? Also, will this road really need to cut through at the top of the hill, or further south? In addition, the area around the Estates at Salem Hills is not currently inside the city limits of Fayetteville. What if an annexation fails? What if the state does not improve HWY 112?
 2. Speed- I think it is important to remember that this road will travel through my neighbor's front yards. We currently have a 25mph speed limit in our neighborhood to protect the families that live on Howard Nickkle. Prior to the installation of these signs, we had cars travelling at excessive speeds in our neighborhood. Now, every car will be going much faster unless you slow them back down to 25mph. The Wilson Park neighborhood got speed tables to slow down drivers, but we are getting a "principal arterial parkway" to speed drivers through our neighborhood. We would like to request speed tables in advance.
 3. Cost- I think it is important to be good stewards of the people's money. I will never be in favor of spending more money to put a median in the center of the road. I think it is a nice idea to have pretty trees in the middle of the road, but at what cost? The city will have to pay for the installation of a much larger project, with trees, grass, two additional curbs, etc. The city will also have to pay to maintain this area for years to come. My neighbors would probably prefer to keep more of their property and plant their own trees. Please, please, please do not waste my money.
 4. Safety- I am actually in favor of the bike lanes since we have so many bike riders on 112 and Howard Nickkle. I am also against any median because of two safety issues, visibility and confusion. If I turn left out of Hayfield Circle onto Howard Nickkle, I have to look right around a slight curve. If you build the median, I will have to look through a bunch of trees and hope I see an approaching car. Visibility will always be affected if you place trees in the middle of the road. Divided roads are also confusing. At another median in town, near Best Buy, I have seen cars turn down the wrong side. While living in Little Rock, I saw cars turning down the wrong side of a divided road.
- Improvements will also be needed on Salem Road at the intersection of Salem and Howard Nickkle because Salem is so narrow that cars travelling at a higher rate of speed will not be able to make a turn from Howard Nickkle to Salem. A stop sign will still be needed at the Salem/Howard Nickkle intersection because so many cars turn left from Howard Nickkle onto Salem during peak hours.
5. Preference- I prefer not to have this busy street near my home. Additional traffic, additional concrete, additional speed and additional noise are not what led me to settle in the county.

Sincerely,
Anne Lee

7/6/2007

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

From: DM Calhoun

To: 'Robert Costrell'

Sent: Friday, July 06, 2007 11:11 PM

Subject: RE: meeting re Howard Nickle- new format

3639 Howard Nickell

Bob,

I have two significant objections to a major thoroughfare routed through our neighborhood.

First and foremost is the safety concern. We chose this neighborhood based upon its quiet, peaceful setting. We already experience people utilizing Howard Nickell Road as a through street. These people that utilize our neighborhood street as a "shortcut" rarely obey the posted speed limit or stop at the stop signs. I have even had someone pass me with horn blaring in our neighborhood when I was traveling 20 mph in a 25 mph zone. We cannot allow our youngest child in the front yard without constant supervision. I cannot imagine how dangerous the situation would be with a four lane road even closer to our home.

My second concern is the effect on our property value. A major vehicular artery would effectively split our neighborhood in two, permanently altering its appealing character and devaluing our property.

I believe that there are more appropriate routes available for a "principal arterial parkway" than through an established residential neighborhood. Hopefully these alternate routes will receive due consideration. The negative impact on the families in the Estates at Salem Hills should certainly outweigh the preconceived convenient routing.

July 5, 2007

Dear City of Fayetteville Planning Commission,

I am very concerned with the proposed changes for Howard Nickle Road, as seen on the most recent Fayetteville master street plan. Our neighborhood, the Estates at Salem Hills, was not developed with the intentions to have a major arterial road running through it. Our neighborhood in its current status is beautiful and we have many people that enjoy walking and bike riding here. Widening the road into a major artery will only increase traffic at high speeds, thus making it too dangerous to walk or ride safely. Please do not take action to change our road. Our homeowners will not benefit from it, we will only be hurt by it.

Sincerely,

Katie and Edward Jackson

3699 Hayfield Circle

Fayetteville, AR 72704

444-7644; wwscribner@yahoo.com

February 2006

Dear Lioneld Jordan,

My family lives in a custom-built home on Howard Nickle Road in a new neighborhood called The Estates at Salem Hills. We have four small boys under the age of six, and one of them has severe mental disabilities. We have recently heard that the county and city are considering widening Howard Nickle through our neighborhood into a boulevard 4-lane as part of a new thoroughfare starting from Hwy. 62. While we support the need to move traffic more effectively in west Fayetteville, we do not support making the section of Howard Nickle that runs *through* The Estates at Salem Hills a part of this thoroughfare.

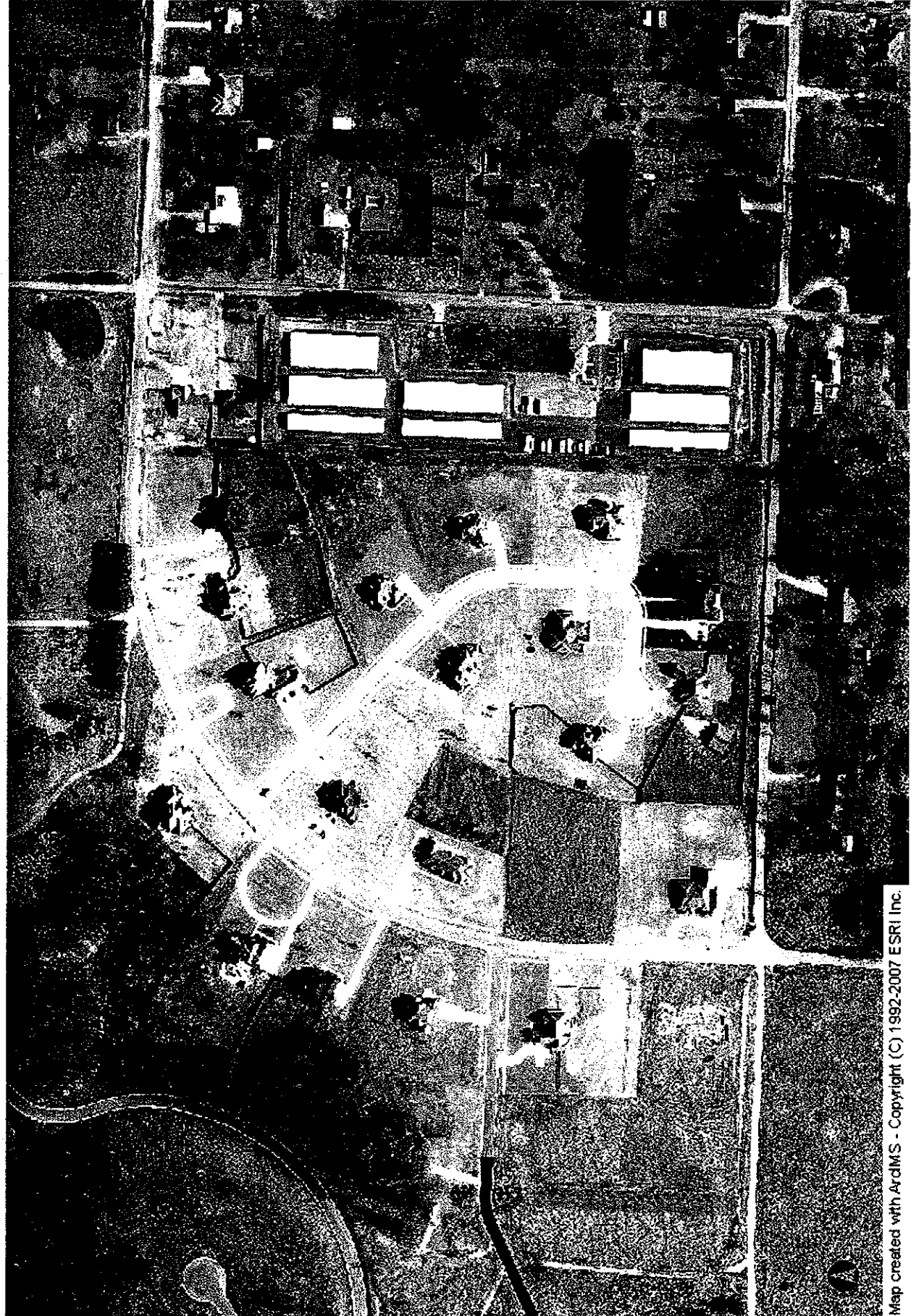
A 4-lane road will be disruptive and dangerous to an establishing neighborhood designed as a family centered housing addition with a current speed limit of 25 mph. If a boulevard is established as part of this 4-lane *directly through* our neighborhood, local residents will be forced to approach and leave our homes in only one direction, and home to home access will be detrimentally affected. With or without a boulevard, parking on the street by guests and the safe use of the front yard by our children will be eliminated. We believe you will agree that the danger to our children, who will naturally want to cross the street to play with the other kids in the neighborhood, will greatly increase with increased traffic traveling at greater speed on a larger roadway.

The Estates at Salem Hills HOA is unanimously opposed to the widening of Howard Nickle Road through our neighborhood, and its connection to Ruppel Road as part of a "western bypass". We recommend that Salem Road be used as the north-south connector to Howard Nickle Road. This route is already a major thoroughfare to service Holcomb Elementary and the ball fields, and therefore would be less disruptive to the majority of the established homes in the area. Unlike the portion of Howard Nickle that serves as the main road of our neighborhood, Salem Road does not run *directly through* any established neighborhoods. We also believe that improvements to Mount Comfort Road and Ruppel Road between Highway 16 and Mount Comfort should be higher priorities to accommodate the existing traffic problems. Please involve the HOA in the discussions about the placement of the road system in this area of Fayetteville.

We appreciate your time and attention in this matter. Again, we believe another roadway connecting Hwy 62 and Hwy 16, and improvements to Ruppel Road between Hwy 16 and Mount Comfort are good ideas, and those initiatives have our support. However, connecting Ruppel Road to Howard Nickle Road as part of a major thoroughfare is not only extremely disruptive to our neighborhood, but dangerous for our children.

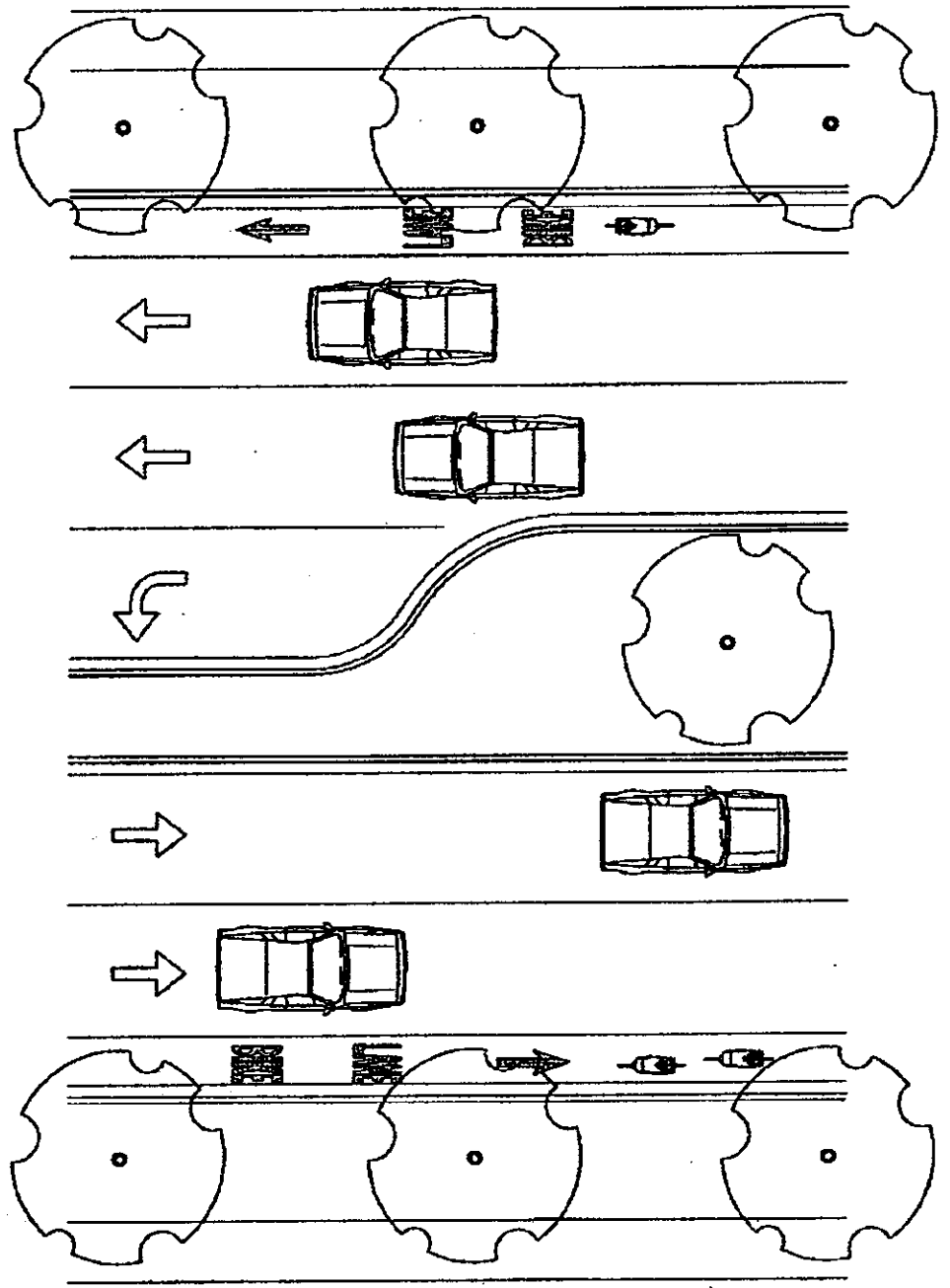
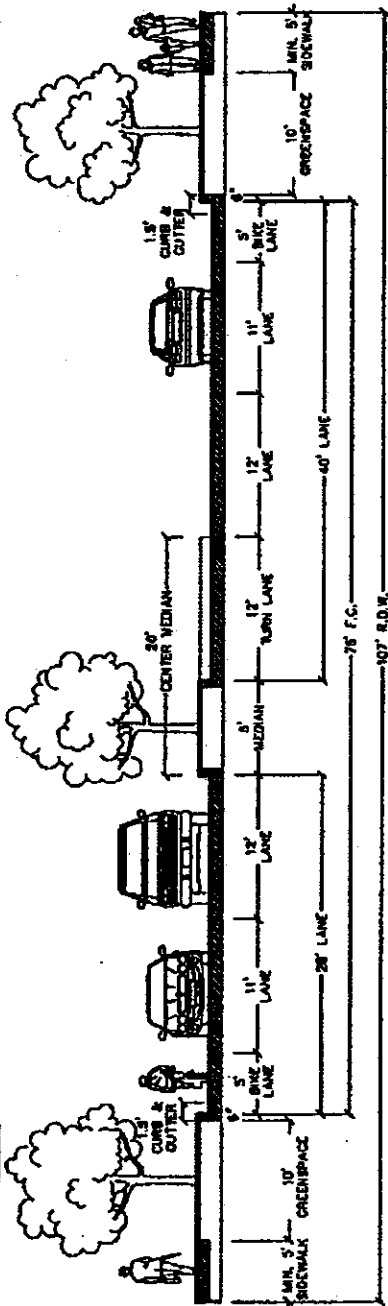
Thank you again for your time,

Cliff & Laura Grisham
3634 Howard Nickle Road
Fayetteville, AR 72704
(H) 479-527-6303 (C) 479-236-1088
Email: cliff.grisham@tyson.com



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7 PRINCIPAL ARTERIAL PARKWAY:
 RESIDENTIAL NEIGHBORHOOD
 CITY NEIGHBORHOOD
 URBAN CENTER



JOHN DAVID & HEATHER C. BARRON

3739 W. Cedar Ridge Lane • Fayetteville, AR 72704

Phone: 479-445-6329

Email: hbarron@yahoo.com

August 12, 2007

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

Dear Commissioners:

This letter is to voice our opposition to the Master Street Plan concerning the widening of Howard Nickell Rd., which is currently just outside the Fayetteville city limits.

We have lived at 3739 W. Cedar Ridge Lane (on the corner of Howard Nickell Rd. and W. Cedar Ridge Lane) in the Estates at Salem Hills Subdivision since September 2006. We have looked at the Master Street Plan for Howard Nickell Rd. and do not understand why staff would want to widen a street in a planned subdivision to a principal arterial street when Salem Road is so widely used and is in desperate need of widening. Howard Nickell currently ends into nothing. Constructing a new road to connect Howard Nickell to Ruppel Road would be very expensive when Salem Road is so nearby and in desperate need of widening. It would seem that money would be better spent on improving Salem, especially in front of Holcomb Elementary School where traffic congestion is the worst during school beginning and ending times.

The Estates at Salem Hills is a nice, quiet neighborhood with numerous children. We have 3 children, one 6 year old and twins that are 4 years old. They are learning to ride bicycles on our street. Our children's safety at and around our house is always a priority. Adding more traffic to Howard Nickell directly threatens their safety. We oppose any street development that would add more traffic through our neighborhood and create unsafe traffic conditions for our children. We are asking you to please reconsider any plans to widen Howard Nickell through the Estates at Salem Hills.

Sincerely,


Heather C. Barron


John David Barron

ADM 07-2625: (Master Street Plan Update): Submitted by Planning Staff, recommending amendments to and adoption of the Master Street Plan for the City of Fayetteville.

Karen Minkel, Senior Planner, gave the staff report. She reviewed the process used by staff to create the proposed Master Street Plan (MSP) and highlighted the major changes. Significant changes included: 1) the addition of more small, connecting streets; 2) greater sensitivity to the Future Land Use Map; 3) classification of streets in newly annexed areas; 4) alignment with the Fayetteville Alternative Transportation and Trails Plan; 5) alignment changes to streets based on hillside and floodplain data; 6) Better accommodation of pedestrians and cyclists; 7) reduction of curb and gutter from two feet to one-and-a-half feet; 8) overall reduction of right-of-way requirements; 9) lane width measured from face of curb instead of back of curb to better describe the visual width of the road; and 9) a revision of the Downtown street cross-sections to make sidewalk and landscaping requirements consistent with City ordinances. Staff also reviewed the public input process, mentioning meetings and presentations with the Street Committee, utility companies, local engineers and developers and an Open House held on a Saturday, June 23 at the Farmer's Market. Overall, public input has been positive, commending the bike lanes, boulevards, and consistency with other City plans and ordinances. Staff recommended forwarding the proposed MSP with a recommendation for approval to the City Council.

Roy Slaughter (citizen) stated that he was a resident of the Estates at Salem Hills on Howard Nickell Road. He had heard about a thoroughfare or 4-lane road through the neighborhood. A boulevard would force a different sort of access. Safety would be an issue. The Homeowners Association is unanimously opposed to widening and connecting to Ruppel Road. Salem Road could be utilized instead since it does not cut through any existing neighborhoods.

Robert Costrell (citizen) stated that he was a resident of the Estates at Salem Hills on Howard Nickell Road and passed out a letter signed by the property owners opposed to widening the road to a principal arterial parkway and an aerial of the neighborhood. He moved into the neighborhood last August and sent a letter to the City Council initially opposing the designation change from a minor to principal arterial. There are compelling objections regarding speed, safety, and the integrity of the neighborhood. The boulevard would physically divide the neighborhood; the only other example is Crossover, which is a thoroughfare. He expressed concern that neighborhood requests from a year ago have not been honored by the City. Residents would lose yards and trees. It would require annexation of their properties, which could become a valuable addition, but this will not help. The neighborhood is shown as a Rural area, and this change does not show sensitivity to context.

Brian Teague (citizen) stated that overall the MSP is a good plan but is not perfect. He expressed concern that staff wanted to minimize the number of cross-sections in the MSP and he would like to see tighter lane widths. If the desired speed was less than 20 mph, then the City should have 8' lanes, 20-25 mph-9' lanes, 25-30 mph-10' lanes, and 30-35 mph-11' lanes. He also had concerns about parking on the residential street cross-sections. What happened to the older 2-way yield section? Where will visitors park when there is no driveway in an alley-loaded neighborhood? He also questioned the concrete strip required in the alleys, which would increase

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the cost of development and was not necessary. How were the lane widths created? This is important in determining how fast we want traffic.

Dirk Van Veen (citizen) stated that he had concerns about the Residential Streets and the Hillside/Hilltop Overlay District (HHOD) streets. He offered to donate up to \$1000 to get Rick Hall to create street cross-sections. It doesn't make sense to have no residential parking, which seemed to disregard or show lack understanding of design standards. This was a great opportunity to change and make the HHOD streets narrower than what was originally adopted.

Ed Stevens (citizen) stated that he was a resident of the Estates at Salem Hills on Howard Nickell Road. He said that the street would split the neighborhood in half. Taking 54' off his front yard and adding 17,000 vpd would not add value to the property.

Commissioner Myres expressed a personal concern about a principal arterial (Garland Avenue) that would affect her neighborhood and asked staff if the intent was to build that road as a boulevard.

Minkel responded that that was the intent, which was consistent with the current MSP.

Commissioner Myres stated that there are approximately 17 streets that join Garland and wondered where breaks would be in the boulevard and would neighborhood residents have to drive in the opposite direction that they want to go in if there is a median with no break. She also expressed difficulty in envisioning a road that wide as it cuts through the UA Agricultural Farm. She had written numerous letters to the State regarding these plans and knew these concerns were probably not concerns that staff could address. There is traffic on that road but the principal designation would be overbuilding. She suggested that perhaps we were looking too far into the future.

Commissioner Graves suggested giving staff the opportunity to address some of the public's concerns.

Minkel stated that in regard to Salem Estate Hills the development was constructed after the designation of Howard Nickell as a principal arterial. Staff's rationale was to be consistent with plans that had resulted in the accrual of right-of-way as well as the 2030 Regional Transportation Plan, which designated this road as crucial to a north south regional thoroughfare. Salem Road did not have similar right-of-way dedication since it was a Collector. Staff also commented that narrower streets, such as those used in a traditional neighborhood development, needed to be used in conjunction with other traditional neighborhood development elements.

Tim Conklin, Planning and Development Management Director, added that staff had received multiple PZD submittals that had narrow streets that were not used in conjunction with a gridded street network, which would alleviate the concerns of engineering and fire department staffs.

Minkel added that though she realized her statements would not directly address the concerns of

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the residents on Howard Nickell or Commissioner Myres, staff attempted to remain consistent with the current MSP where appropriate rights-of-way had been dedicated. As the Commission is aware, it is much more difficult to go and buy needed right-of-way once development has occurred.

Commissioner Anthes suggested finding where the points of consensus were, and where they weren't, so they could move forward. She asked how many staff hours had gone into the process.

Minkel said that two engineers and two planners had met regularly once a month. Full staffs from both divisions had met once a month. Previous divisions and departments mentioned spent staff time reviewing and commenting on the proposal and at least two planning staff members had been present at each feedback session.

Commissioner Anthes said that she wanted to provide some perspective on the amount of time staff had put into the project and asked staff to realize that any criticisms were respectful of that work. She asked if staff had been able to use GIS data to take into account streams, floodplains and hillsides.

Minkel responded that staff did take into account hillsides and floodplains and changed some street alignments as a result.

Commissioner Anthes also asked whether the discussions with the utility companies had resulted in putting utility lines under streets or under alleys.

Minkel responded that this subject had been discussed but not resolved.

Commissioner Anthes asked whether the low-impact street cross-section required bio-swales with appropriate structural soils.

Minkel responded that that was staff's intent.

Commissioner Anthes asked staff to comment on changes to sidewalks.

Minkel replied that the current MSP had sidewalks that were 4' and 6'. Staff split the difference and made all the sidewalks a consistent 5' in width.

Commissioner Anthes then asked if the commission was in general agreement with the overall principles and intent of the proposed MSP as presented by staff.

Commissioner Ostner asked whether design speeds had been taken into account into the

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proposed MSP and how they were determined.

Minkel responded that staff used a combination of AASHTO, Context Sensitive Solutions and the engineering staff's expertise.

Commissioner Ostner then asked why design speeds were not in the plan.

Conklin responded that vertical and horizontal alignments affected design speeds, so speeds would vary depending on topography. Further, where staff could narrow lanes they did; however, this project was a collaboration with other divisions, and streets needed to accommodate service vehicles. Staff can associate a number with each street, but the speed will depend on the topography and the individual design.

Commissioner Ostner stated that staff seemed to be saying that speed would take care of itself and "we'll take care of it," but developers, engineers, and the public would have a better idea of what we're talking about if there was a design speed associated with it. It would make a big difference in terms of education and he would strongly urge staff to integrate design speeds.

Commissioner Winston asked if individual streets were designed taking into account unique circumstances or if staff used the MSP to say exactly what type of street would be built.

Conklin responded that the process usually followed the former description. There are two ways streets are built. One is through individual developments and the other is through the Capital Improvements Program.

Pate added that right-of-way requirements are determined by the MSP and the volume of traffic refers staff to the type of street that would need to be designed. One of the problems that the proposed MSP attempts to address is altering a street cross-section depending on whether it goes through a commercial or residential area.

Commissioner Myres asked if there were any other options for a principal arterial for developers that were not available in the MSP.

Pate responded that he was not aware of a principal arterial that had been designed by a private developer.

Commissioner Anthes proposed working through the street sections and text before looking at that map.

Conklin observed that some of the recently constructed alleys had asphalt that was not being held in place, which was why staff recommended concrete ribbons in the alleys for long-term maintenance. Twenty feet of unencumbered space was a request from solid waste and fire. The goal is to create consistency and reduce individual requests for different street cross-sections in one development.

Commissioner Anthes commented that the commercial alley was 24', which was essentially a street with two 10' lanes.

Conklin responded that the concern was service and emergency vehicle access.

Pate added that many projects in the downtown were built right up to the street, which could prohibit vehicle turning movements if there was only a 12' right-of-way in the alley. It was a functional question.

Commissioner Anthes said that she'd like to hear about residential streets based on comments made by the public earlier in the evening, especially in regard to the lack of on-street parking where alleys were also provided.

Pate responded that previously the fire departments would not allow parallel parking on residential streets because they needed the 20' feet of right-of-way.

Commissioner Anthes stated that staff would then advise a developer to use the local street cross-section. Staff confirmed this statement.

Commissioner Winston asked for clarification. Does that mean that if you build a two-way street you cannot park on it? Commissioners said that this was the case if the street was designated as a residential street.

Commissioner Anthes said that staff arrived at the 10' lane because of city services rather than design speed.

Conklin responded that state fire codes repeatedly mentions the 20' free and clear.

Commissioner Lack asked if the lane width could be reduced in the low-impact development street cross-section, since reducing the width would still leave the 20' free and clear. There is also a statement of restriction in terms of when the LID street cross-section would be allowed and it would be helpful if those components were listed in the ordinance for clarity.

Commissioner Anthes stated that local streets were allowed for residential development only to have a POA prohibit on-street parking. This created a problem later when other developments could connect to their neighborhood and residents became concerned about traffic speeding through the neighborhood, which was a result of having a wider street cross-section.

Conklin said this question should be referred to the City Attorney.

Commissioner Myres asked about the difference in vehicle trips per day between residential and local streets.

Conklin stated that residential streets were intended for minimal traffic.

Brian Teague (citizen) stated that if block lengths were even shorter than 300' so that fire trucks would not have to drive down every street, then it would open discussion to having streets with paved widths less than 20'. He reiterated concern about the loss of the yield street.

Robert Costrell (citizen) clarified that right-of-way dedications at the time of development were 90' rather than the 110', which would be an increase rather than a reduction.

Commissioner Myres asked whether it would also be appropriate to stipulate a block length for local and collector streets.

Pate responded that residential streets carry such a low volume that it would be appropriate to stipulate block length, and traditionally other roads have not had a limit on block length.

Commissioner Anthes stated that she appreciated the addition of collectors to the map and the reduction of minor arterials. She asked staff to comment on how collectors would work with the Fayetteville Alternative Transportation and Trails Plan.

Minkel said that the developer would be responsible for providing the chevron symbols and that these symbols would only be required where there were on-street linkages. The right-of-way would remain the same if there was not an on-street linkage, but the paved width would match the local street cross-section.

Commissioner Lack asked whether there was direction as to the length of 70' of right-

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of-way required at intersections for collectors.

Minkel referred the commissioners to the text, which states that the turn lane must extend a minimum of 200' from the intersection.

Commissioner Winston asked about the pedestrian crossing situation in minor arterials.

Minkel responded that she did not recall a specific discussion, but that staff did try to limit the use of that cross-section on the map.

Commissioner Anthes commented that perhaps this made the boulevards a more pedestrian-friendly street cross-section.

Conklin added that boulevards such as the ones on Garland and Arkansas Avenues can make the streets great addresses. He added that Old Wire was one of the streets that had been downgraded from a Minor Arterial to a Collector.

Commissioner Lack asked about the design speed for minor arterials.

Minkel said she hesitated to answer because she was not an engineer, but that the anticipated speeds were between 35-40 mph, which was the speed that determined the road needed a separate bike lane rather than a shared vehicle/bike lane.

Commissioner Anthes said that she would like the engineering division to evaluate whether the minor arterial lanes could be narrower.

Commissioner Myres concurred and said that it was a very wide street to cross. Reducing the paved width by four feet would make a difference, particularly for people who don't move quickly and people with small children.

Pate added that these sections are sections that private developers typically do not get involved with; minor arterial and principal arterial design is usually determined by the City and there would be multiple hearings about the design of these sections.

Commissioner Myres said that she favored the national standards, which are moving back to a more traditional design of narrower streets and supported Commissioner Ostner's statement about including design speeds for each of the street cross-sections.

Commissioner Winston said that if the commission directed staff to include design speeds, it should give them some parameters such as the speed on a flat plane for a

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particular length.

Commissioner Anthes added that this meant a worst case scenario—a flat plane on a long stretch. Knowing the design speed for this type of case would give the commission an overall indication of expected traffic speed.

Commissioner Lack said that there were hardly any streets in Fayetteville that matched that description.

Commissioner Winston said that this was his point. It might actually be more confusing to include speeds because on a flat stretch the speed might be 65 mph, but this did not reflect the reality of most streets within the city.

Commissioner Anthes said that even though the speeds may not make in into the final document, the exercise in identifying design speeds would be helpful.

Commissioner Trumbo commented that the text for principal arterials read that access should be primarily through side streets rather than curb cuts, which seemed to be slamming the door on curb cuts. He expressed concern about this language and its effect on businesses.

Pate responded that where there were no local streets, access had to be granted through a curb cut. However, the text reflected most safety manuals. The situation could be likened to interstate access where access is only granted at controlled access points.

Commissioner Lack asked about parkways and how a developer would develop half of the parkway and whether it would make sense for the developer to build 27' feet rather than 28', which would be the local street cross-section.

Pate responded that those widths were based on the ability of the street to carry a specific volume.

Commissioner Anthes asked whether staff had reexamined the hillside/hilltop overlay district cross-sections.

Conklin responded that given the length of time it took to reach consensus on these streets, staff felt it would be better to actually see some on the ground before changing the street cross-section. With these cross-sections, the rights-of-way were being minimized by reducing the utility easements.

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Commissioner Anthes asked staff to see if the local street cross-section for hillsides could be revisited to see if narrower lanes were possible.

Commissioner Anthes remarked that the Downtown cross-sections seemed to be simpler and then asked what the commission's charge would be when they reviewed the map. Was it the rationale behind the map that the Planning Commission should consider, and the disposition and connections between streets? Are the designs of individual streets a policy or City Council issue?

Conklin responded that the map should be viewed as a long range planning tool. The City of Fayetteville generally used a hub-and-spoke pattern. If the Planning Commission saw areas where there needed to be more connections or Collector streets, they should make that recommendation to the Street Committee and City Council. There are some streets that do not show up on the map; for example, the City Council has made a policy decision that roads will not run over Mount Sequoyah, so no streets will show in that area. It is important to look at the larger picture in terms of our circulation and how we move people through the community.

Commissioner Anthes asked if the horizon was 20-50 years or so.

Conklin replied that he thought so. The cost of the facilities made the long-term planning essential.

Minkel added that staff reviewed the map by first blowing up the map and dividing it into six sections and then having each section reviewed by two staff members who shared their changes with the larger group. The map was then divided into four sections and two and so on.

Commissioner Lack said that one of the most ambiguous areas that the commission had to determine was connectivity and perhaps more streets should be on the map, particularly roads that went over hillsides. He had a specific question about the area north of Fox Hunter Road and whether there were no roads because of topographic issues or for other reasons.

Minkel responded that the commissioners did not have a the Future Land Use Map overlay on their proposed MSP maps, but that rural and natural areas on the map would have fewer roads than more dense areas of town.

Conklin mentioned that the issue in the particular area mentioned by Commissioner Lack was the White River, floodplains and hillsides.

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Commissioner Anthes said that east/west connections came up frequently south of Huntsville Road and wondered whether staff had examined that area.

Pate said that staff tried to look at those areas and many would require small bridges, although staff did add one road at the base of Dead Horse Mountain. Drainage issues and lack of bridges made much of that area more difficult. If there were additional suggestions, staff was definitely open to them.

Commissioner Lack mentioned another area that could use further connections was in the area just west of Howard Nickell Road.

Pate said that at the next meeting, staff would bring the Future Land Use Map. The area Commissioner Lack just mentioned was one of the most highly ranked natural areas.

Motion:

Commissioner Myres made a motion to table the proposal indefinitely so that the commission would have a chance to review requested changes and the Future Land Use Map.

Commissioner Bryant seconded the motion.

Upon roll call, the motion to table the request indefinitely passed 6-0-0, with Commissioners Graves and Ostner having left during discussion.

ANNOUNCEMENTS:

None.

All business being concluded, the meeting adjourned at 9.45 PM.

Old Business:

ADM 07-2625: (Master Street Plan Update): Submitted by Planning Staff, recommending amendments to and adoption of the Master Street Plan for the City of Fayetteville.

Karen Minkel, Senior Planner, gave the staff report. She reviewed the process used by staff to create the proposed Master Street Plan (MSP) and highlighted the major changes. Significant changes included: 1) the addition of more small, connecting streets; 2) greater sensitivity to the Future Land Use Map; 3) classification of streets in newly annexed areas; 4) alignment with the Fayetteville Alternative Transportation and Trails Plan; 5) alignment changes to streets based on hillside and floodplain data; 6) Better accommodation of pedestrians and cyclists; 7) reduction of curb and gutter from two feet to one-and-a-half feet; 8) overall reduction of right-of-way requirements; 9) lane width measured from face of curb instead of back of curb to better describe the visual width of the road; and 9) a revision of the Downtown street cross-sections to make sidewalk and landscaping requirements consistent with City ordinances. Staff also reviewed the public input process, mentioning meetings and presentations with the Street Committee, utility companies, local engineers and developers and two Open Houses—one held on a Saturday, June 23 at the Farmer's Market and the other on July 26, 2007 at a Gulley Park summer concert. Overall, public input has been positive, commending the bike lanes, boulevards, and consistency with other City plans and ordinances.

Minkel further discussed issues that had been raised at the first hearing of the MSP by the Planning Commission on July 9, 2007. First, staff added desired operating speeds to each street cross-section at the request of the Planning Commission and reviewed the relationship between travel lanes and speed using the proposed *Context Sensitive Solutions* developed by the Institute of Transportation Engineers and the Congress for the New Urbanism. The proposed travel lane widths for Collectors, Minor Arterials and Principal Arterials are consistent with the national recommendations. Staff modified the Low-Impact Development street cross-section, reducing the lanes widths 9-feet and making them consistent with the other Residential street cross-section, and staff added on-street parking to the Hillside Local street cross-section without changing the total paved width in order to narrow travel lane widths. Staff also addressed the definition of a "green" neighborhood by adding elements identified by the LEED Neighborhood Development projects. Finally, Staff recommended removing the Collector Boulevard street-cross section and accompanying text based on a second review of the MSP by the Fire Department, which found that this street cross-section does not meet the Fayetteville Fire Code as it does not provide at least 20' free and clear on either side of the boulevard. Staff reviewed the public comment received, which included several letters from residents at the Estates at Salem Hills opposed to Howard Nickell's classification. Bob Gaddy and Jeff Gaddy also wrote letters supporting the designation of Oakland Zion Road as a Minor Arterial. John McClarty from the Regional Planning Commission stated support for the designation of Highway 112 north of Howard Nickell as a Principal Arterial Parkway to continue a regional north/south connection. Staff recommended forwarding the proposed MSP with a recommendation for approval to the City Council.

Commissioner Anthes expressed appreciation for the additional information that staff had provided.

Katie Jackson (citizen) stated that she was a resident of the Estates at Salem Hills on Howard Nickell Road and stated that the Principal Arterial would drastically change what the neighborhood is like and could not imagine cars going by at 50 mph. She asked the Planning Commission to consider the opposition to this designation.

Roy Slaughter (citizen) stated that he was a resident of the Estates at Salem Hills on Howard Nickell Road. He said that the only other road built like the proposed road was Garland Avenue, which was not safe for adults, much less children. The residents who moved to this neighborhood wanted to get away from the hustle and bustle and only found out about this proposed road three weeks before the first Planning Commission meeting.

Dwayne Calhoun (citizen) stated that he was also a resident of the Estates at Salem Road and his thoughts had been summarized in a letter that he submitted. He can't let his four-year old play in the front yard now, and a future four-lane boulevard would dramatically change the neighborhood.

Commissioner Anthes asked staff for an overview of the timeline on the Howard Nickell designation and clarified for the public that the speeds associated with a Minor Arterial were 35-40 mph and 40-45 for a Principal Arterial.

Minkel stated that when the development came through the review process in 2003, Howard Nickell had been classified as a Principal Arterial and Ruppel Road as a Minor Arterial and these two roads had a T intersection. The developer proposed to change this intersection to a curve and the curve was designated as a Minor Arterial, which was consistent with Ruppel Road, and 90' of Right-of-Way was dedicated as a condition of approval. In 2005, City Council changed Ruppel Road's designation to a Principal Arterial. Under the proposed plan, a Principal Arterial Parkway would require 107' of Right-of-Way.

Commissioner Anthes asked if staff saw any other way to make the connection.

Minkel responded that there are no other minor or principal arterials in the area where comparable right-of-way has been acquired. The north/south connection that Ruppel represents is important to the City as well as the region. Staff added that the design of this particular segment will determine how much right-of-way is ultimately needed; the existing 90-foot right-of-way may dictate the design.

Commissioner Lack stated that often we see with existing right-of-way that the ideal cross-section is modified to meet what the City has. He had a great deal of compassion for the property owners in this instance, but didn't feel that this compassion should override a City Council policy

decision. In fact, it may be more appropriate for the City Council to review this decision; however, in looking at the map he didn't see the potential to change the current designation without shifting the same concerns to another neighborhood. He also thought that the changes to the cross-section proposed with the boulevard were much more pleasing than a Minor Arterial or Principal Arterial without the boulevard. He appreciated the modifications made by staff to the cross-sections and the addition of ideal design speeds. He felt comfortable forwarding the proposed MSP to the City Council.

Commissioner Myres stated that she was going to vote against the MSP because she had had problems with the process from the beginning. She was not happy with decisions that have been made, for example, with Howard Nickell and Highway 112. Some of the street sections are too big and over-designed for the neighborhoods they go through.

Commissioner Ostner asked about the College Avenue, Rock Street and Archibald Yell intersection. It seemed on the map that College Avenue between Rock and South streets was designated as a Local or Residential street. Was this foreshadowing of prohibiting that connection with a cul-de-sac? He was adamantly opposed to that.

Minkel responded that this was not staff's intent. A number of the Downtown Master Plan streets had changed to Local or Residential designations because of the consolidation of street cross-sections in this area, but this segment of road was intended to reflect the street cross-sections in the Downtown Master Plan. Staff would double-check this segment.

Commissioner Ostner stated that it was not appropriate to drop the designation to gray. However, the street cross-sections overall seemed appropriate, the design speeds look good and he appreciated the extra work.

Commissioner Anthes added that she liked the access management shown for each section.

Commissioner Ostner requested more specifics from Commissioner Myers and which streets she was bothered by.

Commissioner Myres responded that she had stated her opinions in previous meetings, but that she felt four- and five-lane roads running through neighborhoods was not appropriate. She realized that everyone wants an efficient transportation system but that it needed to be a sensible one. The MSP probably needed to go forward but she was not happy with it.

Motion:

Commissioner Lack made a motion to forward the Master Street Plan to the City Council with a recommendation for approval with an amendment to the map that showed College Avenue as a Collector street between Rock Street and South Street.

Commissioner Ostner seconded the motion.

Commissioner Anthes asked Commissioner Myres whether her problems were with the map or the street cross-sections.

Commissioner Myres responded that she thought the street cross-sections had been well-designed but she had a problem with the location of some of them on the map.

Upon roll call, the motion to table the request to forward the Master Street Plan to the City Council with a recommendation of approval passed 6-1-0, with Commissioner Myres dissenting.

DRAFT

Agenda Session 8/28/07

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



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

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
September 4, 2007**

A meeting of the Fayetteville City Council will be held on September 4, 2007 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

**Call to Order
Roll Call
Pledge of Allegiance**

~~**HR Factor Presentation – Phase III – Update Focus Group Results, and Plan Design
Updates – Agenda Session Only.**~~

Commercial Recycling Presentation given by Brian Pugh – Agenda Session Only

A. CONSENT:

- ~~1. Approval of the August 23, 2007 City Council meeting minutes.~~
2. **Disadvantaged Business Enterprise Program:** A resolution to accept and approve the updated Fayetteville Municipal Airport Disadvantaged Business Enterprise (DBE) program participation goal for FY2008.
3. **Law Enforcement Firing Range Partnership:** A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and Washington County, Arkansas to build a new law enforcement firing range; and approving a budget adjustment in the amount of \$40,000.00 as the City of Fayetteville's share of the construction costs.
4. **Powell Johnson Investments, LLC Donation:** A resolution accepting the donation of a golf cart from Powell Johnson Investments, LLC for use in the Fayetteville Police Department's DWI/DUI prevention program.

- ✓ **5. Roll Off Service:** A resolution authorizing the Mayor to execute a contract with Roll Off Service, Inc. to haul and dispose of solid waste within the city limits of Fayetteville.

B. UNFINISHED BUSINESS:

- ✓ **Any unfinished business will be added to the Final Agenda.**

C. NEW BUSINESS:

- ✓ **1. Amend Chapter 177 Landscape Regulations:** An ordinance amending Chapter 177, Landscape Regulations, of the Unified Development Code to require minimum width of tree wells to be three feet and minimum area to be fifteen square feet when utilizing urban tree wells.

- Consent ② **Garney Companies, Inc:** A resolution approving a construction contract with Garney Companies, Inc. in the amount of \$1,393,880.00 for the replacement of the 2.6 mgd Mally ~~Wagon~~ Lift Station and 16-inch force main, WSIP Subproject EL-1; and approving a 8% contingency in the amount of \$110,000.00.

- Consent ③ **Rosetta Construction, LLC:** A resolution approving a construction contract with Rosetta Construction, LLC in the amount of \$10,431,995.00 for construction of 26,458 feet of 42-inch gravity sewer pipeline, WSIP Subproject EL-2; and approving a 7% contingency in the amount of \$730,000.00.

- ✓ **4. R-PZD 07-2576 (Woodstock Community):** An ordinance establishing a residential planned zoning district titled R-PZD 07-2576, Woodstock Community, located south of Wedington Drive from 46th to Broyles Avenue; containing approximately 28.90 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.

- ✓ **5. R-PZD 07-2634 (The Coves at Walnut Crossing):** An ordinance establishing a residential planned zoning district titled R-PZD 07-2634, The Coves at Walnut Crossing, located north of Highway 62 West and west of Walnut Crossing planned zoning district; containing approximately 50.40 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.

- ✓ **6. ADM 07-2079 (Cultural Arts District Boundary):** A resolution to create a Cultural Arts District and specify its borders.

- ✓ **7. ADM 07-2625 (Master Street Plan Update):** A resolution to adopt a revised Master Street Plan for Fayetteville including revised street cross sections.

D. INFORMATIONAL:

City Council Tour: ~~September 3, 2007~~

NONE

Pre Agenda Session 8/22/07

Aldermen

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

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith



**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
September 4, 2007**

A meeting of the Fayetteville City Council will be held on September 4, 2007 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

HR Factor Presentation – Phase III – Update Focus Group Results, and Plan Design Updates - Agenda Session Only.

Commercial Recycling Presentation given by ~~Cary Dumas~~ and Brian Pugh – Agenda Session Only

A. CONSENT:

- 1. Approval of the August 23, 2007 City Council meeting minutes.**
- 2. Disadvantaged Business Enterprise Program:** A resolution to accept and approve the updated Fayetteville Municipal Airport Disadvantaged Business Enterprise (DBE) program participation goal for FY2008.
- 3. Law Enforcement Firing Range Partnership:** A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and Washington County, Arkansas to build a new law enforcement firing range; and approving a budget adjustment in the amount of \$40,000.00 as the City of Fayetteville's share of the construction costs.
- 4. Powell Johnson Investments, LLC Donation:** A resolution accepting the donation of a golf cart from Powell Johnson Investments, LLC for use in the Fayetteville Police Department's DWI/DUI prevention program.

B. UNFINISHED BUSINESS:

Any unfinished business will be added to the Final Agenda.

C. NEW BUSINESS:

 1. **Garney Companies, Inc:** A resolution approving a construction contract with Garney Companies, Inc. in the amount of \$1,393,880.00 for the replacement of the 2.6 mgd Mally Wagon Lift Station and 16-inch force main, WSIP Subproject EL-1; and approving a 8% contingency in the amount of \$110,000.00.

 2. **Rosetta Construction, LLC:** A resolution approving a construction contract with Rosetta Construction, LLC in the amount of \$10,431,995.00 for construction of 26,458 feet of 42-inch gravity sewer pipeline, WSIP Subproject EL-2; and approving a 7% contingency in the amount of \$730,000.00.

3. **R-PZD 07-2576 (Woodstock Community):** An ordinance establishing a residential planned zoning district titled R-PZD 07-2576, Woodstock Community, located south of Wedington Drive from 46th to Broyles Avenue; containing approximately 28.90 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.

4. **R-PZD 07-2634 (The Coves at Walnut Crossing):** An ordinance establishing a residential planned zoning district titled R-PZD 07-2634, The Coves at Walnut Crossing, located north of Highway 62 West and west of Walnut Crossing planned zoning district; containing approximately 50.40 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.

5. **ADM 07-2079 (Cultural Arts District Boundary):** A resolution to create a Cultural Arts District and specify its borders.

6. **ADM 07-2625 (Master Street Plan Update):** A resolution to adopt a revised Master Street Plan for Fayetteville including revised street cross sections.

NB ① 7. **Amend Chapter 177 Landscape Regulations:** An ordinance amending Chapter 177, Landscape Regulations, of the Unified Development Code to require minimum width of tree wells to be three feet and minimum area to be fifteen square feet when utilizing urban tree wells.

Consent 8. **Roll Off Service:** A resolution authorizing the Mayor to execute a contract with Roll Off Service, Inc. to haul and dispose of solid waste within the city limits of Fayetteville.

D. INFORMATIONAL:

City Council Tour: September 3, 2007

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY



DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

TO: **Dan Coody**, Mayor

THRU: **Sondra Smith**, City Clerk

FROM: **Kit Williams**, City Attorney

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

DATE: **September 5, 2007**

RE: **Ordinances and Resolutions prepared by the City Attorney's Office and passed at the City Council meeting of September 4, 2007**

1. **DBE Program:** Resolution accepting and approving updated Fayetteville Municipal Airport Disadvantaged Business Enterprise Program participation goal for FY2008;
2. **Law Enforcement Firing Range Partnership:** Resolution approving Interlocal agreement between City of Fayetteville and Washington County to build a new law enforcement firing range and approving a budget adjustment in amount of \$40,000.00 as Fayetteville's share of construction costs;
3. **Powell Johnson Investments, LLC Donation:** Resolution accepting donation of golf cart from Powell Johnson Investments, LLC for use in Fayetteville Police Department's DWI/DUI Prevention program;
4. **Roll Off Service:** Resolution authorizing Mayor to execute a contract with Roll Off Service, Inc. to haul and dispose of solid waste within the city limits of Fayetteville;
5. **Garney Companies, Inc.:** Resolution approving construction contract with Garney Companies, Inc. in amount of \$1,393,880.00 for replacement of the 2.6 mgd Mally Wagon Lift Station and 16-inch force main, WSIP Subproject EL-1; and approving an 8% contingency in amount of \$110,000.00;

6. Rosetta Construction, LLC: Resolution approving construction contract with Rosetta Construction, LLC in amount of \$10,431,995.00 for construction of 26,458 feet of 42-inch gravity sewer pipeline, WSIP Subproject EL-2 and approving a 7% contingency in amount of \$730,000.00;

7. Amend Chapter 177 Landscape Regulations: Ordinance amending Chapter 177, Landscape Regulations, of UDC to require minimum width of tree wells to be three feet and minimum area to be fifteen square feet when utilizing urban tree wells;

8. ADM 07-2079: Resolution to create a Cultural Arts District and specify its borders;

9. ADM 07-2625: Resolution to adopt Revised Master Street Plan for Fayetteville including revised street cross sections.

From: Missy Leflar
To: Sondra Smith
Date: 7/23/2007 3:57 PM
Subject: August 28th Agenda Session

CC: Susan Thomas
HR Factor (Don Marr) needs to do a presentation at the August 28th Agenda Session.

You may recall he did a brief overview of the job performance evaluation revamping process recently. At that time he promised a more complete report on the focus groups once they were done.

They are now done and he would like to follow through on his promise to the Council to present a more in depth information. It could take 20 or more minutes, would be my guess.

Thank you,
Missy Leflar

Missy Leflar
Human Resources Division Manager
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701
PH: 479-575-8298
Fax: 479-718-7698
E-mail: mleflar@ci.fayetteville.ar.us

From: Brian Pugh
To: Wood, Amber
Date: 8/19/2007 7:07 PM
Subject: Aug 28th Agenda Session - Commercial Recycling presentation

CC: Dumas, Gary; Hill, Carrol
Amber,

Please put on the tentative agenda for the Agenda Session on Aug. 28th, for the Sep. 4th Council Meeting, a brief presentation on Commercial Recycling from Brian Pugh and Gary Dumas. Thanks.

Brian

Brian Pugh
Waste Reduction Coordinator
Fayetteville Solid Waste and Recycling
479-718-7685
479-444-3478 Fax

From: "Susan Slaughter" <slslaughter@cox.net>
To: "Sondra Smith" <:ssmith@ci.fayetteville.ar.us>
Date: 9/6/2007 3:20 PM
Subject: RE: Names of Salem Hills Estates Residents

Sondra,

I got Amber's last name and address wrong. Sorry!

It is Amber Hahn, 3631 Hayfield Cir

Thanks,
Susan

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

From: Sondra Smith [mailto:ssmith@ci.fayetteville.ar.us]
Sent: Wednesday, September 05, 2007 11:31 AM
To: Susan Slaughter
Subject: Re: Names of Salem Hills Estates Residents

Thank you so much! This will really help when we transcribe the minutes.

Sondra E. Smith, CAMC CMC
City Clerk/Treasurer
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701
(479) 575-8323
ssmith@ci.fayetteville.ar.us

>>> "Susan Slaughter" <slslaughter@cox.net> 9/5/2007 6:07 AM >>>
Hello Sondra,

Here are the names of the residents that spoke last night:

Bob Costrell, 3683 Howard Nickell Road

Dwayne Calhoun, 3639 Howard Nickell Road

Katie Jackson, 3699 Hayfield Circle

Amber ^{Hahn}~~Schormann~~, 3785 Cedar Ridge Lane

Roy Slaughter, 3606 Howard Nickell Road

If there is any more information that you need, let me know.

Arkansas Democrat Gazette

NORTHWEST ARKANSAS EDITION

Northwest Arkansas Times
Benton County Daily Record

P. O. BOX 1607
FAYETTEVILLE, AR 72702
PHONE: 479-571-6415

AFFIDAVIT OF PUBLICATION

I, Kate MacNaughton, do solemnly swear that I am the 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

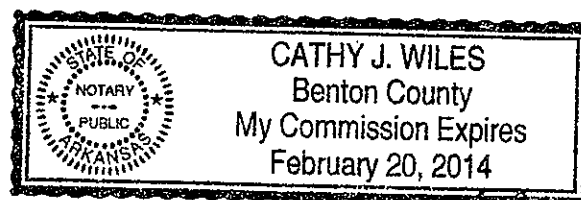
Was inserted in the Regular Editions on:
September 3, 2007

Publication Charge: \$152.98

Subscribed and sworn to before me
This 4 day of *Sept.*, 2007.

Notary Public

Cathy Wiles



My Commission Expires: *2/20/2014*

****NOTE** Please do not pay from Affidavit.
Invoice will be sent.**

RECEIVED

SEP 05 2007

**CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE**

Monday, September 3, 2007

**FINAL AGENDA
CITY OF FAYETTEVILLE ARKANSAS
CITY COUNCIL MEETING
SEPTEMBER 4, 2007**



A meeting of the Fayetteville City Council will be held on September 4, 2007 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Sam's Club Presentation

A. CONSENT:

1. Disadvantaged Business Enterprise Program: A resolution to accept and approve the updated Fayetteville Municipal Airport Disadvantaged Business Enterprise (DBE) program participation goal for FY2008.

2. Law Enforcement Firing Range Partnership: A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and Washington County, Arkansas to build a new law enforcement firing range; and approving a budget adjustment in the amount of \$40,000.00 as the City of Fayetteville's share of the construction costs.

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B. UNFINISHED BUSINESS:

1. Amend Ordinance 4971 (R-PZD 04-1307 Aspen Ridge): An ordinance repealing and replacing Ordinance No. 4971, extending the expiration date for R-PZD 04-1307 (Aspen Ridge) to June 29, 2008. *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.*

2. 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.*

3. ADM 07-2577 (Downtown Design Overlay District Architecture Standards): An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 151: Definitions and Chapter 166: Development to adopt a Downtown Design Overlay District, Parking Garage Design Standards, DDOD Boundary Map and related definitions. *This ordinance was left on the First Reading at the August 23, 2007 City Council meeting.*

C. NEW BUSINESS:

1. Amend Chapter 177 Landscape Regulations: An ordinance amending Chapter 177, Landscape Regulations, of the Unified Development Code to require minimum width of tree wells to be three feet and minimum area to be fifteen square feet when utilizing urban tree wells.

2. R-PZD 07-2576 (Woodstock Community): An ordinance establishing a residential planned zoning district titled R-PZD 07-2576, Woodstock Community, located south of Wedington Drive from 46th to Broyles Avenue; containing approximately 28.90 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.

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4. ADM 07-2079 (Cultural Arts District Boundary): A resolution to create a Cultural Arts District and specify its borders.

5. ADM 07-2625 (Master Street Plan Update): A resolution to adopt a revised Master Street Plan for Fayetteville including revised street cross sections.

6. Amend Chapter 96 Noise Ordinance: An ordinance to Amend \$96.05 Motor Vehicle and Motorcycle Sound limit by adding a new Subsection (E) to prohibit excessive engine revving.

D. INFORMATIONAL:

City Council Tour: None

RECEIVED

SEP 05 2007

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE