

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
October 2, 2007**

A meeting of the Fayetteville City Council will be held on October 2, 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**

Nominating Committee Report – Fayetteville Public Facilities Board recommends the following appointments: Steve Clark, Steve Adams and Phil Taylor

NOMINATING COMMITTEE REPORT WAS APPROVED.

A. CONSENT:

- 1. Enforcement of Underage Drinking Laws Mini-Grant:** A resolution authorizing the Fayetteville Police Department to accept a reimbursement mini-grant from the Arkansas Alcoholic Beverage Control Enforcement Division in the amount of \$5,400.00 to enforce underage drinking laws; and approving a budget adjustment recognizing the grant revenue.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 170-07.

- 2. Sam's Club Grant for Police Equipment:** A resolution authorizing the Fayetteville Police Department to accept a grant from Sam's Club Foundation in the amount of \$3,000.00 for the purchase of minor equipment; and approving a budget adjustment to recognize the grant revenue.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 171-07.

3. **2007-2008 Selective Traffic Enforcement Grant:** A resolution accepting the 2007-2008 Selective Traffic Enforcement Program (STEP) Grant in the amount of \$103,000.00 for the purpose of paying overtime to officers engaged in the enforcement of DWI/DUI and seatbelt laws and other purposes; and approving a budget adjustment recognizing the grant revenue.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 172-07.

4. **2007 Edward Byrne Memorial Justice Assistance Grant:** A resolution accepting the 2007 Edward Byrne Memorial Justice Assistance Grant in the amount of \$83,183.00, \$39,739.00 of which will be used by the Fayetteville Police Department for the purchase of equipment with the remainder to be distributed to the City of Springdale and Washington County; and approving a budget adjustment recognizing the grant revenue.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 173-07.

5. **Time Striping Inc.:** A resolution approving a contract with Time Striping, Inc. in the amount of \$59,000.00 to re-paint the airfield markings at the Fayetteville Municipal Airport, Drake Field; approving a 5% contingency in the amount of \$3,498.00; accepting an Arkansas Department of Aeronautics Grant in the amount of \$73,448.00; and approving a budget adjustment to recognize the grant revenue.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 174-07.

6. **Garver Engineers, LLC:** A resolution approving Amendment No. 1 to the engineering contract with Garver Engineers, LLC in an amount not to exceed \$278,150.00 for final design and bidding services associated with the Cato Springs Road Improvement Project.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 175-07.

B. UNFINISHED BUSINESS:

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

THIS ITEM WAS TABLED INDEFINITELY.

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 ordinance was left on the Second Reading at the September 4, 2007 City Council meeting. This ordinance was left on the Third Reading at the September 18, 2007 City Council meeting and Tabled to the October 2, 2007 City Council meeting.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5963.

3. Status Report of the Renaissance Hotel Project.

MR. JOHN NOCK GAVE A THE REPORT.

- 4. R-PZD 07-2649 (College Avenue Townhomes):** An ordinance establishing a residential planned zoning district titled R-PZD 07-2649, College Avenue Townhomes, located southeast of College Avenue and Golden Eagle Drive; containing approximately 2.34 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the Third Reading at the September 18, 2007 City Council meeting and Tabled to the October 2, 2007 City Council meeting.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5964.

- 5. R-PZD 07-2680 (Arcadian Court):** An ordinance establishing a residential planned zoning district titled R-PZD 07-2680, Arcadian Court, located at 1631 West Deane Street; containing approximately 1.69 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the Second Reading at the September 18, 2007 City Council meeting.*

THIS ITEM WAS TABLED INDEFINITELY.

- 6. Hobson, Inc. Appeal:** An ordinance rezoning that property described in rezoning petition RZN 07-2667, for approximately 2.38 acres, located at 7613 Wedington from R-A, Residential Agricultural, to C-2, Thoroughfare Commercial. *This ordinance was left on the First Reading at the September 18, 2007 City Council meeting.*

THIS ITEM WAS TABLED INDEFINITELY.

C. NEW BUSINESS:

- 1. 2007 Millage Levy:** An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas for the year 2007 fixing the rate thereof at 2.2 mills for General Fund Operations, 0.4 mills for the Firemen's Pension and Relief Fund, 0.4 mills for the Policemen's Pension and Relief Fund and 1.0 mill for the Fayetteville Public Library; and certifying the same to the County Clerk of Washington County, Arkansas.

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

- 2. Illinois River Watershed Partnership:** An ordinance waiving the requirements of §34.23, (purchases and contracts not in excess of \$20,000.00), of the Fayetteville Code of

Ordinances and approving a contract with the Illinois River Watershed Partnership (IRWP) in the amount of \$10,000.00 for watershed education and planning services.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5965.

3. **Red Oak Park Streambank Revised Improvement Project:** A resolution approving a revised project design for the Red Oak Park Streambank Improvements submitted by the Arkansas Game and Fish Commission Region 1 Steam Team.

THIS ITEM WAS TABLED INDEFINITELY.

4. **RZN 07-2691 (JB Hays):** An ordinance rezoning that property described in rezoning petition RZN 07-2691, for approximately 1.80 acres, located at 5393 East Huntsville Road from RSF-4, Residential Single-Family, 4 units per acre, to C-1, Neighborhood Commercial.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5966.

5. **VAC 07-2705 (Driver S/D):** An ordinance approving VAC 07-2705 submitted by Freeland, Kaufmann & Freeden for property located at the east end of Township, vacating the excess right-of-way on the north and south sides of Township, a total of 1,789 square feet.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5967.

6. **VAC 07-2706 (Hammons):** An ordinance approving VAC 07-2706 submitted by Stitt Energy Systems, Inc. for property located at 30 North Greenbriar Drive, vacating a portion of a utility easement, a total of 288 square feet.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5968.

7. **VAC 07-2707 (City of Fayetteville/Broyles Ave.):** An ordinance approving VAC 07-2707 submitted by City of Fayetteville Water and Sewer Division for property located at the Westside Wastewater Treatment Plant (15 south Broyles Road), vacating the right-of-way for Broyles Road bisecting the City's Westside Wastewater Treatment Plant site, a total of 3.19 acres.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5969.

8. **Energy Efficient Building Policy:** A resolution establishing an Energy Efficient Building Policy for the City of Fayetteville.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 176-07.

D. INFORMATIONAL:

City Council Tour: None

Meeting adjourned at 9:25 p.m.

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

8-0

Subject: Nominating Committee Report					
Motion To:		Approve			
Motion By:		Cook			
Seconded:		Lucas			
Passed	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Mayor Coody				

8-0

Subject: <i>Consent</i>					
Motion To:		<i>Approve</i>			
Motion By:		<i>Jordan</i>			
Seconded:		<i>Gray</i>			
<i>Passed</i> <i>Res.</i> <i>170-07</i> <i>to</i> <i>175-07</i>	Cook	<i>✓</i>			
	Allen	<i>✓</i>			
	Rhoads	<i>Absent during the vote</i>			
	Ferrell	<i>✓</i>			
	Lucas	<i>✓</i>			
	Jordan	<i>✓</i>			
	Gray	<i>✓</i>			
	Thiel	<i>✓</i>			
	Mayor Coody				

7-0

Subject: <i>Boardwalk Property Owners Association</i>					
Motion To:		<i>Table</i>			
Motion By:		<i>Indef.</i>			
Seconded:		<i>Gray</i>			
<i>B.I.</i> <i>Unfinished</i> <i>Business</i> <i>Tabled</i> <i>Indef.</i>	Cook	<i>✓</i>			
	Allen	<i>✓</i>			
	Rhoads	<i>✓</i>			
	Ferrell	<i>✓</i>			
	Lucas	<i>✓</i>			
	Jordan	<i>✓</i>			
	Gray	<i>✓</i>			
	Thiel	<i>✓</i>			
	Mayor Coody				

8-0

Subject: R - P Z D 07-2576 Woodstock Community					
Motion To:		Amend as recommended.	Pass		
Motion By:		Jordan			
Seconded:		Lucas			
B.2. Unfinished Passed 5063	Cook	✓	✓		
	Allen	✓	✓		
	Rhoads	✓	✓		
	Ferrell	✓	✓		
	Lucas	✓	✓		
	Jordan	✓	✓		
	Gray	✓	✓		
	Thiel	✓	✓		
	Mayor Coody				

8-0

8-0

Subject: Status Report of the Renaissance Hotel Project					
Motion To:					
Motion By:		John Nock gave the			
Seconded:		report.			
B.3. Unfinished	Cook				
	Allen				
	Rhoads				
	Ferrell				
	Lucas				
	Jordan				
	Gray				
	Thiel				
	Mayor Coody				

Subject: R-PZD 07-2649 College Avenue Townhomes					
Motion To:		Pass			
Motion By:					
Seconded:					
B.4. Unfinished Business <u>passed</u> 5064	Cook	✓			
	Allen	N			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Mayor Coody				

7-1

Subject: R-PZD 07-2680 Arcadian Court					
Motion To:		3rd Read	Table Indef.		
Motion By:		Jordan	Jordan		
Seconded:		Lucas	Lucas		
B.5. Unfinished Business <u>Tabled Indef.</u>	Cook	✓	✓		
	Allen	✓	✓		
	Rhoads	✓	✓		
	Ferrell	✓	✓		
	Lucas	✓	✓		
	Jordan	✓	✓		
	Gray	✓	✓		
	Thiel	✓	✓		
	Mayor Coody				

8-0

8-0

Subject: Hobson, Inc. Appeal					
Motion To:		2nd Read	Add Section #3 Bill of Assurance		
Motion By:		Ferrell	Rhoads		
Seconded:		Gray	Ferrell		
B.b. Unfinished	Cook	✓	✓		
	Allen	✓	✓		
	Rhoads	✓	✓		
	Ferrell	✓	✓		
	Lucas	✓	✓		
	Jordan	Absent during the vote.	✓		
	Gray	✓	✓		
	Thiel	✓	✓		
	Mayor Coody				

7-0

8-0

Subject: Hobson, Inc. Appeal					
Motion To:		Table Indef.			
Motion By:		Thiel			
Seconded:		Gray			
B.b. Unfinished Tabled Indef.	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Mayor Coody				

8-0

Subject: 2007 Millage Levy					
Motion To:					
Motion By:					
Seconded:					
C.1, New Business Left on the First Reading	Cook				
	Allen				
	Rhoads				
	Ferrell				
	Lucas				
	Jordan				
	Gray				
	Thiel				
	Mayor Coody				

Subject: Illinois River Watershed Partnership.					
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Jordan	Cook		
Seconded:		Lucas	Jordan		
C.2, New Business <u>passed</u> 5065	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Mayor Coody				

8-0

8-0

8-0

Project.

Subject: Red Oak Park Streambank Revised Improvement					
Motion To:		Table Indef.			
Motion By:		Jordan			
Seconded:		Lucas			
C. 3, New Business Tabled Indef.	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Mayor Coody				

8-0

Subject: RZN 07-2691 JB Hays					
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Thiel	Gray		
Seconded:		Gray	Jordan		
C. 4, New Business Passed	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Mayor Coody				

8-0

8-0

8-0

Subject: VAC 07-2705 Driver SID					
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Ferrell	Jordan		
Seconded:		Gray	Ferrell		
C.5 New Business <u>passed</u> 5967	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Mayor Coody				
		8-0	8-0	8-0	

Subject: VAC 07-2706 HAMMONS					
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Ferrell	Jordan		
Seconded:		Jordan	Gray		
C.6. New Business <u>passed</u> 5068	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Mayor Coody				
		8-0	8-0	8-0	

Subject: VAC 07-2707 City of Jayettville / Brayles Ave.					
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Jordan	Jordan		
Seconded:		Lucas	Lucas		
C. 7. New Business <u>Passed</u> 5069	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Mayor Coody				

8-0

8-0

8-0

Subject: Energy Efficient Building Policy					
Motion To:		Amend to add Cost Analysis	Approve		
Motion By:		Ferrell	Jordan		
Seconded:		Lucas	Gray		
C. 8. New Business <u>Passed</u> 176-07	Cook	✓	✓		
	Allen	✓	✓		
	Rhoads	✓	✓		
	Ferrell	✓	✓		
	Lucas	✓	✓		
	Jordan	✓	✓		
	Gray	✓	✓		
	Thiel	✓	✓		
	Mayor Coody				

8-0

8-0

RECEIVED

SEP 21 2007

**CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE**

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

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

September 21, 2007

Hon. Dan Coody, Mayor
City Administration Building
113 West Mountain
Fayetteville, AR 72701

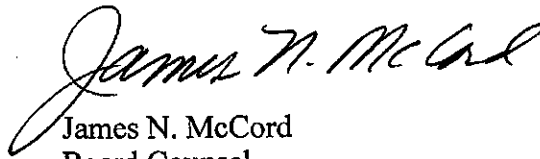
VIA HAND DELIVERY

Re: Appointment of successor members to Fayetteville Public Facilities Board

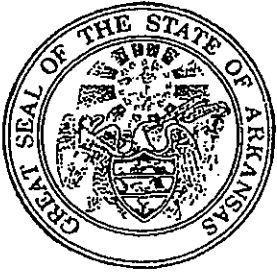
Dear Mayor Coody:

The terms of Fayetteville Public Facilities Board members Dennis Smith, Steve Adams and Phil Taylor expire October 15, 2007. The City of Fayetteville recently advertised for applicants for appointment to the Public Facilities Board (the "PFB"). One application was received. It was submitted by Steve Clark. Dennis Smith advised the Board that he did not want to be re-appointed. Steve Adams and Phil Taylor have agree to serve another term. On September 19, 2007, the PFB voted to nominate Steve Clark to fill the expiring term of Dennis Smith and to nominate Steve Adams and Phil Taylor for re-appointment to the Board. The Board requests that you appoint Steve Clark, Steve Adams and Phil Taylor to the PFB, subject to confirmation by the Fayetteville City Council as provided by Ark. Code Ann. Sec. 14-137-108.

Sincerely,


James N. McCord
Board Counsel

cc: Kit Williams, City Attorney
Sondra Smith, City Clerk



STATE OF ARKANSAS
DEPARTMENT OF AERONAUTICS

Little Rock National Airport • One Airport Drive • 3rd Floor
 Little Rock, Arkansas 72202-4402
 Telephone: (501) 376-6781 • Fax: (501) 378-0820

*Time Striping, Inc. A.S.
 Handed out at the
 City Council
 Meeting 10/2/07*

MIKE BEEBE
 GOVERNOR

September 24, 2007

JOHN K. KNIGHT
 DIRECTOR

Commissioners

Marion Burton
 Little Rock

Dr. Gene Jines
 Little Rock

Charles Simmons
 Rogers

Don Ruggles
 Texarkana

Lindley Smith
 Jonesboro

Ken Johnson
 Pine Bluff

Dr. William Morgan
 Paragould

Mr. Ray Boudreaux, Director
 Fayetteville Municipal Airport
 4500 South School Avenue Suite F
 Fayetteville, Arkansas 72701

Dear Mr. Boudreaux:

The Arkansas Department of Aeronautics Commission in their meeting of September 18, 2007 approved the Grant # 2542-07 request for the cap amount of \$73,448.00 available under the Department of Aeronautics 100% grant matching funds program. *Please note this project must be completed with all completed and related paperwork for this grant amount received by May 31, 2008 be used to remark all airfield pavement at Drake Field.

Your grant has been assigned a number for identification purposes. Please use 2542-07 as your grant number when corresponding with our office concerning your project. You should advise the Director of this office if you find you will not be able to complete the project for the amount approved. An amendment request for the project may then be acted on at the next Commission meeting. The Commission will not be responsible for any additional project costs unless the sponsor has received notification in advance.

The Commission has asked that we call your attention to Page Three (3) of your application for State Airport Aid. You agreed, when the application was submitted to start the project within three months after approval or the grant would be null and void. The next to the last paragraph requires that the project be completed within one year unless it is partially funded by the Federal Aviation Administration (FAA). Please advise if circumstances beyond your control prevent the completion within the allotted time, otherwise, the grant may be canceled.

Payment of this grant may be made on completion of the project. Please request payment of this grant in writing and include your documentation for the project at that time.

Sincerely,

John Knight

John K. Knight
 Director

JK/nb

RECEIVED

SEP 28 2007

AIRPORT

Handed out at the City Council meeting

10/2/07. Woodstock Community R-PZD 07-2576



THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

To: Mayor Dan Coody, City Council
From: Jeremy Pate, Director of Current Planning X
Date: 02 October, 2007
Subject: Woodstock Community PZD (R-PZD 07-2576) Amendments

The applicants for this project recently met with Ward 4 representatives and constituents and have submitted correspondence indicating amendments to the proposed Residential Planned Zoning District for Woodstock Community PZD in an attempt to alleviate some of the stated concerns.

The offered amendments, which would be added as conditions of approval attached to the staff report and filed in the office of the City Clerk, are described as follows:

ADDED CONDITIONS:

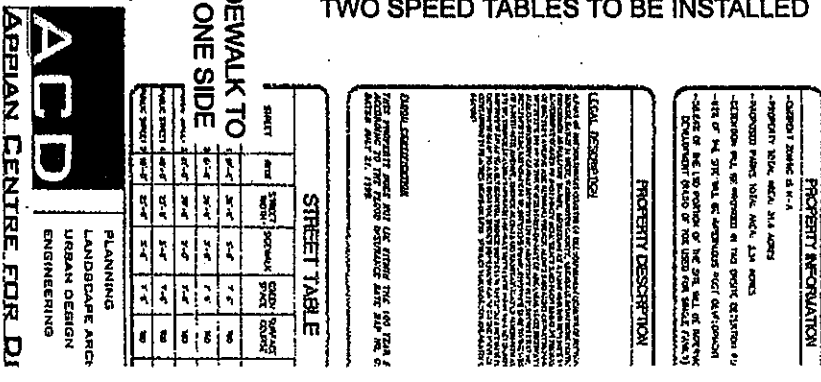
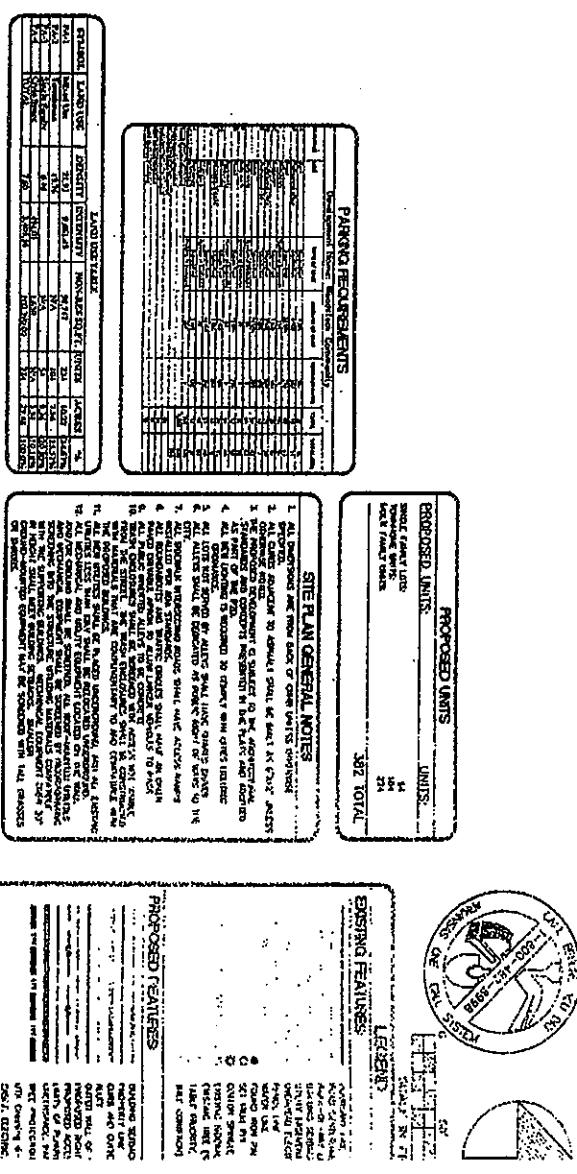
Street Improvements:

1. The applicant shall install a 5-foot sidewalk on one side of 46th Avenue from the southern boundary of the subject property to connect to the existing sidewalk along 46th Avenue, approximately 650 ft. to the south. The sidewalk shall be constructed within existing right-of-way where possible. Final location shall be approved by the City Engineer.
2. The applicant shall install two (2) traffic tables on 46th Avenue between Wedington Drive and Persimmon Street. Traffic tables shall meet City of Fayetteville specifications, and shall be approved by the Engineering Division.

Building Height:

3. Buildings B, E and G that front onto Wedington Drive shall be permitted two maximum building heights. The northern half of each building shall contain a maximum of three floors, not to exceed 50 feet in total height. The southern half of each building shall contain a maximum of four floors, not to exceed 62 feet in total height (*see attached diagram labeled "Amended Building Height"*).
4. Building I that fronts onto 46th Avenue shall be permitted two maximum building heights. The eastern half of the building shall contain a maximum of three floors, not to exceed 50 feet in total height. The western half of the building shall contain a maximum of four floors, not to exceed 62 feet in total height (*see attached diagram labeled "Amended Building Height"*).

(Everything but Single Family)
Land Use Approval:
(Single Family Only)

[illegible]

Handed out at the City Council meeting

10/2/07. Woodstock Community R-PZD 07-2576



THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

To: Mayor Dan Coody, City Council
From: Jeremy Pate, Director of Current Planning X
Date: 02 October, 2007
Subject: Woodstock Community PZD (R-PZD 07-2576) Amendments

The applicants for this project recently met with Ward 4 representatives and constituents and have submitted correspondence indicating amendments to the proposed Residential Planned Zoning District for Woodstock Community PZD in an attempt to alleviate some of the stated concerns.

The offered amendments, which would be added as conditions of approval attached to the staff report and filed in the office of the City Clerk, are described as follows:

ADDED CONDITIONS:

Street Improvements:

1. The applicant shall install a 5-foot sidewalk on one side of 46th Avenue from the southern boundary of the subject property to connect to the existing sidewalk along 46th Avenue, approximately 650 ft. to the south. The sidewalk shall be constructed within existing right-of-way where possible. Final location shall be approved by the City Engineer.
2. The applicant shall install two (2) traffic tables on 46th Avenue between Wedington Drive and Persimmon Street. Traffic tables shall meet City of Fayetteville specifications, and shall be approved by the Engineering Division.

Building Height:

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4. Building I that fronts onto 46th Avenue shall be permitted two maximum building heights. The eastern half of the building shall contain a maximum of three floors, not to exceed 50 feet in total height. The western half of the building shall contain a maximum of four floors, not to exceed 62 feet in total height (*see attached diagram labeled "Amended Building Height"*).

Density:

5. The total number of dwelling units within Planning Area 1 (Mixed Use) shall subsequently be reduced by 40 units, in accordance with the reduction in building height of Buildings B, E, G and I. A maximum of 184 dwelling units shall be permitted within Planning Area 1, Mixed Use, which results in a total maximum number of 342 dwelling units on the subject property.

46th Avenue Access:

6. The northern- and southern-most access drives to 46th Avenue shall be constructed as ingress-only (the drive south of Building J and the drive south of Lot 54).

Stormwater Management Bond:

7. A Performance Guarantee shall be provided for Phases 2-7 of construction in the amount of 100% of the costs for installing the storm water erosion control devices and maintaining said devices for a period of one year. No grading beyond Phase I shall proceed on the future phases until the performance guarantee has been submitted and accepted by the City Engineer.

All conditions, if approved by the City Council, shall be reflected accordingly in the PZD booklets and plats and submitting to the Planning Division for final approval prior to issuance of any construction permits.

Attached to this memo is a graphic exhibit that also depicts the building height changes.

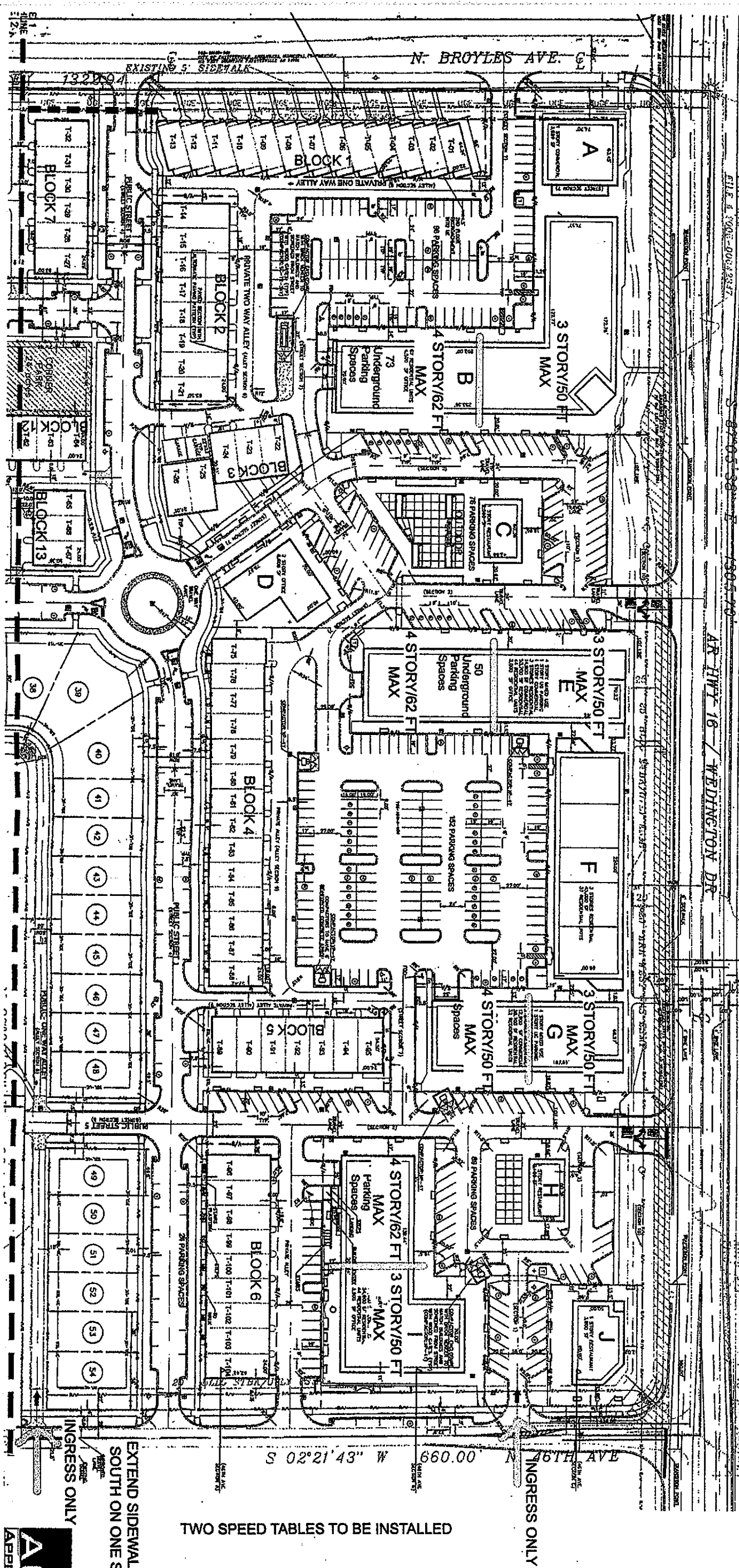
Staff recommends the City Council make a formal amendment to the PZD, accepting the additional conditions of approval as offered by the applicant and indicated herein. These conditions, should they be accepted, will then be added to the official conditions of approval as found on record with the office of the City Clerk/Treasurer.

Woodstock Community

Large Scale Development:

(Everything but Single Family)
Land Use Approval:
(Single Family Only)

AMENDED BUILDING HEIGHTS



EXISTING	PROPOSED	REMARKS
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PARTIAL REQUIREMENTS									
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RECEIVED

OCT 02 2007

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

From: <BZiada@ceieng.com>
To: <mayor@ci.fayetteville.ar.us>
Date: 10/2/2007 1:31 PM
Subject: R-PZD 07-2576 (Woodstock Community)

CC: "Shirley Lucas" <ward4_pos1@ci.fayetteville.ar.us>, "Lionel Jordan" <llj...
Dear Mayor Coody and City council Members,

I will not be able to attend the City Council meeting for tonight October 2nd due to a last minute business trip.

Below are my comments for the proposed development:

Traffic:

At the last meeting on September 18th the developer in response to my questions regarding land use shown on his traffic report indicated that the 20,000 SF grocery store will be light and unlike Harp's store, there is no such thing in the development community around the country when calculating trip generation rates that one uses a term as light grocery, the developer is avoiding using the designated definition of grocery in the Institute of Transportation Engineers (ITE) trip generation manual, in turn he uses a general retail which generates a significant less number of trips. I don't understand how a light grocery store will be able to afford paying high rent when they are generating light traffic and not selling enough merchandise and making profit, is this the development that is going to be built, they may have in mind charging \$10.00 for a bottle of milk and so on based on the light traffic that they will be generating.

This is a misrepresentation to show the city less trips which in reality it is a lot more.

The city is calculating a cost sharing on Broyles traffic signal which will use tax payer's money and it should be done the correct way to make sure they pay their fare share of the cost of the improvements that they need to. The developer should have his traffic consultant come before you to present the traffic conditions that will be generated and the impact and mitigations that needs to be done by this proposed development. The traffic engineer can explain to you better from a technical stand point not a marketing version of the developer. The city needs to look very closely at the proposed land uses and make sure accurate information has been presented before making it this far in the process.

Drainage:

The exiting conditions on the subject site receives water run off from offsite around 100 acres of rainfall, any negative impact to the way off-site drainage is handled currently will have an impact on the adjacent properties causing flood damage to their properties including mine. The existing method currently is for the water to go through the drainage ditch to the southeast of the development and then into the 20 acre open field before leaving the site. To put the detention bond at the southeast part of the site and design it 8-10 feet deep is done to maximize the number of buildings on their property and cause the detention to function as a dam that will slow the flow of water into the west side of their proposed development, should there be any obstruction to the storm sewer or lack of maintenance in the detention pond will cause the water to be detained on adjoining properties causing flooding.

RECEIVED

The detention pond 100 year flood elevation should be kept inside the detention pond and not outside to prevent our properties from being used as a detention area. The developer should also document the finished floor elevation of all the properties that off-site drainage come from to make sure if there is any flooding or change from the pre-development conditions that the developer or the city takes full responsibility of correcting the damages. This is done around the country when there are known drainage problems and a development is being proposed to protect existing home owners.

Solution:

Move the detention bond from where it is proposed to be placed on the center of phase 7 and enlarge the size of the pond not in depth to provide safety and avoid flooding to adjoining property owners due to obstruction or lack of maintenance.

The city now is requiring the developer to posting a bond, this is a good start, if I may add this bond should have some conditions that the developer shall comply with such as building it according to the approved plans and specifications by the city and provide an As-Built drawing for all storm water structures before releasing the bond. Also the city needs to have a three year maintenance bond and a program on how the maintenance will be preformed, this is essential as most problems happen when it is not maintained.

Scale:

The proposed development is not to scale with the surrounding homes; it is the largest buildings west of the University besides the Holiday Inn off I-540. There need to be screening from the adjacent properties as it is a different zone to the south since a commercial building will be built first to avoid the headlight from the cars facing south to be shining into our homes, I would suggest screening walls or shrubs at a minimum of 4 feet.

Solution:

This project is best suited in areas off I-540

Truck Delivery and hours of operations:

No trucks delivery between the hours of 10:00 PM- 6:00 AM, any outdoor speakers or loud music at any facility within the proposed development past 10:00 PM.

Construction:

The phasing of this project is 8-10 years according to the developers plan; this will subject the surrounding homes to a construction period of up to 10 years of dust, noise, soil erosion. No construction entrance to the proposed site should be from 46th Ave.

Thank you

Bassam Ziada
723 N 46th Ave
Fayetteville, AR 72704
HM # 444-9044
Cell # 426-1380

Hobson, Inc. Appeal

Handed out at
the City Council
Meeting 10/2/07

**BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE, ARKANSAS**

In order to attempt to obtain approval of a request for a zoning reclassification, the owner of this property (hereinafter "Petitioner") Hobson, Inc., an Arkansas Corporation, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

Petitioner holds title to, and seeks a rezoning classification for, the following described lands situated in Washington County, Arkansas, to-wit:

A part of the SW ¼, of the SE ¼, Section 9, T-16-N, R-31-W described as beginning at a point S1°17'49"W 39.12 feet from the Northeast corner of said 40 acre tract, said point being on the South Right-of-Way of Arkansas Highway 16; thence S1°17'49" W 146.88 feet; thence along a fence S89°10'35" W 61.88 feet; thence N0°40'45" E 148.25 feet, to the said Highway Right-of-Way; thence along said Right-of-Way S89°33'25" E 63.44 feet, to the point of beginning, containing 0.21 acres, more or less, Washington County, Arkansas. Subject to a 18.00 foot road easement along the East side thereof.

-and-

A part of the SW ¼, of the SE ¼, Section 9, T-16-N, R-31-W described as beginning at a point S1°17'49" W 186.00 feet from the Northeast corner of said 40 acre tract; thence S1°17'49" W 381.00 feet; thence N89°32'06" W 250.00 feet; thence N1°17'49" E 373.78 feet; thence along a fence N88°41'34" E 188.33 feet, N89°10'35" E 61.88 feet, to the point of beginning, containing 2.17 acres, more or less, Washington County, Arkansas. Subject to: An 18.00 foot Road Easement along the East side thereof.

And having a property street address of 7613 Wedington (12611 Hwy 16W), Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, **substantial irreparable damage justifying injunctive relief** has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will **reasonably rely** upon all of the

terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning requests.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows **IF** Petitioner's rezoning is approved by the Fayetteville City Council.

1. The use of Petitioner's property shall be limited to Use Unit 12, Use Unit 17, and Use Unit 25 as described and set forth in Chapter 162, Title XV, of the Unified Development Code for the City of Fayetteville, Arkansas.

2. Other restrictions including number and type of structures upon the property are limited to _____.

3. Specific activities will not be allowed upon petitioner's property include any uses not included in Use Units 12, 17, and 25 described above; and any activities related to: (a) body piercing and tattoo services; (b) manufactured homes; and (c) the sale and repair of large commercial type vehicles otherwise allowed under Use Unit 17, to include buses, trucks, trailers, and farm equipment.

4. (Any other terms or conditions) An area consisting of no less than twenty (20) feet in width and running adjacent and along the south property line of the subject property shall serve as a buffer zone between the subject property and the neighbors to the south of the subject property. The buffer area shall be maintained in conformity with the remainder of the subject property, but shall not be used for any purpose other than landscaping and/or natural vegetation growth. If requested by the City of Fayetteville at any time, a privacy fence or a natural vegetation barrier (such as hedge), shall be constructed along the said boundary line to the rear (south) of the subject property.

5. Petitioner specifically agrees that all such restrictions and terms shall **run with the land** and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above,, Hobson, Inc.,, as owner (Petitioner) **voluntarily offer** all such assurances and sign my name below.

Hobson, Inc.

October 2, 2007
Date

By: David Pearce, President
David Pearce, President

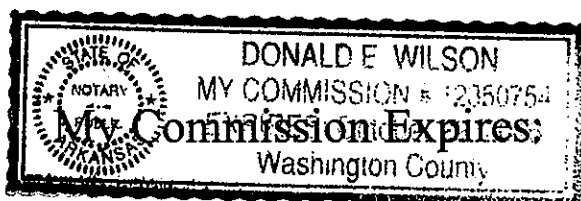
Rt. 6, Box 269-1
Fayetteville, AR 72701

By: Patricia Pearce, Secretary
Patricia Pearce, Secretary

NOTARY OATH

STATE OF ARKANSAS }
COUNTY OF WASHINGTON } .ss\

And now on this the 2d day of October, 2007, appeared before me, a Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared David Pearce and Patricia Pearce, who acknowledged themselves to be the President and Secretary, respectively, of Hobson, Inc., an Arkansas Corporation, and that they, after being placed upon their oath swore or affirmed that they agreed with the terms of the above Bill of Assurance in their aforesaid capacities of said corporation and on behalf of said corporation, and signed their names above for the consideration, uses and purposes therein mentioned and set forth.



[Signature]
NOTARY PUBLIC

THIS INSTRUMENT PREPARED BY:

Donald E. Wilson, P.A.
Attorney at Law
P.O. Box 1285
Fayetteville, AR 72702-1285

Hobson, Inc. Appeal
Handed out at
the City Council
Meeting 9/18/07

BILL OF ASSURANCE

KNOW ALL MEN BY THESE PRESENTS:

THAT Hobson, Inc., an Arkansas Corporation, holds title to the following described lands situated in Washington County, Arkansas, to-wit:

A part of the SW $\frac{1}{4}$, of the SE $\frac{1}{4}$, Section 9, T-16-N, R-31-W described as beginning at a point S1°17'49"W 39.12 feet from the Northeast corner of said 40 acre tract, said point being on the South Right-of-Way of Arkansas Highway 16; thence S1°17'49" W 146.88 feet; thence along a fence S89°10'35" W 61.88 feet; thence N0°40'45" E 148.25 feet, to the said Highway Right-of-Way; thence along said Right-of-Way S89°33'25" E 63.44 feet, to the point of beginning, containing 0.21 acres, more or less, Washington County, Arkansas. Subject to a 18.00 foot road easement along the East side thereof.

-and-

A part of the SW $\frac{1}{4}$, of the SE $\frac{1}{4}$, Section 9, T-16-N, R-31-W described as beginning at a point S1°17'49" W 186.00 feet from the Northeast corner of said 40 acre tract; thence S1°17'49" W 381.00 feet; thence N89°32'06" W 250.00 feet; thence N1°17'49" E 373.78 feet; thence along a fence N88°41'34" E 188.33 feet, N89°10'35" E 61.88 feet, to the point of beginning, containing 2.17 acres, more or less, Washington County, Arkansas. Subject to: An 18.00 foot Road Easement along the East side thereof.

And having a property street address of 7613 Wedington (12611 Hwy 16W), Fayetteville, Arkansas.

The Grantor, Hobson, Inc., has filed its application with the City of Fayetteville for rezoning of the above-described property from R-A, Residential-Agricultural, to C-2, Thoroughfare Commercial.

As a part of this Bill of Assurance, certain safeguards and restrictions hereinafter referred to as "Restrictions" are hereby placed on the above-described real property.

RESTRICTIONS

The purpose of these restrictions is to restrict and limit the use of the above-described real property under a C-2 Zoning classification as set forth in Chapter 161.18,

Unsubstantiated property under a C-2 zoning classification as set forth in Chapter 10.1.10.

The purpose of these resolutions is to assist and limit the use of the above-

RESOLUTIONS

related to as "resolutions" are hereby placed on the above described real property

As a part of the Bill of Assurance, certain salespersons and real estate brokers

Thompson's Commercial

resolving of the above described property from R-1 Residential-Agricultural to C-2.

The Council, Johnson, Inc., has filed an application with the City of Fayetteville for

And hereby a portion of the address of 1015 Washington (1001 Hwy 100), Fayetteville

is hereby placed on the C-2 zoning map.

As a part of the Bill of Assurance, certain salespersons and real estate brokers

and

containing 0.21 acres, more or less, Washington County, Arkansas, located in a 100 foot wide

described lands situated in Washington County, Arkansas, to-wit:

1144 Johnson, Inc., an Arkansas Corporation, holds title to the following

KNOW ALL MEN BY THESE PRESENTS

BILL OF ASSURANCE

Physical Address: 1015 Washington
Fayetteville, AR 72701-1001
Arkansas
City: Fayetteville
State: AR
Zip: 72701-1001

1144 Johnson, Inc., an Arkansas Corporation, holds title to the following

District C-2, Thorough Commercial, of the Fayetteville Unified Development Code, to the following permitted uses, as follows:

Unit 12	Offices, studios and related services
Unit 17	Trades and services
Unit 25	Commercial offices

It is the intention of these restrictions to limit the permitted uses as described above, and to restrict all other uses of the said property.

The hereinabove-described real property shall be used only for the permitted uses described in Unit 12, Unit 17, and Unit 25 of Chapter 161.18 of the Fayetteville Unified Development Code.

IN WITNESS WHEREOF, the name of the Grantor is hereunto affixed by its undersigned representative this 18 day of September, 2007.

Hobson, Inc.

By: David Pearce, President
David Pearce, President

By: Patricia Pearce
Patricia Pearce, Secretary

Section 6-2, thorough Commercial of the Fayetteville United Development Code, to

the following permitted uses, as follows:

Office, studio and related services	Unit 12
Trade and services	Unit 17
Commercial offices	Unit 28

It is the intention of these restrictions to limit the permitted uses as described

above, and to restrict all other uses in the said property.

The hereinafter-described use of property shall be used only for the permitted

uses described in Unit 12, Unit 17, and Unit 28 of Chapter 6-2 of the Fayetteville

United Development Code.

IN WITNESS WHEREOF, the name of the Council is hereunto attested by its

undesignated representative this 1st day of February, 2005.

Robert, Inc.

By: David Perino, President

By: Patricia Perino, Secretary

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) SS
COUNTY OF WASHINGTON)

On this 18 day of September, 2007, before me, a Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared David Pearce and Patricia Pearce, who acknowledged themselves to be the President and Secretary, respectively, of Hobson, Inc., an Arkansas Corporation, and that they, as such President and Secretary of said corporation, being authorized so to do, executed the foregoing instrument for and in the name and behalf of said corporation by signing the name of the corporation by themselves as President and Secretary, and further stated and acknowledged that they had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

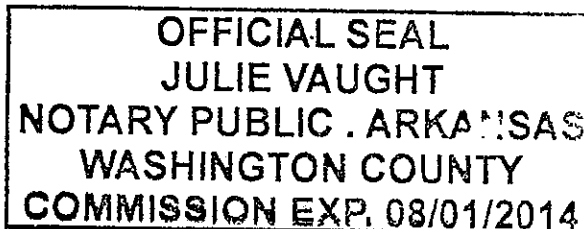
My Commission Expires:

8-1-2014

(Note: Legal Description is
not scrivener's description)



Notary Public



ACKNOWLEDGMENT

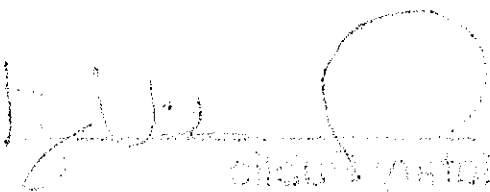
STATE OF ARKANSAS

188

COUNTY OF WASHINGTON

On this 17 day of October, 2007, before me, a Notary Public, duly commissioned, qualified and acting within and for said County and State, appeared David L. Jones and Patricia Pearce, who acknowledged themselves to be the President and Secretary, respectively, of Hobson, Inc., an Arkansas Corporation, and that they, as such President and Secretary of said corporation, being authorized so to do, executed the foregoing instrument for and in the name and behalf of said corporation by signing the name of the corporation by themselves as President and Secretary, and further stated and acknowledged that they had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.


Notary Public

My Commission Expires

11-1-2011

NOTARY PUBLIC
STATE OF ARKANSAS
COMMISSION EXPIRES 11-1-2011
DAVID L. JONES
PATRICIA PEARCE

(Notary Seal Description)
notary seal description

THIS INSTRUMENT PREPARED BY:

Donald E. Wilson, P.A.
Attorney at Law
P.O. Box 1285
Fayetteville, AR 72702-1285

Add to Final
Hobson, Inc. Appeal
9/18/07 Agenda.

BILL OF ASSURANCE

KNOW ALL MEN BY THESE PRESENTS:

THAT Hobson, Inc., an Arkansas Corporation, holds title to the following described lands situated in Washington County, Arkansas, to-wit:

A part of the SW $\frac{1}{4}$, of the SE $\frac{1}{4}$, Section 9, T-16-N, R-31-W described as beginning at a point S1°17'49"W 39.12 feet from the Northeast corner of said 40 acre tract, said point being on the South Right-of-Way of Arkansas Highway 16; thence S1°17'49" W 146.88 feet; thence along a fence S89°10'35" W 61.88 feet; thence N0°40'45" E 148.25 feet, to the said Highway Right-of-Way; thence along said Right-of-Way S89°33'25" E 63.44 feet, to the point of beginning, containing 0.21 acres, more or less, Washington County, Arkansas. Subject to a 18.00 foot road easement along the East side thereof.

-and-

A part of the SW $\frac{1}{4}$, of the SE $\frac{1}{4}$, Section 9, T-16-N, R-31-W described as beginning at a point S1°17'49" W 186.00 feet from the Northeast corner of said 40 acre tract; thence S1°17'49" W 381.00 feet; thence N89°32'06" W 250.00 feet; thence N1°17'49" E 373.78 feet; thence along a fence N88°41'34" E 188.33 feet, N89°10'35" E 61.88 feet, to the point of beginning, containing 2.17 acres, more or less, Washington County, Arkansas. Subject to: An 18.00 foot Road Easement along the East side thereof.

And having a property street address of 7613 Wedington (12611 Hwy 16W), Fayetteville, Arkansas.

The Grantor, Hobson, Inc., has filed its application with the City of Fayetteville for rezoning of the above-described property from R-A, Residential-Agricultural, to C-2, Thoroughfare Commercial.

As a part of this Bill of Assurance, certain safeguards and restrictions hereinafter referred to as "Restrictions" are hereby placed on the above-described real property.

RESTRICTIONS

The purpose of these restrictions is to restrict and limit the use of the above-described real property under a C-2 Zoning classification as set forth in Chapter 161.18,

Left on the first reading 9/18/07

District C-2, Thorough Commercial, of the Fayetteville Unified Development Code, to the following permitted uses, as follows:

Unit 12	Offices, studios and related services
Unit 17	Trades and services
Unit 25	Commercial offices

It is the intention of these restrictions to limit the permitted uses as described above, and to restrict all other uses of the said property.

The hereinabove-described real property shall be used only for the permitted uses described in Unit 12, Unit 17, and Unit 25 of Chapter 161.18 of the Fayetteville Unified Development Code.

IN WITNESS WHEREOF, the name of the Grantor is hereunto affixed by its undersigned representative this _____ day of _____, 2007.

Hobson, Inc.

By: _____
David Pearce, President

By: _____
Patricia Pearce, Secretary

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) SS
COUNTY OF WASHINGTON)

On this _____ day of _____, 2007, before me, a Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared David Pearce and Patricia Pearce, who acknowledged themselves to be the President and Secretary, respectively, of Hobson, Inc., an Arkansas Corporation, and that they, as such President and Secretary of said corporation, being authorized so to do, executed the foregoing instrument for and in the name and behalf of said corporation by signing the name of the corporation by themselves as President and Secretary, and further stated and acknowledged that they had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires:

Notary Public

(Note: Legal Description is
not scrivener's description)

*Handed out at Agenda
Session 9/11/07*

CITY COUNCIL MAPS

September 18, 2007

**College Avenue Townhomes PZD
Arcadian Court PZD
Walgreens Vacation
Hobson, Inc. Rezoning Appeal**

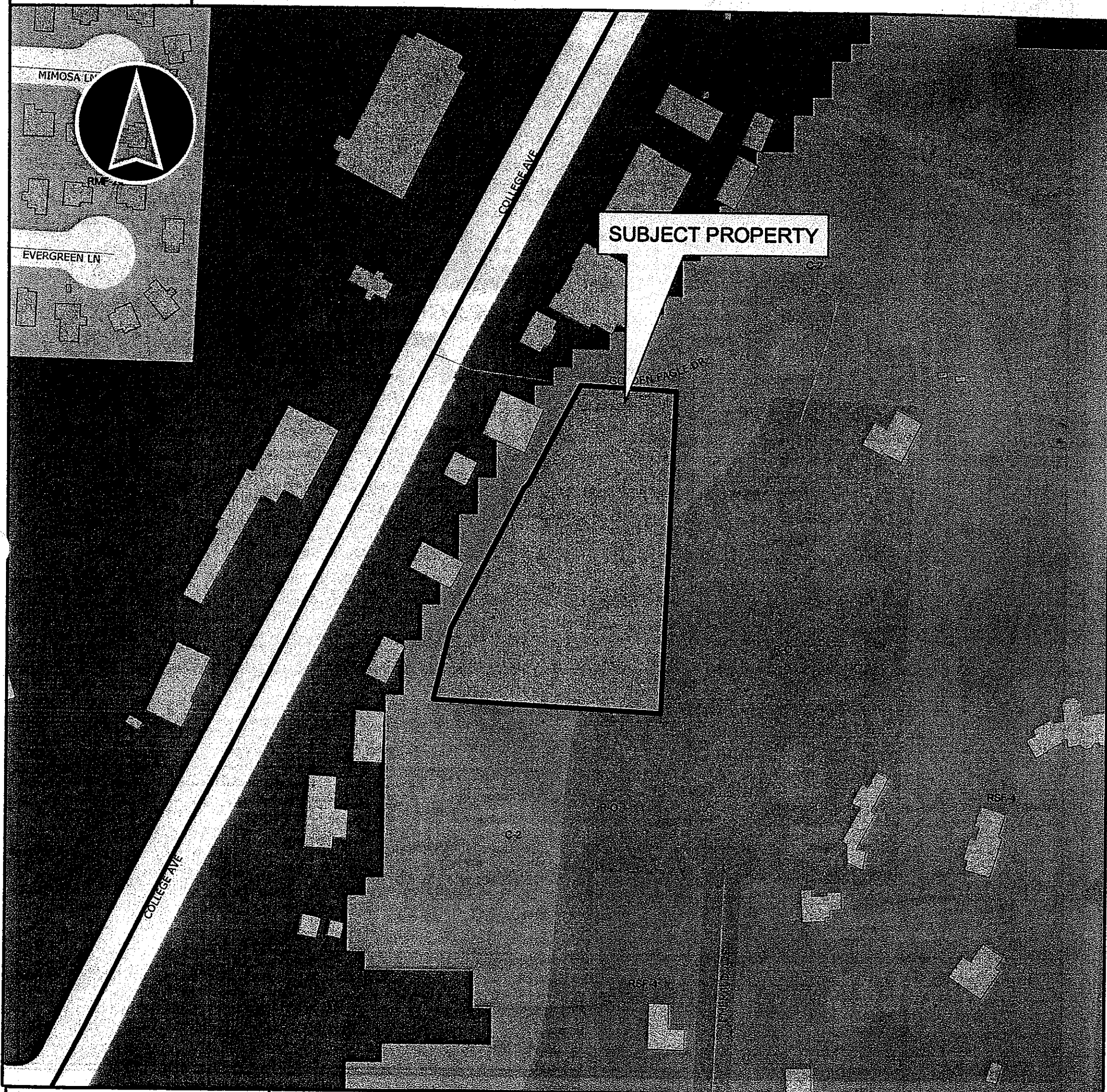
THE UNIVERSITY OF CHICAGO
LIBRARY

THE UNIVERSITY OF CHICAGO
LIBRARY
1100 EAST 58TH STREET
CHICAGO, ILL. 60637

RPZD07-2649

Close Up View

COLLEGE AVENUE TOWNHOMES



Overview

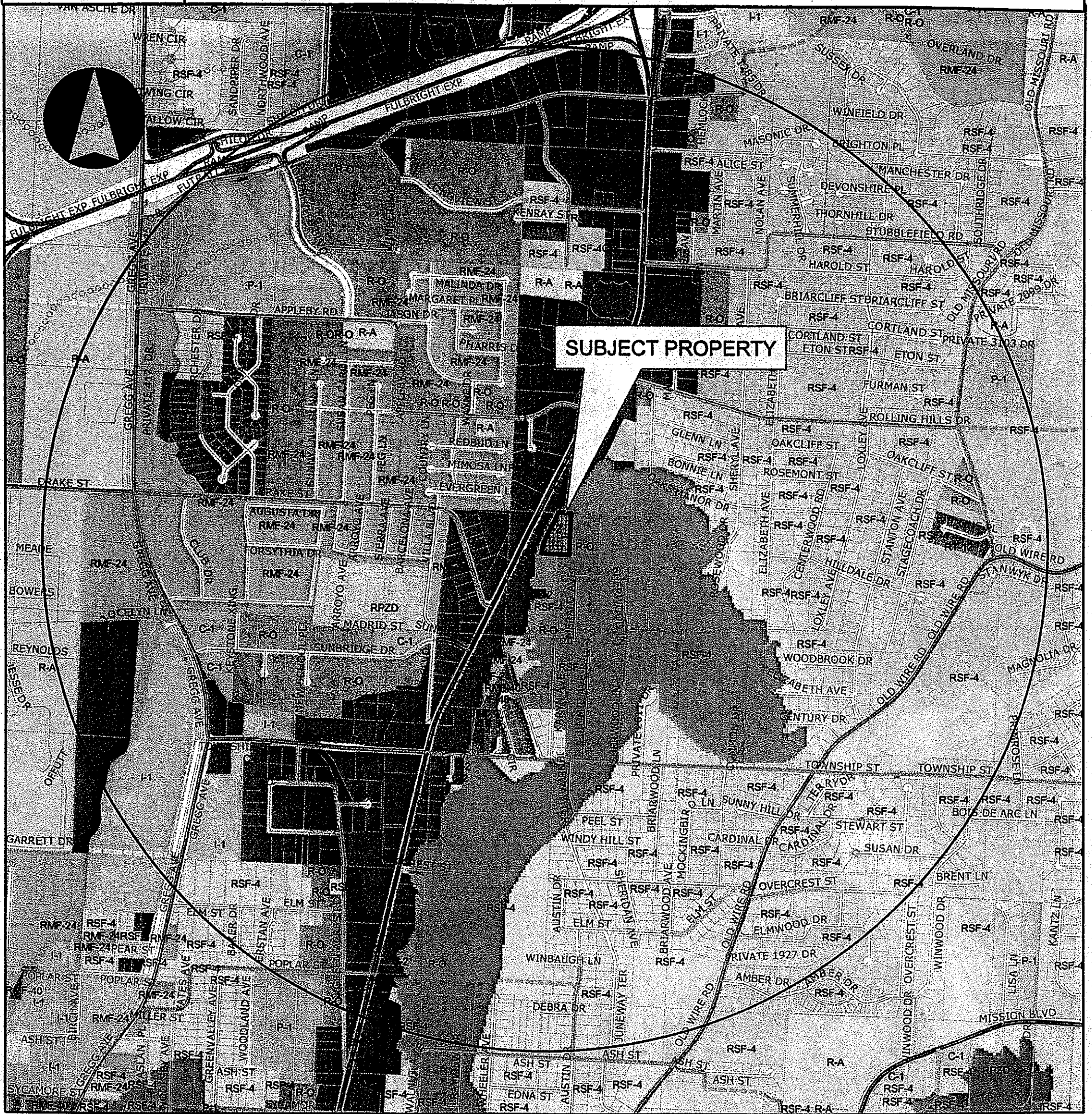


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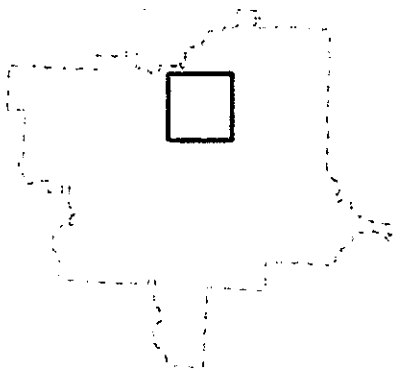
RPZD07-2649

One Mile View

COLLEGE AVENUE TOWNHOMES



Overview



Legend

Subject Property

RPZD07-2649

Boundary

Planning Area

Overlay District

Outside City

Legend

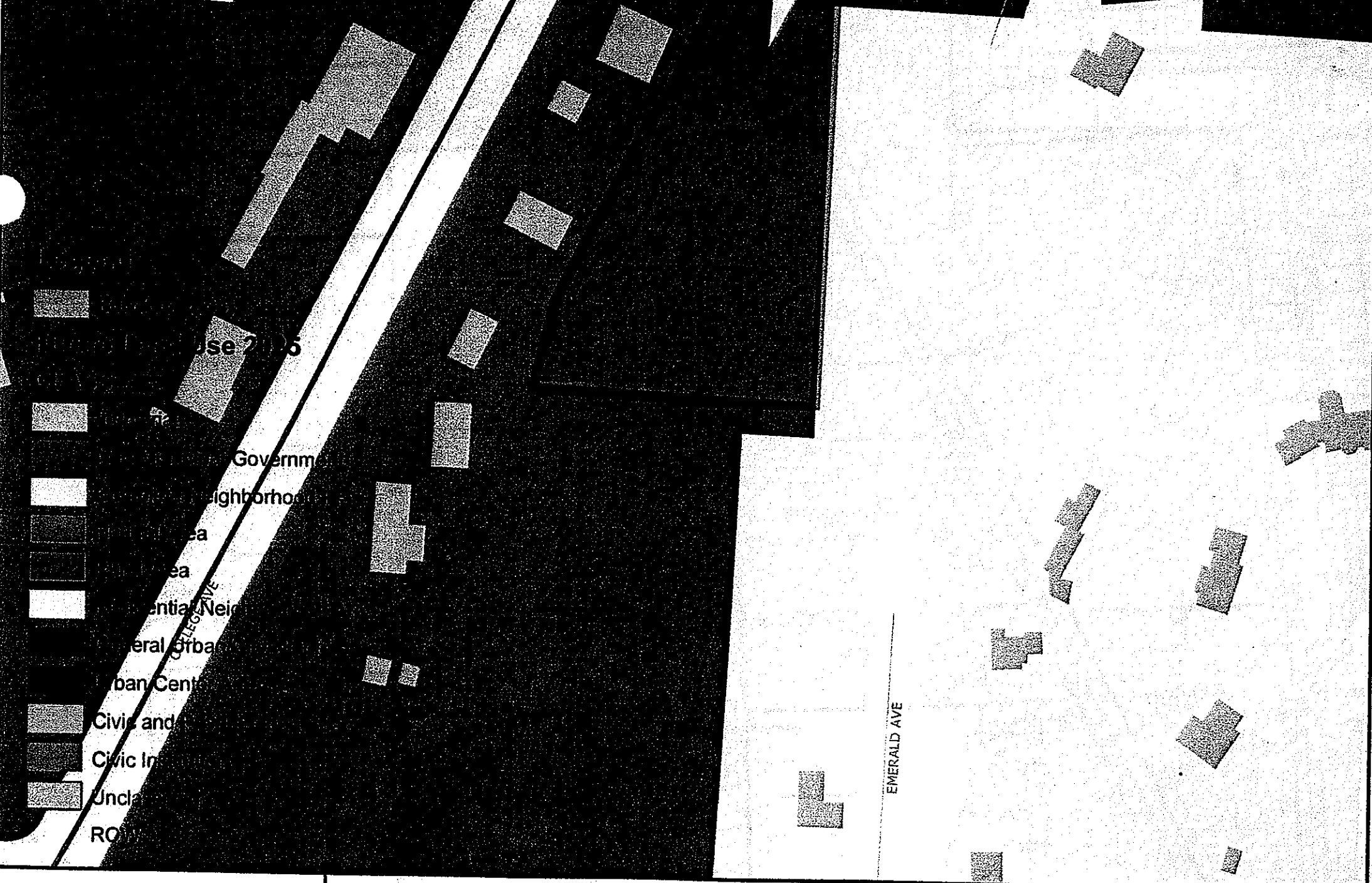
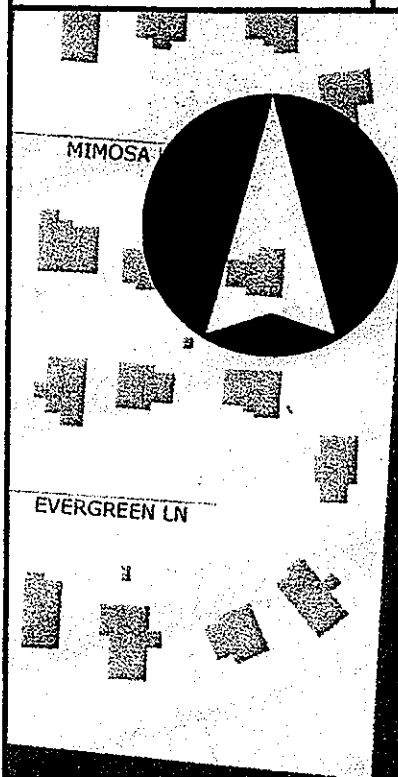
Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

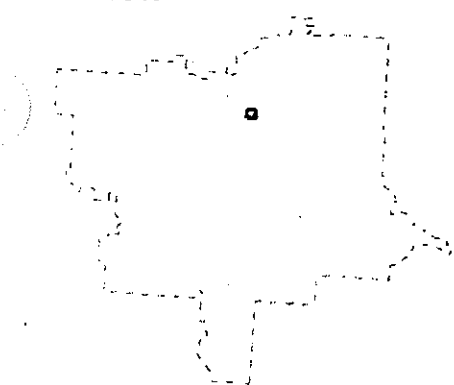
RPZD07-2649

COLLEGE AVENUE TOWNHOMES

Future Land Use



Overview



Legend

Subject Property

RPZD07-2649

Streets

Existing

Planned

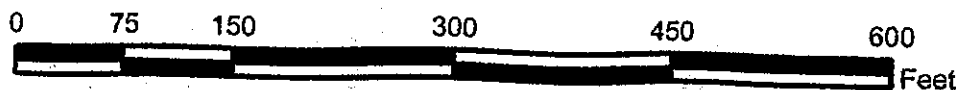
Boundary

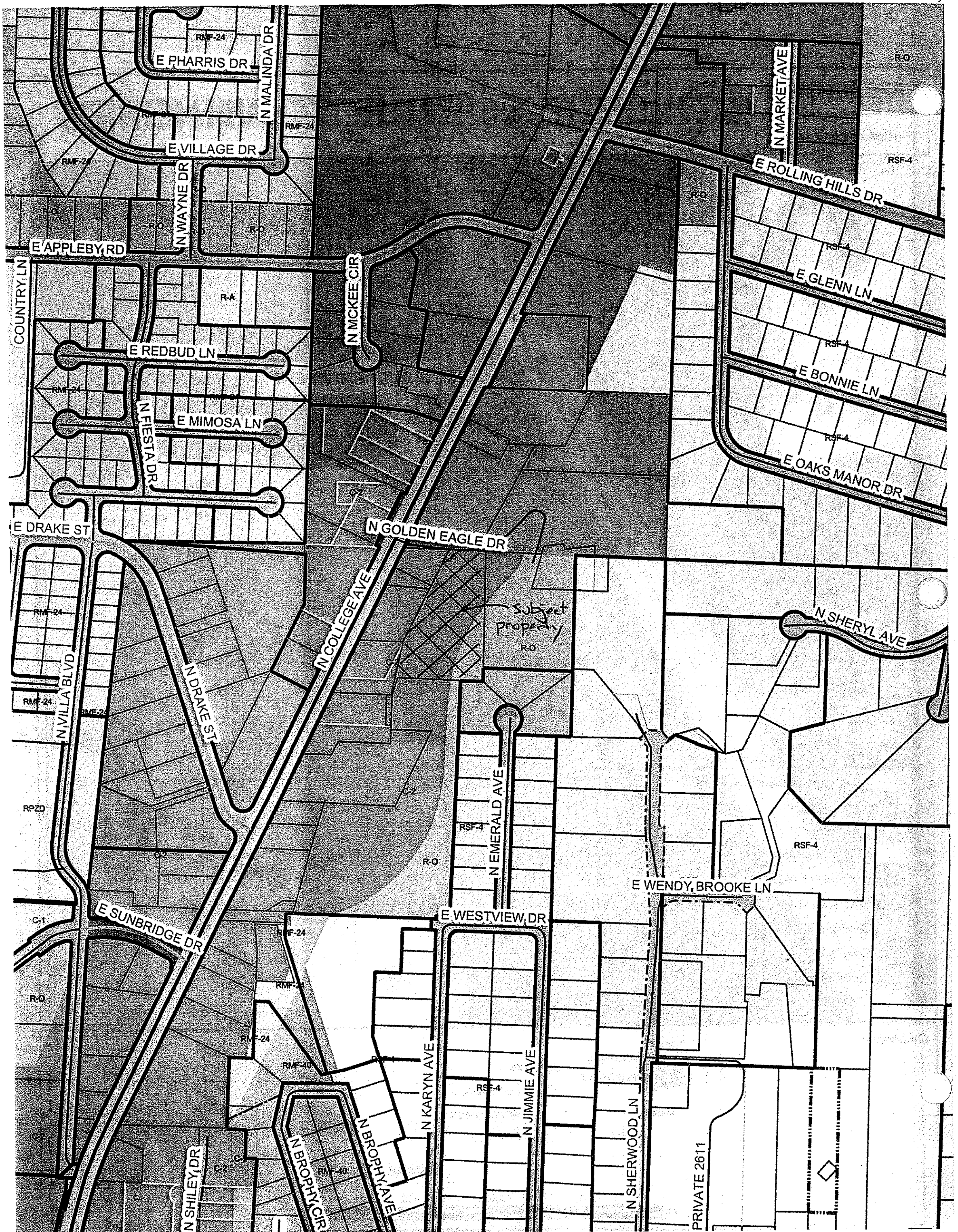
Planning Area

Overlay District

Outside City

Legend

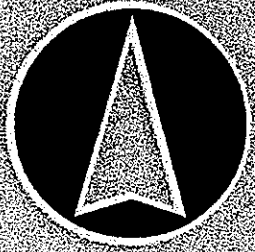




RPZD07-2680

Close Up View

ARCADIAN COURT



R-A

SUBJECT PROPERTY

DEANE ST

DEANE ST

LEWIS AVE

LEWIS AVE

REAP DR

LEWIS AVE

LEWIS AVE

RSF-4

RSF-4

RT-12

RSF-4

RSF-4

P-1

RSF-4

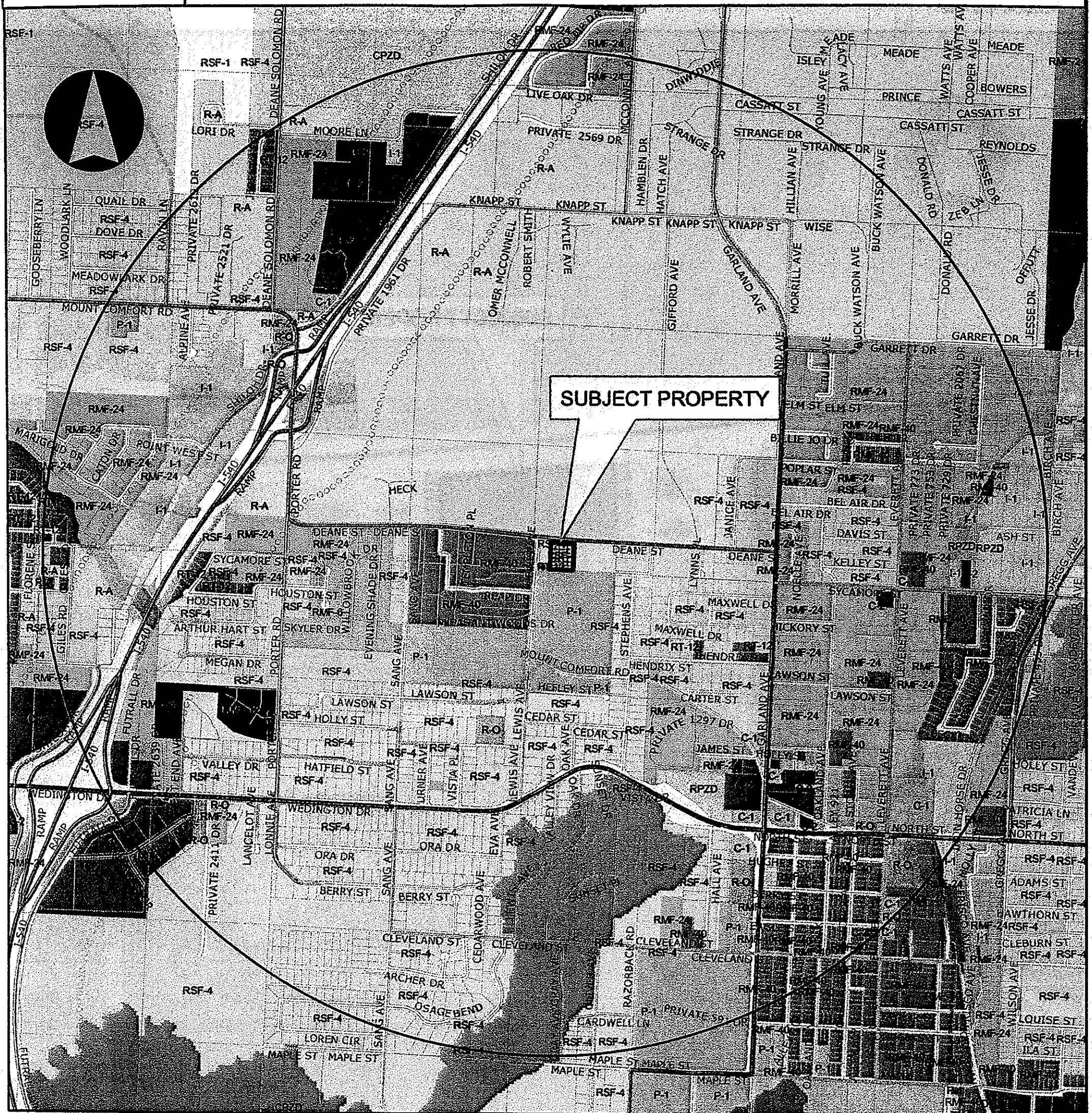
Overview



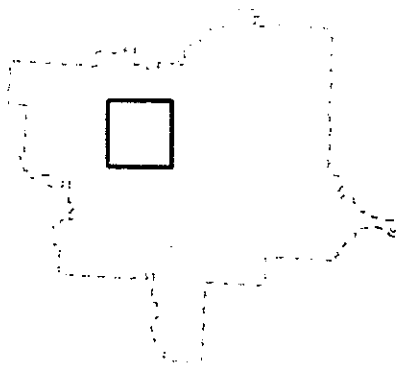
RPZD07-2680

One Mile View

ARCADIAN COURT



Overview



Legend

Subject Property
RPZD07-2680

Boundary

Planning Area
Overlay District
Outside City

Legend

Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

RPZD07-2680

Future Land Use

ARCADIAN COURT

SUBJECT PROPERTY

Legend

Building (2004)

Future Land Use 2025

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

RPZD07-2680

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

Outside City

Legend

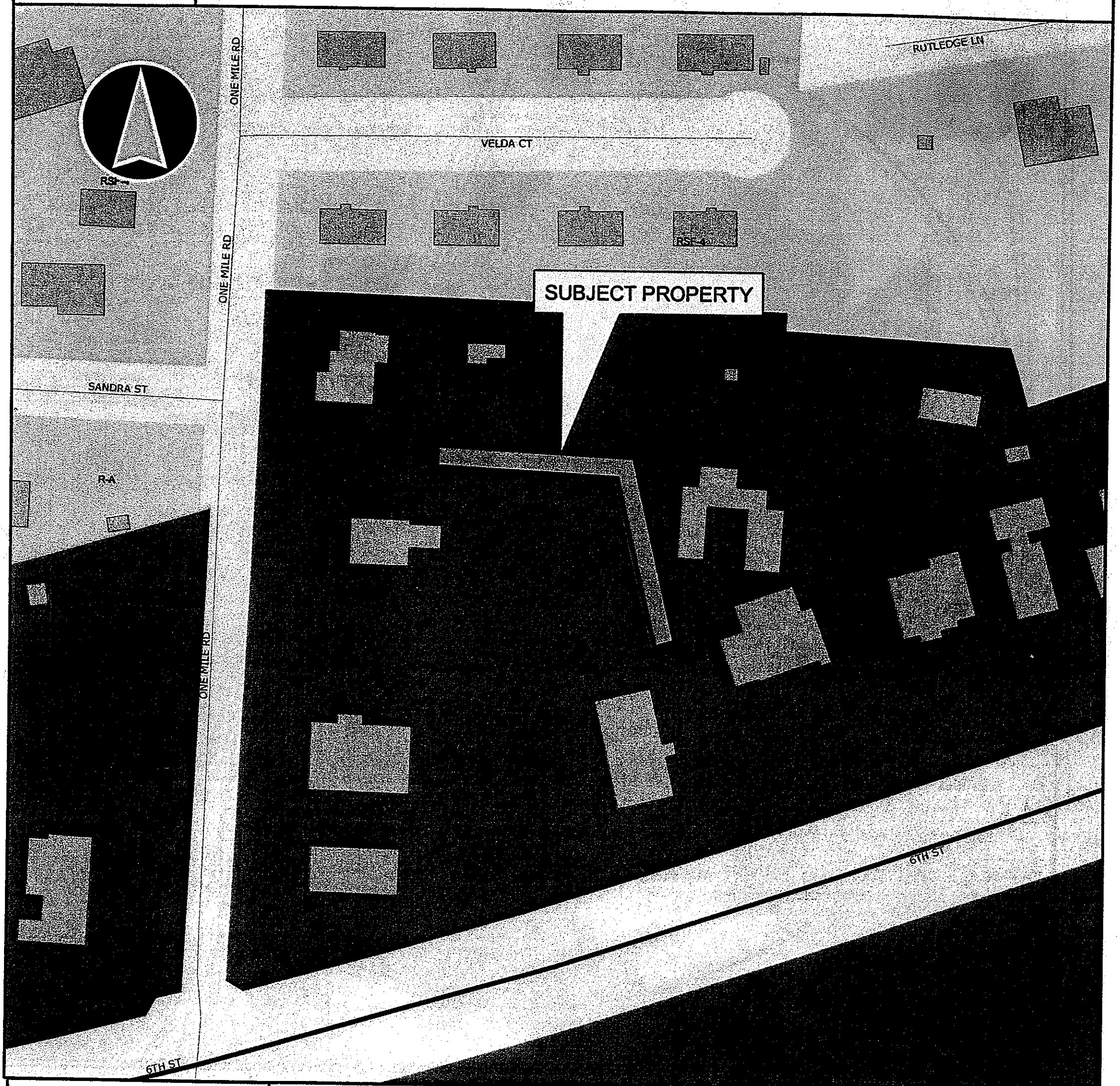
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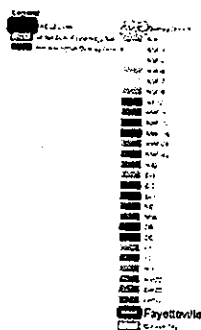
VAC07-2688

Close Up View

WALGREENS @6TH AND ONE MILE RD



Overview

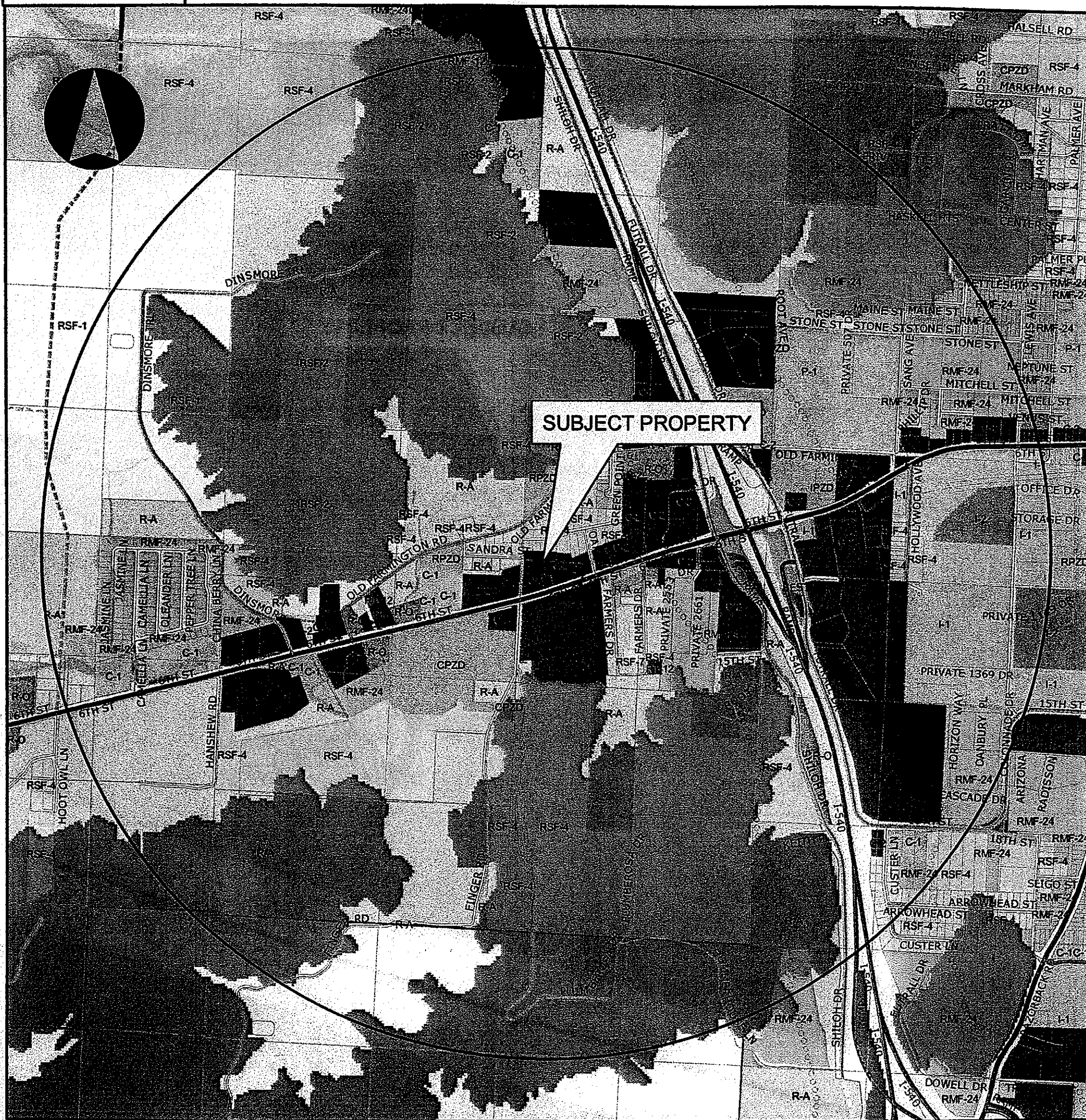


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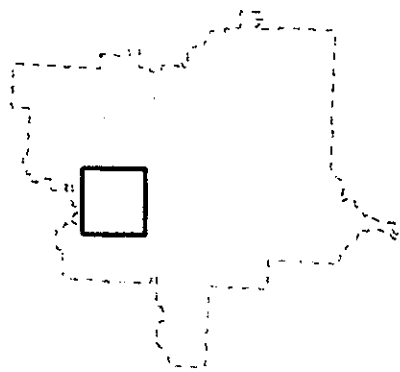
VAC07-2688

One Mile View

WALGREENS @6TH AND ONE MILE RD



Overview



Legend

Subject Property

VAC07-2688

Boundary

Planning Area

Overlay District

Outside City

Legend

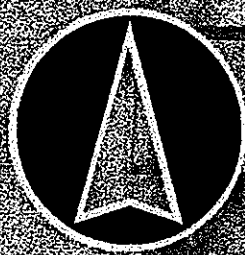
Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

RZN07-2667

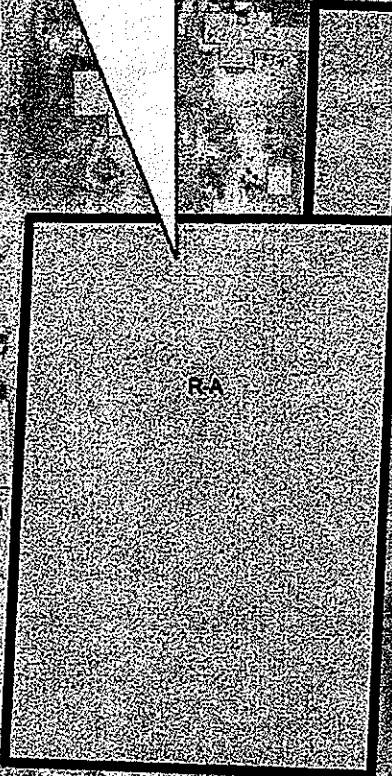
HOBSON INC.

Close Up View

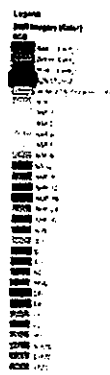


SUBJECT PROPERTY

HIGHWAY 16



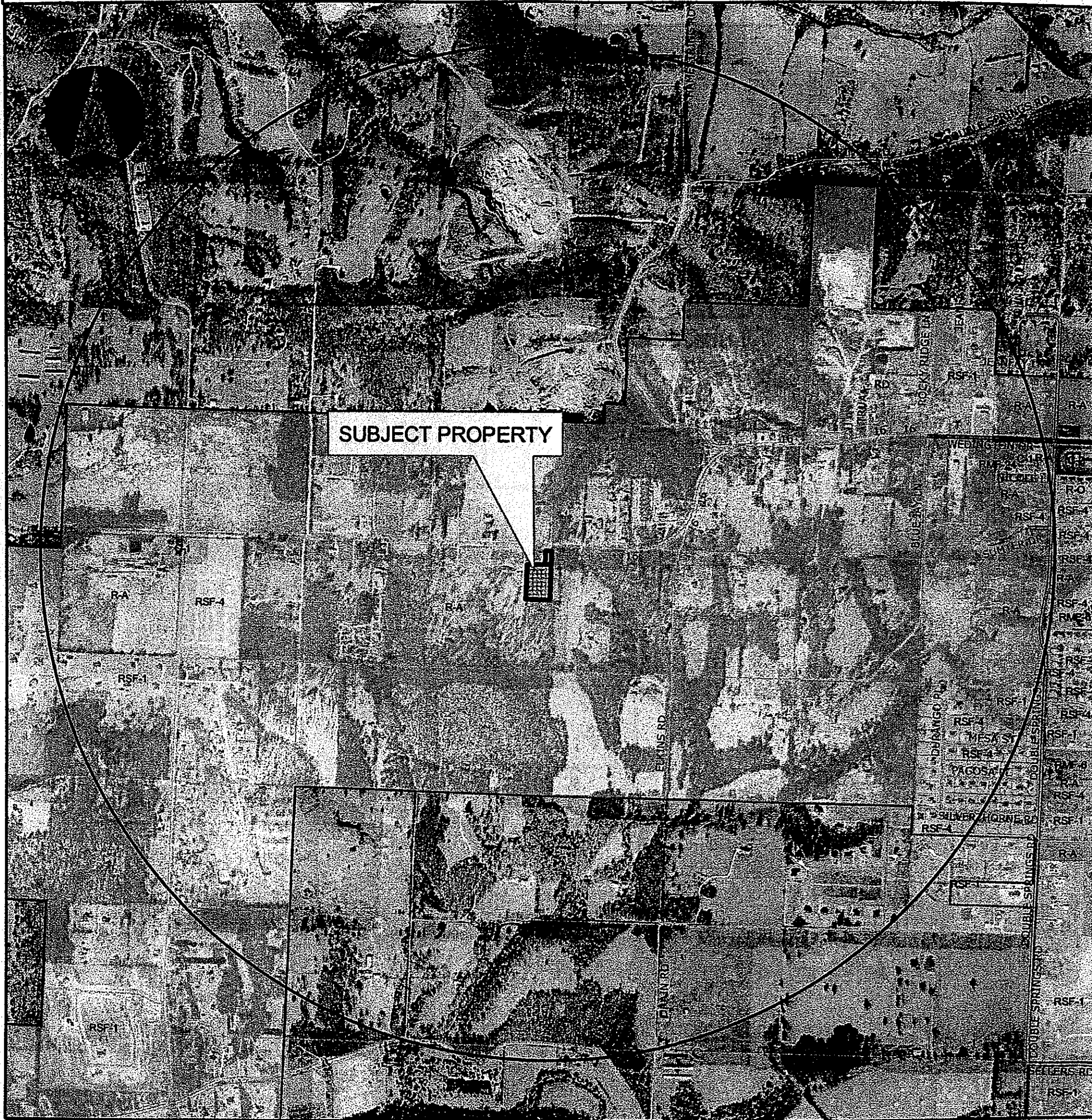
Overview



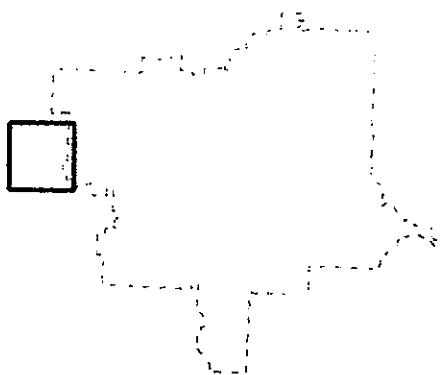
RZN07-2667

HOBSON INC.

One Mile View



Overview



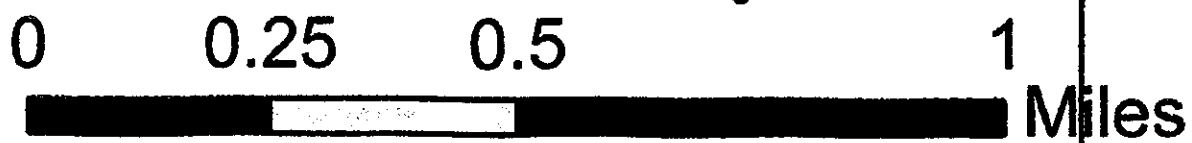
Legend

Subject Property

 RZN07-2667

Boundary

Legend



RZN07-2667

Future Land Use

HOBSON INC.

SUBJECT PROPERTY

HIGHWAY 16

Legend

Building (2004)

Future Land Use 2025

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

RZN07-2667

Boundary

Streets

Existing

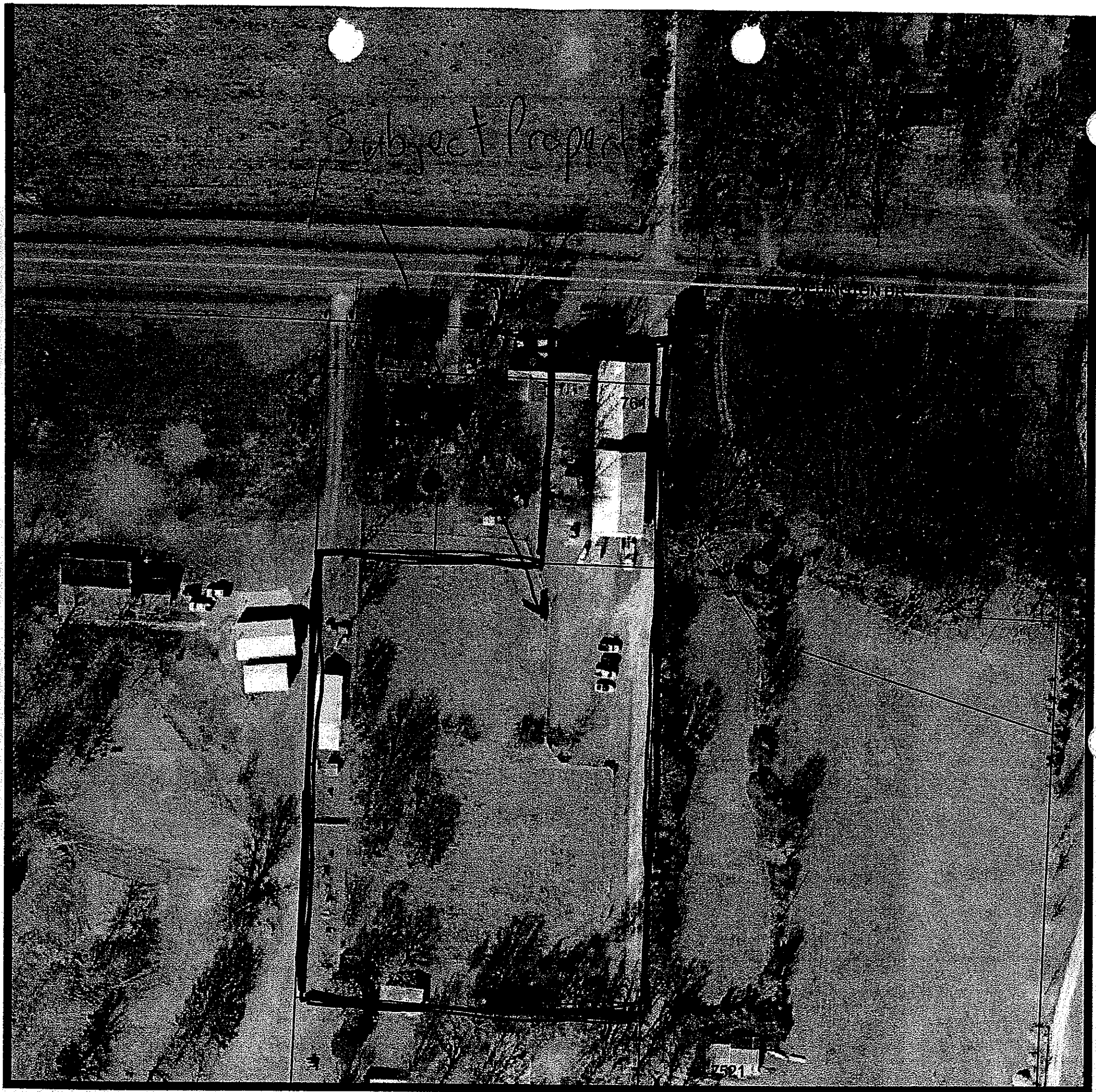
Planned

Planning Area

Overlay District

Legend

0 75 150 300 450 600 Feet

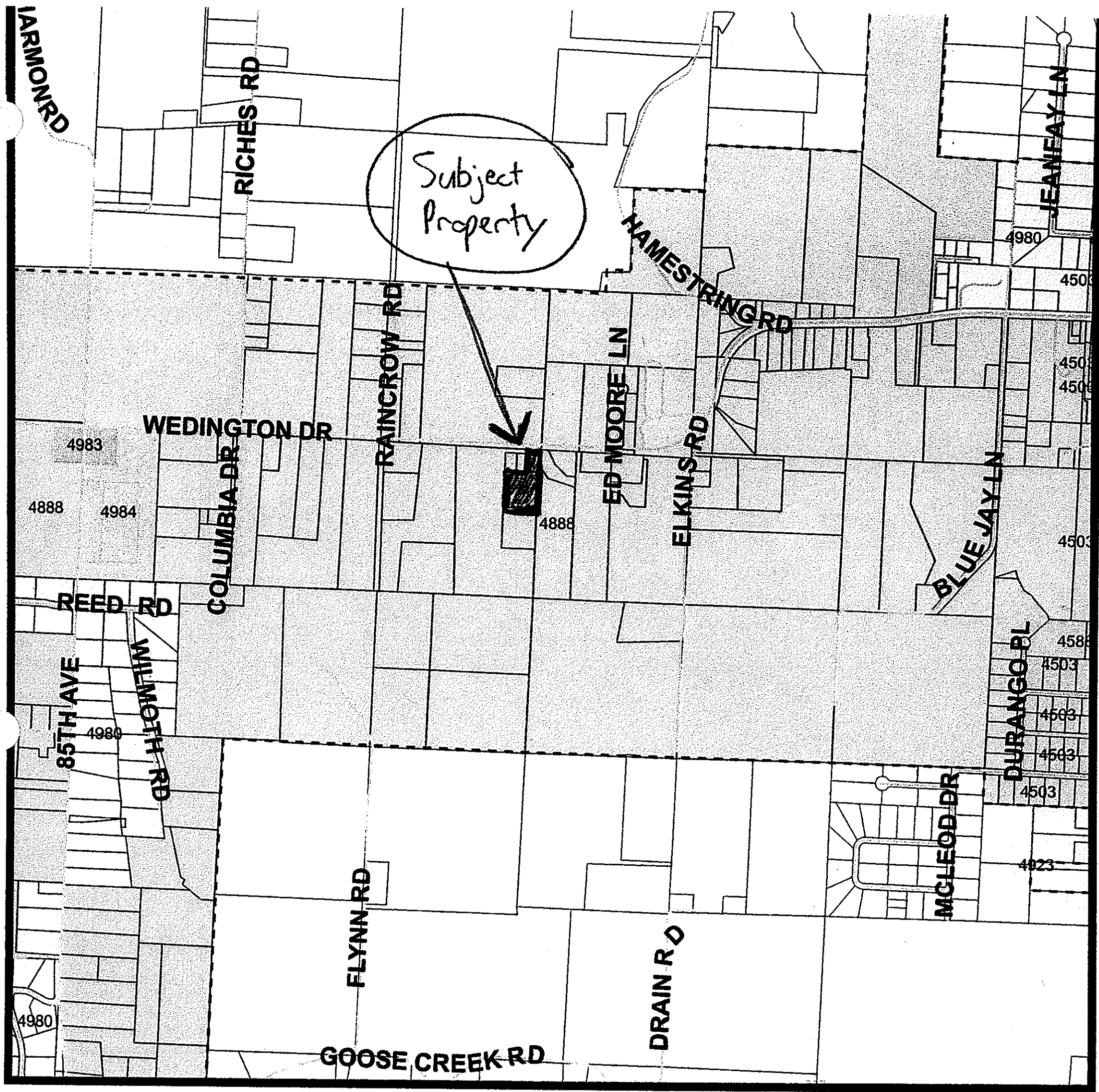


RZN 07-2667 (Hobson, Inc.)



1 inch equals 119.529068 feet





RZN 07-2667 (Hobson, Inc.)



1 inch equals 1,250 feet



THIS INSTRUMENT PREPARED BY:

Donald E. Wilson, P.A.
Attorney at Law
P.O. Box 1285
Fayetteville, AR 72702-1285

Hobson, Inc. Appeal
Handed out at
the City Council
Meeting 9/18/07

BILL OF ASSURANCE

KNOW ALL MEN BY THESE PRESENTS:

THAT Hobson, Inc., an Arkansas Corporation, holds title to the following described lands situated in Washington County, Arkansas, to-wit:

A part of the SW $\frac{1}{4}$, of the SE $\frac{1}{4}$, Section 9, T-16-N, R-31-W described as beginning at a point S1°17'49"W 39.12 feet from the Northeast corner of said 40 acre tract, said point being on the South Right-of-Way of Arkansas Highway 16; thence S1°17'49" W 146.88 feet; thence along a fence S89°10'35" W 61.88 feet; thence N0°40'45" E 148.25 feet, to the said Highway Right-of-Way; thence along said Right-of-Way S89°33'25" E 63.44 feet, to the point of beginning, containing 0.21 acres, more or less, Washington County, Arkansas. Subject to a 18.00 foot road easement along the East side thereof.

-and-

A part of the SW $\frac{1}{4}$, of the SE $\frac{1}{4}$, Section 9, T-16-N, R-31-W described as beginning at a point S1°17'49" W 186.00 feet from the Northeast corner of said 40 acre tract; thence S1°17'49" W 381.00 feet; thence N89°32'06" W 250.00 feet; thence N1°17'49" E 373.78 feet; thence along a fence N88°41'34" E 188.33 feet, N89°10'35" E 61.88 feet, to the point of beginning, containing 2.17 acres, more or less, Washington County, Arkansas. Subject to: An 18.00 foot Road Easement along the East side thereof.

And having a property street address of 7613 Wedington (12611 Hwy 16W), Fayetteville, Arkansas.

The Grantor, Hobson, Inc., has filed its application with the City of Fayetteville for rezoning of the above-described property from R-A, Residential-Agricultural, to C-2, Thoroughfare Commercial.

As a part of this Bill of Assurance, certain safeguards and restrictions hereinafter referred to as "Restrictions" are hereby placed on the above-described real property.

RESTRICTIONS

The purpose of these restrictions is to restrict and limit the use of the above-described real property under a C-2 Zoning classification as set forth in Chapter 161.18,

Unsubstantiated property under a C-2 zoning classification as set forth in Chapter 16.18.

The purpose of these resolutions is to assist and limit the use of the above-

RESOLUTIONS

related to as "resolutions" are hereby placed on the above described real property

As a part of the Bill of Assurance, certain statements and resolutions hereinafter

Thoroughfare Commission

resolving of the above described property from R-1 Residential-Agricultural to C-2.

The Council, Johnson, Inc., has filed an application with the City of Fayetteville for

And hereby a portion of the address of 1515 Washington (1901 Hwy 100), Fayetteville

is hereby placed on the list of properties

A portion of the SW 1/4 of the SE 1/4 of Section 34, T-15-S, R-15-W, Township 15S, Range 15E, County of Washington, Arkansas, more or less, containing 0.21 acres, more or less, Washington County, Arkansas, located in a 10.00 foot front

containing 0.21 acres, more or less, Washington County, Arkansas, located in a 10.00 foot front

Washington County, Arkansas, located in a 10.00 foot front

described lands situated in Washington County, Arkansas, to-wit:

JOHN F. JOHNSON, Inc., an Arkansas Corporation, holds title to the following

KNOW ALL THOSE BY THESE PRESENTS

BILL OF ASSURANCE

Physical File No. 10-000-1-88
F.C. 10-00-1-88
F.C. 10-00-1-88
F.C. 10-00-1-88
F.C. 10-00-1-88

District C-2, Thorough Commercial, of the Fayetteville Unified Development Code, to the following permitted uses, as follows:

Unit 12	Offices, studios and related services
Unit 17	Trades and services
Unit 25	Commercial offices

It is the intention of these restrictions to limit the permitted uses as described above, and to restrict all other uses of the said property.

The hereinabove-described real property shall be used only for the permitted uses described in Unit 12, Unit 17, and Unit 25 of Chapter 161.18 of the Fayetteville Unified Development Code.

IN WITNESS WHEREOF, the name of the Grantor is hereunto affixed by its undersigned representative this 18 day of September, 2007.

Hobson, Inc.

By: David Pearce, President
David Pearce, President

By: Patricia Pearce
Patricia Pearce, Secretary

Section 6-2, thorough Commercial of the Fayetteville United Development Code, to

the following permitted uses, as follows:

Office, studio and related services	Unit 12
Trade and services	Unit 17
Commercial offices	Unit 28

It is the intention of these restrictions to limit the permitted uses as described

above, and to restrict all other uses on the said property.

The hereinafter-described use of property shall be used only for the permitted

uses described in Unit 12, Unit 17, and Unit 28 of Chapter 6-2 of the Fayetteville

United Development Code.

IN WITNESS WHEREOF, the name of the Council is hereunto attested by its

undesignated representative this 1st day of February, 2005.

Robert, Inc.

By: David Perino, President

By: Patricia Perino, Secretary

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) SS
COUNTY OF WASHINGTON)

On this 18 day of September, 2007, before me, a Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared David Pearce and Patricia Pearce, who acknowledged themselves to be the President and Secretary, respectively, of Hobson, Inc., an Arkansas Corporation, and that they, as such President and Secretary of said corporation, being authorized so to do, executed the foregoing instrument for and in the name and behalf of said corporation by signing the name of the corporation by themselves as President and Secretary, and further stated and acknowledged that they had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

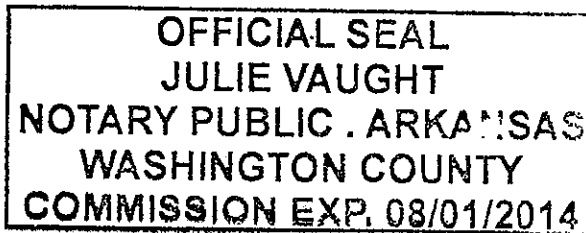
My Commission Expires:

8-1-2014

(Note: Legal Description is
not scrivener's description)



Notary Public



ACKNOWLEDGMENT

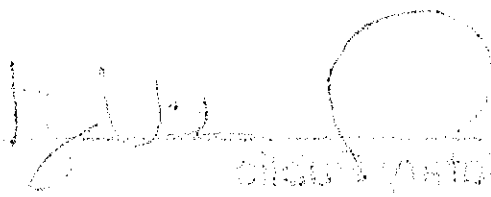
STATE OF ARKANSAS

18

COUNTY OF WASHINGTON

On the 17 day of October, 2007, before me, a Notary Public, duly commissioned, qualified and acting within and for said County and State, appeared David L. Jones and Patricia Pearce, who acknowledged themselves to be the President and Secretary, respectively, of Hobson, Inc., an Arkansas Corporation, and that they, as such President and Secretary of said corporation, being authorized so to do, executed the foregoing instrument for and in the name and behalf of said corporation by signing the name of the corporation by themselves as President and Secretary, and further stated and acknowledged that they had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.


Notary Public

My Commission Expires

NOTARY PUBLIC
STATE OF ARKANSAS
COMMISSION EXPIRES 12-31-2010
DAVID L. JONES
PATRICIA PEARCE
HOBSON, INC.

12-31-2010

(Notary Seal Description)
notary seal description

THIS INSTRUMENT PREPARED BY:

Donald E. Wilson, P.A.
Attorney at Law
P.O. Box 1285
Fayetteville, AR 72702-1285

Add to Final
Hobson, Inc. Appeal
9/18/07 Agenda.

BILL OF ASSURANCE

KNOW ALL MEN BY THESE PRESENTS:

THAT Hobson, Inc., an Arkansas Corporation, holds title to the following described lands situated in Washington County, Arkansas, to-wit:

A part of the SW $\frac{1}{4}$, of the SE $\frac{1}{4}$, Section 9, T-16-N, R-31-W described as beginning at a point S1°17'49"W 39.12 feet from the Northeast corner of said 40 acre tract, said point being on the South Right-of-Way of Arkansas Highway 16; thence S1°17'49" W 146.88 feet; thence along a fence S89°10'35" W 61.88 feet; thence N0°40'45" E 148.25 feet, to the said Highway Right-of-Way; thence along said Right-of-Way S89°33'25" E 63.44 feet, to the point of beginning, containing 0.21 acres, more or less, Washington County, Arkansas. Subject to a 18.00 foot road easement along the East side thereof.

-and-

A part of the SW $\frac{1}{4}$, of the SE $\frac{1}{4}$, Section 9, T-16-N, R-31-W described as beginning at a point S1°17'49" W 186.00 feet from the Northeast corner of said 40 acre tract; thence S1°17'49" W 381.00 feet; thence N89°32'06" W 250.00 feet; thence N1°17'49" E 373.78 feet; thence along a fence N88°41'34" E 188.33 feet, N89°10'35" E 61.88 feet, to the point of beginning, containing 2.17 acres, more or less, Washington County, Arkansas. Subject to: An 18.00 foot Road Easement along the East side thereof.

And having a property street address of 7613 Wedington (12611 Hwy 16W), Fayetteville, Arkansas.

The Grantor, Hobson, Inc., has filed its application with the City of Fayetteville for rezoning of the above-described property from R-A, Residential-Agricultural, to C-2, Thoroughfare Commercial.

As a part of this Bill of Assurance, certain safeguards and restrictions hereinafter referred to as "Restrictions" are hereby placed on the above-described real property.

RESTRICTIONS

The purpose of these restrictions is to restrict and limit the use of the above-described real property under a C-2 Zoning classification as set forth in Chapter 161.18,

Left on the first reading 9/18/07

District C-2, Thorough Commercial, of the Fayetteville Unified Development Code, to the following permitted uses, as follows:

Unit 12	Offices, studios and related services
Unit 17	Trades and services
Unit 25	Commercial offices

It is the intention of these restrictions to limit the permitted uses as described above, and to restrict all other uses of the said property.

The hereinabove-described real property shall be used only for the permitted uses described in Unit 12, Unit 17, and Unit 25 of Chapter 161.18 of the Fayetteville Unified Development Code.

IN WITNESS WHEREOF, the name of the Grantor is hereunto affixed by its undersigned representative this _____ day of _____, 2007.

Hobson, Inc.

By: _____
David Pearce, President

By: _____
Patricia Pearce, Secretary

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) SS
COUNTY OF WASHINGTON)

On this _____ day of _____, 2007, before me, a Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared David Pearce and Patricia Pearce, who acknowledged themselves to be the President and Secretary, respectively, of Hobson, Inc., an Arkansas Corporation, and that they, as such President and Secretary of said corporation, being authorized so to do, executed the foregoing instrument for and in the name and behalf of said corporation by signing the name of the corporation by themselves as President and Secretary, and further stated and acknowledged that they had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires:

Notary Public

(Note: Legal Description is
not scrivener's description)

*Handed out at Agenda
Session 9/11/07*

CITY COUNCIL MAPS

September 18, 2007

**College Avenue Townhomes PZD
Arcadian Court PZD
Walgreens Vacation
Hobson, Inc. Rezoning Appeal**

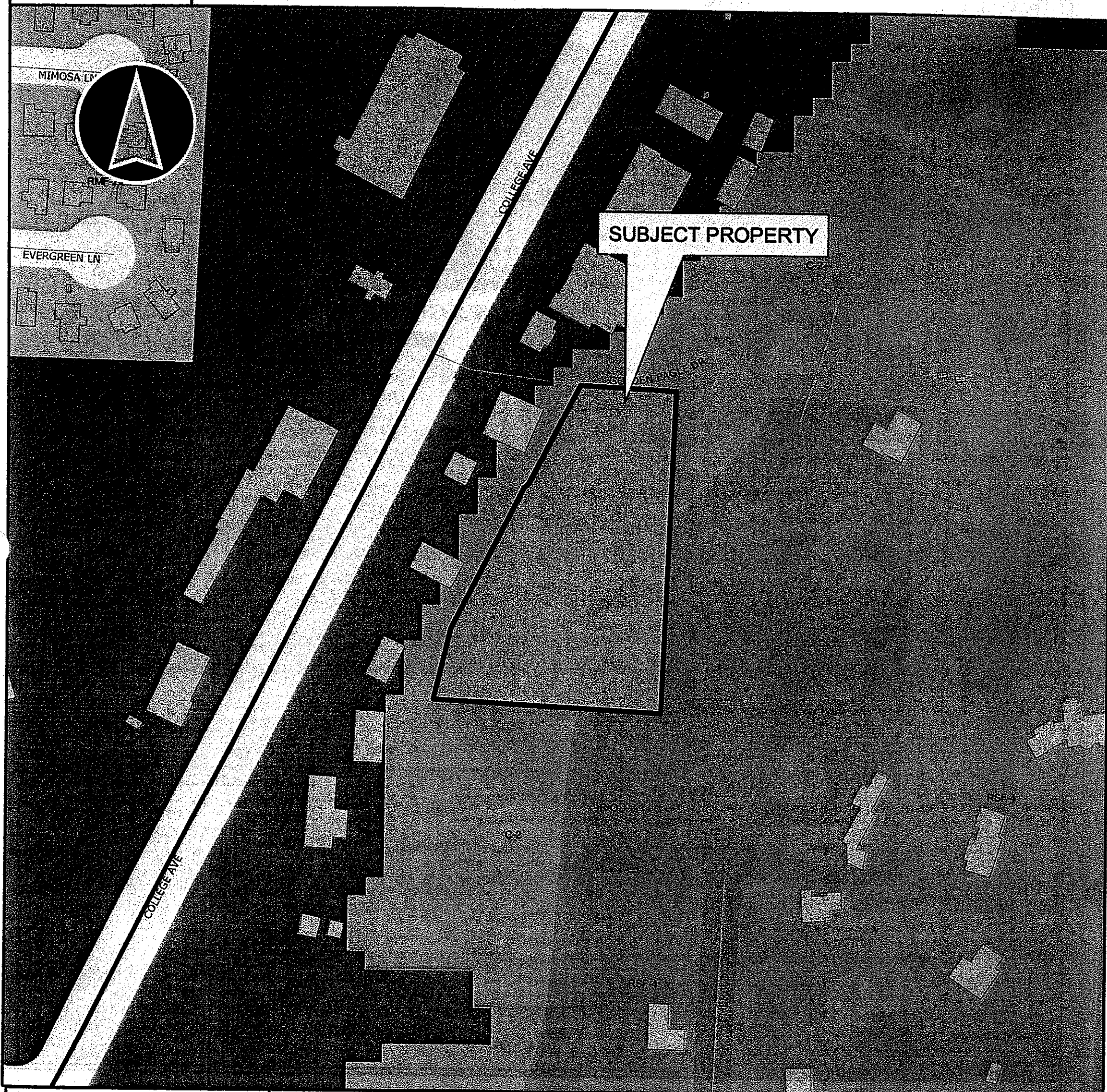
THE UNIVERSITY OF CHICAGO
LIBRARY

THE UNIVERSITY OF CHICAGO
LIBRARY
1100 EAST 58TH STREET
CHICAGO, ILL. 60637

RPZD07-2649

Close Up View

COLLEGE AVENUE TOWNHOMES



Overview

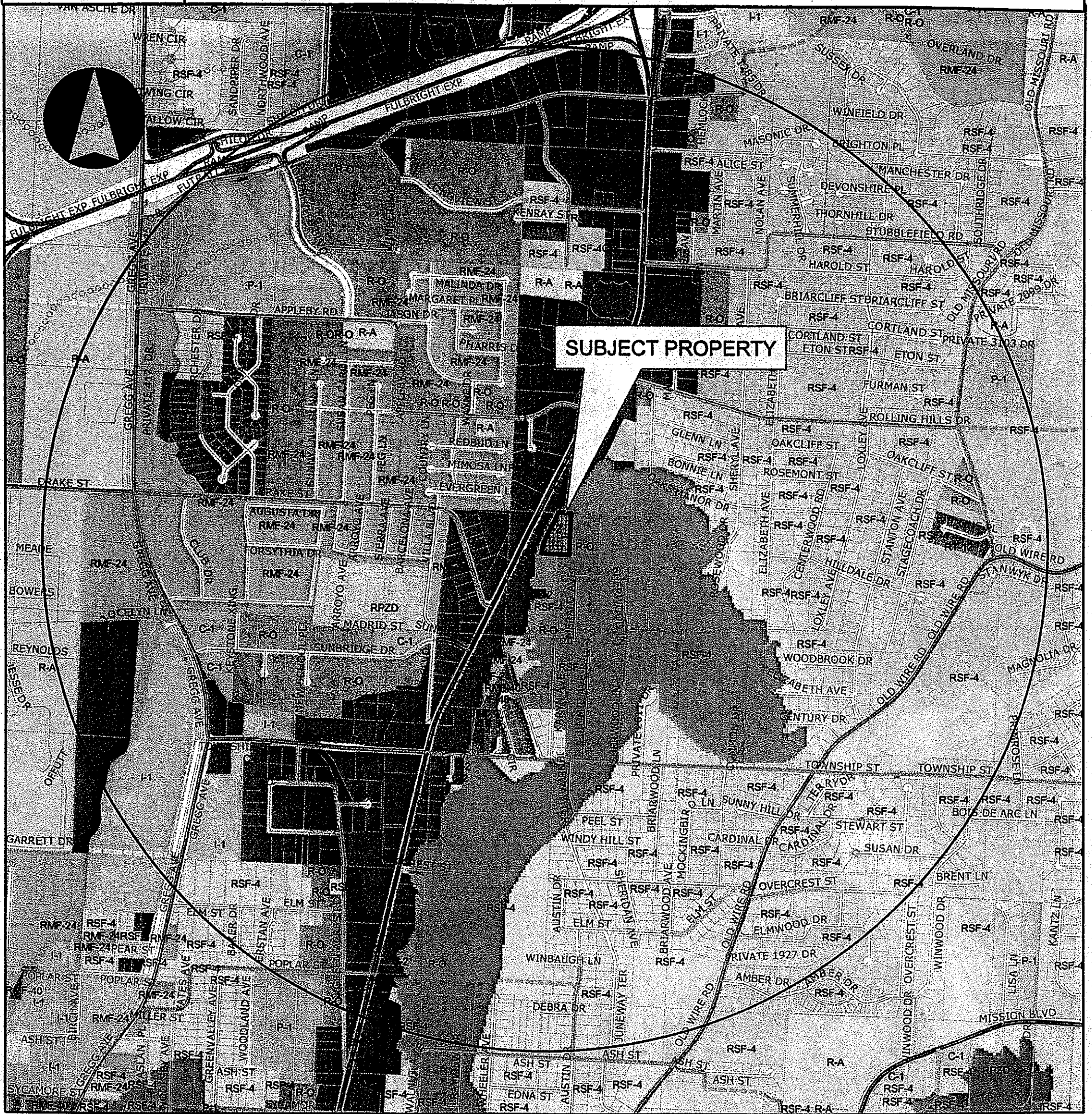


0 75 150 300 450 600 Feet

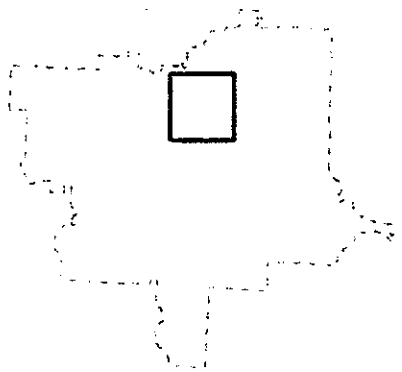
RPZD07-2649

One Mile View

COLLEGE AVENUE TOWNHOMES



Overview



Legend

Subject Property

RPZD07-2649

Boundary

Planning Area

Overlay District

Outside City

Legend

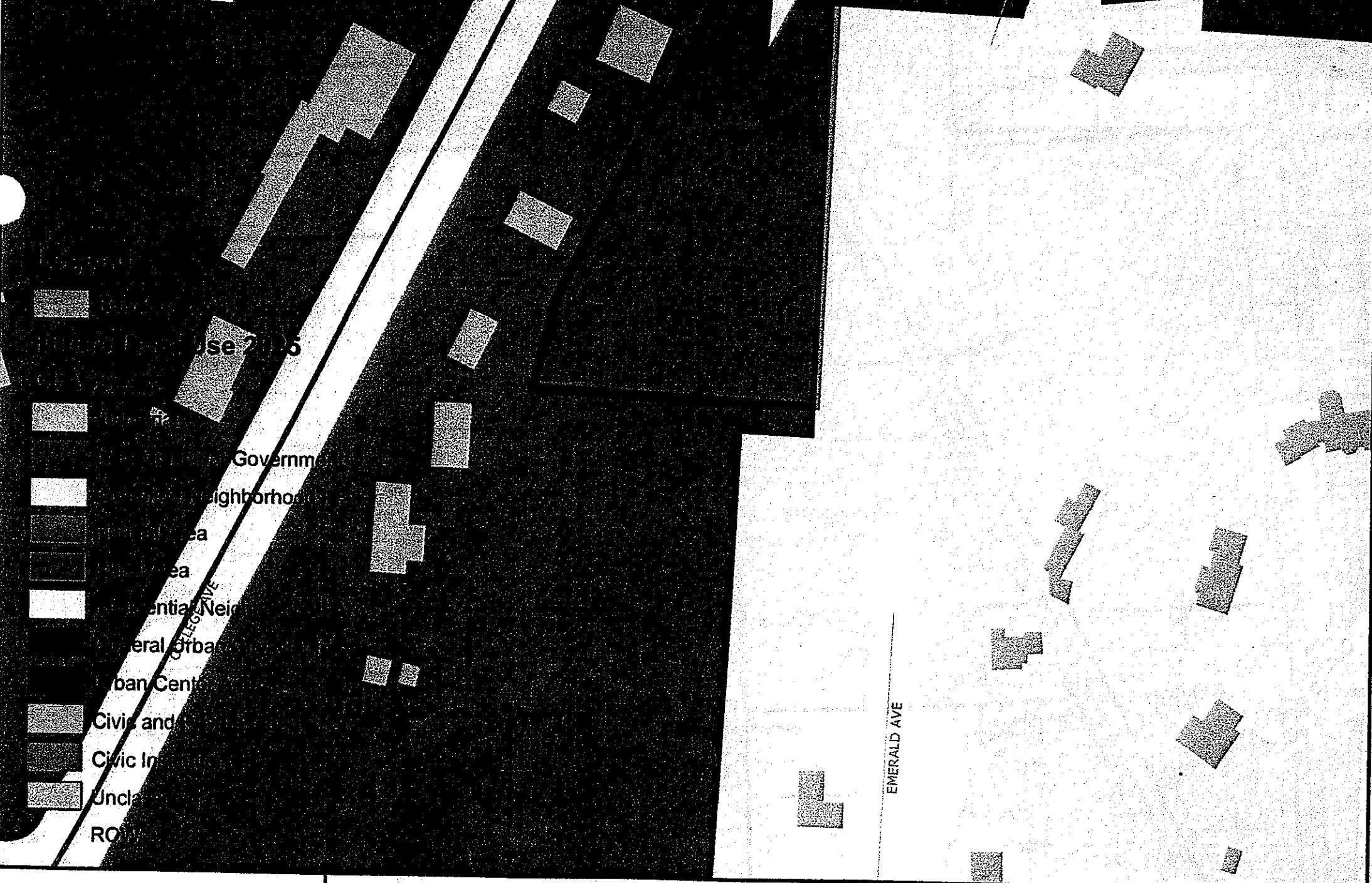
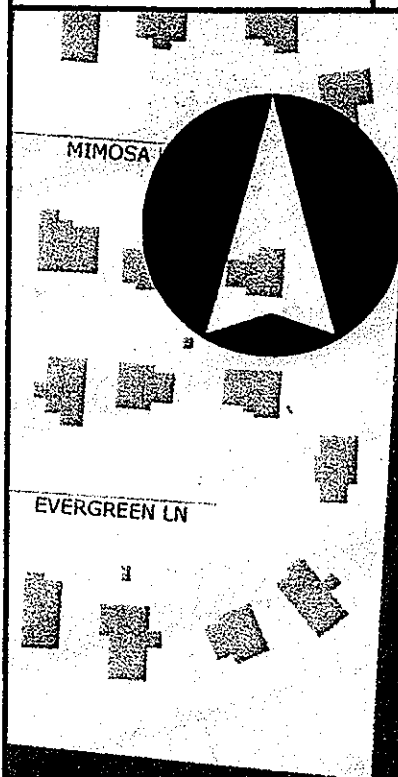
Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

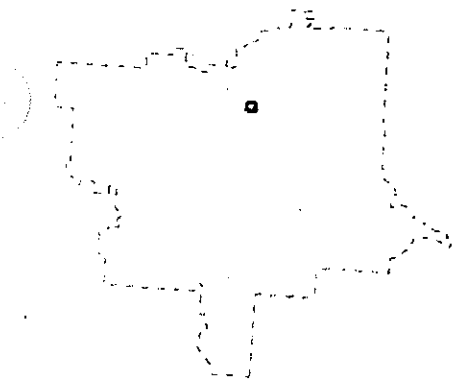
RPZD07-2649

COLLEGE AVENUE TOWNHOMES

Future Land Use



Overview



Legend

Subject Property

RPZD07-2649

Streets

Existing

Planned

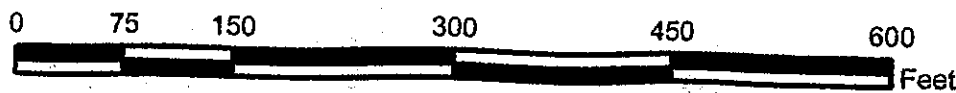
Boundary

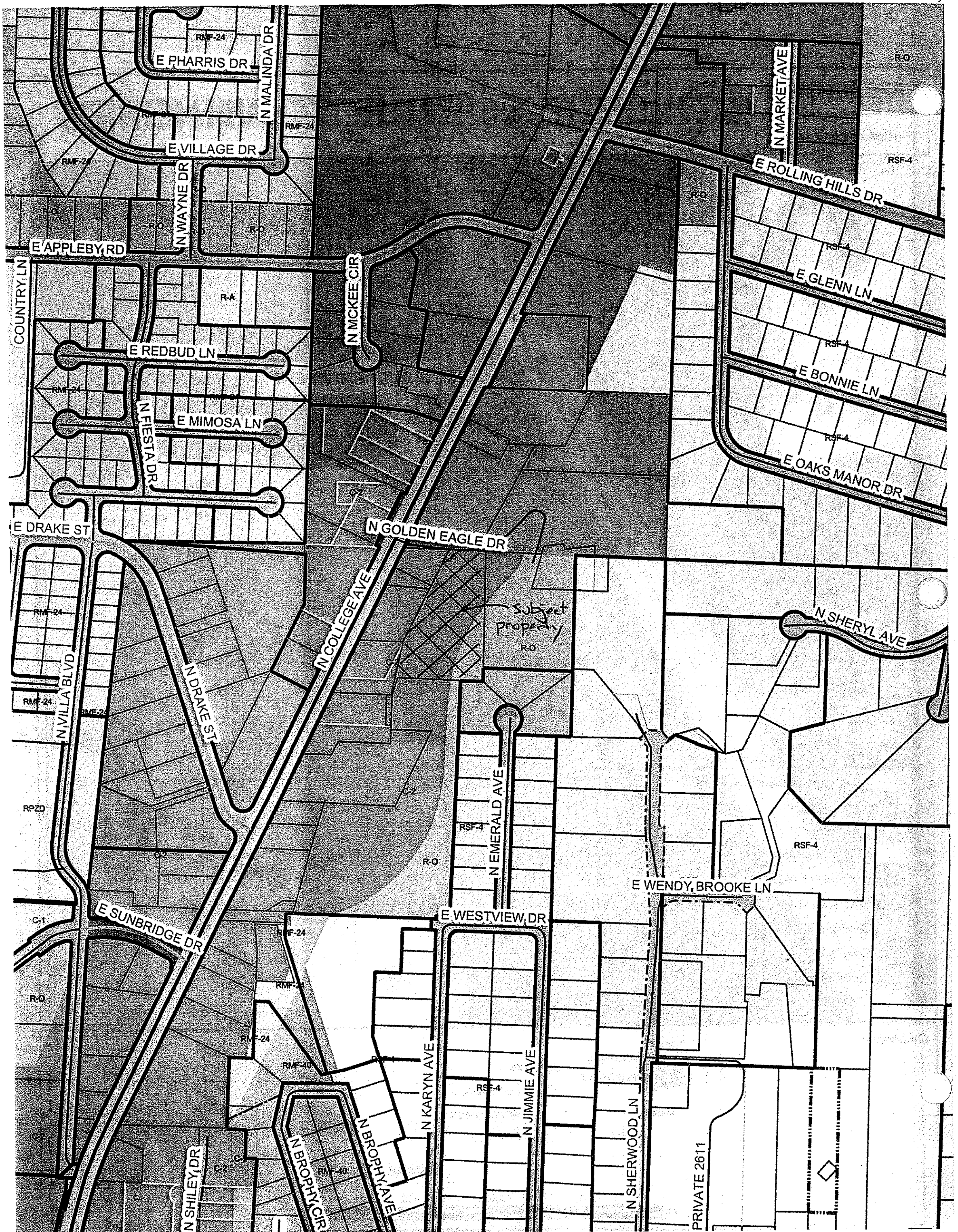
Planning Area

Overlay District

Outside City

Legend

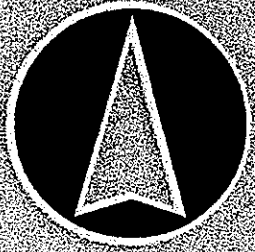




RPZD07-2680

Close Up View

ARCADIAN COURT



R-A

SUBJECT PROPERTY

DEANE ST

DEANE ST

LEWIS AVE

LEWIS AVE

LEWIS AVE

LEWIS AVE

REAP DR

P-1

RSF-4

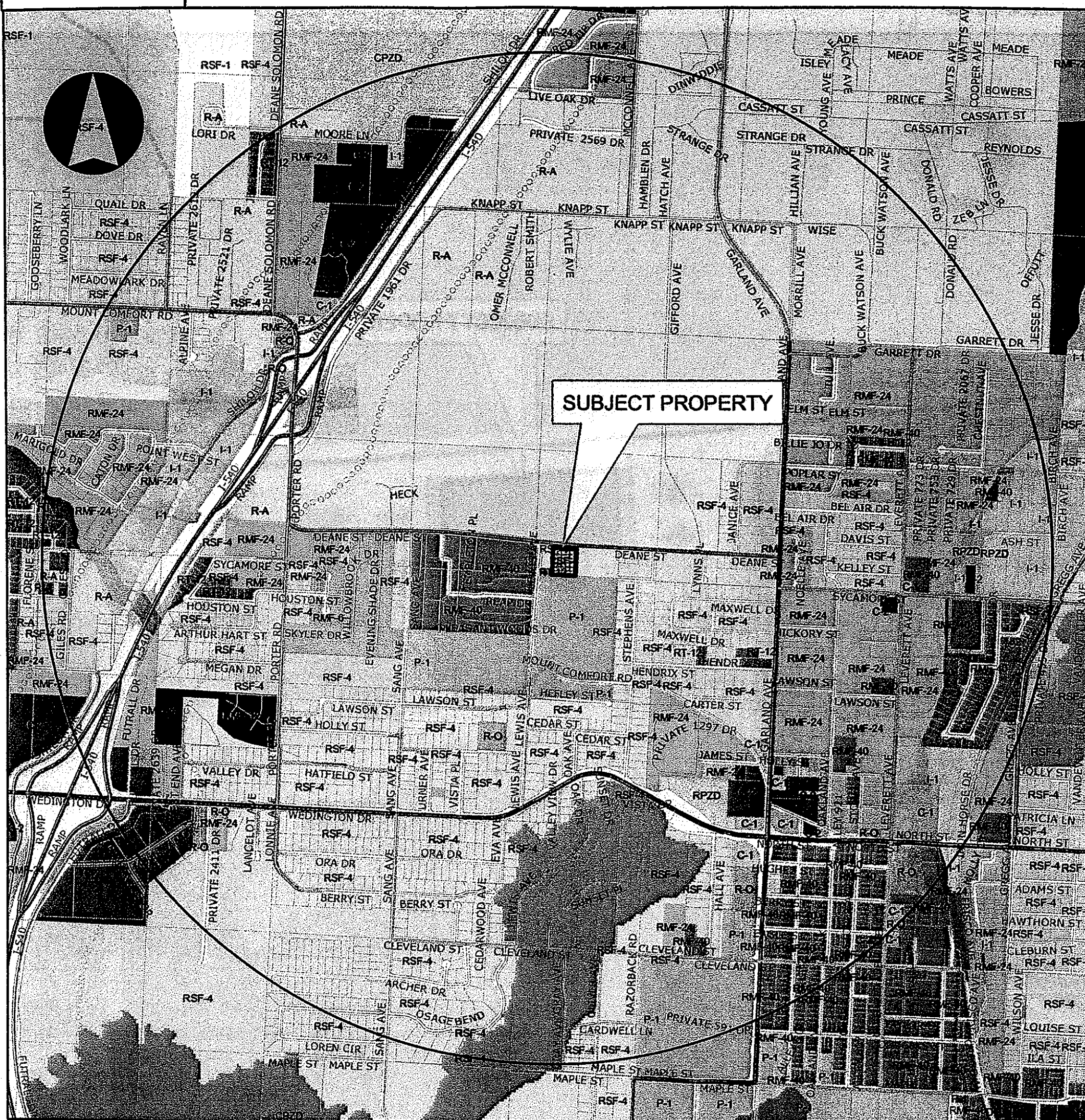
RSF-4

Overview

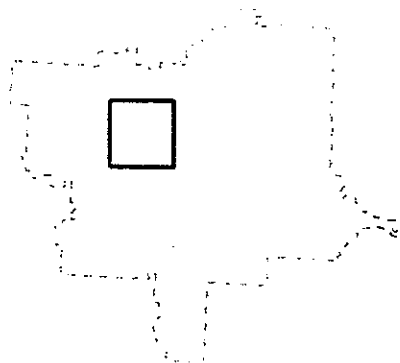


0 75 150 300 450 600 Feet

One Mile View



Overview



Subject Property
 RPZD07-2680

 Planning Area
 Overlay District
 Outside City

Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

RPZD07-2680

Future Land Use

ARCADIAN COURT

SUBJECT PROPERTY

DEANE ST

DEANE ST

LEWIS AVE

PRESERVATION DR

REAP DR

LEWIS AVE

LEWIS AVE

Legend

Building (2004)

Future Land Use 2025

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

RPZD07-2680

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

Outside City

Legend

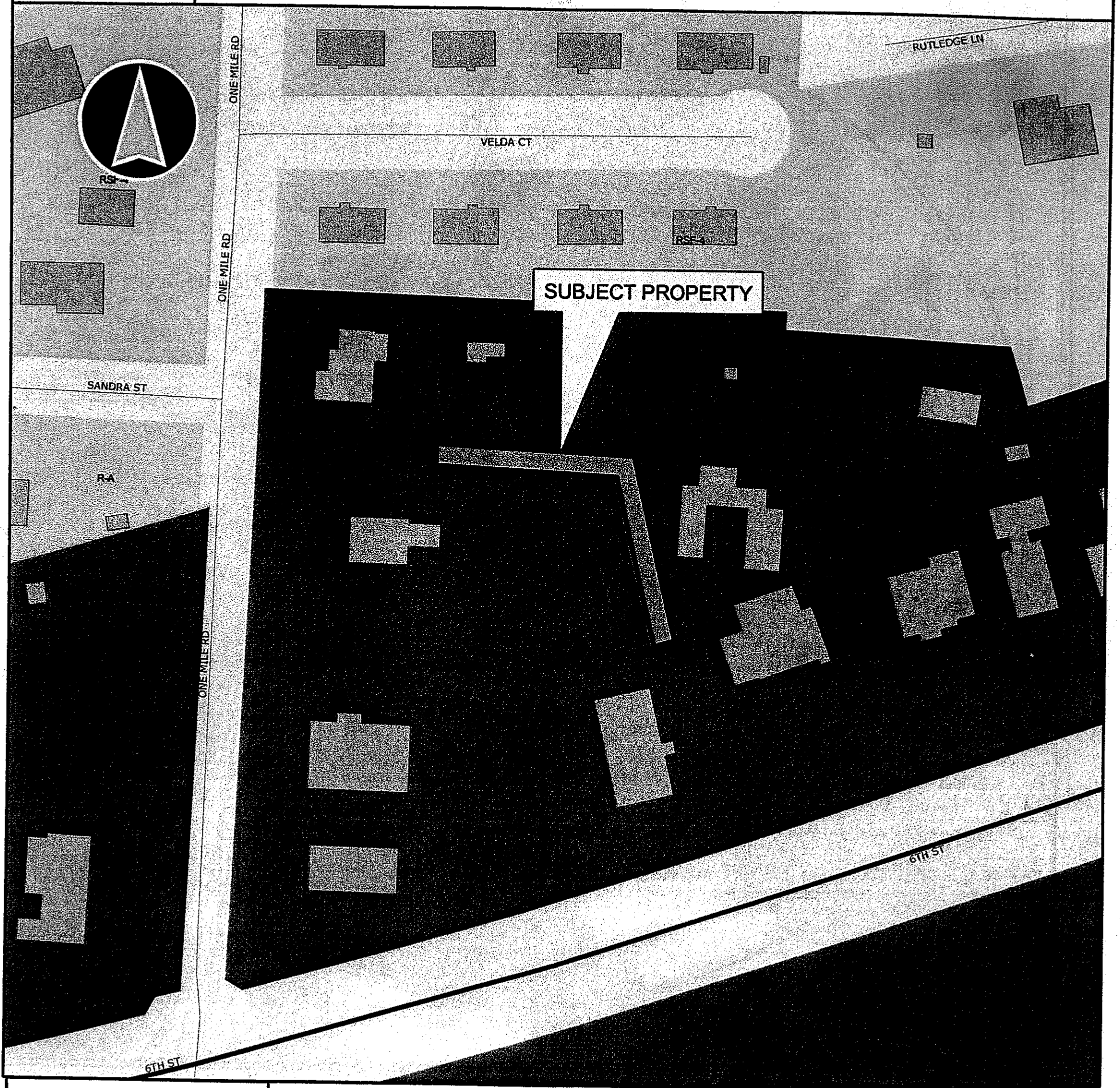
0 75 150 300 450 600 Feet



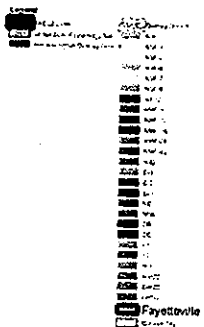
VAC07-2688

Close Up View

WALGREENS @6TH AND ONE MILE RD



Overview

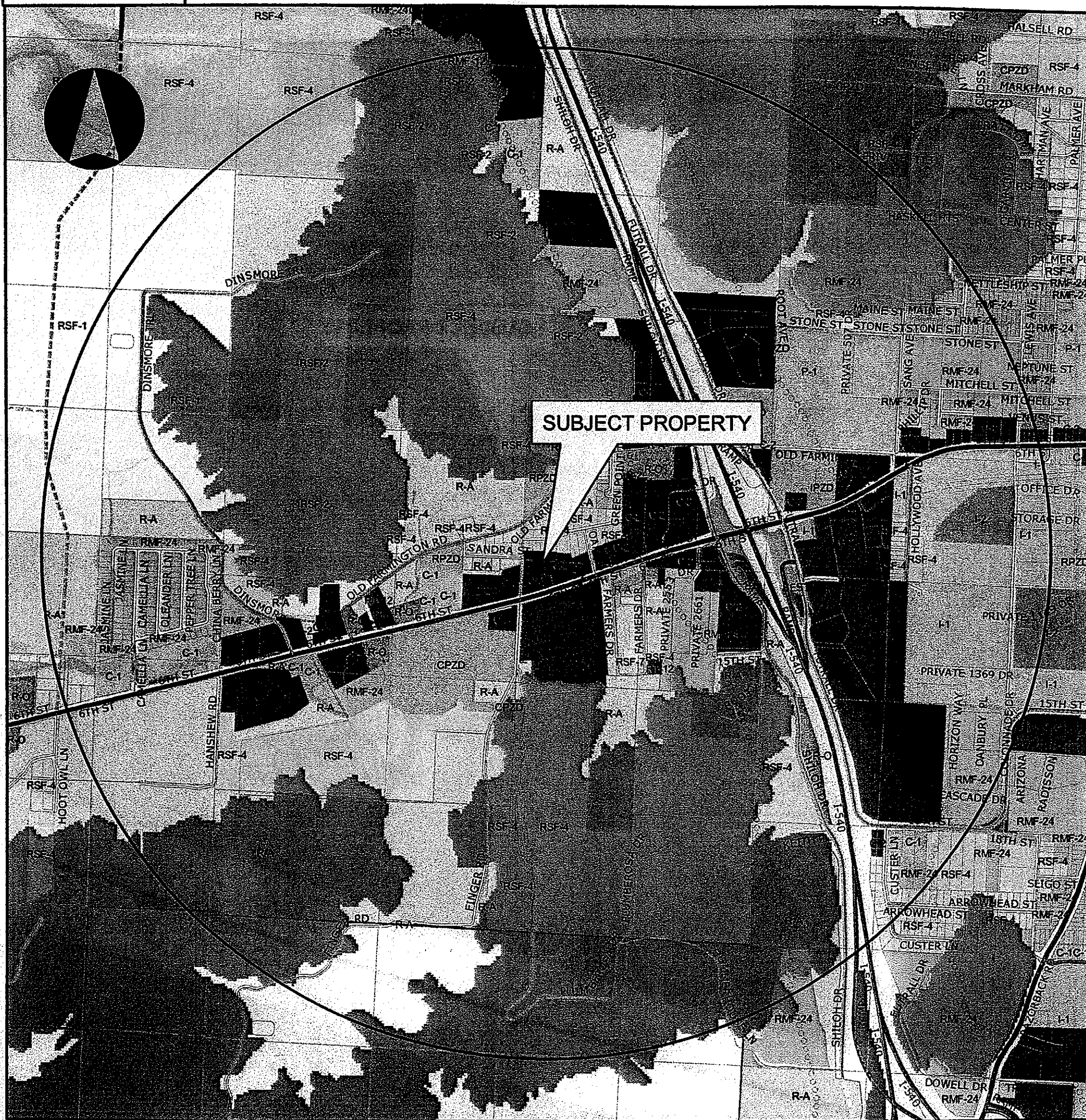


0 37.5 75 150 225 300 Feet

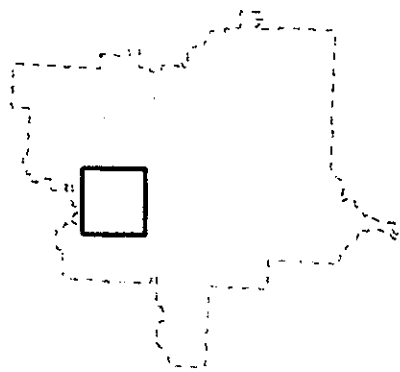
VAC07-2688

One Mile View

WALGREENS @6TH AND ONE MILE RD



Overview



Legend

Subject Property

VAC07-2688

Boundary

Planning Area

Overlay District

Outside City

Legend

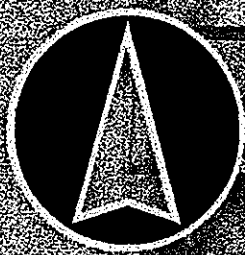
Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

RZN07-2667

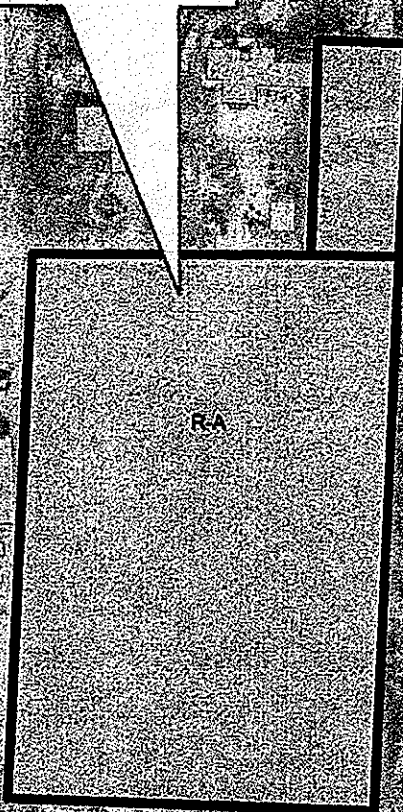
HOBSON INC.

Close Up View



SUBJECT PROPERTY

HIGHWAY 16



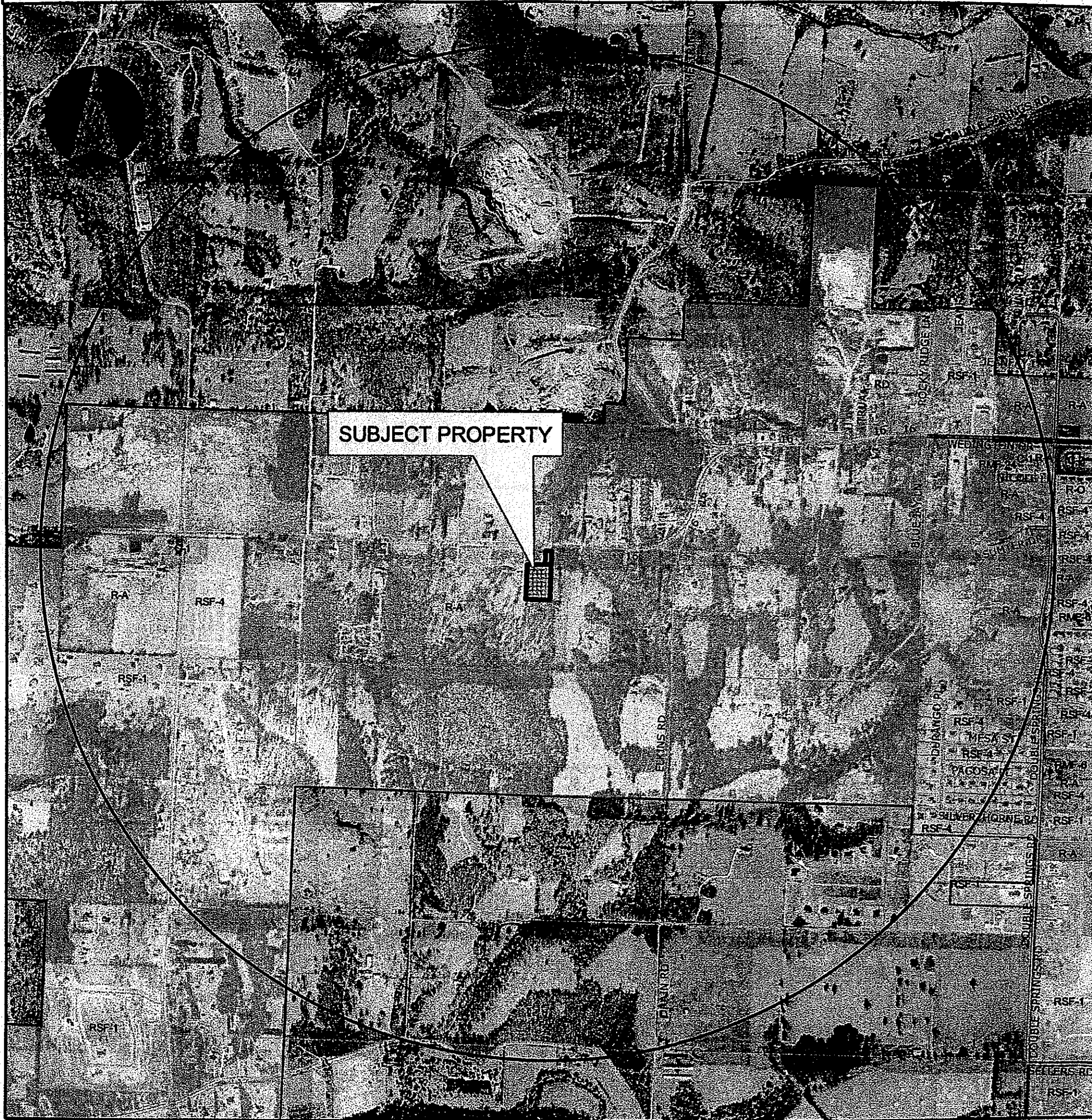
Overview



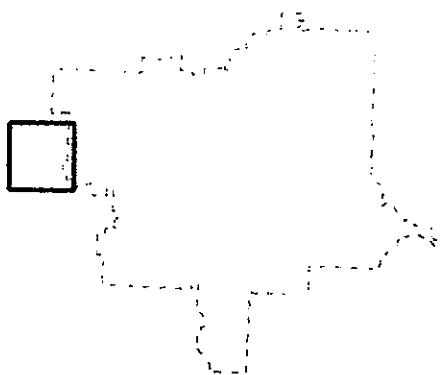
RZN07-2667

HOBSON INC.

One Mile View



Overview



Legend

Subject Property

 RZN07-2667

Boundary

Legend

0 0.25 0.5 1 Miles

RZN07-2667

Future Land Use

HOBSON INC.

SUBJECT PROPERTY

HIGHWAY 16

Legend

Building (2004)

Future Land Use 2025

CLASS

Industrial

Not 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

RZN07-2667

Boundary

Streets

Existing

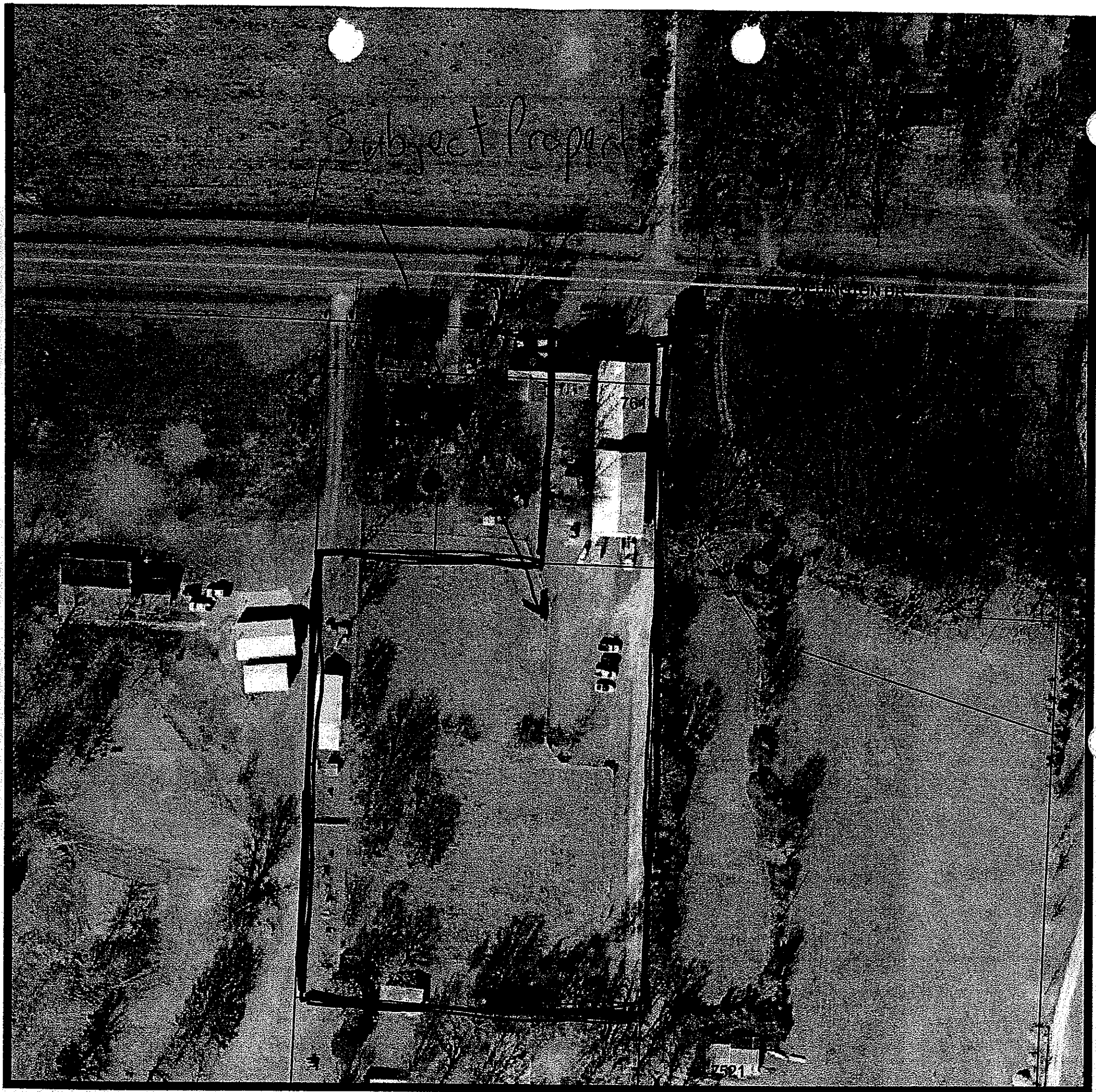
Planned

Planning Area

Overlay District

Legend

0 75 150 300 450 600 Feet

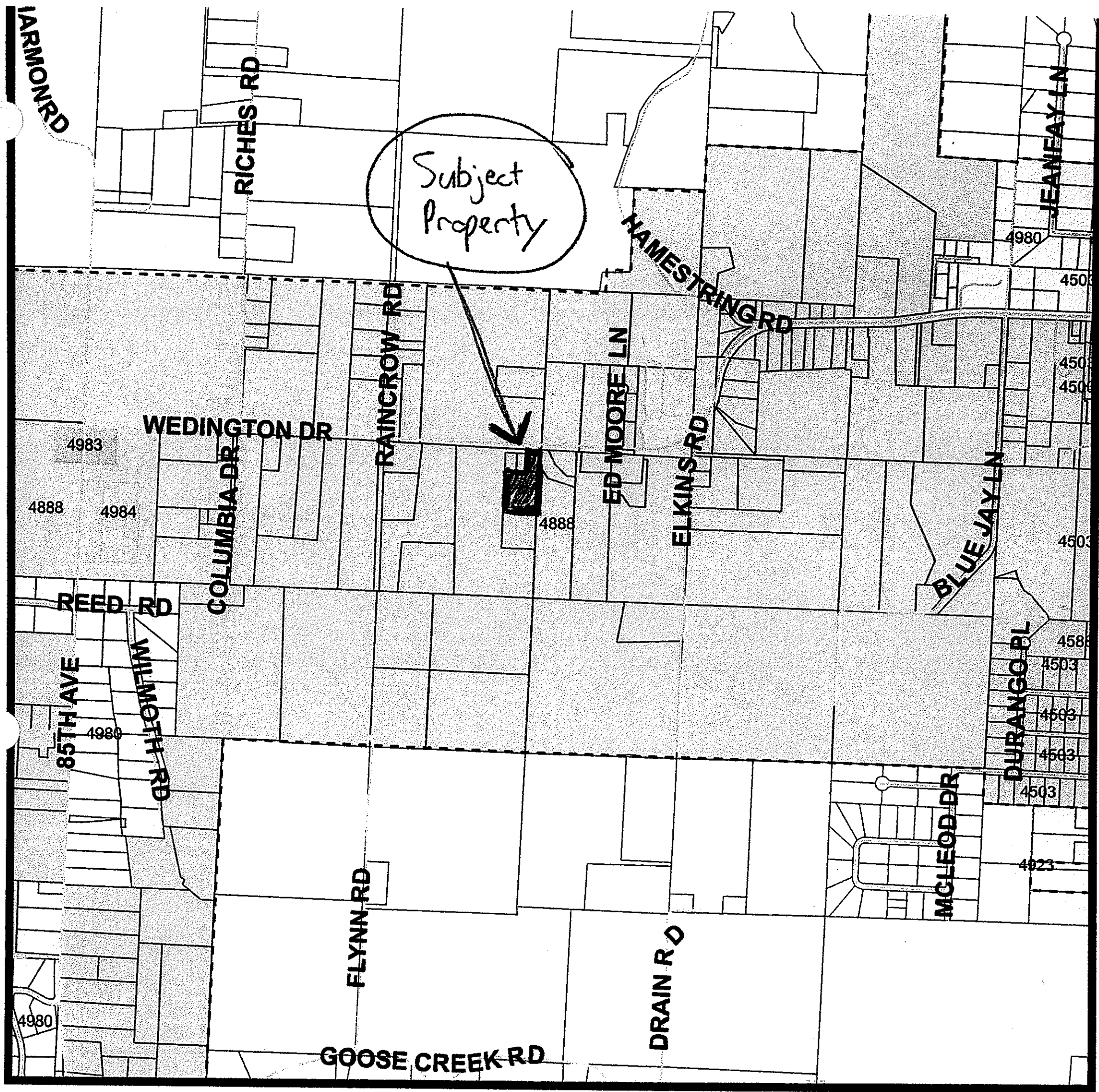


RZN 07-2667 (Hobson, Inc.)



1 inch equals 119.529068 feet





RZN 07-2667 (Hobson, Inc.)



1 inch equals 1,250 feet



Agenda Session 9/25/07

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
October 2, 2007**

A meeting of the Fayetteville City Council will be held on October 2, 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

Proposed Design for the Courts and Prosecutor Facility Presentation given by James Estes with Wilson Estes Police Architects – Agenda Session Only.

Illinois River Watershed Partnership End of Year Report given by Delia Haak, Executive Director and Katy Teague, Education Committee Chair – Agenda Session Only.

Red Oak Park Stream Bank Improvement Project Presentation of revised project design given by Mr. Dave Evans of the Arkansas Game and Fish Commission Stream Team - Agenda Session Only.

A. CONSENT:

1. ~~Approval of the September 4, 2007 City Council meeting minutes~~

2. **Enforcement of Underage Drinking Laws Mini-Grant:** A resolution authorizing the Fayetteville Police Department to accept a reimbursement mini-grant from the Arkansas Alcoholic Beverage Control Enforcement Division in the amount of \$5,400.00 to enforce underage drinking laws; and approving a budget adjustment recognizing the grant revenue.

3. **R-PZD 07-2649 College Avenue Townhomes:** An ordinance establishing a residential planned zoning district titled R-PZD 07-2649, College Avenue Townhomes, located southeast of College Avenue and Golden Eagle Drive; containing approximately 2.34 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the Third Reading at the September 18, 2007 City Council meeting and Tabled to the October 2, 2007 City Council meeting.*
4. **R-PZD 07-2680 Arcadian Court:** An ordinance establishing a residential planned zoning district titled R-PZD 07-2680, Arcadian Court, located at 1631 West Deane Street; containing approximately 1.69 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the Second Reading at the September 18, 2007 City Council meeting.*
5. **Hobson, Inc. Appeal:** An ordinance rezoning that property described in rezoning petition RZN 07-2667, for approximately 2.38 acres, located at 7613 Wedington from R-A, Residential Agricultural, to C-2, Thoroughfare Commercial. *This ordinance was left on the First Reading at the September 18, 2007 City Council meeting.*

C. NEW BUSINESS:

1. **2007 Millage Levy:** An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas for the year 2007 fixing the rate thereof at 2.2 mills for General Fund Operations, 0.4 mills for the Firemen's Pension and Relief Fund, 0.4 mills for the Policemen's Pension and Relief Fund and 1.0 mill for the Fayetteville Public Library; and certifying the same to the County Clerk of Washington County, Arkansas.
2. **Illinois River Watershed Partnership:** An ordinance waiving the requirements of §34.23, (purchases and contracts not in excess of \$20,000.00), of the Fayetteville Code of Ordinances and approving a contract with the Illinois River Watershed Partnership (IRWP) in the amount of \$10,000.00 for watershed education and planning services.
3. **Red Oak Park Streambank Revised Improvement Project:** A resolution approving a revised project design for the Red Oak Park Streambank Improvements submitted by the Arkansas Game and Fish Commission Region 1 Steam Team.
4. **RZN 07-2691 (JB Hays):** An ordinance rezoning that property described in rezoning petition RZN 07-2691, for approximately 1.80 acres, located at 5393 East Huntsville Road from RSF-4, Residential Single-Family, 4 units per acre, to C-1, Neighborhood Commercial.
5. **VAC 07-2705 (Driver S/D):** An ordinance approving VAC 07-2705 submitted by Freeland, Kaufmann & Freeden for property located at the east end of Township, vacating the excess right-of-way on the north and south sides of Township, a total of 1,789 square feet.

- ✓ 6. **VAC 07-2706 (Hammons):** An ordinance approving VAC 07-2706 submitted by Stitt Energy Systems, Inc. for property located at 30 North Greenbriar Drive, vacating a portion of a utility easement, a total of 288 square feet.
- ✓ 7. **VAC 07-2707 (City of Fayetteville/Broyles Ave.):** An ordinance approving VAC 07-2707 submitted by City of Fayetteville Water and Sewer Division for property located at the Westside Wastewater Treatment Plant (15 south Broyles Road), vacating the right-of-way for Broyles Road bisecting the City's Westside Wastewater Treatment Plant site, a total of 3.19 acres.
- ✓ 8. **Energy Efficient Building Policy:** A resolution establishing an Energy Efficient Building Policy for the City of Fayetteville.

D. INFORMATIONAL:

City Council Tour: October 1, 2007

3. **Sam's Club Grant for Police Equipment:** A resolution authorizing the Fayetteville Police Department to accept a grant from Sam's Club Foundation in the amount of \$3,000.00 for the purchase of minor equipment; and approving a budget adjustment to recognize the grant revenue.
4. **2007-2008 Selective Traffic Enforcement Grant:** A resolution accepting the 2007-2008 Selective Traffic Enforcement Program (STEP) Grant in the amount of \$103,000.00 for the purpose of paying overtime to officers engaged in the enforcement of DWI/DUI and seatbelt laws and other purposes; and approving a budget adjustment recognizing the grant revenue.
5. **2007 Edward Byrne Memorial Justice Assistance Grant:** A resolution accepting the 2007 Edward Byrne Memorial Justice Assistance Grant in the amount of \$83,183.00, \$39,739.00 of which will be used by the Fayetteville Police Department for the purchase of equipment with the remainder to be distributed to the City of Springdale and Washington County; and approving a budget adjustment recognizing the grant revenue.
6. **Time Striping Inc.:** A resolution approving a contract with Time Striping, Inc. in the amount of \$59,000.00 to re-paint the airfield markings at the Fayetteville Municipal Airport, Drake Field; approving a 5% contingency in the amount of \$3,498.00; accepting an Arkansas Department of Aeronautics Grant in the amount of \$73,448.00; and approving a budget adjustment to recognize the grant revenue.
7. **Garver Engineers, LLC:** A resolution approving Amendment No. 1 to the engineering contract with Garver Engineers, LLC in an amount not to exceed \$278,150.00 for final design and bidding services associated with the Cato Springs Road Improvement Project.

B. UNFINISHED BUSINESS:

1. **Boardwalk Property Owners Association:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share with the Boardwalk Property Owners Associated (POA) in an amount not to exceed \$69,674.00 to dredge the Boardwalk POA pond. *This ordinance was left on the First Reading at the August 7, 2007 City Council meeting. This ordinance was left on the Second Reading at the August 23, 2007 City Council meeting. This ordinance was left on the Second Reading at the September 4, 2007 City Council meeting and Tabled to the October 2, 2007 City Council meeting.*
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 ordinance was left on the Second Reading at the September 4, 2007 City Council meeting. This ordinance was left on the Third Reading at the September 18, 2007 City Council meeting and Tabled to the October 2, 2007 City Council meeting.*

There

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
October 2, 2007**

A meeting of the Fayetteville City Council will be held on October 2, 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**

Proposed Design for the Courts and Prosecutor Facility Presentation given by James Estes with Wilson Estes Police Architects – Agenda Session Only.

Illinois River Watershed Partnership End of Year Report given by Delia Haak, Executive Director and Katy Teague, Education Committee Chair – Agenda Session Only.

Red Oak Park Stream Bank Improvement Project Presentation of revised project design given by Mr. Dave Evans of the Arkansas Game and Fish Commission Stream Team - Agenda Session Only.

Commercial Recycling Presentation given by the Solid Waste Division – Agenda Session Only

A. CONSENT:

1. **Approval of the** ~~September 4, 2007 and September 18, 2007~~ **City Council meeting minutes.**
2. **Green Building Policy:** A resolution establishing a Green Building Policy for the City of Fayetteville.
3. **Enforcement of Underage Drinking Laws Mini-Grant:** A resolution authorizing the Fayetteville Police Department to accept a reimbursement mini-grant from the Arkansas Alcoholic Beverage Control Enforcement Division in the amount of \$5,400.00 to enforce

Comment: Do you want me to leave both these on?

underage drinking laws; and approving a budget adjustment recognizing the grant revenue.

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6. **2007 Edward Byrne Memorial Justice Assistance Grant:** A resolution accepting the 2007 Edward Byrne Memorial Justice Assistance Grant in the amount of \$83,183.00, \$39,739.00 of which will be used by the Fayetteville Police Department for the purchase of equipment with the remainder to be distributed to the City of Springdale and Washington County; and approving a budget adjustment recognizing the grant revenue.
7. **Time Striping Inc:** A resolution approving a contract with Time Striping, Inc. in the amount of \$59,000.00 to re-paint the airfield markings at the Fayetteville Municipal Airport, Drake Field; approving a 5% contingency in the amount of \$3,498.00; accepting an Arkansas Department of Aeronautics Grant in the amount of \$73,448.00; and approving a budget adjustment to recognize the grant revenue.
8. **Garver Engineers, LLC:** A resolution approving Amendment No. 1 to the engineering contract with Garver Engineers, LLC in an amount not to exceed \$278,150.00 for final design and bidding services associated with the Cato Springs Road Improvement Project.

B. UNFINISHED BUSINESS:

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

C. NEW BUSINESS:

1. **Red Oak Park Streambank Revised Improvement Project:** A resolution approving a revised project design for the Red Oak Park Streambank Improvements submitted by the Arkansas Game and Fish Commission Region 1 Steam Team.

2. **RZN 07-2691 (JB Hays):** An ordinance rezoning that property described in rezoning petition RZN 07-2691, for approximately 1.80 acres, located at 5393 East Huntsville Road from RSF-4, Residential Single-Family, 4 units per acre, to C-1, Neighborhood Commercial.
3. **VAC 07-2705 (Driver S/D):** An ordinance approving VAC 07-2705 submitted by Freeland, Kaufmann & Freeden for property located at the east end of Township, vacating the excess right-of-way on the north and south sides of Township, a total of 1,789 square feet.
4. **VAC 07-2706 (Hammons):** An ordinance approving VAC 07-2706 submitted by Stitt Energy Systems, Inc. for property located at 30 North Greenbriar Drive, vacating a portion of a utility easement, a total of 288 square feet.
5. **VAC 07-2707 (City of Fayetteville/Broyles Ave):** An ordinance approving VAC 07-2707 submitted by City of Fayetteville Water and Sewer Division for property located at the Westside Wastewater Treatment Plant (15 south Broyles Road), vacating the right-of-way for Broyles Road bisecting the City's Westside Wastewater Treatment Plant site, a total of 3.19 acres.
6. **Illinois River Watershed Partnership:** An ordinance waiving the requirements of §34.23, (purchases and contracts not in excess of \$20,000.00), of the Fayetteville Code of Ordinances and approving a contract with the Illinois River Watershed Partnership (IRWP) in the amount of \$10,000.00 for watershed education and planning services.
7. **2007 Millage Levy:** An ordinance levying a tax on the real and personal property within the city of Fayetteville, Arkansas for the year 2007 fixing the rate thereof at 2.2 mills for General Fund Operations, 0.4 mills for the Firemen's Pension and Relief Fund, 0.4 mills for the Policemen's Pension and Relief Fund and 1.0 mill for the Fayetteville Public Library; and certifying the same to the County Clerk of Washington County, Arkansas.

D. INFORMATIONAL:

City Council Tour: October 1, 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

*D. Whitaker
for Mr. Williams*

DATE: **October 3, 2007**

RE: **Ordinances and Resolutions prepared by the City Attorney's Office and passed at the City Council meeting of October 3, 2007**

1. **Enforcement of Underage Drinking Mini-Grant:** Resolution authorizing Fayetteville Police Department to accept reimbursement mini-grant from Arkansas Alcoholic Beverage Control Enforcement Division in amount of \$5,400.00 to enforce underage drinking laws; and approving budget adjustment recognizing grant revenue;
2. **Sam's Club Grant for Police Equipment:** Resolution authorizing Fayetteville Police Department to accept grant from Sam's Club Foundation in amount of \$3,000.00 for purchase of minor equipment; and approving budget adjustment recognizing grant revenue;
3. **2007-2008 STEP Grant:** Resolution accepting 2007-2008 Selective Traffic Enforcement Program grant in amount of \$103,000.00 for purpose of paying overtime officers engaged in enforcement of DWI/DUI and seatbelt laws and other purposes and approving budget adjustment recognizing grant revenue;
4. **2007 Edward Byrne Memorial Justice Assistance Grant:** Resolution accepting 2007 Edward Byrne Memorial Justice Assistance grant in amount of \$83,183.00, \$39,739 of which will be used by Fayetteville Police Department for purchase of equipment with remainder to be distributed to City of Springdale and Washington County; and approving budget adjustment recognizing grant revenue;

5. **Time Striping Inc.:** Resolution approving contract with Time Striping, Inc. in amount of \$59,000.00 to re-paint airfield markings at Fayetteville Municipal Airport, Drake Field; approving 5% contingency in amount of \$3,498.00; accepting Arkansas Department of Aeronautics grant in amount of \$73,448.00; and approving budget adjustment to recognize grant revenue;
6. **Garver Engineers, LLC:** Resolution approving Amendment No. 1 to engineering contract with Garver Engineers, LLC in amount not to exceed \$278,150.00 for final design and bidding services associated with Cato Springs Road improvement project;
7. **Illinois River Watershed Partnership:** Ordinance waiving requirements of §34.23 **Purchases and Contracts not in excess of \$20,000**, of Fayetteville Code of Ordinances and approving contract with Illinois River Watershed Partnership in amount of \$10,000.00 for watershed education and planning services;
8. **Energy Efficient Building Policy:** Resolution establishing energy efficient building policy for City of Fayetteville.

From: Carole Jones
To: Wood, Amber
CC: Dumas, Gary; Edmonston, Connie
Date: 9/11/2007 11:24 AM
Subject: Request to Make a Presentation at City Council Agenda Session for Sep 25

Amber - This is to request an item on the Sep 25 Agenda Session for a presentation to the City Council by Mr. David Evans of the Arkansas Game and Fish Commission Region 1 Stream Team. Mr. Evans will present a revised plan to the City Council for the streambank improvements at Red Oak Park. The plan was revised at the request of Mayor Coody and the City Council at the August 23 council meeting. Additionally, a City Council Agenda Request will be submitted to the City Clerk's office by Fri Sep 14 for the Oct 2 council meeting. Please feel free to contact me if you have any questions or need additional information. Thank you,

Ms. Carole Jones, P.E.
Park Planner
Fayetteville Parks & Recreation
113 West Mountain Street
Fayetteville, AR 72701
Phone (479) 444-3472
Fax (479) 521-7714

From: Susan Thomas
To: Branson, Lisa
Date: 8/9/2007 9:07 AM
Subject: Sept 25

Please add to the Oct 2 City Council Agenda the Illinois River Watershed Partnership End of Year Report for Sept 25 agenda session only. The presentation is required by contract and will be given by Delia Haak, Executive Director and Katy Teague, Education Committee Chair. Thanks.

Susan

From: Coy Hurd
To: Branson, Lisa
Date: 9/13/2007 1:40 PM
Subject: Presentation

Hello to you Lisa:

Please place an item on the list for the agenda setting session of September 25. James Estes (of Wilson Estes Police Architects) will deliver a brief informational presentation to the council members regarding his proposed design for the Courts and Prosecutor Facility. I hope that this can be placed at the beginning of the meeting.

Coy

RECEIVED

OCT 02 2007

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

From: <BZiada@ceieng.com>
To: <mayor@ci.fayetteville.ar.us>
Date: 10/2/2007 1:31 PM
Subject: R-PZD 07-2576 (Woodstock Community)

CC: "Shirley Lucas" <ward4_pos1@ci.fayetteville.ar.us>, "Lionel Jordan" <llj...
Dear Mayor Coody and City council Members,

I will not be able to attend the City Council meeting for tonight October 2nd due to a last minute business trip.

Below are my comments for the proposed development:

Traffic:

At the last meeting on September 18th the developer in response to my questions regarding land use shown on his traffic report indicated that the 20,000 SF grocery store will be light and unlike Harp's store, there is no such thing in the development community around the country when calculating trip generation rates that one uses a term as light grocery, the developer is avoiding using the designated definition of grocery in the Institute of Transportation Engineers (ITE) trip generation manual, in turn he uses a general retail which generates a significant less number of trips. I don't understand how a light grocery store will be able to afford paying high rent when they are generating light traffic and not selling enough merchandise and making profit, is this the development that is going to be built, they may have in mind charging \$10.00 for a bottle of milk and so on based on the light traffic that they will be generating.

This is a misrepresentation to show the city less trips which in reality it is a lot more.

The city is calculating a cost sharing on Broyles traffic signal which will use tax payer's money and it should be done the correct way to make sure they pay their fare share of the cost of the improvements that they need to. The developer should have his traffic consultant come before you to present the traffic conditions that will be generated and the impact and mitigations that needs to be done by this proposed development. The traffic engineer can explain to you better from a technical stand point not a marketing version of the developer. The city needs to look very closely at the proposed land uses and make sure accurate information has been presented before making it this far in the process.

Drainage:

The exiting conditions on the subject site receives water run off from offsite around 100 acres of rainfall, any negative impact to the way off-site drainage is handled currently will have an impact on the adjacent properties causing flood damage to their properties including mine. The existing method currently is for the water to go through the drainage ditch to the southeast of the development and then into the 20 acre open field before leaving the site. To put the detention bond at the southeast part of the site and design it 8-10 feet deep is done to maximize the number of buildings on their property and cause the detention to function as a dam that will slow the flow of water into the west side of their proposed development, should there be any obstruction to the storm sewer or lack of maintenance in the detention pond will cause the water to be detained on adjoining properties causing flooding.

Bassam Ziada
723 N 46th Ave
Fayetteville, AR 72704
HM # 444-9044
Cell # 426-1380

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
October 2, 2007**

A meeting of the Fayetteville City Council will be held on October 2, 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**

Nominating Committee Report – Fayetteville Public Facilities Board recommends the following appointments: Steve Clark, Steve Adams and Phil Taylor

NOMINATING COMMITTEE REPORT WAS APPROVED.

A. CONSENT:

- 1. Enforcement of Underage Drinking Laws Mini-Grant:** A resolution authorizing the Fayetteville Police Department to accept a reimbursement mini-grant from the Arkansas Alcoholic Beverage Control Enforcement Division in the amount of \$5,400.00 to enforce underage drinking laws; and approving a budget adjustment recognizing the grant revenue.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 170-07.

- 2. Sam's Club Grant for Police Equipment:** A resolution authorizing the Fayetteville Police Department to accept a grant from Sam's Club Foundation in the amount of \$3,000.00 for the purchase of minor equipment; and approving a budget adjustment to recognize the grant revenue.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 171-07.

3. **2007-2008 Selective Traffic Enforcement Grant:** A resolution accepting the 2007-2008 Selective Traffic Enforcement Program (STEP) Grant in the amount of \$103,000.00 for the purpose of paying overtime to officers engaged in the enforcement of DWI/DUI and seatbelt laws and other purposes; and approving a budget adjustment recognizing the grant revenue.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 172-07.

4. **2007 Edward Byrne Memorial Justice Assistance Grant:** A resolution accepting the 2007 Edward Byrne Memorial Justice Assistance Grant in the amount of \$83,183.00, \$39,739.00 of which will be used by the Fayetteville Police Department for the purchase of equipment with the remainder to be distributed to the City of Springdale and Washington County; and approving a budget adjustment recognizing the grant revenue.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 173-07.

5. **Time Striping Inc.:** A resolution approving a contract with Time Striping, Inc. in the amount of \$59,000.00 to re-paint the airfield markings at the Fayetteville Municipal Airport, Drake Field; approving a 5% contingency in the amount of \$3,498.00; accepting an Arkansas Department of Aeronautics Grant in the amount of \$73,448.00; and approving a budget adjustment to recognize the grant revenue.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 174-07.

6. **Garver Engineers, LLC:** A resolution approving Amendment No. 1 to the engineering contract with Garver Engineers, LLC in an amount not to exceed \$278,150.00 for final design and bidding services associated with the Cato Springs Road Improvement Project.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 175-07.

B. UNFINISHED BUSINESS:

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

THIS ITEM WAS TABLED INDEFINITELY.

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 ordinance was left on the Second Reading at the September 4, 2007 City Council meeting. This ordinance was left on the Third Reading at the September 18, 2007 City Council meeting and Tabled to the October 2, 2007 City Council meeting.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5963.

3. Status Report of the Renaissance Hotel Project.

MR. JOHN NOCK GAVE A THE REPORT.

- 4. R-PZD 07-2649 (College Avenue Townhomes):** An ordinance establishing a residential planned zoning district titled R-PZD 07-2649, College Avenue Townhomes, located southeast of College Avenue and Golden Eagle Drive; containing approximately 2.34 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the Third Reading at the September 18, 2007 City Council meeting and Tabled to the October 2, 2007 City Council meeting.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5964.

- 5. R-PZD 07-2680 (Arcadian Court):** An ordinance establishing a residential planned zoning district titled R-PZD 07-2680, Arcadian Court, located at 1631 West Deane Street; containing approximately 1.69 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the Second Reading at the September 18, 2007 City Council meeting.*

THIS ITEM WAS TABLED INDEFINITELY.

- 6. Hobson, Inc. Appeal:** An ordinance rezoning that property described in rezoning petition RZN 07-2667, for approximately 2.38 acres, located at 7613 Wedington from R-A, Residential Agricultural, to C-2, Thoroughfare Commercial. *This ordinance was left on the First Reading at the September 18, 2007 City Council meeting.*

THIS ITEM WAS TABLED INDEFINITELY.

C. NEW BUSINESS:

- 1. 2007 Millage Levy:** An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas for the year 2007 fixing the rate thereof at 2.2 mills for General Fund Operations, 0.4 mills for the Firemen's Pension and Relief Fund, 0.4 mills for the Policemen's Pension and Relief Fund and 1.0 mill for the Fayetteville Public Library; and certifying the same to the County Clerk of Washington County, Arkansas.

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

- 2. Illinois River Watershed Partnership:** An ordinance waiving the requirements of §34.23, (purchases and contracts not in excess of \$20,000.00), of the Fayetteville Code of

Ordinances and approving a contract with the Illinois River Watershed Partnership (IRWP) in the amount of \$10,000.00 for watershed education and planning services.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5965.

3. **Red Oak Park Streambank Revised Improvement Project:** A resolution approving a revised project design for the Red Oak Park Streambank Improvements submitted by the Arkansas Game and Fish Commission Region 1 Steam Team.

THIS ITEM WAS TABLED INDEFINITELY.

4. **RZN 07-2691 (JB Hays):** An ordinance rezoning that property described in rezoning petition RZN 07-2691, for approximately 1.80 acres, located at 5393 East Huntsville Road from RSF-4, Residential Single-Family, 4 units per acre, to C-1, Neighborhood Commercial.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5966.

5. **VAC 07-2705 (Driver S/D):** An ordinance approving VAC 07-2705 submitted by Freeland, Kaufmann & Freeden for property located at the east end of Township, vacating the excess right-of-way on the north and south sides of Township, a total of 1,789 square feet.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5967.

6. **VAC 07-2706 (Hammons):** An ordinance approving VAC 07-2706 submitted by Stitt Energy Systems, Inc. for property located at 30 North Greenbriar Drive, vacating a portion of a utility easement, a total of 288 square feet.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5968.

7. **VAC 07-2707 (City of Fayetteville/Broyles Ave.):** An ordinance approving VAC 07-2707 submitted by City of Fayetteville Water and Sewer Division for property located at the Westside Wastewater Treatment Plant (15 south Broyles Road), vacating the right-of-way for Broyles Road bisecting the City's Westside Wastewater Treatment Plant site, a total of 3.19 acres.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5969.

8. **Energy Efficient Building Policy:** A resolution establishing an Energy Efficient Building Policy for the City of Fayetteville.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 176-07.

D. INFORMATIONAL:

City Council Tour: None

Meeting adjourned at 9:25 p.m.

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**

*D. D. Whitaker
for Mr. Williams*

DATE: **October 3, 2007**

RE: **Ordinances and Resolutions prepared by the City Attorney's Office and passed at the City Council meeting of October 3, 2007**

1. **Enforcement of Underage Drinking Mini-Grant:** Resolution authorizing Fayetteville Police Department to accept reimbursement mini-grant from Arkansas Alcoholic Beverage Control Enforcement Division in amount of \$5,400.00 to enforce underage drinking laws; and approving budget adjustment recognizing grant revenue;
2. **Sam's Club Grant for Police Equipment:** Resolution authorizing Fayetteville Police Department to accept grant from Sam's Club Foundation in amount of \$3,000.00 for purchase of minor equipment; and approving budget adjustment recognizing grant revenue;
3. **2007-2008 STEP Grant:** Resolution accepting 2007-2008 Selective Traffic Enforcement Program grant in amount of \$103,000.00 for purpose of paying overtime officers engaged in enforcement of DWI/DUI and seatbelt laws and other purposes and approving budget adjustment recognizing grant revenue;
4. **2007 Edward Byrne Memorial Justice Assistance Grant:** Resolution accepting 2007 Edward Byrne Memorial Justice Assistance grant in amount of \$83,183.00, \$39,739 of which will be used by Fayetteville Police Department for purchase of equipment with remainder to be distributed to City of Springdale and Washington County; and approving budget adjustment recognizing grant revenue;

5. **Time Striping Inc.:** Resolution approving contract with Time Striping, Inc. in amount of \$59,000.00 to re-paint airfield markings at Fayetteville Municipal Airport, Drake Field; approving 5% contingency in amount of \$3,498.00; accepting Arkansas Department of Aeronautics grant in amount of \$73,448.00; and approving budget adjustment to recognize grant revenue;
6. **Garver Engineers, LLC:** Resolution approving Amendment No. 1 to engineering contract with Garver Engineers, LLC in amount not to exceed \$278,150.00 for final design and bidding services associated with Cato Springs Road improvement project;
7. **Illinois River Watershed Partnership:** Ordinance waiving requirements of §34.23 **Purchases and Contracts not in excess of \$20,000**, of Fayetteville Code of Ordinances and approving contract with Illinois River Watershed Partnership in amount of \$10,000.00 for watershed education and planning services;
8. **Energy Efficient Building Policy:** Resolution establishing energy efficient building policy for City of Fayetteville.

Adjourn 9:25 PM

Subject: <i>Roll</i>					
Motion To:					
Motion By:					
Seconded:					
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Mayor Coody	✓			

8-0

Subject: <i>Nominating Committee Report</i>					
Motion To:		<i>Approve</i>			
Motion By:		<i>Cook</i>			
Seconded:		<i>Lucas</i>			
<i><u>Passed</u></i>	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Mayor Coody				

8-0

City Council Meeting October 2, 2007

Subject: <i>Consent</i>					
Motion To:		<i>Approve</i>			
Motion By:		<i>Jordan</i>			
Seconded:		<i>Gray</i>			
<i>Passed</i> <i>Res.</i> <i>170-07</i> <i>to</i> <i>175-07</i>	Cook	<i>✓</i>			
	Allen	<i>✓</i>			
	Rhoads	<i>Absent during the vote</i>			
	Ferrell	<i>✓</i>			
	Lucas	<i>✓</i>			
	Jordan	<i>✓</i>			
	Gray	<i>✓</i>			
	Thiel	<i>✓</i>			
	Mayor Coody				

7-0

Subject: <i>Boardwalk Property Owners Association</i>					
Motion To:		<i>Table</i>			
Motion By:		<i>Indef.</i>			
Seconded:		<i>Gray</i>			
<i>B.I.</i> <i>Unfinished</i> <i>Business</i> <i>Tabled</i> <i>Indef.</i>	Cook	<i>✓</i>			
	Allen	<i>✓</i>			
	Rhoads	<i>✓</i>			
	Ferrell	<i>✓</i>			
	Lucas	<i>✓</i>			
	Jordan	<i>✓</i>			
	Gray	<i>✓</i>			
	Thiel	<i>✓</i>			
	Mayor Coody				

8-0

City Council Meeting October 2, 2007

Subject: R - P Z D 07-2576 Woodstock Community					
Motion To:		Amend as recommended.	Pass		
Motion By:		Jordan			
Seconded:		Lucas			
B.2. Unfinished <u>Passed</u> 5963	Cook	✓	✓		
	Allen	✓	✓		
	Rhoads	✓	✓		
	Ferrell	✓	✓		
	Lucas	✓	✓		
	Jordan	✓	✓		
	Gray	✓	✓		
	Thiel	✓	✓		
	Mayor Coody				

8-0

8-0

Subject: Status Report of the Renaissance Hotel Project					
Motion To:					
Motion By:		John Nock gave the			
Seconded:		report.			
B.3. Unfinished	Cook				
	Allen				
	Rhoads				
	Ferrell				
	Lucas				
	Jordan				
	Gray				
	Thiel				
	Mayor Coody				

City Council Meeting October 2, 2007

Subject: R-PZD 07-2649 College Avenue Townhomes					
Motion To:		Pass			
Motion By:					
Seconded:					
B.4. Unfinished Business <u>passed</u> 5964	Cook	✓			
	Allen	N			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Mayor Coody				

7-1

Subject: R-PZD 07-2680 Arcadian Court					
Motion To:		3rd Read	Table Indef.		
Motion By:			Jordan		
Seconded:			Lucas		
B.5. Unfinished Business <u>Tabled Indef.</u>	Cook	✓	✓		
	Allen	✓	✓		
	Rhoads	✓	✓		
	Ferrell	✓	✓		
	Lucas	✓	✓		
	Jordan	✓	✓		
	Gray	✓	✓		
	Thiel	✓	✓		
	Mayor Coody				

8-0

8-0

City Council Meeting October 2, 2007

Subject: Hobson, Inc. Appeal					
Motion To:		2nd Read	Add Section #3 Bill of Assurance		
Motion By:		Ferrell	Ferrell		
Seconded:		Gray	Rhoads		
B.b. Unfinished	Cook	✓	✓		
	Allen	✓	✓		
	Rhoads	✓	✓		
	Ferrell	✓	✓		
	Lucas	✓	✓		
	Jordan	Absent during the vote.	✓		
	Gray	✓	✓		
	Thiel	✓	✓		
	Mayor Coody				

7-0

8-0

Subject: Hobson, Inc. Appeal					
Motion To:		Table Indef.			
Motion By:					
Seconded:					
B.b. Unfinished Tabled Indef.	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Mayor Coody				

8-0

City Council Meeting October 2, 2007

Subject: 2007 Millage Levy					
Motion To:					
Motion By:					
Seconded:					
C.1, New Business Left on the First Reading	Cook				
	Allen				
	Rhoads				
	Ferrell				
	Lucas				
	Jordan				
	Gray				
	Thiel				
	Mayor Coody				

Subject: Illinois River Watershed Partnership.					
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Jordan	Cook		
Seconded:		Lucas	Jordan		
C.2, New Business <u>passed</u> 5965	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Mayor Coody				

8-0 8-0 8-0

Project.

Subject: Red Oak Park Streambank Revised Improvement					
Motion To:		Table Indef.			
Motion By:		Jordan			
Seconded:		Lucas			
C. 3, New Business Tabled Indef.	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Mayor Coody				

8-0

Subject: RZN 07-2691 JB Hays					
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Thiel	Gray		
Seconded:		Gray	Jordan		
C. 4, New Business Passed	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
5966	Mayor Coody				

8-0

8-0

8-0

City Council Meeting October 2, 2007

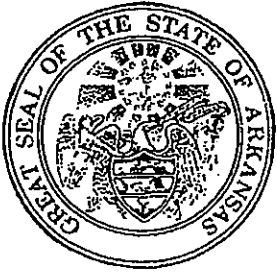
Subject: VAC 07-2705 Driver SID					
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Ferrell	Jordan		
Seconded:		Gray	Ferrell		
C.5 New Business <u>passed</u> 5967	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Mayor Coody				
		8-0	8-0	8-0	

Subject: VAC 07-2706 HAMMONS					
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Ferrell	Jordan		
Seconded:		Jordan	Ferrell		
C.6. New Business <u>passed</u> 5968	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Mayor Coody				
		8-0	8-0	8-0	

City Council Meeting October 2, 2007

Subject: VAC 07-2707 City of Jayettesville / Brayles Ave.					
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Jordan	Jordan		
Seconded:		Lucas	Lucas		
C. 7. New Business <u>Passed</u> 5969	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Mayor Coody				
		8-0	8-0	8-0	

Subject: Energy Efficient Building Policy					
Motion To:		Amend to add Cost Analysis	Approve		
Motion By:		Ferrell	Jordan		
Seconded:		Lucas	Gray		
C. 8. New Business <u>Passed</u> 176-07	Cook	✓	✓		
	Allen	✓	✓		
	Rhoads	✓	✓		
	Ferrell	✓	✓		
	Lucas	✓	✓		
	Jordan	✓	✓		
	Gray	✓	✓		
	Thiel	✓	✓		
	Mayor Coody				
		8-0	8-0		



MIKE BEEBE
GOVERNOR

STATE OF ARKANSAS
DEPARTMENT OF AERONAUTICS

Little Rock National Airport • One Airport Drive • 3rd Floor
Little Rock, Arkansas 72202-4402
Telephone: (501) 376-6781 • Fax: (501) 378-0820

September 24, 2007

JOHN K. KNIGHT
DIRECTOR

*Time Striping, Inc. A.S.
Handed out at the
City Council
Meeting 10/2/07*

Commissioners

Marion Burton
Little Rock

Dr. Gene Jines
Little Rock

Charles Simmons
Rogers

Don Ruggles
Texarkana

Lindley Smith
Jonesboro

Ken Johnson
Pine Bluff

Dr. William Morgan
Paragould

Mr. Ray Boudreaux, Director
Fayetteville Municipal Airport
4500 South School Avenue Suite F
Fayetteville, Arkansas 72701

Dear Mr. Boudreaux:

The Arkansas Department of Aeronautics Commission in their meeting of September 18, 2007 approved the Grant # 2542-07 request for the cap amount of \$73,448.00 available under the Department of Aeronautics 100% grant matching funds program. *Please note this project must be completed with all completed and related paperwork for this grant amount received by May 31, 2008 be used to remark all airfield pavement at Drake Field.

Your grant has been assigned a number for identification purposes. Please use 2542-07 as your grant number when corresponding with our office concerning your project. You should advise the Director of this office if you find you will not be able to complete the project for the amount approved. An amendment request for the project may then be acted on at the next Commission meeting. The Commission will not be responsible for any additional project costs unless the sponsor has received notification in advance.

The Commission has asked that we call your attention to Page Three (3) of your application for State Airport Aid. You agreed, when the application was submitted to start the project within three months after approval or the grant would be null and void. The next to the last paragraph requires that the project be completed within one year unless it is partially funded by the Federal Aviation Administration (FAA). Please advise if circumstances beyond your control prevent the completion within the allotted time, otherwise, the grant may be canceled.

Payment of this grant may be made on completion of the project. Please request payment of this grant in writing and include your documentation for the project at that time.

Sincerely,

John Knight

John K. Knight
Director

JK/nb

RECEIVED

SEP 28 2007

AIRPORT

Handed out at the City Council meeting

10/2/07. Woodstock Community R-PZD 07-2576



THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

To: Mayor Dan Coody, City Council
From: Jeremy Pate, Director of Current Planning X
Date: 02 October, 2007
Subject: Woodstock Community PZD (R-PZD 07-2576) Amendments

The applicants for this project recently met with Ward 4 representatives and constituents and have submitted correspondence indicating amendments to the proposed Residential Planned Zoning District for Woodstock Community PZD in an attempt to alleviate some of the stated concerns.

The offered amendments, which would be added as conditions of approval attached to the staff report and filed in the office of the City Clerk, are described as follows:

ADDED CONDITIONS:

Street Improvements:

1. The applicant shall install a 5-foot sidewalk on one side of 46th Avenue from the southern boundary of the subject property to connect to the existing sidewalk along 46th Avenue, approximately 650 ft. to the south. The sidewalk shall be constructed within existing right-of-way where possible. Final location shall be approved by the City Engineer.
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Building Height:

3. Buildings B, E and G that front onto Wedington Drive shall be permitted two maximum building heights. The northern half of each building shall contain a maximum of three floors, not to exceed 50 feet in total height. The southern half of each building shall contain a maximum of four floors, not to exceed 62 feet in total height (*see attached diagram labeled "Amended Building Height"*).
4. Building I that fronts onto 46th Avenue shall be permitted two maximum building heights. The eastern half of the building shall contain a maximum of three floors, not to exceed 50 feet in total height. The western half of the building shall contain a maximum of four floors, not to exceed 62 feet in total height (*see attached diagram labeled "Amended Building Height"*).

Density:

5. The total number of dwelling units within Planning Area 1 (Mixed Use) shall subsequently be reduced by 40 units, in accordance with the reduction in building height of Buildings B, E, G and I. A maximum of 184 dwelling units shall be permitted within Planning Area 1, Mixed Use, which results in a total maximum number of 342 dwelling units on the subject property.

46th Avenue Access:

6. The northern- and southern-most access drives to 46th Avenue shall be constructed as ingress-only (the drive south of Building J and the drive south of Lot 54).

Stormwater Management Bond:

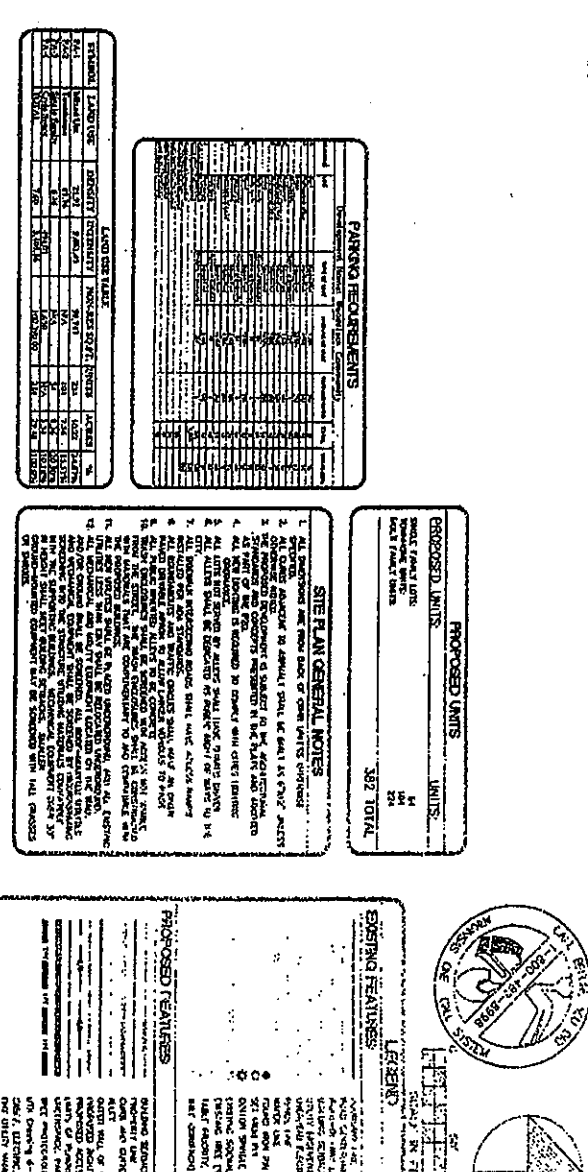
7. A Performance Guarantee shall be provided for Phases 2-7 of construction in the amount of 100% of the costs for installing the storm water erosion control devices and maintaining said devices for a period of one year. No grading beyond Phase I shall proceed on the future phases until the performance guarantee has been submitted and accepted by the City Engineer.

All conditions, if approved by the City Council, shall be reflected accordingly in the PZD booklets and plats and submitting to the Planning Division for final approval prior to issuance of any construction permits.

Attached to this memo is a graphic exhibit that also depicts the building height changes.

Staff recommends the City Council make a formal amendment to the PZD, accepting the additional conditions of approval as offered by the applicant and indicated herein. These conditions, should they be accepted, will then be added to the official conditions of approval as found on record with the office of the City Clerk/Treasurer.

**(Everything but Single Family)
Land Use Approval:
(Single Family Only)**

[illegible]

ACD

PLANNING
LANDSCAPE ARCHITECTURE
URBAN DESIGN
ENGINEERING

ARABIAN CENTRE FOR DESIGN

RECEIVED

OCT 02 2007

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

From: <BZiada@ceieng.com>
To: <mayor@ci.fayetteville.ar.us>
Date: 10/2/2007 1:31 PM
Subject: R-PZD 07-2576 (Woodstock Community)

CC: "Shirley Lucas" <ward4_pos1@ci.fayetteville.ar.us>, "Lionel Jordan" <llj...
Dear Mayor Coody and City council Members,

I will not be able to attend the City Council meeting for tonight October 2nd due to a last minute business trip.

Below are my comments for the proposed development:

Traffic:

At the last meeting on September 18th the developer in response to my questions regarding land use shown on his traffic report indicated that the 20,000 SF grocery store will be light and unlike Harp's store, there is no such thing in the development community around the country when calculating trip generation rates that one uses a term as light grocery, the developer is avoiding using the designated definition of grocery in the Institute of Transportation Engineers (ITE) trip generation manual, in turn he uses a general retail which generates a significant less number of trips. I don't understand how a light grocery store will be able to afford paying high rent when they are generating light traffic and not selling enough merchandise and making profit, is this the development that is going to be built, they may have in mind charging \$10.00 for a bottle of milk and so on based on the light traffic that they will be generating.

This is a misrepresentation to show the city less trips which in reality it is a lot more.

The city is calculating a cost sharing on Broyles traffic signal which will use tax payer's money and it should be done the correct way to make sure they pay their fare share of the cost of the improvements that they need to. The developer should have his traffic consultant come before you to present the traffic conditions that will be generated and the impact and mitigations that needs to be done by this proposed development. The traffic engineer can explain to you better from a technical stand point not a marketing version of the developer. The city needs to look very closely at the proposed land uses and make sure accurate information has been presented before making it this far in the process.

Drainage:

The exiting conditions on the subject site receives water run off from offsite around 100 acres of rainfall, any negative impact to the way off-site drainage is handled currently will have an impact on the adjacent properties causing flood damage to their properties including mine. The existing method currently is for the water to go through the drainage ditch to the southeast of the development and then into the 20 acre open field before leaving the site. To put the detention bond at the southeast part of the site and design it 8-10 feet deep is done to maximize the number of buildings on their property and cause the detention to function as a dam that will slow the flow of water into the west side of their proposed development, should there be any obstruction to the storm sewer or lack of maintenance in the detention pond will cause the water to be detained on adjoining properties causing flooding.

RECEIVED

The detention pond 100 year flood elevation should be kept inside the detention pond and not outside to prevent our properties from being used as a detention area. The developer should also document the finished floor elevation of all the properties that off-site drainage come from to make sure if there is any flooding or change from the pre-development conditions that the developer or the city takes full responsibility of correcting the damages. This is done around the country when there are known drainage problems and a development is being proposed to protect existing home owners.

Solution:

Move the detention bond from where it is proposed to be placed on the center of phase 7 and enlarge the size of the pond not in depth to provide safety and avoid flooding to adjoining property owners due to obstruction or lack of maintenance.

The city now is requiring the developer to posting a bond, this is a good start, if I may add this bond should have some conditions that the developer shall comply with such as building it according to the approved plans and specifications by the city and provide an As-Built drawing for all storm water structures before releasing the bond. Also the city needs to have a three year maintenance bond and a program on how the maintenance will be preformed, this is essential as most problems happen when it is not maintained.

Scale:

The proposed development is not to scale with the surrounding homes; it is the largest buildings west of the University besides the Holiday Inn off I-540. There need to be screening from the adjacent properties as it is a different zone to the south since a commercial building will be built first to avoid the headlight from the cars facing south to be shining into our homes, I would suggest screening walls or shrubs at a minimum of 4 feet.

Solution:

This project is best suited in areas off I-540

Truck Delivery and hours of operations:

No trucks delivery between the hours of 10:00 PM- 6:00 AM, any outdoor speakers or loud music at any facility within the proposed development past 10:00 PM.

Construction:

The phasing of this project is 8-10 years according to the developers plan; this will subject the surrounding homes to a construction period of up to 10 years of dust, noise, soil erosion. No construction entrance to the proposed site should be from 46th Ave.

Thank you

Bassam Ziada
723 N 46th Ave
Fayetteville, AR 72704
HM # 444-9044
Cell # 426-1380

Handed out at the City Council meeting

10/2/07. Woodstock Community R-PZD 07-2576



THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

To: Mayor Dan Coody, City Council
From: Jeremy Pate, Director of Current Planning X
Date: 02 October, 2007
Subject: Woodstock Community PZD (R-PZD 07-2576) Amendments

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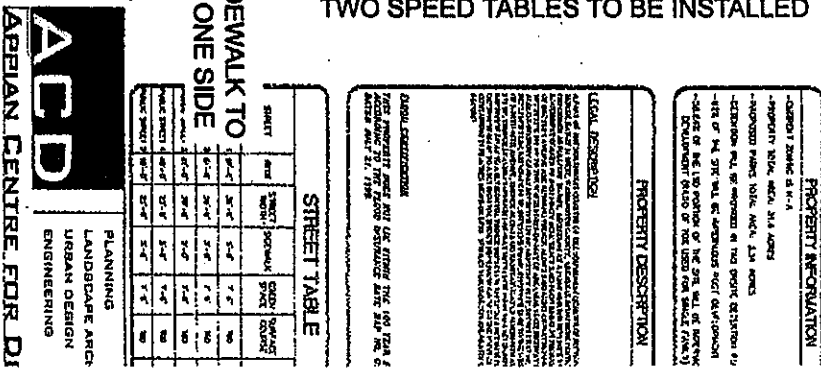
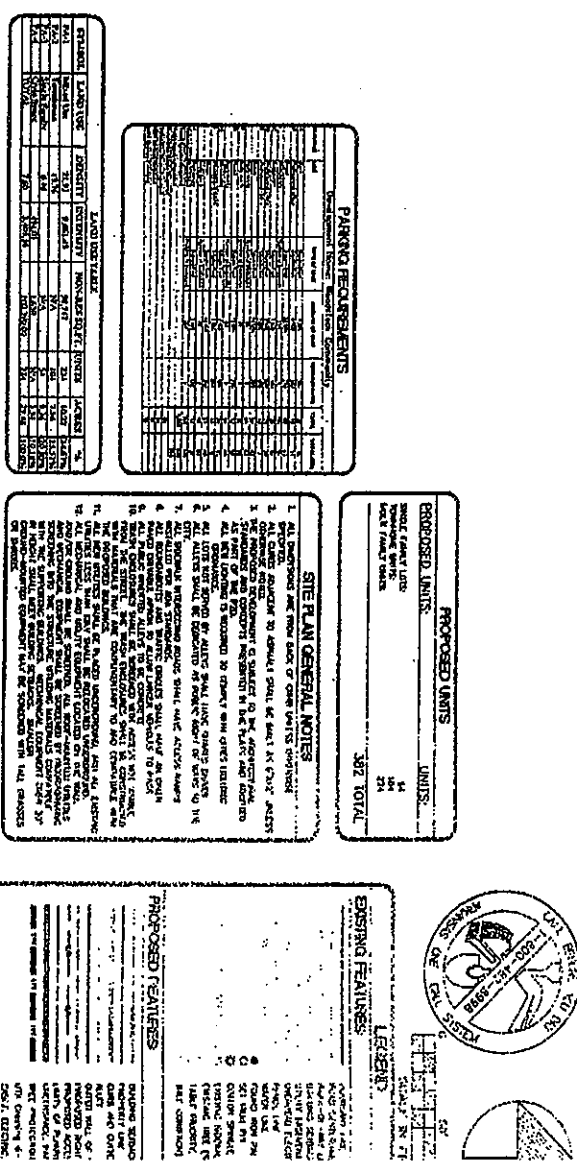
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(Everything but Single Family)
Land Use Approval:
(Single Family Only)

[illegible]

THIS INSTRUMENT PREPARED BY:

Donald E. Wilson, P.A.
Attorney at Law
P.O. Box 1285
Fayetteville, AR 72702-1285

Hobson, Inc. Appeal
Handed out at
the City Council
Meeting 9/18/07

BILL OF ASSURANCE

KNOW ALL MEN BY THESE PRESENTS:

THAT Hobson, Inc., an Arkansas Corporation, holds title to the following described lands situated in Washington County, Arkansas, to-wit:

A part of the SW $\frac{1}{4}$, of the SE $\frac{1}{4}$, Section 9, T-16-N, R-31-W described as beginning at a point S1°17'49"W 39.12 feet from the Northeast corner of said 40 acre tract, said point being on the South Right-of-Way of Arkansas Highway 16; thence S1°17'49" W 146.88 feet; thence along a fence S89°10'35" W 61.88 feet; thence N0°40'45" E 148.25 feet, to the said Highway Right-of-Way; thence along said Right-of-Way S89°33'25" E 63.44 feet, to the point of beginning, containing 0.21 acres, more or less, Washington County, Arkansas. Subject to a 18.00 foot road easement along the East side thereof.

-and-

A part of the SW $\frac{1}{4}$, of the SE $\frac{1}{4}$, Section 9, T-16-N, R-31-W described as beginning at a point S1°17'49" W 186.00 feet from the Northeast corner of said 40 acre tract; thence S1°17'49" W 381.00 feet; thence N89°32'06" W 250.00 feet; thence N1°17'49" E 373.78 feet; thence along a fence N88°41'34" E 188.33 feet, N89°10'35" E 61.88 feet, to the point of beginning, containing 2.17 acres, more or less, Washington County, Arkansas. Subject to: An 18.00 foot Road Easement along the East side thereof.

And having a property street address of 7613 Wedington (12611 Hwy 16W), Fayetteville, Arkansas.

The Grantor, Hobson, Inc., has filed its application with the City of Fayetteville for rezoning of the above-described property from R-A, Residential-Agricultural, to C-2, Thoroughfare Commercial.

As a part of this Bill of Assurance, certain safeguards and restrictions hereinafter referred to as "Restrictions" are hereby placed on the above-described real property.

RESTRICTIONS

The purpose of these restrictions is to restrict and limit the use of the above-described real property under a C-2 Zoning classification as set forth in Chapter 161.18,

District C-2, Thorough Commercial, of the Fayetteville Unified Development Code, to the following permitted uses, as follows:

Unit 12	Offices, studios and related services
Unit 17	Trades and services
Unit 25	Commercial offices

It is the intention of these restrictions to limit the permitted uses as described above, and to restrict all other uses of the said property.

The hereinabove-described real property shall be used only for the permitted uses described in Unit 12, Unit 17, and Unit 25 of Chapter 161.18 of the Fayetteville Unified Development Code.

IN WITNESS WHEREOF, the name of the Grantor is hereunto affixed by its undersigned representative this 18 day of September, 2007.

Hobson, Inc.

By: David Pearce, President
David Pearce, President

By: Patricia Pearce
Patricia Pearce, Secretary

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) SS
COUNTY OF WASHINGTON)

On this 18 day of September, 2007, before me, a Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared David Pearce and Patricia Pearce, who acknowledged themselves to be the President and Secretary, respectively, of Hobson, Inc., an Arkansas Corporation, and that they, as such President and Secretary of said corporation, being authorized so to do, executed the foregoing instrument for and in the name and behalf of said corporation by signing the name of the corporation by themselves as President and Secretary, and further stated and acknowledged that they had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

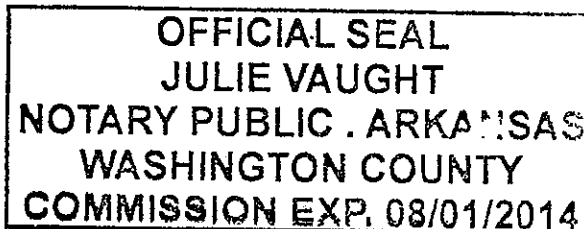
My Commission Expires:

8-1-2014

(Note: Legal Description is
not scrivener's description)



Notary Public



THIS INSTRUMENT PREPARED BY:

Donald E. Wilson, P.A.
Attorney at Law
P.O. Box 1285
Fayetteville, AR 72702-1285

Add to Final
Hobson, Inc. Appeal
9/18/07 Agenda.

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Left on the first reading 9/18/07

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My Commission Expires:

Notary Public

(Note: Legal Description is
not scrivener's description)

*Handed out at Agenda
Session 9/11/07*

CITY COUNCIL MAPS

September 18, 2007

**College Avenue Townhomes PZD
Arcadian Court PZD
Walgreens Vacation
Hobson, Inc. Rezoning Appeal**

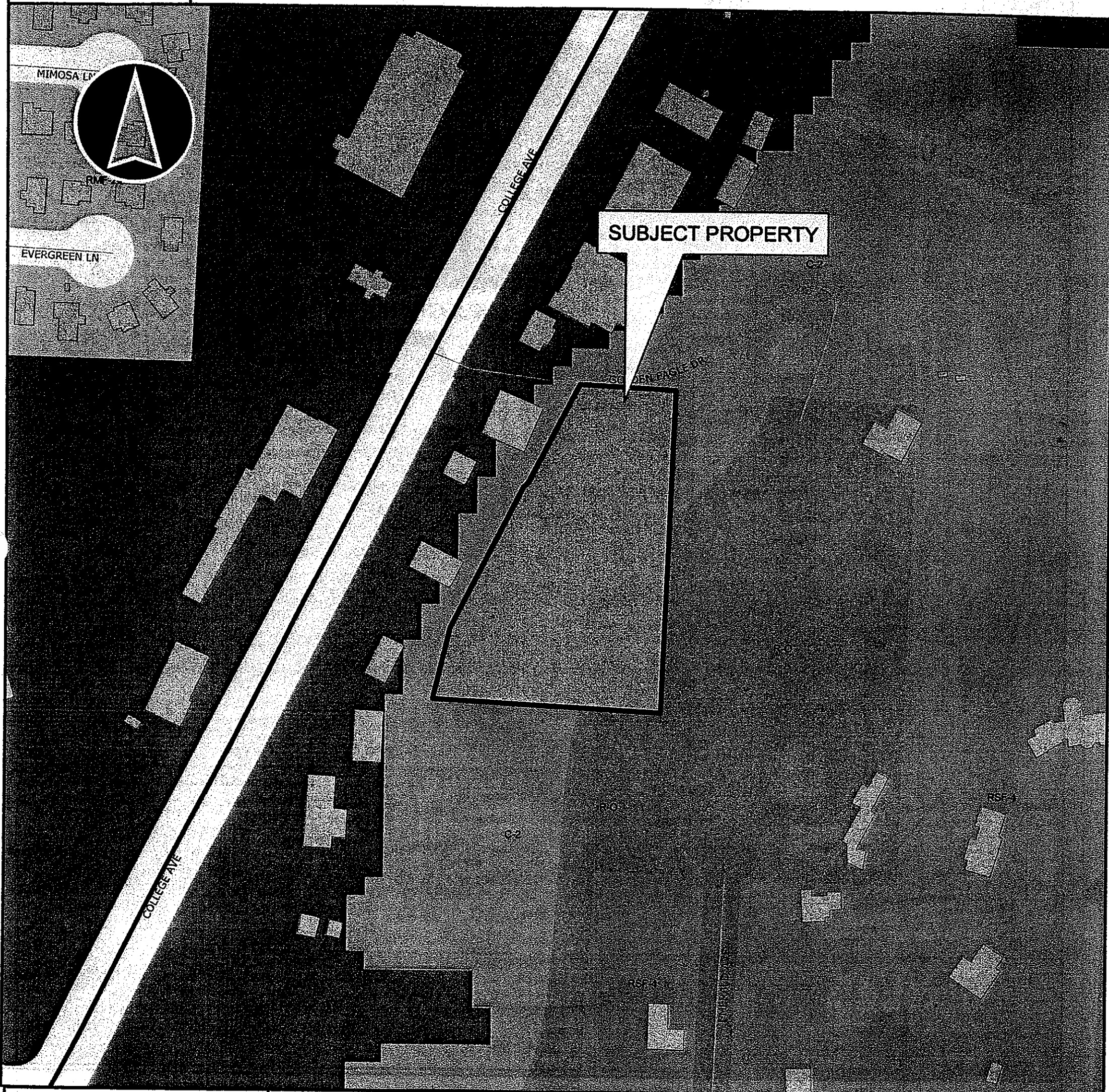
THE UNIVERSITY OF CHICAGO
LIBRARY

THE UNIVERSITY OF CHICAGO
LIBRARY
1100 EAST 58TH STREET
CHICAGO, ILL. 60637

RPZD07-2649

Close Up View

COLLEGE AVENUE TOWNHOMES



Overview

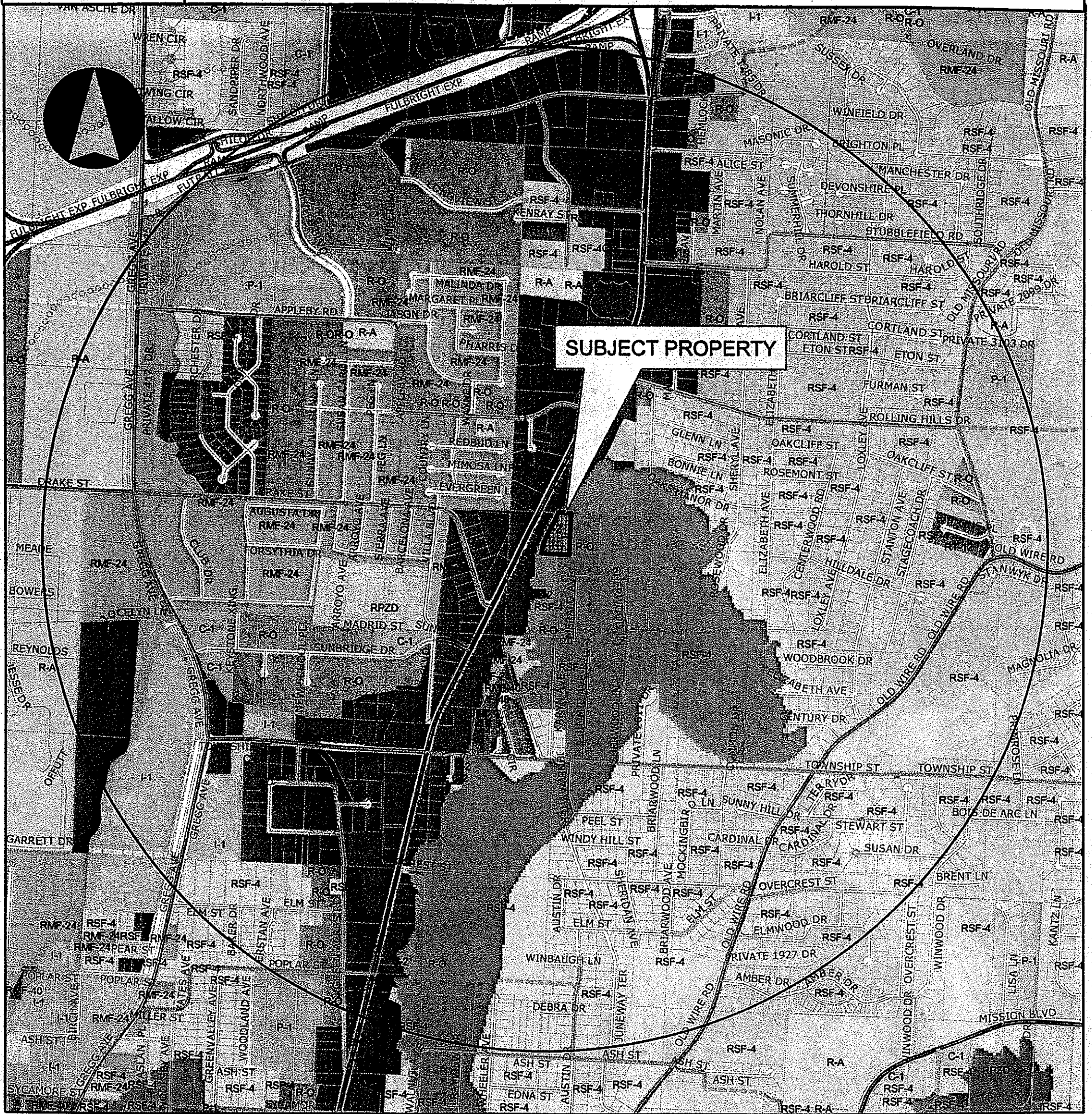


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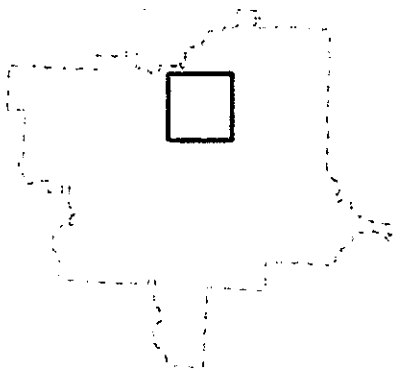
RPZD07-2649

One Mile View

COLLEGE AVENUE TOWNHOMES



Overview



Legend

Subject Property

RPZD07-2649

Boundary

Planning Area

Overlay District

Outside City

Legend

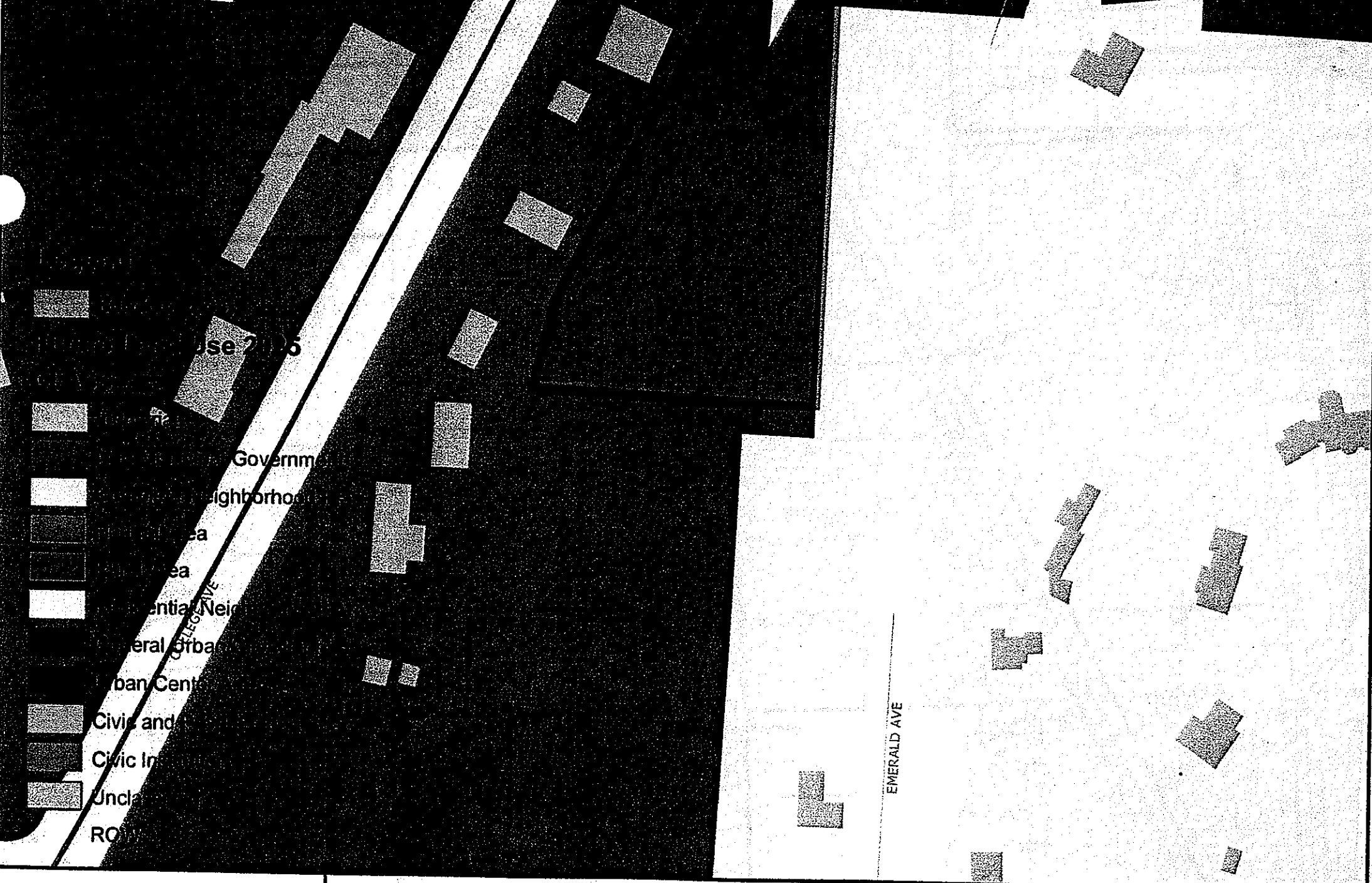
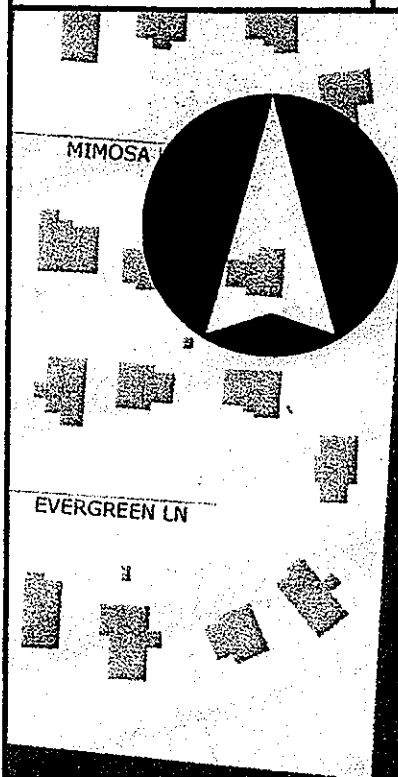
Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

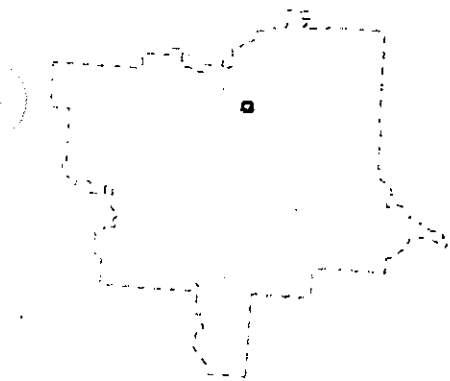
RPZD07-2649

COLLEGE AVENUE TOWNHOMES

Future Land Use



Overview



Legend

Subject Property

RPZD07-2649

Streets

Existing

Planned

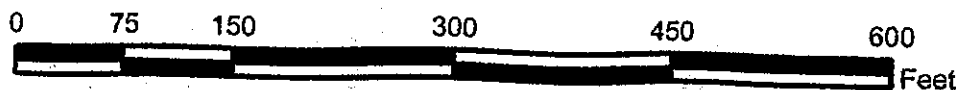
Boundary

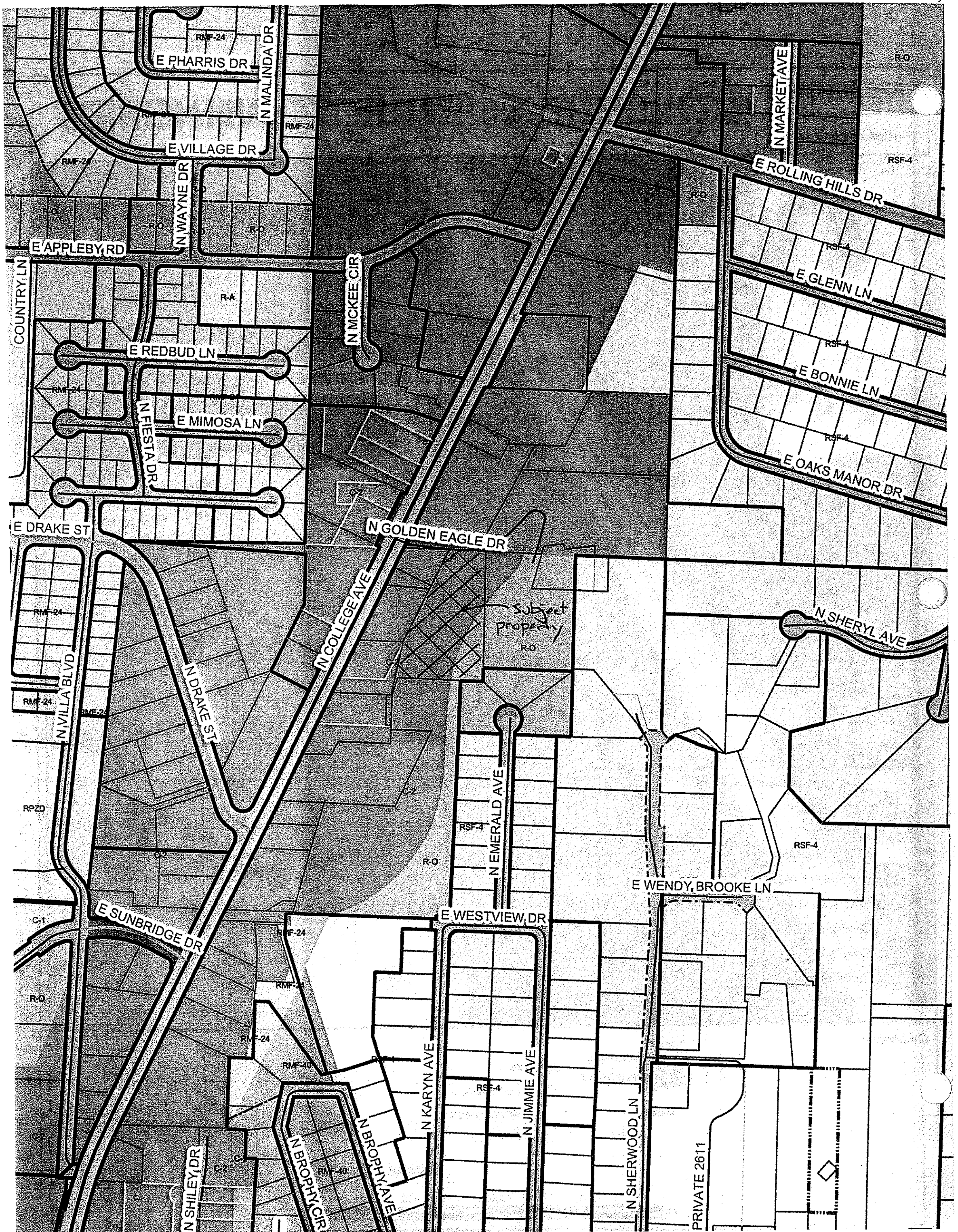
Planning Area

Overlay District

Outside City

Legend

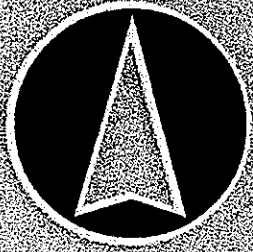




RPZD07-2680

Close Up View

ARCADIAN COURT



R-A

SUBJECT PROPERTY

DEANE ST

DEANE ST

LEWIS AVE

LEWIS AVE

REAP DR

LEWIS AVE

LEWIS AVE

RSF-4

RT-12

RSF-4

RSF-4

P-1

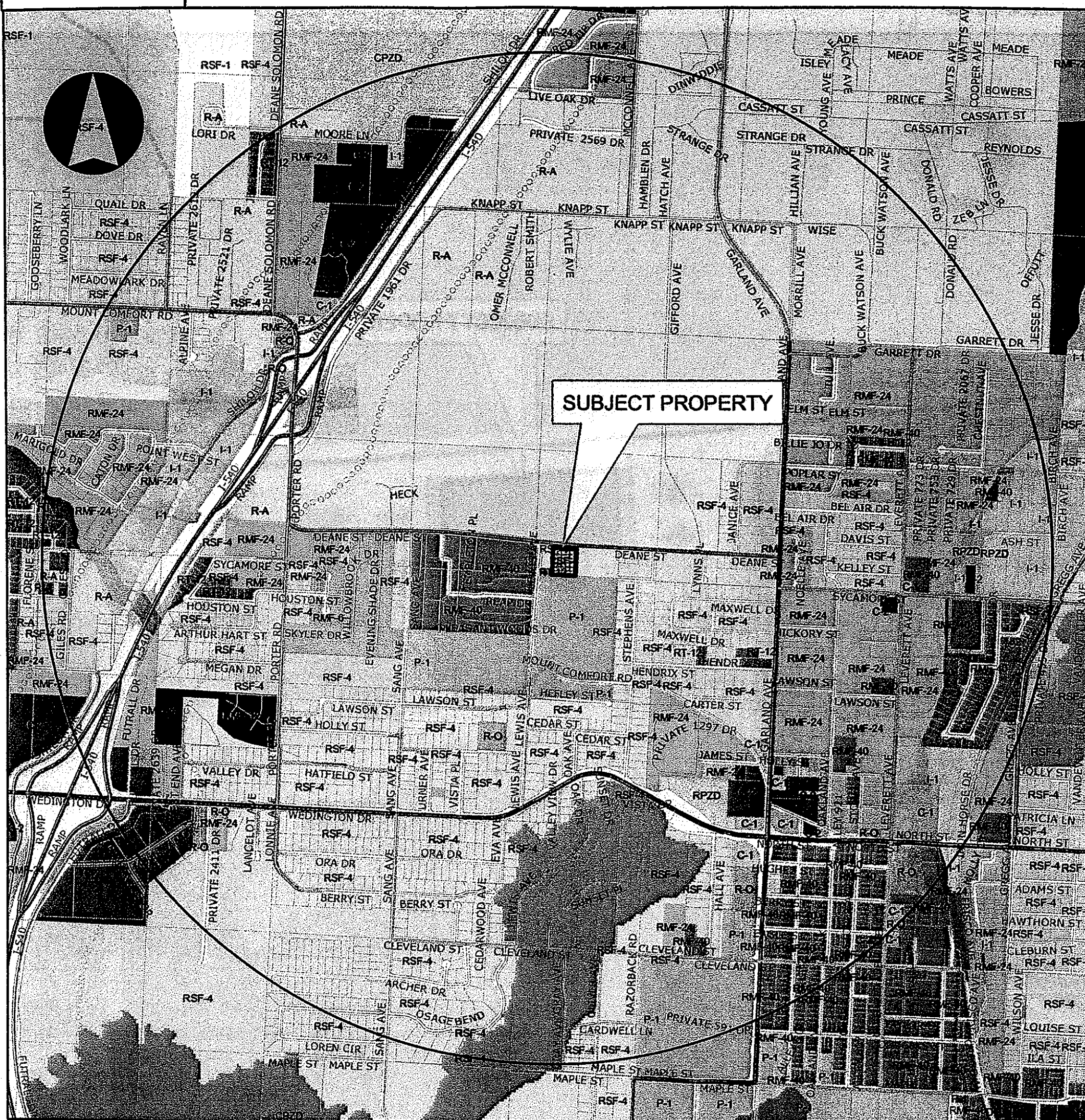
RSF-4

Overview

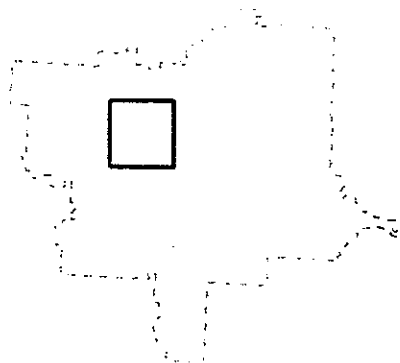


0 75 150 300 450 600 Feet

One Mile View



Overview



Subject Property
 RPZD07-2680

 Planning Area
 Overlay District
 Outside City

Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

RPZD07-2680

Future Land Use

ARCADIAN COURT

SUBJECT PROPERTY

DEANE ST

DEANE ST

LEWIS AVE

PRESERVATION DR

REAP DR

LEWIS AVE

LEWIS AVE

Legend

Building (2004)

Future Land Use 2025

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

RPZD07-2680

Boundary

Planning Area

Overlay District

Outside City

Streets

Existing

Planned

Legend

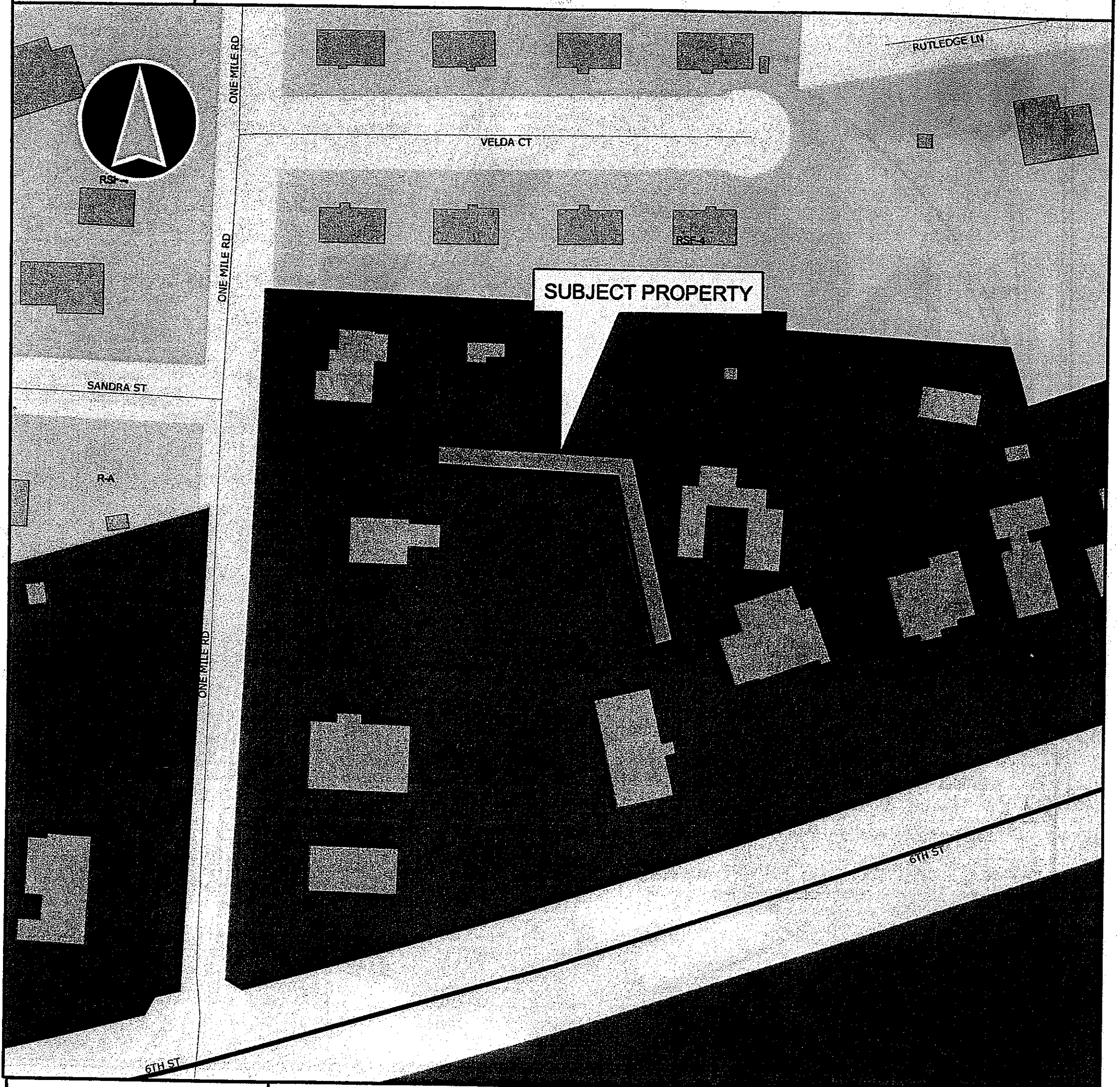
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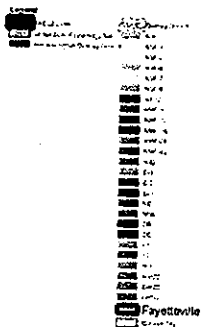
VAC07-2688

Close Up View

WALGREENS @6TH AND ONE MILE RD



Overview

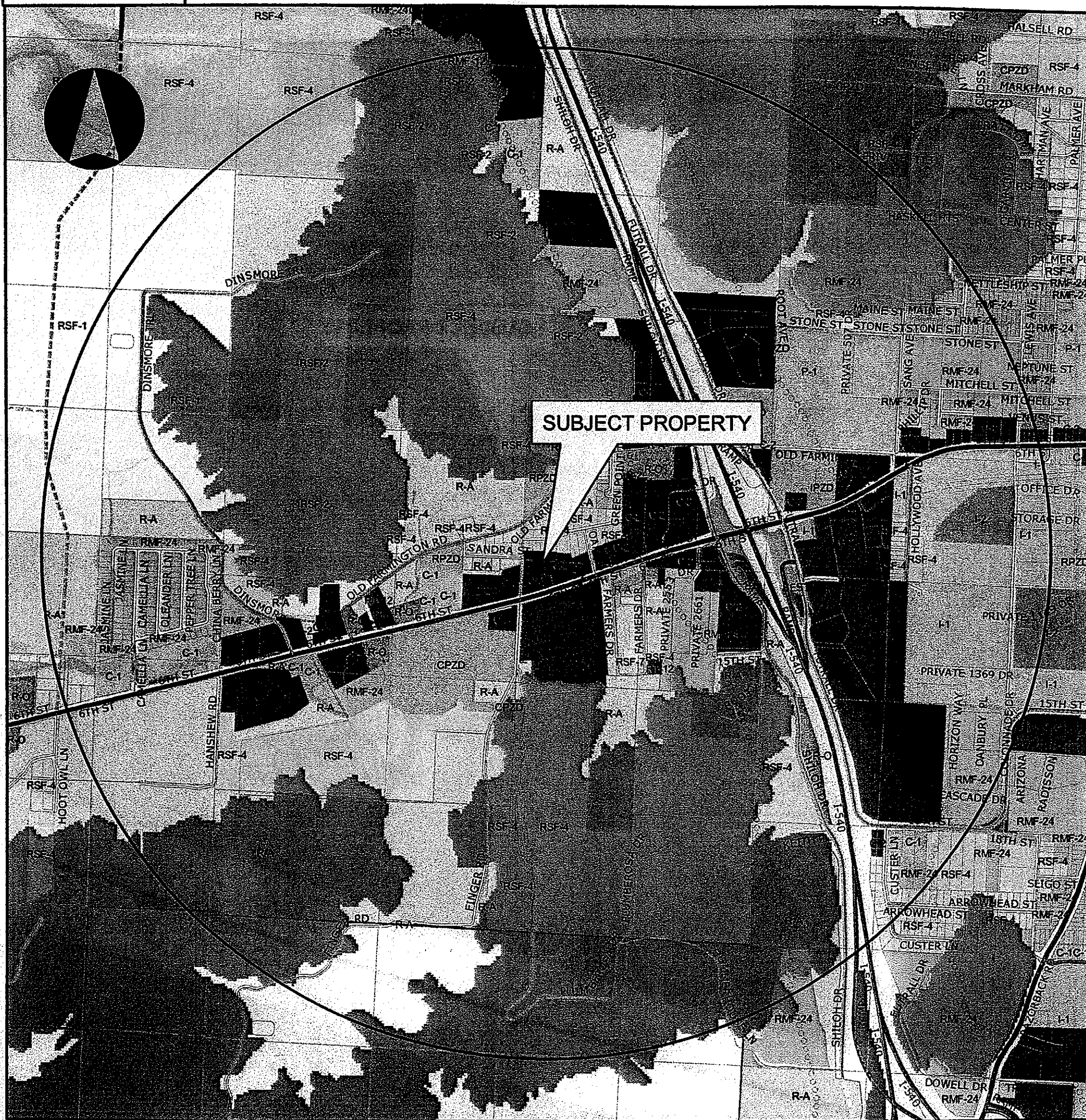


0 37.5 75 150 225 300 Feet

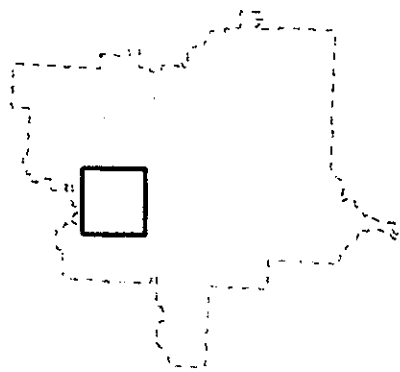
VAC07-2688

One Mile View

WALGREENS @6TH AND ONE MILE RD



Overview



Legend

Subject Property

VAC07-2688

Boundary

Planning Area

Overlay District

Outside City

Legend

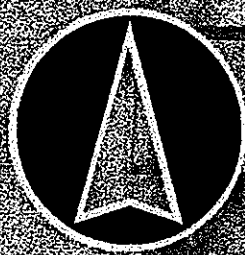
Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

RZN07-2667

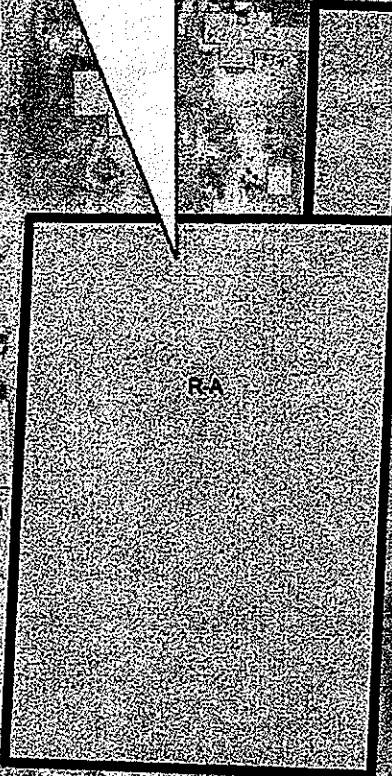
HOBSON INC.

Close Up View

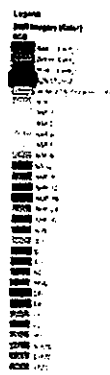


SUBJECT PROPERTY

HIGHWAY 16



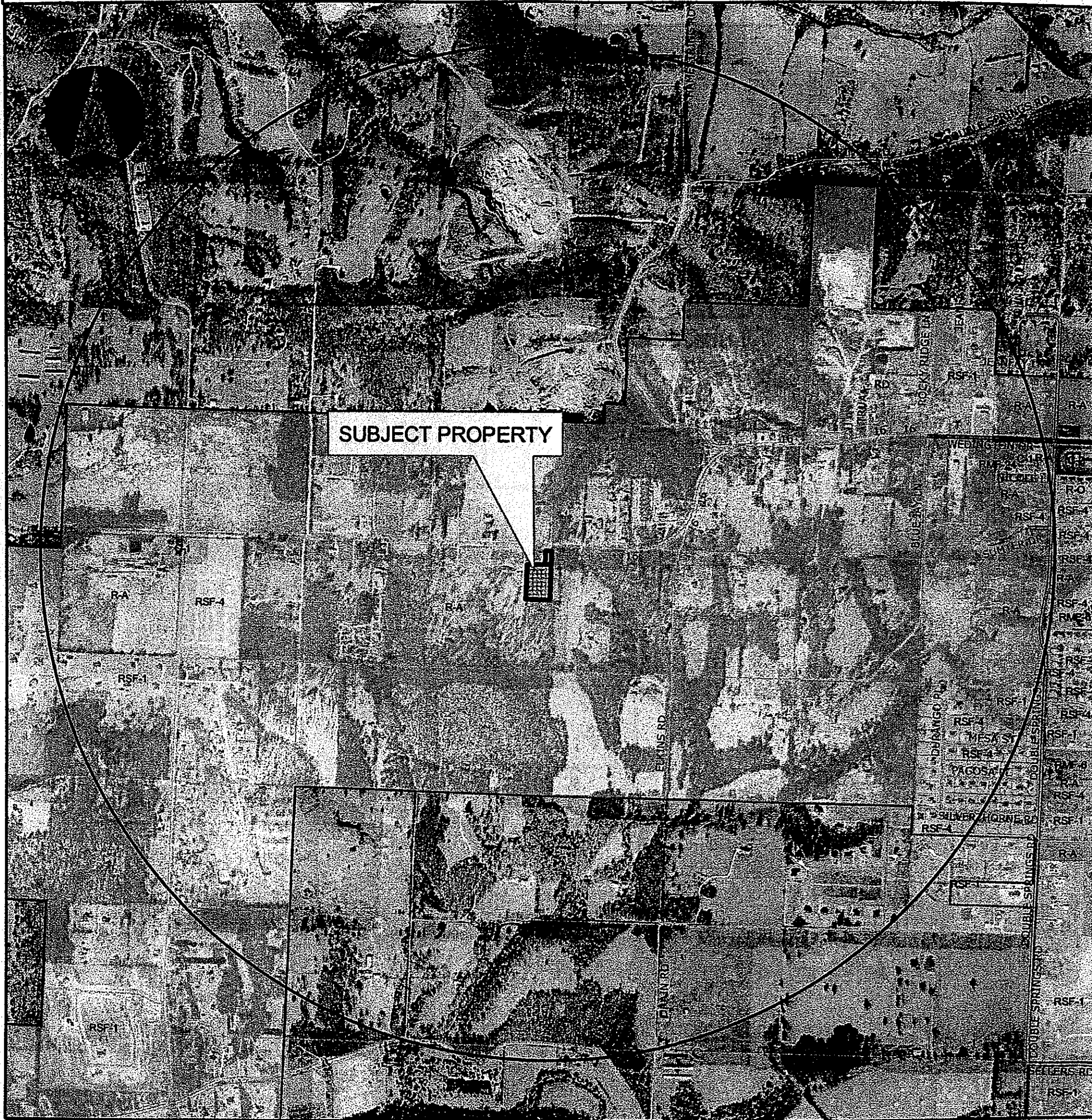
Overview



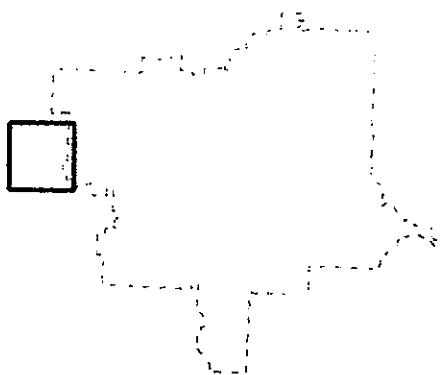
RZN07-2667

HOBSON INC.

One Mile View



Overview



Legend

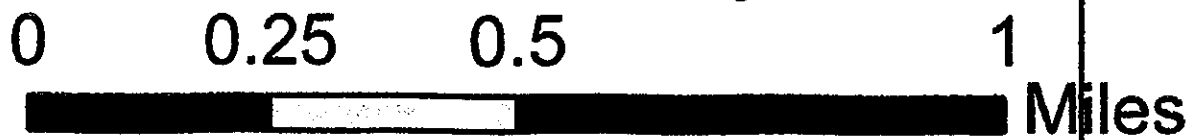
Subject Property



RZN07-2667

Boundary

Legend



RZN07-2667

Future Land Use

HOBSON INC.

SUBJECT PROPERTY

HIGHWAY 16

Legend

Building (2004)

Future Land Use 2025

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

RZN07-2667

Boundary

Streets

Existing

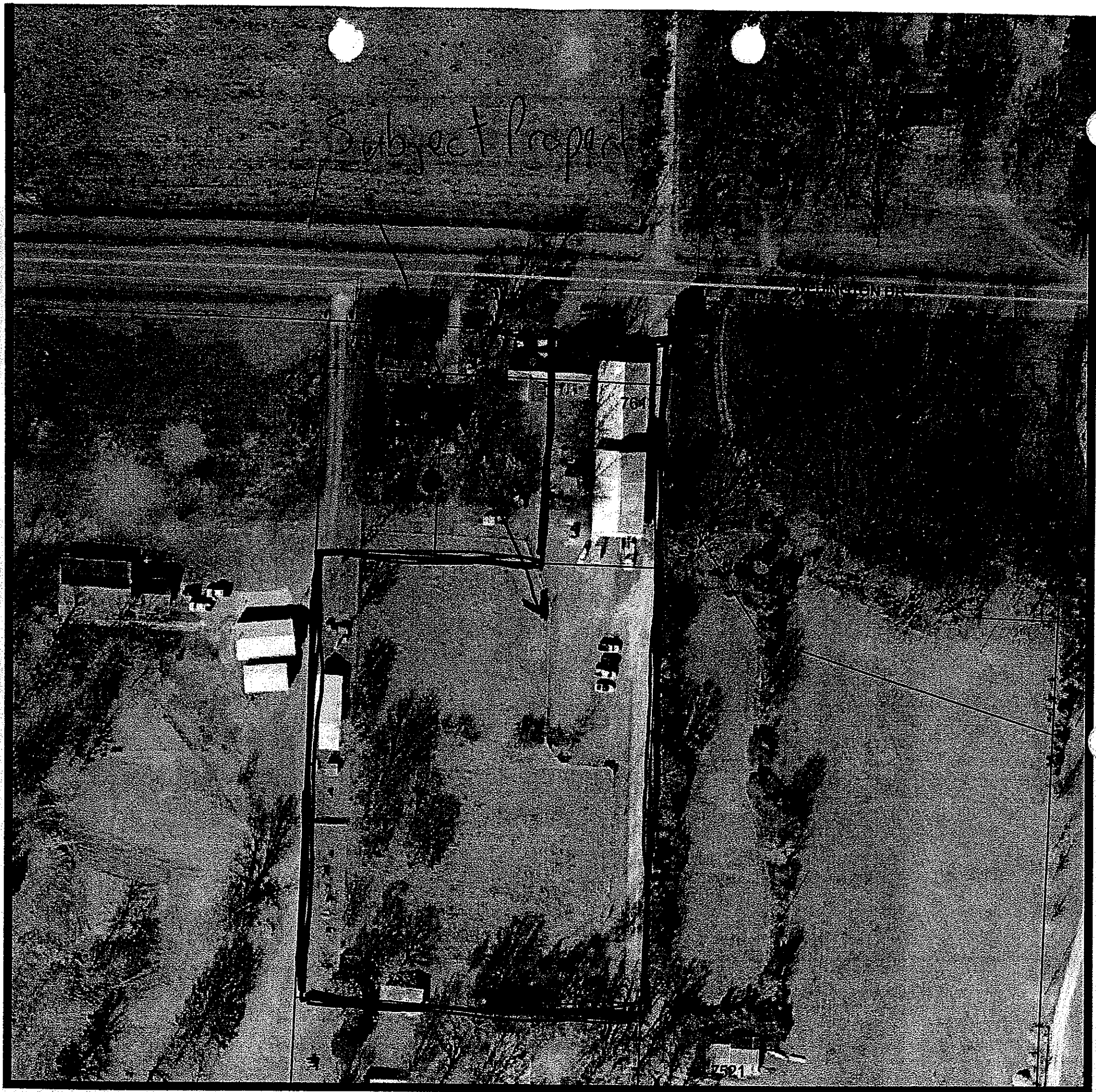
Planned

Planning Area

Overlay District

Legend

0 75 150 300 450 600 Feet

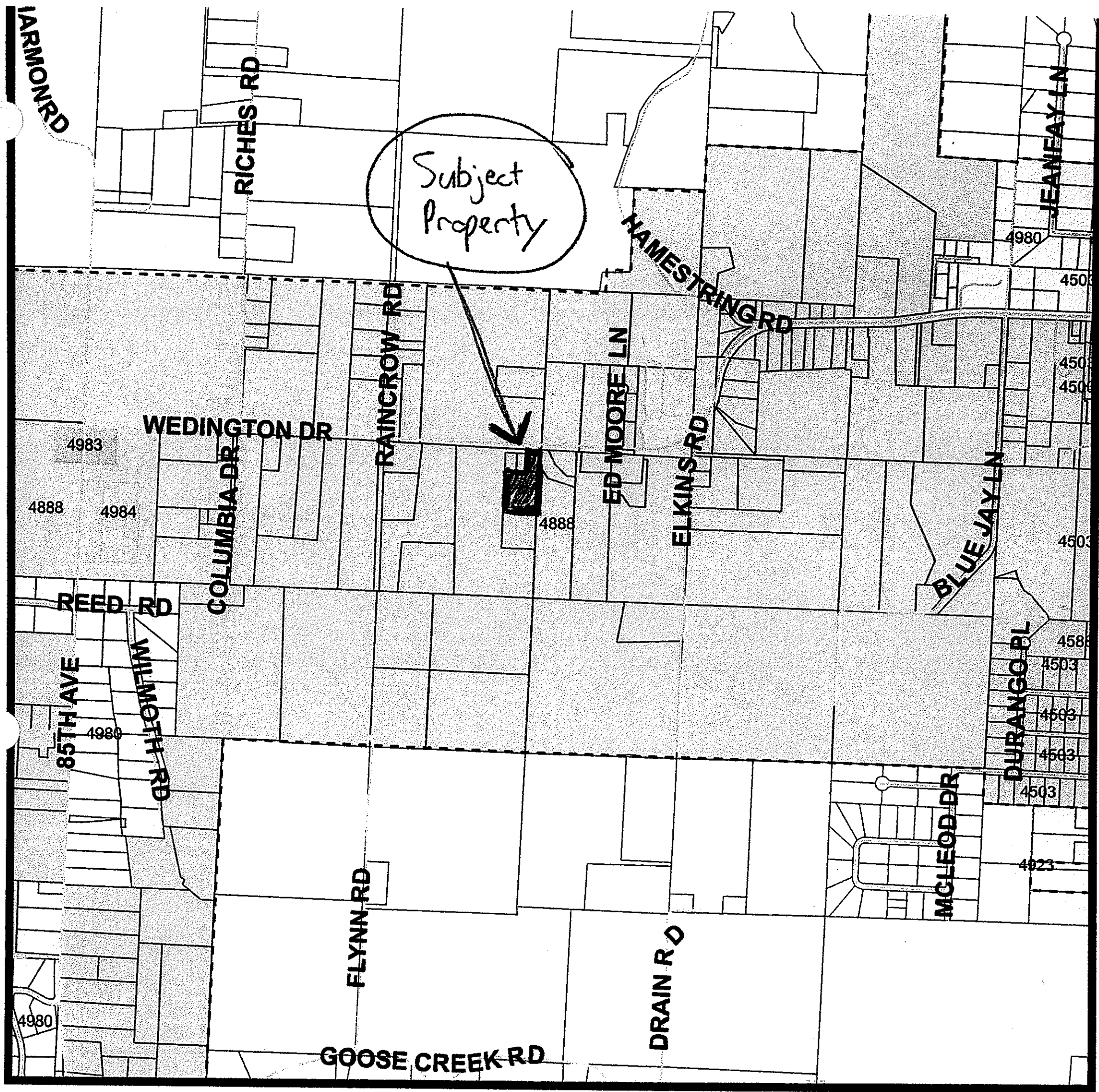


RZN 07-2667 (Hobson, Inc.)



1 inch equals 119.529068 feet





RZN 07-2667 (Hobson, Inc.)



1 inch equals 1,250 feet



THIS INSTRUMENT PREPARED BY:

Donald E. Wilson, P.A.
Attorney at Law
P.O. Box 1285
Fayetteville, AR 72702-1285

Hobson, Inc. Appeal
Handed out at
the City Council
Meeting 9/18/07

BILL OF ASSURANCE

KNOW ALL MEN BY THESE PRESENTS:

THAT Hobson, Inc., an Arkansas Corporation, holds title to the following described lands situated in Washington County, Arkansas, to-wit:

A part of the SW $\frac{1}{4}$, of the SE $\frac{1}{4}$, Section 9, T-16-N, R-31-W described as beginning at a point S1°17'49"W 39.12 feet from the Northeast corner of said 40 acre tract, said point being on the South Right-of-Way of Arkansas Highway 16; thence S1°17'49" W 146.88 feet; thence along a fence S89°10'35" W 61.88 feet; thence N0°40'45" E 148.25 feet, to the said Highway Right-of-Way; thence along said Right-of-Way S89°33'25" E 63.44 feet, to the point of beginning, containing 0.21 acres, more or less, Washington County, Arkansas. Subject to a 18.00 foot road easement along the East side thereof.

-and-

A part of the SW $\frac{1}{4}$, of the SE $\frac{1}{4}$, Section 9, T-16-N, R-31-W described as beginning at a point S1°17'49" W 186.00 feet from the Northeast corner of said 40 acre tract; thence S1°17'49" W 381.00 feet; thence N89°32'06" W 250.00 feet; thence N1°17'49" E 373.78 feet; thence along a fence N88°41'34" E 188.33 feet, N89°10'35" E 61.88 feet, to the point of beginning, containing 2.17 acres, more or less, Washington County, Arkansas. Subject to: An 18.00 foot Road Easement along the East side thereof.

And having a property street address of 7613 Wedington (12611 Hwy 16W), Fayetteville, Arkansas.

The Grantor, Hobson, Inc., has filed its application with the City of Fayetteville for rezoning of the above-described property from R-A, Residential-Agricultural, to C-2, Thoroughfare Commercial.

As a part of this Bill of Assurance, certain safeguards and restrictions hereinafter referred to as "Restrictions" are hereby placed on the above-described real property.

RESTRICTIONS

The purpose of these restrictions is to restrict and limit the use of the above-described real property under a C-2 Zoning classification as set forth in Chapter 161.18,

District C-2, Thorough Commercial, of the Fayetteville Unified Development Code, to the following permitted uses, as follows:

Unit 12	Offices, studios and related services
Unit 17	Trades and services
Unit 25	Commercial offices

It is the intention of these restrictions to limit the permitted uses as described above, and to restrict all other uses of the said property.

The hereinabove-described real property shall be used only for the permitted uses described in Unit 12, Unit 17, and Unit 25 of Chapter 161.18 of the Fayetteville Unified Development Code.

IN WITNESS WHEREOF, the name of the Grantor is hereunto affixed by its undersigned representative this 18 day of September, 2007.

Hobson, Inc.

By: David Pearce, President
David Pearce, President

By: Patricia Pearce
Patricia Pearce, Secretary

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) SS
COUNTY OF WASHINGTON)

On this 18 day of September, 2007, before me, a Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared David Pearce and Patricia Pearce, who acknowledged themselves to be the President and Secretary, respectively, of Hobson, Inc., an Arkansas Corporation, and that they, as such President and Secretary of said corporation, being authorized so to do, executed the foregoing instrument for and in the name and behalf of said corporation by signing the name of the corporation by themselves as President and Secretary, and further stated and acknowledged that they had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

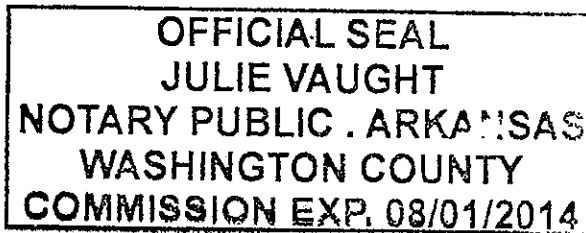
My Commission Expires:

8-1-2014

(Note: Legal Description is
not scrivener's description)



Notary Public



THIS INSTRUMENT PREPARED BY:

Donald E. Wilson, P.A.
Attorney at Law
P.O. Box 1285
Fayetteville, AR 72702-1285

Add to Final
Hobson, Inc. Appeal
9/18/07 Agenda.

BILL OF ASSURANCE

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Left on the first reading 9/18/07

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IN WITNESS WHEREOF, the name of the Grantor is hereunto affixed by its undersigned representative this _____ day of _____, 2007.

Hobson, Inc.

By: _____
David Pearce, President

By: _____
Patricia Pearce, Secretary

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) SS
COUNTY OF WASHINGTON)

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IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires:

Notary Public

(Note: Legal Description is
not scrivener's description)

*Handed out at Agenda
Session 9/11/07*

CITY COUNCIL MAPS

September 18, 2007

**College Avenue Townhomes PZD
Arcadian Court PZD
Walgreens Vacation
Hobson, Inc. Rezoning Appeal**

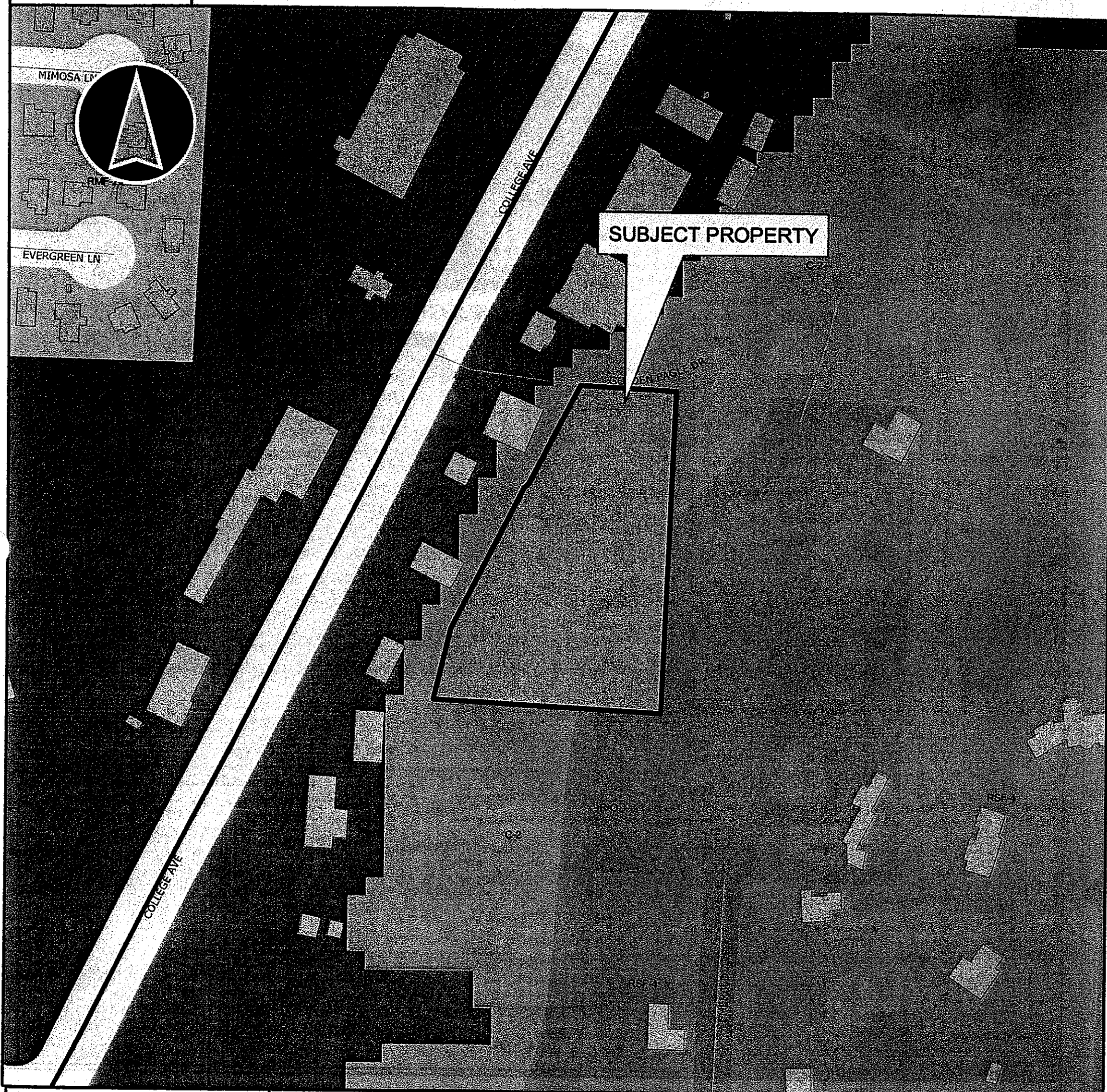
THE UNIVERSITY OF CHICAGO
LIBRARY

THE UNIVERSITY OF CHICAGO
LIBRARY
1100 EAST 58TH STREET
CHICAGO, ILL. 60637

RPZD07-2649

Close Up View

COLLEGE AVENUE TOWNHOMES



Overview

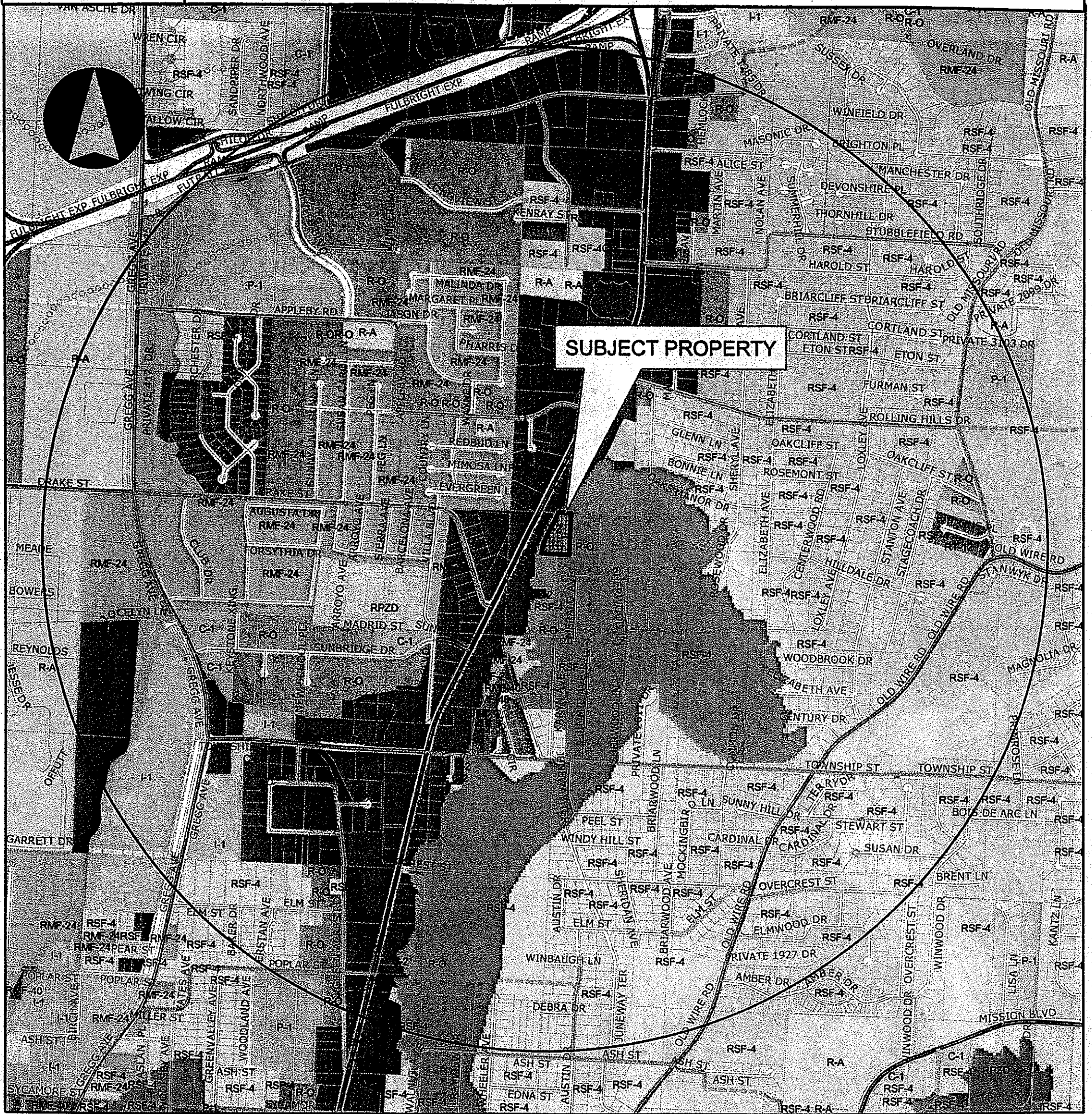


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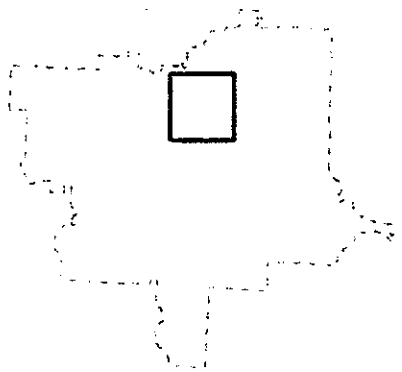
RPZD07-2649

One Mile View

COLLEGE AVENUE TOWNHOMES



Overview



Legend

Subject Property

RPZD07-2649

Boundary

Planning Area

Overlay District

Outside City

Legend

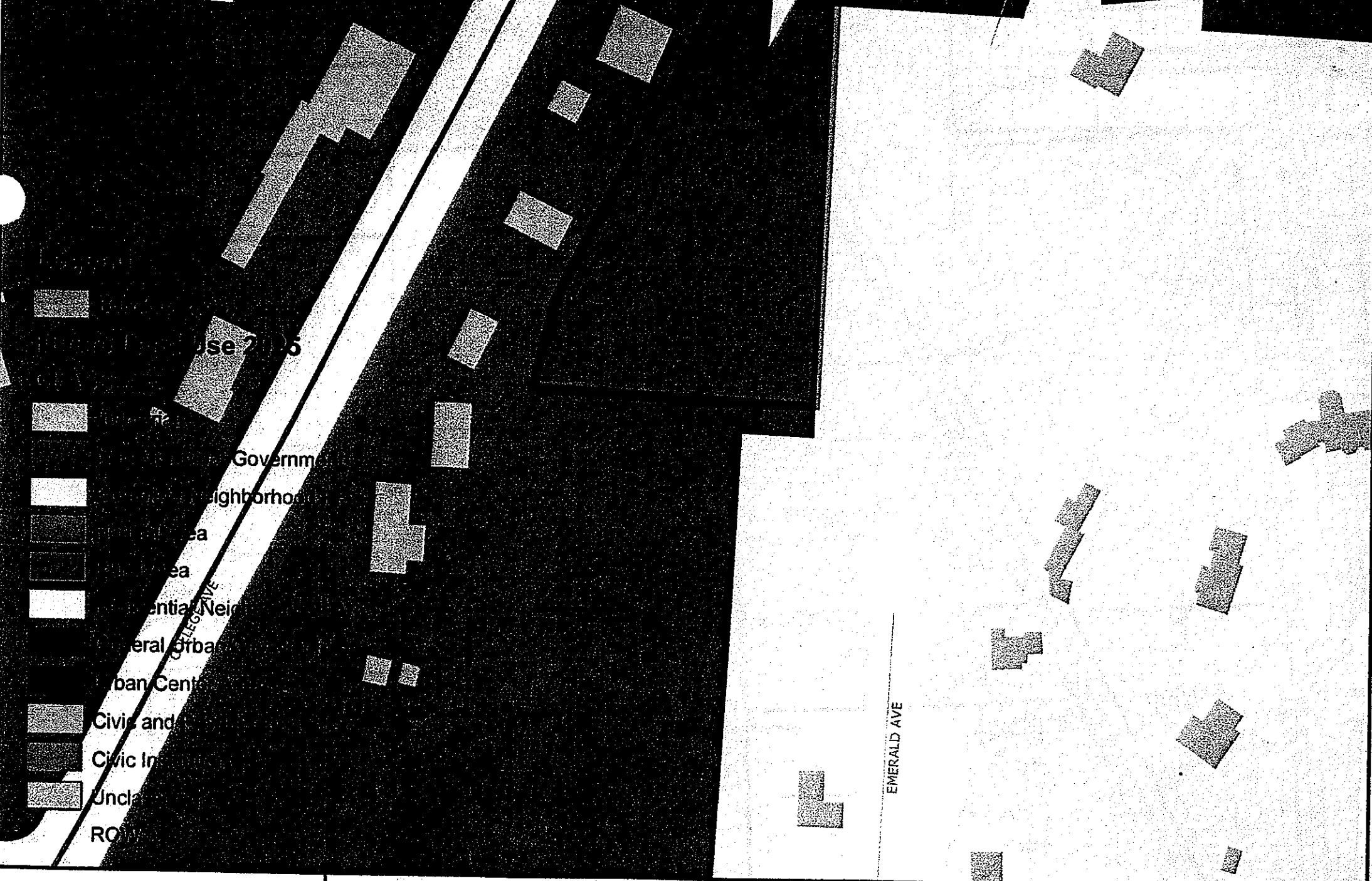
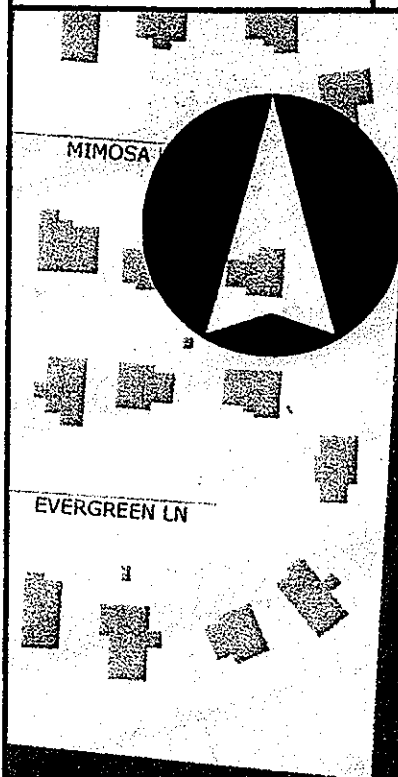
Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

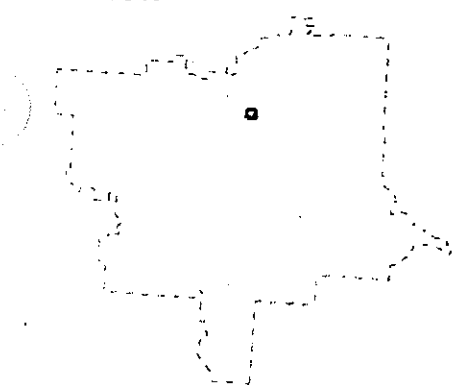
RPZD07-2649

COLLEGE AVENUE TOWNHOMES

Future Land Use



Overview



Legend

Subject Property

RPZD07-2649

Streets

Existing

Planned

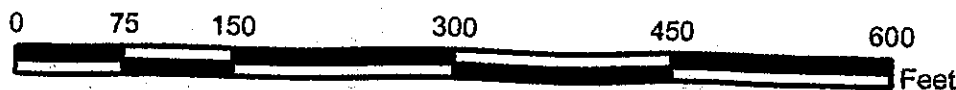
Boundary

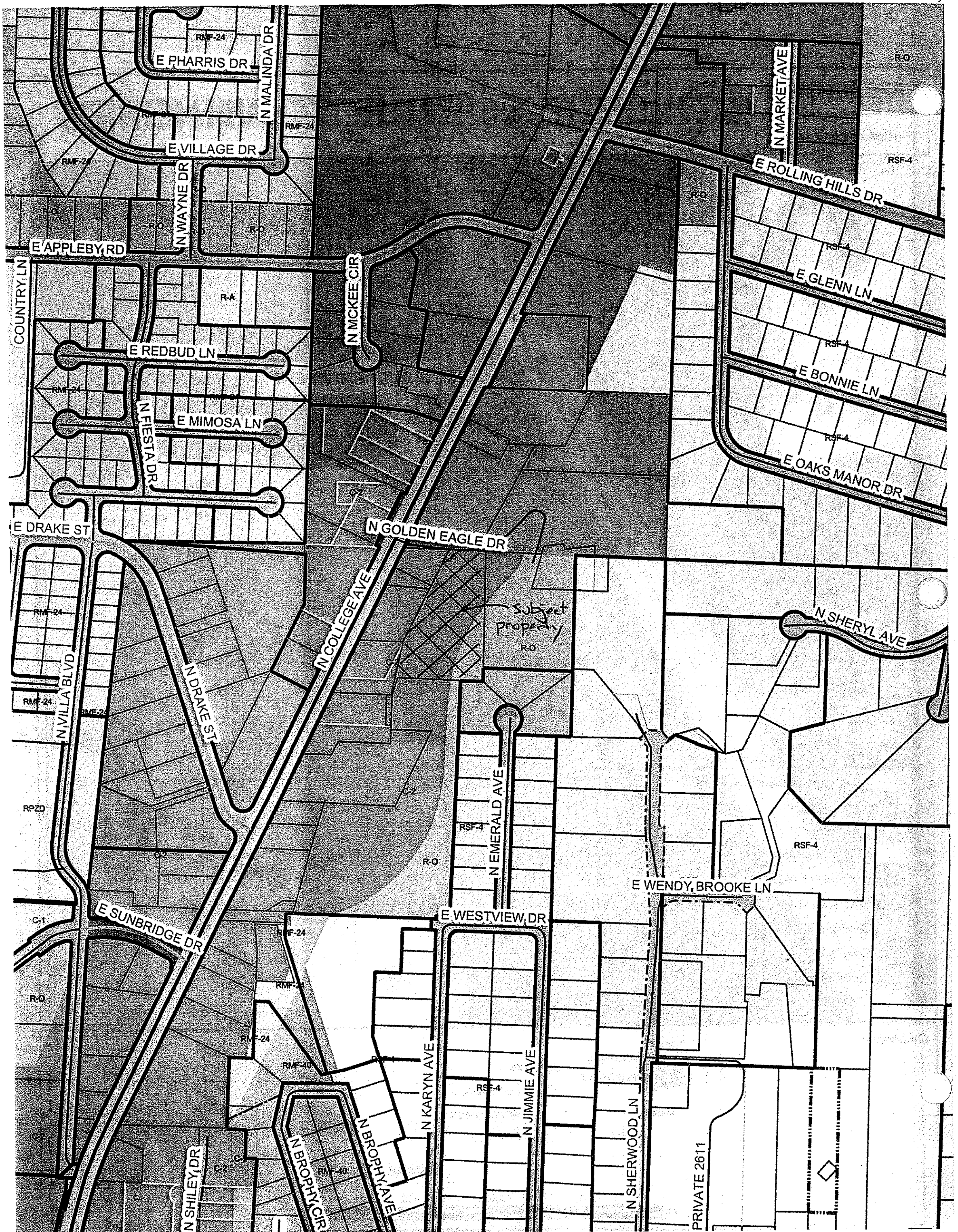
Planning Area

Overlay District

Outside City

Legend

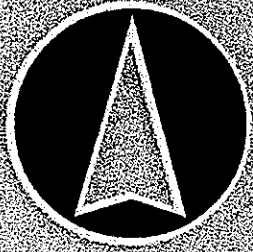




RPZD07-2680

Close Up View

ARCADIAN COURT



R-A

SUBJECT PROPERTY

DEANE ST

DEANE ST

LEWIS AVE

LEWIS AVE

REAP DR

LEWIS AVE

LEWIS AVE

RSF-4

RT-12

RSF-4

RSF-4

P-1

RSF-4

Overview



0 75 150 300 450 600 Feet

One Mile View

This is a detailed plat map of a residential area in St. Louis, Missouri. The map shows a grid of streets with various zoning designations. A callout box labeled "SUBJECT PROPERTY" points to a specific lot. The map includes a north arrow in the top left corner and various street names such as Knapp St, Deane St, and Harrison St. Zoning codes like RSF-4, RMF-24, and P-1 are indicated throughout the map.

Subject Property
 RPZD07-2680

 Planning Area
 Overlay District
 Outside City

Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

RPZD07-2680

Future Land Use

ARCADIAN COURT

SUBJECT PROPERTY

DEANE ST

DEANE ST

LEWIS AVE

PRESERVATION DR

REAP DR

LEWIS AVE

LEWIS AVE

Legend

Building (2004)

Future Land Use 2025

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

RPZD07-2680

Boundary

Planning Area

Overlay District

Outside City

Streets

Existing

Planned

Legend

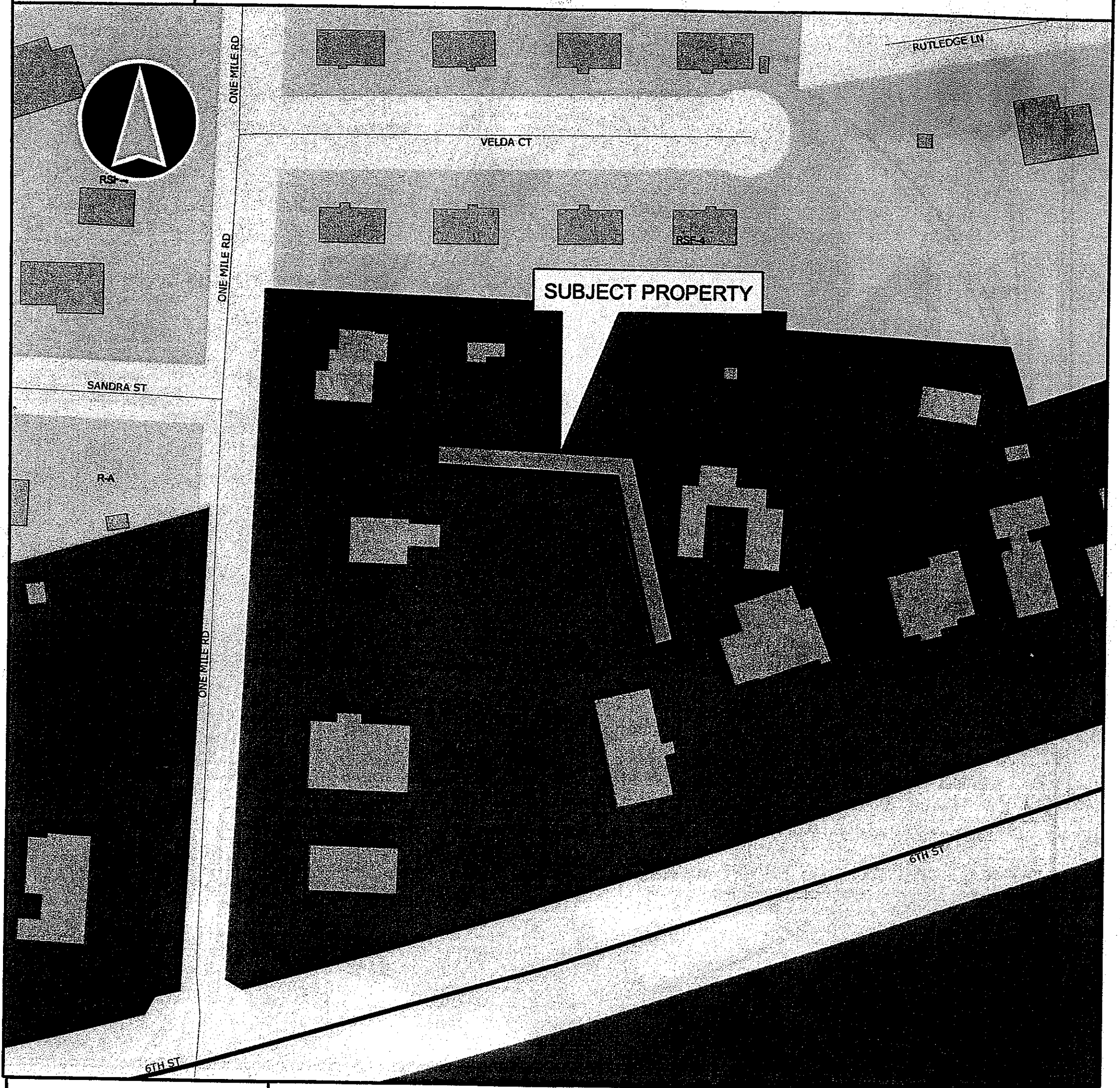
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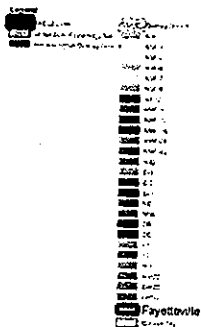
VAC07-2688

Close Up View

WALGREENS @6TH AND ONE MILE RD



Overview

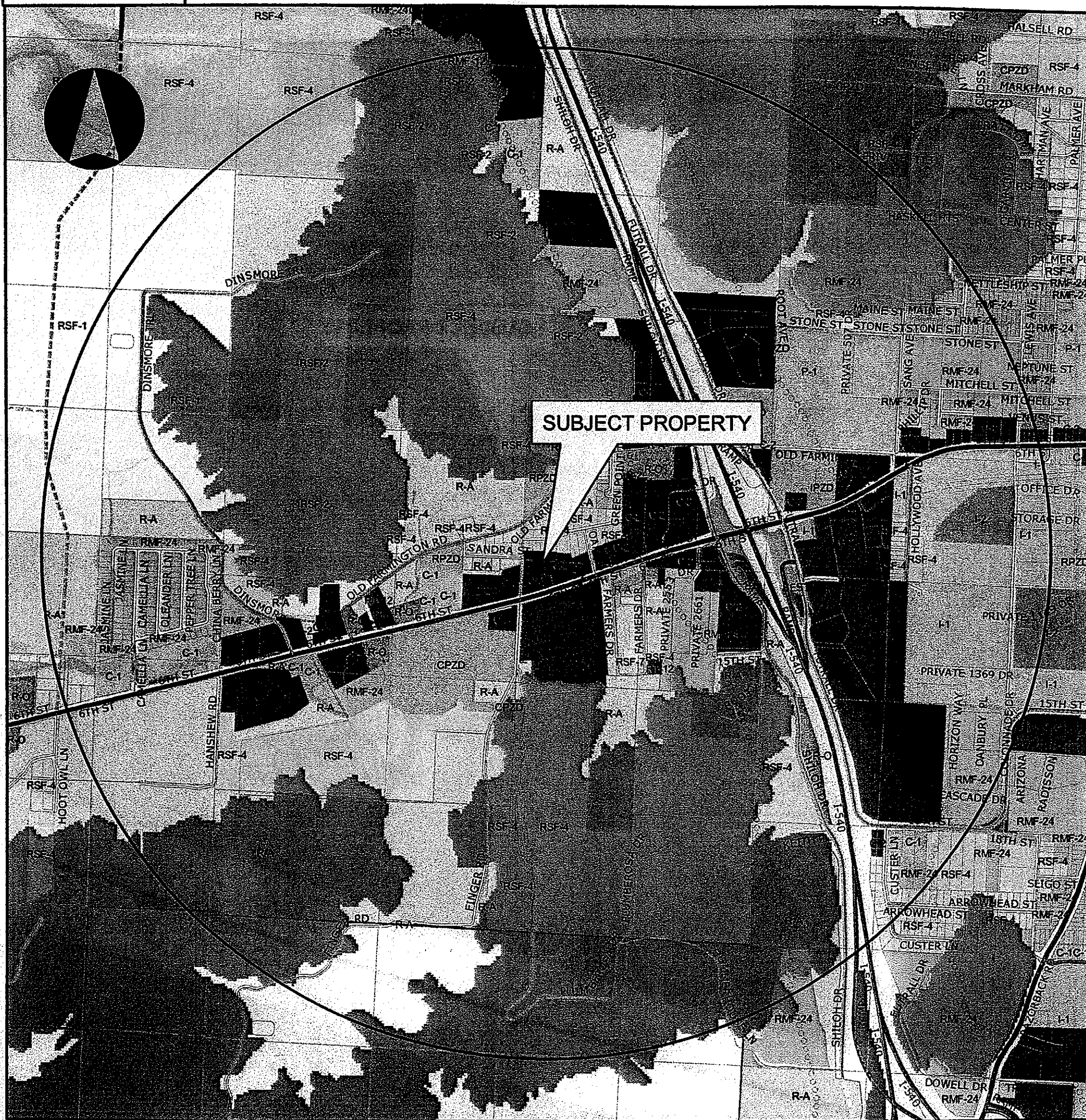


0 37.5 75 150 225 300 Feet

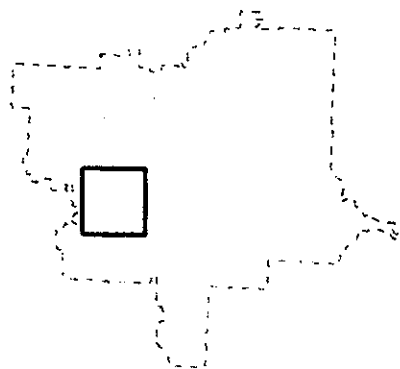
VAC07-2688

One Mile View

WALGREENS @6TH AND ONE MILE RD



Overview



Legend

Subject Property

VAC07-2688

Boundary

Planning Area

Overlay District

Outside City

Legend

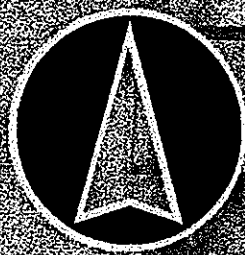
Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

RZN07-2667

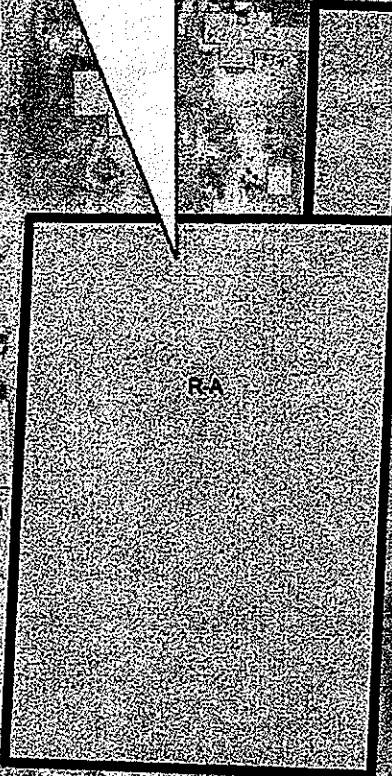
HOBSON INC.

Close Up View

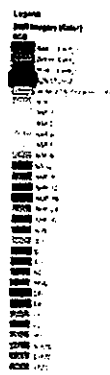


SUBJECT PROPERTY

HIGHWAY 16



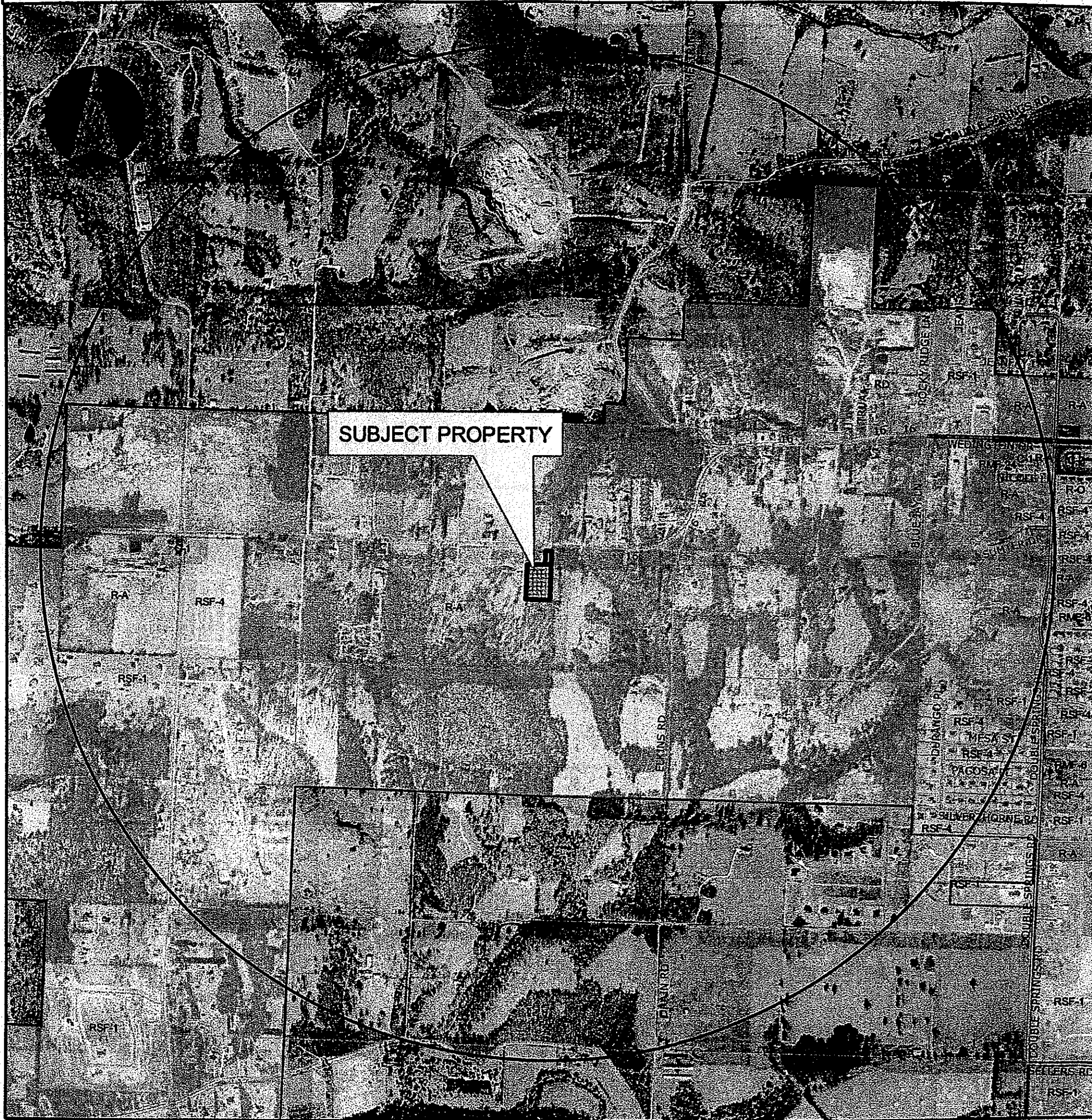
Overview



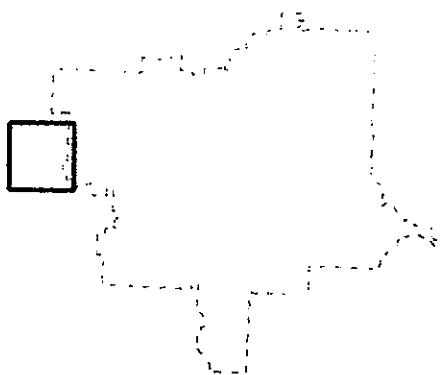
RZN07-2667

HOBSON INC.

One Mile View



Overview



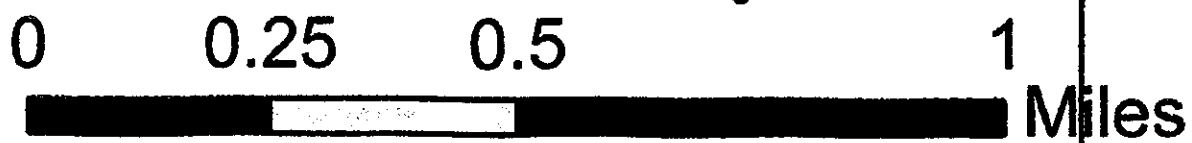
Legend

Subject Property

 RZN07-2667

Boundary

Legend



RZN07-2667

Future Land Use

HOBSON INC.

SUBJECT PROPERTY

HIGHWAY 16

Legend

Building (2004)

Future Land Use 2025

CLASS

Industrial

Not 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

RZN07-2667

Boundary

Streets

Existing

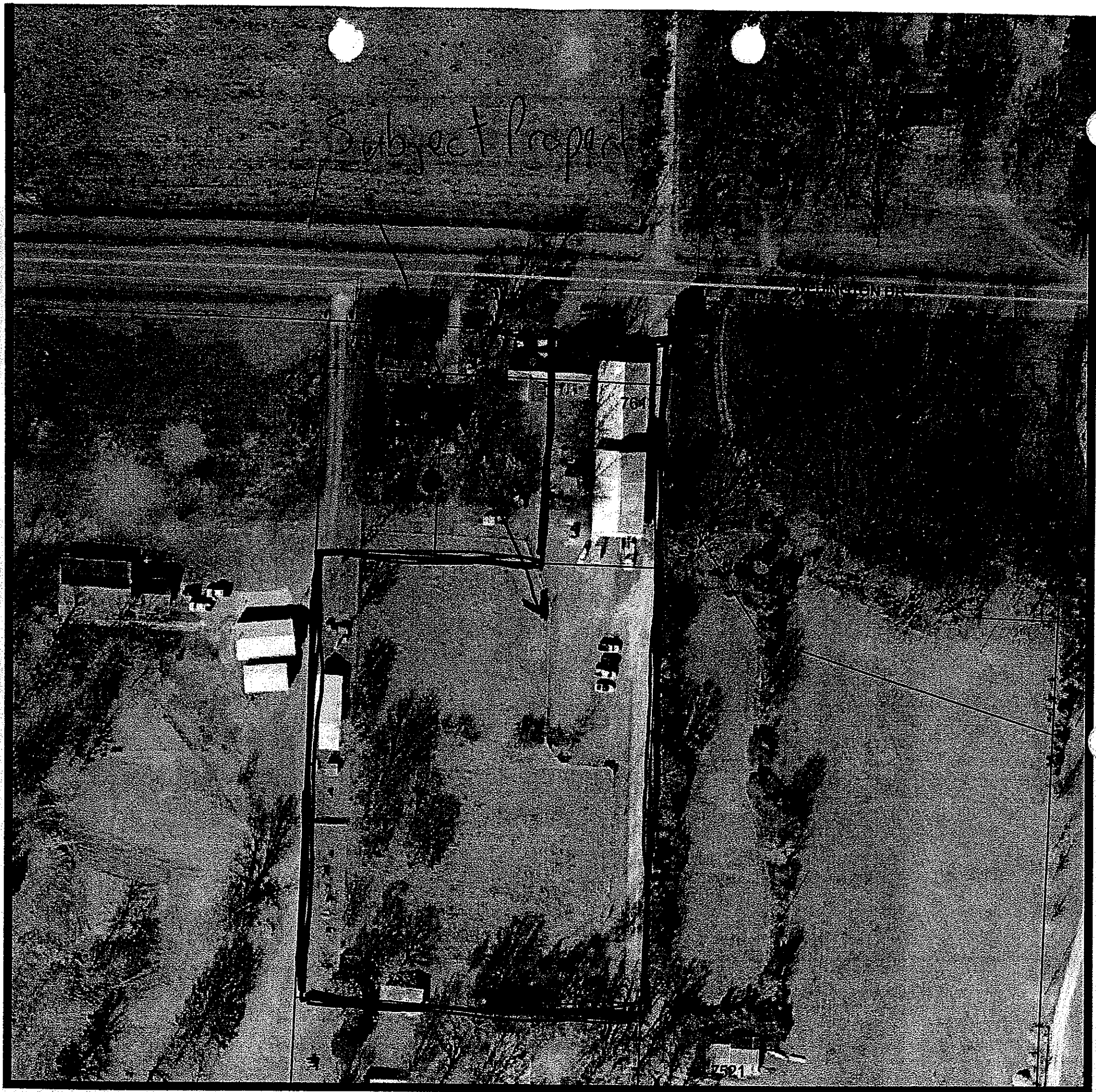
Planned

Planning Area

Overlay District

Legend

0 75 150 300 450 600 Feet

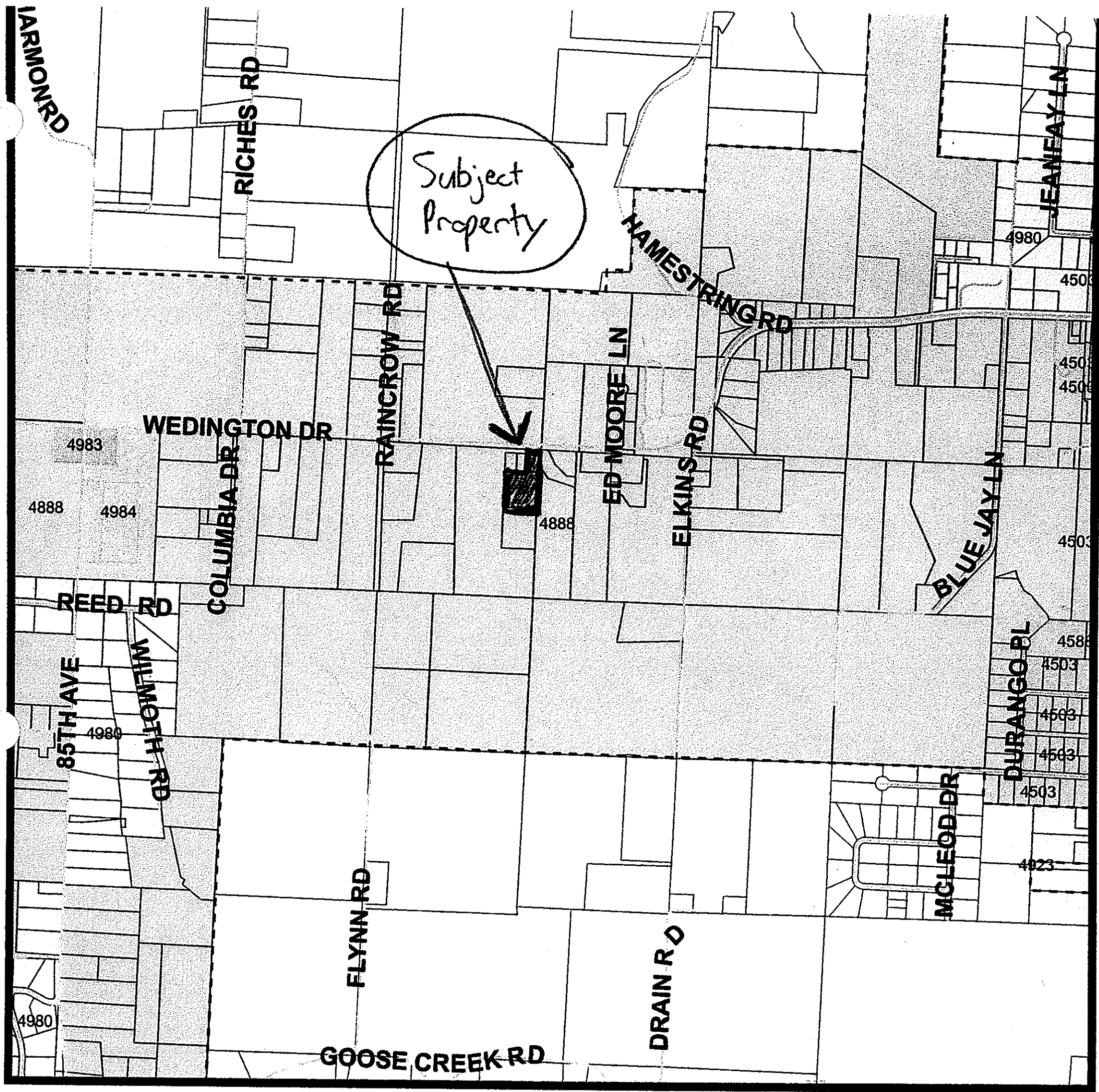


RZN 07-2667 (Hobson, Inc.)



1 inch equals 119.529068 feet





RZN 07-2667 (Hobson, Inc.)



1 inch equals 1,250 feet



Hobson, Inc. Appeal

Handed out at
the City Council
Meeting 10/2/07

**BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE, ARKANSAS**

In order to attempt to obtain approval of a request for a zoning reclassification, the owner of this property (hereinafter "Petitioner") Hobson, Inc., an Arkansas Corporation, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

Petitioner holds title to, and seeks a rezoning classification for, the following described lands situated in Washington County, Arkansas, to-wit:

A part of the SW $\frac{1}{4}$, of the SE $\frac{1}{4}$, Section 9, T-16-N, R-31-W described as beginning at a point S1°17'49"W 39.12 feet from the Northeast corner of said 40 acre tract, said point being on the South Right-of-Way of Arkansas Highway 16; thence S1°17'49" W 146.88 feet; thence along a fence S89°10'35" W 61.88 feet; thence N0°40'45" E 148.25 feet, to the said Highway Right-of-Way; thence along said Right-of-Way S89°33'25" E 63.44 feet, to the point of beginning, containing 0.21 acres, more or less, Washington County, Arkansas. Subject to a 18.00 foot road easement along the East side thereof.

-and-

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And having a property street address of 7613 Wedington (12611 Hwy 16W), Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, **substantial irreparable damage justifying injunctive relief** has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will **reasonably rely** upon all of the

terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning requests.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows **IF** Petitioner's rezoning is approved by the Fayetteville City Council.

1. The use of Petitioner's property shall be limited to Use Unit 12, Use Unit 17,
and Use Unit 25 as described and set forth in Chapter 162, Title XV, of the Unified Development
Code for the City of Fayetteville, Arkansas.

2. Other restrictions including number and type of structures upon the property are
limited to _____
_____.

3. Specific activities will not be allowed upon petitioner's property include
any uses not included in Use Units 12, 17, and 25 described above; and any activities related to:
(a) body piercing and tattoo services; (b) manufactured homes; and (c) the sale and repair of
large commercial type vehicles otherwise allowed under Use Unit 17, to include buses, trucks,
trailers, and farm equipment

4. (Any other terms or conditions) An area consisting of no less than twenty (20)
feet in width and running adjacent and along the south property line of the subject property shall
serve as a buffer zone between the subject property and the neighbors to the south of the subject
property. The buffer area shall be maintained in conformity with the remainder of the subject
property, but shall not be used for any purpose other than landscaping and/or natural vegetation
growth. If requested by the City of Fayetteville at any time, a privacy fence or a natural
vegetation barrier (such as hedge), shall be constructed along the said boundary line to the rear
(south) of the subject property.

5. Petitioner specifically agrees that all such restrictions and terms shall **run with the land** and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above,, Hobson, Inc.,, as owner (Petitioner) **voluntarily offer** all such assurances and sign my name below.

Hobson, Inc.

October 2, 2007
Date

By: David Pearce, President
David Pearce, President

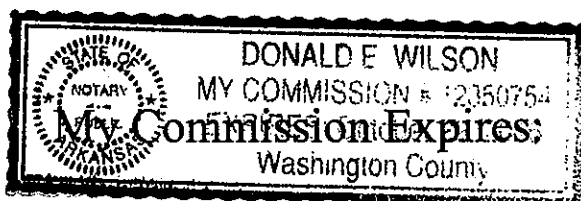
Rt. 6, Box 269-1
Fayetteville, AR 72701

By: Patricia Pearce, Secretary
Patricia Pearce, Secretary

NOTARY OATH

STATE OF ARKANSAS }
COUNTY OF WASHINGTON } .ss\

And now on this the 2d day of October, 2007, appeared before me, a Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared David Pearce and Patricia Pearce, who acknowledged themselves to be the President and Secretary, respectively, of Hobson, Inc., an Arkansas Corporation, and that they, after being placed upon their oath swore or affirmed that they agreed with the terms of the above Bill of Assurance in their aforesaid capacities of said corporation and on behalf of said corporation, and signed their names above for the consideration, uses and purposes therein mentioned and set forth.



[Signature]
NOTARY PUBLIC

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

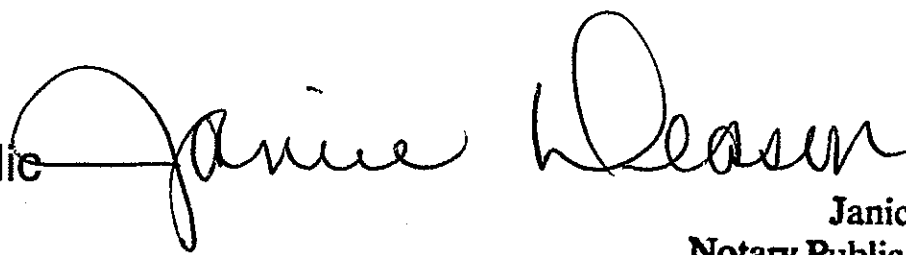
City of Fayetteville: Final Agenda

Was inserted in the Regular Editions on:
October 1, 2007

Publication Charge: \$211.00

Subscribed and sworn to before me
This 1st day of October, 2007.

Notary Public



Janice Deason
Notary Public, State of Arkansas
Washington County
My Commission Expires 11/15/14

My Commission Expires: 11/15/14

****NOTE** Please do not pay from Affidavit.
Invoice will be sent.**

Monday, October 1, 2007

**FINAL AGENDA
CITY OF FAYETTEVILLE ARKANSAS
CITY COUNCIL MEETING
OCTOBER 2, 2007**



A meeting of the Fayetteville City Council will be held on October 2, 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**

Nominating Committee Report – Fayetteville Public Facilities Board recommends the following appointments: Steve Clark, Steve Adams and Phil Taylor

A. CONSENT:

- 1. Enforcement of Underage Drinking Laws Mini-Grant:** A resolution authorizing the Fayetteville Police Department to accept a reimbursement mini-grant from the Arkansas Alcoholic Beverage Control Enforcement Division in the amount of \$5,400.00 to enforce underage drinking laws; and approving a budget adjustment recognizing the grant revenue.
- 2. Sam's Club Grant for Police Equipment:** A resolution authorizing the Fayetteville Police Department to accept a grant from Sam's Club Foundation in the amount of \$3,000.00 for the purchase of minor equipment; and approving a budget adjustment to recognize the grant revenue.
- 3. 2007-2008 Selective Traffic Enforcement Grant:** A resolution accepting the 2007-2008 Selective Traffic Enforcement Program (STEP) Grant in the amount of \$103,000.00 for the purpose of paying overtime to officers engaged in the enforcement of DWI/DUI and seatbelt laws and other purposes; and approving a budget adjustment recognizing the grant revenue.
- 4. 2007 Edward Byrne Memorial Justice Assistance Grant:** A resolution accepting the 2007 Edward Byrne Memorial Justice Assistance Grant in the amount of \$83,183.00, \$39,739.00 of which will be used by the Fayetteville Police Department for the purchase of equipment with the remainder to be distributed to the City of Springdale and Washington County; and approving a budget adjustment recognizing the grant revenue.
- 5. Time Striping Inc.:** A resolution approving a contract with Time Striping, Inc. in the amount of \$59,000.00 to re-paint the airfield markings at the Fayetteville Municipal Airport, Drake Field; approving a 5% contingency in the amount of \$3,498.00; accepting an Arkansas Department of Aeronautics Grant in the amount of \$73,448.00; and approving a budget adjustment to recognize the grant revenue.
- 6. Garver Engineers, LLC:** A resolution approving Amendment No. 1 to the engineering contract with Garver Engineers, LLC in an amount not to exceed \$278,150.00 for final design and bidding services associated with the Cato Springs Road Improvement Project.

B. UNFINISHED BUSINESS:

- 1. Boardwalk Property Owners Association:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share with the Boardwalk Property Owners Association (POA) in an amount not to exceed \$69,674.00 to dredge the Boardwalk POA pond. *This ordinance was left on the First Reading at the August 7, 2007 City Council meeting. This ordinance was left on the Second Reading at the August 23, 2007 City Council meeting. This ordinance was left on the Second Reading at the September 4, 2007 City Council meeting and Tabled to the October 2, 2007 City Council meeting.*
- 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 ordinance was left on the Second Reading at the September 4, 2007 City Council meeting. This ordinance was left on the Third Reading at the September 18, 2007 City Council meeting and Tabled to the October 2, 2007 City Council meeting.*
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C. NEW BUSINESS:

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- 8. Energy Efficient Building Policy:** A resolution establishing an Energy Efficient Building Policy for the City of Fayetteville.

**D. INFORMATIONAL:
City Council Tour: None**

Agenda Session 9/25/07

Aldermen

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Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
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**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
October 2, 2007**

A meeting of the Fayetteville City Council will be held on October 2, 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

Proposed Design for the Courts and Prosecutor Facility Presentation given by James Estes with Wilson Estes Police Architects – Agenda Session Only.

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D. INFORMATIONAL:

City Council Tour: October 1, 2007

There

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



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Ward 1 Position 2 – Brenda Thiel
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**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
October 2, 2007**

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Red Oak Park Stream Bank Improvement Project Presentation of revised project design given by Mr. Dave Evans of the Arkansas Game and Fish Commission Stream Team - Agenda Session Only.

Commercial Recycling Presentation given by the Solid Waste Division – Agenda Session Only

A. CONSENT:

1. **Approval of the** ~~September 4, 2007 and September 18, 2007~~ **City Council meeting minutes.**
2. **Green Building Policy:** A resolution establishing a Green Building Policy for the City of Fayetteville.
3. **Enforcement of Underage Drinking Laws Mini-Grant:** A resolution authorizing the Fayetteville Police Department to accept a reimbursement mini-grant from the Arkansas Alcoholic Beverage Control Enforcement Division in the amount of \$5,400.00 to enforce

Comment: Do you want me to leave both these on?

underage drinking laws; and approving a budget adjustment recognizing the grant revenue.

4. **Sam's Club Grant for Police Equipment:** A resolution authorizing the Fayetteville Police Department to accept a grant from Sam's Club Foundation in the amount of \$3,000.00 for the purchase of minor equipment; and approving a budget adjustment to recognize the grant revenue.
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2. **(Any other items from tonight)**

C. NEW BUSINESS:

1. **Red Oak Park Streambank Revised Improvement Project:** A resolution approving a revised project design for the Red Oak Park Streambank Improvements submitted by the Arkansas Game and Fish Commission Region 1 Steam Team.

2. **RZN 07-2691 (JB Hays):** An ordinance rezoning that property described in rezoning petition RZN 07-2691, for approximately 1.80 acres, located at 5393 East Huntsville Road from RSF-4, Residential Single-Family, 4 units per acre, to C-1, Neighborhood Commercial.
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D. INFORMATIONAL:

City Council Tour: October 1, 2007

From: Susan Thomas
To: Branson, Lisa
Date: 8/9/2007 9:07 AM
Subject: Sept 25

Please add to the Oct 2 City Council Agenda the Illinois River Watershed Partnership End of Year Report for Sept 25 agenda session only. The presentation is required by contract and will be given by Delia Haak, Executive Director and Katy Teague, Education Committee Chair. Thanks.

Susan

From: Carole Jones
To: Wood, Amber
CC: Dumas, Gary; Edmonston, Connie
Date: 9/11/2007 11:24 AM
Subject: Request to Make a Presentation at City Council Agenda Session for Sep 25

Amber - This is to request an item on the Sep 25 Agenda Session for a presentation to the City Council by Mr. David Evans of the Arkansas Game and Fish Commission Region 1 Stream Team. Mr. Evans will present a revised plan to the City Council for the streambank improvements at Red Oak Park. The plan was revised at the request of Mayor Coody and the City Council at the August 23 council meeting. Additionally, a City Council Agenda Request will be submitted to the City Clerk's office by Fri Sep 14 for the Oct 2 council meeting. Please feel free to contact me if you have any questions or need additional information. Thank you,

Ms. Carole Jones, P.E.
Park Planner
Fayetteville Parks & Recreation
113 West Mountain Street
Fayetteville, AR 72701
Phone (479) 444-3472
Fax (479) 521-7714

From: Coy Hurd
To: Branson, Lisa
Date: 9/13/2007 1:40 PM
Subject: Presentation

Hello to you Lisa:

Please place an item on the list for the agenda setting session of September 25. James Estes (of Wilson Estes Police Architects) will deliver a brief informational presentation to the council members regarding his proposed design for the Courts and Prosecutor Facility. I hope that this can be placed at the beginning of the meeting.

Coy

RECEIVED

OCT 02 2007

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

From: <BZiada@ceieng.com>
To: <mayor@ci.fayetteville.ar.us>
Date: 10/2/2007 1:31 PM
Subject: R-PZD 07-2576 (Woodstock Community)

CC: "Shirley Lucas" <ward4_pos1@ci.fayetteville.ar.us>, "Lionel Jordan" <llj...
Dear Mayor Coody and City council Members,

I will not be able to attend the City Council meeting for tonight October 2nd due to a last minute business trip.

Below are my comments for the proposed development:

Traffic:

At the last meeting on September 18th the developer in response to my questions regarding land use shown on his traffic report indicated that the 20,000 SF grocery store will be light and unlike Harp's store, there is no such thing in the development community around the country when calculating trip generation rates that one uses a term as light grocery, the developer is avoiding using the designated definition of grocery in the Institute of Transportation Engineers (ITE) trip generation manual, in turn he uses a general retail which generates a significant less number of trips. I don't understand how a light grocery store will be able to afford paying high rent when they are generating light traffic and not selling enough merchandise and making profit, is this the development that is going to be built, they may have in mind charging \$10.00 for a bottle of milk and so on based on the light traffic that they will be generating.

This is a misrepresentation to show the city less trips which in reality it is a lot more.

The city is calculating a cost sharing on Broyles traffic signal which will use tax payer's money and it should be done the correct way to make sure they pay their fare share of the cost of the improvements that they need to. The developer should have his traffic consultant come before you to present the traffic conditions that will be generated and the impact and mitigations that needs to be done by this proposed development. The traffic engineer can explain to you better from a technical stand point not a marketing version of the developer. The city needs to look very closely at the proposed land uses and make sure accurate information has been presented before making it this far in the process.

Drainage:

The exiting conditions on the subject site receives water run off from offsite around 100 acres of rainfall, any negative impact to the way off-site drainage is handled currently will have an impact on the adjacent properties causing flood damage to their properties including mine. The existing method currently is for the water to go through the drainage ditch to the southeast of the development and then into the 20 acre open field before leaving the site. To put the detention bond at the southeast part of the site and design it 8-10 feet deep is done to maximize the number of buildings on their property and cause the detention to function as a dam that will slow the flow of water into the west side of their proposed development, should there be any obstruction to the storm sewer or lack of maintenance in the detention pond will cause the water to be detained on adjoining properties causing flooding.

Bassam Ziada
723 N 46th Ave
Fayetteville, AR 72704
HM # 444-9044
Cell # 426-1380

Aldermen

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**Final Agenda
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City Council Meeting
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Call to Order

Roll Call

Pledge of Allegiance

Nominating Committee Report – Fayetteville Public Facilities Board recommends the following appointments: Steve Clark, Steve Adams and Phil Taylor

A. CONSENT:

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D. INFORMATIONAL:

City Council Tour: None

RECEIVED

SEP 21 2007

**CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE**

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

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

September 21, 2007

Hon. Dan Coody, Mayor
City Administration Building
113 West Mountain
Fayetteville, AR 72701

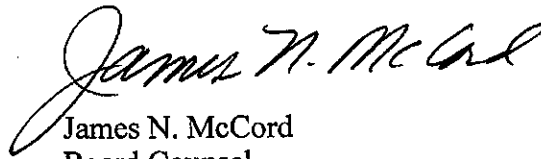
VIA HAND DELIVERY

Re: Appointment of successor members to Fayetteville Public Facilities Board

Dear Mayor Coody:

The terms of Fayetteville Public Facilities Board members Dennis Smith, Steve Adams and Phil Taylor expire October 15, 2007. The City of Fayetteville recently advertised for applicants for appointment to the Public Facilities Board (the "PFB"). One application was received. It was submitted by Steve Clark. Dennis Smith advised the Board that he did not want to be re-appointed. Steve Adams and Phil Taylor have agree to serve another term. On September 19, 2007, the PFB voted to nominate Steve Clark to fill the expiring term of Dennis Smith and to nominate Steve Adams and Phil Taylor for re-appointment to the Board. The Board requests that you appoint Steve Clark, Steve Adams and Phil Taylor to the PFB, subject to confirmation by the Fayetteville City Council as provided by Ark. Code Ann. Sec. 14-137-108.

Sincerely,


James N. McCord
Board Counsel

cc: Kit Williams, City Attorney
Sondra Smith, City Clerk

From: City Clerk
To: Honchell, Craig
Subject: Re: Woodstock Development

>>> "Craig Honchell" <chonchell@bargoeng.com> 09/25/07 2:17 PM >>>

The following letter was submitted to City Council last week in my absence by James Garlock. I would like to forward this and have this information submitted as public record regarding my opinions and concerns regarding the Woodstock Development. If you have any questions please contact me at either number listed.

Thank You,
Craig Honchell
236-1494
444-8843
chonchell@cox.net

My name is Craig Honchell; I am the president of the Cross Keys POA in Fayetteville. I have tried to attend most of the meetings regarding the Woodstock Development and unfortunately have prior commitments tonight and will be unable to attend the meeting. I would like to take a moment to point out a few items that seem to be getting glossed over by the Nock and Broyles group.

My primary concern is in regard to scale and the implementation of the 2025 Plan. I could not get a satisfactory answer from Tim Conklin when I posed some questions to him at a special Ward 4 meeting. Scale is mentioned several times throughout the text of the 2025 Plan in the description of all existing neighborhoods in our community. The fact that the city was able to impose a designation of "city neighborhood" rather than keeping the existing "residential neighborhood" is a mystery to me. At no time was this reclassification made obvious or discussed as being a point of contention with this development. This designation alone will allow all future construction to go in as whatever the developer wishes. I do not recall any structures being over 2 stories tall anywhere in the proximity of the proposed construction. This in itself brings the question of scale to the forefront. What existing structure is the Council referencing to gauge the scale of this development to? Does the mere classification of city neighborhood allow a development to be constructed under the guise of this classification? I honestly feel that the 2025 Plan is rhetoric that accommodates developers and not development. Obviously the 2025 Plan is not in place to protect existing neighborhoods or property owners for that matter. I understand that a lot of time and effort has gone into the fabrication of such a plan and feel that it is flawed. I chose to remain a resident of Ward 4 to be out from development, not to have a 70 foot tall behemoth built in my backyard. What exactly does the city want to create in our ward? We currently have a shopping center of sorts being built north of the Boys and Girls Club, expansive dirt work being performed south of Betty Jo Drive, The Links north of Wedington and now another 380 plus units west of 46th Street, what's next a Motel 6 south of Persimmon? And dare I ask what is being proposed on the adjacent property west of the Woodstock Development? I get the feeling that another development is lying in wait to get this structure up so another large scale structure to go in right next to it. The city knows what is coming down the pipe months, probably years, prior to any public discussion. The city has an obligation to allow people the chance to understand the ramifications that a construction like this represents prior to a 30 day posting. A construction like this will change an area for generations. Had I known that the city intended to transform the west side of town into a pocket community of apartments, town homes and condominiums I never would have bought where I did. Of course hindsight is 20/20. I have lived in Ward 4 for most of my adult life and regrettably enough never taken the time to get involved until I found a home that I thought I would live in for 30 plus years. My home is much like any other in the sense that it is going to be the single biggest investment of my life. I'm an average person that works long hours and has put my faith in my local government to utilize good judgment; I have a hard time believing that a project like this will enhance our area if built to the suggested parameters. A development like this will be the tool used by any development hereafter to reference as a model of what the city will allow. I don't understand how this city can have an ordinance in place to protect our bars and inner city area from tall structures but nothing in place to protect the working class of Fayetteville.

Privacy seems to be an afterthought amongst all of this development; I think that most homeowners have a certain expectation of privacy when purchasing a home. I challenge any council member to question themselves as to whether they would like to look out their backdoor, everyday, and see a four, 70 foot tall, glass, brick, and concrete square block jutting out of the ground. I really don't think that anyone understands the magnitude of what this structure will look like amid several blocks of single story smaller homes. I would surmise out of place as being the best answer.

Along with all of the large scale construction I have concerns as to how the city proposes to support our area schools. We have recently acquired a beautiful elementary school that is currently running near capacity. With all of the proposed multiuse housing coming in how does the city plan to redistrict or shift enrollment around to accommodate the looming influx of students? I have heard from parents that live in Persimmon Place that are unable to get their children in to a school less than a mile from their home due to capacity constraints. Will our tax base support the construction of another elementary school, middle school or junior high in our area? We may want to weigh these things out before we start allowing all of this proposed mixed use style of dwellings in this area. We are building these pocket communities for families, correct?

The cost of these homes is another point that was brought up by the Broyles group. They claim that they are designing these homes to be purchased and lived in by employees of the retail space below the condominiums. Am I to believe that a condominium priced at an estimated starting price of around \$220,000, their number, is affordable at this time? The last that I read the housing market is in a glut. I doubt that Fayetteville is immune from the tumultuous forecast of the real estate market. The developers would have the city residents believing that this is necessary, that there is going to be a boom time for real estate again. That may be the case but I doubt that the current economic state of this city can survive on more promises akin to Aspen Ridge and The Renaissance. Something will be built on 46th Street, I'm not against development, but bring in a development that suits our area. The Aspen Ridge area would be a perfect fit for the Woodstock Development. The height of these buildings would diminish in part due to the lay of the land, railroad, and surrounding structures. It would be centrally located to all of the University sports complexes ultimately offering condos and town homes to hundreds of alumni.

I have always been proud to live in Fayetteville, I consider myself a native. I look forward to seeing this community flourish. I feel that if the city is to build a development of this magnitude we need to find a better fit. I don't think that it is fair for the city to expect this remote area of town to endure dump trucks, graters, scaffolding and all sorts of heavy equipment for the next eight to ten years. It is almost as if the council turns the other cheek as long as it's not in their backyard. Then again I can't think of the last proposed development on the east side of town where the 2025 Plan was being enforced with such a heavy hand. If this is a sign of how the 2025 Plan is going to be implemented I suggest we build the first development of this type on a small scale and look to this as to how we can improve the process, rather than look back 10 years from now and second guess the decisions that we made today.

If this development is voted in please give the current homeowners some peace of mind by requiring the developers to bring the single family homes in on the first phase of the project. This would create a buffer of sorts for existing residents and provide the city a certain level of commitment from the Nock and Broyles group. Thank you for allowing me the opportunity to address this matter.

Craig Honchell,
Cross Keys POA President
chonchell@cox.net
236-1494
444-8843

*Hobson, Inc. Appeal
Handed out at
the City Council
Meeting 9/18/07*

THIS INSTRUMENT PREPARED BY:

Donald E. Wilson, P.A.
Attorney at Law
P.O. Box 1285
Fayetteville, AR 72702-1285

BILL OF ASSURANCE

KNOW ALL MEN BY THESE PRESENTS:

THAT Hobson, Inc., an Arkansas Corporation, holds title to the following described lands situated in Washington County, Arkansas, to-wit:

A part of the SW ¼, of the SE ¼, Section 9, T-16-N, R-31-W described as beginning at a point S1°17'49"W 39.12 feet from the Northeast corner of said 40 acre tract, said point being on the South Right-of-Way of Arkansas Highway 16; thence S1°17'49" W 146.88 feet; thence along a fence S89°10'35" W 61.88 feet; thence N0°40'45" E 148.25 feet, to the said Highway Right-of-Way; thence along said Right-of-Way S89°33'25" E 63.44 feet, to the point of beginning, containing 0.21 acres, more or less, Washington County, Arkansas. Subject to a 18.00 foot road easement along the East side thereof.

-and-

A part of the SW ¼, of the SE ¼, Section 9, T-16-N, R-31-W described as beginning at a point S1°17'49" W 186.00 feet from the Northeast corner of said 40 acre tract; thence S1°17'49" W 381.00 feet; thence N89°32'06" W 250.00 feet; thence N1°17'49" E 373.78 feet; thence along a fence N88°41'34" E 188.33 feet, N89°10'35" E 61.88 feet, to the point of beginning, containing 2.17 acres, more or less, Washington County, Arkansas. Subject to: An 18.00 foot Road Easement along the East side thereof.

And having a property street address of 7613 Wedington (12611 Hwy 16W), Fayetteville, Arkansas.

The Grantor, Hobson, Inc., has filed its application with the City of Fayetteville for rezoning of the above-described property from R-A, Residential-Agricultural, to C-2, Thoroughfare Commercial.

As a part of this Bill of Assurance, certain safeguards and restrictions hereinafter referred to as "Restrictions" are hereby placed on the above-described real property.

RESTRICTIONS

The purpose of these restrictions is to restrict and limit the use of the above-described real property under a C-2 Zoning classification as set forth in Chapter 161.18,

District C-2, Thorough Commercial, of the Fayetteville Unified Development Code, to the following permitted uses, as follows:

Unit 12	Offices, studios and related services
Unit 17	Trades and services
Unit 25	Commercial offices

It is the intention of these restrictions to limit the permitted uses as described above, and to restrict all other uses of the said property.

The hereinabove-described real property shall be used only for the permitted uses described in Unit 12, Unit 17, and Unit 25 of Chapter 161.18 of the Fayetteville Unified Development Code.

IN WITNESS WHEREOF, the name of the Grantor is hereunto affixed by its undersigned representative this 18 day of September, 2007.

Hobson, Inc.

By: David Pearce, President
David Pearce, President

By: Patricia Pearce
Patricia Pearce, Secretary

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) SS
COUNTY OF WASHINGTON)

On this 18 day of September, 2007, before me, a Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared David Pearce and Patricia Pearce, who acknowledged themselves to be the President and Secretary, respectively, of Hobson, Inc., an Arkansas Corporation, and that they, as such President and Secretary of said corporation, being authorized so to do, executed the foregoing instrument for and in the name and behalf of said corporation by signing the name of the corporation by themselves as President and Secretary, and further stated and acknowledged that they had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

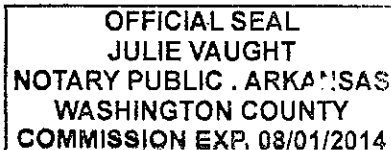
My Commission Expires:

8-1-2014

(Note: Legal Description is
not scrivener's description)



Notary Public



*Handed out at Agenda
Session 9/11/07*

CITY COUNCIL MAPS

September 18, 2007

College Avenue Townhomes PZD

Arcadian Court PZD

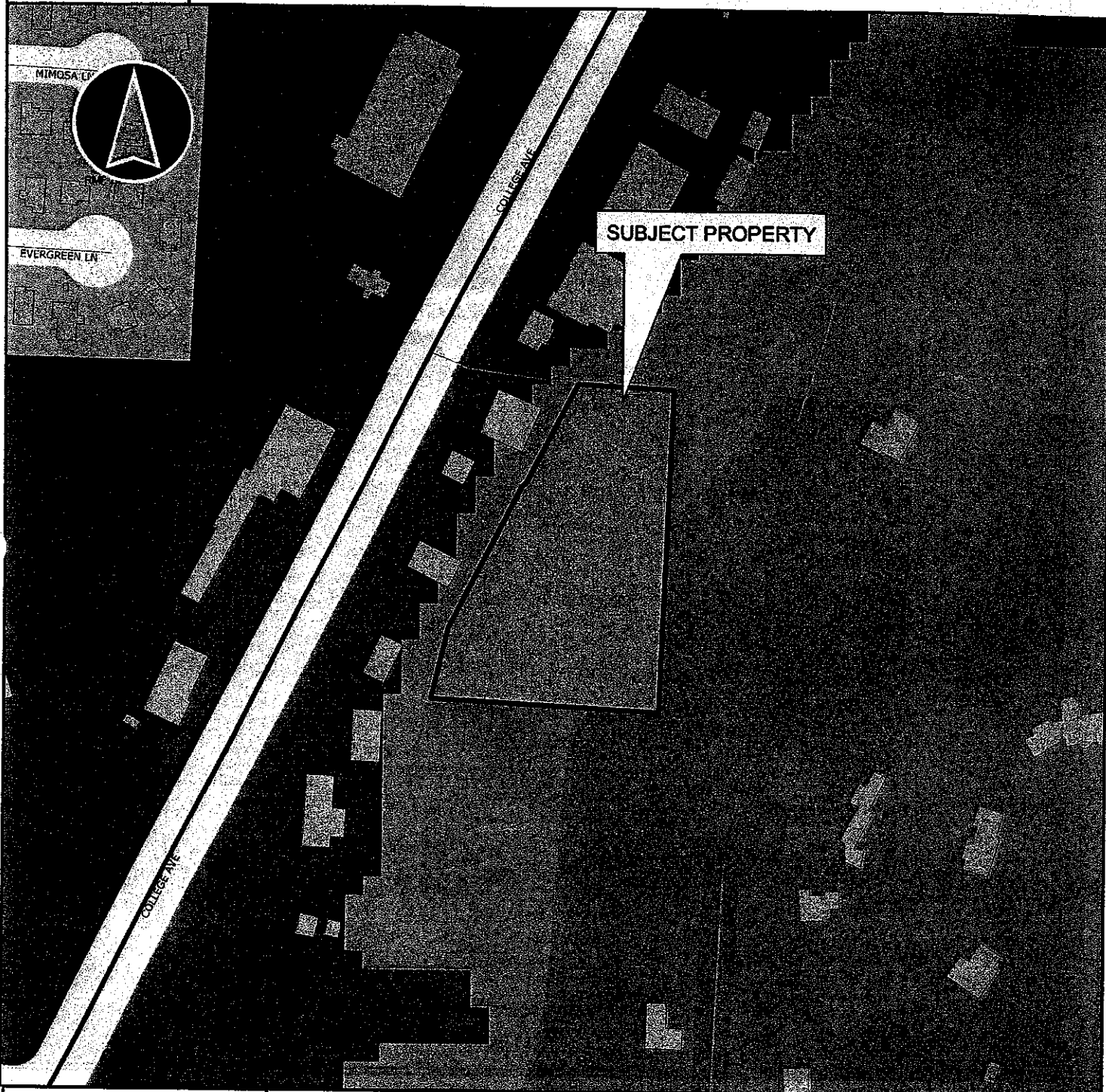
Walgreens Vacation

Hobson, Inc. Rezoning Appeal

RPZD07-2649

Close Up View

COLLEGE AVENUE TOWNHOMES



Overview

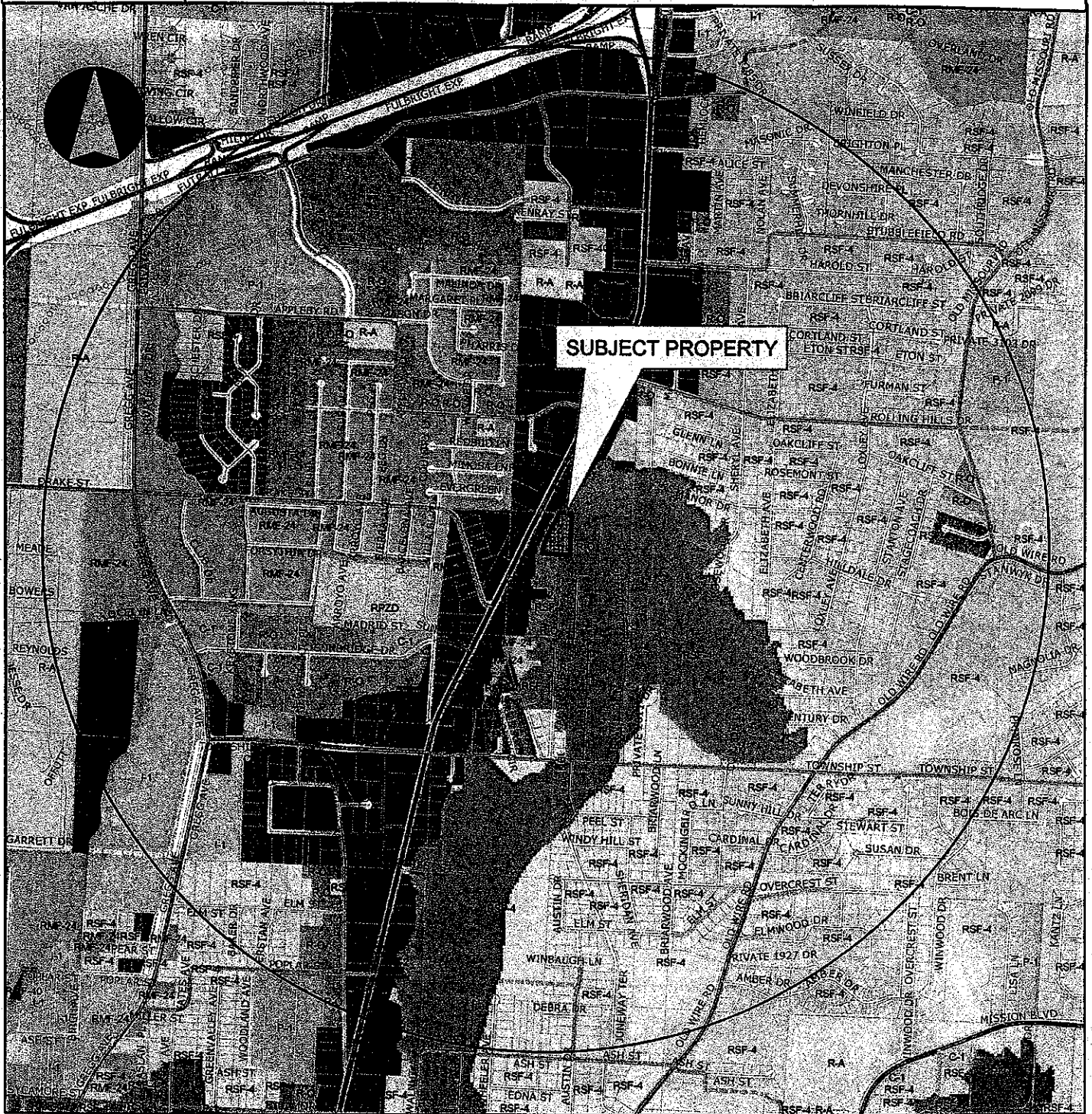


A horizontal scale bar with markings at 0, 75, 150, 300, 450, and 600 feet. The bar is divided into segments by vertical lines corresponding to these markings. The word "Feet" is written at the right end of the bar.

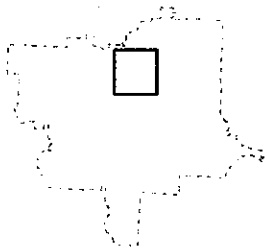
RPZD07-2649

One Mile View

COLLEGE AVENUE TOWNHOMES



Overview



Legend

Subject Property

RPZD07-2649

Boundary

Planning Area

Overlay District

Outside City

Legend

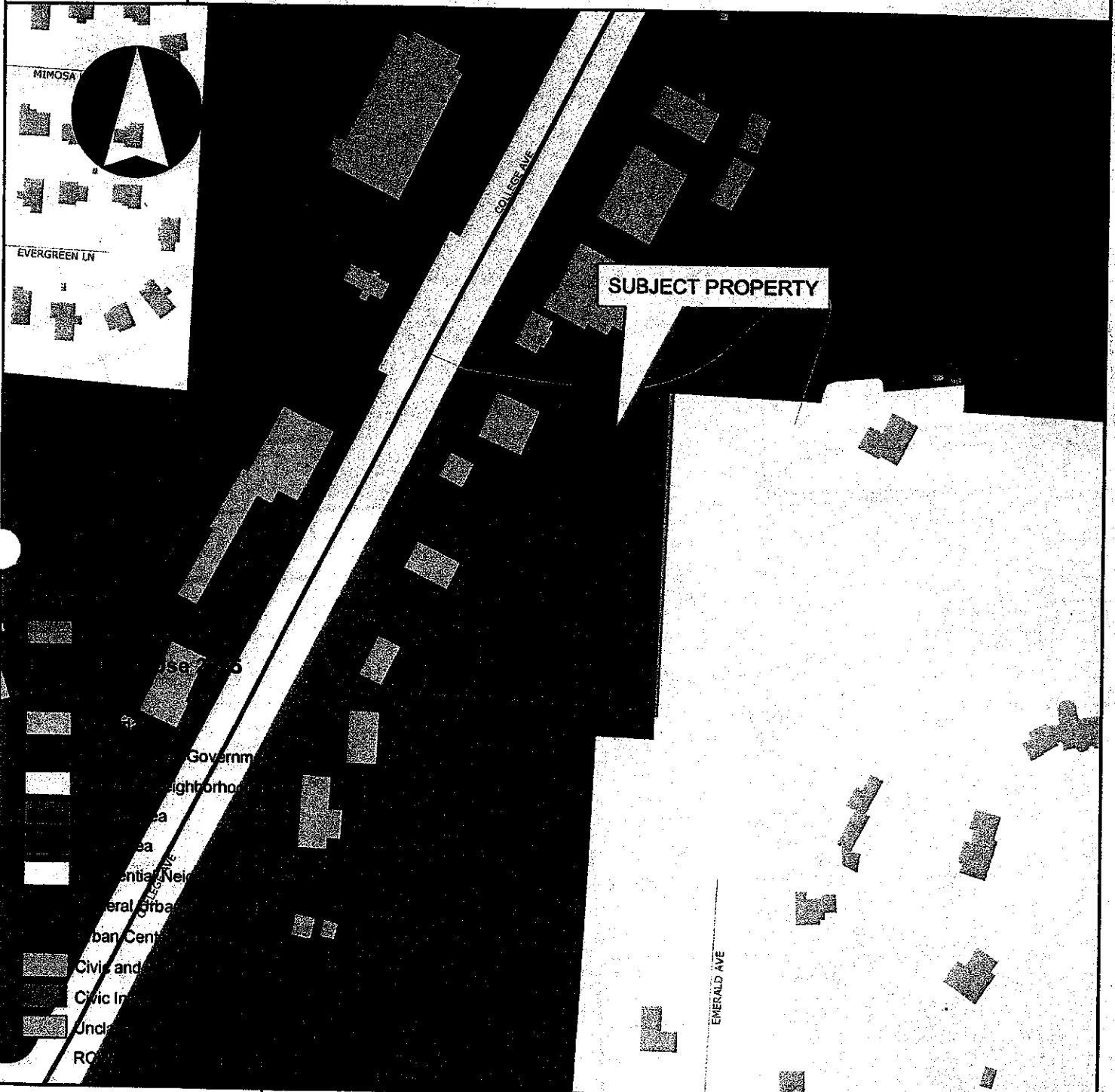
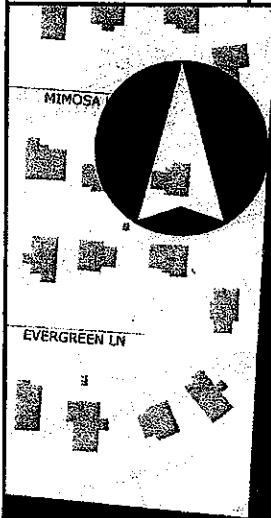
Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

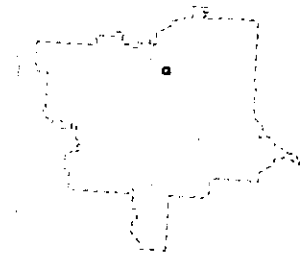
RPZD07-2649

COLLEGE AVENUE TOWNHOMES

Future Land Use



Overview



Legend
Subject Property



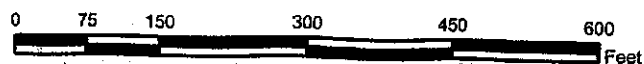
Boundary

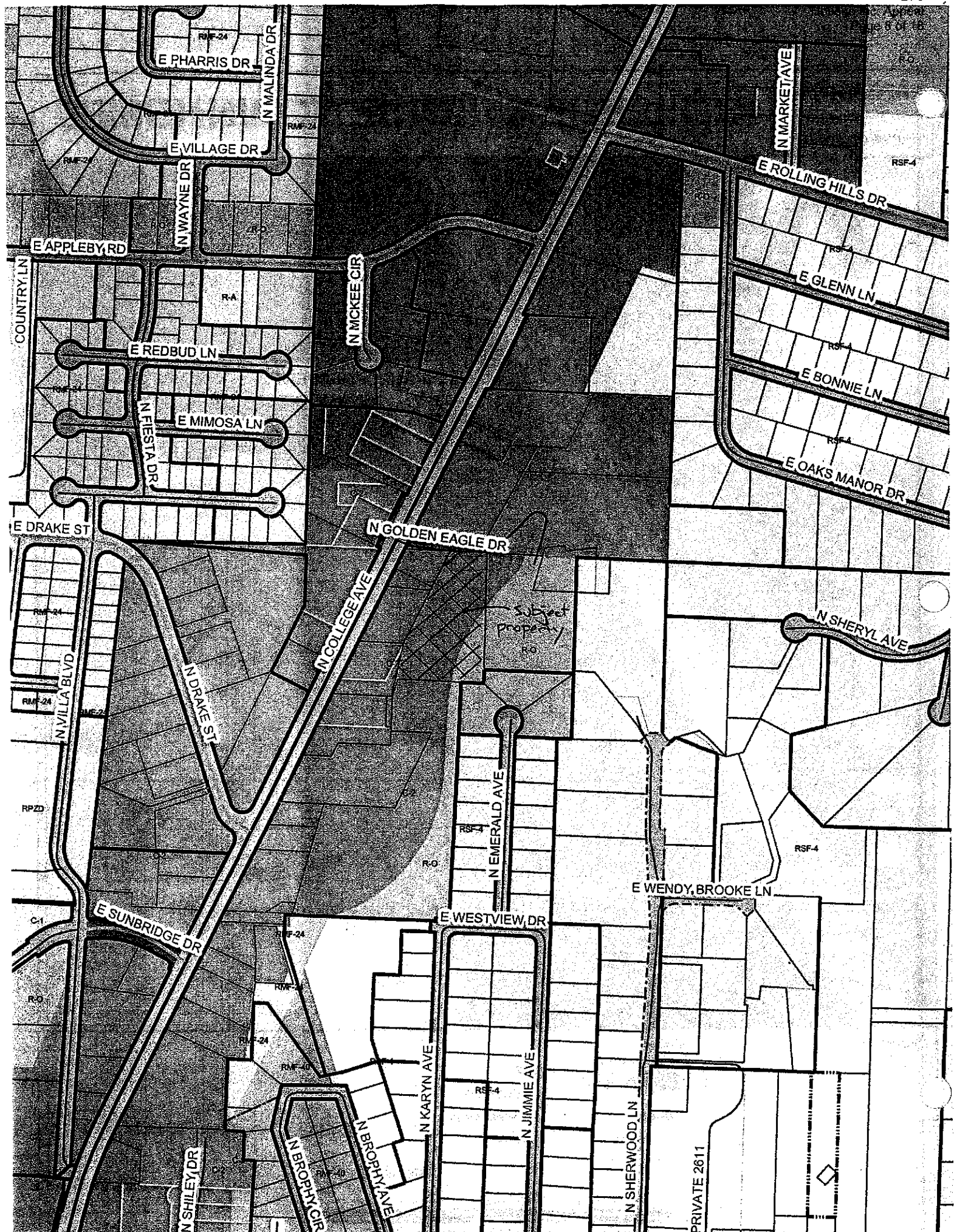
- Planning Area
- Overlay District
- Outside City

Streets

- Existing
- Planned

Legend





RPZD07-2680

Close Up View

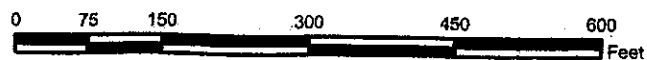
ARCADIAN COURT



SUBJECT PROPERTY



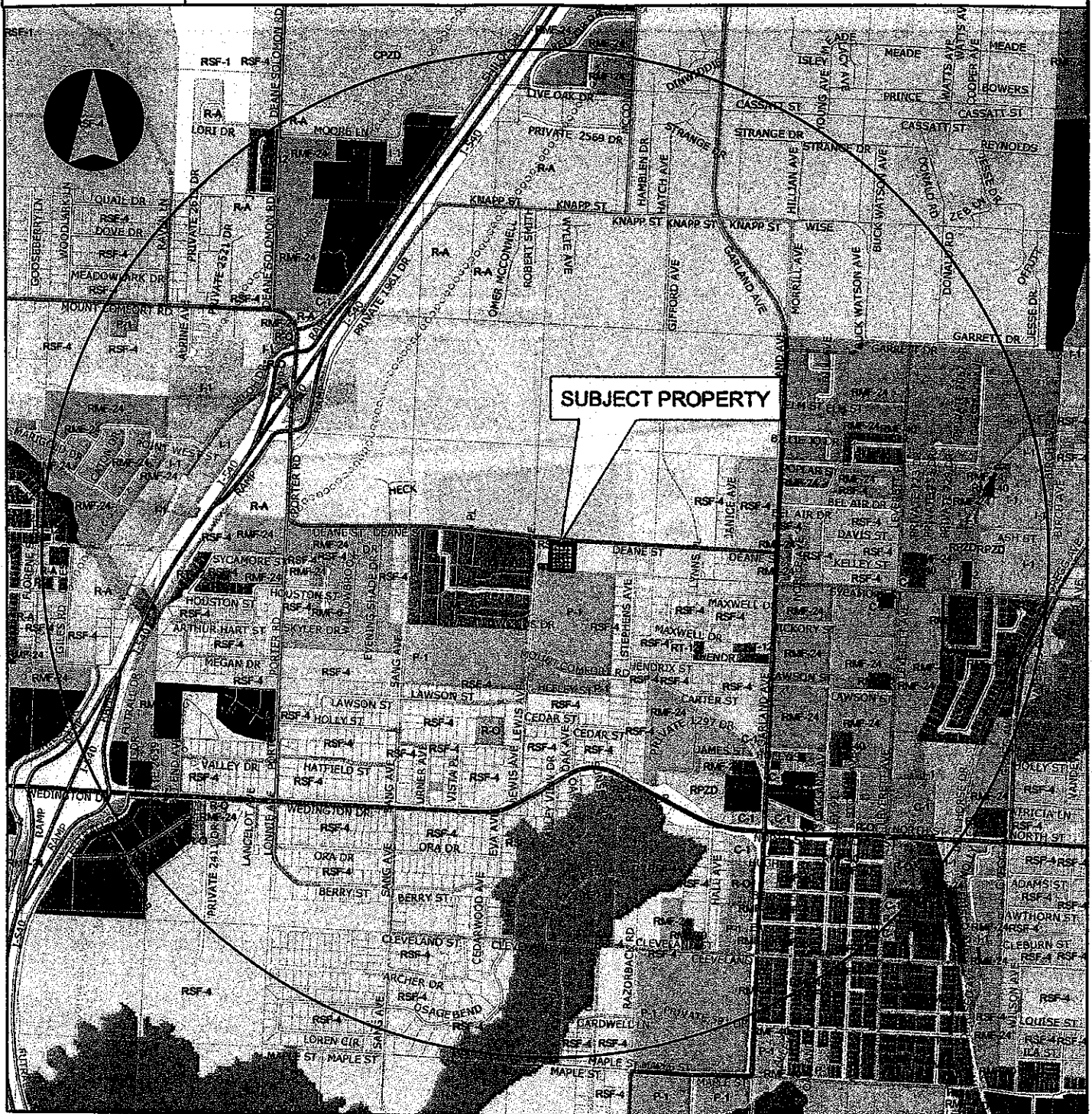
Overview



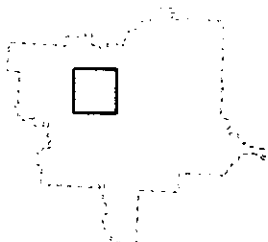
RPZD07-2680

One Mile View

ARCADIAN COURT



Overview



Legend

Subject Property
RPZD07-2680

Boundary

Planning Area
Overlay District
Outside City

Legend

Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

RPZD07-2680

Future Land Use

ARCADIAN COURT

SUBJECT PROPERTY

Legend

Building (2004)

Future Land Use 2025

CLASS

Industrial

Non-Municipal Government

Complete Neighborhood Plan

Natural Area

Rural Area

Residential Neighborhood Area

General Urban/City Neighborhood Area

Urban Center Area

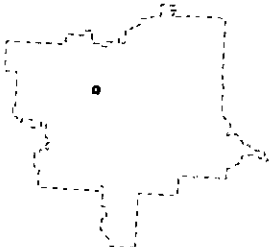
Civic and Private Open Space/Park

Civic Institutional

Unclassified

ROW

Overview



Legend

Subject Property

RPZD07-2680

Boundary

Planning Area

Overlay District

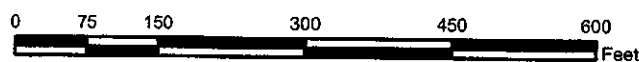
Outside City

Streets

Existing

Planned

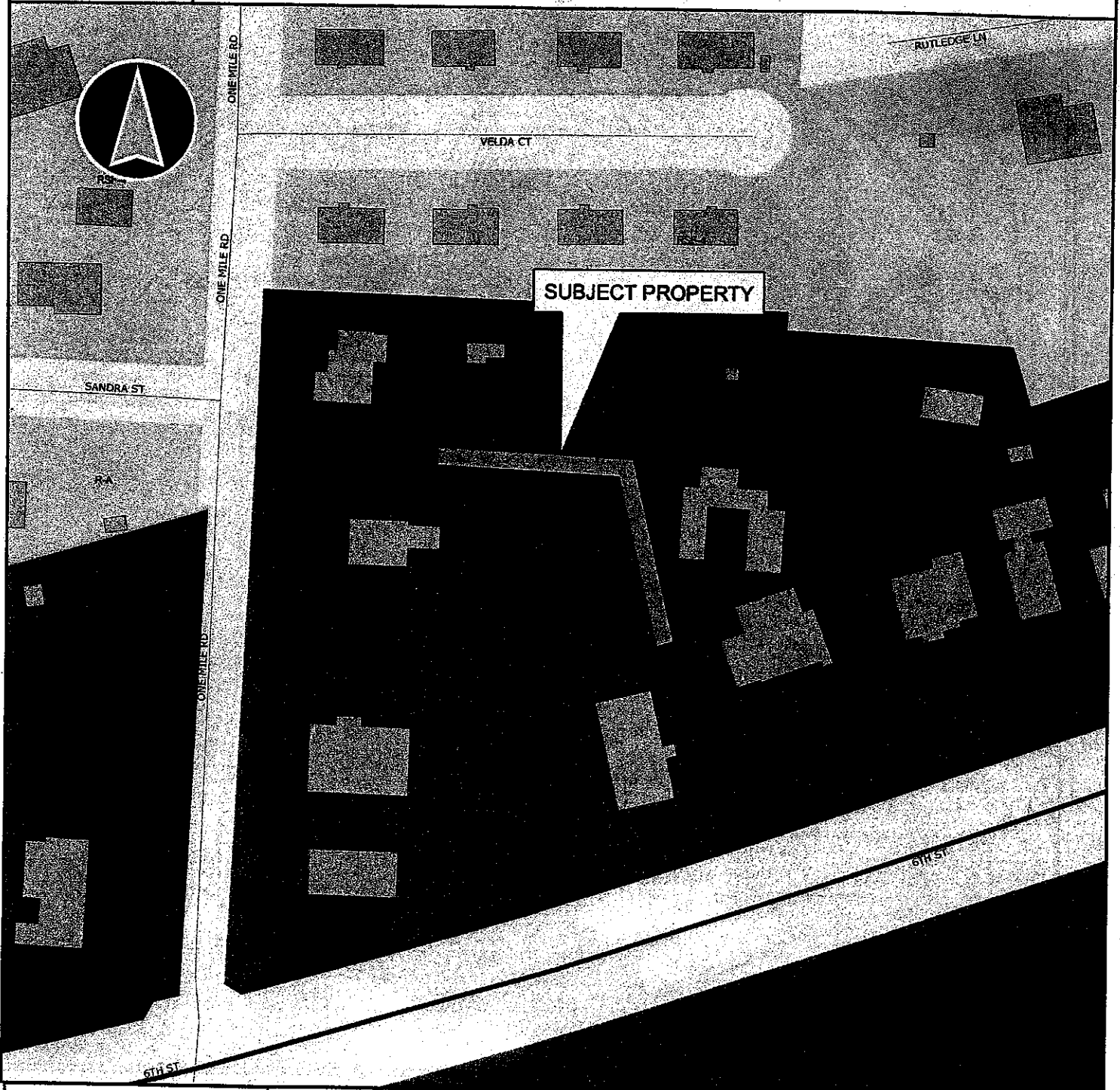
Legend



VAC07-2688

Close Up View

WALGREENS @ 6TH AND ONE MILE RD



Overview

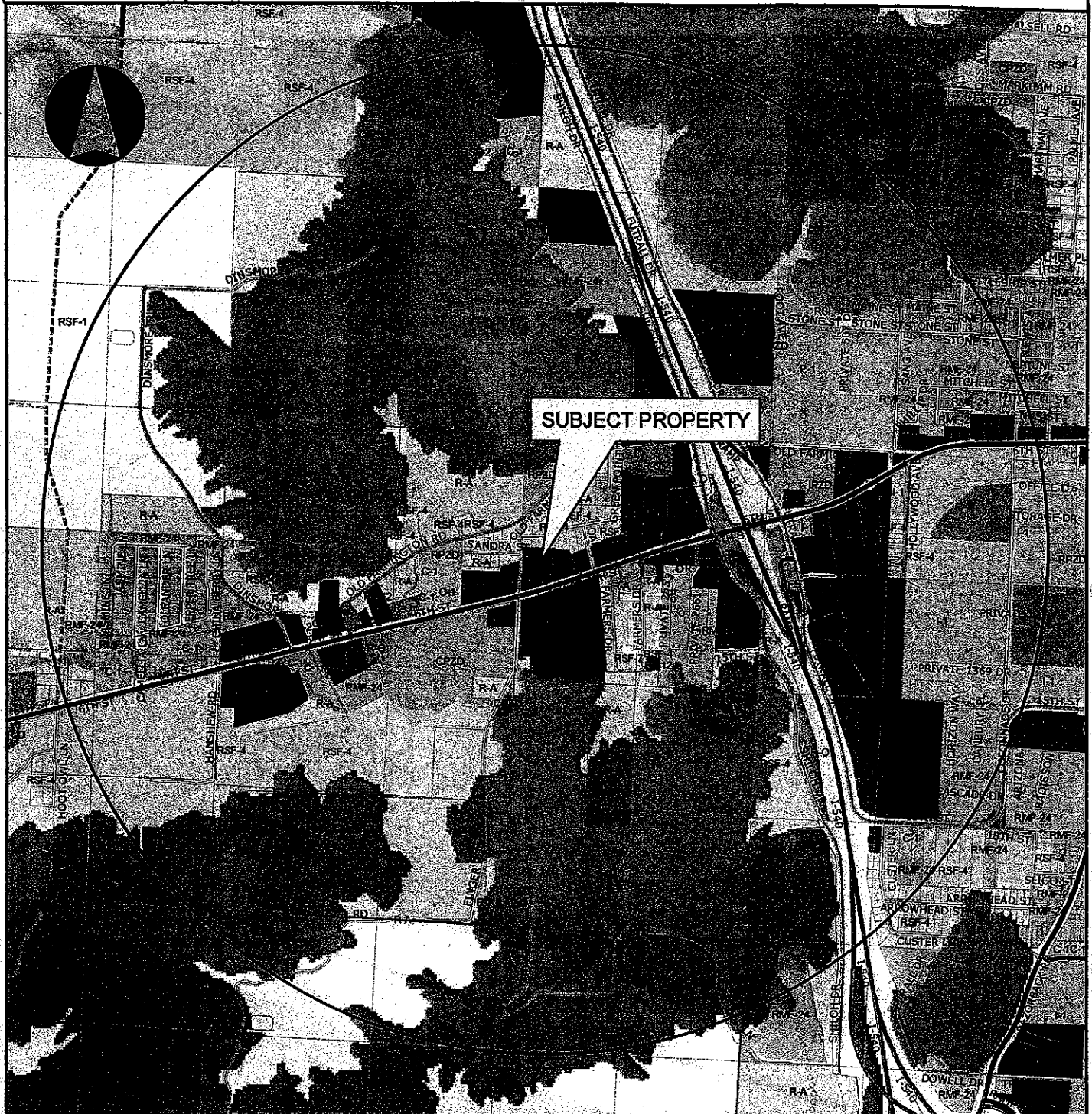


0 37.5 75 150 225 300 Feet

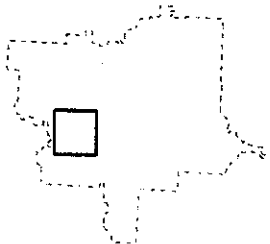
VAC07-2688

One Mile View

WALGREENS @6TH AND ONE MILE RD



Overview



Legend

Subject Property

VAC07-2688

Boundary

Planning Area

Overlay District

Outside City

Legend

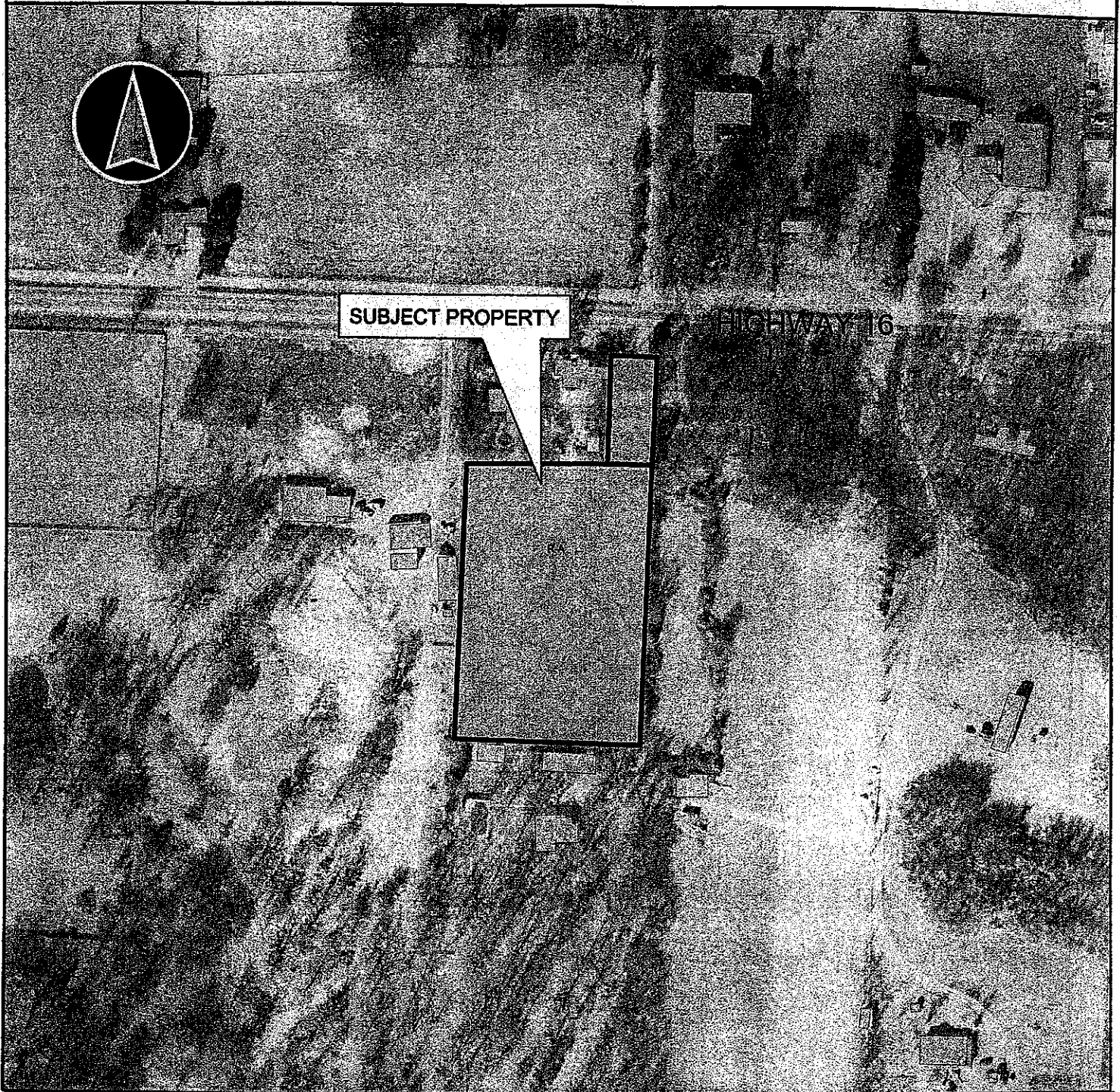
Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

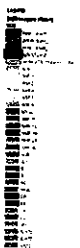
RZN07-2667

HOBSON INC.

Close Up View



Overview



0 75 150 300 450 600 Feet

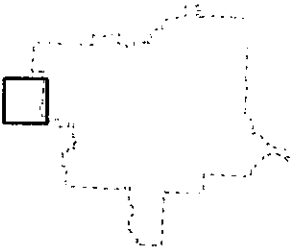
RZN07-2667

HOBSON INC.

One Mile View



Overview



Legend

Subject Property

 RZN07-2667

Boundary

Legend

0 0.25 0.5 1 Miles



HOBSON INC.

SUBJECT PROPERTY

THE CLIMAX

0 75 150 300 450 600 Feet

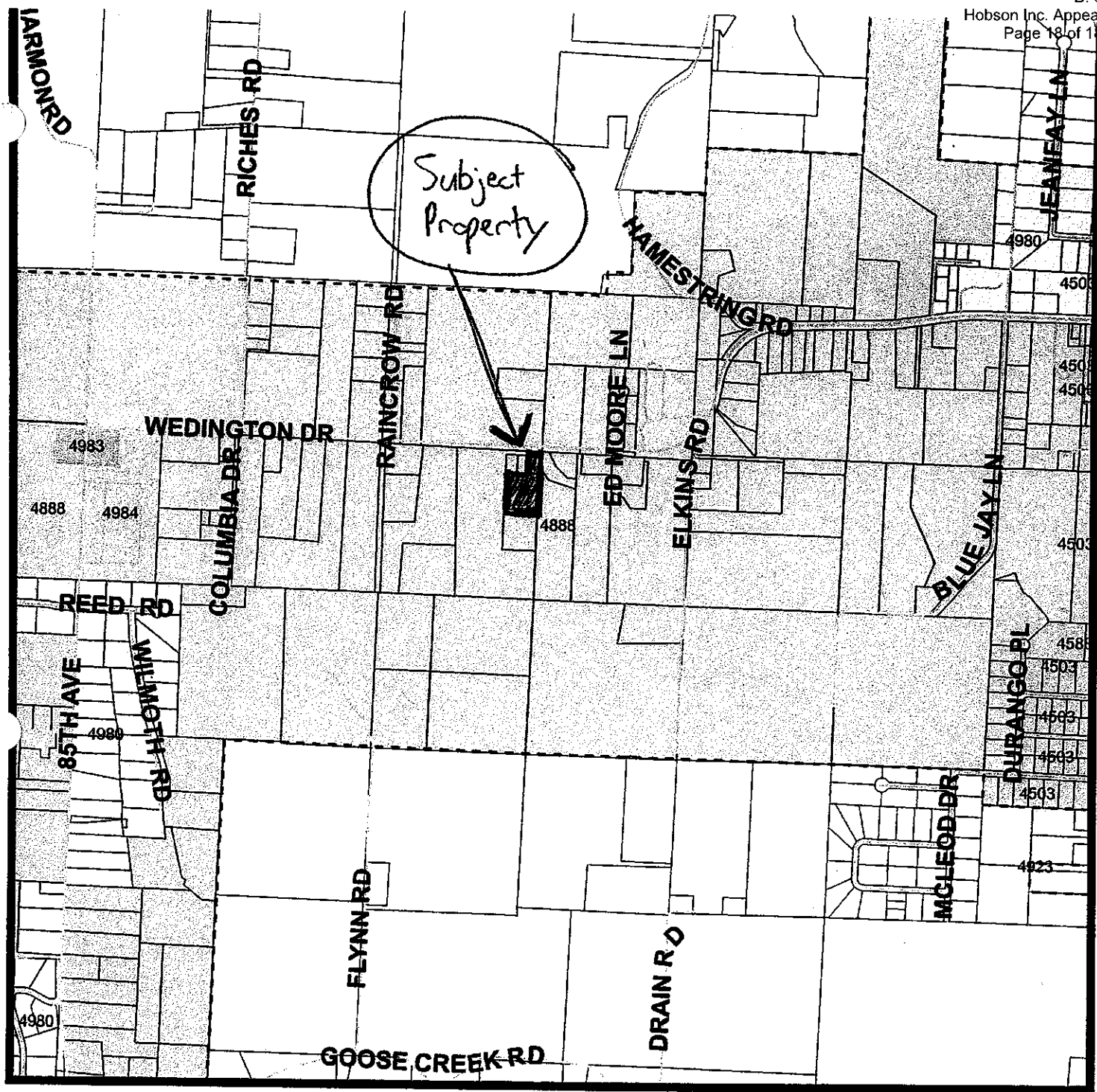


RZN 07-2667 (Hobson, Inc.)



1 inch equals 119.529068 feet





RZN 07-2667 (Hobson, Inc.)



1 inch equals 1,250 feet



RESOLUTION NO. _____

**A RESOLUTION ESTABLISHING AN ENERGY EFFICIENT BUILDING
POLICY FOR THE CITY OF FAYETTEVILLE**

WHEREAS, the City of Fayetteville, Arkansas desires to encourage new development to include sustainable design and building practices; and

WHEREAS, the City recognizes that energy efficient building complements existing policies related to development and natural resources conservation; including solid waste and recycling policies, City Plan 2025, and the Hillside/Hilltop Overlay District; and

WHEREAS, typical development and construction practices are significant contributors to the depletion of natural resources and a major cause of air and water pollution, solid waste, deforestation, and toxic wastes, which influences the overall quality of human life; and

WHEREAS, the United States Green Building Council has, in a national collaborative process, created Leadership in Energy and Environmental Design (LEED) standards that identify a range of actions that define energy efficient buildings and establish certification processes for new and existing buildings; and

WHEREAS, LEED-Silver Certification is recognized to provide estimated energy savings of 50 percent, carbon savings of 45 percent, water use savings of 40 percent and waste cost savings of 70 percent compared to typical building practices; and

WHEREAS, a variety of North American municipalities have implemented aggressive energy efficient building policies that match the proposed standard, including: Austin, Texas; Boulder, Colorado; Chapel Hill, North Carolina; and Dallas, Texas among others; and

WHEREAS, Fayetteville City Council supports sustainable economic development by encouraging the expansion of energy efficient building practices.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby requires all new, city-owned buildings in excess of 5,000 square feet to achieve a minimum certification of LEED-Silver as issued by the US Green Building Council and require all exempt building designs to include a LEED checklist with an emphasis on energy and water efficiency.

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

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



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

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
October 2, 2007**

A meeting of the Fayetteville City Council will be held on October 2, 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**

Proposed Design for the Courts and Prosecutor Facility Presentation given by James Estes with Wilson Estes Police Architects – Agenda Session Only.

Illinois River Watershed Partnership End of Year Report given by Delia Haak, Executive Director and Katy Teague, Education Committee Chair – Agenda Session Only.

Red Oak Park Stream Bank Improvement Project Presentation of revised project design given by Mr. Dave Evans of the Arkansas Game and Fish Commission Stream Team - Agenda Session Only.

A. CONSENT:

- 1. Approval of the September 4, 2007 City Council meeting minutes.**
- 2. Enforcement of Underage Drinking Laws Mini-Grant:** A resolution authorizing the Fayetteville Police Department to accept a reimbursement mini-grant from the Arkansas Alcoholic Beverage Control Enforcement Division in the amount of \$5,400.00 to enforce underage drinking laws; and approving a budget adjustment recognizing the grant revenue.

3. **Sam's Club Grant for Police Equipment:** A resolution authorizing the Fayetteville Police Department to accept a grant from Sam's Club Foundation in the amount of \$3,000.00 for the purchase of minor equipment; and approving a budget adjustment to recognize the grant revenue.
4. **2007-2008 Selective Traffic Enforcement Grant:** A resolution accepting the 2007-2008 Selective Traffic Enforcement Program (STEP) Grant in the amount of \$103,000.00 for the purpose of paying overtime to officers engaged in the enforcement of DWI/DUI and seatbelt laws and other purposes; and approving a budget adjustment recognizing the grant revenue.
5. **2007 Edward Byrne Memorial Justice Assistance Grant:** A resolution accepting the 2007 Edward Byrne Memorial Justice Assistance Grant in the amount of \$83,183.00, \$39,739.00 of which will be used by the Fayetteville Police Department for the purchase of equipment with the remainder to be distributed to the City of Springdale and Washington County; and approving a budget adjustment recognizing the grant revenue.
6. **Time Striping Inc.:** A resolution approving a contract with Time Striping, Inc. in the amount of \$59,000.00 to re-paint the airfield markings at the Fayetteville Municipal Airport, Drake Field; approving a 5% contingency in the amount of \$3,498.00; accepting an Arkansas Department of Aeronautics Grant in the amount of \$73,448.00; and approving a budget adjustment to recognize the grant revenue.
7. **Garver Engineers, LLC:** A resolution approving Amendment No. 1 to the engineering contract with Garver Engineers, LLC in an amount not to exceed \$278,150.00 for final design and bidding services associated with the Cato Springs Road Improvement Project.

B. UNFINISHED BUSINESS:

1. **Boardwalk Property Owners Association:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share with the Boardwalk Property Owners Association (POA) in an amount not to exceed \$69,674.00 to dredge the Boardwalk POA pond. *This ordinance was left on the First Reading at the August 7, 2007 City Council meeting. This ordinance was left on the Second Reading at the August 23, 2007 City Council meeting. This ordinance was left on the Second Reading at the September 4, 2007 City Council meeting and Tabled to the October 2, 2007 City Council meeting.*
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 ordinance was left on the Second Reading at the September 4, 2007 City Council meeting. This ordinance was left on the Third Reading at the September 18, 2007 City Council meeting and Tabled to the October 2, 2007 City Council meeting.*

3. **R-PZD 07-2649 College Avenue Townhomes:** An ordinance establishing a residential planned zoning district titled R-PZD 07-2649, College Avenue Townhomes, located southeast of College Avenue and Golden Eagle Drive; containing approximately 2.34 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the Third Reading at the September 18, 2007 City Council meeting and Tabled to the October 2, 2007 City Council meeting.*
4. **R-PZD 07-2680 Arcadian Court:** An ordinance establishing a residential planned zoning district titled R-PZD 07-2680, Arcadian Court, located at 1631 West Deane Street; containing approximately 1.69 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the Second Reading at the September 18, 2007 City Council meeting.*
5. **Hobson, Inc. Appeal:** An ordinance rezoning that property described in rezoning petition RZN 07-2667, for approximately 2.38 acres, located at 7613 Wedington from R-A, Residential Agricultural, to C-2, Thoroughfare Commercial. *This ordinance was left on the First Reading at the September 18, 2007 City Council meeting.*

C. NEW BUSINESS:

1. **2007 Millage Levy:** An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas for the year 2007 fixing the rate thereof at 2.2 mills for General Fund Operations, 0.4 mills for the Firemen's Pension and Relief Fund, 0.4 mills for the Policemen's Pension and Relief Fund and 1.0 mill for the Fayetteville Public Library; and certifying the same to the County Clerk of Washington County, Arkansas.
2. **Illinois River Watershed Partnership:** An ordinance waiving the requirements of §34.23, (purchases and contracts not in excess of \$20,000.00), of the Fayetteville Code of Ordinances and approving a contract with the Illinois River Watershed Partnership (IRWP) in the amount of \$10,000.00 for watershed education and planning services.
3. **Red Oak Park Streambank Revised Improvement Project:** A resolution approving a revised project design for the Red Oak Park Streambank Improvements submitted by the Arkansas Game and Fish Commission Region 1 Steam Team.
4. **RZN 07-2691 (JB Hays):** An ordinance rezoning that property described in rezoning petition RZN 07-2691, for approximately 1.80 acres, located at 5393 East Huntsville Road from RSF-4, Residential Single-Family, 4 units per acre, to C-1, Neighborhood Commercial.
5. **VAC 07-2705 (Driver S/D):** An ordinance approving VAC 07-2705 submitted by Freeland, Kaufmann & Freeden for property located at the east end of Township, vacating the excess right-of-way on the north and south sides of Township, a total of 1,789 square feet.

6. **VAC 07-2706 (Hammons):** An ordinance approving VAC 07-2706 submitted by Stitt Energy Systems, Inc. for property located at 30 North Greenbriar Drive, vacating a portion of a utility easement, a total of 288 square feet.
7. **VAC 07-2707 (City of Fayetteville/Broyles Ave.):** An ordinance approving VAC 07-2707 submitted by City of Fayetteville Water and Sewer Division for property located at the Westside Wastewater Treatment Plant (15 south Broyles Road), vacating the right-of-way for Broyles Road bisecting the City's Westside Wastewater Treatment Plant site, a total of 3.19 acres.
8. **Energy Efficient Building Policy:** A resolution establishing an Energy Efficient Building Policy for the City of Fayetteville.

D. INFORMATIONAL:

City Council Tour: October 1, 2007

City of Fayetteville Staff Review Form

A.2.
Enforcement of Underage
Drinking Laws Mini-Grant
Page 1 of 8

City Council Agenda Items and Contracts, Leases or Agreements

10/2/2007

City Council Meeting Date
Agenda Items Only

Greg Tabor
Submitted By

Police
Division

Police
Department

Action Required:

City Council approve the acceptance of funding to enforce underage drinking laws and approve a budget adjustment recognizing the revenue.

\$5,400

Cost of this request

\$

6,461,092.00

Category / Project Budget

Personnel

Program Category / Project Name

1010-2940-5103.00

Account Number

\$

4,561,246.00

Funds Used to Date

Patrol

Program / Project Category Name

\$

1,899,846.00

Remaining Balance

General

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

XXX

Department Director

Date

Previous Ordinance or Resolution #

City Attorney

Date

Original Contract Date:

Original Contract Number:

Finance and Internal Service Director

Date

Received in City
Clerk's Office

ENTERED

9/16/07

Mayor

Date

Received in
Mayor's Office

ENTERED

9/11/07

BER

Comments:

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Dan Coody and Members of the City Council

FROM: Greg Tabor, Chief of Police 

DATE: September 5, 2007

SUBJECT: Enforcement of Underage Drinking Laws Mini-Grant

Recommendation: It is recommended City Council approve the acceptance of funding to enforce underage drinking laws and approve a budget adjustment recognizing the grant.

Background: The Fayetteville Police Department, historically, is one of the area's leading law enforcement agencies on enforcing underage drinking laws. The department works closely with the Arkansas State Alcoholic Beverage Control Division to monitor local establishments in the sale and consumption of alcoholic beverages to minors. The department conducts regular checks throughout the year involving several officers inspecting a number of alcohol permitted outlets.

Discussion: The Alcoholic Beverage Control Enforcement Division has awarded a mini-grant in the amount of \$5,400 to the Fayetteville Police Department for enforcement underage drinking laws. The Fayetteville Police Department will use these funds to offset the expenditure of a number of details to monitor and inspect alcohol permitted outlets in the enforcement of underage drinking laws throughout the year. This is a reimbursement grant as opposed to a matching funds grant.

Budget Impact: Revenue applied to Patrol Overtime

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE FAYETTEVILLE POLICE DEPARTMENT TO ACCEPT A REIMBURSEMENT MINI-GRANT FROM THE ARKANSAS ALCOHOLIC BEVERAGE CONTROL ENFORCEMENT DIVISION IN THE AMOUNT OF \$5,400.00 TO ENFORCE UNDERAGE DRINKING LAWS; AND APPROVING A BUDGET ADJUSTMENT RECOGNIZING THE GRANT REVENUE .

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 Fayetteville Police Department to accept a Reimbursement Mini-Grant from the Arkansas Alcoholic Beverage Control Enforcement Division in the amount of \$5,400.00 to enforce underage drinking laws.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a Budget Adjustment recognizing the grant revenue.

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

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

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

A.2.
Enforcement of Underage
Drinking Laws Mini-Grant
Page 4 of 8

Budget Year 2007	Department: Police Division: Police Program: Patrol	Date Requested 10/2/2007	Adjustment Number
--------------------------------	---	--	-------------------

Project or Item Added/Increased: Patrol overtime	Project or Item Deleted/Reduced: None
---	--

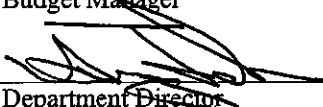
Justification of this Increase: Received revenue from an ABC mini-grant	Justification of this Decrease:
--	---------------------------------

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number
Overtime	1010	2940	5103	00	5,400	

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number
State Grants-Operational	1010	0001	4302	01	5,400	

Approval Signatures		Budget Office Use Only					
Requested By	Date	Type:	A	B	C	D	E
Budget Manager	Date	Posted to General Ledger				Initial	Date
 Department Director	9-5-07 Date	Posted to Project Accounting				Initial	Date
Finance & Internal Services Director	Date	Entered in Category Log				Initial	Date
Mayor	Date						



**Alcoholic Beverage
Control Enforcement**
1515 West Seventh Street, Suite 204
Little Rock, Arkansas 72203-2259
Phone: (501) 682-8174 Fax: (501) 682-3874
<http://www.state.ar.us/dfa>



August 24, 2007

RECEIVED

AUG 29 2007

CITY OF FAYETTEVILLE
MAYOR'S OFFICE

Notification of Award
FY 2005 Enforcing the Underage Drinking Laws Grant

Fayetteville Police Department

Mayor Dan Coody,

The Arkansas Alcoholic Beverage Control Enforcement Division is pleased to announce that your proposal has been approved in the amount of **\$5,400.00**. The grant period will run from **August 15, 2007 to April 30, 2008**.

Receipt of the award is contingent on the following:

Attachment 1 (attached) must be completed by your agency head and returned to ABC Enforcement as soon as possible. Ensure the following:

- a. Acknowledgement from your agency head indicating the requirements for this award are understood and are acceptable.
- b. Contact information for your agency Award Manager/Coordinator and for at least one additional alternate contact.

Reporting Requirements

Detailed written summary reports and reimbursement requests are due monthly no later than the 5th of the month and a final report due no later than May 10, 2007. *Failure to submit these reports by the deadline may result in a cancellation of this award or only partial reimbursement (refer to RFP for more info on cancellation of award).* Reports should include detailed descriptions/narratives of all activities and data compilation for the time period allotted. A report is required, even if no activities were performed within the reporting period. Reimbursement will be issued only for the specific items and services indicated in the proposal. To ensure full reimbursement, detailed receipts must be attached to the reimbursement request. To receive reimbursement for promotional items, copies or samples must be submitted with the reimbursement request. (Two copies and an electronic version of the reports must be submitted.)

Minors will be compensated at a rate of pay **no higher than \$10.00 per hour**. Officers will be compensated at a rate of pay **no higher than \$25.00 per hour**. Officers **will not be compensated** for court time. Compensation for mileage will be reimbursed at **\$.43 cents** a mile (or highest rate approved by the State).

ABCE Acknowledgement

- a. Performance measures and data to be collected forms will be provided upon receipt of acceptance and acknowledgement of grant award
- b. Reimbursement and report forms will be provided upon receipt of acceptance and acknowledgement of grant award

Should you have any questions or concerns throughout your grant period, please contact Juanita Shermo-
Assistant Director ABC Enforcement at: (501) 682-8174 or by email at juanita.shermo@dfa.state.ar.us.

Congratulations once again on your award.

Sincerely,

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

Juanita Shermo
Assistant Director
ABC Enforcement

Attach 1

Grantee Acknowledgement of EUDL Grant Requirements and Restrictions FY 2005 August 15, 2007 to April 30, 2008

I, Dan Coody, agency head for City of Fayetteville
acknowledge the specific requirements outlined in the *Notification of Award*.

I will ensure the timely submission of all reports and will ensure the reimbursement requests are submitted
only for qualified expenses and for only the approved rates outlined in the *Notification of Award*.

Contact Information: Fayetteville Police Department

Dan Coody Mayor
Agency Head- Printed Name Title

Signature Date

Agency Award Manager/Coordinator contact information:

Name: William Brown Title: Captain

Phone: 479-587-3500

Other: 479-530-7212

Alternate Person contact information: (at least one required)

Name: Shannon Gabbard Title: Sergeant

Phone: 479-587-3580

Other: 479-200-9704

Name: _____ Title: _____

Phone: _____

Other: _____

Please complete this form and mail it and other requested documentation to:

Juanita Shermo- Assistant Director
Alcoholic Beverage Control Enforcement
1515 West Seventh Street, Suite 204
Little Rock, Arkansas 72203-2259

Phone: (501) 682-6174 Fax: (501) 682-3874

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

October 2, 2007

City Council Meeting Date

Greg Tabor, Police Chief
Submitted By

Patrol
Division

Police
Department

Action Required:

Approve the receipt of grant funds for police equipment in the amount of \$3,000.00 from Sam's Club.

\$ 3,000.00

Cost of this request

\$ 246,666.00

Category / Project Budget

Supplies / Minor Equipment

Program Category / Project Name

1010-2940-5210.00

Account Number

\$ 124,985.00

Funds Used to Date

Sam's Club Equipment Grant

Program / Project Category Name

\$ 121,681.00

Remaining Balance

General

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☒

[Signature]
Department Director

9-13-07
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

[Signature]
City Attorney

9/14/07
Date

Received in City Clerk's Office

ENTERED
9-13-07

Paul A. Berlin
Finance and Internal Service Director

9-14-07
Date

Received in Mayor's Office

ENTERED
9/14/07 BROP

[Signature]
Mayor

9/14/07
Date

Comments:

Departmental Correspondence

TO: Fayetteville City Council

THRU: Dan Coody, Mayor
Greg Tabor, Police Chief *GT*

FROM: Willie Newman, Financial Coordinator *WN*

DATE: September 13, 2007

SUBJECT: Sam's Club Grant for Police Equipment

Recommendation

Staff recommends approval of the receipt of grant funds in the amount of \$3,000.00 from Sam's Club for the purchase of Police Equipment.

Background

Over the past years Sam's Club and Wal-mart have provided the Fayetteville Police Department with grants for the purchase of equipment.

Discussion

These funds will offset budget shortfalls for minor equipment

Budget Impact

This grant provides an additional \$3,000 for the purchase of police equipment. There will be no on-going expenses associated with these purchases.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE FAYETTEVILLE POLICE DEPARTMENT TO ACCEPT A GRANT FROM SAM'S CLUB FOUNDATION IN THE AMOUNT OF \$3,000.00 FOR THE PURCHASE OF MINOR EQUIPMENT; AND APPROVING A BUDGET ADJUSTMENT TO RECOGNIZE THE GRANT REVENUE.

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 Fayetteville Police Department to accept a grant from Sam's Club Foundation in the amount of \$3,000.00 for the purchase of minor equipment.

Section 2. That the City Council of the City of Fayetteville, Arkansas, hereby approves a Budget Adjustment to recognize the grant revenue.

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

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

Fayetteville Police

Ver: 2/1/06
PLEASE FAX BACK TO: W. R. Morrison
756-3930

Application for Grant Funding

Return completed form to the Wal-Mart Store or SAM'S CLUB where you obtained this application.



Location Use Only:

Grant Type: ☐ Matching Grant ☐ Community Grant

Location #: _____ City: _____

Type: WM / SAM'S / DC / TO / Other _____

Today's Date: ____/____/____ Date of Event: ____/____/____ Fundraiser Location: ☐ On Site ☐ Off Site Amount Requested: \$ _____

How many associates will / did participate in the event? _____ (not required if held on site) Has the event been placed on the calendar? Y/N _____

Specifically, what is the fundraiser? (matching grants only) _____

Managers Name (signed and printed): _____

Community Involvement Associate: _____

This application and a receipt letter (matching grants only) must be completed and ON FILE at your location for ALL grants

To be Completed by the Organization:

Select one: IRS designated ☐ 501c3 organization OR: ☐ 501c4 ☐ 501c6 ☐ 501c19 organization*

*Must provide a valid Federal Tax ID / EIN #. Number will be validated using the IRS publicly available database

OR: ☐ Faith Based Organization ** ☐ Public School ☒ Federal, State or Local Government Agency

**Faith Based Organizations must be conducting projects that benefit the community as a whole. Grants cannot solely or primarily benefit, directly or indirectly, their adherents or members

Organization Name: Fayetteville Police Department

Federal 501c3, c4, c6 or c19 Tax ID (EIN) #: (9 digits) _____

Address: 100 A. West Rock Street

City: Fayetteville

ST: AR Zip: 72701

Contact Name: Chief Greg Tabor

Contact Phone: 479 - 587 - 3500

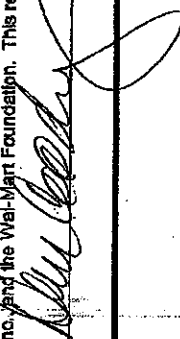
What service does your organization provide to the community? Law Enforcement

Specifically, how will funds from this grant be utilized in your local community? Funds will be used to purchase police equipment.

Which of the following groups will this funding primarily benefit? This information is used solely to track our funding to specific diverse community groups and is NOT considered during the grant review or approval process. Please select only the most appropriate:

☐ Hispanic ☐ African American ☐ Asian American ☐ Native American ☒ General Population (benefits the entire community)Will these grant funds directly benefit your LOCAL community? ☒ Yes ☐ No

Organization Representative: By signing below I acknowledge that this form represents a request for funding, and is not a guarantee of funding. Final approval is subject to the guidelines of the Wal-Mart Foundation. All organizations holding fundraisers at any Wal-Mart Stores, Inc. location, or requesting grant funding, must abide by the rules and guidelines set forth by the location. Wal-Mart Stores, Inc. and the Wal-Mart Foundation. This request will not be processed unless signed by all parties.

Signed:  Printed: Mayor Dan Coody Date: 8/1/07

SAM'S CLUB FOUNDATION

CITY OF FAYETTEVILLE POLICE DEPARTM

Location: 8209

Account #: 8877 GRAND OPENING

CHECK NUMBER	CHECK AMOUNT
1364292	\$ 3,000.00

Page 5 of 6

Sam's Club # 8209
2008 SOUTH THOMPSON
SPRINGDALE AR 72764

THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

SAM'S CLUB FOUNDATION
702 S.W. 8th Street
BENTONVILLE, ARKANSAS 72716

BANK OF BENTONVILLE
BENTONVILLE, AR
81-701-1829

DATE OF CHECK	CHECK NUMBER
08/31/2007	1364292

CHECK AMOUNT
\$ *****3,000.00

Void After 180 Days

PAY THREE THOUSAND DOLLARS AND NO CENTS

TO THE CITY OF FAYETTEVILLE POLICE DEPARTM
ORDER OF FAYETTEVILLE AR

8209 8877

Charles M. Hilley
Executive VP, Finance and Treasurer

11 1364292 0829088161

9552519211

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

A.3.
Sam's Club Grant for
Police Equipment
Page 6 of 6

Budget Year	Department: Police Division: Police Program: Patrol	Date Requested	Adjustment Number
2007		9/13/2007	

Project or Item Added/Increased: Purchase of equipment to support police operations	Project or Item Deleted/Reduced: None
---	---

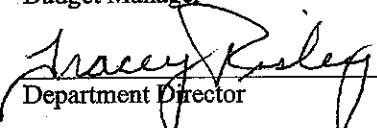
Justification of this Increase: These funds will be utilized to off set budget reductions.	Justification of this Decrease:
--	--

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Minor equipment	1010	2940	5210	00	3,000	03044	3

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Donations - Police Dept	1010	0001	4808	02	3,000	03044	3

Approval Signatures  Requested By 9-13-07 Date  Budget Manager Department Director 9-13-07 Date Finance & Internal Services Director Date Mayor Date	Budget Office Use Only Type: A B C D E Posted to General Ledger Initial Date Posted to Project Accounting Initial Date Entered in Category Log Initial Date
--	--

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

A.4.
2007-2008 Selective Traffic
Enforcement Grant
Page 1 of 22

10/2/2007
City Council Meeting Date

Greg Tabor
Submitted By

Police
Division

Police
Department

Action Required:

City Council accepts the 2007-2008 Selective Traffic Enforcement Project grant and approves a budget adjustment recognizing the revenue.

\$ 103,000.00
Cost of this request

\$ 103,000.00
Category / Project Budget

07-08 STEP Grant
Program Category / Project Name

See attached BA
Account Number

\$ -
Funds Used to Date

Police Patrol and Warrant
Program / Project Category Name

07034-01
Project Number

\$ 103,000.00
Remaining Balance

General
Fund Name

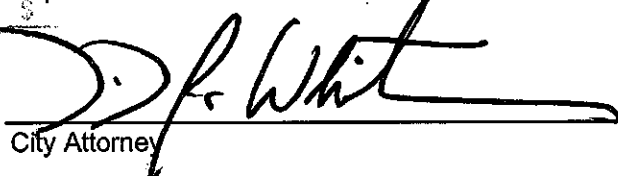
Budgeted Item ☐

Budget Adjustment Attached ☒


Department Director 9-14-07
Date

Previous Ordinance or Resolution # _____

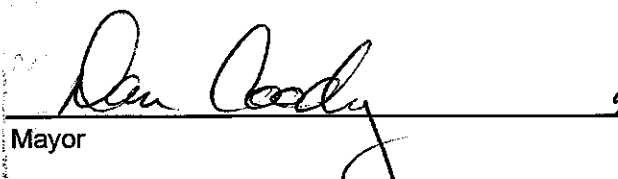
Original Contract Date: _____


City Attorney 9/17/07
Date

Original Contract Number: _____


Finance and Internal Service Director 9-17-07
Date

Received in City Clerk's Office



Mayor 9/17/07
Date

Received in Mayor's Office


Comments:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Dan Coody and Members of the City Council

FROM: Greg Tabor, Chief of Police 

DATE: September 12, 2007

SUBJECT: Selective Traffic Enforcement Project (STEP) Grant

Recommendation: Council adopts a resolution accepting the 2007/08 STEP grant and approves a budget adjustment recognizing the revenue.

Background: The Fayetteville Police Department has received STEP Grants since 1990. These grants are used to cover officer overtime while working either seat belt enforcement or DWI/DUI enforcement. The officers must be designated to one of these tasks and cannot answer other calls for service. This grant also includes \$10,000 for the purchase of child safety seats, \$1,500 for the purchase of two (2) hand-held radar units.

Discussion: The funds provided by this grant specifically support the department's efforts in reducing traffic accidents. Officers can be assigned to a specific accident-prone area and enforce traffic laws which in turn reduce accidents. The matching requirements will be provided by using the cost of car seats (state funds); the expense of monthly administration; vehicle expenses which include motorpool, shop overhead, replacement and gasoline. The balance will be met by assigning on-duty officers to the STEP Project when available. The match is not expected to require additional funds.

Budget Impact: Accepting this grant will increase the Minor Equipment Fund by \$11,500, Travel and Training by \$1,500 and the Patrol Program by \$90,000.

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE 2007-2008 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT IN THE AMOUNT OF \$103,000.00 FOR THE PURPOSE OF PAYING OVERTIME TO OFFICERS ENGAGED IN THE ENFORCEMENT OF DWI/DUI AND SEATBELT LAWS AND OTHER PURPOSES; AND APPROVING A BUDGET ADJUSTMENT RECOGNIZING THE GRANT REVENUE.

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 2007-2008 Selective Traffic Enforcement Program (STEP) Grant in the amount of \$103,000.00 for the purpose of paying overtime to officers engaged in the enforcement of DWI/DUI and seatbelt laws.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a Budget Adjustment recognizing the grant revenue.

PASSED and APPROVED this 2nd day of October 2006.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

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

A.4.
2007-2008 Selective Traffic
Enforcement Grant
Page 4 of 22

Budget Year 2007	Department: Police Division: Police Program: Patrol	Date Requested 9/13/2007	Adjustment Number
-------------------------	---	---------------------------------	-------------------

Project or Item Added/Increased: Recognize revenue from the 2007-08 Selective Traffic Enforcement Program and the expenses the grant will cover	Project or Item Deleted/Reduced: None
Justification of this Increase: Increase Patrol Overtime by \$60,000 for Seat Belt enforcement, \$30,000 for DWI enforcement, Minor Equipment \$10,000 Child Safety Seats and \$1,500 radar units; and Travel and Training by \$1,500 to attend Operation Lifesaver Conference.	Justification of this Decrease:

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Overtime-uniformed	1010	2940	5104	00	90,000	07034	1
Minor equipment	1010	2940	5210	00	11,500	07034	1
Travel & training	1010	2940	5304	00	1,500	07034	1

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
State Grants-Operational	1010	0001	4302	01	103,000	07034	1

Approval Signatures		Budget Office Use Only					
Requested By	Date	Type:	A	B	C	D	E
Budget Manager	Date	Posted to General Ledger					
 Department Director	9-15-07						
	Date	Posted to Project Accounting					
Finance & Internal Services Director	Date	Entered in Category Log					
Mayor	Date						



Mike Beebe
Governor

State of Arkansas

ARKANSAS STATE POLICE

1 State Police Plaza Drive Little Rock, Arkansas 72209-4822 www.asp.arkansas.gov

"SERVING WITH PRIDE AND DISTINCTION SINCE 1935"

A.4.
2007-2008 Selective Traffic
Enforcement Grant
22



Winford E. Phillips
Director

September 4, 2007

ARKANSAS STATE POLICE COMMISSION

Daniel "Woody" Futrell
Chairman
Nashville

Warren Dupwe
Vice-Chairman
Jonesboro

Charisse Childers
Secretary
Blytheville

Dr. Lewis Shepherd
Arkadelphia

John W. Allison
Conway

Steve G. Smith
Little Rock

Jane Christenson
Harrison

Captain William K. Brown
Project Coordinator
Fayetteville Police Department
100-A West Rock Street
Fayetteville, AR 72701-6191

Re: K8-2008-08-09-09
OP-2008-03-02-11
Selective Traffic Enforcement Project (STEP)

Dear Captain Brown:

The above referenced FY 2008 Subgrant Agreement is enclosed for your review and signature. The Subgrant Agreement/Contract Terms and Common Rule for this program are made a part of this agreement and should be kept in you agency's file with your copy of the signed agreement. The agreement may not include all items presented in your proposal. Only those activities included in the agreement are eligible for reimbursement.

Please return the signed agreement (keep the enclosed Subgrant Agreement/Contracts Terms and Common Rule) to our office no later than September 18, 2007. We will send you a copy of the fully executed agreement. We look forward to working with your agency during the upcoming year.

Sincerely,

Bridget White
Coordinator of Arkansas's
Highway Safety Program

Enclosure

c: Agreement/Contract File



Mike Beebe
Governor

State of Arkansas

ARKANSAS STATE POLICE

1 State Police Plaza Drive Little Rock, Arkansas 72209-4822 www.asp.arkansas.gov

"SERVING WITH PRIDE AND DISTINCTION SINCE 1935"



Winford E. Phillips
Director

HIGHWAY SAFETY SUBGRANT AGREEMENT OCCUPANT PROTECTION PROGRAM ALCOHOL & OTHER DRUGS COUNTERMEASURES PROGRAM

RECIPIENT

Fayetteville Police Department
100-A West Rock Street
Fayetteville, Arkansas 72701-6191
Telephone: (479) 587-3500
Fax: (479) 587-3522

GOVERNMENTAL UNIT

City of Fayetteville
100-A West Rock Street
Fayetteville, Arkansas 72701-6191

PROJECT NO. K8-2008-08-09-09
OP-2008-03-02-11

TYPE OF APPLICATION

Initial: _____
Revision: _____
Continuation: x

TAX ID NO. 71-6018462

PROJECT TITLE

Selective Traffic Enforcement Project

INITIAL PROJECT STARTING DATE

October 1, 1998

OPERATIONAL AREA OF PROJECT

City of Fayetteville

<u>COST CATEGORY</u>	<u>AMOUNT</u>		
	<u>FEDERAL</u>	<u>STATE</u>	<u>LOCAL</u>
Personal Services	\$91,500		\$70,000
Equipment	1,500		
Maintenance & Operation			13,000
Other Direct Costs		\$10,000	
Indirect Costs			
Administrative Costs			
Total	<u>\$93,000</u>	<u>\$10,000</u>	<u>\$83,000</u>

<u>PROJECT PERIOD</u>	<u>FUNDING PERIOD</u>
From: <u>10-1-2007</u>	From: <u>10-1-2007</u>
To: <u>9-30-2008</u>	To: <u>9-30-2008</u>

FUNDING

<u>SOURCE</u>	<u>AMOUNT</u>
Federal	\$ 93,000
State	10,000
Local	83,000
Total	<u>\$186,000</u>

**ARKANSAS STATE POLICE
HIGHWAY SAFETY SUBGRANT AGREEMENT**

INDEX

<u>Item</u>	<u>Page</u>
1. Title Page -----	1
2. Index Page -----	2
3. Background, Problem Statement, Goal Statement -----	3
4. Scope of Work -----	4
5. Audit and Certification Requirements -----	5-7
6. Work Statement -----	8-12
7. Subgrantee Invoice Forms -----	13-15
8. Signature Sheet -----	16

AGREEMENT PREPARED BY: Chip Payne
TITLE: Program Manager
ADDRESS: Arkansas State Police
Arkansas Highway Safety Office
1 State Police Plaza
Little Rock, AR 72209
PHONE: (501) 618 - 8137
FAX: (501) 618 - 8124

**ARKANSAS STATE POLICE
HIGHWAY SAFETY SUBGRANT AGREEMENT**

PROBLEM AND GOALS

BACKGROUND

The State of Arkansas is taking increased steps to address safety on the state's roadways as part of an effort to implement innovative strategies to reduce traffic fatalities throughout the State. The Arkansas Highway Safety Office (AHSO) considers safety issues by focusing on behavioral aspects at the driver level. The goal is to reduce highway fatalities by better identifying driver behaviors that cause fatal crashes, implementing programs to address those behaviors and targeting locations where fatal crashes occur.

An average of 630 motorists per year, lose their lives on Arkansas's roadways. Another 43,000, per a ten-year average, are injured each year. Alcohol/drug related fatalities increased from 2000 through 2004. However, in 2005 there were 247 alcohol/drug related fatalities reported. This is a decrease of 22 from the previous year. Arkansas's alcohol/drug related fatalities in 2005 stood at 38% of the total fatalities, which is below the national average of 39%. In 2005 there were 654 fatalities compared to 721 the previous year.

An additional area of concern is occupant protection where in 2005, 68 percent of the recorded vehicle occupant fatalities were unrestrained. In 2006, Arkansas's safety belt use rate was 69.3%, while the regional average stood at 85.5% and the National use rate at 81.5%. Arkansas's safety belt use rate for pickup trucks was reported at 59.7%. The 2006 survey also revealed that Arkansas's safety belt/child restraint use rate for children under 15 years old was 81.6%.

Strict enforcement of the State's traffic laws, through Selective Traffic Enforcement Projects (STEP), has been proven effective in reducing traffic crashes and fatalities. The State will continue to deploy this strategy to address its traffic safety problems.

PROBLEM STATEMENT

The city of Fayetteville is a community of 68,726 residents having a geographical size of 43.4 square miles. The city of Fayetteville recorded 27 traffic fatalities from 1996 through 2000 and of those traffic fatalities 8 were alcohol related.

In 1998 the Fayetteville Police Department began a proactive approach to collision reduction which included implementation of the STEP through a grant with the AHSO. The city posted 41 traffic fatalities from 2001 through 2005 and of those 18 were alcohol related. A seat belt use rate of 76% was recorded by the Fayetteville Police Department in 2007. The Fayetteville Police Department wishes to continue to operate an aggressive and sustained traffic enforcement program, as well as, participation in the State's Impaired Driving and Seat Belt mobilizations/campaigns.

GOALS

The overall goal of this project is to reduce the number of traffic-related fatalities by conducting a selective traffic enforcement project in Fayetteville. The goal for each component of this dual funded project is as follows:

Alcohol Component (Section 410) – Reduce the annual number of alcohol-related fatalities from the one recorded in Fayetteville in 2005.

Seat Belt Component (Section 402) – Increase seat belt usage by two percentage points from 76% in 2007 to 78% in 2008.

**ARKANSAS STATE POLICE
HIGHWAY SAFETY SUBGRANT AGREEMENT**

SCOPE OF WORK

SUMMARY OF PROJECT OBJECTIVES: This project's primary objectives are to achieve an average of three vehicle stops per hour per officer during traffic enforcement (with an emphasis on enforcement of speed and occupant restraint laws) and one DWI/DUI arrest per eight hours of alcohol enforcement. A public information and education program will support these objectives.

METHOD OF EVALUATION BY ASP/HSO

ADMINISTRATIVE: X
IMPACT EVALUATION: X By achievement of performance standards.

REIMBURSEMENT - ACTUAL COST ONLY

 ASP/HSO will reimburse the recipient an amount equal to % of all eligible cost.

 X ASP/HSO will reimburse the recipient an amount equal to all eligible costs as identified in work statement.

REIMBURSEMENT LIMITS

1. Maximum amount eligible for reimbursement:
Federal Funds: \$93,000
State Funds: \$10,000
2. Only those orders placed and costs incurred during the following time period shall be eligible for reimbursement:
(Date) 10-1-2007 to (Date) 9-30-2008
3. The recipient must bear all costs not eligible for Federal reimbursement.

Federal and State regulations shall be the basis for determining eligibility of costs, as detailed in the General Provisions and Subgrant Agreement/Contract Terms.

This agreement may be amended only by written notice in advance and in accordance with ASP/HSO policy. (See Subgrant Agreement/Contract Term II.)

**ARKANSAS STATE POLICE
HIGHWAY SAFETY SUBGRANT AGREEMENT**

AUDIT REQUIREMENTS

The recipient will arrange for an organization-wide financial and compliance audit, as required by OMB Circular A-133, within the prescribed audit reporting cycle. The audit report must separately identify highway safety funds from other Federal funds. Two (2) copies of the report will be furnished to the Arkansas State Police Highway Safety Office within three months of the report date. Failure to furnish an acceptable audit as determined by the cognizant Federal audit agency may be a basis for denial and/or refunding of Federal funds. A copy of A-133 is available on request. The recipient has been made aware of audit requirements.

CERTIFICATION REGARDING FEDERAL LOBBYING:

The recipient certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be Subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

**ARKANSAS STATE POLICE
HIGHWAY SAFETY SUBGRANT AGREEMENT**

RESTRICTION ON STATE LOBBYING:

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION:

In accordance with the provisions of 49 CFR Part 29, the State agrees that it shall not knowingly enter into any agreement under its Highway Safety Plan with a person or entity that is barred, suspended, declared ineligible, or voluntarily excluded from participation in the Section 402 program, unless otherwise authorized by NHTSA. The State further agrees that it will include the following clause and accompanying instruction, without modification, in all lower tier covered transactions, as provided by 49 CFR Part 29, and in all solicitations for lower tier covered transactions.

Instructions for Lower Tier Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms *covered transaction*, *debarred*, *suspended*, *ineligible*, *lower tier covered transaction*, *participant*, *person*, *primary covered transaction*, *principal*, *proposal*, and *voluntarily excluded*, as used in this clause, have the meanings set out in the Definition and Coverage sections of 49 CFR Part 29. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.

**ARKANSAS STATE POLICE
HIGHWAY SAFETY SUBGRANT AGREEMENT**

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. (See below)
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participants shall attach an explanation to this proposal.

**ARKANSAS STATE POLICE
HIGHWAY SAFETY SUBGRANT AGREEMENT**

WORK STATEMENT

A. The recipient, Fayetteville Police Department, in exchange for consideration offered by the Arkansas State Police Highway Safety Office, hereafter referred to as the Arkansas Highway Safety Office (AHSO), and in the interest of improving highway safety, hereby agrees to pursue the achievement of the following objectives:

1. Appoint a Project Coordinator to be a liaison between the recipient and the Arkansas Highway Safety Office (AHSO) and to be responsible for coordinating selective enforcement activities and financial transactions associated with this subgrant agreement. Herein, give signature authorization for the Project Coordinator to request reimbursement and agreement change orders when applicable. Compensation for the Project Coordinator will be from local funds.
2. Ensure that the Project Coordinator, or designee, has successfully completed the Arkansas Highway Safety Office Project Management Course if offered. This course will provide information and updates on State, Federal and Highway Safety Office policies and procedures. Travel, meals and lodging will be reimbursed for eligible participants. Participants will be notified of the specific dates and location of this course.
3. Implement a seat belt policy if one does not exist. If not previously submitted, provide a copy of the policy to the AHSO no later than sixty days after the start of this project.
4. Conduct selective enforcement of the State's seat belt, driving while intoxicated (DWI)/driving under the influence (DUI), speed limit, child passenger protection and motorcycle helmet laws. Officers are to ensure compliance with the State's seat belt and child restraint laws during all vehicle stops. Enforcement should target locations where fatal/serious injury crashes are occurring.
5. Seat belt enforcement (from 6:00 a.m. until 9:00 p.m.) will emphasize enforcement of seat belt, child restraint and speed limit laws. DWI/DUI enforcement will start no earlier than 9:00 p.m. and end no later than 6:00 a.m. the following morning, any day of the week providing the performance standard (listed below) is met. The AHSO retains the right to limit or modify the enforcement hours and days at its discretion and as necessary to meet performance compliance requirements. Officers working on the project are expected to enforce all the laws cited in this agreement during both seat belt and DWI/DUI enforcement. Participating officers are expected to average two vehicle stops per hour when not actively processing a DWI arrest during DWI enforcement.

6. Performance standards are as follows:

During Seat Belt Enforcement
Average three vehicle stops per
hour per officer during enforcement

During DWI/DUI Enforcement
Average one DWI/DUI arrest
per eight hours of enforcement

**ARKANSAS STATE POLICE
HIGHWAY SAFETY SUBGRANT AGREEMENT**

WORK STATEMENT

Persons arrested for violation of Arkansas Code Annotated 5-65-103 and 5-56-205 shall be determined to be DWI arrests. Youthful offenders arrested for violation of Arkansas Code Annotated 5-65-303 shall be determined to be DUI arrests.

7. Participate in one seat belt and one DWI/DUI national enforcement mobilization during the project period. Also must participate in four additional State DWI/DUI mobilizations. The mobilization dates will be provided in advance by the AHSO. Must participate in the public information and education (PI&E) activities (press conferences/news releases) in conjunction with the mobilization activities. An informal seat belt survey conducted by the agency will also precede and follow the seat belt mobilization for evaluation purposes. The national seat belt mobilization will be conducted in May surrounding Buckle Up America Week and Memorial Day. The national DWI/DUI mobilization will be conducted in August/September surrounding the Labor Day holiday period. **Manage project activity to ensure that sufficient funds are available to participate in mobilizations. Submit a mobilization report within 15 days after a mobilization period in accordance with the format provided by the AHSO. Agencies are urged to participate in sobriety checkpoints and/or saturation patrols during DWI mobilizations.**
8. Conduct other PI&E activities to support the objectives of this project. These activities may include, but are not limited to, conducting news conferences, issuing press releases, having members of the media ride with officers during selective enforcement patrol, conducting child safety seat clinics, making presentations to schools and/or civic groups and distributing educational materials. At the beginning of the project period a press release must be issued and/or a press conference must be conducted to notify the community of the project activities.
9. The only costs eligible for reimbursement are selective enforcement (which includes officer pay and applicable benefits), hand held radar units, approved out-of-state travel and child safety seats. Officers may also be compensated at the selective enforcement rate for hours spent conducting seat belt surveys associated with mobilizations and time spent working at clinics associated with the proper installation of child safety seats. Hours spent conducting seat belt surveys, participating in sobriety checkpoints, or working at child safety seat clinics will not be used when calculating enforcement performance. The recipient will be reimbursed for officers working selective traffic enforcement at a rate that does not exceed one and one-half times the officer's regular hourly rate. Reimbursement is limited to one officer per patrol vehicle. Officers compensated through this agreement shall work strictly within the scope of this project while performing duties in connection with and being funded by this agreement. Hours worked on and compensated through this agreement must not supplant (be a substitute for) regular officer hours and pay. Routine patrol functions, including crash investigations, will be assigned to personnel on regular duty. Should a project officer become involved in routine patrol functions while conducting selective enforcement, the officer will be compensated from other funds. **No part-time personnel can be compensated through this agreement.**

**ARKANSAS STATE POLICE
HIGHWAY SAFETY SUBGRANT AGREEMENT**

WORK STATEMENT

10. Purchase and loan child safety seats in accordance with AHSO policy. Seats must be purchased no later than March 31, 2008. Invoices for the seats must be submitted to the AHSO within 30 days of purchase. All purchases must be in compliance with local and state purchasing laws and regulations.
11. An out-of-state travel line item is included in the Budget Details to provide travel reimbursement for the Project Coordinator and/or other designated project personnel to attend the Annual Lifesavers Conference or other approved training. All out-of-state travel must receive prior written approval of the AHSO. Submit a written request for travel approval, which includes traveler's name, job title, destination, travel dates and estimated costs to the AHSO at least 60 days prior to the trip. All travel reimbursed through this agreement must comply with State Travel Regulations.
12. To assist with the enforcement effort, purchase two hand held radar units at an approximate cost of \$750 each to be used during overtime traffic enforcement. Priority use of this equipment shall be given to those officers actively working STEP enforcement. Assurance is provided herein that throughout the life expectancy of this equipment, it will be used for the purposes expressed or implied in this agreement. All purchases must be in compliance with local and state purchasing laws and regulations.
13. Ensure that all officers working on this project have successfully completed the National Highway Traffic Safety Administration's approved courses on occupant protection usage and enforcement (OPUE) or traffic occupant protection strategies (TOPS) training and standardized field sobriety testing (SFST) during the project period.
14. Ensure that all officers working on this project are familiar with Act 470 of 2001 (the amended "Child Passenger Protection Act"). Effective August 13, 2001, all children under the age of fifteen (15) years must be restrained and any child under six (6) years of age and under sixty (60) pounds in weight must be restrained in a child safety seat. Violation of this Act is a primary offense, meaning that a vehicle may be stopped if there is probable cause to believe that the law is being violated.
15. Ensure that all officers working on this project are familiar with Act 561 of 2001 (the ".08 BAC law").
16. Submit monthly reimbursement requests, local match reporting form and activity reports, including PI&E activities, along with a cover letter(s) by the 15th of the subsequent month in accordance with formats provided by the AHSO. An Annual Project Activity Report will be submitted in accordance with the format provided by the AHSO. **Include with the annual report a tabulation of local funds contributed (50% required) to this project.** This annual report and the final reimbursement request are due within 30 days following the end of the project period. Final reimbursement will not be made until a satisfactory annual report is submitted.

**ARKANSAS STATE POLICE
HIGHWAY SAFETY SUBGRANT AGREEMENT**

WORK STATEMENT

17. Create a project file for maintaining the agreement and financial documents. The file will contain a copy of this agreement, agreement terms, related ASP/AHSO policies and procedures, policies or procedures of the recipient related to this project's activities, copies of monthly activity reports, AHSO STEP daily worksheets, and reimbursement requests, correspondence relating to the agreement, a copy of daily time sheets which reflect regular and selective enforcement hours worked and documentation of any public information activities. The file must be maintained in one location and is subject to review by State and Federal authorities responsible for oversight of this agreement. **Copies of all time sheets and original AHSO STEP daily worksheets for all selective enforcement officers paid through this agreement must be kept in this file. All time sheets must have officer's and supervisor's signatures with attached supporting documents. All AHSO STEP daily worksheets must be completed properly and have the officer's and a supervisor's signature to be eligible and approved for reimbursement.**

**ARKANSAS STATE POLICE
HIGHWAY SAFETY SUBGRANT AGREEMENT**

WORK STATEMENT

- B. The Arkansas Highway Safety Office (AHSO) hereby agrees to perform the following activities:
1. Reimburse the recipient for all eligible costs incurred in accordance with provisions stated in the Subgrant Agreement/Contract Terms. An analysis of reimbursable costs is provided in the attached Subgrantee Invoice Form.
 2. Provide reasonable consultative assistance to the recipient to aid in the achievement of project objectives.
 3. Conduct administrative and/or on-site evaluations to assess the effectiveness of the project. Evaluations will include, but are not limited to, a review of activity reports examining progress toward objectives stated in the work statement, reimbursement requests, fiscal management and on-site monitoring visits.



**Arkansas State Police
Highway Safety Office
Subgrantee Invoice Form
FY2008
Selective Traffic Enforcement Program**



A.4.
2007-2008 Selective Traffic
Enforcement Grant
Page 18 of 22

SUBGRANT #:	K8-2008-08-09-09	AWARD PERIOD:	10/1/07-9/30/08
	OP-2008-03-02-11	CFDA TITLE:	State & Community Highway Safety
EIN (Tax ID #):	71-6018462	AWARD AMOUNT:	\$63,000.00
		CFDA #:	20.600
		CFDA TITLE:	Alcohol Traffic Safety and Drunk Driving Prevention Incentive Grants
		AWARD AMOUNT:	\$30,000.00
		CFDA #:	20.601
		TITLE:	Child Passenger Protection Fund (SCP)
		AWARD AMOUNT:	\$10,000.00
		CFDA #:	N/A
Request Period:			
Project:	Selective Traffic Enforcement Project (STEP)		

Subgrantee Name:	Fayetteville Police Department	Telephone #:	(479) 587-3555
Mailing Address:	100-A West Rock Street Fayetteville Arkansas		72701-6191

Budget Categories	Approved Budget	Revised Budget	Previous Expenditures	Expenditures This Period	Total Expenditures	Remaining Budget
Overtime - Selective Enforcement (402)	60,000				-	60,000.00
Overtime - Selective Enforcement (410)	30,000				-	30,000.00
Out-of-State Travel (402)	1,500				-	1,500.00
Handheld Radar Units (402)	1,500				-	1,500.00
Child Safety Seats (State)	10,000				-	10,000.00
Total	103,000		-	-	-	103,000.00

Must include all equipment acquisitions of low value (500.00 - 2,500.00) or capital (2,500.00 or greater) and submit subgrantee low value and capital equipment inventory form with invoice form.

On behalf of the subgrantee listed above, I certify that the items for which payment is claimed were furnished under the authority of the law and in accordance with the terms of our grant with the Arkansas State Police, Highway Safety Program and that the charges are reasonable, proper, and no part of this claim has been paid.

Amount of this Request

\$

Signature of Subgrantee:		Date:	
Title:			
Contact Person:		Contact Phone:	

ARKANSAS STATE POLICE USE ONLY		OUTLINE AGREEMENT #:	
VENDOR # 100036504	AGENCY CODE: 0960	DOC#:	
PO #:	GOODS REC. #:	MATERIAL #:	10119381

General Ledger #	Fund	Fund Center	Invoice / Reference #	Cost Center	IO/WBS	AMOUNT
5100001000	SMP2003	1FJ		456708	F.0960.402-08-OP-001	
5100001000	SMP2203	1FJ		456709	F.0960.410-08-001	
5100001000	SCP0000	1FD		456714	NA	
TOTAL						

REVIEWED & APPROVED TO PAY BY:		DATE:	
---	--	--------------	--

Attach Completed Line Item Detail Sheet and Mail To:

Arkansas State Police
Highway Safety Office
#1 State Police Plaza Drive
Little Rock, Arkansas 72209

FAXED BILLS WILL NOT BE ACCEPTED



Arkansas State Police
Highway Safety Office
Line Item Details
FY2008
Selective Traffic Enforcement Program



A.4.
2007-2008 Selective Traffic
Enforcement Grant
Page 19 of 22

Attach to Page 11

Fayetteville Police Department
Selective Traffic Enforcement Project (STEP)

FOR THE PERIOD Transfer
Totals to
Page 11

Budget Amount

Overtime Selective Enforcement (402)
Overtime Selective Enforcement (410)
Out-of-State Travel (402)
Handheld Radar Units (402)
Child Safety Seats (State)

Subtotal

_____0

TOTAL BILLED

_____0



**Arkansas State Police
Highway Safety Office
Subgrantee Local Match Form
FY2008
Selective Traffic Enforcement Program**



SUBGRANT #:	K8-2008-08-09-09	AWARD PERIOD:	10/1/06 - 9/30/07		
	OP-2008-03-02-11	CFDA TITLE:	State & Community Highway Safety		
EIN/Tax ID #:	71-6018462				
Report Period:					
Project:	Selective Traffic Enforcement Project (STEP)				

Subgrantee Name:	Fayetteville Police Department	Telephone #:	(479) 587-3555
Mailing Address:	100-A West Rock Street Fayetteville Arkansas		72701-6191

Budget Categories	Approved Budget	Revised Budget	Previous Expenditures	Expenditures This Period	Total Expenditures	Remaining Budget
Personal Services	70,000				-	70,000.00
Maintenance & Operation					-	-
(Vehicle Expense)	13,000				-	13,000.00
Total	83,000		-	-	-	83,000.00

Amount of this Report

\$

Signature of Subgrantee:		Date:	
Title:			
Contact Person:		Contact Phone:	

Arkansas State Police
Highway Safety Office
#1 State Police Plaza Drive
Little Rock, Arkansas 72209

**ARKANSAS STATE POLICE
HIGHWAY SAFETY SUBGRANT AGREEMENT**

ACCEPTANCE AND AUTHORIZATION TO PROCEED

It is understood and agreed by the undersigned that a subgrant received for this agreement is subject to the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU); subsequent U.S. Department of Transportation funding reauthorization; and all administrative regulations governing this grant established by the U.S. Department of Transportation approved in accordance with 49 CFR Part 18 subject to the availability of Federal funds. It is further understood that any State funds utilized within are subject to all applicable State regulations and are likewise subject to their availability. It is expressly agreed that this agreement including the Appendix (Subgrant Agreement/Contract Terms and Attachment), constitute an official part of the State's Highway Safety Program and that said recipient will meet the requirements as set forth herein.

The recipient has appointed the following official representatives with legal authority to accept this subgrant agreement and to provide such additional information as may be required.

A. SUBGRANT DIRECTOR

B. AUTHORIZING OFFICIAL

1. Signature: _____

1. Signature: _____

2. Name: Greg Tabor

2. Name: Honorable Dan Coody

3. Title: Chief of Police

3. Title: Mayor

4. Date: _____

4. Date: _____

Approval to proceed, effective 10-1-2007 to 9-30-2008 with committed Federal funds of \$93,000 State funds of \$10,000, given by the State Official responsible to the Governor for administration of the State Highway Safety Program:

Approved:

Director, Arkansas State Police
and
Governor's Highway Safety Representative

Date

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

Oct 2, 2007
~~September 18, 2007~~
City Council Meeting Date

Judy Cohea
Submitted By

Patrol
Division

Police
Department

Action Required:

Acceptance of the 2007 Edward Byrne Memorial Justice Assistance Grant in the amount of \$83,183.00 of which the Police Department will receive \$39,739.00 for the purchase of equipment. The balance of \$43,444 will be split between Springdale in the amount of \$26,281 and Washington County receiving \$17,163.00.

\$ 82,183.00
Cost of this request

\$ 82,183.00
Category / Project Budget

2007 Justice Assistance Grant
Program Category / Project Name

1010-0001-4309.01
Account Number

\$ -
Funds Used to Date

2007 Justice Assistance Grant
Program / Project Category Name

07033-1
Project Number

\$ 82,183.00
Remaining Balance

General
Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☒

Tracey Polay
Department Director

09/13/07
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

D. P. Whit
City Attorney

9/17/07
Date

Paul A. Beehn
Finance and Internal Service Director

9-17-07
Date

Received in City Clerk's Office

ENTERED
9-13-07

Received in Mayor's Office

ENTERED
9/17/07

Don Coody
Mayor

9/17/07
Date

Comments:

Departmental Correspondence

TO: Mayor Coody and Members of the City Council

THRU: Greg Tabor, Police Chief

FROM: Judy Cohea, Records Manager 

DATE: September 13, 2007

SUBJECT: Acceptance of 2007 Justice Assistance Grant

Background

The U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance has awarded the 2007 Justice Assistance Grant for local agencies. This award is based in part on population and violent crime rates and is given to Fayetteville, Springdale and Washington County to share. This grant does not require any local cash matching funds. This is the third year for this grant to be a shared grant with these other agencies.

Discussion

The Fayetteville Police Department has been awarded \$39,739 for the purchase of 20 additional radar units, 2 Segway personal transportation units, 25 digital cameras, an additional license for the Forensic Recovery of Evidence Device and three Tasers.

The 20 radar units will allow each of the marked vehicles to have new radar for officers to use during traffic enforcement. The two Segways will be used during special events and large public gatherings. The digital cameras will be placed in each marked police vehicle for officers to use to gather evidence. The Tasers will be placed in the pool of Tasers we have for officers to carry while on duty. The Taser is a less lethal option for officers to control a violent subject.

Within this grant, Springdale is awarded \$26,281 to purchase in-car digital video, tasers and handguns. Washington County is awarded \$17,163 for the purchase of tasers and stop sticks.

Recommendation

Staff recommends acceptance of the 2007 Edward Byrne Memorial Grant in the amount of \$83,183.00 for the purchase of the above listed equipment. If you should have any comments or question regarding this grant application, please contact me at extension 581.

Budget Impact

None, the revenue from this grant will off set cost of equipment.

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE 2007 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT IN THE AMOUNT OF \$83,183.00, \$39,739.00 OF WHICH WILL BE USED BY THE FAYETTEVILLE POLICE DEPARTMENT FOR THE PURCHASE OF EQUIPMENT WITH THE REMAINDER TO BE DISTRIBUTED TO THE CITY OF SPRINGDALE AND WASHINGTON COUNTY; AND APPROVING A BUDGET ADJUSTMENT RECOGNIZING THE GRANT REVENUE.

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 2007 Edward Byrne Memorial Justice Assistance Grant in the amount of \$83,183.00, \$39,739.00 of which will be used by the Fayetteville Police Department for the purchase of equipment with the remainder to be distributed to the City of Springdale and Washington County.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a Budget Adjustment recognizing the grant revenue.

PASSED and APPROVED this 2nd day of October 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

A.5.
2007 Edward Byrne Memorial
Justice Assistance Grant
Adjustment Number

Budget Year	Department: Police	Date Requested	Adjustment Number
2007	Division: Police	9/13/2007	
	Program: Patrol		

Project or Item Added/Increased: Recognize Justice Assistance Grant 2007-DJ-BX-0842 in the amount of \$83,183.00. Fayetteville will purchase 20 radar units, 2 Segway personal transportaion units, 25 digital cameras, a license for a Forensic Recovery of Evidence Device and 3 Tasers. This grant also includes a transfer of \$26,281.00 to Springdale Police Department and \$17,163.00 to Washington County Sheriff's Department.	Project or Item Deleted/Reduced: None
Justification of this Increase: These grant funds will cover cost of needed equipment that would not fit within our operating budget.	Justification of this Decrease:

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Software	1010	2940	5209	00	7,538	07033	1
Minor equipment	1010	2940	5210	00	32,201	07033	1
Trans to Springdale	1010	6600	5737	00	26,281	07033	1
Trans to Wash Co Sheriff	1010	6600	5738	00	17,163	07033	1

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Federal Grant-Operational	1010	0001	4309	01	83,183	07033	1

Approval Signatures

<u>Judy Cohen</u>	<u>9/13/07</u>
Requested By	Date
<u>[Signature]</u>	<u>9-17-07</u>
Budget Manager	Date
<u>Department Director</u>	<u>Date</u>
<u>Paul A. Bahr</u>	<u>9-17-07</u>
Finance & Internal Services Director	Date
<u>[Signature]</u>	<u>9/17/07</u>
Mayor	Date

Budget Office Use Only					
Type:	A	B	C	D	E
Posted to General Ledger					
Posted to Project Accounting					
Entered in Category Log					



Department of Justice
Office of Justice Programs

Bureau of Justice Assistance

Office of Justice Programs

Washington, D.C. 20531

August 23, 2007

The Honorable Dan Coody
City of Fayetteville
100 A. West Rock Street
Fayetteville, AR 72701-6069

Dear Mayor Coody:

On behalf of Attorney General Alberto Gonzales, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 07 Edward Byrne Memorial Justice Assistance Grant (JAG) Program in the amount of \$83,183 for City of Fayetteville.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Gerardo Velazquez, Program Manager at (202) 353-8645; and
- Financial Questions, the Office of the Comptroller, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at ask.oc@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature in dark ink, appearing to read "D. Herraiz", written over a horizontal line.

Domingo S. Herraiz
Director, Bureau of Justice Assistance

Enclosures



Department of Justice
Office of Justice Programs
Office for Civil Rights

Washington, D.C. 20531

August 23, 2007

The Honorable Dan Coody
City of Fayetteville
100 A. West Rock Street
Fayetteville, AR 72701-6069

Dear Mayor Coody:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of Federal funding to compliance with Federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice is responsible for ensuring that recipients of financial aid from OJP, its component offices and bureaus, the Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) comply with applicable Federal civil rights statutes and regulations. We at OCR are available to help you and your organization meet the civil rights requirements that come with Justice Department funding.

Ensuring Access to Federally Assisted Programs

As you know, Federal laws prohibit recipients of financial assistance from discriminating on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in respect to employment practices but also in the delivery of services or benefits. Federal law also prohibits funded programs or activities from discriminating on the basis of age in the delivery of services or benefits.

Providing Services to Limited English Proficiency (LEP) Individuals

In accordance with Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of Federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website at <http://www.lep.gov>.

Ensuring Equal Treatment for Faith-Based Organizations

The Department of Justice has published a regulation specifically pertaining to the funding of faith-based organizations. In general, the regulation, Participation in Justice Department Programs by Religious Organizations; Providing for Equal Treatment of all Justice Department Program Participants, and known as the Equal Treatment Regulation 28 C.F.R. part 38, requires State Administering Agencies to treat these organizations the same as any other applicant or recipient. The regulation prohibits State Administering Agencies from making award or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the Department of Justice to fund inherently religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must be held separately from the Department of Justice funded program, and customers or beneficiaries cannot be compelled to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see OCR's website at <http://www.ojp.usdoj.gov/ocr/etfbo.htm>.

State Administering Agencies and faith-based organizations should also note that the Safe Streets Act, as amended; the Victims of Crime Act, as amended; and the Juvenile Justice and Delinquency Prevention Act, as amended, contain prohibitions against discrimination on the basis of religion in employment. These employment provisions have been specifically incorporated into 28 C.F.R. Part 38.1(f) and 38.2(f). Consequently, in many circumstances, it would be impermissible for faith-based organizations seeking or receiving funding authorized by these statutes to have policies or practices that condition hiring and other employment-related decisions on the religion of applicants or employees. Programs subject to these nondiscrimination provisions may be found on OCR's website at <http://www.ojp.usdoj.gov/ocr/>. Questions about the regulation or the statutes that prohibit discrimination in employment may be directed to this Office.

Enforcing Civil Rights Laws

All recipients of Federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to the prohibitions against unlawful discrimination. Accordingly, OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal employment opportunity standards.

Complying with the Safe Streets Act or Program Requirements

In addition to these general prohibitions, an organization which is a recipient of financial assistance subject to the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, 42 U.S.C. § 3789d(c), or other Federal grant program requirements, must meet two additional requirements: (1) complying with Federal regulations pertaining to the development of an Equal Employment Opportunity Plan (EEOP), 28 C.F.R. § 42.301-.308, and (2) submitting to OCR Findings of Discrimination (see 28 C.F.R. §§ 42.205(5) or 31.202(5)).

1) Meeting the EEOP Requirement

In accordance with Federal regulations, Assurance No. 6 in the Standard Assurances, COPS Assurance No. 8.B, or certain Federal grant program requirements, your organization must comply with the following EEOP reporting requirements:

If your organization has received an award for \$500,000 or more and has 50 or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare an EEOP and submit it to OCR for review **within 60 days from the date of this letter**. For assistance in developing an EEOP, please consult OCR's website at <http://www.ojp.usdoj.gov/ocr/eeop.htm>. You may also request technical assistance from an EEOP specialist at OCR by dialing (202) 616-3208.

If your organization received an award between \$25,000 and \$500,000 and has 50 or more employees, your organization still has to prepare an EEOP, but it does not have to submit the EEOP to OCR for review. Instead, your organization has to maintain the EEOP on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

If your organization received an award for less than \$25,000; or if your organization has less than 50 employees, regardless of the amount of the award; or if your organization is a medical institution, educational institution, nonprofit organization or Indian tribe, then your organization is exempt from the EEOP requirement. However, your organization must complete Section A of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

2) Submitting Findings of Discrimination

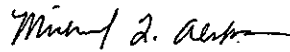
In the event a Federal or State court or Federal or State administrative agency makes an adverse finding of discrimination against your organization after a due process hearing, on the ground of race, color, religion, national origin, or sex, your organization must submit a copy of the finding to OCR for review.

Ensuring the Compliance of Subrecipients

If your organization makes subawards to other agencies, you are responsible for assuring that subrecipients also comply with all of the applicable Federal civil rights laws, including the requirements pertaining to developing and submitting an EEOP, reporting Findings of Discrimination, and providing language services to LEP persons. State agencies that make subawards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of subrecipients.

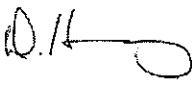
If we can assist you in any way in fulfilling your civil rights responsibilities as a recipient of Federal funding, please call OCR at (202) 307-0690 or visit our website at <http://www.ojp.usdoj.gov/ocr/>.

Sincerely,



Michael L. Alston
Director

cc: Grant Manager
Financial Analyst

 Department of Justice Office of Justice Programs Bureau of Justice Assistance		Grant		PAGE 1 OF 5
1. RECIPIENT NAME AND ADDRESS (Including Zip Code) City of Fayetteville 100 A. West Rock Street Fayetteville, AR 72701-6069		4. AWARD NUMBER: 2007-DJ-BX-0842		
		5. PROJECT PERIOD: FROM 10/01/2006 TO 09/30/2010 BUDGET PERIOD: FROM 10/01/2006 TO 09/30/2010		
		6. AWARD DATE 08/23/2007	7. ACTION	
1A. GRANTEE IRS/VENDOR NO. 716018462		8. SUPPLEMENT NUMBER 00		Initial
		9. PREVIOUS AWARD AMOUNT \$ 0		
3. PROJECT TITLE Law Enforcement Equipment, Licenses, and Tools		10. AMOUNT OF THIS AWARD \$ 83,183		
		11. TOTAL AWARD \$ 83,183		
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).				
13. STATUTORY AUTHORITY FOR GRANT This project is supported under 42 U.S.C. 3751(a) (BJA - JAG Formula)				
15. METHOD OF PAYMENT PAPRS				
AGENCY APPROVAL		GRANTEE ACCEPTANCE		
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Domingo S. Herraiz Director, Bureau of Justice Assistance		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Dan Coody Mayor		
17. SIGNATURE OF APPROVING OFFICIAL 		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL		19A. DATE
AGENCY USE ONLY				
20. ACCOUNTING CLASSIFICATION CODES FISCAL YEAR CODE FUND CODE BUD. ACT. DIV. OFC. REG. SUB. POMS AMOUNT X B DJ 80 00 00 83183		21. DJ07U00498		

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)

	Department of Justice Office of Justice Programs Bureau of Justice Assistance	AWARD CONTINUATION SHEET Grant	PAGE 2 OF 5
PROJECT NUMBER 2007-DJ-BX-0842		AWARD DATE 08/23/2007	
<i>SPECIAL CONDITIONS</i>			
1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide. 2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance. 3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, as further described in the current edition of the OJP Financial Guide, Chapter 19. 4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP. 5. The grantee agrees to assist BJA in complying with the National Environmental Policy Act (NEPA) and other related federal environmental impact analyses requirements in the use of these grant funds, either directly by the grantee or by a subgrantee. Accordingly, prior to obligating grant funds, the grantee agrees to first determine if any of the following activities will be related to the use of the grant funds.			
The grantee understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the grantee, a subgrantee, or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:			
a. New construction; b. Minor renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historic Places or (b) located within a 100-year flood plain; c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size; and, d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments.			
Application of This Special Condition to Grantee's Existing Programs or Activities: For any of the grantee's or its subgrantees' existing programs or activities that will be funded by these grant funds, the grantee, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.			

 Department of Justice Office of Justice Programs Bureau of Justice Assistance	AWARD CONTINUATION SHEET Grant	PAGE 3 OF 5
PROJECT NUMBER 2007-DJ-BX-0842 AWARD DATE 08/23/2007		
<i>SPECIAL CONDITIONS</i>		
6. This special condition facilitates compliance with the provisions of the National Environmental Policy Act (NEPA) relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories [hereinafter, "meth lab operations"]. No monies from this award may be obligated to support meth lab operations unless the grantee implements this special condition. The Office of Justice Programs (OJP), in consultation with the Bureau of Justice Assistance, the Drug Enforcement Administration, and the Office for Community Oriented Policing Services, prepared a Program-level Environmental Assessment (Assessment) governing meth lab operations. The Assessment describes the adverse environmental, health, and safety impacts likely to be encountered by law enforcement agencies as they implement specific actions under their methamphetamine laboratory operations. Consistent with the Assessment, the following terms and conditions shall apply to the grantee for any OJP funded methlab operations: A. The grantee shall ensure compliance by OJP funded sub-grantees with federal, state, and local environmental, health, and safety laws and regulations applicable to meth lab operations, to include the disposal of the chemicals, equipment, and wastes resulting from those operations. B. The grantee shall have a Mitigation Plan in place that identifies and documents the processes and points of accountability within its state. This plan will be used to ensure that the adverse environmental, health, and safety impacts delineated in the Assessment are mitigated in a manner consistent with the requirements of this condition. C. The grantee shall monitor OJP funded meth lab operations to ensure that they comply with the following nine mitigation measures identified in the Assessment and whose implementation is addressed in the grantee's Mitigation Plan. These mitigation measures must be included as special conditions in all subgrants: (See Part II of this special condition) 7. 1. Provide medical screening of personnel assigned or to be assigned by the grantee to the seizure or closure of clandestine methamphetamine laboratories; 2. Provide Occupational Safety and Health Administration (OSHA) required initial and refresher training for law enforcement officials and all other personnel assigned to either the seizure or closure of clandestine methamphetamine laboratories; 3. As determined by their specified duties, equip the personnel with OSHA required protective wear and other required safety equipment; 4. Assign properly trained personnel to prepare a comprehensive contamination report on each seized/closed laboratory; 5. Utilize qualified disposal personnel to remove all chemicals and associated glassware, equipment, and contaminated materials and wastes from the site(s) of each seized laboratory; 6. Dispose of the chemicals, equipment, and contaminated materials and wastes at properly licensed disposal facilities or, when allowable, at properly licensed recycling facilities; 7. Monitor the transport, disposal, and recycling components of subparagraphs numbered 5. and 6. immediately above in order to ensure proper compliance; 8. Have in place and implement a written agreement with the responsible state environmental agency. This agreement must provide that the responsible state environmental agency agrees to (i) timely evaluate the environmental condition at and around the site of a closed clandestine laboratory and (ii) coordinate with the responsible party, property owner, or others to ensure that any residual contamination is remediated, if determined necessary by the state environmental agency and in accordance with existing state and federal requirements; and 9. Have in place and implement a written agreement with the responsible state or local service agencies to properly respond to any minor, as defined by state law, at the site. This agreement must ensure immediate response by qualified personnel who can (i) respond to the potential health needs of any minor at the site; (ii) take that minor into protective custody unless the minor is criminally involved in the meth lab activities or is subject to arrest for other criminal violations; (iii) ensure immediate medical testing for methamphetamine toxicity; and (iv) arrange for any follow-up medical tests, examinations, or health care made necessary as a result of methamphetamine toxicity.		



Department of Justice
Office of Justice Programs
**Bureau of Justice
Assistance**

**AWARD CONTINUATION
SHEET**
Grant

PAGE 4 OF 5

PROJECT NUMBER 2007-DJ-BX-0842

AWARD DATE 08/23/2007

SPECIAL CONDITIONS

8. The recipient agrees to submit to BJA for review and approval any curricula, training materials, or any other written materials that will be published, including web-based materials and web site content, through funds from this grant at least thirty (30) working days prior to the targeted dissemination date.
9. To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdiction, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.
10. To support public safety and justice information sharing, OJP requires the grantee to use the National Information Exchange Model (NIEM) specifications and guidelines for this particular grant. Grantee shall publish and make available without restriction all schemas generated as a result of this grant to the component registry as specified in the guidelines. For more information on compliance with this special condition, visit <http://www.niem.gov/implementationguide.php>.
11. The recipient is required to establish a trust fund account. (The trust fund may or may not be an interest-bearing account.) The fund may not be used to pay debts incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate and expend the grant funds in the trust fund (including any interest earned) during the period of the grant. Grant funds (including any interest earned) not expended by the end of the grant period must be returned to the Bureau of Justice Assistance no later than 90 days after the end of the grant period, along with the final submission of the Financial Status Report (SF-269).
12. The grantee agrees to comply with all reporting, data collection and evaluation requirements, as prescribed by the BJA in the program guidance for the Justice Assistance Grant (JAG). Compliance with these requirements will be monitored by BJA.
13. The recipient agrees that any information technology system funded or supported by OJP funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per 28 C.F.R. 23.20(g). Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 42 U.S.C. 3789g(c)-(d). Recipient may not satisfy such a fine with federal funds.
14. The recipient agrees that all income generated as a direct result of this award shall be deemed program income. All program income must be accounted for and used for the purposes under the conditions applicable for the use of funds under this award, including the effective edition of the OJP Financial Guide and, as applicable, either (1) 28 C.F.R. part 66 or (2) 28 C.F.R part 70 and OMB Circular A-110. Further, the use of program income must be shown on the quarterly Financial Status Report, SF269.
15. The recipient agrees to ensure that the State Information Technology Point of Contact receives written notification regarding any information technology project funded by this grant during the obligation and expenditure period. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these grant funds. In addition, the recipient agrees to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to <http://www.ojp.usdoj.gov/ec/states.htm>.
16. Grantee agrees to comply with the requirements of 28 C.F.R. Part 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.

 Department of Justice Office of Justice Programs Bureau of Justice Assistance	AWARD CONTINUATION SHEET Grant	PAGE 5 OF 5
PROJECT NUMBER 2007-DJ-BX-0842 AWARD DATE 08/23/2007		
<i>SPECIAL CONDITIONS</i> 17. Grantee agrees to comply with all confidentiality requirements of 42 U.S.C. section 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. Grantee further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, section 22.23. 18. "Applicants must certify that Limited English Proficiency persons have meaningful access to the services under this program(s). National origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI and the Safe Streets Act, recipients are required to take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including oral and written translation when necessary. The U.S. Department of Justice has issued guidance for grantees to help them comply with Title VI requirements. The guidance document can be accessed on the Internet at www.lep.gov." 19. Recipient agrees that funds provided under this award may not be used to operate a "pay-to-stay" program in any local jail. Recipient further agrees not to subaward funds to local jails which operate "pay-to-stay" programs.		



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Washington, D.C. 20531

Memorandum To: Official Grant File

From: Maria Berry, Environmental Coordinator

Subject: Incorporates NEPA Compliance in Further Developmental Stages for City of Fayetteville

All grants funded under the Edward Byrne Memorial Justice Assistance Grant Program (JAG) will carry the following NEPA special condition:

1) The grantee agrees to assist BJA in complying with the National Environmental Policy Act (NEPA) and other related federal environmental impact analyses requirements in the use of these grant funds, either directly by the grantee or by a subgrantee. Accordingly, prior to obligating grant funds, the grantee agrees to first determine if any of the following activities will be related to the use of the grant funds. The grantee understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the grantee, a subgrantee, or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:

a. New construction;

b. Minor renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historic Places or (b) located within a 100-year flood plain;

c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size; and,

d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments.

Application of This Special Condition to Grantee's Existing Programs or Activities: For any of the grantee's or its subgrantees' existing programs or activities that will be funded by these grant funds, the grantee, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

 Department of Justice Office of Justice Programs Bureau of Justice Assistance	GRANT MANAGER'S MEMORANDUM, PT. I: PROJECT SUMMARY Grant	
	PROJECT NUMBER 2007-DJ-BX-0842	PAGE 1 OF 1
This project is supported under 42 U.S.C. 3751(a) (BJA - JAG Formula)		
1. STAFF CONTACT (Name & telephone number) Gerardo Velazquez (202) 353-8645	2. PROJECT DIRECTOR (Name, address & telephone number) Greg Tabor Police Chief 100-a W Rock St Fayetteville, AR 72701 (479) 587-3500	
3a. TITLE OF THE PROGRAM 2007 Justice Assistance Grant Program		3b. POMS CODE (SEE INSTRUCTIONS ON REVERSE)
4. TITLE OF PROJECT Law Enforcement Equipment, Licenses, and Tools		
5. NAME & ADDRESS OF GRANTEE City of Fayetteville 100 A. West Rock Street Fayetteville, AR 72701-6069	6. NAME & ADDRESS OF SUBGRANTEE	
7. PROGRAM PERIOD FROM: 10/01/2006 TO: 09/30/2010	8. BUDGET PERIOD FROM: 10/01/2006 TO: 09/30/2010	
9. AMOUNT OF AWARD \$ 83,183	10. DATE OF AWARD 08/23/2007	
11. SECOND YEAR'S BUDGET	12. SECOND YEAR'S BUDGET AMOUNT	
13. THIRD YEAR'S BUDGET PERIOD	14. THIRD YEAR'S BUDGET AMOUNT	
15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse) The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states, tribes, and local governments to support a broad range of activities to prevent and control crime based on their own local needs and conditions. Grant funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice for any one or more of the following purpose areas: 1) law enforcement programs; 2) prosecution and court programs; 3) prevention and education programs; 4) corrections and community corrections programs; 5) drug treatment programs; and 6) planning, evaluation, and technology improvement programs.		

In the disparate jurisdiction of Washington County, the 2007 JAG award (\$83,183) will be divided among the County Sheriff's Office (\$17,163), the Fayetteville Police Department (\$39,739), and the Springdale Police Department (\$26,281), with Fayetteville acting as fiscal agent. The Washington County Sheriff's Office will use the funds to purchase tactical equipment, including tasers, and the Fayetteville Police Department will purchase mobile radar units, Segway personnel carriers, a technology license to expand its Internet Crimes Against Children Program, as well as tasers. The Springdale Police Department will use the funds to install cameras in patrol cars, purchase other digital equipment, purchase weapons and tasers, and upgrade its Kidprint Program to enhance officers' ability to locate missing children.

NCA/NCF

Edward Byrne Memorial
Local Solicitation Grant Program
FY 2007

Budget Detail Worksheet

City of Fayetteville

Equipment

Item	Computaiton	Cost	
Radars	20 units @ \$700 plus tax	\$	15,295.00
Segway w/ transport hauler	\$6,600.00 + tax of \$611.00 = \$7,211.00	\$	7,211.00
Digital Cameras	25 units @ \$200.00 plus tax	\$	5,463.00
Total Equipment		\$	27,969.00

Other Costs

Description	Computation	Cost	Total Cost
ICAC - FRED License	\$6,900.00 plus tax	\$	7,538.00
Taser with video	3 @\$1,400.00 plus tax	\$	4,232.00
Total Other Costs		\$	11,770.00
Total City of Fayetteville		\$	39,739.00

Washington County Sheriff's Office

Equipment

12' Stop Stick kits	27 @439+ shipping=\$12,208.00	\$	12,208.00
X-26 Tasers with Tasercam	3 @1385.00	\$	4,155.00
Tasercam	2 @ 400	\$	800.00
Total Washington County Equipment		\$	17,163.00

City of Springdale

Equipment

Digital Mobile Video	1 unit @ \$5,500.00	\$	5,500.00
GLOCK 9mm pistols	9 units @ \$456.06	\$	4,104.50
Taser X-26	2 units @ \$818.37	\$	1,636.74
Taser X-26 w/ camera	1 unit @ \$1,230.00	\$	1,230.00
Kidprint ID System	1 unit @ \$6,500.00+	\$	6,500.00
Surveillance Camera System	1 unit @ \$7,309.76+	\$	7,309.76
Total Springdale		\$	26,281.00

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

10/2/2007

City Council Meeting Date

Ray M. Boudreaux

Submitted By

Aviation & Economic Development

Division

General Government

Department

Action Required:

Action Required: Approve a contract with Time Striping Inc., Contact John Townsend, PO Box 1236, Van Buren, AR 72957, 479-474-0452, to re-paint the airfield markings. Approve receipt of a grant in the amount of \$73,448 which includes the Engineering fee (\$10,950) and a 5% project contingency (\$3498).

Bid #07-67

\$ 62,498.00

Cost of this request

\$ 10,950.00

Serv / Chrgs

Program Category / Project Name

5550.3960.5315.00

Account Number

\$ 10,950.00

Funds Used to Date

Airport Capital Expense

Program / Project Category Name

06021 1

Project Number

\$ -

Remaining Balance

Airport

Fund Name

Budgeted Item

☐

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

ENTERED

9/14/07

Received in Mayor's Office

ENTERED

9/18/07

CITY COUNCIL AGENDA MEMO/STAFF CONTRACT REVIEW MEMO

TO: Mayor and City Council

THRU: Staff/Contract Review Committee

FROM: Ray M. Boudreaux, Director, Aviation and Economic Development

DATE: September 14, 2007

SUBJECT: Award of Airfield Striping Project to Time Striping in the amount of \$59,000.00 and acceptance of Arkansas Department of Aeronautics 100% Grant to pay for the project.

RECOMMENDATION: Award Airfield Striping Project to Time Striping Inc. in the amount of \$59,000.00 and approval of Department of Aeronautics 100% grant proceeds to pay for the project. Total grant amount including engineering, project oversight and 5% contingency \$73,448.00

BACKGROUND: The FAA Certification Inspection for 2006 and 2007 revealed that the airfield pavement markings needed to be repainted. The most recent inspection revealed that the reflective beads had deteriorated to a marginal condition. The paint must be redone. Task Order #2 was issued and the design was finalized by McClelland Consulting Engineers and the project advertised for bids through the Purchasing Department. Application has been made to the Arkansas Department of Aeronautics for a 100% grant for the project. No matching airport funds will be required if the project is approved by the Aeronautics Commission at their September 18, 2007 meeting in Ft. Smith at the annual AAOA Conference. The bids were well below the engineering estimate of \$85,000.00 which makes the project eligible for the 100% grant program.

DISCUSSION: Two bids were received. Hi-lite Markings, Inc. submitted a bid for \$78,450. Time Striping, Inc. submitted the low bid, \$59,000. The Engineer's estimate was \$85,000.

BUDGET IMPACT: This project will utilize State SAAG program funding for 100% of the project if approved by the Aeronautics Commission.

Attachments: Grant Application to Arkansas Aeronautics
Staff Review Form
Budget Adjustment

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 APPROVING A CONTRACT WITH TIME STRIPING, INC. IN THE AMOUNT OF \$59,000.00 TO RE-PAINT THE AIRFIELD MARKINGS AT THE FAYETTEVILLE MUNICIPAL AIRPORT, DRAKE FIELD; APPROVING A 5% CONTINGENCY IN THE AMOUNT OF \$3,498.00; ACCEPTING AN ARKANSAS DEPARTMENT OF AERONAUTICS GRANT IN THE AMOUNT OF \$73,448.00; AND APPROVING A BUDGET ADJUSTMENT TO RECOGNIZE THE GRANT REVENUE.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a contract with Time Striping, Inc. in the amount of \$59,000.00 to re-paint the airfield markings at the Fayetteville Municipal Airport, Drake Field. A copy of the contract, marked Exhibit "A," is attached hereto and made a part hereof.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a 5% contingency in the amount of \$3,498.00.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby accepts an Arkansas Department of Aeronautics Grant in the amount of \$73,448.00.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment to recognize the grant revenue.

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

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

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

A.6.
Time Striping, Inc.
Page 4 of 14

Budget Year 2007	Department: General Government Division: Aviation & Economic Development Program: Airport Capital Expenditures	Date Requested 8/17/2007	Adjustment Number
--------------------------------	---	--	--------------------------

Project or Item Added/Increased: \$59,000 in the Contract Services account	Project or Item Deleted/Reduced: \$ None. To recognize grant revenue from the Arkansas Department of Aeronautics.
--	---

Justification of this Increase: Will provide for re-painting of the airfield markings.	Justification of this Decrease: The project is 90% funded by grant funds. 10% local matching funds have been bugeted.
--	---

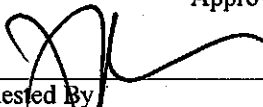
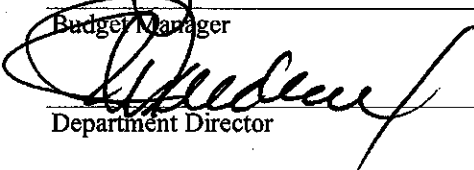
Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number	Amount	Project Number
Contract services	5550 3960 5315 00	62,498	06021 1
AVGAS	5550 3940 5213 03	10,950	

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number	Amount	Project Number
State grants	5550 0955 6805 00	73,448	06021 1

Approval Signatures

Requested By 	Date <u>9/14/07</u>
Budget Manager 	Date <u>9/14/07</u>
Department Director	Date
Finance & Internal Services Director	Date
Mayor	Date

Budget Office Use Only

Type: A B C D E

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

September 14, 2007

Mr. Ray Boudreaux
Airport Department
City of Fayetteville
4500 S. School Ave., Suite F
Fayetteville, AR 72701

Re: Airfield Pavement Restriping
Fayetteville Municipal Airport, Drake Field

Dear Mr. Boudreaux:

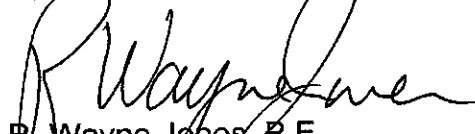
Bids were received on the above referenced project on Friday, September 14, 2007, with two Contractors submitting a bid for this project. The low bidder is Time Striping, Inc., of Forth Smith, Arkansas, in the amount of \$ 59,000.00 for the Total Bid amount. A copy of the certified Bid Tabulation is enclosed. The Engineer's estimate of the Construction Cost is also attached and was in the amount of \$ 85,000.00. The Bid amount is below the estimated project construction cost.

We have worked with Time Striping, Inc., on several Drake Field airport projects and have always had very excellent results. We recommend the City accept the low bid submitted by Time Striping, Inc. for the Total Bid in the amount of \$ 59,000.00.

If there are any questions regarding the bids or this recommendation, please contact us.

Sincerely,

MCCLELLAND CONSULTING ENGINEERS, INC.



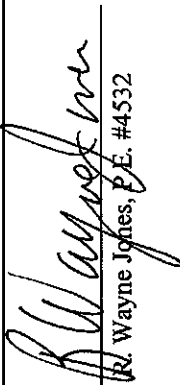
R. Wayne Jones, P.E.
Vice President

Enclosures: Bid Tabulation

ARIFIELD PAVEMENT RESTRIPIPING
Fayetteville Municipal Airport

September 14, 2007
MCE Project No. FY072150

Item #	Description	Qty.	Unit	HI-LITE MARKINGS, INC.		Time Striping, Inc.	
				Unit Price	Extended	Unit Price	Extended
1	Mobilization & Demobilization	1	LS	\$7,100.00	\$7,100.00	\$1,000.00	\$1,000.00
2	Runway Rubber Removal (Approx. 15,200 SF)	1	LS	\$10,000.00	\$10,000.00	\$8,000.00	\$8,000.00
3	Runway Marking Restriping (Approx. White 82,700 SF)	1	LS	\$42,000.00	\$42,000.00	\$34,000.00	\$34,000.00
4	Taxiway Marking Restriping (Approx. Yellow 13,560 SF, Black 26,180 SF)	1	LS	\$18,700.00	\$18,700.00	\$15,000.00	\$15,000.00
5	Chevron Marking Restriping (Approx. Yellow 300 SF, Black 55 SF)	1	LS	\$650.00	\$650.00	\$1,000.00	\$1,000.00
	TOTAL BID				\$78,450.00		\$59,000.00

Certified: 
R. Wayne Jones, P.E. #4532

CONTRACT

THIS AGREEMENT, made and entered into on the ____ day of October 2007, by and between **Time Striping, Inc.**, herein called the Contractor, and the **City of Fayetteville**:

WITNESSETH:

That **Time Striping, Inc.**, for the consideration hereinafter fully set out, hereby agrees with the **City of Fayetteville** as follows:

1. That **Time Striping, Inc.**, shall furnish all the materials, and perform all of the work in manner and form as provided by the following enumerated Specifications, and Documents, which are attached hereto and made a part hereof, as if fully contained herein and are entitled:

Airfield Pavement Restriping, Fayetteville Municipal Airport,

Advertisement for Bids	Payment Bond
Instructions to Bidders	General Conditions
Bid and acceptance thereof	Supplemental Conditions
Performance Bond	Specifications
	Drawings – 3 Sheets

2. That the **City of Fayetteville** hereby agrees to pay to **Time Striping, Inc.** for the faithful performance of this Agreement, subject to additions and deductions as provided in the Specifications or Bid, in lawful money of the United States, the amount of **Fifty Nine Thousand Dollars (\$59,000.00)**.
3. The Work will be completed and ready for final payment in accordance with the General Conditions within **60** days after the date when the Contract Time commences to run, as provided in the Notice to Proceed.
4. Liquidated Damages: **City of Fayetteville** and **Time Striping, Inc.**, recognize that time is of the essence of this Agreement and the **City of Fayetteville** will suffer financial loss if the Work is not completed within the times specified above, plus any extensions thereof allowed in accordance with the General Conditions. They also recognize the delays, expense, and difficulties involved in proving the actual loss suffered by **City of Fayetteville** if the Work is not completed on time. Accordingly, instead of requiring any such proof, **City of Fayetteville** and **Time Striping, Inc.**, agree that as liquidated damages for delay (but not as a penalty) **Time Striping, Inc.**, shall pay **City of Fayetteville Four Hundred Dollars (\$100.00)** for each day that expires after the time specified in Paragraph 3 for completion and readiness for final payment.
5. That within **30 days** of receipt of an approved payment request, the **City of Fayetteville** shall make partial payments to **Time Striping, Inc.**, on the basis of a duly certified and approved

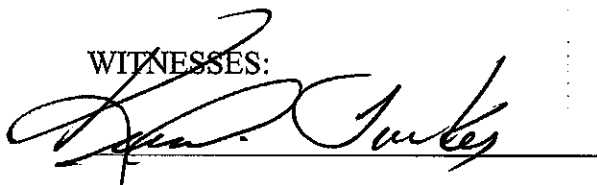
estimate of work performed during the preceding calendar month by **Time Striping, Inc.** , LESS the retainage provided in the General Conditions, which is to be withheld by the **City of Fayetteville** until all work within a particular part has been performed strictly in accordance with this Agreement and until such work has been accepted by the **City of Fayetteville**.

6. That upon submission by **Time Striping, Inc.** , of evidence satisfactory to the **City of Fayetteville** that all payrolls, material bills, and other costs incurred by **Time Striping, Inc.** , in connection with the construction of the work have been paid in full, final payment on account of this Agreement shall be made within **60 days** after the completion by **Time Striping, Inc.** , of all work covered by this Agreement and the acceptance of such work by the **City of Fayetteville**.
7. It is further mutually agreed between the parties hereto that if, at any time after the execution of this Agreement and the Surety Bond hereto attached for its faithful performance and payment, the **City of Fayetteville** shall deem the Surety or Sureties upon such bond to be unsatisfactory or if, for any reason such bond ceases to be adequate to cover the performance of the work,
Time Striping, Inc. , shall, at its expense, within **5 days** after the receipt of notice from the **City of Fayetteville**, furnish an additional bond or bonds in such form and amount and with such Surety or Sureties as shall be satisfactory to the **City of Fayetteville**. In such event, no further payment to **Time Striping, Inc.** , shall be deemed to be due under this Agreement until such new or additional security for the faithful performance of the work shall be furnished in manner and form satisfactory to the **City of Fayetteville**.
8. Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, cost or fees.
9. **Freedom of Information Act.** City contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Arkansas Freedom of Information Act request is presented to the City of Fayetteville, **Time Striping, Inc.** will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. Seq.). Only Legally authorized photocopying cost pursuant to the FOIA may be assessed for this compliance.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and date first above written, in three (3) counterparts, each of which shall, without proof or accounting for the other counterparts be deemed an original Contract.

SEAL:

WITNESSES:



ATTEST:

City Clerk

TIME STRIPING, INC.

By John Townsend
Vice President
Title

CITY OF FAYETTEVILLE

By _____
Dan Coody, Mayor



AVIATION & ECONOMIC DEVELOPMENT
FAYETTEVILLE MUNICIPAL AIRPORT • DRAKE FIELD

August 31, 2007

Mr. John Knight, Director
Arkansas Department of Aeronautics
One Airport Drive, 3rd Floor
Little Rock, Arkansas 72202

RE: GRANT APPLICATION, Airfield Re-striping

Dear Mr. Knight;

Enclosed please find two (2) copies of a grant application to Arkansas Department of Aeronautics for a 100% grant funding on a project to undertake Airfield Re-striping for all Runway and Taxiway markings.

Fayetteville Municipal Airport requests funding of a maximum amount of \$73,448 Arkansas Department of Aeronautics funding. Total project cost is estimated at \$73,448 which includes the \$10,900 in design and construction oversight, and a 5% contingency amount.

Fayetteville Municipal Airport respectfully requests your consideration of this grant application, and to be included on the agenda of the Aeronautics Commission board meeting in September, 2007. Your assistance in this matter is greatly appreciated. Please contact me if you would like further information, or have any question concerning this application.

Sincerely,

Ray M. Boudreaux, Director
Aviation & Economic Development

RB:jn

Enclosures:\2\

Grant Application, 2 copies
Plans / drawings
Cost estimate

State Airport Aid Application – Page 1

The City/County of Fayetteville, herein called "Sponsor", hereby makes application to the Arkansas Department of Aeronautics for State funds pursuant to Act 733 of 1977, for the purpose of aiding in financing a project for the development of a municipal airport located in the city of Arkansas, Washington county.

Date of Request: August 31, 2007

Name of Airport: Fayetteville Municipal Airport / Drake Field (FYV)

Name and address of City/County Commission
sponsoring request:

City of Fayetteville

113 W Mountain

Fayetteville AR 72701

Phone Number: _____

Fax Number: _____

Person to Contact about project:

Ray M. Boudreaux

4500 S School Ave. Ste F

Fayetteville AR 72701

Phone Number: 479-718-7642

Cell Number: 479-601-3520

Fax Number: 479-718-7646

Name and address of Engineering Firm
(if applicable):

McClelland Consulting Engineers Inc.

PO Box 1229

Fayetteville AR 72702

Contact Person: Wayne Jones

Phone/Fax Number: 479-443-2377

Describe the work to be accomplished: Airfield re-striping project. Repaint all airfield markings as specified in the attached drawing.

State and Local Project Costs:

Please indicate:

50-50% Match

80-20% Match

90-10% Match

100%

Total Cost of Project 73,448.00

Local Share/Funds _____

Local Share/In-Kind _____

State Share 73,448.00

Federal AIP Projects:

AIP Number: _____

95-5% Match

90-10% Match

Total Cost of Project: _____

Federal Share: _____

State Share: _____

Local Share: _____

State Airport Aid Application – Page 2

Provide the information listed below as it applies to your project:

Funding:

Source of Funds:

State Funding: Arkansas Department of Aeronautics

Local Funding: City of Fayetteville – Airport fund

Source of In-Kind Services: N/A

Estimated starting date of project: October 2007

Estimated completion date of project: December 2007

Project will be for: New Airport ☒ Existing Airport

Is land to be leased or purchased? No

Description of land and cost per acre: N/A

Provide the Federal AIP Grant Number (if applicable): _____

State Legislators for your area:

State Senator: Sue Madison

State Representative: Marilyn Edwards & Lindsley Smith

State Airport Aid Application – Page 3

The sponsor agrees to furnish the Arkansas Department of Aeronautics a copy of the legal instrument affecting use of the property for an airport. In application for a new landing site or expansion of existing facility, the FAA Form 7480-1, *Notice of Landing Area Proposal*, must be approved by the FAA before review for grant can be made by the State. Applications for hangar construction or renovation funds must include a signed lease agreement. This agreement must be in compliance with all FAA grant assurances. The application must be based on bids and include a calculated return on investment.

No land, hangars, or buildings purchased with State Grant funds may be sold or disposed of without State Aeronautics Commission prior approval. All requests for sale or disposal of property will be considered on an individual case basis. No hangar (funded by a grant from the Department of Aeronautics) shall be used for non-aviation purposes without State Aeronautics Commission prior approval. All requests for non-aviation use will be considered on a case-by-case basis. Failure to receive prior approval from A.D.A. concerning land and/or building use could result in the commission requesting grant refund from the Sponsor.

No airport accepting State Grant funding may issue an Exclusive Rights lease.

All applications for navigational aids (such as NDB or ILS) must have FAA site approval before a state grant can be approved.

All Grant applications involving Federal Airport Improvement Program (AIP) funding must be accompanied by the approved FAA grant agreement with grant number assigned.

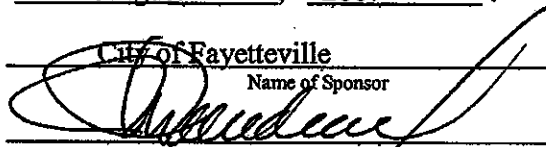
If this project is approved by the Arkansas Department of Aeronautics, and is accepted by the sponsor, it is agreed that all developments and construction shall meet standard FAA construction practices as outlined in the specifications of this agreement. Runways, Taxiways, Parking Ramps, etc. shall have a base and a thickness that will accommodate the weight of aircraft expected to operate at this airport.

All grant applicants (City and/or County) are totally responsible for compliance with all Federal, State, County, and City laws, Statutes, Ordinances, Rules, Regulations, and Executive Orders concerning contracts and purchases for which this grant is approved and issued.

It is understood and agreed that should the sponsor fail to start this project within three (3) months of the Arkansas Department of Aeronautics' date of acceptance, that this grant is null and void. It is also agreed that this project shall be completed within one year from the date of acceptance of this grant by the Arkansas Department of Aeronautics. Applications for extension will be entertained if circumstances beyond the sponsor's control occur.

Funds will be disbursed according to Department procedures and final inspection of completed project (See payment instruction page). Funds are contingent upon the Department's biennium appropriation.

IN WITNESS WHEREOF, the sponsor has caused this Application for State Airport Aid to be duly executed in its name, this 31st day of August, 2007.

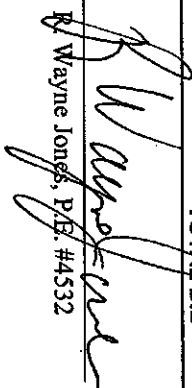
City of Fayetteville
Name of Sponsor

Authorized Signature
Ray M. Boudreaux, Director
Title

ARIFIELD PAVEMENT RESTRIPIING
Fayetteville Municipal Airport

September 14, 2007
MCE Project No. FY072150

Item #	Description	Qty.	Unit	HI-LITE MARKINGS, INC.		Time Striping, Inc.	
				Unit Price	Extended	Unit Price	Extended
1	Mobilization & Demobilization	1	LS	\$7,100.00	\$7,100.00	\$1,000.00	\$1,000.00
2	Runway Rubber Removal (Approx. 15,200 SF)	1	LS	\$10,000.00	\$10,000.00	\$8,000.00	\$8,000.00
3	Runway Marking Restriping (Approx. White 82,700 SF)	1	LS	\$42,000.00	\$42,000.00	\$34,000.00	\$34,000.00
4	Taxiway Marking Restriping (Approx. Yellow 13,560 SF, Black 26,180 SF)	1	LS	\$18,700.00	\$18,700.00	\$15,000.00	\$15,000.00
5	Chevron Marking Restriping (Approx. Yellow 300 SF, Black 55 SF)	1	LS	\$650.00	\$650.00	\$1,000.00	\$1,000.00
TOTAL BID					\$78,450.00		\$59,000.00

Certified:


R. Wayne Jones, P.E. #4532

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

10/2/2007

City Council Meeting Date

Ron Petrie

Submitted By

Engineering

Division

Operations

Department

Action Required:

A resolution authorizing execution of Amendment No. 1 to the Engineering Contract with Garver Engineers, LLC in an amount not to exceed \$278,150 for final design and bidding services associated with the Cato Springs Road Improvement Project.

\$

278,150.00

Cost of this request

\$

24,737,669.83

Category / Project Budget

Transportation Bond Improvements

Program Category / Project Name

4520.9520.5809.00

Account Number

\$

1,992,550.49

Funds Used to Date

Street Improvements

Program / Project Category Name

06035.1210

Project Number

\$

22,745,119.34

Remaining Balance

2006A Sales Tax Construction

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

Date

Received in City Clerk's Office

ENTERED

9/14/07

Finance and Internal Service Director

Date

Received in Mayor's Office

ENTERED

9/17/07

Mayor

Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Ron Petrie, City Engineer *RSP*

Date: September 10, 2007

Subject: A resolution authorizing execution of Amendment No. 1 to the Engineering Contract with Garver Engineers, LLC in an amount not to exceed \$278,150 for final design and bidding services associated with the Cato Springs Road Improvement Project.

RECOMMENDATION:

Staff recommends approval of Amendment No. 1 to the Contract with Garver Engineers, LLC for professional services for Cato Springs Road Improvements.

BACKGROUND:

Cato Springs Road is included in the proposed Transportation Improvement Bond Program.

Under the original contract, Garver provided traffic studies, surveys and conceptual design services. The conceptual design completed by Garver has been reviewed by adjacent property owners and the general public, and approved by the Street Committee .

DISCUSSION:

Under this Contract Amendment, Garver will provide preliminary and final design services necessary to produce construction plans and specifications for use by the City. Garver will also provide bidding services required during the bid phase of the project. The amount of this Contract Amendment will not exceed \$278,150. The original contract amount was \$227,450; therefore, the total amended contract amount is \$505,600.

BUDGET IMPACT:

This contract will be paid from funds available in the Transportation Improvement Bond Program and in the Capital Improvement Fund.

RESOLUTION NO. _____

A RESOLUTION APPROVING AMENDMENT No. 1 TO THE ENGINEERING CONTRACT WITH GARVER ENGINEERS, LLC IN AN AMOUNT NOT TO EXCEED \$278,150.00 FOR FINAL DESIGN AND BIDDING SERVICES ASSOCIATED WITH THE CATO SPRINGS ROAD IMPROVEMENT PROJECT.

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 Amendment No. 1 to the engineering contract with Garver Engineers, LLC in an amount not to exceed \$278,150.00 for final design and bidding services associated with the Cato Springs Road Improvement Project.

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

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

**AMENDMENT TO AGREEMENT FOR
PROFESSIONAL ENGINEERING SERVICES
CITY OF FAYETTEVILLE
FAYETTEVILLE, ARKANSAS**

CONTRACT AMENDMENT NO. 1

Cato Springs Road Improvements

This Contract Amendment No. 1, dated _____, 2007 shall amend the original contract between the CITY OF FAYETTEVILLE, ARKANSAS and GARVER ENGINEERS, LLC, (Garver) dated November 21, 2006 for professional engineering services in connection with the Cato Springs Road Improvements Project, from School Avenue to Razorback Road, (the "Project"). This Contract Amendment No. 1 adds professional engineering services for the Design Phase Services, as described herein.

The contract is hereby modified as follows:

SECTION 2 - BASIC SERVICES OF GARVER

The following Sections supersede corresponding Sections in the original contract.

2.1 General

2.1.1.2 The Scope of Services to be furnished by GARVER during the remainder of the Design Phase is included in Section 2.2 hereafter and in Appendix A attached hereto and made part of this Agreement.

2.2 Design Services

2.2.1 GARVER will perform engineering and related services in order to prepare drawings and related services as described in Appendix A.

2.2.1.3 When requested by the CITY OF FAYETTEVILLE's City Engineer, prepare for and attend up to two Street Committee meetings and one City Council meeting to provide support for the project, for each submittal phase.

2.3 Bidding Phase

2.3.1 The scope of services to be furnished by GARVER during the Bidding Phase is described in detail in Appendix A attached hereto and made part of this Agreement.

SECTION 6 – PAYMENTS TO GARVER

6.1 Compensation

CITY OF FAYETTEVILLE shall pay GARVER an amount **not to exceed \$505,600** in accordance with the provisions described in the following paragraphs. CITY OF FAYETTEVILLE shall pay GARVER for time spent on the project at the rates shown in attached Appendix A-2 for each classification of GARVER's personnel plus reimbursable expenses, including but not limited to printing, courier service, reproduction, and travel. For informational purposes, a breakdown of GARVER's estimated costs is included in Appendix A-2. The rates shown in Appendix A-2 will be increased annually with the first increase effective on or about May 1, 2008. Underruns in any phase may be used to offset overruns in another phase as long as the overall contract amount is not exceeded.

6.1.1 Preliminary Design

For the Preliminary Design described herein, CITY OF FAYETTEVILLE shall pay GARVER an amount estimated to be \$121,950.

6.1.2 Final Design

For the Final Design described herein, CITY OF FAYETTEVILLE shall pay GARVER an amount estimated to be \$144,200.

6.1.3 Bidding Services

For the Bidding Services described herein, CITY OF FAYETTEVILLE shall pay GARVER an amount estimated to be \$12,000.

IN TESTIMONY OF WHICH, this instrument has been executed on behalf of GARVER ENGINEERS, and has been executed on behalf of the CITY OF FAYETTEVILLE, in three (3) counterparts, each of equal force, on the day and year first above written.

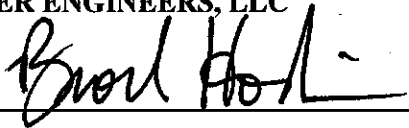
CITY OF FAYETTEVILLE

By: _____

Title: _____

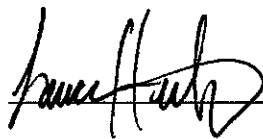
ATTEST: _____

GARVER ENGINEERS, LLC

By: 

Brock Hoskins

Title: Vice President

ATTEST: 

APPENDIX A – SCOPE OF SERVICES

Amendment No. 1

2.5 Preliminary Design

The preliminary design phase submittal will include a preliminary typical section of a two lane overlay and widening from Razorback to the Cato Springs bridge, and a preliminary typical section showing a three lane overlay and widening section from the Cato Springs bridge to School Avenue, plan and profile sheets showing horizontal and vertical geometry, reconstruction areas, cross sections, right-of-way requirements, maintenance of traffic plans, driveways, drainage improvements, water line relocation plans, minor sewer adjustments, sidewalks, signing and striping plans, and an opinion of probable construction cost. Bridge design is based on design/construction of a structurally independent pedestrian bridge across Cato Springs Branch. The preliminary design phase will represent approximately 60 percent of final construction contract plans. This submittal will not include technical specifications or “front end” contract documents. The Engineer will not begin final design until the preliminary design is approved by the Owner in writing. The Engineer will furnish three sets of Preliminary Plans to the Owner.

The Engineer will furnish plans to the railroad and all known utility owners potentially affected by the project. The Engineer will include the surveyed locations of the observable and marked utilities in the construction plans.

The Engineer will furnish plans to AHTD for their review and comment. The Engineer will not be required to produce plans and specifications in AHTD standard format.

Garver will prepare for and attend a total of two public meetings, whether Street Committee, City Council or other public meetings/hearings.

2.6 Final Design

During the final design phase of the project, the Engineer will conduct final designs to prepare construction plans and specifications, including final construction details and quantities, special provisions, and opinion of probable construction cost. The Engineer will also make final field inspection with Owner, make any needed plan changes as a result of the final field inspection and/or special easement acquisition considerations, and complete the construction documents. Unless the Owner prefers and provides a specific construction contract, the Engineer will furnish an industry standard construction contract form for review by the City Attorney. The Owner will furnish standard technical specifications for incorporation into the construction contract documents.

The Engineer will prepare, submit, and coordinate approval of a Storm Water Pollution Prevention Plan (SWPPP) with ADEQ.

Garver will prepare for and attend a total of two public meetings, whether Street Committee, City Council or other public meetings/hearings.

The Engineer will furnish plans to the railroad and all known utility owners potentially affected by the project. The Engineer will conduct coordination meetings with the railroad and among all known affected utility owners to enable them to coordinate efforts for any necessary utility relocation. The Engineer will include the surveyed locations of the observable and marked utilities in the construction plans. The Engineer will also include proposed and/or relocated utility information in the construction plans as provided by the utility companies.

The Engineer will furnish plans to AHTD and the Arkansas Department of Health for their review and comment. The Engineer will NOT be required to produce plans and specifications in AHTD standard format. The Owner will pay the ADH review fee outside of this agreement.

2.10 Bidding Services

During the bidding phase of the project, the Engineer will dispense construction contract documents to prospective bidders (at the approximate cost of reproduction and handling), support the contract documents by preparing addenda as appropriate, participate in a pre-bid meeting if necessary, attend the bid opening, prepare bid tabulation, evaluate bids, recommend award, and prepare construction contracts.

2.12 Construction Phase Services

The scope of Construction Phase Services will be added with a future amendment to this agreement.

2.13 Project Deliverables

The following will be submitted to the City of Fayetteville, or others as indicated, by Garver:

1. Three copies of the Preliminary Design with opinion of probable construction cost.
2. One copy of the Preliminary Plans to each potentially affected utility company.
3. Three copies of the Preliminary Design Plans to AHTD.
4. Three copies of the Final Design with opinion of probable construction cost.
5. Three copies of the revised Final Design with opinion of probable construction cost.
6. One copy of the revised Final Plans to each potentially affected utility company.
7. Three copies of the Final Plans and Specifications to AHTD.
8. Three copies of the Final Plans and Specifications to the Contractor.

2.14 Extra Work

The following items are not included under this agreement but will be considered as extra work:

1. Right-of-way and property or easement acquisition documents.
2. Sewer line relocation plans.
3. Producing plans or other documents in AHTD standard format.
4. Drainage Studies.
5. Signalization design.
6. Construction Phase Services.
7. Design of any utilities other than City of Fayetteville sewer lines.
8. Redesign for the City's convenience or due to changed conditions after prior approval or conflicting direction from the City.
9. Submittals or deliverables in addition to those listed in paragraph 2.13.
10. Environmental Assessment beyond that required for a Tier III Categorical Exclusion.
11. Pavement Design beyond that furnished in the Geotechnical Report.
12. Street lighting or other electrical design beyond that required for traffic signalization.
13. Construction materials testing.
14. Coordination with FEMA and preparation/submittal of a CLOMR and/or LOMR.

Extra Work will be as directed by the City of Fayetteville in writing for an additional fee as agreed upon by the City of Fayetteville and Garver.

2.15 Schedule

Garver will begin work under this Agreement within ten (10) days of a Notice to Proceed and will complete the work in accordance with the schedule below:

<u>Phase Description</u>	<u>Calendar Days</u>
Preliminary Design	90 days from approval of Conceptual Design
Final Design	60 days from approval of Preliminary Design

APPENDIX A-2

CITY OF FAYETTEVILLE CATO SPRINGS ROAD IMPROVEMENTS AMENDMENT No. 1

FEE SUMMARY

Basic Services	Original Contract	Amendment No. 1	Total
Traffic Studies	\$11,200	\$0	\$11,200
Schematic Study	\$0	\$0	\$0
Signalization Design	\$0	\$0	\$0
Surveys	\$80,400	\$0	\$80,400
Drainage Study	\$0	\$0	\$0
Conceptual Design	\$76,250	\$0	\$76,250
Preliminary Design	\$0	\$121,950	\$121,950
Final Design	\$0	\$144,200	\$144,200
Property Acquisition Documents	\$0	\$0	\$0
Bidding Services	\$0	\$12,000	\$12,000
Construction Support Services	\$0	\$0	\$0
Basic Services NTE Fee	\$167,850	\$278,150	\$446,000
Special Services			
Geotechnical Services	\$15,000	\$0	\$15,000
Record Research	\$0	\$0	\$0
ARKUPS - Utility Locates	\$14,800	\$0	\$14,800
Existing Bridge Evaluation	\$10,000	\$0	\$10,000
Environmental Documentation	\$19,800	\$0	\$19,800
Special Services NTE Fee	\$59,600	\$0	\$59,600
Total NTE Fee	\$227,450	\$278,150	\$505,600

Appendix A-2

Garver Engineers Hourly Rate Schedule

Classification	Rates
Senior Project Manager	\$ 194.00
Project Manager	\$ 162.00
Aviation Planner	\$ 103.00
Automation/Controls Specialist	\$ 125.00
Senior Project Engineer	\$ 127.00
Operations Specialist	\$ 114.00
Project Engineer	\$ 110.00
Senior Design Engineer	\$ 94.00
Sr. Construction Engineer	\$ 92.00
Construction Engineer	\$ 78.00
Design Engineer/Designer	\$ 78.00
Sr. Environmental Scientist	\$ 102.00
Environmental Scientist	\$ 55.00
CADD Administrator	\$ 98.00
Senior CADD Technician	\$ 97.00
CADD Technician	\$ 68.00
Senior Construction Observer	\$ 92.00
Construction Observer	\$ 73.00
Senior Project Surveyor	\$ 108.00
Project Surveyor	\$ 79.00
Party Chief	\$ 75.00
Instrument Man	\$ 50.00
Rodman	\$ 42.00
Administration	\$ 85.00
Clerical I	\$ 64.00
Clerical II	\$ 48.00
2-Man Crew (Survey)	\$ 148.00
3-Man Crew (Survey)	\$ 193.00
2-Man Crew (GPS Survey)	\$ 198.00
3-Man Crew (GPS Survey)	\$ 243.00

[illegible]

APPENDIX A-2

CITY OF FAYETTEVILLE
CATO SPRINGS ROAD IMPROVEMENTS
AMENDMENT No. 1

Final Design

WORK TASK DESCRIPTION	Senior Project Manager	Project Manager	Senior Project Engineer	Project Engineer	Senior Design Engineer	Design Engineer	Senior Project Surveyor	Project Surveyor	Senior Tech./ Draftsman	Tech. / Draftsman	Clinical	Survey Crew	Senior Constr. Engineer	Constr. Engineer	Senior Const. Observer	Const. Observer
	\$194.00	\$162.00	\$127.00	\$110.00	\$94.00	\$78.00	\$106.00	\$73.00	\$97.00	\$68.00	\$49.00	\$148.00	\$92.00	\$78.00	\$92.00	\$73.00
Mechanical Engineering																
Subtotal - Mechanical Engineering	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Electrical Engineering																
Subtotal - Electrical Engineering	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hours	17	84	96	209	328	340	0	0	76	380	12	0	6	0	0	0
Salary Costs	\$3,298.00	\$13,608.00	\$12,182.00	\$22,890.00	\$30,832.00	\$26,520.00	\$0.00	\$0.00	\$7,272.00	\$25,940.00	\$976.00	\$0.00	\$728.00	\$0.00	\$0.00	\$143,964.00
SUBTOTAL - SALARIES	\$143,964.00															

DIRECT NONLABOR EXPENSES	
Document Printing/Reproduction/Assembly	\$155.00
Postage/Freight/Counter	\$0.00
Office Supplies/Equipment	\$0.00
Communications	\$0.00
Survey Supplies	\$0.00
Aerial Photography	\$0.00
GPS Equipment	\$0.00
Computer Modeling/Software Use	\$0.00
Traffic Counting Equipment	\$0.00
Travel Costs	\$50.00
Subtotal	\$235.00
SUBCONSULTANTS	\$0.00
TOTAL COST:	\$144,200.00

APPENDIX A-2
CITY OF FAYETTEVILLE
CATO SPRINGS ROAD IMPROVEMENTS
AMENDMENT No. 1

Final Design

WORK TASK DESCRIPTION		Senior Project Manager	Project Manager	Senior Project Engineer	Project Engineer	Senior Design Engineer	Design Engineer	Senior Project Surveyor	Project Surveyor	Senior Tech./ Draftsman	Tech./ Draftsman	Clerical	Survey Crew	Senior Const. Engineer	Const. Engineer	Senior Const. Observer	Const. Observer
		hr	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr
Final Plans																	
Address Preliminary Plan Review Comments	1	2			6		8										
Plan & Profile Sheets		2		24			80				120						
Typical Sections							4				8						
Cross Sections (Roadway, Side roads, Cross Drainage)							16				16						
Intersecting Street Plans							4				8						
Reconstruction sections							8				8						
Drainage							4				4						
Drainage Improvements - Streets	2			12			16				16						
Drainage Improvements - Outlets and Offsets	2			12			16				16						
Details							8				8						
Pavement Design							8										
MOT/Sequence of Construction	2			4			8										
Sidewalks and Trails	1			4			8				16						
Striping and Signage Plans	1			4			8				16						
Water Improvements	4			16			92				40						
Sanitary Sewer Improvements	4			8			40				0						
Stormwater and Erosion Control Plans	1			4			8				8						
SWPPP	1			1			8				8						
Front End Specifications	1			8			8				8						
Technical Specifications	1			8			8				8						
Revisions/Additions due to Property Acquisitions							8				8						
Quantities	2			4			8				40						
Opinion of Probable Construction Costs	2			4			8				4						
Estimate of Construction Time	2			4			8				4						
Coordination with Geotechnical Subcontractor							4										
Meetings/Coordination with City Staff	2			8			8				2						
Meetings/Coordination with ARTD				8			16				24						
Meetings/Coordination with City Street Committee or Council	4			4			4				4						
Meetings/Coordination with Railroad	2			4			4				2						
Meetings/Coordination with Public	2			4			4										
Utility Companies Coordination	2			4			8				4						
Meetings/Coordination with U of A				4			8										
QC Review	8			8			16										
Final Review/Watchthrough with City				8			4										
Health Department Coordination				4			4										
Subtotal - Civil Engineering	13	60	32	209		258	340	0	0	0	380	12	0	8	0	0	0
Structural Engineering																	
Substructure Design	1	8	24				32				32						
Superstructure Design	1	4	8				12				12						
Bridge Layout/Elevations	1	8	16				16				16						
Miscellaneous Details	1	4	16				16				16						
Subtotal - Structural Engineering	4	24	64	0	0	72	0	0	0	0	76	0	0	0	0	0	0

APPENDIX A-2
CITY OF FAYETTEVILLE
CATO SPRINGS ROAD IMPROVEMENTS
AMENDMENT No. 1

Preliminary Design

WORK TASK DESCRIPTION	Senior Project Manager	Project Manager	Senior Project Engineer	Project Engineer	Senior Design Engineer	Design Engineer	Senior Project Surveyor	Project Surveyor	Senior Tech/Draftsman	Tech./Draftsman	Clerical	Survey Crew	Senior Const Engineer	Const Engineer	Senior Const Observer	Const Observer
	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr
	\$164.00	\$162.00	\$127.00	\$110.00	\$94.00	\$78.00	\$108.00	\$79.00	\$97.00	\$68.00	\$48.00	\$148.00	\$92.00	\$78.00	\$92.00	\$73.00
Mechanical Engineering																
Subtotal - Mechanical Engineering	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Electrical Engineering																
Subtotal - Electrical Engineering	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hours	22	56	72	184	220	392	0	0	28	360	14	0	0	0	0	0
Salary Costs	\$4,288.00	\$9,072.00	\$9,144.00	\$20,240.00	\$20,680.00	\$30,576.00	\$0.00	\$0.00	\$2,716.00	\$24,480.00	\$672.00	\$0.00	\$0.00	\$0.00	\$0.00	\$121,848.00

SUBTOTAL - SALARIES

\$121,848.00

DIRECT NON-LABOR EXPENSES

Document Printing/Reproduction/Assembly	\$102.00
Postage/Freight/Courier	\$0.00
Office Supplies/Equipment	\$0.00
Communications	\$0.00
Survey Supplies	\$0.00
Aerial Photography	\$0.00
GPS Equipment	\$0.00
Computer Modeling/Software Use	\$0.00
Traffic Counting Equipment	\$0.00
Travel Costs	\$102.00

Subtotal

\$121,950.00

SUBCONSULTANTS

\$0.00

TOTAL COST:

\$121,950.00

APPENDIX A-2

CITY OF FAYETTEVILLE
CATO SPRINGS ROAD IMPROVEMENTS
AMENDMENT No. 1

Preliminary Design

WORK TASK DESCRIPTION	Senior Project Manager	Project Manager	Senior Project Engineer	Project Engineer	Senior Design Engineer	Design Engineer	Senior Surveyor	Project Surveyor	Senior Tech/Draftsman	Tech./Draftsman	Clinical	Survey Crew	Senior Const. Engineer	Const. Engineer	Senior Const. Observer	Const. Observer
	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr
1. Civil Engineering																
Preliminary Plans																
Address Conceptual Plan Review Comments	2	4		4		16				90						
Plan & Profile Sheets		4		16		100				8						
Typical Sections				4		8				8						
Gross Sections (Roadway, Sidewalks, Cross Drainage)				16		24				40						
Intersecting Street Plans				8		8				8						
Reconstruction Sections				8		16				16						
Driveways				4		4				4						
Drainage Improvements - Streets		1		12		40				8						
Drainage Improvements - Outlets and Offsite		1		8		24				16						
Details				8		8				8						
Pavement Design				4		4										
MOT/Sequence of Construction	1	1		8		8										
Sidewalks and Trails				4		8				8						
Striping and Signage Plans				2		8				8						
Water Improvements				40		120				60						
Sanitary Sewer Improvements				12		24				10						
Stormwater and Erosion Control Plans				4		8										
Quantities		2		4		36				56						
Option of Probable Construction Costs		1		4		8										
Coordination with Geotechnical Subconsultant				4		4										
Meetings/Coordination with City Staff				8		8				4						
Meetings/Coordination with City Street Committee or Council	2	2		4		4										
Meetings/Coordination with AHTD	4	4		4		4										
Meetings/Coordination with Railroad	2	2		8		8				4						
Meetings/Coordination with Public	2	8		10		4				2						
Meetings/Coordination with U of A	2	4		4		8				2						
Utility Companies Coordination		4		8		8				2						
QC Review	4	4		16		16				16						
Subtotal - Civil Engineering	19	42	52	184	200	392	0	0	0	360	14	0	0	0	0	0
2. Structural Engineering																
Substructure Design	1	4	9			8				8						
Superstructure Design	1	2	4			4				4						
Hydraulics and Channel Protection		0	0			0				0						
Layout/ Special Structures	1	8	8			8				16						
Subtotal - Structural Engineering	3	14	20	0	20	0	0	0	0	28	0	0	0	0	0	0

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

Mayor

Date

Received in City Clerk's Office

ENTERED

Received in Mayor's Office

ENTERED

Comments:

Tabled to October 2, 2007 mtg 9/4/07
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	\$ 69,674.00
Total	\$ 77,274.00

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
22320SF @ 3' = 2480 Cu Yd				0.00
10000SF @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:

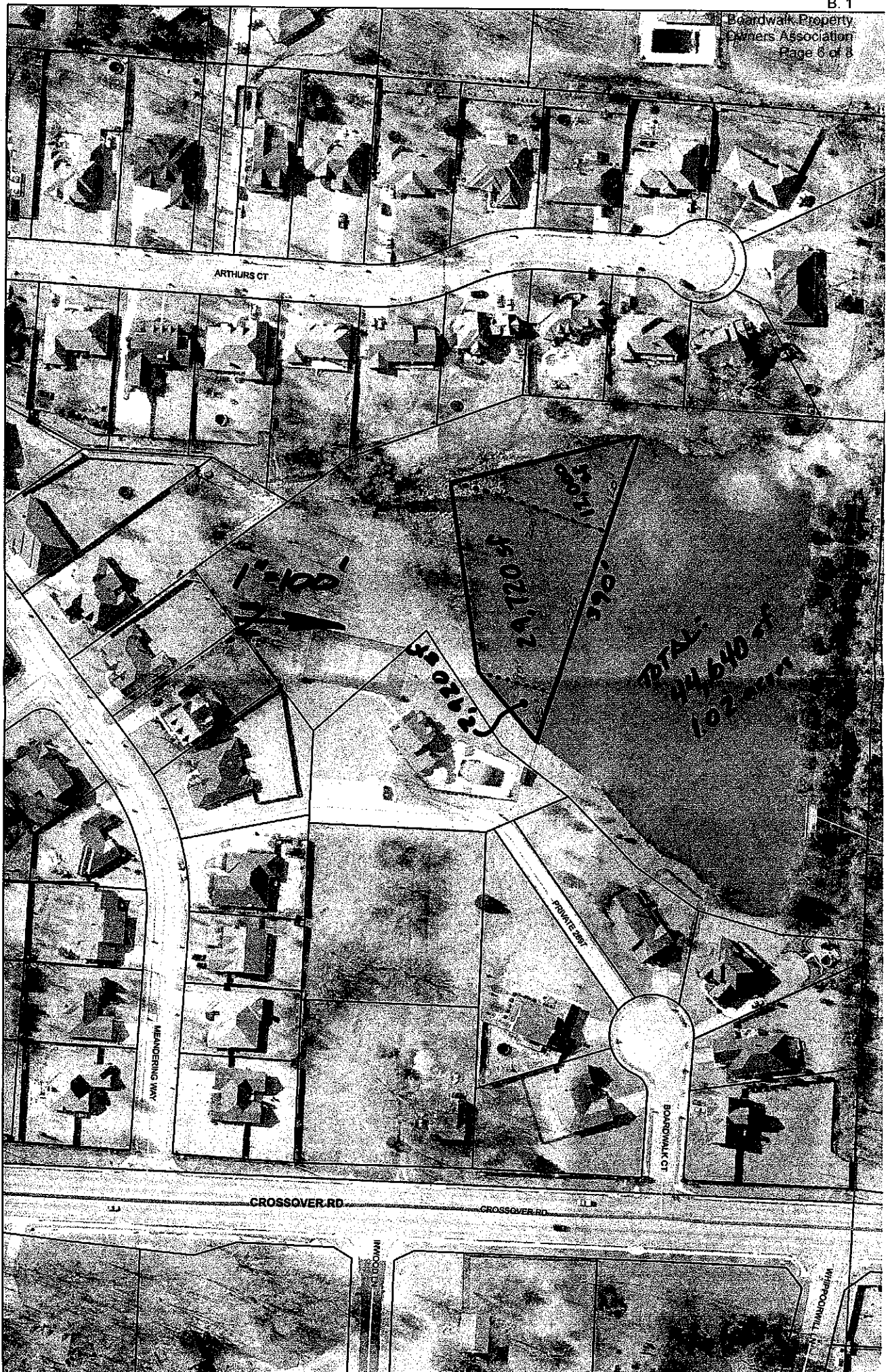
H. Mat Casey 7-18-07

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

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

Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

City Attorney

Finance and Internal Service Director

Date

Received in City Clerk's Office

ENTERED
8/17/07

Received in Mayor's Office

ENTERED
8/20/07
P.H.

Mayor

Date

Comments:

9/18/07 - Left on the third reading & tabled to 10/2/07
Left on the second reading 9/4/07

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

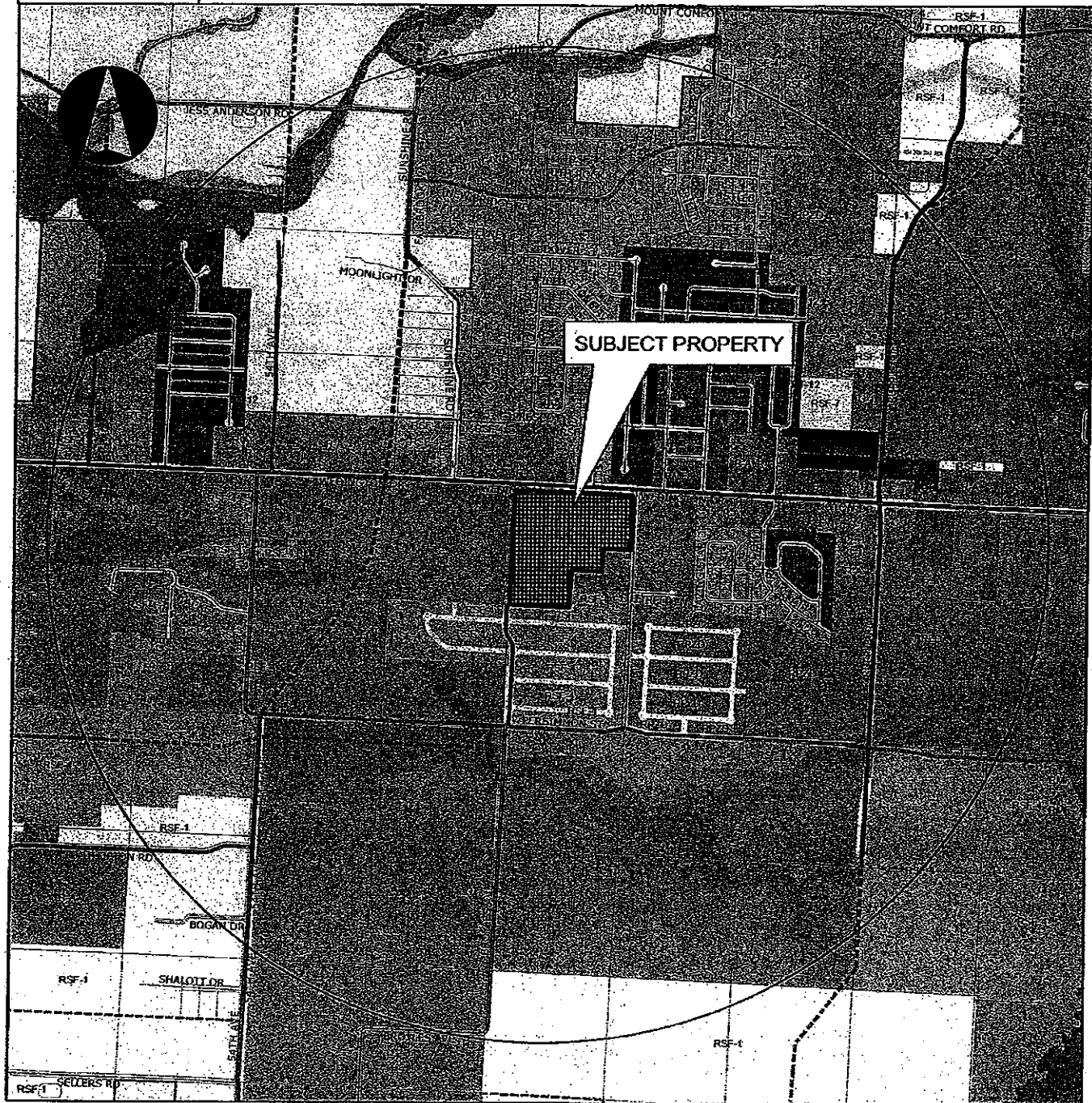
By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT "A"

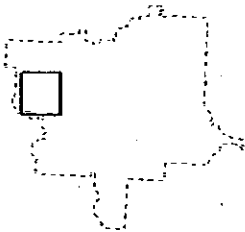
RPZD07-2576

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

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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

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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

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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

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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.*

<u>Phase No.</u>	<u>Timeframe for Permits (years)</u>	<u>Timeframe for Construction (years)</u>
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:

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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

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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:
- Grading and drainage permits
 - An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - Final plat for this project that shall include all easements and the tree preservation area.
 - Project Disk with all final revisions
 - 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

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B.2
R-PZD 07-2576
Woodstock Community
Page 13 of 88

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 APIAN 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 MEETTING 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.*

<u>Phase No.</u>	<u>Timeframe for Permits (years)</u>	<u>Timeframe for Construction (years)</u>
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.

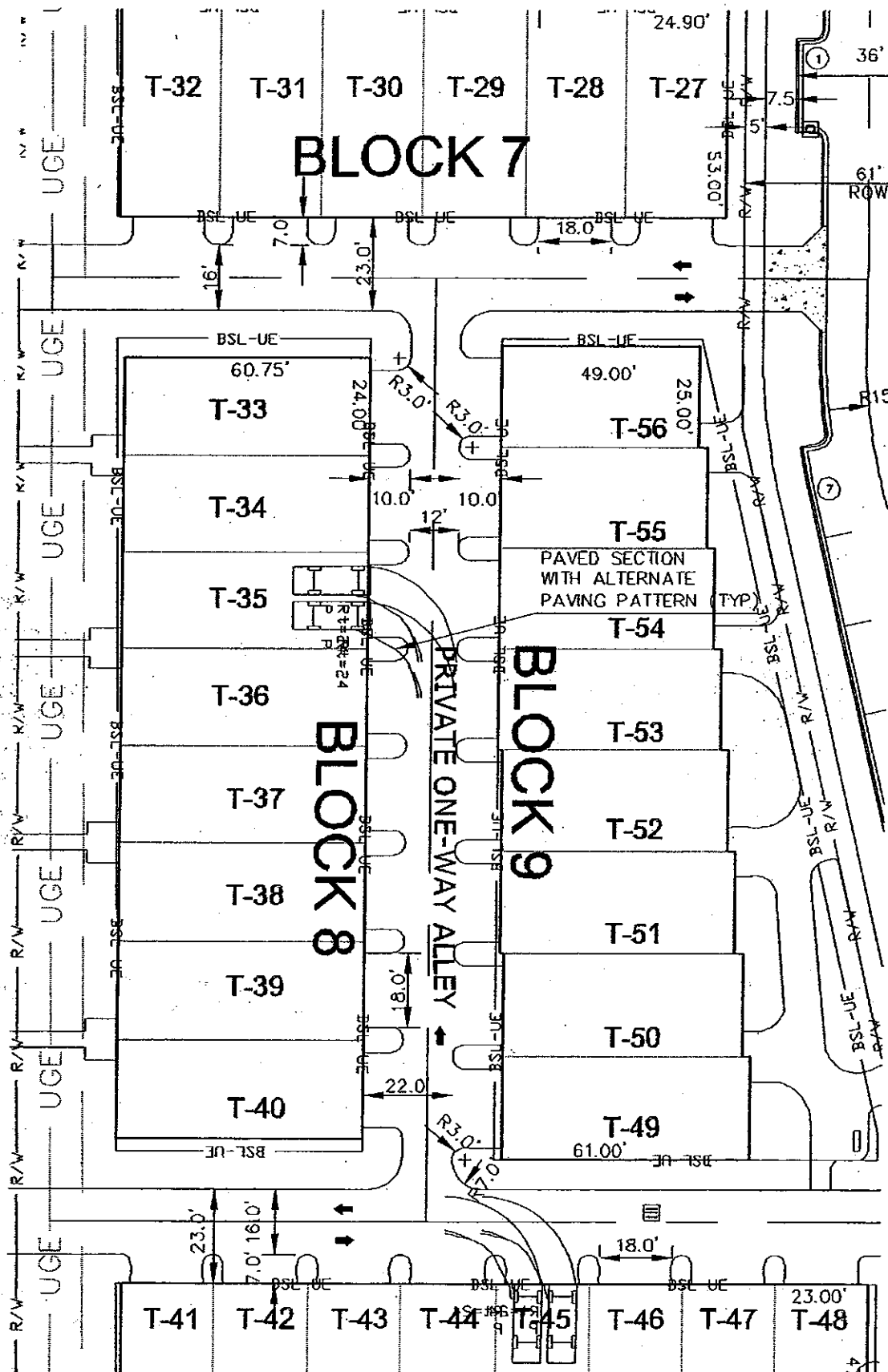
Thank you,

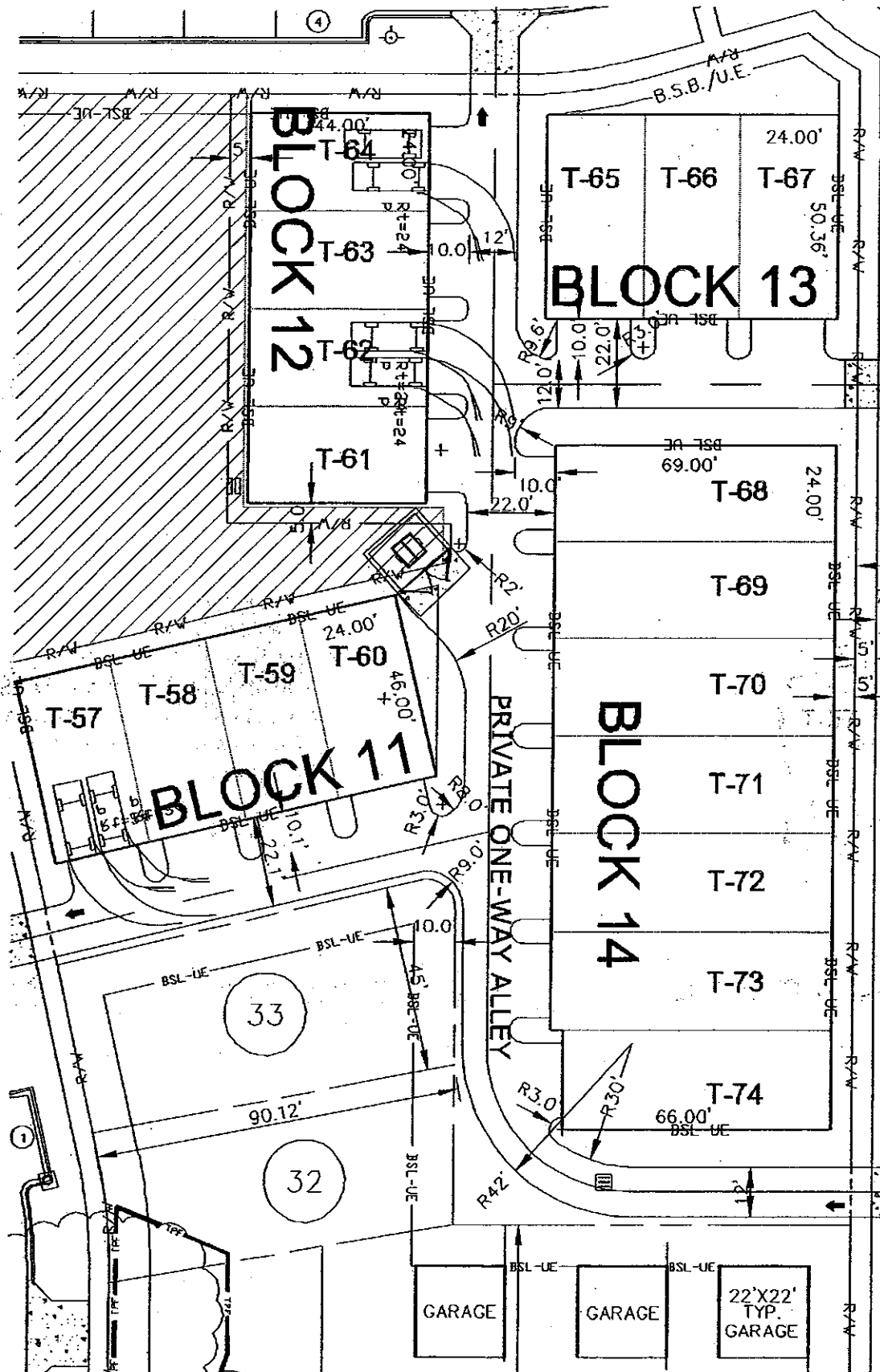
Evan Niehues

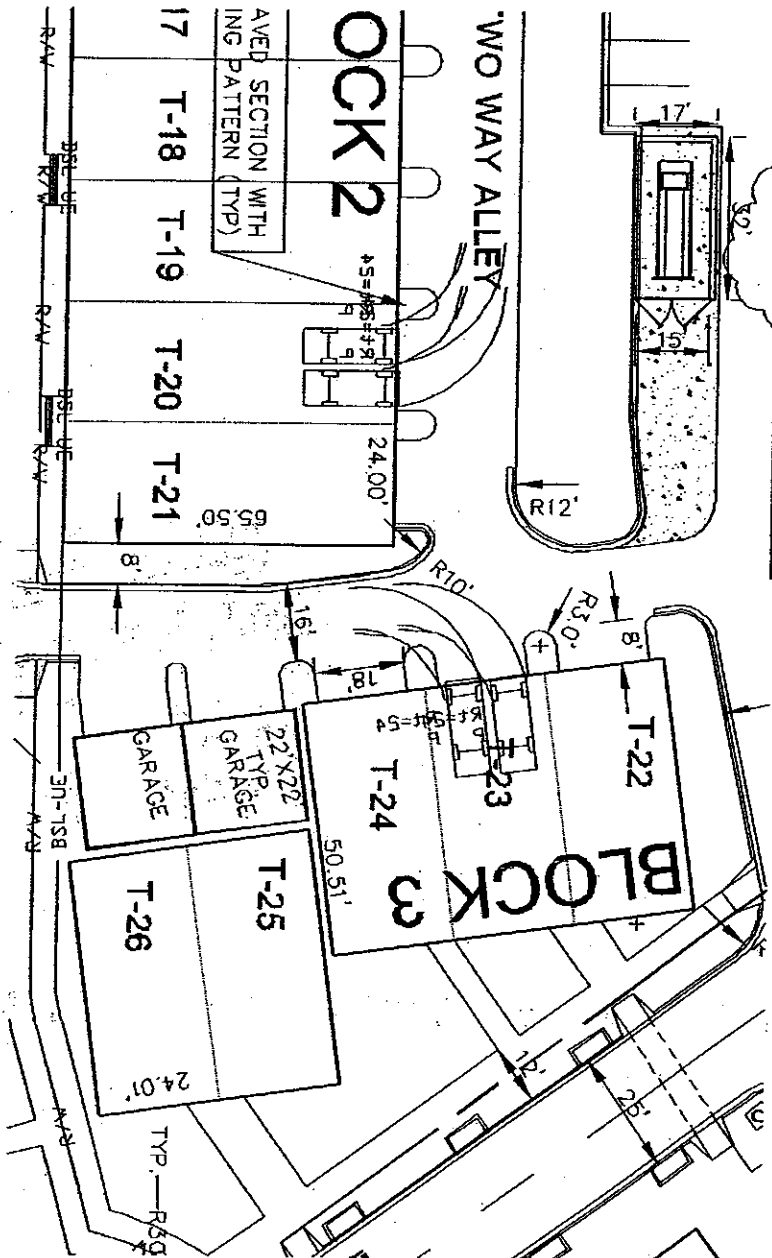
Appian Centre IV Design, Inc

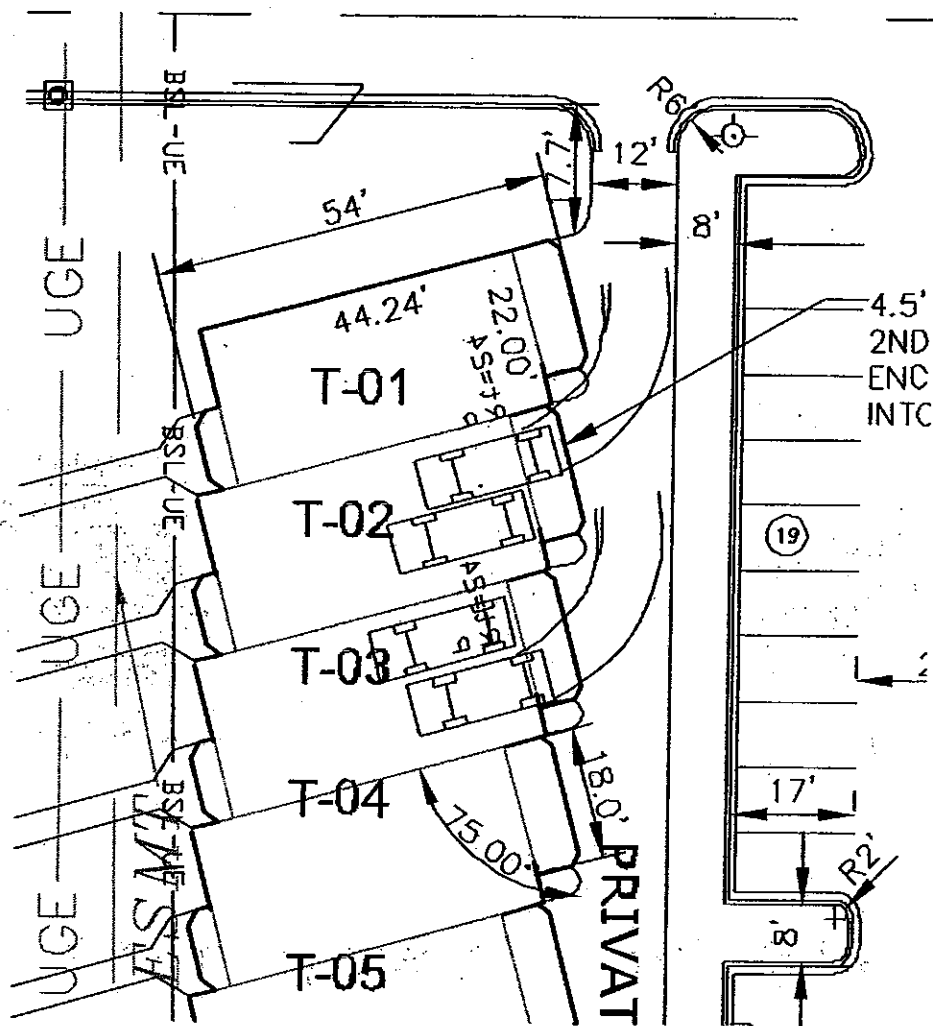
Phone: (479) 445-6009

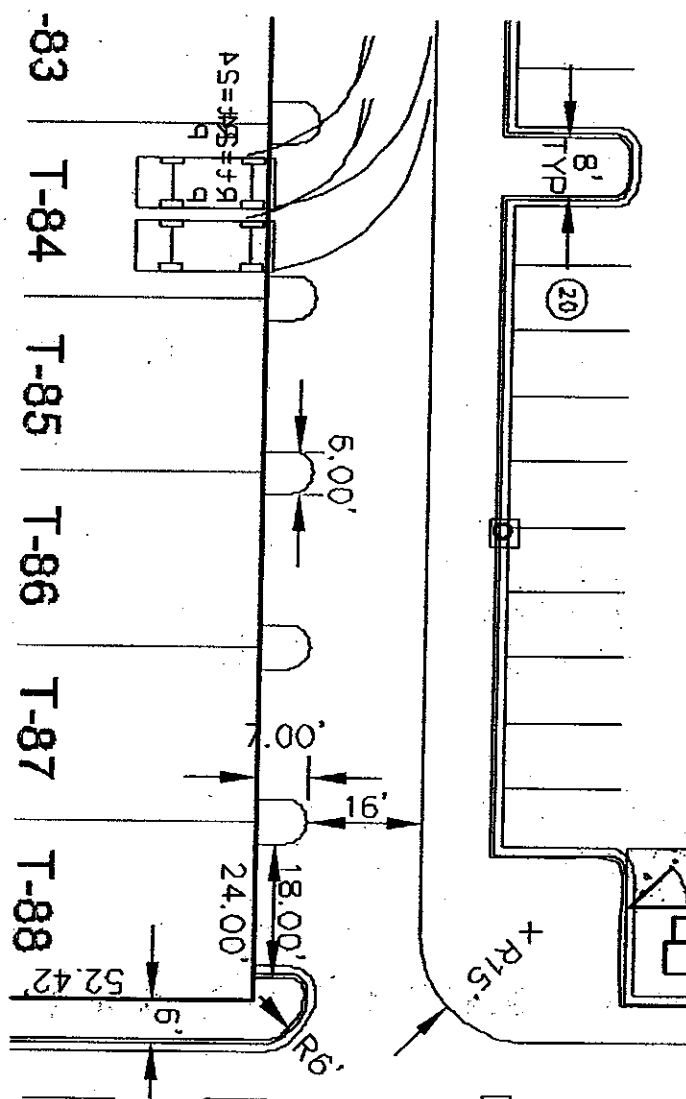
Fax: (479) 445-6050

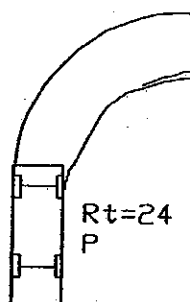




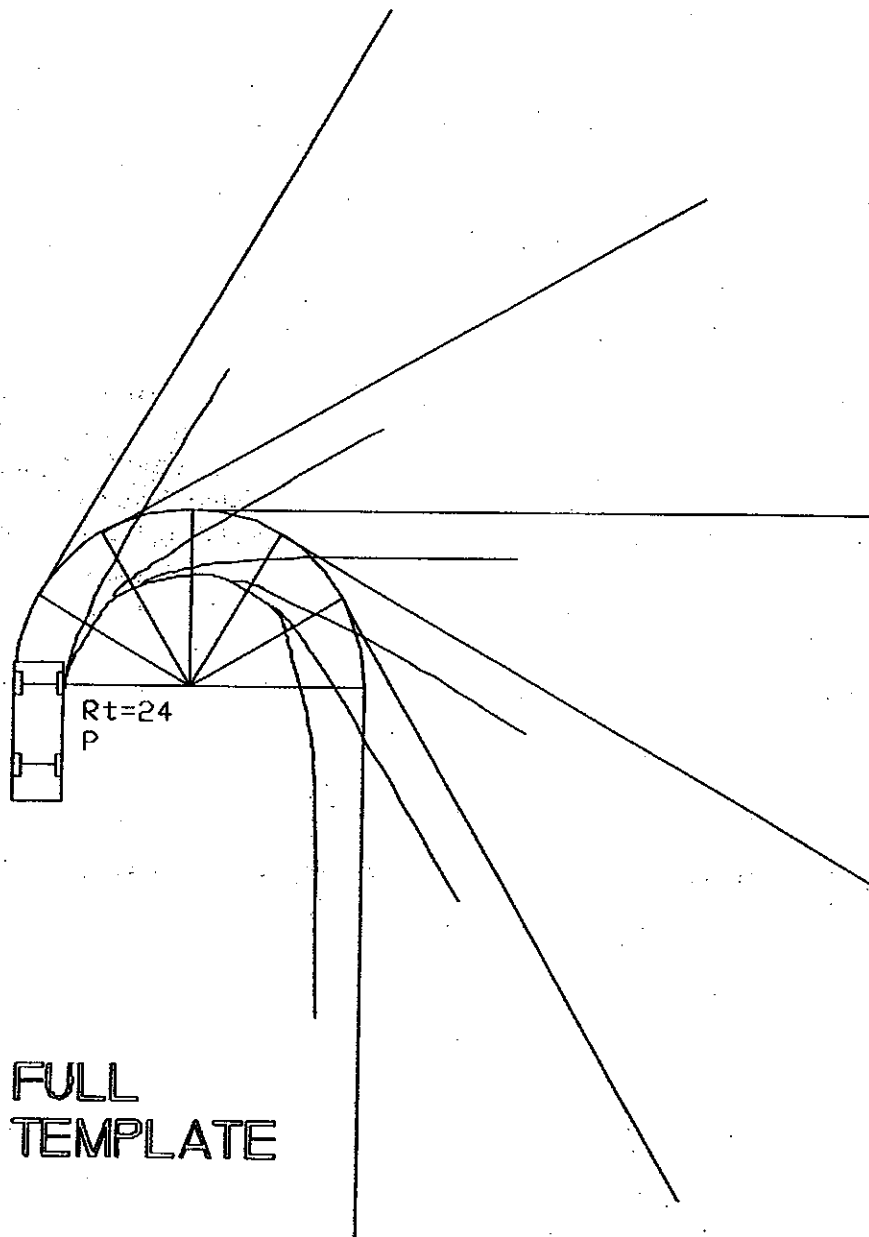








7' x 19' TRAFFIC TEMPLATE
EQUIVALENT TO FULL-SIZE
EXTENDED CAB CHEVY PICK-UP

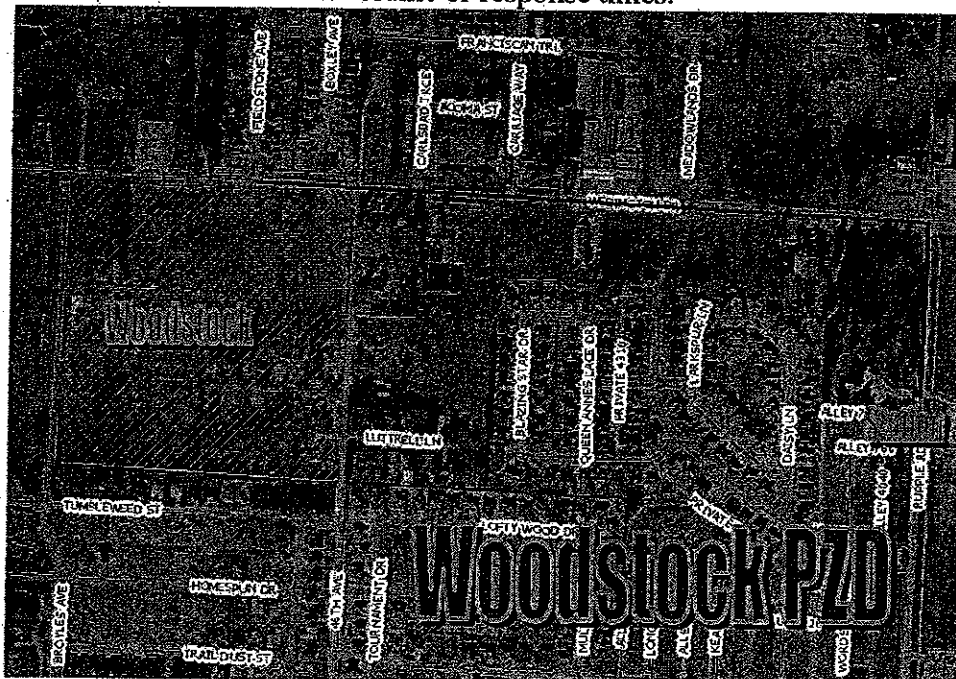


FULL
TEMPLATE

Fayetteville Fire Department

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	L-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 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 (one of 1, 2, or 3 per lot)
Y	Y	Residential Subdivisions- 1 large species shade tree/ lot tree planted within R.O.W. if possible
Y	Y	Nonresidential Subdivision- 1 large species shade tree/30 L.F. tree planted within 15-25' greenspace
NA		Urban Tree Wells-urban streetscape only-8foot sidewalk
NA		Structural Soil-if urban wells are used, a note or detail of structural soil must be indicated on the landscape plan
NA		Timing of planting indicated on plans (subdivisions only)
N	Y	Written description of the method for tracking plantings
		Stormwater Facilities (one of 1, 2, or 3 per lot)
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
CPD



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 acquiring necessary utilities

RECEIVED

JUN 15 2007

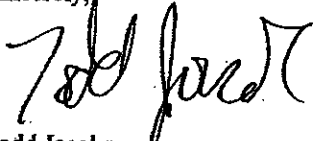
CITY OF FAYETTEVILLE

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] [REDACTED]
Matt Casey P.E. Assistant City Engineer

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 Council 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 Council 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 Council 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 Council approval. Construction will be completed within five and one half years of approval.

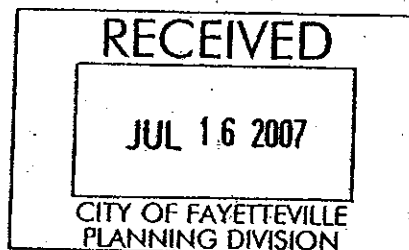
Phase 5: Permits will be pulled within five years of Fayetteville City Council approval. Construction will be completed within six and one half years of approval.

Phase 6: Permits will be pulled within six years of Fayetteville City Council 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 Council 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

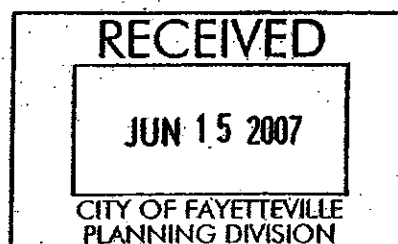
APIAN CENTRE FOR DESIGN

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

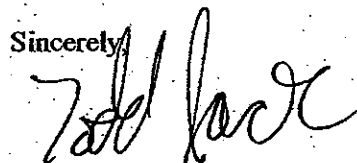
as a Traditional Neighborhood it must adopt street sections that lend toward a more compact, safer, and pedestrian friendly environment.

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.

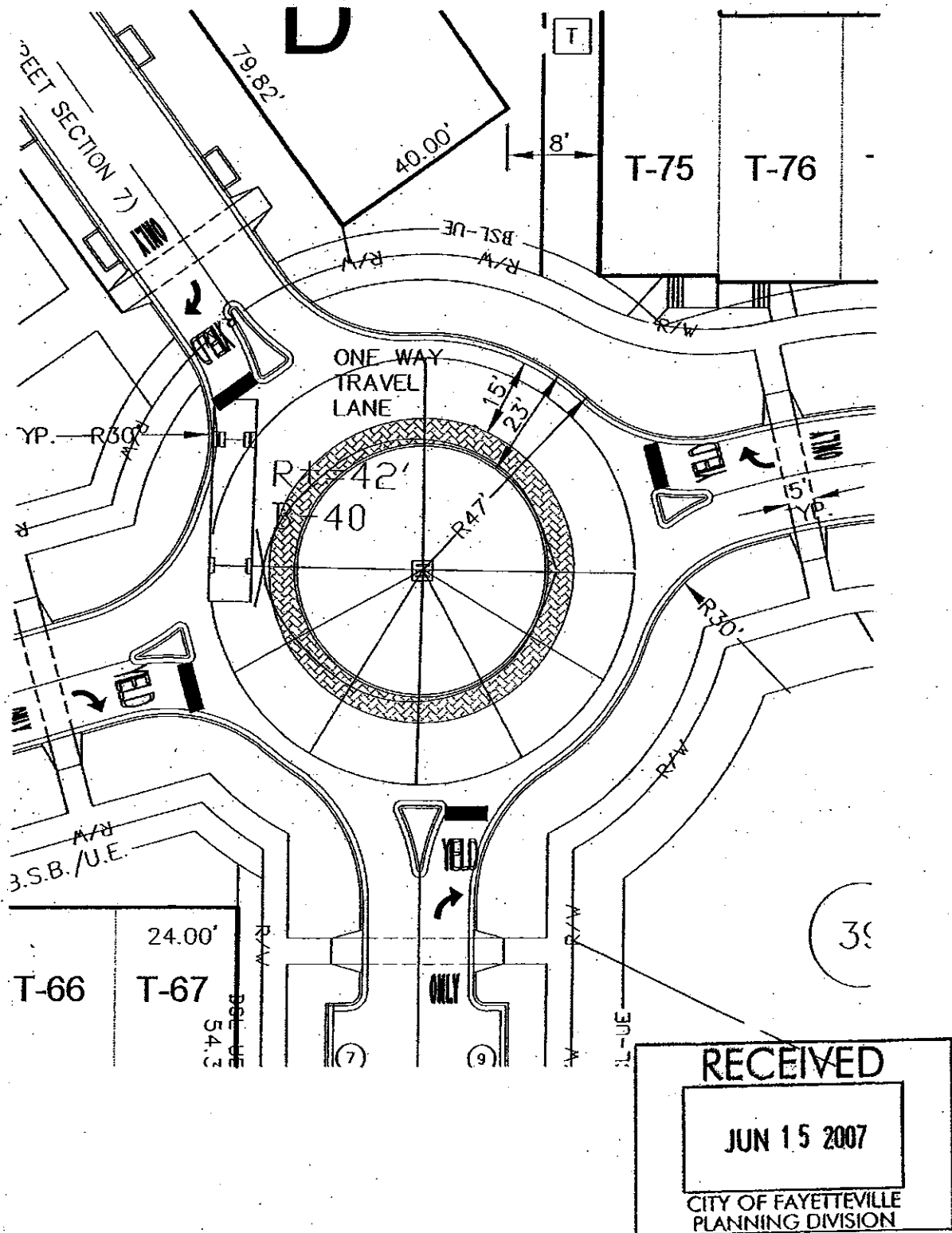
3. Due to site constraints, we are proposing a 31.5' centerline radius on Street Four. This radius will prove adequate for the small amount of residential traffic on the street along with any service or emergency vehicles that will require access into the rear of the Woodstock Community.
4. An 18" curb 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.

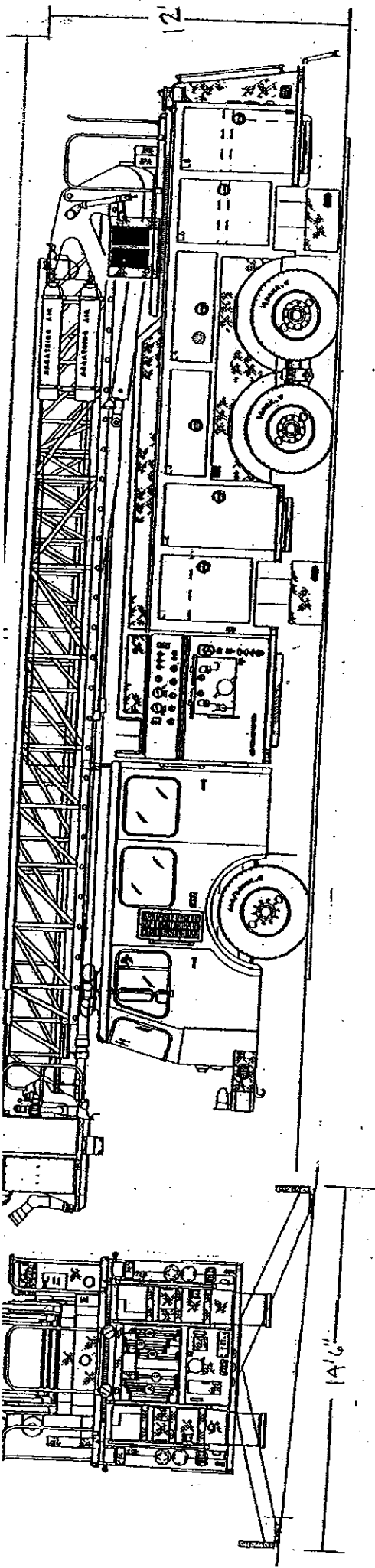
Sincerely,



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



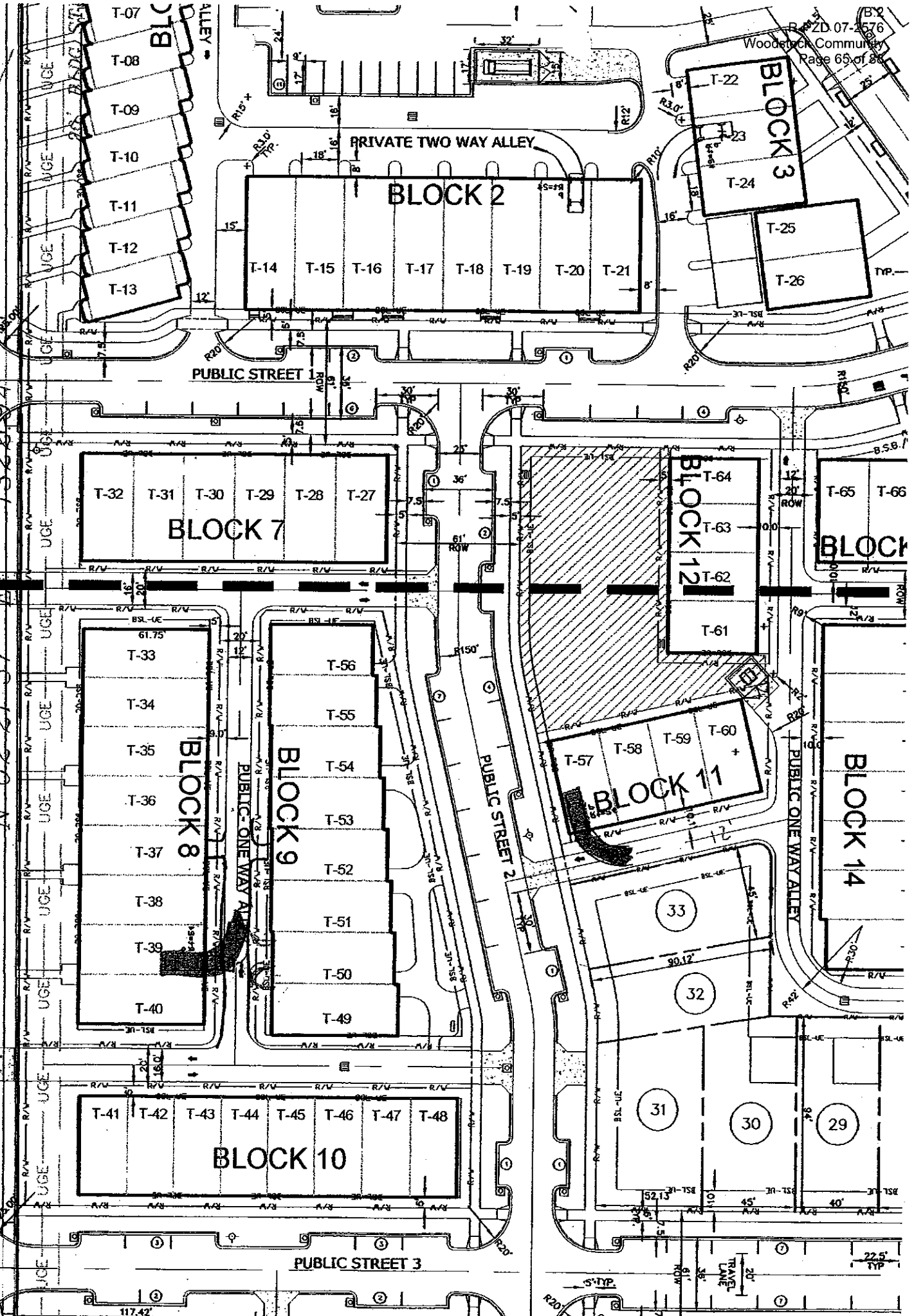
FAYETTEVILLE'S LARGEST FIRE TRUCK

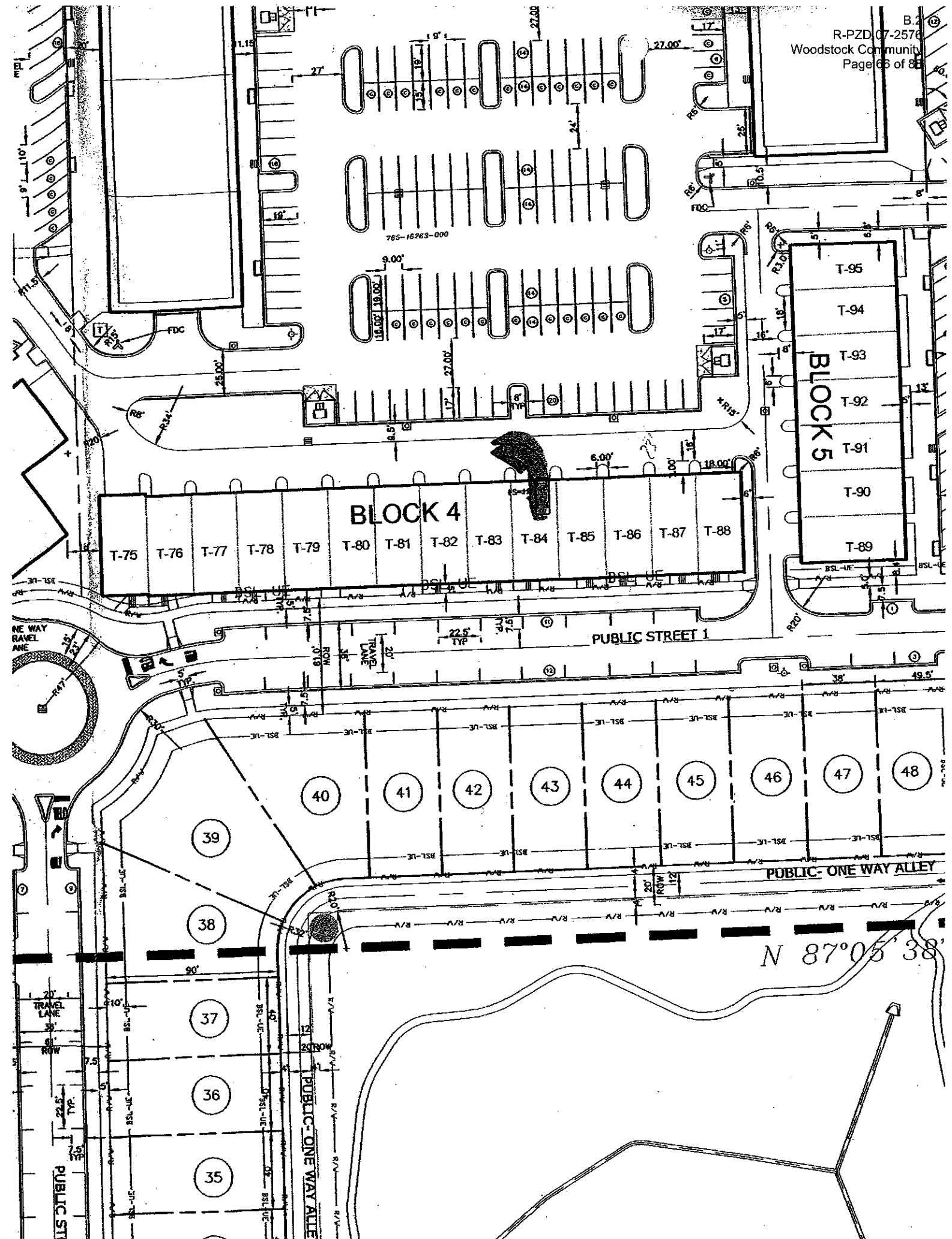


95' Platform Ladder
Vertical Height: 92 ft.
Horizontal Reach: 80.8 ft.
Wheel Base: 245 in.
Vehicle Length: 45 ft. 11 in.
Vehicle Height: 12 ft.
Turning Radius: 40 ft.
Vehicle Weight: 70,000 - 75,000 lbs.

EXISTING 5' SIDEWALK

N 02°21'57" 1322894





UNION
AR 7201

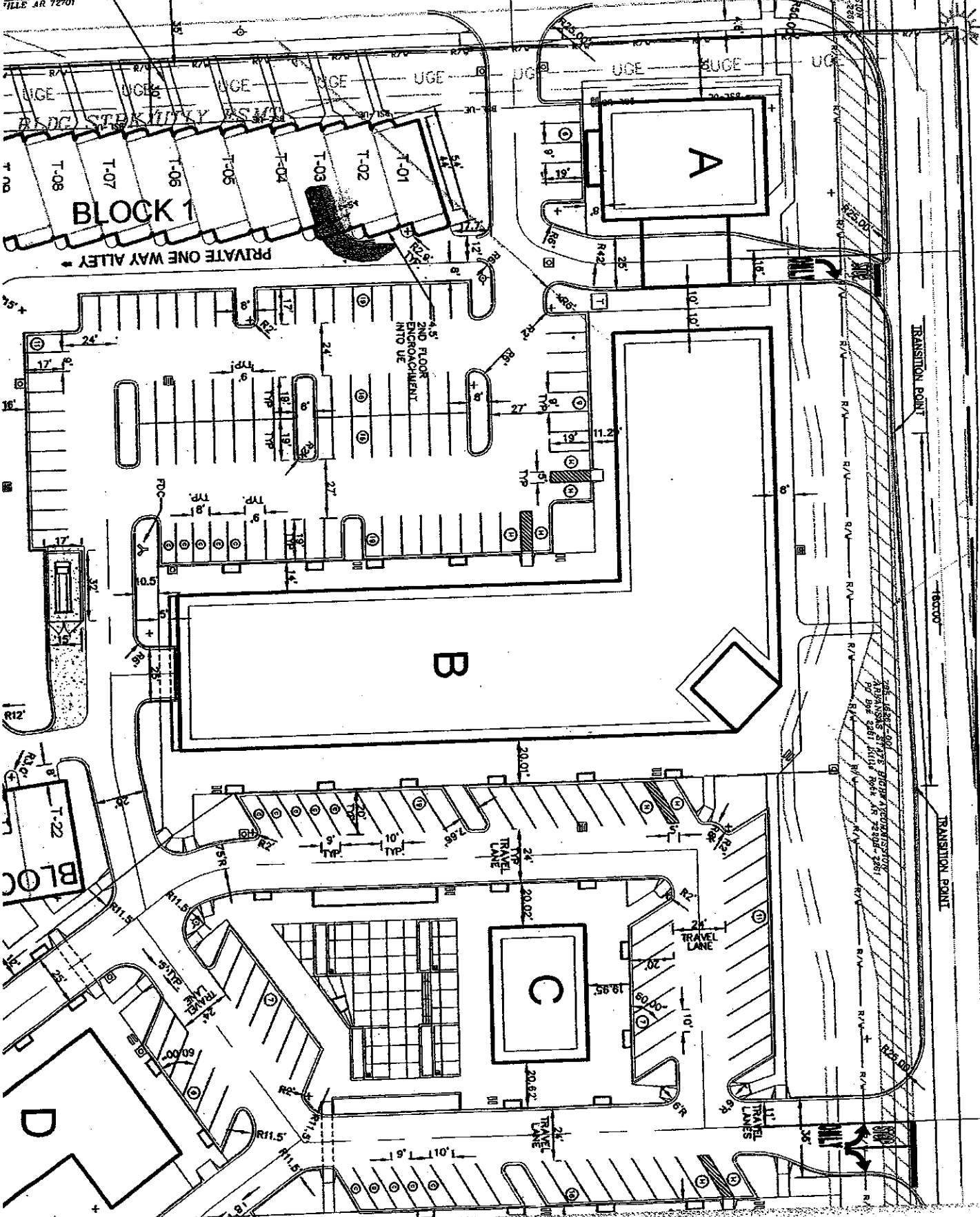
755-0123-01
AR 7201
AR 7201-2881

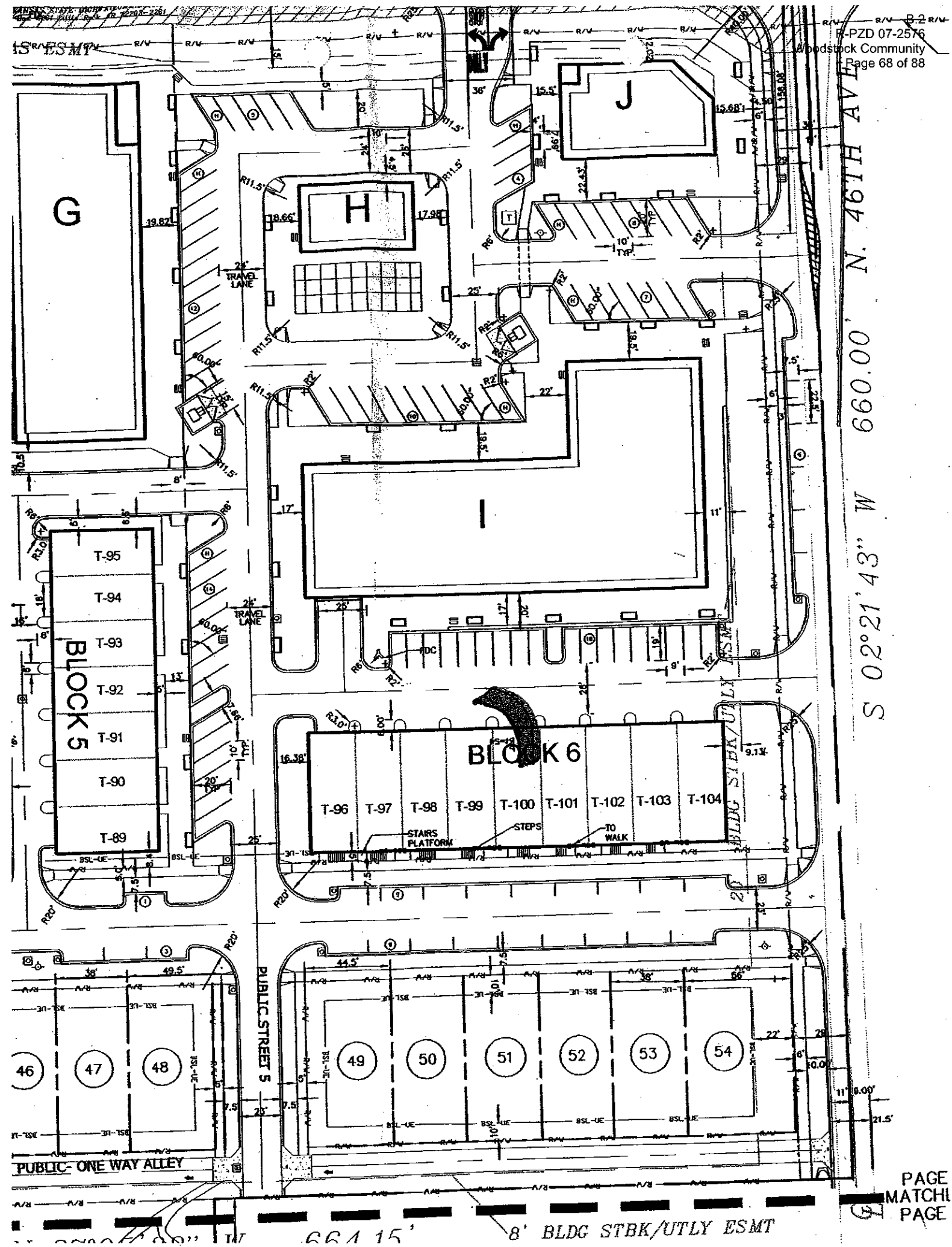
FILE # 2005-0042347

S 87°05'38" E 1305.70'

WASA MUNICIPAL CORPORATION
FILE AR 72701

N. BROYLES 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	0	0
8:00	958	7	0	0	0	0	0	0	0	0
9:00	951	6	0	0	0	0	0	0	0	0
10:00	998	7	0	0	0	0	0	0	0	0
11:00	965	10	0	0	0	0	0	0	0	0
12:00	996	10	0	0	0	0	0	0	0	0
13:00	1048	10	0	0	0	0	0	0	0	0
14:00	1028	10	0	0	0	0	0	0	0	0
15:00	1219	11	0	0	0	0	0	0	0	0
16:00	1393	11	0	0	0	0	0	0	0	0
17:00	1631	17	0	0	0	0	0	0	0	0
18:00	1316	13	0	0	0	0	0	0	0	0
19:00	1052	11	0	0	0	0	0	0	0	0
20:00	741	8	0	0	0	0	0	0	0	0
21:00	589	8	0	0	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	0	0
8:00	852	16	0	0	0	0	0	0	0	0
9:00	858	14	0	0	0	0	0	0	0	0
10:00	883	19	0	0	0	0	0	0	0	0
11:00	817	22	0	0	0	0	0	0	0	0
12:00	858	25	0	0	0	0	0	0	0	0
13:00	885	23	0	0	0	0	0	0	0	0
14:00	870	23	0	0	0	0	0	0	0	0
15:00	1052	27	0	0	0	0	0	0	0	0
16:00	1207	25	0	0	0	0	0	0	0	0
17:00	1293	33	0	0	0	0	0	0	0	0
18:00	1135	28	0	0	0	0	0	0	0	0
19:00	899	25	0	0	0	0	0	0	0	0
20:00	628	19	0	0	0	0	0	0	0	0
21:00	522	16	0	0	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.

WOODSTOCK COMMUNITY
TRAFFIC STUDY

FAYETTEVILLE, ARKANSAS

PROJECT No. P-1251
DATE: 3-21-2007

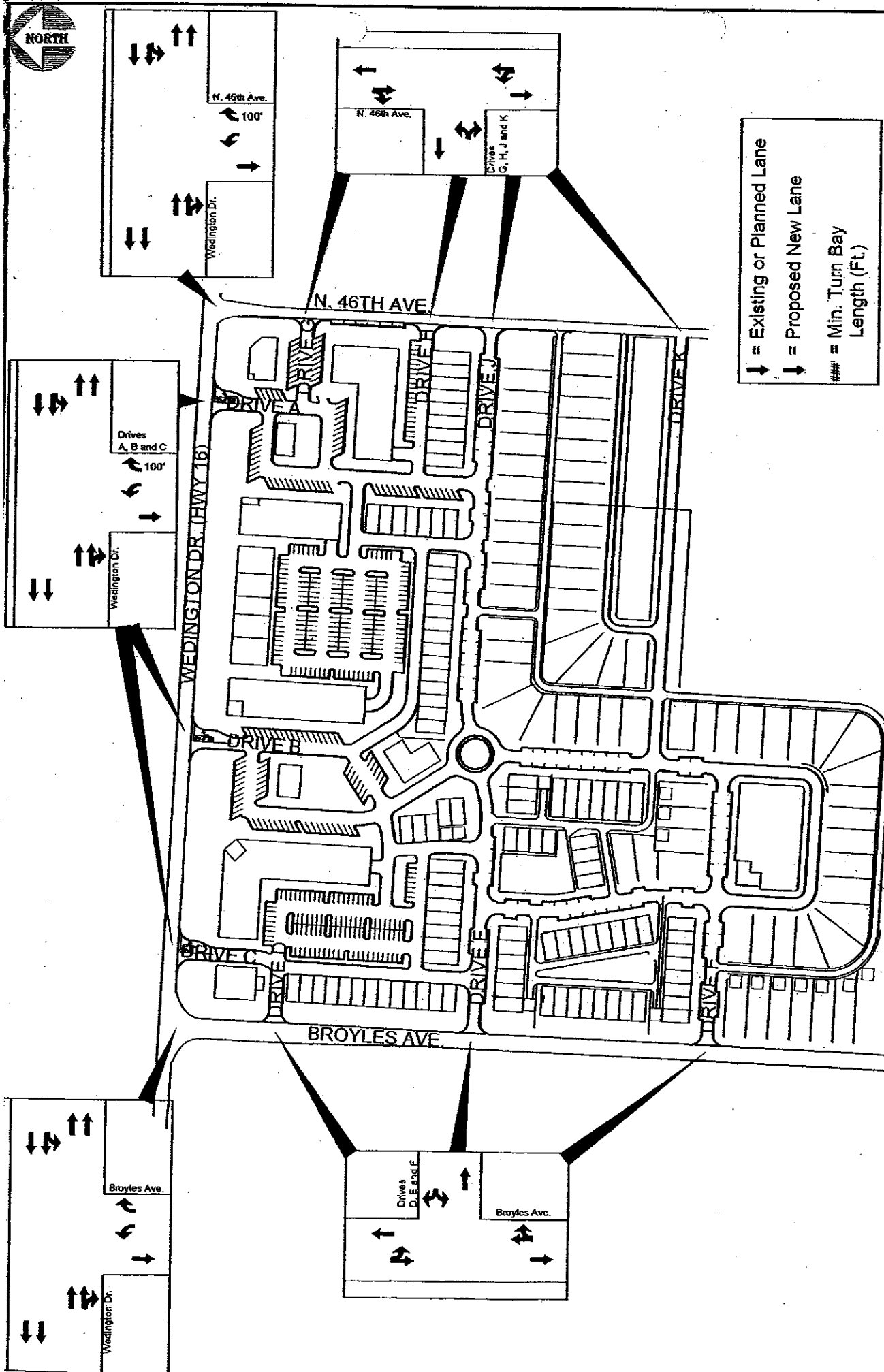
PETERS & ASSOCIATES
ENGINEERS, INC.

CIVIL & TRAFFIC ENGINEERING



RECOMMENDED
SCHEMATIC
LANE GEOMETRY

- ↓ = Existing or Planned Lane
- ↓ = Proposed New Lane
- ### = Min. Turn Bay Length (Ft.)



Woodstock Community
07-2576

ADJOINING PROPERTY OWNERS COMMENTS
Return Comments concerning ~~Project No. 07-2576~~
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)

Signature of Property Owner

Robert A. Hodges; BOARD TREAS.
William Bow - 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

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.

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.

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.

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'.

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.

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.

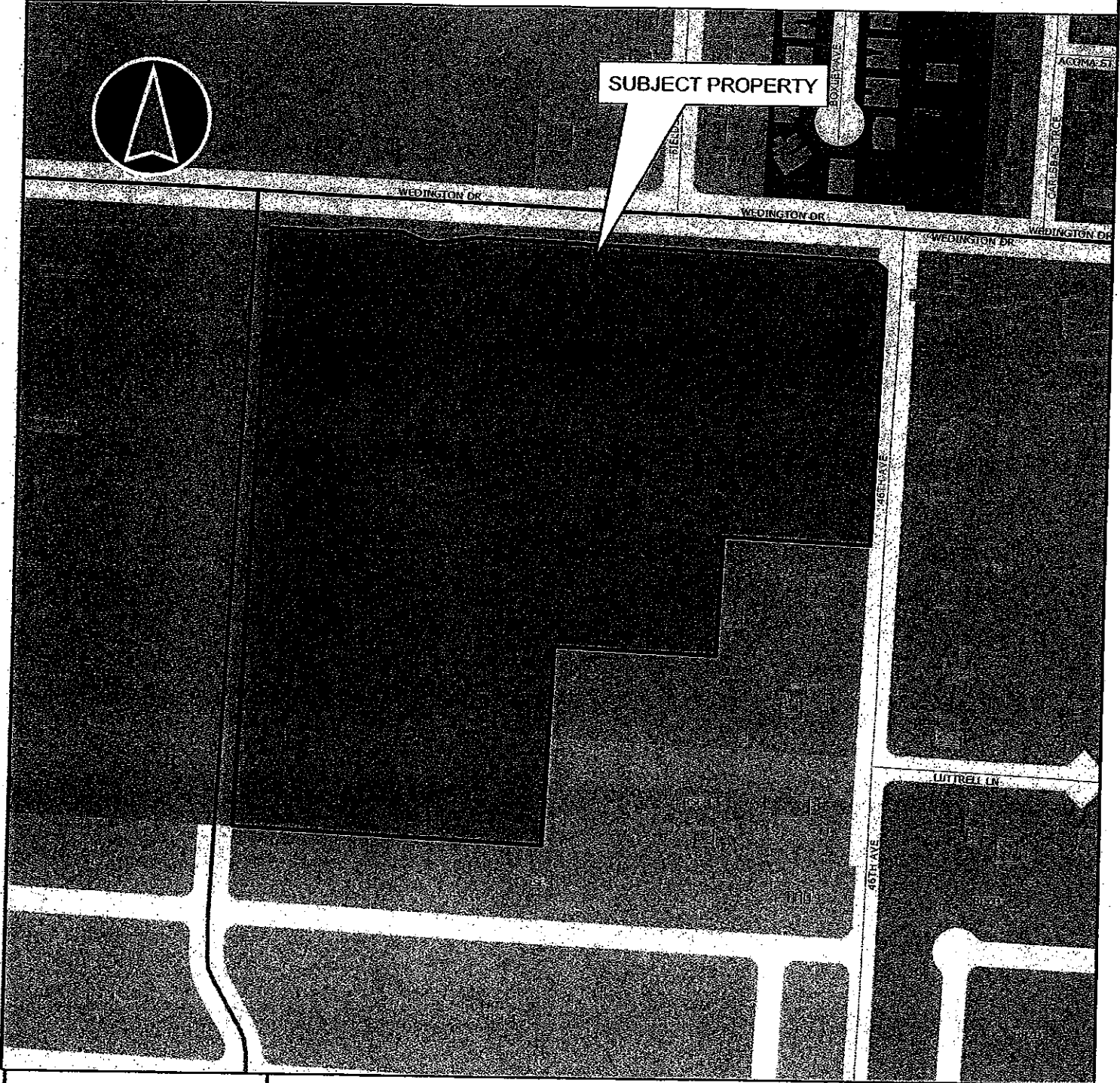
RPZD07-2576

Close Up View

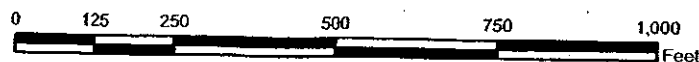
WOODSTOCK COMMUNITY



SUBJECT PROPERTY



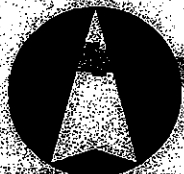
Overview



RPZD07-2576

WOODSTOCK COMMUNITY

Future Land Use



SUBJECT PROPERTY

WEDINGTON DR

WEDINGTON DE

Wang, J. & Zhang, Y. 2003. The effect of the 1997 Asian financial crisis on the Chinese stock market. *Journal of International Money and Finance* 22: 1-15.

WEDDINGTON D.

202

2000

about

Rural Area

Residential Neighborhood Area

General Urban/City Neighborhood Area

Urban Center Area

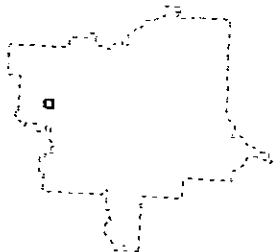
Civic and Private Open Space/Parks

Civic Institutional

Unclassified

ROW

Overview



Legend

Subject Property

Boundary



Planning Area



Overlay District



Outside City

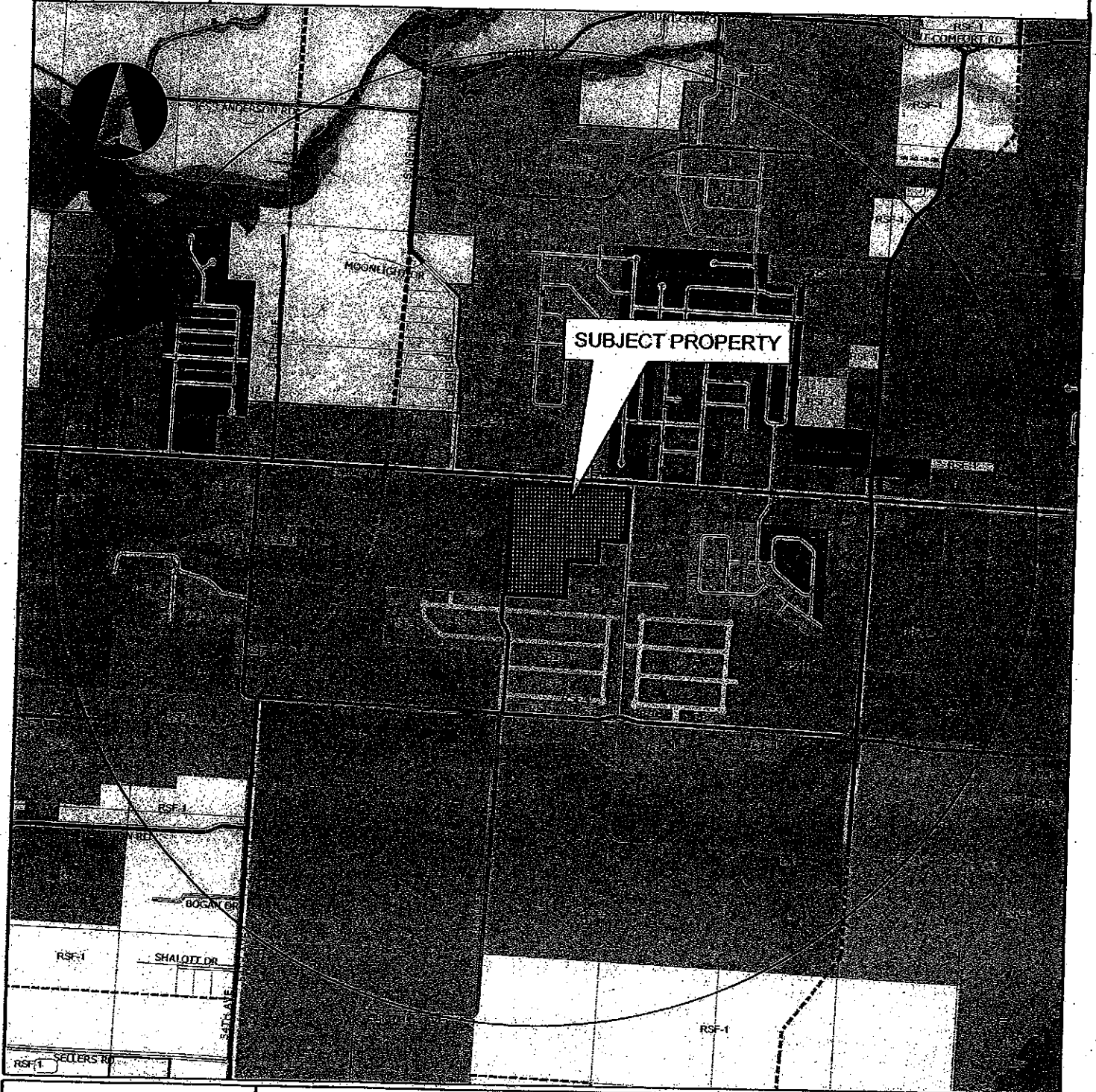
Legend

A horizontal graphic scale bar with tick marks at 0, 125, 250, 500, 750, and 1,000 feet. The bar is divided into segments by these tick marks.

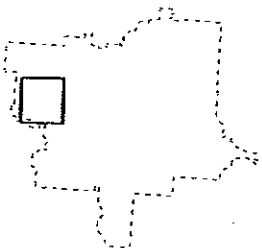
RPZD07-2576

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

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



BASSETT MIX

AND ASSOCIATES, INC.

FAX TRANSMISSION COVER SHEET

To: City Club
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



September 4, 2007

Fayetteville City Council

Dear Council Members and Mayor Coody,

I own several properties in Fayetteville. Three of them are located in Ward 4. The addresses are as follows: 1527 Markham, 2126 Berry Lane and 814 Sunset. Two of these properties are located just off Wedington Road.

I am writing this letter in favor of re-zoning and large scale development of the property represented by John Nock and Hank Broyles. The mixed use development will be called Woodstock.

I believe this project will enhance West Fayetteville and be an asset for all residents.

I encourage your support and approval for the Woodstock Development.

Highest Personal Regards,



Mary Bussett

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

18-Sep-07
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

R-PZD 07-2649: College Avenue Townhomes, 291: Submitted by Bates & Associates for property located southeast of College Avenue and Golden Eagle Drive containing approximately 2.34 acres. The request is for re-zoning, land use and development approval of an Residential Planned Zoning District with 5 buildings of 4 attached units for a total of 20 dwelling units and associated parking.

\$0.00

n/a

n/a

Cost of this request

Category/Project Budget

Program Category / Project Name

n/a

n/a

n/a

Account Number

Funds Used to Date

Program / Project Category Name

n/a

n/a

n/a

\$

-

Project Number

Remaining Balance

Fund Name

Budgeted Item

Budget Adjustment Attached

Department Director

Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

City Attorney

Original Contract Number: n/a

Finance and Internal Service Director

Date

Received in City Clerk's Office

ENTERED
8-31-07

Mayor

Received in Mayor's Office

ENTERED
9/4/07

Comments:

9/18/07 - Left on the third reading & tabled to 10/2/07

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

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

Date: August 30, 2007

Subject: Residential Planned Zoning District for College Avenue Townhomes (R-PZD 07-2649)

RECOMMENDATION

Planning Staff recommends approval of an ordinance creating a Residential Planned Zoning District (R-PZD) for College Avenue Townhomes, based on the development standards, plans and statement of commitments submitted. This action will establish a unique zoning district for a single-use project on approximately 2.34 acres located east of N. College Avenue and south of Golden Eagle Drive (private drive), and is located within the Hillside/Hilltop Overlay District. The proposal is for a residential development consisting of 5 buildings of 4 attached units for a total of 20 multi-family residential dwelling units.

BACKGROUND

The subject property contains 2.34 acres located east of N. College Avenue and south of Golden Eagle Drive (private drive), and is located within the Hillside/Hilltop Overlay District. The majority of the property is zoned C-2; however, the southeastern portion of the site is zoned R-O. The applicant requests rezoning, land use, and large scale development approval for a residential multi-family development within a unique R-PZD zoning district on the subject property. The proposed zoning would allow for a maximum density of 8.54 units/acre.

DISCUSSION

On August 27, 2007 the Planning Commission voted 7-0-0 in favor of forwarding this request to the City Council. Discussion included the fact that through several revisions of this project, it now incorporates all comments recommended by staff, including maintaining the minimum 30% canopy preservation, the addition of sprinklers to all buildings for fire suppression, and modified retaining walls to limit land disturbance as much as possible.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 07-2649, COLLEGE AVENUE TOWNHOMES, LOCATED SOUTHEAST OF COLLEGE AVENUE AND GOLDEN EAGLE DRIVE; CONTAINING APPROXIMATELY 2.34 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 C-2, Thoroughfare Commercial and R-O, Residential Office to R-PZD 07-2649, College Avenue Townhomes, 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"

B.3
R-PZD 07-2649
College Avenue Townhomes
Page 4 of 40

RPZD07-2649

Close Up View

COLLEGE AVENUE TOWNHOMES



Overview



0 75 150 300 450 600
Feet

EXHIBIT "B"
R-PZD 07-2649

A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N87°30'49"W 655.77' FROM THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT, RUNNING THENCE S02°01'46"W 441.25' TO A FOUND IRON PIN, THENCE N87°14'36"W 308.88' TO A FOUND IRON PIN, THENCE N13°21'24"E 99.99' TO A FOUND IRON PIN, THENCE N26°09'35"E 216.82' TO A FOUND IRON PIN, THENCE N45°11'12"E 8.58', THENCE N26°47'44"E 150.00', THENCE S87°30'49"E 131.87' TO THE POINT OF BEGINNING. CONTAINING 2.34 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

CONDITIONS OF APPROVAL:

R-PZD 07-2649

Page 1 of 3

The Planning Commission and Staff recommend the following conditions of approval associated with R-PZD 07-2649 (College Avenue Townhomes).

Conditions of Approval:

1. Planning Commission determination of street improvements. *Staff recommends that a new 6' sidewalk be constructed to current City standards along Golden Eagle Drive from the east property line to N. College Avenue. Additionally, staff recommends that sufficient barricades be erected interior to the site as noted on the plat and deemed necessary by the Engineering Department to protect public safety.*
2. Planning Commission determination of a waiver to allow a curb radius of 20' on a minor residential street where 30' is required. *Staff recommends in favor of the curb radius of 20', finding that a 20' curb radius on a private street with limited vehicle trips allows for safe and adequate vehicular turning movements for passenger and emergency service vehicles.*
3. The main driveway for the development shall be located within an access easement that extends from Golden Eagle Drive to the south property line to permit cross-access to and from future development to the south. Said easement shall be included on the easement plat document.
4. Parks fees are due in the amount of \$13,600.00 for 20 multi-family dwelling units prior to building permit approval.
5. As noted on the plat, when the adjacent property to the south develops, the owner/developer of the College Avenue Townhomes property shall relocate the dumpster pad to the west side of the turn around/hammerhead and the eastern part of the turn around shall be converted to parking spaces. The parking spaces and dumpster pad/screen shall be reviewed by City staff prior to construction to ensure adequate access is maintained.
6. Buildings shall be constructed to be consistent with the photos and concepts depicted in the booklet as specified. Building permits will be based upon the submitted materials.
7. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development – Planned Zoning District by the City Council shall also be binding.
8. Phasing: This project is required to obtain all building permits in accordance with the timeframe for LSD's as outlined in Chapter 166 of the Unified Development Code, which allows a 1-year time frame in which all building permits must be obtained. A 1-year extension is possible, subject to the provisions of Chapter 166.20.

Fire Department Conditions of Approval:

9. The fire apparatus access road into the development shall be provided with approved width and turnaround provisions in accordance with the Arkansas Fire Code D103.4 and Table D103.4.
10. All buildings shall be accessible to Fire Department apparatus by way of an approved fire apparatus access road with an asphalt, concrete, or other approved driving surface capable of

CONDITIONS OF APPROVAL:

R-PZD 07-2649

Page 2 of 3

supporting the imposed load of fire apparatus weighing at least 75,000 pounds. Arkansas Fire Code D102.1.

11. Turning radii on the islands at the upper most parking area must be constructed to allow fire apparatus to make the turn without the risk of hitting either the garbage bin or parked cars.
12. Each of the residential units shall be fitted with NFPA 13R residential sprinklers.

Urban Forester Conditions of Approval:

13. If during construction review process it is determined by the Urban Forester that less than 30% canopy will be preserved, the subject development shall be brought before the Planning Commission for consideration of a major modification. The Urban Forester will make a recommendation based on the revised preservation percentage.
14. The area of preserved canopy in the southeast portion of the site shall be placed within a Tree Preservation Area. The extent of which should follow the proposed tree protection fencing for said portion of the site. The Tree Preservation Area will be deeded with the easement plat and stand as a running covenant to protect the trees in perpetuity.

Standard Conditions of Approval:

15. 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).
16. Impact fees for water, sewer, police and fire shall be paid in accordance with City ordinance.
17. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
18. Any required trash enclosure shall be screened with access not visible from the street. **The trash enclosures shall be constructed with materials that are complimentary to and compatible with the proposed building.** A detail of the proposed screening shall be submitted and approved by the Planning Division prior to issuance of the building permit. Any additional dumpsters located on site shall be screened from the right-of-way.
19. All freestanding and wall signs shall comply with ordinance specifications for location, size, type, number, etc. Signs are not allowed to be placed in utility easements.
20. All mechanical/utility equipment (roof and ground mounted) shall be screened using materials that are compatible with and incorporated into the structure. Ground mounted equipment separate from the structure may be screened with tall grasses or shrubs. **A note shall be clearly placed on the plat and all construction documents indicating this requirement.**

CONDITIONS OF APPROVAL:

R-PZD 07-2649

Page 3 of 3

B.3
R-PZD 07-2649
College Avenue Townhomes
Page 8 of 40

21. All exterior lights shall be reviewed at the time of building permit submission for compliance with the Outdoor Lighting Ordinance. Manufacturer's cut-sheets are required prior to building permit approval.
22. All existing utilities below 12kv shall be relocated underground. All proposed utilities shall be located underground.
23. Large scale development shall be valid for one calendar year.
24. Prior to building permit, a cost estimate for all required landscaping is to be submitted to the Landscape Administrator 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.
25. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - c. Separate easement plat for this project that shall include the tree preservation area and all utility easements.
 - d. Project Disk with all final revisions
 - e. One copy of final construction drawings showing landscape plans including tree preservation measures submitted to the Landscape Administrator.
26. 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.
27. Impact fees for water, sewer, police, and fire shall be paid in accordance with City ordinance.



PC Meeting of August 27, 2007

THE CITY OF FAYETTEVILLE, ARKANSAS
PLANNING DIVISION CORRESPONDENCE

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

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Current Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: August 20, 2007 Updated August 30, 2007

R-PZD 07-2649: Planned Zoning District (COLLEGE AVENUE TOWNHOMES, 291): Submitted by BATES & ASSOCIATES for property located SE OF COLLEGE AVENUE AND GOLDEN EAGLE DRIVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL AND R-O, RESIDENTIAL OFFICE and contains approximately 2.34 acres. The request is for re-zoning, land use and development approval of an R-PZD, Residential Planned Zoning District with 5 buildings of 4 attached units for a total of 20 dwelling units and associated parking.

Planner: Jesse Fulcher

Findings:

Background: The subject development proposal was heard by the Subdivision Committee on July 12, 2007. The request was tabled by the Subdivision Committee to allow the applicant additional time to work with City staff regarding the tree preservation plan, detention requirements and fire apparatus access. Since the previous review, the applicant has obtained support from the Urban Forester for the tree preservation plan and modified the site plan to address the concerns of the Fire Department.

The Subdivision Committee reviewed the project again on August 02, 2007. Due to some outstanding issues regarding the location and design of some of the retaining walls, which would likely result in modifications to the tree preservation plan, staff recommended that the request be tabled until the August 16, 2007 Subdivision Committee meeting. The applicants have resolved the concerns regarding the retaining walls and maintained 30% of the existing tree canopy, which meets the minimum requirements for the subject development.

The project was forwarded by the Subdivision Committee on August 16, 2007. The outstanding issues discussed at the previous meetings were resolved. Minutes from the meetings are attached to the staff report.

Property Description: The subject property contains 2.34 acres located east of N. College Avenue and south of Golden Eagle Drive (private drive), and is located within the Hillside/Hilltop Overlay District. The majority of the property is zoned C-2; however, the southeastern portion of the site is zoned R-O.

Proposal: The applicant requests rezoning, land use, and large scale development approval for a

residential multi-family development within a unique R-PZD zoning district on the subject property. The proposed zoning would allow for a maximum density of 8.54 units/acre. The density is based on the requested 20 units on 2.34 acres.

The project booklet and the plats provided give the zoning criteria in detail. Please reference this provided material for more information. These documents are binding to the zoning of the property.

Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Commercial	C-2, Thoroughfare Commercial
South	Undeveloped	C-2, Thoroughfare Commercial
East	Undeveloped	R-O, Residential Office
West	Commercial	C-2, Thoroughfare Commercial

Phasing: The applicant proposes to develop the property in one phase in accordance with the standard timeframe requirements of Chapter 166 of the Unified Development Code. All building permits shall be obtained within one year from the date of City Council approval with a one-year extension available subject to Chapter 166.20 of the Unified Development Code.

Water/Sewer: Water and sewer service are available to the property.

Access: Access to the proposed development would be from Golden Eagle Drive, which intersects N. College Avenue.

Adjacent Master Street Plan Streets: Golden Eagle Drive (Private Street).

Street Improvements: Staff is recommending that the existing sidewalk along Golden Eagle Drive be reconstructed to current City standards from the property to N. College Ave. Additionally, staff recommends that sufficient barricades be erected interior to the site as noted on the plat and deemed necessary by the Engineering Department to protect public safety.

Tree Preservation:	Existing Tree Canopy:	67.9%
	Tree Canopy Preserved:	30.5%
	Required Tree Canopy:	30.0%
	Mitigation:	Mitigation is not required.

Recommendation: Staff recommends forwarding R-PZD 07-2649 to the City Council with the following conditions of approval:

Conditions of Approval:

1. Planning Commission determination of street improvements. Staff recommends that a new 6' sidewalk be constructed to current City standards along Golden Eagle Drive from the east property line to N. College Avenue. Additionally, staff recommends that sufficient barricades be erected interior to the site as noted on the plat and deemed necessary by the Engineering Department to protect public safety.

8-16-07 SUBDIVISION COMMITTEE: THE SUBDIVISION COMMITTEE FOUND IN FAVOR OF THE RECOMMENDED STREET IMPROVEMENTS.

8-27-07 PLANNING COMMISSION: THE PLANNING COMMISSION FOUND IN FAVOR OF THE RECOMMENDED STREET IMPROVEMENTS.

2. Planning Commission determination of a waiver to allow a curb radius of 20' on a minor residential street where 30' is required. *Staff recommends in favor of the curb radius of 20', finding that a 20' curb radius on a private street with limited vehicle trips allows for safe and adequate vehicular turning movements for passenger and emergency service vehicles.*

8-16-07 SUBDIVISION COMMITTEE: THE SUBDIVISION COMMITTEE FOUND IN FAVOR OF THE REQUESTED WAIVER.

8-27-07 PLANNING COMMISSION: THE PLANNING COMMISSION FOUND IN FAVOR OF THE REQUESTED WAIVER.

3. The main driveway for the development shall be located within an access easement that extends from Golden Eagle Drive to the south property line to permit cross-access to and from future development to the south. Said easement shall be included on the easement plat document.
4. Parks fees are due in the amount of \$13,600.00 for 20 multi-family dwelling units prior to building permit approval.
5. As noted on the plat, when the adjacent property to the south develops, the owner/developer of the College Avenue Townhomes property shall relocate the dumpster pad to the west side of the turn around/hammerhead and the eastern part of the turn around shall be converted to parking spaces. The parking spaces and dumpster pad/screen shall be reviewed by City staff prior to construction to ensure adequate access is maintained.
6. Buildings shall be constructed to be consistent with the photos and concepts depicted in the booklet as specified. Building permits will be based upon the submitted materials.
7. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development – Planned Zoning District by the City Council shall also be binding.
8. Phasing: This project is required to obtain all building permits in accordance with the timeframe for LSD's as outlined in Chapter 166 of the Unified Development Code, which allows a 1-year time frame in which all building permits must be obtained. A 1-year extensions is possible, subject to the provisions of Chapter 166.20.

Fire Department Conditions of Approval:

9. The fire apparatus access road into the development shall be provided with approved width and turnaround provisions in accordance with the Arkansas Fire Code D103.4 and Table D103.4.
10. All buildings shall be accessible to Fire Department apparatus by way of an approved fire apparatus access road with an asphalt, concrete, or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds. Arkansas

Fire Code D102.1.

11. Turning radii on the islands at the upper most parking area must be constructed to allow fire apparatus to make the turn without the risk of hitting either the garbage bin or parked cars.
12. Each of the residential units shall be fitted with NFPA 13R residential sprinklers.

Urban Forester Conditions of Approval:

13. If during construction review process it is determined by the Urban Forester that less than 30% canopy will be preserved, the subject development shall be brought before the Planning Commission for consideration of a major modification. The Urban Forester will make a recommendation based on the revised preservation percentage.
14. The area of preserved canopy in the southeast portion of the site shall be placed within a Tree Preservation Area. The extent of which should follow the proposed tree protection fencing for said portion of the site. The Tree Preservation Area will be deeded with the easement plat and stand as a running covenant to protect the trees in perpetuity.

Standard Conditions of Approval:

15. 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).
16. Impact fees for water, sewer, police and fire shall be paid in accordance with City ordinance.
17. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
18. Any required trash enclosure shall be screened with access not visible from the street. **The trash enclosures shall be constructed with materials that are complimentary to and compatible with the proposed building.** A detail of the proposed screening shall be submitted and approved by the Planning Division prior to issuance of the building permit. Any additional dumpsters located on site shall be screened from the right-of-way.
19. All freestanding and wall signs shall comply with ordinance specifications for location, size, type, number, etc. Signs are not allowed to be placed in utility easements.
20. All mechanical/utility equipment (roof and ground mounted) shall be screened using materials that are compatible with and incorporated into the structure. Ground mounted equipment separate from the structure may be screened with tall grasses or shrubs. **A note shall be clearly placed on the plat and all construction documents indicating this requirement.**
21. All exterior lights shall be reviewed at the time of building permit submission for compliance with the Outdoor Lighting Ordinance. Manufacturer's cut-sheets are required prior to building permit approval.

22. All existing utilities below 12kv shall be relocated underground. All proposed utilities shall be located underground.
23. Large scale development shall be valid for one calendar year.
24. Prior to building permit, a cost estimate for all required landscaping is to be submitted to the Landscape Administrator 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.
25. Prior to the issuance of a building permit the following is required:
- a. Grading and drainage permits
 - b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - c. Separate easement plat for this project that shall include the tree preservation area and all utility easements.
 - d. Project Disk with all final revisions
 - e. One copy of final construction drawings showing landscape plans including tree preservation measures submitted to the Landscape Administrator.
26. 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.
27. Impact fees for water, sewer, police, and fire shall be paid in accordance with City ordinance.

Additional Conditions:

- a. _____
- b. _____

Planning Commission Action: ☒ Forwarded

☐ Denied

☐ Tabled

Motion: Myers

Second: Cabe

Vote: 7-0-0

Meeting Date: August 27, 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 07-2649 (College Avenue Townhomes)

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 an Urban Center Area. Rezoning this property to R-PZD 07-2649 with multi-family dwelling units is not inconsistent with the land use plan and the surrounding land use. An Urban Center Area is generally described as having the most intense and dense development patterns within the City with a variety of building types and uses. However, given the location of the property within the Hillside/Hilltop Overlay District, staff finds that an intense and dense development pattern would potentially detrimentally affect the hillside and surrounding properties. Additionally, it is appropriate to provide a medium-density residential transition between the thoroughfare commercial uses along College Avenue and the adjoining single-family neighborhood to the east.

- (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, or the applicant has submitted requests for waivers thereof.

- (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, creates a single purpose residential use. Staff finds the proposed use to be appropriate in this transitional area between single-family residences to the east and thoroughfare commercial uses to the west. Additionally, the proposed development utilizes the natural features of the site, including topography and tree canopy, to minimize the visual changes to surrounding properties. As practiced in many areas of the City, transitions in land use between high intensity commercial uses and low intensity single-family uses are often times medium density multi-family residential uses, which is proposed with this project, at 8.54 dwelling

units per acre.

- (5) Whether the subject land is suitable for the intended use and is compatible with the natural environment;

FINDING: The site is generally steep with some flat areas along an existing drive and is located within the HHOD. Development of the land utilizing best management practices within the HHOD should provide a development that is compatible with the natural environment. A minimum of 30% of the existing tree canopy is proposed to be preserved within a tree preservation area. Staff finds the proposed use to be much more compatible with the natural environment than development that could potentially occur with the existing commercial zoning.

- (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 number of units (20) should not create an appreciable amount of traffic, especially when compared to the same property is developed under the current C-2 zoning.

- (7) Whether the planned development provides for unified development control under a unified plan;

FINDING: A plan and project booklet has been submitted, recognizing the zoning and development criteria required of a Master Development Plan submittal. Typical architectural elevations, materials and design standards are called out, in order to describe the appearance of the project once constructed.

- (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: A residential use is a significant change from the existing C-2, Thoroughfare Commercial zoning. Staff finds that the proposal herein does incorporate an acceptable level of compatibility, and development features further the health, safety, amenity and welfare of the community. The density and maximum dwelling units have been addressed for the planning area; a greater percentage of open space will be retained in comparison to the requirements under the C-2 zoning district. Traffic movement is achieved via a private street, with access onto N. College Avenue. The proposed development will work with the natural features and topography of the property and place an emphasis on tree preservation, allowing for a project that enhances the area.

- (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, though much of the southeast of the site will be naturally screened by the tree preservation area.

- (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: A traffic study was not required with this proposed development. Ingress and egress to the project will be provided from Golden Eagle Drive, which intersects N. College Ave. Staff finds that the proposed twenty units will not create or compound a dangerous traffic condition in the area.

- (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: A new 6' sidewalk is to be constructed from the project to N. College Ave.

- (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 lines are available to each lot and shall be extended in accordance with city codes.

- (9) *Sewer.* As required by §166.03.

FINDING: Public sewer lines are available to each lot and shall be extended in accordance with city codes.

- (10) *Streets and Drainage.* Streets within a residential PZD may be either public or private.

- (a) *Public Streets.* Public streets shall be constructed according to the adopted standards of the City.

- (b) *Private Streets.* Private streets within a residential PZD shall be permitted subject to the following conditions:

- (i) Private streets shall be permitted for only a loop street, or street ending with a cul-de-sac. Any street connecting one or more public streets shall be constructed to existing City standards and shall be dedicated as a public street.

- (ii) Private streets shall be designed and constructed to the same standards as public streets with the exceptions of width and cul-de-sacs as noted below.

- (iii) All grading and drainage within a Planned Zoning District including site drainage and drainage for private streets shall comply with the City's Grading (Physical Alteration of Land) and Drainage (Storm water management) Ordinances. Open drainage systems may be approved by the City Engineer.

- (iv) Maximum density served by a cul-de-sac shall be 40 units. Maximum density served by a loop street shall be 80 units.
- (v) The plat of the planned development shall designate each private street as a "private street."
- (vi) Maintenance of private streets shall be the responsibility of the developer or of a neighborhood property owners association (POA) and shall not be the responsibility of the City. The method for maintenance and a maintenance fund shall be established by the PZD covenants. The covenants shall expressly provide that the City is a third party beneficiary to the covenants and shall have the right to enforce the street maintenance requirements of the covenants irrespective of the vote of the other parties to the covenants.
- (vii) The covenants shall provide that in the event the private streets are not maintained as required by the covenants, the City shall have the right (but shall not be required) to maintain said streets and to charge the cost thereof to the property owners within the PZD on a pro rata basis according to assessed valuation for ad valorem tax purposes and shall have a lien on the real property within the PZD for such cost. The protective covenants shall grant the City the right to use all private streets for purposes of providing fire and police protection, sanitation service and any other of the municipal functions. The protective covenants shall provide that such covenants shall not be amended and shall not terminate without approval of the City Council.
- (viii) The width of private streets may vary according to the density served. The following standard shall be used:

Paving Width
(No On-Street Parking)

Dwelling Units	One-Way	Two-Way
1 - 20	14'	22'
21+	14'	24'

***Note:** If on-street parking is desired, 6 feet must be added to each side where parking is intended.

- (ix) All of the traffic laws prescribed by Title VII shall apply to traffic on private streets within a PZD.
- (x) There shall be no minimum building setback requirement from a private street.
- (xi) The developer shall erect at the entrance of each private street a rectangular sign, not exceeding 24 inches by 12 inches, designating the street a "private street" which shall be clearly visible to motor vehicular traffic.

FINDING: All public and private streets/drives shall conform to city standards, which have been indicated in the submitted statement of commitments. Public and Private streets shall not be gated, unless permitted by express approval from the City Council.

- (11) *Construction of nonresidential facilities.* Prior to issuance of more than eight building permits for any residential PZD, all approved nonresidential facilities shall be constructed. In the event the developer proposed to develop the PZD in phases, and the nonresidential facilities are not proposed in the initial phase, the developer shall enter into a contract with the City to guarantee completion of the nonresidential facilities.

FINDING: All development on the site shall be phased according to the phasing plan and conditions herein. The applicant shall have one year from City Council approval to obtain all necessary permits to begin construction with a one year extension available pursuant to Chapter 166.20.

- (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 preserve 30% of the existing canopy, which shall be placed within a tree preservation easement.

- (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: No scenic views are identified, and the height of structures proposed are not uncommon for the area.

(E) *Revocation.*

- (1) *Causes for revocation as enforcement action.* The Planning Commission may recommend to the City Council that any PZD approval be revoked and all building or occupancy permits be voided under the following circumstances:

(a) *Building permit.* If no building permit has been issued within the time allowed.

(b) *Phased development schedule.* If the applicant does not adhere to the phased development schedule as stated in the approved development plan.

(c) *Open space and recreational facilities.* If the construction and provision of all common open spaces and public and recreational facilities which are shown on the final plan are proceeding at a substantially slower rate than other project components.

Planning staff shall report the status of each ongoing PZD at the first regular meeting of each quarter, so that the Planning Commission is able to compare the actual development accomplished with the approved development schedule. If the Planning Commission finds that the rate of construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and public recreational facilities have been constructed and provided, then the Planning Commission may initiate revocation action or cease to approve any additional final plans if preceding phases have not been finalized. The city may also issue a stop work order, or discontinue issuance of building or occupancy permits, or revoke those previously issued.

(2) *Procedures.* Prior to a recommendation of revocation, notice by certified mail shall be sent to the landowner or authorized agent giving notice of the alleged default, setting a time to appear before the Planning Commission to show cause why steps should not be made to totally or partially revoke the PZD. The Planning Commission recommendation shall be forwarded to the City Council for disposition as in original approvals. In the event a PZD is revoked, the City Council shall take the appropriate action in the city clerk's office and the public zoning record duly noted.

(3) *Effect.* In the event of revocation, any completed portions of the development or those portions for which building permits have been issued shall be treated to be a whole and effective development. After causes for revocation or enforcement have been corrected, the City Council shall expunge such record as established above and shall authorize continued issuance of building permits.

(F) *Covenants, trusts and homeowner associations.*

(1) *Legal entities.* The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction, and maintenance of private roads, parking areas, common usable open space, community facilities, recreation areas, building, lighting, security measure and similar common elements in a development. The city encourages the creation of homeowner associations, funded community trusts or other nonprofit organizations implemented by agreements, private improvement district, contracts and covenants. All legal instruments setting forth a plan or manner of permanent care and maintenance of such open space, recreation areas and communally-owned facilities shall be approved by the City Attorney as to legal form and effect, and by the Planning Commission as to the suitability for the proposed use of the open areas. The aforementioned legal instruments shall be provided to the Planning Commission together with the filing of the final plan, except that the Guarantee shall be filed with the preliminary plan or at least in a preliminary form.

(2) *Common areas.* If the common open space is deeded to a homeowner association, the developer shall file with the plat a declaration of covenants and restrictions in the Guarantee that will govern the association with the application for final plan approval. The provisions shall include, but not necessarily be limited to, the following:

(a) The homeowner's association must be legally established before building permits are granted.

- (b) Membership and fees must be mandatory for each home buyer and successive buyer.
- (c) The open space restrictions must be permanent, rather than for a period of years.
- (d) The association must be responsible for the maintenance of recreational and other common facilities covered by the agreement and for all liability insurance, local taxes and other public assessments.
- (e) Homeowners must pay their pro rata share of the initial cost; the maintenance assessment levied by the association must be stipulated as a potential lien on the property. The association must be able to adjust the assessment to meet changing needs.

FINDING: The applicant shall comply with these requirements. A condition to this effect is included in the staff report.

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: The proposed development incorporates many of the above criteria, as indicated by the transition from commercial land use to multi-family land use; the minimal disruption of existing natural features and amenities; utilization of the site special features, such as geographic location, topography, size and shape; creating a community atmosphere near an arterial street, while providing necessary infrastructure improvements to alleviate any potential impact; and providing a variety of housing types within the same area. 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.

(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: The proposal is single-use residential development, which is more appropriate for a PZD application in this area than a general multi-family residential rezone. The requested R-PZD provides an effective transition between two different land uses and activities on abutting parcels. By clustering more densely and utilizing some of the best management practices available in the HHOD, the natural features of the site and existing tree canopy can be preserved.

- (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: All uses are proposed as residential.

(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 City Plan 2025;
 - (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 developments are quite varied. There is an existing residential single-family subdivision to the east and developed commercial properties to the west. Land to the north and south is zoned C-2 and R-O and is predominantly undeveloped. The density proposed for this development is appropriate given the transitional nature of the development single-family residential and commercial land uses.

- (2) *Lot area and setback requirements.* Taking into consideration the unique aspects of each project, preliminary development plans for Planned Zoning Districts shall conform as closely as possible to the existing standards for lot area minimums and setback requirements under this chapter.

FINDING: The lot area minimums and building setbacks for the proposed development are not inconsistent with the bulk and area requirements of the C-2 zoning district. In compliance with HHOD practices, the buildings have been pushed forward towards the private street access with parking areas located behind the buildings.

- (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 for multi-story structures. Staff has recommended a maximum height of 50' as measured from the existing natural grade.

- (4) *Building area.* The Planning Commission shall review specific proposed lot coverages which generally correspond to the guidelines for lot coverage in the respective residential, office, commercial or industrial district which most depicts said development scheme.

FINDING: The lot coverage or building area on this project is lower in comparison to a C-2 zoning district, which is appropriate given the location of the property in the HHOD.

***Required Findings for Rezoning Request.**

Land Use Plan: The City Plan 2025 designates this site as an Urban Center Area. Rezoning this property to R-PZD 07-2649, with the associated Master Development Plan, allows the property to be constructed as a residential development. 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: The proposed rezoning is consistent with many of the principles and policies in place. The development project creates an internal transition between land uses, while also adding to the existing mixture of land uses and densities in the vicinity. Additionally, the project utilizes many of the best management practices outlined in the City's Hillside/Hilltop Overlay District. These include positioning parking areas behind buildings, utilizing cut slopes with retaining walls to minimize disturbance and separating parking pads.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: The proposed zoning is needed in order to develop anything other than those uses allowed within the C-2, Thoroughfare Commercial zoning district. The C-2 zoning district does allow for attached and detached residential dwellings as accessory uses to the permitted uses within the C-2 zoning district. The density limitations are governed by Chapter 161.13 (C), RMF-24, Residential Multi-Family, 24 Units per Acre.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: The proposed zoning will not create or appreciably increase traffic danger or congestion on surrounding streets given that there are only 20 units proposed. The project will access a private street that intersects N. College Ave., which is a 5-lane roadway.

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: Based on findings from public service providers, as outlined below, an undesirable increase in load on public services would not be created.

Engineering: The proposed development has been reviewed for access to public utilities, including water and sewer. Water service is required to be extended to the property. Sewer service is available to the property, although improvements to the sewer systems may be required dependent on the demand placed by subject development.

Police: Projects existing in this area already receive police services. The same level of service will be provided to this site as is currently applied to the existing surrounding development. It is the opinion of the Fayetteville Police Department that this Planned Zoning District will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

Fire: The subject property is located approximately 2.1 miles from the Fire Station No. 4. Response time to the property is 5.0 minutes.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A



PC Meeting of August 27, 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: August 21, 2007

ITEM #: PZD 07-2649: Planned Zoning District (College Avenue Townhomes)

Applicable Requirements:

Y	Site Development & Parking Lot Standards
NA	I-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
N	Y	Irrigation notes either automatic or hose bib
Y	Y	Species of plant material identified
Y		Size of plant material at time of installation indicated
N	Y	Soil amendments notes include that soil is amended and sod removed
N	Y	Mulch notes indicate organic mulching around trees and within landscape beds
N	N	Plans stamped by a licensed Landscape Architect
N	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	
N	Y	Perimeter landscaping <i>Side and rear property lines (5' landscaped) Shade trees as described in street tree planting standards, Parking lot adjacent to R.O.W.- continuous planting of shrubs-at least 8 per tree- and ground cover -50% evergreen)</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 F.P. or permit)
NA		Residential Subdivisions- 1 large species shade tree/ lot tree planted within R.O.W. if possible
N	Y	Nonresidential Subdivision- 1 large species shade tree/30 L.F. tree planted within 15-25' greenspace
NA		Urban Tree Wells-urban streetscape only-10foot sidewalk
NA		Structural Soil-if urban wells are used, a note or detail of structural soil must be indicated on the landscape plan
NA		Timing of planting indicated on plans (subdivisions only)
NA		Written description of the method for tracking plantings
		Stormwater Facilities (time of F.P. or permit)
Y		1 deciduous or evergreen tree/ 3000 square feet
Y		4 large shrubs (3 gal) or small trees / 3000 square feet
Y		6 shrubs or grasses (1 gal) / 3000 square feet
N	Y	Ground cover unless seed or sod is specified
N	Y	50% of facility planted with grass or grass like plants

Conditions of Approval:

1. Please consider the location of the parking lot lights as they will have to coincide in some places with required parking lot trees.
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.



PC Meeting of August 27, 2007

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 444-3470

TREE PRESERVATION and PROTECTION REPORT

To: Fayetteville Planning Commission

From: Sarah K. Patterson, Urban Forester

Date: August 21, 2007

ITEM #: R-PZD 07-2649: Planned Zoning District (College Ave. Townhomes)

Requirements Submitted:

	Initial Review with the Landscape Administrator
T	Site Analysis Map Submitted
T	Site Analysis Written Report Submitted
T	Complete Tree Preservation Plan Submitted

Canopy Measurements:

Total Site Area	
acres	2.34
square feet	101,713
Existing Tree Canopy	
acres	1.59
square feet	69,169
percent of site area	68%
Existing Tree Canopy Preserved	
acres	0.71
square feet	31,013
percent of total site area	30.5%
Percent Minimum Canopy Required	30%

FINDINGS:

The desirability of preserving a tree or group of trees by reason of age, location, size or species.

- **This site is a wooded hillside with a mixture of hardwood and evergreen species. A few of the larger trees have been identified as**

post and black oak. As this is a PZD and found within the Hillside Hilltop Overlay District, a high amount of preservation is expected. The extent to which the area would be subject to environmental degradation due to removal of the tree or group of trees.

- **Environmental degradation will occur on this site with the removal and disturbance of so much tree canopy and land.**

The impact of the reduction in tree cover on adjacent properties, the surrounding neighborhood and the property on which the tree or group of trees is located.

- **Adjacent property owners could be affected as canopy will be removed along the east of the property behind businesses and to the north west of the property. The reduction of tree canopy could greatly affect the current stormwater runoff.**

Whether alternative construction methods have been proposed to reduce the impact of development on existing trees.

- **Hillside Hilltop Overlay Best Management Practices are being utilized for the wide of the drives and location of the parking lots.**

Whether the size or shape of the lot reduces the flexibility of the design.

- **The size and shape of the lot does not reduce flexibility although topography is very challenging.**

The general health and condition of the tree or group of trees, or the presence of any disease, injury or hazard.

- **The overall health of the trees are found to be good.**

The placement of the tree or group of trees in relation to utilities, structures, and use of the property.

- **Canopy will be removed within the development area. This will be for the installation of structures, utilities and associated parking. There is a small amount of canopy to the south east and south west that will be attempted to be saved. Staff will recommend this to be placed within a Tree Preservation Area to ensure protection in perpetuity.**

The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.

- **Off-site utility easements were required for this development. The area and canopy removed has been added to the total site area and removed canopy to ensure the preserved canopy calculation subsequent mitigation is accurate.**

Whether roads and utilities are designed in relation to the existing topography, and routed, where possible, to avoid damage to existing canopy.

- **There is one drive aisle that does not take into account the steep topography on this site. The utilities are utilizing the disturbed area in all possible locations.**

Construction requirements for On-Site and Off-Site Alternatives.

- **Off-site easements are required for utilities on this project. Removed canopy will be mitigation for if the percentage drops below the 30% requirement. Off-site tree protection will also be required to ensure that no further canopy is removed than what was originally approved.**

The effects of proposed On-Site Mitigation or Off-Site Alternatives.

- **Mitigation will not be required on this site as long as the minimum percentage stays above the 30% requirement.**

The effect other chapters of the UDC, and departmental regulations have on the development design.

- **The Project is within the Hillside Hilltop Overlay District**

The extent to which development of the site and the enforcement of this chapter are impacted by state and federal regulations:

- **N/A**

The impact a substantial modification or rejection of the application would have on the Applicant:

- **Staff is recommending approval of the submitted Tree Preservation Plan with the following Conditions of Approval.**

Conditions of Approval:

1. Mitigation will not be required on this site as the proposed Tree Preservation numbers will stay above the required 30%. If during the construction review process, it is found that less than 30% canopy will be saved; staff will require this project to come back through the review process for approval of a major modification.
2. The area of preserved canopy in the southeast portion of the site will need to be placed within a Tree Preservation Area. The extent should follow the proposed Tree Protection Fencing for that portion of the site. The Tree Preservation Area will be deeded with the easement plat and stand as a running covenant to protect the trees in perpetuity.



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 14, 2007
SUBJECT: Parks & Recreation Subdivision Committee Review Comments

Meeting Date: August 16, 2007
Item: PZD 07-2649 (College Avenue Townhomes, 291)
Park District: NE
Zoned: R-PZD
Billing Name & Address: Broyles Development, 4921 Clear Creek Blvd. Fayetteville, AR 72704

Land Dedication Requirement
Single Family ____ @ .024 acre/ unit = ____ acres
Multi Family ____ @ .017 acre/ unit = ____ acres

Money in Lieu
____ @ \$960 per unit = \$ ____
20 @ \$680 per unit = \$13,600

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.
- Fees are due prior to building permits.

Fayetteville Fire Department

303 W Center

Fayetteville, AR 72701



B.3
R-PZD 07-2649
College Avenue Townhomes
Page 32 of 40

MEMO

To: Jesse Fulcher, Glen Newman
From: Dale Riggins, Captain
Date: July 6, 2007
Subject: PRZD – College Avenue Townhomes

Dear Mr. Fulcher & Mr. Newman

In regards to the development off of Golden Eagle Drive that Bates & Associates are proposing; without the following conditions being met, the Fire Department can not support this development.

1. The fire apparatus access road, coming into the development, shall be provided with approved width and turnaround provisions in accordance with the *Arkansas Fire Code D103.4 and Table D103.4. (Needs to be shown on plat)*
2. All buildings shall be accessible to fire department apparatus by way of an approved fire apparatus access roads with an asphalt, concrete, or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds. *Arkansas Fire Code D102.1 (This is a standard comment and should be met)*
3. Turning radiuses, on the islands at the upper most parking lots, must be reviewed and the radius built to allow apparatus to make the turn without the risk of hitting either the garbage bin or parked cars. *(Turning radiuses have been modified to our approval)*
4. *Arkansas Fire Code D103.2 states that fire apparatus access roads shall not exceed 10 percent in grade. After having our apparatus drive comparable grades, it is my opinion that the grade coming up Golden Eagle Drive, and the 15 percent grade coming into the entrance of this development, will greatly affect the response time that it takes to arrive at the townhomes. I have come up with a few feasible solutions that will help with the Fire Departments approval of this development, if the existing grades cannot be modified to meet the Arkansas Fire Code.*

- a. The turning radius entering into this development must be widened to allow apparatus means of maintaining their momentum as they move towards the 15 percent grade leading to the townhomes. *(They have modified their turning radiuses to met this requirement on the plat)*
- b. We will need assurances that the entrance into this development, and the access road leading to the upper townhomes, will be constructed to allow our apparatus to come up to these grades without dragging either the front or back bumpers. *(They have provided us with a CAD drawing showing us that we are able to maneuver the grade without dragging either the front of rear bumpers)*
- c. Since the grade of Golden Eagle Drive and the development affects our response time, I am recommending that each of the townhomes be fitted with NFPA 13R residential sprinklers. Sprinklers will not only help to control a fire due to our longer response time, but it will help with life safety during times of inclement weather where we may not be able to access the development due to snow, ice, or cars stranded in the roadway. *(They have agreed to install these sprinklers and need to show the FDC locations on the plat)*

Please pass these along to the Sub-Division committee at the upcoming meeting. If all of these recommendations are met and approved by the Fire Marshal's office, then I don't anticipate any problems on having the developer to move forward with this project from the fire safety stand point.

Dale Riggins
Captain
Fayetteville Fire Department

CC: Tony Johnson, Fire Chief
David Williams, Fire Marshal

Date 7/3/07

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 **PZD 07-2649: Planned Zoning District (College Avenue Townhomes, 291):** Submitted by **Bates & Associates** for property located **SE of College Avenue and Golden Eagle Drive**, would substantially alter the population density and thereby undesirably increase the load on public services and create an appreciable increase in traffic danger and congestion. **The property is zoned C-2 and contains approximately 2.34 acres. The request is for re-zoning, land use and development approval of an R-PZD with 5 buildings of 4 attached units for a total of 20 dwellings units and associated parking.**

It is the opinion of the Fayetteville Police Department that this PZD **will not** substantially alter the population density and **will not** create an appreciable or undesirable increase in the load on police services. The PZD **will not** create an appreciable increase in traffic danger or congestion.

Sincerely,

Captain William Brown
Fayetteville Police Department

Bates & Associates, Inc.

Civil Engineering & Surveying

3561 No. College / Fayetteville, AR 72703
PH: 479-442-9350 / FAX: 479-521-9350

July 3, 2007

Chairman of the Board of Adjustments
113 West Mountain
Fayetteville, AR 72701

RE: Driveway Variance for College Ave. Townhomes

Dear Mr. Chair,

This letter is to request a variance from the required driveway radius of 25' along a public street. We are asking to decrease the radius from 25' down to 20' due to the terrain and the amount of grading and/or disturbance that would occur from the larger radius. Since we are in the hillside district, we are trying to minimize disturbance. Also, the ordinance states that the 25' driveway radius is along public streets. Golden Eagle drive is not a public street; it is considered a private street with an access easement. Likewise, the streets throughout this project would be considered private streets and would not have to follow the 25' radius. Also, according to Dale Riggins at the Fayetteville Fire Department the 20' radius is adequate for the maneuvering of fire apparatus.

If you have any questions or require additional information, please feel free to call.

Sincerely,

Bate & Associates, Inc.



Chris Waller, E.I.

Old Business:

R-PZD 07-2649: (COLLEGE AVENUE TOWNHOMES, 291): Submitted by BATES & ASSOCIATES for property located SE OF COLLEGE AVENUE AND GOLDEN EAGLE DRIVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 2.34 acres. The request is for re-zoning, land use and development approval of an R-PZD, Residential Planned Zoning District with 5 buildings of 4 attached units for a total of 20 dwelling units and associated parking.

Chris Waller, Applicant, described the last meeting and issues they've resolved.

Jesse Fulcher, Current Planner, briefly described the request and the reasons for the previous tabling of the item. The applicant had worked with the Urban Forester and the Engineering Department and resolved all outstanding items. Staff was recommending that the request be forwarded to the Planning Commission with a determination of street improvements and a waiver to allow a 20' curb radius where 30' is required.

Sarah Patterson, Urban Forester, stated that issues with the retaining walls and tree canopy had been resolved, and the applicants were preserving 30% of the existing canopy. If any time the forested area looks like it is going to fall below 30%, the project will be required to come back before the Planning Commission as a major modification.

Glenn Newman, Staff Engineer, stated that he had met with the applicant. The applicants have relocated some of the utility easements and retaining walls to meet Engineering requirements.

Larry Bittle, (public), owns office buildings below property, is concerned about drainage, but not necessarily against the project. He had two questions: will runoff drain into a detention pond, and is the south side going to run off? He stated he was okay with the project as long as drainage is addressed.

Chris Waller, (applicant) stated that project runoff issues so far have met all city requirements. Right now about 3 acres drain down to the property below. With this development, runoff will be caught by the street and drain into storm sewer. The development will help improve the current drainage situation by decreasing the runoff onto property.

Commissioner Trumbo stated that by ordinance there can't be any more runoff than before, and that he has seen this project once before when tree preservation was just below 30%. Preservation has been increased to above 30% and the comments from the Fire Department have been addressed.

Commissioner Myers asked how much excavation will be required, and about retaining walls.

Waller stated that the buildings are as close to natural grade as possible, and that a lot of the tree canopy and slope will be preserved to the south by the retaining walls.

Subdivision Committee

August 16, 2007

Page 3 of 14

Commissioner Myres stated that grading and tree removal will inevitably occur, but it seems like the density is low enough to meet the standards. She stated she has no issues with the project.

Commissioner Winston stated that the dumpster location will be visible and asked if the committee should look into moving that.

Waller stated that Fayetteville Solid Waste requested the dumpster be there for access, but that the dumpster will be screened as required by ordinance.

No public comment was presented.

Motion:

Commissioner Myres made a motion to forward the request finding in favor of Conditions #1 and #2, and with all other conditions of approval. **Commissioner Winston seconded the motion.**

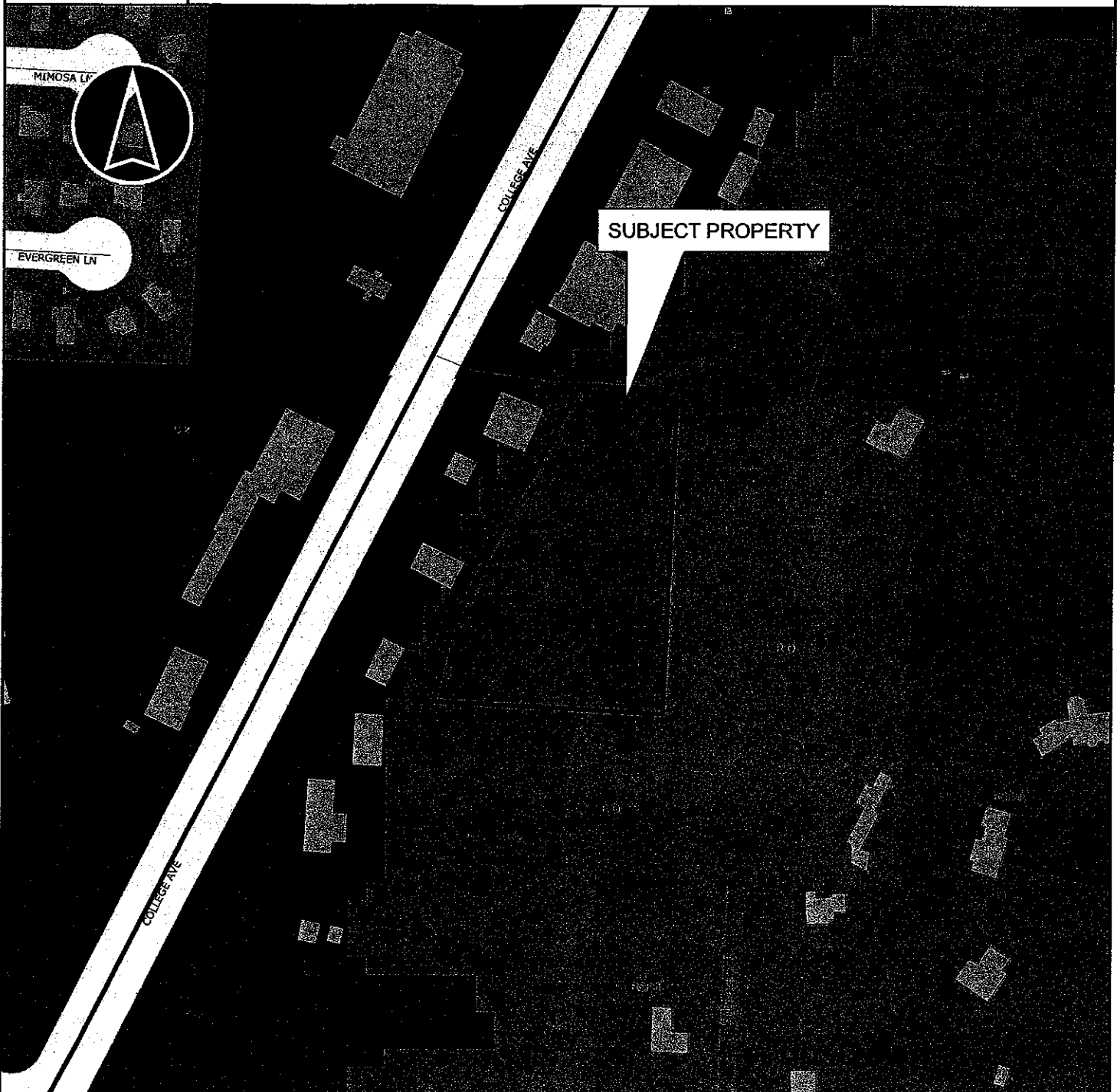
Waller stated he was in agreement with all conditions.

The motion passed with a vote of 3-0-0.

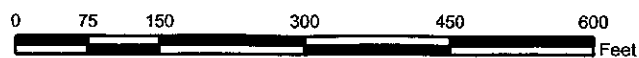
RPZD07-2649

Close Up View

COLLEGE AVENUE TOWNHOMES



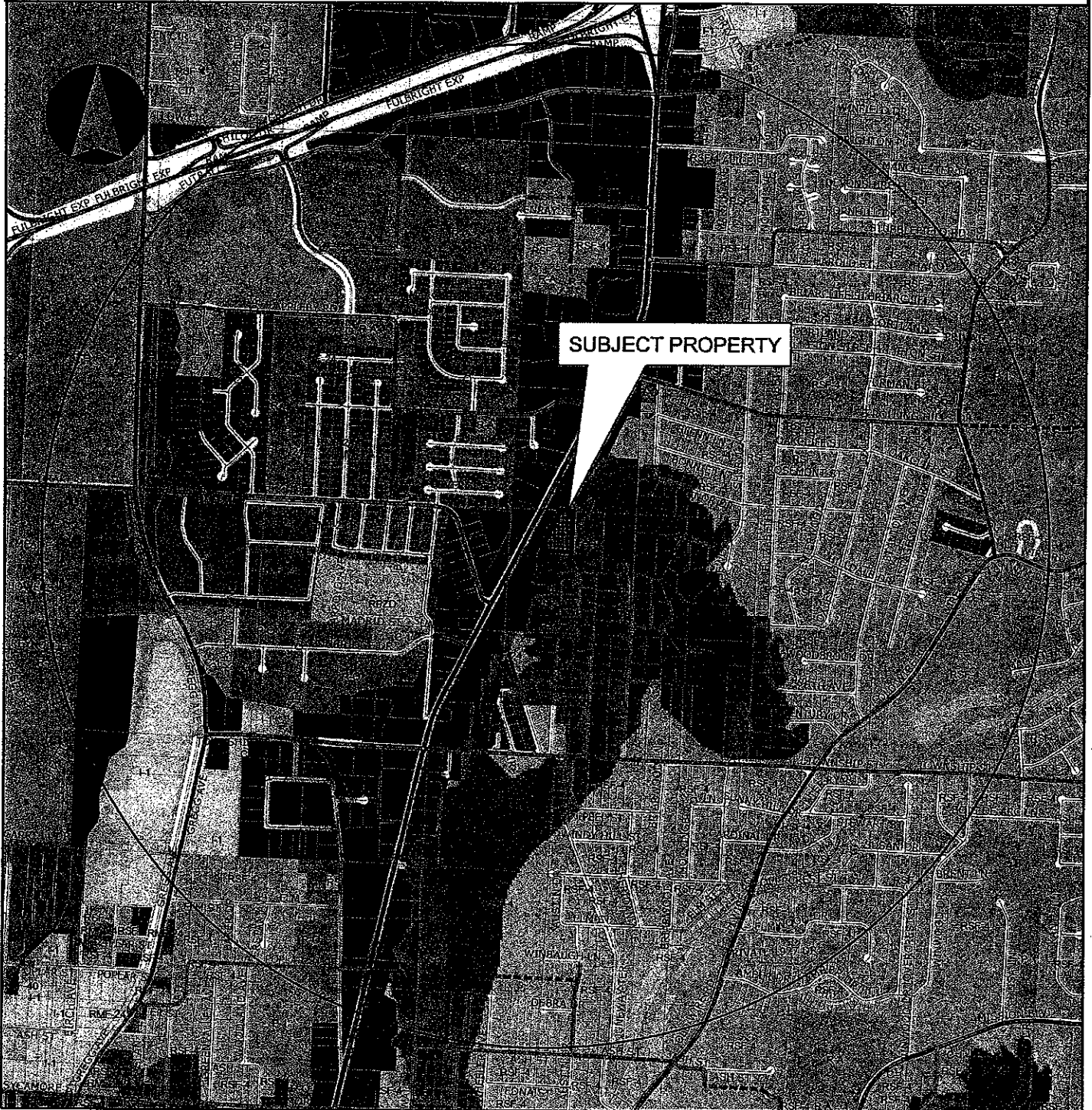
Overview



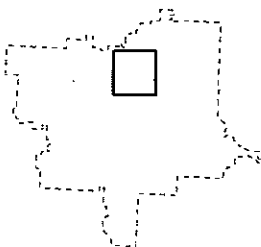
RPZD07-2649

COLLEGE AVENUE TOWNHOMES

One Mile View



Overview



Legend

Subject Property

RPZD07-2649

Boundary

Planning Area

Overlay District

Outside City

Legend

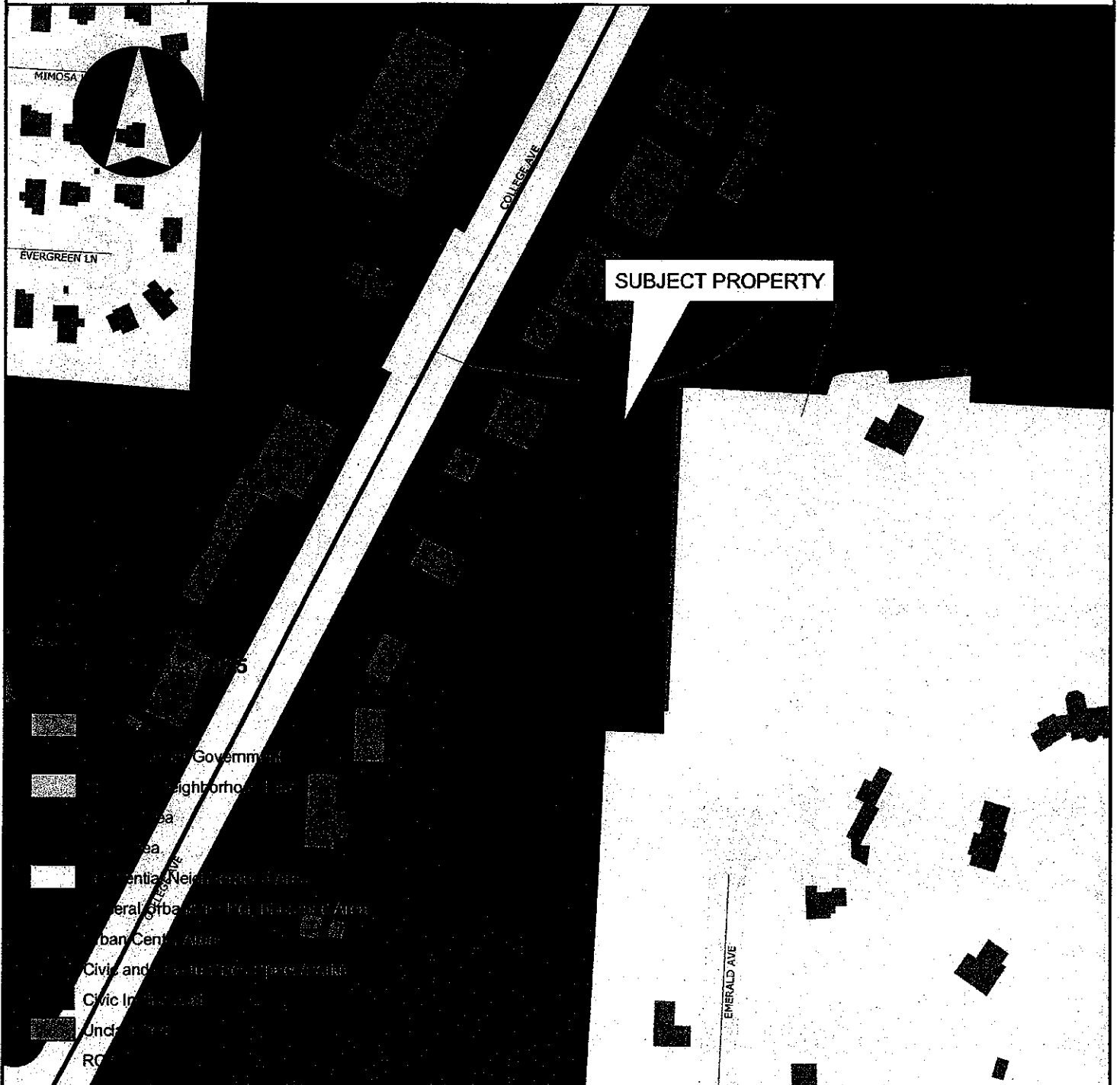
Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

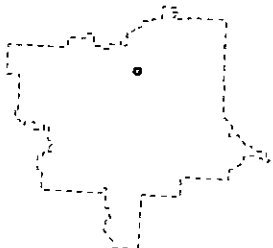
RPZD07-2649

COLLEGE AVENUE TOWNHOMES

Future Land Use



Overview



Legend

Subject Property

RPZD07-2649

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

Outside City

Legend



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

18-Sep-07

City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

R-PZD 07-2680: Arcadian Court, 365: Submitted by Dave Jorgensen for property located at 1631 West Deane Street containing approximately 1.69 acres. The request is for zoning and land use approval only for a Residential Planned Zoning District with 11 single-family 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

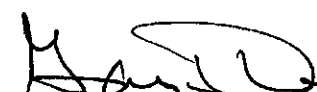
Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐


Department Director

9-6-07
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a


City Attorney

8-31-07

Original Contract Number: n/a

Paul A. Beebe
Finance and Internal Service Director

9-4-07
Date

Received in City Clerk's Office

ENTERED
8-31-07


Mayor

9/4/07
Date

Received in Mayor's Office

ENTERED
9/4/07

Comments:

9-18-07 Left on the Second Reading

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 30, 2007

Subject: Residential Planned Zoning District for Arcadian Court (R-PZD 07-2680)

RECOMMENDATION

Planning Staff recommends approval of an ordinance creating a Residential Planned Zoning District (R-PZD) for Arcadian Court, 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 1.69 acres located on Deane Street, just east of Lewis Avenue. The proposal is for a residential development consisting of 11 single-family residential dwelling units, with a density of 6.5 units/acre.

BACKGROUND

The subject property is located on Deane Street, just east of Lewis Avenue and is zoned RSF-4. The property contains approximately 1.69 acres and was originally developed with one single-family home. The request is rezoning and land use approval only for a Master Development Plan of a Residential Planned Zoning District with 11 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 staff report, there have been several rezoning and development requests for the subject property dating back to 2003. None of the previous requests were forwarded by the Planning Commission to the City Council. The most recent application, requesting 16 units in single-family and multi-family buildings, was recommended for denial by staff, and denied by the Planning Commission.

DISCUSSION

On August 27, 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 07-2680, ARCADIAN COURT, LOCATED AT 1631 WEST DEANE STREET; CONTAINING APPROXIMATELY 1.69 ACRES; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE; AND ADOPTING THE ASSOCIATED MASTER DEVELOPMENT PLAN

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

Section 1: That the zone classification of the following described property is hereby changed as follows:

From RSF-4, Residential Single Family, 4 units per acre to R-PZD 07-2680, Arcadian Court, 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"

RPZD07-2680

Close Up View

ARCADIAN COURT



SUBJECT PROPERTY



Overview



EXHIBIT "B"
R-PZD 07-2680

A PART OF THE SW1/4 OF THE SE1/4 OF SECTION 5, T16N, R30W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF SAID SW1/4, SE1/4 THENCE S86°56'57"E 184.08 FEET TO THE P.O.B., THENCE N03°15'08"E 296.95 FEET, THENCE S84°56'54"E 253.42 FEET, THENCE S03°57'22"W 288.13 FEET, THENCE N86°56'57"W 249.76 FEET TO THE P.O.B.; CONTAINING 1.69 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

CONDITIONS OF APPROVAL:

R-PZD 07-2680

Page 1 of 3

The Planning Commission and Staff recommend the following conditions of approval associated with R-PZD 07-2680 (Arcadian Court).

Conditions of Approval:

1. Planning Commission determination of street improvements. The Planning Commission will make final determinations of street improvements at the time of development. At minimum, *staff will recommend that Deane Street be improved 14' from centerline including pavement, curb, gutter, storm drains, and a 6' sidewalk.*
2. Planning Commission determination of adequate connectivity. A single street stub-out is proposed to a large undeveloped property to the south, currently utilized for athletic fields by the City. *Staff recommends in favor of the proposed connectivity finding that the proposed stub-out will allow for a future connection in a logical location.*
3. Curb-cuts shall be limited to a maximum width of 16' at the right-of-way and shall be at least 5' from the property line. Shared driveways may be increased to 24' at the right-of-way and may be located on the property line. Lots with rear alley access shall be prohibited from having curb-cuts onto the street.
4. This project is required to go through preliminary plat and final plat review and approval prior to construction.
5. The applicant shall dedicate right-of-way for streets pursuant to the Master Street Plan at the time of final plat approval.
6. The project is subject to the project phasing listed in the project booklet. The applicant shall have one year from City Council approval of the Planned Zoning District to obtain all permits necessary, including preliminary plat approval and construction plan approval, to begin construction and three years to obtain final plat approval. A one-time, one year time extension is available for each specific time limit subject to Chapter 166.20 of the Unified Development Code.
7. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements.
8. Buildings shall be constructed to be consistent with the elevations and concepts depicted in the building elevations in the booklet as specified. Building elevations will be reviewed at the time of preliminary plat, final plat and building permit to ensure compliance. All homes shall be designed with a "front façade" facing onto adjacent public streets, when present, and to have varied facades to provide variety within the overall development.
9. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code for RSF-4 zoning districts, which would not allow a sign for the subject development.

CONDITIONS OF APPROVAL:

R-PZD 07-2680

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10. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.
11. This development shall be required to comply with the Tree Preservation requirements as set forth in the Unified Development Code at the time of development, subject to approval by the Urban Forester.
12. Prior to preliminary plat submittal, the applicant shall submit the development plans to the Parks Recreation and Advisory Board for review and recommendations regarding parkland dedication.
13. Landscape requirements as outlined in Chapter 177 shall be required with development plat approval.
14. If required, the two existing utility easements on the property shall be vacated and any existing utility lines relocated at the owner/developers expense prior to construction approval.
15. The following revision(s) shall be made prior to submittal for City Council review:
 - a. Change the building area on the plats from 1,400-1,500 to a maximum of 42%.

Standard Conditions of Approval:

16. 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).
17. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
18. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
19. Street lights shall be installed adjacent to all public and private streets (not alleys), with a separation of no greater than 300 feet.
20. All exterior lighting is required to comply with the City's lighting ordinance. A lighting plan and cut-sheets of the proposed exterior light fixtures shall be required to be approved by Planning Staff prior to building permit.

CONDITIONS OF APPROVAL:

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21. 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.
22. 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



Planning Commission Meeting
August 27, 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 30, 2007

R-PZD 07-2680: Residential Planned Zoning District (ARCADIAN COURT, 365):
Submitted by DAVE JORGENSEN for property located at 1631 W. DEANE STREET. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 1.69 acres. The request is for Zoning and Land Use approval only for a Residential Planned Zoning District with 11 single family units.

Planner: Jesse Fulcher

Findings:

Property Description: The subject property is located on Deane Street, just east of Lewis Avenue and contains an existing single-family structure. Surrounding land use and zoning are listed in *Table 1*.

(Table 1) Surrounding Land Use/Zoning:

Direction	Land Use	Zoning
North	Vacant-University Farm	R-A, Residential Agriculture
South	Soccer Fields	P-1, Institutional
East	Single-family homes	RSF-4
West	Single-family dwellings/two-family dwelling	RSF-4/RT-12

Proposal: The request is rezoning and land use approval only for a Master Development Plan of a Residential Planned Zoning District with 11 single-family lots and 1 lot for detention. If the PZD is approved as proposed the project would be required to go through preliminary and final plat approval prior to development.

Adjacent Master Street Plan Streets: Deane Street (Minor Arterial)

Right-of-way to be dedicated: Right-of-way in the amount of 45' from centerline for Deane Street shall be dedicated with approval of the final plat.

Connectivity: Property to the east and west is currently developed for single-family residences, and property to the south is currently undeveloped property owned by the University of Arkansas. Accordingly, a street stub-out is proposed to the south to connect to any future development.

Phasing: The applicant is proposing to develop the property in one phase. The applicant shall have one year from City Council approval to obtain all necessary permits for development and three years to obtain final plat approval with a one year extension available for each time limit pursuant to Chapter 166.20 of the Unified Development Code.

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: Staff has received several letters from adjacent property owners who are opposed to the subject development, citing such concerns as density, small lot sizes, reduction in property values, an overabundance of un-sold and rental properties in the area, and the architectural compatibility of the development with the surrounding neighborhood.

In 2003, planning staff recommended denial of a rezoning request to R-1.5 (Residential Two and Three Family) for the subject property and the request failed for lack of a motion by the Planning Commission. Both staff and the Planning Commission recommended the most appropriate action to take for development other than single-family homes at four units per acre was to utilize the PZD process.

In January of 2006, an applicant again requested a rezoning of the subject property to RT-12, Residential Two and Three Family (same designation as previous R-1.5, with a different name) with a Bill of Assurance limiting the development to eight (8) two-family homes (16 units). Staff recommended denial of the rezoning; however the applicant withdrew the rezoning request prior to the Planning Commission meeting.

In June of 2006, an applicant requested a Residential Planned Zoning District on the subject property for a maximum of 16 dwelling units (8 multi-family dwelling units, 4 two-family units and 4 single-family dwelling units). Staff again recommended denial of the request finding that proposed density and land use was not compatible with surrounding properties, which are predominantly single-family. The Planning Commission denied the request 5-1-0 on June 12, 2006.

The property to the southwest was rezoned RT-12 in 1993. The applicant requested the rezoning on the subject property in order to meet the zoning requirements for development of a single duplex. Under the RSF-4 (R-1) zoning, the lot did not meet the lot width and lot area requirements for the construction of a duplex. However, under the RT-12 (R-1.5), a duplex could be constructed on the property, but the size of the lot would prohibit the construction of three or more units. The Planning Commission voted 6-2-0 to recommend approval of the rezoning request to the City Council. The City Council approved the rezoning request 8-0 on May 4, 1993, allowing for single two-family structure to be located on the property.

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 07-2680 to the City Council with a recommendation for approval.

Conditions of Approval:

1. Planning Commission determination of street improvements. The Planning Commission will make final determinations of street improvements at the time of development. At minimum, *staff will recommend that Deane Street be improved 14' from centerline including pavement, curb, gutter, storm drains, and a 6' sidewalk.*
2. Planning Commission determination of adequate connectivity. A single street stub-out is proposed to a large undeveloped property to the south, currently utilized for athletic fields by the City. *Staff recommends in favor of the proposed connectivity finding that the proposed stub-out will allow for a future connection in a logical location.*

8-27-07 PLANNING COMMISSION: THE PLANNING COMMISSION FOUND IN FAVOR OF THE PROPOSED CONNECTIVITY.

3. Curb-cuts shall be limited to a maximum width of 16' at the right-of-way and shall be at least 5' from the property line. Shared driveways may be increased to 24' at the right-of-way and may be located on the property line. Lots with rear alley access shall be prohibited from having curb-cuts onto the street.
4. This project is required to go through preliminary plat and final plat review and approval prior to construction.
5. The applicant shall dedicate right-of-way for streets pursuant to the Master Street Plan at the time of final plat approval.
6. The project is subject to the project phasing listed in the project booklet. The applicant shall have one year from City Council approval of the Planned Zoning District to obtain all permits necessary, including preliminary plat approval and construction plan approval, to begin construction and three years to obtain final plat approval. A one-time, one year time extension is available for each specific time limit subject to Chapter 166.20 of the Unified Development Code.
7. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements.
8. Buildings shall be constructed to be consistent with the elevations and concepts depicted in the building elevations in the booklet as specified. Building elevations will be reviewed at the time of preliminary plat, final plat and building permit to ensure compliance. All homes shall be designed with a "front façade" facing onto adjacent public streets, when present, and to have varied facades to provide variety within the overall development.

9. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code for RSF-4 zoning districts, which would not allow a sign for the subject development.
10. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.
11. This development shall be required to comply with the Tree Preservation requirements as set forth in the Unified Development Code at the time of development, subject to approval by the Urban Forester.
12. Prior to preliminary plat submittal, the applicant shall submit the development plans to the Parks Recreation and Advisory Board for review and recommendations regarding parkland dedication.
13. Landscape requirements as outlined in Chapter 177 shall be required with development plat approval.
14. If required, the two existing utility easements on the property shall be vacated and any existing utility lines relocated at the owner/developers expense prior to construction approval.
15. The following revision(s) shall be made prior to submittal for City Council review:
 - a. Change the building area on the plats from 1,400-1,500 to a maximum of 42%.

Standard Conditions of Approval:

16. 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).
17. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
18. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
19. Street lights shall be installed adjacent to all public and private streets (not alleys), with a separation of no greater than 300 feet.
20. 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.

21. 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: Myers

Second: Cabe

Vote: 7-0-0

Meeting Date: August 27, 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 07-2680 (Arcadian Court)

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 07-2680 with single-family dwelling units at a density of 6.50 units per acre is consistent with the land use plan and the surrounding land use. Although the proposed lot sizes are smaller than the lot sizes found within the standard RSF-4 developments in the area, staff finds the development to be relatively compatible with these developments. The development will support the goal of providing density (6.50 units/acre) nearby to public services, i.e. schools, sports complexes, retail and commercial goods, etc., while protecting the integrity of the predominantly single-family residential neighborhood to the east and further south.

- (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, or the applicant has submitted requests for waivers thereof.

- (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 proposed development will yield a higher density than the surrounding developed neighborhood, with the exception of the zoning and development west of Lewis Avenue, which is zoned RMF-40. However, an overall density of 6.50 units/acre is compatible with surrounding developments, especially given the fact that the proposal incorporates only single-family detached homes. A harmonious relationship with surrounding development is achieved by utilizing detached single-family dwelling units throughout the development and providing building setbacks that are comparable to the RSF-4 zoning district.

- (5) Whether the subject land is suitable for the intended use and is compatible with the natural environment;

FINDING: The property was originally developed with one single-family home that has since been removed. The majority of the tree canopy is found along the edges of the property, which should allow for a high percentage of preservation if proper planning is used in the placement and installation of required utilities.

- (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. Improvements to Deane Street are anticipated to be recommended with preliminary plat approval.

- (7) Whether the planned development provides for unified development control under a unified plan;

FINDING: The booklet and master development plans submitted provide for said unified development control.

- (8) Whether any other recognized zoning consideration would be violated in this PZD.

FINDING: No other zoning considerations are proposed to be violated.

(B) Development standards, conditions and review guidelines

- (1) *Generally.* The Planning Commission shall consider a proposed PZD in light of the purpose and intent as set forth in Chapter 161 Zoning Regulations, and the development standards and review guidelines set forth herein. Primary emphasis shall be placed upon achieving compatibility between the proposed development and surrounding areas so as to preserve and enhance the neighborhood. Proper planning shall involve a consideration of tree preservation, water conservation, preservation of natural site amenities, and the protection of watercourses from erosion and siltation. The Planning Commission shall determine that specific development features, including project density, building locations, common usable open space, the vehicular circulation system, parking areas, screening and landscaping, and perimeter treatment shall be combined in such a way as to further the health, safety, amenity and welfare of the community. To these ends, all applications filed pursuant to this ordinance shall be reviewed in accordance with the same general review guidelines as those utilized for zoning and subdivision applications.

FINDING: The subject infill development should be compatible with surrounding developments as single-family residences will be the only use permitted. Although located on smaller lots the buildings will have similar building setbacks as those on surrounding properties. Since the proposal is not for development rights a tree preservation plan has not been reviewed. However, the majority of the existing canopy is located along the property lines and with proper planning could be preserved.

- (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: Four of the properties will front onto Deane Street and will be served by rear access driveways. The remaining lots will be accessed directly from the public street, although a condition of approval has been included in the staff report restricting the width of the curbs to 16' at the right-of-way line unless shared drives are proposed.

- (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: A 6' public sidewalk is to be constructed along Deane Street and two 4' sidewalks are to be constructed along either side of the interior street. This requirement will be evaluated fully, in conjunction with the ordinance requirements in place at the time of development submittal.

(7) *Street Lights*. As required by §166.03.

FINDING: Street lights are to be provided at all intersections and with a maximum separation of 300 feet.

(8) *Water*. As required by §166.03.

FINDING: Public water will be provided to the project site, pursuant to city code. Improvements to water services may be required and shall be reviewed at the time of preliminary plat submittal.

(9) *Sewer*. As required by §166.03.

FINDING: Public sewer will be provided to the project site, pursuant to city code. Improvements to sewer services may be required and shall be reviewed at the time of preliminary plat submittal.

(10) *Streets and Drainage*. Streets within a residential PZD may be either public or private.

- (a) *Public Streets*. Public streets shall be constructed according to the adopted standards of the City.
- (b) *Private Streets*. Private streets within a residential PZD shall be permitted subject to the following conditions:
 - (i) Private streets shall be permitted for only a loop street, or street ending with a cul-de-sac. Any street connecting one or more public streets shall be constructed to existing City standards and shall be dedicated as a public street.
 - (ii) Private streets shall be designed and constructed to the same standards as public streets with the exceptions of width and cul-de-sacs as noted below.
 - (iii) All grading and drainage within a Planned Zoning District including site drainage and drainage for private streets shall comply with the City's Grading (Physical Alteration of Land) and Drainage (Storm water management) Ordinances. Open drainage systems may be approved by the City Engineer.
 - (iv) Maximum density served by a cul-de-sac shall be 40 units. Maximum density served by a loop street shall be 80 units.
 - (v) The plat of the planned development shall designate each private street as a "private street."
 - (vi) Maintenance of private streets shall be the responsibility of the developer or of a neighborhood property owners association (POA) and shall not be the responsibility of the City. The method for maintenance and a maintenance fund shall be established by the PZD covenants. The covenants shall expressly provide that the City is a third

party beneficiary to the covenants and shall have the right to enforce the street maintenance requirements of the covenants irrespective of the vote of the other parties to the covenants.

- (vii) The covenants shall provide that in the event the private streets are not maintained as required by the covenants, the City shall have the right (but shall not be required) to maintain said streets and to charge the cost thereof to the property owners within the PZD on a pro rata basis according to assessed valuation for ad valorem tax purposes and shall have a lien on the real property within the PZD for such cost. The protective covenants shall grant the City the right to use all private streets for purposes of providing fire and police protection, sanitation service and any other of the municipal functions. The protective covenants shall provide that such covenants shall not be amended and shall not terminate without approval of the City Council.

- (viii) The width of private streets may vary according to the density served. The following standard shall be used:

Paving Width

(No On-Street Parking)

Dwelling Units	One-Way	Two-Way
1 - 20	14'	22'
21+	14'	24'

***Note:** If on-street parking is desired, 6 feet must be added to each side where parking is intended.

- (ix) All of the traffic laws prescribed by Title VII shall apply to traffic on private streets within a PZD.
- (x) There shall be no minimum building setback requirement from a private street.
- (xi) The developer shall erect at the entrance of each private street a rectangular sign, not exceeding 24 inches by 12 inches, designating the street a "private street" which shall be clearly visible to motor vehicular traffic.

FINDING: All public and private streets/drives shall conform to city standards, which have been indicated in the submitted statement of commitments. Public and Private streets shall not be gated, unless permitted by express approval from the City Council.

- (11) *Construction of nonresidential facilities.* Prior to issuance of more than eight building permits for any residential PZD, all approved nonresidential facilities shall be constructed. In the event the developer proposed to develop the PZD in phases, and the nonresidential facilities are not proposed in the initial phase, the developer shall enter into a contract with the City to guarantee completion of the nonresidential facilities.

FINDING: All development on the site shall be phased according to the phasing plan and conditions herein. There are no nonresidential facilities proposed.

- (12) *Tree preservation.* All PZD developments shall comply with the requirements for tree preservation as set forth in Chapter 167 Tree Preservation and Protection. The location of trees shall be considered when planning the common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels.

FINDING: A tree preservation plan shall be submitted at the time of development. Canopy calculations shall be based upon a minimum 25% canopy preservation required.

- (13) *Commercial design standards.* All PZD developments that contain office or commercial structures shall comply with the commercial design standards as set forth in §166.14 Site Development Standards and Construction and Appearance Design Standards for Commercial Structures.

FINDING: The applicant has proposed design standards for residential structures; no commercial uses are proposed.

- (14) *View protection.* The Planning Commission shall have the right to establish special height and/or positioning restrictions where scenic views are involved and shall have the right to insure the perpetuation of those views through protective covenant restrictions.

FINDING: Staff finds no specific scenic views to be protected on the subject property.

(E) *Revocation.*

- (1) *Causes for revocation as enforcement action.* The Planning Commission may recommend to the City Council that any PZD approval be revoked and all building or occupancy permits be voided under the following circumstances:

- (a) *Building permit.* If no building permit has been issued within the time allowed.
- (b) *Phased development schedule.* If the applicant does not adhere to the phased development schedule as stated in the approved development plan.
- (c) *Open space and recreational facilities.* If the construction and provision of all common open spaces and public and recreational facilities which are shown on the final plan are proceeding at a substantially slower rate than other project components.

Planning staff shall report the status of each ongoing PZD at the first regular meeting of each quarter, so that the Planning Commission is able to compare the actual development accomplished with the approved development schedule. If the Planning Commission finds that the rate of construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and public recreational facilities have been constructed and provided, then the Planning Commission may initiate revocation action or cease to approve any additional final plans if preceding

phases have not been finalized. The city may also issue a stop work order, or discontinue issuance of building or occupancy permits, or revoke those previously issued.

- (2) *Procedures.* Prior to a recommendation of revocation, notice by certified mail shall be sent to the landowner or authorized agent giving notice of the alleged default, setting a time to appear before the Planning Commission to show cause why steps should not be made to totally or partially revoke the PZD. The Planning Commission recommendation shall be forwarded to the City Council for disposition as in original approvals. In the event a PZD is revoked, the City Council shall take the appropriate action in the city clerk's office and the public zoning record duly noted.
- (3) *Effect.* In the event of revocation, any completed portions of the development or those portions for which building permits have been issued shall be treated to be a whole and effective development. After causes for revocation or enforcement have been corrected, the City Council shall expunge such record as established above and shall authorize continued issuance of building permits.

(F) *Covenants, trusts and homeowner associations.*

- (1) *Legal entities.* The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction, and maintenance of private roads, parking areas, common usable open space, community facilities, recreation areas, building, lighting, security measure and similar common elements in a development. The city encourages the creation of homeowner associations, funded community trusts or other nonprofit organizations implemented by agreements, private improvement district, contracts and covenants. All legal instruments setting forth a plan or manner of permanent care and maintenance of such open space, recreation areas and communally-owned facilities shall be approved by the City Attorney as to legal form and effect, and by the Planning Commission as to the suitability for the proposed use of the open areas. The aforementioned legal instruments shall be provided to the Planning Commission together with the filing of the final plan, except that the Guarantee shall be filed with the preliminary plan or at least in a preliminary form.
- (2) *Common areas.* If the common open space is decided 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, compatibility with surrounding land uses and integration of a varied housing type and lot size in an infill situation. The proposal best fits the flexibility and variety goals of the intent of the Planned Zoning District, offering 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 R-PZD meets the intent of the PZD ordinance as noted above. The requested R-PZD provides variety and flexibility in land development while also providing a compatible relationship with surrounding land uses.

- (2) *Permitted Uses.* All permitted uses identified within §162 Use Units of the Unified Development Code shall be allowed as permissible uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.
- (3) *Conditional Uses.* All conditional uses allowed within (Residential, Commercial, Industrial) zoning Districts established in the Unified Development Code shall be allowed with Planning Commission approval, unless otherwise specified, subject to the code governing Conditional Use requests.

FINDING: Permitted and Conditional uses are outlined in both the Master Development Plan booklets and plats.

- (4) *Condition.* In no instance shall the residential use area be less than fifty-one percent (51%) of the gross floor area within the development.

FINDING: The residential uses on this property will be 100 percent of the gross floor area within the development.

- (F) *Bulk and area regulations*
 - (1) *Residential density.* Residential densities shall be determined on the basis of the following considerations:
 - (a) The densities of surrounding development;
 - (b) the densities allowed under the current zoning;
 - (c) the urban development goals and other policies of the city's General Plan;
 - (d) the topography and character of the natural environment; and

- (e) the impact of a given density on the specific site and adjacent properties.

FINDING: Surrounding development is mixed in density with large lot residential properties and platted subdivisions consistent with the RSF-4 zoning district along with multi-family residential to the west of Lewis Avenue. A density of 6.50 units/acre is appropriate given that the project is an infill development that is located near schools, retail and commercial establishments, recreational facilities, meets the urban development goal of the City's City Plan 2025, and will not have a detrimental impact on the site and adjoining properties.

- (2) *Lot area and setback requirements.* Taking into consideration the unique aspects of each project, preliminary development plans for Planned Zoning Districts shall conform as closely as possible to the existing standards for lot area minimums and setback requirements under this chapter.

FINDING: Lot area minimums and setbacks are varied on this project with structures oriented to the street. Due to the unique nature of this development, it is not possible to conform to existing standards for lot area minimums and setback requirements in a typical single-family district.

- (3) *Building height.* There shall be no maximum building height except as may be determined by the Planning Commission during the review of the preliminary development plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. A lesser height may be established by the Planning Commission when it is deemed necessary to provide adequate light and air to adjacent property and to protect the visual quality of the community.

FINDING: Building heights proposed for this project are typical of single-family development in the surrounding area, and shall not exceed 45'.

- (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, with a maximum of 42% buildable area permitted.

***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 an infill development that is somewhat unique in comparison to the residential development pattern in the surrounding neighborhood, while also maintaining a level of compatibility and sensitivity to surrounding properties.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: Staff finds this proposal will not create or appreciably increase traffic danger and congestion.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: Staff does not find that an undesirable increase in load on public services would be created.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
 - a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A



PC Meeting of August 27, 2007

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 444-3470

PARKS AND RECREATION DIVISION CORRESPONDENCE

To: City of Fayetteville Planning Commission
From: Sarah K. Patterson, Urban Forester
Date: August 21, 2007

ITEM #: R-PZD 07-2680: Residential Planned Zoning District (Arcadian Court)

TREE PRESERVATION PLAN

1. A full Tree Preservation Plan will be required once this development comes through the preliminary plat process.
2. Staff will assess the plans with a minimum canopy cover of at least 25%.
3. Significant trees, canopy within floodway or along riparian areas is found to be 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.

August 1, 2007

Mr. Jeremy Pate
Director of Current Planning
125 W. Mountain Street
Fayetteville, AR 72702

Dear Mr. Pate,

This document is the response to the request for determination of whether the proposed **PZD 07-2680: Planned Zoning District (ARCADIAN COURT, 365)** submitted by **Dave Jorgensen** for property located at **1631 West Deane Street**, would substantially alter the population density and thereby undesirable increase the load in public services or create an appreciable increase in traffic danger and congestion. **The property is zoned RSF-4 and contains approximately 1.69 acres. The request is for zoning and land use approval only for a Residential Planned Zoning District with 11 single-family 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

MEMO

To: Dara Sanders, Andrew Garner, Jeremy Pate, and Jesse Fulcher
Thru: Chief Tony Johnson
Chief Bud Thompson
From: Captain Dale Riggins
Date: August 31, 2007
Re: Zoning Review – Fire Department Comments

PZD07-2680 (Arcadian Court)

These 1.69 acres is covered by Engine 2 at 700 N Garland.

It is 1.2 miles from the station with an expected response time of 3.75 minutes.

The Fire Department anticipates 4 (2 EMS – 1 Fire/Other) calls for service per year once the development is completed and maximum build-out has occurred.

Measured Hydrant Flow in this area is 1565 gallons/minute.

The service impact of this development will typically take eighteen months after the development is started, and the units begin to be occupied, to occur. There should be no adverse effects on our call volume or response time to this development.

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

Captain Dale Riggins
Fayetteville Fire Department

August 21, 2007

RE: Proposed rezoning of 1631 Deane St.

Dear Planning Staff and Planning Commission,

First, I want to express appreciation for your past concern and attention to this neighborhood (roughly defined as that area between Lewis, Mt. Comfort, Garland, and Deane). You saw its potential to persist as a single-family neighborhood and resisted efforts to rezone this lot for high-density development. That paid off. Since the last rezoning request, 1716 Lewis and 1501 Deane have undergone renovation. Additionally, I purchased 1589 Deane and am in the process of renovating it.

Tim Brisiel is now proposing a development of 11 single-family houses on the subject property. While this is certainly an improvement over the last proposal, it's still problematic. Why? It is completely out of character with the neighborhood on two grounds: density and design.

Density: Brisiel is proposing 11 units on a parcel that could currently subdivide into 7 units and fit well with surrounding uses. This represents a 57% increase over what's allowable by right. It represents an even larger increase over the density of surrounding acreage and the immediate neighborhood (1400 and 1500 block of Deane) to the east.

Design: 1) Brisiel is proposing lots of 5,040 square feet. The 4 lots to the west of the subject property are 15,180 square feet each. The lots to the east of the subject property are 12,445 and 22,139 square feet. Lots in the 1400 and 1500 block of Deane start at 15,000 square feet. 2) To accomplish high-density, Brisiel wants a zero-lot line development, which does not exist in the neighborhood. 3) His proposal involves large houses on small lots, whereas the neighborhood is predominately small houses on large lots. 4) Finally, the proposal is for a homogenous development of dun-colored brick houses with a vertical orientation. In contrast, housing in the neighborhood is eclectic with a horizontal orientation, mostly wood siding and a few--red brick--ranch-style homes.

My concern is that Brisiel's development—in its current form—will represent a virus in the neighborhood, leading slowly to deterioration until it becomes an extension of the hodge-podge development found west of Lewis toward I-540.

Does the subject property have unusual characteristics that render it undevelopable under RSF-4? Absolutely not. Infill can happen here in a way that fits the character of the neighborhood.

Is there a need for higher than usual density? Well, given the inventory of unsold houses on the market and the number of houses that have been temporarily converted into rentals due to poor market conditions, the answer to this appears to be "no."

What would be ideal? I'd like to see the Planning Commission table the request and send Mr. Brisiel to the Community Design Center for consultation. Surely there's a creative way to develop the property so that it fits with the neighborhood while turning a modest profit.

If you are unwilling to do this and want to give Mr. Brisiel a density bonus for some reason, please consider a bonus of only 2 units rather than 4. And please make it contingent on a design that is compatible with surrounding properties via Bill of Assurance. I would also request another item in the Bill of Assurance: retention of all perimeter trees and bushes for screening purposes and replacement of any live screening that is killed by construction.

Most sincerely,

Rebecca Bryant

From: Lisa McClure <lehbab@att.net>
To: <planning@ci.fayetteville.ar.us>
Date: 8/20/2007 11:40 AM
Subject: Rezoning of 1.91 acre lot at Deane/ Lewis - Brisiel

Dear Planning Commission:

I would like to express my concern with the proposed re-zoning of the 1.91 acres at Deane and Lewis from 7 single family dwellings to 11 dwellings. I do not see that there is a reason for the rezoning, as this property can be developed with the current zoning of 7 houses, with no loss in the neighborhood's value. While I'm sure these houses would be more affordable than many of the houses available in Fayetteville, on lots as small as are proposed, they will end up in a few years as low end rentals. This would drop property value for all the neighborhoods around the area, as well as add to the overabundance of rental properties that are prevalent in Fayetteville.

I know that in the 18 years I have been in my neighborhood, we have seen the decline of the area due to houses being torn down and either apartments or duplexes being built. While rentals are needed in our town, it appears that we have plenty at this time, as there are numerous signs for vacancies in the area.

We need to add neighborhoods with affordable homes that have yards for children to play in, yards large enough to have swing sets, outdoor toys, and room to run and play. Houses on such small lots as proposed will not fit this need, as the lot would be filled with the house.

Please deny this request for rezoning and encourage this builder to look for other property to build the other 4 houses on if he wishes to build affordable houses. Fayetteville needs more family neighborhoods where children can grow and have a yard to play in - not the small plot of grass that seem to be the trend in current building practices.

Sincerely,

Lisa McClure
1218 North Maxwell
Fayetteville, AR

From: "T. L. Phelan" <tlphelan@arkansasusa.com>
To: <planning@ci.fayetteville.ar.us>
Date: 8/22/2007 11:17 PM
Subject: objection to rezoning request from Arcadian Court

CC: <joycerichards@hotmail.com>
TO: Jessie Fulcher, Fayetteville planning office
REF: Arcadian Court request (proposal by Tim Brisiel); rezone for 11 single-family houses (or 50% more than currently allowable)

Mr. Fulcher,

This is to follow-up our phone conversation from today and provide you my written OBJECTION TO ANY REZONING EFFORTS WITHIN THE STEPHENS-HENRIX-MAXWELL NEIGHBORHOOD ASSOCIATION. Changing the current low density single-family homes to a higher density classification weakens the integrity of our neighborhood.

As I mentioned in our conversation, you are well aware of the zoning fiascos that the residents in my neighborhood have been saddled with opposing over the last several years. It started with the City making a zoning mistake that opened the door to "spot rezoning" with the objections of the long-term residents of our neighborhood being ignored in favor of those making the request -- NON-residents of our neighborhood -- so that they can make extra profit at the expense of our property values and the character of our neighborhood. Mr. Brisiel/Arcadian can still make a profit with the current zoning and stay within the historical character of the current overall low density zoning. Nothing has changed in our area to justify this kind of incremental destruction of our neighborhood. I could continue on for several pages, but I believe this is a sufficient voicing of my opinion.

I request that the planning commission and City Council members respect the integrity of our neighborhood and wishes of the residents and keep our zoning as a low density single-family zone.

--- Terri L. Phelan
1171 N. Maxwell Dr.
Fayetteville, AR 72703
tlphelan@arkansasusa.com

From: Michelle Snyder <snydercreativem@sbcglobal.net>
To: <planning@ci.fayetteville.ar.us>
Date: 8/20/2007 4:20 PM
Subject: Proposed development on Deane St.

Mr. Fulcher - please do NOT allow the the developer to add units to be built on the 1.91 acres. I own 1505 Deane St. and feel this will detrimentally affect the neighborhood.

Michelle Snyder
10124 Natural Trail
Maumelle, AR 72113

From: robert barrett <rmb0112382000@yahoo.com>
To: <planning@ci.fayetteville.ar.us>
Date: 8/21/2007 7:25 PM
Subject: 1.91 Acre Lot on Deane St.

Jessie, I oppose rezoning the subject lot to permit 11 units to be built on it. It is presently zoned for 7. Eleven units will change the neighborhood character. There are numerous unsold units. I don't see the reason to build even more than the lot is presently zoned. They will just sit and be unsightly. Please do not rezone the subject lot. Thank you! Bob and Margaret Barrett, 1541 Deane St

Park yourself in front of a world of choices in alternative vehicles. Visit the Yahoo! Auto Green Center.
http://autos.yahoo.com/green_center/

R-PZD 06-2035: Planned Zoning District (THE MAPLES, 365): Submitted by PROJECT DESIGN CONSULTANTS, INC. for property located SE OF DEANE STREET AND LEWIS AVENUE. The property is zoned RSF-4, SINGLE FAMILY – 4 UNITS/ACRE and contains approximately 1.91 acres. The request is for a Residential Planned Zoning District with 16 dwelling units.

Graves: Six items, are all items that they're either rezonings or conditional uses proposed. They all would require 5 votes to pass and we only have 6 commissioners here tonight so before I take each item up, and we'll do it as they come up in the order of the agenda. What I would like to do is have the applicant, without making the presentation or anything, advise us of whether they would prefer that we table their item to the next meeting when we have the full commission here. Because as it stands right now it would either have to be a unanimous vote to approve or it would have to be a 5 to 1 vote. If one commissioner opposed an item or wanted to deny an item then it would fail because of the numbers that we have here tonight. And so I will give that option to request a tabling of the item before we hear a staff report or anything on each of those items. And so right now we are on item 8 which is our PZD 06-2035 The Maples. If I could have, first of all the applicant come up, first of all introduce yourself for the record and then let us know if you would prefer that this be taken up by a fuller commission then what we have available tonight or whether you would rather us go ahead and take this up knowing that you would either have to have a unanimous or five one vote approve it.

Kemmet: Good evening. I am Bruce Kemmet with Project Design Consultants representing the developer. We already ran this option pass the developer and he would like to move forward and get a vote tonight.

Graves: Ok. Thank you. If we could have the staff report on this item.

Fulcher: Good evening. This PZD request is for approximately 1.6 acres located southeast of Lewis Avenue and Deane Street. Surrounding properties consist of a single duplex, single family homes, the University Farm to the north, and to the south the are soccer fields leased to the city by the University. The applicant is proposing a development for 16 dwelling units; 8 of which will be multi-family, 4 will be single family and 4 will be 2 family units. This item has a great deal of history, I should say the property has a great deal of history, which is outlined in the staff report. There have been numerous rezoning requests as well as some variations of this PZD request. This one was heard at subdivision committee approximately a month ago at which time the applicant requested the item be tabled so they could reword some of the density and street layouts of the project as well as green space and building location. Since that time to the previous subdivision committee we did a month ago they did work out

some of those items staff had concerns with and now are here before the Planning Commission after they were forwarded from the subdivision committee without a recommendation. The density proposed is approximately 9.5 units per regular which is a little over 2 times above the allowance for which it is currently zoned. Staff has stated many times that we are opposed to densities higher than 4 units per acre. Given the location of this property in relation to some major roadways, park plans, schools, the university, provides an opportunity to have something higher than 4 units per acre. However, in looking at the divided line that Lewis Avenue has been historically between multi-family developments to the west, single-family developments to the east there is a line that we're trying to find there and we just felt that 9.5 units per acre with a good deal of multi-family units was not compatible with the single-family units located immediately around it. Staff would recommend that possibly removing some of the multi-family units along the frontage of this property would not only reduce the density thus making it more compatible with the surrounding land uses but also change the building uses to a use that is more compatible to the surrounding land uses. Staff has consistently recommended denial of a density request of 16 units or more per acre or 16 units total on this property in the past. Again tonight we are recommending denial of this request. Should the Planning Commission decide to forward this item to the city council we have included conditions of approval. I think that covers all of staff's comments and findings tonight if you have any questions please ask.

Graves: Thank you. Do we have any member of the public who would like address R-PZD 06-2035 The Maples. If you would come forward and introduce yourself and make your comments.

Bryant: My name is Rebecca Bryant. I'm an adjacent property owner. I know there are other owners here I don't know if they will stand up and speak or not. I am really impressed by the quality and the depth of the discussion tonight. So, I feel like we are in good hands with this commission. As you know, as Jesse said, they are requesting almost 2 and a half times the density that's allowable in our properties, residential, I'm getting a little confused. RSF-4 ok, and all the properties adjacent, all the residential properties adjacent to this are single family homes at this time and some of those are unoccupied. What I ask myself is why should the Planning Commission grant this, I can't really come up with a good reason. I mean they are not doing anything at all here it's not like the great presentation we saw earlier for someone who was really trying to do something special with traditional neighborhood development. They are, the city is against it, the neighborhood is against, you know I just hope you deny it. Thank you.

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Graves: Thank you. Would any other member of the public like to make, I want to stress non-cumulative comments, if you have something additional that hasn't already been stated by other members of the public then please come forward.

Richards: Joyce Richards and I live to the east of the property, a couple blocks I guess down the fifth row. And I've written you a couple of e-mails and I just wanted to get up and say that I'm with Rebecca, please deny it. There is enough there with the zoning as it is for them to put a dwelling and I don't think it needs to be anymore. We don't need more built than what's already allowed. Thank you.

Graves: Thank you. Would any other member of the public like to address this item? Seeing none I will hear the applicant's presentation at this point.

Kemmet: Good evening. Bruce Kemmet, Project Design Consultants. We've been through several other arrangements with this residential plan development in attempt to go along with staff and satisfy the goals of the PZD. We've reduced to what was 17 units to 16 units. As stated earlier it was 4 family homes. We've removed those and we now have 8 single family homes and 8 town homes. The town homes are fronted along Deane Street, if you will look to the colored building elevations you will see that it is a very nice building. Probably the nicest building in the neighborhood or proposed building. I would like to point out that this neighborhood isn't primarily single family. Just to the west is primarily multi-family. Immediately to the west is a duplex which is zoned RT-12 and immediately to the west are 3 homes of which 2 of them are rented out. Immediately to the east are 2 single family homes, one of which is rented out and one of which is owned by the lady that was speaking earlier. We are proposing to maintain 16% of the tree canopy. We are proposing screening in the means of the existing trees as well as a privacy fence along the property line. The houses that you see are very nice craftsmanship construction. The town homes are upscale town homes, 15 hundred square feet or more. The town homes are proposing rear access from an alley so that you have a community, sense of community along Deane Street with not having the driveways facing the street that you can see fronting the street. And we are proposing an open space that will have an area for the community to use for functions, for neighborhood functions which will also have a gazebo that can be used for those functions. This property, although it's zoned RSF-4, is not marketed as RSF-4, as you know the price of property is very high and you'd probably never receive that zone in that area. In order to have this feasible this count, this number, this density is what is going to be required to make it worthwhile. I'm sure that Miss Bryant would prefer to just not have it developed but we actually want it developed. I would like to point out that this property is just under 2 acres, however we

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need more right-of-way for a minor arterial of Deane Street, a 25' strip of property is required to be donated to street right-of-way as part of the Master Street Plan requirements. So, that significantly reduces the total acreage which gives you a density number that's actually higher than what is actually spaced out there in existing property. Other than that I'm subject to your questions.

Graves: Thank you. Then I'll bring it to the commission. Commissioners this is a rezoning request. That's what it boils down to. Although it is a request to rezone a PZD it is a rezoning request. I would ask staff or legal, just briefly remind us what we are reviewing on a rezoning request.

Pate: As you mentioned this is a rezoning and development request. As a residential planned zoning district therefore the applicant has provided you both their version of findings of fact as well as staff's version. If you agree with staff's you would recommend denial of this project. If you agree with the applicant's, obviously you would forward this to the city council. The findings that you make for a general rezoning begin on page 18 of 82 of the staff report. They include in this proposed rezoning consistent with the land use, planning objective principles policies land use zoning plans? Is it justified and needed at the time it is proposed? Does it create or appreciably increase traffic danger and congestion or alter population density thereby undesirably increase load on public services? Those are the essentials for findings the Planning Commission reviews with regard to zoning. A planned zoning district however has many more findings that you'll see on page 82 of the staff report. The findings that begin on page 7 of 82 and go through page 18. Those include does this application in compliance with the requirements of Unified Development Code and the general plan 2020, the overall stated use? Is it compatible with adjacent property? That's one of the primary findings that rezonings take a look at typically by state law and by our own ordinances whether the zoning is compatible with the surrounding land uses. Is it suitable for intended use and compatible with the natural environment? I could read all of those for you a lot of those just go into more detailed development questions, but those are the essential ingredients of a zoning request and in this case a planned zoning district request. Making those findings the staff could not support this particular request.

Graves: Commissioners?

Clark: Mister Chair?

Graves: Commissioner Clark.

Clark: I would be happy to start off. Since I've been with commission 2 years I think I've seen this before and it does have a lot of history with our 82 pages of staff report. A lot of reiteration of the times this property has been denied rezoning and as I look back at this material I don't find that a lot has changed in the conditions. I do believe that as said in subdivision this property is too dense. This proposal is too dense for the property. I don't think it's compatible with surrounding development. I don't think the neighborhood is in favor of it. I see traffic issues, there is only one way in and one way out and that concerns me greatly. I don't think that the multi-family in front of the property, I agree with staff's finding that if it was single family or maybe even duplexes that might sway my opinion. I had hoped maybe for some modifications before it got to Planning Commission but seeing none I will restate my objection and lack of support for this project.

Graves: Thank you Commissioner Clark and perhaps a sort of summary of what happened at subdivision on the side maybe appropriate at this point. If you don't mind giving us that. I think we've heard what you've said at subdivision but if anyone else would like to chime in or if you would like to report on it.

Clark: We have had an indication that the property owner association in that area was in favor and I didn't have a problem with it but that turned out to be a little overstated according to what is in the packet today. I think there were concerns about density and any of you try and jump in because I'm not as clear on this one. I know we had concerns about emergency traffic, emergency vehicle access and entrance and exit because there is no way out. The way in is the way out. So, there were safety issues we talked about, compatibility, density issues. What else did we talk about?

Harris: Commissioner Clark I'm not helping you because I think that pretty much sums it up. We were concerned about density issues. My understanding from the packet and also Mr. Pate as I listened to you before, would you mind reviewing what you said to me about the number of units now is really where we started a few months ago. Do you mind just reviewing that for me now?

Pate: In brief there was a request in 2003 for RT-12 or 1.5 for this property which is an RT-12 now. The request was again proposed before the Planning Commission though the applicant withdrew earlier this year, January or February of this year for RT-12. Staff did not support that request finding that the density was not appropriate in this area although there was bullet of assurance for duplexes I believe. In the, looking at the minutes and the report of the minutes to the applicant from the previous Planning Commission meetings there was discussion of a planned zoning

district and perhaps the density and the concerns voiced by neighbors could be accommodated by a zoning district request. However, it does not mean that this was staff stated at subdivision committee that any planned zoning district proposed would come with staff recommendation. The initial request that we received had 22 units per acre which again, January there was a request for 16, so it jumped up a good 6 units with the original request. Staff did not support that. It came down to 19 I believe and now 16 that was proposed at subdivision committee of the Planning Commission. So, that's kind of the history of where it came from 22 down to 16 so we are essentially back at where we were in January, February with our recommendation of density. We do have a benefit, obviously, to the applicant's credit, a plan to review. The Planning Commission does have something to look at to see where the 16 units are located and I think that's part of the role of the planned zoning district is to allow neighborhoods, Commissioners, and those concerned to review an actual plan. It does not meet all of our concerns however and staff felt that, I'll just reiterate what I said in subdivision committee in our recommendation, the applicant stated that there is a lot of multi-family in this area. It was our finding that Lewis Street has historically been that dividing line. Scholar Place is a typical example of that multi-family development in this area just west of Lewis Street. To the east of Lewis Street is you look at your city maps, to a larger degree almost all the property east to Garland and south to Mt. Comfort is primarily RSF-4 developed single family residential neighborhoods. That's the case with the property adjacent to this with the exception of course to the northeast agricultural park. South is the agricultural farm and to the south is the soccer fields in that area. So, we felt that this is not necessarily a transition area in terms of land use. As primarily single-family, transition really is on this street between multi-family to west and single-family to the east.

Harris: Thank you.

Graves: Any other discussion in regard to this item?

Lack: Mr. Chair?

Graves: Commissioner Lack.

Lack: I think that in looking at this project and what it first, I think even the first time that we saw the request in a previous forum I think that there were, there is an idea that this area is largely multi-family and there are a lot of parts along Deane Street. But in reviewing the actual site, going to see the site and understanding the nature of the neighborhood, I think that that Lewis Street division Mr. Pate talks about is very real. I think that there is a transition to single-family residential which along Deane Street could be

Planning Commission
June 12, 2006
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subject to change or not depending on the investment in current residents there. But I think that with that division this area is well recognized as a RSF-4 type area and to change the zoning this dramatically would be nestling in a very, very different use. I would encourage that if mixed-use makes density, I don't know that adding less than 2 acres in this case 1.6 acres a higher density into the middle of an existing RSF-4 neighborhood would achieve that goal. And with that I would not be in support of this item.

Graves: Thank you Commissioner Lack. Any other comments?

Harris: Mr. Chair?

Graves: Commissioner Harris.

Harris: It's all coming back to me all of a sudden. It came like a flood it happened. I remember asking at that time in subdivision committee, Mr. Pate, this notion of infill and density and again going back to that process that the city has just been through in terms of the kind of neighborhoods we are going to develop and so forth. I'm also, I'll come to that in a moment, I'm very aware, as is the developer I'm sure, that dirt is very expensive. I'm not exactly sure what density will be profitable at this site. And density does have to happen somewhere in someone's backyard including my own. At the same time I am not convinced at this point that this is appropriate density infill for this particular neighborhood for the reasons that have already been stated and then some I will restate them. I am also concerned with the actual layout of this particular proposal. The eastern stub out among my concerns so at this point I will not be able to support this particular proposal.

Graves: Thank you Commission Harris. Any other comments? Motions? And we'll add just for clarification if there is a motion to deny is that a motion to recommend denial to the city council or is it just a denial at this point?

Williams: You would still recommend, a recommendation to the city council for denial.

Graves: Ok. So, if we had a motion and it's for denial then that would be the way to state the motion.

Clark: Commissioner Chair. I would like to recommend denial of R-PZD 06-2035.

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Graves: Thank you. There has been a motion by Commissioner Clark to deny of R-PZD 06-2035 or actually to recommend denial to the city council is there a second?

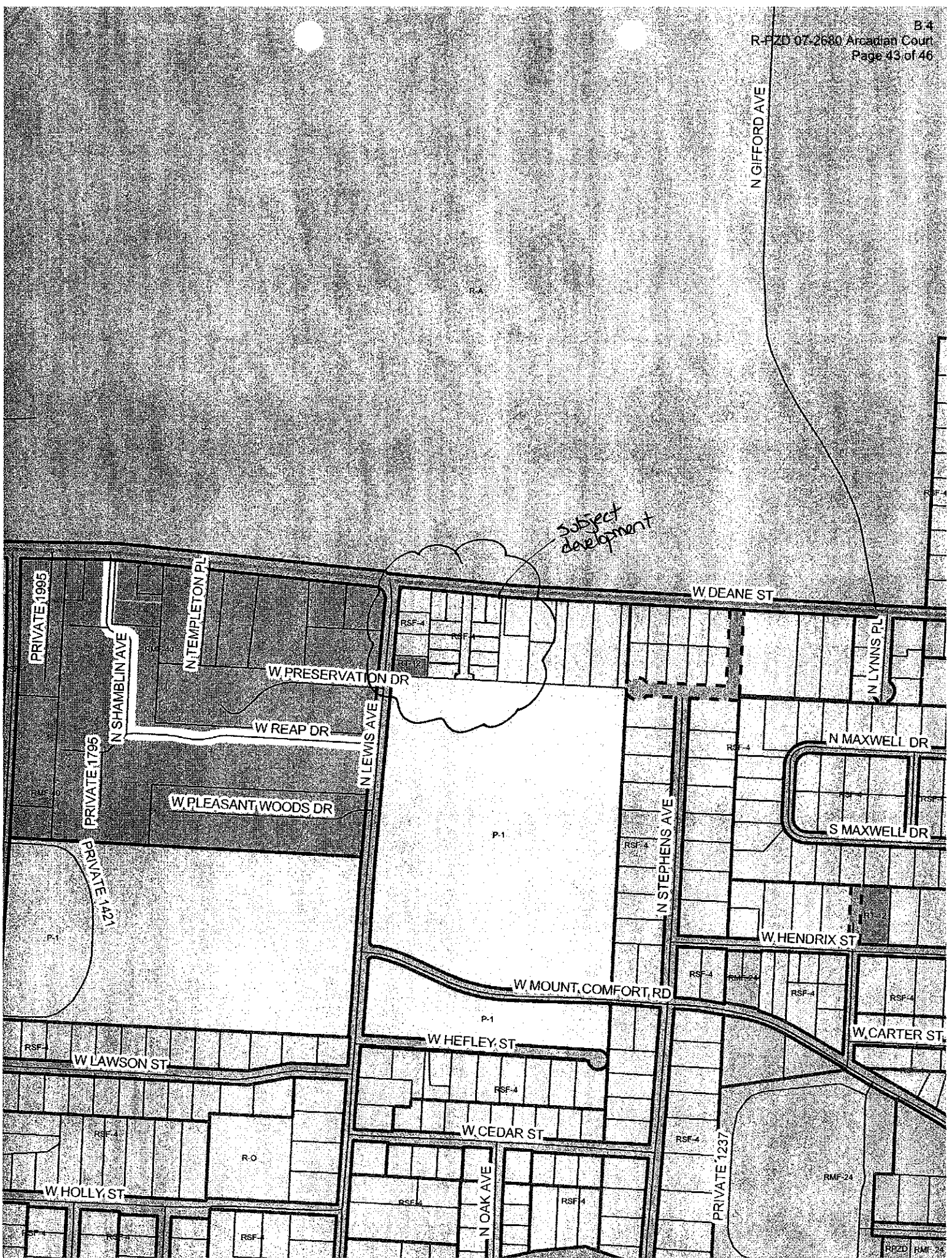
Lack: I'll second that.

Graves: Second by Commissioner Lack. Is there any further discussion of the motion? Take the vote.

Roll Call: The motion to deny R-PZD 06-2035 carries with a vote of 5-1-0.

Williams: I should note for the developer that this doesn't automatically go to the City Council at this level. You would have to file a written appeal to the City Clerk within ten business days.

Kemmet: Thank you.



RPZD07-2680

ARCADIAN COURT

Close Up View



SUBJECT PROPERTY



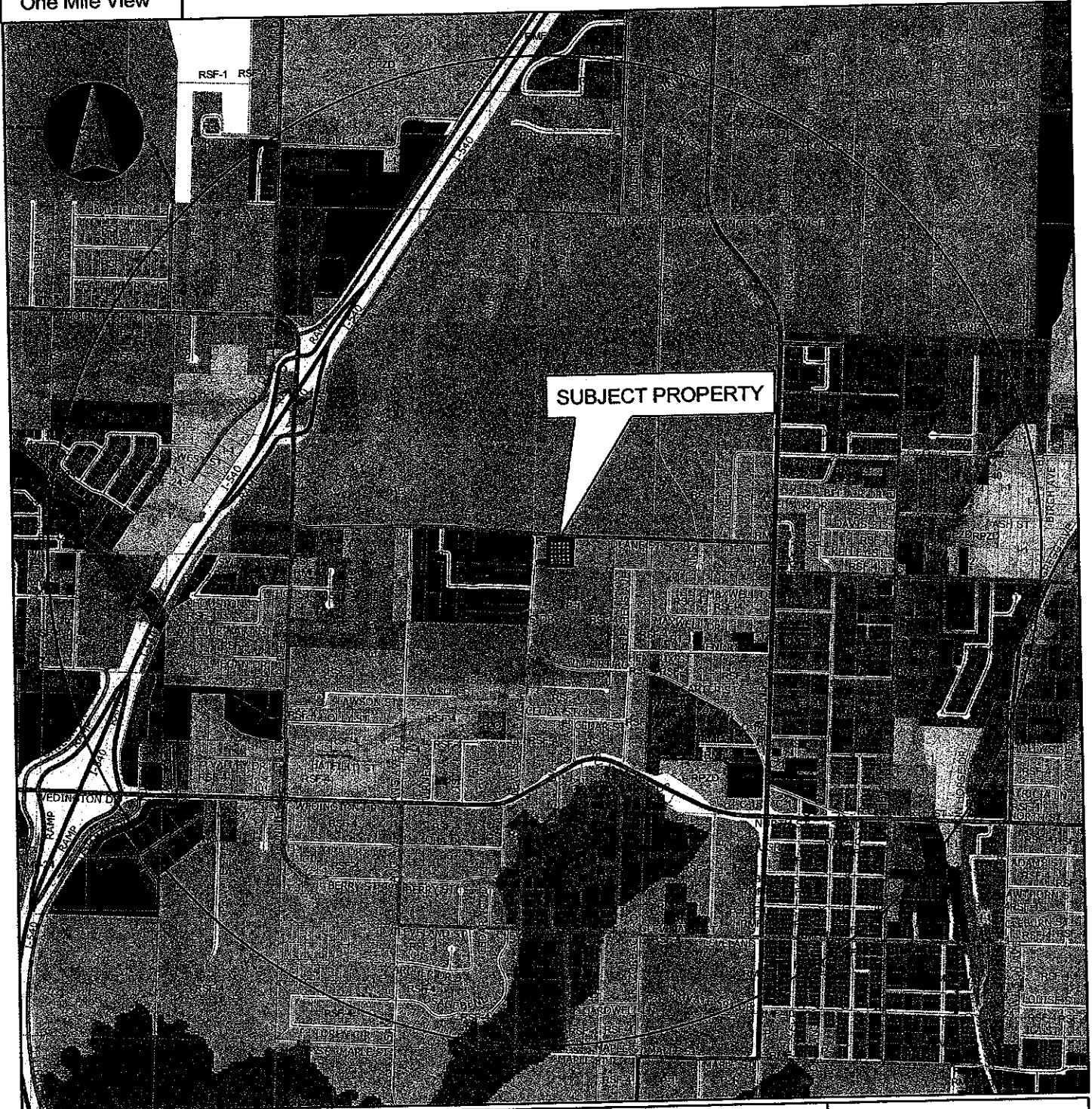
Overview



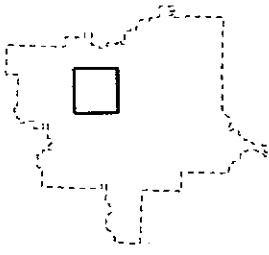
RPZD07-2680

ARCADIAN COURT

One Mile View



Overview



Legend

Subject Property
 RPZD07-2680

Boundary

Planning Area
 Overlay District
 Outside City

Legend

Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

Hobson, Inc. Appeal
RZN 07-2667
Page 1 of 26

From: "Don Wilson" <don@dewilsonlaw.com>
To: <city_clerk@ci.fayetteville.ar.us>
CC: "Tricia Pearce" <tpearce@coldwellbanker.com>
Date: 8/17/2007 11:59 AM
Subject: RZN 07-2667 (Hobson, Inc.) Appeal to City Council

RECEIVED

AUG 17 2007

**CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE**

Ms. Smith, per our telephone conversation this morning, please accept this communication as my request for an appeal of the decision of the Planning Commission held on August 13, 2007, on the rezoning for the property located at 7613 Wedington (12611 Hwy 16W), RZN 07-2667 (Hobson Inc., 433).

The property in question is located within the newly annexed area brought into the city limits in 2006 as R-A Zoning. The request for rezoning to C-2 was made so that the property could be used for its historical use for commercial trades, as a permitted use under C-2. The Planning Commission acted on recommendation of city planning staff that the broad impact of a C-2 rezoning had the potential to bring other impact uses into the area without adequate services to support urban development. The potential to bring other impact uses can be resolved by limiting the use to its historical use through the use of a bill of assurance. The subject property has been commercial property for more than 30 years for various trades, and is not compatible with the current R-A zoning. This is an important issue to the owners of the property, and denial of the use of the property for use as has existed for 30 years would subject the owners to economic hardship.

The appeal to the City Council is requested for the above-stated reasons. I would request this matter be placed on the agenda of the September 18, 2007 meeting of the City Council.

I appreciate your assistance, and would also appreciate your confirmation of this email. Please do not hesitate to call if you have any questions. Thanks.

Donald E. Wilson

Attorney at Law

P.O. Box 1285

Fayetteville, AR 72702-1285

(479) 443-2249

(479) 443-8016 (fax)

9-18-07 Left on the First Reading

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations 

From: Jeremy C. Pate, Director of Current Planning 

Date: August 24, 2007

Subject: Rezoning for Hobson, Inc. (RZN 07-2667)

RECOMMENDATION

Planning staff recommended and the Planning Commission voted to deny rezoning the subject property from R-A, Residential Agricultural to C-2, Thoroughfare Commercial for approximately 2.38 acres located at 7613 Wedington in west Fayetteville. The applicant has appealed the Planning Commission's decision to the City Council.

BACKGROUND

The subject property contains two parcels of property containing 2.38 acres. The property is located at 7613 Wedington Road. There are two buildings on the property, an office and a shop. The property is currently being used for Bud's Auto Repair shop. The backyard is currently being used to park cars that are being repaired in the shop. This property was annexed into the City as part of the general election in October 2006. The property has been used for various non-residential uses for several decades, and was most recently used as a custom cabinet shop starting in 2005. The building sustained fire damage in June 2006 and was completely remodeled. In approximately January 2007 the property was converted and opened as Bud's Auto Repair shop. The property is surrounded by rural residential properties all zoned R-A. Staff advised the owner and applicant that since the car repair shop is a change in non-conforming use a conditional use permit could be issued by the Planning Commission to allow the car repair shop to continue, or the property would have to be rezoned to C-2. Staff and the Planning Commission both recommended the applicant pursue a conditional use for the use of the property, as opposed to rezoning this property to C-2, which would constitute spot zoning and could lead to incompatible uses.

DISCUSSION

This item was heard at the regular Planning Commission meeting on August 13, 2007. The Planning Commission voted 7-0-0 to recommend denial of this rezoning request. The main issues discussed included the historic nature of non-residential use at this property and the potential for incompatible uses under the proposed C-2 zoning. Minutes from this meeting are included in the report.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 07-2667, FOR APPROXIMATELY 2.38 ACRES, LOCATED AT 7613 WEDINGTON FROM R-A, RESIDENTIAL AGRICULTURAL, TO C-2, THOROUGHFARE COMMERCIAL

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

Section 1: That the zone classification of the following described property is hereby changed as follows:

From R-A, Residential Agricultural acre to C-2, Thoroughfare Commercial, as shown and described on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2: That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to reflect the zoning change provided in Section 1 above.

PASSED and APPROVED this day of , 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

HOBSON INC.

Close Up View



SUBJECT PROPERTY

HIGHWAY 16

Overview

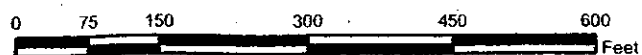


EXHIBIT "B"
RZN 07-2667

A PART OF THE SW $\frac{1}{4}$, OF THE SE $\frac{1}{4}$, SECTION 9, T-16-N, R-31-W DESCRIBED AS BEGINNING AT A POINT S1°17'49" W 39.12 FEET FROM THE NORTHEAST CORNER OF SAID 40 ACRE TRACT, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY OF ARKANSAS HIGHWAY 16; THENCE S1°17'49" W 146.88 FEET; THENCE ALONG A FENCE S89°10'35" W 61.88 FEET; THENCE N0°40'45" E 148.25 FEET, TO THE SAID HIGHWAY RIGHT-OF-WAY; THENCE ALONG SAID RIGHT-OF-WAY S89°33'25" E 63.44 FEET, TO THE POINT OF BEGINNING, CONTAINING 0.21 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS. SUBJECT TO A 18.00 FOOT ROAD EASEMENT ALONG THE EAST SIDE THEREOF.

-AND-

A PART OF THE SW $\frac{1}{4}$, OF THE SE $\frac{1}{4}$, SECTION 9, T-16-N, R-31-W DESCRIBED AS BEGINNING AT A POINT S1°17'49" W 186.00 FEET FROM THE NORTHEAST CORNER OF SAID 40 ACRE TRACT; THENCE S1°17'49" W 381.00 FEET; THENCE N89°32'06" W 250.00 FEET; THENCE N1°17'49" E 373.33 FEET; THENCE ALONG A FENCE N88°41'34" E 188.33 FEET, N89°10'35" E 61.88 FEET, TO THE POINT OF BEGINNING, CONTAINING 2.17 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS. SUBJECT TO: AN 18.00 FOOT ROAD EASEMENT ALONG THE EAST SIDE THEREOF.

RZN 07-2667: (HOBSON INC., 433): Submitted by DONALD E. WILSON for property located at 7613 WEDINGTON (12611 HWY 16W). The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 2.38 acres. The request is to rezone the subject property to C-2, Thoroughfare Commercial.

Andrew Garner, Senior Planner, gave the staff report. Garner discussed that the property has been used for non-residential uses since the structures on the property were first constructed. The property had been used for a cabinet shop prior to the current use as Bud's Auto Repair Shop. The cabinet shop was damaged by fire, remodeled and occupied by Bud's Auto Shop in approximately January 2007. Concerned property owners have contacted staff regarding the use of the property for auto salvage uses. Garner discussed with the applicant the option to allow for the business by a Conditional Use Permit (CUP) as a change in the nonconforming use, instead of rezoning. Staff finds that C-2 zoning would be incompatible and would not be consistent with the City's land use planning objectives and policies.

Donald Wilson (representative for the applicant) discussed that the property has been used by Hobson, Inc. since 1976. The property has been commercially used for years, and the owner has been paying commercial taxes. The current use is not auto salvage but auto repair. The owner has not received any complaints from neighbors. This property is part of an already urban area. The business in this location has always been used as a trade-type of business. Trade-type businesses are not allowed in the R-A zoning. The CUP would tie us to the Bud's Auto Repair Shop, which would limit the ability for future tenants. The proposed C-2 zoning fits this site for what has been used since 1976.

No public comment was presented.

Commissioner Winston asked if certain use units can be removed from the requested zoning.

Jeremy Pate, Director of Current Planning, responded that only the applicant can offer that use units be removed through a Bill of Assurance.

Kit Williams, City Attorney, explained what a Bill of Assurance is, and gave the example of Pop's Barbeque on 15th Street, discussing that the Planning Commission denied the request for C-2, and that the applicant subsequently appealed the decision to the City Council and offered a Bill of Assurance limiting some of the potentially objectionable uses, and that the City Council approved the request with the Bill of Assurance.

Commissioner Anthes asked when the Bud's Auto Repair Shop started operation on the property.

Pate stated January 2007.

Commissioner Myres asked if a CUP in the R-A zoning district would allow for trades and services.

Pate responded that trades and services are not allowed under the R-A zoning regulations. However

an existing nonconforming use may be changed to another nonconforming use by CUP permit. He discussed that staff tries to facilitate the use of the property. Pate discussed that a proposed C-1 zoning was debated extensively at the corner of Harmon Road and Hwy 16; this is a request for a much more intense use than that zoning, and is not located a corner.

Commissioner Myres stated agreement with staff's findings and that she cannot support the request as the C-2 zoning is too intense for this area, and that she hopes the applicant can bring forward a CUP application.

Commissioner Anthes asked if the property is two parcels.

Wilson stated that yes, the property is two parcels and that both parcels are needed to allow for the operation of a business.

Commissioner Winston asked if a CUP may be approved to allow for general trades and services, and not be specific.

Pate responded that in general, a CUP needs to be requested for specific uses to allow for staff to make a recommendation on that specific use. Pate read all of the uses allowed in the UDC under Use Unit 17, Trades and Services.

Commissioner Winston asked if the Planning Commission could approve a CUP to allow for Use Unit 17.

Pate responded that he had never seen a CUP of that nature, but that he supposed it was possible for the Planning Commission to approve such a request. It would be hard to make individual findings, though.

Commissioner Cabe asked if the rezoning request were denied, could the applicant return to the Planning Commission for a CUP request.

Pate replied yes.

Motion:

Commissioner Cabe made a motion to deny the request. **Commissioner Myres** seconded the motion.

Commissioner Ostner discussed that if the rezoning request were denied, the applicant may appeal the decision to City Council, and that they may offer a Bill of Assurance at that time if they wish.

Pate stated that it must be appealed to the City Council within 10 days from the Planning Commission's decision.

Commissioner Anthes stated that the Planning Commission would rather see a CUP than a rezoning to C-2 in this area.

Upon roll call, the motion to deny passed 7-0-0.



PC Meeting of 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: Andrew Garner, Senior Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: August 7, 2007 Updated August 21, 2007

RZN 07-2667: (HOBSON INC., 433): Submitted by DONALD E. WILSON for property located at 7613 WEDINGTON (12611 HWY 16W). The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 2.38 acres. The request is to rezone the subject property to C-2, Thoroughfare Commercial.

Property Owner: Hobson, Inc.
Planner: Andrew Garner

RECOMMENDATION:

Staff recommends denial of the requested rezoning request from R-A to C-2 based on the findings herein.

PLANNING COMMISSION ACTION:		
Required	<u>YES</u>	
☐ Forward to City Council (recommend approval)		<u>X</u> Denied
Date: <u>August 13, 2007</u>		
Motion: <u>Cabe</u>		
Second: <u>Myres</u>		
Vote: <u>7-0-0</u>		
CITY COUNCIL ACTION:		
Required	<u>YES</u>	
☐ Approved		☐ Denied
Date: <u>September 4, 2007 (1st reading if recommended)</u>		

BACKGROUND:

Property description: The subject property contains two parcels of property containing 2.38 acres. The property is located at 7613 Wedington Road. There are two buildings on the property, an office and a shop. The backyard is currently being used to park cars that are being repaired in the shop. The property is currently being used for Bud's Auto Repair shop. This property was annexed into the City as part of the general election in October 2006. The property has been used for various non-residential uses for several decades, and was most recently used as a custom cabinet shop starting in 2005. The building sustained fire damage in June 2006 and was completely remodeled. In approximately January 2007 the property was converted and opened as Bud's Auto Repair shop. Photos of the property are attached to this report. Staff advised the owner and applicant that since the car repair shop is a change in non-conforming use a conditional use permit is required to be issued by the Planning Commission to allow the car repair shop to continue, or the property would have to be re-zoned to C-2. It should be noted that per UDC Section 164.12(E)(5), when a nonconforming use of a structure is discontinued for six consecutive months, the structure shall not thereafter be used except in conformity with the regulations of the district in which it is located.

Public Comment: Staff has received several complaints from neighbors about the auto repair shop, stating that it should not be allowed, and that the property is being used as an auto salvage yard and not an auto repair shop.

SURROUNDING LAND USE AND ZONING:

Direction	Land Use	Zoning
North, South, East, and West	Rural Residential	R-A

Proposal: The applicant proposes to rezone the 2.38 acre property from R-A to C-2 to bring the historic non-residential uses, and current nonconforming auto repair use into compliance. The applicant discussed with staff that they do not want to apply for a conditional use permit for the auto repair shop, though it would be permitted by conditional use permit as a change in nonconforming use. The zoning criteria for R-A and C-2 are attached to this report.

INFRASTRUCTURE:

Streets: The site has access to Wedington Road/State Highway 16. Wedington Road is currently being widened by the Arkansas Highway Transportation Department to be a five-lane state highway up to Double Springs Road. The improvements do not extend west as far as the subject property. Wedington at this site is a two-lane state highway.

Water: Public water is located adjacent to the site. However this property is served by the Washington Water Authority instead of the City of Fayetteville.

Sewer: Sanitary sewer is not available on the site. The nearest public sewer main is at the intersection of Wedington/Double Springs Road, which is approximately 6,000 feet to the east of this site.

Fire: These 2.38 acres are covered by Engine 7 located at 835 Ruppel Road. It is 3.4 miles from the station with an anticipated response time of 5.75 minutes. There are no recorded hydrant flows in this area. The Fire Department does not figure calls for service for developments rezoning to C-2, Thoroughfare Commercial, but typically this type of development does not result in any increase in calls for service.

Police: It is the opinion of the Fayetteville Police Department that this annexation will not substantially alter the population density and thereby undesirably increase the load on police services or create an appreciable increase in traffic danger and congestion in the area.

LAND USE PLAN: The Future Land Use Plan adopted as part of the City Plan 2025 designates this site **Rural Area**. Rezoning this one specific property to C-2 would not encourage conservation and preservation, and could encourage suburban sprawl, in contrast to the currently adopted land use plan policies. While staff generally supports bringing non-conforming uses into compliance, a rezoning to C-2 has the potential to bring other higher impact uses into the area without adequate services to support urban development. Additionally, being that non-residential uses have been a historic use on this property for almost 30 years, the current auto repair use may become conforming with a conditional use permit. Rezoning the property to C-2 is not consistent with the land use plan, and long-range planning objectives for this area of the City.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: The proposed rezoning is not consistent with future land use planning objectives, principles, and policies for Rural Areas. The Future Land Use plan identifies these areas to:

“...encourage conservation and preservation in any development pattern.”

“If developed, encourage alternative development patterns to achieve compatibility with surrounding rural areas.”

It is acknowledged that commercial uses as allowed in the proposed C-2 zoning district have been used on this property for several decades, prior to this property being annexed into the City. However, rezoning the property to C-2 does not assure the City that this property would be integrated into a compatible development pattern with the surrounding rural-residential uses.

The proposed C-2 zoning does not provide the City the assurance that the development would be compatible with the surrounding rural residential uses. In fact, staff has received several phone calls and in-person visits from neighbors in the vicinity complaining that the new auto shop on the property is not compatible, and is conducting auto salvage operations on the property. Staff has concerns with the compatibility of the existing auto shop and other commercial uses that would be allowed under the proposed C-2 zoning at this location. There are several non-conforming uses along this area of Wedington as a result of general election annexation into the City in 2006. Staff finds the potential to support a change in some of the nonconforming non-residential uses along Wedington Road through the conditional use process to ensure compatibility of those uses. However allowing a C-2, Thoroughfare Commercial zoning district adjacent to rural residential uses on the outskirts of the City is not consistent with the Future Land Use Plan guiding policies and strategies. As the City Plan 2025, indicates this vicinity is designated as a Rural Area.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: The proposed zoning is not justified. The applicant's stated intent is to rezone the property to bring the non-conforming use into compliance and to recognize the historic commercial use on the property. While staff recognizes that this property has been historically used for non-residential uses, staff would recommend a Conditional Use Permit to allow for a change in the non-conforming use if desired. A C-2 zoning allows several intense uses that are more appropriate in urban centers and at designated commercial nodes, and may be objectionable to surrounding rural residential uses.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: The size of the subject property will limit a great increase in traffic danger and congestion, due to the size of development generated by 2.38 acres. Planning of any future commercial development on this site must address safe access concerns. At the time of development, improvement to this street may be required; and ingress/egress evaluated carefully.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: The proposed zoning would not increase population density.

Increased load on public services was taken into consideration and recommendations from Engineering, Fire, and Police Departments are included in this report. The site does not have access to City water or sewer, and the property is located on an unimproved two-lane highway. The existing infrastructure is a concern with the urban uses that would be allowed under the proposed C-2 zoning.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

FAYETTEVILLE UNIFIED DEVELOPMENT CODE

161.03 District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	One-half
----------------	----------

(D) *Bulk and area regulations.*

Lot width minimum	200 ft.
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback requirements.*

Front	Side	Rear
35 ft.	20 ft.	35 ft.

(F) *Height requirements.* There shall be no maximum height limits in the A-1 District,

provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(1); Ord. No. 1747, 6-29-70; Code 1991, §160.030; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99)

161.18 District C-2, Thoroughfare Commercial

(A) *Purpose.* The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers.

(B) *Uses.*

(1) Permitted uses.

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
Unit 17	Trades and services
Unit 18	Gasoline service stations & drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 25	Professional offices
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store

(2) Conditional uses.

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 32	Sexually oriented business
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	50 ft.
Side	None
Side, when contiguous to a residential district	15 ft.
Rear	20 ft.

(F) *Height regulations.* In District C-2 any building which exceeds the height of 20 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet. No building shall exceed six stories or 75 feet in height.

(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

(Code 1965, App. A., Art. 5(VI); Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-77; Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.036; Ord. No. 4034, §3, 4, 4-15-97; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4727, 7-19-05; Ord. 4992, 3-06-07)

Fayetteville Unified Development Code Chapter 162

(Q) Unit 17 Trades and services

(1) *Description.* Unit 17 consists of establishments engaged primarily in providing household and automotive maintenance and similar services which fulfill recurrent needs of residents of nearby areas, but are generally incompatible with primary retail districts because they break the continuity of retail frontage.

(2) *Included uses.*

Retail trade establishments, general:	•Automotive sales, service and repair, including body shop * •Buses •Manufactured home sales •Motorcycle sales, including service and repair •Truck sales, including service and repair •Trailer sales, camping, hauling, travel •Used car lots •Farm supplies and equipment and repair
General merchandise establishment:	•Direct selling
Merchandise vending machine operations	
Institutional furniture and furnishings	
Marine craft, sales & service:	•Boats and accessories
Medical and orthopedic appliances	
Personal help:	•Animal hospital •Auctioneer •Bindery •Body piercing •Cabinetmaker •Frozen food locker •Drapery service •Linen supply and industrial laundry •Packing and crating •Rug cleaning •Tattoo services •Taxidermist •Tool sharpening repair service •Armature rewinding •Auto wash •Electrical repair service •Furniture repair •Motor repair •Radio and television repair •Reupholstery •Rug repair

The subject property is part of 1,419.30 acres in the Highway 16 corridor annexed into the City in 2006, and zoned Residential Agricultural (R-A) upon annexation.

The subject property is located along and adjacent to Highway 16 West, approximately four miles west of the Interstate 540/Highway 62 intersection. There is one commercial building on the real property, which is believed to have been built in or about 1976. The present owners purchased the property in 1984. Prior to 1984, the building had been used as a television repair shop, a custom drapery shop, and a used furniture store. From 1984 until 2001, the present owners operated a printing business at the location. In 2002, the building was used as a cheerleading training school. In 2003 and part of 2004, the building was used as warehouse for a moving and storage operation. In 2005, it was the location of a custom cabinet shop. The building sustained fire damage in June 2006 and was completely remodeled. The property has now been leased to Bud's Foreign Car Repair. The present owners do not anticipate there will be any significant change or adverse affect on surrounding properties.

The reason for requesting the zoning change is to conform the property to its most compatible historical use following annexation into the Fayetteville city limits.

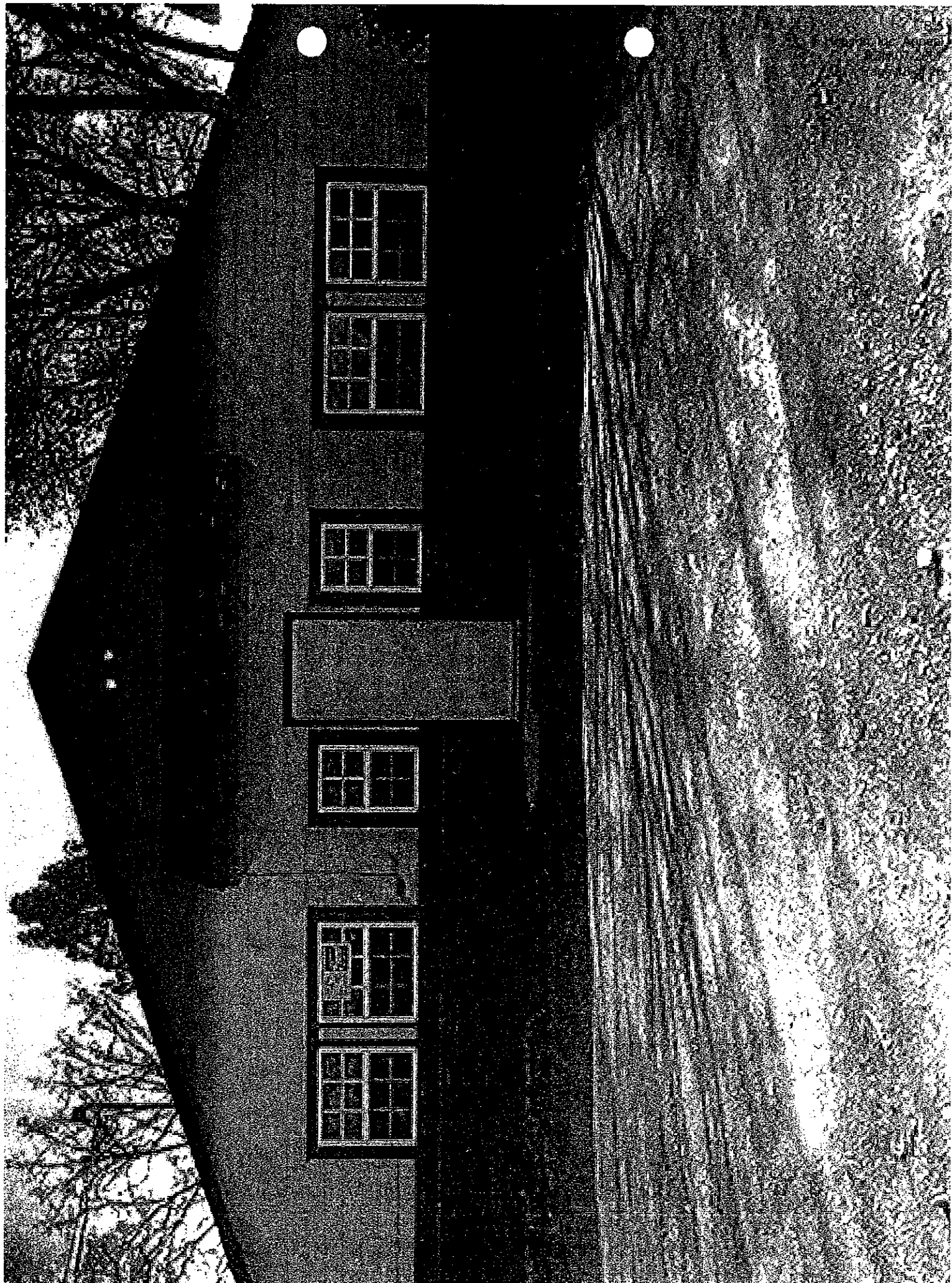
The present owners believe that under the Zoning Districts Code adopted by the City of Fayetteville, a C-2 classification would be the most compatible to the pre-annexation and historical uses of the property, and the classification that is most consistent with its pre-annexation and present use. A zoning classification is also compatible with the surrounding area and other businesses in the area along the Highway 16 corridor. The property is adjacent to and contains highway frontage along Highway 16. Highway 16 is a major highway access artery to Fayetteville on the Fayetteville Master Street Plan, and the subject property caters to the highway traveler. Numerous businesses are located along Highway 16 on both sides of the subject property, including a used auto sales business, an automobile service business, a machine shop business, and a heavy equipment sales business.

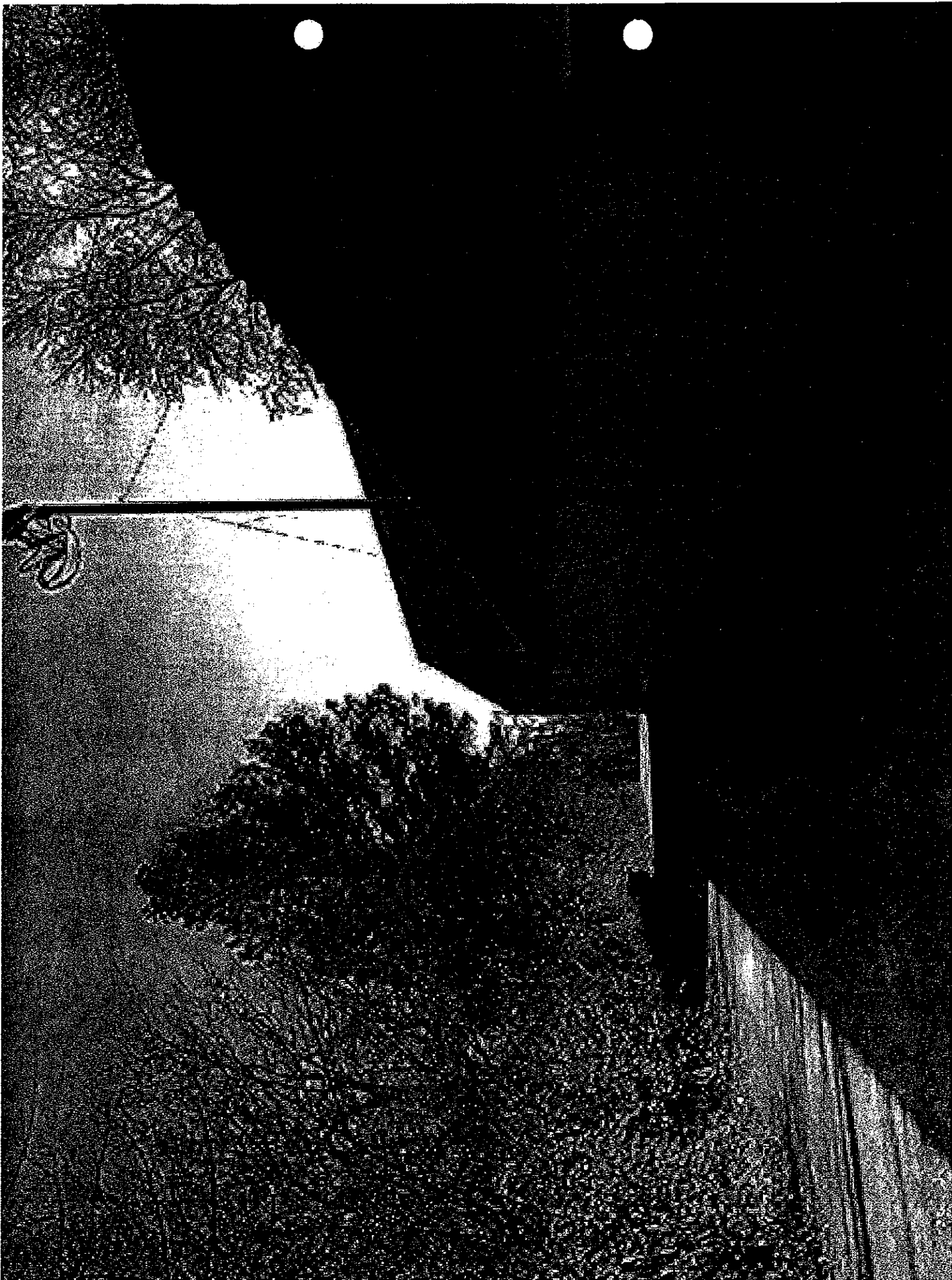
At the time of the City's annexation of the property in 2006, water was provided to the subject property through the ~~through the~~ Washington County Water Authority. As of the date of this application, the City of Fayetteville has not taken over responsibility for providing water, nor is sewer service provided by the City of Fayetteville.

Attached hereto are two photographs, the first being a view of the front of the building with highway frontage along Highway 16, and the second being a view along the east side of said building. Both photographs are viewed from the perspective of Highway 16.

There are no pending sales for the property, and it is anticipated there will be no change or adverse affect upon surrounding properties.

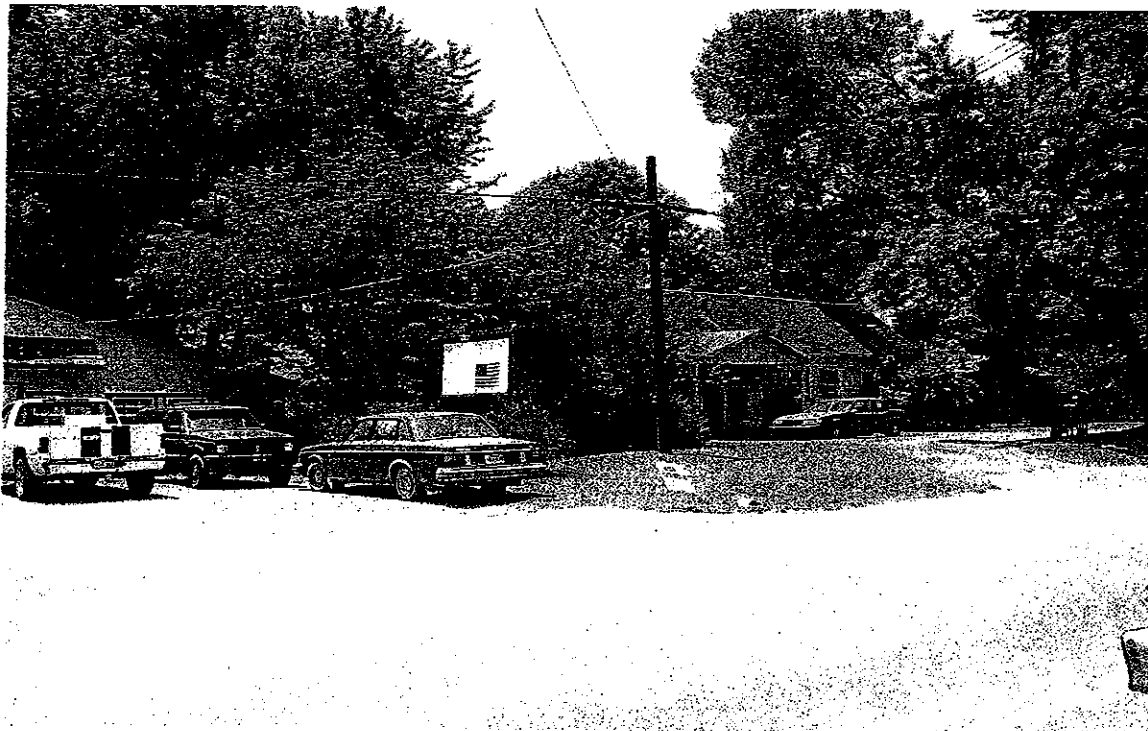
Accordingly, the present owners request re-zoning of the subject property from its present annexed zoning classification to its more compatible use of C-2.







1. View from Wedington looking south at the subject property.



2. View from Wedington looking southwest at the subject property and the adjacent single family residence to the west.



3. View from Wedington looking south at the entrance into the rural residential property adjacent to the east of the subject property.



4. View from Wedington looking north at the adjacent rural residential use across Wedington from the subject property.



5. View of the backyard on the subject property.



6. View looking north at the rear of the shop on the subject property.

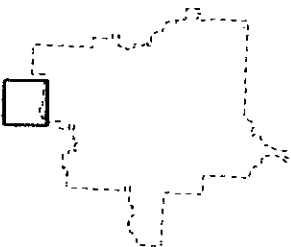
RZN07-2667

HOBSON INC.

One Mile View

SUBJECT PROPERTY

Overview



Legend

Subject Property

 RZN07-2667

Boundary

Legend

0 0.25 0.5 1 Miles

A horizontal scale bar with alternating black and white segments, used to measure distances in miles.

RZN07-2667

HOBSON INC.

Close Up View



SUBJECT PROPERTY

Overview



0 75 150 300 450 600 Feet

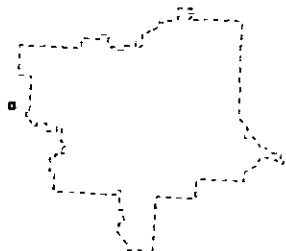
RZN07-2667

Future Land Use

HOBSON INC.

SUBJECT PROPERTY

Overview



Legend

Subject Property

RZN07-2667

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

Legend

0 75 150 300 450 600
 Feet

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

C.1.
2007 Millage Levy
Page 1 of 8

10/2/2007

City Council Meeting Date

Paul A. Becker

Submitted By

Finance

Division

Finance

Department

Action Required:

City Council is requested to adopt real and personal property tax rates for 2007 for the Policemen's Pension & Relief, the Firemen's Pension & Relief Funds, and the Fayetteville Public Library. The rate to be adopted for the Policemen's Pension & Relief Fund and the Firemen's Pension & Relief Fund is 0.4 mils for real property and 0.4 mils for personal property, the millage for the Fayetteville Public Library is 1.0 mil for real property and 1.0 mil for personal property. City Council is requested to adopt real and personal property tax rates for 2007 for the City's General Fund. The rate requested for the City's General Fund is 2.2 mils for real property and 2.2 mils for personal property.

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

Paul A. Becker

Date

9-14-07

Previous Ordinance or Resolution #

4935

Original Contract Date:

City Attorney

Date

Original Contract Number:

Finance and Internal Service Director

Paul A. Becker

Date

9-14-07

Received in Mayor's Office

Mayor

Date

9/18/07

Comments:

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Dan Coody and Fayetteville City Council

FROM: Paul A. Becker, Director of Finance

DATE: September 14, 2007

SUBJECT: **2007 Millage Levy**

Recommendation:

City staff recommends that City Council approve the millage levy ordinance approving the 0.4 mils for the Policemen's Pension and Relief Fund, 0.4 mils for the Firemen's Pension and Relief Fund, 1.0 mils for the Fayetteville Public Library, and 2.2 mils for 2008 General Fund operations.

Background:

Each year the City must approve an ordinance to renew the levy of ad valorem taxes on real and personal property within the City. This request will provide for such levy on property assessed during 2007.

The total assessed value of real and personal property located within the city limits of Fayetteville, as of August 1, 2007, is approximately \$1.163 billion. The assessed valuation is before the Washington County Board of Equalization has made all the changes to the County Assessors Abstract. Based on the preliminary assessments, the growth in real estate assessments is approximately 12.85%. The change in assessed real estate value is due to newly discovered, newly constructed property 10.55%

Discussion:

A millage levy ordinance must be approved by City Council in order for the City to continue to collect property taxes for the Policemen's Pension and Relief Fund and the Firemen's Pension and Relief Fund. The millage levy for the Policemen's Pension and Relief Fund is 0.4 mils for real property and 0.4 mils on personal property. The millage levy for the Firemen's Pension and Relief Fund is 0.4 mils for real property and 0.4 mils on personal property as was approved by referendum.

A millage levy ordinance must be approved for the operation of the Fayetteville Public Library and that was approved by the voters on October 1, 2002. The millage levy for the Fayetteville Public Library is 1.0 mils for real property and 1.0 mils on personal property.

Finally, City staff is requesting that City Council approve a millage levy ordinance for General Fund operations in the amount of 2.2 mils for both real and personal property. This represents an increase of 0.9 mils over the 1.3 mils approved by City Council on October 10, 2006 and is still 2.8 mils less than the discretionary amount of 5.0 mils allowed by State statute.

The 2008 proposed property tax revenue amount based on the 2.2 mil levy is estimated to bring in \$2,432,000 in General Fund revenue. The 2008 Proposed Summary Budget for General Fund Budget will be distributed to City Council on Saturday, September 29 at a Budget work session at which time the need for a levy increase will be discussed in depth. Additional meetings during the month of October to discuss the millage levy will be held as needed. A proposed calendar is shown below:

Tuesday, September 25	Agenda Session Property Tax Item
Saturday, September 29	City Council Working Session 2008 General Fund Draft Budget distributed
Tuesday, October 2	City Council Meeting Property Tax Discussion
Tuesday, October 10	Agenda Session Property Tax Discussion
Tuesday, October 16	City Council Meeting Property Tax Discussion & Decision
Tuesday, October 30	Agenda Session / Special City Council Meeting (If Needed)

Budget Impact:

The 0.4 mils Police and 0.4 Fire is needed to fund the Pension plans for both areas. The 1.0 mils is used to fund the operation of the Fayetteville Public Library. The 2.2 mils will be used to fund General Fund operations.

Conclusion:

The millage levy must be at Washington County, November 1 to be included in their consolidated levy ordinance which will be approved at the November 8, Quorum Court meeting. The City levy will be added to the levies by Washington County, the various school districts, improvement districts and other cities within the County when the Washington County Quorum Court adopts its millage levy for 2007.

If you have any questions concerning this agenda request please contact either myself at 575-8330.

**City of Fayetteville
Property Tax Revenue per Mil
August 1, 2007**

<u>Millage</u>	<u>Approximate Revenue</u>
0.10	\$ 111,000
0.20	\$ 221,000
0.30	\$ 332,000
0.40	\$ 442,000
0.50	\$ 553,000
0.60	\$ 663,000
0.70	\$ 774,000
0.80	\$ 884,000
0.90	\$ 995,000
1.00	\$ 1,106,000
1.30	\$ 1,437,000
2.00	\$ 2,211,000
2.20	\$ 2,432,000
2.50	\$ 2,764,000
3.00	\$ 3,317,000
3.50	\$ 3,869,000
4.00	\$ 4,422,000
4.50	\$ 4,975,000
5.00	\$ 5,528,000

The millage revenue reflected above is based on the Washington County Preliminary Summary Report of County Assessments for the Year 2007 dated August 1, 2007 and excludes real and personal property for Utilities. The City Council can approve up to 5.0 mils for operations. The table assumes a 95% collection rate. Total real and personal property assessments for 2007 amount to approximately \$1,165 million excluding real estate and personal property for utilities.

Property Tax Impact Illustration

	<u>Appraised Value</u>	<u>Assessed Value</u>	<u>1 Mil Tax / Year</u>
Single Family Home	\$ 75,000.00	\$ 15,000.00	\$ 15.00
Single Family Home	\$ 100,000.00	\$ 20,000.00	\$ 20.00
Single Family Home	\$ 150,000.00	\$ 30,000.00	\$ 30.00

ORDINANCE NO. _____

AN ORDINANCE LEVYING A TAX ON THE REAL AND PERSONAL PROPERTY WITHIN THE CITY OF FAYETTEVILLE, ARKANSAS, FOR THE YEAR 2007 FIXING THE RATE THEREOF AT 2.2 MILLS FOR GENERAL FUND OPERATIONS, 0.4 MILLS FOR THE FIREMEN'S PENSION AND RELIEF FUND, 0.4 MILLS FOR THE POLICEMEN'S PENSION AND RELIEF FUND AND 1.0 MILL FOR THE FAYETTEVILLE PUBLIC LIBRARY; AND CERTIFYING THE SAME TO THE COUNTY CLERK OF WASHINGTON COUNTY, ARKANSAS

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

Section 1: That a tax is hereby levied on the real and personal property within the City of Fayetteville, Arkansas, for the year 2007 to be collected in 2008 for the following purposes at the following rates:

REAL AND PERSONAL PROPERTY

<u>Purpose</u>	<u>Levy</u>
General Fund – Operations	2.2 mills
Fayetteville Public Library	1.0 mills
Policemen's Pension Fund	0.4 mills
Firemen's Pension Fund	<u>0.4 mills</u>
TOTAL	4.0 mills

Section 2: That the real and personal property tax so levied and the rates provided therefore are hereby certified to the Clerk of Washington County, Arkansas, to be placed in the tax book by the County Clerk and collected in the same manner that the county and school district taxes are collected.

Section 3: The City Clerk is hereby authorized and directed to file certified copies of this ordinance in the office of the County Recorder, County Clerk, County Assessor, and the County Tax Collector for Washington County, Arkansas.

PASSED and **APPROVED** this 2nd day of October, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

Property Tax Rates (Comparable Arkansas Cities)

City	City Millage Levy *					Annual Tax Paid by Homeowner (\$150,000)
	General	Police/Fire Pension	Library	Bonds/ Other	Total	
Little Rock	5.0	2.0	3.8	3.3	14.1	\$ 423.00
Fort Smith	5.0	2.0	1.0	-	8.0	240.00
Springdale	4.7	1.0	-	-	5.7	171.00
Bentonville	4.9	0.5	-	-	5.4	162.00
Rogers	1.4	1.0	0.9	1.5	4.8	144.00
Fayetteville (Proposed)	2.2	0.8	1.0	-	4.0	120.00
Fayetteville (Current)	1.3	0.8	1.0	-	3.1	93.00

* Source: State of Arkansas - Assessment Coordination Department: 2006 Millage Report (2007 Collections) / Published February 2007

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

10/2/2007

City Council Meeting Date

Gary Dumas

Submitted By

Division

Operations

Department

Action Required:

An ordinance to waive quotation bidding for services costing less than \$20,000 and to approve a contract for \$10,000 with the Illinois River Watershed Partnership to assist in the improvement of water quality in the Illinois River Watershed.

\$ 10,000.00

Cost of this request

\$ 729,412.00

Category / Project Budget

Sales Tax Capital Improvements

Program Category / Project Name

44701-9470-5314-00

Account Number

\$ 408,985.56

Funds Used to Date

Bridge & Drainage Improvements

Program / Project Category Name

02097.1

Project Number

\$ 320,426.44

Remaining Balance

Drainage Study/Phase II Storm

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Department Director

Date

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 Memo

TO: Mayor Coody and City Council

FROM: Gary Dumas, Director of Operations 

DATE: September 14, 2007

SUBJECT: Illinois River Watershed Partnership Contract for Services

RECOMMENDATION

An ordinance to waive quotation bidding for services costing less than \$20,000 and to approve a contract for \$10,000 with the Illinois River Watershed Partnership to assist in the improvement of water quality in the Illinois River Watershed.

BACKGROUND

According to their website, the Illinois River Watershed Partnership (IRWP) formed when "a diverse group of Northwest Arkansas leaders organized an Upper Illinois River Summit in September 2005 with 65 watershed stakeholders committing to personal action and agreeing that public education is the number one priority to improve and protect water quality in the Illinois River."

The IRWP officially formed in December 2005 as a non-profit organization with a board that is representative of the various stakeholders in the watershed including government, business, agriculture, conservation, construction/development, and academia.

The organization has a number of objectives including:

- Increase public awareness of the Illinois River as a water resource
- Cooperate with the scientific community to identify water quality impacts, causes and sources
- Educate the public about their contribution to these sources
- Collaboratively identify environmentally viable and economically feasible practices to effectively control those sources
- Work with the membership and the general public to implement water quality improvement and watershed restoration projects that will reduce these identified sources

The Board has also established a number of goals that will enable them to achieve their long-

term vision which is, "the Illinois River and its tributaries will be a fully functioning ecosystem, where ecological protection, conservation and economically productive uses support diverse aquatic and riparian communities, meet all state and federal water quality standards, promote economic sustainability and provide recreational opportunities." The group's stated goals include:

- Develop a comprehensive educational program that will increase public awareness of the Illinois River as a water resource and a general membership
- The Illinois River Watershed Partnership's ultimate goal is to develop, implement and complement a watershed management plan for the entire Illinois River Basin
- The goal of watershed management is to plan and work toward an environmentally and economically healthy watershed that benefits all stakeholders
- Engages stakeholders in activities to implement water quality improvement and watershed restoration in projects that will reduce identified sources

DISCUSSION

Over the last year the IRWP has implemented and is currently maintaining an ongoing education campaign in the watershed which has spillover effects for other watersheds in the media market. The Partnership is currently in negotiations with TetraTech, Inc. to finalize a scope of work and contract for Phase I of a watershed management plan for the Upper Illinois River (Arkansas only). A large portion of the City of Fayetteville contributes storm water flows into the Illinois River Watershed including Clear Creek, Hamestring Creek, and Owl Creek. The City of Fayetteville stands to receive great benefit from the watershed education campaign and the watershed management process.

This would be the second year the City entered into contract with the IRWP. The last contract was also for \$10,000 for watershed education and planning services.

BUDGET IMPACT

The City of Fayetteville currently has \$320,426 remaining that has been allocated for the phase II Storm Water Management Program for these types of projects.

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF §34.23, (PURCHASES AND CONTRACTS NOT IN EXCESS OF \$20,000.00), OF THE FAYETTEVILLE CODE OF ORDINANCES AND APPROVING A CONTRACT WITH THE ILLINOIS RIVER WATERSHED PARTNERSHIP (IRWP) IN THE AMOUNT OF \$10,000.00 FOR WATERSHED EDUCATION AND PLANNING SERVICES.

WHEREAS, the Illinois River Watershed Partnership (IRWP) possesses unique expertise and resources ideally suited to meet the City of Fayetteville's need for Watershed Education and Planning Services as part of the Stormwater Management Program, Phase II; and

WHEREAS, the Illinois River Watershed Partnership (IRWP) can perform this work at a significant savings to the citizens of Fayetteville.

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 requirements of §34.23, (Purchases and Contracts Not in Excess of \$20,000.00), of the Fayetteville Code of Ordinances and approves a Contract with the Illinois River Watershed Partnership (IRWP) in the amount of \$10,000.00 for watershed education and planning services, and authorizes Mayor Coody to execute this Contract. A copy of the Contract, marked Exhibit A, is attached hereto and made a part hereof.

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

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

CONTRACT

The Illinois River Watershed Partnership, Inc. and the City of Fayetteville, Arkansas agree to enter into the following contract on this 2nd day of October, 2007.

WHEREAS, The Illinois River Watershed Partnership, Inc. is a non-profit corporation whose mission is to improve the health of the Illinois River through the implementation of best management practices, water quality monitoring, public education, community outreach and ecosystem restoration; and

WHEREAS, The City of Fayetteville has responsibilities to educate its citizens about these water quality and restoration issues through mandates of the Clean Water Act and has budgeted funds for such education activities.

NOW, THEREFORE, the Illinois River Watershed Partnership and the City of Fayetteville agree as follows:

1. The City of Fayetteville agrees to purchase educational, ecosystem monitoring and restoration, and community outreach services for its citizens from the Illinois River Watershed Partnership, Inc. for the sum of Ten Thousand Dollars (\$10,000.00).

2. The Illinois River Watershed Partnership agrees to furnish a year long, extensive community outreach and educational services program to Fayetteville's citizens during the period of October 2, 2007 through October 1, 2008, and further to provide implementation of and education about best management practices for stormwater management and ecosystem restoration in the Illinois River watershed.

3. The Illinois River Watershed Partnership agrees to provide two semi-annual written reports about its programs and activities to the Fayetteville City Council with the first report due on April 8, 2008, and the second due on September 30, 2008.

**ILLINOIS RIVER
WATERSHED PARTNERSHIP, INC.**

By: 
Susan B. Thomas, President
Illinois River Watershed Partnership, Inc.

**CITY OF FAYETTEVILLE,
ARKANSAS**

By: _____
Dan Coody, Mayor

ATTEST:

By: _____
Sondra Smith, City Clerk

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**ILLINOIS RIVER
WATERSHED PARTNERSHIP, INC.**

By: 
Susan B. Thomas, President
Illinois River Watershed Partnership, Inc.

**CITY OF FAYETTEVILLE,
ARKANSAS**

By: _____
Dan Coody, Mayor

ATTEST:

By: _____
Sondra Smith, City Clerk

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

C.3
Red Oak Park Streambank
Revised Improvement Project
Page 1 of 4

October 2nd, 2007
City Council Meeting Date


Carole Jones/Connie Edmonston
Submitted By

Parks and Recreation
Division

Operations
Department

Action Required:

Approval of a revised project design proposed by the Arkansas Game & Fish Commission Region 1 Stream Team for Red Oak Park streambank improvements. The revised design was requested by the City Council at the August 23, 2007, council meeting. Mr. David Evans of the Region 1 Stream Team will give a presentation of the revised design at the September 25, 2007, Agenda Session.

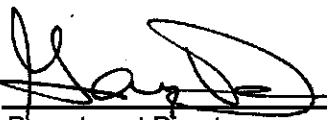
\$99,530.00
Cost of this request
4470.9470.5806.00
2250.9255.5806.00
Account Number
02015.1
02015.1
Project Number

\$135,478
\$20,476
Category/Project Budget
\$
Funds Used to Date
\$135,478
\$20,476
Remaining Balance

Gordon Long/Red Oak Improvements
Program Category / Project Name
Sales Tax
Park Improvements
Program / Project Category Name
Sales Tax
Parks Development
Fund Name

Budgeted Item ☒

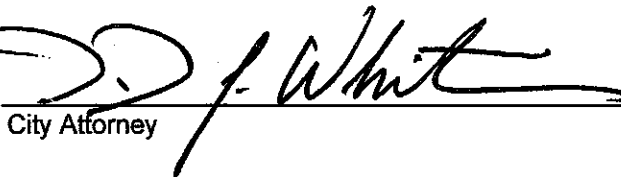
Budget Adjustment Attached ☐


Department Director
9-12-07
Date

Previous Ordinance or Resolution # _____

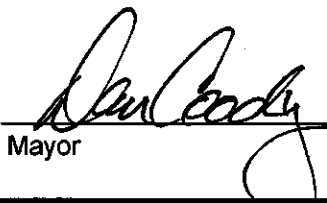
Original Contract Date: _____

Original Contract Number: _____


City Attorney
9/13/07
Date


Finance and Internal Service Director
9-14-07
Date

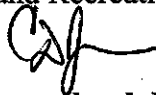
Received in City Clerk's Office


Mayor
9/14/07
Date

Received in Mayor's Office

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Dan Coody and City Council
Thru: Gary Dumas, Operations Director
Connie Edmonston, Parks and Recreation Director 
From: Carole Jones, Park Planner 
Date: September 12, 2007
RE: Revised Red Oak Park Streambank Improvement Project

RECOMMENDATION

Approval of a revised project design proposed by the Arkansas Game & Fish Commission Region 1 Stream Team for Red Oak Park streambank improvements.

BACKGROUND

In the fall of 2006, Mr. David Evans, Region 1 Stream Team Coordinator with the Arkansas Game and Fish Commission, prepared a schematic plan proposing to modify the upstream portion of the channel, widening the banks to allow for runoff events. This widening will involve substantial removal of soil and trees that are currently being undercut by the water flow.

The proposed plan was presented to the surrounding neighborhoods at a public meeting held on Tuesday, August 14, 2007, at the Red Oak Park pavilion on New Bridge Road in the Bridgeport Subdivision.

The proposed plan was then presented to the City Council for approval on August 23, 2007. The City Council tabled the item until a revised design that involved less tree removal could be considered. Park staff met with Mr. Evans and the plan was revised. Approximately 15 trees can potentially be saved under the revised plan. Mr. Evans will present the revised plan to the City Council at the Agenda Session on September 25, 2007.

DISCUSSION

Mr. Evans's proposed plan on the upstream (southern) portion includes installation of several stone grade-control structures and planting the newly shaped banks in grass, fertilizing and covering with coconut matting to encourage rapid revegetation. A variety of shrubs and small trees will be planted at a later date for further stabilization. On the downstream (northern) portion, a series of stone grade-control structures and rock-lined plunge pools are proposed to help prevent further erosion of streambed material. A variety of shrubs and small trees will also be planted on this portion at a later date for further stabilization. Tree removal, excavation, placement of stone and revegetation with grass will be phased and implemented by Parks and Recreation staff. Volunteers will be asked to assist in the planting of the shrubs and trees along the new banks during the appropriate planting season.

Agenda Item Number

The timing of the proposed project is essential to its success. Work should be conducted during the dry season when the stream flow is nonexistent or very low. Tree removal must occur as the first stage of the project in order to clear the project area for the necessary soil and root excavation. The installation of the stone grade-control structures will immediately follow the soil and root excavation. The newly shaped banks will be planted in grass, fertilized and covered with coconut matting to encourage rapid revegetation immediately following the installation of the stone grade-control structures. Work on the downstream (northern) portion of the project will take place after the upstream (southern) portion is finished. The planting of the shrubs and small trees will be performed during the appropriate planting season. The entire project is expected to take eight to ten weeks with the exception of the shrub and tree plantings.

The Parks and Recreation staff will be heavily involved with the installation of the Lights of the Ozarks from early October to mid-November. Therefore, the proposed project at Red Oak Park could not reasonably begin until after January 1, 2008, since the majority of the project construction will be performed by Parks and Recreation staff. Additionally, City Council bid approval of the actual costs of materials (particularly stone) is anticipated once the project design is approved.

BUDGET IMPACT

The new construction materials cost estimate is \$99,530. Original funding for this project was approved by the City Council in 2006. This project is funded with Parks Development and Sales Tax funds. The downstream (northern) portion of the project will be partially funded by a 50/50 matching Urban and Community Forestry Assistance Grant from the Arkansas Forestry Commission in the amount of \$10,000. (The acceptance of the matching grant was approved at the July 17, 2007, council meeting.) The remaining funds from this project budget will be used to modify the low-water bridges at Gordon Long Park.

This project is financially viable because of the assistance of Arkansas Game and Fish Commission staff (at no cost to the City) and the use of Parks and Recreation staff and equipment for tree removal, excavation, placement of stone and revegetation with grass. The use of volunteers for the planting of the shrubs and trees also facilitates keeping the project cost low. Parks and Recreation staff and the Arkansas Game and Fish Commission believe this is the best method for controlling the erosion problem that is creating a safety issue as well as destroying the integrity of this beautiful neighborhood park.

RESOLUTION NO. _____

**A RESOLUTION APPROVING A REVISED PROJECT DESIGN
FOR THE RED OAK PARK STREAMBANK IMPROVEMENTS
SUBMITTED BY THE ARKANSAS GAME AND FISH
COMMISSION REGION 1 STREAM TEAM.**

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the revised project design for the Red Oak Park Streambank Improvements submitted by the Arkansas Game and Fish Commission Region 1 Stream Team. A copy of the revised project design, marked Exhibit "A" is attached hereto and made a part hereof.

PASSED and APPROVED this 2nd day of October, 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**

C.4.
RZN 07-2691 (JB Hays)
Page 1 of 18

2-Oct-07

City Council Meeting Date

Jeremy Pate 
Submitted By

Planning
Division

Operations
Department

Action Required:

RZN 07-2691: (JB Hays, 610): Submitted by Lee and Linda L. Ward for property located at 5393 East Huntsville Road. The property is zoned RSF-4, Residential Single-Family, 4 units per acre, and contains approximately 1.80 acres. The request is to rezone the subject property to C-1, Neighborhood Commercial.

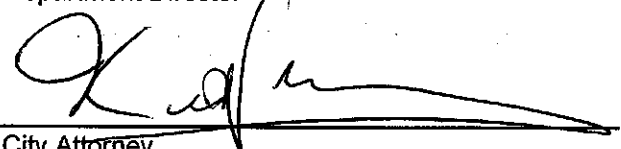
Action Required:	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	Remaining Balance	Fund Name
	\$ -	

Budgeted Item ☐

Budget Adjustment Attached ☐

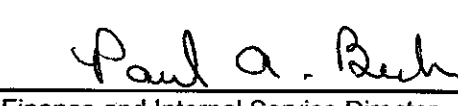

Department Director 9-14-07
Date

Previous Ordinance or Resolution # n/a

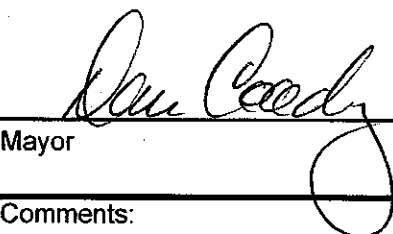

City Attorney 9-14-07
Date

Original Contract Date: n/a

Original Contract Number: n/a


Finance and Internal Service Director 9-14-07
Date

Received in City Clerk's Office



Mayor 9/18/07
Date

Received in Mayor's Office


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: September 14, 2007

Subject: Rezoning for JB Hays 4393 Huntsville Road (RZN 07-2691)

RECOMMENDATION

Planning staff and the Planning Commission recommended to approve rezoning the subject property from RSF-4, Residential Single Family Four Units Per Acre to C-1, Neighborhood Commercial for approximately 1.80 acres located at 5393 East Huntsville Road in east Fayetteville.

BACKGROUND

The property is located on the south side of Huntsville Road, and contains one single family residence on one parcel at 5393 East Huntsville Road. The property contains approximately 1.8 acres and is zoned RSF-4. The property is bordered by Huntsville Road on the north (a Principal Arterial on the Master Street Plan) and Ed Edwards Road (a Collector Street on the Master Street Plan) on the east. The property is surrounded by developed or developing single family residences all zoned RSF-4.

DISCUSSION

This item was heard at the regular Planning Commission meeting on September 10, 2007. The Planning Commission voted 7-0-0 to recommend forwarding this rezoning request to the City Council with a recommendation for approval.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 07-2691, FOR APPROXIMATELY 1.80 ACRES, LOCATED 5393 EAST HUNTSVILLE ROAD FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE, TO C-1, NEIGHBORHOOD COMMERCIAL.

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

Section 1: That the zone classification of the following described property is hereby changed as follows:

From RSF-4, Residential Single-Family, 4 units per acre, to C-1, Neighborhood Commercial, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2: That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to reflect the zoning change provided in Section 1 above.

PASSED and APPROVED this day of , 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

RZN07-2691

Close Up View

JB HAYS



SUBJECT PROPERTY

HUNTSVILLE RD

HUNTSVILLE RD

ED EDWARDS RD

Overview



0 37.5 75 150 225 300
Feet

EXHIBIT "B"
RZN 07-2691

PART OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION TWENTY (20) IN TOWNSHIP SIXTEEN (16) NORTH OF RANGE TWENTY-NINE (29) WEST, DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT, THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST 178.45 FEET; THENCE SOUTH 89 DEGREES 16 MINUTES 00 SECONDS WEST 263.61 FEET; THENCE NORTH 00 DEGREES 32 MINUTES 09 SECONDS WEST 178.60 FEET; THENCE NORTH 89 DEGREES 18 MINUTES 00 SECONDS EAST 264.5 FEET TO THE POINT OF BEGINNING.



PC Meeting of September 10, 2007

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Andrew Garner, Senior Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: September 4, 2007 *Updated September 13, 2007*

RZN 07-2691: Rezoning (JB HAYS, 610): Submitted by LEE & LINDA L. WARD for property located at 5393 E. HUNTSVILLE ROAD. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 1.80 acres. The request is to rezone the subject property to C-1, Neighborhood Commercial.

Property Owner: JB HAYS
Planner: ANDREW GARNER

RECOMMENDATION:

Staff recommends approval of the requested rezoning based on the findings herein.

PLANNING COMMISSION ACTION:			
Required	<u>YES</u>		
☐ Approved	☒ Forwarded	☐ Denied	
Motion: Myres	Second: Trumbo	Vote: 7-0-0	
Date: <u>September 10, 2007</u>			
CITY COUNCIL ACTION:			
Required	<u>YES</u>		
☐ Approved	☐ Forwarded	☐ Denied	
Date: <u>October 2, 2007 (1st reading if recommended)</u>			

BACKGROUND:

Property description: The property is located on the south side of Huntsville Road, and contains one single family residence on one parcel located at 5393 East Huntsville Road. The property contains approximately 1.8 acres and is zoned RSF-4. The property is bordered by Huntsville Road on the north (currently a Principal Arterial on the Master Street Plan) and Ed Edwards Road (currently unclassified, but proposed as a Collector Street on the draft Master Street Plan update) on the east.

Proposal: The applicant proposes to rezone the property from RSF-4 to C-1. The applicant intends on operating a beauty salon at this location, though any permitted use within the C-1 zoning district

would be allowed.

Recommendation: Staff recommends approval of the rezoning based on findings stated herein. The proposed zoning would be compatible with adjacent zoning, existing and approved development, and the future land use plan for low-intensity non-residential uses at corner location to support surrounding neighborhoods.

Public Comment: Staff has received a phone call from one of the adjacent property objecting to a beauty salon being opened on this property as indicated by the applicant, due to the presence of another beauty salon in the area.

SURROUNDING LAND USE AND ZONING:

Direction	Land Use	Zoning
North	Waterbrook Subdivision (single family residential under construction)	RSF-4
South, East and West	Single-Family Residential	RSF-4

INFRASTRUCTURE:

Streets: The site has access to Huntsville Road/State Highway 16. Huntsville Road is an unimproved 2-lane highway in this location. The site has access to Ed Edwards Road, a two-lane unimproved road in this location. Additional improvements to the adjacent streets will be evaluated at the time of development. Staff will also review access to the property with future development and with re-development, which may result in the elimination of access to Huntsville Road, a highly trafficked Principal Arterial.

Water: Public water is available to the site. There is an 8" waterline along Huntsville Road and a 4" waterline along Ed Edwards Road. Water service may need to be extended through the property at the time of development.

Sewer: Sanitary sewer is available to the site. There is a 6" sewer main located along Huntsville Road. Improvements to the sewer system may be required dependent upon the demand placed by the development. The capacity of the existing main may need to be studied at the time of development.

Drainage: Standard improvements and requirements for drainage will be required for the development.

Fire: These 1.8 acres are covered by Ladder 3 at Happy Hollow Road and Fairlane. It is 3.3 miles from the station with an expected response time of 5.5 minutes. The Fire Department does not figure calls for service on properties being re-zoned to C-1, Neighborhood Commercial, but typically this type of development will not increase call volumes or response times. Measured hydrant flow in this area is over 1500

gallons per minute.

Police: It is not anticipated that the proposed rezoning would adversely impact police services based on the existing police services being provided to this area and small scale of the subject property. Written comments from the Police Department were not available at the time of publication of this report.

CITY PLAN 2025 FUTURE LAND USE PLAN: The City Plan 2025 Future Land Use Plan designates this site as **Residential Area**. Staff finds that due to the large number of residences in this area and lack of supporting non-residential services, that the C-1, Neighborhood Commercial zoning is appropriate at this corner location and would result in potential uses that are needed in this area to support the recent residential growth. With the incorporation of standard City ordinance requirements for development of non-residential uses adjacent to residential uses, the C-1 zoning would be compatible with the adjacent single family residences along this State Highway and would help provide needed services for residents in east Fayetteville.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: The property is designated as Residential Area in the City Plan 2025 Future Land Use Plan. The proposed C-1 zoning is consistent with the City's land use planning objectives, principles and policies to encourage compatible and livable neighborhoods indicated by the Residential Area designation, especially low-intensity uses in corner locations.

The surrounding property to the south, east, and west is established single-family residences, and the property to the north is under development for a new single family residential subdivision (117 lots). There are few parcels of property with non-residential zonings along East Huntsville Road between Stonebridge Road and Mally Wagnon Road (approximately 2.5 miles). Most of the parcels zoned for non-residential uses along this stretch of Huntsville Road have been developed for residences. There is a small gas station and video store on the north side of Huntsville adjacent to the David Lyle Subdivision. The corner of Mally Wagnon/Huntsville is not a large defined commercial center, but contains a few parcels of C-1 zoned property and a convenience store and gas station. There are a large number of residences in this area of east Fayetteville and also in the surrounding unincorporated county, and there is a lack of adequate non-residential services and zonings. This forces people to drive further into Fayetteville to have their basic needs met; thus increasing traffic volumes on Huntsville Road and the supporting street system. Staff finds that the location of this property on a State Highway, and the corner of Ed Edwards Road, is an appropriate location for the proposed C-1 zoning and

associated non-residential uses that would be of service to the surrounding residents. With standard City ordinance requirements for buffers and screening, the C-1 zoning would be a compatible zoning district with the surrounding residences.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: Staff finds the proposed zoning is justified and needed. As stated in Finding No. 1, there is a lack of non-residential uses and zonings in this area of east Fayetteville, and a large number of residents and residential lots for future population increase.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: It is expected that a rezoning from RSF-4 to C-1 would create an increase in traffic compared with that allowed under the existing zoning. However, the property is in direct proximity to a Principal Arterial (Huntsville Road/State Highway 16 East), which provides the only east-west connection in this area of Fayetteville. Additionally, in the draft revised Master Street Plan, Ed Edwards Road is proposed to be designated as a Collector Street, providing a north-south connection between development in unincorporated county to the south and Huntsville Road. Staff finds that the proposed zoning would not create or appreciably increase traffic danger and congestion. However, staff will review access to the property with the proposed future use and with redevelopment, which may likely result in the elimination of existing direct access to Huntsville Road, in favor of Ed Edwards Road.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: The proposed C-1 zoning would not increase the potential population density as residential uses are only allowed accessory to a principal commercial use. The proposed zoning would not create undesirable impacts to public services, or a density that is incompatible with the surrounding area, based on a review of infrastructure, existing land uses, and the development potential of the property.

Increased load on public services were taken into consideration and recommendations from Engineering, Fire, and Police Departments are included in this report.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

These parcels have been developed and utilized for single-family residence for many years. It would be reasonable and practical to continue to use the land for single-family use. However, this parcel is a relatively large single family property with frontage on a State Highway at a corner location. This property has the potential for non-residential uses as stated in other findings in this report, although it is not impractical to continue to the uses allowed under the existing zoning.

- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: Not applicable. Staff recommends in favor of the requested zoning.

Fayetteville Unified Development Code

161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwelling

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two-family dwellings
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.
Hillside Overlay District Lot minimum width	60 ft.	70 ft.
Hillside Overlay District Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

FRONT	SIDE	REAR
25 ft.	8 ft.	20 ft.
HOD Front	HOD Side	HOD Rear

15 ft.	5 ft.	15 ft.
--------	-------	--------

(F) *Height.* Structures in this District are limited to a building height of 45 feet. The height of a proposed structure may only be increased above 45 feet by obtaining a variance after hearing by the Planning Commission. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06)

Fayetteville Unified Development Code

161.17 District C-1, Neighborhood Commercial

(Code 1965, App. A., Art. 5(V); Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.035; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07)

(A) *Purpose.* The Neighborhood Commercial District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government Facilities
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 18	Gasoline service stations and drive-in restaurants
Unit 25	Professional offices

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 40	Sidewalk Cafes

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	50 ft.
Side	None
Side, when contiguous to a residential district	10 ft.
Rear	20 ft.

(F) *Height regulations.* There shall be no maximum height limits in C-1 District, provided, however, that any building which exceeds the height of 10 feet shall be setback from any boundary line of any residential district a distance of one foot for each foot of height in excess of 10 feet.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.



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 22, 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.

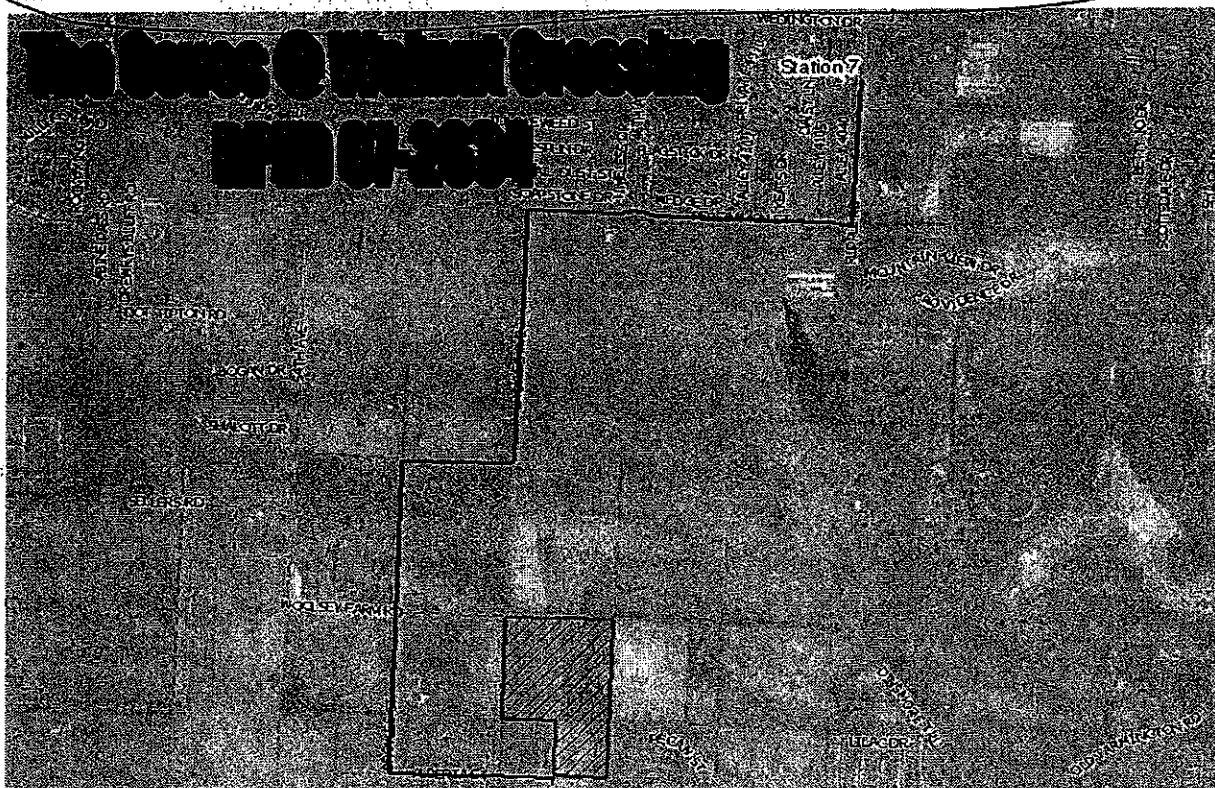
The Fire Department anticipates 44 (27 EMS/17 Fire-Other) calls for service each year after the project is completed and all units are occupied. There should be no adverse effects on our call volume or response time with this development.

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



7. A. Owner: J.B. Hays, Trust
B. Joann Tillman is requesting zoning change to ~~R-9~~ ^{C-1} in order to operate her beauty shop at this location.
C. Beauty shop will operate out of present residential structure with minimum outside changes. Any signs will meet city of Fayetteville sign ordinances. There are many small business' including beauty shops along state highway 16 East and a family operated beauty shop will not have a noticeable increase in traffic.
D. All city utilities are available
8" waterline on 16 East
4" waterline on Ed Edwards Rd
6" sewer line
8. A. ~~R-9~~ zoning along Highway 16 East is totally consistent with all objectives, policies, land use, and zoning plans of 2020 plan.
B. ~~R-9~~ Zoning is required to operate a beauty shop.
C. Being on corner of Highway 16 East and Ed Edwards Road will allow access from both streets and should not create traffic danger or congestion.
D. Will not appreciably affect public services such as schools, water, and sewer facilities.
E. Single family home becomes less desirable located on a state highway and service oriented business becomes more desirable.

RZN07-2691

Close Up View

JB HAYS



SUBJECT PROPERTY

HUNTSVILLE RD

HUNTSVILLE RD

ED EDWARDS RD

Overview

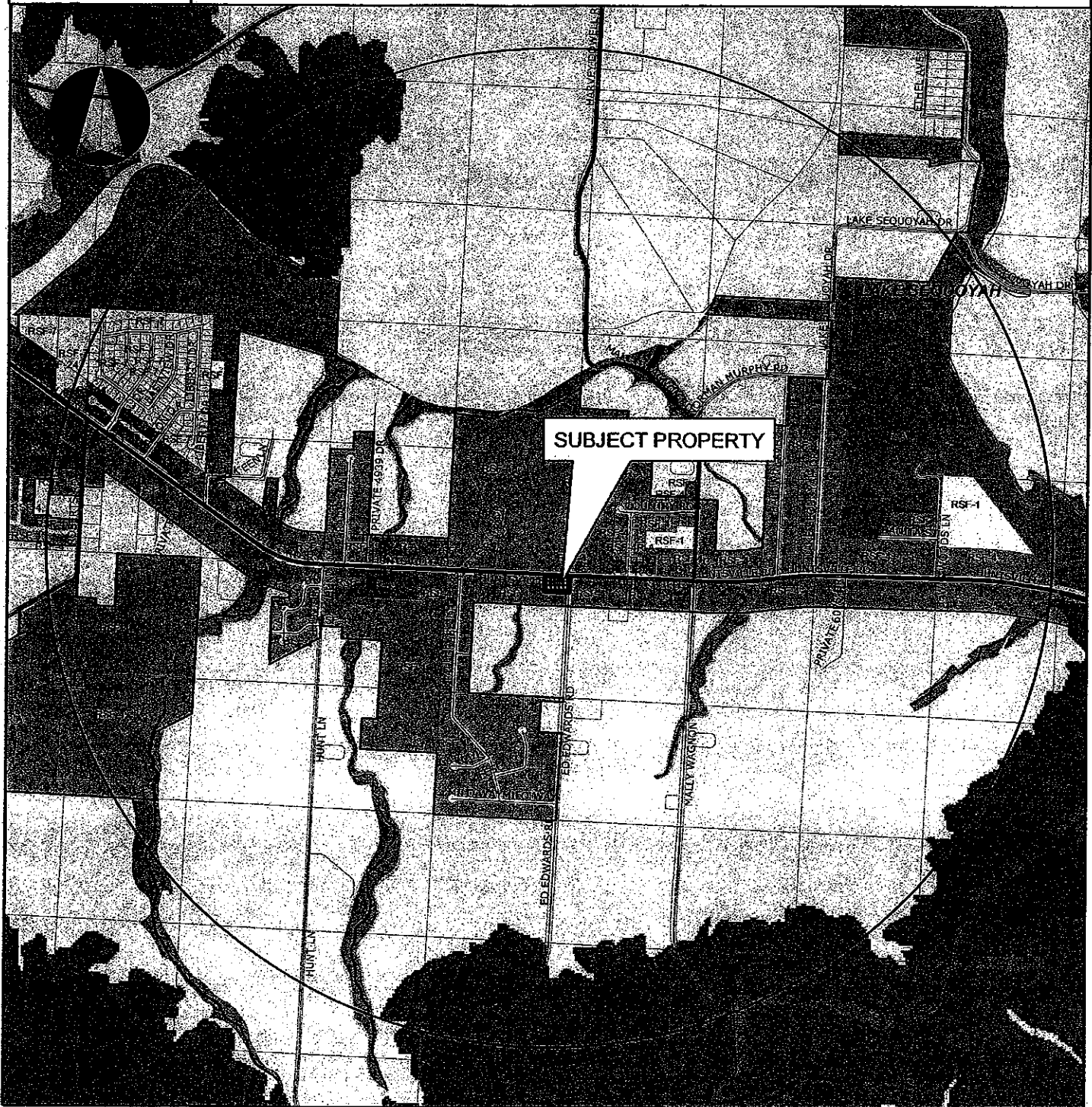


0 37.5 75 150 225 300 Feet

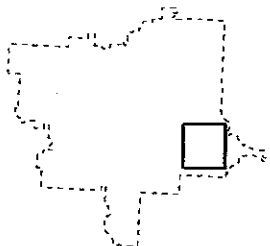
RZN07-2691

JB HAYS

One Mile View



Overview



Legend

Subject Property

 RZN07-2691

Boundary

 Planning Area

 Overlay District

 Outside City

Legend

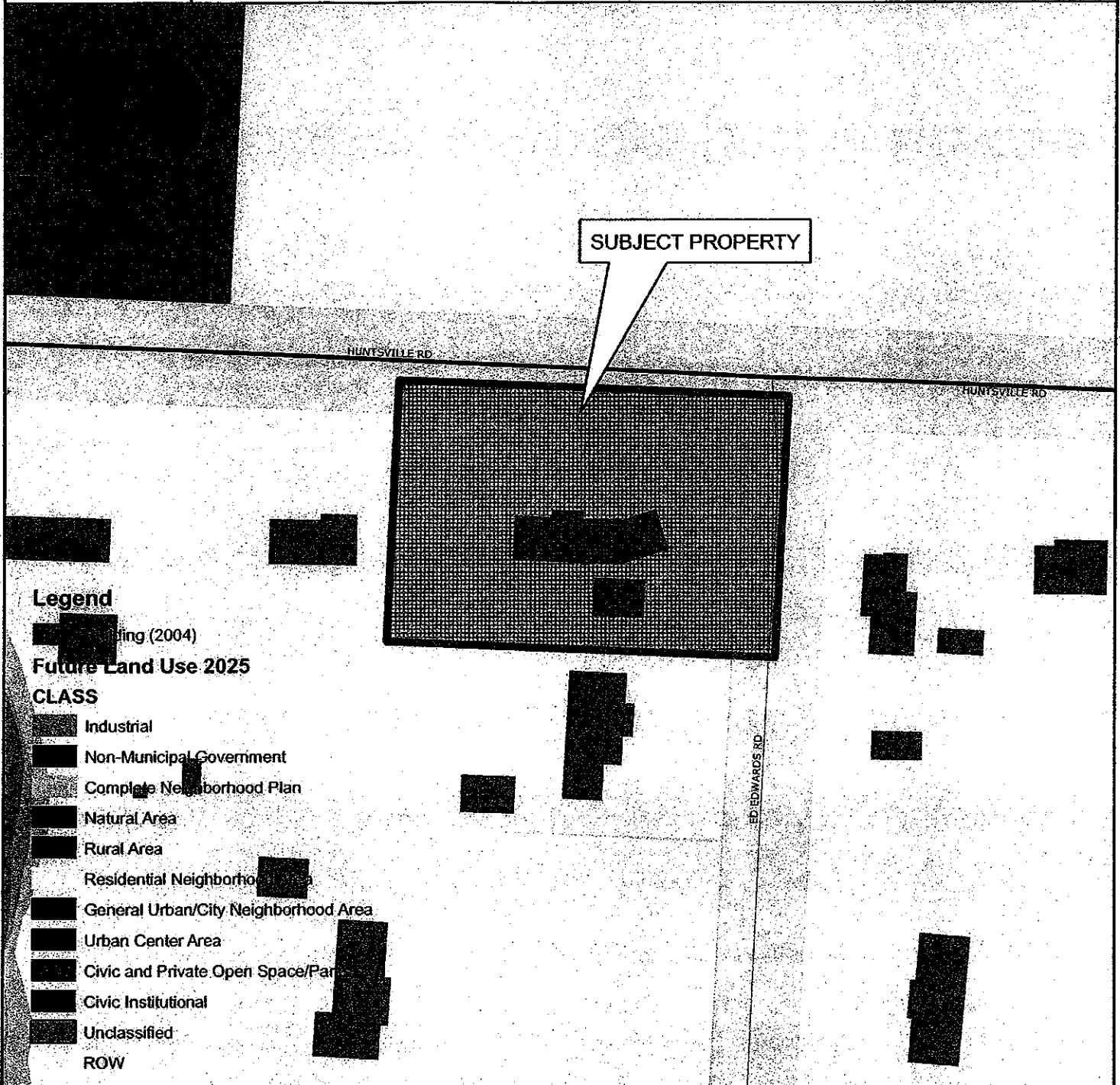
 Hillside-Hilltop Overlay District

0 0.25 0.5 1
 Miles

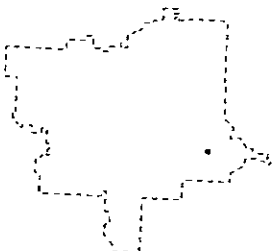
RZN07-2691

JB HAYS

Future Land Use



Overview



Legend

Subject Property

RZN07-2691

Streets

Existing

Planned

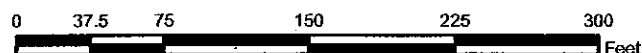
Boundary

Planning Area

Overlay District

Outside City

Legend



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

2-Oct-07

City Council Meeting Date

Jeremy Pate *JP*
Submitted By

Planning
Division

Operations
Department

Action Required:

VAC 07-2705: (Driver S/D, 295): Submitted by Freeland, Kaufmann & Freeden for property located at the east end of Township. The request is to vacate the excess right-of-way on the north and south sides of Township.

\$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

☐

Henry D.
Department Director

9-14-07
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

K. Kaufmann
City Attorney

9-14-07

Original Contract Number: n/a

Paul A. Becher
Finance and Internal Service Director

9-14-07
Date

Received in City Clerk's Office

ENTERED
9/14/07

Don Carley
Mayor

9/17/07
Date

Received in Mayor's Office

ENTERED
9/14/07
BEP

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: September 12, 2007

Subject: Driver Subdivision Right-Of-Way Vacation of Township Road (VAC 07-2705)

RECOMMENDATION

Planning Staff recommends approval of an ordinance vacating the excess right-of-way on the north and south sides of a temporary cul-de-sac at the east end of Township Road.

BACKGROUND

The subject property is located on the north and south sides of a temporary cul-de-sac at the east end of Township Road. On August 30, 2007, the Subdivision Commission approved a final plat for the Driver Subdivision. As a condition of approval, the applicants are required to vacate the subject right-of-way so as to extend Township Road and to provide access to the Driver subdivision. East Township Road ends in a cul-de-sac in Covington Park subdivision, with a stub out that has now been extended. The applicant has removed the temporary cul-de-sac, extended Township, and will dedicate a 50' right-of-way with the final plat. The excess right-of-way will become the property of each adjoining property owner, each of which has signed forms consenting to the vacation.

The applicant requests to vacate 1,789 square feet right-of-way to extend Township Road and to provide access to the subdivision.

DISCUSSION

Notification was provided to all appropriate utility representatives and to the City. This item was heard on consent at the regular Planning Commission meeting on September 10, 2007. The Planning Commission voted 6-0-1 to recommend this vacation request to the City Council.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 07-2705 SUBMITTED BY FREELAND, KAUFMANN & FREEDEN FOR PROPERTY LOCATED AT THE EAST END OF TOWNSHIP, VACATING THE EXCESS RIGHT-OF-WAY ON THE NORTH AND SOUTH SIDES OF TOWNSHIP, A TOTAL OF 1,789 SQUARE FEET.

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of the platted street right-of-way is not required for corporate purposes;

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following described right-of-way:

See Exhibit "B" attached hereto and made a part hereof.

Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached hereto and labeled Exhibit "A" shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 3: That this vacation approval is subject to the Conditions of Approval as follows, and shall not be in effect until all conditions are met herein.

1. The portion of right-of-way to be vacated shall be retained as a general utility easement.

PASSED and APPROVED this day of , 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT "A"

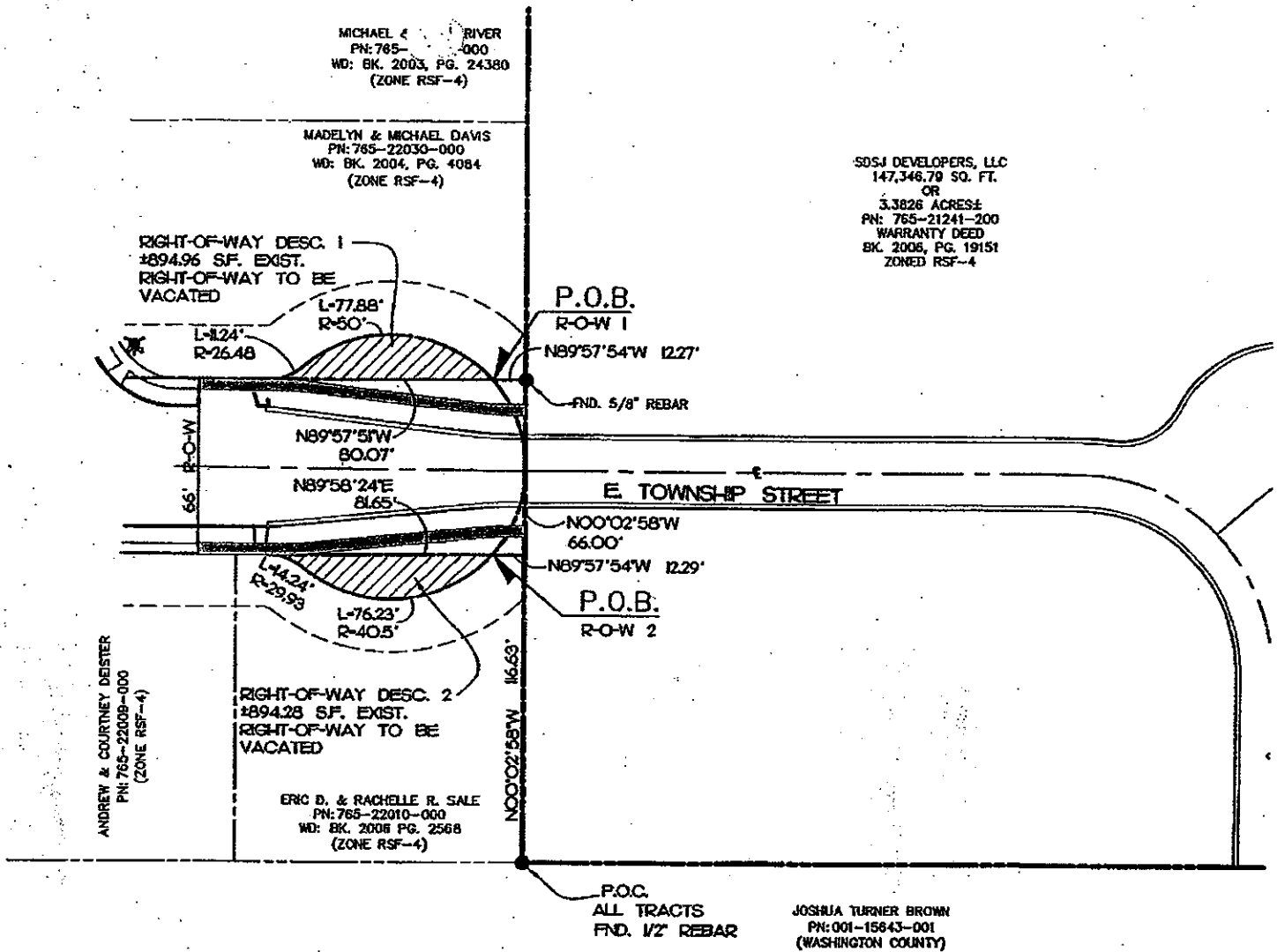


EXHIBIT "B"
VAC 07-2705

PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 17 NORTH, RANGE 29 WEST, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF PARCEL NUMBER 765-21241-200 AS DESCRIBED IN WASHINGTON COUNTY WARRANTY DEED BOOK 2006, PAGE 19151, THENCE N00°02'58"W 182.63 FEET; THENCE N89°57'54"W 12.27 FEET TO THE POINT OF BEGINNING; THENCE N89°57'51"W 80.06 FEET; THENCE 11.24 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 26.48 FEET AND A CHORD BEARING OF N62°22'05"E, THENCE 78.09 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET AND A CHORD BEARING OF S85°44'46"E TO THE POINT OF BEGINNING, CONTAINING 894.96 SQUARE FEET OR 0.0205 ACRES, MORE OR LESS.

AND

PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 17 NORTH, RANGE 29 WEST, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF PARCEL NUMBER 765-21241-200 AS DESCRIBED IN WASHINGTON COUNTY WARRANTY DEED BOOK 2006, PAGE 19151, THENCE N00°02'58"W 116.63 FEET; THENCE N89°57'54"W 12.29 FEET TO THE POINT OF BEGINNING; THENCE 76.23 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 50.50 FEET, A DELTA ANGLE OF 78°30'44", AND A CHORD BEARING OF S84°55'12"W, THENCE 14.24 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 29.93 FEET, A DELTA ANGLE OF 27°00'40", AND A CHORD BEARING OF N64°25'44"W 14.11 FEET; THENCE S89°43'06"E 76.27 FEET TO THE POINT OF BEGINNING, CONTAINING 894.28 SQUARE FEET OR 0.0205 ACRES, MORE OR LESS.



PC Meeting of September 10, 2007

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dara Sanders, Current Planner
THRU: Jeremy Pate, Director of Current Planning
DATE: ~~September 10, 2007~~ September 11, 2007

VAC 07-2705: (Driver S/D): Submitted by FREELAND, KAUFMANN & FREEDEN for property located at THE EAST END OF TOWNSHIP. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 1,789 square feet. The request is to vacate the excess right-of-way on the north and south sides of Township.

Owner: Mike Driver
Planner: Dara Sanders

Findings:

Background: On July 24, 2006 the Planning Commission approved the Preliminary Plat (PPL 06-2151) for the Driver Subdivision. East Township Road ends in a cul-de-sac in Covington Park subdivision, with a stub out that has now been extended. The conditions of approval required the applicant to remove the existing cul-de-sac on East Township Street, into which the new street will connect, and the extension of a minimum 28' street, curb, gutter, storm drain, and sidewalk to the cut-point. The applicant will be dedicating a 50' right-of-way, which will result in an acceptable jog in the right-of-way between Covington Park and Driver Subdivisions. The subject properties are located in the existing cul-de-sac on East Township Street where the removal will occur.

Request: The applicant requests to vacate a portion of right-of-way as indicated on the attached drawings and legal description. The applicant has submitted the required notification forms to the utility companies and to the City with the result summarized below:

UTILITIES

Ozarks Electric

Cox Communications

RESPONSE

No Objection

No Objection

Southwestern Electric Power Company

No Objection

Arkansas Western Gas

No Objection

Southwestern Bell Telephone

No Objection. Keep utility easement.

CITY OF FAYETTEVILLE:

RESPONSE

Water/Sewer

No Objections. Keep all water and sewer easements.

Transportation

No Objection

Solid Waste
Engineering

No Objection

Public Comment: The adjacent property owners have indicated no objections with the proposed right-of-way vacation.

Recommendation: Staff recommends forwarding VAC 07-2705 to the City Council with a recommendation for approval with the following conditions:

1. The portion of right-of-way to be vacated shall be retained as a general utility easement.

CITY COUNCIL ACTION: Required

PLANNING COMMISSION ACTION: Required

Planning Commission Action: ☒ Forwarded ☐ Denied ☐ Tabled

Meeting Date: September 10, 2007

Motion: Ostner

Second: Trumbo

Vote: 6-0-1

FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: _____

UTILITY COMPANY: City of Fayetteville Water & SewerAPPLICANT NAME: Mrs. Davis APPLICANT PHONE: (479) 251-7771
REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☒ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed**)

** See Exhibit A(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above.
- ☒ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

No objections provided the following conditions are met:

Keep all Water & Sewer easementsT. Webb
Signature of Utility Company RepresentativeWater & Sewer Ops. Manager
Title

FAX: 621 6609 ATTN: Kevin McCafflin

FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 8/6/07

UTILITY COMPANY: City of Fayetteville Transportation

APPLICANT NAME: Mike Dover

REQUESTED VACATION (applicant must check all that apply):

APPLICANT PHONE: (479) 251-7771

- Utility Easement
- Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- Alley
- ✓ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed)**

** See Exhibit A

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

☒ No objections to the vacation(s) described above.

No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

No objections provided the following conditions are met:

[Signature] 8/6/07
Signature of Utility Company Representative

Transportation Supt
Operations Dept
Transportation Division
City of Fayetteville

575-8727

FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONSDATE: 8-1-07UTILITY COMPANY: Orack ElectricAPPLICANT NAME: Mike DavisAPPLICANT PHONE: (477) 351-7771

REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☒ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed)**

** See Exhibit A(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:
Signature of Utility Company Representative

Title

Lead Staking Tech

FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONSDATE: 8-1-07UTILITY COMPANY: Arkansas Eastern Gas CompanyAPPLICANT NAME: Mike DriverAPPLICANT PHONE: (479) 251-7771REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☒ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

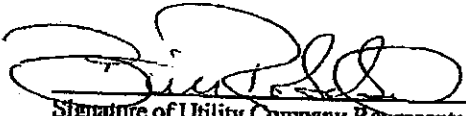
General location / Address (referring to attached document- must be completed**)

** See Exhibit A(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:


Signature of Utility Company Representative

Title

NW Regional MGR

FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONSDATE: 8/2/2007UTILITY COMPANY: Cox CommunicationsAPPLICANT NAME: Mike DriverAPPLICANT PHONE: (579) 251-7771REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☒ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed)**

** See Exhibit A

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above.
- ☒ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

~~THE~~ Existing U.E. must remain where they are
now.

- ☐ No objections provided the following conditions are met:


Signature of Utility Company RepresentativeProject Coordinator
Title

FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 8-3-07

UTILITY COMPANY: AEP- SWEPSCO

APPLICANT NAME: Mike Druce

APPLICANT PHONE: (479) 251-7771

REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☒ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed)**

** See Exhibit A

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:

James Smith
Signature of Utility Company Representative

Engineer III
Title

FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 08.03.07

UTILITY COMPANY: SWBT

APPLICANT NAME: Mike Daves

APPLICANT PHONE: (479) 251-7771

REQUESTED VACATION (applicant must check all that apply):

- Utility Easement
- Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- Alley
- ✓ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed**)

** See Exhibit A

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☒ No objections provided the following conditions are met:
THAT THE PORTION OF RIGHT OF WAY TO BE VACATED
IS TO BECOME PART OF UTILITY EASEMENT

Susan K. Clower
Signature of Utility Company Representative

MANAGER-ENGINEER DESIGN
Title

February 2006
Page 5

FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 8-3-07

UTILITY COMPANY: City of Fayetteville Solid Waste

APPLICANT NAME: Mike Driver APPLICANT PHONE: (479) 251-7771
REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☒ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed)**

** See Exhibit A

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:

Brian Pugh
Signature of Utility Company Representative
Waste Reduction Coordinator
Title

ADJACENT PROPERTY OWNER NOTIFICATION FORM

FOR RIGHT-OF-WAY, ALLEY, AND
EASEMENT VACATION REQUESTSDate: 8/1/07Address/ location of vacation: right-of-way around old cul-de-sac on E. Township StreetAdjacent property address: Eric D. & Rachelle R. Sale
3785 Township Street, Fayetteville, AR 72703
Lot 150, Covington Subdivision, Phase 4

REQUESTED VACATION:

I have been notified of the request to vacate the following right-of-way, described as follows:

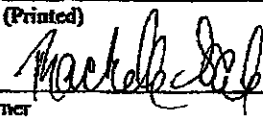
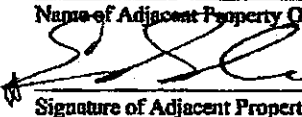
PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 17 NORTH, RANGE 29 WEST, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF PARCEL NUMBER 765-21241-200 AS DESCRIBED IN WASHINGTON COUNTY WARRANTY DEED BOOK 2006, PAGE 19151, THENCE N00°02'58"W 116.63 FEET; THENCE N89°57'54"W 12.29 FEET TO THE POINT OF BEGINNING; THENCE 76.23 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 40.50 FEET AND A CHORD BEARING AND DISTANCE OF S84°35'12"W 69.20 FEET; THENCE 14.24 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 29.93 FEET AND A CHORD BEARING AND DISTANCE N64°25'44"W 14.11 FEET; THENCE N89°58'24"E 81.63 FEET TO THE POINT OF BEGINNING, CONTAINING 894.28 S.F. OR 0.0205 ACRES, MORE OR LESS.

ADJACENT PROPERTY OWNERS COMMENTS:

☐ I have been notified of the requested vacation and I decline comment.☒ I do not object to the vacation described above.☐ I do object to the requested vacation because:

d Eric D & Rachelle Sale

Name of Adjacent Property Owner (Printed)



Signature of Adjacent Property Owner

Applicant Name: Mike Driver, SDSJ Developers, LLC

ADJACENT PROPERTY OWNER NOTIFICATION FORM

FOR RIGHT-OF-WAY, ALLEY, AND
EASEMENT VACATION REQUESTSDate: 8-5-2007Address/ location of vacation: right-of-way around old cul-de-sac on E. Township StreetAdjacent property address: Michael and Madelyn Davis
2516 N. Kittery Lane, Fayetteville, AR 72701
Lot 170, Covington Subdivision, Phase 4

REQUESTED VACATION:

I have been notified of the request to vacate the following right-of-way, described as follows:

PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 17 NORTH, RANGE 29 WEST, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF PARCEL NUMBER 765-21241-200 AS DESCRIBED IN WASHINGTON COUNTY WARRANTY DEED BOOK 2006, PAGE 19131, THENCE N00°02'58"W 183.63 FEET; THENCE N89°57'54"W 13.27 FEET TO THE POINT OF BEGINNING; THENCE N89°57'51"W 80.07 FEET; THENCE 11.34 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 26.48 FEET AND A CHORD BEARING AND DISTANCE OF N63°22'05"E 11.15 FEET; THENCE 70.39 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET AND A CHORD BEARING AND DISTANCE S85°44'46"E 70.39 FEET TO THE POINT OF BEGINNING, CONTAINING 894.96 SQUARE FEET OR 0.0205 ACRES, MORE OR LESS.

ADJACENT PROPERTY OWNERS COMMENTS:

_____ I have been notified of the requested vacation and I decline comment.

X _____ I do not object to the vacation described above.

_____ I do object to the requested vacation because:

Michael Davis - Madelyn Davis

Name of Adjacent Property Owner (Printed)

Michael Davis

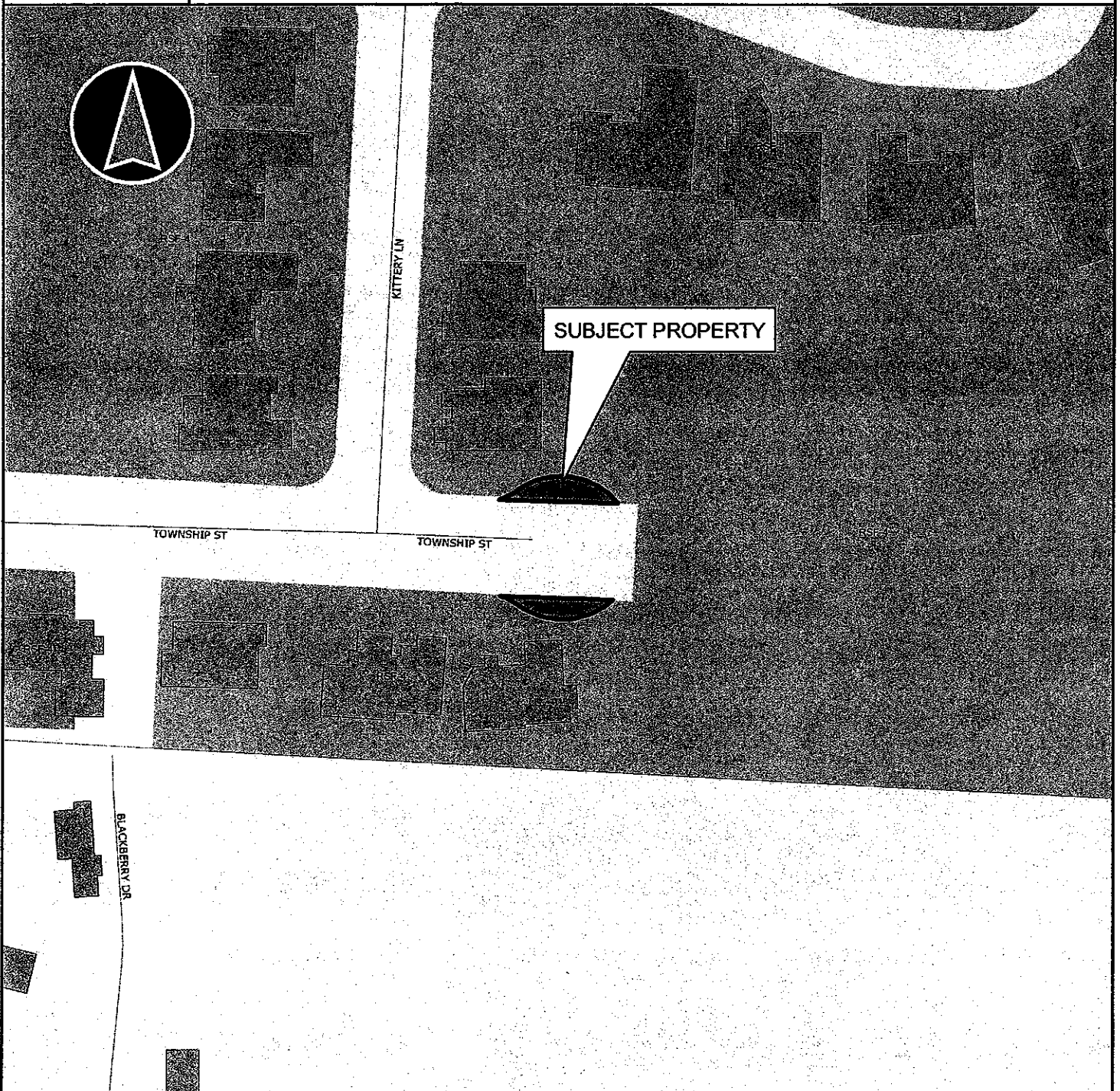
Signature of Adjacent Property Owner

Applicant Name: Mike Driver, SDSJ Developers, LLC

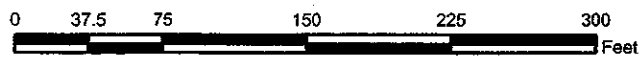
VAC07-2705

Close Up View

DRIVER S/D



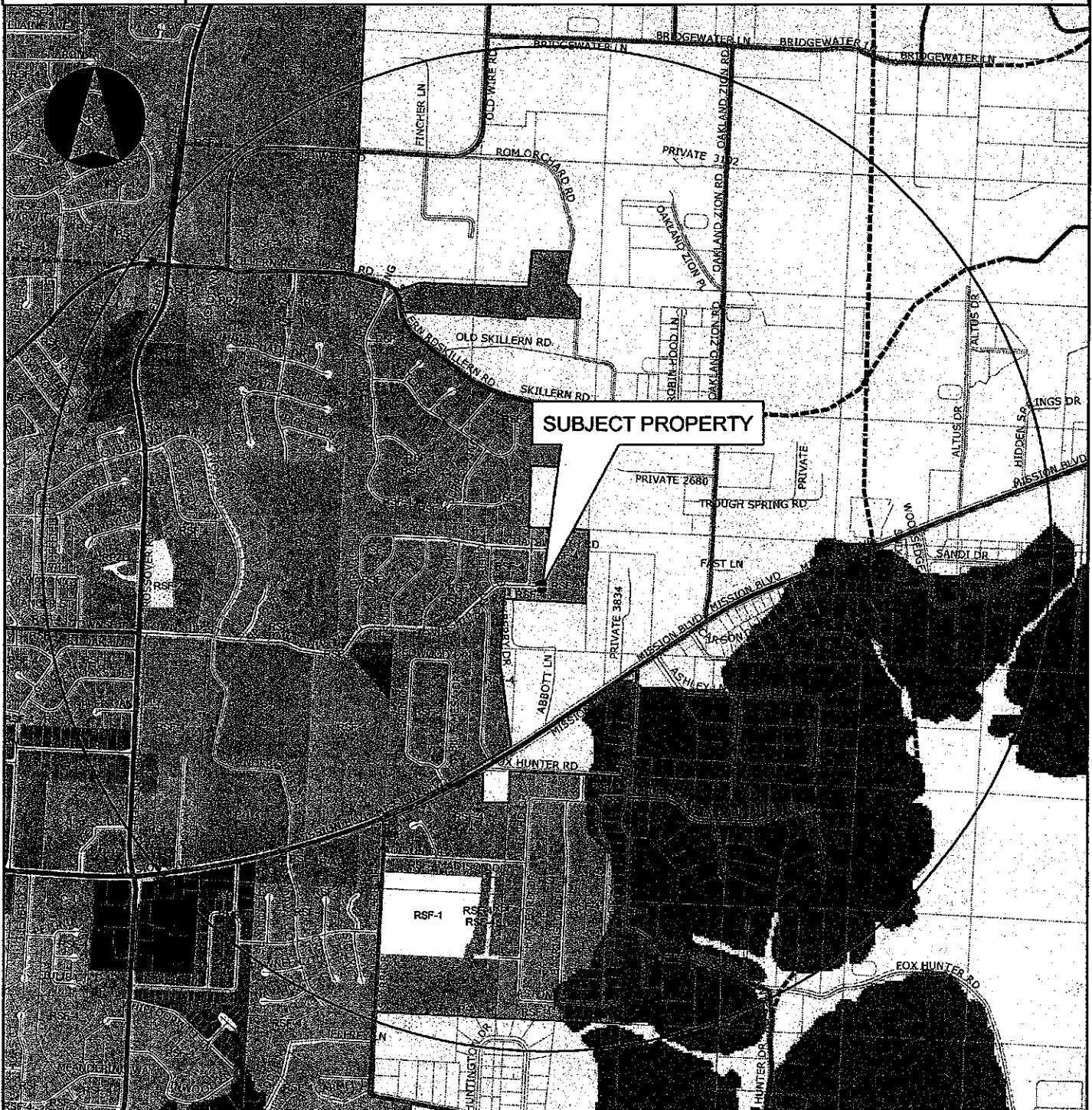
Overview



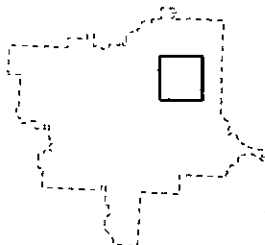
VAC07-2705

One Mile View

DRIVER S/D



Overview



Legend

Subject Property

VAC07-2705

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**

C.6
VAC 07-2706 (Hammons)
Page 1 of 26

2-Oct-07

City Council Meeting Date

Jeremy Pate *X*
Submitted By

Planning
Division

Operations
Department

Action Required:

VAC 07-2706: (Hammons, 215): Submitted by Stitt Energy Systems, Inc. for property located at 30 North Greenbriar Drive. The request is to vacate a portion of a utility easement on the subject property.

\$0.00

n/a

n/a

Cost of this request

Category/Project Budget

Program Category / Project Name

n/a

n/a

n/a

Account Number

Funds Used to Date

Program / Project Category Name

n/a

n/a

n/a

\$

Project Number

Remaining Balance

Fund Name

Budgeted Item

Budget Adjustment Attached

[Signature]
Department Director

9-14-07
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

[Signature]
City Attorney

9-14-07

Original Contract Number: n/a

Paul A. Beehn
Finance and Internal Service Director

9-14-07
Date

Received in City Clerk's Office

ENTERED
9/14/07

[Signature]
Mayor

9/12/07
Date

Received in Mayor's Office

ENTERED
9/14/07

BRP

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning 

Date: September 13, 2007

Subject: Easement Vacation for Hammons (VAC 07-2706)

RECOMMENDATION

Planning Staff recommends approval of an ordinance vacating a portion of a utility easement located at 30 N. Greenbriar Drive.

BACKGROUND

The subject property is located at 30 N. Greenbriar Drive, which is identified as Lot 17 of the Greenbriar Addition. There is a 25' general utility easement along the rear (east) property line. The applicant would like to construct a sunroom on the back of their house. The sunroom would encroach approximately 12' into the easement and rear building setback. Utility representatives have no objections to the requested vacation.

The applicant requests vacating 288 square feet of the existing easement to allow for the construction of a sunroom.

DISCUSSION

Notification was provided to all appropriate utility representatives and to the City. This item was heard on consent at the regular Planning Commission meeting on September 10, 2007. The Planning Commission voted 7-0-0 to recommend this vacation request to the City Council.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 07-2706 SUBMITTED BY STITT ENERGY SYSTEMS, INC. FOR PROPERTY LOCATED AT 30 NORTH GREENBRIAR DRIVE, VACATING A PORTION OF A UTILITY EASEMENT, A TOTAL OF 288 SQUARE FEET.

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of the utility easement is not required for corporate purposes;

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following described utility easement:

See Exhibit "B" attached hereto and made a part hereof.

Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached hereto and labeled Exhibit "A" shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 3: That this vacation approval is subject to the Conditions of Approval as follows, and shall not be in effect until all conditions are met herein.

1. Relocation of any existing utilities shall be at the owner/developer's expense.
2. A variance shall be obtained by the Fayetteville Board of Adjustment to allow for the approximately 12' encroachment into the rear building setback.

PASSED and APPROVED this day of , 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

[illegible]

SURVEY DESCRIPTION:
ALL OF LOT NUMBERED SEVENTEEN (17) AND A PART OF LOT NUMBERED EIGHTEEN (18) IN THE

EXHIBIT "B"
VAC 07-2706

A PART OF LOT 17 AND A PART OF LOT 18, IN THE REVISED FINAL PLAT OF GREENBRIAR ADDITION, A PLANNED UNIT DEVELOPMENT, BEING A REPLAT OF THE 19TH GREEN AND BLOCK ONE (1) OF SWEETBRIAR ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER THE PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N00°08'42"W 5.02', N89°50'56"W 24.70 AND NORTH 3.70' FROM THE SOUTHEAST CORNER OF LOT 17 AND RUNNING THENCE N00°34'41"E 24.00', THENCE S89°25'53"E 12.00', THENCE S00°34'41"W 24.00', THENCE N89°25'53"W 12.00' TO THE POINT OF BEGINNING. CONTAINING 288.00 SQUARE FEET.



PC Meeting of September 10, 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: September 4, 2007 Updated September 13, 2007

VAC 07-2706: VACATION (HAMMONS, 215): Submitted by STITT ENERGY SYSTEMS, INC. for property located at 30 N. GREENBRIAR DRIVE. The property is zoned RMF-24, MULTI FAMILY - 24 UNITS/ACRE and contains approximately 0.14 acres. The request is to vacate a portion of a utility easement on the subject property.

Planner: Jesse Fulcher

Findings:

Background/Property: The subject property is located at 30 N. Greenbriar Drive, which is identified as Lot 17 of the Greenbriar Addition. There is a 25' general utility easement along the rear (east) property line. The applicant would like to construct a sunroom on the back of their house. The sunroom would encroach approximately 12' into the easement and rear building setback. Utility representatives have no objections to the requested vacation.

Request: The request is to vacate 288 square feet of the existing utility easement.

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

UTILITIES

Ozarks Electric
Cox Communications
AEP/SWEPCO
SBC Southwestern Bell/AT&T
Arkansas Western Gas

RESPONSE

No Objections.
No Objections.
No Objections.
No Objections.
No Objections.

CITY OF FAYETTEVILLE:

Water/Sewer

RESPONSE

No Objections.

Transportation
Solid Waste
Engineering

No Objections.
No Objections.
No Objections.

Recommendation: Staff recommends approval of the proposed utility easement vacation 07-2706 with the following condition:

1. Relocation of any existing utilities shall be at the owner/developer's expense.
2. A variance shall be obtained by the Fayetteville Board of Adjustment to allow for the approximately 12' encroachment into the rear building setback.

Planning Commission Action: ☐ Denied ☐ Tabled ☒ Forwarded to C.C.

Motion: Ostner

Second: Trumbo

Vote: 7-0-0 (approved on consent)

Meeting Date: September 10, 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

CITY COUNCIL ACTION: Required

☐ Denied ☐ Tabled ☐ Approved

Meeting Date: October 2, 2007

**PETITION TO VACATE AN EASEMENT
FAYETTEVILLE, ARKANSAS**

LOCATED IN GREENBRIAR, CITY OF
REVISED ADD
LOT 17 & PT LOT 18

TO: The Fayetteville City Planning Commission and
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the (alley, easement, right-of-way) hereinafter sought to be abandoned and vacated, lying in (lot, block, subdivision), City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a(n) (alley, easement, right-of-way) which is described as follows:

(Legal Description of area to be vacated)

That the abutting real estate affected by said abandonment of the alley are (lot, block, subdivision of each adjoining lot to the area requested to be vacated) City of Fayetteville used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described (easement,).

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easements of the public for the use of said alley.

Dated this 17 day of May, 2007

JAMES HAMMONS
Printed Name

Signature

DIANE HAMMONS
Printed Name

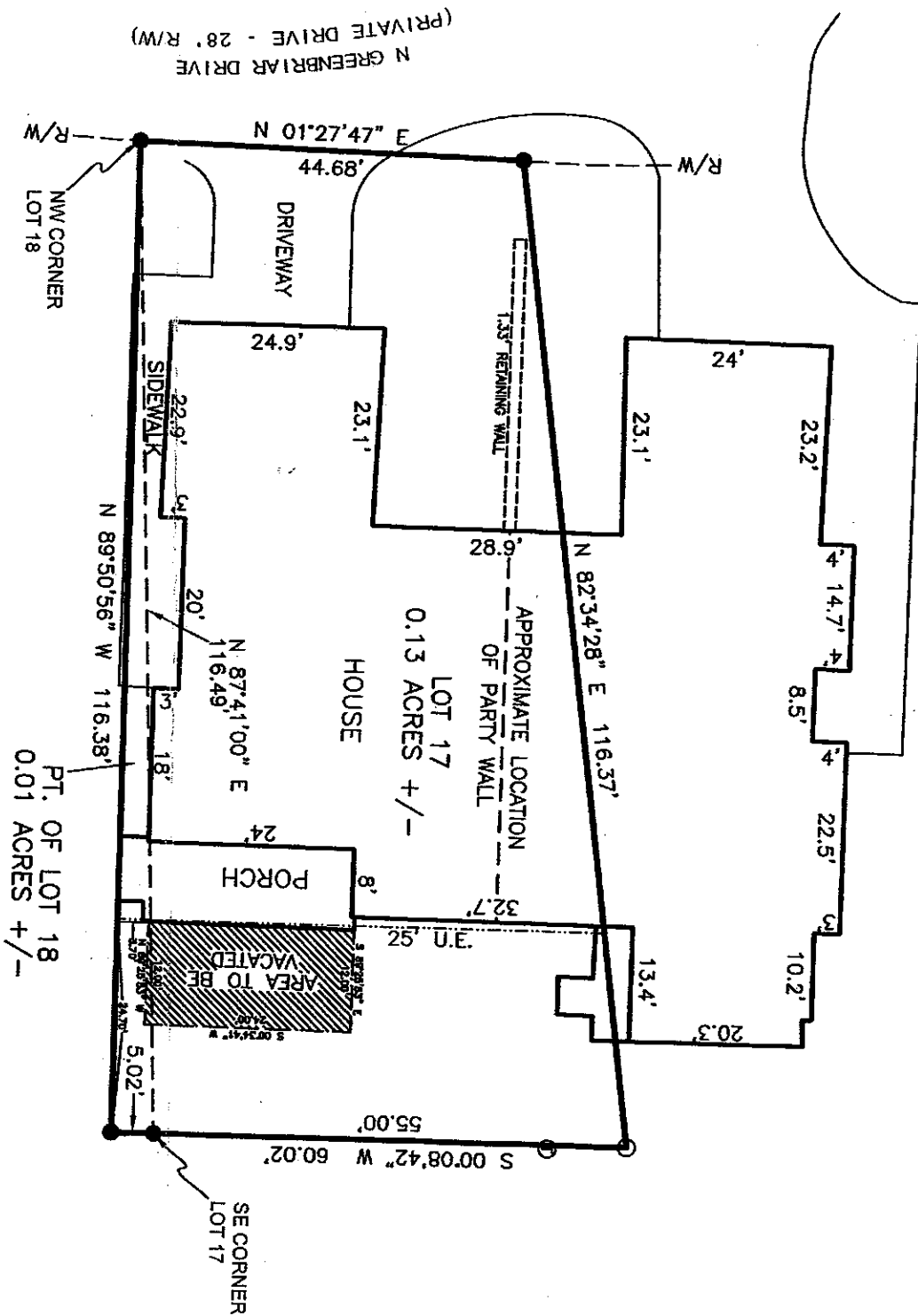
Signature

REFERENCE DOCUMENTS:
THE REVISED FINAL PLAT OF GREENBRIAR ADDITION.

WARRANTY DEED FILED IN BOOK 95 AT PAGE 39591.

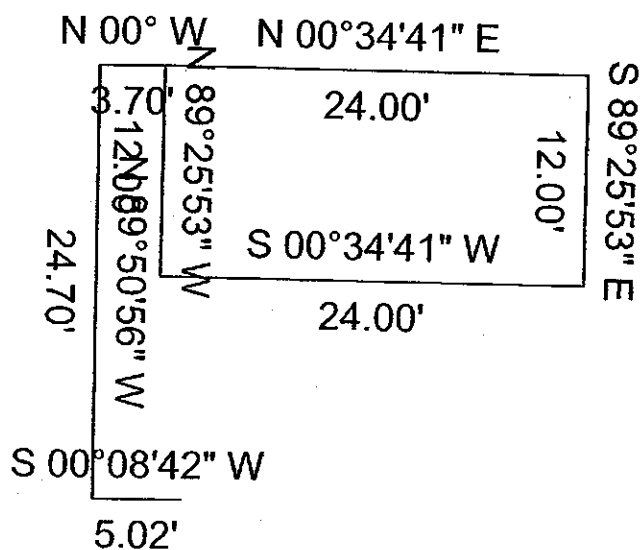
VAC 07-2706 (Hamm) Page 9

TOTAL ACRES
0.14 ACRES +/-
PARCEL #765-05880-000



SURVEY DESCRIPTION:

ALL OF LOT NUMBERED SEVENTEEN (47) AND A PART OF LOT 18





**Model Green
Home Building
Guidelines
Home of the Year**

**2006 & 2007
Best Green Home
of the Year
Kansas City
Homes and
Gardens
Magazine**



**Winner of 15
EnergyValue
Housing Awards
1996 - 2006**

**EnergyValue
Builder of the Year
1999**

**EnergyValue
People's Choice
Award
2006**

**South Sun
Estates on the
Lake
An energy planned
and sustainable
community**



July 25, 2007

The Fayetteville City Planning Commission and
The Fayetteville City Council
310 W. Mountain
Fayetteville, AR 72701

RE: Easement Vacate

Dear Commissioners and Council Members:

Stitt Energy Systems has been contracted by Mr. and Mrs. Jim Hammons to build a sunroom addition to their home located at 30 N. Greenbriar Drive, Fayetteville, AR 72703. This addition will be on the back of their existing single family dwelling on the East side and will encroach the utility easement by 11'-0".

Please consider this letter written description of the vacate request.

Sincerely,

Danny Hall
Project Manager

Conserving energy through the design and construction management of sustainable, healthy and beautiful homes.

1301 South 8th Street, Rogers, Arkansas 72756 / 479-636-8745 / 1-800-367-7374 / 479-636-9577
e-mail: info@StittEnergy.com / www.StittEnergy.com

St. Louis Area - 636-798-2761 / Kansas City Area - 913-261-1212

FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONSDATE: June 20, 2007UTILITY COMPANY: Ozarks ElectricAPPLICANT NAME: James O. Hammons APPLICANT PHONE: 442-3964REQUESTED VACATION (applicant must check all that apply):

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (alley easement right-of-way), described as follows:

General location / Address (referring to attached document- must be completed**)

** 30 N. Greenbriar Dr., Fayetteville, AR 72703-3411(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:


Signature of Utility Company RepresentativeLead Staking Tech
Title

FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONSDATE: June 20, 2007UTILITY COMPANY: Cox CommunicationsAPPLICANT NAME: James O. HammonsAPPLICANT PHONE: 442-3964REQUESTED VACATION (*applicant must check all that apply*):☒ Utility Easement☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.☐ Alley☐ Street right-of-wayI have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

** 30 N. Greenbriar Dr., Fayetteville, AR 72703-3411(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

☒ No objections to the vacation(s) described above.☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)☐ No objections provided the following conditions are met:M. Chad Smith
Signature of Utility Company RepresentativeSurveyor
Title

FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: June 20, 2007

UTILITY COMPANY: SWEPCO

APPLICANT NAME: James O. Hammons

APPLICANT PHONE: 442-3964

REQUESTED VACATION (applicant must check all that apply):

☒ Utility Easement

☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.

☐ Alley

☐ Street right-of-way

I have been notified of the petition to vacate the following (alley easement right-of-way). described as follows:

General location / Address (referring to attached document- must be completed**)

** 30 N. Greenbriar Dr., Fayetteville, AR 72703-3411

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

☒ No objections to the vacation(s) described above.

288 ft2

As shown on Attached Drawing

☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:

Pam Sargent

Signature of Utility Company Representative

ENGINEER I

Title



Lynda Palmer
Manager-Engineering (ROW)
Right-of-Way & Joint Use Poles

AT&T Arkansas
1111 West Capitol
Room 941
Little Rock, AR 72201

T: 501.373.5255
F: 501.373.0229
lynda.palmer@att.com

July 27, 2007

Stitt Energy Systems, Inc.
Attn: Danny Hall
1301 South 8th St.
Rogers, AR 72756

Dear Mr. Hall

RE: Easement vacation - James O. Hammons, client - Fayetteville, AR

Please find enclosed AT&T's concurrence in your request to the above mentioned vacation.

This concurrence must be recorded at the Washington County Courthouse in the office of the circuit clerk to be complete and legal. I would appreciate you returning a copy of the document to me at the above address for my files.

If you have any questions or comments, please call me at 501-373-5255.

Sincerely,

attachments



CONCURRENCE TO CLOSE A DEDICATED UTILITY EASEMENT

BE IT KNOWN BY THESE PRESENTS that Southwestern Bell Telephone LP, a Texas limited partnership, d.b.a. AT&T Arkansas, hereby concurs in the vacation of a portion of a dedicated utility easement in Fayetteville, Washington County, Arkansas, described as follows:

A part of Lot 17 and a part of Lot 18 in the revised final plat of Greenbrier Addition, a planned unit development, being a replat of the 19th Green and Lot 1 of the Sweetbriar Addition to the City of Fayetteville, Washington County, Arkansas as per the plat of said addition on file in the office of the Circuit Clerk and Ex-Officio recorder of Washington County, Arkansas, being more particularly described as follows, to-wit: Beginning at a point which is S00°08'42"W 5.02', N89°50'56"W 24.70 and north 3.70' from the southeast corner of Lot 17 and running thence N00°34'41"E 24.00; thence S89°25'53"E 12.00'; thence S00°34'44"W 24.00'; thence N89°25'53"W 12.00' to the Point of Beginning. Containing 288.00 square feet.

Signed and executed this 27th day of July, 2007.

By: 

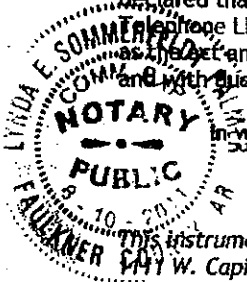
David Shatley, delegated for the
Director-Engineering/Construction

CORPORATE ACKNOWLEDGMENT

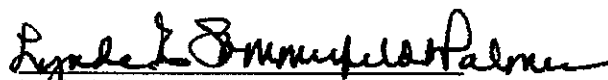
STATE OF ARKANSAS
COUNTY OF PULASKI

On this the 27th day of July, 2007, before me, the undersigned authority, duly and qualified in and for the state and county set forth above, personally came and appeared David Shatley, who, after being duly sworn, declared that he is duly delegated to sign for the Director-Engineering/Construction for Southwestern Bell Telephone LP, a Texas limited partnership, d.b.a. AT&T Arkansas, and that he executed the foregoing instrument as the act and deed of said company of his own free will and for the purposes and considerations therein expressed and with due authority.

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



This instrument prepared by AT&T
441 W. Capitol, Room 941
Little Rock, AR 72201 (501-373-5255)



Lynda E. Sommerfeldt Palmer
Notary Public in & for Faulkner Co., AR
My commission expires August 10, 2011

**UTILITY APPROVAL FORM FOR RIGHT-OF-WAY,
ALLEY, AND UTILITY EASEMENT VACATIONS**DATE: Friday, June 22, 2007UTILITY COMPANY: Arkansas Western GasAPPLICANT NAME: James O. Hammons APPLICANT PHONE: (479) 442-3964

REQUESTED VACATION:

- ☐ Street
- ☒ Utility Easement
- ☐ Street and all the utility easements located within the vacated street
- ☐ Right-of-way for alley or street
- ☐ Right-of-way for alleys or streets and all utility easements located within the vacated right-of-way
- ☐ Alley
- ☐ Alley and all utility easements located within the vacated alley

I have been notified of the petition to partially vacate the following Utility Easement
(Please see list above)

Description described as follows:

30 North Greenbriar Drive, Fayetteville, Arkansas. Please see attached survey and description. Due to the location of the gas meters, you may find a conflict with the neighbors gas yard line. Please be advised of this situation and be prepared to make appropriate changes.

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacates described above.
- ☐ No objections to the vacates described above, provided following described easements are retained. Please state the location, dimensions, and purpose below.

Signature of Utility Company Representative

Fayetteville Assistant Operating Manager

Title

**FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS.**

DATE: 8-21-07

UTILITY COMPANY: Agg. W&S.

APPLICANT NAME: James O. Hammons

APPLICANT PHONE: 442-3964

REQUESTED VACATION (applicant must check all that apply):



Utility Easement

~

Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.

~

Alley

~

Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed**)

** 30 W Greenbrier Dr. Fayetteville Ar 72703-3411

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:



No objections to the vacation(s) described above.

~

No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

~

No objections provided the following conditions are met:

[Signature]
Signature of Utility Company Representative

W&S Ops Manager
Title

FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONSDATE: June 20, 2007

UTILITY COMPANY: _____

APPLICANT NAME: James O. HammonsAPPLICANT PHONE: 442-3964REQUESTED VACATION (*applicant must check all that apply*):~ Utility Easement

~ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.

~ Alley

~ Street right-of-way

I have been notified of the petition to vacate the following (*alley*, easement, *right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed)**

** 30 N. Greenbriar Dr., Fayetteville, AR 72703-3411(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

~ No objections to the vacation(s) described above.

~ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

~ No objections provided the following conditions are met:


Signature of Utility Company Representative

Title

Transportation Manager

FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONSDATE: June 20, 2007

UTILITY COMPANY: _____

APPLICANT NAME: James O. Hammons APPLICANT PHONE: 442-3964
REQUESTED VACATION (applicant must check all that apply):

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (~~alley~~ easement ~~right-of-way~~) described as follows:

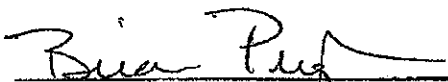
General location / Address (referring to attached document- must be completed**)

** 30 N. Greenbriar Dr., Fayetteville, AR 72703-3411(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:



Signature of Utility Company RepresentativeWaste Reduction Coordinator

Title

ADJACENT PROPERTY OWNER NOTIFICATION FORM

FOR RIGHT-OF-WAY, ALLEY, AND
EASEMENT VACATION REQUESTS

Date: 01 JUNE 07

Address / location of vacation: 30 NORTH GREENBRIAR DRIVE

Adjacent property address: 21 Greenbriar Dr.

Lot: 17 Block: 41 Subdivision: SWEET BRIAR ADDITION

REQUESTED VACATION:

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

(Include legal description and graphic representation of what is being vacated)

ADJACENT PROPERTY OWNERS COMMENTS:

☐ I have been notified of the requested vacation and decline to comment.

☒ I do not object to the vacation described above.

☐ I do object to the requested vacation because:

INZA LEE FORT
Name of Adjacent Property Owner (*printed*)

Inza Lee Fort
Signature of Adjacent Property Owner

JAMES O. HAMMONS
Applicant Name

ADJACENT PROPERTY OWNER NOTIFICATION FORM

FOR RIGHT-OF-WAY, ALLEY, AND
EASEMENT VACATION REQUESTS

Date: 01 JUNE 07

Address / location of vacation: 30 NORTH GREENBRIAR DRIVE

Adjacent property address: _____

Lot: 17 Block: H1 Subdivision: SWEET BRIAR ADDITION

REQUESTED VACATION:

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

(Include legal description and graphic representation of what is being vacated)

ADJACENT PROPERTY OWNERS COMMENTS:

☐ I have been notified of the requested vacation and decline to comment.

☒ I do not object to the vacation described above.

☐ I do object to the requested vacation because:

(Mrs.) INZA L. FORT

Name of Adjacent Property Owner (*printed*)

Mrs. Inza L. Fort

Signature of Adjacent Property Owner

JAMES D. HAMMONS

Applicant Name

JUN 18 2007

ADJACENT PROPERTY OWNER NOTIFICATION FORM

FOR RIGHT-OF-WAY, ALLEY, AND
EASEMENT VACATION REQUESTS

Date: 01 JUNE 07

Address / location of vacation: 30 NORTH GREENBRIAR DRIVE

Adjacent property address: 31 N. Greenbriar Dr

Lot: 17 Block: 41 Subdivision: SWEET BRIAR ADDITION

REQUESTED VACATION:

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

(Include legal description and graphic representation of what is being vacated)

ADJACENT PROPERTY OWNERS COMMENTS:

☐ I have been notified of the requested vacation and decline to comment.

☒ I do not object to the vacation described above.

☐ I do object to the requested vacation because:

Willie B. Jenkins

Name of Adjacent Property Owner (printed)

Willie B. Jenkins

Signature of Adjacent Property Owner

Louise S. Jenkins

Louise S. Jenkins

JAMES O. HAMMONS

Applicant Name

VAC07-2706

Close Up View

HAMMONS/GREENBRIAR



SUBJECT PROPERTY

GREENBRIAR DR

GREENBRIAR DR

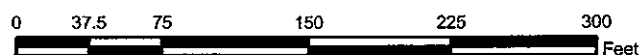
GREENBRIAR DR

GREENBRIAR DR

GREENBRIAR, MD

SWEETBRIAR DR

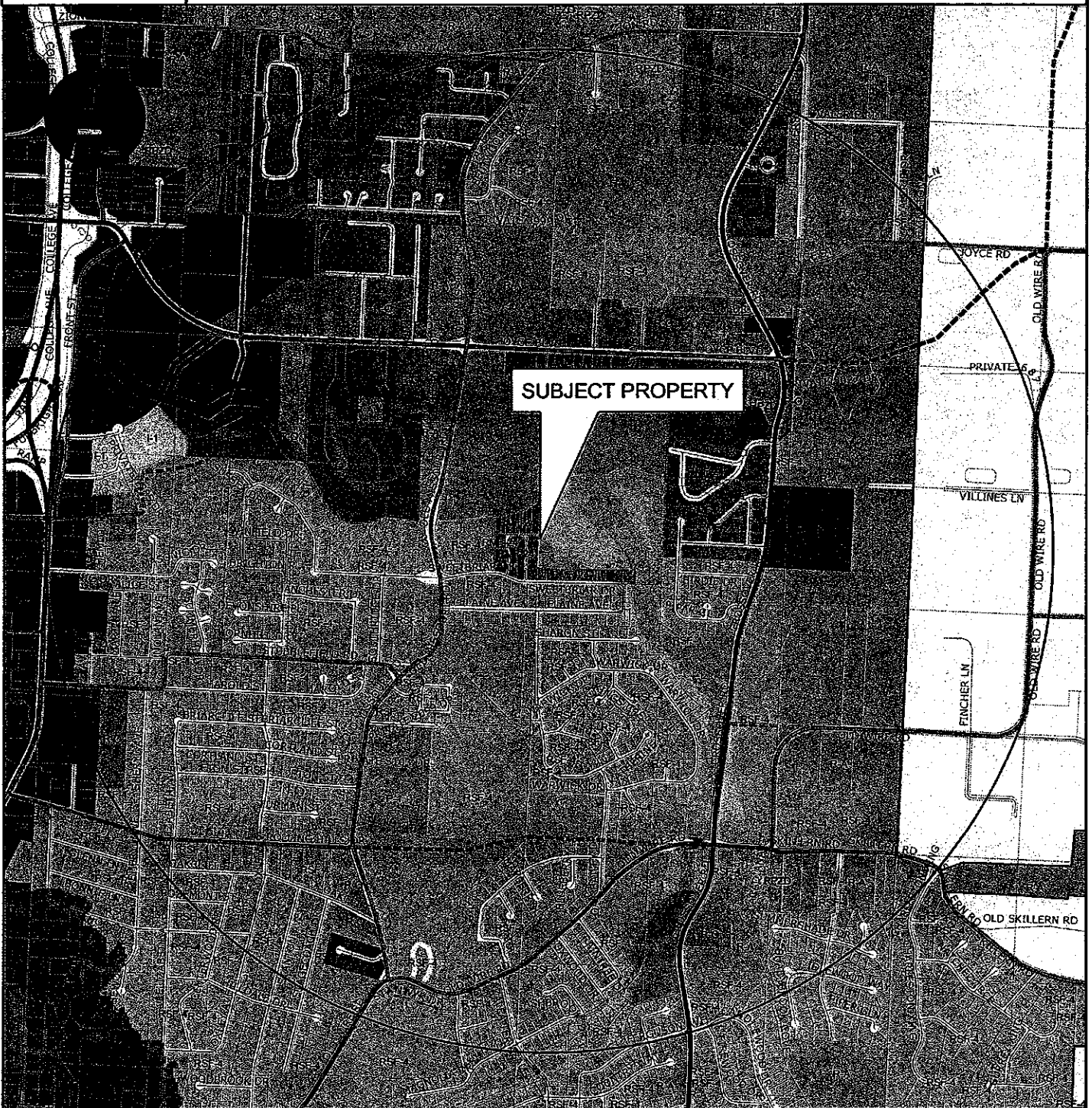
Overview



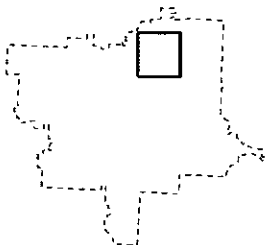
VAC07-2706

HAMMONS/GREENBRIAR

One Mile View



Overview



Legend

Subject Property

VAC07-2706

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**

C.7
VAC 07-2707
(City of Fayetteville/Broyles Ave.)
Page 1 of 24

2-Oct-07

City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

VAC 07-2707: (City of Fayetteville/Broyles Ave, 515): Submitted by City of Fayetteville Water and Sewer Division for property located at the Westside Wastewater Treatment Plant (15 South Broyles Road). The request is to vacate a portion of the right-of-way for Broyles Road bisecting the City's Westside Wastewater Treatment Plant site.

\$0.00

n/a

n/a

Cost of this request

Category/Project Budget

Program Category / Project Name

n/a

n/a

n/a

Account Number

Funds Used to Date

Program / Project Category Name

n/a

n/a

n/a

\$

Project Number

Remaining Balance

Fund Name

Budgeted Item

Budget Adjustment Attached

[Signature]
Department Director

9-14-07
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

[Signature]
City Attorney

9-14-07

Original Contract Number: n/a

Paul a. Bach
Finance and Internal Service Director

9-14-07
Date

Received in City Clerk's Office

ENTERED

9/14/07

[Signature]
Mayor

9/14/07
Date

Received in Mayor's Office

ENTERED

9/14/07 BRP

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: September 13, 2007

Subject: Right-of-way Vacation for City of Fayetteville/Broyles Road (VAC 07-2707)

RECOMMENDATION

Planning Staff recommends approval of an ordinance vacating 3.19 acres of Broyles Road right-of-way within the City's WWTP site.

BACKGROUND

On February 28, 2005 the Planning Commission approved the Large Scale development (LSD 05-1385) for the Westside Wastewater Treatment Plant (WWTP). Broyles Road originally bisected through the property. The approved site plan for the WWTP relocated Broyles Road around the treatment plant site. On May 3, 2005 the City Council amended the Master Street Plan to realign Broyles Road as depicted on the approved site plan. The WWTP and new alignment of Broyles Road are under construction, with an estimated completion date for the opening of the re-aligned Broyles Road of June 2008. Right-of-way has also been dedicated in the new alignment for Broyles Road. Utility representatives have no objections to the requested vacation.

The request is to vacate approximately 3.19 acres of the existing right-of-way.

DISCUSSION

Notification was provided to all appropriate utility representatives and to the City. This item was heard on consent at the regular Planning Commission meeting on September 10, 2007. The Planning Commission voted 6-0-0 to recommend this vacation request to the City Council.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 07-2707 SUBMITTED BY CITY OF FAYETTEVILLE WATER AND SEWER DIVISION FOR PROPERTY LOCATED AT THE WESTSIDE WASTEWATER TREATMENT PLANT (15 SOUTH BROYLES ROAD), VACATING THE RIGHT-OF-WAY FOR BROYLES ROAD BISECTING THE CITY'S WESTSIDE WASTEWATER TREATMENT PLAN SITE, A TOTAL OF 3.19 ACRES.

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of the platted street right-of-way is not required for corporate purposes;

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following described right-of-way:

See Exhibit "B" attached hereto and made a part hereof.

Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached hereto and labeled Exhibit "A" shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 3: That this vacation approval is subject to the Conditions of Approval as follows, and shall not be in effect until all conditions are met herein.

1. All of Ozarks Electric existing overhead line easements (30' wide) are maintained.

PASSED and APPROVED this day of , 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT "A"

C-7
VAC 07-2707
(City of Fayetteville/Broyles Ave.)
Page 4 of 24

VAC07-2707

Close Up View

CITY OF FAYETTEVILLE/BROYLES



SUBJECT PROPERTY

WOOLSEY FARM RD

Overview



0 150 300 600 900 1,200 Feet

EXHIBIT "B"
VAC 07-2707

TRACT A

COMMENCE AT THE FOUND IRON PIN WITH PLASTIC CAP AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 16 NORTH, RANGE 31 WEST, RUN THENCE NORTH 87° 44' 17" WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SAID SECTION 14 A DISTANCE OF 1,348.79 FEET TO A FOUND IRON PIN WITH PLASTIC CAP AT THE WEST RIGHT OF WAY LINE OF THE NEW BROYLES ROAD; THENCE LEAVING SAID SOUTH LINE NORTH 02° 34' 49" EAST ALONG SAID WEST RIGHT OF WAY LINE OF SAID NEW BROYLES ROAD A DISTANCE OF 159.56 FEET TO A FOUND IRON PIN WITH PLASTIC CAP AT THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 739.00 FEET, A CENTRAL ANGLE OF 50° 09' 09" , A CHORD BEARING OF NORTH 27° 39' 24" EAST AND A CHORD DISTANCE OF 626.41 FEET, THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 116.68 FEET TO THE EXISTING WEST RIGHT OF WAY LINE OF OLD BROYLES ROAD FOR THE "TRUE POINT OF BEGINNING" OF THIS RIGHT OF WAY VACATION DESCRIPTION; THENCE LEAVING SAID WEST RIGHT OF WAY OF SAID NEW BROYLES ROAD RUN NORTH 01° 52' 01" EAST ALONG THE EXISTING FENCE ALONG SAID EXISTING WEST RIGHT OF WAY LINE OF SAID OLD BROYLES ROAD A DISTANCE OF 1,708.79 FEET TO THE EXISTING FENCE ALONG THE EXISTING NORTH RIGHT OF WAY LINE OF SAID OLD BROYLES ROAD; THENCE SOUTH 87° 51' 28" EAST ALONG SAID EXISTING FENCE ALONG SAID NORTH RIGHT OF WAY LINE OF SAID OLD BROYLES ROAD A DISTANCE OF 1,290.18 FEET TO THE WEST RIGHT OF WAY LINE OF SAID NEW BROYLES ROAD; THENCE LEAVING SAID NORTH RIGHT OF WAY OF SAID OLD BROYLES ROAD SOUTH 07° 56' 26" WEST ALONG SAID WEST RIGHT OF WAY LINE OF SAID NEW BROYLES ROAD A DISTANCE OF 36.83 FEET TO THE EXISTING FENCE ALONG THE EXISTING SOUTH RIGHT OF WAY LINE OF SAID OLD BROYLES ROAD; THENCE LEAVING SAID WEST RIGHT OF WAY LINE OF SAID NEW BROYLES ROAD NORTH 88° 01' 19" WEST ALONG SAID EXISTING FENCE ALONG EXISTING SOUTH RIGHT OF WAY LINE OF SAID OLD BROYLES ROAD A DISTANCE OF 1,224.96 FEET TO THE EXISTING FENCE ALONG THE EXISTING EAST RIGHT OF WAY LINE OF SAID OLD BROYLES ROAD; THENCE SOUTH 37° 13' 41" WEST ALONG SAID EXISTING FENCE ALONG SAID EXISTING EAST RIGHT OF WAY LINE OF SAID OLD BROYLES ROAD A DISTANCE OF 11.26 FEET; THENCE SOUTH 03° 33' 15" WEST ALONG SAID EXISTING FENCE ALONG SAID EXISTING EAST RIGHT OF WAY LINE OF SAID OLD BROYLES ROAD A DISTANCE OF 55.70 FEET; THENCE SOUTH 02° 01' 50" WEST ALONG SAID EXISTING FENCE ALONG SAID EXISTING EAST RIGHT OF WAY LINE OF SAID OLD BROYLES ROAD A DISTANCE OF 1,437.68 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SAID NEW BROYLES ROAD SAID POINT BEING ON A CURVE TO THE LEFT HAVING A RADIUS OF 739.00 FEET, A CENTRAL ANGLE OF 50° 09' 09", A CHORD BEARING OF SOUTH 22° 39' 24" WEST AND A CHORD DISTANCE OF 626.41 FEET, THENCE ALONG SAID ARC OF SAID CURVE A DISTANCE OF 173.31 FEET TO THE POINT OF BEGINNING. THIS DESCRIPTION CONTAINS 130,210 SQUARE FEET OR 2.99 ACRES, MORE OR LESS.

EXHIBIT "B" (CONT.)

VAC 07-2707

TRACT B

COMMENCE AT THE FOUND IRON PIN WITH PLASTIC CAP AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 16 NORTH, RANGE 31 WEST, RUN THENCE NORTH 02° 37' 00" EAST ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER OF SAID SECTION 14 A DISTANCE OF 1,950.96 FEET TO THE EXISTING FENCE ALONG THE EXISTING EAST RIGHT OF WAY LINE OF OLD BROYLES ROAD FOR THE "TRUE POINT OF BEGINNING" OF THIS EXISTING RIGHT OF WAY VACATION DESCRIPTION; THENCE LEAVING SAID EAST LINE OF SAID SOUTHEAST QUARTER OF SAID SECTION 14 RUN NORTH 47° 03' 04" EAST ALONG SAID EXISTING FENCE ALONG SAID EXISTING EAST RIGHT OF WAY LINE OF SAID OLD BROYLES ROAD A DISTANCE OF 49.54 FEET; THENCE NORTH 02° 29' 47" EAST ALONG SAID EXISTING FENCE ALONG SAID EAST RIGHT OF WAY LINE OF SAID OLD BROYLES ROAD A DISTANCE OF 514.31 FEET TO THE EAST RIGHT OF WAY LINE OF THE NEW BROYLES ROAD; THENCE LEAVING SAID EXISTING FENCE ALONG SAID EAST RIGHT OF WAY LINE OF SAID OLD BROYLES ROAD SOUTH 05° 26' 56" WEST ALONG SAID EAST RIGHT OF WAY LINE OF SAID NEW BROYLES ROAD A DISTANCE OF 289.62 FEET; THENCE SOUTH 07° 56' 27" WEST ALONG SAID EAST RIGHT OF WAY LINE OF SAID NEW BROYLES ROAD A DISTANCE OF 261.66 FEET TO THE EXISTING FENCE ALONG SAID EXISTING SOUTH RIGHT OF WAY LINE OF SAID OLD BROYLES ROAD; THENCE LEAVING SAID EAST RIGHT OF WAY LINE OF SAID NEW BROYLES ROAD SOUTH 88° 45' 13" EAST ALONG EXISTING FENCE ALONG SAID SOUTH RIGHT OF WAY LINE OF SAID OLD BROYLES ROAD A DISTANCE OF 4.99 FEET TO THE POINT OF BEGINNING. THIS DESCRIPTION CONTAINS 8,659 SQUARE FEET OR 0.20 ACRES, MORE OR LESS.



PC Meeting of September 10, 2007

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Andrew Garner, Senior Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: August 9, 2007 Updated September 13, 2007

VAC 07-2707: (BROYLES ROAD, 476/515): Submitted by CITY OF FAYETTEVILLE WATER AND SEWER DIVISION for property located at the WESTSIDE WASTEWATER TREATMENT PLANT (15 SOUTH BROYLES ROAD). The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 3.19 acres. The request is to vacate un-constructed right-of-way for Broyles Road bisecting the City's Westside Wastewater Treatment Plan site.

Property Owner: City of Fayetteville
Planner: Andrew Garner

Findings:

Background: On February 28, 2005 the Planning Commission approved the Large Scale development (LSD 05-1385) for the Westside Wastewater Treatment Plant (WWTP). Broyles Road originally bisected through the property. The approved site plan for the WWTP relocated Broyles Road around the treatment plant site. On May 3, 2005 the City Council amended the Master Street Plan to realign Broyles Road as depicted on the approved site plan. The WWTP and new alignment of Broyles Road are under construction, with an estimated completion date for the opening of the re-aligned Broyles Road of June 2008.

Property: The 168-acre WWTP property is located east of 54th Avenue, south of Persimmon Street, and west of Broyles Road, which traverses through the site. Approximately 40 acres of the 168 acres is under development for the plant site at this time, with much of the remainder in open field, tree preservation area and wetland areas. The portion of Broyles Road that traverses through the site and was approved by City Council to be re-aligned contains 3.19 acres.

Request: The applicant is requesting to vacate 3.19 acres of Broyles Road right-of-way within the City's WWTP site. The applicant has submitted the required notification forms to the utility companies and to the City with the result summarized below.

UTILITIES

RESPONSE

Ozarks Electric	No Objections; providing that all of Ozarks Electric existing overhead line easements (30' wide) are maintained.
Cox Communications	No Objections
Southwestern Electric Power Company	No Objections
Arkansas Western Gas	No Objections
Southwestern Bell Telephone	No Objections

CITY OF FAYETTEVILLE:

RESPONSE

Water/Sewer	No Objections
Transportation	No Objections
Solid Waste	No Objections
Engineering	No Objections

Public Comment: No public comment has been received.

Recommendation: Staff recommends that the Planning Commission forward VAC 07-2707 to the City Council with a recommendation for approval with the following condition of approval:

1. All of Ozarks Electric existing overhead line easements (30' wide) are maintained.

CITY COUNCIL ACTION: Required PLANNING COMMISSION ACTION: Required

Planning Commission Action: ☒ Forwarded ☐ Denied ☐ Tabled

Date: September 10, 2007

Motion: Trumbo

Second: Cabe

Vote: 6-0-0

Comments:

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

By _____

Title _____

Date _____



WATER AND WASTEWATER DIVISION CORRESPONDENCE

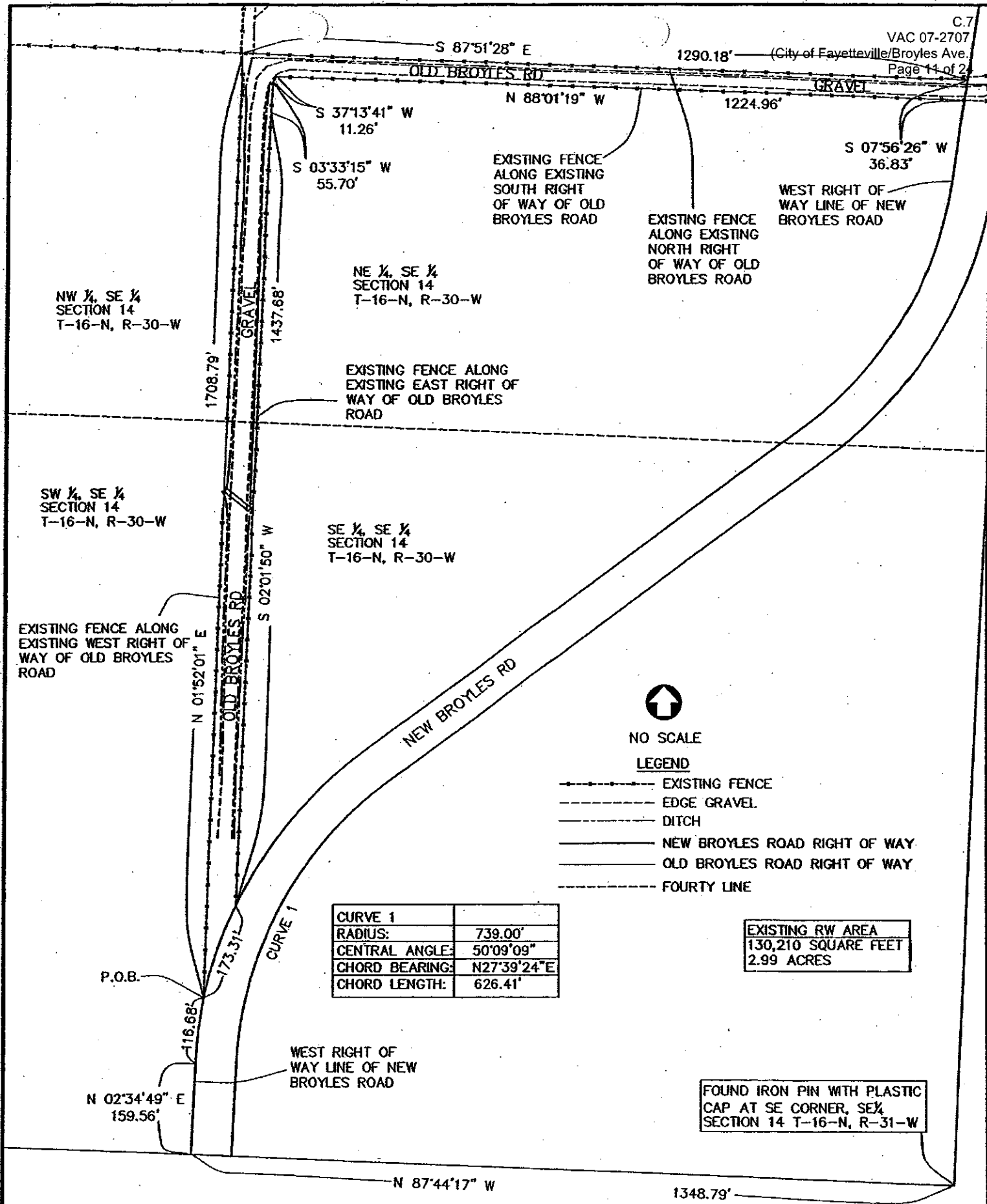
125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8206
Fax: (479) 575-8202

Memo

To: City of Fayetteville Planning
From: Shannon W. Jones *SWJ*
Date: July 30, 2007
Re: Broyles Avenue Right of Way Vacation Request

Attached is the right-of-way (ROW) vacation request for Broyles Avenue in the vicinity of the new wastewater treatment plant (WWTP). The site for the new WWTP is located on the existing ROW of Broyles Avenue. A new alignment of Broyles Avenue was designed as part of the WWTP design, and is currently under construction by Dean Crowder. The old ROW needs to be formally vacated to ensure that there are no conflicts with the WWTP facilities in the future. Should you have any questions or comments, please do not hesitate to contact me.





CITY OF
FAYETTEVILLE

DESIGNED DRAWN

CHECKED

PLANS NO.

FY-332



McGoodwin Williams & Yates
Engineering Confidence
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EXISTING RIGHT OF WAY VACTION
OLD BROYLES ROAD
FAYETTEVILLE, ARKANSAS

RIGHT OF WAY VACTION DRAWING
TRACT A
THIS IS NOT A PLAT OF SURVEY

STRUCTURE NO.

SHEET NO.

1/1

EAST RIGHT OF WAY LINE
OF NEW BROYLES ROAD

S 05°26'56" W
289.62'

NE ¼, SE ¼
SECTION 14
T-16-N, R-31-W

S 07°56'27" W
261.66'

NEW BROYLES ROAD

OLD BROYLES ROAD

EXISTING FENCE ALONG
EXISTING EAST RIGHT OF WAY
LINE OF OLD BROYLES ROAD

NW ¼, SW ¼
SECTION 13
T-16-N, R-31-W

N 02°29'47" E

N 47°03'04" E
49.54'

P.O.B.

S 88°45'13" E
4.99'

N 02°37'00" E
1950.96'

EAST RIGHT OF WAY LINE
OF NEW BROYLES ROAD

FOUND IRON PIN WITH
PLASTIC CAP AT SE
CORNER, SE ¼, SECTION
14 T-16-N, R-31-W



NO SCALE

LEGEND

- x-x-x-x-x- EXISTING FENCE
- EDGE GRAVEL
- DITCH
- NEW BROYLES ROAD RIGHT OF WAY
- OLD BROYLES ROAD RIGHT OF WAY

CITY OF
FAYETTEVILLE

DESIGNED DRAWN

CHECKED

PLANS NO.

FY-332



McGoodwin Williams & Yates
Engineering Confidence

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EXISTING RIGHT OF WAY VACATION
OLD BROYLES ROAD
FAYETTEVILLE, ARKANSAS

**RIGHT OF WAY VACATION DRAWING
TRACT B**
THIS IS NOT A PLAT OF SURVEY

STRUCTURE NO.

SHEET NO.

1/1

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 7-18-2007UTILITY COMPANY: Ozarks ElectricREQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☒ Street right-of-way

I have been notified of the petition to vacate the following *right-of-way* described as follows:General location / Address: 15 South Broyles Ave.*See Attached Exhibits for Tract A and Tract B*

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above.
- ☒ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

We have No objection providing that
all of Ozarks Electric's Existing Overhead
Line Easements 30' wide are maintained. If
you have any question please call Greg Mcbee
684-4634


Signature of Utility Company RepresentativeLead Staking Tech

Title

**UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS**

DATE: 7-19-06

UTILITY COMPANY: AEP / SWEPCO

REQUESTED VACATION (*applicant must check all that apply*):

- ☐ Utility Easement
- ☒ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following *right-of-way* described as follows:

General location / Address: 15 South Broyles Ave.

See Attached Exhibits for Tract A and Tract B

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

Kenny Sullivan
Signature of Utility Company Representative
SWEPCO Right of Way Agent
Title

FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 07-09-07

UTILITY COMPANY: SBC/ATT

APPLICANT NAME: City of Fayetteville

APPLICANT PHONE: 479-575-8206

REQUESTED VACATION (applicant must check all that apply):

Utility Easement

☒ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.

Alley

Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed**)

** 13 South Broyles Ave.

See Attached Exhibits for Tract A and Tract B

UTILITY COMPANY COMMENTS:

☒ No objections to the vacation(s) described above.

☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:

Susan K. Clouser

Signature of Utility Company Representative

MANAGER ENG. DESIGN

Title

February 2006
Page 5

FROM

(MON) 7:07:11:58/ST 11:57/NO 4864252564 P 2 75-8202

**UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS**

DATE: 7/19/06

UTILITY COMPANY: Cox Communications

REQUESTED VACATION (*applicant must check all that apply*):

- ☐ Utility Easement
- ☒ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following *right-of-way* described as follows:

General location / Address: 15 South Broyles Ave.

See Attached Exhibits for Tract A and Tract B

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

[Signature]
Signature of Utility Company Representative

Project Coordinator
Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

RECEIVED
JUL 19 2006
ENGINEERING DIV.
C.7
VAC.07-2707
(City of Fayetteville, Broyles Ave.)
Page 17 of 24

DATE: 7-18-06

UTILITY COMPANY: Arkansas Western Gas

REQUESTED VACATION (*applicant must check all that apply*):

- ☐ Utility Easement
- ☒ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

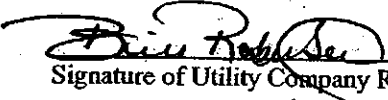
I have been notified of the petition to vacate the following *right-of-way* described as follows:

General location / Address: 15 South Broyles Ave.

See Attached Exhibits for Tract A and Tract B

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)


Signature of Utility Company Representative

NORTHWEST REGIONAL MANAGER
Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 17 July 06

UTILITY COMPANY: City of Fayetteville - Water & Sewer

REQUESTED VACATION (*applicant must check all that apply*):

- ☐ Utility Easement
- ☒ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

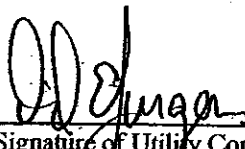
I have been notified of the petition to vacate the following *right-of-way* described as follows:

General location / Address: 15 South Broyles Ave.

See Attached Exhibits for Tract A and Tract B

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)


Signature of Utility Company Representative

WATER/WASTEWATER DIRECTOR
Title

**UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS**

DATE: July 17, 2006

UTILITY COMPANY: City of Fayetteville - Sanitation

REQUESTED VACATION (*applicant must check all that apply*):

- ☐ Utility Easement
- ☒ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following *right-of-way* described as follows:

General location / Address: 15 South Broyles Ave.

See Attached Exhibits for Tract A and Tract B

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

[Signature]
Signature of Utility Company Representative

Commercial Solid Waste Rep
Title

**UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS**

DATE: _____

UTILITY COMPANY: City of Fayetteville - Streets

REQUESTED VACATION (*applicant must check all that apply*):

- ☐ Utility Easement
- ☒ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following *right-of-way* described as follows:

General location / Address: 15 South Broyles Ave.

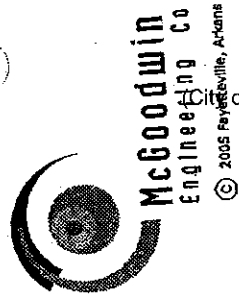
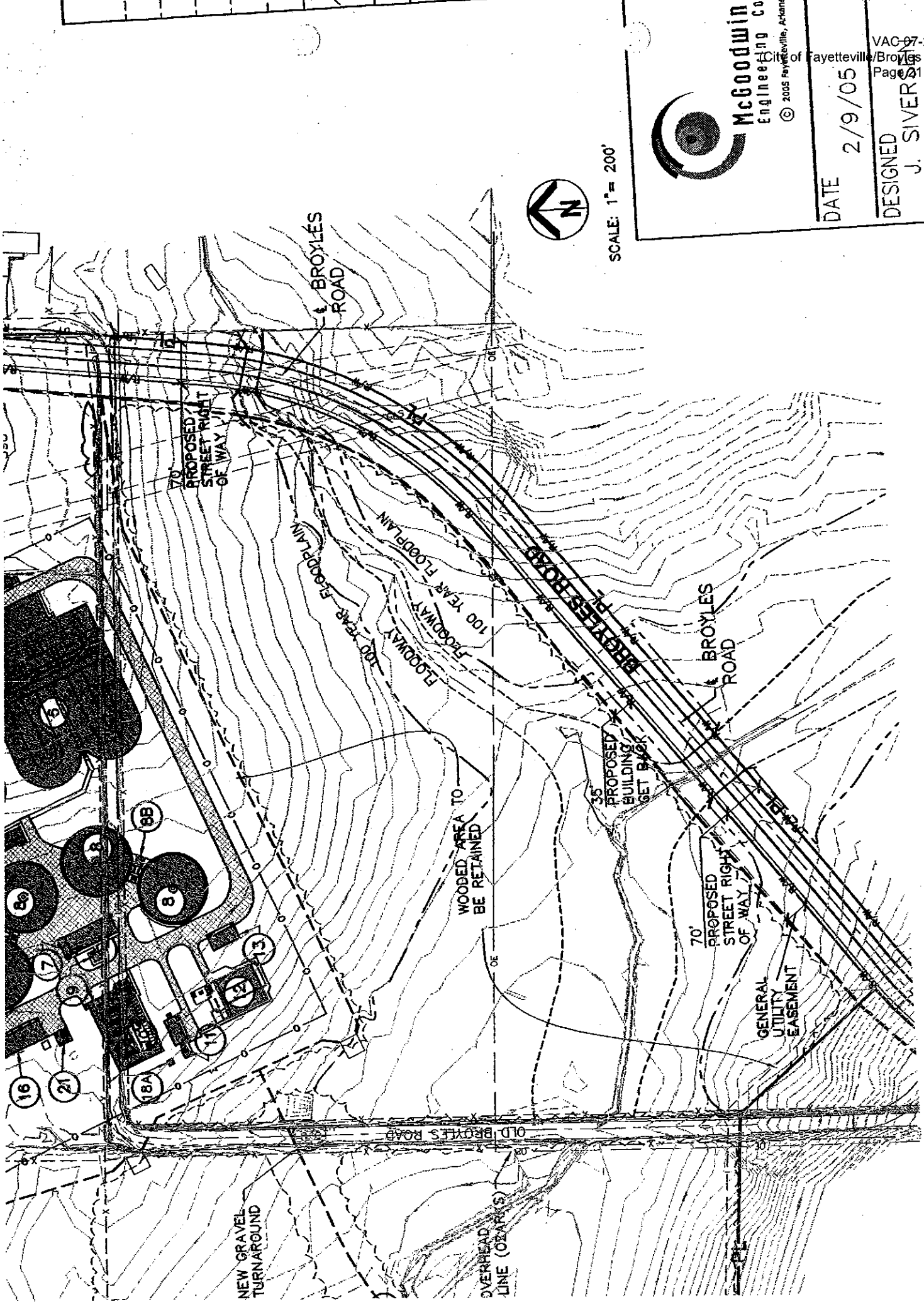
See Attached Exhibits for Tract A and Tract B

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

Tony J. Gully
Signature of Utility Company Representative

Transportation Manager
Title



McGoodwin
Engineering Co.
© 2005 Fayetteville, Arkansas

City of Fayetteville/Broyles Ave.)
DATE 2/9/05

DESIGNED
J. SIVERSON

VAC-97-2707
Page 21 of 24

C.7

VAC07-2707

Close Up View

CITY OF FAYETTEVILLE/BROYLES



SUBJECT PROPERTY

RSF-1

WOOLSEY FARM RD

Overview



0 150 300 600 900 1,200
Feet

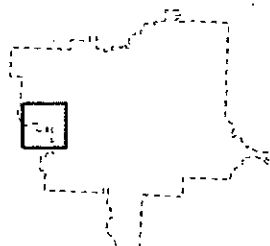
VAC07-2707

CITY OF FAYETTEVILLE/BROYLES

One Mile View



Overview



Legend

Subject Property

VAC07-2707

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

Oct. 2, 2007
City Council Meeting Date

John Coleman
Submitted By

Sustainability
Division

Administration
Department

Action Required:

Approve Green Building Policy requiring all new, city-owned buildings in excess of 5,000 square feet to achieve a minimum certification of LEED-Silver as issued by the US Green Building Council and require all exempt building designs to include a LEED checklist with an emphasis on energy and water efficiency.

None

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

☐

Previous Ordinance or Resolution #

Department Director

Date

Original Contract Date:



7/6/07
Date

Original Contract Number:

City Attorney

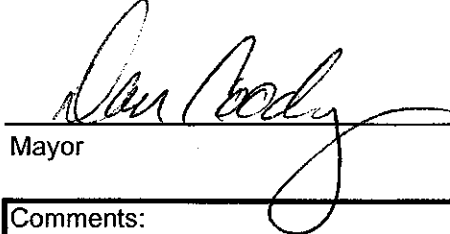


9-6-07
Date

Received in City Clerk's Office

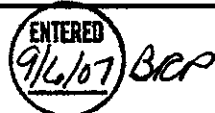


Finance and Internal Service Director



9/5/07
Date

Received in Mayor's Office



Mayor

Comments:



Council Meeting of October 2, 2007

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8272

CORRESPONDENCE

TO: Fayetteville City Council
FROM: John Coleman, Sustainability Coordinator
DATE: September 5, 2007

RES 07-????: Resolution Item (Green Building Policy): With unanimous approval from both the Environmental Concerns Committee and the Planning Commission, the request is to approve the proposed Green Building Policy for new, City-owned buildings.

BACKGROUND

Buildings are responsible for 70 percent of electricity consumption, 65 percent of waste output, 50 percent of greenhouse gases and 12 percent of water used in the United States. The City of Fayetteville spends almost \$2 million annually on utility fees, much of which are for City buildings.

The US Green Building Council has developed a Leadership in Energy and Environmental Design (LEED) standard that addresses many of these inefficiencies through savings in energy and water use as well as reductions in waste and greenhouse gas emissions. Green buildings have also shown improvements in less quantifiable areas such as reduced absenteeism, enhanced recruitment and improved employee morale.

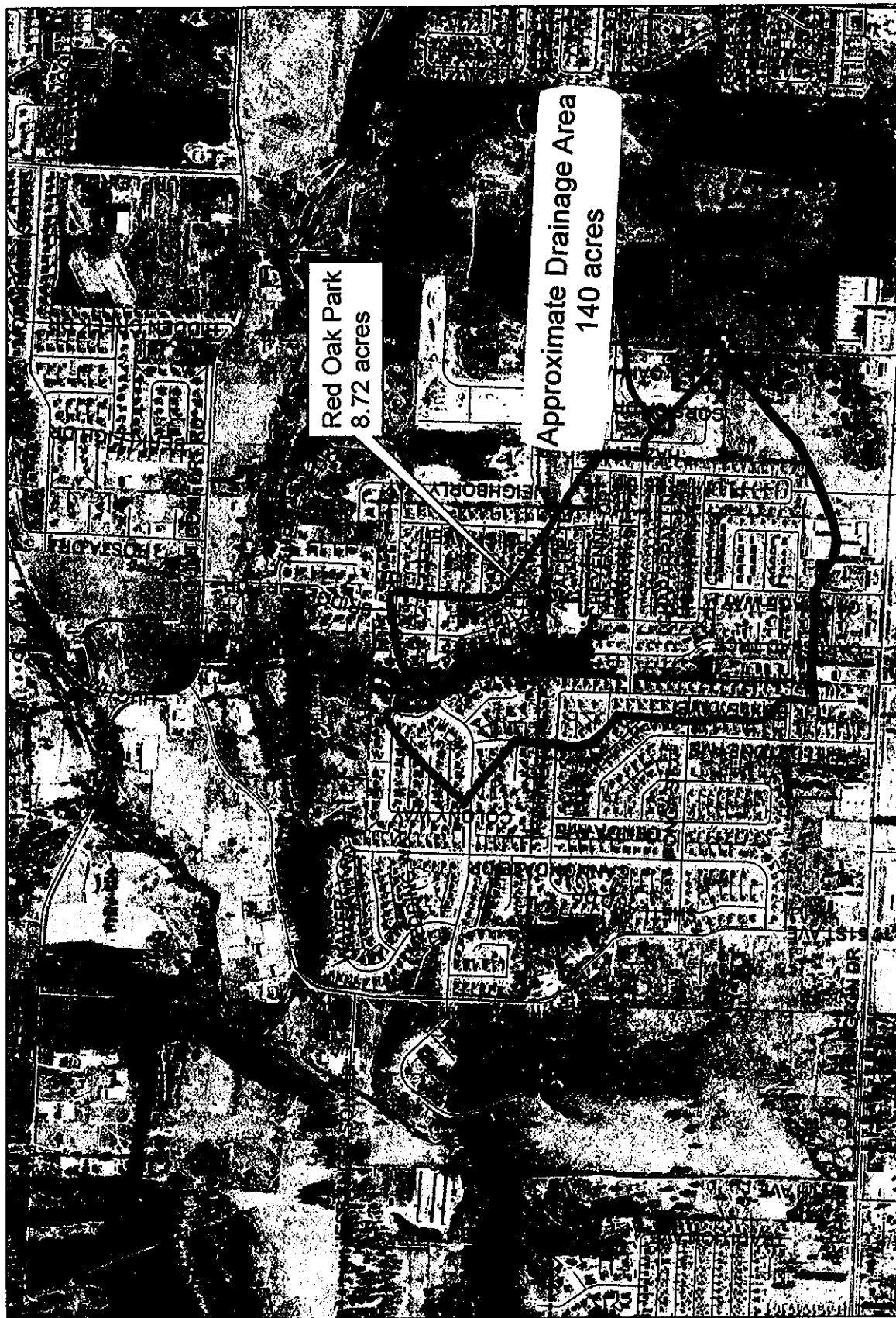
DISCUSSION

Currently there are over 100 federal, state and local government institutions that have a green building policy, including a newly adopted policy by the University of Arkansas.

A 2003 study examined 33 LEED buildings around the country and determined that achieving LEED-Silver would cost an additional 2.1 percent with evidence that building "green" gets less expensive over time, with experience. The study goes on to show that energy savings alone from a LEED building would pay for the "green premium" or up-front capital cost.

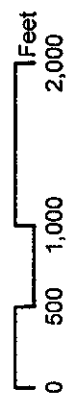
The City of Fayetteville will own its buildings for many years, often well above the conservative 20 year estimate the 2003 study used. Therefore, a LEED policy makes sense in both economic and environmental terms. Combined leadership from the University of Arkansas and the City of Fayetteville will help green building enter the mainstream in northwest Arkansas with the hopes of making it attractive to the private sector.

- **Green Building Policy: Require all new, City-owned buildings greater than 5,000 square feet to meet a minimum LEED-Silver certification. And require building designs exempt from this policy to include a LEED checklist with an emphasis on energy and water efficiency.**



Red Oak Park
8.72 acres

Approximate Drainage Area
140 acres

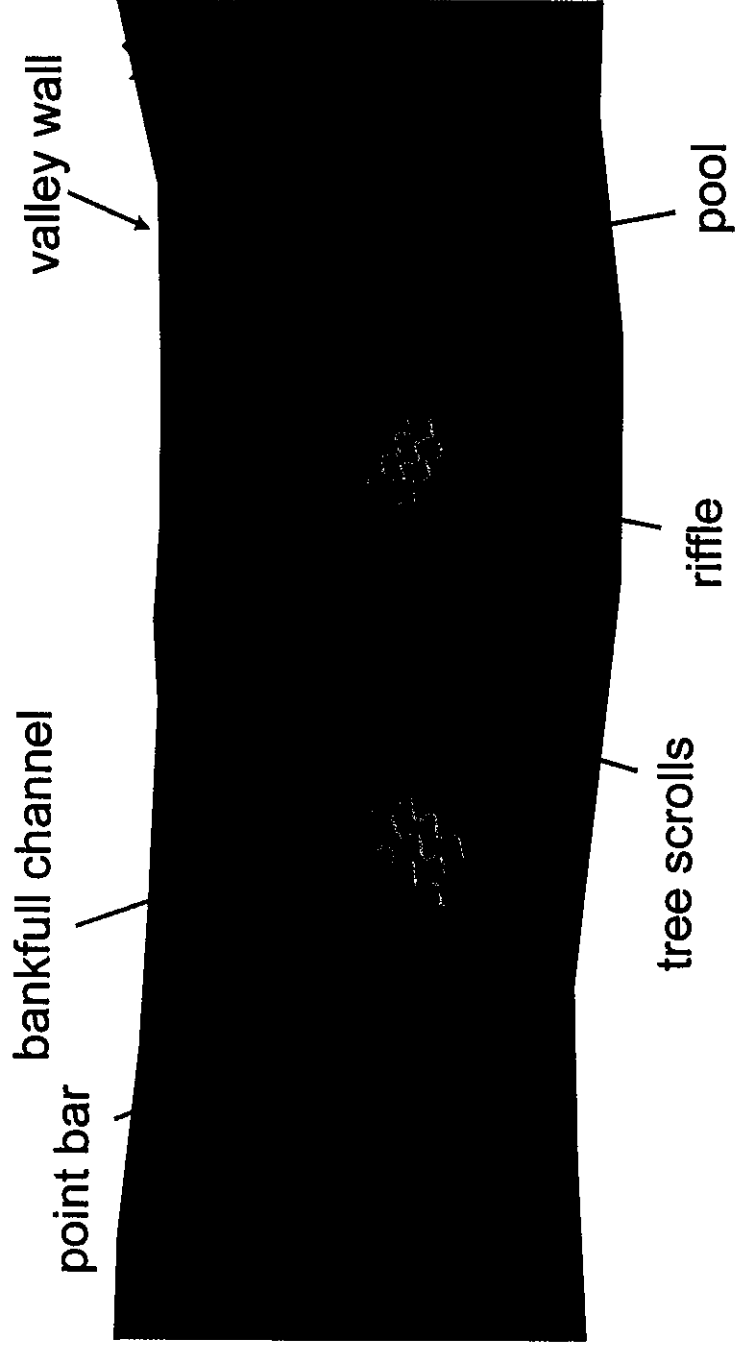


Red Oak Park 2007 Aerial

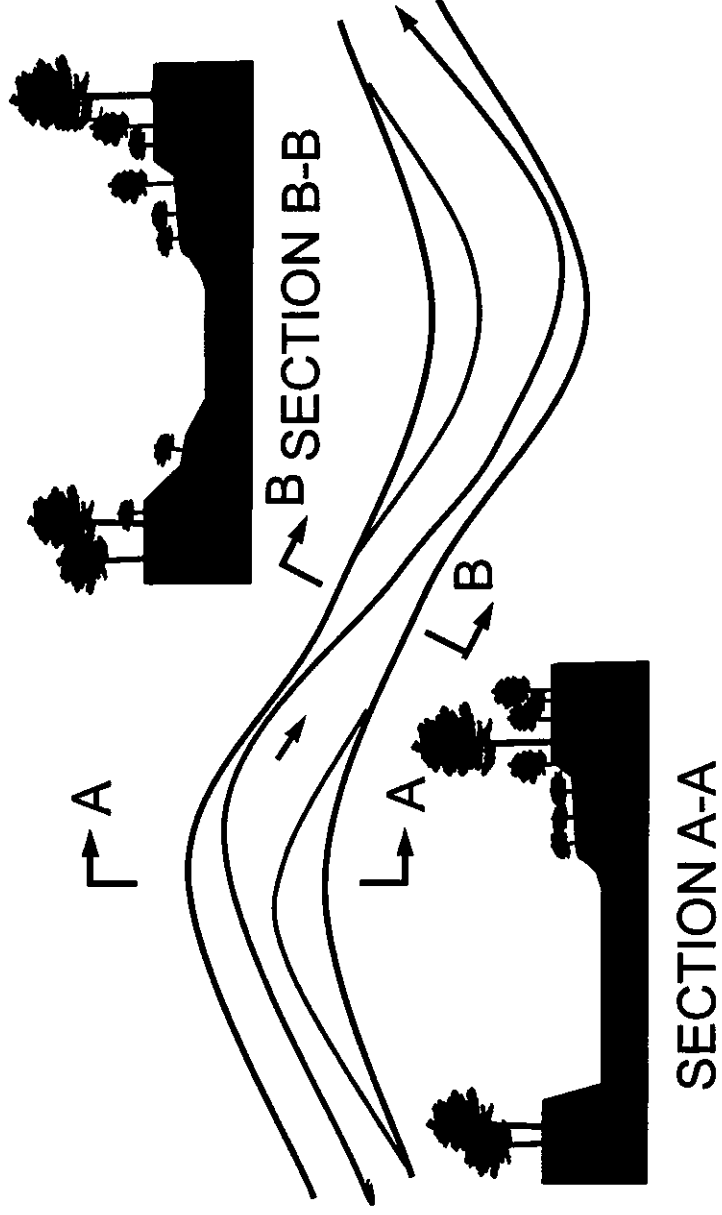
Stream Mechanics 101

- Natural streams are dynamic systems that can redefine their boundaries.
- Streams meander – straight streams are very rare in nature.
- Streams trend toward dynamic equilibrium.
- Channel changes are driven by many factors such as slope, quantity of water flow and strength of boundaries.
- A stream will respond to reestablish equilibrium by adjusting its channel geometry or slope.

Channel Form



Plan & Sections



Stream Stabilization 101

- Impervious surfaces in the watershed increase surface runoff.
- Streams, the main recipients of increased runoff, make room in the channel by eroding the banks and bed. The result is a wider and steeper channel.
- In order to maintain the integrity of the stream, it is important to keep the banks of the stream in a state where they do not erode away further or continue to slump into the stream.
- This is accomplished by reshaping the channel banks and creating a larger area to handle the increased runoff. The newly shaped banks are then revegetated with grass, shrubs and small trees.
- Grade control structures can also be installed within the newly shaped channel. These structures create a “hardpoint” along the channel, preventing the streambed from degrading below the top elevation of the structure.
- The proposed project’s objective is to create a stable stream system that decreases property loss from erosion and increases the beneficial uses of the park.



Typical Stream Cross Section - Red Oak Park



Typical Stream Cross Section - Red Oak Park

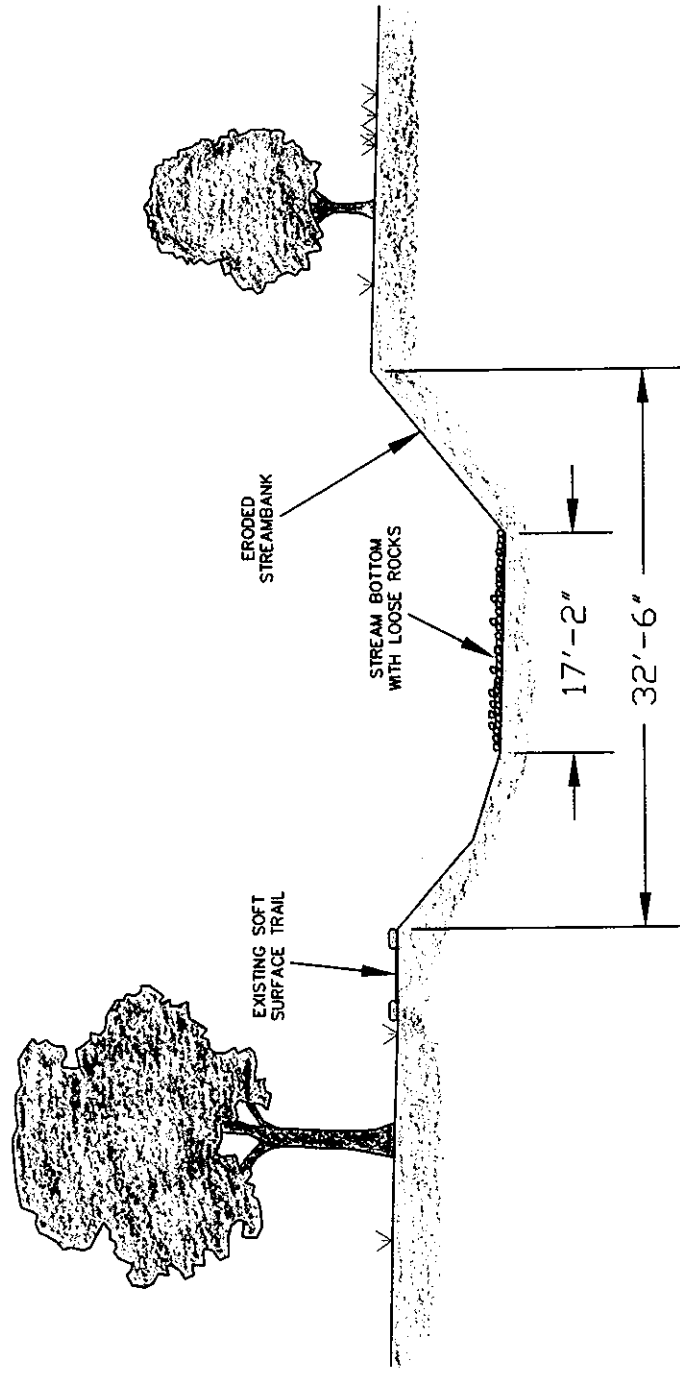


View of Undercut Trees - Red Oak Park



Typical Stream Cross Section - Red Oak Park

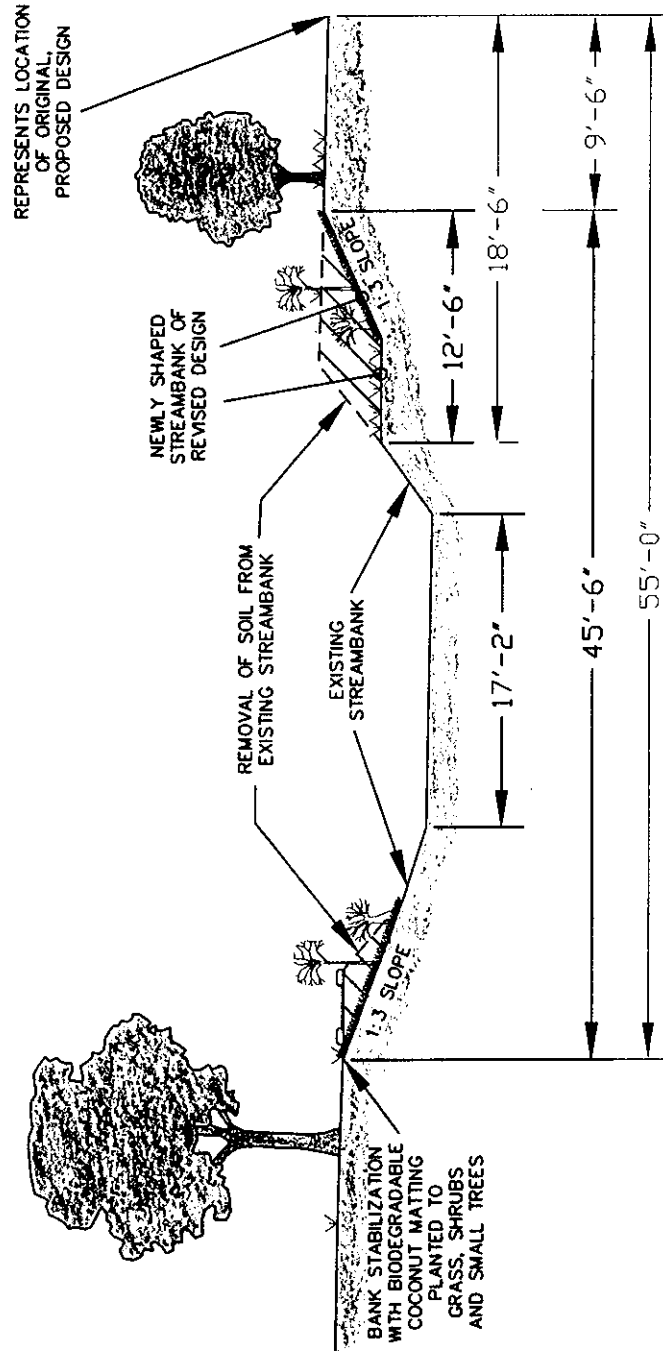




TYPICAL CROSS-SECTION OF EXISTING STREAM (SOUTHERN PORTION)
NOT TO SCALE

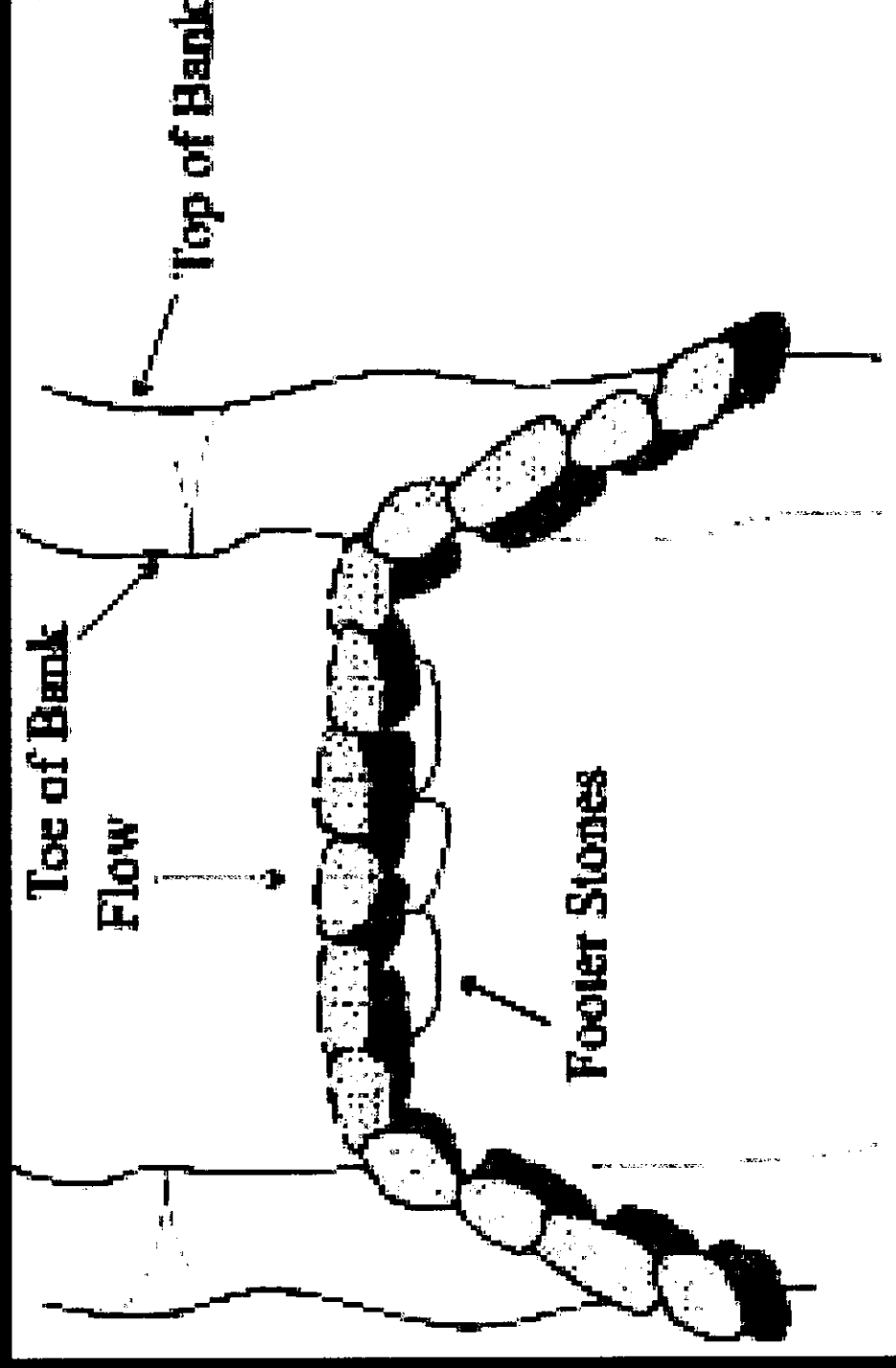
Typical Stream Cross Section - Red Oak Park



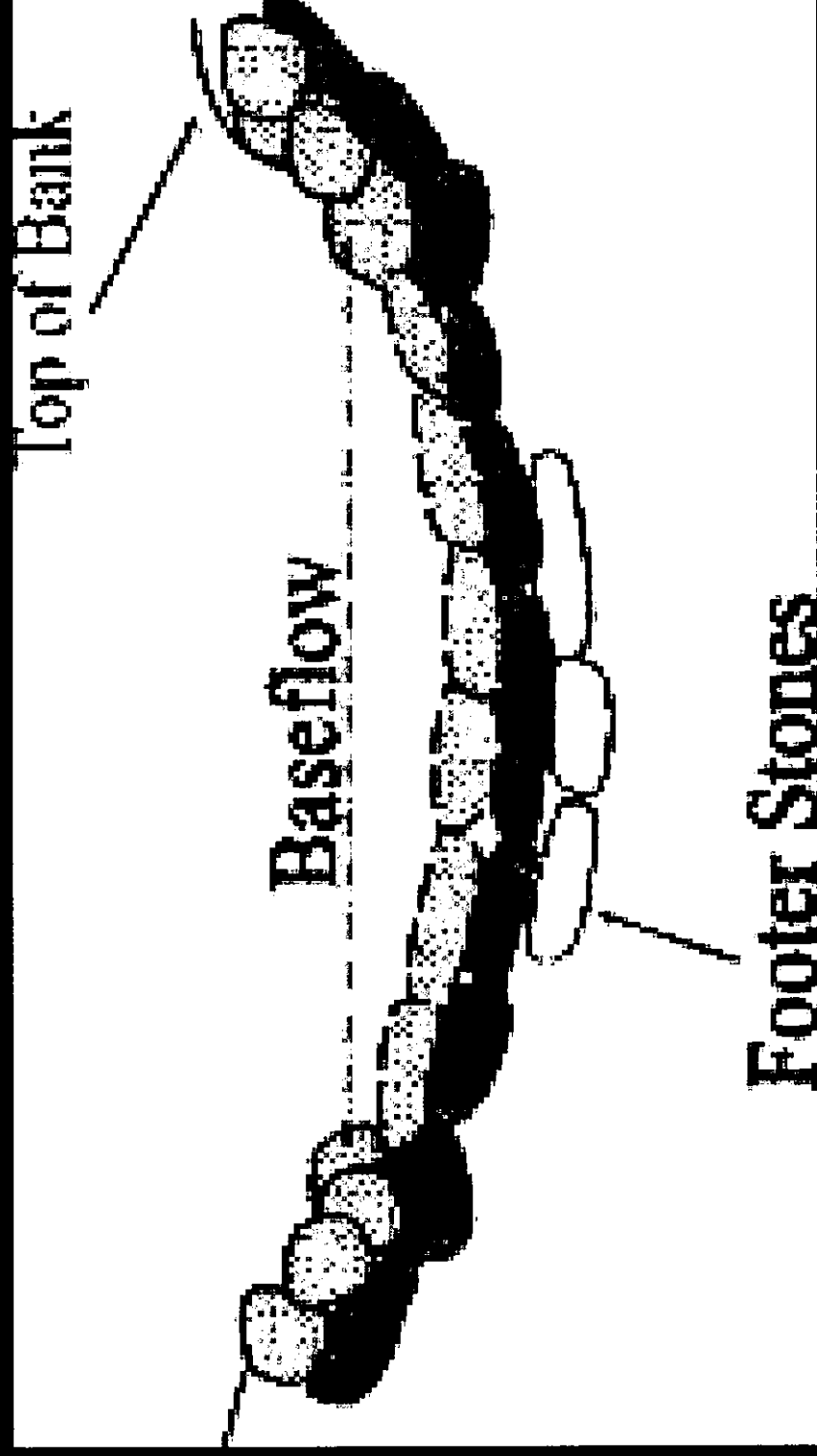


TYPICAL CROSS-SECTION OF PROPOSED STREAM (SOUTHERN PORTION)
NOT TO SCALE

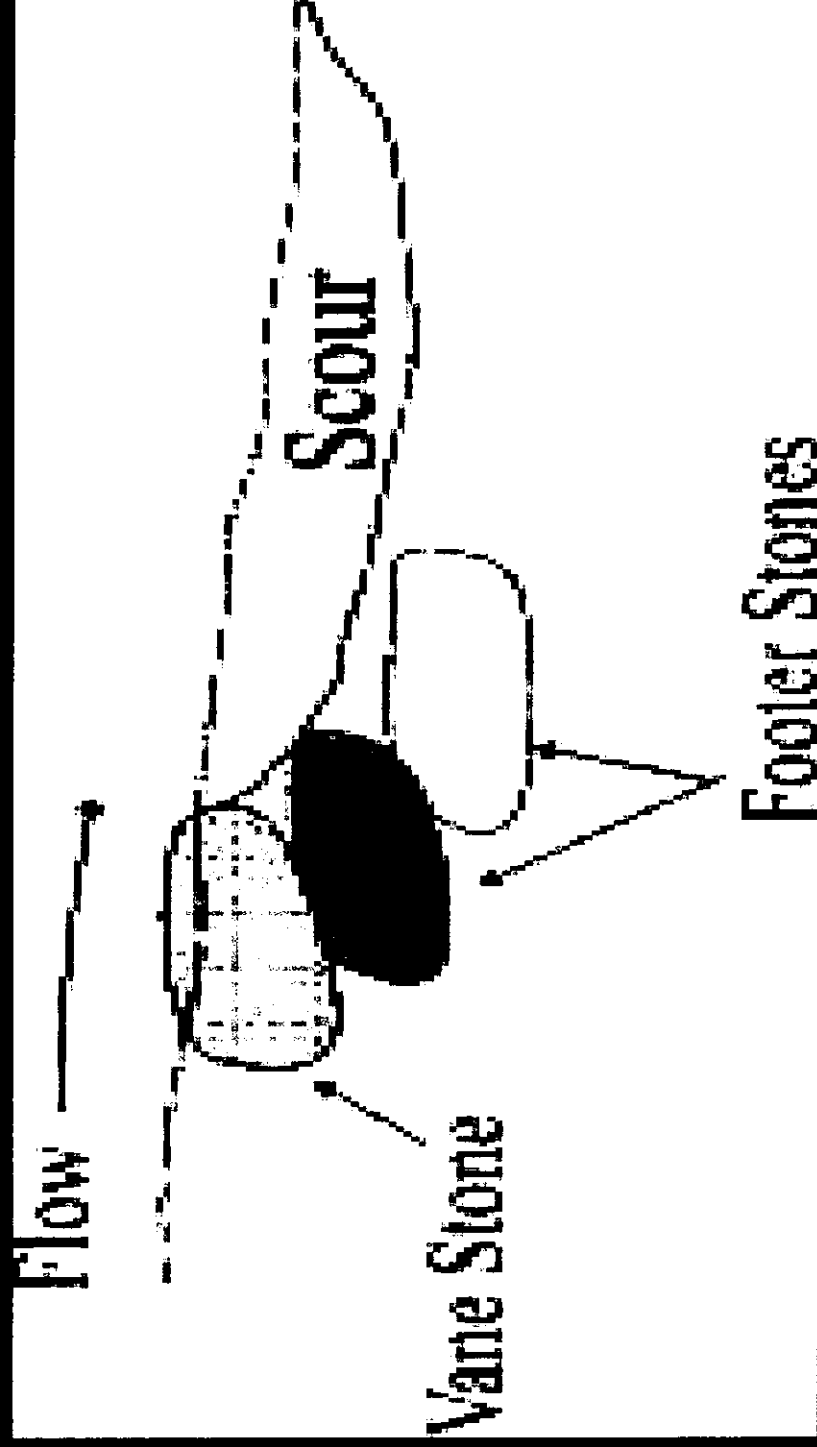
Plan View of Rock Grade Control Structure



Section View of Rock Grade Control Structure



Profile View of Rock Grade Control Structure



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

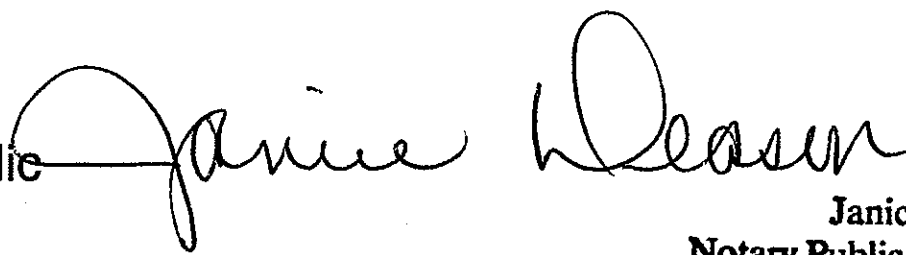
City of Fayetteville: Final Agenda

Was inserted in the Regular Editions on:
October 1, 2007

Publication Charge: \$211.00

Subscribed and sworn to before me
This 1st day of October, 2007.

Notary Public



Janice Deason
Notary Public, State of Arkansas
Washington County
My Commission Expires 11/15/14

My Commission Expires: 11/15/14

****NOTE** Please do not pay from Affidavit.
Invoice will be sent.**

Monday, October 1, 2007

**FINAL AGENDA
CITY OF FAYETTEVILLE ARKANSAS
CITY COUNCIL MEETING
OCTOBER 2, 2007**



A meeting of the Fayetteville City Council will be held on October 2, 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**

Nominating Committee Report – Fayetteville Public Facilities Board recommends the following appointments: Steve Clark, Steve Adams and Phil Taylor

A. CONSENT:

- 1. Enforcement of Underage Drinking Laws Mini-Grant:** A resolution authorizing the Fayetteville Police Department to accept a reimbursement mini-grant from the Arkansas Alcoholic Beverage Control Enforcement Division in the amount of \$5,400.00 to enforce underage drinking laws; and approving a budget adjustment recognizing the grant revenue.
- 2. Sam's Club Grant for Police Equipment:** A resolution authorizing the Fayetteville Police Department to accept a grant from Sam's Club Foundation in the amount of \$3,000.00 for the purchase of minor equipment; and approving a budget adjustment to recognize the grant revenue.
- 3. 2007-2008 Selective Traffic Enforcement Grant:** A resolution accepting the 2007-2008 Selective Traffic Enforcement Program (STEP) Grant in the amount of \$103,000.00 for the purpose of paying overtime to officers engaged in the enforcement of DWI/DUI and seatbelt laws and other purposes; and approving a budget adjustment recognizing the grant revenue.
- 4. 2007 Edward Byrne Memorial Justice Assistance Grant:** A resolution accepting the 2007 Edward Byrne Memorial Justice Assistance Grant in the amount of \$83,183.00, \$39,739.00 of which will be used by the Fayetteville Police Department for the purchase of equipment with the remainder to be distributed to the City of Springdale and Washington County; and approving a budget adjustment recognizing the grant revenue.
- 5. Time Striping Inc.:** A resolution approving a contract with Time Striping, Inc. in the amount of \$59,000.00 to re-paint the airfield markings at the Fayetteville Municipal Airport, Drake Field; approving a 5% contingency in the amount of \$3,498.00; accepting an Arkansas Department of Aeronautics Grant in the amount of \$73,448.00; and approving a budget adjustment to recognize the grant revenue.
- 6. Garver Engineers, LLC:** A resolution approving Amendment No. 1 to the engineering contract with Garver Engineers, LLC in an amount not to exceed \$278,150.00 for final design and bidding services associated with the Cato Springs Road Improvement Project.

B. UNFINISHED BUSINESS:

- 1. Boardwalk Property Owners Association:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share with the Boardwalk Property Owners Association (POA) in an amount not to exceed \$69,674.00 to dredge the Boardwalk POA pond. *This ordinance was left on the First Reading at the August 7, 2007 City Council meeting. This ordinance was left on the Second Reading at the August 23, 2007 City Council meeting. This ordinance was left on the Second Reading at the September 4, 2007 City Council meeting and Tabled to the October 2, 2007 City Council meeting.*
- 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 ordinance was left on the Second Reading at the September 4, 2007 City Council meeting. This ordinance was left on the Third Reading at the September 18, 2007 City Council meeting and Tabled to the October 2, 2007 City Council meeting.*
- 3. Status Report of the Renaissance Hotel Project.**
- 4. R-PZD 07-2649 (College Avenue Townhomes):** An ordinance establishing a residential planned zoning district titled R-PZD 07-2649, College Avenue Townhomes, located southeast of College Avenue and Golden Eagle Drive; containing approximately 2.34 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the Third Reading at the September 18, 2007 City Council meeting and Tabled to the October 2, 2007 City Council meeting.*
- 5. R-PZD 07-2680 (Arcadian Court):** An ordinance establishing a residential planned zoning district titled R-PZD 07-2680, Arcadian Court, located at 1631 West Deane Street; containing approximately 1.69 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the Second Reading at the September 18, 2007 City Council meeting.*
- 6. Hobson, Inc. Appeal:** An ordinance rezoning that property described in rezoning petition RZN 07-2667, for approximately 2.38 acres, located at 7613 Wedington from R-A, Residential Agricultural, to C-2, Thoroughfare Commercial. *This ordinance was left on the First Reading at the September 18, 2007 City Council meeting.*

C. NEW BUSINESS:

- 1. 2007 Millage Levy:** An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas for the year 2007 fixing the rate thereof at 2.2 mills for General Fund Operations, 0.4 mills for the Firemen's Pension and Relief Fund, 0.4 mills for the Policemen's Pension and Relief Fund and 1.0 mill for the Fayetteville Public Library; and certifying the same to the County Clerk of Washington County, Arkansas.
- 2. Illinois River Watershed Partnership:** An ordinance waiving the requirements of §34.23, (purchases and contracts not in excess of \$20,000.00), of the Fayetteville Code of Ordinances and approving a contract with the Illinois River Watershed Partnership (IRWP) in the amount of \$10,000.00 for watershed education and planning services.
- 3. Red Oak Park Streambank Revised Improvement Project:** A resolution approving a revised project design for the Red Oak Park Streambank Improvements submitted by the Arkansas Game and Fish Commission Region 1 Steam Team.
- 4. RZN 07-2691 (JB Hays):** An ordinance rezoning that property described in rezoning petition RZN 07-2691, for approximately 1.80 acres, located at 5393 East Huntsville Road from RSF-4, Residential Single-Family, 4 units per acre, to C-1, Neighborhood Commercial.
- 5. VAC 07-2705 (Driver S/D):** An ordinance approving VAC 07-2705 submitted by Freeland, Kaufmann & Freeden for property located at the east end of Township, vacating the excess right-of-way on the north and south sides of Township, a total of 1,789 square feet.
- 6. VAC 07-2706 (Hammons):** An ordinance approving VAC 07-2706 submitted by Stitt Energy Systems, Inc. for property located at 30 North Greenbriar Drive, vacating a portion of a utility easement, a total of 288 square feet.
- 7. VAC 07-2707 (City of Fayetteville/Broyles Ave.):** An ordinance approving VAC 07-2707 submitted by City of Fayetteville Water and Sewer Division for property located at the Westside Wastewater Treatment Plant (15 south Broyles Road), vacating the right-of-way for Broyles Road bisecting the City's Westside Wastewater Treatment Plant site, a total of 3.19 acres.
- 8. Energy Efficient Building Policy:** A resolution establishing an Energy Efficient Building Policy for the City of Fayetteville.

**D. INFORMATIONAL:
City Council Tour: None**